JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

CONGRESS OF THE UNITED STATES

Begun and held at the Capitol, in the City of Washington, in the District of Columbia, on Tuesday, the fifth day of January, in the year of our Lord two thousand and ten, being the *second session* of the ONE HUNDRED ELEVENTH CONGRESS, held under the Constitution of the United States, and in the two hundred and thirty-fourth year of the independence of the United States.

TUESDAY, JANUARY 5, 2010 (1)

¶1.1 SECOND SESSION OF THE 111TH CONGRESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that this being the day appointed, pursuant to the 20th Amendment of the Constitution of the United States by Public Law 111-121 for the meeting of the Second Session of the One Hundred Eleventh Congress, called the House to order.

¶1.2 APPOINTMENT OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, laid before the House the following communication:

WASHINGTON, DC,
January 5, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶1.3 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 24, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 24, 2009, at 8:14 a.m.:

That the Senate passed with an amendment H.R. 730.

That the Senate passed without amendment H.R. 3819.

That the Senate passed without amendment H.R. 4314.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶1.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 24, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 24, 2009, at 10:31 a.m.:

That the Senate passed without amendment H. Con. Res. 223.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶1.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 29, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 29, 2009, at 10:56 a.m.:

That the Senate passed with amendments H.R. 3590.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶1.6 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that, pursuant to clause 4 of rule I, the Speaker pro tempore, Mr. VAN HOLLEN, signed the following enrolled bill on Wednesday, December 23, 2009:

H.R. 4284. An Act to extend the generalized system of preferences and the Andean Trade Preference Act, and for other purposes.

¶1.7 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced under clause 5(d) of rule XX, that, in light of the resignation of the gentleman from Florida [Mr. WEXLER], the whole number of the House is adjusted to 434.

¶1.8 ORGANIZATIONAL AND LEGISLATIVE BUSINESS DISPENSED WITH

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that pursuant to section 9 of House Resolution 976, One Hundred Eleventh Congress, no organizational and legislative business shall be conducted on this day.

Bills and resolutions introduced today will be numbered today, but will not be noted in the RECORD or referred by the Speaker until January 12, 2010. Executive communications, memorials, and petitions likewise will be referred and numbered on a subsequent day.

And then,

¶1.9 ADJOURNMENT

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, declared at 12 o'clock and 5 minutes p.m., pursuant to section 10 of House Resolution 976 and section 2 of House Concurrent Resolution 223, One Hundred Eleventh Congress, the House shall stand adjourned

until noon on Tuesday, January 12, 2010.

TUESDAY, JANUARY 12, 2010 (2)

¶2.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MORAN of Virginia, who laid before the House the following communication:

WASHINGTON, DC,
January 12, 2010.

I hereby appoint the Honorable JAMES P. MORAN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶2.2 RECESS—12:01 P.M.

The SPEAKER pro tempore, Mr. MORAN of Virginia, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 1 minute p.m., until approximately 6:30 p.m.

¶2.3 AFTER RECESS—6:32 P.M.

The SPEAKER called the House to order.

¶2.4 CALL OF THE HOUSE

The SPEAKER ordered that the Clerk utilize the electronic system to ascertain the presence of a quorum, and the following-named Members responded.

¶2.5 [Roll No. 1]

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

Thereupon, the SPEAKER announced that 373 Members had been recorded, a quorum.

Further proceedings under the call were dispensed with.

¶2.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. OWENS, announced he had examined and approved the Journal of the proceedings of Tuesday, January 5, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶2.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

5199. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Apricots Grown in Designated Counties in Washington; Decreased Assessment Rate [Doc. No: AMS-FV-09-0038; FV09-922-1FIR] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5200. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Changes to Handling Regulations [Doc. No.: AMS-FV-09-0031; FV09-983-1FR] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5201. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Increased Assessment Rate and Changes to Regulations Governing Reporting and Recordkeeping [Doc. No.: AMS-FV-09-0020; FV09-984-3FR] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5202. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Decreased Assessment Rate [Doc. No.: AMS-FV-09-0063; FV09-966-2IFR] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5203. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, CA; Increased Assessment Rate [Doc. No.: AMS-FV-09-0045; FV09-987-2FR] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5204. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Decreased Assessment Rate [Doc. No.: AMS-FV-09-0044; FV09-959-2FIR] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5205. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Order Amending Marketing Order No. 983 [Doc. No.: AO-FV-08-0147; AMS-FV-08-0051; FV08-983-1] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5206. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, CA; Changes to Nomination Procedures and a Reporting Date [Doc. No.: AMS-FV-09-0035; FV09-987-1FR] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5207. A letter from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations, Basic Provisions (RIN: 0563-AC23) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5208. A letter from the Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule — Poultry Contracts; Initiation, Performance, and Termination (RIN: 0580-AA98) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5209. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's ''Major'' final rule — Dairy Economic Loss Assistance Payment Program (RIN: 0560-AI07) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5210. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenpyroximate; Pesticide Tolerances [EPA-HQ-OPP-2008-0556; FRL-8799-2] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5211. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2007-0330; FRL-8799-9] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5212. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cold Pressed Neem Oil; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-1025; FRL-8434-5] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5213. A letter from the Deputy Under Secretary, Department of Defense, transmitting a copy of the ''Annual Report on the Department of Defense Mentor-Protege Program'' for FY 2007 and 2008, pursuant to Public Law 101-510, section 831; to the Committee on Armed Services.

5214. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the System's Buy American Report pursuant to Title VIII, Subtitle C, Section 8306, of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Public Law 110-28), pursuant to Public Law 110-28; to the Committee on Financial Services.

5215. A letter from the Assistant, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital — Residential Mortgage Loans Modified Pursuant to the Home Affordable Mortgage Program [Docket No.: R-1361] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5216. A letter from the Assistant Secretary for Financial Stability, Department of the Treasury, transmitting the Department's summary of the actions taken in response to the recommendations issued in the Government Accountability Office eighth major report on the Troubled Asset Relief Program; to the Committee on Financial Services.

5217. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital-Residential Mortgage Loans Modified Pursuant to the Home Affordable Mortgage Program [Docket ID: OCC-2009-0018] (RIN: 1557-AD25) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5218. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Final Model Privacy Form Under the Gramm-Leach-Bliley Act [Release Nos. 34-61003, IA-2950, IC-28997; File No. S7-09-07] (RIN: 3235-AJO6) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5219. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital-Residential Mortgage Loans Modified Pursuant to the Home Affordable Mortgage Program [No. OTS-2009-0020] (RIN: 1550-AC34) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5220. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Final Model Privacy Form Under the Gramm-Leach-Bliley Act [Docket ID: OTS-2009-0014] (RIN: 1550-AC12) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5221. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Hong Kong pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

5222. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Defining Safe Harbor Protection for Treatment by the Federal Deposit Insurance Corporation as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution in Connection With a Securitization or Participation (RIN: 3064-AD53) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5223. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule — Transactions Between Member Banks and Their Affiliates: Exemption for Certain Securities Financing Transactions Between a Member Bank and an Affiliate [Regulation W; Docket No. R-1330] December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5224. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule — Risk-Based Capital Guidelines; Leverage Capital Guidelines [Regulations H and Y; Docket No. 1332] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5225. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule — Transactions Between Member Banks and Their Affiliates: Exemption for Certain Purchases of Asset-Backed Commercial Paper by a Member Bank from an Affiliate [Regulation W; Docket No. R-1331] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5226. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule — Proxy Disclosure Enhancements [Release Nos. 33-9089; 34-61175; IC-29092; File No. S7-13-09] (RIN: 3235-AK28) received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5227. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule — Custody of Funds or Securities of Clients by Investment Advisers [Release No.: IA-2968; File No. S7-09-09] (RIN: 3235-AK32) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5228. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Student Assistance General Provisions; Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; Federal Pell Grant Program; Academic Competitiveness Grant Program and National Science and Mathematics Access to Retain Talent Grant Program [Docket ID: ED-2009-OPE-0001] (RIN: 1840-AC96) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5229. A letter from the Assistant General Counsel for Regulatory Services, Office of General Counsel, Department of Education, transmitting the Department's final rule — Institutions and Lender Requirements Relating to Education Loans, Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program (RIN: 1840-AC95) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5230. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's ''Major'' final rule — State Fiscal Stabilization Fund Program [Docket ID: ED-2009-OESE-0007] (RIN: 1810-AB04) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5231. A letter from the Secretary, Department of Health and Human Services, transmitting report entitled ''Report to Congress on the Provision of Services to Head Start Children with Disabilities'' program year 2007-2008; to the Committee on Education and Labor.

5232. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5233. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Applications for Food and Drug Administration Approval to Market a New Drug; Postmarketing Reports; Reporting Information About Authorized Generic Drugs [Docket No. FDA-2008-N-0341] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5234. A letter from the Staff Assistant, Department of Transportation, transmitting the Department's final rule — Schedule of Fees Authorized by 49 U.S.C. 30141 Offer of Cash Deposits or Obligations of the United States in Lieu of Sureties on DOT Conformance Bonds [Docket No.: NHTSA-2007-0037; Notice 2] (RIN: 2127-AK10) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5235. A letter from the Staff Assistant, Department of Transportation, transmitting the Department's final rule — Federal Motor Safety Standards, Child Restraint Systems [Docket No.: 08-0137] (RIN: 2127-AK36) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5236. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; California; Determination of Attainment of the 1997 8-Hour Ozone Standard [EPA-R09-OAR-2009-0188; FRL-9086-7] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5237. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota [EPA-R05-OAR-2007-1130; FRL-9087-7] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5238. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky; Source-Specific Revision for Avis Rent-A-Car and Budget Rent-A-Car Facilities Located at the

Cincinnati/Northern Kentucky International Airport [EPA-R04-OAR-2009-0023; FRL-9086-1] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5239. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Change of Address for Region 4 State and Local Agencies; Technical Correction [FRL-8973-6] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5240. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky: NO_x SIP Call Phase II [EPA-R04-OAR-2005-KY-0003; FRL-8972-2] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5241. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Clean Air Interstate Rule Sulfur Dioxide Trading Program [EPA-R03-OAR-2009-0599; FRL-8971-4] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5242. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations. (Fort Myers, Florida) [MB Docket No.: 09-170] received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5243. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations, (Traverse City, Michigan) [MB Docket No.: 09-160] received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5244. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (St. Petersburg, Florida) [MB Docket No.: 09-159] received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5245. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices and Communication Protocols for Public Utilities [Docket No.: RM05-5-013; Order No. 676-E] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5246. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's fifth annual report on Ethanol Market Concentration, pursuant to Section 1501(a)(2) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

5247. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Report to Congress on Marketing Violent Entertainment to Children: A Sixth Follow-up Review of Industry Practices In the Motion Picture, Music Recording & Electronic Game Industries; to the Committee on Energy and Commerce.

5248. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Guides Concerning the Use of Endorsements and Testimonials in Advertising received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5249. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Administrative Changes: Clarification of the Location of Guidance for Electronic Submission and other Miscellaneous Corrections [NRC-2009-0397] (RIN: 3150-AI73) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5250. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 09-70); to the Committee on Foreign Affairs.

5251. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to section 36(b)(5)(A) of the Arms Export Control Act, Transmittal No. 0B-09, relating to enhancements or upgrades from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA certification 08-102 of 26 September 2008; to the Committee on Foreign Affairs.

5252. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 119-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5253. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 130-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5254. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 146-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5255. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 092-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5256. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 133-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5257. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 137-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5258. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 149-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5259. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 150-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5260. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment to the Kingdom of Jordan (Transmittal No. RSAT 09-1869); to the Committee on Foreign Affairs.

5261. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment from the Kingdom of the Netherlands (Transmittal No. RSAT 09-1865); to the Committee on Foreign Affairs.

5262. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 143-09, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5263. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 154-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5264. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 155-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5265. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 134-09, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad, and the export of firearms abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5266. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 148-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5267. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 157-09, certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, to include technical data, and defense services, pursuant to Section 36(c) of the Arms Export control Act; to the Committee on Foreign Affairs.

5268. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 145-09 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5269. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 144-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5270. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

5271. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's formal response to a GAO report entitled ''Democracy Assistance: U.S. Agencies Takes Steps to Coordinate International Programs but Lack Information on Some U.S.-funded Activities'' (GAO-09-993); to the Committee on Foreign Affairs.

5272. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's formal response to a GAO report entitled ''International Food Assistance: USAID Is Taking Actions to Improve Monitoring and Evaluations of Nonemergency Food Aid, but Weaknesses in Planning Could Impede Efforts'' (GAO-09-980); to the Committee on Foreign Affairs.

5273. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's formal response to the GAO report entitled ''Rebuilding IRAQ: Improved Management Controls and Iraqi Commitment Needed for Key State and USAID Capacity-Building Programs'' (GAO-09-526); to the Committee on Foreign Affairs.

5274. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Inspector General's semiannual report to Congress for the reporting period ending September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

5275. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report from the Department of Health and Human Services Office of Inspector General for the period ending September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

5276. A letter from the Secretary, Department of the Interior, transmitting the Department's semiannual report from the office of the Inspector General for the period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5277. A letter from the General Counsel, Corporation for National & Community Service, transmitting Notice indicating that the Chief Financial Officer of the Corporation for National and Community Service is no longer a position requiring nomination by the President and confirmation by the Senate; to the Committee on Oversight and Government Reform.

5278. A letter from the Secretary, Department of Agriculture, transmitting the Department's semiannual report from the office of the Inspector General for the period ending September 30, 2009; to the Committee on Oversight and Government Reform.

5279. A letter from the Secretary, Department of Education, transmitting the Department's FY 2009 Agency Financial Report; to the Committee on Oversight and Government Reform.

5280. A letter from the Secretary, Department of Education, transmitting the forty-first Semiannual Report to Congress on Audit Follow-Up, covering the six month period ending September 30, 2009 in compliance with the Inspector General Act Amendments of 1988; to the Committee on Oversight and Government Reform.

5281. A letter from the Secretary, Department of Homeland Security, transmitting the Department's semiannual report from the office of the Inspector General for the period April 1, 2009 through September 30, 2009; to the Committee on Oversight and Government Reform.

5282. A letter from the Secretary, Department of Labor, transmitting the Department's FY 2009 Annual Report on Performance and Accountability; to the Committee on Oversight and Government Reform.

5283. A letter from the Secretary, Department of the Treasury, transmitting the Department's semiannual reports from the Office of the Treasury Inspector General and the Treasury Inspector General for Tax Administration, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5284. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5285. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5286. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5287. A letter from the Director, Office of Administration, Executive Office of the President, transmitting accounting expenditures from the Unanticipated Needs Account for fiscal year 2009, pursuant to 3 U.S.C. 108; to the Committee on Oversight and Government Reform.

5288. A letter from the Director, Human Resources Management Division, Executive Office of the President, Office of Administration, transmitting annual report on the use of the category rating system and selection process within the Office of the United States Trade Representative; to the Committee on Oversight and Government Reform.

5289. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General of the Farm Credit Administration for the period April 1, 2009 through September 30, 2009; and the semiannual Management Report on the Status of Audits for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5290. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting the semiannual report on the activities of the Office of the Inspector General for the period from April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5291. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5292. A letter from the Acting Administrator, General Services Administration, transmitting a semiannual report on Office of Inspector General auditing activity, together with a report providing management's perspective on the implementation status of audit recommendations for the period April 1, 2009 to September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

5293. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5294. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled ''As Supervisors Retire: An Opportunity to Reshape Organizations'', pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

5295. A letter from the Chairman, National Capital Planning Commission, transmitting the Commission's Performance and Accountability Report for FY 2009; to the Committee on Oversight and Government Reform.

5296. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period April 1, 2009 through September 30, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5297. A letter from the Chairman, National Endowment for the Humanities, transmitting the Performance and Accountability Report for fiscal year 2009, as required by OMB Circular Number A-11; to the Committee on Oversight and Government Reform.

5298. A letter from the Director of Administration, National Labor Relations Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5299. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's report on the actions taken to ensure that audits are conducted of its programs and operations for fiscal year 2009, pursuant to 5 U.S.C. app. 8G(h)(2); to the Committee on Oversight and Government Reform.

5300. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting fiscal year 2009 Federal Information Security Management Act Report; to the Committee on Oversight and Government Reform.

5301. A letter from the Director, Office of Personnel Management, transmitting the Office's semiannual report from the office of the Inspector General and the Management Response for the period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

5302. A letter from the Attorney General, Office of the Attorney General, transmitting the Semiannual Management Report to Congress for April 1, 2009 through September 30, 2009 and the Inspector General's Semiannual Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5303. A letter from the Chairman, Securities and Exchange Commission, transmitting

the Semiannual Report of the Inspector General and a separate management report for the period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5304. A letter from the General Counsel, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5305. A letter from the General Counsel, U.S. Trade and Development Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5306. A letter from the Administrator, United States Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

5307. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-255, ''Fiscal Year 2010 Budget Support Act of 2009''; to the Committee on Oversight and Government Reform.

5308. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-138, ''Initiative Measure No. 59, Legalization of Marijuana for Medical Treatment Initiative of 1999''; to the Committee on Oversight and Government Reform.

5309. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-244, ''F Street, N.W., Downtown Retail Priority Area Clarification Amendment Act of 2009''; to the Committee on Oversight and Government Reform.

5310. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-243, ''Waterfront Park at the Yards Act of 2009''; to the Committee on Oversight and Government Reform.

5311. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-248, ''Religious Freedom and Civil Marriage Equality Amendment Act of 2009''; to the Committee on Oversight and Government Reform.

5312. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-246, ''Income Tax Joint Filing Clarification Act of 2009''; to the Committee on Oversight and Government Reform.

5313. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-247, ''Cooperative Housing Association Economic Interest Recordation Tax Temporary Amendment Act of 2009''; to the Committee on Oversight and Government Reform.

5314. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-245, ''Affordable Housing For-Sale and Rental Distribution Amendment Act of 2009''; to the Committee on Oversight and Government Reform.

5315. A letter from the Chair, Election Assistance Commission, transmitting the Commission's final rule — Debt Collection received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

5316. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Final rules and transmittal of regulations to Congress [Notice 2009-271] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

5317. A letter from the Librarian of Congress, Library of Congress, transmitting the annual report of the Library of Congress Trust Fund Board for fiscal year 2008 and a request for consideration in filling vacancies of the Library of Congress Trust Fund Board; to the Committee on House Administration.

5318. A letter from the Secretary, Department of the Interior, transmitting the 2008 Annual Report for the Office of Surface Mining Reclamation and Enforcement, pursuant to 30 U.S.C. 1211(f), 1267(g), and 1295; to the Committee on Natural Resources.

5319. A letter from the Division Chief, Regulatory Affairs, Bureau of Land Management, transmitting the Bureau's final rule — Oil and Gas Leasing; National Petroleum Reserve-Alaska [WO-310-1310-PP-241A] (RIN: 1004-AD78) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5320. A letter from the Director, Department of the Interior, transmitting a report entitled, ''Report to Congress: Minerals Management Service Royalty in Kind Operation Program'' for Fiscal Year 2008, pursuant to Section 342 of the Energy Policy Act of 2005; to the Committee on Natural Resources.

5321. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Utah Regulatory Program [STATS No. UT-046-FOR; Docket ID No. OSM-2009-0005] received December 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5322. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for Cirsium Ioncholepis (La Graciosa Thistle) [FWS-R8-ES-2008-0078] (RIN: 1018-AV03) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5323. A letter from the Acting Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's biennial report on the use of federal assistance provided to the Atlantic States Marine Fisheries Commission covering FY 2007 and FY 2008, pursuant to Section 811(c)(2) of the Atlantic Coastal Fisheries Cooperative Management Act; to the Committee on Natural Resources.

5324. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch by Vessels in the Amendment 80 Limited Access Fishery in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS90) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5325. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning [Docket No.: 050613158-5262-03] (RIN: 0648-AT48) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5326. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; 2009 Management Measures for Petrale Sole [Docket No.: 0907301200-91380-02] (RIN: 0648-AY07) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5327. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — List of Fisheries for 2010 [Docket No.: 090218194-91045-02] (RIN: 0648-AX65) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5328. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2008 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

5329. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Massachusetts Advisory Committee; to the Committee on the Judiciary.

5330. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-7, -7A, -7B, -9, -9A, -11, -15, and -17 Turbofan Engines [Docket No.: FAA-2009-0317; Directorate Identifier 79-ANE-18; Amendment 39-16087; AD 2009-24-01] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5331. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clinch River, Mile Markers 0.5 to 1.5, Kingston, TN [COTP Ohio Valley-06-035] (RIN: 1625 — AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5332. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Portsmouth Naval Shipyard, Portsmouth, NH [Docket No.: USCG-2009-0895] (RIN: 1625-AA11) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5333. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; SR 90 Bridge, Assawoman Bay, Isle of Wight and Ocean City, MD [Docket No.: USCG-2009-0956] (RIN: 1625-AA00) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5334. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World December Fireworks, Mission Bay, San Diego, CA [Docket No.: USCG-2009-0319] (RIN: 1625-AA00) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5335. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Munitions and Explosives of Concern (MEC); Seal Island, ME [Docket No.: USCG-2009-0595] (RIN: 1625-AA00) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5336. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; East Rockaway Inlet

to Atlantic Beach Bridge, Nassau County, Long Island, NY [Docket No.: USCG-2008-0085] (RIN: 1625-AA11) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5337. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas; Bars Along the Coasts of Oregon and Washington [Docket No.: USCG-2008-1017] (RIN: 1625-AA11) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5338. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Blasting and Dredging Operations and Movement of Explosives, Columbia River, Portland to St. Helens, OR [Docket No.: USCG-2009-0946] (RIN: 1625-AA00) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5339. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays, Potomac River, National Harbor, MD [Docket No.: USCG-2009-0949] (RIN: 1625-AA00) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5340. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Corporate Party on Hornblower Yacht, Fireworks Display, San Francisco, CA [Docket No.: USCG-2009-0907] (RIN: 1625-AA00) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5341. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Perdido Regional Host Outer Continental Shelf Platform, Gulf of Mexico [Docket No.: USCG-2008-1051] (RIN: 1625-AA00) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5342. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-0942] (RIN: 1625-AA11) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5343. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 603.0 to 604.0, Louisville, KY [COTP Ohio Valley 06-037] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5344. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Ohio River, Miles 603.0 to 604.0, Louisville, KY [COTP Ohio Valley 06-038] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5345. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cincinnati, OH, Ohio River Mile 469.2 to 470.2 [COTP Ohio Valley 06-039] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5346. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 449.0 to 451.0, New Richmond, OH [COTP Ohio Valley 06-046] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5347. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Miles 307.5 to 308.9, Huntington, WV [COTP Ohio Valley 06-047] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5348. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River Mile 462.0 to 471.0, Port of Cincinnati, OH [COTP Ohio Valley-06-048] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5349. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River, Mile Markers 256.3 to 260.0, Florence, AL [COTP Ohio Valley-06-049] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5350. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile 332.8 to 333.8, Huntsville, AL [COTP Ohio Valley-06-050] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5351. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 467.0 to 475.0 and Licking River, Miles 0.0 to 0.5; Cincinnati, OH [COTP Ohio Valley 06-051] (RIN: 1625-AA08) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5352. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 164 to Mile Marker 167, Above Head of Passes, Donaldsonville, VA [COTP New Orleans-06-038] (RIN 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5353. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 111.0 to Mile Marker 115.0, Above Head of Passes, Kenner, LA [COTP New Orleans-06-039] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5354. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Intracoastal Waterway, Mile Marker 7.0, East of Harvey Lock (EHL) to Mile Marker 12.5, EHL, New Orleans, LA [COTP New Orleans-06-040] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5355. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 230 to Mile Marker 231, Port Allen, LA [COTP New Orleans-06-042] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5356. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 229.5 to Mile Marker 230.5, Baton Rouge, LA [COTP New Orleans-06-043] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5357. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South Shore, Lake Pontchartrain, Metairie, LA [COTP New Orleans-06-045] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5358. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 94 to Mile Marker 95, in the vicinity of Jackson Square, New Orleans, LA [COTP New Orleans-06-046] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5359. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 175 to Mile Marker 176, Donaldsonville, LA [COTP New Orleans-06-047] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5360. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile Markers 51.5 to 52.5, Cape Girardeau, MO [COTP Ohio Valley-06-029] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5361. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cincinnati, OH, Ohio River Mile 461.0 to 470.0 [COTP Ohio Valley 06-033] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5362. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; GICW MM295 to GICW MM377, Panama City, FL to East of the Fenholloway River, FL [COTP Mobile-06-018] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5363. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tombigee River, Demopolis, AL [COTP Mobile-06-020] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5364. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Bay, Pensacola, FL [COTP Mobile-06-021] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5365. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Orange Beach, AL [COTP Mobile-06-022] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5366. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Illinois Waterway, Illinois [CGD08-06-017] (RIN: 1625-AA09)

received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5367. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bauernfind/Morris Wedding Fireworks, Betsie Lake, Frankfort, MI [CGD09-06-115] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5368. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Commonwealth Edison Power Line Crossing, Chicago Sanitary and Ship Canal mile marker 319.2 to 319.7, Chicago, IL [CGD09-07-019] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5369. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; ACORA Garwood Classic Offshore Race, St. Clair River, North Channel, Algonac, MI [CGD09-07-020] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5370. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Veteran's Glass City Skyway Gala Fireworks, Maumee River, Toledo, OH [CGD09-07-026] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5371. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Roostertail Fireworks, Detroit River, Detroit, MI [CGD09-07-031] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5372. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Military Water Survival Training, Vicinity of Naval Amphibious Base Coronado, CA [COTP San Diego 07-005] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5373. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks, Lower Colorado River, Laughlin, NV [COTP San Diego 07-025] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5374. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay July 4th Fireworks Show [COTP San Diego 07-043] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5375. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, CA [COTP San Diego 07-052] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5376. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coronado Bridge, San Diego Bay, CA [COTP San Diego 07-074] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5377. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Marine Events in San Diego Harbor [COTP San Diego 07-069] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5378. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay San Diego, CA [COTP San Diego 07-152] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5379. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 07-251] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5380. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Saftey Zone; Mission Bay, San Diego, CA [COTP San Diego 07-252] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5381. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South San Diego Bay, San Diego, CA [COTP San Diego 07-352] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5382. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kaiser Smokestack Demolition, Blair Waterway, Tacoma, Washington [CGD13-06-032] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5383. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Adjacent 10th Avenue Marine Terminal, San Diego, CA [COTP San Diego 07-004] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5384. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ybor Fireworks Display — Ybor Turning Basin, Tampa Bay, Florida [COTP St. Petersburg 06-105] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5385. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Ft. Myers Fireworks Display, Vicinity of Caloosahatchee River Bridge, Ft. Myers, Florida [COTP Sector St. Petersburg 06-124] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5386. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Fireworks Display in the vicinity of Marco Island, Florida [COTP Sector St. Petersburg 06-137] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5387. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 4th of July Fireworks Display, Venice Inlet, Florida [COTP St. Petersburg 06-138] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5388. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display in the vicinity of Bradenton Beach, Florida [COTP Sector St. Petersburg 06-139] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5389. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Carlos Bay, FL [COTP Sector St. Petersburg 06-170] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5390. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL [COTP Sector St. Petersburg 06-255] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5391. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Crazy Horse Campground, Lake Havasu, Arizona [COTP San Diego 05-030] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5392. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, FL [COTP St. Petersburg 06-081] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5393. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 05-053] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5394. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 05-061] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5395. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 05-080] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5396. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 05-091] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5397. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 05-093] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5398. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 05-097] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5399. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Bay, San Diego, CA [COTP San Diego 05-100] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5400. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Diego Fall Classic, San Diego, CA [COTP San Diego 05-102] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5401. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Zones; Port Valdez, Valdez, AK [COTP Prince William Sound 07-001] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5402. A letter from the Secretary, Department of Transportation, transmitting a draft of proposed legislation to amend chapter 53 of title 49, United States Code, to establish a public transportation safety program; to the Committee on Transportation and Infrastructure.

5403. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-1C, A300 B2-203, A300 B2K-3C, A300 B4-103, A300 B4-203, and A300 B4-2C Airplanes [Docket No.: FAA-2009-0055; Directorate Identifier 2008-NM-194-AD; Amendment 39-16125; AD 2009-25-06] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5404. A letter from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule — Worker Visibility [FHWA Docket No.: FHWA-2008-0157] (RIN: 2125-AF28) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5405. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Control Room Management/Human Factors [Docket ID: PHMSA-2007-27954; Amdt. Nos. 192-112 and 195-93] (RIN: 2137-AE28) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5406. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S-92A Helicopters [Docket No.: FAA-2009-1130; Directorate Identifier 2009-SW-40-AD; Amendment 39-16130; AD 2009-25-10] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5407. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Oversales and Denied Boarding Compensation [Docket No.: DOT-OST-01-9325] (RIN No.: 2105-AD63) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5408. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs [Docket No.: OST-2003-15245] (RIN: 2105-AD55) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5409. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Procedures for Non-Evidential Alcohol Screening Devices [Docket OST-2007-26828] (RIN: 2105-AD64) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5410. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No.: FAA-2009-0784; Directorate Identifier 2009-NM-109-AD; Amendment 39-16124; AD 2009-25-05] (RIN: 2120-AA64) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5411. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs: State Laws Requiring Drug and Alcohol Rule Violation Information [Docket OST-2008-0184] (RIN: OST-2105-AD67) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5412. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 2000 Airplanes [Docket No.: FAA-2009-0654; Directorate Identifier 2008-NM-083-AD; Amendment 39-16058 AD 2009-22-07] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5413. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. LTS101 Series Turboshaft and LTP101 Series Turboprop Engines [Docket No.: FAA-2008-1019; Directorate Identifier 2007-NE-49-AD; Amendment 39-16104; AD 2009-24-12] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5414. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400, DHC-8-401, and DHC-8-402 Airplanes [Docket No.: FAA-2009-1106; Directorate Identifier 2009-NM-171-AD; Amendment 39-16122; AD 2008-09-24 R1] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5415. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of the South Florida Low Offshore Airspace Area; Florida [Docket No.: FAA-2008-1167; Airspace Docket No. 08-ASO-16] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5416. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of the Atlantic Low Offshore Airspace Area; East Coast United States [Docket No.: FAA-2008-1170; Airspace Docket No. 08-AEA-27] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5417. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mountain City, TN [Docket No.: FAA-2009-0061; Airspace Docket No. 09-ASO-10] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5418. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Fort A.P. Hill, VA [Docket No.: FAA-2009-0739; Airspace Docket No. 09-AEA-14] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5419. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Regulations Allowing for Polished Frost [Docket No.: FAA-2007-29281; Amendment Nos. 91-310, 125-58, 135-119] (RIN: 2120-AJ09) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5420. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Fuel Cell Cartridges and Systems Transported On Board Passenger Aircraft in Carry-On Baggage [Docket NO.: PHMSA-2006-25446 (HM-243)] (RIN: 2137-AE19) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5421. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Jackson, AL [Docket No.: FAA-2009-0937; Airspace Docket No. 09-ASO-27] received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5422. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Fort Stewart (Hinesville), GA [Docket No.: FAA-2009-0959; Airspace Docket No. 09-ASO-30] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5423. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -200LR, -300, and -300ER Series Airplanes [Docket No.: FAA-2009-0571; Directorate identifier 2009-NM-004-AD; Amendment 39-16096; AD 2009-24-08] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5424. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-50C Series Turbofan Engines [Docket No.: FAA-2006-24171; Directorate Identifier 2006-NE-08-AD; Amendment 39-16093; AD 2007-11-18R1] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5425. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing 737-600, -700, -700C, and -800 Series Airplanes [Docket No.: FAA-2009-0411; Directorate Identifier 2008-NM-190-AD; Amendment 39-16095; AD 2009-24-07] Received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5426. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-Trent 800 Series Turbofan Engines [Docket No.: FAA-2009-0674; Directorate Identifier 2009-NE-25-AD; Amendment 39-16092; AD 2009-24-05] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5427. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318-111 and -112 Series Airplanes, and Model A319, A320, and A321 Series Airplanes [Docket No.: FAA-2009-1037; Directorate Identifier 2009-NM-174-AD; Amendment 39-16097; AD 2007-15-06 R1] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5428. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Scheibe-Flugzeugbau GmbH Models Bergfalke-III, Bergfalke-II/55, SF 25C, and SF-26A Standard Gliders [Docket No.: FAA-2009-0800 Directorate Identifier 2009-CE-041-AD; Amendment 39-16088; AD 2009-24-02] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5429. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Inc. Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-1075; Directorate Identifier 2009-NM181-AD; Amendment 39-16107; AD 2008-09-23- R1] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5430. A letter from the Trial Attorney, Federal Railroad Administration, transmitting the Administration's final rule — Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2010 [FRA-2008-0136, Notice No.1] (RIN: 2130-ZA02) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5431. A letter from the Deputy General Counsel, National Aeronautics and Space Administration, transmitting the Administration's final rule — Patents and Other Intellectual Property Rights (RIN: 2700-AD45) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5432. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — American Recovery and Reinvestment Act: Surety Bond Guarantees; Size Standards (RIN: 3245-AF94) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5433. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — American Recovery and Reinvestment Act: Loan Program for Systemically Important SBA Secondary Market Broker-Dealers (RIN: 3245-AF95) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5434. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Inflationary Adjustments to Acquisition-Related Dollar Thresholds (RIN: 3245-AF74) received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5435. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — HUBZone and Government Contracting (RIN: 3245-AF44) received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5436. A letter from the Secretary, Department of Veterans Affairs, transmitting a letter reporting the FY 2009 expenditures from the Pershing Hall Revolving Fund for projects, activities, and facilities that support the mission of the Department of Veterans Affairs, pursuant to Public Law 102-86, section 403(d)(6)(A); to the Committee on Veterans' Affairs.

5437. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Extension of Port Limits of Columbus, Ohio [Docket No.: USCBP-2008-0047] received December 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5438. A letter from the Secretary, Department of Labor, transmitting the Department's sixteenth annual report prepared in accordance with section 207 of the Andean Trade Preference Act (ATPA); to the Committee on Ways and Means.

5439. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds; Customer Confirmation Reporting Requirement Threshold Amount [Docket No.: BPD GSRS 09-02] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5440. A letter from the Director, Regulations and Rulings Division, Department of the Treasury, transmitting the Department's final rule — Establishment of the Calistoga Viticultural Area (2003R-496P) [Docket No.: TTB-2007-0067; T.D. TTB-83; Ref: Notice Nos. 36 and 77] (RIN: 1513-AA92) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5441. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Report of tips by employee to employer (Rev. Proc. 2009-53) received December 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5442. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — New Qualified Plug-in Electric Drive Motor Vehicle Credit [Notice 2009-89] received December 4, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5443. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2009-56) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5444. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Permitted disparity in employer-provided contributions or benefits (Rev. Rul. 2009-40) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5445. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 807(e)(4) Exception for Section 338 Regulations [Notice 2010-1] received December 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5446. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Remedial Amendment Period and Reliance for Section 403(b) Plans [Announcement 2009-89] received December 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5447. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2009-96] received December 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5448. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Production Tax Credit for Refined Coal [Notice 2009-90] received December 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5449. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Director's Directive #2 Super Completed Contract Method [LMSB Control No. LMSB-04-0209-006] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5450. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Interactions with Foreign Tax Officials, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5451. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Adjustments of underpayments (Rev. Rul. 2009-39) received December 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5452. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2009-55) received December 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5453. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Field Directive on the Use of Estimates from Probability Samples [Control No. LMSB-4-0809-032] received November 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5454. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Updated for Weighted Average Interest Rate, Yield Curves, and Segment Rate [Notice 2009-88], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5455. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2009-54) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5456. A letter from the Deputy, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule — False Statements Regarding Security Background Checks [Docket No.: TSA-2008-0011] (RIN: 1652-AA65) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

5457. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Applications of Certain Appeals Provisions to the Medicare Prescription Drug Appeals Process [CMS-4127-F] (RIN: 0938-AO87) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5458. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule —

Medicare Program: Changes to the Medicare Claims Appeal Procedures [CMS-4063-F] (RIN: 0938-AM73) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

5459. A letter from the Director, Office of Management and Budget, transmitting Accounts containing unvouchered expenditures potentially subject to audit by the General Accounting Office, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Oversight and Government Reform.

¶2.8 COMMITTEE TO NOTIFY THE PRESIDENT

Mr. HOYER submitted the following privileged resolution (H. Res. 998):

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States when a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.9 APPOINTMENT OF COMMITTEE TO NOTIFY THE PRESIDENT

The SPEAKER pro tempore, Mr. OWENS, pursuant to House Resolution 998, and the order of the House of January 6, 2009, announced the Speaker's appointment of Messrs. HOYER and BOEHNER as members of the committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States when a quorum of each House has been assembled and that Congress is ready to receive any communication that he may be pleased to make.

¶2.10 CLERK TO NOTIFY SENATE OF A QUORUM

Mr. HOYER submitted the following privileged resolution (H. Res. 999):

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.11 HOUR OF MEETING

Mr. HOYER submitted the following privileged resolution (H. Res. 1000):

Resolved, That unless otherwise ordered, before Monday, May 17, 2010, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on Wednesdays and Thursdays; and 9 a.m. on all other days of the week; and from Monday, May 17, 2010, for the remainder of the 111th Congress, the hour of daily meeting of the House shall be noon on Mondays, 10 a.m. on Tuesdays, Wednesdays and Thursdays; and 9 a.m. on all other days of the week.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.12 HOUR OF MEETING

On motion of Mr. HOYER, by unanimous consent,

Ordered, That the order of the House of January 6, 2009, providing for morning-hour debate be extended for the remainder of the 111th Congress, except that House Resolution 1000 shall supplant House Resolution 10 and the date of May 17, 2010, shall be used in lieu of May 18, 2009.

¶2.13 VETO OF H.J. RES. 64

On motion of Mr. HOYER, by unanimous consent,

Ordered, That if a veto message on House Joint Resolution 64 is laid before the House on this legislative day, then after the message is read and the objections of the President are spread at large upon the Journal, further consideration of the veto message and the joint resolution shall be postponed until the legislative day of January 13, 2010; and that on that legislative day, the House shall proceed to the constitutional question of reconsideration and dispose of such question without intervening motion.

¶2.14 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. OWENS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 30, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a message received from the White House on Wednesday, December 30, 2009 at 1:20 p.m., containing the returned enrollment of H.J. Res. 64 and a memorandum of disapproval from the President.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶2.15 PRESIDENT'S MESSAGE OF DISAPPROVAL OF H.J. RES. 64

The Clerk then read the message of disapproval from the President, as follows:

The enactment of H.R. 3326 (Department of Defense Appropriations Act, 2010, Public Law 111–118), which was signed into law on December 19, 2009, has rendered the enactment of H.J. Res. 64 (Continuing Appropriations, FY 2010) unnecessary. Accordingly, I am withholding my approval from the bill. (The Pocket Veto Case, 279 U.S. 655 (1929)).

To leave no doubt that the bill is being vetoed as unnecessary legislation, in addition to withholding my signature, I am also returning H.J. Res. 64 to the Clerk of the House of Representatives, along with this Memorandum of Disapproval.

BARACK OBAMA.

THE WHITE HOUSE, *December 30, 2009.*

The SPEAKER pro tempore, Mr. OWENS, by unanimous consent, ordered that the veto message, together with the accompanying joint resolution, be printed (H. Doc. 111–84) and spread upon the pages of the Journal of the House.

Pursuant to the previous order of the House, further consideration of the veto message and the joint resolution are postponed until the legislative day of Wednesday, January 13, 2010, and that on that legislative day, the House shall proceed to the constitutional question of reconsideration and dispose of such question without intervening motion.

¶2.16 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. OWENS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 29, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Thursday, December 24, 2009 at 1:41 p.m., and said to contain a message from the President whereby he transmits a proclamation he has issued entitled, ''To Modify Duty-Free Treatment Under the Generalized System of Preferences, and For Other Purposes.''

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶2.17 DUTY-FREE PROCLAMATION

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

The Generalized System of Preferences (GSP) offers duty-free treatment to specified products that are imported from designated beneficiary developing countries. The GSP is authorized by title V of the Trade Act of 1974, as amended (the ''Act'').

In accordance with sections 502(f)(1)(A) and 502(f)(2) of the Act, I am providing notification of my intent to add the Republic of Maldives to the list of beneficiary developing countries under the GSP program and my intent to terminate the designations of Croatia and Equatorial Guinea as beneficiary developing countries under the GSP program.

In Proclamation 6813 of July 28, 1995, the designation of Maldives as a beneficiary developing country for purposes of the GSP program was suspended. After considering the criteria set forth in sections 501 and 502 of the Act, I have determined that the suspension of the designation of Maldives as a GSP beneficiary developing country should be ended.

In addition, I have determined that Croatia and Equatorial Guinea have each become a ''high income'' country, as defined by the official statistics of the International Bank for Reconstruction and Development. In accordance with section 502(e) of the Act, I have determined that the designations of Croatia and Equatorial Guinea as beneficiary developing countries under the GSP program should be terminated, effective January 1, 2011.

BARACK OBAMA.

THE WHITE HOUSE, *December 23, 2009*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 111–85).

¶2.18 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. OWENS, laid before the House the following communication from Mr. HONDA:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
January 8, 2010.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the Superior Court for Santa Clara County, California, for documents in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MICHAEL M. HONDA,
Member of Congress.

¶2.19 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ABERCROMBIE for today and January 13;

To Mr. CRENSHAW, for today;

To Mr. HASTINGS of Florida, for today and balance of the week; and

To Ms. Eddie Bernice JOHNSON of Texas, for today through January 27.

And then,

¶2.20 ADJOURNMENT

On motion of Mr. BURGESS, at 10 o'clock p.m., the House adjourned.

¶2.21 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 2611. A Bill to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiate of the Department of Homeland Security, and for other purposes; with an amendment (Rept. 111–389). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3342. A Bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque; with an amendment (Rept. 111–390). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1065. A bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes; with an amendment (Rept. 111–391). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3644. A Bill to direct the National Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change in coastal watershed regions; with an amendment (Rept. 111–392). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3726. A bill to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes; with an amendment (Rept. 111–393). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3759. A bill to authorize the Secretary of the Interior to grant economy-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes; with an amendment (Rept. 111–394). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3254. A bill to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; with an amendment (Rept. 111–395). Referred to the Committee of the Whole House on the state of the Union.

¶2.22 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. GIFFORDS (for herself and Mr. HEINRICH):

H.R. 4413. A bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities; to the Committee on Science and Technology.

By Mr. KUCINICH (for himself, Ms. WATSON, Ms. NORTON, Mr. CLAY, Mr. ELLISON, and Mr. HARE):

H.R. 4414. A bill to amend the Internal Revenue Code of 1986 to impose a 75 percent tax on bonuses paid by certain financial and other businesses; to the Committee on Ways and Means.

By Mrs. MILLER of Michigan (for herself and Mr. KING of New York):

H.R. 4415. A bill to amend title 10, United States Code, to authorize the President to determine that certain individuals are unlawful enemy combatants subject to trial by military commissions, and for other purposes; to the Committee on Armed Services.

By Mr. GEORGE MILLER of California (for himself and Ms. BORDALLO):

H.R. 4416. A bill to reauthorize the Great Ape Conservation Act, and for other purposes; to the Committee on Natural Resources.

By Mr. SESTAK:

H.R. 4417. A bill to improve outreach and enrollment for the Supplemental Nutrition Assistance Program; to the Committee on Agriculture.

By Mr. SESTAK:

H.R. 4418. A bill to amend the Federal Crop Insurance Act to increase expenditures under pilot programs evaluating the effectiveness of risk management tools for livestock producers, to clarify that the education and information program includes livestock insurance programs and increase funds for the education and information program, and for other purposes; to the Committee on Agriculture.

By Mr. SESTAK:

H.R. 4419. A bill to amend section 138 of the Truth in Lending Act to establish certain counseling and disclosure requirements with respect to reverse mortgages; to the Committee on Financial Services.

By Mr. SESTAK:

H.R. 4420. A bill to amend the Small Business Act with respect to misrepresentation through the use of a pass-through business, and for other purposes; to the Committee on Small Business.

By Mr. SESTAK:

H.R. 4421. A bill to amend the Internal Revenue Code of 1986 to extend the waiver of required minimum distribution rules for certain retirement plans and accounts through 2010; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 4422. A bill to establish the Minority Entrepreneurship and Business Development Program, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Education and Labor, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 4423. A bill to prevent Members of Congress from receiving any automatic pay adjustment in 2011; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 4424. A bill to increase the energy credit for equipment used to generate electricity by geothermal power, to extend the grants for specified energy property, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TONKO (for himself, Mr. BISHOP of New York, Mr. ISRAEL, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. CROWLEY, Mr. NADLER of New York, Mr. WEINER, Ms. CLARKE, Ms. VELÁZQUEZ, Mr. MCMAHON, Mrs. MALONEY, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mr. HALL of New York, Mr. MURPHY of New York, Mr. HINCHEY, Mr. OWENS, Mr. ARCURI, Mr. MAFFEI, Mr. LEE of New York, Mr. HIGGINS, Ms. SLAUGHTER, Mr. MASSA, and Mr. RANGEL):

H.R. 4425. A bill to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the ''Martin G. 'Marty' Mahar Post Office''; to the Committee on Oversight and Government Reform.

By Mr. WELCH:

H.R. 4426. A bill to amend the Internal Revenue Code of 1986 to impose a 50 percent tax on bonuses paid by TARP recipients; to the

Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H.R. 4427. A bill to provide a pay increase of 1.9 percent for members of the uniformed services for fiscal year 2011; to the Committee on Armed Services.

By Mr. HOYER:

H. Res. 998. A resolution providing for a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. HOYER:

H. Res. 999. A resolution to inform the Senate that a quorum of the House has assembled; considered and agreed to.

By Mr. HOYER:

H. Res. 1000. A resolution providing for the hour of meeting of the House; considered and agreed to.

By Mrs. BIGGERT:

H. Res. 1001. A resolution congratulating North Central College on winning the 2009 NCAA Division III men's cross country championship; to the Committee on Education and Labor.

By Mr. PLATTS (for himself, Ms. MATSUI, Mr. PRICE of North Carolina, Mr. EHLERS, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mrs. MCCARTHY of New York, Mr. HONDA, Mr. BACA, Mr. GUTIERREZ, and Mr. LEWIS of Georgia):

H. Res. 1002. A resolution honoring the life and work of Dr. Martin Luther King, Jr. and encouraging the continued commitment to the Martin Luther King, Jr. Day as a national day of service; to the Committee on Education and Labor.

By Ms. CHU (for herself, Ms. CORRINE BROWN of Florida, Mr. WU, Mr. KAGEN, Mr. CONYERS, Mr. MEEKS of New York, Mr. CAO, Mr. MCGOVERN, Ms. DEGETTE, Ms. RICHARDSON, Mr. SCHIFF, Mr. CUMMINGS, Mr. SESTAK, Mr. BACA, and Mr. MASSA):

H. Res. 1003. A resolution expressing support for the designation of January 10, 2010, through January 16, 2010, as National Influenza Vaccination Week; to the Committee on Energy and Commerce.

By Mr. DAVIS of Illinois:

H. Res. 1004. A resolution congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health; to the Committee on Education and Labor.

By Mr. MASSA (for himself, Mr. DRIEHAUS, Mr. SKELTON, Mr. TAYLOR, Mr. SNYDER, Mr. REYES, Mr. MURPHY of New York, Mr. SESTAK, and Mr. KISSELL):

H. Res. 1005. A resolution commemorating the 65th anniversary of the Battle of the Bulge in World War II, honoring the sacrifices of members of the United States Armed Forces, and recognizing the Allied victory; to the Committee on Armed Services.

By Mr. ROONEY:

H. Res. 1006. A resolution reaffirming the commitment of the House of Representatives to safeguard and uphold the 10th Amendment to the Constitution of the United States; to the Committee on the Judiciary.

¶2.23 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Ms. LINDA T. SÁNCHEZ of California.

H.R. 43: Mr. ISRAEL and Ms. SHEA-PORTER.

H.R. 211: Mr. COSTA, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. JOHNSON of Georgia, Mr. TIM MURPHY of Pennsylvania, Mrs. DAHLKEMPER, and Mr. DAVIS of Tennessee.

H.R. 213: Mr. INGLIS.

H.R. 238: Mr. KISSELL.

H.R. 333: Mr. CHANDLER.

H.R. 389: Mr. CONYERS, Mr. GRIJALVA, and Mr. NADLER of New York.

H.R. 391: Mr. ROGERS of Alabama and Mr. PAULSEN.

H.R. 426: Mr. LOBIONDO.

H.R. 433: Mr. SHADEGG.

H.R. 450: Mr. ALEXANDER.

H.R. 482: Mr. CHAFFETZ, Mr. ADERHOLT, and Mr. WU.

H.R. 503: Mr. LATOURETTE and Mr. OWENS.

H.R. 537: Mr. PAUL, Mr. RAHALL, Mr. SCHIFF, and Mr. LOBIONDO.

H.R. 571: Mr. CONNOLLY of Virginia.

H.R. 847: Mr. OWENS.

H.R. 868: Mrs. CAPITO.

H.R. 874: Mr. BERMAN.

H.R. 930: Mr. OWENS and Mr. MASSA.

H.R. 954: Mr. MCNERNEY.

H.R. 997: Mr. MILLER of Florida.

H.R. 1030: Mr. SCHIFF.

H.R. 1034: Mr. MCINTYRE and Mr. YOUNG of Alaska.

H.R. 1079: Mr. LARSEN of Washington.

H.R. 1101: Mr. RYAN of Ohio.

H.R. 1204: Mr. YOUNG of Alaska.

H.R. 1221: Mr. TIM MURPHY of Pennsylvania and Mr. PLATTS.

H.R. 1240: Mr. WOLF.

H.R. 1255: Ms. LINDA T. SÁNCHEZ of California, Mr. JOHNSON of Georgia, and Mr. FOSTER.

H.R. 1305: Mrs. LOWEY.

H.R. 1326: Mr. PERRIELLO, Ms. ESHOO, Ms. VELÁZQUEZ, Mr. JOHNSON of Illinois, Mr. PRICE of North Carolina, Mr. REYES, Mr. WHITFIELD, Mr. ELLISON, Mr. GERLACH, Mr. SCHAUER, Ms. GIFFORDS, Mr. OWENS, Ms. SHEA-PORTER, Mr. MINNICK, and Mrs. DAHLKEMPER.

H.R. 1347: Ms. JACKSON LEE of Texas, Mr. SIRES, and Mr. RUPPERSBERGER.

H.R. 1402: Mr. CHILDERS and Mr. CHANDLER.

H.R. 1410: Mrs. NAPOLITANO.

H.R. 1414: Mr. BAIRD.

H.R. 1460: Mrs. MALONEY.

H.R. 1522: Mr. SCHIFF.

H.R. 1523: Mr. CAPUANO and Ms. ZOE LOFGREN of California.

H.R. 1526: Mr. TIERNEY, Mr. GUTIERREZ, Mr. BARROW, Mr. PLATTS, and Ms. CASTOR of Florida.

H.R. 1547: Mr. RAHALL.

H.R. 1552: Mr. CONNOLLY of Virginia.

H.R. 1578: Mr. DINGELL, Mr. CONYERS, and Mr. COURTNEY.

H.R. 1585: Mr. LINCOLN DIAZ-BALART of Florida and Mr. DENT.

H.R. 1597: Mr. MARSHALL.

H.R. 1615: Mr. ALEXANDER.

H.R. 1646: Mrs. MALONEY.

H.R. 1691: Mr. LATOURETTE.

H.R. 1766: Mr. MOORE of Kansas.

H.R. 1778: Ms. SUTTON, Ms. MOORE of Wisconsin, Ms. RICHARDSON, Mr. JACKSON of Illinois, Mr. HARE, and Mr. ACKERMAN.

H.R. 1806: Mr. SPRATT, Mr. ETHERIDGE, Mr. PRICE of North Carolina, Mr. REYES, Mr. HIGGINS, Mr. CUELLAR, Mr. HARE, Mrs. KIRKPATRICK of Arizona, and Mr. CARSON of Indiana.

H.R. 1826: Mr. ENGEL.

H.R. 1844: Mr. ROTHMAN of New Jersey.

H.R. 1924: Mrs. KIRKPATRICK of Arizona.

H.R. 1956: Ms. HERSETH SANDLIN and Ms. BORDALLO.

H.R. 2103: Mr. PAYNE and Mr. PRICE of North Carolina.

H.R. 2149: Mr. JOHNSON of Georgia and Mrs. NAPOLITANO.

H.R. 2156: Mr. ISRAEL.

H.R. 2159: Mr. JOHNSON of Georgia and Mr. PAYNE.

H.R. 2256: Mr. BISHOP of New York, Ms. TITUS, Ms. ZOE LOFGREN of California, Ms. LEE of California, and Mrs. MCCARTHY of New York.

H.R. 2295: Mr. CONNOLLY of Virginia.

H.R. 2296: Mr. OWENS.

H.R. 2324: Mr. SCHIFF, Mr. ELLISON, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. RUSH, Mr. CUMMINGS, Mr. MURPHY of Connecticut, Ms. FUDGE, and Ms. ESHOO.

H.R. 2408: Mr. ROSS.

H.R. 2490: Mr. HODES.

H.R. 2512: Mr. CHAFFETZ.

H.R. 2517: Ms. SHEA-PORTER.

H.R. 2548: Ms. ROS-LEHTINEN.

H.R. 2565: Mr. GERLACH.

H.R. 2567: Mr. CROWLEY, Ms. KAPTUR, and Mr. HARE.

H.R. 2578: Mr. MOORE of Kansas.

H.R. 2579: Mr. COURTNEY.

H.R. 2624: Mr. CASTLE.

H.R. 2672: Mr. RANGEL and Mr. MCCOTTER.

H.R. 2730: Mr. CASTLE.

H.R. 2866: Mr. VAN HOLLEN.

H.R. 2943: Mr. MCDERMOTT.

H.R. 2958: Mr. GRAVES.

H.R. 2999: Mr. HEINRICH and Ms. HERSETH SANDLIN.

H.R. 3010: Mr. TONKO.

H.R. 3053: Mr. PAYNE.

H.R. 3057: Mr. SESTAK, Ms. DEGETTE, and Ms. SHEA-PORTER.

H.R. 3100: Mr. AL GREEN of Texas.

H.R. 3147: Mr. CONNOLLY of Virginia.

H.R. 3149: Ms. LINDA T. SÁNCHEZ of California, and Mr. RAHALL.

H.R. 3185: Mr. PRICE of North Carolina and Mrs. MALONEY.

H.R. 3295: Mr. GUTIERREZ.

H.R. 3353: Ms. LEE of California and Mr. ABERCROMBIE.

H.R. 3355: Mr. NUNES, Mr. SIRES and Mr. LIPINSKI.

H.R. 3480: Mr. CASTLE and Mr. MOORE of Kansas.

H.R. 3486: Mr. SCHOCK and Mr. OWENS.

H.R. 3491: Mr. HALL of New York and Mr. GRIJALVA.

H.R. 3545: Ms. CHU.

H.R. 3550: Mr. TONKO.

H.R. 3578: Mr. MCGOVERN, Mr. JACKSON of Illinois, Mr. CASTLE, Mr. KIRK, and Mr. JOHNSON of Illinois.

H.R. 3592: Mr. PAYNE.

H.R. 3652: Mr. MCINTYRE, Mr. KILDEE, Mr. NEAL of Massachusetts, Mr. DUNCAN, Mr. CHANDLER, Mr. PITTS, and Mr. FILNER.

H.R. 3674: Mr. SESTAK.

H.R. 3710: Mr. COHEN.

H.R. 3715: Mr. WILSON of Ohio.

H.R. 3734: Mr. CONYERS and Mr. CLAY.

H.R. 3758: Ms. SUTTON, Ms. BERKLEY, Mr. PRICE of North Carolina, Mr. DENT, and Mr. MCCOTTER.

H.R. 3764: Mr. FATTAH, Mr. HASTINGS of Florida, and Mr. BERMAN.

H.R. 3790: Mr. MOLLOHAN, Mr. GOHMERT, Mr. KAGEN, Mr. RAHALL, Mr. BLUNT, and Mr. MORAN of Kansas.

H.R. 3939: Mr. PAYNE.

H.R. 3943: Mr. TONKO, Mr. FOSTER, Mr. VISCLOSKY, Mr. WAXMAN, Mr. LARSEN of Washington, Mr. MORAN of Virginia, Ms. MOORE of Wisconsin, and Mr. OWENS.

H.R. 3994: Ms. RICHARDSON and Mr. CAO.

H.R. 4034: Mr. GRAVES.

H.R. 4036: Mr. FALEOMAVAEGA and Mr. BRADY of Pennsylvania.

H.R. 4056: Mr. HODES.

H.R. 4065: Mr. GRIJALVA.

H.R. 4072: Mrs. DAHLKEMPER.

H.R. 4082: Mr. WILSON of Ohio.

H.R. 4107: Mr. LAMBORN, Mr. INGLIS, and Mrs. BACHMANN.

H.R. 4131: Ms. SCHAKOWSKY, Mr. CUMMINGS, and Mr. MOORE of Kansas.

H.R. 4141: Mr. SESTAK, Mr. COSTELLO, and Mr. GRIFFITH.

H.R. 4149: Mr. ISRAEL, Mr. TONKO, Mr. PERLMUTTER, Mr. MOORE of Kansas, Mr. SESTAK, and Mr. THORNBERRY.

H.R. 4180: Mr. GUTIERREZ.
H.R. 4188: Mr. CONYERS.
H.R. 4190: Ms. SCHAKOWSKY.
H.R. 4196: Ms. PINGREE of Maine, Mrs. DAVIS of California, Mr. FARR, Mr. BOUCHER, Mr. BRALEY of Iowa, and Mr. KIND.
H.R. 4197: Ms. HARMAN, Mr. SESTAK, and Ms. CHU.
H.R. 4204: Ms. SHEA-PORTER and Mr. TONKO.
H.R. 4219: Mrs. MYRICK.
H.R. 4235: Mr. MOORE of Kansas.
H.R. 4241: Mr. HALL of New York.
H.R. 4255: Ms. HERSETH SANDLIN, Mr. HODES, Mr. SHULER, Mr. CARNEY, Mr. DEFAZIO, Ms. KAPTUR, Mr. TIM MURPHY of Pennsylvania, Mr. KISSELL, Mr. HALL of Texas, Ms. TITUS, and Mr. KRATOVIL.
H.R. 4290: Mr. RANGEL.
H.R. 4295: Ms. LINDA T. SÁNCHEZ of California, Mr. MURPHY of Connecticut, and Mr. HALL of New York.
H.R. 4301: Ms. CLARKE, Mr. ELLISON, and Mr. HOLT.
H.R. 4325: Mr. JACKSON of Illinois, Mr. POLIS of Colorado, and Mr. GRIJALVA.
H.R. 4373: Mr. ALEXANDER.
H.R. 4376: Mr. CONNOLLY of Virginia, Mrs. LOWEY, Mr. JACKSON of Illinois, Mr. CUMMINGS, Mr. GARAMENDI, and Mr. COURTNEY.
H.R. 4383: Ms. SHEA-PORTER.
H.R. 4385: Mr. TANNER and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 4393: Mr. PASCRELL, Mr. HINOJOSA, and Mrs. NAPOLITANO.
H.R. 4400: Ms. FUDGE, Mr. BACA, Mr. MASSA, Ms. MOORE of Wisconsin, and Mr. ETHERIDGE.
H.R. 4402: Mr. SCHIFF, Mr. HARE, Ms. MOORE of Wisconsin, Ms. NORTON, and Mr. FILNER.
H.R. 4403: Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, and Mr. RODRIGUEZ.
H. Con. Res. 16: Mr. PENCE and Ms. GRANGER.
H. Con. Res. 49: Mr. MATHESON.
H. Con. Res. 137: Mr. GUTIERREZ and Ms. MOORE of Wisconsin.
H. Con. Res. 149: Mr. MCCOTTER.
H. Con. Res. 170: Ms. BORDALLO.
H. Con. Res. 221: Mr. JACKSON of Illinois.
H. Con. Res. 222: Mr. HINOJOSA and Mr. GUTIERREZ.
H. Res. 22: Ms. JACKSON LEE of Texas.
H. Res. 111: Ms. NORTON.
H. Res. 231: Mr. KING of New York.
H. Res. 267: Mr. FRANK of Massachusetts.
H. Res. 569: Mr. SCHOCK, Ms. WATSON, and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 577: Mr. JORDAN of Ohio and Mr. COURTNEY.
H. Res. 605: Mr. CLEAVER.
H. Res. 615: Mr. LOBIONDO.
H. Res. 699: Ms. GIFFORDS, Mr. CONAWAY, Mr. BRIGHT, Mr. LANGEVIN, Mr. HARE, and Mr. KISSELL.
H. Res. 771: Mr. STUPAK.
H. Res. 847: Mr. BARRETT of South Carolina, Mr. BACHUS, Mr. RADANOVICH, Mr. LINDER, Mr. PITTS, Mr. PLATTS, Mr. GRIFFITH, and Mr. SMITH of New Jersey.
H. Res. 848: Mr. MOORE of Kansas.
H. Res. 857: Mr. CHILDERS, Mr. JACKSON of Illinois, and Mr. SARBANES.
H. Res. 860: Ms. LEE of California.
H. Res. 862: Mr. TONKO.
H. Res. 898: Mr. INGLIS and Mr. CONNOLLY of Virginia.
H. Res. 911: Mr. HARPER.
H. Res. 925: Mr. WALZ.
H. Res. 936: Mr. PATRICK J. MURPHY of Pennsylvania.
H. Res. 970: Mr. JORDAN of Ohio.
H. Res. 975: Mr. GRIJALVA and Mr. JACKSON of Illinois.
H. Res. 977: Mr. SCHOCK, Mr. WAMP, Mr. NUNES, Mr. GRAVES, Mr. YOUNG of Alaska, Mr. FRANKS of Arizona, Mr. WOLF, and Mr. PLATTS.
H. Res. 981: Mr. ENGEL, Mr. WILSON of South Carolina, Mr. SMITH of New Jersey, Mr. TANNER, Mr. MCCOTTER, Mr. HINCHEY, Mr. MILLER of North Carolina, and Mr. PASCRELL.
H. Res. 989: Mr. ISRAEL, Mr. BLUMENAUER, Ms. ESHOO, and Ms. LEE of California.
H. Res. 990: Mr. MOORE of Kansas, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. KENNEDY, and Mr. HARE.
H. Res. 997: Mr. DINGELL, Mr. MORAN of Virginia, Ms. KAPTUR, Mrs. MILLER of Michigan, Mr. HARE, Ms. CORRINE BROWN of Florida, Mr. SCHAUER, Mr. RYAN of Ohio, and Mr. MCMAHON.

¶2.24 PETITIONS

Under clause 1 of Rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

92. The SPEAKER presented a petition of City of Lauderhill, FL, relative to Resolution No. 09R-09-223 thanking Congress for supporting the Federal Energy Block Grant; to the Committee on Energy and Commerce.

93. Also, a petition of New Orleans City Council, New Orleans, Louisiana, relative to Resolution No. R-09-606 urging Congress to support the local oyster industry; to the Committee on Energy and Commerce.

94. Also, a petition of American Bar Association, Chicago, IL, relative to Urging the Congress to help address the unmet legal needs of low income residents of communities affected by major disasters; to the Committee on the Judiciary.

WEDNESDAY, JANUARY 13, 2010 (3)

¶3.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. BERKLEY, who laid before the House the following communication:

WASHINGTON, DC,
January 13, 2010.

I hereby appoint the Honorable SHELLEY BERKLEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶3.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. BERKLEY, announced she had examined and approved the Journal of the proceedings of Tuesday, January 12, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶3.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

5460. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-262, ''Private Adoption Fee Temporary Amendment Act of 2009''; to the Committee on Oversight and Government Reform.

5461. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. BILL 18-261, ''Homeland Security and Emergency Management Agency Use of Video Surveillance Amendment Act of 2009''; to the Committee on Oversight and Government Reform.

5462. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-242, ''Unused Pharmaceutical Safe Disposal Act of 2009''; to the Committee on Oversight and Government Reform.

5463. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 2009 through December 31, 2009 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 111—86); to the Committee on House Administration and ordered to be printed.

5464. A letter from the Clerk, U.S. House of Representatives, transmitting List of reports pursuant to Clause 2(b), Rule II of the Rules of the House of Representatives; (H. Doc. No. 111—83); to the Committee on House Administration and ordered to be printed.

5465. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rail Trail Bridge, Oswego River, Oswego, NY [CGD09-07-094] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5466. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Erie, Cleveland, Ohio. 18th Annual Ohio Master Swim [CGD09-07-095] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5467. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Trenton Rotary Roar on the River Fireworks Display, Detroit River, Trenton, MI [CGD09-07-097] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5468. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Trenton Rotary Roar on the River, Detroit River, Trenton, MI [CGD09-07-098] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5469. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Clair River Classic Offshore Race, St. Clair River, St. Clair, MI [CGD09-07-100] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5470. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Budd Inlet, Olympia, Washington [CGD13-06-024] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5471. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Marys River, Sault Ste. Marie, Michigan [CGD09-07-101] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5472. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Baldwinsville, Seneca River, Baldwinsville, NY [CGD09-07-103] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5473. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Vincent Foundation Fireworks,

Presque Isle Bay, Erie, PA [CGD09-07-106] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5474. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Detroit International Jazz Festival Fireworks, Detroit River, Detroit, MI [CGD09-07-114] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5475. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Detroit Belle Isle Grand Prix, Detroit River, Detroit, MI [CGD09-07-117] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5476. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fairport Harbor Perch Fest [CGD09-07-121] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5477. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbrigde Operation Regulation; China Basin, San Francisco, CA [CGD11-06-009] (RIN: 1625-AA09) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5478. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; China Basin, San Francisco, CA [CGD11-08-001] (RIN: 1625-AA09) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5479. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Elliott Bay Along Seattle Waterfront, Seattle, Washington [CGD13-06-021] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5480. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Willamette River Mystery Sheen; Portland, Oregon [CGD 13-06-022] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5481. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cleveland National Air Show [CGD09-07-118] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5482. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Event; Sacramento River Bridge-to-Bridge Waterfront Festival, San Francisco Bay and Sacramento River, CA [CGD 11-06-004] (RIN: 1625-AA08) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5483. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; San Francisco Giants Fireworks Display, San Francisco Bay, CA [CGD 11-06-007] (RIN: 1625-AA08) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5484. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Knights Landing, CA [CGD11-06-044] (RIN: 1625-AA09) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶3.4 VETO CONSIDERATION—H.J. RES. 64

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to the order of the House of January 12, 2010, announced the unfinished business to be the further consideration of the veto of the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes.

The question being on passage of the joint resolution, the objections of the President to the contrary notwithstanding.

After debate,

The question being will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

In accord with the Constitution, the yeas and nays are ordered.

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶3.5 POLITICAL AND ECONOMIC DEVELOPMENT IN UKRAINE

Mr. TANNER moved to suspend the rules and agree to the following resolution (H. Res. 981):

Whereas in 1991, Ukraine re-established its independence, and began the process of developing democratic institutions and a market economy;

Whereas the Ukrainian people bravely demonstrated their desire for a free, democratic, and prosperous country through nonviolent protest during the 2004 Orange Revolution;

Whereas the United States and Ukraine have a strong relationship, as evidenced by the United States-Ukraine Charter on Strategic Partnership, signed in December 2008 by Secretary of State Condoleezza Rice with the objective of expanding cooperation on defense, trade, energy, democratic development, and cultural exchange;

Whereas during the July 2009 visit of Vice President Biden to Kyiv, the United States and Ukraine agreed to create the Strategic Partnership Commission to help implement the Charter, which held its inaugural meeting in Washington, DC, on December 9, 2009, during the visit of the Ukrainian Foreign Minister;

Whereas a strong, sovereign, independent, democratic, and economically prosperous Ukraine is important to the interests of the United States and to achieving peace, prosperity and stability in Europe;

Whereas Ukraine has been a staunch partner of the United States and NATO (North Atlantic Treaty Organization) allies, as demonstrated by Ukraine's participation in the International Security Assistance Force in Afghanistan and the NATO Training Mission in Iraq and by NATO's declaration at the Bucharest Summit in April 2008 that Ukraine will become a member of the Alliance;

Whereas the United States and the European Union provide assistance to help Ukraine foster peace and security, strengthen its democratic institutions, further economic growth, and counter HIV/AIDS and other deadly diseases;

Whereas the United States, the United Kingdom, and Russia gave security assurances to Ukraine in the Budapest Memoranda of December 5, 1994, following Ukraine's commitment to eliminate all nuclear weapons from its territory and its accession to the Treaty on Non-Proliferation of Nuclear Weapons as a non-nuclear weapons state as well as the entry into force of the START Treaty;

Whereas the Joint Statement on the Expiration of the START Treaty issued by the United States and Russia on December 4, 2009, affirmed that ''the assurances recorded in the Budapest Memoranda will remain in effect after December 4, 2009'';

Whereas, as Vice President Biden stated when he was in Kyiv, the effort to reset the United States relationship with Russia ''will not come at Ukraine's expense,'' and ''the more substantive relationship we have with Moscow, the more we can defuse the zero-sum thinking about our relations with Russia's neighbors.'';

Whereas Ukraine and the Ukrainian people have suffered from the world financial crisis, and the government has sought and received assistance from international financial institutions, but still needs to overcome internal political and economic stalemates that prevent it from fulfilling its requirements and hinder its ability to achieve greater financial stability;

Whereas Ukraine will hold a presidential election on January 17, 2010, with a possible run-off election on February 7, 2010, if needed;

Whereas the initial 2004 presidential elections in Ukraine were marred by widespread irregularities, including fraud, intimidation, falsification of results, and media bias; and

Whereas it is vital for Ukraine's democratic development that the 2010 elections be free, fair, transparent, and untainted: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms the strong relationship between the United States and Ukraine, and encourages continued efforts to implement the provisions of the United States-Ukraine Charter on Strategic Partnership;

(2) expresses its support for the efforts of the Ukrainian people to consolidate democratic institutions, rule of law, respect for human rights, and economic reforms;

(3) recognizes the suffering of the Ukrainian people due to the downturn in the world economy, and supports measures by the international financial institutions to assist Ukraine;

(4) urges all parties in Ukraine to seek resolution of disputes and to take active measures to enable necessary political and economic reforms;

(5) urges the Government of Ukraine and all political parties to ensure that the 2010 election is conducted freely, fairly, transparently, and without manipulation;

(6) encourages the Government of Ukraine and all political parties to welcome the participation of the Organization for Security and Cooperation in Europe (OSCE) and other international election monitors, cooperate fully with them, and provide them unimpeded access to all aspects of the election process; and

(7) reiterates its enduring support and friendship for Ukraine and the Ukrainian people.

The SPEAKER pro tempore, Ms. BERKLEY, recognized Mr. TANNER and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. BERKLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶3.6 HEISMAN TROPHY WINNER MARK INGRAM

Mr. KILDEE moved to suspend the rules and agree to the following resolution (H. Res. 970):

Whereas Mark Ingram was raised in Flint, Michigan;

Whereas Mark Ingram attended Grand Blanc Community High School and Flint Southwestern Academy, where he distinguished himself as a running back and cornerback;

Whereas Mark Ingram was a 4-year starter in high school, and rushed for 4,926 yards and 58 touchdowns in his final 2 seasons;

Whereas, during his high school football career, Mark Ingram was honored with the Saginaw Valley MVP Award, named Area Player of the Year, and was an All-State selection;

Whereas, in 2009, Mark Ingram led the University of Alabama to the Southeastern Conference (SEC) Championship and rushed 113 yards and scored 3 touchdowns in the championship game;

Whereas, in 2009, Mark Ingram broke the University of Alabama single-season rushing record with 1,542 yards, was named the SEC offensive player of the year, scored 18 total touchdowns, and finished the season with 322 receiving yards;

Whereas, in 2009, Mark Ingram was named an All SEC First Team Selection, a Walter Camp 1st team All-American, and an American Football Coaches Association All-American;

Whereas Mark Ingram is the first Heisman Trophy winner from the University of Alabama;

Whereas Mark Ingram is only the third sophomore in history to win the Heisman Trophy;

Whereas Mark Ingram has made the Dean's List at the University of Alabama;

Whereas Mark Ingram's Heisman win brings tremendous pride to his hometown of Flint, Michigan;

Whereas, December 12, 2009, has been declared Mark Ingram Day in the City of Flint;

Whereas the sport of football is an important national pastime that helps foster teamwork, leadership skills, sportsmanship, and camaraderie; and

Whereas football can help build self-esteem and promote exercise and a more active and healthy lifestyle: Now, therefore, be it

Resolved, That the House of Representatives congratulates Flint native and running back Mark Ingram on winning the 2009 Heisman Trophy and honors both his athletic and academic achievements.

The SPEAKER pro tempore, Ms. BERKLEY, recognized Mr. KILDEE and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. BERKLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶3.7 ILLINOIS MATHEMATICS AND SCIENCE ACADEMY

Mr. KILDEE moved to suspend the rules and agree to the following resolution (H. Res. 862); as amended:

Whereas the United States House of Representatives has repeatedly recognized in passed legislation the importance of science, technology, engineering, and math education at all levels as a necessary part of strengthening the future of scientific research in the United States;

Whereas the Intel Corporation holds an annual ''Intel Schools of Distinction'' competition in which schools compete for grants by demonstrating an environment and curricula that demonstrates 21st century teaching and learning, with a focus on mathematics and science;

Whereas the annual Intel School of Distinction awards recognize United States schools that implement innovative math and science programs and serve as role models for other schools;

Whereas each year, only one school across the country is selected through this competition as the ''Star Innovator'' among the 18 finalists receiving the Intel Schools of Distinction honor;

Whereas, on September 15, 2009, the Illinois Mathematics and Science Academy, a State-supported boarding school serving 650 of Illinois' top high school mathematics students, was selected as the 2009 Star Innovator in the Intel Schools of Distinction competition;

Whereas Illinois Mathematics and Science Academy alum are currently working at the head of their fields in such diverse industries as aerospace engineering, biotechnology, forensic science, and academic institutions across the globe;

Whereas Leon Lederman, the recipient of the Nobel Prize in Physics in 1988, worked to create the Illinois Mathematics and Science Academy as a school that could not only provide children with an invaluable education in science and mathematics, but also to train thousands of Illinois teachers in the art of teaching those skills; and

Whereas the Illinois Mathematics and Science Academy has clearly demonstrated a continued dedication to offering the kind of education necessary to create future generations of scientists in the United States, and thus secure the future of scientific research in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the staff, students, and faculty at the Illinois Mathematics and Science Academy on this award and wish them well in all their future endeavors; and be it further; and

(2) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the Illinois Math and Science Academy for appropriate display.

The SPEAKER pro tempore, Ms. BERKLEY, recognized Mr. KILDEE and Mr. PLATTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. BERKLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶3.8 NORTH CENTRAL COLLEGE CROSS COUNTRY

Mr. KILDEE moved to suspend the rules and agree to the following resolution (H. Res. 1001):

Whereas the North Central College Cardinals' men's cross country team won the NCAA Division III National Championship on November 21, 2009;

Whereas all seven North Central College team members that competed in the championship earned All-American status;

Whereas the 2009 championship Cardinals team is comprised of Neal Klein, Michael Spain, Ryan Carrigan, Nathaniel Hird, Kyle Brady, Nathan Rutz, Sean Carlson, and head Coach Al Carius;

Whereas the North Central College Cardinals compete in 22 intercollegiate sports and study more than 55 different majors;

Whereas North Central College, located in Naperville, Illinois, is a four-year liberal arts college with students from 31 States and 23 countries; and

Whereas the North Central College men's cross country team national title is one example of the excellence students have demonstrated in athletics, as well as academics and all areas of collegiate life: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates North Central College and its athletes, coaches, faculty students, and alumni on the winning of the 2009 NCAA Division III men's cross country championship; and

(2) recognizes North Central College for excellence in academics, athletics, and collegiate life.

The SPEAKER pro tempore, Ms. BERKLEY, recognized Mr. KILDEE and Mr. PLATTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. BERKLEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶3.9 DR. MARTIN LUTHER KING, JR.

Mr. KILDEE moved to suspend the rules and agree to the following resolution (H. Res. 1002):

Whereas the King Holiday and Service Act, a law designating Martin Luther King, Jr. Day as a national day of volunteer service, was signed into law in 1994;

Whereas millions of individuals have been inspired by the life and work of Dr. Martin

Luther King, Jr. to serve their neighbors and communities every 3rd Monday of January;

Whereas the 2009 Martin Luther King, Jr. Day of Service marked a milestone in the service movement, bringing together more than 1 million volunteers who served in more than 13,000 projects nationwide;

Whereas serving one's community for the betterment of every individual speaks to the high character, transformative world view, and everyday practice of Dr. Martin Luther King, Jr.;

Whereas the efforts of national service volunteers have been a steadfast foundation of our Nation's infrastructure, supporting not only individuals and families in need, but acting in response to national catastrophes and natural disasters;

Whereas the importance of service was recognized through the signing of the Edward M. Kennedy Serve America Act (Public Law 111–13) in April 2009;

Whereas individuals have the opportunity to participate in thousands of scheduled community service projects and events all across the Nation, as well as to create and implement community service projects where a need for such projects has been identified;

Whereas the Corporation for National and Community Service is working with the Martin Luther King, Jr. Center for Nonviolent Social Change and thousands of other nonprofit, community, national service, and education organizations across the Nation to encourage individuals to serve on this holiday and throughout the year; and

Whereas leaders at the Federal, State, and local level are planning to use Martin Luther King, Jr. Day to rally our Nation to commit to serve and make an ongoing commitment to service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages all individuals in the United States to pay tribute to the life and works of Dr. Martin Luther King, Jr. through participation in community service projects on Martin Luther King, Jr. Day;

(2) recognizes the inherent value of community service and volunteerism in the creation of civil society and as a means of nonviolent community progress consistent with the works of Dr. Martin Luther King, Jr.;

(3) recognizes the benefits of the collaborative work by the many organizations that promote, facilitate, and carry out needed service projects nationwide;

(4) encourages its members and colleagues to urge their constituents to participate in community service projects; and

(5) acknowledges that by serving one's country, one's community, and one's neighbor our Nation makes progress in civility, equality, and unity consistent with the values and life's work of Dr. Martin Luther King, Jr.

The SPEAKER pro tempore, Ms. BERKLEY, recognized Mr. KILDEE and Mr. PLATTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. BERKLEY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KILDEE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. BERKLEY, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶3.10 INITIATIVES OF CHICAGO WILDERNESS

Mr. KILDEE moved to suspend the rules and agree to the following resolution (H. Res. 860); as amended:

Whereas in 2007, the Chicago Wilderness, an alliance of over 240 organizations contributing to the quality of life in Chicago, launched the ''Leave No Child Inside'' initiative with the goal to get more children outside and to increase the amount and quality of time they spend there;

Whereas unstructured, outdoor play is important for the wholesome, balanced development of the cognitive, emotional, social, and physical skills of children;

Whereas research has demonstrated that outdoor play helps children manage stress;

Whereas it is shown that natural spaces stimulate children's limitless imagination and foster creativity;

Whereas children who connect with nature become more inventive and better problem-solvers due to the hands-on learning that outdoor environments provide;

Whereas participation in summer camp has been shown to increase the self-esteem scores of children from low-income areas;

Whereas hiking and walking activities have been shown to lower high blood pressure, decrease anxiety, and combat obesity;

Whereas being active in outdoor activities, such as fishing, is correlated with reduced Attention-Deficit Disorder symptoms;

Whereas the presence of natural amenities near the homes of low-income urban children is associated with higher levels of cognitive functioning;

Whereas children who grow up spending time in nature are also more likely to be strong advocates for the environment when they reach adulthood;

Whereas the Children's Outdoor Bill of Rights joint resolution passed the State of Illinois; and

Whereas the Illinois General Assembly proclaimed June as ''No Child Left Inside Month'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and encourages the Children's Outdoor Bill of Rights commitment to ''Leave No Child Inside'' and fight obesity, physical disorders, and unawareness of natural amenities by promoting quality outdoor activities for children and adults; and

(2) encourages the President to issue a proclamation in support of the goals and ideals of the Children's Outdoor Bill of Rights

The SPEAKER pro tempore, Ms. McCOLLUM, recognized Mr. KILDEE and Mr. PLATTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KILDEE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. McCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶3.11 E.V. WILKINS POST OFFICE

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 3892) to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office''.

The SPEAKER pro tempore, Ms. McCOLLUM, recognized Mr. LYNCH and Mr. LUETKEMEYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. McCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶3.12 SERGEANT MATTHEW L. INGRAM POST OFFICE

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 4139) to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the ''Sergeant Matthew L. Ingram Post Office''.

The SPEAKER pro tempore, Ms. McCOLLUM, recognized Mr. LYNCH and Mr. LUETKEMEYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶3.13 DOCUMENTS RELATING TO FRANKLIN DELANO ROOSEVELT

Mr. LYNCH moved to suspend the rules and pass the bill of the Senate (S. 692) to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

The SPEAKER pro tempore, Ms. McCOLLUM, recognized Mr. LYNCH and Mr. LUETKEMEYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶3.14 OVERSIGHT AUTHORITIES OF THE COMPTROLLER GENERAL

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 2646) to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes.

The SPEAKER pro tempore, Ms. McCOLLUM, recognized Mr. LYNCH and Mr. KUCINICH, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶3.15 NATIONAL AND COMMERCIAL SPACE PROGRAMS

Mr. COHEN moved to suspend the rules and pass the bill (H.R. 3237) to enact certain laws relating to national and commercial space programs as title 51, United States Code, ''National and Commercial Space Programs''.

The SPEAKER pro tempore, Ms. McCOLLUM, recognized Mr. COHEN and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶3.16 RECESS—1 P.M.

The SPEAKER pro tempore, Ms. McCOLLUM, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock p.m., subject to the call of the Chair.

¶3.17 AFTER RECESS—3:05 P.M.

The SPEAKER pro tempore, Mr. DRIEHAUS, called the House to order.

¶3.18 VETO OF H.J. RES. 64—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced the unfinished business to be the question whether the House, on reconsideration, will pass the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes, the objections of the President to the contrary notwithstanding.

Will the House, on reconsideration, pass the joint resolution, the objections of the President to the contrary notwithstanding?

In accord with the Constitution, the yeas and nays are ordered.

It was decided in the negative .....

Yeas	143
Nays	245
Answered present	1

¶3.19 [Roll No. 2]

YEAS—143

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp
Cantor
Capito
Carney
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Emerson
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Petri
Pitts
Platts
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NAYS—245

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Butterfield
Buyer
Cao
Capps
Capuano
Carnahan
Carson (IN)
Castle
Castor (FL)
Childers
Chu
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Foxx
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Hall (NY)
Halvorson
Hare
Heinrich
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Thompson (PA)

NOT VOTING—44

Abercrombie
Barrow
Berman
Berry
Bilbray
Boustany
Boyd
Calvert
Campbell
Cardoza
Chandler
Clyburn
Costa
Crenshaw
Davis (AL)
Deal (GA)
Ehlers
Frank (MA)
Gallegly
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Johnson, E.B.
Kind
Kirk
Lewis (CA)
Lewis (GA)
Meeks (NY)
Moore (WI)
Pingree (ME)
Poe (TX)
Radanovich
Rahall
Rangel
Ros-Lehtinen
Schwartz

Shuler
Shuster
Tanner
Wamp
Waters
Waxman

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that 143 Members had voted in the affirmative and 245 Members had voted in the negative, and 1 Member had voted present.

So, two-thirds of the Members present not having voted in favor thereof, the joint resolution was not passed.

The veto message and the joint resolution, together with the accompanying papers, were referred to the Committee on Appropriations.

Ordered, That the Clerk notify the Senate thereof.

¶3.20 MOMENT OF SILENCE IN MEMORY OF PAULA NOWAKOWSKI

The SPEAKER pro tempore, Mr. George MILLER of California, announced that all Members stand and observe a moment of silence in memory of Paula Nowakowski.

¶3.21 H. RES. 1002—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1002) honoring the life and work of Dr. Martin Luther King, Jr. and encouraging the continued commitment to the Martin Luther King, Jr. Day as a national day of service.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 379 Nays 0

¶3.22 [Roll No. 3]

YEAS—379

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

NOT VOTING—54

Abercrombie
Arcuri
Barrow
Barton (TX)
Berman
Berry
Bilbray
Boustany
Boyd
Burgess
Calvert
Campbell
Cardoza
Carter
Chandler
Clyburn
Connolly (VA)
Costa
Crenshaw
Davis (AL)
Deal (GA)
DeFazio
Delahunt
Doyle
Ehlers
Frank (MA)
Gallegly
Grijalva
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Higgins
Johnson, E. B.
Kind
Kirk
Lewis (CA)
Lewis (GA)
Lucas
Marchant
Meeks (NY)
Moore (WI)
Poe (TX)
Radanovich
Rahall
Rangel
Ros-Lehtinen
Shuler
Shuster
Tanner
Wamp
Waters
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶3.23 MOMENT OF SILENCE IN MEMORY OF THE EARTHQUAKE VICTIMS IN HAITI

The SPEAKER announced that all Members stand and observe a moment of silence in memory of the earthquake victims in Haiti.

¶3.24 H. RES. 860—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 860) supporting the initiatives of Chicago Wilderness and the Children's Outdoor Bill of Rights; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 369 Nays 1

¶3.25 [Roll No. 4]

YEAS—369

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett
Bean
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Camp
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Halvorson

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

NAYS—1

Paul

NOT VOTING—63

Abercrombie
Arcuri
Barrow
Barton (TX)
Becerra
Berman
Berry
Bilbray
Bishop (UT)
Boustany
Boyd
Burgess
Calvert
Campbell
Cardoza
Carter
Chandler
Clyburn
Connolly (VA)
Costa
Crenshaw
Davis (AL)
Deal (GA)
Delahunt
Doyle
Ehlers
Frank (MA)
Gallegly
Gohmert
Grijalva
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Higgins
Johnson, E. B.
Kind
King (IA)
Kirk
Lewis (CA)
Lewis (GA)
Lucas
Marchant
Meeks (NY)
Miller (FL)
Miller (NC)
Miller, George
Moore (WI)
Poe (TX)
Radanovich
Rahall
Rangel
Ros-Lehtinen
Ross
Shuler
Shuster
Speier
Tanner
Wamp
Waters
Waxman
Weiner

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶3.26 H.R. 3892—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3892) to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 356 / Nays 1

¶3.27 [Roll No. 5]

YEAS—356

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

NAYS—1

Paul

NOT VOTING—76

Abercrombie
Alexander
Andrews
Arcuri
Barrow
Barton (TX)
Berman
Berry
Bilbray
Boccieri
Boustany
Boyd
Burgess
Calvert
Campbell
Cantor
Cardoza
Carter
Castor (FL)
Chaffetz
Chandler
Clyburn
Connolly (VA)
Costa
Crenshaw
Davis (AL)
Deal (GA)
DeGette
Delahunt
Doyle
Ehlers
Frank (MA)
Gallegly
Garamendi
Gordon (TN)
Grijalva
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Higgins
Hoyer
Johnson (GA)
Johnson, E. B.
Kind
Kirk
Lewis (CA)
Lewis (GA)
Lucas
Marchant
McCotter
McGovern
Meeks (NY)
Melancon
Miller, George
Moore (WI)
Napolitano
Oberstar
Poe (TX)
Quigley
Radanovich
Rahall
Rangel
Ros-Lehtinen
Ross
Rothman (NJ)
Shuler
Shuster
Snyder
Space
Speier
Tanner
Wamp
Waters
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶3.28 ADJOURNMENT OVER

On motion of Ms. DEGETTE, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, January 15, 2010, at 9 a.m.; and further, when the House adjourns on Friday, January 15, 2010, it adjourn to meet at 12:30 p.m. on Tuesday, January 19, 2010, for morning-hour debate.

¶3.29 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CRENSHAW, for today; and

To Mr. POE of Texas, for January 12.

And then,

¶3.30 ADJOURNMENT

On motion of Mrs. BLACKBURN, pursuant to the previous order of the House, at 7 o'clock and 37 minutes p.m., the House adjourned until 9 a.m. on Friday, January 15, 2010.

¶3.31 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3650. A bill to establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia; with an amendment (Rept. 111–396 Pt. 1). Referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

¶3.32 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committee on Natural Resources discharged from further consideration. H.R. 3650 referred to the Committee of the Whole House on the state of the Union.

¶3.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. SPEIER (for herself, Ms. DELAURO, Ms. SCHAKOWSKY, Mr. ISRAEL, Ms. SUTTON, and Mr. PERRIELLO):

H.R. 4428. A bill to prohibit the manufacture, sale, or distribution in commerce of children's jewelry containing cadmium, barium, or antimony, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ADLER of New Jersey (for himself, Mr. MCMAHON, Mr. MICA, and Mr. YOUNG of Florida):

H.R. 4429. A bill to provide for an increase of $250 in benefits under certain Federal cash benefit programs for one month in 2010 to compensate for the lack of a cost-of-living adjustment for that year; to the Committee on Ways and Means, and in addition to the Committees on Appropriations, Veterans' Affairs, Oversight and Government Reform, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHAFFETZ (for himself and Mr. JORDAN of Ohio):

H.R. 4430. A bill to protect the democratic process and the right of the people of the District of Columbia to define marriage; to the Committee on Oversight and Government Reform.

By Mr. GRAYSON:

H.R. 4431. A bill to amend the Internal Revenue Code of 1986 to impose a 500 percent excise tax on corporate contributions to political committees and on corporate expenditures on political advocacy campaigns; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 4432. A bill to direct the Securities and Exchange Commission to revise its reporting requirements to require public companies to report certain expenditures made to influence public opinion on any matter other than the promotion of the company's products or services; to the Committee on Financial Services.

By Mr. GRAYSON:

H.R. 4433. A bill to make the antitrust laws applicable to a political committee under the Federal Election Campaign Act of 1971 which is established and administered by a separate segregated fund of a corporation pursuant to section 316(b)(2)(C) of such Act; to the Committee on the Judiciary.

By Mr. GRAYSON:

H.R. 4434. A bill to amend the Federal Election Campaign Act of 1971 to extend the ban on the making of contributions by certain government contractors to other for-profit recipients of Federal funds, to limit the amount of contributions the employees of for-profit recipients of Federal funds may make during any calendar year in which such funds are provided, and for other purposes; to the Committee on House Administration.

By Mr. GRAYSON:

H.R. 4435. A bill to amend the Securities Exchange Act of 1934 to prohibit any national securities exchange from effecting any transaction in a security issued by a corporation unless the corporation's registration with the exchange includes a certification that the corporation currently is in compliance with the provisions of the Federal Election Campaign Act of 1971 governing contributions and expenditures by corporations which were in effect with respect to elections held during 2008; to the Committee on Financial Services.

By Ms. ROS-LEHTINEN (for herself, Mr. MCCOTTER, Mr. GALLEGLY, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. MACK, Mr. INGLIS, Mr. WOLF, Mr. LINDER, and Mr. LAMBORN):

H.R. 4436. A bill to direct the Secretary of State to submit to Congress an annual report on exports of weapons and related services by the Government of Belarus and Belarusian enterprises and related matters; to the Committee on Foreign Affairs.

By Mr. ETHERIDGE (for himself, Mr. KAGEN, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. HINCHEY, Mr. COURTNEY, Mr. SKELTON, Mr. BUTTERFIELD, and Mr. PRICE of North Carolina):

H.R. 4437. A bill to amend the Internal Revenue Code of 1986 to allow employers a refundable credit for increasing employment; to the Committee on Ways and Means.

By Mr. RODRIGUEZ (for himself, Mr. CUELLAR, Mr. SMITH of Texas, and Mr. GONZALEZ):

H.R. 4438. A bill to authorize the Secretary of the Interior to enter into an agreement to lease space from a nonprofit group or other government entity for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes; to the Committee on Natural Resources.

By Mr. COHEN (for himself and Mr. DOGGETT):

H.R. 4439. A bill to amend the Internal Revenue Code of 1986 to impose the same rate of tax on pipe tobacco as is imposed on roll-your-own tobacco; to the Committee on Ways and Means.

By Mr. MCNERNEY (for himself and Mr. HALL of New York):

H.R. 4440. A bill to amend title 37, United States Code, to increase the maximum monthly rate for the military special pay known as hostile fire pay, imminent danger pay, or hazardous duty pay, to increase the maximum monthly rate for the family separation allowance paid to deployed members of the Armed Forces, and to increase other special and incentive pays to recognize the service of members of the Armed Forces and encourage recruitment and retention; to the Committee on Armed Services.

By Mr. BARRETT of South Carolina:

H.R. 4441. A bill to amend the Immigration and Nationality Act to bar the admission of aliens from countries determined to be state sponsors of terrorism, to prohibit the use of funds to transfer enemy combatants detained at Naval Station, Guantanamo Bay, Cuba, to facilities in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 4442. A bill to direct the Secretary of Homeland Security to conduct a study and submit a report to Congress on the use of explosives detection technologies in air transportation, and for other purposes; to the Committee on Homeland Security.

By Mrs. HALVORSON:

H.R. 4443. A bill to amend the Internal Revenue Code of 1986 to increase the work opportunity tax credit for hiring veterans; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 4444. A bill to prohibit the Federal Government from awarding contracts or grants to, entering into other agreements with, providing any other Federal funds to, or engaging in activities that promote, certain organizations; to the Committee on Oversight and Government Reform.

By Mr. HEINRICH (for himself, Mr. LUJÁN, and Mr. TEAGUE):

H.R. 4445. A bill to amend Public Law 95-232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico; to the Committee on Natural Resources.

By Mr. HELLER (for himself, Ms. TITUS, and Ms. BERKLEY):

H.R. 4446. A bill to amend the Victims of Child Abuse Act of 1990 to strengthen juvenile and family courts; to the Committee on the Judiciary.

By Mr. JOHNSON of Illinois:

H.R. 4447. A bill to impose a moratorium on the use of appropriated funds for official travel outside of the United States by Members, officers, and employees of the House of

Representatives until the Comptroller General issues a report on the costs of such travel and makes recommendations regarding appropriate restrictions and reporting requirements on such travel; to the Committee on House Administration.

By Mr. MASSA (for himself, Mr. MAFFEI, Mrs. MALONEY, Mr. HIGGINS, Mr. HINCHEY, Mr. TONKO, Mr. RANGEL, Mr. BISHOP of New York, Mr. NADLER of New York, Mr. ISRAEL, Mr. MCMAHON, and Mr. SESTAK):

H.R. 4448. A bill to direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Newtown Battlefield located in Chemung County, New York, and the suitability and feasibility of its inclusion in the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. MCCARTHY of California (for himself and Mr. HARPER):

H.R. 4449. A bill to direct the Election Assistance Commission to make payments to reimburse States for costs incurred in establishing online voter registration programs, and for other purposes; to the Committee on House Administration.

By Mr. MOORE of Kansas (for himself, Mrs. BIGGERT, Mr. TOWNS, and Mr. ISSA):

H.R. 4450. A bill to establish an interim Inspector General for the Federal Housing Finance Agency; to the Committee on Financial Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of Connecticut:

H.R. 4451. A bill to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; to the Committee on Energy and Commerce.

By Ms. NORTON:

H.R. 4452. A bill to amend the Public Health Service Act to provide for a national program to conduct and support activities toward the goal of significantly reducing the number of cases of overweight and obesity among individuals in the United States; to the Committee on Energy and Commerce.

By Mr. ROGERS of Michigan (for himself, Mr. BUCHANAN, Ms. ROS-LEHTINEN, and Mr. MARCHANT):

H.R. 4453. A bill to require the President to revoke Executive Order 13524 and restore the words removed by that Order; to the Committee on Foreign Affairs.

By Mr. STEARNS (for himself and Mr. ISRAEL):

H.R. 4454. A bill to amend the Fraud Enforcement and Recovery Act of 2009 to require the Financial Crisis Inquiry Commission to make a preliminary report no later than June 15, 2010; to the Committee on Financial Services.

By Mr. THOMPSON of California (for himself and Mr. LINDER):

H.R. 4455. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 4456. A bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WEINER (for himself and Mr. MCMAHON):

H.R. 4457. A bill to provide for the payment to the City of New York and Washington, D.C. of amounts attributable to the unpaid fully adjudicated parking fines and penalties issued to foreign governments, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 4458. A bill to increase public safety and reduce recidivism rates by creating a 3-year pilot program under which the Attorney General provides grants to correctional facilities to establish a 40-hour work week curriculum of responsible activities for incarcerated individuals; to the Committee on the Judiciary.

By Mr. WOLF:

H.R. 4459. A bill to amend title 49, United States Code, to establish a 10-year term of office for any individual appointed as the Assistant Secretary of Homeland Security (Transportation Security Administration), and for other purposes; to the Committee on Homeland Security.

By Mr. FILNER:

H. Con. Res. 226. Concurrent resolution supporting the observance of ''Spirit of '45 Day''; to the Committee on Oversight and Government Reform.

By Mr. TOWNS (for himself, Mr. HASTINGS of Florida, Ms. MATSUI, Mr. SIRES, and Ms. NORTON):

H. Con. Res. 227. Concurrent resolution supporting the goals and ideals of National Urban Crimes Awareness Week; to the Committee on the Judiciary.

By Mr. BACHUS (for himself, Mr. DAVIS of Alabama, Mr. BONNER, Mr. GRIFFITH, Mr. ADERHOLT, Mr. BRIGHT, and Mr. ROGERS of Alabama):

H. Res. 1007. A resolution commending the University of Alabama for winning the Bowl Championship Series National Championship Game; to the Committee on Education and Labor.

By Mr. LIPINSKI (for himself, Mr. SMITH of New Jersey, Mr. AKIN, Mr. AUSTRIA, Mr. BACA, Ms. BORDALLO, Mr. CAO, Mrs. CHRISTENSEN, Mr. DAVIS of Kentucky, Mr. DONNELLY of Indiana, Mr. DRIEHAUS, Ms. ESHOO, Mr. GINGREY of Georgia, Mr. HARE, Ms. HIRONO, Mr. HOLT, Mr. JONES, Mr. LATTA, Mr. MANZULLO, Ms. MCCOLLUM, Mr. MCCOTTER, Mr. MCHENRY, Mr. MCMAHON, Mr. MICHAUD, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. QUIGLEY, Mr. ROTHMAN of New Jersey, Mr. SESSIONS, Mr. SESTAK, Mr. SOUDER, Mr. STUPAK, Mr. TEAGUE, Mr. TIBERI, Mr. WILSON of South Carolina, Mr. INGLIS, Mr. RUPPERSBERGER, and Mr. COURTNEY):

H. Res. 1008. A resolution honoring the contributions of Catholic schools; to the Committee on Education and Labor.

By Mr. REYES (for himself, Mr. HASTINGS of Florida, Ms. ESHOO, Mr. HOLT, Mr. RUPPERSBERGER, Mr. TIERNEY, Mr. THOMPSON of California, Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SCHIFF, Mr. SMITH of Washington, Mr. BOREN, Mr. HOEKSTRA, Mr. GALLEGLY, Mr. THORNBERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. BLUNT, Mr. MILLER of Florida, Mr. CONAWAY, and Mr. KING of New York):

H. Res. 1009. A resolution honoring the seven Americans killed in Khost, Afghanistan, on December 30, 2009, for their service to the United States, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. CONYERS (for himself, Mr. LEWIS of Georgia, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. NADLER of New York, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. GONZALEZ, Mr. SCOTT of Virginia, and Mr. COHEN):

H. Res. 1010. A resolution celebrating the life and work of Dr. Martin Luther King, Jr. during the 30th anniversary of the Stevie Wonder song tribute to Dr. King, ''Happy Birthday'', and for other purposes; to the Committee on the Judiciary.

By Mrs. HALVORSON (for herself, Mrs. CHRISTENSEN, Ms. GIFFORDS, Mr. MCMAHON, Ms. WASSERMAN SCHULTZ, Mr. SNYDER, Mr. POSEY, Mr. TEAGUE, Mr. QUIGLEY, Mr. BOOZMAN, Ms. DELAURO, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. RANGEL, Mr. LEVIN, Ms. CLARKE, Mrs. DAVIS of California, Ms. KOSMAS, Ms. KILROY, Ms. JACKSON LEE of Texas, Ms. NORTON, Mr. CARDOZA, Ms. MCCOLLUM, Mrs. CAPPS, Ms. RICHARDSON, Mr. CONYERS, Mr. BISHOP of Georgia, Mrs. NAPOLITANO, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Ms. BALDWIN, Mrs. BLACKBURN, Mrs. MALONEY, Mr. HARE, Mr. WU, Ms. MATSUI, Mr. MAFFEI, Mr. BISHOP of New York, Mrs. DAHLKEMPER, Mr. HEINRICH, Ms. MARKEY of Colorado, Mr. NADLER of New York, Mr. HASTINGS of Florida, Ms. SUTTON, Ms. ZOE LOFGREN of California, Mr. LIPINSKI, Mr. SCHOCK, Mr. HINOJOSA, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ESHOO, Ms. TITUS, Mr. HILL, Mr. COHEN, Ms. GINNY BROWN-WAITE of Florida, and Ms. EDWARDS of Maryland):

H. Res. 1011. A resolution recognizing the importance of cervical health and of detecting cervical cancer during its earliest stages and supporting the goals and ideals of Cervical Health Awareness Month; to the Committee on Energy and Commerce.

By Mr. LATTA (for himself and Ms. KAPTUR):

H. Res. 1012. A resolution commending the 175th anniversary of The Blade, a newspaper in Toledo, Ohio; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. PAYNE, and Mr. SMITH of New Jersey):

H. Res. 1013. A resolution condemning the violent suppression of legitimate political dissent and gross human rights abuses in the Republic of Guinea; to the Committee on Foreign Affairs.

By Mr. TOWNS:

H. Res. 1014. A resolution recognizing and supporting the goals and ideals of North American Inclusion Month; to the Committee on Oversight and Government Reform.

¶3.34 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced a bill (H.R. 4460) for the relief of Pablo Eduardo Perrone and Maria Cristina Lemos; which was referred to the Committee on the Judiciary.

¶3.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. MARIO DIAZ-BALART of Florida.
H.R. 82: Mr. PAUL.
H.R. 144: Mr. CONYERS.
H.R. 272: Mr. NEUGEBAUER.
H.R. 389: Ms. WOOLSEY.
H.R. 442: Mr. CAMPBELL.
H.R. 450: Mr. AKIN and Mr. MARCHANT.
H.R. 622: Mr. SCALISE.
H.R. 678: Mr. KIRK, Mr. GORDON of Tennessee, Mr. CUMMINGS, Mr. CARSON of Indiana, Mr. TERRY, Mr. DELAHUNT, Mr. BOOZMAN, Mr. RUPPERSBERGER, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. PASTOR of Arizona.
H.R. 704: Mr. MELANCON.

H.R. 734: Mr. TONKO, Ms. DELAURO, and Mr. LUJÁN.
H.R. 868: Ms. LINDA T. SÁNCHEZ of California.
H.R. 881: Mr. FLEMING and Mr. BILIRAKIS.
H.R. 886: Mr. SESSIONS and Mr. THOMPSON of Pennsylvania.
H.R. 959: Mr. TIM MURPHY of Pennsylvania.
H.R. 1067: Mr. LOBIONDO.
H.R. 1079: Mr. FRANKS of Arizona and Mr. RYAN of Ohio.
H.R. 1126: Ms. MATSUI, Ms. SCHAKOWSKY, Mr. FILNER, and Mr. GUTIERREZ.
H.R. 1179: Ms. ZOE LOFGREN of California.
H.R. 1283: Mr. HODES.
H.R. 1326: Mr. CONYERS, Mr. SIRES, and Mr. INSLEE.
H.R. 1347: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1361: Mr. TONKO.
H.R. 1476: Ms. HERSETH SANDLIN.
H.R. 1499: Mr. CONNOLLY of Virginia.
H.R. 1526: Mr. GENE GREEN of Texas and Mr. NYE.
H.R. 1557: Mr. SMITH of New Jersey.
H.R. 1597: Mr. JOHNSON of Illinois.
H.R. 1623: Mr. KING of New York.
H.R. 1625: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1643: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1670: Mr. LUJÁN.
H.R. 1677: Mr. OWENS.
H.R. 1685: Mr. DAVIS of Illinois.
H.R. 1796: Mr. SESTAK.
H.R. 1806: Mr. CARTER.
H.R. 1821: Mr. TEAGUE.
H.R. 1835: Mr. TONKO and Mr. POE of Texas.
H.R. 1844: Mr. LIPINSKI.
H.R. 1875: Mr. VISCLOSKY.
H.R. 1908: Mr. HEINRICH.
H.R. 1948: Mrs. BLACKBURN.
H.R. 1956: Ms. PINGREE of Maine.
H.R. 1990: Mr. ROSS.
H.R. 1995: Ms. WATERS.
H.R. 2006: Mr. WILSON of Ohio.
H.R. 2057: Mr. SENSENBRENNER.
H.R. 2112: Mr. SCOTT of Georgia and Mr. GUTIERREZ.
H.R. 2135: Mr. TONKO, Mr. GRAVES, Mr. PLATTS, Mr. REICHERT, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 2254: Mr. MOLLOHAN, Mr. WATT, Mr. CHANDLER, and Mr. WEINER.
H.R. 2267: Mr. MELANCON and Mr. ENGEL.
H.R. 2268: Mr. MAFFEI.
H.R. 2287: Mr. ROGERS of Michigan.
H.R. 2303: Ms. NORTON.
H.R. 2324: Mr. GARAMENDI, Mr. MAFFEI, and Mr. FATTAH.
H.R. 2365: Mr. LIPINSKI.
H.R. 2377: Mr. REICHERT and Mr. BRIGHT.
H.R. 2425: Mr. PRICE of North Carolina.
H.R. 2443: Mr. HOLDEN.
H.R. 2480: Mr. HIMES, Mr. PRICE of North Carolina, Ms. BERKLEY, Mr. LATOURETTE, Mrs. DAHLKEMPER, Mr. ENGEL, Mr. TONKO, Mr. JOHNSON of Illinois, Mr. WHITFIELD, Mr. SNYDER, Mr. SCHAUER, Mr. UPTON, Mrs. HALVORSON, Mr. ADERHOLT, Mr. SIRES, and Ms. KOSMAS.
H.R. 2492: Mr. POLIS of Colorado, Mr. POMEROY, and Mr. COURTNEY.
H.R. 2493: Mr. SHULER, Mr. OWENS, Mr. ARCURI, and Mr. JOHNSON of Georgia.
H.R. 2542: Mr. THOMPSON of Mississippi, Mr. CARTER, Mr. BILIRAKIS, and Mr. SMITH of Washington.
H.R. 2546: Mr. BRADY of Pennsylvania.
H.R. 2555: Mr. MEEKS of New York.
H.R. 2578: Mr. CLEAVER.
H.R. 2584: Mr. COURTNEY, Ms. VELÁZQUEZ, and Mr. FRANKS of Arizona.
H.R. 2624: Mr. REICHERT and Mr. MARIO DIAZ-BALART of Florida.
H.R. 2625: Mr. POLIS of Colorado.
H.R. 2698: Ms. SUTTON.
H.R. 2699: Ms. SUTTON.
H.R. 2737: Mr. GORDON of Tennessee.
H.R. 2746: Mr. ALTMIRE and Ms. DEGETTE.
H.R. 2766: Mr. CAPUANO.
H.R. 2818: Mr. LUJÁN.
H.R. 2819: Mr. FARR and Mrs. MCCARTHY of New York.
H.R. 2881: Mr. LEE of New York.
H.R. 2882: Mr. LEWIS of Georgia, Mr. SIRES, Mr. RUPPERSBERGER, and Mr. DRIEHAUS.
H.R. 2906: Mr. CONNOLLY of Virginia.
H.R. 2969: Ms. NORTON and Mr. TONKO.
H.R. 2979: Mr. DRIEHAUS, Ms. CLARKE, Mr. CONYERS, Ms. KAPTUR, Mr. LEWIS of Georgia, and Mr. RUPPERSBERGER.
H.R. 3012: Mr. GEORGE MILLER of California.
H.R. 3025: Mr. GORDON of Tennessee.
H.R. 3039: Ms. BORDALLO.
H.R. 3047: Ms. MOORE of Wisconsin, Mr. RUSH, Mrs. MCCARTHY of New York, Ms. CORRINE BROWN of Florida, and Mr. JOHNSON of Georgia.
H.R. 3131: Mr. THORNBERRY.
H.R. 3149: Mr. CUMMINGS and Mr. HALL of New York.
H.R. 3164: Mr. JOHNSON of Illinois.
H.R. 3240: Ms. KOSMAS, Mr. LANCE, and Mr. OLSON.
H.R. 3249: Mr. SABLAN.
H.R. 3308: Mr. LATOURETTE.
H.R. 3321: Mr. BRALEY of Iowa, Mr. TONKO, Mr. AL GREEN of Texas, and Mr. SESTAK.
H.R. 3349: Mr. MCINTYRE.
H.R. 3363: Mr. YOUNG of Florida.
H.R. 3401: Mr. JOHNSON of Georgia and Ms. FUDGE.
H.R. 3402: Ms. FUDGE.
H.R. 3408: Ms. SCHWARTZ, Mr. GRIJALVA, and Mr. KENNEDY.
H.R. 3421: Mr. LYNCH, Mr. LUJÁN, and Mr. LIPINSKI.
H.R. 3464: Mr. PLATTS and Mr. COURTNEY.
H.R. 3488: Mr. BISHOP of Georgia.
H.R. 3502: Mr. WOLF, Mr. WITTMAN, and Mr. JOHNSON of Illinois.
H.R. 3517: Mr. SESTAK.
H.R. 3519: Ms. HERSETH SANDLIN.
H.R. 3554: Mr. SCHAUER.
H.R. 3577: Mr. CONNOLLY of Virginia.
H.R. 3578: Mr. REICHERT.
H.R. 3589: Mr. FRELINGHUYSEN.
H.R. 3592: Mr. SESTAK.
H.R. 3641: Mr. CONNOLLY of Virginia.
H.R. 3668: Mr. ALEXANDER, Mr. TAYLOR, Mr. OLVER, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. PLATTS, Mr. GERLACH, Ms. SHEA-PORTER, Mr. JOHNSON of Georgia, Mr. BACA, Mr. GUTIERREZ, Mr. BOREN, Mr. CARDOZA, Mr. CHANDLER, Mr. ENGEL, Mr. OBERSTAR, Ms. KOSMAS, and Mr. COBLE.
H.R. 3670: Mr. DOGGETT and Mr. CONNOLLY of Virginia.
H.R. 3682: Mr. SCHIFF.
H.R. 3706: Mr. SOUDER.
H.R. 3715: Mr. LUJÁN and Mr. HINCHEY.
H.R. 3727: Mr. CONNOLLY of Virginia.
H.R. 3731: Ms. ROS-LEHTINEN and Mr. FOSTER.
H.R. 3742: Mr. KLINE of Minnesota, Mr. SCHAUER, Mr. PAYNE, and Mr. CHANDLER.
H.R. 3749: Mr. INGLIS.
H.R. 3752: Mr. MURTHA.
H.R. 3764: Ms. CORRINE BROWN of Florida.
H.R. 3797: Mr. SCALISE.
H.R. 3803: Mr. TERRY.
H.R. 3827: Mr. SESTAK.
H.R. 3943: Mrs. MCMORRIS RODGERS, Mr. KAGEN, and Mr. BISHOP of Georgia.
H.R. 3995: Mr. HINCHEY.
H.R. 4037: Mr. CONYERS and Ms. FUDGE.
H.R. 4043: Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. PAYNE, Mr. MCGOVERN, and Mr. FORBES.
H.R. 4054: Mr. WITTMAN.
H.R. 4060: Mr. BISHOP of Utah, Mrs. LUMMIS, Mr. CHAFFETZ, and Mr. REHBERG.
H.R. 4064: Mr. ROGERS of Michigan.
H.R. 4068: Mr. WOLF.
H.R. 4099: Mr. CONNOLLY of Virginia.
H.R. 4102: Mr. CONNOLLY of Virginia.
H.R. 4114: Mr. KILDEE.
H.R. 4125: Mrs. HALVORSON.
H.R. 4127: Mr. RADANOVICH and Mr. BOOZMAN.
H.R. 4128: Mr. VAN HOLLEN, Mr. MOORE of Kansas, Mr. JOHNSON of Georgia, Mr. HONDA, Mr. WEINER, and Ms. ESHOO.
H.R. 4140: Mr. QUIGLEY.
H.R. 4148: Mr. JACKSON of Illinois.
H.R. 4168: Mr. HEINRICH, Mr. FILNER, Ms. GIFFORDS, and Mr. SESTAK.
H.R. 4179: Mr. SESTAK.
H.R. 4199: Mr. PRICE of North Carolina, Mr. WELCH, and Mr. SCHAUER.
H.R. 4226: Mr. SCHOCK and Mr. THOMPSON of California.
H.R. 4233: Mr. BISHOP of Utah and Mr. CHAFFETZ.
H.R. 4241: Ms. BERKLEY.
H.R. 4247: Mr. SESTAK, Mr. PLATTS, Mr. SCOTT of Virginia, Mr. ANDREWS, Mr. FILNER, Mr. ROTHMAN of New Jersey, Mr. GRIJALVA, Mr. SABLAN, Ms. KILROY, and Ms. MCCOLLUM.
H.R. 4249: Mr. COLE.
H.R. 4255: Mr. SKELTON, Mr. TAYLOR, Mr. MCCOTTER, Mr. SPRATT, Mrs. LUMMIS, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. COFFMAN of Colorado, Mr. DAVIS of Tennessee, Mr. ROGERS of Kentucky, and Mr. SPACE.
H.R. 4258: Mr. COURTNEY.
H.R. 4262: Mr. LINDER and Mrs. MCMORRIS RODGERS.
H.R. 4268: Mr. HINCHEY.
H.R. 4269: Mrs. LOWEY and Ms. SCHAKOWSKY.
H.R. 4274: Mr. MCGOVERN, Mr. AL GREEN of Texas, and Ms. MOORE of Wisconsin.
H.R. 4278: Mr. LANGEVIN.
H.R. 4287: Mr. BLUMENAUER and Mr. SESTAK.
H.R. 4295: Mr. PERRIELLO.
H.R. 4296: Mr. PALLONE, Mr. INSLEE, Mr. RYAN of Ohio, Mr. SESTAK, Mr. MOLLOHAN, Mr. ISRAEL, Mr. WU, Ms. BEAN, and Mr. DRIEHAUS.
H.R. 4300: Mr. KAGEN.
H.R. 4309: Mr. PERRIELLO.
H.R. 4312: Mr. SCHOCK.
H.R. 4329: Mr. SCOTT of Virginia, Mr. MORAN of Virginia, and Mr. WOLF.
H.R. 4336: Mrs. EMERSON, Mr. BARTLETT, Mr. MILLER of Florida, Mr. OLSON, and Mr. BISHOP of Utah.
H.R. 4371: Mr. ALEXANDER, Mr. LEE of New York, Mr. WOLF, Mr. PASTOR of Arizona, Mr. CONAWAY, Mr. BLUNT, Mr. TONKO, Mr. CASTLE, Mr. MARIO DIAZ-BALART of Florida, Mr. MCGOVERN, Ms. ROS-LEHTINEN, Mr. WELCH, Mrs. CAPITO, Mr. DONNELLY of Indiana, and Mr. ROGERS of Michigan.
H.R. 4376: Mr. SESTAK.
H.R. 4386: Mr. DOGGETT, Mr. GRIJALVA, Ms. JACKSON LEE of Texas, Mr. HALL of New York, Mr. HOLT, Mr. MOORE of Kansas, Ms. LINDA T. SÁNCHEZ of California, Mr. DEFAZIO, Ms. SHEA-PORTER, Mr. HINCHEY, Mr. COURTNEY, Mr. SMITH of Washington, Ms. ESHOO, Mr. ROTHMAN of New Jersey, Ms. ZOE LOFGREN of California, Ms. CHU, Mr. FARR, and Mr. MCGOVERN.
H.R. 4393: Mr. SCHOCK.
H.R. 4400: Mr. KAGEN, Mr. SALAZAR, and Mr. DUNCAN.
H.R. 4403: Mr. HEINRICH, Mr. HALL of New York, and Mr. ROE of Tennessee.
H.R. 4414: Mr. CUMMINGS, Mr. KAGEN, and Mr. JOHNSON of Georgia.
H.R. 4426: Mr. DOGGETT, Mr. MCDERMOTT, Mr. MCGOVERN, and Mr. HINCHEY.
H. Con. Res. 13: Ms. NORTON.
H. Con. Res. 30: Mr. AUSTRIA.
H. Con. Res. 137: Mr. ENGEL.
H. Con. Res. 170: Mr. GINGREY of Georgia and Mr. TEAGUE.
H. Con. Res. 200: Mr. MURPHY of New York, Mr. GARRETT of New Jersey, Mr. HALL of New York, Mr. ROTHMAN of New Jersey, Ms. GRANGER, and Mr. SENSENBRENNER.

H. Res. 111: Mr. SHUSTER.
H. Res. 278: Mr. DEFAZIO.
H. Res. 526: Mr. JOHNSON of Georgia, Ms. JACKSON LEE of Texas, Ms. CLARKE, Ms. WATSON, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mrs. CHRISTENSEN, Mr. WATT, Ms. FUDGE, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Ms. RICHARDSON, Ms. LEE of California, Ms. KILPATRICK of Michigan, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, Mr. BACA, and Mr. CAPUANO.
H. Res. 554: Ms. BEAN.
H. Res. 615: Mr. PAULSEN.
H. Res. 699: Mr. CARNAHAN.
H. Res. 704: Mr. COSTA, Mr. ROYCE, Ms. RICHARDSON, Mr. LIPINSKI, Mr. SHULER, Ms. SLAUGHTER, Mr. RADANOVICH, Mr. MASSA, Mr. BURTON of Indiana, Mr. MURPHY of Connecticut, Mr. HOLDEN, Mr. LUCAS, Mr. PASCRELL, Mrs. BIGGERT, Mr. MURPHY of New York, and Mr. MCMAHON.
H. Res. 847: Mr. REHBERG, Mr. TIAHRT, Mr. SMITH of Nebraska, and Mr. HALL of Texas.
H. Res. 855: Mr. CONNOLLY of Virginia and Mr. ROTHMAN of New Jersey.
H. Res. 873: Mr. POE of Texas.
H. Res. 901: Mr. SESTAK.
H. Res. 902: Mr. RADANOVICH, Mr. BARTON of Texas, Ms. KILROY, Ms. BORDALLO, Mr. BOUCHER, Mr. MCNERNEY, and Mr. LATTA.
H. Res. 932: Ms. BORDALLO.
H. Res. 936: Mr. WITTMAN.
H. Res. 943: Mr. POLIS of Colorado and Mr. SMITH of Nebraska.
H. Res. 959: Mr. TIAHRT and Mr. BOOZMAN.
H. Res. 960: Mr. SIRES, Mr. MCCOTTER, Mr. SMITH of New Jersey, and Mr. MORAN of Virginia.
H. Res. 977: Mr. TIAHRT, Mr. ROE of Tennessee, Ms. JENKINS, Mr. LIPINSKI, Mr. YOUNG of Florida, and Mr. FORBES.
H. Res. 981: Ms. SCHWARTZ.
H. Res. 986: Mr. SESTAK.
H. Res. 988: Mr. REHBERG.
H. Res. 991: Mr. BOUCHER, Mr. GOODLATTE, Mr. SCOTT of Virginia, Mr. MORAN of Virginia, Mr. WOLF, Mr. INSLEE, Mr. CONNOLLY of Virginia, Mr. KLEIN of Florida, Mr. GRAYSON, Mr. HILL, Mr. WEINER, Mr. KRATOVIL, Mr. SHERMAN, Mr. LOEBSACK, Ms. DEGETTE, Mr. MURPHY of New York, Mr. BLUMENAUER, Mr. WILSON of Ohio, Ms. DELAURO, Ms. KILROY, Mr. KAGEN, Mr. WELCH, Mr. VAN HOLLEN, Mr. ELLISON, Mr. NYE, and Mr. WITTMAN.
H. Res. 997: Ms. SHEA-PORTER, Mr. BRALEY of Iowa, Ms. SLAUGHTER, Mr. CARNAHAN, Mr. YARMUTH, Mr. COURTNEY, Mr. MANZULLO, and Mr. MICHAUD.
H. Res. 1002: Mr. COHEN, Mr. BISHOP of Georgia, and Ms. RICHARDSON.
H. Res. 1003: Ms. CLARKE, Mr. HONDA, Mr. GONZALEZ, Mrs. DAVIS of California, Mr. GARAMENDI, Mr. AL GREEN of Texas, Ms. SCHAKOWSKY, Mr. STARK, Ms. BERKLEY, Mr. SCOTT of Virginia, Mrs. NAPOLITANO, and Ms. WATSON.
H. Res. 1004: Mr. JOHNSON of Illinois, Mrs. BIGGERT, Mrs. HALVORSON, Mr. KIRK, Mr. SCHOCK, Ms. NORTON, Ms. SCHAKOWSKY, Mr. HARE, Mr. RUSH, Mr. SHIMKUS, Mr. FOSTER, Mr. GUTIERREZ, Mr. MANZULLO, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Mr. PRICE of North Carolina, Ms. JACKSON LEE of Texas, Mr. CLEAVER, Ms. BEAN, Mr. BUTTERFIELD, Mr. ROSKAM, Mr. COSTELLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, and Mrs. CHRISTENSEN.
H. Res. 1006: Mr. CHAFFETZ, Mr. LUETKEMEYER, Mr. LAMBORN, Mr. MANZULLO, Mr. GINGREY of Georgia, Mrs. LUMMIS, Mr. BURTON of Indiana, Mr. PAULSEN, Mr. AKIN, Mr. PRICE of Georgia, Ms. FALLIN, Mr. BRADY of Texas, Mr. LATTA, Mrs. BLACKBURN, Mr. JORDAN of Ohio, Mr. DANIEL E. LUNGREN of California, Mr. BROWN of South Carolina, Mr. TIAHRT, Mr. MCHENRY, Mr. SCALISE, Mr. GUTHRIE, Mr. FLEMING, Mr. KING of Iowa, Mr. GOHMERT, Mr. PITTS, Mr. MARCHANT, Mr. BROUN of Georgia, Mr. HARPER, Mr. COLE, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, and Ms. JENKINS.

FRIDAY, JANUARY 15, 2010 (4)

The House was called to order by the SPEAKER.

¶4.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, January 13, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶4.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

5485. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Destin, FL [COTP Mobile-06-001] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5486. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico off of Panama City Beach, FL [COTP Mobile-06-003] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5487. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Caucus Channel and Gulf of Mexico, Pensacola, FL [COTP Mobile-06-004] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5488. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Caucus Channel and Pensacola Bay Channel, Pensacola, FL [COTP Mobile-06-005] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5489. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Debris Field, Lake Michigan, Milwaukee, WI [CGD09-07-033] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5490. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Paradise 4th of July Fireworks, Paradise, MI [CGD09-07-051] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5491. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boomtown Casino Barge, Pascagoula, MS to Biloxi, MS [COTP Mobile-06-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5492. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Put-In-Bay Fourth of July Fireworks, Put-In-Bay, OH [CGD09-07-054] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5493. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cedarville 4th of July Fireworks, Cedarville, MI [CGD09-07-057] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5494. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Three Mile Creek, Mobile, AL [COTP Mobile-06-007] (RIN: 1625-AA00) received Janaury 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5495. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Munising 4th of July Fireworks, Munising, MI [CGD09-07-058] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5496. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sault Ste. Marie 4th of July Fireworks, Sault Ste. Marie, MI [CGD09-07-059] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5497. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Caucus Channel and Gulf of Mexico, Pensacola, FL [COTP Mobile-06-008] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5498. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Captain of the Port Detroit Zone [CGD09-07-067] received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5499. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Au Gres City Fireworks, Saginaw Bay, Au Gres, MI [CGD09-07-072] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5500. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Alpena Fireworks, Thunder Bay, Lake Huron, Alpena, MI [CGD09-07-074] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5501. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marquette 4th of July Fireworks, Marquette, MI [CGD09-07-076] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5502. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gatzaros Fireworks, Lake St. Clair, Grosse Pointe Park, MI [CGD09-07-077] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5503. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Mobile Ship Channel, Mobile, AL [COTP Mobile-06-014] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5504. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harrisville Fireworks Display, Lake Huron, Harrisville, MI [CGD09-07-081] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5505. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Theodore Industrial Canal, Mobile, AL [COTP Mobile-06-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5506. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Erie, Lorain, Ohio. Lakeview Park Summer Triathlon/Duathlon Race [CGD09-07-083] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5507. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Flight for Diabetes Day; Lake Erie, Cleveland, Ohio [CGD09-07-085] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5508. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Erie, Bay Village, Ohio. Huntington Beach Huntington Triathlon/Duathlon Race [CGD09-07-087] (RIN: 1625-AA00) received July 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5509. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Panama City Marina, Panama City, FL [COTP Mobile-06-017] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5510. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USCGC Hollyhock Drive Operations; St. Clair River; Port Huron, MI [CGD09-07-089] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5511. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Canalfest of the Tonawanda's, Niagra River, Tonawanda, NY [CGD09-07-090] (RIN: 1625-AA00) received Janaury 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5512. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tug Across the River; Detroit River; Detroit, MI [CGD09-07-091] (RIN:1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5513. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Harbor Beach Fireworks, Lake Huron, Harbor Beach, MI [CGD09-07-092] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5514. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Launch of Vessel, Menominee River, Marinette, WI [CGD09-07-093] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5515. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, Shute Folly Island, Charleston, South Carolina [COTP Charleston 06-054] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5516. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Charleston Harbor, Patriots Point — USS Yorktown, Mount Pleasant, SC [COTP Charleston 06-085] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5517. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Intracoastal Waterway, Fernandina Beach, FL [COTP Jacksonville 06-075] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5518. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Blue Crab Festival Fireworks Display — St. Johns River, Palatka, FL [COTP Jacksonville 06-076] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5519. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cathedral Parish Festival Fireworks Display — Hospital Creek, St. Augustine, FL [COTP Jacksonville 06-077] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5520. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Restriction of the Tillamook Bay Entrance on the Oregon Coast [CGD13-08-012] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5521. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Greater Jacksonville Kingfish Tournament Fireworks Display, Sisters Creek, Jacksonville, FL [COTP Jacksonville 06-102] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5522. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Terminal 30/Port of Seattle Cruise Terminal, East Duwamish Waterway, Washington [CGD13-08-014] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5523. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Johns River, Green Cove Springs, FL [COTP Jacksonville 06-117] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5524. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kissimmee Holiday Extravaganza Fireworks, West Lake Tohopekaliga, Kissimmee, FL [COTP Jacksonville 06-225] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5525. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pier 67/The Edgewater Inn, Elliott Bay, Washington [CGD13-08-015] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5526. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, St. Johns River, Jacksonville, Florida [COTP Jacksonville 06-258] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5527. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Southwest of Canaveral Barge Canal and Sykes Creek, Merritt Island, FL [COTP Jacksonville 06-229] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5528. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Restriction of the Tillamook Bay Entrance on the Oregon Coast [CGD13-08-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5529. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Apra Harbor, GU [COTP Guam 06-002] (RIN: 1625-AA00) received January 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5530. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tarague Basin, GU [COTP Guam 06-003] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5531. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 1.5NM North of Glass Breakwater, Philippine Sea, GU [COTP Guam 06-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5532. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, HI [COTP Honolulu 06-006] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5533. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of Oregon and Washington Coastal Bars and Entrances [CGD13-06-055] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5534. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Port Charleston, South Carolina [COTP Charleston 06-008] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5535. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of Quillayute River, Washington Coastal Bar [COTP CGD13-06-056] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5536. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, Hog Island Channel, Grace Memorial and Silas Pearman Bridges, Charleston, South Carolina [COTP Charleston 06-025] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5537. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; M/V FAL-91 KOPCAKOE, Callagher Cove, Olympia, Washington [CGD13-07-018] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5538. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Seafair Fireworks, Lake Washington, Washington [CGD13-07-024] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5539. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation (SLR) and Safety Zone Regulations: Seattle Seafair Unlimited Hydroplane Race and Blue Angles Air Show Performance 2007, Lake Washington, WA [CGD13-07-026] (RIN: 1625-AA08 and 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5540. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Parade of Ships, Seattle, Washington [CGD13-07-027) (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5541. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zones: TOP OFF, Freemont and Steel Bridges Safety Zones, Willamette River, Portland, Oregon [CGD13-07-039] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5542. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; Willamette River and Multnomah Channel, all waters within 100 yards radius around the Barge Western Tow [CGD13-07-057] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5543. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Emergency Salvage Operation of Fishing Vessel ANNA MARIE in the surf zone adjacent to an open ocean beach near the Copalis River on the Washington Coast [CGD13-08-008] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5544. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-08-009] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶4.3 ENROLLED BILLS SIGNED

The SPEAKER announced that, pursuant to clause 4 of rule I, she signed the following enrolled bills on Wednesday, January 13, 2010:

H.R. 1377. An Act to amend title 38, United States Code, to expand veteran eligibility for reimbursment by the Secretary of Veterns Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

H.R. 1817. An Act to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the ''John S. Wilder Post Office Building''.

H.R. 2877. An Act to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office''.

H.R. 3072. An Act to designate the facility of the United Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the ''Coach Jodie Bailey Post Office Building''.

H.R. 3319. An Act to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the ''Army Specialist Jeremiah Paul McCleery Post Office Building''.

H.R. 3539. An Act to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the ''Patricia D. McGinty-Juhl Post Office Building''.

H.R. 3667. An Act to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the ''Clyde L. Hillhouse Post Office Building''.

H.R. 3767. An Act to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the ''W. Hazen Hillyard Post Office Building''.

H.R. 3788. An Act to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the ''Corporal Joseph A. Tomci Post Office Building''.

And then,

¶4.4 ADJOURNMENT

On motion of the SPEAKER pro tempore, Ms. EDWARDS of Maryland, by unanimous consent, and pursuant to the special order of the House agreed to on January 13, 2010, at 9 o'clock and 5 minutes a.m., the House adjourned until 12:30 p.m. on Tuesday, January 19, 2010.

¶4.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 725. A bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes (Rept. 111–397 Pt. 1). Referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

¶4.6 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 725 referred to the Committee of the Whole House on the state of the Union.

¶4.7 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. DINGELL introduced a bill (H.R. 4461) to prohibit certain affiliations (between commercial banking and investment banking companies), and for other purposes; which was referred to the Committee on Financial Services.

¶4.8 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. ROGERS of Alabama.
H.R. 510: Ms. BERKLEY.
H.R. 571: Mr. MCDERMOTT and Mr. FRANKS of Arizona.
H.R. 997: Mr. PETERSON.
H.R. 1236: Ms. DEGETTE.
H.R. 1552: Mr. LUJÁN.
H.R. 1585: Mr. BRIGHT.
H.R. 1954: Mrs. MCMORRIS RODGERS.
H.R. 2080: Mr. SESTAK.
H.R. 2369: Mr. LUJÁN.
H.R. 2565: Mr. SESTAK.
H.R. 3007: Mr. SESTAK.
H.R. 3164: Mr. WILSON of Ohio.
H.R. 3245: Mr. DRIEHAUS.
H.R. 3249: Mr. CAO.
H.R. 3380: Mr. LEWIS of Georgia, Mr. CONNOLLY of Virginia, Mr. PITTS, Mr. WALZ, Mr. HALL of New York, and Mr. HOLDEN.
H.R. 3705: Ms. SUTTON, Mr. SIRES, Ms. LEE of California, Mr. COURTNEY, and Mr. GUTIERREZ.
H.R. 3765: Ms. FOXX and Mr. TIAHRT.
H.R. 3957: Mr. HASTINGS of Florida and Mr. SIRES.
H.R. 4107: Mr. SOUDER.
H.R. 4116: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HOLDEN, Ms. FUDGE, Mrs. HALVORSON, and Mr. PETERSON.
H.R. 4210: Ms. KOSMAS.
H.R. 4386: Mr. QUIGLEY and Ms. PINGREE of Maine.
H.R. 4400: Mr. KISSELL and Mr. NEUGEBAUER.
H.R. 4426: Mr. DEFAZIO, Mr. COHEN, Mr. CARDOZA, Mr. MASSA, Ms. SUTTON, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. YARMUTH, Mr. HARE, Mr. GARAMENDI, Mrs. CAPPS, Mr. KILDEE, and Mr. TEAGUE.
H. Con. Res. 200: Mr. GARY G. MILLER of California.
H. Res. 200: Mr. FORBES.

TUESDAY, JANUARY 19, 2010 (5)

¶5.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. LARSEN of Washington, who laid before the House the following communication:

WASHINGTON, DC,
January 19, 2010.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶5.2 RECESS—12:38 P.M.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 38 minutes p.m., until 2 p.m.

¶5.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. MORAN of Virginia, called the House to order.

¶5.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced he had examined and approved the Journal of the proceedings of Friday, January 15, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶5.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

5545. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; ICW, Ft. Walton Beach, FL [COTP Mobile-06-027] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5546. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Noble Jim Thompson, Pascagoula, MS to the Gulf of Mexico [COTP Moblie-06-028] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5547. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pascagoula Channel, Pacagoula, MS [COTP Mobile-06-029] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5548. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico off of Panama City Beach, FL [COTP Mobile-06-030] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5549. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; M/V Zhen Hua, Mobile River, McDuffie Berth #1 [COTP Mobile-06-031] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5550. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Secretary of DHS and Commandant Visit to Pascagoula, MS [COTP Mobile-06-032] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5551. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tacoma Freedom Fair Air Show, Commencement Bay, Tacoma, Washington [CGD13-06-033] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5552. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Camp Rilea Offshore Small Arms Firing Range; Warrenton, Oregon [CGD 13-06-035] (RIN: 1625-AA11) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5553. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation (SLR) and Safety Zone Regulations: Seattle Seafair Unlimited Hydroplane Race and Blue Angles Air Show Performance 2006, Lake Washington, WA [CGD13-06-036] (RIN: 1625-AA08 and 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5554. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation, Quicksilver Unlimited Light Hydroplane Race, Dyes Inlet, WA [CGD13-06-39] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5555. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; West Cote Blanche Bay, 1 mile radius from a point North 29 degrees, 37 minutes, 8 seconds by West 91 degrees, 47 minutes, 12 seconds [COTP Morgan City-06-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5556. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway from MM65.0 to MM67.0, bank to bank [COTP Morgan City-06-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5557. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway from MM170.5 to MM171.5 bank to bank [COTP Morgan City-06-001] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5558. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chandeleur Sound, Gulf of Mexico, Gulfport, MS [COTP Mobile-06-023] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5559. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Miami, FL [COTP Miami, Florida 07-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5560. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; USS Girdley Port of Miami Visit, Miami, Florida [COTP Miami 07-002] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5561. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Bomb Threat, East Waterway Duwamish River, WA [CGD13-06-040] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5562. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 feet east to 200 feet west of the Lewis Street Swing Bridge at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-08-003] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5563. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mobile Ship Channel, Mobile, AL [COPT Mobile-06-014] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5564. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5565. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Theodore Industrial Canal, Mobile, AL [COTP Mobile-06-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5566. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-011] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5567. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Panama City Marina, Panama City, FL [COTP Mobile-06-017] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5568. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 yards west of the Lewis Street Swing Bridge at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5569. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ft. Lauderdale Fleet Week, Port Everglades, Florida [COTP MIAMI 07-096] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5570. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Ocean, CSI: Miami Filming [COTP Miami 07-088] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5571. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sunfest 2007 Fireworks Display, West Palm Beach, Florida [COTP Miami 07-080]

(RIN: 1625-AA0) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5572. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sunken Catamaran ANZHELA EXPLORER, Golden Beach, Florida [COPT MIAMI 07-071] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5573. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pompano Beach Power Squadron Safe Boating Parade, Intracoastal Waterway, from Pompano Beach, FL to Fort Lauderdale, FL [COPT MIAMI 07-064] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; GICW MM295 to GICW MM377, Panama City, FL to East of the Fenholloway River, FL [COTP Mobile-06-018] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Live Fire Exercise, Atlantic Ocean, Fort Lauderdale, Florida [COPT Miami, Florida 07-049] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5576. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-042] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tombigbee River, Demopolis, AL [COTP Mobile-06-020] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5578. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biscayne Bay Yacht Racing Association Cruising Races, Biscayne Bay, Miami, FL [COTP MIAMI 07-033] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5579. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale, Florida [COTP Miami, Florida 07-025] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5580. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Bay, Pensacola, FL [COTP Mobile-06-021] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5581. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Orange Beach, AL [COTP Mobile-06-022] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5582. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Miami, FL [COTP Miami, Florida 07-018] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5583. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale, Florida [COPT Miami, Florida 07-135] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5584. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chandeleur Sound, Gulf of Mexico, Gulfport, MS [COTP Mobile-06-023] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5585. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biscayne Bay Yacht Racing Association Cruising Races, Biscayne Bay, Miami, FL [COTP MIAMI 07-124] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5586. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Destin, FL [COTP Mobile-06-024] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5587. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; HWY 90 Bridge, Bay St. Louis, MS [COTP Mobile-06-025] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5588. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Global Initiative to Combat Nuclear Terrorism Conference, Inter-Continental Hotel, Miami, FL [COTP Miami 07-119] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5589. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-118] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5590. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fourth of July Fireworks Displays in the Captain of the Port Miami Zone [COTP Miami 07-113] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5591. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Miami, Florida [COTP Miami, Florida 07-106] (RIN: 125-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5592. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale, Florida [COTP Miami, Florida 07-105] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5593. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic, Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-176] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5594. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Miami to Key Largo Race, Biscayne Bay and the Intracoastal Waterway, Florida [COTP MIAMI 07-101] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5595. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Israel Independence Day Boat Parade, Intracoastal Waterway, Miami, FL [COTP MIAMI 07-099] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5596. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-097] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5597. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Pompano Beach Boat Parade, Intracoastal Waterway, Broward County, FL [COTP Miami 06-202] (RIN: 1625-AA08) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5598. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mobile Ship Channel, Mobile, AL [COTP Mobile-05-051] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5599. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Destin, FL [COTP Mobile-06-001] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5600. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico off of Panama City Beach, FL [COTP Mobile-06-003] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5601. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Caucus Channel and Gulf of Mexico, Pensacola, FL [COTP Mobile-06-004] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5602. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Pensacola Caucus Channel and Pensacola Bay Channel, Pensacola, FL [COTP Mobile-06-005] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5603. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boomtown Casino Barge, Pascagoula, MS to Biloxi, MS [COTP Mobile-06-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5604. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Three Mile Creek, Mobile, AL [COTP Mobile-06-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5605. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Caucus Channel and Gulf of Mexico, Pensacola, FL [COTP Mobile-06-008] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶5.6 CASTLE NUGENT NATIONAL HISTORIC SITE

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MORAN of Virginia, recognized Ms. BORDALLO and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of Utah, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MORAN of Virginia, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, January 20, 2010.

¶5.7 BLM CONTRACT EXTENSION

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 3759) to authorize the Secretary of the Interior to grant economy-related contract extensions of a certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MORAN of Virginia, recognized Ms. BORDALLO and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to authorize the Secretary of the Interior to grant market-related contract extensions of certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶5.8 INDIAN ARTS AND CRAFTS

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 725) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MORAN of Virginia, recognized Ms. BORDALLO and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶5.9 IDAHO WILDERNESS WATER RESOURCES

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 3538) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MORAN of Virginia, recognized Ms. BORDALLO and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that two thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MORAN of Virginia, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, January 20, 2010.

¶5.10 UNIVERSITY OF ALABAMA FOOTBALL TEAM

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 1007):

Whereas, on January 7, 2010, the University of Alabama Crimson Tide defeated the University of Texas Longhorns, 37–21, in the Bowl Championship Series (BCS) National Championship Game in Pasadena, California;

Whereas the University of Alabama located in Tuscaloosa, Alabama, has become one of the premier athletic and academic institutions in the country;

Whereas the University of Alabama has been the Southeastern Conference (SEC) Football Champion a record-setting 22 times;

Whereas the University of Alabama has made an NCAA-record 57 bowl appearances;

Whereas the Crimson Tide players won many individual accomplishments throughout the season including, Mark Ingram as the first player from the University of Alabama to win the Heisman Trophy, Rolando McClain as the Butkus Award Winner, and 6 players selected as Associated Press First Team All Americans;

Whereas Mark Ingram rushed for 116 yards and 2 touchdowns to be named the Offensive Most Valuable Player of the BCS National Championship Game;

Whereas Marcell Dareus returned an interception for a touchdown and was named the Defensive Most Valuable Player of the BCS National Championship Game;

Whereas the Crimson Tide defense held the University of Texas to 276 offensive yards and forced 5 turnovers during the BCS National Championship Game;

Whereas Nick Saban in his third year as head coach led the University of Alabama to its first National Championship since 1992; and

Whereas residents of Alabama and Crimson Tide fans worldwide are to be commended for their longstanding support, perseverance, and pride in the team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Alabama for winning the Bowl Championship Series National Championship;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the victory; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to University of Alabama President Dr. Robert E. Witt and head coach Nick Saban for appropriate display.

The SPEAKER pro tempore, Mr. MORAN of Virginia, recognized Ms. HIRONO and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶5.11 NORTHWESTERN UNIVERSITY FEINBERG SCHOOL OF MEDICINE

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 1004):

Whereas, on March 12, 1859, the origins of Northwestern University Feinberg School of Medicine began with Drs. Hosmer A. Johnson, Edmund Andrews, Ralph N. Isham, and David Rutter signing an agreement to establish the medical department of Lind University, which provided the first graded curriculum in a United States medical school;

Whereas, on October 9, 1859, the medical school marked its first session;

Whereas, on April 26, 1864, the medical department of Lind University became Chicago Medical College;

Whereas in 1870, Chicago Medical College entered into an agreement with Northwestern University to serve as the University's Department of Medicine;

Whereas in 2002, Northwestern University Board of Trustees renamed the medical school in honor of benefactor Reuben Feinberg;

Whereas the Feinberg School of Medicine is one of the Nation's pre-eminent medical schools, producing the next generation of leaders in medical and related fields through its innovative research and educational programs;

Whereas the Feinberg School of Medicine supports the provision of the highest standard of clinical care by its clinical affiliates for their patients;

Whereas the Feinberg School of Medicine is cited annually by national college rankings as one of the top medical schools for research;

Whereas Feinberg School of Medicine alumni are leaders in their fields;

Whereas the Feinberg School of Medicine is a leader in aligning experts from various disciplines to create a collaborative research enterprise that explores the fertile discovery space between disciplines; and

Whereas Feinberg School of Medicine faculty are nationally and internationally prominent physicians and scientists who have an impact on our most pressing medical and research issues: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Feinberg School of Medicine on the momentous occasion of its 150th anniversary, and expresses its best wishes for continued success;

(2) recognizes and commends the Feinberg School of Medicine for its dedication to educating world class physicians and scientists, sponsoring cutting edge medical research, and providing highly specialized clinical care; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the Feinberg School of Medicine for appropriate display.

The SPEAKER pro tempore, Mr. MORAN of Virginia, recognized Ms. HIRONO and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

Ms. HIRONO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MORAN of Virginia, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶5.12 DARTMOUTH OUTING CLUB OF HANOVER, NEW HAMPSHIRE

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 776); as amended:

Whereas, December 14, 2009, marks the centennial of the founding of the Dartmouth Outing Club (DOC) at Dartmouth College in Hanover, New Hampshire;

Whereas the DOC, the oldest and largest collegiate outing club in the Nation, was founded by Fred Harris, Dartmouth Class of 1911;

Whereas the DOC has continually promoted environmental stewardship through student leadership;

Whereas the DOC has promoted environmental stewardship by caring for over 100 miles of hiking trails, including over 70 miles of the Appalachian National Scenic Trail from Route 12 in Woodstock, Vermont, to Route 112 in Woodstock, New Hampshire, as well as maintaining cabins and shelters and teaching wilderness skills, sports, and safety to students and community members;

Whereas the DOC is a student-run club and has consistently focused on student leadership by providing students with the opportunity to lead by carrying out projects which have included constructing the Class of '66 Lodge, organizing the largest freshman trips program in the country, and directing subclubs that together allow students to learn about, appreciate, and experience the natural environment year-round;

Whereas a division of the DOC which promoted environmental sustainability and conservation has displayed leadership in environmental conservation by testifying before Congress regarding the Alaska National Interests Lands Conservation Act in the spring of 1977;

Whereas the DOC has promoted sustainability by having Dartmouth students buy and re-engineer a passenger bus into the DOC's Big Green Bus, powered by vegetable oil and solar energy;

Whereas, on June 16, 2009, 15 Dartmouth College students began the Big Green Bus' fifth annual cross-country trip, traveling 11,300 miles to promote environmental awareness; and

Whereas throughout 2009, the Dartmouth Outing Club, along with current members and alumni of Dartmouth College, took part in Centennial Celebrations for the organization by participating in a 100-mile hike of Outing Club trails, a Riverfest on the Connecticut River, the 63rd annual Woodsmen's Weekend, and a hike of the entire Appalachian National Scenic Trail from Georgia to Maine by students and alumni simultaneously in different sections: Now, therefore, be it

Resolved, That the House of Representatives congratulates the Dartmouth Outing Club of Hanover, New Hampshire, for 100 years of service to the United States and its wilderness, and commends the Club's ongoing commitment to further environmental stewardship and student leadership.

The SPEAKER pro tempore, Mr. MORAN of Virginia, recognized Ms. HIRONO and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶5.13 HONORING CATHOLIC SCHOOLS

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 1008); as amended:

Whereas Catholic schools in the United States are internationally acclaimed for their academic excellence, but provide students with more than an exceptional scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in young people in the United States;

Whereas the total Catholic school student enrollment for the 2008–2009 academic year was nearly 2,200,000 and the student-teacher ratio was 14 to 1;

Whereas Catholic schools teach a diverse group of students;

Whereas nearly 30 percent of school children enrolled in Catholic schools are from minority backgrounds, and nearly 15 percent are non-Catholics;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development;

Whereas in 2000, the Catholic high school graduation rate was 99 percent, with 80 percent of graduates attending four-year colleges and 17 percent attending two-year colleges or technical schools;

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated: ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.'';

Whereas the week of January 31, 2010, to February 6, 2010, has been designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops;

Whereas the Nation's Catholic schools emphasize the lifelong development of moral, intellectual, physical, and social values in addition to academic excellence;

Whereas Catholic schools educate a diverse group of students from all regions of the country; and

Whereas the theme for this year's Catholic Schools Week 2010 is ''Dividends for Life—Faith, Knowledge, Discipline, and Morals'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of the thousands of Catholic elementary and secondary schools in the United States;

(2) applauds the National Catholic Educational Association and the United States Conference of Catholic Bishops on their selection of a theme that all can celebrate; and

(3) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore, Mr. MORAN of Virginia, recognized Ms. HIRONO and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶5.14 PENN STATE WOMEN'S VOLLEYBALL TEAM

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 1015):

Whereas the Penn State Nittany Lions continued a 102 match winning streak, the longest Division I women's streak, to win the 2009 NCAA Division I women's volleyball championship;

Whereas head coach Russ Rose has 1,001 wins to his name, all of which have come at the helm of the Penn State program;

Whereas the Penn State women's volleyball team has won 65 consecutive Big Ten matches and owns the top 3 winning streaks in league history;

Whereas Megan Hodge, Alisha Glass, and juniors Blair Brown and Arielle Wilson were named AVCA First Team All-Americans and Megan Hodge was the 2009 ESPN the Magazine Academic All-American of the Year;

Whereas the Nittany Lions women's volleyball team has won 74 straight home matches and the program also owns the NCAA's longest road winning streak at 50 straight matches;

Whereas the Nittany Lions women's volleyball team has amassed at least 20 wins 33 times; and

Whereas the athletic excellence demonstrated by the Penn State women's volleyball team is one example of the athletic, academic, and collegiate excellence of Penn State's students, faculty, administration, and alumni: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Penn State women's volleyball team and the university's athletes, coaches, faculty, students, and alumni on the winning of the 2009 NCAA Division I women's volleyball championship; and

(2) recognizes Penn State for its recognized excellence as an institution of higher education.

The SPEAKER pro tempore, Mr. MORAN of Virginia, recognized Ms. HIRONO and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

Ms. HIRONO objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MORAN of Virginia, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶5.15 UNIVERSITY OF VIRGINIA MEN'S SOCCER TEAM

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 991):

Whereas the University of Virginia men's soccer team won the 2009 Division I national championship, defeating the University of Akron at WakeMed Soccer Park in Cary, North Carolina, on December 13, 2009;

Whereas the University of Virginia played through 2 sudden-death overtimes and a penalty-kick shootout to defeat the University of Akron;

Whereas goaltenders Diego Restrepo from the University of Virginia and David Meves from the University of Akron held both teams scoreless through regulation and overtime;

Whereas Sean Hiller scored the game-winning goal in the penalty kick shootout;

Whereas goalkeeper Diego Restrepo made 3 saves in regulation, 1 save in the penalty kick shootout, and was named defensive most valuable player of the College Cup;

Whereas midfielder Jonathan Villanueva earned recognition as offensive most valuable player of the College Cup; and

Whereas head coach George Gelnovatch led the University of Virginia to its sixth national championship and first since 1994: Now, therefore, be it

Resolved, That the House of Representatives congratulates the University of Virginia men's soccer team for winning the 2009 Division I NCAA National Championship.

The SPEAKER pro tempore, Mr. MORAN of Virginia, recognized Ms. HIRONO and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that two-thirds of the Members present had voted in the affirmative.

Ms. HIRONO objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MORAN of Virginia, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶5.16 RECESS—3:58 P.M.

The SPEAKER pro tempore, Mr. MORAN of Virginia, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 58 minutes p.m., until approximately 6:30 p.m.

¶5.17 AFTER RECESS— 6:30 P.M.

The SPEAKER pro tempore, Mrs. HALVORSON, called the House to order.

¶5.18 PROVIDING FOR CONSIDERATION OF H.R. 3254, H.R. 3342, AND H.R. 1065

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–399) the resolution (H. Res. 1017) providing for the consideration of the bill (H.R. 3254) to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; for consideration of the bill (H.R. 3342) to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque; and for consideration of the bill (H.R. 1065) to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶5.19 JOINT SESSION TO RECEIVE THE PRESIDENT

Mr. HASTINGS of Florida, submitted the following privileged concurrent resolution (H. Con. Res. 228):

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, January 27, 2010, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶5.20 H. RES. 1004—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1004) congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 397 Nays 0

¶5.21 [Roll No. 6]

YEAS—397

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

NOT VOTING—36

Alexander
Barrett (SC)
Bilbray
Blumenauer
Bonner
Brown, Corrine
Buyer
Capito
Crenshaw
Davis (AL)
Deal (GA)
Edwards (TX)
Grijalva
Gutierrez
Higgins
Hinojosa
Hoekstra
Johnson, E. B.
Kissell
Lewis (CA)
Maloney
Markey (MA)
Moran (VA)
Murphy, Patrick
Oberstar
Perlmutter
Radanovich
Reyes
Rohrabacher
Rush
Schrader
Teague
Tiahrt
Tsongas
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶5.22 H. RES. 1015—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1015) congratulating the Penn State women's volleyball team on winning the 2009 NCAA Division I national championship.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. HALVORSON, announced that two-thirds of those present had voted in the affirmative.

Mr. RYAN of Ohio, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 396 Nays ..... 0 Answered present 1

¶5.23 [Roll No. 7]

AYES—396

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer

Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

ANSWERED ''PRESENT''—1

Oberstar

NOT VOTING—36

Alexander
Barrett (SC)
Bilbray
Bonner
Brown, Corrine
Buyer
Capito
Crenshaw
Davis (AL)
Deal (GA)
Diaz-Balart, L.
Edwards (TX)
Grijalva
Gutierrez
Higgins
Hinojosa
Hoekstra
Johnson, E. B.
Kennedy
Kissell
Lewis (CA)
Maloney
Markey (MA)
McDermott
Moran (VA)
Murphy, Patrick
Perlmutter
Radanovich
Reyes
Rohrabacher
Rush
Schrader
Teague
Tiahrt
Tsongas
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶5.24 H. RES. 991—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 991) commending the University of Virginia men's soccer team for winning the 2009 Division I NCAA National Championship.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. HALVORSON, announced that two-thirds of those present had voted in the affirmative.

Mr. HARE demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	398
Nays	0
Answered present	2

¶5.25 [Roll No. 8]

AYES—398

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

ANSWERED ''PRESENT''—2

Boccieri
Oberstar

NOT VOTING—33

Alexander
Barrett (SC)
Bilbray
Bonner
Brown, Corrine
Buyer
Capito
Crenshaw
Davis (AL)
Deal (GA)
Edwards (TX)
Grijalva
Gutierrez
Higgins
Hinojosa
Hoekstra
Johnson, E. B.
Kissell
Lewis (CA)
Maloney
Markey (MA)
Moran (VA)
Murphy, Patrick
Perlmutter
Radanovich
Reyes
Rohrabacher
Rush
Schrader
Teague
Tiahrt
Tsongas
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶5.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. TIAHRT, for today; and

To Mr. YOUNG of Alaska, for today and balance of the week.

And then,

¶5.27 ADJOURNMENT

On motion of Mr. KING of Iowa, at 10 o'clock and 34 minutes p.m., the House adjourned.

¶5.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 3538. A bill to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; with an amendment (Rept. 111–398). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 1017. Resolution providing for consideration of the bill (H.R. 3254) to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; for consideration of the bill (H.R. 3342) to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque; and for consideration of the bill (H.R. 1065) to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes (Rept. 111–399).

¶5.29 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 2989. Referral to the Committee on Ways and Means extended for a period ending not later than February 26, 2010.

¶5.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. CAMP, Mr. CLYBURN, Mr. CANTOR, Mr. STARK, Mr. HERGER, Mr. LEVIN, Mr. SAM JOHNSON of Texas, Mr. MCDERMOTT, Mr. BRADY of Texas, Mr. LEWIS of Georgia, Mr. NUNES, Mr. NEAL of Massachusetts, Ms. GINNY BROWN-WAITE of Florida, Mr. BECERRA, Mr. DAVIS of Kentucky, Mr. DOGGETT, Mr. ROSKAM, Mr. POMEROY, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. ETHERIDGE, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. YARMUTH, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ADLER of New Jersey, Mr. ALTMIRE, Mr. BACA, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BOSWELL, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARNEY, Mr. CARSON of Indiana, Mr. CHANDLER, Ms. CHU, Ms. CLARKE, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COURTNEY, Mr. CUELLAR, Mrs. DAVIS of California, Mr. DONNELLY of Indiana, Mr. DOYLE, Mr. DRIEHAUS, Mr. EHLERS, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. ENGEL, Mr. FATTAH, Mr. FILNER, Ms. FOXX, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GARRETT of New Jersey, Mr. GARAMENDI, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HALL of New York, Mrs. HALVORSON, Mr. HARE, Mr. HEINRICH, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. KAGEN, Ms. KILROY, Mrs. KIRKPATRICK of Arizona, Mr. KISSELL, Ms. KOSMAS, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LUJÁN, Mr. LYNCH, Mr. MACK, Mr. MASSA, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCMAHON, Mr. MCNERNEY, Mr. MEEKS of New York, Mr. MICHAUD, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of New York, Ms. NORTON, Mr. NYE, Mr. OBERSTAR, Mr. PALLONE, Mr. PERRIELLO, Mr. PIERLUISI, Ms. PINGREE of Maine, Mr. POLIS, Mr. PRICE of North Carolina, Mr. REHBERG, Mr. REYES, Ms. RICHARDSON, Ms. ROS-LEHTINEN, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCHAUER, Mr. SCOTT of Virginia, Mr. SCHIFF, Mr. SCHOCK, Mr. SERRANO, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Mr. SKELTON, Mr. SMITH of Washington, Mr. SNYDER, Mr. STUPAK, Mr. TEAGUE, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. TSONGAS, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WILSON of Ohio, Mr. WILSON of South Carolina, Ms. WOOLSEY, and Mr. WU):

H.R. 4462. A bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti; to the Committee on Ways and Means.

By Mr. BUCHANAN (for himself, Mr. SMITH of Texas, Mr. MCKEON, Mr. BURTON of Indiana, Mr. SOUDER, Mr. ROONEY, Mr. SESSIONS, Mr. HOEKSTRA, Mr. PLATTS, Mr. HARPER, and Mr. KLINE of Minnesota):

H.R. 4463. A bill to require that all foreign terrorists with links to terrorist networks who attack the United States or its Government be considered enemy combatants to be tried by military tribunals instead of civilian courts; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY of Georgia (for himself, Mr. LINDER, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. OLSON, Mr. POSEY, and Mr. COBLE):

H.R. 4464. A bill to prohibit the release or transfer of an individual detained at Naval Station, Guantanamo Bay, Cuba, into or to the custody of any country or region that is recognized by the Department of State or the Department of Defense as a haven for terrorist activity or that has been classified as a state sponsor of terrorism; to the Committee on Armed Services.

By Mr. KISSELL (for himself, Mr. MEEKS of New York, Mr. MASSA, Ms. KILPATRICK of Michigan, Mr. ISRAEL, and Mr. POE of Texas):

H.R. 4465. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to take into account each child a veteran has when determining the veteran's financial status when receiving hospital care or medical services; to the Committee on Veterans' Affairs.

By Mr. LATTA (for himself, Mr. HOLDEN, Mr. HINCHEY, Mr. OLSON, Ms. GINNY BROWN-WAITE of Florida, Mr. CARNEY, and Mr. MURTHA):

H.R. 4466. A bill to amend section 1502 of title 5, United States Code, to permit law enforcement officers to be candidates for sheriff, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MEEK of Florida (for himself, Mr. HALL of New York, Mr. RUSH, Ms. WATERS, Mr. JOHNSON of Georgia, Ms. ROS-LEHTINEN, Mr. MCMAHON, Ms. LEE of California, Mr. MACK, Mr. HONDA, Mr. ENGEL, Ms. CORRINE BROWN of Florida, Ms. WASSERMAN SCHULTZ, and Mr. CAPUANO):

H.R. 4467. A bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the January 12, 2010, earthquake in Haiti; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself and Mr. HIMES):

H.R. 4468. A bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the January 12, 2010, earthquake in Haiti; to the Committee on Ways and Means.

By Mr. TURNER:

H.R. 4469. A bill to amend the Servicemembers Civil Relief Act to provide for protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; to the Committee on Veterans' Affairs.

By Ms. WATSON:

H.R. 4470. A bill to ensure that individuals detained by the Department of Homeland Security are treated humanely, provided adequate medical care, and granted certain specified rights; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H. Con. Res. 228. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

By Mr. THOMPSON of Pennsylvania (for himself, Mr. KANJORSKI, Mr. SESTAK, Mr. DENT, Mrs. DAHLKEMPER, Mr. SHUSTER, Mr. MURTHA, Ms. SCHWARTZ, Mr. HOLDEN, Mr. DOYLE, Mr. CARNEY, and Mr. GERLACH):

H. Res. 1015. A resolution congratulating the Penn State women's volleyball team on winning the 2009 NCAA Division I National Championship; to the Committee on Education and Labor; considered and agreed to.

By Mr. ELLISON:

H. Res. 1016. A resolution expressing the sense of the House of Representatives that a Global Marshall Plan holds the potential to demonstrate the commitment of the United States to peace and prosperity through poverty reduction in the United States and abroad; to the Committee on Foreign Affairs.

By Mr. MCDERMOTT (for himself, Mr. BLUMENAUER, Mr. ELLISON, Mr. WELCH, Mr. HONDA, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Mr. COURTNEY, Mr. BERMAN, Mr. BECERRA, Ms. LINDA T. SÁNCHEZ of California, Mr. DOGGETT, Mr. GRIJALVA, Ms. DELAURO, Ms. KAPTUR, Ms. SUTTON, Mr. CONNOLLY of Virginia, Ms. WOOLSEY, Ms. HIRONO, Mr. NADLER of New York, Ms. ESHOO, Mrs. CAPPS, Mr. TONKO, Mr. BRALEY of Iowa, Mr. COHEN, Ms. JACKSON LEE of Texas, and Mr. FARR):

H. Res. 1018. A resolution requesting the Senate to adjust its rules to reflect the intent of the framers of the Constitution by amending the Senate's filibuster rule, Rule 22, to facilitate the consideration of bills and amendments; to the Committee on Rules.

¶5.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. COHEN.
H.R. 25: Mr. BOOZMAN.
H.R. 211: Mr. REYES.
H.R. 333: Mr. PASCRELL.
H.R. 417: Ms. HIRONO and Mr. WEINER.
H.R. 537: Ms. MATSUI and Mr. KING of New York.

H.R. 571: Mr. GRIJALVA.
H.R. 600: Mr. CLEAVER.
H.R. 716: Ms. ROYBAL-ALLARD.
H.R. 793: Mr. MANZULLO.
H.R. 930: Mr. FILNER.
H.R. 953: Mr. CARTER.
H.R. 997: Mr. MCKEON.
H.R. 1126: Ms. TSONGAS.
H.R. 1175: Mr. SESTAK.
H.R. 1361: Mr. CASTLE and Mr. GERLACH.
H.R. 1551: Ms. WATERS and Ms. CHU.
H.R. 1570: Mr. CAMP.
H.R. 1589: Mr. MOORE of Kansas.
H.R. 1645: Mr. REYES.
H.R. 1778: Mr. WALZ, Mr. SESTAK, and Mr. LIPINSKI.
H.R. 1873: Mr. TONKO and Mrs. MALONEY.
H.R. 1925: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. AL GREEN of Texas.
H.R. 1956: Mr. CHANDLER.
H.R. 2055: Ms. SHEA-PORTER and Mr. PIERLUISI.
H.R. 2143: Mrs. KIRKPATRICK of Arizona.
H.R. 2256: Mr. MAFFEI.
H.R. 2350: Ms. BALDWIN, Mr. HODES, and Mr. ROTHMAN of New Jersey.
H.R. 2377: Mr. SIMPSON, Mr. GERLACH, Mr. TIM MURPHY of Pennsylvania, and Mr. MARSHALL.
H.R. 2478: Mr. HOLDEN, Mr. ALTMIRE, Mr. PETERSON, Mrs. KIRKPATRICK of Arizona, Mr. MOLLOHAN, and Ms. HARMAN.
H.R. 2546: Mr. SESTAK and Mr. CONNOLLY of Virginia.
H.R. 2567: Ms. EDWARDS of Maryland and Mr. NADLER of New York.
H.R. 2605: Mr. TIAHRT.
H.R. 2624: Mr. TIM MURPHY of Pennsylvania, Mr. GERLACH, Mr. JOHNSON of Illinois, and Mr. MARSHALL.
H.R. 2788: Mrs. LOWEY.
H.R. 2811: Mr. FARR and Mr. FATTAH.
H.R. 2842: Mr. ROYCE.
H.R. 2849: Mr. MURPHY of Connecticut.
H.R. 2923: Mr. PETERSON.
H.R. 2941: Mr. WALZ and Ms. SUTTON.
H.R. 3010: Mr. TIM MURPHY of Pennsylvania and Mr. MARSHALL.
H.R. 3011: Mr. ROONEY.
H.R. 3012: Mr. LUJÁN.
H.R. 3042: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3043: Mr. OLVER, Mr. JACKSON of Illinois, Mr. CLEAVER, Ms. ZOE LOFGREN of California, and Mr. BOSWELL.
H.R. 3054: Mr. COHEN.
H.R. 3090: Mr. RUSH.
H.R. 3105: Mrs. MCMORRIS RODGERS.
H.R. 3125: Mr. TERRY, Mrs. CHRISTENSEN, and Mr. ROGERS of Michigan.
H.R. 3251: Mr. PRICE of Georgia.
H.R. 3264: Ms. CHU, Mr. SESTAK, and Mr. DAVIS of Illinois.
H.R. 3308: Mrs. BIGGERT.
H.R. 3315: Mrs. MALONEY.
H.R. 3321: Mr. GONZALEZ.
H.R. 3343: Ms. CLARKE.
H.R. 3355: Mrs. HALVORSON.
H.R. 3362: Mr. SHERMAN, Ms. JACKSON LEE of Texas, and Mr. JONES.
H.R. 3488: Mr. HINCHEY.
H.R. 3536: Mr. HIGGINS.
H.R. 3652: Ms. ZOE LOFGREN of California.
H.R. 3664: Mr. BISHOP of New York.
H.R. 3688: Mr. SHULER.
H.R. 3695: Mr. MCINTYRE, Mr. CHANDLER, Ms. DELAURO, Mr. FARR, Mr. HASTINGS of Florida, Mr. COURTNEY, Mr. MASSA, Ms. CHU, and Mr. THOMPSON of Mississippi.
H.R. 3721: Mr. HODES.
H.R. 3758: Mr. OWENS.
H.R. 3790: Mr. ROE of Tennessee, Mr. HILL, Mr. BISHOP of New York, Mr. TONKO, and Mr. GOODLATTE.
H.R. 3838: Mr. TONKO, Mrs. MALONEY, and Mr. SESTAK.
H.R. 3943: Ms. SLAUGHTER, Mrs. HALVORSON, Mr. ISRAEL, Mr. TIM MURPHY of Pennsylvania, Mr. PERRIELLO, Mr. AL GREEN of Texas, and Mr. GRAVES.
H.R. 3974: Mr. BISHOP of Georgia, Mr. JACKSON of Illinois, Mr. STARK, Ms. CLARKE, Ms. SHEA-PORTER, Ms. ZOE LOFGREN of California, Mr. CUMMINGS, and Ms. SCHAKOWSKY.
H.R. 3990: Mr. DAVIS of Illinois and Mr. JOHNSON of Georgia.
H.R. 3995: Mr. JACKSON of Illinois, Mr. MASSA, Ms. SCHAKOWSKY, and Mr. RUSH.
H.R. 4003: Mr. MURPHY of New York.
H.R. 4004: Mr. GUTIERREZ, Mr. JOHNSON of Georgia, and Mr. FOSTER.
H.R. 4021: Ms. SCHAKOWSKY and Mr. MCMAHON.
H.R. 4034: Mr. OWENS and Mr. SMITH of Washington.
H.R. 4037: Mr. ELLISON.
H.R. 4109: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4129: Mr. STARK.
H.R. 4138: Mr. SOUDER.
H.R. 4149: Ms. BALDWIN.
H.R. 4155: Mr. LUJÁN.
H.R. 4247: Mr. HARPER and Ms. SCHAKOWSKY.
H.R. 4249: Mr. WILSON of South Carolina.
H.R. 4255: Mr. STEARNS, Mr. SOUDER, Ms. GRANGER, Mr. KILDEE, Mr. FORBES, Mr. UPTON, and Mr. OWENS.
H.R. 4256: Mr. MCDERMOTT.
H.R. 4262: Mr. TIM MURPHY of Pennsylvania.
H.R. 4264: Ms. BALDWIN.
H.R. 4278: Mr. CARNAHAN.
H.R. 4291: Mr. ELLISON, Mrs. CHRISTENSEN, and Ms. CHU.
H.R. 4295: Mr. HODES.
H.R. 4298: Mr. NADLER of New York.
H.R. 4324: Mr. COSTELLO and Mr. KISSELL.
H.R. 4325: Mr. AL GREEN of Texas and Mr. FILNER.
H.R. 4329: Mr. FORBES.
H.R. 4356: Mr. BARTLETT, Mr. WOLF, Ms. DEGETTE, Mr. COURTNEY, Mr. HALL of New York, Mr. KILDEE, and Mr. LIPINSKI.
H.R. 4360: Mr. STARK, Mrs. NAPOLITANO, Mr. FARR, Mr. GARAMENDI, Mr. THOMPSON of California, and Mr. LANGEVIN.
H.R. 4374: Mr. HARE.
H.R. 4375: Mr. JONES.
H.R. 4386: Mr. MCDERMOTT.
H.R. 4392: Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CONYERS, and Mr. RANGEL.
H.R. 4393: Ms. RICHARDSON.
H.R. 4400: Mr. WILSON of South Carolina.
H.R. 4402: Mr. KAGEN, Mr. MCGOVERN, Mr. PASTOR of Arizona, Mr. BLUMENAUER, Mr. ELLISON, and Mr. FRANK of Massachusetts.
H.R. 4403: Mr. ELLISON, Mr. PETERSON, and Mr. MICHAUD.
H.R. 4415: Mr. HARPER and Mr. LINDER.
H.R. 4426: Mr. ROTHMAN of New Jersey, Mr. MICHAUD, Mr. COURTNEY, Mr. BRALEY of Iowa, Mr. KAGEN, Mr. GENE GREEN of Texas, Mr. SCHAUER, Ms. TSONGAS, Ms. HIRONO, Mr. JACKSON of Illinois, Mr. BISHOP of New York, and Mr. FILNER.
H.R. 4427: Mr. SHUSTER, Mr. BRADY of Pennsylvania, Mr. BARTLETT, Mr. ROE of Tennessee, and Mr. POE of Texas.
H.R. 4450: Mr. CHAFFETZ.
H.R. 4453: Mr. JONES, Mr. DUNCAN, and Mr. BURTON of Indiana.
H. Con. Res. 13: Mr. JACKSON of Illinois and Mr. FILNER.
H. Con. Res. 154: Mr. TOWNS.
H. Con. Res. 170: Mr. RAHALL.
H. Con. Res. 175: Mr. SESTAK.
H. Res. 200: Ms. KAPTUR and Mr. COOPER.
H. Res. 236: Ms. LORETTA SANCHEZ of California.
H. Res. 252: Ms. CHU.
H. Res. 443: Mr. JOHNSON of Georgia.
H. Res. 486: Ms. LORETTA SANCHEZ of California.
H. Res. 567: Mr. MCCARTHY of California.
H. Res. 699: Mr. OWENS.
H. Res. 709: Ms. CHU.
H. Res. 762: Mrs. LOWEY and Mrs. MALONEY.
H. Res. 803: Ms. JENKINS.
H. Res. 847: Mr. BONNER and Mr. HASTINGS of Washington.
H. Res. 888: Mr. LANCE and Mr. SCHOCK.
H. Res. 902: Mr. COBLE, Mr. HOLT, Ms. SCHAKOWSKY, Ms. ZOE LOFGREN of California, Mr. MARKEY of Massachusetts, and Mr. HINCHEY.
H. Res. 943: Mr. HUNTER.
H. Res. 954: Mr. BOOZMAN.
H. Res. 959: Mr. SOUDER, Mr. PAUL, Ms. GRANGER, and Mr. CONAWAY.
H. Res. 977: Mr. ROONEY, Mr. REHBERG, Mr. LINDER, Mr. SHUSTER, Mr. TURNER, Mr. SESSIONS, Mr. BROWN of South Carolina, Mr. BROUN of Georgia, Mr. TIBERI, and Mr. MACK.
H. Res. 988: Ms. GRANGER.
H. Res. 997: Mr. GENE GREEN of Texas, Mr. COSTELLO, Ms. KILPATRICK of Michigan, Ms. LINDA T. SÁNCHEZ of California, Mr. HOEKSTRA, Mr. UPTON, and Mr. MASSA.
H. Res. 1003: Mr. MORAN of Virginia, Ms. EDWARDS of Maryland, Ms. BALDWIN, Mr. FALEOMAVAEGA, Ms. CASTOR of Florida, Mr. NADLER of New York, Mr. BERMAN, Mr. MOORE of Kansas, Ms. DELAURO, Mr. JOHNSON of Georgia, Mr. ARCURI, and Mr. STUPAK.
H. Res. 1008: Mr. DAVIS of Illinois, Mr. DOYLE, Mr. EHLERS, Mr. GRIJALVA, Mr. NEAL of Massachusetts, Ms. ROS-LEHTINEN, Mr. WOLF, Mr. CALVERT, Mr. TAYLOR, and Mr. TERRY.
H. Res. 1010: Mr. WATT and Ms. CHU.
H. Res. 1011: Mr. SHULER, Mr. POLIS, Mr. ORTIZ, Mr. MEEK of Florida, Mr. SABLAN, Mr. RUSH, Mr. SPRATT, Mr. KIRK, Mr. THOMPSON of California, Ms. HARMAN, Ms. KAPTUR, Mr. COSTA, Mr. GONZALEZ, and Mrs. KIRKPATRICK of Arizona.
H. Res. 1013: Mr. WOLF and Mr. CROWLEY.
H. Res. 1014: Ms. FOXX, Mr. FRANK of Massachusetts, Mr. BURTON of Indiana, Mr. MCMAHON, Mr. HOLDEN, Mr. ADLER of New Jersey, and Mrs. MCCARTHY of New York.

WEDNESDAY, JANUARY 20, 2010 (6)

¶6.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SALAZAR, who laid before the House the following communication:

WASHINGTON, DC,
January 20, 2010.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶6.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SALAZAR, announced he had examined and approved the Journal of the proceedings of Tuesday, January 19, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶6.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

5606. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-271, ''Fiscal Year 2010 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Temporary Approval Act of 2009''; to the Committee on Oversight and Government Reform.

5607. A letter from the Chairman, Council of the District of Columbia, transmitting

Transmittal of D.C. ACT 18-270, ''Retirement Incentive Temporary Amendment Act of 2009''; to the Committee on Oversight and Government Reform.

5608. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-269, ''African American Civil War Memorial Freedom Foundation, Inc. African-American Civil War Museum Approval Temporary Act of 2009''; to the Committee on Oversight and Government Reform.

5609. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-267, ''Disclosure of Information to the Council Amendment Act of 2009''; to the Committee on Oversight and Government Reform.

5610. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-268, ''Fiscal Year 2010 Limited Grant-Making Authority Clarification Temporary Act of 2009''; to the Committee on Oversight and Government Reform.

5611. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-263, ''Public Land Surplus Standards Amendment Act of 2009''; to the Committee on Oversight and Government Reform.

5612. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-266, ''Prescription Drug Dispensing Practices Reform Act of 2009''; to the Committee on Oversight and Government Reform.

5613. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-265, ''Whistleblower Protection Amendment Act of 2009''; to the Committee on Oversight and Government Reform.

5614. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-264, ''Fire Alarm Notice and Tenant Fire Safety Amendment Act of 2009''; to the Committee on Oversight and Government Reform.

5615. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 121 to Mile Marker 122, Above Head of Passes, in the vicinity of the I-310 Bridge, Luling, LA [COTP New Orleans-06-019] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5616. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 175 to Mile Marker 176, Above Head of Passes, Donaldsonville, LA [COTP New Orleans-06-020] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5617. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 229.4 to Mile Marker 230, Above Head of Passes, Baton Rouge, LA [COTP New Orleans-06-021] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5618. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 215 to Mile Marker 217, Above Head of Passes, Longwood, LA [COTP New Orleans-06-033] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5619. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 160 to Mile Marker 162, Above Head of Passes, Convent, LA [COTP New Orleans-06-034] (RIN: 1625-AA00), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5620. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 94 to Mile Marker 95.5, Above Head of Passes, New Orleans, LA [COTP New Orleans-06-035] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5621. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 89 to Mile Marker 91, Above Head of Passes, Algiers, LA [COTP New Orleans-06-037] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5622. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87 to Mile Marker 88, Above Head of Passes, Chalmette, LA [COTP New Orleans-06-008] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5623. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 94 to Mile Marker 97, Above Head of Passes, New Orleans, LA [COTP New Orleans-06-009] (RIN: 1623-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5624. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87 to Mile Marker 88, Above Head of Passes, Chalmette, LA [COTP New Orleans-06-010] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5625. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Inner Harbor Navigation Canal, the L & N Bridge at mile marker 2.9 to the Industrial Locks at mile marker 0.0, and the Gulf Intracoastal Waterway from Mile Marker 11.2 to Mile Marker 8.2, East of Harvey Lock, New Orleans, LA [COTP New Orleans-06-012] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5626. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 95 to Mile Marker 97, Above Head of Passes, New Orleans, LA [COTP New Orleans-06-013] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5627. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Maker 138.5 to Mile Marker 139.5, Above Head of Passes, Reserve, LA [COTP New Orleans-06-014] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5628. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 303.0 to the Entrance of the Southwest Pass Safety Fairway, LA [COTP New Orleans-06-015] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5629. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harvey Canal, Mile Marker 4.0 to Mile Marker 5.0, Above Head of Passes, Harvey, LA [COTP New Orleans-06-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5630. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 94.3 to Mile Marker 95.3, Above Head of Passes, New Orleans, LA [COTP New Orleans-06-017] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5631. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 228.8 to Mile Marker 229.8, Above Head of Passes, Baton Rouge, LA [COTP New Orleans-06-018] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5632. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Inner Harbor Navigation Canal, L & N Bridge to the Industrial Locks, and the Gulf Intracoastal Waterway From Mile Marker 11.2 to Mile Marker 8.2, East of the Harvey Lock, New Orleans, LA [COTP New Orleans-06-007] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5633. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intacoastal Waterway, Inner Harbor Navigation Canal, 500 yards North and South of the Florida Avenue Bridge, New Orleans, LA [COTP New Orleans-05-100] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5634. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Harvey Canal, Gulf Intracoastal Waterway, Mile Marker 1.7 to Mile Marker 1.9, in the vicinity of Houma Industries, New Orleans, LA [COTP New Orleans-05-104] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5635. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Inner Harbor Navigation Canal, Mile Marker 2.3 to Mile Marker 2.9, in the vicinity of the L&N Railroad Bridge, New Orleans, LA [COTP New Orleans-05-105] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5636. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Intracoastal Waterway, Mile Marker 11.9 to Mile Marker 12.1, West of the Harvey Locks, in the vicinity of the Wagner Bridge,

New Orleans, LA [COTP New Orleans-06-001] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5637. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 156.0 to Mile Marker 157.0, extending the entire width of the river, St. James, LA [COTP New Orleans-06-002] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5638. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 94.0 to Mile Marker 96.0, Above Head of Passes, New Orleans, LA [COTP New Orleans-06-003] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5639. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Maker 6 to Mile Marker 7, Above Head of Passes, Pilottown, LA [COTP New Orleans-06-004] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5640. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 94.5 to Mile Marker 95.5, Above Head of Passes, New Orleans, LA [COTP New Orleans-06-005] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5641. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 88 to Mile Marker 90, Above Head of Passes, Chalmette, LA [COTP New Orleans-06-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5642. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29°26.8N 093°25.8W [COTP Port Arthur-06-025] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5643. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29°26.8N 093°25.8W [COTP Port Arthur-06-026] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5644. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ocean Beach Pier, Ocean Beach, CA [COTP San Diego 07-452] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5645. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oceanside Pier, Oceanside, CA [COTP San Diego 07-552] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5646. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red River, 500 yards North and South of the Long-Allen Bridge, Shreveport-Bossier City, LA [COTP New Orleans-05-094] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5647. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Quachita River, Mile Marker 168 to Mile Marker 169, in the vicinity of the Forsythe Recreational Boat Launch, Monroe, LA [COTP New Orleans-05-095] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5648. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Inner Harbor Navigation Canal, 500 yards North and South of the Florida Avenue Bridge, New Orleans, LA [COTP New Orleans-05-096] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5649. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Inner Harbor Navigation Canal, 500 yards North and South of the Florida Avenue Bridge, New Orleans, LA [COTP New Orleans-05-097] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5650. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Inner Harbor Navigation Canal, 500 yards North and South of the Florida Avenue Bridge, New Orleans, LA [COTP New Orleans-05-098] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5651. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 229.5 to Mile Marker 230.5, Baton Rouge, LA [COTP New Orleans-05-099] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶6.4 PRIVATE FIRST CLASS GARFIELD M. LANGHORN POST OFFICE

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 3250) to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. LYNCH and Mr. SCHOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, January 21, 2010.

The point of no quorum was considered as withdrawn.

¶6.5 PRESIDENTIAL MEDAL OF FREEDOM

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 708); as amended:

Whereas Ambassador Brinker is the founder of the Susan G. Komen for the Cure, the world's leading breast cancer grass roots organization, and Ambassador Brinker established the organization in memory of her sister, who passed away from cancer in 1980;

Whereas through innovative events like Race for the Cure, the organization has given and invested nearly 1.5 billion for research, health services and education services since its founding in 1982;

Whereas the Susan G. Komen for the Cure has developed a worldwide grassroots network of breast cancer survivors and activists who are working together to save lives, empower people, ensure quality care for all and energize science to find cures;

Whereas Ambassador Brinker has served as Chair of the President's Cancer Panel (1990);

Whereas Ambassador Brinker has served as United States Ambassador to Hungary (2001–2003);

Whereas Ambassador Brinker has served as Chief of Protocol of the United States (2007–2009);

Whereas, in May of this year, Ambassador Brinker was named the first-ever World Health Organization's Goodwill Ambassador for Cancer Control;

Whereas, on July 30, 2009, President Obama named Peoria native Ambassador Nancy Goodman Brinker as a recipient of the Presidential Medal of Freedom;

Whereas the Presidential Medal of Freedom is America's highest civilian honor that is awarded to individuals who make an especially meritorious contribution to the security or national interests of the United States, world peace, cultural or other significant public or private endeavors;

Whereas Ambassador Brinker's public service has impacted millions of lives and her work, from promoting cancer research to promoting freedom around the world, and has been praised by members of both parties; and

Whereas President Obama will present Illinois native Ambassador Nancy Goodman Brinker with the Presidential Medal of Freedom on Wednesday, August 12, 2009: Now, therefore, be it

Resolved, That the House of Representatives congratulates Nancy Goodman Brinker for receiving the Presidential Medal of Freedom.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. LYNCH and Mr. SCHOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶6.6 CONGRESSWOMAN JAN MEYERS POST OFFICE

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 4095) to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the ''Congresswoman Jan Meyers Post Office Building''.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. LYNCH and Mr. SCHOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶6.7 EARLY DETECTION MONTH FOR BREAST CANCER

Mr. LYNCH moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 158); as amended:

Whereas in 2009, 1,479,350 new cases of cancer will be diagnosed in the United States;

Whereas the most common types of cancer in the United States are nonmelanoma skin cancer, breast cancer in women, prostate cancer in men, lung cancer, and colorectal cancers;

Whereas one out of every eight women in the United States will develop breast cancer in her lifetime;

Whereas incidence of breast cancer in young women is much lower than in older women, and young women's breast cancers are generally more aggressive and result in lower survival rates;

Whereas breast cancer currently takes the life of one woman in the United States every 13 minutes;

Whereas in 2009, 192,370 women in the United States will be diagnosed with invasive breast cancer;

Whereas there is currently no known cure for metastatic breast cancer;

Whereas many oncologists and breast cancer researchers believe that a cure for breast cancer will not be discovered until well into the future, if such a cure is possible at all;

Whereas prostate cancer is the second leading cause of cancer death among men, with over 80 percent of all cases occurring in men over age 65;

Whereas African-American men are diagnosed with the disease at later stages and die of prostate cancer more often than do white men;

Whereas in 2009, 1,910 men in the United States will be diagnosed with invasive breast cancer;

Whereas if detected early enough, over three-quarters of those who develop cancer could be saved;

Whereas greater annual awareness of the critical necessity of the early detection of breast cancer and other cancers will not only save tens of thousands of lives but also greatly reduce the financial strain on government and private health care services by detecting cancer before it requires very expensive medical treatment and protocols;

Whereas there is a need for enhanced public awareness of cancer screening; and

Whereas the designation of an Early Detection Month will enhance public awareness of breast cancer and all other forms of cancer: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress supports the designation of an Early Detection Month to enhance public awareness of screening for breast cancer and all other forms of cancer.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. LYNCH and Mr. SCHOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, January 21, 2010.

The point of no quorum was considered as withdrawn.

¶6.8 PROVIDING FOR CONSIDERATION OF H.R. 3254, H.R. 3342, AND H.R. 1065

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 1017):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3254) to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the further amendment printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative McClintock of California or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3342) to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the further amendment printed in part B of the report of the Committee on Rules, if offered by Representative McClintock of California or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1065) to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, modified by the amendment printed in part C of the report of the Committee on Rules, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the further amendment printed in part D of the report of the Committee on Rules, if offered by Representative McClintock of California or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. MCGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of

rule XX, announced that further proceedings on the question were postponed.

¶6.9 CHARITABLE CONTRIBUTIONS FOR VICTIMS OF EARTHQUAKE IN HAITI

Mr. RANGEL moved to suspend the rules and pass the bill (H.R. 4462) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti; as amended.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mr. RANGEL and Mr. HERGER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶6.10 CELEBRATING DR. MARTIN LUTHER KING, JR.

Mr. CONYERS moved to suspend the rules and agree to the following resolution (H. Res. 1010):

Whereas the life and work of Dr. Martin Luther King, Jr. was properly captured in Dr. King's most famed speech, ''I Have A Dream'', on August 28, 1963, when he said, ''I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all men are created equal' '';

Whereas beginning with the Montgomery Bus Boycott on December 1, 1955, Dr. King led protests, demonstrations, rallies, freedom rides, sit-ins, vigils, all in non-violent fashion, to combat hate, inequality, and racial injustice in the United States;

Whereas following the end of the Montgomery Bus Boycott in 1956, Dr. Martin Luther King Jr. and others, including Dr. Ralph Abernathy, formed the Southern Christian Leadership Conference (SCLC) in 1957 to promote civil rights and to bring an absolute and nonviolent end to segregation;

Whereas the efforts of Dr. Martin Luther King, Jr. and those that joined him in the civil rights movement resulted in the enactment of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968;

Whereas several U.S. Supreme Court cases decided during the era of the civil rights movement, like Browder v. Gayle (352 U.S. 903 (1956)), Boynton v. Virginia (364 U.S. 454 (1960)), and Heart of Atlanta Motel Inc. v. United States (379 U.S. 241 (1964)) were consistent with the work of Dr. King and others to eradicate segregation and discrimination and deem such practices unconstitutional;

Whereas Dr. Martin Luther King, Jr. received the Spingarn Medal in 1957 and the Nobel Peace Prize in 1964, distinctions that were given to him at the young ages of 28 and 35, respectively, for the selflessness and dedication he exhibited in advancing civil rights;

Whereas the life and work of Dr. King, to advance justice, equality, and peace for the entire human race, ended prematurely, when he was assassinated on April 4, 1968, in Memphis, Tennessee, while challenging the inequitable wages and treatment of Memphis sanitation workers;

Whereas Martin Luther King, Jr., was survived by Coretta Scott King, an activist in her own right, and 4 children, 2 sons and 2 daughters, who would also continue the fight for civil rights and equality;

Whereas 4 days after the assassination of Dr. King, on April 8, 1968, Representative John Conyers, Jr. introduced legislation to recognize Dr. King with a Federal holiday that coincided with the great civil rights leader's birthday, January 15, 1929;

Whereas the campaign to secure a Federal holiday in honor of Dr. Martin Luther King, Jr. lasted 15 years, with the 1980 Stevie Wonder song tribute to Dr. King, ''Happy Birthday'', solidifying the campaign's success;

Whereas Stevie Wonder dedicated his album sleeve for ''Hotter Than July'', an album released on September 29, 1980, and upon which ''Happy Birthday'' is recorded, to Dr. King, with an inscription that read, ''[Martin Luther King, Jr.] showed us, nonviolently, a better way of life, a way of mutual respect, helping us to avoid much bitter confrontation and inevitable bloodshed'';

Whereas Mr. Wonder also wrote on his album sleeve for ''Hotter Than July'' the following, ''We still have a long road to travel until we reach the world that was [Dr. King's] dream. We in the United States must not forget either his supreme sacrifice or that dream'';

Whereas Stevie Wonder encouraged the establishment of a Federal holiday in recognition of Dr. King on his album sleeve for ''Hotter Than July'' by expressing that, ''I and a growing number of people believe that it is time for our country to adopt legislation that will make January 15, Martin Luther King's birthday, a national holiday, both in recognition of what he achieved and as a reminder of the distance which still has to be traveled'';

Whereas the song, ''Happy Birthday'', became a rallying cry, which led to the collection of 6,000,000 signatures in support of a Federal holiday in honor of Dr. Martin Luther King, Jr., which Stevie Wonder and Coretta Scott King presented to Congressional Leadership in 1982;

Whereas ultimate enactment of legislation designating the third Monday of January as a Federal holiday in observance of Dr. Marin Luther King, Jr. was realized on November 3, 1983, when such legislation was signed into law;

Whereas the first Dr. Martin Luther King, Jr. Federal holiday was observed on January 20, 1986, and celebrated with a concert headlined by Stevie Wonder, who has, in the years since, continued his commitment to promoting peace and equality, for which he has been recognized with a Lifetime Achievement Award from the National Civil Rights Museum in Memphis, Tennessee;

Whereas the legacy of Dr. Martin Luther King, Jr. is continued today, as evidenced by the work of organizations like the National Association for the Advancement of Colored People (NAACP) and the Southern Christian Leadership Conference, which is currently led by Dr. King's daughter, Bernice King, and was at one time led by Dr. King's son, Martin Luther King, III;

Whereas today, the very mission of the Southern Christian Leadership Conference states, ''In the spirit of Dr. Martin Luther King, Jr., the Southern Christian Leadership Conference (SCLC) is renewing its commitment to bring about the promise of 'one nation, under God, indivisible' together with the commitment to activate the 'strength to love' within the community of humankind''; and

Whereas in addition to organizations, the legacy of Dr. King continues on today with people in the United States and throughout the world, with individual acts of compassion, courage, and peace: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the life and work of Dr. Martin Luther King, Jr. during the 30th anniversary of the Stevie Wonder song tribute to Dr. King, ''Happy Birthday'';

(2) recognizes that the legacy of Dr. Martin Luther King, Jr. continues on with commitments to freedom, equality, and justice, as exhibited by Stevie Wonder and so many others; and

(3) encourages the people of the United States to commemorate the legacy of Dr. King by renewing pledges to advance those principles and actions that are consistent with Dr. King's belief that ''all men are created equal''.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶6.11 HONORING AMERICANS KILLED IN KHOST, AFGHANISTAN

Mr. REYES moved to suspend the rules and agree to the following resolution (H. Res. 1009):

Whereas the men and women of the Central Intelligence Agency are dedicated professionals who work tirelessly to protect the United States;

Whereas many of the individuals serving the Central Intelligence Agency do so under harsh conditions, far from home, and on the front lines of the battle against terrorists;

Whereas these public servants face great risks in the line of duty on a daily basis;

Whereas seven Americans in the service of the Central Intelligence Agency gave their lives for their country in a bombing that took place in Khost, Afghanistan, on December 30, 2009;

Whereas six additional Americans were wounded in the attack, some of them suffering serious injuries;

Whereas the loss of these highly trained counterterrorism experts will be deeply felt throughout the Intelligence Community; and

Whereas the entire Nation owes an enormous debt of gratitude to these proud Americans, their families, and their loved ones for the quiet, dedicated, and vital service they offered to the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the seven Americans who died in the bombing that took place in Khost, Afghanistan, on December 30, 2009, and the families of those patriots for their service and their sacrifice for the United States;

(2) expresses condolences to the families, friends, and loved ones of those killed in the bombing;

(3) offers support and hope for a full recovery for those who were wounded in the bombing; and

(4) shares in the pain and grief felt in the aftermath of such a tragic event.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mr. REYES and Mr. THORNBERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶6.12 SECURING THE CITIES INITIATIVE

Ms. CLARKE moved to suspend the rules and pass the bill (H.R. 2611) to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. CLARKE and Mr. KING of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶6.13 AMENDMENT OF THE SENATE TO H.R. 730

Ms. CLARKE moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 730) to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nuclear Forensics and Attribution Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The threat of a nuclear terrorist attack on American interests, both domestic and abroad, is one of the most serious threats to the national security of the United States. In the wake of an attack, attribution of responsibility would be of utmost importance. Because of the destructive power of a nuclear weapon, there could be little forensic evidence except the radioactive material in the weapon itself.

(2) Through advanced nuclear forensics, using both existing techniques and those under development, it may be possible to identify the source and pathway of a weapon or material after it is interdicted or detonated. Though identifying intercepted smuggled material is now possible in some cases, pre-detonation forensics is a relatively undeveloped field. The post-detonation nuclear forensics field is also immature, and the challenges are compounded by the pressures and time constraints of performing forensics after a nuclear or radiological attack.

(3) A robust and well-known capability to identify the source of nuclear or radiological material intended for or used in an act of terror could also deter prospective proliferators. Furthermore, the threat of effective attribution could compel improved security at material storage facilities, preventing the unwitting transfer of nuclear or radiological materials.

(4)(A) In order to identify special nuclear material and other radioactive materials confidently, it is necessary to have a robust capability to acquire samples in a timely manner, analyze and characterize samples, and compare samples against known signatures of nuclear and radiological material.

(B) Many of the radioisotopes produced in the detonation of a nuclear device have short half-lives, so the timely acquisition of samples is of the utmost importance. Over the past several decades, the ability of the United States to gather atmospheric samples—often the preferred method of sample acquisition—has diminished. This ability must be restored and modern techniques that could complement or replace existing techniques should be pursued.

(C) The discipline of pre-detonation forensics is a relatively undeveloped field. The radiation associated with a nuclear or radiological device may affect traditional forensics techniques in unknown ways. In a post-detonation scenario, radiochemistry may provide the most useful tools for analysis and characterization of samples. The number of radiochemistry programs and radiochemists in United States National Laboratories and universities has dramatically declined over the past several decades. The narrowing pipeline of qualified people into this critical field is a serious impediment to maintaining a robust and credible nuclear forensics program.

(5) Once samples have been acquired and characterized, it is necessary to compare the results against samples of known material from reactors, weapons, and enrichment facilities, and from medical, academic, commercial, and other facilities containing such materials, throughout the world. Some of these samples are available to the International Atomic Energy Agency through safeguards agreements, and some countries maintain internal sample databases. Access to samples in many countries is limited by national security concerns.

(6) In order to create a sufficient deterrent, it is necessary to have the capability to positively identify the source of nuclear or radiological material, and potential traffickers in nuclear or radiological material must be aware of that capability. International cooperation may be essential to catalogue all existing sources of nuclear or radiological material.

SEC. 3. SENSE OF CONGRESS ON INTERNATIONAL AGREEMENTS FOR FORENSICS CO-OPERATION.

It is the sense of the Congress that the President should—

(1) pursue bilateral and multilateral international agreements to establish, or seek to establish under the auspices of existing bilateral or multilateral agreements, an international framework for determining the source of any confiscated nuclear or radiological material or weapon, as well as the source of any detonated weapon and the nuclear or radiological material used in such a weapon;

(2) develop protocols for the data exchange and dissemination of sensitive information relating to nuclear or radiological materials and samples of controlled nuclear or radiological materials, to the extent required by the agreements entered into under paragraph (1); and

(3) develop expedited protocols for the data exchange and dissemination of sensitive information needed to publicly identify the source of a nuclear detonation.

SEC. 4. RESPONSIBILITIES OF DOMESTIC NUCLEAR DETECTION OFFICE.

(a) ADDITIONAL RESPONSIBILITIES.—Section 1902 of the Homeland Security Act of 2002 (as redesignated by Public Law 110–53; 6 U.S.C. 592) is amended—

(1) in subsection (a)—

(A) in paragraph (9), by striking ''and'' after the semicolon;

(B) by redesignating paragraph (10) as paragraph (14); and

(C) by inserting after paragraph (9) the following:

''(10) lead the development and implementation of the national strategic five-year plan for improving the nuclear forensic and attribution capabilities of the United States required under section 1036 of the National Defense Authorization Act for Fiscal Year 2010;

''(11) establish, within the Domestic Nuclear Detection Office, the National Technical Nuclear Forensics Center to provide centralized stewardship, planning, assessment, gap analysis, exercises, improvement, and integration for all Federal nuclear forensics and attribution activities—

''(A) to ensure an enduring national technical nuclear forensics capability to strengthen the collective response of the United States to nuclear terrorism or other nuclear attacks; and

''(B) to coordinate and implement the national strategic five-year plan referred to in paragraph (10);

''(12) establish a National Nuclear Forensics Expertise Development Program, which—

''(A) is devoted to developing and maintaining a vibrant and enduring academic pathway from undergraduate to post-doctorate study in nuclear and geochemical science specialties directly relevant to technical nuclear forensics, including radiochemistry, geochemistry, nuclear physics, nuclear engineering, materials science, and analytical chemistry;

''(B) shall—

''(i) make available for undergraduate study student scholarships, with a duration of up to 4 years per student, which shall include, if possible, at least 1 summer internship at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's undergraduate career;

''(ii) make available for doctoral study student fellowships, with a duration of up to 5 years per student, which shall—

''(I) include, if possible, at least 2 summer internships at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student's graduate career; and

''(II) require each recipient to commit to serve for 2 years in a post-doctoral position in a technical nuclear forensics-related specialty at a national laboratory or appropriate Federal agency after graduation;

''(iii) make available to faculty awards, with a duration of 3 to 5 years each, to ensure faculty and their graduate students have a sustained funding stream; and

''(iv) place a particular emphasis on reinvigorating technical nuclear forensics programs while encouraging the participation of undergraduate students, graduate students, and university faculty from historically Black colleges and universities, Hispanic-serving institutions,

Tribal Colleges and Universities, Asian American and Native American Pacific Islander-serving institutions, Alaska Native-serving institutions, and Hawaiian Native-serving institutions; and

''(C) shall—

''(i) provide for the selection of individuals to receive scholarships or fellowships under this section through a competitive process primarily on the basis of academic merit and the nuclear forensics and attribution needs of the United States Government;

''(ii) provide for the setting aside of up to 10 percent of the scholarships or fellowships awarded under this section for individuals who are Federal employees to enhance the education of such employees in areas of critical nuclear forensics and attribution needs of the United States Government, for doctoral education under the scholarship on a full-time or part-time basis;

''(iii) provide that the Secretary may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which such scholarship is awarded;

''(iv) require scholarship recipients to maintain satisfactory academic progress; and

''(v) require that—

''(I) a scholarship recipient who fails to maintain a high level of academic standing, as defined by the Secretary, who is dismissed for disciplinary reasons from the educational institution such recipient is attending, or who voluntarily terminates academic training before graduation from the educational program for which the scholarship was awarded shall be liable to the United States for repayment within 1 year after the date of such default of all scholarship funds paid to such recipient and to the institution of higher education on the behalf of such recipient, provided that the repayment period may be extended by the Secretary if the Secretary determines it necessary, as established by regulation; and

''(II) a scholarship recipient who, for any reason except death or disability, fails to begin or complete the post-doctoral service requirements in a technical nuclear forensics-related specialty at a national laboratory or appropriate Federal agency after completion of academic training shall be liable to the United States for an amount equal to—

''(aa) the total amount of the scholarship received by such recipient under this section; and

''(bb) the interest on such amounts which would be payable if at the time the scholarship was received such scholarship was a loan bearing interest at the maximum legally prevailing rate;

''(13) provide an annual report to Congress on the activities carried out under paragraphs (10), (11), and (12); and''; and

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

''(b) DEFINITIONS.—In this section:

''(1) ALASKA NATIVE-SERVING INSTITUTION.—The term 'Alaska Native-serving institution' has the meaning given the term in section 317 of the Higher Education Act of 1965 (20 U.S.C. 1059d).

''(2) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term 'Asian American and Native American Pacific Islander-serving institution' has the meaning given the term in section 320 of the Higher Education Act of 1965 (20 U.S.C. 1059g).

''(3) HAWAIIAN NATIVE-SERVING INSTITUTION.—The term 'Hawaiian native-serving institution' has the meaning given the term in section 317 of the Higher Education Act of 1965 (20 U.S.C. 1059d).

''(4) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given that term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

''(5) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

''(6) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' has the meaning given that term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).''.

(b) JOINT INTERAGENCY ANNUAL REPORTING REQUIREMENT TO CONGRESS AND THE PRESIDENT.—

(1) IN GENERAL.—Section 1907(a)(1) of the Homeland Security Act of 2002 (6 U.S.C. 596a(a)(1)) is amended—

(A) in subparagraph (A)(ii), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B)(iii), by striking the period at the end and inserting ''; and''; and

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

''(C) the Director of the Domestic Nuclear Detection Office and each of the relevant departments that are partners in the National Technical Forensics Center—

''(i) include, as part of the assessments, evaluations, and reviews required under this paragraph, each office's or department's activities and investments in support of nuclear forensics and attribution activities and specific goals and objectives accomplished during the previous year pursuant to the national strategic five-year plan for improving the nuclear forensic and attribution capabilities of the United States required under section 1036 of the National Defense Authorization Act for Fiscal Year 2010;

''(ii) attaches, as an appendix to the Joint Interagency Annual Review, the most current version of such strategy and plan; and

''(iii) includes a description of new or amended bilateral and multilateral agreements and efforts in support of nuclear forensics and attribution activities accomplished during the previous year.''.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. CLARKE and Mr. KING of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment of the Senate?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Ms. CLARKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, January 21, 2010.

¶6.14 H. RES. 1017—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1017) providing for the consideration of the bill (H.R. 3254) to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; for consideration of the bill (H.R. 3342) to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque; and for consideration of the bill (H.R. 1065) to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 / Nays 175

¶6.15 [Roll No. 9]

YEAS—239

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

Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—175

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

NOT VOTING—19

Abercrombie
Barrett (SC)
Boehner
Bonner
Cleaver
Crenshaw
Culberson
Davis (AL)
Hinojosa
Hoekstra
Inglis
Johnson, E. B.
Lewis (CA)
Lofgren, Zoe
Murphy, Patrick
Radanovich
Ros-Lehtinen
Stark
Young (AK)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶6.16 H.R. 3726—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 241 / Nays 173

¶6.17 [Roll No. 10]

YEAS—241

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

NAYS—173

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

NOT VOTING—19

Abercrombie
Akin
Barrett (SC)
Bonner
Cleaver
Crenshaw
Culberson
Davis (AL)
Hare
Hinojosa
Hoekstra
Johnson, E. B.
Lewis (CA)
Murphy, Patrick
Radanovich
Space
Stark
Wilson (OH)
Young (AK)

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶6.18 MOMENT OF SILENCE IN MEMORY OF MEMBERS OF THE UNITED STATES ARMED FORCES IN IRAQ AND AFGHANISTAN

The SPEAKER announced that all Members stand and observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and all who serve in our Armed Forces and their families.

¶6.19 H.R. 3538—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of

rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3538) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 225 / Nays 191

¶6.20 [Roll No. 11]

YEAS—225

Aderholt	Gerlach	Miller, George
Alexander	Giffords	Minnick
Altmire	Gingrey (GA)	Mitchell
Arcuri	Gohmert	Moore (KS)
Austria	Gonzalez	Moran (KS)
Bachmann	Goodlatte	Moran (VA)
Bachus	Granger	Murphy (CT)
Bartlett	Graves	Murphy (NY)
Barton (TX)	Griffith	Murphy, Tim
Berkley	Guthrie	Murtha
Biggert	Hall (TX)	Myrick
Bilbray	Harper	Nadler (NY)
Bilirakis	Hastings (WA)	Neugebauer
Bishop (UT)	Heller	Nunes
Blackburn	Hensarling	Nye
Blunt	Herger	Olson
Boccieri	Himes	Pascrell
Boehner	Hinchey	Paulsen
Bono Mack	Hodes	Pence
Boozman	Hunter	Petri
Boucher	Inglis	Pitts
Boustany	Issa	Platts
Boyd	Jenkins	Poe (TX)
Bright	Johnson (IL)	Pomeroy
Broun (GA)	Johnson, Sam	Posey
Brown (SC)	Jones	Price (GA)
Brown-Waite, Ginny	Jordan (OH)	Putnam
Buchanan	King (IA)	Rehberg
Burgess	King (NY)	Reichert
Burton (IN)	Kingston	Richardson
Buyer	Kirk	Roe (TN)
Calvert	Kirkpatrick (AZ)	Rogers (AL)
Camp	Kissell	Rogers (KY)
Campbell	Kline (MN)	Rogers (MI)
Cantor	Kosmas	Rohrabacher
Cao	Kratovil	Rooney
Capito	Kucinich	Ros-Lehtinen
Carney	Lamborn	Roskam
Carter	Lance	Royce
Cassidy	Larsen (WA)	Ryan (WI)
Castle	Latham	Salazar
Chaffetz	LaTourette	Scalise
Childers	Latta	Schmidt
Coble	Lee (NY)	Schock
Coffman (CO)	Lipinski	Schrader
Cohen	LoBiondo	Sensenbrenner
Cole	Loebsack	Sessions
Conaway	Lowey	Sestak
Cuellar	Lucas	Shadegg
Davis (CA)	Luetkemeyer	Shimkus
Davis (KY)	Lummis	Shuler
Deal (GA)	Lungren, Daniel E.	Shuster
Dent	Mack	Simpson
Diaz-Balart, L.	Manzullo	Smith (NE)
Diaz-Balart, M.	Marchant	Smith (NJ)
Dicks	Marshall	Smith (TX)
Donnelly (IN)	Massa	Souder
Dreier	McCarthy (CA)	Space
Driehaus	McCaul	Speier
Duncan	McClintock	Stearns
Ehlers	McCotter	Sullivan
Ellsworth	McHenry	Tanner
Emerson	McIntyre	Taylor
Fallin	McKeon	Teague
Flake	McMorris Rodgers	Terry
Fleming	Meeks (NY)	Thompson (PA)
Forbes	Mica	Thornberry
Fortenberry	Michaud	Tiahrt
Foxx	Miller (FL)	Tiberi
Franks (AZ)	Miller (MI)	Titus
Frelinghuysen	Miller (NC)	Turner
Gallegly	Miller, Gary	Upton
Garrett (NJ)	Miller, George	Visclosky
Wamp	Wilson (OH)	Walden
Whitfield	Wittman	Wolf
		Young (FL)

NAYS—191

Ackerman	Green, Al	Pallone
Adler (NJ)	Green, Gene	Pastor (AZ)
Andrews	Grijalva	Paul
Baca	Gutierrez	Payne
Baird	Hall (NY)	Perlmutter
Baldwin	Halvorson	Perriello
Barrow	Hare	Peters
Bean	Harman	Peterson
Becerra	Hastings (FL)	Pingree (ME)
Berman	Heinrich	Polis (CO)
Berry	Herseth Sandlin	Price (NC)
Bishop (GA)	Higgins	Quigley
Bishop (NY)	Hill	Rahall
Blumenauer	Hirono	Rangel
Boren	Holden	Reyes
Boswell	Holt	Rodriguez
Brady (PA)	Honda	Ross
Brady (TX)	Hoyer	Rothman (NJ)
Braley (IA)	Inslee	Roybal-Allard
Brown, Corrine	Israel	Ruppersberger
Butterfield	Jackson (IL)	Rush
Capps	Jackson Lee (TX)	Ryan (OH)
Capuano	Johnson (GA)	Sánchez, Linda T.
Cardoza	Kagen	Sanchez, Loretta
Carnahan	Kanjorski	Sarbanes
Carson (IN)	Kaptur	Schakowsky
Castor (FL)	Kennedy	Schauer
Chandler	Kildee	Schiff
Chu	Kilpatrick (MI)	Schwartz
Clarke	Kilroy	Scott (GA)
Clay	Kind	Scott (VA)
Clyburn	Klein (FL)	Serrano
Connolly (VA)	Langevin	Shea-Porter
Conyers	Larson (CT)	Sherman
Cooper	Lee (CA)	Sires
Costa	Levin	Skelton
Costello	Lewis (GA)	Slaughter
Courtney	Linder	Smith (WA)
Crowley	Lofgren, Zoe	Snyder
Cummings	Luján	Spratt
Dahlkemper	Lynch	Stupak
Davis (IL)	Maffei	Sutton
Davis (TN)	Maloney	Thompson (CA)
DeFazio	Markey (CO)	Thompson (MS)
DeGette	Markey (MA)	Tierney
Delahunt	Matheson	Tonko
DeLauro	Matsui	Towns
Dingell	McCarthy (NY)	Tsongas
Doggett	McCollum	Van Hollen
Doyle	McDermott	Velázquez
Edwards (MD)	McGovern	Walz
Edwards (TX)	McMahon	Wasserman Schultz
Ellison	McNerney	Waters
Engel	Meek (FL)	Watson
Eshoo	Melancon	Watt
Etheridge	Mollohan	Waxman
Farr	Moore (WI)	Weiner
Fattah	Napolitano	Welch
Filner	Neal (MA)	Wilson (SC)
Foster	Oberstar	Woolsey
Frank (MA)	Obey	Wu
Fudge	Olver	Yarmuth
Garamendi	Ortiz	
Gordon (TN)	Owens	
Grayson		

NOT VOTING—17

Abercrombie	Culberson	Murphy, Patrick
Akin	Davis (AL)	Radanovich
Barrett (SC)	Hinojosa	Stark
Bonner	Hoekstra	Westmoreland
Cleaver	Johnson, E. B.	Young (AK)
Crenshaw	Lewis (CA)	

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶6.21 CONDOLENCES AND SOLIDARITY WITH PEOPLE OF HAITI

Ms. LEE of California, moved to suspend the rules and agree to the following resolution (H. Res. 1021):

Whereas on January 12, 2010, a 7.0 magnitude earthquake struck the country of Haiti;

Whereas according to the United States Geological Survey (USGS) the earthquake epicenter was located approximately 10 miles southwest of the capital, Port-au-Prince;

Whereas the earthquake has been followed by dangerous aftershocks, including two of 5.9 and 5.5 magnitude, and with the most severe to date, at 6.1, coming on January 20, 2010;

Whereas casualty estimates, still being compiled, as well as infrastructure damage, including to roads, ports, hospitals, and residential dwellings, place this earthquake as the worst cataclysm to hit Haiti in over two centuries;

Whereas an estimated 3,000,000 people have been directly affected by the disaster in Haiti, nearly one-third of the country's population, who are currently at risk of long-term displacement and vulnerability;

Whereas the United Nations Stabilization Mission in Haiti (MINUSTAH) headquarters collapsed with approximately 150 staff members inside, including the head of the mission, Hedi Annabi, causing the largest loss of life in United Nations history;

Whereas an unknown number of individuals remain trapped under collapsed buildings, as rescue teams work around-the-clock to locate and extract survivors;

Whereas the destruction of infrastructure, particularly to the port, airport, roads, and telecommunications, continues to hinder the immediate delivery of humanitarian assistance in Haiti;

Whereas Haiti is the poorest, least developed country in the Western Hemisphere, and prior to the earthquake was ranked 149 out of 182 countries on the United Nations Human Development Index;

Whereas prior to the earthquake, Haiti was still in the process of recovering from a ruinous recent series of hurricanes and tropical storms, food shortages and rising commodity prices, and political instability, but was showing encouraging signs of improvement;

Whereas in addition to the pressure to secure communities and prevent looters from causing further harm to their citizens who are struggling to recover, Haiti's penitentiary collapsed and spilled untold numbers of criminals into an already disturbing security situation;

Whereas a number of children legally confirmed as orphans are eligible for intercountry adoption, and the uncertain welfare of children who are already in the process of being adopted is of urgent concern to their prospective adoptive parents in the United States;

Whereas it is in the interests of these orphans and their prospective adoptive parents to facilitate and expedite legal adoptions of Haitian orphans to the United States;

Whereas President Obama vowed the ''unwavering support'' of the United States and pledged a ''swift, coordinated and aggressive effort to save lives and support the recovery in Haiti'';

Whereas the response to the tragedy from the global community has been overwhelmingly positive;

Whereas the initial emergency response of the men and women of the United States Government, led by the United States Agency for International Development and United States Southern Command, has been swift and resolute;

Whereas MINUSTAH peacekeepers, while still trying to rescue their colleagues in their headquarters, have taken a leading role to assist in clearing roads and providing security around Port-au-Prince to facilitate aid into the earthquake disaster zone;

Whereas the United States Department of Homeland Security has temporarily halted the deportation of Haitian nationals to Haiti in response to the devastation caused by the earthquake;

Whereas the United States Department of Homeland Security granted the designation of Temporary Protected Status for Haitian nationals who are in the United States and

unable to return to their country due to the destruction and humanitarian crisis in Haiti;

Whereas individuals, businesses, and philanthropic organizations across the United States and throughout the international community have responded in support of Haiti and its populace during this time of crisis, sometimes in innovative ways such as fundraising through text messaging;

Whereas throughout this terrible calamity, the Haitian people continue to demonstrate unwavering resilience, dignity, and courage; and

Whereas once proper surveys and assessments are conducted, the initial and crucial emergency relief response will likely move to a comprehensive mission requiring sustained assistance from the United States and the international community for reconstruction and development efforts: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest condolences and sympathy for the horrific loss of life and the physical and psychological damage caused by the earthquake of January 12, 2010;

(2) expresses solidarity with Haitians, Haitian Americans, and all those who have lost loved ones or have otherwise been affected by the tragedy, including United States Embassy personnel, United Nations peacekeepers, and humanitarian workers;

(3) commends the efforts and honors the sacrifice of the men and women of the Government of Haiti, the United States Government, the United Nations, and the international community in their immediate response to those affected by this calamity;

(4) commends the efforts of the American people, including the Haitian-American community, to provide relief to families, friends, and unknown peoples suffering in the country;

(5) supports the efforts of the Administration to provide and coordinate international humanitarian assistance and to provide relief to affected communities;

(6) expresses support for the recovery and long-term reconstruction needs of Haiti;

(7) recognizes that the recovery and long-term needs of Haiti will require a sustained commitment by the United States and international community based on comprehensive assessments of the development needs for Haiti;

(8) urges those who hold debt against Haiti, including the Inter-American Development Bank, the International Monetary Fund, and all other regional and international institutions and countries, to immediately suspend further debt payments, and to develop processes to cancel all remaining debt; and

(9) urges the President—

(A) to continue to make available to United States agencies, nongovernmental organizations, private voluntary organizations, regional institutions, and United Nations agencies the resources necessary to confront the effects and consequences of this natural disaster;

(B) to provide, when the emergency subsides, assistance in partnership with the Government of Haiti and in coordination with other donors to begin the reconstruction of Haiti;

(C) to undertake comprehensive assessments of the long-term needs for recovery and development in Haiti, ensure transparency and accountability, and lead coordination efforts with international actors who share in the goal of a better future for Haiti and are willing to support the costs of meeting those needs; and

(D) to utilize new and innovative thinking in providing long-term assistance to Haiti, including tapping into the insight and immense potential of the Haitian Diaspora, to help Haitians rebuild upon the strongest possible foundation, in order to promote a stable and sustainable future for Haiti.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Ms. LEE of California, and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Ms. LEE of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, January 21, 2010.

¶6.22 CONDEMNING VIOLENCE IN THE REPUBLIC OF GUINEA

Ms. LEE of California, moved to suspend the rules and agree to the following resolution (H. Res. 1013); as amended:

Whereas, on December 23, 2008, a military junta calling itself the National Council for Democracy and Development (CNDD) seized power in the Republic of Guinea hours after the death of longtime President Lansana Conté, suspended the national legislature and the constitution, and committed to hold free and fair national elections as part of a ''peaceful transition'' to a civilian-led government;

Whereas delays in electoral preparations and statements by CNDD leader Captain Moussa Dadis Camara that he might run for president, in contravention of earlier commitments that neither he nor any other member of the CNDD would run as a candidate in the elections, provoked increasing public discontent with the junta;

Whereas, on September 28, 2009, tens of thousands of unarmed civilians gathered at a the national soccer stadium in Conakry to protest against the CNDD;

Whereas security forces responded by surrounding the stadium and opening fire with live ammunition on the crowd, reportedly killing over 150 people and injuring over 1,000;

Whereas prominent opposition leaders were then beaten and arrested by soldiers; demonstrators and opposition party members were detained without charge; and at least 60 women were brutally raped, sexually molested, or killed by security forces, many of them in public and in full sight of their commanders;

Whereas an investigation by Human Rights Watch indicates that ''the [stadium] massacre and widespread rape were organized and premeditated'' and that armed forces had attempted to ''hide evidence of the crimes by seizing bodies from the stadium and the city's morgues and burying them in mass graves'';

Whereas the security forces responsible for the violence on September 28, 2009, reportedly included troops from the Presidential Guard and gendarmes working with the State Secretariat for Special Services, both of which answer directly to the presidency;

Whereas, on October 30, 2009, the United Nations Secretary-General announced the appointment of an international commission of inquiry to probe the violence of September 28, 2009;

Whereas the Economic Community of West African States (ECOWAS) has appointed President Blaise Compaoré of Burkina Faso to mediate between the CNDD, opposition parties, and civil society in an effort to break the current political impasse;

Whereas the African Union, ECOWAS, the European Union, and the United States have imposed targeted sanctions, variously including travel restrictions, financial asset freezes, and an arms embargo, on CNDD members in response to the violent crackdown and perceived CNDD resistance to a democratic transition;

Whereas while others were imposing sanctions against the CNDD, it was announced in October that the China International Fund, a Hong Kong-registered company with ties to Chinese state-owned enterprises and government agencies, has signed a $7 billion deal with the CNDD to develop Guinea's vast mineral resources;

Whereas the CNDD reportedly has imported millions of dollars worth of weapons since the September 28, 2009, crackdown and junta members reportedly are recruiting militias, adding a troubling and potentially explosive ethnic dimension to the crisis;

Whereas targeted political killings reportedly have been carried out in Conakry since September 2009, opposition members continue to face the threat of arrest and violent assault, and the junta has banned all public protests;

Whereas, on December 3, 2009, Captain Moussa Dadis Camara was shot in the head in an apparent assassination attempt by his aide-de-camp Lt. Aboubakar Diakite (Toumba) and flown to Morocco for treatment, prompting analysts to warn of a potential counter coup and a further deterioration of security in Guinea;

Whereas a further deterioration of the political and security situation in Guinea could have catastrophic consequences not only for Guinea, but also for neighboring Liberia and Sierra Leone, both of which only recently emerged from deadly, protracted conflicts;

Whereas Secretary of State Hillary Clinton has referred to the September 28, 2009, crackdown as ''criminality of the greatest degree'', and stated that Guinea's military leaders must recognize ''that they cannot remain in power, that they must turn back to the people the right to choose their own leaders'';

Whereas, on January 6, 2010, interim junta leader General Sekouba Konate invited the opposition in Guinea to select a prime minister in advance of the formation of a transitional government and offered security guarantees to opposition leaders who had fled the country; and

Whereas, on January 15, 2010, the ''Declaration Conjointe de Ouagadougou'' to end the political crisis in Guinea, mediated by Burkina Faso's President Blaise Compaoré, was signed by opposition parties and junta leaders, and supported by the International Contact Group on Guinea, provides for the establishment of a government of national unity, led by a consensus Prime Minister, and the holding of presidential elections within six months in order to reestablish the rule of law and bring peace and stability to the people of Guinea: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the violent suppression of legitimate political dissent and gross human rights abuses, including mass murder and extreme sexual violence, perpetrated by forces under the command of the National Council for Democracy and Development (CNDD) in Guinea and demands that the perpetrators of these crimes be brought to justice;

(2) expresses grave concern about the further deterioration of security and rule of law

in Guinea, particularly with regard to ongoing reports of—

(A) harassment of opposition figures, members of civil society, and journalists;

(B) rising ethnic tensions;

(C) growing cleavages within the CNDD and the military which raise the potential of a violent counter coup;

(D) recruitment of militias and other irregular forces from within Guinea and neighboring countries;

(E) importation of weapons despite an arms embargo on the region; and

(F) uncertainty about the prospects for restoring civilian rule through free, fair, and transparent elections;

(3) calls on China to cease its material support for the CNDD by publicly announcing the cancellation of the China International Fund's $7 billion minerals and infrastructure deal in Guinea;

(4) urges all Member States of the United Nations to join the United States, the European Union (EU), the African Union (AU), and the Economic Community of West African States (ECOWAS) to impose sanctions against the regime until constitutional order and rule of law has been restored in Guinea;

(5) supports the efforts of the ECOWAS and the AU to find a resolution to the current political crisis in Guinea;

(6) urges the leaders of the CNDD, the Force Vives Coalition, and all parties in Guinea to uphold and abide by the provisions included in the ''Declaration Conjointe de Ouagadougou'' and to facilitate the conduct of free, fair, and transparent elections that meet international standards and reflect the will of the Guinean people; and

(7) expresses solidarity with the people of Guinea during this time of extreme uncertainty and expresses deep regret for the victims of the September 28, 2009, crackdown.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Ms. LEE of California, and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶6.23 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶6.24 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO FOREIGN TERRORISTS

The SPEAKER pro tempore, Mr. SCHAUER, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2010.

The crisis with respect to the grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process that led to the declaration of a national emergency on January 23, 1995, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *January 20, 2010*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–88).

¶6.25 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on January 20, 2010, she presented to the President of the United States, for his approval, the following bills:

H.R. 3788. An Act to designate the facility of the United States Postal Service located in 3900 Darrow Road in Stow, Ohio, as the ''Corporal Joseph A. Tomci Post Office Building''.

H.R. 3767. An Act to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the ''W. Hazen Hillyard Post Office Building''.

H.R. 3667. An Act to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the ''Clyde L. Hillhouse Post Office Building''.

H.R. 3539. An Act to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the ''Patricia D. McGinty-Juhl Post Office Building''.

H.R. 3319. An Act to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the ''Army Specialist Jeremiah Paul McCleery Post Office Building''.

H.R. 3072. An Act to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the ''Coach Jodie Bailey Post Office Building''.

H.R. 2877. An Act to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office''.

H.R. 1817. An Act to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the ''John S. Wilder Post Office Building''.

H.R. 1377. An Act to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

¶6.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CULBERSON, for today and balance of the week.

And then,

¶6.27 ADJOURNMENT

On motion of Mrs. BACHMANN, at 7 o'clock and 5 minutes p.m., the House adjourned.

¶6.28 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself and Mr. HOEKSTRA):

H.R. 4471. A bill to clarify that revocation of an alien's visa or other documentation is not subject to judicial review; to the Committee on the Judiciary.

By Mr. CAMP:

H.R. 4472. A bill to direct the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCHRADER:

H.R. 4473. A bill to amend title XVIII of the Social Security Act to establish an extended special enrollment period for individuals to enroll in part B of Medicare; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINNICK (for himself and Mr. SIMPSON):

H.R. 4474. A bill to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; to the Committee on Natural Resources.

By Ms. MCCOLLUM (for herself, Mr. BONNER, Mr. BACA, Mr. LUJÁN, Mr. GRIJALVA, Mr. PETERSON, Mr. CHANDLER, Mr. HEINRICH, Mr. COLE, Mr. SHULER, Mr. KILDEE, Ms. HERSETH SANDLIN, Mr. OBERSTAR, Mr. KENNEDY, Mr. WALZ, Mr. BOREN, and Mr. PALLONE):

H.R. 4475. A bill to amend sections 14006 and 14007 of the American Recovery and Reinvestment Act of 2009 to reserve funds under the programs established under such sections for payments to the Bureau of Indian Education of the Department of the Interior for Indian children; to the Committee on Education and Labor.

By Mr. BACHUS (for himself, Mrs. BIGGERT, Mrs. CAPITO, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mr. NEUGEBAUER, and Mr. PAUL):

H.R. 4476. A bill to suspend the current compensation packages for the senior executives of Fannie Mae and Freddie Mac and establish compensation for such positions in accordance with rates of pay for senior employees in the Executive Branch of the Federal Government, and for other purposes; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself and Ms. SHEA-PORTER):

H.R. 4477. A bill to require the Secretary of Defense to establish a medical surveillance system to identify members of the Armed Forces exposed to chemical hazards resulting from the disposal of waste in Iraq and Afghanistan, to prohibit the disposal of waste by the Armed Forces in a manner that would produce dangerous levels of toxins, and for other purposes; to the Committee on Armed Services.

By Ms. CORRINE BROWN of Florida:

H.R. 4478. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President to take actions to address the needs of children and families who are victims of a major disaster, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FORBES:

H.R. 4479. A bill to enforce discretionary spending limits to rein in spending, reduce the deficit, and regain control of the Federal budget process; to the Committee on the Budget.

By Ms. FUDGE:

H.R. 4480. A bill to amend the Community Services Block Grant Act to authorize appropriations for national or regional instructional programs for low-income youth; to the Committee on Education and Labor.

By Mr. LANCE:

H.R. 4481. A bill to reduce the Federal budget deficit in a responsible manner; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANCE:

H.R. 4482. A bill to apply recaptured taxpayer investments toward reducing the national debt; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSKAM:

H.R. 4483. A bill to prohibit compensation for any officer or employee of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, during any conservatorship or receivership of such enterprise, in an amount exceeding the compensation provided to the Chairman of the Joint Chiefs of Staff of the Armed Forces; to the Committee on Financial Services.

By Mr. CARDOZA:

H. Con. Res. 229. Concurrent resolution supporting the designation of the facility under development by the Stanislaus County Ag Center Foundation, in Stanislaus County, California, as the National Ag Science Center; to the Committee on Agriculture.

By Mr. SMITH of New Jersey (for himself, Ms. ROS-LEHTINEN, and Mr. WOLF):

H. Res. 1019. A resolution recognizing the fifth anniversary of the signing of the Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Army and calling for urgent and aggressive actions to establish peace in all regions of Sudan; to the Committee on Foreign Affairs.

By Ms. MARKEY of Colorado (for herself, Mr. POLIS, Mr. SALAZAR, Ms. DEGETTE, Mr. PERLMUTTER, Mr. LAMBORN, and Mr. COFFMAN of Colorado):

H. Res. 1020. A resolution honoring the 95th anniversary of the signing of the Rocky Mountain National Park Act; to the Committee on Natural Resources.

By Ms. LEE of California (for herself, Mr. PAYNE, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. ENGEL, Mr. HOYER, Mr. CLYBURN, Mr. CONYERS, Mr. RANGEL, Mr. TOWNS, Ms. WATERS, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. HASTINGS of Florida, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. CLAY, Mr. CLEAVER, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FATTAH, Ms. FUDGE, Mr. AL GREEN of Texas, Ms. HIRONO, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mrs. MCCARTHY of New York, Ms. MOORE of Wisconsin, Ms. NORTON, Ms. RICHARDSON, Mr. RUSH, Mr. SABLAN, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SIRES, Mr. THOMPSON of Mississippi, Ms. WATSON, and Mr. WATT):

H. Res. 1021. A resolution expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Georgia (for himself, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLEAVER, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. FILNER, Ms. CORRINE BROWN of Florida, Mr. LAMBORN, Mr. MEEKS of New York, Mr. CONYERS, Mr. PAYNE, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, Mr. SESTAK, Ms. LEE of California, Mr. BUTTERFIELD, Mr. SCOTT of Virginia, Mr. JACKSON of Illinois, Ms. MOORE of Wisconsin, Ms. RICHARDSON, Mr. CUMMINGS, Ms. WATSON, Mr. BRADY of Pennsylvania, Mr. COHEN, Ms. EDWARDS of Maryland, Mr. GUTIERREZ, Mr. MASSA, Mr. AL GREEN of Texas, Ms. NORTON, Mr. CLAY, Mr. RANGEL, Ms. FUDGE, Mr. RUSH, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Mr. DAVIS of Alabama, Ms. CHU, Ms. JACKSON LEE of Texas, Mr. FATTAH, Mr. MARSHALL, Mr. SCOTT of Georgia, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT, Ms. KILPATRICK of Michigan, and Ms. WATERS):

H. Res. 1022. A resolution honoring the life and sacrifice of Medgar Evers and congratulating the United States Navy for naming a supply ship after Medgar Evers; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANCE:

H. Res. 1023. A resolution amending the Rules of the House of Representatives to remove the authority of the Committee on Rules to waive clause 5 of rule XVI or clause 9 of rule XXII; to the Committee on Rules.

By Mr. MCDERMOTT:

H. Res. 1024. A resolution expressing support for designation of January as Poverty in America Awareness Month; to the Committee on Ways and Means.

¶6.29 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 211: Ms. KAPTUR.
H.R. 213: Mr. BUCHANAN.
H.R. 235: Mr. LUJÁN.
H.R. 273: Mr. SCHRADER.
H.R. 391: Mr. MILLER of Florida.
H.R. 460: Mr. MCGOVERN.
H.R. 537: Mr. SHUSTER.
H.R. 558: Mr. TONKO, Mr. PRICE of North Carolina, Mr. PLATTS, Mr. GERLACH, and Mr. MARSHALL.
H.R. 678: Mr. HOLT and Mr. BARROW.
H.R. 690: Mr. YARMUTH.
H.R. 772: Mr. COHEN.
H.R. 847: Mr. WELCH.
H.R. 1079: Ms. MARKEY of Colorado and Mr. COHEN.
H.R. 1132: Mr. MCCAUL.
H.R. 1351: Mr. PAULSEN.
H.R. 1378: Mr. MCNERNEY, and Mr. GONZALEZ.
H.R. 1392: Mr. STUPAK.
H.R. 1469: Mr. SHULER, Mr. QUIGLEY, and Mr. MCNERNEY.
H.R. 1557: Mr. ROYCE and Mr. BISHOP of New York.
H.R. 1708: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1806: Mr. COSTELLO.
H.R. 1816: Ms. SUTTON.
H.R. 1826: Ms. MATSUI.
H.R. 1855: Mr. SCHAUER.
H.R. 1964: Mr. CLAY and Ms. FUDGE.
H.R. 2043: Mr. PRICE of North Carolina.
H.R. 2067: Mr. MICHAUD.
H.R. 2084: Mr. WEINER.
H.R. 2135: Mr. GERLACH, Mr. THOMPSON of Pennsylvania, and Mr. TIM MURPHY of Pennsylvania.
H.R. 2149: Ms. LEE of California.
H.R. 2243: Mr. ADLER of New Jersey.
H.R. 2254: Mr. LATOURETTE.
H.R. 2296: Mr. HASTINGS of Washington.
H.R. 2305: Mr. GINGREY of Georgia and Mr. BROUN of Georgia.
H.R. 2324: Mr. SCOTT of Virginia, Mr. SESTAK, Mr. JACKSON of Illinois, and Mr. HASTINGS of Florida.
H.R. 2443: Mr. LANGEVIN.
H.R. 2446: Mr. GERLACH, Mr. TONKO, Mrs. BIGGERT, and Mr. PLATTS.
H.R. 2455: Mr. PRICE of North Carolina, Mr. NADLER of New York, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Mrs. LOWEY, and Mr. MASSA.
H.R. 2497: Mr. RAHALL.
H.R. 2546: Mr. WOLF.
H.R. 2555: Mr. COSTA.
H.R. 2565: Mr. PLATTS and Mr. ROSS.
H.R. 2730: Mr. TIM MURPHY of Pennsylvania and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 2981: Mrs. KIRKPATRICK of Arizona.
H.R. 3019: Mrs. BLACKBURN.
H.R. 3092: Ms. FUDGE.
H.R. 3101: Mr. FILNER.
H.R. 3144: Ms. FUDGE.
H.R. 3264: Mr. DOGGETT, Mr. QUIGLEY, and Mr. KUCINICH.
H.R. 3359: Mr. BUTTERFIELD and Ms. KILPATRICK of Michigan.
H.R. 3381: Ms. LORETTA SANCHEZ of California.
H.R. 3412: Mr. TIAHRT.
H.R. 3458: Mr. CAPUANO.
H.R. 3480: Ms. BALDWIN and Ms. MCCOLLUM.

H.R. 3486: Mr. DELAHUNT and Mr. RUSH.
H.R. 3491: Mr. PETERSON and Mr. MICHAUD.
H.R. 3564: Mr. COSTA, Mr. MORAN of Virginia, and Mr. COHEN.
H.R. 3577: Mr. MCINTYRE.
H.R. 3578: Mr. TIM MURPHY of Pennsylvania, Mr. FRANK of Massachusetts, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 3615: Mr. LUJÁN.
H.R. 3652: Mrs. BONO MACK.
H.R. 3695: Ms. WASSERMAN SCHULTZ.
H.R. 3734: Ms. CLARKE, Mr. FALEOMAVAEGA, Ms. NORTON, Mr. ABERCROMBIE, and Mr. HONDA.
H.R. 3757: Mr. BOUCHER.
H.R. 3758: Ms. KILPATRICK of Michigan.
H.R. 3764: Mr. BOUCHER.
H.R. 3790: Ms. CLARKE, Mr. OLVER, Mr. MEEKS of New York, Mr. DEAL of Georgia, and Mr. DONNELLY of Indiana.
H.R. 3885: Mr. ROONEY.
H.R. 3888: Mr. SESTAK.
H.R. 3936: Mr. HINCHEY, Mr. CLEAVER, and Mr. CARNAHAN.
H.R. 3995: Mr. INSLEE.
H.R. 4003: Mr. HALL of New York.
H.R. 4014: Mrs. NAPOLITANO, Mr. GARAMENDI, and Mr. CAMPBELL.
H.R. 4044: Mrs. MALONEY.
H.R. 4065: Mr. MORAN of Virginia.
H.R. 4070: Mr. SCHOCK, Mr. MORAN of Kansas, Mr. PLATTS, Mrs. DAHLKEMPER, Mr. BOSWELL, and Mr. TIM MURPHY of Pennsylvania.
H.R. 4099: Mr. ACKERMAN.
H.R. 4128: Mr. HINCHEY and Mr. STARK.
H.R. 4129: Mr. PETERSON.
H.R. 4140: Mr. COHEN.
H.R. 4186: Mr. BOSWELL and Mr. SESTAK.
H.R. 4188: Mr. LEVIN.
H.R. 4191: Mr. BOSWELL.
H.R. 4192: Ms. WOOLSEY.
H.R. 4196: Mr. FALEOMAVAEGA, Mr. BLUMENAUER, Mr. ELLISON, Mr. WU, and Ms. WOOLSEY.
H.R. 4198: Mr. SMITH of Nebraska.
H.R. 4199: Mr. PERRIELLO, Mr. ELLSWORTH, and Mr. TAYLOR.
H.R. 4227: Mr. DAVIS of Alabama and Mr. GOODLATTE.
H.R. 4233: Mr. DAVIS of Alabama and Mr. GOODLATTE.
H.R. 4239: Mr. MARSHALL.
H.R. 4255: Mr. ROE of Tennessee, Mrs. BACHMANN, Mr. LEE of New York, Mr. WILSON of South Carolina, and Mr. TIAHRT.
H.R. 4260: Ms. SUTTON.
H.R. 4269: Ms. LEE of California, Mr. GEORGE MILLER of California, and Mr. HALL of New York.
H.R. 4278: Mr. GERLACH.
H.R. 4295: Mr. BISHOP of New York.
H.R. 4296: Mr. KAGEN.
H.R. 4302: Ms. RICHARDSON and Ms. SPEIER.
H.R. 4329: Mr. BOUCHER.
H.R. 4330: Ms. CORRINE BROWN of Florida.
H.R. 4332: Mr. SHERMAN.
H.R. 4370: Mr. RANGEL.
H.R. 4386: Ms. LORETTA SANCHEZ of California and Ms. TITUS.
H.R. 4396: Mr. BOREN and Mrs. EMERSON.
H.R. 4400: Mr. LUETKEMEYER, Mr. BOUCHER, Mr. PERRIELLO, and Mr. ROONEY.
H.R. 4403: Mr. MCNERNEY and Mr. MILLER of Florida.
H.R. 4415: Mr. WOLF, Mr. BURTON of Indiana, and Mr. OLSON.
H.R. 4462: Mrs. CHRISTENSEN, Mrs. DAHLKEMPER, Mr. MARIO DIAZ-BALART of Florida, Mr. GERLACH, Mr. OLSON, Mr. PAYNE, Ms. TITUS, and Mr. WAMP.
H.R. 4463: Mr. OLSON and Mr. BOEHNER.
H.R. 4464: Mr. BARRETT of South Carolina, Mr. KINGSTON, Mr. LUETKEMEYER, Mr. ROONEY, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. FRANKS of Arizona, Mr. CONAWAY, Mrs. LUMMIS, Mrs. MYRICK, Mr. LUCAS, Ms. FOXX, Mr. PITTS, Mr. POE of Texas, Mrs. SCHMIDT, Mr. MARCHANT, Mr. LATTA, Mr. DAVIS of Kentucky, Ms. GRANGER, and Ms. FALLIN.
H.J. Res. 1: Mr. BUCHANAN.
H.J. Res. 61: Mr. CONNOLLY of Virginia.
H. Con. Res. 110: Mr. MORAN of Virginia.
H. Con. Res. 137: Ms. SCHAKOWSKY.
H. Con. Res. 169: Mr. TIAHRT.
H. Con. Res. 170: Mr. ARCURI.
H. Res. 22: Mr. SNYDER.
H. Res. 363: Mr. ELLISON.
H. Res. 704: Mrs. DAHLKEMPER, Mrs. MALONEY, Mr. BOREN, Mr. WAMP, Mr. HOLT, Mr. NEAL of Massachusetts, Mr. BILIRAKIS, Mr. MANZULLO, Mr. BARRETT of South Carolina, Mr. FLEMING, Ms. WATSON, and Mr. GALLEGLY.
H. Res. 847: Mr. GARY G. MILLER of California, Mr. ROSS, Mr. ROHRABACHER, Mrs. CAPITO, and Mr. BILBRAY.
H. Res. 873: Mr. GOHMERT.
H. Res. 888: Mr. MORAN of Virginia.
H. Res. 925: Mr. MURPHY of New York and Mr. MILLER of Florida.
H. Res. 947: Ms. RICHARDSON, Mr. OLVER, and Ms. WOOLSEY.
H. Res. 960: Mr. MANZULLO, Mr. LATTA, Mrs. SCHMIDT, Mr. MARCHANT, Mr. DAVIS of Kentucky, Mr. SCALISE, Ms. GRANGER, Mr. GARRETT of New Jersey, Mr. LAMBORN, Mr. HENSARLING, Ms. FALLIN, Mr. GINGREY of Georgia, Mr. LUETKEMEYER, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. CHAFFETZ, Mrs. LUMMIS, Mr. CONAWAY, Mr. OLSON, Mr. BROUN of Georgia, Mr. LUCAS, Mr. PENCE, and Mr. PITTS.
H. Res. 967: Mr. FARR.
H. Res. 975: Mr. MASSA.
H. Res. 990: Ms. DELAURO, Mr. WU, Mr. BUCHANAN, Mr. EHLERS, Mr. HARPER, Mr. SCHIFF, Mr. CAPUANO, Mr. GRIJALVA, and Ms. BORDALLO.
H. Res. 997: Mr. FILNER.
H. Res. 1003: Ms. FUDGE, Mr. KILDEE, Mrs. CHRISTENSEN, Ms. ESHOO, Mr. FILNER, Mr. HARE, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Mr. WAXMAN, Mr. OBEY, Mr. WATT, Ms. TITUS, Ms. HARMAN, Mr. MCDERMOTT, Mr. DOGGETT, Mrs. CAPPS, Mr. POMEROY, Mr. BAIRD, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. TOWNS, Mr. BECERRA, Mr. SHERMAN, Mr. BARROW, Mrs. HALVORSON, Ms. ROYBAL-ALLARD, Mr. FARR, Mr. ENGEL, Ms. KILROY, Ms. SUTTON, Mr. BUTTERFIELD, Mr. GRAYSON, Mr. FOSTER, Ms. LINDA T. SÁNCHEZ of California, Mr. GRIJALVA, Ms. MATSUI, Ms. SLAUGHTER, Mr. THOMPSON of California, Mr. BERRY, and Mrs. MCCARTHY of New York, Ms. WASSERMAN SCHULTZ, Ms. MALONEY, and Mr. GUTIERREZ..
H. Res. 1006: Mr. BISHOP of Utah, Ms. FOXX, and Mr. BARRETT of South Carolina.
H. Res. 1009: Ms. HARMAN, Ms. SUTTON, Mr. MANZULLO, and Mr. BISHOP of Georgia.
H. Res. 1010: Mr. SABLAN.
H. Res. 1011: Mr. PIERLUISI, Mr. BURGESS, Mr. BOCCIERI, Ms. CHU, Mrs. LUMMIS, Ms. BERKLEY, Ms. SHEA-PORTER, Mr. KISSELL, Mr. ADLER of New Jersey, Mr. CARNAHAN, Mr. SIRES, Mr. WILSON of Ohio, Mr. FILNER, Mr. PERLMUTTER, Mr. HODES, Mr. MURPHY of Connecticut, Mr. BRALEY of Iowa, Mr. TONKO, and Mr. WEINER.
H. Res. 1013: Mr. ENGEL.
H. Res. 1018: Mr. WAXMAN.

¶6.30 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4191: Mr. DAVIS of Tennessee.

THURSDAY, JANUARY 21, 2010 (7)

The House was called to order by the SPEAKER.

¶7.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, January 20, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶7.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

5652. A letter from the Attorney Advisor, Deparment of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Inner Harbor navigation Canal, 500 yards North and South of the Florida Avenue Bridge, New Orleans, LA [COTP New Orleans-05-092] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5653. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29°26.8N 093°25.8W [COTP Port Arthur-06-024] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5654. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87.0 to Mile Marker 89.0, in the vicinity of the Algiers Canal, New Orleans, LA [COTP New Orleans-05-084] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5655. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87.5 to Mile Marker 88.5, in the vicinity of the Algiers Canal, New Orleans, LA [COTP New Orleans-05-086] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5656. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker Minus 20 to Mile Marker 1.5, Pilottown, LA [COTP New Orleans-05-087] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5657. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 229 to Mile Marker 229.8, in the vicinity of U.S.S. KIDD, Baton Rouge, LA [COTP New Orleans-05-088] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5658. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 482.2 to Mile Marker 491, Lake Providence, LA [COTP New Orleans-05-089] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5659. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 297 to Mile Marker 298, Angola, LA [COTP New Orleans-05-090] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5660. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Lower Mississippi River, Mile Marker 96 to Mile Marker 97, New Orleans, LA [COTP New Orleans-05-091] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5661. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-011] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5662. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5663. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 feet east to 200 feet west of the Lewis Street Swing Bridge at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-08-003] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5664. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 293 to Mile Marker 300, Angola, LA [COTP New Orleans-05-055] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5665. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oachita River, Mile Marker 31 to Mile Marker 33, Jonesville, LA [COTP New Orleans-05-057] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5666. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 406.0 to Mile Marker 363.0, Claiborne County Port, MS to the Natchez Front, Natchez, MS [COTP New Orleans-05-080] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5667. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 367.0 to Mile Marker 363.5, in the vicinity of the Natchez Front, Natchez, MS [COTP New Orleans-05-081] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5668. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 363.0 to Mile Marker 365.0, in the vicinity of the Vidalia Bridge, Highway 84, Natchez, MS [COTP New Orleans-05-082] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5669. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 363.0 to Mile Marker 365.0, in the vicinity of the Vidalia Bridge, Highway 84, Natchez, MS [COTP New Orleans-05-083] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5670. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Bay FL. Fort Pickens, ICW Mile 180 to Mile 182 [COTP Mobile-07-010] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5671. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Bay FL. Bayou Chico [COTP Mobile-07-011] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5672. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou Casotte Harbor, Pascagoula, MS [COTP Mobile-07-015] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5673. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Santa Rosa Island, FL [COTP Mobile-07-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5674. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Santa Rosa Sound, Pensacola Beach, FL [COTP Mobile-07-017] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5675. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; HWY 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-020] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5676. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway from MM170.5 to MM171.5 bank to bank [COTP Morgan City-06-001] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5677. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway from MM65.0 to MM67.0, bank to bank [COTP Morgan City-06-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5678. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; West Cote Blanche Bay, 1 mile radius from a point North 29 degrees, 37 minutes, 8 seconds by West 91 degrees, 47 minutes, 12 seconds [COTP Morgan City-06-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5679. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 yards west of the Lewis Street Swing Brige at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5680. A letter from the Attorney Advisor, Department of Homeland Securtiy, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87.5 to Mile Marker 88.5, in the vicinity of the Algiers Canal, New Orleans, LA [COTP New Orleans-05-085] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5681. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Hinesville, GA [Docket No.: FAA-2009-0960; Airspace Docket No. 09-ASO-29] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5682. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AVOX Systems and B/E Aerospace Oxygen Cylinder Assemblies, as Installed on Various Transport Airplanes [Docket No.: FAA-2009-0915; Directorate Identifier 2009-NM-224-AD; Amendment 39-16049; AD 2009-21-10] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5683. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Vulcanair S.p.A. Modles P 68, P 68B, P68C, P 68C-TC, and P 68 ''OBSERVER'' Airplanes [Docket No.: FAA-2009-0869; Directorate Identifier 2009-CE-043-AD; Amendment 39-16090; AD 2009-24-03] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5684. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircrafter Engines GmbH (TAE) Model TAE 125-01 Reciprocating Engines [Docket No.: FAA-2009-0753; Directorate Identifer 2009-NE-31-AD; Amendment 39-16102; AD 2009-24-10] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5685. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira De Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes [Docket No.: FAA-2009-0870; Directorate Identifier 2009-CE-049-AD; Amendment 39-16108; AD 2009-24-14] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5686. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Morgan City Port Allen Route Intracoastal Waterway Canal, Mile Marker 49 to Mile Marker 51, in the vicinity of Bayou Grosse Tete, Plaqueine, LA [COTP New Orleans-05-056] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5687. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2009 base period T-bill rate (Rev. Rul. 2009-36) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶7.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to, without

amendment, a concurrent resolution of the House of the following title:

H. Con. Res. 228. A concurrent resolution providing for a joint session of Congress to receive a message from the President.

¶7.4 TAOS PUEBLO INDIAN WATER RIGHTS

Mr. RAHALL, pursuant to House Resolution 1017, called up for consideration the bill (H.R. 3254) to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes.

Pending consideration of said bill,

Pursuant to House Resolution 1017, the amendment in the nature of a substitute, recommended by the Committee on Natural Resources, printed in the bill, was considered as agreed to.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 1017, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

Mr. RAHALL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶7.5 AAMODT LITIGATION SETTLEMENT

Mr. RAHALL, pursuant to House Resolution 1017, called up for consideration the bill (H.R. 3342) to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.

Pending consideration of said bill,

Pursuant to House Resolution 1017, the amendment in the nature of a substitute, recommended by the Committee on Natural Resources, printed in the bill, was considered as agreed to.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 1017, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

Mr. RAHALL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶7.6 WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS

Mr. RAHALL, pursuant to House Resolution 1017, called up for consideration the bill (H.R. 1065) to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes.

Pending consideration of said bill,

Pursuant to House Resolution 1017, the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, as modified by the following amendment printed in Part C of House Report 111-399, was considered as agreed to:

Page 40, line 21, strike ''October 31, 2015'' and insert ''April 30, 2020''.

Page 43, strike lines 1 through 4 and insert the following:

(1) the amounts made available under subsection (e);

(2) the amounts appropriated to the subaccount pursuant to subsections (a) and (d) of section 12, as applicable; and

(3) such other amounts as are available includ-

Page 46, strike lines 1 through 6 and insert the following:

(2) INVESTMENT.—The Secretary shall invest the amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount in accordance with section 403(f)(4) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(4)).

(3) USE OF INTEREST.—The interest accrued on amounts invested under paragraph (2) shall not be available for expenditure or withdrawal until the later of—

(A) November 1, 2019; and

(B) the enforceability date.

(e) LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.—

(1) IN GENERAL.—Of amounts in the Lower Colorado River Basin Development Fund made available under section 403(f)(2)(D)(vi) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(2)(D)(vi)), an amount equal to the difference between the balance of the White Mountain Apache Tribe Settlement Subaccount (as of November 1, 2019), and the amount authorized to be appropriated under section 12(a)(1), but not to exceed $100,000,000, shall be deposited, without further appropriation, in the White Mountain Apache Tribe Settlement Subaccount.

(2) AVAILABILITY OF FUNDS.—The funds authorized to be deposited in the White Mountain Apache Tribe Settlement Subaccount pursuant to paragraph (1) shall not be available for expenditure or withdrawal until the later of—

(A) November 1, 2019; and

(B) the enforceability date.

Page 51, strike line 17 and insert the following: ''is amended by striking 'January 1, 2013' and inserting 'May 1, 2020' ''.

Page 52, delete lines 17 through 23 and insert the following: ''be known as the 'WMAT Settlement Fund', consisting of such amounts as are deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).''.

Page 58, strike lines 13 through 15 ''that, on an annual basis, the deadline described in section 9(d)(2) is not likely to be met because the amount authorized by subsection (a) has not been ap-'' and insert ''that, on an annual basis, the amount authorized to be appropriated under subsection (a) will not be ap-''.

Page 58, line 17, insert ''by October 31, 2012'' after ''Subaccount''.

Page 59, lines 10 and 11, strike ''January 1, 2021'' and insert ''November 1, 2019, or the enforceability date, whichever is later''.

Page 60, line 10, strike ''December 31, 2020'' and insert ''November 1, 2019''.

Page 60, strike lines 24 and 25 and insert the following: ''not later than April 30, 2020—

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 1017, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

Mr. RAHALL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶7.7 H.R. 3254—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on passage of the bill (H.R. 3254) to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 254 / Nays 158

¶7.8 [Roll No. 12]

YEAS—254

Abercrombie	Childers	Edwards (MD)
Ackerman	Chu	Edwards (TX)
Adler (NJ)	Clarke	Ehlers
Andrews	Clay	Ellison
Arcuri	Clyburn	Ellsworth
Baca	Cohen	Engel
Baird	Cole	Eshoo
Baldwin	Connolly (VA)	Etheridge
Barrow	Conyers	Farr
Becerra	Cooper	Fattah
Berkley	Costa	Filner
Berman	Costello	Flake
Berry	Courtney	Fortenberry
Bishop (NY)	Crowley	Foster
Blumenauer	Cuellar	Fudge
Boccieri	Cummings	Garamendi
Bono Mack	Dahlkemper	Giffords
Boren	Davis (CA)	Gonzalez
Boswell	Davis (IL)	Gordon (TN)
Boucher	Davis (TN)	Grayson
Boyd	DeFazio	Green, Al
Braley (IA)	DeGette	Green, Gene
Brown, Corrine	Delahunt	Grijalva
Calvert	DeLauro	Gutierrez
Capps	Diaz-Balart, L.	Hall (NY)
Capuano	Dicks	Halvorson
Cardoza	Dingell	Hare
Carnahan	Doggett	Harman
Carson (IN)	Donnelly (IN)	Hastings (FL)
Castor (FL)	Doyle	Heinrich
Chandler	Driehaus	Herseth Sandlin

Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—158

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Davis (KY)
Dent
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Lamborn
Lance
Latham
Latta
Lee (NY)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—21

Barrett (SC)
Bishop (GA)
Bonner
Boustany
Brady (PA)
Butterfield
Cleaver
Crenshaw
Culberson
Davis (AL)
Deal (GA)
Frank (MA)
Hinojosa
Johnson (GA)
Johnson, E. B.
Lewis (CA)
Miller, George
Radanovich
Ros-Lehtinen
Wamp
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶7.9 H.R. 3342—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on passage of the bill (H.R. 3342) to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 249 / Nays 153

¶7.10 [Roll No. 13]

YEAS—249

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

NAYS—153

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Davis (KY)
Dent
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kirk
Lamborn
Lance
Latham
Latta
Lee (NY)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—31

Barrett (SC)
Bishop (GA)
Bonner
Boustany
Brady (PA)
Butterfield
Cleaver
Crenshaw
Culberson
Davis (AL)
Deal (GA)
Ellison
Engel
Fallin
Frank (MA)
Grijalva
Gutierrez
Halvorson
Hinojosa
Johnson, E. B.
Kingston
Lewis (CA)
Miller, George
Napolitano
Radanovich
Ros-Lehtinen
Royce
Skelton
Wamp
Watson
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶7.11 H.R. 1065—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on passage of the bill (H.R. 1065) to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 262 / Nays 147

¶7.12 [Roll No. 14]

YEAS—262

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

NAYS—147

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Dent
Diaz-Balart, M.
Dreier
Emerson
Fallin
Fleming
Forbes
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Herger
Hoekstra
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Lamborn
Lance
Latham
Latta
Lee (NY)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—24

Barrett (SC)
Bilbray
Bishop (GA)
Bonner
Boustany
Brady (PA)
Brady (TX)
Bright
Butterfield
Cleaver
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Deal (GA)
Duncan
Hensarling
Hinojosa
Johnson, E. B.
Lewis (CA)
Radanovich
Ros-Lehtinen
Wamp
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶7.13 H. RES. 1021—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1021) expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 1

¶7.14 [Roll No. 15]

YEAS—411

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

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

NAYS—1

Paul

NOT VOTING—21

Abercrombie
Barrett (SC)
Bishop (GA)
Bonner
Boustany
Brady (PA)
Butterfield
Carter
Cleaver
Crenshaw
Culberson
Cummings
Davis (AL)
Deal (GA)
Hinojosa
Johnson, E. B.
Lewis (CA)
Radanovich
Ros-Lehtinen
Wamp
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶7.15 AMENDMENT OF THE SENATE TO H.R. 730—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the amendment of the Senate to the bill (H.R. 730) to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said amendment of the Senate?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 397 Nays 10

¶7.16 [Roll No. 16]

YEAS—397

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

NAYS—10

Broun (GA)
Coble
Duncan
Flake
Gohmert
Lummis
Paul
Petri
Sánchez, Linda T.
Sensenbrenner

NOT VOTING—26

Abercrombie
Barrett (SC)
Bishop (GA)
Bonner
Boustany
Brady (PA)
Braley (IA)
Butterfield
Cleaver
Crenshaw
Culberson
Davis (AL)
Deal (GA)
Hensarling
Hinojosa
Johnson, E. B.
Lewis (CA)
McCaul
McMahon
Radanovich
Ros-Lehtinen
Serrano
Terry
Wamp
Waters
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶7.17 H.R. 3250—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3250) to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶7.18 H. CON. RES. 158—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 158) expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶7.19 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, January 22, 2010, at 10 a.m.; and further, when the House adjourns on Friday, January 22, 2010, it adjourn to meet at 12:30 p.m. on Tuesday, January 26, 2010, for morning-hour debate.

¶7.20 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 692. An Act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

And then,

¶7.21 ADJOURNMENT

On motion of Ms. MARKEY of Colorado, pursuant to the previous order of the House, at 4 o'clock and 29 minutes p.m., the House adjourned until 10 a.m. on Friday, January 22, 2010.

¶7.22 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ:

H.R. 4484. A bill to preclude individuals who have a pending charge or have been convicted of a crime from serving as enumerators for the collection of census data; to the Committee on Oversight and Government Reform.

By Mr. HALL of Texas:

H.R. 4485. A bill to require transfer of the 1002 Area of Alaska to the State of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES (for himself, Ms. SLAUGHTER, Ms. SHEA-PORTER, Mr. MOLLOHAN, Mr. RAHALL, Mr. TIERNEY, Mr. WELCH, Mr. VAN HOLLEN, Mr. ELLISON, Ms. PINGREE of Maine, Mr. MICHAUD, Ms. SUTTON, Mr. OBERSTAR, Mr. WALZ, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. MASSA, Mr. PETERSON, Ms. MCCOLLUM, Mr. DEFAZIO, Mr. KAGEN, and Mr. COSTELLO):

H.R. 4486. A bill to amend the Internal Revenue Code of 1986 to treat distributions of debt securities in a tax free spin-off transaction in the same manner as distributions of cash or other property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 4487. A bill to require the approval of a majority of a public company's shareholders for any expenditure by that company to influence public opinion on matters not related to the company's products or services; to the Committee on Financial Services.

By Mr. FILNER (for himself, Mr. FARR, and Mr. GALLEGLY):

H.R. 4488. A bill to implement updated pay and personnel policies in order to improve the recruitment and retention of qualified Federal wildland firefighters and to reduce the Government's reliance on the more costly services of non-Federal wildfire resources; to the Committee on Oversight and Government Reform, and in addition to the Committees on Natural Resources, Agriculture, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH (for himself, Mr. CONNOLLY of Virginia, and Mr. CUMMINGS):

H.R. 4489. A bill to amend chapter 89 of title 5, United States Code, to ensure program integrity, transparency, and cost savings in the pricing and contracting of prescription drug benefits under the Federal Employees Health Benefits Program; to the Committee on Oversight and Government Reform.

By Mr. MCKEON (for himself, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. AKIN, Mr. FRANKS of Arizona, Mr. FORBES, Mr. ROGERS of Alabama, Mrs. MCMORRIS RODGERS, Mr. SHUSTER, Mr. PLATTS, Mr. LOBIONDO, Mr. KLINE of Minnesota, Mr. BISHOP of Utah, Mr. TURNER, Mr. CONAWAY, Mr. ROONEY, Mr. HUNTER, Ms. FALLIN, Mr. LAMBORN, Mr. THORNBERRY, Mr. JONES, Mr. MILLER of Florida, Mr. FLEMING, Mr. COFFMAN of Colorado, Mr. BOEHNER, Mr. CARTER, Mr. SMITH of Texas, Mr. HOEKSTRA, Mr. GINGREY of Georgia, Ms. ROS-LEHTINEN, Mr. KING of New York, Mr. CANTOR, Mrs. MILLER of Michigan, and Mr. MCCARTHY of California):

H.R. 4490. A bill to require the President to submit certain certifications to Congress before transferring or releasing an individual detained at Naval Station, Guantanamo Bay, Cuba, to the custody of another country; to the Committee on Armed Services.

By Ms. SPEIER (for herself, Mr. CLAY, Ms. LEE of California, Ms. JACKSON LEE of Texas, Mr. ABERCROMBIE, Mr. BACA, Ms. BERKLEY, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. COSTA, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FILNER, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HONDA, Mr. LEWIS of Georgia, Ms. MATSUI, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Ms. RICHARDSON, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SCOTT of Virginia, Mr. SESTAK, Mr. SNYDER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TOWNS, Ms. WATSON, and Ms. ZOE LOFGREN of California):

H.R. 4491. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Natural Resources.

By Mr. BILIRAKIS:

H.R. 4492. A bill to amend the Homeland Security Act of 2002 to ensure continuation of the Metropolitan Medical Response System Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. FARR, Mrs. CHRISTENSEN, Mrs. CAPPS, and Mr. HONDA):

H.R. 4493. A bill to provide for the enhancement of visitor services, fish and wildlife research, and marine and coastal resource management on Guam related to the Marianas Trench Marine National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. DAVIS of Illinois:

H.R. 4494. A bill to amend the Internal Revenue Code of 1986 to allow a credit for lightweight coal freight cars; to the Committee on Ways and Means.

By Ms. GIFFORDS (for herself, Mrs. KIRKPATRICK of Arizona, Mr. PASTOR

of Arizona, Mr. GRIJALVA, Mr. MITCHELL, Mr. FRANKS of Arizona, Mr. FLAKE, and Mr. SHADEGG):

H.R. 4495. A bill to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the ''Jim Kolbe Post Office''; to the Committee on Oversight and Government Reform.

By Mr. GRAVES (for himself, Mr. BARTLETT, Mr. LUETKEMEYER, Mr. BUCHANAN, Mr. AKIN, and Mr. SCHOCK):

H.R. 4496. A bill to ensure that small businesses have their fair share of Federal procurement opportunities, and for other purposes; to the Committee on Small Business, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mrs. CHRISTENSEN, Mr. GRIJALVA, Ms. BORDALLO, and Mr. BROWN of South Carolina):

H.R. 4497. A bill to expand the workforce of veterinarians specialized in the care and conservation of wild animals and their ecosystems, and to develop educational programs focused on wildlife and zoological veterinary medicine; to the Committee on Agriculture, and in addition to the Committees on Natural Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 4498. A bill to permit voters to vote for ''None of the Above'' in elections for Federal office and to require an additional election if ''None of the Above'' receives the most votes; to the Committee on House Administration.

By Mr. HOEKSTRA:

H.R. 4499. A bill to provide that the voters of the United States be given the right, through advisory voter initiative, to propose the enactment and repeal of Federal laws in a national election; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H.R. 4500. A bill to rescind unobligated appropriations and repeal certain health care-related provisions in the American Recovery and Reinvestment Act of 2009 for purposes of reducing the national debt; to the Committee on Appropriations, and in addition to the Committees on Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 4501. A bill to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website; to the Committee on Energy and Commerce.

By Mr. HALL of Texas:

H.J. Res. 67. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of consecutive terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. BOSWELL:

H.J. Res. 68. A joint resolution proposing an amendment to the Constitution of the United States prohibiting corporations and labor organizations from using operating funds for advertisements in connection with any campaign for election for Federal office; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 69. A joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to enact and repeal laws by voting on legislation in a national election; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 70. A joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to propose amendments to the Constitution by an initiative process; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 71. A joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to recall elected officials; to the Committee on the Judiciary.

By Ms. GRANGER (for herself, Mrs. BLACKBURN, Mr. CARTER, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. BROUN of Georgia, Mr. MARCHANT, Mr. WOLF, and Mr. MCCAUL):

H. Res. 1025. A resolution expressing the support of the House of Representatives for members of the Armed Forces who fight terrorism and the sense of the House of Representatives that the United States Government should pay for the legal expenses of members of the Armed Forces who are accused of committing crimes related to the treatment of a suspected terrorist, if the member is acquitted or the charges are dropped; to the Committee on Armed Services.

By Mr. CHAFFETZ (for himself, Mr. HUNTER, Mr. KRATOVIL, Mr. NYE, Mr. FLEMING, Mrs. LUMMIS, Mr. COFFMAN of Colorado, Mr. MCCLINTOCK, Mr. POSEY, Mr. ROE of Tennessee, Mr. HARPER, Ms. JENKINS, Mr. BARROW, Mr. BRIGHT, Mr. LUETKEMEYER, Mr. OLSON, Mr. TAYLOR, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MCINTYRE, Mr. KAGEN, Mr. SHULER, and Mr. CHILDERS):

H. Res. 1026. A resolution expressing the sense of the House of Representatives that the continued peace, prosperity, liberty, and national security of the United States and its people depend upon the rule of law and credible and effective immigration enforcement policies which both welcome lawful immigrants and non-immigrants and also prevent the unlawful entry or unlawful continuing presence of foreign persons; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABLAN (for himself, Mr. FARR, and Ms. BORDALLO):

H. Res. 1027. A resolution recognizing the 50th anniversary of the historic dive to the Challenger Deep in the Mariana Trench, the deepest point in the world's oceans, on January 23, 1960, and its importance to marine research, ocean science, a better understanding of the planet, and the future of human exploration; to the Committee on Science and Technology.

By Mr. SULLIVAN (for himself, Mr. BOREN, Mr. LUCAS, Ms. FALLIN, and Mr. COLE):

H. Res. 1028. A resolution honoring the life and achievements of Oral Roberts and recognizing his contributions as a minister to the Christian community; to the Committee on Oversight and Government Reform.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. EHLERS, Mr. BARTLETT, Mr. BERMAN, Mrs. BIGGERT, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. CASTLE, Mr. COURTNEY, Mr. DOYLE, Mrs. EMERSON, Mr. FARR, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HOLT, Mr. ISRAEL, Mr. LANCE, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LOEBSACK, Mr. MANZULLO, Mrs. MILLER of Michigan, Mr. MOORE of Kansas, Mr. PASCRELL, Mr. PETRI, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Ms. SCHWARTZ, Mr. SIRES, Mr. SKELTON, Ms. SUTTON, Mr. TOWNS, Mr. UPTON, and Mr. YARMUTH):

H. Res. 1029. A resolution expressing support for designation of the week of February 1 through February 5, 2010, as ''National School Counseling Week''; to the Committee on Education and Labor.

By Mr. PLATTS:

H. Res. 1030. A resolution congratulating Messiah College men's and women's soccer teams on winning the 2009 NCAA Division III national championships; to the Committee on Education and Labor.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCHIFF, Mr. GOODLATTE, Ms. JACKSON LEE of Texas, Mr. SENSENBRENNER, Mr. DELAHUNT, Mr. DANIEL E. LUNGREN of California, Mr. COHEN, Mr. FORBES, Mr. JOHNSON of Georgia, Mr. GOHMERT, Mr. PIERLUISI, and Mr. GONZALEZ):

H. Res. 1031. A resolution impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Ms. CHU:

H. Res. 1032. A resolution expressing the sense of the House of Representatives that the United States should continue to assist the Mexican Government in fighting the drug cartels and curbing violence against Mexican and United States citizens, both in the United States and abroad; to the Committee on Foreign Affairs.

By Mr. REICHERT (for himself, Mr. GERLACH, and Mr. BACHUS):

H. Res. 1033. A resolution expressing support for designation of April 2010 as ''National Autism Awareness Month'' and supporting efforts to devote new resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SARBANES (for himself, Mr. ALEXANDER, Mr. LEWIS of Georgia, Mr. SESSIONS, Mr. HARE, Ms. WASSERMAN SCHULTZ, Mr. ROTHMAN of New Jersey, Mr. BISHOP of Georgia, Mr. PLATTS, Mr. RYAN of Ohio, Mr. GRIJALVA, Mr. JACKSON of Illinois, Mr. FILNER, Mr. RAHALL, Ms. ROS-LEHTINEN, Mr. BOUSTANY, and Mr. KINGSTON):

H. Res. 1034. A resolution expressing support for designation of July 2010 as ''Braille Literacy Month''; to the Committee on Education and Labor.

By Mr. SESTAK (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. GERLACH, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, and Mr. PITTS):

H. Res. 1035. A resolution honoring Villanova University for winning the 2009

National Collegiate Athletic Association championships in Division I women's cross country and Football Championship Subdivision (formerly I-AA) and for other accomplishments; to the Committee on Education and Labor.

¶7.23 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 227: Mrs. MYRICK, Mr. DAVIS of Kentucky, Mr. CHAFFETZ, and Ms. FOXX.
H.R. 272: Mr. GARY G. MILLER of California.
H.R. 413: Ms. DELAURO, Mr. YARMUTH, Mr. SIRES, and Mr. GONZALEZ.
H.R. 417: Ms. JACKSON LEE of Texas and Mr. SERRANO.
H.R. 450: Mr. BACHUS.
H.R. 460: Mr. CONNOLLY of Virginia.
H.R. 571: Mr. ORTIZ.
H.R. 706: Mr. CALVERT.
H.R. 775: Mr. SCHAUER, Mr. YARMUTH, Mr. CHANDLER, Mr. HOEKSTRA, and Mr. OWENS.
H.R. 847: Mr. DAVIS of Illinois.
H.R. 881: Mr. BOEHNER.
H.R. 893: Mr. ELLISON.
H.R. 1067: Ms. BORDALLO.
H.R. 1136: Mrs. LUMMIS.
H.R. 1158: Mr. LARSEN of Washington.
H.R. 1165: Mr. CONYERS.
H.R. 1378: Mr. ISRAEL.
H.R. 1413: Mr. FILNER.
H.R. 1526: Mr. CLEAVER, Mr. CARTER, and Mrs. CAPPS.
H.R. 1549: Mr. WU, Mr. CONYERS, Mr. SIRES, and Mr. REYES.
H.R. 1552: Mr. COURTNEY.
H.R. 1557: Ms. SHEA-PORTER.
H.R. 1585: Mr. GERLACH and Mr. TIM MURPHY of Pennsylvania.
H.R. 1619: Ms. TITUS.
H.R. 1646: Mr. PERRIELLO.
H.R. 1677: Mr. COSTA and Mr. KAGEN.
H.R. 1702: Ms. WOOLSEY and Mr. BRALEY of Iowa.
H.R. 1806: Mr. GUTIERREZ.
H.R. 2054: Ms. ESHOO and Ms. SUTTON.
H.R. 2118: Mr. MANZULLO.
H.R. 2138: Mr. LUJÁN and Mr. LATHAM.
H.R. 2324: Mr. CAPUANO and Ms. RICHARDSON.
H.R. 2397: Mr. ROONEY.
H.R. 2429: Mr. CUMMINGS.
H.R. 2478: Mr. HEINRICH, Mr. PERRIELLO, and Mr. QUIGLEY.
H.R. 2492: Ms. TITUS.
H.R. 2520: Mr. ROHRABACHER.
H.R. 2546: Ms. BORDALLO.
H.R. 2567: Ms. CLARKE and Mr. MICHAUD.
H.R. 2584: Mr. GONZALEZ.
H.R. 2608: Mr. WOLF.
H.R. 2672: Ms. BORDALLO.
H.R. 2676: Mr. MANZULLO.
H.R. 2698: Mr. SARBANES.
H.R. 2699: Mr. SARBANES.
H.R. 2849: Mr. COURTNEY.
H.R. 2850: Mrs. MALONEY.
H.R. 2927: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2964: Mr. KISSELL.
H.R. 3024: Mr. BOUCHER.
H.R. 3077: Mr. FATTAH.
H.R. 3190: Ms. JACKSON LEE of Texas.
H.R. 3202: Mr. DELAHUNT.
H.R. 3420: Mr. LUJÁN.
H.R. 3613: Mr. SCALISE.
H.R. 3655: Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. PETERS, Mr. DAVIS of Illinois, and Mr. COHEN.
H.R. 3662: Mr. DOGGETT.
H.R. 3695: Mr. CONYERS and Ms. WATERS.
H.R. 3701: Mr. WEINER.
H.R. 3721: Mr. FRANK of Massachusetts.
H.R. 3734: Ms. BORDALLO, Ms. ZOE LOFGREN of California, and Mr. PRICE of North Carolina.
H.R. 3764: Ms. ZOE LOFGREN of California.
H.R. 3790: Mr. ROONEY and Mr. BOEHNER.
H.R. 3943: Mr. LOBIONDO, Mr. ROONEY, Mr. WAMP, Mr. KENNEDY, Mr. GUTIERREZ, and Mr. TEAGUE.
H.R. 3995: Mr. FILNER.
H.R. 4051: Mr. PLATTS, Ms. PINGREE of Maine, Mr. BRADY of Pennsylvania, Mr. TIM MURPHY of Pennsylvania, Mr. GERLACH, Mr. ROSS, Mr. ALTMIRE, and Mr. WITTMAN.
H.R. 4088: Mr. LIPINSKI, Mr. SESTAK, Mr. SMITH of Washington, and Mr. MANZULLO.
H.R. 4115: Mr. WATT, Mr. BACA, Mr. SCHAUER, and Ms. BALDWIN.
H.R. 4116: Ms. TITUS, Mr. CARNAHAN, Ms. BALDWIN, Mr. COHEN, Mrs. MALONEY, Mrs. CAPITO, Mrs. EMERSON, Ms. FALLIN, Ms. GINNY BROWN-WAITE of Florida, Ms. ROS-LEHTINEN, and Mr. WELCH.
H.R. 4126: Ms. DELAURO.
H.R. 4138: Mr. YOUNG of Alaska.
H.R. 4144: Mr. ISRAEL.
H.R. 4153: Mr. CAO.
H.R. 4190: Ms. NORTON.
H.R. 4236: Mr. PERRIELLO.
H.R. 4255: Mr. EDWARDS of Texas, Mr. SCHAUER, and Mr. MARSHALL.
H.R. 4260: Mr. KENNEDY.
H.R. 4262: Mr. FORBES.
H.R. 4268: Ms. VELÁZQUEZ, Mr. OLVER, and Mr. SERRANO.
H.R. 4287: Mr. SIRES.
H.R. 4309: Mrs. DAHLKEMPER.
H.R. 4324: Ms. GINNY BROWN-WAITE of Florida.
H.R. 4333: Mr. MCGOVERN, Mr. CARNAHAN, Mr. JACKSON of Illinois, Ms. FUDGE, Ms. DEGETTE, Mr. FILNER, Ms. ROS-LEHTINEN, Ms. KILPATRICK of Michigan, Mr. BRALEY of Iowa, Mr. PLATTS, Mr. KILDEE, and Mr. SESTAK.
H.R. 4348: Mr. WOLF.
H.R. 4353: Mrs. MALONEY, Mr. JACKSON of Illinois, Ms. BERKLEY, Ms. JACKSON-LEE of Texas, and Mr. BRADY of Texas.
H.R. 4354: Ms. BORDALLO.
H.R. 4371: Mr. RAHALL, Mr. ACKERMAN, Mr. REYES, Mr. FORBES, Mr. YOUNG of Florida, Mr. GOODLATTE, and Mr. DELAHUNT.
H.R. 4393: Mr. LUJÁN and Mr. MICHAUD.
H.R. 4400: Mr. BUTTERFIELD, Mr. EDWARDS of Texas, and Mr. MCINTYRE.
H.R. 4413: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 4415: Mr. KINGSTON, Mr. BROUN of Georgia, Mr. GERLACH, Mr. LATTA, and Mr. COLE.
H.R. 4426: Mr. GRIJALVA, Mr. OBEY, Mr. CAPUANO, Mr. BOSWELL, Mr. LOEBSACK, Mr. ELLISON, Mr. MORAN of Virginia, Ms. LEE of California, Ms. WOOLSEY, Mr. LIPINSKI, Ms. RICHARDSON, Ms. CASTOR of Florida, Mr. HALL of New York, Ms. SHEA-PORTER, Ms. ZOE LOFGREN of California, Ms. KAPTUR, Mrs. DAVIS of California, Mr. CONYERS, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. INSLEE, Mr. FALEOMAVAEGA, Mr. DINGELL, Mr. JOHNSON of Georgia, Mr. CONNOLLY of Virginia, Mr. OLVER, Ms. EDWARDS of Maryland, and Mr. LARSON of Connecticut.
H.R. 4427: Mr. WITTMAN, Mr. MILLER of Florida, and Mr. MICHAUD.
H.R. 4428: Mr. WEINER, Ms. LEE of California, and Mr. GRIJALVA.
H.R. 4459: Mr. SENSENBRENNER.
H.R. 4463: Mr. POSEY, Mr. MARIO DIAZ-BALART of Florida, Mr. STEARNS, Mr. COBLE, Mr. MILLER of Florida, Mr. ROGERS of Michigan, Mr. LEE of New York, Mr. GUTHRIE, Mr. HUNTER, Mr. MCHENRY, Mr. GINGREY of Georgia, Mrs. MCMORRIS RODGERS, Mr. EHLERS, Mr. DENT, Mr. REICHERT, Mr. WILSON of South Carolina, Mr. LAMBORN, Mr. BOOZMAN, Mr. FORBES, Ms. GINNY BROWN-WAITE of Florida, Mr. DREIER, Mr. BACHUS, and Mr. PENCE.
H.R. 4464: Mr. WESTMORELAND and Mr. PAULSEN.
H.R. 4466: Mr. PASCRELL, Ms. HERSETH SANDLIN, Mr. THOMPSON of Pennsylvania, Mr. POE of Texas, and Mr. SULLIVAN.
H.R. 4472: Mrs. MILLER of Michigan, Mr. ROGERS of Michigan, and Mr. UPTON.
H.R. 4475: Mr. ELLISON.
H. Res. 704: Mr. COBLE, Mr. CRENSHAW, and Mr. KLEIN of Florida.
H. Res. 747: Ms. TSONGAS, Mr. ANDREWS, Mr. LANGEVIN, Mr. MILLER of Florida, Mr. TONKO, Mr. JOHNSON of Georgia, and Mr. LOBIONDO.
H. Res. 771: Mr. ABERCROMBIE.
H. Res. 847: Mr. PRICE of Georgia.
H. Res. 902: Mr. WHITFIELD, Mr. WATT, Mrs. BLACKBURN, Mr. MCCAUL, Mr. MCCOTTER, Mr. BUCHANAN, Mr. LAMBORN, Mr. MANZULLO, Mr. GINGREY of Georgia, Mr. HUNTER, Mr. CHAFFETZ, Mrs. MYRICK, Mr. LUCAS, Mr. DOYLE, Ms. SUTTON, Mr. RUSH, Mr. GONZALEZ, Mr. POLIS, Mr. HONDA, Mr. DINGELL, and Mr. MARIO DIAZ-BALART of Florida.
H. Res. 936: Mr. WILSON of South Carolina, Mr. CONAWAY, and Mr. LANGEVIN.
H. Res. 943: Mr. KAGEN.
H. Res. 959: Ms. GINNY BROWN-WAITE of Florida.
H. Res. 977: Mr. KINGSTON.
H. Res. 990: Mr. HONDA, Mr. HINCHEY, Ms. SUTTON, Mr. NEAL of Massachusetts, Mr. HOEKSTRA, Mr. SHERMAN, Mr. LANGEVIN, Mr. LATHAM, Mr. SULLIVAN, Mrs. MILLER of Michigan, Mr. CAMP, Mr. ELLISON, and Mr. UPTON.
H. Res. 997: Mr. FARR.
H. Res. 1003: Ms. JACKSON LEE of Texas, Mrs. LOWEY, Mr. BISHOP of Georgia, Mr. BOREN, Ms. LORETTA SANCHEZ of California, Mr. COURTNEY, Mr. LOEBSACK, Mr. CAPUANO, and Mr. MURTHA.
H. Res. 1021: Mr. BURTON of Indiana, Ms. DEGETTE, Mr. DELAHUNT, and Mr. WEINER.
H. Res. 1022: Mr. CONAWAY, Mr. RYAN of Ohio, Mr. CARNAHAN, and Mr. GRIJALVA.

¶7.24 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 874: Ms. MARKEY of Colorado.

FRIDAY, JANUARY 22, 2010 (8)

¶8.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
January 22, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶8.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced she had examined and approved the Journal of the proceedings of Thursday, January 21, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶8.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

5688. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Swine Health Protection; Feeding of Processed Product to Swine [Docket No.:

APHIS-2008-0120] (RIN: 0579-AC91) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5689. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Vegetable Import Regulations; Modification of Potato Import Regulations [Doc. No.: AMS-FV-08-0018; FV08-980-1 FR] received 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5690. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Potato Research and Promotion Plan; Assessment Increase [Doc. No.: AMS-FV-09-0024; FV-09-706FR] received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5691. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Foreign Participation in Acquisitions in Support of Operations in Afghanistan (DFARS Case 2009-D012) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5692. A letter from the Director, Defense Procurement and Acquisition, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Statutory Waiver for Commercially Available Off-the-Shelf Items (DFARS Case 2008-D009) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5693. A letter from the Attorney-Advisor, Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program; Cap on Annual Liability (RIN: 1505-AB92) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5694. A letter from the Attorney-Advisor, Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program; Recoupment Provisions (RIN: 1505-AB10) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5695. A letter from the Director, Office of Environmental Policy and Compliance, Department of the Interior, transmitting the Department's final rule — Implementation of the National Environmental Policy Act (NEPA) of 1969 (RIN: 1090-AA95) received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5696. A letter from the Director, US-VISIT Program, Department of Homeland Security, transmitting the Department's final rule — United States Visitor and Immigrant Status Indicator Technology Program (''US-VISIT''); Enrollment of Additional Aliens in US-VISIT; Authority To Collect Biometric Data From Additional Travelers and Expansion to the 50 Most Highly Trafficked Land Boarder Ports of Entry [DHS-2005-0037] (RIN: 1602-AA35; 1600-AA00) received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5697. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Immigrants and Nonimmigrants —— Visa Classification Symbols [Public Notice: 6798] received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5698. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF34-1A, CF34-3A, and CF34-3A, and CF34-3B Series Turbofan Engines [Docket No.: FAA-2009-0328; Directorate Identifier 2008-NE-44-AD; Amendment 39-16103; AD 2009-24-11] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5699. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Ft. Myers Fireworks Display, Vicinity of Caloosahatchee River Bridge, Ft. Myers, Florida [COTP Sector St. Petersburg 06-124] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5700. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-06-023] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5701. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Arthur Ship Canal, Port Arthur, TX [COTP Port Arthur-06-022] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5702. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Port Arthur, TX [COTP Port Arthur-06-020] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5703. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-19-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5704. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-18-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5705. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29 degrees 26.8N 093 degrees 25.8W [COTP Port Arthur-06-031] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5706. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-06-032] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5707. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway (GICW), Sweet Lake, LA [COTP Port Arthur-06-012] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5708. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-15-006] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5709. A letter from the Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH (Dornier) Model 328-100 Airplanes [Docket No.: FAA-2009-1074; Directorate Identifier 2009-NM-177-AD; Amendment 39-16106; AD 2008-17-01 R1] (RIN: 2120-AA64] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5710. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico; Posit 29 degrees 26.8N 093 degrees 25.8W [COTP Port Arthur-06-030] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5711. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal, Sabine River, Orange, TX [COTP Port Arthur-06-029] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5712. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29 degrees 26.8N 093 degrees 25.8W [COTP Port Arthur-06-028] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5713. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Moving Safety Zone; Gulf of Mexico; Sabine Pass, Texas; Port Arthur, Texas [COTP Port Arthur-06-027] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5714. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, FL [COTP St. Petersburg 06-081] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5715. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL [COTP Sector St. Petersburg 06-255] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5716. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Carlos Bay, FL [COTP Sector St. Petersburg 06-170] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5717. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks display in the vicinity of Bradenton Beach, Florida [COTP Sector St. Petersburg 06-139] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5718. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 4th of July Fireworks Display, Venice Inlet, Florida [COTP St. Petersburg 06-138] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5719. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; July 4th Fireworks display in the vicinity of Marco Island, Florida [COPT Sector St. Petersburg 06-137] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5720. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Calcasieu River, Lake Charles, LA [COTP Port Arthur-016-06] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5721. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ybor Fireworks Display — Ybor Turning Basin, Tampa Bay, Florida [COTP St. Petersburg 06-105] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5722. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River Mile Marker 124.0 to 126.5; Clarksville, TN [Docket No.: COTP Ohio Valley-07-042] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5723. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile 206.7 to 209.8, Pickwick Dam, TN [COTP Ohio Valley-07-012] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5724. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 603.2 to 605.0, Louisville, KY [COTP Ohio Valley 07-009] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5725. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Ohio River, Mile 602.0 to Mile 606.0, Louisville, KY [COPT Ohio Valley 07-007] (RIN: 1625-AA87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5726. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 188 to 190, Parkersburg, WV [COPT Ohio Valley-06-055] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5727. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clinch River Mile 1.8 to 2.8, Kingston, TN [COPT Ohio Valley-06-054] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5728. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 600.5 to 605.0, Louisville, KY [COTP Ohio Valley 06-053] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5729. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanawha River Mile 58 to 59.2, Charleston, WV [COTP Ohio Valley 06-052] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5730. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Automated and Remotely Operated Bridges [Docket No.: USCG-2009-0968] (RIN: 1625-AA09) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5731. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Shipping; Vessel Inspections; Technical and Conforming Amendments [USCG-2008-1107] (RIN: 1625-ZA21) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5732. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Model TBM 700 Airplanes [Docket No.: FAA-2009-0886; Directorate Identifier 2009-CE-045-AD; Amendment 39-16109; AD 2009-24-15] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5733. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Model 525A Airplanes [Docket No.: FAA-2009-1096; Directorate Identifier 2009-CE-056-AD; Amendment 39-16105; AD 2009-24-13] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5734. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Models DG-500MB, DG-808C and DG-800B Gliders [Docket No.: FAA-2009-1103; Directorate Identifier 2009-CE-053-AD; Amendment 39-16110; AD 2009-24-16] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5735. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes; and Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2009-1092; Directorate Identifier 2009-NM-219; Amendment 39-16068; AD 2009-24-09] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5736. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. LTS101 Series Turboshaft and LPT101 Series Turboprop Engines [Docket No.: FAA-2008-1019; Directorate Identifier 2007-NE-49-AD; Amendment 39-16104; AD 2009-24-12] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5737. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Model L-1011 Series Airplanes [Docket No.: FAA-2009-1022; Directorate Identifier 2009-NM-163-AD; Amendment 39-16078; AD 2008-11-02 R1] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5738. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Twin Commander Aircraft LLC Models 690, 690A, and 690B Airplanes [Docket No.: FAA-2009-0778; Directorate Identifier 2009-CE-040-AD; Amendment 39-16119; AD 2009-25-02] (RIN: 2120-AA64] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5739. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Inc. Model 45 Airplanes [Docket No.: FAA-2009-0719; Directorate Identifier 2009-NM-078-AD; Amendment 39-16116; AD 2009-24-22] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5740. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 & 701) Airplanes and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-0436; Directorate Identifier 2009-NM-005-AD; Amendment 39-16114; AD 2009-24-20] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5741. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F and 747SR Series Airplanes [Docket No.: FAA-2009-0553; Directorate Identifier 2008-NM-199-AD; Amendment 39-16111; AD 2009-24-17] (RIN: 2102-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5742. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2A12 (CL-601) and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes [Docket No.: FAA-2009-0565; Directorate Identifier 2008-NM-217-AD; Amendment 39-16112; AD 2009-24-18] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5743. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No.: FAA-2009-0379; Directorate Identifier 2008-NM-220-AD; Amendment 39-16113; AD 2009-24-19] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5744. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ZLT Zepplin Luftschifftechnick GmbH & Co KG Model LZ N07-100 Airships [Docket No.: FAA-2009-0886; Directorate Identifier 2009-CE-047-AD; Amendment 39-16120; AD 2009-25-03] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5745. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC9-15, and C9-15F Airplanes; and McDonnell Douglas Model DC-9-20, DC9-30, DC-9-40, and DC-9-50 Series Airplanes [Docket No.: FAA-2009-0658; Directorate Identifier 2009-NM-058-AD; Amendment 39-16115; AD 2009-24-21] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5746. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Models 58, 58A, 58P, 58PA, 58TC, 58TCA, 95-B55, 95-B55A, A36, A36TC, B36TC, E55, E55A, F33A, and V35B Airplanes [Docket No.: FAA-2009-0797; Directorate Identifier 2009-CE-032-AD; Amendment 39-16118; AD 2009-25-01] (RIN:

2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5747. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Auction rate Preferred Stock- Extension of Date for Addition of a Liquidity Facility [Notice 2010-3], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶8.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 25. A joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

¶8.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 21, 2010.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 21, 2010 at 5:20 p.m.:

That the Senate passed without amendment H.R. 4462.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶8.6 SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 25. A joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

¶8.7 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4462. An Act to accelerate the income tax benefits for charitable contributions for the relief of victims of the earthquake in Haiti.

And then,

¶8.8 ADJOURNMENT

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, by unanimous consent, and pursuant to the special order of the House agreed to on January 21, 2010, at 10 o'clock and 5 minutes a.m., declared the House adjourned until 12:30 p.m. on Tuesday, January 26, 2010.

¶8.9 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 2517. A bill to provide certain benefits to domestic partners of Federal employees; with an amendment (Rept. 111–400, Pt. 1). Ordered to be printed.

¶8.10 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 2517. Referral to the Committees on House Administration and the Judiciary extended for a period ending not later than January 29, 2010.

¶8.11 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. GARRETT of New Jersey introduced a resolution (H. Res. 1036) recognizing the contributions of Korean Americans to the United States; which was referred to the Committee on Oversight and Government Reform.

¶8.12 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 620: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2006: Mr. ABERCROMBIE and Mr. ARCURI.

H.R. 4311: Ms. RICHARDSON.

H. Res. 111: Mr. SESTAK.

H. Res. 898: Mrs. NAPOLITANO.

H. Res. 929: Ms. WATSON, Ms. LEE of California, Mr. JACKSON of Illinois, and Mr. CAO.

H. Res. 1011: Ms. CASTOR of Florida, Mr. TOWNS, Mr. CARNEY, Mr. MANZULLO, Mr. MCGOVERN, Mr. MASSA, Mr. GUTIERREZ, Ms. DEGETTE, Mr. WELCH, Ms. FUDGE, Mr. WALZ, Ms. KILPATRICK of Michigan, Ms. ROYBAL-ALLARD, Mr. CROWLEY, Ms. LEE of California, Mr. GENE GREEN of Texas, Mr. CASSIDY, Ms. SCHWARTZ, Ms. PINGREE of Maine, and Mr. DINGELL.

TUESDAY, JANUARY 26, 2010 (9)

¶9.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. LARSEN of Washington, who laid before the House the following communication:

WASHINGTON, DC,
January 26, 2010.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶9.2 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles, in which the concurrence of the House is requested:

S. 2949. An Act to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

S. 2950. An Act to extend the pilot program for volunteer groups to obtain criminal history background checks.

The message also announced that pursuant to Public Law 110–315, the Chair, on behalf of the President pro tempore, announces the appointment of the following individuals to be members of the National Advisory Committee on Institutional Quality and Integrity: Bruce Cole of Indiana, Anne Neal of Wisconsin, and Michael Pokiakoff of Colorado.

¶9.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to the order of the House of January 6, 2009, recognized Members for morning-hour debate.

¶9.4 RECESS—12:51 P.M.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 51 minutes p.m., until 2 p.m.

¶9.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Ms. RICHARDSON, called the House to order.

¶9.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. RICHARDSON, announced she had examined and approved the Journal of the proceedings of Friday, January 22, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶9.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

5748. A letter from the Chief, PRAB, Office of Research & Analysis, Department of Agriculture, transmitting the Department's final rule — The Emergency Food Assistance Program: Amendments to Requirements Regarding the Submission of State Plans and Allowability of Certain Administrative Costs (RIN: 0584-AD94) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5749. A letter from the Acting NRCS Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule — Agricultural Management Assistance Program (RIN: 0578-AA50) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5750. A letter from the Acting NRCS Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule — Regional Equity (RIN: 0578-AA44) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5751. A letter from the Under Secretary of Defense, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Defense Information Systems Agency, Case Number 08-06,

pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5752. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Allowability of Costs to Lease Government Equipment for Display or Demonstration (DFARS Case 2007-D004) (RIN: 0750-AF85) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5753. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Technical Data and Computer Software Requirements for Major Weapon Systems [DFARS Case 2006-D055] received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5754. A letter from the Assistant to the Board, Board of Govenors of the Federal Reserve System, transmitting the System's ''Major'' final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs; and Other Related Issues [Regulations H and Y; Docket No. R-1368] received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5755. A letter from the Assistant Secretary for Financial Stability, Department of the Treasury, transmitting letter summarizing the actions taken by the Department of the Treasury in response to recommendations issued in the Government Accountability Office's report on the Troubled Asset Relief Program; to the Committee on Financial Services.

5756. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance; Capital-Residential Mortgage Loans Modified Pursuant to the Home Affordable Mortgage Program (RIN: 3064-AD42) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5757. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's ''Major'' final rule — School Improvement Grants; American Recovery and Reinvestment Act of 2009 (ARRA); Title I of the Elementary and Secondary Education Act of 1965, as Amended (ESSA) [Docket ID: ED-209-OESE-0010] (RIN: 1810-AB06) received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5758. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Organ-Specific Warnings; Internal Analgesic, Antipyretic, and Antirheumatic Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment [Docket No.: FDA-1977-N-0013] (formerly Docket No.: 1977-N-0094L) (RIN: 0910-AF36) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5759. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Designated Seating Positions [Docket No.: NHTSA 2009-0189] (RIN: 2127-AK65) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5760. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Air Brake Systems [Docket No.: NHTSA-2009-0175] (RIN: 2127-AK62) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5761. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Vehicle Identification Number Requirements; Technical Amendment [Docket No.: NHTSA 2008-0022] (RIN: 2127-AK63) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5762. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Bangor, Maine) [MB Docket No. 09-122] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5763. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Mandatory Reliability Standards for the Calculation of Available Transfer Capability, Capacity Benefit Margins, Transmission Reliability Margins, Total Transfer Capability and Existing Transmission Commitments and Mandatory Reliability Standards for the Bulk-Power System [Docket No.: RM08-19-000, RM08-19-001, RM09-5-000, RM06-16-005; Order No. 729] received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5764. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006, pursuant to 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

5765. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States and Entry Modified for Clarification [Docket No.: 0911171410-91427-01] (RIN: 0694-AE78) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5766. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Statements of Legal Authority to Reflect Continuation of Emergency Declared in Executive Order 12938 and Changes to the United States Code [Docket No.: 0910231376-91377-01] (RIN: 0694-AE76) received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5767. A letter from the Secretary, Department of Commerce, transmitting Periodic Report on the National Emergency Caused by the Lapse of the Export Administration Act of 1979 for February 26, 2009 — August 26, 2009; to the Committee on Foreign Affairs.

5768. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commmerce, transmitting the Department's final rule — Reporting of Offsets Agreements in Sales of Weapon Systems or Defense-Related Items to Foreign Countries or Foreign Firms [Docket No.: 080722875-91412-02] (RIN: 0694-AE40) received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5769. A letter from the Director, Office of Personnel Management, President's Pay Agent, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Oversight and Government Reform.

5770. A letter from the Secretary, Department of Agriculture, transmitting the Department's Performance and Accountability report for fiscal year 2009; to the Committee on Oversight and Government Reform.

5771. A letter from the Chief Financial Officer, Farm Credit Insurance Corporation, transmitting the Corporation's consolidated report addressing the Federal Managers' Financial Integrity Act and the Inspector General Act Amendments of 1978, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5772. A letter from the Acting Administrator, General Services Administration, transmitting letter of notification of new mileage reimbursement rate for Federal employees who use privately owned vehicles while on official travel; to the Committee on Oversight and Government Reform.

5773. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-38; Introduction [Docket FAR 2009-0001, Sequence 9] received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5774. A letter from the Acting General Counsel, Government Accountability Office, transmitting letter of compliance to the requirement in the Competition in Contracting Act of 1984; to the Committee on Oversight and Government Reform.

5775. A letter from the General Counsel, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5776. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Western Alaska Community Development Quota Program; Recordkeeping and Reporting; Correction [Docket No.: 0911161406-91407-01] (RIN: 0648-AY37) received December 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5777. A letter from the Assistant Secretary of the Army, Department of Defense, transmitting recommendation for the authorization of the Comprehensive Plan report on the Mississippi Coastal Improvements Program (MsCIP); to the Committee on Transportation and Infrastructure.

5778. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-1004] (RIN: 1625-AA11) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5779. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Cruise Ship Protection, Elliott Bay and Pier-91, Seattle, Washington [Docket No.: USCG-2009-0331] (RIN: 1625-AA87 and 1625-AA00) received January 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5780. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Intracoastal Waterway, Sunset Beach, North Carolina [Docket No.: USCG-2009-0985] (RIN: 1625-AA00) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5781. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Naval Training December 2009 and January 2010; San Clemente Island, CA [Docket No.: USCG-2009-0920] (RIN: 1625-AA00) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5782. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's ''Major'' final rule — Pipeline Safety: Integrity Management Program for Gas Distribution Pipelines [Docket No.: PHMSA-RSPA-2004-19854; Amdt. 192-113] (RIN: 2137-AE15) received December 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5783. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's ''Major'' final rule — Positive Train Control Systems [Docket No.: FRA-2008-0132, Notice No. 3] (RIN: 2130-AC03) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5784. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Fort Stewart (Hinesville), GA [Docket No.: FAA-2009-0959; Airspace Docket No. 09-ASO-30] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5785. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company GE90-110B1, GE90-113B, and GE90-115B Series Turbofan Engines [Docket No.: FAA-2009-0143; Directorate Identifier 2009-NE-05-AD; Amendment 39-16135; AD 2009-25-14] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5786. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Series Airplanes [Docket No.: FAA-2009-1114; Directorate Identifier 2009-NM-157-AD; Amendment 39-16134; AD 2007-10-10 R1] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5787. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80C2 Series Turbofan Engines; Correction [Docket No.: FAA-2009-0018; Directorate Identifier 2009-NE-01-AD; Amendment 39-16044; AD 2009-21-07] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5788. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-400, -400D, and -400F Series Airplanes [Docket No.: FAA-2009-1222; Directorate Identifier 2009-NM-153-AD; Amendment 39-16160; AD 2008-10-06 R1] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5789. A letter from the Regulations Officer FHWA, Department of Transportation, transmitting the Department's final rule — Discontinuance of form FHWA-47 [FHWA Docket No.: FHWA-2009-0029] (RIN 2125-AF31) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5790. A letter from the Regulations Officer FHWA, Department of Transportation, transmitting the Department's final rule — National Bridge Inspection Standards [FHWA Docket No.: FHWA-2009-0074] (RIN: 2125-AF33) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5791. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Use of Additional Portable Oxygen Concentrator Devices On Board Aircraft [Docket No.: FAA-2009-0767; SFAR 106] (RIN: 2120-AJ55) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5792. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report to Congress and the National Transportation Safety Board on the regulatory status of open safety recommendations relating to several safety issues; to the Committee on Transportation and Infrastructure.

5793. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30703 Amdt. No. 3354] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5794. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30701 Amdt. No. 3352] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5795. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30704; Amdt. No. 3355] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5796. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30702; Amdt. No. 3353] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5797. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of a Special Air Traffic Rule in the Vicinity of Luke Air Force Base (AFB), AZ [Docket No.: FAA-2008-1087; Amendment No. 93-95] (RIN: 2120-AJ29) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5798. A letter from the Acting Administrator, General Services Administration, transmitting Informational copies of the Reports of Building Project Survey for Panama City, FL and Clarksburg, WV; to the Committee on Transportation and Infrastructure.

5799. A letter from the Administrator, National Aeronautics and Space Administration, transmitting Statement of actions with respect to a Government Accountability Report numbered GAO-10-2; to the Committee on Science and Technology.

5800. A letter from the Administrator, National Aeronautics and Space Administration, transmitting Statement of actions with respect to a Government Accountability Report numbered GAO-10-3SU; to the Committee on Science and Technology.

5801. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Countries Whose Pleasure Vessels May Be Issued Cruising Licenses (CBP Dec. 08-27) received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5802. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Remote Location Filing [USCBP-2006-0001] (RIN: 1505-AB20) received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5803. A letter from the Chief, Trade & Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Haitian Hemispheric Opportunity Through Partnership Encouragement Acts of 2006 and 2008 [Docket No.: USCBP-2007-0062] (RIN: 1505-AB82) received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5804. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Relief and Guidance on Corrections of Certain Failures of a Nonqualified Deferred Compensation Plan to Comply with Sec. 409A(a) [Notice 2010-06] received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5805. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Automatic Approval of Changes in Funding Method for Takeover Plans and Changes in Pension Valuation Software [Announcement 2010-03] received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5806. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Special Rules for Certain Transactions Where Stated Principal Amount Does Not Exceed $2,800,00 (Rev. Rul. 2010-2) received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5807. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Auction Rate Preferred Stock-Extension of Date for Addition of a Liquidity Facility [Notice 2010-3] received December 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5808. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2010-1) received December 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5809. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Apportionment of Tax Items among the Members of a Controlled Group of Corporations [TD 9476] (RIN: 1545-BI62; RIN 1545-BG39) received December 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5810. A letter from the Chief, Publications and Regulations Branch, Internal Revenue

Service, transmitting the Service's final rule — Temporary guidance regarding certain stock distributions by publicly traded real estate investments trusts (REITs) and regulated investment companies (RICs) (Revenue Procedure 2010-12) received December 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5811. A letter from the Senior Advisor for Regulations, Social Security Administration, transmitting the Administration's final rule — Technical Revisions to the Supplemental Security Income (SSI) Regulations on Income and Resources [Docket No.: SSA 2008-0034] (RIN: 0960-AG66) received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5812. A letter from the Commissioner, Social Security Administration, transmitting a proposed bill to amend titles II and XVI of the Social Security Act; to the Committee on Ways and Means.

5813. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5814. A letter from the General Counsel, Office of Government Ethics, transmitting a letter reporting that the Office of Government Ethics did not conduct or initiate competitions in FY 2009; to the Committee on Outer Continental Shelf (Ad Hoc).

5815. A letter from the Vice Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's quarterly report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects (dated December 07, 2009); jointly to the Committees on Armed Services and Appropriations.

5816. A letter from the Assistant Attorney General, Department of Justice, transmitting fourth quarterly report of FY 2009 on Uniformed Services Employment and Reemployment Rights Act; jointly to the Committees on the Judiciary and Veterans' Affairs.

¶9.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Ms. RICHARDSON, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, January 22, 2010 at 2:53 p.m., and said to contain a message from the President whereby he transmits consistent with Public law 107–108 a report on matters related to support for the interdiction of aircraft engaged in illicit drug trafficking.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶9.9 ILLICIT DRUG TRAFFICKING

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Consistent with the authorities related to official immunity in the interdiction of aircraft engaged in illicit drug trafficking (Public Law 107–108, 22 U.S.C. 2291–4), as amended, and in order to keep the Congress fully informed, I am providing a report by my Administration. This report includes matters related to support for the interdiction of aircraft engaged in illicit drug trafficking.

BARACK OBAMA.

THE WHITE HOUSE, *January 22, 2010.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–89).

¶9.10 LEGACY OF LESTER FLATT

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 583); as amended:

Whereas Lester Flatt was born on June 19, 1914, and was raised in the region of Sparta, Tennessee;

Whereas Lester Flatt began playing guitar and singing in local churches at a young age;

Whereas Lester Flatt began his career with Charlie Monroe and the Kentucky Pardners in North Carolina in the early 1940s;

Whereas in 1945, Lester Flatt was invited by Bill Monroe to play rhythm guitar and sing with Monroe's band on the Grand Ole Opry;

Whereas Lester Flatt, Earl Scruggs, Chubby Wise, Howard Watts, and Bill Monroe are widely credited with the creation of bluegrass music through their band, Bill Monroe and the Bluegrass Boys;

Whereas Lester Flatt later joined with Earl Scruggs to create the band Flatt and Scruggs and the Foggy Mountain Boys, which remains one of the most influential bands in bluegrass music;

Whereas in 1969, Lester Flatt parted with Scruggs to form the band Nashville Grass, with whom he performed until shortly before his death on May 11, 1979;

Whereas in 1991, Lester Flatt, along with Bill Monroe and Earl Scruggs, became an inaugural member of the International Bluegrass Music Hall of Fame; and

Whereas Lester Flatt is widely regarded as one of the greatest bluegrass musicians and singers of all time, writing dozens of songs that are considered bluegrass classics: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that Lester Flatt has made an invaluable contribution to American art as both a songwriter and a performer, leaving an indelible legacy in bluegrass music.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Ms. WOOLSEY and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶9.11 MENTORING MONTH

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 990):

Whereas mentoring is a longstanding tradition in which a dependable, caring adult provides guidance, support, and encouragement to facilitate a young person's social, emotional, and cognitive development;

Whereas continued research on mentoring shows that formal, high-quality mentoring focused on developing the competence and character of the mentee promotes positive outcomes, such as improved academic achievement, self-esteem, social skills, and career development;

Whereas further research on mentoring provides strong evidence that mentoring successfully reduces substance use and abuse, academic failure, and delinquency;

Whereas mentoring, in addition to preparing young people for school, work, and life, is extremely rewarding for those serving as mentors;

Whereas more than 4,700 mentoring programs in communities of all sizes across the United States focus on building strong, effective relationships between mentors and mentees;

Whereas approximately 3,000,000 young people in the United States are in solid mentoring relationships due to the remarkable vigor, creativity, and resourcefulness of the thousands of mentoring programs in communities throughout the Nation;

Whereas in spite of the progress made to increase mentoring, the United States has a serious ''mentoring gap'', with nearly 15,000,000 young people in need of mentors;

Whereas mentoring partnerships between the public and private sectors bring State and local leaders together to support mentoring programs by preventing duplication of efforts, offering training in industry best practices, and making the most of limited resources to benefit young people in the United States;

Whereas the designation of January 2010 as ''National Mentoring Month'' will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas a month-long celebration of mentoring will encourage more individuals and organizations, including schools, businesses, nonprofit organizations, faith institutions, and foundations, to become engaged in mentoring across the United States; and

Whereas National Mentoring Month will, most significantly, build awareness of mentoring and encourage more people to become mentors and help close the mentoring gap in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''National Mentoring Month'';

(2) recognizes with gratitude the contributions of the millions of caring adults and students who are already volunteering as mentors and encourages more adults and students to volunteer as mentors; and

(3) encourages the people of the United States to observe National Mentoring Month with appropriate ceremonies and activities that promote awareness of, and volunteer involvement with, youth mentoring.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Ms. WOOLSEY and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WOOLSEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-

fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶9.12 MESSIAH COLLEGE MEN'S AND WOMEN'S SOCCER NATIONAL CHAMPIONSHIPS

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 1030):

Whereas Messiah College men's and women's soccer teams won the 2009 NCAA Division III championships on December 5, 2009, against Calvin College and Washington University-St. Louis;

Whereas the 2009 championship was the seventh national championship for Messiah College men's soccer team since 2000 and the third national championship for the women's team since 2000;

Whereas Messiah College is the only college in the NCAA to win both the men's and women's soccer national championship in the same year;

Whereas Messiah College is a Christian liberal arts college that was founded in 1909 and is located in Grantham, Pennsylvania;

Whereas Messiah College has 22 intercollegiate athletic teams that have won 11 NCAA national championships; and

Whereas Messiah College encourages athletes to develop their athletic excellence and to develop character: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Messiah College men's and women's soccer teams on winning the 2009 NCAA Division III national championships; and

(2) recognizes Messiah College for excellence in academics, athletics, and character.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Ms. WOOLSEY and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶9.13 SCHOOL COUNSELING WEEK

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 1029):

Whereas the American School Counselor Association has declared the week of February 1 through February 5, 2010, as ''National School Counseling Week'';

Whereas the House of Representatives has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the last reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must provide equitable opportunities for all students;

Whereas school counselors have long emphasized the importance of personal and social development in academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors play a vital role in ensuring that students are aware of financial aid and college opportunities;

Whereas school counselors may encourage students to pursue challenging academic courses to prepare them for college majors and careers in the science, technology, engineering, and mathematics fields;

Whereas school counselors provide support for students whose family members have been deployed to conflicts overseas;

Whereas school counselors help students cope with serious and common challenges of growing up, including peer pressure, mental health issues, school violence, disciplinary problems, and problems in the home;

Whereas school counselors are also instrumental in helping students, teachers, and parents deal with personal trauma and community and national tragedies;

Whereas school counselors are among the few professionals in a school building that are trained in both education and mental health;

Whereas, despite the important contributions of school counselors to student success, counseling positions are not always protected when local budgets are cut, especially in tough economic times;

Whereas the average student-to-counselor ratio in America's public schools, 475-to-1, is almost double the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, and other organizations;

Whereas the celebration of ''National School Counseling Week'' would increase awareness of the important and necessary role school counselors play in the lives of students in the United States; and

Whereas the week of February 1 through February 5, 2010, would be an appropriate week to designate as ''National School Counseling Week'': Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) honors and recognizes the contributions of school counselors to the success of students in our Nation's elementary and secondary schools; and

(2) encourages the people of the United States to observe ''National School Counseling Week'' with appropriate ceremonies and activities that promote awareness of the crucial role school counselors play in preparing students for fulfilling lives as contributing members of society.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Ms. WOOLSEY and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶9.14 CERVICAL CANCER

Mr. PALLONE moved to suspend the rules and agree to the following resolution (H. Res. 1011):

Whereas approximately 11,270 women were diagnosed with, and approximately 4,070 women died from cervical cancer in the United States in 2009;

Whereas cervical cancer occurs most often in Hispanic women, at a rate that is more than twice what is seen in non-Hispanic White women;

Whereas African-American women develop cervical cancer about 50 percent more often than non-Hispanic White women;

Whereas half of the women diagnosed with the disease are between 35 and 55 years of age, and approximately 20 percent of diagnoses are made in women older than 65;

Whereas cervical cancer is usually a slow-growing cancer that may not have symptoms, and is primarily caused by the human papillomavirus (HPV), but can be detected by Papanicolaou tests (Pap tests) or other early detection tests;

Whereas the earlier cervical cancer is detected the better chance a woman has of surviving cervical cancer;

Whereas cervical cancer patients and survivors have shown tremendous courage and determination in the face of adversity: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Cervical Health Awareness Month;

(2) recognizes the importance of good cervical health and of detecting cervical cancer during its earliest stages;

(3) urges healthcare advocates to continue to raise public awareness about cervical cancer and the importance of early detection;

(4) urges the people of the United States to learn about cervical cancer and its causes, most notably human papillomavirus (HPV), and the importance of early detection; and

(5) recognizes the patients and survivors of cervical cancer and their families for their tremendous courage and determination.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. PALLONE and Mr. BURGESS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PALLONE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶9.15 INFLUENZA VACCINATION WEEK

Mr. PALLONE moved to suspend the rules and agree to the following resolution (H. Res. 1003); as amended:

Whereas National Influenza Vaccination Week may provide an important opportunity to encourage seasonal flu and H1N1 vaccination at a time when demand for flu vaccines usually drops significantly but the risk for infection remains;

Whereas each year 5 to 20 percent of the population in the United States gets the flu,

an average of more than 200,000 people are hospitalized from flu-related complications, and about 36,000 people die from flu-related causes;

Whereas between April and mid-November, the United States saw approximately 47,000,000 cases of the 2009 H1N1 flu, more than 200,000 hospitalizations, and nearly 10,000 deaths;

Whereas the United States is fortunate that the flu activity has declined in recent weeks, but flu experts warn that the public is still at risk of infection and we should also prepare for a possible third wave of H1N1 flu;

Whereas people in the United States have a window of opportunity to get the H1N1 vaccine and lessen the impact of, or even prevent, another wave of illness;

Whereas getting vaccinated is a shared responsibility to protect families and communities that is safe and effective, and it is the best defense against all types of flu;

Whereas seasonal flu vaccines have been safely used for more than 60 years and data compiled for H1N1 vaccines indicate a similarly excellent safety profile;

Whereas information on seasonal flu vaccine distribution and availability is available at the Centers for Disease Control and Prevention's (CDC) www.Flu.gov Web site;

Whereas over 135,000,000 doses of the H1N1 vaccine are now available, with more coming every day;

Whereas Congress recognizes the hard work of public health officials in responding to the 2009 H1N1 flu;

Whereas one of the goals, in addition to fostering continuing influenza vaccination, of National Influenza Vaccination Week is to engage H1N1 at-risk audiences who are not yet vaccinated;

Whereas when the vaccine was first made available, the CDC's Advisory Committee on Immunization Practices (ACIP) recommended that vaccination efforts should focus first on people in five target groups who are at higher risk for the 2009 H1N1 influenza or related complications;

Whereas the five target groups for H1N1 are pregnant women, people who live with or provide care for infants younger than 6 months, health care and emergency medical services personnel, people 6 months through 24 years of age, and people 25 years through 64 years of age who have certain medical conditions that put them at higher risk for influenza-related complications;

Whereas Monica Rodriguez, a pregnant mother from El Monte, California, could likely have prevented her death if she was able to get vaccinated;

Whereas January 13 is Families Flu Vaccination Day and will highlight the importance of the 2009 H1N1 vaccination for pregnant women, children, and caregivers of children less than 6 months of age;

Whereas H1N1 flu shots are widely available and everyone, even those not in the high-risk groups are urged to get vaccinated;

Whereas the U.S. Department of Health and Human Services as well as State and local public health departments and other partners, such as Families Fighting Flu, are planning National Influenza Vaccination Week events around the country and have additional information available at www.cdc.gov/flu/NIVW/;

Whereas the American Public Health Association, the Association of State and Territorial Health Officials, Families Fighting Flu, the Infectious Diseases Society of America, the American Medical Association, the American Nurses Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the National Environmental Health Association, the National Association of Nurse Practitioners in Women's Health, the American Association of Colleges of Nursing, the Society for Healthcare Epidemiology of America, the American Osteopathic Association, the National Association of Community Health Centers, the National Association of Pediatric Nurse Practitioners, the American Red Cross, the American Academy of Physician Assistants, the National Hispanic Medical Association, the American College of Emergency Physicians, the American College of Preventive Medicine, the National Alliance for Hispanic Health, the International Association of Firefighters, the American Academy of Family Physicians, the Association for Profession in Infection Control and Epidemiology, the American Pharmacists Association, the American College Health Association, the American College of Physicians, the National Family Planning and Reproductive Health Association, the National Association of School Nurses, the Association of Maternal and Child Health Programs, the National Association of Children's Hospitals and Related Institutions, the National Community Pharmacists Association, the American Hospital Association, the Federation of American Hospitals, Epocrates, the American Academy of Neurology, the National Association of County and City Health Officials, and the Association of Occupational Health Professionals in Healthcare support the H1N1 flu vaccine; and

Whereas people can find seasonal and H1N1 vaccine distribution information by checking the www.Flu.gov Web site that identifies clinics that have influenza vaccine available: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Influenza Vaccination Week, including raising public awareness that vaccination is the best defense against the flu; and

(2) encourages people in the United States to get vaccinated, especially those with underlying health conditions, pregnant women, children, young adults, caretakers of infants, and healthcare workers.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. PALLONE and Mr. BURGESS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PALLONE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶9.16 AMERICAN SURVIVORS OF HAITI EARTHQUAKE

Mr. MCDERMOTT moved to suspend the rules and pass the bill of the Senate (S. 2949) to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. MCDERMOTT and Ms. Ginny BROWN-WAITE of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶9.17 POVERTY AWARENESS MONTH

Mr. MCDERMOTT moved to suspend the rules and agree to the following resolution (H. Res. 1024):

Whereas, in 2008, the Census Bureau found that the number of people living in poverty has jumped by nearly 2,600,000 to 39,800,000, the highest number since 1960;

Whereas that same report found that the percentage of people living in poverty, 13.2 percent, rose to the highest level since 1997;

Whereas, in 2008, the number of children who lived in poverty increased by 744,000 to 14,000,000;

Whereas the share of people in the United States who have incomes that fall below half of the Federal poverty line reached 5.7 percent, or 17,100,000 people, its highest level since 1994;

Whereas the next Census report on poverty will likely illustrate higher levels of poverty as the report will reflect data from 2009, a year in which the economy experienced substantial job loss and historic levels of long-term unemployment, leading some experts to project that the overall poverty rate may increase by 1.5 percentage points and the percentage of children living in poverty may increase by 6 percentage points in the next report;

Whereas, between 1989 and 2000, the overall poverty rate declined by 1.5 percentage points and child poverty decreased by 3.4 percentage points, those achievements have been nearly reversed as the overall poverty rate increased by 1.9 percentage points and child poverty increased by 2.8 percentage points from 2000 to 2008;

Whereas there is broad consensus among researchers and policy experts that the Federal poverty measure is outdated and inadequate in determining the depth and extent of poverty in the United States;

Whereas rising levels of poverty and economic hardship have a severe impact on the overall well-being of children in the Nation;

Whereas the U.S. Census Bureau and other organizations have highlighted the unmet needs that existed for some of the most vulnerable families prior to the recession;

Whereas while the Federal Government has provided critical assistance to needy individuals and families in their time of need, more can and should be done to strengthen the Nation's safety-net programs, and other programs investing in communities and families to ensure that all needy people in the United States have access to the support services for which they are eligible;

Whereas, during the present economic downturn, Congress should do more to help individuals and families rise out of poverty

and maintain economic stability through the use of a variety of programs promoting education and training, childcare assistance, housing security, and related services; and

Whereas it would be appropriate to designate the month of January 2010 as Poverty in America Awareness Month: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) supports the designation of Poverty in America Awareness Month; and

(B) recognizes the important contributions of those individuals and organizations that have made a commitment to providing critical support and services to needy individuals and families; and

(2) it is the sense of the House of Representatives that—

(A) eradicating poverty in the United States should be the goal for all people in the United States, including all levels of government;

(B) the severe economic downturn has highlighted the need to ensure that the Nation's most vulnerable individuals and families are able to meet their most fundamental needs during a time of financial crisis; and

(C) Congress should recommit itself to helping individuals and families facing economic hardship receive the assistance they need and deserve in moving towards greater economic security through programs under Title IV of the Social Security Act and other related programs.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. MCDERMOTT and Ms. Ginny BROWN-WAITE of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCDERMOTT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, January 27, 2010.

¶9.18 RECESS—3:45 P.M.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 45 minutes p.m., until approximately 6:30 p.m.

¶9.19 AFTER RECESS—6:33 P.M.

The SPEAKER pro tempore, Mr. COSTA, called the House to order.

¶9.20 PROVIDING FOR CONSIDERATION OF H.R. 3726 AND H.R. 4474

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–401) the resolution (H. Res. 1038) providing for consideration of the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes; and for consideration of the bill (H.R. 4474) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶9.21 H. RES. 990—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. COSTA, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 990) expressing support for designation of January 2010 as ''National Mentoring Month''.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 398 / Nays 0

¶9.22 [Roll No. 17]

YEAS—398

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

NOT VOTING—35

Akin	Frank (MA)	Paulsen
Alexander	Garrett (NJ)	Putnam
Bachmann	Gerlach	Rehberg
Barrett (SC)	Grijalva	Ryan (OH)
Bishop (GA)	Gutierrez	Speier
Boccieri	Hoekstra	Towns
Conyers	Johnson, E. B.	Turner
Crenshaw	Kind	Walz
Davis (AL)	King (IA)	Wamp
Deal (GA)	Miller (FL)	Waters
Delahunt	Moran (VA)	Yarmuth
Ellison	Ortiz	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶9.23 H. RES. 1011—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TEAGUE, pursuant to clause 8 of rule

XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1011) recognizing the importance of cervical health and of detecting cervical cancer during its earliest stages and supporting the goals and ideals of Cervical Health Awareness Month.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400 Nays 0

¶9.24 [Roll No. 18]

YEAS—400

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

NOT VOTING—33

Akin
Alexander
Bachmann
Barrett (SC)
Barton (TX)
Bishop (GA)
Boccieri
Crenshaw
Davis (AL)
Deal (GA)
Delahunt
Ellison
Frank (MA)
Gerlach
Grijalva
Gutierrez
Hoekstra
Johnson, E.B.
Kind
King (IA)
LaTourette
Miller (FL)
Moran (VA)
Ortiz
Paulsen
Putnam
Rehberg
Ryan (OH)
Speier
Turner
Walz
Wamp
Waters

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶9.25 H. RES. 1003—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TEAGUE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1003) expressing support for the designation of January 10, 2010, through January 16, 2010, as National Influenza Vaccination Week; as amended

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 398 Nays 2

¶9.26 [Roll No. 19]

YEAS—398

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan

Moore (KS)	Rogers (AL)	Snyder
Moore (WI)	Rogers (KY)	Souder
Moran (KS)	Rogers (MI)	Space
Murphy (CT)	Rohrabacher	Spratt
Murphy (NY)	Rooney	Stark
Murphy, Patrick	Ros-Lehtinen	Stearns
Murphy, Tim	Roskam	Stupak
Murtha	Ross	Sullivan
Myrick	Rothman (NJ)	Sutton
Nadler (NY)	Roybal-Allard	Tanner
Napolitano	Royce	Taylor
Neal (MA)	Ruppersberger	Teague
Neugebauer	Rush	Terry
Nunes	Ryan (WI)	Thompson (CA)
Nye	Salazar	Thompson (MS)
Oberstar	Sánchez, Linda T.	Thompson (PA)
Obey	Sanchez, Loretta	Thornberry
Olson	Sarbanes	Tiahrt
Olver	Scalise	Tiberi
Owens	Schakowsky	Tierney
Pallone	Schauer	Titus
Pascrell	Schiff	Tonko
Pastor (AZ)	Schmidt	Towns
Payne	Schock	Tsongas
Pence	Schrader	Upton
Perlmutter	Schwartz	Van Hollen
Perriello	Scott (GA)	Velázquez
Peters	Scott (VA)	Visclosky
Peterson	Sensenbrenner	Walden
Petri	Serrano	Wasserman Schultz
Pingree (ME)	Sessions	Watson
Pitts	Sestak	Watt
Platts	Shadegg	Waxman
Poe (TX)	Shea-Porter	Weiner
Pomeroy	Sherman	Welch
Posey	Shimkus	Westmoreland
Price (GA)	Shuler	Whitfield
Price (NC)	Shuster	Wilson (OH)
Quigley	Simpson	Wilson (SC)
Radanovich	Sires	Wittman
Rahall	Skelton	Wolf
Rangel	Slaughter	Woolsey
Reichert	Smith (NE)	Wu
Reyes	Smith (NJ)	Yarmuth
Richardson	Smith (TX)	Young (AK)
Rodriguez	Smith (WA)	Young (FL)
Roe (TN)		

NAYS—2

Paul	Polis (CO)

NOT VOTING—33

Akin	Ellison	Moran (VA)
Alexander	Frank (MA)	Ortiz
Bachmann	Gerlach	Paulsen
Barrett (SC)	Grijalva	Putnam
Bishop (GA)	Gutierrez	Rehberg
Boccieri	Hoekstra	Ryan (OH)
Boehner	Johnson, E.B.	Speier
Crenshaw	Kennedy	Turner
Davis (AL)	Kind	Walz
Deal (GA)	King (IA)	Wamp
Delahunt	Miller (FL)	Waters

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶9.27 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2950. An Act to extend the pilot program for volunteer groups to obtain criminal history background checks, to the Committee on the Judiciary.

¶9.28 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2949. An Act to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

¶9.29 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on January 22, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 4462. An Act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

¶9.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ELLISON, for today;

To Mr. CRENSHAW, for January 19 through January 27; and

To Mr. ORTIZ, for today.

And then,

¶9.31 ADJOURNMENT

On motion of Mr. KING of Iowa, at 11 o'clock and 15 minutes p.m., the House adjourned.

¶9.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POLIS: Committee on Rules. House Resolution 1038. Resolution providing for consideration of the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes; and for consideration of the bill (H.R. 4474) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes (Rept. 111–401). Referred to the House Calendar.

¶9.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WU (for himself and Mr. LIPINSKI):

H.R. 4502. A bill to strengthen the capacity of eligible institutions to provide instruction in nanotechnology; to the Committee on Science and Technology.

By Mr. SMITH of Texas (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. KING of New York, Mr. ROGERS of Kentucky, Mr. CARTER, Mr. BLUNT, Mr. SENSENBRENNER, Mr. COBLE, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. JORDAN of Ohio, Mr. CHAFFETZ, Mr. ROONEY, Mr. MANZULLO, Ms. ROS-LEHTINEN, and Mr. CANTOR):

H.R. 4503. A bill to provide for consultation by the Department of Justice with other relevant Government agencies before determining to prosecute certain terrorism offenses in United States district court, and for other purposes; to the Committee on the Judiciary.

By Mr. FOSTER:

H.R. 4504. A bill to authorize the Federal Communications Commission to issue regulations against the censorship of Internet search results, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY (for himself and Mr. SNYDER):

H.R. 4505. A bill to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. COHEN (for himself, Mr. CONYERS, and Mr. SMITH of Texas):

H.R. 4506. A bill to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. RODRIGUEZ (for himself, Mr. SMITH of Texas, Mr. MCCAUL, and Mr. GONZALEZ):

H.R. 4507. A bill to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to establish the Cyber Security Domestic Preparedness Consortium, and for other purposes; to the Committee on Homeland Security.

By Ms. VELÁZQUEZ:

H.R. 4508. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. SCHRADER (for himself, Mr. DAVIS of Tennessee, and Mr. BLUMENAUER):

H.R. 4509. A bill to reauthorize the national small business tree planting program, and for other purposes; to the Committee on Small Business.

By Mr. GRAYSON:

H.R. 4510. A bill to amend the Federal Election Campaign Act of 1971 to apply the ban on contributions and expenditures by foreign nationals to domestic corporations in which foreign principals have an ownership interest; to the Committee on House Administration.

By Mr. GRAYSON:

H.R. 4511. A bill to amend the Federal Election Campaign Act of 1971 to prohibit corporations which employ or retain registered lobbyists from making expenditures or disbursements for electioneering communications under such Act, and for other purposes; to the Committee on House Administration.

By Mr. BRALEY of Iowa:

H.R. 4512. A bill to require the Secretary of Energy to implement country-of-origin disclosure requirements with respect to motor vehicle fuels, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUCHANAN:

H.R. 4513. A bill to create jobs by providing targeted tax relief to individuals and small businesses, curb frivolous lawsuits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. AUSTRIA, Mr. LATOURETTE, Mr. PAYNE, Mrs. SCHMIDT, Mr. SESTAK, and Mr. TIBERI):

H.R. 4514. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 4515. A bill to make certain technical and conforming amendments to the Lanham Act; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 4516. A bill to provide stability in the financial services industry by promoting transparency, simplicity, fairness, accountability, and equal access in the market for consumer financial products or services and ensuring that no financial company becomes too big to fail, and for other purposes; to the Committee on Financial Services.

By Mr. HALL of New York (for himself, Mr. COHEN, and Ms. MCCOLLUM):

H.R. 4517. A bill to amend the Federal Election Campaign Act of 1971 to apply the ban on contributions and expenditures by foreign nationals to domestic corporations which are owned or controlled by foreign principals, to increase the civil penalties applicable to foreign nationals who violate the ban, and for other purposes; to the Committee on House Administration.

By Mr. HALL of New York:

H.R. 4518. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for image advertising expenses for any trade or business the gross receipts of which exceed $100 million; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 4519. A bill to direct the Secretary of the Treasury to make publicly available on the Internet the electronic communications of certain TARP recipients; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. DENT, Mr. GRIJALVA, and Mr. BRADY of Pennsylvania):

H.R. 4520. A bill to help prevent the occurrence of cancer resulting from the use of ultraviolet tanning lamps by imposing more stringent controls on the use of such devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY of Massachusetts (for himself and Mr. VAN HOLLEN):

H.R. 4521. A bill to direct the Secretary of the Interior to agree to requests by lessees to amend certain oil and gas leases issued for Central and Western Gulf of Mexico tracts, to incorporate price thresholds applicable to royalty suspension provisions, and for other purposes; to the Committee on Natural Resources.

By Mr. PASCRELL (for himself, Mrs. MALONEY, Mr. FOSTER, Mr. JOHNSON of Georgia, Mr. COHEN, Mr. SIRES, Mr. DINGELL, Mr. RODRIGUEZ, Mr. LANCE, Mr. CAPUANO, Mr. HOLDEN, Mr. LYNCH, Mr. KAGEN, Mr. KUCINICH, Mr. TOWNS, Mr. BOREN, Mr. AL GREEN of Texas, Mr. YARMUTH, Mrs. MCCARTHY of New York, Mr. LANGEVIN, Mr. ROTHMAN of New Jersey, Mr. PAYNE, Mr. HOLT, Mr. STARK, Mr. COSTELLO, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Mr. CONYERS, Mr. JONES, and Mr. TIERNEY):

H.R. 4522. A bill to amend the Federal Election Campaign Act of 1971 to apply the ban on contributions and expenditures by foreign nationals to domestic corporations which are owned or controlled by foreign principals; to the Committee on House Administration.

By Mr. PERRIELLO:

H.R. 4523. A bill to amend the Federal Election Campaign Act of 1971 to apply the ban on contributions and expenditures by foreign nationals to domestic corporations whose shareholders include any foreign principals; to the Committee on House Administration.

By Mr. SHULER (for himself, Mr. PRICE of North Carolina, Mr. BOUCHER, and Mr. PERRIELLO):

H.R. 4524. A bill to authorize funding to protect and conserve lands contiguous with the Blue Ridge Parkway to serve the public, and for other purposes; to the Committee on Natural Resources.

By Mr. WILSON of South Carolina:

H.R. 4525. A bill to amend title 10, United States Code, to expand the eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include all members of the uniformed services who are retired under chapter 61 of such title for disability, regardless of the members' disability rating percentage; to the Committee on Armed Services, and in addition to the Committees on the Budget, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHAFFETZ (for himself and Mr. JORDAN of Ohio):

H.J. Res. 72. A joint resolution disapproving the action of the District of Columbia Council in approving the Religious Freedom and Civil Marriage Equality Amendment Act of 2009; to the Committee on Oversight and Government Reform.

By Mr. COFFMAN of Colorado (for himself, Ms. DEGETTE, Mr. CONAWAY, and Mr. SNYDER):

H. Con. Res. 230. Concurrent resolution recognizing the 150th anniversary of the Colorado National Guard; to the Committee on Armed Services.

By Mr. COSTELLO (for himself, Mr. CLAY, Mr. SHIMKUS, Mr. CARNAHAN, Mr. DAVIS of Illinois, Mr. FOSTER, Mr. JOHNSON of Illinois, and Mr. LIPINSKI):

H. Con. Res. 231. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to honor the life of Elijah Parish Lovejoy; to the Committee on Oversight and Government Reform.

By Mr. LEE of New York (for himself, Mr. ADLER of New Jersey, Mr. SHIMKUS, Mr. HEINRICH, Mr. TEAGUE, Mr. LUJÁN, Mr. CAO, Mr. MICHAUD, Mr. KAGEN, Mr. KIND, Mr. ROGERS of Kentucky, Mr. DAVIS of Tennessee, Mr. MOORE of Kansas, and Mr. HARPER):

H. Con. Res. 232. Concurrent resolution expressing the sense of Congress that a site in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the 14 members of the Army's 24th Infantry Division who have received the Medal of Honor; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NYE:

H. Res. 1037. A resolution expressing the sense of the House of Representatives that the actions by United States Armed Forces and first responders to help the people of Haiti after the recent devastating earthquake reflect the highest level of dedication and heroism; to the Committee on Armed Services.

By Mr. LEE of New York (for himself, Mr. ARCURI, Mr. BOOZMAN, Mr. GERLACH, Mr. BLUNT, Mr. CONAWAY, Mr. EHLERS, Mr. ISRAEL, Mr. PUTNAM, Mr. PAULSEN, and Mr. WILSON of South Carolina):

H. Res. 1039. A resolution supporting the goals and ideals of American Heart Month and National Wear Red Day; to the Committee on Oversight and Government Reform.

By Mr. SNYDER (for himself, Mr. BOOZMAN, Mr. ROSS, and Mr. BERRY):

H. Res. 1040. A resolution honoring the life and accomplishments of Donald Harington for his contributions to literature in the United States; to the Committee on Oversight and Government Reform.

¶9.34 MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

227. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 103 memorializing the Congress of the United States to Enact the Investment in Rural Afterschool Programs Act; to the Committee on Education and Labor.

228. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 562 memorializing the Congress in its health care reform decisions to apply the American Cancer Society's guidelines for breast cancer screening; to the Committee on Energy and Commerce.

229. Also, a memorial of the Legislature of the State of Hawaii, relative to a letter urging the U.S. Congress to meet its fiscal obligation to the citizens of Micronesia, the Marshall Islands and Palau who reside in Hawaii; to the Committee on Natural Resources.

230. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 100 urging the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian Carp from entering the Great Lakes; to the Committee on Transportation and Infrastructure.

¶9.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. LINDA T. SÁNCHEZ of California.

H.R. 39: Mr. LOEBSACK and Mr. MCDERMOTT.

H.R. 43: Mr. BISHOP of Utah, Mr. PITTS, Mr. MOORE of Kansas, Mrs. BLACKBURN, Mr. FILNER, Mr. JONES, Mr. TIERNEY, Mrs. MALONEY, and Mr. GONZALEZ.

H.R. 197: Mr. OWENS.

H.R. 211: Mr. GRAVES.

H.R. 272: Mr. THORNBERRY.

H.R. 394: Mr. WHITFIELD.

H.R. 476: Mr. GUTIERREZ, Mr. BISHOP of Georgia, and Ms. MOORE of Wisconsin.

H.R. 510: Mr. LATHAM.

H.R. 519: Mr. MCMAHON.

H.R. 537: Mr. REYES.

H.R. 560: Mr. TIAHRT.

H.R. 571: Mr. MICHAUD.

H.R. 678: Mr. WILSON of Ohio, Mr. WEINER, Mr. FLEMING, Mr. HINCHEY, and Mrs. LOWEY.

H.R. 690: Mr. MICHAUD and Mr. HINCHEY.

H.R. 745: Mr. HALL of New York.

H.R. 795: Mr. CLAY.

H.R. 997: Mr. GOHMERT.

H.R. 1020: Ms. CHU and Ms. FUDGE.

H.R. 1026: Mr. MARCHANT.

H.R. 1159: Ms. WOOLSEY.

H.R. 1177: Mr. SAM JOHNSON of Texas and Mr. BRIGHT.

H.R. 1204: Mr. BARRETT of South Carolina.

H.R. 1310: Ms. CHU.

H.R. 1314: Mrs. CAPPS and Mr. KISSELL.

H.R. 1326: Mr. TONKO.

H.R. 1347: Mr. KRATOVIL.

H.R. 1526: Ms. HERSETH SANDLIN and Mr. MITCHELL.

H.R. 1557: Mr. ADLER of New Jersey.

H.R. 1583: Mr. SIMPSON.

H.R. 1587: Mr. STUPAK.

H.R. 1588: Mr. SAM JOHNSON of Texas.

H.R. 1806: Mr. PERRIELLO.

H.R. 1826: Mr. KENNEDY and Ms. SPEIER.

H.R. 1835: Mrs. EMERSON and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1866: Mr. REHBERG.
H.R. 1873: Ms. SCHAKOWSKY.
H.R. 1895: Mr. ADLER of New Jersey.
H.R. 1957: Mr. CONYERS and Mr. COURTNEY.
H.R. 1964: Ms. MOORE of Wisconsin, Mr. CARSON of Indiana, and Ms. WATSON.
H.R. 2149: Ms. ESHOO.
H.R. 2254: Mr. ROONEY, Mr. RUPPERSBERGER, Ms. BALDWIN, Mr. LINDER, Ms. SUTTON, Mr. THOMPSON of Pennsylvania, and Mr. OWENS.
H.R. 2296: Mr. COSTELLO.
H.R. 2377: Ms. BERKLEY and Mrs. MALONEY.
H.R. 2478: Ms. ROYBAL-ALLARD, Mr. ROGERS of Alabama, Ms. ZOE LOFGREN of California, and Mr. SAM JOHNSON of Texas.
H.R. 2480: Ms. NORTON and Mr. KISSELL.
H.R. 2521: Mr. BRALEY of Iowa.
H.R. 2546: Ms. RICHARDSON.
H.R. 2547: Ms. JENKINS and Mrs. BLACKBURN.
H.R. 2553: Mr. POSEY.
H.R. 2563: Ms. HERSETH SANDLIN.
H.R. 2579: Mr. ELLISON.
H.R. 2597: Ms. RICHARDSON and Mr. FILNER.
H.R. 2669: Mr. ISRAEL.
H.R. 2733: Ms. KOSMAS, Mr. SHULER, Mr. BACA, Mr. TIM MURPHY of Pennsylvania, and Mr. LYNCH.
H.R. 2740: Mr. WEINER.
H.R. 2799: Mr. WHITFIELD and Mr. COFFMAN of Colorado.
H.R. 2855: Mr. CLEAVER.
H.R. 2866: Mrs. LOWEY and Mr. YOUNG of Alaska.
H.R. 2882: Ms. HARMAN and Mr. MOORE of Kansas.
H.R. 2906: Mrs. MALONEY.
H.R. 2946: Ms. LORETTA SANCHEZ of California and Mr. MASSA.
H.R. 2964: Mr. LOEBSACK, Ms. SHEA-PORTER, and Mrs. SCHMIDT.
H.R. 2969: Mr. ISRAEL.
H.R. 3012: Mr. ISRAEL.
H.R. 3017: Mr. GARAMENDI, Mr. NYE, and Mrs. KIRKPATRICK of Arizona.
H.R. 3047: Mr. CUMMINGS and Mr. GONZALEZ.
H.R. 3077: Ms. WATSON.
H.R. 3078: Mr. CONYERS.
H.R. 3156: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Mr. RUSH, Mr. DELAHUNT, Mr. FALEOMAVAEGA, Mr. PERRIELLO, Ms. CORRINE BROWN of Florida, Ms. JACKSON LEE of Texas, Ms. LEE of California, and Ms. WATSON.
H.R. 3164: Ms. BERKLEY.
H.R. 3189: Ms. MARKEY of Colorado.
H.R. 3249: Mr. GRIJALVA.
H.R. 3277: Ms. FUDGE.
H.R. 3286: Mrs. LOWEY and Mr. COOPER.
H.R. 3380: Mr. YOUNG of Alaska, and Mrs. DAHLKEMPER.
H.R. 3464: Mr. CHILDERS.
H.R. 3549: Mr. MICA.
H.R. 3564: Mr. CLAY and Mr. JOHNSON of Georgia.
H.R. 3582: Ms. GRANGER.
H.R. 3627: Mr. LUJÁN.
H.R. 3652: Mr. BISHOP of Georgia.
H.R. 3656: Mr. ROTHMAN of New Jersey.
H.R. 3695: Mr. QUIGLEY, Mr. LARSON of Connecticut, Mr. MURPHY of New York, Mr. PAYNE, Mr. LEE of New York, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 3712: Mr. TOWNS, Mr. DEFAZIO, Mr. TURNER, Mr. CONAWAY, and Mr. BARTLETT.
H.R. 3721: Ms. ROYBAL-ALLARD.
H.R. 3734: Mr. SCHIFF.
H.R. 3749: Ms. HERSETH SANDLIN.
H.R. 3752: Mr. MORAN of Kansas.
H.R. 3758: Mr. FRANK of Massachusetts.
H.R. 3790: Mr. COSTELLO and Mr. CLEAVER.
H.R. 3813: Mr. MURTHA.
H.R. 3822: Mr. NEUGEBAUER.
H.R. 3824: Mr. NEUGEBAUER.
H.R. 3838: Ms. SCHAKOWSKY.
H.R. 3914: Ms. MARKEY of Colorado.
H.R. 3943: Mrs. DAHLKEMPER, Mr. BROWN of South Carolina, Mr. SHUSTER, Mr. AKIN, Mr. DUNCAN, Mr. SENSENBRENNER, Ms. FALLIN, Mr. SIMPSON, Mr. BOUCHER, Mr. MCCAUL, and Ms. WATSON.
H.R. 3995: Mr. STUPAK.
H.R. 4000: Mr. JACKSON of Illinois and Ms. BORDALLO.
H.R. 4022: Mr. PAUL.
H.R. 4037: Mr. COURTNEY.
H.R. 4051: Mr. MURTHA and Mr. FATTAH.
H.R. 4053: Mr. CONNOLLY of Virginia and Mr. CUMMINGS.
H.R. 4090: Mr. TIM MURPHY of Pennsylvania and Mr. ETHERIDGE.
H.R. 4091: Mr. POE of Texas.
H.R. 4104: Mr. MASSA and Mr. GORDON of Tennessee.
H.R. 4112: Mr. WILSON of Ohio.
H.R. 4116: Ms. GIFFORDS and Mr. LEVIN.
H.R. 4144: Mr. KLEIN of Florida and Mrs. BLACKBURN.
H.R. 4148: Ms. FUDGE.
H.R. 4149: Mr. TOWNS.
H.R. 4177: Mr. ORTIZ and Mr. HINOJOSA.
H.R. 4191: Mr. CARDOZA.
H.R. 4199: Mr. HODES.
H.R. 4202: Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. JACKSON of Illinois, Mr. TONKO, Ms. JACKSON LEE of Texas, Mr. GRIJALVA, Ms. MOORE of Wisconsin, and Mr. HODES.
H.R. 4220: Mr. CARTER.
H.R. 4226: Mr. PAUL.
H.R. 4234: Mr. GOHMERT and Mr. MARCHANT.
H.R. 4241: Mr. KING of New York.
H.R. 4247: Mr. DEFAZIO, Mr. HIMES, Mr. HOLT, and Ms. SLAUGHTER.
H.R. 4258: Mr. MANZULLO and Mr. LARSEN of Washington.
H.R. 4269: Mr. MASSA.
H.R. 4274: Mr. BLUMENAUER and Ms. RICHARDSON.
H.R. 4278: Mr. ARCURI.
H.R. 4295: Mr. MAFFEI.
H.R. 4302: Ms. WOOLSEY.
H.R. 4311: Mr. MCMAHON.
H.R. 4312: Mr. BISHOP of Utah.
H.R. 4324: Mr. NYE, Mr. HARPER, and Mr. KLEIN of Florida.
H.R. 4343: Mr. COHEN, Mr. THOMPSON of Mississippi, and Mr. CLAY.
H.R. 4356: Mr. OLVER, Mr. FARR, and Ms. KILPATRICK of Michigan.
H.R. 4378: Ms. LINDA T. SANCHEZ of California, Mr. SHULER, Mr. MEEKS of New York, Ms. SUTTON, Mr. TOWNS, and Mr. BUTTERFIELD.
H.R. 4386: Mr. INSLEE.
H.R. 4393: Ms. KOSMAS.
H.R. 4400: Mr. ELLISON, Ms. KOSMAS, Mr. ELLSWORTH, Mr. PRICE of North Carolina, Mr. LOEBSACK, and Mr. BUCHANAN.
H.R. 4403: Mr. NYE.
H.R. 4413: Mr. EDWARDS of Texas.
H.R. 4427: Mrs. SCHMIDT, Mr. SOUDER, and Mrs. BLACKBURN.
H.R. 4453: Mr. MCCOTTER and Mr. SENSENBRENNER.
H.R. 4459: Mr. GALLEGLY.
H.R. 4465: Mrs. BLACKBURN, Ms. BORDALLO, and Mr. HASTINGS of Florida.
H.R. 4472: Mr. MCCOTTER and Mr. KILDEE.
H.R. 4490: Mr. CALVERT, Mr. WOLF, Mrs. BONO MACK, Mr. BACHUS, Mr. PENCE, Mr. BURTON of Indiana, and Mr. MANZULLO.
H.R. 4493: Ms. ROS-LEHTINEN.
H.J. Res. 13: Mr. MORAN of Virginia and Mr. RYAN of Ohio.
H.J. Res. 37: Mr. MANZULLO.
H.J. Res. 66: Mrs. BLACKBURN and Mr. BURTON of Indiana.
H. Con. Res. 227: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, and Mr. PIERLUISI.
H. Res. 111: Mr. PETRI and Mr. CHILDERS.
H. Res. 213: Ms. RICHARDSON, Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, Mr. HONDA, and Mrs. NAPOLITANO.
H. Res. 243: Mr. GARAMENDI.
H. Res. 267: Mr. MCCOTTER, Ms. HARMAN, Mr. QUIGLEY, and Mr. TANNER.
H. Res. 278: Mrs. NAPOLITANO.
H. Res. 330: Mr. SCHIFF, Mr. BOREN, Ms. ROS-LEHTINEN, Mr. BARTLETT, Mr. CONAWAY, Mr. MCINTYRE, Mr. MARSHALL, Mr. BERRY, Mr. BRIGHT, Mr. HONDA, and Mr. MINNICK.
H. Res. 375: Mr. GRAYSON and Mr. MASSA.
H. Res. 443: Ms. CHU.
H. Res. 611: Mr. YARMUTH.
H. Res. 704: Ms. BERKLEY, Mr. ROONEY, Mr. QUIGLEY, Mr. FALEOMAVAEGA, Mr. FOSTER, Ms. DEGETTE, Mr. POSEY, and Mr. ROSKAM.
H. Res. 872: Mrs. MYRICK and Mr. BURTON of Indiana.
H. Res. 874: Mr. CONAWAY.
H. Res. 879: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, Mr. QUIGLEY, Mr. ELLSWORTH, Ms. KOSMAS, Mr. DONNELLY of Indiana, Mr. MELANCON, Mr. CHANDLER, Mr. CROWLEY, Ms. MARKEY of Colorado, Mr. CHILDERS, Mr. BOREN, Mr. TONKO, Ms. SHEA-PORTER, Ms. SUTTON, Ms. EDWARDS of Maryland, Ms. BERKLEY, Mr. PASTOR of Arizona, Ms. SCHWARTZ, Mr. FOSTER, Mr. BOYD, Mr. BISHOP of Georgia, Mr. LOEBSACK, Mr. SARBANES, Ms. LEE of California, Ms. MCCOLLUM, Mr. MOORE of Kansas, Ms. DEGETTE, Mr. FALEOMAVAEGA, Mr. GEORGE MILLER of California, Mr. BERRY, Mr. SCHAUER, Mr. HIMES, Mr. PERLMUTTER, and Mr. WATT.
H. Res. 925: Mr. WAMP, Mr. PLATTS, and Mr. BRADY of Pennsylvania.
H. Res. 929: Mr. MORAN of Virginia, Mr. NADLER of New York, Mr. MCGOVERN, Mr. ELLISON, and Ms. DEGETTE.
H. Res. 958: Mr. LIPINSKI.
H. Res. 990: Mr. OBERSTAR, Mr. MARKEY of Massachusetts, Mr. DINGELL, Mr. PRICE of North Carolina, Mr. DAVIS of Illinois, and Ms. ZOE LOFGREN of California.
H. Res. 996: Mrs. DAHLKEMPER, Mr. SESSIONS, Mr. MARCHANT, Ms. MOORE of Wisconsin, Ms. CLARKE, Ms. KILPATRICK of Michigan, Mr. ELLISON, Mr. MEEKS of New York, Mr. BUTTERFIELD, Mr. CUMMINGS, Mr. LATOURETTE, Mr. COURTNEY, and Mr. TOWNS.
H. Res. 1003: Mr. DINGELL, Mr. MEEK of Florida, Mr. RUSH, Mr. WEINER, Mr. SABLAN, Mr. OBERSTAR, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. COSTA, Mr. MURPHY of Connecticut, Ms. LEE of California, Ms. BORDALLO, Mr. WELCH, and Ms. MCCOLLUM.
H. Res. 1011: Mr. LOEBSACK, Mr. KENNEDY, Ms. SPEIER, Mr. NYE, Mr. PETERS, Mr. GEORGE MILLER of California, and Ms. ROS-LEHTINEN.
H. Res. 1014: Mr. MICHAUD, Ms. WASSERMAN SCHULTZ, Mr. LANCE, Mrs. MCMORRIS RODGERS, Mr. MAFFEI, Mr. KIRK, Mr. KAGEN, Mr. WOLF, Mr. PLATTS, Mr. HOLT, Mr. PAYNE, Mr. MASSA, Mr. ISRAEL, Ms. PINGREE of Maine, Mr. KLEIN of Florida, Mr. MEEK of Florida, Mr. SIRES, Mr. BROWN of South Carolina, Ms. FUDGE, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Mr. DELAHUNT, Mr. TONKO, Mr. MOORE of Kansas, Mr. NADLER of New York, Mr. LOBIONDO, Ms. CLARKE, Mr. SERRANO, Mr. CUMMINGS, Mr. MCGOVERN, Ms. NORTON, Mr. MEEKS of New York, and Mr. HODES.
H. Res. 1019: Mr. MORAN of Virginia.
H. Res. 1022: Mr. ELLISON and Mr. NADLER of New York.
H. Res. 1024: Mr. STARK, Ms. LINDA T. SÁNCHEZ of California, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, and Ms. MCCOLLUM.
H. Res. 1029: Ms. ROS-LEHTINEN and Mr. PLATTS.
H. Res. 1033: Mr. LOBIONDO, Mr. WILSON of South Carolina, Mrs. BONO MACK, Mr. YOUNG of Florida, Mr. BARTLETT, Mr. BURTON of Indiana, Mr. SHERMAN, Mr. LEE of New York, Mr. SHUSTER, Ms. ROS-LEHTINEN, Mr. DAVIS of Kentucky, Mr. HERGER, Ms. GRANGER, Mr. WESTMORELAND, and Mr. WOLF.
H. Res. 1034: Ms. RICHARDSON, Mr. CUMMINGS, and Mr. BERMAN.

¶9.36 PETITIONS

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

95. The SPEAKER presented a petition of The City of Key West, Florida, relative to Resolution No. 09-292 urging the Congress of the United States to adopt the Military Readiness Enhancement Act of 2009; to the Committee on Armed Services.

96. Also, a petition of San Francisco Labor Council, California, relative to a Resolution in solidarity for the people of Honduras and urging the U.S. Congress to take strong measures against the repressive coup government in Honduras; to the Committee on Foreign Affairs.

97. Also, a petition of Board of Supervisors of San Francisco, California, relative to Resolution No. 488-09 urging the Congress of the United States to legislatively support a strong Tready to address Climate Change; to the Committee on Foreign Affairs.

98. Also, a petition of The City of Key West, Florida, relative to Resolution No. 09-293 urging the Congress of the United States and the President to repeal the Defense of Marriage Act; to the Committee on the Judiciary.

99. Also, a petition of The Legislature of Rockland County, New York, relative to Resolution No. 596 petitioning the Congress of the United States to Introduce and Pass Legislation Establishing a U.S. Commission Aimed Soley at Monitoring and Combating Modern-Day Slavery in All Its Forms; jointly to the Committees on the Judiciary and Foreign Affairs.

100. Also, a petition of City Council of Watsonville, California, relative to Resolution No. 207-09 supporting the Dream Act of 2009 to Relieve Obstacles to Higher Education and Permanent Residency for Long-term Immigrant but Non-Resident Minors; jointly to the Committees on the Judiciary and Education and Labor.

101. Also, a petition of The Legislature of Rockland County, New York, relative to Resolution No. 535 urging the U.S. House of Representatives to pass H.R. 1691; jointly to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

WEDNESDAY, JANUARY 27, 2010 (10)

The House was called to order by the SPEAKER.

¶10.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, January 26, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶10.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

5817. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's ''Major'' final rule — Weatherization Assistance Program for Low-Income Persons [Docket No.: EEWAP0515] (RIN: 1904-AB97) received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5818. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's ''Major'' final rule — Energy Conservation Program: Energy Conservation Standards for Certain Consumer Products (Dishwashers, Dehumidifiers, Microwave Ovens, and Electric and Gas Kitchen Ranges and Ovens) and for Certain Commercial and Industrial Equipment (Commercial Clothes Washers) [Docket Number: EERE-2006-STD-0127] (RIN: 1904-AB93) received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5819. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, United States Agency for International Development, transmitting letter to provide formal response of the Agency to the GAO report numbered GAO-10-1; to the Committee on Foreign Affairs.

5820. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting the Fellowship's Performance and Accountability Report for FY 2009; to the Committee on Oversight and Government Reform.

5821. A letter from the Secretary, Department of Commerce, transmitting the Department's Performance and Accountability Report for fiscal year 2009; to the Committee on Oversight and Government Reform.

5822. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2009-1196; Directorate Identifier 2009-NM-170-AD; Amendment 39-16146; AD 2008-09-12 R1] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5823. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Availability of Records received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5824. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-38; Small Entity Compliance Guide [Docket FAR 2009-0002, Sequence 9] received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5825. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-38; Item VII; Docket 2009-0003; Sequence 6] received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5826. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2006-024, Travel Costs [FAC 2005-38; FAR Case 2006-024; Item VI; Docket 2009-0044, Sequence 1] (RIN: 9000-AK86) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5827. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2006-021, Postretirement Benefits (PRB), FAS 106 [FAC 2005-38; FAR Case 2006-021; Item V; Docket 2009-0043, Sequence 1] (RIN: 9000-AK84) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5828. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-017, Federal Food Donation Act of 2008 (Pub. L. 110-247) [FAC 2005-38; FAR Case 2008-017; Item IV; Docket 2009-0007, Sequence 1] (RIN: 9000-AL49) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5829. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2005-041, Internet Protocol Version 6 (IPv6) [FAC 2005-38; FAR Case 2005-041; Item III; Docket 2009-0042, Sequence 1] (RIN: 9000-AK57) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5830. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2006-026, Governmentwide Commercial Purchase Card Restrictions for Treasury Offset Program Debts [FAC 2005-38; FAR Case 2006-026; Item II; Docket 2009-0041, Sequence 1] (RIN: 9000-AK87) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5831. A letter from the Assistant Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-017, Revocation of Executive Order 13201, Notification of Employee Rights Concerning Payment of Union Dues or Fees [FAC 2005-38; FAR Case 2009-017; Item I; Docket 2009-0040, Sequence 1] (RIN: 9000-AL47) received December 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5832. A letter from the Acting Director, Trade and Development Agency, transmitting the Agency's fiscal year 2009 annual report; to the Committee on Oversight and Government Reform.

5833. A letter from the Secretary, Department of the Interior, transmitting the Department's 2009 Report to Congress for the North Slope Science Initiative; to the Committee on Natural Resources.

5834. A letter from the Writer/Editor, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Safe-Harbor Procedures for Employers Who received a No-Match Letter: Rescission [ICE 2377-06; DHS Docket No. ICEB-2006-0004] (RIN: 1653-AA59) received January 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5835. A letter from the Acting Director, Department of Justice, transmitting the Department's report entitled, ''Report to the Nation 2009'' from the Office for Victims of Crime for fiscal years 2007-2008, pursuant to Section 1407(g) of the Victims of Crime Act of 1984; to the Committee on the Judiciary.

5836. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes Equipped with a Digital Transient Suppression Device (DTSD) Installed in Accordance with Supplemental Type Certificate (STC) ST00127BO [Docket No.: FAA-2009-0521; Directorate Identifier 2008-NM-187-AD; Amendment 39-16034; AD 2009-20-11] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5837. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, and 1S1 Turboshaft Engines [Docket No.: FAA-2009-0544; Directorate Identifier 2009-NE-17-AD;

Amendment 39-16142; AD 2009-26-07] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5838. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AeroSpace Technologies of Australia Pty Ltd Models N22B, N22S, and N24A Airplanes [Docket No.: FAA-2009-0987; Directorate Identifier 2009-CE-054-AD; Amendment 39-16143; AD 2009-26-08] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5839. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767-200, -300, -300F, and -400ER Series Airplanes [Docket No.: FAA-2009-1195; Directorate Identifier 2009-NM-152-AD; Amendment 39-16145; AD 2008-11-01 R1] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5840. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing 737-300, -400, -500, -600, -700, -700C, -800, and -900, and 747-400 Series Airplanes; and Model 757, 767, and 777 Airplanes [Docket No.: FAA-2009-0911; Directorate Identifer 2002-NM-12-AD; Amendment 39-16138; AD 2009-26-03] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5841. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2007-29087; Directorate Identifier 2007-NM-094-AD; Amendment 39-16139; AD 2009-26-04] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5842. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS Aircraft Ltd. Model PC-7 Airplanes [Docket No.: FAA-2009-0938; Directorate Identifer 2009-CE-052-AD; Amendment 39-16140; AD 2009-26-05] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5843. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Riverside/Rubidous Flabob Airport, Riverside, CA [Docket No.: FAA-2009-0690; Airspace Docket No. 09-AWP-6] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5844. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace and Modification of Class E Airspace; State College, PA [Docket No.: FAA-2009-0750; Airspace Docket No. 09-AEA-16] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5845. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Sarasota, FL [Docket No.: FAA-2009-0652; Airspace Docket 09-ASO-21] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5846. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and E Airspace; Albemarle, NC [Docket No.: FAA-2009-0203; Airspace Docket No. 09-ASO-12] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5847. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Spencer, WV [Docket No.: FAA-2009-0602; Airspace Docket No. 09-AEA-13] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5848. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Gadsden, AL [Docket No.: FAA-2009-0955; Airspace Docket No. 09-ASO-28] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5849. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Burnet, TX [Docket No.: FAA-2009-0859; Airspace Docket No. 09-ASW-23] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5850. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Myrtle Beach [Docket No.: FAA-2009-0650; Airspace Docket No. 09-ASO-20] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5851. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 707 Airplanes, and Model 720 and 720B Series Airplanes [Docket No.: FAA-2009-1209; Directorate Identifier 2009-NM-151-AD; Amendment 39-16147; AD 2008-04-11 R1] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5852. A letter from the Deputy Chief Privacy Officer, Department of Homeland Security, transmitting the Department's Privacy Office's report entitled, ''2009 Data Mining Report to Congress'', pursuant to Public Law 110-53 (121 Stat. 266); to the Committee on Homeland Security.

¶10.3 PROVIDING FOR CONSIDERATION OF H.R. 3726 AND H.R. 4474

Mr. POLIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 1038):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4474) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit.

When said resolution was considered.

After debate,

On motion of Mr. POLIS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. POLIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 234 / Nays 174

¶10.4 [Roll No. 20]

YEAS—234

Ackerman	Davis (TN)	Kagen
Adler (NJ)	DeFazio	Kanjorski
Altmire	DeGette	Kaptur
Andrews	Delahunt	Kildee
Arcuri	DeLauro	Kilpatrick (MI)
Baca	Dicks	Kind
Baird	Dingell	Kirkpatrick (AZ)
Baldwin	Doggett	Kissell
Barrow	Doyle	Klein (FL)
Bean	Driehaus	Kosmas
Becerra	Edwards (MD)	Kratovil
Berkley	Ellison	Kucinich
Berman	Ellsworth	Langevin
Berry	Engel	Larsen (WA)
Bishop (NY)	Eshoo	Larson (CT)
Blumenauer	Etheridge	Lee (CA)
Boccieri	Farr	Levin
Boren	Fattah	Lewis (GA)
Boswell	Filner	Lipinski
Boucher	Foster	Loebsack
Boyd	Fudge	Lofgren, Zoe
Brady (PA)	Garamendi	Lowey
Braley (IA)	Gonzalez	Luján
Bright	Gordon (TN)	Lynch
Brown, Corrine	Grayson	Maffei
Butterfield	Green, Al	Maloney
Capps	Green, Gene	Markey (CO)
Capuano	Grijalva	Marshall
Cardoza	Gutierrez	Massa
Carnahan	Hall (NY)	Matheson
Carney	Halvorson	Matsui
Carson (IN)	Hare	McCarthy (NY)
Chandler	Harman	McCollum
Childers	Hastings (FL)	McDermott
Chu	Heinrich	McGovern
Clarke	Herseth Sandlin	McIntyre
Clay	Higgins	McMahon
Cleaver	Himes	McNerney
Clyburn	Hinchey	Meek (FL)
Cohen	Hinojosa	Meeks (NY)
Connolly (VA)	Hirono	Melancon
Conyers	Hodes	Michaud
Cooper	Holden	Miller (NC)
Costa	Holt	Miller, George
Costello	Honda	Minnick
Courtney	Hoyer	Mollohan
Crowley	Inslee	Moore (KS)
Cuellar	Israel	Moore (WI)
Cummings	Jackson (IL)	Murphy (CT)
Dahlkemper	Jackson Lee (TX)	Murphy, Patrick
Davis (CA)	Johnson (GA)	Murtha
Davis (IL)		Nadler (NY)

Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—174

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

NOT VOTING—25

Abercrombie
Barrett (SC)
Barton (TX)
Bishop (GA)
Castor (FL)
Crenshaw
Davis (AL)
Deal (GA)
Edwards (TX)
Frank (MA)
Johnson, E. B.
Kennedy
Kilroy
Lucas
Markey (MA)
McHenry
McMorris Rodgers
Moran (KS)
Moran (VA)
Ortiz
Radanovich
Speier
Wamp
Waters
Waxman

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶10.5 H. RES. 1024—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1024) expressing support for designation of January as Poverty in America Awareness Month.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 387 Nays 18

¶10.6 [Roll No. 21]

YEAS—387

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

NAYS—18

Broun (GA)
Burgess
Carter
Conaway
Flake
Foxx
Franks (AZ)
Hensarling
Johnson, Sam
Kingston
Lummis
Marchant
McClintock
Pence
Poe (TX)
Price (GA)
Scalise
Westmoreland

NOT VOTING—28

Abercrombie
Barrett (SC)
Barton (TX)
Bishop (GA)
Blunt
Butterfield
Coble
Crenshaw
Davis (AL)
Deal (GA)
Edwards (TX)
Frank (MA)
Gingrey (GA)
Gohmert
Issa
Johnson, E. B.
Jordan (OH)
Kennedy
Lucas
Moran (KS)
Moran (VA)
Ortiz
Radanovich
Smith (NE)
Speier
Wamp
Waters
Welch

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶10.7 EXTENSION OF PROGRAMS UNDER SMALL BUSINESS

Ms. VELAZQUEZ moved to suspend the rules and pass the bill (H.R. 4508) to

provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. VELAZQUEZ and Mr. GRAVES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Ms. VELAZQUEZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶10.8 ROCKY MOUNTAIN NATIONAL PARK

Mrs. CHRISTENSEN moved to suspend the rules and agree to the following resolution (H. Res. 1020):

Whereas, on January 26, 1915, President Woodrow Wilson signed the Rocky Mountain National Park Act to establish Rocky Mountain National Park (RMNP) in the State of Colorado;

Whereas, years ago, the foresight of so many Coloradans to set aside and conserve RMNP benefits so many of us today;

Whereas, the fragile alpine tundra encompasses one-third of RMNP and is one of the largest examples of alpine tundra ecosystems preserved in the National Park System in the lower 48 States;

Whereas, RMNP remains a place for visitors to enjoy the Rocky Mountain West by hiking, backpacking, climbing, biking, picnicking, wildlife viewing, snowshoeing, cross-country skiing, and horseback riding;

Whereas, the National Park Service provides unique outdoor educational opportunities within RMNP and teaches visitors about the diverse park ecosystem, environmental stewardship, wilderness areas, and the principles of Leave No Trace so our recreational areas can be enjoyed by everyone;

Whereas, RMNP is the highest national park in the United States with at least 60 mountains higher than 12,000 feet including the highest summit, Longs Peak, at 14,259 feet;

Whereas, the Continental Divide runs through RMNP and the park contains the headwaters of several river systems including the Colorado River;

Whereas, RMNP is consistently one of the top 10 visited national parks in the United States with approximately 3 million visitors every year;

Whereas, on March 30, 2009, 249,339 acres of RMNP's total 265,770 acres was designated as Wilderness Area, thereby conferring the highest level of conservation protection for Federal lands to protect the park's majestic terrain from future development; and

Whereas this designation marks the culmination of decades of work by many committed stakeholders, from the local communities to the Federal Government: Now, therefore, be it

Resolved, That the House of Representatives honors the 95th anniversary of the signing of the Rocky Mountain National Park Act and commends the National Park Service and so many Coloradans for their dedication to preserving this region of the Southern Rocky Mountains for future generations to come.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mrs. CHRISTENSEN and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. CHRISTENSEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶10.9 IDAHO WILDERNESS WATER FACILITIES

Mr. RAHALL, pursuant to House Resolution 1038, called up for consideration the bill (H.R. 4474) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes.

When said bill was considered.

After debate,

Pursuant to House Resolution 1038, the previous question was ordered on said bill.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶10.10 CASTLE NUGENT NATIONAL HISTORIC SITE

Mr. RAHALL, pursuant to House Resolution 1038, called up for consideration the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes.

Pending consideration of said bill,

Pursuant to House Resolution 1038, the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, was considered as agreed to.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 1038, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶10.11 H.R. 4474—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the passage of the bill (H.R. 4474) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶10.12 [Roll No. 22]

YEAS—415

Ackerman	Braley (IA)	Cooper
Aderholt	Bright	Costa
Adler (NJ)	Broun (GA)	Costello
Akin	Brown (SC)	Courtney
Alexander	Brown, Corrine	Crowley
Altmire	Brown-Waite, Ginny	Cuellar
Andrews	Buchanan	Culberson
Arcuri	Burgess	Cummings
Austria	Burton (IN)	Dahlkemper
Baca	Butterfield	Davis (CA)
Bachmann	Buyer	Davis (IL)
Bachus	Calvert	Davis (KY)
Baird	Camp	Davis (TN)
Baldwin	Campbell	DeFazio
Barrow	Cantor	DeGette
Bartlett	Cao	Delahunt
Barton (TX)	Capito	DeLauro
Bean	Capps	Dent
Becerra	Capuano	Diaz-Balart, L.
Berkley	Cardoza	Diaz-Balart, M.
Berman	Carnahan	Dicks
Berry	Carney	Dingell
Biggert	Carson (IN)	Doggett
Bilbray	Carter	Donnelly (IN)
Bilirakis	Cassidy	Doyle
Bishop (NY)	Castle	Dreier
Bishop (UT)	Castor (FL)	Driehaus
Blackburn	Chaffetz	Duncan
Blumenauer	Chandler	Edwards (MD)
Blunt	Childers	Edwards (TX)
Boccieri	Chu	Ehlers
Boehner	Clarke	Ellison
Bonner	Clay	Ellsworth
Bono Mack	Cleaver	Emerson
Boozman	Clyburn	Engel
Boren	Coffman (CO)	Eshoo
Boswell	Cohen	Etheridge
Boucher	Cole	Fallin
Boustany	Conaway	Farr
Boyd	Connolly (VA)	Fattah
Brady (PA)	Conyers	Filner
Brady (TX)		Flake

Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Abercrombie	Deal (GA)	Ortiz
Barrett (SC)	Frank (MA)	Schock
Bishop (GA)	Griffith	Speier
Coble	Johnson (GA)	Sutton
Crenshaw	Johnson, E. B.	Wamp
Davis (AL)	Moran (KS)	Waters

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶10.13 H.R. 3726—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. McCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on the passage of the bill (H.R. 3726) to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 240 / Nays 175

¶10.14 [Roll No. 23]

YEAS—240

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

NAYS—175

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

NOT VOTING—18

Abercrombie	Deal (GA)	Schock
Barrett (SC)	Frank (MA)	Speier
Bishop (GA)	Johnson, E. B.	Walz
Coble	Moore (WI)	Wamp
Crenshaw	Moran (KS)	Waters
Davis (AL)	Ortiz	Welch

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶10.15 H.R. 4508—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. McCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4508) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 Nays 4

¶10.16 [Roll No. 24]

YEAS—410

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

NAYS—4

Broun (GA)
Flake
McClintock
Paul

NOT VOTING—19

Abercrombie
Barrett (SC)
Bishop (GA)
Cassidy
Coble
Crenshaw
Davis (AL)
Deal (GA)
Foster
Frank (MA)
Johnson, E. B.
Moran (KS)
Ortiz
Schock
Simpson
Speier
Wamp
Waters
Welch

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶10.17 H. RES. 1020—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. McCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1020) honoring the 95th anniversary of the signing of the Rocky Mountain National Park Act.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 Nays 0

¶10.18 [Roll No. 25]

YEAS—408

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock

McCollum	Platts	Shuster
McCotter	Poe (TX)	Simpson
McDermott	Polis (CO)	Sires
McGovern	Pomeroy	Skelton
McHenry	Posey	Smith (NE)
McIntyre	Price (GA)	Smith (NJ)
McKeon	Price (NC)	Smith (TX)
McMahon	Putnam	Smith (WA)
McMorris Rodgers	Quigley	Snyder
	Radanovich	Souder
McNerney	Rahall	Space
Meeks (NY)	Rangel	Spratt
Melancon	Rehberg	Stark
Mica	Reichert	Stearns
Michaud	Reyes	Stupak
Miller (FL)	Richardson	Sullivan
Miller (MI)	Rodriguez	Sutton
Miller (NC)	Roe (TN)	Tanner
Miller, Gary	Rogers (AL)	Taylor
Miller, George	Rogers (KY)	Teague
Minnick	Rogers (MI)	Terry
Mitchell	Rohrabacher	Thompson (CA)
Mollohan	Rooney	Thompson (MS)
Moore (WI)	Ros-Lehtinen	Thompson (PA)
Moran (VA)	Roskam	Thornberry
Murphy (CT)	Ross	Tiahrt
Murphy (NY)	Rothman (NJ)	Tiberi
Murphy, Patrick	Roybal-Allard	Tierney
Murphy, Tim	Royce	Titus
Murtha	Ruppersberger	Tonko
Myrick	Rush	Towns
Nadler (NY)	Ryan (OH)	Tsongas
Napolitano	Ryan (WI)	Turner
Neal (MA)	Salazar	Upton
Neugebauer	Sánchez, Linda T.	Van Hollen
Nunes		Velázquez
Nye	Sanchez, Loretta	Visclosky
Oberstar	Sarbanes	Walden
Obey	Scalise	Walz
Olson	Schakowsky	Wasserman Schultz
Olver	Schauer	
Owens	Schiff	Watson
Pallone	Schmidt	Watt
Pascrell	Schrader	Waxman
Pastor (AZ)	Schwartz	Weiner
Paul	Scott (GA)	Westmoreland
Paulsen	Scott (VA)	Whitfield
Payne	Sensenbrenner	Wilson (OH)
Pence	Serrano	Wilson (SC)
Perlmutter	Sessions	Wittman
Perriello	Sestak	Wolf
Peters	Shadegg	Woolsey
Peterson	Shea-Porter	Wu
Petri	Sherman	Yarmuth
Pingree (ME)	Shimkus	Young (AK)
Pitts	Shuler	Young (FL)

NOT VOTING—25

Abercrombie	Frank (MA)	Ortiz
Barrett (SC)	Gordon (TN)	Schock
Bishop (GA)	Higgins	Slaughter
Blunt	Johnson, E. B.	Speier
Coble	King (IA)	Wamp
Crenshaw	Linder	Waters
Davis (AL)	Meek (FL)	Welch
Deal (GA)	Moore (KS)	
Fortenberry	Moran (KS)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶10.19 REPORT ON H. RES. 978

Mr. REYES, by direction of the Permanent Select Committee on Intelligence, submitted a privileged report (Rept. No. 111–402) on the resolution (H. Res. 978) requesting the President to transmit to the House of Representatives all documents in the possession of the President relating to the inventory and review of intelligence related to the shooting at Fort Hood, Texas, described by the President in a memorandum dated November 10, 2009; referred to the House Calendar and ordered printed.

¶10.20 REPORT ON H. RES. 980

Mr. THOMPSON of Mississippi, by direction of the Committee on Homeland Security, submitted a privileged report (Rept. No. 111–403) on the resolution (H. Res. 980) of inquiry directing the Secretary of Homeland Security to transmit to the House of Representatives a copy of the Transportation Security Administration's Aviation Security Screening Management Standard Operating Procedures manual in effect on December 5, 2009, and any subsequent revisions of such manual in effect prior to the adoption of this resolution; referred to the House Calendar and ordered printed.

¶10.21 REPORT ON H. RES. 994

Mr. CONYERS, by direction of the Committee on Judiciary, submitted a privileged report (Rept. No. 111–404) on the resolution (H. Res. 994) directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession relating to the decision to dismiss United States v. New Black Panther Party: referred to the House Calendar and ordered printed.

¶10.22 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That it may be in order that when the House adjourns today, it adjourn to meet at noon on Friday, January 29, 2010; and further, that when the House adjourns on Friday, January 29, 2010, it adjourn to meet at 12:30 p.m. on Tuesday, February 2, 2010, for morning-hour debate.

¶10.23 JOHN C. STENNIS CENTER FOR PUBLIC SERVICE

The SPEAKER pro tempore, Mr. GARAMENDI, pursuant to section 114(b) of the John C. Stennis Center for Public Service Training and Development Act (2 United States Code 1103), and the order of the House of January 6, 2009, announced that the Speaker appointed the following member on the part of the House to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a term of six years: Mr. Travis Childers, Booneville, Mississippi.

¶10.24 RECESS—2:34 P.M.

The SPEAKER pro tempore, Mr. GARAMENDI, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 34 minutes p.m., until approximately 8:35 p.m. for a joint session with the Senate for the purpose of receiving an address from the President of the United States.

¶10.25 AFTER RECESS—8:25 P.M.

The SPEAKER called the House to order.

¶10.26 JOINT SESSION TO RECEIVE A MESSAGE FROM THE PRESIDENT

The Assistant Sergeant-at-Arms announced the Vice President and Members of the Senate, who entered the Hall of the House and took seats assigned to them, the Vice President taking the Chair to the right of the Speaker.

Whereupon, pursuant to House Concurrent Resolution 228, the SPEAKER called the joint session of the two Houses to order.

The SPEAKER announced the appointment of Messrs. HOYER, CLYBURN, LARSON of Connecticut, BECERRA, VAN HOLLEN, George MILLER of California, Ms. DELAURO, Messrs. DINGELL, BOEHNER, CANTOR, PENCE, MCCOTTER, Mrs. MCMORRIS RODGERS, Messrs. CARTER, SESSIONS, and MCCARTHY of California, as members of the Committee on the part of the House to escort the President into the Hall of the House.

The Vice President announced the appointment of Messrs. REID, DURBIN, SCHUMER, Mrs. MURRAY, Messrs. MENENDEZ, DORGAN, Ms. STABENOW, Messrs. MCCONNELL, KYL, ALEXANDER, Ms. MURKOWSKI, Messrs. THUNE, and CORNYN, as members of the committee on the part of the Senate to escort the President into the Hall of the House.

The Assistant Sergeant-at-Arms announced the Dean of the Diplomatic Corps, who entered the Hall of the House and took the seat assigned to him.

The Assistant Sergeant-at-Arms announced the Chief Justice of the United States and Associate Justices of the Supreme Court, who entered the Hall of the House and took seats assigned to them.

The Assistant Sergeant-at-Arms announced the Members of the President's Cabinet, who entered the Hall of the House and took seats assigned to them.

The Sergeant-at-Arms announced the President of the United States at 9 o'clock and 7 minutes p.m., escorted by the committees of the two Houses, who entered the Hall of the House and, at the Clerk's desk, delivered the following message:

Madam Speaker, Vice President BIDEN, Members of Congress, distinguished guests, and fellow Americans:

Our Constitution declares that, from time to time, the President shall give to Congress information about the state of our union. For 220 years, our leaders have fulfilled this duty. They have done so during periods of prosperity and tranquility. And they have done so in the midst of war and depression, at moments of great strife and great struggle.

It's tempting to look back on these moments and assume that our progress was inevitable—that America was always destined to succeed. But when the Union was turned back at Bull Run and the Allies first landed at Omaha Beach, victory was very much in doubt. When the market crashed on Black Tuesday and civil rights marchers were beaten on Bloody Sunday, the future was anything but certain. These were the times that tested the courage of our convictions, and the strength of our union.

And despite all our divisions and disagreements, our hesitations and our fears, America prevailed because we chose to move forward as one nation—as one people.

Again, we are tested. And again, we must answer history's call.

One year ago, I took office amid two wars, an economy rocked by severe recession, a financial system on the verge of collapse and a government deeply in debt. Experts from across the political spectrum warned that, if we did not act, we might face a second Depression. So we acted—immediately and aggressively. And 1 year later, the worst of the storm has passed.

But the devastation remains. One in 10 Americans still cannot find work. Many businesses have shuttered. Home values have declined. Small towns and rural communities have been hit especially hard. And for those who had already known poverty, life has become that much harder.

This recession has also compounded the burdens that America's families have been dealing with for decades—the burden of working harder and longer for less, of being unable to save enough to retire or help kids with college.

So I know the anxieties that are out there right now. They're not new. These struggles are the reason I ran for President. These struggles are what I've witnessed for years in places like Elkhart, Indiana, and Galesburg, Illinois. I hear about them in the letters that I read each night. The toughest to read are those written by children—asking why they have to move from their home, asking when their mom or dad will be able to go back to work.

For these Americans and so many others, change has not come fast enough. Some are frustrated; some are angry. They don't understand why it seems like bad behavior on Wall Street is rewarded but hard work on Main Street isn't; or why Washington has been unable or unwilling to solve any of our problems. They are tired of the partisanship and the shouting and the pettiness. They know we can't afford it. Not now.

So we face big and difficult challenges. And what the American people hope—what they deserve—is for all of us, Democrats and Republicans, to work through our differences, to overcome the numbing weight of our politics. For, while the people who sent us here have different backgrounds, different stories, different beliefs, the anxieties they face are the same. The aspirations they hold are shared. A job that pays the bills. A chance to get ahead. Most of all, the ability to give their children a better life.

And you know what else they share? They share a stubborn resilience in the face of adversity. After one of the most difficult years in our history, they remain busy building cars and teaching kids, starting businesses and going back to school. They're coaching Little League and helping their neighbors. One woman wrote to me and said, ''We are strained but hopeful, struggling but encouraged.''

It's because of this spirit—this great decency and great strength—that I have never been more hopeful about America's future than I am tonight. Despite our hardships, our union is strong. We do not give up. We do not quit. We do not allow fear or division to break our spirit. In this new decade, it's time the American people get a government that matches their decency, that embodies their strength.

And tonight, I'd like to talk about how, together, we can deliver on that promise.

It begins with our economy.

Our most urgent task upon taking office was to shore up the same banks that helped cause this crisis. It was not easy to do. And if there is one thing that has unified Democrats and Republicans and everybody in between is that we all hated the bank bailout. I hated it. You hated it. It was about as popular as a root canal.

But when I ran for President, I promised I wouldn't just do what was popular—I would do what was necessary. And if we had allowed the meltdown of the financial system, unemployment might be double what it is today. More businesses would certainly have closed. More homes would have surely been lost.

So I supported the last administration's efforts to create the financial rescue program. And when we took that program over, we made it more transparent and more accountable. And as a result, the markets are now stabilized, and we recovered most of the money we spent on the banks—most but not all.

To recover the rest, I have proposed a fee on the biggest banks. Now, I know Wall Street isn't keen on this idea, but if these firms can afford to hand out big bonuses again, they can afford a modest fee to pay back the taxpayers who rescued them in their time of need.

As we stabilized the financial system, we also took steps to get our economy growing again, save as many jobs as possible, and help Americans who had become unemployed.

That's why we extended or increased unemployment benefits for more than 18 million Americans, made health insurance 65 percent cheaper for families who get their coverage through COBRA, and passed 25 different tax cuts.

Now, let me repeat: We cut taxes. We cut taxes for 95 percent of working families. We cut taxes for small businesses. We cut taxes for first-time home buyers. We cut taxes for parents trying to care for their children. We cut taxes for 8 million Americans paying for college.

As a result, millions of Americans had more to spend on gas and food and other necessities, all of which helped businesses keep more workers. And we haven't raised income taxes by a single dime on a single person. Not a single dime.

Because of the steps we took, there are about 2 million Americans working right now who would otherwise be unemployed. 200,000 work in construction and clean energy. 300,000 are teachers and other education workers. Tens of thousands are cops, firefighters, correctional officers, first responders. And we are on track to add another 1.5 million jobs to this total by the end of the year.

The plan that has made all of this possible, from the tax cuts to the jobs, is the Recovery Act. That's right—the Recovery Act, also known as the stimulus bill. Economists on the left and the right say this bill has helped saved jobs and avert disaster. But you don't have to take their word for it.

Talk to the small business in Phoenix that will triple its workforce because of the Recovery Act.

Talk to the window manufacturer in Philadelphia who said he used to be skeptical about the Recovery Act until he had to add two more work shifts just because of the business it created. Talk to the single teacher raising two kids who was told by the principal in the last week of school that, because of the Recovery Act, she wouldn't be laid off at all.

There are stories like this all across America. And after 2 years of recession, the economy is growing again. Retirement funds have started to gain back some of their value. Businesses are beginning to invest again, and slowly, some are starting to hire again.

But I realize that, for every success story, there are other stories—of men and women who wake up with the anguish of not knowing where their next paycheck will come from, who send out resumes week after week and hear nothing in response. That is why jobs must be our number one focus in 2010, and that is why I am calling for a new jobs bill tonight.

Now, the true engine of job creation in this country will always be America's businesses. But government can create the conditions necessary for businesses to expand and hire more workers.

We should start where most new jobs do—in small businesses, companies that begin when an entrepreneur takes a chance on a dream or a worker decides it's time she became her own boss.

Through sheer grit and determination, these companies have weathered the recession, and they are ready to go. But when you talk to small business owners in places like Allentown, Pennsylvania or Elyria, Ohio, you find out that, even though banks on Wall Street are lending again, they are mostly lending to bigger companies. Financing remains difficult for small business owners across the country. Even those who are making a profit.

So, tonight, I am proposing that we take $30 billion of the money that Wall Street banks have repaid and use it to help community banks give small businesses the credit they need to stay afloat. I am also proposing a new small

business tax credit—one that will go to over 1 million small businesses who hire new workers or raise wages.

While we're at it, let's also eliminate all capital gains taxes on small business investment; and provide a tax incentive for all large businesses and all small businesses to invest in new plants and equipment.

Next, we can put Americans to work today building the infrastructure of tomorrow. From the first railroads to the Interstate Highway System, our nation has always been built to compete. There is no reason Europe or China should have the fastest trains or the new factories that manufacture clean energy products.

Tomorrow, I'll visit Tampa, Florida where workers will soon break ground on a new high-speed railroad funded by the Recovery Act. There are projects like that all across this country that will create jobs and help move our Nation's goods, services and information. We should put more Americans to work building clean energy facilities, and give rebates to Americans who make their homes more energy efficient, which supports clean energy jobs. And to encourage these and other businesses to stay within our borders, it is time to finally slash the tax breaks for companies that ship our jobs overseas and give those tax breaks to companies that create jobs right here in the United States of America.

Now, the House has passed a jobs bill that includes some of these steps. As the first order of business this year, I urge the Senate to do the same, and I know they will. They will. People are out of work. They are hurting. They need our help. And I want a jobs bill on my desk without delay.

But the truth is, these steps won't make up for the 7 million jobs that we've lost over the last 2 years. The only way to move to full employment is to lay a new foundation for long-term economic growth and finally address the problems that America's families have confronted for years.

We can't afford another so-called economic expansion like the one from the last decade—what some call the ''lost decade''—where jobs grew more slowly than during any prior expansion, where the income of the average American household declined while the cost of health care and tuition reached record highs, where prosperity was built on a housing bubble and financial speculation.

From the day I took office, I have been told that addressing our larger challenges is too ambitious—that such an effort would be too contentious. I've been told that our political system is too gridlocked and that we should just put things on hold for a while.

For those who make these claims, I have one simple question:

How long should we wait? How long should America put its future on hold?

You see, Washington has been telling us to wait for decades even as the problems have grown worse. Meanwhile, China's not waiting to revamp its economy. Germany's not waiting. India's not waiting. These nations, they're not standing still. These nations aren't playing for second place. They're putting more emphasis on math and science. They're rebuilding their infrastructure. They're making serious investments in clean energy because they want those jobs.

Well, I do not accept second place for the United States of America. As hard as it may be, as uncomfortable and contentious as the debates may become, it's time to get serious about fixing the problems that are hampering our growth.

Now, one place to start is with serious financial reform. Look, I am not interested in punishing banks; I'm interested in protecting our economy. A strong, healthy financial market makes it possible for businesses to access credit and create new jobs. It channels the savings of families into investments that raise incomes. But that can only happen if we guard against the same recklessness that nearly brought down our entire economy.

We need to make sure consumers and middle class families have the information they need to make financial decisions. We can't allow financial institutions, including those that take your deposits, to take risks that threaten the whole economy.

The House has already passed financial reform with many of these changes. And the lobbyists are trying to kill it. Well, we cannot let them win this fight. And if the bill that ends up on my desk does not meet the test of real reform, I will send it back until we get it right. We've got to get it right.

Next, we need to encourage American innovation. Last year, we made the largest investment in basic research funding in history—an investment that could lead to the world's cheapest solar cells or treatment that kills cancer cells but leaves healthy ones untouched. And no area is more ripe for such innovation than energy. You can see the results of last year's investments in clean energy—in the North Carolina company that will create 1,200 jobs nationwide, helping to make advanced batteries; or in the California business that will put 1,000 people to work making solar panels.

But to create more of these clean energy jobs, we need more production, more efficiency, more incentives. And that means building a new generation of safe, clean nuclear power plants in this country. It means making tough decisions about opening new offshore areas for oil and gas development. It means continued investment in advanced biofuels and clean coal technologies. And yes, it means passing a comprehensive energy and climate bill with incentives that will finally make clean energy the profitable kind of energy in America.

I am grateful to the House for passing such a bill last year. And this year, I am eager to help advance the bipartisan effort in the Senate. I know there have been questions about whether we can afford such changes in a tough economy. I know that there are those who disagree with the overwhelming scientific evidence on climate change. But here is the thing, even if you doubt the evidence, providing incentives for energy efficiency and clean energy are the right things to do for our future—because the nation that leads the clean energy economy will be the nation that leads the global economy. And America must be that nation.

Third, we need to export more of our goods. Because the more products we make and sell to other countries, the more jobs we support right here in America. So, tonight, we set a new goal: we will double our exports over the next 5 years, an increase that will support 2 million jobs in America. To help meet this goal, we're launching a national export initiative that will help farmers and small businesses increase their exports and reform export controls consistent with national security.

We have to seek new markets aggressively, just as our competitors are. If America sits on the sidelines while other nations sign trade deals, we will lose the chance to create jobs on our shores. But realizing those benefits also means enforcing those agreements so our trading partners play by the rules. And that's why we will continue to shape a Doha trade agreement that opens global markets, and why we will strengthen our trade relations in Asia and with key partners like South Korea and Panama and Colombia.

Fourth, we need to invest in the skills and education of our people.

Now, this year, we've broken through the stalemate between left and right by launching a national competition to improve our schools. And the idea here is simple: instead of rewarding failure, we only reward success. Instead of funding the status quo, we only invest in reform—reform that raises student achievement, inspires students to excel in math and science and turns around failing schools that steal the future of too many young Americans, from rural communities to the inner cities. In the 21st century, the best anti-poverty program around is a world-class education. And in this country, the success of our children cannot depend more on where they live than on their potential.

When we renew the Elementary and Secondary Education Act, we will work with Congress to expand these reforms to all 50 States. Still, in this economy, a high school diploma no longer guarantees a good job. That's why I urge the Senate to follow the House and pass a bill that will revitalize our community colleges, which is a career pathway to the children of so many working families. To make college more affordable, this bill will finally end the unwarranted taxpayer subsidies that go to banks for student loans. Instead, let's take that money and give families a $10,000 tax credit for 4 years of college and increase Pell

Grants. And let's tell another 1 million students that, when they graduate, they will be required to pay only 10 percent of their income on student loans, and all of their debt will be forgiven after 20 years—and forgiven after 10 years if they choose a career in public service. Because in the United States of America, no one should go broke because they chose to go to college. And by the way, it's time for colleges and universities to get serious about cutting their own costs—because they, too, have a responsibility to help solve this problem.

Now, the price of college tuition is just one of the burdens facing the middle class. That's why, last year, I asked Vice President BIDEN to chair a task force on middle class families. That's why we're nearly doubling the child care tax credit and making it easier to save for retirement by giving access to every worker a retirement account and expanding the tax credit for those who start a nest egg. That's why we're working to lift the value of a family's single largest investment—their home. The steps we took last year to shore up the housing market have allowed millions of Americans to take out new loans and save an average of $1,500 on mortgage payments. This year, we will step up refinancing so that homeowners can move into more affordable mortgages. And it is precisely to relieve the burden on middle class families that we still need health insurance reform.

Now let's clear a few things up. I didn't choose to tackle this issue to get some legislative victory under my belt. And by now, it should be fairly obvious that I didn't take on health care because it was good politics.

I took on health care because of the stories I've heard from Americans with preexisting conditions whose lives depend on getting coverage, patients who have been denied coverage, families—even those with insurance—who are just one illness away from financial ruin.

After nearly a century of trying—Democratic administrations, Republican administrations—we are closer than ever to bringing more security to the lives of so many Americans. The approach we've taken would protect every American from the worst practices of the insurance industry. It would give small businesses and uninsured Americans a chance to choose an affordable health care plan in a competitive market. It would require every insurance plan to cover preventative care. And by the way, I want to acknowledge our First Lady, Michelle Obama, who, this year, is creating a national movement to tackle the epidemic of childhood obesity and make kids healthier.

Our approach would preserve the right of Americans who have insurance to keep their doctor and their plan. It would reduce costs and premiums for millions of families and businesses. And according to the Congressional Budget Office—the independent organization that both parties have cited as the official scorekeeper for Congress—our approach would bring down the deficit by as much as $1 trillion over the next 2 decades.

Still, this is a complex issue, and the longer it was debated, the more skeptical people became. I take my share of the blame for not explaining it more clearly to the American people. And I know that, with all the lobbying and horse-trading, the process left most Americans wondering, what's in it for me.

But I also know this problem is not going away. By the time I'm finished speaking tonight, more Americans will have lost their health insurance. Millions will lose it this year. Our deficit will grow. Premiums will go up. Patients will be denied the care they need. Small business owners will continue to drop coverage all together. I will not walk away from these Americans, and neither should the people in this Chamber.

So, as temperatures cool, I want everyone to take another look at the plan we've proposed. There is a reason why many doctors, nurses, and health care experts, who know our system best, consider this approach a vast improvement over the status quo. But if anyone from either party has a better approach that will bring down premiums, bring down the deficit, cover the uninsured, strengthen Medicare for seniors, and stop insurance company abuses, let me know. I'm eager to see it. Here's what I ask Congress, though: Don't walk away from reform. Not now. Not when we are so close. Let us find a way to come together and finish the job for the American people. Let's get it done.

Now, even as health care reform would reduce our deficit, it's not enough to dig us out of a massive fiscal hole in which we find ourselves. It's a challenge that makes all others that much harder to solve and one that's been subject to a lot of political posturing.

So let me start the discussion of government spending by setting the record straight. At the beginning of the last decade, the year 2000, America had a budget surplus of over $200 billion. By the time I took office, we had a 1-year deficit of over $1 trillion and projected deficits of $8 trillion over the next decade. Most of this was the result of not paying for two wars, two tax cuts, and an expensive prescription drug program. On top of that, the effects of the recession put a $3 trillion hole in our budget. All this was before I walked in the door. I'm just stating the facts.

Now, if we had taken office in ordinary times, I would have liked nothing more than to start bringing down the deficit. But we took office amid a crisis, and our efforts to prevent a second Depression have added another $1 trillion to our national debt. That, too, is a fact.

I'm absolutely convinced that was the right thing to do. But families across the country are tightening their belts and making tough decisions. The Federal Government should do the same. So, tonight, I'm proposing specific steps to pay for the $1 trillion that it took to rescue the economy last year.

Starting in 2011, we are prepared to freeze government spending for 3 years. Spending related to our national security, Medicare, Medicaid, and Social Security will not be affected. But all other discretionary government programs will. Like any cash-strapped family, we will work within a budget to invest in what we need and sacrifice what we don't. And if I have to enforce this discipline by veto, I will.

We will continue through the budget line by line, page by page to eliminate programs that we can't afford and don't work. We've already identified $20 billion in savings for next year. To help working families, we will extend our middle class tax cuts. But at a time of record deficits, we will not continue tax cuts for oil companies, for investment fund managers, and for those making over $250,000 a year. We just can't afford it.

Now, even after paying for what we spent on my watch, we'll still face the massive deficit we had when I took office. More importantly, the cost of Medicare, Medicaid, and Social Security will continue to skyrocket. That's why I've called for a bipartisan fiscal commission, modeled on a proposal by Republican JUDD GREGG and Democrat KENT CONRAD. This can't be one of those Washington gimmicks that lets us pretend we solved a problem. The commission will have to provide a specific set of solutions by a certain deadline. Now, yesterday, the Senate blocked a bill that would have created this commission. So I will issue an Executive order that will allow us to go forward because I refuse to pass this problem on to another generation of Americans. And when the vote comes tomorrow, the Senate should restore the pay-as-you-go law that was a big reason for why we had record surpluses in the 1990s.

I know that some in my party will argue that we can't address the deficit or freeze government spending when so many are still hurting. And I agree, which is why this freeze won't take effect until next year, when the economy is stronger. That's how budgeting works. But understand, if we don't take meaningful steps to rein in our debt, it could damage our markets, increase the cost of borrowing and jeopardize our recovery—all of which would have an even worse effect on our job growth and family incomes.

From some on the right, I expect we'll hear a different argument—that if we just make fewer investments in our people, extend tax cuts, including those for wealthier Americans, eliminate more regulations, and maintain the status quo on health care, our deficits will go away. The problem is, that's what we did for 8 years. That's what helped us into this crisis. It's what helped lead to these deficits. We can't do it again.

Rather than fight the same tired battles that have dominated Washington for decades, it's time to try something new. Let's invest in our people without leaving them a mountain of debt. Let's meet our responsibility to the citizens who sent us here. Let's try common sense—a novel concept.

To do that, we have to recognize that we face more than a deficit of dollars right now. We face a deficit of trust—deep and corrosive doubts about how Washington works that have been growing for years. To close that credibility gap, we have to take action on both ends of Pennsylvania Avenue to end the outsized influence of lobbyists, to do our work openly, to give our people the government they deserve.

That's what I came to Washington to do. That's why—for the first time in history—my administration posts on our White House visitors online. That's why we've excluded lobbyists from policymaking jobs or seats on Federal boards and commissions.

But we can't stop there. It's time to require lobbyists to disclose each contact they make on behalf of a client with my administration or with Congress. It's time to put strict limits on the contributions that lobbyists give to candidates for Federal office. With all due deference to the separation of powers, last week, the Supreme Court reversed a century of law that I believe will open the floodgates for special interests—including foreign corporations—to spend without limit in our elections. I don't think American elections should be bankrolled by America's most powerful interests, or worse, by foreign entities. They should be decided by the American people. And I would urge Democrats and Republicans to pass a bill that helps correct some of these problems.

I'm also calling on Congress to continue down the path of earmark reform—Democrats and Republicans. You've trimmed some of this spending. You've embraced some meaningful change. But restoring the public trust demands more. For example, some Members of Congress post some earmark requests online. Tonight, I am calling on Congress to publish all earmark requests on a single Web site before there is a vote so that the American people can see how their money is being spent.

Of course, none of these reforms will even happen if we don't also reform how we work with one another.

Now, I am not naive. I never thought that the mere fact of my election would usher in peace and harmony and some post-partisan era. I knew that both parties have fed divisions that are deeply entrenched. And on some issues, there are simply philosophical differences that will always cause us to part ways. These disagreements about the role of government in our lives, about our national priorities and our national security, they've been taking place for over 200 years. They are the very essence of our democracy.

But what frustrates the American people is a Washington where every day is an election day. We can't wage a perpetual campaign where the only goal is to see who can get the most embarrassing headlines about the other side—a belief that, if you lose, I win. Neither party should delay or obstruct every single bill just because they can. I'm speaking to both parties now. The confirmation of well-qualified public servants shouldn't be held hostage to the pet projects or grudges of a few individual Senators. Washington may think that saying anything about the other side—no matter how false, no matter how malicious—is just part of the game. But it's precisely such politics that has stopped either party from helping the American people. Worse yet, it is sowing further division among our citizens, further distrust in our government.

So, no, I will not give up on trying to change the tone of our politics. I know it's an election year. And after last week, it's clear that campaign fever has come even earlier than usual. But we still need to govern. To Democrats, I would remind you that we still have the largest majority in decades, and the people expect us to solve problems, not run for the hills. And if the Republican leadership is going to insist that 60 votes in the Senate are required to do any business at all in this town—a super majority—then the responsibility to govern is now yours as well. Just saying ''no'' to everything may be good short-term politics, but it's not leadership. We were sent here to serve our citizens, not our ambitions. So let's show the American people that we can do it together. This week, I'll be addressing a meeting of the House Republicans. I'd like to begin monthly meetings with both the Democratic and Republican leadership. I know you can't wait.

Throughout our history, no issue has united this country more than our security. Sadly, some of the unity we felt after 9/11 has dissipated. We can argue all we want about who is to blame for this, but I'm not interested in relitigating the past. I know that all of us love this country. All of us are committed to its defense. So let's put aside the schoolyard taunts about who is tough. Let's reject the false choice between protecting our people and upholding our values. Let's leave behind the fear and division, and do what it takes to defend our Nation and forge a more hopeful future—for America and for the world.

That's the work we began last year. Since the day I took office, we've renewed our focus on the terrorists who threaten our Nation. We've made substantial investments in our homeland security and disrupted plots that threatened to take American lives. We are filling unacceptable gaps revealed by the failed Christmas attack, with better airline security and swifter action on our intelligence. We've prohibited torture and strengthened partnerships from the Pacific to South Asia to the Arabian Peninsula. And in the last year, hundreds of al Qaeda's fighters and affiliates, including many senior leaders, have been captured or killed—far more than in 2008.

And in Afghanistan, we are increasing our troops and training Afghanistan Security Forces so they can begin to take the lead in July of 2011, and our troops can begin to come home. We will reward good governance, work to reduce corruption, and support the rights of all Afghans—men and women alike. We are joined by allies and partners who have increased their own commitments and who will come together tomorrow in London to reaffirm our common purpose. There will be difficult days ahead. But I am absolutely confident we will succeed.

As we take the fight to al Qaeda, we are responsibly leaving Iraq to its people. As a candidate, I promised that I would end this war, and that is what I am doing as President. We will have all of our combat troops out of Iraq by the end of this August. We will support the Iraqi Government as they hold elections, and we will continue to partner with the Iraqi people to promote regional peace and prosperity. But make no mistake: this war is ending, and all of our troops are coming home.

Tonight, all of our men and women in uniform—in Iraq, in Afghanistan, and around the world—have to know that they have our respect, our gratitude, our full support. And just as they must have the resources they need in war, we all have a responsibility to support them when they come home. That's why we made the largest increase in investments for veterans in decades last year. That's why we're building a 21st century VA. And that's why Michelle has joined with Jill Biden to forge a national commitment to support military families.

Even as we prosecute two wars, we are also confronting, perhaps, the greatest danger to the American people—the threat of nuclear weapons. I've embraced the vision of John F. Kennedy and Ronald Reagan through a strategy that reverses the spread of these weapons and seeks a world without them. To reduce our stockpiles and launchers, while ensuring our deterrent, the United States and Russia are completing negotiations on the farthest reaching arms control treaty in nearly 2 decades. And at April's Nuclear Security Summit, we will bring 44 nations together, here in Washington, D.C., behind a clear goal—securing all vulnerable nuclear materials around the world in 4 years so that they never fall into the hands of terrorists.

Now, these diplomatic efforts have also strengthened our hand in dealing with those nations that insist on violating international agreements in pursuit of these weapons. That is why North Korea now faces increased isolation and stronger sanctions—sanctions that are being vigorously enforced. That's why the international community is more united and the Islamic Republic of Iran is more isolated. And as Iran's leaders continue to ignore their

obligations, there should be no doubt: they, too, will face growing consequences. That is a promise.

That is the leadership we are providing—engagement that advances the common security and prosperity of all people. We are working through the G–20 to sustain a lasting global recovery. We are working with Muslim communities around the world to promote science and education and innovation. We have gone from a bystander to a leader in the fight against climate change. We are helping developing countries to feed themselves, and continuing the fight against HIV/AIDS. And we are launching a new initiative that will give us the capacity to respond faster and more effectively to bioterrorism or an infectious disease—a plan that will counter threats at home and strengthen public health abroad.

As we have for over 60 years, America takes these actions because our destiny is connected to those beyond our shores. But we also do it because it is right. That's why, as we meet here tonight, over 10,000 Americans are working with many nations to help the people of Haiti recover and rebuild. That's why we stand with the girl who yearns to go to school in Afghanistan, why we support the human rights of the women marching through the streets of Iran, why we advocate for the young man denied a job by corruption in Guinea. For America must always stand on the side of freedom and human dignity. Always.

Abroad, America's greatest source of strength has always been our ideals. The same is true at home. We find unity in our incredible diversity, drawing on the promise enshrined in our Constitution: the notion that we are all created equal, that no matter who you are or what you look like, if you abide by the law, you should be protected by it; if you adhere to our common values, you should be treated no different than anyone else.

We must continually renew this promise. My administration has a Civil Rights division that is, once again, prosecuting civil rights' violations and employment discrimination. We finally strengthened our laws to protect against crimes driven by hate. This year, I will work with Congress and our military to finally repeal the law that denies gay Americans the right to serve the country they love because of who they are. It's the right thing to do. We're going to crack down on violations of equal pay laws—so that women get equal pay for an equal day's work. And we should continue the work of fixing our broken immigration system—to secure our borders and enforce our laws and ensure that everyone who plays by the rules can contribute to our economy and enrich our nation.

In the end, it is our ideals, our values, that built America—values that allowed us to forge a nation made up of immigrants from every corner of the globe; values that drive our citizens still. Every day, Americans meet their responsibilities to their families and their employers. Time and again, they lend a hand to their neighbors and give back to their country. They take pride in their labor and are generous in spirit. These aren't Republican values or Democratic values that they're living by; business values or labor values. They are American values.

Unfortunately, too many of our citizens have lost faith that our biggest institutions—our corporations, our media and, yes, our government—still reflect these same values. Each of these institutions are full of honorable men and women doing important work that helps our country prosper. But each time a CEO rewards himself for failure or a banker puts the rest of us at risk for his own selfish gain, people's doubts grow. Each time lobbyists game the system or politicians tear each other down instead of lifting this country up, we lose faith. The more that TV pundits reduce serious debates to silly arguments, big issues into sound bites, our citizens turn away.

No wonder there's so much cynicism out there.

No wonder there's so much disappointment.

I campaigned on the promise of change—change we can believe in, the slogan went. And right now, I know there are many Americans who aren't sure if they still believe we can change—or that I can deliver.

But remember this—I never suggested that change would be easy or that I could do it alone. Democracy in a nation of 300 million people can be noisy and messy and complicated. And when you try to do big things and make big changes, it stirs passions and controversy. That's just how it is.

Those of us in public office can respond to this reality by playing it safe and avoid telling hard truths and pointing fingers. We can do what's necessary to keep our poll numbers high and get through the next election instead of doing what's best for the next generation.

But I also know this: If people had made that decision 50 years ago or 100 years ago or 200 years ago, we wouldn't be here tonight. The only reason we are here is because generations of Americans were unafraid to do what was hard, to do what was needed even when success was uncertain, to do what it took to keep the dream of this nation alive for their children and their grandchildren.

Our administration has had some political setbacks this year, and some of them were deserved. But I wake up every day knowing that they are nothing compared to the setbacks that families all across this country have faced this year. And what keeps me going—what keeps me fighting—is that, despite all these setbacks, that spirit of determination and optimism—that fundamental decency that has always been at the core of the American people—lives on.

It lives on in the struggling small business owner who wrote to me of his company, ''None of us,'' he said, ''are willing to consider, even slightly, that we might fail.''

It lives on in the woman who said that, even though she and her neighbors have felt the pain of recession, ''We are strong. We are resilient. We are American.''

It lives on in the 8-year-old boy in Louisiana, who just sent me his allowance, and asked if I would give it to the people of Haiti. And it lives on in all the Americans who've dropped everything to go someplace they've never been and pull people they've never known from the rubble, prompting chants of ''USA! USA! USA!'' when another life was saved.

The spirit that has sustained this Nation for more than two centuries lives on in you, its people.

We have finished a difficult year. We have come through a difficult decade. But a new year has come. A new decade stretches before us. We don't quit. I don't quit. Let's seize this moment—to start anew, to carry the dream forward, and to strengthen our union once more.

Thank you. God bless you. And God bless the United States of America.

At 10 o'clock and 26 minutes p.m., the President of the United States retired from the Hall of the House, followed by his Cabinet.

The Chief Justice of the United States and Associate Justices of the Supreme Court retired from the Hall of the House.

The SPEAKER, at 10 o'clock and 27 minutes p.m., then declared the joint session of the two Houses dissolved.

The Vice President and Members of the Senate retired from the Hall of the House.

¶10.27 REFERENCE OF THE PRESIDENT'S MESSAGE

On motion of Mr. RYAN of Ohio, the message of the President, as delivered, together with the accompanying documents, was referred to the Committee of the Whole House on the state of the Union and ordered to be printed (H. Doc. 111–80).

¶10.28 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ABERCROMBIE, for today; and

To Mr. ORTIZ, for today.

And then,

¶10.29 ADJOURNMENT

On motion of Mr. RYAN of Ohio, pursuant to the previous order of the House, at 10 o'clock and 28 minutes p.m., the House adjourned until noon on Friday, January 29, 2010.

¶10.30 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYES: Permanent Select Committee on Intelligence. House Resolution 978. Resolution requesting the President to transmit

to the House of Representatives all documents in the possession of the President relating to the inventory and review of intelligence related to the shooting at Fort Hood, Texas, described by the President in a memorandum dated November 10, 2009, adversely; (Rept. 111–402). Referred to the House Calendar.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. House Resolution 980. Resolution of inquiry directing the Secretary of Homeland Security to transmit to the House of Representatives a copy of the Transportation Security Administration's Aviation Security Screening Management Standard Operating Procedures manual in effect on December 5, 2009, and any subsequent revisions of such manual in effect prior to the adoption of this resolution, adversely; (Rept. 111–403). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. House Resolution 994. Resolution directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession relating to the decision to dismiss United States v. New Black Panther Party, adversely; (Rept. 111–404). Referred to the House Calendar.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 4061. A bill to advance cybersecurity research, development, and technical standards, and for other purposes; with an amendment (Rept. 111–405). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 1387. A bill to amend title 44, United States Code, to require a preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes; with an amendment (Rept. 111–406). Referred to the Committee of the Whole House on the state of the Union.

¶10.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SABLAN (for himself, Mr. GRIJALVA, and Ms. NORTON):

H.R. 4526. A bill to establish a program that enables college-bound residents of the Northern Mariana Islands to have greater choices among institutions of higher education, and for other purposes; to the Committee on Education and Labor.

By Mr. DRIEHAUS:

H.R. 4527. A bill to amend the Federal Election Campaign Act of 1971 to require certain campaign-related communications paid for by a corporation or labor organization to include a statement identifying the chief executive officer of the corporation or the president of the labor organization, and for other purposes; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself and Ms. GINNY BROWN-WAITE of Florida):

H.R. 4528. A bill to amend the Internal Revenue Code of 1986 to require individuals to provide their Social Security number in order to claim the refundable portion of the child tax credit; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BURGESS, Mr. CAMPBELL, Mr. HENSARLING, Mr. NUNES, and Mr. PRICE of Georgia):

H.R. 4529. A bill to provide for the reform of health care, the Social Security system, the tax code for individuals and business, job training, and the budget process; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, Rules, the Budget, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS of Colorado (for himself, Mr. ACKERMAN, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. CAPUANO, Ms. CASTOR of Florida, Ms. CHU, Ms. CLARKE, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Ms. DEGETTE, Mr. DOYLE, Mr. ELLISON, Mr. ENGEL, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GARAMENDI, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JOHNSON of Georgia, Ms. LEE of California, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mrs. MALONEY, Mr. MEEKS of New York, Mr. MORAN of Virginia, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Ms. PINGREE of Maine, Ms. ROS-LEHTINEN, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SPEIER, Mr. STARK, Mr. TOWNS, Mr. WELCH, Ms. WOOLSEY, Mr. WU, Mr. KUCINICH, and Ms. KILROY):

H.R. 4530. A bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes; to the Committee on Education and Labor.

By Mr. ADLER of New Jersey (for himself and Mr. LEE of New York):

H.R. 4531. A bill to amend title 5, United States Code, to deny Federal retirement benefits to an individual convicted of a felony which occurred in connection with such individual's Government employment or service, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. TANNER (for himself, Mr. MCDERMOTT, Mr. SAM JOHNSON of Texas, and Mr. LINDER):

H.R. 4532. A bill to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY:

H.R. 4533. A bill to provide for a study and report on access by blind consumers to certain electronic devices and to provide for the establishment of minimum nonvisual access standards for such devices and for the establishment of an office within the Department of Commerce to enforce such standards, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KILDEE (for himself, Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. HINCHEY, Ms. LEE of California, Mrs. DAVIS of California, Mr. CLEAVER, Ms. DELAURO, Mr. PETERS, Mr. HOLT, Mrs. MILLER of Michigan, Mrs. MALONEY, Mr. CONYERS, Ms. LINDA T. SÁNCHEZ of California, Ms. HERSETH SANDLIN, Mrs. CAPPS, Ms. SCHAKOWSKY, and Mr. RANGEL):

H.R. 4534. A bill to amend title 40, United States Code, to require that restrooms in public buildings be equipped with baby changing facilities; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of New York (for himself, Ms. MCCOLLUM, and Mr. CASTLE):

H.R. 4535. A bill to reduce and prevent the sale and use of fraudulent degrees in order to protect the integrity of valid higher education degrees that are used for Federal employment purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOCCIERI:

H.R. 4536. A bill to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Wadsworth, Ohio, as the ''Emil Bolas Post Office''; to the Committee on Oversight and Government Reform.

By Mr. CAPUANO (for himself, Mr. LARSON of Connecticut, Ms. PINGREE of Maine, and Mr. GRAYSON):

H.R. 4537. A bill to amend the Securities Exchange Act of 1934 to require the express authorization of a majority of shareholders of a public company for certain political expenditures by that company, and for other purposes; to the Committee on Financial Services.

By Mr. COHEN (for himself, Mr. THOMPSON of Mississippi, Mr. GUTIERREZ, Mr. NADLER of New York, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. CLAY, Mr. DELAHUNT, Mr. DOGGETT, Ms. KAPTUR, Mr. MCDERMOTT, Mr. RANGEL, Mr. STARK, Mr. TOWNS, Ms. VELÁZQUEZ, and Mr. WATT):

H.R. 4538. A bill to amend the Fair Credit Reporting Act to require the inclusion of credit scores with free annual credit reports provided to consumers, and for other purposes; to the Committee on Financial Services.

By Mr. CROWLEY (for himself, Ms. BEAN, and Mr. TIBERI):

H.R. 4539. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of foreign investments in United States real property, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. COHEN, Mr. DEFAZIO, Mr. KAGEN, and Mrs. LOWEY):

H.R. 4540. A bill to amend the Federal Election Campaign Act of 1971 to extend the ban on election activity by foreign nationals to election activity by domestic corporations which are subsidiaries of foreign principals; to the Committee on House Administration.

By Mr. HASTINGS of Florida (for himself, Mr. HALL of New York, Ms. RICHARDSON, Mr. ISRAEL, Mr. KISSELL, Mr. MEEK of Florida, Mr. WALZ, Ms. CORRINE BROWN of Florida, Mr. SHULER, Mr. BUYER, Ms. SUTTON, Mr. ROONEY, Mr. MASSA, Ms. WASSERMAN SCHULTZ, Mr. KLEIN of Florida, Ms. BORDALLO, Mr. ROHRABACHER, Mr. KAGEN, Mr. GRIJALVA, and Mr. BUCHANAN):

H.R. 4541. A bill to amend title 38, United States Code, to exempt reimbursements of expenses related to accident, theft, loss, or casualty loss from determinations of annual income with respect to pensions for veterans and surviving spouses and children of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KING of New York (for himself, Mr. SMITH of Texas, Mr. SOUDER, Mr. DANIEL E. LUNGREN of California, Mr. ROGERS of Alabama, Mr. MCCAUL, Mr. DENT, Mr. BILIRAKIS, Mr. BROUN of Georgia, Mrs. MILLER of Michigan, Mr. OLSON, Mr. CAO, and Mr. AUSTRIA):

H.R. 4542. A bill to prohibit the use of funds made available to the Department of Justice to prosecute individuals detained at Naval Station, Guantanamo Bay, Cuba, in the United States; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California:

H.R. 4543. A bill to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the ''Anthony J. Cortese Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MCMAHON:

H.R. 4544. A bill to change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of New York:

H.R. 4545. A bill to amend the Rural Electrification Act of 1936 to establish an Office of Rural Broadband Initiatives in the Department of Agriculture, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mrs. MYRICK):

H.R. 4546. A bill to amend the Higher Education Act of 1965 to require certain institutions of higher education to commit to, and provide notice of, tuition levels for students; to the Committee on Education and Labor.

By Mr. SESTAK (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mrs. DAHLKEMPER, Mr. ALTMIRE, Mr. THOMPSON of Pennsylvania, Mr. GERLACH, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SHUSTER, Mr. CARNEY, Mr. KANJORSKI, Mr. MURTHA, Ms. SCHWARTZ, Mr. DOYLE, Mr. DENT, Mr. PITTS, Mr. HOLDEN, Mr. TIM MURPHY of Pennsylvania, and Mr. PLATTS):

H.R. 4547. A bill to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith, U.S. Army Air Forces Post Office''; to the Committee on Oversight and Government Reform.

By Mr. TIAHRT (for himself, Mr. BILBRAY, Mr. HUNTER, and Mr. ALEXANDER):

H.R. 4548. A bill to enforce the restriction on in-State tuition for aliens unlawfully present in the United States; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TONKO:

H.R. 4549. A bill to authorize the Administrator of the Small Business Administration to make grants to small business concerns to assist the commercialization of research developed with funds received under the second phase of the Small Business Innovation Research Program; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TSONGAS:

H.R. 4550. A bill to prohibit entities from using Federal funds to contribute to political campaigns or participate in lobbying activities; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WOLF, Ms. BORDALLO, Ms. SHEA-PORTER, Mr. BARTLETT, Mr. BRADY of Pennsylvania, Mr. THOMPSON of Mississippi, Mr. ELLISON, Mrs. CAPPS, Mr. NEAL of Massachusetts, Mr. BOSWELL, Mr. LOBIONDO, Mr. SCOTT of Georgia, Mr. DELAHUNT, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. JONES, Mr. TAYLOR, Mr. MOORE of Kansas, Mr. PAUL, Ms. JACKSON LEE of Texas, Mr. SESTAK, Mr. KAGEN, Mr. ISRAEL, Mr. GENE GREEN of Texas, Mr. DEFAZIO, Mr. GONZALEZ, Mr. HARE, Mr. MCINTYRE, and Mr. GORDON of Tennessee):

H.R. 4551. A bill to restore health care coverage to retired members of the uniformed services, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mrs. MYRICK, Mr. FRANKS of Arizona, Mr. ROONEY, Mr. GINGREY of Georgia, Mr. MANZULLO, Mr. PITTS, Ms. GRANGER, Mr. BURTON of Indiana, and Mr. JONES):

H.J. Res. 73. A joint resolution proposing an amendment to the Constitution of the United States to balance the Federal budget; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Mrs. CHRISTENSEN, Ms. WATERS, Mr. MEEKS of New York, Mr. WAXMAN, Mr. CONYERS, Mr. CAO, Mr. GRIJALVA, Mr. BRADY of Pennsylvania, Ms. CASTOR of Florida, Mr. SERRANO, Mr. RANGEL, Mr. CARNAHAN, Mr. CLEAVER, Ms. NORTON, Mr. BERMAN, Ms. BALDWIN, Mr. JOHNSON of Georgia, Mr. TOWNS, Mr. JACKSON of Illinois, Mr. ELLISON, Mr. HONDA, and Ms. EDWARDS of Maryland):

H. Con. Res. 233. Concurrent resolution supporting the goals and ideals of National Black HIV/AIDS Awareness Day; to the Committee on Energy and Commerce.

By Mr. MINNICK (for himself and Mr. SIMPSON):

H. Res. 1041. A resolution congratulating and commending the University of Idaho's football team for winning the 2009 Humanitarian Bowl in Boise, Idaho; to the Committee on Education and Labor.

By Mr. MINNICK (for himself and Mr. SIMPSON):

H. Res. 1042. A resolution commending the Boise State University Broncos football team for winning the 2010 Fiesta Bowl; to the Committee on Education and Labor.

By Mr. GUTHRIE:

H. Res. 1043. A resolution recognizing Brescia University for 60 years of leadership in higher education; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself, Mr. PENCE, Mr. KLEIN of Florida, Mr. MCCOTTER, Mr. MEEK of Florida, Mr. GALLEGLY, Ms. WASSERMAN SCHULTZ, Mr. BURTON of Indiana, Mr. BILIRAKIS, Mr. MANZULLO, Mr. ROHRABACHER, Mr. ROYCE, and Mr. MACK):

H. Res. 1044. A resolution commemorating the 65th anniversary of the liberation of Auschwitz, a Nazi concentration and extermination camp, honoring the victims of the Holocaust, and expressing commitment to strengthen the fight against bigotry and intolerance; to the Committee on Foreign Affairs.

By Mr. GERLACH:

H. Res. 1045. A resolution recognizing First Friday Main Line and its executive director Sherry Tillman and publicist Carla Zambelli for launching ''Operation Angel Wings''; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas (for himself, Mr. FATTAH, Ms. BORDALLO, Mr. MEEKS of New York, Ms. CLARKE, Ms. LEE of California, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. PAYNE, Mr. SERRANO, Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, Mr. WATT, Mr. MARKEY of Massachusetts, Mr. THOMPSON of Mississippi, Mr. FALEOMAVAEGA, Ms. SPEIER, Ms. FUDGE, Mr. RUSH, Mr. BRADY of Pennsylvania, Mr. COHEN, Mr. SIRES, Mr. DAVIS of Illinois, Ms. NORTON, Mr. CUELLAR, Mr. JOHNSON of Georgia, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. CLAY, Mr. CLEAVER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RICHARDSON, Mr. LEWIS of Georgia, Ms. KILPATRICK of Michigan, and Mr. GRIJALVA):

H. Res. 1046. A resolution recognizing the significance of Black History Month; to the Committee on Oversight and Government Reform.

By Ms. KILROY (for herself, Mr. DRIEHAUS, Mrs. SCHMIDT, Mr. TURNER, Mr. JORDAN of Ohio, Mr. LATTA, Mr. WILSON of Ohio, Mr. AUSTRIA, Ms. KAPTUR, Mr. KUCINICH, Ms. FUDGE, Mr. TIBERI, Ms. SUTTON, Mr. LATOURETTE, Mr. BOCCIERI, Mr. RYAN of Ohio, Mr. SPACE, Mr. BECERRA, Mr. COURTNEY, Mr. KLEIN of Florida, Mr. MASSA, Mr. MURPHY of Connecticut, Mr. PERRIELLO, Mr. SNYDER, Ms. TITUS, and Mr. TONKO):

H. Res. 1047. A resolution commending The Ohio State University Buckeyes football team for its victory in the 2010 Rose Bowl; to the Committee on Education and Labor.

By Mr. TIM MURPHY of Pennsylvania:

H. Res. 1048. A resolution commending the efforts and honoring the work of the men and women of USNS Comfort and the United States Navy in the immediate response to those affected by the earthquake that struck Haiti on January 12, 2010; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶10.32 MEMORIALS

Under clause 4 of rule XXII,

231. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 399 memorializing the Congress of the United States to work with General Motors Corporation to ensure that the General Motors brand dealership owners are treated justly and compensated fairly; to the Committee on Energy and Commerce.

¶10.33 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mrs. CHRISTENSEN and Ms. RICHARDSON.
H.R. 268: Mr. MASSA.
H.R. 303: Mr. ELLISON, Ms. HERSETH SANDLIN, and Mr. BACHUS.
H.R. 417: Ms. RICHARDSON.
H.R. 500: Mr. SESTAK.
H.R. 558: Mr. THOMPSON of Pennsylvania.
H.R. 613: Mr. BOUCHER.
H.R. 615: Mr. MASSA.
H.R. 669: Mr. MARKEY of Massachusetts.
H.R. 690: Mr. PERRIELLO.
H.R. 840: Mr. MARKEY of Massachusetts.
H.R. 930: Mr. LYNCH.
H.R. 1067: Mr. THOMPSON of Pennsylvania.
H.R. 1079: Mr. COURTNEY.
H.R. 1161: Mr. GRIJALVA and Mr. CONYERS.
H.R. 1166: Ms. MARKEY of Colorado.
H.R. 1205: Mr. BOUCHER and Mr. HIMES.
H.R. 1324: Mr. FOSTER, Ms. LORETTA SANCHEZ of California, and Mr. HALL of New York.
H.R. 1423: Mr. HIGGINS, Mr. COLE, and Mr. EHLERS.
H.R. 1443: Mr. LANGEVIN.
H.R. 1444: Mr. CONYERS.
H.R. 1500: Ms. RICHARDSON.
H.R. 1640: Mr. CUMMINGS and Mr. PERRIELLO.
H.R. 1740: Mr. CAPUANO.
H.R. 1766: Mr. LOEBSACK.
H.R. 1844: Mr. MCINTYRE.
H.R. 1879: Mr. KLINE of Minnesota and Mr. KISSELL.
H.R. 1964: Ms. RICHARDSON.
H.R. 1990: Mr. AL GREEN of Texas.
H.R. 2193: Mr. MCCOTTER.
H.R. 2220: Mr. WELCH.
H.R. 2256: Mr. HALL of New York.
H.R. 2262: Ms. HIRONO.
H.R. 2308: Mr. HALL of New York.
H.R. 2324: Mr. BISHOP of New York, Mr. BRADY of Pennsylvania, and Mr. TONKO.
H.R. 2365: Mr. LEE of New York and Mr. HASTINGS of Florida.
H.R. 2406: Mr. BILIRAKIS.
H.R. 2446: Mr. MORAN of Kansas.
H.R. 2478: Mr. ENGEL.
H.R. 2517: Ms. ROYBAL-ALLARD.
H.R. 2546: Mr. CONAWAY.
H.R. 2556: Mr. LAMBORN, Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. SCALISE, Mr. OLSON, Mrs. MYRICK, Mr. SHADEGG, Mr. PITTS, Mrs. BACHMANN, Ms. GRANGER, Mr. MARCHANT, Mr. ROE of Tennessee, and Mrs. LUMMIS.
H.R. 2578: Ms. FUDGE.
H.R. 2594: Mr. GINGREY of Georgia.
H.R. 2692: Mr. SPACE.
H.R. 2764: Mr. GRIJALVA, Mr. ADLER of New Jersey, and Mr. STARK.
H.R. 2819: Mr. WELCH.
H.R. 2866: Mr. SCHOCK.
H.R. 2906: Mr. TONKO.
H.R. 2963: Ms. RICHARDSON and Mr. CARNAHAN.
H.R. 3024: Mr. DEFAZIO.
H.R. 3047: Ms. FUDGE.
H.R. 3070: Mr. QUIGLEY.
H.R. 3101: Mr. FRANK of Massachusetts, Mr. DOGGETT, and Mrs. MALONEY.
H.R. 3106: Mr. SESTAK.
H.R. 3110: Mr. QUIGLEY.
H.R. 3149: Ms. SLAUGHTER.
H.R. 3185: Mr. ELLISON.
H.R. 3227: Mr. LOEBSACK.
H.R. 3256: Mr. TERRY.
H.R. 3289: Mr. COBLE.
H.R. 3294: Mr. THOMPSON of California.
H.R. 3308: Mr. BILIRAKIS.
H.R. 3363: Mr. DANIEL E. LUNGREN of California.
H.R. 3393: Mr. BOYD, Ms. LORETTA SANCHEZ of California, Ms. MARKEY of Colorado, and Mr. DONNELLY of Indiana.
H.R. 3401: Ms. TITUS, Mr. CARNAHAN, and Mr. CLAY.
H.R. 3421: Mr. LOEBSACK.
H.R. 3510: Ms. SLAUGHTER, Mr. HASTINGS of Florida, and Mr. SCHIFF.
H.R. 3519: Mr. MARSHALL.
H.R. 3551: Mr. TONKO.
H.R. 3578: Ms. KOSMAS.
H.R. 3656: Mr. DAVIS of Kentucky.
H.R. 3699: Mr. MASSA.
H.R. 3712: Mr. LOEBSACK.
H.R. 3715: Mr. LOEBSACK.
H.R. 3724: Mr. REICHERT.
H.R. 3758: Mr. WITTMAN and Mrs. CHRISTENSEN.
H.R. 3813: Mr. TIM MURPHY of Pennsylvania.
H.R. 3936: Ms. KILROY, Mr. SKELTON, and Mr. DRIEHAUS.
H.R. 3974: Mr. MORAN of Virginia.
H.R. 3986: Mr. PIERLUISI.
H.R. 3990: Mr. SNYDER, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Mr. CLAY, and Mr. PAYNE.
H.R. 4000: Mr. ELLISON.
H.R. 4004: Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, and Mr. SCHOCK.
H.R. 4034: Mr. LAMBORN.
H.R. 4046: Mr. KLEIN of Florida.
H.R. 4070: Mr. MCINTYRE and Ms. MARKEY of Colorado.
H.R. 4114: Mr. ROTHMAN of New Jersey.
H.R. 4128: Ms. WOOLSEY, Mr. PERRIELLO, Ms. LEE of California, and Ms. DELAURO.
H.R. 4150: Mr. SAM JOHNSON of Texas, Mr. HENSARLING, Mr. SMITH of Texas, Mr. MCCAUL, Mr. BARTON of Texas, and Mr. OLSON.
H.R. 4160: Ms. PINGREE of Maine.
H.R. 4190: Ms. PINGREE of Maine and Mr. ISRAEL.
H.R. 4198: Ms. PINGREE of Maine.
H.R. 4220: Mr. TIAHRT.
H.R. 4247: Mr. KILDEE, Mr. NEAL of Massachusetts, Mr. LANGEVIN, and Mr. SIRES.
H.R. 4255: Ms. NORTON, Mr. CHAFFETZ, Mr. MAFFEI, Mr. MCHENRY, and Mrs. EMERSON.
H.R. 4268: Mr. DINGELL, Mr. MARKEY of Massachusetts, and Mr. NEAL of Massachusetts.
H.R. 4278: Mr. RODRIGUEZ.
H.R. 4296: Mr. RAHALL and Mr. MCCOTTER.
H.R. 4301: Mr. FILNER and Mr. PETRI.
H.R. 4302: Mr. BARROW, Mr. COSTA, Mr. FRANK of Massachusetts, and Mr. HODES.
H.R. 4308: Mr. PAUL and Mr. OLSON.
H.R. 4325: Ms. SLAUGHTER.
H.R. 4341: Ms. PINGREE of Maine.
H.R. 4371: Mr. COBLE, Mrs. KIRKPATRICK of Arizona, Mr. BUCHANAN, Mr. KIRK, and Mrs. BLACKBURN.
H.R. 4375: Ms. WATSON, Mr. MORAN of Virginia, and Mr. LIPINSKI.
H.R. 4377: Mr. LIPINSKI.
H.R. 4386: Mr. TONKO and Mr. MCNERNEY.
H.R. 4396: Mr. BOYD, Mr. KAGEN, and Ms. HERSETH SANDLIN.
H.R. 4402: Mr. CUMMINGS and Mr. BERMAN.
H.R. 4403: Mr. BARROW, Mr. CONAWAY, and Mr. MASSA.
H.R. 4415: Mr. HOEKSTRA, Mr. SOUDER, and Mr. DENT.
H.R. 4426: Ms. PINGREE of Maine, Mr. PALLONE, Mr. WILSON of Ohio, and Mr. TONKO.
H.R. 4436: Mr. COBLE, Mr. ROYCE, Mr. PENCE, Mr. HOEKSTRA, Mr. POE of Texas, and Mrs. MYRICK.
H.R. 4463: Mr. TIAHRT and Mr. YOUNG of Florida.
H.R. 4464: Mr. TIAHRT and Mr. LAMBORN.
H.R. 4465: Mr. LAMBORN.
H.R. 4466: Mr. TIBERI, Mr. CARTER, and Mr. MASSA.
H.R. 4490: Mr. LEE of New York, Mr. OLSON, Mr. KIRK, and Mr. MARCHANT.
H.R. 4503: Mr. PENCE and Mrs. MILLER of Michigan.
H.R. 4517: Mr. KAGEN and Mr. SCHAUER.
H.R. 4522: Mr. THOMPSON of Mississippi and Mr. SERRANO.
H.J. Res. 1: Mr. COOPER, Mr. CASSIDY, Mr. PAULSEN, Mr. GERLACH, and Mr. JOHNSON of Illinois.
H.J. Res. 13: Mr. DEFAZIO.
H. Con. Res. 49: Mr. OWENS.
H. Con. Res. 98: Mr. CLEAVER.
H. Res. 526: Mr. RANGEL, Mr. MEEKS of New York, Mr. PAYNE, Mr. RUSH, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. FATTAH, Mr. GRIJALVA, Mr. RYAN of Ohio, Ms. MOORE of Wisconsin, Mr. KANJORSKI, Mr. CUMMINGS, Mr. WEINER, Mr. AL GREEN of Texas, Ms. SCHAKOWSKY, Mr. ETHERIDGE, Ms. ROYBAL-ALLARD, and Ms. BALDWIN.
H. Res. 542: Mr. TIAHRT.
H. Res. 699: Mr. MASSA and Mr. WILSON of South Carolina.
H. Res. 763: Mr. ROHRABACHER.
H. Res. 869: Mr. CONAWAY and Mr. OLSON.
H. Res. 902: Mr. LATOURETTE, Ms. DEGETTE, Mr. SCALISE, Mr. GRIJALVA, and Mr. MACK.
H. Res. 959: Mr. SCALISE.
H. Res. 974: Mr. BURTON of Indiana.
H. Res. 975: Mr. LARSON of Connecticut.
H. Res. 977: Ms. ROS-LEHTINEN and Mr. JORDAN of Ohio.
H. Res. 982: Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. BILIRAKIS, Mr. LINDER, Mrs. MYRICK, Mrs. EMERSON, Mr. GALLEGLY, Mr. COBLE, Mr. MILLER of Florida, and Mr. PENCE.
H. Res. 1014: Mr. CLAY, Mr. MARKEY of Massachusetts, Ms. SCHWARTZ, Mr. CAPUANO, Mrs. DAVIS of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HIMES, Mr. HIGGINS, Mr. TIBERI, Mr. GEORGE MILLER of California, Mr. COHEN, Mr. MCINTYRE, Ms. JACKSON LEE of Texas, Mr. LEWIS of Georgia, Mr. PASCRELL, Mr. AL GREEN of Texas, Mr. CARSON of Indiana, Mr. ROTHMAN of New Jersey, and Mr. WEINER.
H. Res. 1019: Mr. CAO.
H. Res. 1022: Mr. ISRAEL.
H. Res. 1024: Ms. MOORE of Wisconsin.
H. Res. 1026: Mr. CAMPBELL, Mr. HELLER, Mr. BILBRAY, Mr. MCCAUL, Mr. GALLEGLY, Mr. YOUNG of Florida, Mr. BROWN of South Carolina, Mr. TIAHRT, Mr. KING of Iowa, Mr. BILIRAKIS, Mr. LATHAM, Mr. COBLE, Mr. MARCHANT, Mr. GRIFFITH, Mr. ROHRABACHER, and Mr. BACHUS.
H. Res. 1032: Mr. DREIER, Mr. SCHIFF, Ms. LINDA T. SÁNCHEZ of California, Mr. GRIJALVA, Mr. RODRIGUEZ, Mrs. DAVIS of California, Mr. PIERLUISI, Mr. KING of New York, and Mr. PRICE of North Carolina.

¶10.34 PETITIONS

Under clause 1 of rule XXII,

102. The SPEAKER presented a petition of Center for Regulatory Effectiveness, District of Columbia, relative to requesting that the EPA be in compliance with the Congressional Review Act; which was referred to the Committee on Energy and Commerce.

FRIDAY, JANUARY 29, 2010 (11)

¶11.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
January 29, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶11.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced she had examined and approved the Journal of the proceedings of January 27, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶11.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

5853. A letter from the Acting Secretary, Federal Trade Commission, transmitting Biennial report on the Do-Not-Call Registry; to the Committee on Energy and Commerce.

5854. A letter from the Secretary, Department of Commerce, transmitting letter of certification, pursuant to Public Law 105-261, section 1512; to the Committee on Foreign Affairs.

5855. A letter from the Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting letter regarding the Determination to Award Sole-Source Bridge Contracts to Provide Property Management Support for Federal Housing Administration Single Family Homes; to the Committee on Foreign Affairs.

5856. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's annual report on the Federal Manager's Financial Integrity Act in accordance with Public Law 97-255 and Public Law 100-504; to the Committee on Oversight and Government Reform.

5857. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5858. A letter from the Assistant Secretary for Congressional and Legislative Affiars, Department of Veterans Affairs, transmitting the Department's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5859. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's Fiscal Year 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

5860. A letter from the Co-Chief Privacy Officer, Federal Election Commission, transmitting the Commission's Privacy Act Report for fiscal year 2009, pursuant to Section 522 of the Consolidated Appropriations Act for 2005; to the Committee on Oversight and Government Reform.

5861. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Engine Components, Inc. (ECi) Reciprocating Engine Cylinder Assemblies [Docket No.: FAA-2008-0052; Directorate Identifier 2008-NE-01-AD; Amendment 39-16151; AD 2009-26-12] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5862. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model MD-11 and MD-11F Airplanes [Docket No.: FAA-2009-0686; Directorate Identifier 2009-NM-044-AD; Amendment 39-16155; AD 2009-26-16] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5863. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF34-1A, CF34-3A, and CF34-3B Series Turbofan Engines; Delay of Effective Date [Docket No.: FAA-2009-0328; Directorate Identifier 2008-NE-44-AD; Amendment 39-16103; AD 2009-24-11] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5864. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fire Fighting Enterprises Limited Portable Halon 1211 Fire Extinguishers as Installed on Various Transport Airplanes, Small Airplanes, and Rotorcraft [Docket No.: FAA-2009-1225; Directorate Identifier 2009-NM-257-AD; Amendment 39-16159; AD 2010-01-03] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5865. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 Turbofan Engines [Docket No.: FAA-2007-27687; Directorate Identifier 2000-NE-42-AD; Amendment 39-16144; AD 2009-26-09] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5866. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. ALF502 Series and LF507 Series Turbofan Engines [Docket No.: FAA-2007-0096; Directorate Identifier 2007-NE-39-AD; Amendment 39-16141; AD 2009-26-06] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5867. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A380-841, -842, and -861 Airplanes [Docket No.: FAA-2009-1211; Directorate Identifier 2009-NM-121-AD; Amendment 39-16149; AD 2009-26-10] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5868. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-1210; Directorate Identifier 2009-NM-165-AD; Amendment 39-16148; AD 2008-10-09 R1] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5869. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN-235, CN-235-100, CN-235-200, and CN-235-300Airplanes [Docket No.: FAA-2009-0637; Directorate Identifier 2008-NM-183-AD; Amendment 39-16153; AD 2009-26-14] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5870. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileria de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes, and Model ERJ 190-100 LR, -100 IGW, -100 STD, -200 STD, -200 LR, and -200 IGW Airplanes [Docket No.: FAA-2009-0412; Directorate Identifier 2009-NM-022-AD; Amendment 39-16154; AD 2009-26-15] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5871. A letter from the Deputy Assistant Secretary for Import Administration, Alternate Chairman, Department of Commerce, transmitting the Department's annual report for fiscal year 2008 on the activities of the Foreign-Trade Zones Board, pursuant to 19 U.S.C. 81p(c); to the Committee on Ways and Means.

¶11.4 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
January 29, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

By unanimous consent, the appointment was approved.

¶11.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, January 29, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 29, 2010 at 9:35 a.m.:

That the Senate passed S. 2799.

That the Senate passed S. 2968.

That the Senate passed without amendment H.R. 4508.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶11.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, January 29, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 28, 2010 at 5:21 p.m.:

That the Senate agreed to with an amendment H.J. Res. 45.

That the Senate agreed to S. Res. 397.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶11.7 UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to 36 United States Code 2302, and the order of the House of January 6, 2009, announced that the Speaker appointed the following Members of the House to

the United States Holocaust Memorial Council: Mr. WAXMAN, Ms. GIFFORDS, Messrs. KLEIN of Florida, LATOURETTE, and CANTOR.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶11.8 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2968. An Act to make certain technical and conforming amendments to the Lanham Act; to the Committee on the Judiciary.

¶11.9 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4508. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

¶11.10 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. WATERS, for January 26 and January 27.

And then,

¶11.11 ADJOURNMENT

On motion of the SPEAKER pro tempore, Ms. EDWARDS of Maryland, by unanimous consent, and pursuant to the special order of the House agreed to on January 27, 2010, at 12 o'clock and 8 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, February 2, 2010.

¶11.12 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 995. Resolution of inquiry requesting the President to transmit to the House of Representatives all information in the possession of the Administrator of the Environmental Protection Agency relating to nutrient management of the Illinois River Watershed, Arkansas and Oklahoma; with amendments (Rept. 111–407). Referred to the House Calendar.

Mr. WAXMAN: Committee on Energy and Commerce. House Resolution 983. Resolution requesting the President, and directing the Secretary of Health and Human Services, to transmit to the House of Representatives copies of documents, records, and communications in their possession relating to certain agreements, regarding health care reform (Rept. 111–408). Referred to the House Calendar.

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. In the Matter of Representative Fortney ''Pete'' Stark (Rept. 111–409. Referred to the House Calendar.

¶11.13 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committees on House Administration and the Judiciary discharged from further consideration.

H.R. 2517 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII, the Committees on Intelligence (Permanent Select) and Financial Services discharged from further consideration.

H.R. 3845 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

¶11.14 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEVIN (for himself and Mr. MCDERMOTT):

H.R. 4552. A bill to amend the Electronic Fund Transfer Act to provide protection for consumers who have government benefit cards; to the Committee on Financial Services.

By Ms. FUDGE:

H. Res. 1049. A resolution recognizing the murders of the Imperial Avenue Eleven as a tragedy and an example of the need to continue the fight to eradicate violence against women; to the Committee on the Judiciary.

¶11.15 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. COBLE and Mr. KLEIN of Florida.
H.R. 690: Mr. MCMAHON and Mrs. CHRISTENSEN.
H.R. 2160: Mr. BONNER.
H.R. 2271: Mr. INGLIS.
H.R. 2669: Mr. CAPUANO.
H.R. 3578: Mr. STUPAK.
H.R. 3993: Mr. BURTON of Indiana.
H.R. 3994: Ms. MARKEY of Colorado.
H.R. 4274: Mr. THOMPSON of Mississippi and Mr. WELCH.
H.R. 4386: Mrs. NAPOLITANO.
H.R. 4517: Mr. ENGEL.
H.R. 4522: Mr. TONKO and Mr. QUIGLEY.
H.R. 4534: Mr. SNYDER and Ms. MCCOLLUM.
H. Res. 1022: Mr. SCHIFF.
H. Res. 1025: Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. KINGSTON, Mr. TIAHRT, Mr. CONAWAY, Mr. CULBERSON, and Mr. OLSON.
H. Res. 1032: Mr. BILBRAY, Mrs. BONO MACK, Mr. RUSH, Mr. MINNICK, Mr. FALEOMAVAEGA, Mr. FILNER, and Mr. MASSA.

TUESDAY, FEBRUARY 2, 2010 (12)

¶12.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. MOORE of Wisconsin, who laid before the House the following communication:

WASHINGTON, DC,
February 2, 2010.

I hereby appoint the Honorable GWEN MOORE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶12.2 RECESS—12:38 P.M.

The SPEAKER pro tempore, Ms. MOORE of Wisconsin, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 38 minutes p.m., until 2 p.m.

¶12.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. CAPUANO, called the House to order.

¶12.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CAPUANO, announced he had examined and approved the Journal of the proceedings of Friday, January 29, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶12.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

5872. A letter from the Director, Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Electric Program: Definition of Rural Area (RIN: 0572-AC15) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5873. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — National Veterinary Accreditation Program [Docket No.: APHIS-2006-0093] (RIN: 0579-AC04) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5874. A letter from the NRCS Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule — Compliance With NEPA (RIN: 0578-AA55) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5875. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Supplemental Revenue Assistance Payments Program (RIN: 0560-AH90) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5876. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Paracoccus Pigment [Docket No.: FDA-2007-C-0456] (formerly Docket No.: 2007-C-0245) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5877. A letter from the Chairman and Chief Excutive Officer, Farm Credit Administration, transmitting the Administration's final rule — Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Risk-Based Capital Requirements (RIN: 3052-AC51) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5878. A communication from the President of the United States, transmitting the Budget of the United States Government for Fiscal Year 2011, pursuant to 31 U.S.C. 1105(a); (H. Doc. No. 111—82); to the Committee on Appropriations and ordered to be printed.

5879. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Prepaid Assessments (RIN: 3064-AD51) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5880. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule

— Prompt Corrective Action; Amended Definition of Post-Merger Net Worth (RIN: 3133-AD43) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5881. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Organization and Operations of Federal Credit Unions; Underserved Areas (IRPS 08-2) (RIN: 3133-AD48) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5882. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — National Credit Union Share Insurance Fund Premium and One Percent Deposit (RIN: 3133-AD63) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5883. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — USERRA Benefits Under Title IV of ERISA (RIN: 1212-AB19) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5884. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporations's final rule — Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5885. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Limitations on Guaranteed Benefits; Maximum Guaranteeable Benefit received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5886. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporaton's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5887. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule— Current Good Manufacturing Practice for Positron Emission Tomography Drugs [Docket No.: FDA-2004-N-0449] (formerly Docket No.: 2004N-0439) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5888. A letter from the General Counsel, FERC, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revised Filing Requirements for Centralized Service Companies Under the Public Utility Holding Company Act of 2005, the Federal Power Act, and the Natural Gas Act [Docket No.: RM09-21-000; Order No. 731) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5889. A letter from the Chairman, Council of the Distict of Columbia, transmitting Transmittal of D.C. ACT 18-292, ''Advisory Neighborhood Commission Vacancy Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

5890. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-296, ''Hospital and Medical Services Corporation Regulatory Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

5891. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-295, ''High Technology Commercial Real Estate Database and Service Providers Tax Abatement Act of 2010''; to the Committee on Oversight and Government Reform.

5892. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-302, ''Anacostia River Clean Up and Protection Clarification Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

5893. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-301, ''Unauthorized Contract Stop Payment Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

5894. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-299, ''Abe Pollin City Title Championship and Title Trophy Designation Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

5895. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-298, ''Prevention of Child Abuse and Neglect Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

5896. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-297, ''Agreements Between the District of Columbia and Boys and Girls Club of Greater Washington Temporary Approval Act of 2010''; to the Committee on Oversight and Government Reform.

5897. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-291, ''Affordable Housing Opportunities Residential Rental Project Property Tax Exemption and Equitable Real Property Tax Relief Act of 2010''; to the Committee on Oversight and Government Reform.

5898. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-290, ''Park Place at Petworth, Highland Park, and Highland Park Phase II Economic Development Act of 2010''; to the Committee on Oversight and Government Reform.

5899. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-289, ''51st State Commission Establishment Act of 2010''; to the Committee on Oversight and Government Reform.

5900. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-288, ''State Board of Education License Plate Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

5901. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-287, ''WMATA Compact Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

5902. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-300, ''Executive Grant-Making Authority Limitation Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

5903. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-286, ''Heights on Georgia Avenue Tax Exemption Act of 2010''; to the Committee on Oversight and Government Reform.

5904. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-293, ''District of Columbia Housing Authority Board of Commissioners Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

5905. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-294, ''Arthur Capper/Carrollsburg Public Improvements Revenue Bonds Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

5906. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; 2010 Harvest Specifications and Management Measures for Petrale Sole [Docket No.: 0907301200-91412-03] (RIN: 0648-AY07) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5907. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for 2009 Winter II Period [Docket No.: 0809251266-81485-02] (RIN: 0648-XS93) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5908. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No.: 090206144 9697 02] (RIN: 0648-XS73) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5909. A letter from the Acting Assistant Administrator For Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions in the Longline and Purse Seine Fisheries in the Eastern Pacific Ocean in 2009, 2010, and 2011 [Docket No.: 0907231161-91189-01] (RIN: 0648-AY08) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5910. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries Regulations; Fisheries in the Western Pacific; Pelagic Fisheries; Hawaii-based Shallow-set Longline Fishery [Docket No.: 080225267-91393-03] (RIN: 0648-AW49) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5911. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-grouper Fishery of the South Atlantic; Closure of the 2009-2010 Commercial Fishery for Black Sea Bass in the South Atlantic [Docket No.: 040205043-4043-01] (RIN: 0648-SX56) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5912. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; North and South Atlantic Swordfish Quotas [080724902-91404-02] (RIN: 0648-AX07) received January 7, 2010, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5913. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Clemente Island Northwest Harbor December and January Training; Northwest Harbor, San Clemente Island, CA [Docket No.: USCG-2009-0921] (RIN: 1625-AA00) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5914. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. (Type Certificate Previously Held by de Havilland, Inc.) Model DHC-8-400 Series Airplanes [Docket No.: FAA-2009-0785; Directorate Identifier 2009-NM-125-AD; Amendment 39-16163; AD 2010-01-06] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5915. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F Airplanes [Docket No.: FAA-2007-0186; Directorate Identifier 2007-NM-226-AD; Amendment 39-16156; AD 2009-26-17] (RIN: 2120-AA64) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5916. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Riverton, WY [Docket No.: FAA-2009-0704; Airspace Docket No. 09-ANM-9] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5917. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment and Modification of Class E Airspace; Bishop, CA [Docket No. FAA-2009-0695; Airspace Docket No. 09-AWP-7] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5918. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Gadsden, AL [Docket No.: FAA-2009-0955; Airspace Docket No. 09-ASO-28] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5919. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; St. Louis, MO [Docket No.: FAA-2009-0543; Airspace Docket No. 09-ACE-9] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5920. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; West Branch, MI [Docket No.: FAA-2009-0696; Airspace Docket No. 09-AGL-18] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5921. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Albany, TX [Docket No.: FAA-2009-0631; Airspace Docket No. 09-ASW-19] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5922. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Red Oak, IA [Docket No.: FAA-2009-0801; Airspace Docket No. 09-ACE-11] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5923. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Qualification and Certifications of Locomotive Engineers; Miscellaneous Revisions [Docket No.: FRA-2008-0091, Notice No. 4] (RIN: 2130-AB95) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5924. A letter from the Program Analyst, Department ot Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Altus, OK [Docket No.: FAA-2009-0540; Airspace Docket No. 09-ASW-17] received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5925. A letter from the Senior Trial Attorney, Federal Railroad Administration, transmitting the Administration's final rule — Passenger Equipment Safety Standards; Front End Strength of Cab Cars and Multiple-Unit Locomotives [Docket No.: FRA-2006-25268, Notice No. 2] (RIN: 2130-AB80) received January 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5926. A letter from the Lead Aerospace Engineer (Structures), Office of Aviation Safety, National Transportation Safety Board, transmitting the Board's final rule — Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5927. A letter from the Branch Chief, Border Security Regulations, Bureau of Customs and Border Protection, transmitting the Bureau's final rule — Importer Security Filing and Additional Carrier Requirements; Correction [Docket Number: USCBP-2007-0077] (RIN: 1651-AA70) received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5928. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Temporary Rules Allowing Governmental Issuers to Purchase and Hold Their Own Tax-Exempt Bonds [Notice 2010-7] received December 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5929. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Arbitrage Treatment of Certain Guarantee Funds [Notice 2010-5] received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5930. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2009 Cumulative List of Changes in Plan Qualification Requirements [Notice 2009-98] received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5931. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Deadline to Adopt Certain Retirement Plan Amendments [Notice 2009-97] received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5932. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of Section 382 to Corporations Whose Instruments are Acquired and Disposed of by the Treasury Department Under Certain Programs Pursuant to the Emergency Economic Stabilization Act of 2008 [Notice 2010-2] received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5933. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance on the Application of Sec. 409(a) to Changes to Nonqualified Deferred Compensation Plans to Comply with an Advisory Opinion of the Office of the Special Master for TARP Executive Compensation [Notice 2009-92] received December 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶12.6 JIM KOLBE POST OFFICE

Mr. TOWNS moved to suspend the rules and pass the bill (H.R. 4495) to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the ''Jim Kolbe Post Office''.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. TOWNS and Mr. McHENRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TOWNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶12.7 NASCAR SPRINT CUP CHAMPION

Mr. TOWNS moved to suspend the rules and agree to the following resolution (H. Res. 957):

Whereas Jimmie Kenneth Johnson, born in El Cajon, California, and a resident of Charlotte, North Carolina, successfully defended his Sprint Cup Championships from 2006, 2007, and 2008;

Whereas Jimmie Johnson becomes the first driver in NASCAR history to win the Sprint Cup Championship in 4 consecutive seasons, surpassing the previous record of 3 straight by Cale Yarborough;

Whereas Jimmie Johnson's #48 Lowe's Chevrolet is backed by the finest team in motorsports, including Crew Chief Chad Knaus, Team Owner Rick Hendrick, and Car Owner, and racing legend Jeff Gordon;

Whereas Jimmie Johnson's life story is the embodiment of the American dream, rising from humble roots to the pinnacle of his profession;

Whereas Jimmie Johnson and his wife Chandra founded the Jimmie Johnson Foundation to provide assistance to disadvantaged children in pursuit of their dreams;

Whereas Jimmie Johnson, now regarded as perhaps the greatest driver in the sport's history, is universally regarded as humble and gracious, unaffected by the enormity of his achievements; and

Whereas Jimmie Kenneth Johnson's remarkable contributions to NASCAR and the communities of El Cajon, California, and Charlotte, North Carolina: Now, therefore, be it

Resolved, That the House of Representatives honors the historic achievements of Jimmie Kenneth Johnson and the #48 Lowe's Chevrolet team.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. TOWNS and Mr. MCHENRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TOWNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶12.8 NORTH AMERICAN INCLUSION

Mr. TOWNS moved to suspend the rules and agree to the following resolution (H. Res. 1014):

Whereas one in every five Americans struggles with some sort of disability, be it intellectual, physical or otherwise, and the need for inclusion of individuals with disabilities is a family, community, and national priority;

Whereas a similar ratio exists in the Jewish community, with over one million Jewish individuals living with a form of disability;

Whereas individuals with disabilities face significant disadvantages in educational and employment opportunities;

Whereas 70 percent of individuals with disabilities are unemployed or significantly underemployed;

Whereas special education and related programming do not address underlying needs for appropriate training to lead to greater independence and employment;

Whereas Yachad, the National Jewish Council for Disabilities, and its parent organization, the Union of Orthodox Jewish Congregations of America, is dedicated to addressing the needs of all individuals with disabilities and including them in the Jewish community;

Whereas Yachad provides programming for individuals with disabilities and their families to foster inclusion in communal happenings and assists in placing individuals with disabilities in employment; and

Whereas Yachad and the Union of Orthodox Jewish Congregations of America are cosponsoring North American Inclusion Month in February to increase public awareness of the life circumstances of individuals with disabilities, and the need for increased employment opportunities, better special education and increased inclusion of these individuals on the family, communal, and national levels: Now, therefore, be it

Resolved, That the House of Representatives recognizes and supports the goals and ideals of North American Inclusion Month.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. TOWNS and Mr. MCHENRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TOWNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶12.9 BRESCIA UNIVERSITY

Ms. FUDGE moved to suspend the rules and agree to the following resolution (H. Res. 1043); as amended:

Whereas Brescia University was founded in 1950;

Whereas Brescia University is a Catholic University located in Owensboro, Kentucky;

Whereas Brescia offers 6 different degrees in over 60 different programs;

Whereas students at Brescia University receive a personalized education with a 12 to 1 student to teacher ratio;

Whereas the Brescia Bearcats have 15 athletic teams that participate in National Association of Intercollegiate Athletics in the Kentucky Intercollegiate Athletic Conference;

Whereas Brescia University emphasizes ''Making a difference'', encouraging students to serve others in the community, and has established a history of serving Owensboro, Kentucky, and the surrounding region; and

Whereas for 60 years, Brescia University has provided a quality liberal arts education and worked to prepare its students for successful careers and service to others: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Brescia University for 60 years of service as an institution of higher education; and

(2) commends Brescia University for leadership and service to students and the community of Owensboro, Kentucky, and the surrounding region.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Ms. FUDGE and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FUDGE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, February 3, 2010.

¶12.10 INTEGRATED SCHOOLS IN NEW ORLEANS

Ms. FUDGE moved to suspend the rules and agree to the following resolution (H. Res. 901); as amended:

Whereas, in 1954, the Supreme Court ruled that segregated schools violated the Equal Protection Clause of the 14th amendment to the Constitution;

Whereas Judge J. Skelly Wright, of the United States District Court for the Eastern District of Louisiana, ordered the Orleans Parish School Board to develop a school desegregation plan in 1956 and, after years of delay, in 1960, ordered the Orleans Parish School Board to carry out a plan designed by the United States District Court for the Eastern District of Louisiana;

Whereas 6 years after the Brown v. Board of Education (347 U.S. 483) decision, on November 14, 1960, Ruby Bridges, at the age of 6, became the first African-American student to attend the all-white William Frantz Elementary School in New Orleans, Louisiana;

Whereas Ruby Bridges had the courage to attend the William Frantz Elementary School every day during the 1960–61 school year despite ongoing riots and protests in New Orleans, having to be escorted to school by Federal marshals, and having no other students in her classroom;

Whereas Ruby Bridges was also supported by her white first-grade school teacher, Ms. Barbara Henry, whose lessons remain with Ruby Bridges to this day;

Whereas Ms. Henry faced retaliation for teaching Ruby Bridges by not being invited to come back and teach at William Frantz School following the 1960–61 school year;

Whereas, in 1995, Ruby Bridges contributed to ''The Story of Ruby Bridges'', a book for children, and, in 1999, wrote ''Through My Eyes'' to help educate children and people of all ages about her experiences and the importance of tolerance;

Whereas Ruby Bridges established the Ruby Bridges Foundation in 1999 to help eliminate racism and improve society by educating students about the experiences of Ruby Bridges, discuss ongoing efforts to promote diversity, and provide lessons students can take back to their own communities; and

Whereas, in 2002, the Ruby Bridges Foundation, along with the Simon Wiesenthal Center's Museum for Tolerance in Los Angeles, launched The Ruby's Bridges Project, a program that brought together students from diverse backgrounds to develop relationship-building skills and promote an appreciation of one another: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana;

(2) remembers Judge J. Skelly Wright for his advocacy, support, and lifelong commitment to promoting civil rights, fairness, and equality;

(3) commends Ruby Bridges for her bravery and courage 49 years ago, and for her lifetime commitment to raising awareness of diversity through improved educational opportunities for all children; and

(4) supports policies and efforts to promote equal opportunities for all students regardless of their backgrounds.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Ms. FUDGE and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FUDGE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8 of rule

XX, announced that further proceedings on the question were postponed until Wednesday, February 3, 2010.

¶12.11 HONORING LIFE OF MEDGAR EVERS

Mr. JOHNSON of Georgia, moved to suspend the rules and agree to the following resolution (H. Res. 1022):

Whereas Medgar Evers was born on July 2, 1925, in Decatur, Mississippi;

Whereas Mr. Evers was hired by Dr. Theodore Roosevelt Mason Howard to sell insurance for the Magnolia Mutual Life Insurance Company;

Whereas Mr. Evers was inducted into United States Army in 1943 and fought in the Battle of Normandy;

Whereas Dr. Howard, as President of the Regional Council of Negro Leadership, helped to introduce Mr. Evers to civil rights activism;

Whereas Mr. Evers applied to the then-segregated University of Mississippi School of Law in February 1954;

Whereas Mr. Evers' application was rejected resulting in a National Association for the Advancement of Colored People (NAACP) campaign to desegregate the school;

Whereas Mr. Evers was hired as a field secretary for the NAACP;

Whereas Mr. Evers was the target of a number of death threats as a result of his activism;

Whereas, on May 28, 1963, a Molotov cocktail was thrown into the carport of Mr. Evers's home and five days before his death Mr. Evers was assaulted by a car outside of an NAACP office;

Whereas Mr. Evers was assassinated in the driveway of his home in Jackson after returning from a meeting with NAACP lawyers on June 12, 1963;

Whereas this assassination occurred just hours after President John F. Kennedy's speech on national television in support of civil rights;

Whereas the death of Mr. Evers helped to prompt President John F. Kennedy to ask Congress for a comprehensive civil rights bill;

Whereas that bill, the Civil Rights Act of 1964, was signed into law by President Lyndon Johnson;

Whereas Mr. Evers' assassination has been memorialized in numerous popular songs, movies, and written pieces;

Whereas in 1969, Medgar Evers College was established in Brooklyn, New York, as part of the City University of New York;

Whereas, on June 28, 1992, the city of Jackson, Mississippi erected a statue in honor of Mr. Evers;

Whereas in December 2004, the Jackson City Council changed the name of the city's airport to Jackson-Evers International Airport; and

Whereas, on October 9, 2009, Secretary of the Navy Ray Mabus announced that the United States Naval Ship (USNS) Medgar Evers (T–AKE–13), a Lewis and Clark-class dry cargo ship, will be named after Mr. Evers: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and sacrifice of Medgar Evers;

(2) recognizes the important role Mr. Evers played in securing civil rights for all people in the United States; and

(3) congratulates the United States Navy for honoring Medgar Evers by naming the United States Naval Ship Medgar Evers after him.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. JOHNSON of Georgia, and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. JOHNSON of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, February 3, 2010.

¶12.12 NATIONAL STALKING AWARENESS MONTH

Mr. JOHNSON of Georgia, moved to suspend the rules and agree to the following resolution (H. Res. 960):

Whereas in a 1-year period, an estimated 3,400,000 people in the United States reported being stalked, and 75 percent of victims are stalked by someone who is not a stranger;

Whereas 81 percent of women, who are stalked by an intimate partner, are also physically assaulted by that partner, and 76 percent of women, who are killed by an intimate partner, were also stalked by that intimate partner;

Whereas 11 percent reported having been stalked for more than 5 years and one-fourth of victims reported having been stalked almost every day;

Whereas 1 in 4 victims reported that stalkers had used technology, such as e-mail or instant messaging, to follow and harass them, and 1 in 13 said stalkers had used electronic devices to intrude on their lives;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as changing jobs, obtaining protection orders, relocating, and changing their identities;

Whereas 1 in 7 victims moved in an effort to escape their stalker;

Whereas approximately 130,000 victims reported having been fired or asked to leave their job because of the stalking, and about 1 in 8 lost time from work because they feared for their safety or were taking steps, such as seeking a restraining order, to protect themselves;

Whereas less than half of victims report stalking to police and only 7 percent contacted a victim service provider, shelter, or hotline;

Whereas stalking is a crime that cuts across race, age, culture, gender, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States, the United States Territories, the District of Columbia, and the Uniform Code of Military Justice;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and law enforcement agencies that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking;

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution, and increase the availability of victim services across the country tailored to meet the needs of stalking victims;

Whereas, 2010 marks 10 years in which the Stalking Resource Center has increased national awareness of stalking and enhanced local responses to stalking victims through training over 35,000 law enforcement, prosecutors, victim service providers, and other community stakeholders, and provided assistance to jurisdictions working to enhance their stalking laws; and

Whereas January 2010 would be an appropriate month to designate as ''National Stalking Awareness Month'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''National Stalking Awareness Month'' to educate the people of the United States about stalking;

(2) encourages the people of the United States to applaud the efforts of the many victim service providers, law enforcement, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking;

(3) encourages policymakers, criminal justice officials, victim service and social service agencies, colleges and universities, nonprofits, and others to recognize the need to increase awareness of stalking and the availability of services for stalking victims; and

(4) urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through ''National Stalking Awareness Month''.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. JOHNSON of Georgia, and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. JOHNSON of Georgia, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, February 3, 2010.

The point of no quorum was considered as withdrawn.

¶12.13 CRIMINAL HISTORY BACKGROUND CHECKS

Mr. JOHNSON of Georgia, moved to suspend the rules and pass the bill of the Senate (S. 2950) to extend the pilot program for volunteer groups to obtain criminal history background checks.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. JOHNSON of Georgia, and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. JOHNSON of Georgia, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, February 3, 2010.

The point of no quorum was considered as withdrawn.

¶12.14 LIBERATION OF AUSCHWITZ

Mr. KLEIN of Florida, moved to suspend the rules and agree to the following resolution (H. Res. 1044); as amended:

Whereas during the Holocaust, an estimated 6,000,000 Jews and other targeted groups were murdered by the Nazis and their collaborators;

Whereas, on January 27, 1945, Auschwitz, a Nazi concentration and extermination camp, including Birkenau and other related camps, was liberated by the Soviet Army;

Whereas Auschwitz, located in Poland, was the largest complex of the Nazi concentration and extermination camps;

Whereas according to the Holocaust Memorial Museum, between 1940 and 1945, the Nazis deported at a minimum 1,300,000 people to Auschwitz, and of these, murdered 1,100,000;

Whereas an estimated 960,000 Jews were systematically murdered in Auschwitz during the Holocaust;

Whereas Auschwitz was also used to murder Poles, Roma, Soviet Prisoners of War, those helping to hide Jews and others the Nazis deemed inferior or that held different political views;

Whereas victims of Auschwitz were systematically murdered in gas chambers and many were starved to death, tortured, and subjected to forced labor and criminal medical experiments;

Whereas the complex of the Auschwitz concentration and extermination camp has come to symbolize the mass murder and inhumanity committed during the Holocaust;

Whereas the famous ''Arbeit Macht Frei'' (Work Will Make You Free) sign over the entrance to Auschwitz was stolen on December 18, 2009, and later recovered and the Polish police arrested the alleged culprits behind the theft;

Whereas according to the Contemporary Global Anti-Semitism Report released by the Department of State's Office of the Special Envoy to Monitor and Combat Anti-Semitism, ''[o]ver the last decade, United States embassies and consulates have reported an upsurge in anti-Semitism . . . and that [a]nti-Semitic crimes range from acts of violence, including terrorist attacks against Jews, to the desecration and destruction of Jewish property . . .''; and

Whereas in 2005, United Nations General Assembly resolution 60/7 established January 27, the anniversary of the liberation of Auschwitz, as International Holocaust Remembrance Day for the world to honor the victims of the Holocaust: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commemorates the 65th anniversary of the liberation of Auschwitz;

(2) honors the victims of Auschwitz and other Nazi concentration and extermination camps, and all those who perished at the hands of the Nazis;

(3) expresses gratitude to the Allied soldiers, underground fighters, and all those whose efforts helped defeat the Nazi regime and liberate Auschwitz and other concentration and extermination camps during World War II;

(4) reaffirms its commitment to enhance Holocaust education at home and abroad and to ensure that what happened in Auschwitz and other Nazi concentration and extermination camps is never allowed to happen again; and

(5) urges all countries to enhance their efforts to combat bigotry, racism, intolerance, and anti-Semitism.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. KLEIN of Florida, and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KLEIN of Florida, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, February 3, 2010.

The point of no quorum was considered as withdrawn.

¶12.15 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. CAPUANO, laid before the House the following communication from Mr. HOLDEN:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
January 27, 2010.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the rules of the House of Representatives, that I have been served with an administrative subpoena, issued before the Environmental Hearing Board of the Commonwealth of Pennsylvania, for documents. This is in reference to the landfill in Blythe Township, Pennsylvania which I opposed due to environmental concerns.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

TIM HOLDEN,
Member of Congress.

¶12.16 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. CAPUANO, laid before the House the following communication from William Hanley, Projects Director, office of the Honorable Tim Holden:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
January 27, 2010.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with an administrative subpoena, issued before the Environmental Hearing Board of the Commonwealth of Pennsylvania, for documents.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to notify the party that issued the subpoena that I have no responsive documents.

Sincerely,

WILLIAM HANLEY,
Projects Director.

¶12.17 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. CAPUANO, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, February 1, 2010 at 2:47 p.m., and said to contain a message from the President whereby submits his Budget of the United States Government for Fiscal Year 2011.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶12.18 BUDGET FY 2011

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

We begin a new year at a moment of continuing challenge for the American people. Even as we recover from crisis, millions of families are still feeling the pain of lost jobs and savings. Businesses are still struggling to find affordable loans to expand and hire workers. Our Nation is still experiencing the consequences of a deep and lasting recession, even as we have seen encouraging signs that the turmoil of the past 2 years is waning. Moving from recession to recovery, and ultimately to prosperity, remains at the heart of my Administration's efforts. This Budget provides a blueprint for the work ahead.

But in order to understand where we are going in the coming year, it is important to remember where we started just 1 year ago. Last January, the United States faced an economic crisis unlike any we had known in generations. Irresponsible risk-taking and debt-fueled speculation—unchecked by sound oversight—led to the near-collapse of our financial system. Our Gross Domestic Product (GDP) was falling at the fastest rate in a quarter-century. Five trillion dollars of Americans' household wealth had evaporated in just 12 weeks as stocks, pensions, and home values plummeted. We were losing an average of 700,000 jobs each month, equivalent to the population of the State of Vermont. The capital and credit markets, integral to the normal functioning of our economy, were virtually frozen. The fear among economists—from across the political spectrum—was that we risked sinking into a second Great Depression.

Immediately, we undertook a series of difficult steps to prevent that outcome. We acted to get lending flowing again so that businesses could get loans to buy equipment and ordinary Americans could get financing to buy homes and cars, go to college, and start or run businesses. We enacted measures to foster greater stability in the housing market, help responsible homeowners stay in their homes, and help to stop the broader decline in home values. To achieve this, and to prevent an economic collapse that would have affected millions of additional families, we had no choice but to use authority enacted under the previous Administration to extend assistance to some of the very banks and financial institutions whose actions had helped precipitate the turmoil. We also took steps to prevent the rapid dissolution of the American auto industry—which faced a crisis partly of its own making—to prevent the loss of hundreds of thousands of additional jobs during an already fragile time. Many of these decisions were not popular, but we deemed them necessary to prevent a deeper and longer recession.

Even as we worked to stop the economic freefall and address the crises in our banking sector, our housing market, and our auto industry, we also began attacking the economic crisis on a broader front. Less than 1 month after taking office, we enacted the most sweeping economic recovery package in history: the American Recovery and Reinvestment Act. The Recovery Act not only provided tax cuts to small businesses and 95 percent of working families and provided emergency relief to those out of work or without health insurance; it also began to lay a new foundation for long-term economic growth and prosperity. With investments in health care, education, infrastructure, and clean energy, the Recovery Act both saved and created millions of jobs and began the hard work of transforming our economy to thrive in the modern, global marketplace and reverse the financial decline working families experienced in the last decade. Because of these and other steps, we can safely say we have avoided the depression many feared, and we are no longer facing the potential collapse of our financial system. But our work is far from complete.

First and foremost, there are still too many Americans without work. The steps we have taken have helped stop the staggering job losses we were experiencing at the beginning of last year. But the damage has been done. More than seven million jobs were lost since the recession began 2 years ago. This represents not only a terrible human tragedy, but also a very deep hole from which we have to climb out. Until our businesses are hiring again and jobs are being created to replace those we have lost—until America is back at work—my Administration will not rest and this recovery will not be finished.

That is why this Budget includes plans to encourage small businesses to hire as quickly and effectively as possible, to make additional investments in infrastructure, and to jump-start clean energy investments that will help the private sector create good jobs in America.

Long before this crisis hit, middle-class families were under growing strain. For decades, Washington failed to address fundamental weaknesses in the economy: rising health-care costs, a growing dependence on foreign oil, and an education system unable to prepare our children for the jobs of the future. In recent years, spending bills and tax cuts for the wealthy were approved without paying for any of it, leaving behind a mountain of debt. And while Wall Street gambled without regard for the consequences, Washington looked the other way.

As a result, the economy may have been working very well for those at the very top, but it was not working for the middle class. Year after year, Americans were forced to work longer hours and spend more time away from their loved ones, while their incomes flat-lined and their sense of economic security evaporated. Beneath the statistics are the stories of hardship I've heard all across America. For too many, there has long been a sense that the American dream—a chance to make your own way, to support your family, save for college and retirement, own a home—was slipping away. And this sense of anxiety has been combined with a deep frustration that Washington either didn't notice, or didn't care enough to act.

Those days are over. In the aftermath of this crisis, what is clear is that we cannot simply go back to business as usual. We cannot go back to an economy that yielded cycle after cycle of speculative booms and painful busts. We cannot continue to accept an education system in which our students trail their peers in other countries, and a health-care system in which exploding costs put our businesses at a competitive disadvantage and squeeze the incomes of our workers. We cannot continue to ignore the clean energy challenge and stand still while other countries move forward in the emerging industries of the 21st Century. And we cannot continue to borrow against our children's future, or allow special interests to determine how public dollars are spent. That is why, as we strive to meet the crisis of the moment, we are continuing to lay a new foundation for the future.

Already, we have made historic strides to reform and improve our schools, to pass health insurance reform, to build a new clean energy economy, to cut wasteful spending, and to limit the influence of lobbyists and special interests so that we are better serving the national interest. However, there is much left to do, and this Budget lays out the way ahead.

Because an educated workforce is essential in a 21st Century global economy, we are undertaking a reform of elementary and secondary school funding by setting high standards, encouraging innovation, and rewarding success; making the successful Race to the Top fund permanent and opening it up to innovative school districts; investing in educating the next generation of scientists and engineers; and putting our Nation closer to meeting the goal of leading the world in new college graduates by 2020. Moreover, since in today's economy learning must last a lifetime, my Administration will reform the job-training system, streamlining it and focusing it on the high-growth sectors of the economy.

Because even the best-trained workers in the world can't compete if our businesses are saddled with rapidly increasing health-care costs, we're fighting to reform our Nation's broken health insurance system and relieve this unsustainable burden. My Budget includes funds to lay the groundwork for these reforms—by investing in health information technology, patient-centered research, and prevention and wellness—as well as to improve the health of the Nation by increasing the number of primary care physicians, protecting the safety of our food and drugs, and investing in critical biomedical research.

Because small businesses are critical creators of new jobs and economic growth, the Budget eliminates capital gains taxes for investments in small firms and includes measures to increase these firms' access to the loans they need to meet payroll, expand their operations, and hire new workers.

Because we know the nation that leads in clean energy will be the nation that leads the world, the Budget creates the incentives to build a new clean energy economy—from new loan guarantees that will encourage a range of renewable energy efforts and new nuclear power plants to spurring the development of clean energy on Federal lands. More broadly, the Budget makes critical investments that will ensure that we continue to lead the world in new fields and industries: doubling research and development funding in key physical sciences agencies; expanding broadband networks across our country; and working to promote American exports abroad.

And because we know that our future is dependent on maintaining American leadership abroad and ensuring our security at home, the Budget funds all the elements of our national power—including our military—to achieve our goals of winding down the war in Iraq, executing our new strategy in Afghanistan, and fighting al Qaeda all over the world. To honor the sacrifice of the men and women who shoulder this burden and who have throughout our history, the Budget also provides significant resources, including advanced appropriations, to care for our Nation's veterans.

Rising to these challenges is the responsibility we bear for the future of our children, our grandchildren, and our Nation. This is an obligation to change not just what we do in Washington, but how we do it.

As we look to the future, we must recognize that the era of irresponsibility in Washington must end. On the day my Administration took office, we faced an additional $7.5 trillion in national debt by the end of this decade as a result of the failure to pay for two large tax cuts, primarily for the wealthiest Americans, and a new entitlement program. We also inherited the worst recession since the Great Depression—which, even before we took any action, added an additional $3 trillion to the national debt. Our response to this recession, the Recovery Act, which has been critical to restoring economic growth, will add an additional $1 trillion to the debt—only 10 percent of these costs. In total, the surpluses we enjoyed at the start of the last decade have disappeared; instead, we are $12 trillion deeper in debt. In the long term, we cannot have sustainable and durable economic growth without getting our fiscal house in order.

That is why even as we increased our short-term deficit to rescue the economy, we have refused to go along with business as usual, taking responsibility for every dollar we spend, eliminating what we don't need, and making the programs we do need more efficient. We are taking on health care—the single biggest threat to our Nation's fiscal future—and doing so in a fiscally responsible way that will not add a dime to our deficits and will lower the rate of health-care cost growth in the long run.

We are implementing the Recovery Act with an unprecedented degree of oversight and openness so that anyone anywhere can see where their tax dollars are going. We've banned lobbyists from serving on agency advisory boards and commissions, which had become dominated by special interests. We are using new technology to make Government more accessible to the American people. And last year, we combed the budget, cutting millions of dollars of waste and eliminating excess wherever we could—including outdated weapons systems that even the Pentagon said it did not want or need.

We continued that process in this Budget as well, streamlining what does work and ending programs that do not—all while making it more possible for Americans to judge our progress for themselves. The Budget includes more than 120 programs for termination, reduction, or other savings for a total of approximately $23 billion in 2011, as well as an aggressive effort to reduce the tens of billions of dollars in improper Government payments made each year.

To help put our country on a fiscally sustainable path, we will freeze nonsecurity discretionary funding for 3 years. This freeze will require a level of discipline with Americans' tax dollars and a number of hard choices and painful tradeoffs not seen in Washington for many years. But it is what needs to be done to restore fiscal responsibility as we begin to rebuild our economy.

In addition to closing loopholes that allow wealthy investment managers to not pay income taxes on their earnings and ending subsidies for big oil, gas, and coal companies, the Budget eliminates the Bush tax cuts for those making more than $250,000 a year and devotes those resources instead to reducing the deficit. Our Nation could not afford these tax cuts when they passed, and it cannot afford them now.

And the Budget calls for those in the financial sector—who benefited so greatly from the extraordinary measures taken to rescue them from a crisis that was largely of their own making—to finally recognize their obligation to taxpayers. The legislation establishing the Troubled Asset Relief Program (TARP) included a provision requiring the Administration to devise a way for these banks and firms to pay back the American taxpayer. That is why in this Budget we have included a fee on the largest and most indebted financial firms to ensure that taxpayers are fully compensated for the extraordinary support they provided, while providing a deterrent to the risky practices that contributed to this crisis.

Yet even after taking these steps, our fiscal situation remains unacceptable. A decade of irresponsible choices has created a fiscal hole that will not be solved by a typical Washington budget process that puts partisanship and parochial interests above our shared national interest. That is why, working with the Congress, we will establish a bipartisan fiscal commission charged with identifying additional policies to put our country on a fiscally sustainable path—balancing the Budget, excluding interest payments on the debt, by 2015.

This past year, we have seen the consequences of those in power failing to live up to their responsibilities to shareholders and constituents. We have seen how Main Street is as linked to Wall Street as our economy is to those of other nations. And we have seen the results of building an economy on a shaky foundation, rather than on the bedrock fundamentals of innovation, small business, good schools, smart investment, and long-term growth.

We have also witnessed the resilience of the American people—our unique ability to pick ourselves up and forge ahead even when times are tough. All across our country, there are students ready to learn, workers eager to work, scientists on the brink of discovery, entrepreneurs seeking the chance to open a small business, and once-shuttered factories just waiting to whir back to life in burgeoning industries.

This is a Nation ready to meet the challenges of this new age and to lead the world in this new century. Americans are willing to work hard, and, in return, they expect to be able to find a good job, afford a home, send their children to world-class schools, receive high-quality and affordable health care, and enjoy retirement security in their later years. These are the building blocks of the middle class that make America strong, and it is our duty to honor the drive, ingenuity, and fortitude of the American people by laying the groundwork upon which they can pursue these dreams and realize the promise of American life.

This Budget is our plan for how to start accomplishing this in the coming fiscal year. As we look back on the progress of the past 12 months and look forward to the work ahead, I have every confidence that we can—and will—rise to the challenge that our people and our history set for us.

These have been tough times, and there will be difficult months ahead. But the storms of the past are receding; the skies are brightening; and the horizon is beckoning once more.

BARACK OBAMA.

THE WHITE HOUSE, *February 1, 2010*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (H. Doc. 111–82).

¶12.19 RECESS—4:15 P.M.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 15 minutes p.m., until approximately 6:30 p.m.

¶12.20 AFTER RECESS—6:31 P.M.

The SPEAKER pro tempore, Mr. QUIGLEY, called the House to order.

¶12.21 PROVIDING FOR CONSIDERATION OF H.R. 4061

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–410) the resolution (H. Res. 1051) providing for consideration of the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶12.22 H.R. 4495—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. QUIGLEY, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4495) to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the ''Jim Kolbe Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 390 / Nays 0

¶12.23 [Roll No. 26]

YEAS—390

Abercrombie	Baca	Berkley
Ackerman	Bachmann	Berman
Aderholt	Bachus	Berry
Adler (NJ)	Baird	Biggert
Akin	Baldwin	Bilbray
Alexander	Barrow	Bilirakis
Altmire	Bartlett	Bishop (GA)
Andrews	Barton (TX)	Bishop (NY)
Arcuri	Bean	Bishop (UT)
Austria	Becerra	Blackburn

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

NOT VOTING—43

Barrett (SC)
Boyd
Brady (TX)
Carney
Cassidy
Costa
Davis (AL)
Davis (IL)
Deal (GA)
Doyle
Ehlers
Ellison
Emerson
Engel
Garrett (NJ)
Grijalva
Gutierrez
Hall (NY)
Hoekstra
Kagen
Kirk
Kirkpatrick (AZ)
Larson (CT)
Lipinski
Loebsack
Massa
Melancon
Moran (KS)
Murtha
Paulsen
Radanovich
Rohrabacher
Rush
Sánchez, Linda T.
Schakowsky
Shimkus
Smith (WA)
Souder
Stark
Tiahrt
Waters
Welch
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶12.24 H. RES. 957—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. QUIGLEY, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 957) honoring Jimmie Johnson, 2009 NASCAR Sprint Cup Champion.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 391 / Nays 1

¶12.25 [Roll No. 27]

YEAS—391

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

Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—1

Schrader

NOT VOTING—41

Barrett (SC)
Boyd
Brady (TX)
Carney
Cassidy
Costa
Davis (AL)
Davis (IL)
Deal (GA)
Doyle
Ehlers
Ellison
Emerson
Engel
Garrett (NJ)
Grijalva
Gutierrez
Hall (NY)
Hoekstra
Kagen
Kirk
Kirkpatrick (AZ)
Larson (CT)
Lipinski
Loebsack
Massa
Moran (KS)
Murtha
Paulsen
Radanovich
Rohrabacher
Rush
Sánchez, Linda T.
Schakowsky
Shimkus
Smith (WA)
Souder
Stark
Tiahrt
Waters
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶12.26 H. RES. 1014—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. QUIGLEY, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1014) recognizing and supporting the goals and ideals of North American Inclusion Month.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 389 Nays 0

¶12.27 [Roll No. 28]

YEAS—389

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

NOT VOTING—44

Barrett (SC)
Boyd
Brady (TX)
Camp
Carney
Cassidy
Cleaver
Costa
Davis (AL)
Davis (IL)
Deal (GA)
DeFazio
Doyle
Ehlers
Ellison
Emerson
Garrett (NJ)
Grijalva
Gutierrez
Hall (NY)
Hoekstra
Kagen
Kirk
Kirkpatrick (AZ)
Larson (CT)
Lipinski
Loebsack
Massa
Moran (KS)
Murtha
Paulsen
Radanovich
Rohrabacher
Rush
Sánchez, Linda T.
Schakowsky
Shimkus
Smith (WA)
Souder
Stark
Tiahrt
Wasserman Schultz
Waters
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶12.28 COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT EXPENSES

On motion of Ms. LOFGREN of California, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following resolution (H. Res. 1050):

Resolved,

SECTION 1. AMOUNTS FOR COMMITTEE EXPENSES.

For further expenses of the Committee on Standards of Official Conduct (hereafter in this resolution referred to as the ''Committee'') for the One Hundred Eleventh Congress, there shall be paid out of the applicable accounts of the House of Representatives not more than $600,000.

SEC. 2. SESSION LIMITATION.

The amount specified in section 1 shall be available for expenses incurred during the period beginning at noon on January 3, 2010, and ending immediately before noon on January 3, 2011

SEC. 3. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the Committee, signed by the Chairman of the Committee, and approved in the manner directed by the Committee on House Administration.

SEC. 4. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶12.29 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. QUIGLEY, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed

envelope received from the White House on Tuesday, February 2, 2010 at 4:58 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the national emergency with respect to Côte d'Ivoire first declared by Executive Order 13396 of February 7, 2006.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶12.30 NATIONAL EMERGENCY WITH RESPECT TO COTE D'IVOIRE

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency declared in Executive Order 13396 of February 7, 2006, with respect to the situation in or in relation to Côte d'Ivoire is to continue in effect beyond February 7, 2010.

The situation in or in relation to Côte d'Ivoire, which has been addressed by the United Nations Security Council in Resolution 1572 of November 15, 2004, and subsequent resolutions, has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and fatal attacks against international peacekeeping forces. In March 2007, the Ouagadougou Political Agreement was signed by the two primary protagonists in Côte d'Ivoire's conflict. Although considerable progress has been made in implementing this agreement, the situation in or in relation to Côte d'Ivoire poses a continuing unusual and extraordinary threat to the national security and foreign policy of the United States.

For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons contributing to the conflict in Côte d'Ivoire.

BARACK OBAMA.

THE WHITE HOUSE, *February 2, 2010.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–90).

¶12.31 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on January 29, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 4508. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

¶12.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DAVIS of Illinois, for today;

To Mr. EHLERS, for today;

To Mr. ELLISON, for today;

To Mr. TIAHRT, for today; and

To Mr. YOUNG of Florida, for today and balance of the week.

And then,

¶12.33 ADJOURNMENT

On motion of Mr. BURGESS, at 9 o'clock and 45 minutes p.m., the House adjourned.

¶12.34 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCURI: Committee on Rules. House Resolution 1051. Resolution providing for consideration of the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes (Rept. 111–410). Referred to the House Calendar.

¶12.35 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MURPHY of Connecticut (for himself, Ms. SUTTON, Mr. SCHAUER, and Mr. LIPINSKI):

H.R. 4553. A bill to amend the Buy American Act with respect to certain waivers under that Act, to provide greater transparency regarding exceptions to domestic sourcing requirements, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MARKEY of Massachusetts (for himself, Mr. WELCH, Mr. ELLISON, Mr. MICHAUD, Ms. FUDGE, Mr. HINCHEY, Mr. MCGOVERN, Mr. MCMAHON, Mr. CAPUANO, Mr. DOYLE, Mr. SERRANO, Mr. CARNAHAN, Mr. HALL of New York, Mr. HODES, Mr. BOUCHER, Ms. SHEA-PORTER, Mr. LANGEVIN, Mr. FRANK of Massachusetts, Ms. SUTTON, Ms. PINGREE of Maine, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. DELAHUNT, Mr. LYNCH, Mr. ENGEL, and Mr. LOEBSACK):

H.R. 4554. A bill to reauthorize the Low-Income Home Energy Assistance Program for fiscal years 2011 through 2014, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of North Carolina (for himself, Mr. STUPAK, Mr. DINGELL, Mr. JONES, Mr. SHULER, Mr. PRICE of North Carolina, Mr. BUTTERFIELD, Mr. MCINTYRE, Mr. KISSELL, Mr. ISRAEL, Mr. MASSA, Mr. ROTHMAN of New Jersey, Mr. KAGEN, Mr. TEAGUE, Mr. AL GREEN of Texas, Mr. HODES, Ms. JACKSON LEE of Texas, Mr. BOYD, Ms. GINNY BROWN-WAITE of Florida, and Mr. GRIJALVA):

H.R. 4555. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WOLF (for himself, Mr. ROGERS of Kentucky, Mr. SHIMKUS, Mr. LEWIS of California, Mr. CALVERT, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. CAO, Mr. POSEY, Mr. GARRETT of New Jersey, Mr. BOREN, Mr. DAVIS of Kentucky, Mr. CULBERSON, Mr. WITTMAN, Mr. PAULSEN, Mr. WILSON of South Carolina, Mr. BOEHNER, Mr. POE of Texas, Mr. SHUSTER, Mrs. BLACKBURN, Mr. BRIGHT, Mr. SAM JOHNSON of Texas, Mr. CONAWAY, Mr. ALEXANDER, Mr. GRIFFITH, Mr. MCHENRY, Mrs. CAPITO, Mr. ALTMIRE, Mr. LAMBORN, Mrs. SCHMIDT, Mr. PITTS, Mr. SULLIVAN, Mr. MANZULLO, Mr. MCCLINTOCK, Mr. COFFMAN of Colorado, Mr. BOOZMAN, Mr. KING of New York, Mr. SMITH of New Jersey, and Mr. LANCE):

H.R. 4556. A bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks; to the Committee on the Judiciary.

By Mr. BACA:

H.R. 4557. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that schools have physical education programs that meet minimum requirements for physical education; to the Committee on Education and Labor.

By Mr. HOEKSTRA (for himself and Mr. CAMP):

H.R. 4558. A bill to designate as wilderness certain lands and inland waters within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes; to the Committee on Natural Resources.

By Mr. KISSELL (for himself, Mr. MEEKS of New York, Ms. FUDGE, Mrs. MALONEY, Ms. JACKSON LEE of Texas, Ms. GIFFORDS, Mr. MASSA, Ms. KILPATRICK of Michigan, Mr. OWENS, Mr. MCMAHON, and Ms. PINGREE of Maine):

H.R. 4559. A bill to establish a commission to review benefits provided by each State to disabled veterans; to the Committee on Veterans' Affairs.

By Mr. KRATOVIL:

H.R. 4560. A bill to amend title 31, United States Code, to increase transparency and accountability for earmarks, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia:

H.R. 4561. A bill to amend the Internal Revenue Code of 1986 to provide a limited exclusion from gross income for the discharge of indebtedness of individuals; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 4562. A bill to amend the Internal Revenue Code of 1986 to allow a temporary deduction for interest on unsecured credit card debt; to the Committee on Ways and Means.

By Mrs. MALONEY:

H.R. 4563. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage of screening for breast, prostate, and colorectal cancer; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and

Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. STARK, Ms. MOORE of Wisconsin, Ms. CHU, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. MEEK of Florida, and Mr. PASCRELL):

H.R. 4564. A bill to extend for 1 year the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs, and for other purposes; to the Committee on Ways and Means.

By Mr. OWENS (for himself, Mr. TEAGUE, Mr. ARCURI, and Mr. MINNICK):

H.R. 4565. A bill to amend the Internal Revenue Code of 1986 to allow employers a refundable credit for increasing employment; to the Committee on Ways and Means.

By Mr. PAULSEN (for himself, Mr. HERGER, Mr. TIAHRT, Mr. LANCE, Mr. JONES, Mr. GARRETT of New Jersey, Ms. JENKINS, Mr. PAUL, Mr. CASTLE, and Mr. LAMBORN):

H.R. 4566. A bill to terminate authority under the Troubled Asset Relief Program, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of North Carolina (for himself, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. BUTTERFIELD, Mr. COOPER, Ms. DELAURO, Mr. DICKS, Mr. ELLISON, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. HALL of New York, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. KAGEN, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. KISSELL, Ms. LEE of California, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MILLER of North Carolina, Ms. SCHAKOWSKY, Mr. SNYDER, Mr. SPRATT, Mr. STARK, Ms. WOOLSEY, and Mr. WU):

H.R. 4567. A bill to amend title 18, United States Code, to provide accountability for the criminal acts of Federal contractors and employees outside the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. PASCRELL, and Mr. PLATTS):

H.R. 4568. A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to carry out a pilot program under which the Secretaries make payments for certain treatments of traumatic brain injury and post-traumatic stress disorder; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 4569. A bill to amend the United States Housing Act of 1937 relating to the amount of rental assistance available under the veterans affairs supported housing program; to the Committee on Financial Services.

By Mr. SESTAK:

H.R. 4570. A bill to reauthorize the United States Commission on Civil Rights, and for other purposes; to the Committee on the Judiciary.

By Mr. SESTAK:

H.R. 4571. A bill to amend title 38, United States Code, to provide for an increase in the amount available for reimbursements payable by the Secretary of Veterans Affairs to State approving agencies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SKELTON (for himself, Mr. PETERSON, and Mrs. EMERSON):

H.R. 4572. A bill to amend the Clean Air Act relating to greenhouse gases, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. PAYNE, Ms. LEE of California, Mr. FRANK of Massachusetts, Ms. ROS-LEHTINEN, Ms. MOORE of Wisconsin, Mrs. CHRISTENSEN, Mr. AL GREEN of Texas, Mr. COHEN, Ms. PINGREE of Maine, Ms. CLARKE, Mr. HONDA, Mr. RANGEL, Mr. CONYERS, Mr. DELAHUNT, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Mr. FILNER, Mr. MCDERMOTT, Ms. FUDGE, Mr. BUTTERFIELD, Mr. MEEK of Florida, Mr. TOWNS, Mr. FATTAH, Mr. SERRANO, Mr. HASTINGS of Florida, Ms. JACKSON LEE of Texas, Ms. WASSERMAN SCHULTZ, Ms. EDWARDS of Maryland, Mr. KUCINICH, and Mr. FARR):

H.R. 4573. A bill to direct the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes; to the Committee on Financial Services.

By Mr. WU:

H.R. 4574. A bill to amend the Internal Revenue Code of 1986 to repeal the limitations on the maximum amount of the deduction of interest on education loans; to the Committee on Ways and Means.

By Mr. WU:

H.R. 4575. A bill to authorize grants for the creation, update, or adaption of open textbooks, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 4576. A bill to require a study and report on the feasibility and potential of establishing a deep water sea port in the Arctic to protect and advance strategic United States interests within the evolving and ever more important region; to the Committee on Armed Services.

By Ms. EDWARDS of Maryland (for herself and Mr. CONYERS):

H.J. Res. 74. A joint resolution proposing an amendment to the Constitution of the United States permitting Congress and the States to regulate the expenditure of funds by corporations engaging in political speech; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California (for herself and Mr. BONNER):

H. Res. 1050. A resolution providing amounts for further expenses of the Committee on Standards of Official Conduct in the One Hundred Eleventh Congress; to the Committee on House Administration. considered and agreed to.

By Mr. BOREN (for himself, Ms. FALLIN, Mr. COLE, Mr. SULLIVAN, and Mr. LUCAS):

H. Res. 1052. A resolution honoring the members of the Army National Guard and Air National Guard of the State of Oklahoma for their service and sacrifice on behalf of the United States since September 11, 2001; to the Committee on Armed Services.

By Mrs. DAHLKEMPER:

H. Res. 1053. A resolution recognizing that women are equally affected by colon cancer; to the Committee on Energy and Commerce.

By Mr. DAVIS of Alabama:

H. Res. 1054. A resolution commending and congratulating the University of West Alabama on the occasion of its 175th anniversary; to the Committee on Education and Labor.

By Mr. DOYLE (for himself, Mr. GINGREY of Georgia, Mr. TIM MURPHY of Pennsylvania, Mr. MURTHA, Mr. SHUSTER, Mr. MCGOVERN, Mr. MOLLOHAN, Mr. BARTON of Texas, Mr. ALTMIRE, Mr. MCNERNEY, Mr. SESTAK, Mr. WITTMAN, Ms. BALDWIN, Ms. WATSON, Mrs. DAHLKEMPER, Mr. CAPUANO, Mr. GRIFFITH, and Mr. BISHOP of Georgia):

H. Res. 1055. A resolution supporting the designation of National Robotics Week as an annual event; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN (for himself and Mr. FALEOMAVAEGA):

H. Res. 1056. A resolution expressing support for designation of April as National Limb Loss Awareness Month; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. BARTON of Texas, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BURGESS, Mr. CARTER, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CONAWAY, Mr. CONYERS, Mr. CUELLAR, Mr. DAVIS of Illinois, Ms. FUDGE, Mr. GOHMERT, Mr. GONZALEZ, Ms. GRANGER, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HASTINGS of Florida, Mr. HENSARLING, Mr. HINOJOSA, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. SAM JOHNSON of Texas, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. MARCHANT, Mr. MCCAUL, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. MINNICK, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. NEUGEBAUER, Ms. NORTON, Mr. OLSON, Mr. ORTIZ, Mr. PASTOR of Arizona, Mr. PAUL, Mr. PAYNE, Mr. POE of Texas, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Mr. RUSH, Mr. SCHIFF, Mr. SESSIONS, Mr. SMITH of Texas, Mr. YOUNG of Alaska, and Ms. WATSON):

H. Res. 1057. A resolution recognizing the National Basketball Association's (NBA) All-Star Game in the Greater Dallas Metroplex; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia (for himself, Ms. SPEIER, Ms. NORTON, and Ms. JACKSON LEE of Texas):

H. Res. 1058. A resolution honoring and praising the Sojourn to the Past organization on the occasion of its 10th anniversary; to the Committee on Education and Labor.

By Mr. MCMAHON (for himself, Mr. BERMAN, Ms. ROS-LEHTINEN, Ms. CLARKE, Mr. ACKERMAN, Mr. SHERMAN, Mr. ENGEL, Mr. MEEKS of New York, Ms. WATSON, Mr. CROWLEY, Mr. KLEIN of Florida, Mr. CONNOLLY of Virginia, Mr. WOLF, Mr. ROHRABACHER, Mr. BROUN of Georgia, Ms. RICHARDSON, Mr. HIGGINS, Mr. OWENS, Mr. SIRES, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. BARROW, Mrs. DAHLKEMPER, Mr. COURTNEY, Mr. HEINRICH, Mrs. HALVORSON, Mr. HARE, Mr. LEE of New York, Mr. BOCCIERI,

Mr. WALZ, Mr. ADLER of New Jersey, Mr. TONKO, Mr. HIMES, Mr. NADLER of New York, Mr. WU, Mr. TEAGUE, Ms. PINGREE of Maine, Mr. KISSELL, Ms. TSONGAS, Mr. WEINER, Mr. SERRANO, Mr. ISRAEL, Ms. KILROY, Mr. RYAN of Wisconsin, Ms. KOSMAS, Mr. BRALEY of Iowa, Ms. MARKEY of Colorado, Mrs. LOWEY, Mr. POLIS of Colorado, and Ms. DEGETTE):

H. Res. 1059. A resolution honoring the heroism of the seven United States Agency for International Development and Office of U.S. Foreign Disaster Assistance supported urban search and rescue teams deployed to Haiti from New York City, New York, Fairfax County, Virginia, Los Angeles County, California, Miami, Florida, Miami-Dade County, Florida, and Virginia Beach, Virginia, and commending their dedication and assistance in the aftermath of the January 12, 2010 Haitian earthquake; to the Committee on Foreign Affairs, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself, Mr. FALEOMAVAEGA, and Mr. BARRETT of South Carolina):

H. Res. 1060. A resolution congratulating Frank Buckles, America's last surviving WWI veteran, on his 109th birthday on February 1, 2010; to the Committee on Veterans' Affairs.

By Ms. TITUS (for herself, Ms. BERKLEY, and Mr. HELLER):

H. Res. 1061. A resolution honoring the heroic actions of Court Security Officer Stanley Cooper, Deputy United States Marshal Richard J. ''Joe'' Gardner, the law enforcement officers of the United States Marshals Service and Las Vegas Metropolitan Police Department, and the Court Security Officers in responding to the armed assault at the Lloyd D. George Federal Courthouse on January 4, 2010; to the Committee on the Judiciary.

¶12.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. JOHNSON of Georgia.
H.R. 208: Mr. AUSTRIA.
H.R. 272: Mr. CASTLE.
H.R. 305: Mr. KISSELL.
H.R. 333: Mr. BOUSTANY and Mr. MCCOTTER.
H.R. 345: Mr. CALVERT.
H.R. 422: Mr. POMEROY.
H.R. 442: Mr. BONNER, Mr. COSTELLO, Mr. INGLIS, Mr. OWENS, Mr. LATOURETTE, and Ms. GIFFORDS.
H.R. 476: Mrs. NAPOLITANO and Ms. CHU.
H.R. 482: Mr. HODES and Mr. FALEOMAVAEGA.
H.R. 503: Mr. SIRES.
H.R. 519: Mr. GRIJALVA.
H.R. 634: Mr. MELANCON.
H.R. 635: Mr. ELLISON.
H.R. 690: Mr. PETRI, Mr. RODRIGUEZ, and Mr. PAYNE.
H.R. 734: Mr. HONDA, Mr. SHIMKUS, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. SPRATT, Mr. BROWN of South Carolina, and Mr. MOORE of Kansas.
H.R. 745: Mr. ROSS.
H.R. 775: Mr. COBLE.
H.R. 832: Ms. HIRONO.
H.R. 878: Mr. GRIFFITH and Ms. FOXX.
H.R. 1074: Mr. LATOURETTE, Mr. INGLIS, and Mr. BONNER.
H.R. 1083: Mr. FLEMING.
H.R. 1126: Mr. FRANK of Massachusetts.
H.R. 1177: Mr. MASSA.
H.R. 1179: Mr. ROSS and Mr. MCCOTTER.
H.R. 1215: Mr. SESTAK.
H.R. 1240: Mr. SCOTT of Virginia.
H.R. 1310: Mr. LANCE.
H.R. 1326: Mr. KISSELL.
H.R. 1347: Mr. CUMMINGS.
H.R. 1362: Mr. THORNBERRY.
H.R. 1526: Mr. MURPHY of Connecticut, Mr. MELANCON, and Mr. POLIS.
H.R. 1552: Mrs. BONO MACK, Ms. RICHARDSON, Mr. CARNAHAN, and Mr. DUNCAN.
H.R. 1557: Mr. MEEK of Florida, Ms. MARKEY of Colorado, and Mr. TIM MURPHY of Pennsylvania.
H.R. 1693: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1778: Mr. AL GREEN of Texas and Ms. PINGREE of Maine.
H.R. 1806: Mr. ROONEY and Mr. MCINTYRE.
H.R. 1884: Ms. LINDA T. SÁNCHEZ of California, Mr. WALZ, and Mrs. HALVORSON.
H.R. 1895: Mrs. CAPPS.
H.R. 2016: Mr. HONDA, Mr. PAUL, Mr. GUTIERREZ, and Mrs. CAPPS.
H.R. 2054: Mr. FRANK of Massachusetts.
H.R. 2057: Mr. CAO and Mr. THOMPSON of Mississippi.
H.R. 2067: Mr. MCMAHON and Mr. CLAY.
H.R. 2084: Mr. MAFFEI.
H.R. 2085: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2089: Mr. SNYDER, Mr. KAGEN, Mr. GRIJALVA, Ms. WATSON, and Ms. BERKLEY.
H.R. 2122: Mr. YOUNG of Alaska.
H.R. 2138: Ms. JACKSON LEE of Texas.
H.R. 2142: Mr. MURPHY of New York and Mr. QUIGLEY.
H.R. 2254: Mr. STUPAK, Mrs. CAPPS, Mr. GARRETT of New Jersey, Mr. BARTLETT, Mr. DONNELLY of Indiana, and Mr. SOUDER.
H.R. 2296: Mr. LATOURETTE and Mr. WOLF.
H.R. 2342: Mr. MCCOTTER.
H.R. 2360: Ms. HERSETH SANDLIN and Mr. THOMPSON of California.
H.R. 2408: Mr. HASTINGS of Florida.
H.R. 2415: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 2416: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 2443: Mr. DEFAZIO.
H.R. 2478: Mr. CONAWAY and Mr. ROGERS of Michigan.
H.R. 2521: Mr. TIERNEY.
H.R. 2528: Mr. STUPAK.
H.R. 2546: Mr. MILLER of Florida, Mr. TANNER, Mr. PASTOR of Arizona, and Mr. WAMP.
H.R. 2556: Mr. FRANKS of Arizona, Mrs. BLACKBURN, Mr. HERGER, and Mr. AKIN.
H.R. 2578: Mr. TOWNS.
H.R. 2600: Mr. WITTMAN.
H.R. 2616: Mr. SESTAK and Mr. AL GREEN of Texas.
H.R. 2626: Mr. STUPAK.
H.R. 2672: Mr. MILLER of Florida and Mr. ISRAEL.
H.R. 2849: Mr. LARSON of Connecticut, Mr. HIMES, Ms. ZOE LOFGREN of California, Ms. RICHARDSON, Mrs. CAPPS, Mr. SHERMAN, Mr. HONDA, Mr. SCHIFF, Mr. FILNER, Mr. BRADY of Pennsylvania, Ms. TITUS, Ms. DELAURO, Mr. FARR, Mr. THOMPSON of California, Ms. LEE of California, Mr. GEORGE MILLER of California, Ms. SPEIER, Mr. BERMAN, Mr. CARDOZA, Mrs. NAPOLITANO, Ms. WATSON, Mr. BLUMENAUER, Ms. CHU, and Ms. MATSUI.
H.R. 2941: Mrs. BLACKBURN, Mrs. CAPPS, Mr. TERRY, Ms. SCHWARTZ, Ms. MCCOLLUM, and Mr. HINCHEY.
H.R. 3012: Mr. THOMPSON of Mississippi.
H.R. 3025: Mr. MURPHY of New York.
H.R. 3043: Mr. CARNAHAN, Mr. BLUMENAUER, Mr. MOORE of Kansas, Mr. KISSELL, Mr. HASTINGS of Florida, Mr. ROTHMAN of New Jersey, and Mr. GUTIERREZ.
H.R. 3057: Mr. DEFAZIO.
H.R. 3077: Mr. JOHNSON of Illinois, Ms. MOORE of Wisconsin, and Mr. RUSH.
H.R. 3101: Mr. PAYNE.
H.R. 3212: Mr. LEE of New York.
H.R. 3257: Mr. JONES.
H.R. 3308: Mr. JONES.
H.R. 3431: Mr. CASSIDY.
H.R. 3485: Mr. LEE of New York.
H.R. 3519: Mr. MORAN of Virginia, Mr. MCGOVERN, and Ms. JENKINS.
H.R. 3554: Mr. MCINTYRE and Mr. TONKO.
H.R. 3560: Mr. ELLISON.
H.R. 3562: Ms. NORTON.
H.R. 3652: Mr. BUTTERFIELD.
H.R. 3682: Mr. SESTAK.
H.R. 3695: Ms. ROS-LEHTINEN and Mr. ROTHMAN of New Jersey.
H.R. 3712: Mr. LAMBORN, Mr. LYNCH, Mrs. DAHLKEMPER, Mr. DAVIS of Illinois, Mr. THORNBERRY, Mrs. CAPITO, and Mr. OWENS.
H.R. 3715: Mr. CUMMINGS and Mr. OWENS.
H.R. 3734: Mr. KLEIN of Florida and Mr. ELLISON.
H.R. 3758: Mr. DAVIS of Tennessee and Mr. CHANDLER.
H.R. 3764: Mr. PASTOR of Arizona, Mr. GUTIERREZ, and Mr. MORAN of Virginia.
H.R. 3777: Ms. SLAUGHTER.
H.R. 3790: Mr. ROGERS of Kentucky and Mr. CUMMINGS.
H.R. 3926: Mr. TERRY.
H.R. 3943: Mr. KING of New York, Mr. EHLERS, and Ms. CHU.
H.R. 3974: Mr. SERRANO, Mr. ISRAEL, Ms. BORDALLO, and Mr. HINCHEY.
H.R. 4014: Mr. COSTA, Mr. SCHIFF, Mr. MELANCON, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 4036: Mr. TONKO, Mr. BISHOP of Georgia, Mr. TOWNS, and Mr. WU.
H.R. 4043: Mr. SCHIFF, and Mr. AL GREEN of Texas.
H.R. 4051: Mr. CARNEY, Mr. BOUCHER, Mr. KIRK, Mr. RODRIGUEZ, and Mr. PIERLUISI.
H.R. 4091: Mr. PASTOR of Arizona.
H.R. 4098: Mr. WELCH, Ms. BORDALLO, Mr. MELANCON, Mrs. BLACKBURN, Ms. WATSON, Mr. BARROW, Mr. QUIGLEY, and Mr. FOSTER.
H.R. 4123: Mr. CUMMINGS and Mr. MURPHY of New York.
H.R. 4127: Mr. TIAHRT.
H.R. 4140: Mr. HINCHEY.
H.R. 4149: Mr. AL GREEN of Texas.
H.R. 4163: Ms. MOORE of Wisconsin and Mr. AL GREEN of Texas.
H.R. 4177: Mr. DAVIS of Alabama.
H.R. 4183: Mr. FILNER.
H.R. 4196: Mr. AL GREEN of Texas, Mr. BERMAN, Ms. ZOE LOFGREN of California, Ms. RICHARDSON, and Mr. MASSA.
H.R. 4197: Ms. GIFFORDS.
H.R. 4202: Mr. HOLT and Mr. FILNER.
H.R. 4241: Ms. PINGREE of Maine and Mr. ISRAEL.
H.R. 4247: Mr. TONKO, Mr. BISHOP of New York, Ms. WOOLSEY, and Ms. CHU.
H.R. 4255: Mr. LANGEVIN, Mr. BOOZMAN, Mr. DENT, Mrs. LOWEY, and Mr. BOSWELL.
H.R. 4256: Mr. BLUMENAUER and Mr. HIGGINS.
H.R. 4262: Mr. MCCAUL, and Mr. YOUNG of Alaska.
H.R. 4269: Mr. LEWIS of Georgia, Mr. WEINER, Mr. COHEN, Ms. ZOE LOFGREN of California, and Mr. CUMMINGS.
H.R. 4278: Mr. MCGOVERN.
H.R. 4279: Mrs. CAPPS, Ms. BORDALLO, Mr. MICHAUD, and Mr. MURPHY of New York.
H.R. 4295: Mr. CARNAHAN.
H.R. 4296: Mr. MICHAUD, Ms. SHEA-PORTER, Mr. QUIGLEY, and Mr. TOWNS.
H.R. 4298: Mr. FARR, Mr. ELLISON, Mr. GRIJALVA, and Mr. GUTIERREZ.
H.R. 4321: Mr. BRADY of Pennsylvania.
H.R. 4324: Mr. WITTMAN, Mr. COSTA, and Mr. OWENS.
H.R. 4343: Mr. GUTIERREZ, Mr. FATTAH, Ms. WATSON, and Ms. RICHARDSON.
H.R. 4359: Mr. MASSA and Mr. COSTA.
H.R. 4373: Ms. ROS-LEHTINEN.
H.R. 4378: Mr. KLEIN of Florida and Mr. GRIJALVA.
H.R. 4386: Mr. COHEN, Mr. BERMAN, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, and Ms. HIRONO.

H.R. 4393: Mr. BACA.
H.R. 4394: Mr. WELCH, Mr. MORAN of Virginia, Mr. MCDERMOTT, and Mr. ELLISON.
H.R. 4400: Mr. WELCH, Mr. CALVERT, Mr. MILLER of North Carolina, Mr. MCHENRY, Ms. MCCOLLUM, Mr. JONES, Mr. WATT, and Mr. CARNAHAN.
H.R. 4403: Mr. TONKO.
H.R. 4404: Mr. PAYNE.
H.R. 4405: Mr. WU, Ms. WOOLSEY, Mr. STARK, Ms. SCHAKOWSKY, Mr. HINCHEY, Ms. ESHOO, Mr. MORAN of Virginia, Mr. DEFAZIO, Ms. CLARKE, and Mr. MCGOVERN.
H.R. 4415: Mr. BILBRAY, Mr. DUNCAN, and Mr. YOUNG of Alaska.
H.R. 4426: Mr. HOLT.
H.R. 4427: Mr. GRIFFITH, Mr. HELLER, and Mr. MASSA.
H.R. 4453: Mr. CAMP and Mr. ROE of Tennessee.
H.R. 4459: Mr. ALTMIRE.
H.R. 4463: Mr. TERRY, Mr. UPTON, and Mr. SCALISE.
H.R. 4475: Mr. TEAGUE.
H.R. 4490: Mr. LATTA, Mrs. BACHMANN, Mr. GALLEGLY, and Mr. HELLER.
H.R. 4496: Mr. MANZULLO.
H.R. 4503: Mr. BACHUS.
H.R. 4505: Mr. ISRAEL, Mr. OLSON, Mr. NEUGEBAUER, Mr. HALL of New York, and Mr. SMITH of Texas.
H.R. 4521: Mrs. CAPPS.
H.R. 4522: Mr. MORAN of Virginia, Ms. SHEA-PORTER, Ms. MCCOLLUM, Mr. WALZ, and Mr. WU.
H.R. 4527: Ms. SHEA-PORTER and Ms. SUTTON.
H.R. 4530: Mr. HINCHEY, Mr. DELAHUNT, and Mr. QUIGLEY.
H.R. 4534: Mr. JOHNSON of Georgia and Mrs. LOWEY.
H.R. 4537: Mr. WEINER and Mr. THOMPSON of Mississippi.
H.R. 4538: Mr. MCGOVERN, Mr. KAGEN, Mr. GRIJALVA, Mr. AL GREEN of Texas, Mr. FARR, and Mr. CUMMINGS.
H.R. 4542: Mr. MCMAHON, Mr. LEE of New York, and Mr. BURTON of Indiana.
H.R. 4544: Ms. SHEA-PORTER.
H. Con. Res. 137: Mr. ELLISON and Ms. SPEIER.
H. Con. Res. 170: Mr. MILLER of Florida and Mr. WILSON of South Carolina.
H. Con. Res. 226: Mr. SCHIFF, Mr. MCGOVERN, Ms. BORDALLO, Mr. MILLER of Florida, and Mr. BUYER.
H. Con. Res. 227: Mr. CARDOZA, Ms. CLARKE, Mr. CLAY, Mr. WATT, and Mr. AL GREEN of Texas.
H. Con. Res. 230: Mr. PERLMUTTER and Mr. WILSON of South Carolina.
H. Res. 101: Mr. ELLSWORTH.
H. Res. 111: Mr. LEE of New York and Mr. SABLAN.
H. Res. 267: Ms. ESHOO.
H. Res. 274: Ms. MOORE of Wisconsin.
H. Res. 330: Mr. BISHOP of Georgia, Mr. DONNELLY of Indiana, Mr. MILLER of Florida, Mr. TAYLOR, Mr. DELAHUNT, Mr. WHITFIELD, Mr. ENGEL, Mr. MORAN of Virginia, Mr. TOWNS, Mr. BILBRAY, Mr. ABERCROMBIE, Mr. SHUSTER, and Mr. BUTTERFIELD.
H. Res. 440: Mr. THOMPSON of Pennsylvania and Mr. KISSELL.
H. Res. 633: Mr. AL GREEN of Texas.
H. Res. 704: Mr. HIGGINS, Mr. ROTHMAN of New Jersey, Mr. GRIFFITH, Mr. DEFAZIO, Mr. COLE, Mr. LEE of New York, Mr. POLIS of Colorado, and Mr. TONKO.
H. Res. 716: Mrs. MALONEY.
H. Res. 803: Mrs. EMERSON.
H. Res. 847: Mr. DEAL of Georgia.
H. Res. 872: Mr. SMITH of New Jersey, Mr. OLSON, and Mr. MCCOTTER.
H. Res. 898: Mr. HEINRICH.
H. Res. 925: Mr. WU.
H. Res. 929: Ms. WASSERMAN SCHULTZ, Ms. EDWARDS of Maryland, Ms. KILPATRICK of Michigan, Mr. AL GREEN of Texas, and Mr. RUSH.
H. Res. 957: Mr. ETHERIDGE.
H. Res. 959: Mr. MORAN of Kansas.
H. Res. 975: Ms. RICHARDSON.
H. Res. 977: Mr. MILLER of Florida, Mr. BILBRAY, and Mr. BISHOP of Utah.
H. Res. 996: Mr. TONKO, Mr. JOHNSON of Georgia, Mrs. LOWEY, Mr. RANGEL, Mr. MCCAUL, Mr. ROTHMAN of New Jersey, Mr. OLVER, Mr. POLIS of Colorado, and Mr. HINCHEY.
H. Res. 1014: Mr. DAVIS of Alabama, Mr. ENGEL, Mrs. LOWEY, Mr. ELLISON, Mr. WILSON of South Carolina, Mr. SMITH of Washington, Mr. SOUDER, Mr. SHERMAN, and Mr. SESSIONS.
H. Res. 1032: Ms. JACKSON LEE of Texas, Ms. WATSON, Mr. AL GREEN of Texas, Mr. CARNAHAN, Mr. INGLIS, Ms. LORETTA SANCHEZ of California, and Mr. SHERMAN.
H. Res. 1034: Mr. GENE GREEN of Texas, Mr. POLIS of Colorado, Mr. ELLISON, Mr. COBLE, and Mr. STEARNS.
H. Res. 1040: Ms. ROS-LEHTINEN, Mr. NYE, Mr. GENE GREEN of Texas, Mr. BOSWELL, Mr. PERLMUTTER, Mr. MCGOVERN, Mr. PALLONE, Ms. HERSETH SANDLIN, Mr. GRAYSON, Ms. WASSERMAN SCHULTZ, Mr. CROWLEY, Mr. FARR, Mr. PRICE of North Carolina, Mr. ROTHMAN of New Jersey, Mr. MCNERNEY, Mr. INSLEE, Mr. LARSEN of Washington, Mr. FILNER, Mr. KIND, Ms. ESHOO, Ms. BALDWIN, Mr. FOSTER, Ms. WOOLSEY, Mr. BAIRD, Mr. ANDREWS, Mr. HONDA, Mrs. DAVIS of California, and Ms. BERKLEY.
H. Res. 1044: Mr. SMITH of New Jersey, Mr. WILSON of South Carolina, Ms. BERKLEY, Mr. FLAKE, Mr. BERMAN, Mr. SHERMAN, Mr. ENGEL, Mr. ELLISON, and Mr. MCCAUL.
H. Res. 1046: Mr. SNYDER, Ms. EDWARDS of Maryland, Mr. BACA, Mr. RANGEL, Mr. HONDA, Mr. WU, Mr. SCOTT of Georgia, Mr. SESTAK, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINOJOSA, Ms. DEGETTE, Ms. JACKSON LEE of Texas, Mr. CAO, and Mr. FRANK of Massachusetts.

WEDNESDAY, FEBRUARY 3, 2010 (13)

The House was called to order by the SPEAKER.

¶13.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, February 2, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶13.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

5934. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — General Administrative Regulations; Subpart X-Interpretations of Statutory and Regulatory Provisions received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5935. A letter from the NRCS Acting Farm Bill Coordinator, Department of Agriculture, transmitting the Department's final rule — State Technical Committees received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5936. A letter from the Director, Defense Procurement and Acquisition, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Business Systems-Definition and Administration (DFARS Case 2009-D038) (RIN: 0750-AG) received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5937. A letter from the Assistant Secretary, Department of Defense, transmitting a report pursuant to the National Defense Authorization Act for FY 2010; to the Committee on Armed Services.

5938. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Changes to Patient Limitation for Dispensing or Prescribing Approved Narcotic Controlled Substances for Maintenance or Detoxification Treatment by Qualified Individual Practitioners [Docket No.: DEA-275F] (RIN: 1117-AA99) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5939. A letter from the Program Manager, NRDAR Program (DOI Office of the Secretary), Department of the Interior, transmitting the Department's final rule — Natural Resource Damages for Hazardous Substances (RIN: 1090-AA97) received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5940. A letter from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Alternate Fracture Toughness Requirements for Protection Against Pressurized Thermal Shock Events [NRC-2007-0008] (RIN: 3150-AI01) received Janaury 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5941. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5942. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5943. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5944. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5945. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5946. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5947. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5948. A letter from the Assistant Director, Executive & Politcal Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5949. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5950. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act

of 1998; to the Committee on Oversight and Government Reform.

5951. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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5966. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5967. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5968. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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5991. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5992. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5993. A letter from the Deputy Director, Acquisition Policy and Legislation Branch, Department of Homeland Security, transmitting the Department's final rule — Revision of Department of Homeland Security Acquisition Regulation; Restrictions on Foreign Acquisition (HSAR Case 2009-004) [Docket No.: DHS-2009-0081] (RIN: 1601-AA57) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5994. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule — International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Catch Limits in Longline Fisheries in 2009, 2010, and 2011 [Docket No.: 090130102-91386-02] (RIN: 0648-AX59) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5995. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Red Snapper Closure [Docket No.: 090508900-91414-02] (RIN: 0648-AX75) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5996. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders (RIN: 0648-XS30) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5997. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Directed Butterfish Fishery [Docket No.: 0808041043-9036-02] (RIN: 0648-SX77) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5998. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Rescission of Prohibition on Atlantic Herring Fishing in Management Area 2 [Docket No.: 061228342-7068-02] (RIN: 0648-XT19) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5999. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #8, #9, #10, #11, and #12 [Docket No.: 090324366-9371-01] (RIN: 0648-XS52) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6000. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XT10) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6001. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for New Jersey [Docket No.: 090206144-9697-02] (RIN: 0648-AT09) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6002. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Gear Restriction for the U.S./Canada Management Area [Docket No.: 080521698-9067-02] (RIN: 0648-XS87) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6003. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No.: 061228342-7068-02] (RIN: 0648-XT07) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6004. A letter from the Deputy Director, Acquisition Policy and Legislation Branch, Department of Homeland Security, transmitting the Department's final rule — Prohibition on Federal Protective Service Guard Services Contracts With Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a Felony [HSAR Case 2009-001] [Docket No.: DHS-2009-0017] (RIN: 1601-AA55) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6005. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Public Assistance Eligibility [Docket ID: FEMA-2006-0028] (RIN: 1660-AA45) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶13.3 ARCHITECT OF THE CAPITOL APPOINTMENT

Ms. WASSERMAN SCHULTZ moved to suspend the rules and pass the bill (H.R. 2843) to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the Majority and Minority Leaders of the House of Representatives and Senate, and the chairs and ranking minority members of the committees of Congress with jurisdiction over the Office of the Architect of the Capitol, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Ms. WASSERMAN SCHULTZ and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, the chair and ranking minority member of the Committee on House Administration of the House of Representatives, the chair and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives, the chair and ranking minority member of the Committee on Rules and Administration of the Senate, the chairs and ranking minority members of the Committees on Appropriations of the House of Representatives and Senate, and two other designated members of the Senate, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶13.4 SOCIAL SECURITY DISABILITY

Mr. TANNER moved to suspend the rules and pass the bill (H.R. 4532) to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. TANNER and Mr. JOHNSON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TANNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, February 4, 2010.

¶13.5 PROVIDING FOR CONSIDERATION OF H.R. 4061

Mr. ARCURI, by direction of the Committee on Rules, called up the following resolution (H. Res. 1051):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the

purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Science and Technology or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

When said resolution was considered.

After debate,

Mr. ARCURI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 238 Nays 175

¶13.6 [Roll No. 29]

YEAS—238

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

NAYS—175

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

NOT VOTING—20

Abercrombie	Gutierrez	Rush
Barrett (SC)	Johnson, E. B.	Sánchez, Linda T.
Culberson	Kirk	Serrano
Davis (AL)	Kirkpatrick (AZ)	Smith (WA)
Davis (IL)	Massa	Souder
Deal (GA)	Murtha	Young (FL)
Garrett (NJ)	Radanovich	

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that the yeas had it.

Ms. FOXX demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 237 Nays 176

¶13.7 [Roll No. 30]

AYES—237

Abercrombie	Cooper	Heinrich
Ackerman	Costa	Herseth Sandlin
Adler (NJ)	Costello	Higgins
Altmire	Courtney	Himes
Andrews	Crowley	Hinchey
Arcuri	Cuellar	Hinojosa
Baca	Cummings	Hirono
Baird	Dahlkemper	Hodes
Baldwin	Davis (CA)	Holden
Barrow	Davis (TN)	Holt
Bean	DeFazio	Honda
Becerra	DeGette	Hoyer
Berkley	Delahunt	Inslee
Berman	DeLauro	Israel
Berry	Dicks	Jackson (IL)
Bishop (GA)	Dingell	Jackson Lee (TX)
Bishop (NY)	Doggett	Johnson (GA)
Blumenauer	Doyle	Kagen
Boccieri	Driehaus	Kanjorski
Boren	Edwards (MD)	Kaptur
Boswell	Edwards (TX)	Kennedy
Boucher	Ellison	Kildee
Boyd	Ellsworth	Kilpatrick (MI)
Brady (PA)	Engel	Kilroy
Braley (IA)	Eshoo	Kind
Bright	Etheridge	Kissell
Brown, Corrine	Farr	Klein (FL)
Butterfield	Fattah	Kosmas
Capps	Filner	Kratovil
Capuano	Foster	Kucinich
Cardoza	Frank (MA)	Langevin
Carnahan	Fudge	Larsen (WA)
Carney	Garamendi	Larson (CT)
Carson (IN)	Gonzalez	Lee (CA)
Castor (FL)	Gordon (TN)	Levin
Chandler	Grayson	Lewis (GA)
Chu	Green, Al	Lipinski
Clarke	Green, Gene	Loebsack
Clay	Grijalva	Lofgren, Zoe
Cleaver	Hall (NY)	Lowey
Clyburn	Halvorson	Luján
Cohen	Hare	Lynch
Connolly (VA)	Harman	Maffei
Conyers	Hastings (FL)	

Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—176

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

NOT VOTING—20

Bachmann
Barrett (SC)
Culberson
Davis (AL)
Davis (IL)
Deal (GA)
Gutierrez
Hoekstra
Johnson, E. B.
Kirk
Kirkpatrick (AZ)
Massa
Murtha
Radanovich
Reyes
Rush
Sánchez, Linda T.
Smith (WA)
Souder
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶13.8 MOMENT OF SILENCE IN MEMORY OF MEMBERS OF THE UNITED STATES ARMED FORCES IN IRAQ AND AFGHANISTAN

The SPEAKER announced that all Members stand and observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and all who serve in our Armed Forces and their families.

¶13.9 H. RES. 1043—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1043) recognizing Brescia University for 60 years of leadership in higher education; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 0

¶13.10 [Roll No. 31]

YEAS—418

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

NOT VOTING—15

Barrett (SC)	Kirkpatrick (AZ)	Sánchez, Linda T.
Culberson	Massa	Smith (WA)
Deal (GA)	Murtha	Souder
Gutierrez	Radanovich	Young (FL)
Johnson, E. B.	Rush	
Kirk		

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶13.11 H. RES. 901—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 901) recognizing November 14, 2009, as the 49th anniversary of the first day of integrated schools in New Orleans, Louisiana; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 0

¶13.12 [Roll No. 32]

YEAS—416

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

NOT VOTING—17

Barrett (SC)	Johnson, E. B.	Rush
Cleaver	Kirk	Sánchez, Linda T.
Culberson	Kirkpatrick (AZ)	Smith (WA)
Deal (GA)	Massa	Souder
Gutierrez	Murtha	Young (FL)
Higgins	Radanovich	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶13.13 H. RES. 1044—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1044) commemorating the 65th anniversary of the liberation of Auschwitz, a Nazi concentration and extermination camp, honoring the victims of the Holocaust, and expressing commitment to strengthen the fight against bigotry and intolerance; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of those present had voted in the affirmative.

Mr. MCGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 0

¶13.14 [Roll No. 33]

YEAS—414

Abercrombie	Brown (SC)	Cuellar
Ackerman	Brown, Corrine	Cummings
Aderholt	Brown-Waite, Ginny	Dahlkemper
Adler (NJ)	Buchanan	Davis (AL)
Akin	Burgess	Davis (CA)
Alexander	Burton (IN)	Davis (IL)
Altmire	Butterfield	Davis (KY)
Andrews	Buyer	Davis (TN)
Arcuri	Calvert	DeFazio
Austria	Camp	DeGette
Baca	Campbell	Delahunt
Bachmann	Cantor	DeLauro
Bachus	Cao	Dent
Baird	Capito	Diaz-Balart, L.
Baldwin	Capps	Diaz-Balart, M.
Barrow	Capuano	Dicks
Bartlett	Cardoza	Dingell
Barton (TX)	Carnahan	Doggett
Bean	Carney	Donnelly (IN)
Becerra	Carson (IN)	Doyle
Berkley	Carter	Dreier
Berman	Cassidy	Driehaus
Berry	Castle	Duncan
Biggert	Castor (FL)	Edwards (MD)
Bilbray	Chaffetz	Edwards (TX)
Bilirakis	Chandler	Ehlers
Bishop (GA)	Childers	Ellison
Bishop (NY)	Chu	Ellsworth
Bishop (UT)	Clarke	Emerson
Blackburn	Clay	Engel
Blumenauer	Cleaver	Eshoo
Blunt	Clyburn	Etheridge
Boccieri	Coble	Fallin
Boehner	Coffman (CO)	Farr
Bonner	Cohen	Fattah
Bono Mack	Cole	Filner
Boozman	Conaway	Flake
Boren	Connolly (VA)	Fleming
Boswell	Conyers	Forbes
Boustany	Cooper	Fortenberry
Boyd	Costa	Foster
Brady (PA)	Costello	Foxx
Brady (TX)	Courtney	Frank (MA)
Braley (IA)	Crenshaw	Franks (AZ)
Bright	Crowley	Frelinghuysen
Broun (GA)		Fudge

Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—19

Barrett (SC)
Boucher
Culberson
Deal (GA)
Gutierrez
Johnson, E. B.
Kirk
Kirkpatrick (AZ)
Larson (CT)
Massa
Matsui
Murtha
Radanovich
Rush
Ryan (OH)
Sánchez, Linda T.
Smith (WA)
Souder
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶13.15 CYBERSECURITY ENHANCEMENT

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to House Resolution 1051 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes.

The SPEAKER pro tempore, Ms. RICHARDSON, by unanimous consent, designated Ms. MCCOLLUM as Chairman of the Committee of the Whole; and after some time spent therein,

¶13.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 111-410, submitted by Mr. HASTINGS of Florida:

Page 21, line 4, strike ''and an'' and insert ''an''.

Page 21, line 8, insert '', and a description of how successful programs are engaging the talents of women and African-Americans, Hispanics, and Native Americans in the cybersecurity workforce'' after ''private sector''.

Page 23, line 11, insert '', and shall include representatives from minority-serving institutions'' after ''in cybersecurity''.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 5

¶13.17 [Roll No. 34]

AYES—417

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

Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOES—5

Broun (GA)
Mack
McClintock
Paul
Poe (TX)

NOT VOTING—17

Barrett (SC)
Christensen
Gohmert
Gutierrez
Johnson, E. B.
Kirk
Kirkpatrick (AZ)
Massa
Murtha
Nadler (NY)
Radanovich
Rush
Ryan (OH)
Sánchez, Linda T.
Tonko
Woolsey
Young (FL)

So the amendment was agreed to.

¶13.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 111-410, submitted by Mr. FLAKE:

Page 12, after line 25, insert the following new subsection:

(h) PROHIBITION ON EARMARKS.—None of the funds appropriated under this section, and the amendments made by this section may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

It was decided in the affirmative ..... { Yeas ..... 396 / Nays 31

¶13.19 [Roll No. 35]

AYES—396

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

NOES—31

Berman
Berry
Brown, Corrine
Clarke
Clyburn
Conyers
Crowley
Edwards (MD)
Filner
Fudge
Grijalva
Hall (NY)
Hastings (FL)
Jones
Kennedy
Kucinich
Lee (CA)
Moore (WI)
Nadler (NY)
Paul
Payne
Rahall
Rothman (NJ)
Ruppersberger
Ryan (OH)
Sherman
Waters
Watson
Watt
Woolsey
Young (AK)

NOT VOTING—12

Barrett (SC)
Christensen
Gutierrez
Johnson, E. B.
Kirk
Kirkpatrick (AZ)
Massa
Murtha
Radanovich
Rush
Sánchez, Linda T.
Young (FL)

So the amendment was agreed to.

¶13.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8, printed in House Report 111-410, submitted by Mrs. DAHLKEMPER:

Page 12, after line 25, insert the following new subsection:

(h) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS—MANUFACTURING EXTENSION PARTNERSHIP.—Section 5(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (I);

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following new subparagraph:

''(J) establishing or enhancing collaboration in computer and network security between community colleges, universities, and Manufacturing Extension Partnership Centers; and''.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 3

¶13.21 [Roll No. 36]

AYES—419

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

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

NOES—3

Flake
McClintock
Paul

NOT VOTING—17

Barrett (SC)
Boehner
Christensen
Foster
Garamendi
Gutierrez
Johnson, E. B.
Kirk
Kirkpatrick (AZ)
Massa
Murphy (CT)
Murtha
Radanovich
Rush
Sánchez, Linda T.
Slaughter
Young (FL)

So the amendment was agreed to.

¶13.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 14, printed in House Report 111-410, submitted by Mr. CUELLAR:

Page 7, line 15, strike ''and''.

Page 7, line 20, strike the period and insert ''; and''.

Page 7, after line 20, insert the following new paragraph:

(7) describe how the Program will strengthen all levels of cybersecurity education and training programs to ensure an adequate, well-trained workforce.

It was decided in the affirmative ..... { Yeas ..... 416 Nays 4

¶13.23 [Roll No. 37]

AYES—416

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

NOES—4

Broun (GA)
Flake
McClintock
Paul

NOT VOTING—19

Barrett (SC)
Christensen
Gingrey (GA)
Gutierrez
Johnson, E. B.
Kirk
Kirkpatrick (AZ)
Lewis (GA)
Massa
Murtha
Napolitano
Norton
Radanovich
Rangel
Rush
Sánchez, Linda T.
Slaughter
Tsongas
Young (FL)

So the amendment was agreed to.

¶13.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 18, printed in House Report 111-410, submitted by Mr. CONNOLLY of Virginia:

Page 28, line 12, insert '', including among children and young adults,'' after ''public awareness''.

It was decided in the affirmative ..... { Yeas ..... 417 Nays 4

¶13.25 [Roll No. 38]

AYES—417

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

NOES—4

Broun (GA)
Flake
McClintock
Paul

NOT VOTING—18

Barrett (SC)
Castor (FL)
Christensen
Gutierrez
Johnson, E. B.
King (IA)
Kirk
Kirkpatrick (AZ)
Massa
Miller (NC)
Murtha
Radanovich
Rush
Sánchez, Linda T.
Slaughter
Speier
Wilson (SC)
Young (FL)

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. BRIGHT, assumed the Chair.

When Mr. PIERLUISI, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶13.26 PROVIDING FOR CONSIDERATION OF THE AMENDMENT OF THE SENATE TO H.J. RES. 45

Mr. MCGOVERN, by direction of the Committee on Rules, reported (Rept. No. 111–411) the resolution (H. Res. 1065) providing for consideration of the amendment of the Senate to the joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

When said resolution and report were referred to the House Calendar and ordered printed.

¶13.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. CHRISTENSEN, for today.

And then,

¶13.28 ADJOURNMENT

On motion of Mr. HOEKSTRA, at 8 o'clock and 39 minutes p.m., the House adjourned.

¶13.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 1065. Resolution providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt (Rept. 111–411). Referred to the House Calendar.

¶13.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. CORRINE BROWN of Florida:

H.R. 4577. A bill to direct the President, acting through the National Disaster Medical System, to reimburse States for expenses incurred in providing treatment for health conditions and illnesses resulting, directly or indirectly, from the earthquake in Haiti on January 12, 2010; to the Committee on Energy and Commerce.

By Mr. CANTOR:

H.R. 4578. A bill to amend title 23, United States Code, to allow vehicles operated by members of the Armed Forces (including reserve components thereof) serving on active duty and vehicles operated by law enforcement officials to use high occupancy vehicle facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 4579. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in phase one of the South San Diego County Water Reclamation Project, and for other purposes; to the Committee on Natural Resources.

By Mr. MARKEY of Massachusetts (for himself, Mr. MORAN of Virginia, and Ms. LORETTA SANCHEZ of California):

H.R. 4580. A bill to amend the Homeland Security Act of 2002 to authorize the Metropolitan Medical Response System Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. BACHUS, Mrs. CAPITO, Mr. ISSA, Mr. GARRETT of New Jersey, Mr. PAUL, Mr. NEUGEBAUER, and Mr. HENSARLING):

H.R. 4581. A bill to require the Inspector General of the Federal Housing Finance Agency to submit quarterly reports to the Congress during the conservatorship of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; to the Committee on Financial Services.

By Mr. BACA:

H.R. 4582. A bill to require Federal agencies and certain government-sponsored enterprises to reserve residential real estate owned for purchase by owner-occupants and other buyers using public funds for a period of at least 15 days; to the Committee on Financial Services.

By Mr. BOCCIERI:

H.R. 4583. A bill to amend the Federal Election Campaign Act of 1971 to require certain

campaign-related communications which are paid for by certain tax-exempt organizations or political organizations to include a statement naming their five largest donors, and for other purposes; to the Committee on House Administration.

By Mr. BRALEY of Iowa:

H.R. 4584. A bill to authorize the Secretary of Labor to award grants for worker training, technology development, and applied research in the wind energy industry production and energy efficient construction, retrofitting, and design industries; to the Committee on Education and Labor.

By Mrs. MALONEY (for herself, Mr. GENE GREEN of Texas, and Mr. PASCRELL):

H.R. 4585. A bill to amend the Internal Revenue Code of 1986 to provide a temporary payroll increase tax credit for certain employers; to the Committee on Ways and Means.

By Mr. MARCHANT (for himself, Mr. MCHENRY, Mr. LAMBORN, Mrs. LUMMIS, Mr. POSEY, Mr. HENSARLING, Mr. BURGESS, Mr. KING of Iowa, Mr. BILBRAY, Mr. BISHOP of Utah, Mr. CAMPBELL, Mr. GOHMERT, Mr. LUETKEMEYER, Mr. GINGREY of Georgia, Mr. PITTS, Mr. ROE of Tennessee, Mr. BARTLETT, Mr. FLEMING, Mrs. SCHMIDT, Ms. GRANGER, Ms. FALLIN, Mr. AKIN, and Mr. BRADY of Texas):

H.R. 4586. A bill to require, as a condition for modification of a home mortgage loan held by Fannie Mae or Freddie Mac or insured under the National Housing Act, that the mortgagor be verified under the E-Verify program; to the Committee on Financial Services.

By Mr. NEUGEBAUER:

H.R. 4587. A bill to amend the Congressional Budget Act of 1974 to require spending limits be imposed when the statutory limit on the public debt is increased; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROONEY:

H.R. 4588. A bill to provide that the detention facility at Naval Station, Guantanamo Bay, Cuba remains open indefinitely and to require that individuals detained at the facility be tried only by military commission, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR:

H.R. 4589. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public lands under the jurisdiction of these agencies, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 4590. A bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to ensure the safety of school meals by enhancing coordination with States and schools operating school meal programs in the case of a recall of contaminated food; to the Committee on Education and Labor.

By Mr. SESTAK:

H.R. 4591. A bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TEAGUE (for himself and Mr. PERRIELLO):

H.R. 4592. A bill to provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions; to the Committee on Veterans' Affairs.

By Mr. VAN HOLLEN (for himself, Mr. COSTELLO, Mr. LOBIONDO, Mr. BARROW, Mrs. LOWEY, Mr. RUPPERSBERGER, Mr. SHULER, Mr. JONES, Mr. KILDEE, Mr. MOORE of Kansas, Mr. CLAY, Mr. FATTAH, Mr. HARE, Mr. REYES, Ms. SHEA-PORTER, Ms. JACKSON LEE of Texas, Mr. KAGEN, and Mr. BRADY of Pennsylvania):

H.R. 4593. A bill to amend part B of title XVIII of the Social Security Act to waive Medicare part B premiums for certain military retirees; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. BURTON of Indiana, Mr. GINGREY of Georgia, Mr. JONES, Mrs. MYRICK, Mr. ROONEY, Mr. FRANKS of Arizona, Ms. GRANGER, Mr. MANZULLO, Mr. PITTS, Mr. MCCOTTER, and Mr. DUNCAN):

H.J. Res. 75. A joint resolution proposing an amendment to the Constitution of the United States to balance the Federal budget; to the Committee on the Judiciary.

By Mr. WU (for himself, Mr. BAIRD, Mr. DEFAZIO, Mr. DICKS, Mr. LARSEN of Washington, and Mr. SCHRADER):

H. Res. 1062. A resolution recognizing the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SULLIVAN (for himself, Mrs. BLACKBURN, Mr. ROONEY, Mr. LAMBORN, Mr. PRICE of Georgia, Mr. DUNCAN, Ms. JENKINS, Ms. FALLIN, Mr. AKIN, Mr. COLE, and Mr. WITTMAN):

H. Res. 1063. A resolution expressing the sense of the House of Representatives that a mandate imposed by the Federal Government requiring individuals to purchase health insurance is unconstitutional; to the Committee on Energy and Commerce.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Ms. BALDWIN, Mr. FRANK of Massachusetts, Ms. LEE of California, Mr. PAYNE, Mr. HINCHEY, Mr. POLIS of Colorado, Mr. SCOTT of Georgia, Mrs. MALONEY, Mr. DOYLE, Mr. MORAN of Virginia, Mr. STARK, Ms. SCHAKOWSKY, Mr. PALLONE, Mr. TOWNS, Mr. SIRES, Mr. WU, Mr. SHERMAN, Mr. BLUMENAUER, Mr. ACKERMAN, Mr. MCGOVERN, Mr. COHEN, Mr. WAXMAN, Mr. ELLISON, Mr. ISRAEL, Mr. MCMAHON, Mr. ENGEL, Mr. NADLER of New York, Mr. GEORGE MILLER of California, Ms. EDWARDS of Maryland, Ms. WASSERMAN SCHULTZ, Ms. MCCOLLUM, Ms. JACKSON LEE of Texas, Mr. HONDA, Mr. DELAHUNT, Ms. LINDA T. SÁNCHEZ of California, Mr. JACKSON of Illinois, and Mr. GRIJALVA):

H. Res. 1064. A resolution expressing the sense of the House of Representatives that the ''Anti-Homosexuality Bill, 2009'' under consideration by the Parliament of Uganda, that would impose long term imprisonment and the death penalty for certain acts, threatens the protection of fundamental human rights, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MEEK of Florida (for himself, Mr. SKELTON, Mr. MACK, Mr. MCKEON, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. ABERCROMBIE, Mr. HASTINGS of Florida, Mr. ANDREWS, Ms. CORRINE BROWN of Florida, Mr. COOPER, Mrs. DAVIS of California, Ms. FUDGE, Mr. LANGEVIN, Mr. MCINTYRE, Mr. TIM MURPHY of Pennsylvania, Mr. PAYNE, Mr. RANGEL, Mr. REYES, Mr. RUSH, Mr. SNYDER, Mr. SPRATT, Mr. TAYLOR, Ms. WATERS, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. KISSELL, Mr. ROGERS of Alabama, Mr. BARTLETT, Mr. CONAWAY, Mr. ORTIZ, Mr. LOBIONDO, Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, Mr. NYE, Ms. SHEA-PORTER, Mr. PLATTS, Mr. LAMBORN, Ms. PINGREE of Maine, Mr. BOREN, Mr. OWENS, Ms. TSONGAS, Mr. BURTON of Indiana, Mr. THORNBERRY, Mr. LOEBSACK, Ms. BORDALLO, Mr. MURPHY of New York, Mr. MASSA, and Mr. WITTMAN):

H. Res. 1066. A resolution recognizing the bravery and efforts of the United States Armed Forces, local first responders, and other members of Operation Unified Response for their swift and coordinated action in light of the devastation wrought upon the nation of Haiti after a horrific 7.0 magnitude earthquake struck Port-Au-Prince and surrounding cities on January 12, 2010; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EDWARDS of Texas (for himself, Mr. CARTER, Mr. CONAWAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCCAUL, Mr. RODRIGUEZ, Mr. SMITH of Texas, Mr. ORTIZ, Mr. SESSIONS, Mr. GENE GREEN of Texas, Mr. REYES, and Mr. GONZALEZ):

H. Res. 1067. A resolution honoring Colonel Robert Howard for his lifetime of service to the United States; to the Committee on Armed Services.

By Mr. ISRAEL:

H. Res. 1068. A resolution condemning the Government of the Islamic Republic of Iran for executing human rights activists; to the Committee on Foreign Affairs.

By Mr. LANCE (for himself, Mr. HOLT, Mr. EHLERS, Mr. LOBIONDO, and Mr. PASCRELL):

H. Res. 1069. A resolution congratulating Willard S. Boyle and George E. Smith for being awarded the Nobel Prize in physics; to the Committee on Science and Technology.

By Ms. NORTON:

H. Res. 1070. A resolution expressing gratitude and appreciation to the individuals and organizations that comprise the National Urban Search and Rescue System of the Federal Emergency Management Agency for their unyielding determination and work as first responders to victims of disasters and other incidents, including the victims of the recent earthquake in Haiti, and for other purposes; to the Committee on Transportation and Infrastructure.

¶13.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 293: Mr. ROE of Tennessee.
H.R. 311: Mr. PAULSEN.
H.R. 389: Ms. CHU, Mr. HARE, and Mrs. MCCARTHY of New York.
H.R. 417: Mr. AL GREEN of Texas, Mr. MEEKS of New York, Ms. CASTOR of Florida, Mr. ELLISON, Mr. GUTIERREZ, Ms. KILROY, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 424: Mr. EHLERS.
H.R. 476: Ms. NORTON, Mr. FRANK of Massachusetts, and Mr. THOMPSON of Mississippi.
H.R. 501: Mr. BRADY of Pennsylvania.
H.R. 519: Mr. ROTHMAN of New Jersey.
H.R. 574: Mr. ELLISON.
H.R. 618: Ms. HIRONO and Mr. ROTHMAN of New Jersey.
H.R. 734: Ms. JACKSON LEE of Texas.
H.R. 745: Mr. DONNELLY of Indiana.
H.R. 816: Mr. WILSON of South Carolina and Mr. COHEN.
H.R. 886: Ms. JACKSON LEE of Texas.
H.R. 1024: Mr. MAFFEI.
H.R. 1079: Ms. PINGREE of Maine, Mr. ROTHMAN of New Jersey, and Ms. SUTTON.
H.R. 1175: Mrs. OWENS.
H.R. 1189: Mrs. MCCARTHY of New York.
H.R. 1240: Mr. GENE GREEN of Texas.
H.R. 1318: Mr. QUIGLEY.
H.R. 1343: Mr. ROYCE.
H.R. 1378: Mr. REICHERT and Mr. TERRY.
H.R. 1402: Ms. BEAN.
H.R. 1551: Mr. INSLEE.
H.R. 1552: Ms. ROS-LEHTINEN.
H.R. 1616: Ms. WOOLSEY.
H.R. 1646: Mr. FRANK of Massachusetts and Ms. PINGREE of Maine.
H.R. 1826: Mr. GARAMENDI, Ms. ROYBAL-ALLARD, Mr. BISHOP of New York, Ms. WATSON, and Mr. LANGEVIN.
H.R. 1868: Mr. UPTON, Mr. MANZULLO, Mr. GRIFFITH, and Mrs. MILLER of Michigan.
H.R. 1175: Mr. OWENS.
H.R. 1927: Mrs. DAVIS of California.
H.R. 1964: Mr. HINCHEY and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2243: Mr. KILDEE.
H.R. 2266: Mr. MELANCON.
H.R. 2305: Mr. GRIFFITH, Ms. FOXX, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 2413: Mr. HINCHEY and Mr. PRICE of North Carolina.
H.R. 2421: Mr. BUTTERFIELD, Mr. CARNAHAN, Mr. CUELLAR, Mr. DRIEHAUS, Mr. HASTINGS of Florida, Mr. KLEIN of Florida, Mr. MARKEY of Massachusetts, Mr. POMEROY, Mr. TAYLOR, and Mr. THOMPSON of Mississippi.
H.R. 2533: Mr. JONES.
H.R. 2546: Mr. PETERSON.
H.R. 2547: Mr. GARY G. MILLER of California.
H.R. 2565: Mr. WITTMAN.
H.R. 2672: Mr. KAGEN.
H.R. 2737: Mr. TURNER and Ms. RICHARDSON.
H.R. 2799: Mr. COHEN, Mr. LUETKEMEYER, and Mr. OLVER.
H.R. 2849: Mr. STARK, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, Mr. FATTAH, Mr. MCNERNEY, and Mr. GARAMENDI.
H.R. 2850: Mrs. LOWEY and Mr. DAVIS of Tennessee.
H.R. 2882: Mr. SESTAK.
H.R. 2906: Mr. DENT, Mr. WELCH, and Mr. PERRIELLO.
H.R. 2941: Mr. BUTTERFIELD.
H.R. 2964: Mr. GRIFFITH.
H.R. 3097: Ms. RICHARDSON.
H.R. 3202: Mr. SARBANES.
H.R. 3240: Mr. WAMP.
H.R. 3249: Mr. ELLISON.
H.R. 3286: Mr. MCINTYRE and Mr. SHERMAN.
H.R. 3308: Mr. TERRY.
H.R. 3381: Mrs. MCCARTHY of New York.
H.R. 3421: Mr. DELAHUNT, Mr. RUSH, and Mr. CLEAVER.
H.R. 3486: Mrs. MILLER of Michigan, and Mr. GARY G. MILLER of California.
H.R. 3710: Mr. KISSELL and Mr. MCDERMOTT.
H.R. 3721: Mr. FILNER.
H.R. 3734: Mr. ENGEL.
H.R. 3745: Mr. ELLISON.
H.R. 3749: Mr. YOUNG of Alaska.
H.R. 3764: Mr. MAFFEI.
H.R. 3933: Mr. COSTELLO.
H.R. 3995: Mr. CONYERS, Ms. FUDGE, Ms. KILPATRICK of Michigan, Ms. RICHARDSON, Mr. WU, Ms. WATERS, and Mr. LYNCH.
H.R. 4051: Mr. SESTAK, Mr. PETERSON, and Ms. FOXX.
H.R. 4085: Ms. BERKLEY, Mr. CONNOLLY of Virginia, Mr. ADLER of New Jersey, and Mr. INSLEE.
H.R. 4099: Mrs. CAPPS.
H.R. 4127: Mr. AKIN, Mr. LUETKEMEYER, and Mr. HENSARLING.
H.R. 4132: Ms. CHU and Mr. CALVERT.
H.R. 4150: Mr. MARCHANT and Mr. THORNBERRY.
H.R. 4153: Mr. ADLER of New Jersey.
H.R. 4196: Mr. KAGEN.
H.R. 4199: Ms. SHEA-PORTER, Mr. REHBERG, and Mr. GRIFFITH.
H.R. 4206: Mr. ABERCROMBIE.
H.R. 4241: Mr. BISHOP of New York, Mr. COHEN, and Mr. DAVIS of Tennessee.
H.R. 4247: Mr. HINOJOSA, Mr. POLIS of Colorado, and Mr. PIERLUISI.
H.R. 4255: Mr. PETRI.
H.R. 4262: Mr. OLSON.
H.R. 4263: Mr. WELCH.
H.R. 4274: Mr. CONYERS and Mr. BRADY of Pennsylvania.
H.R. 4296: Mr. MCNERNEY and Mr. DONNELLY of Indiana.
H.R. 4302: Mr. FOSTER, Mr. FILNER, Mrs. DAVIS of California, Mr. CHILDERS, and Mr. CARDOZA.
H.R. 4312: Mr. BURTON of Indiana, Mr. NEUGEBAUER, and Mr. FRANKS of Arizona.
H.R. 4325: Mr. HINCHEY and Mr. SERRANO.
H.R. 4359: Mr. BISHOP of New York.
H.R. 4402: Ms. SLAUGHTER, Mr. SERRANO, Mr. RANGEL, Mr. HINCHEY, Mr. BACA, and Mr. SIRES.
H.R. 4403: Mr. FRANK of Massachusetts.
H.R. 4415: Mr. CASTLE.
H.R. 4476: Mr. DENT.
H.R. 4504: Mr. QUIGLEY.
H.R. 4505: Mr. CULBERSON and Mr. MASSA.
H.R. 4512: Mr. PERRIELLO.
H.R. 4517: Mr. FILNER and Mr. WALZ.
H.R. 4522: Mr. FILNER.
H.R. 4527: Mr. PERRIELLO, Ms. MOORE of Wisconsin, Ms. CASTOR of Florida, and Mrs. DAHLKEMPER.
H.R. 4530: Mr. WEINER.
H.R. 4531: Mr. MCMAHON, Mr. PETERS, and Mr. MASSA.
H.R. 4532: Mr. DAVIS of Illinois, Ms. ROS-LEHTINEN, Mr. CROWLEY, Mr. BLUMENAUER, Mr. LEVIN, Mr. POMEROY, and Mr. LEWIS of Georgia.
H.R. 4533: Ms. JACKSON LEE of Texas.
H.R. 4542: Mr. LOBIONDO and Mr. ALTMIRE.
H.R. 4549: Mr. LUJÁN, Ms. FUDGE, and Mr. PASCRELL.
H.R. 4566: Mr. FRANKS of Arizona, Mr. LUETKEMEYER, Mr. FORTENBERRY, Mr. GINGREY of Georgia, Mr. PITTS, Mr. ROE of Tennessee, Mr. LEE of New York, Mr. BARTLETT, Mr. FLEMING, Mrs. SCHMIDT, Ms. GRANGER, Mr. RYAN of Wisconsin, Ms. FALLIN, Mr. AKIN, Mr. POSEY, Mr. BRADY of Texas, Mr. MARCHANT, Mr. MCHENRY, Mrs. LUMMIS, Mrs. BACHMANN, Mr. HENSARLING, Mr. KING of Iowa, Mr. ROONEY, and Mr. JORDAN of Ohio.
H.R. 4573: Ms. WOOLSEY, Mr. MEEKS of New York, Mr. WATT, and Mr. OLVER.
H.J. Res. 13: Mr. FILNER.
H. Con. Res. 96: Mr. TURNER.
H. Con. Res. 137: Mr. WEINER.
H. Con. Res. 144: Ms. SLAUGHTER.
H. Con. Res. 193: Mr. BARROW.
H. Con. Res. 198: Ms. JACKSON LEE of Texas, Mr. SMITH of Washington, Mr. HINCHEY, Ms. LORETTA SANCHEZ of California, Mr. CARNEY, Ms. RICHARDSON, Mr. FOSTER, Mr. CONNOLLY of Virginia, Mr. ROONEY, Mr. TERRY, and Mr. SHULER.
H. Con. Res. 233: Ms. ROYBAL-ALLARD, Mr. BISHOP of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINCHEY, and Mr. HASTINGS of Florida.
H. Res. 213: Mr. BERMAN, Ms. WATSON, Mr. AL GREEN of Texas, Mr. ELLISON, Mr. ORTIZ, and Mr. RUSH.
H. Res. 440: Mr. OLSON.
H. Res. 510: Mr. LANCE, Mr. MOORE of Kansas, and Mr. OLVER.
H. Res. 947: Ms. WATSON.
H. Res. 949: Mrs. MCMORRIS RODGERS and Mr. LATTA.
H. Res. 1016: Mr. HONDA, Mr. GRIJALVA, Ms. MOORE of Wisconsin, Mr. RUSH, and Mr. HINCHEY.
H. Res. 1019: Mr. CALVERT, Mr. LOBIONDO, Mr. ROHRABACHER, and Mr. MCCAUL.
H. Res. 1026: Mr. SMITH of Texas, Mr. BOOZMAN, Mr. MCCOTTER, Mr. DUNCAN, Mr. HALL of Texas, and Mr. TERRY.
H. Res. 1032: Mr. GALLEGLY, Ms. WOOLSEY, Mr. SIRES, Mr. ORTIZ, Mr. REYES, Mr. LUJÁN, Mr. GENE GREEN of Texas, Ms. ROYBAL-ALLARD, and Mr. PAYNE.
H. Res. 1033: Mr. MACK, Mr. WU, Mr. CONAWAY, Mr. EHLERS, Mr. KIRK, Mr. MCCAUL, Mr. DENT, Ms. GINNY BROWN-WAITE of Florida, Mr. UPTON, Mr. WALDEN, Mrs. EMERSON, Mr. CAO, Mr. COBLE, Mr. CASTLE, Mr. TIBERI, Mrs. BIGGERT, Mr. PLATTS, Mr. KENNEDY, and Mr. DEAL of Georgia.
H. Res. 1036: Ms. WATSON, Mr. WILSON of South Carolina, and Mr. WOLF.
H. Res. 1040: Mr. COHEN, Mr. FRANK of Massachusetts, Mr. KING of New York, Mr. ETHERIDGE, Mr. HINCHEY, Mr. LARSON of Connecticut, Mr. DICKS, Mr. HALL of New York, Mr. BRADY of Pennsylvania, Mr. DINGELL, Mr. KILDEE, Mr. MOORE of Kansas, Mr. WEINER, Mr. ENGEL, Mr. DEFAZIO, Ms. DEGETTE, Mr. MCDERMOTT, and Mr. RAHALL.

THURSDAY, FEBRUARY 4, 2010 (14)

¶14.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. BALDWIN, who laid before the House the following communication:

WASHINGTON, DC,
February 4, 2010.

I hereby appoint the Honorable TAMMY BALDWIN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶14.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. BALDWIN, announced she had examined and approved the Journal of the proceedings of Wednesday, February 3, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶14.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6006. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No.: FEMA-8053] received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6007. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Temporary Rule Regarding Principal Trades with Certain Advisory Clients [Release No. IA-2965;

File No. S7-23-07] (RIN: 3235-AJ96) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6008. A letter from the Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule — School Food Safety Program Based on Hazard Analysis and Critical Control Point Principles [FNS-2008-0033] (RIN: 0584-AD65) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6009. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Feed and Drinking Water of Animals; Methyl Esters of Conjugated Linoieic Acid (Cis-9, Trans-11 and Trans-10, Cis-12-Octadecadienoic Acids) [Docket No.: FDA-2003-F-0398] (Formerly Docket No. 2003F-0048) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6010. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standard; Air Brake Systems [Docket No.: NHTSA-2009-0038] (RIN: 2127-AK44) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6011. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment [Docket No.: NHTSA-2007-28322; Notice 3] (RIN: 2127-AK66) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6012. A letter from the Director, Defense Security Cooperation Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Italy (Transmittal No. 0C-09), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on Foreign Affairs.

6013. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Australia (Transmittal No. 06-09) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6014. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of United Arab Emirates (Transmittal No. 08-09) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6015. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 136-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6016. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 158-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6017. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 152-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6018. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 138-09 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6019. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the heading ''Loan Guarantees to Israel'' in Chapter 5 of Title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Pub. L. 108-11); to the Committee on Foreign Affairs.

6020. A letter from the Writer/Editor, Department of Homeland Security, transmitting the Department's final rule — Extending Period of Optional Practical Training By 17 Months For F-1 Nonimmigrant Students With STEM Degrees and Expanding Cap-Gap Relief for All F-1 Students With Pending H-1B Petitions [DHS No.: ICEB-2008-0002; ICE No. 2124-08] (RIN: 1653-AA56) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6021. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 727 Airplanes [Docket No.: FAA-2009-1104; Directorate Identifier 2009-NM-167-AD; Amendment 39-16121; AD 2008-04-10 R1] (RIN: 2120-AA64) Recevied January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6022. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (ECF) Model AS332C, AS332L, AS332L1, AS332L2, SA330F, SA330G, and SA330J Helicopters [Docket No.: FAA-2009-1008; Directorate Identifier 2008-SW-62-AD; Amendment 39-16063; AD 2009-22-10] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6023. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135K, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No.: FAA-2007-0083; Directorate Identifier 2006-NM-266-AD; Amendment 39-16137; AD 2009-26-02] received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6024. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Model SR22 Airplanes [Docket No.: FAA-2009-1162; Directorate Identifier 2009-CE-066-AD; Amendment 39-16136; AD 2009-26-11] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6025. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA 330 F, G, and J Helicopters [Docket No.: FAA-2009-1124; Directorate Identifier 2009-SW-35-AD; Amendment 39-16128; AD 2009-25-09] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6026. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30700; Amdt. No. 3351] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6027. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC120B Helicopters [Docket No.: FAA-2009-1118; Directorate Identifier 2008-SW-60-AD; Amendment 39-16126; AD 2009-25-07] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6028. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimum and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30699 Amdt. No. 3350] received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6029. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Adjustment of Maximum and Minimum Civil Penalities [Docket No.: PHMSA-2009-0411] (RIN: 2137-AE48) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6030. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC225LP Helicopters [Docket No.: FAA-2009-1089; Directorate Identifier 2009-SW-16-AD; Amendment 39-16101; AD 2009-09-51] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6031. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 407 and Model 427 Helicopters [Docket No.: FAA-2009-1123; Directorate Identifier 2009-SW-03-AD; Amendment 39-16127; AD 2009-25-08] (RIN: 2120-A64) received January 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6032. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-243 Airplanes and Model A330-341, -342, and -343 Airplanes [Docket No.: FAA-2009-1109; Directorate Identifier 2009-NM-068-AD; Amendment 39-16123; AD 2009-25-04] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6033. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747-400, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2009-0682; Directorate Identifier 2008-NM-200-AD; Amendment 39-16131; AD 2009-25-11] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6034. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, and -300 Series Airplanes; Model A340-200 and -300 Series Airplanes; and Model A340-500 and -600 Series Airplanes [Docket No.: FAA-2009-1112; Directorate Identifier 2009-NM-237-AD; Amendment 39-16132; AD 2009-25-12] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6035. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Revision of Area Navigation (RNAV) Route Q-108; Florida [Docket No.: FAA-2009-0885; Airspace Docket No. 09-ASO-17] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6036. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model BD-100-1A10 (Challenger 300) Airplanes [Docket No.: FAA-2009-1113; Directorate Identifier 2009-NM-238-AD; Amendment 39-16133; AD 2009-25-13] (RIN: 2120-AA64) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6037. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Colored Federal Airways; Alaska [Docket No.: FAA-2009-0824; Airspace Docket No. 09-AAL-11] (RIN: 2120-AA66) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6038. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Jet Route J-20; Florida [Docket No.: FAA-2009-0888; Airspace Docket No. 09-ASO-23] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6039. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Manokotak, AK [Docket No.: FAA-2009-0694; Airspace Docket No. 09-AAL-15] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6040. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Clarks Point, AK [Docket No.: FAA-2009-0197; Airspace Docket No. 09-AAL-4] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6041. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Elim, AK [Docket No.: FAA-2009-0200; Airspace Docket No. 09-AAL-5] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6042. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Point (Pt.) Thompson, AK [Docket No.: FAA-2009-0457; Airspace Docket No. 09-AAL-10] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6043. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule — Technology Innovation Program [Docket No.: 071106659-8716-02] (RIN: 0693-AB59) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

6044. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule — FY 2010 Measurement, Science and Engineering Research Grants Programs; Availability of Funds [Docket No.: 0911121401-91402-01] received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

6045. A letter from the Director, NIST, Department of Commerce, transmitting the Department's final rule — Summer Undergraduate Research Fellowships (SURF) NIST Gaithersburg and Boulder Programs; Availability of Funds [Docket Number: 0911121400-91403-01] received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

¶14.4 CYBERSECURITY ENHANCEMENT

The SPEAKER pro tempore, Mr. LUJAN, pursuant to House Resolution 1051 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4061) to advance cybersecurity research, development, and technical standards, and for other purposes.

Ms. BALDWIN, Acting Chairman, assumed the chair; and after some time spent therein,

¶14.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 19, printed in House Report 111-410, submitted by Mrs. HALVORSON:

Page 15, line 2, strike ''need and to'' and insert ''need, to''.

Page 15, line 5, insert before the period at the end of paragraph (2) '', and to veterans. For purposes of this paragraph, the term ''veteran'' means a person who—

(A) served on active duty (other than active duty for training) in the Armed Forces of the United States for a period of more than 180 consecutive days, and who was discharged or released therefrom under conditions other than dishonorable; or

(B) served on active duty (other than active duty for training) in the Armed Forces of the United States and was discharged or released from such service for a service-connected disability before serving 180 consecutive days.

For purposes of subparagraph (B), the term ''service-connected'' has the meaning given such term under section 101 of title 38, United States Code.

It was decided in the affirmative ..... { Yeas ..... 424 / Nays 0

¶14.6 [Roll No. 39]

AYES—424

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

Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—15

Abercrombie
Aderholt
Barrett (SC)
Boozman
Brown, Corrine
Edwards (TX)
Engel
Gutierrez
Johnson, E. B.
Murtha
Platts
Radanovich
Ruppersberger
Thompson (PA)
Young (FL)

So the amendment was agreed to.

¶14.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 20, printed in House Report 111-410, submitted by Ms. KILROY:

Page 14, line 10, strike ''and''.

Page 14, line 12, strike the period and insert ''; and''.

Page 14, after line 12, insert the following new subparagraph:

(D) outreach to secondary schools and 2-year institutions to increase the interest and recruitment of students into cybersecurity-related fields.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 4

¶14.8 [Roll No. 40]

AYES—419

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

NOES—4

Broun (GA)
Flake
McClintock
Paul

NOT VOTING—16

Barrett (SC)
Brown, Corrine
Cantor
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Engel
Gutierrez
Hinojosa
Johnson, E. B.
Murtha
Platts
Radanovich
Ruppersberger
Thompson (PA)
Young (FL)

So the amendment was agreed to.

¶14.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 21, printed in House Report 111-410, submitted by Mr. KISSELL:

Page 11, lines 9 and 10, strike ''Section 5(a)(6) of such Act (15 U.S.C. 7404(a)(6)) is amended to read as follows:'' and insert ''Section 5(a) of such Act (15 U.S.C. 7404(a)) is amended—

(1) in paragraph (3)(A), by inserting '', including curriculum on the principles and techniques of designing secure software'' after ''network security''; and

(2) by amending paragraph (6) to read as follows:

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 6

¶14.10 [Roll No. 41]

AYES—423

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

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

NOES—6

Broun (GA)
Campbell
Flake
Lewis (CA)
McClintock
Paul

NOT VOTING—10

Barrett (SC)
Brown, Corrine
Ellsworth
Engel
Gutierrez
Johnson, E. B.
Murtha
Radanovich
Thompson (PA)
Young (FL)

So the amendment was agreed to.

¶14.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 24, printed in House Report 111-410, submitted by Mr. OWENS:

Page 6, line 24, insert ‘‘, including technologies to secure sensitive information shared among Federal agencies’’ after ‘‘digital infrastructure’’.

It was decided in the affirmative ..... { Yeas ..... 430 / Nays 0

¶14.12 [Roll No. 42]

AYES—430

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

NOT VOTING—9

Barrett (SC)
Brown, Corrine
Cassidy
Engel
Gutierrez
Murtha
Radanovich
Thompson (PA)
Young (FL)

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. WEINER, assumed the Chair.

When Ms. BALDWIN, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Cybersecurity Enhancement Act of 2010’’.

TITLE I—RESEARCH AND DEVELOPMENT

SEC. 101. DEFINITIONS.

In this title:

(1) NATIONAL COORDINATION OFFICE.—The term National Coordination Office means the National Coordination Office for the Networking and Information Technology Research and Development program.

(2) PROGRAM.—The term Program means the Networking and Information Technology Research and Development program which has been established under section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511).

SEC. 102. FINDINGS.

Section 2 of the Cyber Security Research and Development Act (15 U.S.C. 7401) is amended—

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

''(1) Advancements in information and communications technology have resulted in a globally interconnected network of government, commercial, scientific, and education infrastructures, including critical infrastructures for electric power, natural gas and petroleum production and distribution, telecommunications, transportation, water supply, banking and finance, and emergency and government services.'';

(2) in paragraph (2), by striking ''Exponential increases in interconnectivity have facilitated enhanced communications, economic growth,'' and inserting ''These advancements have significantly contributed to the growth of the United States economy'';

(3) by amending paragraph (3) to read as follows:

''(3) The Cyberspace Policy Review published by the President in May, 2009, concluded that our information technology and communications infrastructure is vulnerable and has 'suffered intrusions that have allowed criminals to steal hundreds of millions of dollars and nation-states and other entities to steal intellectual property and sensitive military information'.'';

(4) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively;

(5) by inserting after paragraph (3) the following new paragraph:

''(4) In a series of hearings held before Congress in 2009, experts testified that the Federal cybersecurity research and development portfolio was too focused on short-term, incremental research and that it lacked the prioritization and coordination necessary to address the long-term challenge of ensuring a secure and reliable information technology and communications infrastructure.''; and

(6) by amending paragraph (7), as so redesignated by paragraph (4) of this section, to read as follows:

''(7) While African-Americans, Hispanics, and Native Americans constitute 33 percent of the college-age population, members of these minorities comprise less than 20 percent of bachelor degree recipients in the field of computer sciences.''.

SEC. 103. CYBERSECURITY STRATEGIC RESEARCH AND DEVELOPMENT PLAN.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the agencies identified in subsection 101(a)(3)(B)(i) through (x) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(3)(B)(i) through (x)) or designated under section 101(a)(3)(B)(xi) of such Act, working through the National Science and Technology Council and with the assistance of the National Coordination Office, shall transmit to Congress a strategic plan based on an assessment of cybersecurity risk to guide the overall direction of Federal cybersecurity and information assurance research and development for information technology and networking systems. Once every 3 years after the initial strategic plan is transmitted to Congress under this section, such agencies shall prepare and transmit to Congress an update of such plan.

(b) CONTENTS OF PLAN.—The strategic plan required under subsection (a) shall—

(1) specify and prioritize near-term, mid-term and long-term research objectives, including objectives associated with the research areas identified in section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) and how the near-term objectives complement research and development areas in which the private sector is actively engaged;

(2) describe how the Program will focus on innovative, transformational technologies with the potential to enhance the security, reliability, resilience, and trustworthiness of the digital infrastructure, including technologies to secure sensitive information shared among Federal agencies;

(3) describe how the Program will foster the transfer of research and development results into new cybersecurity technologies and applications for the benefit of society and the national interest, including through the dissemination of best practices and other outreach activities;

(4) describe how the Program will establish and maintain a national research infrastructure for creating, testing, and evaluating the next generation of secure networking and information technology systems;

(5) describe how the Program will facilitate access by academic researchers to the infrastructure described in paragraph (4), as well as to relevant data, including event data representing realistic threats and vulnerabilities;

(6) describe how the Program will engage females and individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) to foster a more diverse workforce in this area;

(7) outline how the United States can work strategically with our international partners on cybersecurity research and development issues where appropriate; and

(8) describe how the Program will strengthen all levels of cybersecurity education and training programs to ensure an adequate, well-trained workforce.

(c) DEVELOPMENT OF ROADMAP.—The agencies described in subsection (a) shall develop and annually update an implementation roadmap for the strategic plan required in this section. Such roadmap shall—

(1) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the research objectives of the strategic plan, including a description of how progress toward the research objectives will be evaluated;

(2) specify the funding allocated to each major research objective of the strategic plan and the source of funding by agency for the current fiscal year; and

(3) estimate the funding required for each major research objective of the strategic plan for the following 3 fiscal years.

(d) RECOMMENDATIONS.—In developing and updating the strategic plan under subsection (a), the agencies involved shall solicit recommendations and advice from—

(1) the advisory committee established under section 101(b)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(b)(1)); and

(2) a wide range of stakeholders, including industry, academia, including representatives of minority serving institutions and community colleges, National Laboratories, and other relevant organizations and institutions.

(e) APPENDING TO REPORT.—The implementation roadmap required under subsection (c), and its annual updates, shall be appended to the report required under section 101(a)(2)(D) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(2)(D)).

SEC. 104. SOCIAL AND BEHAVIORAL RESEARCH IN CYBERSECURITY.

Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) by inserting ''and usability'' after ''to the structure'';

(2) in subparagraph (H), by striking ''and'' after the semicolon;

(3) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

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

''(J) social and behavioral factors, including human-computer interactions, usability, user motivations, and organizational cultures.''.

SEC. 105. NATIONAL SCIENCE FOUNDATION CYBERSECURITY RESEARCH AND DEVELOPMENT PROGRAMS.

(a) COMPUTER AND NETWORK SECURITY RESEARCH AREAS.—Section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) in subparagraph (A) by inserting ''identity management,'' after ''cryptography,''; and

(2) by amending subparagraph (I) to read as follows:

''(I) enhancement of the ability of law enforcement to detect, investigate, and prosecute cyber-crimes, including crimes that involve piracy of intellectual property, crimes against children, and organized crime.''.

(b) COMPUTER AND NETWORK SECURITY RESEARCH GRANTS.—Section 4(a)(3) of such Act (15 U.S.C. 7403(a)(3)) is amended by striking subparagraphs (A) through (E) and inserting the following new subparagraphs:

''(A) $68,700,000 for fiscal year 2010;

''(B) $73,500,000 for fiscal year 2011;

''(C) $78,600,000 for fiscal year 2012;

''(D) $84,200,000 for fiscal year 2013; and

''(E) $90,000,000 for fiscal year 2014.''.

(c) COMPUTER AND NETWORK SECURITY RESEARCH CENTERS.—Section 4(b) of such Act (15 U.S.C. 7403(b)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) in subparagraph (D), by striking the period and inserting ''; and''; and

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

''(E) how the center will partner with government laboratories, for-profit entities, other institutions of higher education, or nonprofit research institutions.''; and

(2) by amending paragraph (7) to read as follows:

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation such sums as are necessary to carry out this subsection for each of the fiscal years 2010 through 2014.''.

(d) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.—Section 5(a) of such Act (15 U.S.C. 7404(a)) is amended—

(1) in paragraph (3)(A), by inserting '', including curriculum on the principles and techniques of designing secure software'' after ''network security''; and

(2) by amending paragraph (6) to read as follows:

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation such sums as are necessary to carry out this subsection for each of the fiscal years 2010 through 2014.''.

(e) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.—Section 5(b)(2) of such Act (15 U.S.C. 7404(b)(2)) is amended to read as follows:

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation such sums as are necessary to carry out this subsection for each of the fiscal years 2010 through 2014.''.

(f) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY.—Section 5(c)(7) of such Act (15 U.S.C. 7404(c)(7)) is amended to read as follows:

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation such sums as are necessary to carry out this subsection for each of the fiscal years 2010 through 2014.''.

(g) POSTDOCTORAL RESEARCH FELLOWSHIPS IN CYBERSECURITY.—Section 5(e) of such Act

(15 U.S.C. 7404(e)) is amended to read as follows:

''(e) POSTDOCTORAL RESEARCH FELLOWSHIPS IN CYBERSECURITY.—

''(1) IN GENERAL.—The Director shall carry out a program to encourage young scientists and engineers to conduct postdoctoral research in the fields of cybersecurity and information assurance, including the research areas described in section 4(a)(1), through the award of competitive, merit-based fellowships.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation such sums as are necessary to carry out this subsection for each of the fiscal years 2010 through 2014.''.

(h) PROHIBITION ON EARMARKS.—None of the funds appropriated under this section, and the amendments made by this section may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

(i) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS—MANUFACTURING EXTENSION PARTNERSHIP.—Section 5(a)(3) of the Cyber Security Research and Development Act (15 U.S.C. 7404(a)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (I);

(2) by redesignating subparagraph (J) as subparagraph (K); and

(3) by inserting after subparagraph (I) the following new subparagraph:

''(J) establishing or enhancing collaboration in computer and network security between community colleges, universities, and Manufacturing Extension Partnership Centers; and''.

SEC. 106. FEDERAL CYBER SCHOLARSHIP FOR SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation shall carry out a Scholarship for Service program to recruit and train the next generation of Federal cybersecurity professionals and to increase the capacity of the higher education system to produce an information technology workforce with the skills necessary to enhance the security of the Nation's communications and information infrastructure.

(b) CHARACTERISTICS OF PROGRAM.—The program under this section shall—

(1) provide, through qualified institutions of higher education, scholarships that provide tuition, fees, and a competitive stipend for up to 2 years to students pursing a bachelor's or master's degree and up to 3 years to students pursuing a doctoral degree in a cybersecurity field;

(2) provide the scholarship recipients with summer internship opportunities or other meaningful temporary appointments in the Federal information technology workforce or, at the discretion of the Director, with appropriate private sector entities; and

(3) increase the capacity of institutions of higher education throughout all regions of the United States to produce highly qualified cybersecurity professionals, through the award of competitive, merit-reviewed grants that support such activities as—

(A) faculty professional development, including technical, hands-on experiences in the private sector or government, workshops, seminars, conferences, and other professional development opportunities that will result in improved instructional capabilities;

(B) institutional partnerships, including minority serving institutions and community colleges;

(C) development of cybersecurity-related courses and curricula; and

(D) outreach to secondary schools and 2-year institutions to increase the interest and recruitment of students into cybersecurity-related fields.

(c) SCHOLARSHIP REQUIREMENTS.—

(1) ELIGIBILITY.—Scholarships under this section shall be available only to students who—

(A) are citizens or permanent residents of the United States;

(B) are full-time students in an eligible degree program, as determined by the Director, that is focused on computer security or information assurance at an awardee institution; and

(C) accept the terms of a scholarship pursuant to this section.

(2) SELECTION.—Individuals shall be selected to receive scholarships primarily on the basis of academic merit, with consideration given to financial need, to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b), and to veterans. For purposes of this paragraph, the term ''veteran'' means a person who—

(A) served on active duty (other than active duty for training) in the Armed Forces of the United States for a period of more than 180 consecutive days, and who was discharged or released therefrom under conditions other than dishonorable; or

(B) served on active duty (other than active duty for training) in the Armed Forces of the United States and was discharged or released from such service for a service-connected disability before serving 180 consecutive days.

For purposes of subparagraph (B), the term ''service-connected'' has the meaning given such term under section 101 of title 38, United States Code.

(3) SERVICE OBLIGATION.—If an individual receives a scholarship under this section, as a condition of receiving such scholarship, the individual upon completion of their degree must serve as a cybersecurity professional within the Federal workforce for a period of time as provided in paragraph (5). If a scholarship recipient is not offered employment by a Federal agency or a federally funded research and development center, the service requirement can be satisfied at the Director's discretion by—

(A) serving as a cybersecurity professional in a State, local, or tribal government agency; or

(B) teaching cybersecurity courses at an institution of higher education.

(4) CONDITIONS OF SUPPORT.—As a condition of acceptance of a scholarship under this section, a recipient shall agree to provide the awardee institution with annual verifiable documentation of employment and up-to-date contact information.

(5) LENGTH OF SERVICE.—The length of service required in exchange for a scholarship under this subsection shall be as follows:

(A) For a recipient in a bachelor's degree program, 1 year more than the number of years for which the scholarship was received.

(B) For a recipient in a master's degree program, 2 years more than the number of years for which the scholarship was received.

(C) For a recipient in a doctorate degree program, 3 years more than the number of years for which the scholarship was received.

(d) FAILURE TO COMPLETE SERVICE OBLIGATION.—

(1) GENERAL RULE.—If an individual who has received a scholarship under this section—

(A) fails to maintain an acceptable level of academic standing in the educational institution in which the individual is enrolled, as determined by the Director;

(B) is dismissed from such educational institution for disciplinary reasons;

(C) withdraws from the program for which the award was made before the completion of such program;

(D) declares that the individual does not intend to fulfill the service obligation under this section; or

(E) fails to fulfill the service obligation of the individual under this section,

such individual shall be liable to the United States as provided in paragraph (3).

(2) MONITORING COMPLIANCE.—As a condition of participating in the program, a qualified institution of higher education receiving a grant under this section shall—

(A) enter into an agreement with the Director of the National Science Foundation to monitor the compliance of scholarship recipients with respect to their service obligation; and

(B) provide to the Director, on an annual basis, post-award employment information required under subsection (c)(4) for scholarship recipients through the completion of their service obligation.

(3) AMOUNT OF REPAYMENT.—

(A) LESS THAN ONE YEAR OF SERVICE.—If a circumstance described in paragraph (1) occurs before the completion of 1 year of a service obligation under this section, the total amount of awards received by the individual under this section shall be repaid or such amount shall be treated as a loan to be repaid in accordance with subparagraph (C).

(B) MORE THAN ONE YEAR OF SERVICE.—If a circumstance described in subparagraph (D) or (E) of paragraph (1) occurs after the completion of 1 year of a service obligation under this section, the total amount of scholarship awards received by the individual under this section, reduced by the ratio of the number of years of service completed divided by the number of years of service required, shall be repaid or such amount shall be treated as a loan to be repaid in accordance with subparagraph (C).

(C) REPAYMENTS.—A loan described in subparagraph (A) or (B) shall be treated as a Federal Direct Unsubsidized Stafford Loan under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a and following), and shall be subject to repayment, together with interest thereon accruing from the date of the scholarship award, in accordance with terms and conditions specified by the Director (in consultation with the Secretary of Education) in regulations promulgated to carry out this paragraph.

(4) COLLECTION OF REPAYMENT.—

(A) IN GENERAL.—In the event that a scholarship recipient is required to repay the scholarship under this subsection, the institution providing the scholarship shall—

(i) be responsible for determining the repayment amounts and for notifying the recipient and the Director of the amount owed; and

(ii) collect such repayment amount within a period of time as determined under the agreement described in paragraph (2), or the repayment amount shall be treated as a loan in accordance with paragraph (3)(C).

(B) RETURNED TO TREASURY.—Except as provided in subparagraph (C) of this paragraph, any such repayment shall be returned to the Treasury of the United States.

(C) RETAIN PERCENTAGE.—An institution of higher education may retain a percentage of any repayment the institution collects under this paragraph to defray administrative costs associated with the collection. The Director shall establish a single, fixed percentage that will apply to all eligible entities.

(5) EXCEPTIONS.—The Director may provide for the partial or total waiver or suspension of any service or payment obligation by an individual under this section whenever compliance by the individual with the obligation is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be unconscionable.

(e) HIRING AUTHORITY.—For purposes of any law or regulation governing the appointment of individuals in the Federal civil service, upon successful completion of their degree, students receiving a scholarship under this section shall be hired under the authority provided for in section 213.3102(r) of title 5, Code of Federal Regulations, and be exempted from competitive service. Upon fulfillment of the service term, such individuals shall be converted to a competitive service position without competition if the individual meets the requirements for that position.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to appropriated to the National Science Foundation to carry out this section—

(1) $18,700,000 for fiscal year 2010;

(2) $20,100,000 for fiscal year 2011;

(3) $21,600,000 for fiscal year 2012;

(4) $23,300,000 for fiscal year 2013; and

(5) $25,000,000 for fiscal year 2014.

SEC. 107. CYBERSECURITY WORKFORCE ASSESSMENT.

Not later than 180 days after the date of enactment of this Act the President shall transmit to the Congress a report addressing the cybersecurity workforce needs of the Federal Government. The report shall include—

(1) an examination of the current state of and the projected needs of the Federal cybersecurity workforce, including a comparison of the different agencies and departments, the extent to which different agencies and departments rely on contractors to support the Federal cybersecurity workforce, and an analysis of the capacity of such agencies and departments to meet those needs;

(2) an analysis of the sources and availability of cybersecurity talent, a comparison of the skills and expertise sought by the Federal Government and the private sector, an examination of the current and future capacity of United States institutions of higher education, including community colleges, to provide cybersecurity professionals with those skills sought by the Federal Government and the private sector, and a description of how successful programs are engaging the talents of women and African-Americans, Hispanics, and Native Americans in the cybersecurity workforce;

(3) an examination of the effectiveness of the National Centers of Academic Excellence in Information Assurance Education, the Centers of Academic Excellence in Research, and the Federal Cyber Scholarship for Service programs in promoting higher education and research in cybersecurity and information assurance and in producing a growing number of professionals with the necessary cybersecurity and information assurance expertise;

(4) an analysis of any barriers to the Federal Government recruiting and hiring cybersecurity talent, including barriers relating to compensation, the hiring process, job classification, job security clearance and suitability requirements, and hiring flexibilities;

(5) a specific analysis of the capacity of the agency workforce to manage contractors who are performing cybersecurity work on behalf of the Federal Government; and

(6) recommendations for Federal policies to ensure an adequate, well-trained Federal cybersecurity workforce, including recommendations on the temporary assignment of private sector cybersecurity professionals to Federal agencies.

SEC. 108. CYBERSECURITY UNIVERSITY-INDUSTRY TASK FORCE.

(a) ESTABLISHMENT OF UNIVERSITY-INDUSTRY TASK FORCE.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cybersecurity through a consortium or other appropriate entity with participants from institutions of higher education and industry.

(b) FUNCTIONS.—The task force shall—

(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

(2) propose a process for developing a research and development agenda for such entity, including guidelines to ensure an appropriate scope of work focused on nationally significant challenges and requiring collaboration;

(3) define the roles and responsibilities for the participants from institutions of higher education and industry in such entity;

(4) propose guidelines for assigning intellectual property rights, for the transfer of research and development results to the private sector, and for the sharing of lessons learned on the effectiveness of new technologies from the private sector with the public sector; and

(5) make recommendations for how such entity could be funded from Federal, State, and nongovernmental sources.

(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the Office of Science and Technology Policy shall appoint an equal number of individuals from institutions of higher education, including community colleges, and from industry with knowledge and expertise in cybersecurity, and shall include representatives from minority-serving institutions.

(d) REPORT.—Not later than 12 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit to the Congress a report describing the findings and recommendations of the task force.

SEC. 109. CYBERSECURITY CHECKLIST DEVELOPMENT AND DISSEMINATION.

Section 8(c) of the Cyber Security Research and Development Act (15 U.S.C. 7406(c)) is amended to read as follows:

''(c) CHECKLISTS FOR GOVERNMENT SYSTEMS.—

''(1) IN GENERAL.—The Director of the National Institute of Standards and Technology shall develop or identify and revise or adapt as necessary, checklists, configuration profiles, and deployment recommendations for products and protocols that minimize the security risks associated with each computer hardware or software system that is, or is likely to become, widely used within the Federal Government.

''(2) PRIORITIES FOR DEVELOPMENT.—The Director of the National Institute of Standards and Technology shall establish priorities for the development of checklists under this subsection. Such priorities may be based on the security risks associated with the use of each system, the number of agencies that use a particular system, the usefulness of the checklist to Federal agencies that are users or potential users of the system, or such other factors as the Director determines to be appropriate.

''(3) EXCLUDED SYSTEMS.—The Director of the National Institute of Standards and Technology may exclude from the requirements of paragraph (1) any computer hardware or software system for which the Director determines that the development of a checklist is inappropriate because of the infrequency of use of the system, the obsolescence of the system, or the inutility or impracticability of developing a checklist for the system.

''(4) AUTOMATION SPECIFICATIONS.—The Director of the National Institute of Standards and Technology shall develop automated security specifications (such as the Security Content Automation Protocol) with respect to checklist content and associated security related data.

''(5) DISSEMINATION OF CHECKLISTS.—The Director of the National Institute of Standards and Technology shall ensure that Federal agencies are informed of the availability of any product developed or identified under the National Checklist Program for any information system, including the Security Content Automation Protocol and other automated security specifications.

''(6) AGENCY USE REQUIREMENTS.—The development of a checklist under paragraph (1) for a computer hardware or software system does not—

''(A) require any Federal agency to select the specific settings or options recommended by the checklist for the system;

''(B) establish conditions or prerequisites for Federal agency procurement or deployment of any such system;

''(C) imply an endorsement of any such system by the Director of the National Institute of Standards and Technology; or

''(D) preclude any Federal agency from procuring or deploying other computer hardware or software systems for which no such checklist has been developed or identified under paragraph (1).''.

SEC. 110. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CYBERSECURITY RESEARCH AND DEVELOPMENT.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended by redesignating subsection (e) as subsection (f), and by inserting after subsection (d) the following:

''(e) INTRAMURAL SECURITY RESEARCH.—As part of the research activities conducted in accordance with subsection (d)(3), the Institute shall—

''(1) conduct a research program to develop a unifying and standardized identity, privilege, and access control management framework for the execution of a wide variety of resource protection policies and that is amenable to implementation within a wide variety of existing and emerging computing environments;

''(2) carry out research associated with improving the security of information systems and networks;

''(3) carry out research associated with improving the testing, measurement, usability, and assurance of information systems and networks; and

''(4) carry out research associated with improving security of industrial control systems.''.

SEC. 111. NATIONAL ACADEMY OF SCIENCES STUDY ON THE ROLE OF COMMUNITY COLLEGES IN CYBERSECURITY EDUCATION.

Not later than 120 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the Director of the National Coordination Office, shall enter into a contract with the National Academy of Sciences to conduct and complete a study to describe the role of community colleges in cybersecurity education and to identify exemplary practices and partnerships related to cybersecurity education between community colleges and 4-year educational institutions.

SEC. 112. NATIONAL CENTER OF EXCELLENCE FOR CYBERSECURITY.

(a) IN GENERAL.—As part of the Program, the Director of the National Science Foundation shall, in coordination with other Federal agencies participating in the Program,

establish a National Center of Excellence for Cybersecurity.

(b) MERIT REVIEW.—The National Center of Excellence for Cybersecurity shall be awarded on a merit-reviewed, competitive basis.

(c) ACTIVITIES SUPPORTED.—The National Center of Excellence for Cybersecurity shall—

(1) involve institutions of higher education or national laboratories and other partners, which may include States and industry;

(2) make use of existing expertise in cybersecurity;

(3) interact and collaborate with Computer and Network Security Research Centers to foster the exchange of technical information and best practices;

(4) perform research to support the development of technologies for testing hardware and software products to validate operational readiness and certify stated security levels;

(5) coordinate cybersecurity education and training opportunities nationally;

(6) enhance technology transfer and commercialization that promote cybersecurity innovation; and

(7) perform research on cybersecurity social and behavioral factors, including human-computer interactions, usability, user motivations, and organizational cultures.

SEC. 113. CYBERSECURITY INFRASTRUCTURE REPORT.

Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Congress a report examining key weaknesses within the current cybersecurity infrastructure, along with recommendations on how to address such weaknesses in the future and on the technology that is needed to do so.

TITLE II—ADVANCEMENT OF CYBERSECURITY TECHNICAL STANDARDS

SEC. 201. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Institute of Standards and Technology.

(2) INSTITUTE.—The term ''Institute'' means the National Institute of Standards and Technology.

SEC. 202. INTERNATIONAL CYBERSECURITY TECHNICAL STANDARDS.

The Director, in coordination with appropriate Federal authorities, shall—

(1) ensure coordination of United States Government representation in the international development of technical standards related to cybersecurity; and

(2) not later than 1 year after the date of enactment of this Act, develop and transmit to the Congress a proactive plan to engage international standards bodies with respect to the development of technical standards related to cybersecurity.

SEC. 203. PROMOTING CYBERSECURITY AWARENESS AND EDUCATION.

(a) PROGRAM.—The Director, in collaboration with relevant Federal agencies, industry, educational institutions, and other organizations, shall develop and implement a cybersecurity awareness and education program to increase public awareness, including among children and young adults, of cybersecurity risks, consequences, and best practices through—

(1) the widespread dissemination of cybersecurity technical standards and best practices identified by the Institute; and

(2) efforts to make cybersecurity technical standards and best practices usable by individuals, small to medium-sized businesses, State, local, and tribal governments, and educational institutions, especially with respect to novice computer users, elderly populations, low-income populations, and populations in areas of planned broadband expansion or deployment.

(b) WORKSHOPS.—In carrying out activities under subsection (a)(1), the Institute is authorized to host regional workshops to provide an overview of cybersecurity risks and best practices to businesses, State, local, and tribal governments, and educational institutions.

(c) MANUFACTURING EXTENSION PARTNERSHIP.—The Director shall, to the extent appropriate, implement subsection (a) through the Manufacturing Extension Partnership program under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

(d) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Director shall transmit to the Congress a report containing a strategy for implementation of this section.

SEC. 204. IDENTITY MANAGEMENT RESEARCH AND DEVELOPMENT.

The Director shall establish a program to support the development of technical standards, metrology, testbeds, and conformance criteria, taking into account appropriate user concerns, to—

(1) improve interoperability among identity management technologies;

(2) strengthen authentication methods of identity management systems;

(3) improve privacy protection in identity management systems, including health information technology systems, through authentication and security protocols; and

(4) improve the usability of identity management systems.

SEC. 205. PRACTICES AND STANDARDS.

The National Institute of Standards and Technology shall work with other Federal, State, and private sector partners, as appropriate, to develop a framework that States may follow in order to achieve effective cybersecurity practices in a timely and cost-effective manner.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. GORDON of Tennessee, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 5

¶14.13 [Roll No. 43]

YEAS—422

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

Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—5

Broun (GA)
Flake
Gohmert
Paul
Sensenbrenner

NOT VOTING—6

Barrett (SC)
Gutierrez
Murtha
Radanovich
Thompson (PA)
Young (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶14.14 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. MCGOVERN, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to include corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

¶14.15 PROVIDING FOR CONSIDERATION OF THE AMENDMENT OF THE SENATE TO H.J. RES. 45

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 1065):

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the Majority Leader or his designee that the House concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and Minority Leader or their designees. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The question of adoption of the motion shall be divided between concurring in the matter preceding title I of the Senate amendment and concurring in the matter comprising titles I and II of the Senate amendment. The first portion of the divided question shall be considered as adopted. If the second portion of the divided question fails of adoption, then the House shall be considered to have made no disposition of the Senate amendment.

When said resolution was considered.

After debate,

Mr. MCGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶14.16 H. RES. 1022—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1022) honoring the life and sacrifice of Medgar Evers and congratulating the United States Navy for naming a supply ship after Medgar Evers.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426 / Nays 0

¶14.17 [Roll No. 44]

YEAS—426

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

NOT VOTING—7

Cole
Gutierrez
Murtha
Radanovich
Thompson (PA)
Wolf
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶14.18 H. RES. 1065—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1065) providing for consideration of the amendment of the Senate to the joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 233 / Nays 195

¶14.19 [Roll No. 45]

YEAS—233

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

NAYS—195

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

NOT VOTING—5

Gutierrez	Radanovich	Young (FL)
Murtha	Thompson (PA)	

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. SESSIONS demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 217 / Nays 212

¶14.20 [Roll No. 46]

AYES—217

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

NOES—212

Aderholt	Austria	Bartlett
Adler (NJ)	Bachmann	Barton (TX)
Akin	Bachus	Biggert
Alexander	Barrett (SC)	Bilbray

Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Grayson
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)

NOT VOTING—5

Gutierrez
Murtha
Radanovich
Thompson (PA)
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶14.21 H.R. 4532—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4532) to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 Nays 6

¶14.22 [Roll No. 47]

YEAS—412

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

NAYS—6

Campbell
Coffman (CO)
Gohmert
King (IA)
Lummis
McClintock

NOT VOTING—15

Abercrombie
Berman
Boehner
Clay
Culberson
Davis (IL)
Gutierrez
Linder
Murtha
Radanovich
Rogers (MI)
Rush
Stupak
Thompson (PA)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶14.23 INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

Mr. HOYER, pursuant to House Resolution 1065, moved to take from the Speaker's table the joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt; together with the following amendment of the Senate thereto:

Strike all after the resolving clause and insert the following:

That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof $14,294,000,000,000.

TITLE I—STATUTORY PAY-AS-YOU-GO ACT OF 2010

SEC. 1. SHORT TITLE.

This title may be cited as the ''Statutory Pay-As-You-Go Act of 2010''.

SEC. 2. PURPOSE.

The purpose of this title is to reestablish a statutory procedure to enforce a rule of budget neutrality on new revenue and direct spending legislation.

SEC. 3. DEFINITIONS AND APPLICATIONS.

As used in this title—

(1) The term ''BBEDCA'' means the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) The definitions set forth in section 3 of the Congressional Budget and Impoundment Control Act of 1974 and in section 250 of BBEDCA shall apply to this title, except to the extent that they are specifically modified as follows:

(A) The term ''outyear'' means a fiscal year one or more years after the budget year.

(B) In section 250(c)(8)(C), the reference to the food stamp program shall be deemed to be a reference to the Supplemental Nutrition Assistance Program.

(3) The term ''AMT'' means the Alternative Minimum Tax for individuals under sections 55–59 of the Internal Revenue Code of 1986, the term ''EGTRRA'' means the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16), and the term ''JGTRRA'' means the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108–27).

(4)(A) The term ''budgetary effects'' means the amount by which PAYGO legislation changes outlays flowing from direct spending or revenues relative to the baseline and shall be determined on the basis of estimates prepared under section 4. Budgetary effects that increase outlays flowing from direct spending or decrease revenues are termed ''costs'' and budgetary effects that increase revenues or decrease outlays flowing from direct spending are termed ''savings''. Budgetary effects shall not include any costs associated with debt service.

(B) For purposes of these definitions, off-budget effects shall not be counted as budgetary effects.

(C) Solely for purposes of recording entries on a PAYGO scorecard, provisions in appropriation Acts are also considered to be budgetary effects for purposes of this title if such provisions make outyear modifications to substantive law, except that provisions for which the outlay effects net to zero over a period consisting of the current year, the budget year, and the 4 subsequent years shall not be considered budgetary effects. For purposes of this paragraph, the term, ''modifications to substantive law'' refers to changes to or restrictions on entitlement law or other mandatory spending contained in appropriations Acts, notwithstanding section 250(c)(8) of BBEDCA. Provisions in appropriations Acts that are neither outyear modifications to substantive law nor changes in revenues have no budgetary effects for purposes of this title.

(5) The term ''debit'' refers to the net total amount, when positive, by which costs recorded on the PAYGO scorecards for a fiscal year exceed savings recorded on those scorecards for that year.

(6) The term ''entitlement law'' refers to a section of law which provides entitlement authority.

(7) The term ''PAYGO legislation'' or a ''PAYGO Act'' refers to a bill or joint resolution that affects direct spending or revenue relative to the baseline. The budgetary effects of changes in revenues and outyear modifications to substantive law included in appropriation Acts as defined in paragraph (4) shall be treated as if they were contained in PAYGO legislation or a PAYGO Act.

(8) The term ''timing shift'' refers to a delay of the date on which outlays flowing from direct spending would otherwise occur from the ninth outyear to the tenth outyear or an acceleration of the date on which revenues would otherwise occur from the tenth outyear to the ninth outyear.

SEC. 4. PAYGO ESTIMATES AND PAYGO SCORECARDS.

(a) PAYGO ESTIMATES.—

(1) REQUIRED DESIGNATION IN PAYGO ACTS.—

(A) HOUSE OF REPRESENTATIVES.—To establish the budgetary effects of a PAYGO Act consistent with the determination made by the Chairman of the House Budget Committee, a PAYGO Act originated in or amended by the House of Representatives may include the following statement: ''The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.''.

(B) SENATE.—To establish the budgetary effects of a PAYGO Act consistent with the determination made by the Chairman of the Senate Budget Committee, a PAYGO Act originated in or amended by the Senate shall include the following statement: ''The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.''.

(C) CONFERENCE REPORTS AND AMENDMENTS BETWEEN THE HOUSES.—To establish the budgetary effects of the conference report on a PAYGO Act, or an amendment to an amendment between Houses on a PAYGO Act, which if estimated shall be estimated jointly by the Chairmen of the House and Senate Budget Committees, the conference report or amendment between the Houses shall include the following statement: ''The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.''.

(2) DETERMINATION OF BUDGETARY EFFECTS OF PAYGO ACTS.—

(A) ORIGINAL LEGISLATION.—

(i) STATEMENT AND ESTIMATE.—Prior to a vote on passage of a PAYGO Act originated or amended by one House, the Chairman of the Budget Committee of that House may submit for printing in the Congressional Record a statement titled ''Budgetary Effects of PAYGO Legislation'' which shall include an estimate of the budgetary effects of that Act, if available prior to passage of the Act by that House and shall submit, if applicable, an identification of any current policy adjustments made pursuant to section 7 of this Act. The timely submission of such a statement, in conjunction with the appropriate designation made pursuant to paragraph (1)(A) or (1)(B), as applicable, shall establish the budgetary effects of the PAYGO Act for the purposes of this Act.

(ii) EFFECT.—The latest statement submitted by the Chairman of the Budget Committee of that House prior to passage shall supersede any prior statements submitted in the Congressional Record and shall be valid only if the PAYGO Act is not further amended by either House.

(iii) FAILURE TO SUBMIT ESTIMATE.—If—

(I) the estimate required by clause (i) has not been submitted prior to passage by that House;

(II) such estimate has been submitted but is no longer valid due to a subsequent amendment to the PAYGO Act; or

(III) the designation required pursuant to this subsection has not been made;

the budgetary effects of the PAYGO Act shall be determined under subsection (d)(3), provided that this clause shall not apply if a valid designation is subsequently included in that PAYGO Act pursuant to paragraph (1)(C) and a statement is submitted pursuant to subparagraph (B).

(B) CONFERENCE REPORTS AND AMENDMENTS BETWEEN HOUSES.—

(i) IN GENERAL.—Prior to the adoption of a report of a committee of conference on a PAYGO Act in either House, or disposition of an amendment to an amendment between Houses on a PAYGO Act, the Chairmen of the Budget Committees of the House and Senate may jointly submit for printing in the Congressional Record a statement titled ''Budgetary Effects of PAYGO Legislation'' which shall include an estimate of the budgetary effects of that Act if available prior to passage of the Act by the House acting first on the legislation and shall submit, if applicable, an identification of any current policy adjustments made pursuant to section 7 of this title. The timely submission of such a statement, in conjunction with the appropriate designation made pursuant to paragraph (1)(C), shall establish the budgetary effects of the PAYGO Act for the purposes of this Act.

(ii) FAILURE TO SUBMIT ESTIMATE.—If such estimate has not been submitted prior to the adoption of a report of a committee of conference by either House, or if the designation required pursuant to this subsection has not been made, the budgetary effects of the PAYGO Act shall be determined under subsection (d)(3).

(3) PROCEDURE IN THE SENATE.—In the Senate, upon submission of a statement titled ''Budgetary Effects of PAYGO Legislation'' by the Chairman of the Senate Budget Committee for printing in the Congressional Record, the Legislative Clerk shall read the statement.

(4) JURISDICTION OF THE BUDGET COMMITTEES.—For the purposes of enforcing section 306 of the Congressional Budget Act of 1974, a designation made pursuant to paragraph (1)(A), (1)(B), or (1)(C), that includes only the language specifically prescribed therein, shall not be considered a matter within the jurisdiction of either the Senate or House Committees on the Budget.

(b) CBO PAYGO ESTIMATES.—

(1) IN GENERAL.—

(A) ESTIMATES.—Section 308(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

''(3) CBO PAYGO ESTIMATES.—

''(A) The Chairs of the Committees on the Budget of the House and Senate, as applicable, shall request from the Director of the Congressional Budget Office an estimate of the budgetary effects of PAYGO legislation.

''(B) Estimates shall be prepared using baseline estimates supplied by the Congressional Budget Office, consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(C) The Director shall not count timing shifts, as that term is defined at section 3(8) of the Statutory Pay-As-You-Go Act of 2010, in estimates of the budgetary effects of PAYGO Legislation.''.

(B) SIDEHEADING.—The side heading of section 308(a) of the Congressional Budget Act of 1974 is amended by striking ''Reports on''.

(2) GUIDELINES.—Section 308 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(d) Scorekeeping Guidelines.—Estimates under this section shall be provided in accordance with the scorekeeping guidelines determined under section 252(d)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(c) CURRENT POLICY ADJUSTMENTS FOR CERTAIN LEGISLATION.—

(1) IN GENERAL.—For any provision of legislation that meets the criteria in subsection (c), (d), (e) or (f) of section 7, the Chairs of the Committees on the Budget of the House and Senate, as applicable, shall request that CBO adjust the estimate of budgetary effects of that legislation pursuant to paragraph (2) for the purposes of this title. A single piece of legislation may contain provisions that meet criteria in more than one of the subsections referred to in the preceding sentence. CBO shall adjust estimates for legislation designated under subsection (a) and estimated under subsection (b). OMB shall adjust estimates for legislation estimated under subsection (d)(3).

(2) ADJUSTMENTS.—

(A) ESTIMATES.—CBO or OMB, as applicable, shall exclude from the estimate of budgetary effects any budgetary effects of a provision that meets the criteria in subsection (c), (d), (e) or (f) of section 7, to the extent that those budgetary effects, when combined with all other excluded budgetary effects of any other previously designated provisions of enacted legislation under the same subsection of section 7, do not exceed the maximum applicable current policy adjustment defined under the applicable subsection of section 7 for the applicable 10-year period.

(B) BASELINE.—Any estimate made pursuant to subparagraph (A) shall be prepared using baseline estimates supplied by the Congressional Budget Office, consistent with section 257 of the BBEDCA. CBO estimates of legislation adjusted for current policy shall include a separate presentation of costs excluded from the calculation of budgetary effects for the legislation, as well as an updated total of all excluded costs of provisions within subsection (c), (d), or (e) of section 7, as applicable, and in the case of paragraph (1) of section 7(f), within any of the subparagraphs (A) through (L) of such paragraph, as applicable.

(3) LIMITATION ON AVAILABILITY OF EXCESS SAVINGS.—

(A) PROHIBITION ON USE OF EXCESS SAVING FOR INELIGIBLE POLICIES.—To the extent the adjustment for current policy of any provision estimated under this subsection exceeds the estimated budgetary effects of that provision, these excess savings shall not be available to offset the costs of any provisions not otherwise eligible for a current policy adjustment under section 7, and shall not be counted on the PAYGO scorecards established pursuant to subsections (d)(4) and (d)(5).

(B) PROHIBITION ON USE OF EXCESS SAVINGS ACROSS BUDGET AREAS.—For provisions eligible for a current policy adjustment under subsections (c) through (f) of section 7, to the extent the adjustment for current policy of any provision exceeds the estimated budgetary effects of that same provision, the excess savings shall be available only to offset the costs of other provisions that qualify for a current policy adjustment in that same subsection. Each paragraph in section 7(f)(1) shall be considered a separate subsection for purposes of this section.

(4) FURTHER GUIDANCE ON ESTIMATING BUDGETARY EFFECTS.—Estimates of budgetary effects under this subsection shall be consistent with the guidance provided at section 7(h).

(5) INCLUSION OF STATEMENT.—For PAYGO legislation adjusted pursuant to section 7, the Chairman of the House or Senate Budget Committee, as applicable, shall include in any statement titled ''Budgetary Effects of PAYGO Legislation'', submitted for that legislation pursuant to section 4, an explanation of the current policy designation and adjustments.

(d) OMB PAYGO SCORECARDS.—

(1) IN GENERAL.—OMB shall maintain and make publicly available a continuously updated document containing two PAYGO scorecards displaying the budgetary effects of PAYGO legislation as determined under section 308 of the Congressional Budget Act of 1974, applying the look-back requirement in subsection (e) and the averaging requirement in subsection (f), and a separate addendum displaying the estimates of the costs of provisions designated in statute as emergency requirements.

(2) ESTIMATES IN LEGISLATION.—Except as provided in paragraph (3), in making the calculations for the PAYGO scorecards, OMB shall use the budgetary effects included by reference in the applicable legislation pursuant to subsection (a).

(3) OMB PAYGO ESTIMATES.—If a PAYGO Act does not contain a valid reference to its budgetary effects consistent with subsection (a), OMB shall estimate the budgetary effects of that legislation upon its enactment. The OMB estimate shall be based on the approaches to scorekeeping set forth in section 308 of the Congressional Budget Act of 1974, as amended by this title, and subsection (g)(4), and shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31 of the United States Code.

(4) 5-YEAR SCORECARD.—The first scorecard shall display the budgetary effects of PAYGO legislation in each year over the 5-year period beginning in the budget year.

(5) 10-YEAR SCORECARD.—The second scorecard shall display the budgetary effects of PAYGO legislation in each year over the 10-year period beginning in the budget year.

(6) COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS ACT.—Neither scorecard maintained by OMB pursuant to this subsection shall include net savings from any provisions of legislation titled ''Community Living Assistance Services and Supports Act'', which establishes a Federal insurance program for long-term care, if such legislation is enacted into law, or amended, subsequent to the date of enactment of this title.

(e) LOOK-BACK TO CAPTURE CURRENT-YEAR EFFECTS.—For purposes of this section, OMB shall treat the budgetary effects of PAYGO legislation enacted during a session of Congress that occur during the current year as though they occurred in the budget year.

(f) AVERAGING USED TO MEASURE COMPLIANCE OVER 5-YEAR AND 10-YEAR PERIODS.—OMB shall cumulate the budgetary effects of a PAYGO Act over the budget year (which includes any look-back effects under subsection (e)) and—

(1) for purposes of the 5-year scorecard referred to in subsection (d)(4), the four subsequent outyears, divide that cumulative total by five, and enter the quotient in the budget-year column and in each subsequent column of the 5-year PAYGO scorecard; and

(2) for purposes of the 10-year scorecard referred to in subsection (d)(5), the nine subsequent outyears, divide that cumulative total by ten, and enter the quotient in the budget-year column and in each subsequent column of the 10-year PAYGO scorecard.

(g) EMERGENCY LEGISLATION.—

(1) DESIGNATION IN STATUTE.—If a provision of direct spending or revenue legislation in a PAYGO Act is enacted as an emergency requirement that the Congress so designates in statute pursuant to this section, the amounts of new budget authority, outlays, and revenue in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purposes of this Act.

(2) DESIGNATION IN THE HOUSE OF REPRESENTATIVES.—If a PAYGO Act includes a provision expressly designated as an emergency for the purposes of this title, the Chair shall put the question of consideration with respect thereto.

(3) POINT OF ORDER IN THE SENATE.—

(A) IN GENERAL.—When the Senate is considering a PAYGO Act, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) SUPERMAJORITY WAIVER AND APPEALS.—

(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a PAYGO Act, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(4) EFFECT OF DESIGNATION ON SCORING.—If a provision is designated as an emergency requirement under this Act, CBO or OMB, as applicable, shall not include the budgetary effects of such a provision in its estimate of the budgetary effects of that PAYGO legislation.

SEC. 5. ANNUAL REPORT AND SEQUESTRATION ORDER.

(a) ANNUAL REPORT.—Not later than 14 days (excluding weekends and holidays) after Congress adjourns to end a session, OMB shall make publicly available and cause to be printed in the Federal Register an annual PAYGO report. The report shall include an up-to-date document containing the PAYGO scorecards, a description of any current policy adjustments made under section 4(c), information about emergency legislation (if any) designated under section 4(g), information about any sequestration if required by subsection (b), and other data and explanations that enhance public understanding of this title and actions taken under it.

(b) SEQUESTRATION ORDER.—If the annual report issued at the end of a session of Congress under subsection (a) shows a debit on either PAYGO scorecard for the budget year, OMB shall prepare and the President shall issue and include in that report a sequestration order that, upon issuance, shall reduce budgetary resources of direct spending programs by enough to offset that debit as prescribed in section 6. If there is a debit on both scorecards, the order shall fully offset the larger of the two debits. OMB shall transmit the order and the report to the House of Representatives and the Senate. If the President issues a sequestration order, the annual report shall contain, for each budget account to be sequestered, estimates of the baseline level of budgetary resources subject to sequestration, the amount of budgetary resources to be sequestered, and the outlay reductions that will occur in the budget year and the subsequent fiscal year because of that sequestration.

SEC. 6. CALCULATING A SEQUESTRATION.

(a) REDUCING NONEXEMPT BUDGETARY RESOURCES BY A UNIFORM PERCENTAGE.—

(1) IN GENERAL.—OMB shall calculate the uniform percentage by which the budgetary resources of nonexempt direct spending programs are to be sequestered such that the outlay savings resulting from that sequestration, as calculated under subsection (b), shall offset the budget-year debit, if any, on the applicable PAYGO scorecard. If the uniform percentage calculated under the prior sentence exceeds 4 percent, the Medicare programs described in section 256(d) of BBEDCA shall be reduced by 4 percent and the uniform percentage by which the budgetary resources of all other nonexempt direct spending programs are to be sequestered shall be increased, as necessary, so that the sequestration of Medicare and of all other nonexempt direct spending programs together produce the required outlay savings.

(2) PROGRAMS AND ACTIVITIES IN UNIFIED BUDGET ONLY.—Subject to the exemptions set forth in section 11, OMB shall determine the uniform percentage required under paragraph (1) with respect to programs and activities contained in the unified budget only.

(b) OUTLAY SAVINGS.—In determining the amount by which a sequestration offsets a budget-year debit, OMB shall count—

(1) the amount by which the sequestration in a crop year of crop support payments, pursuant to section 256(j) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year;

(2) the amount by which the sequestration of Medicare payments in the 12-month period following the sequestration order, pursuant to section 256(d) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year; and

(3) the amount by which the sequestration in the budget year of the budgetary resources of other nonexempt mandatory programs reduces outlays in the budget year and in the subsequent fiscal year.

SEC. 7. ADJUSTMENT FOR CURRENT POLICIES.

(a) PURPOSE.—The purpose of this section is to provide for adjustments of estimates of budgetary effects of PAYGO legislation for legislation affecting 4 areas of the budget—

(1) payments made under section 1848 of the Social Security Act (referred to in this section as ''Payment for Physicians' Services'');

(2) the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986;

(3) the AMT; and

(4) provisions of EGTRRA or JGTRRA that amended the Internal Revenue Code of 1986 (or provisions in later statutes further amending the amendments made by EGTRRA or JGTRRA), other than—

(A) the provisions of those 2 Acts that were made permanent by the Pension Protection Act of 2006 (Public Law 109–280);

(B) amendments to the Estate and Gift Tax referred to in paragraph (2);

(C) the AMT referred to in paragraph (3); and

(D) the income tax rates on ordinary income that apply to individuals with adjusted gross incomes greater than $200,000 for a single filer and $250,000 for joint filers.

(b) DURATION.—This section shall remain in effect through December 31, 2011.

(c) MEDICARE PAYMENTS TO PHYSICIANS.—

(1) CRITERIA.—Legislation that includes provisions amending or superseding the system for updating payments under subsections (d) and (f) of section 1848 of the Social Security Act shall trigger the current policy adjustment required by this title.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) estimated net outlays attributable to the payment rates and related parameters in accordance with subsections (d) and (f) of section 1848 of the Social Security Act (as scheduled on December 31, 2009, to be in effect); and

(B) what those net outlays would have been if—

(i) the nominal payment rates and related parameters in effect for 2009 had been in effect through December 31, 2014, without change; and

(ii) thereafter, the nominal payment rates and related parameters described in subparagraph (A) had applied and the assumption described in clause (i) had never applied.

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2014, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) estimated net outlays attributable to the payment rates and related parameters specified in that section of the Social Security Act (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those net outlays would have been if the nominal payment rates and related parameters in effect for 2009 had been in effect, without change, for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(d) ESTATE AND GIFT TAX.—

(1) CRITERIA.—Legislation that includes provisions amending the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986 shall trigger the current policy adjustment required by this title.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections would have been if, on the date of enactment of the legislation meeting the criteria in paragraph (1), estate and gift tax law had instead been amended so that the tax rates, nominal exemption amounts, and related parameters in effect for tax year 2009 had remained in effect through December 31, 2011, with nominal exemption amounts indexed for inflation after 2009 consistent with subsection (g).

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2011, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenues would have been if the estate and gift tax law rates, nominal exemption amounts, and related parameters in effect for 2009, with nominal exemption amounts indexed for inflation after 2009 consistent with subsection (g), had been in effect for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(4) DURATION OF POLICY ADJUSTMENT.—Adjustments made pursuant to this subsection are available for policies affecting the estate and gift tax through only December 31, 2011. Any adjustments shall include budgetary effects in all years from these policy changes.

(e) AMT RELIEF.—

(1) CRITERIA.—Legislation that includes provisions extending AMT relief shall trigger the current policy adjustment required by this title.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), AMT law had instead been amended by making commensurate adjustments in the exemption amounts for joint and single filers in such a manner that the number of taxpayers with AMT liability or lost credits that occur as a result of the AMT would not be estimated to exceed the number of taxpayers affected by the AMT in tax year 2008 in any year for which relief is provided, through December 31, 2011.

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2011, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenues would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), AMT law had instead been amended by making commensurate adjustments in the exemption amounts for joint and single filers in such a manner that the number of taxpayers with AMT liability or lost credits that occur as a result of the AMT would not be estimated to exceed the number of AMT taxpayers in tax year 2008 for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(4) DURATION OF POLICY ADJUSTMENT.—Adjustments made pursuant to this subsection are available for policies affecting the AMT through only December 31, 2011. Any adjustments shall include budgetary effects in all years from these policy changes.

(f) PERMANENT EXTENSION OF MIDDLE-CLASS TAX CUTS.—

(1) CRITERIA.—Legislation that includes provisions extending middle-class tax cuts shall trigger the current policy adjustment required by this title if those provisions extend 1 or more of the following provisions:

(A) The 10 percent bracket as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendments through December 31, 2009.

(B) The child tax credit as in effect for tax year 2010, as provided for under section 201 of EGTRRA and any later amendments through December 31, 2009.

(C) Tax benefits for married couples as in effect for tax year 2010, as provided for under title III of EGTRRA and any later amendments through December 31, 2009.

(D) The adoption credit as in effect in tax year 2010, as provided for under section 202 of EGTRRA and any later amendments through December 31, 2009.

(E) The dependent care credit as in effect in tax year 2010, as provided for under section 204 of EGTRRA and any later amendments through December 31, 2009.

(F) The employer-provided child care credit as in effect in tax year 2010, as provided for under section 205 of EGTRRA and any later amendments through December 31, 2009.

(G) The education tax benefits as in effect in tax year 2010, as provided for under title IV of EGTRRA and any later amendments through December 31, 2009.

(H) The 25 and 28 percent brackets as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendments through December 31, 2009.

(I) The 33 percent bracket as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendment through December 31, 2009, affecting taxpayers with adjusted gross income of $200,000 or less for single filers and $250,000 or less for joint filers in tax year 2010, with these income levels indexed for

inflation in each subsequent year consistent with subsection (g).

(J) The rates on income derived from capital gains and qualified dividends as in effect for tax year 2010, as provided for under sections 301 and 302 of JGTRRA and any later amendment through December 31, 2009, affecting taxpayers with adjusted gross income of $200,000 or less for single filers and $250,000 for joint filers with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(K) The phaseout of personal exemptions and the overall limitation on itemized deductions as in effect for tax year 2010, as provided for under sections 102 and 103 of EGTRRA of 2001, respectively, and any later amendment through December 31, 2009, affecting taxpayer with adjusted gross income of $200,000 or less for single filers and $250,000 for joint filers, with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(L) The increase in the limitations on expensing depreciable business assets for small businesses under section 179(b) of the Internal Revenue Code of 1986 as in effect in tax year 2010, as provided under section 202 of JGTRRA and any later amendment through December 31, 2009.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected and outlays to be paid under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections and outlay payments would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), the provisions identified in paragraph (1) were made permanent.

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) are not permanent, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected and outlays to be paid under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenue collections and outlay payments would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), the provisions identified in paragraph (1) had been in effect, without change, for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(g) INDEXING FOR INFLATION.—Indexed amounts are assumed to increase in each year by an amount equal to the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year in which the taxable year begins, determined by substituting ''calendar year 2008'' for ''calendar year 1992'' in subparagraph (B) of such section.

(h) GUIDANCE ON ESTIMATES AND CURRENT POLICY ADJUSTMENTS.—

(1) MIDDLE CLASS TAX CUTS.—For purposes of estimates made pursuant to subsection (f)—

(A) each of the income tax provisions shall be estimated as though the AMT had remained at current law as scheduled on December 31, 2009 to be in effect; and

(B) if more than 1 of the income tax provisions is included in a single piece of legislation, those provisions shall be estimated in the order in which they appear.

(2) AMT.—For purposes of estimates made pursuant to subsection (e), changes to the AMT shall be estimated as if, on the date of enactment of legislation meeting the criteria in subsection (e)(1), all of the income tax provisions identified in subsection (f)(1) were made permanent.

SEC. 8. APPLICATION OF BBEDCA.

For purposes of this title—

(1) notwithstanding section 275 of BBEDCA, the provisions of sections 255, 256, 257, and 274 of BBEDCA, as amended by this title, shall apply to the provisions of this title;

(2) references in sections 255, 256, 257, and 274 to ''this part'' or ''this title'' shall be interpreted as applying to this title;

(3) references in sections 255, 256, 257, and 274 of BBEDCA to ''section 254'' shall be interpreted as referencing section 5 of this title;

(4) the reference in section 256(b) of BBEDCA to ''section 252 or 253'' shall be interpreted as referencing section 5 of this title;

(5) the reference in section 256(d)(1) of BBEDCA to ''section 252 or 253'' shall be interpreted as referencing section 6 of this title;

(6) the reference in section 256(d)(4) of BBEDCA to ''section 252 or 253'' shall be interpreted as referencing section 5 of this title;

(7) section 256(k) of BBEDCA shall apply to a sequestration, if any, under this title; and

(8) references in section 257(e) of BBEDCA to ''section 251, 252, or 253'' shall be interpreted as referencing section 4 of this title.

SEC. 9. TECHNICAL CORRECTIONS.

(a) Section 250(c)(18) of BBEDCA is amended by striking ''the expenses the Federal deposit insurance agencies'' and inserting ''the expenses of the Federal deposit insurance agencies''.

(b) Section 256(k)(1) of BBEDCA is amended by striking ''in paragraph (5)'' and inserting ''in paragraph (6)''.

SEC. 10. CONFORMING AMENDMENTS.

(a) Section 256(a) of BBEDCA is repealed.

(b) Section 256(b) of BBEDCA is amended by striking ''origination fees under sections 438(c)(2) and 455(c) of that Act shall each be increased by 0.50 percentage point.'' and inserting in lieu thereof ''origination fees under sections 438(c)(2) and (6) and 455(c) and loan processing and issuance fees under section 428(f)(1)(A)(ii) of that Act shall each be increased by the uniform percentage specified in that sequestration order, and, for student loans originated during the period of the sequestration, special allowance payments under section 438(b) of that Act accruing during the period of the sequestration shall be reduced by the uniform percentage specified in that sequestration order.''.

(c) Section 256(c) of BBEDCA is repealed.

(d) Section 256(d) of BBEDCA is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (5), and (6);

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

''(1) CALCULATION OF REDUCTION IN PAYMENT AMOUNTS.—To achieve the total percentage reduction in those programs required by section 252 or 253, subject to paragraph (2), and notwithstanding section 710 of the Social Security Act, OMB shall determine, and the applicable Presidential order under section 254 shall implement, the percentage reduction that shall apply, with respect to the health insurance programs under title XVIII of the Social Security Act—

''(A) in the case of parts A and B of such title, to individual payments for services furnished during the one-year period beginning on the first day of the first month beginning after the date the order is issued (or, if later, the date specified in paragraph (4)); and

''(B) in the case of parts C and D, to monthly payments under contracts under such parts for the same one-year period;

such that the reduction made in payments under that order shall achieve the required total percentage reduction in those payments for that period.'';

(3) by inserting after paragraph (1) the following:

''(2) UNIFORM REDUCTION RATE; MAXIMUM PERMISSIBLE REDUCTION.—Reductions in payments for programs and activities under such title XVIII pursuant to a sequestration order under section 254 shall be at a uniform rate, which shall not exceed 4 percent, across all such programs and activities subject to such order.'';

(4) by inserting after paragraph (3), as redesignated, the following:

''(4) TIMING OF SUBSEQUENT SEQUESTRATION ORDER.—A sequestration order required by section 252 or 253 with respect to programs under such title XVIII shall not take effect until the first month beginning after the end of the effective period of any prior sequestration order with respect to such programs, as determined in accordance with paragraph (1).'';

(5) in paragraph (6), as redesignated, to read as follows:

''(6) SEQUESTRATION DISREGARDED IN COMPUTING PAYMENT AMOUNTS.—The Secretary of Health and Human Services shall not take into account any reductions in payment amounts which have been or may be effected under this part, for purposes of computing any adjustments to payment rates under such title XVIII, specifically including—

''(A) the part C growth percentage under section 1853(c)(6);

''(B) the part D annual growth rate under section 1860D–2(b)(6); and

''(C) application of risk corridors to part D payment rates under section 1860D–15(e).''; and

(6) by adding after paragraph (6), as redesignated, the following:

''(7) EXEMPTIONS FROM SEQUESTRATION.—In addition to the programs and activities specified in section 255, the following shall be exempt from sequestration under this part:

''(A) PART D LOW-INCOME SUBSIDIES.—Premium and cost-sharing subsidies under section 1860D–14 of the Social Security Act.

''(B) PART D CATASTROPHIC SUBSIDY.—Payments under section 1860D–15(b) and (e)(2)(B) of the Social Security Act.

''(C) QUALIFIED INDIVIDUAL (QI) PREMIUMS.—Payments to States for coverage of Medicare cost-sharing for certain low-income Medicare beneficiaries under section 1933 of the Social Security Act.''.

SEC. 11. EXEMPT PROGRAMS AND ACTIVITIES.

(a) DESIGNATIONS.—Section 255 of BBEDCA is amended by redesignating subsection (i) as (j) and striking ''1998'' and inserting in lieu thereof ''2010''.

(b) SOCIAL SECURITY, VETERANS PROGRAMS, NET INTEREST, AND TAX CREDITS.—Subsections (a) through (d) of section 255 of BBEDCA are amended to read as follows:

''(a) SOCIAL SECURITY BENEFITS AND TIER I RAILROAD RETIREMENT BENEFITS.—Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act (42 U.S.C. 401 et seq.), and benefits payable under section 231b(a), 231b(f)(2), 231c(a), and 231c(f) of title 45 United States Code, shall be exempt from reduction under any order issued under this part.

''(b) VETERANS PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

''All programs administered by the Department of Veterans Affairs.

''Special Benefits for Certain World War II Veterans (28–0401–0–1–701).

''(c) NET INTEREST.—No reduction of payments for net interest (all of major functional category 900) shall be made under any order issued under this part.

''(d) REFUNDABLE INCOME TAX CREDITS.—Payments to individuals made pursuant to provisions of the Internal Revenue Code of 1986 establishing refundable tax credits shall be exempt from reduction under any order issued under this part.''.

(c) OTHER PROGRAMS AND ACTIVITIES, LOW-INCOME PROGRAMS, AND ECONOMIC RECOVERY PROGRAMS.—Subsections (g) and (h) of section 255 of BBEDCA are amended to read as follows:

''(g) OTHER PROGRAMS AND ACTIVITIES.—

''(1)(A) The following budget accounts and activities shall be exempt from reduction under any order issued under this part:

''Activities resulting from private donations, bequests, or voluntary contributions to the Government.

''Activities financed by voluntary payments to the Government for goods or services to be provided for such payments.

''Administration of Territories, Northern Mariana Islands Covenant grants (14–0412–0–1–808).

''Advances to the Unemployment Trust Fund and Other Funds (16–0327–0–1–600).

''Black Lung Disability Trust Fund Refinancing (16–0329–0–1–601).

''Bonneville Power Administration Fund and borrowing authority established pursuant to section 13 of Public Law 93–454 (1974), as amended (89–4045–0–3–271).

''Claims, Judgments, and Relief Acts (20–1895–0–1–808).

''Compact of Free Association (14–0415–0–1–808).

''Compensation of the President (11–0209–01–1–802).

''Comptroller of the Currency, Assessment Funds (20–8413–0–8–373).

''Continuing Fund, Southeastern Power Administration (89–5653–0–2–271).

''Continuing Fund, Southwestern Power Administration (89–5649–0–2–271).

''Dual Benefits Payments Account (60–0111–0–1–601).

''Emergency Fund, Western Area Power Administration (89–5069–0–2–271).

''Exchange Stabilization Fund (20–4444–0–3–155).

''Farm Credit Administration Operating Expenses Fund (78–4131–0–3–351).

''Farm Credit System Insurance Corporation, Farm Credit Insurance Fund (78–4171–0–3–351).

''Federal Deposit Insurance Corporation, Deposit Insurance Fund (51–4596–0–4–373).

''Federal Deposit Insurance Corporation, FSLIC Resolution Fund (51–4065–0–3–373).

''Federal Deposit Insurance Corporation, Noninterest Bearing Transaction Account Guarantee (51–4458–0–3–373).

''Federal Deposit Insurance Corporation, Senior Unsecured Debt Guarantee (51–4457–0–3–373).

''Federal Home Loan Mortgage Corporation (Freddie Mac).

''Federal Housing Finance Agency, Administrative Expenses (95–5532–0–2–371).

''Federal National Mortgage Corporation (Fannie Mae).

''Federal Payment to the District of Columbia Judicial Retirement and Survivors Annuity Fund (20–1713–0–1–752).

''Federal Payment to the District of Columbia Pension Fund (20–1714–0–1–601).

''Federal Payments to the Railroad Retirement Accounts (60–0113–0–1–601).

''Federal Reserve Bank Reimbursement Fund (20–1884–0–1–803).

''Financial Agent Services (20–1802–0–1–803).

''Foreign Military Sales Trust Fund (11–8242–0–7–155).

''Hazardous Waste Management, Conservation Reserve Program (12–4336–0–3–999).

''Host Nation Support Fund for Relocation (97–8337–0–7–051).

''Internal Revenue Collections for Puerto Rico (20–5737–0–2–806).

''Intragovernmental funds, including those from which the outlays are derived primarily from resources paid in from other government accounts, except to the extent such funds are augmented by direct appropriations for the fiscal year during which an order is in effect.

''Medical Facilities Guarantee and Loan Fund (75–9931–0–3–551).

''National Credit Union Administration, Central Liquidity Facility (25–4470–0–3–373).

''National Credit Union Administration, Corporate Credit Union Share Guarantee Program (25–4476–0–3–376).

''National Credit Union Administration, Credit Union Homeowners Affordability Relief Program (25–4473–0–3–371).

''National Credit Union Administration, Credit Union Share Insurance Fund (25–4468–0–3–373).

''National Credit Union Administration, Credit Union System Investment Program (25–4474–0–3–376).

''National Credit Union Administration, Operating fund (25–4056–0–3–373).

''National Credit Union Administration, Share Insurance Fund Corporate Debt Guarantee Program (25–4469–0–3–376).

''National Credit Union Administration, U.S. Central Federal Credit Union Capital Program (25–4475–0–3–376).

''Office of Thrift Supervision (20–4108–0–3–373).

''Panama Canal Commission Compensation Fund (16–5155–0–2–602).

''Payment of Vietnam and USS Pueblo prisoner-of-war claims within the Salaries and Expenses, Foreign Claims Settlement account (15–0100–0–1–153).

''Payment to Civil Service Retirement and Disability Fund (24–0200–0–1–805).

''Payment to Department of Defense Medicare-Eligible Retiree Health Care Fund (97–0850–0–1–054).

''Payment to Judiciary Trust Funds (10–0941–0–1–752).

''Payment to Military Retirement Fund (97–0040–0–1–054).

''Payment to the Foreign Service Retirement and Disability Fund (19–0540–0–1–153).

''Payments to Copyright Owners (03–5175–0–2–376).

''Payments to Health Care Trust Funds (75–0580–0–1–571).

''Payment to Radiation Exposure Compensation Trust Fund (15–0333–0–1–054).

''Payments to Social Security Trust Funds (28–0404–0–1–651).

''Payments to the United States Territories, Fiscal Assistance (14–0418–0–1–806).

''Payments to trust funds from excise taxes or other receipts properly creditable to such trust funds.

''Payments to widows and heirs of deceased Members of Congress (00–0215–0–1–801).

''Postal Service Fund (18–4020–0–3–372).

''Radiation Exposure Compensation Trust Fund (15–8116–0–1–054).

''Reimbursement to Federal Reserve Banks (20–0562–0–1–803).

''Salaries of Article III judges.

''Soldiers and Airmen's Home, payment of claims (84–8930–0–7–705).

''Tennessee Valley Authority Fund, except nonpower programs and activities (64–4110–0–3–999).

''Tribal and Indian trust accounts within the Department of the Interior which fund prior legal obligations of the Government or which are established pursuant to Acts of Congress regarding Federal management of tribal real property or other fiduciary responsibilities, including but not limited to Tribal Special Fund (14–5265–0–2–452), Tribal Trust Fund (14–8030–0–7–452), White Earth Settlement (14–2204–0–1–452), and Indian Water Rights and Habitat Acquisition (14–5505–0–2–303).

''United Mine Workers of America 1992 Benefit Plan (95–8260–0–7–551).

''United Mine Workers of America 1993 Benefit Plan (95–8535–0–7–551).

''United Mine Workers of America Combined Benefit Fund (95–8295–0–7–551).

''United States Enrichment Corporation Fund (95–4054–0–3–271).

''Universal Service Fund (27–5183–0–2–376).

''Vaccine Injury Compensation (75–0320–0–1–551).

''Vaccine Injury Compensation Program Trust Fund (20–8175–0–7–551).

''(B) The following Federal retirement and disability accounts and activities shall be exempt from reduction under any order issued under this part:

''Black Lung Disability Trust Fund (20–8144–0–7–601).

''Central Intelligence Agency Retirement and Disability System Fund (56–3400–0–1–054).

''Civil Service Retirement and Disability Fund (24–8135–0–7–602).

''Comptrollers general retirement system (05–0107–0–1–801).

''Contributions to U.S. Park Police annuity benefits, Other Permanent Appropriations (14–9924–0–2–303).

''Court of Appeals for Veterans Claims Retirement Fund (95–8290–0–7–705).

''Department of Defense Medicare-Eligible Retiree Health Care Fund (97–5472–0–2–551).

''District of Columbia Federal Pension Fund (20–5511–0–2–601).

''District of Columbia Judicial Retirement and Survivors Annuity Fund (20–8212–0–7–602).

''Energy Employees Occupational Illness Compensation Fund (16–1523–0–1–053).

''Foreign National Employees Separation Pay (97–8165–0–7–051).

''Foreign Service National Defined Contributions Retirement Fund (19–5497–0–2–602).

''Foreign Service National Separation Liability Trust Fund (19–8340–0–7–602).

''Foreign Service Retirement and Disability Fund (19–8186–0–7–602).

''Government Payment for Annuitants, Employees Health Benefits (24–0206–0–1–551).

''Government Payment for Annuitants, Employee Life Insurance (24–0500–0–1–602).

''Judicial Officers' Retirement Fund (10–8122–0–7–602).

''Judicial Survivors' Annuities Fund (10–8110–0–7–602).

''Military Retirement Fund (97–8097–0–7–602).

''National Railroad Retirement Investment Trust (60–8118–0–7–601).

''National Oceanic and Atmospheric Administration retirement (13–1450–0–1–306).

''Pensions for former Presidents (47–0105–0–1–802).

''Postal Service Retiree Health Benefits Fund (24–5391–0–2–551).

''Public Safety Officer Benefits (15–0403–0–1–754).

''Rail Industry Pension Fund (60–8011–0–7–601).

''Retired Pay, Coast Guard (70–0602–0–1–403).

''Retirement Pay and Medical Benefits for Commissioned Officers, Public Health Service (75–0379–0–1–551).

''Special Benefits for Disabled Coal Miners (16–0169–0–1–601).

''Special Benefits, Federal Employees' Compensation Act (16–1521–0–1–600).

''Special Workers Compensation Expenses (16–9971–0–7–601).

''Tax Court Judges Survivors Annuity Fund (23–8115–0–7–602).

''United States Court of Federal Claims Judges' Retirement Fund (10–8124–0–7–602).

''United States Secret Service, DC Annuity (70–0400–0–1–751).

''Voluntary Separation Incentive Fund (97–8335–0–7–051).

''(2) Prior legal obligations of the Government in the following budget accounts and activities shall be exempt from any order issued under this part:

''Biomass Energy Development (20–0114–0–1–271).

''Check Forgery Insurance Fund (20–4109–0–3–803).

''Credit liquidating accounts.

''Credit reestimates.

''Employees Life Insurance Fund (24–8424–0–8–602).

''Federal Aviation Insurance Revolving Fund (69–4120–0–3–402).

''Federal Crop Insurance Corporation Fund (12–4085–0–3–351).

''Federal Emergency Management Agency, National Flood Insurance Fund (58–4236–0–3–453).

''Geothermal resources development fund (89–0206–0–1–271).

''Low-Rent Public Housing—Loans and Other Expenses (86–4098–0–3–604).

''Maritime Administration, War Risk Insurance Revolving Fund (69–4302–0–3–403).

''Natural Resource Damage Assessment Fund (14–1618–0–1–302).

''Overseas Private Investment Corporation, Noncredit Account (71–4184–0–3–151).

''Pension Benefit Guaranty Corporation Fund (16–4204–0–3–601).

''San Joaquin Restoration Fund (14–5537–0–2–301).

''Servicemembers' Group Life Insurance Fund (36–4009–0–3–701).

''Terrorism Insurance Program (20–0123–0–1–376).

''(h) LOW-INCOME PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

''Academic Competitiveness/Smart Grant Program (91–0205–0–1–502).

''Child Care Entitlement to States (75–1550–0–1–609).

''Child Enrollment Contingency Fund (75–5551–0–2–551).

''Child Nutrition Programs (with the exception of special milk programs) (12–3539–0–1–605).

''Children's Health Insurance Fund (75–0515–0–1–551).

''Commodity Supplemental Food Program (12–3507–0–1–605).

''Contingency Fund (75–1522–0–1–609).

''Family Support Programs (75–1501–0–1–609).

''Federal Pell Grants under section 401 Title IV of the Higher Education Act.

''Grants to States for Medicaid (75–0512–0–1–551).

''Payments for Foster Care and Permanency (75–1545–0–1–609).

''Supplemental Nutrition Assistance Program (12–3505–0–1–605).

''Supplemental Security Income Program (28–0406–0–1–609).

''Temporary Assistance for Needy Families (75–1552–0–1–609).''.

(d) ADDITIONAL EXCLUDED PROGRAMS.—Section 255 of BBEDCA is amended by adding the following after subsection (h):

''(i) ECONOMIC RECOVERY PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

''GSE Preferred Stock Purchase Agreements (20–0125–0–1–371).

''Office of Financial Stability (20–0128–0–1–376).

''Special Inspector General for the Troubled Asset Relief Program (20–0133–0–1–376).

''(j) SPLIT TREATMENT PROGRAMS.—Each of the following programs shall be exempt from any order under this part to the extent that the budgetary resources of such programs are subject to obligation limitations in appropriations bills:

''Federal-Aid Highways (69–8083–0–7–401).

''Highway Traffic Safety Grants (69–8020–0–7–401).

''Operations and Research NHTSA and National Driver Register (69–8016–0–7–401).

''Motor Carrier Safety Operations and Programs (69–8159–0–7–401).

''Motor Carrier Safety Grants (69–8158–0–7–401).

''Formula and Bus Grants (69–8350–0–7–401).

''Grants-In-Aid for Airports (69–8106–0–7–402).''.

SEC. 12. DETERMINATIONS AND POINTS OF ORDER.

Nothing in this title shall be construed as limiting the authority of the chairmen of the Committees on the Budget of the House and Senate under section 312 of the Congressional Budget Act of 1974. CBO may consult with the Chairmen of the House and Senate Budget Committees to resolve any ambiguities in this title.

SEC. 13. LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.

(a) LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any bill or resolution pursuant to any expedited procedure to consider the recommendations of a Task Force for Responsible Fiscal Action or other commission that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act, or the taxes received under subchapter A of chapter 9; the taxes imposed by subchapter E of chapter 1; and the taxes collected under section 86 of part II of subchapter B of chapter 1 of the Internal Revenue Code.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

TITLE II—ELIMINATION OF DUPLICATIVE AND WASTEFUL SPENDING

SEC. 21. IDENTIFICATION, CONSOLIDATION, AND ELIMINATION OF DUPLICATIVE GOVERNMENT PROGRAMS.

The Comptroller General of the Government Accountability Office shall conduct routine investigations to identify programs, agencies, offices, and initiatives with duplicative goals and activities within Departments and governmentwide and report annually to Congress on the findings, including the cost of such duplication and with recommendations for consolidation and elimination to reduce duplication identifying specific rescissions.

Mr. HOYER, pursuant to House Resolution 1065, moved to agree to the amendment of the Senate.

Pending consideration of said amendment of the Senate,

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to House Resolution 1065, divided the time for debate among Mr. HOYER for 30 minutes, and Mr. CAMP and Mr. RYAN of Wisconsin, as designees of the Minority Leader, for 15 minutes each.

When said amendment of the Senate was considered.

After debate,

Pursuant to House Resolution 1065, the previous question was ordered on the motion and the question of adoption was divided.

Pursuant to House Resolution 1065, the first portion of the divided question was considered as agreed to.

The question was put on the second portion of the divided question, viva voce,

Will the House agree to the amendment of the Senate comprising of titles I and II?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. RYAN of Wisconsin, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 233 / Nays 187

¶14.24 [Roll No. 48]

YEAS—233

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

NAYS—187

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)

King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Pastor (AZ)
Paul
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Waters
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—14

Cassidy
Clay
Davis (TN)
Ehlers
Gutierrez
Linder
Meeks (NY)
Moore (WI)
Murtha
Radanovich
Stark
Stupak
Thompson (PA)
Young (FL)

The second portion of the divided question was agreed to.

A motion to reconsider the vote whereby said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶14.25 H. RES. 960—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CARSON of Indiana, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 960) expressing support for designation of January 2010 as ''National Stalking Awareness Month'' to raise awareness and encourage prevention of stalking.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CARSON of Indiana, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶14.26 S. 2950—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CARSON of Indiana, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 2950) to extend the pilot program for volunteer groups to obtain criminal history background checks.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CARSON of Indiana, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶14.27 ADJOURNMENT OVER

On motion of Mr. ANDREWS, by unanimous consent,

Ordered, That when the House adjourns on Friday, February 5, 2010, it adjourn to meet at 12:30 p.m. on Tuesday, February 9, 2010, for morning-hour debate.

¶14.28 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. GUTIERREZ, for February 3 and today.

And then,

¶14.29 ADJOURNMENT

On motion of Mr. WOLF, at 4 o'clock and 48 minutes p.m., the House adjourned.

¶14.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DELAHUNT (for himself, Mr. POE of Texas, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Ms. DELAURO, Ms. EDWARDS of Maryland, Ms. LEE of California, Ms. JACKSON LEE of Texas, Ms. WOOLSEY, Ms. WATSON, Mr. HARE, Mr. WELCH, Mr. PAYNE, Mr. ELLISON, Ms. SLAUGHTER, Mr. CARNAHAN, Mr. POLIS of Colorado, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mr. RUSH, Mr. GRIJALVA, Mr. FILNER, Mr. MOORE of Kansas, Mr. BERMAN, Mr. MAFFEI, and Ms. MCCOLLUM):

H.R. 4594. A bill to combat international violence against women and girls; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself and Mr. WOLF):

H.R. 4595. A bill to establish the Internet Freedom Foundation, and for other purposes; to the Committee on Science and Technology.

By Ms. ROS-LEHTINEN (for herself, Mr. KLEIN of Florida, Mr. PENCE, Mr. GARAMENDI, Mr. WILSON of South Carolina, Mr. SCHIFF, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROHRABACHER, Mr. MEEK of Florida, Mrs. BLACKBURN, and Mr. KIRK):

H.R. 4596. A bill to allow for enforcement of State disclosure laws and access to courts for covered Holocaust-era insurance policy claims; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. BLUMENAUER, Mrs. CAPPS, Mr. HALL of New York, Ms. KAPTUR, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. WELCH, and Mr. YARMUTH):

H.R. 4597. A bill to increase the quantity of solar photovoltaic electricity by providing rebates for the purchase and installation of an additional 10,000,000 solar roofs and additional solar water heating systems with a cumulative capacity of 10,000,000 gallons by 2019; to the Committee on Energy and Commerce.

By Mrs. DAHLKEMPER (for herself, Ms. BEAN, Mr. POMEROY, Mr. WELCH, Mr. ALTMIRE, Ms. KOSMAS, Mr. RYAN of Ohio, Mr. SCHRADER, Mr. BRIGHT, Ms. SCHWARTZ, Mr. DRIEHAUS, Mr. PETERS, Ms. RICHARDSON, Mr. KLEIN of Florida, Ms. WASSERMAN SCHULTZ, Mr. GRAYSON, Mr. MCMAHON, Mr. DONNELLY of Indiana, and Mr. SHUSTER):

H.R. 4598. A bill to amend the Small Business Act to improve the Express Loan Program, and for other purposes; to the Committee on Small Business.

By Mr. BLUMENAUER (for himself, Mr. MCDERMOTT, Mr. VAN HOLLEN, Ms. LINDA T. SÁNCHEZ of California, Mr. WALZ, Mr. LARSON of Connecticut, Mr. THOMPSON of California, Mr. DOGGETT, Mr. PASCRELL, and Mr. POMEROY):

H.R. 4599. A bill to amend the Internal Revenue Code of 1986 to provide an elective payment for specified energy property; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. MCKEON, Mr. SMITH of Texas, Mr. KING of New York, Mr. HOEKSTRA, Mr. LEWIS of California, Ms. GRANGER, and Mr. PENCE):

H.R. 4600. A bill to prohibit the use of funds to transfer or release an individual detained at Guantanamo Bay Naval Base to the custody of another country; to the Committee on Foreign Affairs.

By Mr. BLUMENAUER:

H.R. 4601. A bill to amend the Public Health Service Act to establish the Office of the National Nurse; to the Committee on Energy and Commerce.

By Mr. BOCCIERI:

H.R. 4602. A bill to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the ''Emil Bolas Post Office''; to the Committee on Oversight and Government Reform.

By Mr. HOEKSTRA:

H.R. 4603. A bill to require the Secretary of Homeland Security to expand the humanitarian parole policy announced on January 18, 2010, to children legally confirmed as orphans eligible for intercountry adoption by the Government of Haiti prior to the earthquake on January 12, 2010, and for other purposes; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.R. 4604. A bill to direct the Secretary of the Army to prevent the spread of Asian carp in the Great Lakes and the tributaries of the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ISRAEL:
H.R. 4605. A bill to amend the Internal Revenue Code of 1986 to require that certain entities exempt from taxation (including business leagues and chambers of commerce) disclose sources and amounts of contributions; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:
H.R. 4606. A bill to amend the Internal Revenue Code of 1986 to expand the purposes for which Build America Bonds may be issued; to the Committee on Ways and Means.

By Mr. LOEBSACK:
H.R. 4607. A bill to amend the Richard B. Russell National School Lunch Act to improve the purchase and processing of healthful commodities for use in school meal programs; to the Committee on Education and Labor.

By Mr. MAFFEI:
H.R. 4608. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to allow multiemployer plans to amortize losses from certain fraudulent investment schemes over a 40-year period; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON:
H.R. 4609. A bill to authorize the Administrator of the Small Business Administration to waive interest for certain loans relating to damage caused by Hurricane Katrina, Hurricane Rita, Hurricane Gustav, or Hurricane Ike; to the Committee on Small Business.

By Mr. PASCRELL (for himself and Ms. JENKINS):
H.R. 4610. A bill to amend the Internal Revenue Code of 1986 to eliminate the drawback fee on the manufacture or production of certain distilled spirits used in nonbeverage products; to the Committee on Ways and Means.

By Mr. PITTS:
H.R. 4611. A bill to provide dollars to the classroom; to the Committee on Education and Labor.

By Mr. SESTAK:
H.R. 4612. A bill to amend title 39, United States Code, to provide that the procedures governing the closure or consolidation of postal branches and stations shall be the same as those applicable in the case of post offices; to the Committee on Oversight and Government Reform.

By Mr. SIMPSON (for himself and Mr. MINNICK):
H.R. 4613. A bill to settle land claims within the Fort Hall Reservation; to the Committee on Natural Resources.

By Mr. TEAGUE (for himself and Mr. SCHIFF):
H.R. 4614. A bill to amend part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for incentive payments under the Edward Byrne Memorial Justice Assistance Grant program for States to implement minimum and enhanced DNA collection processes; to the Committee on the Judiciary.

By Ms. WATSON (for herself, Mr. STARK, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, Ms. WOOLSEY, Mrs. NAPOLITANO, Ms. JACKSON LEE of Texas, Mr. KENNEDY, Ms. BORDALLO, Ms. CHU, Mr. HONDA, Mr. FALEOMAVAEGA, and Mr. PAYNE):
H.R. 4615. A bill to amend the Federal Food, Drug, and Cosmetic Act to require dentists to provide patients with a fact sheet before performing any dental restoration work, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TIAHRT:
H. Con. Res. 234. Concurrent resolution expressing the sense of Congress that there should be a freeze on new discretionary nondefense, non-homeland security, non-intelligence spending whenever there is a Federal budget deficit; to the Committee on the Budget.

By Mr. AKIN:
H. Res. 1071. A resolution amending the Rules of the House of Representatives to require a three-fifths vote on a stand-alone bill to increase the statutory limit on the public debt; to the Committee on Rules.

By Mr. CASSIDY:
H. Res. 1072. A resolution recognizing Louisiana State University for 150 years of service and excellence in higher education; to the Committee on Education and Labor.

By Mr. DONNELLY of Indiana (for himself and Mr. SOUDER):
H. Res. 1073. A resolution supporting the goals and ideals of RV Centennial Celebration Month to recognize and honor 100 years of the enjoyment of recreational vehicles in the United States; to the Committee on Oversight and Government Reform.

By Ms. KILROY (for herself, Mr. ACKERMAN, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. CONYERS, Mr. WOLF, Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. ENGEL, Mr. MORAN of Virginia, Mr. PASTOR of Arizona, Mr. ROHRABACHER, Mr. NADLER of New York, Ms. CORRINE BROWN of Florida, Mr. FILNER, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mrs. MALONEY, Ms. HARMAN, Mr. DELAHUNT, Mrs. MCCARTHY of New York, Ms. NORTON, Mr. MCGOVERN, Mr. ROTHMAN of New Jersey, Mr. SNYDER, Ms. LEE of California, Ms. BERKLEY, Ms. SCHAKOWSKY, Mr. BACA, Mr. ISRAEL, Mr. MATHESON, Mr. MILLER of Florida, Mr. SIRES, Ms. WATSON, Mr. MICHAUD, Mr. GRIJALVA, Mr. CLEAVER, Mr. LIPINSKI, Mr. COHEN, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. HODES, Mr. SHULER, Mr. HALL of New York, Ms. FUDGE, Mr. NYE, Ms. BORDALLO, Mr. POLIS of Colorado, Mr. CAO, Mr. KLEIN of Florida, Ms. SCHWARTZ, Mr. PETERS, Mr. CONNOLLY of Virginia, Ms. MARKEY of Colorado, and Ms. ROYBAL-ALLARD):
H. Res. 1074. A resolution honoring the life of Miep Gies, who aided Anne Frank's family while they were in hiding and preserved her diary for future generations; to the Committee on Foreign Affairs.

By Mr. LUETKEMEYER (for himself, Mr. BLUNT, Mr. CLEAVER, Mr. GRAVES, Mr. SKELTON, Mr. AKIN, Mrs. EMERSON, Mr. CLAY, Mr. CARNAHAN, Ms. JENKINS, Mr. SULLIVAN, Mr. TIAHRT, Mr. MASSA, Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, Mr. LOEBSACK, Mr. WILSON of South Carolina, Mr. CONAWAY, Mr. MORAN of Kansas, Mr. BOSWELL, Mr. PENCE, Mr. BRALEY of Iowa, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WOLF, Mr. LUCAS, Mr. FOSTER, Mr. KISSELL, Mr. MCCOTTER, Mr. SMITH of Washington, and Ms. FALLIN):
H. Res. 1075. A resolution commending the members of the Agri-business Development Teams of the National Guard for their efforts, together with personnel of the Department of Agriculture and the United States Agency for International Development, to modernize agriculture practices and increase food production in war-torn countries; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. MARIO DIAZ-BALART of Florida, Mr. OBERSTAR, Mr. MICA, and Mr. NYE):
H. Res. 1076. A resolution expressing gratitude and appreciation to the individuals and organizations that comprise the National Urban Search and Rescue System of the Federal Emergency Management Agency for their unyielding determination and work as first responders to victims of disasters and other incidents, including the victims of the recent earthquake in Haiti, and for other purposes; to the Committee on Transportation and Infrastructure.

¶14.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. ENGEL, Ms. RICHARDSON, Ms. LEE of California, Mr. GARAMENDI, and Mr. WU.
H.R. 240: Mr. LUETKEMEYER, Mr. CHAFFETZ, and Mr. KINGSTON.
H.R. 390: Mrs. LUMMIS.
H.R. 391: Mr. WITTMAN.
H.R. 463: Mr. GUTIERREZ.
H.R. 470: Mr. GRAVES.
H.R. 504: Mr. HOLT.
H.R. 510: Ms. TITUS.
H.R. 690: Ms. MOORE of Wisconsin.
H.R. 994: Mr. SMITH of Texas.
H.R. 1067: Mr. TOWNS and Mr. WEINER.
H.R. 1074: Mr. JOHNSON of Illinois and Ms. GRANGER.
H.R. 1079: Mr. GONZALEZ, Mr. MATHESON, Mr. SHIMKUS, Mr. SMITH of Washington, Mr. TIM MURPHY of Pennsylvania, Ms. EDWARDS of Maryland, Mr. HINCHEY, Mr. REYES, Mr. WEINER, Ms. MATSUI, Mr. TAYLOR, Mr. INSLEE, Ms. HIRONO, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. WALDEN, Ms. ESHOO, Mr. STUPAK, Mr. DOYLE, Mr. BUTTERFIELD, Mr. MELANCON, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. HALL of Texas, Mr. UPTON, Mrs. BONO MACK, Mr. MACK, Mrs. EMERSON, Mr. LINDER, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. CONYERS, Mr. TONKO, Mr. BRADY of Texas, Mr. THOMPSON of Mississippi, Ms. TSONGAS, and Mr. HODES.
H.R. 1161: Ms. NORTON.
H.R. 1175: Mr. MILLER of Florida.
H.R. 1194: Mr. ROGERS of Michigan, Ms. MATSUI, Ms. ROYBAL-ALLARD, Mr. COOPER, Mrs. MALONEY, and Mr. AL GREEN of Texas.
H.R. 1228: Mr. MARSHALL.
H.R. 1240: Mr. LYNCH.
H.R. 1304: Mr. ROYCE.
H.R. 1378: Mr. BURGESS, Ms. MATSUI, and Mr. DOYLE.
H.R. 1490: Ms. LEE of California.
H.R. 1507: Ms. MCCOLLUM.
H.R. 1552: Mrs. DAHLKEMPER and Mr. CASTLE.
H.R. 1585: Mr. HALL of Texas.
H.R. 1706: Ms. KILROY.
H.R. 1744: Mr. PERRIELLO, Mr. BACHUS, Mr. DAVIS of Tennessee, and Mr. WILSON of South Carolina.
H.R. 1799: Mr. BERRY and Mr. YOUNG of Alaska.
H.R. 1800: Mr. MORAN of Virginia and Mr. ELLISON.
H.R. 1874: Mr. ELLISON.
H.R. 1894: Mr. WEINER.
H.R. 1964: Mr. SCOTT of Georgia.
H.R. 1987: Mr. MCCAUL.
H.R. 2006: Mr. ROTHMAN of New Jersey.
H.R. 2064: Mr. ROYCE.
H.R. 2067: Ms. CHU.
H.R. 2109: Mr. MEEK of Florida, Mr. FILNER, and Mr. WEINER.
H.R. 2110: Mr. THOMPSON of Mississippi.
H.R. 2156: Mr. BROWN of South Carolina.
H.R. 2255: Mr. DUNCAN.
H.R. 2256: Mr. MCDERMOTT and Mr. THOMPSON of Mississippi.
H.R. 2291: Mrs. MCCARTHY of New York.

H.R. 2296: Mr. JOHNSON of Illinois.
H.R. 2305: Mr. WALDEN.
H.R. 2377: Mr. LOEBSACK.
H.R. 2406: Mr. GRIFFITH and Mr. TURNER.
H.R. 2421: Mr. COOPER, Mr. DELAHUNT, Ms. HERSETH SANDLIN, Mr. PERLMUTTER, and Ms. WATERS.
H.R. 2546: Mr. FRANK of Massachusetts.
H.R. 2556: Mr. NEUGEBAUER, Mr. CULBERSON, and Mr. BURTON of Indiana.
H.R. 2565: Mrs. DAHLKEMPER and Mr. BOREN.
H.R. 2692: Mr. LATHAM.
H.R. 2699: Mr. BISHOP of New York.
H.R. 2724: Mr. LANGEVIN and Ms. SLAUGHTER.
H.R. 2730: Ms. MOORE of Wisconsin.
H.R. 2733: Ms. SCHWARTZ and Mr. GERLACH.
H.R. 2764: Ms. NORTON.
H.R. 2799: Mr. MICHAUD.
H.R. 2882: Mr. THOMPSON of Mississippi and Mrs. NAPOLITANO.
H.R. 2937: Ms. KILROY, Mr. SESTAK, and Mr. KILDEE.
H.R. 2941: Mr. THOMPSON of Mississippi, Mr. CONYERS, and Mr. LATHAM.
H.R. 2999: Ms. MARKEY of Colorado.
H.R. 3047: Ms. SUTTON.
H.R. 3212: Mr. HOLT.
H.R. 3238: Mr. HINCHEY.
H.R. 3245: Mr. KISSELL.
H.R. 3257: Mr. MILLER of Florida.
H.R. 3286: Mr. NEAL of Massachusetts and Mr. SNYDER.
H.R. 3355: Mr. INSLEE.
H.R. 3486: Mr. DUNCAN, Mr. WITTMAN, and Mr. PITTS.
H.R. 3510: Mr. ETHERIDGE, Mr. HINCHEY, Mr. CONYERS, and Mr. AL GREEN of Texas.
H.R. 3519: Mr. BARROW.
H.R. 3526: Mr. ELLISON and Ms. EDWARDS of Maryland.
H.R. 3560: Mr. POLIS of Colorado.
H.R. 3578: Mr. MORAN of Kansas, Mr. BOUCHER, and Mr. HODES.
H.R. 3592: Mr. LARSON of Connecticut.
H.R. 3668: Mr. RAHALL, Mr. FORBES, Mrs. BIGGERT, Mr. MARCHANT, Ms. TSONGAS, Mr. COSTELLO, Ms. SLAUGHTER, Mr. OWENS, Mr. CONNOLLY of Virginia, Mr. PAULSEN, Mr. EHLERS, and Mr. JOHNSON of Illinois.
H.R. 3705: Mr. GONZALEZ, Ms. RICHARDSON, Ms. ZOE LOFGREN of California, Mr. BRADY of Pennsylvania, and Mr. OLVER.
H.R. 3712: Ms. NORTON and Mr. MILLER of Florida.
H.R. 3715: Mr. BRALEY of Iowa and Mr. KANJORSKI.
H.R. 3745: Mr. SERRANO.
H.R. 3758: Mr. BOREN.
H.R. 3786: Mr. ISRAEL.
H.R. 3952: Mr. DUNCAN.
H.R. 4051: Mrs. EMERSON.
H.R. 4099: Mr. PERLMUTTER.
H.R. 4104: Mrs. CHRISTENSEN.
H.R. 4106: Mr. PERLMUTTER.
H.R. 4112: Mr. GUTHRIE.
H.R. 4115: Ms. PINGREE of Maine.
H.R. 4116: Mr. CASTLE.
H.R. 4123: Mr. POLIS of Colorado.
H.R. 4140: Ms. NORTON and Mr. POLIS of Colorado.
H.R. 4196: Mr. THOMPSON of Mississippi, Mr. CAO, and Mr. SCOTT of Virginia.
H.R. 4224: Mr. MEEKS of New York.
H.R. 4226: Mr. CHANDLER, Mr. LANCE, and Mr. GERLACH.
H.R. 4230: Mr. POLIS of Colorado.
H.R. 4233: Mr. BOREN.
H.R. 4241: Mr. HELLER and Mr. DUNCAN.
H.R. 4247: Mrs. NAPOLITANO.
H.R. 4248: Mr. JONES.
H.R. 4255: Mr. JONES and Mr. LATHAM.
H.R. 4262: Mr. GRIFFITH.
H.R. 4268: Mr. JOHNSON of Georgia.
H.R. 4287: Mr. ROTHMAN of New Jersey.
H.R. 4296: Mr. SCHOCK.
H.R. 4324: Ms. BERKLEY, Mr. HELLER, and Mr. TEAGUE.
H.R. 4353: Mr. BRADY of Pennsylvania and Mr. NADLER of New York.
H.R. 4360: Ms. ROYBAL-ALLARD, Mr. GARY G. MILLER of California, Mrs. CAPPS, Ms. WOOLSEY, Mr BECERRA, Ms. LEE of California, Mr. BILBRAY, Mr. HONDA, Ms. WATERS, Ms. MATSUI, Mr. GEORGE MILLER of California, and Ms. ESHOO.
H.R. 4386: Ms. WOOLSEY, Mr. HONDA, Ms. SUTTON, and Mr. GUTIERREZ.
H.R. 4391: Mrs. MCCARTHY of New York.
H.R. 4403: Mr. OWENS.
H.R. 4415: Mrs. MYRICK and Mr. BOEHNER.
H.R. 4427: Mr. OLSON.
H.R. 4429: Ms. BERKLEY, Mr. ROTHMAN of New Jersey, and Mr. MASSA.
H.R. 4437: Mr. BOSWELL, Mr. GENE GREEN of Texas, Mr. DEFAZIO, Ms. WOOLSEY, Mr. KISSELL, Mr. LOEBSACK, and Mr. CHANDLER.
H.R. 4442: Mr. ROGERS of Alabama.
H.R. 4453: Mr. WITTMAN.
H.R. 4459: Mrs. MYRICK.
H.R. 4472: Mr. PETERS and Mr. LATTA.
H.R. 4490: Mr. MACK.
H.R. 4503: Mr. BURTON of Indiana.
H.R. 4504: Mr. WU.
H.R. 4522: Mr. BOCCIERI.
H.R. 4527: Mr. BOCCIERI.
H.R. 4529: Mrs. LUMMIS and Mrs. MYRICK.
H.R. 4530: Mr. NYE.
H.R. 4533: Mr. MCGOVERN, Mr. BISHOP of Georgia, Mr. GRIJALVA, Mr. TOWNS, Mr. OBERSTAR, Mr. FARR, Mr. FILNER, Mr. HASTINGS of Florida, and Mr. ELLISON.
H.R. 4541: Mr. PASTOR of Arizona, Ms. ROS-LEHTINEN, Ms. SHEA-PORTER, Mr. MICHAUD, Mr. AL GREEN of Texas, and Mr. PETERSON.
H.R. 4542: Mr. SAM JOHNSON of Texas and Mr. DUNCAN.
H.R. 4544: Mr. HODES.
H.R. 4552: Mr. STARK and Ms. SUTTON.
H.R. 4554: Mr. BUTTERFIELD, Mr. TIERNEY, and Mr. PERRIELLO.
H.R. 4556: Mr. CHAFFETZ, Mr. PENCE, Mr. COBLE, Mr. FORBES, Mr. OLSON, Mr. FRANKS of Arizona, Mr. TERRY, Mr. ROE of Tennessee, Mr. MCCAUL, Mr. GERLACH, and Mr. UPTON.
H.R. 4564: Ms. LINDA T. SÁNCHEZ of California and Ms. SUTTON.
H.R. 4568: Mr. CONYERS.
H.R. 4571: Mr. BISHOP of New York.
H.R. 4573: Mr. BACHUS, Ms. KILROY, and Mr. GRIFFITH.
H.J. Res. 66: Mr. MARSHALL.
H. Res. 111: Mr. CULBERSON.
H. Res. 173: Mr. LUETKEMEYER.
H. Res. 213: Mr. FILNER, Mr. POLIS of Colorado, Mrs. CAPPS, Mr. HARE, Mr. GUTIERREZ, and Ms. LORETTA SANCHEZ of California.
H. Res. 267: Mr. ROYCE.
H. Res. 526: Mr. RAHALL, Mr. CONYERS, Ms. CASTOR of Florida, Mr. CARSON of Indiana, Mr. PLATTS, Mr. SHULER, Ms. DEGETTE, Mr. CLYBURN, Mr. GEORGE MILLER of California, and Mr. HASTINGS of Florida.
H. Res. 577: Mr. MILLER of Florida, Mr. SCHIFF, Mr. DRIEHAUS, Mr. MAFFEI, Mr. BISHOP of Utah, and Mr. STEARNS.
H. Res. 771: Mr. DRIEHAUS and Mr. ROTHMAN of New Jersey.
H. Res. 904: Ms. KOSMAS, Mr. PETERSON, Ms. SUTTON, and Mr. MURPHY of New York.
H. Res. 925: Mr. LOBIONDO, Mr. BISHOP of Utah, Mrs. MCMORRIS RODGERS, Mr. SHUSTER, Mr. BARTLETT, Mr. PAUL, and Mr. HALL of New York.
H. Res. 927: Mr. MCCAUL.
H. Res. 929: Mr. SESTAK.
H. Res. 935: Mr. HIGGINS and Mr. FARR.
H. Res. 975: Ms. FUDGE.
H. Res. 997: Mr. PATRICK J. MURPHY of Pennsylvania.
H. Res. 1006: Mr. BOOZMAN, Mr. WAMP, Mr. HUNTER, and Mr. MCCARTHY of California.
H. Res. 1026: Mr. GINGREY of Georgia, Mr. PITTS, Mr. BARTLETT, Mr. AKIN, Mr. LAMBORN, and Mrs. BACHMANN.
H. Res. 1032: Mrs. NAPOLITANO.
H. Res. 1034: Mr. SCALISE.
H. Res. 1036: Mr. CARTER, Mr. REHBERG, Mr. PENCE, Mr. TAYLOR, Mr. LUCAS, Mr. PASTOR of Arizona, Mr. AUSTRIA, Mr. BARTON of Texas, Mr. YOUNG of Alaska, Mr. LINCOLN DIAZ-BALART of Florida, Mr. OLSON, Mr. HENSARLING, Mr. NEUGEBAUER, Mr. BURGESS, Mr. THORNBERRY, Mr. FRANKS of Arizona, Mr. MARCHANT, Mr. GERLACH, Ms. FOXX, Mr. COBLE, Mrs. CAPITO, Mr. KING of New York, Mr. EDWARDS of Texas, Mr. POE of Texas, Ms. FALLIN, Mr. SHULER, Ms. HERSETH SANDLIN, Mr. MORAN of Virginia, Mr. ROTHMAN of New Jersey, Mr. CAPUANO, Mr. WESTMORELAND, Mr. BURTON of Indiana, Mr. SABLAN, Mr. FALEOMAVAEGA, Mr. MEEK of Florida, Ms. BORDALLO, Mr. POMEROY, Ms. ROS-LEHTINEN, and Mr. BROWN of South Carolina.
H. Res. 1039: Mr. PAUL, Mr. OLSON, Mr. HIGGINS, Mr. DREIER, Mr. MCCARTHY of California, Mr. FORTENBERRY, Mr. ROSKAM, Mr. CASTLE, Mr. LANCE, Mr. ALEXANDER, Mr. TERRY, Mr. YARMUTH, Mr. ROONEY, Mr. COFFMAN of Colorado, Ms. GINNY BROWN-WAITE of Florida, Mr. CASSIDY, Mr. ROE of Tennessee, Mr. THOMPSON of Pennsylvania, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. MCHENRY, Mr. BOCCIERI, Mr. JORDAN of Ohio, Mr. LUETKEMEYER, Mr. MILLER of Florida, Mr. SMITH of Nebraska, Ms. ROS-LEHTINEN, Mr. MCMAHON, Mr. DRIEHAUS, Mr. GARAMENDI, Mr. GRIFFITH, Mr. ADLER of New Jersey, Mr. KRATOVIL, Mr. WAMP, Mr. DENT, Mr. CAMP, Mr. SCHOCK, Ms. JENKINS, Mr. KING of New York, Mr. NEUGEBAUER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WESTMORELAND, and Mr. BUCHANAN.
H. Res. 1040: Mr. SARBANES.
H. Res. 1046: Mr. FILNER, Ms. KILROY, Mr. CARSON of Indiana, Ms. WATSON, Ms. BERKLEY, Mr. DRIEHAUS, Mr. MORAN of Virginia, Mr. POLIS, Mr. MEEK of Florida, Mr. ENGEL, Ms. CHU, and Mr. ELLISON.
H. Res. 1048: Mr. KIRK, Mrs. MALONEY, Mr. MASSA, Mr. TAYLOR, Mr. SARBANES, Mr. TEAGUE, Ms. KILROY, Mr. CASSIDY, Mr. CAO, Mr. KILDEE, Mr. CARNEY, Mr. HUNTER, Mr. SHUSTER, Mr. LEE of New York, Mr. LOBIONDO, Mr. MCKEON, Mr. MILLER of Florida, Mrs. MCMORRIS RODGERS, Mr. ROONEY, Mr. BOREN, MR. PATRICK J. MURPHY of Pennsylvania, Mr. ARCURI, Mrs. CAPITO, Ms. HERSETH SANDLIN, Mr. PENCE, Mr. LOEBSACK, Mr. BARTLETT, Mr. MACK, Mr. BAIRD, Mrs. BLACKBURN, Mr. GENE GREEN of Texas, Mr. FRANKS of Arizona, Mr. ALEXANDER, Mr. KLINE of Minnesota, Mr. JONES, Mr. COBLE, Mr. SHIMKUS, Mr. CARTER, Mr. THORNBERRY, Ms. FOXX, Mr. MARCHANT, Mr. FLEMING, Mr. BONNER, Mr. TERRY, Mr. SMITH of Washington, Mr. BURGESS, Mr. NYE, Mr. MURPHY of New York, Mr. CARNAHAN, Mr. CLEAVER, Mr. SERRANO, Ms. NORTON, Mr. HINCHEY, Mr. BROUN of Georgia, Mr. LANCE, Ms. ROS-LEHTINEN, Mr. POE of Texas, Mr. GRIFFITH, Mr. PUTNAM, Mr. HELLER, Mr. DANIEL E. LUNGREN of California, Mr. LATTA, Mr. DINGELL, Mr. MELANCON, Mr. COOPER, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. KANJORSKI, Mrs. DAHLKEMPER, Mr. WALZ, Mr. ISRAEL, Mr. PERLMUTTER, Mr. TONKO, Ms. BEAN, Mr. PIERLUISI, Mr. FORTENBERRY, Mr. BILIRAKIS, Mr. DENT, Mr. GERLACH, Ms. JENKINS, Mr. INGLIS, Mr. BACHUS, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. SHADEGG, Mr. LEWIS of California, Mr. GALLEGLY, Mr. FORBES, Mr. REICHERT, Mr. AKIN, Mr. ROGERS of Kentucky, Mr. DUNCAN, Mr. GINGREY of Georgia, Mr. SENSENBRENNER, Mr. BLUNT, Mrs. BIGGERT, Ms. GINNY BROWN-WAITE of Florida, Mr. MORAN of Kansas, Mrs. SCHMIDT, Mr. KING of Iowa, Mr. GRAVES, Mr. SMITH of New Jersey, and Mr. RUPPERSBERGER.
H. Res. 1053: Mr. GRIJALVA and Mr. MCGOVERN.
H. Res. 1063: Mr. SAM JOHNSON of Texas, Mr. DEAL of Georgia, Mr. MORAN of Kansas, Mr. BOEHNER, Mr. TIAHRT, and Mr. GOODLATTE.
H. Res. 1067: Mr. NYE, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. LORETTA SANCHEZ of California, Mr. BOREN, Mr. SMITH of

Washington, Mrs. DAVIS of California, Mr. HEINRICH, Ms. SHEA-PORTER, Ms. VELÁZQUEZ, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. BACA, Mr. PASTOR of Arizona, Mr. HONDA, Mr. BECERRA, Mr. FARR, Mr. SPRATT, Mr. GRIJALVA, Mr. FILNER, Mr. MEEKS of New York, Ms. GRANGER, Mr. CUELLAR, Mr. SAM JOHNSON of Texas, Mr. HALL of Texas, Mr. STARK, Mr. BOSWELL, Mr. ROSS, Mr. ELLSWORTH, Mr. DOGGETT, Mr. ABERCROMBIE, Mr. THORNBERRY, Mr. OLSON, Mr. NEUGEBAUER, Mr. TAYLOR, Mr. DICKS, Mr. ETHERIDGE, Mr. SALAZAR, Mr. JONES, and Mr. POE of Texas.

FRIDAY, FEBRUARY 5, 2010 (15)

¶15.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
February 5, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶15.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced she had examined and approved the Journal of the proceedings of Thursday, February 4, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶15.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6046. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acrylic acid-benzyl methacrylate-1-propanesulfonic acid, 2-methyl-2-[(1-oxo-2-propen yl)amino]—, monosodium salt copolymer; Tolerance Exemption [EPA-HQ-OPP-2009-0662; FRL-8801-1] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6047. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Iowa Advisory Committee; to the Committee on the Judiciary.

6048. A letter from the Attorney General, Department of Justice, transmitting advising of the proceedings in the case of EMILY's LIST v. FEC, No. 08-5422 (D.C. Cir), pursuant to 28 U.S.C. 530D; to the Committee on the Judiciary.

¶15.4 ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that, pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill and joint resolution on Thursday, February 4, 2010:

H.R. 730. An Act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

H.J. Res. 45. A joint resolution increasing the statutory limit on the public debt.

¶15.5 BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on February 4, 2010, she presented to the President of the United States, for his approval, the following bill and joint resolution:

H.J. Res. 45. A joint resolution increasing the statutory limit on the public debt.

H.R. 730. An Act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

And then,

¶15.6 ADJOURNMENT

On motion of Ms. EDWARDS of Maryland, by unanimous consent, and pursuant to the special order of the House agreed to on February 4, 2010, at 9 o'clock and 5 minutes a.m., the House adjourned until 12:30 p.m. on Tuesday, February 9, 2010.

¶15.7 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. CLARKE (for herself, Mr. TOWNS, Mr. ENGEL, Mr. RANGEL, Ms. LEE of California, Mrs. CHRISTENSEN, Ms. KILPATRICK of Michigan, Ms. FUDGE, Mr. HONDA, and Mr. LEWIS of Georgia):

H.R. 4616. A bill to temporarily expand the V nonimmigrant visa category to include Haitians whose petition for a family-sponsored immigrant visa was approved on or before January 12, 2010; to the Committee on the Judiciary.

By Mr. WALZ:

H.R. 4617. A bill to amend the Emergency Economic Stabilization Act of 2008 to require institutions to segregate funds received under the Troubled Asset Relief Program and to amend the Federal Election Campaign Act of 1971 to prohibit the use of any such funds for expenditures or electioneering communications under such Act; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. OBERSTAR, Mr. STARK, Mr. PASCRELL, Mr. HIGGINS, Mr. THOMPSON of California, Mr. FILNER, Ms. SCHWARTZ, Ms. SLAUGHTER, Ms. DELAURO, Mr. NEAL of Massachusetts, Mr. YARMUTH, Mr. DAVIS of Illinois, Ms. BERKLEY, Mr. FRANK of Massachusetts, Mr. SKELTON, Mr. CROWLEY, Mr. LEWIS of Georgia, Mr. POMEROY, Mr. LEVIN, Mr. KIND, Mr. OBEY, and Mr. WAXMAN):

H. Res. 1077. A resolution expressing the sense of the House of Representatives against severe changes to Social Security; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. DELAHUNT, Mr. ABERCROMBIE, Mr. BOOZMAN, and Mr. MCHENRY):

H. Res. 1078. A resolution commending the nonprofit organization Cell Phones for Soldiers for its resolute and continuing service to members of the Armed Forces and their families; to the Committee on Armed Services.

¶15.8 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HINCHEY introduced a bill (H.R. 4618) for the relief of Emilio Maya and Analia Maya; which was referred to the Committee on the Judiciary.

¶15.9 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2110: Mr. SOUDER.
H.R. 2849: Ms. HARMAN.
H.R. 4196: Mr. CUMMINGS.
H.R. 4386: Ms. MCCOLLUM.
H.R. 4400: Mr. PAULSEN, Mr. LANGEVIN, Mr. ROTHMAN of New Jersey, Mr. MARSHALL, and Mr. BARROW.

TUESDAY, FEBRUARY 9, 2010 (16)

¶16.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
February 9, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶16.2 RECESS—12:41 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 41 minutes p.m., until 2 p.m.

¶16.3 AFTER RECESS—2 P.M.

The SPEAKER called the House to order.

¶16.4 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Friday, February 5, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶16.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6049. A letter from the Secretary, Department of Health and Human Services, transmitting Report to Congress on Head Start Efforts to Prevent and Reduce Obesity in Childern; to the Committee on Education and Labor.

6050. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant Act Discretionary Activities for Fiscal Year 2005, pursuant to Section 680 of the Community Services Block Grant Act of 1981 as amended; to the Committee on Education and Labor.

6051. A letter from the Assistant Secretary, Department of State, transmitting Transmittal No. DDTC 122-09, certification of a proposed manufacturing license agreement

for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6052. A letter from the Assistant Secretary, Department of State, transmitting Transmittal No. DDTC 093-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6053. A letter from the Assistant Secretary, Department of State, transmitting Transmittal No. DDTC 052-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6054. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's semiannual report from the office of the Inspector General for the period April, 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6055. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's report on competitive sourcing efforts for fiscal year 2009; to the Committee on Oversight and Government Reform.

6056. A letter from the Secretary, Federal Trade Commission, transmitting a report on the Pandemic and All-Hazards Preparedness Act Usage of Act's Antitrust Laws Exemption; to the Committee on the Judiciary.

¶16.6 ADJOURNMENT OF THE TWO HOUSES

Mr. LARSEN of Washington, submitted the following privileged concurrent resolution (H. Con. Res. 235):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Tuesday, February 9, 2010, through Saturday, February 13, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 22, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Wednesday, February 10, 2010, through Sunday, February 14, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 22, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶16.7 ADJOURNMENT OVER

On motion of Mr. LARSEN of Washington, by unanimous consent,

Ordered, That when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet at 1 p.m. on Friday, February 12, 2010, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 235, in which case the House shall stand adjourned pursuant to that concurrent resolution.

And then,

¶16.8 ADJOURNMENT

Mr. LARSEN of Washington, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to the previous order of the House, at 2 o'clock and 11 minutes p.m., the House stands adjourned until 1 p.m. on Friday, February 12, 2010, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 235, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶16.9 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARKEY of Massachusetts (for himself, Mrs. CAPPS, and Ms. MATSUI):

H.R. 4619. A bill to amend the Communications Act of 1934 to create a pilot program to bridge the digital divide by providing vouchers for broadband service to eligible students, to increase access to advanced telecommunications and information services for community colleges and head start programs, to establish a pilot program for discounted electronic books, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCNERNEY:

H.R. 4620. A bill to amend the Internal Revenue Code of 1986 to encourage hiring unemployed individuals; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. TOWNS, and Mr. CLAY):

H.R. 4621. A bill to protect the integrity of the constitutionally-mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census; to the Committee on Oversight and Government Reform.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mrs. KIRKPATRICK of Arizona):

H.R. 4622. A bill to amend the Immigration and Nationality Act to provide for enhanced penalties for certain Federal officials who are alien smugglers, and for other purposes; to the Committee on the Judiciary.

By Mr. SESTAK:

H.R. 4623. A bill to extend for 2 years the Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs, and for other purposes; to the Committee on Ways and Means.

By Mr. SOUDER (for himself, Mr. VISCLOSKY, Mr. DONNELLY of Indiana, Mr. PENCE, Mr. BURTON of Indiana, Mr. CARSON of Indiana, and Mr. ELLSWORTH):

H.R. 4624. A bill to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hartge Post Office''; to the Committee on Oversight and Government Reform.

By Mr. THORNBERRY:

H.R. 4625. A bill to establish a commission to conduct a study and make recommendations concerning ways to improve the civil service and organization of the Federal Government; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington:

H. Con. Res. 235. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. CAO (for himself, Mr. BOUSTANY, Mr. MELANCON, Mr. CASSIDY, Mr. FLEMING, Mr. ALEXANDER, Mr. SCALISE, Mr. BILBRAY, Mr. BURGESS, Mr. HARPER, Mr. TURNER, Mr. SHUSTER, Mr. SESSIONS, Mr. NUNES, Mr. BROWN of South Carolina, Ms. FUDGE, Ms. RICHARDSON, Mr. BRADY of Texas, Mr. GRIFFITH, Mr. HONDA, Mr. CASTLE, Mr. TAYLOR, and Mr. BONNER):

H. Res. 1079. A resolution congratulating the National Football League Champion New Orleans Saints for winning Super Bowl XLIV and for bringing New Orleans its first Lombardi Trophy in franchise history; to the Committee on Oversight and Government Reform.

By Mr. SCALISE (for himself, Mr. CAO, Mr. ALEXANDER, Mr. CASSIDY, Mr. FLEMING, Mr. BOUSTANY, Mr. ROSKAM, Mr. TAYLOR, Mr. SESSIONS, Mr. BONNER, Mr. GRIFFITH, Mr. BURGESS, Mr. BARTON of Texas, Mr. SHIMKUS, Mr. SULLIVAN, Mr. TERRY, Mr. WHITFIELD, Mr. MELANCON, and Mrs. BONO MACK):

H. Res. 1080. A resolution congratulating the New Orleans Saints upon their winning Super Bowl XLIV; to the Committee on Oversight and Government Reform.

¶16.10 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 503: Mr. WITTMAN.

H.R. 678: Mr. LEE of New York, Mr. MURPHY of New York, Mr. LARSEN of Washington, Mrs. MCCARTHY of New York, and Ms. ESHOO.

H.R. 3365: Mr. COHEN.

H.R. 4269: Mr. ALTMIRE and Mr. FRANK of Massachusetts.

H.R. 4440: Mr. MICHAUD.

H.R. 4464: Mr. DEAL of Georgia.

H.R. 4580: Mr. CARNAHAN.

H. Res. 704: Mr. DAVIS of Illinois, Mr. SMITH of New Jersey, Mr. SALAZAR, and Mr. KANJORSKI.

MONDAY, FEBRUARY 22, 2010 (17)

¶17.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. SPEIER, who laid before the House the following communication:

WASHINGTON, DC,
February 22, 2010.

I hereby appoint the Honorable JACKIE SPEIER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶17.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. SPEIER, announced she had examined and approved the Journal of the proceedings of Tuesday, February 9, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶17.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6057. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt From Certification; Astaxanthin Dimethyldisuccinate [Docket No.: FDA–2007–C–0044] (Formerly Docket No.: 2007C–0474) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6058. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting a proposed FY 2010 budget for High Intensity Drug Trafficking Areas (HIDTA) Program; to the Committee on Appropriations.

6059. A communication from the President of the United States, transmitting FY 2011 Budget Amendments for the Departments of Defense, Education, Energy, Health and Human Services, the Treasury, Veterans Affairs and the National Aeronautics and Space Administration; (H. Doc. No. 111–91); to the Committee on Appropriations and ordered to be printed.

6060. A communication from the President of the United States, transmitting A Request For Budget Amendments For Fiscal Year 2010 proposals in the Fiscal Year 2011 Budget for the Department of Homeland Security; (H. Doc. No. 111–92); to the Committee on Appropriations and ordered to be printed.

6061. A letter from the Deputy Under Secretary of Defense (Plans), Department of Defense, transmitting notification of the Department's intention to close the Defense commissary store at Naval Air Station (NAS) Barbers Point on May 1, 2010; to the Committee on Armed Services.

6062. A letter from the Acting Secretary of the Navy, Department of Defense, transmitting a report detailing a Program Acquisition Unit Cost breach in the DCC 1000 Program; to the Committee on Armed Services.

6063. A letter from the Assistant Secretary, Department of Defense, transmitting a letter reguarding the extention of the due date for a report on the current and future military strategy of Iran; to the Committee on Armed Services.

6064. A letter from the Assistant Secretary, Department of Defense, transmitting a report on assistance provided by the Department of Defense to civilian sporting events in support of essential security and safety, covering the period of calendar year 2009, pursuant to 10 U.S.C. 2564(e); to the Committee on Armed Services.

6065. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's ''Major'' final rule—Fair Credit Reporting Risk-Based Pricing Regulations [Regulation V; Docket No. R–1316] (RIN: 3084–AA94) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6066. A letter from the Secretary, Department of Health and Human Services, transmitting final Head Start Impact Study report to Congress; to the Committee on Education and Labor.

6067. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Civil Penalty Factors received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6068. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Children's Products Containing Lead; Determinations Regarding Lead Content Limits on Certain Materials or Products; Final Rule received January 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6069. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Children's Products Containing Lead; Interpretative Rule on Inaccessible Component Parts received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6070. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6071. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Labeling Amendment of Blasting Caps received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6072. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Final Rule: Standard for All Terrain Vehicles received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6073. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Children's Products Containing Lead; Final Rule; Procedures and Requirements for a Commission Determination or Exclusion received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6074. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Children's Products Containing Lead; Exemptions for Certain Electronic Devices; Interim Final Rule received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6075. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Labeling Requirement for Toy and Game Advertisements; Final Rule received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6076. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Exemption From Classification as Banned Hazardous Substance; Exemption for Boston Billow Nursing Pillow and Substantially Similar Nursing Pillows received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6077. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Information Disclosure Under Section 6(b) of the Consumer Product Safety Act received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6078. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commmission's final rule—Certificates of Compliance received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6079. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Technical Amendment to the Flammability Standards for Carpets and Rugs received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6080. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule—Portable Generators; Final Rule; Labeling Requirememts received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6081. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Control of Emissions from New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder [EPA-HQ-OAR–2007–0121; FRL–9097–4] (RIN: 2060–AO38) received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6082. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to: The Requirements for Transboundary Shipments of Hazardous Wastes between OECD Member Countries, the Requirements for Export Shipments of Spent Lead-Acid Batteries, the Requirememts for Submitting Exception Reports for Export Shipments of Hazardous Wastes, and the Requirements for Imports of Hazardous Wastes [EPA-HQ-RCRA–2005–0018; FRL–9098–7] (RIN: 2050–AE93) received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6083. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; South Carolina; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard for Cherokee County; Correcting Amendment [EPA–R04–OAR–2008–0797–200824(c); FRL–9099–9] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6084. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Georgia: State Implementation Plan Revision [EPA–R04–OAR–2007–0113–200709(a); FRL–9098–5] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6085. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Tennessee; Redesignation of the Shelby County, Tennessee Portion of the Memphis, Tennessee-Arkansas 1997 8–Hour Ozone Nonattainment Area to Attainment [EPA-R04–OAR–2009–0164–200916; FRL–9099–1] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6086. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; North Carolina: Hickory-Morganton-Lenoir; Determination of Attaining Data for the 1997 Fine Particulate Matter Standard [EPA-R04–OAR–2009–0751–200928; FRL–9098–9] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6087. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Finding of Failure to Submit Certain State Implementation Plans Required for the 1-Hour Ozone NAAQS [EPA-HQ-OAR–2009–0898; FRL–9099–7] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6088. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; North Carolina: Greensboro-Winston Salem-High Point: Determination of Attaining Data for the 1997 Fine Particulate Matter Standard [EPA-R04–OAR–2009–0561–200929; FRL–9098–8] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6089. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Oregon; Final Authorization of State Hazardous Waste Management Program Revision [EPA-R10–RCRA–2009–0766; FRL–9098–6] received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6090. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—TSCA Section 5 Premanufacture and Significant New Use Notification Electronic Reporting; Revisions to Notification Regulations [EPA-HQ-OPPT–2008–0296; FRL–8794–5] (RIN: 2070–AJ41) received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6091. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting the Agency's reports containing the 30 September 2009 status of loans and guarantees issued under the Arms Export Control Act; to the Committee on Foreign Affairs.

6092. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting 2009 Fiscal Year report in accordance with the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

6093. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the FY 2009 annual report on Military Assistance, Military Exports, and Military Imports, as required by Section 655 of the Foreign Assistance Act of 1961 (FAA); to the Committee on Foreign Affairs.

6094. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Australia (Transmittal No. 07–09) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6095. A letter from the Secretary, Department of Commerce, transmitting the Department's report on Foreign Policy-Based Export Controls for 2010; to the Committee on Foreign Affairs.

6096. A letter from the Secretary, Department of Commerce, transmitting letter of certification, pursuant to Public Law 105–261, section1512; to the Committee on Foreign Affairs.

6097. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule—Removal of Entry from the Entity List: Preson Removed Based on Removal Request [Docket No.: 0910231375–91388–01] (RIN: 0694–AE75) received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6098. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule—Amendments to the Export Administration Regulations (EAR) Based upon the Accession of Albania and Croatia to Formal Membership in the North Atlantic Treaty Organization (NATO) [Docket No.: 0907241162–91276–01] (RIN: 0694–AE62) received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6099. A letter from the Secretary, Department of Commerce, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, and Executive Order 13346 of July 8, 2004, certification for calendar year 2009; to the Committee on Foreign Affairs.

6100. A letter from the Deputy Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq, pursuant to Section 9204 of the Supplemental Appropriations Act for 2008, Pub. L. 110–252 and Section 1508(c) of the Department of Defense Authorization Act for 2009, Pub. L. 110–417; to the Committee on Foreign Affairs.

6101. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6102. A letter from the Assitant Secretary, Political Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 09–141, pursuant to Public Law 110–429, section 201; to the Committee on Foreign Affairs.

6103. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 09–105, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6104. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6105. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007; to the Committee on Foreign Affairs.

6106. A letter from the President, transmitting a report on the Democratic People's Republic of Korea from June 26, 2008 through November 16, 2009; to the Committee on Foreign Affairs.

6107. A letter from the Deputy Executive Secretary, Agency for International Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6108. A letter from the Secretary, American Battle Monuments Commission, transmitting Fiscal Year 2010–2015 Strategic Plan, pursuant to 31 U.S.C. 1115; to the Committee on Oversight and Government Reform.

6109. A letter from the Executive Director, Comsumer Product Safety Commission, transmitting in accordance with Pub. L. 105–270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Department's inventory of commerical activities for fiscal year 2009; to the Committee on Oversight and Government Reform.

6110. A letter from the Secretary, Mississippi River Commission, Department of the Army, Deaprtment of Defense, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2009, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

6111. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting notification that the Administration is in compliance with the Government in Sunshine Act for calendar year 2009; to the Committee on Oversight and Government Reform.

6112. A letter from the Chief Financial Officer, Federal Mediation and Conciliation Service, transmitting the FY 2009 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

6113. A letter from the Associate Special Counsel, Office of Special Counsel, transmitting the Counsel's fiscal year 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

6114. A letter from the Secretary of the Board of Govenors, Postal Service, transmitting the Service's report, as required by Section 3686(c) of the Postal Accountability and Enhancement Act of 2006; to the Committee on Oversight and Government Reform.

6115. A letter from the Secretary, Department of the Interior, transmitting Annual Operating Plan for Colorado River System Reservoirs for 2010; to the Committee on Natural Resources.

6116. A letter from the Director, Administrative Office of the United States Courts, transmitting fifth annual report on crime victims' rights; to the Committee on the Judiciary.

6117. A letter from the Staff Director, Sentencing Commission, transmitting report on the compliance of the federal district courts with documentation submission requirements on sentencing, pursuant to 28 U.S.C. 994(w)(1); to the Committee on the Judiciary.

6118. A letter from the National President, Women's Army Corps Veterans' Association, transmitting the annual audit of the Association as of June 30, 2009, pursuant to 36

U.S.C. 1103 and 1101(64); to the Committee on the Judiciary.

6119. A letter from the Secretary, Department of Energy, transmitting notification to authorize a noncompetitive exention of a contract for up to five years; to the Committee on Science and Technology.

6120. A letter from the Chair, NASA Aerospace Safety Advisory Panel, transmitting the Panel's Annual Report for 2009, pursuant to Public Law 109–155, section 106(b); to the Committee on Science and Technology.

6121. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a statement of actions with respect to the report numbered GAO–10–200; to the Committee on Science and Technology.

6122. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—Class 9 Bonded Warehouse Procedures [Docket No.: USCBP–2007–0080] (RIN: 1505–AB85) received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6123. A letter from the Chief, Trade & Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—''Imported Directly'' Requirement Under The United States—Bahrain Free Trade Agreement [Docket No.: USCBP–2009–0015] (RIN: 1505–AC13) received December 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6124. A letter from the Administrator, Social Security Administration, transmitting proposed legislation to extend funding for the Work Incentive Planning and Assistance and the Protection and Advocacy for Beneficiaries of Social Security Programs; to the Committee on Ways and Means.

6125. A letter from the Administrator, FEMA, Department Homeland of Security, transmitting the Department's report on the denial of appeal for disaster assistance for the State of California; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

6126. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the denial of appeal for disaster assistance for the State of Indiana; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

6127. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the denial of appeal for disaster assistance for the Sovereign Tribal Nation of the Havasupai Tribe; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

6128. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA–1861–DR for the State of Arkansas; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

¶17.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. SPEIER, laid before the House a communication, which was read as follows:

FEBRUARY 11, 2010.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 11, 2010 at 7:01 p.m.:

That the Senate passed S. 2917.

That the Senate agreed to S. Res. 413.

That the Senate agreed to without amendment H. Con. Res. 235.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶17.5 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Ms. SPEIER, announced that, pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Tuesday, February 9, 2010:

S. 2950. An Act to extend the pilot program for volunteer groups to obtain criminal history background checks.

¶17.6 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Ms. SPEIER, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR SPEAKER PELOSI: This letter is to let you know that I have sent a letter to Hawaii Governor Linda Lingle informing her that I am resigning my position as the United States Representative for the First Congressional district of Hawaii effective February 28, 2010.

It has been my privilege to serve in the United States House of Representatives on behalf of the people of Hawaii for the past 19 years. And to have served with you, Madam Speaker, the first female Speaker of the House, is an honor. I owe you and all my Congressional colleagues a debt of gratitude for your leadership, dedication, and friendship. I look forward to working with you in the future.

During my tenure in Washington, DC I have seen partisan division grind our important work to a halt but I have also developed lasting relationships in pursuit of bi-partisan solutions on national defense, natural resources, and energy issues. In the coming months and years, I plan to bring the best of what I have learned in the U.S. Congress and from the Obama Administration's promise of hope and change back to the islands of Hawaii.

Sincerely,

NEIL ABERCROMBIE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2010.

Hon. LINDA LINGLE,
Governor, Executive Chambers, Hawaii State Capitol, Honolulu, HI.

DEAR GOVERNOR LINGLE: This letter is intended to serve notice that I will be resigning my position as the United States Representative for the First Congressional District of Hawaii effective February 28, 2010. It has been a great privilege to serve the people of Hawaii in the U.S. House of Representatives for the past 19 years and I am grateful for their faith and trust.

I would like to thank my colleagues in the House, and more specifically, in the Hawaii Congressional Delegation for the honor of serving the people of our state and country together as a team. I am looking forward to continuing our important work to build a better Hawaii in the years ahead.

Sincerely,

NEIL ABERCROMBIE,
Member of Congress.

¶17.7 MARTIN G. 'MARTY' MAHAR POST OFFICE

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 4425) to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the ''Martin G. 'Marty' Mahar Post Office''.

The SPEAKER pro tempore, Ms. SPEIER, recognized Mr. LYNCH and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. SPEIER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. SPEIER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶17.8 W.D. FARR POST OFFICE BUILDING

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 4238) to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the ''W.D. Farr Post Office Building''.

The SPEAKER pro tempore, Ms. SPEIER, recognized Mr. LYNCH and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. SPEIER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. SPEIER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶17.9 JOHN MERCER LANGSTON GOLF COURSE

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 526); as amended:

Whereas the site for the historic Langston Golf Course was selected in 1929, following repeated demands from African-Americans who were excluded from all but one of the District's public courses, the Lincoln Memorial;

Whereas construction did not begin until the mid 1930s, and in 1938, African-American women from the Wake Robin Golf Club pressed for desegregation of the District of Columbia's public courses by drafting and introducing a petition to Secretary of the Interior, Harold Ickes;

Whereas the Langston Golf Course, officially opened in 1939, is the first and only

course built by the United States Government for segregated purposes, and was built because African-Americans were denied equal access to the city's golf courses;

Whereas the Langston Golf Course was named for John Mercer Langston, a renowned Howard University educator, prominent political figure, and the first African-American Congressman from Virginia, elected in 1888;

Whereas the Langston Golf Course is listed in the National Register of Historic Places and has been the home course of both the Royal Golf Club and the Wake Robin Golf Club, respectively the Nation's first clubs for African-American men and women;

Whereas over its 70-year existence, the Langston Golf Course has attracted many famous African-American golfers, such as Lee Elder, Ted Rhodes, Calvin Peete, and Jim Thorpe, who all made regular and annual stops on the circuit of African-American professionals when they were unable to play regularly on the then-racially restricted PGA Tour;

Whereas other notable visitors to play golf there include heavyweight boxing champion Joe Louis, Hall of Fame baseball player Maury Wills, Washington Senators baseball player Chuck Hinton, Washington Redskins players Darrell Green and Brian Mitchell, U.S. Secretary of the Interior Gale Norton, Missouri Congressman Lacy Clay, South Carolina Congressman James Clyburn, Wisconsin Senator Russ Feingold, actor and professor Al Freeman, Jr., and the musical superstars the O'Jays have all enjoyed the Langston course;

Whereas in 2002, a partnership was formed with Howard University to open the Interpretive Education Center, and this program was integrated into the Langston community schools in 2003;

Whereas for more than 15 years, three junior golf programs have made the Langston Golf Course their home, Masons Army, Langston Junior Boys and Girls, and the First Tee, DC;

Whereas juniors from these programs are nationally and internationally known as The Jimmy Garvin All-Stars and are required to utilize the Education Center in order to learn golf and use the facilities;

Whereas these programs operate year round offering educational and golf instruction;

Whereas the Langston Golf Course is known as the home of the internationally renowned Capital City Open Pro-Am Tournament and the Jimmy Garvin Legacy Scholarship Classic;

Whereas the Langston Golf Course, Rock Creek Golf Course, and East Potomac Golf Course are owned by the National Park Service, and each has a long history of service to the general public as an integral part of the Nation's capital, including services to local and regional residents, visitors, and tourists; and

Whereas it is the policy of the National Park Service to maintain and upgrade its recreational sites: Now, therefore, be it

Resolved, That the House of Representatives recognizes the historical and cultural significance of the Langston Golf Course and its contributions to racial equality.

The SPEAKER pro tempore, Ms. SPEIER, recognized Mr. LYNCH and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. SPEIER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution recognizing the historical and cultural significance of the Langston Golf Course and its contributions to racial equality.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶17.10 AMERICAN HEART MONTH

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 1039):

Whereas heart disease affects adult men and women of every age and race in the United States;

Whereas heart disease continues to be the leading cause of death in the United States;

Whereas an estimated 81,000,000 adult Americans, more than one in every 3, have one or more types of heart disease, including high blood pressure, coronary heart disease, congestive heart failure, stroke, and congenital heart defects;

Whereas extensive clinical and statistical studies have identified major and contributing factors that increase the risk of heart disease;

Whereas these studies have identified the following as major risk factors that cannot be changed: Age (the risk of developing heart disease gradually increases as people age; advanced age significantly increases the risk), gender (men have greater risk of developing heart disease than women), and heredity (children of parents with heart disease are more likely to develop it themselves; African-Americans have more severe high blood pressure than Caucasians and therefore are at higher risk; the risk is also higher among Latina Americans, some Asian Americans, and Native Americans and other indigenous populations);

Whereas these studies have identified the following as major risk factors that Americans can modify, treat, or control by changing their lifestyle or seeking appropriate medical treatment: High blood pressure, high blood cholesterol, smoking tobacco products and exposure to tobacco smoke, physical inactivity, obesity, and diabetes mellitus;

Whereas these studies have identified the following as contributing risk factors that Americans can also take action to modify, treat or control by changing their lifestyle or seeking appropriate medical treatment: Individual response to stress, excessive consumption of alcoholic beverages, use of certain illegal drugs, and hormone replacement therapy;

Whereas more than 106,000,000 adult Americans have high blood pressure;

Whereas more than 37,000,000 Americans have cholesterol levels of 240 mg/dL or higher, the level at which it becomes a major risk factor;

Whereas an estimated 46,000,000 Americans put themselves at risk for heart disease every day by smoking cigarettes;

Whereas data released by the Centers for Disease Control and Prevention shows that more than 65 percent of American adults do not get enough physical activity, and more than 39 percent are not physically active at all;

Whereas 66 percent of adult Americans are overweight or obese;

Whereas 24 million adult Americans have diabetes and 65 percent of those so afflicted will die of some form of heart disease;

Whereas the American Heart Association projects that in 2010 1,200,000 Americans will have a first or recurrent heart attack and 452,000 of these people will die as a result;

Whereas in 2010 approximately 800,000 Americans will suffer a new or recurrent stroke and 160,000 of these people will die as a result;

Whereas advances in medical research have significantly improved our capacity to fight heart disease by providing greater knowledge about its causes, innovative diagnostic tools to detect the disease, and new and improved treatments that help people survive and recover from this disease;

Whereas Congress by Joint Resolution approved on December 30, 1963 (77 Stat. 843; 36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as ''American Heart Month'';

Whereas the National Heart, Lung, and Blood Institute of the National Institutes of Health, the American Heart Association, and many other organizations celebrate ''National Wear Red Day'' during February by ''going red'' to increase awareness about heart disease as the leading killer of women; and

Whereas every year since 1964 the President has issued a proclamation designating the month February as ''American Heart Month'': Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of American Heart Month and National Wear Red Day.

The SPEAKER pro tempore, Ms. SPEIER, recognized Mr. LYNCH and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. SPEIER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. SPEIER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, February 23, 2010.

The point of no quorum was considered as withdrawn.

¶17.11 BLACK HISTORY MONTH

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 1046):

Whereas the first Africans were brought involuntarily to the shores of the America as early as the 17th century;

Whereas these Africans in America and their descendants are now known as African-Americans;

Whereas African-Americans suffered enslavement and subsequently faced the injustices of lynch mobs, segregation, and denial of basic, fundamental rights;

Whereas despite slavery, African-Americans in all walks of life have made significant contributions throughout the history of the United States, including through the—

(1) writings of Booker T. Washington, Phyllis Wheatley, James Baldwin, Toni Morrison, Ralph Ellison, Zora Neale Hurston, and Alex Haley;

(2) music of Mahalia Jackson, Billie Holiday, John Coltrane, Bessie Smith, and Duke Ellington;

(3) resolve of athletes such as Jackie Robinson, Althea Gibson, Jesse Owens, Wilma Rudolph, and Muhammad Ali;

(4) scientific advancements of George Washington Carver, Charles Drew, Benjamin Banneker, and Mae Jemison;

(5) vision of leaders such as Frederick Douglass, Mary McLeod Bethune, Thurgood Marshall, Martin Luther King, and Shirley Chisholm; and

(6) bravery of those who stood on the front lines in the battle against oppression, such as Sojourner Truth, Fannie Lou Hammer, and Rosa Parks;

Whereas in the face of injustices, United States citizens of good will and of all races distinguished themselves with their commitment to the noble ideals upon which the United States was founded and courageously fought for the rights and freedom of African-Americans;

Whereas Dr. Martin Luther King Jr. lived and died to make real these noble ideas;

Whereas Barack Hussein Obama was elected the 44th President of the United States, making him the first African-American chief executive and breaking one of the last racial barrier in politics in this country;

Whereas the birthdays of Abraham Lincoln and Frederick Douglass inspired the creation of Negro History Week, the precursor to Black History Month;

Whereas Negro History Week represented the culmination of Dr. Carter G. Woodson's efforts to enhance knowledge of Black history started through the Journal of Negro History, published by Woodson's Association for the Study of African-American Life and History; and

Whereas the month of February is officially celebrated as Black History Month, which dates back to 1926, when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage and achievement of Black Americans: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significance of Black History Month as an important time to recognize the contributions of African-Americans in the Nation's history, and encourages the continued celebration of this month to provide an opportunity for all peoples of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(2) recognizes that ethnic and racial diversity of the United States enriches and strengthens the Nation.

The SPEAKER pro tempore, Ms. SPEIER, recognized Mr. LYNCH and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. SPEIER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. SPEIER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, February 23, 2010.

The point of no quorum was considered as withdrawn.

¶17.12 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Ms. SPEIER, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Thursday, February 11, 2010 at 5:08 p.m., and said to contain a message from the President whereby he submits the 2010 Economic Report of the President.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶17.13 ECONOMIC REPORT OF THE PRESIDENT

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

As we begin a new year, the American people are still experiencing the effects of a recession as deep and painful as any we have known in generations. Traveling across this country, I have met countless men and women who have lost jobs these past two years. I have met small business owners struggling to pay for health care for their workers; seniors unable to afford prescriptions; parents worried about paying the bills and saving for their children's future and their own retirement. And the effects of this recession come in the aftermath of a decade of declining economic security for the middle class and those who aspire to it.

At the same time, over the past two years, we have also seen reason for hope: the resilience of the American people who have held fast—even in the face of hardship—to an unrelenting faith in the promise of our country.

It is that determination that has helped the American people overcome difficult periods in our Nation's history. And it is this perseverance that remains our great strength today. After all, our workers are as productive as ever. American businesses are still leaders in innovation. Our potential is still unrivaled. Our task as a Nation—and our mission as an Administration—is to harness that innovative spirit, that productive energy, and that potential in order to create jobs, raise incomes, and foster economic growth that is sustained and broadly shared. It's not enough to move the economy from recession to recovery. We must rebuild the economy on a new and stronger foundation.

I can report that over the past year, this work has begun. In the coming year, this work continues. But to understand where we must go in the next year and beyond, it is important to remember where we began one year ago.

Last January, years of irresponsible risk-taking and debt-fueled speculation—unchecked by sound oversight—led to the near-collapse of our financial system. We were losing an average of 700,000 jobs each month. Over the course of one year, $13 trillion of Americans' household wealth had evaporated as stocks, pensions, and home values plummeted. Our gross domestic product was falling at the fastest rate in a quarter century. The flow of credit, vital to the functioning of businesses large and small, had ground to a halt. The fear among economists, from across the political spectrum, was that we could sink into a second Great Depression.

Immediately, we took a series of difficult steps to prevent that catastrophe for American families and businesses. We acted to get lending flowing again so ordinary Americans could get financing to buy homes and cars, to go to college, and to start businesses of their own; and so businesses, large and small, could access loans to make payroll, buy equipment, hire workers, and expand. We enacted measures to stem the tide of foreclosures in our housing market, helping responsible homeowners stay in their homes and helping to stop the broader decline in home values.

To achieve this, and to prevent an economic collapse, we were forced to use authority enacted under the previous Administration to extend assistance to some of the very banks and financial institutions whose actions had helped precipitate the turmoil. We also took steps to prevent the collapse of the American auto industry, which faced a crisis partly of its own making, to prevent another round of widespread job losses in an already fragile time. These decisions were not popular, but they were necessary. Indeed, the decision to stabilize the financial system helped to avert a larger catastrophe, and thanks to the efficient management of the rescue—with added transparency and accountability—we have recovered most of the money provided to banks.

In addition, even as we worked to address the crises in our banking sector, in our housing market, and in our auto industry, we also began attacking our economic crisis on a broader front. Less than one month after taking office, we enacted the most sweeping economic recovery package in history: the American Recovery and Reinvestment Act of 2009. The Recovery Act not only provided tax cuts to small businesses and 95 percent of working families and provided emergency relief to those out of work or without health insurance; it also began to lay a new foundation for long-term growth. With investments in health care, education, infrastructure, and clean energy, the Recovery Act has saved or created roughly two million jobs so far, and it has begun the hard work of transforming our economy to thrive in the modern, global era.

Because of these and other steps, we can safely say that we've avoided the

depression many feared. Our economy is growing again, and the growth over the last three months was the strongest in six years. But while economic growth is important, it means nothing to somebody who has lost a job and can't find another. For Americans looking for work, a good job is the only good news that matters. And that's why our work is far from complete.

It is true that the steps we have taken have slowed the flood of job losses from 691,000 per month in the first quarter of 2009 to 69,000 in the last quarter. But stemming the tide of job loss isn't enough. More than 7 million jobs have been lost since the recession began two years ago. This represents not only a terrible human tragedy, but also a very deep hole from which we'll have to climb out. Until jobs are being created to replace those we've lost—until America is back at work—my Administration will not rest and this recovery will not be finished.

That's why I am continuing to call on the Congress to pass a jobs bill. I've proposed a package that includes tax relief for small businesses to spur hiring, that accelerates construction on roads, bridges, and waterways, and that creates incentives for homeowners to invest in energy efficiency, because this will create jobs, save families money, and reduce pollution that harms our environment.

It is also essential that as we promote private sector hiring, we continue to take steps to prevent layoffs of critical public servants like teachers, firefighters, and police officers, whose jobs are threatened by State and local budget shortfalls. To do otherwise would not only worsen unemployment and hamper our recovery; it would also undermine our communities. And we cannot forget the millions of people who have lost their jobs. The Recovery Act provided support for these families hardest hit by this recession, and that support must continue.

At the same time, long before this crisis hit, middle-class families were under growing strain. For decades, Washington failed to address fundamental weaknesses in the economy: rising health care costs, growing dependence on foreign oil, an education system unable to prepare all of our children for the jobs of the future. In recent years, spending bills and tax cuts for the very wealthiest were approved without paying for any of it, leaving behind a mountain of debt. And while Wall Street gambled without regard for the consequences, Washington looked the other way.

As a result, the economy may have been working for some at the very top, but it was not working for all American families. Year after year, folks were forced to work longer hours, spend more time away from their loved ones, all while their incomes flat-lined and their sense of economic security evaporated. Growth in our country was neither sustained nor broadly shared. Instead of a prosperity powered by smart ideas and sound investments, growth was fueled in large part by a rapid rise in consumer borrowing and consumer spending.

Beneath the statistics are the stories of hardship I've heard all across America—hardships that began long before this recession hit two years ago. For too many, there has long been a sense that the American dream—a chance to make your own way, to work hard and support your family, save for college and retirement, own a home—was slipping away. And this sense of anxiety has been combined with a deep frustration that Washington either didn't notice, or didn't care enough to act.

These weaknesses have not only made our economy more susceptible to the kind of crisis we have been through. They have also meant that even in good times the economy did not produce nearly enough gains for middle-class families. Typical American families saw their standards of living stagnate, rather than rise as they had for generations. That is why, in the aftermath of this crisis, and after years of inaction, what is clear is that we cannot go back to business as usual.

That is why, as we strive to meet the crisis of the moment, we are continuing to lay a new foundation for prosperity: a foundation on which the middle class can prosper and grow, where if you are willing to work hard, you can find a good job, afford a home, send your children to world-class schools, afford high-quality health care, and enjoy retirement security in your later years. This is the heart of the American Dream, and it is at the core of our efforts to not only rebuild this economy—but to rebuild it stronger than before. And this work has already begun.

Already, we have made historic strides to reform and improve our education system. We have launched a Race to the Top in which schools are competing to create the most innovative programs, especially in math and science. We have already made college more affordable, even as we seek to increase student aid by ending a wasteful subsidy that serves only to line the pockets of lenders with tens of billions of taxpayer dollars. And I've proposed a new American Graduation Initiative and set this goal: by 2020, America will once again have the highest proportion of college graduates in the world. For we know that in this new century, growth will be powered not by what consumers can borrow and spend, but what talented, skilled workers can create and export.

Already, we have made historic strides to improve our health care system, essential to our economic prosperity. The burdens this system places on workers, businesses, and governments is simply unsustainable. And beyond the economic cost—which is vast—there is also a terrible human toll. That's why we've extended health insurance to millions more children; invested in health information technology through the Recovery Act to improve care and reduce costly errors; and provided the largest boost to medical research in our history. And I continue to fight to pass real, meaningful health insurance reforms that will get costs under control for families, businesses, and governments, protect people from the worst practices of insurance companies, and make coverage more affordable and secure for people with insurance, as well as those without it.

Already, we have begun to build a new clean energy economy. The Recovery Act included the largest investment in clean energy in history, investments that are today creating jobs across America in the industries that will power our future: developing wind energy, solar technology, and clean energy vehicles. But this work has only just begun. Other countries around the world understand that the nation that leads the clean energy economy will be the nation that leads the global economy. I want America to be that nation. That is why we are working toward legislation that will create new incentives to finally make renewable energy the profitable kind of energy in America. It's not only essential for our planet and our security, it's essential for our economy.

But this is not all we must do. For growth to be truly sustainable—for our prosperity to be truly shared and our living standards to actually rise—we need to move beyond an economy that is fueled by budget deficits and consumer demand. In other words, in order to create jobs and raise incomes for the middle class over the long run, we need to export more and borrow less from around the world, and we need to save more money and take on less debt here at home. As we rebuild, we must also rebalance. In order to achieve this, we'll need to grow this economy by growing our capacity to innovate in burgeoning industries, while putting a stop to irresponsible budget policies and financial dealings that have led us into such a deep fiscal and economic hole.

That begins with policies that will promote innovation throughout our economy. To spur the discoveries that will power new jobs, new businesses—and perhaps new industries—I have challenged both the public sector and the private sector to devote more resources to research and development. And to achieve this, my budget puts us on a path to double investment in key research agencies and makes the research and experimentation tax credit permanent. We are also pursuing policies that will help us export more of our goods around the world, especially by small businesses and farmers. And by harnessing the growth potential of international trade—while ensuring that other countries play by the rules and that all Americans share in the benefits—we will support millions of good, high-paying jobs.

But hand in hand with increasing our reliance on the Nation's ingenuity is decreasing our reliance on the Nation's credit card, as well as reining in the excess and abuse in our financial sector

that led large firms to take on extraordinary risks and extraordinary liabilities.

When my Administration took office, the surpluses our Nation had enjoyed at the start of the last decade had disappeared as a result of the failure to pay for two large tax cuts, two wars, and a new entitlement program. And decades of neglect of rising health care costs had put our budget on an unsustainable path.

In the long term, we cannot have sustainable and durable economic growth without getting our fiscal house in order. That is why even as we increased our short-term deficit to rescue the economy, we have refused to go along with business as usual, taking responsibility for every dollar we spend. Last year, we combed the budget, cutting waste and excess wherever we could, a process that will continue in the coming years. We are pursuing health insurance reforms that are essential to reining in deficits. I've called for a fee to be paid by the largest financial firms so that the American people are fully repaid for bailing out the financial sector. And I've proposed a freeze on nonsecurity discretionary spending for three years, a bipartisan commission to address the long-term structural imbalance between expenditures and revenues, and the enactment of ''pay-go'' rules so that Congress has to account for every dollar it spends.

In addition, I've proposed a set of common sense reforms to prevent future financial crises. For while the financial system is far stronger today than it was one year ago, it is still operating under the same rules that led to its near-collapse. These are rules that allowed firms to act contrary to the interests of customers; to hide their exposure to debt through complex financial dealings that few understood; to benefit from taxpayer-insured deposits while making speculative investments to increase their own profits; and to take on risks so vast that they posed a threat to the entire economy and the jobs of tens of millions of Americans.

That is why we are seeking reforms to empower consumers with the benefit of a new consumer watchdog charged with making sure that financial information is clear and transparent; to close loopholes that allowed big financial firms to trade risky financial products like credit defaults swaps and other derivatives without any oversight; to identify system-wide risks that could cause a financial meltdown; to strengthen capital and liquidity requirements to make the system more stable; and to ensure that the failure of any large firm does not take the economy down with it. Never again will the American taxpayer be held hostage by a bank that is ''too big to fail.''

Through these reforms, we seek not to undermine our markets but to make them stronger: to promote a vibrant, fair, and transparent financial system that is far more resistant to the reckless, irresponsible activities that might lead to another meltdown. And these kinds of reforms are in the shared interest of firms on Wall Street and families on Main Street.

These have been a very tough two years. American families and businesses have paid a heavy price for failures of responsibility from Wall Street to Washington. Our task now is to move beyond these failures, to take responsibility for our future once more. That is how we will create new jobs in new industries, harnessing the incredible generative and creative capacity of our people. That is how we'll achieve greater economic security and opportunity for middle-class families in this country. That is how in this new century we will rebuild our economy stronger than ever before.

BARACK OBAMA.
THE WHITE HOUSE, *February 11, 2010*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Joint Economic Committee and ordered to be printed (H. Doc. 111–81).

¶17.14 RECESS—3:07 P.M.

The SPEAKER pro tempore, Ms. SPEIER, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 7 minutes p.m., until approximately 6:30 p.m.

¶17.15 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, called the House to order.

¶17.16 PROVIDING FOR CONSIDERATION OF H.R. 2314

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–413) the resolution (H. Res. 1083) providing for consideration of the bill (H.R. 2314) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

When said resolution and report were referred to the House Calendar and ordered printed.

¶17.17 H.R. 4425—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4425) to designate the facility of the United States Postal Service located at 2-116th Street in North Troy, New York, as the ''Martin G. 'Marty' Mahar Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 330 / Nays 0

¶17.18 [Roll No. 49]

YEAS—330

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Bartlett
Becerra
Berkley
Berman
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Eshoo
Farr
Fattah
Flake
Fleming
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E.B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McKeon
McMahon
McMorris Rodgers
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Polis (CO)
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano

Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—102

Ackerman
Austria
Barrett (SC)
Barrow
Barton (TX)
Bean
Berry
Biggert
Blackburn
Boccieri
Bono Mack
Boren
Boucher
Braley (IA)
Calvert
Camp
Campbell
Carnahan
Childers
Cleaver
Conyers
Costello
Cuellar
Culberson
Davis (AL)
Deal (GA)
DeFazio
Delahunt
Dent
Dreier
Ehlers
Engel
Etheridge
Fallin
Filner
Fortenberry
Giffords
Gingrey (GA)
Granger
Graves
Grijalva
Gutierrez
Harman
Hastings (WA)
Higgins
Hodes
Hoekstra
Inglis
Johnson (IL)
Jordan (OH)
Kaptur
Kilpatrick (MI)
Kirk
Kissell
Larsen (WA)
Lipinski
Loebsack
Mack
Maffei
McCollum
McIntyre
McNerney
Meek (FL)
Melancon
Miller (MI)
Miller (NC)
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Neal (MA)
Neugebauer
Pascrell
Platts
Poe (TX)
Pomeroy
Price (GA)
Radanovich
Reichert
Ros-Lehtinen
Roskam
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Scalise
Schrader
Sessions
Sherman
Sires
Smith (WA)
Stark
Teague
Thompson (MS)
Titus
Velázquez
Wamp
Watson
Westmoreland
Wilson (OH)
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶17.19 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE JOHN P. MURTHA

The SPEAKER announced that all Members stand and observe a moment of silence in memory of the late Honorable John P. Murtha of Pennsylvania.

¶17.20 H.R. 4238—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4238) to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the ''W.D. Farr Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 331 / Nays 0

¶17.21 [Roll No. 50]

YEAS—331

Abercrombie
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Bartlett
Becerra
Berkley
Berman
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Farr
Fattah
Flake
Fleming
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E.B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McHenry
McKeon
McMahon
McMorris Rodgers
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Polis (CO)
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—101

Ackerman
Austria
Barrett (SC)
Barrow
Barton (TX)
Bean
Berry
Biggert
Boccieri
Bono Mack
Boren
Boucher
Braley (IA)
Calvert
Camp
Campbell
Carnahan
Childers
Cleaver
Conyers
Costello
Cuellar
Culberson
Davis (AL)
Deal (GA)
DeFazio
Delahunt
Dent
Dreier
Ehlers
Etheridge
Fallin
Filner
Fortenberry
Giffords
Gingrey (GA)
Granger
Graves
Grijalva
Gutierrez
Harman
Hastings (WA)
Higgins
Hodes
Hoekstra
Inglis
Johnson (IL)
Jordan (OH)
Kaptur
Kilpatrick (MI)
Kirk
Kissell
Larsen (WA)
Lipinski
Loebsack
Mack
Maffei
McCollum
McGovern
McIntyre
McNerney
Meek (FL)
Melancon
Miller (MI)
Miller (NC)
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Neal (MA)
Neugebauer
Pascrell
Platts
Poe (TX)
Pomeroy
Price (GA)
Radanovich
Reichert
Ros-Lehtinen
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Scalise
Schrader
Sessions
Sherman
Shuster
Sires
Smith (WA)
Stark
Sullivan
Teague
Thompson (MS)
Titus
Velázquez
Wamp
Westmoreland
Wilson (OH)
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶17.22 HONORABLE JOHN P. MURTHA

Mr. KANJORSKI, submitted the following privileged resolution (H. Res. 1084):

Resolved, That the House has heard with profound sorrow of the death of the Honorable John P. Murtha, a Representative from the Commonwealth of Pennsylvania.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

When said resolution was considered.

After debate,

On motion of Mr. KANJORSKI, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶17.23 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Ms. MARKEY of Colorado, under clause 5(d) of rule XX, announced to the House that, in light of the passing of the gentleman from Pennsylvania [Mr. MURTHA], the whole number of the House is 433.

¶17.24 COMMITTEE TO ATTEND THE FUNERAL OF THE LATE HONORABLE JOHN P. MURTHA

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to the order of the House of January 6, 2009, the Speaker on February 16, 2010, appointed the following Members of the House to the committee to attend the funeral of the late Honorable John P. Murtha: the gentleman from Pennsylvania, Mr. KANKJORSKI, the gentlewoman from California, Ms. PELOSI.

The Members of the Pennsylvania delegation: Messrs. HOLDEN, DOYLE, FATTAH, PITTS, BRADY, PLATTS, SHUSTER, GERLACH, Tim MURPHY, DENT, Ms. SCHWARTZ, Messrs. ALTMIRE, CARNEY, Patrick J. MURPHY, SESTAK, Mrs. DAHLKEMPER, and Mr. THOMPSON.

Other Members in attendance: Messrs. LARSON of Connecticut, BECERRA, Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, Messrs. RANGEL, DICKS, Ms. KAPTUR, Messrs. LEVIN, MOLLOHAN, Ms. SLAUGHTER, Messrs. TAYLOR, ANDREWS, MORAN of Virginia, BISHOP of Georgia, Ms. Corrine BROWN of Florida, Ms. ESHOO, Messrs. KENNEDY, BERRY, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mrs. MCCARTHY of California, Messrs. PASCRELL, REYES, ROTHMAN, CAPUANO, HOLT, WEINER, RYAN of Ohio, Ms. MATSUI, Messrs. COHEN, and COURTNEY.

¶17.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CULBERSON, for today;

To Mr. DREIER, for today;

To Mr. CUELLAR, for today;

To Ms. KILPATRICK of Michigan, for today;

To Ms. MCCOLLUM, for today;

To Mr. POE of Texas, for today;

To Mr. REICHERT, for today and balance of the week;

To Mr. SESSIONS, for today; and

To Mr. DENT, for today.

And then,

¶17.26 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to House Resolution 1084, at 10 o'clock and 12 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, February 23, 2010, for morning-hour debate, as a further mark of respect to the memory of the late Honorable John P. Murtha.

¶17.27 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 2314. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (Rept. 111–412). Referred to the Committee of the Whole House on the state of the Union.

Mr. POLIS of Colorado: Committee on Rules. House Resolution 1083. Resolution providing for consideration of the bill (H.R. 2314) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity (Rept. 111–413). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3562. A bill to designate the Federal building under construction at 1220 Echelon Parkway in Jackson, Mississippi, as the ''Chaney, Goodman, Schwerner Federal Building''; with amendments (Rept. 111–414). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 917. Resolution recognizing the Florida Keys Scenic Highway on the occasion of its designation as an All-American Road by the U.S. Department of Transportation; with an amendment (Rept. 111–415). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 3695. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons system, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; with an amendment (Rept. 111–416). Referred to the Committee of the Whole House on the state of the Union.

¶17.28 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PERRIELLO (for himself, Ms. MARKEY of Colorado, Ms. SLAUGHTER, Mr. DEFAZIO, Mr. ANDREWS, Mr. BOSWELL, Mr. BOUCHER, Mrs. CAPPS, Mr. CAPUANO, Mr. CARNAHAN, Ms. CHU, Mr. CONNOLLY of Virginia, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Mr. ELLISON, Mr. GARAMENDI, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. NORTON, Mr. HOLT, Mr. JOHNSON of Georgia, Mr. KILDEE, Ms. KILROY, Mr. KISSELL, Mr. KLEIN of Florida, Mr. LANGEVIN, Mr. LUJÁN, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MASSA, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MICHAUD, Mr. MORAN of Virginia, Mr. NADLER of New York, Mr. OLVER, Mr. OWENS, Mr. PASCRELL, Mr. PERLMUTTER, Mr. PETERS, Ms. PINGREE of Maine, Mr. POLIS of Colorado, Mr. QUIGLEY, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. STUPAK, Ms. SUTTON, Mr. TAYLOR, Mr. TEAGUE, Mr. TIERNEY, Ms. TITUS, Mr. TONKO, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Ms. WOOLSEY, Mr. WU, Mr. BARROW, and Ms. HIRONO):

H.R. 4626. A bill to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers; to the Committee on the Judiciary.

By Mr. KRATOVIL:

H.R. 4627. A bill to amend the Immigration and Nationality Act to impose new penalties for the knowing unlawful employment of aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. GARRETT of New Jersey (for himself, Mr. ADLER of New Jersey, Mr. ANDREWS, Mr. FRELINGHUYSEN, Mr. HOLT, Mr. LANCE, Mr. LOBIONDO, Mr. PASCRELL, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. SMITH of New Jersey, Mr. PAYNE, and Mr. PALLONE):

H.R. 4628. A bill to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. LEVIN (for himself, Mr. FRANK of Massachusetts, Mr. PETERS, Mr. MOORE of Kansas, Mr. DINGELL, Mr. KANJORSKI, Mr. RANGEL, Ms. FUDGE, Mr. KILDEE, Mr. PASCRELL, Mr. LIPINSKI, Mr. DOYLE, Ms. SCHWARTZ, Mr. BUTTERFIELD, Mr. ETHERIDGE, and Mr. RYAN of Ohio):

H.R. 4629. A bill to create a loan program to provide funds to State special purpose vehicles for use in collateral support programs and loan participation programs to benefit qualified manufacturers; to the Committee on Financial Services.

By Mr. ACKERMAN (for himself, Ms. HIRONO, Mr. CAPUANO, Mrs. MALONEY, and Mr. GUTIERREZ):

H.R. 4630. A bill to amend the securities laws to require that registration statements, quarterly and annual reports, and proxy solicitations of public companies include a disclosure to shareholders of any expenditure made by that company in support of or in opposition to any candidate for Federal, State, or local public office; to the Committee on Financial Services.

By Mr. ALEXANDER:

H.R. 4631. A bill to amend section 1105 of title 31, United States Code, to require that annual budget submissions of the President to Congress provide certain information regarding companies in which the Government holds stock, and for other purposes; to the Committee on the Budget.

By Mr. BISHOP of New York (for himself, Mr. KING of New York, Mr. LEE of New York, Mr. COURTNEY, Mr. HEINRICH, Mr. KAGEN, Mr. WEINER, Mr. PETERSON, Mrs. HALVORSON, Mr. ISRAEL, Ms. BORDALLO, Mr. SOUDER, Mr. LUJÁN, Mr. MCMAHON, Ms. KAPTUR, and Mr. GRIJALVA):

H.R. 4632. A bill to amend the Housing and Community Development Act of 1974 to set-aside community development block grant amounts in each fiscal year for grants to local chapters of veterans service organizations for rehabilitation of their facilities; to the Committee on Financial Services.

By Mr. BRALEY of Iowa:

H.R. 4633. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from employer Social Security taxes with respect to previously unemployed individuals, and to provide a credit for the retention of such individuals for at least 1 year; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina (for himself, Mr. MCINTYRE, Mr. WILSON of South Carolina, Mr. MICA, Mr. BARRETT of South Carolina, Mr. JONES, and Ms. KOSMAS):

H.R. 4634. A bill to limit the authority of the Secretary of Commerce to implement certain fishery closures unless the Secretary certifies that closure is the only option

available for maintaining a fishery at a sustainable level, and for other purposes; to the Committee on Natural Resources.

By Ms. FUDGE (for herself, Ms. WATERS, Mr. MEEK of Florida, Ms. SUTTON, and Ms. KILROY):

H.R. 4635. A bill to require lenders of loans with Federal guarantees or Federal insurance to consent to mandatory mediation; to the Committee on Financial Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT:

H.R. 4636. A bill to prohibit United States assistance to foreign countries that oppose the position of the United States in the United Nations; to the Committee on Foreign Affairs.

By Mr. HALL of New York:

H.R. 4637. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures, to provide a standard home office deduction, to increase the amount allowed as a deduction for meals and entertainment expenses of small businesses, and to extend bonus depreciation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself, Mrs. EMERSON, Mr. SHULER, Mr. THOMPSON of Mississippi, and Mr. HIMES):

H.R. 4638. A bill to amend the Richard B. Russell National School Lunch Act to provide commodity assistance to States participating in the school breakfast program established under the Child Nutrition Act of 1966; to the Committee on Education and Labor.

By Mr. JONES:

H.R. 4639. A bill to amend title 10, United States Code, to authorize the adoption of a military working dog by the family of a deceased or seriously wounded member of the Armed Forces who was the handler of the dog; to the Committee on Armed Services.

By Mr. LEE of New York (for himself, Mr. SCHOCK, Mr. LANCE, Mr. BURTON of Indiana, Mr. BURGESS, Mr. BARTLETT, Mr. FLEMING, Mrs. SCHMIDT, Ms. GRANGER, Mr. RYAN of Wisconsin, Mr. AKIN, Mr. BRADY of Texas, Mr. MARCHANT, Mr. MCHENRY, Mr. LAMBORN, Mrs. LUMMIS, Mr. POSEY, Mr. HENSARLING, Mr. KING of Iowa, Mr. ROONEY, Mr. JORDAN of Ohio, Mr. BILBRAY, Mr. PAULSEN, Mr. CHAFFETZ, Mr. SOUDER, Mr. HOEKSTRA, Mr. GARRETT of New Jersey, Ms. JENKINS, Mr. CAO, Ms. WATSON, Mr. EHLERS, Mr. HINCHEY, Mr. POLIS of Colorado, Mr. MINNICK, Mr. CARNAHAN, Mr. SMITH of Washington, and Mr. POMEROY):

H.R. 4640. A bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions by the Government Printing Office for the use of the House of Representatives and Senate; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself, Mr. CAMPBELL, Mr. FRANK of Massachusetts, Ms. BEAN, Mr. FILNER, and Mrs. NAPOLITANO):

H.R. 4641. A bill to amend title 18, United States Code, to prohibit the making of political robocalls during certain periods, and for other purposes; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 4642. A bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome; to the Committee on Energy and Commerce.

By Mr. OBERSTAR (for himself, Mr. DEFAZIO, and Ms. EDWARDS of Maryland) (all by request):

H.R. 4643. A bill to amend chapter 53 of title 49, United States Code, to establish a public transportation safety program; to the Committee on Transportation and Infrastructure.

By Mr. SESTAK:

H.R. 4644. A bill to amend the Federal Election Campaign Act of 1971 to prohibit a corporation from making any independent expenditure or disbursing funds for any electioneering communication without obtaining the prior approval of a majority of its shareholders, and for other purposes; to the Committee on House Administration.

By Mr. KLEIN of Florida (for himself, Mr. WAXMAN, Mr. CANTOR, Mr. LATOURETTE, and Ms. GIFFORDS):

H. Con. Res. 236. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mrs. DAVIS of California (for herself and Ms. ROS-LEHTINEN):

H. Con. Res. 237. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to the Women Airforce Service Pilots; to the Committee on House Administration.

By Mr. LEWIS of Georgia (for himself, Mr. KENNEDY, Ms. WASSERMAN SCHULTZ, Mr. MCGOVERN, and Ms. SCHAKOWSKY):

H. Res. 1081. A resolution supporting the goals and ideals of National Teen Dating Violence Awareness and Prevention Month; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HINOJOSA, and Mrs. BIGGERT):

H. Res. 1082. A resolution supporting the goals and ideals of the fourth annual America Saves Week; to the Committee on Financial Services.

By Mr. KANJORSKI:

H. Res. 1084. A resolution expressing the condolences of the House of Representatives on the death of the Honorable John P. Murtha, a Representative from the Commonwealth of Pennsylvania; considered and agreed to.

By Ms. CORRINE BROWN of Florida (for herself, Mr. OBERSTAR, Mr. CUMMINGS, Ms. RICHARDSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. NAPOLITANO, Mr. HARE, Mr. PERRIELLO, Mr. BOSWELL, Mr. SIRES, Mr. FILNER, Ms. NORTON, Mr. COHEN, Ms. EDWARDS of Maryland, Mr. SHULER, Ms. HIRONO, Mr. HOLDEN, Mr. COSTELLO, Mr. DEFAZIO, Mr. DAVIS of Illinois, Mr. JOHNSON of Georgia, Ms. JACKSON LEE of Texas, Mr. MEEK of Florida, and Mr. TOWNS):

H. Res. 1085. A resolution honoring and celebrating the contributions of African-Americans to the transportation and infrastructure of the United States; to the Committee on Transportation and Infrastructure.

By Mr. BACA (for himself, Mr. HEINRICH, Ms. RICHARDSON, and Mrs. CHRISTENSEN):

H. Res. 1086. A resolution recognizing the importance and significance of the 2010 Census and encouraging each community within the Indian Country to name an elder to be the first member of that community to answer the 2010 Census; to the Committee on Oversight and Government Reform.

By Mr. BARROW (for himself, Mr. LEWIS of Georgia, Mr. JOHNSON of Georgia, Mr. BROUN of Georgia, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. WESTMORELAND, Mr. SCOTT of Georgia, Mr. LINDER, Mr. MARSHALL, Mr. PRICE of Georgia, Mr. DEAL of Georgia, and Mr. GINGREY of Georgia):

H. Res. 1087. A resolution honoring the life of John H. ''Jack'' Ruffin, Jr.; to the Committee on the Judiciary.

By Mr. CONNOLLY of Virginia (for himself, Mr. WOLF, Mrs. CAPPS, Ms. BALDWIN, Ms. BERKLEY, Mr. FALEOMAVAEGA, Ms. WATSON, Mr. INGLIS, Mr. SCOTT of Georgia, Mr. SCHAUER, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. LANCE, Mr. JOHNSON of Georgia, Mr. HASTINGS of Florida, Ms. NORTON, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. CLYBURN, Mr. CROWLEY, Mr. MCMAHON, Ms. GRANGER, Mr. MCCAUL, Mr. SARBANES, Mrs. SCHMIDT, Mr. COHEN, Ms. JACKSON LEE of Texas, Ms. RICHARDSON, Ms. HARMAN, Mr. MURPHY of New York, Mrs. MALONEY, Mr. SCHOCK, Mr. ROHRABACHER, Mr. MATHESON, and Ms. LEE of California):

H. Res. 1088. A resolution recognizing the plight of people with albinism in East Africa and condemning their murder and mutilation; to the Committee on Foreign Affairs.

By Mr. HARE:

H. Res. 1089. A resolution recognizing the 150th anniversary of Augustana College; to the Committee on Education and Labor.

By Mr. HASTINGS of Florida (for himself, Mr. MORAN of Virginia, Ms. SPEIER, Mr. FARR, Mr. GRIJALVA, Mr. HONDA, Mr. GUTIERREZ, Ms. PINGREE of Maine, Ms. BERKLEY, Ms. WATSON, Mr. FRANK of Massachusetts, Ms. KILPATRICK of Michigan, Ms. CHU, Mr. FILNER, Mrs. CHRISTENSEN, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. ISRAEL, Mr. HINCHEY, Mr. BERMAN, Mr. DINGELL, Mr. CUMMINGS, Ms. JACKSON LEE of Texas, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. MICHAUD, and Mr. POLIS of Colorado):

H. Res. 1090. A resolution recognizing the hearing of the Committee on Armed Services of the Senate on the Don't Ask, Don't Tell policy, and the testimony of Secretary of Defense Robert M. Gates and Admiral Michael G. Mullen at the hearing, as an important first step in permitting gay and lesbian Americans to serve openly in the Armed Forces and expressing the sense of the House of Representatives that the policy should be repealed in 2010; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. EHLERS, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. LANGEVIN, Mr. LOEBSACK, Mr. MOORE of Kansas, Mr. RODRIGUEZ, Ms. LINDA T. SÁNCHEZ of California, Mr. YARMUTH, Mr. HARE, Mr. KISSELL, Ms. SCHWARTZ, Mr. MEEKS of New York, and Ms. MCCOLLUM):

H. Res. 1091. A resolution expressing support for designation of the week of February 28 through March 7, 2010, as ''School Social Work Week''; to the Committee on Education and Labor.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. KING of Iowa, Mr. BRALEY of Iowa, and Mr. LATHAM):

H. Res. 1092. A resolution congratulating the University of Iowa Hawkeyes football

team for winning the 2010 FedEx Orange Bowl; to the Committee on Education and Labor.

By Mr. MORAN of Virginia:

H. Res. 1093. A resolution expressing support for designation of March as ''National Whole Child Month''; to the Committee on Education and Labor.

By Ms. WATSON:

H. Res. 1094. A resolution commemorating the life of the late Cynthia DeLores Tucker; to the Committee on the Judiciary.

¶17.29 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. NORTON.
H.R. 39: Mr. CHANDLER, Ms. ROYBAL-ALLARD, Mr. FILNER, Mr. HASTINGS of Florida, Mr. BAIRD, and Mr. GUTIERREZ.
H.R. 43: Mr. DRIEHAUS and Mr. CLAY.
H.R. 197: Mr. JOHNSON of Illinois, Mr. INGLIS, Mr. DONNELLY of Indiana, and Ms. ROS-LEHTINEN.
H.R. 211: Mr. TEAGUE, Ms. WATERS, and Mr. PERRIELLO.
H.R. 417: Mr. VAN HOLLEN.
H.R. 424: Mr. COURTNEY.
H.R. 442: Mr. GRAVES, Ms. GRANGER, and Mr. JOHNSON of Illinois.
H.R. 444: Mr. LATOURETTE and Ms. NORTON.
H.R. 450: Mr. BRADY of Texas.
H.R. 467: Mr. SALAZAR.
H.R. 476: Mr. DICKS.
H.R. 482: Mr. KILDEE, Mr. OWENS, Mr. UPTON, Mr. MILLER of Florida, and Mr. WILSON of South Carolina.
H.R. 517: Mr. HINCHEY.
H.R. 571: Ms. WASSERMAN SCHULTZ.
H.R. 606: Mr. POLIS of Colorado and Mr. GRAYSON.
H.R. 658: Mr. MAFFEI.
H.R. 690: Mr. DOGGETT.
H.R. 734: Ms. WOOLSEY, Ms. CASTOR of Florida, Mr. MURPHY of Connecticut, Mr. HIMES, Mr. VISCLOSKY, Mr. PUTNAM, Ms. BALDWIN, Mr. LARSON of Connecticut, Mr. KILDEE, Mr. HARPER, Mr. COFFMAN of Colorado, Mr. BACA, and Mr. ISRAEL.
H.R. 745: Mr. HONDA.
H.R. 789: Mr. GRAYSON and Mr. KENNEDY.
H.R. 795: Mr. MCDERMOTT.
H.R. 840: Ms. CHU.
H.R. 930: Mr. HALL of Texas and Mr. ISRAEL.
H.R. 984: Ms. CHU, Mr. WATT, and Mr. COHEN.
H.R. 1024: Ms. WATERS.
H.R. 1079: Mr. BLUNT and Mr. ELLSWORTH.
H.R. 1144: Ms. FUDGE.
H.R. 1308: Mr. SESTAK.
H.R. 1402: Mr. HOLDEN.
H.R. 1443: Ms. ESHOO and Ms. CHU.
H.R. 1500: Ms. NORTON.
H.R. 1520: Mr. CHAFFETZ.
H.R. 1521: Mr. SALAZAR, Ms. RICHARDSON, Mr. KINGSTON, Mr. BURTON of Indiana, and Mr. BURGESS.
H.R. 1523: Ms. TSONGAS and Mr. POLIS of Colorado.
H.R. 1526: Mr. CASSIDY.
H.R. 1547: Ms. ROS-LEHTINEN and Mr. THORNBERRY.
H.R. 1552: Ms. BERKLEY and Mr. MCMAHON.
H.R. 1557: Mr. SCHRADER.
H.R. 1629: Ms. GRANGER.
H.R. 1686: Mr. HOLT, Mr. TIERNEY, and Mr. WALZ.
H.R. 1718: Mr. AKIN.
H.R. 1800: Mr. CAPUANO.
H.R. 1826: Mr. QUIGLEY and Mr. PAYNE.
H.R. 1866: Mr. MCDERMOTT.
H.R. 1895: Mr. MCGOVERN.
H.R. 1908: Mr. GUTHRIE.
H.R. 1912: Ms. NORTON, Mr. BOUCHER, Mr. ISRAEL, Mr. HASTINGS of Florida, and Mr. DOYLE.
H.R. 1943: Mrs. MCCARTHY of New York.
H.R. 1960: Mr. FORBES.
H.R. 2000: Mr. MEEK of Florida, Mr. JOHNSON of Georgia, and Mr. CAO.
H.R. 2067: Ms. PINGREE of Maine.
H.R. 2089: Mr. POLIS of Colorado.
H.R. 2102: Ms. SUTTON, Ms. ZOE LOFGREN of California, and Mr. LUJÁN.
H.R. 2110: Mr. HIMES.
H.R. 2116: Mr. SCHRADER.
H.R. 2160: Mr. KLEIN of Florida.
H.R. 2227: Mr. DONNELLY of Indiana.
H.R. 2296: Mr. INGLIS and Mr. SHADEGG.
H.R. 2365: Mr. HOLT.
H.R. 2377: Mrs. DAVIS of California.
H.R. 2478: Mr. BISHOP of New York, Ms. KOSMAS, and Mr. HODES.
H.R. 2546: Ms. SHEA-PORTER.
H.R. 2567: Mr. BAIRD.
H.R. 2669: Mr. COHEN.
H.R. 2682: Mr. GRAVES.
H.R. 2724: Mrs. CAPPS.
H.R. 2746: Mr. LANGEVIN, Ms. TITUS, and Ms. SHEA-PORTER.
H.R. 2764: Mr. COHEN and Mr. HARE.
H.R. 2807: Ms. SHEA-PORTER.
H.R. 2817: Ms. ZOE LOFGREN of California and Mrs. CAPPS.
H.R. 2819: Ms. NORTON and Mr. FILNER.
H.R. 2842: Mr. AUSTRIA.
H.R. 2849: Mr. MARKEY of Massachusetts and Ms. ESHOO.
H.R. 2882: Mr. CARNAHAN, Mr. BOUCHER, Mr. GUTIERREZ, and Ms. CHU.
H.R. 2906: Mr. CUMMINGS, Ms. WASSERMAN SCHULTZ, Mr. HASTINGS of Florida, Mr. RUSH, and Mr. CAPUANO.
H.R. 2909: Ms. WOOLSEY.
H.R. 2941: Mr. DICKS.
H.R. 3018: Mr. GONZALEZ.
H.R. 3048: Ms. NORTON.
H.R. 3059: Mrs. HALVORSON.
H.R. 3101: Ms. SLAUGHTER and Mr. BERMAN.
H.R. 3238: Mr. GRAYSON.
H.R. 3264: Mr. CUMMINGS and Mr. CLAY.
H.R. 3286: Ms. MATSUI, Mr. HIGGINS, and Mr. DAVIS of Tennessee.
H.R. 3308: Mrs. MILLER of Michigan and Mr. SESSIONS.
H.R. 3332: Ms. ZOE LOFGREN of California.
H.R. 3339: Ms. TITUS.
H.R. 3381: Mr. AL GREEN of Texas and Mr. GONZALEZ.
H.R. 3415: Mr. ALEXANDER.
H.R. 3464: Mrs. CHRISTENSEN, Mr. ROSS, Mr. LUCAS, Mr. MINNICK, Ms. JENKINS, Mr. GRAVES and Mr. CHANDLER.
H.R. 3517: Mr. HIMES.
H.R. 3554: Mr. TIBERI and Mr. WELCH.
H.R. 3560: Ms. KILPATRICK of Michigan.
H.R. 3592: Mr. WILSON of South Carolina.
H.R. 3652: Mr. ROTHMAN of New Jersey, Mr. CARSON of Indiana, Ms. MCCOLLUM, and Ms. BEAN.
H.R. 3670: Mr. OWENS.
H.R. 3699: Ms. PINGREE of Maine.
H.R. 3734: Mr. TURNER.
H.R. 3735: Mr. GRAVES.
H.R. 3742: Mr. BISHOP of New York.
H.R. 3787: Mr. COHEN.
H.R. 3790: Mr. REHBERG, Mr. BONNER, Mr. CRENSHAW, Mr. ADERHOLT, and Mr. INGLIS.
H.R. 3800: Mr. SESTAK.
H.R. 3810: Mr. RAHALL.
H.R. 3888: Mr. HALL of New York and Mr. MCDERMOTT.
H.R. 3907: Mr. COHEN, Mr. HIGGINS, Ms. ROS-LEHTINEN, Ms. MCCOLLUM, Mr. MAFFEI, Mr. REYES, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. KISSELL, and Mr. GONZALEZ.
H.R. 3922: Mr. MCCOTTER.
H.R. 3939: Ms. ZOE LOFGREN of California.
H.R. 3952: Mr. LOBIONDO.
H.R. 3990: Ms. JACKSON LEE of Texas and Mr. AL GREEN of Texas.
H.R. 4004: Ms. JACKSON LEE of Texas and Mr. AL GREEN of Texas.
H.R. 4036: Ms. FUDGE.
H.R. 4037: Mr. SESTAK and Ms. NORTON.
H.R. 4045: Mr. KLEIN of Florida.
H.R. 4068: Ms. SCHWARTZ and Mr. DAVIS of Illinois.
H.R. 4091: Ms. JACKSON LEE of Texas and Ms. HERSETH SANDLIN.
H.R. 4107: Mr. MORAN of Kansas.
H.R. 4108: Mr. HONDA.
H.R. 4115: Ms. WATERS.
H.R. 4116: Mr. SESTAK, Mr. KAGEN, Mr. HINCHEY, and Mr. GUTIERREZ.
H.R. 4128: Mr. RUSH and Mr. DOGGETT.
H.R. 4140: Mr. RYAN of Ohio.
H.R. 4148: Mr. ROTHMAN of New Jersey.
H.R. 4163: Ms. NORTON.
H.R. 4196: Mr. HINCHEY and Ms. JACKSON LEE of Texas.
H.R. 4197: Mr. GINGREY of Georgia.
H.R. 4202: Ms. ZOE LOFGREN of California, Mr. KAGEN, and Ms. SHEA-PORTER.
H.R. 4227: Mr. BOREN.
H.R. 4247: Mr. KENNEDY, Mr. COHEN, Mr. HINCHEY, Ms. DELAURO, and Mr. FRANK of Massachusetts.
H.R. 4249: Mrs. BLACKBURN.
H.R. 4255: Mr. HOLT and Mr. WOLF.
H.R. 4279: Mr. MILLER of Florida.
H.R. 4296: Mrs. NAPOLITANO, Mr. ROSS, Mrs. MALONEY, and Mr. PETERS.
H.R. 4309: Mr. ELLSWORTH.
H.R. 4311: Mr. SKELTON.
H.R. 4312: Mr. CHAFFETZ.
H.R. 4324: Mr. CARDOZA, Ms. CHU, Ms. SHEA-PORTER, and Mr. MASSA.
H.R. 4332: Mr. BERMAN.
H.R. 4354: Mr. SESTAK and Ms. FUDGE.
H.R. 4378: Mrs. MYRICK and Mr. COHEN.
H.R. 4389: Mr. MICHAUD and Mr. KAGEN.
H.R. 4400: Mr. OLSON, Mrs. HALVORSON, Mr. UPTON, Ms. SHEA-PORTER, Mr. HARE, Mr. TIERNEY, and Mr. ROSS.
H.R. 4404: Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. CONYERS, and Mr. BISHOP of Georgia.
H.R. 4405: Mrs. DAVIS of California, Mrs. CHRISTENSEN, Mr. CLAY, and Mr. MCDERMOTT.
H.R. 4413: Mr. PIERLUISI, Ms. FUDGE, and Ms. RICHARDSON.
H.R. 4420: Mr. ELLSWORTH.
H.R. 4427: Mrs. MCMORRIS RODGERS.
H.R. 4428: Mr. LARSON of Connecticut.
H.R. 4463: Mr. SAM JOHNSON of Texas, Mr. MARCHANT, and Mr. LINDER.
H.R. 4489: Mr. DOGGETT.
H.R. 4491: Mr. JACKSON of Illinois.
H.R. 4496: Mr. MICA.
H.R. 4505: Mr. MCKEON and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4509: Mr. FRANK of Massachusetts and Mr. MINNICK.
H.R. 4512: Mr. GRAYSON.
H.R. 4517: Mr. HINCHEY.
H.R. 4520: Mr. CAO.
H.R. 4522: Mr. STUPAK.
H.R. 4530: Mr. TONKO and Ms. MATSUI.
H.R. 4534: Ms. FUDGE.
H.R. 4540: Mr. WAXMAN, Ms. MCCOLLUM, Mr. THOMPSON of Mississippi, Mr. ISRAEL, and Mr. FILNER.
H.R. 4541: Mr. FRANK of Massachusetts and Mr. MCGOVERN.
H.R. 4542: Mr. BOREN and Ms. FOXX.
H.R. 4548: Mr. BURTON of Indiana, Mr. MARCHANT, Mr. JONES, and Mr. MCKEON.
H.R. 4553: Mr. STUPAK, Ms. DELAURO, Mrs. NAPOLITANO, and Mr. WILSON of Ohio.
H.R. 4554: Mr. COSTELLO, Mr. WILSON of Ohio, Mr. SESTAK, Mr. CONYERS, and Mr. MEEKS of New York.
H.R. 4559: Mr. MICHAUD.
H.R. 4563: Ms. RICHARDSON.
H.R. 4564: Mr. FARR, Ms. RICHARDSON, Ms. BERKLEY, Ms. CORRINE BROWN of Florida, Ms. ESHOO, Mr. CLEAVER, Mr. BRADY of Pennsylvania, Mrs. NAPOLITANO, Mr. WAXMAN, Mr. CARDOZA, Mr. HASTINGS of Florida, Ms. HIRONO, and Mr. HARE.
H.R. 4568: Mr. MASSA.
H.R. 4572: Ms. HERSETH SANDLIN, Mr. TERRY, Mr. BOSWELL, Mr. MCCOTTER, Mr.

HOLDEN, Mr. SIMPSON, and Mr. BURTON of Indiana.

H.R. 4573: Ms. KILPATRICK of Michigan and Ms. RICHARDSON.

H.R. 4598: Mr. LANCE, Mr. CARNAHAN, Mr. LIPINSKI, and Mr. AL GREEN of Texas, Mr. LEE of New York, and Mr. CHILDERS.

H.R. 4607: Ms. NORTON.

H.R. 4615: Mr. BURTON of Indiana.

H.R. 4616: Mr. GUTIERREZ, Ms. SCHAKOWSKY, and Mr. MORAN of Virginia.

H.R. 4621: Mr. SERRANO, Mr. REYES, Mr. AL GREEN of Texas, Ms. NORTON, Mr LEWIS of Georgia, Ms. BERKLEY, and Mr. HONDA.

H.J. Res. 61: Mr. GUTIERREZ.

H.J. Res. 74: Ms. NORTON, Mr. MCGOVERN, Mr. ELLISON, Ms. PINGREE of Maine, Ms. LEE of California, Ms. SUTTON, Mr. CARSON of Indiana, Ms. CLARKE, Mr. JACKSON of Illinois, Mr. MARKEY of Massachusetts, Mr. GRIJALVA, Mr. RAHALL, Mrs. MALONEY, Ms. SLAUGHTER, and Mr. GRAYSON.

H. Con. Res. 227: Mr. JOHNSON of Georgia and Ms. MCCOLLUM.

H. Con. Res. 230: Mr. LAMBORN, Mr. BISHOP of Utah, and Ms. BORDALLO.

H. Con. Res. 232: Mr. MILLER of Florida, Mr. KING of New York, Mr. CARNEY, Mr. OWENS, and Mr. MASSA.

H. Con. Res. 233: Ms. BORDALLO, Ms. RICHARDSON, and Mr. CUMMINGS.

H. Res. 330: Mr. BOYD, Mr. RANGEL, Mr. ORTIZ, Mr. ROGERS of Kentucky, Mr. DAVIS of Kentucky, Mr. SNYDER, Ms. NORTON, Mr. HUNTER, Mr. SIRES, Mr. DINGELL, and Mr. COURTNEY.

H. Res. 397: Mr. INGLIS.

H. Res. 526: Mr. TANNER, Ms. HIRONO, and Mr. CLEAVER.

H. Res. 716: Mr. GRAYSON, Ms. WATSON, and Ms. CHU.

H. Res. 764: Mr. WILSON of South Carolina and Mr. SHULER.

H. Res. 870: Mr. GALLEGLY, Mr. LINDER, Mr. SHADEGG, Mr. GRIFFITH, Mr. ROGERS of Alabama, and Mr. ROHRABACHER.

H. Res. 902: Mr. COHEN.

H. Res. 919: Mr. MCCOTTER.

H. Res. 935: Mr. POLIS of Colorado.

H. Res. 936: Mr. ELLSWORTH and Mr. JOHNSON of Georgia.

H. Res. 947: Mr. SIRES.

H. Res. 996: Ms. DELAURO, Mr. ISRAEL, Mr. ROGERS of Kentucky, Mrs. NAPOLITANO, Ms. WATSON, Mr. RODRIGUEZ, Mr. JOHNSON of Illinois, Mr. GONZALEZ, Mr. RYAN of Ohio, Ms. SLAUGHTER, Mr. COHEN, and Mr. CAO.

H. Res. 1019: Mr. MCCOTTER.

H. Res. 1026: Mr. NEUGEBAUER, Mr. POE of Texas, Mr. MANZULLO, Mr. BURTON of Indiana, and Mr. MCKEON.

H. Res. 1032: Ms. WATERS and Mr. BACA.

H. Res. 1036: Mr. CONNOLLY of Virginia, Mr. INGLIS, Mr. MCMAHON, Mr. HOLT, Mr. DELAHUNT, Mr. ROSKAM, Mr. LANCE, and Mr. ROYCE.

H. Res. 1039: Mr. PRICE of Georgia.

H. Res. 1041: Mr. COOPER and Mr. SHULER.

H. Res. 1042: Mr. COOPER and Mr. SHULER.

H. Res. 1048: Mr. WOLF, Mr. MCDERMOTT, and Mr. CUMMINGS.

H. Res. 1053: Mr. GRAYSON, Mr. MOORE of Kansas, and Mr. MORAN of Virginia.

H. Res. 1059: Ms. WASSERMAN SCHULTZ.

H. Res. 1060: Mr. INGLIS, Mr. SCHOCK, Mr. WILSON of South Carolina, Mr. TURNER, Mr. MASSA, Mr. ARCURI, Mrs. MYRICK, Mr. ORTIZ, Mr. BARTLETT, Mr. CONAWAY, and Mr. MCKEON.

H. Res. 1063: Mr. SOUDER, Mr. NUNES, and Mr. BURTON of Indiana.

H. Res. 1066: Ms. WASSERMAN SCHULTZ, Mr. BLUNT, Mrs. HALVORSON, Mr. FORBES, and Mr. JONES.

H. Res. 1074: Mr. SCOTT of Virginia, Mr. GRAYSON, Ms. RICHARDSON, Mr. HOLT, and Ms. ROS-LEHTINEN.

H. Res. 1075: Mr. BOREN, Mr. SCHIFF, Mr. PUTNAM, Mr. LATHAM, Mr. COLE, Mrs. BLACKBURN, Mr. MCCAUL, Mr. BISHOP of Utah, Mr. THORNBERRY, Mr. ORTIZ, Mr. SCHOCK, and Mr. MCINTYRE.

H. Res. 1077: Mr. HOLT.

H. Res. 1079: Mr. ROSKAM, Mr. BLUMENAUER, Mr. ISSA, Mr. WALDEN, Mr. KINGSTON, Ms. LEE of California, Mr. MCCARTHY of California, Mr. OLSON, Mr. TANNER, Mr. DAVIS of Kentucky, Mr. OWENS, Mr. GRIJALVA, Mr. COHEN, Ms. HIRONO, Mr. SABLAN, Mrs. EMERSON, Mr. ROE of Tennessee, Mr. BACA, Mr. YOUNG of Alaska, Mr. BUCHANAN, Mr. BACHUS, Mr. INGLIS, Mrs. BONO MACK, Mr. ROTHMAN of New Jersey, Mr. REICHERT, Mr. SHULER, Ms. ROS-LEHTINEN, Mr. WHITFIELD, Mr. POSEY, Mr. WOLF, Mr. FILNER, Ms. ROYBAL-ALLARD, Mr. GUTHRIE, Ms. MOORE of Wisconsin, Mr. LEWIS of California, Mr. LATOURETTE, Mr. LOBIONDO, Mr. STEARNS, Mrs. LUMMIS, Mr. WILSON of South Carolina, Mr. LANCE, Mr. THOMPSON of Pennsylvania, Mr. DANIEL E. LUNGREN of California, Mr. ROGERS of Kentucky, Mr. CONAWAY, Mr. BOOZMAN, Mr. FORBES, and Mr. WITTMAN.

H. Res. 1080: Mr. GINGREY of Georgia and Mr. NYE.

TUESDAY, FEBRUARY 23, 2010 (18)

¶18.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. TONKO, who laid before the House the following communication:

WASHINGTON, DC,
February 23, 2010.

I hereby appoint the Honorable PAUL TONKO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶18.2 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, without amendment, a bill of the House of the following title:

H.R. 4532. An Act to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

¶18.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. TONKO, pursuant to the order of the House of January 6, 2009, recognized Members for morning-hour debate.

¶18.4 RECESS—10:51 A.M.

The SPEAKER pro tempore, Mr. TONKO, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 51 minutes a.m., until noon.

¶18.5 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. BLUMENAUER, called the House to order.

¶18.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BLUMENAUER, announced he had examined and approved the Journal of the proceedings of Monday, February 22, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶18.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6129. A letter from the Chief, Regulatory Analysis & Development, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of the Republic of Korea With Regard to Foot-and-Mouth Disease and Rinderpest [Docket No.: APHIS-2008-0147] received January 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6130. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the National Geospatical-Intelligence Agency, Case Number 08-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6131. A letter from the Secretary, Navy, Department of Defense, transmitting notification of both an Average Procurement Unit Cost (APUC) and a Program Acquisition Unit Cost (PAUC) breach for the enclosed program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

6132. A letter from the Principal Military Deputy, Department of Defense, transmitting notification that the Department proposes to donate the battleship ex-WISCONSIN (BB 64) to the City of Norfolk, Virgina; to the Committee on Armed Services.

6133. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Home Mortgage Disclosure [Regulation C; Docket No.: 1379] received December 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6134. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID: OCC-2009-0019] (RIN: 1557-AD29) received January 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6135. A letter from the President and Chairman, Export-Import Bank, transmitting a statement with respect to a transaction involving U.S. exports to Federative Republic of Brazil, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

6136. A letter from the President and Chairman, Export-Import Bank, transmitting a statement with respect to a transaction involving U.S. exports to Israel, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

6137. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Extension of Filing Accommodation for Static Pool Information in Filings with Respect to Asset-Backed Securities [Release No. 33-9087; File No. S7-23-09] (RIN: 3235-AK44) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6138. A letter from the Secretary, Department of Health and Human Services, transmitting renewal of the October 1, 2009 determination of a public health emergency existing nationwide involving Swine Influenza A (now called 2009 — H1N1 flu), pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

6139. A letter from the Secretary, Department of Energy, transmitting a report entitled ''The Effect of Private Wire Laws on Development of Combined Heat and Power Facilities''; to the Committee on Energy and Commerce.

6140. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Certification, Compliance, and Enforcement Requirements for Certain Consumer Products and Commercial and Industrial Equipment [Docket Nos.: EE-RM/TP-99-450 and EE-RM/TP-05-500] (RIN: 1904-AA96 and 1904-AB53) received January 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6141. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2008-0787; FRL-9096-4] received December 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6142. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa [EPA-R07-OAR-2008-0895; FRL-9096] received December 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6143. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Mississippi; Update to Materials Incorporated by Reference [MS-200923; FRL-9088-6] received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6144. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky: Approval of Revisions to the State Implementation Plan [EPA-R04-OAR-2007-0500-200927; FRL-9102-6] received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6145. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Deadline for Promulgating Designations for the 2008 Ozone National Ambient Air Quality Standards [EPA-HQ-OAR-2009-0476; FRL-9102-2] received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6146. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2009-0492; FRL-9096-9] received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6147. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2009-0024; FRL-9097-2] received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6148. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Calfiornia State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2009-0474; FRL-9100-1] received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6149. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Puerto Rico; Guaynabo PM10 Limited Maintenance Plan and Redesignation Request [Docket: EPA-R02-OAR-2009-0508; FRL-9091-4] received January 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6150. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Revision of Parts 2 and 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) devices in the 5 GHz band [ET Docket No.: 03-122] received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6151. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (High Point, North Carolina) [MB Docket No.: 09-196] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6152. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Cincinnati, Ohio) [MD Docket No.: 09-178] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6153. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Columbus, Ohio) [MB Docket No.: 09-124] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6154. A letter from the Acting Division Chief, Telecommunications Access Policy Division Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — High-Cost Universal Service Support Federal-State Joint Board on Universal Service Alltel Communications, Inc., et al. Petitions for Designation as Eligible Telecommunications Carriers RCC Minnesota, Inc. and RCC Atlantic, Inc. New Hampshire ETC Designation Amendment [WC Docket No.: 05-337] [CC Docket No.: 96-45] received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6155. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revised Mandatory Reliability Standards for Interchange Scheduling and Coordination [Docket No.: RM09-8-000; Order No. 730] received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6156. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of July 23, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6157. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Singapore (Transmittal No. 09-09) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6158. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Authorization Validated End-User: Amendment to Existing Validated End-User Authorizations in the People's Republic of China (PRC) and India [Docket No.: 0911051394-91397-01] (RIN: 0694-AE77) received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6159. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Foreign Affairs.

6160. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

6161. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Foreign Affairs.

6162. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, ''District's Earmark Process Needs Improvement'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6163. A letter from the Administrator, Environmental Protection Agency, transmitting semiannual report to Congress for the six month period prior to September 30, 2009; to the Committee on Oversight and Government Reform.

6164. A letter from the Acting Chairman, Equal Employment Opportunity Commission, transmitting the Inspector General's semiannual report to Congress for the period ending September 30, 2009; to the Committee on Oversight and Government Reform.

6165. A letter from the Chairman, National Credit Union Administration, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2009 through September 30, 2009; to the Committee on Oversight and Government Reform.

6166. A letter from the Director, National Science Foundation, transmitting the Foundation's annual report for fiscal year 2009, pursuant to Public Law 107-174; to the Committee on Oversight and Government Reform.

6167. A letter from the Director, Peace Corps, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6168. A letter from the Director, Peace Corps, transmitting the Corps' Performance and Accountability report for fiscal year 2009; to the Committee on Oversight and Government Reform.

6169. A letter from the Executive Director, Securities and Exchange Commission, transmitting the Commission's fiscal year 2009 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

6170. A letter from the Administrator, Small Business Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6171. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's fiscal year 2009 financial report; to the Committee on Oversight and Government Reform.

6172. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-307, ''Pre-k Acceleration and Clarification Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

6173. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-308, ''Old Morgan School Place, N.W. Renaming Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

6174. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-306, ''Department of Small and Local Business Development Amendment Act of 2009''; to the Committee on Oversight and Government Reform.

6175. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Inflation Adjustment of Civil Monetary Penalties (RIN: 1990-AA32) received December 15 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6176. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Metals and Controls Corporation in Attleboro, Massachusetts to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

6177. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Oak Ridge Hospital in Oak Ridge, Tennessee, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

6178. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Piqua Organic Moderated Reactor in Piqua, Ohio, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

6179. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Hanford site in Richland, Washington, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

6180. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Brookhaven National Laboratory in Upton, New York, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

6181. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's response to the GAO-10-4 report and recommendations; to the Committee on Science and Technology.

6182. A letter from the Acting Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Administrative Process for Seizures and Forfeitures Under the Immigration and Nationality Act and Other Authorities [USCBP-2006-0122] (RIN 1651-AA58) received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6183. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Certain Obligations under Section 956(c) [Notice 2010-12] received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6184. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and Determination Letters (Rev. Proc. 2010-3) received January 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6185. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Use of Controlled Corporations to Avoid the Application of Section 304 [TD 9477] (RIN: 1545-BI14) received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6186. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Temporary Suspension of AHYDO Rules [Notice 2010-11] received December 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6187. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tax-Exempt Bonds in Certain Disaster Areas [Notice 2010-10] received December 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6188. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Distributions under sections 368(a)(1)(D) and 354(b)(1)(B) [TD 9475] (RIN: 1545-BF83) received December 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6189. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Reduction in Taxable Income for Housing Hurricane Katrina Displaced Individuals [TD 9497] (RIN: 1545-BF14) received December 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6190. A letter from the Commissioner, Social Security Administration, transmitting a report on Hearings Backlog Reduction Update; to the Committee on Ways and Means.

6191. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''National Coverage Determinations'', pursuant to Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act (BIPA) of 2000; jointly to the Committees on Energy and Commerce and Ways and Means.

¶18.8 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. BLUMENAUER, laid before the House the following communication, which was read as follows:

FEBRUARY 23, 2010.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the Committee on Energy and Commerce, effective today.

Sincerely,

GREG WALDEN,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶18.9 COMMITTEE ELECTION—MINORITY

Mr. PENCE, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 1095):

Resolved, That the following Member be, and he is hereby, elected to the following standing committee:

COMMITTEE ON ENERGY AND COMMERCE: Mr. Griffith.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶18.10 OPERATION UNIFIED RESPONSE

Mr. SKELTON moved to suspend the rules and agree to the following resolution (H. Res. 1066):

Whereas the recent crisis in Haiti was caused by a magnitude 7.0 earthquake, the worst the nation has experienced in over two centuries;

Whereas the disaster wrought by this earthquake has been catastrophic, destroying ports, infrastructure, hospitals, schools, homes, and businesses, making many roads impassable and incapacitating air travel, and severely hampering the efforts of disaster relief organizations;

Whereas one week after the earthquake hit, electricity was still down, running water was not available, and food supplies were quickly dwindling;

Whereas the cities of Port-Au-Prince, Jacmel, Gonaïves, Petionville, and surrounding areas have been devastated, affecting an estimated 3,000,000 Haitians;

Whereas the United States Coast Guard was the first to represent the United States in Haiti after the catastrophic earthquake and was an integral part of the initial relief efforts;

Whereas the ability of the Coast Guard to act quickly and efficiently set the foundation for the quickly escalating international response;

Whereas within the first 10 days, 24 United States Navy and Coast Guard vessels, thousands of international United States Army Reserve rescue workers, over 14,000 members of the United States Armed Forces, 71 United States helicopters, and 26 Department of Health and Human Services personnel arrived or were en route to provide logistical support, secure aid distribution, and set up temporary housing;

Whereas after just one week, Joint Task Force Haiti (JTF-Haiti) had established multiple forward operating bases throughout Haiti and immediately started passing out thousands of meals and bottled water;

Whereas in just one day, JTF-Haiti was able to deliver 396,808 water bottles, 238,585

meals, and 4,900 lbs. of medical supplies to Haitian survivors;

Whereas the United States Southern Command (SOUTHCOM) and the United States Coast Guard have managed the safe arrival and departure of military and humanitarian flights at Port-Au-Prince Airport;

Whereas within the first 10 days, more than 11,000 United States citizens were evacuated;

Whereas the USNS Comfort hospital ship arrived in less than a week providing 600 medical personnel and the ability to treat more than a 1,000 patients;

Whereas the USNS Comfort has already treated 1,427 patients from 10 different hospital sites;

Whereas within the first two weeks, Department of Defense personnel distributed 1,820,463 bottles of water, 1,465,569 meals, and 57,083 lbs. of medical equipment;

Whereas these operations delivered life sustaining food, water, and medical supply packages to Haiti's displaced;

Whereas during coordinated relief efforts by the United States Agency for International Development (USAID), members of the United States Armed Forces, including members of the Army Reserves, the Federal Emergency Management Agency (FEMA), the Department of Defense, the Department of State, and the United Nations, personnel and equipment to manage 8 hospitals were delivered to provide crucial emergency medical services, and 6 field hospitals were set up, resulting in thousands of lives saved;

Whereas the first responders teams that readily responded to the call for assistance for the Haitian people within the first 24 hours after the disaster include the Miami-Dade Search and Rescue Team of Miami-Dade County, Florida, Fairfax County Search and Rescue Team of Fairfax County, Virginia, U.S. Urban Search and Rescue Teams (US&R) of Los Angeles County, New York City Firefighters, the BATAAN Amphibious Readiness Group (ARG)/Marine Expeditionary Unit (MEU), and the NASSAU ARG/MEU;

Whereas the coordinated relief efforts of the United States, international agencies, and the United Nations Stabilization Mission in Haiti (MINUSTAH) in the first week resulted in 122 courageous rescues of Haitians trapped beneath rubble, including a 2-year-old girl who had been trapped for 6 days;

Whereas during the ongoing relief efforts, USAID, members of the United States Armed Forces, including members of the Army Reserves, FEMA, the Department of Defense, the Department of State, and the United Nations coordinated teams that delivered 1,910 short tons of humanitarian aid in the first week; and

Whereas additionally, 954 Department of Defense, private, and commercial airlift sorties have been successfully conducted: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the efforts of the United States Armed Forces, local first responders, and other members of Operation Unified Response for their swift, compassionate, and courageous action to meet the needs of Haiti's citizens and government and facilitate the evacuation, safety, and medical attention for United States citizens impacted by the earthquake in Haiti;

(2) recognizes the remarkable response by the men and women in the United States Armed Forces for their ability to deploy such a sizeable force in such a short amount of time while also engaged in two separate conflicts; and

(3) recognizes the dedication and sacrifice put forward by United States public servants to procure and deliver the enormous amounts of food, water, medical and hygienic supplies, and shelter and for their tireless effort to repair and rebuild critical infrastructure for the benefit of all Haitians.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. SKELTON and Mr. FLEMING, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. TITUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SKELTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. TITUS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶18.11 URBAN SEARCH AND RESCUE TEAMS DEPLOYED TO HAITI

Mr. MCMAHON moved to suspend the rules and agree to the following resolution (H. Res. 1059); as amended:

Whereas a catastrophic earthquake measuring 7.0 on the Richter scale struck the nation of Haiti at 4:53 p.m. (local time) on January 12, 2010;

Whereas the January 12, 2010, earthquake was the largest earthquake to hit the islandnation in over 200 years and has caused unconscionable loss of life, affected over 3,000,000 people, and caused widespread physical devastation to buildings and infrastructure;

Whereas United States urban search and rescue teams (US&R) were immediately activated and deployed from Fairfax County, Virginia, Los Angeles County, California, and Miami-Dade County, Florida, to assist the United States Agency for International Development (USAID) Disaster Assistance Response Team (DART);

Whereas each US&R task force is comprised of 70 members, who are multifaceted and cross trained in the major functional areas of search, rescue, medical, hazardous materials, logistics, and planning, and who are supported by trained canines able to conduct physical search and heavy rescue operations;

Whereas task forces have been activated for natural and man-made disasters and incidents both at home and abroad, including hurricanes, earthquakes, and the attacks of September 11, 2001;

Whereas New York City's first responders asked the Office of U.S. Foreign Disaster Assistance (OFDA) to activate a New York City US&R task force shortly after the disaster struck;

Whereas the 511 United States rescue workers comprised roughly one-third of the entire international US&R effort in Haiti;

Whereas more than 130 people have been rescued from under the rubble in Haiti by the US&R task forces, of whom at least 47 were rescued by United States US&R task forces;

Whereas United States US&R task forces deployed to Haiti also trained many of the other foreign search and rescue task forces in Haiti;

Whereas, on January 21, 2010, Assistant Secretary of State for the Bureau of International Narcotics and Law Enforcement Affairs David T. Johnson and New York City Police Commissioner Raymond W. Kelly signed a Memorandum of Understanding (MOU) to provide the Haitian national police, among other police forces, with training and technical assistance; and

Whereas the search and rescue effort in Haiti officially transitioned to a long-term humanitarian relief effort on January 23, 2010: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the bravery and dedication of the United States Agency for International Development, Office of U.S. Foreign Disaster Assistance, and Federal Emergency Management Agency supported urban search and rescue teams, the best trained of these teams in the world;

(2) congratulates the 511 United States urban search and rescue workers for the many lives they helped to save in Haiti;

(3) recognizes the contribution of these teams not only in the lives that they directly saved, but to the international teams that they trained and to the people of Haiti;

(4) expresses its gratitude and appreciation to the individuals and organizations that comprise the National Urban Search and Rescue System for their unyielding determination and work as first responders to victims of disasters from all hazards;

(5) welcomes home the brave first responders of the United States urban search and rescue teams; and

(6) views the work of such teams and volunteers as an important part of the Nation's contribution to the recovery of Haiti.

The SPEAKER pro tempore, Ms. TITUS, recognized Mr. MCMAHON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. TITUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCMAHON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. TITUS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶18.12 MIEP GIES

Mr. MCMAHON moved to suspend the rules and agree to the following resolution (H. Res. 1074):

Whereas Hermine ''Miep'' Gies was born on February 15, 1909, in Vienna, Austria;

Whereas Miep Gies was sent to live with a host family in the Netherlands when she was 11 years old after the tumult of World War I led to food shortages in Austria;

Whereas in 1933, Miep Gies took a job as an office assistant to Otto Frank, owner of Opekta, a pectin manufacturing company, and father of Anne Frank;

Whereas Miep Gies agreed without hesitation to hide and assist the Frank family to avoid Jewish persecution at the hands of Nazi Germany;

Whereas Miep Gies helped hide and sustain the Frank family, along with Hermann and Auguste Van Pels, their son Peter, and later Fritz Pfeffer, for two years in a secret room above Opekta's offices, bringing them food, supplies, and writing supplies for Anne;

Whereas when the Gestapo captured the Frank family, the Van Pels family, and Mr. Pfeffer, on August 4, 1944, Miep Gies discovered the pages of Anne Frank's diary in the secret room and hid them for safekeeping;

Whereas after learning that Anne Frank and her sister Margot died of typhus at Bergen-Belsen, Miep Gies gave Anne Frank's diary to her father Otto, the only surviving member of the family;

Whereas ''The Diary of a Young Girl'' by Anne Frank, which has been translated into 70 languages, is both an inspirational story about hope in the face of senseless tragedy and an important testament for future generations to the horrors of the Holocaust;

Whereas Miep Gies shared her recollections to author Alison Leslie Gold for the book ''Anne Frank Remembered'', which was later made into a powerful documentary film;

Whereas Miep Gies, who would recount her extraordinary life with a self-effacing modesty that betrayed her unfailing courage and integrity, serves as a powerful symbol of resistance against the forces of oppression and injustice;

Whereas Miep Gies represents the valor demonstrated by the countless ordinary individuals who stood up to and helped defeat Adolph Hitler's Nazi regime; and

Whereas Miep Gies passed away on January 11, 2010: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Miep Gies's courage in risking her own life to hide and provide for the Frank family while they were in hiding;

(2) commends Miep Gies for retrieving and preserving the diary of Anne Frank, which has served as an inspiration to countless people the world over; and

(3) honors Miep Gies for her bravery during Nazi occupation of the Netherlands and her dedication to preserving the memory of Anne Frank and the Holocaust.

The SPEAKER pro tempore, Ms. TITUS, recognized Mr. MCMAHON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. TITUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCMAHON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. TITUS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, February 24, 2010.

¶18.13 RELIGIOUS MINORITIES IN IRAQ

Mr. MCMAHON moved to suspend the rules and agree to the following resolution (H. Res. 944); as amended:

Whereas threats against members of even the smallest religious and ethnic minority communities in Iraq could jeopardize the future of Iraq as a diverse, pluralistic, and free society;

Whereas according to the Department of State's International Religious Freedom Report, violent acts continue to pose a significant threat to members of the country's vulnerable non-Muslim religious minority communities, including documented attacks against Chaldeans, Syriacs, Assyrians, and other Christians, Sabean Mandeans, and Yazidis, and ''very few of the perpetrators of violence committed against Christians and other religious minorities in the country have been punished'';

Whereas according to the United States Commission on International Religious Freedom, there are grave threats to religious freedom in Iraq, particularly for members of the smallest, most vulnerable religious minority communities in Iraq, including Chaldeans, Syriacs, Assyrians, and other Christians, Sabean Mandeans, and Yazidis;

Whereas the February 2009 Country Report on Human Rights Practices issued by the Department of State identifies on-going ''misappropriation of official authority by sectarian, criminal, and extremist groups'' as among the significant and continuing human rights problems in Iraq;

Whereas in recent years, there have been alarming numbers of religiously motivated killings, abductions, beatings, rapes, threats, intimidation, forced conversions, marriages, and displacement from homes and businesses, and attacks on religious leaders, pilgrims, and holy sites, in Iraq, with the smallest, non-Muslim religious minorities in Iraq having been among the most vulnerable, although Iraqis from many religious communities, Muslim and non-Muslim alike, have suffered in this violence;

Whereas the Assyrian International News Agency reports that 59 churches were bombed in Iraq between June 2004 and July 2009;

Whereas persecution and violence in Iraq have extended to church leaders as well, such as the March 2008 kidnap for ransom and killing of 65-year-old Chaldean Catholic Archbishop Paulos Faraj Rahho;

Whereas many members of non-Muslim religious minority communities in Iraq reportedly do not receive adequate official protection, and are legally, politically, and economically marginalized;

Whereas control of several ethnically and religiously mixed areas, including the Nineveh and Tamim (Kirkuk) governorates, is disputed between the Kurdistan regional government and the Government of Iraq, and Chaldeans, Syriacs, Assyrians, and other Christians, Sabean Mandeans, Yazidis, and Muslim ethnic minorities Shabak and Turkomans are caught in the middle of this struggle for control and have been targeted for abuses and discrimination as a result;

Whereas many members of vulnerable non-Muslim religious minority communities in Iraq have fled to other areas in Iraq or to other countries;

Whereas the flight of such refugees has substantially diminished their numbers in Iraq;

Whereas approximately 1,400,000 Christians were estimated to have lived in Iraq as of 2003, including Chaldean Catholics, Assyrian Orthodox, Assyrian Church of the East, Syriac Catholics, Syriac Orthodox, Armenians (Catholic and Orthodox), Protestants, Evangelicals, and others;

Whereas it is widely reported that only 500,000 to 700,000 indigenous Christians remained in Iraq as of 2009;

Whereas since 2003, the Sabean Mandean community has found itself targeted by both Sunni and Shia Islamic extremists, and by criminal gangs who use religion to justify their attacks;

Whereas the Sabean Mandean community in Iraq reports that almost 90 percent of the members of that community either fled Iraq or have been killed, leaving only about 3,500 to 5,000 Mandeans in Iraq as of 2009;

Whereas in August 2007 a series of bombings targeted the Yazidi community of Iraq resulting in an estimated 200 deaths and more than 200 injuries;

Whereas at least 20 people were killed and 30 wounded in a double suicide bombing in August 2009 which targeted the Yazidi minority in northern Iraq;

Whereas the Yazidi community in Iraq reportedly now numbers about 500,000, a decrease from about 700,000 in 2005;

Whereas the Baha'i faith, estimated to have only 2,000 adherents in Iraq, remains prohibited in Iraq under a 1970 law;

Whereas the ancient and once-large Jewish community in Iraq now numbers fewer than 10, and they essentially live in hiding;

Whereas in 2008, the United Nations High Commissioner for Refugees (UNHCR) reported that approximately 221,000 Iraqis returned to their areas of origin in Iraq, the vast majority of whom settled into neighborhoods or governorates controlled by members of their own religious community;

Whereas many of these returnees reported returning because of difficult economic conditions in their countries of asylum, principally Syria, Jordan, Egypt, and Lebanon; and

Whereas many members of vulnerable religious and ethnic minority communities are not believed to be represented in more than negligible numbers among these returnees: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the United States remains deeply concerned about the plight of members of the vulnerable religious and ethnic minority communities of Iraq;

(2) the Secretary of State should develop and report to Congress on a comprehensive strategy to encourage the protection of the rights of members of vulnerable religious and ethnic minority communities in Iraq;

(3) the United States Government should urge the Government of Iraq to enhance security at places of worship in Iraq, particularly where members of vulnerable religious minority communities are known to be at risk;

(4) the United States Government should continue to work with the Government of Iraq to integrate religious and ethnic minorities into the government in general, and the Iraqi Security Forces, in particular, with the goal of ensuring that members of such communities—

(A) suffer no discrimination in recruitment, employment, or advancement in government positions, in general, and the Iraqi police and security forces, in particular; and

(B) while employed in the Iraqi police and security forces, be initially assigned, in reasonable numbers, to their locations of origin, rather than being transferred to other areas;

(5) the Government of Iraq should, with the assistance of the United States Government—

(A) ensure that the upcoming national elections in Iraq are safe, fair, and free of intimidation and violence so that all Iraqis, including members of vulnerable religious and ethnic minority communities, can participate in the elections; and

(B) permit and facilitate election monitoring by experts from local and international nongovernmental organizations, the international community, and the United Nations, particularly in ethnic and religious minority areas;

(6) the United States Government should encourage the Government of Iraq to work with members of vulnerable religious and ethnic minority communities to develop and implement tangible, effective measures to protect their rights and measures to reverse the legal, political, and economic marginalization of religious minorities in Iraq;

(7) in providing assistance to Iraq, the United States Government should continue to take into account the needs of vulnerable members of religious and ethnic minority communities and expand upon efforts to work with local organizations that serve those communities;

(8) the United States Government should continue to fund capacity-building programs for the Iraqi Ministry of Human Rights, the

independent national Human Rights Commission, and the newly-created independent minorities committee whose membership is selected by members of vulnerable religious and ethnic minority communities of Iraq;

(9) the United States Government should strongly encourage the Government of Iraq to direct the Iraqi Ministry of Human Rights to investigate and issue a public report on abuses against and the marginalization of members of vulnerable religious and ethnic minority communities in Iraq and make recommendations to address such abuses; and

(10) the Government of Iraq should, with the assistance of the United States Government and international organizations, help ensure that displaced Iraqis considering return to Iraq have the proper information needed to make informed decisions regarding such return.

The SPEAKER pro tempore, Ms. TITUS, recognized Mr. MCMAHON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. TITUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCMAHON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. TITUS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, February 24, 2010.

The point of no quorum was considered as withdrawn.

¶18.14 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶18.15 USNS COMFORT

Mr. MCMAHON moved to suspend the rules and agree to the following resolution (H. Res. 1048); as amended:

Whereas, on January 12, 2010, a 7.0 magnitude earthquake struck the country of Haiti;

Whereas casualty estimates, upwards of 150,000, as well as damage to roads, ports, hospitals, and homes, make this earthquake one of the worst catastrophes to hit Haiti in over two centuries;

Whereas an estimated 3,000,000 people have been directly affected by the disaster in Haiti, nearly one-third of the country's population, who are currently at risk of long-term displacement and vulnerability;

Whereas Haiti is the poorest, least developed country in the Western Hemisphere;

Whereas prior to the earthquake, Haiti was recovering from a terrible string of hurricanes and tropical storms, food shortages and rising commodity prices, and political instability, but was showing signs of improvement and resolve;

Whereas President Obama vowed the ''unwavering support'' of the United States and pledged a ''swift, coordinated and aggressive effort to save lives and support the recovery in Haiti'';

Whereas the people of Haiti have shown remarkable resilience and courage in the face of epic tragedy;

Whereas the United States Navy responded within hours of the earthquake to swiftly provide the Haitians with aid;

Whereas the USNS Comfort and its crew of more than 1,200 has provided 24-hour care for over 900 Haitians, ranging from newborns to critically ill patients;

Whereas the USNS Comfort's over 550-person medical staff includes trauma surgeons, orthopedic surgeons, head and neck surgeons, eye surgeons, and obstetricians and gynecologists;

Whereas the medical staff of the USNS Comfort, as of February 18, 2010, had performed over 755 surgeries;

Whereas the extraordinary USNS Comfort medical staff has saved countless lives;

Whereas the people of the United States empathize with the medical staff of the USNS Comfort who must make agonizing decisions about the use of scarce resources for critically ill patients;

Whereas prior to the arrival of the USNS Comfort, the USS Carl Vinson dutifully provided initial triage of patients; and

Whereas the USNS Comfort and the USS Carl Vinson have been aided in their efforts by other Navy vessels, including the crews of the USS Higgins, the USS Underwood, the USS Normandy, the USS Bunker Hill, the USS Bataan, the USS Carter Hall, the USS Gunston Hall, the USS Fort McHenry, the USNS Grasp, the Navy Underwater Construction Team One, and the Navy Mobile Diving Salvage Unit Two: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest condolences and sympathy for the horrific loss of life and the physical and psychological damage caused by the earthquake of January 12, 2010;

(2) expresses solidarity with Haitians, Haitian-Americans, and all those who have lost loved ones or have otherwise been affected by the tragedy;

(3) commends the efforts of the people of the United States, including the Haitian-American community, to provide relief to families, friends, and unknown peoples suffering in the country; and

(4) commends the efforts and honors the work of the men and women of USNS Comfort and the United States Navy in the immediate response to those affected by this calamity.

The SPEAKER pro tempore, Ms. TITUS, recognized Mr. MCMAHON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. TITUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶18.16 BILLY'S LAW

Mr. SCOTT of Virginia, moved to suspend the rules and pass the bill (H.R. 3695) to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. TITUS, recognized Mr. SCOTT of Virginia, and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. TITUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶18.17 URBAN CRIMES AWARENESS WEEK

Mr. SCOTT of Virginia, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 227); as amended:

Whereas National Urban Crimes Awareness Week will be celebrated the second week in February 2010;

Whereas 48,430 violent crimes occurred in New York City in 2008, compared to 28,941 in non-New York City counties in the State of New York;

Whereas an estimated 1,382,012 violent crimes occurred nationwide in 2008;

Whereas over 6,000,000 people were victims of crime in 2008;

Whereas according to the 2008 National Crime Victimization Survey, African-Americans experienced higher rates than Whites of every violent crime except simple assault;

Whereas acts of violence and crime cause pain and disruption that can have lasting effects;

Whereas the number of crimes can be reduced if community members are taught crime prevention techniques and become more involved in crime prevention activities;

Whereas neighborhood crime contributes to community neglect and disintegration; and

Whereas numerous studies demonstrate that evidence-based prevention and intervention programs can reduce delinquency and serious juvenile crime: Now, therefore, be it

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

(1) it is the sense of Congress that—

(A) National Urban Crimes Awareness Week provides a special opportunity to educate the people of the United States about urban violence and to take steps to encourage the prevention of urban violence, provide assistance, and support to crime victims;

(B) it is appropriate to properly acknowledge the more than 209,000 men and women who have been victims of urban violence in the United States each year, and to commend the efforts of survivors, volunteers, and professionals who work to prevent urban violence;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about urban violent crimes, providing information and treatment to victims, families, and survivors, and increasing the number of successful prosecutions of its perpetrators;

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of violent urban crime cases that result in the prosecution and incarceration of the offenders; and

(E) victim advocates and criminal justice professionals should be recognized, applauded, and encouraged for their work to establish effective programs as alternatives to incarceration, re-entry interventions for offenders who are completing sentences, and rehabilitation programs for offenders and victims alike; and

(2) Congress strongly recommends that national and community organizations, businesses in the private sector, colleges and universities, and the media—

(A) promote, through education and prevention measures, awareness of violent urban crimes and strategies to decrease the incidence of these crimes; and

(B) support the goals and ideals of National Urban Crimes Awareness Week.

The SPEAKER pro tempore, Ms. TITUS, recognized Mr. SCOTT of Virginia, and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Ms. TITUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SCOTT of Virginia, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. TITUS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, February 24, 2010.

The point of no quorum was considered as withdrawn.

¶18.18 NUTRITION MONTH

Ms. CASTOR of Florida, moved to suspend the rules and agree to the following resolution (H. Res. 274):

Whereas according to the American Dietetic Association good nutrition is vital to a healthy and long life;

Whereas according to the American Dietetic Association the National Nutrition Month campaign focuses attention on the importance of making informed food choices and developing sound eating and physical activity habits;

Whereas the first Nutrition Campaign was launched with a presidential proclamation in 1973 as National Nutrition Week;

Whereas National Nutrition Week became National Nutrition Month in 1980;

Whereas poor nutrition and sedentary lifestyles are linked to obesity and health problems;

Whereas 17 percent of children between the ages of 6 and 11 are overweight;

Whereas 17.6 percent of adolescents between the ages of 12 and 19 are overweight;

Whereas 33.3 percent of adult men are obese and 35.3 percent of adult women are obese in the United States;

Whereas according to the Centers for Disease Control, since 1980 obesity rates for adults have doubled and rates for children have tripled;

Whereas dietary factors are associated with 4 of the 10 leading causes of death, including heart disease, cancer, stroke, and diabetes;

Whereas these health conditions are estimated to cost the United States over $600,000,000,000 each year in medical expenses and lost productivity;

Whereas access to proper nutrition helps fight off illness and disease and is vital to children's cognitive development;

Whereas poor nutrition, inactivity, and weight problems in school age children may cause low academic performance or behavioral problems resulting in additional costs; and

Whereas March would be an appropriate month to designate as National Nutrition Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Nutrition Month;

(2) supports the goals and ideals of National Nutrition Month;

(3) encourages local communities to raise awareness surrounding nutritional health;

(4) encourages awareness about diseases and death caused by lack of nutrition; and

(5) recognizes and salutes health care professionals such as registered dietitians, that spread the knowledge and importance of nutrition each day.

The SPEAKER pro tempore, Ms. TITUS, recognized Ms. CASTOR of Florida, and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. TITUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶18.19 CONTRIBUTIONS OF AFRICAN-AMERICANS TO TRANSPORTATION AND INFRASTRUCTURE

Ms. Corrine BROWN of Florida, moved to suspend the rules and agree to the following resolution (H. Res. 1085):

Whereas African-Americans have played an instrumental role in developing and improving the transportation and infrastructure of the United States through leadership, design, and innovation;

Whereas the contributions of African-Americans have had significant and far-reaching impacts on modern transportation systems, including airways, highways, and railways, and have led to momentous improvements to transportation safety and security;

Whereas, in aviation, for example, Elizabeth ''Bessie'' Coleman, a daring stunt pilot known as ''Queen Bess'', was the first African-American woman to become a licensed airplane pilot in 1921 and the first United States citizen of any race or gender to hold an international aviation license from the Federation Aeronautique Internationale;

Whereas Eugene Jaques Bullard was the first African-American military pilot in history, serving as a United States volunteer in the French army during World War I;

Whereas Cornelius R. Coffey established the Coffey School of Aeronautics at Harlem Airport in Chicago, where more than 1,500 African-American students trained as pilots and mechanics from 1938 to 1945, including many who would later become Tuskegee Airmen;

Whereas Willa Beatrice Brown, the first African-American woman to receive a United States private pilot license in 1938, helped found the National Airmen's Association of America in 1939, later became the coordinator of war-training service for the Civil Aeronautics Authority, and served as the first African-American female officer in the Civil Air Patrol;

Whereas Neil V. Loving helped form an all African-American Civil Air Patrol Squadron in Detroit, established the Wayne School of Aeronautics in 1946, designed and built several experimental aircraft, and performed critical research as an aerospace engineer for the United States Air Force;

Whereas Marlon Green became the first African-American pilot for a major airline in 1965 after winning a landmark racial discrimination employment case in the Supreme Court of the United States, and served earlier in his career as a Captain in the United States Air Force for 9 years;

Whereas the Tuskegee Airmen were the first African-American airmen, aircraft and engine mechanics, armament specialists, radio repairmen, parachute riggers, control tower operators, policemen, and administrative clerks during World War II, and whose service and performance were instrumental in ending segregation in the United States military;

Whereas Dr. Lewis A. Jackson, an aviation pioneer and educator, was the director of training at the Army Air Force 66th Flight Training Detatchment at Moton Field, the primary flight training site for the Tuskegee Airmen, and also pursued designing an experimental aircraft called a roadable airplane;

Whereas Elinor Williams became the first African-American woman to be an air traffic controller in 1968 and the first African-American woman to manage an Air Route Traffic Control Center, who then went on to become the regional administrator of the Great Lakes Region for the Federal Aviation Administration;

Whereas LeRoy Wilton Homer, Jr., courageously served as the first officer of United Airlines Flight 93, which was overtaken by terrorists on September 11, 2001, and previously served in the United States Air Force in the Persian Gulf War;

Whereas Barrington Irving became the first African-American and youngest individual at 23 to fly solo around-the-world in his custom-built Columbia 400 named Inspiration in June 2007, and founded the nonprofit organization Experience Aviation, Inc. to introduce youth to aviation and aerospace and to address the shortage of young people pursuing careers in those fields;

Whereas African-Americans have also played important roles in shaping the Nation's highways, bridges, and transit and rail systems throughout the country's history through innovation, pioneering new technologies, and building the infrastructure that connects the Nation and enables economic growth and prosperity;

Whereas Garrett A. Morgan invented the Automatic Traffic Signal, a precursor to the modern traffic light;

Whereas Horace King became known as ''The Bridge Builder'' for his work rebuilding bridges throughout Georgia, Mississippi, South Carolina, Alabama, New York, and many other States and passed on his legacy to his children through the family business, the Bridge Company;

Whereas Archibald Alexander placed his mark on the Nation's capital by designing the Tidal Basin Bridge and the Whitehurst Freeway in Washington, DC;

Whereas the all African-American 93rd, 95th, and 97th Army Engineer General Service Regiments overcame harsh environmental conditions and racial discrimination to help build the most difficult and hazardous portion of the Alaska Highway;

Whereas Frederick M. Jones patented the air-conditioning controlling device to enable the transportation of perishable food using trucks and rail cars, and also patented the gas engine starter and a control device for internal combustion engines;

Whereas Richard Spikes is credited with the invention of such advancements as the automatic car washer, automobile directional signs, the automatic gear shift and transmission, and the automatic safety brake system;

Whereas M.A. Cherry invented a device known as the Velocipede, a precursor to the bicycle, and the streetcar fender, designed to prevent collisions with debris on streetcar tracks;

Whereas Issac R. Johnson invented the bicycle frame in 1899;

Whereas Humphrey Reynolds invented the safety gate for bridges to prevent cars and pedestrians from entering the tracks at the same time a train is approaching;

Whereas Benjamin Banneker, an astronomer, surveyor, almanac author, and farmer, helped survey the boundaries of what became the District of Columbia;

Whereas Walter McClennan invented the automatic railway car door in 1920;

Whereas Elijah McCoy, a fireman and oiler for the Michigan Central Railroad, developed a ''lubricating cup'' in 1872 to automatically oil steam engines on trains, which dramatically improved efficiency by eliminating the frequent stopping necessary for lubrication of the engine;

Whereas other inventors attempted to sell their own versions of the ''lubricating cup'' but most companies wanted the authentic device for their trains, requesting ''the Real McCoy'';

Whereas according to Booker T. Washington, McCoy had produced more patents than any other African-American inventor of his time, many of which contributed to the railroad industry;

Whereas McCoy was inducted into the National Inventors Hall of Fame in Akron, Ohio, in 2001;

Whereas Granville T. Woods invented over a dozen devices to improve the railroad system including his most notable invention in 1887, the Synchronous Multiplex Railway Telegraph, which enabled communications between moving and stationary trains creating a system that enabled a railroad engineer to determine the distance between trains to help improve accidents and collisions;

Whereas Woods also founded the Woods Railway Telegraph Company and is credited with the development of a system for overhead electrified railroads, patented several overhead wire and third rail transmissions systems, and made improvements to the steam-boiler furnace;

Whereas Andrew Beard, an ex-railroad worker who lost his leg in a car coupling accident, invented a device in 1897 that automatically performs the dangerous job of linking rail cars together, commonly called the Jenny Coupler, the device served as the precursor for the modern system;

Whereas Lewis Howard Latimer, who drafted the patent drawings for Alexander Graham Bell's patent application for the telephone and established public lighting systems for entire cities like New York City, Montreal, Paris, and London, invented a flushing water closet for trains in 1874;

Whereas, A.B. Blackburn patented a railway signal in 1888 designed to be operated by the wheels of a train;

Whereas W.F. Burr invented a railway switching device in 1899;

Whereas Elbert R. Robinson invented the electric railway trolley in 1893;

Whereas the work of many influential African-Americans through the civil rights movement and other social and political movements in the United States led to desegregation in transportation as well as significant improvements to the working conditions and rights of transportation workers throughout the United States;

Whereas Rosa Parks, Homer Plessy, and many other civil rights activists insisted on equitable access to public transportation;

Whereas Pullman Porters, which provided service to and attended to the needs of passengers on board trains, became leaders in the civil rights movement and formed the Brotherhood of Sleeping Car Porters in 1925, under the leadership of civil rights leader A. Philip Randolph, who fought tirelessly to improve the working conditions and pay for the Pullman Porters;

Whereas the Brotherhood of Sleeping Car Porters was the first African-American labor union to sign a collective bargaining agreement with a major United States corporation on August 25, 1937; and

Whereas National African American History Month is celebrated in February 2010: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National African American History Month;

(2) honors and celebrates the important contributions that African-Americans have made throughout history to the transportation and infrastructure of the United States; and

(3) urges citizens and communities throughout the United States to join with representatives of the Federal Government to recognize the substantial contributions that African-Americans have made and continue to make to the Nation's transportation and infrastructure systems.

The SPEAKER pro tempore, Ms. TITUS, recognized Ms. Corrine BROWN of Florida, and Mr. CAO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Ms. Corrine BROWN of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, February 24, 2010.

¶18.20 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO CUBA

The SPEAKER pro tempore, Ms. RICHARDSON, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2010.

BARACK OBAMA.

THE WHITE HOUSE, *February 23, 2010*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–94).

¶18.21 PROVIDING FOR CONSIDERATION OF H.R. 2314

Mr. POLIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 1083):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2314) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative Abercrombie of Hawaii or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; (3) the amendments to the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, each of which may be offered only by a Member designed in the report, shall be in order without intervention of any point of order except those arising under clause 10 of rule XXI, shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit with or without instructions.

SEC. 2. During consideration of an amendment printed in part B of the report of the Committee on Rules accompanying this resolution, the Chair may postpone the question of adoption as though under clause 8 of rule XX.

When said resolution was considered.

After debate,

On motion of Mr. POLIS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that the yeas had it.

Mr. POLIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 238 Nays 165

¶18.22 [Roll No. 51]

YEAS—238

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

NAYS—165

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

NOT VOTING—29

Andrews	Grijalva	Radanovich
Barrett (SC)	Hinojosa	Reichert
Blunt	Hodes	Ros-Lehtinen
Bono Mack	Hoekstra	Ryan (OH)
Cantor	Johnson (GA)	Sires
Capps	Mack	Speier
Carnahan	Moore (WI)	Stark
Costello	Moran (KS)	Wamp
Culberson	Payne	Wilson (OH)
Garamendi	Price (GA)	Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶18.23 H. RES. 1066—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1066) recognizing the bravery and efforts of the United States Armed Forces, local first responders, and other members of Operation Unified Response for their swift and coordinated action in light of the devastation wrought upon the nation of Haiti after a horrific 7.0 magnitude earthquake struck Port-Au-Prince and surrounding cities on January 12, 2010.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 Nays 0

¶18.24 [Roll No. 52]

YEAS—406

Abercrombie	Courtney	Hirono
Ackerman	Crenshaw	Holden
Aderholt	Crowley	Holt
Adler (NJ)	Cuellar	Honda
Akin	Cummings	Hoyer
Alexander	Dahlkemper	Hunter
Altmire	Davis (AL)	Inglis
Arcuri	Davis (IL)	Inslee
Austria	Davis (KY)	Israel
Baca	Davis (TN)	Issa
Bachmann	Deal (GA)	Jackson (IL)
Bachus	DeFazio	Jackson Lee (TX)
Baird	DeGette	Jenkins
Baldwin	Delahunt	Johnson (GA)
Barrow	DeLauro	Johnson (IL)
Bartlett	Dent	Johnson, E. B.
Barton (TX)	Diaz-Balart, L.	Johnson, Sam
Bean	Diaz-Balart, M.	Jones
Becerra	Dicks	Jordan (OH)
Berkley	Dingell	Kagen
Berman	Doggett	Kanjorski
Berry	Donnelly (IN)	Kaptur
Biggert	Doyle	Kennedy
Bilbray	Dreier	Kildee
Bilirakis	Driehaus	Kilpatrick (MI)
Bishop (GA)	Duncan	Kilroy
Bishop (NY)	Edwards (MD)	Kind
Bishop (UT)	Edwards (TX)	King (IA)
Blackburn	Ehlers	King (NY)
Blumenauer	Ellison	Kingston
Boccieri	Ellsworth	Kirk
Boehner	Emerson	Kirkpatrick (AZ)
Bonner	Engel	Kissell
Boozman	Eshoo	Klein (FL)
Boren	Etheridge	Kline (MN)
Boswell	Fallin	Kosmas
Boucher	Farr	Kratovil
Boustany	Fattah	Kucinich
Boyd	Filner	Lamborn
Brady (PA)	Flake	Lance
Brady (TX)	Fleming	Langevin
Braley (IA)	Forbes	Larsen (WA)
Bright	Fortenberry	Larson (CT)
Broun (GA)	Foster	Latham
Brown (SC)	Foxx	LaTourette
Brown, Corrine	Frank (MA)	Latta
Brown-Waite, Ginny	Franks (AZ)	Lee (CA)
Buchanan	Frelinghuysen	Lee (NY)
Burgess	Fudge	Levin
Burton (IN)	Gallegly	Lewis (CA)
Butterfield	Garrett (NJ)	Lewis (GA)
Buyer	Gerlach	Linder
Calvert	Giffords	Lipinski
Camp	Gingrey (GA)	LoBiondo
Campbell	Gohmert	Loebsack
Cantor	Gonzalez	Lofgren, Zoe
Cao	Goodlatte	Lowey
Capito	Gordon (TN)	Lucas
Capuano	Granger	Luetkemeyer
Cardoza	Graves	Luján
Carney	Grayson	Lummis
Carson (IN)	Green, Al	Lungren, Daniel E.
Carter	Green, Gene	Lynch
Cassidy	Griffith	Maffei
Castle	Grijalva	Maloney
Castor (FL)	Guthrie	Manzullo
Chaffetz	Gutierrez	Marchant
Chandler	Hall (NY)	Markey (CO)
Childers	Hall (TX)	Markey (MA)
Chu	Halvorson	Marshall
Clarke	Hare	Massa
Clay	Harman	Matheson
Cleaver	Harper	Matsui
Clyburn	Hastings (FL)	McCarthy (CA)
Coble	Hastings (WA)	McCarthy (NY)
Coffman (CO)	Heinrich	McCaul
Cohen	Heller	McClintock
Cole	Hensarling	McCollum
Conaway	Herger	McCotter
Connolly (VA)	Herseth Sandlin	McDermott
Conyers	Higgins	McGovern
Cooper	Hill	McHenry
Costa	Himes	
	Hinchey	

McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—26

Andrews
Barrett (SC)
Blunt
Bono Mack
Capps
Carnahan
Costello
Culberson
Davis (CA)
Garamendi
Hinojosa
Hodes
Hoekstra
Mack
Moran (KS)
Owens
Paul
Payne
Price (GA)
Radanovich
Reichert
Ryan (OH)
Sires
Stark
Wamp
Wilson (OH)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶18.25 H. RES. 1059—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. COHEN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1059) honoring the heroism of the seven United States Agency for International Development and Office of U.S. Foreign Disaster Assistance supported urban search and rescue teams deployed to Haiti from New York City, New York, Fairfax County, Virginia, Los Angeles County, California, Miami, Florida, Miami-Dade County, Florida, and Virginia Beach, Virginia, and commending their dedication and assistance in the aftermath of the January 12, 2010 Haitian earthquake; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 Nays 0

¶18.26 [Roll No. 53]

YEAS—406

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

NOT VOTING—26

Andrews
Barrett (SC)
Blunt
Bono Mack
Capps
Carnahan
Chaffetz
Costello
Culberson
Garamendi
Hinojosa
Hodes
Hoekstra
Mack
Moore (KS)
Moran (KS)
Paul
Payne
Price (GA)
Radanovich
Reichert
Ryan (OH)
Sires
Stark
Wamp
Wilson (OH)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution honoring the heroism of the seven United States Agency for International Development, Office of U.S. Foreign Disaster Assistance, and Federal Emergency Management Agency supported urban search and rescue teams deployed to Haiti from New York City, New York, Fairfax County, Virginia, Los Angeles County, California, the City of Miami, Florida, Miami-Dade County, Florida, and Virginia Beach, Virginia, and commending their dedication and assistance in the aftermath of the January 12, 2010, Haitian earthquake .''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶18.27 H. RES. 1039—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. COHEN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1039) supporting the goals and ideals of American Heart Month and National Wear Red Day.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. COHEN, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 Nays 0

¶18.28 [Roll No. 54]

YEAS—408

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

NOT VOTING—24

Andrews	Garamendi	Price (GA)
Barrett (SC)	Hinojosa	Radanovich
Blunt	Hodes	Reichert
Bono Mack	Hoekstra	Ryan (OH)
Capps	Mack	Sires
Carnahan	Moran (KS)	Stark
Costello	Paul	Wamp
Culberson	Payne	Wilson (OH)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶18.29 H. RES. 1046—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PETERS, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1046) recognizing the significance of Black History Month.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of those present had voted in the affirmative.

Mr. TONKO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 Nays 0

¶18.30 [Roll No. 55]

AYES—402

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

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

NOT VOTING—30

Andrews	Hoekstra	Radanovich
Barrett (SC)	Linder	Reichert
Blunt	Mack	Ryan (OH)
Bono Mack	Meek (FL)	Sires
Capps	Miller, George	Space
Carnahan	Minnick	Stark
Costello	Moran (KS)	Tiahrt
Culberson	Nadler (NY)	Wamp
Hinojosa	Payne	Waxman
Hodes	Price (GA)	Wilson (OH)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶18.31 NATIVE HAWAIIAN GOVERNMENT REORGANIZATION

Mr. RAHALL, pursuant to House Resolution 1083, called up for consideration the bill (H.R. 2314) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

When said bill was considered.

After debate,

Pursuant to House Resolution 1083, the following amendment in the nature of a substitute, printed in Part A of House Report 111-413, was submitted by Mr. ABERCROMBIE:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Native Hawaiian Government Reorganization Act of 2010''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States and the Supreme Court has held that under the Indian Commerce, Treaty, Supremacy, and Property Clauses, and the War Powers, Congress may exercise that power to rationally promote the welfare of the native peoples of the United States so long as the native people are a ''distinctly native community'';

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are 1 of the indigenous, native peoples of the United States, and the Native Hawaiian people are a distinctly native community;

(3) the United States has a special political and legal relationship with, and has long enacted legislation to promote the welfare of, the native peoples of the United States, including the Native Hawaiian people;

(4) under the authority of the Constitution, the United States concluded a number of treaties with the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii as a nation;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions of peace, friendship and commerce with the Kingdom of Hawaii to govern trade, commerce, and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land in trust to better address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii and in enacting the Hawaiian Homes Commission Act, 1920, Congress acknowledged the Native Hawaiian people as a native people of the United States, as evidenced by the Committee Report, which notes that Congress relied on the Indian affairs power and the War Powers, including the power to make peace;

(6) by setting aside 203,500 acres of land in trust for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act, 1920, assists the members of the Native Hawaiian community in maintaining distinctly native communities throughout the State of Hawaii;

(7) approximately 9,800 Native Hawaiian families reside on the Hawaiian Home Lands, and approximately 25,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress delegated the authority and responsibility to administer the Hawaiian Homes Commission Act, 1920, lands in trust for Native Hawaiians and established a new public trust (commonly known as the ''ceded lands trust''), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians, and Congress thereby reaffirmed its recognition of the Native Hawaiians as a distinctly native community with a direct lineal and historical succession to the aboriginal, indigenous people of Hawaii;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide important native land reserves and resources for the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the continuity, survival, and economic self-sufficiency of the Native Hawaiian people as a distinctly native political community;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii, including native lands that date back to the ali'i and kuleana lands reserved under the Kingdom of Hawaii;

(12) through the Sovereign Council of Hawaiian Homelands Assembly and Native Hawaiian homestead associations, Native Hawaiian civic associations, charitable trusts established by the Native Hawaiian ali'i, nonprofit native service providers and other community associations, the Native Hawaiian people have actively maintained native traditions and customary usages throughout the Native Hawaiian community and the Federal and State courts have continuously recognized the right of the Native Hawaiian people to engage in certain customary practices and usages on public lands;

(13) on November 23, 1993, public law 103–150 (107 Stat. 1510) (commonly known as the ''Apology Resolution'') was enacted into law, extending an apology to Native Hawaiians on behalf of the people of the United States for the United States' role in the overthrow of the Kingdom of Hawaii;

(14) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States, and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(15)(A) the Apology Resolution expresses the commitment of Congress and the President—

(i) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii; and

(ii) to support reconciliation efforts between the United States and Native Hawaiians;

(B) Congress established the Office of Hawaiian Relations within the Department of the Interior with 1 of its purposes being to consult with Native Hawaiians on the reconciliation process; and

(C) the United States has the duty to reconcile and reaffirm its friendship with the Native Hawaiian people because, among

other things, the United States Minister and United States naval forces participated in the overthrow of the Kingdom of Hawaii;

(16)(A) despite the overthrow of the Government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a single distinctly native political community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency; and

(B) there is clear continuity between the aboriginal, indigenous, native people of the Kingdom of Hawaii and their successors, the Native Hawaiian people today;

(17) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

(i) health care services;

(ii) educational programs;

(iii) employment and training programs;

(iv) economic development assistance programs;

(v) children's services;

(vi) conservation programs;

(vii) fish and wildlife protection;

(viii) agricultural programs;

(ix) native language immersion programs;

(x) native language immersion schools from kindergarten through high school;

(xi) college and master's degree programs in native language immersion instruction; and

(xii) traditional justice programs; and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(18) Native Hawaiian people are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(19) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(20) this Act provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a single unified Native Hawaiian governing entity for the purpose of giving expression to their rights as a native people to self-determination and self-governance;

(21) Congress—

(A) has declared that the United States has a special political and legal relationship for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as an indigenous, distinctly native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States' responsibilities as they relate to the Native Hawaiian people and their lands;

(22) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the exclusive right of the United States to consent to any actions affecting the lands included in the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(23) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a direct genealogical, cultural, historic, and land-based connection to their forebears, the aboriginal, indigenous, native people who exercised original sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the native people of a prior-sovereign nation with whom the United States has a special political and legal relationship; and

(D) the special relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(24) the State of Hawaii supports the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States, as evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001 sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003, and March 1, 2005.

SEC. 3. DEFINITIONS.

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term ''aboriginal, indigenous, native people'' means a people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) APOLOGY RESOLUTION.—The term ''Apology Resolution'' means Public Law 103–150 (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893, overthrow of the Kingdom of Hawaii.

(3) COMMISSION.—The term ''Commission'' means the Commission established under section 8(b).

(4) COUNCIL.—The term ''Council'' means the Native Hawaiian Interim Governing Council established under section 8(c)(2).

(5) INDIAN PROGRAM OR SERVICE.—

(A) IN GENERAL.—The term ''Indian program or service'' means any federally funded or authorized program or service provided to an Indian tribe (or member of an Indian tribe) because of the status of the members of the Indian tribe as Indians.

(B) INCLUSIONS.—The term ''Indian program or service'' includes a program or service provided by the Bureau of Indian Affairs, the Indian Health Service, or any other Federal agency.

(6) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) INDIGENOUS, NATIVE PEOPLE.—The term ''indigenous, native people'' means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(8) INTERAGENCY COORDINATING GROUP.—The term ''Interagency Coordinating Group'' means the Native Hawaiian Interagency Coordinating Group established under section 6.

(9) NATIVE HAWAIIAN GOVERNING ENTITY.—The term ''Native Hawaiian governing entity'' means the governing entity organized pursuant to this Act by the qualified Native Hawaiian constituents.

(10) NATIVE HAWAIIAN MEMBERSHIP ORGANIZATION.—The term ''Native Hawaiian membership organization'' means an organization that—

(A) serves and represents the interests of Native Hawaiians, has as a primary and stated purpose the provision of services to Native Hawaiians, and has expertise in Native Hawaiian affairs;

(B) has leaders who are elected democratically, or selected through traditional Native leadership practices, by members of the Native Hawaiian community;

(C) advances the cause of Native Hawaiians culturally, socially, economically, or politically;

(D) is a membership organization or association; and

(E) has an accurate and reliable list of Native Hawaiian members.

(11) OFFICE.—The term ''Office'' means the United States Office of Hawaiian Relations established by section 5(a).

(12) QUALIFIED NATIVE HAWAIIAN CONSTITUENT.—For the purposes of establishing the roll authorized under section 8, and prior to the recognition by the United States of the Native Hawaiian governing entity, the term ''qualified Native Hawaiian constituent'' means an individual who the Commission determines has satisfied the following criteria and who makes a written statement certifying that he or she

(A) is—

(i) an individual who is 1 of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(I) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(II) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(ii) an individual who is 1 of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), or a direct lineal descendant of that individual;

(B) wishes to participate in the reorganization of the Native Hawaiian governing entity;

(C) is 18 years of age or older;

(D) is a citizen of the United States; and

(E) maintains a significant cultural, social, or civic connection to the Native Hawaiian community, as evidenced by satisfying 2 or more of the following 10 criteria:

(i) Resides in the State of Hawaii.

(ii) Resides outside the State of Hawaii and—

(I)(aa) currently serves or served as (or has a parent or spouse who currently serves or served as) a member of the Armed Forces or as an employee of the Federal Government; and

(bb) resided in the State of Hawaii prior to the time he or she (or such parent or spouse) left the State of Hawaii to serve as a member

of the Armed Forces or as an employee of the Federal Government; or

(II)(aa) currently is or was enrolled (or has a parent or spouse who currently is or was enrolled) in an accredited institution of higher education outside the State of Hawaii; and

(bb) resided in the State of Hawaii prior to the time he or she (or such parent or spouse) left the State of Hawaii to attend such institution.

(iii)(I) Is or was eligible to be a beneficiary of the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), and resides or resided on land set aside as ''Hawaiian home lands'', as defined in such Act; or

(II) Is a child or grandchild of an individual who is or was eligible to be a beneficiary of the programs authorized by such Act and who resides or resided on land set aside as ''Hawaiian home lands'', as defined in such Act.

(iv) Is or was eligible to be a beneficiary of the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42).

(v) Is a child or grandchild of an individual who is or was eligible to be a beneficiary of the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42).

(vi) Resides on or has an ownership interest in, or has a parent or grandparent who resides on or has an ownership interest in, ''kuleana land'' that is owned in whole or in part by a person who, according to a genealogy verification by the Office of Hawaiian Affairs or by court order, is a lineal descendant of the person or persons who received the original title to such ''kuleana land'', defined as lands granted to native tenants pursuant to Haw. L. 1850, p. 202, entitled ''An Act Confirming Certain Resolutions of the King and Privy Council Passed on the 21st day of December, A.D. 1849, Granting to the Common People Allodial Titles for Their Own Lands and House Lots, and Certain Other Privileges'', as amended by Haw. L. 1851, p. 98, entitled ''An Act to Amend An Act Granting to the Common People Allodial Titles for Their Own Lands and House Lots, and Certain Other Privileges'' and as further amended by any subsequent legislation.

(vii) Is, or is the child or grandchild of, an individual who has been or was a student for at least 1 school year at a school or program taught through the medium of the hawaiian language under section 302H–6, Hawaii Revised Statutes, or at a school founded and operated primarily or exclusively for the benefit of Native Hawaiians.

(viii) Has been a member since September 30, 2009, of at least 1 Native Hawaiian membership organization.

(ix) Has been a member since September 30, 2009, of at least 2 Native Hawaiian membership organizations.

(x) Is regarded as Native Hawaiian and whose mother or father is (or if deceased, was) regarded as Native Hawaiian by the Native Hawaiian community, as evidenced by sworn affidavits from two or more qualified Native Hawaiian constituents certified by the Commission as possessing expertise in the social, cultural, and civic affairs of the Native Hawaiian community.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(14) SPECIAL POLITICAL AND LEGAL RELATIONSHIP.—The term ''special political and legal relationship'' shall refer, except where differences are specifically indicated elsewhere in the Act, to the type of and nature of relationship the United States has with the several federally recognized Indian tribes.

SEC. 4. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Hawaiian people, which includes promoting the welfare of Native Hawaiians;

(3)(A) Congress possesses and hereby exercises the authority under the Constitution, including but not limited to Article I, Section 8, Clause 3, to enact legislation to better the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(i) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(ii) the Act entitled ''an Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4); and

(iii) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(B) other sources of authority under the Constitution for legislation on behalf of the indigenous, native peoples of the United States, including Native Hawaiians, include but are not limited to the Property, Treaty, and Supremacy Clauses, War Powers, and the Fourteenth Amendment, and Congress hereby relies on those powers in enacting this legislation; and

(C) the Constitution's original Apportionment Clause and the 14th Amendment Citizenship and amended Apportionment Clauses also acknowledge the propriety of legislation on behalf of the native peoples of the United States, including Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—The purpose of this Act is to provide a process for the reorganization of the single Native Hawaiian governing entity and the reaffirmation of the special political and legal relationship between the United States and that Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

SEC. 5. UNITED STATES OFFICE OF HAWAIIAN RELATIONS.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary the United States Office of Hawaiian Relations.

(b) DUTIES.—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the government-to-government relationship between the single Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) provide timely notice to, and consult with, the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) work with the Interagency Coordinating Group, other Federal agencies, and the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and may provide recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

(c) APPLICABILITY TO DEPARTMENT OF DEFENSE.—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Office.

SEC. 6. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.

(a) ESTABLISHMENT.—In recognition that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group, to be known as the ''Native Hawaiian Interagency Coordinating Group''.

(b) COMPOSITION.—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency whose actions may significantly or uniquely impact Native Hawaiian programs, resources, rights, or lands; and

(2) the Office.

(c) LEAD AGENCY.—

(1) IN GENERAL.—The Department of the Interior and the White House Office of Intergovernmental Affairs shall serve as the leaders of the Interagency Coordinating Group.

(2) MEETINGS.—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) DUTIES.—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) consult with the Native Hawaiian governing entity, through the coordination referred to in paragraph (1), but the consultation obligation established in this provision shall apply only after the satisfaction of all of the conditions referred to in section 8(c)(8); and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section 5(b)(5).

(e) APPLICABILITY TO DEPARTMENT OF DEFENSE.—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Interagency Coordinating Group.

SEC. 7. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.

The Attorney General shall designate an appropriate official within the Department of Justice to assist the Office in the implementation and protection of the rights of Native Hawaiians and their political and legal relationship with the United States, and upon the recognition of the Native Hawaiian governing entity as provided for in section 8, in the implementation and protection of the rights of the Native Hawaiian governing entity and its political and legal relationship with the United States.

SEC. 8. PROCESS FOR REORGANIZATION OF NATIVE HAWAIIAN GOVERNING ENTITY AND REAFFIRMATION OF SPECIAL POLITICAL AND LEGAL RELATIONSHIP BETWEEN UNITED STATES AND NATIVE HAWAIIAN GOVERNING ENTITY.

(a) RECOGNITION OF NATIVE HAWAIIAN GOVERNING ENTITY.—The right of the qualified Native Hawaiian constituents to reorganize the single Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) COMMISSION.—

(1) IN GENERAL.—There is authorized to be established a Commission to be composed of 9 members for the purposes of—

(A) preparing and maintaining a roll of qualified Native Hawaiian constituents; and

(B) certifying that the individuals on the roll of qualified Native Hawaiian constituents meet the definition of qualified Native Hawaiian constituent set forth in section 3.

(2) MEMBERSHIP.—

(A) APPOINTMENT.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall appoint the members of the Commission in accordance with subparagraph (B).

(ii) CONSIDERATION.—In making an appointment under clause (i), the Secretary may take into consideration a recommendation made by any Native Hawaiian membership organization or other entity with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(B) REQUIREMENTS.—Each member of the Commission shall demonstrate, as determined by the Secretary—

(i) not less than 10 years of experience in the study and determination of Native Hawaiian genealogy (traditional cultural experience shall be given due consideration); and

(ii) an ability to read and translate into English documents written in the Hawaiian language.

(C) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(3) EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) DUTIES.—The Commission shall—

(A) prepare and maintain a roll of qualified Native Hawaiian constituents as set forth in subsection (c); and

(B) certify that the individuals on the roll of qualified Native Hawaiian constituents meet the definition of that term as set forth in section 3.

(5) STAFF.—

(A) IN GENERAL.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) EXPIRATION.—The Secretary shall dissolve the Commission upon the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States.

(c) PROCESS FOR REORGANIZATION OF NATIVE HAWAIIAN GOVERNING ENTITY.—

(1) ROLL.—

(A) CONTENTS.—The roll shall include the names of the qualified Native Hawaiian constituents who are certified by the Commission to be qualified Native Hawaiian constituents, as defined in section 3.

(B) FORMATION OF ROLL.—Each individual claiming to be a qualified Native Hawaiian constituent shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition set forth in section 3; provided that an individual presenting evidence that he or she satisfies the definition in Section 2 of Public Law 103–150 shall be presumed to meet the requirement of section 3(12)(A)(i).

(C) DOCUMENTATION.—The Commission shall—

(i)(I) identify the types of documentation that may be submitted to the Commission that would enable the Commission to determine whether an individual meets the definition of qualified Native Hawaiian constituent set forth in section 3.

(II) recognize an individual's identification of lineal ancestors on the 1890 Census by the Kingdom of Hawaii as a reliable indicia of lineal descent from the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(III) permit elderly Native Hawaiians and other qualified Native Hawaiian constituents lacking birth certificates or other documentation due to birth on Hawaiian Home Lands or other similar circumstances to establish lineal descent by sworn affidavits from 2 or more qualified Native Hawaiian constituents;

(ii) establish a standard format for the submission of documentation and a process to ensure veracity; and

(iii) publish information related to clauses (i) and (ii) in the Federal Register.

(D) CONSULTATION.—In making determinations that each individual proposed for inclusion on the roll of qualified Native Hawaiian constituents meets the definition of qualified Native Hawaiian constituent in section 3, the Commission may consult with bona fide Native Hawaiian membership organizations, agencies of the State of Hawaii, including but not limited to, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(E) NOTIFICATION.—The Commission shall—

(i) inform an individual whether they have been deemed by the Commission a qualified Native Hawaiian constituent; and

(ii) inform an individual of a right to appeal the decision if deemed not to be a qualified Native Hawaiian constituent.

(F) CERTIFICATION AND SUBMITTAL OF ROLL TO SECRETARY.—The Commission shall—

(i) submit the roll containing the names of those individuals who meet the definition of qualified Native Hawaiian constituent in section 3 to the Secretary within 2 years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the qualified Native Hawaiian constituents proposed for inclusion on the roll meets the definition set forth in section 3.

(G) PUBLICATION.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of qualified Native Hawaiian constituent set forth in section 3, the Commission shall publish the notice of the certification of the roll in the Federal Register, notwithstanding pending appeals pursuant to subparagraph (H).

(H) APPEAL.—The Secretary, in consultation with the Commission, shall establish a mechanism for an administrative appeal for any person whose name is excluded from the roll who claims to meet the definition of qualified Native Hawaiian constituent in section 3.

(I) PUBLICATION; UPDATE.—The Commission shall—

(i) publish the notice of the certification of the roll regardless of whether appeals are pending;

(ii) update the roll and provide notice of the updated roll on the final disposition of any appeal;

(iii) update the roll to include any person who has been certified by the Commission as meeting the definition of qualified Native Hawaiian constituent in section 3 after the initial publication of the roll or after any subsequent publications of the roll; and

(iv) provide a copy of the roll and any updated rolls to the Council.

(J) EFFECT OF PUBLICATION.—The publication of the initial and updated roll shall serve as the basis for the eligibility of qualified Native Hawaiian constituents whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) ORGANIZATION OF COUNCIL.—

(A) ORGANIZATION.—The Commission, in consultation with the Secretary, shall hold a minimum of 3 meetings, and each meeting shall be at least 2 working days, of the qualified Native Hawaiian constituents listed on the roll established under this section—

(i) to develop criteria for candidates to be elected to serve on the Council;

(ii) to determine the structure of the Council, including the number of Council members; and

(iii) to elect members from individuals listed on the roll established under this subsection to the Council.

(B) POWERS.—

(i) IN GENERAL.—The Council—

(I) shall represent those listed on the roll established under this section in the implementation of this Act; and

(II) shall have no powers other than powers given to the Council under this Act.

(ii) FUNDING.—The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

(iii) ACTIVITIES.—

(I) IN GENERAL.—The Council shall conduct, among the qualified Native Hawaiian constituents listed on the roll established under this subsection, a referendum for the purpose of determining the proposed elements of the

organic governing documents of the Native Hawaiian governing entity, including but not limited to

(aa) the proposed criteria for future membership in the Native Hawaiian governing entity, provided that membership is voluntary and can be relinquished;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity, including the rights protected under section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302);

(dd) the protection and preservation of the rights vested on the date of enactment of this Act of those Native Hawaiians who are eligible to reside on the Hawaiian homelands under the authority of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42); and

(ee) other issues determined appropriate by the Council.

(II) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based on the referendum, the Council shall develop proposed organic governing documents for the Native Hawaiian governing entity and may seek technical assistance from the Secretary on the draft organic governing documents to ensure that the draft organic governing documents comply with this Act and other Federal law.

(III) DISTRIBUTION.—The Council shall publish to all qualified Native Hawaiian constituents of the Native Hawaiian governing entity listed on the roll published under this subsection notice of the availability of—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) ELECTIONS.—

(aa) IN GENERAL.—Not sooner than 180 days after the proposed organic governing documents are drafted and distributed, the Council, with the assistance of the Secretary, shall hold elections for the purpose of ratifying the proposed organic governing documents.

(bb) PURPOSE.—The Council, with the assistance of the Secretary, shall hold the election for the purpose of ratifying the proposed organic governing documents 60 days after publishing notice of an election.

(cc) OFFICERS.—On certification of the organic governing documents by the Secretary in accordance with paragraph (4), the Council, with the assistance of the Secretary, shall hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(4) CERTIFICATIONS.—

(A) IN GENERAL.—Within the context of the future negotiations to be conducted under the authority of section 9(c)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the 3 governments, not later than 180 days, which may be extended an additional 90 days if the Secretary deems necessary, after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify or decline to certify that the organic governing documents—

(i) establish the criteria for membership in the Native Hawaiian governing entity and provide that membership is voluntary and can be relinquished;

(ii) were adopted by a majority vote of those qualified Native Hawaiian constituents whose names are listed on the roll published by the Secretary and who voted in the election;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of inherent and other appropriate governmental authorities by the Native Hawaiian governing entity;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity, including the rights protected under section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302);

(vii) provide for the protection and preservation of the rights vested on the date of enactment of this Act of those Native Hawaiians who are eligible to reside on the Hawaiian homelands under the authority of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42); and

(viii) are consistent with applicable Federal law.

(B) RESUBMISSION IN CASE OF NONCOMPLIANCE.—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to why the provisions are not in full compliance.

(ii) AMENDMENT AND RESUBMISSION OF ORGANIC GOVERNING DOCUMENTS.—If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) CERTIFICATIONS DEEMED MADE.—The certifications under this paragraph shall be deemed to have been made if the Secretary has not acted within 180 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) ELECTIONS.—On completion of the certifications by the Secretary under paragraph (4), the Council, with the assistance of the Secretary, shall hold elections of the officers of the Native Hawaiian governing entity.

(6) PROVISION OF ROLL.—The Council shall provide a copy of the roll of qualified Native Hawaiian constituents to the governing body of the Native Hawaiian governing entity.

(7) TERMINATION.—The Council shall cease to exist and shall have no power or authority under this Act after the officers of the governing body who are elected as provided in paragraph (5) are installed.

(8) REAFFIRMATION.—Notwithstanding any other provision of law, the special political and legal relationship between the United States and the Native Hawaiian people is hereby reaffirmed and the United States extends Federal recognition to the Native Hawaiian governing entity as the representative sovereign governing body of the Native Hawaiian people after—

(A) the approval of the organic governing documents by the Secretary under subparagraph (A) or (C) of paragraph (4); and

(B) the officers of the Native Hawaiian governing entity elected under paragraph (5) have been installed.

SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY TO STATE OF HAWAII; GOVERNMENTAL AUTHORITY AND POWER; NEGOTIATIONS; CLAIMS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4), is reaffirmed.

(b) GOVERNMENTAL AUTHORITY AND POWER.—

(1) IN GENERAL.—Consistent with the policies of the United States set forth in section 4(a)(4), the Native Hawaiian governing entity shall be vested with the inherent powers and privileges of self-government of a native government under existing law, except as set forth in this Act. Said powers and privileges may be modified by agreement between the Native Hawaiian governing entity, the United States, and the State of Hawaii pursuant to the negotiations authorized in subsection (c)(1), and subject to the enactment of implementing legislation and to the limit described by section 10(a).

(2) MEMBERSHIP.—Once the United States extends Federal recognition to the Native Hawaiian governing entity, the United States will recognize and affirm the Native Hawaiian governing entity's inherent power and authority to determine its own membership criteria, to determine its own membership, and to grant, deny, revoke, or qualify membership without regard to whether any person was or was not deemed to be a qualified Native Hawaiian constituent under this Act. The Native Hawaiian governing entity must provide that membership in the Native Hawaiian governing entity is voluntary and can be relinquished.

(c) NEGOTIATIONS.—

(1) IN GENERAL.—Upon the reaffirmation of the special political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement or agreements addressing such matters as—

(A) the transfer of State of Hawaii lands and surplus Federal lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the exercise of the authority to tax and other powers and authorities that are recognized by the United States as powers and authorities typically exercised by governments representing indigenous, native people of the United States;

(E) any residual responsibilities of the United States and the State of Hawaii; and

(F) grievances regarding assertions of historical wrongs committed against Native Hawaiians by the United States or by the State of Hawaii.

(2) AMENDMENTS TO EXISTING LAWS.—Upon agreement on any matter or matters negotiated with the United States or the State of Hawaii, and the Native Hawaiian governing entity, the parties may submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the governments.

(3) During the period between the reaffirmation of the special political and legal relationship between the United States and the Native Hawaiian governing entity, and the subsequent enactment of legislation to implement the agreement or agreements negotiated under paragraph (1):

(A) There shall be no Indian country within the State of Hawaii.

(B) The United States shall not take land in trust for the benefit of the Native Hawaiian governing entity or for the benefit of members of the Native Hawaiian governing entity.

(C) The United States shall not restrict the alienability of land owned by the Native Hawaiian governing entity.

(D) Members of the Native Hawaiian governing entity shall continue to be subject to the civil and criminal jurisdiction of Federal and State courts.

(E) Nothing in this Act alters or preempts the existing legislative, regulatory, or taxation authority of the State of Hawaii over individuals who are members of the Native Hawaiian governing entity or over property owned by those individuals.

(F) The Native Hawaiian governing entity shall not exercise criminal, civil, adjudicative, legislative, regulatory, or taxation authority or jurisdiction over individuals who are not members of the Native Hawaiian governing entity without their express consent.

(G) The Native Hawaiian governing entity shall not exercise criminal, civil, adjudicative, legislative, regulatory, or taxation authority or jurisdiction over corporations or other associations or entities that are owned wholly or in majority part by persons who are not members of the Native Hawaiian governing entity without their express consent.

(H) The Native Hawaiian governing entity shall be immune from any lawsuit in any Federal or State court, with the exception described in section 10(c)(3) and the exceptions set forth in clauses (i) through (iii) of this subparagraph.

(i) The Native Hawaiian governing entity may waive its sovereign immunity, provided that it does so clearly and unequivocally.

(ii) The Native Hawaiian governing entity shall not be immune from any lawsuit brought by the United States in any Federal court.

(iii) Real property owned in fee simple by the Native Hawaiian governing entity shall not be immune from any in rem action filed by the State of Hawaii.

(I) Governmental, nonbusiness, noncommercial activities undertaken by the Native Hawaiian governing entity, or by a corporation or other association or entity wholly owned by the Native Hawaiian governing entity, shall not be subject to the regulatory or taxation authority of the State of Hawaii, provided that nothing in this subparagraph shall exempt any natural person (except an officer or employee of the Native Hawaiian governing entity, acting within the scope of his or her authority), from the regulatory, taxation, or other authority of the State of Hawaii. In determining whether an activity is covered by this subparagraph, due consideration shall be given to the constraints described in subparagraphs (A), (F), and (G).

(J) Commercial or business activities undertaken by the Native Hawaiian governing entity, or by a corporation or other association or entity owned, operated, or sponsored by the Native Hawaiian governing entity, shall be subject to the regulatory and taxation authority of the State of Hawaii to the same extent as commercial or business activities undertaken by others.

(K) Subject to subparagraph (I), activities conducted on real property owned by, leased by, or subject to the control of the Native Hawaiian governing entity shall be subject to the regulatory and taxation authority of the State of Hawaii to the same extent as activities conducted on real property owned by, leased by, or subject to the control of others.

(L) Subject to subparagraph (O), real property owned by, leased by, or subject to the control of the Native Hawaiian governing entity, and development of such property, shall be subject to the regulatory and taxation authority of the State of Hawaii to the same extent as real property owned by, leased by, or subject to the control of others.

(M) Any commercial or business corporation or other commercial or business association or entity owned, operated, or sponsored by the Native Hawaiian governing entity shall be subject to the regulatory and taxation authority of the State of Hawaii to the same extent as commercial and business corporations and other commercial and business associations and entities owned, operated, or sponsored by others.

(N) Any specific power, authority, or restriction set forth in this paragraph shall expire upon enactment of legislation that implements an agreement or agreements negotiated under paragraph (1) and that expressly replaces or alters such power, authority, or restriction.

(O) Nothing in this paragraph diminishes any right or immunity (including any immunity from State or local taxation) granted to Native Hawaiians or their property by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4), or sections 10001 through 10004 of the Department of Defense Appropriations Act, 1994 (sections 10001 through 1004 of Public Law 103–139; 107 Stat. 1418, 1480 (1993)).

(4) Nothing in paragraph (3) should be interpreted as establishing any presumption about the powers or authorities that could properly be exercised by the United States, the State of Hawaii, or the Native Hawaiian governing entity after further legislation, including legislation enacted to implement any agreement negotiated under this subsection.

(d) CLAIMS.—Nothing in this Act—

(1) alters existing law, including case law, regarding obligations of the United States or the State of Hawaii relating to events or actions that occurred prior to recognition of the Native Hawaiian governing entity;

(2) creates, enlarges, revives, modifies, diminishes, extinguishes, waives, or otherwise alters any Federal or State claim or cause of action against the United States or its officers or the State of Hawaii or its officers or any other person or entity, or any defense (including the defense of statute of limitations) to any such claim or cause of action, except in the case of claims or causes of action challenging the constitutionality or legality of programs benefitting Native Hawaiians to the extent that this Act creates or enlarges any defense to any such claim or cause of action;

(3) amends section 2409a of title 28, United States Code (commonly known as the ''Quiet Title Act''), chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''), section 1491 of title 28, United States Code (commonly known as the ''Tucker Act''), section 1505 of title 28, United States Code (commonly known as the ''Indian Tucker Act''), the Hawaii Organic Act (31 Stat. 141), or any other Federal statute, except as expressly amended by this Act; or

(4) alters the sovereign immunity of the United States or of the State of Hawaii.

SEC. 10. APPLICABILITY OF CERTAIN FEDERAL LAWS.

(a) INDIAN GAMING REGULATORY ACT.—

(1) IN GENERAL.—The Native Hawaiian governing entity and Native Hawaiians may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

(2) APPLICABILITY.—The prohibition contained in paragraph (1) regarding the use of Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and inherent authority to game applies regardless of whether gaming by Native Hawaiians or the Native Hawaiian governing entity would be located on land within the State of Hawaii or within any other State or territory of the United States.

(b) SINGLE GOVERNING ENTITY.—This Act will result in the recognition of the single Native Hawaiian governing entity. Additional Native Hawaiian groups shall not be eligible for acknowledgment pursuant to the Federal Acknowledgment Process set forth in part 83 of title 25, Code of Federal Regulations, or any other administrative acknowledgment or recognition process.

(c) INDIAN PROGRAMS, SERVICES, AND LAWS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, nothing in this Act extends eligibility for any Indian program or service to the Native Hawaiian governing entity or its members unless a statute governing such a program or service expressly provides that Native Hawaiians or the Native Hawaiian governing entity is eligible for such program or service. Nothing in this Act affects the eligibility of any person for any program or service under any statute or law in effect before the date of enactment of this Act.

(2) APPLICABILITY OF OTHER TERMS.—Subject to paragraph (3), in Federal statutes or regulations in force prior to the United States recognition of the Native Hawaiian governing entity, the terms ''Indian'' and ''Native American'', and references to Indian tribes, bands, nations, pueblos, villages, or other organized groups or communities, shall not apply to the Native Hawaiian governing entity or its members, unless the Federal statute or regulation expressly applies to Native Hawaiians or the Native Hawaiian governing entity.

(3) INDIAN CIVIL RIGHTS ACT OF 1968.—The Council and the Native Hawaiian governing entity shall be subject to sections 201 through 203 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301–1303). Nothing in such Act, and nothing in this paragraph, shall be interpreted to expand the powers and authorities of the Council or the Native Hawaiian governing entity that are described elsewhere in this Act.

(d) REAL PROPERTY TRANSFERS.—Section 2116 of the Revised Statutes (commonly known as the ''Indian Trade and Intercourse Act'') (25 U.S.C. 177) does not apply to any purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from Native Hawaiians, Native Hawaiian entities, or the Kingdom of Hawaii that occurred prior to the date of the United States' recognition of the Native Hawaiian governing entity.

SEC. 11. SEVERABILITY.

If any section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

After debate,

The following amendment numbered 1 to the amendment in the nature of a substitute, printed in Part B of House Report 111-413, was submitted by Mr. HASTINGS of Washington:

Strike subparagraphs (A) and (B) of section 8(c)(8), and insert the following:

(A) the approval of the organic governing documents by a statewide popular vote in which all registered voters in the State of Hawaii are eligible to participate;

(B) the approval of the organic governing documents by the Secretary under subparagraph (A) or (C) of paragraph (4); and

(C) the officers of the Native Hawaiian governing entity elected under paragraph (5) have been installed.

After debate,

The question being put, viva voce,

Will the House now agree to amendment numbered 1 to the amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. YARMUTH, announced that the nays had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. YARMUTH, pursuant to section 2 of House Resolution 1083, announced that further proceedings on the question were postponed.

The following amendment numbered 2 to the amendment in the nature of a substitute, printed in Part B of House Report 111-413, was submitted by Mr. FLAKE:

At the end of the bill, add the following:

SEC. ___. APPLICATION OF 14TH AMENDMENT.

Nothing in the Act shall relieve a Native Hawaiian governing authority from complying with the equal protection clause of the 14th amendment to the United States Constitution.

After debate,

The question being put, viva voce,

Will the House now agree to the amendment numbered 2 to the amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. YARMUTH, announced that the nays had it.

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. YARMUTH, pursuant to section 2 of House Resolution 1083, announced that further proceedings on the question were postponed.

Pursuant to section 2 of House Resolution 1083, the Chair resumed proceedings on the question previously postponed on amendment numbered 1, to the amendment in the nature of a substitute.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 163 / Nays 241

¶18.32 [Roll No. 56]

YEAS—163

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

NAYS—241

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

NOT VOTING—28

Andrews	Hinojosa	Radanovich
Barrett (SC)	Hoekstra	Reichert
Berman	Johnson (GA)	Richardson
Blunt	Lowey	Ros-Lehtinen
Bono Mack	Mack	Sires
Costello	Markey (CO)	Stark
Culberson	McMahon	Turner
Delahunt	Moore (WI)	Wamp
Dingell	Payne	
Gordon (TN)	Perlmutter	

So, the amendment numbered 1, to the amendment in the nature of a substitute, was not agreed to.

The motion to reconsider the vote on the amendment was, by unanimous consent, laid on the table.

Pursuant to section 2 of House Resolution 1083, the Chair resumed proceedings on the question previously postponed on amendment numbered 2, to the amendment in the nature of a substitute.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 177 / Nays 233

¶18.33 [Roll No. 57]

YEAS—177

Aderholt	Biggert	Broun (GA)
Adler (NJ)	Bilbray	Brown (SC)
Akin	Bilirakis	Brown-Waite, Ginny
Alexander	Bishop (UT)	Buchanan
Arcuri	Blackburn	Burgess
Austria	Boehner	Burton (IN)
Bachmann	Bonner	Buyer
Bachus	Boozman	Calvert
Bartlett	Boustany	Camp
Barton (TX)	Brady (TX)	Campbell
Bean	Bright	

Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Perlmutter
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (FL)

NAYS—233

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

NOT VOTING—22

Andrews
Barrett (SC)
Berman
Blunt
Bono Mack
Costello
Culberson
Delahunt
Dingell
Gordon (TN)
Hinojosa
Hoekstra
Mack
Payne
Radanovich
Reichert
Ros-Lehtinen
Shea-Porter
Sires
Stark
Turner
Wamp

So, the amendment numbered 2, to the amendment in the nature of a substitute was not agreed to.

The motion to reconsider the vote on the amendment was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House now agree to the amendment in the nature of a substitute?

The SPEAKER pro tempore, Mr. YARMUTH, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 245 / Nays 164

¶18.34 [Roll No. 58]

YEAS—245

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

NAYS—164

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence

Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—23

Andrews
Barrett (SC)
Berman
Blunt
Bono Mack
Costello
Culberson
Delahunt
Dingell
Gordon (TN)
Hinojosa
Hoekstra
Mack
Moran (KS)
Payne
Radanovich
Reichert
Ros-Lehtinen
Sires
Stark
Turner
Wamp
Wasserman Schultz

So, the amendment in the nature of a substitute was agreed to.

The motion to reconsider the vote on the amendment in the nature of a substitute was, by unanimous consent, laid on the table.

Pursuant to House Resolution 1083, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. YARMUTH, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 245 / Nays 164

¶18.35 [Roll No. 59]

YEAS—245

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

NAYS—164

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—23

Andrews
Barrett (SC)
Berman
Bishop (UT)
Blunt
Bono Mack
Costello
Culberson
Delahunt
Dingell
Gordon (TN)
Hinojosa
Hoekstra
Mack
Miller (NC)
Payne
Radanovich
Reichert
Ros-Lehtinen
Sires
Stark
Turner
Wamp

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶18.36 PROVIDING FOR CONSIDERATION OF H.R. 4626

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–418) the resolution (H. Res. 1098) providing for consideration of the bill (H.R. 4626) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

When said resolution and report were referred to the House Calendar and ordered printed.

¶18.37 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CULBERSON, for today.

And then,

¶18.38 ADJOURNMENT

On motion of Mr. PERRIELLO, at 11 o'clock and 48 minutes p.m., the House adjourned.

¶18.39 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 4247. A bill to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes; with an amendment (Rept. 111–417). Referred to the Committee of the Whole House on the state of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 1098. Resolution providing for consideration of the bill (H.R. 4626) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers (Rept. 111–418). Referred to the House Calendar.

¶18.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PETERSON (for himself, Mr. MORAN of Kansas, Ms. DELAURO, Mrs. EMERSON, Mr. DELAHUNT, Mr. FLAKE, Mr. MCGOVERN, Mr. BERMAN, Mr. BERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CHILDERS, Mr. MINNICK, Mr. BOSWELL, Ms. HERSETH SANDLIN,

Mr. SCOTT of Georgia, Mr. MASSA, Mr. BRIGHT, Mr. ELLSWORTH, Mr. HOLDEN, Mr. KAGEN, Mr. SNYDER, Mr. POMEROY, Mr. KIND, Mr. DAVIS of Tennessee, Mr. BOUSTANY, Mr. COSTA, Mr. BISHOP of Georgia, Mr. ROSS, Mr. TANNER, Mr. JOHNSON of Illinois, Mr. RYAN of Ohio, Mr. HINCHEY, Ms. LEE of California, and Mr. BOUCHER):

H.R. 4645. A bill to remove obstacles to legal sales of United States agricultural commodities to Cuba and to end travel restrictions on all Americans to Cuba; to the Committee on Foreign Affairs, and in addition to the Committees on Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 4646. A bill to establish a fee on transactions which would eliminate the national debt and replace the income tax on individuals; to the Committee on Ways and Means, and in addition to the Committees on the Budget, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCMAHON (for himself, Ms. BERKLEY, Mr. KLEIN of Florida, Mr. WEINER, and Ms. JACKSON LEE of Texas):

H.R. 4647. A bill to impose sanctions on persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, elections in Iran, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. KING of New York, Mr. ROGERS of Kentucky, Mr. HOEKSTRA, Mr. MCCOTTER, and Mr. FORTENBERRY):

H.R. 4648. A bill to prohibit the release or parole of certain unprivileged enemy belligerents into the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. MARSHALL, and Mr. ROYCE):

H.R. 4649. A bill to impose sanctions on persons who are complicit in human rights abuses committed against citizens of Iran or their family members after the June 12, 2009, political processes in Iran, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. HINCHEY, Mr. GRIJALVA, Mr. MCGOVERN, Mr. STARK, Ms. BALDWIN, Ms. MOORE of Wisconsin, Ms. LEE of California, Ms. WOOLSEY, Mr. GONZALEZ, Mr. FILNER, Mr. ELLISON, Mr. HALL of New York, Mrs. MALONEY, Mr. POLIS of Colorado, Mr. HOLT, Ms. SHEA-PORTER, and Mr. GUTIERREZ):

H.R. 4650. A bill to phase out the use of private military contractors; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself and Mr. CHAFFETZ):

H.R. 4651. A bill to prohibit the further extension or establishment of national monuments in Utah except by express authorization of Congress; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself, Mr. WU, Mr. BAIRD, Mr. MCDERMOTT, and Mr. INSLEE):

H.R. 4652. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect and restore the water quality of the Columbia River Basin, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey (for himself, Mr. BACHUS, Mr. QUIGLEY, Mr. HENSARLING, Mr. COLE, Mrs. CAPITO, Mr. GOHMERT, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. PRICE of Georgia, Mr. LUETKEMEYER, Mr. ROYCE, Mr. GINGREY of Georgia, Mr. ROONEY, Mr. PITTS, Mr. MARCHANT, Mr. ROE of Tennessee, Mr. MCHENRY, Mr. BARTLETT, Mr. POSEY, Mr. FLEMING, Mr. LEE of New York, Mrs. SCHMIDT, Mr. LAMBORN, Ms. GRANGER, Ms. FALLIN, Mr. LANCE, Mr. KING of Iowa, Mr. CHAFFETZ, Mr. BILBRAY, Mrs. BACHMANN, Mr. BISHOP of Utah, Mr. HERGER, Mr. FORTENBERRY, Mrs. MCMORRIS RODGERS, Mr. ALEXANDER, and Mr. JONES):

H.R. 4653. A bill to provide on-budget status to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; to the Committee on the Budget, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa (for himself, Mr. BOSWELL, and Mr. LOEBSACK):

H.R. 4654. A bill to amend the Public Health Service Act to designate certain medical facilities of the Department of Veterans Affairs as health professional shortage areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BRIGHT:

H.R. 4655. A bill to amend the Internal Revenue Code of 1986 to provide a 1-year extension of the increased expensing of certain depreciable business assets and the special depreciation allowance for certain business property; to the Committee on Ways and Means.

By Mr. BUCHANAN:

H.R. 4656. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program establishing a child-care center for children of veterans receiving treatment and other individuals; to the Committee on Veterans' Affairs.

By Mr. CARSON of Indiana:

H.R. 4657. A bill to amend the Older Americans Act of 1965 to include information relating to the human immunodeficiency virus (HIV) in the disease prevention and health promotion services authorized by such Act; to the Committee on Education and Labor.

By Mr. DUNCAN:

H.R. 4658. A bill to authorize the conveyance of a small parcel of National Forest System land in the Cherokee National Forest and to authorize the Secretary of Agriculture to use the proceeds from that conveyance to acquire a parcel of land for inclusion in that national forest, and for other purposes; to the Committee on Agriculture.

By Mr. HODES:

H.R. 4659. A bill to amend the Truth in Lending Act to require disclosures to all cosigners and guarantors with respect to any consumer credit transaction or consumer lease that are required to be made to the consumer in connection with such transaction or lease, and for other purposes; to the Committee on Financial Services.

By Mr. HODES:

H.R. 4660. A bill to direct the Comptroller General of the United States to conduct a study on the performance of Federal Government in meeting certain small business procurement contracting goals, and for other purposes; to the Committee on Small Business.

By Mr. HODES:

H.R. 4661. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on expensing certain depreciable assets and to extend the deduction for an additional year; to the Committee on Ways and Means.

By Mr. KISSELL:

H.R. 4662. A bill to amend title XVIII of the Social Security Act to improve the diagnosis and treatment of lymphedema under the Medicare Program and to reduce costs under such program related to the treatment of complications of lymphedema, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KOSMAS:

H.R. 4663. A bill to amend the Internal Revenue Code of 1986 to provide for a permanent exclusion of all gain on certain small business stock; to the Committee on Ways and Means.

By Mr. KRATOVIL:

H.R. 4664. A bill to amend the Servicemembers Civil Relief Act to provide for a one-year moratorium on the sale or foreclosure of property owned by surviving spouses of servicemembers killed in Operation Iraqi Freedom or Operation Enduring Freedom; to the Committee on Veterans' Affairs.

By Mr. MASSA (for himself, Mr. BISHOP of New York, Mr. ISRAEL, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. CROWLEY, Mr. NADLER of New York, Mr. WEINER, Mr. TOWNS, Ms. CLARKE, Ms. VELÁZQUEZ, Mr. MCMAHON, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mr. HALL of New York, Mr. MURPHY of New York, Mr. TONKO, Mr. HINCHEY, Mr. OWENS, Mr. ARCURI, Mr. MAFFEI, Mr. LEE of New York, and Mr. HIGGINS):

H.R. 4665. A bill to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the ''Zachary Smith Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. OWENS (for himself, Mr. WELCH, and Mr. MCINTYRE):

H.R. 4666. A bill to amend the Public Works and Economic Development Act of 1965 to establish a grant program to support cluster-based economic development efforts; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERRIELLO (for himself, Mr. FILNER, Mr. HALL of New York, Mrs. HALVORSON, Mrs. KIRKPATRICK of Arizona, Mr. DONNELLY of Indiana, Mr. RODRIGUEZ, and Mr. TEAGUE):

H.R. 4667. A bill to increase, effective as of December 1, 2010, the rates of compensation

for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PIERLUISI (for himself, Ms. BORDALLO, Mr. SABLAN, Mr. SIRES, and Ms. WASSERMAN SCHULTZ):

H.R. 4668. A bill to amend the Elementary and Secondary Education Act of 1965 to increase the maximum amount that may be allotted to Puerto Rico under part A of title III; to the Committee on Education and Labor.

By Mr. PIERLUISI (for himself, Mr. SABLAN, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. SERRANO, and Mrs. CHRISTENSEN):

H.R. 4669. A bill to amend title XVIII of the Social Security Act to provide that hospitals located in territories are eligible for electronic health record incentive payments under Medicare in the same manner as hospitals located in one of the 50 States are eligible for such incentive payments; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 4670. A bill to establish a program through which each State may provide a bust to be displayed in one of the House Office Buildings; to the Committee on House Administration.

By Mr. SARBANES (for himself and Mr. FORTENBERRY):

H.R. 4671. A bill to amend the National Trails System Act to include national discovery trails, and to designate the American Discovery Trail, and for other purposes; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 4672. A bill to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KISSELL (for himself, Mr. FILNER, Ms. CORRINE BROWN of Florida, and Mr. BUYER):

H. Con. Res. 238. Concurrent resolution recognizing the difficult challenges Black veterans faced when returning home after serving in the Armed Forces, their heroic military sacrifices, and their patriotism in fighting for equal rights and for the dignity of a people and a Nation; to the Committee on Veterans' Affairs.

By Mr. PENCE:

H. Res. 1095. A resolution electing a Minority member to a standing committee; considered and agreed to.

By Mr. REYES (for himself, Mr. ORTIZ, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. GONZALEZ, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mrs. NAPOLITANO, Mr. BACA, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Ms. LINDA T. SÁNCHEZ of California, Mr. SIRES, Ms. ROS-LEHTINEN, Mr. BUTTERFIELD, Mr. CLEAVER, Ms. CLARKE, Ms. JACKSON LEE of Texas, Mr. CLAY, Mr. HINOJOSA, Ms. BORDALLO, Mr. SALAZAR, Mr. CUELLAR, Mrs. CHRISTENSEN, Ms. FUDGE, Mr. DAVIS of Illinois, Ms. RICHARDSON, Ms. BERKLEY, Mr. HINCHEY, Mr. CHAFFETZ, Ms. WATSON, Mrs. MALONEY, Mr. THOMPSON of California, Mr. HONDA, Mr. MEEKS of New York, Mr. MORAN of Virginia, Ms. NORTON, Ms. MCCOLLUM, Mr. MCHENRY, Ms. MATSUI, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mr. PAYNE, Mr. BISHOP of Georgia, Ms. CHU, Mr. MEEK of Florida, Mrs. DAVIS of California, Mr. ELLISON, Mr. MCGOVERN, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. LOWEY, Mr. RODRIGUEZ, Mr. PALLONE, Mr. CAO, and Ms. WOOLSEY):

H. Res. 1096. A resolution encouraging individuals across the United States to participate in the 2010 Census to ensure an accurate and complete count beginning April 1, 2010, and expressing support for designation of March 2010 as Census Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. LIPINSKI (for himself, Mr. EHLERS, Mr. INGLIS, Ms. EDWARDS of Maryland, Ms. RICHARDSON, Ms. KOSMAS, Ms. MATSUI, Mr. AKIN, Mr. BARTON of Texas, Mr. HOLT, Mr. MCNERNEY, Ms. BORDALLO, Mr. KILDEE, Mr. HONDA, Mr. HARE, Mr. ROHRABACHER, Mrs. CHRISTENSEN, Mr. TONKO, Mr. CARNAHAN, Mr. MANZULLO, Ms. SUTTON, Mr. OLSON, Mr. BAIRD, Ms. MARKEY of Colorado, Ms. FUDGE, and Ms. ESHOO):

H. Res. 1097. A resolution supporting the goals and ideals of National Engineers Week, and for other purposes; to the Committee on Science and Technology.

By Mr. BRALEY of Iowa (for himself, Mr. KLINE of Minnesota, Mr. SNYDER, Mr. HUNTER, Mr. BROUN of Georgia, Mr. BOSWELL, Mr. KING of Iowa, Mr. LOEBSACK, Mr. LATHAM, Mr. JONES, and Mr. ISSA):

H. Res. 1099. A resolution recognizing the 65th anniversary of the Battle of Iwo Jima; to the Committee on Armed Services.

By Mr. CARSON of Indiana:

H. Res. 1100. A resolution expressing the sense of the House of Representatives that the National Institutes of Health and the Centers for Disease Control and Prevention should expand and intensify programs of research and related activities regarding the population of older individuals living with or at risk for HIV; to the Committee on Energy and Commerce.

By Mr. FLAKE:

H. Res. 1101. A resolution establishing an earmark moratorium for fiscal year 2011; to the Committee on Rules.

By Mr. HASTINGS of Florida (for himself, Mr. BERMAN, Mr. RANGEL, Mr. ACKERMAN, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Ms. CASTOR of Florida, Mr. COHEN, Mr. CONYERS, Mr. CRENSHAW, Mr. CROWLEY, Mr. CUMMINGS, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FATTAH, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HONDA, Mr. INGLIS, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. PAYNE, Mr. POLIS of Colorado, Ms. RICHARDSON, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Mr. THOMPSON of Mississippi, Mr. TOWNS, and Ms. WATSON):

H. Res. 1102. A resolution commemorating the 20th anniversary of the release of Nelson Rolihlahla Mandela, recognizing the significance of his contribution to democracy and racial equality in South Africa, and honoring his life-long dedication to building a more equitable and united world; to the Committee on Foreign Affairs.

¶18.41 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PASTOR of Arizona introduced a bill (H.R. 4673) for the relief of Martha Palmillas de Morales; which was referred to the Committee on the Judiciary.

¶18.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 119: Mr. ADLER of New Jersey.
H.R. 204: Ms. CHU.
H.R. 211: Mr. VISCLOSKY.
H.R. 213: Mr. CARTER.
H.R. 303: Mr. BARROW.
H.R. 444: Mr. CUMMINGS.
H.R. 456: Mr. SULLIVAN.
H.R. 510: Mr. LINDER.
H.R. 536: Mr. HINCHEY.
H.R. 537: Mr. ALTMIRE.
H.R. 564: Ms. NORTON.
H.R. 635: Ms. NORTON.
H.R. 649: Mr. CHAFFETZ, Mr. BARRETT of South Carolina, Mr. GRIFFITH, and Mr. CARTER.
H.R. 669: Mrs. MALONEY.
H.R. 678: Mr. FORBES, Mr. BAIRD, Mr. TURNER, Mr. ELLISON, and Ms. CHU.
H.R. 712: Mr. SCHOCK.
H.R. 716: Ms. WOOLSEY.
H.R. 758: Mr. MCDERMOTT.
H.R. 832: Ms. ZOE LOFGREN of California and Mr. HODES.
H.R. 836: Mr. SHERMAN.
H.R. 878: Mr. COFFMAN of Colorado.
H.R. 930: Mr. BISHOP of New York.
H.R. 953: Mr. SESTAK.
H.R. 1067: Mr. LIPINSKI.
H.R. 1087: Mr. GERLACH.
H.R. 1175: Mr. SCHIFF, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CARNAHAN, Ms. KILPATRICK of Michigan, and Mr. SCHOCK.
H.R. 1177: Mr. ROTHMAN of New Jersey.
H.R. 1220: Mr. THOMPSON of Pennsylvania and Mr. GERLACH.
H.R. 1240: Ms. PINGREE of Maine and Mrs. MCCARTHY of New York.
H.R. 1250: Mr. YOUNG of Alaska and Mr. TURNER.
H.R. 1311: Ms. GRANGER.
H.R. 1346: Mr. PERLMUTTER.
H.R. 1351: Mr. WELCH.
H.R. 1352: Mr. GRIFFITH and Mr. ANDREWS.
H.R. 1392: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1507: Ms. PINGREE of Maine.
H.R. 1526: Mr. YARMUTH.
H.R. 1552: Mr. HOLT.
H.R. 1584: Mr. PUTNAM and Mr. POSEY.
H.R. 1585: Mr. ROGERS of Kentucky.
H.R. 1587: Mr. BOYD, Mr. DAVIS of Tennessee, and Mr. ROSS.
H.R. 1628: Ms. GRANGER.
H.R. 1744: Mr. TANNER and Mr. DAVIS of Kentucky.
H.R. 1799: Mr. MILLER of Florida.
H.R. 1806: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. COHEN.
H.R. 1829: Mr. MARKEY of Massachusetts, Mr. PRICE of North Carolina, and Mr. HUNTER.
H.R. 1897: Ms. KILROY.
H.R. 1956: Ms. GIFFORDS.
H.R. 1961: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1990: Mr. DOGGETT.
H.R. 2006: Ms. ESHOO.
H.R. 2054: Mr. LOEBSACK and Ms. CHU.
H.R. 2124: Mr. FORBES.
H.R. 2138: Mr. WEINER.
H.R. 2254: Ms. RICHARDSON, Mrs. DAVIS of California, and Mr. TURNER.
H.R. 2277: Mr. EHLERS.
H.R. 2280: Mr. MCCARTHY of California.
H.R. 2287: Ms. JENKINS, Mr. SOUDER, and Mr. POE of Texas.
H.R. 2299: Ms. NORTON.
H.R. 2331: Ms. GRANGER.

H.R. 2378: Mr. COFFMAN of Colorado.
H.R. 2443: Mr. SCHAUER and Mr. SABLAN.
H.R. 2521: Mr. CONYERS.
H.R. 2547: Mr. REHBERG.
H.R. 2584: Mr. BURTON of Indiana and Mr. SMITH of Nebraska.
H.R. 2608: Mr. CARTER.
H.R. 2697: Mr. SCHAUER.
H.R. 2840: Mr. QUIGLEY.
H.R. 2941: Mr. PASTOR of Arizona.
H.R. 2980: Mr. COURTNEY.
H.R. 3024: Ms. NORTON, Mr. BARTLETT, Mr. WELCH, and Mr. WESTMORELAND.
H.R. 3054: Mr. POLIS of Colorado.
H.R. 3068: Mr. WELCH.
H.R. 3077: Mrs. MALONEY.
H.R. 3116: Mr. OWENS.
H.R. 3149: Ms. CHU and Mr. BLUMENAUER.
H.R. 3189: Mr. BURTON of Indiana.
H.R. 3212: Mr. SNYDER.
H.R. 3271: Mr. PETERS.
H.R. 3315: Mr. MAFFEI.
H.R. 3343: Ms. HIRONO and Mr. KENNEDY.
H.R. 3351: Mr. GRAYSON.
H.R. 3421: Mr. KANJORSKI.
H.R. 3430: Ms. NORTON, Mr. MICHAUD, Mr. MARKEY of Massachusetts, Ms. CHU, and Mr. HOLT.
H.R. 3467: Mr. WELCH.
H.R. 3526: Mr. SCOTT of Virginia.
H.R. 3553: Ms. RICHARDSON.
H.R. 3578: Mr. CAPUANO, Mr. ELLISON, and Ms. ESHOO.
H.R. 3589: Mrs. LOWEY.
H.R. 3668: Ms. MARKEY of Colorado, Mr. ELLSWORTH, Mr. DAVIS of Tennessee, Mr. MOORE of Kansas, and Mr. HARPER.
H.R. 3712: Mr. SESSIONS, Ms. GIFFORDS, Mr. BOOZMAN, Mrs. MCMORRIS RODGERS, Mr. WALZ, Mr. SHULER, Ms. KILPATRICK of Michigan, and Mr. LUETKEMEYER.
H.R. 3745: Ms. PINGREE of Maine and Mr. BLUMENAUER.
H.R. 3764: Mr. CUMMINGS, Ms. NORTON, Mr. SESTAK, Mr. WEINER, and Ms. PINGREE of Maine.
H.R. 3766: Mr. WELCH.
H.R. 3787: Mr. KIND.
H.R. 3789: Mr. YOUNG of Alaska.
H.R. 3936: Mr. PENCE and Mr. FRANK of Massachusetts.
H.R. 3943: Mr. SESTAK, Mr. SOUDER, Mr. RUSH, Mr. KRATOVIL, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 3955: Ms. NORTON and Mr. CAO.
H.R. 4001: Ms. WOOLSEY.
H.R. 4021: Mr. COHEN and Mr. KIND.
H.R. 4053: Mr. DOGGETT.
H.R. 4070: Mr. THOMPSON of Mississippi, Mr. SESTAK, and Mr. SKELTON.
H.R. 4109: Mr. DAVIS of Alabama.
H.R. 4114: Mr. BERMAN.
H.R. 4163: Mr. HASTINGS of Florida.
H.R. 4186: Mr. SKELTON.
H.R. 4199: Mr. BISHOP of New York.
H.R. 4241: Mr. TIAHRT, Mr. ACKERMAN, Mr. CAO, Mr. MASSA, Mr. WELCH, Ms. HIRONO, and Mr. SIMPSON.
H.R. 4268: Mr. RANGEL, Mr. SCOTT of Virginia, Mrs. LOWEY, Mr. CAPUANO, Mr. RUSH, Ms. NORTON, and Mr. STARK.
H.R. 4274: Mr. ROTHMAN of New Jersey and Mr. STARK.
H.R. 4278: Mr. WELCH.
H.R. 4296: Mr. HALL of New York.
H.R. 4306: Ms. FOXX and Ms. KOSMAS.
H.R. 4311: Mr. WELCH.
H.R. 4322: Ms. LORETTA SANCHEZ of California and Mr. RUPPERSBERGER.
H.R. 4324: Ms. JACKSON LEE of Texas.
H.R. 4329: Mr. PERRIELLO and Mr. CANTOR.
H.R. 4330: Mr. PIERLUISI.
H.R. 4343: Mr. JOHNSON of Georgia and Ms. EDWARDS of Maryland.
H.R. 4347: Mr. HEINRICH.
H.R. 4353: Mr. CULBERSON.
H.R. 4360: Ms. PELOSI.
H.R. 4371: Mr. CHILDERS, Mr. MCHENRY, Mr. CARSON of Indiana, Mr. LANCE, Mr. GOHMERT, Mrs. BONO MACK, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. LAMBORN, Mr. SESSIONS, and Ms. SLAUGHTER.
H.R. 4375: Ms. VISCLOSKY.
H.R. 4386: Ms. RICHARDSON.
H.R. 4391: Mr. ELLISON.
H.R. 4396: Mr. HOLDEN, Mr. CUELLAR, Mr. BERRY, Mr. SALAZAR, Mr. BISHOP of Utah, Mr. DAVIS of Tennessee, Mr. MELANCON, and Mrs. LUMMIS.
H.R. 4399: Mr. BARTLETT.
H.R. 4453: Ms. JENKINS, Mr. AKIN, Mr. GOHMERT, Mr. TIBERI, and Mr. UPTON.
H.R. 4466: Ms. ROS-LEHTINEN, Mr. DENT, Mr. AUSTRIA, and Mr. BLUNT.
H.R. 4470: Ms. WOOLSEY.
H.R. 4486: Mr. FRANK of Massachusetts and Mr. KUCINICH.
H.R. 4490: Mr. SMITH of Nebraska, Mr. DEAL of Georgia, and Mr. DUNCAN.
H.R. 4496: Mr. SENSENBRENNER.
H.R. 4513: Mr. LANCE.
H.R. 4517: Mr. GRAYSON.
H.R. 4522: Mr. POLIS of Colorado and Mr. GRAYSON.
H.R. 4526: Mr. SERRANO.
H.R. 4527: Mr. POLIS of Colorado.
H.R. 4529: Mr. FLAKE.
H.R. 4530: Mr. SABLAN.
H.R. 4537: Ms. WATSON, Mr. COHEN, and Mr. DRIEHAUS.
H.R. 4538: Mr. MORAN of Virginia and Mr. GEORGE MILLER of California.
H.R. 4541: Ms. CHU, Mr. BURTON of Indiana, Ms. JACKSON LEE of Texas, Mr. CUMMINGS, and Ms. WATSON.
H.R. 4549: Mr. CARNAHAN.
H.R. 4550: Ms. EDWARDS of Maryland and Mr. GRAYSON.
H.R. 4551: Mr. FILNER.
H.R. 4555: Mr. BARROW, Mrs. CAPPS, Mr. SCOTT of Virginia, Mr. MICHAUD, Ms. SHEA-PORTER, and Mr. TIERNEY.
H.R. 4556: Mr. CANTOR, Mr. SOUDER, Mr. REHBERG, Mr. KIRK, Mr. DUNCAN, Mr. PLATTS, Mr. TIAHRT, Mr. MCCOTTER, Mr. GOODLATTE, and Mr. BACHUS.
H.R. 4564: Mr. LARSON of Connecticut, Mr. GENE GREEN of Texas, Mr. ELLISON, Mrs. CAPPS, and Mr. LEVIN.
H.R. 4566: Mr. BACHUS.
H.R. 4576: Mr. THORNBERRY.
H.R. 4581: Mr. ROYCE and Mr. JONES.
H.R. 4582: Ms. BEAN.
H.R. 4586: Mr. GALLEGLY and Mr. MCCOTTER.
H.R. 4588: Mr. ROHRABACHER.
H.R. 4598: Mr. HOLDEN, Mr. FATTAH, Mrs. MALONEY, Mr. KAGEN, Mr. PLATTS, and Ms. PINGREE of Maine.
H.R. 4599: Mr. LEVIN.
H.R. 4614: Mr. KAGEN.
H.R. 4621: Mr. HASTINGS of Florida, Mr. GONZALEZ, Mr. POLIS of Colorado, and Mr. HARE.
H.R. 4624: Mr. BUYER.
H.R. 4626: Mr. DELAHUNT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KAGEN, Mr. LOEBSACK, Mr. MURPHY of New York, Mr. ROTHMAN of New Jersey, and Mr. SALAZAR.
H.R. 4630: Mr. POLIS of Colorado.
H.R. 4634: Ms. ROS-LEHTINEN.
H.J. Res. 13: Mr. GRAYSON.
H.J. Res. 14: Mr. POSEY.
H.J. Res. 50: Mr. MCINTYRE.
H. Con. Res. 16: Mr. MCCAUL and Mr. CAMPBELL.
H. Con. Res. 49: Mr. MCMAHON.
H. Con. Res. 230: Mr. LOEBSACK.
H. Res. 93: Mr. SCHIFF.
H. Res. 213: Mr. GONZALEZ, Mr. FARR, Ms. CHU, and Ms. WOOLSEY.
H. Res. 267: Mr. WAXMAN.
H. Res. 311: Mr. FALEOMAVAEGA and Mr. BROWN of South Carolina.
H. Res. 577: Mr. SCHOCK.
H. Res. 615: Mr. WAMP.
H. Res. 704: Mr. WU, Mrs. MCMORRIS RODGERS, Mr. PALLONE, Mr. KLINE of Minnesota, Mr. DRIEHAUS, and Mr. ALTMIRE.
H. Res. 764: Mr. DANIEL E. LUNGREN of California.
H. Res. 873: Mr. SHADEGG.
H. Res. 913: Mr. CUMMINGS.
H. Res. 925: Ms. SUTTON, Mr. MCGOVERN, and Mr. BOREN.
H. Res. 949: Mr. SOUDER.
H. Res. 989: Mr. SCHRADER, Ms. PINGREE of Maine, and Mr. PRICE of North Carolina.
H. Res. 1006: Mr. FORBES.
H. Res. 1016: Mr. LEWIS of Georgia.
H. Res. 1032: Ms. ZOE LOFGREN of California.
H. Res. 1033: Mr. LANCE, Mr. YOUNG of Alaska, Mr. BLUNT, Ms. BERKLEY, and Mr. TERRY.
H. Res. 1034: Mr. HINCHEY and Mr. DAVIS of Illinois.
H. Res. 1059: Mr. CALVERT.
H. Res. 1064: Mr. HODES, Mr. WEINER, Mr. FILNER, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Mr. ABERCROMBIE, Mrs. MCCARTHY of New York, Mr. HARE, Mr. OLVER, Mr. FARR, Mr. GUTIERREZ, Mr. QUIGLEY, and Ms. NORTON.
H. Res. 1067: Mr. MILLER of Florida, Mr. ARCURI, Mr. MOORE of Kansas, Mr. MCINTYRE, Mr. SNYDER, Mr. PAUL, Mr. BARTLETT, Mr. MOLLOHAN, Mr. MARCHANT, Mr. KENNEDY, Mr. ISRAEL, Mr. MCKEON, Mr. COOPER, Mr. JOHNSON of Georgia, Mr. MARSHALL, Mr. SESTAK, Mr. OWENS, Mr. ANDREWS, Ms. CORRINE BROWN of Florida, Mr. MILLER of North Carolina, Mr. HILL, Mr. SCOTT of Virginia, Mr. PRICE of North Carolina, Mr. BURTON of Indiana, Mr. DUNCAN, Mr. WAMP, Mr. MICHAUD, Ms. GIFFORDS, Mr. KINGSTON, Mr. MASSA, Mr. LAMBORN, and Mr. BACHUS.
H. Res. 1069: Mr. FOSTER and Mr. ROTHMAN of New Jersey.
H. Res. 1073: Mr. BURTON of Indiana.
H. Res. 1075: Mr. BRADY of Pennsylvania, Mr. BARTLETT, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Alabama, Mr. SNYDER, Mr. PLATTS, and Mr. INGLIS.
H. Res. 1078: Ms. BORDALLO, Ms. SUTTON, Mr. NUNES, Mr. CAO, Mr. MCGOVERN, and Mrs. MYRICK.
H. Res. 1080: Mr. MCCARTHY of California, Mr. NUNES, Ms. WATSON, Mr. HALL of Texas, Mr. HENSARLING, Mr. HARPER, Mr. RADANOVICH, Mr. DAVIS of Kentucky, Mr. KINGSTON, Mr. OLSON, Mr. JORDAN of Ohio, Mr. GARRETT of New Jersey, Mr. CAMP, Ms. RICHARDSON, Mr. UPTON, Mr. SHULER, Mr. CASTLE, Ms. HIRONO, Mr. LOBIONDO, Mr. INGLIS, Ms. ROS-LEHTINEN, Mr. BRADY of Texas, Mr. SHUSTER, Mr. WALDEN, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. DANIEL E. LUNGREN of California, Mr. GOHMERT, Mr. LANCE, Mrs. SCHMIDT, Mr. REHBERG, Mr. PITTS, and Mrs. LUMMIS.

¶18.43 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 648: Mr. ROGERS of Kentucky.

WEDNESDAY, FEBRUARY 24, 2010 (19)

The House was called to order by the SPEAKER.

¶19.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, February 23, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶19.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6192. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-propenoic acid, butyl ester, polymer with ethenylbenzene, methyl 2-methyl-2-propenoate and 2-propenoic acid; Tolerance Exemption [EPA-HQ-OPP-2009-0691; FRL-8800-6] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6193. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2,6-Diisopropylnaphthalene (2,6-DIPN); Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2009-0802; FRL-8798-5] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6194. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bifenazate; Pesticide Tolerances [EPA-HQ-OPP-2008-0126; FRL-8804-1] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6195. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorimuron Ethyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0009; FRL-8798-1] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6196. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dinotefuran; Pesticide Tolerances [EPA-HQ-OPP-2009-0013; FRL-8803-1] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6197. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Endothall; Pesticide Tolerances [EPA-HQ-OPP-2008-0730; FRL-8804-8] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6198. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenarimol; Pesticide Tolerances [EPA-HQ-OPP-2007-0536 and 2007-0097; FRL-8793-5] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6199. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluoxastrobin; Pesticide Tolerances [EPA-HQ-OPP-2008-0704; FRL-8803-4] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6200. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerances [EPA-HQ-OPP-2008-0385; FRL-8408-1] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6201. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mesotrione; Pesticide Tolerances [EPA-HQ-OPP-2008-0811; FRL-8799-1] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6202. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prometryn; Pesticide Tolerances [EPA-HQ-OPP-2008-0773; FRL-8801-8] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6203. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prosulfuron; Pesticide Tolerances [EPA-HQ-OPP-2008-0276; FRL-8800-8] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6204. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Quinclorac; Pesticide Tolerances [EPA-HQ-OPP-2008-0937; FRL-8800-7] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6205. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Rimsulfuron; Pesticide Tolerances [EPA-HQ-OPP-2009-0004; FRL-8796-9] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6206. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tribenuron methyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0005; FRL-8797-9] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6207. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

6208. A letter from the Assistant Secretary for Financial Stability, Department of the Treasury, transmitting Certification Relating to SIGTARP and GAO Recommendations; to the Committee on Financial Services.

6209. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report entitled, ''Performance Profiles of Major Energy Producers 2008'', pursuant to Public Law 95-91, section 205(h); to the Committee on Energy and Commerce.

6210. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Maintenance Plan for Carbon Monoxide; State of Arizona; Tucson Air Planning Area [EPA-R09-OAR-2008-0379; FRL-8982-4] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6211. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; California; Monterey Bay Region 8-Hour Ozone Maintenance Plan [EPA-R09-OAR-2009-0359; FRL-8983-6] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6212. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference; Correction [VA201-5202; FRL-9093-6] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6213. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Change of Addresses for Submission of Certain Reports; Technical Correction [FRL-9093-5] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6214. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2009-0818; FRL-9087-3] received December 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6215. A letter from the Secretary, Federal Trade Commission, transmitting a report entitled ''Federal Trade Commission Report to Congress on The U.S. SAFE WEB Act: The First Three Years''; to the Committee on Energy and Commerce.

6216. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6217. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting weekly Iraq Status Reports for the October 15 to December 15, 2009 period; to the Committee on Foreign Affairs.

6218. A letter from the Inspector General, Department of Commerce, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6219. A letter from the Secretary, Department of Commerce, transmitting the semiannual report on the activities of the Inspector General for the period April 30, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6220. A letter from the Secretary, Department of Energy, transmitting the Department's Fiscal Year 2009 Agency Financial Report; to the Committee on Oversight and Government Reform.

6221. A letter from the Assistant Secretary, Department of Health and Human Services, transmitting the Department's report on competitive sourcing for fiscal year 2009; to the Committee on Oversight and Government Reform.

6222. A letter from the Chairman, Federal Maritime Commission, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

6223. A letter from the Acting Administrator, General Services Administration, transmitting Fiscal year 2010 Annual Financial Report; to the Committee on Oversight and Government Reform.

6224. A letter from the Chairman, Securities and Exchange Commission, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Commission's inventory of commercial activities for fiscal year 2009; to the Committee on Oversight and Government Reform.

6225. A letter from the Commissioner, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2009 through September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6226. A letter from the Inspector General, Office of Inspector General, transmitting

final management advisory report on the governance of the Atlas project; to the Committee on House Administration.

6227. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report entitled, ''Report to the Nation 2009'' from the Office for Victims of Crime for fiscal years 2007–2008 and initiatives that extend into Fiscal Year 2009; to the Committee on the Judiciary.

6228. A letter from the President and CEO, National Safety Council, transmitting a copy of the Council's 2009 annual report and audit report, pursuant to 36 U.S.C. 1101(36) and 1103; to the Committee on the Judiciary.

6229. A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's report entitled, ''United States Department of Homeland Security Other Transaction Authority Report to Congress Fiscal Year 2009'', pursuant to Public Law 107-296, section 831(a)(1), as amended; to the Committee on Homeland Security.

¶19.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to, without amendment, a concurrent resolution of the House of the following title:

H. Con. Res. 158. A concurrent resolution expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 30. An Act to amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

¶19.4 PROVIDING FOR CONSIDERATION OF H.R. 4626

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1098):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4626) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

When said resolution was considered.

After debate,

On motion of Ms. PINGREE of Maine, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 238 / Nays 181

¶19.5 [Roll No. 60]

YEAS—238

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

NAYS—181

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

NOT VOTING—13

Barrett (SC)	Higgins	Reichert
Blunt	Hoekstra	Spratt
Buyer	Moore (WI)	Stark
Clay	Pitts	
Dingell	Radanovich	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶19.6 H. RES. 1074—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1074) honoring the life of Miep Gies, who aided Anne Frank's family while they were in hiding and preserved her diary for future generations.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 421 / Nays 0

¶19.7 [Roll No. 61]

YEAS—421

Abercrombie	Andrews	Baldwin
Ackerman	Arcuri	Barrow
Aderholt	Austria	Bartlett
Adler (NJ)	Baca	Barton (TX)
Akin	Bachmann	Bean
Alexander	Bachus	Becerra
Altmire	Baird	Berkley

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

NOT VOTING—11

Barrett (SC)
Blunt
Clay
Dingell
Hoekstra
Pitts
Radanovich
Reichert
Rothman (NJ)
Stark
Welch

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶19.8 H. RES. 944—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 944) expressing the sense of the House of Representatives on religious minorities in Iraq; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of those present had voted in the affirmative.

Ms. PINGREE of Maine, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 3

¶19.9 [Roll No. 62]

AYES—415

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)

Rogers (KY)	Sestak	Tiahrt
Rogers (MI)	Shadegg	Tiberi
Rohrabacher	Shea-Porter	Tierney
Rooney	Sherman	Titus
Ros-Lehtinen	Shimkus	Tonko
Roskam	Shuler	Towns
Ross	Shuster	Tsongas
Rothman (NJ)	Simpson	Turner
Roybal-Allard	Sires	Upton
Royce	Skelton	Van Hollen
Ruppersberger	Slaughter	Velázquez
Rush	Smith (NE)	Visclosky
Ryan (OH)	Smith (NJ)	Walden
Ryan (WI)	Smith (TX)	Walz
Salazar	Smith (WA)	Wamp
Sánchez, Linda T.	Snyder	Wasserman Schultz
Sanchez, Loretta	Souder	Waters
Sarbanes	Space	Watson
Scalise	Speier	Watt
Schakowsky	Spratt	Waxman
Schauer	Stearns	Weiner
Schiff	Stupak	Whitfield
Schmidt	Sullivan	Wilson (OH)
Schock	Sutton	Wilson (SC)
Schrader	Tanner	Wittman
Schwartz	Taylor	Wolf
Scott (GA)	Teague	Woolsey
Scott (VA)	Terry	Wu
Sensenbrenner	Thompson (CA)	Yarmuth
Serrano	Thompson (MS)	Young (AK)
Sessions	Thompson (PA)	Young (FL)
	Thornberry	

NOES—3

Broun (GA)	Flake	Paul

NOT VOTING—14

Barrett (SC)	McMorris Rodgers	Radanovich
Blunt	Miller (NC)	Reichert
Clay	Murphy (CT)	Stark
Dingell	Pitts	Welch
Hoekstra		Westmoreland

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing the sense of the House of Representatives on the protection of members of vulnerable religious and ethnic minority communities in Iraq.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶19.10 HEALTH INSURANCE INDUSTRY FAIR COMPETITION

Mr. CONYERS, pursuant to House Resolution 1098, called up for consideration the bill (H.R. 4626) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

When said bill was considered.

After debate,

Pursuant to House Resolution 1098, the previous question was ordered on the bill.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. SMITH of Texas, moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Strike subsection (a) of section 2 of the bill and insert the following (and make such technical and conforming changes as may be appropriate):

(a) AMENDMENT TO MCCARRAN-FERGUSON ACT.—Section 3 of the Act of March 9, 1945 (15 U.S.C. 1013), commonly known as the McCarran-Ferguson Act, is amended by adding at the end the following:

''(c)(1) Nothing contained in this Act shall modify, impair, or supersede the operation of any of the antitrust laws with respect to the business of health insurance. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

''(2) Paragraph (1) shall apply only to health insurance issuer (as that term is defined in section 2791 of the Public Health Service Act (42 U.S.C. § 300gg-91) to the extent that the issuer engages in the business of health insurance.

''(3)(A) Paragraph (1) shall not apply to—

''(i) collecting, compiling, classifying, or disseminating historical loss data;

''(ii) determining a loss development factor applicable to historical loss data;

''(iii) performing actuarial services if doing so does not involve a restraint of trade, or

''(iv) information gathering and rate setting activities of a State insurance commission or other State regulatory entity with authority to set insurance rates.

''(B) The term 'historical loss data' means information respecting claims paid, or reserves held for claims reported, by any person engaged in the business of insurance.

''(C) The term 'loss development factor' means an adjustment to be made to the aggregate of losses incurred during a prior period of time that have been paid, or for which claims have been received and reserves are being held, in order to estimate the aggregate of the losses incurred during such period that will ultimately be paid.''.

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

SEC. 3. GAO REPORT.

Three years after date of enactment of this Act, the Government Accountability Office shall submit, to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, a report on whether this Act has reduced unfair competition in the health insurance market in each of the 50 States. Such report shall specify whether, as a result of this Act, the reduction in unfair competition, if any, has resulted in increased price competition in the business of health insurance.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SERRANO, announced that the nays had it.

Mr. SMITH of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 170 / Nays 249

¶19.11 [Roll No. 63]

YEAS—170

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

NAYS—249

Abercrombie	Costa	Harman
Ackerman	Costello	Hastings (FL)
Altmire	Courtney	Heinrich
Andrews	Crowley	Herseth Sandlin
Arcuri	Cuellar	Higgins
Baca	Cummings	Hill
Baird	Dahlkemper	Himes
Baldwin	Davis (AL)	Hinchey
Barrow	Davis (CA)	Hinojosa
Bean	Davis (IL)	Hirono
Becerra	Davis (TN)	Hodes
Berkley	DeFazio	Holden
Berman	DeGette	Holt
Berry	Delahunt	Honda
Bishop (GA)	DeLauro	Hoyer
Bishop (NY)	Dicks	Inslee
Blumenauer	Doggett	Israel
Boccieri	Donnelly (IN)	Jackson (IL)
Boren	Doyle	Jackson Lee (TX)
Boswell	Driehaus	Johnson (GA)
Boucher	Edwards (MD)	Johnson, E. B.
Boyd	Edwards (TX)	Jones
Brady (PA)	Ellison	Kagen
Braley (IA)	Ellsworth	Kanjorski
Brown, Corrine	Engel	Kaptur
Butterfield	Eshoo	Kennedy
Cao	Etheridge	Kildee
Capps	Farr	Kilpatrick (MI)
Capuano	Fattah	Kind
Cardoza	Filner	Kirkpatrick (AZ)
Carnahan	Foster	Kissell
Carney	Frank (MA)	Klein (FL)
Carson (IN)	Fudge	Kosmas
Castor (FL)	Garamendi	Kratovil
Chandler	Giffords	Kucinich
Childers	Gonzalez	Langevin
Chu	Gordon (TN)	Larsen (WA)
Clarke	Grayson	Larson (CT)
Clay	Green, Al	Lee (CA)
Cleaver	Green, Gene	Levin
Clyburn	Grijalva	Lewis (GA)
Cohen	Gutierrez	Lipinski
Connolly (VA)	Hall (NY)	Loebsack
Conyers	Halvorson	Lofgren, Zoe
Cooper	Hare	

Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Barrett (SC)
Blunt
Buyer
Davis (KY)
Dingell
Hoekstra
Maloney
Pitts
Radanovich
Reichert
Schock
Stark
Wilson (SC)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. SMITH of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 Nays 19

¶19.12 [Roll No. 64]

YEAS—406

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

NAYS—19

Akin
Boehner
Brady (TX)
Broun (GA)
Buyer
Franks (AZ)
Garrett (NJ)
Jenkins
Jordan (OH)
King (IA)
Lamborn
Linder
Moran (KS)
Paul
Price (GA)
Ryan (WI)
Sensenbrenner
Tiahrt
Westmoreland

NOT VOTING—8

Barrett (SC)
Blunt
Dingell
Hoekstra
Pitts
Radanovich
Reichert
Stark

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶19.13 H. RES. 1085—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1085) honoring and celebrating the contributions of the African-Americans to the transportation and infrastructure of the United States.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 Nays 0

¶19.14 [Roll No. 65]

YEAS—419

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel

Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Barrett (SC)
Blunt
Cardoza
Culberson
Davis (AL)
Dingell
Hoekstra
Linder
Miller, George
Pitts
Radanovich
Reichert
Stark

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶19.15 RECOGNIZING BLACK VETERANS

Mr. FILNER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 238):

Whereas there has been no war fought by or within the United States in which Blacks did not participate, including the Revolutionary War, the Civil War, the War of 1812, the Spanish American War, World Wars I and II, the Korean War, the Vietnam War, the Gulf War, Operation Enduring Freedom, and Operation Iraqi Freedom;

Whereas Frederick Douglass voiced his opinion in one of his autobiographies, ''Life and Times of Frederick Douglass'', writing, ''I . . . urged every man who could, to enlist; to get an eagle on his button, a musket on his shoulder, the star-spangled banner over his head,'' later remarking that ''there is no power on Earth which can deny that he has earned the right to citizenship in the United States.'';

Whereas during the Civil War, Black soldiers, commonly referred to as the United States Colored Troops, were treated as second-class citizens, the health care and hospitals available to them were substandard, and they often died from neglect of services that was supposed to be administered by medical personnel;

Whereas Dr. W.E.B. DuBois and William Monroe Trotter, members of the first generation of freedom's children, founded the Niagara Movement in 1905;

Whereas in his book, ''Black Reconstruction in America'', published in 1935, DuBois wrote that ''[n]othing else made Negro citizenship conceivable, but the record of the Negro soldier as a fighter.'';

Whereas the 369th Infantry, known as the Harlem Hell-fighters, fought the Germans during World War I as part of the French Army and served the longest stretch in combat—191 days without replacement—without losing a foot of ground or a man as prisoner;

Whereas at the end of the service of the 369th Infantry, the entire regiment received the Croix de Guerre, which was France's highest military honor, from a grateful French nation;

Whereas Alain Locke, the first black Rhodes Scholar, wrote in 1925 about a ''New Negro'' who had returned from battle with a bold new spirit that helped spark a new mood in the Black community;

Whereas in 1917, Charles Hamilton Houston encountered racism after entering World War I as a commissioned first lieutenant in the segregated 17th Provisional Training Regiment, later writing that ''I made up my mind that if I got through this war I would study law and use my time fighting for men who could not strike back.'';

Whereas Dorie Miller, a messman attendant in the Navy, was catapulted to national hero status and an icon to generations, after displaying heroism on board the USS West Virginia during the Japanese attack on Pearl Harbor on December 7, 1941;

Whereas before becoming a famous baseball player, Jackie Robinson was court-martialed in the Army for refusing to sit in the back of the bus in 1944, and when he was later acquitted, he wrote that ''[i]t was a small victory, for I had learned that I was in two wars, one against the foreign enemy, the other against prejudice at home.'';

Whereas the famed Tuskegee Airmen, a group of Black pilots, flew with distinction during World War II under the command of Captain Benjamin O. Davis, Jr., the highly decorated officer who served for more than 35 years and became the first Black general in the Air Force;

Whereas during World War II, the 6888 (known as the ''Six Triple Eights''), the first all-woman Black Postal Battalion who served in England and then France, were given the daunting task of clearing out a two-year backlog of over 90,000 pieces of mail, succeeded in their mission, completed it in three months, and went on to make a positive impact on racial integration in the military;

Whereas during World War II, the Army's 92nd Infantry Division, better known as the ''Buffalo Soldiers'', which traces its direct lineage back to the 9th and 10th Cavalry units from 1866 to the early 1890s, was the only Black segregated unit to experience combat during the Italian campaign of 1944–45 with several members later earning Medals of Honor for bravery;

Whereas Reverend Benjamin Hooks, who served in the 92nd Division, found himself in the humiliating position of guarding Italian prisoners of war who were allowed to eat in restaurants that were off-limits to him;

Whereas even after President Truman issued Executive Order 9981 desegregating the military on July 26, 1948, discrimination continued;

Whereas in 1946, when Charles and Medgar Evers tried to register to vote, they were turned away at the polling station;

Whereas after serving overseas in the Army, Charles and Medgar Evers returned home to Mississippi where, in 1952, they began to organize voter registration drives for the National Association for the Advancement of Colored People (NAACP);

Whereas Oliver L. Brown, a World War II Army veteran from Kansas, and Harry Briggs, a World War II sailor from South Carolina, were the fathers of two of the five named plaintiffs in Brown v. Board of Education of Topeka and Briggs v. Elliott, the historic school desegregation cases of 1954;

Whereas the Black heroes and heroines of World War II and the Korean War, such as Private Sarah Keys and Women's Army Corps (WAC) officer Dovey Roundtree, won significant victories against discrimination in interstate transportation in landmark civil rights cases, including Keys v. Carolina Coach Company, which was decided in 1955, six days before Rosa Parks' historic protest of Alabama's Jim Crow laws in Montgomery;

Whereas in his address at Riverside Church on April 4, 1967, Dr. Martin Luther King, Jr., commented on the irony of Blacks fighting in Vietnam to guarantee liberties in Southeast Asia while not enjoying the same rights at home;

Whereas Black veterans who were in the forefront of the leadership of the Civil Rights Movement, with their strong resolve to address the paradox of military service abroad and the denial of basic rights at home, brought deeper meaning to the word ''democracy'', and through their example, transformed the face of the United States;

Whereas the Black veterans of the Nation's wars sowed the seeds for today's bountiful harvest through the Niagara Movement, the NAACP, and the latter-day Civil Rights Movement, all of which share a common ancestry in the Civil War, without which there

would be no Civil Rights Movement and no equal rights for all Americans; and

Whereas today, Black veterans suffer at a disproportionate rate from chronic illnesses and homelessness and are plagued by health disparities: Now, therefore, be it

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

(1) the difficult challenges Black veterans faced when returning home after serving in the Armed Forces, their heroic military sacrifices, and their patriotism in fighting for equal rights and for the dignity of a people and a Nation; and

(2) the need for the Department of Veterans Affairs to continue to work to eliminate any health and benefit disparities for our Nation's minority veterans.

The SPEAKER pro tempore, Mr. MCMAHON, recognized Mr. FILNER and Mr. CAO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. GARAMENDI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GARAMENDI, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, February 25, 2010.

¶19.16 PROVIDING FOR CONSIDERATION OF H.R. 2701

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–419) the resolution (H. Res. 1105) providing for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶19.17 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3961. An Act to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

¶19.18 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 30. An Act to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; to the Committee on Energy and Commerce.

¶19.19 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4532. An Act to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

¶19.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. PITTS, for today.

And then,

¶19.21 ADJOURNMENT

On motion of Mr. KING of Iowa, at 9 o'clock and 45 minutes p.m., the House adjourned.

¶19.22 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1105. A resolution Providing for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules (Rept. 111–419). Referred to the House Calendar.

¶19.23 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOSWELL (for himself, Mr. TERRY, Ms. HERSETH SANDLIN, Mr. LOEBSACK, Mr. LATHAM, Mr. FOSTER, Mr. HARE, and Mr. PETERSON):

H.R. 4674. A bill to authorize loan guarantees for projects to construct renewable fuel pipelines; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER:

H.R. 4675. A bill to prohibit the further extension or establishment of national monuments in Nevada except by express authorization of Congress; to the Committee on Natural Resources.

By Mr. FARR:

H.R. 4676. A bill to direct the Secretary of Commerce to establish a competitive grant program to promote domestic regional tourism; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself, Mr. COHEN, Mr. NADLER of New York, Mr. HARE, Mr. FILNER, Mr. DELAHUNT, Ms. BALDWIN, Mr. KENNEDY, Mr. THOMPSON of Mississippi, Ms. SUTTON, Mr. KILDEE, Ms. CHU, Mr. MICHAUD, Mr. JOHNSON of Georgia, Mr. GEORGE MILLER of California, Mr. HALL of New York, Mr. SIRES, and Mr. RYAN of Ohio):

H.R. 4677. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Ms. SUTTON (for herself, Mr. TURNER, Ms. LINDA T. SÁNCHEZ of California, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mrs. MILLER of Michigan, Mr. BRALEY of Iowa, Mr. SARBANES, Ms. GINNY BROWN-WAITE of Florida, Mr. MICHAUD, Mr. DOGGETT, Mr. JONES, Mr. DUNCAN, Mr. HARE, Mr. KILDEE, Mr. STUPAK, Mr. DONNELLY of Indiana, Mr. GENE GREEN of Texas, Mr. TERRY, Ms. EDWARDS of Maryland, Ms. SHEA-PORTER, Mr. OBERSTAR, Mr. RYAN of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mr. KAGEN, and Mr. YARMUTH):

H.R. 4678. A bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 4679. A bill to amend the Internal Revenue Code of 1986 to assist in the recovery and development of the Virgin Islands by providing for a reduction in the tax imposed on distributions from certain retirement plans' assets which are invested for at least 30 years, subject to defined withdrawals, under a Virgin Islands investment program; to the Committee on Ways and Means.

By Mr. ELLSWORTH:

H.R. 4680. A bill to reduce the employer portion of payroll taxes in the case of employers who expand payroll in 2010 and 2011; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4681. A bill to provide for rates of pay for Members of Congress to be adjusted as a function of changes in Government spending; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY (for himself, Mr. PETRI, and Mr. COOPER):

H.R. 4682. A bill to encourage savings, promote financial literacy, and expand opportunities for young adults by establishing Lifetime Savings Accounts; to the Committee on Ways and Means.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. GARRETT of New Jersey):

H.R. 4683. A bill to amend the Agricultural Trade Act of 1978 to repeal the Market Access Program of the Department of Agriculture; to the Committee on Agriculture.

By Mr. NADLER of New York (for himself, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Ms. CLARKE, Mr. ENGEL, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mr. KING of New York, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI,

Mr. MASSA, Mrs. MALONEY, Mr. MCMAHON, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. MURPHY of New York, Mr. OWENS, Mr. RANGEL, Mr. SERRANO, Ms. SLAUGHTER, Mr. TONKO, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. WEINER, Mr. CROWLEY, Mr. PERRIELLO, Mr. THOMPSON of Pennsylvania, Mr. PIERLUISI, Ms. BORDALLO, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. RICHARDSON, Ms. SCHWARTZ, Mr. DOYLE, Mr. MORAN of Virginia, Ms. ROS-LEHTINEN, Ms. PINGREE of Maine, Mr. HIMES, Mr. CONNOLLY of Virginia, Mr. MEEK of Florida, Ms. LORETTA SANCHEZ of California, Ms. DELAURO, Mr. SHUSTER, Mr. CASTLE, Ms. MATSUI, Mr. GARRETT of New Jersey, Mr. ROTHMAN of New Jersey, Ms. KILROY, Mr. MICA, Ms. SHEA-PORTER, and Mr. LEWIS of Georgia):

H.R. 4684. A bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 4685. A bill to provide for the permanent existence of the United States Parole Commission; to the Committee on the Judiciary.

By Mr. SABLAN:

H.R. 4686. A bill to authorize the Secretary of Interior to study the suitability and feasibility of designating prehistoric, historic, and limestone forest sites on Rota, Commonwealth of the Northern Mariana Islands, as a unit of the National Park System; to the Committee on Natural Resources.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 4687. A bill to provide grants to States for low-income housing projects in lieu of low-income housing credits; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 4688. A bill to amend the Second Chance Act of 2007 to reauthorize the grants program carried out by the Secretary of Labor to provide mentoring, job training and job placement services, and other comprehensive transitional services to assist eligible offenders in obtaining and retaining employment, and to require a study on best practices by nonprofit organization participating in such grants program; to the Committee on the Judiciary.

By Mrs. DAVIS of California (for herself and Ms. ROS-LEHTINEN):

H. Con. Res. 239. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for a ceremony to present the Congressional Gold Medal to the Women Airforce Service Pilots; to the Committee on House Administration.

By Mr. MCCAUL (for himself, Mr. CULBERSON, Mr. CONAWAY, Mr. BRADY of Texas, Mr. MARCHANT, Mr. SAM JOHNSON of Texas, Mr. HALL of Texas, Mr. SMITH of Texas, Mr. SESSIONS, Mr. PAUL, Mr. GENE GREEN of Texas, Mr. ORTIZ, Mr. CUELLAR, Mr. GOHMERT, Ms. GRANGER, Mr. OLSON, Mr. CARTER, Mr. THORNBERRY, Mr. NEUGEBAUER, and Mr. POE of Texas):

H. Res. 1103. A resolution celebrating the life of Sam Houston on the 217th anniversary of his birth; to the Committee on Oversight and Government Reform.

By Mr. COSTA (for himself, Mr. POE of Texas, Mr. BACA, Mr. CARDOZA, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOLDEN, Mr. LARSEN of Washington, Ms. MATSUI, Mr. MCGOVERN, Mr. MINNICK, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. PIERLUISI, and Mr. ROYCE):

H. Res. 1104. A resolution supporting the mission and goals of 2010 National Crime Victims' Rights Week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, no matter their country of origin or their creed, and to commemorate the National Crime Victims' Rights Week theme of ''Crime Victims' Rights: Fairness. Dignity. Respect.''; to the Committee on the Judiciary.

By Mr. QUIGLEY (for himself, Mr. BARTLETT, Mr. MURPHY of New York, Mr. WALZ, Mr. SMITH of Washington, Mr. CARNAHAN, Mr. KISSELL, Mrs. BIGGERT, Mr. TONKO, Ms. GIFFORDS, and Mr. KIRK):

H. Res. 1106. A resolution commending the United States Army for its achievements in and commitment to environmental sustainability and energy security; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mrs. MALONEY, Ms. TITUS, Mr. BROWN of South Carolina, Mr. ROSKAM, Mr. WILSON of South Carolina, Mr. BILIRAKIS, Mr. FALEOMAVAEGA, Ms. BERKLEY, Mr. GALLEGLY, Ms. KOSMAS, Mr. GARRETT of New Jersey, Mr. MANZULLO, Mr. PAYNE, Mr. KENNEDY, Mr. SMITH of New Jersey, Ms. WATSON, Mr. PASCRELL, Mr. SPACE, Mr. ALTMIRE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. JACKSON of Illinois, Mr. SCOTT of Virginia, Mr. SARBANES, Mr. HOLT, Ms. TSONGAS, Mr. VAN HOLLEN, Mr. LANGEVIN, Mr. ISRAEL, Mr. SNYDER, Mr. DAVIS of Illinois, Mr. CONYERS, Ms. ESHOO, Ms. KILROY, Mr. MARIO DIAZ-BALART of Florida, Mr. CAPUANO, Mr. PALLONE, and Mr. MCMAHON):

H. Res. 1107. A resolution recognizing the 189th anniversary of the independence of Greece and celebrating Greek and American democracy; to the Committee on Foreign Affairs.

By Ms. WATSON:

H. Res. 1108. A resolution commemorating the life of the late Cynthia DeLores Tucker; to the Committee on the Judiciary.

¶19.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. GRIFFITH.
H.R. 211: Mr. KLEIN of Florida.
H.R. 213: Mr. CARNAHAN.
H.R. 413: Ms. GIFFORDS, Mr. GENE GREEN of Texas, Ms. LEE of California, Mr. SHUSTER, Mr. JOHNSON of Illinois, and Mr. ENGEL.
H.R. 571: Mr. CARNAHAN.
H.R. 618: Mr. MICHAUD.
H.R. 656: Ms. GRANGER.
H.R. 690: Mr. MEEKS of New York.
H.R. 716: Ms. LINDA T. SÁNCHEZ of California.
H.R. 734: Ms. FUDGE, Ms. SCHWARTZ, Mr. KAGEN, Mr. DAVIS of Tennessee, and Mr. CHANDLER.
H.R. 855: Mr. RYAN of Ohio.
H.R. 1074: Mr. ROSKAM.
H.R. 1175: Ms. JACKSON LEE of Texas.
H.R. 1177: Mr. SKELTON.
H.R. 1248: Mr. BARTLETT.
H.R. 1283: Mr. VISCLOSKY.
H.R. 1305: Mr. OWENS and Mr. MANZULLO.
H.R. 1314: Ms. CHU, Ms. RICHARDSON, and Mrs. NAPOLITANO.
H.R. 1523: Ms. WATERS.
H.R. 1552: Mr. SENSENBRENNER.
H.R. 1584: Mr. KISSELL and Mr. CAPUANO.
H.R. 1751: Mr. THOMPSON of Mississippi.
H.R. 1778: Mr. REYES, Mr. CARDOZA, and Mr. BOSWELL.
H.R. 1826: Mr. WEINER and Mrs. DAVIS of California.
H.R. 1831: Mr. TOWNS, Mr. PASTOR of Arizona, Mr. MINNICK, and Mr. MELANCON.
H.R. 1836: Mr. SHULER.
H.R. 1855: Mr. SPACE.
H.R. 2024: Mr. MCINTYRE.
H.R. 2030: Ms. SHEA-PORTER.
H.R. 2112: Ms. SLAUGHTER.
H.R. 2122: Mr. DAVIS of Tennessee.
H.R. 2149: Mr. BISHOP of New York.
H.R. 2246: Mr. BISHOP of New York.
H.R. 2271: Mr. LATHAM.
H.R. 2361: Mr. GORDON of Tennessee.
H.R. 2421: Mr. BARROW, Mr. DICKS, Mr. PITTS, and Mr. SCOTT of Virginia.
H.R. 2492: Mr. MAFFEI.
H.R. 2579: Mr. SESTAK.
H.R. 2731: Mr. SESTAK.
H.R. 2817: Ms. PINGREE of Maine.
H.R. 2866: Mr. WU.
H.R. 3012: Mr. TAYLOR.
H.R. 3025: Mr. BAIRD.
H.R. 3043: Ms. NORTON, Mr. MICHAUD, Mr. MARKEY of Massachusetts, Ms. CHU, Mr. HOLT, and Mr. BOCCIERI.
H.R. 3101: Mr. CHANDLER, Mr. DAVIS of Tennessee, Mr. MOORE of Kansas, Mr. NEAL of Massachusetts, Mr. OLVER, and Mr. TIERNEY.
H.R. 3511: Ms. BORDALLO.
H.R. 3525: Ms. WOOLSEY.
H.R. 3560: Mr. RUSH.
H.R. 3564: Mr. LYNCH and Mr. PIERLUISI.
H.R. 3648: Mr. ELLSWORTH.
H.R. 3731: Mr. PERLMUTTER, Mr. PIERLUISI, Ms. DEGETTE, Mr. HONDA, Mr. CONNOLLY of Virginia, Mr. DOGGETT, Ms. RICHARDSON, and Ms. NORTON.
H.R. 3790: Mr. OWENS and Ms. WATSON.
H.R. 3810: Mr. TONKO.
H.R. 3974: Ms. ROYBAL-ALLARD.
H.R. 4051: Mr. COURTNEY.
H.R. 4055: Mr. COSTA, Ms. HIRONO, Mr. ABERCROMBIE, Mr. COHEN, and Ms. BERKLEY.
H.R. 4085: Mr. SIMPSON.
H.R. 4109: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4127: Mr. POE of Texas.
H.R. 4131: Mr. HOLT.
H.R. 4141: Mr. KRATOVIL.
H.R. 4149: Mr. HARE.
H.R. 4155: Ms. SUTTON and Mr. FILNER.
H.R. 4210: Mr. MORAN of Virginia.
H.R. 4256: Mr. LEWIS of Georgia and Mr. DAVIS of Illinois.
H.R. 4274: Mr. BACA, Mr. FILNER, and Mr. TONKO.
H.R. 4278: Mr. DRIEHAUS and Mr. CAPUANO.
H.R. 4296: Mr. LOBIONDO.
H.R. 4302: Mr. BACA, Mrs. MALONEY, Mr. MURPHY of New York, Mr. QUIGLEY, Mr. DRIEHAUS, and Mr. MAFFEI.
H.R. 4312: Mr. MANZULLO.
H.R. 4325: Mr. ROTHMAN of New Jersey.
H.R. 4330: Mr. WU.
H.R. 4341: Mr. GRAYSON.
H.R. 4386: Mr. SESTAK, Ms. DEGETTE, and Mr. KAGEN.
H.R. 4402: Mr. DELAHUNT, Ms. LINDA T. SÁNCHEZ of California, Mr. NYE, Ms. SHEA-PORTER, Mr. ROTHMAN of New Jersey, and Mr. JACKSON of Illinois.
H.R. 4469: Mr. WILSON of South Carolina, Ms. JACKSON LEE of Texas, Mr. BRADY of Pennsylvania, and Mr. LATOURETTE.
H.R. 4526: Mr. GEORGE MILLER of California.
H.R. 4537: Ms. BEAN, Mrs. MALONEY, Mr. MASSA, Mr. MCGOVERN, Mr. PALLONE, Mr. POLIS of Colorado, and Ms. WATERS.
H.R. 4560: Ms. BEAN.
H.R. 4580: Mr. ROHRABACHER, Mr. MOORE of Kansas, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. BISHOP of Georgia, Mr. BOSWELL, and Mr. GRIJALVA.

H.R. 4594: Ms. RICHARDSON, Ms. BORDALLO, Ms. FUDGE, Mr. GRAYSON, Ms. GIFFORDS, Mr. COHEN, Ms. NORTON, Mr. FARR, Mr. MCGOVERN, Mrs. CAPPS, Mr. CAPUANO, and Mr. WU.

H.R. 4614: Mr. LUJÁN and Mr. REICHERT.

H.R. 4621: Mr. THOMPSON of California, Mr. GRIJALVA, and Mr. SHERMAN.

H.R. 4624: Mr. HILL.

H.R. 4626: Mr. FILNER.

H.R. 4647: Mr. ENGEL.

H.R. 4668: Mr. KENNEDY.

H. Con. Res. 144: Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 147: Mr. SESTAK.

H. Con. Res. 222: Mr. GRIJALVA.

H. Con. Res. 238: Mr. TEAGUE, Mr. MCMAHON, Mr. MILLER of North Carolina, Mr. ETHERIDGE, Mr. CAO, Mr. CHILDERS, Mr. MCINTYRE, Mr. CUMMINGS, Mr. CONYERS, Mr. RANGEL, Mr. HALL of New York, Ms. KILPATRICK of Michigan, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mr. LEWIS of Georgia, Ms. JACKSON LEE of Texas, Ms. RICHARDSON, Mr. TOWNS, Mr. RUSH, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, Mr. AL GREEN of Texas, Mr. CLEAVER, Ms. LEE of California, Mr. COHEN, Mr. MEEKS of New York, Mr. PERRIELLO, Ms. FUDGE, Mr. BISHOP of Georgia, Mr. CARSON of Indiana, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. MEEK of Florida, Mrs. CHRISTENSEN, Mrs. HALVORSON, Mr. RODRIGUEZ, Mr. PRICE of North Carolina, Mr. BUTTERFIELD, Mr. WATT, and Mr. DONNELLY of Indiana.

H. Res. 100: Mrs. MILLER of Michigan.

H. Res. 111: Mr. SMITH of Texas, Ms. JENKINS, Mr. KANJORSKI, Mr. ROGERS of Alabama, Mr. DRIEHAUS, and Mr. TIBERI.

H. Res. 200: Mr. BILIRAKIS.

H. Res. 213: Mr. LARSON of Connecticut.

H. Res. 376: Mr. MCCOTTER.

H. Res. 440: Mr. PETERS.

H. Res. 716: Mr. BRADY of Pennsylvania.

H. Res. 870: Mr. SENSENBRENNER.

H. Res. 879: Mr. MURPHY of Connecticut.

H. Res. 929: Mr. BRADY of Pennsylvania.

H. Res. 938: Mr. CHANDLER.

H. Res. 977: Mr. CAMPBELL.

H. Res. 992: Ms. JACKSON LEE of Texas, Mr. BILIRAKIS, Mr. MCCAUL, Mr. INGLIS, Mr. FILNER, and Mr. SCHOCK.

H. Res. 1060: Mr. SCALISE, Mr. KINGSTON, and Mr. WALZ.

H. Res. 1063: Mr. JONES.

H. Res. 1072: Mr. CAO, Mr. FLEMING, Mr. ALEXANDER, Mr. BOUSTANY, Mr. SCALISE, and Mr. MELANCON.

H. Res. 1075: Mr. MEEKS of New York, Mr. THOMPSON of Pennsylvania, Mr. SAM JOHNSON of Texas, and Mr. WALZ.

H. Res. 1086: Ms. ROYBAL-ALLARD.

H. Res. 1091: Ms. DELAURO.

THURSDAY, FEBRUARY 25, 2010 (20)

¶20.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PASTOR of Arizona, who laid before the House the following communication:

WASHINGTON, DC,
February 25, 2010.

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

NANCY PELOSI,
Speaker of the House of Representatives.

¶20.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced he had examined and approved the Journal of the proceedings of Wednesday, February 24, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶20.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6230. A letter from the Chief, Regulatory Analysis and Development, Department of Agriculture, transmitting the Department's final rule — Importation of Hass Avocados From Peru [Docket No.: APHIS-2008-0126] (RIN: 0579-AC93) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6231. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Triticonazole; Pesticide Tolerances [EPA-HQ-OPP-2009-0276; FRL-8808-6] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6232. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pendimethalin; Pesticide Tolerances [EPA-HQ-OPP-2008-0876; FRL-8804-2] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6233. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oxirane, 2-Methyl-, Polymer with Oxirane, Dimethyl Ether; Tolerance Exemption [EPA-HQ-OPP-2009-0675; FRL-8805-3] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6234. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerances [EPA-HQ-OPP-2009-0273; FRL-8807-2] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6235. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, 2-ethylhexyl ester, polymer with ethenylbenzene and 2-methylpropyl 2-methyl-2-propenoate; Tolerance Exemption [EPA-HQ-OPP-2009-0699; FRL-8807-4] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6236. A letter from the Deputy Secretary, Department of Defense, transmitting report to Congress on Taiwan's Air Defense Force; to the Committee on Armed Services.

6237. A letter from the Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries, Department of Defense, transmitting A report on the actual status of the D.O.D. Medicare-Eligible Retiree Health Care Fund along with recommendations that the Board deems necessary; to the Committee on Armed Services.

6238. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements-Costa Rica and Peru (DFARS Case 2008-D046) (RIN: 0750-AG31) received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6239. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 45th report required by the FY 2000 Emergency Supplemental Act, pursuant to Public Law 106-246, section 3204(f); to the Committee on Armed Services.

6240. A letter from the Chairman, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

6241. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's ''Major'' final rule — HOPE for Homeowners Program; Statutory Transfer of Program Authority to HUD and Conforming Amendments To Adopt Recently Enacted Statutory Changes [Docket No.: FR-5340-I-02] (RIN: 2502-AI76) received February 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6242. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's ''Major'' final rule — Fair Credit Reporting Risk-Based Pricing Regulations [Regulation V; Docket No. R-1316] (RIN: 3084-AA94) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6243. A letter from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's ''Major'' final rule — Student Assistance General Provisions; Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; Federal Pell Grant Program; Academic Competitiveness Grant Program and National Science and Mathematics Access To Retain Talent Grant Program [Docket ID: ED-2009-OPE-0001] (RIN: 1840-AC96) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6244. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's ''Major'' final rule — Interim Final Rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (RIN: 1210-AB30) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6245. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2008 annual performance report to Congress required by the Medical Device User Fee and Modernization Act of 2002; to the Committee on Energy and Commerce.

6246. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Endocrine Disruptor Screening Program; Policies and Procedures for Initial Screening [EPA-HQ-OPPT-2007-1080; FRL-3899-9] (RIN: 2070-AD61) received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6247. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana [EPA-R08-OAR-2008-0307; FRL-8968-3] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6248. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Premanufacture Notification Exemption for Polymers; Amendment of Polymer Exemption Rule to Exclude Certain Perfluorinated Polymers [EPA-HQ-OPPT-2002-0051; FRL-8805-5] (RIN: 2070-AD58) received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6249. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2009-0475; FRL-9104-7] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6250. A letter from the Deputy chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Closed Captioning of Video Programming [CG Docket No.: 05-231] received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6251. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Anchorage, Alaska) [MB Docket No.: 09-210] received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6252. A letter from the Chief of Staff, Media Bureau, Federal Communications Commissions, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Maupin, Oregon) [MB Docket No.: 09-130] received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6253. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 6, 2009, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6254. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period August 1 through September 30, 2009, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

6255. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the sixth quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110-181, section 1229; to the Committee on Foreign Affairs.

6256. A communication from the President of the United States, transmitting a report pursuant to Section 3134 of the National Defense Authorization Act for Fiscal Year 2008; to the Committee on Foreign Affairs.

6257. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting FY 2011 Congressional Budget Justification/FY 2009 Annual Performance Report; to the Committee on Oversight and Government Reform.

6258. A letter from the Secretary, Department of Education, transmitting FY 2009 Annual Performance Report; to the Committee on Oversight and Government Reform.

6259. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6260. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting FY 2009 Treasury Agency Financial Report; to the Committee on Oversight and Government Reform.

6261. A letter from the Acting Comptroller, Government Accountability Office, transmitting the Office's Performance and Accountability Report for Fiscal Year 20097; to the Committee on Oversight and Government Reform.

6262. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Administration's annual Performance and Accountability Report for Fiscal Year 2009, ending September 30, 2009; to the Committee on Oversight and Government Reform.

6263. A letter from the Director, Office of Management and Budget, transmitting the Office's report entitled, ''2009 Report to Congress on the Benefits and Cost of Federal Regulations and Unfunded Mandates on State, Local and Tribal Entities'', pursuant to 31 U.S.C. 1105 note; to the Committee on Oversight and Government Reform.

6264. A letter from the Assistant Attorney General, Department of Justice, transmitting annual report pursuant to the Military and Overseas Voter Empowerment Act, pursuant to Public Law 111-84, section 587; to the Committee on House Administration.

6265. A letter from the Chair, Election Assistance Commission, transmitting the Commission's FY 2009 Annual Report, submitted in accordance with Section 207 of the Help America Vote Act of 2002 (HAVA); to the Committee on House Administration.

6266. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS96) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6267. A letter from the Deputy chief, Regulatory Products Division, Department of Homeland Security, transmitting the Department's final rule — Naturalization for Certain Persons in the U.S. Armed Forces [CIS No.: 2479-09; DHS Docket No. DHS-2009-0025] (RIN: 1615-AB85) received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6268. A letter from the Program Manager, Department of Justice, transmitting the Department's final rule — Commerce in Explosives-Storage of Shock Tube With Detonators (2005R-3P) [Docket No.: ATF 15F; AG Order No. 3133-2010] (RIN: 1140-AA30) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6269. A letter from the Secretary, Department of Energy, transmitting a report entitled ''Final Cost and Performance Goals for Coal-Based Technologies''; to the Committee on Science and Technology.

6270. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II Issue: Cost Sharing Stock Based Compensation Directive #2 received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6271. A letter from the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Office of the United States Trade Representative, transmitting the Administration's Annual Report on Subsidies Enforcement, pursuant to the Statement of Administrative Action of the Uruguay Round Agreements Act; to the Committee on Ways and Means.

6272. A letter from the Secretary, Department of Defense, transmitting disaster relief operations related to the Haiti Earthquake; jointly to the Committees on Armed Services and Financial Services.

6273. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) January 2010 Quarterly Report, pursuant to Public Law 108-106, section 3001; jointly to the Committees on Foreign Affairs and Appropriations.

6274. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report entitled ''Report to Congress on Iran-Related Multilateral Sanctions Regime Efforts'' covering the period from Febuary 17, 2009 to August 16, 2009, pursuant to Public Law 104-172; jointly to the Committees on Foreign Affairs, Financial Services, and Ways and Means.

¶20.4 PROVIDING FOR CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 3961

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–420) the resolution (H. Res. 1109) providing for consideration of the amendments of the Senate to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

When said resolution and report were referred to the House Calendar and ordered printed.

¶20.5 PROVIDING FOR CONSIDERATION OF H.R. 2701

Mr. HASTINGS of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 1105):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided

and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Permanent Select Committee on Intelligence or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. After passage of H.R. 2701, it shall be in order to consider in the House S. 1494. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2701 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 1494 and request a conference with the Senate thereon.

SEC. 4. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of February 26, 2010.

SEC. 5. It shall be in order at any time through the legislative day of February 26, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

When said resolution was considered.

After debate,

On motion of Mr. HASTINGS of Florida, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶20.6 PROVIDING FOR CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 3961

Mr. PERLMUTTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1109):

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendments. The Senate amendments shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

The question being put, viva voce,

Will the House now consider said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider the resolution was, by unanimous consent, laid on the table.

Accordingly,

When said resolution was considered.

After debate,

On motion of Mr. PERLMUTTER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶20.7 RECESS—12:03 P.M.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 3 minutes p.m., subject to the call of the Chair.

¶20.8 AFTER RECESS—12:39 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, called the House to order.

¶20.9 H. RES. 1105—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 1105) providing for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 237 / Nays 176

¶20.10 [Roll No. 66]

YEAS—237

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

NAYS—176

Aderholt	Bartlett	Blackburn
Akin	Barton (TX)	Blunt
Alexander	Biggert	Boehner
Austria	Bilbray	Bonner
Bachmann	Bilirakis	Bono Mack
Bachus	Bishop (UT)	Boozman

Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Platts
Poe (TX)
Posey
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Barrett (SC)
Bishop (NY)
Boucher
Cardoza
Gingrey (GA)
Hall (TX)
Johnson, E. B.
Kennedy
Pence
Pitts
Price (GA)
Radanovich
Reichert
Ros-Lehtinen
Shimkus
Stark
Towns
Westmoreland
Wilson (SC)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶20.11 INTELLIGENCE AUTHORIZATION

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to House Resolution 1105 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The SPEAKER pro tempore, Mr. CUMMINGS, by unanimous consent, designated Ms. EDWARDS of Maryland, as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. CAPUANO, assumed the Chair.

When Ms. JACKSON LEE of Texas, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶20.12 AMENDMENTS OF THE SENATE TO H.R. 3961

Mr. CONYERS, pursuant to House Resolution 1109, moved to take from the Speaker's table the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending spending legislation, enforced by the threat of annual, automatic sequestration; together with the following amendments of the Senate thereto:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF SUNSETS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''February 28, 2010'' and inserting ''February 28, 2011''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking ''February 28, 2010'' and inserting ''February 28, 2011''.

Amend the title so as to read: ''An Act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.''.

Mr. CONYERS, pursuant to House Resolution 1109, moved to agree to the amendments of the Senate.

After debate,

Pursuant to House Resolution 1109, the previous question was ordered on the motion.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 1(c) of rule XIX, announced that further proceedings on the motion were postponed.

¶20.13 TEMPORARY EXTENSION OF CERTAIN PROGRAMS

Mr. MCDERMOTT moved to suspend the rules and pass the bill (H.R. 4691) to provide a temporary extension of certain programs, and for other purposes.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. MCDERMOTT and Mr. HERGER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶20.14 RECESS—5:41 P.M.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 41 minutes p.m., subject to the call of the Chair.

¶20.15 AFTER RECESS—6:38 P.M.

The SPEAKER pro tempore, Mr. HIMES, called the House to order.

¶20.16 AMENDMENTS OF THE SENATE TO H.R. 3961—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HIMES, pursuant to clause 1(c) of rule XIX, announced that further proceedings were resumed on the motion to agree to the amendments of the Senate to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending spending legislation, enforced by the threat of annual, automatic sequestration.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. HIMES, announced that yeas had it.

Mr. POSEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6 of rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 315 / Nays 97

¶20.17 [Roll No. 67]

YEAS—315

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clay
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ellsworth
Emerson
Eshoo
Etheridge
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert

Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Halvorson
Harper
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Napolitano
Neugebauer
Nunes
Nye
Obey
Olson
Ortiz
Owens
Pascrell
Paulsen
Pence
Perlmutter
Peters
Peterson
Petri
Platts
Poe (TX)
Pomeroy
Posey
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Sutton
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Walden
Walz
Wamp
Wasserman Schultz
Watson
Weiner
Whitfield
Wilson (OH)
Wittman
Wolf
Yarmuth
Young (FL)

NAYS—97

Abercrombie
Baldwin
Bartlett
Becerra
Berman
Bishop (UT)
Blumenauer
Boccieri
Braley (IA)
Capuano
Chaffetz
Chu
Clarke
Cleaver
Cohen
Costello
Crowley
Cummings
DeFazio
Dingell
Doggett
Duncan
Edwards (MD)
Ehlers
Ellison
Engel
Farr
Filner
Frank (MA)
Fudge
Green, Al
Grijalva
Hare
Harman
Hastings (FL)
Heller
Hinchey
Hirono
Holt
Honda
Johnson (GA)
Johnson (IL)
Jones
Kagen
Kucinich
Larson (CT)
Lee (CA)
Lewis (GA)
Loebsack
Luján
Maffei
Maloney
Markey (MA)
Matsui
McCollum
McDermott
McGovern
Meeks (NY)
Michaud
Miller, George
Minnick
Moore (WI)
Nadler (NY)
Neal (MA)
Oberstar
Olver
Pallone
Pastor (AZ)
Paul
Payne
Perriello
Pingree (ME)
Polis (CO)
Price (NC)
Richardson
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Scott (VA)
Serrano
Shea-Porter
Sherman
Speier
Thompson (CA)
Tierney
Towns
Velázquez
Visclosky
Waters
Watt
Waxman
Welch
Woolsey
Wu
Young (AK)

NOT VOTING—20

Barrett (SC)
Bishop (NY)
Boucher
Capps
Deal (GA)
Dent
Fallin
Gingrey (GA)
Hall (TX)
Mack
Myrick
Pitts
Price (GA)
Radanovich
Reichert
Stark
Stupak
Sullivan
Westmoreland
Wilson (SC)

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶20.18 H. CON. RES. 227—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HIMES, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 227) supporting the goals and ideals of National Urban Crimes Awareness Week, as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. HIMES, announced that two-thirds of those present had voted in the affirmative.

Mr. MCGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 0

¶20.19 [Roll No. 68]

YEAS—411

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

Whitfield	Wolf	Yarmuth
Wilson (OH)	Woolsey	Young (AK)
Wittman	Wu	Young (FL)

NOT VOTING—21

Barrett (SC)	Gingrey (GA)	Reichert
Bishop (NY)	Hall (TX)	Stark
Boucher	Mack	Stupak
Capps	Myrick	Sullivan
Deal (GA)	Pitts	Tsongas
Dent	Price (GA)	Westmoreland
Fallin	Radanovich	Wilson (SC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶20.20 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2847) ''An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.'', with an amendment.

The message also announced that, pursuant to Executive Order No. 13531, the Chair, on behalf of the Majority Leader, announced the appointment of the following Members to the National Commission on Fiscal Responsibility and Reform: the Senator from Illinois [Mr. DURBIN], the Senator from Montana [Mr. BAUCUS], the Senator from North Dakota [Mr. CONRAD].

¶20.21 PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2701

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–421) the resolution (H. Res. 1113) providing for further consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶20.22 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on February 25, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 4532. An Act to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

¶20.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BISHOP of New York, for today; and

To Mr. DENT, for today after 3 p.m. and balance of the week.

And then,

¶20.24 ADJOURNMENT

On motion of Mr. KING of Iowa, at 11 o'clock and 14 minutes p.m., the House adjourned.

¶20.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 1109. Resolution providing for consideration of the Senate amendments to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration (Rept. 111–420). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 1113. Resolution providing for further consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 111–421). Referred to the House Calendar.

¶20.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARKEY of Massachusetts (for himself and Mr. SMITH of New Jersey):

H.R. 4689. A bill to establish the Office of the National Alzheimer's Project; to the Committee on Energy and Commerce.

By Mr. PERLMUTTER (for himself, Ms. WATERS, Mrs. HALVORSON, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. HODES, Mr. HIMES, Mr. SIRES, Mr. CARSON of Indiana, Mr. ELLISON, Mrs. CHRISTENSEN, Mr. CARNAHAN, Mr. HOLT, Mr. COHEN, Mr. COURTNEY, Mr. MCDERMOTT, Mr. QUIGLEY, Ms. SCHWARTZ, Mr. TONKO, and Mr. SARBANES):

H.R. 4690. A bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. CONYERS, and Mr. OBERSTAR):

H.R. 4691. A bill to provide a temporary extension of certain programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, Transportation and Infrastructure, Financial Services, Small Business, the Judiciary, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; considered and passed.

By Mr. LIPINSKI (for himself, Mr. BRALEY of Iowa, Mr. RYAN of Ohio, Mr. MANZULLO, Ms. SUTTON, Mr. EHLERS, Mr. HARE, Mr. DINGELL, Mr. MICHAUD, Ms. KAPTUR, Mr. SCHOCK, Mr. VISCLOSKY, Mr. WILSON of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. KAGEN, Mr. STUPAK, Mr. LYNCH, Mr. LOEBSACK, Mrs. DAHLKEMPER, Mr. ELLISON, Mr. ELLSWORTH, Mr. PERRIELLO, Mr. KILDEE, Mr. PETERS, Ms. SHEA-PORTER, Mr. TAYLOR, Mr. SARBANES, and Mr. JOHNSON of Illinois):

H.R. 4692. A bill to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAHLKEMPER (for herself, Mr. BISHOP of Georgia, Mr. GALLEGLY, Mr. BRADY of Pennsylvania, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. ALTMIRE, Mr. SHUSTER, Ms. JACKSON LEE of Texas, Mr. HOLDEN, and Mr. CARNEY):

H.R. 4693. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State; to the Committee on Ways and Means.

By Ms. SPEIER (for herself, Mr. HIMES, Mr. POLIS of Colorado, Mr. GONZALEZ, Ms. ESHOO, Ms. ZOE LOFGREN of California, Ms. CHU, Mr. LYNCH, Mr. HINOJOSA, Mr. BACA, Ms. MOORE of Wisconsin, Mr. PERRIELLO, Mr. AL GREEN of Texas, Ms. CLARKE, and Mr. MOORE of Kansas):

H.R. 4694. A bill to amend the Community Development Banking and Financial Institutions Act of 1994 to provide financial assistance to community development financial institutions to help defray the costs of operating small dollar loan programs, and for other purposes; to the Committee on Financial Services.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. HONDA, Mr. SABLAN, and Mr. PIERLUISI):

H.R. 4695. A bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to provide financial assistance to local educational agencies that educate alien children admitted to the United States as citizens of one of the Freely Associated States; to the Committee on Education and Labor.

By Mrs. BACHMANN:

H.R. 4696. A bill to expand the availability of health savings accounts, to eliminate restrictions on the deduction for medical expenses, and to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and

Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAO (for himself, Mr. NYE, Mr. CASSIDY, Mr. TAYLOR, and Mr. POSEY):

H.R. 4697. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income remediation payments for hazardous drywall; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mr. DENT, Mr. HINCHEY, Mr. HOLT, and Mr. SESTAK):

H.R. 4698. A bill to direct the Secretary of the Interior to establish a program to build upon and help coordinate funding for restoration and protection efforts at the Federal, regional, State, and local level for the four-State Delaware Basin, including all of Delaware Bay and portions of Delaware, New Jersey, New York, and Pennsylvania, located in the Delaware River watershed, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY of Indiana:

H.R. 4699. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified motor vehicle taxes for motor homes; to the Committee on Ways and Means.

By Mr. KAGEN (for himself, Mr. FOSTER, Ms. SHEA-PORTER, Mr. BOSWELL, Mr. LOEBSACK, Mr. PERRIELLO, Mr. BRALEY of Iowa, Mr. LIPINSKI, Mr. KLEIN of Florida, Mr. PERLMUTTER, Mr. DEFAZIO, Mr. HASTINGS of Florida, Mr. STUPAK, Mr. COHEN, Ms. PINGREE of Maine, Mr. WELCH, Ms. MCCOLLUM, and Mr. HODES):

H.R. 4700. A bill to provide for transparency in health care pricing, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 4701. A bill to amend the Internal Revenue Code of 1986 to provide relief to certain married couples who would otherwise be ineligible for the first-time homebuyer credit; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4702. A bill to amend the Internal Revenue Code of 1986 to allow all taxpayers a credit against income tax for up to $1,000 of charitable contributions; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. MCCLINTOCK, Mr. MCKEON, Mr. GALLEGLY, Mr. HUNTER, Mr. ROHRABACHER, Mr. CAMPBELL, and Mr. DANIEL E. LUNGREN of California):

H.R. 4703. A bill to prohibit the further extension or establishment of national monuments in California except by express authorization of Congress; to the Committee on Natural Resources.

By Mr. MASSA:

H.R. 4704. A bill to provide public safety officer disability benefits to officers disabled before the enactment of the Federal public safety officer disability benefits law; to the Committee on the Judiciary.

By Mr. MCHENRY (for himself, Mr. KLINE of Minnesota, Mr. GALLEGLY, Ms. GRANGER, Mr. BRADY of Texas, Mr. HENSARLING, Mr. POSEY, Mr. GOHMERT, Mr. LAMBORN, Mr. WAMP, Mr. PRICE of Georgia, Mr. BARTLETT, Mr. MILLER of Florida, and Mr. GARRETT of New Jersey):

H.R. 4705. A bill to require the Secretary of the Treasury to redesign the face of $50 Federal reserve notes so as to include a likeness of President Ronald Wilson Reagan, and for other purposes; to the Committee on Financial Services.

By Mr. OWENS:

H.R. 4706. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit against income tax to assist individuals with high residential energy costs; to the Committee on Ways and Means.

By Mr. SCHAUER:

H.R. 4707. A bill to extend the emergency unemployment compensation program through the end of fiscal year 2010; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mr. HELLER, Mr. BILBRAY, Mrs. MYRICK, and Mr. JONES):

H.R. 4708. A bill to amend titles XIX and XXI of the Social Security Act to require citizenship and immigration verification of eligibility under Medicaid and the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

By Mr. TONKO (for himself, Mr. HARE, Mr. HONDA, Ms. NORTON, and Mr. SIRES):

H.R. 4709. A bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K-12 instruction and curriculum and to provide evaluation grants to measure efficacy of K-12 engineering education; to the Committee on Education and Labor.

By Mr. SKELTON (for himself, Mr. PETERSON, and Mrs. EMERSON):

H.J. Res. 76. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. COHEN (for himself, Mr. BLUMENAUER, Mr. WU, Ms. NORTON, Ms. BORDALLO, and Ms. RICHARDSON):

H. Con. Res. 240. Concurrent resolution expressing support for designation of the fourth week in April as ''National Streetscaping Week''; to the Committee on Transportation and Infrastructure.

By Mr. BLUNT (for himself, Mr. AKIN, Mr. CARNAHAN, Mr. CLAY, Mr. CLEAVER, Mrs. EMERSON, Mr. GRAVES, and Mr. LUETKEMEYER):

H. Con. Res. 241. Concurrent resolution congratulating Silver Dollar City and Herschend Family Entertainment Company on the 50th anniversary of the opening of Silver Dollar City, a turn-of-the-century theme park that celebrates the spirit, ingenuity, and artistry of early America; to the Committee on Oversight and Government Reform.

By Mr. AL GREEN of Texas (for himself, Mr. PAYNE, Ms. KILPATRICK of Michigan, Mr. COHEN, Mr. THOMPSON of Mississippi, Ms. RICHARDSON, Mr. CLEAVER, Mr. HONDA, Mr. SIRES, Ms. FUDGE, and Mr. PERRIELLO):

H. Con. Res. 242. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary; to the Committee on the Judiciary.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Ms. BORDALLO, and Mr. SABLAN):

H. Con. Res. 243. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha; to the Committee on House Administration.

By Ms. FALLIN (for herself, Mr. BOREN, Mr. COLE, Mr. LUCAS, and Mr. SULLIVAN):

H. Res. 1110. A resolution commending the members of the 45th Agri-Business Development Team of the Oklahoma National Guard, for their efforts to modernize agriculture and sustainable farming practices in Afghanistan and their dedication and service to the United States; to the Committee on Armed Services.

By Ms. MARKEY of Colorado (for herself and Mr. EHLERS):

H. Res. 1111. A resolution designating March 2, 2010, as ''Read Across America Day''; to the Committee on Education and Labor.

By Mr. THOMPSON of Pennsylvania (for himself, Mr. SHUSTER, Mr. HOLDEN, Mr. GERLACH, Mr. DENT, Mr. SESTAK, Mr. TIM MURPHY of Pennsylvania, Mrs. DAHLKEMPER, and Mr. WOLF):

H. Res. 1112. A resolution congratulating the Pennsylvania State University IFC/Panhellenic Dance Marathon (THON) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; to the Committee on Education and Labor.

By Ms. GRANGER (for herself and Mr. BOREN):

H. Res. 1114. A resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUNTER (for himself, Mr. BILBRAY, Ms. ROS-LEHTINEN, Mrs. DAVIS of California, Mr. ISSA, and Mr. FILNER):

H. Res. 1115. A resolution expressing appreciation for the profound dedication and public service of Enrique ''Kiki'' Camarena on the 25th anniversary of his death; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Mr. CARNAHAN, and Mr. BURGESS):

H. Res. 1116. A resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; to the Committee on Energy and Commerce.

By Ms. ZOE LOFGREN of California (for herself and Mr. HERGER):

H. Res. 1117. A resolution commending and congratulating the California State University system on the occasion of its 50th anniversary; to the Committee on Education and Labor.

By Mr. MCCAUL (for himself, Ms. ROS-LEHTINEN, Mr. POE of Texas, Mr. INGLIS, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. OLSON, Mr. KIRK, Ms. JACKSON LEE of Texas, Mr. ROYCE, Mr. SMITH of New Jersey, and Mr. WOLF):

H. Res. 1118. A resolution expressing the concern of the House of Representatives over the Government of Iran's continued oppression of its people and calling on the Administration to take further measures in support of those oppressed by the current Iranian regime; to the Committee on Foreign Affairs.

By Mr. PETERS (for himself, Mr. BRADY of Pennsylvania, Mr. INGLIS, Mr. LAMBORN, Mrs. MILLER of Michigan, Mr. ROGERS of Alabama, Mr. SESSIONS, Mr. WILSON of South Carolina, Mr. UPTON, Mr. DINGELL, Mr. SCHAUER, Mr. MOORE of Kansas, Mr. AL GREEN of Texas, Mr. LATOURETTE, Mr. MICHAUD, Ms. SUTTON, Mrs. HALVORSON, Ms. PINGREE of Maine, Mr. KISSELL, Mr. CAMP, Mr. LARSEN of Washington, Mr. HEINRICH, Mr. SCHIFF, Mr. BRIGHT, Mr. KILDEE, Mr. QUIGLEY, Mr. KLEIN of Florida, Mr. LEE of New York, Mr. BACHUS, Mr.

NYE, Mr. MURPHY of New York, Mr. BOCCIERI, Mr. CHANDLER, Mr. AKIN, Mr. SMITH of Washington, Mr. MASSA, Mr. KRATOVIL, Ms. GIFFORDS, Mr. MAFFEI, Mr. ELLSWORTH, Mr. SNYDER, Mr. ADLER of New Jersey, Ms. SHEA-PORTER, Mr. COURTNEY, Ms. LORETTA SANCHEZ of California, and Mr. OWENS):

H. Res. 1119. A resolution expressing the sense of the House of Representatives that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad; to the Committee on Armed Services.

By Mr. POE of Texas:

H. Res. 1120. A resolution recognizing the 174th anniversary of the independence of the State of Texas; to the Committee on Oversight and Government Reform.

By Mr. TURNER (for himself, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. WILSON of Ohio, Mr. JORDAN of Ohio, Mr. LATOURETTE, Mrs. SCHMIDT, Mr. LATTA, Ms. SUTTON, Ms. FUDGE, Mr. BOCCIERI, Mr. TIBERI, Mr. DRIEHAUS, Mr. AUSTRIA, Mr. BOEHNER, Ms. KILROY, Mr. SPACE, and Mr. KUCINICH):

H. Res. 1121. A resolution congratulating Clinton County and the county seat of Wilmington, Ohio, on the occasion of their bicentennial anniversaries; to the Committee on Oversight and Government Reform.

¶20.27 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

232. The SPEAKER presented a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution 860 urging the Federal Deposit Insurance Corporation (FDIC) to show temperance in the application of asset valuation to minority owned banks; to the Committee on Financial Services.

233. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 406 urging the Congress of the United States to immediately consider House Resolution No. 2499; to the Committee on Natural Resources.

¶20.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Ms. ESHOO, Mr. HUNTER, and Mrs. MCCARTHY of New York.

H.R. 182: Mrs. MALONEY.

H.R. 470: Mr. REHBERG.

H.R. 476: Mr. ABERCROMBIE.

H.R. 482: Ms. WASSERMAN SCHULTZ and Ms. NORTON.

H.R. 649: Mr. KLINE of Minnesota.

H.R. 673: Mr. MICHAUD.

H.R. 675: Mr. MICHAUD.

H.R. 840: Mr. WELCH.

H.R. 886: Mr. CARNAHAN, Mr. MCDERMOTT, Ms. SLAUGHTER, Mr. BARTLETT, Ms. LINDA T. SÁNCHEZ of California, Mr. TERRY, Mr. MCGOVERN, Mr. PETRI, and Mr. PUTNAM, Mr. ELLSWORTH, and Ms. SCHWARTZ.

H.R. 949: Ms. PINGREE of Maine, Mr. DAVIS of Tennessee, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CONYERS.

H.R. 994: Mr. MARCHANT.

H.R. 1074: Mr. MICA and Mrs. MCMORRIS RODGERS.

H.R. 1079: Ms. KILROY and Mr. WALZ.

H.R. 1085: Mr. POMEROY.

H.R. 1126: Ms. SUTTON and Mr. FATTAH.

H.R. 1132: Mr. FRANK of Massachusetts, Mr. GARY G. MILLER of California, and Mr. SIRES.

H.R. 1188: Mr. ADLER of New Jersey and Mr. SHIMKUS.

H.R. 1189: Mrs. DAHLKEMPER.

H.R. 1194: Mr. ELLISON, Mr. SCHOCK, and Mr. WALZ.

H.R. 1229: Mr. AUSTRIA.

H.R. 1240: Mr. GRIFFITH and Mr. GUTIERREZ.

H.R. 1310: Mr. MICHAUD.

H.R. 1378: Mr. MAFFEI.

H.R. 1490: Mr. WAXMAN and Mr. CLEAVER.

H.R. 1526: Mr. SCHAUER and Mrs. MCCARTHY of New York.

H.R. 1618: Mr. BACHUS.

H.R. 1796: Mr. HIGGINS.

H.R. 1799: Mr. JORDAN of Ohio and Ms. DEGETTE.

H.R. 1806: Mr. BISHOP of New York, Mr. NADLER of New York, Ms. MARKEY of Colorado, and Mr. BISHOP of Georgia.

H.R. 1826: Mr. BUTTERFIELD.

H.R. 1884: Mr. LEWIS of Georgia.

H.R. 1903: Mr. REHBERG.

H.R. 1912: Mr. QUIGLEY, Mr. CAMPBELL, and Mr. DEFAZIO.

H.R. 1925: Ms. SLAUGHTER, Ms. JACKSON LEE of Texas, and Ms. CHU.

H.R. 1990: Mr. HALL of New York and Mr. EDWARDS of Texas.

H.R. 2014: Mr. HEINRICH and Mr. FORBES.

H.R. 2021: Mr. REHBERG.

H.R. 2104: Mr. SCHAUER.

H.R. 2112: Mr. ROGERS of Kentucky.

H.R. 2262: Mr. KENNEDY and Ms. NORTON.

H.R. 2478: Mr. CAO.

H.R. 2480: Mr. MAFFEI.

H.R. 2493: Mr. WILSON of South Carolina and Mr. HOEKSTRA.

H.R. 2625: Mr. DOGGETT and Mr. BAIRD.

H.R. 2733: Ms. KILPATRICK of Michigan and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2766: Mr. FILNER.

H.R. 2831: Ms. SHEA-PORTER.

H.R. 2849: Mr. WELCH.

H.R. 2850: Mr. MCGOVERN and Mr. OLVER.

H.R. 2906: Mr. ISRAEL.

H.R. 2941: Mr. KIRK.

H.R. 2979: Ms. NORTON, Ms. FUDGE, and Mr. FILNER.

H.R. 3024: Ms. HERSETH SANDLIN and Mr. MANZULLO.

H.R. 3189: Mr. OWENS.

H.R. 3249: Ms. LEE of California, Mr. FALEOMAVAEGA, and Mr. AL GREEN of Texas.

H.R. 3329: Mr. KENNEDY.

H.R. 3339: Mr. MATHESON, Ms. BERKLEY, Mr. DICKS, and Mr. SCHRADER.

H.R. 3349: Mr. HALL of New York, Mrs. KIRKPATRICK of Arizona, Ms. RICHARDSON, Mr. WALZ, and Mr. PETERSON.

H.R. 3363: Mr. SULLIVAN.

H.R. 3380: Mrs. MALONEY, Ms. PINGREE of Maine, Ms. KILPATRICK of Michigan, Mr. LANGEVIN, Mr. SARBANES, Mr. GALLEGLY, Mr. PETERS, Mr. KISSELL, Mrs. MILLER of Michigan, Mr. KENNEDY, Mr. GRAYSON, Mr. CARNEY, Mr. KAGEN, Mr. STARK, Mr. BILIRAKIS, and Mr. ABERCROMBIE.

H.R. 3381: Mr. ENGEL.

H.R. 3401: Mrs. NAPOLITANO, Mrs. MALONEY, and Mr. MORAN of Virginia.

H.R. 3408: Ms. NORTON and Mr. JOHNSON of Georgia.

H.R. 3502: Mr. TIERNEY, Mr. BOCCIERI, Mr. ANDREWS, Mr. FLEMING, and Mrs. LOWEY.

H.R. 3526: Mr. HASTINGS of Florida.

H.R. 3571: Mr. MCCLINTOCK.

H.R. 3577: Mr. SESTAK.

H.R. 3586: Mr. TIBERI.

H.R. 3731: Mr. PALLONE, Ms. WOOLSEY, Ms. PINGREE of Maine, Ms. CLARKE, Ms. JACKSON LEE of Texas, Mr. ELLISON, Mr. RAHALL, Mr. BAIRD, Mr. MEEKS of New York, Mr. CUELLAR, Mr. JACKSON of Illinois, Mr. KISSELL, Mr. MCGOVERN, Mr. SHULER, and Ms. BORDALLO.

H.R. 3758: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 3851: Mr. SESTAK.

H.R. 3936: Mr. KAGEN, Mr. TONKO, and Mr. SPACE.

H.R. 3955: Mr. BACA.

H.R. 3995: Mr. MICHAUD.

H.R. 4053: Mr. KILDEE.

H.R. 4098: Mr. DAVIS of Illinois and Ms. CHU.

H.R. 4133: Mr. POE of Texas, Mr. PAUL, Mr. YOUNG of Alaska, Mr. BURTON of Indiana, Mr. GRIFFITH, and Mr. WITTMAN.

H.R. 4196: Mr. KENNEDY and Mr. RANGEL.

H.R. 4197: Mr. WELCH.

H.R. 4214: Ms. WATERS, Mr. DREIER, Mr. HUNTER, Mr. COSTA, Mr. FILNER, Mrs. DAVIS of California, and Ms. SPEIER.

H.R. 4226: Mr. CARNAHAN, Mr. ISRAEL, Mr. MCGOVERN, and Mr. ELLISON.

H.R. 4241: Mrs. MCCARTHY of New York and Mr. GORDON of Tennessee.

H.R. 4255: Mr. HARE and Mr. GOODLATTE.

H.R. 4268: Mr. NADLER of New York and Ms. LINDA T. SÁNCHEZ of California.

H.R. 4296: Ms. RICHARDSON.

H.R. 4301: Mr. HONDA and Mr. TANNER.

H.R. 4302: Mr. WALZ.

H.R. 4324: Mr. SCHAUER and Mr. COURTNEY.

H.R. 4346: Ms. RICHARDSON.

H.R. 4353: Mr. KIRK.

H. R. 4392: Mr. ENGEL.

H.R. 4394: Mrs. CHRISTENSEN.

H.R. 4396: Mr. SPACE.

H.R. 4400: Ms. HIRONO, Mr. WALZ, and Mr. AL GREEN of Texas.

H.R. 4410: Ms. JENKINS and Mr. HOLDEN.

H.R. 4446: Ms. FUDGE.

H.R. 4466: Mr. ELLSWORTH and Mr. WITTMAN.

H.R. 4493: Mr. KILDEE and Ms. HIRONO.

H.R. 4494: Mr. HARE and Ms. CORRINE BROWN of Florida.

H.R. 4524: Mr. KISSELL.

H. R. 4534: Mr. FARR.

H.R. 4538: Ms. ZOE LOFGREN of California.

H.R. 4539: Ms. LINDA T. SÁNCHEZ of California.

H.R. 4548: Mr. LEE of New York and Mr. GARY G. MILLER of California.

H.R. 4553: Mr. MANZULLO and Mr. MAFFEI.

H.R. 4556: Mr. INGLIS, Mr. BONNER, Mr. LOBIONDO, and Mr. BURGESS.

H.R. 4558: Mr. CONYERS, Mr. EHLERS, Mr. SCHAUER, and Mr. MCCOTTER.

H.R. 4564: Mr. FILNER, Ms. MATSUI, Mr. GARAMENDI, Mr. HONDA, Ms. WATSON, Ms. HARMAN, Ms. WOOLSEY, Mr. BECERRA, Mr. GRAYSON, Mr. NADLER of New York, Ms. WATERS, Mr. THOMPSON of California, Mr. SARBANES, Mr. KILDEE, Mr. PRICE of North Carolina, Mr. CARSON of Indiana, Ms. ZOE LOFGREN of California, Ms. SPEIER, Mr. FALEOMAVAEGA, Mr. SABLAN, Mr. ABERCROMBIE, Mr. AL GREEN of Texas, Ms. LEE of California, Mr. LUJÁN, Mr. GRIJALVA, Mr. KIND, Mr. WELCH, Mr. SHERMAN, and Mr. KLEIN of Florida.

H.R. 4568: Mr. HEINRICH and Mr. MCCOTTER.

H.R. 4581: Mr. CASTLE and Mr. KING of New York.

H.R. 4597: Mr. HARE, Mr. HOLT, and Mr. SARBANES.

H.R. 4598: Mr. ADLER of New Jersey, Mr. JOHNSON of Georgia, Ms. SUTTON, Ms. FUDGE, Mr. EHLERS, and Mr. COSTA.

H.R. 4616: Mrs. MALONEY.

H.R. 4638: Mrs. CAPPS.

H.R. 4645: Mr. FARR, Mr. PAUL, Mr. LARSEN of Washington, Mr. EDWARDS of Texas, and Mr. MATHESON.

H.R. 4650: Mr. CONYERS.

H.R. 4653: Mr. DUNCAN, Mr. HOEKSTRA, Mrs. EMERSON, Mr. REHBERG, Mr. KING of New York, and Mr. MCCOTTER.

H.R. 4665: Ms. SLAUGHTER.

H. Con. Res. 170: Mr. SCALISE and Mrs. LUMMIS.

H. Con. Res. 231: Mr. SCHOCK.

H. Res. 311: Ms. CLARKE.

H. Res. 416: Mr. SCOTT of Virginia.

H. Res. 440: Mr. WITTMAN.

H. Res. 777: Mr. SESTAK.

H. Res. 855: Mr. OWENS, Mr. WILSON of South Carolina, Mr. WOLF, Mr. BILIRAKIS,

Mr. RANGEL, Mr. CALVERT, Mr. NUNES, Ms. JENKINS, Mr. ROGERS of Alabama, and Mr. SPRATT.

H. Res. 857: Mr. LUCAS.

H. Res. 992: Mr. COFFMAN of Colorado and Mr. LAMBORN.

H. Res. 1018: Mr. TIERNEY.

H. Res. 1055: Mr. WAMP and Mr. POLIS of Colorado.

H. Res. 1075: Mrs. DAHLKEMPER.

H. Res. 1078: Mr. SCHIFF, Mr. BILIRAKIS, Mr. WILSON of South Carolina, Ms. ROYBAL-ALLARD, and Mr. HUNTER.

H. Res. 1079: Mr. GERLACH.

H. Res. 1080: Mr. CONAWAY and Mr. SABLAN.

H. Res. 1081: Mr. RUSH and Mr. BRADY of Pennsylvania.

H. Res. 1086: Mr. MARSHALL, Mr. GARAMENDI, Mr. ABERCROMBIE, Mr. ARCURI, Mr. BECERRA, Mr. BOCCIERI, Ms. MATSUI, Mr. GARY G. MILLER of California, Mr. LEWIS of California, Mr. LUJÁN, Mr. DANIEL E. LUNGREN of California, Mr. KENNEDY, Mr. KILDEE, Mr. ISSA, Ms. JACKSON LEE of Texas, Mr. GUTIERREZ, Mr. GALLEGLY, Mr. ENGEL, Mr. CONNOLLY of Virginia, Mr. CARDOZA, Mr. CALVERT, Mr. MCCLINTOCK, Mr. MOLLOHAN, Mr. ORTIZ, Mr. PASTOR of Arizona, Ms. PINGREE of Maine, Mr. PUTNAM, Mr. RAHALL, Mr. REYES, Mr. SALAZAR, Ms. VELÁZQUEZ, Mr. WAMP, Mr. THOMPSON of California, and Mr. SIRES.

H. Res. 1090: Ms. NORTON and Mr. SCOTT of Virginia.

H. Res. 1104: Mr. REICHERT.

H. Res. 1107: Mr. SESTAK, Mr. CARTER, Mr. SCHIFF, Mr. BERMAN, Ms. FOXX, and Mr. HODES.

¶20.29 PETITIONS

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

103. The SPEAKER presented a petition of Town of Parma, New York, relative to Resolution No. 279-2009 urging Congress to pass the Community Choice Act; to the Committee on Energy and Commerce.

104. Also, a petition of Court of Common Council, Hartford, Connecticut, relative to supporting the Sustain Communities Act (S. 1619); jointly to the Committees on Energy and Commerce, Financial Services, and Transportation and Infrastructure.

105. Also, a petition of Board of Supervisors of the City and County of San Francisco, California, relative to supporting H.R. 1064 and S. 435, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act); jointly to the Committees on the Judiciary, Education and Labor, Energy and Commerce, and Financial Services.

FRIDAY, FEBRUARY 26, 2010 (21)

¶21.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. CUELLAR, who laid before the House the following communication:

WASHINGTON, DC,
February 26, 2010.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶21.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CUELLAR, announced he had examined and approved the Journal of the proceedings of Thursday, February 25, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶21.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6275. A letter from the Chief, Regulatory Analysis and Development, Department of Agriculture, transmitting the Department's final rule — Importation of Cooked Pork Skins [Docket No.: APHIS-2008-0032] (RIN: 0579-AC80) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6276. A letter from the Chief, Regulatory Analysis and Development, Department of Agriculture, transmitting the Department's final rule — Importation of Swine Hides and Skins, Bird Trophies, and Ruminant Hides and Skins [Docket No.: APHIS-2006-0113] (RIN: 0579-AC11) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6277. A letter from the Chief, Regulatory Analysis and Development, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of the Republic of Korea With Regard to Foot-and-Mouth Disease and Rinderpest [Docket No.: APHIS-2008-0417] received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6278. A letter from the Acting Assistant Secretary of the Army, Acquisition, Logistics and Technology, Department of Defense, transmitting the annual status report of the U.S. Chemical Demilitarization Program (CDP) as of September 30, 2009, pursuant to 50 U.S.C. 1521(g); to the Committee on Armed Services.

6279. A letter from the Deputy Assistnat Secretary, Department of Defense, transmitting annual report as required by Section 723(d)(5) of the National Defense Authorization Act for Fiscal Year 2009; to the Committee on Armed Services.

6280. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's ''Major'' final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs; and Other Related Issues (RIN: 3064-AD48) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6281. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Federal Home Loan Bank Membership for Community Development Financial Institutions (RIN: 2590-AA18) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6282. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Shareholder Approval of Executive Compensation of TARP Reciepts [Release No.: 34-61335; File No. S7-12-09] (RIN: 3235-AK31) received January 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6283. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2008 annual performance report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA), as amended, pursuant to 21 U.S.C. 379g note; to the Committee on Energy and Commerce.

6284. A letter from the President, Corporation for Public Broadcasting, transmitting the Corporation's 2008 annual report regarding the activities and expenditures of the independent production service; to the Committee on Energy and Commerce.

6285. A letter from the Assistant Secretary of Labor, EBSA, Department of Labor, transmitting the Department's final rule — Definition of ''Plan Assets''— Participant Contributions (RIN: 1210-AB02) received January 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6286. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing [EPA-HQ-OAR-2008-0080; FRL-9095-2] (RIN: 2060-AO98) received December 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6287. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Stancards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry [EPA-HQ-OAR-2009-0028; FRL-9095-1] (RIN: 2060-AN46) received December 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6288. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2008-0515; FRL-8985-4] received December 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6289. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2009-0350; FRL-9097-1] received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6290. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Update to Include New Jersery State Requirements [EPA-R02-OAR-2009-0680; FRL-9103-3] received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6291. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for Alaska [EPA-R10-OAR-2009-0111; FRL-9095-9] received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6292. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for Alaska [EPA-R10-OAR-2009-0799; FRL-9095-8] received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6293. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting a report entitled ''Survey of National Programs for Managing High-Level Radioactive Waste and Spent Nuclear Fuel''; to the Committee on Energy and Commerce.

6294. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a

six-month periodic report on the national emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

6295. A letter from the Assistant Secretary, Legislative Affiars, Department of State, transmitting the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training's annual inventory of U.S. Government-sponsored international exchange and training programs, pursuant to 22 U.S.C. 2460(f) and (g) Public Law 87-256, section Section 112(f) and (g); to the Committee on Foreign Affairs.

6296. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on United States contributions to the United Nations and United Nations affiliated agencies and related bodies for fiscal years 2008, pursuant to Public Law 109-364, section 1225; to the Committee on Foreign Affairs.

6297. A letter from the Assistant Secretary, Legislative Affiars, Department of State, transmitting the Department's fiscal year 2009 report on U.S. Government Assistance to and Cooperative Activities with Eurasia, pursuant to Public Law 102-511, section 104; to the Committee on Foreign Affairs.

6298. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the January 2010 Quarterly Report on reconstruction efforts in Afghanistan; to the Committee on Foreign Affairs.

6299. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Administration's annual Performance and Accountability Report for Fiscal Year 2009, ending September 30, 2009; to the Committee on Oversight and Government Reform.

6300. A letter from the Acting Director, U.S. Trade and Development Agency, transmitting the Agency's fiscal year 2009 annual report; to the Committee on Oversight and Government Reform.

6301. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of the Brown Pelican (Pelecanus occidentalis) From the Federal List of Endangered and Threatened Wildlife [FWS-R2-ES-2008-0025] (RIN: 1018-AV28) received January 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6302. A letter from the Writer/Editor, Department of Homeland Security, transmitting the Department's final rule — Safe Harbor Procedures for Employers Who Receive a No-Match Letter: Clarification; Final Regulatory Flexibility Analysis [DHS Docket No.: ICEB-2006-0004: ICE 2377-06] (RIN: 1653-AA50) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6303. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Debt Collection Authorities under the Debt Collection Improvement Act of 1996 (RIN: 1510-AB19) received December 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6304. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chimes and Lights Fireworks Display, Port Orchard, WA [Docket No.: USCG-2009-0989] (RIN: 1625-AA00) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6305. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''2008 Status of the Nation's Highways, Bridges and Transit: Conditions and Performance''; to the Committee on Transportation and Infrastructure.

6306. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Integrity Management Program for Gas Distribution Pipelines [Docket No.: PHMSA-RSPA-2004-19854; Amdt. 192-113] (RIN: 2137-AE15) received December 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6307. A letter from the Assistant Secretary, Civil Works, Department of the Army, transmitting Annual Report on Civil Works Activites for FY 2008; to the Committee on Transportation and Infrastructure.

6308. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications (RIN: 2900-AN50) received January 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6309. A letter from the Acting Chief Financial Officer, Department of Homeland Security, transmitting the Department's annual financial report for fiscal year 2009; to the Committee on Oversight and Government Reform.

6310. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's first fiscal year 2010 quarterly report on unobligated and unexpended appropriated funds; jointly to the Committees on Appropriations and Foreign Affairs.

6311. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting FY 2011 Congressional Performance Budget Request; jointly to the Committees on Appropriations and Energy and Commerce.

¶21.4 PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2701

Mr. CARDOZA, by direction of the Committee on Rules, called up the following resolution (H. Res. 1113):

Resolved, That during further consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 1105, amendment numbered 1 printed in House Report 111–419 shall be considered as modified by striking the matter proposed to be inserted as section 506.

When said resolution was considered.

After debate,

On motion of Mr. CARDOZA, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶21.5 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the House amendment to the amendment of the Senate to a bill of the House of the following title:

H.R. 1299. An Act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

¶21.6 INTELLIGENCE AUTHORIZATION

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to House Resolution 1105 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Mr. RAHALL, Acting Chairman, assumed the chair; and after some time spent therein,

¶21.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, as modified, printed in House Report 111-419, submitted by Mr. REYES:

Page 9, line 21, strike ''$672,812,000'' and insert ''$643,252,000''.

Page 23, line 14, strike ''a grant program'' and insert ''grant programs''.

Page 23, line 15, strike ''subsection (b)'' and insert ''subsections (b) and (c)''.

Page 24, after line 10, insert the following:

''(c) GRANT PROGRAM FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—(1) The Director of National Intelligence may provide grants to historically black colleges and universities to provide programs of study in educational disciplines identified under subsection (a)(2) or described in paragraph (2).

''(2) A grant provided under paragraph (1) may be used to provide programs of study in the following educational disciplines:

''(A) Foreign languages, including Middle Eastern and South Asian dialects.

''(B) Computer science.

''(C) Analytical courses.

''(D) Cryptography.

''(E) Study abroad programs.''.

Page 24, line 11, strike ''(3) An'' and insert ''(d) APPLICATION.—An''.

Page 24, line 15, strike ''(4) An'' and insert ''(e) REPORTS.—An''.

Page 25, line 1, strike ''(c)'' and insert ''(f)''.

Page 25, line 4, strike ''(d)'' and insert ''(g)''.

Page 25, line 10, strike the quotation mark and the second period.

Page 25, after line 10, insert the following:

''(3) ANALYTICAL COURSES.—The term 'analytical courses' mean programs of study involving—

''(A) analytic methodologies, including advanced statistical, polling, econometric, mathematical, or geospatial modeling methodologies;

''(B) analysis of counterterrorism, crime, and counternarcotics;

''(C) economic analysis that includes analyzing and interpreting economic trends and developments;

''(D) medical and health analysis, including the assessment and analysis of global health issues, trends, and disease outbreaks;

''(E) political analysis, including political, social, cultural, and historical analysis to interpret foreign political systems and developments; or

''(F) psychology, psychiatry, or sociology courses that assess the psychological and social factors that influence world events.

''(4) COMPUTER SCIENCE.—The term 'computer science' means a program of study in computer systems, computer science, computer engineering, or hardware and software analysis, integration, and maintenance.

''(5) CRYPTOGRAPHY.—The term 'cryptography' means a program of study on the conversion of data into a scrambled code that can be deciphered and sent across a public or private network, and the applications of such conversion of data.

''(6) HISTORICALLY BLACK COLLEGE AND UNIVERSITY.—The term 'historically black college and university' means an institution of higher education that is a part B institution, as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

''(7) STUDY ABROAD PROGRAM.—The term 'study abroad program' means a program of study that—

''(A) takes places outside the geographical boundaries of the United States;

''(B) focuses on areas of the world that are critical to the national security interests of the United States and are generally underrepresented in study abroad programs at institutions of higher education, including Africa, Asia, Central and Eastern Europe, Eurasia, Latin American, and the Middle East; and

''(C) is a credit or noncredit program.''.

Page 30, strike lines 10 through 12.

Page 30, line 13, strike ''(C)'' and insert ''(B)''.

Page 30, line 16, strike ''(D)'' and insert ''(C)''.

Page 30, line 19, strike ''(E)'' and insert ''(D)''.

Page 31, line 1, strike ''any information'' and all that follows through ''dissenting legal views'' and insert ''the legal authority under which the intelligence activity is being or was conducted''.

Page 31, line 11, strike ''any information'' and all that follows through ''legal views'' and insert ''the legal authority under which the covert action is being or was conducted''.

Page 31, strike line 18 and all that follows through line 8 on page 32 and insert the following:

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''in writing'' after ''be reported'';

(B) in paragraph (2), by striking ''If the President'' and inserting ''Subject to paragraph (5), if the President''; and

(C) by adding at the end the following new paragraph:

''(5)(A) The President may only limit access to a finding in accordance with this subsection or a notification in accordance with subsection (d)(1) if the President submits to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.

''(B) Not later than 180 days after a certification is submitted in accordance with subparagraph (A) or this subparagraph, the Director of National Intelligence shall—

''(i) provide access to the finding or notification that is the subject of such certification to all members of the congressional intelligence committees; or

''(ii) submit to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.'';

Page 32, strike lines 12 through 15 and insert the following:

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by inserting ''in writing'' after ''notified''; and

Page 33, line 13, insert ''or to the limiting of access to such finding or such notice'' after ''notice''.

Page 33, line 13, strike ''48 hours'' and insert ''seven days''.

Page 33, line 22, strike ''on the content of'' and insert ''regarding''.

Page 34, strike lines 14 through 20.

Strike section 334 (Page 41, line 8 and all that follow through line 25 on page 44) and insert the following new section:

SEC. 334. REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

Not later than one year after the date of the enactment of this Act, and annually thereafter for four years, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and, as appropriate, in foreign dialects, of each element of the intelligence community, including—

(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

(2) an estimate of the number of such positions that each element will require during the five-year period beginning on the date of the submission of the report;

(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

(A) military personnel; and

(B) civilian personnel;

(4) the number of applicants for positions in such element in the preceding fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

(9) for each foreign language and, as appropriate, dialect of a foreign language—

(A) the number of positions of such element that require proficiency in the foreign language or dialect;

(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

(11) an identification of any critical gaps in foreign language proficiency with respect to such element and recommendations for eliminating such gaps;

(12) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

(13) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element.

Page 45, beginning on line 18, strike ''one of the congressional intelligence committees'' and insert ''a committee of Congress with jurisdiction over such program or activity''.

Page 46, beginning on line 8, strike ''the congressional intelligence committees'' and insert ''each committee of Congress with jurisdiction over the program or activity that is the subject of the analysis, evaluation, or investigation for which the Director restricts access to information under such paragraph''.

Page 46, line 13, strike ''report'' and insert ''statement''.

Page 46, line 16, strike ''report'' and insert ''statement''.

Page 46, beginning on line 17, strike ''the congressional intelligence committees any comments on a report of which the Comptroller General has notice under paragraph (3)'' and insert ''each committee of Congress to which the Director of National Intelligence submits a statement under paragraph (2) any comments on the statement''.

Page 46, line 21, strike the closing quotation mark and the final period.

Page 46, after line 21, insert the following:

''(c) CONFIDENTIALITY.—(1) The Comptroller General shall maintain the same level of confidentiality for information made available for an analysis, evaluation, or investigation referred to in subsection (a) as is required of the head of the element of the intelligence community from which such information is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use of such information as officers or employees of the element of the intelligence community that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such information.

''(2) The Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an analysis, evaluation, or investigation referred to in subsection (a).

''(3) Before initiating an analysis, evaluation, or investigation referred to in subsection (a), the Comptroller General shall provide the Director of National Intelligence and the head of each relevant element of the

intelligence community with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records and information of the element of the intelligence community shall be made available in conducting such analysis, evaluation, or investigation.''.

Page 48, line 15, strike ''BIANNUAL'' and insert ''BIENNIAL''.

Page 48, line 19, strike ''biannually'' and insert ''biennially''.

Page 62, line 14, strike ''**NATIONAL INTELLIGENCE ESTIMATE**'' and insert ''**REPORT**''.

Page 62, beginning on line 18, strike ''National Intelligence Estimate or National Intelligence Assessment'' and insert ''report''.

Page 62, strike line 20 and insert the following: ''supply chain and global provision of services to determine whether such supply chain and such services pose''.

Page 62, line 21, strike ''counterfeit''.

Page 62, line 22, strike ''defective'' and insert ''counterfeit, defective,''.

Page 62, line 23, insert ''or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization'' after ''organization''.

Page 63, beginning on line 5, strike ''counterfeit''.

Page 63, line 6, strike ''defective'' and insert ''counterfeit, defective,''.

Page 63, line 8, insert ''or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization'' after ''organization''.

Page 63, at the end of line 8 insert the following: ''Such review shall include an examination of the threat posed by State-controlled and State-invested enterprises and the extent to which the actions and activities of such enterprises may be controlled, coerced, or influenced by a foreign government.''.

Strike section 353 (Page 67, line 20 and all that follows through line 25 on page 68).

Page 69, beginning on line 5, strike ''Federal Bureau of Investigation'' and insert ''Federal Bureau of Investigation, in consultation with the Secretary of State,''.

Insert after section 354 (Page 69, after line 15) the following new sections:

SEC. 355. REPORT ON QUESTIONING AND DETENTION OF SUSPECTED TERRORISTS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Attorney General, shall submit to Congress a report containing—

(1) a description of the strategy of the Federal Government for balancing the intelligence collection needs of the United States with the interest of the United States in prosecuting terrorist suspects; and

(2) a description of the policy of the Federal Government with respect to the questioning, detention, trial, transfer, release, or other disposition of suspected terrorists.

SEC. 356. REPORT ON DISSEMINATION OF COUNTERTERRORISM INFORMATION TO LOCAL LAW ENFORCEMENT AGENCIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the dissemination of critical counterterrorism information from the intelligence community to local law enforcement agencies, including recommendations for improving the means of communication of such information to local law enforcement agencies.

SEC. 357. REPORT ON INTELLIGENCE CAPABILITIES OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the intelligence capabilities of State and local law enforcement agencies. Such report shall include—

(1) an assessment of the ability of State and local law enforcement agencies to analyze and fuse intelligence community products with locally gathered information;

(2) a description of existing procedures of the intelligence community to share with State and local law enforcement agencies the tactics, techniques, and procedures for intelligence collection, data management, and analysis learned from global counterinsurgency and counterterror operations;

(3) a description of current intelligence analysis training provided by elements of the intelligence community to State and local law enforcement agencies;

(4) an assessment of the need for a formal intelligence training center to teach State and local law enforcement agencies methods of intelligence collection and analysis; and

(5) an assessment of the efficiently of colocating such an intelligence training center with an existing intelligence community or military intelligence training center.

SEC. 358. INSPECTOR GENERAL REPORT ON OVER-CLASSIFICATION.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to Congress a report containing an analysis of the problem of over-classification of intelligence and ways to address such over-classification, including an analysis of the importance of protecting sources and methods while providing law enforcement and the public with as much access to information as possible.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 359. REPORT ON THREAT FROM DIRTY BOMBS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, shall submit to Congress a report summarizing intelligence related to the threat to the United States from weapons that use radiological materials, including highly dispersible substances such as cesium-137.

SEC. 360. REPORT ON ACTIVITIES OF THE INTELLIGENCE COMMUNITY IN ARGENTINA.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report containing the following:

(1) A description of any information in the possession of the intelligence community with respect to the following events in the Republic of Argentina:

(A) The accession to power by the military of the Republic of Argentina in 1976.

(B) Violations of human rights committed by officers or agents of the Argentine military and security forces during counterinsurgency or counterterror operations, including by the State Intelligence Secretariat (Secretaria de Inteligencia del Estado), Military Intelligence Detachment 141 (Destacamento de Inteligencia Militar 141 in Cordoba), Military Intelligence Detachment 121 (Destacamento Militar 121 in Rosario), Army Intelligence Battalion 601, the Army Reunion Center (Reunion Central del Ejercito), and the Army First Corps in Buenos Aires.

(C) Operation Condor and Argentina's role in cross-border counterinsurgency or counterterror operations with Brazil, Bolivia, Chile, Paraguay, or Uruguay.

(2) Information on abductions, torture, disappearances, and executions by security forces and other forms of repression, including the fate of Argentine children born in captivity, that took place at detention centers, including the following:

(A) The Argentine Navy Mechanical School (Escuela Mecanica de la Armada).

(B) Automotores Orletti.

(C) Operaciones Tacticas 18.

(D) La Perla.

(E) Campo de Mayo.

(F) Institutos Militares.

(3) An appendix of declassified records reviewed and used for the report submitted under this subsection.

(4) A descriptive index of information referred to in paragraph (1) or (2) that is classified, including the identity of each document that is classified, the reason for continuing the classification of such document, and an explanation of how the release of the document would damage the national security interests of the United States.

(b) REVIEW OF CLASSIFIED DOCUMENTS.—Not later than two years after the date on which the report required under subsection (a) is submitted, the Director of National Intelligence shall review information referred to in paragraph (1) or (2) of subsection (a) that is classified to determine if any of such information should be declassified.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

SEC. 361. REPORT ON NATIONAL SECURITY AGENCY STRATEGY TO PROTECT DEPARTMENT OF DEFENSE NETWORKS.

Not later than 180 days after the date of the enactment of this Act, the Director of the National Security Agency shall submit to Congress a report on the strategy of the National Security Agency with respect to securing networks of the Department of Defense within the intelligence community.

SEC. 362. REPORT ON CREATION OF SPACE INTELLIGENCE OFFICE.

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the feasibility and advisability of creating a national space intelligence office to manage space-related intelligence assets and access to such assets.

SEC. 363. PLAN TO SECURE NETWORKS OF THE INTELLIGENCE COMMUNITY.

(a) PLAN.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a plan to secure the networks of the intelligence community. Such plan shall include strategies for—

(1) securing the networks of the intelligence community from unauthorized remote access, intrusion, or insider tampering;

(2) recruiting, retaining, and training a highly-qualified cybersecurity intelligence community workforce and include—

(A) an assessment of the capabilities of such workforce;

(B) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation;

(C) an assessment of the benefits of outreach and training with both private industry and academic institutions with respect to such workforce; and

(D) an assessment of the impact of the establishment of the Department of Defense

Cyber Command on personnel and authorities of the intelligence community;

(3) making the intelligence community workforce and the public aware of cybersecurity best practices and principles;

(4) coordinating the intelligence community response to a cybersecurity incident;

(5) collaborating with industry and academia to improve cybersecurity for critical infrastructure, the defense industrial base, and financial networks;

(6) addressing such other matters as the President considers necessary to secure the cyberinfrastructure of the intelligence community; and

(7) reviewing procurement laws and classification issues to determine how to allow for greater information sharing on specific cyber threats and attacks between private industry and the intelligence community.

(b) UPDATES.—Not later than 90 days after the date on which the plan referred to in subsection (a) is submitted to Congress, and every 90 days thereafter until the President submits the certification referred to in subsection (c), the President shall report to Congress on the status of the implementation of such plan and the progress towards the objectives of such plan.

(c) CERTIFICATION.—The President may submit to Congress a certification that the objectives of the plan referred to in subsection (a) have been achieved.

SEC. 364. REPORT ON MISSILE ARSENAL OF IRAN.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing the threat posed by the missile arsenal of Iran to allies and interests of the United States in the Persian Gulf.

SEC. 365. STUDY ON BEST PRACTICES OF FOREIGN GOVERNMENTS IN COMBATING VIOLENT DOMESTIC EXTREMISM.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the best practices of foreign governments (including the intelligence services of such governments) to combat violent domestic extremism.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 366. REPORT ON INFORMATION SHARING PRACTICES OF JOINT TERRORISM TASK FORCE.

Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the best practices or impediments to information sharing in the Federal Bureau of Investigation-New York Police Department Joint Terrorism Task Force, including ways in which the combining of Federal, State, and local law enforcement resources can result in the effective utilization of such resources.

SEC. 367. REPORT ON TECHNOLOGY TO ENABLE INFORMATION SHARING.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress and the President a report describing the improvements to information technology needed to enable elements of the Federal Government that are not part of the intelligence community to better share information with elements of the intelligence community.

SEC. 368. REPORT ON THREATS TO ENERGY SECURITY OF THE UNITED STATES.

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report in unclassified form describing the future threats to describing the future threats to the national security of the United States from continued and increased dependence of the United States on oil sources from foreign nations.

Page 70, strike lines 1 through 7.

Page 74, line 16, strike ''includes'' and insert ''means''.

Page 75, line 24, strike the closing quotation mark and the final period.

Page 75, after line 24, insert the following:

''(D) TERRORIST SCREENING PURPOSE.—The term 'terrorist screening purpose' means—

''(i) the collection, analysis, dissemination, and use of terrorist identity information to determine threats to the national security of the United States from a terrorist or terrorism; and

''(ii) the use of such information for risk assessment, inspection, and credentialing.''.

Page 86, line 11, strike ''the congressional defense committees'' and insert ''Congress''.

Page 87, line 17, strike ''the''.

At the end of subtitle E of title III (Page 88, after line 18), add the following new section:

SEC. 369. SENSE OF CONGRESS ON MONITORING OF NORTHERN BORDER OF THE UNITED STATES.

(a) FINDING.—Congress finds that suspected terrorists have attempted to enter the United States through the international land and maritime border of the United States and Canada.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the intelligence community should devote sufficient resources, including technological and human resources, to identifying and thwarting potential threats at the international land and maritime border of the United States and Canada; and

(2) the intelligence community should work closely with the Government of Canada to identify and apprehend suspected terrorists before such terrorists enter the United States.

Page 96, line 14, insert after the period the following: ''Nothing in this paragraph shall prohibit a personnel action with respect to the Inspector General otherwise authorized by law, other than transfer or removal.''.

At the end of subtitle A of title IV (Page 116, after line 6), add the following new section:

SEC. 407. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR REVIEWS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND EXPORT ADMINISTRATION REGULATIONS.

The Director of National Intelligence may provide support for any review conducted by a department or agency of the Federal Government of the International Traffic in Arms Regulations or Export Administration Regulations, including a review of technologies and goods on the United States Munitions List and Commerce Control List that may warrant controls that are different or additional to the controls such technologies and goods are subject to at the time of such review.

Strike section 411 (Page 116, line 9 and all that follows through line 2 on page 118) and insert the following new section:

SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (b)(4)—

(A) by striking ''(4) If'' and inserting ''(4)(A) If''; and

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

''(B) The Director may waive the requirement to submit the statement required under subparagraph (A) within seven days of prohibiting an audit, inspection, or investigation under paragraph (3) if such audit, inspection, or investigation is related to a covert action program. If the Director waives such requirement in accordance with this subparagraph, the Director shall submit the statement required under subparagraph (A) as soon as practicable, along with an explanation of the reasons for delaying the submission of such statement.'';

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (E) and (F) as subsections (F) and (G), respectively; and

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

''(E) a list of the covert actions for which the Inspector General has not completed an audit within the preceding three-year period;''; and

(3) by adding at the end the following new subsection:

''(h) COVERT ACTION DEFINED.—In this section, the term 'covert action' has the meaning given the term in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).''.

Strike section 426 (Page 128, line 21 and all that follows through line 15 on page 129).

Strike section 427 (Page 129, lines 16 through 25).

Strike section 502 (Page 133, line 1 and all that follow through line 10 on page 134).

At the end of subtitle A of title V (Page 135, after line 12), add the following new section:

SEC. 505. CYBERSECURITY TASK FORCE.

(a) ESTABLISHMENT.—There is established a cybersecurity task force (in this section referred to as the ''Task Force'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall consist of the following members:

(A) One member appointed by the Attorney General.

(B) One member appointed by the Director of the National Security Agency.

(C) One member appointed by the Director of National Intelligence.

(D) One member appointed by the White House Cybersecurity Coordinator.

(E) One member appointed by the head of any other agency or department that is designated by the Attorney General to appoint a member to the Task Force.

(2) CHAIR.—The member of the Task Force appointed pursuant to paragraph (1)(A) shall serve as the Chair of the Task Force.

(c) STUDY.—The Task Force shall conduct a study of existing tools and provisions of law used by the intelligence community and law enforcement agencies to protect the cybersecurity of the United States.

(d) REPORT.—

(1) INITIAL.—Not later than one year after the date of the enactment of this Act, the Task Force shall submit to Congress a report containing guidelines or legislative recommendations to improve the capabilities of the intelligence community and law enforcement agencies to protect the cybersecurity of the United States. Such report shall include guidelines or legislative recommendations on—

(A) improving the ability of the intelligence community to detect hostile actions and attribute attacks to specific parties;

(B) the need for data retention requirements to assist the intelligence community and law enforcement agencies;

(C) improving the ability of the intelligence community to anticipate nontraditional targets of foreign intelligence services; and

(D) the adequacy of existing criminal statutes to successfully deter cyber attacks, including statutes criminalizing the facilitation of criminal acts, the scope of laws for

which a cyber crime constitutes a predicate offense, trespassing statutes, data breach notification requirements, and victim restitution statutes.

(2) SUBSEQUENT.—Not later than one year after the date on which the initial report is submitted under paragraph (1), and annually thereafter for two years, the Task Force shall submit to Congress an update of the report required under paragraph (1).

(e) TERMINATION.—The Task Force shall terminate on the date that is 60 days after the date on which the last update of a report required under subsection (d)(2) is submitted.

It was decided in the affirmative ..... { Yeas ..... 246 / Nays 166

¶21.8 [Roll No. 69]

AYES—246

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

NOES—166

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

NOT VOTING—26

Abercrombie	Fallin	Radanovich
Ackerman	Hall (TX)	Reichert
Barrett (SC)	Inslee	Scalise
Bishop (NY)	Johnson (GA)	Stark
Boehner	King (NY)	Stupak
Boucher	Mack	Sullivan
Capps	Moran (KS)	Tanner
Deal (GA)	Paul	Westmoreland
Dent	Pierluisi	

So the amendment, as modified, was agreed to.

¶21.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 111-419, submitted by Mr. HASTINGS of Florida:

Insert after section 352 the following new section:

SEC. 353. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) FINDINGS.—Congress finds the following:

(1) To most effectively carry out the mission of the intelligence community to collect and analyze intelligence, the intelligence community needs personnel that look and speak like the citizens of the many nations in which the United States needs to collect such intelligence.

(2) One of the great strengths of the United States is the diversity of the people of the United States, diversity that can positively contribute to the operational capabilities and effectiveness of the intelligence community.

(3) In the past, the intelligence community has not properly focused on hiring a diverse workforce and the capabilities of the intelligence community have suffered due to that lack of focus.

(4) The intelligence community must be deliberate and work hard to hire a diverse workforce to improve the operational capabilities and effectiveness of the intelligence community.

(b) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(c) CONTENT.—The report required by subsection (b) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

It was decided in the affirmative ..... { Yeas ..... 401 / Nays 11

¶21.10 [Roll No. 70]

AYES—401

Aderholt	Boozman	Castle
Adler (NJ)	Bordallo	Castor (FL)
Alexander	Boren	Chaffetz
Altmire	Boswell	Chandler
Andrews	Boustany	Childers
Arcuri	Boyd	Christensen
Austria	Brady (PA)	Chu
Baca	Brady (TX)	Clarke
Bachmann	Braley (IA)	Clay
Bachus	Bright	Cleaver
Baird	Brown (SC)	Clyburn
Baldwin	Brown, Corrine	Coble
Barrow	Brown-Waite, Ginny	Coffman (CO)
Bartlett	Buchanan	Cohen
Barton (TX)	Burgess	Cole
Bean	Burton (IN)	Conaway
Becerra	Butterfield	Connolly (VA)
Berkley	Buyer	Conyers
Berman	Calvert	Cooper
Berry	Camp	Costa
Biggert	Cantor	Costello
Bilbray	Cao	Courtney
Bilirakis	Capito	Crenshaw
Bishop (GA)	Capuano	Crowley
Bishop (UT)	Cardoza	Cuellar
Blackburn	Carnahan	Culberson
Blumenauer	Carney	Cummings
Blunt	Carson (IN)	Dahlkemper
Boccieri	Carter	Davis (AL)
Bonner	Cassidy	Davis (CA)
Bono Mack		Davis (IL)

Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—11

Akin
Broun (GA)
Campbell
Franks (AZ)
King (IA)
Lungren, Daniel E.
McClintock
Miller, Gary
Rohrabacher
Royce
Young (AK)

NOT VOTING—26

Abercrombie
Ackerman
Barrett (SC)
Bishop (NY)
Boehner
Boucher
Capps
Deal (GA)
Dent
Fallin
Hall (TX)
Inslee
King (NY)
Mack
Moran (KS)
Olver
Paul
Pierluisi
Radanovich
Reichert
Scalise
Stark
Stupak
Sullivan
Tanner
Westmoreland

So the amendment was agreed to.

¶21.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 12, printed in House Report 111-419, submitted by Mr. SCHAUER:

Insert after section 354 the following new section:

SEC. 355. REPORT ON ATTEMPT TO DETONATE EXPLOSIVE DEVICE ON NORTHWEST AIRLINES FLIGHT 253.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines flight number 253 on December 25, 2009. Such report shall describe any failures to share or analyze intelligence or other information within or between elements of the United States Government and the measures that the intelligence community has taken or will take to prevent such failures, including—

(1) a description of the roles and responsibilities of the counterterrorism analytic components of the intelligence community in synchronizing, correlating, and analyzing all sources of intelligence related to terrorism;

(2) an assessment of the technological capabilities of the intelligence community to assess terrorist threats, including—

(A) a list of all databases used by counterterrorism analysts;

(B) a description of the steps taken by the intelligence community to integrate all relevant terrorist databases and allow for cross-database searches; and

(C) a description of the steps taken by the intelligence community to correlate biographic information with terrorism-related intelligence;

(3) a description of the steps taken by the intelligence community to train analysts on watchlisting processes and procedures;

(4) a description of how watchlisting information is entered, reviewed, searched, analyzed, and acted upon by the relevant elements of the intelligence community;

(5) a description of the steps the intelligence community is taking to enhance the rigor and raise the standard of tradecraft of intelligence analysis related to uncovering and preventing terrorist plots;

(6) a description of the processes and procedures by which the intelligence community prioritizes terrorism threat leads and the standards used by elements of the intelligence community to determine if follow-up action is appropriate;

(7) a description of the steps taken to enhance record information on possible terrorists in the Terrorist Identities Datamart Environment;

(8) an assessment of how to meet the challenge associated with exploiting the ever-increasing volume of information available to the intelligence community; and

(9) a description of the steps the intelligence community has taken or will take to respond to any findings and recommendations of the congressional intelligence committees, with respect to such failures, that have been transmitted to the Director of National Intelligence.

It was decided in the affirmative ..... { Yeas ..... 410 / Nays 1

¶21.12 [Roll No. 71]

AYES—410

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson

Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—1

Woolsey

NOT VOTING—27

Abercrombie
Ackerman
Barrett (SC)
Bishop (NY)
Blackburn
Boehner
Boucher
Bright
Capps
Deal (GA)
Dent
Fallin
Hall (TX)
Inslee
King (NY)
Mack
Moran (KS)
Paul
Pierluisi
Radanovich
Reichert
Scalise
Stark
Stupak
Sullivan
Tanner
Westmoreland

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. SERRANO, assumed the Chair.

When Mr. CUELLAR, Acting Chairman, pursuant to House Resolution 1105, reported the bill back to the House with an amendment adopted by the Committee.

Pursuant to House Resolution 1105, the previous question was ordered.

The following amendment reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2010''.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Select Committee on Intelligence of the Senate.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2010, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 2701 of the One Hundred Eleventh Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2010 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

(b) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2010 the sum of $643,252,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2011.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 853 full-time or full-time equivalent personnel as of September 30, 2010. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are

authorized to be appropriated for the Community Management Account for fiscal year 2010 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2011.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2010, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 105. PROHIBITION ON EARMARKS.

(a) IN GENERAL.—Nothing in the classified Schedule of Authorizations, a report of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate to accompany the bill H.R. 2701 of the One Hundred Eleventh Congress, a joint statement of the managers accompanying a conference report on such bill, or the classified annex to this Act, shall be construed to authorize or require the expenditure of funds for a congressional earmark.

(b) CONGRESSIONAL EARMARK DEFINED.—In this section, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, or Resident Commissioner of the House of Representatives or a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process.

SEC. 106. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2010 the sum of $290,900,000.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. TEMPORARY APPOINTMENT TO FILL VACANCIES IN PRESIDENTIALLY APPOINTED AND SENATE CONFIRMED POSITIONS IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103 of the National Security Act of 1947 (50 U.S.C. 403–3) is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following new subsection:

''(e) TEMPORARY APPOINTMENT TO FILL VACANCIES.—Notwithstanding section 3345 of title 5, United States Code, if an officer of the Office of the Director of National Intelligence, other than the Director of National Intelligence, whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns, or is unable to perform the functions and duties of the office—

''(1) if during the 365-day period immediately preceding the date of death, resignation, or beginning of inability to serve of the applicable officer, the person serving as the first assistant to the office of such officer served as such first assistant for not less than 90 days, such first assistant shall perform the functions and duties of the office temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code;

''(2) notwithstanding paragraph (1), the President may direct a person who serves in an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate, to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of such section 3346; or

''(3) notwithstanding paragraph (1), the Director of National Intelligence shall recommend to the President, and the President may direct, a person to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of such section 3346, if—

''(A) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the applicable officer, such person served in a position in an element of the intelligence community for not less than 90 days;

''(B) the rate of pay for the position described under subparagraph (A) is equal to or greater than the minimum rate of pay payable for a position at GS–15 of the General Schedule; and

''(C) in the case of a person who is employed by an element of the intelligence community—

''(i) the Director of National Intelligence shall consult with the head of such element; and

''(ii) if the head of such element objects to the recommendation, the Director of National Intelligence may make the recommendation to the President over the objection of the head of such element after informing the President of such objection.''.

SEC. 303. ENHANCED FLEXIBILITY IN NONREIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 113 the following new section:

''DETAIL OF OTHER PERSONNEL

''SEC. 113A. Except as provided in section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c(g)(2)) and section 113 of this Act, and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element, for a period not to exceed 2 years.''.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note) is amended by inserting after the item relating to section 113 the following new item:

''Sec. 113A. Detail of other personnel.''.

SEC. 304. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''covered position'' means a defense intelligence position in the Department of Defense established under chapter 83 of title 10, United States Code, excluding an Intelligence Senior Level position designated under section 1607 of such title and any position in the Defense Intelligence Senior Executive Service;

(2) the term ''DCIPS pay system'', as used with respect to a covered position, means the provisions of the Defense Civilian Intelligence Personnel System under which the rate of salary or basic pay for such position is determined, excluding any provisions relating to bonuses, awards, or any other amounts not in the nature of salary or basic pay;

(3) the term ''Defense Civilian Intelligence Personnel System'' means the personnel system established under chapter 83 of title 10, United States Code; and

(4) the term ''appropriate pay system'', as used with respect to a covered position, means—

(A) the system under which, as of September 30, 2007, the rate of salary or basic pay for such position was determined; or

(B) if subparagraph (A) does not apply, the system under which, as of September 30, 2007, the rate of salary or basic pay was determined for the positions within the Department of Defense most similar to the position involved,

excluding any provisions relating to bonuses, awards, or any other amounts which are not in the nature of salary or basic pay.

(b) REQUIREMENT THAT APPOINTMENTS TO COVERED POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE PAY SYSTEM.—Notwithstanding any other provision of law—

(1) the DCIPS pay system—

(A) shall not apply to any individual holding a covered position who is not subject to such system as of June 16, 2009; and

(B) shall not apply to any covered position which is not subject to such system as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to a covered position shall accordingly be subject to the appropriate pay system.

(c) TERMINATION OF DCIPS PAY SYSTEM FOR COVERED POSITIONS AND CONVERSION OF EMPLOYEES HOLDING COVERED POSITIONS TO THE APPROPRIATE PAY SYSTEM.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the DCIPS pay system with respect to covered positions and for the conversion of any employees holding any covered positions which, as of such date of enactment, remain subject to the DCIPS pay system, to the appropriate pay system. No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the DCIPS pay system should not be terminated with respect to covered positions, as required by paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary's views and the reasons therefor. Such report shall specifically include—

(A) the Secretary's opinion as to whether the DCIPS pay system should be continued, with or without changes, with respect to covered positions; and

(B) if, in the opinion of the Secretary, the DCIPS pay system should be continued with respect to covered positions, with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

The requirements of this paragraph shall be carried out by the Secretary of Defense in conjunction with the Director of the Office of Personnel Management.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect—

(1) the provisions of the Defense Civilian Intelligence Personnel System governing aspects of compensation apart from salary or basic pay; or

(2) the application of such provisions with respect to a covered position or any individual holding a covered position, including after June 16, 2009.

SEC. 305. CONFLICT OF INTEREST REGULATIONS AND PROHIBITION ON CERTAIN OUTSIDE EMPLOYMENT FOR INTELLIGENCE COMMUNITY EMPLOYEES.

(a) CONFLICT OF INTEREST REGULATIONS.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) CONFLICT OF INTEREST REGULATIONS.—(1) The Director of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

''(2) The Director of National Intelligence shall annually submit to the congressional intelligence committees a report describing all outside employment for officers and employees of elements of the intelligence community that was authorized by the head of an element of the intelligence community during the preceding calendar year. Such report shall be submitted each year on the date provided in section 507.''.

(b) OUTSIDE EMPLOYMENT.—

(1) PROHIBITION.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

''PROHIBITION ON CERTAIN OUTSIDE EMPLOYMENT OF OFFICERS AND EMPLOYEES OF THE INTELLIGENCE COMMUNITY

''SEC. 120. An officer or employee of an element of the intelligence community may not personally own or effectively control an entity that markets or sells for profit the use of knowledge or skills that such officer or employee acquires or makes use of while carrying out the official duties of such officer or employee as an officer or employee of an element of the intelligence community.''.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note) is further amended by inserting after the item relating to section 119B the following new item:

''Sec. 120. Prohibition on certain outside employment of officers and employees of the intelligence community.''.

Subtitle B—Education

SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROBERTS INTELLIGENCE SCHOLARS PROGRAM.

(a) PERMANENT AUTHORIZATION.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.) is amended by adding at the end the following new section:

''PROGRAM ON RECRUITMENT AND TRAINING OF INTELLIGENCE ANALYSTS

''SEC. 1022. (a) PROGRAM.—(1) The Director of National Intelligence shall carry out a program to ensure that selected students or former students are provided funds to continue academic training, or are reimbursed for academic training previously obtained, in areas of specialization that the Director, in consultation with the other heads of the elements of the intelligence community, identifies as areas in which the current capabilities of the intelligence community are deficient or in which future capabilities of the intelligence community are likely to be deficient.

''(2) A student or former student selected for participation in the program shall commit to employment with an element of the intelligence community, following completion of appropriate academic training, under such terms and conditions as the Director considers appropriate.

''(3) The program shall be known as the Pat Roberts Intelligence Scholars Program.

''(b) ELEMENTS.—In carrying out the program under subsection (a), the Director shall—

''(1) establish such requirements relating to the academic training of participants as the Director considers appropriate to ensure that participants are prepared for employment as intelligence professionals; and

''(2) periodically review the areas of specialization of the elements of the intelligence community to determine the areas in which such elements are, or are likely to be, deficient in capabilities.

''(c) USE OF FUNDS.—Funds made available for the program under subsection (a) shall be used to—

''(1) provide a monthly stipend for each month that a student is pursuing a course of study;

''(2) pay the full tuition of a student or former student for the completion of such course of study;

''(3) pay for books and materials that the student or former student requires or required to complete such course of study;

''(4) pay the expenses of the student or former student for travel requested by an element of the intelligence community in relation to such program; or

''(5) for such other purposes the Director considers appropriate to carry out such program.''.

(b) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 303 of this Act, is further amended by inserting after the item relating to section 1021 the following new item:

''Sec. 1022. Program on recruitment and training of intelligence analysts.''.

(2) REPEAL OF PILOT PROGRAM.—Section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 441g note) is repealed.

SEC. 312. INTELLIGENCE OFFICER TRAINING PROGRAM.

(a) PROGRAM.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.), as amended by section 311 of this Act, is further amended by adding at the end the following new section:

''INTELLIGENCE OFFICER TRAINING PROGRAM

''SEC. 1023. (a) PROGRAMS.—(1) The Director of National Intelligence may carry out grant programs in accordance with subsections (b) and (c) to enhance the recruitment and retention of an ethnically and culturally diverse intelligence community workforce with capabilities critical to the national security interests of the United States.

''(2) In carrying out paragraph (1), the Director of National Intelligence shall identify the skills necessary to meet current or emergent needs of the intelligence community and the educational disciplines that will provide individuals with such skills.

''(b) INSTITUTIONAL GRANT PROGRAM.—(1) The Director of National Intelligence may provide grants to institutions of higher education to support the establishment or continued development of programs of study in educational disciplines identified under subsection (a)(2).

''(2) A grant provided under paragraph (1) may, with respect to the educational disciplines identified under subsection (a)(2), be used for the following purposes:

''(A) Curriculum or program development.

''(B) Faculty development.

''(C) Laboratory equipment or improvements.

''(D) Faculty research.

''(c) GRANT PROGRAM FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—(1) The Director of National Intelligence may provide grants to historically black colleges and universities to provide programs of study in educational disciplines identified under subsection (a)(2) or described in paragraph (2).

''(2) A grant provided under paragraph (1) may be used to provide programs of study in the following educational disciplines:

''(A) Foreign languages, including Middle Eastern and South Asian dialects.

''(B) Computer science.

''(C) Analytical courses.

''(D) Cryptography.

''(E) Study abroad programs.

''(d) APPLICATION.—An institution of higher education seeking a grant under this section shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

''(e) REPORTS.—An institution of higher education that receives a grant under this section shall submit to the Director regular reports regarding the use of such grant, including—

''(1) a description of the benefits to students who participate in the course of study funded by such grant;

''(2) a description of the results and accomplishments related to such course of study; and

''(3) any other information that the Director may require.

''(f) REGULATIONS.—The Director of National Intelligence shall prescribe such regulations as may be necessary to carry out this section.

''(g) DEFINITIONS.—In this section:

''(1) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(2) DIRECTOR.—The term 'Director' means the Director of National Intelligence.

''(3) ANALYTICAL COURSES.—The term 'analytical courses' mean programs of study involving—

''(A) analytic methodologies, including advanced statistical, polling, econometric, mathematical, or geospatial modeling methodologies;

''(B) analysis of counterterrorism, crime, and counternarcotics;

''(C) economic analysis that includes analyzing and interpreting economic trends and developments;

''(D) medical and health analysis, including the assessment and analysis of global health issues, trends, and disease outbreaks;

''(E) political analysis, including political, social, cultural, and historical analysis to interpret foreign political systems and developments; or

''(F) psychology, psychiatry, or sociology courses that assess the psychological and social factors that influence world events.

''(4) COMPUTER SCIENCE.—The term 'computer science' means a program of study in

computer systems, computer science, computer engineering, or hardware and software analysis, integration, and maintenance.

''(5) CRYPTOGRAPHY.—The term 'cryptography' means a program of study on the conversion of data into a scrambled code that can be deciphered and sent across a public or private network, and the applications of such conversion of data.

''(6) HISTORICALLY BLACK COLLEGE AND UNIVERSITY.—The term 'historically black college and university' means an institution of higher education that is a part B institution, as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

''(7) STUDY ABROAD PROGRAM.—The term 'study abroad program' means a program of study that—

''(A) takes places outside the geographical boundaries of the United States;

''(B) focuses on areas of the world that are critical to the national security interests of the United States and are generally underrepresented in study abroad programs at institutions of higher education, including Africa, Asia, Central and Eastern Europe, Eurasia, Latin American, and the Middle East; and

''(C) is a credit or noncredit program.''.

(b) REPEAL OF DUPLICATIVE PROVISIONS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Section 319 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 403 note).

(B) Section 1003 of the National Security Act of 1947 (50 U.S.C. 441g–2).

(C) Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 402 note).

(2) EXISTING AGREEMENTS.—Notwithstanding the repeals made by paragraph (1), nothing in this subsection shall be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect in relation to the provisions repealed under paragraph (1) on the day prior to the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note), as amended by section 311 of this Act, is further amended by—

(1) striking the item relating to section 1003; and

(2) inserting after the item relating to section 1022 the following new item:

''Sec. 1023. Intelligence officer training program.''.

SEC. 313. MODIFICATIONS TO THE STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.

(a) EXPANSION OF PROGRAM TO GRADUATE STUDENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subsection (a)—

(A) by striking ''undergraduate'' and inserting ''undergraduate and graduate''; and

(B) by striking ''the baccalaureate'' and inserting ''a baccalaureate or graduate''; and

(2) in subsection (e)(2), by striking ''undergraduate'' and inserting ''undergraduate and graduate''.

(b) TERMINATION.—Section 16(d)(1)(C) of such Act is amended by striking ''terminated either by'' and all that follows and inserting the following: ''terminated by—

''(i) the Agency due to misconduct by the person;

''(ii) the person voluntarily; or

''(iii) by the Agency for the failure of the person to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency specifies in the agreement under this paragraph; and''.

(c) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Section 16(e) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

(d) OTHER ELEMENTS OF THE INTELLIGENCE COMMUNITY.—

(1) AUTHORIZATION.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441g et seq.), as amended by section 312 of this Act, is further amended by adding at the end the following new section:

''STOKES SCHOLARSHIP PROGRAM

''SEC. 1024. The head of an element of the intelligence community may establish an undergraduate and graduate training program with respect to civilian employees of such element in the same manner and under the same conditions as the Secretary of Defense is authorized to establish such a program under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note).''.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 312 of this Act, is further amended by inserting after the item relating to section 1023 the following new item:

''Sec. 1024. Stokes scholarship program.''.

SEC. 314. PILOT PROGRAM FOR INTENSIVE LANGUAGE INSTRUCTION IN AFRICAN LANGUAGES.

(a) ESTABLISHMENT.—The Director of National Intelligence, in consultation with the National Security Education Board established under section 803(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(a)), may establish a pilot program for intensive language instruction in African languages.

(b) PROGRAM.—A pilot program established under subsection (a) shall provide scholarships for programs that provide intensive language instruction—

(1) in any of the five highest priority African languages for which scholarships are not offered under such Act, as determined by the Director of National Intelligence; and

(2) both in the United States and in a country in which the language is the native language of a significant portion of the population, as determined by the Director of National Intelligence.

(c) TERMINATION.—A pilot program established in accordance with subsection (a) shall terminate on the date that is 5 years after the date on which such pilot program is established.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $2,000,000.

(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until the termination of the pilot program in accordance with subsection (c).

Subtitle C—Congressional Oversight of Covert Actions

SEC. 321. REPORTING ON COVERT ACTIONS.

(a) GENERAL CONGRESSIONAL OVERSIGHT.—Section 501(a) of the National Security Act of 1947 (50 U.S.C. 413(a)) is amended by adding at the end the following new paragraph:

''(3) In carrying out paragraph (1), the President shall provide to the congressional intelligence committees all information necessary to assess the lawfulness, effectiveness, cost, benefit, intelligence gain, budgetary authority, and risk of an intelligence activity, including—

''(A) the legal authority under which the intelligence activity is being or was conducted;

''(B) any specific operational concerns arising from the intelligence activity, including the risk of disclosing intelligence sources or methods;

''(C) the likelihood that the intelligence activity will exceed the planned or authorized expenditure of funds or other resources; and

''(D) the likelihood that the intelligence activity will fail.''.

(b) PROCEDURES.—Section 501(c) of such Act (50 U.S.C. 413(c)) is amended by striking ''such procedures'' and inserting ''such written procedures''.

(c) INTELLIGENCE ACTIVITIES.—Section 502(a)(2) of such Act (50 U.S.C. 413a(a)(2)) is amended by inserting ''(including the legal authority under which the intelligence activity is being or was conducted)'' after ''concerning intelligence activities''.

(d) COVERT ACTIONS.—Section 503 of such Act (50 U.S.C. 413b) is amended—

(1) in subsection (b)(2), by inserting ''(including the legal authority under which the covert action is being or was conducted)'' after ''concerning covert actions'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''in writing'' after ''be reported'';

(B) in paragraph (2), by striking ''If the President'' and inserting ''Subject to paragraph (5), if the President''; and

(C) by adding at the end the following new paragraph:

''(5)(A) The President may only limit access to a finding in accordance with this subsection or a notification in accordance with subsection (d)(1) if the President submits to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.

''(B) Not later than 180 days after a certification is submitted in accordance with subparagraph (A) or this subparagraph, the Director of National Intelligence shall—

''(i) provide access to the finding or notification that is the subject of such certification to all members of the congressional intelligence committees; or

''(ii) submit to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.'';

(3) in subsection (d)—

(A) by striking ''(d) The President'' and inserting ''(d)(1) The President'';

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by inserting ''in writing'' after ''notified''; and

(C) by adding at the end the following new paragraph:

''(2) For purposes of this subsection, an activity shall constitute a 'significant undertaking' if the activity—

''(A) involves the potential for loss of life;

''(B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;

''(C) results in the expenditure of significant funds or other resources;

''(D) requires notification under section 504;

''(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

''(F) could cause serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.''; and

(4) by adding at the end the following new subsections:

''(g)(1) A Member of Congress to which a finding is reported under subsection (c) or notice is provided under subsection (d)(1) may submit to the Director of National Intelligence an objection to any part of such

finding or such notice or to the limiting of access to such finding or such notice. Not later than seven days after such an objection is submitted to the Director of National Intelligence, the Director shall report such objection in writing to the President and such Member of Congress.

''(2) In any case where access to a finding reported under subsection (c) or notice provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall provide such members with general information regarding the finding or notice.

''(3) The President shall—

''(A) maintain a record of the Members of Congress to which a finding is reported under subsection (c) or notice is provided under subsection (d)(1) and the date on which each Member of Congress receives such finding or notice; and

''(B) not later than 30 days after the date on which such finding is reported or such notice is provided, provide such record to—

''(i) in the case of a finding reported or notice provided to a Member of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives; and

''(ii) in the case of a finding reported or notice provided to a Member of the Senate, the Select Committee on Intelligence of the Senate.''.

Subtitle D—Reports and Other Congressional Oversight

SEC. 331. REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.

Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(1) in the heading, by striking ''SEMIANNUAL'' and inserting ''ANNUAL'';

(2) in subsection (a)—

(A) in the heading, by striking ''SEMIANNUAL'' and inserting ''ANNUAL'';

(B) in the matter preceding paragraph (1)—

(i) by striking ''semiannual basis'' and inserting ''annual basis''; and

(ii) by striking ''preceding six-month period'' and inserting ''preceding one-year period'';

(C) by striking paragraph (2); and

(D) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''the Committee on Armed Services,'' after ''the Committee on Appropriations,''; and

(B) in paragraph (2), by inserting ''the Committee on Armed Services,'' after ''the Committee on Appropriations,''.

SEC. 332. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 507 the following new section:

''ANNUAL PERSONNEL LEVEL ASSESSMENT FOR THE INTELLIGENCE COMMUNITY

''SEC. 508. (a) ASSESSMENT.—The Director of National Intelligence shall, in consultation with the head of each element of the intelligence community, prepare an annual personnel level assessment for such element that assesses the personnel levels of such element for the fiscal year following the fiscal year in which the assessment is submitted.

''(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year along with the budget submitted by the President in accordance with section 1105 of title 31, United States Code.

''(c) CONTENTS.—Each assessment required by subsection (a) shall include, for the element of the intelligence community concerned, the following information:

''(1) The budget submission for personnel costs of such element for the upcoming fiscal year.

''(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

''(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the preceding five fiscal years.

''(4) The number of personnel positions requested for such element for the upcoming fiscal year.

''(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of such element of the current fiscal year.

''(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of such element during the preceding five fiscal years.

''(7) The best estimate of the number and costs of contractors to be funded by such element for the upcoming fiscal year.

''(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors to be funded by such element during the current fiscal year.

''(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, of such element during the preceding five fiscal years.

''(10) A written justification for the requested personnel and contractor levels.

''(11) The number of intelligence collectors and analysts employed or contracted by such element.

''(12) A list of all contractors that have been the subject of an investigation completed by the inspector general of such element during the preceding fiscal year, or are or have been the subject of an investigation by such inspector general during the current fiscal year.

''(13) A statement by the Director of National Intelligence of whether, based on current and projected funding, such element will have sufficient—

''(A) internal infrastructure to support the requested personnel and contractor levels;

''(B) training resources to support the requested personnel levels; and

''(C) funding to support the administrative and operational activities of the requested personnel levels.''.

SEC. 333. SEMIANNUAL REPORTS ON NUCLEAR WEAPONS PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 332, is further amended by adding at the end the following new section:

''SEMIANNUAL REPORTS ON THE NUCLEAR WEAPONS PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA

''SEC. 509. (a) REQUIREMENT FOR REPORTS.—Not less frequently than every 180 days, the Director of National Intelligence shall submit to the appropriate congressional committees a report on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's Republic of Korea, with regard to the nuclear weapons programs of each such country.

''(b) CONTENT.—Each report submitted under subsection (a) shall include, with respect to the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's Republic of Korea—

''(1) an assessment of nuclear weapons programs of each country;

''(2) an evaluation of the sources upon which the intelligence used to prepare the assessment referred to in paragraph (1) is based, including the number of such sources and an assessment of the reliability of each source;

''(3) a summary of any intelligence related to any program gathered or developed since the previous report was submitted under subsection (a), including intelligence collected from both open and clandestine sources for each country; and

''(4) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment referred to in paragraph (1).

''(c) NATIONAL INTELLIGENCE ESTIMATE.—The Director of National Intelligence may submit a National Intelligence Estimate on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, or the Democratic People's Republic of Korea in lieu of a report required by subsection (a) for that country.

''(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the congressional intelligence committees;

''(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

''(3) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.''.

(b) APPLICABILITY DATE.—The first report required to be submitted under section 509 of the National Security Act of 1947, as added by subsection (a), shall be submitted not later than 120 days after the date of the enactment of this Act.

SEC. 334. REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter for 4 years, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and, as appropriate, in foreign dialects, of each element of the intelligence community, including—

(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

(2) an estimate of the number of such positions that each element will require during the 5-year period beginning on the date of the submission of the report;

(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

(A) military personnel; and

(B) civilian personnel;

(4) the number of applicants for positions in such element in the preceding fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

(9) for each foreign language and, as appropriate, dialect of a foreign language—

(A) the number of positions of such element that require proficiency in the foreign language or dialect;

(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

(11) an identification of any critical gaps in foreign language proficiency with respect to such element and recommendations for eliminating such gaps;

(12) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

(13) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element.

SEC. 335. GOVERNMENT ACCOUNTABILITY OFFICE AUDITS AND INVESTIGATIONS.

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 334 of this Act, is further amended by adding at the end the following new section:

''GOVERNMENT ACCOUNTABILITY OFFICE ANALYSES, EVALUATIONS, AND INVESTIGATIONS

''SEC. 511. (a) IN GENERAL.—Except as provided in subsection (b), the Director of National Intelligence shall ensure that personnel of the Government Accountability Office designated by the Comptroller General are provided with access to all information in the possession of an element of the intelligence community that the Comptroller General determines is necessary for such personnel to conduct an analysis, evaluation, or investigation of a program or activity of an element of the intelligence community that is requested by a committee of Congress with jurisdiction over such program or activity.

''(b) EXCEPTION.—(1)(A) Subject to subparagraph (B), the Director of National Intelligence may restrict access to information referred to in subsection (a) by personnel designated in such subsection if the Director determines that the restriction is necessary to protect vital national security interests of the United States.

''(B) The Director of National Intelligence may not restrict access under subparagraph (A) solely on the basis of the level of classification or compartmentation of information that the personnel designated in subsection (a) may seek access to while conducting an analysis, evaluation, or investigation.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit to each committee of Congress with jurisdiction over the program or activity that is the subject of the analysis, evaluation, or investigation for which the Director restricts access to information under such paragraph an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

''(3) The Director shall notify the Comptroller General at the time a statement under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Comptroller General with a copy of such statement.

''(4) The Comptroller General shall submit to each committee of Congress to which the Director of National Intelligence submits a statement under paragraph (2) any comments on the statement that the Comptroller General considers appropriate.

''(c) CONFIDENTIALITY.—(1) The Comptroller General shall maintain the same level of confidentiality for information made available for an analysis, evaluation, or investigation referred to in subsection (a) as is required of the head of the element of the intelligence community from which such information is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use of such information as officers or employees of the element of the intelligence community that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such information.

''(2) The Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an analysis, evaluation, or investigation referred to in subsection (a).

''(3) Before initiating an analysis, evaluation, or investigation referred to in subsection (a), the Comptroller General shall provide the Director of National Intelligence and the head of each relevant element of the intelligence community with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records and information of the element of the intelligence community shall be made available in conducting such analysis, evaluation, or investigation.''.

SEC. 336. CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 335 of this Act, is further amended by adding at the end the following new section:

''CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS

''SEC. 512. The head of each element of the intelligence community shall semiannually submit to the congressional intelligence committees—

''(1) a certification that, to the best of the knowledge of the head of such element—

''(A) the head of such element of the intelligence community is in full compliance with the requirements of this title; and

''(B) any information required to be submitted by such head of such element under this Act before the date of the submission of such certification has been properly submitted; or

''(2) if such head of such element is unable to submit a certification under paragraph (1), a statement—

''(A) of the reasons such head of such element is not able to submit such a certification;

''(B) describing any information required to be submitted by such head of such element under this Act before the date of the submission of such statement that has not been properly submitted; and

''(C) that the head of such element will submit such information as soon as possible after the submission of such statement.''.

(b) APPLICABILITY DATE.—The first certification or statement required to be submitted by the head of each element of the intelligence community under section 512 of the National Security Act of 1947, as added by subsection (a) of this section, shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 337. REPORTS ON FOREIGN INDUSTRIAL ESPIONAGE.

(a) IN GENERAL.—Section 809(b) of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. App. 2170b(b)) is amended—

(1) in the heading, by striking ''ANNUAL'' and inserting ''BIENNIAL'';

(2) by striking paragraph (1) and inserting the following new paragraph:

''(1) SUBMISSION TO CONGRESS.—The President shall biennially submit to the congressional intelligence committees, the Committees on Armed Services of the House of Representatives and the Senate, and congressional leadership a report updating the information referred to in subsection (a)(1)(D).'';

(3) by striking paragraph (2); and

(4) by redesignating paragraph (3) as paragraph (2).

(b) INITIAL REPORT.—The first report required under section 809(b)(1) of such Act, as amended by subsection (a)(2) of this section, shall be submitted not later than February 1, 2010.

SEC. 338. REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.

(a) REQUIREMENT FOR REPORT.—Not later than November 1, 2010, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report describing the use of personal services contracts across the intelligence community, the impact of the use of such contracts on the intelligence community workforce, plans for conversion of contractor employment into Federal Government employment, and the accountability mechanisms that govern the performance of such personal services contracts.

(b) CONTENT.—

(1) IN GENERAL.—The report submitted under subsection (a) shall include—

(A) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community relating to minimum standards required regarding the hiring, training, security clearance, and assignment of contract personnel and how those standards may differ from those for Federal Government employees performing substantially similar functions;

(B) an identification of contracts where the contractor is performing substantially similar functions to a Federal Government employee;

(C) an assessment of costs incurred or savings achieved by awarding contracts for the performance of such functions referred to in subparagraph (B) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2);

(E) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2);

(F) a comparison of the compensation of contract employees and Federal Government employees performing substantially similar functions;

(G) an analysis of the attrition of Federal Government personnel for contractor positions that provide substantially similar functions;

(H) a description of positions that will be converted from contractor employment to Federal Government employment;

(I) an analysis of the oversight and accountability mechanisms applicable to personal services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2008 and 2009;

(J) an analysis of procedures in use in the intelligence community for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(K) an identification of best practices for oversight and accountability mechanisms applicable to personal services contracts.

(2) ACTIVITIES.—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions, including rendition, detention, and interrogation activities.

SEC. 339. REPORT ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

Not later than 120 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees and the Committees on the Judiciary of the House of Representatives and the Senate a report describing the Director's long-term vision for transforming the intelligence capabilities of the Bureau and the progress of the internal reforms of the Bureau intended to achieve that vision. Such report shall include—

(1) the direction, strategy, and goals for transforming the intelligence capabilities of the Bureau;

(2) a description of what the fully functional intelligence and national security functions of the Bureau should entail;

(3) a candid assessment of the effect of internal reforms at the Bureau and whether such reforms have moved the Bureau towards achieving the goals of the Director for the intelligence and national security functions of the Bureau; and

(4) an assessment of how well the Bureau performs tasks that are critical to the effective functioning of the Bureau as an intelligence agency, including—

(A) identifying new intelligence targets within the scope of the national security functions of the Bureau, outside the parameters of an existing case file or ongoing investigation;

(B) collecting intelligence domestically, including collection through human and technical sources;

(C) recruiting human sources;

(D) training Special Agents to spot, assess, recruit, and handle human sources;

(E) working collaboratively with other Federal departments and agencies to jointly collect intelligence on domestic counterterrorism and counterintelligence targets;

(F) producing a common intelligence picture of domestic threats to the national security of the United States;

(G) producing high quality and timely intelligence analysis;

(H) integrating intelligence analysts into its intelligence collection operations; and

(I) sharing intelligence information with intelligence community partners.

SEC. 340. REPORT ON INTELLIGENCE RESOURCES DEDICATED TO IRAQ AND AFGHANISTAN.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on intelligence collection and analysis resources: (1) dedicated to Iraq and Afghanistan during fiscal years 2008 and 2009; and (2) planned to be dedicated during fiscal year 2010. Such report shall include detailed information on fiscal, human, technical, and other intelligence collection and analysis resources.

SEC. 341. REPORT ON INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.

(a) REPORT.—Not later than February 1, 2011, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report assessing the threat to national security presented by the efforts of foreign countries to acquire, through espionage, diversion, or other means, sensitive equipment and technology, and the degree to which United States export controls (including the International Traffic in Arms Regulations) are adequate to defeat such efforts.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS DEFINED.—The term ''International Traffic in Arms Regulations'' means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

SEC. 342. REPORT ON NUCLEAR TRAFFICKING.

(a) REPORT.—Not later than February 1, 2010, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the illicit trade of nuclear and radiological material and equipment.

(b) CONTENTS.—The report submitted under subsection (a) shall include, for a period of time including at least the preceding 3 years—

(1) details of all known or suspected cases of the illicit sale, transfer, brokering, or transport of—

(A) nuclear or radiological material;

(B) equipment useful for the production of nuclear or radiological material; or

(C) nuclear explosive devices;

(2) an assessment of the countries that represent the greatest risk of nuclear trafficking activities; and

(3) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment referred to in paragraph (2).

(c) FORM.—The report under subsection (a) may be submitted in classified form, but shall include an unclassified summary.

SEC. 343. STUDY ON REVOKING PENSIONS OF PERSONS WHO COMMIT UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the feasibility of revoking the pensions of personnel of the intelligence community who commit unauthorized disclosures of classified information, including whether revoking such pensions is feasible under existing law or under the administrative authority of the Director of National Intelligence or any other head of an element of the intelligence community.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 344. STUDY ON ELECTRONIC WASTE DESTRUCTION PRACTICES OF THE INTELLIGENCE COMMUNITY.

(a) STUDY.—The Inspector General of the Intelligence Community shall conduct a study on the electronic waste destruction practices of the intelligence community. Such study shall assess—

(1) the security of the electronic waste disposal practices of the intelligence community, including the potential for counterintelligence exploitation of destroyed, discarded, or recycled materials;

(2) the environmental impact of such disposal practices; and

(3) methods to improve the security and environmental impact of such disposal practices, including steps to prevent the forensic exploitation of electronic waste.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 345. REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The history of Air America and the associated companies prior to 1977, including a description of—

(A) the relationship between Air America and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(B) the workforce of Air America and the associated companies;

(C) the missions performed by Air America, the associated companies, and their employees for the United States; and

(D) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(2) A description of—

(A) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(B) the contributions made by such employees for such benefits;

(C) the retirement benefits actually paid such employees;

(D) the entitlement of such employees to the payment of future retirement benefits; and

(E) the likelihood that such employees will receive any future retirement benefits.

(3) An assessment of the difference between—

(A) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(B) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(4) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(5) If legislative action is considered advisable under paragraph (4), a proposal for such action and an assessment of its costs.

(6) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term ''Air America'' means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term ''associated company'' means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport, during the period when such an entity was owned and controlled by the United States Government.

SEC. 346. STUDY ON COLLEGE TUITION PROGRAMS FOR EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the feasability of—

(1) providing matching funds for contributions to college savings programs made by employees of elements of the intelligence community; and

(2) establishing a program to pay the college tuition of each child of an employee of an element of the intelligence community that has died in the performance of the official duties of such employee.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report containing the results of the study conducted under subsection (a).

(c) COLLEGE SAVINGS PROGRAM DEFINED.—In this section, the term ''college savings program'' means—

(1) a qualified tuition program, as defined in section 529 of the Internal Revenue Code of 1986;

(2) a Coverdell education savings account, as defined in section 530 of the Internal Revenue Code of 1986; and

(3) any other appropriate program providing tax incentives for saving funds to pay for college tuition, as determined by the Director of National Intelligence.

SEC. 347. REPORT ON GLOBAL SUPPLY CHAIN VULNERABILITIES.

(a) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the global supply chain and global provision of services to determine whether such supply chain and such services pose a risk to defense and intelligence systems due to components that may be counterfeit, defective, or deliberately manipulated by a foreign government or a criminal organization or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization.

(b) REVIEW OF MITIGATION.—

(1) NCIX REVIEW.—The National Counterintelligence Executive shall conduct a review of the adequacy of the mechanisms to identify and mitigate vulnerabilities in the global supply chain that pose a risk to defense and intelligence systems due to components that may be counterfeit, defective, or deliberately manipulated by a foreign government or a criminal organization or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization. Such review shall include an examination of the threat posed by State-controlled and State-invested enterprises and the extent to which the actions and activities of such enterprises may be controlled, coerced, or influenced by a foreign government.

(2) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, the National Counterintelligence Executive shall submit to Congress a report containing the results of the review conducted under paragraph (1).

SEC. 348. REVIEW OF RECORDS RELATING TO POTENTIAL HEALTH RISKS AMONG DESERT STORM VETERANS.

(a) REVIEW.—The Director of the Central Intelligence Agency shall conduct a classification review of the records of the Agency that are relevant to the known or potential health effects suffered by veterans of Operation Desert Storm as described in the November 2008, report by the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans Illnesses.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to Congress the results of the classification review conducted under subsection (a), including the total number of records of the Agency that are relevant.

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 349. FEDERAL BUREAU OF INVESTIGATION FIELD OFFICE SUPERVISORY TERM LIMIT POLICY.

None of the funds authorized to be appropriated by this Act may be used to implement the field office supervisory term limit policy of the Federal Bureau of Investigation requiring the mandatory reassignment of a supervisor of the Bureau after a specific term of years.

SEC. 350. SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to recidivism of detainees currently or formerly held at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

SEC. 351. SUMMARY OF INTELLIGENCE ON UIGHUR DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to threats posed by Uighur detainees currently or formerly held at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

SEC. 352. REPORT ON INTERROGATION RESEARCH AND TRAINING.

(a) REQUIREMENT FOR REPORT.—Not later than December 31, 2009, the Director of National Intelligence, in coordination with the heads of the relevant elements of the intelligence community, shall submit to the congressional intelligence committees and the Committees on Appropriations of the House of Representatives and the Senate a report on the state of research, analysis, and training in interrogation and debriefing practices.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of—

(A) the quality and value of scientific and technical research in interrogation and debriefing practices that has been conducted independently or in affiliation with the Federal Government and the identification of areas in which additional research could potentially improve interrogation practices;

(B) the state of interrogation and debriefing training in the intelligence community, including the character and adequacy of the ethical component of such training, and the identification of any gaps in training;

(C) the adequacy of efforts to enhance career path options for intelligence community personnel that serve as interrogators and debriefers, including efforts to recruit and retain career personnel; and

(D) the effectiveness of existing processes for studying and implementing lessons learned and best practices of interrogation and debriefing; and

(2) any recommendations that the Director considers appropriate for improving the performance of the intelligence community with respect to the issues described in subparagraphs (A) through (D) of paragraph (1).

SEC. 353. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) FINDINGS.—Congress finds the following:

(1) To most effectively carry out the mission of the intelligence community to collect and analyze intelligence, the intelligence community needs personnel that look and speak like the citizens of the many nations in which the United States needs to collect such intelligence.

(2) One of the great strengths of the United States is the diversity of the people of the United States, diversity that can positively contribute to the operational capabilities and effectiveness of the intelligence community.

(3) In the past, the intelligence community has not properly focused on hiring a diverse workforce and the capabilities of the intelligence community have suffered due to that lack of focus.

(4) The intelligence community must be deliberate and work hard to hire a diverse workforce to improve the operational capabilities and effectiveness of the intelligence community.

(b) REQUIREMENT FOR REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community,

shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(c) CONTENT.—The report required by subsection (b) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

SEC. 354. REVIEW OF FEDERAL BUREAU OF INVESTIGATION EXERCISE OF ENFORCEMENT JURISDICTION IN FOREIGN NATIONS.

Not later than 60 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a review of constraints under international law and the laws of foreign nations to the assertion of enforcement jurisdiction with respect to criminal investigations of terrorism offenses under the laws of the United States conducted by agents of the Federal Bureau of Investigation in foreign nations and using funds made available for the National Intelligence Program, including constraints identified in section 432 of the Restatement (Third) of the Foreign Relations Law of the United States.

SEC. 355. PUBLIC RELEASE OF INFORMATION ON PROCEDURES USED IN NARCOTICS AIRBRIDGE DENIAL PROGRAM IN PERU.

Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General of the Central Intelligence Agency entitled ''Procedures Used in Narcotics Airbridge Denial Program in Peru, 1995–2001'', dated August 25, 2008.

SEC. 356. CYBERSECURITY OVERSIGHT.

(a) NOTIFICATION OF CYBERSECURITY PROGRAMS.—

(1) REQUIREMENT FOR NOTIFICATION.—

(A) EXISTING PROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a notification for each cybersecurity program in operation on such date that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(B) NEW PROGRAMS.—Not later than 30 days after the date of the commencement of operations of a new cybersecurity program, the President shall submit to Congress a notification of such commencement that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(2) DOCUMENTATION.—A notification required by paragraph (1) for a cybersecurity program shall include—

(A) the legal justification for the cybersecurity program;

(B) the certification, if any, made pursuant to section 2511(2)(a)(ii)(B) of title 18, United States Code, or other statutory certification of legality for the cybersecurity program;

(C) the concept for the operation of the cybersecurity program that is approved by the head of the appropriate agency or department;

(D) the assessment, if any, of the privacy impact of the cybersecurity program prepared by the privacy or civil liberties protection officer or comparable officer of such agency or department; and

(E) the plan, if any, for independent audit or review of the cybersecurity program to be carried out by the head of the relevant department or agency of the United States, in conjunction with the appropriate inspector general.

(b) PROGRAM REPORTS.—

(1) REQUIREMENT FOR REPORTS.—The head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification was submitted under subsection (a), in consultation with the inspector general for that department or agency, shall submit to Congress and the President, in accordance with the schedule set out in paragraph (2), a report on such cybersecurity program that includes—

(A) the results of any audit or review of the cybersecurity program carried out under the plan referred to in subsection (a)(2)(E), if any; and

(B) an assessment of whether the implementation of the cybersecurity program—

(i) is in compliance with—

(I) the legal justification referred to in subsection (a)(2)(A); and

(II) the assessment referred to in subsection (a)(2)(D), if any;

(ii) is adequately described by the concept of operation referred to in subsection (a)(2)(C), if any; and

(iii) includes an adequate independent audit or review system and whether improvements to such independent audit or review system are necessary.

(2) SCHEDULE FOR SUBMISSION OF REPORTS.—The reports required by paragraph (1) shall be submitted to Congress and the President according to the following schedule:

(A) An initial report shall be submitted not later than 180 days after the date of the enactment of this Act.

(B) A second report shall be submitted not later than 1 year after the date of the enactment of this Act.

(C) Additional reports shall be submitted periodically following the submission of the reports referred to in subparagraphs (A) and (B) as necessary, as determined by the head of the relevant department or agency of the United States in conjunction with the inspector general of that department or agency.

(3) COOPERATION AND COORDINATION.—

(A) COOPERATION.—The head of each department or agency of the United States required to submit a report under paragraph (1) for a particular cybersecurity program, and the inspector general of each such department or agency, shall, to the extent practicable, work in conjunction with any other such head or inspector general required to submit such a report for such cybersecurity program.

(B) COORDINATION.—The heads of all of the departments and agencies of the United States required to submit a report under paragraph (1) for a particular cybersecurity program shall designate one such head to coordinate the conduct of the reports on such program.

(c) INFORMATION SHARING REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community shall jointly submit to Congress and the President a report on the status of the sharing of cyber threat information, including—

(1) a description of how cyber threat intelligence information, including classified information, is shared among the agencies and departments of the United States and with persons responsible for critical infrastructure;

(2) a description of the mechanisms by which classified cyber threat information is distributed;

(3) an assessment of the effectiveness of such information sharing and distribution; and

(4) any other matters identified by the Inspectors General that would help to fully inform Congress or the President regarding the effectiveness and legality of cybersecurity programs.

(d) PERSONNEL DETAILS.—

(1) AUTHORITY TO DETAIL.—Notwithstanding any other provision of law, the head of an element of the intelligence community that is funded through the National Intelligence Program may detail an officer or employee of such element to the National Cyber Investigative Joint Task Force or to the Department of Homeland Security to assist the Task Force or the Department with cybersecurity, as jointly agreed by the head of such element and the Task Force or the Department.

(2) BASIS FOR DETAIL.—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than 3 years; and

(B) on a reimbursable or nonreimbursable basis.

(e) SUNSET.—The requirements and authorities of this section shall terminate on December 31, 2012.

(f) DEFINITIONS.—In this section:

(1) CYBERSECURITY PROGRAM.—The term ''cybersecurity program'' means a class or collection of similar cybersecurity operations of an agency or department of the United States that involves personally identifiable data that is—

(A) screened by a cybersecurity system outside of the agency or department of the United States that was the intended recipient of the personally identifiable data;

(B) transferred, for the purpose of cybersecurity, outside the agency or department of the United States that was the intended recipient of the personally identifiable data; or

(C) transferred, for the purpose of cybersecurity, to an element of the intelligence community.

(2) NATIONAL CYBER INVESTIGATIVE JOINT TASK FORCE.—The term ''National Cyber Investigative Joint Task Force'' means the multi-agency cyber investigation coordination organization overseen by the Director of the Federal Bureau of Investigation known as the Nation Cyber Investigative Joint Task Force that coordinates, integrates, and provides pertinent information related to cybersecurity investigations.

(3) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given that term in section 1016 of the USA PATRIOT Act (42 U.S.C. 5195c).

SEC. 357. REITERATION OF REQUIREMENT TO SUBMIT REPORT ON TERRORISM FINANCING.

Not later than 180 days after the date of the enactment of this Act, the President, acting through the Secretary of the Treasury, shall submit to Congress the report required to be submitted under section 6303(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3750).

SEC. 358. REPORT ON QUESTIONING AND DETENTION OF SUSPECTED TERRORISTS.

Not later than 180 days after the date of the enactment of this Act, the Director of

National Intelligence, in consultation with the Attorney General, shall submit to Congress a report containing—

(1) a description of the strategy of the Federal Government for balancing the intelligence collection needs of the United States with the interest of the United States in prosecuting terrorist suspects; and

(2) a description of the policy of the Federal Government with respect to the questioning, detention, trial, transfer, release, or other disposition of suspected terrorists.

SEC. 359. REPORT ON DISSEMINATION OF COUNTERTERRORISM INFORMATION TO LOCAL LAW ENFORCEMENT AGENCIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the dissemination of critical counterterrorism information from the intelligence community to local law enforcement agencies, including recommendations for improving the means of communication of such information to local law enforcement agencies.

SEC. 360. REPORT ON INTELLIGENCE CAPABILITIES OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the intelligence capabilities of State and local law enforcement agencies. Such report shall include—

(1) an assessment of the ability of State and local law enforcement agencies to analyze and fuse intelligence community products with locally gathered information;

(2) a description of existing procedures of the intelligence community to share with State and local law enforcement agencies the tactics, techniques, and procedures for intelligence collection, data management, and analysis learned from global counterinsurgency and counterterror operations;

(3) a description of current intelligence analysis training provided by elements of the intelligence community to State and local law enforcement agencies;

(4) an assessment of the need for a formal intelligence training center to teach State and local law enforcement agencies methods of intelligence collection and analysis; and

(5) an assessment of the efficiently of colocating such an intelligence training center with an existing intelligence community or military intelligence training center.

SEC. 360A. INSPECTOR GENERAL REPORT ON OVER-CLASSIFICATION.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to Congress a report containing an analysis of the problem of overclassification of intelligence and ways to address such over-classification, including an analysis of the importance of protecting sources and methods while providing law enforcement and the public with as much access to information as possible.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 360B. REPORT ON THREAT FROM DIRTY BOMBS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, shall submit to Congress a report summarizing intelligence related to the threat to the United States from weapons that use radiological materials, including highly dispersible substances such as cesium–137.

SEC. 360C. REPORT ON ACTIVITIES OF THE INTELLIGENCE COMMUNITY IN ARGENTINA.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report containing the following:

(1) A description of any information in the possession of the intelligence community with respect to the following events in the Republic of Argentina:

(A) The accession to power by the military of the Republic of Argentina in 1976.

(B) Violations of human rights committed by officers or agents of the Argentine military and security forces during counterinsurgency or counterterror operations, including by the State Intelligence Secretariat (Secretaria de Inteligencia del Estado), Military Intelligence Detachment 141 (Destacamento de Inteligencia Militar 141 in Cordoba), Military Intelligence Detachment 121 (Destacamento Militar 121 in Rosario), Army Intelligence Battalion 601, the Army Reunion Center (Reunion Central del Ejercito), and the Army First Corps in Buenos Aires.

(C) Operation Condor and Argentina's role in cross-border counterinsurgency or counterterror operations with Brazil, Bolivia, Chile, Paraguay, or Uruguay.

(2) Information on abductions, torture, disappearances, and executions by security forces and other forms of repression, including the fate of Argentine children born in captivity, that took place at detention centers, including the following:

(A) The Argentine Navy Mechanical School (Escuela Mecanica de la Armada).

(B) Automotores Orletti.

(C) Operaciones Tacticas 18.

(D) La Perla.

(E) Campo de Mayo.

(F) Institutos Militares.

(3) An appendix of declassified records reviewed and used for the report submitted under this subsection.

(4) A descriptive index of information referred to in paragraph (1) or (2) that is classified, including the identity of each document that is classified, the reason for continuing the classification of such document, and an explanation of how the release of the document would damage the national security interests of the United States.

(b) REVIEW OF CLASSIFIED DOCUMENTS.—Not later than 2 years after the date on which the report required under subsection (a) is submitted, the Director of National Intelligence shall review information referred to in paragraph (1) or (2) of subsection (a) that is classified to determine if any of such information should be declassified.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

SEC. 360D. REPORT ON NATIONAL SECURITY AGENCY STRATEGY TO PROTECT DEPARTMENT OF DEFENSE NETWORKS.

Not later than 180 days after the date of the enactment of this Act, the Director of the National Security Agency shall submit to Congress a report on the strategy of the National Security Agency with respect to securing networks of the Department of Defense within the intelligence community.

SEC. 360E. REPORT ON CREATION OF SPACE INTELLIGENCE OFFICE.

Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the feasibility and advisability of creating a national space intelligence office to manage space-related intelligence assets and access to such assets.

SEC. 360F. PLAN TO SECURE NETWORKS OF THE INTELLIGENCE COMMUNITY.

(a) PLAN.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a plan to secure the networks of the intelligence community. Such plan shall include strategies for—

(1) securing the networks of the intelligence community from unauthorized remote access, intrusion, or insider tampering;

(2) recruiting, retaining, and training a highly-qualified cybersecurity intelligence community workforce and include—

(A) an assessment of the capabilities of such workforce;

(B) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation;

(C) an assessment of the benefits of outreach and training with both private industry and academic institutions with respect to such workforce; and

(D) an assessment of the impact of the establishment of the Department of Defense Cyber Command on personnel and authorities of the intelligence community;

(3) making the intelligence community workforce and the public aware of cybersecurity best practices and principles;

(4) coordinating the intelligence community response to a cybersecurity incident;

(5) collaborating with industry and academia to improve cybersecurity for critical infrastructure, the defense industrial base, and financial networks;

(6) addressing such other matters as the President considers necessary to secure the cyberinfrastructure of the intelligence community; and

(7) reviewing procurement laws and classification issues to determine how to allow for greater information sharing on specific cyber threats and attacks between private industry and the intelligence community.

(b) UPDATES.—Not later than 90 days after the date on which the plan referred to in subsection (a) is submitted to Congress, and every 90 days thereafter until the President submits the certification referred to in subsection (c), the President shall report to Congress on the status of the implementation of such plan and the progress towards the objectives of such plan.

(c) CERTIFICATION.—The President may submit to Congress a certification that the objectives of the plan referred to in subsection (a) have been achieved.

SEC. 360G. REPORT ON MISSILE ARSENAL OF IRAN.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing the threat posed by the missile arsenal of Iran to allies and interests of the United States in the Persian Gulf.

SEC. 360H. STUDY ON BEST PRACTICES OF FOREIGN GOVERNMENTS IN COMBATING VIOLENT DOMESTIC EXTREMISM.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the best practices of foreign governments (including the intelligence services of such governments) to combat violent domestic extremism.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 360I. REPORT ON INFORMATION SHARING PRACTICES OF JOINT TERRORISM TASK FORCE.

Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the best practices or impediments to information sharing in the Federal Bureau of Investigation-New York Police Department Joint Terrorism Task Force, including ways in which the combining of Federal, State, and local law enforcement resources can result in the effective utilization of such resources.

SEC. 360J. REPORT ON TECHNOLOGY TO ENABLE INFORMATION SHARING.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress and the President a report describing the improvements to information technology needed to enable elements of the Federal Government that are not part of the intelligence community to better share information with elements of the intelligence community.

SEC. 360K. REPORT ON THREATS TO ENERGY SECURITY OF THE UNITED STATES.

Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report in unclassified form describing the future threats to describing the future threats to the national security of the United States from continued and increased dependence of the United States on oil sources from foreign nations.

SEC. 360L. REPORT ON ATTEMPT TO DETONATE EXPLOSIVE DEVICE ON NORTHWEST AIRLINES FLIGHT 253.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines flight number 253 on December 25, 2009. Such report shall describe any failures to share or analyze intelligence or other information within or between elements of the United States Government and the measures that the intelligence community has taken or will take to prevent such failures, including—

(1) a description of the roles and responsibilities of the counterterrorism analytic components of the intelligence community in synchronizing, correlating, and analyzing all sources of intelligence related to terrorism;

(2) an assessment of the technological capabilities of the intelligence community to assess terrorist threats, including—

(A) a list of all databases used by counterterrorism analysts;

(B) a description of the steps taken by the intelligence community to integrate all relevant terrorist databases and allow for cross-database searches; and

(C) a description of the steps taken by the intelligence community to correlate biographic information with terrorism-related intelligence;

(3) a description of the steps taken by the intelligence community to train analysts on watchlisting processes and procedures;

(4) a description of how watchlisting information is entered, reviewed, searched, analyzed, and acted upon by the relevant elements of the intelligence community;

(5) a description of the steps the intelligence community is taking to enhance the rigor and raise the standard of tradecraft of intelligence analysis related to uncovering and preventing terrorist plots;

(6) a description of the processes and procedures by which the intelligence community prioritizes terrorism threat leads and the standards used by elements of the intelligence community to determine if follow-up action is appropriate;

(7) a description of the steps taken to enhance record information on possible terrorists in the Terrorist Identities Datamart Environment;

(8) an assessment of how to meet the challenge associated with exploiting the ever-increasing volume of information available to the intelligence community; and

(9) a description of the steps the intelligence community has taken or will take to respond to any findings and recommendations of the congressional intelligence committees, with respect to such failures, that have been transmitted to the Director of National Intelligence.

SEC. 360M. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON INTELLIGENCE.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(b) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking ''(1) The Director'' and inserting ''The Director''; and

(2) by striking paragraph (2).

(c) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

SEC. 360N. INCORPORATION OF REPORTING REQUIREMENTS.

Each requirement to submit a report to the congressional intelligence committees that is included in the classified annex to this Act is hereby incorporated into this Act and is hereby made a requirement in law.

SEC. 360O. CONFORMING AMENDMENTS.

(a) REPORT SUBMISSION DATES.—Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (G);

(ii) by redesignating subparagraphs (B), (C), (D), (E), (F), (H), (I), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), (G), and (H), respectively; and

(iii) by adding at the end the following new subparagraphs:

''(I) The annual report on financial intelligence on terrorist assets required by section 118.

''(J) The annual report on foreign language proficiency in the intelligence community required by section 510.

''(K) The annual report on outside employment required by section 102A(s)(2).'';

(B) in paragraph (2), by striking subparagraph (D); and

(2) in subsection (b), by striking paragraph (6).

(b) TABLE OF CONTENTS.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 313 of this Act, is further amended by—

(1) striking the item relating to section 109; and

(2) inserting after the item relating to section 507 the following new items:

Subtitle E—Other Matters

SEC. 361. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 362. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(2) DISCLOSURE AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''10 years''.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting ''including an assessment of the need for any modification of this title for the purpose of improving legal protections for covert agents,'' after ''measures to protect the identities of covert agents,''.

SEC. 363. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

''(C) In this paragraph, the term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 364. EXEMPTION OF DISSEMINATION OF TERRORIST IDENTITY INFORMATION FROM FREEDOM OF INFORMATION ACT.

Section 119 of the National Security Act of 1947 (50 U.S.C. Section 404o) is amended by adding at the end the following new subsection:

''(k) EXEMPTION OF DISSEMINATION OF TERRORIST IDENTITY INFORMATION FROM FREEDOM OF INFORMATION ACT.—(1) Terrorist identity information disseminated for terrorist screening purposes or other authorized counterterrorism purposes shall be exempt from disclosure under section 552 of title 5, United States Code.

''(2) In this section:

''(A) AUTHORIZED COUNTERTERRORISM PURPOSE.—The term 'authorized counterterrorism purpose' means disclosure to and appropriate use by an element of the Federal Government of terrorist identifiers of persons reasonably suspected to be terrorists or supporters of terrorists.

''(B) TERRORIST IDENTITY INFORMATION.—The term 'terrorist identity information' means—

''(i) information from a database maintained by any element of the Federal Government that would reveal whether an individual has or has not been determined to be a known or suspected terrorist or has or has not been determined to be within the networks of contacts and support of a known or suspected terrorist; and

''(ii) information related to a determination as to whether or not an individual is or should be included in the Terrorist Screening Database or other screening databases based on a determination that the individual is a known or suspected terrorist.

''(C) TERRORIST IDENTIFIERS.—The term 'terrorist identifiers'—

''(i) includes—

''(I) names and aliases;

''(II) dates or places of birth;

''(III) unique identifying numbers or information;

''(IV) physical identifiers or biometrics; and

''(V) any other identifying information provided for watchlisting purposes; and

''(ii) does not include derogatory information or information that would reveal or compromise intelligence or law enforcement sources or methods.

''(D) TERRORIST SCREENING PURPOSE.—The term 'terrorist screening purpose' means—

''(i) the collection, analysis, dissemination, and use of terrorist identity information to determine threats to the national security of the United States from a terrorist or terrorism; and

''(ii) the use of such information for risk assessment, inspection, and credentialing.''.

SEC. 365. MISUSE OF THE INTELLIGENCE COMMUNITY AND OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL.

(a) INTELLIGENCE COMMUNITY.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

''MISUSE OF THE INTELLIGENCE COMMUNITY NAME, INITIALS, OR SEAL

''SEC. 1103. (a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence or a designee of the Director, knowingly use the words 'intelligence community', the initials 'IC', the seal of the intelligence community, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence, except that employees of the intelligence community may use the intelligence community name, initials, and seal in accordance with regulations promulgated by the Director of National Intelligence.

''(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.''.

(b) OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.), as amended by subsection (a) of this section, is further amended by adding at the end the following new section:

''MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL

''SEC. 1104. (a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence or a designee of the Director, knowingly use the words 'Office of the Director of National Intelligence', the initials 'ODNI', the seal of the Office of the Director of National Intelligence, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence.

''(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.''.

(c) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 357 of this Act, is further amended by adding at the end the following new items:

''Sec. 1103. Misuse of the intelligence community name, initials, or seal.
''Sec. 1104. Misuse of the Office of the Director of National Intelligence name, initials, or seal.''.

SEC. 366. SECURITY CLEARANCES: REPORTS; OMBUDSMAN; RECIPROCITY.

(a) REPORTS RELATING TO SECURITY CLEARANCES.—

(1) QUADRENNIAL AUDIT; SECURITY CLEARANCE DETERMINATIONS.—

(A) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 336 of this Act, is further amended by adding at the end the following new section:

''REPORTS ON SECURITY CLEARANCES

''SEC. 513. (a) QUADRENNIAL AUDIT OF POSITION REQUIREMENTS.—(1) The President shall every 4 years conduct an audit of how the executive branch determines whether a security clearance is required for a particular position in the Federal Government.

''(2) Not later than 30 days after the completion of an audit conducted under paragraph (1), the President shall submit to Congress the results of such audit.

''(b) REPORT ON SECURITY CLEARANCE DETERMINATIONS.—(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

''(A) the number of Federal Government employees who—

''(i) held a security clearance at such level as of October 1 of the preceding year; and

''(ii) were approved for a security clearance at such level during the preceding fiscal year;

''(B) the number of contractors to the Federal Government who—

''(i) held a security clearance at such level as of October 1 of the preceding year; and

''(ii) were approved for a security clearance at such level during the preceding fiscal year; and

''(C) for each element of the intelligence community—

''(i) the amount of time it took to process the fastest 80 percent of security clearance determinations for such level;

''(ii) the amount of time it took to process the fastest 90 percent of security clearance determinations for such level;

''(iii) the number of open security clearance investigations for such level that have remained open for—

''(I) 4 months or less;

''(II) between 4 months and 8 months;

''(III) between 8 months and 12 months; and

''(IV) more than a year;

''(iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;

''(v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;

''(vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and

''(vii) for security clearance determinations completed or ongoing during the preceding fiscal year that have taken longer than 1 year to complete—

''(I) the number of security clearance determinations for positions as employees of the Federal Government that required more than 1 year to complete;

''(II) the number of security clearance determinations for contractors that required more than 1 year to complete;

''(III) the agencies that investigated and adjudicated such determinations; and

''(IV) the cause of significant delays in such determinations.

''(2) For purposes of paragraph (1), the Director of National Intelligence may consider—

''(A) security clearances at the level of confidential and secret as one security clearance level; and

''(B) security clearances at the level of top secret or higher as one security clearance level.''.

(B) INITIAL AUDIT.—The first audit required to be conducted under section 513(a)(1) of the National Security Act of 1947 (as added by paragraph (1)) shall be completed not later than February 1, 2010.

(C) CLERICAL AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 365 of this Act, is further amended by inserting after the item relating to section 512 the following new item:

''Sec. 513. Reports on security clearances.''.

(2) REPORT ON METRICS FOR ADJUDICATION QUALITY.—Not later than 180 days after the date of enactment of this Act, the President shall submit to Congress a report on security clearance investigations and adjudications. Such report shall include—

(A) Federal Government wide adjudication guidelines and metrics for adjudication quality;

(B) a plan to improve the professional development of security clearance adjudicators;

(C) metrics to evaluate the effectiveness of interagency clearance reciprocity;

(D) Federal Government wide investigation standards and metrics for investigation quality; and

(E) the feasibility, counterintelligence risk, and cost effectiveness of—

(i) by not later than January 1, 2012, requiring the investigation and adjudication of security clearances to be conducted by not more than two Federal agencies; and

(ii) by not later than January 1, 2015, requiring the investigation and adjudication of security clearances to be conducted by not more than one Federal agency.

(b) OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 303 of this Act, is further amended by inserting after section 103G the following new section:

''OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES

''SEC. 103H. (a) APPOINTMENT.—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances.

''(b) PROVISION OF INFORMATION.—The head of an element of the intelligence community shall provide a person applying for a security clearance through or in coordination with such element with contact information for the ombudsman appointed under subsection (a).

''(c) REPORT.—Not later than November 1 of each year, the ombudsman appointed under subsection (a) shall submit to the congressional intelligence committees a report containing—

''(1) the number of persons applying for a security clearance who have contacted the ombudsman during the preceding 12 months; and

''(2) a summary of the concerns, complaints, and questions received by the ombudsman from persons applying for security clearances.''.

(2) APPOINTMENT DATE.—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances under section 103H(a) of the National Security Act of 1947, as added by paragraph (1), not later than 120 days after the date of the enactment of this Act.

(3) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by subsection (a)(1)(C) of this section, is further amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Ombudsman for intelligence community security clearances.''.

(c) SECURITY CLEARANCE RECIPROCITY.—

(1) AUDIT.—The Inspector General of the Intelligence Community shall conduct an audit of the reciprocity of security clearances in the intelligence community.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the audit conducted under paragraph (1). Such report shall include an assessment of the time required to obtain a reciprocal security clearance for—

(A) an employee of an element of the intelligence community detailed to another element of the intelligence community;

(B) an employee of an element of the intelligence community seeking permanent employment with another element of the intelligence community; and

(C) a contractor seeking permanent employment with an element of the intelligence community.

(d) EDUCATION ON COMBAT-RELATED INJURIES.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection:

''(i) EDUCATION ON COMBAT-RELATED INJURIES.—

''(1) IN GENERAL.—The head of the entity selected pursuant to subsection (b) shall take such actions as such head considers necessary to educate each authorized adjudicative agency that is an element of the intelligence community on the nature of combat-related injuries as they relate to determinations of eligibility for access to classified information for veterans who were deployed in support of a contingency operation.

''(2) DEFINITIONS.—In this subsection:

''(A) CONTINGENCY OPERATION.—The term 'contingency operation' has the meaning given the term in section 101(a)(13) of title 10, United States Code.

''(B) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(C) VETERAN.—The term 'veteran' has the meaning given the term in section 101(2) of title 38, United States Code.''.

SEC. 367. LIMITATION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—The Director of National Intelligence may not use any of the amounts authorized to be appropriated in this Act for fiscal year 2010 or any subsequent fiscal year to release or transfer any individual described in subsection (d) to the United States, its territories, or possessions, until 120 days after the President has submitted to Congress the plan described in subsection (b).

(b) PLAN REQUIRED.—The President shall submit to Congress a plan on the disposition of each individual described in subsection (d). Such plan shall include—

(1) an assessment of the risk that the individual described in subsection (d) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition for each such individual;

(3) a plan to mitigate any risks described in paragraph (1) should the proposed disposition required by paragraph (2) include the release or transfer to the United States, its territories, or possessions of any such individual; and

(4) a summary of the consultation required in subsection (c).

(c) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (b) includes a release or transfer to that State, District of Columbia, or territory or possession.

(d) DETAINEES DESCRIBED.—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of the date of the enactment of this Act, who—

(1) is not a citizen of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 368. INTELLIGENCE COMMUNITY FINANCIAL IMPROVEMENT AND AUDIT READINESS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is imperative that intelligence community-wide auditability be achieved as soon as possible;

(2) the Business Transformation Office of the Office of the Director of National Intelligence has made substantial progress and must be of sufficient standing within the Office of the Director of National Intelligence to move the plan for core financial system requirements to reach intelligence community-wide auditability forward;

(3) as of the date of the enactment of this Act, the National Reconnaissance Office is the only element of the intelligence community to have received a clean audit; and

(4) the National Reconnaissance Office should be commended for the long hours and hard work invested by the Office to achieve a clean audit.

(b) REVIEW; PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct a review of the status of the auditability compliance of each element of the intelligence community; and

(2) develop a plan and timeline to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013.

SEC. 369. SENSE OF CONGRESS ON MONITORING OF NORTHERN BORDER OF THE UNITED STATES.

(a) FINDING.—Congress finds that suspected terrorists have attempted to enter the United States through the international land and maritime border of the United States and Canada.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the intelligence community should devote sufficient resources, including technological and human resources, to identifying and thwarting potential threats at the international land and maritime border of the United States and Canada; and

(2) the intelligence community should work closely with the Government of Canada to identify and apprehend suspected terrorists before such terrorists enter the United States.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. CLARIFICATION OF LIMITATION ON COLOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103 of the National Security Act of 1947 (50 U.S.C. 403–3), as amended by section 302(1) of this Act, is further amended—

(1) in subsection (f) (as so redesignated)—

(A) in the heading, by striking ''WITH'' and inserting ''OF HEADQUARTERS WITH HEADQUARTERS OF'';

(B) by striking ''Commencing as of October 1, 2008, the'' and inserting ''(1) Except as provided in paragraph (2), the'';

(C) in paragraph (1), as designated by paragraph (2) of this section, by inserting ''the headquarters of'' before ''the Office'';

(D) in paragraph (1) (as so designated), by striking ''any other element'' and inserting ''the headquarters of any other element''; and

(E) by adding at the end the following new paragraph:

''(2) The President may waive the limitation in paragraph (1) if the President determines that—

''(A) a waiver is in the interests of national security; or

''(B) the costs of a headquarters of the Office of the Director of National Intelligence that is separate from the headquarters of the other elements of the intelligence community outweighs the potential benefits of the separation.''; and

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

''(g) LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—The headquarters of the Office of the Director of National Intelligence may be located in the Washington metropolitan region (as defined in section 8301 of title 40, United States Code).''.

SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY.

Section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (5) as paragraph (7);

(B) in paragraph (4), by striking ''; and'' and inserting '';''; and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) assist the Director of National Intelligence in establishing goals for basic, applied, and advanced research to meet the technology needs of the intelligence community;

''(6) submit to the congressional intelligence committees an annual report on the science and technology strategy of the Director that shows resources mapped to the goals of the intelligence community; and''; and

(2) in subsection (d)(3)—

(A) in subparagraph (A)—

(i) by inserting ''and prioritize'' after ''coordinate''; and

(ii) by striking ''; and'' and inserting '';'';

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) identify basic, advanced, and applied research programs to be executed by elements of the intelligence community; and''.

SEC. 404. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER ENERGY EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the recommendations of the report submitted to Congress under section 1 of the Act entitled ''An Act to study and promote the use of energy efficient computer servers in the United States'' (Public Law 109–431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the plan developed under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 405. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended—

(1) in subsection (a), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(2) in subsection (b), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(3) in subsection (c) in the matter preceding paragraph (1), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''.

SEC. 406. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 366 of this Act, is further amended by inserting after section 103H (as added by such section 366) the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103I. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

''(1) be an independent and objective office appropriately accountable to Congress and to initiate and conduct investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence; and

''(B) to prevent and detect fraud and abuse in such matters;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept informed of—

''(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security;

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing; and

''(D) on the basis of expertise in investigations.

''(3) The Inspector General shall report directly to the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General not later than 30 days before the date on which the Inspector General is removed from office. Nothing in this paragraph shall prohibit a personnel action with respect to the Inspector General otherwise authorized by law, other than transfer or removal.

''(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), the Inspector General of the Intelligence Community shall—

''(1) provide policy direction for, and plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) keep the Director of National Intelligence and Congress fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and report the progress made in implementing corrective action;

''(3) take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, comply with generally accepted Federal Government auditing standards.

''(e) LIMITATIONS ON ACTIVITIES.—(1)(A) Subject to subparagraph (B), the Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(B) The Director of National Intelligence may not prohibit an investigation, inspection, or audit under subparagraph (A) solely on the basis of the level of classification or compartmentation of information that the Inspector General may seek access to while conducting such investigation, inspection, or audit.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

''(3) The Director shall notify the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

''(4) The Inspector General shall submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

''(C) The Director or, on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative action against an employee, or employee of a contractor, of an element of the intelligence

community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or termination of an existing contractual relationship.

''(3) The Inspector General shall, in accordance with subsection (g), receive and investigate complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General may require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for, or on behalf of, any element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(6) The Inspector General may obtain services as authorized under section 3109 of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

''(7) The Inspector may, to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

''(g) COORDINATION AMONG THE INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.—(1)(A) If a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, review, or audit by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, review, or audit to avoid unnecessary duplication of the activities of the inspectors general.

''(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). If a dispute between an inspector general within an agency or department of the United States Government and the Inspector General of the Intelligence Community has not been resolved with the assistance of the Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected agency or department for resolution.

''(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element of the intelligence community. The Inspector General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any inspector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

''(2) The inspector general conducting an investigation, inspection, review, or audit referred to in paragraph (1) shall submit the results of such investigation, inspection, review, or audit to any other inspector general, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, review, or audit who did not conduct such investigation, inspection, review, or audit.

''(h) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations and with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) The Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee selected, appointed, or employed has a security clearance appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall recommend policies to the Director of National Intelligence to create within the intelligence community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) The Inspector General may, in consultation with the Director, request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with the inspector general of that element pursuant to subsection (g), conduct an inspection, review, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) Not later than January 31 and July 31 of each year, the Inspector General of the Intelligence Community shall prepare and submit to the Director of National Intelligence a report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the preceding six-month period. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

''(B) Each report under this paragraph shall include the following:

''(i) A list of the titles or subjects of each investigation, inspection, review, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies described in clause (ii).

''(iv) A statement of whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

''(vii) Any recommendations that the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

''(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall submit the report to the congressional intelligence committees

together with any comments the Director considers appropriate.

''(D) Each report submitted under subparagraphs (A) and (C) shall be submitted in unclassified form, but may include a classified annex.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

''(B) The Director shall submit to the congressional intelligence committees each report under subparagraph (A) within 7 days of the receipt of such report, together with such comments as the Director considers appropriate. The Director shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

''(3) The Inspector General shall immediately notify and submit a report to the congressional intelligence committees on an investigation, inspection, review, or audit if—

''(A) the Inspector General is unable to resolve any significant differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(B) the investigation, inspection, review, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of such investigation, inspection, review, or audit.

''(4)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor of the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall submit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a submittal from the Inspector General under subparagraph (B), the Director shall, not later than 7 days after such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not submit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (ii) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) Nothing in this paragraph shall be construed to limit the protections afforded an employee of or contractor to the Central Intelligence Agency under section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)).

''(H) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section.

''(5) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other inspector general having duties and responsibilities relating to such element.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note), as amended by section 366 of this Act, is further amended by inserting after the item relating to section 103H the following new item:

''Sec. 103I. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Inspector General of the Intelligence Community.''.

(d) APPLICABILITY DATE; TRANSITION.—

(1) APPLICABILITY.—The amendment made by subsection (b) shall apply on the earlier of—

(A) the date of the appointment by the President and confirmation by the Senate of an individual to serve as Inspector General of the Intelligence Community; or

(B) the date of the cessation of the performance of the duties of the Inspector General of the Intelligence Community by the individual serving as the Inspector General of the Office of the Director of National Intelligence as of the date of the enactment of this Act.

(2) TRANSITION.—The individual serving as the Inspector General of the Office of the Director of National Intelligence as of the date of the enactment of this Act shall perform the duties of the Inspector General of the Intelligence Community until the individual appointed to the position of Inspector General of the Intelligence Community assumes the duties of such position.

SEC. 407. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR REVIEWS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND EXPORT ADMINISTRATION REGULATIONS.

The Director of National Intelligence may provide support for any review conducted by a department or agency of the Federal Government of the International Traffic in Arms Regulations or Export Administration Regulations, including a review of technologies and goods on the United States Munitions List and Commerce Control List that may warrant controls that are different or additional to the controls such technologies and goods are subject to at the time of such review.

Subtitle B—Central Intelligence Agency

SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (b)(4)—

(A) by striking ''(4) If'' and inserting ''(4)(A) If''; and

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

''(B) The Director may waive the requirement to submit the statement required under subparagraph (A) within seven days of prohibiting an audit, inspection, or investigation under paragraph (3) if such audit, inspection, or investigation is related to a covert action program. If the Director waives such requirement in accordance with this subparagraph, the Director shall submit the statement required under subparagraph (A) as soon as practicable, along with an explanation of the reasons for delaying the submission of such statement.'';

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (E) and (F) as subsections (F) and (G), respectively; and

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

''(E) a list of the covert actions for which the Inspector General has not completed an audit within the preceding three-year period;''; and

(3) by adding at the end the following new subsection:

''(h) COVERT ACTION DEFINED.—In this section, the term 'covert action' has the meaning given the term in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).''.

SEC. 412. PROHIBITION ON THE USE OF PRIVATE CONTRACTORS FOR INTERROGATIONS INVOLVING PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

''PROHIBITION ON THE USE OF PRIVATE CONTRACTORS FOR INTERROGATIONS INVOLVING PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 24. (a) PROHIBITION.—Notwithstanding any other provision of law, the Director of the Central Intelligence Agency shall not expend or obligate funds for payment to any contractor to conduct the interrogation of a detainee or prisoner in the custody of the Central Intelligence Agency.

''(b) EXCEPTION.—

''(1) IN GENERAL.—The Director of the Central Intelligence Agency may request, and the Director of National Intelligence may grant, a written waiver of the requirement under subsection (a) if the Director of the Central Intelligence Agency determines that—

''(A) no employee of the Federal Government is—

''(i) capable of performing such interrogation; and

''(ii) available to perform such interrogation; and

''(B) such interrogation is in the national interest of the United States and requires the use of a contractor.

''(2) CLARIFICATION OF APPLICABILITY OF CERTAIN LAWS.—Any contractor conducting an interrogation pursuant to a waiver under paragraph (1) shall be subject to all laws on the conduct of interrogations that would apply if an employee of the Federal Government were conducting the interrogation.''.

SEC. 413. APPEALS FROM DECISIONS OF CENTRAL INTELLIGENCE AGENCY CONTRACTING OFFICERS.

Section 8(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(d)) is amended by inserting before the sentence beginning with ''In exercising'' the following new sentence: ''Notwithstanding any other provision of law, an appeal from a decision of a contracting officer of the Central Intelligence Agency relative to a contract made by that agency may be filed with whichever of the Armed Services Board or the Civilian Board is specified by the contracting officer as the Board to which such an appeal may be made and the Board so specified shall have jurisdiction to decide that appeal.''.

SEC. 414. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT AND DUTIES OF DEPUTY DIRECTOR OF CIA.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 104A the following new section:

''DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 104B. (a) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President.

''(b) DUTIES.—The Deputy Director of the Central Intelligence Agency shall—

''(1) assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director of the Central Intelligence Agency; and

''(2) during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency, act for and exercise the powers of the Director of the Central Intelligence Agency.''.

(b) CONFORMING AMENDMENTS.—

(1) EXECUTIVE SCHEDULE III.—Section 5314 of title 5, United States Code, is amended by striking ''Deputy Directors of Central Intelligence (2)'' and inserting ''Deputy Director of the Central Intelligence Agency''.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note) is amended by inserting after the item relating to section 104A the following new item:

''Sec. 104B. Deputy Director of the Central Intelligence Agency.''.

(c) APPLICABILITY.—The amendments made by this section shall apply on the earlier of—

(1) the date of the appointment by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties until the individual appointed to the position of Deputy Director of the Central Intelligence Agency assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of the Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 415. PROTECTION AGAINST REPRISALS.

Section 17(e)(3)(B) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)(B)) is amended by inserting ''or providing such information'' after ''making such complaint''.

SEC. 416. REQUIREMENT FOR VIDEO RECORDING OF INTERROGATIONS OF PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), as amended by section 412 of this Act, is further amended by adding at the end the following new section:

''REQUIREMENT FOR VIDEO RECORDING OF INTERROGATIONS OF PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 25. (a) IN GENERAL.—Except as provided in subsection (b), the Director of the Central Intelligence Agency shall establish guidelines to ensure that each interrogation of a person who is in the custody of the Central Intelligence Agency is recorded in video form and that the video recording of such interrogation is maintained—

''(1) for not less than 10 years from the date on which such recording is made; and

''(2) until such time as such recording is no longer relevant to an ongoing or anticipated legal proceeding or investigation or required to be maintained under any other provision of law.

''(b) EXCEPTION.—The requirement to record an interrogation in video form under subsection (a) shall not apply with respect to an interrogation incident to arrest conducted by Agency personnel designated by the Director under section 15(a) that are assigned to the headquarters of the Central Intelligence Agency and acting in the official capacity of such personnel.

''(c) INTERROGATION DEFINED.—In this section, the term 'interrogation' means the systematic process of attempting to obtain information from an uncooperative detainee.''.

(b) SUBMISSION OF GUIDELINES.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees the guidelines developed under section 25(a) of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section. Such guidelines shall be submitted in unclassified form, but may contain a classified annex.

Subtitle C—Other Elements

SEC. 421. HOMELAND SECURITY INTELLIGENCE ELEMENTS.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H), by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(2) in subparagraph (K), by striking ''The elements'' and all that follows through ''the Coast Guard'' and inserting ''The Office of Intelligence and Analysis of the Department of Homeland Security''.

SEC. 422. CLARIFICATION OF INCLUSION OF DRUG ENFORCEMENT ADMINISTRATION AS AN ELEMENT OF THE INTELLIGENCE COMMUNITY.

Section 3(4)(H) of the National Security Act of 1947 (50 U.S.C. 401a(4)(H)), as amended by section 421 of this Act, is further amended by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''.

SEC. 423. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j);

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2) of this subsection, by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section—

(A) in paragraph (1), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(B) in paragraph (2), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 424. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(c) CONFORMING AMENDMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B);

(2) by redesignating subparagraphs (C) through (I) as subparagraphs (A) through (G), respectively; and

(3) by moving subparagraph (G), as redesignated by paragraph (2) of this subsection, 2 ems to the left.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) and the provisions of subsection (b) shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

SEC. 425. ASSOCIATE DIRECTOR OF THE NATIONAL SECURITY AGENCY FOR COMPLIANCE AND TRAINING.

The National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by section 424 of this Act, is further amended by inserting after section 2 (as added by such section 424) the following new section:

''SEC. 3. (a) There is an Associate Director of the National Security Agency for Compliance and Training, who shall be appointed by the Director of the National Security Agency.

''(b) The Associate Director of the National Security Agency for Compliance and Training shall ensure that—

''(1) all programs and activities of the National Security Agency are conducted in a manner consistent with all applicable laws, regulations, and policies; and

''(2) the training of relevant personnel is sufficient to ensure that such programs and activities are conducted in such a manner.''.

SEC. 426. CHARTER FOR THE NATIONAL RECONNAISSANCE OFFICE.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence committees and the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code) a revised charter for the National Reconnaissance Office (in this section referred to as the ''NRO''). The charter shall include the following:

(1) The organizational and governance structure of the NRO.

(2) NRO participation in the development and generation of requirements and acquisition.

(3) The scope of NRO capabilities.

(4) The roles and responsibilities of the NRO and the relationship of the NRO to other elements of the intelligence community and the defense community.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) EXTENSION.—

(1) IN GENERAL.—Subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2442) is amended by striking ''September 1, 2004'' and inserting ''February 1, 2011''.

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect as if included in the enactment of such section 1007.

(3) COMMISSION MEMBERSHIP.—

(A) IN GENERAL.—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act (Public Law 107–306; 116 Stat. 2438) (referred to in this section as the ''Commission'') shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by subparagraph (B).

(B) TECHNICAL AMENDMENT.—Paragraph (1) of section 1002(b) of such Act is amended by striking ''The Deputy Director of Central Intelligence for Community Management.'' and inserting ''The Principal Deputy Director of National Intelligence.''.

(4) CLARIFICATION OF DUTIES.—Section 1002(i) of such Act is amended in the matter preceding paragraph (1) by striking ''including—'' and inserting ''including advanced research and development programs and activities. Such review shall include—''.

(b) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated by this Act for the Intelligence Community Management Account, the Director of National Intelligence shall make $2,000,000 available to the Commission to carry out title X of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2437).

(2) AVAILABILITY.—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

SEC. 502. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH MATERIALS IN THE POSSESSION OF THE CONGRESSIONAL INTELLIGENCE COMMITTEES.

The Director of National Intelligence shall, in accordance with procedures established by each of the congressional intelligence committees, conduct a classification review of materials in the possession of each of those committees that—

(1) are not less than 25 years old; and

(2) were created, or provided to that committee, by the executive branch.

SEC. 503. PROHIBITION ON USE OF FUNDS TO PROVIDE MIRANDA WARNINGS TO CERTAIN PERSONS OUTSIDE OF THE UNITED STATES.

None of the funds authorized to be appropriated by this Act may be used to provide the warnings of constitutional rights described in Miranda v. Arizona, 384 U.S. 436 (U.S. 1966), to a person located outside of the United States who is not a United States person and is—

(1) suspected of terrorism, associated with terrorists, or believed to have knowledge of terrorists; or

(2) a detainee in the custody of the Armed Forces of the United States.

SEC. 504. SENSE OF CONGRESS HONORING THE CONTRIBUTIONS OF THE CENTRAL INTELLIGENCE AGENCY.

It is the sense of Congress to—

(1) honor the Central Intelligence Agency for its contributions to the security of the United States and its allies;

(2) recognize the Central Intelligence Agency's unique role in combating terrorism;

(3) praise the Central Intelligence Agency for its success in foiling recent terrorist plots and capturing senior members of al-Qaeda;

(4) thank the Central Intelligence Agency for its crucial support of United States military operations in Afghanistan and Iraq;

(5) commend the men and women who gave their lives defending the United States in the service of the Central Intelligence Agency, especially noting those individuals who remain unnamed; and

(6) urge the Central Intelligence Agency to continue its dedicated work in the field of intelligence-gathering in order to protect the people of the United States.

SEC. 505. REVIEW OF INTELLIGENCE TO DETERMINE IF FOREIGN CONNECTION TO ANTHRAX ATTACKS EXISTS.

(a) REVIEW.—The Inspector General of the Intelligence Community shall conduct a review of available intelligence, including raw and unfinished intelligence, to determine if there is any credible evidence of a connection between a foreign entity and the attacks on the United States in 2001 involving anthrax.

(b) REPORT.—

(1) IN GENERAL.—The Inspector General shall submit to the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate a report containing the findings of the review conducted under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 506. CYBERSECURITY TASK FORCE.

(a) ESTABLISHMENT.—There is established a cybersecurity task force (in this section referred to as the ''Task Force'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall consist of the following members:

(A) One member appointed by the Attorney General.

(B) One member appointed by the Director of the National Security Agency.

(C) One member appointed by the Director of National Intelligence.

(D) One member appointed by the White House Cybersecurity Coordinator.

(E) One member appointed by the head of any other agency or department that is designated by the Attorney General to appoint a member to the Task Force.

(2) CHAIR.—The member of the Task Force appointed pursuant to paragraph (1)(A) shall serve as the Chair of the Task Force.

(c) STUDY.—The Task Force shall conduct a study of existing tools and provisions of law used by the intelligence community and law enforcement agencies to protect the cybersecurity of the United States.

(d) REPORT.—

(1) INITIAL.—Not later than 1 year after the date of the enactment of this Act, the Task Force shall submit to Congress a report containing guidelines or legislative recommendations to improve the capabilities of

the intelligence community and law enforcement agencies to protect the cybersecurity of the United States. Such report shall include guidelines or legislative recommendations on—

(A) improving the ability of the intelligence community to detect hostile actions and attribute attacks to specific parties;

(B) the need for data retention requirements to assist the intelligence community and law enforcement agencies;

(C) improving the ability of the intelligence community to anticipate nontraditional targets of foreign intelligence services; and

(D) the adequacy of existing criminal statutes to successfully deter cyber attacks, including statutes criminalizing the facilitation of criminal acts, the scope of laws for which a cyber crime constitutes a predicate offense, trespassing statutes, data breach notification requirements, and victim restitution statutes.

(2) SUBSEQUENT.—Not later than 1 year after the date on which the initial report is submitted under paragraph (1), and annually thereafter for 2 years, the Task Force shall submit to Congress an update of the report required under paragraph (1).

(e) TERMINATION.—The Task Force shall terminate on the date that is 60 days after the date on which the last update of a report required under subsection (d)(2) is submitted.

Subtitle B—Technical Amendments

SEC. 511. TECHNICAL AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended—

(1) in section 5(a)(1), by striking ''authorized under paragraphs (2) and (3)'' and all that follows through ''(50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a)''; and

(2) in section 17(d)(3)(B)—

(A) in clause (i), by striking ''advise'' and inserting ''advice''; and

(B) in clause (ii)—

(i) in subclause (I), by striking ''Executive Director'' and inserting ''Associate Deputy Director'';

(ii) in subclause (II), by striking ''Deputy Director for Operations'' and inserting ''Director of the National Clandestine Service'';

(iii) in subclause (III), by striking ''Deputy Director for Intelligence'' and inserting ''Director of Intelligence'';

(iv) in subclause (IV), by striking ''Deputy Director for Administration'' and inserting ''Director of Support''; and

(v) in subclause (V), by striking ''Deputy Director for Science and Technology'' and inserting ''Director of Science and Technology''.

SEC. 512. TECHNICAL AMENDMENT TO MANDATORY RETIREMENT PROVISION OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Section 235(b)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended to read as follows:

''(A) Upon reaching age 65, in the case of a participant in the system who is at the Senior Intelligence Service rank of level 4 or above; and''.

SEC. 513. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 514. TECHNICAL AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 101—

(A) in subsection (a), by moving paragraph (7) 2 ems to the right; and

(B) by moving subsections (b) through (p) 2 ems to the right;

(2) in section 103, by redesignating subsection (i) as subsection (h);

(3) in section 109(a)—

(A) in paragraph (1), by striking ''section 112.;'' and inserting ''section 112;''; and

(B) in paragraph (2), by striking the second period;

(4) in section 301(1), by striking '' 'United States' '' and all that follows through ''and 'State' '' and inserting '' 'United States', 'person', 'weapon of mass destruction', and 'State' '';

(5) in section 304(b), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(2)''; and

(6) in section 502(a), by striking ''a annual'' and inserting ''an annual''.

SEC. 515. TECHNICAL AMENDMENTS TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

SEC. 516. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) is amended—

(1) in section 1016(e)(10)(B) (6 U.S.C. 485(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice'';

(2) in section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1)—

(i) by striking ''shall,'' and inserting ''shall''; and

(ii) by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f) in the matter preceding paragraph (1), by striking ''shall,'' and inserting ''shall''; and

(3) in section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 517. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

Section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking ''foreign'';

(2) in subsection (a)—

(A) in the heading, by striking ''FOREIGN'';

(B) by striking ''foreign'' each place it appears; and

(C) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(3) in subsection (b), by striking ''The Director'' and inserting ''The Director of National Intelligence''; and

(4) in subsection (c)—

(A) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(B) by striking ''section 114a'' and inserting ''section 221''.

SEC. 518. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is further amended—

(1) section 3(4)(L), by striking ''other'' the second place it appears;

(2) in section 102A—

(A) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program'';

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program'';

(ii) in paragraph (3) in the matter preceding subparagraph (A), by striking ''subparagraph (A)'' and inserting ''paragraph (1)(A)''; and

(iii) in paragraph (5)—

(I) in subparagraph (A), by striking ''or personnel'' in the matter preceding clause (i); and

(II) in subparagraph (B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION'';

(3) in section 103(b), by striking '', the National Security Act of 1947 (50 U.S.C. 401 et seq.),'';

(4) in section 104A(g)(1) in the matter preceding subparagraph (A), by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(5) in section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)'';

(6) in section 701(b)(1), by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(7) in section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''; and

(8) in the table of contents in the first section—

(A) by striking the item relating to section 1002; and

(B) by inserting after the item relating to section 1001 the following new item:

''Sec. 1002. Framework for cross-disciplinary education and training.''.

SEC. 519. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking ''ASSOCIATE DIRECTOR OF CIA FOR MILITARY AFFAIRS'' and inserting ''ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA''; and

(2) by striking ''Associate Director of the Central Intelligence Agency for Military Affairs'' and inserting ''Associate Director of Military Affairs, Central Intelligence Agency, or any successor position''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HOEKSTRA moved to recommit the bill to the Permanent Select Committee on Intelligence with instructions to report the bill back to the House forthwith with the following amendments:

At the end of subtitle A of title IV, add the following new section:

SEC. 407. COORDINATION OF HIGH-VALUE DETAINEE INTERROGATION.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) INTERROGATION OF HIGH-VALUE DETAINEES.—(1) The Director of National Intelligence shall, in consultation with the heads of departments and agencies of the United States Government containing elements of the intelligence community, the Director of the Central Intelligence Agency, and the Director of the Federal Bureau of Investigation—

''(A) coordinate the interrogation of high-value detainees associated with international terrorism captured, held, or questioned by a department or agency that is or contains an element of the intelligence community;

''(B) be responsible for any interagency group conducting an interrogation of a high-value detainee associated with international terrorism; and

''(C) before an officer or employee of the Federal Government provides the warnings of constitutional rights described in Miranda vs. Arizona, 384 U.S. 436 (U.S. 1966) to a high-value detainee who is suspected of terrorism, associated with terrorists, or believed to have knowledge of terrorists and who is captured, held, or questioned by a department or agency that is or contains an element of the intelligence community, approve the providing of such warnings to such high-value detainee.

''(2) Paragraph (1) shall not apply with respect to a detainee who is captured on the battlefield by the Armed Forces of the United States, unless the Director of National Intelligence determines that such detainee is a high-value detainee.

''(3) The Director of National Intelligence may not delegate the authority to approve the providing of warnings under paragraph (1)(C).''.

At the end of subtitle B of title IV, add the following new section:

SEC. 417. REVIEW OF BRIEFINGS ON COVERT ACTIONS BY THE CIA; PUBLIC AVAILABILITY OF UNCLASSIFIED VERSIONS OF DOCUMENTS RELATING TO USE OF ENHANCED INTERROGATION TECHNIQUES.

(a) REVIEW OF BRIEFINGS.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Central Intelligence Agency shall—

(1) compile any objections raised by a Member of Congress to a covert action (as defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e))) on which such Member of Congress was briefed by personnel of the Central Intelligence Agency after September 11, 2001; and

(2) assess whether the Central Intelligence Agency addressed such objections.

(b) PUBLIC AVAILABILITY OF UNCLASSIFIED VERSIONS OF DOCUMENTS RELATING TO USE OF ENHANCED INTERROGATION TECHNIQUES.—The Director of the Central Intelligence Agency shall make publicly available—

(1) an unclassified version of all Memoranda for the Record memorializing briefings made to Members of Congress on the use of enhanced interrogation techniques; and

(2) an unclassified version of finished intelligence products produced after September 11, 2001, assessing the information gained from detainee reporting, including documents dated July 15, 2004, or June 1, 2005.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SERRANO, announced that the nays had it.

Mr. HOEKSTRA demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 186 / Nays 217

¶21.13 [Roll No. 72]

AYES—186

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Barrow
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (UT)
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—217

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

NOT VOTING—29

Abercrombie
Ackerman
Bachus
Barrett (SC)
Barton (TX)
Bishop (NY)
Blackburn
Blunt
Boehner
Boucher
Capps
Deal (GA)
Dent
Fallin
Hall (TX)
Inslee
King (NY)
Mack
Moran (KS)
Paul
Price (GA)
Radanovich
Reichert
Scalise
Stark
Stupak
Sullivan
Tanner
Westmoreland

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. HOEKSTRA demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 Nays 168

¶21.14 [Roll No. 73]

AYES—235

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

NOES—168

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (UT)
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Payne
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Young (AK)
Young (FL)

NOT VOTING—29

Abercrombie
Ackerman
Barrett (SC)
Barton (TX)
Bishop (NY)
Blackburn
Blunt
Boehner
Boucher
Capps
Davis (AL)
Deal (GA)
Dent
Fallin
Hall (TX)
Inslee
King (NY)
Lynch
Mack
Moran (KS)
Paul
Radanovich
Reichert
Scalise
Stark
Stupak
Sullivan
Tanner
Westmoreland

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶21.15 H. CON. RES. 238—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 238) recognizing the difficult challenges Black veterans faced when returning home after serving in the Armed Forces, their heroic military sacrifices, and their patriotism in fighting for equal rights and dignity of a people and a Nation.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 383 Nays 0

¶21.16 [Roll No. 74]

YEAS—383

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts

Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—49

Abercrombie
Ackerman
Baca
Barrett (SC)
Barton (TX)
Bishop (NY)
Blackburn
Blunt
Boehner
Boucher
Boustany
Calvert
Capps
Carter
Cole
Davis (AL)
Deal (GA)
Dent
Dingell
Doyle
Fallin
Gallegly
Gohmert
Grijalva
Hall (TX)
Herger
Hoekstra
Inslee
Jordan (OH)
King (NY)
Larson (CT)
Linder
Mack
Moran (KS)
Murphy, Tim
Owens
Pascrell
Paul
Radanovich
Rangel
Reichert
Ryan (WI)
Scalise
Stark
Stupak
Sullivan
Tanner
Westmoreland
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶21.17 CLERK TO CORRECT ENGROSSMENT—H.R. 2701

On motion of Mr. REYES, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, the Clerk be authorized to make technical corrections, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

¶21.18 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday, March 2, 2010, at 12:30 p.m., for morning-hour debate.

¶21.19 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3961. An Act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.

¶21.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BISHOP of New York, for today.

And then,

¶21.21 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 1 o'clock and 38 minutes p.m., the House adjourned until 12:30 p.m. on Tuesday, March 2, 2010.

¶21.22 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. ZOE LOFGREN: Committee on Standards of Official Conduct. In the matter of the investigation into officially connected travel of House Members to attend the Carib News Foundation Multinational Business Conferences in 2007 and 2008 (Rept. 111–422). Referred to the House Calendar.

Ms. ZOE LOFGREN: Committee on Standards of Official Conduct. In the matter of allegations relating to the lobbying activities of Paul Magliocchetti and Associates Group, Inc. (PMA) (Rept. 111–423). Referred to the House Calendar.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3820. A bill to reauthorize Federal natural hazards reduction programs, and for other purposes; with an amendment (Rept. 111–424 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

¶21.23 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 2989. Referral to the Committee on Ways and Means extended for a period ending not later than March 26, 2010.

¶21.24 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committees on Natural Resources and Transportation and Infrastructure discharged from further consideration. H.R. 3820 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

¶21.25 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HOLT (for himself, Mr. SESTAK, Mr. BOYD, Mr. BLUMENAUER, Mr. ELLISON, and Mr. DAVIS of Tennessee):

H.R. 4710. A bill to amend the Richard B. Russell National School Lunch Act to award grants to eligible entities for farm to school programs; to the Committee on Education and Labor.

By Mr. CONNOLLY of Virginia (for himself and Ms. NORTON):

H.R. 4711. A bill to provide that the delivery vehicle fleet of the United States Postal Service be replaced by electric motor vehicles; to the Committee on Oversight and Government Reform.

By Mr. FRANKS of Arizona:

H.R. 4712. A bill to include the county of Mohave, in the State of Arizona, as an affected area for purposes of making claims under the Radiation Exposure Compensation Act based on exposure to atmospheric nuclear testing; to the Committee on the Judiciary.

By Ms. MOORE of Wisconsin (for herself, Mr. THOMPSON of Mississippi, and Mr. LOEBSACK):

H.R. 4713. A bill to amend the Internal Revenue Code of 1986 to allow the first-time homebuyer credit in the case of joint returns of long-time residents where only 1 spouse meets the ownership and use requirements; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H. Res. 1122. A resolution supporting the goals and ideals of the Year of the Lung 2010; to the Committee on Oversight and Government Reform.

By Mr. BARRETT of South Carolina (for himself, Mr. WILSON of South Carolina, Mr. INGLIS, and Mr. BROWN of South Carolina):

H. Res. 1123. A resolution expressing the sense of the House of Representatives with respect to the use of Yucca Mountain as the Nation's primary permanent nuclear waste storage site; to the Committee on Energy and Commerce.

By Mr. MACK (for himself and Ms. ROS-LEHTINEN):

H. Res. 1124. A resolution supporting President Obama and his agenda to strengthen United States trade relations in Asia and with key partners like South Korea, Panama, and Colombia; to the Committee on Ways and Means.

¶21.26 MEMORIALS

Under clause 4 of rule XXII,

234. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 106 memorializing the Congress to provide that federal health care reforms not impose increased costs on Michigan and other states; to the Committee on Energy and Commerce.

235. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 107 memorializing the Congress to remove the so-called ''Nebraska Compromise'' from the final version of the federal health care reform legislation; to the Committee on Energy and Commerce.

236. Also, a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution 861 reasserting the right of every American Citizen residing in Puerto Rico to enjoy their right to equality and express the need of initiating a constitutionally sanctioned self-determiniation process; to the Committee on Natural Resources.

¶21.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Ms. MOORE of Wisconsin, Mr. OLVER, and Mr. BRADY of Texas.

H.R. 442: Mr. MICA.
H.R. 571: Mr. PASCRELL.
H.R. 620: Mr. BUYER.
H.R. 919: Ms. BORDALLO.
H.R. 1237: Mr. SCOTT of Virginia.
H.R. 1240: Mr. BOREN.
H.R. 1523: Mrs. CAPPS.
H.R. 1547: Mr. KILDEE.
H.R. 1584: Mr. PAUL.
H.R. 1806: Mr. HINOJOSA, Mr. MCGOVERN, Mr. WATT, and Mr. GENE GREEN of Texas.
H.R. 1835: Mr. HEINRICH, Ms. BERKLEY, Ms. TITUS, and Mrs. DAHLKEMPER.
H.R. 1878: Mr. KAGEN.
H.R. 1912: Mr. FILNER.
H.R. 2049: Mr. MASSA.
H.R. 2149: Mr. UPTON and Mr. TIM MURPHY of Pennsylvania.
H.R. 2266: Mr. WILSON of Ohio.
H.R. 2267: Mr. WILSON of Ohio.
H.R. 2277: Mr. MICHAUD.
H.R. 2305: Mr. DEAL of Georgia and Mr. COFFMAN of Colorado.
H.R. 2492: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 2565: Mr. COURTNEY.
H.R. 2855: Mr. CARSON of Indiana, Mr. ROTHMAN of New Jersey, and Mr. CARNAHAN.
H.R. 3044: Mr. BLUMENAUER.
H.R. 3240: Mr. TURNER, Ms. GRANGER, Mr. CAO, Mr. HINCHEY, and Mr. SCHOCK.
H.R. 3306: Mr. WEINER.
H.R. 3393: Mr. GORDON of Tennessee, Mr. MOORE of Kansas, Mr. MATHESON, Mr. MINNICK, Mr. QUIGLEY, Mr. WILSON of Ohio, Mr. SCHRADER, and Mr. HILL.
H.R. 3464: Mr. MCINTYRE.
H.R. 3554: Mr. LATOURETTE.
H.R. 3564: Mr. LEVIN and Mr. MICHAUD.
H.R. 3567: Mr. PRICE of North Carolina.
H.R. 3630: Mr. PETERS.
H.R. 3656: Ms. KOSMAS.
H.R. 3731: Mr. BOREN and Mr. FILNER.
H.R. 3757: Mr. WITTMAN.
H.R. 3790: Mr. WAMP and Mr. BOYD.
H.R. 3810: Mr. ARCURI.
H.R. 3820: Mr. SCHIFF.
H.R. 4054: Mr. KILDEE and Ms. KAPTUR.
H.R. 4065: Mr. OWENS.
H.R. 4115: Mr. HALL of New York.
H.R. 4116: Mr. KILDEE and Mr. ROTHMAN of New Jersey.
H.R. 4199: Mr. CHILDERS.
H.R. 4223: Mr. ELLISON, Mr. DAVIS of Illinois, and Ms. PINGREE of Maine.
H.R. 4265: Ms. SUTTON.
H.R. 4274: Mr. KILDEE, Mr. MCDERMOTT, and Mr. COURTNEY.
H.R. 4278: Ms. MARKEY of Colorado.
H.R. 4302: Mr. OWENS, Ms. PINGREE of Maine, and Mr. ELLSWORTH.
H.R. 4306: Mr. MARIO DIAZ-BALART of Florida and Mr. YOUNG of Florida.
H.R. 4309: Mr. COURTNEY.
H.R. 4322: Mr. CUMMINGS and Mr. MCINTYRE.
H.R. 4396: Mr. WILSON of Ohio.
H.R. 4402: Mr. KILDEE, Mr. ARCURI, and Mr. COURTNEY.
H.R. 4408: Mr. SESSIONS.
H.R. 4427: Mr. JOHNSON of Illinois.
H.R. 4440: Mr. FILNER and Mr. NYE.
H.R. 4453: Mr. BUYER and Mr. BOOZMAN.
H.R. 4496: Mr. WITTMAN.
H.R. 4505: Mr. WITTMAN and Mr. MICHAUD.
H.R. 4530: Mr. OLVER.
H.R. 4533: Mr. CARNAHAN, Mr. HARE, Ms. SLAUGHTER, Mr. ROTHMAN of New Jersey, Mr. WEINER, Ms. NORTON, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. KAGEN, and Mr. WOLF.
H.R. 4553: Mr. MICHAUD.
H.R. 4554: Mr. NEAL of Massachusetts.
H.R. 4558: Mr. PETERS.
H.R. 4567: Mr. HOLT.
H.R. 4568: Mr. COURTNEY and Ms. GIFFORDS.
H.R. 4596: Ms. WASSERMAN SCHULTZ, Mrs. MALONEY, Mr. ISRAEL, and Mr. CONYERS.
H.R. 4603: Mr. BUCHANAN, Mr. MANZULLO, Mr. CASSIDY, Mr. HIMES, Mr. AKIN, and Mr. SHIMKUS.
H.R. 4625: Mr. CARTER.
H.R. 4639: Mr. SHIMKUS, Mr. WHITFIELD, and Mr. BILBRAY.
H.R. 4647: Mr. ISRAEL and Mr. MARSHALL.
H.R. 4653: Mr. SIMPSON.
H.R. 4666: Mr. MICHAUD.
H.R. 4671: Mr. MORAN of Virginia.
H.R. 4678: Mr. MELANCON, Mr. ELLSWORTH, Mr. LIPINSKI, and Mr. HALL of New York.
H.R. 4708: Mr. LAMBORN.
H.J. Res. 1: Mr. MITCHELL.
H.J. Res. 74: Mr. HALL of New York and Ms. HIRONO.
H.J. Res. 76: Mr. CHILDERS and Mr. WILSON of Ohio.
H. Con. Res. 94: Mr. LARSEN of Washington.
H. Con. Res. 230: Mr. BUYER.
H. Res. 111: Mr. RODRIGUEZ.
H. Res. 213: Ms. ZOE LOFGREN of California.
H. Res. 267: Mr. LATHAM.
H. Res. 870: Mr. GARY G. MILLER of California.
H. Res. 886: Mr. PUTNAM, Mr. THOMPSON of Mississippi, Mr. COURTNEY, Mrs. HALVORSON, Ms. JENKINS, Mr. CHANDLER, Mr. SKELTON, Mr. SHULER, Mr. LOEBSACK, Mr. BOREN, Mr. KRATOVIL, Mr. BOYD, Mr. ARCURI, Mr. MELANCON, Mr. ROSS, Mr. CARDOZA, Mr. BARROW, Mr. HILL, Mr. TAYLOR, Mr. MITCHELL, Mr. WALZ, Mr. TANNER, Mr. DONNELLY of Indiana, Mr. BERRY, Mr. POMEROY, Ms. MARKEY of Colorado, and Mr. WALDEN.
H. Res. 925: Ms. JACKSON LEE of Texas.
H. Res. 935: Mr. SHERMAN.
H. Res. 959: Mr. BROUN of Georgia.
H. Res. 996: Ms. ESHOO, Mr. EHLERS, Ms. ROYBAL-ALLARD, and Mr. TIM MURPHY of Pennsylvania.
H. Res. 1055: Mr. ROTHMAN of New Jersey, Mr. HODES, and Mr. COURTNEY.
H. Res. 1060: Mr. RODRIGUEZ.
H. Res. 1063: Mr. SESSIONS and Mr. LATTA.
H. Res. 1075: Mr. FORTENBERRY and Mr. BUYER.
H. Res. 1079: Mr. MARCHANT and Mr. BURTON of Indiana.
H. Res. 1086: Mr. BERRY, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mr. COSTA, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Ms. HERSETH SANDLIN, Mr. HINOJOSA, Mr. HONDA, Mr. KAGEN, Ms. LEE of California, Mrs. NAPOLITANO, Mr. PALLONE, Mr. RODRIGUEZ, Mr. SHULER, Mr. VAN HOLLEN, and Mr. ACKERMAN.
H. Res. 1091: Ms. NORTON, Mr. HINOJOSA, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. COURTNEY, Mr. TOWNS, and Mr. PIERLUISI.
H. Res. 1099: Mr. COFFMAN of Colorado.
H. Res. 1111: Mr. LANCE, Mr. CASTLE, Mr. LOBIONDO, Mr. PLATTS, Mr. SCHRADER, Mr. TEAGUE, Mrs. KIRKPATRICK of Arizona, Mr. ADLER of New Jersey, Mr. QUIGLEY, Mr. CONNOLLY of Virginia, Mr. BECERRA, Ms. BALDWIN, Ms. PINGREE of Maine, Mr. KISSELL, Mrs. DAHLKEMPER, Ms. TITUS, Mr. TOWNS, Mr. TANNER, Mr. LEE of New York, Mr. MCNERNEY, Mr. ACKERMAN, Mr. PERLMUTTER, Mr. ISRAEL, Mr. PETERS, and Ms. NORTON.
H. Res. 1117: Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Ms. CHU, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GARAMENDI, Ms. HARMAN, Mr. HONDA, Ms. LEE of California, Ms. MATSUI, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. LEWIS of California, Mr. MCCARTHY of California, Mr. DREIER, Mr. ROYCE, Mr. CAMPBELL, Mr. ROHRABACHER, Mr. BILBRAY, Mr. NUNES, Mr. ISSA, Mr. GARY G. MILLER of California, and Mr. GALLEGLY.
H. Res. 1119: Mr. HUNTER and Mr. ROGERS of Michigan.

¶21.28 PETITIONS

Under clause 1 of rule XXII,

106. The SPEAKER presented a petition of Legislature of Rockland County, New York, relative to Resolution No. 603 urging the fast tracking of the reauthorization of the budget for the FAA; to the Committee on Transportation and Infrastructure.

TUESDAY, MARCH 2, 2010 (22)

The House was called to order at 12:30 p.m. by the SPEAKER, when, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶22.1 RECESS—12:42 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 42 minutes p.m., until 2 p.m.

¶22.2 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, called the House to order.

¶22.3 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced she had examined and approved the Journal of the proceedings of Friday, February 26, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶22.4 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6312. A letter from the Under Secretary, Department of Defense, transmitting the Department's report on progress toward compliance with destruction of the U.S. stockpile of lethal chemical agents and munitions by the extended Chemical Weapons Convention deadline of April 29, 2012, and not later than December 31, 2017, pursuant to Public Law 110-116, section 8119; to the Committee on Armed Services.

6313. A letter from the Director, Defense Procurement and Acquisition, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Definitions of Component and Domestic Manufacture (DFARS Case 2005-D010) (RIN: 0750-AF22) received January 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6314. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Lead System Integrators (DFARS Case 2006-D051) (RIN: 0750-AF80) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6315. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System — Amendments [Docket No.: FR-5351-F-02] (RIN: 2501-AD48) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6316. A letter from the General Counsel, National Credit Union Administration,

transmitting the Administration's final rule — Exception to the Maturity Limit on Second Mortgages (RIN: 3133-AD64) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6317. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Display of Official Sign; Temporary Increase in Standard Maxium Share Insurance Amount; Coverage for Mortgage Servicing Accounts; Share Insurance for Revocable Trust Accounts (RIN: 3133-AD54; RIN: 3133-AD55) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6318. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-605, Quarterly Survey of Foreign Direct Investment in the United States — Transactions of U.S. Affiliate With Foreign Parent [Docket No.: 090130108-91414-02] (RIN: 0691-AA70) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6319. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 20-09 informing of an intent to sign a Project Agreement with Israel; to the Committee on Foreign Affairs.

6320. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 04-10 informing of an intent to sign a Project Agreement with North Atlantic Treaty Organization; to the Committee on Foreign Affairs.

6321. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

6322. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on Foreign Affairs.

6323. A letter from the Executive Director, Chirstopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's General/Trust Fund Financial Statements for the First Quarter of FY 2010 ended December 31, 2009, as prepared by the U.S. General Services Administration; to the Committee on Oversight and Government Reform.

6324. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Department's final rule — Temporary Suspension of the Population Estimates and Income Estimates Challenge Programs [Docket Number: 0908171239-91412-02] (RIN: 0607-AA49) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6325. A letter from the Chief Operating Officer/President, Financing Corporation, transmitting a copy of the Financing Corporation's Statement on the System of Internal Controls and the 2009 Audited Financial Statements; to the Committee on Oversight and Government Reform.

6326. A letter from the Branch Chief, Division of Migratory Bird Management, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Changes in the Regulations Governing Falconry [FWS-R9-MB-2009-0002; 91200-1231-9BPP] (RIN: 1018-AW44) received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6327. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Requirements for Subsurface Safety Valve Equipment [Docket ID: MMS-2007-OMM-0066] (RIN: 1010-AD45) received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6328. A letter from the Chief, Branch of Listing, Endangered Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule To List the Galapagos Petrel and Heinroth's Shearwater as Threatened Throughout Their Ranges [FWS-R9-ES-2009-0086; 90100-1660-1FLA] (RIN: 1018-AW70) received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6329. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2010 Summer Flounder, Scup, and Black Sea Bass Specifications; Preliminary 2010 Quota Adjustments; 2010 Summer Flounder Quota for Delaware [Docket No.: 0908191244-91427-02] (RIN: 0648-XR08) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6330. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Longline Fishery Closure [Docket No.: 090130102-91386-02] (RIN: 0648-XT01) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6331. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelegic Species Fisheries; Closure [Docket No.: 0812171612-9134-02] (RIN: 0648-XT31) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6332. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; fisheries Off West The Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation; Pacific Whiting Seasons [Docket No.: 090428799-9802-01] (RIN: 0648-XT30) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6333. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Managememt Act Provisions; Fisheries of the Northeastern United States [Docket No.: 0909011267-91427-02] (RIN: 0648-AY19) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6334. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0809251266-81485-02] (RIN: 0648-XT39) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6335. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2010 Bering Sea Pollock Total Allowable Catch Amount [Docket No.: 0810141351-9087-02] (RIN: 0648-XT40) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6336. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2010 Bering Sea and Aleutian Islands Pacific Cod Total Allowable Catch Amount [Docket No.: 0810141351-9087-02] (RIN: 0648-XT41) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6337. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2010 Gulf of Alaska Pollock and Pacific Cod Total Allowable Catch Amounts [Docket No.: 0910091344-9056-02] (RIN: 0648-XT52) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6338. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Limited Access for Guided Sport Charter Vessels in Alaska [Docket No.: 080630798-91430-02] (RIN: 0648-AW92) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6339. A letter from the Assistant Secretary, Employment & Training Administration, Department of Labor, transmitting the Department's final rule — Temporary Agricultural Employment of H-2A Aliens in the United States (RIN: 1205-AB55) received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6340. A letter from the Assistant Secretary, Employment & Training, Department of Labor, transmitting the Department's final rule — Temporary Employment of H-2A Aliens in the United States (RIN: 1205-AB55) received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6341. A letter from the Clerk of Court, United States Court of Appeals, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit No. 08-3642 — Ortega v. Holder (January 15, 2010); to the Committee on the Judiciary.

6342. A letter from the Assistant CC for Hazardous Materials Safety, Department of

Transportation, transmitting the Department's final rule — Hazardous Materials: Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Correction [Docket No.: PHMSA-2007-0065 (HM0224D) and PHMSA-2008-0005 (HM-215J)] (RIN: 2137-AE54) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6343. A letter from the Acting Deputy Director, NIST, Departmemt of Commerce, transmitting the Department's final rule — Precision Measurement Grants Program; Availability of Funds [Docket Number: 0911251416-91417-01] received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

6344. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Vocational Rehabilitation and Employment Program — Basic Entitlement; Effective Date of Induction Into a Rehabilitation Program; Cooperation in Initial Evaluation (RIN: 2900-AN13) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6345. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Vocational Rehabilitation and Employment Program — Self-Employment (RIN: 2900-AN31) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6346. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Vocational Rehabilitation and Employment Program — Periods of Eligibility (RIN: 2900-AM84) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6347. A letter from the Grants Management Officer, DHS Office of Grants Policy & Oversight, Department of Homeland Security, transmitting the Department's final rule — Department of Homeland Security Implementation of OMB Guidance on Nonprocurement Debarment and Suspension [Docket No.: DHS-2007-0006] (RIN: 1601-AA46) received January 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

6348. A letter from the Acting Director, Infrastructure Security Compliance Division, Department of Homeland Security, transmitting the Department's final rule — Appendix to Chemical Facility Anti-Terrorism Standards [DHS-2006-0073] (RIN: 1601-AA41) received January 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

6349. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Demonstration of Coverage of Chiropractic Services under Medicare; jointly to the Committees on Energy and Commerce and Ways and Means.

6350. A letter from the Acting Assistant Director, Directives and Regulations Branch, ORMS, Department of Agriculture, transmitting the Department's final rule — National Forest System Land and Resource Management Planning (RIN: 0596-AB86) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Natural Resources and Agriculture.

6351. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1863-DR for the State of Louisiana; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

¶22.5 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced under clause 5(d) of rule XX, that, in light of the resignation of the gentleman from Hawaii [Mr. ABERCROMBIE], the whole number of the House is adjusted to 432.

¶22.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Ms. MARKEY of Colorado, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC 20515

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, March 1, 2010 at 2:15 p.m., and said to contain a message from the President whereby he transmits a report to the Congress regarding the National Emergency with respect to Zimbabwe.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶22.7 NATIONAL EMERGENCY WITH RESPECT TO ZIMBABWE

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2010.

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *February 26, 2010.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–96).

¶22.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Ms. MARKEY of Colorado, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, March 1, 2010 at 2:15 p.m., and said to contain a message from the President whereby he transmits a message to the Congress regarding a proposed Constitution for the United States Virgin Islands.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶22.9 PROPOSED CONSTITUTION OF THE UNITED STATES VIRGIN ISLANDS

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

In accordance with the requirements of Public Law 94–584 (the ''Act''), I hereby transmit to the Congress a proposed constitution for the United States Virgin Islands (USVI). The constitution, drafted by the Fifth Constitutional Convention of the United States Virgin Islands, was submitted to me on December 31, 2009, by Governor John P. deJongh, United States Virgin Islands. In submitting the proposed constitution, Governor deJongh expressed his concerns about several provisions of the proposed constitution, but he also expressed his hope that the people of the United States Virgin Islands continue to ''move ahead towards [their] goal of increased local governmental autonomy.''

The Act requires that I submit this proposed constitution to the Congress, along with my comments. The Congress then has 60 days to amend, modify, or approve the proposed constitution. If approved, or approved with modification, the constitution will be submitted for a referendum in the Virgin Islands for acceptance or rejection by the people.

In carrying out my responsibilities pursuant to the Act, I asked the Department of Justice, in consultation with the Department of the Interior, to provide its views of the proposed constitution. The Department of Justice concluded that several features of the proposed constitution warrant analysis and comment, including: (1) the absence of an express recognition of United States sovereignty and the supremacy of Federal law; (2) provisions

for a special election on the USVI's territorial status; (3) provisions conferring legal advantages on certain groups defined by place and timing of birth, timing of residency, or ancestry; (4) residence requirements for certain offices; (5) provisions guaranteeing legislative representation of certain geographic areas; (6) provisions addressing territorial waters and marine resources; (7) imprecise language in certain provisions of the proposed constitution's bill of rights; (8) the possible need to repeal certain Federal laws if the proposed USVI constitution is adopted; and (9) the effect of congressional action or inaction on the proposed constitution.

To assist the Congress in its deliberations about this important matter, I attach the analysis of the Department of Justice, with which the Department of the Interior concurs. I believe that the analysis provided by the Department of Justice warrants careful attention.

I commend the electorate of the Virgin Islands and its governmental representatives in their continuing commitment to increasing self-government and the rule of law.

BARACK OBAMA.

THE WHITE HOUSE, *February 26, 2010*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Natural Resources.

¶22.10 NATURAL HAZARDS REDUCTION

Mr. WU moved to suspend the rules and pass the bill (H.R. 3820) to reauthorize Federal natural hazards reduction programs, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mr. WU and Mr. BROUN of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶22.11 ENGINEERS WEEK

Mr. WU moved to suspend the rules and agree to the following resolution (H. Res. 1097):

Whereas engineers use their professional, scientific, and technical knowledge and skills in creative and innovative ways to fulfill the needs of society;

Whereas engineers have helped to address the major technological and infrastructural challenges of our time, including providing water, defending the Nation, and developing clean energy technologies that are needed to power the American people into the future;

Whereas engineers are a crucial link in research, development, and the transformation of scientific discoveries into useful products and jobs, as the people of the United States look more than ever to engineers and their imagination, knowledge, and analytical skills to meet the challenges of the future;

Whereas engineers play a crucial role in developing the consensus engineering standards that promote global collaboration and support reliable infrastructures;

Whereas the sponsors of National Engineers Week are working together to transform the engineering workforce through greater inclusion of women and underrepresented minorities;

Whereas the 2009 National Academy of Engineering and National Research Council report entitled ''Engineering in K–12 Education'' highlighted the potential role for engineering in primary and secondary education as a method to improve learning and achievement in science and mathematics, increase awareness of engineering and the work of engineers, help students understand and engage in engineering design, build interest in pursuing engineering as a career, and increase technological literacy;

Whereas an increasing number of the approximately 2,000,000 engineers in the United States are nearing retirement;

Whereas National Engineers Week has developed into a formal coalition of more than 100 professional societies, major corporations, and Government agencies that are dedicated to ensuring a diverse and well-educated engineering workforce, promoting literacy in science, technology, engineering, and math, and raising public awareness and appreciation of the contributions of engineers to society;

Whereas National Engineers Week is celebrated during the week of George Washington's birthday to honor the contributions that the first President, who was both a military engineer and a land surveyor, made to engineering; and

Whereas February 14, 2010, to February 20, 2010, has been designated as National Engineers Week by the National Engineers Week Foundation and its coalition members: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Engineers Week to increase understanding of and interest in engineering careers and to promote technological literacy and engineering education; and

(2) continues to work with the engineering community to ensure that the creativity and contributions made by engineers can be expressed through research, development, standardization, and innovation.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mr. WU and Mr. BROUN of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WU objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶22.12 USMA AT WEST POINT

Mr. MARSHALL moved to suspend the rules and agree to the following resolution (H. Res. 747):

Whereas Forbes magazine has named the United States Military Academy at West Point as America's Best College for 2009;

Whereas U.S. News & World Report has named West Point as the Best Public Liberal Arts College in the United States;

Whereas U.S. News & World Report has consistently rated West Point's undergraduate engineering program as among the best in the United States;

Whereas the United States has had a military presence at West Point since the Revolutionary War because of its strategic position overlooking the Hudson River;

Whereas General George Washington selected Thaddeus Kosciuszko to design West Point's fortifications in 1778;

Whereas West Point is the oldest continuously occupied military post in America;

Whereas President Thomas Jefferson established the United States Military Academy at West Point in 1802;

Whereas West Point has educated many of the United States Army's commissioned officers;

Whereas West Point instructs 4,400 cadets per year in academics, military tactics, physical fitness, and leadership—all free of tuition;

Whereas 1,000 cadets graduate each year and are commissioned second lieutenants in the United States Army;

Whereas 2 Presidents of the United States, 74 Congressional Medal of Honor recipients, 88 Rhodes Scholars, 33 Marshall Scholars, and 28 Truman Scholars have graduated from West Point;

Whereas, in addition to academics and military training, West Point offers extracurricular activities that include 115 athletic and non-sport clubs and the Eisenhower Hall Theatre; and

Whereas West Point offers a well-rounded, highly regarded education to the next generation of the Nation's leaders: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the United States Military Academy at West Point on being named by Forbes magazine as America's Best College for 2009;

(2) supports West Point's mission ''to educate, train, and inspire the Corps of Cadets so that each graduate is a commissioned leader of character committed to the values of Duty, Honor, Country and prepared for a career of professional excellence and service to the Nation as an officer in the United States Army''; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution for appropriate display to the Superintendent of West Point.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mr. MARSHALL and Mr. JONES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MARSHALL demanded that the vote be taken by the yeas and nays, which demand was supported by one-

fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 3, 2010.

¶22.13 139TH AIRLIFT WING

Mr. MARSHALL moved to suspend the rules and agree to the following resolution (H. Res. 699); as amended:

Whereas the 139th Airlift Wing (AW), Air National Guard has its roots in the formation of the 180th Bombardment Squadron (Light), which was one of the first federally recognized Air National Guard units in the United States;

Whereas the 180th Bombardment Squadron deployed in support of the Korean War in December 1951;

Whereas in 1976, the unit was redesignated as the 139th Tactical Airlift Group (TAG);

Whereas in 1990, the 139th TAG assisted in troop deployment during Operation Desert Storm;

Whereas in 1992, the unit was redesignated the 139th Airlift Group (AG);

Whereas, between 1992 and 1996, the 139th AG supported humanitarian operations in Bosnia, Sarajevo, Africa, and Haiti;

Whereas in 1995, the unit officially became known as the 139th Airlift Wing;

Whereas, between 1998 and 2004, the 139th AW supported military operations alongside North Atlantic Treaty Organization (NATO) forces as part of Operation Joint Forge in Europe;

Whereas in 2002, the 139th AW deployed in support of Operation Enduring Freedom in Afghanistan;

Whereas in 2005, the 139th AW assisted with disaster relief efforts in response to Hurricane Katrina;

Whereas in December 2007, the 139th AW was enlisted to support efforts in response to a devastating ice storm that struck Northwest Missouri; and

Whereas the 139th AW hosts the renowned Advanced Airlift Tactics Training Center (AATTC);

Whereas NATO air forces utilize the AATTC in support of training operations;

Whereas in 2008, the Headquarters United States Air Force General Officers' Steering Committee approved a Total Force Integration Initiative designating the AATTC as a blended unit of Air National Guard, Air Force Reserve, and Regular Air Force members;

Whereas in 2008, the AATTC was designated the Mobility Air Forces Tactics Center of Excellence;

Whereas nearly 2,500 civilians and military personnel from Northwest Missouri and Northeast Kansas serve selflessly in the 139th AW: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the exemplary service and sacrifice of the members of the 139th Airlift Wing and their families; and

(2) commends the members of the 139th AW and their families (and all of the other members of the Armed Forces who have served, or who are currently serving, in support of United States military contingency operations) for their service and sacrifice on behalf of the United States.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mr. MARSHALL and Mr. JONES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MARSHALL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 3, 2010.

¶22.14 MILITARY WORKING DOG PROGRAM

Mr. MARSHALL moved to suspend the rules and agree to the following resolution (H. Res. 812); as amended:

Whereas the Military Working Dog Program, or K–9 Corps, was developed in 1942, shortly after the United States entered World War II;

Whereas all four branches of the United States Armed Forces as well as other government agencies, including the Secret Service, Central Intelligence Agency, and Transportation Security Administration, use Military Working Dogs in service to the country;

Whereas Military Working Dogs are trained in explosive detection, narcotic detection, sentry, patrol, tracking, and other specific areas;

Whereas Military Working Dogs, through their training, have prevented injuries and saved the lives of thousands of United States citizens;

Whereas more than 19,000 Military Working Dogs were acquired by the United States Armed Forces during World War II and of those 19,000, a little more than 10,000 Military Working Dogs were utilized in the war effort;

Whereas more than 1,500 Military Working Dogs were employed during the Korean War and 4,500 in the Vietnam War;

Whereas, since September 11, 2001, Military Working Dogs have served in Iraq and Afghanistan and have been employed in detection work as part of homeland security and defense efforts;

Whereas today approximately 2,000 Military Working Dogs serve at nearly 170 United States military bases worldwide, including bases in 40 States and 3 United States territories;

Whereas retired Military Working Dogs are recognized for their lifetime of service in the United State Armed Forces; and

Whereas charitable organizations and community groups are recognized for their work in coordination with the Department of Defense to help bring Military Working Dogs stationed overseas home to the United States for adoption when their active duty days are over and provide support to active K9 military teams worldwide: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significant contributions of the Military Working Dog Program to the United States Armed Forces;

(2) honors active and retired Military Working Dogs for their loyal service and dedication to protecting the men and women of the United States Armed Forces; and

(3) supports the adoption and care of these quality animals after their service is over.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mr. MARSHALL and Mr. JONES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution recognizing the significant contributions of the Military Working Dog Program to the United States Armed Forces.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶22.15 LOUISIANA STATE UNIVERSITY

Mr. COURTNEY moved to suspend the rules and agree to the following resolution (H. Res. 1072); as amended:

Whereas classes began at Louisiana State University, formerly named Seminary of Learning of the State of Louisiana, on January 2, 1860;

Whereas Louisiana State University is the flagship institution of the State of Louisiana, and is a land-grant, sea-grant, and space-grant institution;

Whereas Louisiana State University developed seven institutions of higher learning in the State of Louisiana so that educational opportunities would be available to the far reaches of the state;

Whereas Louisiana State University has instituted the ''Pelican Promise'' program providing financial assistance to the neediest of students so that they may receive the benefits of higher education;

Whereas Louisiana State University is designated a Research University by the Carnegie Foundation for the Advancement of Teaching and performs research for the benefit of the United States and the State of Louisiana;

Whereas Louisiana State University has 650 endowed chairs and professorships held by distinguished faculty in the comprehensive disciplines that support the economy, culture, policy, and scientific prosperity of the State;

Whereas Louisiana State University offers degrees in 72 baccalaureate programs, 78 master's programs, and 53 doctoral programs and has awarded more than 100,000 degrees since the institution's inception;

Whereas Louisiana State University administers 11 intercollegiate women's sports teams and 9 men's sports teams, and the ''Tigers'' have won 46 national championships, including 25 championships won by the women's track and field team;

Whereas Louisiana State University has answered the call to service whether it be officers for military service or operating the Nation's largest field hospital in the aftermath of Hurricane Katrina; and

Whereas Louisiana State University has provided a quality education, basic and applicable research, service to its State and Nation, and brought distinction upon the State of Louisiana: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Louisiana State University for over 150 years of service and excellence in higher education, and

(2) congratulates Louisiana State University on the occasion of its 150th anniversary.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mr. COURTNEY and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COURTNEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶22.16 PENNSYLVANIA STATE UNIVERSITY DANCE MARATHON

Mr. COURTNEY moved to suspend the rules and agree to the following resolution (H. Res. 1112):

Whereas the Penn State IFC/Panhellenic Dance Marathon, known as THON, is the largest student-run philanthropy in the world, with 700 dancers, more than 300 supporting organizations, and more than 15,000 volunteers involved in the annual event;

Whereas student volunteers at the Pennsylvania State University annually collect money and dance for 46 hours straight at the Bryce Jordan Center for THON, bringing energy and excitement to campus for a mission to conquer cancer, and bringing awareness to countless thousands more;

Whereas all THON activities support the mission of the Four Diamonds Fund at Penn State Hershey Children's Hospital, which provides financial and emotional support to pediatric cancer patients and their families and also funds cancer research;

Whereas each year, THON is the single largest donor to the Four Diamonds Fund at Penn State Hershey Children's Hospital, having raised nearly $68.9 million since 1977, when the two organizations first became affiliated;

Whereas in 2010, THON set a new fundraising record of over $7.83 million, even after the previous record of $7.5 million was set in 2009;

Whereas THON support has helped more than 2,000 families through the Four Diamonds Fund, is currently helping to build a new Pediatric Cancer Pavilion at Penn State Hershey Children's Hospital, and has helped suppport pediatric cancer research that has caused some pediatric cancer survival rates to increase to nearly 90 percent; and

Whereas THON has inspired similar events and organizations across the Nation, ranging from high schools to colleges and beyond, and continues to encourage students across the country to volunteer and stay involved in great charitable causes in their community: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Pennsylvania State University IFC/Panhellenic Dance Marathon (THON) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; and

(2) commends the Pennsylvania State University students, volunteers and supporting organizations for their hard work putting together another recordbreaking THON.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mr. COURTNEY and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶22.17 SCHOOL LUNCH PROGRAM

Mr. COURTNEY moved to suspend the rules and agree to the following resolution (H. Res. 362); as amended:

Whereas the National School Lunch Program is declared to be the policy of the United States Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of food and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school lunch programs;

Whereas Federal regulations further state that participating schools shall ensure that children gain a full understanding of the relationship between proper eating and good health;

Whereas local educational agencies are responsible for collaborating with the school community to implement comprehensive nutrition and wellness policies in schools that participate in the National School Lunch Program;

Whereas all of the Nation's more than 49,000,000 pupils deserve access to high-quality, safe, nutritious meals available in the school setting, recognizing the link between adequate nourishment and educational performance;

Whereas children that experience hunger have been shown to be more likely to have lower math scores, decreased attentiveness, increased likelihood of repeating a grade, increased absences and tardiness, and more referrals to special education services;

Whereas in 2009, the National School Lunch Program in the United States provided over 31,000,000 meals to school children daily, and must comply with rigorous State and Federal requirements, provide adequate food preparation and dining facilities, and cover costs to provide reimbursable meals including food, energy, transportation, labor, and other costs;

Whereas the National School Lunch Program must provide nutritious meals that are consistent with the goals of the most recent Dietary Guidelines for Americans;

Whereas the Institute of Medicine of the National Academies of Sciences recommends increased amounts of fruits, vegetables, and whole grains in the National School Lunch Program, and that measures to improve the quality of meals may increase program costs and the need for administrative support;

Whereas school food service must operate on a nonprofit basis, and it is expected that the Federal subsidy for a free meal will, on average, cover the costs of producing a reimbursable meal;

Whereas the U.S. Department of Agriculture identified that the full cost to produce a reimbursable lunch generally exceeds the Federal reimbursement for a free lunch; and

Whereas revenue deficits in school meal programs must be offset by generating additional revenue from other sources that may otherwise support classroom instruction: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of the National School Lunch Program; and

(2) recognizes that America's pupils deserve access to high-quality, safe, nutritious meals available in the school setting.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, recognized Mr. COURTNEY and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. WU, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COURTNEY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. WU, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 3, 2010.

The point of no quorum was considered as withdrawn.

¶22.18 READ ACROSS AMERICA DAY

Mr. COURTNEY moved to suspend the rules and agree to the following resolution (H. Res. 1111):

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress has placed great emphasis on reading intervention that has been proven effective through scientifically valid research and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 2 to celebrate reading and the birth of Theodor Geisel, also known as Dr. Seuss: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(2) honors the 13th anniversary of Read Across America Day;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the House of Representatives to building a Nation of readers; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

The SPEAKER pro tempore, Mr. WU, recognized Mr. COURTNEY and Mr. THOMPSON of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. WU, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COURTNEY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. WU, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 3, 2010.

The point of no quorum was considered as withdrawn.

¶22.19 RECESS—4:17 P.M.

The SPEAKER pro tempore, Mr. WU, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 17 minutes p.m., until approximately 6:30 p.m.

¶22.20 AFTER RECESS—6:31 P.M.

The SPEAKER pro tempore, Ms. BALDWIN, called the House to order.

¶22.21 PROVIDING FOR CONSIDERATION OF H.R. 4247

Mr. CARDOZA, by direction of the Committee on Rules, reported (Rept. No. 111–425) the resolution (H. Res. 1126) providing for consideration of the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶22.22 H. RES. 1072—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1072) recognizing Louisiana State University for 150 years of service and excellence in higher education; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 383 / Nays 0

¶22.23 [Roll No. 75]

YEAS—383

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

NOT VOTING—48

Austria
Barrett (SC)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Buyer
Camp
Campbell
Cassidy
Clarke
Cohen
Costello
Dahlkemper
Davis (AL)
Deal (GA)
Engel
Fallin
Garamendi
Gordon (TN)
Granger
Grayson
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hinojosa
Hoekstra
Inglis
Jackson (IL)
Jackson Lee (TX)
Marchant
McCaul
McMahon
Mollohan
Putnam
Rehberg
Reyes
Rodriguez
Rush
Schwartz
Smith (TX)
Stark
Sullivan
Tanner
Taylor
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶22.24 H.R. 3820—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3820) to reauthorize Federal natural hazards reduction programs, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 335 / Nays 50

¶22.25 [Roll No. 76]

YEAS—335

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown-Waite, Ginny
Buchanan
Calvert
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cole
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen

Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Graves
Green, Al
Griffith
Guthrie
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Reichert
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—50

Barton (TX)
Bishop (UT)
Broun (GA)
Burton (IN)
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goodlatte
Hastings (WA)
Hensarling
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirkpatrick (AZ)
Lamborn
Latta
Lummis
Manzullo
Mica
Miller (FL)
Miller (MI)
Neugebauer
Nunes
Owens
Paul
Pence
Petri
Platts
Poe (TX)
Rooney
Ryan (WI)
Schmidt
Shimkus
Souder
Stearns
Westmoreland
Young (AK)

NOT VOTING—46

Austria
Barrett (SC)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Buyer
Camp
Campbell
Cassidy
Cohen
Costello
Dahlkemper
Davis (AL)
Deal (GA)
Fallin
Garamendi
Gordon (TN)
Granger
Grayson
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hinojosa
Hoekstra
Inglis
Jackson (IL)
Jackson Lee (TX)
Marchant
McCaul
McMahon
Mollohan
Putnam
Rehberg
Reyes
Rodriguez
Rush
Schwartz
Smith (TX)
Stark
Sullivan
Tanner
Taylor
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶22.26 H. RES. 1097—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1097) supporting the goals and ideals of National Engineers Week, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of those present had voted in the affirmative.

Ms. DEGETTE demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 382 / Nays 0

¶22.27 [Roll No. 77]

AYES—382

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

Wolf	Wu	Young (AK)
Woolsey	Yarmuth	Young (FL)

NOT VOTING—49

Austria	Emerson	Marchant
Barrett (SC)	Fallin	McCaul
Brady (TX)	Garamendi	McMahon
Brown (SC)	Gordon (TN)	Mollohan
Brown, Corrine	Granger	Putnam
Burgess	Grayson	Rehberg
Butterfield	Green, Gene	Reyes
Buyer	Grijalva	Rodriguez
Camp	Gutierrez	Rush
Campbell	Hall (TX)	Schwartz
Cassidy	Hinojosa	Smith (TX)
Cohen	Hoekstra	Stark
Costello	Inglis	Sullivan
Dahlkemper	Jackson (IL)	Tanner
Davis (AL)	Jackson Lee (TX)	Taylor
Deal (GA)	Johnson, Sam	Wamp
Edwards (TX)		

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶22.28 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, without amendment, a bill of the House of the following title:

H.R. 4691. An Act to provide a temporary extension of certain programs, and for other purposes.

¶22.29 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on February 26, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 3961. An Act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.

¶22.30 ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1299. An Act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

H.R. 4691. An Act to provide a temporary extension of certain programs, and for other purposes.

¶22.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. JACKSON LEE of Texas, for today and March 3;

To Mr. RODRIGUEZ, for today;

To Mr. JACKSON of Illinois, for today;

To Mr. Gene GREEN of Texas, for today; and

To Mr. REYES, for today.

And then,

¶22.32 ADJOURNMENT

On motion of Mr. KING of Iowa, at 10 o'clock and 50 minutes p.m., the House adjourned.

¶22.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARDOZA: Committee on Rules. House Resolution 1126. Resolution providing for consideration of the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes (Rept. 111–425). Referred to the House Calendar.

¶22.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. COSTELLO, Mr. PETRI, Mr. DEFAZIO, Ms. NORTON, and Mr. CUMMINGS):

H.R. 4714. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2011 through 2014, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of New York (for himself and Mr. LOBIONDO):

H.R. 4715. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LAMBORN (for himself and Mr. COFFMAN of Colorado):

H.R. 4716. A bill to prohibit the further extension or establishment of national monuments in Colorado, except by express authorization of Congress; to the Committee on Natural Resources.

By Mrs. LUMMIS (for herself, Ms. HERSETH SANDLIN, and Mr. BISHOP of Utah):

H.R. 4717. A bill to require the Attorney General of the United States to compile, and make publically available, certain data relating to the Equal Access to Justice Act, and for other purposes; to the Committee on the Judiciary.

By Mrs. BONO MACK:

H.R. 4718. A bill to amend the Internal Revenue Code of 1986 to suspend the taxation of unemployment compensation for 3 years; to the Committee on Ways and Means.

By Mr. RODRIGUEZ (for himself, Mr. CUELLAR, Mr. TEAGUE, Mr. GRIJALVA, Mr. HINOJOSA, and Mr. REYES):

H.R. 4719. A bill to establish a Southwest Border Region Water Task Force; to the Committee on Natural Resources.

By Mrs. KIRKPATRICK of Arizona:

H.R. 4720. A bill to provide for a 5 percent reduction in the rates of basic pay for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York:

H.R. 4721. A bill to direct the United States Postal Service to designate a single, unique ZIP Code for Flanders, New York; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER (for himself, Mr. CAPUANO, Mr. CARNAHAN, Mr. COHEN, Mr. FILNER, Mr. LIPINSKI, and Mr. MORAN of Virginia):

H.R. 4722. A bill to direct the Secretary of Transportation to carry out an active transportation investment program to encourage a mode shift to active transportation within selected communities by providing safe and convenient options to bicycle and walk for routine travel, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOYD:

H.R. 4723. A bill to direct the Secretary of Commerce to study the Gulf of Mexico red snapper fishery and to limit the authority of the Secretary to promulgate any interim rules for the fishery, and for other purposes; to the Committee on Natural Resources.

By Mr. CAPUANO:

H.R. 4724. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the conversion of leadership PAC funds to personal use; to the Committee on House Administration.

By Mr. FRANK of Massachusetts:

H.R. 4725. A bill to provide for the acquisition by the Army Corps of Engineers of the hurricane barrier for the city of New Bedford, Massachusetts and the town of Fairhaven, Massachusetts; to the Committee on Transportation and Infrastructure.

By Mr. MCKEON:

H.R. 4726. A bill to authorize the Secretary of the Interior to participate in projects to encourage the design, planning, and construction of the North Los Angeles County Regional Water Recycling Project in the State of California; to the Committee on Natural Resources.

By Mr. NADLER of New York (for himself, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Ms. SCHWARTZ, Mr. ISRAEL, Mr. HASTINGS of Florida, and Mrs. LOWEY):

H.R. 4727. A bill to amend title 18, United States Code, to place limitations on the possession, sale, and other disposition of a firearm by persons convicted of misdemeanor sex offenses against children; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. MCCOTTER, Mr. GALLEGLY, Mr. ROYCE, Mr. WILSON of South Carolina, Mr. INGLIS, Mrs. MYRICK, and Mr. MASSA):

H.R. 4728. A bill to authorize assistance to promote counter-extremism efforts in the Balkan region, and for other purposes; to the Committee on Foreign Affairs.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 4729. A bill to clarify the situations in which a corporation may be treated as a person under Federal law; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAUER:

H.R. 4730. A bill to amend the Internal Revenue Code of 1986 to allow employers a refundable credit for increasing employment; to the Committee on Ways and Means.

By Ms. WATSON:

H.R. 4731. A bill to amend title XIX of the Social Security Act to ensure access to resin-based dental fillings that, at a minimum, is equal to the level of access to mercury-based dental fillings under such title; to the Committee on Energy and Commerce.

By Ms. WATSON:

H.R. 4732. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new conditional approval system for drugs,

biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON (for herself and Mr. GALLEGLY):

H.R. 4733. A bill to promote the well-being of farm animals by requiring Federal agencies to procure food products derived from certain animals only from sources that raised the animals free from cruelty and abuse, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself and Mr. PLATTS):

H.R. 4734. A bill to amend the Richard B. Russell National School Lunch Act to provide children from underserved areas with better access to meals served through the summer food service program for children and certain child care programs; to the Committee on Education and Labor.

By Mr. BARTON of Texas (for himself, Mr. AKIN, Mrs. BACHMANN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHNER, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CANTOR, Mrs. CAPITO, Mr. CARTER, Mr. CASSIDY, Mr. CHAFFETZ, Mr. CONAWAY, Mr. CULBERSON, Mr. DAVIS of Kentucky, Ms. FALLIN, Mr. FLAKE, Mr. FLEMING, Mr. GALLEGLY, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GRAVES, Mr. GRIFFITH, Mr. HALL of Texas, Mr. HASTINGS of Washington, Mr. HERGER, Mr. HOEKSTRA, Mr. ISSA, Ms. JENKINS, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LATTA, Mr. LEWIS of California, Mr. LUCAS, Mr. LUETKEMEYER, Mr. MANZULLO, Mr. MCCARTHY of California, Mr. MCCAUL, Mr. MCCOTTER, Mr. MCHENRY, Mrs. MCMORRIS RODGERS, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. TIM MURPHY of Pennsylvania, Mr. NEUGEBAUER, Mr. NUNES, Mr. OLSON, Mr. PENCE, Mr. PITTS, Mr. PRICE of Georgia, Mr. ROGERS of Alabama, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Mr. SCALISE, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. SMITH of Texas, Mr. STEARNS, Mr. SULLIVAN, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. UPTON, Mr. WESTMORELAND, Mr. WHITFIELD, Mrs. MYRICK, Mr. WILSON of South Carolina, Mr. YOUNG of Alaska, Mr. BISHOP of Utah, Mrs. EMERSON, Mr. GOODLATTE, Mr. LINDER, Mr. MORAN of Kansas, and Mr. ROE of Tennessee):

H.J. Res. 77. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. BRIGHT (for himself, Mr. BISHOP of Georgia, Mr. BOYD, Ms. HERSETH SANDLIN, Mr. HILL, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BARROW, Mr. MELANCON, Mr. CHILDERS, Mr. MINNICK, Mr. BOSWELL, Mr. COOPER, Ms. MARKEY of Colorado, Mr. SALAZAR, Mr. TAYLOR, Mr. THOMPSON of California, Mr. MCINTYRE, Mr. MOORE of Kansas, Mr. MATHESON, Mr. TANNER, Mr. BOREN, Mr. ELLSWORTH, Mr. ROSS, Mr. BERRY, Mr. DAVIS of Tennessee, Mr. MICHAUD, Mr. DONNELLY of Indiana, Ms. HARMAN, Mr. KRATOVIL, Mr. MARSHALL, Ms. GIFFORDS, Mr. NYE, Mr. CARDOZA, Mr. WILSON of Ohio, Mr. CUELLAR, and Mr. COSTA):

H.J. Res. 78. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GINGREY of Georgia:

H. Con. Res. 244. Concurrent resolution expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians; to the Committee on Oversight and Government Reform.

By Mr. LANCE (for himself and Mr. HOLT):

H. Con. Res. 245. Concurrent resolution recognizing the life-saving role of ostomy care and prosthetics in the daily lives of hundreds of thousands of people in the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERRIELLO (for himself, Mr. OBERSTAR, Mr. DEFAZIO, Mr. COSTELLO, Ms. NORTON, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. CARNEY, Mr. COHEN, Mr. GARAMENDI, Mr. HARE, Mr. HOLDEN, Mrs. NAPOLITANO, Ms. RICHARDSON, Mr. SIRES, Mr. CAPUANO, Mr. BISHOP of New York, Mr. FILNER, and Ms. TITUS):

H. Res. 1125. A resolution supporting the goals and ideals of National Public Works Week, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DOGGETT (for himself, Mr. CLYBURN, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. TOWNS, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Mr. DAVIS of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. LYNCH, Mr. SERRANO, Mr. GONZALEZ, Mr. WALZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUELLAR, and Mr. ORTIZ):

H. Res. 1127. A resolution expressing concern regarding the suicide plane attack on Internal Revenue Service employees in Austin, Texas; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Mr. FLAKE, Mr. DONNELLY of Indiana, Mr. COURTNEY, Mr. LANCE, Mr. PAUL, Mr. HARE, Mr. COBLE, Mr. MOORE of Kansas, Mr. BOSWELL, Mr. NYE, Mr. BOREN, Mr. MARSHALL, Mrs. LUMMIS, Mr. MELANCON, Mr. ARCURI, Ms. HIRONO, Mr. ELLSWORTH, Ms. WASSERMAN SCHULTZ, Mr. PASTOR of Arizona, Ms. GIFFORDS, Ms. SLAUGHTER, Mr. MITCHELL, Mrs. CAPPS, Mr. BOUSTANY, Mr. GRIFFITH, Mr. DAVIS of Kentucky, Mr. FARR, Ms. MCCOLLUM, Ms. ROYBAL-ALLARD, Ms. CHU, Ms. TSONGAS, Mr. SNYDER, Mrs. LOWEY, Mr. PRICE of North Carolina, Mr. PLATTS, Mr. VAN HOLLEN, Mr. MURPHY of New York, Mr. MORAN of Virginia, Ms. ZOE LOFGREN of California, Mr. OLSON, Mr. JONES, Ms. WOOLSEY, Ms. HARMAN, Mr. BRADY of Texas, and Mr. ROE of Tennessee):

H. Res. 1128. A resolution thanking Vancouver for hosting the world during the 2010 Winter Olympics and honoring the athletes from Team USA; to the Committee on Foreign Affairs.

By Mr. COFFMAN of Colorado:

H. Res. 1129. A resolution expressing the sense of the House that the Secretary of the Treasury should direct the United States Executive Directors to the International Monetary Fund and the World Bank to use the voice and vote of the United States to oppose making any loans to the Government of Antigua and Barbuda until that Government cooperates with the United States and compensates the victims of the Stanford Financial Group fraud; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts (for himself, Mr. MCGOVERN, Mr. TIERNEY, Mr. OLVER, Mr. COSTA, Mr. LANGEVIN, Mr. CARDOZA, Mr. LYNCH, and Mr. NUNES):

H. Res. 1130. A resolution expressing support for the people affected by the natural disasters on Madeira Island; to the Committee on Foreign Affairs.

By Ms. FUDGE:

H. Res. 1131. A resolution expressing support for designation of the week of April 18, 2010, through April 23, 2010, as National Assistant Principals Week; to the Committee on Education and Labor.

By Mr. HEINRICH (for himself, Mr. TEAGUE, and Mr. LUJÁN):

H. Res. 1132. A resolution honoring the USS New Mexico as the sixth Virginia-class submarine commissioned by the U.S. Navy to protect and defend the United States; to the Committee on Armed Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. DAVIS of Illinois, Mr. LIPINSKI, Ms. FUDGE, Mr. GRAYSON, Ms. WATSON, Ms. MOORE of Wisconsin, Mr. BARROW, Mr. COHEN, Mr. MEEK of Florida, Mr. HARE, Ms. NORTON, Mrs. CHRISTENSEN, and Mr. KISSELL):

H. Res. 1133. A resolution recognizing the extraordinary number of African-Americans who have overcome significant obstacles to enhance innovation and competitiveness in the field of science in the United States; to the Committee on Science and Technology.

By Mr. MCCAUL (for himself and Mr. WALZ):

H. Res. 1134. A resolution mourning the loss of Vernon Hunter and honoring the service of Robin De Haven and the first responders to the attack on the Internal Revenue Service in Austin, Texas; to the Committee on Ways and Means.

¶22.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 55: Mr. HINCHEY.
H.R. 208: Mr. RAHALL.
H.R. 227: Mr. MORAN of Kansas.
H.R. 272: Mr. SMITH of Texas.
H.R. 297: Mr. WALZ.
H.R. 412: Mrs. LOWEY.
H.R. 417: Ms. NORTON.
H.R. 442: Mr. BOYD.
H.R. 450: Ms. JENKINS.
H.R. 537: Mr. DAVIS of Kentucky.
H.R. 557: Mr. GRIFFITH, Ms. JENKINS, and Mr. ROGERS of Alabama.
H.R. 572: Ms. NORTON.
H.R. 658: Mr. MARSHALL.
H.R. 667: Mr. OWENS and Mr. COURTNEY.

H.R. 673: Mr. YOUNG of Alaska.
H.R. 675: Mr. YOUNG of Alaska.
H.R. 690: Mr. KIND.
H.R. 734: Mr. TIM MURPHY of Pennsylvania, Mr. KIRK, Mr. SHERMAN, Ms. SPEIER, Mr. MITCHELL, and Ms. CHU.
H.R. 795: Mr. CUMMINGS.
H.R. 832: Mr. WEINER.
H.R. 919: Mr. WEINER.
H.R. 946: Ms. NORTON.
H.R. 949: Mr. SCOTT of Virginia.
H.R. 994: Mr. MCKEON.
H.R. 1039: Mr. GERLACH.
H.R. 1074: Mr. SAM JOHNSON of Texas, Mr. RAHALL, and Mr. GARRETT of New Jersey.
H.R. 1083: Mr. ELLSWORTH.
H.R. 1085: Mr. TIBERI.
H.R. 1126: Mr. WEINER.
H.R. 1137: Mr. LUCAS.
H.R. 1175: Mr. MCGOVERN.
H.R. 1177: Mr. HEINRICH.
H.R. 1203: Mr. CARDOZA and Mr. SCOTT of Virginia.
H.R. 1204: Mr. FORTENBERRY.
H.R. 1205: Ms. DELAURO, Mr. KLEIN of Florida, and Mr. GUTIERREZ.
H.R. 1206: Mr. KLINE of Minnesota.
H.R. 1208: Mr. PITTS and Mr. LEE of New York.
H.R. 1210: Mr. EHLERS.
H.R. 1240: Mr. ADERHOLT, Mr. BISHOP of Utah, Mr. HARPER, and Mr. CHANDLER.
H.R. 1283: Ms. BORDALLO.
H.R. 1305: Mr. PASTOR of Arizona.
H.R. 1314: Mr. BACA.
H.R. 1340: Mr. OLVER.
H.R. 1409: Mr. GARAMENDI.
H.R. 1526: Ms. JACKSON LEE of Texas, Mr. BOREN, and Mr. WAXMAN.
H.R. 1547: Mr. RUPPERSBERGER.
H.R. 1552: Mr. BARTON of Texas.
H.R. 1618: Ms. CHU.
H.R. 1670: Mr. MILLER of North Carolina.
H.R. 1681: Mr. MURPHY of Connecticut.
H.R. 1775: Ms. NORTON.
H.R. 1778: Ms. MARKEY of Colorado and Mr. TAYLOR.
H.R. 1806: Mr. ISRAEL and Ms. RICHARDSON.
H.R. 1826: Ms. KILROY.
H.R. 1836: Ms. GIFFORDS.
H.R. 1844: Ms. BORDALLO.
H.R. 2000: Mr. INGLIS, Mr. WU, Mr. COSTELLO, Mr. OLVER, Mr. LOBIONDO, Mr. HINCHEY, Mr. CASTLE, Mr. ENGEL, and Mr. KING of New York.
H.R. 2006: Mr. SCHAUER.
H.R. 2030: Mr. MARKEY of Massachusetts.
H.R. 2085: Mr. KANJORSKI.
H.R. 2112: Mr. LEE of New York.
H.R. 2149: Mr. MARKEY of Massachusetts.
H.R. 2159: Mr. QUIGLEY.
H.R. 2160: Mr. REHBERG.
H.R. 2254: Mr. HILL and Mr. WU.
H.R. 2324: Ms. WATERS.
H.R. 2377: Mr. ROGERS of Michigan.
H.R. 2378: Mr. TURNER.
H.R. 2382: Mr. RAHALL.
H.R. 2478: Mr. WELCH.
H.R. 2555: Mr. BACA.
H.R. 2565: Mr. KAGEN.
H.R. 2567: Mr. LARSEN of Washington.
H.R. 2754: Mr. WELCH.
H.R. 2782: Mr. HEINRICH.
H.R. 2799: Mr. PLATTS, Mr. TERRY, and Mr. NYE.
H.R. 2824: Mr. LEE of New York.
H.R. 2842: Mr. GINGREY of Georgia.
H.R. 2859: Mr. FARR.
H.R. 2891: Mr. DEFAZIO, Mr. COURTNEY, Mr. ARCURI, and Mr. HASTINGS of Florida.
H.R. 2969: Ms. DELAURO.
H.R. 2976: Mrs. CAPPS.
H.R. 3048: Ms. SCHAKOWSKY.
H.R. 3070: Ms. SHEA-PORTER.
H.R. 3116: Mr. WILSON of Ohio.
H.R. 3178: Ms. GIFFORDS.
H.R. 3380: Mr. RAHALL, Mr. ROHRABACHER, Ms. SHEA-PORTER, Ms. CORRINE BROWN of Florida, Mr. MCGOVERN, Mr. COHEN, Mr. STUPAK, Mr. ISSA, Mr. EHLERS, Ms. WOOLSEY, Mr. MEEKS of New York, Mr. BILBRAY, Ms. JACKSON LEE of Texas, Mrs. LOWEY, Mr. MARKEY of Massachusetts, and Mrs. MCCARTHY of New York.
H.R. 3415: Mr. GORDON of Tennessee and Mr. WHITFIELD.
H.R. 3464: Mr. HOLDEN and Mr. OBEY.
H.R. 3488: Mr. MOORE of Kansas.
H.R. 3502: Mr. DRIEHAUS, Mr. COURTNEY, and Mr. OLVER.
H.R. 3526: Ms. NORTON.
H.R. 3586: Mrs. SCHMIDT.
H.R. 3656: Ms. ZOE LOFGREN of California.
H.R. 3657: Ms. SHEA-PORTER.
H.R. 3721: Mr. BOSWELL.
H.R. 3758: Mr. BOUCHER.
H.R. 3764: Ms. WASSERMAN SCHULTZ, Mr. WELCH, and Mr. WAXMAN.
H.R. 3765: Mr. GUTHRIE.
H.R. 3790: Mr. GINGREY of Georgia, Mr. SPACE, and Mr. NUNES.
H.R. 3813: Mr. BOREN.
H.R. 3943: Ms. BALDWIN and Mr. LARSON of Connecticut.
H.R. 3990: Mr. YOUNG of Alaska.
H.R. 4001: Ms. MATSUI and Mr. GARAMENDI.
H.R. 4028: Mr. MICHAUD.
H.R. 4036: Ms. LEE of California.
H.R. 4091: Ms. WASSERMAN SCHULTZ and Ms. ROS-LEHTINEN.
H.R. 4109: Ms. NORTON.
H.R. 4128: Mr. CAPUANO and Mr. FARR.
H.R. 4149: Mr. GRIJALVA.
H.R. 4189: Mr. HELLER.
H.R. 4190: Mrs. CAPPS.
H.R. 4196: Mr. JOHNSON of Georgia.
H.R. 4197: Mr. DEFAZIO.
H.R. 4202: Mr. MAFFEI, Mr. ROTHMAN of New Jersey, and Mr. STARK.
H.R. 4203: Ms. CASTOR of Florida.
H.R. 4241: Ms. TITUS, Mr. TOWNS, Mr. HINCHEY, and Mr. COOPER.
H.R. 4255: Mr. BARRETT of South Carolina and Mr. KAGEN.
H.R. 4274: Ms. JACKSON LEE of Texas, Ms. SCHAKOWSKY, and Ms. NORTON.
H.R. 4278: Mr. MCDERMOTT.
H.R. 4301: Mr. BLUMENAUER.
H.R. 4309: Mr. KAGEN.
H.R. 4321: Mr. ACKERMAN.
H.R. 4329: Mr. GOODLATTE.
H.R. 4343: Mr. LEWIS of Georgia and Ms. CLARKE.
H.R. 4386: Mr. WAXMAN.
H.R. 4400: Ms. RICHARDSON, Ms. DELAURO, Mr. MOORE of Kansas, Ms. MARKEY of Colorado, Ms. NORTON, and Mr. DOGGETT.
H.R. 4404: Ms. MOORE of Wisconsin, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. AL GREEN of Texas, Mr. RUSH, Mr. BARROW, Mr. SABLAN, Mr. FILNER, and Mr. BACA.
H.R. 4405: Mr. GEORGE MILLER of California and Mr. PRICE of North Carolina.
H.R. 4413: Mr. POLIS.
H.R. 4420: Mr. DOYLE.
H.R. 4446: Mr. GRIJALVA.
H.R. 4465: Mr. COURTNEY.
H.R. 4477: Mr. HINCHEY, Mr. ROTHMAN of New Jersey, Ms. SCHWARTZ, Mr. ELLISON, Mr. PAUL, and Mr. COHEN.
H.R. 4488: Mr. YOUNG of Alaska.
H.R. 4497: Mr. KISSELL, Ms. HERSETH SANDLIN, and Mr. KILDEE.
H.R. 4509: Mr. GENE GREEN of Texas.
H.R. 4529: Mr. PAULSEN and Mr. INGLIS.
H.R. 4530: Ms. TITUS.
H.R. 4537: Mr. FILNER, Mr. GRIJALVA, Mr. HIMES, Mr. HOLT, Mr. MILLER of North Carolina, Ms. ROYBAL-ALLARD, Mr. PASCRELL, and Mr. PAYNE.
H.R. 4541: Mr. OWENS, Mr. COURTNEY, and Mrs. NAPOLITANO.
H.R. 4545: Mr. PERRIELLO and Mr. THOMPSON of Mississippi.
H.R. 4551: Mr. LATOURETTE.
H.R. 4554: Mr. KAGEN.
H.R. 4557: Ms. NORTON and Ms. SCHAKOWSKY.
H.R. 4564: Ms. SHEA-PORTER, Mr. BACA, Ms. ROYBAL-ALLARD, Mrs. LOWEY, Mr. ANDREWS, Mr. WU, Ms. KAPTUR, Mr. WATT, Ms. FUDGE, Ms. BALDWIN, Ms. JACKSON LEE of Texas, Mr. SCOTT of Virginia, Mr. SCHIFF, Mrs. DAVIS of California, Mr. BERMAN, Mr. JACKSON of Illinois, Ms. BORDALLO, Mr. HINCHEY, Mr. OLVER, Mr. CONYERS, Ms. CLARKE, Ms. KILPATRICK of Michigan, Mr. ENGEL, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. CLYBURN, Mr. LOEBSACK, and Ms. NORTON.
H.R. 4572: Mr. WHITFIELD.
H.R. 4573: Ms. BERKLEY, Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. GARAMENDI, Mr. MOORE of Kansas, Mr. OBERSTAR, Mr. HINOJOSA, Mr. STARK, Mr. CAPUANO, Ms. NORTON, Ms. SPEIER, Mr. RUSH, Mr. SCOTT of Virginia, Mr. CROWLEY, and Mr. CLAY.
H.R. 4601: Mr. WU, Mr. KING of New York, and Ms. SCHAKOWSKY.
H.R. 4616: Mr. FILNER.
H.R. 4629: Mr. STUPAK.
H.R. 4630: Mr. HIMES.
H.R. 4638: Mr. BISHOP of Georgia.
H.R. 4640: Mr. MANZULLO, Mr. HEINRICH, and Mr. OLSON.
H.R. 4647: Mr. KIRK, Mr. MCGOVERN, Mr. ROTHMAN of New Jersey, Mr. JOHNSON of Georgia, Mrs. LOWEY, and Mr. TANNER.
H.R. 4648: Mr. CANTOR and Mr. BOEHNER.
H.R. 4649: Mr. SHULER, Mr. BURTON of Indiana, Mr. WOLF, and Mr. KIRK.
H.R. 4662: Mr. PAUL.
H.R. 4674: Mr. HOLDEN.
H.R. 4678: Mr. GARAMENDI and Mr. DAVIS of Tennessee.
H.R. 4684: Mr. PALLONE.
H.R. 4690: Mrs. CAPPS and Mr. CLEAVER.
H.R. 4692: Mr. HINCHEY and Mr. KISSELL.
H.R. 4693: Ms. NORTON, Mr. MCGOVERN, Mr. LUETKEMEYER, Mr. WILSON of South Carolina, Mrs. MCMORRIS RODGERS, Ms. GIFFORDS, Mr. FILNER, Mr. KISSELL, Mr. COURTNEY, Mr. KENNEDY, and Ms. MCCOLLUM.
H.R. 4700: Mr. ANDREWS, Mr. WU, Mr. GRAYSON, Mr. POLIS, Mr. SMITH of Washington, Mr. MICHAUD, Mr. YARMUTH, Mr. HARE, Mr. KUCINICH, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. LARSON of Connecticut, Mr. KENNEDY, Mr. PETERSON, and Mr. DAVIS of Tennessee.
H.R. 4705: Mr. GRAVES.
H.R. 4710: Mr. MEEK of Florida.
H.J. Res. 43: Mr. MACK.
H.J. Res. 74: Mr. WELCH and Mr. RYAN of Ohio.
H.J. Res. 76: Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. HOLDEN, Mr. TAYLOR, and Mr. BRIGHT.
H. Res. 111: Mr. MCGOVERN, Mr. CANTOR, and Mr. THOMPSON of Pennsylvania.
H. Res. 362: Ms. MOORE of Wisconsin.
H. Res. 615: Mr. MCCOTTER.
H. Res. 699: Mr. TIAHRT and Mr. SNYDER.
H. Res. 704: Mr. BACHUS, Mr. GUTHRIE, Mr. BAIRD, Mr. TIM MURPHY of Pennsylvania, Mr. SOUDER, Mr. RYAN of Ohio, Mr. KIRK, Mr. EHLERS, Mr. MAFFEI, Mr. KILDEE, Mr. SCHAUER, Ms. TSONGAS, and Mr. SCHIFF.
H. Res. 747: Mr. SNYDER.
H. Res. 764: Mr. MARKEY of Massachusetts.
H. Res. 812: Mr. SNYDER and Mr. GONZALEZ.
H. Res. 925: Mrs. MILLER of Michigan.
H. Res. 936: Mr. MURPHY of New York and Mr. SMITH of Washington.
H. Res. 947: Mr. FILNER.
H. Res. 989: Mr. GRIJALVA and Mrs. MALONEY.
H. Res. 1026: Mr. GARY G. MILLER of California and Mr. ALEXANDER.
H. Res. 1055: Mr. NYE and Mr. ENGEL.
H. Res. 1063: Mr. BROUN of Georgia.
H. Res. 1078: Mr. SNYDER, Mr. COBLE, Ms. FOXX, Mr. RUSH, Mr. BOUCHER, Mr. KISSELL, and Mr. CONAWAY.
H. Res. 1079: Mr. HALL of Texas and Mr. SMITH of New Jersey.
H. Res. 1086: Mrs. BONO MACK.
H. Res. 1091: Mr. MCGOVERN, and Mr. PAYNE.

H. Res. 1096: Mr. DRIEHAUS, Mr. POLIS, Mr. LARSON of Connecticut, Mr. SABLAN, Ms. EDWARDS of Maryland, and Mr. LEWIS of Georgia.

H. Res. 1097: Ms. GIFFORDS, Mr. SMITH of Nebraska, Mrs. BIGGERT, and Mr. FOSTER.

H. Res. 1102: Ms. LEE of California.

H. Res. 1111: Mr. GERLACH.

H. Res. 1116: Mr. GRIJALVA, Mr. WALDEN, Ms. NORTON, Mr. TURNER, Mr. MCGOVERN, Mr. ELLISON, Mr. SERRANO, Ms. KILROY, Mr. VAN HOLLEN, and Mr. WOLF.

H. Res. 1120: Mr. MCCAUL, Mr. CARTER, Mr. PAUL, Mr. BURGESS, Mr. NEUGEBAUER, Mr. CONAWAY, Mr. OLSON, Mr. CULBERSON, Mr. SMITH of Texas, Mr. BARTON of Texas, Ms. GRANGER, and Mr. SAM JOHNSON of Texas.

H. Res. 1122: Mr. STEARNS.

WEDNESDAY, MARCH 3, 2010 (23)

¶23.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. SCHAKOWSKY, who laid before the House the following communication:

WASHINGTON, DC,
March 3, 2010.

I hereby appoint the Honorable JANICE D. SCHAKOWSKY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶23.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. SCHKOWSKY, announced she had examined and approved the Journal of the proceedings of Tuesday, March 2, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶23.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6352. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Defense Advanced Research Projects Agency, Case Number 07-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6353. A letter from the Under Secretary, Department of Defense, transmitting requests for remediation on U.S. foreign training sites regarding used depleted uranium weapons; to the Committee on Armed Services.

6354. A letter from the Assistant Secretary, Navy, Department of Defense, transmitting the Department's annual report listing all repairs and maintenance performed on any covered Navy vessel in any shipyard outside the United States or Guam during the preceding fiscal year; to the Committee on Armed Services.

6355. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, ''Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account'', for the period ending December 31, 2009, pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

6356. A letter from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's semi-annual Implementation Report on Energy Conservation Standards Activities, pursuant to Section 141 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

6357. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Health Information Technology: Initial Set of Standards, Implementation Specifications, and Certification Criteria for Electronic Health Record Technology (RIN: 0991-AB58) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6358. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-28, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6359. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-03, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6360. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition to the List of Validated End-Users in the People's Republic of China (PRC) [Docket No.: 0908111226-91431-01] (RIN: 0694-AE70) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6361. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-10, 2009 Benchmark Survey of U.S. Direct Investment Abroad [Docket No.: 090130089-91425-02] (RIN: 0691-AA71) received January 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6362. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, and Executive Order 13346 of July 8, 2004, certification pursuant to Condition 7(C)(i), Effectiveness of the Australia Group; to the Committee on Foreign Affairs.

6363. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Pursuant to section 702 of the Foreign Relations Authorization Act for FY 2003 (Pub. L. 107-228), a report on the 2009 U.S.-Vietnam Human Rights Dialogue Meetings; to the Committee on Foreign Affairs.

6364. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's report on its fiscal year 2009 Competitive Sourcing efforts, as required by Section 647(b) of the Consolidated Appropriations Act, FY 2004; to the Committee on Oversight and Government Reform.

6365. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6366. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6367. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6368. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6369. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6370. A letter from the Director, Office of National Drug Control Policy, transmitting update to the September 2009 final addendum for the Fiscal year 2008 Performance Summary Report; to the Committee on Oversight and Government Reform.

6371. A letter from the Chief Operating Officer, President, Resolution Funding Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on the System of Internal Controls and the 2009 Audited Financial Statements; to the Committee on Oversight and Government Reform.

6372. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XT97) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6373. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Fisheries; Regulatory Restructuring [Docket No.: 071220872-91431-03] (RIN: 0648-AU71) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6374. A letter from the Assistant Chief Counsel, Department of Transportation, transmitting the Service's final rule — Pipeline Safety: Editorial Amendments to the Pipeline Safety Regulations [Docket No.: PHMSA-2009-0265; Amdt Nos. 190-15; 192-111; 195-92, 198-5)] (RIN: 2137-AE51) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6375. A letter from the Senior Trial Attorney, Office of Aviation Enforcement, Department of Transportation, transmitting the Department's final rule — Enhancing Airline Passenger Protections [Docket No.: DAT-OST-2007-0022] (RIN No.: 2105-AD72) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6376. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P-180 Airplanes [Docket No.: FAA-2009-0699 Directorate Identifier 2009-CE-042-AD; Amendment 39-16169; AD 2009-21-08 R1] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6377. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF34-1A, CF34-3A, and CF34-3B Series Turbofan Engines [Docket No.: FAA-2008-0328; Directorate Identifier 2008-NE-44-AD; Amendment 39-16161; AD 2010-01-04] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6378. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; The Boeing Company Model 737-600, -700, and -800 Series Airplanes [Docket No.: FAA-2008-0669: Directorate Identifier 2007-NM-350-AD; Amendment 39-16166; AD 2010-01-08] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6379. A letter from the Program Anlayst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-0788; Directorate Identifier 2009-NM-193-AD; Amendment 39-16167; AD 2010-01-09] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6380. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus (Type Certificate Previously Held by Airbus Industrie) Model A340-200, -300, -500, and -600 Series Airplanes [Docket No.: FAA-2009-1230; Directorate Identifier 2009-NM-088-AD; Amendment 39-16165; AD 2010-01-07] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6381. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2009-1226; Directorate Identifier 2009-NM-149-AD; Amendment 39-16164; AD 2008-10-10 R1] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6382. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-200F, 747-200C, 747-400, 747-400D, and 747-400F Series Airplanes [Docket No.: FAA-2009-0655; Directorate Identifier 2008-NM-192-AD; Amendment 39-16157; AD 2010-01-01] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6383. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault-Aviation Model Falcon 7X Airplanes [Docket No.: FAA-2009-1252; Directorate Identifier 2009-NM-248-AD; Amendment 39-16173; AD 2010-02-02] (RIN: 2120-AA64) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6384. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan; to the Committee on Ways and Means.

6385. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Directive on Total Return Swaps (''TRSs'') Used to Avoid Dividend Withholding Tax [LMSB Control No.: LMSB-4-1209-044] received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6386. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-4) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6387. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-5) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6388. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-6) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6389. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters (Rev. Proc. 2010-8) received January 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6390. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''Study and Report Relating to Medicare Advantage Organizations As Required by Section 4101(d) of the American Recovery and Reinvestment Act of 2009''; jointly to the Committees on Energy and Commerce and Ways and Means.

6391. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1862-DR for the Commonwealth of Virgina; jointly to the Committees on Homeland Security, Appropriations, and Transportation and Infrastructure.

¶23.4 COMMITTEE RESIGNATION—CHAIRMAN—MAJORITY

The SPEAKER pro tempore, Ms. SCHAKOWSKY, laid before the House the following communication, which was read as follows:

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 3, 2010.

Hon. NANCY PELOSI,
Speaker of the House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I respectfully request a leave of absence from my duties and responsibilities as Chairman of the Committee on Ways and Means until such time as the Committee on Standards completes its findings on the review currently underway.

CHARLES B. RANGEL.
Member of Congress

By unanimous consent, the resignation was accepted.

¶23.5 CENSUS AWARENESS MONTH

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 1096); as amended:

Whereas the Constitution requires an actual enumeration of the population every 10 years;

Whereas an accurate census count is vital to the well-being of communities in the United States by helping planners determine where to locate schools, daycare centers, roads and public transportation, hospitals, housing, and other essential facilities;

Whereas businesses in the United States use census data to support new investments and growth;

Whereas census data ensure fair Federal, State, and local representation in the United States and help determine the composition of voting districts at each level;

Whereas census data directly affect how more than $400,000,000,000 in Federal and State funding is allocated to communities for neighborhood improvements, public health, education, transportation, etc.;

Whereas census data help identify changes in a community and are crucial for the distribution of adequate services to a growing population;

Whereas the 2000 Census determined the United States had a total population of 281,421,906 and current estimates project the population has grown to 308,573,696;

Whereas the 2010 Census is fast, safe, and easy to complete, with just 10 questions, and requiring only about 10 minutes;

Whereas the 2010 Census data are strictly confidential and Federal law prevents the information from being shared with any entity;

Whereas the individual data obtained from the census are protected under United States privacy laws, cannot be disclosed for 72 years, or used against any person by any government agency or court;

Whereas neighborhoods with large populations of low-income, minority, or rural residents are especially at risk of being undercounted in the 2010 Census;

Whereas, in the 2000 Census count, Hispanics, African-Americans, Asian Americans, and rural Americans were the most difficult to count;

Whereas the goal of the 2010 Census is to count every person in the United States, including Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and any other territory or possession of the United States once, and only once, and in the right place;

Whereas the goal of the 2010 Census is to eliminate undercounts and overcounts of specific population groups, problems that were apparent in the 2000 Census; and

Whereas the month of March 2010 would be an appropriate month to designate as Census Awareness Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages individuals across the United States to participate in the 2010 Census to ensure an accurate and complete count beginning April 1, 2010;

(2) urges State, local, county, and tribal governments, as well as other organizations to emphasize the importance of the 2010 Census and actively encourages all individuals to participate; and

(3) supports the designation of Census Awareness Month.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. LYNCH and Mr. MCHENRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶23.6 RECESS—10:52 A.M.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 52 minutes a.m., subject to the call of the Chair.

¶23.7 AFTER RECESS—12:30 P.M.

The SPEAKER pro tempore, Ms. MCCOLLUM, called the House to order.

¶23.8 PROVIDING FOR CONSIDERATION OF H.R. 4247

Mr. CARDOZA, by direction of the Committee on Rules, called up the following resolution (H. Res. 1126):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor; (2) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative George Miller of California or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; (3) the amendment printed in part B of the report of the Committee on Rules, if offered by Representative Flake of Arizona or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (4) one motion to recommit with or without instructions.

SEC. 2. All points of order against amendments printed in the report of the Committee on Rules accompanying this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. During consideration of an amendment printed in the report of the Committee on Rules accompanying this resolution, the Chair may postpone the question of adoption as though under clause 8 of rule XX.

SEC. 4. It shall be in order at any time through the legislative day of March 4, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 5. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of March 4, 2010.

When said resolution was considered.

After debate,

On motion of Mr. CARDOZA, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶23.9 SUICIDE PLANE ATTACK ON IRS EMPLOYEES

Mr. LEWIS of Georgia, moved to suspend the rules and agree to the following resolution (H. Res. 1127):

Whereas all Federal employees, and those from the Internal Revenue Service in particular, have experienced a terrible tragedy in the suicide plane attack on February 18, 2010;

Whereas Vernon Hunter, who lost his life in the terror attack, had 48 years of public service, including 20 years of serving in the United States Army and 2 tours in Vietnam;

Whereas Federal, State, and local officials have cooperated to respond promptly and professionally to the attack and provide assistance to Internal Revenue Service victims and families affected by the crash; and

Whereas Federal employees, from the Armed Forces to the Internal Revenue Service, serve their Nation with honor and commitment, and perform public service that benefits the entire Nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the terror attack perpetrated deliberately against Federal employees of the Internal Revenue Service in Austin, Texas;

(2) honors Vernon Hunter, a victim of the crash, Shane Hill, who suffered severe injuries, and all those who were injured for their service to our Nation;

(3) commends Internal Revenue Service employees for their dedication and public service;

(4) recognizes the heroic actions of the first responders, emergency services personnel, Internal Revenue Service employees, and citizens on the ground in Austin such as Robin De Haven whose actions minimized the loss of life; and

(5) rejects any statement or act that deliberately fans the flames of hatred or expresses sympathy for those who would attack public servants serving our Nation.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mr. LEWIS of Georgia, and Mr. BOUSTANY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DOGGETT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶23.10 H. RES. 1126—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to said resolution (H. Res. 1126) providing for consideration of the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 184

¶23.11 [Roll No. 78]

YEAS—228

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

NAYS—184

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

NOT VOTING—19

Barrett (SC)
Campbell
Dahlkemper
Davis (AL)
Deal (GA)
Ellison
Eshoo
Fallin
Garamendi
Hinojosa
Hoekstra
Jackson Lee (TX)
McMahon
Napolitano
Serrano
Sullivan
Turner
Wamp
Wasserman Schultz

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶23.12 H. RES. 747—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 747) congratulating the United States Military Academy at West Point on being named by Forbes magazine as America's Best College for 2009.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 Nays 0

¶23.13 [Roll No. 79]

YEAS—416

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

NOT VOTING—15

Barrett (SC)
Butterfield
Campbell
Dahlkemper
Davis (AL)
Deal (GA)
Fallin
Garamendi
Hinojosa
Hoekstra
Jackson Lee (TX)
Sullivan
Turner
Wamp
Wasserman Schultz

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶23.14 H. RES. 1096—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1096) encouraging individuals across the United States to participate in the 2010 Census to ensure an accurate and complete count beginning April 1, 2010, and expressing support for designation of March 2010 as Census Awareness Month; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand

was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative

Yeas	409
Nays	1
Answered present	1

¶23.15 [Roll No. 80]

AYES—409

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

NOES—1

Paul

ANSWERED ''PRESENT''—1

Bishop (UT)

NOT VOTING—20

Barrett (SC)	Fallin	Linder
Bilbray	Garamendi	Pomeroy
Brown-Waite, Ginny	Gohmert	Sullivan
Campbell	Hinojosa	Turner
Dahlkemper	Hoekstra	Wamp
Davis (AL)	Jackson Lee (TX)	Wasserman Schultz
Deal (GA)	Kingston	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶23.16 PHYSICAL RESTRAINT AND SECLUSION IN SCHOOLS

Mr. George MILLER of California, pursuant to House Resolution 1126, called up for consideration the bill (H.R. 4247) to prevent and reduce the use of physical restraint and seclusion in schools, and for other purposes.

Pending said consideration of said bill.

Pursuant to House Resolution 1126, the amendment in the nature of a substitute, recommended by the Committee on Education and Labor, now printed in the bill, was considered as agreed to.

When said bill was considered.

After debate,

Pursuant to House Resolution 1126, the following further amendment, printed in Part A of House Report 111-425, was submitted by Mr. George MILLER of California:

Page 3, beginning on line 4, strike ''Preventing Harmful Restraint and Seclusion in Schools Act'' and insert ''Keeping All Students Safe Act''.

Page 7, line 3, insert '', or other qualified health professional acting under the scope of the professional's authority under State law,'' after ''physician''.

Page 7, line 7, insert ''or other qualified health professional acting under the scope of the professional's authority under State law'' after ''physician''.

Page 9, line 13, insert ''local educational agency,'' before ''educational service agency''.

Page 10, line 22, insert ''training in'' before ''evidence-based''.

Page 11, line 1, insert ''training in'' before ''evidence-based''.

Page 11, line 9, insert ''training in'' before ''first aid''.

Page 14, line 15, strike ''and local educational agencies'' and insert '', in consultation with local educational agencies and private school officials,''.

After debate,

The question being put, viva voce,

Will the House agree to said further amendment?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the ayes had it.

So the further amendment was agreed to.

A motion to reconsider the vote whereby said further amendment was agreed to was, by unanimous consent, laid on the table.

Pursuant to House Resolution 1126, the following further amendment, printed in Part B of House Report 111-425, was submitted by Mr. FLAKE:

Add at the end the following:

''SEC. 13. PRESUMPTION OF CONGRESS RELATING TO COMPETITIVE PROCEDURES.

''(a) PRESUMPTION.—It is the presumption of Congress that grants awarded under this Act will be awarded using competitive procedures based on merit.

''(b) REPORT TO CONGRESS.—If grants are awarded under this Act using procedures other than competitive procedures, the Secretary shall submit to Congress a report explaining why competitive procedures were not used.

''SEC. 14. PROHIBITION ON EARMARKS.

''None of the funds appropriated to carry out this Act may be used for a congressional earmark as defined in clause 9e, of Rule XXI of the rules of the House of Representatives of the 111th Congress.''.

After debate,

The question being put, viva voce,

Will the House agree to said further amendment?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the ayes had it.

Mr. George MILLER of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 391 Nays 24

¶23.17 [Roll No. 81]

YEAS—391

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

NAYS—24

Brown, Corrine
Clarke
Cleaver
Clyburn
Cohen
Conyers
Davis (IL)
Edwards (MD)
Fudge
Grijalva
Hastings (FL)
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lee (CA)
Lewis (GA)
Moore (WI)
Oberstar
Paul
Rush
Scott (GA)
Waters
Watt
Woolsey

NOT VOTING—16

Barrett (SC)
Campbell
Dahlkemper
Davis (AL)
Deal (GA)
Fallin
Garamendi
Hinojosa
Hoekstra
Jackson Lee (TX)
Massa
Radanovich
Sullivan
Turner
Wamp
Wasserman Schultz

So the further amendment was agreed to.

A motion to reconsider the vote whereby said further amendment was agreed to was, by unanimous consent, laid on the table.

Pursuant to House Resolution 1126, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. George MILLER of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 262 Nays 153

¶23.18 [Roll No. 82]

YEAS—262

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth

NAYS—153

Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dreier
Driehaus
Duncan
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perlmutter
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Westmoreland
Whitfield
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Barrett (SC)
Campbell
Dahlkemper
Davis (AL)
Deal (GA)
Fallin
Garamendi
Hinojosa
Hoekstra
Jackson Lee (TX)
Massa
Radanovich
Sullivan
Turner
Wamp
Wasserman Schultz

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶23.19 H. RES. 1127—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1127) expressing concern regarding the suicide plane attack on Internal Revenue Service employees in Austin, Texas.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 Nays 2

¶23.20 [Roll No. 83]

YEAS—408

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

NAYS—2

Paul
Young (AK)

NOT VOTING—21

Barrett (SC)
Campbell
Carson (IN)
Dahlkemper
Davis (AL)
Deal (GA)
Fallin
Garamendi
Hastings (WA)
Hinojosa
Hoekstra
Jackson Lee (TX)
Markey (MA)
Massa
Pascrell
Pingree (ME)
Radanovich
Sullivan
Turner
Wamp
Wasserman Schultz

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶23.21 NATIONAL FOOTBALL LEAGUE CHAMPION NEW ORLEANS SAINTS

Mr. MELANCON moved to suspend the rules and agree to the following resolution (H. Res. 1079); as amended:

Whereas, on February 7, 2010, the New Orleans Saints defeated the Indianapolis Colts by a score of 31 to 17 to win the National Football League (NFL) Championship;

Whereas the Saints' victory is the first championship in the franchise's 43-year history;

Whereas the 2009 season was the best in Saints franchise history, including an unprecedented 13-game winning streak;

Whereas Saints owners Tom Benson and Rita Benson LeBlanc have invested in the success of the Saints and have been remarkable in revitalizing this storied franchise and promoting a strong and united New Orleans and Louisiana;

Whereas Saints General Manager Mickey Loomis has been successful in building an outstanding team by drafting new players and signing key free agents;

Whereas Doug Thornton, Senior Vice President of Stadiums and Arenas, helped the Saints return to New Orleans through his integral role in rebuilding the Superdome after Hurricane Katrina;

Whereas Coach Sean Payton, with the help of Defensive Coordinator Gregg Williams, Offensive Coordinator Pete Carmichael, Jr., and all of the Saints' coaching staff, led the team to its first National Football Conference (NFC) Championship and first ever Super Bowl victory through leadership and a winning philosophy;

Whereas the Saints led the league with an average of 31.9 points and 403.8 yards per game during the 2009 regular season;

Whereas, in the 2009 regular season, the Saints eclipsed team records in most points and most touchdowns in a season and most interceptions returned for a touchdown in a game;

Whereas Saints quarterback Drew Brees set an NFL record by completing 70.6 percent of his passes during the 2009 regular season;

Whereas Drew Brees, Darren Sharper, Jahri Evans, Jonathan Vilma, and John Stinchcomb of the Saints were named to the 2010 NFC Pro Bowl squad;

Whereas Drew Brees was named the Most Valuable Player for Super Bowl XLIV;

Whereas during Super Bowl XLIV—

(1) the Saints accumulated a total of 332 yards;

(2) quarterback Drew Brees passed for 288 yards, threw 2 touchdowns, and tied a Super Bowl record with 32 pass completions;

(3) Marques Colston led the Saints in receiving with 7 catches for 83 yards;

(4) Saints kicker Garrett Hartley set a Super Bowl record with 3 field goals of over 40 yards each; and

(5) Thomas Morstead's perfectly executed onside kick to start the second half and Tracy Porter's 74-yard interception for a touchdown late in the fourth quarter were integral in the Saints' victory and will forever be remembered by the ''Who Dat'' faithful;

Whereas Saints owner Tom Benson, during the Lombardi Trophy presentation at midfield, said ''Louisiana, by the way of New Orleans, is back. And this shows the whole world. We're back.'';

Whereas the Saints' motto all year has been ''Finish Strong'';

Whereas the Saints repeatedly have been called a beacon of hope for the city of New Orleans and a catalyst for recovery throughout Louisiana and the Gulf Coast Region;

Whereas the Saints have positively influenced and lifted the morale of the people in New Orleans and throughout Louisiana and the Gulf Coast Region;

Whereas the New Orleans Saints are headquartered in the 1st Congressional District of Louisiana in Metairie, Louisiana;

Whereas ESPN's Wright Thompson in his article ''Saints the Soul of America's City'' captured the essence and importance of the Saints to the city of New Orleans and noted the resilience of this year's team by stating, ''It's perfect, isn't it? The expansion team whose first roster was created from players unwanted by other teams has finally found success with a similar group.''; and

Whereas the 2009 Saints are evidence of what can be accomplished when self is set aside and a teamwork mentality is adopted by all of the players: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the New Orleans Saints, the team's coaches and players, and the loyal members of the ''Who Dat'' Nation on winning Super Bowl XLIV; and

(2) recognizes—

(A) the New Orleans Saints as the soul of New Orleans; and

(B) the significant contributions made by the team in the recovery efforts of New Orleans, Louisiana, and the Gulf Coast Region.

The SPEAKER pro tempore, Mr. BRIGHT, recognized Mr. MELANCON and Mr. CAO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BRIGHT, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CAO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BRIGHT, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, March 4, 2010.

¶23.22 AMERICA SAVES WEEK

Mr. SCOTT of Georgia, moved to suspend the rules and agree to the following resolution (H. Res. 1082):

Whereas financial security is one of the most important issues for most Americans, whether it involves saving for a college education, an unforeseen emergency, a house, or for retirement;

Whereas personal savings as a percentage of disposable income has risen from 1.2 percent in the first quarter of 2008 to 4.8 percent in the fourth quarter of 2009, according to the Bureau of Economic Analysis;

Whereas according to the Employee Benefit Research Institute, the percentage of workers very confident about having enough money for a comfortable retirement fell to 13 percent in 2009, down from 18 percent in 2008, and more workers expect to work longer to supplement their income in retirement;

Whereas older Americans are more likely to live within 200 percent of poverty than any other age group, according to the 2009 Employee Benefit Research Institute's Databook, and more than 60 percent of the current elderly population relies on Social Security for over three-fourths of their annual income, according to a 2009 Social Security Administration report;

Whereas the average savings of retirees remains at $50,000 according to the Federal Reserve Board's Survey of Consumer Finances for 2007, and recent financial instability has diminished those funds;

Whereas America Saves, managed by the Consumer Federation of America, was established nine years ago as an annual nationwide campaign that encourages consumers, especially those in lower-income households, to increase their financial literacy, enroll as American Savers, and establish a personal savings goal in an effort to build personal wealth and enhance financial security;

Whereas over 2,000 local, State, and national organizations, including government agencies, financial institutions, and nonprofits, have motivated more than 245,000 people to enroll as American Savers through events such as financial literacy classes, financial fairs, free tax preparation assistance programs, and deposit campaigns; and

Whereas encouraging automatic and habitual savings is a primary focus for this year's America Saves Week, February 21, 2010, through February 28, 2010, and that focus is reflected in the work of the Financial and Economic Literacy Caucus, America Saves, and American Savings Education Council's Choose to Save Campaign: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of savings to financial security;

(2) supports the goals and ideals of ''America Saves Week''; and

(3) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, non-profit organizations, businesses, other entities, and the people of the United States to observe America Saves Week with appropriate programs and activities with the goal of increasing the savings rates for individuals of all ages and walks of life.

The SPEAKER pro tempore, Mr. BRIGHT, recognized Mr. SCOTT of Georgia, and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BRIGHT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶23.23 REGISTERED AGENTS AND BROKERS REFORM

Mr. SCOTT of Georgia, moved to suspend the rules and pass the bill (H.R. 2554) to reform the National Association of Registered Agents and Brokers, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BRIGHT, recognized Mr. SCOTT of Georgia, and Mr. NEUGEBAUER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BRIGHT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶23.24 WOMEN AIRFORCE SERVICE PILOTS

Mrs. DAVIS of California, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 239):

SECTION 1. USE OF EMANCIPATION HALL FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO WOMEN AIRFORCE SERVICE PILOTS.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for a ceremony on March 10, 2010, to present the Congressional Gold Medal to the Women Airforce Service Pilots.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore, Mr. BRIGHT, recognized Mrs. DAVIS of California, and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BRIGHT, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶23.25 DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. KLEIN of Florida, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 236):

SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The rotunda of the Capitol is authorized to be used on April 15, 2010, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. KLEIN of Florida, and Mr. HARPER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶23.26 LANHAM AMENDMENTS

Mr. JOHNSON of Georgia, moved to suspend the rules and pass the bill of the Senate (S. 2968) to make certain technical and conforming amendments to the Lanham Act.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. JOHNSON of Georgia, and Mr. COBLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶23.27 CALIFORNIA STATE UNIVERSITY SYSTEM

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 1117):

Whereas the California State University system will be celebrating its 50th anniversary during 2010 and 2011;

Whereas the individual California State Colleges were brought together as a system by the Donahoe Higher Education Act of 1960 of the State of California;

Whereas, in 1972, the system became the California State University and Colleges, in 1982, the system became the California State University (CSU), and today the 23 campuses of the CSU include comprehensive and polytechnic universities and, since July 1995, the California Maritime Academy, a specialized campus;

Whereas the system's oldest campus—San Jose State University—was founded in 1857 and became the first institution of public higher education in California, while the system's newest campus—California State University, Channel Islands—opened in the fall of 2002;

Whereas today the CSU is the Nation's largest and most diverse university system, with 23 campuses and 7 off-campus centers, almost 433,000 students, and 44,000 faculty and staff;

Whereas the CSU draws its students from the top third of California's high school graduates and is the State's primary undergraduate teaching institution;

Whereas each CSU campus—California State University Bakersfield, California State University Channel Islands, California State University Chico, California State University Dominguez Hills, California State University East Bay, California State University Fresno, California State University Fullerton, Humboldt State University, California State University Long Beach, California State University Los Angeles, California Maritime Academy, California State University Monterey Bay, California State University Northridge, California State Polytechnic University, Pomona, California State University Sacramento, California State University San Bernardino, San Diego State University, San Francisco State University, San Jose State University, California Polytechnic State University, San Luis Obispo, California State University San Marcos, Sonoma State University, California State University Stanislaus—has its own identity, but all share the same mission—to provide high-quality, affordable higher education to meet the changing workforce needs of California;

Whereas with 91,000 annual graduates, the CSU is California's greatest producer of bachelor's degrees and drives California's economy in information technology, life sciences, agriculture, business, education, international trade, public administration, hospitality, engineering, entertainment, and multimedia industries;

Whereas the CSU reaches out to California's growing, underserved communities, providing more than half of all undergraduate degrees granted to California's Latino, African-American, and Native American students, and offering affordable opportunities to pursue and attain a college degree;

Whereas the CSU is noted for pioneering outreach efforts, including starting the Early Assessment Program (which enables 11th graders to assess their college readiness in English and math) and the Educational Opportunity Program (an access and retention program that supports low-income, educationally disadvantaged students, many of whom are first-generation college students), distributing millions of ''How To Get to College Posters'' in multiple languages, hosting Super Sunday events at churches throughout the State as part of its African-American initiative, partnering with the Parent Institute for Quality Education (PIQE), which helps strengthen parent involvement in elementary and middle school students' education, and actively engaging in the State's Troops to College efforts on behalf of veterans;

Whereas the CSU offers more than 1,800 bachelor's and master's degree programs in some 357 subject areas, as well as teaching credential programs and its own independent education doctorate program;

Whereas the CSU has awarded nearly 2,500,000 bachelor's, master's and joint doctoral degrees since 1961;

Whereas the CSU's renowned faculty members are well known for their teaching skills as well as their significant contributions to research, CSU staff and administrators provide the vital infrastructure to fulfill the CSU mission, and faculty and staff together have made the CSU a leader in high-quality, accessible, student-focused higher education;

Whereas CSU students participate in 32,000,000 hours of community service annually at more than 3,560 community sites, including tutoring children and adults in English as a second language, working in hospitals and community health clinics, teaching computer literacy, cleaning up rivers and beaches, serving meals to the homeless, and building houses;

Whereas the CSU returns $4.41 for every $1 the State invests, the CSU sustains more than 200,000 jobs in the State, and CSU-related expenditures create $13,600,000,000 in economic activity;

Whereas the CSU has more than 2,000,000 alumni, representing one in 10 members of California's workforce and the majority of the State's teachers;

Whereas the California State University has dedicated itself to helping foster improvement in the educational, economic, and cultural life of California;

Whereas the Chancellor and the Board of Trustees have led the CSU during extremely difficult economic times that have caused the CSU to cut admission rates and raise costs, as they have launched initiatives to increase the system's graduation rates and help underrepresented students complete college; and

Whereas the California State University is developing not only college graduates, but responsible citizens and leaders for California and the Nation: Now, therefore, be it

Resolved, That the House of Representatives commends and congratulates the California State University system on the occasion of its 50th anniversary.

The SPEAKER pro tempore, Mr. LUJAN, recognized Ms. WOOLSEY and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶23.28 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on March 2, 2010, she presented to the President of the United States, for his approval, the following bills:

H.R. 4961. An Act to provide a temporary extension of certain programs, and for other purposes.

H.R. 1299. An Act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

And then,

¶23.29 ADJOURNMENT

On motion of Mr. GOHMERT, at 9 o'clock and 10 minutes p.m., the House adjourned.

¶23.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself, Mr. ISSA, Mr. PITTS, Mr. HENSARLING, Mr. BISHOP of Utah, Ms. FOXX, and Mr. ROONEY):

H.R. 4735. A bill to amend title 5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment; to the Committee on Oversight and Government Reform.

By Mr. WILSON of Ohio:

H.R. 4736. A bill to amend the Higher Education Act of 1965 to authorize student loan forgiveness for certain individuals employed in advanced energy professions; to the Committee on Education and Labor.

By Ms. WATERS (for herself, Mr. CAPUANO, Mr. CLAY, Mr. CLEAVER, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, and Mr. WATT):

H.R. 4737. A bill to reauthorize assistance for capacity building for community development and affordable housing under section 4 of the HUD Demonstration Act of 1993, and for other purposes; to the Committee on Financial Services.

By Mr. MCKEON (for himself, Mr. WITTMAN, Mrs. MCMORRIS RODGERS, Mr. BISHOP of Utah, Mr. SHUSTER, Mr. AKIN, Mr. FLEMING, Mr. HUNTER, Mr. LOBIONDO, Mr. COFFMAN of Colorado, Mr. TURNER, Mr. WILSON of South Carolina, Mr. PLATTS, Mr. ROONEY, Mr. CONAWAY, Mr. MILLER of Florida, Mr. FRANKS of Arizona, and Mr. KLINE of Minnesota):

H.R. 4738. A bill to prohibit the use of Department of Defense military installations in the United States, its territories or possessions for the prosecution of individuals involved in the September 11, 2001, terrorist attacks; to the Committee on Armed Services.

By Mr. CAPUANO:

H.R. 4739. A bill to amend the Federal Election Campaign Act of 1971 to reduce the limit on the amount of certain contributions which may be made to a candidate with respect to an election for Federal office; to the Committee on House Administration.

By Mr. COHEN (for himself, Mr. RUSH, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. LEWIS of Georgia, Ms. FUDGE, Mr. CLAY, and Mr. BRADY of Pennsylvania):

H.R. 4740. A bill to provide grants to cities with high unemployment rates to provide job training, public works, and economic development programs, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Transportation and Infrastructure, Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 4741. A bill to amend the Energy Policy Act of 2005 to create the right business environment for doubling production of clean nuclear energy and other clean energy and to create mini-Manhattan projects for clean energy research and development; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. REICHERT):

H.R. 4742. A bill to amend the Internal Revenue Code of 1986 to encourage retirement savings by modifying requirements with respect to employer-established IRAs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. SAM JOHNSON of Texas, Mr. BISHOP of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 4743. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits to individuals who have been wrongfully incarcerated; to the Committee on Ways and Means.

By Mr. MARCHANT:

H.R. 4744. A bill to require, as a condition for purchase of a home mortgage loan by Fannie Mae or Freddie Mac, and insurance of a home mortgage loan under the National Housing Act, that the mortgagor be verified under the E-Verify program; to the Committee on Financial Services.

By Mr. MOORE of Kansas (for himself, Mr. BISHOP of New York, Mr. PETERS, Mr. TIAHRT, Mr. CLEAVER, Mr. MORAN of Kansas, Mr. MEEKS of New York, Mr. ETHERIDGE, Mr. ARCURI, Mr. PIERLUISI, Mr. JONES, Mr. THOMPSON of California, Mrs. MCCARTHY of New York, Mr. BARROW, Mr. SKELTON, Mr. RANGEL, Ms. JENKINS, Mr. MCGOVERN, and Mr. FILNER):

H.R. 4745. A bill to award a Congressional Gold Medal in honor of the recipients of assistance under the Servicemen's Readjustment Act of 1944 (commonly referred to as the ''GI Bill of Rights'') in recognition of the great contributions such recipients made to the Nation in both their military and civilian service and the contributions of Harry W. Colmery in initiating actions which led to the enactment of that Act, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 4746. A bill to amend the Internal Revenue Code of 1986 to prevent pending tax increases, and for other purposes; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 4747. A bill to amend the Controlled Substances Import and Export Act to prevent the use of Indian reservations located on the United States borders to facilitate cross-border drug trafficking, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS (for himself, Mr. THOMPSON of Mississippi, Mrs. MCMORRIS RODGERS, Mr. PASCRELL, and Ms. KAPTUR):

H.R. 4748. A bill to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of North Carolina (for himself, Mr. CASTLE, Ms. SHEA-PORTER, Mr. PLATTS, Mr. CAPUANO, and Mr. OWENS):

H.R. 4749. A bill to amend the Federal Election Campaign Act of 1971 to require personal disclosure statements in all third-party communications advocating the election or defeat of a candidate, to require the disclosure of identifying information within communications made through the Internet, to apply disclosure requirements to prerecorded telephone calls, and for other purposes; to the Committee on House Administration.

By Mr. SCHAUER (for himself, Mr. MCMAHON, Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. CONNOLLY of Virginia, and Ms. SUTTON):

H.R. 4750. A bill to amend the Federal Meat Inspection Act and Poultry Products Inspection Act to improve food safety by supporting efforts by entities that purchase beef, pork, or poultry products to further examine the products to ensure they remain safe for human consumption and to prohibit interference with such examination efforts, and for other purposes; to the Committee on Agriculture.

By Mr. TONKO (for himself, Mr. DAVIS of Illinois, and Ms. BERKLEY):

H.R. 4751. A bill to amend the Internal Revenue Code of 1986 to encourage the deployment of highly efficient combined heat and power property, and for other purposes; to the Committee on Ways and Means.

By Mr. WELCH (for himself, Mrs. EMERSON, Ms. SCHAKOWSKY, Mr. SALAZAR, Mr. GRIJALVA, Mr. HINCHEY, Mr. CONYERS, Mr. WILSON of Ohio, Ms. BALDWIN, Mr. HODES, Ms. TITUS, Mr. TAYLOR, Mr. ELLISON, Mr. MOORE of Kansas, Ms. SCHWARTZ, Mr. LIPINSKI, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. OLVER, Mr. LANGEVIN, Mr. WU, Mr. KLEIN of Florida, Ms. PINGREE of Maine, Ms. KAPTUR, Ms. HARMAN, Mr. LOEBSACK, Ms. WASSERMAN SCHULTZ, Mr. NADLER of New York, Mr. HALL of New York, Mr. OBERSTAR, Mr. BRALEY of Iowa, Mr. HARE, Mr. HEINRICH, Mrs. CAPPS, Ms. SUTTON, Mr. STUPAK, Mr. ARCURI, Ms. SHEA-PORTER, Mr. CARDOZA, Mr. DEFAZIO, Mr. RYAN of Ohio, Mr. CARNEY, Mr. VAN HOLLEN, Mr. KAGEN, Mr. BOSWELL, Mr. DOYLE, Mr. ISRAEL, Mr. DELAHUNT, Mr. BISHOP of New York, Ms. DELAURO, Mr. MICHAUD, Mr. BERRY, Mr. CAPUANO, Mr. CHANDLER, Mr. MARKEY of Massachusetts, Mr. KILDEE, Mr. FILNER, Mr. CARNAHAN, Mr. WEINER, Mr. MCDERMOTT, Mr. YARMUTH, Ms. WOOLSEY, Mr.

FARR, Mr. LARSEN of Washington, Mr. KENNEDY, Mr. COURTNEY, Mr. SCOTT of Virginia, and Ms. KILROY):

H.R. 4752. A bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate covered part D drug prices on behalf of Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING (for himself, Mr. PENCE, and Mr. CAMPBELL):

H.J. Res. 79. A joint resolution proposing an amendment to the Constitution of the United States to control spending; to the Committee on the Judiciary.

By Ms. BALDWIN (for herself, Mr. TOWNS, Mr. GENE GREEN of Texas, and Mr. SESSIONS):

H. Con. Res. 246. Concurrent resolution supporting the goals and ideals of World Glaucoma Day; to the Committee on Energy and Commerce.

By Mr. BROUN of Georgia:

H. Res. 1135. A resolution amending the Rules of the House of Representatives to require that Members take the same annual ethics training as senior staff; to the Committee on Rules.

By Mr. BISHOP of Utah (for himself, Mr. CHAFFETZ, and Mr. MATHESON):

H. Res. 1136. A resolution recognizing the 100th anniversary of the establishment of the McKay-Dee Hospital in northern Utah; to the Committee on Energy and Commerce.

¶23.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Ms. MATSUI and Mr. NEAL of Massachusetts.
H.R. 272: Mr. BACHUS.
H.R. 303: Mr. SCHRADER.
H.R. 336: Mr. PAYNE and Mr. HALL of New York.
H.R. 442: Mr. GARRETT of New Jersey and Mr. RAHALL.
H.R. 476: Ms. WOOLSEY.
H.R. 484: Mr. MORAN of Kansas, Mr. HASTINGS of Florida, and Mr. OBERSTAR.
H.R. 606: Ms. LEE of California.
H.R. 622: Mr. MURPHY of New York.
H.R. 1079: Mr. HILL.
H.R. 1082: Mr. CAPUANO.
H.R. 1169: Mr. MICHAUD.
H.R. 1210: Ms. MCCOLLUM and Mr. LARSEN of Washington.
H.R. 1289: Mr. BAIRD.
H.R. 1324: Mr. ROSS.
H.R. 1458: Mr. ACKERMAN, Mrs. MALONEY, Mr. MCGOVERN, and Mr. SIRES.
H.R. 1523: Ms. CHU.
H.R. 1587: Mr. JONES.
H.R. 1751: Ms. NORTON.
H.R. 1806: Mr. HOLDEN, Mr. RUPPERSBERGER, and Ms. JACKSON LEE of Texas.
H.R. 1835: Mr. BOSWELL, Mr. ADLER of New Jersey, and Mr. HOLT.
H.R. 1875: Mr. HARE, Mr. KAGEN, and Mr. PERRIELLO.
H.R. 1884: Mr. ROTHMAN of New Jersey.
H.R. 2089: Ms. SCHAKOWSKY.
H.R. 2110: Mr. CRENSHAW.
H.R. 2132: Ms. NORTON.
H.R. 2149: Mr. BISHOP of Georgia and Ms. SPEIER.
H.R. 2156: Ms. CORRINE BROWN of Florida and Ms. NORTON.
H.R. 2305: Mr. PRICE of Georgia.
H.R. 2377: Mr. UPTON, Mr. CONAWAY, Mrs. MILLER of Michigan, and Mr. PERRIELLO.
H.R. 2478: Mr. MCNERNEY.
H.R. 2515: Ms. NORTON.
H.R. 2565: Mr. BROWN of South Carolina.
H.R. 2672: Ms. JACKSON LEE of Texas.
H.R. 2695: Mr. SESTAK.
H.R. 2782: Mr. PETERSON.
H.R. 2819: Ms. RICHARDSON.
H.R. 2906: Mr. KAGEN and Mr. DRIEHAUS.
H.R. 3001: Ms. NORTON.
H.R. 3017: Ms. MARKEY of Colorado.
H.R. 3043: Mr. GENE GREEN of Texas.
H.R. 3077: Mr. GARAMENDI and Ms. NORTON.
H.R. 3100: Ms. SCHAKOWSKY.
H.R. 3147: Mr. MEEKS of New York, Mr. BERMAN, and Ms. NORTON.
H.R. 3202: Mr. BISHOP of New York.
H.R. 3268: Ms. BEAN.
H.R. 3339: Mr. BAIRD and Mr. TEAGUE.
H.R. 3343: Mr. COURTNEY.
H.R. 3351: Mr. KAGEN and Mr. PETERS.
H.R. 3380: Mr. HOLT.
H.R. 3486: Mr. HOEKSTRA.
H.R. 3488: Mr. FILNER and Mr. NADLER of New York.
H.R. 3519: Ms. MCCOLLUM and Mr. OWENS.
H.R. 3564: Mr. SCOTT of Virginia.
H.R. 3666: Mr. POE of Texas and Mr. MURPHY of Connecticut.
H.R. 3697: Mr. SIMPSON.
H.R. 3712: Mrs. EMERSON, Mr. GARY G. MILLER of California, Mr. BISHOP of Georgia, Mr. UPTON, Mr. CASTLE, and Mr. PETRI.
H.R. 3715: Mr. GERLACH.
H.R. 3720: Mr. GRAVES.
H.R. 3731: Mr. WEINER, Mr. BERMAN, Mr. GARAMENDI, Mr. RANGEL, Mr. LEWIS of Georgia, Ms. WATERS, Mr. GRAYSON, Ms. WATSON, Mr. SCOTT of Virginia, Mr. FALEOMAVAEGA, Mr. NADLER of New York, Mr. TOWNS, Ms. KILPATRICK of Michigan, Mr. ARCURI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BUTTERFIELD, Mr. KAGEN, Mr. CLEAVER, and Mr. POLIS of Colorado.
H.R. 3745: Ms. ZOE LOFGREN of California and Mr. MARKEY of Massachusetts.
H.R. 3790: Mr. SIRES, Ms. KOSMAS, Mr. BISHOP of Utah, and Mr. THORNBERRY.
H.R. 3799: Ms. WOOLSEY.
H.R. 3839: Mr. COURTNEY and Mr. ISRAEL.
H.R. 4038: Mr. SHIMKUS.
H.R. 4058: Mr. LARSEN of Washington.
H.R. 4088: Mr. TIAHRT and Ms. SCHAKOWSKY.
H.R. 4098: Ms. NORTON.
H.R. 4129: Ms. SCHAKOWSKY and Mr. BOREN.
H.R. 4140: Mr. CAPUANO.
H.R. 4149: Mr. POLIS of Colorado.
H.R. 4150: Mr. BURGESS.
H.R. 4189: Mr. JONES.
H.R. 4229: Mr. WILSON of Ohio, Mr. MEEKS of New York, Mr. MOORE of Kansas, and Mr. PUTNAM.
H.R. 4267: Mr. TIAHRT.
H.R. 4274: Mr. BOUCHER and Mr. WEINER.
H.R. 4278: Mr. KIND.
H.R. 4306: Mr. CRENSHAW.
H.R. 4318: Ms. NORTON.
H.R. 4320: Mr. ISRAEL, Ms. KILPATRICK of Michigan, Mr. GRAYSON, Mr. ROTHMAN of New Jersey, Mr. COHEN, Mr. OWENS, and Ms. SHEA-PORTER.
H.R. 4332: Mr. KILDEE.
H.R. 4351: Mr. PERRIELLO and Mr. ARCURI.
H.R. 4359: Mr. ARCURI.
H.R. 4371: Mr. TAYLOR, Mr. ROONEY, Mr. TEAGUE, Mr. BOYD, and Mr. PUTNAM.
H.R. 4399: Mr. WEINER.
H.R. 4400: Ms. ROS-LEHTINEN.
H.R. 4426: Ms. BALDWIN.
H.R. 4427: Mr. FLEMING.
H.R. 4430: Mr. PITTS, Mrs. SCHMIDT, Mr. LATTA, Mr. MARCHANT, Mr. DAVIS of Kentucky, Mr. LAMBORN, Ms. FALLIN, Mr. GINGREY of Georgia, Mr. LUETKEMEYER, Mr. HUNTER, Mrs. LUMMIS, Mr. CONAWAY, Mr. OLSON, Mr. PENCE, Mr. KING of Iowa, Mr. FRANKS of Arizona, Mr. MORAN of Kansas, Mr. JONES, Mr. GARRETT of New Jersey, Mr. ROGERS of Kentucky, Mr. BROUN of Georgia, and Mr. FORBES.
H.R. 4466: Mr. LEE of New York.
H.R. 4472: Mr. PAULSEN.
H.R. 4502: Ms. SCHAKOWSKY.
H.R. 4505: Ms. BERKLEY, Mr. TIAHRT, and Mr. MINNICK.
H.R. 4538: Ms. SCHAKOWSKY.
H.R. 4541: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4556: Mr. HASTINGS of Washington.
H.R. 4573: Mr. DRIEHAUS, Mr. ELLISON, Mr. BISHOP of Georgia, Ms. CASTOR of Florida, Mr. LARSEN of Washington, Mr. ROTHMAN of New Jersey, Ms. BALDWIN, Ms. DELAURO, Mr. ENGEL, Mr. JOHNSON of Georgia, and Mr. DAVIS of Illinois.
H.R. 4586: Mr. CULBERSON.
H.R. 4588: Mr. BURTON of Indiana, Mr. POE of Texas, Mr. CHAFFETZ, Mr. POSEY, Mr. MANZULLO, Mr. AKIN, Mr. PITTS, Mr. LAMBORN, Mr. MARCHANT, Mr. LATTA, Mrs. BLACKBURN, Mr. GINGREY of Georgia, Mr. BRADY of Texas, Mrs. MYRICK, Mr. CONAWAY, Mr. GOHMERT, and Mr. BISHOP of Utah.
H.R. 4598: Mr. PERLMUTTER, Mr. LUJÁN, and Ms. KILROY.
H.R. 4621: Ms. ROYBAL-ALLARD, Mr. ISSA, and Mr. CHAFFETZ.
H.R. 4629: Mr. SCHAUER.
H.R. 4638: Mr. PUTNAM.
H.R. 4649: Ms. LORETTA SANCHEZ of California, Mr. POE of Texas, Mr. COSTA, Mr. MCCAUL, and Mr. INGLIS.
H.R. 4653: Ms. FOXX, Mr. SAM JOHNSON of Texas, Mr. OLSON, and Mrs. LUMMIS.
H.R. 4657: Mr. RUSH.
H.R. 4692: Ms. KILROY.
H.R. 4693: Mrs. HALVORSON, Ms. KILPATRICK of Michigan, Mr. GERLACH, and Mr. MCNERNEY.
H.R. 4694: Mr. ELLISON.
H.R. 4700: Ms. WOOLSEY, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. RUSH, Mr. LEWIS of Georgia, Mr. BECERRA, Mr. BACA, Mr. GUTIERREZ, and Mr. FARR.
H.R. 4705: Mr. POE of Texas.
H.R. 4717: Mr. SIMPSON and Mr. THOMPSON of Pennsylvania.
H.J. Res. 61: Ms. SUTTON.
H.J. Res. 74: Mr. FILNER, Mr. HEINRICH, and Mr. HINCHEY.
H.J. Res. 76: Mr. PAULSEN, Mr. FORTENBERRY, Mr. DENT, Mr. MORAN of Kansas, Mr. BOOZMAN, Mr. BURGESS, Mrs. BIGGERT, and Ms. HERSETH SANDLIN.
H. Con. Res. 230: Mr. TAYLOR.
H. Con. Res. 242: Mr. CONYERS, Ms. LEE of California, Mr. GONZALEZ, Ms. CLARKE, Mr. WATT, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, Mr. CLAY, Mr. MEEKS of New York, Mr. CUMMINGS, Mr. JOHNSON of Georgia, Mr. RANGEL, Mrs. CHRISTENSEN, Ms. EDWARDS of Maryland, Mr. RUSH, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. RODRIGUEZ, Mr. GRAYSON, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. PASCRELL, Mr. FRANK of Massachusetts, Mr. LEVIN, Ms. JACKSON LEE of Texas, Mr. BUTTERFIELD, Mr. JACKSON of Illinois, Ms. WATERS, Mr. FATTAH, Mr. BACA, Mr. ORTIZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARSON of Indiana, Mr. SCOTT of Georgia, Mr. ELLISON, Mr. RYAN of Ohio, Mr. HIGGINS, and Mr. GRIJALVA.
H. Con. Res. 244: Mr. BURTON of Indiana, Mr. GOHMERT, Mr. LAMBORN, Mr. BRADY of Texas, Mr. CHAFFETZ, Mr. BISHOP of Utah, Ms. FOXX, Mrs. MYRICK, Ms. GRANGER, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. LATTA, Mr. AKIN, Mr. POSEY, Mr. ROONEY, Mr. MARCHANT, Mr. CONAWAY, Mr. HENSARLING, and Mrs. BLACKBURN.
H. Res. 792: Mr. SHUSTER, Mr. TIBERI, Mr. BACHUS, Mr. HUNTER, Mr. ROONEY, Mr. ROHRABACHER, Mr. CASSIDY, Mr. JONES, Mr. HENSARLING, Mr. KINGSTON, Mr. JOHNSON of Illinois, Mr. JORDAN of Ohio, Mr. OLSON, Mr. AUSTRIA, Mr. PITTS, Mr. HARPER, Mr. LANCE,

Mrs. BIGGERT, Mr. LEWIS of California, Ms. JENKINS, Mr. BRADY of Texas, Mr. MANZULLO, Mr. MCCLINTOCK, Mr. KLINE of Minnesota, Mr. CAMPBELL, Mr. PENCE, Mr. BILIRAKIS, Mr. MCCARTHY of California, Mr. THOMPSON of Pennsylvania, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. AKIN, Mr. PLATTS, Mr. WILSON of South Carolina, Mr. GARRETT of New Jersey, Mr. WAMP, Mr. MARIO DIAZ-BALART of Florida, Mr. ROSKAM, Mr. BUCHANAN, Mr. KING of Iowa, Mr. FORBES, Mr. LUETKEMEYER, Mr. DREIER, Mr. MCCOTTER, Mr. DENT, Mr. COLE, Mr. BOREN, Mr. LUCAS, Mr. FRANKS of Arizona, Mr. TIAHRT, Mr. MICA, Mr. SMITH of Nebraska, Mr. STEARNS, Mr. GOHMERT, Mr. DANIEL E. LUNGREN of California, Mr. GUTHRIE, Mr. FORTENBERRY, Mr. YOUNG of Florida, and Mr. CRENSHAW.

H. Res. 888: Mr. REICHERT.

H. Res. 904: Mrs. DAHLKEMPER, Ms. CORRINE BROWN of Florida, Ms. MCCOLLUM, Mr. ISRAEL, Ms. SPEIER, and Mr. SCHIFF.

H. Res. 1016: Ms. SCHAKOWSKY.

H. Res. 1041: Mr. CHILDERS, Mr. HALL of New York, Mr. KENNEDY, Mr. WALZ, Mr. DONNELLY of Indiana, Mr. CHANDLER, Mr. INSLEE, Mr. KIND, Mr. MATHESON, Mr. NYE, Mr. SPRATT, Mr. ETHERIDGE, Mr. DAVIS of Illinois, Mr. BERRY, Mr. BARROW, Mr. MELANCON, Ms. KOSMAS, and Mr. PETERSON.

H. Res. 1042: Mr. CHILDERS, Mr. HALL of New York, Mr. KENNEDY, Mr. WALZ, Mr. DONNELLY of Indiana, Mr. CHANDLER, Mr. INSLEE, Mr. KIND, Mr. MATHESON, Mr. NYE, Mr. SPRATT, Mr. ETHERIDGE, Mr. DAVIS of Illinois, Mr. BERRY, Mr. MELANCON, Mr. BARROW, Ms. KOSMAS, and Mr. PETERSON.

H. Res. 1052: Mr. REYES, Mr. DEFAZIO, and Mr. CONAWAY.

H. Res. 1053: Mrs. CHRISTENSEN, Ms. NORTON, and Ms. SCHAKOWSKY.

H. Res. 1064: Ms. TSONGAS, Mr. MICHAUD, Mr. MURPHY of Connecticut, and Mr. KAGEN.

H. Res. 1075: Mr. KING of Iowa, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. MOORE of Kansas, Mr. BURTON of Indiana, Mr. BROWN of South Carolina, Mr. HILL, Mr. PETERSON, Mr. SMITH of Nebraska, Mr. ROONEY, Mr. WITTMAN, and Mr. TAYLOR.

H. Res. 1086: Ms. MCCOLLUM.

H. Res. 1088: Mr. MORAN of Virginia.

H. Res. 1100: Mr. HASTINGS of Florida.

H. Res. 1102: Mr. SCOTT of Virginia.

H. Res. 1103: Mr. DAVIS of Tennessee, Mr. GRIFFITH, and Mr. BARTON of Texas.

H. Res. 1104: Mr. PAYNE and Mr. TOWNS.

H. Res. 1116: Mr. BISHOP of Georgia, Mr. KIRK, and Mr. TOWNS.

H. Res. 1119: Mr. PATRICK J. MURPHY of Pennsylvania and Mrs. MYRICK.

H. Res. 1120: Mr. CUELLAR.

H. Res. 1124: Mr. MARIO DIAZ-BALART of Florida.

H. Res. 1127: Mr. HIGGINS, Mr. STARK, Mr. REYES, Mr. LEVIN, Mr. ETHERIDGE, Mr. SCHIFF, Ms. LEE of California, Mr. BECERRA, and Mr. VAN HOLLEN.

H. Res. 1128: Mr. HOLDEN, Ms. WATSON, Mr. TANNER, and Mr. CARNAHAN.

H. Res. 1133: Ms. EDWARDS of Maryland.

THURSDAY, MARCH 4, 2010 (24)

¶24.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. BALDWIN, who laid before the House the following communication:

WASHINGTON, DC,
March 4, 2010.

I hereby appoint the Honorable TAMMY BALDWIN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶24.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. BALDWIN, announced she had examined and approved the Journal of the proceedings of Wednesday, March 3, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶24.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6392. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Electronic Filing of Financial Reports and Notices (RIN: 3038–AB87) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6393. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Revised Adjusted Net Capital Requirements for Futures Commission Merchants and Introducing Brokers (RIN: 3038–AC66) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6394. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Commodity Pool Operator Periodic Account Statements and Annual Financial Reports (RIN: 3038–AC38) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6395. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule—Payment Eligibility and Payment Limitation; Miscellaneous Technical Corrections (RIN: 0560–AH85) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6396. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket ID: FEMA–2008–0020; Internal Agency Docket No. FEMA–8113] received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6397. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System; Withdrawal of Rescinded Regulatory Amendments [Docket No.: FR–5351–F–03] (RIN: 2501–AD48) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6398. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule—Reporting of Fraudulent Financial Instruments (RIN: 2590–AA11) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6399. A letter from the Chief, PRAB, Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment; Approval of Information Collection Request [FNS–2009–0001] (RIN: 0585–AD71) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6400. A letter from the Chief, PRAB, Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Revisions in the WIC Food Packages Rule To Increase Cash Value Vouchers for Women [FNS–2006–0037] (RIN: 0584–AD77) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6401. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Classification of Three Steroids as Schedule III Anabolic Steroids Under the Controlled Substances Act [Docket No.: DEA–285F] (RIN: 1117–AB17) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6402. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT–2008–0918; FRL–8438–4] (RIN: 2070–AB27) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6403. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Primary National Ambient Air Quality Standards for Nitrogen Dioxide [EPA-HQ-OAR–2006–0922; FRL 9107–9] received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6404. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana [EPA-R08–OAR–2009–0198; FRL–9102–7] received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6405. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Final Clarification for Chemical Identification Describing Activated Phosphors For TSCA Inventory Purposes [EPA-HQ-OPPT–2007–0392; FRL–8798–9] (RIN: 2070–AJ21) received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6406. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–319, ''Clean and Affordable Energy Fiscal Year 2010 Fund Balance Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

6407. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–320, ''Health Care Facilities Improvement Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

6408. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaskia; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344–9056–02] (RIN:0648–XT96) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6409. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area [Docket No.

0810141351–9087–02] (RIN: 0648–XT95) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6410. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Western Pacific Crustacean Fisheries; 2010 Northwestern Hawaiian Islands Lobster Harvest Guideline (RIN: 0648–XT33) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6411. A letter from the Acting Director, Office of Sustainable Fishiers, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No.: 0910091344–9056–02] (RIN: 0648–XT71) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6412. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0809251266–81485–02] (RIN: 0648–XT61) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6413. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281–0369–02] (RIN: 0648–XU01) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6414. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska, Steller Sea Lions; Correction [Docket No.: 0912011420–91423–01] (RIN: 0648–AY39) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6415. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No.: 0810141351–9087–02] (RIN: 0648–XT42) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6416. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels [Docket No.: 070817467–8554–02] (RIN: 0648–XT87) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6417. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries in the Western Pacific; Pelagic Fisheries; Vessel Identification Requirements [Docket No.: 090218199–91223–02] (RIN: 0648–AX38) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6418. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docekt No.: 0810141351–9087–02] (RIN: 0648–XT86) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6419. A letter from the Acting Assistant Admnistrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administrations's final rule—International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Initial Implementation of the Western and Central Pacific Fisheries Convention [Docket No.: 070717350–9936–02] (RIN: 0648–AV63) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6420. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures [Docket No.: 0907301206–0032–02] (RIN: 0648–AY13) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6421. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—International Fisheries Regulations; Fisheries in the Western Pacific; Pelagic Fisheries; Hawaii-based Shallow-set Longline Fishery; Correction [Docket No.: 080225267–91393–03] (RIN: 0648–AW49) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6422. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Renewal of Atlantic Tunas Longline Limited Access Permits; Atlantic Shark Dealer Workshop Attendance Requirements [Docket No.: 080130104–8560–02] (RIN: 0648–AW46) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6423. A letter from the Deputy Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Swordfish Quotas [I.D.: 020607C] (RIN: 0648–AV10) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6424. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States [Docket No.: 0907241164–91415–02] (RIN: 0648–AY09) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6425. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States; Coastal Pelegic Species Fisheries; Annual Specifications [Docket No.: 0909111273–91431–02] (RIN: 0648–XR09) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6426. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; San Diego Parade of Lights Fireworks; San Diego Bay, CA [Docket No.: USCG–2009–0484] (RIN: 1625–AA00) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6427. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Harlem River, New York, NY [USCG–2008–0456] (RIN: 1625–AA09) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6428. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Atlantic Intracoastal Waterway, Oak Island, NC [Docket No.: USCG–2009–1067] (RIN: 1625–AA00) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6429. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Special Local Regulation for Marine Events; Recurring Marine Events in the Fifth Coast Guard District [Docket No.: USCG–2009–0430] (RIN: 1625–AA08) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6430. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG–2009–1080] (RIN: 1625–AA11, 1625–AA00) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6431. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule—Safety and Security Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG–2009–1052] (RIN: 1625–AA00) (RIN: 1625–AA87) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6432. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Correction to Composite Loss Discount Factor for Nonproportional Assumed Property Reinsurance in Revenue Procedure 2009–55, 2009–52 I.R.B. 982 received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6433. A letter from the Chief, Publications and Regualtions Branch, Internal Revenue Service, transmitting the Department's final rule—Qualified Zone Academy Bond Allocations for 2010 [Notice 2010–22] received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6434. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Determiniation of Issue Price in the Case Certain Debt Instruments Issued for Property (Rev. Rul. 2010–8) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6435. A letter from the Chief, Publications and Regualtions, Internal Revenue Service, transmitting the Service's final rule—Rules for Certain Reserves (Rev. Rul. 2010–07) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶24.4 COMMITTEE RESIGNATION—ACTING CHAIRMAN—MAJORITY

The SPEAKER pro tempore, Ms. BALDWIN, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 4, 2010.

Hon. NANCY PELOSI,
Speaker, The Capitol
Washington, DC.

DEAR MADAM SPEAKER: I hereby resign as acting chairman of the Committee on Ways and Means.

Sincerely,

PETE STARK,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶24.5 2010 CENSUS WITHIN INDIAN COUNTRY

Mr. BACA moved to suspend the rules and agree to the following resolution (H. Res. 1086):

Recognizing the importance and significance of the 2010 Census and encouraging each community within the Indian Country to name an elder to be the first member of that community to answer the 2010 Census.

Whereas the decennial census is a responsibility of the Federal Government, mandated by article I, section 2 of the Constitution;

Whereas, in the 2000 Census, 4.3 million people, or 1.5 percent of the total United States population, stated that they were American Indian or Alaska Native;

Whereas, in the 2000 Census, 2.4 million people, or 1 percent of the United States population, stated that they were solely American Indian or Alaska Native;

Whereas Native Americans are the descendants of the aboriginal, indigenous, native people who were the original inhabitants of and who governed the lands that now constitute the United States;

Whereas the 2010 Census data is strictly confidential and Federal law prevents the information from being shared with any entity;

Whereas the 2010 Census is quick, safe, and easy to complete;

Whereas the census is a source of data on a number of issues of national importance, such as school attendance, educational attainment, and employment;

Whereas areas are underserved by the Federal Government if significant portions of the population, especially those in low-income and minority neighborhoods, fail to participate in the census;

Whereas full participation in the census is necessary to ensure an accurate depiction of the population of the United States;

Whereas, April 1, 2010, is the date for the 2010 Census;

Whereas the San Manuel Band Serrano Mission Indians in California propose to name an elder to be the first member of that community to answer the 2010 Census;

Whereas it is hoped that the naming of an elder to be the first member of that community to answer the 2010 Census will encourage other members of that community to answer the 2010 Census;

Whereas it is hoped that each other community within the Indian Country will name an elder to be the first member of their community to answer the 2010 Census;

Whereas elders are looked upon as the trusted ones in the tribe who will have the most influence in carrying the message of how important an accurate 2010 Census count is; and

Whereas elder participation in the 2010 Census count will encourage others to participate in the 2010 Census: Now, therefore, be it;

Resolved, That the House of Representatives—

(1) recognizes the importance and significance of the 2010 census and encourages full participation in this critical process; and

(2) encourages each community within the Indian Country to name an elder to be the first member of that community to answer the 2010 Census.

The SPEAKER pro tempore, Ms. BALDWIN, recognized Mr. BACA and Mr. BILBRAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BACA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶24.6 H. RES. 699—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 699) expressing the appreciation of Congress for the service and sacrifice of the members of the 139th Airlift Wing, Air National Guard; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶24.7 [Roll No. 84]

YEAS—421

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

Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Boccieri
Campbell
Carnahan
Clay
Dahlkemper
Delahunt
Fallin
Hoekstra
Massa
Tsongas

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶24.8 PROVIDING FOR CONSIDERATION OF THE AMENDMENT OF THE SENATE TO H.R. 2847

Ms. MATSUI, by direction of the Committee on Rules, reported (Rept. No. 111–426) the resolution (H. Res. 1137) providing for the consideration of the amendment of the Senate to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶24.9 H. RES. 1086—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1086) recognizing the importance and significance of the 2010 Census and encouraging each community within the Indian Country to name an elder to be the first member of that community to answer the 2010 Census.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of those present had voted in the affirmative.

Ms. MATSUI demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	415
Nays	1
Answered present	1

¶24.10 [Roll No. 85]

AYES—415

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

NOES—1

Paul

ANSWERED ''PRESENT''—1

Bishop (UT)

NOT VOTING—14

Berkley
Campbell
Carnahan
Dahlkemper
Delahunt
Fallin
Gohmert
Grayson
Hoekstra
Massa
Moore (KS)
Moran (VA)
Titus
Tsongas

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶24.11 MOMENT OF SILENCE IN MEMORY OF MEMBERS OF THE UNITED STATES ARMED FORCES IN IRAQ AND AFGHANISTAN

The SPEAKER announced that all Members stand and observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and all who serve in our Armed Forces and their families.

¶24.12 H. RES. 1111—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1111) designating March 2, 2010, as ''Read Across America Day''.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of those present had voted in the affirmative.

Ms. MATSUI demanded a recorded vote on the motion to suspend the

rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 Nays 0

¶24.13 [Roll No. 86]

AYES—414

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

NOT VOTING—17

Barton (TX)	Campbell	Fallin
Bean	Carnahan	Grayson
Berkley	Connolly (VA)	Hoekstra
Bishop (GA)	Crowley	Massa
Buchanan	Dahlkemper	Titus
Butterfield	Delahunt	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶24.14 PROVIDING FOR CONSIDERATION OF THE AMENDMENT OF THE SENATE TO THE HOUSE AMENDMENT TO THE AMENDMENT OF THE SENATE WITH AN AMENDMENT TO H.R. 2847

Ms. MATSUI, by direction of the Committee on Rules, called up the following resolution (H. Res. 1137):

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment to the House amendment to the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

When said resolution was considered.

After debate,

Ms. MATSUI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 236 Nays 184

¶24.15 [Roll No. 87]

YEAS—236

Ackerman	Doggett	Kirkpatrick (AZ)
Adler (NJ)	Donnelly (IN)	Kissell
Altmire	Doyle	Klein (FL)
Andrews	Edwards (MD)	Kosmas
Arcuri	Edwards (TX)	Kucinich
Baca	Ellison	Langevin
Baird	Ellsworth	Larsen (WA)
Baldwin	Engel	Larson (CT)
Barrow	Etheridge	Lee (CA)
Bean	Farr	Levin
Becerra	Fattah	Lewis (GA)
Berkley	Filner	Lipinski
Berman	Foster	Loebsack
Berry	Frank (MA)	Lofgren, Zoe
Bishop (GA)	Fudge	Lowey
Bishop (NY)	Garamendi	Luján
Blumenauer	Giffords	Lynch
Boccieri	Gonzalez	Maffei
Boren	Gordon (TN)	Maloney
Boswell	Grayson	Markey (CO)
Boucher	Green, Al	Markey (MA)
Boyd	Green, Gene	Marshall
Brady (PA)	Grijalva	Matheson
Braley (IA)	Gutierrez	Matsui
Butterfield	Hall (NY)	McCarthy (NY)
Capps	Halvorson	McCollum
Capuano	Hare	McDermott
Cardoza	Harman	McGovern
Carnahan	Hastings (FL)	McIntyre
Carney	Heinrich	McMahon
Carson (IN)	Herseth Sandlin	McNerney
Castor (FL)	Higgins	Meek (FL)
Chandler	Hill	Meeks (NY)
Chu	Himes	Melancon
Clarke	Hinchey	Michaud
Clay	Hinojosa	Miller (NC)
Cleaver	Hirono	Miller, George
Clyburn	Hodes	Mollohan
Cohen	Holden	Moore (KS)
Connolly (VA)	Holt	Moore (WI)
Conyers	Honda	Moran (VA)
Cooper	Hoyer	Murphy (CT)
Costa	Inslee	Murphy (NY)
Costello	Israel	Murphy, Patrick
Courtney	Jackson (IL)	Nadler (NY)
Crowley	Jackson Lee (TX)	Napolitano
Cuellar	Johnson (GA)	Neal (MA)
Cummings	Johnson, E. B.	Nye
Davis (AL)	Kagen	Oberstar
Davis (CA)	Kanjorski	Obey
Davis (IL)	Kaptur	Olver
Davis (TN)	Kennedy	Ortiz
DeFazio	Kildee	Owens
DeGette	Kilpatrick (MI)	Pallone
Delahunt	Kilroy	Pascrell
Dicks	Kind	Pastor (AZ)
Dingell		Payne

Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—184

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

NOT VOTING—11

Buyer
Campbell
Dahlkemper
DeLauro
Eshoo
Fallin
Hoekstra
Jordan (OH)
Linder
Massa
Tiahrt

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. SESSIONS demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 212 / Nays 209

¶24.16 [Roll No. 88]

AYES—212

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

NOES—209

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Cummings
Davis (IL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Green, Al
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Payne
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Towns
Turner
Upton
Walden
Wamp
Waters
Watson
Watt
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Buyer
Campbell
Dahlkemper
Eshoo
Fallin
Foster
Hoekstra
Jordan (OH)
Linder
Massa
Tiahrt

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶24.17 H. RES. 362—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 362) expressing the support of the House of Representatives for the goals and ideals of the National School Lunch Program; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of those present had voted in the affirmative.

Ms. MATSUI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 403 Nays 13

¶24.18 [Roll No. 89]

YEAS—403

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

NAYS—13

Akin	Garrett (NJ)	Poe (TX)
Broun (GA)	Lamborn	Sensenbrenner
Chaffetz	Lummis	Shadegg
Flake	McClintock	
Foxx	Paul	

NOT VOTING—15

Blumenauer	Fallin	Linder
Buyer	Gohmert	Massa
Campbell	Gutierrez	Neugebauer
Dahlkemper	Hoekstra	Simpson
Eshoo	Jordan (OH)	Tiahrt

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶24.19 AMENDMENTS OF THE SENATE TO H.R. 2847

Mr. ETHERIDGE, pursuant to House Resolution 1137, moved to take from the Speaker's table the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purpose; together with the following amendment of the Senate to the House amendment to the amendment of the Senate thereto:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the ''Hiring Incentives to Restore Employment Act''.

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

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

TITLE I—INCENTIVES FOR HIRING AND RETAINING UNEMPLOYED WORKERS

SEC. 101. PAYROLL TAX FORGIVENESS FOR HIRING UNEMPLOYED WORKERS.

(a) IN GENERAL.—Section 3111 is amended by adding at the end the following new subsection:

''(d) SPECIAL EXEMPTION FOR CERTAIN INDIVIDUALS HIRED IN 2010.—

''(1) IN GENERAL.—Subsection (a) shall not apply to wages paid by a qualified employer with respect to employment during the period beginning on the day after the date of the enactment of this subsection and ending on December 31, 2010, of any qualified individual for services performed—

''(A) in a trade or business of such qualified employer, or

''(B) in the case of a qualified employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

''(2) QUALIFIED EMPLOYER.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified employer' means any employer other than the United States, any State, or any political subdivision thereof, or any instrumentality of the foregoing.

''(B) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding subparagraph (A), the term 'qualified employer' includes any employer which is a public institution of higher education (as defined in section 101(b) of the Higher Education Act of 1965).

''(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term 'qualified individual' means any individual who—

''(A) begins employment with a qualified employer after February 3, 2010, and before January 1, 2011,

''(B) certifies by signed affidavit, under penalties of perjury, that such individual has not been employed for more than 40 hours during the 60-day period ending on the date such individual begins such employment,

''(C) is not employed by the qualified employer to replace another employee of such employer unless such other employee separated from employment voluntarily or for cause, and

''(D) is not an individual described in section 51(i)(1) (applied by substituting 'qualified employer' for 'taxpayer' each place it appears).

''(4) ELECTION.—A qualified employer may elect to have this subsection not apply. Such election shall be made in such manner as the Secretary may require.''.

(b) COORDINATION WITH WORK OPPORTUNITY CREDIT.—Section 51(c) is amended by adding at the end the following new paragraph:

''(5) COORDINATION WITH PAYROLL TAX FORGIVENESS.—The term 'wages' shall not include any amount paid or incurred to a qualified individual (as defined in section 3111(d)(3)) during the 1-year period beginning on the hiring date of such individual by a qualified employer (as defined in section 3111(d)) unless such qualified employer makes an election not to have section 3111(d) apply.''.

(c) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after the date of the enactment of this Act.

SEC. 102. BUSINESS CREDIT FOR RETENTION OF CERTAIN NEWLY HIRED INDIVIDUALS IN 2010.

(a) IN GENERAL.—In the case of any taxable year ending after the date of the enactment of this Act, the current year business credit determined under section 38(b) of the Internal Revenue Code of 1986 for such taxable year shall be increased by an amount equal to the product of—

(1) $1,000, and

(2) the number of retained workers with respect to which subsection (b)(2) is first satisfied during such taxable year.

(b) RETAINED WORKER.—For purposes of this section, the term ''retained worker'' means any qualified individual (as defined in section 3111(d)(3) of the Internal Revenue Code of 1986)—

(1) who was employed by the taxpayer on any date during the taxable year,

(2) who was so employed by the taxpayer for a period of not less than 52 consecutive weeks, and

(3) whose wages for such employment during the last 26 weeks of such period equaled at least 80 percent of such wages for the first 26 weeks of such period.

(c) LIMITATION ON CARRYBACKS.—No portion of the unused business credit under section 38 of the Internal Revenue Code of 1986 for any taxable year which is attributable to the increase in the current year business credit under this section may be carried to a taxable year beginning before the date of the enactment of this section.

TITLE II—EXPENSING

SEC. 201. INCREASE IN EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 is amended—

(1) by striking ''($125,000 in the case of taxable years beginning after 2006 and before 2011)'' in paragraph (1) and inserting ''($250,000 in the case of taxable years beginning after 2007 and before 2011)'',

(2) by striking ''($500,000 in the case of taxable years beginning after 2006 and before 2011)'' in paragraph (2) and inserting ''($800,000 in the case of taxable years beginning after 2007 and before 2011)'',

(3) by striking paragraphs (5) and (7), and

(4) by redesignating paragraph (6) as paragraph (5).

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

TITLE III—QUALIFIED TAX CREDIT BONDS

SEC. 301. ISSUER ALLOWED REFUNDABLE CREDIT FOR CERTAIN QUALIFIED TAX CREDIT BONDS.

(a) CREDIT ALLOWED.—Section 6431 is amended by adding at the end the following new subsection:

''(f) APPLICATION OF SECTION TO CERTAIN QUALIFIED TAX CREDIT BONDS.—

''(1) IN GENERAL.—In the case of any specified tax credit bond—

''(A) such bond shall be treated as a qualified bond for purposes of this section,

''(B) subsection (a) shall be applied without regard to the requirement that the qualified bond be issued before January 1, 2011,

''(C) the amount of the payment determined under subsection (b) with respect to any interest payment date under such bond shall be—

''(i) in the case of a bond issued by a qualified small issuer, 65 percent of the amount of interest payable on such bond by such issuer with respect to such date, and

''(ii) in the case of a bond issued by any other person, 45 percent of the amount of interest payable on such bond by such issuer with respect to such date,

''(D) interest on any such bond shall be includible in gross income for purposes of this title,

''(E) no credit shall be allowed under section 54A with respect to such bond,

''(F) any payment made under subsection (b) shall not be includible as income for purposes of this title, and

''(G) the deduction otherwise allowed under this title to the issuer of such bond with respect to interest paid under such bond shall be reduced by the amount of the payment made under this section with respect to such interest.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) SPECIFIED TAX CREDIT BOND.—The term 'specified tax credit bond' means any qualified tax credit bond (as defined in section 54A(d)) if—

''(i) such bond is—

''(I) a new clean renewable energy bond (as defined in section 54C),

''(II) a qualified energy conservation bond (as defined in section 54D),

''(III) a qualified zone academy bond (as defined in section 54E), or

''(IV) a qualified school construction bond (as defined in section 54F), and

''(ii) the issuer of such bond makes an irrevocable election to have this subsection apply,

''(B) QUALIFIED SMALL ISSUER.—The term 'qualified small issuer' means, with respect to any calendar year, any issuer who is not reasonably expected to issue tax-exempt bonds (other than private activity bonds) and specified tax credit bonds (determined without regard to whether an election is made under this subsection) during such calendar year in an aggregate face amount exceeding $30,000,000.''.

(b) TECHNICAL CORRECTIONS RELATING TO QUALIFIED SCHOOL CONSTRUCTION BONDS.—

(1) The second sentence of section 54F(d)(1) is amended by striking ''by the State'' and inserting ''by the State education agency (or such other agency as is authorized under State law to make such allocation)''.

(2) The second sentence of section 54F(e) is amended by striking ''subsection (d)(4)'' and inserting ''paragraphs (2) and (4) of subsection (d)''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (b) shall take effect as

if included in section 1521 of the American Recovery and Reinvestment Tax Act of 2009.

TITLE IV—EXTENSION OF CURRENT SURFACE TRANSPORTATION PROGRAMS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Surface Transportation Extension Act of 2010''.

Subtitle A—Federal-aid Highways

SEC. 411. IN GENERAL.

(a) IN GENERAL.—Except as provided in this Act, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I, V, and VI of the SAFETEA–LU (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title), which would otherwise expire on or cease to apply after September 30, 2009, or the date specified in section 106(3) of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), are incorporated by reference and shall continue in effect until December 31, 2010.

(b) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in section 412, there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account)—

(1) for fiscal year 2010, a sum equal to the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of the SAFETEA–LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title); and

(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, a sum equal to ¼ of the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of the SAFETEA–LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title).

(c) USE OF FUNDS.—

(1) FISCAL YEAR 2010.—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(1) for fiscal year 2010 shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA–LU (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(2) FISCAL YEAR 2011.—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as ¼ of the total amount of funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA–LU (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(3) CALCULATION.—The amounts authorized to be appropriated under subsection (b) shall be calculated without regard to any rescission or cancellation of funds or contract authority for fiscal year 2009 under the SAFETEA–LU (119 Stat. 1144) or any other law.

(4) CONTRACT AUTHORITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds authorized to be appropriated under this section shall be available for obligation and shall be administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and—

(i) for fiscal year 2010, shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010 or a portion of that fiscal year; and

(ii) for the period beginning on October 1, 2010, and ending on December 31, 2010, shall be subject to a limitation on obligations included in an Act making appropriations for fiscal year 2011 or a portion of that fiscal year, except that during such period obligations subject to such limitation shall not exceed ¼ of the limitation on obligations included in an Act making appropriations for fiscal year 2011.

(B) EXCEPTIONS.—A limitation on obligations described in clause (i) or (ii) of subparagraph (A) shall not apply to any obligation under—

(i) section 125 of title 23, United States Code; or

(ii) section 105 of title 23, United States Code—

(I) for fiscal year 2010, only in an amount equal to $639,000,000; and

(II) for the period beginning on October 1, 2010, and ending on December 31, 2010, only in an amount equal to $159,750,000.

(5) CALCULATIONS FOR DISTRIBUTION OF OBLIGATION LIMITATION.—Upon enactment of an Act making appropriations for the Department of Transportation for fiscal year 2011 (other than an Act or resolution making continuing appropriations), the Secretary shall—

(A) as necessary for purposes of making the calculations for the distribution of any obligation limitation under such Act, annualize the amount of contract authority provided under this Act for Federal-aid highways and highway safety construction programs; and

(B) multiply the resulting distribution of any obligation limitation under such Act by ¼.

(d) EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.—

(1) FISCAL YEAR 2010.—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a State under subsection (b)(1) determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA–LU (119 Stat. 1198, 1204, 1217, 1256, and 1485), and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2009; bears to

(ii) the amount apportioned to the State for fiscal year 2009 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of the SAFETEA–LU (119 Stat. 1217; 122 Stat. 1577).

(2) FISCAL YEAR 2011.—Notwithstanding any other provision of law, for the period beginning on October 1, 2010, and ending on December 31, 2010, the portion of the share of funds of a State under subsection (b)(2) determined by ¼ of the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA–LU (119 Stat. 1198, 1204, 1217, 1256, and 1485) and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2009; bears to

(ii) the amount apportioned to the State for fiscal year 2009 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of the SAFETEA–LU (119 Stat. 1217; 122 Stat. 1577).

(3) TERRITORIES AND PUERTO RICO.—

(A) FISCAL YEAR 2010.—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(1) determined by the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA–LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(B) FISCAL YEAR 2011.—Notwithstanding any other provision of law, for the period beginning on October 1, 2010, and ending on December 31, 2010, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(2) determined by ¼ of the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA–LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(C) TERRITORY DEFINED.—In this paragraph, the term ''territory'' means any of the following territories of the United States: American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the United States Virgin Islands.

(4) ADDITIONAL FUNDS.—

(A) IN GENERAL.—No additional funds shall be provided for any project or activity under subsection (c), or paragraph (1) or (2) of this subsection, that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(B) RESERVATION AND REDISTRIBUTION OF FUNDS.—Funds made available in accordance with paragraph (1) or (2) of subsection (c) or paragraph (1) or (2) of this subsection for a project or activity described in subparagraph (A) shall be—

(i) reserved by the Secretary of Transportation; and

(ii) distributed to each State in accordance with paragraph (1) or (2) of subsection (c), or paragraph (1) or (2) of this subsection, as appropriate, for use in carrying out other highway projects and activities extended by subsection (c) or this subsection, in the proportion that—

(I) the total amount of funds made available for fiscal year 2009 for projects and activities described in subparagraph (A) in the State; bears to

(II) the total amount of funds made available for fiscal year 2009 for those projects and activities in all States.

(e) EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA–LU.—

(1) IN GENERAL.—The programs authorized under paragraphs (1) through (5) of section

5101(a) of the SAFETEA–LU (119 Stat. 1779) shall be continued—

(A) for fiscal year 2010, at the funding levels authorized for those programs for fiscal year 2009; and

(B) for the period beginning on October 1, 2010, and ending on December 31, 2010, at ¼ the funding levels authorized for those programs for fiscal year 2009.

(2) DISTRIBUTION OF FUNDS.—Funds for programs continued under paragraph (1) shall be distributed to major program areas under those programs in the same proportions as funds were allocated for those program areas for fiscal year 2009, except that designations for specific activities shall not be required to be continued for—

(A) fiscal year 2010; or

(B) the period beginning on October 1, 2010, and ending on December 31, 2010.

(3) ADDITIONAL FUNDS.—

(A) IN GENERAL.—No additional funds shall be provided for any project or activity under this subsection that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(B) DISTRIBUTION.—Funds that would have been made available under paragraph (1) for a project or activity but for the prohibition under subparagraph (A) shall be distributed in accordance with paragraph (2).

SEC. 412. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—Notwithstanding any other provision of this Act or any other law, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account), from amounts provided under section 411, for administrative expenses of the Federal-aid highway program—

(1) $422,425,000 for fiscal year 2010; and

(2) $105,606,250 for the period beginning on October 1, 2010, and ending on December 31, 2010.

(b) CONTRACT AUTHORITY.—Funds authorized to be appropriated by this section shall be—

(1) available for obligation, and shall be administered, in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; and

(2) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs, except that such funds shall remain available until expended.

SEC. 413. RESCISSION OF UNOBLIGATED BALANCES.

(a) IN GENERAL.—The Secretary of Transportation shall restore funds rescinded pursuant to section 10212 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1937) to the States and to the programs from which the funds were rescinded.

(b) ADMINISTRATION OF FUNDS.—The restored amounts shall be administered in the same manner as the funds originally rescinded, except those funds may only be used with an obligation limitation provided in an Act making appropriations for Federal-aid highways and highway safety construction programs enacted after implementation of the rescission under section 10212 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1937).

(c) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2010 to carry out this section an amount equal to the amount of funds rescinded under section 10212 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1937).

(2) AVAILABILITY FOR OBLIGATION.—Funds authorized to be appropriated by this section shall be—

(A) made available under this section and available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall retain the characteristics of the funds originally rescinded; and

(B) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010 or a portion of the fiscal year.

(d) LIMITATION.—No funds authorized to be restored under this section shall be restored after the end of fiscal year 2010.

SEC. 414. RECONCILIATION OF FUNDS.

The Secretary shall reduce the amount apportioned or allocated for a program, project, or activity under this title by amounts apportioned or allocated pursuant to the Continuing Appropriations Resolution, 2010 (Public Law 111–68).

Subtitle B—National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs

SEC. 421. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of the SAFETEA–LU (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $235,000,000 for fiscal year 2010, and $58,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of the SAFETEA–LU (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $107,329,000 for fiscal year 2010, and $27,061,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 405(a) of title 23, United States Code, is amended—

(A) in paragraph (3), by striking ''6'' and inserting ''8''; and

(B) in paragraph (4)(C), by striking ''fifth and sixth'' and inserting ''fifth through eighth''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(3) of the SAFETEA–LU (119 Stat. 1519) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $25,000,000 for fiscal year 2010, and $6,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of the SAFETEA–LU (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $124,500,000 for fiscal year 2010, and $31,125,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of the SAFETEA–LU (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $34,500,000 for fiscal year 2010, and $8,625,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3)(C), by striking ''fifth, sixth, seventh, and eighth'' and inserting ''fifth through tenth''; and

(B) in subsection (b)(2)(C), by striking ''2008 and 2009'' and inserting ''2008, 2009, 2010, and 2011''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(6) of the SAFETEA–LU (119 Stat. 1519) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $139,000,000 for fiscal year 2010, and $34,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of the SAFETEA–LU (119 Stat. 1520) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $4,078,000 for fiscal year 2010, and $1,029,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 2009(a) of the SAFETEA–LU (23 U.S.C. 402 note) is amended by striking ''2009'' and inserting ''2011''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(8) of the SAFETEA–LU (119 Stat. 1520) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $29,000,000 for fiscal year 2010, and $7,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(i) MOTORCYCLIST SAFETY.—

(1) EXTENSION OF PROGRAM.—Section 2010(d)(1)(B) of the SAFETEA–LU (23 U.S.C. 402 note) is amended by striking ''and fourth'' and inserting ''fourth, fifth, and sixth''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(9) of the SAFETEA–LU (119 Stat. 1520) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $7,000,000 for fiscal year 2010, and $1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 2011(c)(2) of the SAFETEA–LU (23 U.S.C. 405 note) is amended by striking ''fourth fiscal year'' and inserting ''fourth, fifth, and sixth fiscal years''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(10) of the SAFETEA–LU (119 Stat. 1520) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $7,000,000 for fiscal year 2010, and $1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of the SAFETEA–LU (119 Stat. 1520) is amended—

(1) by striking ''and'' the last place it appears; and

(2) by striking ''2009.'' and inserting ''2009, $25,047,000 for fiscal year 2010, and $6,332,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(l) APPLICABILITY OF TITLE 23.—Section 2001(c) of the SAFETEA–LU (119 Stat. 1520) is amended by striking ''2009'' and inserting ''2011''.

(m) DRUG-IMPAIRED DRIVING ENFORCEMENT.—Section 2013(f) of the SAFETEA–LU (23 U.S.C. 403 note) is amended by striking ''2009'' and inserting ''2011''.

(n) OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.—Section 2017 of the SAFETEA–LU is amended—

(1) in subsection (a)(1) (119 Stat. 1541), by striking ''2009'' and inserting ''2011''; and

(2) in subsection (b)(2) (23 U.S.C. 402 note), by striking ''2009'' and inserting ''2011''.

SEC. 422. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) $209,000,000 for fiscal year 2010; and

''(7) $52,679,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking ''and'';

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) ''(F) $239,828,000 for fiscal year 2010; and ''(G) ''(G) $61,036,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(c) GRANT PROGRAMS.—Section 4101(c) of the SAFETEA–LU (119 Stat. 1715) is amended—

(1) in paragraph (1), by striking ''2009.'' and inserting ''2009, and $25,000,000 for fiscal year 2010, and $6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'';

(2) in paragraph (2), by striking ''2009.'' and inserting ''2009, $32,000,000 for fiscal year 2010, and $8,066,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'';

(3) in paragraph (3), by striking ''2009.'' and inserting ''2009, $5,000,000 for fiscal year 2010, and $1,260,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'';

(4) in paragraph (4), by striking ''2009.'' and inserting ''2009, $25,000,000 for fiscal year 2010, and $6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''; and

(5) in paragraph (5), by striking ''2009.'' and inserting ''2009, $3,000,000 for fiscal year 2010, and $756,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k) of title 49, United States Code, is amended by striking ''2009'' in paragraph (2) and inserting ''2009, $15,000,000 for fiscal year 2010, and $3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010''.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by inserting ''(and up to $7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)'' after ''fiscal year''.

(f) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM MODERNIZATION.—Section 4123(d) of the SAFETEA–LU (119 Stat. 1736) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) $8,000,000 for fiscal year 2010; and

''(6) $2,016,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(g) OUTREACH AND EDUCATION.—Section 4127(e) of the SAFETEA–LU (119 Stat. 1741) is amended by striking ''and 2009'' and inserting ''2009, and 2010, and $252,000 to the Federal Motor Carrier Safety Administration, and $756,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2010, and ending on December 31, 2010,''.

(h) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of the SAFETEA–LU (119 Stat. 1744) is amended by striking ''2009'' and inserting ''2009, 2010, and $252,000 for the period beginning on October 1, 2010, and ending on December 31, 2010,''.

(i) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of the SAFETEA–LU (1119 Stat. 1748) is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(j) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of the SAFETEA–LU (49 U.S.C. 14710 note) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2010''.

SEC. 423. ADDITIONAL PROGRAMS.

(a) HAZARDOUS MATERIALS RESEARCH PROJECTS.—Section 7131(c) of the SAFETEA–LU (119 Stat. 1910) is amended by striking ''through 2009'' and inserting ''through 2010, and $315,000 for the period beginning on October 1, 2010, and ending on December 31, 2010,''.

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''2009,'' and inserting ''2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010,''; and

(2) in subsection (b)(1)(A), by striking ''2010,'' and inserting ''and for the period beginning on October 1, 2010, and ending on December 31, 2010,''.

Subtitle C—Public Transportation Programs

SEC. 431. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,''.

SEC. 432. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking ''2009'' and inserting ''2010, AND THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010'';

(2) in subparagraph (A), by striking ''2009,'' and inserting ''2010, and the period beginning October 1, 2010, and ending December 31, 2010,''; and

(3) in subparagraph (E)—

(A) in the subparagraph heading, by striking ''AND 2009'' and inserting ''THROUGH 2010 AND DURING THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010''; and

(B) in the matter preceding clause (i), by striking ''and 2009'' and inserting ''through 2010, and during the period beginning October 1, 2010, and ending December 31, 2010,''.

SEC. 433. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in the heading, by striking ''2009'' and inserting ''2010 AND OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010'';

(B) in the matter preceding subparagraph (A), by striking ''2009'' and inserting ''2010, and during the period beginning October 1, 2010, and ending December 31, 2010,''; and

(C) in subparagraph (A)(i), by striking ''2009'' and inserting ''2010, and $50,000,000 for the period beginning October 1, 2010, and ending December 31, 2010,'';

(2) in paragraph (6)—

(A) in subparagraph (B), by striking ''2009'' and inserting ''2010, and $3,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,''; and

(B) in subparagraph (C), by striking ''2009'' and inserting ''2010, and $1,250,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010,''; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(ii) in the matter preceding subclause (I), as so redesignated, by striking ''$10,000,000'' and all that follows through ''2009'' and inserting the following:

''(i) FISCAL YEARS 2006 THROUGH 2010.—$10,000,000 shall be available in each of fiscal years 2006 through 2010''; and

(iii) by inserting after subclause (VIII), as so redesignated, the following:

''(ii) SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010.—$2,500,000 shall be available in the period beginning October 1, 2010, and ending December 31, 2010, for ferry boats or ferry terminal facilities. The Secretary shall set aside a portion of such amount in accordance with clause (i), except that the Secretary shall set aside 25 percent of each dollar amount specified in subclauses (I) through (VIII).'';''.

(B) in subparagraph (B), by inserting after ''2009.'' the following:

''(v) $13,500,000 for fiscal year 2010.

''(vi) $3,375,000 for the period beginning October 1, 2010, and ending December 31, 2010.'';

(C) in subparagraph (C), by inserting '', and during the period beginning October 1, 2010, and ending December 31, 2010,'' after ''fiscal year'';

(D) in subparagraph (D), by inserting '', and not less than $8,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,'' after ''year''; and

(E) in subparagraph (E), by inserting '', and $750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,'' after ''year''.

SEC. 434. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended by adding at the end the following:

''(E) $15,000,000 for fiscal year 2010.

''(F) $3,750,000 for the period beginning October 1, 2010, and ending December 31, 2010.''.

SEC. 435. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''2009'' and inserting ''2010''; and

(2) by adding at the end the following:

''(g) SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010.—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning October 1, 2010, and ending December 31, 2010, in accordance with subsection (a), except that the Secretary shall apportion 25 percent of each dollar amount specified in subsection (a).''.

SEC. 436. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA AND BUS GRANTS.—Section 5338(b) of title 49, United States Code, is amended—

(1) in paragraph (1)—

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

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(E) $8,360,565,000 for fiscal year 2010; and

''(F) $2,090,141,250 for the period beginning October 1, 2010, and ending December 31, 2010.''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''and $113,500,000 for fiscal year 2009'' and inserting ''$113,500,000 for each of fiscal years 2009 and 2010, and $28,375,000 for the period beginning October 1, 2010, and ending December 31, 2010,'';

(B) in subparagraph (B), by striking ''and $4,160,365,000 for fiscal year 2009'' and inserting ''$4,160,365,000 for each of fiscal years 2009 and 2010, and $1,040,091,250 for the period beginning October 1, 2010, and ending December 31, 2010,'';

(C) in subparagraph (C), by striking ''and $51,500,000 for fiscal year 2009'' and inserting ''$51,500,000 for each of fiscal years 2009 and 2010, and $12,875,000 for the period beginning October 1, 2010, and ending December 31, 2010,'';

(D) in subparagraph (D), by striking ''and $1,666,500,000 for fiscal year 2009'' and inserting ''$1,666,500,000 for each of fiscal years 2009 and 2010, and $416,625,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(E) in subparagraph (E), by striking ''and $984,000,000 for fiscal year 2009'' and inserting ''$984,000,000 for each of fiscal years 2009 and 2010, and $246,000,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(F) in subparagraph (F), by striking ''and $133,500,000 for fiscal year 2009'' and inserting

''$133,500,000 for each of fiscal years 2009 and 2010, and $33,375,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(G) in subparagraph (G), by striking ''and $465,000,000 for fiscal year 2009'' and inserting ''$465,000,000 for each of fiscal years 2009 and 2010, and $116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(H) in subparagraph (H), by striking ''and $164,500,000 for fiscal year 2009'' and inserting ''$164,500,000 for each of fiscal years 2009 and 2010, and $41,125,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(I) in subparagraph (I), by striking ''and $92,500,000 for fiscal year 2009'' and inserting ''$92,500,000 for each of fiscal years 2009 and 2010, and $23,125,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(J) in subparagraph (J), by striking ''and $26,900,000 for fiscal year 2009'' and inserting ''$26,900,000 for each of fiscal years 2009 and 2010, and $6,725,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(K) in subparagraph (K), by striking ''and $3,500,000 for fiscal year 2009'' and inserting ''$3,500,000 for each of fiscal years 2009 and 2010, and $875,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(L) in subparagraph (L), by striking ''and $25,000,000 for fiscal year 2009'' and inserting ''$25,000,000 for each of fiscal years 2009 and 2010, and $6,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(M) in subparagraph (M), by striking ''and $465,000,000 for fiscal year 2009'' and inserting ''$465,000,000 for each of fiscal years 2009 and 2010, and $116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,''; and

(N) in subparagraph (N), by striking ''and $8,800,000 for fiscal year 2009'' and inserting ''$8,800,000 for each of fiscal years 2009 and 2010, and $2,200,000 for the period beginning October 1, 2010 and ending December 31, 2010,''.

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) $2,000,000,000 for fiscal year 2010; and

''(6) $500,000,000 for the period of October 1, 2010 through December 31, 2010.''.

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''and $69,750,000 for fiscal year 2009'' and inserting ''$69,750,000 for each of fiscal years 2009 and 2010, and $17,437,500 for the period beginning October 1, 2010, and ending December 31, 2010''; and

(2) by adding at the end the following:

''(3) ADDITIONAL AUTHORIZATIONS.—

''(A) IN GENERAL.—

''(i) FISCAL YEAR 2010.—Of amounts authorized to be appropriated for fiscal year 2010 under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to the amount allocated for fiscal year 2009 under each such subparagraph.

''(ii) OCTOBER 1, 2010 THROUGH DECEMBER 31, 2010.—Of amounts authorized to be appropriated for the period beginning October 1, 2010, through December 31, 2010, under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 25 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

''(B) UNIVERSITY CENTERS PROGRAM.—

''(i) FISCAL YEAR 2010.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for fiscal year 2010, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to the amount allocated for fiscal year 2009 under each such clause.

''(ii) OCTOBER 1, 2010 THROUGH DECEMBER 31, 2010.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for the period beginning October 1, 2010, and ending December 31, 2010, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 25 percent of the amount allocated for fiscal year 2009 under each such clause.

''(iii) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under clause (i) or (ii) for the project or activity for fiscal year 2010, or any subsequent fiscal year.''.

(d) ADMINISTRATION.—Section 5338(e) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) $98,911,000 for fiscal year 2010; and

''(6) $24,727,750 for the period beginning October 1, 2010, and ending December 31, 2010.''.

SEC. 437. AMENDMENTS TO SAFETEA–LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1572) is amended by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010''.

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of the SAFETEA–LU (49 U.S.C. 5309 note) is amended—

(1) in subsection (c)(5), by striking ''2009'' and inserting ''2010 and the period beginning October 1, 2010, and ending December 31, 2010''; and

(2) in subsection (d), by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010''.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of the SAFETEA–LU (49 U.S.C. 5310 note) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2010''.

(d) OBLIGATION CEILING.—Section 3040 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1639) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) $10,507,752,000 for fiscal year 2010, of which not more than $8,360,565,000 shall be from the Mass Transit Account; and

''(7) $2,626,938,000 for the period beginning October 1, 2010, and ending December 31, 2010, of which not more than $2,090,141,250 shall be from the Mass Transit Account.''.

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,''; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,''.

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046 of the SAFETEA–LU (49 U.S.C. 5338 note) is amended—

(1) in subsection (b), by inserting ''or period'' after ''fiscal year''; and

(2) by adding at the end the following:

''(c) ADDITIONAL APPROPRIATIONS.—The Secretary shall allocate amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title—

''(1) for fiscal year 2010, in amounts equal to the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a); and

''(2) for the period beginning October 1, 2010, and ending December 31, 2010, in amounts equal to 25 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a).

''(d) FUNDING.—If the Secretary determines that a project or activity described in subsection (a) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under subsection (c) for the project or activity for fiscal year 2010, or any subsequent fiscal year.''.

Subtitle D—Revenue Provisions

SEC. 441. REPEAL OF PROVISION PROHIBITING THE CREDITING OF INTEREST TO THE HIGHWAY TRUST FUND.

(a) IN GENERAL.—Paragraph (1) of section 9503(f) is amended by striking subparagraph (B).

(b) CONFORMING AMENDMENTS.—Such paragraph, as amended by paragraph (1), is further amended—

(1) by striking '', and'' at the end of subparagraph (A) and inserting a period; and

(2) by striking ''1998'' in the matter preceding subparagraph (A) and all that follows through ''the opening balance'' and inserting ''1998, the opening balance''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this title.

SEC. 442. RESTORATION OF CERTAIN FOREGONE INTEREST TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Paragraph (2) of section 9503(f) is amended to read as follows:

''(2) RESTORATION OF FOREGONE INTEREST.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

''(A) $14,700,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

''(B) $4,800,000,000 to the Mass Transit Account in the Highway Trust Fund.''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 9503(e) is amended by striking ''this subsection'' and inserting ''this section''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 443. TREATMENT OF CERTAIN AMOUNTS APPROPRIATED TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(f), as amended by this Act, is amended by adding at the end the following new paragraph:

''(4) TREATMENT OF APPROPRIATED AMOUNTS.—Any amount appropriated under this subsection to the Highway Trust Fund shall remain available without fiscal year limitation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 444. TERMINATION OF TRANSFERS FROM HIGHWAY TRUST FUND FOR CERTAIN REPAYMENTS AND CREDITS.

(a) IN GENERAL.—Section 9503(c) is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 9502(a) is amended by striking ''section 9503(c)(7)'' and inserting ''section 9503(c)(5)''.

(2) Section 9503(b)(4)(D) is amended by striking ''paragraph (4)(D) or (5)(B)'' and inserting ''paragraph (3)(D) or (4)(B)''.

(3) Paragraph (2) of section 9503(c), as redesignated by subsection (a), is amended by adding at the end the following new sentence: ''The amounts payable from the Highway Trust Fund under the preceding sentence shall be determined by taking into account only the portion of the taxes which are deposited into the Highway Trust Fund.''.

(4) Section 9503(e)(5)(A) is amended by striking ''(2), (3), and (4)'' and inserting ''(2) and (3)''.

(5) Section 9504(a) is amended by striking ''section 9503(c)(4), section 9503(c)(5)'' and inserting ''section 9503(c)(3), section 9503(c)(4)''.

(6) Section 9504(b)(2) is amended by striking ''section 9503(c)(5)'' and inserting ''section 9503(c)(4)''.

(7) Section 9504(e) is amended by striking ''section 9503(c)(4)'' and inserting section ''9503(c)(3)''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to transfers relating to amounts paid and credits allowed after the date of the enactment of this Act.

SEC. 445. EXTENSION OF AUTHORITY FOR EXPENDITURES.

(a) HIGHWAYS TRUST FUND.—

(1) HIGHWAY ACCOUNT.—Paragraph (1) of section 9503(c) is amended—

(A) by striking ''September 30, 2009 (October 1, 2009'' and inserting ''December 31, 2010 (January 1, 2011''; and

(B) by striking ''under'' and all that follows and inserting ''under the Surface Transportation Extension Act of 2010 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) is amended—

(A) by striking ''October 1, 2009'' and inserting ''January 1, 2011''; and

(B) by striking ''in accordance with'' and all that follows and inserting ''in accordance with the Surface Transportation Extension Act of 2010 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) is amended by striking ''September 30, 2009 (October 1, 2009'' and inserting ''December 31, 2010 (January 1, 2011''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—

(1) IN GENERAL.—Paragraph (2) of section 9504(b) is amended—

(A) by striking ''(as in effect'' in subparagraph (A) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010),'',

(B) by striking ''(as in effect'' in subparagraph (B) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010), and'', and

(C) by striking ''(as in effect'' in subparagraph (C) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010).''.

(2) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) is amended by striking ''October 1, 2009'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2009.

SEC. 446. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—Section 8003(a) of the SAFETEA–LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) for the period beginning on October 1, 2009, and ending on September 30, 2010, $42,469,970,178.

''(7) for the period beginning on October 1, 2010, and ending on December 31, 2010, $10,617,492,545.''.

(b) MASS TRANSIT CATEGORY.—Section 8003(b) of the SAFETEA–LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) for the period beginning on October 1, 2009, and ending on December 31, 2010, $10,338,065,000.

''(7) for the period beginning on October 1, 2010, and ending on December 31, 2010, $2,584,516,250.''.

(c) TREATMENT OF FUNDS.—No adjustment pursuant to section 110 of title 23, United States Code, shall be made for fiscal year 2010 or fiscal year 2011.

TITLE V—OFFSET PROVISIONS

Subtitle A—Foreign Account Tax Compliance

PART I—INCREASED DISCLOSURE OF BENEFICIAL OWNERS

SEC. 501. REPORTING ON CERTAIN FOREIGN ACCOUNTS.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after chapter 3 the following new chapter:

''CHAPTER 4—TAXES TO ENFORCE REPORTING ON CERTAIN FOREIGN ACCOUNTS

''SEC. 1471. WITHHOLDABLE PAYMENTS TO FOREIGN FINANCIAL INSTITUTIONS.

''(a) IN GENERAL.—In the case of any withholdable payment to a foreign financial institution which does not meet the requirements of subsection (b), the withholding agent with respect to such payment shall deduct and withhold from such payment a tax equal to 30 percent of the amount of such payment.

''(b) REPORTING REQUIREMENTS, ETC.—

''(1) IN GENERAL.—The requirements of this subsection are met with respect to any foreign financial institution if an agreement is in effect between such institution and the Secretary under which such institution agrees—

''(A) to obtain such information regarding each holder of each account maintained by such institution as is necessary to determine which (if any) of such accounts are United States accounts,

''(B) to comply with such verification and due diligence procedures as the Secretary may require with respect to the identification of United States accounts,

''(C) in the case of any United States account maintained by such institution, to report on an annual basis the information described in subsection (c) with respect to such account,

''(D) to deduct and withhold a tax equal to 30 percent of—

''(i) any passthru payment which is made by such institution to a recalcitrant account holder or another foreign financial institution which does not meet the requirements of this subsection, and

''(ii) in the case of any passthru payment which is made by such institution to a foreign financial institution which has in effect an election under paragraph (3) with respect to such payment, so much of such payment as is allocable to accounts held by recalcitrant account holders or foreign financial institutions which do not meet the requirements of this subsection,

''(E) to comply with requests by the Secretary for additional information with respect to any United States account maintained by such institution, and

''(F) in any case in which any foreign law would (but for a waiver described in clause (i)) prevent the reporting of any information referred to in this subsection or subsection (c) with respect to any United States account maintained by such institution—

''(i) to attempt to obtain a valid and effective waiver of such law from each holder of such account, and

''(ii) if a waiver described in clause (i) is not obtained from each such holder within a reasonable period of time, to close such account.

Any agreement entered into under this subsection may be terminated by the Secretary upon a determination by the Secretary that the foreign financial institution is out of compliance with such agreement.

''(2) FINANCIAL INSTITUTIONS DEEMED TO MEET REQUIREMENTS IN CERTAIN CASES.—A foreign financial institution may be treated by the Secretary as meeting the requirements of this subsection if—

''(A) such institution—

''(i) complies with such procedures as the Secretary may prescribe to ensure that such institution does not maintain United States accounts, and

''(ii) meets such other requirements as the Secretary may prescribe with respect to accounts of other foreign financial institutions maintained by such institution, or

''(B) such institution is a member of a class of institutions with respect to which the Secretary has determined that the application of this section is not necessary to carry out the purposes of this section.

''(3) ELECTION TO BE WITHHELD UPON RATHER THAN WITHHOLD ON PAYMENTS TO RECALCITRANT ACCOUNT HOLDERS AND NONPARTICIPATING FOREIGN FINANCIAL INSTITUTIONS.—In the case of a foreign financial institution which meets the requirements of this subsection and such other requirements as the Secretary may provide and which elects the application of this paragraph—

''(A) the requirements of paragraph (1)(D) shall not apply,

''(B) the withholding tax imposed under subsection (a) shall apply with respect to any withholdable payment to such institution to the extent such payment is allocable to accounts held by recalcitrant account holders or foreign financial institutions which do not meet the requirements of this subsection, and

''(C) the agreement described in paragraph (1) shall—

''(i) require such institution to notify the withholding agent with respect to each such payment of the institution's election under this paragraph and such other information as may be necessary for the withholding agent to determine the appropriate amount to deduct and withhold from such payment, and

''(ii) include a waiver of any right under any treaty of the United States with respect to any amount deducted and withheld pursuant to an election under this paragraph.

To the extent provided by the Secretary, the election under this paragraph may be made with respect to certain classes or types of accounts of the foreign financial institution.

''(c) INFORMATION REQUIRED TO BE REPORTED ON UNITED STATES ACCOUNTS.—

''(1) IN GENERAL.—The agreement described in subsection (b) shall require the foreign financial institution to report the following with respect to each United States account maintained by such institution:

''(A) The name, address, and TIN of each account holder which is a specified United States person and, in the case of any account holder which is a United States owned foreign entity, the name, address, and TIN of each substantial United States owner of such entity.

''(B) The account number.

''(C) The account balance or value (determined at such time and in such manner as the Secretary may provide).

''(D) Except to the extent provided by the Secretary, the gross receipts and gross withdrawals or payments from the account (determined for such period and in such manner as the Secretary may provide).

''(2) ELECTION TO BE SUBJECT TO SAME REPORTING AS UNITED STATES FINANCIAL INSTITUTIONS.—In the case of a foreign financial institution which elects the application of this paragraph—

''(A) subparagraphs (C) and (D) of paragraph (1) shall not apply, and

''(B) the agreement described in subsection (b) shall require such foreign financial institution to report such information with respect to each United States account maintained by such institution as such institution would be required to report under sections 6041, 6042, 6045, and 6049 if—

''(i) such institution were a United States person, and

''(ii) each holder of such account which is a specified United States person or United States owned foreign entity were a natural person and citizen of the United States.

An election under this paragraph shall be made at such time, in such manner, and subject to such conditions as the Secretary may provide.

''(3) SEPARATE REQUIREMENTS FOR QUALIFIED INTERMEDIARIES.—In the case of a foreign financial institution which is treated as a qualified intermediary by the Secretary for purposes of section 1441 and the regulations issued thereunder, the requirements of this section shall be in addition to any reporting or other requirements imposed by the Secretary for purposes of such treatment.

''(d) DEFINITIONS.—For purposes of this section—

''(1) UNITED STATES ACCOUNT.—

''(A) IN GENERAL.—The term 'United States account' means any financial account which is held by one or more specified United States persons or United States owned foreign entities.

''(B) EXCEPTION FOR CERTAIN ACCOUNTS HELD BY INDIVIDUALS.—Unless the foreign financial institution elects to not have this subparagraph apply, such term shall not include any depository account maintained by such financial institution if—

''(i) each holder of such account is a natural person, and

''(ii) with respect to each holder of such account, the aggregate value of all depository accounts held (in whole or in part) by such holder and maintained by the same financial institution which maintains such account does not exceed $50,000.

To the extent provided by the Secretary, financial institutions which are members of the same expanded affiliated group shall be treated for purposes of clause (ii) as a single financial institution.

''(C) ELIMINATION OF DUPLICATIVE REPORTING REQUIREMENTS.—Such term shall not include any financial account in a foreign financial institution if—

''(i) such account is held by another financial institution which meets the requirements of subsection (b), or

''(ii) the holder of such account is otherwise subject to information reporting requirements which the Secretary determines would make the reporting required by this section with respect to United States accounts duplicative.

''(2) FINANCIAL ACCOUNT.—Except as otherwise provided by the Secretary, the term 'financial account' means, with respect to any financial institution—

''(A) any depository account maintained by such financial institution,

''(B) any custodial account maintained by such financial institution, and

''(C) any equity or debt interest in such financial institution (other than interests which are regularly traded on an established securities market).

Any equity or debt interest which constitutes a financial account under subparagraph (C) with respect to any financial institution shall be treated for purposes of this section as maintained by such financial institution.

''(3) UNITED STATES OWNED FOREIGN ENTITY.—The term 'United States owned foreign entity' means any foreign entity which has one or more substantial United States owners.

''(4) FOREIGN FINANCIAL INSTITUTION.—The term 'foreign financial institution' means any financial institution which is a foreign entity. Except as otherwise provided by the Secretary, such term shall not include a financial institution which is organized under the laws of any possession of the United States.

''(5) FINANCIAL INSTITUTION.—Except as otherwise provided by the Secretary, the term 'financial institution' means any entity that—

''(A) accepts deposits in the ordinary course of a banking or similar business,

''(B) as a substantial portion of its business, holds financial assets for the account of others, or

''(C) is engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in securities (as defined in section 475(c)(2) without regard to the last sentence thereof), partnership interests, commodities (as defined in section 475(e)(2)), or any interest (including a futures or forward contract or option) in such securities, partnership interests, or commodities.

''(6) RECALCITRANT ACCOUNT HOLDER.—The term 'recalcitrant account holder' means any account holder which—

''(A) fails to comply with reasonable requests for the information referred to in subsection (b)(1)(A) or (c)(1)(A), or

''(B) fails to provide a waiver described in subsection (b)(1)(F) upon request.

''(7) PASSTHRU PAYMENT.—The term 'passthru payment' means any withholdable payment or other payment to the extent attributable to a withholdable payment.

''(e) AFFILIATED GROUPS.—

''(1) IN GENERAL.—The requirements of subsections (b) and (c)(1) shall apply—

''(A) with respect to United States accounts maintained by the foreign financial institution, and

''(B) except as otherwise provided by the Secretary, with respect to United States accounts maintained by each other foreign financial institution (other than any foreign financial institution which meets the requirements of subsection (b)) which is a member of the same expanded affiliated group as such foreign financial institution.

''(2) EXPANDED AFFILIATED GROUP.—For purposes of this section, the term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

''(A) by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears, and

''(B) without regard to paragraphs (2) and (3) of section 1504(b).

A partnership or any other entity (other than a corporation) shall be treated as a member of an expanded affiliated group if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(f) EXCEPTION FOR CERTAIN PAYMENTS.—Subsection (a) shall not apply to any payment to the extent that the beneficial owner of such payment is—

''(1) any foreign government, any political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

''(2) any international organization or any wholly owned agency or instrumentality thereof,

''(3) any foreign central bank of issue, or

''(4) any other class of persons identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion.

''SEC. 1472. WITHHOLDABLE PAYMENTS TO OTHER FOREIGN ENTITIES.

''(a) IN GENERAL.—In the case of any withholdable payment to a non-financial foreign entity, if—

''(1) the beneficial owner of such payment is such entity or any other non-financial foreign entity, and

''(2) the requirements of subsection (b) are not met with respect to such beneficial owner,

then the withholding agent with respect to such payment shall deduct and withhold from such payment a tax equal to 30 percent of the amount of such payment.

''(b) REQUIREMENTS FOR WAIVER OF WITHHOLDING.—The requirements of this subsection are met with respect to the beneficial owner of a payment if—

''(1) such beneficial owner or the payee provides the withholding agent with either—

''(A) a certification that such beneficial owner does not have any substantial United States owners, or

''(B) the name, address, and TIN of each substantial United States owner of such beneficial owner,

''(2) the withholding agent does not know, or have reason to know, that any information provided under paragraph (1) is incorrect, and

''(3) the withholding agent reports the information provided under paragraph (1)(B) to the Secretary in such manner as the Secretary may provide.

''(c) EXCEPTIONS.—Subsection (a) shall not apply to—

''(1) except as otherwise provided by the Secretary, any payment beneficially owned by—

''(A) any corporation the stock of which is regularly traded on an established securities market,

''(B) any corporation which is a member of the same expanded affiliated group (as defined in section 1471(e)(2) without regard to the last sentence thereof) as a corporation described in subparagraph (A),

''(C) any entity which is organized under the laws of a possession of the United States and which is wholly owned by one or more bona fide residents (as defined in section 937(a)) of such possession,

''(D) any foreign government, any political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

''(E) any international organization or any wholly owned agency or instrumentality thereof,

''(F) any foreign central bank of issue, or

''(G) any other class of persons identified by the Secretary for purposes of this subsection, and

''(2) any class of payments identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion.

''(d) NON-FINANCIAL FOREIGN ENTITY.—For purposes of this section, the term 'non-financial foreign entity' means any foreign entity which is not a financial institution (as defined in section 1471(d)(5)).

''SEC. 1473. DEFINITIONS.

''For purposes of this chapter—

''(1) WITHHOLDABLE PAYMENT.—Except as otherwise provided by the Secretary—

''(A) IN GENERAL.—The term 'withholdable payment' means—

''(i) any payment of interest (including any original issue discount), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, and other fixed or determinable annual or periodical gains, profits, and income, if such payment is from sources within the United States, and

''(ii) any gross proceeds from the sale or other disposition of any property of a type which can produce interest or dividends from sources within the United States.

''(B) EXCEPTION FOR INCOME CONNECTED WITH UNITED STATES BUSINESS.—Such term shall not include any item of income which is taken into account under section 871(b)(1) or 882(a)(1) for the taxable year.

''(C) SPECIAL RULE FOR SOURCING INTEREST PAID BY FOREIGN BRANCHES OF DOMESTIC FINANCIAL INSTITUTIONS.—Subparagraph (B) of section 861(a)(1) shall not apply.

''(2) SUBSTANTIAL UNITED STATES OWNER.—

''(A) IN GENERAL.—The term 'substantial United States owner' means—

''(i) with respect to any corporation, any specified United States person which owns, directly or indirectly, more than 10 percent of the stock of such corporation (by vote or value),

''(ii) with respect to any partnership, any specified United States person which owns, directly or indirectly, more than 10 percent of the profits interests or capital interests in such partnership, and

''(iii) in the case of a trust—

''(I) any specified United States person treated as an owner of any portion of such trust under subpart E of part I of subchapter J of chapter 1, and

''(II) to the extent provided by the Secretary in regulations or other guidance, any specified United States person which holds, directly or indirectly, more than 10 percent of the beneficial interests of such trust.

''(B) SPECIAL RULE FOR INVESTMENT VEHICLES.—In the case of any financial institution described in section 1471(d)(5)(C), clauses (i), (ii), and (iii) of subparagraph (A) shall be applied by substituting '0 percent' for '10 percent'.

''(3) SPECIFIED UNITED STATES PERSON.—Except as otherwise provided by the Secretary, the term 'specified United States person' means any United States person other than—

''(A) any corporation the stock of which is regularly traded on an established securities market,

''(B) any corporation which is a member of the same expanded affiliated group (as defined in section 1471(e)(2) without regard to the last sentence thereof) as a corporation the stock of which is regularly traded on an established securities market,

''(C) any organization exempt from taxation under section 501(a) or an individual retirement plan,

''(D) the United States or any wholly owned agency or instrumentality thereof,

''(E) any State, the District of Columbia, any possession of the United States, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing,

''(F) any bank (as defined in section 581),

''(G) any real estate investment trust (as defined in section 856),

''(H) any regulated investment company (as defined in section 851),

''(I) any common trust fund (as defined in section 584(a)), and

''(J) any trust which—

''(i) is exempt from tax under section 664(c), or

''(ii) is described in section 4947(a)(1).

''(4) WITHHOLDING AGENT.—The term 'withholding agent' means all persons, in whatever capacity acting, having the control, receipt, custody, disposal, or payment of any withholdable payment.

''(5) FOREIGN ENTITY.—The term 'foreign entity' means any entity which is not a United States person.

''SEC. 1474. SPECIAL RULES.

''(a) LIABILITY FOR WITHHELD TAX.—Every person required to deduct and withhold any tax under this chapter is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this chapter.

''(b) CREDITS AND REFUNDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the determination of whether any tax deducted and withheld under this chapter results in an overpayment by the beneficial owner of the payment to which such tax is attributable shall be made as if such tax had been deducted and withheld under subchapter A of chapter 3.

''(2) SPECIAL RULE WHERE FOREIGN FINANCIAL INSTITUTION IS BENEFICIAL OWNER OF PAYMENT.—

''(A) IN GENERAL.—In the case of any tax properly deducted and withheld under section 1471 from a specified financial institution payment—

''(i) if the foreign financial institution referred to in subparagraph (B) with respect to such payment is entitled to a reduced rate of tax with respect to such payment by reason of any treaty obligation of the United States—

''(I) the amount of any credit or refund with respect to such tax shall not exceed the amount of credit or refund attributable to such reduction in rate, and

''(II) no interest shall be allowed or paid with respect to such credit or refund, and

''(ii) if such foreign financial institution is not so entitled, no credit or refund shall be allowed or paid with respect to such tax.

''(B) SPECIFIED FINANCIAL INSTITUTION PAYMENT.—The term 'specified financial institution payment' means any payment if the beneficial owner of such payment is a foreign financial institution.

''(3) REQUIREMENT TO IDENTIFY SUBSTANTIAL UNITED STATES OWNERS.—No credit or refund shall be allowed or paid with respect to any tax properly deducted and withheld under this chapter unless the beneficial owner of the payment provides the Secretary such information as the Secretary may require to determine whether such beneficial owner is a United States owned foreign entity (as defined in section 1471(d)(3)) and the identity of any substantial United States owners of such entity.

''(c) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—For purposes of this chapter, rules similar to the rules of section 3406(f) shall apply.

''(2) DISCLOSURE OF LIST OF PARTICIPATING FOREIGN FINANCIAL INSTITUTIONS PERMITTED.—The identity of a foreign financial institution which meets the requirements of section 1471(b) shall not be treated as return information for purposes of section 6103.

''(d) COORDINATION WITH OTHER WITHHOLDING PROVISIONS.—The Secretary shall provide for the coordination of this chapter with other withholding provisions under this title, including providing for the proper crediting of amounts deducted and withheld under this chapter against amounts required to be deducted and withheld under such other provisions.

''(e) TREATMENT OF WITHHOLDING UNDER AGREEMENTS.—Any tax deducted and withheld pursuant to an agreement described in section 1471(b) shall be treated for purposes of this title as a tax deducted and withheld by a withholding agent under section 1471(a).

''(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of, and prevent the avoidance of, this chapter.''.

(b) SPECIAL RULE FOR INTEREST ON OVERPAYMENTS.—Subsection (e) of section 6611 is amended by adding at the end the following new paragraph:

''(4) CERTAIN WITHHOLDING TAXES.—In the case of any overpayment resulting from tax deducted and withheld under chapter 3 or 4, paragraphs (1), (2), and (3) shall be applied by substituting '180 days' for '45 days' each place it appears.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 6414 is amended by inserting ''or 4'' after ''chapter 3''.

(2) Paragraph (1) of section 6501(b) is amended by inserting ''4,'' after ''chapter 3,''.

(3) Paragraph (2) of section 6501(b) is amended—

(A) by inserting ''4,'' after ''chapter 3,'' in the text thereof, and

(B) by striking ''TAXES AND TAX IMPOSED BY CHAPTER 3'' in the heading thereof and inserting ''AND WITHHOLDING TAXES''.

(4) Paragraph (3) of section 6513(b) is amended—

(A) by inserting ''or 4'' after ''chapter 3'', and

(B) by inserting ''or 1474(b)'' after ''section 1462''.

(5) Subsection (c) of section 6513 is amended by inserting ''4,'' after ''chapter 3,''.

(6) Paragraph (1) of section 6724(d) is amended by inserting ''under chapter 4 or'' after ''filed with the Secretary'' in the last sentence thereof.

(7) Paragraph (2) of section 6724(d) is amended by inserting ''or 4'' after ''chapter 3''.

(8) The table of chapters of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''CHAPTER 4. TAXES TO ENFORCE REPORTING ON CERTAIN FOREIGN ACCOUNTS.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to payments made after December 31, 2012.

(2) GRANDFATHERED TREATMENT OF OUTSTANDING OBLIGATIONS.—The amendments made by this section shall not require any amount to be deducted or withheld from any payment under any obligation outstanding on the date which is 2 years after the date of the enactment of this Act or from the gross proceeds from any disposition of such an obligation.

(3) INTEREST ON OVERPAYMENTS.—The amendment made by subsection (b) shall apply—

(A) in the case of such amendment's application to paragraph (1) of section 6611(e) of the Internal Revenue Code of 1986, to returns the due date for which (determined without regard to extensions) is after the date of the enactment of this Act,

(B) in the case of such amendment's application to paragraph (2) of such section, to claims for credit or refund of any overpayment filed after the date of the enactment of this Act (regardless of the taxable period to which such refund relates), and

(C) in the case of such amendment's application to paragraph (3) of such section, to refunds paid after the date of the enactment of this Act (regardless of the taxable period to which such refund relates).

SEC. 502. REPEAL OF CERTAIN FOREIGN EXCEPTIONS TO REGISTERED BOND REQUIREMENTS.

(a) REPEAL OF EXCEPTION TO DENIAL OF DEDUCTION FOR INTEREST ON NON-REGISTERED BONDS.—

(1) IN GENERAL.—Paragraph (2) of section 163(f) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (2) of section 149(a) is amended by inserting ''or'' at the end of subparagraph (A), by striking '', or'' at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(B) Subparagraph (A) of section 163(f)(2) is amended by inserting ''or'' at the end of clause (ii), by striking '', or'' at the end of clause (iii) and inserting a period, and by striking clause (iv).

(C) Subparagraph (B) of section 163(f)(2), as redesignated by paragraph (1), is amended—

(i) by striking '', and subparagraph (B),'' in the matter preceding clause (i), and

(ii) by amending clause (i) to read as follows:

''(i) such obligation is of a type which the Secretary has determined by regulations to be used frequently in avoiding Federal taxes, and''.

(D) Sections 165(j)(2)(A) and 1287(b)(1) are each amended by striking ''except that clause (iv) of subparagraph (A), and subparagraph (B), of such section shall not apply''.

(b) REPEAL OF TREATMENT AS PORTFOLIO DEBT.—

(1) IN GENERAL.—Paragraph (2) of section 871(h) is amended to read as follows:

''(2) PORTFOLIO INTEREST.—For purposes of this subsection, the term 'portfolio interest' means any interest (including original issue discount) which—

''(A) would be subject to tax under subsection (a) but for this subsection, and

''(B) is paid on an obligation—

''(i) which is in registered form, and

''(ii) with respect to which—

''(I) the United States person who would otherwise be required to deduct and withhold tax from such interest under section 1441(a) receives a statement (which meets the requirements of paragraph (5)) that the beneficial owner of the obligation is not a United States person, or

''(II) the Secretary has determined that such a statement is not required in order to carry out the purposes of this subsection.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 871(h)(3)(A) is amended by striking ''subparagraph (A) or (B) of''.

(B) Paragraph (2) of section 881(c) is amended to read as follows:

''(2) PORTFOLIO INTEREST.—For purposes of this subsection, the term 'portfolio interest' means any interest (including original issue discount) which—

''(A) would be subject to tax under subsection (a) but for this subsection, and

''(B) is paid on an obligation—

''(i) which is in registered form, and

''(ii) with respect to which—

''(I) the person who would otherwise be required to deduct and withhold tax from such interest under section 1442(a) receives a statement which meets the requirements of section 871(h)(5) that the beneficial owner of the obligation is not a United States person, or

''(II) the Secretary has determined that such a statement is not required in order to carry out the purposes of this subsection.''.

(c) DEMATERIALIZED BOOK ENTRY SYSTEMS TREATED AS REGISTERED FORM.—Paragraph (3) of section 163(f) is amended by inserting '', except that a dematerialized book entry system or other book entry system specified by the Secretary shall be treated as a book entry system described in such section'' before the period at the end.

(d) REPEAL OF EXCEPTION TO REQUIREMENT THAT TREASURY OBLIGATIONS BE IN REGISTERED FORM.—

(1) IN GENERAL.—Subsection (g) of section 3121 of title 31, United States Code, is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Paragraph (1) of section 3121(g) of such title is amended—

(A) by adding ''or'' at the end of subparagraph (A),

(B) by striking ''; or'' at the end of subparagraph (B) and inserting a period, and

(C) by striking subparagraph (C).

(e) PRESERVATION OF EXCEPTION FOR EXCISE TAX PURPOSES.—Paragraph (1) of section 4701(b) is amended to read as follows:

''(1) REGISTRATION-REQUIRED OBLIGATION.—

''(A) IN GENERAL.—The term 'registration-required obligation' has the same meaning as when used in section 163(f), except that such term shall not include any obligation which—

''(i) is required to be registered under section 149(a), or

''(ii) is described in subparagraph (B).

''(B) CERTAIN OBLIGATIONS NOT INCLUDED.—An obligation is described in this subparagraph if—

''(i) there are arrangements reasonably designed to ensure that such obligation will be sold (or resold in connection with the original issue) only to a person who is not a United States person,

''(ii) interest on such obligation is payable only outside the United States and its possessions, and

''(iii) on the face of such obligation there is a statement that any United States person who holds such obligation will be subject to limitations under the United States income tax laws.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date which is 2 years after the date of the enactment of this Act.

PART II—UNDER REPORTING WITH RESPECT TO FOREIGN ASSETS

SEC. 511. DISCLOSURE OF INFORMATION WITH RESPECT TO FOREIGN FINANCIAL ASSETS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6038C the following new section:

''SEC. 6038D. INFORMATION WITH RESPECT TO FOREIGN FINANCIAL ASSETS.

''(a) IN GENERAL.—Any individual who, during any taxable year, holds any interest in a specified foreign financial asset shall attach to such person's return of tax imposed by subtitle A for such taxable year the information described in subsection (c) with respect to each such asset if the aggregate value of all such assets exceeds $50,000 (or such higher dollar amount as the Secretary may prescribe).

''(b) SPECIFIED FOREIGN FINANCIAL ASSETS.—For purposes of this section, the term 'specified foreign financial asset' means—

''(1) any financial account (as defined in section 1471(d)(2)) maintained by a foreign financial institution (as defined in section 1471(d)(4)), and

''(2) any of the following assets which are not held in an account maintained by a financial institution (as defined in section 1471(d)(5))—

''(A) any stock or security issued by a person other than a United States person,

''(B) any financial instrument or contract held for investment that has an issuer or counterparty which is other than a United States person, and

''(C) any interest in a foreign entity (as defined in section 1473).

''(c) REQUIRED INFORMATION.—The information described in this subsection with respect to any asset is:

''(1) In the case of any account, the name and address of the financial institution in which such account is maintained and the number of such account.

''(2) In the case of any stock or security, the name and address of the issuer and such information as is necessary to identify the class or issue of which such stock or security is a part.

''(3) In the case of any other instrument, contract, or interest—

''(A) such information as is necessary to identify such instrument, contract, or interest, and

''(B) the names and addresses of all issuers and counterparties with respect to such instrument, contract, or interest.

''(4) The maximum value of the asset during the taxable year.

''(d) PENALTY FOR FAILURE TO DISCLOSE.—

''(1) IN GENERAL.—If any individual fails to furnish the information described in subsection (c) with respect to any taxable year at the time and in the manner described in subsection (a), such person shall pay a penalty of $10,000.

''(2) INCREASE IN PENALTY WHERE FAILURE CONTINUES AFTER NOTIFICATION.—If any failure described in paragraph (1) continues for more than 90 days after the day on which the Secretary mails notice of such failure to the individual, such individual shall pay a penalty (in addition to the penalties under paragraph (1)) of $10,000 for each 30-day period (or fraction thereof) during which such failure continues after the expiration of such 90-day period. The penalty imposed under this paragraph with respect to any failure shall not exceed $50,000.

''(e) PRESUMPTION THAT VALUE OF SPECIFIED FOREIGN FINANCIAL ASSETS EXCEEDS DOLLAR THRESHOLD.—If—

''(1) the Secretary determines that an individual has an interest in one or more specified foreign financial assets, and

''(2) such individual does not provide sufficient information to demonstrate the aggregate value of such assets,

then the aggregate value of such assets shall be treated as being in excess of $50,000 (or such higher dollar amount as the Secretary prescribes for purposes of subsection (a)) for purposes of assessing the penalties imposed under this section.

''(f) APPLICATION TO CERTAIN ENTITIES.—To the extent provided by the Secretary in regulations or other guidance, the provisions of this section shall apply to any domestic entity which is formed or availed of for purposes of holding, directly or indirectly, specified foreign financial assets, in the same manner as if such entity were an individual.

''(g) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by this section on any failure which is shown to be due to reasonable cause and not due to willful neglect. The fact that a foreign jurisdiction would impose a civil or criminal penalty on the taxpayer (or any other person) for disclosing the required information is not reasonable cause.

''(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide appropriate exceptions from the application of this section in the case of—

''(1) classes of assets identified by the Secretary, including any assets with respect to which the Secretary determines that disclosure under this section would be duplicative of other disclosures,

''(2) nonresident aliens, and

''(3) bona fide residents of any possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6038C the following new item:

''Sec. 6038D. Information with respect to foreign financial assets.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 512. PENALTIES FOR UNDERPAYMENTS ATTRIBUTABLE TO UNDISCLOSED FOREIGN FINANCIAL ASSETS.

(a) IN GENERAL.—Section 6662, as amended by this Act, is amended—

(1) in subsection (b), by inserting after paragraph (6) the following new paragraph:

''(7) Any undisclosed foreign financial asset understatement.'', and

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

''(j) UNDISCLOSED FOREIGN FINANCIAL ASSET UNDERSTATEMENT.—

''(1) IN GENERAL.—For purposes of this section, the term 'undisclosed foreign financial asset understatement' means, for any taxable year, the portion of the understatement for such taxable year which is attributable to any transaction involving an undisclosed foreign financial asset.

''(2) UNDISCLOSED FOREIGN FINANCIAL ASSET.—For purposes of this subsection, the term 'undisclosed foreign financial asset' means, with respect to any taxable year, any asset with respect to which information was required to be provided under section 6038, 6038B, 6038D, 6046A, or 6048 for such taxable year but was not provided by the taxpayer as required under the provisions of those sections.

''(3) INCREASE IN PENALTY FOR UNDISCLOSED FOREIGN FINANCIAL ASSET UNDERSTATEMENTS.—In the case of any portion of an underpayment which is attributable to any undisclosed foreign financial asset understatement, subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 513. MODIFICATION OF STATUTE OF LIMITATIONS FOR SIGNIFICANT OMISSION OF INCOME IN CONNECTION WITH FOREIGN ASSETS.

(a) EXTENSION OF STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 6501(e) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) GENERAL RULE.—If the taxpayer omits from gross income an amount properly includible therein and—

''(i) such amount is in excess of 25 percent of the amount of gross income stated in the return, or

''(ii) such amount—

''(I) is attributable to one or more assets with respect to which information is required to be reported under section 6038D (or would be so required if such section were applied without regard to the dollar threshold specified in subsection (a) thereof and without regard to any exceptions provided pursuant to subsection (h)(1) thereof), and

''(II) is in excess of $5,000,

the tax may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the return was filed.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 6501(e)(1), as redesignated by paragraph (1), is amended by striking all that precedes clause (i) and inserting the following:

''(B) DETERMINATION OF GROSS INCOME.—For purposes of subparagraph (A)—''.

(B) Paragraph (2) of section 6229(c) is amended by striking ''which is in excess of 25 percent of the amount of gross income stated in its return'' and inserting ''and such amount is described in clause (i) or (ii) of section 6501(e)(1)(A)''.

(b) ADDITIONAL REPORTS SUBJECT TO EXTENDED PERIOD.—Paragraph (8) of section 6501(c) is amended—

(1) by inserting ''pursuant to an election under section 1295(b) or'' before ''under section 6038'',

(2) by inserting ''1298(f),'' before ''6038'', and

(3) by inserting ''6038D,'' after ''6038B,''.

(c) CLARIFICATIONS RELATED TO FAILURE TO DISCLOSE FOREIGN TRANSFERS.—Paragraph (8) of section 6501(c) is amended by striking ''event'' and inserting ''tax return, event,''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) returns filed after the date of the enactment of this Act; and

(2) returns filed on or before such date if the period specified in section 6501 of the Internal Revenue Code of 1986 (determined without regard to such amendments) for assessment of such taxes has not expired as of such date.

PART III—OTHER DISCLOSURE PROVISIONS

SEC. 521. REPORTING OF ACTIVITIES WITH RESPECT TO PASSIVE FOREIGN INVESTMENT COMPANIES.

(a) IN GENERAL.—Section 1298 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) REPORTING REQUIREMENT.—Except as otherwise provided by the Secretary, each United States person who is a shareholder of a passive foreign investment company shall file an annual report containing such information as the Secretary may require.''.

(b) CONFORMING AMENDMENT.—Subsection (e) of section 1291 is amended by striking '', (d), and (f)'' and inserting ''and (d)''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

SEC. 522. SECRETARY PERMITTED TO REQUIRE FINANCIAL INSTITUTIONS TO FILE CERTAIN RETURNS RELATED TO WITHHOLDING ON FOREIGN TRANSFERS ELECTRONICALLY.

(a) IN GENERAL.—Subsection (e) of section 6011 is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR RETURNS FILED BY FINANCIAL INSTITUTIONS WITH RESPECT TO WITHHOLDING ON FOREIGN TRANSFERS.—The numerical limitation under paragraph (2)(A) shall not apply to any return filed by a financial institution (as defined in section 1471(d)(5)) with respect to tax for which such institution is made liable under section 1461 or 1474(a).''.

(b) CONFORMING AMENDMENT.—Subsection (c) of section 6724 is amended by inserting ''or with respect to a return described in section 6011(e)(4)'' before the end period.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for which (determined without regard to extensions) is after the date of the enactment of this Act.

PART IV—PROVISIONS RELATED TO FOREIGN TRUSTS

SEC. 531. CLARIFICATIONS WITH RESPECT TO FOREIGN TRUSTS WHICH ARE TREATED AS HAVING A UNITED STATES BENEFICIARY.

(a) IN GENERAL.—Paragraph (1) of section 679(c) is amended by adding at the end the following:

''For purposes of subparagraph (A), an amount shall be treated as accumulated for the benefit of a United States person even if the United States person's interest in the trust is contingent on a future event.''.

(b) CLARIFICATION REGARDING DISCRETION TO IDENTIFY BENEFICIARIES.—Subsection (c) of section 679 is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE IN CASE OF DISCRETION TO IDENTIFY BENEFICIARIES.—For purposes of paragraph (1)(A), if any person has the discretion (by authority given in the trust agreement, by power of appointment, or otherwise) of making a distribution from the trust to, or for the benefit of, any person, such trust shall be treated as having a beneficiary who is a United States person unless—

''(A) the terms of the trust specifically identify the class of persons to whom such distributions may be made, and

''(B) none of those persons are United States persons during the taxable year.''.

(c) CLARIFICATION THAT CERTAIN AGREEMENTS AND UNDERSTANDINGS ARE TERMS OF THE TRUST.—Subsection (c) of section 679, as amended by subsection (b), is amended by adding at the end the following new paragraph:

''(5) CERTAIN AGREEMENTS AND UNDERSTANDINGS TREATED AS TERMS OF THE TRUST.—For purposes of paragraph (1)(A), if any United States person who directly or indirectly transfers property to the trust is directly or indirectly involved in any agreement or understanding (whether written, oral, or otherwise) that may result in the income or corpus of the trust being paid or accumulated to or for the benefit of a United States person, such agreement or understanding shall be treated as a term of the trust.''.

SEC. 532. PRESUMPTION THAT FOREIGN TRUST HAS UNITED STATES BENEFICIARY.

(a) IN GENERAL.—Section 679 is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

''(d) PRESUMPTION THAT FOREIGN TRUST HAS UNITED STATES BENEFICIARY.—If a United States person directly or indirectly transfers property to a foreign trust (other than a trust described in section 6048(a)(3)(B)(ii)), the Secretary may treat such trust as having a United States beneficiary for purposes of applying this section to such transfer unless such person—

''(1) submits such information to the Secretary as the Secretary may require with respect to such transfer, and

''(2) demonstrates to the satisfaction of the Secretary that such trust satisfies the requirements of subparagraphs (A) and (B) of subsection (c)(1).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of property after the date of the enactment of this Act.

SEC. 533. UNCOMPENSATED USE OF TRUST PROPERTY.

(a) IN GENERAL.—Paragraph (1) of section 643(i) is amended—

(1) by striking ''directly or indirectly to'' and inserting ''(or permits the use of any other trust property) directly or indirectly to or by'', and

(2) by inserting ''(or the fair market value of the use of such property)'' after ''the amount of such loan''.

(b) EXCEPTION FOR COMPENSATED USE.—Paragraph (2) of section 643(i) is amended by adding at the end the following new subparagraph:

''(E) EXCEPTION FOR COMPENSATED USE OF PROPERTY.—In the case of the use of any trust property other than a loan of cash or marketable securities, paragraph (1) shall not apply to the extent that the trust is paid the fair market value of such use within a reasonable period of time of such use.''.

(c) APPLICATION TO GRANTOR TRUSTS.—Subsection (c) of section 679, as amended by this Act, is amended by adding at the end the following new paragraph:

''(6) UNCOMPENSATED USE OF TRUST PROPERTY TREATED AS A PAYMENT.—For purposes of this subsection, a loan of cash or marketable securities (or the use of any other trust property) directly or indirectly to or by any United States person (whether or not a beneficiary under the terms of the trust) shall be treated as paid or accumulated for the benefit of a United States person. The preceding sentence shall not apply to the extent that the United States person repays the loan at a market rate of interest (or pays the fair market value of the use of such property) within a reasonable period of time.''.

(d) CONFORMING AMENDMENTS.—Paragraph (3) of section 643(i) is amended—

(1) by inserting ''(or use of property)'' after ''If any loan'',

(2) by inserting ''or the return of such property'' before ''shall be disregarded'', and

(3) by striking ''REGARDING LOAN PRINCIPAL'' in the heading thereof.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to loans made, and uses of property, after the date of the enactment of this Act.

SEC. 534. REPORTING REQUIREMENT OF UNITED STATES OWNERS OF FOREIGN TRUSTS.

(a) IN GENERAL.—Paragraph (1) of section 6048(b) is amended by inserting ''shall submit such information as the Secretary may prescribe with respect to such trust for such year and'' before ''shall be responsible to ensure''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 535. MINIMUM PENALTY WITH RESPECT TO FAILURE TO REPORT ON CERTAIN FOREIGN TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 6677 is amended—

(1) by inserting ''the greater of $10,000 or'' before ''35 percent'', and

(2) by striking the last sentence and inserting the following: ''At such time as the gross reportable amount with respect to any failure can be determined by the Secretary, any subsequent penalty imposed under this subsection with respect to such failure shall be reduced as necessary to assure that the aggregate amount of such penalties do not exceed the gross reportable amount (and to the extent that such aggregate amount already exceeds the gross reportable

amount the Secretary shall refund such excess to the taxpayer).''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to notices and returns required to be filed after December 31, 2009.

PART V—SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS

SEC. 541. SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS.

(a) IN GENERAL.—Section 871 is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

''(l) TREATMENT OF DIVIDEND EQUIVALENT PAYMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a), sections 881 and 4948(a), and chapters 3 and 4, a dividend equivalent shall be treated as a dividend from sources within the United States.

''(2) DIVIDEND EQUIVALENT.—For purposes of this subsection, the term 'dividend equivalent' means—

''(A) any substitute dividend made pursuant to a securities lending or a sale-repurchase transaction that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States,

''(B) any payment made pursuant to a specified notional principal contract that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States, and

''(C) any other payment determined by the Secretary to be substantially similar to a payment described in subparagraph (A) or (B).

''(3) SPECIFIED NOTIONAL PRINCIPAL CONTRACT.—For purposes of this subsection, the term 'specified notional principal contract' means—

''(A) any notional principal contract if—

''(i) in connection with entering into such contract, any long party to the contract transfers the underlying security to any short party to the contract,

''(ii) in connection with the termination of such contract, any short party to the contract transfers the underlying security to any long party to the contract,

''(iii) the underlying security is not readily tradable on an established securities market,

''(iv) in connection with entering into such contract, the underlying security is posted as collateral by any short party to the contract with any long party to the contract, or

''(v) such contract is identified by the Secretary as a specified notional principal contract,

''(B) in the case of payments made after the date which is 2 years after the date of the enactment of this subsection, any notional principal contract unless the Secretary determines that such contract is of a type which does not have the potential for tax avoidance.

''(4) DEFINITIONS.—For purposes of paragraph (3)(A)—

''(A) LONG PARTY.—The term 'long party' means, with respect to any underlying security of any notional principal contract, any party to the contract which is entitled to receive any payment pursuant to such contract which is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States with respect to such underlying security.

''(B) SHORT PARTY.—The term 'short party' means, with respect to any underlying security of any notional principal contract, any party to the contract which is not a long party with respect to such underlying security.

''(C) UNDERLYING SECURITY.—The term 'underlying security' means, with respect to any notional principal contract, the security with respect to which the dividend referred to in paragraph (2)(B) is paid. For purposes of this paragraph, any index or fixed basket of securities shall be treated as a single security.

''(5) PAYMENTS DETERMINED ON GROSS BASIS.—For purposes of this subsection, the term 'payment' includes any gross amount which is used in computing any net amount which is transferred to or from the taxpayer.

''(6) PREVENTION OF OVER-WITHHOLDING.—In the case of any chain of dividend equivalents one or more of which is subject to tax under subsection (a) or section 881, the Secretary may reduce such tax, but only to the extent that the taxpayer can establish that such tax has been paid with respect to another dividend equivalent in such chain, or is not otherwise due, or as the Secretary determines is appropriate to address the role of financial intermediaries in such chain. For purposes of this paragraph, a dividend shall be treated as a dividend equivalent.

''(7) COORDINATION WITH CHAPTERS 3 AND 4.—For purposes of chapters 3 and 4, each person that is a party to any contract or other arrangement that provides for the payment of a dividend equivalent shall be treated as having control of such payment.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made on or after the date that is 180 days after the date of the enactment of this Act.

Subtitle B—Delay in Application of Worldwide Allocation of Interest

SEC. 551. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking ''December 31, 2017'' and inserting ''December 31, 2019''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Mr. ETHERIDGE, pursuant to House Resolution 1137, moved to agree to the amendment of the Senate to the House amendment to the amendment of the Senate with the following amendment:

(1) In section 101 of the matter proposed to be inserted by the pending Senate amendment—

(A) In section 3111(d) of the Internal Revenue Code of 1986, as proposed to be added by subsection (a) of such section 101, add at the end the following new paragraph:

''(5) SPECIAL RULE FOR FIRST CALENDAR QUARTER OF 2010.—

''(A) NONAPPLICATION OF EXEMPTION DURING FIRST QUARTER.—Paragraph (1) shall not apply with respect to wages paid during the first calendar quarter of 2010.

''(B) CREDITING OF FIRST QUARTER EXEMPTION DURING SECOND QUARTER.—The amount by which the tax imposed under subsection (a) would (but for subparagraph (A)) have been reduced with respect to wages paid by a qualified employer during the first calendar quarter of 2010 shall be treated as a payment against the tax imposed under subsection (a) with respect to the qualified employer for the second calendar quarter of 2010 which is made on the date that such tax is due.''.

(B) Strike subsection (d) of such section 101 and insert the following new subsections:

(d) APPLICATION TO RAILROAD RETIREMENT TAXES.—

(1) IN GENERAL.—Section 3221 of the Internal Revenue Code of 1986 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) SPECIAL RATE FOR CERTAIN INDIVIDUALS HIRED IN 2010.—

''(1) IN GENERAL.—In the case of compensation paid by a qualified employer during the period beginning on the day after the date of the enactment of this subsection and ending on December 31, 2010, with respect to having a qualified individual in the employer's employ for services rendered to such qualified employer, the applicable percentage under subsection (a) shall be equal to the rate of tax in effect under section 3111(b) for the calendar year.

''(2) QUALIFIED EMPLOYER.—The term 'qualified employer' means any employer other than the United States, any State, or any political subdivision thereof, or any instrumentality of the foregoing.

''(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term 'qualified individual' means any individual who—

''(A) begins employment with a qualified employer after February 3, 2010, and before January 1, 2011,

''(B) certifies by signed affidavit, under penalties of perjury, that such individual has not been employed for more than 40 hours during the 60-day period ending on the date such individual begins such employment,

''(C) is not employed by the qualified employer to replace another employee of such employer unless such other employee separated from employment voluntarily or for cause, and

''(D) is not an individual described in section 51(i)(1) (applied by substituting 'qualified employer' for 'taxpayer' each place it appears).

''(4) ELECTION.—A qualified employer may elect to have this subsection not apply. Such election shall be made in such manner as the Secretary may require.

''(5) SPECIAL RULE FOR FIRST CALENDAR QUARTER OF 2010.—

''(A) NONAPPLICATION OF EXEMPTION DURING FIRST QUARTER.—Paragraph (1) shall not apply with respect to compensation paid during the first calendar quarter of 2010.

''(B) CREDITING OF FIRST QUARTER EXEMPTION DURING SECOND QUARTER.—The amount by which the tax imposed under subsection (a) would (but for subparagraph (A)) have been reduced with respect to compensation paid by a qualified employer during the first calendar quarter of 2010 shall be treated as a payment against the tax imposed under subsection (a) with respect to the qualified employer for the second calendar quarter of 2010 which is made on the date that such tax is due.''.

(2) TRANSFERS TO SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.—There are hereby appropriated to the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraph (1). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Account had such amendments not been enacted.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this subsection shall apply to wages paid after the date of the enactment of this Act.

(2) RAILROAD RETIREMENT TAXES.—The amendments made by subsection (d) shall apply to compensation paid after the date of the enactment of this Act.

(2) In section 102 of the matter proposed to be inserted by the pending Senate amendment—

(A) Strike subsection (a) of such section 102 and insert the following new subsection:

(a) IN GENERAL.—In the case of any taxable year ending after the date of the enactment of this Act, the current year business credit determined under section 38(b) of the Internal Revenue Code of 1986 for such taxable year shall be increased, with respect to each

retained worker with respect to which subsection (b)(2) is first satisfied during such taxable year, by the lesser of—

(1) $1,000, or

(2) 6.2 percent of the wages (as defined in section 3401(a)) paid by the taxpayer to such retained worker during the 52 consecutive week period referred to in subsection (b)(2).

(B) In subsection (b) of such section 102, insert ''or section 3221(c)(3)'' after ''section 3111(d)(3)''.

(C) In subsection (b)(3) of such section 102, insert ''(as defined in section 3401(a))'' after ''wages'' the first place it appears therein.

(D) At the end of such section 102, add the following new subsection:

(d) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the application of this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 against United States income taxes for any taxable year determined under subsection (a) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, rules similar to the rules of section 1001(b)(3)(C) of the American Recovery and Reinvestment Tax Act of 2009 shall apply.

(3) In section 301 of the matter proposed to be inserted by the pending Senate amendment—

(A) In section 6431(f)(1) of the Internal Revenue Code of 1986, as proposed to be added by subsection (a) of such section 301, strike subparagraph (C) and insert the following new subparagraph:

''(C) the amount of the payment determined under subsection (b) with respect to any interest payment due under such bond shall be equal to the lesser of—

''(i) the amount of interest payable under such bond on such date, or

''(ii) the amount of interest which would have been payable under such bond on such date if such interest were determined at the applicable credit rate determined under section 54A(b)(3),''.

(B) In section 6431(f) of the Internal Revenue Code of 1986, as proposed to be added by subsection (a) of such section 301, strike paragraph (2) and insert the following new paragraphs:

''(2) SPECIAL RULE FOR NEW CLEAN RENEWABLE ENERGY BONDS AND QUALIFIED ENERGY CONSERVATION BONDS.—In the case of any specified tax credit bond described in clause (i) or (ii) of paragraph (3)(A), the amount determined under paragraph (1)(C)(ii) shall be 70 percent of the amount so determined without regard to this paragraph and sections 54C(b) and 54D(b).

''(3) SPECIFIED TAX CREDIT BOND.—For purposes of this subsection, the term ''specified tax credit bond'' means any qualified tax credit bond (as defined in section 54A(d)) if—

''(A) such bond is—

''(i) a new clean renewable energy bond (as defined in section 54C),

''(ii) a qualified energy conservation bond (as defined in section 54D),

''(iii) a qualified zone academy bond (as defined in section 54E), or

''(iv) a qualified school construction bond (as defined in section 54F), and

''(B) the issuer of such bond makes an irrevocable election to have this subsection apply.''.

(4) At the end title IV of the matter proposed to be inserted by the pending Senate amendment, add the following:

Subtitle E—Disadvantaged Business Enterprises

SEC. 451. DISADVANTAGED BUSINESS ENTERPRISES.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) SMALL BUSINESS CONCERN.— The term ''small business concern'' has the meaning that term has under section 3 of the Small Business Act (15 U.S.C. 632), except that the term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $22,410,000, as adjusted annually by the Secretary of Transportation for inflation.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term ''socially and economically disadvantaged individuals'' has the meaning that term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this section.

(b) GENERAL RULE.—Except to the extent that the Secretary of Transportation determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, III, and V of SAFETEA–LU (Public Law 109–59), subtitles A and C of this title, and section 403 of title 23, United States Code, shall be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals.

(c) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually—

(1) survey and compile a list of the small business concerns referred to in subsection (a) and the location of the concerns in the State; and

(2) notify the Secretary of Transportation, in writing, of the percentage of the concerns that are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) UNIFORM CERTIFICATION.—The Secretary of Transportation shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this section. The minimum uniform criteria shall include, but not be limited to, on-site visits, personal interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I, III, and V of SAFETEA–LU (Public Law 109–59), subtitles A and C of this title, and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with subsection (b) because a Federal court issues a final order in which the court finds that the requirement of subsection (b), or the program established under subsection (b), is unconstitutional.

(5) In section 551(a) of the matter proposed to be inserted by the pending Senate amendment, strike ''December 31, 2019'' and insert ''December 31, 2020''.

(6) At the end of title V of the matter proposed to be inserted by the pending Senate amendment, add the following new subtitle:

Subtitle C—Budgetary Provisions

SEC. 561. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) the percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 23 percentage points,

(2) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2015 shall be 121.5 percent of such amount,

(3) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2019 shall be 106.5 percent of such amount, and

(4) the amount of the next required installment after an installment referred to in paragraph (2) or (3) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

SEC. 562. PAYGO COMPLIANCE.

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

After debate,

Pursuant to House Resolution 1137, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. ETHERIDGE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 217 Nays 201

¶24.20 [Roll No. 90]

YEAS—217

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Butterfield
Camp
Cao
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly (IN)
Doyle
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Gene
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Watson
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—201

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Conyers
Crenshaw
Culberson
Davis (IL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dreier
Driehaus
Edwards (MD)
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Green, Al
Griffith
Grijalva
Guthrie
Hall (TX)
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Towns
Turner
Upton
Visclosky
Walden
Wamp
Waters
Watt
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—14

Bean
Campbell
Capps
Crowley
Dahlkemper
Eshoo
Fallin
Hoekstra
Jordan (OH)
Kind
Linder
Massa
Schwartz
Tiahrt

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶24.21 H. RES. 1079—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1079) congratulating the National Football League Champion New Orleans Saints for winning Super Bowl XLIV and for bringing New Orleans its first Lombardi Trophy in franchise history; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 375 Nays ..... 1 Answered present 3

¶24.22 [Roll No. 91]

YEAS—375

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Matheson
Matsui
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye

Obey	Royce	Stupak
Olson	Ruppersberger	Sullivan
Olver	Rush	Sutton
Ortiz	Ryan (OH)	Tanner
Owens	Ryan (WI)	Taylor
Pallone	Salazar	Teague
Pastor (AZ)	Sánchez, Linda T.	Terry
Paul	Sarbanes	Thompson (CA)
Paulsen	Scalise	Thompson (PA)
Payne	Schakowsky	Thornberry
Pelosi	Schauer	Tiberi
Pence	Schiff	Tierney
Perlmutter	Schmidt	Titus
Perriello	Schock	Tonko
Peters	Schrader	Towns
Peterson	Schwartz	Tsongas
Petri	Scott (GA)	Turner
Pingree (ME)	Scott (VA)	Upton
Platts	Sensenbrenner	Van Hollen
Poe (TX)	Serrano	Visclosky
Polis (CO)	Sessions	Walden
Pomeroy	Sestak	Walz
Posey	Shadegg	Wamp
Price (GA)	Shea-Porter	Wasserman Schultz
Price (NC)	Shimkus	Waters
Putnam	Shuler	Watson
Rahall	Shuster	Watt
Rehberg	Simpson	Waxman
Reichert	Sires	Weiner
Reyes	Skelton	Westmoreland
Richardson	Smith (NE)	Whitfield
Rodriguez	Smith (NJ)	Wilson (OH)
Roe (TN)	Smith (TX)	Wilson (SC)
Rogers (AL)	Snyder	Wittman
Rogers (KY)	Souder	Wolf
Rogers (MI)	Space	Woolsey
Rohrabacher	Speier	Wu
Rooney	Spratt	Yarmuth
Ross	Stark	Young (AK)
Rothman (NJ)	Stearns	Young (FL)
Roybal-Allard		

NAYS—1

Johnson (IL)

ANSWERED ''PRESENT''—3

Marshall	Oberstar	Welch

NOT VOTING—53

Ackerman	Eshoo	Miller, George
Arcuri	Fallin	Murphy (NY)
Blumenauer	Farr	Nadler (NY)
Boren	Garamendi	Pascrell
Boyd	Grijalva	Pitts
Buyer	Gutierrez	Quigley
Camp	Hastings (WA)	Radanovich
Campbell	Hill	Rangel
Chaffetz	Hoekstra	Ros-Lehtinen
Cleaver	Holden	Roskam
Dahlkemper	Jordan (OH)	Sanchez, Loretta
Davis (AL)	Lee (NY)	Sherman
Deal (GA)	Linder	Slaughter
DeFazio	Massa	Smith (WA)
Diaz-Balart, L.	McCarthy (CA)	Thompson (MS)
Doggett	McCarthy (NY)	Tiahrt
Doyle	McKeon	Velázquez
Edwards (TX)	Meeks (NY)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶24.23 JUDGE PORTEOUS IMPEACHMENT

Mr. SCHIFF, by direction of the Committee on the Judiciary, submitted a privileged report (Rept. No. 111–427) on the resolution (H. Res. 1031) impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors; referred to the House Calendar and ordered printed.

¶24.24 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns on Friday, March 5, 2010, it adjourn to meet on Tuesday, March 9, 2010, at 12:30 p.m. for morning-hour debate.

¶24.25 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. PETERS, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2010.

Hon. Speaker PELOSI,
United States Capitol,
Washington, DC.

DEAR SPEAKER PELOSI, Given the increased commitments I have made to my state, I resign, effective immediately, from the Committee on the Budget. It has truly been a pleasure to work with Chairman Spratt and the many dedicated members that care passionately about getting our nation's fiscal house in order. Fighting for fiscal responsibility as a member of the Blue Dog Coalition for the past five years and pushing for a responsible budget has been an immense honor. I look forward to continuing to work hard for the people of Louisiana and our great nation.

Thank you for your attention to this matter.

Sincerely,

CHARLIE MELANCON,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶24.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. TIAHRT, for today after noon.

And then,

¶24.27 ADJOURNMENT

On motion of Mr. ELLISON, at 6 o'clock and 21 minutes p.m., the House adjourned.

¶24.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. MATSUI: Committee on Rules. House Resolution 1137. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–426). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. House Resolution 1031. Resolution impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors (rept. 111–427). Referred to the House Calendar.

¶24.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RAHALL (for himself, Mr. MOLLOHAN, and Mr. BOUCHER):

H.R. 4753. A bill to suspend, during the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REHBERG:

H.R. 4754. A bill to prohibit the further extension or establishment of national monuments in Montana except by express authorization of Congress; to the Committee on Natural Resources.

By Mr. EHLERS (for himself, Mr. DINGELL, Mr. KIRK, and Ms. SLAUGHTER):

H.R. 4755. A bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes; to the Committee on Transportation and Infrastructure.

By Mr. CUMMINGS (for himself, Mr. BURTON of Indiana, Mr. MEEKS of New York, Mr. FRANK of Massachusetts, Mr. SENSENBRENNER, Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. DOYLE, Mr. EDWARDS of Texas, Mrs. DAVIS of California, Mr. MASSA, Mr. MARSHALL, Mr. GRIJALVA, and Mr. DEFAZIO):

H.R. 4756. A bill to provide for prostate cancer imaging research and education; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY (for herself, Ms. BALDWIN, Mrs. CAPPS, Mr. CONYERS, Ms. DELAURO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Ms. HARMAN, Mr. HARE, Ms. LEE of California, Ms. MOORE of Wisconsin, Ms. SUTTON, Mr. WEINER, Ms. WATSON, Ms. WOOLSEY, and Mr. MARKEY of Massachusetts):

H.R. 4757. A bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas (for himself, Mr. BILIRAKIS, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. KING of Iowa, and Mr. HARPER):

H.R. 4758. A bill to authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAYLOR (for himself, Mr. JONES, Mr. DEFAZIO, Mr. STUPAK, Mr. ARCURI, Mr. BACA, Mr. BARTLETT, Mr. BRALEY of Iowa, Mr. CAPUANO, Mr. COSTELLO, Mr. FILNER, Mr. GRIJALVA, Mr. HARE, Mr. HINCHEY, Mr. KAGEN, Ms. KAPTUR, Mr. KILDEE, Mr. KISSELL, Mr. KUCINICH, Mr. MASSA, Mr. MCINTYRE, Mr. MICHAUD, Mr. PAUL, Mr. SCHAUER, Mr. VISCLOSKY, Mr. WILSON of Ohio, Ms. WOOLSEY, and Mr. STARK):

H.R. 4759. A bill to provide for the withdrawal of the United States from the North American Free Trade Agreement; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 4760. A bill to amend the Internal Revenue Code of 1986 to require individuals to provide their Social Security number in order to claim the first-time homebuyer tax credit; to the Committee on Ways and Means.

By Mr. ARCURI (for himself, Mr. MAFFEI, Mr. ELLSWORTH, and Mr. DONNELLY of Indiana):

H.R. 4761. A bill to reduce the pay of Members of Congress and eliminate automatic adjustments to such pay, to establish a limit on the aggregate amount which may be appropriated for the Members' Representational Allowances of Members of the House of Representatives, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana:

H.R. 4762. A bill to reduce the pay of Members of Congress and dedicate the annual savings to a reduction of the national debt; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA:

H.R. 4763. A bill to suspend temporarily the duty on certain rechargeable ultracapacitor long life flashlights; to the Committee on Ways and Means.

By Mr. CARTER (for himself, Ms. TITUS, Mr. LOBIONDO, Ms. JACKSON LEE of Texas, Mr. BRADY of Pennsylvania, Mr. SMITH of Texas, Mrs. CHRISTENSEN, Mr. SAM JOHNSON of Texas, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Michigan, Mr. BISHOP of Georgia, Mr. MICA, Mr. OLSON, Mr. BONNER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BLUNT, Mr. NEUGEBAUER, and Mr. MCCOTTER):

H.R. 4764. A bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. FILNER, Ms. HERSETH SANDLIN, Mr. WALDEN, Mr. BLUMENAUER, Mr. SCHRADER, Mr. WU, Mr. HALL of New York, Mr. CARNEY, Mr. COURTNEY, Ms. BORDALLO, and Mr. PERRIELLO):

H.R. 4765. A bill to amend title 38, United States Code, to authorize individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs to receive work-study allowances for certain outreach services provided through congressional offices, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ELLISON (for himself, Ms. WATERS, Mrs. MALONEY, and Mr. CAPUANO):

H.R. 4766. A bill to permanently extend the Protecting Tenants at Foreclosure Act of 2009; to the Committee on Financial Services.

By Mr. FORTENBERRY (for himself and Mr. SHULER):

H.R. 4767. A bill to amend the Consumer Product Safety Improvement Act to exempt ordinary books and paper-based printed material from the lead limit in such Act; to the Committee on Energy and Commerce.

By Mr. GRAYSON:

H.R. 4768. A bill to prevent funding provided through the Federal Reserve System from being made available to corporations that finance political campaigns or political propaganda, and for other purposes; to the Committee on Financial Services.

By Mr. HOLT (for himself, Ms. LINDA T. SÁNCHEZ of California, and Mr. HINCHEY):

H.R. 4769. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for equity investments in high technology small business concerns; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. KIND, Ms. SCHWARTZ, and Mr. FILNER):

H.R. 4770. A bill to amend the Internal Revenue Code of 1986 to increase the credit for research expenses for 2010 and 2011 and to allow the credit to be assigned; to the Committee on Ways and Means.

By Mr. JACKSON of Illinois:

H.R. 4771. A bill to establish a commission to commemorate the sesquicentennial of the American Civil War; to the Committee on Oversight and Government Reform.

By Ms. KILROY (for herself, Mr. WILSON of Ohio, and Ms. FUDGE):

H.R. 4772. A bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to include insulated siding; to the Committee on Ways and Means.

By Mr. KINGSTON:

H.R. 4773. A bill to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 4774. A bill to revise the composition of the Board of Regents of the Smithsonian Institution so that all members are individuals appointed by the President from a list of nominees submitted by the leadership of the Congress, and for other purposes; to the Committee on House Administration.

By Ms. NORTON:

H.R. 4775. A bill to provide for the application of sections 552, 552a, and 552b of title 5, United States Code (commonly referred to as the Freedom of Information Act and the Privacy Act), and the Federal Advisory Committee Act (5 U.S.C. App.) to the Smithsonian Institution, and for other purposes; to the Committee on House Administration.

By Ms. NORTON:

H.R. 4776. A bill to prohibit the Secretary of the Smithsonian Institution from charging a fee for admission to any exhibit which is part of the permanent collection of any museum or facility which is part of any bureau established in or under the Smithsonian Institution, and for other purposes; to the Committee on House Administration.

By Mr. OWENS:

H.R. 4777. A bill to amend the Internal Revenue Code of 1986 to provide an exemption for employer payroll taxes during 2010 for wages with respect to the employment of new hires and to provide a credit for retaining employees; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 4778. A bill to extend the National Flood Insurance Program to December 31, 2010; to the Committee on Financial Services.

By Mr. POMEROY (for himself and Mr. MORAN of Kansas):

H.R. 4779. A bill to amend the Internal Revenue Code of 1986 to encourage the creation and growth of small business and reduce the cost of complying with the tax requirements; to the Committee on Ways and Means.

By Mr. ROONEY (for himself, Mr. MCKEON, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. CHAFFETZ, Mr. POSEY, Mr. GINGREY of Georgia, Mr. BURTON of Indiana, Mr. MARCHANT, Mr. MANZULLO, Mr. LATTA, Mrs. BLACKBURN, Mr. AKIN, Mr. PITTS, Mr. BRADY of Texas, and Mr. GOHMERT):

H.R. 4780. A bill to require the head of an element of the intelligence community to provide to the Secretary of Defense any intelligence information obtained by such element that indicates the involvement of personnel of the Department of Defense with a terrorist organization, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT:

H.R. 4781. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum corporate rate of tax to 22 percent; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Ms. BERKLEY):

H.R. 4782. A bill to direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species; to the Committee on Natural Resources.

By Mrs. HALVORSON (for herself, Ms. CORRINE BROWN of Florida, Ms. NORTON, Mr. GENE GREEN of Texas, Mr. MOORE of Kansas, Mr. HINCHEY, Mr. COURTNEY, Mr. MURPHY of Connecticut, Mr. GRIJALVA, and Mr. WALZ):

H.J. Res. 80. A joint resolution recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families; to the Committee on Veterans' Affairs.

By Mr. HOYER (for himself, Mr. VAN HOLLEN, Mr. WOLF, Mr. CONNOLLY of Virginia, Mr. MORAN of Virginia, Ms. EDWARDS of Maryland, and Ms. NORTON):

H. Con. Res. 247. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. FILNER, Mr. JONES, Ms. WOOLSEY, Mr. CAPUANO, Mr. JOHNSON of Illinois, Mr. PAUL, Ms. BALDWIN, Mr. GRIJALVA, Mr. MASSA, Mr. GRAYSON, Ms. LEE of California, Ms. PINGREE of Maine, Mr. DAVIS of Illinois, Ms. CLARKE, Mr. SERRANO, and Mr. MICHAUD):

H. Con. Res. 248. Concurrent resolution directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Afghanistan; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia (for himself and Mr. CONYERS):

H. Con. Res. 249. Concurrent resolution commemorating the 45th anniversary of Bloody Sunday and the role that it played in ensuring the passage of the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. COHEN (for himself, Mr. GRIJALVA, Mrs. CAPPS, Ms. MOORE of Wisconsin, and Ms. SUTTON):

H. Res. 1138. A resolution expressing support for the designation of the first week of April 2010 as National Asbestos Awareness Week; to the Committee on Energy and Commerce.

By Mr. ISSA:

H. Res. 1139. A resolution honoring the life and accomplishments of Clare Boothe Luce and recognizing her leadership in the women's suffrage movement and the influence she continues to have today; to the Committee on House Administration.

By Mr. ENGEL (for himself, Mr. POE of Texas, Mr. GENE GREEN of Texas, Mr. PAYNE, Ms. LEE of California, Ms. BALDWIN, Mr. DOYLE, Ms. MATSUI, Mr. NADLER of New York, Mrs. MALONEY, Ms. SCHAKOWSKY, Mr. SMITH of Washington, and Mr. CROWLEY):

H. Res. 1140. A resolution commending the progress made by anti-tuberculosis programs; to the Committee on Foreign Affairs,

and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself, Mr. GRIJALVA, Mrs. KIRKPATRICK of Arizona, Mr. MITCHELL, Mr. PASTOR of Arizona, and Mr. SHADEGG):

H. Res. 1141. A resolution honoring the accomplishments of Supreme Court Justice Sandra Day O'Connor, the first woman to serve on the United States Supreme Court; to the Committee on the Judiciary.

By Mr. PETRI:

H. Res. 1142. A resolution congratulating Silver Lake College for 75 years of service as an undergraduate institution of higher education; to the Committee on Education and Labor.

By Mr. QUIGLEY (for himself, Mr. SHIMKUS, Mr. FALEOMAVAEGA, Mr. CARNAHAN, Mr. CROWLEY, Mr. LIPINSKI, Mr. MURPHY of Connecticut, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia, Mr. HONDA, Mr. WALZ, Ms. NORTON, Mr. SCHOCK, Mr. BLUNT, and Mr. CONAWAY):

H. Res. 1143. A resolution commending the Community of Democracies for its achievements since it was founded in 2000; to the Committee on Foreign Affairs.

¶24.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mrs. MCMORRIS RODGERS.
H.R. 413: Mr. KIRK and Mr. GRIFFITH.
H.R. 442: Mr. BROUN of Georgia and Mrs. SCHMIDT.
H.R. 450: Mr. BOEHNER.
H.R. 571: Mr. PERRIELLO.
H.R. 653: Mr. GRIJALVA.
H.R. 734: Mr. WOLF, Mr. MCNERNEY, Ms. KILROY, and Mrs. SCHMIDT.
H.R. 782: Mr. PAULSEN.
H.R. 872: Mr. MCCOTTER.
H.R. 886: Mr. PASCRELL and Mr. GENE GREEN of Texas.
H.R. 930: Ms. SHEA-PORTER.
H.R. 1023: Mr. BARRETT of South Carolina and Mr. BONNER.
H.R. 1074: Mrs. SCHMIDT.
H.R. 1079: Mr. CARNEY and Mr. CARSON of Indiana.
H.R. 1103: Mr. PIERLUISI.
H.R. 1126: Ms. SHEA-PORTER and Mr. BRADY of Pennsylvania.
H.R. 1132: Mr. HOLT, Ms. RICHARDSON, Mr. BARROW, and Mr. PASCRELL.
H.R. 1138: Mr. ROSS.
H.R. 1169: Mr. BOUCHER and Mr. ROSS.
H.R. 1205: Ms. HERSETH SANDLIN, Mr. MURPHY of New York, Mr. RUSH, Mr. BONNER, Mr. WITTMAN, Mr. OLVER, Mr. CASSIDY, Mr. TIBERI, Mr. VISCLOSKY, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 1210: Mr. SCOTT of Virginia and Mr. CHANDLER.
H.R. 1250: Mr. FORTENBERRY and Mr. LEE of New York.
H.R. 1283: Mr. MOORE of Kansas.
H.R. 1351: Mr. KINGSTON and Ms. TITUS.
H.R. 1362: Ms. KOSMAS, Mr. SCOTT of Virginia, and Mr. MILLER of Florida.
H.R. 1521: Mr. MCNERNEY, Mr. CAMP, and Mr. HERGER.
H.R. 1625: Mr. HODES.
H.R. 1643: Mr. GENE GREEN of Texas.
H.R. 1799: Mr. LAMBORN.
H.R. 1806: Mr. YARMUTH, Mr. KISSELL, and Ms. TITUS.
H.R. 1879: Mr. HARPER.
H.R. 1943: Mr. BISHOP of New York.
H.R. 1956: Mr. CLAY and Mrs. KIRKPATRICK of Arizona.
H.R. 1995: Mr. SCOTT of Virginia.
H.R. 2000: Mr. HARE and Mr. NYE.
H.R. 2056: Mr. WELCH.
H.R. 2084: Mr. UPTON.
H.R. 2251: Mr. MILLER of Florida.
H.R. 2273: Mr. RYAN of Ohio.
H.R. 2287: Mr. CHAFFETZ.
H.R. 2296: Mr. GERLACH.
H.R. 2350: Mrs. MALONEY.
H.R. 2373: Mr. JONES.
H.R. 2377: Mr. ROSKAM.
H.R. 2378: Mr. DAVIS of Tennessee.
H.R. 2421: Mrs. CAPPS, Mr. CASSIDY, Mr. FRANK of Massachusetts, Ms. HARMAN, Mr. MOORE of Kansas, and Ms. MOORE of Wisconsin.
H.R. 2425: Mr. EHLERS and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 2584: Mr. DUNCAN.
H.R. 2697: Mrs. HALVORSON and Mr. ROGERS of Alabama.
H.R. 2746: Mr. TOWNS, Ms. CORRINE BROWN of Florida, and Mr. QUIGLEY.
H.R. 2849: Mr. OLVER, Mr. DELAHUNT, Mr. BACA, Mr. FRANK of Massachusetts, and Mr. TIERNEY.
H.R. 2932: Ms. ESHOO.
H.R. 3125: Mrs. BONO MACK and Mr. BURGESS.
H.R. 3225: Mr. RYAN of Ohio.
H.R. 3407: Ms. CORRINE BROWN of Florida, Mr. MICA, and Mr. BOUCHER.
H.R. 3415: Mr. GALLEGLY, Mr. COSTA, and Mr. BERRY.
H.R. 3421: Ms. WATERS.
H.R. 3464: Mr. BOOZMAN.
H.R. 3506: Mr. LANCE.
H.R. 3526: Mr. COHEN.
H.R. 3554: Mr. PRICE of North Carolina.
H.R. 3577: Mr. REYES.
H.R. 3578: Mr. KLEIN of Florida.
H.R. 3615: Mr. SKELTON.
H.R. 3652: Ms. BALDWIN, Mr. TAYLOR, and Mr. BARTLETT.
H.R. 3668: Mr. ROSS, Mr. SULLIVAN, Ms. FALLIN, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 3672: Mr. ORTIZ.
H.R. 3715: Ms. ROYBAL-ALLARD.
H.R. 3742: Mr. SIMPSON and Mrs. MALONEY.
H.R. 3787: Mr. MCGOVERN.
H.R. 3790: Mr. BARTLETT, Mr. CONNOLLY of Virginia, Mr. GRAVES, Mr. BOSWELL, Mr. SCOTT of Georgia, and Mr. MCCOTTER.
H.R. 3839: Mr. JONES.
H.R. 3856: Mr. HODES.
H.R. 3927: Mr. CAO.
H.R. 3936: Mr. MASSA and Mr. CLAY.
H.R. 3943: Mr. PRICE of North Carolina.
H.R. 3948: Ms. JACKSON LEE of Texas.
H.R. 3982: Mr. SESTAK.
H.R. 4036: Mr. COHEN.
H.R. 4054: Mr. MICHAUD, Mr. ROSS, and Mr. BOUCHER.
H.R. 4100: Ms. GINNY BROWN-WAITE of Florida.
H.R. 4112: Mr. EHLERS.
H.R. 4115: Ms. WASSERMAN SCHULTZ, Mrs. CHRISTENSEN, and Mr. DOGGETT.
H.R. 4116: Mrs. MCMORRIS RODGERS and Ms. HARMAN.
H.R. 4128: Mr. PRICE of North Carolina.
H.R. 4149: Mr. CARNEY and Ms. BERKLEY.
H.R. 4189: Mr. MCHENRY, Ms. GRANGER, Mr. POSEY, Mr. BISHOP of Utah, and Mr. BRADY of Texas.
H.R. 4202: Mr. CLEAVER.
H.R. 4241: Mrs. BLACKBURN and Mr. TEAGUE.
H.R. 4256: Mr. CROWLEY.
H.R. 4261: Mrs. MYRICK.
H.R. 4296: Mr. MAFFEI.
H.R. 4310: Mr. GUTIERREZ, Mr. DEFAZIO, Mr. FILNER, Ms. KAPTUR, Mr. GRAYSON, Mr. ELLISON, Mr. JACKSON of Illinois, Ms. WOOLSEY, Mr. KAGEN, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4329: Mr. LAMBORN.
H.R. 4330: Mr. GUTHRIE.
H.R. 4333: Ms. WATSON, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. PASTOR of Arizona, Mr. SCHIFF, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Mr. THOMPSON of California, Ms. ZOE LOFGREN of California, Mr. HONDA, Ms. LORETTA SANCHEZ of California, Mr. BACA, Ms. SPEIER, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. WU, Mr. GRAYSON, Mrs. NAPOLITANO, Mr. BOCCIERI, amd Mrs. SCHMIDT.
H.R. 4393: Mr. BILBRAY.
H.R. 4396: Mr. ROSS and Mr. BOOZMAN.
H.R. 4399: Mr. PRICE of North Carolina.
H.R. 4402: Ms. SCHAKOWSKY, Ms. TITUS, Ms. CLARKE, and Ms. CORRINE BROWN of Florida.
H.R. 4404: Mr. HONDA and Mr. CAO.
H.R. 4405: Mr. MASSA and Ms. DELAURO.
H.R. 4411: Mr. DAVIS of Illinois.
H.R. 4486: Mr. ARCURI.
H.R. 4509: Mr. MCINTYRE.
H.R. 4530: Ms. ESHOO.
H.R. 4533: Mr. PIERLUISI, Mr. RYAN of Ohio, and Mr. STARK.
H.R. 4539: Mr. HIMES.
H.R. 4540: Mr. GRAYSON and Mr. HIMES.
H.R. 4552: Mr. OBERSTAR, Ms. SCHAKOWSKY, and Mr. DINGELL.
H.R. 4553: Mr. FILNER.
H.R. 4555: Mr. LATOURETTE, Mr. RAHALL, and Mr. WITTMAN.
H.R. 4564: Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. RUSH, Mr. WEINER, and Mr. COHEN.
H.R. 4567: Ms. JACKSON LEE of Texas.
H.R. 4573: Mr. WEINER.
H.R. 4594: Mr. OLVER, Mr. KAGEN, and Mr. KIRK.
H.R. 4598: Ms. MARKEY of Colorado, Mr. HASTINGS of Florida, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. GRIJALVA, and Mr. MURPHY of New York.
H.R. 4599: Mr. HINCHEY.
H.R. 4637: Mr. BISHOP of New York.
H.R. 4645: Mr. RUSH.
H.R. 4653: Mr. ADERHOLT and Mr. SOUDER.
H.R. 4677: Mr. DINGELL, Mr. ELLISON, Mr. STARK, Mr. PASCRELL, and Mr. SHERMAN.
H.R. 4678: Mr. DINGELL and Ms. PINGREE of Maine.
H.R. 4687: Mr. COSTA and Mr. FILNER.
H.R. 4690: Mr. MURPHY of Connecticut and Ms. CASTOR of Florida.
H.R. 4693: Mr. OWENS.
H.R. 4705: Mrs. MYRICK.
H.R. 4709: Mr. FOSTER.
H.R. 4710: Mr. SHULER, Ms. SCHAKOWSKY, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, Ms. KAPTUR, Mr. KENNEDY, and Mr. GEORGE MILLER of California.
H.R. 4714: Ms. CORRINE BROWN of Florida.
H.R. 4720: Ms. MARKEY of Colorado, Ms. KOSMAS, Mr. JONES, Mr. NYE, Mr. POLIS of Colorado, Mr. TEAGUE, Mr. LUETKEMEYER, Mr. CHILDERS, Mr. KISSELL, Mr. BARROW, Mrs. LUMMIS, Mr. TAYLOR, Mr. ROE of Tennessee, Mr. FOSTER, Mr. LOEBSACK, Mr. MINNICK, Mr. ELLSWORTH, Ms. GIFFORDS, Mr. BRIGHT, Mr. PERRIELLO, and Mr. PAUL.
H.R. 4723: Mr. BONNER.
H.R. 4727: Ms. ZOE LOFGREN of California.
H.R. 4738: Mr. FORBES and Mr. LAMBORN.
H.R. 4748: Ms. LORETTA SANCHEZ of California.
H.J. Res. 76: Mr. GERLACH, Mr. LATOURETTE, Mr. GOODLATTE, Mr. POMEROY, Mr. BARTLETT, and Mr. ROSS.
H.J. Res. 77: Mr. MCCLINTOCK, Mr. MILLER of Florida, Mr. BONNER, Ms. FOXX, Mr. LAMBORN, Mr. SOUDER, and Mr. MARCHANT.
H.J. Res. 78: Mrs. DAHLKEMPER.
H.J. Res. 79: Mr. INGLIS, Mr. GARRETT of New Jersey, Mr. CHAFFETZ, Mr. BISHOP of Utah, Mr. FLAKE, Mr. MANZULLO, Mr. LATTA, Mr. GINGREY of Georgia, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. PRICE of Georgia, Mr. AKIN, Mr. MARCHANT, Mrs. BLACKBURN, Mr. FLEMING, Mr. PITTS, Mr. MCCLINTOCK, Mr. JORDAN of Ohio, and Mr. LAMBORN.
H. Con. Res. 137: Ms. WATERS.
H. Con. Res. 198: Mr. DELAHUNT, Mr. WILSON of Ohio, Ms. HARMAN, and Mr. BURGESS.

H. Con. Res. 200: Mr. TONKO.
H. Res. 173: Mr. ARCURI and Mr. FILNER.
H. Res. 311: Mr. MCGOVERN and Mr. COHEN.
H. Res. 330: Ms. BORDALLO, Mr. KRATOVIL, Mr. JOHNSON of Georgia, Mr. ELLSWORTH, Mr. ROONEY, Mr. SMITH of Washington, Mrs. DAVIS of California, Mr. LANGEVIN, Mr. FRANKS of Arizona, Mr. OWENS, and Mr. MURPHY of New York.
H. Res. 510: Mr. SCHRADER.
H. Res. 569: Mr. CARNAHAN.
H. Res. 577: Mr. ARCURI.
H. Res. 886: Mr. ROONEY and Mr. SMITH of Nebraska.
H. Res. 950: Mr. COHEN.
H. Res. 1026: Mr. BURGESS.
H. Res. 1033: Mr. HOEKSTRA, Mr. SESTAK, Mr. TIM MURPHY of Pennsylvania, and Mr. SOUDER.
H. Res. 1053: Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, and Mr. BRALEY of Iowa.
H. Res. 1055: Mr. BRADY of Pennsylvania.
H. Res. 1090: Mr. COHEN.
H. Res. 1091: Mr. TONKO.
H. Res. 1099: Ms. BORDALLO, Mr. WALZ, Mr. SESTAK, Mrs. DAHLKEMPER, Mr. BACA, Mr. COOPER, Ms. CASTOR of Florida, Ms. SCHWARTZ, Mr. MARSHALL, Ms. HIRONO, Mr. LANGEVIN, Mr. TAYLOR, Ms. LORETTA SANCHEZ of California, Mr. HODES, Mr. MICHAUD, Mr. KIND, Ms. BEAN, Mr. SMITH of Washington, Mr. DEFAZIO, and Mr. BRADY of Pennsylvania.
H. Res. 1116: Mr. HONDA, Mr. GENE GREEN of Texas, Ms. BALDWIN, Mr. WU, Mr. SCHIFF, Mr. LANGEVIN, Mr. KENNEDY, Mr. WAXMAN, Ms. SCHWARTZ, Mr. KILDEE, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. RYAN of Ohio, Ms. SHEA-PORTER, Mr. CASTLE, Mr. STARK, Mr. COLE, Mr. SPRATT, Mr. COBLE, Ms.CASTOR of Florida, and Ms. RICHARDSON.
H. Res. 1122: Mr. CHANDLER and Mr. WU.
H. Res. 1123: Mr. KLINE of Minnesota and Mr. PAULSEN.
H. Res. 1128: Mr. ROGERS of Kentucky, Mr. LAMBORN, Ms. JACKSON LEE of Texas, Mr. PAYNE, Mr. GENE GREEN of Texas, Ms. LEE of California, Mr. COSTA, and Mr. KLEIN of Florida.

¶24.31 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4529: Mr. PAULSEN.

FRIDAY, MARCH 5, 2010 (25)

¶25.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
March 5, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶25.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced she had examined and approved the Journal of the proceedings of Thursday, March 4, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶25.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6436. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks Displays in the Captain of the Port, Portland Zone [Docket No.: USCG-2008-1096] (RIN: 1625-AA00) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6437. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, USACE Revetment, Mile 869 to 303 [USCG-2009-0561] (RIN: 1625-AA00) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6438. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability — Vessels and Deepwater Ports [Docket No.: USCG-2008-0007] (RIN: 1625-AB25) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6439. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Franklin Canal, Franklin, LA [Docket No.: USCG-2009-0670] (RIN: 1625-AA09) received January 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6440. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bonfouca Bayou, Slidell, LA [Docket No.: USCG-2009-0863] (RIN: 1625-AA09) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6441. A letter from the Chief, Publications and Regulations, Department of Homeland Security, transmitting the Service's final rule — Guidance for Persons Making Transfers in Trust After December 31, 2009 [Notice 2010-19] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6442. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Industry Director's Directive on the Planning and Examination of Repairs vs. Capitalization Change in Accounting Method (CAM) #2 [LMSB-4-0110-002] received January 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6443. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Haiti Earthquake Occurring in January 2010 Designated as a Qualified Disaster under Section 139 of the Internal Revenue Code [Notice 2010-16] received January 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6444. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2010-6) received January 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6445. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Miscellaneous HEART Act Changes [Notice 2010-15] received January 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶25.4 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2968. An Act to make certain technical and conforming amendments to the Lanham Act.

And then,

¶25.5 ADJOURNMENT

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, by unanimous consent, and pursuant to the special order of the House agreed to on March 4, 2010, at 9 o'clock and 2 minutes a.m., declared the House adjourned until 12:30 p.m. on Tuesday, March 9, 2010.

TUESDAY, MARCH 9, 2010 (26)

¶26.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
March 9, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶26.2 RECESS—12:44 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 44 minutes p.m., until 2 p.m.

¶26.3 AFTER RECESS—2 P.M.

The SPEAKER called the House to order.

¶26.4 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Friday, March 5, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶26.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6446. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Amendment to the list of MARPOL Annex V special areas that are currently in effect to add the Gulfs and Mediterranean Sea special areas [Docket No.: USCG-2009-0273] (RIN: 1625-AB41) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6447. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Airbus Model A318 Series Airplanes [Docket No.: FAA-2009-0713; Directorate Identifier 2007-NM-303-AD; Amendment 39-16180; AD 2010-02-09] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6448. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Turmoa IV A and IV C Turboshaft Engines [Docket No.: FAA-2010-0009; Directorate Identifier 2010-NE-01-AD; Amendment 39-16178; AD 2010-02-08] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6449. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. (Agusta) Model AB139 and AW139 Helicopters [Docket No.: FAA-2009-1125; Directorate Identifier 2009-SW-50-AD; Amendment 39-16129; AD 2009-19-51] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6450. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thrush Aircraft, Inc. Model 600 S2D and S2R Series Airplanes [Docket No.: FAA-2007-27862; Directorate Identifier 2007-CE-036-AD; Amendment 39-16150; AD 2009-26-11] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6451. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and Class E Airspace, Modification of Class E Airspace; Ocala, FL [Docket No.: FAA-2009-0326; Airspace Docket 09-ASO-15] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6452. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes Equipped with General Electric CF6-45 or -50 Series Engines, or Equipped with Pratt & Whitney JT9D-3 or -7 (Excluding -70) Series Engines [Docket No.: FAA-2009-0865; Directorate Identifier 2009-NM-023-AD; Amendment 39-16168; AD 2010-01-10] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6453. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewisport, KY [Docket No.: FAA-2009-0706; Airspace Docket No. 09-ASO-26] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6454. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Clayton, GA [Docket No.: FAA-2009-0605; Airspace Docket No. 09-ASO-19] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6455. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tompkinsville, KY [Docket No.: FAA-2009-0604; Airspace Docket No. 09-ASO-18] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6456. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hertford, NC [Docket No.: FAA-2009-0705; Airspace Docket No. 09-ASO-25] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6457. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100B SUD, -200B, -300, -400, and -400D Series Airplanes [Docket No.: FAA-2009-0636; Directorate Identifier 2009-NM-031-AD; Amendment 39-16158; AD 2010-01-02] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6458. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sicma Aero Seat 90xx and 92xx Series Passenger Seats, Installed on, but not Limited to ATR — GIE Avions de Transport Regional Model ATR42 Airplanes and Model ATR72 Airplanes [Docket No.: FAA-2007-27346; Directorate Identifier 2008-NM-205-AD; Amendment 39-16176; AD 2010-02-06] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6459. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AVOX Systems and B/E Aerospace Oxygen Cylinder Assemblies, as Installed on Various Transport Airplanes [Docket No.: FAA-2010-0029; Directorate Identifier 2009-NM-262-AD; Amendment 39-16179; AD 2009-21-10 R1] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6460. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Anniston, AL [Docket No.: FAA-2009-0653; Airspace Docket No. 09-ASO-22] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6461. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Engine Components, Inc., (ECi) Reciprocating Engine Cylinder Assemblies [Docket No. FAA-2008-0052; Directorate Identifier 2008-NE-01-AD; Amendment 39-16151; AD 2009-26-12] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6462. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace and Modification of Class E Airspace; State College, PA [Docket No.: FAA-2009-0750; Airspace Docket No. 09-ASO-16] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6463. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes [Docket No.: FAA-2009-0657; Directorate Identifier 2009-NM-048-AD; Amendment 39-16175; AD 2010-02-04] (RIN: 2120-AA64) received February 3, 20109, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6464. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Saluda, SC [Docket No.: FAA-2009-0603; Airspace Docket No. 09-ASO-16] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6465. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No.: FAA-2009-0610; Directorate Identifier 2009-NM-021-AD; Amendment 39-16171; AD 2010-01-12] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6466. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes [Docket No.: FAA-2009-1251; Directorate Identifier 2009-NM-133-AD; Amendment 39-16174; AD 2010-02-03] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6467. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30706; Amdt. No. 3357] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6468. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA-2009-0763; Directorate Identifier 2007-NM-301-AD; Amendment 39-16170; AD 2010-01-11] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6469. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30705; Amdt. No. 3356] received January 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6470. A letter from the Regulations Officer, Department of Transportation, transmitting the Department's final rule — Worker Visibility [FHWA Docket No.: FHWA-2008-0157] (RIN: 2125-AF28) received January 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6471. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Employee Protection Program; Removal (RIN: 2105-AD94) received January 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6472. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Procedures for Reimbursement of General Aviation Operators and Service Providers in the Washington, DC Area; Removal [Docket No.: OST-2010-XXXX] (RIN: 2105-AD93) received January 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6473. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Model Arriel 1B, 1D, and 1D1 Turboshaft Engines [Docket No.: FAA-2009-0503; Directorate Identifier 2009-NE-12-AD; Amendment 39-16172; AD 2010-02-01] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6474. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — OST Technical Corrections [Docket No.: OST-2009-0173] (RIN: 2105-AD82) received January 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6475. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. CFM56-7B Series Turbofan Engines [Docket No.: FAA-2009-0236; Directorate Identifier 2009-NE-06-AD; Amendment 39-16162; AD 2010-01-05] (RIN: 2120-AA64] (RIN: 2120-AA64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6476. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No.: FAA-2009-0309; Directorate Identifier 2008-NM-173-AD; Amendment 39-16152; AD 2009-26-13] (RIN: 2120-A64) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶26.6 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Ms. CHU, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 5, 2010.

Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.

DEAR MADAM SPEAKER: I write to inform you that as of 5 p.m. Monday, March 8th, I will resign my position as the Federal Representative for the 29th Congressional District.

Sincerely,

ERIC J.J. MASSA,
Member of Congress.

¶26.7 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Ms. CHU, announced under clause 5(d) of rule XX, that, in light of the resignation of the gentleman from New York [Mr. MASSA], the whole number of the House is adjusted to 431.

¶26.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. CHU, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 5, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 5, 2010 at 3:03 p.m.:

That the Senate passed S. 2961.

That the Senate agreed to without amendment H. Con. Res. 236.

That the Senate agreed to without amendment H. Con. Res. 239.

Appointments: (2)

Board of Directors of the Office of Compliance.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶26.9 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Ms. CHU, laid before the House the following communication from Andrea Bragg, Office Manager, office of the Honorable Carolyn C. Kilpatrick:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 2010.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony by the United States District Court for the Eastern District of Michigan.

After consultation with the Office of the General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANDREA BRAGG,
Office Manager.

¶26.10 BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

The SPEAKER pro tempore, Ms. CHU, pursuant to section 301 of the Congressional Accountability Act of 1995 (2 United States Code 1381), as amended by Public Law 111-114, announced on behalf of the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the United States Senate their joint reappointment of the following individuals on March 5, 2010, each to a 5 year term on the Board of Directors of the Office of Compliance: Alan V. Friedman of California, Susan S. Robfogel of New York, and Barbara Childs Wallace of Mississippi, and, in addition, their joint designation of: Barbara L. Camens of Washington, D.C., Chair.

¶26.11 ROBOTICS WEEK

Mr. BAIRD moved to suspend the rules and agree to the following resolution (H. Res. 1055):

Whereas the United States has the largest number of academic and research organizations with dedicated programs focused on the advancement of robotics technology;

Whereas robotics has matured into an all-encompassing and enabling technology that, as a pillar of 21st century American innovation, is positioned to fuel a broad array of next generation products and applications, transform our society, and become as ubiquitous over the next several decades as desktop and mobile computing technology is today;

Whereas the emerging market for service robotics in various sectors, including healthcare, national defense, homeland security, energy, manufacturing, logistics, transportation, agriculture, education, consumer goods, and others, is expected to grow at a compound annual growth rate of nearly 20 percent over the next few years to become a worldwide $27 billion industry;

Whereas robotics is a critical technology capable in the near term of contributing to the economic recovery by creating new jobs, increasing productivity, improving quality, and increasing worker safety, and equally capable over time of addressing the longer term labor and healthcare issues expected to result from the 40 percent increase in number of the Nation's elderly over the next 20 years;

Whereas robotics technology holds tremendous potential for reducing the cost of healthcare delivery, stimulating the discovery and development of new procedures and treatments for a wide variety of diseases and disorders, improving the standard and accessibility of care, providing individuals with disabilities, especially injured veterans, with greater independence and dignity, and enhancing overall patient health outcomes;

Whereas robotics technology is proving essential to our national defense and homeland security by enabling the ongoing development and fielding of unmanned air, ground, and maritime systems that today help keep our Nation's war-fighters and protectors out of harm's way, and in the long run will serve as a highly effective force multiplier;

Whereas robotics is a key transformative technology that can revolutionize American manufacturing by enabling small and mid-sized companies to cost effectively combine highly skilled workers and highly adaptable, precise, and reliable equipment to create and make high value products in high-stakes industries;

Whereas robotics is rapidly proving to be one of the most effective, compelling, and engaging means for teaching and reinforcing fundamental science, technology, engineering, and mathematics (STEM) concepts as well as inspiring the Nation's youth to pursue STEM-related careers thereby helping to create a highly-skilled, 21st century American workforce;

Whereas America's ability to maintain its leadership position and be both globally competitive and cooperative in a wide range of rapidly emerging markets is being currently challenged by other regions, including the European Union, Korea, and Japan, who have committed to making multi-billion dollar, long-term investments in further developing and commercializing robotics technology;

Whereas there is a strong need to recognize America's leadership in robotics technology, educate the public on robotics technology's broad potential, growing importance, and future impact on American society, underscore the need for increased investment in robotics technology research and development, and inspire the Nation's youth to pursue careers in robotics and other STEM-related fields; and

Whereas the second week in April each year is designated as ''National Robotics Week'', recognizing the accomplishments of Isaac Asimov, who immigrated to America, taught science, wrote science books for children and adults, first used the term robotics, developed the Three Laws of Robotics, and died in April, 1992: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Robotics Week (NRW) as an annual event;

(2) encourages institutions of higher education and companies which utilize robotics technology to hold open houses during NRW to help explain the technology and its applications;

(3) encourages science museums to organize events and demonstrations during NRW that help to educate and engage the public on the utility, importance, and impact of robotics technology;

(4) encourages schools, clubs, and organizations to hold open houses, organize local competitions, and demonstrate student activities relating to the field of robotics technology;

(5) encourages activities that advance the use of robotics to revolutionize the way fundamental science, technology, engineering, and mathematics (STEM) concepts are taught in the classroom and that highlight the success that robotics competitions organized by groups such as For Inspiration and Recognition of Science and Technology (FIRST) are having at inspiring students to pursue STEM-related careers; and

(6) affirms the growing importance of robotics technology and supports all other efforts to increase national awareness of the technology and its impact on the future of the Nation.

The SPEAKER pro tempore, Ms. CHU, recognized Mr. BAIRD and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. CHU, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶26.12 NOBEL PRIZE IN PHYSICS

Mr. BAIRD moved to suspend the rules and agree to the following resolution (H. Res. 1069):

Whereas breakthroughs in scientific research are the building blocks of a productive, competitive, and healthy society;

Whereas the Nobel Prize is a prestigious international award administered annually by the Nobel Foundation in Stockholm, Sweden, and has since 1901 recognized the world's most outstanding achievements in physics;

Whereas, on December 10, 2009, in Stockholm, Sweden, Willard S. Boyle and George E. Smith from Bell Laboratories in Murray Hill, New Jersey, were awarded the Nobel prize for physics for their invention of an imaging semiconductor circuit, the charge-coupled devise (CCD), in addition to Charles K. Kao from Standard Telecommunication Laboratories in Harlow, United Kingdom, and the Chinese University of Hong Kong in Hong Kong, China, for his work concerning the transmission of light in fibers for optical communication;

Whereas Bell Laboratories in Murray Hill, New Jersey, is an internationally renowned research organization founded in 1925 by the American Telephone & Telegraph company (AT&T);

Whereas a total of seven Nobel Prizes for physics have been awarded for work completed at Bell Laboratories;

Whereas work at Bell Laboratories has led to the invention or advancement of such groundbreaking technologies as the transistor, photovoltaic cells, the laser, the UNIX operating system, and the CCD sensor;

Whereas scientific leadership in the United States is made possible by robust investments in scientific research programs in both the public and private sectors;

Whereas continued support of science research programs is indispensable to maintaining the Nation's position as the global leader in technology and innovation; and

Whereas the accomplishments of these scientists are significant achievements in the field of scientific research and further promote the United States among the world leaders in science: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Willard S. Boyle and George E. Smith for being awarded the Nobel Prize in physics; and

(2) recognizes Bell Laboratories in Murray Hill, New Jersey, as a contributor to leadership in scientific research and innovation in the United States.

The SPEAKER pro tempore, Ms. CHU, recognized Mr. BAIRD and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. CHU, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BAIRD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. CHU, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶26.13 MEDAL OF TECHNOLOGY AND INNOVATION

Mr. BAIRD moved to suspend the rules and agree to the following resolution (H. Res. 935):

Whereas the National Medal of Technology and Innovation (formerly known as the National Medal of Technology) is the highest honor for technological achievement bestowed by the President on leading innovators in the United States;

Whereas the purpose of the National Medal of Technology and Innovation is to recognize individuals, teams, and companies that have made lasting and substantial contributions to the United States' competitiveness and to strengthening the Nation's technological workforce through—

(1) the development and commercialization of technological products, processes, and concepts,

(2) technological innovation, and

(3) development of the Nation's technological manpower;

Whereas by highlighting the national importance of technological innovation, the National Medal of Technology and Innovation seeks to inspire future generations in the United States to prepare for and pursue technical careers to keep the United States at the forefront of global technology and economic leadership;

Whereas, on September 17, 2009, the President named John E. Warnock, Charles M. Geschke, Forrest M. Bird, Esther Sans Takeuchi, and IBM Corporation as the recipients of the 2008 National Medal of Technology and Innovation;

Whereas Dr. John E. Warnock and Dr. Charles M. Geschke, both of San Jose, California, pioneered technological innovations that were central to spurring the revolution in desktop publishing, which had an immense and significant role in changing the way people create and engage with information and entertainment across multiple mediums including print, video, and the Internet; and

Whereas Forrest M. Bird of Sandpoint, Idaho, invented pioneering technologies in cardiopulmonary medicine (including the medical respirator), devices that helped launch modern-day medical evacuation capabilities, and intrapulmonary percussive ventilation (''IPV'') technologies, which have saved the lives of millions of patients with chronic obstructive pulmonary disease and other conditions;

Whereas Dr. Esther Sans Takeuchi of Buffalo, New York, developed the silver vanadium oxide battery that powers the majority of the world's lifesaving implantable cardiac defibrillators, and other medical battery technologies that improve the health and quality of life of millions of people; and

Whereas IBM Corporation of Yorktown Heights, New York, created the Blue Gene supercomputer and its systems architecture, design, and software, which have delivered fundamental new science, unsurpassed speed, and unparalleled energy efficiency, and have had a profound impact worldwide on the high-performance computing industry: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the innovative technological achievements of John E. Warnock, Charles M. Geschke, Forrest M. Bird, Esther Sans Takeuchi, and IBM Corporation; and

(2) congratulates John E. Warnock, Charles M. Geschke, Forrest M. Bird, Esther Sans Takeuchi, and IBM Corporation for receiving the 2008 National Medal of Technology and Innovation.

The SPEAKER pro tempore, Ms. CHU, recognized Mr. BAIRD and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. CHU, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BAIRD objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. CHU, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶26.14 HARMFUL ALGAL BLOOMS

Mr. BAIRD moved to suspend the rules and pass the bill (H.R. 3650) to establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia; as amended.

The SPEAKER pro tempore, Ms. CHU, recognized Mr. BAIRD and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. CHU, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BAIRD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. CHU, pursuant to clause 8 of rule XX,

announced that further proceedings on the question were postponed.

¶26.15 EARTHQUAKE IN CHILE

Mr. CONNOLLY of Virginia, moved to suspend the rules and agree to the following resolution (H. Res. 1144):

Whereas, on February 27, 2010, an 8.8 magnitude earthquake, one of the largest ever recorded, struck off the coast of Chile;

Whereas casualty estimates, which number in the hundreds and continue to grow, as well as the destruction of entire coastal villages and extensive damage to highways, bridges, apartments, and infrastructure, have led to the Government of Chile's declaration of a ''state of catastrophe'';

Whereas an estimated 2,000,000 people, including upwards of 1,500,000 displaced persons, have been directly affected by the earthquake, the tsunami, and its aftermath;

Whereas aftershocks numbering over 100, including 8 aftershocks registering above a 6.0 magnitude, continue to affect the coast and the rest of the country after the initial 120-second tremor, the strongest and most damaging earthquake in Chile in the last 50 years;

Whereas Chile had already overcome the trials of more than a dozen previous 7.0-magnitude or greater earthquakes since the 1960 Valdivia 9.5-magnitude quake, the largest ever measured, which left thousands dead;

Whereas the tsunami caused by the earthquake, which came shortly after, with waves measuring over 19 feet, slammed 124 miles of Chile's coast and accounted for a significant percentage of the casualties and missing;

Whereas the threat of potential tsunamis across the ''Ring of Fire'' earthquake area prompted warnings and advisories issued from Hawaii to as far as the California coast and Alaska;

Whereas according to the United States Geological Survey (USGS), Concepcion, Chile's second largest city, was 70 miles from the earthquake's epicenter and suffered some of the worst damage, and its hundreds of thousands of residents initially remained largely cut off from the remainder of the country without many basic necessities, including running water and electricity;

Whereas the coastal town of Dichato and its 4,000 residents were among the hardest hit, and is reportedly 80 percent destroyed;

Whereas 80 percent of Talcahuano's 180,000 residents living on the Chilean coast were left homeless by the earthquake;

Whereas initial estimates of the damage costs range from $15,000,000,000 to $30,000,000,000;

Whereas basic necessities across the country, including electricity, clean water access, telephone access, and communication systems, continue to be restored on a progressive basis in many zones;

Whereas the Government of Chile continues to deliver aid to affected citizens to the best of its ability, including airlifting supplies to remote towns;

Whereas the Government of Chile has taken significant measures to maintain order and public security in the streets to prevent more widespread panic and chaos as damage assessments are made and relief is delivered;

Whereas Chile is a political and economic leader and a close ally of the United States in Latin America;

Whereas the people and Government of Chile have stood resolute and steadfast in the face of a long history of destructive earthquakes;

Whereas Chile's stringent building codes, which one local architect called ''our proud building standards'', as well as the Government of Chile's ability to implement them, greatly mitigated the impact of this catastrophic natural event both in terms of casualties and physical damage to the infrastructure of the country;

Whereas Chile showed its deep generosity and responsibility as a regional ally when it deployed Chilean earthquake rescue teams, which Secretary of State Hillary Rodham Clinton has described as among the best in the world, to Haiti following its devastating earthquake earlier this year;

Whereas these search and rescue teams continue to work tirelessly to save more lives from collapsed buildings and neighborhoods struck by the earthquake in Chile;

Whereas several international urban search and rescue teams remain prepared to deploy to Chile if the need arises;

Whereas sitting Chilean President Michelle Bachelet declared the natural disaster ''a catastrophe of such unthinkable magnitude that it will require a giant effort to recover'';

Whereas incoming Chilean President Sebastian Pinera, to be sworn in March 11, 2010, expressed that ''The future government is working tirelessly and will continue to confront the emergency that Pres. Bachelet is facing, because the emergency will not be over in five days. We are set to tackle something even more difficult, which is to lift Chile up, to reconstruct our country'';

Whereas President Obama declared that the United States ''stands ready to assist in the rescue and recovery efforts and we have resources that are positioned to deploy should the Chilean government ask for our help.'';

Whereas Secretary Clinton visited Chile on March 2, 2010, delivering crucial communication equipment, and vowed that ''We'll be here to help when others leave because we are committed to this partnership and this friendship with Chile.''; and

Whereas the world stands ready to swiftly aid those affected by this epic natural disaster: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the significant loss of life, as well as the physical damage, caused by the February 27, 2010, earthquake and resulting tsunami in Chile;

(2) expresses its deepest condolences and sympathy to the families of the victims of this horrific tragedy, and solidarity with the millions of affected Chileans;

(3) recognizes that Chile is and remains a close ally and friend of the United States;

(4) recognizes that Chile's embrace of democratic ideals and the Government of Chile's ability to implement strict building standards due to its strong governance structure greatly mitigated the impact of this natural disaster;

(5) commends the rescue, relief, and recovery actions, still underway, taken by the Government of Chile;

(6) commends the United States Government, the entire international community, and nongovernmental organizations for their prompt deployment of assistance to Chile;

(7) urges the President to continue to support the Government of Chile, as it assesses its relief and recovery needs; and

(8) pays tribute to the resilience, strength, and courage of the people of Chile as they begin the recovery and rebuilding process.

The SPEAKER pro tempore, Ms. CHU, recognized Mr. CONNOLLY of Virginia, and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. CHU, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CONNOLLY of Virginia, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. CHU, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 10, 2010.

The point of no quorum was considered as withdrawn.

¶26.16 FIGHTING THE DRUG CARTELS

Mr. CONNOLLY of Virginia, moved to suspend the rules and agree to the following resolution (H. Res. 1032); as amended:

Whereas Mr. Agustin Roberto ''Bobby'' Salcedo, a United States citizen and resident of California, was senselessly murdered on December 31, 2009, at the young age of 33 while vacationing with his family in the city of Gomez Palacio, Durango, Mexico;

Whereas Bobby Salcedo was a rising star in the community, had just been elected to his second term as a member of the El Monte City School Board, and served as the vice principal and football coach at his alma mater, Mountain View High School;

Whereas Bobby Salcedo was studying for his doctorate in educational leadership at the University of California, Los Angeles, after having earned his bachelor's degree in history from California State University, Long Beach, and a master's degree in educational administration from California State University, San Bernardino;

Whereas Bobby Salcedo, the son of immigrant parents, sought to chart a better course for his entire community, serving as a local leader for such organizations as the South El Monte/Gomez Palacio, Durango, Mexico Sister City Organization;

Whereas, on December 31, 2009, Mr. Salcedo was having dinner in Mexico in a restaurant with family and friends when a group of armed and masked men burst in and forcibly removed Mr. Salcedo and 5 other men;

Whereas Mr. Salcedo was killed execution-style with a single gunshot to the head;

Whereas Bobby Salcedo's body, along with the bodies of the 5 other men, was found several hours later dumped in a field near a canal;

Whereas the Federal Bureau of Investigation has been asked by the Government of Mexico to assist in investigating the death of Mr. Salcedo;

Whereas innocents are directly impacted by drug-related violence in Mexico;

Whereas the Mexican drug cartels are major producers and suppliers to the United States market for heroin, methamphetamine, and marijuana and the major transit country for 90 percent of the cocaine sold in the United States;

Whereas the National Drug Intelligence Center, a component of the U.S. Department of Justice, has identified Mexican drug trafficking organizations as ''the greatest drug trafficking threat to the United States'';

Whereas the illegal trafficking of firearms, including from the United States to Mexico, contributes to drug-related violence, and the United States–Mexico Joint Statement on the Merida Initiative on October 22, 2007, stated that the United States will ''continue to combat trafficking of weapons and bulk currency to Mexico.'';

Whereas the Mexican drug cartels have become increasingly violent, killing at least 5,600 people in 2008 and more than 7,000 people in 2009;

Whereas the Mexican State of Durango, where Bobby Salcedo's execution took place,

is one of the most violent with more than 700 recorded gang related killings in 2009;

Whereas the Government of President Felipe Calderon has significantly stepped up Mexico's efforts to confront the drug cartels and end the violence, deploying some 45,000 troops and 5,000 police throughout Mexico; and

Whereas the United States Congress has appropriated over $1,300,000,000 under the Merida Initiative to help Mexico break the power and impunity of the drug cartels, assist the Government of Mexico in strengthening its judicial and law enforcement institutions, curtail gang activity in Mexico, and disrupt demand for and distribution of drugs in the region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses sorrow at the death of Mr. Agustin Roberto ''Bobby'' Salcedo;

(2) supports continued cooperation between the United States Government and the Government of Mexico to help identify and convict Mr. Salcedo's killers;

(3) calls on the Governments of the United States and Mexico to increase cooperation to prosecute those responsible for the drug-related killings of innocents in Mexico, be they United States or Mexican citizens; and

(4) reaffirms its continued support for bilateral cooperation with Mexico to break the power of the Mexican drug cartels and turn the tide of violence.

The SPEAKER pro tempore, Mr. CLAY, recognized Mr. CONNOLLY of Virginia, and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CLAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing the sense of the House of Representatives that the United States should continue to assist the Government of Mexico in fighting the drug cartels and curbing violence against Mexican and United States citizens, both in the United States and abroad.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶26.17 ALBINISM IN EAST AFRICA

Mr. CONNOLLY of Virginia, moved to suspend the rules and agree to the following resolution (H. Res. 1088); as amended:

Whereas, in parts of East Africa, most notably Tanzania, shamans promote the reprehensible belief that people with albinism are less than human, and that their body parts can be made into potions to bring wealth or luck;

Whereas over the last 2 years, more than 50 adults and children with albinism have been murdered in East Africa by mercenaries who sell their body parts to shamans;

Whereas countless other people with albinism have survived these attacks, but have been permanently mutilated in the name of profit;

Whereas two mothers of children with albinism were attacked by gangs who were searching for the children in Eastern Tanzania in November 2008;

Whereas a 10-year-old boy with albinism, Gasper Elikana, was beheaded by men who fled with his leg in October 2008;

Whereas a 28-year-old woman with albinism, Mariamu Stanford, was attacked while she slept, losing both of her arms and her unborn child in October 2008;

Whereas a 17-year-old woman with albinism from Kenya, Vumilia Makoye, was killed by 2 men in her home who sawed off her legs in May 2008;

Whereas hundreds of children with albinism are living in fear for their lives in rural areas;

Whereas people with albinism are routinely shunned by their communities and often excluded from East African society;

Whereas a number of government officials in rural areas of East Africa have ignored or even colluded with local shamans in these degradations;

Whereas people with albinism in East Africa generally are not provided with life-saving information about preventing skin cancer, and have no means of protecting themselves from excess sunlight; and

Whereas people with albinism lack access to medical treatment for skin cancer, and the average person in East Africa with albinism dies by age 30 from skin cancer, and only 2 percent of people with albinism in that region live to age 40: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the murder and mutilation of adults and children with albinism for their body parts;

(2) expresses support for people with albinism in East Africa who have been the victims of such attacks;

(3) recognizes that the murder and mutilation of people with albinism in East Africa is a gross violation of human rights;

(4) urges governments in East Africa, particularly the Governments of Tanzania and Burundi, to take immediate action to prevent further violence against persons with albinism and to bring to swift justice those who have engaged in such reprehensible practices;

(5) calls upon governments in East Africa, along with international organizations and other donors, including the United States, to actively support the education of people with albinism about the prevention of skin cancer and provide appropriate levels of assistance toward that end;

(6) calls upon governments in East Africa, along with international organizations, to educate populations in East Africa about the realities of albinism, with the purpose of eliminating discrimination and abuses against people with albinism; and

(7) calls upon the United States to work with the governments of East Africa, and international organizations and other donors, to eliminate violence against people with albinism.

The SPEAKER pro tempore, Ms. CHU, recognized Mr. CONNOLLY of Virginia, and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. CHU, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. CHU, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 10, 2010.

¶26.18 189TH ANNIVERSARY OF GREECE INDEPENDENCE

Mr. CONNOLLY of Virginia, moved to suspend the rules and agree to the following resolution (H. Res. 1107):

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States, many of whom read Greek political philosophy in its original text, drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the Greek national anthem (Hymn to Liberty) includes the words, ''Most heartily was gladdened George Washington's brave land'';

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that ''it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you'';

Whereas the people of the United States generously offered humanitarian assistance to the Greek people during their struggle for independence;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece in holding onto our common values in their region was high, as hundreds of thousands of civilians were killed in Greece during World War II;

Whereas, throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested over $20,000,000,000 in the countries of the region, thereby creating over 200,000 new jobs, and having contributed over $750,000,000 in development aid for the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, as Greece immediately granted unlimited access to its airspace and the base in Souda Bay, and many ships of the United States that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas Greece is an active participant in peacekeeping and peace-building operations conducted by international organizations, including the United Nations, the North Atlantic Treaty Organization (NATO), the European Union (EU), and the Organization for Security and Cooperation in Europe (OSCE);

Whereas its Chairmanship of OSCE in 2009 underlined Greece's continued commitment to the trans-Atlantic community;

Whereas in August 2004, the Olympic Games came home to Athens, Greece, the

land of their ancient birthplace 2,500 years ago and the city of their modern revival in 1896;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympics of over 14,000 athletes and over 2,000,000 spectators and journalists, which it did efficiently, securely, and with its famous Greek hospitality;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and has been consistently working for rapprochement with Turkey, as most recently demonstrated by Prime Minister George Papandreou's visit to Turkey in October 2009, just days following his election, his first diplomatic trip abroad;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between Greece and the United States and their peoples;

Whereas March 25, 2010, Greek Independence Day, marks the 189th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire and celebrates the aspirations for democracy that the peoples of Greece and the United States share; and

Whereas it is proper and desirable for the United States to celebrate this anniversary with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 189th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 189 years ago.

The SPEAKER pro tempore, Ms. CHU, recognized Mr. CONNOLLY of Virginia, and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. CHU, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. CHU, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 10, 2010.

¶26.19 PREVENT DECEPTIVE CENSUS MAILINGS

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 4621) to protect the integrity of the constitutionally-mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census; as amended.

The SPEAKER pro tempore, Mr. DOYLE, recognized Mr. CLAY and Mr. GARRETT of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DOYLE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CLAY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DOYLE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 10, 2010.

¶26.20 SPC NICHOLAS SCOTT HARTGE POST OFFICE

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 4624) to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the ''SPC Nicholas Scott Hartge Post Office''.

The SPEAKER pro tempore, Mr. DOYLE, recognized Mr. CLAY and Mr. GARRETT of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DOYLE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶26.21 CONTRIBUTIONS OF KOREAN AMERICANS

Mr. CLAY moved to suspend the rules and agree to the following resolution (H. Res. 1036):

Whereas, on January 13, 1903, the arrival of 102 pioneer Korean immigrants to the United States marked the first chapter of Korean immigration in this country;

Whereas the Korean War began 60 years ago this June and impacted the lives of millions of Koreans;

Whereas thousands of Koreans, fleeing from war and poverty, came to the United States seeking opportunities;

Whereas Korean Americans, like thousands of immigrants to the United States before them, have built strong families and contributed to dynamic communities;

Whereas more than a million people in the United States can trace their roots to Korea;

Whereas the Centennial Committees of Korean Immigration and Korean Americans have designated January 13 of each year as ''Korean American Day'' to commemorate the first step of the long and prosperous journey of Korean Americans in the United States; and

Whereas Korean Americans have contributed significantly to the development of the arts, sciences, engineering, medicine, government, military, education, and the economy in the United States: Now, therefore, be it

Resolved, That the House of Representatives urges all people in the United States to recognize the invaluable contributions Korean Americans have made to this Nation.

The SPEAKER pro tempore, Mr. DOYLE, recognized Mr. CLAY and Mr. GARRETT of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DOYLE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶26.22 CAPTAIN LUTHER H. SMITH POST OFFICE

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 4547) to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith, U.S. Army Air Forces Post Office''.

The SPEAKER pro tempore, Mr. DOYLE, recognized Mr. CLAY and Mr. GARRETT of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DOYLE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶26.23 OHIO STATE UNIVERSITY BUCKEYES FOOTBALL TEAM

Mr. PIERLUISI moved to suspend the rules and agree to the following resolution (H. Res. 1047):

Whereas The Ohio State University (Ohio State) Buckeyes football team achieved many historic accomplishments during the 2009 regular season;

Whereas Ohio State defeated favored Oregon 26–17 in the Rose Bowl on January 1, 2010;

Whereas Ohio State won its seventh Rose Bowl all-time;

Whereas Ohio State won its fifth consecutive Big Ten title and played in its fifth consecutive BCS bowl;

Whereas Ohio State finished the season at 11–2, ranked fifth nationally;

Whereas Ohio State led the Big Ten for the eighth consecutive season in academic all-conference honorees;

Whereas Ohio State Coach Jim Tressel became only the second coach in Ohio State history to win both a NCAA National Championship and a Rose Bowl (Woody Hayes);

Whereas the Ohio State defense ranked in the Top 5 nationally in 4 different categories;

Whereas Quarterback Terrelle Pryor threw for 266 yards, ran for 72 yards, and scored two touchdowns, leading all players for both teams in these categories; and

Whereas Quarterback Terrelle Pryor was the Rose Bowl MVP: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends The Ohio State University (Ohio State) Buckeye football team for its victory in the 2010 Rose Bowl;

(2) congratulates Coach Jim Tressel, winner of five Big Ten titles; and

(3) recognizes the accomplishments of the Ohio State Buckeye football team, which has played in more BCS Bowl Games than any other team in college football.

The SPEAKER pro tempore, Mr. DOYLE, recognized Mr. PIERLUISI and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DOYLE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PIERLUISI objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DOYLE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 10, 2010.

The point of no quorum was considered as withdrawn.

¶26.24 SILVER LAKE COLLEGE

Mr. PIERLUISI moved to suspend the rules and agree to the following resolution (H. Res. 1142):

Whereas Silver Lake College was founded in the late 1800s by the Franciscan Sisters of Christian Charity as an academy and normal school;

Whereas the State of Wisconsin issued the charter designating Silver Lake College, then named Holy Family College, as an undergraduate institution of higher education in 1935;

Whereas Silver Lake College is a four-year Catholic liberal arts college, located in Manitowoc, Wisconsin;

Whereas Silver Lake College currently serves 1,253 students and offers a 7 to 1 student to teacher ratio;

Whereas students at Silver Lake College can earn degrees in 11 different programs and 24 different areas of study; and

Whereas Silver Lake College emphasizes a professional education with a liberal arts experience and encourages life-long learning and moral and community leadership: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Silver Lake College for 75 years of service as an undergraduate institution of higher education; and

(2) commends Silver Lake College for providing education and training to the people of Wisconsin for over 75 years.

The SPEAKER pro tempore, Mr. DOYLE, recognized Mr. PIERLUISI and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DOYLE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶26.25 SCHOOL SOCIAL WORK WEEK

Mr. PIERLUISI moved to suspend the rules and agree to the following resolution (H. Res. 1091); as amended:

Whereas the importance of school social work through the inclusion of school social work programs has been recognized in the current authorizations of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

Whereas school social workers serve as vital members of a school's educational team, playing a central role in creating partnerships between the home, school, and community to ensure student academic success;

Whereas school social workers are especially skilled in providing services to students who face serious challenges to school success, including poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning;

Whereas there is a growing need for local educational agencies to offer the mental health services that school social workers provide when working with families, teachers, principals, community agencies, and other entities to address students' emotional, physical, and environmental needs so that students may achieve behavioral and academic success;

Whereas to achieve the goal of the No Child Left Behind Act of 2001 (Public Law 107–110) of helping all children reach their optimal levels of potential and achievement, including children with serious emotional disturbances, schools must work to remove the emotional, behavioral, and academic barriers that interfere with student success in school;

Whereas in 1999, with the most current data available, the Surgeon General's Report on Mental Health showed that fewer than 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and research indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement;

Whereas school mental health programs are critical to early identification of mental health problems and in the provision of appropriate services when needed;

Whereas the national average ratio of students to school social workers recommended by the School Social Work Association of America is 400 to 1; and

Whereas the celebration and of ''School Social Work Week'' during the week of February 28 through March 6, 2010, highlights the vital role school social workers play in the lives of students in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''School Social Work Week'';

(2) honors and recognizes the contributions of school social workers to the successes of students in schools across the Nation; and

(3) encourages the people of the United States to observe ''School Social Work Week'' with appropriate ceremonies and activities that promote awareness of the vital role of school social workers, in schools and in the community as a whole, in helping students prepare for their futures as productive citizens.

The SPEAKER pro tempore, Mr. DOYLE, recognized Mr. PIERLUISI and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. DOYLE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶26.26 RECESS—5:08 P.M.

The SPEAKER pro tempore, Mr. DOYLE, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 8 minutes p.m., until approximately 6:30 p.m.

¶26.27 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. SCHRADER, called the House to order.

¶26.28 PROVIDING FOR CONSIDERATION OF H. CON. RES. 248

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–428) the resolution (H. Res. 1146) providing for consideration of the concurrent resolution (H. Con. Res. 248) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Afghanistan.

When said resolution and report were referred to the House Calendar and ordered printed.

¶26.29 H.R. 3650—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SCHRADER, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3650) to establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 263 / Nays 142

¶26.30 [Roll No. 92]

YEAS—263

Ackerman
Adler (NJ)
Alexander
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wittman
Wu
Yarmuth

NAYS—142

Aderholt
Akin
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Boren
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Carter
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Dreier
Duncan
Emerson
Flake
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Owens
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—25

Barrett (SC)
Blunt
Camp
Conyers
Dahlkemper
Davis (AL)
Deal (GA)
Engel
Fallin
Forbes
Grijalva
Gutierrez
Hoekstra
Jordan (OH)
Kennedy
Kilpatrick (MI)
Kirk
Nadler (NY)
Perlmutter
Ryan (OH)
Space
Titus
Wamp
Woolsey
Young (FL)

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶26.31 H. RES. 1069—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SCHRADER, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1069) congratulating Willard S. Boyle and George E. Smith for being awarded the Nobel Prize in physics.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 / Nays 0

¶26.32 [Roll No. 93]

YEAS—402

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez

Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—28

Barrett (SC)
Becerra
Blunt
Camp
Conyers
Dahlkemper
Davis (AL)
Deal (GA)
Engel
Fallin
Forbes
Grijalva
Gutierrez
Hoekstra
Jordan (OH)
Kennedy
Kilpatrick (MI)
Kirk
Manzullo
McIntyre
Nadler (NY)
Perlmutter
Quigley
Ryan (OH)
Serrano
Wamp
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶26.33 H. RES. 935—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SCHRADER, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 935) honoring John E. Warnock, Charles M. Geschke, Forrest M. Bird, Esther Sans Takeuchi, and IBM Corporation for receiving the 2008 National Medal of Technology and Innovation.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SCHRADER, announced that two-thirds of those present had voted in the affirmative.

Mr. GARAMENDI demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 Nays 0

¶26.34 [Roll No. 94]

AYES—402

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

NOT VOTING—28

Barrett (SC)
Berman
Blunt
Camp
Conyers
Dahlkemper
Davis (AL)
Deal (GA)
Engel
Fallin
Forbes
Gohmert
Grijalva
Gutierrez
Hoekstra
Jordan (OH)
Kennedy
Kilpatrick (MI)
Kirk
Manzullo
Nadler (NY)
Perlmutter
Quigley
Ryan (OH)
Terry
Wamp
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶26.35 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. FLAKE, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities

taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that ''the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.''' (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas.

Therefore be it:

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) what witnesses were interviewed, (2) what, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore, Mr. CROWLEY, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Arizona [Mr. FLAKE] will appear in the RECORD at this point.

''The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.''.

¶26.36 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. KILPATRICK of Michigan, for today.

And then,

¶26.37 ADJOURNMENT

On motion of Mr. CARTER, at 8 o'clock and 32 minutes p.m., the House adjourned.

¶26.38 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 1146. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 248) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Afghanistan (Rept. 111–428). Referred to the House Calendar.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 3239. A bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Merida Initiative on the border security of the United States, and for other purposes; with an amendment (Rept. 111–429, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 4506. A bill to authorize the appointment of additional bankruptcy judges, and for other purposes (Rept. 111–430). Referred to the Committee of the Whole House on the state of the Union.

¶26.39 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committee on Foreign Affairs discharged from further consideration. H.R. 3239 referred to the Committee of the Whole House on the state of the Union.

¶26.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEVIN (for himself, Mr. CAMP, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. PASCRELL, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. ETHERIDGE, Mr. HIGGINS, Mr. HERGER, Mr. BRADY of Texas, Mr. ROSKAM, Mr. CLYBURN, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 4783. A bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 4784. A bill to establish the Internet Freedom Foundation, and for other purposes; to the Committee on Science and Technology.

By Mr. CLYBURN (for himself, Mr. WHITFIELD, Mr. PERRIELLO, and Mr. SPRATT):

H.R. 4785. A bill to amend the miscellaneous rural development provisions of the Farm Security and Rural Investment Act of 2002 to authorize the Secretary of Agriculture to make loans to certain entities that will use the funds to make loans to consumers to implement energy efficiency measures involving structural improvements and investments in cost-effective, commercial off-the-shelf technologies to reduce home energy use; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY of Virginia (for himself, Mr. OBERSTAR, Mr. MICA, Mr. LEVIN, Mr. TOWNS, and Mr. DEFAZIO):

H.R. 4786. A bill to provide authority to compensate Federal employees for the 2-day period in which authority to make expenditures from the Highway Trust Fund lapsed, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself and Mr. SULLIVAN):

H.R. 4787. A bill to amend title XIX of the Social Security Act to improve and protect rehabilitative services and case management services provided under Medicaid to improve the health and welfare of the nation's most vulnerable seniors and children; to the Committee on Energy and Commerce.

By Mr. BISHOP of New York (for himself, Mr. MICHAUD, and Mr. MCCOTTER):

H.R. 4788. A bill to amend title 49, United States Code, to establish limitations on the approval of cooperative arrangements between 2 or more air carriers or between an air carrier and a foreign air carrier, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GRAYSON (for himself, Mr. FILNER, Mr. POLIS of Colorado, Ms. PINGREE of Maine, Ms. SHEA-PORTER, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. KUCINICH, Ms. EDWARDS of Maryland, Ms. WATSON, and Ms. JACKSON LEE of Texas):

H.R. 4789. A bill to amend title XVIII of the Social Security Act to provide for an option for any citizen or permanent resident of the United States to buy into Medicare; to the Committee on Ways and Means.

By Mr. CAPUANO (for himself, Mr. ACKERMAN, Mr. FILNER, Mr. GRAYSON, Mr. HIMES, Mr. HOLT, Mrs. MALONEY, Mr. PALLONE, Mr. PETERS, and Ms. ROYBAL-ALLARD):

H.R. 4790. A bill to amend the Securities Exchange Act of 1934 to require shareholder authorization before a public company may make certain political expenditures, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER:

H.R. 4791. A bill to ensure that the victims and victims' families of the November 5, 2009, attack at Fort Hood, Texas, receive the same treatment, benefits, and honors as those Americans who have been killed or wounded in a combat zone overseas and their families; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 4792. A bill to direct the Secretary of the Interior, acting through the Minerals

Management Service, to conduct a technological capability assessment, survey, and economic feasibility study regarding recovery of minerals, other than oil and natural gas, from the shallow and deep seabed of the United States; to the Committee on Natural Resources.

By Mr. FRELINGHUYSEN:

H.R. 4793. A bill to designate the library and archives gallery at the Washington's Headquarters Museum at Morristown National Historical Park in the State of New Jersey, and for other purposes; to the Committee on Natural Resources.

By Mr. LANCE (for himself, Mrs. EMERSON, Mr. PAULSEN, and Mrs. MCMORRIS RODGERS):

H.R. 4794. A bill to prohibit the use of any recommendation of the Preventive Services Task Force (or any successor task force) to deny or restrict coverage of an item or service under a Federal health care program, a group health plan, or a health insurance issuer, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself and Mr. TERRY):

H.R. 4795. A bill to prohibit restrictions on the resale of event tickets sold in interstate commerce as an unfair or deceptive act or practice; to the Committee on Energy and Commerce.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. TIM MURPHY of Pennsylvania):

H.R. 4796. A bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUIGLEY:

H.R. 4797. A bill to amend title 40, United States Code, to direct the Administrator of General Services to incorporate bird-safe building materials and design features into public buildings, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SIMPSON (for himself and Mr. CONAWAY):

H.R. 4798. A bill to allow small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SPACE:

H.R. 4799. A bill to direct the Secretary of Health and Human Services to develop a strategic plan to retrain displaced workers to become health care professionals serving areas with a shortage of such professionals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BAIRD (for himself and Mr. INGLIS):

H. Con. Res. 250. Concurrent resolution congratulating the people of Iraq on their resolve to vote in a national parliamentary election on March 7, 2010, in the face of adversity; to the Committee on Foreign Affairs.

By Mr. HINOJOSA (for himself, Mr. BERMAN, Mr. ENGEL, Ms. LEE of California, Ms. ROYBAL-ALLARD, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, Mr. CUELLAR, Mr. BURTON of Indiana, Mr. CARDOZA, Mr. REYES, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. BACA, Mr. MEEKS of New York, Mr. SIRES, Mr. CLAY, Ms. SPEIER, Mr. LUJÁN, Ms. WATERS, Mr. GENE GREEN of Texas, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SALAZAR, Mr. DOGGETT, Mr. RYAN of Wisconsin, Mr. PIERLUISI, Mr. SABLAN, Mr. PASTOR of Arizona, and Mr. FARR):

H. Res. 1144. A resolution expressing condolences to the families of the victims of the February 27, 2010, earthquake in Chile, as well as solidarity with and support for the people of Chile as they plan for recovery and reconstruction; to the Committee on Foreign Affairs.

By Ms. GIFFORDS (for herself and Mr. GRIJALVA):

H. Res. 1145. A resolution recognizing the University of Arizona's 125 years of dedication to excellence in higher education; to the Committee on Education and Labor.

By Ms. SPEIER:

H. Res. 1147. A resolution amending the Rules of the House of Representatives to require a Member, Delegate, or Resident Commissioner to hold an explanatory public meeting prior to the submission of congressional earmark requests; to the Committee on Standards of Official Conduct.

By Mr. BAIRD (for himself and Mr. FORTENBERRY):

H. Res. 1148. A resolution expressing support for the mission and goals of the World Economic Forum; to the Committee on Foreign Affairs.

By Mr. BISHOP of Utah:

H. Res. 1149. A resolution supporting the goals and ideals of National Charter School Week, to be held May 2 through May 8, 2010; to the Committee on Education and Labor.

By Ms. JACKSON LEE of Texas (for herself, Mr. CULBERSON, Mr. AL GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KOSMAS, Mr. GENE GREEN of Texas, Mr. HINOJOSA, Mr. ORTIZ, Mr. SMITH of Texas, Mr. REYES, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. CUELLAR, Ms. WATSON, Mr. CARTER, Mr. MILLER of Florida, and Mr. OLSON):

H. Res. 1150. A resolution designating the National Aeronautics and Space Administration (NASA) as a national security interest and asset; to the Committee on Science and Technology.

By Mr. MCDERMOTT (for himself, Mr. LARSEN of Washington, and Mr. BAIRD):

H. Res. 1151. A resolution recognizing and congratulating Apolo Anton Ohno for his historic performances in short track speed skating at the 2002, 2006, and 2010 Olympic Winter Games and congratulating him for winning more Olympic Winter Games medals than any other American athlete; to the Committee on Oversight and Government Reform.

By Ms. MOORE of Wisconsin (for herself and Mr. BERMAN):

H. Res. 1152. A resolution celebrating Volunteers in Service to America (VISTA) on its 45th anniversary and recognizing the national service program's contribution to the fight against poverty; to the Committee on Education and Labor.

By Mr. RAHALL (for himself, Mr. MOLLOHAN, and Mrs. CAPITO):

H. Res. 1153. A resolution recognizing the heroic efforts of the West Virginia National Guard and local responders for their work rescuing 17 individuals from a downed military helicopter on a rugged, snow-covered mountain on the Pocahontas-Randolph county line; to the Committee on Armed Services.

By Mr. SESTAK (for himself, Mr. MCCAUL, Mr. MELANCON, Mr. GRIJALVA, Mr. DOGGETT, Mrs. BLACKBURN, Mr. COLE, and Ms. SPEIER):

H. Res. 1154. A resolution expressing support for designation of September 13, 2010, as ''National Childhood Cancer Awareness Day''; to the Committee on Energy and Commerce.

¶26.41 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. SIRES and Ms. NORTON.

H.R. 43: Mr. ARCURI, Mrs. CAPITO, Mr. KIRK, Ms. PINGREE of Maine, and Mr. CONNOLLY of Virginia.

H.R. 197: Mr. ISSA.

H.R. 205: Mr. LOBIONDO.

H.R. 211: Mr. SOUDER.

H.R. 219: Mr. TIAHRT.

H.R. 336: Ms. RICHARDSON.

H.R. 393: Mr. INGLIS.

H.R. 476: Mr. GENE GREEN of Texas and Mr. CAO.

H.R. 489: Mr. WALZ.

H.R. 537: Mrs. CAPITO, Mr. JONES, and Mr. LARSON of Connecticut.

H.R. 622: Mr. OWENS.

H.R. 673: Mr. CUMMINGS.

H.R. 678: Mr. HALL of New York, Mr. BUCHANAN, Mr. MOORE of Kansas, Mr. ROGERS of Kentucky, Mr. LOEBSACK, Mr. GERLACH, and Mr. JONES.

H.R. 690: Mr. BOEHNER and Mr. DAVIS of Tennessee.

H.R. 789: Mr. SCOTT of Virginia and Mr. BRADY of Pennsylvania.

H.R. 878: Mr. HELLER.

H.R. 881: Mr. DUNCAN and Mr. BONNER.

H.R. 903: Mr. ROTHMAN of New Jersey.

H.R. 904: Mr. TEAGUE.

H.R. 949: Mr. MOLLOHAN, Ms. MCCOLLUM, and Mr. GORDON of Tennessee.

H.R. 953: Mr. RODRIGUEZ and Mr. WALZ.

H.R. 1017: Mr. CARNAHAN and Mr. OBERSTAR.

H.R. 1020: Mr. RODRIGUEZ.

H.R. 1067: Mr. CLEAVER.

H.R. 1079: Mrs. CAPPS.

H.R. 1126: Mr. QUIGLEY.

H.R. 1175: Mr. HARE.

H.R. 1177: Mr. HARE.

H.R. 1190: Mr. MCCLINTOCK.

H.R. 1205: Mr. PASCRELL, Mr. SCOTT of Virginia, Mr. MELANCON, Mr. VAN HOLLEN, and Mr. MICHAUD.

H.R. 1207: Mr. QUIGLEY.

H.R. 1210: Mrs. MCMORRIS RODGERS, Ms. CHU, Mr. DONNELLY of Indiana, and Mr. SNYDER.

H.R. 1407: Mr. MAFFEI.

H.R. 1452: Mr. BRALEY of Iowa.

H.R. 1460: Ms. NORTON.

H.R. 1519: Mr. KLINE of Minnesota.

H.R. 1523: Mr. MORAN of Virginia and Mr. BERMAN.

H.R. 1547: Mr. CARTER and Mr. KING of Iowa.

H.R. 1640: Mr. KAGEN.

H.R. 1682: Mr. TIBERI.

H.R. 1708: Mr. ROSS and Ms. ROS-LEHTINEN.

H.R. 1718: Mrs. BLACKBURN.

H.R. 1866: Mr. POLIS.

H.R. 1873: Mr. HINCHEY.

H.R. 1895: Mr. HALL of New York.

H.R. 1924: Ms. HIRONO.

H.R. 1925: Ms. MATSUI.

H.R. 1932: Ms. BORDALLO.

H.R. 1970: Mr. SOUDER.

H.R. 1980: Mr. TIAHRT.

H.R. 2084: Mr. JACKSON of Illinois.

H.R. 2149: Mr. ALTMIRE.

H.R. 2156: Mr. HARE.

H.R. 2256: Mr. MURPHY of New York, Mr. FOSTER, and Ms. ROS-LEHTINEN.

H.R. 2258: Mr. LANGEVIN.

H.R. 2296: Mr. MELANCON.

H.R. 2299: Mr. KISSELL.

H.R. 2365: Mr. HARE.
H.R. 2372: Mr. BARRETT of South Carolina.
H.R. 2373: Mr. ANDREWS.
H.R. 2377: Mr. CAPUANO, Mr. GRAVES, Mr. GARAMENDI, and Ms. NORTON.
H.R. 2408: Mr. OWENS and Mr. ORTIZ.
H.R. 2414: Mr. OWENS.
H.R. 2455: Mr. HARE and Mr. GARAMENDI.
H.R. 2555: Mr. MILLER of Florida and Mr. YOUNG of Florida.
H.R. 2565: Mr. RYAN of Wisconsin.
H.R. 2568: Mr. QUIGLEY and Ms. SCHAKOWSKY.
H.R. 2601: Mr. ETHERIDGE.
H.R. 2697: Mr. CHANDLER, Mr. HARE, and Mr. MAFFEI.
H.R. 2737: Mr. CASTLE and Mr. REHBERG.
H.R. 2891: Mr. CARNAHAN and Mr. MAFFEI.
H.R. 2906: Mr. LOEBSACK, Mr. HOLT, and Mrs. CAPPS.
H.R. 3024: Mr. MAFFEI.
H.R. 3035: Ms. SCHAKOWSKY.
H.R. 3043: Mr. STARK.
H.R. 3070: Mr. GORDON of Tennessee.
H.R. 3101: Ms. KILROY, Ms. SCHAKOWSKY, and Mr. HASTINGS of Florida.
H.R. 3116: Mr. BOUCHER.
H.R. 3125: Mr. BUTTERFIELD, Mrs. CAPPS, and Mr. SULLIVAN.
H.R. 3186: Ms. SUTTON.
H.R. 3240: Mr. JOHNSON of Illinois and Mr. THOMPSON of Pennsylvania.
H.R. 3308: Mr. HELLER.
H.R. 3355: Ms. HIRONO.
H.R. 3380: Mr. LOBIONDO, Mr. HERGER, Ms. KOSMAS, Mr. LINDER, Mr. QUIGLEY, Mr. MCDERMOTT, Mr. PETERSON, Mr. POSEY, Mr. BERMAN, and Ms. CHU.
H.R. 3401: Mr. GUTIERREZ, Mr. MCDERMOTT, and Mr. STARK.
H.R. 3415: Mr. SCHOCK and Mr. PAUL.
H.R. 3421: Mr. TOWNS.
H.R. 3488: Mr. ACKERMAN.
H.R. 3554: Mrs. MYRICK and Mr. SESTAK.
H.R. 3652: Mr. LYNCH, Mr. OLVER, Mr. BOSWELL, Mr. MCGOVERN, Mr. ANDREWS, Mr. OBERSTAR, and Mr. WU.
H.R. 3655: Mr. GRIJALVA.
H.R. 3656: Mr. SCOTT of Virginia.
H.R. 3715: Mr. HARE.
H.R. 3731: Ms. GIFFORDS.
H.R. 3734: Mr. NADLER of New York and Mr. PIERLUISI.
H.R. 3787: Mr. FRANK of Massachusetts.
H.R. 3790: Mr. CARNEY, Mr. WESTMORELAND, Mr. LEE of New York, Mr. BARRETT of South Carolina, Mr. PRICE of Georgia, Mr. LIPINSKI, Mr. JONES, Mr. LEWIS of Georgia, Mr. ANDREWS, Mr. KING of Iowa, and Mrs. DAVIS of California.
H.R. 3838: Mr. COHEN and Mr. HINCHEY.
H.R. 3952: Ms. GIFFORDS.
H.R. 4116: Mr. THOMPSON of California.
H.R. 4141: Ms. BEAN.
H.R. 4155: Ms. SPEIER.
H.R. 4159: Ms. CHU.
H.R. 4163: Mr. CUMMINGS.
H.R. 4196: Ms. SCHAKOWSKY.
H.R. 4241: Mr. MURPHY of New York and Mr. MCMAHON.
H.R. 4256: Mr. TANNER and Ms. GIFFORDS.
H R 4261: Mr. POE of Texas.
H.R. 4269: Mr. KILDEE.
H R 4274: Mr. HOLT and Mr. CLEAVER.
H.R. 4296: Mr. CARNAHAN, Mr. ALTMIRE, and Mr. TIM MURPHY of Pennsylvania.
H.R. 4320: Mr. SHULER.
H.R. 4322: Mr. BLUMENAUER.
H.R. 4324: Mr. BILIRAKIS, Ms. BORDALLO, and Ms. GIFFORDS.
H.R. 4333: Ms. NORTON, Mr. WAXMAN, and Mr. OLVER.
H.R. 4343: Mr. SABLAN.
H.R. 4353: Mr. COHEN and Mr. COOPER.
H.R. 4375: Ms. SCHAKOWSKY.
H.R. 4376: Ms. GIFFORDS.
H.R. 4386: Ms. SCHAKOWSKY and Ms. BALDWIN.
H.R. 4399: Mr. HINCHEY.
H.R. 4400: Ms. BALDWIN, Mr. WAMP, Mr. GUTHRIE, and Mr. KLINE of Minnesota.
H.R. 4430: Mr. SMITH of Texas and Mr. BARRETT of South Carolina.
H.R. 4446: Mr. CARNAHAN.
H.R. 4477: Mr. FILNER.
H.R. 4496: Mr. GERLACH.
H.R. 4502: Mr. DEFAZIO.
H.R. 4505: Ms. GRANGER and Mr. WALDEN.
H.R. 4521: Mr. FRANK of Massachusetts.
H.R. 4530: Mr. JACKSON of Illinois, Ms. WASSERMAN SCHULTZ, Ms. GIFFORDS, and Mr. KENNEDY.
H.R. 4537: Mr. ACKERMAN, Mr. BLUMENAUER, Ms. MOORE of Wisconsin, and Mr. WELCH.
H.R. 4538: Mr. HASTINGS of Florida.
H.R. 4556: Mr. MCKEON.
H.R. 4557: Mr. TOWNS.
H.R. 4563: Ms. NORTON.
H.R. 4572: Mr. SOUDER, Mr. SCHOCK, and Mr. BUYER.
H.R. 4573: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4598: Mr. SCHAUER, Mr. THOMPSON of Pennsylvania, and Ms. BORDALLO.
H.R. 4614: Mr. HEINRICH and Ms. MARKEY of Colorado.
H.R. 4630: Mr. CUMMINGS.
H.R. 4687: Ms. CHU, Mr. STARK, Ms. ROYBAL-ALLARD, and Mrs. DAVIS of California.
H.R. 4690: Ms. DELAURO.
H.R. 4692: Mr. SCHAUER, Mr. COSTELLO, and Mr. SHERMAN.
H.R. 4693: Mr. CARTER.
H.R. 4713: Mr. SESTAK.
H.R. 4719: Ms. GIFFORDS.
H.R. 4735: Mr. NEUGEBAUER.
H.R. 4740: Ms. JACKSON LEE of Texas.
H.R. 4745: Mr. BOSWELL, Mr. MCMAHON, Mr. TANNER, Mr. ALTMIRE, Mr. SMITH of Washington, Mr. MELANCON, Mr. MICHAUD, Mr. BOREN, Mr. TAYLOR, Ms. SUTTON, Mr. HARE, Mr. SCOTT of Georgia, Mrs. BIGGERT, Mr. SHULER, Mr. LIPINSKI, Ms. MARKEY of Colorado, Mr. CHANDLER, Ms. WATSON, and Mr. GALLEGLY.
H.R. 4751: Mr. MOLLOHAN.
H.R. 4755: Ms. SUTTON, Mr. LEVIN, Mr. HIGGINS, Mr. CONYERS, Mrs. MILLER of Michigan, Mr. STUPAK, Ms. SCHAKOWSKY, Mr. SCHAUER, and Mr. QUIGLEY.
H.R. 4765: Mr. ELLISON.
H.J. Res. 76: Mr. TIBERI, Mr. PETRI, Mrs. CAPITO, Mr. BARROW, Mr. DONNELLY of Indiana, Mr. ROGERS of Alabama, and Mr. EDWARDS of Texas.
H. Con. Res. 204: Mr. COURTNEY.
H. Con. Res. 231: Mr. JACKSON of Illinois.
H. Con. Res. 242: Mr. SESTAK, Ms. CHU, Mr. VISCLOSKY, Mr. VAN HOLLEN, Mr. CONNOLLY of Virginia, Ms. MATSUI, Mr. ISRAEL, and Mr. FARR.
H. Con. Res. 248: Mr. STARK and Mr. FARR.
H. Res. 173: Mr. SESTAK and Mr. HODES.
H. Res. 200: Mr. FRANK of Massachusetts.
H. Res. 213: Mr. CLEAVER, Mr. BECERRA, Ms. MATSUI, Mr. RANGEL, Mr. STARK, Mr. SIRES, Mr. DOYLE, and Ms. LEE of California.
H. Res. 311: Mr. RUSH, Mr. CUMMINGS, Mr. WALZ, Ms. NORTON, and Mr. PETERSON.
H. Res. 440: Mr. POLIS.
H. Res. 704: Mr. KISSELL, Mr. PERLMUTTER, Mr. COHEN, Mr. PETERSON, Ms. TITUS, Mr. ROE of Tennessee, and Mr. MICA.
H. Res. 763: Mr. MCCOTTER.
H. Res. 764: Mr. FORBES.
H. Res. 874: Mr. PLATTS.
H. Res. 925: Mr. SESTAK.
H. Res. 959: Ms. FOXX.
H. Res. 1036: Ms. SCHAKOWSKY.
H. Res. 1047: Mr. BOEHNER.
H. Res. 1052: Mr. MARSHALL, Mr. LARSEN of Washington, and Mr. GONZALEZ.
H. Res. 1053: Ms. WASSERMAN SCHULTZ, Mr. CONYERS, and Mr. OLVER.
H. Res. 1060: Mrs. HALVORSON, Mr. BURTON of Indiana, Mr. FORBES, Mr. LAMBORN, Mr. SAM JOHNSON of Texas, Mr. MCCAUL, Mr. EDWARDS of Texas, Mr. CRENSHAW, and Mrs. CAPITO.
H. Res. 1081: Mr. CONYERS, Mr. GRAYSON, Mr. SCOTT of Virginia, and Ms. NORTON.
H. Res. 1088: Mr. GARAMENDI.
H. Res. 1091: Mr. CLEAVER.
H. Res. 1099: Ms. SHEA-PORTER, Mr. ROGERS of Kentucky, Mr. BARROW, Mr. TEAGUE, Mr. JOHNSON of Georgia, Mr. CONAWAY, Mr. FLEMING, Mr. WILSON of South Carolina, Mr. PERLMUTTER, Mr. SMITH of Nebraska, and Mr. MCKEON.
H. Res. 1102: Mr. FILNER, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, and Mr. CLEAVER.
H. Res. 1103: Mr. RODRIGUEZ, Mr. TANNER, Mr. CHAFFETZ, Mr. HINOJOSA, Mr. BURGESS, Mr. EDWARDS of Texas, and Mr. DUNCAN.
H. Res. 1107: Mr. LIPINSKI, Mr. LEVIN, and Ms. LORETTA SANCHEZ of California.
H. Res. 1116: Mr. KING of New York, Mr. DAVIS of Illinois, Mr. MICHAUD, Ms. BORDALLO, Ms. EDWARDS of Maryland, Mr. MCDERMOTT, Mr. TIBERI, Mr. RUSH, Ms. HIRONO, Mr. BLUNT, Mr. GUTIERREZ, Mr. SNYDER, Ms. ZOE LOFGREN of California, Mr. FRANK of Massachusetts, Mr. MAFFEI, Mr. PAYNE, Mrs. NAPOLITANO, Mr. BARROW, Mr. BILBRAY, Ms. SUTTON, Mr. CONNOLLY of Virginia, Mr. JACKSON of Illinois, Mr. HOLT, Mr. GEORGE MILLER of California, Ms. LINDA T. SÁNCHEZ of California, Mr. SMITH of Washington, Ms. MCCOLLUM, Mrs. MCMORRIS RODGERS, Mr. FARR, Mr. HASTINGS of Florida, Mrs. EMERSON, Mr. ISSA, Mr. MARKEY of Massachusetts, Mr. HINCHEY, and Mr. ALEXANDER.
H. Res. 1120: Mr. MARCHANT and Mr. EDWARDS of Texas.
H. Res. 1128: Mr. SALAZAR and Mr. LANGEVIN.
H. Res. 1138: Ms. JACKSON LEE of Texas.
H. Res. 1141: Ms. SHEA-PORTER, Ms. ROS-LEHTINEN, Mr. WU, Mr. MINNICK, Ms. SPEIER, Ms. RICHARDSON, Mr. GORDON of Tennessee, Ms. BERKLEY, Mrs. DAVIS of California, Ms. FUDGE, Ms. CHU, Mrs. MCCARTHY of New York, and Mrs. MCMORRIS RODGERS.

¶26.42 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 872: Mr. MCCOTTER.

WEDNESDAY, MARCH 10, 2010 (27)

¶27.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. SLAUGHTER, who laid before the House the following communication:

WASHINGTON, DC,
March 10, 2010.

I hereby appoint the Honorable LOUISE MCINTOSH SLAUGHTER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶27.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. SLAUGHTER, announced she had examined and approved the Journal of the proceedings of Tuesday, March 9, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶27.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6477. A letter from the Management and Program Analyst, Department of Agriculture, transmitting the Department's final

rule — Sale and Disposal of National Forest System Timber; Special Forest Products and Forest Botanical Products (RIN: 0596-AB81) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6478. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1,2,3-Propanetriol, Homopolymer Diisooctadecanoate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0213; FRL-8813-8] received February 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6479. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trichoderma asperellum strain ICC 012; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0750; FRL-8800-9] received February 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6480. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Limitation on Procurements on Behalf of DoD (DFARS Case 2008-D005) (RIN: 0750-) received February 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6481. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Additional Requirements Applicable to Multiyear Contracts (DFARS Case 2008-D023) recevied February 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6482. A letter from the Director, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Expansion of Special Information Sharing Procedures to Deter Money Laundering and Terrorist Activity (RIN: 1506-BA04) received February 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6483. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs; and Other Related Issues [Docket No.: OTS-2010-0020] (RIN: 1550-AD36) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6484. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Community Reinvestment Act Regulations (RIN: 3064-AD54) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6485. A letter from the Secretary, Department of Education, transmitting the Department's final rule — School Improvement Grants; American Recovery and Reinvestments Act of 2009 (ARRA); Title I of the Elemenary and Secondary Education Act of 1965, as Amended (ESEA) [Docket ID: ED-2009-OESE-0010] (RIN: 1810-AB06) received January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6486. A letter from the Director, Office of Policy, Reports and Disclosure, Department of Labor, transmitting the Department's final rule — Trust Annual Reports (RIN: 1215-AB75) received February 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6487. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Grants for Research Projects [Docket No.: NIH-2007-0929] (RIN: 0925-AA42) received February 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6488. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners; Reporting on Adverse and Negative Actions (RIN: 0906-AA57) received January 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6489. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standard; Air Brake Systems [Docket No.: NHTSA-2009-0038] (RIN: 2127-AK44) received January 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6490. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Federal Volatility Control Program in the Denver-Boulder-Greeley-Ft. Collins-Loveland, Colorado, 1997 8-Hour Ozone Nonattainment Area [EPA-HQ-OAR-2008-0924; FRL-9119-3] (RIN: 2060-AP40) received February 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6491. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Operating Permits Program; State of Iowa [EPA-R07-OAR-2009-0860; FRL-9120-2] received February 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6492. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Ohio New Source Review Rules [EPA-R05-OAR-2004-OH-0004; FRL-9107-4] received February 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6493. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; NO_X Budget Trading Program [EPA-R05-OAR-2009-0964; FRL-9116-8] received February 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6494. A letter from the Assistant Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band, Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition, Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones [WT Docket No.: 08-166, WT Docket No. 08-167, ET Docket No. 10-24] received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6495. A letter from the Executive Director, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Annual Update of Filing Fees [Docket No.: RM10-14-000] received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6496. A letter from the Legal Advisor, International Bureau, Federal communications Commission, transmitting the Commission's final rule — Elimination of Part 23 of the Commission's Rules [IB Docket No. 05-216] received January 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6497. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting a report submitted in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

6498. A letter from the Acting Deputy Director, Defense Security Cooperaton Agency, transmitting Transmittal No. 10-12, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6499. A letter from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting addendum to a certification, Transmittal Number: DDTC 10-002; to the Committee on Foreign Affairs.

6500. A letter from the Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting addendum to a certification, Transmittal No.: DDTC 10-011; to the Committee on Foreign Affairs.

6501. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — General Services Administration Aquisition Regulation; Rewrite of Part 512, Acquisition of Commercial Items [GSAR Amendment 2010-01; GSAR Case 2008-G504 (Change 43); Docket GSAR-2010-0001; Sequence 1] (RIN: 3090-AI61) received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6502. A letter from the Deputy Archivist of the United States, National Archives & Records Administration, transmitting the Administation's Final rule—Photography in Public Exhibit Space [FDMS Docket NARA-09-003] (RIN: 3095-AB60) Recevied January 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6503. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 2 Quota Harvested [Docket No.: 060418103-6181-02] (RIN: 0648-XT98) received February 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6504. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Drug and Alcohol Testing Program; Correction [Docket No.: FAA-2008-0937; Amendment No. 120-0A, 135-117A] (RIN: 2120-AJ37) received January 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6505. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category; Correction [EPA-HQ-OW-2008-0465; FRL-9118-7] (RIN: 2040-AE91) received February 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6506. A letter from the Director, National Legislative Commission, American Legion, transmitting the financial statement and independent audit of The American Legion, proceedings of the 91th annual National Convention of the American Legion, held in Louisville, Kentucky from August 21-27, 2009 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 111-93); to the Committee on Veterans' Affairs and ordered to be printed.

6507. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Industry Director's Directive on the Planning and Examination of Repairs vs. Capitalization Change in Accounting Method (CAM) #1 received February 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶27.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, without amendment, a bill of the House of the following title:

H.R. 3433. An Act to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are founded under that Act, and for other purposes.

¶27.5 HIGHWAY TRUST FUND

Mr. OBERSTAR moved to suspend the rules and pass the bill (H.R. 4786) to provide authority to compensate Federal employees for the 2-day period in which authority to make expenditures from the Highway Trust Fund lapsed, and for other purposes.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. OBERSTAR and Mr. COBLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶27.6 45TH ANNIVERSARY OF BLOODY SUNDAY

Mr. COHEN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 249):

Whereas brave people in the United States, known and unknown, of different races, ethnicities, and religions, risked their lives to stand for political equality and against racial discrimination in a quest culminating in the passage of the Voting Rights Act of 1965;

Whereas numerous people in the United States paid the ultimate price in pursuit of that quest, while demanding that the Nation live up to the guarantees enshrined in the 14th and 15th Amendments to the United States Constitution;

Whereas the historic struggle for equal voting rights led nonviolent civil rights marchers to gather on the Edmund Pettus Bridge in Selma, Alabama, on March 7, 1965, a day that would come to be known as ''Bloody Sunday'', where their bravery was tested by a brutal response, which in turn sent a clarion call to the Nation that the fulfillment of democratic ideals could no longer be denied;

Whereas, March 7, 2010, marks the 45th anniversary of Bloody Sunday, the day on which some 600 civil rights marchers were demonstrating for African-American voting rights;

Whereas Congressman John Lewis and the late Hosea Williams led these marchers across the Edmund Pettus Bridge in Selma, Alabama, where they were attacked with billy clubs and tear gas by State and local lawmen;

Whereas during the march on Bloody Sunday, Congressman Lewis was beaten unconscious, leaving him with a concussion and countless other injuries;

Whereas footage of the events on Bloody Sunday was broadcast on national television that night and burned its way into the Nation's conscience;

Whereas the courage, discipline, and sacrifice of these marchers caused the Nation to respond quickly and positively;

Whereas eight days after Bloody Sunday, President Lyndon B. Johnson called for a comprehensive and effective voting rights bill as a necessary response by Congress and the President to the interference and violence, in violation of the 14th and 15th Amendments, encountered by African-American citizens when attempting to protect and exercise the right to vote;

Whereas a bipartisan Congress approved the Voting Rights Act of 1965 and on August 6, 1965, President Lyndon B. Johnson signed this landmark legislation into law;

Whereas the Voting Rights Act of 1965 stands as a tribute to the heroism of countless people in the United States and serves as one of the Nation's most important civil rights victories, enabling political empowerment and voter enfranchisement for all people in the United States;

Whereas the Voting Rights Act of 1965 effectuates the permanent guarantee of the 15th Amendment that ''the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude'';

Whereas the Voting Rights Act of 1965 has increased voter registration among racial, ethnic, and language minorities, as well as enhanced the ability of those citizens to participate in the political process and elect representatives of their choice to public office; and

Whereas the citizens of the United States must not only remember this historic event, but also commemorate its role in the creation of a more just society and appreciate the ways in which it has inspired other movements around the world: Now, therefore, be it

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

(1) commemorates the 45th anniversary of Bloody Sunday;

(2) observes and celebrates the 45th anniversary of the enactment of the Voting Rights Act of 1965;

(3) pledges to advance the legacy of the Voting Rights Act of 1965 to ensure its continued effectiveness in protecting the voting rights of all people in the United States; and

(4) encourages all people in the United States to reflect upon the sacrifices of the Bloody Sunday marchers and acknowledge that their sacrifice made possible the passage of the Voting Rights Act of 1965.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. COHEN and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COHEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶27.7 TEEN DATING VIOLENCE AWARENESS AND PREVENTION MONTH

Mr. COHEN moved to suspend the rules and agree to the following resolution (H. Res. 1081):

Whereas dating, domestic, and sexual violence affect women regardless of age, and teens and young women are especially vulnerable;

Whereas approximately 1 in 3 adolescent girls in the United States is a victim of physical, emotional, or verbal abuse from a dating partner, a figure that far exceeds victimization rates for other types of violence affecting youth;

Whereas nationwide, 1 in 10 high school students (9.9 percent) has been hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend;

Whereas more than 1 in 4 teenagers have been in a relationship where a partner is verbally abusive;

Whereas 20 percent of teen girls exposed to physical dating violence did not attend school on 1 or more occasions during a 30-day period because they felt unsafe either at school, or on the way to or from school;

Whereas violent relationships in adolescence can have serious ramifications for victims, including higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and adult revictimization;

Whereas teen girls who are physically and sexually abused are up to 6 times more likely to become pregnant, and more than 2 times as likely to report a sexually transmitted disease, than teen girls who are not abused;

Whereas nearly 3 in 4 children, ages 11 to 14 (hereinafter referred to as ''tweens''), say that dating relationships usually begin at age 14 or younger, and approximately 72 percent of 8th and 9th grade students report ''dating'';

Whereas 1 in 5 tweens say their friends are victims of dating violence and nearly ½ of tweens who are in relationships know friends who are verbally abused;

Whereas more than 3 times as many tweens (20 percent) as parents of tweens (6 percent) admit that parents know little or nothing about the dating relationships of tweens;

Whereas teen dating abuse most often takes place in the home of one of the teens in the dating relationship;

Whereas a majority of parents surveyed believe they have had a conversation with their teen about what it means to be in a healthy relationship, but the majority of teens surveyed said that they have not had a conversation about dating abuse with a parent in the past year;

Whereas digital abuse and ''sexting'' are becoming new frontiers for teen dating abuse;

Whereas 1 in 4 teens in a relationship say they have been called names, harassed, or put down by their dating partner through cellular phones and texting;

Whereas 3 in 10 young people have sent or received nude pictures of other young people on their cellular phones or online, and 61 percent who have ''sexted'' report being pressured to do so at least once;

Whereas targets of digital abuse are almost 3 times as likely to contemplate suicide as those who have not encountered such abuse (8 percent versus 3 percent), and targets of digital abuse are nearly 3 times more likely to have considered dropping out of school;

Whereas the severity of violence among intimate partners has been shown to be greater in cases where the pattern of violence has been established in adolescence;

Whereas primary prevention programs are a key part of addressing teen dating violence, and many successful community examples include education, community outreach, and social marketing campaigns that account for the cultural appropriateness of programs;

Whereas in addition to prevention programs, skilled assessment and intervention programs are necessary for youth victims and abusers;

Whereas the alarming trend of unhealthy and abusive youth relationships exists in communities across the country, and affects youth of every race, culture, sex, and socioeconomic status; and

Whereas the establishment of National Teen Dating Violence Awareness and Prevention Month in February will benefit schools, communities, families, and youth throughout the Nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Teen Dating Violence Awareness and Prevention Week to raise awareness of teen dating violence in the United States;

(2) supports and encourages communities to empower teens to develop healthy relationships; and

(3) encourages the people of the United States, State and local officials, middle schools and high schools, law enforcement agencies, and other interested groups to observe National Teen Dating Violence Awareness and Prevention Week with appropriate programs and activities that promote awareness and prevention of the crime of teen dating violence.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. COHEN and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶27.8 JOHN H. ''JACK'' RUFFIN, JR.

Mr. COHEN moved to suspend the rules and agree to the following resolution (H. Res. 1087):

Whereas Jack Ruffin left a lasting impact on his State and the United States during his distinguished legal career as a civil rights attorney and as the first African-American chief judge of the Georgia Court of Appeals;

Whereas Jack Ruffin was born in the rural town of Waynesboro, Georgia, in 1934, where he spent his formative years and where today his portrait hangs in the Burke County Courthouse;

Whereas Jack Ruffin graduated from Morehouse College in 1957 and from Howard University School of Law in 1960;

Whereas Jack Ruffin became, in 1961, the first African-American admitted to the Augusta Bar Association, against the wishes of his mother who feared for his safety;

Whereas Jack Ruffin fought with great courage against injustices in his community throughout his life, most notably when he filed the lawsuits that desegregated the public school systems of Richmond County and of Burke County;

Whereas Jack Ruffin honorably served, from 1986 to 1994, as the first African-American Superior Court judge in the Augusta Judicial Circuit;

Whereas Jack Ruffin, having been appointed by Governor Zell Miller to the Georgia Court of Appeals in 1994, honorably served as a member of that Court until 2008;

Whereas Jack Ruffin became the first African-American Chief Judge of the Georgia Court of Appeals in 2005 and served honorably in that position until 2006;

Whereas the new Richmond County judicial center in Augusta, Georgia, will be named in Jack Ruffin's honor, a decision made by the Augusta-Richmond County Commission in 2009;

Whereas Jack Ruffin retired from the Georgia Court of Appeals in 2008 and spent the rest of his life giving back to his community by teaching students at his alma mater, Morehouse College;

Whereas Jack Ruffin died the night of January 29, 2010, at the age of 75, in Atlanta, Georgia, and is survived by his wife, Judith Ruffin, his father, John Ruffin, Sr., his son, Brinkley Ruffin, and two grandsons;

Whereas the passing of Jack Ruffin is a great loss to the legal community and to the State of Georgia, and his life should be honored with great praise and appreciation for the many contributions he made to the legal system in the United States and to the civil rights movement; and

Whereas it is the intent of the House of Representatives to recognize and pay tribute to the life of Jack Ruffin, his achievements for civil rights, his zeal for justice, and his passion for the law: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Jack Ruffin as a great jurist in the State of Georgia and as an important figure in the civil rights movement; and

(2) recognizes the selfless and brave contributions that Jack Ruffin made to his community and to the law.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. COHEN and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶27.9 BANKRUPTCY JUDGES

Mr. COHEN moved to suspend the rules and pass the bill (H.R. 4506) to authorize the appointment of additional bankruptcy judges, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. COHEN and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COHEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, March 11, 2010.

¶27.10 PUBLIC SERVICE OF ENRIQUE ''KIKI'' CAMARENA

Mr. COHEN moved to suspend the rules and agree to the following resolution (H. Res. 1115):

Whereas in March 1985, Drug Enforcement Administration (DEA) Special Agent Enrique ''Kiki'' Camarena made the ultimate sacrifice in the fight against illicit drugs;

Whereas Special Agent Camarena, an 11-year veteran special agent of the DEA, was kidnapped, tortured, and murdered in the line of duty;

Whereas Special Agent Camarena joined the DEA in June 1974 as an agent with the Calexico, California, District Office;

Whereas Special Agent Camarena was assigned to the Fresno District Office in September 1977, and transferred to the Guadalajara Resident Office in July 1981;

Whereas, on February 7, 1985, when leaving the Guadalajara Resident Office to join his wife Geneva for lunch, Special Agent Camarena was surrounded by 5 armed men, forced into a vehicle and taken away;

Whereas the body of Special Agent Camarena was discovered on March 5, 1985, on a ranch approximately 60 miles southeast of Guadalajara, Mexico;

Whereas to date, 22 individuals have been indicted in Los Angeles, California, for their roles in the Camarena murder, including former high ranking Mexican Government officials, cartel drug lords, lieutenants, and soldiers;

Whereas of the 22 individuals indicted in Los Angeles, 8 have been convicted and are imprisoned in the United States, 6 have been incarcerated in Mexico and considered fugitives as a result of outstanding warrants in the United States, 4 are believed deceased, 1 was acquitted at trial, and 3 remain fugitives believed to be residing in Mexico;

Whereas an additional 25 individuals were arrested, convicted, and imprisoned in Mexico for their involvement in the Camarena murder;

Whereas the men and women of the DEA will continue to seek justice for the murder of Special Agent Camarena;

Whereas fugitives Guillermo Chavez-Sanchez and Ricardo Chavez-Sanchez are still wanted as hostile material witnesses in Los Angeles, California;

Whereas during his 11-year career with the DEA, Special Agent Camarena received 2 Sustained Superior Performance Awards, a Special Achievement Award and, posthumously, the Administrator's Award of Honor, the highest award granted by DEA;

Whereas prior to joining the DEA, Special Agent Camarena served 2 years in the U.S. Marine Corps, as well as serving as a fireman in Calexico, a police investigator, and a narcotics investigator for the Imperial County Sheriff Coroner;

Whereas Red Ribbon Week, nationally recognized since 1988 and now the oldest and largest drug prevention program in the Nation, reaching millions of young people each year and celebrated annually from October 23 to 31, was established to help preserve Special Agent Camarena's memory and further the cause for which he gave his life, the fight against drug crime and addiction; and

Whereas Special Agent Camarena will be remembered as an honorable public servant, his sacrifice should also be a reminder every October during Red Ribbon Week of the dangers associated with drug use and trafficking: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses appreciation for the profound dedication and public service of Enrique ''Kiki'' Camarena on the 25th anniversary of his death;

(2) offers its deepest sympathy and appreciation to his wife, Geneva, his three children, Enrique, Daniel, and Erik, and to the entire family, friends, and former colleagues of the Drug Enforcement Administration;

(3) encourages communities and organizations throughout the United States to commemorate the sacrifice of Special Agent Camarena through the promotion of drug-free communities and participation in drug prevention activities to support healthy, productive, and drug-free lifestyles; and

(4) directs the Clerk of the House to transmit a copy of this resolution to the family of Enrique ''Kiki'' Camarena.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. COHEN and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶27.11 HEROIC ACTIONS AT THE LLOYD D. GEORGE FEDERAL COURTHOUSE

Mr. JOHNSON of Georgia, moved to suspend the rules and agree to the following resolution (H. Res. 1061):

Whereas, on January 4, 2010, during an assault at the entrance of the Lloyd D. George Federal Courthouse in Las Vegas, Nevada, Court Security Officer Stanley Cooper was fatally wounded and died heroically in the line of duty while protecting the employees, occupants, and visitors of the courthouse;

Whereas Deputy United States Marshal Richard J. ''Joe'' Gardner was wounded in the line of duty while protecting the employees, occupants, and visitors of the courthouse;

Whereas the Court Security Officers and members of the United States Marshals Service and the Las Vegas Metropolitan Police Department acted swiftly and bravely to subdue the gunman and minimize risk and injury to the public; and

Whereas the heroic actions of Court Security Officer Stanley Cooper, Deputy United States Marshal Richard J. ''Joe'' Gardner, and the law enforcement officers who responded to the attack prevented additional harm to innocent bystanders: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the brave actions and quick thinking exhibited by Court Security Officer Stanley Cooper during the assault at the entrance of the Lloyd D. George Federal Courthouse;

(2) offers its deepest condolences to the family and friends of Court Security Officer Stanley Cooper, who valiantly gave his life in the line of duty;

(3) commends Deputy United States Marshal Richard J. ''Joe'' Gardner for his actions and bravery in responding to the assault;

(4) wishes Deputy United States Marshal Richard J. ''Joe'' Gardner a speedy recovery from the wounds he sustained in the line of duty; and

(5) applauds the Court Security Officers and members of the United States Marshals Service and Las Vegas Metropolitan Police Department for their brave and courageous actions in responding to the assault at the Lloyd D. George Federal Courthouse.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. JOHNSON of Georgia, and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶27.12 CHILEAN EARTHQUAKE VICTIM RELIEF

Mr. LEVIN moved to suspend the rules and pass the bill (H.R. 4783) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. LEVIN and Mr. ROSKAM, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶27.13 PROVIDING FOR CONSIDERATION OF H. CON. RES. 248

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 1146):

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the concurrent resolution (H. Con. Res. 248) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Afghanistan, if called up by Representative Kucinich of Ohio or his designee. The concurrent resolution shall be considered as read. The concurrent resolution shall be debatable for three hours, with 90 minutes controlled by Representative Kucinich of Ohio or his designee and 90 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

When said resolution was considered.

After debate,

On motion of Mr. MCGOVERN, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 225 / Nays 195

¶27.14 [Roll No. 95]

YEAS—225

Ackerman	Chandler	Edwards (TX)
Adler (NJ)	Chu	Ellison
Andrews	Clarke	Ellsworth
Baca	Clay	Engel
Baird	Cleaver	Eshoo
Baldwin	Clyburn	Etheridge
Bean	Cohen	Farr
Becerra	Connolly (VA)	Fattah
Berkley	Cooper	Filner
Berman	Costa	Foster
Berry	Costello	Frank (MA)
Bishop (GA)	Courtney	Fudge
Bishop (NY)	Crowley	Garamendi
Blumenauer	Cuellar	Gonzalez
Boswell	Cummings	Gordon (TN)
Boucher	Davis (CA)	Grayson
Boyd	Davis (IL)	Green, Al
Brady (PA)	DeFazio	Green, Gene
Braley (IA)	DeGette	Grijalva
Brown, Corrine	Delahunt	Gutierrez
Butterfield	DeLauro	Hall (NY)
Campbell	Dicks	Hare
Capps	Dingell	Harman
Capuano	Doggett	Hastings (FL)
Carnahan	Doyle	Heinrich
Carney	Driehaus	Herseth Sandlin
Carson (IN)	Duncan	Higgins
Castor (FL)	Edwards (MD)	Hill

Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth

NAYS—195

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

NOT VOTING—10

Barrett (SC)
Camp
Conyers
Davis (AL)
Deal (GA)
Hoekstra
Inslee
Kennedy
Wamp
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶27.15 H. RES. 1088—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1088) recognizing the plight of people with albinism in East Africa and condemning their murder and mutilation; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 Nays 1

¶27.16 [Roll No. 96]

YEAS—418

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

NAYS—1

Paul

NOT VOTING—11

Barrett (SC)	Conyers	Maffei
Becerra	Davis (AL)	Wamp
Camp	Deal (GA)	Young (FL)
Capps	Hoekstra	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶27.17 H.R. 4621—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4621) to protect the integrity of the constitutionally-mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 0

¶27.18 [Roll No. 97]

YEAS—416

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

NOT VOTING—14

Barrett (SC)	Davis (AL)	Roskam
Bartlett	Deal (GA)	Schakowsky
Boswell	Hoekstra	Wamp
Camp	Matsui	Young (FL)
Conyers	Peterson	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶27.19 AFGHANISTAN WAR POWERS RESOLUTION

Mr. KUCINICH, pursuant to House Resolution 1146, called up the following concurrent resolution (H. Con. Res. 248):

SECTION 1. REMOVAL OF UNITED STATES ARMED FORCES FROM AFGHANISTAN.

Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), Congress directs the President to remove the United States Armed Forces from Afghanistan—

(1) by no later than the end of the period of 30 days beginning on the day on which this concurrent resolution is adopted; or

(2) if the President determines that it is not safe to remove the United States Armed Forces before the end of that period, by no later than December 31, 2010, or such earlier date as the President determines that the Armed Forces can safely be removed.

Pending consideration of said concurrent resolution,

Pursuant to House Resolution 1146, the SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. KUCINICH for 90 minutes, and Mr. BERMAN and Ms. ROS-LEHTINEN for 45 minutes each.

When said concurrent resolution was considered.

After debate,

Pursuant to House Resolution 1146, the previous question was ordered on the concurrent resolution.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the nays had it.

Mr. KUCINICH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 65 / Nays 356

¶27.20 [Roll No. 98]

YEAS—65

Baldwin	Jackson (IL)	Obey
Campbell	Jackson Lee (TX)	Olver
Capuano	Johnson (IL)	Paul
Chu	Johnson, E. B.	Payne
Clarke	Jones	Pingree (ME)
Clay	Kagen	Polis (CO)
Cleaver	Kucinich	Quigley
Crowley	Larson (CT)	Rangel
Davis (IL)	Lee (CA)	Richardson
DeFazio	Lewis (GA)	Sánchez, Linda T.
Doyle	Maffei	Sanchez, Loretta
Duncan	Maloney	Schakowsky
Edwards (MD)	Markey (MA)	Serrano
Ellison	McDermott	Speier
Farr	McGovern	Stark
Filner	Michaud	Stupak
Frank (MA)	Miller, George	Tierney
Grayson	Nadler (NY)	Towns
Grijalva	Napolitano	
Gutierrez	Neal (MA)	
Hastings (FL)		

Tsongas
Velázquez
Waters
Watson
Welch
Woolsey

NAYS—356

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

NOT VOTING—9

Barrett (SC)
Camp
Conyers
Davis (AL)
Deal (GA)
Diaz-Balart, L.
Hoekstra
Wasserman Schultz
Young (FL)

So the concurrent resolution was not agreed to.

A motion to reconsider the vote whereby said concurrent resolution was not agreed to was, by unanimous consent, laid on the table.

¶27.21 H. CON. RES. 249—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 249) commemorating the 45th anniversary of Bloody Sunday and the role that it played in ensuring the passage of the Voting Rights Act of 1965.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 Nays 0

¶27.22 [Roll No. 99]

YEAS—409

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

Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—21

Barrett (SC)
Blunt
Burton (IN)
Camp
Conyers
Davis (AL)
Deal (GA)
Diaz-Balart, L.
Dicks
Edwards (TX)
Farr
Gordon (TN)
Grijalva
Hodes
Hoekstra
Kline (MN)
Larson (CT)
LaTourette
Lee (NY)
Polis (CO)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to, was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶27.23 H. RES. 1144—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1144) expressing condolences to the families of the victims of the February 27, 2010, earthquake in Chile, as well as solidarity with and support for the people Chile as they plan for recovery and reconstruction.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. HALVORSON, announced that two-thirds of those present had voted in the affirmative.

Mr. ANDREWS demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays 1

¶27.24 [Roll No. 100]

AYES—404

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

NOES—1

Paul

NOT VOTING—25

Akin
Barrett (SC)
Blunt
Camp
Cardoza
Conyers
Davis (AL)
Deal (GA)
Delahunt
Diaz-Balart, L.
Dicks
Gordon (TN)
Grijalva
Harman
Hodes
Hoekstra
Kaptur
Kline (MN)
Lee (NY)
Lewis (CA)
Melancon
Nadler (NY)
Roskam
Velázquez
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶27.25 COMMITTEE ELECTION—MAJORITY

Mr. LARSON of Connecticut, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 1156):

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON THE BUDGET.—Mr. Moore of Kansas.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶27.26 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian E. Pate, one of his secretaries.

¶27.27 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mrs. HALVORSON, laid before the House the following communication from Ms. KILPATRICK of Michigan:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 2010.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony by the United States District Court for the Eastern District of Michigan.

After consulting with my attorney, I will make the determinations required by Rule VIII.

Sincerely,

CAROLYN C. KILPATRICK,
Member of Congress.

¶27.28 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mrs. HALVORSON, laid before the House

the following communication from Mr. DINGELL:

CONGRESS OF THE UNITED STATES,
Washington, DC, March 10, 2010.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena for testimony and documents by the United States District Court for the Eastern District of New York.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

JOHN D. DINGELL,
Member of Congress.

¶27.29 EARTHQUAKE RECOVERY IN HAITI

Mr. MEEKS of New York, moved to suspend the rules and pass the bill (H.R. 4573) to direct the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. HALVORSON, recognized Mr. MEEKS of New York, and Mr. Gary G. MILLER of California, each for 20 minutes.

After debate,

By unanimous consent, the time for debate was extended by two minutes equally divided and controlled by Mr. MEEKS of New York, and Mr. Gary G. MILLER of California.

After further debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. HALVORSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶27.30 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO IRAN

The SPEAKER pro tempore, Mrs. HALVORSON, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2010.

The crisis between the United States and Iran resulting from actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, *March 10, 2010.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–97).

¶27.31 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3433. An Act to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes.

¶27.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. YOUNG of Florida, for March 9 and today.

And then,

¶27.33 ADJOURNMENT

On motion of Ms. JACKSON LEE of Texas, at 11 o'clock and 22 minutes p.m., the House adjourned.

¶27.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. STARK (for himself, Mr. MORAN of Virginia, and Ms. WATSON):

H.R. 4800. A bill to amend the Immigration and Nationality Act to eliminate the 1-year deadline for application for asylum in the United States; to the Committee on the Judiciary.

By Mr. BERMAN (for himself, Mr. FORTENBERRY, Mr. LIPINSKI, Mr. BAIRD, and Mr. HOLT):

H.R. 4801. A bill to establish the Global Science Program for Security, Competitiveness, and Diplomacy, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE of Kansas (for himself, Mr. CAMPBELL, and Ms. KOSMAS):

H.R. 4802. A bill to modernize the Liability Risk Retention Act of 1986 and expand coverage to include commercial property insurance, and for other purposes; to the Committee on Financial Services.

By Mr. BARTON of Texas (for himself, Mr. GENE GREEN of Texas, Mr. BURGESS, and Mr. STUPAK):

H.R. 4803. A bill to ensure health care consumer and provider access to certain health benefits plan information and to amend title XIX of the Social Security Act to provide transparency in hospital price and quality information; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KOSMAS (for herself, Mr. POSEY, Ms. JACKSON LEE of Texas, Ms. WASSERMAN SCHULTZ, Mr. LATOURETTE, Ms. CORRINE BROWN of Florida, Mr. GRAYSON, Ms. CASTOR of Florida, Mr. MELANCON, Mr. PUTNAM, Mr. KLEIN of Florida, Mr. MICA, Mr. COSTA, Ms. PINGREE of Maine, and Mr. TEAGUE):

H.R. 4804. A bill to reauthorize the National Aeronautics and Space Administration Human Space Flight Activities, and for other purposes; to the Committee on Science and Technology.

By Ms. MATSUI (for herself and Mr. EHLERS):

H.R. 4805. A bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. ROTHMAN of New Jersey, Ms. BALDWIN, Ms. CHU, and Mr. HASTINGS of Florida):

H.R. 4806. A bill to prohibit discrimination in adoption or foster care placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved; to the Committee on Ways and Means.

By Mr. KIRK (for himself, Mr. KLEIN of Florida, Ms. ROS-LEHTINEN, Ms. BERKLEY, Mr. BLUNT, Mr. ISRAEL, Mr.

LANCE, Mr. ROE of Tennessee, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, and Mr. SCHOCK):

H.R. 4807. A bill to amend the Iran Sanctions Act of 1996 to require the President to investigate possible violations of that Act within a specified period, and for other purposes; to the Committee on Foreign Affairs.

By Ms. DEGETTE (for herself, Mr. CASTLE, Mr. LANGEVIN, Ms. BALDWIN, Mrs. CAPPS, Mr. CARNAHAN, Mr. DENT, Mr. GENE GREEN of Texas, Mr. KIRK, and Mr. PERLMUTTER):

H.R. 4808. A bill to amend the Public Health Service Act to provide for human stem cell research, including human embryonic stem cell research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCNERNEY:

H.R. 4809. A bill to provide greater technical resources to FCC Commissioners; to the Committee on Energy and Commerce.

By Mr. FILNER (for himself, Ms. CORRINE BROWN of Florida, Mr. BROWN of South Carolina, Mr. SNYDER, Mr. ROE of Tennessee, Mr. MICHAUD, Ms. HERSETH SANDLIN, Mr. HALL of New York, Mrs. HALVORSON, Mr. PERRIELLO, Mr. TEAGUE, Mr. RODRIGUEZ, Mr. MCNERNEY, Mr. WALZ, and Mr. ADLER of New Jersey):

H.R. 4810. A bill to amend title 38, United States Code, to make certain improvements in the services provided for homeless veterans under the laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mrs. CAPITO (for herself, Mr. BACHUS, Mrs. BIGGERT, Mr. GARRETT of New Jersey, Mr. NEUGEBAUER, Mr. LANCE, Mr. HENSARLING, and Mr. GARY G. MILLER of California):

H.R. 4811. A bill to protect the American taxpayers by improving the safety and soundness of the FHA mortgage insurance programs of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself, Mr. LARSON of Connecticut, Mr. HARE, Mr. ELLISON, Ms. SUTTON, Mr. PIERLUISI, Mr. SABLAN, Ms. CLARKE, Mr. HASTINGS of Florida, Mr. LEVIN, Mr. RANGEL, Mr. GARAMENDI, Mr. HOLT, Mr. GRIJALVA, Ms. ESHOO, Mr. KILDEE, Ms. MCCOLLUM, Mr. LOEBSACK, Mr. POLIS of Colorado, Mr. DINGELL, and Mr. TIERNEY):

H.R. 4812. A bill to provide funds to States, units of general local government, and community-based organizations to save and create local jobs through the retention, restoration, or expansion of services needed by local communities, and for other purposes; to the Committee on Education and Labor.

By Mr. BERRY:

H.R. 4813. A bill to provide for insurance reform (including health insurance reform), amend title XVIII of the Social Security Act to reform Medicare Advantage and reduce disparities in the Medicare Program, regulate the importation of prescription drugs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Oversight and Government Reform, Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. SHADEGG, and Mr. FRANKS of Arizona):

H.R. 4814. A bill to prohibit the further extension or establishment of national monuments in Arizona except by express authorization of Congress; to the Committee on Natural Resources.

By Mr. GRAVES (for himself, Mr. BOSWELL, Mr. EHLERS, and Mr. PETRI):

H.R. 4815. A bill to amend title 49, United States Code, to allow through-the-fence access to general aviation airports, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HINCHEY:

H.R. 4816. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the deposit in the general fund of the Treasury of fees that are collected from manufacturers of drugs and devices under chapter VII of such Act, to terminate the authority of the Food and Drug Administration to negotiate with the manufacturers on particular uses of the fees, to establish a Center for Postmarket Drug Safety and Effectiveness, to establish additional authorities to ensure the safe and effective use of drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TEAGUE (for himself, Mr. LUJÁN, and Mr. HEINRICH):

H.R. 4817. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects; to the Committee on Natural Resources.

By Ms. RICHARDSON (for herself, Ms. BORDALLO, and Ms. JACKSON LEE of Texas):

H.R. 4818. A bill to amend the Small Business Act to improve the program under section 8(a), and for other purposes; to the Committee on Small Business.

By Ms. RICHARDSON:

H.R. 4819. A bill to amend the Older Americans Act of 1965 to expand the Senior Community Service Employment Program; to the Committee on Education and Labor.

By Mr. ENGEL (for himself, Mr. POE of Texas, Mr. GENE GREEN of Texas, Mr. SMITH of Washington, Mr. PAYNE, Ms. LEE of California, Ms. BALDWIN, Mr. DOYLE, Ms. MATSUI, Mr. NADLER of New York, Mrs. MALONEY, Ms. SCHAKOWSKY, and Mr. CROWLEY):

H. Res. 1155. A resolution commending the progress made by anti-tuberculosis programs; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut:

H. Res. 1156. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. HASTINGS of Florida (for himself, Mr. AL GREEN of Texas, Ms. RICHARDSON, Ms. NORTON, Mr. TURNER, Ms. CORRINE BROWN of Florida, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Ms. FUDGE, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. GARAMENDI, Ms. MOORE of Wisconsin, Ms. MCCOLLUM, Ms. CHU, Ms. SUTTON, Mr. CONNOLLY of Virginia, Mr. CUMMINGS, Ms. LEE of California, Mr. VAN HOLLEN, Ms. CLARKE, Mr. SCOTT of Virginia, Mr. HINOJOSA, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Mr. CARSON of Indiana, Mr. COHEN, Mr. PAYNE, Mr. KLEIN of Florida, Mr. ELLISON, Mr. RUPPERSBERGER, Ms. WASSERMAN SCHULTZ, and Mr. GRAYSON):

H. Res. 1157. A resolution congratulating the National Urban League on its 100th year of service to the United States; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Res. 1158. A resolution recognizing Certified Nurses Day; to the Committee on Oversight and Government Reform.

By Mrs. MCCARTHY of New York:

H. Res. 1159. A resolution supporting efforts to address the crisis faced by Haitian orphans following the earthquake of January 12, 2010; to the Committee on Foreign Affairs.

By Mr. MEEKS of New York (for himself, Mr. GUTIERREZ, Mr. TOWNS, Ms. LEE of California, Mr. FATTAH, Mr. RANGEL, Mr. SCOTT of Virginia, Mr. BUTTERFIELD, Ms. NORTON, Mr. AL GREEN of Texas, Ms. CLARKE, Mr. PAYNE, Mr. HONDA, Mr. KINGSTON, Mrs. CHRISTENSEN, Ms. KILPATRICK of Michigan, Mr. CUMMINGS, Ms. FUDGE, Ms. WATSON, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. FALEOMAVAEGA, Ms. WATERS, Mr. LEWIS of Georgia, Ms. WOOLSEY, Mr. BACHUS, Ms. ROS-LEHTINEN, and Mr. ENGEL):

H. Res. 1160. A resolution calling for the establishment of a Haiti Marshall Plan Committee to coordinate aid and development initiatives from multilateral development banks, international financial institutions, United States bilateral aid programs, and major international charities and nongovernmental organizations in response to the earthquake that struck Haiti on January 12, 2010, and encouraging them to work in a coordinated manner and to do even more to support Haiti as it recovers and rebuilds following the greatest natural disaster to hit this nation in over 200 years; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOORE of Wisconsin (for herself, Mr. MANZULLO, Mr. PETRI, Mr. KIND, Mr. RYAN of Wisconsin, Mr. KAGEN, Ms. BALDWIN, and Mr. AUSTRIA):

H. Res. 1161. A resolution honoring the Centennial Celebration of Women at Marquette University, the first Catholic university in the world to offer co-education as part of its regular undergraduate program; to the Committee on Education and Labor.

¶27.35 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

237. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 125 memorializing the Congress to appropriate the $475 million called for in President Obama's FY 2010 budget for a Great Lakes Restoration Initiative; to the Committee on Appropriations.

238. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 175 urging the Congress of the United States to enact and put into effect the Humphrey-Hawkins Full Employment Act; to the Committee on Education and Labor.

239. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 186 urging the Congress and the Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes; to the Committee on Transportation and Infrastructure.

240. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 33 urging the Congress and the Army Corps of

Engineers to take steps to prevent the Asian carp from entering the Great Lakes; jointly to the Committees on the Judiciary and Transportation and Infrastructure.

¶27.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Mr. FORBES.
H.R. 197: Ms. GIFFORDS.
H.R. 208: Mr. BILIRAKIS.
H.R. 273: Mr. NUNES.
H.R. 275: Mr. HELLER.
H.R. 336: Mr. GARAMENDI.
H.R. 442: Mr. ELLSWORTH, Mr. SHULER, Mrs. MYRICK, Mr. TAYLOR, Mr. ISSA, and Mr. MELANCON.
H.R. 537: Ms. LINDA T. SÁNCHEZ of California, and Mr. LEWIS of Georgia.
H.R. 618: Mr. RUSH.
H.R. 624: Ms. MCCOLLUM.
H.R. 658: Mr. ANDREWS.
H.R. 690: Mr. MCNERNEY.
H.R. 734: Ms. Velázquez, Mr. ROGERS of Alabama, Mr. OLVER, Mr. PASCRELL, Mr. ANDREWS, Mr. WILSON of South Carolina, Mr. TURNER, Mr. POSEY, Mr. HODES, Mr. LUETKEMEYER, Mr. PATRICK J. MURPHY of Pennsylvania, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 775: Mr. SHULER, Mr. SABLAN, Mr. DOYLE, Mr. SIMPSON, and Mr. PETERS.
H.R. 795: Ms. BERKLEY.
H.R. 877: Mr. SENSENBRENNER.
H.R. 919: Mr. ISRAEL.
H.R. 932: Mr. RAHALL.
H.R. 1067: Ms. LORETTA SANCHEZ of California and Ms. DELAURO.
H.R. 1074: Mr. MELANCON, Mr. SHULER, and Mr. TAYLOR.
H.R. 1177: Mr. ACKERMAN, Mrs. CAPPS, Mr. COSTELLO, Ms. DELAURO, Mr. SHIMKUS, Mr. HOYER, Mr. OBERSTAR, and Ms. PELOSI.
H.R. 1210: Mr. ROSS.
H.R. 1240: Mr. PLATTS and Mr. KAGEN.
H.R. 1258: Mr. ADLER of New Jersey, Mr. BURTON of Indiana, and Mr. POLIS.
H.R. 1324: Mr. LATOURETTE.
H.R. 1362: Mr. AUSTRIA, Mr. BLUNT, Mr. MARKEY of Massachusetts, Mr. MICHAUD, and Mr. MARSHALL.
H.R. 1581: Mr. MOORE of Kansas.
H.R. 1587: Mr. LATHAM.
H.R. 1616: Ms. WASSERMAN SCHULTZ and Mr. FILNER.
H.R. 1740: Ms. ROYBAL-ALLARD.
H.R. 1806: Mr. MILLER of North Carolina.
H.R. 1831: Mr. GARAMENDI.
H.R. 1879: Mr. BUYER and Mr. SULLIVAN.
H.R. 1895: Mr. SIRES.
H.R. 1964: Mr. WATT and Mr. CUMMINGS.
H.R. 1995: Mr. KISSELL.
H.R. 2000: Mr. GORDON of Tennessee.
H.R. 2024: Mr. MICHAUD.
H.R. 2067: Ms. DELAURO.
H.R. 2089: Ms. KILROY.
H.R. 2105: Mr. ARCURI and Mr. BILBRAY.
H.R. 2273: Ms. NORTON.
H.R. 2296: Mr. TAYLOR.
H.R. 2373: Mr. GRIFFITH.
H.R. 2377: Mr. SIRES and Mr. SHERMAN.
H.R. 2378: Mr. GERLACH.
H.R. 2381: Ms. FUDGE.
H.R. 2472: Mr. KING of Iowa.
H.R. 2492: Mr. LEWIS of Georgia.
H.R. 2811: Mr. PASCRELL.
H.R. 2849: Mr. COSTA, Ms. ROYBAL-ALLARD, Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Ms. TSONGAS, and Mr. WAXMAN.
H.R. 2879: Mr. KISSELL.
H.R. 3077: Mr. HASTINGS of Florida.
H.R. 3212: Mr. NEAL of Massachusetts and Mr. TOWNS.
H.R. 3365: Ms. BERKLEY.
H.R. 3445: Mr. HELLER.
H.R. 3464: Mr. SOUDER, Mr. SPRATT, Mr. BRIGHT, and Mr. PUTNAM.
H.R. 3516: Mr. MCCOTTER.
H.R. 3560: Mr. LARSEN of Washington.
H.R. 3579: Mr. HEINRICH and Mr. TEAGUE.
H.R. 3580: Mr. COFFMAN of Colorado.
H.R. 3592: Mr. DEFAZIO.
H.R. 3668: Ms. BALDWIN, Mr. RYAN of Ohio, Ms. LEE of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PAYNE, Mr. BRALEY of Iowa, Mr. ALTMIRE, Mr. RUSH, Mr. ROONEY, Mr. DENT, Mr. MORAN of Kansas, Mr. SESSIONS, Mr. ANDREWS, Mr. CHILDERS, Mr. KING of New York, Mr. HILL, Ms. ZOE LOFGREN of California, Mr. FILNER, Mr. MARSHALL, Mr. LEWIS of Georgia, Mr. BERMAN, Mr. HIMES, Mr. REICHERT, Mr. HALL of Texas, and Mr. LOBIONDO.
H.R. 3719: Mr. YOUNG of Alaska, Mrs. MILLER of Michigan, and Mr. DAVIS of Kentucky.
H.R. 3734: Mr. DOYLE.
H.R. 3757: Mr. PERRIELLO.
H.R. 3764: Mr. FILNER.
H.R. 3787: Mr. KING of Iowa.
H.R. 3964: Mr. CHAFFETZ.
H.R. 4000: Mr. BISHOP of New York.
H.R. 4060: Mr. MCKEON.
H.R. 4129: Mr. JACKSON of Illinois.
H.R. 4133: Mr. COURTNEY and Mrs. CAPITO.
H.R. 4241: Mr. TANNER.
H.R. 4311: Mr. BOUCHER.
H.R. 4325: Mr. WEINER.
H.R. 4356: Ms. BORDALLO, Mr. FRANK of Massachusetts, Mr. PASCRELL, Mr. JOHNSON of Georgia, and Mr. WAXMAN.
H.R. 4360: Mr. MORAN of Kansas, Mr. WAMP, Mr. DAVIS of Kentucky, Mr. BISHOP of Utah, Mr. MCGOVERN, Mrs. LUMMIS, Mr. GRIFFITH, Mr. CHAFFETZ, Mr. MICHAUD, Mr. TERRY, Mr. CAO, and Mr. ROGERS of Kentucky.
H.R. 4402: Ms. FUDGE, Mr. MICHAUD, Ms. ZOE LOFGREN of California, Mr. LYNCH, Mr. GRIJALVA, and Mr. PALLONE.
H.R. 4404: Mr. CLEAVER.
H.R. 4405: Mr. CAPUANO.
H.R. 4429: Mr. FLEMING.
H.R. 4480: Ms. KAPTUR, Mr. THOMPSON of Mississippi, Mr. LUJÁN, Ms. NORTON, and Mr. MCINTYRE.
H.R. 4496: Mr. HINCHEY.
H.R. 4502: Mr. POLIS of Colorado.
H.R. 4509: Mr. MARIO DIAZ-BALART of Florida.
H.R. 4527: Mr. CAPUANO, Mr. GRAYSON, and Mr. HIMES.
H.R. 4529: Ms. FOXX.
H.R. 4556: Ms. JENKINS.
H.R. 4564: Mr. COSTA, Mr. MCNERNEY, and Ms. LORETTA SANCHEZ of California.
H.R. 4592: Mr. BUYER.
H.R. 4599: Mr. SESTAK.
H.R. 4616: Mr. HASTINGS of Florida, Mr. GRIJALVA, and Mr. WEINER.
H.R. 4621: Mr. LOEBSACK.
H.R. 4632: Mr. SESTAK.
H.R. 4635: Ms. NORTON, Mr. DAVIS of Illinois, and Mr. GRAYSON.
H.R. 4637: Mr. ACKERMAN.
H.R. 4650: Mr. GRAYSON and Mr. DEFAZIO.
H.R. 4667: Mr. BUYER.
H.R. 4678: Ms. CHU.
H.R. 4700: Mr. GRIJALVA, Mr. VAN HOLLEN, and Ms. NORTON.
H.R. 4709: Ms. GIFFORDS.
H.R. 4720: Mr. SCHAUER, Mr. THOMPSON of Pennsylvania, and Mr. WITTMAN.
H.R. 4722: Mr. GRIJALVA, Ms. SCHWARTZ, Mr. GEORGE MILLER of California, Mr. STARK, and Ms. WOOLSEY.
H.R. 4752: Mr. COSTELLO, Mr. GENE GREEN of Texas, Mr. TONKO, Mr. CLEAVER, Ms. CASTOR of Florida, and Ms. HERSETH SANDLIN.
H.R. 4755: Ms. KILPATRICK of Michigan, Mr. KILDEE, and Mr. GUTIERREZ.
H.R. 4757: Mr. COURTNEY and Mr. KILDEE.
H.R. 4783: Ms. BERKLEY.
H.J. Res. 79: Mr. NEUGEBAUER, Mr. UPTON, Mrs. MCMORRIS RODGERS, Mr. WITTMAN, Mr. SENSENBRENNER, Mr. WILSON of South Carolina, Mr. TIAHRT, Mr. OLSON, Mr. BARRETT of South Carolina, Mr. HERGER, Mr. SULLIVAN, Mr. LANCE, Mr. BROUN of Georgia, Mrs. MYRICK, and Mr. SOUDER.
H.J. Res. 80: Mr. FILNER, Mr. PETERSON, Mr. POE of Texas, and Mr. GARAMENDI.
H. Con. Res. 49: Mr. DINGELL and Mr. TIM MURPHY of Pennsylvania.
H. Con. Res. 98: Mr. GARAMENDI.
H. Con. Res. 242: Mr. STARK, Mr. HINCHEY, Mr. GUTIERREZ, Mr. KENNEDY, Mr. MOORE of Kansas, and Mr. ROSS.
H. Con. Res. 246: Mr. RANGEL and Mrs. CHRISTENSEN.
H. Con. Res. 248: Ms. EDWARDS of Maryland and Mr. KAGEN.
H. Res. 173: Ms. JENKINS, Ms. SHEA-PORTER, Mr. GUTHRIE, and Mr. FRANK of Massachusetts.
H. Res. 213: Ms. CLARKE, Mr. PIERLUISI, Mr. GARAMENDI, Mr. SABLAN, Mr. SALAZAR, and Mr. GENE GREEN of Texas.
H. Res. 311: Mr. ALEXANDER and Mr. OLVER.
H. Res. 704: Mr. KENNEDY, Mr. DICKS, Mrs. MILLER of Michigan, Mr. HARE, Mr. HODES, Mr. JONES, Mr. CUMMINGS, and Mr. MCDERMOTT.
H. Res. 767: Mr. SESTAK.
H. Res. 874: Mr. OLSON.
H. Res. 886: Mr. SOUDER and Mr. BARTLETT.
H. Res. 899: Ms. GIFFORDS, Mr. BRALEY of Iowa, Ms. JACKSON LEE of Texas, Ms. HIRONO, Mr. LOEBSACK, Mr. COURTNEY, Mr. KILDEE, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Ms. CLARKE, Ms. WATSON, and Mr. CONNOLLY of Virginia.
H. Res. 947: Mr. BACA, Mr. MEEK of Florida, Mr. GARAMENDI, and Mrs. CHRISTENSEN.
H. Res. 989: Mr. POLIS and Mr. QUIGLEY.
H. Res. 996: Mr. STARK and Mr. CASSIDY.
H. Res. 1075: Mr. LAMBORN, Mr. KIND, and Mr. LATTA.
H. Res. 1078: Mr. CARTER, Mr. LAMBORN, Mr. FORBES, Ms. GIFFORDS, Mr. LOBIONDO, Mr. KINGSTON, Mr. JONES, Mrs. BLACKBURN, Mr. BROWN of South Carolina, and Mr. POE of Texas.
H. Res. 1099: Mr. ORTIZ, Mr. LARSON of Connecticut, Mr. PAULSEN, Mr. ANDREWS, Mr. WITTMAN, Mr. MCGOVERN, and Mr. OWENS.
H. Res. 1116: Mr. WITTMAN, Mr. THORNBERRY, and Ms. SCHAKOWSKY.
H. Res. 1145: Mr. MITCHELL, Mrs. KIRKPATRICK of Arizona, Mr. YOUNG of Alaska, Mr. SARBANES, Mr. HODES, Mr. PASCRELL, Mr. SMITH of Washington, Mr. GORDON of Tennessee, Mr. MCDERMOTT, Ms. LINDA T. SÁNCHEZ of California, Mr. BUTTERFIELD, Ms. BORDALLO, Mr. BOSWELL, Mr. MURPHY of New York, Mr. WU, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BRADY of Pennsylvania, Mr. FRANKS of Arizona, Mr. ARCURI, Mr. LIPINSKI, Mr. COOPER, Mr. NYE, Mr. FARR, Mr. BERRY, Mr. BISHOP of Georgia, Mr. TAYLOR, Mr. HOLT, Mr. CASTLE, Mr. MINNICK, Mr. SCHOCK, Mr. REHBERG, and Mr. INGLIS.

THURSDAY, MARCH 11, 2010 (28)

The House was called to order by the SPEAKER.

¶28.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, March 10, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶28.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6508. A letter from the Administrator, Department of Agriculture, transmitting the Department's ''Major'' final rule — National Organic Program; Access to Pasture (Livestock) [Doc. No.: AMS-TM-06-0198] (RIN: 0581-

AC57) received February 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6509. A letter from the Office of Research and Analysis, Department of Agriculture, transmitting the Department's ''Major'' final rule — Food Stamp Program: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002 [FNS-2007-0006] (RIN: 0584-AD30) received March 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6510. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Laminarin; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0529; FRL-8812-1] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6511. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Nicosulfuron; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2009-0569; FRL-8812-5] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6512. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trichoderma gamsii strain ICC 080; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0749; FRL-8799-4] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6513. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's 2010 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix, in accordance with section 1206 of the Financial Institutions, Reform, Recovery, and Enforcement Act of 1989; to the Committee on Agriculture.

6514. A letter from the Secretary, Department of Defense, transmitting a letter providing notification that the Navy intends to implement policy changes to support a phased approach to the assignment of women to submarines; to the Committee on Armed Services.

6515. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's annual report for fiscal year 2006 on the quality of health care furnished under the health care programs of the Department of Defense, pursuant to Section 723 of the National Defense Authorization Act for Fiscal Year 2000; to the Committee on Armed Services.

6516. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6517. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's ''Major'' final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Regulatory Capital; Impact of Modifications to Generally Accepted Accounting Principles; Consolidation of Asset-Backed Commercial Paper Programs; and Other Related Issues [Docket ID: OCC-2009-0020] (RIN: 1557-AD26) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6518. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6519. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule — Money Market Fund Reform [Release No. IC-29132; File Nos. S7-11-09, S7-20-09] (RIN: 3235-AK33) March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6520. A letter from the Special Inspector General For The Troubled Asset Relief Program, transmitting the Office's quarterly report on the actions undertaken by the Department of the Treasury under the Troubled Asset Relief Program, the activities of SIGTARP, and SIGTARP'S recommendations with respect to operations of TARP, for the period ending January 30, 2010; to the Committee on Financial Services.

6521. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's ''Major'' final rule — Investing in Innovation Fund [Docket ID: ED-2009-OII-0012] (RIN: 1855-AA06) received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6522. A letter from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting the Department's ''Major'' final rule — Claims for Compensation; Death Gratuity Under the Federal Employees' Compensation Act (RIN: 1215-AB66) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6523. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Children's Products Containing Lead; Exemptions for Certain Electronic Devices received February 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6524. A letter from the Assistant General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Guidelines and Requirements for Mandatory Recall Notices received February 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6525. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's ''Major'' final rule — Broadband Technology Opportunities Programs [Docket No.: 0907141137-0024-06] (RIN: 0660-AZ28) received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6526. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Alternative Fuel Vehicle program report for FY 2009, pursuant to Public Law 109-58; to the Committee on Energy and Commerce.

6527. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Opacity Source Surveillance Methods [EPA-R03-OAR-2010-0009; FRL-9115-9] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6528. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia Revisions to the Definition of Volatile Organic Compound and Other Terms [EPA-R03-OAR-2009-0871; FRL-9116-1] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6529. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Volatile Organic Compound Emission Control Measures for Lake and Porter Counties in Indiana [EPA-R05-OAR-2009-0704; FRL-9107-2] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6530. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines [EPA-HQ-OAR-2008-0708, FRL-9115-7] (RIN: 2060-AP36) received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6531. A letter from the Director, Defense Security Cooperation Agency, transmitting a report in accordance with Section 25(a)(6) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6532. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons to the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States [Docket No.: 100115025-0032-01] (RIN: 0694-AE84) received February 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6533. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Amendments to the Select Agents Controls in Export Control Classificaton Number (ECCN) 1C360 on the Commerce Control List (CCL); Correction to ECCN 1E998 [Docket No.: 0907241163-91434-01] (RIN: 0694-AE67) received February 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6534. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Belarus Sanctions Regulations received February 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6535. A letter from the Associate Director for Human Resources, Court Services and Offender Supervision Agency for the District of Columbia, transmitting report on the use of the Category Rating System for the period September 2008 through August 2009; to the Committee on Oversight and Government Reform.

6536. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6537. A letter from the Senior Vice President and Chief Financial Officer, Export-Import Bank, transmitting the Bank's annual report for fiscal year 2009; to the Committee on Oversight and Government Reform.

6538. A letter from the General Counsel, Department of Commerce, transmitting draft legislation that make certain technical and conforming amendments to trademark and patent law as well as other needed changes; to the Committee on the Judiciary.

6539. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Interim Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 [TD 9479] (RIN: 1545-BJ05) received February 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6540. A letter from the Deputy Associate Commissioner, Social Security Administration, transmitting the Administration's final rule — Transfer of Accumulated Benefit Payments [Docket No.: SSA-2009-0067] (RIN: 0960-AH08) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6541. A letter from the Chairman, Federal Election Commission, transmitting the Commission's FY 2011 budget request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration, Appropriations, and Oversight and Government Reform.

6542. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1865-DR for the State of Alaska; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

6543. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1867-DR for the State of New Jersey; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

6544. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1868-DR for the State of Kansas; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

6545. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1864-DR for the State of Nebraska; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

6546. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1870-DR for the State of Alabama; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

6547. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1869-DR for the State of New York; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

6548. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1866-DR for the State of Alabama; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

¶28.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 1067. An Act to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

¶28.4 PRIVILEGES OF THE HOUSE— IMPEACHMENT OF JUDGE G. THOMAS PORTEOUS, JR.

Mr. CONYERS, by direction of the Committee on the Judiciary, rose to a question of the privileges of the House and called up the following privileged resolution (H. Res. 1031):

Resolved, That G. Thomas Porteous, Jr., a judge of the United States District Court for the Eastern District of Louisiana, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against G. Thomas Porteous, Jr., a judge in the United States District Court for the Eastern District of Louisiana, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

G. Thomas Porteous, Jr., while a Federal judge of the United States District Court for the Eastern District of Louisiana, engaged in a pattern of conduct that is incompatible with the trust and confidence placed in him as a Federal judge, as follows:

Judge Porteous, while presiding as a United States district judge in Lifemark Hospitals of Louisiana, Inc. v. Liljeberg Enterprises, denied a motion to recuse himself from the case, despite the fact that he had a corrupt financial relationship with the law firm of Amato & Creely, P.C. which had entered the case to represent Liljeberg. In denying the motion to recuse, and in contravention of clear canons of judicial ethics, Judge Porteous failed to disclose that beginning in or about the late 1980s while he was a State court judge in the 24th Judicial District Court in the State of Louisiana, he engaged in a corrupt scheme with attorneys, Jacob Amato, Jr., and Robert Creely, whereby Judge Porteous appointed Amato's law partner as a ''curator'' in hundreds of cases and thereafter requested and accepted from Amato & Creely a portion of the curatorship fees which had been paid to the firm. During the period of this scheme, the fees received by Amato & Creely amounted to approximately $40,000, and the amounts paid by Amato & Creely to Judge Porteous amounted to approximately $20,000.

Judge Porteous also made intentionally misleading statements at the recusal hearing intended to minimize the extent of his personal relationship with the two attorneys. In so doing, and in failing to disclose to Lifemark and its counsel the true circumstances of his relationship with the Amato & Creely law firm, Judge Porteous deprived the Fifth Circuit Court of Appeals of critical information for its review of a petition for a writ of mandamus, which sought to overrule Judge Porteous's denial of the recusal motion. His conduct deprived the parties and the public of the right to the honest services of his office.

Judge Porteous also engaged in corrupt conduct after the Lifemark v. Liljeberg bench trial, and while he had the case under advisement, in that he solicited and accepted things of value from both Amato and his law partner Creely, including a payment of thousands of dollars in cash. Thereafter, and without disclosing his corrupt relationship with the attorneys of Amato & Creely PLC or his receipt from them of cash and other things of value, Judge Porteous ruled in favor of their client, Liljeberg.

By virtue of this corrupt relationship and his conduct as a Federal judge, Judge Porteous brought his court into scandal and disrepute, prejudiced public respect for, and confidence in, the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE II

G. Thomas Porteous, Jr., engaged in a longstanding pattern of corrupt conduct that demonstrates his unfitness to serve as a United States District Court Judge. That conduct included the following: Beginning in or about the late 1980s while he was a State court judge in the 24th Judicial District Court in the State of Louisiana, and continuing while he was a Federal judge in the United States District Court for the Eastern District of Louisiana, Judge Porteous engaged in a corrupt relationship with bail bondsman Louis M. Marcotte, III, and his sister Lori Marcotte. As part of this corrupt relationship, Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes. These official actions by Judge Porteous included, while on the State bench, setting, reducing, and splitting bonds as requested by the Marcottes, and improperly setting aside or expunging felony convictions for two Marcotte employees (in one case after Judge Porteous had been confirmed by the Senate but before being sworn in as a Federal judge). In addition, both while on the State bench and on the Federal bench, Judge Porteous used the power and prestige of his office to assist the Marcottes in forming relationships with State judicial officers and individuals important to the Marcottes' business. As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench.

Accordingly, Judge G. Thomas Porteous, Jr., has engaged in conduct so utterly lacking in honesty and integrity that he is guilty of high crimes and misdemeanors, is unfit to hold the office of Federal judge, and should be removed from office.

ARTICLE III

Beginning in or about March 2001 and continuing through about July 2004, while a Federal judge in the United States District Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., engaged in a pattern of conduct inconsistent with the trust and confidence placed in him as a Federal judge by knowingly and intentionally making material false statements and representations under penalty of perjury related to his personal bankruptcy filing and by repeatedly violating a court order in his bankruptcy case. Judge Porteous did so by—

(1) using a false name and a post office box address to conceal his identity as the debtor in the case;

(2) concealing assets;

(3) concealing preferential payments to certain creditors;

(4) concealing gambling losses and other gambling debts; and

(5) incurring new debts while the case was pending, in violation of the bankruptcy court's order.

In doing so, Judge Porteous brought his court into scandal and disrepute, prejudiced public respect for and confidence in the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE IV

In 1994, in connection with his nomination to be a judge of the United States District Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., knowingly made material false statements about his past to both the United States Senate and to the Federal Bureau of Investigation in order to obtain the office of United States District Court Judge. These false statements included the following:

(1) On his Supplemental SF–86, Judge Porteous was asked if there was anything in his personal life that could be used by someone to coerce or blackmail him, or if there was anything in his life that could cause an embarrassment to Judge Porteous or the President if publicly known. Judge Porteous answered ''no'' to this question and signed the form under the warning that a false statement was punishable by law.

(2) During his background check, Judge Porteous falsely told the Federal Bureau of Investigation on two separate occasions that he was not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on his character, reputation, judgment, or discretion.

(3) On the Senate Judiciary Committee's ''Questionnaire for Judicial Nominees'', Judge Porteous was asked whether any unfavorable information existed that could affect his nomination. Judge Porteous answered that, to the best of his knowledge, he did ''not know of any unfavorable information that may affect [his] nomination''. Judge Porteous signed that questionnaire by swearing that ''the information provided in this statement is, to the best of my knowledge, true and accurate''.

However, in truth and in fact, as Judge Porteous then well knew, each of these answers was materially false because Judge Porteous had engaged in a corrupt relationship with the law firm Amato & Creely, whereby Judge Porteous appointed Creely as a ''curator'' in hundreds of cases and thereafter requested and accepted from Amato & Creely a portion of the curatorship fees which had been paid to the firm and also had engaged in a corrupt relationship with Louis and Lori Marcotte, whereby Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes. As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench. Judge Porteous's failure to disclose these corrupt relationships deprived the United States Senate and the public of information that would have had a material impact on his confirmation.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

Pending consideration of said resolution,

¶28.5 CALL OF THE HOUSE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. SENSENBRENNER to move a call of the House.

On motion of Mr. SENSENBRENNER, by unanimous consent, a call of the House was ordered.

The call was taken by electronic device, and the following-named Members responded—

¶28.6 [Roll No. 101]

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

Thereupon, the SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that 405 Members had been recorded, a quorum.

Further proceedings under the call were dispensed with.

After debate,

Mr. SENSENBRENNER demanded that the question be divided on each article of impeachment contained in the resolution.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the question was divisible and would be divided among the four articles of impeachment.

After further debate,

The question being put, viva voce,

Will the House agree to the first article of impeachment?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 0

¶28.7 [Roll No. 102]

YEAS—412

Ackerman	Barrow	Blunt
Aderholt	Bartlett	Boccieri
Adler (NJ)	Barton (TX)	Bonner
Akin	Bean	Bono Mack
Alexander	Becerra	Boozman
Altmire	Berkley	Boren
Andrews	Berman	Boswell
Arcuri	Berry	Boucher
Austria	Biggert	Boustany
Baca	Bilbray	Boyd
Bachmann	Bishop (GA)	Brady (PA)
Bachus	Bishop (NY)	Brady (TX)
Baird	Bishop (UT)	Braley (IA)
Baldwin	Blackburn	Bright
Barrett (SC)	Blumenauer	Broun (GA)

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

NOT VOTING—18

Bilirakis
Boehner
Brown (SC)
Buyer
Davis (AL)
Davis (CA)
Deal (GA)
Diaz-Balart, L.
Hoekstra
Jackson Lee (TX)
Larson (CT)
Lowey
McCarthy (NY)
Richardson
Schakowsky
Tonko
Towns
Young (FL)

So, the first article of impeachment was agreed to.

A motion to reconsider the vote whereby said Article I was agreed to was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House agree to the second article of impeachment?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. SENSENBRENNER demanded a recorded vote on agreeing to said second article of impeachment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 / Nays 0

¶28.8 [Roll No. 103]

AYES—410

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

Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—20

Baldwin
Bilbray
Brown (SC)
Brown-Waite, Ginny
Butterfield
Buyer
Davis (AL)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Griffith
Hoekstra
Hunter
Larson (CT)
Miller, George
Ros-Lehtinen
Shuster
Towns
Woolsey
Young (FL)

So, the second article of impeachment was agreed to.

A motion to reconsider the vote whereby said Article II was agreed to was, by unanimous consent, laid on the table.

The question was being put, viva voce,

Will the House agree to the third article of impeachment?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. SENSENBRENNER demanded a recorded vote on agreeing to said third article of impeachment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 Nays 0

¶28.9 [Roll No. 104]

AYES—416

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

NOT VOTING—14

Bishop (UT)
Brown (SC)
Buyer
Davis (AL)
Deal (GA)
Diaz-Balart, L.
Griffith
Hoekstra
Larson (CT)
Miller, George
Rangel
Speier
Woolsey
Young (FL)

So, the third article of impeachment was agreed to.

A motion to reconsider the vote whereby said Article III was agreed to was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House agree to the fourth article of impeachment?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. SENSENBRENNER demanded a recorded vote on agreeing to said fourth article of impeachment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 Nays 0

¶28.10 [Roll No. 105]

AYES—423

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

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

NOT VOTING—7

Buyer	Diaz-Balart, L.	Young (FL)
Davis (AL)	Griffith	
Deal (GA)	Hoekstra	

So, the fourth article of impeachment was agreed to.

A motion to reconsider the vote whereby said Article IV was agreed to, was, by unanimous consent, laid on the table.

¶28.11 PRIVILEGES OF THE HOUSE

Mr. BOEHNER, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1164):

Whereas, on March 8, 2010, Representative Eric Massa resigned from the House;

Whereas, numerous newspapers and other media organizations reported in the days before and after Mr. Massa's resignation that the Committee on Standards of Official Conduct was investigating allegations that Mr. Massa sexually harassed Members of his congressional staff;

Whereas, on March 3, 2010, Majority Leader Hoyer's office issued a statement saying, ''The week of February 8th, a member of Rep. Massa's staff brought to the attention of Mr. Hoyer's staff allegations of misconduct that had been made against Mr. Massa. Mr. Hoyer's staff immediately informed him of what they had been told'';

Whereas, on Thursday, March 4, Roll Call newspaper reported, ''Speaker Nancy Pelosi said she only learned Wednesday of misconduct allegations against freshman Rep. Eric Massa, though her staff had learned of it earlier and decided against briefing her. 'There had been a rumor, but just that,' Pelosi told reporters at her weekly news conference. 'A one-, two-, three-person rumor that had been reported to Mr. Hoyer's office and reported to my staff which they did not report to me because you know what? This is rumor city. There are rumors.' '';

Whereas, on March 11, 2010, The Washington Post reported, ''House Speaker Nancy Pelosi's office was notified in October by then-Rep. Eric Massa's top aide [Joe Racalto] of concerns about the New York Democrat's behavior'';

Whereas, on March 11, 2010, Politico newspaper reported, ''Democratic insiders say Pelosi's office took no action after Racalto expressed his concerns about his then-boss in October'';

Whereas, on March 9, 2010, The Corning Leader newspaper reported, ''Hoyer said last week he told Massa to inform the House Ethics Committee of the charges within 48 hours. 'Steny Hoyer has never said a single word to me, never, not once, not a word,' Massa said Sunday. 'This is a lie. It is a blatant false statement.' '';

Whereas, numerous confusing and conflicting media reports that House Democratic leaders knew about, and may have failed to handle appropriately, allegations that Rep. Massa was sexually harassing his own employees have raised serious and legitimate questions about what Speaker Pelosi as well as other Democratic leaders and their respective staffs were told, and what those individuals did with the information in their possession;

Whereas, the aforementioned media accounts have held the House up to public ridicule;

Whereas, the possibility that House Democratic leaders may have failed to immediately confront Rep. Massa about allegations of sexual harassment may have exposed employees and interns of Rep. Massa to continued harassment;

Whereas, clause one of rule XXIII of the Rules of the House of Representatives, titled ''Code of Conduct,'' states ''A Member, Delegate, Resident Commission, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House'';

Whereas, the Committee on Standards of Official Conduct is charged under House Rules with enforcing the Code of Conduct: Now, therefore, be it

Resolved:

(1) The Committee on Standards of Official Conduct is directed to investigate fully, pursuant to clause 3(a)(2) of House rule XI, which House Democratic leaders and members of their respective staffs had knowledge prior to March 3, 2010 of the aforementioned allegations concerning Mr. Massa, and what actions each leader and staffer having any such knowledge took after learning of the allegations;

(2) Within ten days following adoption of this resolution, and pursuant to Committee on Standards of Official Conduct rule 19, the committee shall establish an Investigative Subcommittee in the aforementioned matter, or report to the House no later than the final day of that period the reasons for its failure to do so;

(3) All Members and staff are instructed to cooperate fully in the committee's investigation and to preserve all records, electronic or otherwise, that may bear on the subject of this investigation;

(4) The Chief Administrative Officer shall immediately take all steps necessary to secure and prevent the alteration or deletion of any e-mails, text messages, voicemails and other electronic records resident on House equipment that have been sent or received by the Members and staff who are the subjects of the investigation authorized under this resolution until advised by the Committee on Standards of Official Conduct that it has no need of any portion of said records; and,

(5) The Committee shall issue a final report of its findings and recommendations in this matter no later than June 30, 2010.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. CLYBURN moved to refer the resolution to the Committee on Standards of Official Conduct.

After debate,

On motion of Mr. CLYBURN, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House now order the previous question on the motion?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. BOEHNER demanded a recorded vote on ordering the previous question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

It was decided in the affirmative .....

Yeas	404
Nays	2
Answered present	15

¶28.12 [Roll No. 106]

AYES—404

Ackerman	Boozman	Childers
Aderholt	Boren	Chu
Adler (NJ)	Boswell	Clarke
Alexander	Boucher	Clay
Altmire	Boustany	Cleaver
Andrews	Boyd	Clyburn
Arcuri	Brady (PA)	Coble
Austria	Brady (TX)	Coffman (CO)
Baca	Braley (IA)	Cohen
Bachmann	Bright	Cole
Bachus	Broun (GA)	Connolly (VA)
Baird	Brown (SC)	Conyers
Baldwin	Brown, Corrine	Cooper
Barrett (SC)	Brown-Waite, Ginny	Costa
Barrow		Costello
Bartlett	Buchanan	Courtney
Barton (TX)	Burgess	Crenshaw
Bean	Burton (IN)	Crowley
Becerra	Calvert	Cuellar
Berkley	Camp	Culberson
Berman	Campbell	Cummings
Berry	Cantor	Dahlkemper
Biggert	Cao	Davis (CA)
Bilbray	Capito	Davis (IL)
Bilirakis	Capps	Davis (KY)
Bishop (GA)	Capuano	Davis (TN)
Bishop (NY)	Cardoza	DeFazio
Bishop (UT)	Carnahan	DeGette
Blackburn	Carney	Delahunt
Blumenauer	Carson (IN)	DeLauro
Blunt	Carter	Diaz-Balart, M.
Boccieri	Cassidy	Dicks
Boehner	Castle	Dingell
Bono Mack	Chaffetz	Doggett

Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—2

Johnson (IL) Rohrabacher

ANSWERED ''PRESENT''—15

Bonner Dent McCaul
Butterfield Harper Myrick
Castor (FL) Hastings (WA) Simpson
Chandler Johnson (GA) Walden
Conaway Lofgren, Zoe Welch

NOT VOTING—9

Akin Deal (GA) Hoekstra
Buyer Diaz-Balart, L. Ryan (OH)
Davis (AL) Griffith Young (FL)

So the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to the motion?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. CANTOR demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

It was decided in the affirmative .....

Yeas	402
Nays	1
Answered present	15

¶28.13 [Roll No. 107]

AYES—402

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

NOES—1

Fattah

ANSWERED ''PRESENT''—15

Bonner Dent McCaul
Butterfield Harper Myrick
Castor (FL) Hastings (WA) Simpson
Chandler Johnson (GA) Walden
Conaway Lofgren, Zoe Welch

NOT VOTING—12

Berry Diaz-Balart, L. Mitchell
Buyer Eshoo Speier
Davis (AL) Griffith Young (AK)
Deal (GA) Hoekstra Young (FL)

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to

was, by unanimous consent, laid on the table.

¶28.14 H. RES. 1107—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1107) recognizing the 189th anniversary of the independence of Greece and celebrating Greek and American democracy.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	414
Nays	0
Answered present	1

¶28.15 [Roll No. 108]

YEAS—414

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

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—15

Buyer	Griffith	Paul
Conyers	Herseth Sandlin	Pence
Davis (AL)	Hoekstra	Speier
Deal (GA)	Linder	Waters
Diaz-Balart, L.	Murphy, Tim	Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶28.16 H. RES. 1047—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1047) commending The Ohio State University Buckeyes football team for its victory in the 2010 Rose Bowl.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶28.17 APPOINTMENT OF MANAGERS FOR IMPEACHMENT OF G. THOMAS PORTEOUS, JR.

Mr. SCHIFF, by unanimous consent, submitted the following resolution (H. Res. 1165):

Resolved, That Mr. Schiff, Ms. Zoe Lofgren of California, Mr. Johnson of Georgia, Mr. Goodlatte, and Mr. Sensenbrenner are appointed managers on the part of the House to conduct the trial of the impeachment of G. Thomas Porteous, Jr., a Judge for the United State District Court for the Eastern District of Louisiana, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers on the part of the House may exhibit the articles of impeachment to the Senate and take all other actions necessary in connection with preparation for, and conduct of, the trial, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under House Resolution 15, One Hundred Eleventh Congress, agreed to January 13, 2009, or any other applicable expense resolution on vouchers approved by the Chairman of the Committee on the Judiciary.

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they consider necessary.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶28.18 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House the following communication from Matt Vadas, Constituent Liaison, office of the Honorable Tim Ryan of Ohio:

CONGRESS OF THE UNITED STATES,
17th District, Ohio, March 3, 2010.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the

Rules of the House of Representatives, that I have been served with a subpoena, issued in the Youngstown, Ohio Municipal Court, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MATT VADAS,
Constituent Liaison.

¶28.19 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House the following communication from Pearlette Wigley, Staff Assistant, office of the Honorable Tim Ryan of Ohio:

CONGRESS OF THE UNITED STATES,
17th District, Ohio, March 3, 2010.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the Youngstown, Ohio Municipal Court, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

PEARLETTE WIGLEY,
Staff Assistant.

¶28.20 PROVIDING FOR CONSIDERATION OF H.R. 3650

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 111–439) the resolution (H. Res. 1168) providing for consideration of the bill (H.R. 3650) to establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia.

When said resolution and report were referred to the House Calendar and ordered printed.

¶28.21 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2194. An Act to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2194) ''An Act to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, Mr. MENENDEZ, Mr. SHELBY, Mr. BENNETT, and Mr. LUGAR to be the conferees on the part of the Senate.

¶28.22 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1067. An Act to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation and transitional justice, and for other purposes; to the Committee on Foreign Affairs.

¶28.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. YOUNG of Florida, for today.

And then,

¶28.24 ADJOURNMENT

On motion of Ms. SLAUGHTER, at 4 o'clock p.m., the House adjourned.

¶28.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 4098. A bill to require the Director of the Office of Management and Budget to issue guidance on the use of peer-of-peer file sharing software to prohibit the personal use of such software by Government employees, and for other purposes (Rept. 111–431). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 946. A bill to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes; with an amendment (Rept. 111–432). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4252. A bill to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, and for other purposes (Rept. 111–433). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1769. A bill to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes; with an amendment (Rept. 111–434). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2788. A bill to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California (Rept. 111–435). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4003. A bill to direct the Secretary of the Interior to conduct a special resource study to evaluate resources in the Hudson River Valley in the State of New York to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes; with an amendment (Rept. 111–436). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4192. A bill to designate the Stornetta Public Lands as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes; with an amendment (Rept. 111–437). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4395. A bill to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes; with an amendment (Rept. 111–438). Referred to the Committee of the Whole House on the state of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1168. A resolution providing for consideration of the bill (H.R. 3650) to establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia. (Rept. 111–439). Referred to the House Calendar.

¶28.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. NADLER of New York (for himself and Mr. CONYERS):

H.R. 4820. A bill to amend the Fair Housing Act to prohibit discrimination on the basis of sexual orientation and gender identity, and for other purposes; to the Committee on the Judiciary.

By Mr. BURTON of Indiana:

H.R. 4821. A bill to amend title 5, United States Code, to make stillborn children eligible for optional life insurance coverage; to the Committee on Oversight and Government Reform.

By Mr. CHILDERS:

H.R. 4822. A bill to provide for the settlement of claims arising from the failure of the Natural Resource Conservation Service (and former Soil Conservation Service) to carry out the Houlka Creek Watershed Project in Mississippi; to the Committee on Agriculture.

By Mrs. KIRKPATRICK of Arizona:

H.R. 4823. A bill to establish the Sedona-Red Rock National Scenic Area in the Coconino National Forest, Arizona, and for other purposes; to the Committee on Natural Resources.

By Mrs. KIRKPATRICK of Arizona:

H.R. 4824. A bill to provide for the conveyance of a small parcel of land in the Coconino National Forest, Arizona; to the Committee on Natural Resources.

By Mrs. KIRKPATRICK of Arizona:

H.R. 4825. A bill to require any amounts remaining in a Member's Representational Allowance at the end of a fiscal year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on House Administration.

By Mr. FOSTER:

H.R. 4826. A bill to promote neighborhood stabilization by incentivizing short sales, as a preferable alternative to foreclosure, through the Internal Revenue Code of 1986; to the Committee on Ways and Means, and in

addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Mr. LEWIS of California, Mr. BACA, and Mrs. BONO MACK):

H.R. 4827. A bill to provide for the conveyance of a small parcel of Natural Resources Conservation Service property in Riverside, California, and for other purposes; to the Committee on Agriculture.

By Mr. TOWNS:

H.R. 4828. A bill to amend the Fair Housing Act to prohibit housing discrimination on the basis of sexual orientation or gender identity, to amend the Civil Rights Act of 1964 to prohibit such discrimination in public accommodations and public facilities, and for other purposes; to the Committee on the Judiciary.

By Ms. ESHOO (for herself, Mr. SHIMKUS, and Mr. KAGEN):

H.R. 4829. A bill to amend the National Telecommunications and Information Administration Organization Act to enhance and promote the Nation's public safety and citizen activated emergency response capabilities through the use of 9-1-1 services, to further upgrade public safety answering point capabilities and related functions in receiving 9-1-1 calls, and to support in the construction and operation of a ubiquitous and reliable citizen activated system; to the Committee on Energy and Commerce.

By Mr. POLIS of Colorado (for himself, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Ms. CHU, Ms. CLARKE, Mr. COHEN, Mr. CONYERS, Mr. COURTNEY, Ms. DELAURO, Mr. ELLISON, Mr. FILNER, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. GRAYSON, Mr. GRIJALVA, Mr. HARE, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. KENNEDY, Ms. KILPATRICK of Michigan, Mr. LANGEVIN, Mr. LEWIS of Georgia, Mr. MICHAUD, Ms. MOORE of Wisconsin, Mr. NADLER of New York, Ms. NORTON, Mr. OLVER, Mr. PERLMUTTER, Ms. PINGREE of Maine, Ms. RICHARDSON, Mr. SABLAN, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. SERRANO, Mr. SESTAK, Ms. SUTTON, Ms. TITUS, Mr. TONKO, and Ms. WOOLSEY):

H.R. 4830. A bill to promote the economic self-sufficiency of low-income women through their increased participation in high-wage, high-demand occupations where they currently represent 25 percent or less of the workforce; to the Committee on Education and Labor.

By Mr. GINGREY of Georgia:

H.R. 4831. A bill to amend the Congressional Budget Act of 1974 to set a cap on allocated funds for earmarks; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself, Ms. VELÁZQUEZ, Mr. PIERLUISI, Mr. SABLAN, Mr. GRIJALVA, Mr. HEINRICH, Ms. CHU, Mr. PRICE of North Carolina, Ms. RICHARDSON, Mr. HINOJOSA, and Mr. AL GREEN of Texas):

H.R. 4832. A bill to amend title 5, United States Code, to provide that premium pay be paid to Federal employees whose official duties require the use of one or more languages besides English; to the Committee on Oversight and Government Reform.

By Mr. PIERLUISI (for himself, Mr. ANDREWS, Mr. BACA, Ms. BORDALLO, Mr. FARR, Mr. GRAYSON, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HONDA, Ms. KOSMAS, Mrs. NAPOLITANO, Mr. REYES, Mr. RODRIGUEZ, and Mr. SIRES):

H.R. 4833. A bill to authorize the Secretary of Education to make grants to local educational agencies to carry out teacher exchanges; to the Committee on Education and Labor.

By Mr. SCHAUER:

H.R. 4834. A bill to amend section 493C of the Higher Education Act of 1965 to limit student loan payments to 10 percent of discretionary income, and for other purposes; to the Committee on Education and Labor.

By Mr. MCGOVERN (for himself and Mr. BERMAN):

H. Con. Res. 251. Concurrent resolution recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. TIAHRT, Mr. MCCOTTER, Mr. WOLF, Mr. SIRES, Mr. MACK, Ms. WASSERMAN SCHULTZ, and Mr. MEEK of Florida):

H. Con. Res. 252. Concurrent resolution recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba; to the Committee on Foreign Affairs.

By Ms. ROYBAL-ALLARD (for herself and Mr. MCGOVERN):

H. Res. 1162. A resolution recognizing National Public Health Week; to the Committee on Energy and Commerce.

By Mrs. MCMORRIS RODGERS:

H. Res. 1163. A resolution recognizing Washington State University Honors College for 50 years of excellence; to the Committee on Education and Labor.

By Mr. BOEHNER:

H. Res. 1164. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. SCHIFF:

H. Res. 1165. A resolution appointing and authorizing managers for the impeachment of G. Thomas Porteous, Jr., a Judge for the United States District Court for the Eastern District of Louisiana; considered and agreed to.

By Mr. OWENS:

H. Res. 1166. A resolution directing the Clerk of the House of Representatives to establish and implement a process under which members of the public may view the proceedings of the House and the committees of the House online; to the Committee on House Administration.

By Ms. SHEA-PORTER:

H. Res. 1167. A resolution expressing the support of the House of Representatives for the goals and ideals of Professional Social Work Month and World Social Work Day; to the Committee on Education and Labor.

By Mr. GRAYSON (for himself, Ms. KOSMAS, Ms. CORRINE BROWN of Florida, Mr. MICA, Ms. WASSERMAN SCHULTZ, Mr. CONYERS, and Ms. MOORE of Wisconsin):

H. Res. 1169. A resolution honoring the 125th anniversary of Rollins College; to the Committee on Education and Labor.

By Mr. HUNTER:

H. Res. 1170. A resolution congratulating the winners of the Voice of Democracy national scholarship program; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself, Mr. KANJORSKI, Mr. MAFFEI, Mr. CARNEY, Mr. BROWN of South Carolina, Mr. HALL of New York, Mr. DOYLE, Mr. CONNOLLY of Virginia, Mr. HOLDEN, and Mr. MCGOVERN):

H. Res. 1171. A resolution expressing support for the designation of March 2010 as Irish American Heritage Month and honoring the significance of Irish Americans in the history and progress of the United States; to the Committee on Oversight and Government Reform.

By Mr. SCHAUER:

H. Res. 1172. A resolution recognizing the life and achievements of Will Keith Kellogg; to the Committee on Oversight and Government Reform.

By Mr. WELCH:

H. Res. 1173. A resolution recognizing the 100th anniversary of the Vermont Long Trail, the oldest long-distance hiking trail in the United States, and congratulating the Green Mountain Club for its century of dedication in developing and maintaining the trail; to the Committee on Natural Resources.

By Ms. WOOLSEY (for herself, Ms. CLARKE, Ms. FUDGE, Ms. WATSON, Mr. OLVER, Ms. LEE of California, Ms. RICHARDSON, Ms. NORTON, Ms. ROYBAL-ALLARD, Ms. SPEIER, Mr. GRIJALVA, Mr. SIRES, Mrs. MALONEY, Mr. ORTIZ, Mr. TEAGUE, Mr. KENNEDY, Ms. BORDALLO, Mr. AL GREEN of Texas, Ms. MATSUI, Mr. SMITH of Washington, Mr. HINCHEY, Ms. HARMAN, Ms. MOORE of Wisconsin, Mr. LANGEVIN, Ms. SHEA-PORTER, Mr. ANDREWS, Mr. ELLISON, Mr. BERMAN, Mr. WU, Ms. WASSERMAN SCHULTZ, Mrs. CAPPS, Mr. WILSON of Ohio, Mr. HOLT, Mr. HINOJOSA, Mr. INSLEE, Mrs. DAHLKEMPER, Mr. KANJORSKI, Mr. MCDERMOTT, Ms. HIRONO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM, Mr. GRAYSON, Mr. BECERRA, Ms. BALDWIN, Ms. BERKLEY, Mr. BLUMENAUER, Mr. CARDOZA, Mr. COHEN, Mr. CLYBURN, Mrs. DAVIS of California, Ms. DELAURO, Ms. EDWARDS of Maryland, Mr. ENGEL, Ms. LORETTA SANCHEZ of California, Ms. TITUS, Mr. PASCRELL, Mr. PASTOR of Arizona, Mr. RUSH, Mr. RAHALL, Mr. SNYDER, Mr. STARK, Mr. TANNER, Mr. TIERNEY, Mr. BACA, Mr. NUNES, Ms. SCHAKOWSKY, Ms. KILROY, and Mr. DAVIS of Tennessee):

H. Res. 1174. A resolution supporting the goals and ideals of National Women's History Month; to the Committee on Oversight and Government Reform.

¶28.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. YARMUTH, Mr. OBERSTAR, Mr. HALL of New York, Mr. WAXMAN, and Mr. DRIEHAUS.

H.R. 197: Mr. TAYLOR.

H.R. 211: Ms. MOORE of Wisconsin.

H.R. 484: Mr. ARCURI.

H.R. 537: Ms. BEAN, Mr. MORAN of Virginia, and Ms. SCHWARTZ.

H.R. 690: Ms. MATSUI.

H.R. 708: Mr. UPTON and Mr. PENCE.

H.R. 1077: Mr. KAGEN.

H.R. 1132: Mr. OLSON.

H.R. 1177: Mr. MCNERNEY, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mr. CARNAHAN, Mr. DEFAZIO, Ms. DEGETTE, Ms. ESHOO,

Mr. LARSON of Connecticut, Ms. MATSUI, Mr. REYES, Mr. TAYLOR, and Mr. COURTNEY.

H.R. 1301: Mr. COSTELLO.

H.R. 1352: Mrs. BACHMANN and Ms. KILROY.

H.R. 1522: Mr. BOUCHER and Ms. SHEA-PORTER.

H.R. 1628: Mr. COFFMAN of Colorado.

H.R. 1908: Mrs. CAPITO.

H.R. 2159: Mr. SESTAK.

H.R. 2421: Ms. GIFFORDS, Mr. HIMES, Mr. HOLDEN, Mr. KANJORSKI, Ms. KILROY, Mr. MEEK of Florida, Mr. MELANCON, Mr. ROSS, Ms. LINDA T. SÁNCHEZ of California, Mr. SPRATT, and Mr. STUPAK.

H.R. 2443: Mr. OBERSTAR.

H.R. 2446: Mr. REHBERG.

H.R. 2478: Mr. MITCHELL.

H.R. 2584: Mr. LEWIS of Georgia.

H.R. 2783: Ms. SHEA-PORTER.

H.R. 2807: Mr. GRIJALVA.

H.R. 2999: Mr. NEAL of Massachusetts and Mr. BISHOP of Georgia.

H.R. 3024: Mr. KILDEE.

H.R. 3054: Ms. ZOE LOFGREN of California.

H.R. 3101: Mr. ENGEL.

H.R. 3189: Mr. MCCOTTER.

H.R. 3202: Mr. FILNER.

H.R. 3208: Mr. OWENS.

H.R. 3286: Mr. ROSS, Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. DAVIS of Illinois, Mr. ACKERMAN, Mr. RANGEL, Mr. KISSELL, Mrs. EMERSON, Mr. ANDREWS, and Mr. ELLISON.

H.R. 3287: Ms. HIRONO.

H.R. 3393: Ms. HERSETH SANDLIN, Mr. SHULER, and Mr. CARDOZA.

H.R. 3413: Mr. WILSON of Ohio.

H.R. 3464: Mr. SESTAK, Mr. MOORE of Kansas, Mr. TURNER, and Mr. DOGGETT.

H.R. 3564: Mr. GARAMENDI and Mr. FILNER.

H.R. 3650: Mr. GARAMENDI.

H.R. 3655: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3656: Mr. MICHAUD and Ms. NORTON.

H.R. 3731: Ms. WASSERMAN SCHULTZ.

H.R. 3790: Mr. QUIGLEY, Mr. MILLER of Florida, and Mr. DEFAZIO.

H.R. 3828: Mr. SOUDER.

H.R. 3904: Mr. WAXMAN.

H.R. 3943: Mr. PUTNAM.

H.R. 3976: Mr. BUYER and Mr. TEAGUE.

H.R. 4021: Mr. DOYLE, Ms. HIRONO, and Mr. VAN HOLLEN.

H.R. 4051: Mr. MCGOVERN, Ms. JACKSON LEE of Texas, and Mr. LATHAM.

H.R. 4065: Mr. POLIS of Colorado.

H.R. 4222: Mr. WITTMAN and Mr. KAGEN.

H.R. 4244: Mr. KAGEN.

H.R. 4278: Mr. BARROW.

H.R. 4320: Mr. LATOURETTE and Mr. KIND.

H.R. 4390: Mr. FOSTER.

H.R. 4396: Mr. PETERSON, Mr. BARROW, and Mr. SOUDER.

H.R. 4400: Mr. BISHOP of Georgia.

H.R. 4410: Mr. BUYER, Mr. POE of Texas, Mr. SOUDER, and Mr. SCHRADER.

H.R. 4415: Mr. CANTOR.

H.R. 4473: Mr. KISSELL and Mrs. DAHLKEMPER.

H.R. 4489: Mr. CLAY, Ms. NORTON, Mr. KUCINICH, and Mr. WEINER.

H.R. 4490: Mrs. CAPITO.

H.R. 4494: Mr. JOHNSON of Illinois and Mr. LIPINSKI.

H.R. 4502: Mr. SESTAK and Mr. ELLISON.

H.R. 4522: Mr. KILDEE.

H.R. 4553: Mr. KAGEN.

H.R. 4563: Mr. HASTINGS of Florida.

H.R. 4587: Mr. LAMBORN.

H.R. 4594: Mr. JACKSON of Illinois, Mr. PETERSON, Ms. LINDA T. SÁNCHEZ of California, and Ms. KILROY.

H.R. 4597: Mr. HINCHEY.

H.R. 4599: Mr. HARE.

H.R. 4607: Mr. SESTAK.

H.R. 4614: Ms. KOSMAS.

H.R. 4629: Mr. RUSH.

H.R. 4689: Mr. ROSS, Mr. NEAL of Massachusetts, Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. DAVIS of Illinois, Mr. ACKERMAN, Mr. PAULSEN, Mr. BURGESS, Mr. KISSELL, Mr. SPRATT, Mrs. EMERSON, Mr. RYAN of Ohio, Mr. ANDREWS, and Mr. ELLISON.

H.R. 4692: Mr. MURPHY of Connecticut.

H.R. 4703: Mr. NUNES.

H.R. 4710: Ms. BALDWIN and Mr. PALLONE.

H.R. 4722: Mr. KAGEN, Mr. DOYLE, Ms. LEE of California, and Mr. VAN HOLLEN.

H.R. 4745: Mr. BERRY, Mr. DAVIS of Tennessee, and Mr. GARAMENDI.

H.R. 4755: Mr. LATOURETTE.

H.R. 4758: Mr. LAMBORN.

H.R. 4761: Mr. CHILDERS.

H.R. 4780: Mr. TIAHRT, Mr. KLINE of Minnesota, Mr. BACHUS, and Mr. CONAWAY.

H.R. 4787: Mr. BOREN.

H.R. 4788: Mr. GARAMENDI, Ms. CORRINE BROWN of Florida, Mrs. MILLER of Michigan, and Mr. LOEBSACK.

H.R. 4789: Mr. LEWIS of Georgia, Mr. WEINER, Mr. NADLER of New York, Ms. VELÁZQUEZ, Mr. ELLISON, Ms. LORETTA SANCHEZ of California, Mr. JOHNSON of Georgia, Ms. WATERS, Mr. GUTIERREZ, Ms. WOOLSEY, Ms. KAPTUR, Mr. RANGEL, Mr. KENNEDY, Mr. GRIJALVA, Mr. OLVER, Mr. JACKSON of Illinois, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FUDGE, Mr. DAVIS of Illinois, Mr. PIERLUISI, Mrs. NAPOLITANO, Mr. HASTINGS of Florida, Mr. HALL of New York, Ms. BERKLEY, Mr. CONYERS, Mr. MCGOVERN, Mr. HARE, Ms. SUTTON, Mr. MCDERMOTT, Mr. SABLAN, Mr. HINCHEY, Mrs. MALONEY, Ms. LEE of California, Mr. CUMMINGS, Mr. MEEKS of New York, Mr. TOWNS, Mr. AL GREEN of Texas, Mr. WU, and Mr. HOLT.

H.R. 4806: Ms. MOORE of Wisconsin.

H.R. 4812: Ms. LEE of California, Ms. LINDA T. SÁNCHEZ of California, and Mr. FATTAH.

H.J. Res. 77: Mr. TIAHRT, Mr. POSEY, Mr. TIBERI, Mr. DUNCAN, Mr. COFFMAN of Colorado, Mr. PLATTS, and Mr. WAMP.

H.J. Res. 80: Mr. MCNERNEY and Mr. CUMMINGS.

H. Con. Res. 240: Mr. PAYNE, Mr. CARNAHAN, Mr. HOLT, Mr. BUCHANAN, and Mr. SESTAK.

H. Res. 173: Mr. SIRES.

H. Res. 267: Mr. MCCARTHY of California.

H. Res. 276: Mr. RYAN of Wisconsin.

H. Res. 614: Mr. BURTON of Indiana.

H. Res. 763: Mr. CONAWAY.

H. Res. 796: Mr. REHBERG.

H. Res. 886: Mr. SESTAK and Mr. KAGEN.

H. Res. 989: Mr. SESTAK and Ms. CASTOR of Florida.

H. Res. 992: Mr. MCCOTTER.

H. Res. 1053: Ms. LEE of California, Mr. STUPAK, Mr. DOYLE, and Ms. KILROY.

H. Res. 1060: Mr. MARCHANT.

H. Res. 1063: Mr. OLSON.

H. Res. 1064: Mr. MARKEY of Massachusetts, Mr. MILLER of North Carolina, and Ms. DELAURO.

H. Res. 1075: Mr. COSTELLO.

H. Res. 1103: Mr. GONZALEZ, Mr. SHUSTER, and Mrs. BLACKBURN.

H. Res. 1129: Mr. DUNCAN.

H. Res. 1145: Mr. WILSON of Ohio, Mr. PETERS, and Mr. PASTOR of Arizona.

H. Res. 1155: Mr. ACKERMAN, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. MCMAHON, Mr. MURPHY of Connecticut, Mr. RANGEL, Mr. HALL of New York, Mr. SIRES, Mr. HINCHEY, Mr. TOWNS, Mr. MEEKS of New York, Ms. CLARKE, Mr. DAVIS of Illinois, Ms. JACKSON LEE of Texas, and Mr. KIND.

H. Res. 1161: Mr. GRAYSON.

FRIDAY, MARCH 12, 2010 (29)

¶29.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
March 12, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶29.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced she had examined and approved the Journal of the proceedings of Thursday, March 11, 2010.

Mr. PALLONE, pursuant to clause 1 of rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

Mr. PALLONE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶29.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6549. A letter from the Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule — Registration, Five Year Terms (RIN: 0580-AB03) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6550. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acetamiprid; Pesticide Tolerances [EPA-HQ-OPP-2009-0289; FRL-8809-9] received February 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6551. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Exemption from the Requirement of a Tolerance; Technical Amendment [EPA-AQ-OPP-2008-0923; FRL-8809-4] received February 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6552. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients; Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment [EPA-HQ-OPP-2009-0601; FRL-8812-3] received February 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6553. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition Strategies to Ensure Competition throughout the Life Cycle of Major Defense Acquisition Programs (DFARS Case 2009-D014) (RIN: 0750-AG61) received February 17,

2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6554. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

6555. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Turkey pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6556. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Requirements for Consumer Registration of Durable Infant or Toddler Products; Final Rule received February 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6557. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report entitled, ''Emissions of Greenhouse Gases in the United States 2008'', pursuant to Public Law 102-486, section 1605(a); to the Committee on Energy and Commerce.

6558. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Georgia: Update to Materials Incorporated by Reference [GA-200922; FRL-9097-5] received February 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6559. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Baton Rouge 1-Hour Ozone Nonattainment Area; Determination of Attainment of the 1-Hour Ozone Standard [EPA-R06-OAR-2009-0014; FRL-9113-5] received February 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6560. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of Carbon Monoxide Emissions from Basic Oxygen Furnaces [EPA-R03-OAR-2010-0010; FRL-9111-7] received February 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6561. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Removal of NOx SIP Call Rules [EPA-R03-OAR-2009-0706; FRL-9111-5] received February 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6562. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County [EPA-R06-OAR-2006-0569; FRL-9112-1] received February 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6563. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona, Maricopa County Air Quality Department; State of Nevada, Nevada Division of Environmental Protection, Washoe County District Health Department [EPA-R09-OAR-2010-0044; FRL-9111-2] recieved February 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6564. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures [MD Docket No.: 09-52] received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6565. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements [MB Docket No.: 07-198] received January 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6566. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the agency's response to the GAO's report ''UN OFFICE FOR PROJECT SERVICES: Management Reforms Proceeding but Effectiveness Not Assesed, and USAID's Oversight of Grants Has Weaknesses'' GAO-10-168; to the Committee on Foreign Affairs.

6567. A letter from the Assistant Secretary, Department of Defense, transmitting report on proposed obligations of funds provided for the Cooperative Threat Reduction Program; to the Committee on Foreign Affairs.

6568. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment to Turkish Aerospace Industries (Transmittal No. RSAT-09-1973); to the Committee on Foreign Affairs.

6569. A letter from the Acting Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's Annual Sunshine Act Report for 2009; to the Committee on Oversight and Government Reform.

6570. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's FY 2010 — FY 2015 Strategic Plan; to the Committee on Oversight and Government Reform.

6571. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled ''Fair & Equitable Treatment: Progress Made and Challenges Remaining'', pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

6572. A letter from the Secretary, Department of the Interior, transmitting the Department's annual accomplishments report during Fiscal Year 2009; to the Committee on Natural Resources.

6573. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulation: Areas of the National Park System, National Capital Region; Correction [Docket No.: E8-27047] (RIN: 1024-AD71) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6574. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Designation of Critical Habitat for North Pacific Right Whale [Docket No.: 070717354-8251-02] (RIN: 0648-AV73) received February 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6575. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species: Final Threatened Listing Determination, Final Protective Regulations, and Final Designation of Critical Habitat for the Oregon Coast Evolutionary Significant Unit of Coho Salmon [Docket No.: 071227892-7894-01] (RIN: 0648-AW39) received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6576. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures [Docket No.: 0906221072-91425-02] (RIN: 0648-AX95) received January 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6577. A letter from the Director, Department of Justice, transmitting the Department's report on the activities of the Community Relations Service (CRS) for Fiscal Year 2009, pursuant to 42 U.S.C. 2000g-3; to the Committee on the Judiciary.

6578. A letter from the Deputy Chief, Regulatory Products Division, Department of Homeland Security, transmitting the Department's final rule — Professional Conduct for Practitioners: Rules, Procedures, Represetation, and Appearances [Docket No.: DHS-2009-0077] (RIN: 1601-AA58) received February 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6579. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Criminal and Civil Penalities Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act [Docket ID: FEMA-2009-0007] (RIN: 1660-AA01) received February 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6580. A letter from the Administrator, FAA, Department of Transportation, transmitting the Federal Aviation Administration's Capital Investment Plan (CIP) for fiscal years 2011-2015, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

6581. A letter from the President and Chief Executive Officer, Amtrak, National Railroad Passenger Corporation, transmitting the Corporation's FY 2011 General and Legislative annual report, pursuant to 49 U.S.C. 24315(b); to the Committee on Transportation and Infrastructure.

6582. A letter from the Director, of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — VA Veteran-Owned Small Business Verification Guidelines (RIN: 2900-AM78) received February 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6583. A letter from the Secretary, Department of Energy, transmitting the Department's ''2010 Annual Plan for the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program''; jointly to the Committees on Science and Technology and Natural Resources.

¶29.4 PROVIDING FOR CONSIDERATION OF H.R. 3650

Ms. PINGREE of Maine, by direction of the Committee on Rules, called up the following resolution (H. Res. 1168):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3650) to establish a National Harmful Algal Bloom and Hypoxia

Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology; (2) the amendment printed in part B of the report of the Committee on Rules, if offered by Representative Flake of Arizona or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Ms. PINGREE of Maine, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶29.5 HARMFUL ALGAL BLOOM

Mr. BAIRD, pursuant to House Resolution 1168, called up for consideration the bill (H.R. 3650) to establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia.

Pending consideration of said bill,

Pursuant to House Resolution 1168, in lieu of the amendment in the nature of a substitute, recommended by the Committee on Science and Technology, the following amendment in the nature of a substitute, printed in part A of House Report 111-439, of the Committee on Rules, was considered as agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010''.

SEC. 2. AMENDMENT OF HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

SEC. 3. DEFINITIONS.

(a) AMENDMENT.—The Act is amended by inserting after section 602 the following:

''SEC. 602A. DEFINITIONS.

''In this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) PROGRAM.—The term 'Program' means the National Harmful Algal Bloom and Hypoxia Program established under section 603A.

''(3) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

''(4) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Coast Guard Authorization Act of 1998 is amended by adding after the item relating to section 602 the following new item:

''Sec. 602A. Definitions.''.

SEC. 4. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

(a) AMENDMENT.—The Act is amended by inserting after section 603 the following:

''SEC. 603A. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

''(a) IN GENERAL.—Except as provided in subsection (d), the Under Secretary, through the Task Force established under section 603(a), shall establish and maintain a National Harmful Algal Bloom and Hypoxia Program pursuant to this section.

''(b) DUTIES.—The Under Secretary, through the Program, shall coordinate the efforts of the Task Force to—

''(1) develop and promote a national strategy to understand, detect, predict, control, mitigate, and respond to marine and freshwater harmful algal bloom and hypoxia events;

''(2) integrate the research of all Federal programs, including ocean and Great Lakes science and management programs and centers, that address the chemical, biological, and physical components of marine and freshwater harmful algal blooms and hypoxia;

''(3) coordinate and work cooperatively with State, tribal, and local government agencies and programs that address marine and freshwater harmful algal blooms and hypoxia;

''(4) identify additional research, development, and demonstration needs and priorities relating to monitoring, prediction, prevention, control, mitigation, and response to marine and freshwater harmful algal blooms and hypoxia;

''(5) encourage international information sharing and research efforts on marine and freshwater harmful algal blooms and hypoxia, and encourage international mitigation, control, and response activities;

''(6) ensure the development and implementation of methods and technologies to protect the ecosystems affected by marine and freshwater harmful algal blooms;

''(7) integrate, coordinate, and augment existing education programs to improve public understanding and awareness of the causes, impacts, and mitigation efforts for marine and freshwater harmful algal blooms and hypoxia;

''(8) assist in regional, State, tribal, and local efforts to develop and implement appropriate marine and freshwater harmful algal bloom and hypoxia response plans, strategies, and tools;

''(9) provide resources for and assist in the training of State, tribal, and local water and coastal resource managers in the methods and technologies for monitoring, controlling, mitigating, and responding to the effects of marine and freshwater harmful algal blooms and hypoxia events;

''(10) oversee the development, implementation, review, and periodic updating of the Regional Research and Action Plans under section 603B; and

''(11) administer peer-reviewed, merit-based competitive grant funding to support—

''(A) the projects maintained and established by the Program; and

''(B) the research and management needs and priorities identified in the Regional Research and Action Plans.

''(c) COOPERATIVE EFFORTS.—The Under Secretary shall work cooperatively and avoid duplication of efforts with other offices, centers, and programs within the National Oceanic and Atmospheric Administration and other agencies represented on the Task Force established under section 603(a), States, tribes, and nongovernmental organizations concerned with marine and freshwater aquatic issues related to harmful algal blooms and hypoxia.

''(d) FRESHWATER PROGRAM.—With respect to the freshwater aspects of the Program, the Administrator and Under Secretary, through the Task Force, shall carry out the duties otherwise assigned to the Under Secretary under this section and section 603B, including the activities described in subsection (e). The Administrator's participation under this subsection shall include—

''(1) research on the ecology of freshwater harmful algal blooms;

''(2) monitoring and event response of freshwater harmful algal blooms in lakes, rivers, estuaries (including their tributaries), and reservoirs;

''(3) mitigation and control of freshwater harmful algal blooms; and

''(4) an identification in the President's annual budget request to Congress of how much funding is proposed in that request for carrying out the activities described in subsection (e).

''(e) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.—As part of the program under this section, the Under Secretary shall—

''(1) maintain and enhance existing competitive grant programs at the National Oceanic and Atmospheric Administration relating to marine and freshwater harmful algal blooms and hypoxia;

''(2) carry out marine and freshwater harmful algal bloom and hypoxia events response activities; and

''(3) enhance communication and coordination among Federal agencies carrying out marine and freshwater harmful algal bloom and hypoxia activities, and increase the availability to appropriate public and private entities of—

''(A) analytical facilities and technologies;

''(B) operational forecasts; and

''(C) reference and research materials.

''(f) INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.—All monitoring and observation data collected under this Act shall be collected in compliance with all data standards and protocols developed pursuant to the National Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.), and such data shall be

made available through the System established under that Act.

''(g) ACTION STRATEGY.—

''(1) IN GENERAL.—Not later than 12 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010, the Under Secretary, through the Task Force established under section 603(a), shall transmit to the Congress an action strategy that identifies—

''(A) the specific activities to be carried out by the Program and the timeline for carrying out such activities; and

''(B) the roles and responsibilities of each Federal agency in the Task Force established under section 603(a) in carrying out Program activities.

''(2) FEDERAL REGISTER.—The Under Secretary shall publish the action strategy in the Federal Register.

''(3) PERIODIC REVISION.—The Under Secretary shall periodically review and revise the action strategy prepared under this subsection as necessary.

''(h) REPORT.—Two years after the submission of the action strategy, the Under Secretary shall prepare and transmit to the Congress a report that describes—

''(1) the activities carried out under the Program and the Regional Research and Action Plans and the budget related to these activities;

''(2) the progress made on implementing the action strategy; and

''(3) the need to revise or terminate activities or projects under the Program.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Coast Guard Authorization Act of 1998 is amended by adding after the item relating to section 603 the following new item:

''Sec. 603A. National Harmful Algal Bloom and Hypoxia Program.''.

SEC. 5. REGIONAL RESEARCH AND ACTION PLANS.

(a) AMENDMENT.—The Act is amended by inserting after section 603A the following:

''SEC. 603B. REGIONAL RESEARCH AND ACTION PLANS.

''(a) IN GENERAL.—The Under Secretary, through the Task Force established under section 603(a), shall—

''(1) identify the appropriate regions and subregions to be addressed by each Regional Research and Action Plan; and

''(2) oversee the development and implementation of the Regional Research and Action Plans.

''(b) CONTENTS.—The Plans developed under this section shall identify—

''(1) regional priorities for ecological, economic, and social research on issues related to the impacts of harmful algal blooms and hypoxia;

''(2) research, development, and demonstration activities needed to develop and advance technologies and techniques for minimizing the occurrence of harmful algal blooms and hypoxia and improving capabilities to prevent, predict, monitor, control, and mitigate harmful algal blooms and hypoxia;

''(3) ways to reduce the duration and intensity of harmful algal blooms and hypoxia, including in times of emergency;

''(4) research and methods to address human health dimensions of harmful algal blooms and hypoxia;

''(5) mechanisms, including the potential costs and benefits of those mechanisms, to protect vulnerable ecosystems that could be or have been affected by harmful algal blooms and hypoxia events;

''(6) mechanisms by which data, information, and products are transferred between the Program and State, tribal, and local governments and relevant research entities;

''(7) communication, outreach, and information dissemination methods that State, tribal, and local governments and stakeholder organizations can undertake to educate and inform the public concerning harmful algal blooms and hypoxia; and

''(8) the roles that Federal agencies can play to assist in the implementation of the Plan.

''(c) BUILDING ON AVAILABLE STUDIES AND INFORMATION.—In developing the Plans under this section, the Under Secretary shall—

''(1) utilize and build on existing research, assessments, and reports, including those carried out pursuant to existing law and other relevant sources; and

''(2) consider the impacts, research, and existing program activities of all United States coastlines and fresh and inland waters, including the Great Lakes, the Chesapeake Bay, and estuaries and tributaries.

''(d) DEVELOPMENT OF PLANS.—The Under Secretary shall develop Plans under this section with assistance from the individuals and entities described in subsection (f).

''(e) PLAN TIMELINE AND UPDATES.—The Under Secretary, through the Task Force established under section 603(a), shall ensure that the Plans developed under this section are completed not later than 24 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010, and updated once every 5 years thereafter.

''(f) COORDINATION AND CONSULTATION.—In developing the Plans under this section, as appropriate, the Under Secretary—

''(1) shall coordinate with State coastal management and planning officials;

''(2) shall coordinate with tribal resource management officials;

''(3) shall coordinate with water management and watershed officials from both coastal States and noncoastal States with water sources that drain into water bodies affected by harmful algal blooms and hypoxia; and

''(4) shall consult with—

''(A) public health officials;

''(B) emergency management officials;

''(C) science and technology development institutions;

''(D) economists;

''(E) industries and businesses affected by marine and freshwater harmful algal blooms and hypoxia;

''(F) scientists, with expertise concerning harmful algal blooms or hypoxia, from academic or research institutions; and

''(G) other stakeholders.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Coast Guard Authorization Act of 1998 is amended by adding after the item relating to section 603A, as added by section 4(b) of this Act, the following new item:

''Sec. 603B. Regional research and action plans.''.

SEC. 6. NORTHERN GULF OF MEXICO HYPOXIA.

Section 604 is amended to read as follows:

''SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

''(a) TASK FORCE INITIAL PROGRESS REPORTS.—Not later than 12 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010, the Administrator, through the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force, shall complete and transmit to the Congress and the President a report on the progress made by Task Force-directed activities toward attainment of the goals of the Gulf Hypoxia Action Plan 2008.

''(b) TASK FORCE 2-YEAR PROGRESS REPORTS.—After the initial report required under subsection (a), the Administrator, through the Task Force, shall complete and transmit to Congress and the President a report every 2 years thereafter on the progress made by Task Force-directed activities toward attainment of the coastal goal of the Gulf Hypoxia Action Plan 2008.

''(c) CONTENTS.—The reports required by this section shall assess progress made toward nutrient load reductions, the response of the hypoxic zone and water quality throughout the Mississippi/Atchafalaya River Basin, and the economic and social effects. The reports shall—

''(1) include an evaluation of how current policies and programs affect management decisions, including those made by municipalities and industrial and agricultural producers;

''(2) evaluate lessons learned; and

''(3) recommend appropriate actions to continue to implement or, if necessary, revise the strategy set forth in the Gulf Hypoxia Action Plan 2008.''.

SEC. 7. PACIFIC NORTHWEST, ESTUARIES, AND PUGET SOUND HYPOXIA.

(a) AMENDMENT.—The Act is amended by inserting after section 604 the following:

''SEC. 604A. PACIFIC NORTHWEST, ESTUARIES, AND PUGET SOUND HYPOXIA.

''(a) ASSESSMENT REPORT.—Not later than 12 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2010, the Task Force established under section 603 shall complete and submit to Congress and the President an integrated assessment of hypoxia in the coastal and estuarine waters of the Pacific Northwest that examines the status of current research, monitoring, prevention, response, and control efforts.

''(b) PLAN.—The Task Force shall include in the regionally appropriate Regional Research and Action Plan developed under section 603B a plan, based on the integrated assessment submitted under subsection (a), for reducing, mitigating, and controlling hypoxia in the coastal and estuarine waters of the Pacific Northwest. In developing such plan, the Task Force shall consult with State, Indian tribe, and local governments, and academic, agricultural, industry, and environmental groups and representatives. Such plan shall include incentive-based partnership approaches. The plan shall also address the social and economic costs and benefits of the measures for reducing, mitigating, and controlling hypoxia.''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 2 of the Coast Guard Authorization Act of 1998 is amended by adding after the item relating to section 604 the following new item:

''Sec. 604A. Pacific Northwest, estuaries, and Puget Sound hypoxia.''.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Section 605 is amended to read as follows:

''SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated—

''(1) to the Under Secretary to carry out sections 603A and 603B, $34,000,000 for each of fiscal years 2011 through 2015, of which, for each fiscal year—

''(A) $2,000,000 may be used for the development of the Regional Research and Action Plans and the reports required by section 604A;

''(B) $3,000,000 may be used for the research and assessment activities related to marine and freshwater harmful algal blooms at research laboratories of the National Oceanic and Atmospheric Administration;

''(C) $8,000,000 may be used to carry out the Ecology and Oceanography of Harmful Algal Blooms Program (ECOHAB);

''(D) $5,500,000 may be used to carry out the Monitoring and Event Response for Harmful Algal Blooms Program (MERHAB);

''(E) $1,500,000 may be used to carry out the Northern Gulf of Mexico Ecosystems and Hypoxia Assessment Program (NGOMEX);

''(F) $5,000,000 may be used to carry out the Coastal Hypoxia Research Program (CHRP);

''(G) $5,000,000 may be used to carry out the Prevention, Control, and Mitigation of Harmful Algal Blooms Program (PCM);

''(H) $1,000,000 may be used to carry out marine and freshwater harmful algal bloom and hypoxia events response activities; and

''(I) $3,000,000 may be used for increased availability, communication, and coordination activities; and

''(2) to the Administrator to carry out sections 603A, 603B, and 604, $7,000,000 for each of fiscal years 2011 through 2015.''.

(b) EXTRAMURAL RESEARCH ACTIVITIES.—The Under Secretary shall ensure that a substantial portion of funds appropriated pursuant to subsection (a) that are used for research purposes are allocated to extramural research activities.

When said bill, as amended, was considered.

After debate,

The previous question having been ordered by said resolution.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. BAIRD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 251 Nays 103

¶29.6 [Roll No. 109]

YEAS—251

Adler (NJ)	Connolly (VA)	Green, Al
Andrews	Conyers	Green, Gene
Arcuri	Cooper	Gutierrez
Baird	Costa	Hall (NY)
Baldwin	Courtney	Halvorson
Barrow	Crenshaw	Hare
Bean	Crowley	Harman
Becerra	Cuellar	Hastings (FL)
Berkley	Cummings	Heinrich
Berry	Dahlkemper	Herseth Sandlin
Biggert	Davis (CA)	Himes
Bilbray	Davis (IL)	Hinchey
Bilirakis	Davis (TN)	Hinojosa
Bishop (GA)	DeGette	Hirono
Bishop (NY)	DeLauro	Hodes
Blumenauer	Dent	Holden
Boccieri	Dicks	Holt
Bono Mack	Dingell	Honda
Boozman	Doggett	Hoyer
Boucher	Donnelly (IN)	Inslee
Boustany	Doyle	Israel
Boyd	Driehaus	Jackson (IL)
Brady (PA)	Edwards (MD)	Jackson Lee (TX)
Braley (IA)	Edwards (TX)	
Brown, Corrine	Ehlers	Johnson (GA)
Brown-Waite, Ginny	Ellison	Johnson (IL)
	Ellsworth	Johnson, E. B.
Butterfield	Engel	Kanjorski
Capito	Eshoo	Kennedy
Capps	Etheridge	Kildee
Capuano	Fallin	Kilroy
Cardoza	Farr	Kind
Carnahan	Fattah	Kissell
Carney	Filner	Kline (MN)
Carson (IN)	Fleming	Kosmas
Cassidy	Fortenberry	Kratovil
Castle	Foster	Kucinich
Castor (FL)	Fudge	Langevin
Chandler	Garamendi	Larsen (WA)
Chu	Gerlach	Larson (CT)
Clarke	Giffords	Lee (CA)
Cleaver	Gohmert	Levin
Clyburn	Gonzalez	Lewis (GA)
Cohen	Gordon (TN)	Lipinski
Cole	Grayson	LoBiondo
Lowey	Paulsen	Sestak
Lucas	Payne	Shea-Porter
Lynch	Perlmutter	Sherman
Mack	Perriello	Shuler
Maffei	Peters	Skelton
Markey (CO)	Peterson	Slaughter
Markey (MA)	Petri	Smith (NE)
Matheson	Pingree (ME)	Smith (NJ)
Matsui	Platts	Snyder
McCarthy (NY)	Polis (CO)	Space
McCollum	Posey	Spratt
McCotter	Price (NC)	Stark
McDermott	Putnam	Stupak
McGovern	Quigley	Sutton
McIntyre	Rahall	Tanner
McMahon	Rangel	Taylor
McNerney	Rehberg	Teague
Meek (FL)	Reichert	Thompson (MS)
Meeks (NY)	Richardson	Tierney
Melancon	Rooney	Titus
Michaud	Ross	Tonko
Miller (NC)	Rothman (NJ)	Towns
Miller, George	Roybal-Allard	Tsongas
Minnick	Ruppersberger	Van Hollen
Mitchell	Ryan (OH)	Velázquez
Mollohan	Ryan (WI)	Visclosky
Moore (KS)	Salazar	Walz
Moore (WI)	Sánchez, Linda T.	Wasserman Schultz
Moran (VA)		
Murphy, Patrick	Sanchez, Loretta	Waters
Nadler (NY)	Sarbanes	Watson
Neal (MA)	Scalise	Watt
Nye	Schakowsky	Waxman
Oberstar	Schauer	Weiner
Obey	Schiff	Welch
Olver	Schrader	Wilson (OH)
Ortiz	Schwartz	Wittman
Pallone	Scott (GA)	Woolsey
Pascrell	Scott (VA)	Wu
Pastor (AZ)	Serrano	Yarmuth

NAYS—103

Aderholt	Guthrie	Miller (MI)
Akin	Hall (TX)	Myrick
Altmire	Harper	Neugebauer
Austria	Hastings (WA)	Nunes
Bachmann	Hensarling	Olson
Bachus	Herger	Owens
Barrett (SC)	Hunter	Pitts
Bartlett	Inglis	Poe (TX)
Blackburn	Jenkins	Price (GA)
Boehner	Jordan (OH)	Radanovich
Bonner	King (IA)	Roe (TN)
Boren	King (NY)	Rogers (AL)
Brady (TX)	Kingston	Rogers (MI)
Bright	Kirkpatrick (AZ)	Royce
Broun (GA)	Lamborn	Schmidt
Burton (IN)	Lance	Sensenbrenner
Camp	Latham	Sessions
Cantor	Latta	Shadegg
Coble	Lee (NY)	Shuster
Coffman (CO)	Lewis (CA)	Simpson
Conaway	Linder	Smith (TX)
Culberson	Luetkemeyer	Souder
Davis (KY)	Lummis	Stearns
Dreier	Lungren, Daniel E.	Sullivan
Duncan		Thompson (PA)
Emerson	Manzullo	Thornberry
Forbes	McCarthy (CA)	Tiahrt
Foxx	McCaul	Tiberi
Franks (AZ)	McClintock	Turner
Frelinghuysen	McHenry	Upton
Garrett (NJ)	McKeon	Westmoreland
Goodlatte	McMorris Rodgers	Whitfield
Granger		Wilson (SC)
Graves	Mica	Wolf
Griffith	Miller (FL)	Young (AK)

NOT VOTING—76

Ackerman	Deal (GA)	Klein (FL)
Alexander	DeFazio	LaTourette
Baca	Delahunt	Loebsack
Barton (TX)	Diaz-Balart, L.	Lofgren, Zoe
Berman	Diaz-Balart, M.	Luján
Bishop (UT)	Flake	Maloney
Blunt	Frank (MA)	Marchant
Boswell	Gallegly	Marshall
Brown (SC)	Gingrey (GA)	Miller, Gary
Buchanan	Grijalva	Moran (KS)
Burgess	Heller	Murphy (CT)
Buyer	Higgins	Murphy (NY)
Calvert	Hill	Murphy, Tim
Campbell	Hoekstra	Napolitano
Cao	Issa	Paul
Carter	Johnson, Sam	Pence
Chaffetz	Jones	Pomeroy
Childers	Kagen	Reyes
Clay	Kaptur	Rodriguez
Costello	Kilpatrick (MI)	Rogers (KY)
Davis (AL)	Kirk	Rohrabacher
Ros-Lehtinen	Sires	Walden
Roskam	Smith (WA)	Wamp
Rush	Speier	Young (FL)
Schock	Terry	
Shimkus	Thompson (CA)	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶29.7 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Thursday, March 11, 2010.

The question being put,

Will the House agree to the Chair's approval of said Journal?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 203 Nays ..... 144 Answered present 1

¶29.8 [Roll No. 110]

YEAS—203

Andrews	Foster	McIntyre
Bachmann	Fudge	McMahon
Baird	Garamendi	McNerney
Baldwin	Gonzalez	Meek (FL)
Barrow	Goodlatte	Meeks (NY)
Bean	Gordon (TN)	Michaud
Becerra	Grayson	Miller (NC)
Berkley	Green, Al	Miller, George
Berry	Green, Gene	Mollohan
Bishop (GA)	Hall (NY)	Moore (KS)
Bishop (NY)	Halvorson	Moran (VA)
Blumenauer	Hare	Murphy, Patrick
Boucher	Harman	Neal (MA)
Boyd	Hastings (FL)	Oberstar
Brady (PA)	Heinrich	Obey
Braley (IA)	Herseth Sandlin	Olver
Brown, Corrine	Hinchey	Ortiz
Brown-Waite, Ginny	Hinojosa	Owens
	Hirono	Pallone
Butterfield	Hodes	Pascrell
Capito	Holden	Paulsen
Capps	Holt	Payne
Capuano	Honda	Perlmutter
Carnahan	Hoyer	Pingree (ME)
Carson (IN)	Inslee	Polis (CO)
Castle	Israel	Posey
Castor (FL)	Jackson (IL)	Price (NC)
Chu	Jackson Lee (TX)	Quigley
Clarke		Rahall
Cleaver	Johnson (GA)	Rangel
Clyburn	Johnson (IL)	Richardson
Cohen	Johnson, E. B.	Roe (TN)
Conyers	Kanjorski	Rooney
Cooper	Kennedy	Ross
Courtney	Kildee	Rothman (NJ)
Crowley	Kilroy	Roybal-Allard
Cuellar	Kind	Ruppersberger
Cummings	Klein (FL)	Rush
Davis (CA)	Kosmas	Ryan (OH)
Davis (IL)	Kucinich	Salazar
Davis (TN)	Langevin	Sánchez, Linda T.
DeGette	Larsen (WA)	
DeLauro	Larson (CT)	Sanchez, Loretta
Dent	Latham	Sarbanes
Dicks	Lee (CA)	Schakowsky
Dingell	Levin	Schauer
Doggett	Lewis (GA)	Schiff
Doyle	Lipinski	Schrader
Driehaus	Lowey	Schwartz
Edwards (MD)	Luetkemeyer	Scott (GA)
Edwards (TX)	Lynch	Scott (VA)
Ellison	Maffei	Serrano
Engel	Markey (MA)	Sestak
Eshoo	Matheson	Shea-Porter
Etheridge	Matsui	Sherman
Farr	McCarthy (NY)	Skelton
Fattah	McClintock	Slaughter
Filner	McCollum	Snyder
Forbes	McDermott	Space
Fortenberry	McGovern	Spratt

Stark
Stupak
Tanner
Teague
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—144

Aderholt
Adler (NJ)
Akin
Altmire
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Biggert
Bilbray
Bilirakis
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Burton (IN)
Camp
Cantor
Cardoza
Carney
Cassidy
Chandler
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Fleming
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Himes
Hunter
Inglis
Jenkins
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kratovil
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Lummis
Lungren, Daniel E.
Mack
Manzullo
Markey (CO)
McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Myrick
Neugebauer
Nunes
Nye
Olson
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Rogers (AL)
Rogers (MI)
Royce
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Thompson (PA)
Thornberry
Tiahrt
Turner
Upton
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—82

Ackerman
Alexander
Baca
Barton (TX)
Berman
Bishop (UT)
Blunt
Boswell
Brown (SC)
Buchanan
Burgess
Buyer
Calvert
Campbell
Cao
Carter
Chaffetz
Childers
Clay
Costello
Davis (AL)
Deal (GA)
DeFazio
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Flake
Frank (MA)
Gallegly
Gingrey (GA)
Grijalva
Gutierrez
Heller
Higgins
Hill
Hoekstra
Issa
Johnson, Sam
Jones
Kagen
Kaptur
Kilpatrick (MI)
Kirk
LaTourette
Linder
Loebsack
Lofgren, Zoe
Luján
Maloney
Marchant
Marshall
Miller, Gary
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Nadler (NY)
Napolitano
Pastor (AZ)
Paul
Pence
Pomeroy
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ryan (WI)
Schock
Shimkus
Simpson
Sires
Smith (WA)
Speier
Sutton
Terry
Thompson (CA)
Walden
Wamp
Young (FL)

So the Journal was approved.

¶29.9 H.R. 4506—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4506) to authorize the appointment of additional bankruptcy judges, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 345 / Nays 5

¶29.10 [Roll No. 111]

YEAS—345

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

NAYS—5

Bright
Broun (GA)
Brown-Waite, Ginny
Duncan
Westmoreland

NOT VOTING—80

Ackerman
Alexander
Baca
Barton (TX)
Berman
Bishop (UT)
Blunt
Boswell
Brown (SC)
Buchanan
Burgess
Buyer
Calvert
Campbell
Cao
Carter
Chaffetz
Childers
Clay
Costello
Davis (AL)
Deal (GA)
DeFazio
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Flake
Frank (MA)
Gallegly
Gingrey (GA)
Grijalva
Heller
Hensarling
Higgins
Hill
Hoekstra
Issa
Johnson, Sam
Jones
Kagen
Kaptur
Kilpatrick (MI)
Kirk
LaTourette
Linder
Loebsack
Lofgren, Zoe
Luján
Maloney
Marchant
Marshall
Miller, Gary
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Napolitano
Pastor (AZ)
Paul
Pence
Pomeroy
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ryan (WI)
Schock
Shimkus
Sires
Smith (WA)
Speier
Terry
Thompson (CA)
Walden
Wamp
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶29.11 FIRST SPONSORS CHANGE—H.R. 562

Ms. BERKLEY, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 562) to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel, (a bill originally introduced by Representative Abercrombie); for the purposes of adding cosponsors

and requesting reprintings pursuant to clause 7(b)(4) of rule XII.

¶29.12 FIRST SPONSORS CHANGE—H.R. 3333

Ms. BERKLEY, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 3333) to amend the Internal Revenue Code of 1986 to repeal the reduction in the deductible portion or expenses for business meals and entertainment, (a bill originally introduced by Representative Abercrombie); for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7(b)(4) of rule XII.

¶29.13 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, March 15, 2010, for morning-hour debate.

¶29.14 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. JONES, for today;

To Ms. KILPATRICK of Michigan, for today;

To Mrs. NAPOLITANO, for today;

To Mr. WALDEN, for today; and

To Mr. YOUNG of Florida, for today.

And then,

¶29.15 ADJOURNMENT

On motion of Ms. WATSON, pursuant to the previous order of the House, at 2 o'clock and 25 minutes p.m., the House adjourned until 12:30 p.m. on Monday, March 15, 2010.

¶29.16 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 1125. Resolution supporting the goals and ideals of National Public Works Week, and for other purposes (Rept. 111–440). Referred to the House Calendar.

¶29.17 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WHITFIELD:

H.R. 4835. A bill to allow an employer to pay an H-2A worker the Federal minimum wage or the prevailing wage in a case where the employer pays either wage to United States citizens similarly employed; to the Committee on the Judiciary.

By Ms. SHEA-PORTER:

H.R. 4836. A bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants to schools for the development of asthma management plans and the purchase of asthma inhalers and spacers for emergency use, as necessary; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 4837. A bill to amend the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. CASTLE (for himself, Mr. CAPUANO, Mr. GERLACH, Mr. SESTAK, Mr. KING of New York, Mr. CUMMINGS, Mr. HOLT, Mr. RUPPERSBERGER, Mr. COURTNEY, Mrs. LOWEY, and Mr. PASCRELL):

H.R. 4838. A bill to make the Northeast Corridor eligible for high-speed rail corridor development grants under section 26106 of title 49, United States Code; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois (for himself, Mr. ROSKAM, and Mr. TIBERI):

H.R. 4839. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income contributions to the capital of a partnership, and for other purposes; to the Committee on Ways and Means.

By Mr. TIBERI (for himself, Mr. DRIEHAUS, Mrs. SCHMIDT, Mr. TURNER, Mr. JORDAN of Ohio, Mr. LATTA, Ms. SUTTON, Mr. LATOURETTE, Ms. KILROY, Mr. BOCCIERI, Mr. RYAN of Ohio, Mr. SPACE, Mr. WILSON of Ohio, Mr. AUSTRIA, Ms. KAPTUR, Mr. KUCINICH, and Ms. FUDGE):

H.R. 4840. A bill to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the ''Clarence D. Lumpkin Post Office''; to the Committee on Oversight and Government Reform.

By Ms. VELÁZQUEZ:

H.R. 4841. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses; to the Committee on Ways and Means.

By Mr. BROUN of Georgia (for himself, Mr. ROHRABACHER, Ms. FOXX, Mr. BARTLETT, Mr. MILLER of Florida, Mr. KLINE of Minnesota, Mr. HARPER, Mr. SMITH of Texas, Mr. WILSON of South Carolina, Mr. KING of Iowa, Mr. BOOZMAN, Mr. LAMBORN, Mr. GOHMERT, Mr. FRANKS of Arizona, Mrs. BACHMANN, and Mr. CONAWAY):

H. Res. 1175. A resolution expressing support for designation of the first weekend of May as Ten Commandments Weekend to recognize the significant contributions the Ten Commandments have made to shaping Western civilization and the vital role they played in the development of the institutions and national character of the United States; to the Committee on Oversight and Government Reform.

By Mr. HODES:

H. Res. 1176. A resolution amending the Rules of the House of Representatives to ban congressional earmarks, limited tax benefits, and limited tariff benefits; to the Committee on Rules.

By Mr. MINNICK (for himself and Mr. SIMPSON):

H. Res. 1177. A resolution amending the Rules of the House of Representatives to prohibit congressional earmarks, limited tax benefits, and limited tariff benefits; to the Committee on Rules.

By Mr. MURPHY of New York:

H. Res. 1178. A resolution directing the Clerk of the House of Representatives to compile the cost estimates prepared by the Congressional Budget Office which are included in reports filed by committees of the House on approved legislation and post such estimates on the official public Internet site of the Office of the Clerk; to the Committee on House Administration.

By Mr. DAVIS of Illinois:

H. Res. 1179. A resolution expressing the sense of the House of Representatives that biotechnology firms meeting small business standards are critical to the United States, its people and its economy because they create new medicines, services, and jobs and meet unmet needs related to populations and patients with infectious and chronic diseases, including those of medically underserved populations; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida (for himself, Ms. LEE of California, Mr. FALEOMAVAEGA, and Ms. WASSERMAN SCHULTZ):

H. Res. 1180. A resolution expressing the sense of the House of Representatives regarding the policy of the United States on wild animals at the Conference of the Parties of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; to the Committee on Foreign Affairs.

By Mr. MCCOTTER (for himself and Mr. POE of Texas):

H. Res. 1181. A resolution calling on the United Nations General Assembly to reject the Islamic Republic of Iran's bid to join the United Nations Human Rights Council; to the Committee on Foreign Affairs.

¶29.18 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

241. The SPEAKER presented a memorial of the Senate of the State of New Mexico, relative to Senate Memorial 30 urging the Congress to expedite the passage of legislation to provide funding to reclaim abandoned uranium mines; to the Committee on Natural Resources.

242. Also, a memorial of the House of Representatives of the State of South Dakota, relative to House Concurrent Resolution No. 1001 supporting the prompt enactment of a well-funded, multi-year federal surface transportation program; to the Committee on Transportation and Infrastructure.

243. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 27 urging the Congress to revise the requirements for federal guardianship assistance funding; to the Committee on Ways and Means.

¶29.19 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. BARROW, Mr. MCCAUL, and Mr. GRIFFITH.

H.R. 197: Mrs. BLACKBURN.

H.R. 213: Mr. UPTON.

H.R. 275: Mr. ROONEY.

H.R. 391: Mr. INGLIS.

H.R. 442: Mr. SENSENBRENNER and Mr. CHANDLER.

H.R. 444: Mr. OWENS.

H.R. 618: Mr. SIRES.

H.R. 636: Mr. UPTON.

H.R. 816: Mr. KLINE of Minnesota.

H.R. 1020: Mr. MAFFEI.

H.R. 1024: Mr. LARSEN of Washington.

H.R. 1177: Mr. BOCCIERI, Mr. MURPHY of New York, and Mr. PETERSON.

H.R. 1310: Mr. QUIGLEY.

H.R. 1410: Mr. KISSELL, Ms. NORTON, and Ms. RICHARDSON.

H.R. 1458: Mr. ROSS and Mr. SCHAUER.

H.R. 1585: Mr. COLE.

H.R. 1695: Mr. BILIRAKIS.

H.R. 1755: Mr. MINNICK.

H.R. 1806: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROYBAL-ALLARD, and Mr. LIPINSKI.

H.R. 2000: Mr. TONKO, Mr. PASCRELL, Ms. DEGETTE, Mr. TERRY, Mr. CLEAVER, Ms. SPEIER, Mr. DEFAZIO, Ms. SCHWARTZ, and Mrs. BIGGERT.

H.R. 2275: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. JONES, Mr. ARCURI, Mr. PITTS, Mr. EHLERS, and Mr. HOLT.

H.R. 2296: Mr. WELCH and Mr. PETRI.

H.R. 2361: Mr. WU and Mr. GRIJALVA.
H.R. 2373: Mr. SOUDER.
H.R. 2406: Mr. COFFMAN of Colorado.
H.R. 2421: Ms. MCCOLLUM and Mr. ELLISON.
H.R. 2565: Mr. MILLER of Florida.
H.R. 2568: Mr. DAVIS of Illinois.
H.R. 2597: Mr. KENNEDY.
H.R. 2676: Mr. MARSHALL.
H.R. 2737: Ms. NORTON and Mr. KISSELL.
H.R. 2866: Mr. PITTS, Mr. TIM MURPHY of Pennsylvania, and Mr. TIAHRT.
H.R. 2882: Mr. SCHIFF.
H.R. 3131: Mr. SAM JOHNSON of Texas.
H.R. 3140: Mr. TIAHRT.
H.R. 3188: Mr. SOUDER.
H.R. 3240: Mr. MILLER of Florida, Mr. LOBIONDO, and Mr. GARRETT of New Jersey.
H.R. 3431: Mr. COLE.
H.R. 3623: Mr. COHEN.
H.R. 3670: Mr. FILNER.
H.R. 3680: Mr. AL GREEN of Texas.
H.R. 3734: Mr. FILNER.
H.R. 3904: Mr. DAVIS of Illinois.
H.R. 3922: Mr. BURTON of Indiana.
H.R. 3934: Mr. BROWN of South Carolina.
H.R. 3990: Mr. QUIGLEY and Ms. NORTON.
H.R. 4005: Mr. CAPUANO.
H.R. 4014: Mr. THOMPSON of California.
H.R. 4054: Mr. CHANDLER, Ms. DELAURO, and Ms. ROS-LEHTINEN.
H.R. 4114: Mr. DAVIS of Illinois.
H.R. 4132: Mr. HASTINGS of Florida, Mr. POSEY, and Mr. ROONEY.
H.R. 4148: Mr. TONKO.
H.R. 4150: Mr. BRADY of Texas, Mr. CONAWAY, Mr. CARTER, Ms. GRANGER, and Mr. HALL of Texas.
H.R. 4202: Mrs. NAPOLITANO, Mr. SESTAK, and Mr. HINCHEY.
H.R. 4229: Ms. NORTON, Mr. SIRES, and Mr. COFFMAN of Colorado.
H.R. 4241: Mr. ROE of Tennessee and Mr. SALAZAR.
H.R. 4255: Mr. TONKO and Mrs. CAPITO.
H.R. 4274: Mr. SERRANO and Mr. SESTAK.
H.R. 4278: Mr. POLIS.
H.R. 4306: Mr. SCHOCK.
H.R. 4320: Ms. BORDALLO and Mr. HEINRICH.
H.R. 4324: Mr. LUJÁN.
H.R. 4371: Mr. OLSON, Mr. YARMUTH, Mrs. MCMORRIS RODGERS, and Mr. WILSON of South Carolina.
H.R. 4420: Mr. AL GREEN of Texas.
H.R. 4533: Mr. JACKSON of Illinois, Mr. OLVER, and Mr. PAYNE.
H.R. 4545: Mr. DEFAZIO.
H.R. 4557: Mr. CONYERS.
H.R. 4596: Mr. COHEN, Mr. VAN HOLLEN, Mrs. MYRICK, and Mr. HARE.
H.R. 4629: Mr. CARNAHAN.
H.R. 4656: Mr. ROONEY.
H.R. 4662: Mr. ROE of Tennessee.
H.R. 4663: Mr. KAGEN and Mr. POLIS of Colorado.
H.R. 4683: Mr. ROHRABACHER, Mr. CHAFFETZ, and Mr. FLAKE.
H.R. 4720: Mr. MICA.
H.R. 4732: Mr. BURTON of Indiana.
H.R. 4733: Mr. SHERMAN, Mr. STARK, and Ms. JACKSON LEE of Texas.
H.R. 4753: Mr. WALZ, Mr. GENE GREEN of Texas, Mr. WILSON of Ohio, and Mr. MELANCON.
H.R. 4755: Mr. LEE of New York.
H.R. 4785: Mr. BROWN of South Carolina and Mr. WILSON of South Carolina.
H.R. 4788: Mr. HARE and Mr. SIRES.
H.R. 4790: Mr. FRANK of Massachusetts, Mr. MCGOVERN, Ms. MOORE of Wisconsin, and Mr. ROTHMAN of New Jersey.
H.R. 4812: Mr. OLVER and Mr. TONKO.
H.R. 4820: Ms. CHU.
H.J. Res. 74: Ms. JACKSON LEE of Texas.
H.J. Res. 78: Mr. SCOTT of Georgia and Mr. SPACE.
H. Con. Res. 16: Ms. GINNY BROWN-WAITE of Florida.
H. Con. Res. 192: Mr. SOUDER.
H. Con. Res. 201: Mr. STEARNS, Mr. JONES, Mr. SENSENBRENNER, Mr. BURTON of Indiana, Mr. COLE, and Mr. RADANOVICH.
H. Con. Res. 232: Mr. GARY G. MILLER of California.
H. Con. Res. 244: Mr. SOUDER.
H. Con. Res. 252: Mr. ACKERMAN, Mr. SMITH of New Jersey, Mr. BILIRAKIS, and Mr. QUIGLEY.
H. Res. 173: Mr. PAYNE and Ms. BORDALLO.
H. Res. 236: Mr. SHERMAN.
H. Res. 486: Mr. SHERMAN.
H. Res. 870: Mr. INGLIS.
H. Res. 919: Mr. KAGEN.
H. Res. 929: Mr. PAYNE.
H. Res. 947: Ms. KILROY, Mr. MOORE of Kansas, and Mr. HINCHEY.
H. Res. 982: Mr. SCHOCK, Mr. BISHOP of Utah, Mr. THORNBERRY, and Mr. COFFMAN of Colorado.
H. Res. 1034: Mr. SESTAK.
H. Res. 1053: Mr. RYAN of Ohio and Ms. BALDWIN.
H. Res. 1058: Mr. SHERMAN.
H. Res. 1063: Mr. JOHNSON of Illinois.
H. Res. 1089: Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. QUIGLEY, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mrs. HALVORSON, Mr. COSTELLO, Mrs. BIGGERT, Mr. FOSTER, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. SCHOCK, and Mr. SHIMKUS.
H. Res. 1099: Ms. RICHARDSON.
H. Res. 1103: Mr. PRICE of Georgia, Mr. HERGER, Mr. HENSARLING, Mr. DOGGETT, Mr. PLATTS, Mr. ROGERS of Alabama, Ms. FOXX, Mr. BOREN, Mr. SULLIVAN, Mr. KING of New York, Mr. DENT, Mr. BURTON of Indiana, Mr. MACK, Mr. GORDON of Tennessee, Mr. MCHENRY, Mr. BONNER, Mr. BARRETT of South Carolina, and Mr. WESTMORELAND.
H. Res. 1116: Mr. MARSHALL, Mr. PETERS, Mr. DOGGETT, Mr. MURPHY of New York, and Mr. SESTAK.
H. Res. 1148: Mr. UPTON, Mr. KLEIN of Florida, Mr. LARSEN of Washington, Ms. MATSUI, Mr. SHIMKUS, Mr. CROWLEY, Mr. SMITH of Washington, Mr. INSLEE, Mr. KENNEDY, Mr. LEVIN, Ms. EDWARDS of Maryland, Ms. MARKEY of Colorado, Mr. HINCHEY, Mr. MEEKS of New York, Mr. NEAL of Massachusetts, Mr. TANNER, Mr. DREIER, Mr. PRICE of North Carolina, Mr. DAVIS of Tennessee, Mr. KIRK, Ms. GIFFORDS, Mr. CARDOZA, Mr. LYNCH, Mr. CONNOLLY of Virginia, Mr. HOLT, Mr. WHITFIELD, Mr. PLATTS, Mr. WAXMAN, Ms. WATSON, Mr. WALZ, Mrs. LOWEY, Mrs. MALONEY, Mr. BRADY of Texas, Mr. CASTLE, Mr. FILNER, Mr. PERLMUTTER, Mr. BERMAN, Mr. DELAHUNT, Mr. RYAN of Wisconsin, Mr. BOUSTANY, Mr. BLUMENAUER, Mr. EDWARDS of Texas, Ms. CHU, Mr. PAYNE, Mr. COSTELLO, Mr. VAN HOLLEN, Mr. COOPER, Mr. ANDREWS, Mr. MATHESON, Mr. HASTINGS of Florida, Mr. WELCH, Mr. MARKEY of Massachusetts, Mr. THOMPSON of California, Mr. BISHOP of New York, Mr. LARSON of Connecticut, and Ms. HARMAN.
H. Res. 1155: Mr. WAXMAN and Ms. WOOLSEY.
H. Res. 1157: Mr. BAIRD, Mr. WATT, and Mr. BOYD.
H. Res. 1174: Mr. GEORGE MILLER of California, Mr. FILNER, Mr. SCOTT of Virginia, Mr. MAFFEI, Mr. FARR, Mrs. NAPOLITANO, Mr. LOEBSACK, Mr. CAPUANO, Ms. CORRINE BROWN of Florida, Mr. GONZALEZ, Ms. GRANGER, Mr. CAO, Mrs. MCCARTHY of New York, Mrs. BIGGERT, and Ms. HERSETH SANDLIN.

¶29.20 PETITIONS

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

107. The SPEAKER presented a petition of City of Kansas City, Missouri, relative to Resolution No. 100112, as amended, urging the President and the Congress of the United States to repeal the ''Don't Ask, Don't Tell'' policy; to the Committee on Armed Services.

108. Also, a petition of City of North Miami Beach, Florida, relative to Resolution No. R2010-8 urging the President and the Congress of the United States to automatically waive all application fees for Haitians applying for Temporary Protected Status; to the Committee on the Judiciary.

109. Also, a petition of City and County of Honolulu, Hawaii, relative to Resolution No. 10-8 urging the Congress of the United States to support and pass S. 2757, the Military Families Act; to the Committee on the Judiciary.

MONDAY, MARCH 15, 2010 (30)

¶30.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. HIRONO, who laid before the House the following communication:

WASHINGTON, DC,
March 15, 2010.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶30.2 RECESS—12:41 P.M.

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 41 minutes p.m., until 2 p.m..

¶30.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Ms. WOOLSEY, called the House to order.

¶30.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. WOOLSEY, announced she had examined and approved the Journal of the proceedings of Friday, March 12, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶30.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6584. A letter from the Executive Director, Securities and Exchange Commission, transmitting Final Commission's final rule — Final Model Privacy Form Under the Gramm-Leach-Bliley Act [Release Nos.: 34-61003, IA-2950, IC-28997; File No. S7-09-07] (RIN: 3235-AJO6) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6585. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received February 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6586. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2009-0020; Internal Agency Docket No. FEMA-8105] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6587. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule —

Changes In Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6588. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket No.: FEMA-2008-0020] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6589. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8107] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6590. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6591. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8119] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6592. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility for Failure To Maintain Adequate Floodplain Management Regulations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8117] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6593. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8115] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6594. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8103] received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6595. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance Regarding Disclosure Related to Climate Change [Release Nos.: 33-9106; 34-61469; FR-82] received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6596. A letter from the General Counsel, Corporation For National and Community Service, transmitting the Corporation's final rule — Serve America Act Amendments to the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 (RIN: 3045-AA50) received February 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6597. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6598. A letter from the Senior Legal Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — MARITEL, INC. and MOBEX NETWORK SERVICES, LLC Petitions for Rule Making to Amend the Commission's Rules to Provide Additional Flexibility for AMTS and VHF Public Coast Station Licensees [WT Docket No. 04-257] received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6599. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 01-10 informing of an intent to sign a Memorandum of Understanding with Australia; to the Committee on Foreign Affairs.

6600. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to License Exception GOV to Provide Authorization for Exports and Reexports of Commodities for Use on International Space Station (ISS) [Docket No.: 0812241645-91422-01] (RIN: 0694-AE52) received February 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6601. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6602. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting correspondence from Speaker Ahmed Fathy Sorour of the Egyptian People's Assembly; to the Committee on Foreign Affairs.

6603. A letter from the Chairman, Federal Election Commission, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's Report to Congress on FY 2009 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

6604. A letter from the Administrator, General Services Administration, transmitting the Administration's Alternative Fuel Vehicle program report for FY 2009; to the Committee on Oversight and Government Reform.

6605. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Annual Report on the Administration of the Government in the Sunshine Act for Calendar Year 2009; to the Committee on Oversight and Government Reform.

6606. A letter from the President and Chief Executive Officer, Little League Baseball, transmitting the Annual Report of Little League Baseball, Incorporated for the fiscal year ending September 30, 2009, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

6607. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1256 Contracts Marked to Market (Rev. Rul. 2010-3) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6608. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-20] received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6609. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2010-18) February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6610. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2010-17) received February 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶30.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. WOOLSEY, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
WASHINGTON, DC, MARCH 12, 2010.

Hon. NANCY PELOSI,
The Speaker, the Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 12, 2010 at 2:33 p.m.:

That the Senate passed S. 1147.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶30.7 UNIVERSITY OF ARIZONA'S 125 YEARS

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 1145); as amended:

Whereas the University of Arizona was authorized by Arizona's 13th Territorial Assembly on March 12, 1885;

Whereas the University of Arizona is the flagship university of the State of Arizona and, true to its land-grant heritage, is dedicated to building a better Arizona through access, quality, and discovery;

Whereas classes at the University of Arizona first met in 1891 with 32 students in Old Main, the first building constructed on campus;

Whereas the University of Arizona is Arizona's only member of the prestigious 62-member Association of American Universities;

Whereas the University of Arizona is committed to an accessible, quality education for all, maintaining the third lowest tuition rate of any public university among the Association of American Universities;

Whereas the University of Arizona is ranked No. 15 among public universities by the National Science Foundation for research and development;

Whereas the University of Arizona offers 122 undergraduate degrees, 217 graduate programs, and 3 professional schools including pharmacy, medicine, and law;

Whereas the University of Arizona has over 225,000 alumni in all 50 States and across the world, including a former U.S. Secretary of the Interior and a former U.S. Surgeon General;

Whereas the University of Arizona is recognized as an international leader in research and innovation in many fields including optics, water research, and astronomy;

Whereas the University of Arizona has achieved remarkable success in athletics, winning 20 national championships, including 8 softball titles and the 1997 men's basketball title;

Whereas University of Arizona students have consistently answered the call to service as memorialized by the clock tower of the Student Union Memorial Center, home to a bell rescued from the USS Arizona after the attack on Pearl Harbor on December 7, 1941;

Whereas the University of Arizona played a leading role in NASA's Phoenix Mars Mission, leading to the discovery of water on Mars and furthering the understanding of the Martian condition using advanced robotics; and

Whereas the University of Arizona is dedicated to a more sustainable energy future as reflected in its selection to and achievement in the U.S. Department of Energy's distinguished Solar Decathlon; Now, therefore, be it—

Resolved, That the House of Representatives

(1) recognizes the University of Arizona for 125 years of dedication to excellence in higher education;

(2) congratulates the University of Arizona on the occasion of its 125th anniversary, and

(3) expresses thanks to the University of Arizona for its contribution to the betterment of the United States.

The SPEAKER pro tempore, Ms. WOOLSEY, recognized Ms. HIRONO and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. WOOLSEY, announced that two-thirds of the Members present had voted in the affirmative.

Ms. HIRONO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. WOOLSEY, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶30.8 VOICE OF DEMOCRACY

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 1170):

Whereas the Voice of Democracy (VOD) scholarship program is an audio-essay contest for high school students in grades 9 through 12 that annually provides more than $3,000,000 in scholarships;

Whereas the Voice of Democracy program is designed to foster patriotism by allowing students the opportunity to voice their opinion in a 3- to 5-minute audio essay based on an annual theme;

Whereas the winners of the 2010 Voice of Democracy contest are selected based on the originality, content, and delivery of their audio essay;

Whereas the Veterans of Foreign Wars has sponsored the Voice of Democracy scholarship program since 1947 and has encouraged students to express patriotism since that time;

Whereas the Voice of Democracy program is closely associated with the Patriots Pen program, a youth-essay writing contest for students in grades 6 through 8;

Whereas the 2009–2010 Voice of Democracy theme is ''Does America still have heroes?'';

Whereas more than 50,000 American students across the world participated in the Voice of Democracy competition for the 2009–2010 school year; and

Whereas Madison Mullen, Anthony Zendejas IV, and Lena Savell were named the first, second, and third place winners of the 2009–2010 Voice of Democracy scholarship program: Now, therefore, be it

Resolved, That the House of Representatives congratulates the winners of the Voice of Democracy national scholarship program.

The SPEAKER pro tempore, Ms. WOOLSEY, recognized Ms. HIRONO and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. WOOLSEY, announced that two-thirds of the Members present had voted in the affirmative.

Ms. HIRONO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. WOOLSEY, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶30.9 WASHINGTON STATE UNIVERSITY HONORS COLLEGE

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 1163):

Whereas Washington State University Honors College was established in 1960, 70 years after the founding of Washington State University;

Whereas Sidney Hacker, Professor of Mathematics, directed the establishment of the Honors program at Washington State University;

Whereas Washington State University, located in Pullman, Washington, is the State's largest land-grant university and offers more than 200 areas of study;

Whereas the Washington State University Honors College offers an enriched 4-year curriculum to highly able students and provides such students with the opportunity to challenge themselves;

Whereas studies at the Washington State University Honors College promote the six learning goals of the Honors College, including critical and creative thinking, quantitative and symbolic reasoning, information literacy, communication, self in society, and disciplinary knowledge; and

Whereas Washington State University Honors College is one of the most respected programs of its kind nationally: Now, therefore, be it

Resolved, That the House of Representatives recognizes Washington State University Honors College for 50 years of excellence.

The SPEAKER pro tempore, Ms. WOOLSEY, recognized Ms. HIRONO and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. WOOLSEY, announced that two-thirds of the Members present had voted in the affirmative.

Ms. HIRONO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. WOOLSEY, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶30.10 PUBLIC SCHOOL SYSTEM EMPLOYEES

Ms. HIRONO moved to suspend the rules and pass the bill (H.R. 2377) to direct the Secretary of Education to establish and administer an awards program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

The SPEAKER pro tempore, Ms. WOOLSEY, recognized Ms. HIRONO and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. WOOLSEY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶30.11 SERGEANT CHRISTOPHER R. HRBEK POST OFFICE BUILDING

Ms. HIRONO moved to suspend the rules and pass the bill (H.R. 4628) to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''.

The SPEAKER pro tempore, Ms. WOOLSEY, recognized Mr. LYNCH and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. WOOLSEY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. WOOLSEY, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, March 16, 2010.

¶30.12 CULTURAL AND HISTORICAL SIGNIFICANCE OF NOWRUZ

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 267):

Whereas Nowruz marks the traditional Iranian New Year, which originated in ancient Persia, and dates back more than 3,000 years;

Whereas Nowruz, meaning a ''New Day'', occurs on the vernal equinox and celebrates the arrival of spring;

Whereas Nowruz symbolizes a time of renewal and community, it harkens the departure from the trials and tribulations of the previous year and brings hope for the New Year;

Whereas Nowruz is celebrated by nearly 300,000,000 Iranians and other peoples all over the world, including in the United States, Iran, and other countries in Central Asia, South Asia, Caucasus, Crimea, and Balkan Regions;

Whereas Nowruz is celebrated by more than 1,000,000 Iranian-Americans of all backgrounds, including those with Baha'i, Christian, Jewish, Muslim, Zoroastrian, and nonreligious backgrounds;

Whereas the people of Iran have a long history of celebrating Nowruz and are congratulated for their bringing in of the New Year;

Whereas Nowruz embodies the tradition that each individual's thinking, speaking, and conduct should always be virtuous, and the ideal of compassion for our fellow human beings regardless of ethnicity or religion, and symbolizes a time of renewal and community;

Whereas the United States is a melting pot of ethnicities and religion and Nowruz contributes the richness of American culture and is consistent with our founding principles of peace and prosperity for all;

Whereas in 539 B.C., Cyrus the Great established one of the earliest charters on human rights, which abolished slavery and allowed for freedom of religion, and this marker in Iranian history has had significant impact on the respect for human rights that Iranian-Americans carry today;

Whereas Nowruz serves to remind the United States of the many noteworthy and lasting contributions of Iranian-Americans to the social and economic fabric of society in the United States;

Whereas Iranian-Americans continue to make contributions in all sectors of American public life, including as government, military, and law enforcement officials working to uphold the Constitution of the United States and to protect all people in the United States;

Whereas Iranian-Americans are vibrant, peaceful, and law-abiding citizens, many of whom are Baha'i, Christian, Jewish, Muslim, and Zoroastrian faiths; and

Whereas the Iranian-American community continues to enrich the tapestry of the diversity in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the cultural and historical significance of Nowruz;

(2) expresses its appreciation for the contributions of Iranian-Americans to society in the United States in observance of Nowruz; and

(3) wishes Iranian-Americans and the people of Iran and all those who observe this holiday a prosperous new year.

The SPEAKER pro tempore, Ms. WOOLSEY, recognized Mr. LYNCH and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. WOOLSEY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. WOOLSEY, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶30.13 RECESS—3:04 P.M.

The SPEAKER pro tempore, Ms. WOOLSEY, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 4 minutes p.m., until approximately 6:30 p.m.

¶30.14 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Ms. DAHLKEMPER, called the House to order.

¶30.15 H. RES. 1145—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DAHLKEMPER, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1145) recognizing the University of Arizona's 125 years of dedication to excellence in higher education; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 392 / Nays 0

¶30.16 [Roll No. 112]

YEAS—392

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

NOT VOTING—38

Barrett (SC)
Bean
Blunt
Bonner
Boozman
Boucher
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Crenshaw
Davis (IL)
Deal (GA)
Fallin
Flake
Gingrey (GA)
Grijalva
Gutierrez
Hoekstra
Johnson (IL)
Kagen
Moran (VA)
Pascrell
Pence
Putnam
Quigley
Rogers (KY)
Ros-Lehtinen
Rush
Schrader
Shadegg
Shea-Porter

Smith (WA)
Souder
Speier
Wamp
Waters
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶30.17 H. RES. 1170—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DAHLKEMPER, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1170) congratulating the winners of the Voice of Democracy national scholarship program.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 384 Nays 0

¶30.18 [Roll No. 113]

YEAS—384

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

NOT VOTING—46

Barrett (SC)
Bean
Bishop (NY)
Blunt
Bonner
Boozman
Boucher
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Carney
Crenshaw
Davis (IL)
Davis (KY)
Deal (GA)
Doyle
Fallin
Flake
Gingrey (GA)
Grijalva
Gutierrez
Heinrich
Hoekstra
Johnson (IL)
Jones
Kagen
Moran (VA)
Owens
Pascrell
Pence
Putnam
Quigley
Rogers (KY)
Ros-Lehtinen
Rush
Schrader
Shadegg
Shea-Porter
Smith (NE)
Smith (WA)
Souder
Speier
Wamp
Waters
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶30.19 H. RES. 1163—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DAHLKEMPER, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1163) recognizing Washington State University Honors College for 50 years of excellence.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 389 Nays 0

¶30.20 [Roll No. 114]

YEAS—389

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Boehner
Bono Mack
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack

Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—41

Barrett (SC)
Bean
Blackburn
Blunt
Bonner
Boozman
Boucher
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Conaway
Crenshaw
Davis (IL)
Deal (GA)
Fallin
Flake
Gingrey (GA)
Grijalva
Gutierrez
Hoekstra
Johnson (IL)
Kagen
Moran (VA)
Pascrell
Pence
Putnam
Quigley
Rogers (KY)
Ros-Lehtinen
Rush
Schauer
Schrader
Shadegg
Shea-Porter
Smith (WA)
Souder
Speier
Wamp
Waters
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶30.21 H. RES. 267—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DAHLKEMPER, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 267) recognizing the cultural and historical significance of Nowruz, expressing appreciation to Iranian-Americans for their contributions to society, and wishing Iranian-Americans and the people of Iran a prosperous new year.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 384 / Nays 2

¶30.22 [Roll No. 115]

YEAS—384

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

NAYS—2

Miller (FL)
Posey

NOT VOTING—44

Barrett (SC)
Bean
Blunt
Bonner
Boozman
Boucher
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Crenshaw
Davis (AL)
Davis (IL)
Deal (GA)
Fallin
Flake
Garamendi
Gingrey (GA)
Gohmert
Grijalva
Gutierrez
Hoekstra
Johnson (IL)
Kagen
Moran (VA)
Pascrell
Payne
Pence
Putnam
Quigley
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rush
Schrader
Shadegg
Shea-Porter
Smith (WA)
Souder
Speier
Wamp
Waters
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶30.23 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate notifies the House that the Senate shall convene as a Court of Impeachment at 2:00 p.m., on Wednesday, March 17, 2010, for the purpose of receiving the Managers on the part of the House in the matter of the Impeachment proceedings against G. Thomas Porteous, Jr., Judge of the United States District Court for the Eastern District of Louisiana.

The message also announced that pursuant to Executive Order 12131, as amended and extended, the Chair reappoints and appoints the following

Members to the President's Export Council: reappointment: the Senator from Michigan [Ms. STABENOW], the Senator from Ohio [Mr. BROWN], Appointment: the Senator from Oregon [Mr. WYDEN] vice the Senator from North Dakota [Mr. DORGAN].

¶30.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BACA, for March 12;

To Mr. DAVIS of Illinois, for today; and

To Mr. YOUNG of Florida, for today.

And then,

¶30.25 ADJOURNMENT

On motion of Mr. RYAN of Ohio, at 11 o'clock and 41 minutes p.m., the House adjourned.

¶30.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, and Mr. DANIEL E. LUNGREN of California):

H.R. 4842. A bill to authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes; to the Committee on Homeland Security.

By Mr. MINNICK (for himself and Mr. SIMPSON):

H.R. 4843. A bill to amend title 32, United States Code, to authorize the Secretary of Defense to cover a larger share of expenses under the National Guard Youth Challenge Program in the case of a State program during its first three years of operation; to the Committee on Armed Services.

By Mr. BOUSTANY (for himself and Mr. STUPAK):

H.R. 4844. A bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY:

H.R. 4845. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide housing loan benefits for children of members of the Armed Forces and veterans who die from service-connected disabilities; to the Committee on Veterans' Affairs.

By Mrs. MCCARTHY of New York (for herself, Mr. GRIJALVA, Mr. BISHOP of Georgia, Ms. RICHARDSON, and Ms. BORDALLO):

H.R. 4846. A bill to authorize the Secretary of Health and Human Services to conduct programs to screen adolescents, and educate health professionals, with respect to bleeding disorders; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 4847. A bill to provide for the establishment of the National Volcano Early Warning and Monitoring System; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 4848. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on corporations that make certain education contributions; to the Committee on Ways and Means.

By Mr. BOUCHER (for himself, Mr. WOLF, Mr. MORAN of Virginia, Mr. FORBES, Mr. SCOTT of Virginia, Mr. PERRIELLO, and Mr. WITTMAN):

H. Res. 1182. A resolution congratulating Radford University on the 100th anniversary of the university; to the Committee on Education and Labor.

By Mr. QUIGLEY (for himself and Mr. COOPER):

H. Res. 1183. A resolution expressing the sense of the House of Representatives that public debt as a share of gross domestic product should be stabilized at not more than 60 percent by 2018; to the Committee on Ways and Means.

¶30.27 MEMORIALS

Under clause 4 of rule XXII,

244. The SPEAKER presented a memorial of the House of Representatives of the State of South Dakota, relative to House Concurrent Resolution No. 1008 urging the Congress to oppose current energy and climate legislation; jointly to the Committees on Energy and Commerce, Foreign Affairs, Financial Services, Science and Technology, Education and Labor, Transportation and Infrastructure, Natural Resources, Ways and Means, and Agriculture.

¶30.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. DOGGETT and Mr. YARMUTH.
H.R. 40: Mrs. CHRISTENSEN.
H.R. 205: Mr. TIAHRT.
H.R. 208: Mr. KING of Iowa and Mr. MCHENRY.
H.R. 426: Mr. REHBERG.
H.R. 460: Mr. ROSS.
H.R. 476: Ms. JACKSON LEE of Texas.
H.R. 510: Mr. HEINRICH.
H.R. 690: Mr. SALAZAR, Mr. CLEAVER, and Mr. CHILDERS.
H.R. 959: Mr. FOSTER, Mr. KRATOVIL, Mr. ADLER of New Jersey, Ms. MARKEY of Colorado, Mr. MICHAUD, Mr. PETERS, Mr. MURPHY of New York, Mr. ROONEY, Mr. DONNELLY of Indiana, Ms. GIFFORDS, Mr. KAGEN, Mr. ARCURI, Mr. MINNICK, Mr. ISRAEL, Mr. WILSON of Ohio, Mr. EHLERS, Mrs. EMERSON, Mr. LANCE, Mr. UPTON, and Mr. THOMPSON of Pennsylvania.
H.R. 1074: Mr. CHANDLER, Mr. BLUNT, and Mr. BOUCHER.
H.R. 1175: Mrs. DAHLKEMPER.
H.R. 1230: Mr. MAFFEI.
H.R. 1310: Mr. FOSTER.
H.R. 1362: Mr. GINGREY of Georgia.
H.R. 1384: Mr. ROE of Tennessee.
H.R. 1431: Mr. FORBES.
H.R. 1443: Mr. LEWIS of Georgia, Mr. FILNER, and Ms. PINGREE of Maine.
H.R. 1478: Ms. JACKSON LEE of Texas.
H.R. 1549: Mr. LEVIN.
H.R. 1744: Mr. LUCAS, Mr. KIND, Mr. CHILDERS, Mr. ROGERS of Kentucky, Mr. OLSON, Mr. GUTHRIE, and Mr. LATHAM.
H.R. 2000: Mr. INSLEE and Ms. WATERS.
H.R. 2067: Mr. MURPHY of Connecticut and Mrs. DAVIS of California.
H.R. 2105: Mr. BISHOP of Georgia, Mr. COLE, and Mr. LEE of New York.
H.R. 2119: Mr. TIAHRT.
H.R. 2149: Mr. TONKO.
H.R. 2251: Mr. POSEY.
H.R. 2377: Ms. JACKSON LEE of Texas, Mr. SOUDER, and Mrs. NAPOLITANO.
H.R. 2378: Mr. DENT.
H.R. 2421: Mrs. KIRKPATRICK of Arizona.
H.R. 2672: Mr. KISSELL.
H.R. 2746: Ms. FUDGE, Mr. GARAMENDI, and Mr. DAVIS of Illinois.
H.R. 2859: Ms. ZOE LOFGREN of California.
H.R. 2866: Mrs. CAPPS.
H.R. 3077: Mr. MCDERMOTT and Mrs. CAPPS.
H.R. 3125: Mr. VAN HOLLEN.
H.R. 3286: Mr. LYNCH, Mr. KING of New York, Mr. FILNER, Mr. PAYNE, Ms. NORTON, Mr. CARNEY, and Mr. KAGEN.
H.R. 3315: Ms. HIRONO, Mr. ELLISON, and Ms. CHU.
H.R. 3328: Ms. FUDGE.
H.R. 3438: Mr. FLEMING and Mr. MARCHANT.
H.R. 3577: Mr. TAYLOR.
H.R. 3656: Mr. SOUDER.
H.R. 3670: Mr. TONKO.
H.R. 3671: Mr. FOSTER.
H.R. 3712: Mrs. MILLER of Michigan, Mr. ISSA, Mr. MINNICK, Mr. YOUNG of Alaska, and Mr. DAVIS of Kentucky.
H.R. 3734: Ms. WOOLSEY.
H.R. 3765: Mr. KING of Iowa.
H.R. 3787: Mr. BOSWELL.
H.R. 3790: Mr. CAPUANO, Ms. VELÁZQUEZ, and Mr. WEINER.
H.R. 3974: Ms. SPEIER, Mr. GERLACH, Mr. SCHIFF, and Mr. FRANK of Massachusetts.
H.R. 3989: Mr. HONDA.
H.R. 3995: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. TSONGAS.
H.R. 4021: Mr. MOORE of Kansas, Mr. HARE, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, and Ms. WOOLSEY.
H.R. 4051: Mr. MICHAUD and Ms. GINNY BROWN-WAITE of Florida.
H.R. 4068: Mr. TANNER.
H.R. 4109: Mr. SIRES.
H.R. 4128: Mr. MILLER of North Carolina and Mr. NADLER of New York.
H.R. 4147: Mr. PASCRELL.
H.R. 4214: Mr. BECERRA, Mrs. CAPPS, Ms. ESHOO, Mr. GARAMENDI, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. MCKEON, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. SHERMAN, and Mr. THOMPSON of California.
H.R. 4241: Mr. TONKO and Mr. WAMP.
H.R. 4324: Mr. ROTHMAN of New Jersey and Mr. GORDON of Tennessee.
H.R. 4374: Mr. FOSTER.
H.R. 4393: Mr. LEE of New York and Mr. PIERLUISI.
H.R. 4400: Mr. JOHNSON of Georgia.
H.R. 4403: Mr. TAYLOR.
H.R. 4463: Mr. HERGER.
H.R. 4502: Mr. KIND.
H.R. 4530: Mr. CLEAVER and Mr. COHEN.
H.R. 4564: Mr. KAGEN.
H.R. 4592: Mr. LUJÁN.
H.R. 4598: Mr. DAVIS of Illinois and Mr. GARAMENDI.
H.R. 4616: Mr. JOHNSON of Georgia, Ms. RICHARDSON, and Ms. JACKSON LEE of Texas.
H.R. 4677: Mr. WATT, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. CAPUANO, Ms. KAPTUR, Ms. LINDA T. SÁNCHEZ of California, Mr. MAFFEI, and Ms. SCHAKOWSKY.
H.R. 4689: Mr. GRIJALVA, Mrs. DAHLKEMPER, Mr. FILNER, Mr. SCOTT of Georgia, and Mr. CARNEY.
H.R. 4692: Mr. DEFAZIO.
H.R. 4710: Mrs. DAHLKEMPER and Mr. CARNAHAN.
H.R. 4722: Mr. MARKEY of Massachusetts, Mr. SIRES, Mrs. DAVIS of California, Ms. GIFFORDS, and Mr. MCGOVERN.
H.R. 4733: Mr. CONYERS, Mr. ISRAEL, Ms. BERKLEY, Ms. SHEA-PORTER, and Mr. COHEN.
H.R. 4755: Mr. PETRI.
H.R. 4806: Mr. KENNEDY.
H.R. 4807: Mr. BURTON of Indiana, Ms. FOXX, and Mr. LOBIONDO.
H.R. 4812: Mr. SCOTT of Virginia, Mr. COHEN, Mr. MCGOVERN, Mr. MCDERMOTT, Ms. NORTON, Ms. FUDGE, and Mr. MEEKS of New York.
H.R. 4825: Mr. HODES and Mr. KIND.
H.R. 4833: Mr. POLIS.
H. Con. Res. 244: Mr. SHADEGG, Mr. ROE of Tennessee, Mr. TIM MURPHY of Pennsylvania,

Mr. WESTMORELAND, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HARPER, Mr. KINGSTON, Mr. PRICE of Georgia, Mr. WHITFIELD, Mr. DEAL of Georgia, Mr. DAVIS of Kentucky, Mr. ROGERS of Michigan, Mr. SULLIVAN, Mr. THOMPSON of Pennsylvania, Ms. ROS-LEHTINEN, Mr. BROUN of Georgia, Mrs. BONO MACK, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. LINDER, Ms. BERKLEY, Mr. BOUSTANY, Mr. CAMPBELL, and Mr. BURGESS.

H. Res. 22: Mr. ENGEL and Ms. KILROY.

H. Res. 173: Mr. BISHOP of Georgia.

H. Res. 213: Mr. CONYERS, Ms. MCCOLLUM, Ms. KAPTUR, and Ms. JACKSON LEE of Texas.

H. Res. 252: Mr. GARY G. MILLER of California and Mr. GEORGE MILLER of California.

H. Res. 516: Mr. BARTLETT.

H. Res. 763: Mr. WILSON of South Carolina.

H. Res. 947: Mr. BISHOP of Georgia and Mr. KENNEDY.

H. Res. 977: Mr. STEARNS.

H. Res. 988: Mr. STEARNS.

H. Res. 1040: Mr. ISSA.

H. Res. 1060: Ms. WASSERMAN SCHULTZ.

H. Res. 1099: Mr. WAMP.

H. Res. 1116: Mr. SOUDER and Ms. TSONGAS.

H. Res. 1139: Mr. FLEMING, Mrs. LUMMIS, Mr. HENSARLING, Mr. BISHOP of Utah, and Mr. OLSON.

H. Res. 1141: Ms. WASSERMAN SCHULTZ, Ms. ZOE LOFGREN of California, Mr. JOHNSON of Georgia, Ms. HERSETH SANDLIN, Mr. CONYERS, and Mr. HONDA.

H. Res. 1148: Mr. MORAN of Virginia and Mr. SCHRADER.

H. Res. 1157: Mr. RYAN of Ohio and Ms. MATSUI.

H. Res. 1158: Mr. LATOURETTE, Ms. SCHWARTZ, and Mr. REYES.

H. Res. 1174: Mr. BAIRD, Mr. BRALEY of Iowa, Mr. CLEAVER, Mr. CROWLEY, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. HALL of New York, Ms. JACKSON LEE of Texas, Mr. KILDEE, Mrs. LOWEY, Mr. NADLER of New York, Mr. PAYNE, Mr. PETERSON, Mr. PRICE of North Carolina, Mr. SERRANO, Ms. SLAUGHTER, Ms. SUTTON, Mr. VAN HOLLEN, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. COURTNEY, Mr. PALLONE, Mr. RANGEL, Mr. DONNELLY of Indiana, Mr. ELLSWORTH, Mr. COOPER, Mr. LARSEN of Washington, Mr. COSTA, Mr. GARAMENDI, Mr. MOLLOHAN, Mr. SARBANES, and Mr. TONKO.

H. Res. 1181: Mr. CANTOR and Mr. BURTON of Indiana.

¶30.29 PETITIONS

Under clause 1 of rule XXII,

110. The SPEAKER presented a petition of Wilton Manors City Commission, Florida, relative to Resolution No. 3508 congratulating the President on his award of the Noble Peace Prize; which was referred to the Committee on Foreign Affairs.

¶30.30 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 1177: Mr. SIMPSON.

TUESDAY, MARCH 16, 2010 (31)

¶31.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Ms. WATSON, who laid before the House the following communication:

WASHINGTON, DC,
March 16, 2010.

I hereby appoint the Honorable DIANE E. WATSON to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶31.2 RECESS—10:59 A.M.

The SPEAKER pro tempore, Ms. WATSON, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 59 minutes a.m., until noon.

¶31.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, called the House to order.

¶31.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, announced she had examined and approved the Journal of the proceedings of Monday, March 15, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶31.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6611. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Establishment of Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order and Suspension of Assessments Under the Honey Research, Promotion, and Consumer Information Order [Docket No.: AMS-FV-06-0176; FV-03-704-FR] (RIN: 0581-AC37) received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6612. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Decreased Assessment Rate [Doc. No.: AMS-FV-09-0063; FV09-966-2 FIR] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6613. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Amendments to Rules Requiring Internet Availability of Proxy Materials [Release Nos.: 33-9108; 34-61560; IC-29131; File No. S7-22-09] (RIN: 3235-AK25) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6614. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Magnet Schools Assistance Program [Docket ID: ED-2010-OII-0003] (RIN: 1855-AA07) received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6615. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Investing in Innovation Fund [Docket ID: ED-2009-OII-0012] (RIN: 1855-AA06) received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6616. A letter from the Acting Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for 48 Species on Kauai and Designation of Critical Habitat [FWS-R1-ES-2008-0046] (RIN: 1018-AV48) received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6617. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Oregon Chub (Oregonichthys crameri) [Docket No.: FWS-R1-ES-2009-0010] (RIN: 1018-AV87) received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6618. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Native American Graves Protection and Repatriation Act Regulations — Disposition of Culturally Unidentifiable Human Remains (RIN: 1024-AD68) received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6619. A letter from the Acting Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the California Red-Legged Frog [FWS-R8-ES-2009-0089] (RIN: 1018-AV90) received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6620. A letter from the Deputy Chief Financial Officer and Director for Financial Management, Department of Commerce, transmitting the Department's final rule — Civil Monetary Penalties; Adjustments [Docket No.: 0612213340-6339-01] (RIN: 0690-AA35) received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6621. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A380-841, -842, and -861 Airplanes [Docket No.: FAA-2010-0038; Directorate Identifier 2009-NM-110-AD; Amendment 39-16203; AD 2010-04-10] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6622. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 Series Airplanes and Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2009-1107; Directorate Identifier 2009-NM-138-AD; Amendment 39-16202; AD 2010-04-09] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6623. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Augustair, Inc. Models 2150,2150A, and 2180 Airplanes [Docket No.: FAA-2010-0121; Directorate Identifier 2010-CE-001-AD; Amendment 39-16207; AD 2010-04-14] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6624. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Extra Flugzeugproduktions-und Vertriebs-GmbH Models EA-300/200 and EA-300/L Airplanes [Docket No.: FAA-2009-1025 Directorate Identifier 2009-CE-055-AD; Amendment 39-16204; AD 2010-04-11] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6625. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McCauley Propeller Systems 1A103/TCM Series Propellers [Docket No.: FAA-2010-0093; Directorate Identifier 97-ANE-06-AD; Amendment 39-16198; AD 2010-

04-05] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6626. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SCHEIBE-Flugzeugbau GmbH Model SF 25C Gliders [Docket No.: FAA-2010-0125; Directorate Identifier 2010-CE-005-AD; Amendment 39-16208; AD 2010-04-15] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6627. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Model TAE 125-01 Reciprocating Engines [Docket No.: FAA-2009-0747; Directorate Identifier 2009-NE-28-AD; Amendment 39-16199; AD 2010-04-06] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6628. A letter from the Senior Regulation Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs [Docket No.: OST-2007-26828] (RIN: 2105-AD64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6629. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-1027; Directorate Identifier 2009-NM-143-AD; Amendment 39-16197; AD 2010-04-04] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6630. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2010-14) received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶31.6 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 53. A concurrent resolution recognizing and congratulating the City of Colorado Springs, Colorado, as the new official site of the National Emergency Medical Services Memorial Service and the National Emergency Medical Services Memorial.

¶31.7 NOTICE REQUIREMENT— CONSIDERATION OF RESOLUTION— QUESTION OF PRIVILEGES

Mr. FLAKE, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that ''the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.''' (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore, be it

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore, Ms. RICHARDSON, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Arizona [Mr. FLAKE] will appear in the Record at this point.

''The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.''.

¶31.8 RED CROSS MONTH

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 311):

Whereas the American National Red Cross, one of the most well-known humanitarian organizations in the world, was founded by Clara Barton in Washington, DC, on May 21, 1881;

Whereas the American National Red Cross received a congressional charter in 1905 setting forth the purposes of the organization, which include giving relief to and serving as a medium of communication between members of the Armed Forces of the United States and their families, and providing national and international disaster relief and mitigation;

Whereas the American National Red Cross depends on the support of the people of the United States to accomplish the mission of the organization;

Whereas the American National Red Cross has been at the forefront of helping individuals and families prevent, prepare for, and respond to disasters for more than 127 years, including more than 70,000 disasters annually, ranging from apartment and single-family home fires, the most common type of disaster, to hurricanes, floods, earthquakes, wildfires, tornadoes, hazardous materials spills, transportation accidents, explosions, and other natural and human-caused disasters;

Whereas, when a disaster strikes or is imminent, communities throughout the United States depend on the American National Red Cross to help meet the basic and urgent needs of affected individuals, including shelter, food, healthcare, and mental health services;

Whereas the ''Be Red Cross Ready'' safety program encourages the people of the United States to take the 3 actions that will help them ''Be Red Cross Ready'' for a disaster: ''Get a Kit, Make a Plan, Be Informed'';

Whereas the ''Be Red Cross Ready'' safety program represents a major effort by the American National Red Cross to encourage the people of the United States to be more prepared for a disaster or other emergency;

Whereas, since 1943, every President of the United States has proclaimed March to be ''Red Cross Month''; and

Whereas the American National Red Cross uses Red Cross Month as an opportunity to promote the services and programs the organization provides to the people of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Red Cross Month;

(2) recognizes the contributions of American National Red Cross volunteers in times of natural and human-caused disasters, and in times of armed conflict; and

(3) encourages the people of the United States to ''Get a Kit, Make a Plan, and Be Informed''.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. GUTIERREZ, announced that two-

thirds of the Members present had voted in the affirmative.

Ms. WATSON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GUTIERREZ, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶31.9 FALUN GONG SUPPRESSION

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 605); as amended:

Whereas Falun Gong is a traditional Chinese spiritual discipline founded by Li Hongzhi in 1992, which consists of spiritual, religious, and moral teachings for daily life, meditation, and exercise, based upon the principles of truthfulness, compassion, and tolerance;

Whereas according to the 2008 Annual Report of the Congressional-Executive Commission on China, ''tens of millions of Chinese citizens practiced Falun Gong in the 1990s and adherents to the spiritual movement inside of China are estimated to still number in the hundreds of thousands despite the government's ongoing crackdown,'' and other estimates published in Western press place the number of Falun Gong adherents currently in China at the tens of millions;

Whereas in 1996, Falun Gong books were banned in China and state media began a campaign criticizing Falun Gong;

Whereas in 1999, Chinese police began disrupting Falun Gong morning exercises in public parks and began searching the homes of Falun Gong practitioners;

Whereas on April 25, 1999, over 10,000 Falun Gong practitioners gathered outside the State Council Office of Petitions in Beijing, next to the Communist Party leadership compound, to request that arrested Falun Gong practitioners be released, the ban on publication of Falun Gong books be lifted, and that Falun Gong practitioners be allowed to resume their activities without government interference;

Whereas on the same day, immediately after then-Premier Zhu Rongji met with Falun Gong representatives in his office and agreed to the release of arrested practitioners, Communist Party Chairman Jiang Zemin criticized Zhu's actions and ordered a crackdown on Falun Gong;

Whereas in June 1999, Jiang Zemin ordered the creation of the 6-10 office, an extrajudicial security apparatus, given the mandate to ''eradicate'' Falun Gong;

Whereas in July 1999, Chinese police began arresting leading Falun Gong practitioners;

Whereas on July 22, 1999, Chinese state media began a major propaganda campaign to ban Falun Gong for ''disturbing social order'' and warning Chinese citizens that the practice of Falun Gong was forbidden;

Whereas in October 1999, Party Chairman Jiang Zemin, according to western press articles, ''ordered that Falun Gong be branded as a 'cult', and then demanded that a law be passed banning cults'';

Whereas Chinese authorities have devoted extensive time and resources over the past decade worldwide to distributing false propaganda claiming that Falun Gong is a suicidal and militant ''evil cult'' rather than a spiritual movement which draws upon traditional Chinese concepts of meditation and exercise;

Whereas on October 10, 2004, the House of Representatives adopted by voice vote House Concurrent Resolution 304, which had 75 bipartisan co-sponsors, titled ''Expressing the sense of Congress regarding oppression by the Government of the People's Republic of China of Falun Gong in the United States and in China,'' and that the text of this resolution noted that ''the Chinese Government has also attempted to silence the Falun Gong movement and Chinese prodemocracy groups inside the United States'';

Whereas, on October 18, 2005, highly respected human rights attorney Gao Zhisheng wrote a letter to Chinese Communist Party Chairman Hu Jintao and Premier Wen Jiabao calling for an end to the persecution of Falun Gong and Chinese authorities, in response, closed his law office and took away his law license, with Chinese security forces suspected of being directly involved in Mr. Gao's disappearance on February 4, 2009;

Whereas Gao Zhisheng's family has subsequently been granted political asylum in the United States;

Whereas the United Nations Committee Against Torture in its fourth periodic report of China, issued on December 12, 2008, stated that ''The State party should immediately conduct or commission an independent investigation of the claims that some Falun Gong practitioners have been subjected to torture and used for organ transplants and take measures, as appropriate, to ensure that those responsible for such abuses are prosecuted and punished.'';

Whereas the Amnesty International 2008 annual report states that ''Falun Gong practitioners were at particularly high risk of torture and other ill-treatment in detention . . . during the year 2007 over 100 Falun Gong practitioners were reported to have died in detention or shortly after release as a result of torture, denial of food or medical treatment, and other forms of ill-treatment.'';

Whereas according to the 2008 Department of State's Human Rights Report on China, ''Some foreign observers estimated that Falun Gong adherents constituted at least half of the 250,000 officially recorded inmates in re-education through labor (RTL) camps, while Falun Gong sources overseas placed the number even higher.'';

Whereas according to the 2008 Annual Report of the Congressional-Executive Commission on China, ''The (Chinese) central government intensified its nine-year campaign of persecution against Falun Gong practitioners in the months leading up to the 2008 Beijing Summer Olympic Games.'';

Whereas Falun Gong-related websites remain among the most systematically and hermetically blocked by China's Internet firewall; and

Whereas, according to an April 2009 New York Times report, ''In the past year, as many as 8,000 (Falun Gong) practitioners have been detained, according to experts on human rights, and at least 100 have died in custody'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses sympathy to Falun Gong practitioners and their family members who have suffered persecution, intimidation, imprisonment, torture, and even death for the past decade solely because of adherence to their personal beliefs;

(2) calls upon the Government of the People's Republic of China to immediately cease and desist from its campaign to persecute, intimidate, imprison, and torture Falun Gong practitioners, to immediately abolish the 6-10 office, an extrajudicial security apparatus given the mandate to ''eradicate'' Falun Gong, and to immediately release Falun Gong practitioners, detained solely for their beliefs, from prisons and re-education through labor (RTL) camps, including those practitioners who are the relatives of United States citizens and permanent residents; and

(3) calls upon the President and Members of Congress to mark the 11th anniversary of Chinese official repression of the Falun Gong spiritual movement appropriately and effectively by publicly expressing solidarity with those practitioners in China persecuted solely because of their personal beliefs, and by meeting with Falun Gong practitioners whenever and wherever possible to indicate that support for freedom of conscience remains a fundamental principle of the United States Government.

The SPEAKER pro tempore, Mr. GUTIERREZ, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. GUTIERREZ, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WATSON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GUTIERREZ, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶31.10 VANCOUVER 2010 WINTER OLYMPICS AND TEAM USA

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1128); as amended:

Whereas the people of Canada opened their hearts and their home to the athletes of the world;

Whereas the Olympics foster healthy competition and interaction among nations;

Whereas these games were not without moments of tribulation and tragedy, but the courage and resolve of the athletes to continue was inspirational;

Whereas the United States won a record 37 medals, 9 gold, 15 silver, and 13 bronze;

Whereas the United States won the overall medal count for the first time since 1932, the highest medal total by any one nation in the history of the Winter Olympics;

Whereas the United States men's and women's silver medal hockey teams excited and inspired the games with their world class play;

Whereas Apolo Anton Ohno won his seventh and eighth medals to become the most decorated United States Winter Olympian of all time;

Whereas the United States earned medals in Nordic Combined events for the first time in history, took the gold in men's figure skating, and won a gold medal in bobsledding for the first time since 1948;

Whereas United States teams and individual athletes should be honored for their contributions to these monumental achievements;

Whereas some athletes must overcome great personal adversity to realize their Olympic dreams;

Whereas the strong performances by United States Olympic athletes inspire children across the Nation to engage in physical fitness, work hard, and set high personal goals;

Whereas the dedication and sacrifice of the families, coaches, and communities associated with Olympic athletes should also be recognized; and

Whereas the Olympic torch has been extinguished in Vancouver, but the flame of camaraderie burns on in the hearts and minds of the world community: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the City of Vancouver, Team USA, and the athletes of the world for an outstanding and inspiring 2010 Winter Olympics; and

(2) wishes participants in the 2010 Paralympic Winter Games success in their athletic endeavors.

The SPEAKER pro tempore, Mr. GUTIERREZ, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. GUTIERREZ, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WATSON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GUTIERREZ, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶31.11 H.R. 4628—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GUTIERREZ, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4628) to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 Nays 0

¶31.12 [Roll No. 116]

YEAS—416

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

NOT VOTING—14

Barrett (SC)
Broun (GA)
Davis (IL)
Deal (GA)
Hall (NY)
Hoekstra
Kaptur
Miller, George
Olson
Putnam
Scott (GA)
Stark
Wamp
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶31.13 H. RES. 311—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GUTIERREZ, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 311) expressing the support of the House of Representatives for the goals and ideals of Red Cross Month.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 Nays 0

¶31.14 [Roll No. 117]

YEAS—417

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus

Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—13

Barrett (SC)
Butterfield
Deal (GA)
Griffith
Hall (NY)
Putnam
Rush
Schrader
Stark
Teague
Tsongas
Wamp
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶31.15 H. RES. 605—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GUTIERREZ, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 605) recognizing the continued persecution of Falun Gong practitioners in China on the 10th anniversary of the Chinese Communist Party campaign to suppress the Falun Gong spiritual movement and calling for an immediate end to the campaign to persecute, intimidate, imprison, and torture Falun Gong practitioners; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 1

¶31.16 [Roll No. 118]

YEAS—412

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

NAYS—1

Paul

NOT VOTING—17

Barrett (SC)	Graves	Putnam
Buyer	Griffith	Schrader
Chandler	Hall (NY)	Stark
Chu	Himes	Wamp
Deal (GA)	Marchant	Young (FL)
Gohmert	McIntyre	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution recognizing the continued persecution of Falun Gong practitioners in China on the 11th anniversary of the Chinese Communist Party campaign to suppress the Falun Gong spiritual movement and calling for an immediate end to the campaign to persecute, intimidate, imprison, and torture Falun Gong practitioners .''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶31.17 H. RES. 1128—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GUTIERREZ, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1128) thanking Vancouver for hosting the world during the 2010 Winter Olympics and honoring the athletes from Team USA; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 420 Nays 0

¶31.18 [Roll No. 119]

YEAS—420

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

NOT VOTING—10

Barrett (SC)	Hastings (WA)	Wamp
Deal (GA)	Putnam	Young (FL)
Gohmert	Schrader	
Hall (NY)	Stark	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶31.19 FIRST SPONSORS CHANGE—H.R. 4302 AND H.R. 3457

Mrs. LOWEY, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 4302) to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes; and the bill (H.R. 3457) to amend the Truth in Lending Act to provide coverage under such Act for credit cards issued to small businesses, and for other purposes; (bills originally introduced by the Representative Abercrombie); for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7(b)(4) of rule XII.

¶31.20 FIRST SPONSORS CHANGE—H.R. 2536

Mr. POLIS, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 2536) to provide relief for the shortage of nurses in the United States, and for other purposes; (a bill originally introduced by the Representative Wexler); for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7(b)(4) of rule XII.

¶31.21 AUGUSTANA COLLEGE 150 ANNIVERSARY

Ms. SHEA-PORTER moved to suspend the rules and agree to the following resolution (H. Res. 1089); as amended:

Whereas Augustana College in Rock Island, Illinois, was founded as Augustana Seminary under the auspices of the Augustana Synod on September 1, 1860;

Whereas the name Augustana comes from Confessio Augustana, the Latin rendering of the seminal statement of the Reformation, the Augsburg Confession;

Whereas Augustana College was initially founded to train Lutheran pastors, teachers, and musicians for the growing settlements of Swedish immigrants in the United States;

Whereas Augustana College began classes in Chicago, moved to Paxton in 1863, and then finally moved to its present location in Rock Island in 1875;

Whereas Augustana College has grown from serving 90 students in 1875 to serving over 2,500 students today;

Whereas Augustana College's mission is to offer a challenging education that develops qualities of mind, spirit, and body necessary for a rewarding life of leadership and service in a diverse and changing world;

Whereas Augustana College offers undergraduate students an education rooted in the liberal arts and sciences through 75 fields of study;

Whereas Augustana College has produced 131 Academic All-America athletes, the sixth highest number of honorees among all schools in the Nation, regardless of size;

Whereas alumni of Augustana College have gone on to achieve success in diverse fields, including business, education, government and public service, religion, arts and entertainment, and science, and include a Nobel Prize winner, CEOs, and Members of Congress; and

Whereas 2010 marks the 150th anniversary of the establishment of Augustana College: Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges and congratulates Augustana College in Rock Island, Illinois, on the momentous occasion of its 150th anniversary and expresses its best wishes for continued success;

(2) commends Augustana College for its excellence in academics, athletics, and quality of life for students; and

(3) directs the Clerk of the House of Representatives to provide Augustana College with enrolled copies of this resolution for appropriate display.

The SPEAKER pro tempore, Mr. GARAMENDI, recognized Ms. SHEA-PORTER and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. GARAMENDI, announced that two-thirds of the Members present had voted in the affirmative.

Ms. SHEA-PORTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GARAMENDI, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 17, 2010.

¶31.22 PROFESSIONAL SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY

Ms. SHEA-PORTER moved to suspend the rules and agree to the following resolution (H. Res. 1167):

Whereas Augustana College in Rock Island, Illinois, was founded as Augustana Seminary under the auspices of the Augustana Synod on September 1, 1860;

Whereas the name Augustana comes from Confessio Augustana, the Latin rendering of the seminal statement of the Reformation, the Augsburg Confession;

Whereas Augustana College was initially founded to train Lutheran pastors, teachers, and musicians for the growing settlements of Swedish immigrants in the United States;

Whereas Augustana College began classes in Chicago, moved to Paxton in 1863, and then finally moved to its present location in Rock Island in 1875;

Whereas Augustana College has grown from serving 90 students in 1875 to serving over 2,500 students today;

Whereas Augustana College's mission is to offer a challenging education that develops qualities of mind, spirit, and body necessary for a rewarding life of leadership and service in a diverse and changing world;

Whereas Augustana College offers undergraduate students an education rooted in the liberal arts and sciences through 75 fields of study;

Whereas Augustana College has produced 131 Academic All-America athletes, the sixth highest number of honorees among all schools in the Nation, regardless of size;

Whereas alumni of Augustana College have gone on to achieve success in diverse fields, including business, education, government and public service, religion, arts and entertainment, and science, and include a Nobel Prize winner, CEOs, and Members of Congress; and

Whereas 2010 marks the 150th anniversary of the establishment of Augustana College: Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges and congratulates Augustana College in Rock Island, Illinois, on the momentous occasion of its 150th anniversary and expresses its best wishes for continued success;

(2) commends Augustana College for its excellence in academics, athletics, and quality of life for students; and

(3) directs the Clerk of the House of Representatives to provide Augustana College with enrolled copies of this resolution for appropriate display.

The SPEAKER pro tempore, Mr. GARAMENDI, recognized Ms. SHEA-PORTER and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. GARAMENDI, announced that two-thirds of the Members present had voted in the affirmative.

Ms. SHEA-PORTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. GARAMENDI, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 17, 2010.

¶31.23 UNIVERSITY OF MARYLAND MEN'S BASKETBALL TEAM

Ms. SHEA-PORTER moved to suspend the rules and agree to the following resolution (H. Res. 1184):

Whereas the University of Maryland Terrapins completed the 2009-2010 regular season with 23 wins and 7 losses;

Whereas the Terrapins completed the 2009-2010 Atlantic Coast Conference (ACC) season with 13 wins and 3 losses, sharing first place with Duke University;

Whereas on June 15, 2009, Greivis Vasquez elected to forego the National Basketball Association draft and play his senior year with the Terrapins;

Whereas on February 27, 2010, Greivis Vasquez scored a career-high 41 points;

Whereas during the 2009-2010 season, Greivis Vasquez averaged 19.6 points per game;

Whereas during the 2009-2010 season, Greivis Vasquez became the only player in ACC history to record 2,000 points, 700 assists, and 600 rebounds;

Whereas during the 2009-2010 season, Greivis Vasquez received ACC Player of the Week honors four times;

Whereas for the 2009-2010 season, Greivis Vasquez was unanimously selected first team All-ACC by the Atlantic Coast Sports Media Association;

Whereas on March 9, 2010, Greivis Vasquez was named ACC Player of the Year;

Whereas Greivis Vasquez is a finalist for the Bob Cousy Award, which honors the Nation's top collegiate point guard;

Whereas Coach Gary Williams played for the Terrapins and served as team captain in 1967;

Whereas Coach Williams graduated from the University of Maryland in 1968 and returned to coach the men's basketball team of his alma mater in 1989;

Whereas on November 13, 2009, Coach Williams began coaching his 21st season with the University of Maryland;

Whereas in 2002, Coach Williams led the Terrapins to win the national title;

Whereas with 441 wins, Coach Williams is the Terrapins' all-time winningest head basketball coach, having surpassed Charles ''Lefty'' Driesell who accrued 348 victories in 18 seasons with the University of Maryland;

Whereas in 2005, Coach Williams was inducted into the University of Maryland Alumni Hall of Fame; and

Whereas on March 9, 2010, for the second time in his career, Coach Williams was named ACC Coach of the Year: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the University of Maryland Men's Basketball Team is congratulated on an outstanding season;

(2) Greivis Vasquez is congratulated on being named the 2009-2010 Atlantic Coast Conference Player of the Year; and

(3) Coach Gary Williams is congratulated on being named the 2009-2010 Atlantic Coast Conference Coach of the Year.

The SPEAKER pro tempore, Mr. GARAMENDI, recognized Ms. SHEA-PORTER and Mr. GUTHRIE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. OWENS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CAMPBELL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OWENS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 17, 2010.

¶31.24 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 53. A concurrent resolution recognizing and congratulating the City of Colorado Springs, Colorado, as the new official site of the National Emergency Medical Services Memorial Service and the National Emergency Medical Service Memorial; to the Committee on Energy and Commerce.

¶31.25 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on March 15, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 3433. An Act to amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes.

¶31.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. YOUNG of Florida, for today.

And then,

¶31.27 ADJOURNMENT

On motion of Mr. KING of Iowa, at 10 o'clock and 25 minutes p.m., the House adjourned.

¶31.28 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEVIN (for himself, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. ETHERIDGE, Ms. LINDA T. SÁNCHEZ of California, and Mr. YARMUTH):

H.R. 4849. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes; to the Committee on Ways and Means.

By Mr. PETERS (for himself, Mr. LARSON of Connecticut, Mr. REICHERT, and Mr. TIBERI):

H.R. 4850. A bill to amend the Internal Revenue Code of 1986 to allow companies to utilize existing alternative minimum tax credits to create and maintain United States jobs, and for other purposes; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. CONYERS, and Mr. OBERSTAR):

H.R. 4851. A bill to provide a temporary extension of certain programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, Education and Labor, Energy and Commerce, Financial Services, the Judiciary, Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. BERRY, Mrs. BLACKBURN, Mr. BLUMENAUER, Mr. CARNAHAN, Mr. CHANDLER, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. COOPER, Mr. DAVIS of Tennessee, Mr. DUNCAN, Mrs. EMERSON, Mr. GARAMENDI, Mr. GORDON of Tennessee, Mr. HARE, Mr. HINCHEY, Ms. HIRONO, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. NORTON, Mr. ROE of Tennessee, Mr. ROSS, Mr. SABLAN, Mr. SKELTON, Mr. SNYDER, Mr. TANNER, Mr. WHITFIELD, Ms. WOOLSEY, Mr. WU, and Mr. YARMUTH):

H.R. 4852. A bill to direct the Administrator of the Federal Emergency Management Agency to establish a grant program to improve the ability of trauma center hospitals and airports to withstand earthquakes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. LEVIN, Mr. CAMP, Mr. COSTELLO, and Mr. PETRI):

H.R. 4853. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY:

H.R. 4854. A bill to require that any home inspection conducted in connection with a purchase of residential real property that involves a federally related mortgage loan be conducted by a State-licensed or State-certified home inspector to determine the existence of structural, mechanical, and electrical safety defects, and to require inclusion in the standard HUD-1 settlement statement of information regarding any home inspection conducted in connection with settlement; to the Committee on Financial Services.

By Ms. WOOLSEY (for herself and Mr. GEORGE MILLER of California):

H.R. 4855. A bill to establish the Work-Life Balance Award for employers that have developed and implemented work-life balance policies; to the Committee on Education and Labor.

By Mr. DONNELLY of Indiana (for himself, Mr. COOPER, Mr. BOYD, Ms. HERSETH SANDLIN, Mr. MINNICK, Mr. BRIGHT, Mr. MATHESON, Mr. KRATOVIL, Mr. HILL, Mr. SHULER, Mr. TAYLOR, Mr. ELLSWORTH, Mr. CHILDERS, Mr. SCHRADER, Mr. BISHOP of Georgia, Ms. GIFFORDS, Mr. SALAZAR, Mr. MURPHY of New York, Mr. CARNEY, Mr. MICHAUD, Mr. NYE, and Mr. MELANCON):

H.R. 4856. A bill to require the President's budget and the congressional budget to disclose and display the net present value of future costs of entitlement programs; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES:

H.R. 4857. A bill to amend title 5, United States Code, to allow amounts to be transferred from a qualified tuition program to the Thrift Savings Plan for the benefit of any individual who is eligible to participate in such Plan by virtue of being a member of the uniformed services or of the Ready Reserve, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 4858. A bill to establish an advisory committee to issue nonbinding government-wide guidelines on making public information available on the Internet, to require publicly available Government information held by the executive branch to be made available on the Internet, to express the sense of Congress that publicly available information held by the legislative and judicial branches should be available on the Internet, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. JENKINS (for herself, Mr. MORAN of Kansas, Mr. TIAHRT, Mr. MOORE of Kansas, Mr. OLSON, Mr. PETRI, Mr. MILLER of Florida, Mr. TAYLOR, Mr. COFFMAN of Colorado, Mrs. LUMMIS, Mr. GUTHRIE, Mr. FLEMING, Mr. COLE, Mr. SULLIVAN, Mr. LUCAS, Mr. TIM MURPHY of Pennsylvania, Mr. GRAVES, Mr. LANCE, Mr. WILSON of South Carolina, Mr. LAMBORN, Mr. WELCH, and Mr. SMITH of Nebraska):

H.R. 4859. A bill to amend the Internal Revenue Code of 1986 to allow the work opportunity credit to small business which hire individuals who are members of the Ready Reserve or National Guard; to the Committee on Ways and Means.

By Mr. MARKEY of Massachusetts:

H.R. 4860. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide electric consumers the right to access certain electric energy information; to the Committee on Energy and Commerce.

By Mr. QUIGLEY (for himself, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mrs. HALVORSON, Mr. COSTELLO, Mrs. BIGGERT, Mr. FOSTER, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. HARE, Mr. SCHOCK, and Mr. SHIMKUS):

H.R. 4861. A bill to designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the ''Steve Goodman Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. SERRANO:

H.R. 4862. A bill to permit Members of Congress to administer the oath of allegiance to applicants for naturalization, and for other purposes; to the Committee on the Judiciary.

By Mr. SESTAK (for himself and Mr. MARKEY of Massachusetts):

H.R. 4863. A bill to increase the annual amount authorized for emergency assistance under the Low-Income Home Energy Assistance Act of 1981; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TITUS (for herself and Ms. WOOLSEY):

H.R. 4864. A bill to require a heightened review process by the Secretary of Labor of State occupational safety and health plans, and for other purposes; to the Committee on Education and Labor.

By Mr. RANGEL:

H.J. Res. 81. A joint resolution recognizing Madam C.J. Walker for her achievements as a trailblazing woman in business, philanthropist, and 20th century activist for social justice; to the Committee on Oversight and Government Reform.

By Mr. HODES:

H. Con. Res. 253. Concurrent resolution recognizing Doris ''Granny D'' Haddock, who inspired millions of people through remarkable acts of political activism, and extending the condolences of Congress on the death of Doris ''Granny D'' Haddock; to the Committee on Oversight and Government Reform.

By Mr. HOYER (for himself, Ms. EDWARDS of Maryland, Mr. KRATOVIL, Mr. RUPPERSBERGER, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. SARBANES, Mr. BARTLETT, Mr. CARDOZA, and Mr. CLAY):

H. Res. 1184. A resolution congratulating the 2009-2010 University of Maryland Men's Basketball Team, Greivis Vasquez, and Coach Gary Williams on an outstanding season; to the Committee on Education and Labor.

By Mr. LIPINSKI (for himself and Mr. FORTENBERRY):

H. Res. 1185. A resolution congratulating Reverend Daniel P. Coughlin on his tenth year of service as Chaplain of the House of Representatives; to the Committee on House Administration.

By Ms. MARKEY of Colorado:

H. Res. 1186. A resolution expressing support for designation of April as National Distracted Driving Awareness Month; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Virginia (for himself, Mr. BARTLETT, Mr. CONNOLLY of Virginia, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. HOYER, Mr. LEWIS of Georgia, Mr. LYNCH, Ms. NORTON, Mr. PRICE of North Carolina, Mr. SARBANES, Mr. VAN HOLLEN, and Mr. WITTMAN):

H. Res. 1187. A resolution expressing the sense of the House of Representatives with respect to raising public awareness of and helping to prevent attacks against Federal employees while engaged in or on account of the performance of official duties; to the Committee on Oversight and Government Reform.

¶31.29 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. KILPATRICK of Michigan and Mr. PAYNE.
H.R. 43: Mr. COHEN and Ms. DELAURO.
H.R. 211: Mr. SIRES.
H.R. 413: Mr. MCCOTTER, Ms. BALDWIN, Ms. CLARKE, and Mr. DAVIS of Illinois.
H.R. 616: Mr. CASSIDY and Mr. SOUDER.
H.R. 618: Ms. GIFFORDS.
H.R. 690: Mr. GONZALEZ.
H.R. 847: Ms. ESHOO.
H.R. 948: Ms. GRANGER.
H.R. 988: Mrs. CAPITO.
H.R. 1077: Mr. BOSWELL.
H.R. 1189: Mr. OLVER and Mr. JACKSON of Illinois.
H.R. 1207: Mr. MCNERNEY.
H.R. 1210: Mr. STARK.
H.R. 1240: Ms. GIFFORDS.
H.R. 1314: Mr. MCNERNEY.
H.R. 1507: Mr. ELLISON.
H.R. 1520: Mr. PLATTS.
H.R. 1521: Mr. LEE of New York and Mr. THOMPSON of Mississippi.
H.R. 1526: Mr. BERMAN.
H.R. 1584: Mr. GRAYSON.
H.R. 1625: Mr. TIM MURPHY of Pennsylvania.
H.R. 1806: Mr. BILBRAY and Ms. TSONGAS.
H.R. 1826: Mr. HALL of New York.
H.R. 1879: Mr. ROE of Tennessee.
H.R. 1894: Mrs. SCHMIDT, Mr. DRIEHAUS, and Mr. ANDREWS.
H.R. 2021: Mr. MCCOTTER.
H.R. 2122: Mr. KUCINICH.
H.R. 2142: Ms. NORTON.
H.R. 2262: Mr. ANDREWS and Mr. SCOTT of Virginia.
H.R. 2308: Mr. BLUMENAUER, Mr. WAXMAN, and Mr. GONZALEZ.
H.R. 2413: Ms. NORTON and Mrs. MCMORRIS RODGERS.
H.R. 2443: Mr. CAPUANO.
H.R. 2483: Mr. ROTHMAN of New Jersey.
H.R. 2565: Mr. SHUSTER.
H.R. 2598: Mr. KISSELL, Ms. JACKSON LEE of Texas, Mr. COHEN, Mr. FARR, Mr. MATHESON, Mr. FILNER, Ms. MCCOLLUM, Mr. MICHAUD, Mr. CARNAHAN, Mr. PERLMUTTER, Mr. ADLER of New Jersey, Mr. KIND, Mr. CHANDLER, Mr. COURTNEY, Mr. YARMUTH, Mr. NYE, Mr. TONKO, Mr. BOCCIERI, Ms. PINGREE of Maine, Mr. SCHAUER, Mr. WELCH, and Mr. PASTOR of Arizona.
H.R. 2656: Ms. JENKINS.
H.R. 2672: Mr. MURPHY of New York.
H.R. 2733: Mr. NEUGEBAUER, Ms. TITUS, and Mr. MINNICK.
H.R. 2766: Mr. LIPINSKI.
H.R. 2819: Mrs. NAPOLITANO.
H.R. 2999: Mr. PUTNAM.
H.R. 3024: Ms. LORETTA SANCHEZ of California.
H.R. 3101: Mr. SCHIFF and Mr. MAFFEI.
H.R. 3277: Mr. TONKO.
H.R. 3287: Mr. ELLISON and Mr. PAYNE.
H.R. 3315: Ms. KILROY.
H.R. 3321: Mr. MEEK of Florida, Ms. KILROY, and Mr. WU.
H.R. 3351: Mr. CAPUANO.
H.R. 3415: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STARK, and Mr. GUTHRIE.
H.R. 3554: Mr. MICHAUD.
H.R. 3578: Mr. SESTAK.
H.R. 3608: Mr. CASSIDY.
H.R. 3652: Mr. RUSH, Mr. BERMAN, Mr. DELAHUNT, Mr. BURTON of Indiana, Mr. HEINRICH, Mr. KAGEN, Mr. SOUDER, Ms. MATSUI, and Mr. RAHALL.
H.R. 3668: Mr. INGLIS, Mr. GRIFFITH, Mr. KAGEN, Mr. ROGERS of Alabama, Mr. HOEKSTRA, Mr. DONNELLY of Indiana, Mr. DEFAZIO, Mr. INSLEE, Mr. WAMP, Mrs. DAHLKEMPER, Mr. LATHAM, Mr. RANGEL, Mr. BONNER, Mr. BISHOP of New York, Mr. COHEN, Mr. BOSWELL, and Mr. MCCOTTER.
H.R. 3705: Mr. FATTAH and Mr. PALLONE.
H.R. 3715: Mr. SCHOCK.
H.R. 3745: Mr. MCNERNEY.
H.R. 3752: Mr. BILBRAY and Mr. GALLEGLY.
H.R. 3964: Mr. STEARNS and Mr. DANIEL E. LUNGREN of California.
H.R. 4014: Mrs. CAPPS.
H.R. 4021: Ms. BALDWIN.
H.R. 4068: Mr. MCDERMOTT, Mr. RANGEL, and Mr. POMEROY.
H.R. 4091: Mr. OLSON.
H.R. 4109: Mr. COSTA.
H.R. 4132: Mr. GEORGE MILLER of California.
H.R. 4148: Mr. RANGEL, Ms. KILROY, and Mr. WU.
H.R. 4149: Ms. TITUS.
H.R. 4155: Mr. BISHOP of New York, Mr. HOLT, and Mr. HODES.
H.R. 4278: Mr. THOMPSON of Pennsylvania, Mr. HOEKSTRA, Mr. SCHAUER, and Mr. DELAHUNT.
H.R. 4364: Mr. GONZALEZ.
H.R. 4376: Mr. SCOTT of Virginia.
H.R. 4402: Mr. SNYDER and Mr. WU.
H.R. 4415: Mr. PENCE.
H.R. 4497: Mr. SESTAK.
H.R. 4530: Mr. KILDEE.
H.R. 4531: Mr. COHEN.
H.R. 4539: Ms. BERKLEY.
H.R. 4541: Mr. MARIO DIAZ-BALART of Florida, Ms. GIFFORDS, and Mr. COHEN.
H.R. 4558: Mr. UPTON, Mr. LEVIN, and Mr. ROGERS of Michigan.
H.R. 4572: Mr. LUETKEMEYER.
H.R. 4603: Mr. FRANKS of Arizona, Mr. SOUDER, Mr. PITTS, Mr. BRADY of Texas, Ms. GRANGER, Mr. LAMBORN, and Mr. ELLSWORTH.
H.R. 4615: Ms. BALDWIN.
H.R. 4616: Mr. FATTAH, Ms. NORTON, Mr. MCGOVERN, and Mr. STARK.
H.R. 4638: Mr. JOHNSON of Georgia, Ms. CORRINE BROWN of Florida, and Ms. CASTOR of Florida.
H.R. 4645: Mr. WALZ, Ms. SCHAKOWSKY, and Mr. BISHOP of New York.
H.R. 4647: Mr. PETERS, Mr. NADLER of New York, Mr. QUIGLEY, Mr. HALL of New York, Ms. SCHAKOWSKY, Mr. SHULER, and Mr. CARNAHAN.
H.R. 4678: Mr. STARK.
H.R. 4694: Ms. LEE of California, Ms. ROYBAL-ALLARD, Mr. PETERS, Mr. RODRIGUEZ, and Mr. DELAHUNT.
H.R. 4709: Ms. FUDGE.
H.R. 4717: Mr. NUNES, Mr. HERGER, Mr. LUCAS, Mr. CHAFFETZ, Mr. CONAWAY, Mr. REHBERG, Mr. YOUNG of Alaska, Mr. LAMBORN, Mrs. MCMORRIS RODGERS, Mr. MCCLINTOCK, Mr. SMITH of Nebraska, Mr. LUETKEMEYER, and Ms. NORTON.
H.R. 4722: Ms. BALDWIN.
H.R. 4732: Mr. LATHAM.
H.R. 4755: Mr. CAMP.
H.R. 4766: Mrs. MCCARTHY of New York.
H.R. 4772: Mr. TIBERI.
H.R. 4789: Ms. KILPATRICK of Michigan, Ms. BALDWIN, Mr. DOYLE, Ms. DEGETTE, Mr. COHEN, Mr. THOMPSON of Mississippi, Mr. CARSON of Indiana, Ms. CLARKE, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. CLEAVER, Ms. CHU, Mr. PAYNE, Mr. GARAMENDI, Mr. RUSH, Mr. CAPUANO, Ms. NORTON, Mr. HONDA, Mr. CLAY, Mr. TONKO, Mr. FARR, Mr. ENGEL, Ms. SPEIER, and Ms. HIRONO.
H.R. 4790: Mr. GARAMENDI, Mr. GUTIERREZ, Ms. KILROY, Mr. LARSON of Connecticut, and Mr. PASCRELL.
H.R. 4809: Mr. PETRI.
H.R. 4812: Mr. CARSON of Indiana, Mr. STARK, Ms. RICHARDSON, Ms. CORRINE BROWN of Florida, and Ms. CHU.
H.R. 4813: Mr. DAVIS of Tennessee.
H.R. 4825: Mr. WILSON of Ohio, Mr. PETERS, and Mr. QUIGLEY.
H.R. 4833: Mr. SABLAN.
H.R. 4842: Mr. KING of New York.
H.R. 4846: Mrs. CHRISTENSEN and Mr. FALEOMAVAEGA.
H.J. Res. 42: Mrs. EMERSON.
H.J. Res. 76: Mr. MARSHALL, Mr. SIMPSON, Mrs. KIRKPATRICK of Arizona, and Mr. FLAKE.
H.J. Res. 79: Mr. SMITH of Texas, Mr. BARTON of Texas, Mr. SCALISE, and Mr. BOOZMAN.
H. Con. Res. 49: Ms. GIFFORDS.
H. Con. Res. 169: Mr. FORBES.
H. Con. Res. 201: Mr. ROGERS of Michigan and Ms. JENKINS.
H. Con. Res. 230: Ms. MARKEY of Colorado and Mr. CALVERT.
H. Con. Res. 244: Ms. WASSERMAN SCHULTZ, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. TERRY, Mr. BILBRAY, Mr. GUTHRIE, and Mr. FLEMING.
H. Con. Res. 245: Mrs. CAPPS.
H. Con. Res. 246: Mr. GONZALEZ.
H. Res. 111: Mr. ENGEL.
H. Res. 213: Mr. LEWIS of Georgia, Mr. MCDERMOTT, and Mr. CLAY.
H. Res. 236: Mr. ENGEL.
H. Res. 605: Mr. PENCE.
H. Res. 704: Mr. AKIN, Mr. LAMBORN, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Tennessee, Mrs. SCHMIDT, Mr. SIRES, Mr. TANNER, Mr. JOHNSON of Illinois, Mr. ROGERS of Kentucky, Mrs. CAPITO, Mr. SENSENBRENNER, Mr. AUSTRIA, Mr. PERRIELLO, Ms. CLARKE, Mr. DUNCAN, Mr. LYNCH, Mrs. HALVORSON, Mr. KING of Iowa, Ms. PINGREE of Maine, and Mr. CAMP.
H. Res. 1016: Mr. MCDERMOTT and Mr. CLEAVER.
H. Res. 1026: Mr. MICA.
H. Res. 1033: Mr. MORAN of Kansas, Mr. LATOURETTE, Mr. GRIFFITH, Mr. PAULSEN, and Mr. TURNER.
H. Res. 1053: Mr. PITTS, Mr. FRANK of Massachusetts, and Mr. GORDON of Tennessee.
H. Res. 1075: Mr. TERRY and Mr. BOOZMAN.
H. Res. 1099: Mr. COHEN.
H. Res. 1104: Mr. COHEN.
H. Res. 1119: Mr. YOUNG of Florida and Mr. GONZALEZ.
H. Res. 1128: Mr. MCDERMOTT and Mr. BOOZMAN.
H. Res. 1158: Ms. RICHARDSON and Mr. GRIJALVA.
H. Res. 1161: Mr. SENSENBRENNER and Mr. OBEY.
H. Res. 1167: Ms. MOORE of Wisconsin, Mr. COURTNEY, Ms. SUTTON, Mr. MOORE of Kansas, Mr. YARMUTH, and Mr. LOEBSACK.
H. Res. 1171: Mr. RYAN of Ohio, Mrs. MALONEY, Mr. COSTELLO, Mr. HIGGINS, Mr. MCMAHON, Mr. GARRETT of New Jersey, Mr. ENGEL,

Ms. SHEA-PORTER, Mr. NEAL of Massachusetts, Mr. LARSON of Connecticut, Mr. DELAHUNT, Mr. HINCHEY, Mr. COURTNEY, Ms. MCCOLLUM, Mr. LYNCH, Ms. KILROY, Mr. ACKERMAN, and Mr. BURTON of Indiana.

H. Res. 1174: Ms. MARKEY of Colorado and Mr. MCNERNEY.

H. Res. 1180: Mrs. CHRISTENSEN, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, Ms. MARKEY of Colorado, and Mr. STARK.

H. Res. 1181: Mrs. BACHMANN and Mr. PENCE.

¶31.30 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1255: Mr. SARBANES.

WEDNESDAY, MARCH 17, 2010 (32)

The House was called to order by the SPEAKER.

¶32.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, March 16, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶32.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6631. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Beauveria bassiana HF23; Amendment of Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2005-0316; FRL-8814-6] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6632. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota [EPA-R05-OAR-2009-0369; FRL-9125-3] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6633. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Chapter 116 which relate to the Application Review Schedule [EPA-R06-OAR-2006-0850; FRL-9123-7] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6634. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Chapter 116 which relate to the Permit Renewal Application and Permit Renewal Submittal [EPA-R06-OAR-2008-0192; FRL-9125-9] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6635. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virgina; Revision to Clean Air Interstate Rule Sulfur Dioxide Trading Program [EPA-R03-OAR-2009-0599; FRL-9125-2] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6636. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment, Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2009-0512; FRL-9125-6] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6637. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2009-0859; FRL-9123-3] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6638. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; NSR Reform Regulations — Notice of Action Denying Petition for Reconsideration and Request for Administrative Stay [EPA-RO5-OAR-2006-0609; FRL-9123-4] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6639. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; 1-Hour Oxone Extreme Area Plan for San Joaquin Valley, California [EPA-R09-OAR-2008-0693; FRL-9108-4] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6640. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2010-0011; FRL-9122-4] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6641. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment and Reclassification of the Atlanta, Georgia, 8-Hour Ozone Nonattainment Area; Correction [EPA-R04-OAR-2007-0958-201005(C); FRL-9122-1] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6642. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Michigan: Final Authorization of State Hazardous Waste Managememt Program Revision [Docket No. EPA-R05-RCRA-2009-0762; FRL-9129-2] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6643. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufactuing —— Technical Amendment [EPA-HQ-OAR-2008-0053; FRL-9122-9] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6644. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule — Gowanus Canal [EPA-HQ-SFUND-2009-0063; FRL-9120-8] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6645. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List, Final Rule No. 49 [EPA-HQ-SFUND-2009-0579, EPA-HQ-SFUND-2009-0581, EPA-HQ-SFUND-2009-0582, EPA-HQ-SFUND-2009-0583, EPA-HQ-SFUND-2009-0586, EPA-HQ-SFUND-2009-0587, EPA-HQ-SFUND-2009-0590, EPA-HQ-SFUND-2009-0591, EPA-HQ-SFUND-2005-0005; FRL-9120-7] (RIN: 2050-AD75) received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6646. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Source-Specific Federal Implementation Plan for Navajo Generating Station; Navajo Nation [EPA-R09-OAR-2006-0185; FRL-9122-3] (RIN: 2009-AA00) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6647. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Technical Amendment to the Outer Continental Shelf Air Regulations Consistency Update; Correction [EPA-R10-OAR-2009-0799; FRL-9123-1] received March 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6648. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the March 2010 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2291(b)(2); to the Committee on Foreign Affairs.

6649. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting various reports in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6650. A letter from the Public Printer, Government Printing Office, transmitting the Office's annual report for fiscal year 2009; to the Committee on House Administration.

6651. A letter from the Ombudsman for the Energy Employees, Occupational Illness Compensation Program, Department of Labor, transmitting the Department's 2009 Annual Report of the Ombudsman for the Energy Employees Occupational Illness Compensation Program, pursuant to 42 U.S.C. 7385s-15(e); to the Committee on the Judiciary.

6652. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category; Correction [EPA-HQ-OW-2008-0465; FRL-9118-7] received March 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6653. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, ''Federal Civilian Employees in Zones of Armed Conflict Benefits Act of 2010''; jointly to the Committees on Oversight and Government Reform, Armed Services, and Foreign Affairs.

¶32.3 SUPREME COURT JUSTICE SANDRA DAY O'CONNOR

Mr. COHEN moved to suspend the rules and agree to the following resolution (H. Res. 1141):

Whereas Sandra Day O'Connor was born on March 26, 1930, in El Paso, Texas and spent most of her childhood on her family's ranch, the Lazy B, located in the high deserts outside of Duncan, Arizona;

Whereas Sandra Day O'Connor graduated magna cum laude from Stanford University

in 1950 with a Bachelor of Arts degree in economics, and graduated in the top three of her class at Stanford University Law School in 1952;

Whereas Sandra Day O'Connor married John J. O'Connor III, a fellow Stanford Law student, in December 1952 on the Lazy B Ranch and raised three children with him in Paradise Valley, Arizona;

Whereas after practicing law in Frankfurt, Germany, and Phoenix, Arizona, Sandra Day O'Connor began her career in public service as the Arizona Assistant Attorney General in 1965;

Whereas Sandra Day O'Connor was appointed to the Arizona State Senate in 1969 and was subsequently re-elected;

Whereas Sandra Day O'Connor rose to many leadership positions during her 6 years in the legislature, including as the first woman State Senate majority leader in the United States;

Whereas Sandra Day O'Connor was elected judge for Maricopa County Superior Court in 1975;

Whereas Sandra Day O'Connor was appointed to the Arizona Court of Appeals, the State's second-highest court, by Governor Bruce Babbitt in 1979;

Whereas Ronald Reagan nominated Sandra Day O'Connor in 1981 to serve as the first woman on the United States Supreme Court, which was swiftly approved by the Senate by unanimous consent, with the strong support of Arizona Senators Barry Goldwater and Dennis Deconcini;

Whereas Sandra Day O'Connor was sworn in as a United States Supreme Court Justice by Chief Justice Warren Burger on September 25, 1981, commencing her 24 terms on the Supreme Court, a career distinguished by her centrist role and commitment to uphold the law and the Constitution;

Whereas Sandra Day O'Connor's support for the proposed Equal Rights Amendment further strengthened her role as a mentor and leader for women of all generations;

Whereas, on August 12, 2009, President Barack Obama awarded Sandra Day O'Connor the Presidential Medal of Freedom, the highest honor given to a civilian;

Whereas Sandra Day O'Connor has become a nationally recognized leader in the effort to preserve judicial independence through her strong support of selecting judges by nonpartisan commissions;

Whereas Sandra Day O'Connor continues to honor her commitment to public service, most recently through her web-based education project, Our Courts, which strives to engage young people in civics and the democratic process; and

Whereas Sandra Day O'Connor will turn 80 years old on March 26, 2010: Now, therefore, be it

Resolved, That the House of Representatives honors the achievements and distinguished career of Justice Sandra Day O'Connor, and recognizes her impact as an American symbol of hard work and rugged individualism.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. COHEN and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COHEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶32.4 TOBACCO SMUGGLING TAXES

Mr. COHEN moved to suspend the rules and pass the bill of the Senate (S. 1147) to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. COHEN and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COHEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶32.5 H. RES. 1089—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1089) recognizing the 150th anniversary of Augustana College; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶32.6 [Roll No. 120]

YEAS—421

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

Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—9

Barrett (SC)
Brown (SC)
Cuellar
Deal (GA)
Engel
Perriello
Schrader
Stark
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution recognizing the 150th anniversary of Augustana College in Rock Island, Illinois.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶32.7 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, without amendment, a concurrent resolution of the House of the following title:

H. Con. Res. 249. A concurrent resolution commemorating the 45th anniversary of Bloody Sunday and the role that it played in ensuring the passage of the Voting Rights Act of 1965.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 1782. An Act to provide improvements for the operations of the Federal courts, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 2847) ''An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.''.

¶32.8 H. RES. 1167—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1167) expressing the support of the House of Representatives for the goals and ideals of Professional Social Work Month and World Social Work Day.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 Nays 0

¶32.9 [Roll No. 121]

YEAS—419

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

NOT VOTING—11

Barrett (SC)
Bright
Brown (SC)
Cuellar
Deal (GA)
Engel
Gohmert
Markey (CO)
Schrader
Stark
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶32.10 H. RES. 1184—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1184) congratulating the 2009-2010 University of Maryland Men's Basketball Team, Greivis Vasquez, and Coach Gary Williams on an outstanding season.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 279 Nays ..... 132 Answered present 6

¶32.11 [Roll No. 122]

YEAS—279

Ackerman
Adler (NJ)
Alexander
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin

Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—132

Aderholt
Akin
Altmire
Austria
Bachmann
Biggert
Bilbray
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Carter
Cassidy
Chaffetz
Coffman (CO)
Cole
Conaway
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gingrey (GA)
Gohmert
Granger
Griffith
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Poe (TX)
Posey
Price (GA)
Putnam
Rahall
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Young (AK)

ANSWERED ''PRESENT''—6

Chandler
DeFazio
Green, Gene
Kagen
Marshall
Oberstar

NOT VOTING—13

Barrett (SC)
Brown (SC)
Cantor
Cuellar
Deal (GA)
Doyle
Engel
Grijalva
Pence
Schrader
Stark
Waxman
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶32.12 RECESS—11:44 A.M.

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 44 minutes a.m., subject to the call of the Chair.

¶32.13 AFTER RECESS—1:47 P.M.

The SPEAKER pro tempore, Ms. MCCOLLUM, called the House to order.

¶32.14 ROY WILSON POST OFFICE

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 4214) to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office''.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mr. CLAY and Mr. BILBRAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CLAY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, March 18, 2010.

¶32.15 PLAIN LANGUAGE

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 946) to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mr. CLAY and Mr. BILBRAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CLAY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶32.16 ELECTRONIC MESSAGE PRESERVATION

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 1387) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. CLAY and Mr. BILBRAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.17 MEMBER'S ALLOWANCE FOR DEFICIT REDUCTION

Mr. BRADY of Pennsylvania, moved to suspend the rules and pass the bill (H.R. 4825) to require any amounts remaining in a Member's Representational Allowance at the end of a fiscal

year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. BRADY of Pennsylvania, and Mr. HARPER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BRADY of Pennsylvania, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶32.18 STATE ADMISSION DAY RECOGNITION

Mr. BRADY of Pennsylvania, moved to suspend the rules and pass the bill (H.R. 3542) to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union; as amended.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. BRADY of Pennsylvania, and Mr. HARPER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BRADY of Pennsylvania, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, March 18, 2010.

¶32.19 AGRICULTURAL CREDIT

Mr. BACA moved to suspend the rules and pass the bill (H.R. 3509) to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. BACA and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BACA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, March 18, 2010.

¶32.20 FLORIDA NATIONAL FOREST LAND ADJUSTMENT

Mr. BACA moved to suspend the rules and pass the bill (H.R. 3954) to release Federal reversionary interests retained on certain lands acquired in the State of Florida under the Bankhead-Jones Farm Tenant Act, to authorize the interchange of National Forest System land and State land in Florida, to authorize an additional conveyance under the Florida National Forest Land Management Act of 2003, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. BACA and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BACA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶32.21 CONTINUING EXTENSION

Mr. MCDERMOTT moved to suspend the rules and pass the bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. MCDERMOTT and Mr. DAVIS of Kentucky, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.22 FEDERAL AVIATION ADMINISTRATION EXTENSION

Mr. COSTELLO moved to suspend the rules and pass the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. COSTELLO and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.23 H. RES. 1141—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1141) honoring the accomplishments of Supreme Court Justice Sandra Day O'Connor, the first woman to serve on the United States Supreme Court.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	416
	Nays	0

¶32.24 [Roll No. 123]

YEAS—416

Ackerman	Boren	Chu
Aderholt	Boswell	Clarke
Adler (NJ)	Boucher	Clay
Akin	Boustany	Cleaver
Alexander	Boyd	Clyburn
Altmire	Brady (PA)	Coble
Andrews	Brady (TX)	Coffman (CO)
Arcuri	Braley (IA)	Cohen
Austria	Bright	Cole
Baca	Broun (GA)	Conaway
Bachmann	Brown, Corrine	Connolly (VA)
Bachus	Brown-Waite, Ginny	Conyers
Baird	Buchanan	Cooper
Baldwin	Burgess	Costa
Barrow	Burton (IN)	Costello
Bartlett	Butterfield	Courtney
Barton (TX)	Buyer	Crenshaw
Bean	Calvert	Crowley
Becerra	Camp	Cuellar
Berkley	Campbell	Culberson
Berman	Cantor	Cummings
Berry	Cao	Dahlkemper
Biggert	Capps	Davis (AL)
Bilbray	Capuano	Davis (CA)
Bilirakis	Cardoza	Davis (IL)
Bishop (GA)	Carnahan	Davis (KY)
Bishop (NY)	Carney	Davis (TN)
Bishop (UT)	Carson (IN)	DeFazio
Blackburn	Carter	DeGette
Blumenauer	Cassidy	Dent
Blunt	Castle	Diaz-Balart, L.
Boccieri	Castor (FL)	Diaz-Balart, M.
Boehner	Chaffetz	Dicks
Bonner	Chandler	Dingell
Bono Mack	Childers	Doggett
Boozman		Donnelly (IN)

Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—14

Barrett (SC)
Brown (SC)
Capito
Deal (GA)
Delahunt
DeLauro
Fortenberry
Grayson
Larsen (WA)
Lewis (CA)
McCarthy (NY)
Space
Stark
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶32.25 S. 1147—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1147) to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 387 / Nays 25

¶32.26 [Roll No. 124]

YEAS—387

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

NAYS—25

Boren
Broun (GA)
Campbell
Carter
Dicks
Duncan
Ellsworth
Flake
Garrett (NJ)
Halvorson
Herseth Sandlin
Kingston
Lummis
McClintock
Miller (FL)
Miller, Gary
Paul
Petri
Rohrabacher
Rooney
Sensenbrenner
Shadegg
Westmoreland
Whitfield
Young (AK)

NOT VOTING—18

Barrett (SC)
Berkley
Blackburn
Brown (SC)
Capito
Deal (GA)
Delahunt
Grayson
Issa
Johnson (GA)
Larsen (WA)
Larson (CT)
Moore (WI)
Schmidt
Slaughter
Space
Stark
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶32.27 H.R. 3954—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3954) to release Federal reversionary interests retained on certain lands acquired in the State of Florida under the Bankhead-Jones Farm Tenant Act, to authorize the interchange of National Forest System land and State land in Florida, to authorize an additional conveyance under the Florida National Forest Land Management Act of 2003, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 Nays 1

¶32.28 [Roll No. 125]

YEAS—418

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

NAYS—1

Whitfield

NOT VOTING—11

Barrett (SC)
Blackburn
Brown (SC)
Capito
Deal (GA)
Delahunt
Dingell
Slaughter
Space
Stark
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.29 H.R. 946—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 946) to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 386 Nays 33

¶32.30 [Roll No. 126]

YEAS—386

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

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

NAYS—33

Akin
Bartlett
Blackburn
Burgess
Burton (IN)
Calvert
Campbell
Chaffetz
Dreier
Flake
Garrett (NJ)
Gohmert
Jenkins
Jordan (OH)
Kingston
Lamborn
Lewis (CA)
Lummis
Manzullo
Marchant
McClintock
Miller, Gary
Nunes
Paul
Petri
Poe (TX)
Rooney
Royce
Sensenbrenner
Smith (NE)
Tiahrt
Whitfield
Young (AK)

NOT VOTING—11

Barrett (SC)
Brown (SC)
Capito
Deal (GA)
Delahunt
Dingell
Pence
Slaughter
Space
Stark
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.31 H.R. 4825—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4825) to require any amounts remaining in a Member's Representational Allowance at the end of a fiscal year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 / Nays 1

¶32.32 [Roll No. 127]

YEAS—413

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

NAYS—1

Nadler (NY)

NOT VOTING—16

Barrett (SC)
Brown (SC)
Buyer
Capito
Deal (GA)
Delahunt
Dingell
Garamendi
Larsen (WA)
Owens
Posey
Slaughter
Space
Stark
Tierney
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

By unanimous consent, the title was amended so as to read: ''An Act to direct unused appropriations for Members' Representational Allowances to

be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.''.

A motion to reconsider the votes whereby the rules were suspended and said bill was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.33 PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–441) the resolution (H. Res. 1190) providing for consideration of motions to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶32.34 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 457

In the Senate of the United States, March 17, 2010.

Resolved, That a summons shall be issued which commands G. Thomas Porteous, Jr. to file with the Secretary of the Senate an answer to the articles of impeachment no later than April 7, 2010, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than April 21, 2010.

SEC. 5. The Secretary shall notify counsel for G. Thomas Porteous, Jr. of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed, the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The articles of impeachment, the answer, and the replication, if any, together with the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, shall be printed under the direction of the Secretary as a Senate document.

SEC. 8. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 9. The Secretary shall notify the House of Representatives of this resolution.

The message also announced that the Senate agreed to the following resolution:

S. RES. 458

In the Senate of the United States, March 17, 2010.

Resolved, That pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The majority and minority leader shall each recommend six members, including a chairman and vice chairman, respectively, to the Presiding Officer for appointment to the committee.

SEC. 3. The committee shall be deemed to be a standing committee of the Senate for the purpose of reporting to the Senate resolutions for the criminal or civil enforcement of the committee's subpoenas or orders, and for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. During proceedings conducted under Rule XI the chairman of the committee is authorized to waive the requirement under the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials that questions by a Senator to a witness, a manager, or counsel shall be reduced to writing and put by the Presiding Officer.

SEC. 5. In addition to a certified copy of the transcript of the proceedings and testimony had and given before it, the committee is authorized to report to the Senate a statement of facts that are uncontested and a summary, with appropriate references to the record, of evidence that the parties have introduced on contested issues of fact.

SEC. 6(A). The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund. of the Senate from the appropriation account ''Miscellaneous Items'' upon vouchers approved by the chairman of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay.

(b) In carrying out its powers, duties, and functions under this resolution, the committee is authorized, in its discretion and with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

SEC. 7. The committee appointed pursuant to section one of this resolution shall terminate no later than 60 days after the pronouncement of judgment by the Senate on the articles of impeachment.

SEC. 8. The Secretary shall notify the House of Representatives and counsel for Judge G. Thomas Porteous, Jr. of this resolution.

The message also announced that pursuant to Senate Resolution 458, 111th Congress, on the appointment of an impeachment trial committee and Impeachment Rule XI, the Chair, upon the recommendation of the majority leader and the minority leader, appointed the following Senators as members of the committee to receive and report evidence in the impeachment of Judge G. Thomas Porteous, Jr.: the Senator from Missouri [Mrs. MCCASKILL] (Chairman), the Senator from Minnesota [Ms. KLOBUCHAR], the Senator from Rhode Island [Mr. WHITEHOUSE], the Senator from New Mexico [Mr. UDALL], the Senator from New Hampshire [Mrs. SHAHEEN], the Senator from Delaware [Mr. KAUFMAN], the Senator from Utah [Mr. HATCH] (Vice Chairman), the Senator from Wyoming [Mr. BARRASSO], the Senator from South Carolina [Mr. DEMINT], the Senator from Nebraska [Mr. JOHANNS], the Senator from Idaho [Mr. RISCH], the Senator from Mississippi [Mr. WICKER].

¶32.35 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2847. An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

¶32.36 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. YOUNG of Florida, for today.

And then,

¶32.37 ADJOURNMENT

On motion of Mr. BURGESS, at 9 o'clock and 49 minutes p.m., the House adjourned.

¶32.38 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 1190. Resolution providing for consideration of motions to suspend the rules (Rept. 111–441). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 4715. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes (Rept. 111–442). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPRATT: Committee on the Budget. H.R. 4872. A bill to provide for reconciliation pursuant to section 202 of the concurrent resolution on the budget for fiscal year 2010 (Rept. 111–443). Referred to the Committee of the Whole House on the state of the Union.

¶32.39 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LYNCH (for himself and Mr. CHAFFETZ):

H.R. 4865. A bill to amend title 5, United States Code, to provide that an employee of the Federal Government or member of the uniformed services may contribute to the Thrift Savings Fund any payment that the employee or member receives for accumulated and accrued annual or vacation leave, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. COFFMAN of Colorado:

H.R. 4866. A bill to reestablish a competitive domestic rare earths minerals production industry; a domestic rare earth processing, refining, purification, and metals production industry; a domestic rare earth metals alloying industry; and a domestic rare earth based magnet production industry and supply chain in the United States; to the Committee on Armed Services, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES (for himself, Mr. WHITFIELD, and Mr. CONNOLLY of Virginia):

H.R. 4867. A bill to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. CAPUANO, Mr. HINOJOSA, Mr. BACA, Mr. LYNCH, Mr. AL GREEN of Texas, Ms. KILROY, Mr. HIMES, Ms. CLARKE, and Mr. DELAHUNT):

H.R. 4868. A bill to prevent the loss of affordable housing dwelling units in the United States; to the Committee on Financial Services, and in addition to the Committees on the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself, Mr. ISSA, Mr. VISCLOSKY, and Ms. CLARKE):

H.R. 4869. A bill to provide for restroom gender parity in Federal buildings; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS (for himself, Mr. ANDREWS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARNAHAN, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLEAVER, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. ELLISON, Mr. FILNER, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Ms. JACKSON LEE of Texas, Ms. KILPATRICK of Michigan, Ms. LEE of California, Mr. MEEKS of New York, Mr. MORAN of Virginia, Ms. NORTON, Mr. PAYNE, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SIRES, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Ms. WATSON, and Mr. KUCINICH):

H.R. 4870. A bill to provide plant-based commodities under the school lunch program under the Richard B. Russell National School Lunch Act and the school breakfast program under the Child Nutrition Act of 1966, and for other purposes; to the Committee on Education and Labor.

By Mr. KRATOVIL (for himself, Mr. CHILDERS, Mr. MOORE of Kansas, Ms. MARKEY of Colorado, Mr. SCHRADER, Mr. BACA, Mr. COSTA, Mr. THOMPSON of California, Mr. HOLDEN, Mr. SHULER, Mr. MATHESON, Mr. HILL, Mr. WILSON of Ohio, Mr. COOPER, Mr. MARSHALL, Mr. BOSWELL, Ms. HERSETH SANDLIN, Mr. DONNELLY of Indiana, Mr. TANNER, Mrs. DAHLKEMPER, Mr. BOYD, Mr. MINNICK, Mr. MELANCON, Mr. BRIGHT, Mr. CARDOZA, Mr. DAVIS of Tennessee, Mr. TAYLOR, Mr. BARROW, Mr. BOREN, Mr. MCINTYRE, Mr. CARNEY, Ms. GIFFORDS, Ms. LORETTA SANCHEZ of California, Mr. MITCHELL, Mr. SCOTT of Georgia, Mr. MURPHY of New York, Mr. BISHOP of Georgia, Mr. CUELLAR, Mr. ROSS, Mr. ARCURI, Mr. BERRY, Mr. ELLSWORTH, Mr. SPACE, and Mr. NYE):

H.R. 4871. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to establish nonsecurity discretionary spending caps; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHANDLER (for himself, Mr. GUTHRIE, Mr. WHITFIELD, Mr. ROGERS of Kentucky, Mr. DAVIS of Kentucky, and Mr. YARMUTH):

H.R. 4873. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 4874. A bill to amend title 23, United States Code, to authorize the Secretary of Transportation to waive, if in the public interest, certain requirements relating to the letting of contracts, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KANJORSKI (for himself and Mr. CARNEY):

H.R. 4875. A bill to provide for the construction, renovation, and improvement of medical school facilities, and other purposes; to the Committee on Energy and Commerce.

By Mr. GRIFFITH (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. TIAHRT, Mr. BURTON of Indiana, Ms. JENKINS, Mr. INGLIS, Mr. ROE of Tennessee, Mr. LANCE, Mr. BACHUS, Mr. OLSON, Mr. ADERHOLT, Mr. UPTON, Mr. CHAFFETZ, Mr. ROGERS of Michigan, Mr. HELLER, Mrs. CAPITO, Mr. GRAVES, Mr. DUNCAN, Mr. FORTENBERRY, Mrs. MILLER of Michigan, Mr. SHUSTER, Mr. ISSA, Mr. ROSKAM, Mr. CONAWAY, Mr. ROONEY, Mr. BROUN of Georgia, Mr. FLAKE, Mr. REHBERG, Mr. PAUL, Mr. BLUNT, Mrs. SCHMIDT, Mr. BRADY of Texas, Mr. POE of Texas, Mr. WILSON of South Carolina, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. GINGREY of Georgia, Mr. SHIMKUS, Mr. FRANKS of Arizona, Mr. PENCE, Mr. MANZULLO, Mr. GOHMERT, Mr. SHADEGG, Mr. HENSARLING, Mr. NEUGEBAUER, Mr. BILIRAKIS, Mrs. MCMORRIS RODGERS, Mr. HASTINGS of Washington, Mr. CASSIDY, Mr. LOBIONDO, Mr. GOODLATTE, Mr. SCHOCK, Mr. MCCAUL, Mr. ROHRABACHER, Mr. BOOZMAN, Mr. ROGERS of Kentucky, Mr. BUYER, Mr. COLE, Mr. LUETKEMEYER, Mr. MORAN of Kansas, Mr. CULBERSON, Mr. GALLEGLY, Mr. STEARNS, Mr. HALL of Texas, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mr. SIMPSON, Mr. BONNER, Mr. LEE of New York, Ms. GRANGER, Mr. PLATTS, Mr. WALDEN, Mr. MCCOTTER, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. SMITH of Nebraska, Mr. COBLE, Mr. HARPER, Mr. ALEXANDER, Mr. JOHNSON of Illinois, Mr. LATOURETTE, Mr. BUCHANAN, Ms. FALLIN, Mr. YOUNG of Alaska, Mr. BURGESS, Mr. TURNER, Mr. DENT, Mr. PITTS, Mr. WITTMAN, Mr. AKIN, Mr. LEWIS of California, Mr. SOUDER, Mr. TERRY, Mr. SAM JOHNSON of Texas, Mr. SESSIONS, Mr. WESTMORELAND, Mr. AUSTRIA, Mr. SULLIVAN, Mr. SCALISE, Mr. MARCHANT, Mr. PRICE of Georgia, Mr. LINDER, Mr. FORBES, Mr. MCHENRY, Mr. ROGERS of Alabama, Mr. TAYLOR, Mr. FRELINGHUYSEN, Mr. BOUSTANY, Mr. CARTER, Mr. DAVIS of Kentucky, Mrs. BLACKBURN, Mr. COFFMAN of Colorado, Ms. GINNY BROWN-WAITE of Florida, Ms. FOXX, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. FLEMING):

H. Res. 1188. A resolution ensuring an up or down vote on certain health care legislation; to the Committee on Rules.

By Mr. YOUNG of Alaska:

H. Res. 1189. A resolution commending Lance Mackey on winning a record 4th straight Iditarod Trail Sled Dog Race; to the Committee on Oversight and Government Reform.

¶32.40 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. CUMMINGS and Mr. LEWIS of Georgia.

H.R. 158: Mr. HINCHEY and Mr. MCDERMOTT.

H.R. 442: Mr. BOUCHER, Mr. TIAHRT, and Mr. LEWIS of California.

H.R. 816: Mr. SHULER.

H.R. 868: Mr. ENGEL and Mr. ETHERIDGE.

H.R. 953: Mr. MICHAUD.

H.R. 1034: Mr. BISHOP of Utah and Mrs. MCMORRIS RODGERS.

H.R. 1074: Mr. WITTMAN.

H.R. 1077: Mr. BISHOP of Utah.

H.R. 1169: Mr. SESTAK.

H.R. 1210: Mr. GARRETT of New Jersey.

H.R. 1283: Mr. CAO.

H.R. 1339: Mrs. DAVIS of California.

H.R. 1616: Mr. DOGGETT and Mr. SESTAK.

H.R. 1796: Ms. SUTTON.

H.R. 1835: Mr. PASCRELL and Mr. TAYLOR.

H.R. 2156: Mr. ALEXANDER.

H.R. 2296: Mr. FLAKE and Mr. LEWIS of California.

H.R. 2358: Ms. SCHWARTZ.

H.R. 2483: Mr. ANDREWS.

H.R. 2579: Mr. KAGEN.

H.R. 2739: Mr. SCOTT of Georgia.

H.R. 3393: Mrs. DAHLKEMPER and Mr. SPACE.

H.R. 3564: Mr. CLEAVER.

H.R. 3655: Mr. BARROW.

H.R. 3696: Mr. SOUDER.

H.R. 3790: Mr. LEWIS of California, Ms. TITUS, and Mr. LANCE.

H.R. 3943: Ms. ZOE LOFGREN of California.

H.R. 4090: Mr. SCHAUER.

H.R. 4150: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. PAUL, Ms. WATERS, Mr. AL GREEN of Texas, Ms. JACKSON LEE of Texas, Mr. REYES, Mr. CUELLAR, Mr. POE of Texas, Mr. GOHMERT, and Mr. SESSIONS.

H.R. 4196: Mr. MCNERNEY.

H.R. 4278: Ms. WOOLSEY and Mr. LARSON of Connecticut.

H.R. 4353: Mr. ANDREWS.

H.R. 4354: Ms. ROYBAL-ALLARD.

H.R. 4415: Mr. CARTER.

H.R. 4440: Mr. KAGEN.

H.R. 4486: Mr. OLVER.

H.R. 4494: Mr. RUSH.

H.R. 4598: Mr. QUIGLEY.

H.R. 4603: Mr. CHAFFETZ and Mr. EHLERS.

H.R. 4610: Mr. HOLT.

H.R. 4647: Ms. LINDA T. SÁNCHEZ of California.

H.R. 4653: Mr. PENCE.

H.R. 4684: Mr. KENNEDY and Mr. PASCRELL.

H.R. 4692: Mr. ARCURI.

H.R. 4720: Mr. HODES.

H.R. 4731: Mr. BURTON of Indiana.

H.R. 4732: Mr. MEEKS of New York.

H.R. 4733: Mr. GEORGE MILLER of California.

H.R. 4745: Ms. JACKSON LEE of Texas, Ms. NORTON, Mr. BRADY of Pennsylvania, and Mr. KRATOVIL.

H.R. 4770: Mrs. LOWEY.

H.R. 4789: Ms. CASTOR of Florida, Mr. DELAHUNT, and Mr. WELCH.

H.R. 4794: Mr. ROGERS of Michigan and Mrs. SCHMIDT.

H.R. 4805: Ms. SUTTON.

H.R. 4812: Mr. ANDREWS, Ms. WATSON, Mr. CLYBURN, Mrs. CHRISTENSEN, Mr. CLEAVER, Ms. WOOLSEY, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. KUCINICH, Mr. BISHOP of New York, Ms. SCHAKOWSKY, and Mr. CUMMINGS.

H.R. 4825: Mr. CARNAHAN.

H.R. 4846: Mr. POLIS

H.J. Res. 80: Mr. LANGEVIN, Mr. MICHAUD, Ms. DELAURO, and Mr. BOOZMAN.

H. Con. Res. 252: Mr. KINGSTON, Mr. ROYCE, and Mr. SHULER.

H. Con. Res. 253: Ms. SHEA-PORTER.

H. Res. 173: Mr. ANDREWS.

H. Res. 193: Mr. PRICE of Georgia.

H. Res. 407: Mr. MURPHY of New York.

H. Res. 764: Mr. POE of Texas and Mr. BILIRAKIS.

H. Res. 869: Mr. BILIRAKIS and Mrs. BIGGERT.

H. Res. 1053: Mr. SPACE, Mr. INSLEE, Ms. CASTOR of Florida, Ms. SUTTON, Ms. SCHWARTZ, Mr. SARBANES, Ms. MATSUI, Mr. TIM MURPHY of Pennsylvania, Mr. MURPHY of Connecticut, Ms. ESHOO, Mrs. BONO MACK, and Ms. HARMAN.

H. Res. 1075: Mr. BERRY.

H. Res. 1139: Mr. PENCE, Mr. BARTLETT, Ms. FALLIN, Mrs. BACHMANN, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. SHIMKUS, Mr. GINGREY of Georgia, Mr. MANZULLO, and Mr. LATTA.

H. Res. 1155: Mr. MCCAUL, Ms. WATSON, and Mr. HIGGINS.

H. Res. 1157: Mr. SESTAK and Ms. WOOLSEY.

H. Res. 1171: Mr. KILDEE, Mr. MARKEY of Massachusetts, Mr. ISRAEL, Mr. HARE, Mr. BISHOP of New York, Mr. CAPUANO, Mr. CROWLEY, Mr. MCDERMOTT, Mr. OWENS, Mr. KING of New York, Mr. POLIS, Mr. NADLER of New York, Mr. MORAN of Virginia, Mr. MURPHY of New York, and Mr. KAGEN.

H. Res. 1174: Mrs. MCMORRIS RODGERS and Ms. TSONGAS.

H. Res. 1176: Mr. FLAKE.

THURSDAY, MARCH 18, 2010 (33)

¶33.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. CAPPS, who laid before the House the following communication:

WASHINGTON, DC,
March 18, 2010.

I hereby appoint the Honorable LOIS CAPPS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶33.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. CAPPS, announced she had examined and approved the Journal of the proceedings of Wednesday, March 17, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶33.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6654. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Change in Regulatory Periods [Doc. No.: AMS-FV-06-0184; FV03-925-1 FIR] received February 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6655. A letter from the Assistant Secretary, Department of Labor, transmitting the Department's final rule — Civil Penalties Under ERISA Section 502(c)(8) (RIN: 1210-AB31) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6656. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received March 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6657. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an unauthorized retransfer of defense articles provided by the United States, pursuant to 22 U.S.C. 39, 36(c); to the Committee on Foreign Affairs.

6658. A letter from the Assitant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 09-153, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6659. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report required by the Omnibus Appropriation, Public Law 105-277, Section 2215 on ''Overseas Surplus Property''; to the Committee on Foreign Affairs.

6660. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Memorandum of Justification regarding the determination under Title II of the Foreign Appropriations, Export Financing and Related Programs Appropriations Act, 2002; to the Committee on Foreign Affairs.

6661. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on the status of Data Mining Activities, pursuant to Implementing Recommendations of the 9/11 Commission Act, Section 804; to the Committee on Foreign Affairs.

6662. A communication from the President of the United States, transmitting a list of the sites, locations, facilities, and activities in the United States declared to the International Atomic Energy Agency (IAEA), under the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America; to the Committee on Foreign Affairs.

6663. A communication from the President of the United States, transmitting a report pursuant to the National Defense Authorization Act for FY 2010; to the Committee on Foreign Affairs.

6664. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Researcher Identification Card [FDMS Docket: NARA-09-004] (RIN: 3095-AB59) received March 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6665. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's commercial activities inventory for FY 2009, as required under the Federal Activities Inventory Reform Act of 1998; to the Committee on Oversight and Government Reform.

6666. A letter from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Temporary Agricultural Employment of H-2A Aliens in the United States (RIN: 1205-AB55) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6667. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-203, -221, -222 Airplanes; and Model A300 F4-605R and -622R Airplanes [Docket No.: FAA-2009-0615; Directorate Identifier 2009-NM-043-AD; Amendment 39-16206; AD 2010-04-13] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6668. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30710; Amdt. No. 3361] received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6669. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30709; Amdt. No. 3360] received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6670. A letter from the Senior Regulation Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Tansportation Workplace Drug and Alcohol Testing Programs [Docket OST-2007-26828] (RIN: 2105-AD64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6671. A letter from the Senior Regulation Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs [Docket No.: OST-2008-0184] (RIN: 2105-AD67) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6672. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Graford, TX [Docket No.: FAA-2009-0927; Airspace Docket No. 09-ASW-27] received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6673. A letter from the Senior Regulation Analyst, Department of Transportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs [Docket: DOT-OST-2008-0088] (RIN: OST 2105-AD84) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶33.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles, in which the concurrence of the House is requested:

S. 1789. An Act to restore fairness to Federal cocaine sentencing.

S. 2865. An Act to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

¶33.5 PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. McGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 1190):

Resolved, That it shall be in order at any time through the calendar day of March 21, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this resolution.

When said resolution was considered.

After debate,

Mr. McGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶33.6 RECESS—11:35 A.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 35 minutes a.m., subject to the call of the Chair.

¶33.7 AFTER RECESS—1:34 P.M.

The SPEAKER pro tempore, Mr. BLUMENAUER, called the House to order.

¶33.8 H.R. 4214—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4214) to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 Nays 0

¶33.9 [Roll No. 128]

YEAS—419

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

NOT VOTING—11

Ackerman	Hall (NY)	Marshall
Buyer	Hastings (WA)	Stark
Capito	Hoekstra	Westmoreland
Costa	Lofgren, Zoe	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.10 H. RES. 1190—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1190) providing for consideration of motions to suspend the rules.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 Nays 203

¶33.11 [Roll No. 129]

YEAS—222

Altmire	Capuano	DeGette
Andrews	Cardoza	Delahunt
Baca	Carnahan	DeLauro
Baird	Carson (IN)	Dicks
Baldwin	Castor (FL)	Dingell
Barrow	Chandler	Doggett
Bean	Chu	Donnelly (IN)
Becerra	Clarke	Doyle
Berkley	Clay	Driehaus
Berman	Cleaver	Edwards (MD)
Berry	Clyburn	Edwards (TX)
Bishop (GA)	Cohen	Ellison
Bishop (NY)	Connolly (VA)	Ellsworth
Blumenauer	Conyers	Engel
Boccieri	Costa	Eshoo
Boswell	Courtney	Etheridge
Boucher	Crowley	Farr
Boyd	Cuellar	Fattah
Brady (PA)	Cummings	Filner
Braley (IA)	Davis (CA)	Foster
Brown, Corrine	Davis (IL)	Frank (MA)
Butterfield	Davis (TN)	Fudge
Capps	DeFazio	Garamendi

Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—203

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

NOT VOTING—6

Ackerman
Hastings (WA)
Hoekstra
Lofgren, Zoe
Stark
Westmoreland

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. MCGOVERN demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 232 Nays 187

¶33.12 [Roll No. 130]

AYES—232

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

NOES—187

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

NOT VOTING—11

Ackerman	Hastings (WA)	McMorris Rodgers
Diaz-Balart, M.	Hoekstra	Stark
Ehlers	Kanjorski	Westmoreland
Eshoo	Lofgren, Zoe	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶33.13 UPPER MISSISSIPPI RIVER BASIN PROTECTION

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 3671) to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Ms. BORDALLO and Mr. McCLINTOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Friday, March 19, 2010.

¶33.14 INLAND EMPIRE PERCHLORATE GROUND WATER PLUME

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 4252) to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, and for other purposes.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Ms. BORDALLO and Mr. McCLINTOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.15 HUDSON RIVER VALLEY

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 4003) to direct the Secretary of the Interior to conduct a special resource study to evaluate resources in the Hudson River Valley in the State of New York to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. WEINER, recognized Ms. BORDALLO and Mr. McCLINTOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Friday, March 19, 2010.

¶33.16 VERMONT LONG TRAIL AND GREEN MOUNTAIN CLUB

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 1173):

Whereas James P. Taylor conceived of the idea of developing a long-distance hiking trail in the Green Mountains of Vermont, and the Green Mountain Club was formed on March 11, 1910, in Burlington, Vermont, to make his dream of a Long Trail a reality;

Whereas the Long Trail is the oldest long-distance hiking trail in the United States;

Whereas the Long Trail extends 273 miles along the spine of Vermont's Green Mountains, from the Massachusetts border to the Canadian border;

Whereas the Long Trail provides pedestrian access to mountain peaks, waterfalls, wildlife, and foliage in all seasons;

Whereas the Long Trail traverses scenic valleys and the tallest summits of the Green Mountain State;

Whereas the Green Mountain Club continues to protect, defend, and promote the Long Trail and its 100-year history in Vermont;

Whereas the mission of the Green Mountain Club is to make the Vermont mountains play a larger part in the life of the people by protecting and maintaining the Long Trail system and fostering, through education, the stewardship of Vermont's hiking trails and mountains; and

Whereas the birth of the Long Trail is a testament to the hard work of many dedicated individuals and its continued existence is evidence of the perseverance of the Green Mountain Club and countless volunteers: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th anniversary of Vermont's Long Trail, the oldest long-distance hiking trail in the United States, and congratulates the Green Mountain Club for its century of dedication in developing and maintaining the Long Trail.

The SPEAKER pro tempore, Mr. WEINER, recognized Ms. BORDALLO and Mr. McCLINTOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶33.17 FLYING CROSS NATIONAL MEMORIAL

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 2788) to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

The SPEAKER pro tempore, Mr. WEINER, recognized Ms. BORDALLO and Mr. McCLINTOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Friday, March 19, 2010.

¶33.18 ALPINE LAKES WILDERNESS, PRATT AND MIDDLE FORK SNOQUALMIE RIVERS

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1769) to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. WEINER, recognized Ms. BORDALLO and Mr. McCLINTOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.19 GETTYSBURG TRAIN STATION

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 4395) to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, recognized Ms. BORDALLO and Mr. MCCLINTOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Friday, March 19, 2010.

¶33.20 RECESS—3:50 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 50 minutes p.m., subject to the call of the Chair.

¶33.21 AFTER RECESS—4:45 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, called the House to order.

¶33.22 PROVIDING FOR CONSIDERATION OF H.R. 3644 AND H.R. 1612

Mr. MCGOVERN, by direction of the Committee on Rules, reported (Rept. No. 111–445) the resolution (H. Res. 1192) providing for consideration of the bill (H.R. 3644) to direct the national Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change to watershed regions; and providing for consideration of the bill (H.R. 1612) to amend the Public Land Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service.

When said resolution and report were referred to the House Calendar and ordered printed.

¶33.23 PRIVILEGES OF THE HOUSE

Mr. FLAKE, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1193):

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that ''the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.' '' (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore, be it

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, ruled that the resolution submitted did present a question of the privileges of the House under

Mr. MCGOVERN moved to refer the resolution to the Committee on Standards of Official Conduct.

After debate,

On motion of Mr. MCGOVERN, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	397
Nays	0
Answered present	12

¶33.24 [Roll No. 131]

YEAS—397

Aderholt	Cohen	Hall (TX)
Adler (NJ)	Cole	Halvorson
Akin	Connolly (VA)	Hare
Alexander	Conyers	Harman
Altmire	Cooper	Hastings (FL)
Andrews	Costa	Heinrich
Arcuri	Costello	Heller
Austria	Courtney	Hensarling
Baca	Crenshaw	Herger
Bachmann	Crowley	Herseth Sandlin
Bachus	Cuellar	Higgins
Baird	Culberson	Hill
Baldwin	Dahlkemper	Himes
Barrow	Davis (AL)	Hinchey
Bartlett	Davis (CA)	Hinojosa
Barton (TX)	Davis (IL)	Hirono
Bean	Davis (KY)	Hodes
Becerra	DeFazio	Holden
Berkley	DeGette	Holt
Berman	Delahunt	Honda
Berry	DeLauro	Hoyer
Biggert	Diaz-Balart, M.	Hunter
Bilbray	Dicks	Inglis
Bilirakis	Dingell	Inslee
Bishop (GA)	Doggett	Israel
Blackburn	Donnelly (IN)	Issa
Blumenauer	Doyle	Jackson (IL)
Blunt	Dreier	Jackson Lee (TX)
Boccieri	Driehaus	Jenkins
Boehner	Duncan	Johnson (GA)
Bono Mack	Edwards (MD)	Johnson (IL)
Boozman	Edwards (TX)	Johnson, E. B.
Boren	Ehlers	Johnson, Sam
Boswell	Ellison	Jones
Boucher	Ellsworth	Jordan (OH)
Boustany	Emerson	Kagen
Boyd	Engel	Kanjorski
Brady (PA)	Eshoo	Kennedy
Brady (TX)	Etheridge	Kildee
Braley (IA)	Fallin	Kilpatrick (MI)
Bright	Farr	Kilroy
Broun (GA)	Fattah	Kind
Brown (SC)	Filner	King (IA)
Brown, Corrine	Flake	King (NY)
Brown-Waite, Ginny	Fleming	Kingston
Buchanan	Forbes	Kirk
Burton (IN)	Fortenberry	Kirkpatrick (AZ)
Buyer	Foster	Kissell
Calvert	Foxx	Klein (FL)
Camp	Frank (MA)	Kline (MN)
Campbell	Franks (AZ)	Kratovil
Cantor	Frelinghuysen	Kucinich
Capito	Fudge	Lamborn
Capps	Gallegly	Lance
Capuano	Garamendi	Langevin
Cardoza	Garrett (NJ)	Larsen (WA)
Carnahan	Gerlach	Larson (CT)
Carney	Giffords	LaTourette
Carson (IN)	Gingrey (GA)	Latta
Carter	Gohmert	Lee (CA)
Cassidy	Gonzalez	Lee (NY)
Castle	Goodlatte	Levin
Chaffetz	Gordon (TN)	Lewis (CA)
Childers	Granger	Lewis (GA)
Chu	Graves	Linder
Clarke	Grayson	Lipinski
Clay	Green, Al	LoBiondo
Cleaver	Green, Gene	Loebsack
Clyburn	Griffith	Lowey
Coble	Guthrie	Lucas
Coffman (CO)	Gutierrez	Luetkemeyer
	Hall (NY)	

Luján	Owens	Sestak
Lummis	Pallone	Shadegg
Lungren, Daniel E.	Pascrell	Shea-Porter
	Pastor (AZ)	Sherman
Lynch	Paul	Shimkus
Mack	Paulsen	Shuler
Maffei	Payne	Shuster
Maloney	Pence	Sires
Manzullo	Perlmutter	Skelton
Marchant	Perriello	Slaughter
Markey (CO)	Peters	Smith (NE)
Markey (MA)	Peterson	Smith (NJ)
Marshall	Petri	Smith (TX)
Matheson	Pingree (ME)	Smith (WA)
Matsui	Pitts	Snyder
McCarthy (CA)	Platts	Souder
McCarthy (NY)	Poe (TX)	Space
McClintock	Polis (CO)	Speier
McCollum	Pomeroy	Spratt
McCotter	Posey	Stearns
McDermott	Price (GA)	Stupak
McGovern	Price (NC)	Sutton
McHenry	Putnam	Tanner
McIntyre	Quigley	Taylor
McKeon	Rahall	Teague
McMahon	Rangel	Terry
McMorris Rodgers	Rehberg	Thompson (CA)
	Reichert	Thompson (MS)
McNerney	Reyes	Thompson (PA)
Meek (FL)	Richardson	Thornberry
Meeks (NY)	Rodriguez	Tiahrt
Melancon	Roe (TN)	Tiberi
Mica	Rogers (AL)	Tierney
Michaud	Rogers (KY)	Titus
Miller (FL)	Rogers (MI)	Tonko
Miller (MI)	Rohrabacher	Towns
Miller (NC)	Rooney	Tsongas
Miller, Gary	Ros-Lehtinen	Turner
Miller, George	Roskam	Upton
Minnick	Ross	Van Hollen
Mitchell	Rothman (NJ)	Velázquez
Mollohan	Roybal-Allard	Visclosky
Moore (KS)	Royce	Walz
Moore (WI)	Ruppersberger	Wamp
Moran (KS)	Ryan (OH)	Wasserman Schultz
Moran (VA)	Ryan (WI)	
Murphy (CT)	Salazar	Waters
Murphy (NY)	Sanchez, Loretta	Watson
Murphy, Patrick	Sarbanes	Watt
Murphy, Tim	Scalise	Waxman
Myrick	Schakowsky	Weiner
Nadler (NY)	Schauer	Welch
Napolitano	Schiff	Whitfield
Neal (MA)	Schmidt	Wilson (OH)
Neugebauer	Schock	Wilson (SC)
Nunes	Schrader	Wittman
Nye	Schwartz	Wolf
Oberstar	Scott (GA)	Woolsey
Obey	Scott (VA)	Wu
Olson	Sensenbrenner	Yarmuth
Olver	Serrano	Young (AK)
Ortiz	Sessions	Young (FL)

ANSWERED ''PRESENT''—12

Bonner	Conaway	Latham
Butterfield	Dent	McCaul
Castor (FL)	Diaz-Balart, L.	Simpson
Chandler	Harper	Walden

NOT VOTING—21

Ackerman	Deal (GA)	Rush
Barrett (SC)	Grijalva	Sánchez, Linda T.
Bishop (NY)	Hastings (WA)	
Bishop (UT)	Hoekstra	Stark
Burgess	Kaptur	Sullivan
Cao	Kosmas	Westmoreland
Cummings	Lofgren, Zoe	
Davis (TN)	Radanovich	

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶33.25 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. CANTOR, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas at least three members of the House Democratic Leadership have endorsed a procedural tactic for the sole purpose of avoiding an up-or-down vote, by the yeas and nays, on the Senate-passed health care bill;

Whereas on Tuesday, March 16, 2010 Representative James Clyburn, the House Majority Whip, stated, ''We will deem passed the Senate bill . . .'';

Whereas on Tuesday, March 16, The Washington Post reported, ''After laying the groundwork for a decisive vote this week on the Senate's health-care bill, House Speaker Nancy Pelosi suggested Monday that she might attempt to pass the measure without having members vote on it. Instead, Pelosi (D–Calif.) would rely on a procedural sleight of hand . . .'';

Whereas in the same Washington Post article, the Speaker declared, ''. . . I like it because people don't have to vote on the Senate bill.'';

Whereas on Tuesday, March 16, McClatchy Newspapers reported Representative John Larson, chairman of the House Democratic Caucus, stated, ''Many of our members would prefer not to have voted for the Senate bill.'';

Whereas on Tuesday, March 9, U.S. News and World Report reported, ''Pelosi gaffed, telling the local elected officials assembled 'that Congress [has] to pass the bill so you can find out what's in it, away from the fog of controversy.' '';

Whereas on Tuesday, March 16, The Washington Post editorialized, ''. . . what is intended as a final sprint threatens to turn into something unseemly and, more important, contrary to Democrats' promises of transparency and time for deliberation. . . . [I]t strikes us as a dodgy way to reform the health-care system. Democrats who vote for the package will be tagged with supporting the Senate bill in any event.'';

Whereas on Tuesday, March 16, the Cincinnati Enquirer editorialized, ''This disgusting process, which Democrats brazenly wish to bring to conclusion this week, is being done with little regard for the opinions of a clear majority of Americans who, while they may believe health care reform is necessary, think this particular approach will take our nation down the wrong economic path.'';

Whereas bipartisan members of the House and Senate have expressed their opposition to using the Slaughter Solution;

Whereas on Wednesday, March 10, Representative Joe Donnelly released the following statement, ''The process over the past few months has been frustrating, including the cutting of unacceptable special deals to assure a few senators' votes.'';

Whereas Representative Jason Altmire of Pennsylvania has characterized the exploitation of the Slaughter Solution by Democratic Leadership as ''wrong'' and unpopular among his constituents;

Whereas on Friday, March 12, POLITICO reported on a memo sent from Representative Chris Van Hollen, chairman of the Democratic Congressional Campaign Committee, to freshman and sophomore House Democrats that stated, ''At this point, we have to just rip the band-aid off . . . Things like reconciliation and what the rules committee does is INSIDE BASEBALL.'';

Whereas on Tuesday, March 16, Roll Call reported, ''Hoyer argued that the American public isn't interested in the process lawmakers use for approving reforms . . .'';

Whereas on Tuesday, March 16, Representative James Clyburn told Fox News, ''Controversy doesn't bother me at all.'';

Whereas the Democratic leadership of the House has conducted a calculated and coordinated attempt to willfully deceive the American people by embracing the ''Slaughter Solution'';

Whereas resorting to the ''Slaughter Solution'' in this circumstance, is being done to intentionally hide from the American people a future vote that Members of Congress may take on the Senate-passed health care legislation;

Whereas the deceptive behavior demonstrated by the Democratic Leadership has brought discredit upon the House of Representatives; and

Whereas the Democratic leadership has willfully abused its power to chart a legislative course for the Senate health care bill that is deliberately calculated to obfuscate what the House will vote on, in an illegitimate effort to confuse the public and thereby fraudulently insulate certain Representatives from accountability for their conduct of their offices: Now, therefore, be it

Resolved, That the House disapproves of the malfeasant manner in which the Democratic Leadership has thereby discharged the duties of their offices.

¶33.26 PRIVILEGES OF THE HOUSE

Mr. CANTOR, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1194):

Whereas at least three members of the House Democratic Leadership have endorsed a procedural tactic for the sole purpose of avoiding an up-or-down vote, by the yeas and nays, on the Senate-passed health care bill;

Whereas on Tuesday, March 16, 2010 Representative James Clyburn, the House Majority Whip, stated, ''We will deem passed the Senate bill . . .'';

Whereas on Tuesday, March 16, The Washington Post reported, ''After laying the groundwork for a decisive vote this week on the Senate's health-care bill, House Speaker Nancy Pelosi suggested Monday that she might attempt to pass the measure without having members vote on it. Instead, Pelosi (D–Calif.) would rely on a procedural sleight of hand . . .'';

Whereas in the same Washington Post article, the Speaker declared, ''. . . I like it because people don't have to vote on the Senate bill.'';

Whereas on Tuesday, March 16, McClatchy Newspapers reported Representative John Larson, chairman of the House Democratic Caucus, stated, ''Many of our members would prefer not to have voted for the Senate bill.'';

Whereas on Tuesday, March 9, U.S. News and World Report reported, ''Pelosi gaffed, telling the local elected officials assembled 'that Congress [has] to pass the bill so you can find out what's in it, away from the fog of controversy.' '';

Whereas on Tuesday, March 16, The Washington Post editorialized, ''. . . what is intended as a final sprint threatens to turn into something unseemly and, more important, contrary to Democrats' promises of transparency and time for deliberation. . . . [I]t strikes us as a dodgy way to reform the health-care system. Democrats who vote for the package will be tagged with supporting the Senate bill in any event.'';

Whereas on Tuesday, March 16, the Cincinnati Enquirer editorialized, ''This disgusting process, which Democrats brazenly wish to bring to conclusion this week, is being done with little regard for the opinions of a clear majority of Americans who, while they may believe health care reform is necessary, think this particular approach will take our nation down the wrong economic path.'';

Whereas bipartisan members of the House and Senate have expressed their opposition to using the Slaughter Solution;

Whereas on Wednesday, March 10, Representative Joe Donnelly released the following statement, ''The process over the past few months has been frustrating, including the cutting of unacceptable special deals to assure a few senators' votes.'';

Whereas Representative Jason Altmire of Pennsylvania has characterized the exploitation of the Slaughter Solution by Democratic Leadership as ''wrong'' and unpopular among his constituents;

Whereas on Friday, March 12, POLITICO reported on a memo sent from Representative Chris Van Hollen, chairman of the Democratic Congressional Campaign Committee, to freshman and sophomore House Democrats that stated, ''At this point, we have to just rip the band-aid off . . . Things like reconciliation and what the rules committee does is INSIDE BASEBALL.'';

Whereas on Tuesday, March 16, Roll Call reported, ''Hoyer argued that the American public isn't interested in the process lawmakers use for approving reforms . . .'';

Whereas on Tuesday, March 16, Representative James Clyburn told Fox News, ''Controversy doesn't bother me at all.'';

Whereas the Democratic leadership of the House has conducted a calculated and coordinated attempt to willfully deceive the American people by embracing the ''Slaughter Solution'';

Whereas resorting to the ''Slaughter Solution'' in this circumstance, is being done to intentionally hide from the American people a future vote that Members of Congress may take on the Senate-passed health care legislation;

Whereas the deceptive behavior demonstrated by the Democratic Leadership has brought discredit upon the House of Representatives; and

Whereas the Democratic leadership has willfully abused its power to chart a legislative course for the Senate health care bill that is deliberately calculated to obfuscate what the House will vote on, in an illegitimate effort to confuse the public and thereby fraudulently insulate certain Representatives from accountability for their conduct of their offices: Now, therefore, be it

Resolved, That the House disapproves of the malfeasant manner in which the Democratic Leadership has thereby discharged the duties of their offices.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. HOYER moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. CANTOR demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 232 Nays 181

¶33.27 [Roll No. 132]

AYES—232

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

NOES—181

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

NOT VOTING—17

Ackerman	Deal (GA)	Radanovich
Barrett (SC)	Ellsworth	Sánchez, Linda T.
Becerra	Hastings (WA)	Stark
Bishop (NY)	Hoekstra	Westmoreland
Cummings	King (IA)	Wu
Davis (TN)	Lofgren, Zoe	

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶33.28 H.R. 3542—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3542) to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 Nays 0

¶33.29 [Roll No. 133]

YEAS—408

Aderholt	Bishop (UT)	Butterfield
Adler (NJ)	Blackburn	Buyer
Akin	Blumenauer	Calvert
Alexander	Blunt	Camp
Altmire	Boccieri	Campbell
Andrews	Bonner	Cantor
Arcuri	Bono Mack	Cao
Austria	Boozman	Capito
Baca	Boren	Capps
Bachmann	Boswell	Capuano
Bachus	Boucher	Cardoza
Baird	Boustany	Carnahan
Baldwin	Boyd	Carney
Barrow	Brady (PA)	Carson (IN)
Bartlett	Brady (TX)	Carter
Barton (TX)	Braley (IA)	Cassidy
Bean	Bright	Castle
Becerra	Broun (GA)	Castor (FL)
Berkley	Brown (SC)	Chaffetz
Berman	Brown, Corrine	Chandler
Berry	Brown-Waite, Ginny	Childers
Biggert	Buchanan	Chu
Bilbray	Burgess	Clarke
Bilirakis	Burton (IN)	Clay
Bishop (GA)		Cleaver

Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Ackerman
Barrett (SC)
Bishop (NY)
Boehner
Cummings
Davis (IL)
Davis (TN)
Deal (GA)
Fallin
Gordon (TN)
Hastings (WA)
Hoekstra
Kaptur
King (IA)
Lofgren, Zoe
McDermott
Radanovich
Sánchez, Linda T.
Schiff
Stark
Welch
Westmoreland

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.30 H.R. 3509—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3509) to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 382 / Nays 26

¶33.31 [Roll No. 134]

YEAS—382

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

NAYS—26

Akin
Bean
Broun (GA)
Cantor
Chaffetz
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Hensarling

Inglis
Jordan (OH)
Lamborn
Manzullo
Mitchell
Myrick
Paul
Peters
Price (GA)
Rohrabacher
Royce
Sensenbrenner
Shadegg
Stearns

NOT VOTING—22

Ackerman
Barrett (SC)
Bishop (NY)
Boehner
Boyd
Cummings
Davis (TN)
Deal (GA)
Dicks
Hastings (WA)
Hoekstra
Kaptur
Kind
Lofgren, Zoe
McNerney
Radanovich
Rogers (MI)
Sánchez, Linda T.
Stark
Teague
Welch
Westmoreland

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.32 H. RES. 1173—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MAFFEI, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1173) recognizing the 100th anniversary of the Vermont Long Trail, the oldest long-distance hiking trail in the United States, and congratulating the Green Mountain Club for its century of dedication in developing and maintaining the trail.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 Nays 1

¶33.33 [Roll No. 135]

YEAS—409

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

NAYS—1

Young (AK)

NOT VOTING—20

Ackerman
Arcuri
Barrett (SC)
Bishop (NY)
Boyd
Cummings
Davis (TN)
Deal (GA)
Hastings (WA)
Hoekstra
Johnson, Sam
Lofgren, Zoe
McNerney
Radanovich
Rush
Sánchez, Linda T.
Smith (NE)
Stark
Westmoreland
Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶33.34 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, with an amendment, a bill of the House of the following title:

H.R. 4213. An Act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

¶33.35 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1789. An Act to restore fairness to Federal cocaine sentencing; to the Committee on the Judiciary; in addition to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2865. An Act to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes; to the Committee on Education and Labor.

¶33.36 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on March 17, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 2847. An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

¶33.37 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. LOFGREN of California, for today; and

To Mr. CUMMINGS, for today after 4:30 p.m.

And then,

¶33.38 ADJOURNMENT

On motion of Mr. BROUN of Georgia, at 10 o'clock and 16 minutes p.m., the House adjourned.

¶33.39 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 4275. A bill to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the ''John C. Godbold United States Judicial Administration Building''; with amendments (Rept. 11–444). Referred to the House Calendar.

Mr. POLIS: Committee on Rules. House Resolution 1192. A resolution providing for consideration of the bill (H.R. 3644) to direct the National Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change in coastal watershed regions, and providing for consideration of the bill (H.R. 1612) to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service. (Rept. 111–445). Referred to the House Calendar.

¶33.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

H.R. 4876. A bill to provide for the issuance of a Great Lakes Restoration Semipostal Stamp; to the Committee on Oversight and Government Reform, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS (for himself, Mr. COFFMAN of Colorado, Mr. SCHAUER, and Ms. KOSMAS):

H.R. 4877. A bill to amend the Internal Revenue Code of 1986 to encourage investment in certain industries by providing an exclusion from tax on certain gains; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 4878. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on corporations that make certain education contributions; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mrs. CAPPS, Mr. CAPUANO, Mr. ELLISON, Mr. ENGEL, Ms. DEGETTE, Mr. FARR, Mr. GRIJALVA, Mr. HONDA, Mr. ISRAEL, Ms. LEE of California, Mr. MCGOVERN, and Ms. WOOLSEY):

H.R. 4879. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

By Mrs. KIRKPATRICK of Arizona:

H.R. 4880. A bill to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes; to the Committee on Natural Resources.

By Mr. WITTMAN:

H.R. 4881. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for costs incurred to remediate the presence of drywall containing elevated levels of sulphur or strontium in the principal residence of the taxpayer, a deduction for alternative living costs incurred by reason of the need to vacate such residence because of such drywall, and a credit against income tax for the costs of moving to and from the temporary living quarters; to the Committee on Ways and Means.

By Mr. BACA (for himself, Mrs. BONO MACK, and Mr. LEWIS of California):

H.R. 4882. A bill to direct the Secretary of the Army to conduct a study to determine the feasibility of carrying out a project to address the water resource development and management needs of the Soboba Band of Luiseno Indians Reservation, California; to the Committee on Transportation and Infrastructure.

By Mr. BARTON of Texas (for himself, Mr. MARCHANT, Mr. GRAVES, Mr. BURGESS, Mr. SOUDER, and Mr. OLSON):

H.R. 4883. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to establish a sequestration to reduce all nonexempt programs, projects, and activities by 2 percent each fiscal year in which the Federal budget is in deficit, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARRETT of New Jersey (for himself, Mr. KANJORSKI, and Mr. BACHUS):

H.R. 4884. A bill to establish a covered bond regulatory oversight program, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY:

H.R. 4885. A bill to protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities affecting interstate commerce by creating employer liability for negligent conduct that results in an individual's committing a gender-motivated crime of violence against another individual on premises controlled by the employer, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself, Mr. BERMAN, Ms. ROS-LEHTINEN, and Mr. SCHIFF):

H.R. 4886. A bill to permanently authorize Radio Free Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LAMBORN (for himself, Ms. ROS-LEHTINEN, Mrs. SCHMIDT, Mr. SMITH of Texas, Mr. NEUGEBAUER, Mr. FRANKS of Arizona, Mr. OLSON, Mrs. BACHMANN, Mr. GRIFFITH, Mr. PITTS, Mr. CAMPBELL, Ms. FALLIN, Mr. SHADEGG, Mr. KING of Iowa, Mr. CONAWAY, Mr. GOHMERT, Mr. BISHOP of Utah, Mr. BARTLETT, and Mr. MARCHANT):

H. Res. 1191. A resolution urging the expedient relocation of the United States Embassy in Israel to Jerusalem; to the Committee on Foreign Affairs.

By Mr. FLAKE:

H. Res. 1193. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. CANTOR:

H. Res. 1194. A resolution raising a question of the privileges of the House.

By Mr. MARSHALL:

H. Res. 1195. A resolution amending the Rules of the House of Representatives to require a three-fifths majority to designate spending as emergency spending, except spending for the Department of Defense; to the Committee on Rules.

By Mr. MORAN of Kansas (for himself and Mr. BLUNT):

H. Res. 1196. A resolution supporting increased market access for exports of United States beef and beef products to Japan; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself, Mr. MACK, Mr. BURTON of Indiana, and Ms. ROS-LEHTINEN):

H. Res. 1197. A resolution expressing support for democracy in Honduras and restoring normal relations between Honduras and the United States; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Pennsylvania:

H. Res. 1198. A resolution congratulating Lock Haven University of Pennsylvania for 140 years of excellence in higher education; to the Committee on Education and Labor.

¶33.41 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mrs. BONO MACK, Mr. PAULSEN, Mr. KLEIN of Florida, Mr. BRALEY of Iowa, and Ms. DEGETTE.

H.R. 43: Ms. WOOLSEY, Mr. SHUSTER, Mr. LARSEN of Washington, Mr. POMEROY, and Mr. BARRETT of South Carolina.

H.R. 211: Mr. MORAN of Kansas, Ms. GINNY BROWN-WAITE of Florida, Mr. LUJÁN, Ms. ROS-LEHTINEN, and Mr. CLEAVER.

H.R. 476: Mr. BERMAN.

H.R. 571: Mr. LATTA.

H.R. 690: Mr. BISHOP of Georgia, Mr. MCINTYRE, and Mr. PASTOR of Arizona.

H.R. 734: Ms. KOSMAS, Mr. CAMP, Mr. MAFFEI, Mr. GRIFFITH, and Mr. SCOTT of Georgia.

H.R. 866: Mr. FORBES.

H.R. 881: Mr. MICA and Mr. WHITFIELD.

H.R. 930: Mr. ETHERIDGE.

H.R. 948: Mr. KANJORSKI.

H.R. 1074: Mr. DEAL of Georgia and Mr. HERGER.

H.R. 1189: Mr. ELLISON and Mr. BACHUS.

H.R. 1237: Mr. BRALEY of Iowa.

H.R. 1310: Mr. INGLIS.

H.R. 1340: Mr. MARKEY of Massachusetts.

H.R. 1799: Mr. BRIGHT.

H.R. 1835: Mr. GALLEGLY.

H.R. 1957: Mr. CLEAVER.

H.R. 2109: Mr. PRICE of North Carolina.

H.R. 2262: Mr. WELCH.

H.R. 2351: Ms. NORTON.

H.R. 2429: Ms. LORETTA SANCHEZ of California.

H.R. 2483: Mr. LOBIONDO.

H.R. 2539: Mr. FORBES.

H.R. 2578: Mr. SCOTT of Georgia.

H.R. 2598: Mr. BRIGHT, Mr. HUNTER, Mr. CARSON of Indiana, Mr. LAMBORN, and Mr. HODES.

H.R. 2601: Mr. ROGERS of Kentucky.

H.R. 2692: Mr. ETHERIDGE.

H.R. 2746: Mr. LARSEN of Washington, Mr. RANGEL, Mr. KUCINICH, Mr. MEEKS of New York, Mr. GRAYSON, Mr. TIM MURPHY of Pennsylvania, and Mr. YARMUTH.

H.R. 2866: Mr. ROTHMAN of New Jersey.
H.R. 2981: Mr. MAFFEI.
H.R. 3012: Mr. BISHOP of New York.
H.R. 3189: Mr. BROUN of Georgia.
H.R. 3380: Mr. HOEKSTRA, Mrs. MCMORRIS RODGERS, Mr. BUTTERFIELD, Mr. GENE GREEN of Texas, and Mr. MILLER of Florida.
H.R. 3438: Mr. TAYLOR, Mr. SCHOCK, and Mr. BURTON of Indiana.
H.R. 3990: Ms. FUDGE.
H.R. 4004: Mr. CLAY.
H.R. 4014: Ms. WOOLSEY and Ms. ROYBAL-ALLARD.
H.R. 4021: Mr. KAGEN and Mr. WEINER.
H.R. 4090: Mr. SPRATT and Mr. BISHOP of Georgia.
H.R. 4109: Mr. WEINER.
H.R. 4149: Mr. BOREN.
H.R. 4241: Mr. STUPAK.
H.R. 4278: Mr. ROGERS of Michigan.
H.R. 4296: Mr. KILDEE.
H.R. 4360: Mr. COHEN, Ms. MARKEY of Colorado, Mr. MCCOTTER, Mr. ARCURI, and Mr. ROTHMAN of New Jersey.
H.R. 4375: Mr. CAPUANO.
H.R. 4376: Mr. HALL of New York.
H.R. 4469: Mr. ROGERS of Alabama, Ms. SHEA-PORTER, Ms. RICHARDSON, Mr. ROGERS of Kentucky, and Mr. THORNBERRY.
H.R. 4477: Mr. MICHAUD.
H.R. 4567: Mr. COHEN.
H.R. 4594: Mr. CONYERS, Mr. MARSHALL, Mr. BLUMENAUER, Mr. MCNERNEY, Mr. COSTA, Mr. MORAN of Virginia, and Mr. SNYDER.
H.R. 4596: Mr. POE of Texas, Ms. BERKLEY, and Mr. BILIRAKIS.
H.R. 4599: Ms. SCHWARTZ.
H.R. 4615: Mr. KUCINICH, Mr. GRAYSON, Mr. ENGEL, and Mr. FILNER.
H.R. 4632: Mr. MURPHY of Connecticut.
H.R. 4700: Mrs. DAHLKEMPER, Mr. PASCRELL, Mr. MURPHY of New York, and Mr. SARBANES.
H.R. 4701: Mr. HALL of New York.
H.R. 4710: Mr. MCINTYRE.
H.R. 4722: Mr. GUTIERREZ, Mr. MOORE of Kansas, and Mr. WEINER.
H.R. 4735: Mrs. MYRICK.
H.R. 4752: Mr. PERRIELLO.
H.R. 4781: Mr. CHAFFETZ.
H.R. 4788: Mr. SCHAUER.
H.R. 4789: Ms. RICHARDSON, Mr. HINOJOSA, and Mr. SCOTT of Virginia.
H.R. 4804: Ms. BERKLEY, Mr. LINCOLN DIAZ-BALART of Florida, and Ms. ROS-LEHTINEN.
H.R. 4805: Ms. SCHAKOWSKY.
H.R. 4812: Mr. CONYERS, Ms. BALDWIN, Mr. FARR, Mr. HINCHEY, Ms. JACKSON LEE of Texas, Ms. MATSUI, Mr. CAPUANO, Ms. KILPATRICK of Michigan, Mr. CLAY, Mr. JACKSON of Illinois, and Mr. FILNER.
H.R. 4850: Mr. POLIS, Ms. MARKEY of Colorado, Mr. ROGERS of Michigan, Mr. KILDEE, and Mr. MCMAHON.
H.R. 4856: Mr. BACA.
H.R. 4868: Mrs. MALONEY.
H.J. Res. 76: Mr. MELANCON and Mr. WESTMORELAND.
H. Con. Res. 98: Ms. PINGREE of Maine.
H. Con. Res. 169: Mr. MCCOTTER and Mr. JOHNSON of Illinois.
H. Con. Res. 198: Mr. RADANOVICH and Mr. WHITFIELD.
H. Con. Res. 201: Mr. MANZULLO and Mr. SOUDER.
H. Con. Res. 230: Mrs. MYRICK.
H. Con. Res. 252: Mr. MCMAHON.
H. Res. 173: Mr. WILSON of Ohio, Mr. YOUNG of Alaska, Mr. RYAN of Ohio, and Mr. PASTOR of Arizona.
H. Res. 351: Mr. PLATTS.
H. Res. 767: Mr. CASSIDY.
H. Res. 982: Mr. TAYLOR, Mr. CHAFFETZ, and Mr. CONAWAY.
H. Res. 987: Mr. OLSON.
H. Res. 1053: Mrs. MYRICK and Mr. RUSH.
H. Res. 1075: Mr. DUNCAN.
H. Res. 1104: Mr. MCCOTTER.
H. Res. 1116: Mr. COHEN, Mr. TERRY, Mr. BLUMENAUER, Mr. MCCOTTER, and Mr. ARCURI.
H. Res. 1132: Mr. WITTMAN, Mr. COURTNEY, Mr. BARTLETT, Mr. CONAWAY, Mr. WALZ, Mr. LANGEVIN, Mr. ELLSWORTH, Mr. KRATOVIL, Mrs. HALVORSON, Mr. INSLEE, Mr. ARCURI, Mr. PERLMUTTER, Mrs. DAVIS of California, and Mr. PATRICK J. MURPHY of Pennsylvania.
H. Res. 1157: Mr. JOHNSON of Georgia and Ms. CASTOR of Florida.
H. Res. 1181: Mr. INGLIS, Mrs. MILLER of Michigan, Mr. MCCAUL, and Mrs. MYRICK.
H. Res. 1182: Mr. GOODLATTE.
H. Res. 1188: Ms. ROS-LEHTINEN, Mr. LATTA, Mr. THORNBERRY, Mr. BARTON of Texas, Mr. KINGSTON, Mr. SMITH of New Jersey, Mrs. BACHMANN, Mr. GERLACH, Mr. BILBRAY, Mr. JONES, Mr. TIM MURPHY of Pennsylvania, Mr. WOLF, Mr. LUCAS, Mr. GARRETT of New Jersey, Mr. YOUNG of Florida, Mr. PETRI, Mr. DREIER, Mrs. BONO MACK, Mrs. MYRICK, Mrs. BIGGERT, Mr. MCCARTHY of California, Mr. GARY G. MILLER of California, Mr. DEAL of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. BARTLETT, Mr. CALVERT, Mr. MACK, and Mr. TIBERI.

FRIDAY, MARCH 19, 2010 (34)

¶34.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. DEGETTE, who laid before the House the following communication:

WASHINGTON, DC,
March 19, 2010.

I hereby appoint the Honorable DIANA DEGETTE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶34.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. DEGETTE, announced she had examined and approved the Journal of the proceedings of Thursday, March 18, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶34.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6674. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Processed Raspberry Promotion, Research, and Information Order; Referendum Procedures [Docket No.: AMS-FV-07-0077; FV-07-705-FR] (RIN: 0581-AC79) received February 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6675. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Choline chloride; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0671; FRL-8802-4] received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6676. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dibenzylidene Sorbitol; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0610; FRL-8802-5] received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6677. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [EPA-HQ-OPP-2009-0824; FRL-8801-9] received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6678. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Interest on Deposits (RIN: 3064-AD46) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6679. A letter from the Chairman, Federal Reserve System, transmitting the System's semiannual Monetary Policy Report, pursuant to Public Law 106-569; to the Committee on Financial Services.

6680. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [EPA-R09-OAR-2008-0341; FRL-9094-1] received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6681. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Closed Captioning of Video Programming [CG Docket No.: 05-231] received February 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6682. A letter from the Secretary, Department of Energy, transmitting the Department's FY 2009 Competitive Sourcing Activity Report, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

6683. A letter from the Chairman, Railroad Retirement Board, transmitting a copy of the annual report for Calendar Year 2009, in compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

6684. A letter from the Chief, Branch of Permits and Regulations, Division of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule — General Provisions; Revised List of Migratory Birds [FWS-R9-MB-2007-0109; 91200-1231-9BPP] (RIN: 1018-AB72) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6685. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Suspension of Minimum Atlantic Surfclam Size Limit for Fishing Year 2010 [Docket No.: 070717342-7713-02] (RIN: 0648-SX18) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6686. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's second biennial report on the ''Implementation of the Deep Sea Coral Research and Technology Program'', pursuant to the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006; to the Committee on Natural Resources.

6687. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico,and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2009 Gulf of Mexico Recreational Fishery of Greater Amberjack [Docket No.: 070718369-8731-02] (RIN: 0648-XS50) received March 4,

2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6688. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XS51) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6689. A letter from the Assistant Attorney General, Department of Justice, transmitting a legislative proposal to implement international agreements concerning nuclear terrorism and nuclear materials; to the Committee on the Judiciary.

6690. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Revised Jurisdictional Thresholds for Section 7A of the Clayton Act received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6691. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Special Community Disaster Loans Program [Docket ID: FEMA-2005-0051] (RIN: 1660-AA44) received February 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6692. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified Transportation Fringes [Notice 2009-95] received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6693. A letter from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Exclusion of Certain Military Pay From Deemed Income and Resources [Docket No.: SSA-2008-0051] (RIN: 0960-AF97) received March 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶34.4 PROVIDING FOR CONSIDERATION OF H.R. 3644 AND H.R. 1612

Mr. POLIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 1192):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3644) to direct the National Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change in coastal watershed regions. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the further amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative Capps of California or her designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; (3) the amendment to the further amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Flake of Arizona or his designee, which shall be in order without intervention of any point of order except those arising under clause 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (4) one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1612) to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; (2) the further amendments printed in part C of the report of the Committee on Rules, each of which may be offered only by a Member designed in the report, shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

SEC. 3. During consideration of an amendment printed in part C of the report of the Committee on Rules accompanying this resolution, the Chair may postpone the question of adoption as though under clause 8 of rule XX.

When said resolution was considered.

After debate,

On motion of Mr. POLIS, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the yeas had it.

Mr. POLIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 236 / Nays 171

¶34.5 [Roll No. 136]

YEAS—236

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

NAYS—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito

Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—23

Ackerman
Blunt
Buyer
Carter
Clay
Cummings
Davis (TN)
Deal (GA)
Emerson
Fortenberry
Garamendi
Gutierrez
Hoekstra
Kaptur
Lee (NY)
Lofgren, Zoe
Lynch
Ros-Lehtinen
Souder
Stark
Weiner
Young (AK)
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶34.6 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 54. A concurrent resolution recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba.

¶34.7 H.R. 3671—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3671) to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 289 Nays 121

¶34.8 [Roll No. 137]

YEAS—289

Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lummis
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (MI)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Whitfield
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth

NAYS—121

Aderholt
Akin
Austria
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Blackburn
Boehner
Bono Mack
Boozman
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Carter
Castle
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Fallin
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Guthrie
Hall (TX)
Harper
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (NY)
Kingston
Lamborn
Latta
Lewis (CA)
Linder
Luetkemeyer
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Owens
Paul
Pence
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Royce
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Skelton
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Upton
Walden
Westmoreland
Wilson (SC)
Wolf

NOT VOTING—20

Ackerman
Blunt
Buyer
Clay
Davis (TN)
Deal (GA)
Emerson
Fortenberry
Garamendi
Gutierrez
Hoekstra
Lee (NY)
Lofgren, Zoe
Ros-Lehtinen
Roskam
Souder
Stark
Weiner
Young (AK)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶34.9 H.R. 2788—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2788) to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 410 / Nays 0

¶34.10 [Roll No. 138]

YEAS—410

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

NOT VOTING—20

Ackerman
Blunt
Buyer
Clay
Davis (TN)
Deal (GA)
Duncan
Emerson
Fortenberry
Garamendi
Gutierrez
Hoekstra
Lee (NY)
Lofgren, Zoe
Olver
Ros-Lehtinen
Souder
Stark
Young (AK)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶34.11 OCEAN, COASTAL, AND WATERSHED EDUCATION

Mrs. CAPPS, pursuant to House Resolution 1192, called up for consideration the bill (H.R. 3644) to direct the National Oceanic and Atmospheric Administration to establish education and watershed programs which advance environmental literacy, including preparedness and adaptability for the likely impacts of climate change in coastal watershed regions.

Pending consideration of said bill,

Pursuant to House Resolution 1192, the amendment in the nature of a substitute, recommended by the Committee on Natural Resources, printed in the bill, was considered as agreed to.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 1192, the following further amendment in the nature of a substitute, printed in Part A of House Report 111-445, was submitted by Mrs. CAPPS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ocean, Coastal, and Watershed Education Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The United States faces major challenges, such as mitigating and adapting to the impacts of climate change, stewarding critical coastal and marine resources including fish and wildlife habitat while sustaining the commercial and recreational activities that depend on these resources, and improving resilience to natural disasters, that collectively threaten human health, sustainable economic development, environmental quality, and national security.

(2) Communities in coastal watersheds are particularly vulnerable to these increasingly urgent, interconnected, and complex challenges and need support for teacher professional development and experiential learning among students of all ages.

(3) These challenges can be met with the help of comprehensive programs specifically targeted to engage coastal watershed communities, schoolchildren, and the general public to develop engaged and environmentally literate citizens who are better able to understand complex environmental issues, assess risk, evaluate proposed plans, and understand how individual decisions affect the environment at local, regional, national, and global scales.

(4) The intrinsic social and conservation values of wildlife-dependent and other outdoor recreation can play an important role in outdoor educational programs that address the myriad of coastal and ocean concerns, as well as instill a sustainable conservation ethic that will enable them to face those challenges to the betterment of both the environment and coastal communities.

(5) The economic importance of coastal areas and resources to the overall economy of the United States is significant. According to the U.S. Commission on Ocean Policy, coastal and ocean-related activities support millions of American jobs and generate more than $1 trillion, or one tenth of the Nation's annual gross domestic product. Sustainable use of the Nation's natural resources can provide additional economic opportunities to the United States economy.

(b) PURPOSE.—The purpose of this Act is to advance environmental literacy, develop public awareness and appreciation of the economic, social, recreational, and environmental benefits of coastal watersheds, and emphasize stewardship and sustainable economic development of critical coastal and marine resources, including an understanding of how climate change is impacting those resources, through the establishment of—

(1) an Environmental Literacy Grant Program; and

(2) regional programs under the B-WET Program.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) BAY-WATERSHED EDUCATION.—The term ''bay-watershed education'' means environmental education focused on watersheds, with an emphasis on stewardship and sustainable economic development of critical coastal and marine resources, including an understanding of how climate change is impacting those resources.

(3) B-WET PROGRAM.—The term ''B-WET Program'' means the Bay-Watershed Education and Training Program of the National

Oceanic and Atmospheric Administration, as in effect immediately before the enactment of this Act and modified under this Act or any subsequently enacted Act.

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State agency, local agency, school district, institution of higher education, or for-profit or non-profit nongovernmental organization, consortium, or other entity that the Administrator finds has demonstrated expertise and experience in the development of the institutional, intellectual, or policy resources to help environmental education become more effective and widely practiced.

(5) ENVIRONMENTAL EDUCATION.—The term ''environmental education'' means interdisciplinary formal and informal learning about the relevant interrelationships between dynamic environmental and human systems, including economic systems that depend on coastal, watershed and marine resources for job creation and economic growth, that results in increasing the learner's capacity for decisionmaking, stewardship, and sustainable economic development of natural and community resources.

(6) ENVIRONMENTAL LITERACY.—The term ''environmental literacy'' means the capacity to perceive and interpret the relative health of environmental systems and the interrelationships between natural, economic, and social systems and technology, and to assess options and take appropriate action to maintain, restore, or improve the health of those systems and promote sustainable economic development.

(7) HIGH-LEVERAGE PROJECTS.—The term ''high-leverage projects'' means projects supported by grants authorized under this Act that use Federal, State and nongovernmental financial, technical, and other resources in such a manner that the potential beneficial outcomes are highly magnified or enhanced.

(8) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

SEC. 4. ENVIRONMENTAL LITERACY GRANT PROGRAM.

(a) IN GENERAL.—The Administrator shall establish a national competitive grant program, to be known as the ''Environmental Literacy Grant Program'', under which the Administrator shall provide, subject to the availability of appropriations, financial assistance to—

(1) expand the adoption of coastal, ocean, Great Lakes, and climate on all time scales education;

(2) build administrative and technical capacity with coastal, ocean, and watershed communities and stakeholder groups to enhance their effectiveness;

(3) encourage water-dependent, wildlife-dependent, and other outdoor recreation, experiential learning, and hands-on involvement with coastal and watershed resources as a method of promoting stewardship and sustainable economic development of those resources;

(4) develop and implement new approaches to advance coastal, ocean, Great Lakes, and climate on all time scales education and environmental literacy at national, regional, and local levels; and

(5) encourage formal and informal environmental education about the systemic interrelationships between healthy coastal, watershed, and marine resources and sustainable economic systems that depend on such resources for job creation and economic development.

(b) PRIORITIES.—In awarding grants under this section, the Administrator shall give priority consideration to innovative, strategic, high-leverage projects that demonstrate strong potential for being sustained in the future by a grant recipient beyond the time period in which activities are carried out with the grant.

(c) GUIDELINES.—No later than 180 days after the date of enactment of this Act and after consultation with appropriate stakeholders, the Administrator shall publish in the Federal Register guidelines regarding the implementation of this grant program, including publication of criteria for eligible entities, identification of national priorities, establishment of performance measures to evaluate program effectiveness, information regarding sources of non-Federal matching funds or in-kind contributions, and reporting requirements for grant award recipients.

(d) LIMITATION ON USE OF FUNDS BY ADMINISTRATOR.—Of the amounts made available to implement this section—

(1) no less than 80 percent shall be used for competitive grants or cooperative agreements;

(2) no more than 10 percent may be used by the Administrator to implement the grant program; and

(3) no less than 10 percent of the annual funds appropriated for the program authorized under this section shall be used to fund contracts or cooperative agreements to conduct strategic planning, promote communications among grant recipients and within communities, coordinate grant activities to foster an integrated program, and oversee national evaluation efforts.

SEC. 5. B-WET PROGRAM.

(a) EXISTING PROGRAM.—The Administrator shall conduct the B-WET Program, including each of the regional programs conducted or under active consideration for creation under such program immediately before the enactment of this Act.

(b) NEW REGIONAL PROGRAMS.—

(1) IN GENERAL.—The Administrator may create new regional programs under the B-WET Program in accordance with a strategy issued under this subsection.

(2) STRATEGY.—

(A) IN GENERAL.—The Administrator shall issue a strategy for establishing such new regional programs

(B) CONTENTS.—The strategy shall include the following:

(i) Evaluation of the need for new regional program in areas that are not served under the B-WET Program on the date of enactment of this Act.

(ii) Identification of potential new regional programs, including a listing of potential principal non-Federal partners.

(iii) A comprehensive budget for future expansion of the B-WET Program over the period for which appropriations are authorized under this Act.

(iv) Such other information as the Administrator considers necessary.

(C) CONSULTATION AND PUBLIC COMMENT.—The Administrator shall consult with relevant stakeholders and provide opportunity for public comment in the development of the strategy.

(D) SUBMISSION TO CONGRESS.—The Administrator shall submit the strategy to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by not later than 270 days after the date of enactment of this Act.

(3) PRIORITY CONSIDERATION.—In creating new regional programs under this subsection, the Administrator shall give priority consideration to the needs of—

(A) United States territories, including Guam, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa;

(B) the Great Lakes States;

(C) Alaska; and

(D) the mid-Atlantic region.

(c) MODIFICATION OF B-WET PROGRAM.—

(1) IN GENERAL.—The Administrator may modify or realign regional programs under the B-WET Program, based on—

(A) changes in regional needs;

(B) mutual interest between the Administrator and relevant stakeholders within a region or regions;

(C) changes in resources available to the Administrator to implement the B-WET Program; and

(D) other circumstances as determined necessary by the Administrator.

(2) CONSULTATION AND PUBLIC COMMENT.—The Administrator shall—

(A) consult with the persons conducting a regional program and provide opportunity for public comment prior to making a final decision to modify or realign such regional program; and

(B) publish public notice of such a decision no less than 30-days before the effective date of such a modification or realignment.

(d) REGIONAL PROGRAM MANAGERS.—

(1) APPOINTMENT OF REGIONAL PROGRAM MANAGER.—The Administrator shall be responsible for the selection, appointment, and when necessary replacement of a regional program manager for each regional program under the B-WET Program.

(2) QUALIFICATIONS.—To qualify for appointment as a regional program manager, an individual must—

(A) reside in the region for which appointed; and

(B) demonstrate competence and expertise in bay-watershed education and training.

(3) FUNCTIONS.—Each regional program manager shall—

(A) be responsible for managing and administering the B-WET Program in the region for which appointed, in accordance with this Act;

(B) determine the most appropriate communities within the region to be served by the B-WET Program;

(C) encourage water-dependent, wildlife-dependent, and other outdoor recreation, experiential learning experiences for students, and hands-on involvement with coastal and watershed resources as a method of promoting stewardship and sustainable economic development of those resources and complementing core classroom curriculum;

(D) support communication and collaboration among educators, natural resource planners and managers, and governmental and nongovernmental stakeholders;

(E) share and distribute information regarding educational plans, strategies, learning activities, and curricula to all stakeholders within its region;

(F) provide financial and technical assistance pursuant to the guidelines developed by the Administrator under this section; and

(G) perform any additional duties as necessary to carry out the functions of the program.

(e) PROGRAM GUIDELINES.—No later than 180 days after the date of enactment of this Act and after consultation with appropriate stakeholders, the Administrator shall publish in the Federal Register guidelines regarding the implementation of the B-WET Program, as follows:

(1) CONTRACTS.—The Administrator shall create guidelines through which each regional program manager may enter into contracts (subject to the availability of appropriations) to support projects to design, demonstrate, evaluate, or disseminate practices, methods, or techniques related to Bay-watershed education and training.

(2) GRANT MAKING AND COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Administrator shall create guidelines through which each regional program manager may provide financial assistance in the form of a grant (subject to the availability of appropriations) or cooperative agreement to support projects that advance the purpose of this Act. The guidelines shall include criteria for eligible entities, identification of national priorities, establishment of performance measures to evaluate program effectiveness, and reporting requirements for grant award recipients.

(B) PRIORITY.—In making grants under this paragraph, each regional program manager shall give priority to those projects that will—

(i) promote bay-watershed education throughout the region concerned;

(ii) advance strategic initiatives to incorporate bay-watershed education into formal and informal education systems;

(iii) build capacity within bay-watershed education communities and stakeholder groups for expanding and strengthening their work;

(iv) build bay-watershed education into professional development or training activities for educators; and

(v) broadly replicate existing, proven bay-watershed education programs.

(f) NON-FEDERAL SHARE.—

(1) IN GENERAL.—In awarding grants under this section, the regional program managers shall give priority consideration to a project for which the Federal share does not exceed 75 percent of the aggregate cost of such project.

(2) IN-KIND CONTRIBUTION.—The non-Federal share of the costs of any project supported by an award of grant funding under this section may be cash or the fair market value of services, equipment, donations, or any other form of in-kind contribution.

(3) OTHER PRIORITY.—The regional program managers shall give priority consideration to a project that will be conducted by or benefit any under-served community, any community that has an inability to draw on other sources of funding because of the small population or low income of the community, or any other person for any other reason the Administrator considers appropriate and consistent with the purpose of this Act.

(g) REGIONAL PROGRAM COORDINATION.—Within the National Oceanic and Atmospheric Administration, the Office of Education shall work with regional program managers on the following regional B-WET Program functions:

(1) Strategic planning efforts.

(2) Integration and coordination of programs.

(3) Coordination of national evaluation efforts.

(4) Promotion of network wide communications.

(5) Selection of new Regional Program Managers.

(6) Management, tracking, and oversight of the B-WET Program.

(h) LIMITATION ON USE OF FUNDS BY ADMINISTRATOR.—Of the amounts made available to implement this section—

(1) no less than 80 percent shall be used for implementation of regional program activities, including the award of grants; and

(2) no more than 20 percent may be used by the Administrator to implement the regional programs and regional program coordination.

SEC. 6. BIENNIAL REPORT.

Not later than December 31, 2011, and biennially thereafter, the Administrator shall submit to Congress a report on the grant programs authorized under this Act. Each such report shall include a description of the eligible activities carried out with grants awarded under the Act during the previous two fiscal years, an assessment of the success and impact of such activities, and a description of the type of programs carried out with such grant, disaggregated by State.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator—

(1) to carry out the Environmental Literacy Grant Program authorized by section 4 (including administrative expenses for preparing the report under section 6)—

(A) for fiscal year 2011, $13,200,000;

(B) for fiscal year 2012, $14,500,000;

(C) for fiscal year 2013, $16,000,000;

(D) for fiscal year 2014, $17,600,000; and

(E) for fiscal year 2015, $19,300,000; and

(2) to carry out the B-WET Program authorized by section 5 (including administrative expenses for preparing the report under section 6)—

(A) for fiscal year 2011, $10,700,000;

(B) for fiscal year 2012, $11,700,000;

(C) for fiscal year 2013, $12,900,000;

(D) for fiscal year 2014, $14,200,000; and

(E) for fiscal year 2015, $15,600,000.

After debate,

Pursuant to House Resolution 1192, the following amendment, to the further amendment in the nature of a substitute, printed in Part B of House Report 111-445, was submitted by Mr. FLAKE:

At the beginning of section 7, insert ''(a) AUTHORIZATION OF APPROPRIATIONS.—'' before ''There are authorized''.

At the end of section 7, insert the following:

(b) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to subsection (a) may be used for a congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

After debate,

The question being put, viva voce,

Will the House agree to the amendment to the further amendment in the nature of a substitute?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the ayes had it.

Mrs. CAPPS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	376
Nays	37
Answered present	1

¶34.12 [Roll No. 139]

YEAS—376

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

Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—37

Berry
Bishop (GA)
Brown, Corrine
Butterfield
Clarke
Clyburn
Conyers
Cummings
Davis (IL)
Edwards (MD)
Farr
Filner
Fudge
Grijalva
Hinchey
Jackson (IL)
Johnson, E. B.
Kennedy
Kildee
Kilpatrick (MI)
Kucinich
Lee (CA)
McDermott
Moore (WI)
Nadler (NY)
Pascrell
Paul
Payne
Rahall
Roybal-Allard
Sherman
Thompson (MS)
Towns
Waters
Watson
Watt
Woolsey

ANSWERED ''PRESENT''—1

Thompson (PA)

NOT VOTING—16

Ackerman
Blunt
Buyer
Connolly (VA)
Costa
Crowley
Davis (TN)
Deal (GA)
Fortenberry
Gutierrez
Hoekstra
Honda
Lofgren, Zoe
Nunes
Ros-Lehtinen
Stark

So the amendment to the further amendment in the nature of a substitute was agreed to.

The question being put, viva voce,

Will the House agree to the further amendment in the nature of a substitute, as amended?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the ayes had it.

Mrs. CAPPS demanded a recorded vote on agreeing to the further amendment in the nature of a substitute, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 233 Nays 178

¶34.13 [Roll No. 140]

AYES—233

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

NOES—178

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

NOT VOTING—19

Ackerman
Blunt
Buyer
Connolly (VA)
Crowley
Davis (TN)
Deal (GA)
Ellison
Engel
Fortenberry
Gutierrez
Hoekstra
Honda
Lofgren, Zoe
Marshall
Obey
Ros-Lehtinen
Stark
Wamp

So, the further amendment in the nature of a substitute, as amended, was agreed to.

A motion to reconsider the vote whereby said further amendment in the nature of a substitute, as amended, was agreed to was, by unanimous consent, laid on the table.

Pursuant to House Resolution 1192, the previous question was ordered on the bill, as amended, and the further amendment in the nature of a substitute, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CHAFFETZ moved to recommit the bill to the Committee on Natural Resources with instructions to report the bill back to the House forthwith with the following amendments:

In section 4(a)(4), strike ''and'' after the semicolon.

In section 4(a)(5), strike the period at the end and insert ''; and''.

At the end of section 4(a), add the following new paragraph:

(6) examine the impacts of natural gas and oil seeps on oceans, beaches, air quality, and the coastal environment and the possibility of mitigation of those impacts through resource and energy development.

In section 7, in paragraph (1), strike ''under section 6)—'' and all that follows through the end of the paragraph and insert ''under section 6) $12,000,000 for each of fiscal years 2011 through 2015; and''.

In section 7, in paragraph (2), strike ''under section 6)—'' and all that follows through the end of the paragraph and insert ''under section 6) $9,700,000 for each of fiscal years 2011 through 2015.''.

Add at the end the following new section:

SEC. 8. LIMITATION ON USE OF FUNDS.

An eligible entity that is a party to a pending lawsuit against the Administrator shall not be eligible to receive funds authorized or otherwise made available under this Act.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SERRANO, announced that the nays had it.

Mr. CHAFFETZ demanded a recorded vote on the motion to recommit with instructions said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 200 Nays 215

¶34.14 [Roll No. 141]

AYES—200

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

NOES—215

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

NOT VOTING—15

Ackerman
Blunt
Buyer
Connolly (VA)
Davis (TN)
Deal (GA)
Fortenberry
Gutierrez
Hoekstra
Lofgren, Zoe
Nunes
Pence
Ros-Lehtinen
Stark
Wamp

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mrs. CAPPS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 244 Nays 170

¶34.15 [Roll No. 142]

AYES—244

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

NOES—170

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Capito
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo

Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Olson
Owens
Paul
Paulsen
Pence
Perlmutter
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Ackerman
Blunt
Buchanan
Buyer
Connolly (VA)
Davis (TN)
Deal (GA)
Fortenberry
Gutierrez
Hoekstra
Lofgren, Zoe
Nunes
Ros-Lehtinen
Schrader
Stark
Wamp

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶34.16 H.R. 4003—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4003) to direct the Secretary of the Interior to conduct a special resource study to evaluate resources in the Hudson River Valley in the State of New York to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 293 Nays 115

¶34.17 [Roll No. 143]

YEAS—293

Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bonner
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (MI)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—115

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Blackburn
Boehner
Bono Mack
Boozman
Bright
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Carter
Coble
Coffman (CO)
Conaway
Culberson
Davis (KY)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Latham
Latta
Linder
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Royce
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Upton
Walden
Westmoreland
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—22

Ackerman
Blunt
Buyer
Cardoza
Chaffetz
Connolly (VA)
Crenshaw
Davis (TN)
Deal (GA)
Dicks
Fortenberry
Gutierrez
Hoekstra
Kirk
Lamborn
LaTourette
Lofgren, Zoe
Nunes
Ros-Lehtinen
Ryan (WI)
Stark
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶34.18 QUESTION OF PERSONAL PRIVILEGE

Mr. TANNER rose to a question of personal privilege.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to rule IX, recognized Mr. TANNER for one hour.

Mr. TANNER made the following statement:

''Mr. Speaker, I consider this a sad day for our institution here when a Member comes to the floor and, by name, calls other Members to task for an unsubstantiated, untrue, fabricated allegation made in a blog somewhere and stands behind the fact that it has been reported that such and such occurred.

''Now, the primary reason my wife and I decided not to seek reelection is because we have four grandchildren in Tennessee that we don't see enough of and are not a part of their lives as we want to be. And any suggestion that there is some sort of NATO job in Brussels, Belgium, is beyond the pale. I, and Mr. GORDON as well, I think, are rightly indignant about this reckless, scurrilous, I think, indiscretion.

''Let me just say this. Emotions are high, but we can disagree on public policy matters agreeably. And to take an unsubstantiated, untrue, total fabrication and to repeat it on this floor, in my judgment, is an affront to this institution. It is too late to take the words down I'm told by the Parliamentarian, but let me just say this: When we get to the point as a society, when we—some of us—are unable to extend to one who may disagree with us on a matter of public policy the same purity of motive and the same intellectual honesty we claim for ourselves, we are going down the wrong road.''.

¶34.19 AFRICAN-AMERICANS SCIENCE ACCOMPLISHMENTS

Ms. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and agree to the following resolution (H. Res. 1133):

Whereas from 1654 until 1865, slavery for life was legal within the boundaries of much of the present United States;

Whereas slaveholders limited or prohibited education of enslaved African-Americans because they believed it would empower them;

Whereas African slaves, because they were not considered citizens, could not register any invention with the U.S. Patent Office;

Whereas any free person wanting to patent a scientific invention could not acknowledge any contribution from a slave;

Whereas there is a strong likelihood that scientific innovation during the period of slavery may have been undocumented or stolen;

Whereas after slavery had been abolished, the majority of African-Americans lived in poverty and faced legal and social discrimination;

Whereas Historically Black Colleges and Universities were founded because few institutions of higher learning in the United States admitted students of African-American descent;

Whereas Historically Black Colleges and Universities have contributed and continue to contribute significantly to the overall percentage of African-Americans who receive undergraduate and graduate degrees in the fields of science, including agriculture (51.6 percent), biology (42.2 percent), computer science (35 percent), physical science (43 percent), and social science (23.2 percent);

Whereas many African-Americans have overcome extraordinary odds to advance scientific contributions to mankind;

Whereas the Nation's transportation system has been greatly enhanced due to the contributions of Richard Spikes, who invented the automatic gear shift technology, Joseph Gambol, who invented the super charge system for internal combustion engines, Garrett Morgan, who invented the automated traffic signal, and Elbert Robinson, who invented the electric railway trolley;

Whereas modern-day high-density cities and the United States unique architectural development of high rise buildings and modern-day skyscrapers were enhanced by Alexander Mills, who invented key elevator technology;

Whereas health and medicine in the United States have been advanced by Otis Boykin, who invented the pacemaker, Dr. Ben Carson, who led a medical team who became the first to separate conjoined twins successfully, Dr. Charles Drew, who found the method to preserve and store blood which led to the world's fist blood bank, and Dr. Daniel Williams, who performed the first successful open heart surgery;

Whereas press and media have been strengthened by Will Purvis, who invented the improved fountain pen, Lee Burridge, who invented typewriting machine advancements, and W.A. Love, who contributed to the advanced printing press;

Whereas home appliances have been improved by Frederick Jones, who invented the portable air conditioner, Lewis Latimer, who helped pioneer the electric light bulb, George Sampson, who invented the clothes dryer, and John Standard, who enhanced the refrigerator;

Whereas historically, African-Americans have faced unprecedented inequities which have caused a disparity in the number of undergraduate and advanced degrees in the sciences, described as ''the achievement gap'';

Whereas many Members of Congress have proposed that this gap can and will be eliminated through progressive policies such as desegregation and Federal outreach and training programs;

Whereas many studies suggest that the achievement gap of African-Americans in the sciences has been lessening due in part to the effectiveness of these policies and programs;

Whereas the United States has vast untapped potential because African-Americans and other minorities remain underrepresented in science, technology, engineering, and math (STEM) disciplines; and

Whereas society in the United States today would not be the same without African-American innovations in the sciences: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the extraordinary number of African-Americans who have overcome significant obstacles to enhance innovation and competitiveness in the field of science in the United States;

(2) honors and recognizes all African-American innovators who have contributed to scientific education and research, directly and indirectly, whose contributions have increased economic empowerment in the United States; and

(3) encourages the Administration to invest in programs that are proven effective to lessen the achievement gap of African-Americans as well as other minority and disadvantaged groups in the sciences and ultimately strengthen competitiveness in the United States.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. Eddie Bernice JOHNSON of Texas, and Mr. OLSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Ms. Eddie Bernice JOHNSON of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Saturday, March 20, 2010.

¶34.20 CHALLENGER DEEP IN MARIANA TRENCH 50TH ANNIVERSARY

Ms. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and agree to the following resolution (H. Res. 1027):

Whereas Captain Don Walsh, USN (ret.), Ph.D., and Jacques Piccard piloted the United States Navy's Trieste bathyscaphe to reach the deepest point in the world's oceans and remain the only two humans to ever achieve this historic feat;

Whereas Captain Walsh is the recipient of two Presidential Legion of Merit Awards and numerous honors and continues to explore the world;

Whereas Jacques Piccard is a hero in his home country of Switzerland;

Whereas Jacques Piccard passed away in November 2008, but the Piccard Family contribution and influence to marine science and exploration continues today;

Whereas the Mariana Trench has been designated as the Mariana Trench Marine National Monument and remains one of the world's most ecological and environmental treasures; and

Whereas only five percent of the ocean floor has been explored, but the need to continue to research the world's oceans and educate the next generation of explorers remains important to the United States in order to continue to unlock the secrets of the earth's oceans and ecosystems: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 50th anniversary of the dive to the Challenger Deep in the Mariana Trench and its valuable and historic scientific contributions;

(2) recognizes the lifetime achievements of Capt. Don Walsh and Jacques Piccard and their contributions to the furtherance of ocean science, ocean engineering, human exploration, and a better understanding of the planet;

(3) recognizes the Mariana Trench as one of the world's great ocean classrooms and the need to continue to explore its depths that can lead to great scientific discoveries; and

(4) recognizes the commitment of the United States to continue to educate the future leaders in ocean science and human exploration.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. Eddie Bernice JOHNSON of Texas, and Mr. OLSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Ms. Eddie Bernice JOHNSON of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Saturday, March 20, 2010.

¶34.21 NATIONAL DAY OF RECOGNITION FOR LONG-TERM CARE PHYSICIANS

Ms. SPEIER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 244); as amended:

Whereas a National Day of Recognition for Long-Term Care Physicians is designed to honor and recognize physicians who care for an ever-growing elderly population in different settings, including skilled nursing facilities, assisted living, hospice, continuing care retirement communities, post-acute care, home care, and private offices;

Whereas the average long-term care physician has nearly 20 years of practice experience and dedicates themselves to 1 or 2 facilities with nearly 100 residents and patients;

Whereas the American Medical Directors Association is the professional association of medical directors, attending physicians, and others practicing in the long-term continuum and is dedicated to excellence in patient care and provides education, advocacy, information, and professional development

to promote the delivery of quality long-term care medicine; and

Whereas the American Medical Directors Association would like to honor founder and long-term care physician William A. Dodd, M.D., C.M.D., who was born on March 20, 1921: Now, therefore, be it

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

(1) supports the designation of a National Day of Recognition for Long-Term Care Physicians; and

(2) supports the goals and ideals of a National Day of Recognition for Long-Term Care Physicians.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. SPEIER and Mr. JORDAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Ms. SPEIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Saturday, March 20, 2010.

¶34.22 DONALD HARINGTON LITERATURE

Ms. SPEIER moved to suspend the rules and agree to the following resolution (H. Res. 1040):

Whereas Donald Douglas Harington was born on December 22, 1935, in Little Rock, Arkansas;

Whereas at age 6, he attempted to write his first novel, ''The Adventures of Duke Doolittle'';

Whereas at age 12, Harington contracted meningococcal meningitis and as a result lost most of his hearing;

Whereas Harington graduated from the University of Arkansas with a bachelor's degree in art in 1956, a master's degree in printmaking in 1959, and from Boston University with a master's degree in art history in 1959;

Whereas Harington taught art history at Bennett College in Millbrook, New York, from 1960 to 1962, and at Windham College in Putney, Vermont, from 1964 to 1978;

Whereas Harington had short-term teaching appointments at the University of Missouri Rolla, the University of Pittsburg, and South Dakota State, and taught art history at the University of Arkansas from 1986 until he retired in 2008;

Whereas Harington's first novel, ''The Cherry Pit'', was published in 1965 and over the course of his literary career he also published ''Lightning Bug'' (1970), ''Some Other Place. The Right Place'' (1972), ''The Architecture of the Arkansas Ozarks'' (1975), ''Let Us Build Us a City: Eleven Lost Towns'' (1986), ''The Cockroaches of Stay More'' (1989), ''The Choiring of the Trees'' (1991), ''Ekaterina'' (1993), ''Butterfly Weed'' (1996), ''When Angels Rest'' (1998), ''Thirteen Albatrosses (or, Falling off the Mountain)'' (2002), ''With'' (2003), ''The Pitcher Shower'' (2005), ''Farther Along'' (2008), and ''Enduring'' (2009);

Whereas in 1999, Harington was inducted into the Arkansas Writers' Hall of Fame;

Whereas in 2003, Harington won the Robert Penn Award for Fiction, and in 2006 received the first lifetime achievement award for Southern literature from Oxford American magazine;

Whereas writer Kevin Brockmeier expressed that ''the signal feature of Donald Harington's novels is their tremendous liveliness. His books are not blind to suffering, featuring as they do murder, poverty, kidnapping, loss, and betrayal. Yet the mood of his stories is overwhelmingly one of celebration. He extends his sympathies so widely that even the trees and the hills, the insects and the animals, the criminals and the ghosts seem to sing with the joy of existence. He brings a tenderness and a brio to the page that prevents his characters from sinking beneath the weight of their troubles, and one finishes his books above all else with an impression of a robust, loving comic energy. You feel as if you have been immersed in life, both your own life and the particular lives of his characters, and that life, for all its misfortunes, is a pretty good place to be'';

Whereas Entertainment Weekly called Harington ''America's greatest unknown writer'';

Whereas Harington was described in the Washington Post as ''one of the most powerful, subtle, and inventive novelists in America'';

Whereas Harington once said that his philosophy of writing was that literature, that all art, is an escape from the world that makes the world itself, when you return to it, more magical, bearable, or understandable; and

Whereas, on November 7, 2009, at age 73, Harington died in Springdale, Arkansas, from complications of pneumonia: Now, therefore, be it

Resolved, That the House of Representatives honors the life and accomplishments of Donald Harington for his contributions to literature in the United States.

The SPEAKER pro tempore, Ms. PINGREE of Maine, recognized Ms. SPEIER and Mr. JORDAN of Ohio, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. PINGREE of Maine, announced that two-thirds of the Members present had voted in the affirmative.

Ms. SPEIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. PINGREE of Maine, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Saturday, March 20, 2010.

¶34.23 CLARENCE D. LUMPKIN POST OFFICE

Ms. SPEIER moved to suspend the rules and pass the bill (H.R. 4840) to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the ''Clarence D. Lumpkin Post Office''.

The SPEAKER pro tempore, Ms. PINGREE of Maine, recognized Ms. SPEIER and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Ms. SPEIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Saturday, March 20, 2010.

¶34.24 NATIONAL WOMEN'S HISTORY MONTH

Ms. SPEIER moved to suspend the rules and agree to the following resolution (H. Res. 1174):

Whereas the purpose of National Women's History Month is to increase awareness and knowledge of women's involvement in history;

Whereas as recently as the 1970s, women's history was rarely included in the kindergarten through grade 12 curriculum and was not part of public awareness;

Whereas the Education Task Force of the Sonoma County (California) Commission on the Status of Women initiated a ''Women's History Week'' celebration in 1978 centered around International Women's History Day, which is celebrated on March 8;

Whereas, in 1980, the National Women's History Project, which celebrates its 30th anniversary this year, was founded in Sonoma County, California, by Molly Murphy MacGregor, Mary Ruthsdotter, Maria Cuevas, Paula Hammett, and Bette Morgan to broadcast women's historical achievements;

Whereas National Women's History Project founder Mary Ruthsdotter, who passed away in January 2010, was a leader in the effort to ensure the inclusion of women's accomplishments in the Nation's history;

Whereas, in 1981, responding to the growing popularity of women's history celebrations, Congress passed a resolution making Women's History Week a national observance;

Whereas, during this time, using information provided by the National Women's History Project, founded in Sonoma County, California, thousands of schools and communities joined in the commemoration of National Women's History Week, with support and encouragement from governors, city councils, school boards, and Congress;

Whereas, in 1987, the National Women's History Project petitioned Congress to expand the national celebration to include the entire month of March;

Whereas educators, workplace program planners, parents, and community organizations in thousands of communities in the United States under the guidance of the National Women's History Project, have turned National Women's History Month into a major local learning experience and celebration;

Whereas the popularity of women's history celebrations has sparked a new interest in uncovering women's forgotten heritage;

Whereas the President's Commission on the Celebration of Women in American History was established to consider how best to acknowledge and celebrate the roles and accomplishments of women in United States history;

Whereas the National Women's History Museum was founded in 1996 as an institution dedicated to preserving, interpreting,

and celebrating the diverse historic contributions of women, and integrating this rich heritage fully into the Nation's teachings and history books;

Whereas the House of Representatives recognizes March 2010 as National Women's History Month; and

Whereas the theme of National Women's History Month for 2010 is ''Writing Women Back into History'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Women's History Month; and

(2) recognizes and honors the women and organizations in the United States that have fought for and continue to promote the teaching of women's history.

The SPEAKER pro tempore, Mr. LUJAN, recognized Ms. SPEIER and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Ms. SPEIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Saturday, March 20, 2010.

¶34.25 H.R. 4395—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4395) to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 372 / Nays 31

¶34.26 [Roll No. 144]

YEAS—372

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

NAYS—31

Bright
Broun (GA)
Burton (IN)
Coble
Conaway
Duncan
Ellsworth
Flake
Franks (AZ)
Gingrey (GA)
Issa
Kingston
Lamborn
Lewis (CA)
Marshall
Mitchell
Myrick
Neugebauer
Nunes
Paul
Petri
Poe (TX)
Rohrabacher
Royce
Sensenbrenner
Sessions
Shadegg
Stearns
Tiahrt
Westmoreland
Young (AK)

NOT VOTING—27

Ackerman
Bishop (NY)
Bishop (UT)
Blunt
Buyer
Clay
Crenshaw
Davis (TN)
Deal (GA)
Dicks
Fortenberry
Green, Gene
Gutierrez
Hinchey
Hoekstra
Holden
Israel
Lofgren, Zoe
Moore (WI)
Murphy (NY)
Murphy, Tim
Pence
Radanovich
Ros-Lehtinen
Scalise
Stark
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶34.27 H. RES. 1133—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1133) recognizing the extraordinary number of African-Americans who have overcome significant obstacles to enhance innovation and competitiveness in the field of science in the United States.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 399 / Nays 0

¶34.28 [Roll No. 145]

YEAS—399

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney

Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—31

Ackerman
Baird
Bishop (NY)
Blunt
Buyer
Cao
Clay
Crenshaw
Davis (TN)
Deal (GA)
Dicks
Fortenberry
Gohmert
Green, Gene
Gutierrez
Hinchey
Hoekstra
Holden
Israel
Lofgren, Zoe
Minnick
Moore (WI)
Murphy, Tim
Pence
Quigley
Radanovich
Ros-Lehtinen
Scalise
Space
Stark
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶34.29 H. RES. 1027—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1027) recognizing the 50th anniversary of the historic dive to the Challenger Deep in the Mariana Trench, the deepest point in the world's oceans, on January 23, 1960, and its importance to marine research, ocean science, a better understanding of the planet, and the future of human exploration.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 398 Nays 2

¶34.30 [Roll No. 146]

YEAS—398

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

NAYS—2

Paul	Young (AK)

NOT VOTING—30

Ackerman	Dicks	Moore (WI)
Baird	Fortenberry	Murphy, Tim
Bishop (NY)	Green, Gene	Oberstar
Blunt	Gutierrez	Pence
Buyer	Hinchey	Radanovich
Clay	Hoekstra	Ros-Lehtinen
Crenshaw	Holden	Scalise
Davis (AL)	Israel	Space
Davis (TN)	Lofgren, Zoe	Stark
Deal (GA)	McCarthy (CA)	Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶34.31 H. CON. RES. 244—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 244) expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 395 / Nays 0

¶34.32 [Roll No. 147]

YEAS—395

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

NOT VOTING—35

Ackerman	Cardoza	Dicks
Baird	Carter	Fortenberry
Bishop (NY)	Clay	Green, Gene
Blunt	Crenshaw	Gutierrez
Boehner	Davis (TN)	Hinchey
Butterfield	Deal (GA)	Hoekstra
Buyer	DeGette	Holden
Israel	Murphy, Tim	Space
Lofgren, Zoe	Pence	Stark
McCarthy (CA)	Radanovich	Wamp
McMahon	Ros-Lehtinen	Waters
Moore (WI)	Scalise	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A concurrent resolution expressing support for designation of a National Day of Recognition for Long-Term Care Physicians.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶34.33 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con Res. 54. A concurrent resolution recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba; to the Committee on Foreign Affairs.

¶34.34 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1147. An Act to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

And then,

¶34.35 ADJOURNMENT

On motion of Ms. FOXX, at 10 o'clock and 31 minutes p.m., the House adjourned.

¶34.36 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 1062. Resolution recognizing the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest, and for other purposes; with an amendment (Rept. 111–446). Referred to the House Calendar.

Mr. LEVIN: Committee on Ways and Means. H.R. 4849. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes; with an amendment (Rept. 111–447). Referred to the Committee of the Whole House on the state of the Union.

¶34.37 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. SKELTON (for himself, Mrs. DAVIS of California, Ms. BORDALLO, Ms. SHEA-PORTER, Mr. NYE, Mr. LARSEN of Washington, Ms. PINGREE of Maine, Mr. LOEBSACK, Ms. GIFFORDS, Mr. REYES, Mr. BOREN, Mr. KISSELL, Mr. LANGEVIN, Mr. ORTIZ, Mr. BRADY of Pennsylvania, Mr. SMITH of Washington, Mr. TAYLOR, and Ms. LORETTA SANCHEZ of California):

H.R. 4887. A bill to amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington (for himself, Mr. COSTA, Mr. BISHOP of Utah, Mr. MCCLINTOCK, Mrs. LUMMIS, Mr. RADANOVICH, Mrs. MCMORRIS RODGERS, Mr. SIMPSON, Mr. NUNES, Mr. CHAFFETZ, Mr. REHBERG, and Mr. HERGER):

H.R. 4888. A bill to revise the Forest Service Recreation Residence Program as it applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes; to the Committee on Natural Resources.

By Mr. HENSARLING (for himself, Mr. PENCE, Mr. PRICE of Georgia, Mr. FLAKE, Mr. MARCHANT, Mr. AKIN, Mr. BARTLETT, Mr. LATTA, Mr. PITTS, Mrs. SCHMIDT, Mr. GARRETT of New Jersey, Mr. OLSON, Mr. DUNCAN, Mr. PLATTS, and Mr. SMITH of Texas):

H.R. 4889. A bill to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and the dissolution of such enterprises; to the Committee on Financial Services.

By Mr. EHLERS (for himself and Mr. SARBANES):

H.R. 4890. A bill to direct the Administrator of the National Highway Traffic Safety Administration to carry out a collaborative research effort to prevent drunk driving injuries and fatalities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. EHLERS:

H.R. 4891. A bill to amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving; to the Committee on Transportation and Infrastructure.

By Mr. MCKEON:

H.R. 4892. A bill to provide for the interrogation and detention of enemy belligerents who commit hostile acts against the United States, to establish certain limitations on the prosecution of such belligerents for such acts, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 4893. A bill to require the Secretary of Homeland Security to establish a United States Citizenship and Immigration Services field office in Kodiak, Alaska; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself, Mr. BERRY, Mr. BISHOP of Georgia, Mr. CAO, Mrs. DAHLKEMPER, Mr. DRIEHAUS, Ms. KAPTUR, Mr. LIPINSKI, Mr. MOLLOHAN, Mr. RAHALL, and Mr. ELLSWORTH):

H. Con. Res. 254. Concurrent resolution correcting the enrollment of H.R. 3590; to the Committee on Energy and Commerce, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY (for himself, Ms. BALDWIN, Ms. MOORE of Wisconsin, Mr. KIND, Mr. PETRI, Mr. RYAN of Wisconsin, Mr. KAGEN, Mr. SENSENBRENNER, Mr. KILDEE, Mr. BLUMENAUER, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. MEEKS of New York, Mrs. MALONEY, Mr. KISSELL, Mr. CONYERS, Ms. WASSERMAN SCHULTZ, Mr. NADLER of New York, Ms. NORTON, Mr. JACKSON of Illinois, Ms. BORDALLO, Mr. HINCHEY, Ms. SUTTON, Mr. FARR, Mr. GRIJALVA, Ms. LEE of California, Mr. SHERMAN, Mr. GARAMENDI, Mr. LUJÁN, Mr. HASTINGS of Florida, Mr. HOLT, Mr. VAN HOLLEN, Ms. WOOLSEY, Mr. DINGELL, Mr. INSLEE, Mr. HALL of New York, Mr. LEWIS of Georgia, Mr. HONDA, Mrs. CAPPS, Ms. CASTOR of Florida, Mr. POLIS, Mr. FILNER, Ms. HARMAN, Ms. ROYBAL-ALLARD, Mr. GEORGE MILLER of California, Ms. BEAN, Ms. EDWARDS of Maryland, Ms. HIRONO, Mr. CHANDLER, Mr. MORAN of Virginia, Mr. MICHAUD, Mr. SABLAN, Ms. CLARKE, Mr. SERRANO, Ms. ESHOO, Ms. RICHARDSON, and Ms. MCCOLLUM):

H. Con. Res. 255. Concurrent resolution commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of Wisconsin; to the Committee on Oversight and Government Reform.

By Mr. CAMP (for himself, Mr. HOEKSTRA, Mr. ROGERS of Michigan, Mr. EHLERS, Mr. UPTON, Mrs. MILLER of Michigan, and Mr. MCCOTTER):

H. Res. 1199. A resolution expressing support for designation of March 20, 2010, as National American Meat and Poultry Appreciation Day; to the Committee on Agriculture.

By Mr. MCCOTTER:

H. Res. 1200. A resolution expressing support for designation of March as Malignant Hyperthermia Awareness and Training Month; to the Committee on Energy and Commerce.

By Mr. CARSON of Indiana (for himself and Mr. ELLSWORTH):

H. Res. 1201. A resolution recognizing the 175th anniversary of Old National Bank based in Evansville, Indiana; to the Committee on Financial Services.

By Mrs. EMERSON (for herself and Mr. MCGOVERN):

H. Res. 1202. A resolution supporting the goals and ideals of Global Child Nutrition Month; to the Committee on Foreign Affairs, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶34.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Mr. GERLACH.
H.R. 99: Mr. GERLACH.
H.R. 211: Mr. MELANCON, Ms. CORRINE BROWN of Florida, and Ms. HERSETH SANDLIN.
H.R. 301: Mr. GERLACH.
H.R. 442: Mr. ORTIZ, Mr. HERGER and Mr. DEAL of Georgia.
H.R. 446: Mr. GERLACH.
H.R. 484: Mr. GRIFFITH.
H.R. 678: Mr. HOLDEN, Mr. POLIS, Mr. WITTMAN, Mr. SOUDER, Ms. LINDA T. SÁNCHEZ of California, Mr. BARTLETT, and Mr. PRICE of North Carolina.
H.R. 690: Mr. MCCARTHY of California, Mr. COBLE, Mr. WEINER, and Mr. PETERS.
H.R. 775: Ms. JENKINS.
H.R. 1017: Mr. ISRAEL and Mr. HASTINGS of Florida.
H.R. 1083: Mr. COBLE.
H.R. 1169: Mr. GERLACH.
H.R. 1205: Mr. COLE.
H.R. 1210: Mr. JONES, Mr. MCCARTHY of California, Mr. WAMP, and Mr. CARSON of Indiana.
H.R. 1220: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 1346: Mr. JACKSON of Illinois.
H.R. 1362: Mr. BOREN and Mr. TOWNS.
H.R. 1587: Mr. HOEKSTRA.
H.R. 1710: Mr. WILSON of South Carolina, Mr. FILNER, and Mr. GERLACH.
H.R. 1990: Mr. COBLE.
H.R. 2057: Mr. THOMPSON of Pennsylvania and Mr. TONKO.
H.R. 2112: Mr. PRICE of North Carolina.
H.R. 2156: Mr. THOMPSON of Pennsylvania.
H.R. 2254: Mrs. MILLER of Michigan.
H.R. 2296: Mr. BACA.
H.R. 2724: Mr. KAGEN.
H.R. 2733: Mr. JOHNSON of Georgia, Mr. SHADEGG, and Mr. MCCOTTER.
H.R. 3147: Mr. MOORE of Kansas.
H.R. 3286: Ms. SCHWARTZ, Mr. BOSWELL, and Mr. SCOTT of Virginia.
H.R. 3715: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3790: Mr. HIGGINS and Mr. BILIRAKIS.
H.R. 3839: Ms. BORDALLO.
H.R. 4021: Mr. BISHOP of Georgia.
H.R. 4037: Ms. HERSETH SANDLIN.
H.R. 4107: Mr. NEUGEBAUER.
H.R. 4115: Mr. PAYNE and Mr. JACKSON of Illinois.
H.R. 4196: Mr. GARAMENDI and Mr. CUELLAR.
H.R. 4243: Mr. SESTAK.
H.R. 4270: Mr. GERLACH.
H.R. 4278: Mr. CLAY, Mr. PAUL, and Mr. BOUSTANY.
H.R. 4302: Mr. CARNEY, Ms. ZOE LOFGREN of California, Mr. KAGEN, and Ms. SHEA-PORTER.
H.R. 4303: Ms. JACKSON LEE of Texas and Mr. TANNER.
H.R. 4333: Mr. CONYERS and Mr. WELCH.
H.R. 4352: Mr. DANIEL E. LUNGREN of California.
H.R. 4393: Mr. SPRATT.
H.R. 4415: Mr. MCCOTTER.
H.R. 4502: Ms. FUDGE.
H.R. 4539: Mrs. MALONEY.
H.R. 4568: Mr. BISHOP of Georgia.
H.R. 4592: Mr. HARE.
H.R. 4647: Ms. HARMAN.
H.R. 4653: Mr. PLATTS.
H.R. 4682: Ms. TSONGAS.
H.R. 4684: Mr. WESTMORELAND, Mr. HARE, and Mr. MCCOTTER.
H.R. 4687: Mr. HONDA, Ms. WOOLSEY, and Mr. PASCRELL.
H.R. 4689: Mr. CALVERT, Ms. SCHWARTZ, Mr. BOSWELL, and Mr. MCGOVERN.
H.R. 4700: Ms. SLAUGHTER and Ms. BEAN.
H.R. 4722: Mr. THOMPSON of California.
H.R. 4733: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4746: Ms. JENKINS, Mr. BARTON of Texas, Mr. MANZULLO, Mr. OLSON, Mr. CHAFFETZ, Mr. CAMPBELL, Mr. BARTLETT, Mr. AKIN, Mr. PITTS, Mr. GRIFFITH, Mr. GOHMERT, Mr. CONAWAY, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. HENSARLING, Mr. PENCE, Mr. ISSA, Mr. JORDAN of Ohio, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. POSEY, and Mr. MCCLINTOCK.

H.R. 4764: Mr. MARCHANT, Mr. HASTINGS of Washington, Mr. YOUNG of Alaska, and Mr. LATTA.

H.R. 4785: Mr. INGLIS and Mr. STUPAK.

H.R. 4812: Mr. WATT, Mr. BERMAN, and Mr. JOHNSON of Georgia.

H.R. 4850: Mr. HIMES, Mr. BLUNT, Mrs. MILLER of Michigan, Mrs. LUMMIS, Mr. GUTHRIE, Mr. RYAN of Ohio, and Mr. BOUSTANY.

H.R. 4862: Mr. ANDREWS, Mr. BACA, Mr. BECERRA, Mr. BERRY, Mr. BISHOP of New York, Mr. COSTA, Mr. CROWLEY, Mrs. EMERSON, Mr. ENGEL, Mr. GONZALEZ, Mr. GRAYSON, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HINOJOSA, Mr. HONDA, Mr. ISRAEL, Ms. LEE of California, Mr. LUJÁN, Mr. MAFFEI, Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PASTOR of Arizona, Mr. PIERLUISI, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABLAN, Mr. SALAZAR, Mr. SIRES, Mr. THOMPSON of Mississippi Ms. VELÁZQUEZ, Mr. WEINER, Mr. WU, Mr. KUCINICH, Mr. BURTON of Indiana, Mr. BONNER, Mr. YOUNG of Alaska, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. SHIMKUS, Mr. MATHESON, Mr. LYNCH, Mr. PASCRELL, Mr. KINGSTON, Ms. CLARKE, Ms. BALDWIN, Ms. BERKLEY, Mrs. BONO MACK, Mr. BRADY of Pennsylvania, Mr. CUELLAR, Mr. CULBERSON, Mr. DINGELL, Mr. DOYLE, Mr. FATTAH, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GRIJALVA, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KING of New York, Mr. KIRK, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. MACK, Mr. MCDERMOTT, Mr. MEEKS of New York, Mr. PAYNE, Mr. PRICE of North Carolina, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Mr. RUPPERSBERGER, Mr. SKELTON, Mr. TAYLOR, Mr. TONKO, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Mr. WATT, Ms. WOOLSEY, Mr. YARMUTH, Mr. GUTHRIE, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. CONYERS, Mr. PAUL, Mr. BARTLETT, Mr. JONES, Mr. CUMMINGS, Mr. PETERSON, Ms. WATERS, Mr. MARKEY of Massachusetts, Mr. CAO, Mr. DAVIS of Kentucky, Mr. CLAY, Mr. BISHOP of Georgia, Mr. JACKSON of Illinois, Mr. CRENSHAW, and Mr. GINGREY of Georgia.

H.R. 4869: Mr. FILNER, Mr. MANZULLO, and Ms. WATERS.

H.J. Res. 76: Mr. ETHERIDGE and Mr. BOREN.

H.J. Res. 79: Mr. MILLER of Florida and Mr. COFFMAN of Colorado.

H.Con. Res. 71: Mr. FORBES.

H. Con. Res. 244: Mr. GRIFFITH.

H. Con. Res. 253: Mr. NADLER of New York.

H.Res. 213: Mr. TEAGUE.

H.Res. 855: Ms. GIFFORDS, Mr. CONAWAY, and Ms. GRANGER.

H.Res. 888: Mr. COBLE.

H.Res. 987: Mr. HASTINGS of Washington.

H.Res. 1052: Mr. LAMBORN and Mr. HEINRICH.

H.Res. 1075: Mr. WAMP.

H.Res. 1099: Ms. PINGREE of Maine.

H.Res. 1171: Mrs. KIRKPATRICK of Arizona, Mr. DUNCAN, and Mr. BRADY of Pennsylvania.

H.Res. 1188: Mr. KIRK, Mr. MCCLINTOCK, and Mr. PUTNAM.

H.Res. 1191: Mr. MCCLINTOCK and Mr. BURTON of Indiana.

SATURDAY, MARCH 20, 2010 (35)

¶35.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. CLARKE, who laid before the House the following communication:

WASHINGTON, DC,
March 20, 2010.

I hereby appoint the Honorable YVETTE D. CLARKE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶35.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. CLARKE, announced she had examined and approved the Journal of the proceedings of Friday, March 19, 2010.

Mr. KLEIN of Florida, pursuant to clause 1 of rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Ms. CLARKE, announced that the yeas had it.

Mr. KLEIN of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. CLARKE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶35.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6694. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Australia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6695. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report describing the progress made in licensing and constructing the Alaska natural gas pipeline and describing any issue impeding that progress; to the Committee on Energy and Commerce.

6696. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting correspondence from Mr. Chea Mony of the Free Trade Union Workers in the Kingdom of Cambodia; to the Committee on Foreign Affairs.

6697. A letter from the Inspector General-Energy, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2009 to September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6698. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6699. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6700. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6701. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6702. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6703. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6704. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6705. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6706. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6707. A letter from the Assistant Attorney General, Department of Justice, transmitting a legislative proposal relating to the implementation of treaties concerning maritime terrorism and the maritime transportation of weapons of mass destruction; to the Committee on the Judiciary.

6708. A letter from the Attorney General, Department of Justice, transmitting the Department's decision not to appeal the decision of the district court in the case of Al Haramain Islamic Foundation v. U.S. Dep't of Treasury (D. Ore); to the Committee on the Judiciary.

6709. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's Fourth Quarter Report for 2009 on Settlements by the United States with Nonmonetary Relief Exceeding Three Years and Settlements Against the United States Exceeding $2 Million, pursuant to Public Law 107-273, section 202(a)(1)(c); to the Committee on the Judiciary.

6710. A letter from the Board of Trustees, National Railroad Retirement Board, transmitting the Trust's annual management report on its operations and financial condition, pursuant to (115 Stat. 886); to the Committee on Transportation and Infrastructure.

6711. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's statement of actions with respect to the Government Accountablity Office report GAO-10-9; to the Committee on Science and Technology.

6712. A letter from the Secretary, Department of the Interior, transmitting a letter providing additional information on a proposal to implement the settlement of Cobell v. Salazar; jointly to the Committees on Appropriations and Natural Resources.

¶35.4 RECESS—9:15 A.M.

The SPEAKER pro tempore, Ms. CLARKE, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 15 minutes a.m., subject to the call of the Chair.

¶35.5 AFTER RECESS—10:30 A.M.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, called the House to order.

¶35.6 PUBLIC LANDS SERVICE CORPS OF 2009

Mr. GRIJALVA, pursuant to House Resolution 1192, called up for consideration the bill (H.R. 1612) to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, help restore the nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service.

Pending consideration of said bill,

Pursuant to House Resolution 1192, the amendment in the nature of a substitute, recommended by the Committee on Natural Resources, printed in the bill, was considered as agreed to.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 1192, the following amendment numbered 2, printed in Part C of House Report 111-445, was submitted by Mr. COLE:

Page 20, line 14, after ''local'' insert '', and tribal''.

After debate,

The question being put, viva voce,

Will the House agree to the further amendment?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the ayes had it.

Mr. GRIJALVA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to section 3 of House Resolution 1192, announced that further proceedings on the question were postponed.

Pursuant to House Resolution 1192, the following amendment numbered 1, printed in Part C of House Report 111-445, was submitted by Mr. BISHOP of Utah:

Page 28, strike lines 8 through 13 and insert the following (and redesignate the subsequent paragraphs accordingly):

''(1) in subsection (a), by striking 'for each fiscal year' and inserting 'for each of fiscal years 2011, 2012, 2013, 2014, and 2015';''.

After debate,

The question being put, viva voce,

Will the House agree to the further amendment?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the nays had it.

Mr. BISHOP of Utah, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to section 3 of House Resolution 1192, announced that further proceedings on the question were postponed.

Pursuant to section 3 of House Resolution 1192, the Chair resumed proceedings on the question previously postponed on amendment numbered 1.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 227 Nays 180

¶35.7 [Roll No. 148]

YEAS—227

Aderholt	Garrett (NJ)	Neugebauer
Adler (NJ)	Gerlach	Nunes
Akin	Gingrey (GA)	Nye
Alexander	Gohmert	Olson
Altmire	Goodlatte	Owens
Andrews	Gordon (TN)	Paul
Arcuri	Granger	Paulsen
Austria	Graves	Pence
Bachmann	Griffith	Perriello
Bachus	Guthrie	Peters
Barrett (SC)	Hall (TX)	Peterson
Bartlett	Halvorson	Petri
Barton (TX)	Harper	Pitts
Biggert	Hastings (WA)	Platts
Bilbray	Heller	Poe (TX)
Bilirakis	Hensarling	Pomeroy
Bishop (UT)	Herger	Posey
Blackburn	Herseth Sandlin	Price (GA)
Boccieri	Hill	Putnam
Boehner	Himes	Quigley
Bonner	Hodes	Radanovich
Bono Mack	Hunter	Rehberg
Boozman	Inglis	Reichert
Boren	Issa	Roe (TN)
Boucher	Jenkins	Rogers (AL)
Boustany	Johnson (GA)	Rogers (KY)
Brady (TX)	Johnson (IL)	Rogers (MI)
Bright	Johnson, Sam	Rohrabacher
Broun (GA)	Jones	Rooney
Brown (SC)	Jordan (OH)	Ros-Lehtinen
Brown-Waite, Ginny	Kilroy	Roskam
Buchanan	King (IA)	Royce
Burgess	King (NY)	Ruppersberger
Burton (IN)	Kingston	Rush
Calvert	Kirk	Ryan (WI)
Camp	Kline (MN)	Scalise
Campbell	Lamborn	Schauer
Cantor	Lance	Schmidt
Cao	Latham	Schock
Capito	Latta	Schwartz
Cardoza	Lee (NY)	Sensenbrenner
Carnahan	Lewis (CA)	Sessions
Carney	Linder	Shadegg
Carter	LoBiondo	Shimkus
Cassidy	Lucas	Shuster
Castle	Luetkemeyer	Simpson
Chaffetz	Lummis	Skelton
Childers	Lungren, Daniel E.	Smith (NE)
Coble	Lynch	Smith (NJ)
Coffman (CO)	Mack	Smith (TX)
Cole	Maffei	Smith (WA)
Conaway	Manzullo	Souder
Costa	Marchant	Space
Courtney	Markey (CO)	Stearns
Crenshaw	Marshall	Sullivan
Culberson	McCarthy (CA)	Taylor
Davis (AL)	McCaul	Terry
Davis (KY)	McClintock	Thompson (PA)
Dent	McCotter	Thornberry
Diaz-Balart, L.	McHenry	Tiahrt
Diaz-Balart, M.	McIntyre	Tiberi
Donnelly (IN)	McKeon	Titus
Dreier	McMahon	Turner
Driehaus	McMorris Rodgers	Upton
Duncan	McNerney	Walden
Ellsworth	Mica	Walz
Emerson	Miller (FL)	Wamp
Fallin	Miller (MI)	Weiner
Flake	Miller, Gary	Welch
Fleming	Minnick	Westmoreland
Forbes	Moran (KS)	Whitfield
Foster	Murphy (CT)	Wilson (SC)
Foxx	Murphy (NY)	Wittman
Franks (AZ)	Murphy, Tim	Wolf
Frelinghuysen	Myrick	Young (AK)
Gallegly		Young (FL)

NAYS—180

Baca	Bean	Berry
Baird	Becerra	Bishop (GA)
Baldwin	Berkley	Bishop (NY)
Barrow	Berman	Blumenauer
Boswell	Heinrich	Obey
Boyd	Higgins	Olver
Brady (PA)	Hinojosa	Ortiz
Braley (IA)	Hirono	Pallone
Brown, Corrine	Honda	Pascrell
Butterfield	Hoyer	Pastor (AZ)
Capps	Inslee	Perlmutter
Capuano	Israel	Pingree (ME)
Carson (IN)	Jackson (IL)	Polis (CO)
Castor (FL)	Jackson Lee (TX)	Price (NC)
Chandler	Johnson, E. B.	Rahall
Chu	Kagen	Rangel
Clarke	Kanjorski	Reyes
Clay	Kaptur	Rodriguez
Cleaver	Kennedy	Ross
Clyburn	Kildee	Rothman (NJ)
Cohen	Kilpatrick (MI)	Roybal-Allard
Connolly (VA)	Kind	Ryan (OH)
Conyers	Kirkpatrick (AZ)	Salazar
Cooper	Kissell	Sánchez, Linda T.
Costello	Klein (FL)	Schakowsky
Crowley	Kosmas	Schiff
Cuellar	Kratovil	Schrader
Cummings	Kucinich	Scott (GA)
Dahlkemper	Langevin	Scott (VA)
Davis (CA)	Larsen (WA)	Serrano
Davis (IL)	Larson (CT)	Sestak
Davis (TN)	Lee (CA)	Shea-Porter
DeFazio	Levin	Sherman
DeGette	Lewis (GA)	Shuler
Delahunt	Lipinski	Sires
DeLauro	Loebsack	Slaughter
Dicks	Lowey	Snyder
Dingell	Luján	Speier
Doggett	Maloney	Spratt
Doyle	Markey (MA)	Stupak
Edwards (MD)	Matheson	Sutton
Edwards (TX)	Matsui	Tanner
Ehlers	McCarthy (NY)	Teague
Eshoo	McCollum	Thompson (CA)
Etheridge	McDermott	Thompson (MS)
Farr	McGovern	Tierney
Fattah	Meek (FL)	Tonko
Filner	Melancon	Tsongas
Frank (MA)	Michaud	Van Hollen
Fudge	Miller (NC)	Velázquez
Garamendi	Miller, George	Visclosky
Giffords	Mitchell	Wasserman Schultz
Gonzalez	Mollohan	Watson
Grayson	Moore (KS)	Watt
Green, Al	Moore (WI)	Waxman
Grijalva	Moran (VA)	Wilson (OH)
Gutierrez	Murphy, Patrick	Woolsey
Hall (NY)	Napolitano	Wu
Hare	Neal (MA)	Yarmuth
Harman	Oberstar	
Hastings (FL)		

NOT VOTING—23

Ackerman	Hinchey	Payne
Blunt	Hoekstra	Richardson
Buyer	Holden	Sanchez, Loretta
Deal (GA)	Holt	Sarbanes
Ellison	LaTourette	Stark
Engel	Lofgren, Zoe	Towns
Fortenberry	Meeks (NY)	Waters
Green, Gene	Nadler (NY)	

So the further amendment was agreed to.

The motion to reconsider the vote on the amendment was, by unanimous consent, laid on the table.

Pursuant to section 3 of House Resolution 1192, the Chair resumed proceedings on the question previously postponed on amendment numbered 2.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 Nays 0

¶35.8 [Roll No. 149]

YEAS—402

Aderholt	Barrett (SC)	Bishop (GA)
Adler (NJ)	Barrow	Bishop (NY)
Akin	Bartlett	Bishop (UT)
Alexander	Barton (TX)	Blackburn
Altmire	Bean	Blumenauer
Arcuri	Becerra	Boccieri
Austria	Berkley	Boehner
Baca	Berman	Bonner
Bachmann	Berry	Bono Mack
Bachus	Biggert	Boozman
Baird	Bilbray	Boren
Baldwin	Bilirakis	Boswell

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

NOT VOTING—28

Ackerman
Andrews
Blunt
Cantor
Deal (GA)
Ellison
Fortenberry
Garamendi
Gingrey (GA)
Gohmert
Green, Gene
Hinchey
Hoekstra
Holden
Holt
Kaptur
LaTourette
Lofgren, Zoe
Meeks (NY)
Nadler (NY)
Pastor (AZ)
Payne
Richardson
Sanchez, Loretta
Sarbanes
Stark
Towns
Waters

So the amendment was agreed to.

The motion to reconsider the vote on the amendment was, by unanimous consent, laid on the table.

Pursuant to House Resolution 1192, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mrs. LUMMIS moved to recommit the bill to the Committee on Natural Resource with instructions to report the bill back to the House forthwith with the following amendments:

Page 7, line 18, insert ''on public lands'' after ''resources''.

Page 15, line 17, strike ''and''.

Page 15, line 18, insert ''and'' after the semicolon.

Page 15, after line 18, insert the following:

''(iv) projects under the Healthy Forests Restoration Act of 2003 (Public Law 108–148);

''Projects under this subparagraph shall be considered priority projects;''.

Page 18, after line 12, insert the following (and redesignate the subsequent paragraphs accordingly):

''(8) By amending the text of subsection (f) (as so redesignated), by inserting 'involve improvements to Federal property and' after 'preference to those projects which' ''.

Page 28, line 13, after ''title'' insert '', of which no less than three quarters of the sums shall be made available for healthy forests restoration priority projects under section 204(e)(1)(B)(iv)''.

Page 28, after line 16, insert the following:

''(o) LIMITATION ON USE OF FUNDS.—No person or entity who is a party to a pending lawsuit against the dispensing Secretary is eligible to receive funds authorized or made available under this Act or amendments made by this Act.

''(p) FURTHER LIMITATION ON USE OF FUNDS TO PROTECT CHILDREN.—No adult shall be eligible to receive funds or participate in the Public Lands Service Corps program under this Act or amendments made by this Act, if that person—

''(1) refuses to consent to a criminal history check;

''(2) makes a false statement in connection with such a criminal history check;

''(3) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.) or

''(4) has been convicted of murder, as described in section 1111 of title 18, United States Code.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the nays had it.

Mrs. LUMMIS demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 387 / Nays 21

¶35.9 [Roll No. 150]

AYES—387

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

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

NOES—21

Blumenauer
Capps
Chu
Conyers
Dingell
Grijalva
Harman
Honda
Johnson, E. B.
Kilpatrick (MI)
Lee (CA)
Moore (WI)
Napolitano
Pascrell
Reyes
Sánchez, Linda T.
Scott (VA)
Watson
Watt
Waxman
Woolsey

NOT VOTING—22

Ackerman
Blunt
Deal (GA)
Ellison
Fortenberry
Gohmert
Green, Gene
Hinchey
Hoekstra
Holden
Holt
LaTourette
Lofgren, Zoe
Meeks (NY)
Nadler (NY)
Payne
Richardson
Sanchez, Loretta
Sarbanes
Stark
Towns
Waters

So the motion to recommit with instructions was agreed to.

Mr. GRIJALVA, by direction of the Committee on Natural Resources and pursuant to the foregoing order of the House reported the bill back to the House with said amendments.

The question being put, viva voce,

Will the House agree to said amendments?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

So the amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

Mr. GRIJALVA, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 288 / Nays 116

¶35.10 [Roll No. 151]

YEAS—288

Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Perlmutter
Perriello
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—116

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Blackburn
Boehner
Bonner
Boozman
Boustany
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Campbell
Carter
Cassidy
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Mack
Manzullo
Marchant
McCaul
McClintock
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Pence
Peters
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Wamp
Westmoreland
Whitfield
Wilson (SC)
Young (AK)

NOT VOTING—26

Ackerman
Bishop (GA)
Blunt
Clarke
Deal (GA)
DeGette
Ellison
Fortenberry
Gohmert
Green, Gene
Hinchey
Hoekstra
Holden
Holt
Kilroy
LaTourette
Lofgren, Zoe
Meeks (NY)
Nadler (NY)
Payne
Richardson
Salazar
Sanchez, Loretta
Sarbanes
Stark
Towns

So the bill was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational

and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.''.

A motion to reconsider the votes whereby said bill was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶35.11 HOUR OF MEETING

On motion of Mr. GRIJALVA, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 1 p.m. on Sunday, March 21, 2010.

¶35.12 TRICARE AFFIRMATION

Mr. LEVIN moved to suspend the rules and pass the bill (H.R. 4887) to amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. LEVIN and Mr. DAVIS of Kentucky, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LEVIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶35.13 NATIONAL GUARD AGRI-BUSINESS DEVELOPMENT TEAMS

Mr. SKELTON moved to suspend the rules and agree to the following resolution (H. Res. 1075); as amended:

Whereas the Agri-business Development Teams of the National Guard began as a pilot program started in Missouri, and the Missouri National Guard worked with the Missouri Farm Bureau and the University of Missouri to draw a blueprint that could be followed by other Army National Guard units;

Whereas the Agri-business Development Teams consist of National Guard members who have a civilian background in farming or a related agricultural business;

Whereas the Agri-business Development Teams now consist of units from 11 States;

Whereas before deploying overseas, members of an Agri-business Development Team collaborate with land-grant universities, which spend weeks teaching and preparing strategies for the farms to which the Agri-business Development Team will deploy;

Whereas in Afghanistan, the goals of the Agri-business Development Teams include improving irrigation systems and providing sustainable methods for fertilizing, planting, harvesting, marketing, and storing agricultural crops, modernizing slaughter facilities, setting up markets to trade crops and livestock, developing a juicing and canning facility, and improving livestock health through mobile vet clinics, all of which can help divert cropland from poppy production;

Whereas the Agri-business Development Teams also are partnering with the Department of Agriculture to have a directory of 50–60 experts in a variety of agricultural areas in Afghanistan; and

Whereas the Agri-business Development Teams have been quick to use alternative energy sources, such as wind, solar, and small water dams, which in the absence of a national energy grid in Afghanistan are more reliable and easier to protect from enemy attack: Now, therefore, be it

Resolved, That the House of Representatives commends the members of the Agri-business Development Teams of the National Guard and the National Guard Bureau for their efforts, together with personnel of the Department of Agriculture and the United States Agency for International Development, to modernize agriculture practices and increase food production in war-torn countries.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. SKELTON and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SKELTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Sunday, March 21, 2010.

¶35.14 H.R. 4887—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4887) to amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	403
	Nays	0

¶35.15 [Roll No. 152]

YEAS—403

Ackerman	Barrow	Boccieri
Aderholt	Bartlett	Boehner
Adler (NJ)	Barton (TX)	Bonner
Akin	Bean	Bono Mack
Alexander	Becerra	Boozman
Altmire	Berkley	Boren
Andrews	Berman	Boswell
Arcuri	Berry	Boucher
Austria	Biggert	Boustany
Baca	Bilbray	Boyd
Bachmann	Bilirakis	Brady (PA)
Bachus	Bishop (GA)	Brady (TX)
Baird	Bishop (NY)	Braley (IA)
Baldwin	Bishop (UT)	Bright
Barrett (SC)	Blackburn	Broun (GA)
Brown (SC)	Granger	McGovern
Brown, Corrine	Graves	McHenry
Brown-Waite, Ginny	Grayson	McIntyre
Buchanan	Green, Al	McKeon
Burgess	Griffith	McMahon
Burton (IN)	Guthrie	McMorris Rodgers
Butterfield	Gutierrez	McNerney
Buyer	Hall (NY)	Meek (FL)
Calvert	Halvorson	Melancon
Camp	Hare	Mica
Campbell	Harman	Michaud
Cantor	Harper	Miller (FL)
Cao	Hastings (FL)	Miller (MI)
Capito	Hastings (WA)	Miller (NC)
Capps	Heinrich	Miller, Gary
Capuano	Heller	Miller, George
Cardoza	Hensarling	Minnick
Carnahan	Herger	Mitchell
Carney	Herseth Sandlin	Moore (KS)
Carson (IN)	Higgins	Moore (WI)
Carter	Hill	Moran (KS)
Cassidy	Himes	Moran (VA)
Castle	Hinojosa	Murphy (CT)
Castor (FL)	Hirono	Murphy (NY)
Chaffetz	Hodes	Murphy, Patrick
Chandler	Honda	Murphy, Tim
Childers	Hoyer	Myrick
Chu	Hunter	Napolitano
Clarke	Inglis	Neal (MA)
Cleaver	Inslee	Neugebauer
Clyburn	Israel	Nunes
Coble	Issa	Nye
Coffman (CO)	Jackson (IL)	Oberstar
Cohen	Jackson Lee (TX)	Obey
Cole	Jenkins	Olson
Conaway	Johnson (GA)	Olver
Connolly (VA)	Johnson (IL)	Ortiz
Conyers	Johnson, E. B.	Owens
Cooper	Johnson, Sam	Pallone
Costa	Jones	Pascrell
Costello	Jordan (OH)	Pastor (AZ)
Courtney	Kagen	Paul
Crenshaw	Kanjorski	Paulsen
Crowley	Kaptur	Pence
Cuellar	Kennedy	Perlmutter
Culberson	Kildee	Perriello
Cummings	Kilpatrick (MI)	Peters
Dahlkemper	Kilroy	Peterson
Davis (AL)	Kind	Petri
Davis (CA)	King (IA)	Pingree (ME)
Davis (IL)	King (NY)	Pitts
Davis (KY)	Kingston	Platts
Davis (TN)	Kirk	Poe (TX)
DeFazio	Kirkpatrick (AZ)	Polis (CO)
DeGette	Kissell	Pomeroy
Delahunt	Klein (FL)	Posey
DeLauro	Kline (MN)	Price (GA)
Dent	Kosmas	Price (NC)
Diaz-Balart, L.	Kratovil	Putnam
Diaz-Balart, M.	Kucinich	Quigley
Dicks	Lamborn	Radanovich
Dingell	Lance	Rahall
Doggett	Langevin	Rangel
Donnelly (IN)	Larsen (WA)	Rehberg
Doyle	Larson (CT)	Reichert
Dreier	Latham	Reyes
Driehaus	Latta	Rodriguez
Duncan	Lee (CA)	Roe (TN)
Edwards (MD)	Lee (NY)	Rogers (AL)
Edwards (TX)	Levin	Rogers (KY)
Ehlers	Lewis (CA)	Rogers (MI)
Ellsworth	Lewis (GA)	Rohrabacher
Emerson	Linder	Rooney
Engel	Lipinski	Ros-Lehtinen
Eshoo	LoBiondo	Roskam
Etheridge	Loebsack	Ross
Fallin	Lowey	Rothman (NJ)
Farr	Lucas	Roybal-Allard
Fattah	Luetkemeyer	Royce
Filner	Luján	Ruppersberger
Flake	Lummis	Rush
Fleming	Lungren, Daniel E.	Ryan (OH)
Forbes	Lynch	Ryan (WI)
Foster	Mack	Salazar
Foxx	Maffei	Sánchez, Linda T.
Frank (MA)	Maloney	Scalise
Franks (AZ)	Manzullo	Schakowsky
Frelinghuysen	Marchant	Schauer
Fudge	Markey (CO)	Schiff
Gallegly	Marshall	Schmidt
Garamendi	Matsui	Schock
Garrett (NJ)	McCarthy (CA)	Schrader
Gerlach	McCarthy (NY)	Schwartz
Giffords	McCaul	Scott (GA)
Gingrey (GA)	McClintock	Scott (VA)
Gohmert	McCollum	Sensenbrenner
Gonzalez	McCotter	Serrano
Goodlatte	McDermott	Sessions
Gordon (TN)		

Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—27

Blumenauer
Blunt
Clay
Deal (GA)
Ellison
Fortenberry
Green, Gene
Grijalva
Hall (TX)
Hinchey
Hoekstra
Holden
Holt
LaTourette
Lofgren, Zoe
Markey (MA)
Matheson
Meeks (NY)
Mollohan
Nadler (NY)
Payne
Richardson
Sanchez, Loretta
Sarbanes
Simpson
Stark
Towns

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶35.16 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE STUART UDALL

The SPEAKER pro tempore, Ms. BALDWIN, announced that all Members stand and observe a moment of silence in memory of the late Honorable Stewart Udall.

¶35.17 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on agreeing to the Chair's approval of the Journal of Friday, March 19, 2010.

The question being put,

Will the House agree to the Chair's approval of said Journal?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 211 / Nays 186

¶35.18 [Roll No. 153]

YEAS—211

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

NAYS—186

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Carney
Carter
Cassidy
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Granger
Griffith
Guthrie
Hall (TX)
Halvorson
Hastings (FL)
Hastings (WA)
Hensarling
Herger
Herseth Sandlin
Himes
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Waters
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—33

Blunt
Boccieri
Cantor
Cardoza
Clay
Davis (AL)
Deal (GA)
Ellison
Fortenberry
Gohmert
Green, Gene
Grijalva
Hare
Hinchey
Hoekstra
Holden
Holt
LaTourette
Lofgren, Zoe
Meeks (NY)
Nadler (NY)
Payne
Perlmutter
Pingree (ME)
Richardson
Roskam
Sanchez, Loretta
Sarbanes
Shuler
Simpson
Stark
Towns
Wasserman Schultz

So the Journal was approved.

¶35.19 H. RES. 1040—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1040) honoring the life and accomplishments of Donald Harington for his contributions to literature in the United States.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 399 / Nays 0

¶35.20 [Roll No. 154]

YEAS—399

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)

Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—31

Bachus
Blunt
Buyer
Clay
Davis (AL)
Deal (GA)
Ellison
Fortenberry
Gohmert
Green, Gene
Grijalva
Hinchey
Hoekstra
Holden
Holt
LaTourette
Lofgren, Zoe
Meeks (NY)
Nadler (NY)
Napolitano
Payne
Richardson
Roskam
Ruppersberger
Sanchez, Loretta
Sarbanes
Simpson
Stark
Towns
Waters
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶35.21 RECESS—3:12 P.M.

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 12 minutes p.m., subject to the call of the Chair.

¶35.22 AFTER RECESS—4:52 P.M.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, called the House to order.

¶35.23 BATTLE OF IWO JIMA 65TH ANNIVERSARY

Mr. OWENS moved to suspend the rules and agree to the following resolution (H. Res. 1099); as amended:

Whereas 2010 marks the 65th anniversary of the Battle of Iwo Jima, in which the United States Marine Corps, directly supported by the United States Navy and elements of the United States Army, captured the island of Iwo Jima during World War II;

Whereas the Battle of Iwo Jima lasted from February 19 to March 26, 1945, and was among the most bitter battles in the history of the Marine Corps;

Whereas more than 70,000 Marines participated in the Battle of Iwo Jima;

Whereas 22 Marines, 4 Navy corpsmen, and 1 Navy landing craft commander received the Medal of Honor, the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the United States Armed Forces, for their service during the Battle of Iwo Jima;

Whereas half of the awards issued to Marines and Navy corpsmen of the 5th Amphibious Corps were posthumous awards;

Whereas awards for service during the Battle of Iwo Jima represented more than one-fourth of the 80 Medals of Honor awarded Marines during World War II;

Whereas, in recognition of the particularly treacherous conditions experienced by Marines, sailors, and soldiers during the Battle of Iwo Jima, Commander in Chief of the Pacific Fleet, Fleet Admiral Chester W. Nimitz stated, ''Among the Americans who fought on Iwo island, uncommon valor was a common virtue'';

Whereas the raising of the American flag over Mount Suribachi on February 23, 1945, was witnessed by many Marines all over Iwo Jima and the ships at sea and, upon witnessing the sight, Navy Secretary James Vincent Forrestal said, ''The raising of that flag means a Marine Corps for another five hundred years'';

Whereas Joe Rosenthal's Pulitzer Prize-winning photograph of the 5 Marines and 1 Navy corpsman raising the American flag over Mount Suribachi during the Battle of Iwo Jima produced an iconic and lasting symbol of the courage and determination that helped achieve victory for the United States Armed Forces during World War II;

Whereas the Battle of Iwo Jima was a military victory critical to the assault on Japan, providing a base for American fighter escorts and a way station for bombers raiding Japan;

Whereas the United States success in capturing Iwo Jima was a crucial victory that led to the eventual triumph in the Pacific Theatre during World War II; and

Whereas over 17,000 Marines were wounded and almost 6,000 Marines made the ultimate sacrifice by giving their lives for their country in the Battle of Iwo Jima: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 65th anniversary of the Battle of Iwo Jima; and

(2) recognizes and commends all members of the United States Armed Forces who participated in the Battle of Iwo Jima for their service and sacrifice, with particular honor and gratitude given to those gallant Americans who gave their lives in defense of the United States and of freedom during the Battle of Iwo Jima.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, recognized Mr. OWENS and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Mr. OWENS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Sunday, March 21, 2010.

¶35.24 MERITORIOUS SERVICE OF MILITARY AVIATORS

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 925); as amended:

Whereas aviators in the Armed Forces, including pilots, navigators, bombardiers, weapons control officers, and other aircraft crew members, have served the United States with great courage and distinction in every major conflict during the 20th and 21st centuries;

Whereas thousands of aviators in the Armed Forces have been forced down while performing their missions, as a result of hostile action, mechanical failures, or other problems;

Whereas many of these aviators overcame long odds and great hardships to return to their units and resume their service to the United States;

Whereas some of these aviators tried to evade enemy forces, but were captured, and some of these aviators were compelled to endure arduous confinement, retaliation, and even death as a result of their efforts to evade capture or escape;

Whereas these aviators faced the added responsibility of maintaining the secrecy of their escape and evasion methods in order to protect the lives of people who assisted them and other aviators; and

Whereas the need to maintain secrecy initially may have prevented these aviators

from being publically recognized for their meritorious service in avoiding capture, in escaping from captivity, or for their efforts to escape: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) aviators in the United States Armed Forces who, as a result of hostile action, mechanical failures, or other problems, were forced to evade or escape enemy capture, were captured but subsequently escaped to return to their units and resume their service to the United States, or were compelled to endure arduous confinement, retaliation, and even death as a result of their efforts to evade capture or escape should be publically recognized for their extraordinary service; and

(2) the Secretaries of the military departments should consider these aviators for appropriate recognition within their branch of the Armed Forces.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, recognized Ms. BORDALLO and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Sunday, March 21, 2010.

¶35.25 COLD WAR VETERANS RECOGNITION DAY

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 900); as amended:

Whereas the Cold War involved hundreds of military exercises and operations that occurred between September 2, 1945, and December 26, 1991;

Whereas millions of Americans valiantly stood watch as members of the Armed Forces during the Cold War; and

Whereas many Americans sacrificed their lives during the Cold War in the cause of defeating communism and promoting world peace and stability: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the sacrifices and contributions made by members of the Armed Forces during the Cold War; and

(2) encourages the people of the United States to participate in local and national activities honoring the sacrifices and contributions of those individuals.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, recognized Ms. BORDALLO and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Sunday, March 21, 2010.

¶35.26 AMERICANS MOMENT OF SILENCE FOR ARMED FORCES

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 1119); as amended:

Whereas it was through the brave and noble efforts of the Nation's forefathers that the United States first gained freedom and became a sovereign nation;

Whereas there are more than 1,471,000 active component and more than 1,111,200 reserve component members of the Armed Forces serving the Nation in support and defense of the freedom that all Americans cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of their fellow Americans for putting their lives in danger for the sake of the freedoms enjoyed by all Americans;

Whereas the families of members of the Armed Forces make sacrifices commensurate with the men and women of the Armed Forces;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all Americans;

Whereas the Nation officially celebrates and honors the accomplishments and sacrifices of veterans, patriots, and leaders who fought for freedom, this resolution pays tribute to those who currently serve in the Armed Forces;

Whereas all Americans should participate in a moment of silence to support our troops and their families; and

Whereas March 26, 2010, is designated as ''National Support Our Troops Day'': Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad, and their families.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, recognized Ms. BORDALLO and Mr. LAMBORN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SCHAUER, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Sunday, March 21, 2010.

¶35.27 RECESS—11:26 P.M.

The SPEAKER pro tempore, Mr. SCHAUER, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 26 minutes p.m., subject to the call of the Chair.

SUNDAY, MARCH 21 (LEGISLATIVE DAY OF MARCH 20), 2010

¶35.28 AFTER RECESS—12:12 A.M.

The SPEAKER pro tempore, Mr. CARDOZA, called the House to order.

¶35.29 PROVIDING FOR CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 3590 AND PROVIDING FOR CONSIDERATION OF H.R. 4872

Mr. POLIS, by direction of the Committee on Rules, reported (Rept. No. 111–448) the resolution (H. Res. 1203) providing for the consideration of the amendments of the Senate to the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes, and providing for consideration of the bill (H.R. 4872) to provide for reconciliation pursuant to section 202 of the concurrent resolution on the budget for fiscal year 2010.

When said resolution and report were referred to the House Calendar and ordered printed.

¶35.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LATOURETTE, for today.

And then,

¶35.31 ADJOURNMENT

On motion of Mr. POLIS, pursuant to the previous order of the House, at 12 o'clock and 15 minutes a.m., Sunday, March 21 (legislative day of March 20), 2010, the House adjourned until 1 p.m. on Sunday, March 21, 2010.

¶35.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 1203. Resolution providing for consideration of the Senate amendments to the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes, and providing for consideration of the bill (H.R. 4872) to provide for reconciliation pursuant to section 202 of the concurrent resolution on the budget for fiscal year 2010 (Rept. 111–448). Referred to the House Calendar.

¶35.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BUYER (for himself, Mr. MCKEON, Mr. STEARNS, Mr. MILLER of

Florida, Mr. BOOZMAN, Mr. CONAWAY, Mr. FORBES, Mr. BUCHANAN, Mr. LAMBORN, Mr. MORAN of Kansas, Mr. BROWN of South Carolina, Mr. ROE of Tennessee, Mr. CRENSHAW, Mr. BARRETT of South Carolina, Mr. WOLF, Mr. BURTON of Indiana, Mr. PENCE, Mr. SESSIONS, Mr. HENSARLING, Mr. FLAKE, Mr. CULBERSON, Mrs. BLACKBURN, Mr. COBLE, Mr. HUNTER, Mr. YOUNG of Florida, Mr. BILIRAKIS, and Mr. BILBRAY):

H.R. 4894. A bill to amend the Patient Protection and Affordable Care Act to ensure appropriate treatment of Department of Veterans Affairs and Department of Defense health programs; to the Committee on Energy and Commerce.

By Mr. CONNOLLY of Virginia:

H.R. 4895. A bill to amend section 1004 of title 39, United States Code, to include that it is a policy of the Postal Service to ensure reasonable and sustainable workloads and schedules for supervisory and management employees and to clarify provisions relating to consultation and changes or terminations in certain proposals; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. CANTOR, Mr. HOEKSTRA, Mr. MCKEON, Mr. KING of New York, Mr. BURTON of Indiana, Mr. ROYCE, Mr. LOBIONDO, Mr. MACK, Mr. PENCE, Mr. COFFMAN of Colorado, Mr. SMITH of New Jersey, Mr. MANZULLO, Mr. FRANKS of Arizona, Mr. BARRETT of South Carolina, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mrs. MCMORRIS RODGERS, Mr. LAMBORN, Mr. BOOZMAN, and Mr. AKIN):

H.R. 4896. A bill to authorize the President to utilize the Proliferation Security Initiative and all other measures for the purpose of interdicting the import into or export from Iran by the Government of Iran or any other country, entity, or person of all items, materials, equipment, goods and technology useful for any nuclear, biological, chemical, missile, or conventional arms program; to the Committee on Foreign Affairs.

¶35.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. ORTIZ.
H.R. 572: Mr. CHAFFETZ.
H.R. 1054: Mr. ARCURI.
H.R. 3186: Mr. HOLDEN and Mr. GENE GREEN of Texas.
H.R. 3189: Mrs. BONO MACK.
H.R. 3332: Ms. WOOLSEY.
H.R. 3448: Mr. GERLACH.
H.R. 4149: Ms. MCCOLLUM.
H.R. 4430: Mr. NEUGEBAUER.
H.R. 4489: Mr. HODES and Mr. DRIEHAUS.
H.R. 4614: Mr. ROONEY.
H.R. 4859: Mr. LUETKEMEYER.
H.R. 4862: Mr. FARR, Mr. CLEAVER, Mr. BOYD, Mr. HILL, Mr. SENSENBRENNER, Mr. LIPINSKI, Mr. ARCURI, Mr. DELAHUNT, Mr. DICKS, Mr. LEWIS of Georgia, Mr. EDWARDS of Texas, Mr. THOMPSON of California, Ms. ESHOO, Mr. MURPHY of New York, Mr. CAPUANO, Mr. TIERNEY, Ms. FOXX, Mr. DAVIS of Illinois, Mr. BUTTERFIELD, Mr. BLUMENAUER, Mr. HALL of New York, Mr. KANJORSKI, Ms. CASTOR of Florida, Ms. TSONGAS, Mr. INSLEE, Mr. CHANDLER, Mr. KENNEDY, and Mr. SHERMAN.
H.R. 4887: Ms. TSONGAS, Mr. RAHALL, and Mr. COSTELLO.
H.J. Res. 78: Mr. PETERSON.
H.J. Res. 80: Mr. MILLER of Florida and Ms. JACKSON LEE of Texas.
H. Con. Res. 105: Mr. CAO.
H. Res. 989: Mr. DOGGETT and Mr. ROTHMAN of New Jersey.
H. Res. 1078: Mr. FALEOMAVAEGA, Mr. TIAHRT, Mr. SCHOCK, Mr. LANGEVIN, Mr. MILLER of Florida, and Mr. OWENS.
H. Res. 1189: Mr. BARTLETT, Ms. CORRINE BROWN of Florida, Mr. BISHOP of Utah, and Mr. WU.

SUNDAY, MARCH 21, 2010 (36)

The House was called to order by the SPEAKER.

¶36.1 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SALAZAR, announced he had examined and approved the Journal of the proceedings of Saturday, March 20, 2010.

Mr. BLUMENAUER, pursuant to clause 1 of rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. BLUMENAUER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶36.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6713. A letter from the Secretary, Department of Commerce, transmitting a report in accordance with the provisions of Section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999; to the Committee on Foreign Affairs.

6714. A letter from the Chief, Branch of Permits and Regulations, Division of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Control of Muscovy Ducks, Revisions to the Waterfowl Permit Exceptions and Waterfowl Sale and Disposal Permits Regulations [Docket Number: FWS-R9-MB-2007-0017] (RIN: 1018-AV34) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6715. A letter from the Chief, Branch of Permits and Regulations, Division of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Control of Purple Swamphens [Docket Number: FWS-R9-MB-2007-0018] (RIN: 1018-AV33) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6716. A letter from the Chief, Branch of Permits and Regulations, Division of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; States Delegated Falconry Permitting Authority [FWS-R9-MB-2009-0071; 91200-1231-9BPP] (RIN: 1018-AW98) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6717. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Grand Junction, CO [Docket No.: FAA-2009-0941; Airspace Docket No. 09-ANM-17] received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6718. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Administrative Procedures, Address Updates, and Technical Amendments [Docket No.: PHMSA-2007-0033] (RIN: 2137-AE29) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6719. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes [Docket No.: FAA-2009-1081; Directorate Identifier 2009-CE-058-AD; Amendment 39-16187; AD 2010-03-04] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6720. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 205B and 212 Helicopters [Docket No.: FAA-2010-0065; Directorate Identifier 2009-SW-01- AD; Amendment 39-16186; AD 2010-03-03] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6721. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-200C and -200F Series Airplanes [Docket No.: FAA-2009-0608; Directorate Identifier 2008-NM-215-AD; Amendment 39-16188; AD 2010-03-05] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6722. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Material; Miscellaneous Packaging Amendments [Docket No.: PHMSA-06-25736 (HM-231)] (RIN: 2137-AD89) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶36.3 H.R. 4840—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4840) to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the ''Clarence D. Lumpkin Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 420 / Nays 0

¶36.4 [Roll No. 155]

YEAS—420

Ackerman	Altmire	Bachmann
Aderholt	Andrews	Bachus
Adler (NJ)	Arcuri	Baird
Akin	Austria	Baldwin
Alexander	Baca	Barrett (SC)

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

NOT VOTING—10

Conyers
Davis (AL)
Gutierrez
Hinchey
Kirkpatrick (AZ)
Langevin
Lee (NY)
Rangel
Sires
Towns

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶36.5 H. RES. 1174—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1174) supporting the goals and ideals of National Women's History Month.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 420 Nays 0

¶36.6 [Roll No. 156]

YEAS—420

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff

Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Bilbray
Davis (AL)
Gutierrez
Hinchey
Kirkpatrick (AZ)
LaTourette
Sires
Smith (TX)
Towns
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶36.7 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on agreeing to the Chair's approval of the Journal of Saturday, March 20, 2010.

The question being put,

Will the House agree to the Chair's approval of said Journal?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 229 / Nays 189

¶36.8 [Roll No. 157]

YEAS—229

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

NAYS—189

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellsworth
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Granger
Graves
Griffith
Guthrie
Harper
Hastings (WA)
Hensarling
Herger
Herseth Sandlin
Himes
Hoekstra
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Watson
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Buyer
Davis (AL)
Davis (TN)
Fattah
Gohmert
Gutierrez
Hinchey
Kirkpatrick (AZ)
Owens
Schrader
Sires
Towns

So the Journal was approved.

¶36.9 H. RES. 1075—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1075) commending the members of the Agri-business Development Teams of the National Guard for their efforts, together with personnel of the Department of Agriculture and the United States Agency for International Development, to modernize agriculture practices and increase food production in war-torn countries; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 3

¶36.10 [Roll No. 158]

YEAS—418

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves

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

NAYS—3

Broun (GA)
Paul
Young (AK)

NOT VOTING—9

Boustany
Davis (AL)
Gutierrez
Hinchey
Kirkpatrick (AZ)
Schmidt
Sires
Speier
Towns

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution commending the members of the Agribusiness Development Teams of the National Guard and the National Guard Bureau for their efforts, together with personnel of the Department of Agriculture and the United States Agency for International Development, to modernize agriculture practices and increase food production in war-torn countries.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶36.11 PROVIDING FOR CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 3590 AND H.R. 4872

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1203):

Resolved, That upon the adoption of this resolution it shall be in order to debate the topics addressed by the Senate amendments to the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes, and the topics addressed by the bill (H.R. 4872) to provide for reconciliation pursuant to section 202 of the concurrent resolution on the budget for fiscal year 2010, for two hours equally divided and controlled by the Majority Leader and Minority Leader or their respective designees.

SEC. 2. After debate pursuant to the first section of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the Majority Leader or his designee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

SEC. 3. If the motion specified in section 2 is adopted, it shall be in order to consider in the House the bill (H.R. 4872) to provide for reconciliation pursuant to section 202 of the concurrent resolution on the budget for fiscal year 2010 if called up by the Majority Leader or his designee. All points of order against consideration of the bill are waived except those arising under clause 10 of rule XXI. The amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, modified by the amendment printed in part B of the report of the Committee on Rules, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 4. Until completion of proceedings enabled by the first three sections of this resolution—

(a) the Chair may decline to entertain any intervening motion (except as expressly provided herein), resolution, question, or notice;

(b) the Chair may decline to entertain the question of consideration;

(c) the Chair may postpone such proceedings to such time as may be designated by the Speaker;

(d) the second sentence of clause 1(a) of rule XIX shall not apply; and

(e) any proposition admissible under the first three sections of this resolution shall be considered as read.

SEC. 5. In the engrossment of H.R. 4872, the Clerk shall amend the title so as to read: ''An Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).''.

Pending consideration of said resolution,

¶36.12 POINT OF ORDER

Mr. RYAN of Wisconsin, made a point of order against consideration of said resolution, and said:

''Mr. Speaker, I raise a point of order against H. Res. 1203 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill except those arising under clause 10 of rule XXI which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).''.

The SPEAKER pro tempore, Mr. SALAZAR, responded to the point of order, and said:

''The gentleman from Wisconsin makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

''The gentleman has met the threshold burden under the rule and the gentleman from Wisconsin and a Member opposed each will control ten minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration.''.

Mr. RYAN of Wisconsin, was further recognized and said:

''Mr. Speaker, let me just quote from a letter to the Speaker of the House by the Director of the Congressional Budget Office dated yesterday: 'The Congressional Budget Office and the Joint Committee on Taxation estimated that the total cost of those mandates to State, local and tribal governments and the private sector would greatly exceed the annual thresholds established under the Unfunded Mandates Reform Act.'

''Mr. Speaker, this bill is the mother of all unfunded mandates. There are mandates on States. The new Medicaid mandate is expected to cost, according to the CBO, an additional $20 billion on States. Let's start with the State mandate, $20 billion on States in Medicaid. Democratic Governors have been speaking out against this. Let me quote Governor Rendell from Pennsylvania: 'I think it's an unfunded mandate. We just don't have the wherewithal to absorb this health care bill without some new revenue source.'

''There is an individual mandate. It mandates individuals purchase government-approved health insurance or face a fine to be collected by the IRS which will need $10 billion additional and 16,500 new IRS agents to police and enforce this mandate.

''There is a business mandate. It mandates businesses provide government-approved health insurance or face penalties. If you don't offer health insurance coverage, you have to pay $2,000 per employee. If you do offer health insurance coverage, but one of your employees decides to take the Federal subsidy, you have to pay up to $3,000 per employee anyway.

''There's a health plan mandate. There are mandates on health plans to comply with new Federal benefits, mandates without any funds to meet these new requirements. There are new medical loss ratios of 80 and 85 percent. This hardly jives with the notion, If you like what you have, you can keep it, because millions of Americans will exactly lose just that.

''There's a provider mandate. This mandates that many health care providers must actually provide exactly what Washington says. They're forced to take unilateral reimbursement cuts from the new independent payment advisory board.''.

Ms. SLAUGHTER was recognized to speak to the point of order and said:

''Technically, this point of order is about whether or not to consider this rule and, ultimately, the underlying legislation. In reality, it's about blocking much-needed health care reform in this Nation. Those who oppose the process don't want any debate or votes on health care itself. They just want to make reform go away.

''I know my colleagues on our side will vote 'yes' so we can consider this important legislation on its merits and not stop it on a procedural motion. Let's stop wasting time on parliamentary loopholes because those who oppose the legislation can vote against it on final passage. We must consider the rule. We must pass this important legislation today.''.

Mr. RYAN of Wisconsin, was further recognized and said:

''Mr. Speaker, let's look at the fiscal consequences of this bill. I think we're going to hear a lot today how this bill reduces the deficit according to the Congressional Budget Office. Well, I would simply say, the oldest trick in the book in Washington is that you can manipulate a piece of legislation to manipulate the final score that comes out.

''But let's take a look at the subsequent analysis by the Congressional Budget Office. Let's take a look at the claims being made and the reality that we're facing. This bill double-counts billions of dollars. It takes $70 billion of premiums from the CLASS Act to spend on this new government program, instead of going to the CLASS Act. It takes $53 billion in Social Security taxes which are reserved for Social Security and, instead, spends it on this new program. The Congressional Budget Office is telling us that in order to fulfill all the discretionary requirements, $71 billion will be required to manage this new government-run health care system. They're saying at the Congressional Budget Office that Medicare part A trust fund, the trust fund itself will be raided to the tune of $398 billion.

''So if we actually count a dollar once, which is how law in math works, this bill has a $454 billion deficit. I find it very interesting and noteworthy that just 2 days ago, the Speaker of the House said, We will be passing legislation in April, doing the so-called doc fix. Well, that's $208 billion. And according to the Congressional Budget Office, when that will pass, combined with the double-counting and the gimmicks and the smoke and mirrors, we will have a $662 billion deficit under this bill alone.

''Now, Mr. Speaker, let's think about the economic consequences because the economic consequences that will be borne by this bill are truly horrific. People are losing jobs in this country. Our unemployment rate is near 10 percent. For us to get our unemployment rate back to where it was before the economic crisis, back to 5 percent, we will literally have to create 250,000 jobs every month for 5 years in this Nation. So what does this bill do? It imposes a new tax increase of $569.2 billion, over half a trillion in new taxes on labor, on capital, on families, on small businesses, on work, on jobs.

''And look at what we're looking at. Before even passing this bill, Mr. Speaker, we are going into a tidal wave of red ink of debt. The interest alone on the national debt that's about to befall us will be crushing to our economy. I asked the Congressional Budget Office, what would my three children face when they were my age? What we heard from the CBO was just alarming. By the time my three kids are my age—I am 40 and they're 5, 6 and 8 years old—the CBO said that the glide path that we are on before passing this bill, the tax rate on that generation by the time they're 40 years old will be that the 10 percent bracket goes up to 25 percent, middle-income taxpayers will pay an income tax rate of 63 percent, and the top rate that the small businesses pay will be 88 percent. This is the legacy we are leaving the next generation.

''Last year the General Accountability Office said that the unfunded liability of the Federal Government—meaning the debt we owe to all the promises being made—was $62 trillion. You know what they say today, $76 trillion. And what are we doing here? A $2.4 trillion new unfunded entitlement on top all of that. We can't even afford the government we've got right now, and we're going to be putting this new unfunded entitlement on top of it?

''Mr. Speaker, at the end of the day, though, what's most insidious, what's most concerning, what's most troubling about this bill is what the future holds. This bill subscribes to the arrogant idea that Washington knows best, that Washington can organize and micromanage the entire health care sector of this country, 17 percent of our economy, one-sixth of our economy.

''Well, let me give you a glimpse into that future, Mr. Speaker. This is the Treasury's 2009 financial report. It tells us that we are walking into an ocean of red ink, of debt, of deficit, of spending. And the only way to get this under control, the only way to stop a debt crisis from befalling this country—much like Europe is about to walk into—if you have government-run health care, if you have the government take the rest of the health care sector over is to deeply and systematically ration health care.''.

Mr. KENNEDY was recognized to speak to the point of order and said:

''Notwithstanding this point of order, I urge passage of the underlying rule and for us to go forward with the health insurance on behalf of the 21 percent of my State's constituents under the age of 65 who are uninsured because they're either too young to qualify for Medicare or they're too middle class to qualify for Medicaid.

''No memorial, oration or eulogy could more eloquently honor his memory than the earliest possible passage of this bill for which he fought so long. His heart and his soul are in this bill.' While the above quote could easily refer to my father, and the context could easily describe this health care debate, these words were, in fact, spoken by my father as he rose on the Senate floor to honor his brother President Kennedy during the debate on the 1964 Civil Rights Act.

''The parallels between the struggle for civil rights and the fight to make quality, affordable health care accessible to all Americans are significant. It was Dr. Martin Luther King, Jr., who said, Of all forms of inequality, injustice in health care is the most shocking and inhumane. Health care is not only a civil right, it's a moral issue.

''Thank you, Madam Speaker, for your political and moral leadership in helping those to secure more advanced protections and benefits, especially in the area of mental health and addiction. Thank you, President Obama for delivering on your promise of providing the politics of hope rather than the politics of fear.''.

Mr. WELCH was recognized to speak to the point of order and said:

''Mr. Speaker, this debate has been long, but it is now complete. The arguments have been very contentious, but it is now time to decide. The bill before us is long, but the question that we face is really very simple.

''Will Congress today choose on behalf of the American people who elected us to build a health care system where every American has access to health care and where every American shares in the responsibility of paying for it.

''Will we today reinvigorate the American dream so that no parent with a sick child will wake up wondering if they are going to have access to a doctor, so no father who loses health care because he loses his job is going to wonder how his family is going to be provided for, so no mother who becomes sick will lose the health care she has because she is sick.

''Will we today free ourselves from the shackles of a broken status quo, one that enriches health care companies but is punishing American families, punishing American employers, and punishing American taxpayers.

''That's the question, Mr. Speaker, that we face today in this Congress. And this Congress has a choice to act like the confident Nation we are that faces head-on the challenges that we face. We will do so today by voting 'yes' to move us so that we have a health care system in this country where every American is covered and we all help pay.''.

Mr. FARR was recognized to speak to the point of order and said:

''Mr. Speaker, I rise today to enter a letter from my next-door neighbor born with spina bifida. His parents were told to leave him in the hospital because he would be mentally retarded and he would never be able to get out of institutional care. His parents loved him and got him into school. He went through public high school, went to the University of California, graduated and got into Special Olympics. He tried to get a job. His coaches told him you will never be able to afford a job, you have a preexisting condition, you can't afford the insurance. You will have to stay on Medicaid the rest of your life.

''He writes in his letter to me, Dear Congressman, and goes on to say in closing, I ask that you please pass this comprehensive health care package so that today's kids aren't told the same thing I was told. Never again should boys and girls with disabilities hear from their mentors, You cannot afford to work.

''Emancipate people into the workforce; allow them to have insurance without preexisting conditions.

''I am proud that Ben Spangenberg is here today sitting in that corner. I am proud that he is a constituent of this great country.''.

Ms. JACKSON LEE of Texas, was recognized to speak to the point of order and said:

''Mr. Speaker, let me remind us of a man who does not live today, Senator Edward Kennedy told us that he had a vision and a resolve that the health care of Americans would no longer count on whether or not they were wealthy Americans. And we are reminded as well of the words of President John F. Kennedy that said: Ask not what your country can do for you, but what you can do for your country.

''This is not an unfunded mandate because we know full well that the CBO has said that this bill will pay for itself, that the deficit will be reduced by $130 billion in the first 10 years, and that the deficit will be cut by $1.2 trillion in the second 10 years. It eliminates the Medicare doughnut hole, and it insures some 32 million more people. But I am standing here today because 45,000 Americans die every year like Eric, a 32-year-old lawyer who went to the emergency room not once but three times. They sent him away with antibiotics and aspirin, but he died. I cannot tolerate that. Today we will heal this land, and we will vote for this health care bill. It is not an unfunded mandate. This health care reform is fair and must succeed.''.

Mr. HARE was recognized to speak to the point of order and said:

''Mr. Speaker, I was here last November and I talked about my father and my mother. My dad was ill, we lost our house and everything we ever had. And when I came home from my sister's wedding, there was a deputy sheriff with a notice to evict. My dad thought somehow he had let us down. Two days before his death, a death that came way too early for somebody at 67, I sat by his bed and he said Phil, just do two things for me, two promises: take care of your mother and the girls. But the pain that the loss of this house has caused, and the pain this family has had to go through, whatever you do, please, do not let another family have to go through this.

''Last November I cast my vote in favor of our bill on behalf of my dad, my family, and for those people; and tonight, I will cast my vote in favor of this bill not just for my dad, but for the people who every 8 seconds in this Nation file bankruptcy and receive foreclosure notices because of health care. It is time to stand up and be counted. Tonight I will stand up, and I will be counted among the 'yeses.'.''.

Mr. KAGEN was recognized to speak to the point of order and said:

''Mr. Speaker, today in the House of Representatives, we are going to answer the essential question: What kind of Nation are we? What kind of Nation would deny 30 million citizens access to health care? What kind of Nation would allow a child's illness to cause their family to go broke and lose their home? What kind of Nation would turn its back on neighbors who are in need, our seniors, our children, and millions of unemployed workers who through no fault of their own have lost their jobs, and soon, their hope. What kind of Nation are we? And what kind of Nation will we become if we do not pass this rule and pass essential health care legislation that we need?

''This bill will save lives, and it will save jobs by putting patients first, and guaranteeing that Medicare will be there when we need it.

''No longer will a child's illness cause their family to go broke and lose their home. Senior citizens will benefit by gaining access to prevention services with no copayments, no deductibles.

''This is going to be our time, and I would encourage all of us to stop pointing fingers and start joining hands. Pass this essential legislation and save our Nation.

''Today, in the House of Representatives, we will answer two essential questions: What kind of Nation are we? and Whose side are you on?

''What kind of nation—would deny 32 million citizens access to health care? What kind of nation—would allow a child's illness or accident to cause families to go broke and lose their home?

''What kind of nation—would turn its back on neighbors who are in need? Our senior citizens, our children and millions of unemployed workers who through no fault of their own have lost their jobs and need our help right here and right now?

''And what kind of nation will we become if we do not take this positive step forward today? This bill saves lives and jobs by putting patients first, strengthening Medicare, and finally guaranteeing access to affordable care for all of us.

''No longer will a child's illness cause their family to go bankrupt and lose their home.

''Senior citizens will see a stronger and better Medicare as we begin to close the prescription drug program's donut hole.

''Small business owners will soon be able to buy health insurance for their employees at the same discounts big corporations do.

''We are beginning to fix what is broken in our heath care system and improve on what we already have, at a price we can all afford to pay, for this bill is paid for and it reduces our national deficit by 1.2 trillion dollars over time.

''Today, in the house of Representatives, we must take a positive step forward and finally bring an end to all discrimination against any citizen because of the way they were born or the illness they may have.

''Today, people across America want to know whose side are you on? Are you sitting in the boardroom of a Wall Street run health insurance corporation? Or standing with your feet on the factory floor, prepared today to stand up for the best interests of your neighbors, by putting patients first?

''Well, I am standing up for my patients and will vote yes on this bill, because it saves lives and jobs and begins to push insurance companies out of my patient's examination room.

''There is much work yet to do to clean up the economic mess we have inherited. So, let's stop pointing fingers and start joining hands and work together to build a better nation. Join me. Let's take this positive step forward today. Join me in this effort and we will finally begin to guarantee access to affordable care for all of us—for my patients cannot hold their breath any longer.''.

Mr. FATTAH was recognized to speak to the point of order and said:

''Mr. Speaker, I rise to thank the chairwoman and in support of the rule. This Easter season, we are reminded again that if we can just hold on past

Friday, Sunday will come. Americans have been holding on for over 100 years. We have seen bankruptcies, we have seen needless deaths. We have seen families denied insurance and children denied needed health care, but Sunday has come. This majority and this House is going to rise to the occasion. We will beat back this point of order, but much more importantly, we are going to beat these insurance companies and give the American public a health insurance reform bill that we all can be proud of.''.

Mr. RYAN of Wisconsin, was further recognized and said:

''Mr. Speaker, we can do better. It doesn't have to be this way. This is not democracy. This is not good government. One of the cornerstone principles of this Nation that the Founders created is the principle that we govern by consent of the governed. That principle is being turned on its head here today.

''More to the point, the shame of all of this is we have been offering constructive solutions from the very beginning. We have asked you to work with us on a bipartisan basis, step by step, piece by piece, work on the uninsured, work on preexisting conditions, work on costs, work on prices, work on the deficit. All along the other side said ''no,'' we are doing it our way, one-party rule.

''This bill clearly violates the House rules. We shouldn't be waiving our own rules and imposing these costly mandates. We are going to hear many emotional appeals today. Let me tell you a little bit about my own. I have the best mother-in-law a man could ever ask for. She is 5 years facing stage 3 ovarian cancer, and she is still fighting it because of a drug called Avastin that is keeping her alive. Well, if she was a British citizen, she wouldn't have it because they deny this drug to their cancer patients. We are setting up the identical same bureaucracies they have there here.

''This bill explodes the deficit, it explodes the debt, and the only way to fix it is to put that kind of rationing in place. That is not what our government should be doing. This bill is a fiscal Frankenstein. It is a government takeover. It is not democratic.

''Mr. Speaker, my colleagues, it is not too late to get it right. Let's start over, let's defeat this bill.''.

Ms. SLAUGHTER was further recognized and said:

''Mr. Speaker, I want to urge my colleagues to vote 'yes' on this motion to consider so we can debate and pass the important legislation today.''.

After debate,

The question being put, viva voce,

Will the House now consider said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. RYAN of Wisconsin, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 195

¶36.13 [Roll No. 159]

YEAS—228

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

NAYS—195

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

NOT VOTING—7

Davis (AL)	Klein (FL)	Schakowsky
Davis (TN)	Marchant	
Gutierrez	Rogers (AL)	

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider said resolution was, by unanimous consent, laid on the table.

¶36.14 POINT OF ORDER

Mr. ISSA, made a point of order against said resolution, and said:

''Mr. Speaker, I make a point of order against consideration of the resolution. The resolution violates clause 9 of rule XXI by waiving that rule against consideration of H.R. 4872.''.

The SPEAKER pro tempore, Mr. SALAZAR, responded to the point of order, and said:

''The gentleman from California makes a point of order that the resolution violates clause 9(b) of rule 21.

''The gentleman has met the threshold burden under the rule and the gentleman from California and a Member opposed each will control ten minutes of debate on the question of consideration. After that debate, the Chair will put the question of consideration.''.

Mr. ISSA was further recognized and said:

''Mr. Speaker, my point of order is quite simple. In the last 2 weeks, both

the House Republicans and the House Democrats have passed sweeping anti-earmark resolutions. Moreover, the leadership of the House has said that they will ensure that earmarks are in the past. But, Mr. Speaker, this legislation is filled with earmarks, not the least of which is the Louisiana purchase, not the least of which is the Bismark provision. Mr. Speaker, the amount of earmarks violating both Republican and Democratic House rules against earmarks is beyond the counting of any of us. My point of order is intended to stop the bill until earmarks can be removed from the bill.

''I might note, Mr. Speaker, last night until late at night, for more than 13 hours, Republicans offered 80 amendments, many of which could have fixed portions of this bill. None—I repeat, Mr. Speaker, none—were ruled in order.

''Mr. Speaker, I make a point of order that an earmark is tantamount to a bribe. An earmark to receive a vote is clearly a way to get a vote in return for something of value.

''Mr. Speaker, this legislation is a vast tax increase and a vast increase in the reach of government. It deserves to be considered on its merits, not based on promises and bribes for financial gain to various Members' districts. Therefore, it is clear we must remove all earmarks before this legislation can move forward.''.

Ms. SLAUGHTER was recognized to speak to the point of order and said:

''My friends on the other side of the aisle are attempting to use a purely technical violation of the earmark identification rule to try and block the House from even considering the rule and the underlying legislation. In fact, the Budget Committee did include an earmark statement in their committee report.

''However, a minor technical error in that statement made the legislation subject to a point of order. The Budget Committee has since filed two clarifying earmark statements in the CONGRESSIONAL RECORD. Clearly these statements, as well as the initial statement in the committee report, should show that it does not violate the spirit of the earmark rule. I have copies of these statements for any Members who need clarification.

''The rule and the underlying legislation deserve to be debated on the merits, not stopped by purely procedural motions. I urge my colleagues to vote 'yes' so we can consider this important legislation, so important to the American people. Let's not waste any more time.''.

Mr. ISSA was further recognized and said:

''Mr. Speaker, I am flabbergasted. Perhaps the gentlelady from New York could tell me, does that mean that under the rule that the Louisiana purchase, the Cornhusker kickback, the Gator aid, and the Bismark bank job will be somehow removed from the legislation after its passage?''.

Ms. SLAUGHTER was further recognized and said:

''I am happy to tell you that. The final bill will not have State-specific provisions. The provisions that are in apply to multiple States, and a provision in the education portion of the reconciliation bill regarding State-owned banks is being struck by the manager's amendment.''.

Mr. ISSA was further recognized and said:

''Reclaiming my time, I'm going to simply state for the record that our reading is that all of these will go to the President in the bill. And, of course, if by some miracle a bribe for one becomes a bribe for many States, somehow I don't think the American people will find that particularly a happy day for anyone, except perhaps the few States who receive for a short time a special consideration.''.

Mr. FLAKE was recognized to speak to the point of order and said:

''We're all aware of the special provisions or earmarks in the bill: the Cornhusker kickback, the Louisiana purchase, the Gator aid. These earmarks, though, apart from the role they played in greasing the skids for this bill, are probably the least offensive part of the legislation.

''We desperately need health care reform, reform that lowers costs and improves quality through competition and market discipline. But such measures, such as allowing the purchase of health care across State lines and allowing individuals to purchase insurance with pre-tax dollars, are absent from the bill. Instead, the bill contains increases in taxes, mandates and bureaucracy that will only serve to further shield the health care industry from true competition—competition that is so desperately needed.

''Mr. Speaker, without this bill, the fiscal challenges that we face are incredibly steep. With this bill, they are almost insurmountable.

''There will come a day that the piper will have to be paid. We have shown ourselves unwilling to fess up to the challenges today. We can only hope that those elected this November and in the years to come will show more courage than we've shown today.''.

Ms. CASTOR of Florida, was recognized to speak to the point of order and said:

''We're going to fight through these dilatory tactics today and side with the American people and side with families all across this great country. For families that have health insurance, the insurance companies will no longer be able to cancel your coverage if you get sick. And if you switch jobs, the insurance companies will not be able to bar you from coverage just because you have a preexisting condition, like asthma or diabetes or some other disease happens to run in your family.

''As for our parents and our grandparents and our neighbors who rely on Medicare, Medicare will get stronger. Not one benefit will be cut. Not one. Despite the scare tactics from the other side of the aisle, Medicare will be stronger; the prescription drug coverage will improve.

''We're going to focus on prevention because prevention works, it saves lives, and it saves money. We're going to pay doctors that serve Medicare patients more money so that Medicare patients can keep their doctor and we can keep those smart doctors that serve Medicare patients working for all of us.

''And for small business owners and families that do not have affordable health coverage today, we're going to create a new shopping exchange where they can compare plans in a transparent way and also provide new tax credits for small business owners and families all across America.

''Yes, we're going to side with American families today because we're not just Members of Congress, we're daughters and sons and parents. We're grandchildren. And once and for all, we're going to ensure that all families all across America have what Members of Congress have. We're going to side with families against the insurance companies, fight through these dilatory tactics, and pass this historic landmark legislation.''.

Mr. POE of Texas, was recognized to speak to the point of order and said:

''This bill has special deals for special folks. The Louisiana purchase, a special deal for Florida, a special deal for two States in New England, and a special deal for Connecticut. And as much as my friends like to rail on the insurance companies, they give a special deal to Michigan Blue Cross so that they don't have to get the new tax increases. Why is that? Because it's special deals for special folks.

''This bill is unconstitutional. The Texas State Attorney General plus 30 other Attorneys General will sue the Federal Government if this bill passes because of special deals for special folks.

''Also, this bill is unconstitutional because it forces the American people to buy a product. Nowhere in the Constitution does the Federal Government have the authority to force you to buy anything, whether it's insurance, a car, or a box of doughnuts.''.

Mr. DREIER was recognized to speak to the point of order and said:

''Mr. Speaker, I would like to engage in a colloquy, if I might, with my distinguished committee Chair if that's possible, if she would do that.

''Well, let me just say that the one thing that we are guaranteed, and please tell me if I am wrong, the one thing that we are guaranteed is that the Senate bill, under the rule that has been crafted by the Rules Committee, is the only thing that if it passes today we know will become public law; is that correct?

''Under the rule that was crafted and reported out by the Rules Committee just before midnight last night, is it not true that the only thing that we are guaranteed to have become public law at the end of this day, if the votes are there, is, in fact, the Senate bill?''.

Mr. KILDEE was recognized to speak to the point of order and said:

''Mr. Speaker, I spent 6 years in the Catholic seminary studying to be a priest and have always been pro-life. I will be 81 years old this September. Certainly at this stage of my life I am not going to change my mind and support abortion. I am not going to jeopardize my eternal salvation.

''I sought counsel from my priest, advice from my family, friends and constituents and I have read the Senate abortion prohibition more than a dozen times. I am convinced that the original prohibition of the Hyde amendment is in the Senate bill. No Federal funds can be used for abortion except in the case of rape, incest and to save the life of the mother.

''I am a pro-life Member, both for the born and the unborn.''.

Ms. LEE of California, was recognized to speak to the point of order and said:

''I want to thank the gentlewoman for yielding and for her wonderful bold leadership. Today we will pass the historic vote to improve the health and wellness of millions of Americans who suffer because they are uninsured or underinsured and because of massive gaps in the Nation's health care system.

''I just want to say on behalf of the Congressional Black Caucus, we have to thank Congresswoman DONNA CHRISTENSEN and our health task force, Congressman DANNY DAVIS, Congresswoman DONNA EDWARDS, Chairman RANGEL, Congressman CONYERS, our majority whip, Mr. CLYBURN, for their very stellar leadership.

''We all cast our vote for all of the people who deserve health care but simply cannot afford it. We cast our vote for senior citizens who will see their prescription drug costs go down. We cast our vote for all of those who have no health care and end up in emergency rooms, and we cast our vote for our children and our grandchildren so that they will live longer and healthier lives. And we cast our vote in memory of those people who didn't have preventive health care and died prematurely.

''Health care will finally become a right for all.''.

Mr. SMITH of New Jersey, was recognized to speak to the point of order and said:

''Mr. Speaker, for those of us who recognize abortion as violence against children and the exploitation of women, nothing less than a comprehensive prohibition of public funding of elective abortion satisfies the demands of social justice.

''Regrettably, the language that emerged from the Senate is weak, duplicitous and ineffective, not by accident but by design. It will open up the floodgates of public funding for abortion in a myriad of programs resulting in more dead babies and more wounded mothers.

''For the first time ever, the Senate-passed bill permits health care insurance plans and policies, funded with tax credits, to pay for abortion, so long as the issuer of the federally subsidized plan collects a new congressionally mandated fee—an abortion surtax—from every enrollee in the plan to pay for other people's abortions.

''The Senate-passed bill creates a new community health center fund. Hyde amendment protection do not apply. Therefore, either the Obama administration or a court is likely to compel funding there as well. Also, the bill creates a huge, new program administered by OPM that would manage two or more new multistate or regional health plans.

''The legislation says that only one of those multistate plans not pay for abortion, which begs the question, what about the other multistate plans administered by OPM? Why are those federally administrated plans with federally mandated fees permitted to include abortion—this represents a radical departure from current policy.

''Abortion isn't health care, Mr. Speaker. It is not preventive health care.

''We live in an age of ultrasound imaging, the ultimate window to the womb and its occupant. We are in the midst of a fetal healthcare revolution, an explosion of benign, innovative interventions designed to diagnose, treat and cure illnesses or diseases any unborn child may be suffering.

''Let's protect the unborn child and their mother. Obamacare, unfortunately, is the biggest increase in abortion funding ever.''.

Mr. LANGEVIN was recognized to speak to the point of order and said:

''Mr. Speaker, tonight we cast a vote to address one of our Nation's greatest unsolved challenges, and that is solving our Nation's health care crisis.

''This Congress is being given a once-in-a-lifetime opportunity to fix a broken health care system that has left millions of families without the coverage and care that they deserve or are struggling to keep the health care coverage that they do have. If we seize this opportunity tonight, we can ensure that tomorrow a working mom in West Warwick, Rhode Island, will wake up knowing that she can afford her family's health care coverage. A dad in Providence will wake up knowing he can take his daughter to the doctor when she gets sick. A small business owner in Westerly will be able to wake up knowing he can finally give his employees the coverage that he has always intended, and a cancer survivor in Narragansett will wake up knowing she won't be denied coverage because of a preexisting condition or lose her insurance because of a lifetime cap.

''Mr. Speaker, after an injury left me paralyzed almost 30 years ago, members of my community rallied behind me and my family at a time that I needed it the most. It's that time in my life that inspired me to go into public service so that I could give back to a community that gave me so much at a time when I needed it the most.

''Tonight I know that with all of my being I am fulfilling that promise, and I urge my colleagues to do the same by supporting this important piece of legislation and finally give America the kind of health care coverage that it deserves.''.

Ms. CHU was recognized to speak to the point of order and said:

''Health care reform will make life better for your son, your daughter, your mother, your father and the people you see every day. It certainly would have made life better for Eric, a young man on my staff.

''Eric was only 22 years old when he was diagnosed with cancer of the lymph node. He went through 2 years of chemotherapy on his father's health insurance. They paid thousands of dollars in copays and traveled hundreds of miles to find lower cost care, but at least they had insurance.

''The crisis came when he reached the age of 24 and was going to be kicked off his parents' insurance. He tried to buy insurance but was denied because of a preexisting condition.

''Thank goodness he got a job with us. But with health care reform he wouldn't have had to fear for his young life, because children will be covered up until their 27th birthday.

''With health care reform, we have a chance to save lives. For the sake of young people like Eric, we must pass health care reform.''.

Mr. SENSENBRENNER was recognized to speak to the point of order and said:

''Mr. Speaker, the gentleman from New Jersey [Mr. SMITH] is right on. This bill expands abortion funding to the greatest extent in history.

''I have heard that the President is contemplating issuing an Executive order to try to limit this. Members should not be fooled. Executive orders cannot override the clear intent of a statute.

''Secondly, yesterday everybody in this House voted in favor of the TRICARE bill, which preserved the DOD's right to administer this program. If an Executive order moves the abortion funding in this bill away from where it is now, it will be struck down as unconstitutional because Executive orders cannot constitutionally do that.''.

Mr. SCOTT of Georgia, was recognized to speak to the point of order and said:

''Mr. Speaker, it is very significant that we are having this debate on Sunday, the Lord's day, because this is the day of faith, and we are going to have to step forward on faith and courage.

''There are many people out here who have been warning and threatening us as to, if we vote on this bill, what will happen to us in the November elections. Well, that is not the question. The question is not what will happen to us in November. The question is, what will happen to the American people if we do not vote on this bill? That is why we have got to step out on faith, we have got to step out on courage. The American people are expecting it.

''Each and every one of us was elected here for some great purpose at some great time. Well, that great purpose is for health care for all the American people, and the time is now. Vote 'yes' for this bill and make America proud.''.

Mr. DREIER was further recognized and said:

''Mr. Speaker, I would like to engage in a colloquy with the distinguished Chair of the Committee on Rules and ask the question as follows:

''Is it not true that the only thing that we know with absolute certainty, if in fact it passes, is that the Senate bill will become public law?

''We have heard all about this reconciliation package, and the gentlewoman seems to be certain of its passage. But is it not true that this rule guarantees that the only thing that will be law for sure is the Senate bill, which has the Cornhusker kickback, the Louisiana purchase, and those other items?''.

Ms. SLAUGHTER was further recognized and said:

''Mr. DREIER, it is absolutely true that the Senate bill does contain those things. It has already been passed and requires no further action in the Senate.

''What we will do today is pass the bill, which will then be sent to the President and become law. We will this afternoon pass the reconciliation——''.

Mr. DREIER was further recognized and said:

''Mr. Speaker, I encourage everyone to read the rule. Because the only thing that we are guaranteed upon its passage is that the Senate bill, with the Cornhusker kickback, Gator aid, Louisiana purchase, and all in fact becomes public law.''.

Ms. SLAUGHTER was further recognized and said:

''Yes, the Senate bill will become law today, followed by the reconciliation bill which contains the amendments to the law, which contains what everybody here wants us to take out. The best way that they can achieve their ends of removing the things that are objectionable from the Senate bill is to support reconciliation. And let's see if you can do it.''.

Mrs. CHRISTENSEN was recognized to speak to the point of order and said:

''Mr. Speaker, as a physician and chair of Health for the Congressional Black Caucus, someone who has worked long to bring quality health care to the underserved in country and inclusion for the Virgin Islands and other territories, I thank our President and House leadership for the commitment and determination that has brought us to the brink of this great victory, not just for some, but for all of the people of this great country.

''Today we will make insurance accessible and affordable to 32 million Americans, begin to eliminate health disparities, provide our children what they need to reach their full potential, and ensure that our seniors and disabled have the care they need.

''So let's get on with the rule and to voting 'yes' on this bill, not just for a healthy America, but for a better America.''.

Mr. KINGSTON was recognized to speak to the point of order and said:

''I have to ask my friends who have spoken before me: If the bill is as good as you say it is, why are any of these bribes in the bill to begin with?

''The President said, January 25, 'It is an ugly process, and it looks like there are a bunch of backroom deals.'

''And here is something that does not come out in the reconciliation process: $7.5 million to Hawaii, page 2,132. Libby, Montana 2,222, something about biohazard. Frontier States, $2 billion, page 2,238. And it goes on. The Louisiana purchase. None of this comes out in reconciliation.

''And I know my friends on this side of the aisle feel just the same way. Not one of those things comes out in the reconciliation process.

''My question is, if the bill is so good, where has the transparency been? Why all the backroom deals? Why this week alone has the President had 64 calls and visits to the White House to twist arms? Why the sweeteners?

''You know the bill is not as good as advertised. Vote 'no.' Let's work for a bipartisan bill.''.

Ms. SLAUGHTER was further recognized and said:

''Mr. Speaker, again I want to urge my colleagues to vote 'yes' on this motion to consider so that we may debate and pass this important legislation today.''.

After debate,

The question being put, viva voce,

Will the House now consider said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. ISSA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 230 Nays 200

¶36.15 [Roll No. 160]

YEAS—230

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

NAYS—200

Aderholt
Adler (NJ)
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Melancon
Mica

Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider said resolution was, by unanimous consent, laid on the table.

Accordingly,

When said resolution was considered.

After debate,

Ms. SLAUGHTER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the nays had it.

Ms. SLAUGHTER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶36.16 H. RES. 900—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 900) supporting the goals and ideals of a Cold War Veterans Recognition Day to honor the sacrifices and contributions made by members of the Armed Forces during the Cold War and encouraging the people of the United States to participate in local and national activities honoring the sacrifices and contributions of those individuals; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 429 / Nays 0

¶36.17 [Roll No. 161]

YEAS—429

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

NOT VOTING—1

Cao

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution honoring the sacrifices and contributions made by members of the Armed Forces during the Cold War and encouraging the people of the United States to participate in local and national activities honoring the sacrifices and contributions of those individuals.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶36.18 H. RES. 1203—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1203) providing for consideration of the Senate amendments to the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes, and providing for consideration of the bill (H.R. 4872) to provide for reconciliation pursuant to section 202 of the concurrent resolution on the budget for fiscal year 2010.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 Nays 202

¶36.19 [Roll No. 162]

AYES—228

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

NOES—202

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

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 224 Nays 206

¶36.20 [Roll No. 163]

YEAS—224

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

NAYS—206

Aderholt
Adler (NJ)
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack

Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶36.21 H. RES. 925—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 925) expressing the sense of the House of Representatives regarding the meritorious service performed by aviators in the United States Armed Forces who were shot down over, or otherwise forced to land in, hostile territory yet evaded enemy capture or were captured but subsequently escaped; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 426 Nays 0

¶36.22 [Roll No. 164]

YEAS—426

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

NOT VOTING—4

Boehner
Foxx
Kilpatrick (MI)
Smith (TX)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing the sense of the House of Representatives regarding the meritorious service performed by aviators in the United States Armed Forces who, as a result of hostile action, mechanical failures, or other problems, were forced to evade or escape enemy capture, were captured but subsequently escaped, or were compelled to endure arduous confinement, retaliation, and even death as a result of their efforts to evade capture or escape.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶36.23 AMENDMENTS OF THE SENATE TO H.R. 3590

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to House Resolution 1203, announced that it was now in order to debate the topics addressed by the amendments of the Senate to the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes, and the topics addressed by the bill (H.R. 4872) to provide for reconciliation pursuant to section 202 of the concurrent resolution on the budget for fiscal year 2010.

After debate,

Mr. SPRATT, pursuant to section 2 of House Resolution 1203, moved to take from the Speaker's table the bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; together with the following amendments of the Senate thereto:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Patient Protection and Affordable Care Act''.

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

Sec. 1. Short title; table of contents.

Part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended—

(1) by striking the part heading and inserting the following:

"PART A—INDIVIDUAL AND GROUP MARKET REFORMS";

(2) by redesignating sections 2704 through 2707 as sections 2725 through 2728, respectively;

(3) by redesignating sections 2711 through 2713 as sections 2731 through 2733, respectively;

(4) by redesignating sections 2721 through 2723 as sections 2735 through 2737, respectively; and

(5) by inserting after section 2702, the following:

"Subpart II—Improving Coverage

"SEC. 2711. NO LIFETIME OR ANNUAL LIMITS.

''(a) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage may not establish—

''(1) lifetime limits on the dollar value of benefits for any participant or beneficiary; or

''(2) unreasonable annual limits (within the meaning of section 223 of the Internal Revenue Code of 1986) on the dollar value of benefits for any participant or beneficiary.

''(b) PER BENEFICIARY LIMITS.—Subsection (a) shall not be construed to prevent a group health plan or health insurance coverage that is not required to provide essential health benefits under section 1302(b) of the Patient Protection and Affordable Care Act from placing annual or lifetime per beneficiary limits on specific covered benefits to the extent that such limits are otherwise permitted under Federal or State law.

"SEC. 2712. PROHIBITION ON RESCISSIONS.

''A group health plan and a health insurance issuer offering group or individual health insurance coverage shall not rescind such plan or coverage with respect to an enrollee once the enrollee is covered under such plan or coverage involved, except that this section shall not apply to a covered individual who has performed an act or practice that constitutes fraud or makes an intentional misrepresentation of material fact as prohibited by the terms of the plan or coverage. Such plan or coverage may not be cancelled except with prior notice to the enrollee, and only as permitted under section 2702(c) or 2742(b).

"SEC. 2713. COVERAGE OF PREVENTIVE HEALTH SERVICES.

''(a) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage shall, at a minimum provide coverage for and shall not impose any cost sharing requirements for—

''(1) evidence-based items or services that have in effect a rating of 'A' or 'B' in the current recommendations of the United States Preventive Services Task Force;

''(2) immunizations that have in effect a recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention with respect to the individual involved;

''(3) with respect to infants, children, and adolescents, evidence-informed preventive care and screenings provided for in the comprehensive guidelines supported by the Health Resources and Services Administration;

''(4) with respect to women, such additional preventive care and screenings not described in paragraph (1) as provided for in comprehensive guidelines supported by the Health Resources and Services Administration for purposes of this paragraph; and

''(5) for the purposes of this Act, and for the purposes of any other provision of law, the current recommendations of the United States Preventive Service Task Force regarding breast cancer screening, mammography, and prevention shall be considered the most current other than those issued in or around November 2009.

Nothing in this subsection shall be construed to prohibit a plan or issuer from providing coverage for services in addition to those recommended by United States Preventive Services Task Force or to deny coverage for services that are not recommended by such Task Force.

''(b) INTERVAL.—

''(1) IN GENERAL.—The Secretary shall establish a minimum interval between the date on which a recommendation described in subsection (a)(1) or (a)(2) or a guideline under subsection (a)(3) is issued and the plan year with respect to which the requirement described in subsection (a) is effective with respect to the service described in such recommendation or guideline.

''(2) MINIMUM.—The interval described in paragraph (1) shall not be less than 1 year.

''(c) VALUE-BASED INSURANCE DESIGN.—The Secretary may develop guidelines to permit a group health plan and a health insurance issuer offering group or individual health insurance coverage to utilize value-based insurance designs.

"SEC. 2714. EXTENSION OF DEPENDENT COVERAGE.

''(a) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage that provides dependent coverage of children shall continue to make such coverage available for an adult child (who is not married) until the child turns 26 years of age. Nothing in this section shall require a health plan or a health insurance issuer described in the preceding sentence to make coverage available for a child of a child receiving dependent coverage.

''(b) REGULATIONS.—The Secretary shall promulgate regulations to define the dependents to which coverage shall be made available under subsection (a).

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to modify the definition of 'dependent' as used in the Internal Revenue Code of 1986 with respect to the tax treatment of the cost of coverage.

"SEC. 2715. DEVELOPMENT AND UTILIZATION OF UNIFORM EXPLANATION OF COVERAGE DOCUMENTS AND STANDARDIZED DEFINITIONS.

''(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Patient Protection and Affordable Care Act, the Secretary shall develop standards for use by a group health plan and a health insurance issuer offering group or individual health insurance coverage, in compiling and providing to enrollees a summary of benefits and coverage explanation that accurately describes the benefits and coverage under the applicable plan or coverage. In developing such standards, the Secretary shall consult with the National Association of Insurance Commissioners (referred to in this section

as the 'NAIC'), a working group composed of representatives of health insurance-related consumer advocacy organizations, health insurance issuers, health care professionals, patient advocates including those representing individuals with limited English proficiency, and other qualified individuals.

''(b) REQUIREMENTS.—The standards for the summary of benefits and coverage developed under subsection (a) shall provide for the following:

''(1) APPEARANCE.—The standards shall ensure that the summary of benefits and coverage is presented in a uniform format that does not exceed 4 pages in length and does not include print smaller than 12-point font.

''(2) LANGUAGE.—The standards shall ensure that the summary is presented in a culturally and linguistically appropriate manner and utilizes terminology understandable by the average plan enrollee.

''(3) CONTENTS.—The standards shall ensure that the summary of benefits and coverage includes—

''(A) uniform definitions of standard insurance terms and medical terms (consistent with subsection (g)) so that consumers may compare health insurance coverage and understand the terms of coverage (or exception to such coverage);

''(B) a description of the coverage, including cost sharing for—

''(i) each of the categories of the essential health benefits described in subparagraphs (A) through (J) of section 1302(b)(1) of the Patient Protection and Affordable Care Act; and

''(ii) other benefits, as identified by the Secretary;

''(C) the exceptions, reductions, and limitations on coverage;

''(D) the cost-sharing provisions, including deductible, coinsurance, and co-payment obligations;

''(E) the renewability and continuation of coverage provisions;

''(F) a coverage facts label that includes examples to illustrate common benefits scenarios, including pregnancy and serious or chronic medical conditions and related cost sharing, such scenarios to be based on recognized clinical practice guidelines;

''(G) a statement of whether the plan or coverage—

''(i) provides minimum essential coverage (as defined under section 5000A(f) of the Internal Revenue Code 1986); and

''(ii) ensures that the plan or coverage share of the total allowed costs of benefits provided under the plan or coverage is not less than 60 percent of such costs;

''(H) a statement that the outline is a summary of the policy or certificate and that the coverage document itself should be consulted to determine the governing contractual provisions; and

''(I) a contact number for the consumer to call with additional questions and an Internet web address where a copy of the actual individual coverage policy or group certificate of coverage can be reviewed and obtained.

''(c) PERIODIC REVIEW AND UPDATING.—The Secretary shall periodically review and update, as appropriate, the standards developed under this section.

''(d) REQUIREMENT TO PROVIDE.—

''(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Patient Protection and Affordable Care Act, each entity described in paragraph (3) shall provide, prior to any enrollment restriction, a summary of benefits and coverage explanation pursuant to the standards developed by the Secretary under subsection (a) to—

''(A) an applicant at the time of application;

''(B) an enrollee prior to the time of enrollment or reenrollment, as applicable; and

''(C) a policyholder or certificate holder at the time of issuance of the policy or delivery of the certificate.

''(2) COMPLIANCE.—An entity described in paragraph (3) is deemed to be in compliance with this section if the summary of benefits and coverage described in subsection (a) is provided in paper or electronic form.

''(3) ENTITIES IN GENERAL.—An entity described in this paragraph is—

''(A) a health insurance issuer (including a group health plan that is not a self-insured plan) offering health insurance coverage within the United States; or

''(B) in the case of a self-insured group health plan, the plan sponsor or designated administrator of the plan (as such terms are defined in section 3(16) of the Employee Retirement Income Security Act of 1974).

''(4) NOTICE OF MODIFICATIONS.—If a group health plan or health insurance issuer makes any material modification in any of the terms of the plan or coverage involved (as defined for purposes of section 102 of the Employee Retirement Income Security Act of 1974) that is not reflected in the most recently provided summary of benefits and coverage, the plan or issuer shall provide notice of such modification to enrollees not later than 60 days prior to the date on which such modification will become effective.

''(e) PREEMPTION.—The standards developed under subsection (a) shall preempt any related State standards that require a summary of benefits and coverage that provides less information to consumers than that required to be provided under this section, as determined by the Secretary.

''(f) FAILURE TO PROVIDE.—An entity described in subsection (d)(3) that willfully fails to provide the information required under this section shall be subject to a fine of not more than $1,000 for each such failure. Such failure with respect to each enrollee shall constitute a separate offense for purposes of this subsection.

''(g) DEVELOPMENT OF STANDARD DEFINITIONS.—

''(1) IN GENERAL.—The Secretary shall, by regulation, provide for the development of standards for the definitions of terms used in health insurance coverage, including the insurance-related terms described in paragraph (2) and the medical terms described in paragraph (3).

''(2) INSURANCE-RELATED TERMS.—The insurance-related terms described in this paragraph are premium, deductible, co-insurance, co-payment, out-of-pocket limit, preferred provider, non-preferred provider, out-of-network co-payments, UCR (usual, customary and reasonable) fees, excluded services, grievance and appeals, and such other terms as the Secretary determines are important to define so that consumers may compare health insurance coverage and understand the terms of their coverage.

''(3) MEDICAL TERMS.—The medical terms described in this paragraph are hospitalization, hospital outpatient care, emergency room care, physician services, prescription drug coverage, durable medical equipment, home health care, skilled nursing care, rehabilitation services, hospice services, emergency medical transportation, and such other terms as the Secretary determines are important to define so that consumers may compare the medical benefits offered by health insurance and understand the extent of those medical benefits (or exceptions to those benefits).

''SEC. 2716. PROHIBITION OF DISCRIMINATION BASED ON SALARY.

''(a) IN GENERAL.—The plan sponsor of a group health plan (other than a self-insured plan) may not establish rules relating to the health insurance coverage eligibility (including continued eligibility) of any full-time employee under the terms of the plan that are based on the total hourly or annual salary of the employee or otherwise establish eligibility rules that have the effect of discriminating in favor of higher wage employees.

''(b) LIMITATION.—Subsection (a) shall not be construed to prohibit a plan sponsor from establishing contribution requirements for enrollment in the plan or coverage that provide for the payment by employees with lower hourly or annual compensation of a lower dollar or percentage contribution than the payment required of similarly situated employees with a higher hourly or annual compensation.

''SEC. 2717. ENSURING THE QUALITY OF CARE.

''(a) QUALITY REPORTING.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Patient Protection and Affordable Care Act, the Secretary, in consultation with experts in health care quality and stakeholders, shall develop reporting requirements for use by a group health plan, and a health insurance issuer offering group or individual health insurance coverage, with respect to plan or coverage benefits and health care provider reimbursement structures that—

''(A) improve health outcomes through the implementation of activities such as quality reporting, effective case management, care coordination, chronic disease management, and medication and care compliance initiatives, including through the use of the medical homes model as defined for purposes of section 3602 of the Patient Protection and Affordable Care Act, for treatment or services under the plan or coverage;

''(B) implement activities to prevent hospital readmissions through a comprehensive program for hospital discharge that includes patient-centered education and counseling, comprehensive discharge planning, and post discharge reinforcement by an appropriate health care professional;

''(C) implement activities to improve patient safety and reduce medical errors through the appropriate use of best clinical practices, evidence based medicine, and health information technology under the plan or coverage; and

''(D) implement wellness and health promotion activities.

''(2) REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage shall annually submit to the Secretary, and to enrollees under the plan or coverage, a report on whether the benefits under the plan or coverage satisfy the elements described in subparagraphs (A) through (D) of paragraph (1).

''(B) TIMING OF REPORTS.—A report under subparagraph (A) shall be made available to an enrollee under the plan or coverage during each open enrollment period.

''(C) AVAILABILITY OF REPORTS.—The Secretary shall make reports submitted under subparagraph (A) available to the public through an Internet website.

''(D) PENALTIES.—In developing the reporting requirements under paragraph (1), the Secretary may develop and impose appropriate penalties for non-compliance with such requirements.

''(E) EXCEPTIONS.—In developing the reporting requirements under paragraph (1), the Secretary may provide for exceptions to such requirements for group health plans and health insurance issuers that substantially meet the goals of this section.

''(b) WELLNESS AND PREVENTION PROGRAMS.—For purposes of subsection (a)(1)(D), wellness and health promotion activities may include personalized wellness and prevention services, which are coordinated, maintained or delivered by a health care provider, a wellness and prevention plan manager, or a health, wellness or prevention services organization that conducts health risk assessments or offers ongoing face-to-face, telephonic or web-based intervention efforts for each of the program's participants, and which may include the following wellness and prevention efforts:

''(1) Smoking cessation.

''(2) Weight management.

''(3) Stress management.

''(4) Physical fitness.

''(5) Nutrition.

''(6) Heart disease prevention.

''(7) Healthy lifestyle support.

''(8) Diabetes prevention.

''(c) REGULATIONS.—Not later than 2 years after the date of enactment of the Patient Protection and Affordable Care Act, the Secretary shall promulgate regulations that provide criteria for determining whether a reimbursement structure is described in subsection (a).

''(d) STUDY AND REPORT.—Not later than 180 days after the date on which regulations are promulgated under subsection (c), the Government Accountability Office shall review such regulations and conduct a study and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report regarding the impact the activities under this section have had on the quality and cost of health care.

"SEC. 2718. BRINGING DOWN THE COST OF HEALTH CARE COVERAGE.

''(a) CLEAR ACCOUNTING FOR COSTS.—A health insurance issuer offering group or individual health insurance coverage shall, with respect to each plan year, submit to the Secretary a report concerning the percentage of total premium revenue that such coverage expends—

''(1) on reimbursement for clinical services provided to enrollees under such coverage;

''(2) for activities that improve health care quality; and

''(3) on all other non-claims costs, including an explanation of the nature of such costs, and excluding State taxes and licensing or regulatory fees.

The Secretary shall make reports received under this section available to the public on the Internet website of the Department of Health and Human Services.

''(b) ENSURING THAT CONSUMERS RECEIVE VALUE FOR THEIR PREMIUM PAYMENTS.—

''(1) REQUIREMENT TO PROVIDE VALUE FOR PREMIUM PAYMENTS.—A health insurance issuer offering group or individual health insurance coverage shall, with respect to each plan year, provide an annual rebate to each enrollee under such coverage, on a pro rata basis, in an amount that is equal to the amount by which premium revenue expended by the issuer on activities described in subsection (a)(3) exceeds—

''(A) with respect to a health insurance issuer offering coverage in the group market, 20 percent, or such lower percentage as a State may by regulation determine; or

''(B) with respect to a health insurance issuer offering coverage in the individual market, 25 percent, or such lower percentage as a State may by regulation determine, except that such percentage shall be adjusted to the extent the Secretary determines that the application of such percentage with a State may destabilize the existing individual market in such State.

''(2) CONSIDERATION IN SETTING PERCENTAGES.—In determining the percentages under paragraph (1), a State shall seek to ensure adequate participation by health insurance issuers, competition in the health insurance market in the State, and value for consumers so that premiums are used for clinical services and quality improvements.

''(3) TERMINATION.—The provisions of this subsection shall have no force or effect after December 31, 2013.

''(c) STANDARD HOSPITAL CHARGES.—Each hospital operating within the United States shall for each year establish (and update) and make public (in accordance with guidelines developed by the Secretary) a list of the hospital's standard charges for items and services provided by the hospital, including for diagnosis-related groups established under section 1886(d)(4) of the Social Security Act.

''(d) DEFINITIONS.—The Secretary, in consultation with the National Association of Insurance Commissions, shall establish uniform definitions for the activities reported under subsection (a).

"SEC. 2719. APPEALS PROCESS.

''A group health plan and a health insurance issuer offering group or individual health insurance coverage shall implement an effective appeals process for appeals of coverage determinations and claims, under which the plan or issuer shall, at a minimum—

''(1) have in effect an internal claims appeal process;

''(2) provide notice to enrollees, in a culturally and linguistically appropriate manner, of available internal and external appeals processes, and the availability of any applicable office of health insurance consumer assistance or ombudsman established under section 2793 to assist such enrollees with the appeals processes;

''(3) allow an enrollee to review their file, to present evidence and testimony as part of the appeals process, and to receive continued coverage pending the outcome of the appeals process; and

''(4) provide an external review process for such plans and issuers that, at a minimum, includes the consumer protections set forth in the Uniform External Review Model Act promulgated by the National Association of Insurance Commissioners and is binding on such plans.''.

SEC. 1002. HEALTH INSURANCE CONSUMER INFORMATION.

Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–91 et seq.) is amended by adding at the end the following:

"SEC. 2793. HEALTH INSURANCE CONSUMER INFORMATION.

''(a) IN GENERAL.—The Secretary shall award grants to States to enable such States (or the Exchanges operating in such States) to establish, expand, or provide support for—

''(1) offices of health insurance consumer assistance; or

''(2) health insurance ombudsman programs.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to receive a grant, a State shall designate an independent office of health insurance consumer assistance, or an ombudsman, that, directly or in coordination with State health insurance regulators and consumer assistance organizations, receives and responds to inquiries and complaints concerning health insurance coverage with respect to Federal health insurance requirements and under State law.

''(2) CRITERIA.—A State that receives a grant under this section shall comply with criteria established by the Secretary for carrying out activities under such grant.

''(c) DUTIES.—The office of health insurance consumer assistance or health insurance ombudsman shall—

''(1) assist with the filing of complaints and appeals, including filing appeals with the internal appeal or grievance process of the group health plan or health insurance issuer involved and providing information about the external appeal process;

''(2) collect, track, and quantify problems and inquiries encountered by consumers;

''(3) educate consumers on their rights and responsibilities with respect to group health plans and health insurance coverage;

''(4) assist consumers with enrollment in a group health plan or health insurance coverage by providing information, referral, and assistance; and

''(5) resolve problems with obtaining premium tax credits under section 36B of the Internal Revenue Code of 1986.

''(d) DATA COLLECTION.—As a condition of receiving a grant under subsection (a), an office of health insurance consumer assistance or ombudsman program shall be required to collect and report data to the Secretary on the types of problems and inquiries encountered by consumers. The Secretary shall utilize such data to identify areas where more enforcement action is necessary and shall share such information with State insurance regulators, the Secretary of Labor, and the Secretary of the Treasury for use in the enforcement activities of such agencies.

''(e) FUNDING.—

''(1) INITIAL FUNDING.—There is hereby appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, $30,000,000 for the first fiscal year for which this section applies to carry out this section. Such amount shall remain available without fiscal year limitation.

''(2) AUTHORIZATION FOR SUBSEQUENT YEARS.—There is authorized to be appropriated to the Secretary for each fiscal year following the fiscal year described in paragraph (1), such sums as may be necessary to carry out this section.''.

SEC. 1003. ENSURING THAT CONSUMERS GET VALUE FOR THEIR DOLLARS.

Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–91 et seq.), as amended by section 1002, is further amended by adding at the end the following:

"SEC. 2794. ENSURING THAT CONSUMERS GET VALUE FOR THEIR DOLLARS.

''(a) INITIAL PREMIUM REVIEW PROCESS.—

''(1) IN GENERAL.—The Secretary, in conjunction with States, shall establish a process for the annual review, beginning with the 2010 plan year and subject to subsection (b)(2)(A), of unreasonable increases in premiums for health insurance coverage.

''(2) JUSTIFICATION AND DISCLOSURE.—The process established under paragraph (1) shall require health insurance issuers to submit to the Secretary and the relevant State a justification for an unreasonable premium increase prior to the implementation of the increase. Such issuers shall prominently post such information on their Internet websites. The Secretary shall ensure the public disclosure of information on such increases and justifications for all health insurance issuers.

''(b) CONTINUING PREMIUM REVIEW PROCESS.—

''(1) INFORMING SECRETARY OF PREMIUM INCREASE PATTERNS.—As a condition of receiving a grant under subsection (c)(1), a State, through its Commissioner of Insurance, shall—

''(A) provide the Secretary with information about trends in premium increases in health insurance coverage in premium rating areas in the State; and

''(B) make recommendations, as appropriate, to the State Exchange about whether particular health insurance issuers should be excluded from participation in the Exchange based on a pattern or practice of excessive or unjustified premium increases.

''(2) MONITORING BY SECRETARY OF PREMIUM INCREASES.—

''(A) IN GENERAL.—Beginning with plan years beginning in 2014, the Secretary, in conjunction with the States and consistent with the provisions of subsection (a)(2), shall monitor premium increases of health insurance coverage offered through an Exchange and outside of an Exchange.

''(B) CONSIDERATION IN OPENING EXCHANGE.—In determining under section 1312(f)(2)(B) of the Patient Protection and Affordable Care Act whether to offer qualified health plans in the large group market through an Exchange, the State shall take into account any excess of premium growth outside of the Exchange as compared to the rate of such growth inside the Exchange.

''(c) GRANTS IN SUPPORT OF PROCESS.—

''(1) PREMIUM REVIEW GRANTS DURING 2010 THROUGH 2014.—The Secretary shall carry out a program to award grants to States during the 5-year period beginning with fiscal year 2010 to assist such States in carrying out subsection (a), including—

''(A) in reviewing and, if appropriate under State law, approving premium increases for health insurance coverage; and

''(B) in providing information and recommendations to the Secretary under subsection (b)(1).

''(2) FUNDING.—

''(A) IN GENERAL.—Out of all funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary $250,000,000, to be

available for expenditure for grants under paragraph (1) and subparagraph (B).

''(B) FURTHER AVAILABILITY FOR INSURANCE REFORM AND CONSUMER PROTECTION.—If the amounts appropriated under subparagraph (A) are not fully obligated under grants under paragraph (1) by the end of fiscal year 2014, any remaining funds shall remain available to the Secretary for grants to States for planning and implementing the insurance reforms and consumer protections under part A.

''(C) ALLOCATION.—The Secretary shall establish a formula for determining the amount of any grant to a State under this subsection. Under such formula—

''(i) the Secretary shall consider the number of plans of health insurance coverage offered in each State and the population of the State; and

''(ii) no State qualifying for a grant under paragraph (1) shall receive less than $1,000,000, or more than $5,000,000 for a grant year.''.

SEC. 1004. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided for in subsection (b), this subtitle (and the amendments made by this subtitle) shall become effective for plan years beginning on or after the date that is 6 months after the date of enactment of this Act, except that the amendments made by sections 1002 and 1003 shall become effective for fiscal years beginning with fiscal year 2010.

(b) SPECIAL RULE.—The amendments made by sections 1002 and 1003 shall take effect on the date of enactment of this Act.

Subtitle B—Immediate Actions to Preserve and Expand Coverage

SEC. 1101. IMMEDIATE ACCESS TO INSURANCE FOR UNINSURED INDIVIDUALS WITH A PREEXISTING CONDITION.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a temporary high risk health insurance pool program to provide health insurance coverage for eligible individuals during the period beginning on the date on which such program is established and ending on January 1, 2014.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary may carry out the program under this section directly or through contracts to eligible entities.

(2) ELIGIBLE ENTITIES.—To be eligible for a contract under paragraph (1), an entity shall—

(A) be a State or nonprofit private entity;

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

(C) agree to utilize contract funding to establish and administer a qualified high risk pool for eligible individuals.

(3) MAINTENANCE OF EFFORT.—To be eligible to enter into a contract with the Secretary under this subsection, a State shall agree not to reduce the annual amount the State expended for the operation of one or more State high risk pools during the year preceding the year in which such contract is entered into.

(c) QUALIFIED HIGH RISK POOL.—

(1) IN GENERAL.—Amounts made available under this section shall be used to establish a qualified high risk pool that meets the requirements of paragraph (2).

(2) REQUIREMENTS.—A qualified high risk pool meets the requirements of this paragraph if such pool—

(A) provides to all eligible individuals health insurance coverage that does not impose any preexisting condition exclusion with respect to such coverage;

(B) provides health insurance coverage—

(i) in which the issuer's share of the total allowed costs of benefits provided under such coverage is not less than 65 percent of such costs; and

(ii) that has an out of pocket limit not greater than the applicable amount described in section 223(c)(2) of the Internal Revenue Code of 1986 for the year involved, except that the Secretary may modify such limit if necessary to ensure the pool meets the actuarial value limit under clause (i);

(C) ensures that with respect to the premium rate charged for health insurance coverage offered to eligible individuals through the high risk pool, such rate shall—

(i) except as provided in clause (ii), vary only as provided for under section 2701 of the Public Health Service Act (as amended by this Act and notwithstanding the date on which such amendments take effect);

(ii) vary on the basis of age by a factor of not greater than 4 to 1; and

(iii) be established at a standard rate for a standard population; and

(D) meets any other requirements determined appropriate by the Secretary.

(d) ELIGIBLE INDIVIDUAL.—An individual shall be deemed to be an eligible individual for purposes of this section if such individual—

(1) is a citizen or national of the United States or is lawfully present in the United States (as determined in accordance with section 1411);

(2) has not been covered under creditable coverage (as defined in section 2701(c)(1) of the Public Health Service Act as in effect on the date of enactment of this Act) during the 6-month period prior to the date on which such individual is applying for coverage through the high risk pool; and

(3) has a pre-existing condition, as determined in a manner consistent with guidance issued by the Secretary.

(e) PROTECTION AGAINST DUMPING RISK BY INSURERS.—

(1) IN GENERAL.—The Secretary shall establish criteria for determining whether health insurance issuers and employment-based health plans have discouraged an individual from remaining enrolled in prior coverage based on that individual's health status.

(2) SANCTIONS.—An issuer or employment-based health plan shall be responsible for reimbursing the program under this section for the medical expenses incurred by the program for an individual who, based on criteria established by the Secretary, the Secretary finds was encouraged by the issuer to disenroll from health benefits coverage prior to enrolling in coverage through the program. The criteria shall include at least the following circumstances:

(A) In the case of prior coverage obtained through an employer, the provision by the employer, group health plan, or the issuer of money or other financial consideration for disenrolling from the coverage.

(B) In the case of prior coverage obtained directly from an issuer or under an employment-based health plan—

(i) the provision by the issuer or plan of money or other financial consideration for disenrolling from the coverage; or

(ii) in the case of an individual whose premium for the prior coverage exceeded the premium required by the program (adjusted based on the age factors applied to the prior coverage)—

(I) the prior coverage is a policy that is no longer being actively marketed (as defined by the Secretary) by the issuer; or

(II) the prior coverage is a policy for which duration of coverage form issue or health status are factors that can be considered in determining premiums at renewal.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed as constituting exclusive remedies for violations of criteria established under paragraph (1) or as preventing States from applying or enforcing such paragraph or other provisions under law with respect to health insurance issuers.

(f) OVERSIGHT.—The Secretary shall establish—

(1) an appeals process to enable individuals to appeal a determination under this section; and

(2) procedures to protect against waste, fraud, and abuse.

(g) FUNDING; TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—There is appropriated to the Secretary, out of any moneys in the Treasury not otherwise appropriated, $5,000,000,000 to pay claims against (and the administrative costs of) the high risk pool under this section that are in excess of the amount of premiums collected from eligible individuals enrolled in the high risk pool. Such funds shall be available without fiscal year limitation.

(2) INSUFFICIENT FUNDS.—If the Secretary estimates for any fiscal year that the aggregate amounts available for the payment of the expenses of the high risk pool will be less than the actual amount of such expenses, the Secretary shall make such adjustments as are necessary to eliminate such deficit.

(3) TERMINATION OF AUTHORITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), coverage of eligible individuals under a high risk pool in a State shall terminate on January 1, 2014.

(B) TRANSITION TO EXCHANGE.—The Secretary shall develop procedures to provide for the transition of eligible individuals enrolled in health insurance coverage offered through a high risk pool established under this section into qualified health plans offered through an Exchange. Such procedures shall ensure that there is no lapse in coverage with respect to the individual and may extend coverage after the termination of the risk pool involved, if the Secretary determines necessary to avoid such a lapse.

(4) LIMITATIONS.—The Secretary has the authority to stop taking applications for participation in the program under this section to comply with the funding limitation provided for in paragraph (1).

(5) RELATION TO STATE LAWS.—The standards established under this section shall supersede any State law or regulation (other than State licensing laws or State laws relating to plan solvency) with respect to qualified high risk pools which are established in accordance with this section.

SEC. 1102. REINSURANCE FOR EARLY RETIREES.

(a) ADMINISTRATION.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a temporary reinsurance program to provide reimbursement to participating employment-based plans for a portion of the cost of providing health insurance coverage to early retirees (and to the eligible spouses, surviving spouses, and dependents of such retirees) during the period beginning on the date on which such program is established and ending on January 1, 2014.

(2) REFERENCE.—In this section:

(A) HEALTH BENEFITS.—The term ''health benefits'' means medical, surgical, hospital, prescription drug, and such other benefits as shall be determined by the Secretary, whether self-funded, or delivered through the purchase of insurance or otherwise.

(B) EMPLOYMENT-BASED PLAN.—The term ''employment-based plan'' means a group health benefits plan that—

(i) is—

(I) maintained by one or more current or former employers (including without limitation any State or local government or political subdivision thereof), employee organization, a voluntary employees' beneficiary association, or a committee or board of individuals appointed to administer such plan; or

(II) a multiemployer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974); and

(ii) provides health benefits to early retirees.

(C) EARLY RETIREES.—The term ''early retirees'' means individuals who are age 55 and older but are not eligible for coverage under title XVIII of the Social Security Act, and who are not active employees of an employer maintaining, or currently contributing to, the employment-based plan or of any employer that has made substantial contributions to fund such plan.

(b) PARTICIPATION.—

(1) EMPLOYMENT-BASED PLAN ELIGIBILITY.—A participating employment-based plan is an employment-based plan that—

(A) meets the requirements of paragraph (2) with respect to health benefits provided under the plan; and

(B) submits to the Secretary an application for participation in the program, at such time, in such manner, and containing such information as the Secretary shall require.

(2) EMPLOYMENT-BASED HEALTH BENEFITS.—An employment-based plan meets the requirements of this paragraph if the plan—

(A) implements programs and procedures to generate cost-savings with respect to participants with chronic and high-cost conditions;

(B) provides documentation of the actual cost of medical claims involved; and

(C) is certified by the Secretary.

(c) PAYMENTS.—

(1) SUBMISSION OF CLAIMS.—

(A) IN GENERAL.—A participating employment-based plan shall submit claims for reimbursement to the Secretary which shall contain documentation of the actual costs of the items and services for which each claim is being submitted.

(B) BASIS FOR CLAIMS.—Claims submitted under subparagraph (A) shall be based on the actual amount expended by the participating employment-based plan involved within the plan year for the health benefits provided to an early retiree or the spouse, surviving spouse, or dependent of such retiree. In determining the amount of a claim for purposes of this subsection, the participating employment-based plan shall take into account any negotiated price concessions (such as discounts, direct or indirect subsidies, rebates, and direct or indirect remunerations) obtained by such plan with respect to such health benefit. For purposes of determining the amount of any such claim, the costs paid by the early retiree or the retiree's spouse, surviving spouse, or dependent in the form of deductibles, co-payments, or co-insurance shall be included in the amounts paid by the participating employment-based plan.

(2) PROGRAM PAYMENTS.—If the Secretary determines that a participating employment-based plan has submitted a valid claim under paragraph (1), the Secretary shall reimburse such plan for 80 percent of that portion of the costs attributable to such claim that exceed $15,000, subject to the limits contained in paragraph (3).

(3) LIMIT.—To be eligible for reimbursement under the program, a claim submitted by a participating employment-based plan shall not be less than $15,000 nor greater than $90,000. Such amounts shall be adjusted each fiscal year based on the percentage increase in the Medical Care Component of the Consumer Price Index for all urban consumers (rounded to the nearest multiple of $1,000) for the year involved.

(4) USE OF PAYMENTS.—Amounts paid to a participating employment-based plan under this subsection shall be used to lower costs for the plan. Such payments may be used to reduce premium costs for an entity described in subsection (a)(2)(B)(i) or to reduce premium contributions, co-payments, deductibles, co-insurance, or other out-of-pocket costs for plan participants. Such payments shall not be used as general revenues for an entity described in subsection (a)(2)(B)(i). The Secretary shall develop a mechanism to monitor the appropriate use of such payments by such entities.

(5) PAYMENTS NOT TREATED AS INCOME.—Payments received under this subsection shall not be included in determining the gross income of an entity described in subsection (a)(2)(B)(i) that is maintaining or currently contributing to a participating employment-based plan.

(6) APPEALS.—The Secretary shall establish—

(A) an appeals process to permit participating employment-based plans to appeal a determination of the Secretary with respect to claims submitted under this section; and

(B) procedures to protect against fraud, waste, and abuse under the program.

(d) AUDITS.—The Secretary shall conduct annual audits of claims data submitted by participating employment-based plans under this section to ensure that such plans are in compliance with the requirements of this section.

(e) FUNDING.—There is appropriated to the Secretary, out of any moneys in the Treasury not otherwise appropriated, $5,000,000,000 to carry out the program under this section. Such funds shall be available without fiscal year limitation.

(f) LIMITATION.—The Secretary has the authority to stop taking applications for participation in the program based on the availability of funding under subsection (e).

SEC. 1103. IMMEDIATE INFORMATION THAT ALLOWS CONSUMERS TO IDENTIFY AFFORDABLE COVERAGE OPTIONS.

(a) INTERNET PORTAL TO AFFORDABLE COVERAGE OPTIONS.—

(1) IMMEDIATE ESTABLISHMENT.—Not later than July 1, 2010, the Secretary, in consultation with the States, shall establish a mechanism, including an Internet website, through which a resident of any State may identify affordable health insurance coverage options in that State.

(2) CONNECTING TO AFFORDABLE COVERAGE.—An Internet website established under paragraph (1) shall, to the extent practicable, provide ways for residents of any State to receive information on at least the following coverage options:

(A) Health insurance coverage offered by health insurance issuers, other than coverage that provides reimbursement only for the treatment or mitigation of—

(i) a single disease or condition; or

(ii) an unreasonably limited set of diseases or conditions (as determined by the Secretary);

(B) Medicaid coverage under title XIX of the Social Security Act.

(C) Coverage under title XXI of the Social Security Act.

(D) A State health benefits high risk pool, to the extent that such high risk pool is offered in such State; and

(E) Coverage under a high risk pool under section 1101.

(b) ENHANCING COMPARATIVE PURCHASING OPTIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall develop a standardized format to be used for the presentation of information relating to the coverage options described in subsection (a)(2). Such format shall, at a minimum, require the inclusion of information on the percentage of total premium revenue expended on nonclinical costs (as reported under section 2718(a) of the Public Health Service Act), eligibility, availability, premium rates, and cost sharing with respect to such coverage options and be consistent with the standards adopted for the uniform explanation of coverage as provided for in section 2715 of the Public Health Service Act.

(2) USE OF FORMAT.—The Secretary shall utilize the format developed under paragraph (1) in compiling information concerning coverage options on the Internet website established under subsection (a).

(c) AUTHORITY TO CONTRACT.—The Secretary may carry out this section through contracts entered into with qualified entities.

SEC. 1104. ADMINISTRATIVE SIMPLIFICATION.

(a) PURPOSE OF ADMINISTRATIVE SIMPLIFICATION.—Section 261 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d note) is amended—

(1) by inserting ''uniform'' before ''standards''; and

(2) by inserting ''and to reduce the clerical burden on patients, health care providers, and health plans'' before the period at the end.

(b) OPERATING RULES FOR HEALTH INFORMATION TRANSACTIONS.—

(1) DEFINITION OF OPERATING RULES.—Section 1171 of the Social Security Act (42 U.S.C. 1320d) is amended by adding at the end the following:

''(9) OPERATING RULES.—The term 'operating rules' means the necessary business rules and guidelines for the electronic exchange of information that are not defined by a standard or its implementation specifications as adopted for purposes of this part.''.

(2) TRANSACTION STANDARDS; OPERATING RULES AND COMPLIANCE.—Section 1173 of the Social Security Act (42 U.S.C. 1320d–2) is amended—

(A) in subsection (a)(2), by adding at the end the following new subparagraph:

''(J) Electronic funds transfers.'';

(B) in subsection (a), by adding at the end the following new paragraph:

''(4) REQUIREMENTS FOR FINANCIAL AND ADMINISTRATIVE TRANSACTIONS.—

''(A) IN GENERAL.—The standards and associated operating rules adopted by the Secretary shall—

''(i) to the extent feasible and appropriate, enable determination of an individual's eligibility and financial responsibility for specific services prior to or at the point of care;

''(ii) be comprehensive, requiring minimal augmentation by paper or other communications;

''(iii) provide for timely acknowledgment, response, and status reporting that supports a transparent claims and denial management process (including adjudication and appeals); and

''(iv) describe all data elements (including reason and remark codes) in unambiguous terms, require that such data elements be required or conditioned upon set values in other fields, and prohibit additional conditions (except where necessary to implement State or Federal law, or to protect against fraud and abuse).

''(B) REDUCTION OF CLERICAL BURDEN.—In adopting standards and operating rules for the transactions referred to under paragraph (1), the Secretary shall seek to reduce the number and complexity of forms (including paper and electronic forms) and data entry required by patients and providers.''; and

(C) by adding at the end the following new subsections:

''(g) OPERATING RULES.—

''(1) IN GENERAL.—The Secretary shall adopt a single set of operating rules for each transaction referred to under subsection (a)(1) with the goal of creating as much uniformity in the implementation of the electronic standards as possible. Such operating rules shall be consensus-based and reflect the necessary business rules affecting health plans and health care providers and the manner in which they operate pursuant to standards issued under Health Insurance Portability and Accountability Act of 1996.

''(2) OPERATING RULES DEVELOPMENT.—In adopting operating rules under this subsection, the Secretary shall consider recommendations for operating rules developed by a qualified nonprofit entity that meets the following requirements:

''(A) The entity focuses its mission on administrative simplification.

''(B) The entity demonstrates a multi-stakeholder and consensus-based process for development of operating rules, including representation by or participation from health plans, health care providers, vendors, relevant Federal agencies, and other standard development organizations.

''(C) The entity has a public set of guiding principles that ensure the operating rules and process are open and transparent, and supports nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory practices.

''(D) The entity builds on the transaction standards issued under Health Insurance Portability and Accountability Act of 1996.

''(E) The entity allows for public review and updates of the operating rules.

''(3) REVIEW AND RECOMMENDATIONS.—The National Committee on Vital and Health Statistics shall—

''(A) advise the Secretary as to whether a nonprofit entity meets the requirements under paragraph (2);

''(B) review the operating rules developed and recommended by such nonprofit entity;

''(C) determine whether such operating rules represent a consensus view of the health care stakeholders and are consistent with and do not conflict with other existing standards;

''(D) evaluate whether such operating rules are consistent with electronic standards adopted for health information technology; and

''(E) submit to the Secretary a recommendation as to whether the Secretary should adopt such operating rules.

''(4) IMPLEMENTATION.—

''(A) IN GENERAL.—The Secretary shall adopt operating rules under this subsection, by regulation in accordance with subparagraph (C), following consideration of the operating rules developed by the non-profit entity described in paragraph (2) and the recommendation submitted by the National Committee on Vital and Health Statistics under paragraph (3)(E) and having ensured consultation with providers.

''(B) ADOPTION REQUIREMENTS; EFFECTIVE DATES.—

''(i) ELIGIBILITY FOR A HEALTH PLAN AND HEALTH CLAIM STATUS.—The set of operating rules for eligibility for a health plan and health claim status transactions shall be adopted not later than July 1, 2011, in a manner ensuring that such operating rules are effective not later than January 1, 2013, and may allow for the use of a machine readable identification card.

''(ii) ELECTRONIC FUNDS TRANSFERS AND HEALTH CARE PAYMENT AND REMITTANCE ADVICE.—The set of operating rules for electronic funds transfers and health care payment and remittance advice transactions shall—

''(I) allow for automated reconciliation of the electronic payment with the remittance advice; and

''(II) be adopted not later than July 1, 2012, in a manner ensuring that such operating rules are effective not later than January 1, 2014.

''(iii) HEALTH CLAIMS OR EQUIVALENT ENCOUNTER INFORMATION, ENROLLMENT AND DISENROLLMENT IN A HEALTH PLAN, HEALTH PLAN PREMIUM PAYMENTS, REFERRAL CERTIFICATION AND AUTHORIZATION.—The set of operating rules for health claims or equivalent encounter information, enrollment and disenrollment in a health plan, health plan premium payments, and referral certification and authorization transactions shall be adopted not later than July 1, 2014, in a manner ensuring that such operating rules are effective not later than January 1, 2016.

''(C) EXPEDITED RULEMAKING.—The Secretary shall promulgate an interim final rule applying any standard or operating rule recommended by the National Committee on Vital and Health Statistics pursuant to paragraph (3). The Secretary shall accept and consider public comments on any interim final rule published under this subparagraph for 60 days after the date of such publication.

''(h) COMPLIANCE.—

''(1) HEALTH PLAN CERTIFICATION.—

''(A) ELIGIBILITY FOR A HEALTH PLAN, HEALTH CLAIM STATUS, ELECTRONIC FUNDS TRANSFERS, HEALTH CARE PAYMENT AND REMITTANCE ADVICE.—Not later than December 31, 2013, a health plan shall file a statement with the Secretary, in such form as the Secretary may require, certifying that the data and information systems for such plan are in compliance with any applicable standards (as described under paragraph (7) of section 1171) and associated operating rules (as described under paragraph (9) of such section) for electronic funds transfers, eligibility for a health plan, health claim status, and health care payment and remittance advice, respectively.

''(B) HEALTH CLAIMS OR EQUIVALENT ENCOUNTER INFORMATION, ENROLLMENT AND DISENROLLMENT IN A HEALTH PLAN, HEALTH PLAN PREMIUM PAYMENTS, HEALTH CLAIMS ATTACHMENTS, REFERRAL CERTIFICATION AND AUTHORIZATION.—Not later than December 31, 2015, a health plan shall file a statement with the Secretary, in such form as the Secretary may require, certifying that the data and information systems for such plan are in compliance with any applicable standards and associated operating rules for health claims or equivalent encounter information, enrollment and disenrollment in a health plan, health plan premium payments, health claims attachments, and referral certification and authorization, respectively. A health plan shall provide the same level of documentation to certify compliance with such transactions as is required to certify compliance with the transactions specified in subparagraph (A).

''(2) DOCUMENTATION OF COMPLIANCE.—A health plan shall provide the Secretary, in such form as the Secretary may require, with adequate documentation of compliance with the standards and operating rules described under paragraph (1). A health plan shall not be considered to have provided adequate documentation and shall not be certified as being in compliance with such standards, unless the health plan—

''(A) demonstrates to the Secretary that the plan conducts the electronic transactions specified in paragraph (1) in a manner that fully complies with the regulations of the Secretary; and

''(B) provides documentation showing that the plan has completed end-to-end testing for such transactions with their partners, such as hospitals and physicians.

''(3) SERVICE CONTRACTS.—A health plan shall be required to ensure that any entities that provide services pursuant to a contract with such health plan shall comply with any applicable certification and compliance requirements (and provide the Secretary with adequate documentation of such compliance) under this subsection.

''(4) CERTIFICATION BY OUTSIDE ENTITY.—The Secretary may designate independent, outside entities to certify that a health plan has complied with the requirements under this subsection, provided that the certification standards employed by such entities are in accordance with any standards or operating rules issued by the Secretary.

''(5) COMPLIANCE WITH REVISED STANDARDS AND OPERATING RULES.—

''(A) IN GENERAL.—A health plan (including entities described under paragraph (3)) shall file a statement with the Secretary, in such form as the Secretary may require, certifying that the data and information systems for such plan are in compliance with any applicable revised standards and associated operating rules under this subsection for any interim final rule promulgated by the Secretary under subsection (i) that—

''(i) amends any standard or operating rule described under paragraph (1) of this subsection; or

''(ii) establishes a standard (as described under subsection (a)(1)(B)) or associated operating rules (as described under subsection (i)(5)) for any other financial and administrative transactions.

''(B) DATE OF COMPLIANCE.—A health plan shall comply with such requirements not later than the effective date of the applicable standard or operating rule.

''(6) AUDITS OF HEALTH PLANS.—The Secretary shall conduct periodic audits to ensure that health plans (including entities described under paragraph (3)) are in compliance with any standards and operating rules that are described under paragraph (1) or subsection (i)(5).

''(i) REVIEW AND AMENDMENT OF STANDARDS AND OPERATING RULES.—

''(1) ESTABLISHMENT.—Not later than January 1, 2014, the Secretary shall establish a review committee (as described under paragraph (4)).

''(2) EVALUATIONS AND REPORTS.—

''(A) HEARINGS.—Not later than April 1, 2014, and not less than biennially thereafter, the Secretary, acting through the review committee, shall conduct hearings to evaluate and review the adopted standards and operating rules established under this section.

''(B) REPORT.—Not later than July 1, 2014, and not less than biennially thereafter, the review committee shall provide recommendations for updating and improving such standards and operating rules. The review committee shall recommend a single set of operating rules per transaction standard and maintain the goal of creating as much uniformity as possible in the implementation of the electronic standards.

''(3) INTERIM FINAL RULEMAKING.—

''(A) IN GENERAL.—Any recommendations to amend adopted standards and operating rules that have been approved by the review committee and reported to the Secretary under paragraph (2)(B) shall be adopted by the Secretary through promulgation of an interim final rule not later than 90 days after receipt of the committee's report.

''(B) PUBLIC COMMENT.—

''(i) PUBLIC COMMENT PERIOD.—The Secretary shall accept and consider public comments on any interim final rule published under this paragraph for 60 days after the date of such publication.

''(ii) EFFECTIVE DATE.—The effective date of any amendment to existing standards or operating rules that is adopted through an interim final rule published under this paragraph shall be 25 months following the close of such public comment period.

''(4) REVIEW COMMITTEE.—

''(A) DEFINITION.—For the purposes of this subsection, the term 'review committee' means a committee chartered by or within the Department of Health and Human services that has been designated by the Secretary to carry out this subsection, including—

''(i) the National Committee on Vital and Health Statistics; or

''(ii) any appropriate committee as determined by the Secretary.

''(B) COORDINATION OF HIT STANDARDS.—In developing recommendations under this subsection, the review committee shall ensure coordination, as appropriate, with the standards that support the certified electronic health record technology approved by the Office of the National Coordinator for Health Information Technology.

''(5) OPERATING RULES FOR OTHER STANDARDS ADOPTED BY THE SECRETARY.—The Secretary shall adopt a single set of operating rules (pursuant to the process described under subsection (g)) for any transaction for which a standard had been adopted pursuant to subsection (a)(1)(B).

''(j) PENALTIES.—

''(1) PENALTY FEE.—

''(A) IN GENERAL.—Not later than April 1, 2014, and annually thereafter, the Secretary shall assess a penalty fee (as determined under subparagraph (B)) against a health plan that has failed to meet the requirements under subsection (h) with respect to certification and documentation of compliance with—

''(i) the standards and associated operating rules described under paragraph (1) of such subsection; and

''(ii) a standard (as described under subsection (a)(1)(B)) and associated operating rules (as described under subsection (i)(5)) for any other financial and administrative transactions.

''(B) FEE AMOUNT.—Subject to subparagraphs (C), (D), and (E), the Secretary shall assess a penalty fee against a health plan in the amount of $1 per covered life until certification is complete. The penalty shall be assessed per person covered by the plan for which its data systems for major medical policies are not in compliance and shall be imposed against the health plan for each day that the plan is not in compliance with the requirements under subsection (h).

''(C) ADDITIONAL PENALTY FOR MISREPRESENTATION.—A health plan that knowingly provides

inaccurate or incomplete information in a statement of certification or documentation of compliance under subsection (h) shall be subject to a penalty fee that is double the amount that would otherwise be imposed under this subsection.

''(D) ANNUAL FEE INCREASE.—The amount of the penalty fee imposed under this subsection shall be increased on an annual basis by the annual percentage increase in total national health care expenditures, as determined by the Secretary.

''(E) PENALTY LIMIT.—A penalty fee assessed against a health plan under this subsection shall not exceed, on an annual basis—

''(i) an amount equal to $20 per covered life under such plan; or

''(ii) an amount equal to $40 per covered life under the plan if such plan has knowingly provided inaccurate or incomplete information (as described under subparagraph (C)).

''(F) DETERMINATION OF COVERED INDIVIDUALS.—The Secretary shall determine the number of covered lives under a health plan based upon the most recent statements and filings that have been submitted by such plan to the Securities and Exchange Commission.

''(2) NOTICE AND DISPUTE PROCEDURE.—The Secretary shall establish a procedure for assessment of penalty fees under this subsection that provides a health plan with reasonable notice and a dispute resolution procedure prior to provision of a notice of assessment by the Secretary of the Treasury (as described under paragraph (4)(B)).

''(3) PENALTY FEE REPORT.—Not later than May 1, 2014, and annually thereafter, the Secretary shall provide the Secretary of the Treasury with a report identifying those health plans that have been assessed a penalty fee under this subsection.

''(4) COLLECTION OF PENALTY FEE.—

''(A) IN GENERAL.—The Secretary of the Treasury, acting through the Financial Management Service, shall administer the collection of penalty fees from health plans that have been identified by the Secretary in the penalty fee report provided under paragraph (3).

''(B) NOTICE.—Not later than August 1, 2014, and annually thereafter, the Secretary of the Treasury shall provide notice to each health plan that has been assessed a penalty fee by the Secretary under this subsection. Such notice shall include the amount of the penalty fee assessed by the Secretary and the due date for payment of such fee to the Secretary of the Treasury (as described in subparagraph (C)).

''(C) PAYMENT DUE DATE.—Payment by a health plan for a penalty fee assessed under this subsection shall be made to the Secretary of the Treasury not later than November 1, 2014, and annually thereafter.

''(D) UNPAID PENALTY FEES.—Any amount of a penalty fee assessed against a health plan under this subsection for which payment has not been made by the due date provided under subparagraph (C) shall be—

''(i) increased by the interest accrued on such amount, as determined pursuant to the underpayment rate established under section 6621 of the Internal Revenue Code of 1986; and

''(ii) treated as a past-due, legally enforceable debt owed to a Federal agency for purposes of section 6402(d) of the Internal Revenue Code of 1986.

''(E) ADMINISTRATIVE FEES.—Any fee charged or allocated for collection activities conducted by the Financial Management Service will be passed on to a health plan on a pro-rata basis and added to any penalty fee collected from the plan.''.

(c) PROMULGATION OF RULES.—

(1) UNIQUE HEALTH PLAN IDENTIFIER.—The Secretary shall promulgate a final rule to establish a unique health plan identifier (as described in section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b))) based on the input of the National Committee on Vital and Health Statistics. The Secretary may do so on an interim final basis and such rule shall be effective not later than October 1, 2012.

(2) ELECTRONIC FUNDS TRANSFER.—The Secretary shall promulgate a final rule to establish a standard for electronic funds transfers (as described in section 1173(a)(2)(J) of the Social Security Act, as added by subsection (b)(2)(A)). The Secretary may do so on an interim final basis and shall adopt such standard not later than January 1, 2012, in a manner ensuring that such standard is effective not later than January 1, 2014.

(3) HEALTH CLAIMS ATTACHMENTS.—The Secretary shall promulgate a final rule to establish a transaction standard and a single set of associated operating rules for health claims attachments (as described in section 1173(a)(2)(B) of the Social Security Act (42 U.S.C. 1320d–2(a)(2)(B))) that is consistent with the X12 Version 5010 transaction standards. The Secretary may do so on an interim final basis and shall adopt a transaction standard and a single set of associated operating rules not later than January 1, 2014, in a manner ensuring that such standard is effective not later than January 1, 2016.

(d) EXPANSION OF ELECTRONIC TRANSACTIONS IN MEDICARE.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (23), by striking the ''or'' at the end;

(2) in paragraph (24), by striking the period and inserting ''; or''; and

(3) by inserting after paragraph (24) the following new paragraph:

''(25) not later than January 1, 2014, for which the payment is other than by electronic funds transfer (EFT) or an electronic remittance in a form as specified in ASC X12 835 Health Care Payment and Remittance Advice or subsequent standard.''.

SEC. 1105. EFFECTIVE DATE.

This subtitle shall take effect on the date of enactment of this Act.

Subtitle C—Quality Health Insurance Coverage for All Americans

PART I—HEALTH INSURANCE MARKET REFORMS

SEC. 1201. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.), as amended by section 1001, is further amended—

(1) by striking the heading for subpart 1 and inserting the following:

''Subpart I—General Reform'';

(2)(A) in section 2701 (42 U.S.C. 300gg), by striking the section heading and subsection (a) and inserting the following:

''SEC. 2704. PROHIBITION OF PREEXISTING CONDITION EXCLUSIONS OR OTHER DISCRIMINATION BASED ON HEALTH STATUS.

''(a) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage may not impose any preexisting condition exclusion with respect to such plan or coverage.''; and

(B) by transferring such section (as amended by subparagraph (A)) so as to appear after the section 2703 added by paragraph (4);

(3)(A) in section 2702 (42 U.S.C. 300gg–1)—

(i) by striking the section heading and all that follows through subsection (a);

(ii) in subsection (b)—

(I) by striking ''health insurance issuer offering health insurance coverage in connection with a group health plan'' each place that such appears and inserting ''health insurance issuer offering group or individual health insurance coverage''; and

(II) in paragraph (2)(A)—

(aa) by inserting ''or individual'' after ''employer''; and

(bb) by inserting ''or individual health coverage, as the case may be'' before the semicolon; and

(iii) in subsection (e)—

(I) by striking ''(a)(1)(F)'' and inserting ''(a)(6)'';

(II) by striking ''2701'' and inserting ''2704''; and

(III) by striking ''2721(a)'' and inserting ''2735(a)''; and

(B) by transferring such section (as amended by subparagraph (A)) to appear after section 2705(a) as added by paragraph (4); and

(4) by inserting after the subpart heading (as added by paragraph (1)) the following:

''SEC. 2701. FAIR HEALTH INSURANCE PREMIUMS.

''(a) PROHIBITING DISCRIMINATORY PREMIUM RATES.—

''(1) IN GENERAL.—With respect to the premium rate charged by a health insurance issuer for health insurance coverage offered in the individual or small group market—

''(A) such rate shall vary with respect to the particular plan or coverage involved only by—

''(i) whether such plan or coverage covers an individual or family;

''(ii) rating area, as established in accordance with paragraph (2);

''(iii) age, except that such rate shall not vary by more than 3 to 1 for adults (consistent with section 2707(c)); and

''(iv) tobacco use, except that such rate shall not vary by more than 1.5 to 1; and

''(B) such rate shall not vary with respect to the particular plan or coverage involved by any other factor not described in subparagraph (A).

''(2) RATING AREA.—

''(A) IN GENERAL.—Each State shall establish 1 or more rating areas within that State for purposes of applying the requirements of this title.

''(B) SECRETARIAL REVIEW.—The Secretary shall review the rating areas established by each State under subparagraph (A) to ensure the adequacy of such areas for purposes of carrying out the requirements of this title. If the Secretary determines a State's rating areas are not adequate, or that a State does not establish such areas, the Secretary may establish rating areas for that State.

''(3) PERMISSIBLE AGE BANDS.—The Secretary, in consultation with the National Association of Insurance Commissioners, shall define the permissible age bands for rating purposes under paragraph (1)(A)(iii).

''(4) APPLICATION OF VARIATIONS BASED ON AGE OR TOBACCO USE.—With respect to family coverage under a group health plan or health insurance coverage, the rating variations permitted under clauses (iii) and (iv) of paragraph (1)(A) shall be applied based on the portion of the premium that is attributable to each family member covered under the plan or coverage.

''(5) SPECIAL RULE FOR LARGE GROUP MARKET.—If a State permits health insurance issuers that offer coverage in the large group market in the State to offer such coverage through the State Exchange (as provided for under section 1312(f)(2)(B) of the Patient Protection and Affordable Care Act), the provisions of this subsection shall apply to all coverage offered in such market in the State.

''SEC. 2702. GUARANTEED AVAILABILITY OF COVERAGE.

''(a) GUARANTEED ISSUANCE OF COVERAGE IN THE INDIVIDUAL AND GROUP MARKET.—Subject to subsections (b) through (e), each health insurance issuer that offers health insurance coverage in the individual or group market in a State must accept every employer and individual in the State that applies for such coverage.

''(b) ENROLLMENT.—

''(1) RESTRICTION.—A health insurance issuer described in subsection (a) may restrict enrollment in coverage described in such subsection to open or special enrollment periods.

''(2) ESTABLISHMENT.—A health insurance issuer described in subsection (a) shall, in accordance with the regulations promulgated under paragraph (3), establish special enrollment periods for qualifying events (under section 603 of the Employee Retirement Income Security Act of 1974).

''(3) REGULATIONS.—The Secretary shall promulgate regulations with respect to enrollment periods under paragraphs (1) and (2).

"SEC. 2703. GUARANTEED RENEWABILITY OF COVERAGE.

''(a) IN GENERAL.—Except as provided in this section, if a health insurance issuer offers health insurance coverage in the individual or group market, the issuer must renew or continue in force such coverage at the option of the plan sponsor or the individual, as applicable.

"SEC. 2705. PROHIBITING DISCRIMINATION AGAINST INDIVIDUAL PARTICIPANTS AND BENEFICIARIES BASED ON HEALTH STATUS.

''(a) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage may not establish rules for eligibility (including continued eligibility) of any individual to enroll under the terms of the plan or coverage based on any of the following health status-related factors in relation to the individual or a dependent of the individual:

''(1) Health status.

''(2) Medical condition (including both physical and mental illnesses).

''(3) Claims experience.

''(4) Receipt of health care.

''(5) Medical history.

''(6) Genetic information.

''(7) Evidence of insurability (including conditions arising out of acts of domestic violence).

''(8) Disability.

''(9) Any other health status-related factor determined appropriate by the Secretary.

''(j) PROGRAMS OF HEALTH PROMOTION OR DISEASE PREVENTION.—

''(1) GENERAL PROVISIONS.—

''(A) GENERAL RULE.—For purposes of subsection (b)(2)(B), a program of health promotion or disease prevention (referred to in this subsection as a 'wellness program') shall be a program offered by an employer that is designed to promote health or prevent disease that meets the applicable requirements of this subsection.

''(B) NO CONDITIONS BASED ON HEALTH STATUS FACTOR.—If none of the conditions for obtaining a premium discount or rebate or other reward for participation in a wellness program is based on an individual satisfying a standard that is related to a health status factor, such wellness program shall not violate this section if participation in the program is made available to all similarly situated individuals and the requirements of paragraph (2) are complied with.

''(C) CONDITIONS BASED ON HEALTH STATUS FACTOR.—If any of the conditions for obtaining a premium discount or rebate or other reward for participation in a wellness program is based on an individual satisfying a standard that is related to a health status factor, such wellness program shall not violate this section if the requirements of paragraph (3) are complied with.

''(2) WELLNESS PROGRAMS NOT SUBJECT TO REQUIREMENTS.—If none of the conditions for obtaining a premium discount or rebate or other reward under a wellness program as described in paragraph (1)(B) are based on an individual satisfying a standard that is related to a health status factor (or if such a wellness program does not provide such a reward), the wellness program shall not violate this section if participation in the program is made available to all similarly situated individuals. The following programs shall not have to comply with the requirements of paragraph (3) if participation in the program is made available to all similarly situated individuals:

''(A) A program that reimburses all or part of the cost for memberships in a fitness center.

''(B) A diagnostic testing program that provides a reward for participation and does not base any part of the reward on outcomes.

''(C) A program that encourages preventive care related to a health condition through the waiver of the copayment or deductible requirement under group health plan for the costs of certain items or services related to a health condition (such as prenatal care or well-baby visits).

''(D) A program that reimburses individuals for the costs of smoking cessation programs without regard to whether the individual quits smoking.

''(E) A program that provides a reward to individuals for attending a periodic health education seminar.

''(3) WELLNESS PROGRAMS SUBJECT TO REQUIREMENTS.—If any of the conditions for obtaining a premium discount, rebate, or reward under a wellness program as described in paragraph (1)(C) is based on an individual satisfying a standard that is related to a health status factor, the wellness program shall not violate this section if the following requirements are complied with:

''(A) The reward for the wellness program, together with the reward for other wellness programs with respect to the plan that requires satisfaction of a standard related to a health status factor, shall not exceed 30 percent of the cost of employee-only coverage under the plan. If, in addition to employees or individuals, any class of dependents (such as spouses or spouses and dependent children) may participate fully in the wellness program, such reward shall not exceed 30 percent of the cost of the coverage in which an employee or individual and any dependents are enrolled. For purposes of this paragraph, the cost of coverage shall be determined based on the total amount of employer and employee contributions for the benefit package under which the employee is (or the employee and any dependents are) receiving coverage. A reward may be in the form of a discount or rebate of a premium or contribution, a waiver of all or part of a cost-sharing mechanism (such as deductibles, copayments, or coinsurance), the absence of a surcharge, or the value of a benefit that would otherwise not be provided under the plan. The Secretaries of Labor, Health and Human Services, and the Treasury may increase the reward available under this subparagraph to up to 50 percent of the cost of coverage if the Secretaries determine that such an increase is appropriate.

''(B) The wellness program shall be reasonably designed to promote health or prevent disease. A program complies with the preceding sentence if the program has a reasonable chance of improving the health of, or preventing disease in, participating individuals and it is not overly burdensome, is not a subterfuge for discriminating based on a health status factor, and is not highly suspect in the method chosen to promote health or prevent disease.

''(C) The plan shall give individuals eligible for the program the opportunity to qualify for the reward under the program at least once each year.

''(D) The full reward under the wellness program shall be made available to all similarly situated individuals. For such purpose, among other things:

''(i) The reward is not available to all similarly situated individuals for a period unless the wellness program allows—

''(I) for a reasonable alternative standard (or waiver of the otherwise applicable standard) for obtaining the reward for any individual for whom, for that period, it is unreasonably difficult due to a medical condition to satisfy the otherwise applicable standard; and

''(II) for a reasonable alternative standard (or waiver of the otherwise applicable standard) for obtaining the reward for any individual for whom, for that period, it is medically inadvisable to attempt to satisfy the otherwise applicable standard.

''(ii) If reasonable under the circumstances, the plan or issuer may seek verification, such as a statement from an individual's physician, that a health status factor makes it unreasonably difficult or medically inadvisable for the individual to satisfy or attempt to satisfy the otherwise applicable standard.

''(E) The plan or issuer involved shall disclose in all plan materials describing the terms of the wellness program the availability of a reasonable alternative standard (or the possibility of waiver of the otherwise applicable standard) required under subparagraph (D). If plan materials disclose that such a program is available, without describing its terms, the disclosure under this subparagraph shall not be required.

''(k) EXISTING PROGRAMS.—Nothing in this section shall prohibit a program of health promotion or disease prevention that was established prior to the date of enactment of this section and applied with all applicable regulations, and that is operating on such date, from continuing to be carried out for as long as such regulations remain in effect.

''(l) WELLNESS PROGRAM DEMONSTRATION PROJECT.—

''(1) IN GENERAL.—Not later than July 1, 2014, the Secretary, in consultation with the Secretary of the Treasury and the Secretary of Labor, shall establish a 10-State demonstration project under which participating States shall apply the provisions of subsection (j) to programs of health promotion offered by a health insurance issuer that offers health insurance coverage in the individual market in such State.

''(2) EXPANSION OF DEMONSTRATION PROJECT.—If the Secretary, in consultation with the Secretary of the Treasury and the Secretary of Labor, determines that the demonstration project described in paragraph (1) is effective, such Secretaries may, beginning on July 1, 2017 expand such demonstration project to include additional participating States.

''(3) REQUIREMENTS.—

''(A) MAINTENANCE OF COVERAGE.—The Secretary, in consultation with the Secretary of the Treasury and the Secretary of Labor, shall not approve the participation of a State in the demonstration project under this section unless the Secretaries determine that the State's project is designed in a manner that—

''(i) will not result in any decrease in coverage; and

''(ii) will not increase the cost to the Federal Government in providing credits under section 36B of the Internal Revenue Code of 1986 or cost-sharing assistance under section 1402 of the Patient Protection and Affordable Care Act.

''(B) OTHER REQUIREMENTS.—States that participate in the demonstration project under this subsection—

''(i) may permit premium discounts or rebates or the modification of otherwise applicable copayments or deductibles for adherence to, or participation in, a reasonably designed program of health promotion and disease prevention;

''(ii) shall ensure that requirements of consumer protection are met in programs of health promotion in the individual market;

''(iii) shall require verification from health insurance issuers that offer health insurance coverage in the individual market of such State that premium discounts—

''(I) do not create undue burdens for individuals insured in the individual market;

''(II) do not lead to cost shifting; and

''(III) are not a subterfuge for discrimination;

''(iv) shall ensure that consumer data is protected in accordance with the requirements of section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note); and

''(v) shall ensure and demonstrate to the satisfaction of the Secretary that the discounts or other rewards provided under the project reflect the expected level of participation in the wellness program involved and the anticipated effect the program will have on utilization or medical claim costs.

''(m) REPORT.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Patient Protection and Affordable Care Act, the Secretary, in consultation with the Secretary of the Treasury and the Secretary of Labor, shall submit a report to the appropriate committees of Congress concerning—

''(A) the effectiveness of wellness programs (as defined in subsection (j)) in promoting health and preventing disease;

''(B) the impact of such wellness programs on the access to care and affordability of coverage for participants and non-participants of such programs;

''(C) the impact of premium-based and cost-sharing incentives on participant behavior and the role of such programs in changing behavior; and

''(D) the effectiveness of different types of rewards.

''(2) DATA COLLECTION.—In preparing the report described in paragraph (1), the Secretaries shall gather relevant information from employers who provide employees with access to wellness programs, including State and Federal agencies.

''(n) REGULATIONS.—Nothing in this section shall be construed as prohibiting the Secretaries of Labor, Health and Human Services, or the Treasury from promulgating regulations in connection with this section.

"SEC. 2706. NON-DISCRIMINATION IN HEALTH CARE.

''(a) PROVIDERS.—A group health plan and a health insurance issuer offering group or individual health insurance coverage shall not discriminate with respect to participation under the plan or coverage against any health care provider who is acting within the scope of that provider's license or certification under applicable State law. This section shall not require that a group health plan or health insurance issuer contract with any health care provider willing to abide by the terms and conditions for participation established by the plan or issuer. Nothing in this section shall be construed as preventing a group health plan, a health insurance issuer, or the Secretary from establishing varying reimbursement rates based on quality or performance measures.

''(b) INDIVIDUALS.—The provisions of section 1558 of the Patient Protection and Affordable Care Act (relating to non-discrimination) shall apply with respect to a group health plan or health insurance issuer offering group or individual health insurance coverage.

"SEC. 2707. COMPREHENSIVE HEALTH INSURANCE COVERAGE.

''(a) COVERAGE FOR ESSENTIAL HEALTH BENEFITS PACKAGE.—A health insurance issuer that offers health insurance coverage in the individual or small group market shall ensure that such coverage includes the essential health benefits package required under section 1302(a) of the Patient Protection and Affordable Care Act.

''(b) COST-SHARING UNDER GROUP HEALTH PLANS.—A group health plan shall ensure that any annual cost-sharing imposed under the plan does not exceed the limitations provided for under paragraphs (1) and (2) of section 1302(c).

''(c) CHILD-ONLY PLANS.—If a health insurance issuer offers health insurance coverage in any level of coverage specified under section 1302(d) of the Patient Protection and Affordable Care Act, the issuer shall also offer such coverage in that level as a plan in which the only enrollees are individuals who, as of the beginning of a plan year, have not attained the age of 21.

''(d) DENTAL ONLY.—This section shall not apply to a plan described in section 1302(d)(2)(B)(ii)(I).

"SEC. 2708. PROHIBITION ON EXCESSIVE WAITING PERIODS.

''A group health plan and a health insurance issuer offering group or individual health insurance coverage shall not apply any waiting period (as defined in section 2704(b)(4)) that exceeds 90 days.''.

PART II—OTHER PROVISIONS

SEC. 1251. PRESERVATION OF RIGHT TO MAINTAIN EXISTING COVERAGE.

(a) NO CHANGES TO EXISTING COVERAGE.—

(1) IN GENERAL.—Nothing in this Act (or an amendment made by this Act) shall be construed to require that an individual terminate coverage under a group health plan or health insurance coverage in which such individual was enrolled on the date of enactment of this Act.

(2) CONTINUATION OF COVERAGE.—With respect to a group health plan or health insurance coverage in which an individual was enrolled on the date of enactment of this Act, this subtitle and subtitle A (and the amendments made by such subtitles) shall not apply to such plan or coverage, regardless of whether the individual renews such coverage after such date of enactment.

(b) ALLOWANCE FOR FAMILY MEMBERS TO JOIN CURRENT COVERAGE.—With respect to a group health plan or health insurance coverage in which an individual was enrolled on the date of enactment of this Act and which is renewed after such date, family members of such individual shall be permitted to enroll in such plan or coverage if such enrollment is permitted under the terms of the plan in effect as of such date of enactment.

(c) ALLOWANCE FOR NEW EMPLOYEES TO JOIN CURRENT PLAN.—A group health plan that provides coverage on the date of enactment of this Act may provide for the enrolling of new employees (and their families) in such plan, and this subtitle and subtitle A (and the amendments made by such subtitles) shall not apply with respect to such plan and such new employees (and their families).

(d) EFFECT ON COLLECTIVE BARGAINING AGREEMENTS.—In the case of health insurance coverage maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers that was ratified before the date of enactment of this Act, the provisions of this subtitle and subtitle A (and the amendments made by such subtitles) shall not apply until the date on which the last of the collective bargaining agreements relating to the coverage terminates. Any coverage amendment made pursuant to a collective bargaining agreement relating to the coverage which amends the coverage solely to conform to any requirement added by this subtitle or subtitle A (or amendments) shall not be treated as a termination of such collective bargaining agreement.

(e) DEFINITION.—In this title, the term ''grandfathered health plan'' means any group health plan or health insurance coverage to which this section applies.

SEC. 1252. RATING REFORMS MUST APPLY UNIFORMLY TO ALL HEALTH INSURANCE ISSUERS AND GROUP HEALTH PLANS.

Any standard or requirement adopted by a State pursuant to this title, or any amendment made by this title, shall be applied uniformly to all health plans in each insurance market to which the standard and requirements apply. The preceding sentence shall also apply to a State standard or requirement relating to the standard or requirement required by this title (or any such amendment) that is not the same as the standard or requirement but that is not preempted under section 1321(d).

SEC. 1253. EFFECTIVE DATES.

This subtitle (and the amendments made by this subtitle) shall become effective for plan years beginning on or after January 1, 2014.

Subtitle D—Available Coverage Choices for All Americans

PART I—ESTABLISHMENT OF QUALIFIED HEALTH PLANS

SEC. 1301. QUALIFIED HEALTH PLAN DEFINED.

(a) QUALIFIED HEALTH PLAN.—In this title:

(1) IN GENERAL.—The term ''qualified health plan'' means a health plan that—

(A) has in effect a certification (which may include a seal or other indication of approval) that such plan meets the criteria for certification described in section 1311(c) issued or recognized by each Exchange through which such plan is offered;

(B) provides the essential health benefits package described in section 1302(a); and

(C) is offered by a health insurance issuer that—

(i) is licensed and in good standing to offer health insurance coverage in each State in which such issuer offers health insurance coverage under this title;

(ii) agrees to offer at least one qualified health plan in the silver level and at least one plan in the gold level in each such Exchange;

(iii) agrees to charge the same premium rate for each qualified health plan of the issuer without regard to whether the plan is offered through an Exchange or whether the plan is offered directly from the issuer or through an agent; and

(iv) complies with the regulations developed by the Secretary under section 1311(d) and such other requirements as an applicable Exchange may establish.

(2) INCLUSION OF CO-OP PLANS AND COMMUNITY HEALTH INSURANCE OPTION.—Any reference in this title to a qualified health plan shall be deemed to include a qualified health plan offered through the CO-OP program under section 1322 or a community health insurance option under section 1323, unless specifically provided for otherwise.

(b) TERMS RELATING TO HEALTH PLANS.—In this title:

(1) HEALTH PLAN.—

(A) IN GENERAL.—The term ''health plan'' means health insurance coverage and a group health plan.

(B) EXCEPTION FOR SELF-INSURED PLANS AND MEWAS.—Except to the extent specifically provided by this title, the term ''health plan'' shall not include a group health plan or multiple employer welfare arrangement to the extent the plan or arrangement is not subject to State insurance regulation under section 514 of the Employee Retirement Income Security Act of 1974.

(2) HEALTH INSURANCE COVERAGE AND ISSUER.—The terms ''health insurance coverage'' and ''health insurance issuer'' have the meanings given such terms by section 2791(b) of the Public Health Service Act.

(3) GROUP HEALTH PLAN.—The term ''group health plan'' has the meaning given such term by section 2791(a) of the Public Health Service Act.

SEC. 1302. ESSENTIAL HEALTH BENEFITS REQUIREMENTS.

(a) ESSENTIAL HEALTH BENEFITS PACKAGE.—In this title, the term ''essential health benefits package'' means, with respect to any health plan, coverage that—

(1) provides for the essential health benefits defined by the Secretary under subsection (b);

(2) limits cost-sharing for such coverage in accordance with subsection (c); and

(3) subject to subsection (e), provides either the bronze, silver, gold, or platinum level of coverage described in subsection (d).

(b) ESSENTIAL HEALTH BENEFITS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall define the essential health benefits, except that such benefits shall include at least the following general categories and the items and services covered within the categories:

(A) Ambulatory patient services.

(B) Emergency services.

(C) Hospitalization.

(D) Maternity and newborn care.

(E) Mental health and substance use disorder services, including behavioral health treatment.

(F) Prescription drugs.

(G) Rehabilitative and habilitative services and devices.

(H) Laboratory services.

(I) Preventive and wellness services and chronic disease management.

(J) Pediatric services, including oral and vision care.

(2) LIMITATION.—

(A) IN GENERAL.—The Secretary shall ensure that the scope of the essential health benefits under paragraph (1) is equal to the scope of benefits provided under a typical employer plan, as determined by the Secretary. To inform this determination, the Secretary of Labor shall conduct a survey of employer-sponsored coverage to determine the benefits typically covered by employers, including multiemployer plans, and

provide a report on such survey to the Secretary.

(B) CERTIFICATION.—In defining the essential health benefits described in paragraph (1), and in revising the benefits under paragraph (4)(H), the Secretary shall submit a report to the appropriate committees of Congress containing a certification from the Chief Actuary of the Centers for Medicare & Medicaid Services that such essential health benefits meet the limitation described in paragraph (2).

(3) NOTICE AND HEARING.—In defining the essential health benefits described in paragraph (1), and in revising the benefits under paragraph (4)(H), the Secretary shall provide notice and an opportunity for public comment.

(4) REQUIRED ELEMENTS FOR CONSIDERATION.—In defining the essential health benefits under paragraph (1), the Secretary shall—

(A) ensure that such essential health benefits reflect an appropriate balance among the categories described in such subsection, so that benefits are not unduly weighted toward any category;

(B) not make coverage decisions, determine reimbursement rates, establish incentive programs, or design benefits in ways that discriminate against individuals because of their age, disability, or expected length of life;

(C) take into account the health care needs of diverse segments of the population, including women, children, persons with disabilities, and other groups;

(D) ensure that health benefits established as essential not be subject to denial to individuals against their wishes on the basis of the individuals' age or expected length of life or of the individuals' present or predicted disability, degree of medical dependency, or quality of life;

(E) provide that a qualified health plan shall not be treated as providing coverage for the essential health benefits described in paragraph (1) unless the plan provides that—

(i) coverage for emergency department services will be provided without imposing any requirement under the plan for prior authorization of services or any limitation on coverage where the provider of services does not have a contractual relationship with the plan for the providing of services that is more restrictive than the requirements or limitations that apply to emergency department services received from providers who do have such a contractual relationship with the plan; and

(ii) if such services are provided out-of-network, the cost-sharing requirement (expressed as a copayment amount or coinsurance rate) is the same requirement that would apply if such services were provided in-network;

(F) provide that if a plan described in section 1311(b)(2)(B)(ii) (relating to stand-alone dental benefits plans) is offered through an Exchange, another health plan offered through such Exchange shall not fail to be treated as a qualified health plan solely because the plan does not offer coverage of benefits offered through the stand-alone plan that are otherwise required under paragraph (1)(J); and

(G) periodically review the essential health benefits under paragraph (1), and provide a report to Congress and the public that contains—

(i) an assessment of whether enrollees are facing any difficulty accessing needed services for reasons of coverage or cost;

(ii) an assessment of whether the essential health benefits needs to be modified or updated to account for changes in medical evidence or scientific advancement;

(iii) information on how the essential health benefits will be modified to address any such gaps in access or changes in the evidence base;

(iv) an assessment of the potential of additional or expanded benefits to increase costs and the interactions between the addition or expansion of benefits and reductions in existing benefits to meet actuarial limitations described in paragraph (2); and

(H) periodically update the essential health benefits under paragraph (1) to address any gaps in access to coverage or changes in the evidence base the Secretary identifies in the review conducted under subparagraph (G).

(5) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to prohibit a health plan from providing benefits in excess of the essential health benefits described in this subsection.

(c) REQUIREMENTS RELATING TO COST-SHARING.—

(1) ANNUAL LIMITATION ON COST-SHARING.—

(A) 2014.—The cost-sharing incurred under a health plan with respect to self-only coverage or coverage other than self-only coverage for a plan year beginning in 2014 shall not exceed the dollar amounts in effect under section 223(c)(2)(A)(ii) of the Internal Revenue Code of 1986 for self-only and family coverage, respectively, for taxable years beginning in 2014.

(B) 2015 AND LATER.—In the case of any plan year beginning in a calendar year after 2014, the limitation under this paragraph shall—

(i) in the case of self-only coverage, be equal to the dollar amount under subparagraph (A) for self-only coverage for plan years beginning in 2014, increased by an amount equal to the product of that amount and the premium adjustment percentage under paragraph (4) for the calendar year; and

(ii) in the case of other coverage, twice the amount in effect under clause (i).

If the amount of any increase under clause (i) is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.

(2) ANNUAL LIMITATION ON DEDUCTIBLES FOR EMPLOYER-SPONSORED PLANS.—

(A) IN GENERAL.—In the case of a health plan offered in the small group market, the deductible under the plan shall not exceed—

(i) $2,000 in the case of a plan covering a single individual; and

(ii) $4,000 in the case of any other plan.

The amounts under clauses (i) and (ii) may be increased by the maximum amount of reimbursement which is reasonably available to a participant under a flexible spending arrangement described in section 106(c)(2) of the Internal Revenue Code of 1986 (determined without regard to any salary reduction arrangement).

(B) INDEXING OF LIMITS.—In the case of any plan year beginning in a calendar year after 2014—

(i) the dollar amount under subparagraph (A)(i) shall be increased by an amount equal to the product of that amount and the premium adjustment percentage under paragraph (4) for the calendar year; and

(ii) the dollar amount under subparagraph (A)(ii) shall be increased to an amount equal to twice the amount in effect under subparagraph (A)(i) for plan years beginning in the calendar year, determined after application of clause (i).

If the amount of any increase under clause (i) is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.

(C) ACTUARIAL VALUE.—The limitation under this paragraph shall be applied in such a manner so as to not affect the actuarial value of any health plan, including a plan in the bronze level.

(D) COORDINATION WITH PREVENTIVE LIMITS.—Nothing in this paragraph shall be construed to allow a plan to have a deductible under the plan apply to benefits described in section 2713 of the Public Health Service Act.

(3) COST-SHARING.—In this title—

(A) IN GENERAL.—The term ''cost-sharing'' includes—

(i) deductibles, coinsurance, copayments, or similar charges; and

(ii) any other expenditure required of an insured individual which is a qualified medical expense (within the meaning of section 223(d)(2) of the Internal Revenue Code of 1986) with respect to essential health benefits covered under the plan.

(B) EXCEPTIONS.—Such term does not include premiums, balance billing amounts for non-network providers, or spending for non-covered services.

(4) PREMIUM ADJUSTMENT PERCENTAGE.—For purposes of paragraphs (1)(B)(i) and (2)(B)(i), the premium adjustment percentage for any calendar year is the percentage (if any) by which the average per capita premium for health insurance coverage in the United States for the preceding calendar year (as estimated by the Secretary no later than October 1 of such preceding calendar year) exceeds such average per capita premium for 2013 (as determined by the Secretary).

(d) LEVELS OF COVERAGE.—

(1) LEVELS OF COVERAGE DEFINED.—The levels of coverage described in this subsection are as follows:

(A) BRONZE LEVEL.—A plan in the bronze level shall provide a level of coverage that is designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan.

(B) SILVER LEVEL.—A plan in the silver level shall provide a level of coverage that is designed to provide benefits that are actuarially equivalent to 70 percent of the full actuarial value of the benefits provided under the plan.

(C) GOLD LEVEL.—A plan in the gold level shall provide a level of coverage that is designed to provide benefits that are actuarially equivalent to 80 percent of the full actuarial value of the benefits provided under the plan.

(D) PLATINUM LEVEL.—A plan in the platinum level shall provide a level of coverage that is designed to provide benefits that are actuarially equivalent to 90 percent of the full actuarial value of the benefits provided under the plan.

(2) ACTUARIAL VALUE.—

(A) IN GENERAL.—Under regulations issued by the Secretary, the level of coverage of a plan shall be determined on the basis that the essential health benefits described in subsection (b) shall be provided to a standard population (and without regard to the population the plan may actually provide benefits to).

(B) EMPLOYER CONTRIBUTIONS.—The Secretary may issue regulations under which employer contributions to a health savings account (within the meaning of section 223 of the Internal Revenue Code of 1986) may be taken into account in determining the level of coverage for a plan of the employer.

(C) APPLICATION.—In determining under this title, the Public Health Service Act, or the Internal Revenue Code of 1986 the percentage of the total allowed costs of benefits provided under a group health plan or health insurance coverage that are provided by such plan or coverage, the rules contained in the regulations under this paragraph shall apply.

(3) ALLOWABLE VARIANCE.—The Secretary shall develop guidelines to provide for a de minimis variation in the actuarial valuations used in determining the level of coverage of a plan to account for differences in actuarial estimates.

(4) PLAN REFERENCE.—In this title, any reference to a bronze, silver, gold, or platinum plan shall be treated as a reference to a qualified health plan providing a bronze, silver, gold, or platinum level of coverage, as the case may be.

(e) CATASTROPHIC PLAN.—

(1) IN GENERAL.—A health plan not providing a bronze, silver, gold, or platinum level of coverage shall be treated as meeting the requirements of subsection (d) with respect to any plan year if—

(A) the only individuals who are eligible to enroll in the plan are individuals described in paragraph (2); and

(B) the plan provides—

(i) except as provided in clause (ii), the essential health benefits determined under subsection (b), except that the plan provides no benefits for any plan year until the individual has incurred cost-sharing expenses in an amount equal to the annual limitation in effect under subsection (c)(1) for the plan year (except as provided for in section 2713); and

(ii) coverage for at least three primary care visits.

(2) INDIVIDUALS ELIGIBLE FOR ENROLLMENT.—An individual is described in this paragraph for any plan year if the individual—

(A) has not attained the age of 30 before the beginning of the plan year; or

(B) has a certification in effect for any plan year under this title that the individual is exempt from the requirement under section 5000A of the Internal Revenue Code of 1986 by reason of—

(i) section 5000A(e)(1) of such Code (relating to individuals without affordable coverage); or

(ii) section 5000A(e)(5) of such Code (relating to individuals with hardships).

(3) RESTRICTION TO INDIVIDUAL MARKET.—If a health insurance issuer offers a health plan described in this subsection, the issuer may only offer the plan in the individual market.

(f) CHILD-ONLY PLANS.—If a qualified health plan is offered through the Exchange in any level of coverage specified under subsection (d), the issuer shall also offer that plan through the Exchange in that level as a plan in which the only enrollees are individuals who, as of the beginning of a plan year, have not attained the age of 21, and such plan shall be treated as a qualified health plan.

SEC. 1303. SPECIAL RULES.

(a) SPECIAL RULES RELATING TO COVERAGE OF ABORTION SERVICES.—

(1) VOLUNTARY CHOICE OF COVERAGE OF ABORTION SERVICES.—

(A) IN GENERAL.—Notwithstanding any other provision of this title (or any amendment made by this title), and subject to subparagraphs (C) and (D)—

(i) nothing in this title (or any amendment made by this title), shall be construed to require a qualified health plan to provide coverage of services described in subparagraph (B)(i) or (B)(ii) as part of its essential health benefits for any plan year; and

(ii) the issuer of a qualified health plan shall determine whether or not the plan provides coverage of services described in subparagraph (B)(i) or (B)(ii) as part of such benefits for the plan year.

(B) ABORTION SERVICES.—

(i) ABORTIONS FOR WHICH PUBLIC FUNDING IS PROHIBITED.—The services described in this clause are abortions for which the expenditure of Federal funds appropriated for the Department of Health and Human Services is not permitted, based on the law as in effect as of the date that is 6 months before the beginning of the plan year involved.

(ii) ABORTIONS FOR WHICH PUBLIC FUNDING IS ALLOWED.—The services described in this clause are abortions for which the expenditure of Federal funds appropriated for the Department of Health and Human Services is permitted, based on the law as in effect as of the date that is 6 months before the beginning of the plan year involved.

(C) PROHIBITION ON FEDERAL FUNDS FOR ABORTION SERVICES IN COMMUNITY HEALTH INSURANCE OPTION.—

(i) DETERMINATION BY SECRETARY.—The Secretary may not determine, in accordance with subparagraph (A)(ii), that the community health insurance option established under section 1323 shall provide coverage of services described in subparagraph (B)(i) as part of benefits for the plan year unless the Secretary—

(I) assures compliance with the requirements of paragraph (2);

(II) assures, in accordance with applicable provisions of generally accepted accounting requirements, circulars on funds management of the Office of Management and Budget, and guidance on accounting of the Government Accountability Office, that no Federal funds are used for such coverage; and

(III) notwithstanding section 1323(e)(1)(C) or any other provision of this title, takes all necessary steps to assure that the United States does not bear the insurance risk for a community health insurance option's coverage of services described in subparagraph (B)(i).

(ii) STATE REQUIREMENT.—If a State requires, in addition to the essential health benefits required under section 1323(b)(3) (A), coverage of services described in subparagraph (B)(i) for enrollees of a community health insurance option offered in such State, the State shall assure that no funds flowing through or from the community health insurance option, and no other Federal funds, pay or defray the cost of providing coverage of services described in subparagraph (B)(i). The United States shall not bear the insurance risk for a State's required coverage of services described in subparagraph (B)(i).

(iii) EXCEPTIONS.—Nothing in this subparagraph shall apply to coverage of services described in subparagraph (B)(ii) by the community health insurance option. Services described in subparagraph (B)(ii) shall be covered to the same extent as such services are covered under title XIX of the Social Security Act.

(D) ASSURED AVAILABILITY OF VARIED COVERAGE THROUGH EXCHANGES.—

(i) IN GENERAL.—The Secretary shall assure that with respect to qualified health plans offered in any Exchange established pursuant to this title—

(I) there is at least one such plan that provides coverage of services described in clauses (i) and (ii) of subparagraph (B); and

(II) there is at least one such plan that does not provide coverage of services described in subparagraph (B)(i).

(ii) SPECIAL RULES.—For purposes of clause (i)—

(I) a plan shall be treated as described in clause (i)(II) if the plan does not provide coverage of services described in either subparagraph (B)(i) or (B)(ii); and

(II) if a State has one Exchange covering more than 1 insurance market, the Secretary shall meet the requirements of clause (i) separately with respect to each such market.

(2) PROHIBITION ON THE USE OF FEDERAL FUNDS.—

(A) IN GENERAL.—If a qualified health plan provides coverage of services described in paragraph (1)(B)(i), the issuer of the plan shall not use any amount attributable to any of the following for purposes of paying for such services:

(i) The credit under section 36B of the Internal Revenue Code of 1986 (and the amount (if any) of the advance payment of the credit under section 1412 of the Patient Protection and Affordable Care Act).

(ii) Any cost-sharing reduction under section 1402 of thePatient Protection and Affordable Care Act (and the amount (if any) of the advance payment of the reduction under section 1412 of the Patient Protection and Affordable Care Act).

(B) SEGREGATION OF FUNDS.—In the case of a plan to which subparagraph (A) applies, the issuer of the plan shall, out of amounts not described in subparagraph (A), segregate an amount equal to the actuarial amounts determined under subparagraph (C) for all enrollees from the amounts described in subparagraph (A).

(C) ACTUARIAL VALUE OF OPTIONAL SERVICE COVERAGE.—

(i) IN GENERAL.—The Secretary shall estimate the basic per enrollee, per month cost, determined on an average actuarial basis, for including coverage under a qualified health plan of the services described in paragraph (1)(B)(i).

(ii) CONSIDERATIONS.—In making such estimate, the Secretary—

(I) may take into account the impact on overall costs of the inclusion of such coverage, but may not take into account any cost reduction estimated to result from such services, including prenatal care, delivery, or postnatal care;

(II) shall estimate such costs as if such coverage were included for the entire population covered; and

(III) may not estimate such a cost at less than $1 per enrollee, per month.

(3) PROVIDER CONSCIENCE PROTECTIONS.—No individual health care provider or health care facility may be discriminated against because of a willingness or an unwillingness, if doing so is contrary to the religious or moral beliefs of the provider or facility, to provide, pay for, provide coverage of, or refer for abortions.

(b) APPLICATION OF STATE AND FEDERAL LAWS REGARDING ABORTION.—

(1) NO PREEMPTION OF STATE LAWS REGARDING ABORTION.—Nothing in this Act shall be construed to preempt or otherwise have any effect on State laws regarding the prohibition of (or requirement of) coverage, funding, or procedural requirements on abortions, including parental notification or consent for the performance of an abortion on a minor.

(2) NO EFFECT ON FEDERAL LAWS REGARDING ABORTION.—

(A) IN GENERAL.—Nothing in this Act shall be construed to have any effect on Federal laws regarding—

(i) conscience protection;

(ii) willingness or refusal to provide abortion; and

(iii) discrimination on the basis of the willingness or refusal to provide, pay for, cover, or refer for abortion or to provide or participate in training to provide abortion.

(3) NO EFFECT ON FEDERAL CIVIL RIGHTS LAW.—Nothing in this subsection shall alter the rights and obligations of employees and employers under title VII of the Civil Rights Act of 1964.

(c) APPLICATION OF EMERGENCY SERVICES LAWS.—Nothing in this Act shall be construed to relieve any health care provider from providing emergency services as required by State or Federal law, including section 1867 of the Social Security Act (popularly known as ''EMTALA'').

SEC. 1304. RELATED DEFINITIONS.

(a) DEFINITIONS RELATING TO MARKETS.—In this title:

(1) GROUP MARKET.—The term ''group market'' means the health insurance market under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health plan maintained by an employer.

(2) INDIVIDUAL MARKET.—The term ''individual market'' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

(3) LARGE AND SMALL GROUP MARKETS.—The terms ''large group market'' and ''small group market'' mean the health insurance market under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health plan maintained by a large employer (as defined in subsection (b)(1)) or by a small employer (as defined in subsection (b)(2)), respectively.

(b) EMPLOYERS.—In this title:

(1) LARGE EMPLOYER.—The term ''large employer'' means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 101 employees on business days during the preceding calendar year and who employs at least 1 employee on the first day of the plan year.

(2) SMALL EMPLOYER.—The term ''small employer'' means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 1 but not more than 100 employees on business days during the preceding calendar year and who employs at least 1 employee on the first day of the plan year.

(3) STATE OPTION TO TREAT 50 EMPLOYEES AS SMALL.—In the case of plan years beginning before January 1, 2016, a State may elect to apply this subsection by substituting ''51 employees'' for ''101 employees'' in paragraph (1) and by substituting ''50 employees'' for ''100 employees'' in paragraph (2).

(4) RULES FOR DETERMINING EMPLOYER SIZE.—For purposes of this subsection—

(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small or large employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

(C) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

(D) CONTINUATION OF PARTICIPATION FOR GROWING SMALL EMPLOYERS.—If—

(i) a qualified employer that is a small employer makes enrollment in qualified health plans offered in the small group market available to its employees through an Exchange; and

(ii) the employer ceases to be a small employer by reason of an increase in the number of employees of such employer;

the employer shall continue to be treated as a small employer for purposes of this subtitle for the period beginning with the increase and ending with the first day on which the employer does not make such enrollment available to its employees.

(c) SECRETARY.—In this title, the term ''Secretary'' means the Secretary of Health and Human Services.

(d) STATE.—In this title, the term ''State'' means each of the 50 States and the District of Columbia.

PART II—CONSUMER CHOICES AND INSURANCE COMPETITION THROUGH HEALTH BENEFIT EXCHANGES

SEC. 1311. AFFORDABLE CHOICES OF HEALTH BENEFIT PLANS.

(a) ASSISTANCE TO STATES TO ESTABLISH AMERICAN HEALTH BENEFIT EXCHANGES.—

(1) PLANNING AND ESTABLISHMENT GRANTS.—There shall be appropriated to the Secretary, out of any moneys in the Treasury not otherwise appropriated, an amount necessary to enable the Secretary to make awards, not later than 1 year after the date of enactment of this Act, to States in the amount specified in paragraph (2) for the uses described in paragraph (3).

(2) AMOUNT SPECIFIED.—For each fiscal year, the Secretary shall determine the total amount that the Secretary will make available to each State for grants under this subsection.

(3) USE OF FUNDS.—A State shall use amounts awarded under this subsection for activities (including planning activities) related to establishing an American Health Benefit Exchange, as described in subsection (b).

(4) RENEWABILITY OF GRANT.—

(A) IN GENERAL.—Subject to subsection (d)(4), the Secretary may renew a grant awarded under paragraph (1) if the State recipient of such grant—

(i) is making progress, as determined by the Secretary, toward—

(I) establishing an Exchange; and

(II) implementing the reforms described in subtitles A and C (and the amendments made by such subtitles); and

(ii) is meeting such other benchmarks as the Secretary may establish.

(B) LIMITATION.—No grant shall be awarded under this subsection after January 1, 2015.

(5) TECHNICAL ASSISTANCE TO FACILITATE PARTICIPATION IN SHOP EXCHANGES.—The Secretary shall provide technical assistance to States to facilitate the participation of qualified small businesses in such States in SHOP Exchanges.

(b) AMERICAN HEALTH BENEFIT EXCHANGES.—

(1) IN GENERAL.—Each State shall, not later than January 1, 2014, establish an American Health Benefit Exchange (referred to in this title as an ''Exchange'') for the State that—

(A) facilitates the purchase of qualified health plans;

(B) provides for the establishment of a Small Business Health Options Program (in this title referred to as a ''SHOP Exchange'') that is designed to assist qualified employers in the State who are small employers in facilitating the enrollment of their employees in qualified health plans offered in the small group market in the State; and

(C) meets the requirements of subsection (d).

(2) MERGER OF INDIVIDUAL AND SHOP EXCHANGES.—A State may elect to provide only one Exchange in the State for providing both Exchange and SHOP Exchange services to both qualified individuals and qualified small employers, but only if the Exchange has adequate resources to assist such individuals and employers.

(c) RESPONSIBILITIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary shall, by regulation, establish criteria for the certification of health plans as qualified health plans. Such criteria shall require that, to be certified, a plan shall, at a minimum—

(A) meet marketing requirements, and not employ marketing practices or benefit designs that have the effect of discouraging the enrollment in such plan by individuals with significant health needs;

(B) ensure a sufficient choice of providers (in a manner consistent with applicable network adequacy provisions under section 2702(c) of the Public Health Service Act), and provide information to enrollees and prospective enrollees on the availability of in-network and out-of-network providers;

(C) include within health insurance plan networks those essential community providers, where available, that serve predominately low-income, medically-underserved individuals, such as health care providers defined in section 340B(a)(4) of the Public Health Service Act and providers described in section 1927(c)(1)(D)(i)(IV) of the Social Security Act as set forth by section 221 of Public Law 111–8, except that nothing in this subparagraph shall be construed to require any health plan to provide coverage for any specific medical procedure;

(D)(i) be accredited with respect to local performance on clinical quality measures such as the Healthcare Effectiveness Data and Information Set, patient experience ratings on a standardized Consumer Assessment of Healthcare Providers and Systems survey, as well as consumer access, utilization management, quality assurance, provider credentialing, complaints and appeals, network adequacy and access, and patient information programs by any entity recognized by the Secretary for the accreditation of health insurance issuers or plans (so long as any such entity has transparent and rigorous methodological and scoring criteria); or

(ii) receive such accreditation within a period established by an Exchange for such accreditation that is applicable to all qualified health plans;

(E) implement a quality improvement strategy described in subsection (g)(1);

(F) utilize a uniform enrollment form that qualified individuals and qualified employers may use (either electronically or on paper) in enrolling in qualified health plans offered through such Exchange, and that takes into account criteria that the National Association of Insurance Commissioners develops and submits to the Secretary;

(G) utilize the standard format established for presenting health benefits plan options; and

(H) provide information to enrollees and prospective enrollees, and to each Exchange in which the plan is offered, on any quality measures for health plan performance endorsed under section 399JJ of the Public Health Service Act, as applicable.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1)(C) shall be construed to require a qualified health plan to contract with a provider described in such paragraph if such provider refuses to accept the generally applicable payment rates of such plan.

(3) RATING SYSTEM.—The Secretary shall develop a rating system that would rate qualified health plans offered through an Exchange in each benefits level on the basis of the relative quality and price. The Exchange shall include the quality rating in the information provided to individuals and employers through the Internet portal established under paragraph (4).

(4) ENROLLEE SATISFACTION SYSTEM.—The Secretary shall develop an enrollee satisfaction survey system that would evaluate the level of enrollee satisfaction with qualified health plans offered through an Exchange, for each such qualified health plan that had more than 500 enrollees in the previous year. The Exchange shall include enrollee satisfaction information in the information provided to individuals and employers through the Internet portal established under paragraph (5) in a manner that allows individuals to easily compare enrollee satisfaction levels between comparable plans.

(5) INTERNET PORTALS.—The Secretary shall—

(A) continue to operate, maintain, and update the Internet portal developed under section 1103(a) and to assist States in developing and maintaining their own such portal; and

(B) make available for use by Exchanges a model template for an Internet portal that may be used to direct qualified individuals and qualified employers to qualified health plans, to assist such individuals and employers in determining whether they are eligible to participate in an Exchange or eligible for a premium tax credit or cost-sharing reduction, and to present standardized information (including quality ratings) regarding qualified health plans offered through an Exchange to assist consumers in making easy health insurance choices.

Such template shall include, with respect to each qualified health plan offered through the Exchange in each rating area, access to the uniform outline of coverage the plan is required to provide under section 2716 of the Public Health Service Act and to a copy of the plan's written policy.

(6) ENROLLMENT PERIODS.—The Secretary shall require an Exchange to provide for—

(A) an initial open enrollment, as determined by the Secretary (such determination to be made not later than July 1, 2012);

(B) annual open enrollment periods, as determined by the Secretary for calendar years after the initial enrollment period;

(C) special enrollment periods specified in section 9801 of the Internal Revenue Code of 1986 and other special enrollment periods under circumstances similar to such periods under part D of title XVIII of the Social Security Act; and

(D) special monthly enrollment periods for Indians (as defined in section 4 of the Indian Health Care Improvement Act).

(d) REQUIREMENTS.—

(1) IN GENERAL.—An Exchange shall be a governmental agency or nonprofit entity that is established by a State.

(2) OFFERING OF COVERAGE.—

(A) IN GENERAL.—An Exchange shall make available qualified health plans to qualified individuals and qualified employers.

(B) LIMITATION.—

(i) IN GENERAL.—An Exchange may not make available any health plan that is not a qualified health plan.

(ii) OFFERING OF STAND-ALONE DENTAL BENEFITS.—Each Exchange within a State shall allow an issuer of a plan that only provides limited scope dental benefits meeting the requirements of section 9832(c)(2)(A) of the Internal Revenue Code of 1986 to offer the plan through the Exchange (either separately or in conjunction with a qualified health plan) if the plan provides pediatric dental benefits meeting the requirements of section 1302(b)(1)(J)).

(3) RULES RELATING TO ADDITIONAL REQUIRED BENEFITS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an Exchange may make available a qualified health plan notwithstanding

any provision of law that may require benefits other than the essential health benefits specified under section 1302(b).

(B) STATES MAY REQUIRE ADDITIONAL BENEFITS.—

(i) IN GENERAL.—Subject to the requirements of clause (ii), a State may require that a qualified health plan offered in such State offer benefits in addition to the essential health benefits specified under section 1302(b).

(ii) STATE MUST ASSUME COST.—A State shall make payments to or on behalf of an individual eligible for the premium tax credit under section 36B of the Internal Revenue Code of 1986 and any cost-sharing reduction under section 1402 to defray the cost to the individual of any additional benefits described in clause (i) which are not eligible for such credit or reduction under section 36B(b)(3)(D) of such Code and section 1402(c)(4).

(4) FUNCTIONS.—An Exchange shall, at a minimum—

(A) implement procedures for the certification, recertification, and decertification, consistent with guidelines developed by the Secretary under subsection (c), of health plans as qualified health plans;

(B) provide for the operation of a toll-free telephone hotline to respond to requests for assistance;

(C) maintain an Internet website through which enrollees and prospective enrollees of qualified health plans may obtain standardized comparative information on such plans;

(D) assign a rating to each qualified health plan offered through such Exchange in accordance with the criteria developed by the Secretary under subsection (c)(3);

(E) utilize a standardized format for presenting health benefits plan options in the Exchange, including the use of the uniform outline of coverage established under section 2715 of the Public Health Service Act;

(F) in accordance with section 1413, inform individuals of eligibility requirements for the medicaid program under title XIX of the Social Security Act, the CHIP program under title XXI of such Act, or any applicable State or local public program and if through screening of the application by the Exchange, the Exchange determines that such individuals are eligible for any such program, enroll such individuals in such program;

(G) establish and make available by electronic means a calculator to determine the actual cost of coverage after the application of any premium tax credit under section 36B of the Internal Revenue Code of 1986 and any cost-sharing reduction under section 1402;

(H) subject to section 1411, grant a certification attesting that, for purposes of the individual responsibility penalty under section 5000A of the Internal Revenue Code of 1986, an individual is exempt from the individual requirement or from the penalty imposed by such section because—

(i) there is no affordable qualified health plan available through the Exchange, or the individual's employer, covering the individual; or

(ii) the individual meets the requirements for any other such exemption from the individual responsibility requirement or penalty;

(I) transfer to the Secretary of the Treasury—

(i) a list of the individuals who are issued a certification under subparagraph (H), including the name and taxpayer identification number of each individual;

(ii) the name and taxpayer identification number of each individual who was an employee of an employer but who was determined to be eligible for the premium tax credit under section 36B of the Internal Revenue Code of 1986 because—

(I) the employer did not provide minimum essential coverage; or

(II) the employer provided such minimum essential coverage but it was determined under section 36B(c)(2)(C) of such Code to either be unaffordable to the employee or not provide the required minimum actuarial value; and

(iii) the name and taxpayer identification number of each individual who notifies the Exchange under section 1411(b)(4) that they have changed employers and of each individual who ceases coverage under a qualified health plan during a plan year (and the effective date of such cessation);

(J) provide to each employer the name of each employee of the employer described in subparagraph (I)(ii) who ceases coverage under a qualified health plan during a plan year (and the effective date of such cessation); and

(K) establish the Navigator program described in subsection (i).

(5) FUNDING LIMITATIONS.—

(A) NO FEDERAL FUNDS FOR CONTINUED OPERATIONS.—In establishing an Exchange under this section, the State shall ensure that such Exchange is self-sustaining beginning on January 1, 2015, including allowing the Exchange to charge assessments or user fees to participating health insurance issuers, or to otherwise generate funding, to support its operations.

(B) PROHIBITING WASTEFUL USE OF FUNDS.—In carrying out activities under this subsection, an Exchange shall not utilize any funds intended for the administrative and operational expenses of the Exchange for staff retreats, promotional giveaways, excessive executive compensation, or promotion of Federal or State legislative and regulatory modifications.

(6) CONSULTATION.—An Exchange shall consult with stakeholders relevant to carrying out the activities under this section, including—

(A) health care consumers who are enrollees in qualified health plans;

(B) individuals and entities with experience in facilitating enrollment in qualified health plans;

(C) representatives of small businesses and self-employed individuals;

(D) State Medicaid offices; and

(E) advocates for enrolling hard to reach populations.

(7) PUBLICATION OF COSTS.—An Exchange shall publish the average costs of licensing, regulatory fees, and any other payments required by the Exchange, and the administrative costs of such Exchange, on an Internet website to educate consumers on such costs. Such information shall also include monies lost to waste, fraud, and abuse.

(e) CERTIFICATION.—

(1) IN GENERAL.—An Exchange may certify a health plan as a qualified health plan if—

(A) such health plan meets the requirements for certification as promulgated by the Secretary under subsection (c)(1); and

(B) the Exchange determines that making available such health plan through such Exchange is in the interests of qualified individuals and qualified employers in the State or States in which such Exchange operates, except that the Exchange may not exclude a health plan—

(i) on the basis that such plan is a fee-for-service plan;

(ii) through the imposition of premium price controls; or

(iii) on the basis that the plan provides treatments necessary to prevent patients' deaths in circumstances the Exchange determines are inappropriate or too costly.

(2) PREMIUM CONSIDERATIONS.—The Exchange shall require health plans seeking certification as qualified health plans to submit a justification for any premium increase prior to implementation of the increase. Such plans shall prominently post such information on their websites. The Exchange may take this information, and the information and the recommendations provided to the Exchange by the State under section 2794(b)(1) of the Public Health Service Act (relating to patterns or practices of excessive or unjustified premium increases), into consideration when determining whether to make such health plan available through the Exchange. The Exchange shall take into account any excess of premium growth outside the Exchange as compared to the rate of such growth inside the Exchange, including information reported by the States.

(f) FLEXIBILITY.—

(1) REGIONAL OR OTHER INTERSTATE EXCHANGES.—An Exchange may operate in more than one State if—

(A) each State in which such Exchange operates permits such operation; and

(B) the Secretary approves such regional or interstate Exchange.

(2) SUBSIDIARY EXCHANGES.—A State may establish one or more subsidiary Exchanges if—

(A) each such Exchange serves a geographically distinct area; and

(B) the area served by each such Exchange is at least as large as a rating area described in section 2701(a) of the Public Health Service Act.

(3) AUTHORITY TO CONTRACT.—

(A) IN GENERAL.—A State may elect to authorize an Exchange established by the State under this section to enter into an agreement with an eligible entity to carry out 1 or more responsibilities of the Exchange.

(B) ELIGIBLE ENTITY.—In this paragraph, the term ''eligible entity'' means—

(i) a person—

(I) incorporated under, and subject to the laws of, 1 or more States;

(II) that has demonstrated experience on a State or regional basis in the individual and small group health insurance markets and in benefits coverage; and

(III) that is not a health insurance issuer or that is treated under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 as a member of the same controlled group of corporations (or under common control with) as a health insurance issuer; or

(ii) the State medicaid agency under title XIX of the Social Security Act.

(g) REWARDING QUALITY THROUGH MARKET-BASED INCENTIVES.—

(1) STRATEGY DESCRIBED.—A strategy described in this paragraph is a payment structure that provides increased reimbursement or other incentives for—

(A) improving health outcomes through the implementation of activities that shall include quality reporting, effective case management, care coordination, chronic disease management, medication and care compliance initiatives, including through the use of the medical home model, for treatment or services under the plan or coverage;

(B) the implementation of activities to prevent hospital readmissions through a comprehensive program for hospital discharge that includes patient-centered education and counseling, comprehensive discharge planning, and post discharge reinforcement by an appropriate health care professional;

(C) the implementation of activities to improve patient safety and reduce medical errors through the appropriate use of best clinical practices, evidence based medicine, and health information technology under the plan or coverage; and

(D) the implementation of wellness and health promotion activities.

(2) GUIDELINES.—The Secretary, in consultation with experts in health care quality and stakeholders, shall develop guidelines concerning the matters described in paragraph (1).

(3) REQUIREMENTS.—The guidelines developed under paragraph (2) shall require the periodic reporting to the applicable Exchange of the activities that a qualified health plan has conducted to implement a strategy described in paragraph (1).

(h) QUALITY IMPROVEMENT.—

(1) ENHANCING PATIENT SAFETY.—Beginning on January 1, 2015, a qualified health plan may contract with—

(A) a hospital with greater than 50 beds only if such hospital—

(i) utilizes a patient safety evaluation system as described in part C of title IX of the Public Health Service Act; and

(ii) implements a mechanism to ensure that each patient receives a comprehensive program

for hospital discharge that includes patient-centered education and counseling, comprehensive discharge planning, and post discharge reinforcement by an appropriate health care professional; or

(B) a health care provider only if such provider implements such mechanisms to improve health care quality as the Secretary may by regulation require.

(2) EXCEPTIONS.—The Secretary may establish reasonable exceptions to the requirements described in paragraph (1).

(3) ADJUSTMENT.—The Secretary may by regulation adjust the number of beds described in paragraph (1)(A).

(i) NAVIGATORS.—

(1) IN GENERAL.—An Exchange shall establish a program under which it awards grants to entities described in paragraph (2) to carry out the duties described in paragraph (3).

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive a grant under paragraph (1), an entity shall demonstrate to the Exchange involved that the entity has existing relationships, or could readily establish relationships, with employers and employees, consumers (including uninsured and underinsured consumers), or self-employed individuals likely to be qualified to enroll in a qualified health plan.

(B) TYPES.—Entities described in subparagraph (A) may include trade, industry, and professional associations, commercial fishing industry organizations, ranching and farming organizations, community and consumer-focused nonprofit groups, chambers of commerce, unions, small business development centers, other licensed insurance agents and brokers, and other entities that—

(i) are capable of carrying out the duties described in paragraph (3);

(ii) meet the standards described in paragraph (4); and

(iii) provide information consistent with the standards developed under paragraph (5).

(3) DUTIES.—An entity that serves as a navigator under a grant under this subsection shall—

(A) conduct public education activities to raise awareness of the availability of qualified health plans;

(B) distribute fair and impartial information concerning enrollment in qualified health plans, and the availability of premium tax credits under section 36B of the Internal Revenue Code of 1986 and cost-sharing reductions under section 1402;

(C) facilitate enrollment in qualified health plans;

(D) provide referrals to any applicable office of health insurance consumer assistance or health insurance ombudsman established under section 2793 of the Public Health Service Act, or any other appropriate State agency or agencies, for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or a determination under such plan or coverage; and

(E) provide information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the Exchange or Exchanges.

(4) STANDARDS.—

(A) IN GENERAL.—The Secretary shall establish standards for navigators under this subsection, including provisions to ensure that any private or public entity that is selected as a navigator is qualified, and licensed if appropriate, to engage in the navigator activities described in this subsection and to avoid conflicts of interest. Under such standards, a navigator shall not—

(i) be a health insurance issuer; or

(ii) receive any consideration directly or indirectly from any health insurance issuer in connection with the enrollment of any qualified individuals or employees of a qualified employer in a qualified health plan.

(5) FAIR AND IMPARTIAL INFORMATION AND SERVICES.—The Secretary, in collaboration with States, shall develop standards to ensure that information made available by navigators is fair, accurate, and impartial.

(6) FUNDING.—Grants under this subsection shall be made from the operational funds of the Exchange and not Federal funds received by the State to establish the Exchange.

(j) APPLICABILITY OF MENTAL HEALTH PARITY.—Section 2726 of the Public Health Service Act shall apply to qualified health plans in the same manner and to the same extent as such section applies to health insurance issuers and group health plans.

(k) CONFLICT.—An Exchange may not establish rules that conflict with or prevent the application of regulations promulgated by the Secretary under this subtitle.

SEC. 1312. CONSUMER CHOICE.

(a) CHOICE.—

(1) QUALIFIED INDIVIDUALS.—A qualified individual may enroll in any qualified health plan available to such individual.

(2) QUALIFIED EMPLOYERS.—

(A) EMPLOYER MAY SPECIFY LEVEL.—A qualified employer may provide support for coverage of employees under a qualified health plan by selecting any level of coverage under section 1302(d) to be made available to employees through an Exchange.

(B) EMPLOYEE MAY CHOOSE PLANS WITHIN A LEVEL.—Each employee of a qualified employer that elects a level of coverage under subparagraph (A) may choose to enroll in a qualified health plan that offers coverage at that level.

(b) PAYMENT OF PREMIUMS BY QUALIFIED INDIVIDUALS.—A qualified individual enrolled in any qualified health plan may pay any applicable premium owed by such individual to the health insurance issuer issuing such qualified health plan.

(c) SINGLE RISK POOL.—

(1) INDIVIDUAL MARKET.—A health insurance issuer shall consider all enrollees in all health plans (other than grandfathered health plans) offered by such issuer in the individual market, including those enrollees who do not enroll in such plans through the Exchange, to be members of a single risk pool.

(2) SMALL GROUP MARKET.—A health insurance issuer shall consider all enrollees in all health plans (other than grandfathered health plans) offered by such issuer in the small group market, including those enrollees who do not enroll in such plans through the Exchange, to be members of a single risk pool.

(3) MERGER OF MARKETS.—A State may require the individual and small group insurance markets within a State to be merged if the State determines appropriate.

(4) STATE LAW.—A State law requiring grandfathered health plans to be included in a pool described in paragraph (1) or (2) shall not apply.

(d) EMPOWERING CONSUMER CHOICE.—

(1) CONTINUED OPERATION OF MARKET OUTSIDE EXCHANGES.—Nothing in this title shall be construed to prohibit—

(A) a health insurance issuer from offering outside of an Exchange a health plan to a qualified individual or qualified employer; and

(B) a qualified individual from enrolling in, or a qualified employer from selecting for its employees, a health plan offered outside of an Exchange.

(2) CONTINUED OPERATION OF STATE BENEFIT REQUIREMENTS.—Nothing in this title shall be construed to terminate, abridge, or limit the operation of any requirement under State law with respect to any policy or plan that is offered outside of an Exchange to offer benefits.

(3) VOLUNTARY NATURE OF AN EXCHANGE.—

(A) CHOICE TO ENROLL OR NOT TO ENROLL.—Nothing in this title shall be construed to restrict the choice of a qualified individual to enroll or not to enroll in a qualified health plan or to participate in an Exchange.

(B) PROHIBITION AGAINST COMPELLED ENROLLMENT.—Nothing in this title shall be construed to compel an individual to enroll in a qualified health plan or to participate in an Exchange.

(C) INDIVIDUALS ALLOWED TO ENROLL IN ANY PLAN.—A qualified individual may enroll in any qualified health plan, except that in the case of a catastrophic plan described in section 1302(e), a qualified individual may enroll in the plan only if the individual is eligible to enroll in the plan under section 1302(e)(2).

(D) MEMBERS OF CONGRESS IN THE EXCHANGE.—

(i) REQUIREMENT.—Notwithstanding any other provision of law, after the effective date of this subtitle, the only health plans that the Federal Government may make available to Members of Congress and congressional staff with respect to their service as a Member of Congress or congressional staff shall be health plans that are—

(I) created under this Act (or an amendment made by this Act); or

(II) offered through an Exchange established under this Act (or an amendment made by this Act).

(ii) DEFINITIONS.—In this section:

(I) MEMBER OF CONGRESS.—The term ''Member of Congress'' means any member of the House of Representatives or the Senate.

(II) CONGRESSIONAL STAFF.—The term ''congressional staff'' means all full-time and part-time employees employed by the official office of a Member of Congress, whether in Washington, DC or outside of Washington, DC.

(4) NO PENALTY FOR TRANSFERRING TO MINIMUM ESSENTIAL COVERAGE OUTSIDE EXCHANGE.—An Exchange, or a qualified health plan offered through an Exchange, shall not impose any penalty or other fee on an individual who cancels enrollment in a plan because the individual becomes eligible for minimum essential coverage (as defined in section 5000A(f) of the Internal Revenue Code of 1986 without regard to paragraph (1)(C) or (D) thereof) or such coverage becomes affordable (within the meaning of section 36B(c)(2)(C) of such Code).

(e) ENROLLMENT THROUGH AGENTS OR BROKERS.—The Secretary shall establish procedures under which a State may allow agents or brokers—

(1) to enroll individuals in any qualified health plans in the individual or small group market as soon as the plan is offered through an Exchange in the State; and

(2) to assist individuals in applying for premium tax credits and cost-sharing reductions for plans sold through an Exchange.

Such procedures may include the establishment of rate schedules for broker commissions paid by health benefits plans offered through an exchange.

(f) QUALIFIED INDIVIDUALS AND EMPLOYERS; ACCESS LIMITED TO CITIZENS AND LAWFUL RESIDENTS.—

(1) QUALIFIED INDIVIDUALS.—In this title:

(A) IN GENERAL.—The term ''qualified individual'' means, with respect to an Exchange, an individual who—

(i) is seeking to enroll in a qualified health plan in the individual market offered through the Exchange; and

(ii) resides in the State that established the Exchange (except with respect to territorial agreements under section 1312(f)).

(B) INCARCERATED INDIVIDUALS EXCLUDED.—An individual shall not be treated as a qualified individual if, at the time of enrollment, the individual is incarcerated, other than incarceration pending the disposition of charges.

(2) QUALIFIED EMPLOYER.—In this title:

(A) IN GENERAL.—The term ''qualified employer'' means a small employer that elects to make all full-time employees of such employer eligible for 1 or more qualified health plans offered in the small group market through an Exchange that offers qualified health plans.

(B) EXTENSION TO LARGE GROUPS.—

(i) IN GENERAL.—Beginning in 2017, each State may allow issuers of health insurance coverage

in the large group market in the State to offer qualified health plans in such market through an Exchange. Nothing in this subparagraph shall be construed as requiring the issuer to offer such plans through an Exchange.

(ii) LARGE EMPLOYERS ELIGIBLE.—If a State under clause (i) allows issuers to offer qualified health plans in the large group market through an Exchange, the term ''qualified employer'' shall include a large employer that elects to make all full-time employees of such employer eligible for 1 or more qualified health plans offered in the large group market through the Exchange.

(3) ACCESS LIMITED TO LAWFUL RESIDENTS.—If an individual is not, or is not reasonably expected to be for the entire period for which enrollment is sought, a citizen or national of the United States or an alien lawfully present in the United States, the individual shall not be treated as a qualified individual and may not be covered under a qualified health plan in the individual market that is offered through an Exchange.

SEC. 1313. FINANCIAL INTEGRITY.

(a) ACCOUNTING FOR EXPENDITURES.—

(1) IN GENERAL.—An Exchange shall keep an accurate accounting of all activities, receipts, and expenditures and shall annually submit to the Secretary a report concerning such accountings.

(2) INVESTIGATIONS.—The Secretary, in coordination with the Inspector General of the Department of Health and Human Services, may investigate the affairs of an Exchange, may examine the properties and records of an Exchange, and may require periodic reports in relation to activities undertaken by an Exchange. An Exchange shall fully cooperate in any investigation conducted under this paragraph.

(3) AUDITS.—An Exchange shall be subject to annual audits by the Secretary.

(4) PATTERN OF ABUSE.—If the Secretary determines that an Exchange or a State has engaged in serious misconduct with respect to compliance with the requirements of, or carrying out of activities required under, this title, the Secretary may rescind from payments otherwise due to such State involved under this or any other Act administered by the Secretary an amount not to exceed 1 percent of such payments per year until corrective actions are taken by the State that are determined to be adequate by the Secretary.

(5) PROTECTIONS AGAINST FRAUD AND ABUSE.—With respect to activities carried out under this title, the Secretary shall provide for the efficient and non-discriminatory administration of Exchange activities and implement any measure or procedure that—

(A) the Secretary determines is appropriate to reduce fraud and abuse in the administration of this title; and

(B) the Secretary has authority to implement under this title or any other Act.

(6) APPLICATION OF THE FALSE CLAIMS ACT.—

(A) IN GENERAL.—Payments made by, through, or in connection with an Exchange are subject to the False Claims Act (31 U.S.C. 3729 et seq.) if those payments include any Federal funds. Compliance with the requirements of this Act concerning eligibility for a health insurance issuer to participate in the Exchange shall be a material condition of an issuer's entitlement to receive payments, including payments of premium tax credits and cost-sharing reductions, through the Exchange.

(B) DAMAGES.—Notwithstanding paragraph (1) of section 3729(a) of title 31, United States Code, and subject to paragraph (2) of such section, the civil penalty assessed under the False Claims Act on any person found liable under such Act as described in subparagraph (A) shall be increased by not less than 3 times and not more than 6 times the amount of damages which the Government sustains because of the act of that person.

(b) GAO OVERSIGHT.—Not later than 5 years after the first date on which Exchanges are required to be operational under this title, the Comptroller General shall conduct an ongoing study of Exchange activities and the enrollees in qualified health plans offered through Exchanges. Such study shall review—

(1) the operations and administration of Exchanges, including surveys and reports of qualified health plans offered through Exchanges and on the experience of such plans (including data on enrollees in Exchanges and individuals purchasing health insurance coverage outside of Exchanges), the expenses of Exchanges, claims statistics relating to qualified health plans, complaints data relating to such plans, and the manner in which Exchanges meet their goals;

(2) any significant observations regarding the utilization and adoption of Exchanges;

(3) where appropriate, recommendations for improvements in the operations or policies of Exchanges; and

(4) how many physicians, by area and specialty, are not taking or accepting new patients enrolled in Federal Government health care programs, and the adequacy of provider networks of Federal Government health care programs.

PART III—STATE FLEXIBILITY RELATING TO EXCHANGES

SEC. 1321. STATE FLEXIBILITY IN OPERATION AND ENFORCEMENT OF EXCHANGES AND RELATED REQUIREMENTS.

(a) ESTABLISHMENT OF STANDARDS.—

(1) IN GENERAL.—The Secretary shall, as soon as practicable after the date of enactment of this Act, issue regulations setting standards for meeting the requirements under this title, and the amendments made by this title, with respect to—

(A) the establishment and operation of Exchanges (including SHOP Exchanges);

(B) the offering of qualified health plans through such Exchanges;

(C) the establishment of the reinsurance and risk adjustment programs under part V; and

(D) such other requirements as the Secretary determines appropriate.

The preceding sentence shall not apply to standards for requirements under subtitles A and C (and the amendments made by such subtitles) for which the Secretary issues regulations under the Public Health Service Act.

(2) CONSULTATION.—In issuing the regulations under paragraph (1), the Secretary shall consult with the National Association of Insurance Commissioners and its members and with health insurance issuers, consumer organizations, and such other individuals as the Secretary selects in a manner designed to ensure balanced representation among interested parties.

(b) STATE ACTION.—Each State that elects, at such time and in such manner as the Secretary may prescribe, to apply the requirements described in subsection (a) shall, not later than January 1, 2014, adopt and have in effect—

(1) the Federal standards established under subsection (a); or

(2) a State law or regulation that the Secretary determines implements the standards within the State.

(c) FAILURE TO ESTABLISH EXCHANGE OR IMPLEMENT REQUIREMENTS.—

(1) IN GENERAL.—If—

(A) a State is not an electing State under subsection (b); or

(B) the Secretary determines, on or before January 1, 2013, that an electing State—

(i) will not have any required Exchange operational by January 1, 2014; or

(ii) has not taken the actions the Secretary determines necessary to implement—

(I) the other requirements set forth in the standards under subsection (a); or

(II) the requirements set forth in subtitles A and C and the amendments made by such subtitles;

the Secretary shall (directly or through agreement with a not-for-profit entity) establish and operate such Exchange within the State and the Secretary shall take such actions as are necessary to implement such other requirements.

(2) ENFORCEMENT AUTHORITY.—The provisions of section 2736(b) of the Public Health Services Act shall apply to the enforcement under paragraph (1) of requirements of subsection (a)(1) (without regard to any limitation on the application of those provisions to group health plans).

(d) NO INTERFERENCE WITH STATE REGULATORY AUTHORITY.—Nothing in this title shall be construed to preempt any State law that does not prevent the application of the provisions of this title.

(e) PRESUMPTION FOR CERTAIN STATE-OPERATED EXCHANGES.—

(1) IN GENERAL.—In the case of a State operating an Exchange before January 1, 2010, and which has insured a percentage of its population not less than the percentage of the population projected to be covered nationally after the implementation of this Act, that seeks to operate an Exchange under this section, the Secretary shall presume that such Exchange meets the standards under this section unless the Secretary determines, after completion of the process established under paragraph (2), that the Exchange does not comply with such standards.

(2) PROCESS.—The Secretary shall establish a process to work with a State described in paragraph (1) to provide assistance necessary to assist the State's Exchange in coming into compliance with the standards for approval under this section.

SEC. 1322. FEDERAL PROGRAM TO ASSIST ESTABLISHMENT AND OPERATION OF NONPROFIT, MEMBER-RUN HEALTH INSURANCE ISSUERS.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program to carry out the purposes of this section to be known as the Consumer Operated and Oriented Plan (CO–OP) program.

(2) PURPOSE.—It is the purpose of the CO–OP program to foster the creation of qualified nonprofit health insurance issuers to offer qualified health plans in the individual and small group markets in the States in which the issuers are licensed to offer such plans.

(b) LOANS AND GRANTS UNDER THE CO–OP PROGRAM.—

(1) IN GENERAL.—The Secretary shall provide through the CO–OP program for the awarding to persons applying to become qualified nonprofit health insurance issuers of—

(A) loans to provide assistance to such person in meeting its start-up costs; and

(B) grants to provide assistance to such person in meeting any solvency requirements of States in which the person seeks to be licensed to issue qualified health plans.

(2) REQUIREMENTS FOR AWARDING LOANS AND GRANTS.—

(A) IN GENERAL.—In awarding loans and grants under the CO–OP program, the Secretary shall—

(i) take into account the recommendations of the advisory board established under paragraph (3);

(ii) give priority to applicants that will offer qualified health plans on a Statewide basis, will utilize integrated care models, and have significant private support; and

(iii) ensure that there is sufficient funding to establish at least 1 qualified nonprofit health insurance issuer in each State, except that nothing in this clause shall prohibit the Secretary from funding the establishment of multiple qualified nonprofit health insurance issuers in any State if the funding is sufficient to do so.

(B) STATES WITHOUT ISSUERS IN PROGRAM.—If no health insurance issuer applies to be a qualified nonprofit health insurance issuer within a State, the Secretary may use amounts appropriated under this section for the awarding of grants to encourage the establishment of a qualified nonprofit health insurance issuer within the State or the expansion of a qualified nonprofit health insurance issuer from another State to the State.

(C) AGREEMENT.—

(i) IN GENERAL.—The Secretary shall require any person receiving a loan or grant under the CO–OP program to enter into an agreement with the Secretary which requires such person to meet (and to continue to meet)—

(I) any requirement under this section for such person to be treated as a qualified nonprofit health insurance issuer; and

(II) any requirements contained in the agreement for such person to receive such loan or grant.

(ii) RESTRICTIONS ON USE OF FEDERAL FUNDS.—The agreement shall include a requirement that no portion of the funds made available by any loan or grant under this section may be used—

(I) for carrying on propaganda, or otherwise attempting, to influence legislation; or

(II) for marketing.

Nothing in this clause shall be construed to allow a person to take any action prohibited by section 501(c)(29) of the Internal Revenue Code of 1986.

(iii) FAILURE TO MEET REQUIREMENTS.—If the Secretary determines that a person has failed to meet any requirement described in clause (i) or (ii) and has failed to correct such failure within a reasonable period of time of when the person first knows (or reasonably should have known) of such failure, such person shall repay to the Secretary an amount equal to the sum of—

(I) 110 percent of the aggregate amount of loans and grants received under this section; plus

(II) interest on the aggregate amount of loans and grants received under this section for the period the loans or grants were outstanding.

The Secretary shall notify the Secretary of the Treasury of any determination under this section of a failure that results in the termination of an issuer's tax-exempt status under section 501(c)(29) of such Code.

(D) TIME FOR AWARDING LOANS AND GRANTS.—The Secretary shall not later than July 1, 2013, award the loans and grants under the CO–OP program and begin the distribution of amounts awarded under such loans and grants.

(3) ADVISORY BOARD.—

(A) IN GENERAL.—The advisory board under this paragraph shall consist of 15 members appointed by the Comptroller General of the United States from among individuals with qualifications described in section 1805(c)(2) of the Social Security Act.

(B) RULES RELATING TO APPOINTMENTS.—

(i) STANDARDS.—Any individual appointed under subparagraph (A) shall meet ethics and conflict of interest standards protecting against insurance industry involvement and interference.

(ii) ORIGINAL APPOINTMENTS.—The original appointment of board members under subparagraph (A)(ii) shall be made no later than 3 months after the date of enactment of this Act.

(C) VACANCY.—Any vacancy on the advisory board shall be filled in the same manner as the original appointment.

(D) PAY AND REIMBURSEMENT.—

(i) NO COMPENSATION FOR MEMBERS OF ADVISORY BOARD.—Except as provided in clause (ii), a member of the advisory board may not receive pay, allowances, or benefits by reason of their service on the board.

(ii) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence under subchapter I of chapter 57 of title 5, United States Code.

(E) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the advisory board, except that section 14 of such Act shall not apply.

(F) TERMINATION.—The advisory board shall terminate on the earlier of the date that it completes its duties under this section or December 31, 2015.

(c) QUALIFIED NONPROFIT HEALTH INSURANCE ISSUER.—For purposes of this section—

(1) IN GENERAL.—The term ''qualified nonprofit health insurance issuer'' means a health insurance issuer that is an organization—

(A) that is organized under State law as a nonprofit, member corporation;

(B) substantially all of the activities of which consist of the issuance of qualified health plans in the individual and small group markets in each State in which it is licensed to issue such plans; and

(C) that meets the other requirements of this subsection.

(2) CERTAIN ORGANIZATIONS PROHIBITED.—An organization shall not be treated as a qualified nonprofit health insurance issuer if—

(A) the organization or a related entity (or any predecessor of either) was a health insurance issuer on July 16, 2009; or

(B) the organization is sponsored by a State or local government, any political subdivision thereof, or any instrumentality of such government or political subdivision.

(3) GOVERNANCE REQUIREMENTS.—An organization shall not be treated as a qualified nonprofit health insurance issuer unless—

(A) the governance of the organization is subject to a majority vote of its members;

(B) its governing documents incorporate ethics and conflict of interest standards protecting against insurance industry involvement and interference; and

(C) as provided in regulations promulgated by the Secretary, the organization is required to operate with a strong consumer focus, including timeliness, responsiveness, and accountability to members.

(4) PROFITS INURE TO BENEFIT OF MEMBERS.—An organization shall not be treated as a qualified nonprofit health insurance issuer unless any profits made by the organization are required to be used to lower premiums, to improve benefits, or for other programs intended to improve the quality of health care delivered to its members.

(5) COMPLIANCE WITH STATE INSURANCE LAWS.—An organization shall not be treated as a qualified nonprofit health insurance issuer unless the organization meets all the requirements that other issuers of qualified health plans are required to meet in any State where the issuer offers a qualified health plan, including solvency and licensure requirements, rules on payments to providers, and compliance with network adequacy rules, rate and form filing rules, any applicable State premium assessments and any other State law described in section 1324(b).

(6) COORDINATION WITH STATE INSURANCE REFORMS.—An organization shall not be treated as a qualified nonprofit health insurance issuer unless the organization does not offer a health plan in a State until that State has in effect (or the Secretary has implemented for the State) the market reforms required by part A of title XXVII of the Public Health Service Act (as amended by subtitles A and C of this Act).

(d) ESTABLISHMENT OF PRIVATE PURCHASING COUNCIL.—

(1) IN GENERAL.—Qualified nonprofit health insurance issuers participating in the CO–OP program under this section may establish a private purchasing council to enter into collective purchasing arrangements for items and services that increase administrative and other cost efficiencies, including claims administration, administrative services, health information technology, and actuarial services.

(2) COUNCIL MAY NOT SET PAYMENT RATES.—The private purchasing council established under paragraph (1) shall not set payment rates for health care facilities or providers participating in health insurance coverage provided by qualified nonprofit health insurance issuers.

(3) CONTINUED APPLICATION OF ANTITRUST LAWS.—

(A) IN GENERAL.—Nothing in this section shall be construed to limit the application of the antitrust laws to any private purchasing council (whether or not established under this subsection) or to any qualified nonprofit health insurance issuer participating in such a council.

(B) ANTITRUST LAWS.—For purposes of this subparagraph, the term ''antitrust laws'' has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)). Such term also includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

(e) LIMITATION ON PARTICIPATION.—No representative of any Federal, State, or local government (or of any political subdivision or instrumentality thereof), and no representative of a person described in subsection (c)(2)(A), may serve on the board of directors of a qualified nonprofit health insurance issuer or with a private purchasing council established under subsection (d).

(f) LIMITATIONS ON SECRETARY.—

(1) IN GENERAL.—The Secretary shall not—

(A) participate in any negotiations between 1 or more qualified nonprofit health insurance issuers (or a private purchasing council established under subsection (d)) and any health care facilities or providers, including any drug manufacturer, pharmacy, or hospital; and

(B) establish or maintain a price structure for reimbursement of any health benefits covered by such issuers.

(2) COMPETITION.—Nothing in this section shall be construed as authorizing the Secretary to interfere with the competitive nature of providing health benefits through qualified nonprofit health insurance issuers.

(g) APPROPRIATIONS.—There are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $6,000,000,000 to carry out this section.

(h) TAX EXEMPTION FOR QUALIFIED NONPROFIT HEALTH INSURANCE ISSUER.—

(1) IN GENERAL.—Section 501(c) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by adding at the end the following:

''(29) CO–OP HEALTH INSURANCE ISSUERS.—

''(A) IN GENERAL.—A qualified nonprofit health insurance issuer (within the meaning of section 1322 of the Patient Protection and Affordable Care Act) which has received a loan or grant under the CO–OP program under such section, but only with respect to periods for which the issuer is in compliance with the requirements of such section and any agreement with respect to the loan or grant.

''(B) CONDITIONS FOR EXEMPTION.—Subparagraph (A) shall apply to an organization only if—

''(i) the organization has given notice to the Secretary, in such manner as the Secretary may by regulations prescribe, that it is applying for recognition of its status under this paragraph,

''(ii) except as provided in section 1322(c)(4) of the Patient Protection and Affordable Care Act, no part of the net earnings of which inures to the benefit of any private shareholder or individual,

''(iii) no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and

''(iv) the organization does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.''.

(2) ADDITIONAL REPORTING REQUIREMENT.—Section 6033 of such Code (relating to returns by exempt organizations) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

''(m) ADDITIONAL INFORMATION REQUIRED FROM CO–OP INSURERS.—An organization described in section 501(c)(29) shall include on the return required under subsection (a) the following information:

''(1) The amount of the reserves required by each State in which the organization is licensed to issue qualified health plans.

''(2) The amount of reserves on hand.''.

(3) APPLICATION OF TAX ON EXCESS BENEFIT TRANSACTIONS.—Section 4958(e)(1) of such Code (defining applicable tax-exempt organization) is amended by striking ''paragraph (3) or (4)'' and inserting ''paragraph (3), (4), or (29)''.

(i) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the General Accountability Office shall conduct an ongoing study on competition and market concentration in the health insurance market in the United States after the implementation of the reforms in such market under the provisions of, and the amendments made by, this Act. Such study shall include an analysis of new issuers of health insurance in such market.

(2) REPORT.—The Comptroller General shall, not later than December 31 of each even-numbered year (beginning with 2014), report to the appropriate committees of the Congress the results of the study conducted under paragraph (1), including any recommendations for administrative or legislative changes the Comptroller General determines necessary or appropriate to increase competition in the health insurance market.

SEC. 1323. COMMUNITY HEALTH INSURANCE OPTION.

(a) VOLUNTARY NATURE.—

(1) NO REQUIREMENT FOR HEALTH CARE PROVIDERS TO PARTICIPATE.—Nothing in this section shall be construed to require a health care provider to participate in a community health insurance option, or to impose any penalty for non-participation.

(2) NO REQUIREMENT FOR INDIVIDUALS TO JOIN.—Nothing in this section shall be construed to require an individual to participate in a community health insurance option, or to impose any penalty for non-participation.

(3) STATE OPT OUT.—

(A) IN GENERAL.—A State may elect to prohibit Exchanges in such State from offering a community health insurance option if such State enacts a law to provide for such prohibition.

(B) TERMINATION OF OPT OUT.—A State may repeal a law described in subparagraph (A) and provide for the offering of such an option through the Exchange.

(b) ESTABLISHMENT OF COMMUNITY HEALTH INSURANCE OPTION.—

(1) ESTABLISHMENT.—The Secretary shall establish a community health insurance option to offer, through the Exchanges established under this title (other than Exchanges in States that elect to opt out as provided for in subsection (a)(3)), health care coverage that provides value, choice, competition, and stability of affordable, high quality coverage throughout the United States.

(2) COMMUNITY HEALTH INSURANCE OPTION.—In this section, the term ''community health insurance option'' means health insurance coverage that—

(A) except as specifically provided for in this section, complies with the requirements for being a qualified health plan;

(B) provides high value for the premium charged;

(C) reduces administrative costs and promotes administrative simplification for beneficiaries;

(D) promotes high quality clinical care;

(E) provides high quality customer service to beneficiaries;

(F) offers a sufficient choice of providers; and

(G) complies with State laws (if any), except as otherwise provided for in this title, relating to the laws described in section 1324(b).

(3) ESSENTIAL HEALTH BENEFITS.—

(A) GENERAL RULE.—Except as provided in subparagraph (B), a community health insurance option offered under this section shall provide coverage only for the essential health benefits described in section 1302(b).

(B) STATES MAY OFFER ADDITIONAL BENEFITS.—Nothing in this section shall preclude a State from requiring that benefits in addition to the essential health benefits required under subparagraph (A) be provided to enrollees of a community health insurance option offered in such State.

(C) CREDITS.—

(i) IN GENERAL.—An individual enrolled in a community health insurance option under this section shall be eligible for credits under section 36B of the Internal Revenue Code of 1986 in the same manner as an individual who is enrolled in a qualified health plan.

(ii) NO ADDITIONAL FEDERAL COST.—A requirement by a State under subparagraph (B) that benefits in addition to the essential health benefits required under subparagraph (A) be provided to enrollees of a community health insurance option shall not affect the amount of a premium tax credit provided under section 36B of the Internal Revenue Code of 1986 with respect to such plan.

(D) STATE MUST ASSUME COST.—A State shall make payments to or on behalf of an eligible individual to defray the cost of any additional benefits described in subparagraph (B).

(E) ENSURING ACCESS TO ALL SERVICES.—Nothing in this Act shall prohibit an individual enrolled in a community health insurance option from paying out-of-pocket the full cost of any item or service not included as an essential health benefit or otherwise covered as a benefit by a health plan. Nothing in subparagraph (B) shall prohibit any type of medical provider from accepting an out-of-pocket payment from an individual enrolled in a community health insurance option for a service otherwise not included as an essential health benefit.

(F) PROTECTING ACCESS TO END OF LIFE CARE.—A community health insurance option offered under this section shall be prohibited from limiting access to end of life care.

(4) COST SHARING.—A community health insurance option shall offer coverage at each of the levels of coverage described in section 1302(d).

(5) PREMIUMS.—

(A) PREMIUMS SUFFICIENT TO COVER COSTS.—The Secretary shall establish geographically adjusted premium rates in an amount sufficient to cover expected costs (including claims and administrative costs) using methods in general use by qualified health plans.

(B) APPLICABLE RULES.—The provisions of title XXVII of the Public Health Service Act relating to premiums shall apply to community health insurance options under this section, including modified community rating provisions under section 2701 of such Act.

(C) COLLECTION OF DATA.—The Secretary shall collect data as necessary to set premium rates under subparagraph (A).

(D) NATIONAL POOLING.—Notwithstanding any other provision of law, the Secretary may treat all enrollees in community health insurance options as members of a single pool.

(E) CONTINGENCY MARGIN.—In establishing premium rates under subparagraph (A), the Secretary shall include an appropriate amount for a contingency margin.

(6) REIMBURSEMENT RATES.—

(A) NEGOTIATED RATES.—The Secretary shall negotiate rates for the reimbursement of health care providers for benefits covered under a community health insurance option.

(B) LIMITATION.—The rates described in subparagraph (A) shall not be higher, in aggregate, than the average reimbursement rates paid by health insurance issuers offering qualified health plans through the Exchange.

(C) INNOVATION.—Subject to the limits contained in subparagraph (A), a State Advisory Council established or designated under subsection (d) may develop or encourage the use of innovative payment policies that promote quality, efficiency and savings to consumers.

(7) SOLVENCY AND CONSUMER PROTECTION.—

(A) SOLVENCY.—The Secretary shall establish a Federal solvency standard to be applied with respect to a community health insurance option. A community health insurance option shall also be subject to the solvency standard of each State in which such community health insurance option is offered.

(B) MINIMUM REQUIRED.—In establishing the standard described under subparagraph (A), the Secretary shall require a reserve fund that shall be equal to at least the dollar value of the incurred but not reported claims of a community health insurance option.

(C) CONSUMER PROTECTIONS.—The consumer protection laws of a State shall apply to a community health insurance option.

(8) REQUIREMENTS ESTABLISHED IN PARTNERSHIP WITH INSURANCE COMMISSIONERS.—

(A) IN GENERAL.—The Secretary, in collaboration with the National Association of Insurance Commissioners (in this paragraph referred to as the ''NAIC''), may promulgate regulations to establish additional requirements for a community health insurance option.

(B) APPLICABILITY.—Any requirement promulgated under subparagraph (A) shall be applicable to such option beginning 90 days after the date on which the regulation involved becomes final.

(c) START-UP FUND.—

(1) ESTABLISHMENT OF FUND.—

(A) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ''Health Benefit Plan Start-Up Fund'' (referred to in this section as the ''Start-Up Fund''), that shall consist of such amounts as may be appropriated or credited to the Start-Up Fund as provided for in this subsection to provide loans for the initial operations of a community health insurance option. Such amounts shall remain available until expended.

(B) FUNDING.—There is hereby appropriated to the Start-Up Fund, out of any moneys in the Treasury not otherwise appropriated an amount requested by the Secretary of Health and Human Services as necessary to—

(i) pay the start-up costs associated with the initial operations of a community health insurance option; and

(ii) pay the costs of making payments on claims submitted during the period that is not more than 90 days from the date on which such option is offered.

(2) USE OF START-UP FUND.—The Secretary shall use amounts contained in the Start-Up Fund to make payments (subject to the repayment requirements in paragraph (4)) for the purposes described in paragraph (1)(B).

(3) PASS THROUGH OF REBATES.—The Secretary may establish procedures for reducing the amount of payments to a contracting administrator to take into account any rebates or price concessions.

(4) REPAYMENT.—

(A) IN GENERAL.—A community health insurance option shall be required to repay the Secretary of the Treasury (on such terms as the Secretary may require) for any payments made under paragraph (1)(B) by the date that is not later than 9 years after the date on which the payment is made. The Secretary may require the payment of interest with respect to such repayments at rates that do not exceed the market interest rate (as determined by the Secretary).

(B) SANCTIONS IN CASE OF FOR-PROFIT CONVERSION.—In any case in which the Secretary enters into a contract with a qualified entity for the offering of a community health insurance option and such entity is determined to be a for-profit entity by the Secretary, such entity shall be—

(i) immediately liable to the Secretary for any payments received by such entity from the Start-Up Fund; and

(ii) permanently ineligible to offer a qualified health plan.

(d) STATE ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—A State (other than a State that elects to opt out as provided for in subsection (a)(3)) shall establish or designate a public or non-profit private entity to serve as the State Advisory Council to provide recommendations to the Secretary on the operations and policies of a community health insurance option in the State. Such Council shall provide recommendations on at least the following:

(A) policies and procedures to integrate quality improvement and cost containment mechanisms into the health care delivery system;

(B) mechanisms to facilitate public awareness of the availability of a community health insurance option; and

(C) alternative payment structures under a community health insurance option for health care providers that encourage quality improvement and cost control.

(2) MEMBERS.—The members of the State Advisory Council shall be representatives of the public and shall include health care consumers and providers.

(3) APPLICABILITY OF RECOMMENDATIONS.—The Secretary may apply the recommendations of a State Advisory Council to a community health insurance option in that State, in any other State, or in all States.

(e) AUTHORITY TO CONTRACT; TERMS OF CONTRACT.—

(1) AUTHORITY.—

(A) IN GENERAL.—The Secretary may enter into a contract or contracts with one or more qualified entities for the purpose of performing administrative functions (including functions described in subsection (a)(4) of section 1874A of the Social Security Act) with respect to a community health insurance option in the same manner as the Secretary may enter into contracts under subsection (a)(1) of such section. The Secretary shall have the same authority with respect to a community health insurance option under this section as the Secretary has under subsections (a)(1) and (b) of section 1874A of the Social Security Act with respect to title XVIII of such Act.

(B) REQUIREMENTS APPLY.—If the Secretary enters into a contract with a qualified entity to offer a community health insurance option, under such contract such entity—

(i) shall meet the criteria established under paragraph (2); and

(ii) shall receive an administrative fee under paragraph (7).

(C) LIMITATION.—Contracts under this subsection shall not involve the transfer of insurance risk to the contracting administrator.

(D) REFERENCE.—An entity with which the Secretary has entered into a contract under this paragraph shall be referred to as a ''contracting administrator''.

(2) QUALIFIED ENTITY.—To be qualified to be selected by the Secretary to offer a community health insurance option, an entity shall—

(A) meet the criteria established under section 1874A(a)(2) of the Social Security Act;

(B) be a nonprofit entity for purposes of offering such option;

(C) meet the solvency standards applicable under subsection (b)(7);

(D) be eligible to offer health insurance or health benefits coverage;

(E) meet quality standards specified by the Secretary;

(F) have in place effective procedures to control fraud, abuse, and waste; and

(G) meet such other requirements as the Secretary may impose.

Procedures described under subparagraph (F) shall include the implementation of procedures to use beneficiary identifiers to identify individuals entitled to benefits so that such an individual's social security account number is not used, and shall also include procedures for the use of technology (including front-end, prepayment intelligent data-matching technology similar to that used by hedge funds, investment funds, and banks) to provide real-time data analysis of claims for payment under this title to identify and investigate unusual billing or order practices under this title that could indicate fraud or abuse.

(3) TERM.—A contract provided for under paragraph (1) shall be for a term of at least 5 years but not more than 10 years, as determined by the Secretary. At the end of each such term, the Secretary shall conduct a competitive bidding process for the purposes of renewing existing contracts or selecting new qualified entities with which to enter into contracts under such paragraph.

(4) LIMITATION.—A contract may not be renewed under this subsection unless the Secretary determines that the contracting administrator has met performance requirements established by the Secretary in the areas described in paragraph (7)(B).

(5) AUDITS.—The Inspector General shall conduct periodic audits with respect to contracting administrators under this subsection to ensure that the administrator involved is in compliance with this section.

(6) REVOCATION.—A contract awarded under this subsection shall be revoked by the Secretary, upon the recommendation of the Inspector General, only after notice to the contracting administrator involved and an opportunity for a hearing. The Secretary may revoke such contract if the Secretary determines that such administrator has engaged in fraud, deception, waste, abuse of power, negligence, mismanagement of taxpayer dollars, or gross mismanagement. An entity that has had a contract revoked under this paragraph shall not be qualified to enter into a subsequent contract under this subsection.

(7) FEE FOR ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall pay the contracting administrator a fee for the management, administration, and delivery of the benefits under this section.

(B) REQUIREMENT FOR HIGH QUALITY ADMINISTRATION.—The Secretary may increase the fee described in subparagraph (A) by not more than 10 percent, or reduce the fee described in subparagraph (A) by not more than 50 percent, based on the extent to which the contracting administrator, in the determination of the Secretary, meets performance requirements established by the Secretary, in at least the following areas:

(i) Maintaining low premium costs and low cost sharing requirements, provided that such requirements are consistent with section 1302.

(ii) Reducing administrative costs and promoting administrative simplification for beneficiaries.

(iii) Promoting high quality clinical care.

(iv) Providing high quality customer service to beneficiaries.

(C) NON-RENEWAL.—The Secretary may not renew a contract to offer a community health insurance option under this section with any contracting entity that has been assessed more than one reduction under subparagraph (B) during the contract period.

(8) LIMITATION.—Notwithstanding the terms of a contract under this subsection, the Secretary shall negotiate the reimbursement rates for purposes of subsection (b)(6).

(f) REPORT BY HHS AND INSOLVENCY WARNINGS.—

(1) IN GENERAL.—On an annual basis, the Secretary shall conduct a study on the solvency of a community health insurance option and submit to Congress a report describing the results of such study.

(2) RESULT.—If, in any year, the result of the study under paragraph (1) is that a community health insurance option is insolvent, such result shall be treated as a community health insurance option solvency warning.

(3) SUBMISSION OF PLAN AND PROCEDURE.—

(A) IN GENERAL.—If there is a community health insurance option solvency warning under paragraph (2) made in a year, the President shall submit to Congress, within the 15-day period beginning on the date of the budget submission to Congress under section 1105(a) of title 31, United States Code, for the succeeding year, proposed legislation to respond to such warning.

(B) PROCEDURE.—In the case of a legislative proposal submitted by the President pursuant to subparagraph (A), such proposal shall be considered by Congress using the same procedures described under sections 803 and 804 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 that shall be used for a medicare funding warning.

(g) MARKETING PARITY.—In a facility controlled by the Federal Government, or by a State, where marketing or promotional materials related to a community health insurance option are made available to the public, making available marketing or promotional materials relating to private health insurance plans shall not be prohibited. Such materials include informational pamphlets, guidebooks, enrollment forms, or other materials determined reasonable for display.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1324. LEVEL PLAYING FIELD.

(a) IN GENERAL.—Notwithstanding any other provision of law, any health insurance coverage offered by a private health insurance issuer shall not be subject to any Federal or State law described in subsection (b) if a qualified health plan offered under the Consumer Operated and Oriented Plan program under section 1322, a community health insurance option under section 1323, or a nationwide qualified health plan under section 1333(b), is not subject to such law.

(b) LAWS DESCRIBED.—The Federal and State laws described in this subsection are those Federal and State laws relating to—

(1) guaranteed renewal;

(2) rating;

(3) preexisting conditions;

(4) non-discrimination;

(5) quality improvement and reporting;

(6) fraud and abuse;

(7) solvency and financial requirements;

(8) market conduct;

(9) prompt payment;

(10) appeals and grievances;

(11) privacy and confidentiality;

(12) licensure; and

(13) benefit plan material or information.

PART IV—STATE FLEXIBILITY TO ESTABLISH ALTERNATIVE PROGRAMS

SEC. 1331. STATE FLEXIBILITY TO ESTABLISH BASIC HEALTH PROGRAMS FOR LOW-INCOME INDIVIDUALS NOT ELIGIBLE FOR MEDICAID.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a basic health program meeting the requirements of this section under which a State may enter into contracts to offer 1 or more standard health plans providing at least the essential health benefits described in section 1302(b) to eligible individuals in lieu of offering such individuals coverage through an Exchange.

(2) CERTIFICATIONS AS TO BENEFIT COVERAGE AND COSTS.—Such program shall provide that a State may not establish a basic health program under this section unless the State establishes to the satisfaction of the Secretary, and the Secretary certifies, that—

(A) in the case of an eligible individual enrolled in a standard health plan offered through the program, the State provides—

(i) that the amount of the monthly premium an eligible individual is required to pay for coverage under the standard health plan for the individual and the individual's dependents does not exceed the amount of the monthly premium that the eligible individual would have been required to pay (in the rating area in which the individual resides) if the individual had enrolled in the applicable second lowest cost silver plan (as defined in section 36B(b)(3)(B) of the Internal Revenue Code of 1986) offered to the individual through an Exchange; and

(ii) that the cost-sharing an eligible individual is required to pay under the standard health plan does not exceed—

(I) the cost-sharing required under a platinum plan in the case of an eligible individual with household income not in excess of 150 percent of the poverty line for the size of the family involved; and

(II) the cost-sharing required under a gold plan in the case of an eligible individual not described in subclause (I); and

(B) the benefits provided under the standard health plans offered through the program cover

at least the essential health benefits described in section 1302(b).

For purposes of subparagraph (A)(i), the amount of the monthly premium an individual is required to pay under either the standard health plan or the applicable second lowest cost silver plan shall be determined after reduction for any premium tax credits and cost-sharing reductions allowable with respect to either plan.

(b) STANDARD HEALTH PLAN.—In this section, the term ''standard heath plan'' means a health benefits plan that the State contracts with under this section—

(1) under which the only individuals eligible to enroll are eligible individuals;

(2) that provides at least the essential health benefits described in section 1302(b); and

(3) in the case of a plan that provides health insurance coverage offered by a health insurance issuer, that has a medical loss ratio of at least 85 percent.

(c) CONTRACTING PROCESS.—

(1) IN GENERAL.—A State basic health program shall establish a competitive process for entering into contracts with standard health plans under subsection (a), including negotiation of premiums and cost-sharing and negotiation of benefits in addition to the essential health benefits described in section 1302(b).

(2) SPECIFIC ITEMS TO BE CONSIDERED.—A State shall, as part of its competitive process under paragraph (1), include at least the following:

(A) INNOVATION.—Negotiation with offerors of a standard health plan for the inclusion of innovative features in the plan, including—

(i) care coordination and care management for enrollees, especially for those with chronic health conditions;

(ii) incentives for use of preventive services; and

(iii) the establishment of relationships between providers and patients that maximize patient involvement in health care decision-making, including providing incentives for appropriate utilization under the plan.

(B) HEALTH AND RESOURCE DIFFERENCES.—Consideration of, and the making of suitable allowances for, differences in health care needs of enrollees and differences in local availability of, and access to, health care providers. Nothing in this subparagraph shall be construed as allowing discrimination on the basis of pre-existing conditions or other health status-related factors.

(C) MANAGED CARE.—Contracting with managed care systems, or with systems that offer as many of the attributes of managed care as are feasible in the local health care market.

(D) PERFORMANCE MEASURES.—Establishing specific performance measures and standards for issuers of standard health plans that focus on quality of care and improved health outcomes, requiring such plans to report to the State with respect to the measures and standards, and making the performance and quality information available to enrollees in a useful form.

(3) ENHANCED AVAILABILITY.—

(A) MULTIPLE PLANS.—A State shall, to the maximum extent feasible, seek to make multiple standard health plans available to eligible individuals within a State to ensure individuals have a choice of such plans.

(B) REGIONAL COMPACTS.—A State may negotiate a regional compact with other States to include coverage of eligible individuals in all such States in agreements with issuers of standard health plans.

(4) COORDINATION WITH OTHER STATE PROGRAMS.—A State shall seek to coordinate the administration of, and provision of benefits under, its program under this section with the State medicaid program under title XIX of the Social Security Act, the State child health plan under title XXI of such Act, and other State-administered health programs to maximize the efficiency of such programs and to improve the continuity of care.

(d) TRANSFER OF FUNDS TO STATES.—

(1) IN GENERAL.—If the Secretary determines that a State electing the application of this section meets the requirements of the program established under subsection (a), the Secretary shall transfer to the State for each fiscal year for which 1 or more standard health plans are operating within the State the amount determined under paragraph (3).

(2) USE OF FUNDS.—A State shall establish a trust for the deposit of the amounts received under paragraph (1) and amounts in the trust fund shall only be used to reduce the premiums and cost-sharing of, or to provide additional benefits for, eligible individuals enrolled in standard health plans within the State. Amounts in the trust fund, and expenditures of such amounts, shall not be included in determining the amount of any non-Federal funds for purposes of meeting any matching or expenditure requirement of any federally-funded program.

(3) AMOUNT OF PAYMENT.—

(A) SECRETARIAL DETERMINATION.—

(i) IN GENERAL.—The amount determined under this paragraph for any fiscal year is the amount the Secretary determines is equal to 85 percent of the premium tax credits under section 36B of the Internal Revenue Code of 1986, and the cost-sharing reductions under section 1402, that would have been provided for the fiscal year to eligible individuals enrolled in standard health plans in the State if such eligible individuals were allowed to enroll in qualified health plans through an Exchange established under this subtitle.

(ii) SPECIFIC REQUIREMENTS.—The Secretary shall make the determination under clause (i) on a per enrollee basis and shall take into account all relevant factors necessary to determine the value of the premium tax credits and cost-sharing reductions that would have been provided to eligible individuals described in clause (i), including the age and income of the enrollee, whether the enrollment is for self-only or family coverage, geographic differences in average spending for health care across rating areas, the health status of the enrollee for purposes of determining risk adjustment payments and reinsurance payments that would have been made if the enrollee had enrolled in a qualified health plan through an Exchange, and whether any reconciliation of the credit or cost-sharing reductions would have occurred if the enrollee had been so enrolled. This determination shall take into consideration the experience of other States with respect to participation in an Exchange and such credits and reductions provided to residents of the other States, with a special focus on enrollees with income below 200 percent of poverty.

(iii) CERTIFICATION.—The Chief Actuary of the Centers for Medicare & Medicaid Services, in consultation with the Office of Tax Analysis of the Department of the Treasury, shall certify whether the methodology used to make determinations under this subparagraph, and such determinations, meet the requirements of clause (ii). Such certifications shall be based on sufficient data from the State and from comparable States about their experience with programs created by this Act.

(B) CORRECTIONS.—The Secretary shall adjust the payment for any fiscal year to reflect any error in the determinations under subparagraph (A) for any preceding fiscal year.

(4) APPLICATION OF SPECIAL RULES.—The provisions of section 1303 shall apply to a State basic health program, and to standard health plans offered through such program, in the same manner as such rules apply to qualified health plans.

(e) ELIGIBLE INDIVIDUAL.—

(1) IN GENERAL.—In this section, the term ''eligible individual'' means, with respect to any State, an individual—

(A) who a resident of the State who is not eligible to enroll in the State's medicaid program under title XIX of the Social Security Act for benefits that at a minimum consist of the essential health benefits described in section 1302(b);

(B) whose household income exceeds 133 percent but does not exceed 200 percent of the poverty line for the size of the family involved;

(C) who is not eligible for minimum essential coverage (as defined in section 5000A(f) of the Internal Revenue Code of 1986) or is eligible for an employer-sponsored plan that is not affordable coverage (as determined under section 5000A(e)(2) of such Code); and

(D) who has not attained age 65 as of the beginning of the plan year.

Such term shall not include any individual who is not a qualified individual under section 1312 who is eligible to be covered by a qualified health plan offered through an Exchange.

(2) ELIGIBLE INDIVIDUALS MAY NOT USE EXCHANGE.—An eligible individual shall not be treated as a qualified individual under section 1312 eligible for enrollment in a qualified health plan offered through an Exchange established under section 1311.

(f) SECRETARIAL OVERSIGHT.—The Secretary shall each year conduct a review of each State program to ensure compliance with the requirements of this section, including ensuring that the State program meets—

(1) eligibility verification requirements for participation in the program;

(2) the requirements for use of Federal funds received by the program; and

(3) the quality and performance standards under this section.

(g) STANDARD HEALTH PLAN OFFERORS.—A State may provide that persons eligible to offer standard health plans under a basic health program established under this section may include a licensed health maintenance organization, a licensed health insurance insurer, or a network of health care providers established to offer services under the program.

(h) DEFINITIONS.—Any term used in this section which is also used in section 36B of the Internal Revenue Code of 1986 shall have the meaning given such term by such section.

SEC. 1332. WAIVER FOR STATE INNOVATION.

(a) APPLICATION.—

(1) IN GENERAL.—A State may apply to the Secretary for the waiver of all or any requirements described in paragraph (2) with respect to health insurance coverage within that State for plan years beginning on or after January 1, 2017. Such application shall—

(A) be filed at such time and in such manner as the Secretary may require;

(B) contain such information as the Secretary may require, including—

(i) a comprehensive description of the State legislation and program to implement a plan meeting the requirements for a waiver under this section; and

(ii) a 10-year budget plan for such plan that is budget neutral for the Federal Government; and

(C) provide an assurance that the State has enacted the law described in subsection (b)(2).

(2) REQUIREMENTS.—The requirements described in this paragraph with respect to health insurance coverage within the State for plan years beginning on or after January 1, 2014, are as follows:

(A) Part I of subtitle D.

(B) Part II of subtitle D.

(C) Section 1402.

(D) Sections 36B, 4980H, and 5000A of the Internal Revenue Code of 1986.

(3) PASS THROUGH OF FUNDING.—With respect to a State waiver under paragraph (1), under which, due to the structure of the State plan, individuals and small employers in the State would not qualify for the premium tax credits, cost-sharing reductions, or small business credits under sections 36B of the Internal Revenue Code of 1986 or under part I of subtitle E for which they would otherwise be eligible, the Secretary shall provide for an alternative means by which the aggregate amount of such credits or reductions that would have been paid on behalf of participants in the Exchanges established

under this title had the State not received such waiver, shall be paid to the State for purposes of implementing the State plan under the waiver. Such amount shall be determined annually by the Secretary, taking into consideration the experience of other States with respect to participation in an Exchange and credits and reductions provided under such provisions to residents of the other States.

(4) WAIVER CONSIDERATION AND TRANSPARENCY.—

(A) IN GENERAL.—An application for a waiver under this section shall be considered by the Secretary in accordance with the regulations described in subparagraph (B).

(B) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations relating to waivers under this section that provide—

(i) a process for public notice and comment at the State level, including public hearings, sufficient to ensure a meaningful level of public input;

(ii) a process for the submission of an application that ensures the disclosure of—

(I) the provisions of law that the State involved seeks to waive; and

(II) the specific plans of the State to ensure that the waiver will be in compliance with subsection (b);

(iii) a process for providing public notice and comment after the application is received by the Secretary, that is sufficient to ensure a meaningful level of public input and that does not impose requirements that are in addition to, or duplicative of, requirements imposed under the Administrative Procedures Act, or requirements that are unreasonable or unnecessarily burdensome with respect to State compliance;

(iv) a process for the submission to the Secretary of periodic reports by the State concerning the implementation of the program under the waiver; and

(v) a process for the periodic evaluation by the Secretary of the program under the waiver.

(C) REPORT.—The Secretary shall annually report to Congress concerning actions taken by the Secretary with respect to applications for waivers under this section.

(5) COORDINATED WAIVER PROCESS.—The Secretary shall develop a process for coordinating and consolidating the State waiver processes applicable under the provisions of this section, and the existing waiver processes applicable under titles XVIII, XIX, and XXI of the Social Security Act, and any other Federal law relating to the provision of health care items or services. Such process shall permit a State to submit a single application for a waiver under any or all of such provisions.

(6) DEFINITION.—In this section, the term ''Secretary'' means—

(A) the Secretary of Health and Human Services with respect to waivers relating to the provisions described in subparagraph (A) through (C) of paragraph (2); and

(B) the Secretary of the Treasury with respect to waivers relating to the provisions described in paragraph (2)(D).

(b) GRANTING OF WAIVERS.—

(1) IN GENERAL.—The Secretary may grant a request for a waiver under subsection (a)(1) only if the Secretary determines that the State plan—

(A) will provide coverage that is at least as comprehensive as the coverage defined in section 1302(b) and offered through Exchanges established under this title as certified by Office of the Actuary of the Centers for Medicare & Medicaid Services based on sufficient data from the State and from comparable States about their experience with programs created by this Act and the provisions of this Act that would be waived;

(B) will provide coverage and cost sharing protections against excessive out-of-pocket spending that are at least as affordable as the provisions of this title would provide;

(C) will provide coverage to at least a comparable number of its residents as the provisions of this title would provide; and

(D) will not increase the Federal deficit.

(2) REQUIREMENT TO ENACT A LAW.—

(A) IN GENERAL.—A law described in this paragraph is a State law that provides for State actions under a waiver under this section, including the implementation of the State plan under subsection (a)(1)(B).

(B) TERMINATION OF OPT OUT.—A State may repeal a law described in subparagraph (A) and terminate the authority provided under the waiver with respect to the State.

(c) SCOPE OF WAIVER.—

(1) IN GENERAL.—The Secretary shall determine the scope of a waiver of a requirement described in subsection (a)(2) granted to a State under subsection (a)(1).

(2) LIMITATION.—The Secretary may not waive under this section any Federal law or requirement that is not within the authority of the Secretary.

(d) DETERMINATIONS BY SECRETARY.—

(1) TIME FOR DETERMINATION.—The Secretary shall make a determination under subsection (a)(1) not later than 180 days after the receipt of an application from a State under such subsection.

(2) EFFECT OF DETERMINATION.—

(A) GRANTING OF WAIVERS.—If the Secretary determines to grant a waiver under subsection (a)(1), the Secretary shall notify the State involved of such determination and the terms and effectiveness of such waiver.

(B) DENIAL OF WAIVER.—If the Secretary determines a waiver should not be granted under subsection (a)(1), the Secretary shall notify the State involved, and the appropriate committees of Congress of such determination and the reasons therefore.

(e) TERM OF WAIVER.—No waiver under this section may extend over a period of longer than 5 years unless the State requests continuation of such waiver, and such request shall be deemed granted unless the Secretary, within 90 days after the date of its submission to the Secretary, either denies such request in writing or informs the State in writing with respect to any additional information which is needed in order to make a final determination with respect to the request.

SEC. 1333. PROVISIONS RELATING TO OFFERING OF PLANS IN MORE THAN ONE STATE.

(a) HEALTH CARE CHOICE COMPACTS.—

(1) IN GENERAL.—Not later than July 1, 2013, the Secretary shall, in consultation with the National Association of Insurance Commissioners, issue regulations for the creation of health care choice compacts under which 2 or more States may enter into an agreement under which—

(A) 1 or more qualified health plans could be offered in the individual markets in all such States but, except as provided in subparagraph (B), only be subject to the laws and regulations of the State in which the plan was written or issued;

(B) the issuer of any qualified health plan to which the compact applies—

(i) would continue to be subject to market conduct, unfair trade practices, network adequacy, and consumer protection standards (including standards relating to rating), including addressing disputes as to the performance of the contract, of the State in which the purchaser resides;

(ii) would be required to be licensed in each State in which it offers the plan under the compact or to submit to the jurisdiction of each such State with regard to the standards described in clause (i) (including allowing access to records as if the insurer were licensed in the State); and

(iii) must clearly notify consumers that the policy may not be subject to all the laws and regulations of the State in which the purchaser resides.

(2) STATE AUTHORITY.—A State may not enter into an agreement under this subsection unless the State enacts a law after the date of the enactment of this title that specifically authorizes the State to enter into such agreements.

(3) APPROVAL OF COMPACTS.—The Secretary may approve interstate health care choice compacts under paragraph (1) only if the Secretary determines that such health care choice compact—

(A) will provide coverage that is at least as comprehensive as the coverage defined in section 1302(b) and offered through Exchanges established under this title;

(B) will provide coverage and cost sharing protections against excessive out-of-pocket spending that are at least as affordable as the provisions of this title would provide;

(C) will provide coverage to at least a comparable number of its residents as the provisions of this title would provide;

(D) will not increase the Federal deficit; and

(E) will not weaken enforcement of laws and regulations described in paragraph (1)(B)(i) in any State that is included in such compact.

(4) EFFECTIVE DATE.—A health care choice compact described in paragraph (1) shall not take effect before January 1, 2016.

(b) AUTHORITY FOR NATIONWIDE PLANS.—

(1) IN GENERAL.—Except as provided in paragraph (2), if an issuer (including a group of health insurance issuers affiliated either by common ownership and control or by the common use of a nationally licensed service mark) of a qualified health plan in the individual or small group market meets the requirements of this subsection (in this subsection a ''nationwide qualified health plan'')—

(A) the issuer of the plan may offer the nationwide qualified health plan in the individual or small group market in more than 1 State; and

(B) with respect to State laws mandating benefit coverage by a health plan, only the State laws of the State in which such plan is written or issued shall apply to the nationwide qualified health plan.

(2) STATE OPT-OUT.—A State may, by specific reference in a law enacted after the date of enactment of this title, provide that this subsection shall not apply to that State. Such opt-out shall be effective until such time as the State by law revokes it.

(3) PLAN REQUIREMENTS.—An issuer meets the requirements of this subsection with respect to a nationwide qualified health plan if, in the determination of the Secretary—

(A) the plan offers a benefits package that is uniform in each State in which the plan is offered and meets the requirements set forth in paragraphs (4) through (6);

(B) the issuer is licensed in each State in which it offers the plan and is subject to all requirements of State law not inconsistent with this section, including but not limited to, the standards and requirements that a State imposes that do not prevent the application of a requirement of part A of title XXVII of the Public Health Service Act or a requirement of this title;

(C) the issuer meets all requirements of this title with respect to a qualified health plan, including the requirement to offer the silver and gold levels of the plan in each Exchange in the State for the market in which the plan is offered;

(D) the issuer determines the premiums for the plan in any State on the basis of the rating rules in effect in that State for the rating areas in which it is offered;

(E) the issuer offers the nationwide qualified health plan in at least 60 percent of the participating States in the first year in which the plan is offered, 65 percent of such States in the second year, 70 percent of such States in the third year, 75 percent of such States in the fourth year, and 80 percent of such States in the fifth and subsequent years;

(F) the issuer shall offer the plan in participating States across the country, in all geographic regions, and in all States that have adopted adjusted community rating before the date of enactment of this Act; and

(G) the issuer clearly notifies consumers that the policy may not contain some benefits otherwise mandated for plans in the State in which

the purchaser resides and provides a detailed statement of the benefits offered and the benefit differences in that State, in accordance with rules promulgated by the Secretary.

(4) FORM REVIEW FOR NATIONWIDE PLANS.—Notwithstanding any contrary provision of State law, at least 3 months before any nationwide qualified health plan is offered, the issuer shall file all nationwide qualified health plan forms with the regulator in each participating State in which the plan will be offered. An issuer may appeal the disapproval of a nationwide qualified health plan form to the Secretary.

(5) APPLICABLE RULES.—The Secretary shall, in consultation with the National Association of Insurance Commissioners, issue rules for the offering of nationwide qualified health plans under this subsection. Nationwide qualified health plans may be offered only after such rules have taken effect.

(6) COVERAGE.—The Secretary shall provide that the health benefits coverage provided to an individual through a nationwide qualified health plan under this subsection shall include at least the essential benefits package described in section 1302.

(7) STATE LAW MANDATING BENEFIT COVERAGE BY A HEALTH BENEFITS PLAN.—For the purposes of this subsection, a State law mandating benefit coverage by a health plan is a law that mandates health insurance coverage or the offer of health insurance coverage for specific health services or specific diseases. A law that mandates health insurance coverage or reimbursement for services provided by certain classes of providers of health care services, or a law that mandates that certain classes of individuals must be covered as a group or as dependents, is not a State law mandating benefit coverage by a health benefits plan.

PART V—REINSURANCE AND RISK ADJUSTMENT

SEC. 1341. TRANSITIONAL REINSURANCE PROGRAM FOR INDIVIDUAL AND SMALL GROUP MARKETS IN EACH STATE.

(a) IN GENERAL.—Each State shall, not later than January 1, 2014—

(1) include in the Federal standards or State law or regulation the State adopts and has in effect under section 1321(b) the provisions described in subsection (b); and

(2) establish (or enter into a contract with) 1 or more applicable reinsurance entities to carry out the reinsurance program under this section.

(b) MODEL REGULATION.—

(1) IN GENERAL.—In establishing the Federal standards under section 1321(a), the Secretary, in consultation with the National Association of Insurance Commissioners (the ''NAIC''), shall include provisions that enable States to establish and maintain a program under which—

(A) health insurance issuers, and third party administrators on behalf of group health plans, are required to make payments to an applicable reinsurance entity for any plan year beginning in the 3-year period beginning January 1, 2014 (as specified in paragraph (3); and

(B) the applicable reinsurance entity collects payments under subparagraph (A) and uses amounts so collected to make reinsurance payments to health insurance issuers described in subparagraph (A) that cover high risk individuals in the individual market (excluding grandfathered health plans) for any plan year beginning in such 3-year period.

(2) HIGH-RISK INDIVIDUAL; PAYMENT AMOUNTS.—The Secretary shall include the following in the provisions under paragraph (1):

(A) DETERMINATION OF HIGH-RISK INDIVIDUALS.—The method by which individuals will be identified as high risk individuals for purposes of the reinsurance program established under this section. Such method shall provide for identification of individuals as high-risk individuals on the basis of—

(i) a list of at least 50 but not more than 100 medical conditions that are identified as high-risk conditions and that may be based on the identification of diagnostic and procedure codes that are indicative of individuals with pre-existing, high-risk conditions; or

(ii) any other comparable objective method of identification recommended by the American Academy of Actuaries.

(B) PAYMENT AMOUNT.—The formula for determining the amount of payments that will be paid to health insurance issuers described in paragraph (1)(A) that insure high-risk individuals. Such formula shall provide for the equitable allocation of available funds through reconciliation and may be designed—

(i) to provide a schedule of payments that specifies the amount that will be paid for each of the conditions identified under subparagraph (A); or

(ii) to use any other comparable method for determining payment amounts that is recommended by the American Academy of Actuaries and that encourages the use of care coordination and care management programs for high risk conditions.

(3) DETERMINATION OF REQUIRED CONTRIBUTIONS.—

(A) IN GENERAL.—The Secretary shall include in the provisions under paragraph (1) the method for determining the amount each health insurance issuer and group health plan described in paragraph (1)(A) contributing to the reinsurance program under this section is required to contribute under such paragraph for each plan year beginning in the 36-month period beginning January 1, 2014. The contribution amount for any plan year may be based on the percentage of revenue of each issuer and the total costs of providing benefits to enrollees in self-insured plans or on a specified amount per enrollee and may be required to be paid in advance or periodically throughout the plan year.

(B) SPECIFIC REQUIREMENTS.—The method under this paragraph shall be designed so that—

(i) the contribution amount for each issuer proportionally reflects each issuer's fully insured commercial book of business for all major medical products and the total value of all fees charged by the issuer and the costs of coverage administered by the issuer as a third party administrator;

(ii) the contribution amount can include an additional amount to fund the administrative expenses of the applicable reinsurance entity;

(iii) the aggregate contribution amounts for all States shall, based on the best estimates of the NAIC and without regard to amounts described in clause (ii), equal $10,000,000,000 for plan years beginning in 2014, $6,000,000,000 for plan years beginning 2015, and $4,000,000,000 for plan years beginning in 2016; and

(iv) in addition to the aggregate contribution amounts under clause (iii), each issuer's contribution amount for any calendar year under clause (iii) reflects its proportionate share of an additional $2,000,000,000 for 2014, an additional $2,000,000,000 for 2015, and an additional $1,000,000,000 for 2016.

Nothing in this subparagraph shall be construed to preclude a State from collecting additional amounts from issuers on a voluntary basis.

(4) EXPENDITURE OF FUNDS.—The provisions under paragraph (1) shall provide that—

(A) the contribution amounts collected for any calendar year may be allocated and used in any of the three calendar years for which amounts are collected based on the reinsurance needs of a particular period or to reflect experience in a prior period; and

(B) amounts remaining unexpended as of December, 2016, may be used to make payments under any reinsurance program of a State in the individual market in effect in the 2-year period beginning on January 1, 2017.

Notwithstanding the preceding sentence, any contribution amounts described in paragraph (3)(B)(iv) shall be deposited into the general fund of the Treasury of the United States and may not be used for the program established under this section.

(c) APPLICABLE REINSURANCE ENTITY.—For purposes of this section—

(1) IN GENERAL.—The term ''applicable reinsurance entity'' means a not-for-profit organization—

(A) the purpose of which is to help stabilize premiums for coverage in the individual and small group markets in a State during the first 3 years of operation of an Exchange for such markets within the State when the risk of adverse selection related to new rating rules and market changes is greatest; and

(B) the duties of which shall be to carry out the reinsurance program under this section by coordinating the funding and operation of the risk-spreading mechanisms designed to implement the reinsurance program.

(2) STATE DISCRETION.—A State may have more than 1 applicable reinsurance entity to carry out the reinsurance program under this section within the State and 2 or more States may enter into agreements to provide for an applicable reinsurance entity to carry out such program in all such States.

(3) ENTITIES ARE TAX-EXEMPT.—An applicable reinsurance entity established under this section shall be exempt from taxation under chapter 1 of the Internal Revenue Code of 1986. The preceding sentence shall not apply to the tax imposed by section 511 such Code (relating to tax on unrelated business taxable income of an exempt organization).

(d) COORDINATION WITH STATE HIGH-RISK POOLS.—The State shall eliminate or modify any State high-risk pool to the extent necessary to carry out the reinsurance program established under this section. The State may coordinate the State high-risk pool with such program to the extent not inconsistent with the provisions of this section.

SEC. 1342. ESTABLISHMENT OF RISK CORRIDORS FOR PLANS IN INDIVIDUAL AND SMALL GROUP MARKETS.

(a) IN GENERAL.—The Secretary shall establish and administer a program of risk corridors for calendar years 2014, 2015, and 2016 under which a qualified health plan offered in the individual or small group market shall participate in a payment adjustment system based on the ratio of the allowable costs of the plan to the plan's aggregate premiums. Such program shall be based on the program for regional participating provider organizations under part D of title XVIII of the Social Security Act.

(b) PAYMENT METHODOLOGY.—

(1) PAYMENTS OUT.—The Secretary shall provide under the program established under subsection (a) that if—

(A) a participating plan's allowable costs for any plan year are more than 103 percent but not more than 108 percent of the target amount, the Secretary shall pay to the plan an amount equal to 50 percent of the target amount in excess of 103 percent of the target amount; and

(B) a participating plan's allowable costs for any plan year are more than 108 percent of the target amount, the Secretary shall pay to the plan an amount equal to the sum of 2.5 percent of the target amount plus 80 percent of allowable costs in excess of 108 percent of the target amount.

(2) PAYMENTS IN.—The Secretary shall provide under the program established under subsection (a) that if—

(A) a participating plan's allowable costs for any plan year are less than 97 percent but not less than 92 percent of the target amount, the plan shall pay to the Secretary an amount equal to 50 percent of the excess of 97 percent of the target amount over the allowable costs; and

(B) a participating plan's allowable costs for any plan year are less than 92 percent of the target amount, the plan shall pay to the Secretary an amount equal to the sum of 2.5 percent of the target amount plus 80 percent of the excess of 92 percent of the target amount over the allowable costs.

(c) DEFINITIONS.—In this section:

(1) ALLOWABLE COSTS.—

(A) IN GENERAL.—The amount of allowable costs of a plan for any year is an amount equal to the total costs (other than administrative costs) of the plan in providing benefits covered by the plan.

(B) REDUCTION FOR RISK ADJUSTMENT AND REINSURANCE PAYMENTS.—Allowable costs shall reduced by any risk adjustment and reinsurance payments received under section 1341 and 1343.

(2) TARGET AMOUNT.—The target amount of a plan for any year is an amount equal to the total premiums (including any premium subsidies under any governmental program), reduced by the administrative costs of the plan.

SEC. 1343. RISK ADJUSTMENT.

(a) IN GENERAL.—

(1) LOW ACTUARIAL RISK PLANS.—Using the criteria and methods developed under subsection (b), each State shall assess a charge on health plans and health insurance issuers (with respect to health insurance coverage) described in subsection (c) if the actuarial risk of the enrollees of such plans or coverage for a year is less than the average actuarial risk of all enrollees in all plans or coverage in such State for such year that are not self-insured group health plans (which are subject to the provisions of the Employee Retirement Income Security Act of 1974).

(2) HIGH ACTUARIAL RISK PLANS.—Using the criteria and methods developed under subsection (b), each State shall provide a payment to health plans and health insurance issuers (with respect to health insurance coverage) described in subsection (c) if the actuarial risk of the enrollees of such plans or coverage for a year is greater than the average actuarial risk of all enrollees in all plans and coverage in such State for such year that are not self-insured group health plans (which are subject to the provisions of the Employee Retirement Income Security Act of 1974).

(b) CRITERIA AND METHODS.—The Secretary, in consultation with States, shall establish criteria and methods to be used in carrying out the risk adjustment activities under this section. The Secretary may utilize criteria and methods similar to the criteria and methods utilized under part C or D of title XVIII of the Social Security Act. Such criteria and methods shall be included in the standards and requirements the Secretary prescribes under section 1321.

(c) SCOPE.—A health plan or a health insurance issuer is described in this subsection if such health plan or health insurance issuer provides coverage in the individual or small group market within the State. This subsection shall not apply to a grandfathered health plan or the issuer of a grandfathered health plan with respect to that plan.

Subtitle E—Affordable Coverage Choices for All Americans

PART I—PREMIUM TAX CREDITS AND COST-SHARING REDUCTIONS

Subpart A—Premium Tax Credits and Cost-sharing Reductions

SEC. 1401. REFUNDABLE TAX CREDIT PROVIDING PREMIUM ASSISTANCE FOR COVERAGE UNDER A QUALIFIED HEALTH PLAN.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by inserting after section 36A the following new section:

"SEC. 36B. REFUNDABLE CREDIT FOR COVERAGE UNDER A QUALIFIED HEALTH PLAN.

''(a) IN GENERAL.—In the case of an applicable taxpayer, there shall be allowed as a credit against the tax imposed by this subtitle for any taxable year an amount equal to the premium assistance credit amount of the taxpayer for the taxable year.

''(b) PREMIUM ASSISTANCE CREDIT AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'premium assistance credit amount' means, with respect to any taxable year, the sum of the premium assistance amounts determined under paragraph (2) with respect to all coverage months of the taxpayer occurring during the taxable year.

''(2) PREMIUM ASSISTANCE AMOUNT.—The premium assistance amount determined under this subsection with respect to any coverage month is the amount equal to the lesser of—

''(A) the monthly premiums for such month for 1 or more qualified health plans offered in the individual market within a State which cover the taxpayer, the taxpayer's spouse, or any dependent (as defined in section 152) of the taxpayer and which were enrolled in through an Exchange established by the State under 1311 of the Patient Protection and Affordable Care Act, or

''(B) the excess (if any) of—

''(i) the adjusted monthly premium for such month for the applicable second lowest cost silver plan with respect to the taxpayer, over

''(ii) an amount equal to 1/12 of the product of the applicable percentage and the taxpayer's household income for the taxable year.

''(3) OTHER TERMS AND RULES RELATING TO PREMIUM ASSISTANCE AMOUNTS.—For purposes of paragraph (2)—

''(A) APPLICABLE PERCENTAGE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the applicable percentage with respect to any taxpayer for any taxable year is equal to 2.8 percent, increased by the number of percentage points (not greater than 7) which bears the same ratio to 7 percentage points as—

''(I) the taxpayer's household income for the taxable year in excess of 100 percent of the poverty line for a family of the size involved, bears to

''(II) an amount equal to 200 percent of the poverty line for a family of the size involved.

''(ii) SPECIAL RULE FOR TAXPAYERS UNDER 133 PERCENT OF POVERTY LINE.—If a taxpayer's household income for the taxable year is in excess of 100 percent, but not more than 133 percent, of the poverty line for a family of the size involved, the taxpayer's applicable percentage shall be 2 percent.

''(iii) INDEXING.—In the case of taxable years beginning in any calendar year after 2014, the Secretary shall adjust the initial and final applicable percentages under clause (i), and the 2 percent under clause (ii), for the calendar year to reflect the excess of the rate of premium growth between the preceding calendar year and 2013 over the rate of income growth for such period.

''(B) APPLICABLE SECOND LOWEST COST SILVER PLAN.—The applicable second lowest cost silver plan with respect to any applicable taxpayer is the second lowest cost silver plan of the individual market in the rating area in which the taxpayer resides which—

''(i) is offered through the same Exchange through which the qualified health plans taken into account under paragraph (2)(A) were offered, and

''(ii) provides—

''(I) self-only coverage in the case of an applicable taxpayer—

''(aa) whose tax for the taxable year is determined under section 1(c) (relating to unmarried individuals other than surviving spouses and heads of households) and who is not allowed a deduction under section 151 for the taxable year with respect to a dependent, or

''(bb) who is not described in item (aa) but who purchases only self-only coverage, and

''(II) family coverage in the case of any other applicable taxpayer.

If a taxpayer files a joint return and no credit is allowed under this section with respect to 1 of the spouses by reason of subsection (e), the taxpayer shall be treated as described in clause (ii)(I) unless a deduction is allowed under section 151 for the taxable year with respect to a dependent other than either spouse and subsection (e) does not apply to the dependent.

''(C) ADJUSTED MONTHLY PREMIUM.—The adjusted monthly premium for an applicable second lowest cost silver plan is the monthly premium which would have been charged (for the rating area with respect to which the premiums under paragraph (2)(A) were determined) for the plan if each individual covered under a qualified health plan taken into account under paragraph (2)(A) were covered by such silver plan and the premium was adjusted only for the age of each such individual in the manner allowed under section 2701 of the Public Health Service Act. In the case of a State participating in the wellness discount demonstration project under section 2705(d) of the Public Health Service Act, the adjusted monthly premium shall be determined without regard to any premium discount or rebate under such project.

''(D) ADDITIONAL BENEFITS.—If—

''(i) a qualified health plan under section 1302(b)(5) of the Patient Protection and Affordable Care Act offers benefits in addition to the essential health benefits required to be provided by the plan, or

''(ii) a State requires a qualified health plan under section 1311(d)(3)(B) of such Act to cover benefits in addition to the essential health benefits required to be provided by the plan,

the portion of the premium for the plan properly allocable (under rules prescribed by the Secretary of Health and Human Services) to such additional benefits shall not be taken into account in determining either the monthly premium or the adjusted monthly premium under paragraph (2).

''(E) SPECIAL RULE FOR PEDIATRIC DENTAL COVERAGE.—For purposes of determining the amount of any monthly premium, if an individual enrolls in both a qualified health plan and a plan described in section 1311(d)(2)(B)(ii)(I) of the Patient Protection and Affordable Care Act for any plan year, the portion of the premium for the plan described in such section that (under regulations prescribed by the Secretary) is properly allocable to pediatric dental benefits which are included in the essential health benefits required to be provided by a qualified health plan under section 1302(b)(1)(J) of such Act shall be treated as a premium payable for a qualified health plan.

''(c) DEFINITION AND RULES RELATING TO APPLICABLE TAXPAYERS, COVERAGE MONTHS, AND QUALIFIED HEALTH PLAN.—For purposes of this section—

''(1) APPLICABLE TAXPAYER.—

''(A) IN GENERAL.—The term 'applicable taxpayer' means, with respect to any taxable year, a taxpayer whose household income for the taxable year exceeds 100 percent but does not exceed 400 percent of an amount equal to the poverty line for a family of the size involved.

''(B) SPECIAL RULE FOR CERTAIN INDIVIDUALS LAWFULLY PRESENT IN THE UNITED STATES.—If—

''(i) a taxpayer has a household income which is not greater than 100 percent of an amount equal to the poverty line for a family of the size involved, and

''(ii) the taxpayer is an alien lawfully present in the United States, but is not eligible for the medicaid program under title XIX of the Social Security Act by reason of such alien status,

the taxpayer shall, for purposes of the credit under this section, be treated as an applicable taxpayer with a household income which is equal to 100 percent of the poverty line for a family of the size involved.

''(C) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married (within the meaning of section 7703) at the close of the taxable year, the taxpayer shall be treated as an applicable taxpayer only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

''(D) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

''(2) COVERAGE MONTH.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'coverage month' means, with respect to an applicable taxpayer, any month if—

''(i) as of the first day of such month the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer is covered by a qualified health plan described in subsection (b)(2)(A) that was enrolled in through an Exchange established by the State under section 1311 of the Patient Protection and Affordable Care Act, and

''(ii) the premium for coverage under such plan for such month is paid by the taxpayer (or through advance payment of the credit under subsection (a) under section 1412 of the Patient Protection and Affordable Care Act).

''(B) EXCEPTION FOR MINIMUM ESSENTIAL COVERAGE.—

''(i) IN GENERAL.—The term 'coverage month' shall not include any month with respect to an individual if for such month the individual is eligible for minimum essential coverage other than eligibility for coverage described in section 5000A(f)(1)(C) (relating to coverage in the individual market).

''(ii) MINIMUM ESSENTIAL COVERAGE.—The term 'minimum essential coverage' has the meaning given such term by section 5000A(f).

''(C) SPECIAL RULE FOR EMPLOYER-SPONSORED MINIMUM ESSENTIAL COVERAGE.—For purposes of subparagraph (B)—

''(i) COVERAGE MUST BE AFFORDABLE.—Except as provided in clause (iii), an employee shall not be treated as eligible for minimum essential coverage if such coverage—

''(I) consists of an eligible employer-sponsored plan (as defined in section 5000A(f)(2)), and

''(II) the employee's required contribution (within the meaning of section 5000A(e)(1)(B)) with respect to the plan exceeds 9.8 percent of the applicable taxpayer's household income.

This clause shall also apply to an individual who is eligible to enroll in the plan by reason of a relationship the individual bears to the employee.

''(ii) COVERAGE MUST PROVIDE MINIMUM VALUE.—Except as provided in clause (iii), an employee shall not be treated as eligible for minimum essential coverage if such coverage consists of an eligible employer-sponsored plan (as defined in section 5000A(f)(2)) and the plan's share of the total allowed costs of benefits provided under the plan is less than 60 percent of such costs.

''(iii) EMPLOYEE OR FAMILY MUST NOT BE COVERED UNDER EMPLOYER PLAN.—Clauses (i) and (ii) shall not apply if the employee (or any individual described in the last sentence of clause (i)) is covered under the eligible employer-sponsored plan or the grandfathered health plan.

''(iv) INDEXING.—In the case of plan years beginning in any calendar year after 2014, the Secretary shall adjust the 9.8 percent under clause (i)(II) in the same manner as the percentages are adjusted under subsection (b)(3)(A)(ii).

''(3) DEFINITIONS AND OTHER RULES.—

''(A) QUALIFIED HEALTH PLAN.—The term 'qualified health plan' has the meaning given such term by section 1301(a) of the Patient Protection and Affordable Care Act, except that such term shall not include a qualified health plan which is a catastrophic plan described in section 1302(e) of such Act.

''(B) GRANDFATHERED HEALTH PLAN.—The term 'grandfathered health plan' has the meaning given such term by section 1251 of the Patient Protection and Affordable Care Act.

''(d) TERMS RELATING TO INCOME AND FAMILIES.—For purposes of this section—

''(1) FAMILY SIZE.—The family size involved with respect to any taxpayer shall be equal to the number of individuals for whom the taxpayer is allowed a deduction under section 151 (relating to allowance of deduction for personal exemptions) for the taxable year.

''(2) HOUSEHOLD INCOME.—

''(A) HOUSEHOLD INCOME.—The term 'household income' means, with respect to any taxpayer, an amount equal to the sum of—

''(i) the modified gross income of the taxpayer, plus

''(ii) the aggregate modified gross incomes of all other individuals who—

''(I) were taken into account in determining the taxpayer's family size under paragraph (1), and

''(II) were required to file a return of tax imposed by section 1 for the taxable year.

''(B) MODIFIED GROSS INCOME.—The term 'modified gross income' means gross income—

''(i) decreased by the amount of any deduction allowable under paragraph (1), (3), (4), or (10) of section 62(a),

''(ii) increased by the amount of interest received or accrued during the taxable year which is exempt from tax imposed by this chapter, and

''(iii) determined without regard to sections 911, 931, and 933.

''(3) POVERTY LINE.—

''(A) IN GENERAL.—The term 'poverty line' has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)).

''(B) POVERTY LINE USED.—In the case of any qualified health plan offered through an Exchange for coverage during a taxable year beginning in a calendar year, the poverty line used shall be the most recently published poverty line as of the 1st day of the regular enrollment period for coverage during such calendar year.

''(e) RULES FOR INDIVIDUALS NOT LAWFULLY PRESENT.—

''(1) IN GENERAL.—If 1 or more individuals for whom a taxpayer is allowed a deduction under section 151 (relating to allowance of deduction for personal exemptions) for the taxable year (including the taxpayer or his spouse) are individuals who are not lawfully present—

''(A) the aggregate amount of premiums otherwise taken into account under clauses (i) and (ii) of subsection (b)(2)(A) shall be reduced by the portion (if any) of such premiums which is attributable to such individuals, and

''(B) for purposes of applying this section, the determination as to what percentage a taxpayer's household income bears to the poverty level for a family of the size involved shall be made under one of the following methods:

''(i) A method under which—

''(I) the taxpayer's family size is determined by not taking such individuals into account, and

''(II) the taxpayer's household income is equal to the product of the taxpayer's household income (determined without regard to this subsection) and a fraction—

''(aa) the numerator of which is the poverty line for the taxpayer's family size determined after application of subclause (I), and

''(bb) the denominator of which is the poverty line for the taxpayer's family size determined without regard to subclause (I).

''(ii) A comparable method reaching the same result as the method under clause (i).

''(2) LAWFULLY PRESENT.—For purposes of this section, an individual shall be treated as lawfully present only if the individual is, and is reasonably expected to be for the entire period of enrollment for which the credit under this section is being claimed, a citizen or national of the United States or an alien lawfully present in the United States.

''(3) SECRETARIAL AUTHORITY.—The Secretary of Health and Human Services, in consultation with the Secretary, shall prescribe rules setting forth the methods by which calculations of family size and household income are made for purposes of this subsection. Such rules shall be designed to ensure that the least burden is placed on individuals enrolling in qualified health plans through an Exchange and taxpayers eligible for the credit allowable under this section.

''(f) RECONCILIATION OF CREDIT AND ADVANCE CREDIT.—

''(1) IN GENERAL.—The amount of the credit allowed under this section for any taxable year shall be reduced (but not below zero) by the amount of any advance payment of such credit under section 1412 of the Patient Protection and Affordable Care Act.

''(2) EXCESS ADVANCE PAYMENTS.—

''(A) IN GENERAL.—If the advance payments to a taxpayer under section 1412 of the Patient Protection and Affordable Care Act for a taxable year exceed the credit allowed by this section (determined without regard to paragraph (1)), the tax imposed by this chapter for the taxable year shall be increased by the amount of such excess.

''(B) LIMITATION ON INCREASE WHERE INCOME LESS THAN 400 PERCENT OF POVERTY LINE.—

''(i) IN GENERAL.—In the case of an applicable taxpayer whose household income is less than 400 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subparagraph (A) shall in no event exceed $400 ($250 in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year).

''(ii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2014, each of the dollar amounts under clause (i) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2013' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section, including regulations which provide for—

''(1) the coordination of the credit allowed under this section with the program for advance payment of the credit under section 1412 of the Patient Protection and Affordable Care Act, and

''(2) the application of subsection (f) where the filing status of the taxpayer for a taxable year is different from such status used for determining the advance payment of the credit.''.

(b) DISALLOWANCE OF DEDUCTION.—Section 280C of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(g) CREDIT FOR HEALTH INSURANCE PREMIUMS.—No deduction shall be allowed for the portion of the premiums paid by the taxpayer for coverage of 1 or more individuals under a qualified health plan which is equal to the amount of the credit determined for the taxable year under section 36B(a) with respect to such premiums.''.

(c) STUDY ON AFFORDABLE COVERAGE.—

(1) STUDY AND REPORT.—

(A) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General shall conduct a study on the affordability of health insurance coverage, including—

(i) the impact of the tax credit for qualified health insurance coverage of individuals under section 36B of the Internal Revenue Code of 1986 and the tax credit for employee health insurance expenses of small employers under section 45R of such Code on maintaining and expanding the health insurance coverage of individuals;

(ii) the availability of affordable health benefits plans, including a study of whether the percentage of household income used for purposes of section 36B(c)(2)(C) of the Internal Revenue Code of 1986 (as added by this section) is the appropriate level for determining whether employer-provided coverage is affordable for an employee and whether such level may be lowered without significantly increasing the costs to the Federal Government and reducing employer-provided coverage; and

(iii) the ability of individuals to maintain essential health benefits coverage (as defined in section 5000A(f) of the Internal Revenue Code of 1986).

(B) REPORT.—The Comptroller General shall submit to the appropriate committees of Congress a report on the study conducted under subparagraph (A), together with legislative recommendations relating to the matters studied under such subparagraph.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means the Committee on Ways and Means, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance and the Committee on Health, Education, Labor and Pensions of the Senate.

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''36B,'' after ''36A,''.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 36A the following new item:

''Sec. 36B. Refundable credit for coverage under a qualified health plan.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2013.

SEC. 1402. REDUCED COST-SHARING FOR INDIVIDUALS ENROLLING IN QUALIFIED HEALTH PLANS.

(a) IN GENERAL.—In the case of an eligible insured enrolled in a qualified health plan—

(1) the Secretary shall notify the issuer of the plan of such eligibility; and

(2) the issuer shall reduce the cost-sharing under the plan at the level and in the manner specified in subsection (c).

(b) ELIGIBLE INSURED.—In this section, the term ''eligible insured'' means an individual—

(1) who enrolls in a qualified health plan in the silver level of coverage in the individual market offered through an Exchange; and

(2) whose household income exceeds 100 percent but does not exceed 400 percent of the poverty line for a family of the size involved.

In the case of an individual described in section 36B(c)(1)(B) of the Internal Revenue Code of 1986, the individual shall be treated as having household income equal to 100 percent for purposes of applying this section.

(c) DETERMINATION OF REDUCTION IN COST-SHARING.—

(1) REDUCTION IN OUT-OF-POCKET LIMIT.—

(A) IN GENERAL.—The reduction in cost-sharing under this subsection shall first be achieved by reducing the applicable out-of pocket limit under section 1302(c)(1) in the case of—

(i) an eligible insured whose household income is more than 100 percent but not more than 200 percent of the poverty line for a family of the size involved, by two-thirds;

(ii) an eligible insured whose household income is more than 200 percent but not more than 300 percent of the poverty line for a family of the size involved, by one-half; and

(iii) an eligible insured whose household income is more than 300 percent but not more than 400 percent of the poverty line for a family of the size involved, by one-third.

(B) COORDINATION WITH ACTUARIAL VALUE LIMITS.—

(i) IN GENERAL.—The Secretary shall ensure the reduction under this paragraph shall not result in an increase in the plan's share of the total allowed costs of benefits provided under the plan above—

(I) 90 percent in the case of an eligible insured described in paragraph (2)(A);

(II) 80 percent in the case of an eligible insured described in paragraph (2)(B); and

(III) 70 percent in the case of an eligible insured described in clause (ii) or (iii) of subparagraph (A).

(ii) ADJUSTMENT.—The Secretary shall adjust the out-of pocket limits under paragraph (1) if necessary to ensure that such limits do not cause the respective actuarial values to exceed the levels specified in clause (i).

(2) ADDITIONAL REDUCTION FOR LOWER INCOME INSUREDS.—The Secretary shall establish procedures under which the issuer of a qualified health plan to which this section applies shall further reduce cost-sharing under the plan in a manner sufficient to—

(A) in the case of an eligible insured whose household income is not less than 100 percent but not more than 150 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of benefits provided under the plan to 90 percent of such costs; and

(B) in the case of an eligible insured whose household income is more than 150 percent but not more than 200 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of benefits provided under the plan to 80 percent of such costs.

(3) METHODS FOR REDUCING COST-SHARING.—

(A) IN GENERAL.—An issuer of a qualified health plan making reductions under this subsection shall notify the Secretary of such reductions and the Secretary shall make periodic and timely payments to the issuer equal to the value of the reductions.

(B) CAPITATED PAYMENTS.—The Secretary may establish a capitated payment system to carry out the payment of cost-sharing reductions under this section. Any such system shall take into account the value of the reductions and make appropriate risk adjustments to such payments.

(4) ADDITIONAL BENEFITS.—If a qualified health plan under section 1302(b)(5) offers benefits in addition to the essential health benefits required to be provided by the plan, or a State requires a qualified health plan under section 1311(d)(3)(B) to cover benefits in addition to the essential health benefits required to be provided by the plan, the reductions in cost-sharing under this section shall not apply to such additional benefits.

(5) SPECIAL RULE FOR PEDIATRIC DENTAL PLANS.—If an individual enrolls in both a qualified health plan and a plan described in section 1311(d)(2)(B)(ii)(I) for any plan year, subsection (a) shall not apply to that portion of any reduction in cost-sharing under subsection (c) that (under regulations prescribed by the Secretary) is properly allocable to pediatric dental benefits which are included in the essential health benefits required to be provided by a qualified health plan under section 1302(b)(1)(J).

(d) SPECIAL RULES FOR INDIANS.—

(1) INDIANS UNDER 300 PERCENT OF POVERTY.—If an individual enrolled in any qualified health plan in the individual market through an Exchange is an Indian (as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d))) whose household income is not more than 300 percent of the poverty line for a family of the size involved, then, for purposes of this section—

(A) such individual shall be treated as an eligible insured; and

(B) the issuer of the plan shall eliminate any cost-sharing under the plan.

(2) ITEMS OR SERVICES FURNISHED THROUGH INDIAN HEALTH PROVIDERS.—If an Indian (as so defined) enrolled in a qualified health plan is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under contract health services—

(A) no cost-sharing under the plan shall be imposed under the plan for such item or service; and

(B) the issuer of the plan shall not reduce the payment to any such entity for such item or service by the amount of any cost-sharing that would be due from the Indian but for subparagraph (A).

(3) PAYMENT.—The Secretary shall pay to the issuer of a qualified health plan the amount necessary to reflect the increase in actuarial value of the plan required by reason of this subsection.

(e) RULES FOR INDIVIDUALS NOT LAWFULLY PRESENT.—

(1) IN GENERAL.—If an individual who is an eligible insured is not lawfully present—

(A) no cost-sharing reduction under this section shall apply with respect to the individual; and

(B) for purposes of applying this section, the determination as to what percentage a taxpayer's household income bears to the poverty level for a family of the size involved shall be made under one of the following methods:

(i) A method under which—

(I) the taxpayer's family size is determined by not taking such individuals into account, and

(II) the taxpayer's household income is equal to the product of the taxpayer's household income (determined without regard to this subsection) and a fraction—

(aa) the numerator of which is the poverty line for the taxpayer's family size determined after application of subclause (I), and

(bb) the denominator of which is the poverty line for the taxpayer's family size determined without regard to subclause (I).

(ii) A comparable method reaching the same result as the method under clause (i).

(2) LAWFULLY PRESENT.—For purposes of this section, an individual shall be treated as lawfully present only if the individual is, and is reasonably expected to be for the entire period of enrollment for which the cost-sharing reduction under this section is being claimed, a citizen or national of the United States or an alien lawfully present in the United States.

(3) SECRETARIAL AUTHORITY.—The Secretary, in consultation with the Secretary of the Treasury, shall prescribe rules setting forth the methods by which calculations of family size and household income are made for purposes of this subsection. Such rules shall be designed to ensure that the least burden is placed on individuals enrolling in qualified health plans through an Exchange and taxpayers eligible for the credit allowable under this section.

(f) DEFINITIONS AND SPECIAL RULES.—In this section:

(1) IN GENERAL.—Any term used in this section which is also used in section 36B of the Internal Revenue Code of 1986 shall have the meaning given such term by such section.

(2) LIMITATIONS ON REDUCTION.—No cost-sharing reduction shall be allowed under this section with respect to coverage for any month unless the month is a coverage month with respect to which a credit is allowed to the insured (or an applicable taxpayer on behalf of the insured) under section 36B of such Code.

(3) DATA USED FOR ELIGIBILITY.—Any determination under this section shall be made on the basis of the taxable year for which the advance determination is made under section 1412 and not the taxable year for which the credit under section 36B of such Code is allowed.

Subpart B—Eligibility Determinations

SEC. 1411. PROCEDURES FOR DETERMINING ELIGIBILITY FOR EXCHANGE PARTICIPATION, PREMIUM TAX CREDITS AND REDUCED COST-SHARING, AND INDIVIDUAL RESPONSIBILITY EXEMPTIONS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program meeting the requirements of this section for determining—

(1) whether an individual who is to be covered in the individual market by a qualified health plan offered through an Exchange, or who is claiming a premium tax credit or reduced cost-sharing, meets the requirements of sections 1312(f)(3), 1402(e), and 1412(d) of this title and section 36B(e) of the Internal Revenue Code of 1986 that the individual be a citizen or national of the United States or an alien lawfully present in the United States;

(2) in the case of an individual claiming a premium tax credit or reduced cost-sharing under section 36B of such Code or section 1402—

(A) whether the individual meets the income and coverage requirements of such sections; and

(B) the amount of the tax credit or reduced cost-sharing;

(3) whether an individual's coverage under an employer-sponsored health benefits plan is treated as unaffordable under sections 36B(c)(2)(C) and 5000A(e)(2); and

(4) whether to grant a certification under section 1311(d)(4)(H) attesting that, for purposes of the individual responsibility requirement under section 5000A of the Internal Revenue Code of 1986, an individual is entitled to an exemption from either the individual responsibility requirement or the penalty imposed by such section.

(b) INFORMATION REQUIRED TO BE PROVIDED BY APPLICANTS.—

(1) IN GENERAL.—An applicant for enrollment in a qualified health plan offered through an Exchange in the individual market shall provide—

(A) the name, address, and date of birth of each individual who is to be covered by the plan (in this subsection referred to as an ''enrollee''); and

(B) the information required by any of the following paragraphs that is applicable to an enrollee.

(2) CITIZENSHIP OR IMMIGRATION STATUS.—The following information shall be provided with respect to every enrollee:

(A) In the case of an enrollee whose eligibility is based on an attestation of citizenship of the enrollee, the enrollee's social security number.

(B) In the case of an individual whose eligibility is based on an attestation of the enrollee's immigration status, the enrollee's social security number (if applicable) and such identifying information with respect to the enrollee's immigration status as the Secretary, after consultation with the Secretary of Homeland Security, determines appropriate.

(3) ELIGIBILITY AND AMOUNT OF TAX CREDIT OR REDUCED COST-SHARING.—In the case of an enrollee with respect to whom a premium tax credit or reduced cost-sharing under section 36B of such Code or section 1402 is being claimed, the following information:

(A) INFORMATION REGARDING INCOME AND FAMILY SIZE.—The information described in section 6103(l)(21) for the taxable year ending with or within the second calendar year preceding the calendar year in which the plan year begins.

(B) CHANGES IN CIRCUMSTANCES.—The information described in section 1412(b)(2), including information with respect to individuals who were not required to file an income tax return for the taxable year described in subparagraph (A) or individuals who experienced changes in marital status or family size or significant reductions in income.

(4) EMPLOYER-SPONSORED COVERAGE.—In the case of an enrollee with respect to whom eligibility for a premium tax credit under section 36B of such Code or cost-sharing reduction under section 1402 is being established on the basis that the enrollee's (or related individual's) employer is not treated under section 36B(c)(2)(C) of such Code as providing minimum essential coverage or affordable minimum essential coverage, the following information:

(A) The name, address, and employer identification number (if available) of the employer.

(B) Whether the enrollee or individual is a full-time employee and whether the employer provides such minimum essential coverage.

(C) If the employer provides such minimum essential coverage, the lowest cost option for the enrollee's or individual's enrollment status and the enrollee's or individual's required contribution (within the meaning of section 5000A(e)(1)(B) of such Code) under the employer-sponsored plan.

(D) If an enrollee claims an employer's minimum essential coverage is unaffordable, the information described in paragraph (3).

If an enrollee changes employment or obtains additional employment while enrolled in a qualified health plan for which such credit or reduction is allowed, the enrollee shall notify the Exchange of such change or additional employment and provide the information described in this paragraph with respect to the new employer.

(5) EXEMPTIONS FROM INDIVIDUAL RESPONSIBILITY REQUIREMENTS.—In the case of an individual who is seeking an exemption certificate under section 1311(d)(4)(H) from any requirement or penalty imposed by section 5000A, the following information:

(A) In the case of an individual seeking exemption based on the individual's status as a member of an exempt religious sect or division, as a member of a health care sharing ministry, as an Indian, or as an individual eligible for a hardship exemption, such information as the Secretary shall prescribe.

(B) In the case of an individual seeking exemption based on the lack of affordable coverage or the individual's status as a taxpayer with household income less than 100 percent of the poverty line, the information described in paragraphs (3) and (4), as applicable.

(c) VERIFICATION OF INFORMATION CONTAINED IN RECORDS OF SPECIFIC FEDERAL OFFICIALS.—

(1) INFORMATION TRANSFERRED TO SECRETARY.—An Exchange shall submit the information provided by an applicant under subsection (b) to the Secretary for verification in accordance with the requirements of this subsection and subsection (d).

(2) CITIZENSHIP OR IMMIGRATION STATUS.—

(A) COMMISSIONER OF SOCIAL SECURITY.—The Secretary shall submit to the Commissioner of Social Security the following information for a determination as to whether the information provided is consistent with the information in the records of the Commissioner:

(i) The name, date of birth, and social security number of each individual for whom such information was provided under subsection (b)(2).

(ii) The attestation of an individual that the individual is a citizen.

(B) SECRETARY OF HOMELAND SECURITY.—

(i) IN GENERAL.—In the case of an individual—

(I) who attests that the individual is an alien lawfully present in the United States; or

(II) who attests that the individual is a citizen but with respect to whom the Commissioner of Social Security has notified the Secretary under subsection (e)(3) that the attestation is inconsistent with information in the records maintained by the Commissioner;

the Secretary shall submit to the Secretary of Homeland Security the information described in clause (ii) for a determination as to whether the information provided is consistent with the information in the records of the Secretary of Homeland Security.

(ii) INFORMATION.—The information described in clause (ii) is the following:

(I) The name, date of birth, and any identifying information with respect to the individual's immigration status provided under subsection (b)(2).

(II) The attestation that the individual is an alien lawfully present in the United States or in the case of an individual described in clause (i)(II), the attestation that the individual is a citizen.

(3) ELIGIBILITY FOR TAX CREDIT AND COST-SHARING REDUCTION.—The Secretary shall submit the information described in subsection (b)(3)(A) provided under paragraph (3), (4), or (5) of subsection (b) to the Secretary of the Treasury for verification of household income and family size for purposes of eligibility.

(4) METHODS.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretary of the Treasury, the Secretary of Homeland Security, and the Commissioner of Social Security, shall provide that verifications and determinations under this subsection shall be done—

(i) through use of an on-line system or otherwise for the electronic submission of, and response to, the information submitted under this subsection with respect to an applicant; or

(ii) by determining the consistency of the information submitted with the information maintained in the records of the Secretary of the Treasury, the Secretary of Homeland Security, or the Commissioner of Social Security through such other method as is approved by the Secretary.

(B) FLEXIBILITY.—The Secretary may modify the methods used under the program established by this section for the Exchange and verification of information if the Secretary determines such modifications would reduce the administrative costs and burdens on the applicant, including allowing an applicant to request the Secretary of the Treasury to provide the information described in paragraph (3) directly to the Exchange or to the Secretary. The Secretary shall not make any such modification unless the Secretary determines that any applicable requirements under this section and section 6103 of the Internal Revenue Code of 1986 with respect to the confidentiality, disclosure, maintenance, or use of information will be met.

(d) VERIFICATION BY SECRETARY.—In the case of information provided under subsection (b) that is not required under subsection (c) to be submitted to another person for verification, the Secretary shall verify the accuracy of such information in such manner as the Secretary determines appropriate, including delegating responsibility for verification to the Exchange.

(e) ACTIONS RELATING TO VERIFICATION.—

(1) IN GENERAL.—Each person to whom the Secretary provided information under subsection (c) shall report to the Secretary under the method established under subsection (c)(4) the results of its verification and the Secretary shall notify the Exchange of such results. Each person to whom the Secretary provided information under subsection (d) shall report to the Secretary in such manner as the Secretary determines appropriate.

(2) VERIFICATION.—

(A) ELIGIBILITY FOR ENROLLMENT AND PREMIUM TAX CREDITS AND COST-SHARING REDUCTIONS.—If information provided by an applicant under paragraphs (1), (2), (3), and (4) of subsection (b) is verified under subsections (c) and (d)—

(i) the individual's eligibility to enroll through the Exchange and to apply for premium tax credits and cost-sharing reductions shall be satisfied; and

(ii) the Secretary shall, if applicable, notify the Secretary of the Treasury under section 1412(c) of the amount of any advance payment to be made.

(B) EXEMPTION FROM INDIVIDUAL RESPONSIBILITY.—If information provided by an applicant under subsection (b)(5) is verified under subsections (c) and (d), the Secretary shall issue the certification of exemption described in section 1311(d)(4)(H).

(3) INCONSISTENCIES INVOLVING ATTESTATION OF CITIZENSHIP OR LAWFUL PRESENCE.—If the information provided by any applicant under subsection (b)(2) is inconsistent with information in the records maintained by the Commissioner of Social Security or Secretary of Homeland Security, whichever is applicable, the applicant's eligibility will be determined in the same manner as an individual's eligibility under the medicaid program is determined under section 1902(ee) of the Social Security Act (as in effect on January 1, 2010).

(4) INCONSISTENCIES INVOLVING OTHER INFORMATION.—

(A) IN GENERAL.—If the information provided by an applicant under subsection (b) (other than subsection (b)(2)) is inconsistent with information in the records maintained by persons under subsection (c) or is not verified under subsection (d), the Secretary shall notify the Exchange and the Exchange shall take the following actions:

(i) REASONABLE EFFORT.—The Exchange shall make a reasonable effort to identify and address

the causes of such inconsistency, including through typographical or other clerical errors, by contacting the applicant to confirm the accuracy of the information, and by taking such additional actions as the Secretary, through regulation or other guidance, may identify.

(ii) NOTICE AND OPPORTUNITY TO CORRECT.—In the case the inconsistency or inability to verify is not resolved under subparagraph (A), the Exchange shall—

(I) notify the applicant of such fact;

(II) provide the applicant an opportunity to either present satisfactory documentary evidence or resolve the inconsistency with the person verifying the information under subsection (c) or (d) during the 90-day period beginning the date on which the notice required under subclause (I) is sent to the applicant.

The Secretary may extend the 90-day period under subclause (II) for enrollments occurring during 2014.

(B) SPECIFIC ACTIONS NOT INVOLVING CITIZENSHIP OR LAWFUL PRESENCE.—

(i) IN GENERAL.—Except as provided in paragraph (3), the Exchange shall, during any period before the close of the period under subparagraph (A)(ii)(II), make any determination under paragraphs (2), (3), and (4) of subsection (a) on the basis of the information contained on the application.

(ii) ELIGIBILITY OR AMOUNT OF CREDIT OR REDUCTION.—If an inconsistency involving the eligibility for, or amount of, any premium tax credit or cost-sharing reduction is unresolved under this subsection as of the close of the period under subparagraph (A)(ii)(II), the Exchange shall notify the applicant of the amount (if any) of the credit or reduction that is determined on the basis of the records maintained by persons under subsection (c).

(iii) EMPLOYER AFFORDABILITY.—If the Secretary notifies an Exchange that an enrollee is eligible for a premium tax credit under section 36B of such Code or cost-sharing reduction under section 1402 because the enrollee's (or related individual's) employer does not provide minimum essential coverage through an employer-sponsored plan or that the employer does provide that coverage but it is not affordable coverage, the Exchange shall notify the employer of such fact and that the employer may be liable for the payment assessed under section 4980H of such Code.

(iv) EXEMPTION.—In any case where the inconsistency involving, or inability to verify, information provided under subsection (b)(5) is not resolved as of the close of the period under subparagraph (A)(ii)(II), the Exchange shall notify an applicant that no certification of exemption from any requirement or payment under section 5000A of such Code will be issued.

(C) APPEALS PROCESS.—The Exchange shall also notify each person receiving notice under this paragraph of the appeals processes established under subsection (f).

(f) APPEALS AND REDETERMINATIONS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Treasury, the Secretary of Homeland Security, and the Commissioner of Social Security, shall establish procedures by which the Secretary or one of such other Federal officers—

(A) hears and makes decisions with respect to appeals of any determination under subsection (e); and

(B) redetermines eligibility on a periodic basis in appropriate circumstances.

(2) EMPLOYER LIABILITY.—

(A) IN GENERAL.—The Secretary shall establish a separate appeals process for employers who are notified under subsection (e)(4)(C) that the employer may be liable for a tax imposed by section 4980H of the Internal Revenue Code of 1986 with respect to an employee because of a determination that the employer does not provide minimum essential coverage through an employer-sponsored plan or that the employer does provide that coverage but it is not affordable coverage with respect to an employee. Such process shall provide an employer the opportunity to—

(i) present information to the Exchange for review of the determination either by the Exchange or the person making the determination, including evidence of the employer-sponsored plan and employer contributions to the plan; and

(ii) have access to the data used to make the determination to the extent allowable by law.

Such process shall be in addition to any rights of appeal the employer may have under subtitle F of such Code.

(B) CONFIDENTIALITY.—Notwithstanding any provision of this title (or the amendments made by this title) or section 6103 of the Internal Revenue Code of 1986, an employer shall not be entitled to any taxpayer return information with respect to an employee for purposes of determining whether the employer is subject to the penalty under section 4980H of such Code with respect to the employee, except that—

(i) the employer may be notified as to the name of an employee and whether or not the employee's income is above or below the threshold by which the affordability of an employer's health insurance coverage is measured; and

(ii) this subparagraph shall not apply to an employee who provides a waiver (at such time and in such manner as the Secretary may prescribe) authorizing an employer to have access to the employee's taxpayer return information.

(g) CONFIDENTIALITY OF APPLICANT INFORMATION.—

(1) IN GENERAL.—An applicant for insurance coverage or for a premium tax credit or cost-sharing reduction shall be required to provide only the information strictly necessary to authenticate identity, determine eligibility, and determine the amount of the credit or reduction.

(2) RECEIPT OF INFORMATION.—Any person who receives information provided by an applicant under subsection (b) (whether directly or by another person at the request of the applicant), or receives information from a Federal agency under subsection (c), (d), or (e), shall—

(A) use the information only for the purposes of, and to the extent necessary in, ensuring the efficient operation of the Exchange, including verifying the eligibility of an individual to enroll through an Exchange or to claim a premium tax credit or cost-sharing reduction or the amount of the credit or reduction; and

(B) not disclose the information to any other person except as provided in this section.

(h) PENALTIES.—

(1) FALSE OR FRAUDULENT INFORMATION.—

(A) CIVIL PENALTY.—

(i) IN GENERAL.—If—

(I) any person fails to provides correct information under subsection (b); and

(II) such failure is attributable to negligence or disregard of any rules or regulations of the Secretary,

such person shall be subject, in addition to any other penalties that may be prescribed by law, to a civil penalty of not more than $25,000 with respect to any failures involving an application for a plan year. For purposes of this subparagraph, the terms ''negligence'' and ''disregard'' shall have the same meanings as when used in section 6662 of the Internal Revenue Code of 1986.

(ii) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under clause (i) if the Secretary determines that there was a reasonable cause for the failure and that the person acted in good faith.

(B) KNOWING AND WILLFUL VIOLATIONS.—Any person who knowingly and willfully provides false or fraudulent information under subsection (b) shall be subject, in addition to any other penalties that may be prescribed by law, to a civil penalty of not more than $250,000.

(2) IMPROPER USE OR DISCLOSURE OF INFORMATION.—Any person who knowingly and willfully uses or discloses information in violation of subsection (g) shall be subject, in addition to any other penalties that may be prescribed by law, to a civil penalty of not more than $25,000.

(3) LIMITATIONS ON LIENS AND LEVIES.—The Secretary (or, if applicable, the Attorney General of the United States) shall not—

(A) file notice of lien with respect to any property of a person by reason of any failure to pay the penalty imposed by this subsection; or

(B) levy on any such property with respect to such failure.

(i) STUDY OF ADMINISTRATION OF EMPLOYER RESPONSIBILITY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall, in consultation with the Secretary of the Treasury, conduct a study of the procedures that are necessary to ensure that in the administration of this title and section 4980H of the Internal Revenue Code of 1986 (as added by section 1513) that the following rights are protected:

(A) The rights of employees to preserve their right to confidentiality of their taxpayer return information and their right to enroll in a qualified health plan through an Exchange if an employer does not provide affordable coverage.

(B) The rights of employers to adequate due process and access to information necessary to accurately determine any payment assessed on employers.

(2) REPORT.—Not later than January 1, 2013, the Secretary of Health and Human Services shall report the results of the study conducted under paragraph (1), including any recommendations for legislative changes, to the Committees on Finance and Health, Education, Labor and Pensions of the Senate and the Committees of Education and Labor and Ways and Means of the House of Representatives.

SEC. 1412. ADVANCE DETERMINATION AND PAYMENT OF PREMIUM TAX CREDITS AND COST-SHARING REDUCTIONS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Treasury, shall establish a program under which—

(1) upon request of an Exchange, advance determinations are made under section 1411 with respect to the income eligibility of individuals enrolling in a qualified health plan in the individual market through the Exchange for the premium tax credit allowable under section 36B of the Internal Revenue Code of 1986 and the cost-sharing reductions under section 1402;

(2) the Secretary notifies—

(A) the Exchange and the Secretary of the Treasury of the advance determinations; and

(B) the Secretary of the Treasury of the name and employer identification number of each employer with respect to whom 1 or more employee of the employer were determined to be eligible for the premium tax credit under section 36B of the Internal Revenue Code of 1986 and the cost-sharing reductions under section 1402 because—

(i) the employer did not provide minimum essential coverage; or

(ii) the employer provided such minimum essential coverage but it was determined under section 36B(c)(2)(C) of such Code to either be unaffordable to the employee or not provide the required minimum actuarial value; and

(3) the Secretary of the Treasury makes advance payments of such credit or reductions to the issuers of the qualified health plans in order to reduce the premiums payable by individuals eligible for such credit.

(b) ADVANCE DETERMINATIONS.—

(1) IN GENERAL.—The Secretary shall provide under the program established under subsection (a) that advance determination of eligibility with respect to any individual shall be made—

(A) during the annual open enrollment period applicable to the individual (or such other enrollment period as may be specified by the Secretary); and

(B) on the basis of the individual's household income for the most recent taxable year for which the Secretary, after consultation with the Secretary of the Treasury, determines information is available.

(2) CHANGES IN CIRCUMSTANCES.—The Secretary shall provide procedures for making advance determinations on the basis of information other than that described in paragraph (1)(B) in cases where information included with an application form demonstrates substantial changes in income, changes in family size or other household circumstances, change in filing status, the filing of an application for unemployment benefits, or other significant changes affecting eligibility, including—

(A) allowing an individual claiming a decrease of 20 percent or more in income, or filing an application for unemployment benefits, to have eligibility for the credit determined on the basis of household income for a later period or on the basis of the individual's estimate of such income for the taxable year; and

(B) the determination of household income in cases where the taxpayer was not required to file a return of tax imposed by this chapter for the second preceding taxable year.

(c) PAYMENT OF PREMIUM TAX CREDITS AND COST-SHARING REDUCTIONS.—

(1) IN GENERAL.—The Secretary shall notify the Secretary of the Treasury and the Exchange through which the individual is enrolling of the advance determination under section 1411.

(2) PREMIUM TAX CREDIT.—

(A) IN GENERAL.—The Secretary of the Treasury shall make the advance payment under this section of any premium tax credit allowed under section 36B of the Internal Revenue Code of 1986 to the issuer of a qualified health plan on a monthly basis (or such other periodic basis as the Secretary may provide).

(B) ISSUER RESPONSIBILITIES.—An issuer of a qualified health plan receiving an advance payment with respect to an individual enrolled in the plan shall—

(i) reduce the premium charged the insured for any period by the amount of the advance payment for the period;

(ii) notify the Exchange and the Secretary of such reduction;

(iii) include with each billing statement the amount by which the premium for the plan has been reduced by reason of the advance payment; and

(iv) in the case of any nonpayment of premiums by the insured—

(I) notify the Secretary of such nonpayment; and

(II) allow a 3-month grace period for nonpayment of premiums before discontinuing coverage.

(3) COST-SHARING REDUCTIONS.—The Secretary shall also notify the Secretary of the Treasury and the Exchange under paragraph (1) if an advance payment of the cost-sharing reductions under section 1402 is to be made to the issuer of any qualified health plan with respect to any individual enrolled in the plan. The Secretary of the Treasury shall make such advance payment at such time and in such amount as the Secretary specifies in the notice.

(d) NO FEDERAL PAYMENTS FOR INDIVIDUALS NOT LAWFULLY PRESENT.—Nothing in this subtitle or the amendments made by this subtitle allows Federal payments, credits, or cost-sharing reductions for individuals who are not lawfully present in the United States.

(e) STATE FLEXIBILITY.—Nothing in this subtitle or the amendments made by this subtitle shall be construed to prohibit a State from making payments to or on behalf of an individual for coverage under a qualified health plan offered through an Exchange that are in addition to any credits or cost-sharing reductions allowable to the individual under this subtitle and such amendments.

SEC. 1413. STREAMLINING OF PROCEDURES FOR ENROLLMENT THROUGH AN EXCHANGE AND STATE MEDICAID, CHIP, AND HEALTH SUBSIDY PROGRAMS.

(a) IN GENERAL.—The Secretary shall establish a system meeting the requirements of this section under which residents of each State may apply for enrollment in, receive a determination of eligibility for participation in, and continue participation in, applicable State health subsidy programs. Such system shall ensure that if an individual applying to an Exchange is found through screening to be eligible for medical assistance under the State medicaid plan under title XIX, or eligible for enrollment under a State children's health insurance program (CHIP) under title XXI of such Act, the individual is enrolled for assistance under such plan or program.

(b) REQUIREMENTS RELATING TO FORMS AND NOTICE.—

(1) REQUIREMENTS RELATING TO FORMS.—

(A) IN GENERAL.—The Secretary shall develop and provide to each State a single, streamlined form that—

(i) may be used to apply for all applicable State health subsidy programs within the State;

(ii) may be filed online, in person, by mail, or by telephone;

(iii) may be filed with an Exchange or with State officials operating one of the other applicable State health subsidy programs; and

(iv) is structured to maximize an applicant's ability to complete the form satisfactorily, taking into account the characteristics of individuals who qualify for applicable State health subsidy programs.

(B) STATE AUTHORITY TO ESTABLISH FORM.—A State may develop and use its own single, streamlined form as an alternative to the form developed under subparagraph (A) if the alternative form is consistent with standards promulgated by the Secretary under this section.

(C) SUPPLEMENTAL ELIGIBILITY FORMS.—The Secretary may allow a State to use a supplemental or alternative form in the case of individuals who apply for eligibility that is not determined on the basis of the household income (as defined in section 36B of the Internal Revenue Code of 1986).

(2) NOTICE.—The Secretary shall provide that an applicant filing a form under paragraph (1) shall receive notice of eligibility for an applicable State health subsidy program without any need to provide additional information or paperwork unless such information or paperwork is specifically required by law when information provided on the form is inconsistent with data used for the electronic verification under paragraph (3) or is otherwise insufficient to determine eligibility.

(c) REQUIREMENTS RELATING TO ELIGIBILITY BASED ON DATA EXCHANGES.—

(1) DEVELOPMENT OF SECURE INTERFACES.—Each State shall develop for all applicable State health subsidy programs a secure, electronic interface allowing an exchange of data (including information contained in the application forms described in subsection (b)) that allows a determination of eligibility for all such programs based on a single application. Such interface shall be compatible with the method established for data verification under section 1411(c)(4).

(2) DATA MATCHING PROGRAM.—Each applicable State health subsidy program shall participate in a data matching arrangement for determining eligibility for participation in the program under paragraph (3) that—

(A) provides access to data described in paragraph (3);

(B) applies only to individuals who—

(i) receive assistance from an applicable State health subsidy program; or

(ii) apply for such assistance—

(I) by filing a form described in subsection (b); or

(II) by requesting a determination of eligibility and authorizing disclosure of the information described in paragraph (3) to applicable State health coverage subsidy programs for purposes of determining and establishing eligibility; and

(C) consistent with standards promulgated by the Secretary, including the privacy and data security safeguards described in section 1942 of the Social Security Act or that are otherwise applicable to such programs.

(3) DETERMINATION OF ELIGIBILITY.—

(A) IN GENERAL.—Each applicable State health subsidy program shall, to the maximum extent practicable—

(i) establish, verify, and update eligibility for participation in the program using the data matching arrangement under paragraph (2); and

(ii) determine such eligibility on the basis of reliable, third party data, including information described in sections 1137, 453(i), and 1942(a) of the Social Security Act, obtained through such arrangement.

(B) EXCEPTION.—This paragraph shall not apply in circumstances with respect to which the Secretary determines that the administrative and other costs of use of the data matching arrangement under paragraph (2) outweigh its expected gains in accuracy, efficiency, and program participation.

(4) SECRETARIAL STANDARDS.—The Secretary shall, after consultation with persons in possession of the data to be matched and representatives of applicable State health subsidy programs, promulgate standards governing the timing, contents, and procedures for data matching described in this subsection. Such standards shall take into account administrative and other costs and the value of data matching to the establishment, verification, and updating of eligibility for applicable State health subsidy programs.

(d) ADMINISTRATIVE AUTHORITY.—

(1) AGREEMENTS.—Subject to section 1411 and section 6103(l)(21) of the Internal Revenue Code of 1986 and any other requirement providing safeguards of privacy and data integrity, the Secretary may establish model agreements, and enter into agreements, for the sharing of data under this section.

(2) AUTHORITY OF EXCHANGE TO CONTRACT OUT.—Nothing in this section shall be construed to—

(A) prohibit contractual arrangements through which a State medicaid agency determines eligibility for all applicable State health subsidy programs, but only if such agency complies with the Secretary's requirements ensuring reduced administrative costs, eligibility errors, and disruptions in coverage; or

(B) change any requirement under title XIX that eligibility for participation in a State's medicaid program must be determined by a public agency.

(e) APPLICABLE STATE HEALTH SUBSIDY PROGRAM.—In this section, the term ''applicable State health subsidy program'' means—

(1) the program under this title for the enrollment in qualified health plans offered through an Exchange, including the premium tax credits under section 36B of the Internal Revenue Code of 1986 and cost-sharing reductions under section 1402;

(2) a State medicaid program under title XIX of the Social Security Act;

(3) a State children's health insurance program (CHIP) under title XXI of such Act; and

(4) a State program under section 1331 establishing qualified basic health plans.

SEC. 1414. DISCLOSURES TO CARRY OUT ELIGIBILITY REQUIREMENTS FOR CERTAIN PROGRAMS.

(a) DISCLOSURE OF TAXPAYER RETURN INFORMATION AND SOCIAL SECURITY NUMBERS.—

(1) TAXPAYER RETURN INFORMATION.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(21) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT ELIGIBILITY REQUIREMENTS FOR CERTAIN PROGRAMS.—

''(A) IN GENERAL.—The Secretary, upon written request from the Secretary of Health and Human Services, shall disclose to officers, employees, and contractors of the Department of Health and Human Services return information of any taxpayer whose income is relevant in determining any premium tax credit under section 36B or any cost-sharing reduction under section

1402 of the Patient Protection and Affordable Care Act or eligibility for participation in a State medicaid program under title XIX of the Social Security Act, a State's children's health insurance program under title XXI of the Social Security Act, or a basic health program under section 1331 of Patient Protection and Affordable Care Act. Such return information shall be limited to—

''(i) taxpayer identity information with respect to such taxpayer,

''(ii) the filing status of such taxpayer,

''(iii) the number of individuals for whom a deduction is allowed under section 151 with respect to the taxpayer (including the taxpayer and the taxpayer's spouse),

''(iv) the modified gross income (as defined in section 36B) of such taxpayer and each of the other individuals included under clause (iii) who are required to file a return of tax imposed by chapter 1 for the taxable year,

''(v) such other information as is prescribed by the Secretary by regulation as might indicate whether the taxpayer is eligible for such credit or reduction (and the amount thereof), and

''(vi) the taxable year with respect to which the preceding information relates or, if applicable, the fact that such information is not available.

''(B) INFORMATION TO EXCHANGE AND STATE AGENCIES.—The Secretary of Health and Human Services may disclose to an Exchange established under the Patient Protection and Affordable Care Act or its contractors, or to a State agency administering a State program described in subparagraph (A) or its contractors, any inconsistency between the information provided by the Exchange or State agency to the Secretary and the information provided to the Secretary under subparagraph (A).

''(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under subparagraph (A) or (B) may be used by officers, employees, and contractors of the Department of Health and Human Services, an Exchange, or a State agency only for the purposes of, and to the extent necessary in—

''(i) establishing eligibility for participation in the Exchange, and verifying the appropriate amount of, any credit or reduction described in subparagraph (A),

''(ii) determining eligibility for participation in the State programs described in subparagraph (A).''.

(2) SOCIAL SECURITY NUMBERS.—Section 205(c)(2)(C) of the Social Security Act is amended by adding at the end the following new clause:

''(x) The Secretary of Health and Human Services, and the Exchanges established under section 1311 of the Patient Protection and Affordable Care Act, are authorized to collect and use the names and social security account numbers of individuals as required to administer the provisions of, and the amendments made by, the such Act.''.

(b) CONFIDENTIALITY AND DISCLOSURE.—Paragraph (3) of section 6103(a) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

(c) PROCEDURES AND RECORDKEEPING RELATED TO DISCLOSURES.—Paragraph (4) of section 6103(p) of such Code is amended—

(1) by inserting '', or any entity described in subsection (l)(21),'' after ''or (20)'' in the matter preceding subparagraph (A),

(2) by inserting ''or any entity described in subsection (l)(21),'' after ''or (o)(1)(A)'' in subparagraph (F)(ii), and

(3) by inserting ''or any entity described in subsection (l)(21),'' after ''or (20)'' both places it appears in the matter after subparagraph (F).

(d) UNAUTHORIZED DISCLOSURE OR INSPECTION.—Paragraph (2) of section 7213(a) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

SEC. 1415. PREMIUM TAX CREDIT AND COST-SHARING REDUCTION PAYMENTS DISREGARDED FOR FEDERAL AND FEDERALLY-ASSISTED PROGRAMS.

For purposes of determining the eligibility of any individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds—

(1) any credit or refund allowed or made to any individual by reason of section 36B of the Internal Revenue Code of 1986 (as added by section 1401) shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months; and

(2) any cost-sharing reduction payment or advance payment of the credit allowed under such section 36B that is made under section 1402 or 1412 shall be treated as made to the qualified health plan in which an individual is enrolled and not to that individual.

PART II—SMALL BUSINESS TAX CREDIT

SEC. 1421. CREDIT FOR EMPLOYEE HEALTH INSURANCE EXPENSES OF SMALL BUSINESSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by inserting after section 45Q the following:

''SEC. 45R. EMPLOYEE HEALTH INSURANCE EXPENSES OF SMALL EMPLOYERS.

''(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible small employer, the small employer health insurance credit determined under this section for any taxable year in the credit period is the amount determined under subsection (b).

''(b) HEALTH INSURANCE CREDIT AMOUNT.—Subject to subsection (c), the amount determined under this subsection with respect to any eligible small employer is equal to 50 percent (35 percent in the case of a tax-exempt eligible small employer) of the lesser of—

''(1) the aggregate amount of nonelective contributions the employer made on behalf of its employees during the taxable year under the arrangement described in subsection (d)(4) for premiums for qualified health plans offered by the employer to its employees through an Exchange, or

''(2) the aggregate amount of nonelective contributions which the employer would have made during the taxable year under the arrangement if each employee taken into account under paragraph (1) had enrolled in a qualified health plan which had a premium equal to the average premium (as determined by the Secretary of Health and Human Services) for the small group market in the rating area in which the employee enrolls for coverage.

''(c) PHASEOUT OF CREDIT AMOUNT BASED ON NUMBER OF EMPLOYEES AND AVERAGE WAGES.—The amount of the credit determined under subsection (b) without regard to this subsection shall be reduced (but not below zero) by the sum of the following amounts:

''(1) Such amount multiplied by a fraction the numerator of which is the total number of full-time equivalent employees of the employer in excess of 10 and the denominator of which is 15.

''(2) Such amount multiplied by a fraction the numerator of which is the average annual wages of the employer in excess of the dollar amount in effect under subsection (d)(3)(B) and the denominator of which is such dollar amount.

''(d) ELIGIBLE SMALL EMPLOYER.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible small employer' means, with respect to any taxable year, an employer—

''(A) which has no more than 25 full-time equivalent employees for the taxable year,

''(B) the average annual wages of which do not exceed an amount equal to twice the dollar amount in effect under paragraph (3)(B) for the taxable year, and

''(C) which has in effect an arrangement described in paragraph (4).

''(2) FULL-TIME EQUIVALENT EMPLOYEES.—

''(A) IN GENERAL.—The term 'full-time equivalent employees' means a number of employees equal to the number determined by dividing—

''(i) the total number of hours of service for which wages were paid by the employer to employees during the taxable year, by

''(ii) 2,080.

Such number shall be rounded to the next lowest whole number if not otherwise a whole number.

''(B) EXCESS HOURS NOT COUNTED.—If an employee works in excess of 2,080 hours of service during any taxable year, such excess shall not be taken into account under subparagraph (A).

''(C) HOURS OF SERVICE.—The Secretary, in consultation with the Secretary of Labor, shall prescribe such regulations, rules, and guidance as may be necessary to determine the hours of service of an employee, including rules for the application of this paragraph to employees who are not compensated on an hourly basis.

''(3) AVERAGE ANNUAL WAGES.—

''(A) IN GENERAL.—The average annual wages of an eligible small employer for any taxable year is the amount determined by dividing—

''(i) the aggregate amount of wages which were paid by the employer to employees during the taxable year, by

''(ii) the number of full-time equivalent employees of the employee determined under paragraph (2) for the taxable year.

Such amount shall be rounded to the next lowest multiple of $1,000 if not otherwise such a multiple.

''(B) DOLLAR AMOUNT.—For purposes of paragraph (1)(B)—

''(i) 2011, 2012, AND 2013.—The dollar amount in effect under this paragraph for taxable years beginning in 2011, 2012, or 2013 is $20,000.

''(ii) SUBSEQUENT YEARS.—In the case of a taxable year beginning in a calendar year after 2013, the dollar amount in effect under this paragraph shall be equal to $20,000, multiplied by the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.

''(4) CONTRIBUTION ARRANGEMENT.—An arrangement is described in this paragraph if it requires an eligible small employer to make a nonelective contribution on behalf of each employee who enrolls in a qualified health plan offered to employees by the employer through an exchange in an amount equal to a uniform percentage (not less than 50 percent) of the premium cost of the qualified health plan.

''(5) SEASONAL WORKER HOURS AND WAGES NOT COUNTED.—For purposes of this subsection—

''(A) IN GENERAL.—The number of hours of service worked by, and wages paid to, a seasonal worker of an employer shall not be taken into account in determining the full-time equivalent employees and average annual wages of the employer unless the worker works for the employer on more than 120 days during the taxable year.

''(B) DEFINITION OF SEASONAL WORKER.—The term 'seasonal worker' means a worker who performs labor or services on a seasonal basis as defined by the Secretary of Labor, including workers covered by section 500.20(s)(1) of title 29, Code of Federal Regulations and retail workers employed exclusively during holiday seasons.

''(e) OTHER RULES AND DEFINITIONS.—For purposes of this section—

''(1) EMPLOYEE.—

''(A) CERTAIN EMPLOYEES EXCLUDED.—The term 'employee' shall not include—

''(i) an employee within the meaning of section 401(c)(1),

''(ii) any 2-percent shareholder (as defined in section 1372(b)) of an eligible small business which is an S corporation,

''(iii) any 5-percent owner (as defined in section 416(i)(1)(B)(i)) of an eligible small business, or

''(iv) any individual who bears any of the relationships described in subparagraphs (A) through (G) of section 152(d)(2) to, or is a dependent described in section 152(d)(2)(H) of, an individual described in clause (i), (ii), or (iii).

''(B) LEASED EMPLOYEES.—The term 'employee' shall include a leased employee within the meaning of section 414(n).

''(2) CREDIT PERIOD.—The term 'credit period' means, with respect to any eligible small employer, the 2-consecutive-taxable year period beginning with the 1st taxable year in which the employer (or any predecessor) offers 1 or more qualified health plans to its employees through an Exchange.

''(3) NONELECTIVE CONTRIBUTION.—The term 'nonelective contribution' means an employer contribution other than an employer contribution pursuant to a salary reduction arrangement.

''(4) WAGES.—The term 'wages' has the meaning given such term by section 3121(a) (determined without regard to any dollar limitation contained in such section).

''(5) AGGREGATION AND OTHER RULES MADE APPLICABLE.—

''(A) AGGREGATION RULES.—All employers treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer for purposes of this section.

''(B) OTHER RULES.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

''(f) CREDIT MADE AVAILABLE TO TAX-EXEMPT ELIGIBLE SMALL EMPLOYERS.—

''(1) IN GENERAL.—In the case of a tax-exempt eligible small employer, there shall be treated as a credit allowable under subpart C (and not allowable under this subpart) the lesser of—

''(A) the amount of the credit determined under this section with respect to such employer, or

''(B) the amount of the payroll taxes of the employer during the calendar year in which the taxable year begins.

''(2) TAX-EXEMPT ELIGIBLE SMALL EMPLOYER.—For purposes of this section, the term 'tax-exempt eligible small employer' means an eligible small employer which is any organization described in section 501(c) which is exempt from taxation under section 501(a).

''(3) PAYROLL TAXES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'payroll taxes' means—

''(i) amounts required to be withheld from the employees of the tax-exempt eligible small employer under section 3401(a),

''(ii) amounts required to be withheld from such employees under section 3101(b), and

''(iii) amounts of the taxes imposed on the tax-exempt eligible small employer under section 3111(b).

''(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).

''(g) APPLICATION OF SECTION FOR CALENDAR YEARS 2011, 2012, AND 2013.—In the case of any taxable year beginning in 2011, 2012, or 2013, the following modifications to this section shall apply in determining the amount of the credit under subsection (a):

''(1) NO CREDIT PERIOD REQUIRED.—The credit shall be determined without regard to whether the taxable year is in a credit period and for purposes of applying this section to taxable years beginning after 2013, no credit period shall be treated as beginning with a taxable year beginning before 2014.

''(2) AMOUNT OF CREDIT.—The amount of the credit determined under subsection (b) shall be determined—

''(A) by substituting '35 percent (25 percent in the case of a tax-exempt eligible small employer)' for '50 percent (35 percent in the case of a tax-exempt eligible small employer)',

''(B) by reference to an eligible small employer's nonelective contributions for premiums paid for health insurance coverage (within the meaning of section 9832(b)(1)) of an employee, and

''(C) by substituting for the average premium determined under subsection (b)(2) the amount the Secretary of Health and Human Services determines is the average premium for the small group market in the State in which the employer is offering health insurance coverage (or for such area within the State as is specified by the Secretary).

''(3) CONTRIBUTION ARRANGEMENT.—An arrangement shall not fail to meet the requirements of subsection (d)(4) solely because it provides for the offering of insurance outside of an Exchange.

''(h) INSURANCE DEFINITIONS.—Any term used in this section which is also used in the Public Health Service Act or subtitle A of title I of the Patient Protection and Affordable Care Act shall have the meaning given such term by such Act or subtitle.

''(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section, including regulations to prevent the avoidance of the 2-year limit on the credit period through the use of successor entities and the avoidance of the limitations under subsection (c) through the use of multiple entities.''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting '', plus'', and by inserting after paragraph (35) the following:

''(36) the small employer health insurance credit determined under section 45R.''.

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—Section 38(c)(4)(B) of the Internal Revenue Code of 1986 (defining specified credits) is amended by redesignating clauses (vi), (vii), and (viii) as clauses (vii), (viii), and (ix), respectively, and by inserting after clause (v) the following new clause:

''(vi) the credit determined under section 45R,''.

(d) DISALLOWANCE OF DEDUCTION FOR CERTAIN EXPENSES FOR WHICH CREDIT ALLOWED.—

(1) IN GENERAL.—Section 280C of the Internal Revenue Code of 1986 (relating to disallowance of deduction for certain expenses for which credit allowed), as amended by section 1401(b), is amended by adding at the end the following new subsection:

''(h) CREDIT FOR EMPLOYEE HEALTH INSURANCE EXPENSES OF SMALL EMPLOYERS.—No deduction shall be allowed for that portion of the premiums for qualified health plans (as defined in section 1301(a) of the Patient Protection and Affordable Care Act), or for health insurance coverage in the case of taxable years beginning in 2011, 2012, or 2013, paid by an employer which is equal to the amount of the credit determined under section 45R(a) with respect to the premiums.''.

(2) DEDUCTION FOR EXPIRING CREDITS.—Section 196(c) of such Code is amended by striking ''and'' at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting '', and'', and by adding at the end the following new paragraph:

''(14) the small employer health insurance credit determined under section 45R(a).''.

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 45R. Employee health insurance expenses of small employers.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2010.

(2) MINIMUM TAX.—The amendments made by subsection (c) shall apply to credits determined under section 45R of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2010, and to carrybacks of such credits.

Subtitle F—Shared Responsibility for Health Care

PART I—INDIVIDUAL RESPONSIBILITY

SEC. 1501. REQUIREMENT TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.

(a) FINDINGS.—Congress makes the following findings:

(1) IN GENERAL.—The individual responsibility requirement provided for in this section (in this subsection referred to as the ''requirement'') is commercial and economic in nature, and substantially affects interstate commerce, as a result of the effects described in paragraph (2).

(2) EFFECTS ON THE NATIONAL ECONOMY AND INTERSTATE COMMERCE.—The effects described in this paragraph are the following:

(A) The requirement regulates activity that is commercial and economic in nature: economic and financial decisions about how and when health care is paid for, and when health insurance is purchased.

(B) Health insurance and health care services are a significant part of the national economy. National health spending is projected to increase from $2,500,000,000,000, or 17.6 percent of the economy, in 2009 to $4,700,000,000,000 in 2019. Private health insurance spending is projected to be $854,000,000,000 in 2009, and pays for medical supplies, drugs, and equipment that are shipped in interstate commerce. Since most health insurance is sold by national or regional health insurance companies, health insurance is sold in interstate commerce and claims payments flow through interstate commerce.

(C) The requirement, together with the other provisions of this Act, will add millions of new consumers to the health insurance market, increasing the supply of, and demand for, health care services. According to the Congressional Budget Office, the requirement will increase the number and share of Americans who are insured.

(D) The requirement achieves near-universal coverage by building upon and strengthening the private employer-based health insurance system, which covers 176,000,000 Americans nationwide. In Massachusetts, a similar requirement has strengthened private employer-based coverage: despite the economic downturn, the number of workers offered employer-based coverage has actually increased.

(E) Half of all personal bankruptcies are caused in part by medical expenses. By significantly increasing health insurance coverage, the requirement, together with the other provisions of this Act, will improve financial security for families.

(F) Under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), the Public Health Service Act (42 U.S.C. 201 et seq.), and this Act, the Federal Government has a significant role in regulating health insurance which is in interstate commerce.

(G) Under sections 2704 and 2705 of the Public Health Service Act (as added by section 1201 of this Act), if there were no requirement, many individuals would wait to purchase health insurance until they needed care. By significantly increasing health insurance coverage, the requirement, together with the other provisions of this Act, will minimize this adverse selection and broaden the health insurance risk pool to include healthy individuals, which will lower health insurance premiums. The requirement is essential to creating effective health insurance markets in which improved health insurance products that are guaranteed issue and do not exclude coverage of pre-existing conditions can be sold.

(H) Administrative costs for private health insurance, which were $90,000,000,000 in 2006, are 26 to 30 percent of premiums in the current individual and small group markets. By significantly increasing health insurance coverage

and the size of purchasing pools, which will increase economies of scale, the requirement, together with the other provisions of this Act, will significantly reduce administrative costs and lower health insurance premiums. The requirement is essential to creating effective health insurance markets that do not require underwriting and eliminate its associated administrative costs.

(3) SUPREME COURT RULING.—In United States v. South-Eastern Underwriters Association (322 U.S. 533 (1944)), the Supreme Court of the United States ruled that insurance is interstate commerce subject to Federal regulation.

(b) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

"CHAPTER 48—MAINTENANCE OF MINIMUM ESSENTIAL COVERAGE

''Sec. 5000A. Requirement to maintain minimum essential coverage.

"SEC. 5000A. REQUIREMENT TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.

''(a) REQUIREMENT TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.—An applicable individual shall for each month beginning after 2013 ensure that the individual, and any dependent of the individual who is an applicable individual, is covered under minimum essential coverage for such month.

''(b) SHARED RESPONSIBILITY PAYMENT.—

''(1) IN GENERAL.—If an applicable individual fails to meet the requirement of subsection (a) for 1 or more months during any calendar year beginning after 2013, then, except as provided in subsection (d), there is hereby imposed a penalty with respect to the individual in the amount determined under subsection (c).

''(2) INCLUSION WITH RETURN.—Any penalty imposed by this section with respect to any month shall be included with a taxpayer's return under chapter 1 for the taxable year which includes such month.

''(3) PAYMENT OF PENALTY.—If an individual with respect to whom a penalty is imposed by this section for any month—

''(A) is a dependent (as defined in section 152) of another taxpayer for the other taxpayer's taxable year including such month, such other taxpayer shall be liable for such penalty, or

''(B) files a joint return for the taxable year including such month, such individual and the spouse of such individual shall be jointly liable for such penalty.

''(c) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—The penalty determined under this subsection for any month with respect to any individual is an amount equal to 1/12 of the applicable dollar amount for the calendar year.

''(2) DOLLAR LIMITATION.—The amount of the penalty imposed by this section on any taxpayer for any taxable year with respect to all individuals for whom the taxpayer is liable under subsection (b)(3) shall not exceed an amount equal to 300 percent the applicable dollar amount (determined without regard to paragraph (3)(C)) for the calendar year with or within which the taxable year ends.

''(3) APPLICABLE DOLLAR AMOUNT.—For purposes of paragraph (1)—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the applicable dollar amount is $750.

''(B) PHASE IN.—The applicable dollar amount is $95 for 2014 and $350 for 2015.

''(C) SPECIAL RULE FOR INDIVIDUALS UNDER AGE 18.—If an applicable individual has not attained the age of 18 as of the beginning of a month, the applicable dollar amount with respect to such individual for the month shall be equal to one-half of the applicable dollar amount for the calendar year in which the month occurs.

''(D) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2016, the applicable dollar amount shall be equal to $750, increased by an amount equal to—

''(i) $750, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.

''(4) TERMS RELATING TO INCOME AND FAMILIES.—For purposes of this section—

''(A) FAMILY SIZE.—The family size involved with respect to any taxpayer shall be equal to the number of individuals for whom the taxpayer is allowed a deduction under section 151 (relating to allowance of deduction for personal exemptions) for the taxable year.

''(B) HOUSEHOLD INCOME.—The term 'household income' means, with respect to any taxpayer for any taxable year, an amount equal to the sum of—

''(i) the modified gross income of the taxpayer, plus

''(ii) the aggregate modified gross incomes of all other individuals who—

''(I) were taken into account in determining the taxpayer's family size under paragraph (1), and

''(II) were required to file a return of tax imposed by section 1 for the taxable year.

''(C) MODIFIED GROSS INCOME.—The term 'modified gross income' means gross income—

''(i) decreased by the amount of any deduction allowable under paragraph (1), (3), (4), or (10) of section 62(a),

''(ii) increased by the amount of interest received or accrued during the taxable year which is exempt from tax imposed by this chapter, and

''(iii) determined without regard to sections 911, 931, and 933.

''(D) POVERTY LINE.—

''(i) IN GENERAL.—The term 'poverty line' has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)).

''(ii) POVERTY LINE USED.—In the case of any taxable year ending with or within a calendar year, the poverty line used shall be the most recently published poverty line as of the 1st day of such calendar year.

''(d) APPLICABLE INDIVIDUAL.—For purposes of this section—

''(1) IN GENERAL.—The term 'applicable individual' means, with respect to any month, an individual other than an individual described in paragraph (2), (3), or (4).

''(2) RELIGIOUS EXEMPTIONS.—

''(A) RELIGIOUS CONSCIENCE EXEMPTION.—Such term shall not include any individual for any month if such individual has in effect an exemption under section 1311(d)(4)(H) of the Patient Protection and Affordable Care Act which certifies that such individual is a member of a recognized religious sect or division thereof described in section 1402(g)(1) and an adherent of established tenets or teachings of such sect or division as described in such section.

''(B) HEALTH CARE SHARING MINISTRY.—

''(i) IN GENERAL.—Such term shall not include any individual for any month if such individual is a member of a health care sharing ministry for the month.

''(ii) HEALTH CARE SHARING MINISTRY.—The term 'health care sharing ministry' means an organization—

''(I) which is described in section 501(c)(3) and is exempt from taxation under section 501(a),

''(II) members of which share a common set of ethical or religious beliefs and share medical expenses among members in accordance with those beliefs and without regard to the State in which a member resides or is employed,

''(III) members of which retain membership even after they develop a medical condition,

''(IV) which (or a predecessor of which) has been in existence at all times since December 31, 1999, and medical expenses of its members have been shared continuously and without interruption since at least December 31, 1999, and

''(V) which conducts an annual audit which is performed by an independent certified public accounting firm in accordance with generally accepted accounting principles and which is made available to the public upon request.

''(3) INDIVIDUALS NOT LAWFULLY PRESENT.—Such term shall not include an individual for any month if for the month the individual is not a citizen or national of the United States or an alien lawfully present in the United States.

''(4) INCARCERATED INDIVIDUALS.—Such term shall not include an individual for any month if for the month the individual is incarcerated, other than incarceration pending the disposition of charges.

''(e) EXEMPTIONS.—No penalty shall be imposed under subsection (a) with respect to—

''(1) INDIVIDUALS WHO CANNOT AFFORD COVERAGE.—

''(A) IN GENERAL.—Any applicable individual for any month if the applicable individual's required contribution (determined on an annual basis) for coverage for the month exceeds 8 percent of such individual's household income for the taxable year described in section 1412(b)(1)(B) of the Patient Protection and Affordable Care Act. For purposes of applying this subparagraph, the taxpayer's household income shall be increased by any exclusion from gross income for any portion of the required contribution made through a salary reduction arrangement.

''(B) REQUIRED CONTRIBUTION.—For purposes of this paragraph, the term 'required contribution' means—

''(i) in the case of an individual eligible to purchase minimum essential coverage consisting of coverage through an eligible-employer-sponsored plan, the portion of the annual premium which would be paid by the individual (without regard to whether paid through salary reduction or otherwise) for self-only coverage, or

''(ii) in the case of an individual eligible only to purchase minimum essential coverage described in subsection (f)(1)(C), the annual premium for the lowest cost bronze plan available in the individual market through the Exchange in the State in the rating area in which the individual resides (without regard to whether the individual purchased a qualified health plan through the Exchange), reduced by the amount of the credit allowable under section 36B for the taxable year (determined as if the individual was covered by a qualified health plan offered through the Exchange for the entire taxable year).

''(C) SPECIAL RULES FOR INDIVIDUALS RELATED TO EMPLOYEES.—For purposes of subparagraph (B)(i), if an applicable individual is eligible for minimum essential coverage through an employer by reason of a relationship to an employee, the determination shall be made by reference to the affordability of the coverage to the employee.

''(D) INDEXING.—In the case of plan years beginning in any calendar year after 2014, subparagraph (A) shall be applied by substituting for '8 percent' the percentage the Secretary of Health and Human Services determines reflects the excess of the rate of premium growth between the preceding calendar year and 2013 over the rate of income growth for such period.

''(2) TAXPAYERS WITH INCOME UNDER 100 PERCENT OF POVERTY LINE.—Any applicable individual for any month during a calendar year if the individual's household income for the taxable year described in section 1412(b)(1)(B) of the Patient Protection and Affordable Care Act is less than 100 percent of the poverty line for the size of the family involved (determined in the same manner as under subsection (b)(4)).

''(3) MEMBERS OF INDIAN TRIBES.—Any applicable individual for any month during which the individual is a member of an Indian tribe (as defined in section 45A(c)(6)).

''(4) MONTHS DURING SHORT COVERAGE GAPS.—

''(A) IN GENERAL.—Any month the last day of which occurred during a period in which the

applicable individual was not covered by minimum essential coverage for a continuous period of less than 3 months.

''(B) SPECIAL RULES.—For purposes of applying this paragraph—

''(i) the length of a continuous period shall be determined without regard to the calendar years in which months in such period occur,

''(ii) if a continuous period is greater than the period allowed under subparagraph (A), no exception shall be provided under this paragraph for any month in the period, and

''(iii) if there is more than 1 continuous period described in subparagraph (A) covering months in a calendar year, the exception provided by this paragraph shall only apply to months in the first of such periods.

The Secretary shall prescribe rules for the collection of the penalty imposed by this section in cases where continuous periods include months in more than 1 taxable year.

''(5) HARDSHIPS.—Any applicable individual who for any month is determined by the Secretary of Health and Human Services under section 1311(d)(4)(H) to have suffered a hardship with respect to the capability to obtain coverage under a qualified health plan.

''(f) MINIMUM ESSENTIAL COVERAGE.—For purposes of this section—

''(1) IN GENERAL.—The term 'minimum essential coverage' means any of the following:

''(A) GOVERNMENT SPONSORED PROGRAMS.—Coverage under—

''(i) the Medicare program under part A of title XVIII of the Social Security Act,

''(ii) the Medicaid program under title XIX of the Social Security Act,

''(iii) the CHIP program under title XXI of the Social Security Act,

''(iv) the TRICARE for Life program,

''(v) the veteran's health care program under chapter 17 of title 38, United States Code, or

''(vi) a health plan under section 2504(e) of title 22, United States Code (relating to Peace Corps volunteers).

''(B) EMPLOYER-SPONSORED PLAN.—Coverage under an eligible employer-sponsored plan.

''(C) PLANS IN THE INDIVIDUAL MARKET.—Coverage under a health plan offered in the individual market within a State.

''(D) GRANDFATHERED HEALTH PLAN.—Coverage under a grandfathered health plan.

''(E) OTHER COVERAGE.—Such other health benefits coverage, such as a State health benefits risk pool, as the Secretary of Health and Human Services, in coordination with the Secretary, recognizes for purposes of this subsection.

''(2) ELIGIBLE EMPLOYER-SPONSORED PLAN.—The term 'eligible employer-sponsored plan' means, with respect to any employee, a group health plan or group health insurance coverage offered by an employer to the employee which is—

''(A) a governmental plan (within the meaning of section 2791(d)(8) of the Public Health Service Act), or

''(B) any other plan or coverage offered in the small or large group market within a State.

Such term shall include a grandfathered health plan described in paragraph (1)(D) offered in a group market.

''(3) EXCEPTED BENEFITS NOT TREATED AS MINIMUM ESSENTIAL COVERAGE.—The term 'minimum essential coverage' shall not include health insurance coverage which consists of coverage of excepted benefits—

''(A) described in paragraph (1) of subsection (c) of section 2791 of the Public Health Service Act; or

''(B) described in paragraph (2), (3), or (4) of such subsection if the benefits are provided under a separate policy, certificate, or contract of insurance.

''(4) INDIVIDUALS RESIDING OUTSIDE UNITED STATES OR RESIDENTS OF TERRITORIES.—Any applicable individual shall be treated as having minimum essential coverage for any month—

''(A) if such month occurs during any period described in subparagraph (A) or (B) of section 911(d)(1) which is applicable to the individual, or

''(B) if such individual is a bona fide resident of any possession of the United States (as determined under section 937(a)) for such month.

''(5) INSURANCE-RELATED TERMS.—Any term used in this section which is also used in title I of the Patient Protection and Affordable Care Act shall have the same meaning as when used in such title.

''(g) ADMINISTRATION AND PROCEDURE.—

''(1) IN GENERAL.—The penalty provided by this section shall be paid upon notice and demand by the Secretary, and except as provided in paragraph (2), shall be assessed and collected in the same manner as an assessable penalty under subchapter B of chapter 68.

''(2) SPECIAL RULES.—Notwithstanding any other provision of law—

''(A) WAIVER OF CRIMINAL PENALTIES.—In the case of any failure by a taxpayer to timely pay any penalty imposed by this section, such taxpayer shall not be subject to any criminal prosecution or penalty with respect to such failure.

''(B) LIMITATIONS ON LIENS AND LEVIES.—The Secretary shall not—

''(i) file notice of lien with respect to any property of a taxpayer by reason of any failure to pay the penalty imposed by this section, or

''(ii) levy on any such property with respect to such failure.''.

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 47 the following new item:

''CHAPTER 48—MAINTENANCE OF MINIMUM ESSENTIAL COVERAGE.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2013.

SEC. 1502. REPORTING OF HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after subpart C the following new subpart:

''Subpart D—Information Regarding Health Insurance Coverage

''Sec. 6055. Reporting of health insurance coverage.

''SEC. 6055. REPORTING OF HEALTH INSURANCE COVERAGE.

''(a) IN GENERAL.—Every person who provides minimum essential coverage to an individual during a calendar year shall, at such time as the Secretary may prescribe, make a return described in subsection (b).

''(b) FORM AND MANNER OF RETURN.—

''(1) IN GENERAL.—A return is described in this subsection if such return—

''(A) is in such form as the Secretary may prescribe, and

''(B) contains—

''(i) the name, address and TIN of the primary insured and the name and TIN of each other individual obtaining coverage under the policy,

''(ii) the dates during which such individual was covered under minimum essential coverage during the calendar year,

''(iii) in the case of minimum essential coverage which consists of health insurance coverage, information concerning—

''(I) whether or not the coverage is a qualified health plan offered through an Exchange established under section 1311 of the Patient Protection and Affordable Care Act, and

''(II) in the case of a qualified health plan, the amount (if any) of any advance payment under section 1412 of the Patient Protection and Affordable Care Act of any cost-sharing reduction under section 1402 of such Act or of any premium tax credit under section 36B with respect to such coverage, and

''(iv) such other information as the Secretary may require.

''(2) INFORMATION RELATING TO EMPLOYER-PROVIDED COVERAGE.—If minimum essential coverage provided to an individual under subsection (a) consists of health insurance coverage of a health insurance issuer provided through a group health plan of an employer, a return described in this subsection shall include—

''(A) the name, address, and employer identification number of the employer maintaining the plan,

''(B) the portion of the premium (if any) required to be paid by the employer, and

''(C) if the health insurance coverage is a qualified health plan in the small group market offered through an Exchange, such other information as the Secretary may require for administration of the credit under section 45R (relating to credit for employee health insurance expenses of small employers).

''(c) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REPORTED.—

''(1) IN GENERAL.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

''(A) the name and address of the person required to make such return and the phone number of the information contact for such person, and

''(B) the information required to be shown on the return with respect to such individual.

''(2) TIME FOR FURNISHING STATEMENTS.—The written statement required under paragraph (1) shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.

''(d) COVERAGE PROVIDED BY GOVERNMENTAL UNITS.—In the case of coverage provided by any governmental unit or any agency or instrumentality thereof, the officer or employee who enters into the agreement to provide such coverage (or the person appropriately designated for purposes of this section) shall make the returns and statements required by this section.

''(e) MINIMUM ESSENTIAL COVERAGE.—For purposes of this section, the term 'minimum essential coverage' has the meaning given such term by section 5000A(f).''.

(b) ASSESSABLE PENALTIES.—

(1) Subparagraph (B) of section 6724(d)(1) of the Internal Revenue Code of 1986 (relating to definitions) is amended by striking ''or'' at the end of clause (xxii), by striking ''and'' at the end of clause (xxiii) and inserting ''or'', and by inserting after clause (xxiii) the following new clause:

''(xxiv) section 6055 (relating to returns relating to information regarding health insurance coverage), and''.

(2) Paragraph (2) of section 6724(d) of such Code is amended by striking ''or'' at the end of subparagraph (EE), by striking the period at the end of subparagraph (FF) and inserting '', or'' and by inserting after subparagraph (FF) the following new subparagraph:

''(GG) section 6055(c) (relating to statements relating to information regarding health insurance coverage).''.

(c) NOTIFICATION OF NONENROLLMENT.—Not later than June 30 of each year, the Secretary of the Treasury, acting through the Internal Revenue Service and in consultation with the Secretary of Health and Human Services, shall send a notification to each individual who files an individual income tax return and who is not enrolled in minimum essential coverage (as defined in section 5000A of the Internal Revenue Code of 1986). Such notification shall contain information on the services available through the Exchange operating in the State in which such individual resides.

(d) CONFORMING AMENDMENT.—The table of subparts for part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to subpart C the following new item:

''SUBPART D—INFORMATION REGARDING HEALTH INSURANCE COVERAGE''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2013.

PART II—EMPLOYER RESPONSIBILITIES

SEC. 1511. AUTOMATIC ENROLLMENT FOR EMPLOYEES OF LARGE EMPLOYERS.

The Fair Labor Standards Act of 1938 is amended by inserting after section 18 (29 U.S.C. 218) the following:

"SEC. 18A. AUTOMATIC ENROLLMENT FOR EMPLOYEES OF LARGE EMPLOYERS.

''In accordance with regulations promulgated by the Secretary, an employer to which this Act applies that has more than 200 full-time employees and that offers employees enrollment in 1 or more health benefits plans shall automatically enroll new full-time employees in one of the plans offered (subject to any waiting period authorized by law) and to continue the enrollment of current employees in a health benefits plan offered through the employer. Any automatic enrollment program shall include adequate notice and the opportunity for an employee to opt out of any coverage the individual or employee were automatically enrolled in. Nothing in this section shall be construed to supersede any State law which establishes, implements, or continues in effect any standard or requirement relating to employers in connection with payroll except to the extent that such standard or requirement prevents an employer from instituting the automatic enrollment program under this section.''.

SEC. 1512. EMPLOYER REQUIREMENT TO INFORM EMPLOYEES OF COVERAGE OPTIONS.

The Fair Labor Standards Act of 1938 is amended by inserting after section 18A (as added by section 1513) the following:

"SEC. 18B. NOTICE TO EMPLOYEES.

''(a) IN GENERAL.—In accordance with regulations promulgated by the Secretary, an employer to which this Act applies, shall provide to each employee at the time of hiring (or with respect to current employees, not later than March 1, 2013), written notice—

''(1) informing the employee of the existence of an Exchange, including a description of the services provided by such Exchange, and the manner in which the employee may contact the Exchange to request assistance;

''(2) if the employer plan's share of the total allowed costs of benefits provided under the plan is less than 60 percent of such costs, that the employee may be eligible for a premium tax credit under section 36B of the Internal Revenue Code of 1986 and a cost sharing reduction under section 1402 of the Patient Protection and Affordable Care Act if the employee purchases a qualified health plan through the Exchange; and

''(3) if the employee purchases a qualified health plan through the Exchange, the employee will lose the employer contribution (if any) to any health benefits plan offered by the employer and that all or a portion of such contribution may be excludable from income for Federal income tax purposes.

''(b) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to employers in a State beginning on March 1, 2013.''.

SEC. 1513. SHARED RESPONSIBILITY FOR EMPLOYERS.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"SEC. 4980H. SHARED RESPONSIBILITY FOR EMPLOYERS REGARDING HEALTH COVERAGE.

''(a) LARGE EMPLOYERS NOT OFFERING HEALTH COVERAGE.—If—

''(1) any applicable large employer fails to offer to its full-time employees (and their dependents) the opportunity to enroll in minimum essential coverage under an eligible employer-sponsored plan (as defined in section 5000A(f)(2)) for any month, and

''(2) at least one full-time employee of the applicable large employer has been certified to the employer under section 1411 of the Patient Protection and Affordable Care Act as having enrolled for such month in a qualified health plan with respect to which an applicable premium tax credit or cost-sharing reduction is allowed or paid with respect to the employee,

then there is hereby imposed on the employer an assessable payment equal to the product of the applicable payment amount and the number of individuals employed by the employer as full-time employees during such month.

''(b) LARGE EMPLOYERS WITH WAITING PERIODS EXCEEDING 30 DAYS.—

''(1) IN GENERAL.—In the case of any applicable large employer which requires an extended waiting period to enroll in any minimum essential coverage under an employer-sponsored plan (as defined in section 5000A(f)(2)), there is hereby imposed on the employer an assessable payment, in the amount specified in paragraph (2), for each full-time employee of the employer to whom the extended waiting period applies.

''(2) AMOUNT.—For purposes of paragraph (1), the amount specified in this paragraph for a full-time employee is—

''(A) in the case of an extended waiting period which exceeds 30 days but does not exceed 60 days, $400, and

''(B) in the case of an extended waiting period which exceeds 60 days, $600.

''(3) EXTENDED WAITING PERIOD.—The term 'extended waiting period' means any waiting period (as defined in section 2701(b)(4) of the Public Health Service Act) which exceeds 30 days.

''(c) LARGE EMPLOYERS OFFERING COVERAGE WITH EMPLOYEES WHO QUALIFY FOR PREMIUM TAX CREDITS OR COST-SHARING REDUCTIONS.—

''(1) IN GENERAL.—If—

''(A) an applicable large employer offers to its full-time employees (and their dependents) the opportunity to enroll in minimum essential coverage under an eligible employer-sponsored plan (as defined in section 5000A(f)(2)) for any month, and

''(B) 1 or more full-time employees of the applicable large employer has been certified to the employer under section 1411 of the Patient Protection and Affordable Care Act as having enrolled for such month in a qualified health plan with respect to which an applicable premium tax credit or cost-sharing reduction is allowed or paid with respect to the employee,

then there is hereby imposed on the employer an assessable payment equal to the product of the number of full-time employees of the applicable large employer described in subparagraph (B) for such month and 400 percent of the applicable payment amount.

''(2) OVERALL LIMITATION.—The aggregate amount of tax determined under paragraph (1) with respect to all employees of an applicable large employer for any month shall not exceed the product of the applicable payment amount and the number of individuals employed by the employer as full-time employees during such month.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE PAYMENT AMOUNT.—The term 'applicable payment amount' means, with respect to any month, 1/12 of $750.

''(2) APPLICABLE LARGE EMPLOYER.—

''(A) IN GENERAL.—The term 'applicable large employer' means, with respect to a calendar year, an employer who employed an average of at least 50 full-time employees on business days during the preceding calendar year.

''(B) EXEMPTION FOR CERTAIN EMPLOYERS.—

''(i) IN GENERAL.—An employer shall not be considered to employ more than 50 full-time employees if—

''(I) the employer's workforce exceeds 50 full-time employees for 120 days or fewer during the calendar year, and

''(II) the employees in excess of 50 employed during such 120-day period were seasonal workers.

''(ii) DEFINITION OF SEASONAL WORKERS.—The term 'seasonal worker' means a worker who performs labor or services on a seasonal basis as defined by the Secretary of Labor, including workers covered by section 500.20(s)(1) of title 29, Code of Federal Regulations and retail workers employed exclusively during holiday seasons.

''(C) RULES FOR DETERMINING EMPLOYER SIZE.—For purposes of this paragraph—

''(i) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—All persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as 1 employer.

''(ii) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is an applicable large employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(iii) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

''(3) APPLICABLE PREMIUM TAX CREDIT AND COST-SHARING REDUCTION.—The term 'applicable premium tax credit and cost-sharing reduction' means—

''(A) any premium tax credit allowed under section 36B,

''(B) any cost-sharing reduction under section 1402 of the Patient Protection and Affordable Care Act, and

''(C) any advance payment of such credit or reduction under section 1412 of such Act.

''(4) FULL-TIME EMPLOYEE.—

''(A) IN GENERAL.—The term 'full-time employee' means an employee who is employed on average at least 30 hours of service per week.

''(B) HOURS OF SERVICE.—The Secretary, in consultation with the Secretary of Labor, shall prescribe such regulations, rules, and guidance as may be necessary to determine the hours of service of an employee, including rules for the application of this paragraph to employees who are not compensated on an hourly basis.

''(5) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any calendar year after 2014, each of the dollar amounts in subsection (b)(2) and (d)(1) shall be increased by an amount equal to the product of—

''(i) such dollar amount, and

''(ii) the premium adjustment percentage (as defined in section 1302(c)(4) of the Patient Protection and Affordable Care Act) for the calendar year.

''(B) ROUNDING.—If the amount of any increase under subparagraph (A) is not a multiple of $10, such increase shall be rounded to the next lowest multiple of $10.

''(6) OTHER DEFINITIONS.—Any term used in this section which is also used in the Patient Protection and Affordable Care Act shall have the same meaning as when used in such Act.

''(7) TAX NONDEDUCTIBLE.—For denial of deduction for the tax imposed by this section, see section 275(a)(6).

''(e) ADMINISTRATION AND PROCEDURE.—

''(1) IN GENERAL.—Any assessable payment provided by this section shall be paid upon notice and demand by the Secretary, and shall be assessed and collected in the same manner as an assessable penalty under subchapter B of chapter 68.

''(2) TIME FOR PAYMENT.—The Secretary may provide for the payment of any assessable payment provided by this section on an annual, monthly, or other periodic basis as the Secretary may prescribe.

''(3) COORDINATION WITH CREDITS, ETC..—The Secretary shall prescribe rules, regulations, or guidance for the repayment of any assessable payment (including interest) if such payment is based on the allowance or payment of an applicable premium tax credit or cost-sharing reduction with respect to an employee, such allowance or payment is subsequently disallowed,

and the assessable payment would not have been required to be made but for such allowance or payment.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new item:

''Sec. 4980H. Shared responsibility for employers regarding health coverage.''.

(c) STUDY AND REPORT OF EFFECT OF TAX ON WORKERS' WAGES.—

(1) IN GENERAL.—The Secretary of Labor shall conduct a study to determine whether employees' wages are reduced by reason of the application of the assessable payments under section 4980H of the Internal Revenue Code of 1986 (as added by the amendments made by this section). The Secretary shall make such determination on the basis of the National Compensation Survey published by the Bureau of Labor Statistics.

(2) REPORT.—The Secretary shall report the results of the study under paragraph (1) to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2013.

SEC. 1514. REPORTING OF EMPLOYER HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Subpart D of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986, as added by section 1502, is amended by inserting after section 6055 the following new section:

''SEC. 6056. LARGE EMPLOYERS REQUIRED TO REPORT ON HEALTH INSURANCE COVERAGE.

''(a) IN GENERAL.—Every applicable large employer required to meet the requirements of section 4980H with respect to its full-time employees during a calendar year shall, at such time as the Secretary may prescribe, make a return described in subsection (b).

''(b) FORM AND MANNER OF RETURN.—A return is described in this subsection if such return—

''(1) is in such form as the Secretary may prescribe, and

''(2) contains—

''(A) the name, date, and employer identification number of the employer,

''(B) a certification as to whether the employer offers to its full-time employees (and their dependents) the opportunity to enroll in minimum essential coverage under an eligible employer-sponsored plan (as defined in section 5000A(f)(2)),

''(C) if the employer certifies that the employer did offer to its full-time employees (and their dependents) the opportunity to so enroll—

''(i) the length of any waiting period (as defined in section 2701(b)(4) of the Public Health Service Act) with respect to such coverage,

''(ii) the months during the calendar year for which coverage under the plan was available,

''(iii) the monthly premium for the lowest cost option in each of the enrollment categories under the plan, and

''(iv) the applicable large employer's share of the total allowed costs of benefits provided under the plan,

''(D) the number of full-time employees for each month during the calendar year,

''(E) the name, address, and TIN of each full-time employee during the calendar year and the months (if any) during which such employee (and any dependents) were covered under any such health benefits plans, and

''(F) such other information as the Secretary may require.

''(c) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REPORTED.—

''(1) IN GENERAL.—Every person required to make a return under subsection (a) shall furnish to each full-time employee whose name is required to be set forth in such return under subsection (b)(2)(E) a written statement showing—

''(A) the name and address of the person required to make such return and the phone number of the information contact for such person, and

''(B) the information required to be shown on the return with respect to such individual.

''(2) TIME FOR FURNISHING STATEMENTS.—The written statement required under paragraph (1) shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.

''(d) COORDINATION WITH OTHER REQUIREMENTS.—To the maximum extent feasible, the Secretary may provide that—

''(1) any return or statement required to be provided under this section may be provided as part of any return or statement required under section 6051 or 6055, and

''(2) in the case of an applicable large employer offering health insurance coverage of a health insurance issuer, the employer may enter into an agreement with the issuer to include information required under this section with the return and statement required to be provided by the issuer under section 6055.

''(e) COVERAGE PROVIDED BY GOVERNMENTAL UNITS.—In the case of any applicable large employer which is a governmental unit or any agency or instrumentality thereof, the person appropriately designated for purposes of this section shall make the returns and statements required by this section.

''(f) DEFINITIONS.—For purposes of this section, any term used in this section which is also used in section 4980H shall have the meaning given such term by section 4980H.''.

(b) ASSESSABLE PENALTIES.—

(1) Subparagraph (B) of section 6724(d)(1) of the Internal Revenue Code of 1986 (relating to definitions), as amended by section 1502, is amended by striking ''or'' at the end of clause (xviii), by striking ''and'' at the end of clause (xxiv) and inserting ''or'', and by inserting after clause (xxiv) the following new clause:

''(xxv) section 6056 (relating to returns relating to large employers required to report on health insurance coverage), and''.

(2) Paragraph (2) of section 6724(d) of such Code, as so amended, is amended by striking ''or'' at the end of subparagraph (FF), by striking the period at the end of subparagraph (GG) and inserting '', or'' and by inserting after subparagraph (GG) the following new subparagraph:

''(HH) section 6056(c) (relating to statements relating to large employers required to report on health insurance coverage).''.

(c) CONFORMING AMENDMENT.—The table of sections for subpart D of part III of subchapter A of chapter 61 of such Code, as added by section 1502, is amended by adding at the end the following new item:

''Sec. 6056. Large employers required to report on health insurance coverage.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods beginning after December 31, 2013.

SEC. 1515. OFFERING OF EXCHANGE-PARTICIPATING QUALIFIED HEALTH PLANS THROUGH CAFETERIA PLANS.

(a) IN GENERAL.—Subsection (f) of section 125 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) CERTAIN EXCHANGE-PARTICIPATING QUALIFIED HEALTH PLANS NOT QUALIFIED.—

''(A) IN GENERAL.—The term 'qualified benefit' shall not include any qualified health plan (as defined in section 1301(a) of the Patient Protection and Affordable Care Act) offered through an Exchange established under section 1311 of such Act.

''(B) EXCEPTION FOR EXCHANGE-ELIGIBLE EMPLOYERS.—Subparagraph (A) shall not apply with respect to any employee if such employee's employer is a qualified employer (as defined in section 1312(f)(2) of the Patient Protection and Affordable Care Act) offering the employee the opportunity to enroll through such an Exchange in a qualified health plan in a group market.''.

(b) CONFORMING AMENDMENTS.—Subsection (f) of section 125 of such Code is amended—

(1) by striking ''For purposes of this section, the term'' and inserting ''For purposes of this section—

''(1) IN GENERAL.—The term'', and

(2) by striking ''Such term shall not include'' and inserting the following:

''(2) LONG-TERM CARE INSURANCE NOT QUALIFIED.—The term 'qualified benefit' shall not include''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

Subtitle G—Miscellaneous Provisions

SEC. 1551. DEFINITIONS.

Unless specifically provided for otherwise, the definitions contained in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91) shall apply with respect to this title.

SEC. 1552. TRANSPARENCY IN GOVERNMENT.

Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish on the Internet website of the Department of Health and Human Services, a list of all of the authorities provided to the Secretary under this Act (and the amendments made by this Act).

SEC. 1553. PROHIBITION AGAINST DISCRIMINATION ON ASSISTED SUICIDE.

(a) IN GENERAL.—The Federal Government, and any State or local government or health care provider that receives Federal financial assistance under this Act (or under an amendment made by this Act) or any health plan created under this Act (or under an amendment made by this Act), may not subject an individual or institutional health care entity to discrimination on the basis that the entity does not provide any health care item or service furnished for the purpose of causing, or for the purpose of assisting in causing, the death of any individual, such as by assisted suicide, euthanasia, or mercy killing.

(b) DEFINITION.—In this section, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

(c) CONSTRUCTION AND TREATMENT OF CERTAIN SERVICES.—Nothing in subsection (a) shall be construed to apply to, or to affect, any limitation relating to—

(1) the withholding or withdrawing of medical treatment or medical care;

(2) the withholding or withdrawing of nutrition or hydration;

(3) abortion; or

(4) the use of an item, good, benefit, or service furnished for the purpose of alleviating pain or discomfort, even if such use may increase the risk of death, so long as such item, good, benefit, or service is not also furnished for the purpose of causing, or the purpose of assisting in causing, death, for any reason.

(d) ADMINISTRATION.—The Office for Civil Rights of the Department of Health and Human Services is designated to receive complaints of discrimination based on this section.

SEC. 1554. ACCESS TO THERAPIES.

Notwithstanding any other provision of this Act, the Secretary of Health and Human Services shall not promulgate any regulation that—

(1) creates any unreasonable barriers to the ability of individuals to obtain appropriate medical care;

(2) impedes timely access to health care services;

(3) interferes with communications regarding a full range of treatment options between the patient and the provider;

(4) restricts the ability of health care providers to provide full disclosure of all relevant information to patients making health care decisions;

(5) violates the principles of informed consent and the ethical standards of health care professionals; or

(6) limits the availability of health care treatment for the full duration of a patient's medical needs.

SEC. 1555. FREEDOM NOT TO PARTICIPATE IN FEDERAL HEALTH INSURANCE PROGRAMS.

No individual, company, business, nonprofit entity, or health insurance issuer offering group or individual health insurance coverage shall be required to participate in any Federal health insurance program created under this Act (or any amendments made by this Act), or in any Federal health insurance program expanded by this Act (or any such amendments), and there shall be no penalty or fine imposed upon any such issuer for choosing not to participate in such programs.

SEC. 1556. EQUITY FOR CERTAIN ELIGIBLE SURVIVORS.

(a) REBUTTABLE PRESUMPTION.—Section 411(c)(4) of the Black Lung Benefits Act (30 U.S.C. 921(c)(4)) is amended by striking the last sentence.

(b) CONTINUATION OF BENEFITS.—Section 422(l) of the Black Lung Benefits Act (30 U.S.C. 932(l)) is amended by striking '', except with respect to a claim filed under this part on or after the effective date of the Black Lung Benefits Amendments of 1981''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to claims filed under part B or part C of the Black Lung Benefits Act (30 U.S.C. 921 et seq., 931 et seq.) after January 1, 2005, that are pending on or after the date of enactment of this Act.

SEC. 1557. NONDISCRIMINATION.

(a) IN GENERAL.—Except as otherwise provided for in this title (or an amendment made by this title), an individual shall not, on the ground prohibited under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any health program or activity, any part of which is receiving Federal financial assistance, including credits, subsidies, or contracts of insurance, or under any program or activity that is administered by an Executive Agency or any entity established under this title (or amendments). The enforcement mechanisms provided for and available under such title VI, title IX, section 504, or such Age Discrimination Act shall apply for purposes of violations of this subsection.

(b) CONTINUED APPLICATION OF LAWS.—Nothing in this title (or an amendment made by this title) shall be construed to invalidate or limit the rights, remedies, procedures, or legal standards available to individuals aggrieved under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or the Age Discrimination Act of 1975 (42 U.S.C. 611 et seq.), or to supersede State laws that provide additional protections against discrimination on any basis described in subsection (a).

(c) REGULATIONS.—The Secretary may promulgate regulations to implement this section.

SEC. 1558. PROTECTIONS FOR EMPLOYEES.

The Fair Labor Standards Act of 1938 is amended by inserting after section 18B (as added by section 1512) the following:

''SEC. 18C. PROTECTIONS FOR EMPLOYEES.

''(a) PROHIBITION.—No employer shall discharge or in any manner discriminate against any employee with respect to his or her compensation, terms, conditions, or other privileges of employment because the employee (or an individual acting at the request of the employee) has—

''(1) received a credit under section 36B of the Internal Revenue Code of 1986 or a subsidy under section 1402 of this Act;

''(2) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of, any provision of this title (or an amendment made by this title);

''(3) testified or is about to testify in a proceeding concerning such violation;

''(4) assisted or participated, or is about to assist or participate, in such a proceeding; or

''(5) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this title (or amendment), or any order, rule, regulation, standard, or ban under this title (or amendment).

''(b) COMPLAINT PROCEDURE.—

''(1) IN GENERAL.—An employee who believes that he or she has been discharged or otherwise discriminated against by any employer in violation of this section may seek relief in accordance with the procedures, notifications, burdens of proof, remedies, and statutes of limitation set forth in section 2087(b) of title 15, United States Code.

''(2) NO LIMITATION ON RIGHTS.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.''.

SEC. 1559. OVERSIGHT.

The Inspector General of the Department of Health and Human Services shall have oversight authority with respect to the administration and implementation of this title as it relates to such Department.

SEC. 1560. RULES OF CONSTRUCTION.

(a) NO EFFECT ON ANTITRUST LAWS.—Nothing in this title (or an amendment made by this title) shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For the purposes of this section, the term ''antitrust laws'' has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

(b) RULE OF CONSTRUCTION REGARDING HAWAII'S PREPAID HEALTH CARE ACT.—Nothing in this title (or an amendment made by this title) shall be construed to modify or limit the application of the exemption for Hawaii's Prepaid Health Care Act (Haw. Rev. Stat. §§ 393–1 et seq.) as provided for under section 514(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(5)).

(c) STUDENT HEALTH INSURANCE PLANS.—Nothing in this title (or an amendment made by this title) shall be construed to prohibit an institution of higher education (as such term is defined for purposes of the Higher Education Act of 1965) from offering a student health insurance plan, to the extent that such requirement is otherwise permitted under applicable Federal, State or local law.

(d) NO EFFECT ON EXISTING REQUIREMENTS.—Nothing in this title (or an amendment made by this title, unless specified by direct statutory reference) shall be construed to modify any existing Federal requirement concerning the State agency responsible for determining eligibility for programs identified in section 1413.

SEC. 1561. HEALTH INFORMATION TECHNOLOGY ENROLLMENT STANDARDS AND PROTOCOLS.

Title XXX of the Public Health Service Act (42 U.S.C. 300jj et seq.) is amended by adding at the end the following:

''Subtitle C—Other Provisions

''SEC. 3021. HEALTH INFORMATION TECHNOLOGY ENROLLMENT STANDARDS AND PROTOCOLS.

''(a) IN GENERAL.—

''(1) STANDARDS AND PROTOCOLS.—Not later than 180 days after the date of enactment of this title, the Secretary, in consultation with the HIT Policy Committee and the HIT Standards Committee, shall develop interoperable and secure standards and protocols that facilitate enrollment of individuals in Federal and State health and human services programs, as determined by the Secretary.

''(2) METHODS.—The Secretary shall facilitate enrollment in such programs through methods determined appropriate by the Secretary, which shall include providing individuals and third parties authorized by such individuals and their designees notification of eligibility and verification of eligibility required under such programs.

''(b) CONTENT.—The standards and protocols for electronic enrollment in the Federal and State programs described in subsection (a) shall allow for the following:

''(1) Electronic matching against existing Federal and State data, including vital records, employment history, enrollment systems, tax records, and other data determined appropriate by the Secretary to serve as evidence of eligibility and in lieu of paper-based documentation.

''(2) Simplification and submission of electronic documentation, digitization of documents, and systems verification of eligibility.

''(3) Reuse of stored eligibility information (including documentation) to assist with retention of eligible individuals.

''(4) Capability for individuals to apply, recertify and manage their eligibility information online, including at home, at points of service, and other community-based locations.

''(5) Ability to expand the enrollment system to integrate new programs, rules, and functionalities, to operate at increased volume, and to apply streamlined verification and eligibility processes to other Federal and State programs, as appropriate.

''(6) Notification of eligibility, recertification, and other needed communication regarding eligibility, which may include communication via email and cellular phones.

''(7) Other functionalities necessary to provide eligibles with streamlined enrollment process.

''(c) APPROVAL AND NOTIFICATION.—With respect to any standard or protocol developed under subsection (a) that has been approved by the HIT Policy Committee and the HIT Standards Committee, the Secretary—

''(1) shall notify States of such standards or protocols; and

''(2) may require, as a condition of receiving Federal funds for the health information technology investments, that States or other entities incorporate such standards and protocols into such investments.

''(d) GRANTS FOR IMPLEMENTATION OF APPROPRIATE ENROLLMENT HIT.—

''(1) IN GENERAL.—The Secretary shall award grant to eligible entities to develop new, and adapt existing, technology systems to implement the HIT enrollment standards and protocols developed under subsection (a) (referred to in this subsection as 'appropriate HIT technology').

''(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this subsection, an entity shall—

''(A) be a State, political subdivision of a State, or a local governmental entity; and

''(B) submit to the Secretary an application at such time, in such manner, and containing—

''(i) a plan to adopt and implement appropriate enrollment technology that includes—

''(I) proposed reduction in maintenance costs of technology systems;

''(II) elimination or updating of legacy systems; and

''(III) demonstrated collaboration with other entities that may receive a grant under this section that are located in the same State, political subdivision, or locality;

''(ii) an assurance that the entity will share such appropriate enrollment technology in accordance with paragraph (4); and

''(iii) such other information as the Secretary may require.

''(3) SHARING.—

''(A) IN GENERAL.—The Secretary shall ensure that appropriate enrollment HIT adopted under grants under this subsection is made available to other qualified State, qualified political subdivisions of a State, or other appropriate qualified entities (as described in subparagraph (B)) at no cost.

''(B) QUALIFIED ENTITIES.—The Secretary shall determine what entities are qualified to receive enrollment HIT under subparagraph (A), taking into consideration the recommendations of the HIT Policy Committee and the HIT Standards Committee.''.

SEC. 1562. CONFORMING AMENDMENTS.

(a) APPLICABILITY.—Section 2735 of the Public Health Service Act (42 U.S.C. 300gg–21), as so redesignated by section 1001(4), is amended—

(1) by striking subsection (a);

(2) in subsection (b)—

(A) in paragraph (1), by striking ''1 through 3'' and inserting ''1 and 2''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''subparagraph (D)'' and inserting ''subparagraph (D) or (E)'';

(ii) by striking ''1 through 3'' and inserting ''1 and 2''; and

(iii) by adding at the end the following:

''(E) ELECTION NOT APPLICABLE.—The election described in subparagraph (A) shall not be available with respect to the provisions of subpart 1.'';

(3) in subsection (c), by striking ''1 through 3 shall not apply to any group'' and inserting ''1 and 2 shall not apply to any individual coverage or any group''; and

(4) in subsection (d)—

(A) in paragraph (1), by striking ''1 through 3 shall not apply to any group'' and inserting ''1 and 2 shall not apply to any individual coverage or any group'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''1 through 3 shall not apply to any group'' and inserting ''1 and 2 shall not apply to any individual coverage or any group''; and

(ii) in subparagraph (C), by inserting ''or, with respect to individual coverage, under any health insurance coverage maintained by the same health insurance issuer''; and

(C) in paragraph (3), by striking ''any group'' and inserting ''any individual coverage or any group''.

(b) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg–91(d)) is amended by adding at the end the following:

''(20) QUALIFIED HEALTH PLAN.—The term 'qualified health plan' has the meaning given such term in section 1301(a) of the Patient Protection and Affordable Care Act.

''(21) EXCHANGE.—The term 'Exchange' means an American Health Benefit Exchange established under section 1311 of the Patient Protection and Affordable Care Act.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended—

(1) in section 2704 (42 U.S.C. 300gg), as so redesignated by section 1201(2)—

(A) in subsection (c)—

(i) in paragraph (2), by striking ''group health plan'' each place that such term appears and inserting ''group or individual health plan''; and

(ii) in paragraph (3)—

(I) by striking ''group health insurance'' each place that such term appears and inserting ''group or individual health insurance''; and

(II) in subparagraph (D), by striking ''small or large'' and inserting ''individual or group'';

(B) in subsection (d), by striking ''group health insurance'' each place that such term appears and inserting ''group or individual health insurance''; and

(C) in subsection (e)(1)(A), by striking ''group health insurance'' and inserting ''group or individual health insurance'';

(2) by striking the second heading for subpart 2 of part A (relating to other requirements);

(3) in section 2725 (42 U.S.C. 300gg–4), as so redesignated by section 1001(2)—

(A) in subsection (a), by striking ''health insurance issuer offering group health insurance coverage'' and inserting ''health insurance issuer offering group or individual health insurance coverage'';

(B) in subsection (b)—

(i) by striking ''health insurance issuer offering group health insurance coverage in connection with a group health plan'' in the matter preceding paragraph (1) and inserting ''health insurance issuer offering group or individual health insurance coverage''; and

(ii) in paragraph (1), by striking ''plan'' and inserting ''plan or coverage'';

(C) in subsection (c)—

(i) in paragraph (2), by striking ''group health insurance coverage offered by a health insurance issuer'' and inserting ''health insurance issuer offering group or individual health insurance coverage''; and

(ii) in paragraph (3), by striking ''issuer'' and inserting ''health insurance issuer''; and

(D) in subsection (e), by striking ''health insurance issuer offering group health insurance coverage'' and inserting ''health insurance issuer offering group or individual health insurance coverage'';

(4) in section 2726 (42 U.S.C. 300gg–5), as so redesignated by section 1001(2)—

(A) in subsection (a), by striking ''(or health insurance coverage offered in connection with such a plan)'' each place that such term appears and inserting ''or a health insurance issuer offering group or individual health insurance coverage'';

(B) in subsection (b), by striking ''(or health insurance coverage offered in connection with such a plan)'' each place that such term appears and inserting ''or a health insurance issuer offering group or individual health insurance coverage''; and

(C) in subsection (c)—

(i) in paragraph (1), by striking ''(and group health insurance coverage offered in connection with a group health plan)'' and inserting ''and a health insurance issuer offering group or individual health insurance coverage'';

(ii) in paragraph (2), by striking ''(or health insurance coverage offered in connection with such a plan)'' each place that such term appears and inserting ''or a health insurance issuer offering group or individual health insurance coverage'';

(5) in section 2727 (42 U.S.C. 300gg–6), as so redesignated by section 1001(2), by striking ''health insurance issuers providing health insurance coverage in connection with group health plans'' and inserting ''and health insurance issuers offering group or individual health insurance coverage'';

(6) in section 2728 (42 U.S.C. 300gg–7), as so redesignated by section 1001(2)—

(A) in subsection (a), by striking ''health insurance coverage offered in connection with such plan'' and inserting ''individual health insurance coverage'';

(B) in subsection (b)—

(i) in paragraph (1), by striking ''or a health insurance issuer that provides health insurance coverage in connection with a group health plan'' and inserting ''or a health insurance issuer that offers group or individual health insurance coverage'';

(ii) in paragraph (2), by striking ''health insurance coverage offered in connection with the plan'' and inserting ''individual health insurance coverage''; and

(iii) in paragraph (3), by striking ''health insurance coverage offered by an issuer in connection with such plan'' and inserting ''individual health insurance coverage'';

(C) in subsection (c), by striking ''health insurance issuer providing health insurance coverage in connection with a group health plan'' and inserting ''health insurance issuer that offers group or individual health insurance coverage''; and

(D) in subsection (e)(1), by striking ''health insurance coverage offered in connection with such a plan'' and inserting ''individual health insurance coverage'';

(7) by striking the heading for subpart 3;

(8) in section 2731 (42 U.S.C. 300gg–11), as so redesignated by section 1001(3)—

(A) by striking the section heading and all that follows through subsection (b);

(B) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''small group'' and inserting ''group and individual''; and

(II) in subparagraph (B)—

(aa) in the matter preceding clause (i), by inserting ''and individuals'' after ''employers'';

(bb) in clause (i), by inserting ''or any additional individuals'' after ''additional groups''; and

(cc) in clause (ii), by striking ''without regard to the claims experience of those employers and their employees (and their dependents) or any health status-related factor relating to such'' and inserting ''and individuals without regard to the claims experience of those individuals, employers and their employees (and their dependents) or any health status-related factor relating to such individuals''; and

(ii) in paragraph (2), by striking ''small group'' and inserting ''group or individual'';

(C) in subsection (d)—

(i) by striking ''small group'' each place that such appears and inserting ''group or individual''; and

(ii) in paragraph (1)(B)—

(I) by striking ''all employers'' and inserting ''all employers and individuals'';

(II) by striking ''those employers'' and inserting ''those individuals, employers''; and

(III) by striking ''such employees'' and inserting ''such individuals, employees'';

(D) by striking subsection (e);

(E) by striking subsection (f); and

(F) by transferring such section (as amended by this paragraph) to appear at the end of section 2702 (as added by section 1001(4));

(9) in section 2732 (42 U.S.C. 300gg–12), as so redesignated by section 1001(3)—

(A) by striking the section heading and all that follows through subsection (a);

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''group health plan in the small or large group market'' and inserting ''health insurance coverage offered in the group or individual market'';

(ii) in paragraph (1), by inserting '', or individual, as applicable,'' after ''plan sponsor'';

(iii) in paragraph (2), by inserting '', or individual, as applicable,'' after ''plan sponsor''; and

(iv) by striking paragraph (3) and inserting the following:

''(3) VIOLATION OF PARTICIPATION OR CONTRIBUTION RATES.—In the case of a group health plan, the plan sponsor has failed to comply with a material plan provision relating to employer contribution or group participation rules, pursuant to applicable State law.'';

(C) in subsection (c)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''group health insurance coverage offered in the small or large group market'' and inserting ''group or individual health insurance coverage'';

(II) in subparagraph (A), by inserting ''or individual, as applicable,'' after ''plan sponsor'';

(III) in subparagraph (B)—

(aa) by inserting ''or individual, as applicable,'' after ''plan sponsor''; and

(bb) by inserting ''or individual health insurance coverage''; and

(IV) in subparagraph (C), by inserting ''or individuals, as applicable,'' after ''those sponsors''; and

(ii) in paragraph (2)(A)—

(I) in the matter preceding clause (i), by striking ''small group market or the large group market, or both markets,'' and inserting ''individual or group market, or all markets,''; and

(II) in clause (i), by inserting ''or individual, as applicable,'' after ''plan sponsor''; and

(D) by transferring such section (as amended by this paragraph) to appear at the end of section 2703 (as added by section 1001(4));

(10) in section 2733 (42 U.S.C. 300gg–13), as so redesignated by section 1001(4)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''small employer'' and inserting ''small employer or an individual'';

(ii) in paragraph (1), by inserting '', or individual, as applicable,'' after ''employer'' each place that such appears; and

(iii) in paragraph (2), by striking ''small employer'' and inserting ''employer, or individual, as applicable,'';

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''small employer'' and inserting ''employer, or individual, as applicable,'';

(II) in subparagraph (A), by adding ''and'' at the end;

(III) by striking subparagraphs (B) and (C); and

(IV) in subparagraph (D)—

(aa) by inserting '', or individual, as applicable,'' after ''employer''; and

(bb) by redesignating such subparagraph as subparagraph (B);

(ii) in paragraph (2)—

(I) by striking ''small employers'' each place that such term appears and inserting ''employers, or individuals, as applicable,''; and

(II) by striking ''small employer'' and inserting ''employer, or individual, as applicable,''; and

(C) by redesignating such section (as amended by this paragraph) as section 2709 and transferring such section to appear after section 2708 (as added by section 1001(5));

(11) by redesignating subpart 4 as subpart 2;

(12) in section 2735 (42 U.S.C. 300gg–21), as so redesignated by section 1001(4)—

(A) by striking subsection (a);

(B) by striking ''subparts 1 through 3'' each place that such appears and inserting ''subpart 1'';

(C) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(D) by redesignating such section (as amended by this paragraph) as section 2722;

(13) in section 2736 (42 U.S.C. 300gg–22), as so redesignated by section 1001(4)—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''small or large group markets'' and inserting ''individual or group market''; and

(ii) in paragraph (2), by inserting ''or individual health insurance coverage'' after ''group health plans'';

(B) in subsection (b)(1)(B), by inserting ''individual health insurance coverage or'' after ''respect to''; and

(C) by redesignating such section (as amended by this paragraph) as section 2723;

(14) in section 2737(a)(1) (42 U.S.C. 300gg–23), as so redesignated by section 1001(4)—

(A) by inserting ''individual or'' before ''group health insurance''; and

(B) by redesignating such section(as amended by this paragraph) as section 2724;

(15) in section 2762 (42 U.S.C. 300gg–62)—

*(A) in the section heading by inserting ''**AND APPLICATION**'' before the period; and*

(B) by adding at the end the following:

''(c) APPLICATION OF PART A PROVISIONS.—

''(1) IN GENERAL.—The provisions of part A shall apply to health insurance issuers providing health insurance coverage in the individual market in a State as provided for in such part.

''(2) CLARIFICATION.—To the extent that any provision of this part conflicts with a provision of part A with respect to health insurance issuers providing health insurance coverage in the individual market in a State, the provisions of such part A shall apply.''; and

(16) in section 2791(e) (42 U.S.C. 300gg–91(e))—

(A) in paragraph (2), by striking ''51'' and inserting ''101''; and

(B) in paragraph (4)—

(i) by striking ''at least 2'' each place that such appears and inserting ''at least 1''; and

(ii) by striking ''50'' and inserting ''100''.

(d) APPLICATION.—Notwithstanding any other provision of the Patient Protection and Affordable Care Act, nothing in such Act (or an amendment made by such Act) shall be construed to—

(1) prohibit (or authorize the Secretary of Health and Human Services to promulgate regulations that prohibit) a group health plan or health insurance issuer from carrying out utilization management techniques that are commonly used as of the date of enactment of this Act; or

(2) restrict the application of the amendments made by this subtitle.

(e) TECHNICAL AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subpart B of part 7 of subtitle A of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181 et. seq.) is amended, by adding at the end the following:

''SEC. 715. ADDITIONAL MARKET REFORMS.

''(a) GENERAL RULE.—Except as provided in subsection (b)—

''(1) the provisions of part A of title XXVII of the Public Health Service Act (as amended by the Patient Protection and Affordable Care Act) shall apply to group health plans, and health insurance issuers providing health insurance coverage in connection with group health plans, as if included in this subpart; and

''(2) to the extent that any provision of this part conflicts with a provision of such part A with respect to group health plans, or health insurance issuers providing health insurance coverage in connection with group health plans, the provisions of such part A shall apply.

''(b) EXCEPTION.—Notwithstanding subsection (a), the provisions of sections 2716 and 2718 of title XXVII of the Public Health Service Act (as amended by the Patient Protection and Affordable Care Act) shall not apply with respect to self-insured group health plans, and the provisions of this part shall continue to apply to such plans as if such sections of the Public Health Service Act (as so amended) had not been enacted.''.

(f) TECHNICAL AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''SEC. 9815. ADDITIONAL MARKET REFORMS.

''(a) GENERAL RULE.—Except as provided in subsection (b)—

''(1) the provisions of part A of title XXVII of the Public Health Service Act (as amended by the Patient Protection and Affordable Care Act) shall apply to group health plans, and health insurance issuers providing health insurance coverage in connection with group health plans, as if included in this subchapter; and

''(2) to the extent that any provision of this subchapter conflicts with a provision of such part A with respect to group health plans, or health insurance issuers providing health insurance coverage in connection with group health plans, the provisions of such part A shall apply.

''(b) EXCEPTION.—Notwithstanding subsection (a), the provisions of sections 2716 and 2718 of title XXVII of the Public Health Service Act (as amended by the Patient Protection and Affordable Care Act) shall not apply with respect to self-insured group health plans, and the provisions of this subchapter shall continue to apply to such plans as if such sections of the Public Health Service Act (as so amended) had not been enacted.''.

SEC. 1563. SENSE OF THE SENATE PROMOTING FISCAL RESPONSIBILITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Based on Congressional Budget Office (CBO) estimates, this Act will reduce the Federal deficit between 2010 and 2019.

(2) CBO projects this Act will continue to reduce budget deficits after 2019.

(3) Based on CBO estimates, this Act will extend the solvency of the Medicare HI Trust Fund.

(4) This Act will increase the surplus in the Social Security Trust Fund, which should be reserved to strengthen the finances of Social Security.

(5) The initial net savings generated by the Community Living Assistance Services and Supports (CLASS) program are necessary to ensure the long-term solvency of that program.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the additional surplus in the Social Security Trust Fund generated by this Act should be reserved for Social Security and not spent in this Act for other purposes; and

(2) the net savings generated by the CLASS program should be reserved for the CLASS program and not spent in this Act for other purposes.

TITLE II—ROLE OF PUBLIC PROGRAMS

Subtitle A—Improved Access to Medicaid

SEC. 2001. MEDICAID COVERAGE FOR THE LOWEST INCOME POPULATIONS.

(a) COVERAGE FOR INDIVIDUALS WITH INCOME AT OR BELOW 133 PERCENT OF THE POVERTY LINE.—

(1) BEGINNING 2014.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) by striking ''or'' at the end of subclause (VI);

(B) by adding ''or'' at the end of subclause (VII); and

(C) by inserting after subclause (VII) the following:

''(VIII) beginning January 1, 2014, who are under 65 years of age, not pregnant, not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVIII, and are not described in a previous subclause of this clause, and whose income (as determined under subsection (e)(14)) does not exceed 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved, subject to subsection (k);''.

(2) PROVISION OF AT LEAST MINIMUM ESSENTIAL COVERAGE.—

(A) IN GENERAL.—Section 1902 of such Act (42 U.S.C. 1396a) is amended by inserting after subsection (j) the following:

''(k)(1) The medical assistance provided to an individual described in subclause (VIII) of subsection (a)(10)(A)(i) shall consist of benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2). Such medical assistance shall be provided subject to the requirements of section 1937, without regard to whether a State otherwise has elected the option to provide medical assistance through coverage under that section, unless an individual described in subclause (VIII) of subsection (a)(10)(A)(i) is also an individual for whom, under subparagraph (B) of section 1937(a)(2), the State may not require enrollment in benchmark coverage described in subsection (b)(1) of section 1937 or benchmark equivalent coverage described in subsection (b)(2) of that section.''.

(B) CONFORMING AMENDMENT.—Section 1903(i) of the Social Security Act, as amended by section 6402(c), is amended—

(i) in paragraph (24), by striking ''or'' at the end;

(ii) in paragraph (25), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(26) with respect to any amounts expended for medical assistance for individuals described in subclause (VIII) of subsection (a)(10)(A)(i) other than medical assistance provided through benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2).''.

(3) FEDERAL FUNDING FOR COST OF COVERING NEWLY ELIGIBLE INDIVIDUALS.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), is amended—

(A) in subsection (b), in the first sentence, by inserting ''subsection (y) and'' before ''section 1933(d)''; and

(B) by adding at the end the following new subsection:

''(y) INCREASED FMAP FOR MEDICAL ASSISTANCE FOR NEWLY ELIGIBLE MANDATORY INDIVIDUALS.—

''(1) AMOUNT OF INCREASE.—

''(A) 100 PERCENT FMAP.—During the period that begins on January 1, 2014, and ends on December 31, 2016, notwithstanding subsection (b), the Federal medical assistance percentage determined for a State that is one of the 50 States or the District of Columbia for each fiscal year occurring during that period with respect to amounts expended for medical assistance for newly eligible individuals described in subclause (VIII) of section 1902(a)(10)(A)(i) shall be equal to 100 percent.

''(B) 2017 AND 2018.—

''(i) IN GENERAL.—During the period that begins on January 1, 2017, and ends on December 31, 2018, notwithstanding subsection (b) and subject to subparagraph (D), the Federal medical assistance percentage determined for a State that is one of the 50 States or the District of Columbia for each fiscal year occurring during that period with respect to amounts expended for medical assistance for newly eligible individuals described in subclause (VIII) of section 1902(a)(10)(A)(i), shall be increased by the applicable percentage point increase specified in clause (ii) for the quarter and the State.

''(ii) APPLICABLE PERCENTAGE POINT INCREASE.—

''(I) IN GENERAL.—For purposes of clause (i), the applicable percentage point increase for a quarter is the following:

"For any fiscal year quarter occurring in the calendar year:	*If the State is an expansion State, the applicable percentage point increase is:*	*If the State is not an expansion State, the applicable percentage point increase is:*
2017	*30.3*	*34.3*
2018	*31.3*	*33.3*

''(II) EXPANSION STATE DEFINED.—For purposes of the table in subclause (I), a State is an expansion State if, on the date of the enactment of the Patient Protection and Affordable Care Act, the State offers health benefits coverage statewide to parents and nonpregnant, childless adults whose income is at least 100 percent of the poverty line, that is not dependent on access to employer coverage, employer contribution, or employment and is not limited to premium assistance, hospital-only benefits, a high deductible health plan, or alternative benefits under a demonstration program authorized under section 1938. A State that offers health benefits coverage to only parents or only nonpregnant childless adults described in the preceding sentence shall not be considered to be an expansion State.

''(C) 2019 AND SUCCEEDING YEARS.—Beginning January 1, 2019, notwithstanding subsection (b) but subject to subparagraph (D), the Federal medical assistance percentage determined for a State that is one of the 50 States or the District of Columbia for each fiscal year quarter occurring during that period with respect to amounts expended for medical assistance for newly eligible individuals described in subclause (VIII) of section 1902(a)(10)(A)(i), shall be increased by 32.3 percentage points.

''(D) LIMITATION.—The Federal medical assistance percentage determined for a State under subparagraph (B) or (C) shall in no case be more than 95 percent.

''(2) DEFINITIONS.—In this subsection:

''(A) NEWLY ELIGIBLE.—The term 'newly eligible' means, with respect to an individual described in subclause (VIII) of section 1902(a)(10)(A)(i), an individual who is not under 19 years of age (or such higher age as the State may have elected) and who, on the date of enactment of the Patient Protection and Affordable Care Act, is not eligible under the State plan or under a waiver of the plan for full benefits or for benchmark coverage described in subparagraph (A), (B), or (C) of section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2) that has an aggregate actuarial value that is at least actuarially equivalent to benchmark coverage described in subparagraph (A), (B), or (C) of section 1937(b)(1), or is eligible but not enrolled (or is on a waiting list) for such benefits or coverage through a waiver under the plan that has a capped or limited enrollment that is full.

''(B) FULL BENEFITS.—The term 'full benefits' means, with respect to an individual, medical assistance for all services covered under the State plan under this title that is not less in amount, duration, or scope, or is determined by the Secretary to be substantially equivalent, to the medical assistance available for an individual described in section 1902(a)(10)(A)(i).''.

(4) STATE OPTIONS TO OFFER COVERAGE EARLIER AND PRESUMPTIVE ELIGIBILITY; CHILDREN REQUIRED TO HAVE COVERAGE FOR PARENTS TO BE ELIGIBLE.—

(A) IN GENERAL.—Subsection (k) of section 1902 of the Social Security Act (as added by paragraph (2)), is amended by inserting after paragraph (1) the following:

''(2) Beginning with the first day of any fiscal year quarter that begins on or after January 1, 2011, and before January 1, 2014, a State may elect through a State plan amendment to provide medical assistance to individuals who would be described in subclause (VIII) of subsection (a)(10)(A)(i) if that subclause were effective before January 1, 2014. A State may elect to phase-in the extension of eligibility for medical assistance to such individuals based on income, so long as the State does not extend such eligibility to individuals described in such subclause with higher income before making individuals described in such subclause with lower income eligible for medical assistance.

''(3) If an individual described in subclause (VIII) of subsection (a)(10)(A)(i) is the parent of a child who is under 19 years of age (or such higher age as the State may have elected) who is eligible for medical assistance under the State plan or under a waiver of such plan (under that subclause or under a State plan amendment under paragraph (2), the individual may not be enrolled under the State plan unless the individual's child is enrolled under the State plan or under a waiver of the plan or is enrolled in other health insurance coverage. For purposes of the preceding sentence, the term 'parent' includes an individual treated as a caretaker relative for purposes of carrying out section 1931.''.

(B) PRESUMPTIVE ELIGIBILITY.—Section 1920 of the Social Security Act (42 U.S.C. 1396r–1) is amended by adding at the end the following:

''(e) If the State has elected the option to provide a presumptive eligibility period under this section or section 1920A, the State may elect to provide a presumptive eligibility period (as defined in subsection (b)(1)) for individuals who are eligible for medical assistance under clause (i)(VIII) of subsection (a)(10)(A) or section 1931 in the same manner as the State provides for such a period under this section or section 1920A, subject to such guidance as the Secretary shall establish.''.

(5) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(10) of such Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G), by striking ''and (XIV)'' and inserting ''(XIV)'' and by inserting ''and (XV) the medical assistance made available to an individual described in subparagraph (A)(i)(VIII) shall be limited to medical assistance described in subsection (k)(1)'' before the semicolon.

(B) Section 1902(l)(2)(C) of such Act (42 U.S.C. 1396a(l)(2)(C)) is amended by striking ''100'' and inserting ''133''.

(C) Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) by striking ''or'' at the end of clause (xii);

(ii) by inserting ''or'' at the end of clause (xiii); and

(iii) by inserting after clause (xiii) the following:

''(xiv) individuals described in section 1902(a)(10)(A)(i)(VIII),''.

(D) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended by inserting ''1902(a)(10)(A)(i)(VIII),'' after ''1902(a)(10)(A)(i)(VII),''.

(E) Section 1937(a)(1)(B) of such Act (42 U.S.C. 1396u–7(a)(1)(B)) is amended by inserting ''subclause (VIII) of section 1902(a)(10)(A)(i) or under'' after ''eligible under''.

(b) MAINTENANCE OF MEDICAID INCOME ELIGIBILITY.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (72);

(B) by striking the period at the end of paragraph (73) and inserting ''; and''; and

(C) by inserting after paragraph (73) the following new paragraph:

''(74) provide for maintenance of effort under the State plan or under any waiver of the plan in accordance with subsection (gg).''; and

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

''(gg) MAINTENANCE OF EFFORT.—

''(1) GENERAL REQUIREMENT TO MAINTAIN ELIGIBILITY STANDARDS UNTIL STATE EXCHANGE IS FULLY OPERATIONAL.—Subject to the succeeding paragraphs of this subsection, during the period that begins on the date of enactment of the Patient Protection and Affordable Care Act and ends on the date on which the Secretary determines that an Exchange established by the State under section 1311 of the Patient Protection and Affordable Care Act is fully operational, as a condition for receiving any Federal payments under section 1903(a) for calendar quarters occurring during such period, a State shall not have in effect eligibility standards, methodologies, or procedures under the State plan under this title or under any waiver of such plan that is in effect during that period, that are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under the plan or waiver that are in effect on the date of enactment of the Patient Protection and Affordable Care Act.

''(2) CONTINUATION OF ELIGIBILITY STANDARDS FOR CHILDREN UNTIL OCTOBER 1, 2019.—The requirement under paragraph (1) shall continue to

apply to a State through September 30, 2019, with respect to the eligibility standards, methodologies, and procedures under the State plan under this title or under any waiver of such plan that are applicable to determining the eligibility for medical assistance of any child who is under 19 years of age (or such higher age as the State may have elected).

''(3) NONAPPLICATION.—During the period that begins on January 1, 2011, and ends on December 31, 2013, the requirement under paragraph (1) shall not apply to a State with respect to nonpregnant, nondisabled adults who are eligible for medical assistance under the State plan or under a waiver of the plan at the option of the State and whose income exceeds 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved if, on or after December 31, 2010, the State certifies to the Secretary that, with respect to the State fiscal year during which the certification is made, the State has a budget deficit, or with respect to the succeeding State fiscal year, the State is projected to have a budget deficit. Upon submission of such a certification to the Secretary, the requirement under paragraph (1) shall not apply to the State with respect to any remaining portion of the period described in the preceding sentence.

''(4) DETERMINATION OF COMPLIANCE.—

''(A) STATES SHALL APPLY MODIFIED GROSS INCOME.—A State's determination of income in accordance with subsection (e)(14) shall not be considered to be eligibility standards, methodologies, or procedures that are more restrictive than the standards, methodologies, or procedures in effect under the State plan or under a waiver of the plan on the date of enactment of the Patient Protection and Affordable Care Act for purposes of determining compliance with the requirements of paragraph (1), (2), or (3).

''(B) STATES MAY EXPAND ELIGIBILITY OR MOVE WAIVERED POPULATIONS INTO COVERAGE UNDER THE STATE PLAN.—With respect to any period applicable under paragraph (1), (2), or (3), a State that applies eligibility standards, methodologies, or procedures under the State plan under this title or under any waiver of the plan that are less restrictive than the eligibility standards, methodologies, or procedures, applied under the State plan or under a waiver of the plan on the date of enactment of the Patient Protection and Affordable Care Act, or that makes individuals who, on such date of enactment, are eligible for medical assistance under a waiver of the State plan, after such date of enactment eligible for medical assistance through a State plan amendment with an income eligibility level that is not less than the income eligibility level that applied under the waiver, or as a result of the application of subclause (VIII) of section 1902(a)(10)(A)(i), shall not be considered to have in effect eligibility standards, methodologies, or procedures that are more restrictive than the standards, methodologies, or procedures in effect under the State plan or under a waiver of the plan on the date of enactment of the Patient Protection and Affordable Care Act for purposes of determining compliance with the requirements of paragraph (1), (2), or (3).''.

(c) MEDICAID BENCHMARK BENEFITS MUST CONSIST OF AT LEAST MINIMUM ESSENTIAL COVERAGE.—Section 1937(b) of such Act (42 U.S.C. 1396u–7(b)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''subject to paragraphs (5) and (6),'' before ''each'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting ''subject to paragraphs (5) and (6)'' after ''subsection (a)(1),'';

(B) in subparagraph (A)—

(i) by redesignating clauses (iv) and (v) as clauses (vi) and (vii), respectively; and

(ii) by inserting after clause (iii), the following:

''(iv) Coverage of prescription drugs.

''(v) Mental health services.''; and

(C) in subparagraph (C)—

(i) by striking clauses (i) and (ii); and

(ii) by redesignating clauses (iii) and (iv) as clauses (i) and (ii), respectively; and

(3) by adding at the end the following new paragraphs:

''(5) MINIMUM STANDARDS.—Effective January 1, 2014, any benchmark benefit package under paragraph (1) or benchmark equivalent coverage under paragraph (2) must provide at least essential health benefits as described in section 1302(b) of the Patient Protection and Affordable Care Act.

''(6) MENTAL HEALTH SERVICES PARITY.—

''(A) IN GENERAL.—In the case of any benchmark benefit package under paragraph (1) or benchmark equivalent coverage under paragraph (2) that is offered by an entity that is not a medicaid managed care organization and that provides both medical and surgical benefits and mental health or substance use disorder benefits, the entity shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance use disorder benefits comply with the requirements of section 2705(a) of the Public Health Service Act in the same manner as such requirements apply to a group health plan.

''(B) DEEMED COMPLIANCE.—Coverage provided with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), shall be deemed to satisfy the requirements of subparagraph (A).''.

(d) ANNUAL REPORTS ON MEDICAID ENROLLMENT.—

(1) STATE REPORTS.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by subsection (b), is amended—

(A) by striking ''and'' at the end of paragraph (73);

(B) by striking the period at the end of paragraph (74) and inserting ''; and''; and

(C) by inserting after paragraph (74) the following new paragraph:

''(75) provide that, beginning January 2015, and annually thereafter, the State shall submit a report to the Secretary that contains—

''(A) the total number of enrolled and newly enrolled individuals in the State plan or under a waiver of the plan for the fiscal year ending on September 30 of the preceding calendar year, disaggregated by population, including children, parents, nonpregnant childless adults, disabled individuals, elderly individuals, and such other categories or sub-categories of individuals eligible for medical assistance under the State plan or under a waiver of the plan as the Secretary may require;

''(B) a description, which may be specified by population, of the outreach and enrollment processes used by the State during such fiscal year; and

''(C) any other data reporting determined necessary by the Secretary to monitor enrollment and retention of individuals eligible for medical assistance under the State plan or under a waiver of the plan.''.

(2) REPORTS TO CONGRESS.—Beginning April 2015, and annually thereafter, the Secretary of Health and Human Services shall submit a report to the appropriate committees of Congress on the total enrollment and new enrollment in Medicaid for the fiscal year ending on September 30 of the preceding calendar year on a national and State-by-State basis, and shall include in each such report such recommendations for administrative or legislative changes to improve enrollment in the Medicaid program as the Secretary determines appropriate.

(e) STATE OPTION FOR COVERAGE FOR INDIVIDUALS WITH INCOME THAT EXCEEDS 133 PERCENT OF THE POVERTY LINE.—

(1) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10)(A)(ii)—

(i) in subclause (XVIII), by striking ''or'' at the end;

(ii) in subclause (XIX), by adding ''or'' at the end; and

(iii) by adding at the end the following new subclause:

''(XX) beginning January 1, 2014, who are under 65 years of age and are not described in or enrolled under a previous subclause of this clause, and whose income (as determined under subsection (e)(14)) exceeds 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved but does not exceed the highest income eligibility level established under the State plan or under a waiver of the plan, subject to subsection (hh);'' and

(B) by adding at the end the following new subsection:

''(hh)(1) A State may elect to phase-in the extension of eligibility for medical assistance to individuals described in subclause (XX) of subsection (a)(10)(A)(ii) based on the categorical group (including nonpregnant childless adults) or income, so long as the State does not extend such eligibility to individuals described in such subclause with higher income before making individuals described in such subclause with lower income eligible for medical assistance.

''(2) If an individual described in subclause (XX) of subsection (a)(10)(A)(ii) is the parent of a child who is under 19 years of age (or such higher age as the State may have elected) who is eligible for medical assistance under the State plan or under a waiver of such plan, the individual may not be enrolled under the State plan unless the individual's child is enrolled under the State plan or under a waiver of the plan or is enrolled in other health insurance coverage. For purposes of the preceding sentence, the term 'parent' includes an individual treated as a caretaker relative for purposes of carrying out section 1931.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1905(a) of such Act (42 U.S.C. 1396d(a)), as amended by subsection (a)(5)(C), is amended in the matter preceding paragraph (1)—

(i) by striking ''or'' at the end of clause (xiii);

(ii) by inserting ''or'' at the end of clause (xiv); and

(iii) by inserting after clause (xiv) the following:

''(xv) individuals described in section 1902(a)(10)(A)(ii)(XX),''.

(B) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended by inserting ''1902(a)(10)(A)(ii)(XX),'' after ''1902(a)(10)(A)(ii)(XIX),''.

(C) Section 1920(e) of such Act (42 U.S.C. 1396r–1(e)), as added by subsection (a)(4)(B), is amended by inserting ''or clause (ii)(XX)'' after ''clause (i)(VIII)''.

SEC. 2002. INCOME ELIGIBILITY FOR NON-ELDERLY DETERMINED USING MODIFIED GROSS INCOME.

(a) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

''(14) INCOME DETERMINED USING MODIFIED GROSS INCOME.—

''(A) IN GENERAL.—Notwithstanding subsection (r) or any other provision of this title, except as provided in subparagraph (D), for purposes of determining income eligibility for medical assistance under the State plan or under any waiver of such plan and for any other purpose applicable under the plan or waiver for which a determination of income is required, including with respect to the imposition of premiums and cost-sharing, a State shall use the modified gross income of an individual and, in the case of an individual in a family greater than 1, the household income of such family. A State shall establish income eligibility thresholds for populations to be eligible for medical assistance under the State plan or a waiver of the plan using modified gross income and household income that are not less than the effective income eligibility levels that applied

under the State plan or waiver on the date of enactment of the Patient Protection and Affordable Care Act. For purposes of complying with the maintenance of effort requirements under subsection (gg) during the transition to modified gross income and household income, a State shall, working with the Secretary, establish an equivalent income test that ensures individuals eligible for medical assistance under the State plan or under a waiver of the plan on the date of enactment of the Patient Protection and Affordable Care Act, do not lose coverage under the State plan or under a waiver of the plan. The Secretary may waive such provisions of this title and title XXI as are necessary to ensure that States establish income and eligibility determination systems that protect beneficiaries.

''(B) NO INCOME OR EXPENSE DISREGARDS.—No type of expense, block, or other income disregard shall be applied by a State to determine income eligibility for medical assistance under the State plan or under any waiver of such plan or for any other purpose applicable under the plan or waiver for which a determination of income is required.

''(C) NO ASSETS TEST.—A State shall not apply any assets or resources test for purposes of determining eligibility for medical assistance under the State plan or under a waiver of the plan.

''(D) EXCEPTIONS.—

''(i) INDIVIDUALS ELIGIBLE BECAUSE OF OTHER AID OR ASSISTANCE, ELDERLY INDIVIDUALS, MEDICALLY NEEDY INDIVIDUALS, AND INDIVIDUALS ELIGIBLE FOR MEDICARE COST-SHARING.—Subparagraphs (A), (B), and (C) shall not apply to the determination of eligibility under the State plan or under a waiver for medical assistance for the following:

''(I) Individuals who are eligible for medical assistance under the State plan or under a waiver of the plan on a basis that does not require a determination of income by the State agency administering the State plan or waiver, including as a result of eligibility for, or receipt of, other Federal or State aid or assistance, individuals who are eligible on the basis of receiving (or being treated as if receiving) supplemental security income benefits under title XVI, and individuals who are eligible as a result of being or being deemed to be a child in foster care under the responsibility of the State.

''(II) Individuals who have attained age 65.

''(III) Individuals who qualify for medical assistance under the State plan or under any waiver of such plan on the basis of being blind or disabled (or being treated as being blind or disabled) without regard to whether the individual is eligible for supplemental security income benefits under title XVI on the basis of being blind or disabled and including an individual who is eligible for medical assistance on the basis of section 1902(e)(3).

''(IV) Individuals described in subsection (a)(10)(C).

''(V) Individuals described in any clause of subsection (a)(10)(E).

''(ii) EXPRESS LANE AGENCY FINDINGS.—In the case of a State that elects the Express Lane option under paragraph (13), notwithstanding subparagraphs (A), (B), and (C), the State may rely on a finding made by an Express Lane agency in accordance with that paragraph relating to the income of an individual for purposes of determining the individual's eligibility for medical assistance under the State plan or under a waiver of the plan.

''(iii) MEDICARE PRESCRIPTION DRUG SUBSIDIES DETERMINATIONS.—Subparagraphs (A), (B), and (C) shall not apply to any determinations of eligibility for premium and cost-sharing subsidies under and in accordance with section 1860D–14 made by the State pursuant to section 1935(a)(2).

''(iv) LONG-TERM CARE.—Subparagraphs (A), (B), and (C) shall not apply to any determinations of eligibility of individuals for purposes of medical assistance for nursing facility services, a level of care in any institution equivalent to that of nursing facility services, home or community-based services furnished under a waiver or State plan amendment under section 1915 or a waiver under section 1115, and services described in section 1917(c)(1)(C)(ii).

''(v) GRANDFATHER OF CURRENT ENROLLEES UNTIL DATE OF NEXT REGULAR REDETERMINATION.—An individual who, on January 1, 2014, is enrolled in the State plan or under a waiver of the plan and who would be determined ineligible for medical assistance solely because of the application of the modified gross income or household income standard described in subparagraph (A), shall remain eligible for medical assistance under the State plan or waiver (and subject to the same premiums and cost-sharing as applied to the individual on that date) through March 31, 2014, or the date on which the individual's next regularly scheduled redetermination of eligibility is to occur, whichever is later.

''(E) TRANSITION PLANNING AND OVERSIGHT.—Each State shall submit to the Secretary for the Secretary's approval the income eligibility thresholds proposed to be established using modified gross income and household income, the methodologies and procedures to be used to determine income eligibility using modified gross income and household income and, if applicable, a State plan amendment establishing an optional eligibility category under subsection (a)(10)(A)(ii)(XX). To the extent practicable, the State shall use the same methodologies and procedures for purposes of making such determinations as the State used on the date of enactment of the Patient Protection and Affordable Care Act. The Secretary shall ensure that the income eligibility thresholds proposed to be established using modified gross income and household income, including under the eligibility category established under subsection (a)(10)(A)(ii)(XX), and the methodologies and procedures proposed to be used to determine income eligibility, will not result in children who would have been eligible for medical assistance under the State plan or under a waiver of the plan on the date of enactment of the Patient Protection and Affordable Care Act no longer being eligible for such assistance.

''(F) LIMITATION ON SECRETARIAL AUTHORITY.—The Secretary shall not waive compliance with the requirements of this paragraph except to the extent necessary to permit a State to coordinate eligibility requirements for dual eligible individuals (as defined in section 1915(h)(2)(B)) under the State plan or under a waiver of the plan and under title XVIII and individuals who require the level of care provided in a hospital, a nursing facility, or an intermediate care facility for the mentally retarded.

''(G) DEFINITIONS OF MODIFIED GROSS INCOME AND HOUSEHOLD INCOME.—In this paragraph, the terms 'modified gross income' and 'household income' have the meanings given such terms in section 36B(d)(2) of the Internal Revenue Code of 1986.

''(H) CONTINUED APPLICATION OF MEDICAID RULES REGARDING POINT-IN-TIME INCOME AND SOURCES OF INCOME.—The requirement under this paragraph for States to use modified gross income and household income to determine income eligibility for medical assistance under the State plan or under any waiver of such plan and for any other purpose applicable under the plan or waiver for which a determination of income is required shall not be construed as affecting or limiting the application of—

''(i) the requirement under this title and under the State plan or a waiver of the plan to determine an individual's income as of the point in time at which an application for medical assistance under the State plan or a waiver of the plan is processed; or

''(ii) any rules established under this title or under the State plan or a waiver of the plan regarding sources of countable income.''.

(b) CONFORMING AMENDMENT.—Section 1902(a)(17) of such Act (42 U.S.C. 1396a(a)(17)) is amended by inserting ''(e)(14),'' before ''(l)(3)''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on January 1, 2014.

SEC. 2003. REQUIREMENT TO OFFER PREMIUM ASSISTANCE FOR EMPLOYER-SPONSORED INSURANCE.

(a) IN GENERAL.—Section 1906A of such Act (42 U.S.C. 1396e–1) is amended—

(1) in subsection (a)—

(A) by striking ''may elect to'' and inserting ''shall'';

(B) by striking ''under age 19''; and

(C) by inserting '', in the case of an individual under age 19,'' after ''(and'';

(2) in subsection (c), in the first sentence, by striking ''under age 19''; and

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in the first sentence, by striking ''under age 19''; and

(ii) by striking the third sentence and inserting ''A State may not require, as a condition of an individual (or the individual's parent) being or remaining eligible for medical assistance under this title, that the individual (or the individual's parent) apply for enrollment in qualified employer-sponsored coverage under this section.''; and

(B) in paragraph (3), by striking ''the parent of an individual under age 19'' and inserting ''an individual (or the parent of an individual)''; and

(4) in subsection (e), by striking ''under age 19'' each place it appears.

(b) CONFORMING AMENDMENT.—The heading for section 1906A of such Act (42 U.S.C. 1396e–1) is amended by striking ''OPTION FOR CHILDREN''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2014.

SEC. 2004. MEDICAID COVERAGE FOR FORMER FOSTER CARE CHILDREN.

(a) IN GENERAL.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a), as amended by section 2001(a)(1), is amended—

(1) by striking ''or'' at the end of subclause (VII);

(2) by adding ''or'' at the end of subclause (VIII); and

(3) by inserting after subclause (VIII) the following:

''(IX) who were in foster care under the responsibility of a State for more than 6 months (whether or not consecutive) but are no longer in such care, who are not described in any of subclauses (I) through (VII) of this clause, and who are under 25 years of age;''.

(b) OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—Section 1920(e) of such Act (42 U.S.C. 1396r–1(e)), as added by section 2001(a)(4)(B) and amended by section 2001(e)(2)(C), is amended by inserting '', clause (i)(IX),'' after ''clause (i)(VIII)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)), as amended by section 2001(a)(5)(D), is amended by inserting ''1902(a)(10)(A)(i)(IX),'' after ''1902(a)(10)(A)(i)(VIII),''.

(2) Section 1937(a)(2)(B)(viii) of such Act (42 U.S.C. 1396u–7(a)(2)(B)(viii)) is amended by inserting '', or the individual qualifies for medical assistance on the basis of section 1902(a)(10)(A)(i)(IX)'' before the period.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2019.

SEC. 2005. PAYMENTS TO TERRITORIES.

(a) INCREASE IN LIMIT ON PAYMENTS.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (5)'';

(2) in paragraph (4), by striking ''and (3)'' and inserting ''(3), and (4)''; and

(3) by adding at the end the following paragraph:

''(5) FISCAL YEAR 2011 AND THEREAFTER.—The amounts otherwise determined under this subsection for Puerto Rico, the Virgin Islands,

Guam, the Northern Mariana Islands, and American Samoa for the second, third, and fourth quarters of fiscal year 2011, and for each fiscal year after fiscal year 2011 (after the application of subsection (f) and the preceding paragraphs of this subsection), shall be increased by 30 percent.''.

(b) DISREGARD OF PAYMENTS FOR MANDATORY EXPANDED ENROLLMENT.—Section 1108(g)(4) of such Act (42 U.S.C. 1308(g)(4)) is amended—

(1) by striking ''to fiscal years beginning'' and inserting ''to—

''(A) fiscal years beginning'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(B) fiscal years beginning with fiscal year 2014, payments made to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa with respect to amounts expended for medical assistance for newly eligible (as defined in section 1905(y)(2)) nonpregnant childless adults who are eligible under subclause (VIII) of section 1902(a)(10)(A)(i) and whose income (as determined under section 1902(e)(14)) does not exceed (in the case of each such commonwealth and territory respectively) the income eligibility level in effect for that population under title XIX or under a waiver on the date of enactment of the Patient Protection and Affordable Care Act, shall not be taken into account in applying subsection (f) (as increased in accordance with paragraphs (1), (2), (3), and (5) of this subsection) to such commonwealth or territory for such fiscal year.''.

(c) INCREASED FMAP.—

(1) IN GENERAL.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by striking ''shall be 50 per centum'' and inserting ''shall be 55 percent''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on January 1, 2011.

SEC. 2006. SPECIAL ADJUSTMENT TO FMAP DETERMINATION FOR CERTAIN STATES RECOVERING FROM A MAJOR DISASTER.

Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by sections 2001(a)(3) and 2001(b)(2), is amended—

(1) in subsection (b), in the first sentence, by striking ''subsection (y)'' and inserting ''subsections (y) and (aa)''; and

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

''(aa)(1) Notwithstanding subsection (b), beginning January 1, 2011, the Federal medical assistance percentage for a fiscal year for a disaster-recovery FMAP adjustment State shall be equal to the following:

''(A) In the case of the first fiscal year (or part of a fiscal year) for which this subsection applies to the State, the Federal medical assistance percentage determined for the fiscal year without regard to this subsection and subsection (y), increased by 50 percent of the number of percentage points by which the Federal medical assistance percentage determined for the State for the fiscal year without regard to this subsection and subsection (y), is less than the Federal medical assistance percentage determined for the State for the preceding fiscal year after the application of only subsection (a) of section 5001 of Public Law 111–5 (if applicable to the preceding fiscal year) and without regard to this subsection, subsection (y), and subsections (b) and (c) of section 5001 of Public Law 111–5.

''(B) In the case of the second or any succeeding fiscal year for which this subsection applies to the State, the Federal medical assistance percentage determined for the preceding fiscal year under this subsection for the State, increased by 25 percent of the number of percentage points by which the Federal medical assistance percentage determined for the State for the fiscal year without regard to this subsection and subsection (y), is less than the Federal medical assistance percentage determined for the State for the preceding fiscal year under this subsection.

''(2) In this subsection, the term 'disaster-recovery FMAP adjustment State' means a State that is one of the 50 States or the District of Columbia, for which, at any time during the preceding 7 fiscal years, the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and determined as a result of such disaster that every county or parish in the State warrant individual and public assistance or public assistance from the Federal Government under such Act and for which—

''(A) in the case of the first fiscal year (or part of a fiscal year) for which this subsection applies to the State, the Federal medical assistance percentage determined for the State for the fiscal year without regard to this subsection and subsection (y), is less than the Federal medical assistance percentage determined for the State for the preceding fiscal year after the application of only subsection (a) of section 5001 of Public Law 111–5 (if applicable to the preceding fiscal year) and without regard to this subsection, subsection (y), and subsections (b) and (c) of section 5001 of Public Law 111–5, by at least 3 percentage points; and

''(B) in the case of the second or any succeeding fiscal year for which this subsection applies to the State, the Federal medical assistance percentage determined for the State for the fiscal year without regard to this subsection and subsection (y), is less than the Federal medical assistance percentage determined for the State for the preceding fiscal year under this subsection by at least 3 percentage points.

''(3) The Federal medical assistance percentage determined for a disaster-recovery FMAP adjustment State under paragraph (1) shall apply for purposes of this title (other than with respect to disproportionate share hospital payments described in section 1923 and payments under this title that are based on the enhanced FMAP described in 2105(b)) and shall not apply with respect to payments under title IV (other than under part E of title IV) or payments under title XXI.''.

SEC. 2007. MEDICAID IMPROVEMENT FUND RESCISSION.

(a) RESCISSION.—Any amounts available to the Medicaid Improvement Fund established under section 1941 of the Social Security Act (42 U.S.C. 1396w–1) for any of fiscal years 2014 through 2018 that are available for expenditure from the Fund and that are not so obligated as of the date of the enactment of this Act are rescinded.

(b) CONFORMING AMENDMENTS.—Section 1941(b)(1) of the Social Security Act (42 U.S.C. 1396w–1(b)(1)) is amended—

(1) in subparagraph (A), by striking ''$100,000,000'' and inserting ''$0''; and

(2) in subparagraph (B), by striking ''$150,000,000'' and inserting ''$0''.

Subtitle B—Enhanced Support for the Children's Health Insurance Program

SEC. 2101. ADDITIONAL FEDERAL FINANCIAL PARTICIPATION FOR CHIP.

(a) IN GENERAL.—Section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) is amended by adding at the end the following: ''Notwithstanding the preceding sentence, during the period that begins on October 1, 2013, and ends on September 30, 2019, the enhanced FMAP determined for a State for a fiscal year (or for any portion of a fiscal year occurring during such period) shall be increased by 23 percentage points, but in no case shall exceed 100 percent. The increase in the enhanced FMAP under the preceding sentence shall not apply with respect to determining the payment to a State under subsection (a)(1) for expenditures described in subparagraph (D)(iv), paragraphs (8), (9), (11) of subsection (c), or clause (4) of the first sentence of section 1905(b).''.

(b) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—Section 2105(d) of the Social Security Act (42 U.S.C. 1397ee(d)) is amended by adding at the end the following:

''(3) CONTINUATION OF ELIGIBILITY STANDARDS FOR CHILDREN UNTIL OCTOBER 1, 2019.—

''(A) IN GENERAL.—During the period that begins on the date of enactment of the Patient Protection and Affordable Care Act and ends on September 30, 2019, a State shall not have in effect eligibility standards, methodologies, or procedures under its State child health plan (including any waiver under such plan) for children (including children provided medical assistance for which payment is made under section 2105(a)(1)(A)) that are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on the date of enactment of that Act. The preceding sentence shall not be construed as preventing a State during such period from—

''(i) applying eligibility standards, methodologies, or procedures for children under the State child health plan or under any waiver of the plan that are less restrictive than the eligibility standards, methodologies, or procedures, respectively, for children under the plan or waiver that are in effect on the date of enactment of such Act; or

''(ii) imposing a limitation described in section 2112(b)(7) for a fiscal year in order to limit expenditures under the State child health plan to those for which Federal financial participation is available under this section for the fiscal year.

''(B) ASSURANCE OF EXCHANGE COVERAGE FOR TARGETED LOW-INCOME CHILDREN UNABLE TO BE PROVIDED CHILD HEALTH ASSISTANCE AS A RESULT OF FUNDING SHORTFALLS.—In the event that allotments provided under section 2104 are insufficient to provide coverage to all children who are eligible to be targeted low-income children under the State child health plan under this title, a State shall establish procedures to ensure that such children are provided coverage through an Exchange established by the State under section 1311 of the Patient Protection and Affordable Care Act.''.

(2) CONFORMING AMENDMENT TO TITLE XXI MEDICAID MAINTENANCE OF EFFORT.—Section 2105(d)(1) of the Social Security Act (42 U.S.C. 1397ee(d)(1)) is amended by adding before the period '', except as required under section 1902(e)(14)''.

(c) NO ENROLLMENT BONUS PAYMENTS FOR CHILDREN ENROLLED AFTER FISCAL YEAR 2013.—Section 2105(a)(3)(F)(iii) of the Social Security Act (42 U.S.C. 1397ee(a)(3)(F)(iii)) is amended by inserting ''or any children enrolled on or after October 1, 2013'' before the period.

(d) INCOME ELIGIBILITY DETERMINED USING MODIFIED GROSS INCOME.—

(1) STATE PLAN REQUIREMENT.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) in clause (iii), by striking ''and'' after the semicolon;

(B) in clause (iv), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(v) shall, beginning January 1, 2014, use modified gross income and household income (as defined in section 36B(d)(2) of the Internal Revenue Code of 1986) to determine eligibility for child health assistance under the State child health plan or under any waiver of such plan and for any other purpose applicable under the plan or waiver for which a determination of income is required, including with respect to the imposition of premiums and cost-sharing, consistent with section 1902(e)(14).''.

(2) CONFORMING AMENDMENT.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (E) through (L) as subparagraphs (F) through (M), respectively; and

(B) by inserting after subparagraph (D), the following:

''(E) Section 1902(e)(14) (relating to income determined using modified gross income and household income).''.

(e) APPLICATION OF STREAMLINED ENROLLMENT SYSTEM.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)), as amended by subsection (d)(2), is amended by adding at the end the following:

''(N) Section 1943(b) (relating to coordination with State Exchanges and the State Medicaid agency).''.

(f) CHIP ELIGIBILITY FOR CHILDREN INELIGIBLE FOR MEDICAID AS A RESULT OF ELIMINATION OF DISREGARDS.—Notwithstanding any other provision of law, a State shall treat any child who is determined to be ineligible for medical assistance under the State Medicaid plan or under a waiver of the plan as a result of the elimination of the application of an income disregard based on expense or type of income, as required under section 1902(e)(14) of the Social Security Act (as added by this Act), as a targeted low-income child under section 2110(b) (unless the child is excluded under paragraph (2) of that section) and shall provide child health assistance to the child under the State child health plan (whether implemented under title XIX or XXI, or both, of the Social Security Act).

SEC. 2102. TECHNICAL CORRECTIONS.

(a) CHIPRA.—Effective as if included in the enactment of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) (in this section referred to as ''CHIPRA''):

(1) Section 2104(m) of the Social Security Act, as added by section 102 of CHIPRA, is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6), the following:

''(7) ADJUSTMENT OF FISCAL YEAR 2010 ALLOTMENTS TO ACCOUNT FOR CHANGES IN PROJECTED SPENDING FOR CERTAIN PREVIOUSLY APPROVED EXPANSION PROGRAMS.—For purposes of recalculating the fiscal year 2010 allotment, in the case of one of the 50 States or the District of Columbia that has an approved State plan amendment effective January 1, 2006, to provide child health assistance through the provision of benefits under the State plan under title XIX for children from birth through age 5 whose family income does not exceed 200 percent of the poverty line, the Secretary shall increase the allotment by an amount that would be equal to the Federal share of expenditures that would have been claimed at the enhanced FMAP rate rather than the Federal medical assistance percentage matching rate for such population.''.

(2) Section 605 of CHIPRA is amended by striking ''legal residents'' and insert ''lawfully residing in the United States''.

(3) Subclauses (I) and (II) of paragraph (3)(C)(i) of section 2105(a) of the Social Security Act (42 U.S.C. 1397ee(a)(3)(ii)), as added by section 104 of CHIPRA, are each amended by striking '', respectively''.

(4) Section 2105(a)(3)(E)(ii) of the Social Security Act (42 U.S.C. 1397ee(a)(3)(E)(ii)), as added by section 104 of CHIPRA, is amended by striking subclause (IV).

(5) Section 2105(c)(9)(B) of the Social Security Act (42 U.S.C. 1397e(c)(9)(B)), as added by section 211(c)(1) of CHIPRA, is amended by striking ''section 1903(a)(3)(F)'' and inserting ''section 1903(a)(3)(G)''.

(6) Section 2109(b)(2)(B) of the Social Security Act (42 U.S.C. 1397ii(b)(2)(B)), as added by section 602 of CHIPRA, is amended by striking ''the child population growth factor under section 2104(m)(5)(B)'' and inserting ''a high-performing State under section 2111(b)(3)(B)''.

(7) Section 2110(c)(9)(B)(v) of the Social Security Act (42 U.S.C. 1397jj(c)(9)(B)(v)), as added by section 505(b) of CHIPRA, is amended by striking ''school or school system'' and inserting ''local educational agency (as defined under section 9101 of the Elementary and Secondary Education Act of 1965''.

(8) Section 211(a)(1)(B) of CHIPRA is amended—

(A) by striking ''is amended'' and all that follows through ''adding'' and inserting ''is amended by adding''; and

(B) by redesignating the new subparagraph to be added by such section to section 1903(a)(3) of the Social Security Act as a new subparagraph (H).

(b) ARRA.—Effective as if included in the enactment of section 5006(a) of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), the second sentence of section 1916A(a)(1) of the Social Security Act (42 U.S.C. 1396o–1(a)(1)) is amended by striking ''or (i)'' and inserting '', (i), or (j)''.

Subtitle C—Medicaid and CHIP Enrollment Simplification

SEC. 2201. ENROLLMENT SIMPLIFICATION AND COORDINATION WITH STATE HEALTH INSURANCE EXCHANGES.

Title XIX of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

''SEC. 1943. ENROLLMENT SIMPLIFICATION AND COORDINATION WITH STATE HEALTH INSURANCE EXCHANGES.

''(a) CONDITION FOR PARTICIPATION IN MEDICAID.—As a condition of the State plan under this title and receipt of any Federal financial assistance under section 1903(a) for calendar quarters beginning after January 1, 2014, a State shall ensure that the requirements of subsection (b) is met.

''(b) ENROLLMENT SIMPLIFICATION AND COORDINATION WITH STATE HEALTH INSURANCE EXCHANGES AND CHIP.—

''(1) IN GENERAL.—A State shall establish procedures for—

''(A) enabling individuals, through an Internet website that meets the requirements of paragraph (4), to apply for medical assistance under the State plan or under a waiver of the plan, to be enrolled in the State plan or waiver, to renew their enrollment in the plan or waiver, and to consent to enrollment or reenrollment in the State plan through electronic signature;

''(B) enrolling, without any further determination by the State and through such website, individuals who are identified by an Exchange established by the State under section 1311 of the Patient Protection and Affordable Care Act as being eligible for—

''(i) medical assistance under the State plan or under a waiver of the plan; or

''(ii) child health assistance under the State child health plan under title XXI;

''(C) ensuring that individuals who apply for but are determined to be ineligible for medical assistance under the State plan or a waiver or ineligible for child health assistance under the State child health plan under title XXI, are screened for eligibility for enrollment in qualified health plans offered through such an Exchange and, if applicable, premium assistance for the purchase of a qualified health plan under section 36B of the Internal Revenue Code of 1986 (and, if applicable, advance payment of such assistance under section 1412 of the Patient Protection and Affordable Care Act), and, if eligible, enrolled in such a plan without having to submit an additional or separate application, and that such individuals receive information regarding reduced cost-sharing for eligible individuals under section 1402 of the Patient Protection and Affordable Care Act, and any other assistance or subsidies available for coverage obtained through the Exchange;

''(D) ensuring that the State agency responsible for administering the State plan under this title (in this section referred to as the 'State Medicaid agency'), the State agency responsible for administering the State child health plan under title XXI (in this section referred to as the 'State CHIP agency') and an Exchange established by the State under section 1311 of the Patient Protection and Affordable Care Act utilize a secure electronic interface sufficient to allow for a determination of an individual's eligibility for such medical assistance, child health assistance, or premium assistance, and enrollment in the State plan under this title, title XXI, or a qualified health plan, as appropriate;

''(E) coordinating, for individuals who are enrolled in the State plan or under a waiver of the plan and who are also enrolled in a qualified health plan offered through such an Exchange, and for individuals who are enrolled in the State child health plan under title XXI and who are also enrolled in a qualified health plan, the provision of medical assistance or child health assistance to such individuals with the coverage provided under the qualified health plan in which they are enrolled, including services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with the requirements of section 1902(a)(43); and

''(F) conducting outreach to and enrolling vulnerable and underserved populations eligible for medical assistance under this title XIX or for child health assistance under title XXI, including children, unaccompanied homeless youth, children and youth with special health care needs, pregnant women, racial and ethnic minorities, rural populations, victims of abuse or trauma, individuals with mental health or substance-related disorders, and individuals with HIV/AIDS.

''(2) AGREEMENTS WITH STATE HEALTH INSURANCE EXCHANGES.—The State Medicaid agency and the State CHIP agency may enter into an agreement with an Exchange established by the State under section 1311 of the Patient Protection and Affordable Care Act under which the State Medicaid agency or State CHIP agency may determine whether a State resident is eligible for premium assistance for the purchase of a qualified health plan under section 36B of the Internal Revenue Code of 1986 (and, if applicable, advance payment of such assistance under section 1412 of the Patient Protection and Affordable Care Act), so long as the agreement meets such conditions and requirements as the Secretary of the Treasury may prescribe to reduce administrative costs and the likelihood of eligibility errors and disruptions in coverage.

''(3) STREAMLINED ENROLLMENT SYSTEM.—The State Medicaid agency and State CHIP agency shall participate in and comply with the requirements for the system established under section 1413 of the Patient Protection and Affordable Care Act (relating to streamlined procedures for enrollment through an Exchange, Medicaid, and CHIP).

''(4) ENROLLMENT WEBSITE REQUIREMENTS.—The procedures established by State under paragraph (1) shall include establishing and having in operation, not later than January 1, 2014, an Internet website that is linked to any website of an Exchange established by the State under section 1311 of the Patient Protection and Affordable Care Act and to the State CHIP agency (if different from the State Medicaid agency) and allows an individual who is eligible for medical assistance under the State plan or under a waiver of the plan and who is eligible to receive premium credit assistance for the purchase of a qualified health plan under section 36B of the Internal Revenue Code of 1986 to compare the benefits, premiums, and cost-sharing applicable to the individual under the State plan or waiver with the benefits, premiums, and cost-sharing available to the individual under a qualified health plan offered through such an Exchange, including, in the case of a child, the coverage that would be provided for the child through the State plan or waiver with the coverage that would be provided to the child through enrollment in family coverage under that plan and as supplemental coverage by the State under the State plan or waiver.

''(5) CONTINUED NEED FOR ASSESSMENT FOR HOME AND COMMUNITY-BASED SERVICES.—Nothing in paragraph (1) shall limit or modify the requirement that the State assess an individual for purposes of providing home and community-based services under the State plan or under

any waiver of such plan for individuals described in subsection (a)(10)(A)(ii)(VI).''.

SEC. 2202. PERMITTING HOSPITALS TO MAKE PRESUMPTIVE ELIGIBILITY DETERMINATIONS FOR ALL MEDICAID ELIGIBLE POPULATIONS.

(a) IN GENERAL.—Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended—

(1) by striking ''at the option of the State, provide'' and inserting ''provide—

''(A) at the option of the State,'';

(2) by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(B) that any hospital that is a participating provider under the State plan may elect to be a qualified entity for purposes of determining, on the basis of preliminary information, whether any individual is eligible for medical assistance under the State plan or under a waiver of the plan for purposes of providing the individual with medical assistance during a presumptive eligibility period, in the same manner, and subject to the same requirements, as apply to the State options with respect to populations described in section 1920, 1920A, or 1920B (but without regard to whether the State has elected to provide for a presumptive eligibility period under any such sections), subject to such guidance as the Secretary shall establish;''.

(b) CONFORMING AMENDMENT.—Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)v)) is amended—

(1) by striking ''or for'' and inserting ''for''; and

(2) by inserting before the period at the end the following: '', or for medical assistance provided to an individual during a presumptive eligibility period resulting from a determination of presumptive eligibility made by a hospital that elects under section 1902(a)(47)(B) to be a qualified entity for such purpose''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2014, and apply to services furnished on or after that date.

Subtitle D—Improvements to Medicaid Services

SEC. 2301. COVERAGE FOR FREESTANDING BIRTH CENTER SERVICES.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), is amended—

(1) in subsection (a)—

(A) in paragraph (27), by striking ''and'' at the end;

(B) by redesignating paragraph (28) as paragraph (29); and

(C) by inserting after paragraph (27) the following new paragraph:

''(28) freestanding birth center services (as defined in subsection (l)(3)(A)) and other ambulatory services that are offered by a freestanding birth center (as defined in subsection (l)(3)(B)) and that are otherwise included in the plan; and''; and

(2) in subsection (l), by adding at the end the following new paragraph:

''(3)(A) The term 'freestanding birth center services' means services furnished to an individual at a freestanding birth center (as defined in subparagraph (B)) at such center.

''(B) The term 'freestanding birth center' means a health facility—

''(i) that is not a hospital;

''(ii) where childbirth is planned to occur away from the pregnant woman's residence;

''(iii) that is licensed or otherwise approved by the State to provide prenatal labor and delivery or postpartum care and other ambulatory services that are included in the plan; and

''(iv) that complies with such other requirements relating to the health and safety of individuals furnished services by the facility as the State shall establish.

''(C) A State shall provide separate payments to providers administering prenatal labor and delivery or postpartum care in a freestanding birth center (as defined in subparagraph (B)), such as nurse midwives and other providers of services such as birth attendants recognized under State law, as determined appropriate by the Secretary. For purposes of the preceding sentence, the term 'birth attendant' means an individual who is recognized or registered by the State involved to provide health care at childbirth and who provides such care within the scope of practice under which the individual is legally authorized to perform such care under State law (or the State regulatory mechanism provided by State law), regardless of whether the individual is under the supervision of, or associated with, a physician or other health care provider. Nothing in this subparagraph shall be construed as changing State law requirements applicable to a birth attendant.''.

(b) CONFORMING AMENDMENT.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)), is amended in the matter preceding clause (i) by striking ''and (21)'' and inserting '', (21), and (28)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to services furnished on or after such date.

(2) EXCEPTION IF STATE LEGISLATION REQUIRED.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirement imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet this additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 2302. CONCURRENT CARE FOR CHILDREN.

(a) IN GENERAL.—Section 1905(o)(1) of the Social Security Act (42 U.S.C. 1396d(o)(1)) is amended—

(1) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''; and

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

''(C) A voluntary election to have payment made for hospice care for a child (as defined by the State) shall not constitute a waiver of any rights of the child to be provided with, or to have payment made under this title for, services that are related to the treatment of the child's condition for which a diagnosis of terminal illness has been made.''.

(b) APPLICATION TO CHIP.—Section 2110(a)(23) of the Social Security Act (42 U.S.C. 1397jj(a)(23)) is amended by inserting ''(concurrent, in the case of an individual who is a child, with care related to the treatment of the child's condition with respect to which a diagnosis of terminal illness has been made'' after ''hospice care''.

SEC. 2303. STATE ELIGIBILITY OPTION FOR FAMILY PLANNING SERVICES.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as amended by section 2001(e), is amended—

(A) in subclause (XIX), by striking ''or'' at the end;

(B) in subclause (XX), by adding ''or'' at the end; and

(C) by adding at the end the following new subclause:

''(XXI) who are described in subsection (ii) (relating to individuals who meet certain income standards);''.

(2) GROUP DESCRIBED.—Section 1902 of such Act (42 U.S.C. 1396a), as amended by section 2001(d), is amended by adding at the end the following new subsection:

''(ii)(1) Individuals described in this subsection are individuals—

''(A) whose income does not exceed an income eligibility level established by the State that does not exceed the highest income eligibility level established under the State plan under this title (or under its State child health plan under title XXI) for pregnant women; and

''(B) who are not pregnant.

''(2) At the option of a State, individuals described in this subsection may include individuals who, had individuals applied on or before January 1, 2007, would have been made eligible pursuant to the standards and processes imposed by that State for benefits described in clause (XV) of the matter following subparagraph (G) of section subsection (a)(10) pursuant to a waiver granted under section 1115.

''(3) At the option of a State, for purposes of subsection (a)(17)(B), in determining eligibility for services under this subsection, the State may consider only the income of the applicant or recipient.''.

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), as amended by section 2001(a)(5)(A), is amended in the matter following subparagraph (G)—

(A) by striking ''and (XV)'' and inserting ''(XV)''; and

(B) by inserting '', and (XVI) the medical assistance made available to an individual described in subsection (ii) shall be limited to family planning services and supplies described in section 1905(a)(4)(C) including medical diagnosis and treatment services that are provided pursuant to a family planning service in a family planning setting'' before the semicolon.

(4) CONFORMING AMENDMENTS.—

(A) Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), as amended by section 2001(e)(2)(A), is amended in the matter preceding paragraph (1)—

(i) in clause (xiv), by striking ''or'' at the end;

(ii) in clause (xv), by adding ''or'' at the end; and

(iii) by inserting after clause (xv) the following:

''(xvi) individuals described in section 1902(ii),''.

(B) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)), as amended by section 2001(e)(2)(B), is amended by inserting ''1902(a)(10)(A)(ii)(XXI),'' after ''1902(a)(10)(A)(ii)(XX),''.

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920B the following:

''PRESUMPTIVE ELIGIBILITY FOR FAMILY PLANNING SERVICES

''SEC. 1920C. (a) STATE OPTION.—State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(ii) (relating to individuals who meet certain income eligibility standard) during a presumptive eligibility period. In the case of an individual described in section 1902(ii), such medical assistance shall be limited to family planning services and supplies described in 1905(a)(4)(C) and, at the State's option, medical diagnosis and treatment services that are provided in conjunction with a family planning service in a family planning setting.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

''(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(ii); and

''(B) ends with (and includes) the earlier of—

''(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

''(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

''(2) QUALIFIED ENTITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

''(i) is eligible for payments under a State plan approved under this title; and

''(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities in order to prevent fraud and abuse.

''(c) ADMINISTRATION.—

''(1) IN GENERAL.—The State agency shall provide qualified entities with—

''(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

''(B) information on how to assist such individuals in completing and filing such forms.

''(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

''(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

''(B) inform such individual at the time the determination is made that an application for medical assistance is required to be made by not later than the last day of the month following the month during which the determination is made.

''(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance by not later than the last day of the month following the month during which the determination is made.

''(d) PAYMENT.—Notwithstanding any other provision of law, medical assistance that—

''(1) is furnished to an individual described in subsection (a)—

''(A) during a presumptive eligibility period; and

''(B) by a entity that is eligible for payments under the State plan; and

''(2) is included in the care and services covered by the State plan,

shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)), as amended by section 2202(a), is amended—

(i) in subparagraph (A), by inserting before the semicolon at the end the following: ''and provide for making medical assistance available to individuals described in subsection (a) of section 1920C during a presumptive eligibility period in accordance with such section''; and

(ii) in subparagraph (B), by striking ''or 1920B'' and inserting ''1920B, or 1920C''.

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)), as amended by section 2202(b), is amended by inserting ''or for medical assistance provided to an individual described in subsection (a) of section 1920C during a presumptive eligibility period under such section,'' after ''1920B during a presumptive eligibility period under such section,''.

(c) CLARIFICATION OF COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.—Section 1937(b) of the Social Security Act (42 U.S.C. 1396u–7(b)), as amended by section 2001(c), is amended by adding at the end the following:

''(7) COVERAGE OF FAMILY PLANNING SERVICES AND SUPPLIES.—Notwithstanding the previous provisions of this section, a State may not provide for medical assistance through enrollment of an individual with benchmark coverage or benchmark-equivalent coverage under this section unless such coverage includes for any individual described in section 1905(a)(4)(C), medical assistance for family planning services and supplies in accordance with such section.''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act and shall apply to items and services furnished on or after such date.

SEC. 2304. CLARIFICATION OF DEFINITION OF MEDICAL ASSISTANCE.

Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended by inserting ''or the care and services themselves, or both'' before ''(if provided in or after''.

Subtitle E—New Options for States to Provide Long-Term Services and Supports

SEC. 2401. COMMUNITY FIRST CHOICE OPTION.

Section 1915 of the Social Security Act (42 U.S.C. 1396n) is amended by adding at the end the following:

''(k) STATE PLAN OPTION TO PROVIDE HOME AND COMMUNITY-BASED ATTENDANT SERVICES AND SUPPORTS.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, beginning October 1, 2010, a State may provide through a State plan amendment for the provision of medical assistance for home and community-based attendant services and supports for individuals who are eligible for medical assistance under the State plan whose income does not exceed 150 percent of the poverty line (as defined in section 2110(c)(5)) or, if greater, the income level applicable for an individual who has been determined to require an institutional level of care to be eligible for nursing facility services under the State plan and with respect to whom there has been a determination that, but for the provision of such services, the individuals would require the level of care provided in a hospital, a nursing facility, an intermediate care facility for the mentally retarded, or an institution for mental diseases, the cost of which could be reimbursed under the State plan, but only if the individual chooses to receive such home and community-based attendant services and supports, and only if the State meets the following requirements:

''(A) AVAILABILITY.—The State shall make available home and community-based attendant services and supports to eligible individuals, as needed, to assist in accomplishing activities of daily living, instrumental activities of daily living, and health-related tasks through hands-on assistance, supervision, or cueing—

''(i) under a person-centered plan of services and supports that is based on an assessment of functional need and that is agreed to in writing by the individual or, as appropriate, the individual's representative;

''(ii) in a home or community setting, which does not include a nursing facility, institution for mental diseases, or an intermediate care facility for the mentally retarded;

''(iii) under an agency-provider model or other model (as defined in paragraph (6)(C)); and

''(iv) the furnishing of which—

''(I) is selected, managed, and dismissed by the individual, or, as appropriate, with assistance from the individual's representative;

''(II) is controlled, to the maximum extent possible, by the individual or where appropriate, the individual's representative, regardless of who may act as the employer of record; and

''(III) provided by an individual who is qualified to provide such services, including family members (as defined by the Secretary).

''(B) INCLUDED SERVICES AND SUPPORTS.—In addition to assistance in accomplishing activities of daily living, instrumental activities of daily living, and health related tasks, the home and community-based attendant services and supports made available include—

''(i) the acquisition, maintenance, and enhancement of skills necessary for the individual to accomplish activities of daily living, instrumental activities of daily living, and health related tasks;

''(ii) back-up systems or mechanisms (such as the use of beepers or other electronic devices) to ensure continuity of services and supports; and

''(iii) voluntary training on how to select, manage, and dismiss attendants.

''(C) EXCLUDED SERVICES AND SUPPORTS.—Subject to subparagraph (D), the home and community-based attendant services and supports made available do not include—

''(i) room and board costs for the individual;

''(ii) special education and related services provided under the Individuals with Disabilities Education Act and vocational rehabilitation services provided under the Rehabilitation Act of 1973;

''(iii) assistive technology devices and assistive technology services other than those under (1)(B)(ii);

''(iv) medical supplies and equipment; or

''(v) home modifications.

''(D) PERMISSIBLE SERVICES AND SUPPORTS.—The home and community-based attendant services and supports may include—

''(i) expenditures for transition costs such as rent and utility deposits, first month's rent and utilities, bedding, basic kitchen supplies, and other necessities required for an individual to make the transition from a nursing facility, institution for mental diseases, or intermediate care facility for the mentally retarded to a community-based home setting where the individual resides; and

''(ii) expenditures relating to a need identified in an individual's person-centered plan of services that increase independence or substitute for human assistance, to the extent that expenditures would otherwise be made for the human assistance.

''(2) INCREASED FEDERAL FINANCIAL PARTICIPATION.—For purposes of payments to a State under section 1903(a)(1), with respect to amounts expended by the State to provide medical assistance under the State plan for home and community-based attendant services and supports to eligible individuals in accordance with this subsection during a fiscal year quarter occurring during the period described in paragraph (1), the Federal medical assistance percentage applicable to the State (as determined under section 1905(b)) shall be increased by 6 percentage points.

''(3) STATE REQUIREMENTS.—In order for a State plan amendment to be approved under this subsection, the State shall—

''(A) develop and implement such amendment in collaboration with a Development and Implementation Council established by the State that includes a majority of members with disabilities, elderly individuals, and their representatives and consults and collaborates with such individuals;

''(B) provide consumer controlled home and community-based attendant services and supports to individuals on a statewide basis, in a manner that provides such services and supports in the most integrated setting appropriate to the individual's needs, and without regard to the individual's age, type or nature of disability, severity of disability, or the form of home and community-based attendant services and supports that the individual requires in order to lead an independent life;

''(C) with respect to expenditures during the first full fiscal year in which the State plan amendment is implemented, maintain or exceed the level of State expenditures for medical assistance that is provided under section 1905(a), section 1915, section 1115, or otherwise to individuals with disabilities or elderly individuals attributable to the preceding fiscal year;

''(D) establish and maintain a comprehensive, continuous quality assurance system with respect to community- based attendant services and supports that—

''(i) includes standards for agency-based and other delivery models with respect to training, appeals for denials and reconsideration procedures of an individual plan, and other factors as determined by the Secretary;

''(ii) incorporates feedback from consumers and their representatives, disability organizations, providers, families of disabled or elderly individuals, members of the community, and others and maximizes consumer independence and consumer control;

''(iii) monitors the health and well-being of each individual who receives home and community-based attendant services and supports, including a process for the mandatory reporting, investigation, and resolution of allegations of neglect, abuse, or exploitation in connection with the provision of such services and supports; and

''(iv) provides information about the provisions of the quality assurance required under clauses (i) through (iii) to each individual receiving such services; and

''(E) collect and report information, as determined necessary by the Secretary, for the purposes of approving the State plan amendment, providing Federal oversight, and conducting an evaluation under paragraph (5)(A), including data regarding how the State provides home and community-based attendant services and supports and other home and community-based services, the cost of such services and supports, and how the State provides individuals with disabilities who otherwise qualify for institutional care under the State plan or under a waiver the choice to instead receive home and community-based services in lieu of institutional care.

''(4) COMPLIANCE WITH CERTAIN LAWS.—A State shall ensure that, regardless of whether the State uses an agency-provider model or other models to provide home and community-based attendant services and supports under a State plan amendment under this subsection, such services and supports are provided in accordance with the requirements of the Fair Labor Standards Act of 1938 and applicable Federal and State laws regarding—

''(A) withholding and payment of Federal and State income and payroll taxes;

''(B) the provision of unemployment and workers compensation insurance;

''(C) maintenance of general liability insurance; and

''(D) occupational health and safety.

''(5) EVALUATION, DATA COLLECTION, AND REPORT TO CONGRESS.—

''(A) EVALUATION.—The Secretary shall conduct an evaluation of the provision of home and community-based attendant services and supports under this subsection in order to determine the effectiveness of the provision of such services and supports in allowing the individuals receiving such services and supports to lead an independent life to the maximum extent possible; the impact on the physical and emotional health of the individuals who receive such services; and an comparative analysis of the costs of services provided under the State plan amendment under this subsection and those provided under institutional care in a nursing facility, institution for mental diseases, or an intermediate care facility for the mentally retarded.

''(B) DATA COLLECTION.—The State shall provide the Secretary with the following information regarding the provision of home and community-based attendant services and supports under this subsection for each fiscal year for which such services and supports are provided:

''(i) The number of individuals who are estimated to receive home and community-based attendant services and supports under this subsection during the fiscal year.

''(ii) The number of individuals that received such services and supports during the preceding fiscal year.

''(iii) The specific number of individuals served by type of disability, age, gender, education level, and employment status.

''(iv) Whether the specific individuals have been previously served under any other home and community based services program under the State plan or under a waiver.

''(C) REPORTS.—Not later than—

''(i) December 31, 2013, the Secretary shall submit to Congress and make available to the public an interim report on the findings of the evaluation under subparagraph (A); and

''(ii) December 31, 2015, the Secretary shall submit to Congress and make available to the public a final report on the findings of the evaluation under subparagraph (A).

''(6) DEFINITIONS.—In this subsection:

''(A) ACTIVITIES OF DAILY LIVING.—The term 'activities of daily living' includes tasks such as eating, toileting, grooming, dressing, bathing, and transferring.

''(B) CONSUMER CONTROLLED.—The term 'consumer controlled' means a method of selecting and providing services and supports that allow the individual, or where appropriate, the individual's representative, maximum control of the home and community-based attendant services and supports, regardless of who acts as the employer of record.

''(C) DELIVERY MODELS.—

''(i) AGENCY-PROVIDER MODEL.—The term 'agency-provider model' means, with respect to the provision of home and community-based attendant services and supports for an individual, subject to paragraph (4), a method of providing consumer controlled services and supports under which entities contract for the provision of such services and supports.

''(ii) OTHER MODELS.—The term 'other models' means, subject to paragraph (4), methods, other than an agency-provider model, for the provision of consumer controlled services and supports. Such models may include the provision of vouchers, direct cash payments, or use of a fiscal agent to assist in obtaining services.

''(D) HEALTH-RELATED TASKS.—The term 'health-related tasks' means specific tasks related to the needs of an individual, which can be delegated or assigned by licensed health-care professionals under State law to be performed by an attendant.

''(E) INDIVIDUAL'S REPRESENTATIVE.—The term 'individual's representative' means a parent, family member, guardian, advocate, or other authorized representative of an individual.

''(F) INSTRUMENTAL ACTIVITIES OF DAILY LIVING.—The term 'instrumental activities of daily living' includes (but is not limited to) meal planning and preparation, managing finances, shopping for food, clothing, and other essential items, performing essential household chores, communicating by phone or other media, and traveling around and participating in the community.''.

SEC. 2402. REMOVAL OF BARRIERS TO PROVIDING HOME AND COMMUNITY-BASED SERVICES.

(a) OVERSIGHT AND ASSESSMENT OF THE ADMINISTRATION OF HOME AND COMMUNITY-BASED SERVICES.—The Secretary of Health and Human Services shall promulgate regulations to ensure that all States develop service systems that are designed to—

(1) allocate resources for services in a manner that is responsive to the changing needs and choices of beneficiaries receiving non-institutionally-based long-term services and supports (including such services and supports that are provided under programs other the State Medicaid program), and that provides strategies for beneficiaries receiving such services to maximize their independence, including through the use of client-employed providers;

(2) provide the support and coordination needed for a beneficiary in need of such services (and their family caregivers or representative, if applicable) to design an individualized, self-directed, community-supported life; and

(3) improve coordination among, and the regulation of, all providers of such services under federally and State-funded programs in order to—

(A) achieve a more consistent administration of policies and procedures across programs in relation to the provision of such services; and

(B) oversee and monitor all service system functions to assure—

(i) coordination of, and effectiveness of, eligibility determinations and individual assessments;

(ii) development and service monitoring of a complaint system, a management system, a system to qualify and monitor providers, and systems for role-setting and individual budget determinations; and

(iii) an adequate number of qualified direct care workers to provide self-directed personal assistance services.

(b) ADDITIONAL STATE OPTIONS.—Section 1915(i) of the Social Security Act (42 U.S.C. 1396n(i)) is amended by adding at the end the following new paragraphs:

''(6) STATE OPTION TO PROVIDE HOME AND COMMUNITY-BASED SERVICES TO INDIVIDUALS ELIGIBLE FOR SERVICES UNDER A WAIVER.—

''(A) IN GENERAL.—A State that provides home and community-based services in accordance with this subsection to individuals who satisfy the needs-based criteria for the receipt of such services established under paragraph (1)(A) may, in addition to continuing to provide such services to such individuals, elect to provide home and community-based services in accordance with the requirements of this paragraph to individuals who are eligible for home and community-based services under a waiver approved for the State under subsection (c), (d), or (e) or under section 1115 to provide such services, but only for those individuals whose income does not exceed 300 percent of the supplemental security income benefit rate established by section 1611(b)(1).

''(B) APPLICATION OF SAME REQUIREMENTS FOR INDIVIDUALS SATISFYING NEEDS-BASED CRITERIA.—Subject to subparagraph (C), a State shall provide home and community-based services to individuals under this paragraph in the same manner and subject to the same requirements as apply under the other paragraphs of this subsection to the provision of home and community-based services to individuals who satisfy the needs-based criteria established under paragraph (1)(A).

''(C) AUTHORITY TO OFFER DIFFERENT TYPE, AMOUNT, DURATION, OR SCOPE OF HOME AND COMMUNITY-BASED SERVICES.—A State may offer home and community-based services to individuals under this paragraph that differ in type, amount, duration, or scope from the home and community-based services offered for individuals who satisfy the needs-based criteria established under paragraph (1)(A), so long as such services are within the scope of services described in paragraph (4)(B) of subsection (c) for which the Secretary has the authority to approve a waiver and do not include room or board.

''(7) STATE OPTION TO OFFER HOME AND COMMUNITY-BASED SERVICES TO SPECIFIC, TARGETED POPULATIONS.—

''(A) IN GENERAL.—A State may elect in a State plan amendment under this subsection to target the provision of home and community-based services under this subsection to specific populations and to differ the type, amount, duration, or scope of such services to such specific populations.

''(B) 5-YEAR TERM.—

''(i) IN GENERAL.—An election by a State under this paragraph shall be for a period of 5 years.

''(ii) PHASE-IN OF SERVICES AND ELIGIBILITY PERMITTED DURING INITIAL 5-YEAR PERIOD.—A State making an election under this paragraph may, during the first 5-year period for which the election is made, phase-in the enrollment of eligible individuals, or the provision of services to such individuals, or both, so long as all eligible individuals in the State for such services are

enrolled, and all such services are provided, before the end of the initial 5-year period.

''(C) RENEWAL.—An election by a State under this paragraph may be renewed for additional 5-year terms if the Secretary determines, prior to beginning of each such renewal period, that the State has—

''(i) adhered to the requirements of this subsection and paragraph in providing services under such an election; and

''(ii) met the State's objectives with respect to quality improvement and beneficiary outcomes.''.

(c) REMOVAL OF LIMITATION ON SCOPE OF SERVICES.—Paragraph (1) of section 1915(i) of the Social Security Act (42 U.S.C. 1396n(i)), as amended by subsection (a), is amended by striking ''or such other services requested by the State as the Secretary may approve''.

(d) OPTIONAL ELIGIBILITY CATEGORY TO PROVIDE FULL MEDICAID BENEFITS TO INDIVIDUALS RECEIVING HOME AND COMMUNITY-BASED SERVICES UNDER A STATE PLAN AMENDMENT.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as amended by section 2304(a)(1), is amended—

(A) in subclause (XX), by striking ''or'' at the end;

(B) in subclause (XXI), by adding ''or'' at the end; and

(C) by inserting after subclause (XXI), the following new subclause:

''(XXII) who are eligible for home and community-based services under needs-based criteria established under paragraph (1)(A) of section 1915(i), or who are eligible for home and community-based services under paragraph (6) of such section, and who will receive home and community-based services pursuant to a State plan amendment under such subsection;''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)), as amended by section 2304(a)(4)(B), is amended in the matter preceding subparagraph (A), by inserting ''1902(a)(10)(A)(ii)(XXII),'' after ''1902(a)(10)(A)(ii)(XXI),''.

(B) Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), as so amended, is amended in the matter preceding paragraph (1)—

(i) in clause (xv), by striking ''or'' at the end;

(ii) in clause (xvi), by adding ''or'' at the end; and

(iii) by inserting after clause (xvi) the following new clause:

''(xvii) individuals who are eligible for home and community-based services under needs-based criteria established under paragraph (1)(A) of section 1915(i), or who are eligible for home and community-based services under paragraph (6) of such section, and who will receive home and community-based services pursuant to a State plan amendment under such subsection,''.

(e) ELIMINATION OF OPTION TO LIMIT NUMBER OF ELIGIBLE INDIVIDUALS OR LENGTH OF PERIOD FOR GRANDFATHERED INDIVIDUALS IF ELIGIBILITY CRITERIA IS MODIFIED.—Paragraph (1) of section 1915(i) of such Act (42 U.S.C. 1396n(i)) is amended—

(1) by striking subparagraph (C) and inserting the following:

''(C) PROJECTION OF NUMBER OF INDIVIDUALS TO BE PROVIDED HOME AND COMMUNITY-BASED SERVICES.—The State submits to the Secretary, in such form and manner, and upon such frequency as the Secretary shall specify, the projected number of individuals to be provided home and community-based services.''; and

(2) in subclause (II) of subparagraph (D)(ii), by striking ''to be eligible for such services for a period of at least 12 months beginning on the date the individual first received medical assistance for such services'' and inserting ''to continue to be eligible for such services after the effective date of the modification and until such time as the individual no longer meets the standard for receipt of such services under such pre-modified criteria''.

(f) ELIMINATION OF OPTION TO WAIVE STATEWIDENESS; ADDITION OF OPTION TO WAIVE COMPARABILITY.—Paragraph (3) of section 1915(i) of such Act (42 U.S.C. 1396n(3)) is amended by striking ''1902(a)(1) (relating to statewideness)'' and inserting ''1902(a)(10)(B) (relating to comparability)''.

(g) EFFECTIVE DATE.—The amendments made by subsections (b) through (f) take effect on the first day of the first fiscal year quarter that begins after the date of enactment of this Act.

SEC. 2403. MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

(a) EXTENSION OF DEMONSTRATION.—

(1) IN GENERAL.—Section 6071(h) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(A) in paragraph (1)(E), by striking ''fiscal year 2011'' and inserting ''each of fiscal years 2011 through 2016''; and

(B) in paragraph (2), by striking ''2011'' and inserting ''2016''.

(2) EVALUATION.—Paragraphs (2) and (3) of section 6071(g) of such Act is amended are each amended by striking ''2011'' and inserting ''2016''.

(b) REDUCTION OF INSTITUTIONAL RESIDENCY PERIOD.—

(1) IN GENERAL.—Section 6071(b)(2) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(A) in subparagraph (A)(i), by striking '', for a period of not less than 6 months or for such longer minimum period, not to exceed 2 years, as may be specified by the State'' and inserting ''for a period of not less than 90 consecutive days''; and

(B) by adding at the end the following:

''Any days that an individual resides in an institution on the basis of having been admitted solely for purposes of receiving short-term rehabilitative services for a period for which payment for such services is limited under title XVIII shall not be taken into account for purposes of determining the 90-day period required under subparagraph (A)(i).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect 30 days after the date of enactment of this Act.

SEC. 2404. PROTECTION FOR RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES AGAINST SPOUSAL IMPOVERISHMENT.

During the 5-year period that begins on January 1, 2014, section 1924(h)(1)(A) of the Social Security Act (42 U.S.C. 1396r–5(h)(1)(A)) shall be applied as though ''is eligible for medical assistance for home and community-based services provided under subsection (c), (d), or (i) of section 1915, under a waiver approved under section 1115, or who is eligible for such medical assistance by reason of being determined eligible under section 1902(a)(10)(C) or by reason of section 1902(f) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care, or who is eligible for medical assistance for home and community-based attendant services and supports under section 1915(k)'' were substituted in such section for ''(at the option of the State) is described in section 1902(a)(10)(A)(ii)(VI)''.

SEC. 2405. FUNDING TO EXPAND STATE AGING AND DISABILITY RESOURCE CENTERS.

Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Health and Human Services, acting through the Assistant Secretary for Aging, $10,000,000 for each of fiscal years 2010 through 2014, to carry out subsections (a)(20)(B)(iii) and (b)(8) of section 202 of the Older Americans Act of 1965 (42 U.S.C. 3012).

SEC. 2406. SENSE OF THE SENATE REGARDING LONG-TERM CARE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Nearly 2 decades have passed since Congress seriously considered long-term care reform. The United States Bipartisan Commission on Comprehensive Health Care, also know as the ''Pepper Commission'', released its ''Call for Action'' blueprint for health reform in September 1990. In the 20 years since those recommendations were made, Congress has never acted on the report.

(2) In 1999, under the United States Supreme Court's decision in Olmstead v. L.C., 527 U.S. 581 (1999), individuals with disabilities have the right to choose to receive their long-term services and supports in the community, rather than in an institutional setting.

(3) Despite the Pepper Commission and Olmstead decision, the long-term care provided to our Nation's elderly and disabled has not improved. In fact, for many, it has gotten far worse.

(4) In 2007, 69 percent of Medicaid long-term care spending for elderly individuals and adults with physical disabilities paid for institutional services. Only 6 states spent 50 percent or more of their Medicaid long-term care dollars on home and community-based services for elderly individuals and adults with physical disabilities while ½ of the States spent less than 25 percent. This disparity continues even though, on average, it is estimated that Medicaid dollars can support nearly 3 elderly individuals and adults with physical disabilities in home and community-based services for every individual in a nursing home. Although every State has chosen to provide certain services under home and community-based waivers, these services are unevenly available within and across States, and reach a small percentage of eligible individuals.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) during the 111th session of Congress, Congress should address long-term services and supports in a comprehensive way that guarantees elderly and disabled individuals the care they need; and

(2) long term services and supports should be made available in the community in addition to in institutions.

Subtitle F—Medicaid Prescription Drug Coverage

SEC. 2501. PRESCRIPTION DRUG REBATES.

(a) INCREASE IN MINIMUM REBATE PERCENTAGE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—

(1) IN GENERAL.—Section 1927(c)(1)(B) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(B)) is amended—

(A) in clause (i)—

(i) in subclause (IV), by striking ''and'' at the end;

(ii) in subclause (V)—

(I) by inserting ''and before January 1, 2010'' after ''December 31, 1995,''; and

(II) by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new subclause:

''(VI) except as provided in clause (iii), after December 31, 2009, 23.1 percent.''; and

(B) by adding at the end the following new clause:

''(iii) MINIMUM REBATE PERCENTAGE FOR CERTAIN DRUGS.—

''(I) IN GENERAL.—In the case of a single source drug or an innovator multiple source drug described in subclause (II), the minimum rebate percentage for rebate periods specified in clause (i)(VI) is 17.1 percent.

''(II) DRUG DESCRIBED.—For purposes of subclause (I), a single source drug or an innovator multiple source drug described in this subclause is any of the following drugs:

''(aa) A clotting factor for which a separate furnishing payment is made under section 1842(o)(5) and which is included on a list of such factors specified and updated regularly by the Secretary.

''(bb) A drug approved by the Food and Drug Administration exclusively for pediatric indications.''.

(2) RECAPTURE OF TOTAL SAVINGS DUE TO INCREASE.—Section 1927(b)(1) of such Act (42 U.S.C. 1396r–8(b)(1)) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR INCREASED MINIMUM REBATE PERCENTAGE.—

''(i) IN GENERAL.—In addition to the amounts applied as a reduction under subparagraph (B), for rebate periods beginning on or after January 1, 2010, during a fiscal year, the Secretary shall reduce payments to a State under section 1903(a) in the manner specified in clause (ii), in an amount equal to the product of—

''(I) 100 percent minus the Federal medical assistance percentage applicable to the rebate period for the State; and

''(II) the amounts received by the State under such subparagraph that are attributable (as estimated by the Secretary based on utilization and other data) to the increase in the minimum rebate percentage effected by the amendments made by subsections (a)(1), (b), and (d) of section 2501 of the Patient Protection and Affordable Care Act, taking into account the additional drugs included under the amendments made by subsection (c) of section 2501 of such Act.

The Secretary shall adjust such payment reduction for a calendar quarter to the extent the Secretary determines, based upon subsequent utilization and other data, that the reduction for such quarter was greater or less than the amount of payment reduction that should have been made.

''(ii) MANNER OF PAYMENT REDUCTION.—The amount of the payment reduction under clause (i) for a State for a quarter shall be deemed an overpayment to the State under this title to be disallowed against the State's regular quarterly draw for all Medicaid spending under section 1903(d)(2). Such a disallowance is not subject to a reconsideration under section 1116(d).''.

(b) INCREASE IN REBATE FOR OTHER DRUGS.—Section 1927(c)(3)(B) of such Act (42 U.S.C. 1396r–8(c)(3)(B)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii)—

(A) by inserting ''and before January 1, 2010,'' after ''December 31, 1993,''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(iii) after December 31, 2009, is 13 percent.''.

(c) EXTENSION OF PRESCRIPTION DRUG DISCOUNTS TO ENROLLEES OF MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Section 1903(m)(2)(A) of such Act (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) in clause (xi), by striking ''and'' at the end;

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

(C) by adding at the end the following:

''(xiii) such contract provides that (I) covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate required by the agreement entered into under section 1927 as the State is subject to and that the State shall collect such rebates from manufacturers, (II) capitation rates paid to the entity shall be based on actual cost experience related to rebates and subject to the Federal regulations requiring actuarially sound rates, and (III) the entity shall report to the State, on such timely and periodic basis as specified by the Secretary in order to include in the information submitted by the State to a manufacturer and the Secretary under section 1927(b)(2)(A), information on the total number of units of each dosage form and strength and package size by National Drug Code of each covered outpatient drug dispensed to individuals eligible for medical assistance who are enrolled with the entity and for which the entity is responsible for coverage of such drug under this subsection (other than covered outpatient drugs that under subsection (j)(1) of section 1927 are not subject to the requirements of that section) and such other data as the Secretary determines necessary to carry out this subsection.''.

(2) CONFORMING AMENDMENTS.—Section 1927 (42 U.S.C. 1396r–8) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(A), in the first sentence, by inserting '', including such drugs dispensed to individuals enrolled with a medicaid managed care organization if the organization is responsible for coverage of such drugs'' before the period; and

(ii) in paragraph (2)(A), by inserting ''including such information reported by each medicaid managed care organization,'' after ''for which payment was made under the plan during the period,''; and

(B) in subsection (j), by striking paragraph (1) and inserting the following:

''(1) Covered outpatient drugs are not subject to the requirements of this section if such drugs are—

''(A) dispensed by health maintenance organizations, including Medicaid managed care organizations that contract under section 1903(m); and

''(B) subject to discounts under section 340B of the Public Health Service Act.''.

(d) ADDITIONAL REBATE FOR NEW FORMULATIONS OF EXISTING DRUGS.—

(1) IN GENERAL.—Section 1927(c)(2) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) TREATMENT OF NEW FORMULATIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), in the case of a drug that is a new formulation, such as an extended-release formulation, of a single source drug or an innovator multiple source drug, the rebate obligation with respect to the drug under this section shall be the amount computed under this section for the new formulation of the drug or, if greater, the product of—

''(I) the average manufacturer price for each dosage form and strength of the new formulation of the single source drug or innovator multiple source drug;

''(II) the highest additional rebate (calculated as a percentage of average manufacturer price) under this section for any strength of the original single source drug or innovator multiple source drug; and

''(III) the total number of units of each dosage form and strength of the new formulation paid for under the State plan in the rebate period (as reported by the State).

''(ii) NO APPLICATION TO NEW FORMULATIONS OF ORPHAN DRUGS.—Clause (i) shall not apply to a new formulation of a covered outpatient drug that is or has been designated under section 526 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb) for a rare disease or condition, without regard to whether the period of market exclusivity for the drug under section 527 of such Act has expired or the specific indication for use of the drug.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to drugs that are paid for by a State after December 31, 2009.

(e) MAXIMUM REBATE AMOUNT.—Section 1927(c)(2) of such Act (42 U.S.C. 1396r–8(c)(2)), as amended by subsection (d), is amended by adding at the end the following new subparagraph:

''(D) MAXIMUM REBATE AMOUNT.—In no case shall the sum of the amounts applied under paragraph (1)(A)(ii) and this paragraph with respect to each dosage form and strength of a single source drug or an innovator multiple source drug for a rebate period beginning after December 31, 2009, exceed 100 percent of the average manufacturer price of the drug.''.

(f) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended—

(A) in subsection (a)(2)(B)(i), by striking ''1927(c)(4)'' and inserting ''1927(c)(3)''; and

(B) by striking subsection (c); and

(C) redesignating subsection (d) as subsection (c).

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on January 1, 2010.

SEC. 2502. ELIMINATION OF EXCLUSION OF COVERAGE OF CERTAIN DRUGS.

(a) IN GENERAL.—Section 1927(d) of the Social Security Act (42 U.S.C. 1397r–8(d)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraphs (E), (I), and (J), respectively; and

(B) by redesignating subparagraphs (F), (G), (H), and (K) as subparagraphs (E), (F), (G), and (H), respectively; and

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

''(7) NON-EXCLUDABLE DRUGS.—The following drugs or classes of drugs, or their medical uses, shall not be excluded from coverage:

''(A) Agents when used to promote smoking cessation, including agents approved by the Food and Drug Administration under the over-the-counter monograph process for purposes of promoting, and when used to promote, tobacco cessation.

''(B) Barbiturates.

''(C) Benzodiazepines.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2014.

SEC. 2503. PROVIDING ADEQUATE PHARMACY REIMBURSEMENT.

(a) PHARMACY REIMBURSEMENT LIMITS.—

(1) IN GENERAL.—Section 1927(e) of the Social Security Act (42 U.S.C. 1396r–8(e)) is amended—

(A) in paragraph (4), by striking ''(or, effective January 1, 2007, two or more)''; and

(B) by striking paragraph (5) and inserting the following:

''(5) USE OF AMP IN UPPER PAYMENT LIMITS.—The Secretary shall calculate the Federal upper reimbursement limit established under paragraph (4) as no less than 175 percent of the weighted average (determined on the basis of utilization) of the most recently reported monthly average manufacturer prices for pharmaceutically and therapeutically equivalent multiple source drug products that are available for purchase by retail community pharmacies on a nationwide basis. The Secretary shall implement a smoothing process for average manufacturer prices. Such process shall be similar to the smoothing process used in determining the average sales price of a drug or biological under section 1847A.''.

(2) DEFINITION OF AMP.—Section 1927(k)(1) of such Act (42 U.S.C. 1396r–8(k)(1)) is amended—

(A) in subparagraph (A), by striking ''by'' and all that follows through the period and inserting ''by—

''(i) wholesalers for drugs distributed to retail community pharmacies; and

''(ii) retail community pharmacies that purchase drugs directly from the manufacturer.''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) EXCLUSION OF CUSTOMARY PROMPT PAY DISCOUNTS AND OTHER PAYMENTS.—

''(i) IN GENERAL.—The average manufacturer price for a covered outpatient drug shall exclude—

''(I) customary prompt pay discounts extended to wholesalers;

''(II) bona fide service fees paid by manufacturers to wholesalers or retail community pharmacies, including (but not limited to) distribution service fees, inventory management fees, product stocking allowances, and fees associated with administrative services agreements and patient care programs (such as medication compliance programs and patient education programs);

''(III) reimbursement by manufacturers for recalled, damaged, expired, or otherwise unsalable returned goods, including (but not limited to) reimbursement for the cost of the goods and any

reimbursement of costs associated with return goods handling and processing, reverse logistics, and drug destruction; and

''(IV) payments received from, and rebates or discounts provided to, pharmacy benefit managers, managed care organizations, health maintenance organizations, insurers, hospitals, clinics, mail order pharmacies, long term care providers, manufacturers, or any other entity that does not conduct business as a wholesaler or a retail community pharmacy.

''(ii) INCLUSION OF OTHER DISCOUNTS AND PAYMENTS.—Notwithstanding clause (i), any other discounts, rebates, payments, or other financial transactions that are received by, paid by, or passed through to, retail community pharmacies shall be included in the average manufacturer price for a covered outpatient drug.''; and

(C) in subparagraph (C), by striking ''the retail pharmacy class of trade'' and inserting ''retail community pharmacies''.

(3) DEFINITION OF MULTIPLE SOURCE DRUG.—Section 1927(k)(7) of such Act (42 U.S.C. 1396r–8(k)(7)) is amended—

(A) in subparagraph (A)(i)(III), by striking ''the State'' and inserting ''the United States''; and

(B) in subparagraph (C)—

(i) in clause (i), by inserting ''and'' after the semicolon;

(ii) in clause (ii), by striking ''; and'' and inserting a period; and

(iii) by striking clause (iii).

(4) DEFINITIONS OF RETAIL COMMUNITY PHARMACY; WHOLESALER.—Section 1927(k) of such Act (42 U.S.C. 1396r–8(k)) is amended by adding at the end the following new paragraphs:

''(10) RETAIL COMMUNITY PHARMACY.—The term 'retail community pharmacy' means an independent pharmacy, a chain pharmacy, a supermarket pharmacy, or a mass merchandiser pharmacy that is licensed as a pharmacy by the State and that dispenses medications to the general public at retail prices. Such term does not include a pharmacy that dispenses prescription medications to patients primarily through the mail, nursing home pharmacies, long-term care facility pharmacies, hospital pharmacies, clinics, charitable or not-for-profit pharmacies, government pharmacies, or pharmacy benefit managers.

''(11) WHOLESALER.—The term 'wholesaler' means a drug wholesaler that is engaged in wholesale distribution of prescription drugs to retail community pharmacies, including (but not limited to) manufacturers, repackers, distributors, own-label distributors, private-label distributors, jobbers, brokers, warehouses (including manufacturer's and distributor's warehouses, chain drug warehouses, and wholesale drug warehouses) independent wholesale drug traders, and retail community pharmacies that conduct wholesale distributions.''.

(b) DISCLOSURE OF PRICE INFORMATION TO THE PUBLIC.—Section 1927(b)(3) of such Act (42 U.S.C. 1396r–8(b)(3)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence, by inserting after clause (iii) the following:

''(iv) not later than 30 days after the last day of each month of a rebate period under the agreement, on the manufacturer's total number of units that are used to calculate the monthly average manufacturer price for each covered outpatient drug;''; and

(B) in the second sentence, by inserting ''(relating to the weighted average of the most recently reported monthly average manufacturer prices)'' after ''(D)(v)''; and

(2) in subparagraph (D)(v), by striking ''average manufacturer prices'' and inserting ''the weighted average of the most recently reported monthly average manufacturer prices and the average retail survey price determined for each multiple source drug in accordance with subsection (f)''.

(c) CLARIFICATION OF APPLICATION OF SURVEY OF RETAIL PRICES.—Section 1927(f)(1) of such Act (42 U.S.C. 1396r–8(b)(1)) is amended—

(1) in subparagraph (A)(i), by inserting ''with respect to a retail community pharmacy,'' before ''the determination''; and

(2) in subparagraph (C)(ii), by striking ''retail pharmacies'' and inserting ''retail community pharmacies''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first calendar year quarter that begins at least 180 days after the date of enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

Subtitle G—Medicaid Disproportionate Share Hospital (DSH) Payments

SEC. 2551. DISPROPORTIONATE SHARE HOSPITAL PAYMENTS.

(a) IN GENERAL.—Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) is amended—

(1) in paragraph (1), by striking ''and (3)'' and inserting '', (3), and (7)'';

(2) in paragraph (3)(A), by striking ''paragraph (6)'' and inserting ''paragraphs (6) and (7)'';

(3) by redesignating paragraph (7) as paragraph (8); and

(4) by inserting after paragraph (6) the following new paragraph:

''(7) REDUCTION OF STATE DSH ALLOTMENTS ONCE REDUCTION IN UNINSURED THRESHOLD REACHED.—

''(A) IN GENERAL.—Subject to subparagraph (E), the DSH allotment for a State for fiscal years beginning with the fiscal year described in subparagraph (C) (with respect to the State), is equal to—

''(i) in the case of the first fiscal year described in subparagraph (C) with respect to a State, the DSH allotment that would be determined under this subsection for the State for the fiscal year without application of this paragraph (but after the application of subparagraph (D)), reduced by the applicable percentage determined for the State for the fiscal year under subparagraph (B)(i); and

''(ii) in the case of any subsequent fiscal year with respect to the State, the DSH allotment determined under this paragraph for the State for the preceding fiscal year, reduced by the applicable percentage determined for the State for the fiscal year under subparagraph (B)(ii).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage for a State for a fiscal year is the following:

''(i) UNINSURED REDUCTION THRESHOLD FISCAL YEAR.—In the case of the first fiscal year described in subparagraph (C) with respect to the State—

''(I) if the State is a low DSH State described in paragraph (5)(B), the applicable percentage is equal to 25 percent; and

''(II) if the State is any other State, the applicable percentage is 50 percent.

''(ii) SUBSEQUENT FISCAL YEARS IN WHICH THE PERCENTAGE OF UNINSURED DECREASES.—In the case of any fiscal year after the first fiscal year described in subparagraph (C) with respect to a State, if the Secretary determines on the basis of the most recent American Community Survey of the Bureau of the Census, that the percentage of uncovered individuals residing in the State is less than the percentage of such individuals determined for the State for the preceding fiscal year—

''(I) if the State is a low DSH State described in paragraph (5)(B), the applicable percentage is equal to the product of the percentage reduction in uncovered individuals for the fiscal year from the preceding fiscal year and 25 percent; and

''(II) if the State is any other State, the applicable percentage is equal to the product of the percentage reduction in uncovered individuals for the fiscal year from the preceding fiscal year and 50 percent.

''(C) FISCAL YEAR DESCRIBED.—For purposes of subparagraph (A), the fiscal year described in this subparagraph with respect to a State is the first fiscal year that occurs after fiscal year 2012 for which the Secretary determines, on the basis of the most recent American Community Survey of the Bureau of the Census, that the percentage of uncovered individuals residing in the State is at least 45 percent less than the percentage of such individuals determined for the State for fiscal year 2009.

''(D) EXCLUSION OF PORTIONS DIVERTED FOR COVERAGE EXPANSIONS.—For purposes of applying the applicable percentage reduction under subparagraph (A) to the DSH allotment for a State for a fiscal year, the DSH allotment for a State that would be determined under this subsection for the State for the fiscal year without the application of this paragraph (and prior to any such reduction) shall not include any portion of the allotment for which the Secretary has approved the State's diversion to the costs of providing medical assistance or other health benefits coverage under a waiver that is in effect on July 2009.

''(E) MINIMUM ALLOTMENT.—In no event shall the DSH allotment determined for a State in accordance with this paragraph for fiscal year 2013 or any succeeding fiscal year be less than the amount equal to 35 percent of the DSH allotment determined for the State for fiscal year 2012 under this subsection (and after the application of this paragraph, if applicable), increased by the percentage change in the consumer price index for all urban consumers (all items, U.S. city average) for each previous fiscal year occurring before the fiscal year.

''(F) UNCOVERED INDIVIDUALS.—In this paragraph, the term 'uncovered individuals' means individuals with no health insurance coverage at any time during a year (as determined by the Secretary based on the most recent data available).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2011.

Subtitle H—Improved Coordination for Dual Eligible Beneficiaries

SEC. 2601. 5-YEAR PERIOD FOR DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Section 1915(h) of the Social Security Act (42 U.S.C. 1396n(h)) is amended—

(1) by inserting ''(1)'' after ''(h)'';

(2) by inserting '', or a waiver described in paragraph (2)'' after ''(e)''; and

(3) by adding at the end the following new paragraph:

''(2)(A) Notwithstanding subsections (c)(3) and (d) (3), any waiver under subsection (b), (c), or (d), or a waiver under section 1115, that provides medical assistance for dual eligible individuals (including any such waivers under which non dual eligible individuals may be enrolled in addition to dual eligible individuals) may be conducted for a period of 5 years and, upon the request of the State, may be extended for additional 5-year periods unless the Secretary determines that for the previous waiver period the conditions for the waiver have not been met or it would no longer be cost-effective and efficient, or consistent with the purposes of this title, to extend the waiver.

''(B) In this paragraph, the term 'dual eligible individual' means an individual who is entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVIII, and is eligible for medical assistance under the State plan under this title or under a waiver of such plan.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1915 of such Act (42 U.S.C. 1396n) is amended—

(A) in subsection (b), by adding at the end the following new sentence: ''Subsection (h)(2) shall apply to a waiver under this subsection.'';

(B) in subsection (c)(3), in the second sentence, by inserting ''(other than a waiver described in subsection (h)(2))'' after ''A waiver under this subsection'';

(C) in subsection (d)(3), in the second sentence, by inserting ''(other than a waiver described in subsection (h)(2))'' after ''A waiver under this subsection''.

(2) Section 1115 of such Act (42 U.S.C. 1315) is amended—

(A) in subsection (e)(2), by inserting ''(5 years, in the case of a waiver described in section 1915(h)(2))'' after ''3 years''; and

(B) in subsection (f)(6), by inserting ''(5 years, in the case of a waiver described in section 1915(h)(2))'' after ''3 years''.

SEC. 2602. PROVIDING FEDERAL COVERAGE AND PAYMENT COORDINATION FOR DUAL ELIGIBLE BENEFICIARIES.

(a) ESTABLISHMENT OF FEDERAL COORDINATED HEALTH CARE OFFICE.—

(1) IN GENERAL.—Not later than March 1, 2010, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish a Federal Coordinated Health Care Office.

(2) ESTABLISHMENT AND REPORTING TO CMS ADMINISTRATOR.—The Federal Coordinated Health Care Office—

(A) shall be established within the Centers for Medicare & Medicaid Services; and

(B) have as the Office a Director who shall be appointed by, and be in direct line of authority to, the Administrator of the Centers for Medicare & Medicaid Services.

(b) PURPOSE.—The purpose of the Federal Coordinated Health Care Office is to bring together officers and employees of the Medicare and Medicaid programs at the Centers for Medicare & Medicaid Services in order to—

(1) more effectively integrate benefits under the Medicare program under title XVIII of the Social Security Act and the Medicaid program under title XIX of such Act; and

(2) improve the coordination between the Federal Government and States for individuals eligible for benefits under both such programs in order to ensure that such individuals get full access to the items and services to which they are entitled under titles XVIII and XIX of the Social Security Act.

(c) GOALS.—The goals of the Federal Coordinated Health Care Office are as follows:

(1) Providing dual eligible individuals full access to the benefits to which such individuals are entitled under the Medicare and Medicaid programs.

(2) Simplifying the processes for dual eligible individuals to access the items and services they are entitled to under the Medicare and Medicaid programs.

(3) Improving the quality of health care and long-term services for dual eligible individuals.

(4) Increasing dual eligible individuals' understanding of and satisfaction with coverage under the Medicare and Medicaid programs.

(5) Eliminating regulatory conflicts between rules under the Medicare and Medicaid programs.

(6) Improving care continuity and ensuring safe and effective care transitions for dual eligible individuals.

(7) Eliminating cost-shifting between the Medicare and Medicaid program and among related health care providers.

(8) Improving the quality of performance of providers of services and suppliers under the Medicare and Medicaid programs.

(d) SPECIFIC RESPONSIBILITIES.—The specific responsibilities of the Federal Coordinated Health Care Office are as follows:

(1) Providing States, specialized MA plans for special needs individuals (as defined in section 1859(b)(6) of the Social Security Act (42 U.S.C. 1395w–28(b)(6))), physicians and other relevant entities or individuals with the education and tools necessary for developing programs that align benefits under the Medicare and Medicaid programs for dual eligible individuals.

(2) Supporting State efforts to coordinate and align acute care and long-term care services for dual eligible individuals with other items and services furnished under the Medicare program.

(3) Providing support for coordination of contracting and oversight by States and the Centers for Medicare & Medicaid Services with respect to the integration of the Medicare and Medicaid programs in a manner that is supportive of the goals described in paragraph (3).

(4) To consult and coordinate with the Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6) and the Medicaid and CHIP Payment and Access Commission established under section 1900 of such Act (42 U.S.C. 1396) with respect to policies relating to the enrollment in, and provision of, benefits to dual eligible individuals under the Medicare program under title XVIII of the Social Security Act and the Medicaid program under title XIX of such Act.

(5) To study the provision of drug coverage for new full-benefit dual eligible individuals (as defined in section 1935(c)(6) of the Social Security Act (42 U.S.C. 1396u–5(c)(6)), as well as to monitor and report annual total expenditures, health outcomes, and access to benefits for all dual eligible individuals.

(e) REPORT.—The Secretary shall, as part of the budget transmitted under section 1105(a) of title 31, United States Code, submit to Congress an annual report containing recommendations for legislation that would improve care coordination and benefits for dual eligible individuals.

(f) DUAL ELIGIBLE DEFINED.—In this section, the term ''dual eligible individual'' means an individual who is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act, or enrolled for benefits under part B of title XVIII of such Act, and is eligible for medical assistance under a State plan under title XIX of such Act or under a waiver of such plan.

Subtitle I—Improving the Quality of Medicaid for Patients and Providers

SEC. 2701. ADULT HEALTH QUALITY MEASURES.

Title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 401 of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3), is amended by inserting after section 1139A the following new section:

''SEC. 1139B. ADULT HEALTH QUALITY MEASURES.

''(a) DEVELOPMENT OF CORE SET OF HEALTH CARE QUALITY MEASURES FOR ADULTS ELIGIBLE FOR BENEFITS UNDER MEDICAID.—The Secretary shall identify and publish a recommended core set of adult health quality measures for Medicaid eligible adults in the same manner as the Secretary identifies and publishes a core set of child health quality measures under section 1139A, including with respect to identifying and publishing existing adult health quality measures that are in use under public and privately sponsored health care coverage arrangements, or that are part of reporting systems that measure both the presence and duration of health insurance coverage over time, that may be applicable to Medicaid eligible adults.

''(b) DEADLINES.—

''(1) RECOMMENDED MEASURES.—Not later than January 1, 2011, the Secretary shall identify and publish for comment a recommended core set of adult health quality measures for Medicaid eligible adults.

''(2) DISSEMINATION.—Not later than January 1, 2012, the Secretary shall publish an initial core set of adult health quality measures that are applicable to Medicaid eligible adults.

''(3) STANDARDIZED REPORTING.—Not later than January 1, 2013, the Secretary, in consultation with States, shall develop a standardized format for reporting information based on the initial core set of adult health quality measures and create procedures to encourage States to use such measures to voluntarily report information regarding the quality of health care for Medicaid eligible adults.

''(4) REPORTS TO CONGRESS.—Not later than January 1, 2014, and every 3 years thereafter, the Secretary shall include in the report to Congress required under section 1139A(a)(6) information similar to the information required under that section with respect to the measures established under this section.

''(5) ESTABLISHMENT OF MEDICAID QUALITY MEASUREMENT PROGRAM.—

''(A) IN GENERAL.—Not later than 12 months after the release of the recommended core set of adult health quality measures under paragraph (1)), the Secretary shall establish a Medicaid Quality Measurement Program in the same manner as the Secretary establishes the pediatric quality measures program under section 1139A(b). The aggregate amount awarded by the Secretary for grants and contracts for the development, testing, and validation of emerging and innovative evidence-based measures under such program shall equal the aggregate amount awarded by the Secretary for grants under section 1139A(b)(4)(A)

''(B) REVISING, STRENGTHENING, AND IMPROVING INITIAL CORE MEASURES.—Beginning not later than 24 months after the establishment of the Medicaid Quality Measurement Program, and annually thereafter, the Secretary shall publish recommended changes to the initial core set of adult health quality measures that shall reflect the results of the testing, validation, and consensus process for the development of adult health quality measures.

''(c) CONSTRUCTION.—Nothing in this section shall be construed as supporting the restriction of coverage, under title XIX or XXI or otherwise, to only those services that are evidence-based, or in anyway limiting available services.

''(d) ANNUAL STATE REPORTS REGARDING STATE-SPECIFIC QUALITY OF CARE MEASURES APPLIED UNDER MEDICAID.—

''(1) ANNUAL STATE REPORTS.—Each State with a State plan or waiver approved under title XIX shall annually report (separately or as part of the annual report required under section 1139A(c)), to the Secretary on the—

''(A) State-specific adult health quality measures applied by the State under the such plan, including measures described in subsection (a)(5); and

''(B) State-specific information on the quality of health care furnished to Medicaid eligible adults under such plan, including information collected through external quality reviews of managed care organizations under section 1932 and benchmark plans under section 1937.

''(2) PUBLICATION.—Not later than September 30, 2014, and annually thereafter, the Secretary shall collect, analyze, and make publicly available the information reported by States under paragraph (1).

''(e) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2010 through 2014, $60,000,000 for the purpose of carrying out this section. Funds appropriated under this subsection shall remain available until expended.''.

SEC. 2702. PAYMENT ADJUSTMENT FOR HEALTH CARE-ACQUIRED CONDITIONS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall identify current State practices that prohibit payment for health care-acquired conditions and shall incorporate the practices identified, or elements of such practices, which the Secretary determines appropriate for application to the Medicaid program in regulations. Such regulations shall be effective as of July 1, 2011, and shall prohibit payments to States under section 1903 of the Social Security Act for any amounts expended for providing medical assistance for health care-acquired conditions specified in the regulations. The regulations shall ensure that the prohibition on payment for health care-acquired conditions shall not result in a loss of access to care or services for Medicaid beneficiaries.

(b) HEALTH CARE-ACQUIRED CONDITION.—In this section. the term ''health care-acquired condition'' means a medical condition for which an individual was diagnosed that could be identified by a secondary diagnostic code described in section 1886(d)(4)(D)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(4)(D)(iv)).

(c) MEDICARE PROVISIONS.—In carrying out this section, the Secretary shall apply to State plans (or waivers) under title XIX of the Social Security Act the regulations promulgated pursuant to section 1886(d)(4)(D) of such Act (42 U.S.C. 1395ww(d)(4)(D)) relating to the prohibition of payments based on the presence of a secondary diagnosis code specified by the Secretary in such regulations, as appropriate for the Medicaid program. The Secretary may exclude certain conditions identified under title XVIII of the Social Security Act for non-payment under title XIX of such Act when the Secretary finds the inclusion of such conditions to be inapplicable to beneficiaries under title XIX.

SEC. 2703. STATE OPTION TO PROVIDE HEALTH HOMES FOR ENROLLEES WITH CHRONIC CONDITIONS.

(a) STATE PLAN AMENDMENT.—Title XIX of the Social Security Act (42 U.S.C. 1396a et seq.), as amended by sections 2201 and 2305, is amended by adding at the end the following new section:

''SEC. 1945. STATE OPTION TO PROVIDE COORDINATED CARE THROUGH A HEALTH HOME FOR INDIVIDUALS WITH CHRONIC CONDITIONS.—

''(a) IN GENERAL.—Notwithstanding section 1902(a)(1) (relating to statewideness), section 1902(a)(10)(B) (relating to comparability), and any other provision of this title for which the Secretary determines it is necessary to waive in order to implement this section, beginning January 1, 2011, a State, at its option as a State plan amendment, may provide for medical assistance under this title to eligible individuals with chronic conditions who select a designated provider (as described under subsection (h)(5)), a team of health care professionals (as described under subsection (h)(6)) operating with such a provider, or a health team (as described under subsection (h)(7)) as the individual's health home for purposes of providing the individual with health home services.

''(b) HEALTH HOME QUALIFICATION STANDARDS.—The Secretary shall establish standards for qualification as a designated provider for the purpose of being eligible to be a health home for purposes of this section.

''(c) PAYMENTS.—

''(1) IN GENERAL.—A State shall provide a designated provider, a team of health care professionals operating with such a provider, or a health team with payments for the provision of health home services to each eligible individual with chronic conditions that selects such provider, team of health care professionals, or health team as the individual's health home. Payments made to a designated provider, a team of health care professionals operating with such a provider, or a health team for such services shall be treated as medical assistance for purposes of section 1903(a), except that, during the first 8 fiscal year quarters that the State plan amendment is in effect, the Federal medical assistance percentage applicable to such payments shall be equal to 90 percent.

''(2) METHODOLOGY.—

''(A) IN GENERAL.—The State shall specify in the State plan amendment the methodology the State will use for determining payment for the provision of health home services. Such methodology for determining payment—

''(i) may be tiered to reflect, with respect to each eligible individual with chronic conditions provided such services by a designated provider, a team of health care professionals operating with such a provider, or a health team, as well as the severity or number of each such individual's chronic conditions or the specific capabilities of the provider, team of health care professionals, or health team; and

''(ii) shall be established consistent with section 1902(a)(30)(A).

''(B) ALTERNATE MODELS OF PAYMENT.—The methodology for determining payment for provision of health home services under this section shall not be limited to a per-member per-month basis and may provide (as proposed by the State and subject to approval by the Secretary) for alternate models of payment.

''(3) PLANNING GRANTS.—

''(A) IN GENERAL.—Beginning January 1, 2011, the Secretary may award planning grants to States for purposes of developing a State plan amendment under this section. A planning grant awarded to a State under this paragraph shall remain available until expended.

''(B) STATE CONTRIBUTION.—A State awarded a planning grant shall contribute an amount equal to the State percentage determined under section 1905(b) (without regard to section 5001 of Public Law 111–5) for each fiscal year for which the grant is awarded.

''(C) LIMITATION.—The total amount of payments made to States under this paragraph shall not exceed $25,000,000.

''(d) HOSPITAL REFERRALS.—A State shall include in the State plan amendment a requirement for hospitals that are participating providers under the State plan or a waiver of such plan to establish procedures for referring any eligible individuals with chronic conditions who seek or need treatment in a hospital emergency department to designated providers.

''(e) COORDINATION.—A State shall consult and coordinate, as appropriate, with the Substance Abuse and Mental Health Services Administration in addressing issues regarding the prevention and treatment of mental illness and substance abuse among eligible individuals with chronic conditions.

''(f) MONITORING.—A State shall include in the State plan amendment—

''(1) a methodology for tracking avoidable hospital readmissions and calculating savings that result from improved chronic care coordination and management under this section; and

''(2) a proposal for use of health information technology in providing health home services under this section and improving service delivery and coordination across the care continuum (including the use of wireless patient technology to improve coordination and management of care and patient adherence to recommendations made by their provider).

''(g) REPORT ON QUALITY MEASURES.—As a condition for receiving payment for health home services provided to an eligible individual with chronic conditions, a designated provider shall report to the State, in accordance with such requirements as the Secretary shall specify, on all applicable measures for determining the quality of such services. When appropriate and feasible, a designated provider shall use health information technology in providing the State with such information.

''(h) DEFINITIONS.—In this section:

''(1) ELIGIBLE INDIVIDUAL WITH CHRONIC CONDITIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'eligible individual with chronic conditions' means an individual who—

''(i) is eligible for medical assistance under the State plan or under a waiver of such plan; and

''(ii) has at least—

''(I) 2 chronic conditions;

''(II) 1 chronic condition and is at risk of having a second chronic condition; or

''(III) 1 serious and persistent mental health condition.

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall prevent the Secretary from establishing higher levels as to the number or severity of chronic or mental health conditions for purposes of determining eligibility for receipt of health home services under this section.

''(2) CHRONIC CONDITION.—The term 'chronic condition' has the meaning given that term by the Secretary and shall include, but is not limited to, the following:

''(A) A mental health condition.

''(B) Substance use disorder.

''(C) Asthma.

''(D) Diabetes.

''(E) Heart disease.

''(F) Being overweight, as evidenced by having a Body Mass Index (BMI) over 25.

''(3) HEALTH HOME.—The term 'health home' means a designated provider (including a provider that operates in coordination with a team of health care professionals) or a health team selected by an eligible individual with chronic conditions to provide health home services.

''(4) HEALTH HOME SERVICES.—

''(A) IN GENERAL.—The term 'health home services' means comprehensive and timely high-quality services described in subparagraph (B) that are provided by a designated provider, a team of health care professionals operating with such a provider, or a health team.

''(B) SERVICES DESCRIBED.—The services described in this subparagraph are—

''(i) comprehensive care management;

''(ii) care coordination and health promotion;

''(iii) comprehensive transitional care, including appropriate follow-up, from inpatient to other settings;

''(iv) patient and family support (including authorized representatives);

''(v) referral to community and social support services, if relevant; and

''(vi) use of health information technology to link services, as feasible and appropriate.

''(5) DESIGNATED PROVIDER.—The term 'designated provider' means a physician, clinical practice or clinical group practice, rural clinic, community health center, community mental health center, home health agency, or any other entity or provider (including pediatricians, gynecologists, and obstetricians) that is determined by the State and approved by the Secretary to be qualified to be a health home for eligible individuals with chronic conditions on the basis of documentation evidencing that the physician, practice, or clinic—

''(A) has the systems and infrastructure in place to provide health home services; and

''(B) satisfies the qualification standards established by the Secretary under subsection (b).

''(6) TEAM OF HEALTH CARE PROFESSIONALS.—The term 'team of health care professionals' means a team of health professionals (as described in the State plan amendment) that may—

''(A) include physicians and other professionals, such as a nurse care coordinator, nutritionist, social worker, behavioral health professional, or any professionals deemed appropriate by the State; and

''(B) be free standing, virtual, or based at a hospital, community health center, community mental health center, rural clinic, clinical practice or clinical group practice, academic health center, or any entity deemed appropriate by the State and approved by the Secretary.

''(7) HEALTH TEAM.—The term 'health team' has the meaning given such term for purposes of section 3502 of the Patient Protection and Affordable Care Act.''.

(b) EVALUATION.—

(1) INDEPENDENT EVALUATION.—

(A) IN GENERAL.—The Secretary shall enter into a contract with an independent entity or organization to conduct an evaluation and assessment of the States that have elected the option to provide coordinated care through a health home for Medicaid beneficiaries with chronic conditions under section 1945 of the Social Security Act (as added by subsection (a)) for the purpose of determining the effect of such option on reducing hospital admissions, emergency room visits, and admissions to skilled nursing facilities.

(B) EVALUATION REPORT.—Not later than January 1, 2017, the Secretary shall report to Congress on the evaluation and assessment conducted under subparagraph (A).

(2) SURVEY AND INTERIM REPORT.—

(A) IN GENERAL.—Not later than January 1, 2014, the Secretary of Health and Human Services shall survey States that have elected the option under section 1945 of the Social Security Act (as added by subsection (a)) and report to Congress on the nature, extent, and use of such option, particularly as it pertains to—

(i) hospital admission rates;

(ii) chronic disease management;

(iii) coordination of care for individuals with chronic conditions;

(iv) assessment of program implementation;

(v) processes and lessons learned (as described in subparagraph (B));

(vi) assessment of quality improvements and clinical outcomes under such option; and

(vii) estimates of cost savings.

(B) IMPLEMENTATION REPORTING.—A State that has elected the option under section 1945 of the Social Security Act (as added by subsection (a)) shall report to the Secretary, as necessary, on processes that have been developed and lessons learned regarding provision of coordinated care through a health home for Medicaid beneficiaries with chronic conditions under such option.

SEC. 2704. DEMONSTRATION PROJECT TO EVALUATE INTEGRATED CARE AROUND A HOSPITALIZATION.

(a) AUTHORITY TO CONDUCT PROJECT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish a demonstration project under title XIX of the Social Security Act to evaluate the use of bundled payments for the provision of integrated care for a Medicaid beneficiary—

(A) with respect to an episode of care that includes a hospitalization; and

(B) for concurrent physicians services provided during a hospitalization.

(2) DURATION.—The demonstration project shall begin on January 1, 2012, and shall end on December 31, 2016.

(b) REQUIREMENTS.—The demonstration project shall be conducted in accordance with the following:

(1) The demonstration project shall be conducted in up to 8 States, determined by the Secretary based on consideration of the potential to lower costs under the Medicaid program while improving care for Medicaid beneficiaries. A State selected to participate in the demonstration project may target the demonstration project to particular categories of beneficiaries, beneficiaries with particular diagnoses, or particular geographic regions of the State, but the Secretary shall insure that, as a whole, the demonstration project is, to the greatest extent possible, representative of the demographic and geographic composition of Medicaid beneficiaries nationally.

(2) The demonstration project shall focus on conditions where there is evidence of an opportunity for providers of services and suppliers to improve the quality of care furnished to Medicaid beneficiaries while reducing total expenditures under the State Medicaid programs selected to participate, as determined by the Secretary.

(3) A State selected to participate in the demonstration project shall specify the 1 or more episodes of care the State proposes to address in the project, the services to be included in the bundled payments, and the rationale for the selection of such episodes of care and services. The Secretary may modify the episodes of care as well as the services to be included in the bundled payments prior to or after approving the project. The Secretary may also vary such factors among the different States participating in the demonstration project.

(4) The Secretary shall ensure that payments made under the demonstration project are adjusted for severity of illness and other characteristics of Medicaid beneficiaries within a category or having a diagnosis targeted as part of the demonstration project. States shall ensure that Medicaid beneficiaries are not liable for any additional cost sharing than if their care had not been subject to payment under the demonstration project.

(5) Hospitals participating in the demonstration project shall have or establish robust discharge planning programs to ensure that Medicaid beneficiaries requiring post-acute care are appropriately placed in, or have ready access to, post-acute care settings.

(6) The Secretary and each State selected to participate in the demonstration project shall ensure that the demonstration project does not result in the Medicaid beneficiaries whose care is subject to payment under the demonstration project being provided with less items and services for which medical assistance is provided under the State Medicaid program than the items and services for which medical assistance would have been provided to such beneficiaries under the State Medicaid program in the absence of the demonstration project.

(c) WAIVER OF PROVISIONS.—Notwithstanding section 1115(a) of the Social Security Act (42 U.S.C. 1315(a)), the Secretary may waive such provisions of titles XIX, XVIII, and XI of that Act as may be necessary to accomplish the goals of the demonstration, ensure beneficiary access to acute and post-acute care, and maintain quality of care.

(d) EVALUATION AND REPORT.—

(1) DATA.—Each State selected to participate in the demonstration project under this section shall provide to the Secretary, in such form and manner as the Secretary shall specify, relevant data necessary to monitor outcomes, costs, and quality, and evaluate the rationales for selection of the episodes of care and services specified by States under subsection (b)(3).

(2) REPORT.—Not later than 1 year after the conclusion of the demonstration project, the Secretary shall submit a report to Congress on the results of the demonstration project.

SEC. 2705. MEDICAID GLOBAL PAYMENT SYSTEM DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall, in coordination with the Center for Medicare and Medicaid Innovation (as established under section 1115A of the Social Security Act, as added by section 3021 of this Act), establish the Medicaid Global Payment System Demonstration Project under which a participating State shall adjust the payments made to an eligible safety net hospital system or network from a fee-for-service payment structure to a global capitated payment model.

(b) DURATION AND SCOPE.—The demonstration project conducted under this section shall operate during a period of fiscal years 2010 through 2012. The Secretary shall select not more than 5 States to participate in the demonstration project.

(c) ELIGIBLE SAFETY NET HOSPITAL SYSTEM OR NETWORK.—For purposes of this section, the term ''eligible safety net hospital system or network'' means a large, safety net hospital system or network (as defined by the Secretary) that operates within a State selected by the Secretary under subsection (b).

(d) EVALUATION.—

(1) TESTING.—The Innovation Center shall test and evaluate the demonstration project conducted under this section to examine any changes in health care quality outcomes and spending by the eligible safety net hospital systems or networks.

(2) BUDGET NEUTRALITY.—During the testing period under paragraph (1), any budget neutrality requirements under section 1115A(b)(3) of the Social Security Act (as so added) shall not be applicable.

(3) MODIFICATION.—During the testing period under paragraph (1), the Secretary may, in the Secretary's discretion, modify or terminate the demonstration project conducted under this section.

(e) REPORT.—Not later than 12 months after the date of completion of the demonstration project under this section, the Secretary shall submit to Congress a report containing the results of the evaluation and testing conducted under subsection (d), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2706. PEDIATRIC ACCOUNTABLE CARE ORGANIZATION DEMONSTRATION PROJECT.

(a) AUTHORITY TO CONDUCT DEMONSTRATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish the Pediatric Accountable Care Organization Demonstration Project to authorize a participating State to allow pediatric medical providers that meet specified requirements to be recognized as an accountable care organization for purposes of receiving incentive payments (as described under subsection (d)), in the same manner as an accountable care organization is recognized and provided with incentive payments under section 1899 of the Social Security Act (as added by section 3022).

(2) DURATION.—The demonstration project shall begin on January 1, 2012, and shall end on December 31, 2016.

(b) APPLICATION.—A State that desires to participate in the demonstration project under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) REQUIREMENTS.—

(1) PERFORMANCE GUIDELINES.—The Secretary, in consultation with the States and pediatric providers, shall establish guidelines to ensure that the quality of care delivered to individuals by a provider recognized as an accountable care organization under this section is not less than the quality of care that would have otherwise been provided to such individuals.

(2) SAVINGS REQUIREMENT.—A participating State, in consultation with the Secretary, shall establish an annual minimal level of savings in expenditures for items and services covered under the Medicaid program under title XIX of the Social Security Act and the CHIP program under title XXI of such Act that must be reached by an accountable care organization in order for such organization to receive an incentive payment under subsection (d).

(3) MINIMUM PARTICIPATION PERIOD.—A provider desiring to be recognized as an accountable care organization under the demonstration project shall enter into an agreement with the State to participate in the project for not less than a 3-year period.

(d) INCENTIVE PAYMENT.—An accountable care organization that meets the performance guidelines established by the Secretary under subsection (c)(1) and achieves savings greater than the annual minimal savings level established by the State under subsection (c)(2) shall receive an incentive payment for such year equal to a portion (as determined appropriate by the Secretary) of the amount of such excess savings. The Secretary may establish an annual cap on incentive payments for an accountable care organization.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2707. MEDICAID EMERGENCY PSYCHIATRIC DEMONSTRATION PROJECT.

(a) AUTHORITY TO CONDUCT DEMONSTRATION PROJECT.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish a demonstration project under which an eligible State (as described in subsection (c)) shall provide payment under the State Medicaid plan under title XIX of the Social Security Act to an institution for mental diseases that is not publicly owned or operated and that is subject to the requirements of section 1867 of the Social Security Act (42 U.S.C. 1395dd) for the provision of medical assistance available under such plan to individuals who—

(1) have attained age 21, but have not attained age 65;

(2) are eligible for medical assistance under such plan; and

(3) require such medical assistance to stabilize an emergency medical condition.

(b) STABILIZATION REVIEW.—A State shall specify in its application described in subsection (c)(1) establish a mechanism for how it will ensure that institutions participating in the demonstration will determine whether or not such individuals have been stabilized (as defined in subsection (h)(5)). This mechanism shall commence before the third day of the inpatient stay. States participating in the demonstration project may manage the provision of services for the stabilization of medical emergency conditions through utilization review, authorization, or management practices, or the application of medical necessity and appropriateness criteria applicable to behavioral health.

(c) ELIGIBLE STATE DEFINED.—

(1) IN GENERAL.—An eligible State is a State that has made an application and has been selected pursuant to paragraphs (2) and (3).

(2) APPLICATION.—A State seeking to participate in the demonstration project under this section shall submit to the Secretary, at such time and in such format as the Secretary requires, an application that includes such information, provisions, and assurances, as the Secretary may require.

(3) SELECTION.—A State shall be determined eligible for the demonstration by the Secretary on a competitive basis among States with applications meeting the requirements of paragraph (1). In selecting State applications for the demonstration project, the Secretary shall seek to achieve an appropriate national balance in the geographic distribution of such projects.

(d) LENGTH OF DEMONSTRATION PROJECT.—The demonstration project established under this section shall be conducted for a period of 3 consecutive years.

(e) LIMITATIONS ON FEDERAL FUNDING.—

(1) APPROPRIATION.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, $75,000,000 for fiscal year 2011.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under that subparagraph.

(2) 5-YEAR AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available for obligation through December 31, 2015.

(3) LIMITATION ON PAYMENTS.—In no case may—

(A) the aggregate amount of payments made by the Secretary to eligible States under this section exceed $75,000,000; or

(B) payments be provided by the Secretary under this section after December 31, 2015.

(4) FUNDS ALLOCATED TO STATES.—Funds shall be allocated to eligible States on the basis of criteria, including a State's application and the availability of funds, as determined by the Secretary.

(5) PAYMENTS TO STATES.—The Secretary shall pay to each eligible State, from its allocation under paragraph (4), an amount each quarter equal to the Federal medical assistance percentage of expenditures in the quarter for medical assistance described in subsection (a). As a condition of receiving payment, a State shall collect and report information, as determined necessary by the Secretary, for the purposes of providing Federal oversight and conducting an evaluation under subsection (f)(1).

(f) EVALUATION AND REPORT TO CONGRESS.—

(1) EVALUATION.—The Secretary shall conduct an evaluation of the demonstration project in order to determine the impact on the functioning of the health and mental health service system and on individuals enrolled in the Medicaid program and shall include the following:

(A) An assessment of access to inpatient mental health services under the Medicaid program; average lengths of inpatient stays; and emergency room visits.

(B) An assessment of discharge planning by participating hospitals.

(C) An assessment of the impact of the demonstration project on the costs of the full range of mental health services (including inpatient, emergency and ambulatory care).

(D) An analysis of the percentage of consumers with Medicaid coverage who are admitted to inpatient facilities as a result of the demonstration project as compared to those admitted to these same facilities through other means.

(E) A recommendation regarding whether the demonstration project should be continued after December 31, 2013, and expanded on a national basis.

(2) REPORT.—Not later than December 31, 2013, the Secretary shall submit to Congress and make available to the public a report on the findings of the evaluation under paragraph (1).

(g) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Secretary shall waive the limitation of subdivision (B) following paragraph (28) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) (relating to limitations on payments for care or services for individuals under 65 years of age who are patients in an institution for mental diseases) for purposes of carrying out the demonstration project under this section.

(2) LIMITED OTHER WAIVER AUTHORITY.—The Secretary may waive other requirements of titles XI and XIX of the Social Security Act (including the requirements of sections 1902(a)(1) (relating to statewideness) and 1902(1)(10)(B) (relating to comparability)) only to extent necessary to carry out the demonstration project under this section.

(h) DEFINITIONS.—In this section:

(1) EMERGENCY MEDICAL CONDITION.—The term ''emergency medical condition'' means, with respect to an individual, an individual who expresses suicidal or homicidal thoughts or gestures, if determined dangerous to self or others.

(2) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—The term ''Federal medical assistance percentage'' has the meaning given that term with respect to a State under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(3) INSTITUTION FOR MENTAL DISEASES.—The term ''institution for mental diseases'' has the meaning given to that term in section 1905(i) of the Social Security Act (42 U.S.C. 1396d(i)).

(4) MEDICAL ASSISTANCE.—The term ''medical assistance'' has the meaning given that term in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)).

(5) STABILIZED.—The term ''stabilized'' means, with respect to an individual, that the emergency medical condition no longer exists with respect to the individual and the individual is no longer dangerous to self or others.

(6) STATE.—The term ''State'' has the meaning given that term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

Subtitle J—Improvements to the Medicaid and CHIP Payment and Access Commission (MACPAC)

SEC. 2801. MACPAC ASSESSMENT OF POLICIES AFFECTING ALL MEDICAID BENEFICIARIES.

(a) IN GENERAL.—Section 1900 of the Social Security Act (42 U.S.C. 1396) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the paragraph heading, by inserting ''FOR ALL STATES'' before ''AND ANNUAL''; and

(ii) in subparagraph (A), by striking ''children's'';

(iii) in subparagraph (B), by inserting '', the Secretary, and States'' after ''Congress'';

(iv) in subparagraph (C), by striking ''March 1'' and inserting ''March 15''; and

(v) in subparagraph (D), by striking ''June 1'' and inserting ''June 15'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i)—

(aa) by inserting ''the efficient provision of'' after ''expenditures for''; and

(bb) by striking ''hospital, skilled nursing facility, physician, Federally-qualified health center, rural health center, and other fees'' and inserting ''payments to medical, dental, and health professionals, hospitals, residential and long-term care providers, providers of home and community based services, Federally-qualified health centers and rural health clinics, managed care entities, and providers of other covered items and services''; and

(II) in clause (iii), by inserting ''(including how such factors and methodologies enable such beneficiaries to obtain the services for which they are eligible, affect provider supply, and affect providers that serve a disproportionate share of low-income and other vulnerable populations)'' after ''beneficiaries'';

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (F) and (H), respectively;

(iii) by inserting after subparagraph (A), the following:

''(B) ELIGIBILITY POLICIES.—Medicaid and CHIP eligibility policies, including a determination of the degree to which Federal and State policies provide health care coverage to needy populations.

''(C) ENROLLMENT AND RETENTION PROCESSES.—Medicaid and CHIP enrollment and retention processes, including a determination of the degree to which Federal and State policies encourage the enrollment of individuals who are eligible for such programs and screen out individuals who are ineligible, while minimizing the share of program expenses devoted to such processes.

''(D) COVERAGE POLICIES.—Medicaid and CHIP benefit and coverage policies, including a determination of the degree to which Federal and State policies provide access to the services enrollees require to improve and maintain their health and functional status.

''(E) QUALITY OF CARE.—Medicaid and CHIP policies as they relate to the quality of care provided under those programs, including a determination of the degree to which Federal and State policies achieve their stated goals and interact with similar goals established by other purchasers of health care services.'';

(iv) by inserting after subparagraph (F) (as redesignated by clause (ii) of this subparagraph), the following:

''(G) INTERACTIONS WITH MEDICARE AND MEDICAID.—Consistent with paragraph (11), the interaction of policies under Medicaid and the Medicare program under title XVIII, including with respect to how such interactions affect access to services, payments, and dual eligible individuals.'' and

(v) in subparagraph (H) (as so redesignated), by inserting ''and preventive, acute, and long-term services and supports'' after ''barriers'';

(C) by redesignating paragraphs (3) through (9) as paragraphs (4) through (10), respectively;

(D) by inserting after paragraph (2), the following new paragraph:

''(3) RECOMMENDATIONS AND REPORTS OF STATE-SPECIFIC DATA.—MACPAC shall—

''(A) review national and State-specific Medicaid and CHIP data; and

''(B) submit reports and recommendations to Congress, the Secretary, and States based on such reviews.'';

(E) in paragraph (4), as redesignated by subparagraph (C), by striking ''or any other problems'' and all that follows through the period and inserting '', as well as other factors that adversely affect, or have the potential to adversely affect, access to care by, or the health care status of, Medicaid and CHIP beneficiaries. MACPAC shall include in the annual report required under paragraph (1)(D) a description of all such areas or problems identified with respect to the period addressed in the report.'';

(F) in paragraph (5), as so redesignated,—

(i) in the paragraph heading, by inserting ''AND REGULATIONS'' after ''REPORTS''; and

(ii) by striking ''If'' and inserting the following:

''(A) CERTAIN SECRETARIAL REPORTS.—If''; and

(iii) in the second sentence, by inserting ''and the Secretary'' after ''appropriate committees of Congress''; and

(iv) by adding at the end the following:

''(B) REGULATIONS.—MACPAC shall review Medicaid and CHIP regulations and may comment through submission of a report to the appropriate committees of Congress and the Secretary, on any such regulations that affect access, quality, or efficiency of health care.'';

(G) in paragraph (10), as so redesignated, by inserting '', and shall submit with any recommendations, a report on the Federal and State-specific budget consequences of the recommendations'' before the period; and

(H) by adding at the end the following:

''(11) CONSULTATION AND COORDINATION WITH MEDPAC.—

''(A) IN GENERAL.—MACPAC shall consult with the Medicare Payment Advisory Commission (in this paragraph referred to as 'MedPAC') established under section 1805 in carrying out its duties under this section, as appropriate and particularly with respect to the issues specified in paragraph (2) as they relate to those Medicaid beneficiaries who are dually eligible for Medicaid and the Medicare program under title XVIII, adult Medicaid beneficiaries (who are not dually eligible for Medicare), and beneficiaries under Medicare. Responsibility for analysis of and recommendations to change Medicare policy regarding Medicare beneficiaries, including Medicare beneficiaries who are dually eligible for Medicare and Medicaid, shall rest with MedPAC.

''(B) INFORMATION SHARING.—MACPAC and MedPAC shall have access to deliberations and records of the other such entity, respectively, upon the request of the other such entity.

''(12) CONSULTATION WITH STATES.—MACPAC shall regularly consult with States in carrying out its duties under this section, including with respect to developing processes for carrying out such duties, and shall ensure that input from States is taken into account and represented in MACPAC's recommendations and reports.

''(13) COORDINATE AND CONSULT WITH THE FEDERAL COORDINATED HEALTH CARE OFFICE.—MACPAC shall coordinate and consult with the Federal Coordinated Health Care Office established under section 2081 of the Patient Protection and Affordable Care Act before making any recommendations regarding dual eligible individuals.

''(14) PROGRAMMATIC OVERSIGHT VESTED IN THE SECRETARY.—MACPAC's authority to make recommendations in accordance with this section shall not affect, or be considered to duplicate, the Secretary's authority to carry out Federal responsibilities with respect to Medicaid and CHIP.'';

(2) in subsection (c)(2)—

(A) by striking subparagraphs (A) and (B) and inserting the following:

''(A) IN GENERAL.—The membership of MACPAC shall include individuals who have had direct experience as enrollees or parents or caregivers of enrollees in Medicaid or CHIP and individuals with national recognition for their expertise in Federal safety net health programs, health finance and economics, actuarial science, health plans and integrated delivery systems, reimbursement for health care, health information technology, and other providers of health services, public health, and other related fields, who provide a mix of different professions, broad geographic representation, and a balance between urban and rural representation.

''(B) INCLUSION.—The membership of MACPAC shall include (but not be limited to) physicians, dentists, and other health professionals, employers, third-party payers, and individuals with expertise in the delivery of health services. Such membership shall also include representatives of children, pregnant women, the elderly, individuals with disabilities, caregivers, and dual eligible individuals, current or former representatives of State agencies responsible for administering Medicaid, and current or former representatives of State agencies responsible for administering CHIP.''.

(3) in subsection (d)(2), by inserting ''and State'' after ''Federal'';

(4) in subsection (e)(1), in the first sentence, by inserting ''and, as a condition for receiving payments under sections 1903(a) and 2105(a), from any State agency responsible for administering Medicaid or CHIP,'' after ''United States''; and

(5) in subsection (f)—

(A) in the subsection heading, by striking ''AUTHORIZATION OF APPROPRIATIONS'' and inserting ''FUNDING'';

(B) in paragraph (1), by inserting ''(other than for fiscal year 2010)'' before ''in the same manner''; and

(C) by adding at the end the following:

''(3) FUNDING FOR FISCAL YEAR 2010.—

''(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to MACPAC to carry out the provisions of this section for fiscal year 2010, $9,000,000.

''(B) TRANSFER OF FUNDS.—Notwithstanding section 2104(a)(13), from the amounts appropriated in such section for fiscal year 2010, $2,000,000 is hereby transferred and made available in such fiscal year to MACPAC to carry out the provisions of this section.

''(4) AVAILABILITY.—Amounts made available under paragraphs (2) and (3) to MACPAC to carry out the provisions of this section shall remain available until expended.''.

(b) CONFORMING MEDPAC AMENDMENTS.—Section 1805(b) of the Social Security Act (42 U.S.C. 1395b–6(b)), is amended—

(1) in paragraph (1)(C), by striking ''March 1 of each year (beginning with 1998)'' and inserting ''March 15'';

(2) in paragraph (1)(D), by inserting '', and (beginning with 2012) containing an examination of the topics described in paragraph (9), to the extent feasible'' before the period; and

(3) by adding at the end the following:

''(9) REVIEW AND ANNUAL REPORT ON MEDICAID AND COMMERCIAL TRENDS.—The Commission shall review and report on aggregate trends in spending, utilization, and financial performance under the Medicaid program under title XIX and the private market for health care services with respect to providers for which, on an aggregate national basis, a significant portion of revenue or services is associated with the Medicaid program. Where appropriate, the Commission shall conduct such review in consultation with the Medicaid and CHIP Payment and Access Commission established under section 1900 (in this section referred to as 'MACPAC').

''(10) COORDINATE AND CONSULT WITH THE FEDERAL COORDINATED HEALTH CARE OFFICE.—The Commission shall coordinate and consult with the Federal Coordinated Health Care Office established under section 2081 of the Patient Protection and Affordable Care Act before making any recommendations regarding dual eligible individuals.

''(11) INTERACTION OF MEDICAID AND MEDICARE.—The Commission shall consult with MACPAC in carrying out its duties under this section, as appropriate. Responsibility for analysis of and recommendations to change Medicare policy regarding Medicare beneficiaries, including Medicare beneficiaries who are dually eligible for Medicare and Medicaid, shall rest with the Commission. Responsibility for analysis of and recommendations to change Medicaid policy regarding Medicaid beneficiaries, including Medicaid beneficiaries who are dually eligible for Medicare and Medicaid, shall rest with MACPAC.''.

Subtitle K—Protections for American Indians and Alaska Natives

SEC. 2901. SPECIAL RULES RELATING TO INDIANS.

(a) NO COST-SHARING FOR INDIANS WITH INCOME AT OR BELOW 300 PERCENT OF POVERTY ENROLLED IN COVERAGE THROUGH A STATE EXCHANGE.—For provisions prohibiting cost sharing for Indians enrolled in any qualified health plan in the individual market through an Exchange, see section 1402(d) of the Patient Protection and Affordable Care Act.

(b) PAYER OF LAST RESORT.—Health programs operated by the Indian Health Service, Indian tribes, tribal organizations, and Urban Indian organizations (as those terms are defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)) shall be the payer of last resort for services provided by such Service, tribes, or organizations to individuals eligible for services through such programs, notwithstanding any Federal, State, or local law to the contrary.

(c) FACILITATING ENROLLMENT OF INDIANS UNDER THE EXPRESS LANE OPTION.—Section 1902(e)(13)(F)(ii) of the Social Security Act (42 U.S.C. 1396a(e)(13)(F)(ii)) is amended—

(1) in the clause heading, by inserting ''AND INDIAN TRIBES AND TRIBAL ORGANIZATIONS'' after ''AGENCIES''; and

(2) by adding at the end the following:

''(IV) The Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization (as defined in section 1139(c)).''.

(d) TECHNICAL CORRECTIONS.—Section 1139(c) of the Social Security Act (42 U.S.C. 1320b–9(c)) is amended by striking ''In this section'' and inserting ''For purposes of this section, title XIX, and title XXI''.

SEC. 2902. ELIMINATION OF SUNSET FOR REIMBURSEMENT FOR ALL MEDICARE PART B SERVICES FURNISHED BY CERTAIN INDIAN HOSPITALS AND CLINICS.

(a) REIMBURSEMENT FOR ALL MEDICARE PART B SERVICES FURNISHED BY CERTAIN INDIAN HOSPITALS AND CLINICS.—Section 1880(e)(1)(A) of the Social Security Act (42 U.S.C. 1395qq(e)(1)(A)) is amended by striking ''during the 5-year period beginning on'' and inserting ''on or after''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items or services furnished on or after January 1, 2010.

Subtitle L—Maternal and Child Health Services

SEC. 2951. MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING PROGRAMS.

Title V of the Social Security Act (42 U.S.C. 701 et seq.) is amended by adding at the end the following new section:

''SEC. 511. MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING PROGRAMS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to strengthen and improve the programs and activities carried out under this title;

''(2) to improve coordination of services for at risk communities; and

''(3) to identify and provide comprehensive services to improve outcomes for families who reside in at risk communities.

''(b) REQUIREMENT FOR ALL STATES TO ASSESS STATEWIDE NEEDS AND IDENTIFY AT RISK COMMUNITIES.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of this section, each State shall, as a condition of receiving payments from an allotment for the State under section 502 for fiscal year 2011, conduct a statewide needs assessment (which shall be separate from the statewide needs assessment required under section 505(a)) that identifies—

''(A) communities with concentrations of—

''(i) premature birth, low-birth weight infants, and infant mortality, including infant death due to neglect, or other indicators of at-risk prenatal, maternal, newborn, or child health;

''(ii) poverty;

''(iii) crime;

''(iv) domestic violence;

''(v) high rates of high-school drop-outs;

''(vi) substance abuse;

''(vii) unemployment; or

''(viii) child maltreatment;

''(B) the quality and capacity of existing programs or initiatives for early childhood home visitation in the State including—

''(i) the number and types of individuals and families who are receiving services under such programs or initiatives;

''(ii) the gaps in early childhood home visitation in the State; and

''(iii) the extent to which such programs or initiatives are meeting the needs of eligible families described in subsection (k)(2); and

''(C) the State's capacity for providing substance abuse treatment and counseling services to individuals and families in need of such treatment or services.

''(2) COORDINATION WITH OTHER ASSESSMENTS.—In conducting the statewide needs assessment required under paragraph (1), the State shall coordinate with, and take into account, other appropriate needs assessments conducted by the State, as determined by the Secretary, including the needs assessment required under section 505(a) (both the most recently completed assessment and any such assessment in progress), the communitywide strategic planning and needs assessments conducted in accordance with section 640(g)(1)(C) of the Head Start Act, and the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State required under section 205(3) of the Child Abuse Prevention and Treatment Act.

''(3) SUBMISSION TO THE SECRETARY.—Each State shall submit to the Secretary, in such form and manner as the Secretary shall require—

''(A) the results of the statewide needs assessment required under paragraph (1); and

''(B) a description of how the State intends to address needs identified by the assessment, particularly with respect to communities identified under paragraph (1)(A), which may include applying for a grant to conduct an early childhood home visitation program in accordance with the requirements of this section.

''(c) GRANTS FOR EARLY CHILDHOOD HOME VISITATION PROGRAMS.—

''(1) AUTHORITY TO MAKE GRANTS.—In addition to any other payments made under this title to a State, the Secretary shall make grants to eligible entities to enable the entities to deliver services under early childhood home visitation programs that satisfy the requirements of subsection (d) to eligible families in order to promote improvements in maternal and prenatal health, infant health, child health and development, parenting related to child development outcomes, school readiness, and the socioeconomic status of such families, and reductions in child abuse, neglect, and injuries.

''(2) AUTHORITY TO USE INITIAL GRANT FUNDS FOR PLANNING OR IMPLEMENTATION.—An eligible entity that receives a grant under paragraph (1) may use a portion of the funds made available to the entity during the first 6 months of the period for which the grant is made for planning or implementation activities to assist with the establishment of early childhood home visitation programs that satisfy the requirements of subsection (d).

''(3) GRANT DURATION.—The Secretary shall determine the period of years for which a grant is made to an eligible entity under paragraph (1).

''(4) TECHNICAL ASSISTANCE.—The Secretary shall provide an eligible entity that receives a grant under paragraph (1) with technical assistance in administering programs or activities conducted in whole or in part with grant funds.

''(d) REQUIREMENTS.—The requirements of this subsection for an early childhood home visitation program conducted with a grant made under this section are as follows:

''(1) QUANTIFIABLE, MEASURABLE IMPROVEMENT IN BENCHMARK AREAS.—

''(A) IN GENERAL.—The eligible entity establishes, subject to the approval of the Secretary, quantifiable, measurable 3- and 5-year benchmarks for demonstrating that the program results in improvements for the eligible families participating in the program in each of the following areas:

''(i) Improved maternal and newborn health.

''(ii) Prevention of child injuries, child abuse, neglect, or maltreatment, and reduction of emergency department visits.

''(iii) Improvement in school readiness and achievement.

''(iv) Reduction in crime or domestic violence.

''(v) Improvements in family economic self-sufficiency.

''(vi) Improvements in the coordination and referrals for other community resources and supports.

''(B) DEMONSTRATION OF IMPROVEMENTS AFTER 3 YEARS.—

''(i) REPORT TO THE SECRETARY.—Not later than 30 days after the end of the 3rd year in which the eligible entity conducts the program, the entity submits to the Secretary a report demonstrating improvement in at least 4 of the areas specified in subparagraph (A).

''(ii) CORRECTIVE ACTION PLAN.—If the report submitted by the eligible entity under clause (i) fails to demonstrate improvement in at least 4 of the areas specified in subparagraph (A), the entity shall develop and implement a plan to improve outcomes in each of the areas specified in subparagraph (A), subject to approval by the Secretary. The plan shall include provisions for the Secretary to monitor implementation of the plan and conduct continued oversight of the program, including through submission by the entity of regular reports to the Secretary.

''(iii) TECHNICAL ASSISTANCE.—

''(I) IN GENERAL.—The Secretary shall provide an eligible entity required to develop and implement an improvement plan under clause (ii) with technical assistance to develop and implement the plan. The Secretary may provide the technical assistance directly or through grants, contracts, or cooperative agreements.

''(II) ADVISORY PANEL.—The Secretary shall establish an advisory panel for purposes of obtaining recommendations regarding the technical assistance provided to entities in accordance with subclause (I).

''(iv) NO IMPROVEMENT OR FAILURE TO SUBMIT REPORT.—If the Secretary determines after a period of time specified by the Secretary that an eligible entity implementing an improvement plan under clause (ii) has failed to demonstrate any improvement in the areas specified in subparagraph (A), or if the Secretary determines that an eligible entity has failed to submit the report required under clause (i), the Secretary shall terminate the entity's grant and may include any unexpended grant funds in grants made to nonprofit organizations under subsection (h)(2)(B).

''(C) FINAL REPORT.—Not later than December 31, 2015, the eligible entity shall submit a report to the Secretary demonstrating improvements (if any) in each of the areas specified in subparagraph (A).

''(2) IMPROVEMENTS IN OUTCOMES FOR INDIVIDUAL FAMILIES.—

''(A) IN GENERAL.—The program is designed, with respect to an eligible family participating in the program, to result in the participant outcomes described in subparagraph (B) that the eligible entity identifies on the basis of an individualized assessment of the family, are relevant for that family.

''(B) PARTICIPANT OUTCOMES.—The participant outcomes described in this subparagraph are the following:

''(i) Improvements in prenatal, maternal, and newborn health, including improved pregnancy outcomes

''(ii) Improvements in child health and development, including the prevention of child injuries and maltreatment and improvements in cognitive, language, social-emotional, and physical developmental indicators.

''(iii) Improvements in parenting skills.

''(iv) Improvements in school readiness and child academic achievement.

''(v) Reductions in crime or domestic violence.

''(vi) Improvements in family economic self-sufficiency.

''(vii) Improvements in the coordination of referrals for, and the provision of, other community resources and supports for eligible families, consistent with State child welfare agency training.

''(3) CORE COMPONENTS.—The program includes the following core components:

''(A) SERVICE DELIVERY MODEL OR MODELS.—

''(i) IN GENERAL.—Subject to clause (ii), the program is conducted using 1 or more of the service delivery models described in item (aa) or (bb) of subclause (I) or in subclause (II) selected by the eligible entity:

''(I) The model conforms to a clear consistent home visitation model that has been in existence for at least 3 years and is research-based, grounded in relevant empirically-based knowledge, linked to program determined outcomes, associated with a national organization or institution of higher education that has comprehensive home visitation program standards that ensure high quality service delivery and continuous program quality improvement, and has demonstrated significant, (and in the case of the service delivery model described in item (aa), sustained) positive outcomes, as described in the benchmark areas specified in paragraph (1)(A) and the participant outcomes described in paragraph (2)(B), when evaluated using well-designed and rigorous—

''(aa) randomized controlled research designs, and the evaluation results have been published in a peer-reviewed journal; or

''(bb) quasi-experimental research designs.

''(II) The model conforms to a promising and new approach to achieving the benchmark areas specified in paragraph (1)(A) and the participant outcomes described in paragraph (2)(B), has been developed or identified by a national organization or institution of higher education, and will be evaluated through well-designed and rigorous process.

''(ii) MAJORITY OF GRANT FUNDS USED FOR EVIDENCE-BASED MODELS.—An eligible entity shall use not more than 25 percent of the amount of the grant paid to the entity for a fiscal year for purposes of conducting a program using the service delivery model described in clause (i)(II).

''(iii) CRITERIA FOR EVIDENCE OF EFFECTIVENESS OF MODELS.—The Secretary shall establish criteria for evidence of effectiveness of the service delivery models and shall ensure that the process for establishing the criteria is transparent and provides the opportunity for public comment.

''(B) ADDITIONAL REQUIREMENTS.—

''(i) The program adheres to a clear, consistent model that satisfies the requirements of being grounded in empirically-based knowledge related to home visiting and linked to the benchmark areas specified in paragraph (1)(A) and the participant outcomes described in paragraph (2)(B) related to the purposes of the program.

''(ii) The program employs well-trained and competent staff, as demonstrated by education or training, such as nurses, social workers, educators, child development specialists, or other well-trained and competent staff, and provides ongoing and specific training on the model being delivered.

''(iii) The program maintains high quality supervision to establish home visitor competencies.

''(iv) The program demonstrates strong organizational capacity to implement the activities involved.

''(v) The program establishes appropriate linkages and referral networks to other community resources and supports for eligible families.

''(vi) The program monitors the fidelity of program implementation to ensure that services are delivered pursuant to the specified model.

''(4) PRIORITY FOR SERVING HIGH-RISK POPULATIONS.—The eligible entity gives priority to providing services under the program to the following:

''(A) Eligible families who reside in communities in need of such services, as identified in the statewide needs assessment required under subsection (b)(1)(A).

''(B) Low-income eligible families.

''(C) Eligible families who are pregnant women who have not attained age 21.

''(D) Eligible families that have a history of child abuse or neglect or have had interactions with child welfare services.

''(E) Eligible families that have a history of substance abuse or need substance abuse treatment.

''(F) Eligible families that have users of tobacco products in the home.

''(G) Eligible families that are or have children with low student achievement.

''(H) Eligible families with children with developmental delays or disabilities.

''(I) Eligible families who, or that include individuals who, are serving or formerly served in the Armed Forces, including such families that have members of the Armed Forces who have had multiple deployments outside of the United States.

''(e) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary for approval, in such manner as the Secretary may require, that includes the following:

''(1) A description of the populations to be served by the entity, including specific information regarding how the entity will serve high risk populations described in subsection (d)(4).

''(2) An assurance that the entity will give priority to serving low-income eligible families and eligible families who reside in at risk communities identified in the statewide needs assessment required under subsection (b)(1)(A).

''(3) The service delivery model or models described in subsection (d)(3)(A) that the entity will use under the program and the basis for the selection of the model or models.

''(4) A statement identifying how the selection of the populations to be served and the service delivery model or models that the entity will use under the program for such populations is consistent with the results of the statewide needs assessment conducted under subsection (b).

''(5) The quantifiable, measurable benchmarks established by the State to demonstrate that the program contributes to improvements in the areas specified in subsection (d)(1)(A).

''(6) An assurance that the entity will obtain and submit documentation or other appropriate evidence from the organization or entity that developed the service delivery model or models used under the program to verify that the program is implemented and services are delivered according to the model specifications.

''(7) Assurances that the entity will establish procedures to ensure that—

''(A) the participation of each eligible family in the program is voluntary; and

''(B) services are provided to an eligible family in accordance with the individual assessment for that family.

''(8) Assurances that the entity will—

''(A) submit annual reports to the Secretary regarding the program and activities carried out under the program that include such information and data as the Secretary shall require; and

''(B) participate in, and cooperate with, data and information collection necessary for the evaluation required under subsection (g)(2) and other research and evaluation activities carried out under subsection (h)(3).

''(9) A description of other State programs that include home visitation services, including, if applicable to the State, other programs carried out under this title with funds made available from allotments under section 502(c), programs funded under title IV, title II of the Child Abuse Prevention and Treatment Act (relating to community-based grants for the prevention of child abuse and neglect), and section 645A of the Head Start Act (relating to Early Head Start programs).

''(10) Other information as required by the Secretary.

''(f) MAINTENANCE OF EFFORT.—Funds provided to an eligible entity receiving a grant under this section shall supplement, and not supplant, funds from other sources for early childhood home visitation programs or initiatives.

''(g) EVALUATION.—

''(1) INDEPENDENT, EXPERT ADVISORY PANEL.—The Secretary, in accordance with subsection (h)(1)(A), shall appoint an independent advisory panel consisting of experts in program evaluation and research, education, and early childhood development—

''(A) to review, and make recommendations on, the design and plan for the evaluation required under paragraph (2) within 1 year after the date of enactment of this section;

''(B) to maintain and advise the Secretary regarding the progress of the evaluation; and

''(C) to comment, if the panel so desires, on the report submitted under paragraph (3).

''(2) AUTHORITY TO CONDUCT EVALUATION.—On the basis of the recommendations of the advisory panel under paragraph (1), the Secretary shall, by grant, contract, or interagency agreement, conduct an evaluation of the statewide needs assessments submitted under subsection (b) and the grants made under subsections (c) and (h)(3)(B). The evaluation shall include—

''(A) an analysis, on a State-by-State basis, of the results of such assessments, including indicators of maternal and prenatal health and infant health and mortality, and State actions in response to the assessments; and

''(B) an assessment of—

''(i) the effect of early childhood home visitation programs on child and parent outcomes, including with respect to each of the benchmark areas specified in subsection (d)(1)(A) and the participant outcomes described in subsection (d)(2)(B);

''(ii) the effectiveness of such programs on different populations, including the extent to which the ability of programs to improve participant outcomes varies across programs and populations; and

''(iii) the potential for the activities conducted under such programs, if scaled broadly, to improve health care practices, eliminate health disparities, and improve health care system quality, efficiencies, and reduce costs.

''(3) REPORT.—Not later than March 31, 2015, the Secretary shall submit a report to Congress on the results of the evaluation conducted under paragraph (2) and shall make the report publicly available.

''(h) OTHER PROVISIONS.—

''(1) INTRA-AGENCY COLLABORATION.—The Secretary shall ensure that the Maternal and Child Health Bureau and the Administration for Children and Families collaborate with respect to carrying out this section, including with respect to—

''(A) reviewing and analyzing the statewide needs assessments required under subsection (b), the awarding and oversight of grants awarded under this section, the establishment of the advisory panels required under subsections (d)(1)(B)(iii)(II) and (g)(1), and the evaluation and report required under subsection (g); and

''(B) consulting with other Federal agencies with responsibility for administering or evaluating programs that serve eligible families to coordinate and collaborate with respect to research related to such programs and families, including the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, the Centers for Disease Control and Prevention, the National Institute of Child Health and Human Development of the National Institutes of Health, the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and the Institute of Education Sciences of the Department of Education.

''(2) GRANTS TO ELIGIBLE ENTITIES THAT ARE NOT STATES.—

''(A) INDIAN TRIBES, TRIBAL ORGANIZATIONS, OR URBAN INDIAN ORGANIZATIONS.—The Secretary shall specify requirements for eligible entities that are Indian Tribes (or a consortium of Indian Tribes), Tribal Organizations, or Urban Indian Organizations to apply for and conduct an early childhood home visitation program with a grant under this section. Such requirements shall, to the greatest extent practicable, be consistent with the requirements applicable to eligible entities that are States and shall require an Indian Tribe (or consortium), Tribal Organization, or Urban Indian Organization to—

''(i) conduct a needs assessment similar to the assessment required for all States under subsection (b); and

''(ii) establish quantifiable, measurable 3- and 5-year benchmarks consistent with subsection (d)(1)(A).

''(B) NONPROFIT ORGANIZATIONS.—If, as of the beginning of fiscal year 2012, a State has not applied or been approved for a grant under this section, the Secretary may use amounts appropriated under paragraph (1) of subsection (j) that are available for expenditure under paragraph (3) of that subsection to make a grant to an eligible entity that is a nonprofit organization described in subsection (k)(1)(B) to conduct an early childhood home visitation program in the State. The Secretary shall specify the requirements for such an organization to apply for and conduct the program which shall, to the greatest extent practicable, be consistent with the requirements applicable to eligible entities that are States and shall require the organization to—

''(i) carry out the program based on the needs assessment conducted by the State under subsection (b); and

''(ii) establish quantifiable, measurable 3- and 5-year benchmarks consistent with subsection (d)(1)(A).

''(3) RESEARCH AND OTHER EVALUATION ACTIVITIES.—

''(A) IN GENERAL.—The Secretary shall carry out a continuous program of research and evaluation activities in order to increase knowledge about the implementation and effectiveness of home visiting programs, using random assignment designs to the maximum extent feasible. The Secretary may carry out such activities directly, or through grants, cooperative agreements, or contracts.

''(B) REQUIREMENTS.—The Secretary shall ensure that—

''(i) evaluation of a specific program or project is conducted by persons or individuals not directly involved in the operation of such program or project; and

''(ii) the conduct of research and evaluation activities includes consultation with independent researchers, State officials, and developers and providers of home visiting programs on topics including research design and administrative data matching.

''(4) REPORT AND RECOMMENDATION.—Not later than December 31, 2015, the Secretary shall submit a report to Congress regarding the programs conducted with grants under this section. The report required under this paragraph shall include—

''(A) information regarding the extent to which eligible entities receiving grants under this section demonstrated improvements in each of the areas specified in subsection (d)(1)(A);

''(B) information regarding any technical assistance provided under subsection (d)(1)(B)(iii)(I), including the type of any such assistance provided; and

''(C) recommendations for such legislative or administrative action as the Secretary determines appropriate.

''(i) APPLICATION OF OTHER PROVISIONS OF TITLE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the other provisions of this title shall not apply to a grant made under this section.

''(2) EXCEPTIONS.—The following provisions of this title shall apply to a grant made under this section to the same extent and in the same manner as such provisions apply to allotments made under section 502(c):

''(A) Section 504(b)(6) (relating to prohibition on payments to excluded individuals and entities).

''(B) Section 504(c) (relating to the use of funds for the purchase of technical assistance).

''(C) Section 504(d) (relating to a limitation on administrative expenditures).

''(D) Section 506 (relating to reports and audits), but only to the extent determined by the Secretary to be appropriate for grants made under this section.

''(E) Section 507 (relating to penalties for false statements).

''(F) Section 508 (relating to nondiscrimination).

''(G) Section 509(a) (relating to the administration of the grant program).

''(j) APPROPRIATIONS.—

''(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this section—

''(A) $100,000,000 for fiscal year 2010;

''(B) $250,000,000 for fiscal year 2011;

''(C) $350,000,000 for fiscal year 2012;

''(D) $400,000,000 for fiscal year 2013; and

''(E) $400,000,000 for fiscal year 2014.

''(2) RESERVATIONS.—Of the amount appropriated under this subsection for a fiscal year, the Secretary shall reserve—

''(A) 3 percent of such amount for purposes of making grants to eligible entities that are Indian Tribes (or a consortium of Indian Tribes), Tribal Organizations, or Urban Indian Organizations; and

''(B) 3 percent of such amount for purposes of carrying out subsections (d)(1)(B)(iii), (g), and (h)(3).

''(3) AVAILABILITY.—Funds made available to an eligible entity under this section for a fiscal year shall remain available for expenditure by the eligible entity through the end of the second succeeding fiscal year after award. Any funds that are not expended by the eligible entity during the period in which the funds are available under the preceding sentence may be used for grants to nonprofit organizations under subsection (h)(2)(B).

''(k) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—The term 'eligible entity' means a State, an Indian Tribe, Tribal Organization, or Urban Indian Organization, Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa.

''(B) NONPROFIT ORGANIZATIONS.—Only for purposes of awarding grants under subsection (h)(2)(B), such term shall include a nonprofit organization with an established record of providing early childhood home visitation programs or initiatives in a State or several States.

''(2) ELIGIBLE FAMILY.—The term 'eligible family' means—

''(A) a woman who is pregnant, and the father of the child if the father is available; or

''(B) a parent or primary caregiver of a child, including grandparents or other relatives of the child, and foster parents, who are serving as the child's primary caregiver from birth to kindergarten entry, and including a noncustodial parent who has an ongoing relationship with, and at times provides physical care for, the child.

''(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian Tribe' and 'Tribal Organization', and 'Urban Indian Organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act.''.

SEC. 2952. SUPPORT, EDUCATION, AND RESEARCH FOR POSTPARTUM DEPRESSION.

(a) RESEARCH ON POSTPARTUM CONDITIONS.—

(1) EXPANSION AND INTENSIFICATION OF ACTIVITIES.—The Secretary of Health and Human Services (in this subsection and subsection (c) referred to as the ''Secretary'') is encouraged to continue activities on postpartum depression or postpartum psychosis (in this subsection and subsection (c) referred to as ''postpartum conditions''), including research to expand the understanding of the causes of, and treatments for, postpartum conditions. Activities under this paragraph shall include conducting and supporting the following:

(A) Basic research concerning the etiology and causes of the conditions.

(B) Epidemiological studies to address the frequency and natural history of the conditions and the differences among racial and ethnic groups with respect to the conditions.

(C) The development of improved screening and diagnostic techniques.

(D) Clinical research for the development and evaluation of new treatments.

(E) Information and education programs for health care professionals and the public, which may include a coordinated national campaign to increase the awareness and knowledge of postpartum conditions. Activities under such a national campaign may—

(i) include public service announcements through television, radio, and other means; and

(ii) focus on—

(I) raising awareness about screening;

(II) educating new mothers and their families about postpartum conditions to promote earlier diagnosis and treatment; and

(III) ensuring that such education includes complete information concerning postpartum conditions, including its symptoms, methods of coping with the illness, and treatment resources.

(2) SENSE OF CONGRESS REGARDING LONGITUDINAL STUDY OF RELATIVE MENTAL HEALTH CONSEQUENCES FOR WOMEN OF RESOLVING A PREGNANCY.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that the Director of the National Institute of Mental Health may conduct a nationally representative longitudinal study (during the period of fiscal years 2010 through 2019) of the relative mental health consequences for women of resolving a pregnancy (intended and unintended) in various ways, including carrying the pregnancy to term and parenting the child, carrying the pregnancy to term and placing the child for adoption, miscarriage, and having an abortion. This study may assess the incidence, timing, magnitude, and duration of the immediate and long-term mental health consequences (positive or negative) of these pregnancy outcomes.

(B) REPORT.—Subject to the completion of the study under subsection (a), beginning not later than 5 years after the date of the enactment of this Act, and periodically thereafter for the duration of the study, such Director may prepare and submit to the Congress reports on the findings of the study.

(b) GRANTS TO PROVIDE SERVICES TO INDIVIDUALS WITH A POSTPARTUM CONDITION AND THEIR FAMILIES.—Title V of the Social Security Act (42 U.S.C. 701 et seq.), as amended by section 2951, is amended by adding at the end the following new section:

''SEC. 512. SERVICES TO INDIVIDUALS WITH A POSTPARTUM CONDITION AND THEIR FAMILIES.

''(a) IN GENERAL.—In addition to any other payments made under this title to a State, the Secretary may make grants to eligible entities for projects for the establishment, operation, and coordination of effective and cost-efficient systems for the delivery of essential services to individuals with or at risk for postpartum conditions and their families.

''(b) CERTAIN ACTIVITIES.—To the extent practicable and appropriate, the Secretary shall ensure that projects funded under subsection (a) provide education and services with respect to the diagnosis and management of postpartum conditions for individuals with or at risk for postpartum conditions and their families. The Secretary may allow such projects to include the following:

''(1) Delivering or enhancing outpatient and home-based health and support services, including case management and comprehensive treatment services.

''(2) Delivering or enhancing inpatient care management services that ensure the well-being of the mother and family and the future development of the infant.

''(3) Improving the quality, availability, and organization of health care and support services (including transportation services, attendant care, homemaker services, day or respite care, and providing counseling on financial assistance and insurance).

''(4) Providing education about postpartum conditions to promote earlier diagnosis and treatment. Such education may include—

''(A) providing complete information on postpartum conditions, symptoms, methods of coping with the illness, and treatment resources; and

''(B) in the case of a grantee that is a State, hospital, or birthing facility—

''(i) providing education to new mothers and fathers, and other family members as appropriate, concerning postpartum conditions before new mothers leave the health facility; and

''(ii) ensuring that training programs regarding such education are carried out at the health facility.

''(c) INTEGRATION WITH OTHER PROGRAMS.—To the extent practicable and appropriate, the Secretary may integrate the grant program under this section with other grant programs carried out by the Secretary, including the program under section 330 of the Public Health Service Act.

''(d) REQUIREMENTS.—The Secretary shall establish requirements for grants made under this section that include a limit on the amount of grants funds that may be used for administration, accounting, reporting, or program oversight functions and a requirement for each eligible entity that receives a grant to submit, for each grant period, a report to the Secretary that describes how grant funds were used during such period.

''(e) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to entities seeking a grant under this section in order to assist such entities in complying with the requirements of this section.

''(f) APPLICATION OF OTHER PROVISIONS OF TITLE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the other provisions of this title shall not apply to a grant made under this section.

''(2) EXCEPTIONS.—The following provisions of this title shall apply to a grant made under this section to the same extent and in the same manner as such provisions apply to allotments made under section 502(c):

''(A) Section 504(b)(6) (relating to prohibition on payments to excluded individuals and entities).

''(B) Section 504(c) (relating to the use of funds for the purchase of technical assistance).

''(C) Section 504(d) (relating to a limitation on administrative expenditures).

''(D) Section 506 (relating to reports and audits), but only to the extent determined by the Secretary to be appropriate for grants made under this section.

''(E) Section 507 (relating to penalties for false statements).

''(F) Section 508 (relating to nondiscrimination).

''(G) Section 509(a) (relating to the administration of the grant program).

''(g) DEFINITIONS.—In this section:

''(1) The term 'eligible entity'—

''(A) means a public or nonprofit private entity; and

''(B) includes a State or local government, public-private partnership, recipient of a grant under section 330H of the Public Health Service Act (relating to the Healthy Start Initiative), public or nonprofit private hospital, community-based organization, hospice, ambulatory care facility, community health center, migrant health center, public housing primary care center, or homeless health center.

''(2) The term 'postpartum condition' means postpartum depression or postpartum psychosis.''.

(c) GENERAL PROVISIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section and the amendment made by subsection (b), there are authorized to be appropriated, in addition to such other sums as may be available for such purpose—

(A) $3,000,000 for fiscal year 2010; and

(B) such sums as may be necessary for fiscal years 2011 and 2012.

(2) REPORT BY THE SECRETARY.—

(A) STUDY.—The Secretary shall conduct a study on the benefits of screening for postpartum conditions.

(B) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall complete the study required by subparagraph (A) and submit a report to the Congress on the results of such study.

SEC. 2953. PERSONAL RESPONSIBILITY EDUCATION.

Title V of the Social Security Act (42 U.S.C. 701 et seq.), as amended by sections 2951 and 2952(c), is amended by adding at the end the following:

"SEC. 513. PERSONAL RESPONSIBILITY EDUCATION.

''(a) ALLOTMENTS TO STATES.—

''(1) AMOUNT.—

''(A) IN GENERAL.—For the purpose described in subsection (b), subject to the succeeding provisions of this section, for each of fiscal years 2010 through 2014, the Secretary shall allot to each State an amount equal to the product of—

''(i) the amount appropriated under subsection (f) for the fiscal year and available for allotments to States after the application of subsection (c); and

''(ii) the State youth population percentage determined under paragraph (2).

''(B) MINIMUM ALLOTMENT.—

''(i) IN GENERAL.—Each State allotment under this paragraph for a fiscal year shall be at least $250,000.

''(ii) PRO RATA ADJUSTMENTS.—The Secretary shall adjust on a pro rata basis the amount of the State allotments determined under this paragraph for a fiscal year to the extent necessary to comply with clause (i).

''(C) APPLICATION REQUIRED TO ACCESS ALLOTMENTS.—

''(i) IN GENERAL.—A State shall not be paid from its allotment for a fiscal year unless the State submits an application to the Secretary for the fiscal year and the Secretary approves the application (or requires changes to the application that the State satisfies) and meets such additional requirements as the Secretary may specify.

''(ii) REQUIREMENTS.—The State application shall contain an assurance that the State has complied with the requirements of this section in preparing and submitting the application and shall include the following as well as such additional information as the Secretary may require:

''(I) Based on data from the Centers for Disease Control and Prevention National Center for Health Statistics, the most recent pregnancy rates for the State for youth ages 10 to 14 and youth ages 15 to 19 for which data are available, the most recent birth rates for such youth populations in the State for which data are available, and trends in those rates for the most recently preceding 5-year period for which such data are available.

''(II) State-established goals for reducing the pregnancy rates and birth rates for such youth populations.

''(III) A description of the State's plan for using the State allotments provided under this section to achieve such goals, especially among youth populations that are the most high-risk or vulnerable for pregnancies or otherwise have special circumstances, including youth in foster care, homeless youth, youth with HIV/AIDS, pregnant youth who are under 21 years of age, mothers who are under 21 years of age, and youth residing in areas with high birth rates for youth.

''(2) STATE YOUTH POPULATION PERCENTAGE.—

''(A) IN GENERAL.—For purposes of paragraph (1)(A)(ii), the State youth population percentage is, with respect to a State, the proportion (expressed as a percentage) of—

''(i) the number of individuals who have attained age 10 but not attained age 20 in the State; to

''(ii) the number of such individuals in all States.

''(B) DETERMINATION OF NUMBER OF YOUTH.—The number of individuals described in clauses (i) and (ii) of subparagraph (A) in a State shall be determined on the basis of the most recent Bureau of the Census data.

''(3) AVAILABILITY OF STATE ALLOTMENTS.—Subject to paragraph (4)(A), amounts allotted to a State pursuant to this subsection for a fiscal year shall remain available for expenditure by the State through the end of the second succeeding fiscal year.

''(4) AUTHORITY TO AWARD GRANTS FROM STATE ALLOTMENTS TO LOCAL ORGANIZATIONS AND ENTITIES IN NONPARTICIPATING STATES.—

''(A) GRANTS FROM UNEXPENDED ALLOTMENTS.—If a State does not submit an application under this section for fiscal year 2010 or 2011, the State shall no longer be eligible to submit an application to receive funds from the amounts allotted for the State for each of fiscal years 2010 through 2014 and such amounts shall be used by the Secretary to award grants under this paragraph for each of fiscal years 2012 through 2014. The Secretary also shall use any amounts from the allotments of States that submit applications under this section for a fiscal year that remain unexpended as of the end of the period in which the allotments are available for expenditure under paragraph (3) for awarding grants under this paragraph.

''(B) 3-YEAR GRANTS.—

''(i) IN GENERAL.—The Secretary shall solicit applications to award 3-year grants in each of fiscal years 2012, 2013, and 2014 to local organizations and entities to conduct, consistent with subsection (b), programs and activities in States that do not submit an application for an allotment under this section for fiscal year 2010 or 2011.

''(ii) FAITH-BASED ORGANIZATIONS OR CONSORTIA.—The Secretary may solicit and award grants under this paragraph to faith-based organizations or consortia.

''(C) EVALUATION.—An organization or entity awarded a grant under this paragraph shall agree to participate in a rigorous Federal evaluation.

''(5) MAINTENANCE OF EFFORT.—No payment shall be made to a State from the allotment determined for the State under this subsection or to a local organization or entity awarded a grant under paragraph (4), if the expenditure of non-federal funds by the State, organization, or entity for activities, programs, or initiatives for which amounts from allotments and grants under this subsection may be expended is less than the amount expended by the State, organization, or entity for such programs or initiatives for fiscal year 2009.

''(6) DATA COLLECTION AND REPORTING.—A State or local organization or entity receiving funds under this section shall cooperate with such requirements relating to the collection of data and information and reporting on outcomes regarding the programs and activities carried out with such funds, as the Secretary shall specify.

''(b) PURPOSE.—

''(1) IN GENERAL.—The purpose of an allotment under subsection (a)(1) to a State is to enable the State (or, in the case of grants made under subsection (a)(4)(B), to enable a local organization or entity) to carry out personal responsibility education programs consistent with this subsection.

''(2) PERSONAL RESPONSIBILITY EDUCATION PROGRAMS.—

''(A) IN GENERAL.—In this section, the term 'personal responsibility education program' means a program that is designed to educate adolescents on—

''(i) both abstinence and contraception for the prevention of pregnancy and sexually transmitted infections, including HIV/AIDS, consistent with the requirements of subparagraph (B); and

''(ii) at least 3 of the adulthood preparation subjects described in subparagraph (C).

''(B) REQUIREMENTS.—The requirements of this subparagraph are the following:

''(i) The program replicates evidence-based effective programs or substantially incorporates elements of effective programs that have been proven on the basis of rigorous scientific research to change behavior, which means delaying sexual activity, increasing condom or contraceptive use for sexually active youth, or reducing pregnancy among youth.

''(ii) The program is medically-accurate and complete.

''(iii) The program includes activities to educate youth who are sexually active regarding responsible sexual behavior with respect to both abstinence and the use of contraception.

''(iv) The program places substantial emphasis on both abstinence and contraception for the prevention of pregnancy among youth and sexually transmitted infections.

''(v) The program provides age-appropriate information and activities.

''(vi) The information and activities carried out under the program are provided in the cultural context that is most appropriate for individuals in the particular population group to which they are directed.

''(C) ADULTHOOD PREPARATION SUBJECTS.—The adulthood preparation subjects described in this subparagraph are the following:

''(i) Healthy relationships, such as positive self-esteem and relationship dynamics, friendships, dating, romantic involvement, marriage, and family interactions.

''(ii) Adolescent development, such as the development of healthy attitudes and values about adolescent growth and development, body image, racial and ethnic diversity, and other related subjects.

''(iii) Financial literacy.

''(iv) Parent-child communication.

''(v) Educational and career success, such as developing skills for employment preparation, job seeking, independent living, financial self-sufficiency, and workplace productivity.

''(vi) Healthy life skills, such as goal-setting, decision making, negotiation, communication and interpersonal skills, and stress management.

''(c) RESERVATIONS OF FUNDS.—

''(1) GRANTS TO IMPLEMENT INNOVATIVE STRATEGIES.—From the amount appropriated under subsection (f) for the fiscal year, the Secretary shall reserve $10,000,000 of such amount for purposes of awarding grants to entities to implement innovative youth pregnancy prevention strategies and target services to high-risk, vulnerable, and culturally under-represented youth populations, including youth in foster care, homeless youth, youth with HIV/AIDS, pregnant women who are under 21 years of age and their partners, mothers who are under 21 years of age and their partners, and youth residing in areas with high birth rates for youth. An entity awarded a grant under this paragraph shall agree to participate in a rigorous Federal evaluation of the activities carried out with grant funds.

''(2) OTHER RESERVATIONS.—From the amount appropriated under subsection (f) for the fiscal year that remains after the application of paragraph (1), the Secretary shall reserve the following amounts:

''(A) GRANTS FOR INDIAN TRIBES OR TRIBAL ORGANIZATIONS.—The Secretary shall reserve 5 percent of such remainder for purposes of awarding grants to Indian tribes and tribal organizations in such manner, and subject to such requirements, as the Secretary, in consultation with Indian tribes and tribal organizations, determines appropriate.

''(B) SECRETARIAL RESPONSIBILITIES.—

''(i) RESERVATION OF FUNDS.—The Secretary shall reserve 10 percent of such remainder for expenditures by the Secretary for the activities described in clauses (ii) and (iii).

''(ii) PROGRAM SUPPORT.—The Secretary shall provide, directly or through a competitive grant process, research, training and technical assistance, including dissemination of research and information regarding effective and promising practices, providing consultation and resources on a broad array of teen pregnancy prevention strategies, including abstinence and contraception, and developing resources and materials to support the activities of recipients of grants and other State, tribal, and community organizations working to reduce teen pregnancy. In carrying out such functions, the Secretary shall collaborate with a variety of entities that have expertise in the prevention of teen pregnancy, HIV and sexually transmitted infections, healthy relationships, financial literacy, and other topics addressed through the personal responsibility education programs.

''(iii) EVALUATION.—The Secretary shall evaluate the programs and activities carried out with funds made available through allotments or grants under this section.

''(d) ADMINISTRATION.—

''(1) IN GENERAL.—The Secretary shall administer this section through the Assistant Secretary for the Administration for Children and Families within the Department of Health and Human Services.

''(2) APPLICATION OF OTHER PROVISIONS OF TITLE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the other provisions of this title shall not apply to allotments or grants made under this section.

''(B) EXCEPTIONS.—The following provisions of this title shall apply to allotments and grants made under this section to the same extent and in the same manner as such provisions apply to allotments made under section 502(c):

''(i) Section 504(b)(6) (relating to prohibition on payments to excluded individuals and entities).

''(ii) Section 504(c) (relating to the use of funds for the purchase of technical assistance).

''(iii) Section 504(d) (relating to a limitation on administrative expenditures).

''(iv) Section 506 (relating to reports and audits), but only to the extent determined by the Secretary to be appropriate for grants made under this section.

''(v) Section 507 (relating to penalties for false statements).

''(vi) Section 508 (relating to nondiscrimination).

''(e) DEFINITIONS.—In this section:

''(1) AGE-APPROPRIATE.—The term 'age-appropriate', with respect to the information in pregnancy prevention, means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

''(2) MEDICALLY ACCURATE AND COMPLETE.—The term 'medically accurate and complete' means verified or supported by the weight of research conducted in compliance with accepted scientific methods and—

''(A) published in peer-reviewed journals, where applicable; or

''(B) comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.

''(3) INDIAN TRIBES; TRIBAL ORGANIZATIONS.—The terms 'Indian tribe' and 'Tribal organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)).

''(4) YOUTH.—The term 'youth' means an individual who has attained age 10 but has not attained age 20.

''(f) APPROPRIATION.—For the purpose of carrying out this section, there is appropriated, out of any money in the Treasury not otherwise appropriated, $75,000,000 for each of fiscal years 2010 through 2014. Amounts appropriated under this subsection shall remain available until expended.''.

SEC. 2954. RESTORATION OF FUNDING FOR ABSTINENCE EDUCATION.

Section 510 of the Social Security Act (42 U.S.C. 710) is amended—

(1) in subsection (a), by striking ''fiscal year 1998 and each subsequent fiscal year'' and inserting ''each of fiscal years 2010 through 2014''; and

(2) in subsection (d)—

(A) in the first sentence, by striking ''1998 through 2003'' and inserting ''2010 through 2014''; and

(B) in the second sentence, by inserting ''(except that such appropriation shall be made on the date of enactment of the Patient Protection and Affordable Care Act in the case of fiscal year 2010)'' before the period.

SEC. 2955. INCLUSION OF INFORMATION ABOUT THE IMPORTANCE OF HAVING A HEALTH CARE POWER OF ATTORNEY IN TRANSITION PLANNING FOR CHILDREN AGING OUT OF FOSTER CARE AND INDEPENDENT LIVING PROGRAMS.

(a) TRANSITION PLANNING.—Section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)) is amended by inserting ''includes information about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child becomes unable to participate in such decisions and the child does not have, or does not want, a relative who would otherwise be authorized under State law to make such decisions, and provides the child with the option to execute a health care power of attorney, health care proxy, or other similar document recognized under State law,'' after ''employment services,''.

(b) INDEPENDENT LIVING EDUCATION.—Section 477(b)(3) of such Act (42 U.S.C. 677(b)(3)) is amended by adding at the end the following:

''(K) A certification by the chief executive officer of the State that the State will ensure that an adolescent participating in the program under this section are provided with education about the importance of designating another individual to make health care treatment decisions on behalf of the adolescent if the adolescent becomes unable to participate in such decisions and the adolescent does not have, or does not want, a relative who would otherwise be authorized under State law to make such decisions, whether a health care power of attorney, health care proxy, or other similar document is recognized under State law, and how to execute such a document if the adolescent wants to do so.''.

(c) HEALTH OVERSIGHT AND COORDINATION PLAN.—Section 422(b)(15)(A) of such Act (42 U.S.C. 622(b)(15)(A)) is amended—

(1) in clause (v), by striking ''and'' at the end; and

(2) by adding at the end the following:

''(vii) steps to ensure that the components of the transition plan development process required under section 475(5)(H) that relate to the health care needs of children aging out of foster care, including the requirements to include options for health insurance, information about a health care power of attorney, health care proxy, or other similar document recognized under State law, and to provide the child with the option to execute such a document, are met; and''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2010.

TITLE III—IMPROVING THE QUALITY AND EFFICIENCY OF HEALTH CARE

Subtitle A—Transforming the Health Care Delivery System

PART I—LINKING PAYMENT TO QUALITY OUTCOMES UNDER THE MEDICARE PROGRAM

SEC. 3001. HOSPITAL VALUE-BASED PURCHASING PROGRAM.

(a) PROGRAM.—

(1) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww), as amended by section 4102(a) of the HITECH Act (Public Law 111–5), is amended by adding at the end the following new subsection:

''(o) HOSPITAL VALUE-BASED PURCHASING PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary shall establish a hospital value-based purchasing program (in this subsection referred to as the 'Program') under which value-based incentive payments are made in a fiscal year to hospitals that meet the performance standards under paragraph (3) for the performance period for such fiscal year (as established under paragraph (4)).

''(B) PROGRAM TO BEGIN IN FISCAL YEAR 2013.—The Program shall apply to payments for discharges occurring on or after October 1, 2012.

''(C) APPLICABILITY OF PROGRAM TO HOSPITALS.—

''(i) IN GENERAL.—For purposes of this subsection, subject to clause (ii), the term 'hospital' means a subsection (d) hospital (as defined in subsection (d)(1)(B)).

''(ii) EXCLUSIONS.—The term 'hospital' shall not include, with respect to a fiscal year, a hospital—

''(I) that is subject to the payment reduction under subsection (b)(3)(B)(viii)(I) for such fiscal year;

''(II) for which, during the performance period for such fiscal year, the Secretary has cited deficiencies that pose immediate jeopardy to the health or safety of patients;

''(III) for which there are not a minimum number (as determined by the Secretary) of measures that apply to the hospital for the performance period for such fiscal year; or

''(IV) for which there are not a minimum number (as determined by the Secretary) of cases for the measures that apply to the hospital for the performance period for such fiscal year.

''(iii) INDEPENDENT ANALYSIS.—For purposes of determining the minimum numbers under subclauses (III) and (IV) of clause (ii), the Secretary shall have conducted an independent analysis of what numbers are appropriate.

''(iv) EXEMPTION.—In the case of a hospital that is paid under section 1814(b)(3), the Secretary may exempt such hospital from the application of this subsection if the State which is paid under such section submits an annual report to the Secretary describing how a similar program in the State for a participating hospital or hospitals achieves or surpasses the measured results in terms of patient health outcomes and cost savings established under this subsection.

''(2) MEASURES.—

''(A) IN GENERAL.—The Secretary shall select measures for purposes of the Program. Such measures shall be selected from the measures specified under subsection (b)(3)(B)(viii).

''(B) REQUIREMENTS.—

''(i) FOR FISCAL YEAR 2013.—For value-based incentive payments made with respect to discharges occurring during fiscal year 2013, the Secretary shall ensure the following:

''(I) CONDITIONS OR PROCEDURES.—Measures are selected under subparagraph (A) that cover at least the following 5 specific conditions or procedures:

''(aa) Acute myocardial infarction (AMI).

''(bb) Heart failure.

''(cc) Pneumonia.

''(dd) Surgeries, as measured by the Surgical Care Improvement Project (formerly referred to

as 'Surgical Infection Prevention' for discharges occurring before July 2006).

''(ee) Healthcare-associated infections, as measured by the prevention metrics and targets established in the HHS Action Plan to Prevent Healthcare-Associated Infections (or any successor plan) of the Department of Health and Human Services.

''(II) HCAHPS.—Measures selected under subparagraph (A) shall be related to the Hospital Consumer Assessment of Healthcare Providers and Systems survey (HCAHPS).

''(ii) INCLUSION OF EFFICIENCY MEASURES.—For value-based incentive payments made with respect to discharges occurring during fiscal year 2014 or a subsequent fiscal year, the Secretary shall ensure that measures selected under subparagraph (A) include efficiency measures, including measures of 'Medicare spending per beneficiary'. Such measures shall be adjusted for factors such as age, sex, race, severity of illness, and other factors that the Secretary determines appropriate.

''(C) LIMITATIONS.—

''(i) TIME REQUIREMENT FOR PRIOR REPORTING AND NOTICE.—The Secretary may not select a measure under subparagraph (A) for use under the Program with respect to a performance period for a fiscal year (as established under paragraph (4)) unless such measure has been specified under subsection (b)(3)(B)(viii) and included on the Hospital Compare Internet website for at least 1 year prior to the beginning of such performance period.

''(ii) MEASURE NOT APPLICABLE UNLESS HOSPITAL FURNISHES SERVICES APPROPRIATE TO THE MEASURE.—A measure selected under subparagraph (A) shall not apply to a hospital if such hospital does not furnish services appropriate to such measure.

''(D) REPLACING MEASURES.—Subclause (VI) of subsection (b)(3)(B)(viii) shall apply to measures selected under subparagraph (A) in the same manner as such subclause applies to measures selected under such subsection.

''(3) PERFORMANCE STANDARDS.—

''(A) ESTABLISHMENT.—The Secretary shall establish performance standards with respect to measures selected under paragraph (2) for a performance period for a fiscal year (as established under paragraph (4)).

''(B) ACHIEVEMENT AND IMPROVEMENT.—The performance standards established under subparagraph (A) shall include levels of achievement and improvement.

''(C) TIMING.—The Secretary shall establish and announce the performance standards under subparagraph (A) not later than 60 days prior to the beginning of the performance period for the fiscal year involved.

''(D) CONSIDERATIONS IN ESTABLISHING STANDARDS.—In establishing performance standards with respect to measures under this paragraph, the Secretary shall take into account appropriate factors, such as—

''(i) practical experience with the measures involved, including whether a significant proportion of hospitals failed to meet the performance standard during previous performance periods;

''(ii) historical performance standards;

''(iii) improvement rates; and

''(iv) the opportunity for continued improvement.

''(4) PERFORMANCE PERIOD.—For purposes of the Program, the Secretary shall establish the performance period for a fiscal year. Such performance period shall begin and end prior to the beginning of such fiscal year.

''(5) HOSPITAL PERFORMANCE SCORE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall develop a methodology for assessing the total performance of each hospital based on performance standards with respect to the measures selected under paragraph (2) for a performance period (as established under paragraph (4)). Using such methodology, the Secretary shall provide for an assessment (in this subsection referred to as the 'hospital performance score') for each hospital for each performance period.

''(B) APPLICATION.—

''(i) APPROPRIATE DISTRIBUTION.—The Secretary shall ensure that the application of the methodology developed under subparagraph (A) results in an appropriate distribution of value-based incentive payments under paragraph (6) among hospitals achieving different levels of hospital performance scores, with hospitals achieving the highest hospital performance scores receiving the largest value-based incentive payments.

''(ii) HIGHER OF ACHIEVEMENT OR IMPROVEMENT.—The methodology developed under subparagraph (A) shall provide that the hospital performance score is determined using the higher of its achievement or improvement score for each measure.

''(iii) WEIGHTS.—The methodology developed under subparagraph (A) shall provide for the assignment of weights for categories of measures as the Secretary determines appropriate.

''(iv) NO MINIMUM PERFORMANCE STANDARD.—The Secretary shall not set a minimum performance standard in determining the hospital performance score for any hospital.

''(v) REFLECTION OF MEASURES APPLICABLE TO THE HOSPITAL.—The hospital performance score for a hospital shall reflect the measures that apply to the hospital.

''(6) CALCULATION OF VALUE-BASED INCENTIVE PAYMENTS.—

''(A) IN GENERAL.—In the case of a hospital that the Secretary determines meets (or exceeds) the performance standards under paragraph (3) for the performance period for a fiscal year (as established under paragraph (4)), the Secretary shall increase the base operating DRG payment amount (as defined in paragraph (7)(D)), as determined after application of paragraph (7)(B)(i), for a hospital for each discharge occurring in such fiscal year by the value-based incentive payment amount.

''(B) VALUE-BASED INCENTIVE PAYMENT AMOUNT.—The value-based incentive payment amount for each discharge of a hospital in a fiscal year shall be equal to the product of—

''(i) the base operating DRG payment amount (as defined in paragraph (7)(D)) for the discharge for the hospital for such fiscal year; and

''(ii) the value-based incentive payment percentage specified under subparagraph (C) for the hospital for such fiscal year.

''(C) VALUE-BASED INCENTIVE PAYMENT PERCENTAGE.—

''(i) IN GENERAL.—The Secretary shall specify a value-based incentive payment percentage for a hospital for a fiscal year.

''(ii) REQUIREMENTS.—In specifying the value-based incentive payment percentage for each hospital for a fiscal year under clause (i), the Secretary shall ensure that—

''(I) such percentage is based on the hospital performance score of the hospital under paragraph (5); and

''(II) the total amount of value-based incentive payments under this paragraph to all hospitals in such fiscal year is equal to the total amount available for value-based incentive payments for such fiscal year under paragraph (7)(A), as estimated by the Secretary.

''(7) FUNDING FOR VALUE-BASED INCENTIVE PAYMENTS.—

''(A) AMOUNT.—The total amount available for value-based incentive payments under paragraph (6) for all hospitals for a fiscal year shall be equal to the total amount of reduced payments for all hospitals under subparagraph (B) for such fiscal year, as estimated by the Secretary.

''(B) ADJUSTMENT TO PAYMENTS.—

''(i) IN GENERAL.—The Secretary shall reduce the base operating DRG payment amount (as defined in subparagraph (D)) for a hospital for each discharge in a fiscal year (beginning with fiscal year 2013) by an amount equal to the applicable percent (as defined in subparagraph (C)) of the base operating DRG payment amount for the discharge for the hospital for such fiscal year. The Secretary shall make such reductions for all hospitals in the fiscal year involved, regardless of whether or not the hospital has been determined by the Secretary to have earned a value-based incentive payment under paragraph (6) for such fiscal year.

''(ii) NO EFFECT ON OTHER PAYMENTS.—Payments described in items (aa) and (bb) of subparagraph (D)(i)(II) for a hospital shall be determined as if this subsection had not been enacted.

''(C) APPLICABLE PERCENT DEFINED.—For purposes of subparagraph (B), the term 'applicable percent' means—

''(i) with respect to fiscal year 2013, 1.0 percent;

''(ii) with respect to fiscal year 2014, 1.25 percent;

''(iii) with respect to fiscal year 2015, 1.5 percent;

''(iv) with respect to fiscal year 2016, 1.75 percent; and

''(v) with respect to fiscal year 2017 and succeeding fiscal years, 2 percent.

''(D) BASE OPERATING DRG PAYMENT AMOUNT DEFINED.—

''(i) IN GENERAL.—Except as provided in clause (ii), in this subsection, the term 'base operating DRG payment amount' means, with respect to a hospital for a fiscal year—

''(I) the payment amount that would otherwise be made under subsection (d) (determined without regard to subsection (q)) for a discharge if this subsection did not apply; reduced by

''(II) any portion of such payment amount that is attributable to—

''(aa) payments under paragraphs (5)(A), (5)(B), (5)(F), and (12) of subsection (d); and

''(bb) such other payments under subsection (d) determined appropriate by the Secretary.

''(ii) SPECIAL RULES FOR CERTAIN HOSPITALS.—

''(I) SOLE COMMUNITY HOSPITALS AND MEDICARE-DEPENDENT, SMALL RURAL HOSPITALS.—In the case of a medicare-dependent, small rural hospital (with respect to discharges occurring during fiscal year 2012 and 2013) or a sole community hospital, in applying subparagraph (A)(i), the payment amount that would otherwise be made under subsection (d) shall be determined without regard to subparagraphs (I) and (L) of subsection (b)(3) and subparagraphs (D) and (G) of subsection (d)(5).

''(II) HOSPITALS PAID UNDER SECTION 1814.—In the case of a hospital that is paid under section 1814(b)(3), the term 'base operating DRG payment amount' means the payment amount under such section.

''(8) ANNOUNCEMENT OF NET RESULT OF ADJUSTMENTS.—Under the Program, the Secretary shall, not later than 60 days prior to the fiscal year involved, inform each hospital of the adjustments to payments to the hospital for discharges occurring in such fiscal year under paragraphs (6) and (7)(B)(i).

''(9) NO EFFECT IN SUBSEQUENT FISCAL YEARS.—The value-based incentive payment under paragraph (6) and the payment reduction under paragraph (7)(B)(i) shall each apply only with respect to the fiscal year involved, and the Secretary shall not take into account such value-based incentive payment or payment reduction in making payments to a hospital under this section in a subsequent fiscal year.

''(10) PUBLIC REPORTING.—

''(A) HOSPITAL SPECIFIC INFORMATION.—

''(i) IN GENERAL.—The Secretary shall make information available to the public regarding the performance of individual hospitals under the Program, including—

''(I) the performance of the hospital with respect to each measure that applies to the hospital;

''(II) the performance of the hospital with respect to each condition or procedure; and

''(III) the hospital performance score assessing the total performance of the hospital.

''(ii) OPPORTUNITY TO REVIEW AND SUBMIT CORRECTIONS.—The Secretary shall ensure that a hospital has the opportunity to review, and submit corrections for, the information to be

made public with respect to the hospital under clause (i) prior to such information being made public.

''(iii) WEBSITE.—Such information shall be posted on the Hospital Compare Internet website in an easily understandable format.

''(B) AGGREGATE INFORMATION.—The Secretary shall periodically post on the Hospital Compare Internet website aggregate information on the Program, including—

''(i) the number of hospitals receiving value-based incentive payments under paragraph (6) and the range and total amount of such value-based incentive payments; and

''(ii) the number of hospitals receiving less than the maximum value-based incentive payment available to the hospital for the fiscal year involved and the range and amount of such payments.

''(11) IMPLEMENTATION.—

''(A) APPEALS.—The Secretary shall establish a process by which hospitals may appeal the calculation of a hospital's performance assessment with respect to the performance standards established under paragraph (3)(A) and the hospital performance score under paragraph (5). The Secretary shall ensure that such process provides for resolution of such appeals in a timely manner.

''(B) LIMITATION ON REVIEW.—Except as provided in subparagraph (A), there shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the following:

''(i) The methodology used to determine the amount of the value-based incentive payment under paragraph (6) and the determination of such amount.

''(ii) The determination of the amount of funding available for such value-based incentive payments under paragraph (7)(A) and the payment reduction under paragraph (7)(B)(i).

''(iii) The establishment of the performance standards under paragraph (3) and the performance period under paragraph (4).

''(iv) The measures specified under subsection (b)(3)(B)(viii) and the measures selected under paragraph (2).

''(v) The methodology developed under paragraph (5) that is used to calculate hospital performance scores and the calculation of such scores.

''(vi) The validation methodology specified in subsection (b)(3)(B)(viii)(XI).

''(C) CONSULTATION WITH SMALL HOSPITALS.—The Secretary shall consult with small rural and urban hospitals on the application of the Program to such hospitals.

''(12) PROMULGATION OF REGULATIONS.—The Secretary shall promulgate regulations to carry out the Program, including the selection of measures under paragraph (2), the methodology developed under paragraph (5) that is used to calculate hospital performance scores, and the methodology used to determine the amount of value-based incentive payments under paragraph (6).''.

(2) AMENDMENTS FOR REPORTING OF HOSPITAL QUALITY INFORMATION.—Section 1886(b)(3)(B)(viii) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(viii)) is amended—

(A) in subclause (II), by adding at the end the following sentence: ''The Secretary may require hospitals to submit data on measures that are not used for the determination of value-based incentive payments under subsection (o).'';

(B) in subclause (V), by striking ''beginning with fiscal year 2008'' and inserting ''for fiscal years 2008 through 2012'';

(C) in subclause (VII), in the first sentence, by striking ''data submitted'' and inserting ''information regarding measures submitted''; and

(D) by adding at the end the following new subclauses:

''(VIII) Effective for payments beginning with fiscal year 2013, with respect to quality measures for outcomes of care, the Secretary shall provide for such risk adjustment as the Secretary determines to be appropriate to maintain incentives for hospitals to treat patients with severe illnesses or conditions.

''(IX)(aa) Subject to item (bb), effective for payments beginning with fiscal year 2013, each measure specified by the Secretary under this clause shall be endorsed by the entity with a contract under section 1890(a).

''(bb) In the case of a specified area or medical topic determined appropriate by the Secretary for which a feasible and practical measure has not been endorsed by the entity with a contract under section 1890(a), the Secretary may specify a measure that is not so endorsed as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary.

''(X) To the extent practicable, the Secretary shall, with input from consensus organizations and other stakeholders, take steps to ensure that the measures specified by the Secretary under this clause are coordinated and aligned with quality measures applicable to—

''(aa) physicians under section 1848(k); and

''(bb) other providers of services and suppliers under this title.

''(XI) The Secretary shall establish a process to validate measures specified under this clause as appropriate. Such process shall include the auditing of a number of randomly selected hospitals sufficient to ensure validity of the reporting program under this clause as a whole and shall provide a hospital with an opportunity to appeal the validation of measures reported by such hospital.''.

(3) WEBSITE IMPROVEMENTS.—Section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)), as amended by section 4102(b) of the HITECH Act (Public Law 111–5), is amended by adding at the end the following new clause:

''(x)(I) The Secretary shall develop standard Internet website reports tailored to meet the needs of various stakeholders such as hospitals, patients, researchers, and policymakers. The Secretary shall seek input from such stakeholders in determining the type of information that is useful and the formats that best facilitate the use of the information.

''(II) The Secretary shall modify the Hospital Compare Internet website to make the use and navigation of that website readily available to individuals accessing it.''.

(4) GAO STUDY AND REPORT.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study on the performance of the hospital value-based purchasing program established under section 1886(o) of the Social Security Act, as added by paragraph (1). Such study shall include an analysis of the impact of such program on—

(i) the quality of care furnished to Medicare beneficiaries, including diverse Medicare beneficiary populations (such as diverse in terms of race, ethnicity, and socioeconomic status);

(ii) expenditures under the Medicare program, including any reduced expenditures under Part A of title XVIII of such Act that are attributable to the improvement in the delivery of inpatient hospital services by reason of such hospital value-based purchasing program;

(iii) the quality performance among safety net hospitals and any barriers such hospitals face in meeting the performance standards applicable under such hospital value-based purchasing program; and

(iv) the quality performance among small rural and small urban hospitals and any barriers such hospitals face in meeting the performance standards applicable under such hospital value-based purchasing program.

(B) REPORTS.—

(i) INTERIM REPORT.—Not later than October 1, 2015, the Comptroller General of the United States shall submit to Congress an interim report containing the results of the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(ii) FINAL REPORT.—Not later than July 1, 2017, the Comptroller General of the United States shall submit to Congress a report containing the results of the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(5) HHS STUDY AND REPORT.—

(A) STUDY.—The Secretary of Health and Human Services shall conduct a study on the performance of the hospital value-based purchasing program established under section 1886(o) of the Social Security Act, as added by paragraph (1). Such study shall include an analysis—

(i) of ways to improve the hospital value-based purchasing program and ways to address any unintended consequences that may occur as a result of such program;

(ii) of whether the hospital value-based purchasing program resulted in lower spending under the Medicare program under title XVIII of such Act or other financial savings to hospitals;

(iii) the appropriateness of the Medicare program sharing in any savings generated through the hospital value-based purchasing program; and

(iv) any other area determined appropriate by the Secretary.

(B) REPORT.—Not later than January 1, 2016, the Secretary of Health and Human Services shall submit to Congress a report containing the results of the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(b) VALUE-BASED PURCHASING DEMONSTRATION PROGRAMS.—

(1) VALUE-BASED PURCHASING DEMONSTRATION PROGRAM FOR INPATIENT CRITICAL ACCESS HOSPITALS.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall establish a demonstration program under which the Secretary establishes a value-based purchasing program under the Medicare program under title XVIII of the Social Security Act for critical access hospitals (as defined in paragraph (1) of section 1861(mm) of such Act (42 U.S.C. 1395x(mm))) with respect to inpatient critical access hospital services (as defined in paragraph (2) of such section) in order to test innovative methods of measuring and rewarding quality and efficient health care furnished by such hospitals.

(ii) DURATION.—The demonstration program under this paragraph shall be conducted for a 3-year period.

(iii) SITES.—The Secretary shall conduct the demonstration program under this paragraph at an appropriate number (as determined by the Secretary) of critical access hospitals. The Secretary shall ensure that such hospitals are representative of the spectrum of such hospitals that participate in the Medicare program.

(B) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII of the Social Security Act as may be necessary to carry out the demonstration program under this paragraph.

(C) BUDGET NEUTRALITY REQUIREMENT.—In conducting the demonstration program under this section, the Secretary shall ensure that the aggregate payments made by the Secretary do not exceed the amount which the Secretary would have paid if the demonstration program under this section was not implemented.

(D) REPORT.—Not later than 18 months after the completion of the demonstration program under this paragraph, the Secretary shall submit to Congress a report on the demonstration program together with—

(i) recommendations on the establishment of a permanent value-based purchasing program under the Medicare program for critical access hospitals with respect to inpatient critical access hospital services; and

(ii) recommendations for such other legislation and administrative action as the Secretary determines appropriate.

(2) VALUE-BASED PURCHASING DEMONSTRATION PROGRAM FOR HOSPITALS EXCLUDED FROM HOSPITAL VALUE-BASED PURCHASING PROGRAM AS A RESULT OF INSUFFICIENT NUMBERS OF MEASURES AND CASES.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish a demonstration program under which the Secretary establishes a value-based purchasing program under the Medicare program under title XVIII of the Social Security Act for applicable hospitals (as defined in clause (ii)) with respect to inpatient hospital services (as defined in section 1861(b) of the Social Security Act (42 U.S.C. 1395x(b))) in order to test innovative methods of measuring and rewarding quality and efficient health care furnished by such hospitals.

(ii) APPLICABLE HOSPITAL DEFINED.—For purposes of this paragraph, the term ''applicable hospital'' means a hospital described in subclause (III) or (IV) of section 1886(o)(1)(C)(ii) of the Social Security Act, as added by subsection (a)(1).

(iii) DURATION.—The demonstration program under this paragraph shall be conducted for a 3-year period.

(iv) SITES.—The Secretary shall conduct the demonstration program under this paragraph at an appropriate number (as determined by the Secretary) of applicable hospitals. The Secretary shall ensure that such hospitals are representative of the spectrum of such hospitals that participate in the Medicare program.

(B) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII of the Social Security Act as may be necessary to carry out the demonstration program under this paragraph.

(C) BUDGET NEUTRALITY REQUIREMENT.—In conducting the demonstration program under this section, the Secretary shall ensure that the aggregate payments made by the Secretary do not exceed the amount which the Secretary would have paid if the demonstration program under this section was not implemented.

(D) REPORT.—Not later than 18 months after the completion of the demonstration program under this paragraph, the Secretary shall submit to Congress a report on the demonstration program together with—

(i) recommendations on the establishment of a permanent value-based purchasing program under the Medicare program for applicable hospitals with respect to inpatient hospital services; and

(ii) recommendations for such other legislation and administrative action as the Secretary determines appropriate.

SEC. 3002. IMPROVEMENTS TO THE PHYSICIAN QUALITY REPORTING SYSTEM.

(a) EXTENSION.—Section 1848(m) of the Social Security Act (42 U.S.C. 1395w–4(m)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ''2010'' and inserting ''2014''; and

(B) in subparagraph (B)—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new clauses:

''(iii) for 2011, 1.0 percent; and

''(iv) for 2012, 2013, and 2014, 0.5 percent.'';

(2) in paragraph (3)—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting ''(or, for purposes of subsection (a)(8), for the quality reporting period for the year)'' after ''reporting period''; and

(B) in subparagraph (C)(i), by inserting '', or, for purposes of subsection (a)(8), for a quality reporting period for the year'' after ''(a)(5), for a reporting period for a year'';

(3) in paragraph (5)(E)(iv), by striking ''subsection (a)(5)(A)'' and inserting ''paragraphs (5)(A) and (8)(A) of subsection (a)''; and

(4) in paragraph (6)(C)—

(A) in clause (i)(II), by striking '', 2009, 2010, and 2011'' and inserting ''and subsequent years''; and

(B) in clause (iii)—

(i) by inserting ''(a)(8)'' after ''(a)(5)''; and

(ii) by striking ''under subparagraph (D)(iii) of such subsection'' and inserting ''under subsection (a)(5)(D)(iii) or the quality reporting period under subsection (a)(8)(D)(iii), respectively''.

(b) INCENTIVE PAYMENT ADJUSTMENT FOR QUALITY REPORTING.—Section 1848(a) of the Social Security Act (42 U.S.C. 1395w–4(a)) is amended by adding at the end the following new paragraph:

''(8) INCENTIVES FOR QUALITY REPORTING.—

''(A) ADJUSTMENT.—

''(i) IN GENERAL.—With respect to covered professional services furnished by an eligible professional during 2015 or any subsequent year, if the eligible professional does not satisfactorily submit data on quality measures for covered professional services for the quality reporting period for the year (as determined under subsection (m)(3)(A)), the fee schedule amount for such services furnished by such professional during the year (including the fee schedule amount for purposes of determining a payment based on such amount) shall be equal to the applicable percent of the fee schedule amount that would otherwise apply to such services under this subsection (determined after application of paragraphs (3), (5), and (7), but without regard to this paragraph).

''(ii) APPLICABLE PERCENT.—For purposes of clause (i), the term 'applicable percent' means—

''(I) for 2015, 98.5 percent; and

''(II) for 2016 and each subsequent year, 98 percent.

''(B) APPLICATION.—

''(i) PHYSICIAN REPORTING SYSTEM RULES.—Paragraphs (5), (6), and (8) of subsection (k) shall apply for purposes of this paragraph in the same manner as they apply for purposes of such subsection.

''(ii) INCENTIVE PAYMENT VALIDATION RULES.—Clauses (ii) and (iii) of subsection (m)(5)(D) shall apply for purposes of this paragraph in a similar manner as they apply for purposes of such subsection.

''(C) DEFINITIONS.—For purposes of this paragraph:

''(i) ELIGIBLE PROFESSIONAL; COVERED PROFESSIONAL SERVICES.—The terms 'eligible professional' and 'covered professional services' have the meanings given such terms in subsection (k)(3).

''(ii) PHYSICIAN REPORTING SYSTEM.—The term 'physician reporting system' means the system established under subsection (k).

''(iii) QUALITY REPORTING PERIOD.—The term 'quality reporting period' means, with respect to a year, a period specified by the Secretary.''.

(c) MAINTENANCE OF CERTIFICATION PROGRAMS.—

(1) IN GENERAL.—Section 1848(k)(4) of the Social Security Act (42 U.S.C. 1395w–4(k)(4)) is amended by inserting ''or through a Maintenance of Certification program operated by a specialty body of the American Board of Medical Specialties that meets the criteria for such a registry'' after ''Database)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply for years after 2010.

(d) INTEGRATION OF PHYSICIAN QUALITY REPORTING AND EHR REPORTING.—Section 1848(m) of the Social Security Act (42 U.S.C. 1395w–4(m)) is amended by adding at the end the following new paragraph:

''(7) INTEGRATION OF PHYSICIAN QUALITY REPORTING AND EHR REPORTING.—Not later than January 1, 2012, the Secretary shall develop a plan to integrate reporting on quality measures under this subsection with reporting requirements under subsection (o) relating to the meaningful use of electronic health records. Such integration shall consist of the following:

''(A) The selection of measures, the reporting of which would both demonstrate—

''(i) meaningful use of an electronic health record for purposes of subsection (o); and

''(ii) quality of care furnished to an individual.

''(B) Such other activities as specified by the Secretary.''.

(e) FEEDBACK.—Section 1848(m)(5) of the Social Security Act (42 U.S.C. 1395w–4(m)(5)) is amended by adding at the end the following new subparagraph:

''(H) FEEDBACK.—The Secretary shall provide timely feedback to eligible professionals on the performance of the eligible professional with respect to satisfactorily submitting data on quality measures under this subsection.''.

(f) APPEALS.—Such section is further amended—

(1) in subparagraph (E), by striking ''There shall'' and inserting ''Except as provided in subparagraph (I), there shall''; and

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

''(I) INFORMAL APPEALS PROCESS.—The Secretary shall, by not later than January 1, 2011, establish and have in place an informal process for eligible professionals to seek a review of the determination that an eligible professional did not satisfactorily submit data on quality measures under this subsection.''.

SEC. 3003. IMPROVEMENTS TO THE PHYSICIAN FEEDBACK PROGRAM.

(a) IN GENERAL.—Section 1848(n) of the Social Security Act (42 U.S.C. 1395w–4(n)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking ''GENERAL.—The Secretary'' and inserting ''GENERAL.—

''(i) ESTABLISHMENT.—The Secretary'';

(ii) in clause (i), as added by clause (i), by striking ''the 'Program')'' and all that follows through the period at the end of the second sentence and inserting ''the 'Program').''; and

(iii) by adding at the end the following new clauses:

''(ii) REPORTS ON RESOURCES.—The Secretary shall use claims data under this title (and may use other data) to provide confidential reports to physicians (and, as determined appropriate by the Secretary, to groups of physicians) that measure the resources involved in furnishing care to individuals under this title.

''(iii) INCLUSION OF CERTAIN INFORMATION.—If determined appropriate by the Secretary, the Secretary may include information on the quality of care furnished to individuals under this title by the physician (or group of physicians) in such reports.''; and

(B) in subparagraph (B), by striking ''subparagraph (A)'' and inserting ''subparagraph (A)(ii)'';

(2) in paragraph (4)—

(A) in the heading, by inserting ''INITIAL'' after ''FOCUS''; and

(B) in the matter preceding subparagraph (A), by inserting ''initial'' after ''focus the'';

(3) in paragraph (6), by adding at the end the following new sentence: ''For adjustments for reports on utilization under paragraph (9), see subparagraph (D) of such paragraph.''; and

(4) by adding at the end the following new paragraphs:

''(9) REPORTS ON UTILIZATION.—

''(A) DEVELOPMENT OF EPISODE GROUPER.—

''(i) IN GENERAL.—The Secretary shall develop an episode grouper that combines separate but clinically related items and services into an episode of care for an individual, as appropriate.

''(ii) TIMELINE FOR DEVELOPMENT.—The episode grouper described in subparagraph (A) shall be developed by not later than January 1, 2012.

''(iii) PUBLIC AVAILABILITY.—The Secretary shall make the details of the episode grouper described in subparagraph (A) available to the public.

''(iv) ENDORSEMENT.—The Secretary shall seek endorsement of the episode grouper described in subparagraph (A) by the entity with a contract under section 1890(a).

''(B) REPORTS ON UTILIZATION.—Effective beginning with 2012, the Secretary shall provide reports to physicians that compare, as determined appropriate by the Secretary, patterns of resource use of the individual physician to such patterns of other physicians.

''(C) ANALYSIS OF DATA.—The Secretary shall, for purposes of preparing reports under this paragraph, establish methodologies as appropriate, such as to—

''(i) attribute episodes of care, in whole or in part, to physicians;

''(ii) identify appropriate physicians for purposes of comparison under subparagraph (B); and

''(iii) aggregate episodes of care attributed to a physician under clause (i) into a composite measure per individual.

''(D) DATA ADJUSTMENT.—In preparing reports under this paragraph, the Secretary shall make appropriate adjustments, including adjustments—

''(i) to account for differences in socioeconomic and demographic characteristics, ethnicity, and health status of individuals (such as to recognize that less healthy individuals may require more intensive interventions); and

''(ii) to eliminate the effect of geographic adjustments in payment rates (as described in subsection (e)).

''(E) PUBLIC AVAILABILITY OF METHODOLOGY.—The Secretary shall make available to the public—

''(i) the methodologies established under subparagraph (C);

''(ii) information regarding any adjustments made to data under subparagraph (D); and

''(iii) aggregate reports with respect to physicians.

''(F) DEFINITION OF PHYSICIAN.—In this paragraph:

''(i) IN GENERAL.—The term 'physician' has the meaning given that term in section 1861(r)(1).

''(ii) TREATMENT OF GROUPS.—Such term includes, as the Secretary determines appropriate, a group of physicians.

''(G) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the establishment of the methodology under subparagraph (C), including the determination of an episode of care under such methodology.

''(10) COORDINATION WITH OTHER VALUE-BASED PURCHASING REFORMS.—The Secretary shall coordinate the Program with the value-based payment modifier established under subsection (p) and, as the Secretary determines appropriate, other similar provisions of this title.''.

(b) CONFORMING AMENDMENT.—Section 1890(b) of the Social Security Act (42 U.S.C. 1395aaa(b)) is amended by adding at the end the following new paragraph:

''(6) REVIEW AND ENDORSEMENT OF EPISODE GROUPER UNDER THE PHYSICIAN FEEDBACK PROGRAM.—The entity shall provide for the review and, as appropriate, the endorsement of the episode grouper developed by the Secretary under section 1848(n)(9)(A). Such review shall be conducted on an expedited basis.''.

SEC. 3004. QUALITY REPORTING FOR LONG-TERM CARE HOSPITALS, INPATIENT REHABILITATION HOSPITALS, AND HOSPICE PROGRAMS.

(a) LONG-TERM CARE HOSPITALS.—Section 1886(m) of the Social Security Act (42 U.S.C. 1395ww(m)), as amended by section 3401(c), is amended by adding at the end the following new paragraph:

''(5) QUALITY REPORTING.—

''(A) REDUCTION IN UPDATE FOR FAILURE TO REPORT.—

''(i) IN GENERAL.—Under the system described in paragraph (1), for rate year 2014 and each subsequent rate year, in the case of a long-term care hospital that does not submit data to the Secretary in accordance with subparagraph (C) with respect to such a rate year, any annual update to a standard Federal rate for discharges for the hospital during the rate year, and after application of paragraph (3), shall be reduced by 2 percentage points.

''(ii) SPECIAL RULE.—The application of this subparagraph may result in such annual update being less than 0.0 for a rate year, and may result in payment rates under the system described in paragraph (1) for a rate year being less than such payment rates for the preceding rate year.

''(B) NONCUMULATIVE APPLICATION.—Any reduction under subparagraph (A) shall apply only with respect to the rate year involved and the Secretary shall not take into account such reduction in computing the payment amount under the system described in paragraph (1) for a subsequent rate year.

''(C) SUBMISSION OF QUALITY DATA.—For rate year 2014 and each subsequent rate year, each long-term care hospital shall submit to the Secretary data on quality measures specified under subparagraph (D). Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this subparagraph.

''(D) QUALITY MEASURES.—

''(i) IN GENERAL.—Subject to clause (ii), any measure specified by the Secretary under this subparagraph must have been endorsed by the entity with a contract under section 1890(a).

''(ii) EXCEPTION.—In the case of a specified area or medical topic determined appropriate by the Secretary for which a feasible and practical measure has not been endorsed by the entity with a contract under section 1890(a), the Secretary may specify a measure that is not so endorsed as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary.

''(iii) TIME FRAME.—Not later than October 1, 2012, the Secretary shall publish the measures selected under this subparagraph that will be applicable with respect to rate year 2014.

''(E) PUBLIC AVAILABILITY OF DATA SUBMITTED.—The Secretary shall establish procedures for making data submitted under subparagraph (C) available to the public. Such procedures shall ensure that a long-term care hospital has the opportunity to review the data that is to be made public with respect to the hospital prior to such data being made public. The Secretary shall report quality measures that relate to services furnished in inpatient settings in long-term care hospitals on the Internet website of the Centers for Medicare & Medicaid Services.''.

(b) INPATIENT REHABILITATION HOSPITALS.—Section 1886(j) of the Social Security Act (42 U.S.C. 1395ww(j)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

''(7) QUALITY REPORTING.—

''(A) REDUCTION IN UPDATE FOR FAILURE TO REPORT.—

''(i) IN GENERAL.—For purposes of fiscal year 2014 and each subsequent fiscal year, in the case of a rehabilitation facility that does not submit data to the Secretary in accordance with subparagraph (C) with respect to such a fiscal year, after determining the increase factor described in paragraph (3)(C), and after application of paragraph (3)(D), the Secretary shall reduce such increase factor for payments for discharges occurring during such fiscal year by 2 percentage points.

''(ii) SPECIAL RULE.—The application of this subparagraph may result in the increase factor described in paragraph (3)(C) being less than 0.0 for a fiscal year, and may result in payment rates under this subsection for a fiscal year being less than such payment rates for the preceding fiscal year.

''(B) NONCUMULATIVE APPLICATION.—Any reduction under subparagraph (A) shall apply only with respect to the fiscal year involved and the Secretary shall not take into account such reduction in computing the payment amount under this subsection for a subsequent fiscal year.

''(C) SUBMISSION OF QUALITY DATA.—For fiscal year 2014 and each subsequent rate year, each rehabilitation facility shall submit to the Secretary data on quality measures specified under subparagraph (D). Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this subparagraph.

''(D) QUALITY MEASURES.—

''(i) IN GENERAL.—Subject to clause (ii), any measure specified by the Secretary under this subparagraph must have been endorsed by the entity with a contract under section 1890(a).

''(ii) EXCEPTION.—In the case of a specified area or medical topic determined appropriate by the Secretary for which a feasible and practical measure has not been endorsed by the entity with a contract under section 1890(a), the Secretary may specify a measure that is not so endorsed as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary.

''(iii) TIME FRAME.—Not later than October 1, 2012, the Secretary shall publish the measures selected under this subparagraph that will be applicable with respect to fiscal year 2014.

''(E) PUBLIC AVAILABILITY OF DATA SUBMITTED.—The Secretary shall establish procedures for making data submitted under subparagraph (C) available to the public. Such procedures shall ensure that a rehabilitation facility has the opportunity to review the data that is to be made public with respect to the facility prior to such data being made public. The Secretary shall report quality measures that relate to services furnished in inpatient settings in rehabilitation facilities on the Internet website of the Centers for Medicare & Medicaid Services.''.

(c) HOSPICE PROGRAMS.—Section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) QUALITY REPORTING.—

''(A) REDUCTION IN UPDATE FOR FAILURE TO REPORT.—

''(i) IN GENERAL.—For purposes of fiscal year 2014 and each subsequent fiscal year, in the case of a hospice program that does not submit data to the Secretary in accordance with subparagraph (C) with respect to such a fiscal year, after determining the market basket percentage increase under paragraph (1)(C)(ii)(VII) or paragraph (1)(C)(iii), as applicable, and after application of paragraph (1)(C)(iv), with respect to the fiscal year, the Secretary shall reduce such market basket percentage increase by 2 percentage points.

''(ii) SPECIAL RULE.—The application of this subparagraph may result in the market basket percentage increase under paragraph (1)(C)(ii)(VII) or paragraph (1)(C)(iii), as applicable, being less than 0.0 for a fiscal year, and may result in payment rates under this subsection for a fiscal year being less than such payment rates for the preceding fiscal year.

''(B) NONCUMULATIVE APPLICATION.—Any reduction under subparagraph (A) shall apply only with respect to the fiscal year involved and the Secretary shall not take into account such reduction in computing the payment amount under this subsection for a subsequent fiscal year.

''(C) SUBMISSION OF QUALITY DATA.—For fiscal year 2014 and each subsequent fiscal year, each hospice program shall submit to the Secretary data on quality measures specified under subparagraph (D). Such data shall be submitted in a form and manner, and at a time, specified

by the Secretary for purposes of this subparagraph.

''(D) QUALITY MEASURES.—

''(i) IN GENERAL.—Subject to clause (ii), any measure specified by the Secretary under this subparagraph must have been endorsed by the entity with a contract under section 1890(a).

''(ii) EXCEPTION.—In the case of a specified area or medical topic determined appropriate by the Secretary for which a feasible and practical measure has not been endorsed by the entity with a contract under section 1890(a), the Secretary may specify a measure that is not so endorsed as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary.

''(iii) TIME FRAME.—Not later than October 1, 2012, the Secretary shall publish the measures selected under this subparagraph that will be applicable with respect to fiscal year 2014.

''(E) PUBLIC AVAILABILITY OF DATA SUBMITTED.—The Secretary shall establish procedures for making data submitted under subparagraph (C) available to the public. Such procedures shall ensure that a hospice program has the opportunity to review the data that is to be made public with respect to the hospice program prior to such data being made public. The Secretary shall report quality measures that relate to hospice care provided by hospice programs on the Internet website of the Centers for Medicare & Medicaid Services.''.

SEC. 3005. QUALITY REPORTING FOR PPS-EXEMPT CANCER HOSPITALS.

Section 1866 of the Social Security Act (42 U.S.C. 1395cc) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (U), by striking ''and'' at the end;

(B) in subparagraph (V), by striking the period at the end and inserting '', and''; and

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

''(W) in the case of a hospital described in section 1886(d)(1)(B)(v), to report quality data to the Secretary in accordance with subsection (k).''; and

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

''(k) QUALITY REPORTING BY CANCER HOSPITALS.—

''(1) IN GENERAL.—For purposes of fiscal year 2014 and each subsequent fiscal year, a hospital described in section 1886(d)(1)(B)(v) shall submit data to the Secretary in accordance with paragraph (2) with respect to such a fiscal year.

''(2) SUBMISSION OF QUALITY DATA.—For fiscal year 2014 and each subsequent fiscal year, each hospital described in such section shall submit to the Secretary data on quality measures specified under paragraph (3). Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this subparagraph.

''(3) QUALITY MEASURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), any measure specified by the Secretary under this paragraph must have been endorsed by the entity with a contract under section 1890(a).

''(B) EXCEPTION.—In the case of a specified area or medical topic determined appropriate by the Secretary for which a feasible and practical measure has not been endorsed by the entity with a contract under section 1890(a), the Secretary may specify a measure that is not so endorsed as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary.

''(C) TIME FRAME.—Not later than October 1, 2012, the Secretary shall publish the measures selected under this paragraph that will be applicable with respect to fiscal year 2014.

''(4) PUBLIC AVAILABILITY OF DATA SUBMITTED.—The Secretary shall establish procedures for making data submitted under paragraph (4) available to the public. Such procedures shall ensure that a hospital described in section 1886(d)(1)(B)(v) has the opportunity to review the data that is to be made public with respect to the hospital prior to such data being made public. The Secretary shall report quality measures of process, structure, outcome, patients' perspective on care, efficiency, and costs of care that relate to services furnished in such hospitals on the Internet website of the Centers for Medicare & Medicaid Services.''.

SEC. 3006. PLANS FOR A VALUE-BASED PURCHASING PROGRAM FOR SKILLED NURSING FACILITIES AND HOME HEALTH AGENCIES.

(a) SKILLED NURSING FACILITIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall develop a plan to implement a value-based purchasing program for payments under the Medicare program under title XVIII of the Social Security Act for skilled nursing facilities (as defined in section 1819(a) of such Act (42 U.S.C. 1395i–3(a))).

(2) DETAILS.—In developing the plan under paragraph (1), the Secretary shall consider the following issues:

(A) The ongoing development, selection, and modification process for measures (including under section 1890 of the Social Security Act (42 U.S.C. 1395aaa) and section 1890A such Act, as added by section 3014), to the extent feasible and practicable, of all dimensions of quality and efficiency in skilled nursing facilities.

(i) IN GENERAL.—Subject to clause (ii), any measure specified by the Secretary under subparagraph (A)(iii) must have been endorsed by the entity with a contract under section 1890(a).

(ii) EXCEPTION.—In the case of a specified area or medical topic determined appropriate by the Secretary for which a feasible and practical measure has not been endorsed by the entity with a contract under section 1890(a), the Secretary may specify a measure that is not so endorsed as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary.

(B) The reporting, collection, and validation of quality data.

(C) The structure of value-based payment adjustments, including the determination of thresholds or improvements in quality that would substantiate a payment adjustment, the size of such payments, and the sources of funding for the value-based bonus payments.

(D) Methods for the public disclosure of information on the performance of skilled nursing facilities.

(E) Any other issues determined appropriate by the Secretary.

(3) CONSULTATION.—In developing the plan under paragraph (1), the Secretary shall—

(A) consult with relevant affected parties; and

(B) consider experience with such demonstrations that the Secretary determines are relevant to the value-based purchasing program described in paragraph (1).

(4) REPORT TO CONGRESS.—Not later than October 1, 2011, the Secretary shall submit to Congress a report containing the plan developed under paragraph (1).

(b) HOME HEALTH AGENCIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall develop a plan to implement a value-based purchasing program for payments under the Medicare program under title XVIII of the Social Security Act for home health agencies (as defined in section 1861(o) of such Act (42 U.S.C. 1395x(o))).

(2) DETAILS.—In developing the plan under paragraph (1), the Secretary shall consider the following issues:

(A) The ongoing development, selection, and modification process for measures (including under section 1890 of the Social Security Act (42 U.S.C. 1395aaa) and section 1890A such Act, as added by section 3014), to the extent feasible and practicable, of all dimensions of quality and efficiency in home health agencies.

(B) The reporting, collection, and validation of quality data.

(C) The structure of value-based payment adjustments, including the determination of thresholds or improvements in quality that would substantiate a payment adjustment, the size of such payments, and the sources of funding for the value-based bonus payments.

(D) Methods for the public disclosure of information on the performance of home health agencies.

(E) Any other issues determined appropriate by the Secretary.

(3) CONSULTATION.—In developing the plan under paragraph (1), the Secretary shall—

(A) consult with relevant affected parties; and

(B) consider experience with such demonstrations that the Secretary determines are relevant to the value-based purchasing program described in paragraph (1).

(4) REPORT TO CONGRESS.—Not later than October 1, 2011, the Secretary shall submit to Congress a report containing the plan developed under paragraph (1).

SEC. 3007. VALUE-BASED PAYMENT MODIFIER UNDER THE PHYSICIAN FEE SCHEDULE.

Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (b)(1), by inserting ''subject to subsection (p),'' after ''1998,''; and

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

''(p) ESTABLISHMENT OF VALUE-BASED PAYMENT MODIFIER.—

''(1) IN GENERAL.—The Secretary shall establish a payment modifier that provides for differential payment to a physician or a group of physicians under the fee schedule established under subsection (b) based upon the quality of care furnished compared to cost (as determined under paragraphs (2) and (3), respectively) during a performance period. Such payment modifier shall be separate from the geographic adjustment factors established under subsection (e).

''(2) QUALITY.—

''(A) IN GENERAL.—For purposes of paragraph (1), quality of care shall be evaluated, to the extent practicable, based on a composite of measures of the quality of care furnished (as established by the Secretary under subparagraph (B)).

''(B) MEASURES.—

''(i) The Secretary shall establish appropriate measures of the quality of care furnished by a physician or group of physicians to individuals enrolled under this part, such as measures that reflect health outcomes. Such measures shall be risk adjusted as determined appropriate by the Secretary.

''(ii) The Secretary shall seek endorsement of the measures established under this subparagraph by the entity with a contract under section 1890(a).

''(3) COSTS.—For purposes of paragraph (1), costs shall be evaluated, to the extent practicable, based on a composite of appropriate measures of costs established by the Secretary (such as the composite measure under the methodology established under subsection (n)(9)(C)(iii)) that eliminate the effect of geographic adjustments in payment rates (as described in subsection (e)), and take into account risk factors (such as socioeconomic and demographic characteristics, ethnicity, and health status of individuals (such as to recognize that less healthy individuals may require more intensive interventions) and other factors determined appropriate by the Secretary.

''(4) IMPLEMENTATION.—

''(A) PUBLICATION OF MEASURES, DATES OF IMPLEMENTATION, PERFORMANCE PERIOD.—Not later than January 1, 2012, the Secretary shall publish the following:

''(i) The measures of quality of care and costs established under paragraphs (2) and (3), respectively.

''(ii) The dates for implementation of the payment modifier (as determined under subparagraph (B)).

''(iii) The initial performance period (as specified under subparagraph (B)(ii)).

''(B) DEADLINES FOR IMPLEMENTATION.—

''(i) INITIAL IMPLEMENTATION.—Subject to the preceding provisions of this subparagraph, the Secretary shall begin implementing the payment modifier established under this subsection through the rulemaking process during 2013 for the physician fee schedule established under subsection (b).

''(ii) INITIAL PERFORMANCE PERIOD.—

''(I) IN GENERAL.—The Secretary shall specify an initial performance period for application of the payment modifier established under this subsection with respect to 2015.

''(II) PROVISION OF INFORMATION DURING INITIAL PERFORMANCE PERIOD.—During the initial performance period, the Secretary shall, to the extent practicable, provide information to physicians and groups of physicians about the quality of care furnished by the physician or group of physicians to individuals enrolled under this part compared to cost (as determined under paragraphs (2) and (3), respectively) with respect to the performance period.

''(iii) APPLICATION.—The Secretary shall apply the payment modifier established under this subsection for items and services furnished—

''(I) beginning on January 1, 2015, with respect to specific physicians and groups of physicians the Secretary determines appropriate; and

''(II) beginning not later than January 1, 2017, with respect to all physicians and groups of physicians.

''(C) BUDGET NEUTRALITY.—The payment modifier established under this subsection shall be implemented in a budget neutral manner.

''(5) SYSTEMS-BASED CARE.—The Secretary shall, as appropriate, apply the payment modifier established under this subsection in a manner that promotes systems-based care.

''(6) CONSIDERATION OF SPECIAL CIRCUMSTANCES OF CERTAIN PROVIDERS.—In applying the payment modifier under this subsection, the Secretary shall, as appropriate, take into account the special circumstances of physicians or groups of physicians in rural areas and other underserved communities.

''(7) APPLICATION.—For purposes of the initial application of the payment modifier established under this subsection during the period beginning on January 1, 2015, and ending on December 31, 2016, the term 'physician' has the meaning given such term in section 1861(r). On or after January 1, 2017, the Secretary may apply this subsection to eligible professionals (as defined in subsection (k)(3)(B)) as the Secretary determines appropriate.

''(8) DEFINITIONS.—For purposes of this subsection:

''(A) COSTS.—The term 'costs' means expenditures per individual as determined appropriate by the Secretary. In making the determination under the preceding sentence, the Secretary may take into account the amount of growth in expenditures per individual for a physician compared to the amount of such growth for other physicians.

''(B) PERFORMANCE PERIOD.—The term 'performance period' means a period specified by the Secretary.

''(9) COORDINATION WITH OTHER VALUE-BASED PURCHASING REFORMS.—The Secretary shall coordinate the value-based payment modifier established under this subsection with the Physician Feedback Program under subsection (n) and, as the Secretary determines appropriate, other similar provisions of this title.

''(10) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of—

''(A) the establishment of the value-based payment modifier under this subsection;

''(B) the evaluation of quality of care under paragraph (2), including the establishment of appropriate measures of the quality of care under paragraph (2)(B);

''(C) the evaluation of costs under paragraph (3), including the establishment of appropriate measures of costs under such paragraph;

''(D) the dates for implementation of the value-based payment modifier;

''(E) the specification of the initial performance period and any other performance period under paragraphs (4)(B)(ii) and (8)(B), respectively;

''(F) the application of the value-based payment modifier under paragraph (7); and

''(G) the determination of costs under paragraph (8)(A).''.

SEC. 3008. PAYMENT ADJUSTMENT FOR CONDITIONS ACQUIRED IN HOSPITALS.

(a) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww), as amended by section 3001, is amended by adding at the end the following new subsection:

''(p) ADJUSTMENT TO HOSPITAL PAYMENTS FOR HOSPITAL ACQUIRED CONDITIONS.—

''(1) IN GENERAL.—In order to provide an incentive for applicable hospitals to reduce hospital acquired conditions under this title, with respect to discharges from an applicable hospital occurring during fiscal year 2015 or a subsequent fiscal year, the amount of payment under this section or section 1814(b)(3), as applicable, for such discharges during the fiscal year shall be equal to 99 percent of the amount of payment that would otherwise apply to such discharges under this section or section 1814(b)(3) (determined after the application of subsections (o) and (q) and section 1814(l)(4) but without regard to this subsection).

''(2) APPLICABLE HOSPITALS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'applicable hospital' means a subsection (d) hospital that meets the criteria described in subparagraph (B).

''(B) CRITERIA DESCRIBED.—

''(i) IN GENERAL.—The criteria described in this subparagraph, with respect to a subsection (d) hospital, is that the subsection (d) hospital is in the top quartile of all subsection (d) hospitals, relative to the national average, of hospital acquired conditions during the applicable period, as determined by the Secretary.

''(ii) RISK ADJUSTMENT.—In carrying out clause (i), the Secretary shall establish and apply an appropriate risk adjustment methodology.

''(C) EXEMPTION.—In the case of a hospital that is paid under section 1814(b)(3), the Secretary may exempt such hospital from the application of this subsection if the State which is paid under such section submits an annual report to the Secretary describing how a similar program in the State for a participating hospital or hospitals achieves or surpasses the measured results in terms of patient health outcomes and cost savings established under this subsection.

''(3) HOSPITAL ACQUIRED CONDITIONS.—For purposes of this subsection, the term 'hospital acquired condition' means a condition identified for purposes of subsection (d)(4)(D)(iv) and any other condition determined appropriate by the Secretary that an individual acquires during a stay in an applicable hospital, as determined by the Secretary.

''(4) APPLICABLE PERIOD.—In this subsection, the term 'applicable period' means, with respect to a fiscal year, a period specified by the Secretary.

''(5) REPORTING TO HOSPITALS.—Prior to fiscal year 2015 and each subsequent fiscal year, the Secretary shall provide confidential reports to applicable hospitals with respect to hospital acquired conditions of the applicable hospital during the applicable period.

''(6) REPORTING HOSPITAL SPECIFIC INFORMATION.—

''(A) IN GENERAL.—The Secretary shall make information available to the public regarding hospital acquired conditions of each applicable hospital.

''(B) OPPORTUNITY TO REVIEW AND SUBMIT CORRECTIONS.—The Secretary shall ensure that an applicable hospital has the opportunity to review, and submit corrections for, the information to be made public with respect to the hospital under subparagraph (A) prior to such information being made public.

''(C) WEBSITE.—Such information shall be posted on the Hospital Compare Internet website in an easily understandable format.

''(7) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the following:

''(A) The criteria described in paragraph (2)(A).

''(B) The specification of hospital acquired conditions under paragraph (3).

''(C) The specification of the applicable period under paragraph (4).

''(D) The provision of reports to applicable hospitals under paragraph (5) and the information made available to the public under paragraph (6).''.

(b) STUDY AND REPORT ON EXPANSION OF HEALTHCARE ACQUIRED CONDITIONS POLICY TO OTHER PROVIDERS.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study on expanding the healthcare acquired conditions policy under subsection (d)(4)(D) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) to payments made to other facilities under the Medicare program under title XVIII of the Social Security Act, including such payments made to inpatient rehabilitation facilities, long-term care hospitals (as described in subsection(d)(1)(B)(iv) of such section), hospital outpatient departments, and other hospitals excluded from the inpatient prospective payment system under such section, skilled nursing facilities, ambulatory surgical centers, and health clinics. Such study shall include an analysis of how such policies could impact quality of patient care, patient safety, and spending under the Medicare program.

(2) REPORT.—Not later than January 1, 2012, the Secretary shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

PART II—NATIONAL STRATEGY TO IMPROVE HEALTH CARE QUALITY

SEC. 3011. NATIONAL STRATEGY.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART S—HEALTH CARE QUALITY PROGRAMS

''Subpart I—National Strategy for Quality Improvement in Health Care

''SEC. 399HH. NATIONAL STRATEGY FOR QUALITY IMPROVEMENT IN HEALTH CARE.

''(a) ESTABLISHMENT OF NATIONAL STRATEGY AND PRIORITIES.—

''(1) NATIONAL STRATEGY.—The Secretary, through a transparent collaborative process, shall establish a national strategy to improve the delivery of health care services, patient health outcomes, and population health.

''(2) IDENTIFICATION OF PRIORITIES.—

''(A) IN GENERAL.—The Secretary shall identify national priorities for improvement in developing the strategy under paragraph (1).

''(B) REQUIREMENTS.—The Secretary shall ensure that priorities identified under subparagraph (A) will—

''(i) have the greatest potential for improving the health outcomes, efficiency, and patient-centeredness of health care for all populations, including children and vulnerable populations;

''(ii) identify areas in the delivery of health care services that have the potential for rapid improvement in the quality and efficiency of patient care;

''(iii) address gaps in quality, efficiency, comparative effectiveness information, and health outcomes measures and data aggregation techniques;

''(iv) improve Federal payment policy to emphasize quality and efficiency;

''(v) enhance the use of health care data to improve quality, efficiency, transparency, and outcomes;

''(vi) address the health care provided to patients with high-cost chronic diseases;

''(vii) improve research and dissemination of strategies and best practices to improve patient safety and reduce medical errors, preventable admissions and readmissions, and health care-associated infections;

''(viii) reduce health disparities across health disparity populations (as defined in section 485E) and geographic areas; and

''(ix) address other areas as determined appropriate by the Secretary.

''(C) CONSIDERATIONS.—In identifying priorities under subparagraph (A), the Secretary shall take into consideration the recommendations submitted by the entity with a contract under section 1890(a) of the Social Security Act and other stakeholders.

''(D) COORDINATION WITH STATE AGENCIES.—The Secretary shall collaborate, coordinate, and consult with State agencies responsible for administering the Medicaid program under title XIX of the Social Security Act and the Children's Health Insurance Program under title XXI of such Act with respect to developing and disseminating strategies, goals, models, and timetables that are consistent with the national priorities identified under subparagraph (A).

''(b) STRATEGIC PLAN.—

''(1) IN GENERAL.—The national strategy shall include a comprehensive strategic plan to achieve the priorities described in subsection (a).

''(2) REQUIREMENTS.—The strategic plan shall include provisions for addressing, at a minimum, the following:

''(A) Coordination among agencies within the Department, which shall include steps to minimize duplication of efforts and utilization of common quality measures, where available. Such common quality measures shall be measures identified by the Secretary under section 1139A or 1139B of the Social Security Act or endorsed under section 1890 of such Act.

''(B) Agency-specific strategic plans to achieve national priorities.

''(C) Establishment of annual benchmarks for each relevant agency to achieve national priorities.

''(D) A process for regular reporting by the agencies to the Secretary on the implementation of the strategic plan.

''(E) Strategies to align public and private payers with regard to quality and patient safety efforts.

''(F) Incorporating quality improvement and measurement in the strategic plan for health information technology required by the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

''(c) PERIODIC UPDATE OF NATIONAL STRATEGY.—The Secretary shall update the national strategy not less than annually. Any such update shall include a review of short- and long-term goals.

''(d) SUBMISSION AND AVAILABILITY OF NATIONAL STRATEGY AND UPDATES.—

''(1) DEADLINE FOR INITIAL SUBMISSION OF NATIONAL STRATEGY.—Not later than January 1, 2011, the Secretary shall submit to the relevant committees of Congress the national strategy described in subsection (a).

''(2) UPDATES.—

''(A) IN GENERAL.—The Secretary shall submit to the relevant committees of Congress an annual update to the strategy described in paragraph (1).

''(B) INFORMATION SUBMITTED.—Each update submitted under subparagraph (A) shall include—

''(i) a review of the short- and long-term goals of the national strategy and any gaps in such strategy;

''(ii) an analysis of the progress, or lack of progress, in meeting such goals and any barriers to such progress;

''(iii) the information reported under section 1139A of the Social Security Act, consistent with the reporting requirements of such section; and

''(iv) in the case of an update required to be submitted on or after January 1, 2014, the information reported under section 1139B(b)(4) of the Social Security Act, consistent with the reporting requirements of such section.

''(C) SATISFACTION OF OTHER REPORTING REQUIREMENTS.—Compliance with the requirements of clauses (iii) and (iv) of subparagraph (B) shall satisfy the reporting requirements under sections 1139A(a)(6) and 1139B(b)(4), respectively, of the Social Security Act.

''(e) HEALTH CARE QUALITY INTERNET WEBSITE.—Not later than January 1, 2011, the Secretary shall create an Internet website to make public information regarding—

''(1) the national priorities for health care quality improvement established under subsection (a)(2);

''(2) the agency-specific strategic plans for health care quality described in subsection (b)(2)(B); and

''(3) other information, as the Secretary determines to be appropriate.''.

SEC. 3012. INTERAGENCY WORKING GROUP ON HEALTH CARE QUALITY.

(a) IN GENERAL.—The President shall convene a working group to be known as the Interagency Working Group on Health Care Quality (referred to in this section as the ''Working Group'').

(b) GOALS.—The goals of the Working Group shall be to achieve the following:

(1) Collaboration, cooperation, and consultation between Federal departments and agencies with respect to developing and disseminating strategies, goals, models, and timetables that are consistent with the national priorities identified under section 399HH(a)(2) of the Public Health Service Act (as added by section 3011).

(2) Avoidance of inefficient duplication of quality improvement efforts and resources, where practicable, and a streamlined process for quality reporting and compliance requirements.

(3) Assess alignment of quality efforts in the public sector with private sector initiatives.

(c) COMPOSITION.—

(1) IN GENERAL.—The Working Group shall be composed of senior level representatives of—

(A) the Department of Health and Human Services;

(B) the Centers for Medicare & Medicaid Services;

(C) the National Institutes of Health;

(D) the Centers for Disease Control and Prevention;

(E) the Food and Drug Administration;

(F) the Health Resources and Services Administration;

(G) the Agency for Healthcare Research and Quality;

(H) the Office of the National Coordinator for Health Information Technology;

(I) the Substance Abuse and Mental Health Services Administration;

(J) the Administration for Children and Families;

(K) the Department of Commerce;

(L) the Office of Management and Budget;

(M) the United States Coast Guard;

(N) the Federal Bureau of Prisons;

(O) the National Highway Traffic Safety Administration;

(P) the Federal Trade Commission;

(Q) the Social Security Administration;

(R) the Department of Labor;

(S) the United States Office of Personnel Management;

(T) the Department of Defense;

(U) the Department of Education;

(V) the Department of Veterans Affairs;

(W) the Veterans Health Administration; and

(X) any other Federal agencies and departments with activities relating to improving health care quality and safety, as determined by the President.

(2) CHAIR AND VICE-CHAIR.—

(A) CHAIR.—The Working Group shall be chaired by the Secretary of Health and Human Services.

(B) VICE CHAIR.—Members of the Working Group, other than the Secretary of Health and Human Services, shall serve as Vice Chair of the Group on a rotating basis, as determined by the Group.

(d) REPORT TO CONGRESS.—Not later than December 31, 2010, and annually thereafter, the Working Group shall submit to the relevant Committees of Congress, and make public on an Internet website, a report describing the progress and recommendations of the Working Group in meeting the goals described in subsection (b).

SEC. 3013. QUALITY MEASURE DEVELOPMENT.

(a) PUBLIC HEALTH SERVICE ACT.—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) by redesignating part D as part E;

(2) by redesignating sections 931 through 938 as sections 941 through 948, respectively;

(3) in section 948(1), as so redesignated, by striking ''931'' and inserting ''941''; and

(4) by inserting after section 926 the following:

''PART D—HEALTH CARE QUALITY IMPROVEMENT

''Subpart I—Quality Measure Development

''SEC. 931. QUALITY MEASURE DEVELOPMENT.

''(a) QUALITY MEASURE.—In this subpart, the term 'quality measure' means a standard for measuring the performance and improvement of population health or of health plans, providers of services, and other clinicians in the delivery of health care services.

''(b) IDENTIFICATION OF QUALITY MEASURES.—

''(1) IDENTIFICATION.—The Secretary, in consultation with the Director of the Agency for Healthcare Research and Quality and the Administrator of the Centers for Medicare & Medicaid Services, shall identify, not less often than triennially, gaps where no quality measures exist and existing quality measures that need improvement, updating, or expansion, consistent with the national strategy under section 399HH, to the extent available, for use in Federal health programs. In identifying such gaps and existing quality measures that need improvement, the Secretary shall take into consideration—

''(A) the gaps identified by the entity with a contract under section 1890(a) of the Social Security Act and other stakeholders;

''(B) quality measures identified by the pediatric quality measures program under section 1139A of the Social Security Act; and

''(C) quality measures identified through the Medicaid Quality Measurement Program under section 1139B of the Social Security Act.

''(2) PUBLICATION.—The Secretary shall make available to the public on an Internet website a report on any gaps identified under paragraph (1) and the process used to make such identification.

''(c) GRANTS OR CONTRACTS FOR QUALITY MEASURE DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary shall award grants, contracts, or intergovernmental agreements to eligible entities for purposes of developing, improving, updating, or expanding quality measures identified under subsection (b).

''(2) PRIORITIZATION IN THE DEVELOPMENT OF QUALITY MEASURES.—In awarding grants, contracts, or agreements under this subsection, the Secretary shall give priority to the development of quality measures that allow the assessment of—

''(A) health outcomes and functional status of patients;

''(B) the management and coordination of health care across episodes of care and care transitions for patients across the continuum of providers, health care settings, and health plans;

''(C) the experience, quality, and use of information provided to and used by patients, caregivers, and authorized representatives to inform decisionmaking about treatment options, including the use of shared decisionmaking tools and preference sensitive care (as defined in section 936);

''(D) the meaningful use of health information technology;

''(E) the safety, effectiveness, patient-centeredness, appropriateness, and timeliness of care;

''(F) the efficiency of care;

''(G) the equity of health services and health disparities across health disparity populations (as defined in section 485E) and geographic areas;

''(H) patient experience and satisfaction;

''(I) the use of innovative strategies and methodologies identified under section 933; and

''(J) other areas determined appropriate by the Secretary.

''(3) ELIGIBLE ENTITIES.—To be eligible for a grant or contract under this subsection, an entity shall—

''(A) have demonstrated expertise and capacity in the development and evaluation of quality measures;

''(B) have adopted procedures to include in the quality measure development process—

''(i) the views of those providers or payers whose performance will be assessed by the measure; and

''(ii) the views of other parties who also will use the quality measures (such as patients, consumers, and health care purchasers);

''(C) collaborate with the entity with a contract under section 1890(a) of the Social Security Act and other stakeholders, as practicable, and the Secretary so that quality measures developed by the eligible entity will meet the requirements to be considered for endorsement by the entity with a contract under such section 1890(a);

''(D) have transparent policies regarding governance and conflicts of interest; and

''(E) submit an application to the Secretary at such time and in such manner, as the Secretary may require.

''(4) USE OF FUNDS.—An entity that receives a grant, contract, or agreement under this subsection shall use such award to develop quality measures that meet the following requirements:

''(A) Such measures support measures required to be reported under the Social Security Act, where applicable, and in support of gaps and existing quality measures that need improvement, as described in subsection (b)(1)(A).

''(B) Such measures support measures developed under section 1139A of the Social Security Act and the Medicaid Quality Measurement Program under section 1139B of such Act, where applicable.

''(C) To the extent practicable, data on such quality measures is able to be collected using health information technologies.

''(D) Each quality measure is free of charge to users of such measure.

''(E) Each quality measure is publicly available on an Internet website.

''(d) OTHER ACTIVITIES BY THE SECRETARY.—The Secretary may use amounts available under this section to update and test, where applicable, quality measures endorsed by the entity with a contract under section 1890(a) of the Social Security Act or adopted by the Secretary.

''(e) COORDINATION OF GRANTS.—The Secretary shall ensure that grants or contracts awarded under this section are coordinated with grants and contracts awarded under sections 1139A(5) and 1139B(4)(A) of the Social Security Act.''.

(b) SOCIAL SECURITY ACT.—Section 1890A of the Social Security Act, as added by section 3014(b), is amended by adding at the end the following new subsection:

''(e) DEVELOPMENT OF QUALITY MEASURES.—The Administrator of the Center for Medicare & Medicaid Services shall through contracts develop quality measures (as determined appropriate by the Administrator) for use under this Act. In developing such measures, the Administrator shall consult with the Director of the Agency for Healthcare Research and Quality.''.

(c) FUNDING.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section, $75,000,000 for each of fiscal years 2010 through 2014. Of the amounts appropriated under the preceding sentence in a fiscal year, not less than 50 percent of such amounts shall be used pursuant to subsection (e) of section 1890A of the Social Security Act, as added by subsection (b), with respect to programs under such Act. Amounts appropriated under this subsection for a fiscal year shall remain available until expended.

SEC. 3014. QUALITY MEASUREMENT.

(a) NEW DUTIES FOR CONSENSUS-BASED ENTITY.—

(1) MULTI-STAKEHOLDER GROUP INPUT.—Section 1890(b) of the Social Security Act (42 U.S.C. 1395aaa(b)), as amended by section 3003, is amended by adding at the end the following new paragraphs:

''(7) CONVENING MULTI-STAKEHOLDER GROUPS.—

''(A) IN GENERAL.—The entity shall convene multi-stakeholder groups to provide input on—

''(i) the selection of quality measures described in subparagraph (B), from among—

''(I) such measures that have been endorsed by the entity; and

''(II) such measures that have not been considered for endorsement by such entity but are used or proposed to be used by the Secretary for the collection or reporting of quality measures; and

''(ii) national priorities (as identified under section 399HH of the Public Health Service Act) for improvement in population health and in the delivery of health care services for consideration under the national strategy established under section 399HH of the Public Health Service Act.

''(B) QUALITY MEASURES.—

''(i) IN GENERAL.—Subject to clause (ii), the quality measures described in this subparagraph are quality measures—

''(I) for use pursuant to sections 1814(i)(5)(D), 1833(i)(7), 1833(t)(17), 1848(k)(2)(C), 1866(k)(3), 1881(h)(2)(A)(iii), 1886(b)(3)(B)(viii), 1886(j)(7)(D), 1886(m)(5)(D), 1886(o)(2), and 1895(b)(3)(B)(v);

''(II) for use in reporting performance information to the public; and

''(III) for use in health care programs other than for use under this Act.

''(ii) EXCLUSION.—Data sets (such as the outcome and assessment information set for home health services and the minimum data set for skilled nursing facility services) that are used for purposes of classification systems used in establishing payment rates under this title shall not be quality measures described in this subparagraph.

''(C) REQUIREMENT FOR TRANSPARENCY IN PROCESS.—

''(i) IN GENERAL.—In convening multi-stakeholder groups under subparagraph (A) with respect to the selection of quality measures, the entity shall provide for an open and transparent process for the activities conducted pursuant to such convening.

''(ii) SELECTION OF ORGANIZATIONS PARTICIPATING IN MULTI-STAKEHOLDER GROUPS.—The process described in clause (i) shall ensure that the selection of representatives comprising such groups provides for public nominations for, and the opportunity for public comment on, such selection.

''(D) MULTI-STAKEHOLDER GROUP DEFINED.—In this paragraph, the term 'multi-stakeholder group' means, with respect to a quality measure, a voluntary collaborative of organizations representing a broad group of stakeholders interested in or affected by the use of such quality measure.

''(8) TRANSMISSION OF MULTI-STAKEHOLDER INPUT.—Not later than February 1 of each year (beginning with 2012), the entity shall transmit to the Secretary the input of multi-stakeholder groups provided under paragraph (7).''.

(2) ANNUAL REPORT.—Section 1890(b)(5)(A) of the Social Security Act (42 U.S.C. 1395aaa(b)(5)(A)) is amended—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new clauses:

''(iv) gaps in endorsed quality measures, which shall include measures that are within priority areas identified by the Secretary under the national strategy established under section 399HH of the Public Health Service Act, and where quality measures are unavailable or inadequate to identify or address such gaps;

''(v) areas in which evidence is insufficient to support endorsement of quality measures in priority areas identified by the Secretary under the national strategy established under section 399HH of the Public Health Service Act and where targeted research may address such gaps; and

''(vi) the matters described in clauses (i) and (ii) of paragraph (7)(A).''.

(b) MULTI-STAKEHOLDER GROUP INPUT INTO SELECTION OF QUALITY MEASURES.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1890 the following:

''QUALITY MEASUREMENT

''SEC. 1890A. (a) MULTI-STAKEHOLDER GROUP INPUT INTO SELECTION OF QUALITY MEASURES.—The Secretary shall establish a pre-rulemaking process under which the following steps occur with respect to the selection of quality measures described in section 1890(b)(7)(B):

''(1) INPUT.—Pursuant to section 1890(b)(7), the entity with a contract under section 1890 shall convene multi-stakeholder groups to provide input to the Secretary on the selection of quality measures described in subparagraph (B) of such paragraph.

''(2) PUBLIC AVAILABILITY OF MEASURES CONSIDERED FOR SELECTION.—Not later than December 1 of each year (beginning with 2011), the Secretary shall make available to the public a list of quality measures described in section 1890(b)(7)(B) that the Secretary is considering under this title.

''(3) TRANSMISSION OF MULTI-STAKEHOLDER INPUT.—Pursuant to section 1890(b)(8), not later than February 1 of each year (beginning with 2012), the entity shall transmit to the Secretary the input of multi-stakeholder groups described in paragraph (1).

''(4) CONSIDERATION OF MULTI-STAKEHOLDER INPUT.—The Secretary shall take into consideration the input from multi-stakeholder groups described in paragraph (1) in selecting quality measures described in section 1890(b)(7)(B) that have been endorsed by the entity with a contract under section 1890 and measures that have not been endorsed by such entity.

''(5) RATIONALE FOR USE OF QUALITY MEASURES.—The Secretary shall publish in the Federal Register the rationale for the use of any quality measure described in section 1890(b)(7)(B) that has not been endorsed by the entity with a contract under section 1890.

''(6) ASSESSMENT OF IMPACT.—Not later than March 1, 2012, and at least once every three years thereafter, the Secretary shall—

''(A) conduct an assessment of the quality impact of the use of endorsed measures described in section 1890(b)(7)(B); and

''(B) make such assessment available to the public.

''(b) PROCESS FOR DISSEMINATION OF MEASURES USED BY THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall establish a process for disseminating quality measures used by the Secretary. Such process shall include the following:

''(A) The incorporation of such measures, where applicable, in workforce programs, training curricula, and any other means of dissemination determined appropriate by the Secretary.

''(B) The dissemination of such quality measures through the national strategy developed under section 399HH of the Public Health Service Act.

''(2) EXISTING METHODS.—To the extent practicable, the Secretary shall utilize and expand existing dissemination methods in disseminating quality measures under the process established under paragraph (1).

''(c) REVIEW OF QUALITY MEASURES USED BY THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall—

''(A) periodically (but in no case less often than once every 3 years) review quality measures described in section 1890(b)(7)(B); and

''(B) with respect to each such measure, determine whether to—

''(i) maintain the use of such measure; or

''(ii) phase out such measure.

''(2) CONSIDERATIONS.—In conducting the review under paragraph (1), the Secretary shall take steps to—

''(A) seek to avoid duplication of measures used; and

''(B) take into consideration current innovative methodologies and strategies for quality improvement practices in the delivery of health care services that represent best practices for such quality improvement and measures endorsed by the entity with a contract under section 1890 since the previous review by the Secretary.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall preclude a State from using the quality measures identified under sections 1139A and 1139B.''.

(c) FUNDING.—For purposes of carrying out the amendments made by this section, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in such proportion as the Secretary determines appropriate, of $20,000,000, to the Centers for Medicare & Medicaid Services Program Management Account for each of fiscal years 2010 through 2014. Amounts transferred under the preceding sentence shall remain available until expended.

SEC. 3015. DATA COLLECTION; PUBLIC REPORTING.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 3011, is further amended by adding at the end the following:

''SEC. 399II. COLLECTION AND ANALYSIS OF DATA FOR QUALITY AND RESOURCE USE MEASURES.

''(a) IN GENERAL.—The Secretary shall collect and aggregate consistent data on quality and resource use measures from information systems used to support health care delivery to implement the public reporting of performance information, as described in section 399JJ, and may award grants or contracts for this purpose. The Secretary shall ensure that such collection, aggregation, and analysis systems span an increasingly broad range of patient populations, providers, and geographic areas over time.

''(b) GRANTS OR CONTRACTS FOR DATA COLLECTION.—

''(1) IN GENERAL.—The Secretary may award grants or contracts to eligible entities to support new, or improve existing, efforts to collect and aggregate quality and resource use measures described under subsection (c).

''(2) ELIGIBLE ENTITIES.—To be eligible for a grant or contract under this subsection, an entity shall—

''(A) be—

''(i) a multi-stakeholder entity that coordinates the development of methods and implementation plans for the consistent reporting of summary quality and cost information;

''(ii) an entity capable of submitting such summary data for a particular population and providers, such as a disease registry, regional collaboration, health plan collaboration, or other population-wide source; or

''(iii) a Federal Indian Health Service program or a health program operated by an Indian tribe (as defined in section 4 of the Indian Health Care Improvement Act);

''(B) promote the use of the systems that provide data to improve and coordinate patient care;

''(C) support the provision of timely, consistent quality and resource use information to health care providers, and other groups and organizations as appropriate, with an opportunity for providers to correct inaccurate measures; and

''(D) agree to report, as determined by the Secretary, measures on quality and resource use to the public in accordance with the public reporting process established under section 399JJ.

''(c) CONSISTENT DATA AGGREGATION.—The Secretary may award grants or contracts under this section only to entities that enable summary data that can be integrated and compared across multiple sources. The Secretary shall provide standards for the protection of the security and privacy of patient data.

''(d) MATCHING FUNDS.—The Secretary may not award a grant or contract under this section to an entity unless the entity agrees that it will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant or contract in an amount equal to $1 for each $5 of Federal funds provided under the grant or contract. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

''(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2010 through 2014.

''SEC. 399JJ. PUBLIC REPORTING OF PERFORMANCE INFORMATION.

''(a) DEVELOPMENT OF PERFORMANCE WEBSITES.—The Secretary shall make available to the public, through standardized Internet websites, performance information summarizing data on quality measures. Such information shall be tailored to respond to the differing needs of hospitals and other institutional health care providers, physicians and other clinicians, patients, consumers, researchers, policymakers, States, and other stakeholders, as the Secretary may specify.

''(b) INFORMATION ON CONDITIONS.—The performance information made publicly available on an Internet website, as described in subsection (a), shall include information regarding clinical conditions to the extent such information is available, and the information shall, where appropriate, be provider-specific and sufficiently disaggregated and specific to meet the needs of patients with different clinical conditions.

''(c) CONSULTATION.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall consult with the entity with a contract under section 1890(a) of the Social Security Act, and other entities, as appropriate, to determine the type of information that is useful to stakeholders and the format that best facilitates use of the reports and of performance reporting Internet websites.

''(2) CONSULTATION WITH STAKEHOLDERS.—The entity with a contract under section 1890(a) of the Social Security Act shall convene multi-stakeholder groups, as described in such section, to review the design and format of each Internet website made available under subsection (a) and shall transmit to the Secretary the views of such multi-stakeholder groups with respect to each such design and format.

''(d) COORDINATION.—Where appropriate, the Secretary shall coordinate the manner in which data are presented through Internet websites described in subsection (a) and for public reporting of other quality measures by the Secretary, including such quality measures under title XVIII of the Social Security Act.

''(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2010 through 2014.''.

PART III—ENCOURAGING DEVELOPMENT OF NEW PATIENT CARE MODELS

SEC. 3021. ESTABLISHMENT OF CENTER FOR MEDICARE AND MEDICAID INNOVATION WITHIN CMS.

(a) IN GENERAL.—Title XI of the Social Security Act is amended by inserting after section 1115 the following new section:

''CENTER FOR MEDICARE AND MEDICAID INNOVATION

''SEC. 1115A. (a) CENTER FOR MEDICARE AND MEDICAID INNOVATION ESTABLISHED.—

''(1) IN GENERAL.—There is created within the Centers for Medicare & Medicaid Services a Center for Medicare and Medicaid Innovation (in this section referred to as the 'CMI') to carry out the duties described in this section. The purpose of the CMI is to test innovative payment and service delivery models to reduce program expenditures under the applicable titles while preserving or enhancing the quality of care furnished to individuals under such titles. In selecting such models, the Secretary shall give preference to models that also improve the coordination, quality, and efficiency of health care services furnished to applicable individuals defined in paragraph (4)(A).

''(2) DEADLINE.—The Secretary shall ensure that the CMI is carrying out the duties described in this section by not later than January 1, 2011.

''(3) CONSULTATION.—In carrying out the duties under this section, the CMI shall consult representatives of relevant Federal agencies, and clinical and analytical experts with expertise in medicine and health care management. The CMI shall use open door forums or other mechanisms to seek input from interested parties.

''(4) DEFINITIONS.—In this section:

''(A) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means—

''(i) an individual who is entitled to, or enrolled for, benefits under part A of title XVIII or enrolled for benefits under part B of such title;

''(ii) an individual who is eligible for medical assistance under title XIX, under a State plan or waiver; or

''(iii) an individual who meets the criteria of both clauses (i) and (ii).

''(B) APPLICABLE TITLE.—The term 'applicable title' means title XVIII, title XIX, or both.

''(b) TESTING OF MODELS (PHASE I).—

''(1) IN GENERAL.—The CMI shall test payment and service delivery models in accordance with selection criteria under paragraph (2) to determine the effect of applying such models under the applicable title (as defined in subsection (a)(4)(B)) on program expenditures under such titles and the quality of care received by individuals receiving benefits under such title.

''(2) SELECTION OF MODELS TO BE TESTED.—

''(A) IN GENERAL.—The Secretary shall select models to be tested from models where the Secretary determines that there is evidence that the model addresses a defined population for which there are deficits in care leading to poor clinical outcomes or potentially avoidable expenditures. The models selected under the preceding sentence may include the models described in subparagraph (B).

''(B) OPPORTUNITIES.—The models described in this subparagraph are the following models:

''(i) Promoting broad payment and practice reform in primary care, including patient-centered medical home models for high-need applicable individuals, medical homes that address

women's unique health care needs, and models that transition primary care practices away from fee-for-service based reimbursement and toward comprehensive payment or salary-based payment.

''(ii) Contracting directly with groups of providers of services and suppliers to promote innovative care delivery models, such as through risk-based comprehensive payment or salary-based payment.

''(iii) Utilizing geriatric assessments and comprehensive care plans to coordinate the care (including through interdisciplinary teams) of applicable individuals with multiple chronic conditions and at least one of the following:

''(I) An inability to perform 2 or more activities of daily living.

''(II) Cognitive impairment, including dementia.

''(iv) Promote care coordination between providers of services and suppliers that transition health care providers away from fee-for-service based reimbursement and toward salary-based payment.

''(v) Supporting care coordination for chronically-ill applicable individuals at high risk of hospitalization through a health information technology-enabled provider network that includes care coordinators, a chronic disease registry, and home tele-health technology.

''(vi) Varying payment to physicians who order advanced diagnostic imaging services (as defined in section 1834(e)(1)(B)) according to the physician's adherence to appropriateness criteria for the ordering of such services, as determined in consultation with physician specialty groups and other relevant stakeholders.

''(vii) Utilizing medication therapy management services, such as those described in section 935 of the Public Health Service Act.

''(viii) Establishing community-based health teams to support small-practice medical homes by assisting the primary care practitioner in chronic care management, including patient self-management, activities.

''(ix) Assisting applicable individuals in making informed health care choices by paying providers of services and suppliers for using patient decision-support tools, including tools that meet the standards developed and identified under section 936(c)(2)(A) of the Public Health Service Act, that improve applicable individual and caregiver understanding of medical treatment options.

''(x) Allowing States to test and evaluate fully integrating care for dual eligible individuals in the State, including the management and oversight of all funds under the applicable titles with respect to such individuals.

''(xi) Allowing States to test and evaluate systems of all-payer payment reform for the medical care of residents of the State, including dual eligible individuals.

''(xii) Aligning nationally recognized, evidence-based guidelines of cancer care with payment incentives under title XVIII in the areas of treatment planning and follow-up care planning for applicable individuals described in clause (i) or (iii) of subsection (a)(4)(A) with cancer, including the identification of gaps in applicable quality measures.

''(xiii) Improving post-acute care through continuing care hospitals that offer inpatient rehabilitation, long-term care hospitals, and home health or skilled nursing care during an inpatient stay and the 30 days immediately following discharge.

''(xiv) Funding home health providers who offer chronic care management services to applicable individuals in cooperation with interdisciplinary teams.

''(xv) Promoting improved quality and reduced cost by developing a collaborative of high-quality, low-cost health care institutions that is responsible for—

''(I) developing, documenting, and disseminating best practices and proven care methods;

''(II) implementing such best practices and proven care methods within such institutions to demonstrate further improvements in quality and efficiency; and

''(III) providing assistance to other health care institutions on how best to employ such best practices and proven care methods to improve health care quality and lower costs.

''(xvi) Facilitate inpatient care, including intensive care, of hospitalized applicable individuals at their local hospital through the use of electronic monitoring by specialists, including intensivists and critical care specialists, based at integrated health systems.

''(xvii) Promoting greater efficiencies and timely access to outpatient services (such as outpatient physical therapy services) through models that do not require a physician or other health professional to refer the service or be involved in establishing the plan of care for the service, when such service is furnished by a health professional who has the authority to furnish the service under existing State law.

''(xviii) Establishing comprehensive payments to Healthcare Innovation Zones, consisting of groups of providers that include a teaching hospital, physicians, and other clinical entities, that, through their structure, operations, and joint-activity deliver a full spectrum of integrated and comprehensive health care services to applicable individuals while also incorporating innovative methods for the clinical training of future health care professionals.

''(C) ADDITIONAL FACTORS FOR CONSIDERATION.—In selecting models for testing under subparagraph (A), the CMI may consider the following additional factors:

''(i) Whether the model includes a regular process for monitoring and updating patient care plans in a manner that is consistent with the needs and preferences of applicable individuals.

''(ii) Whether the model places the applicable individual, including family members and other informal caregivers of the applicable individual, at the center of the care team of the applicable individual.

''(iii) Whether the model provides for in-person contact with applicable individuals.

''(iv) Whether the model utilizes technology, such as electronic health records and patient-based remote monitoring systems, to coordinate care over time and across settings.

''(v) Whether the model provides for the maintenance of a close relationship between care coordinators, primary care practitioners, specialist physicians, community-based organizations, and other providers of services and suppliers.

''(vi) Whether the model relies on a team-based approach to interventions, such as comprehensive care assessments, care planning, and self-management coaching.

''(vii) Whether, under the model, providers of services and suppliers are able to share information with patients, caregivers, and other providers of services and suppliers on a real time basis.

''(3) BUDGET NEUTRALITY.—

''(A) INITIAL PERIOD.—The Secretary shall not require, as a condition for testing a model under paragraph (1), that the design of such model ensure that such model is budget neutral initially with respect to expenditures under the applicable title.

''(B) TERMINATION OR MODIFICATION.—The Secretary shall terminate or modify the design and implementation of a model unless the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services, with respect to program spending under the applicable title, certifies), after testing has begun, that the model is expected to—

''(i) improve the quality of care (as determined by the Administrator of the Centers for Medicare & Medicaid Services) without increasing spending under the applicable title;

''(ii) reduce spending under the applicable title without reducing the quality of care; or

''(iii) improve the quality of care and reduce spending.

Such termination may occur at any time after such testing has begun and before completion of the testing.

''(4) EVALUATION.—

''(A) IN GENERAL.—The Secretary shall conduct an evaluation of each model tested under this subsection. Such evaluation shall include an analysis of—

''(i) the quality of care furnished under the model, including the measurement of patient-level outcomes and patient-centeredness criteria determined appropriate by the Secretary; and

''(ii) the changes in spending under the applicable titles by reason of the model.

''(B) INFORMATION.—The Secretary shall make the results of each evaluation under this paragraph available to the public in a timely fashion and may establish requirements for States and other entities participating in the testing of models under this section to collect and report information that the Secretary determines is necessary to monitor and evaluate such models.

''(c) EXPANSION OF MODELS (PHASE II).—Taking into account the evaluation under subsection (b)(4), the Secretary may, through rulemaking, expand (including implementation on a nationwide basis) the duration and the scope of a model that is being tested under subsection (b) or a demonstration project under section 1866C, to the extent determined appropriate by the Secretary, if—

''(1) the Secretary determines that such expansion is expected to—

''(A) reduce spending under applicable title without reducing the quality of care; or

''(B) improve the quality of care and reduce spending; and

''(2) the Chief Actuary of the Centers for Medicare & Medicaid Services certifies that such expansion would reduce program spending under applicable titles.

''(d) IMPLEMENTATION.—

''(1) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII and of sections 1902(a)(1), 1902(a)(13), and 1903(m)(2)(A)(iii) as may be necessary solely for purposes of carrying out this section with respect to testing models described in subsection (b).

''(2) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of—

''(A) the selection of models for testing or expansion under this section;

''(B) the selection of organizations, sites, or participants to test those models selected;

''(C) the elements, parameters, scope, and duration of such models for testing or dissemination;

''(D) determinations regarding budget neutrality under subsection (b)(3);

''(E) the termination or modification of the design and implementation of a model under subsection (b)(3)(B); and

''(F) determinations about expansion of the duration and scope of a model under subsection (c), including the determination that a model is not expected to meet criteria described in paragraph (1) or (2) of such subsection.

''(3) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the testing and evaluation of models or expansion of such models under this section.

''(e) APPLICATION TO CHIP.—The Center may carry out activities under this section with respect to title XXI in the same manner as provided under this section with respect to the program under the applicable titles.

''(f) FUNDING.—

''(1) IN GENERAL.—There are appropriated, from amounts in the Treasury not otherwise appropriated—

''(A) $5,000,000 for the design, implementation, and evaluation of models under subsection (b) for fiscal year 2010;

''(B) $10,000,000,000 for the activities initiated under this section for the period of fiscal years 2011 through 2019; and

''(C) the amount described in subparagraph (B) for the activities initiated under this section

for each subsequent 10-year fiscal period (beginning with the 10-year fiscal period beginning with fiscal year 2020).

Amounts appropriated under the preceding sentence shall remain available until expended.

''(2) USE OF CERTAIN FUNDS.—Out of amounts appropriated under subparagraphs (B) and (C) of paragraph (1), not less than $25,000,000 shall be made available each such fiscal year to design, implement, and evaluate models under subsection (b).

''(g) REPORT TO CONGRESS.—Beginning in 2012, and not less than once every other year thereafter, the Secretary shall submit to Congress a report on activities under this section. Each such report shall describe the models tested under subsection (b), including the number of individuals described in subsection (a)(4)(A)(i) and of individuals described in subsection (a)(4)(A)(ii) participating in such models and payments made under applicable titles for services on behalf of such individuals, any models chosen for expansion under subsection (c), and the results from evaluations under subsection (b)(4). In addition, each such report shall provide such recommendations as the Secretary determines are appropriate for legislative action to facilitate the development and expansion of successful payment models.''.

(b) MEDICAID CONFORMING AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 8002(b), is amended—

(1) in paragraph (81), by striking ''and'' at the end;

(2) in paragraph (82), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (82) the following new paragraph:

''(83) provide for implementation of the payment models specified by the Secretary under section 1115A(c) for implementation on a nationwide basis unless the State demonstrates to the satisfaction of the Secretary that implementation would not be administratively feasible or appropriate to the health care delivery system of the State.''.

(c) REVISIONS TO HEALTH CARE QUALITY DEMONSTRATION PROGRAM.—Subsections (b) and (f) of section 1866C of the Social Security Act (42 U.S.C. 1395cc–3) are amended by striking ''5-year'' each place it appears.

SEC. 3022. MEDICARE SHARED SAVINGS PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''SHARED SAVINGS PROGRAM

''SEC. 1899. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than January 1, 2012, the Secretary shall establish a shared savings program (in this section referred to as the 'program') that promotes accountability for a patient population and coordinates items and services under parts A and B, and encourages investment in infrastructure and redesigned care processes for high quality and efficient service delivery. Under such program—

''(A) groups of providers of services and suppliers meeting criteria specified by the Secretary may work together to manage and coordinate care for Medicare fee-for-service beneficiaries through an accountable care organization (referred to in this section as an 'ACO'); and

''(B) ACOs that meet quality performance standards established by the Secretary are eligible to receive payments for shared savings under subsection (d)(2).

''(b) ELIGIBLE ACOS.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, as determined appropriate by the Secretary, the following groups of providers of services and suppliers which have established a mechanism for shared governance are eligible to participate as ACOs under the program under this section:

''(A) ACO professionals in group practice arrangements.

''(B) Networks of individual practices of ACO professionals.

''(C) Partnerships or joint venture arrangements between hospitals and ACO professionals.

''(D) Hospitals employing ACO professionals.

''(E) Such other groups of providers of services and suppliers as the Secretary determines appropriate.

''(2) REQUIREMENTS.—An ACO shall meet the following requirements:

''(A) The ACO shall be willing to become accountable for the quality, cost, and overall care of the Medicare fee-for-service beneficiaries assigned to it.

''(B) The ACO shall enter into an agreement with the Secretary to participate in the program for not less than a 3-year period (referred to in this section as the 'agreement period').

''(C) The ACO shall have a formal legal structure that would allow the organization to receive and distribute payments for shared savings under subsection (d)(2) to participating providers of services and suppliers.

''(D) The ACO shall include primary care ACO professionals that are sufficient for the number of Medicare fee-for-service beneficiaries assigned to the ACO under subsection (c). At a minimum, the ACO shall have at least 5,000 such beneficiaries assigned to it under subsection (c) in order to be eligible to participate in the ACO program.

''(E) The ACO shall provide the Secretary with such information regarding ACO professionals participating in the ACO as the Secretary determines necessary to support the assignment of Medicare fee-for-service beneficiaries to an ACO, the implementation of quality and other reporting requirements under paragraph (3), and the determination of payments for shared savings under subsection (d)(2).

''(F) The ACO shall have in place a leadership and management structure that includes clinical and administrative systems.

''(G) The ACO shall define processes to promote evidence-based medicine and patient engagement, report on quality and cost measures, and coordinate care, such as through the use of telehealth, remote patient monitoring, and other such enabling technologies.

''(H) The ACO shall demonstrate to the Secretary that it meets patient-centeredness criteria specified by the Secretary, such as the use of patient and caregiver assessments or the use of individualized care plans.

''(3) QUALITY AND OTHER REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary shall determine appropriate measures to assess the quality of care furnished by the ACO, such as measures of—

''(i) clinical processes and outcomes;

''(ii) patient and, where practicable, caregiver experience of care; and

''(iii) utilization (such as rates of hospital admissions for ambulatory care sensitive conditions).

''(B) REPORTING REQUIREMENTS.—An ACO shall submit data in a form and manner specified by the Secretary on measures the Secretary determines necessary for the ACO to report in order to evaluate the quality of care furnished by the ACO. Such data may include care transitions across health care settings, including hospital discharge planning and post-hospital discharge follow-up by ACO professionals, as the Secretary determines appropriate.

''(C) QUALITY PERFORMANCE STANDARDS.—The Secretary shall establish quality performance standards to assess the quality of care furnished by ACOs. The Secretary shall seek to improve the quality of care furnished by ACOs over time by specifying higher standards, new measures, or both for purposes of assessing such quality of care.

''(D) OTHER REPORTING REQUIREMENTS.—The Secretary may, as the Secretary determines appropriate, incorporate reporting requirements and incentive payments related to the physician quality reporting initiative (PQRI) under section 1848, including such requirements and such payments related to electronic prescribing, electronic health records, and other similar initiatives under section 1848, and may use alternative criteria than would otherwise apply under such section for determining whether to make such payments. The incentive payments described in the preceding sentence shall not be taken into consideration when calculating any payments otherwise made under subsection (d).

''(4) NO DUPLICATION IN PARTICIPATION IN SHARED SAVINGS PROGRAMS.—A provider of services or supplier that participates in any of the following shall not be eligible to participate in an ACO under this section:

''(A) A model tested or expanded under section 1115A that involves shared savings under this title, or any other program or demonstration project that involves such shared savings.

''(B) The independence at home medical practice pilot program under section 1866E.

''(c) ASSIGNMENT OF MEDICARE FEE-FOR-SERVICE BENEFICIARIES TO ACOS.—The Secretary shall determine an appropriate method to assign Medicare fee-for-service beneficiaries to an ACO based on their utilization of primary care services provided under this title by an ACO professional described in subsection (h)(1)(A).

''(d) PAYMENTS AND TREATMENT OF SAVINGS.—

''(1) PAYMENTS.—

''(A) IN GENERAL.—Under the program, subject to paragraph (3), payments shall continue to be made to providers of services and suppliers participating in an ACO under the original Medicare fee-for-service program under parts A and B in the same manner as they would otherwise be made except that a participating ACO is eligible to receive payment for shared savings under paragraph (2) if—

''(i) the ACO meets quality performance standards established by the Secretary under subsection (b)(3); and

''(ii) the ACO meets the requirement under subparagraph (B)(i).

''(B) SAVINGS REQUIREMENT AND BENCHMARK.—

''(i) DETERMINING SAVINGS.—In each year of the agreement period, an ACO shall be eligible to receive payment for shared savings under paragraph (2) only if the estimated average per capita Medicare expenditures under the ACO for Medicare fee-for-service beneficiaries for parts A and B services, adjusted for beneficiary characteristics, is at least the percent specified by the Secretary below the applicable benchmark under clause (ii). The Secretary shall determine the appropriate percent described in the preceding sentence to account for normal variation in expenditures under this title, based upon the number of Medicare fee-for-service beneficiaries assigned to an ACO.

''(ii) ESTABLISH AND UPDATE BENCHMARK.—The Secretary shall estimate a benchmark for each agreement period for each ACO using the most recent available 3 years of per-beneficiary expenditures for parts A and B services for Medicare fee-for-service beneficiaries assigned to the ACO. Such benchmark shall be adjusted for beneficiary characteristics and such other factors as the Secretary determines appropriate and updated by the projected absolute amount of growth in national per capita expenditures for parts A and B services under the original Medicare fee-for-service program, as estimated by the Secretary. Such benchmark shall be reset at the start of each agreement period.

''(2) PAYMENTS FOR SHARED SAVINGS.—Subject to performance with respect to the quality performance standards established by the Secretary under subsection (b)(3), if an ACO meets the requirements under paragraph (1), a percent (as determined appropriate by the Secretary) of the difference between such estimated average per capita Medicare expenditures in a year, adjusted for beneficiary characteristics, under the ACO and such benchmark for the ACO may be paid to the ACO as shared savings and the remainder of such difference shall be retained by

the program under this title. The Secretary shall establish limits on the total amount of shared savings that may be paid to an ACO under this paragraph.

''(3) MONITORING AVOIDANCE OF AT-RISK PATIENTS.—If the Secretary determines that an ACO has taken steps to avoid patients at risk in order to reduce the likelihood of increasing costs to the ACO the Secretary may impose an appropriate sanction on the ACO, including termination from the program.

''(4) TERMINATION.—The Secretary may terminate an agreement with an ACO if it does not meet the quality performance standards established by the Secretary under subsection (b)(3).

''(e) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the program.

''(f) WAIVER AUTHORITY.—The Secretary may waive such requirements of sections 1128A and 1128B and title XVIII of this Act as may be necessary to carry out the provisions of this section.

''(g) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of—

''(1) the specification of criteria under subsection (a)(1)(B);

''(2) the assessment of the quality of care furnished by an ACO and the establishment of performance standards under subsection (b)(3);

''(3) the assignment of Medicare fee-for-service beneficiaries to an ACO under subsection (c);

''(4) the determination of whether an ACO is eligible for shared savings under subsection (d)(2) and the amount of such shared savings, including the determination of the estimated average per capita Medicare expenditures under the ACO for Medicare fee-for-service beneficiaries assigned to the ACO and the average benchmark for the ACO under subsection (d)(1)(B);

''(5) the percent of shared savings specified by the Secretary under subsection (d)(2) and any limit on the total amount of shared savings established by the Secretary under such subsection; and

''(6) the termination of an ACO under subsection (d)(4).

''(h) DEFINITIONS.—In this section:

''(1) ACO PROFESSIONAL.—The term 'ACO professional' means—

''(A) a physician (as defined in section 1861(r)(1)); and

''(B) a practitioner described in section 1842(b)(18)(C)(i).

''(2) HOSPITAL.—The term 'hospital' means a subsection (d) hospital (as defined in section 1886(d)(1)(B)).

''(3) MEDICARE FEE-FOR-SERVICE BENEFICIARY.—The term 'Medicare fee-for-service beneficiary' means an individual who is enrolled in the original Medicare fee-for-service program under parts A and B and is not enrolled in an MA plan under part C, an eligible organization under section 1876, or a PACE program under section 1894.''.

SEC. 3023. NATIONAL PILOT PROGRAM ON PAYMENT BUNDLING.

Title XVIII of the Social Security Act, as amended by section 3021, is amended by inserting after section 1886C the following new section:

''NATIONAL PILOT PROGRAM ON PAYMENT BUNDLING

''SEC. 1866D. (a) IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program for integrated care during an episode of care provided to an applicable beneficiary around a hospitalization in order to improve the coordination, quality, and efficiency of health care services under this title.

''(2) DEFINITIONS.—In this section:

''(A) APPLICABLE BENEFICIARY.—The term 'applicable beneficiary' means an individual who—

''(i) is entitled to, or enrolled for, benefits under part A and enrolled for benefits under part B of such title, but not enrolled under part C or a PACE program under section 1894; and

''(ii) is admitted to a hospital for an applicable condition.

''(B) APPLICABLE CONDITION.—The term 'applicable condition' means 1 or more of 8 conditions selected by the Secretary. In selecting conditions under the preceding sentence, the Secretary shall take into consideration the following factors:

''(i) Whether the conditions selected include a mix of chronic and acute conditions.

''(ii) Whether the conditions selected include a mix of surgical and medical conditions.

''(iii) Whether a condition is one for which there is evidence of an opportunity for providers of services and suppliers to improve the quality of care furnished while reducing total expenditures under this title.

''(iv) Whether a condition has significant variation in—

''(I) the number of readmissions; and

''(II) the amount of expenditures for post-acute care spending under this title.

''(v) Whether a condition is high-volume and has high post-acute care expenditures under this title.

''(vi) Which conditions the Secretary determines are most amenable to bundling across the spectrum of care given practice patterns under this title.

''(C) APPLICABLE SERVICES.—The term 'applicable services' means the following:

''(i) Acute care inpatient services.

''(ii) Physicians' services delivered in and outside of an acute care hospital setting.

''(iii) Outpatient hospital services, including emergency department services.

''(iv) Post-acute care services, including home health services, skilled nursing services, inpatient rehabilitation services, and inpatient hospital services furnished by a long-term care hospital.

''(v) Other services the Secretary determines appropriate.

''(D) EPISODE OF CARE.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'episode of care' means, with respect to an applicable condition and an applicable beneficiary, the period that includes—

''(I) the 3 days prior to the admission of the applicable beneficiary to a hospital for the applicable condition;

''(II) the length of stay of the applicable beneficiary in such hospital; and

''(III) the 30 days following the discharge of the applicable beneficiary from such hospital.

''(ii) ESTABLISHMENT OF PERIOD BY THE SECRETARY.—The Secretary, as appropriate, may establish a period (other than the period described in clause (i)) for an episode of care under the pilot program.

''(E) PHYSICIANS' SERVICES.—The term 'physicians' services' has the meaning given such term in section 1861(q).

''(F) PILOT PROGRAM.—The term 'pilot program' means the pilot program under this section.

''(G) PROVIDER OF SERVICES.—The term 'provider of services' has the meaning given such term in section 1861(u).

''(H) READMISSION.—The term 'readmission' has the meaning given such term in section 1886(q)(5)(E).

''(I) SUPPLIER.—The term 'supplier' has the meaning given such term in section 1861(d).

''(3) DEADLINE FOR IMPLEMENTATION.—The Secretary shall establish the pilot program not later than January 1, 2013.

''(b) DEVELOPMENTAL PHASE.—

''(1) DETERMINATION OF PATIENT ASSESSMENT INSTRUMENT.—The Secretary shall determine which patient assessment instrument (such as the Continuity Assessment Record and Evaluation (CARE) tool) shall be used under the pilot program to evaluate the applicable condition of an applicable beneficiary for purposes of determining the most clinically appropriate site for the provision of post-acute care to the applicable beneficiary.

''(2) DEVELOPMENT OF QUALITY MEASURES FOR AN EPISODE OF CARE AND FOR POST-ACUTE CARE.—

''(A) IN GENERAL.—The Secretary, in consultation with the Agency for Healthcare Research and Quality and the entity with a contract under section 1890(a) of the Social Security Act, shall develop quality measures for use in the pilot program—

''(i) for episodes of care; and

''(ii) for post-acute care.

''(B) SITE-NEUTRAL POST-ACUTE CARE QUALITY MEASURES.—Any quality measures developed under subparagraph (A)(ii) shall be site-neutral.

''(C) COORDINATION WITH QUALITY MEASURE DEVELOPMENT AND ENDORSEMENT PROCEDURES.—The Secretary shall ensure that the development of quality measures under subparagraph (A) is done in a manner that is consistent with the measures developed and endorsed under section 1890 and 1890A that are applicable to all post-acute care settings.

''(c) DETAILS.—

''(1) DURATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the pilot program shall be conducted for a period of 5 years.

''(B) EXTENSION.—The Secretary may extend the duration of the pilot program for providers of services and suppliers participating in the pilot program as of the day before the end of the 5-year period described in subparagraph (A), for a period determined appropriate by the Secretary, if the Secretary determines that such extension will result in improving or not reducing the quality of patient care and reducing spending under this title.

''(2) PARTICIPATING PROVIDERS OF SERVICES AND SUPPLIERS.—

''(A) IN GENERAL.—An entity comprised of providers of services and suppliers, including a hospital, a physician group, a skilled nursing facility, and a home health agency, who are otherwise participating under this title, may submit an application to the Secretary to provide applicable services to applicable individuals under this section.

''(B) REQUIREMENTS.—The Secretary shall develop requirements for entities to participate in the pilot program under this section. Such requirements shall ensure that applicable beneficiaries have an adequate choice of providers of services and suppliers under the pilot program.

''(3) PAYMENT METHODOLOGY.—

''(A) IN GENERAL.—

''(i) ESTABLISHMENT OF PAYMENT METHODS.—The Secretary shall develop payment methods for the pilot program for entities participating in the pilot program. Such payment methods may include bundled payments and bids from entities for episodes of care. The Secretary shall make payments to the entity for services covered under this section.

''(ii) NO ADDITIONAL PROGRAM EXPENDITURES.—Payments under this section for applicable items and services under this title (including payment for services described in subparagraph (B)) for applicable beneficiaries for a year shall be established in a manner that does not result in spending more for such entity for such beneficiaries than would otherwise be expended for such entity for such beneficiaries for such year if the pilot program were not implemented, as estimated by the Secretary.

''(B) INCLUSION OF CERTAIN SERVICES.—A payment methodology tested under the pilot program shall include payment for the furnishing of applicable services and other appropriate services, such as care coordination, medication reconciliation, discharge planning, transitional care services, and other patient-centered activities as determined appropriate by the Secretary.

''(C) BUNDLED PAYMENTS.—

''(i) IN GENERAL.—A bundled payment under the pilot program shall—

''(I) be comprehensive, covering the costs of applicable services and other appropriate services furnished to an individual during an episode of care (as determined by the Secretary); and

''(II) be made to the entity which is participating in the pilot program.

''(ii) REQUIREMENT FOR PROVISION OF APPLICABLE SERVICES AND OTHER APPROPRIATE SERVICES.—Applicable services and other appropriate services for which payment is made under this subparagraph shall be furnished or directed by the entity which is participating in the pilot program.

''(D) PAYMENT FOR POST-ACUTE CARE SERVICES AFTER THE EPISODE OF CARE.—The Secretary shall establish procedures, in the case where an applicable beneficiary requires continued post-acute care services after the last day of the episode of care, under which payment for such services shall be made.

''(4) QUALITY MEASURES.—

''(A) IN GENERAL.—The Secretary shall establish quality measures (including quality measures of process, outcome, and structure) related to care provided by entities participating in the pilot program. Quality measures established under the preceding sentence shall include measures of the following:

''(i) Functional status improvement.

''(ii) Reducing rates of avoidable hospital readmissions.

''(iii) Rates of discharge to the community.

''(iv) Rates of admission to an emergency room after a hospitalization.

''(v) Incidence of health care acquired infections.

''(vi) Efficiency measures.

''(vii) Measures of patient-centeredness of care.

''(viii) Measures of patient perception of care.

''(ix) Other measures, including measures of patient outcomes, determined appropriate by the Secretary.

''(B) REPORTING ON QUALITY MEASURES.—

''(i) IN GENERAL.—A entity shall submit data to the Secretary on quality measures established under subparagraph (A) during each year of the pilot program (in a form and manner, subject to clause (iii), specified by the Secretary).

''(ii) SUBMISSION OF DATA THROUGH ELECTRONIC HEALTH RECORD.—To the extent practicable, the Secretary shall specify that data on measures be submitted under clause (i) through the use of an qualified electronic health record (as defined in section 3000(13) of the Public Health Service Act (42 U.S.C. 300jj–11(13)) in a manner specified by the Secretary.

''(d) WAIVER.—The Secretary may waive such provisions of this title and title XI as may be necessary to carry out the pilot program.

''(e) INDEPENDENT EVALUATION AND REPORTS ON PILOT PROGRAM.—

''(1) INDEPENDENT EVALUATION.—The Secretary shall conduct an independent evaluation of the pilot program, including the extent to which the pilot program has—

''(A) improved quality measures established under subsection (c)(4)(A);

''(B) improved health outcomes;

''(C) improved applicable beneficiary access to care; and

''(D) reduced spending under this title.

''(2) REPORTS.—

''(A) INTERIM REPORT.—Not later than 2 years after the implementation of the pilot program, the Secretary shall submit to Congress a report on the initial results of the independent evaluation conducted under paragraph (1).

''(B) FINAL REPORT.—Not later than 3 years after the implementation of the pilot program, the Secretary shall submit to Congress a report on the final results of the independent evaluation conducted under paragraph (1).

''(f) CONSULTATION.—The Secretary shall consult with representatives of small rural hospitals, including critical access hospitals (as defined in section 1861(mm)(1)), regarding their participation in the pilot program. Such consultation shall include consideration of innovative methods of implementing bundled payments in hospitals described in the preceding sentence, taking into consideration any difficulties in doing so as a result of the low volume of services provided by such hospitals.

''(g) IMPLEMENTATION PLAN.—

''(1) IN GENERAL.—Not later than January 1, 2016, the Secretary shall submit a plan for the implementation of an expansion of the pilot program if the Secretary determines that such expansion will result in improving or not reducing the quality of patient care and reducing spending under this title.

''(h) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the selection, testing, and evaluation of models or the expansion of such models under this section.''.

SEC. 3024. INDEPENDENCE AT HOME DEMONSTRATION PROGRAM.

Title XVIII of the Social Security Act is amended by inserting after section 1866D, as inserted by section 3023, the following new section:

''INDEPENDENCE AT HOME MEDICAL PRACTICE DEMONSTRATION PROGRAM

''SEC. 1866D. (a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall conduct a demonstration program (in this section referred to as the 'demonstration program') to test a payment incentive and service delivery model that utilizes physician and nurse practitioner directed home-based primary care teams designed to reduce expenditures and improve health outcomes in the provision of items and services under this title to applicable beneficiaries (as defined in subsection (d)).

''(2) REQUIREMENT.—The demonstration program shall test whether a model described in paragraph (1), which is accountable for providing comprehensive, coordinated, continuous, and accessible care to high-need populations at home and coordinating health care across all treatment settings, results in—

''(A) reducing preventable hospitalizations;

''(B) preventing hospital readmissions;

''(C) reducing emergency room visits;

''(D) improving health outcomes commensurate with the beneficiaries' stage of chronic illness;

''(E) improving the efficiency of care, such as by reducing duplicative diagnostic and laboratory tests;

''(F) reducing the cost of health care services covered under this title; and

''(G) achieving beneficiary and family caregiver satisfaction.

''(b) INDEPENDENCE AT HOME MEDICAL PRACTICE.—

''(1) INDEPENDENCE AT HOME MEDICAL PRACTICE DEFINED.—In this section:

''(A) IN GENERAL.—The term 'independence at home medical practice' means a legal entity that—

''(i) is comprised of an individual physician or nurse practitioner or group of physicians and nurse practitioners that provides care as part of a team that includes physicians, nurses, physician assistants, pharmacists, and other health and social services staff as appropriate who have experience providing home-based primary care to applicable beneficiaries, make in-home visits, and are available 24 hours per day, 7 days per week to carry out plans of care that are tailored to the individual beneficiary's chronic conditions and designed to achieve the results in subsection (a);

''(ii) is organized at least in part for the purpose of providing physicians' services;

''(iii) has documented experience in providing home-based primary care services to high-cost chronically ill beneficiaries, as determined appropriate by the Secretary;

''(iv) furnishes services to at least 200 applicable beneficiaries (as defined in subsection (d)) during each year of the demonstration program;

''(v) has entered into an agreement with the Secretary;

''(vi) uses electronic health information systems, remote monitoring, and mobile diagnostic technology; and

''(vii) meets such other criteria as the Secretary determines to be appropriate to participate in the demonstration program.

The entity shall report on quality measures (in such form, manner, and frequency as specified by the Secretary, which may be for the group, for providers of services and suppliers, or both) and report to the Secretary (in a form, manner, and frequency as specified by the Secretary) such data as the Secretary determines appropriate to monitor and evaluate the demonstration program.

''(B) PHYSICIAN.—The term 'physician' includes, except as the Secretary may otherwise provide, any individual who furnishes services for which payment may be made as physicians' services and has the medical training or experience to fulfill the physician's role described in subparagraph (A)(i).

''(2) PARTICIPATION OF NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS.—Nothing in this section shall be construed to prevent a nurse practitioner or physician assistant from participating in, or leading, a home-based primary care team as part of an independence at home medical practice if—

''(A) all the requirements of this section are met;

''(B) the nurse practitioner or physician assistant, as the case may be, is acting consistent with State law; and

''(C) the nurse practitioner or physician assistant has the medical training or experience to fulfill the nurse practitioner or physician assistant role described in paragraph (1)(A)(i).

''(3) INCLUSION OF PROVIDERS AND PRACTITIONERS.—Nothing in this subsection shall be construed as preventing an independence at home medical practice from including a provider of services or a participating practitioner described in section 1842(b)(18)(C) that is affiliated with the practice under an arrangement structured so that such provider of services or practitioner participates in the demonstration program and shares in any savings under the demonstration program.

''(4) QUALITY AND PERFORMANCE STANDARDS.—The Secretary shall develop quality performance standards for independence at home medical practices participating in the demonstration program.

''(c) PAYMENT METHODOLOGY.—

''(1) ESTABLISHMENT OF TARGET SPENDING LEVEL.—The Secretary shall establish an estimated annual spending target, for the amount the Secretary estimates would have been spent in the absence of the demonstration, for items and services covered under parts A and B furnished to applicable beneficiaries for each qualifying independence at home medical practice under this section. Such spending targets shall be determined on a per capita basis. Such spending targets shall include a risk corridor that takes into account normal variation in expenditures for items and services covered under parts A and B furnished to such beneficiaries with the size of the corridor being related to the number of applicable beneficiaries furnished services by each independence at home medical practice. The spending targets may also be adjusted for other factors as the Secretary determines appropriate.

''(2) INCENTIVE PAYMENTS.—Subject to performance on quality measures, a qualifying independence at home medical practice is eligible to receive an incentive payment under this section if actual expenditures for a year for the applicable beneficiaries it enrolls are less than the estimated spending target established under paragraph (1) for such year. An incentive payment for such year shall be equal to a portion (as determined by the Secretary) of the amount by which actual expenditures (including incentive payments under this paragraph) for applicable beneficiaries under parts A and B for such year are estimated to be less than 5 percent less than the estimated spending target for such year, as determined under paragraph (1).

''(d) APPLICABLE BENEFICIARIES.—

''(1) DEFINITION.—In this section, the term 'applicable beneficiary' means, with respect to a qualifying independence at home medical practice, an individual who the practice has determined—

''(A) is entitled to benefits under part A and enrolled for benefits under part B;

''(B) is not enrolled in a Medicare Advantage plan under part C or a PACE program under section 1894;

''(C) has 2 or more chronic illnesses, such as congestive heart failure, diabetes, other dementias designated by the Secretary, chronic obstructive pulmonary disease, ischemic heart disease, stroke, Alzheimer's Disease and neurodegenerative diseases, and other diseases and conditions designated by the Secretary which result in high costs under this title;

''(D) within the past 12 months has had a nonelective hospital admission;

''(E) within the past 12 months has received acute or subacute rehabilitation services;

''(F) has 2 or more functional dependencies requiring the assistance of another person (such as bathing, dressing, toileting, walking, or feeding); and

''(G) meets such other criteria as the Secretary determines appropriate.

''(2) PATIENT ELECTION TO PARTICIPATE.—The Secretary shall determine an appropriate method of ensuring that applicable beneficiaries have agreed to enroll in an independence at home medical practice under the demonstration program. Enrollment in the demonstration program shall be voluntary.

''(3) BENEFICIARY ACCESS TO SERVICES.—Nothing in this section shall be construed as encouraging physicians or nurse practitioners to limit applicable beneficiary access to services covered under this title and applicable beneficiaries shall not be required to relinquish access to any benefit under this title as a condition of receiving services from an independence at home medical practice.

''(e) IMPLEMENTATION.—

''(1) STARTING DATE.—The demonstration program shall begin no later than January 1, 2012. An agreement with an independence at home medical practice under the demonstration program may cover not more than a 3-year period.

''(2) NO PHYSICIAN DUPLICATION IN DEMONSTRATION PARTICIPATION.—The Secretary shall not pay an independence at home medical practice under this section that participates in section 1899.

''(3) NO BENEFICIARY DUPLICATION IN DEMONSTRATION PARTICIPATION.—The Secretary shall ensure that no applicable beneficiary enrolled in an independence at home medical practice under this section is participating in the programs under section 1899.

''(4) PREFERENCE.—In approving an independence at home medical practice, the Secretary shall give preference to practices that are—

''(A) located in high-cost areas of the country;

''(B) have experience in furnishing health care services to applicable beneficiaries in the home; and

''(C) use electronic medical records, health information technology, and individualized plans of care.

''(5) LIMITATION ON NUMBER OF PRACTICES.—In selecting qualified independence at home medical practices to participate under the demonstration program, the Secretary shall limit the number of such practices so that the number of applicable beneficiaries that may participate in the demonstration program does not exceed 10,000.

''(6) WAIVER.—The Secretary may waive such provisions of this title and title XI as the Secretary determines necessary in order to implement the demonstration program.

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

''(f) EVALUATION AND MONITORING.—

''(1) IN GENERAL.—The Secretary shall evaluate each independence at home medical practice under the demonstration program to assess whether the practice achieved the results described in subsection (a).

''(2) MONITORING APPLICABLE BENEFICIARIES.—The Secretary may monitor data on expenditures and quality of services under this title after an applicable beneficiary discontinues receiving services under this title through a qualifying independence at home medical practice.

''(g) REPORTS TO CONGRESS.—The Secretary shall conduct an independent evaluation of the demonstration program and submit to Congress a final report, including best practices under the demonstration program. Such report shall include an analysis of the demonstration program on coordination of care, expenditures under this title, applicable beneficiary access to services, and the quality of health care services provided to applicable beneficiaries.

''(h) FUNDING.—For purposes of administering and carrying out the demonstration program, other than for payments for items and services furnished under this title and incentive payments under subsection (c), in addition to funds otherwise appropriated, there shall be transferred to the Secretary for the Center for Medicare & Medicaid Services Program Management Account from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841 (in proportions determined appropriate by the Secretary) $5,000,000 for each of fiscal years 2010 through 2015. Amounts transferred under this subsection for a fiscal year shall be available until expended.

''(i) TERMINATION.—

''(1) MANDATORY TERMINATION.—The Secretary shall terminate an agreement with an independence at home medical practice if—

''(A) the Secretary estimates or determines that such practice will not receive an incentive payment for the second of 2 consecutive years under the demonstration program; or

''(B) such practice fails to meet quality standards during any year of the demonstration program.

''(2) PERMISSIVE TERMINATION.—The Secretary may terminate an agreement with an independence at home medical practice for such other reasons determined appropriate by the Secretary.''.

SEC. 3025. HOSPITAL READMISSIONS REDUCTION PROGRAM.

(a) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww), as amended by sections 3001 and 3008, is amended by adding at the end the following new subsection:

''(q) HOSPITAL READMISSIONS REDUCTION PROGRAM.—

''(1) IN GENERAL.—With respect to payment for discharges from an applicable hospital (as defined in paragraph (5)(C)) occurring during a fiscal year beginning on or after October 1, 2012, in order to account for excess readmissions in the hospital, the Secretary shall reduce the payments that would otherwise be made to such hospital under subsection (d) (or section 1814(b)(3), as the case may be) for such a discharge by an amount equal to the product of—

''(A) the base operating DRG payment amount (as defined in paragraph (2)) for the discharge; and

''(B) the adjustment factor (described in paragraph (3)(A)) for the hospital for the fiscal year.

''(2) BASE OPERATING DRG PAYMENT AMOUNT DEFINED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term 'base operating DRG payment amount' means, with respect to a hospital for a fiscal year—

''(i) the payment amount that would otherwise be made under subsection (d) (determined without regard to subsection (o)) for a discharge if this subsection did not apply; reduced by

''(ii) any portion of such payment amount that is attributable to payments under paragraphs (5)(A), (5)(B), (5)(F), and (12) of subsection (d).

''(B) SPECIAL RULES FOR CERTAIN HOSPITALS.—

''(i) SOLE COMMUNITY HOSPITALS AND MEDICARE-DEPENDENT, SMALL RURAL HOSPITALS.—In the case of a medicare-dependent, small rural hospital (with respect to discharges occurring during fiscal years 2012 and 2013) or a sole community hospital, in applying subparagraph (A)(i), the payment amount that would otherwise be made under subsection (d) shall be determined without regard to subparagraphs (I) and (L) of subsection (b)(3) and subparagraphs (D) and (G) of subsection (d)(5).

''(ii) HOSPITALS PAID UNDER SECTION 1814.—In the case of a hospital that is paid under section 1814(b)(3), the Secretary may exempt such hospitals provided that States paid under such section submit an annual report to the Secretary describing how a similar program in the State for a participating hospital or hospitals achieves or surpasses the measured results in terms of patient health outcomes and cost savings established herein with respect to this section.

''(3) ADJUSTMENT FACTOR.—

''(A) IN GENERAL.—For purposes of paragraph (1), the adjustment factor under this paragraph for an applicable hospital for a fiscal year is equal to the greater of—

''(i) the ratio described in subparagraph (B) for the hospital for the applicable period (as defined in paragraph (5)(D)) for such fiscal year; or

''(ii) the floor adjustment factor specified in subparagraph (C).

''(B) RATIO.—The ratio described in this subparagraph for a hospital for an applicable period is equal to 1 minus the ratio of—

''(i) the aggregate payments for excess readmissions (as defined in paragraph (4)(A)) with respect to an applicable hospital for the applicable period; and

''(ii) the aggregate payments for all discharges (as defined in paragraph (4)(B)) with respect to such applicable hospital for such applicable period.

''(C) FLOOR ADJUSTMENT FACTOR.—For purposes of subparagraph (A), the floor adjustment factor specified in this subparagraph for—

''(i) fiscal year 2013 is 0.99;

''(ii) fiscal year 2014 is 0.98; or

''(iii) fiscal year 2015 and subsequent fiscal years is 0.97.

''(4) AGGREGATE PAYMENTS, EXCESS READMISSION RATIO DEFINED.—For purposes of this subsection:

''(A) AGGREGATE PAYMENTS FOR EXCESS READMISSIONS.—The term 'aggregate payments for excess readmissions' means, for a hospital for an applicable period, the sum, for applicable conditions (as defined in paragraph (5)(A)), of the product, for each applicable condition, of—

''(i) the base operating DRG payment amount for such hospital for such applicable period for such condition;

''(ii) the number of admissions for such condition for such hospital for such applicable period; and

''(iii) the excess readmissions ratio (as defined in subparagraph (C)) for such hospital for such applicable period minus 1.

''(B) AGGREGATE PAYMENTS FOR ALL DISCHARGES.—The term 'aggregate payments for all discharges' means, for a hospital for an applicable period, the sum of the base operating DRG payment amounts for all discharges for all conditions from such hospital for such applicable period.

''(C) EXCESS READMISSION RATIO.—

''(i) IN GENERAL.—Subject to clause (ii), the term 'excess readmissions ratio' means, with respect to an applicable condition for a hospital for an applicable period, the ratio (but not less than 1.0) of—

''(I) the risk adjusted readmissions based on actual readmissions, as determined consistent with a readmission measure methodology that has been endorsed under paragraph (5)(A)(ii)(I), for an applicable hospital for such condition with respect to such applicable period; to

''(II) the risk adjusted expected readmissions (as determined consistent with such a methodology) for such hospital for such condition with respect to such applicable period.

''(ii) EXCLUSION OF CERTAIN READMISSIONS.—For purposes of clause (i), with respect to a hospital, excess readmissions shall not include readmissions for an applicable condition for which there are fewer than a minimum number (as determined by the Secretary) of discharges for such applicable condition for the applicable period and such hospital.

''(5) DEFINITIONS.—For purposes of this subsection:

''(A) APPLICABLE CONDITION.—The term 'applicable condition' means, subject to subparagraph (B), a condition or procedure selected by the Secretary among conditions and procedures for which—

''(i) readmissions (as defined in subparagraph (E)) that represent conditions or procedures that are high volume or high expenditures under this title (or other criteria specified by the Secretary); and

''(ii) measures of such readmissions—

''(I) have been endorsed by the entity with a contract under section 1890(a); and

''(II) such endorsed measures have exclusions for readmissions that are unrelated to the prior discharge (such as a planned readmission or transfer to another applicable hospital).

''(B) EXPANSION OF APPLICABLE CONDITIONS.—Beginning with fiscal year 2015, the Secretary shall, to the extent practicable, expand the applicable conditions beyond the 3 conditions for which measures have been endorsed as described in subparagraph (A)(ii)(I) as of the date of the enactment of this subsection to the additional 4 conditions that have been identified by the Medicare Payment Advisory Commission in its report to Congress in June 2007 and to other conditions and procedures as determined appropriate by the Secretary. In expanding such applicable conditions, the Secretary shall seek the endorsement described in subparagraph (A)(ii)(I) but may apply such measures without such an endorsement in the case of a specified area or medical topic determined appropriate by the Secretary for which a feasible and practical measure has not been endorsed by the entity with a contract under section 1890(a) as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary.

''(C) APPLICABLE HOSPITAL.—The term 'applicable hospital' means a subsection (d) hospital or a hospital that is paid under section 1814(b)(3), as the case may be.

''(D) APPLICABLE PERIOD.—The term 'applicable period' means, with respect to a fiscal year, such period as the Secretary shall specify.

''(E) READMISSION.—The term 'readmission' means, in the case of an individual who is discharged from an applicable hospital, the admission of the individual to the same or another applicable hospital within a time period specified by the Secretary from the date of such discharge. Insofar as the discharge relates to an applicable condition for which there is an endorsed measure described in subparagraph (A)(ii)(I), such time period (such as 30 days) shall be consistent with the time period specified for such measure.

''(6) REPORTING HOSPITAL SPECIFIC INFORMATION.—

''(A) IN GENERAL.—The Secretary shall make information available to the public regarding readmission rates of each subsection (d) hospital under the program.

''(B) OPPORTUNITY TO REVIEW AND SUBMIT CORRECTIONS.—The Secretary shall ensure that a subsection (d) hospital has the opportunity to review, and submit corrections for, the information to be made public with respect to the hospital under subparagraph (A) prior to such information being made public.

''(C) WEBSITE.—Such information shall be posted on the Hospital Compare Internet website in an easily understandable format.

''(7) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the following:

''(A) The determination of base operating DRG payment amounts.

''(B) The methodology for determining the adjustment factor under paragraph (3), including excess readmissions ratio under paragraph (4)(C), aggregate payments for excess readmissions under paragraph (4)(A), and aggregate payments for all discharges under paragraph (4)(B), and applicable periods and applicable conditions under paragraph (5).

''(C) The measures of readmissions as described in paragraph (5)(A)(ii).

''(8) READMISSION RATES FOR ALL PATIENTS.—

''(A) CALCULATION OF READMISSION.—The Secretary shall calculate readmission rates for all patients (as defined in subparagraph (D)) for a specified hospital (as defined in subparagraph (D)(ii)) for an applicable condition (as defined in paragraph (5)(B)) and other conditions deemed appropriate by the Secretary for an applicable period (as defined in paragraph (5)(D)) in the same manner as used to calculate such readmission rates for hospitals with respect to this title and posted on the CMS Hospital Compare website.

''(B) POSTING OF HOSPITAL SPECIFIC ALL PATIENT READMISSION RATES.—The Secretary shall make information on all patient readmission rates calculated under subparagraph (A) available on the CMS Hospital Compare website in a form and manner determined appropriate by the Secretary. The Secretary may also make other information determined appropriate by the Secretary available on such website.

''(C) HOSPITAL SUBMISSION OF ALL PATIENT DATA.—

''(i) Except as provided for in clause (ii), each specified hospital (as defined in subparagraph (D)(ii)) shall submit to the Secretary, in a form, manner and time specified by the Secretary, data and information determined necessary by the Secretary for the Secretary to calculate the all patient readmission rates described in subparagraph (A).

''(ii) Instead of a specified hospital submitting to the Secretary the data and information described in clause (i), such data and information may be submitted to the Secretary, on behalf of such a specified hospital, by a state or an entity determined appropriate by the Secretary.

''(D) DEFINITIONS.—For purposes of this paragraph:

''(i) The term 'all patients' means patients who are treated on an inpatient basis and discharged from a specified hospital (as defined in clause (ii)).

''(ii) The term 'specified hospital' means a subsection (d) hospital, hospitals described in clauses (i) through (v) of subsection (d)(1)(B) and, as determined feasible and appropriate by the Secretary, other hospitals not otherwise described in this subparagraph.''.

(b) QUALITY IMPROVEMENT.—Part S of title III of the Public Health Service Act, as amended by section 3015, is further amended by adding at the end the following:

''SEC. 399KK. QUALITY IMPROVEMENT PROGRAM FOR HOSPITALS WITH A HIGH SEVERITY ADJUSTED READMISSION RATE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary shall make available a program for eligible hospitals to improve their readmission rates through the use of patient safety organizations (as defined in section 921(4)).

''(2) ELIGIBLE HOSPITAL DEFINED.—In this subsection, the term 'eligible hospital' means a hospital that the Secretary determines has a high rate of risk adjusted readmissions for the conditions described in section 1886(q)(8)(A) of the Social Security Act and has not taken appropriate steps to reduce such readmissions and improve patient safety as evidenced through historically high rates of readmissions, as determined by the Secretary.

''(3) RISK ADJUSTMENT.—The Secretary shall utilize appropriate risk adjustment measures to determine eligible hospitals.

''(b) REPORT TO THE SECRETARY.—As determined appropriate by the Secretary, eligible hospitals and patient safety organizations working with those hospitals shall report to the Secretary on the processes employed by the hospital to improve readmission rates and the impact of such processes on readmission rates.''.

SEC. 3026. COMMUNITY-BASED CARE TRANSITIONS PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a Community-Based Care Transitions Program under which the Secretary provides funding to eligible entities that furnish improved care transition services to high-risk Medicare beneficiaries.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means the following:

(A) A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) identified by the Secretary as having a high readmission rate, such as under section 1886(q) of the Social Security Act, as added by section 3025.

(B) An appropriate community-based organization that provides care transition services under this section across a continuum of care through arrangements with subsection (d) hospitals (as so defined) to furnish the services described in subsection (c)(2)(B)(i) and whose governing body includes sufficient representation of multiple health care stakeholders (including consumers).

(2) HIGH-RISK MEDICARE BENEFICIARY.—The term ''high-risk Medicare beneficiary'' means a Medicare beneficiary who has attained a minimum hierarchical condition category score, as determined by the Secretary, based on a diagnosis of multiple chronic conditions or other risk factors associated with a hospital readmission or substandard transition into post-hospitalization care, which may include 1 or more of the following:

(A) Cognitive impairment.

(B) Depression.

(C) A history of multiple readmissions.

(D) Any other chronic disease or risk factor as determined by the Secretary.

(3) MEDICARE BENEFICIARY.—The term ''Medicare beneficiary'' means an individual who is entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and enrolled under part B of such title, but not enrolled under part C of such title.

(4) PROGRAM.—The term ''program'' means the program conducted under this section.

(5) READMISSION.—The term ''readmission'' has the meaning given such term in section 1886(q)(5)(E) of the Social Security Act, as added by section 3025.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(c) REQUIREMENTS.—

(1) DURATION.—

(A) IN GENERAL.—The program shall be conducted for a 5-year period, beginning January 1, 2011.

(B) EXPANSION.—The Secretary may expand the duration and the scope of the program, to the extent determined appropriate by the Secretary, if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services, with respect to spending under this title, certifies) that such expansion would reduce spending under this title without reducing quality.

(2) APPLICATION; PARTICIPATION.—

(A) IN GENERAL.—

(i) APPLICATION.—An eligible entity seeking to participate in the program shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(ii) PARTNERSHIP.—If an eligible entity is a hospital, such hospital shall enter into a partnership with a community-based organization to participate in the program.

(B) INTERVENTION PROPOSAL.—Subject to subparagraph (C), an application submitted under

subparagraph (A)(i) shall include a detailed proposal for at least 1 care transition intervention, which may include the following:

(i) Initiating care transition services for a high-risk Medicare beneficiary not later than 24 hours prior to the discharge of the beneficiary from the eligible entity.

(ii) Arranging timely post-discharge follow-up services to the high-risk Medicare beneficiary to provide the beneficiary (and, as appropriate, the primary caregiver of the beneficiary) with information regarding responding to symptoms that may indicate additional health problems or a deteriorating condition.

(iii) Providing the high-risk Medicare beneficiary (and, as appropriate, the primary caregiver of the beneficiary) with assistance to ensure productive and timely interactions between patients and post-acute and outpatient providers.

(iv) Assessing and actively engaging with a high-risk Medicare beneficiary (and, as appropriate, the primary caregiver of the beneficiary) through the provision of self-management support and relevant information that is specific to the beneficiary's condition.

(v) Conducting comprehensive medication review and management (including, if appropriate, counseling and self-management support).

(C) LIMITATION.—A care transition intervention proposed under subparagraph (B) may not include payment for services required under the discharge planning process described in section 1861(ee) of the Social Security Act (42 U.S.C. 1395x(ee)).

(3) SELECTION.—In selecting eligible entities to participate in the program, the Secretary shall give priority to eligible entities that—

(A) participate in a program administered by the Administration on Aging to provide concurrent care transitions interventions with multiple hospitals and practitioners; or

(B) provide services to medically underserved populations, small communities, and rural areas.

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

(e) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII of the Social Security Act as may be necessary to carry out the program.

(f) FUNDING.—For purposes of carrying out this section, the Secretary of Health and Human Services shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in such proportion as the Secretary determines appropriate, of $500,000,000, to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2011 through 2015. Amounts transferred under the preceding sentence shall remain available until expended.

SEC. 3027. EXTENSION OF GAINSHARING DEMONSTRATION.

(a) IN GENERAL.—Subsection (d)(3) of section 5007 of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended by inserting ''(or September 30, 2011, in the case of a demonstration project in operation as of October 1, 2008)'' after ''December 31, 2009''.

(b) FUNDING.—

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

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

(c) REPORTS.—

(1) QUALITY IMPROVEMENT AND SAVINGS.—Subsection (e)(3) of such section is amended by striking ''December 1, 2008'' and inserting ''March 31, 2011''.

(2) FINAL REPORT.—Subsection (e)(4) of such section is amended by striking ''May 1, 2010'' and inserting ''March 31, 2013''.

Subtitle B—Improving Medicare for Patients and Providers

PART I—ENSURING BENEFICIARY ACCESS TO PHYSICIAN CARE AND OTHER SERVICES

SEC. 3101. INCREASE IN THE PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

''(10) UPDATE FOR 2010.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), and (9)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010, the update to the single conversion factor shall be 0.5 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2011 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2011 and subsequent years as if subparagraph (A) had never applied.''.

SEC. 3102. EXTENSION OF THE WORK GEOGRAPHIC INDEX FLOOR AND REVISIONS TO THE PRACTICE EXPENSE GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

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

(b) PRACTICE EXPENSE GEOGRAPHIC ADJUSTMENT FOR 2010 AND SUBSEQUENT YEARS.—Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w4(e)(1)) is amended—

(1) in subparagraph (A), by striking ''and (G)'' and inserting ''(G), and (H)''; and

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

''(H) PRACTICE EXPENSE GEOGRAPHIC ADJUSTMENT FOR 2010 AND SUBSEQUENT YEARS.—

''(i) FOR 2010.—Subject to clause (iii), for services furnished during 2010, the employee wage and rent portions of the practice expense geographic index described in subparagraph (A)(i) shall reflect ¾ of the difference between the relative costs of employee wages and rents in each of the different fee schedule areas and the national average of such employee wages and rents.

''(ii) FOR 2011.—Subject to clause (iii), for services furnished during 2011, the employee wage and rent portions of the practice expense geographic index described in subparagraph (A)(i) shall reflect ½ of the difference between the relative costs of employee wages and rents in each of the different fee schedule areas and the national average of such employee wages and rents.

''(iii) HOLD HARMLESS.—The practice expense portion of the geographic adjustment factor applied in a fee schedule area for services furnished in 2010 or 2011 shall not, as a result of the application of clause (i) or (ii), be reduced below the practice expense portion of the geographic adjustment factor under subparagraph (A)(i) (as calculated prior to the application of such clause (i) or (ii), respectively) for such area for such year.

''(iv) ANALYSIS.—The Secretary shall analyze current methods of establishing practice expense geographic adjustments under subparagraph (A)(i) and evaluate data that fairly and reliably establishes distinctions in the costs of operating a medical practice in the different fee schedule areas. Such analysis shall include an evaluation of the following:

''(I) The feasibility of using actual data or reliable survey data developed by medical organizations on the costs of operating a medical practice, including office rents and non-physician staff wages, in different fee schedule areas.

''(II) The office expense portion of the practice expense geographic adjustment described in subparagraph (A)(i), including the extent to which types of office expenses are determined in local markets instead of national markets.

''(III) The weights assigned to each of the categories within the practice expense geographic adjustment described in subparagraph (A)(i).

''(v) REVISION FOR 2012 AND SUBSEQUENT YEARS.—As a result of the analysis described in clause (iv), the Secretary shall, not later than January 1, 2012, make appropriate adjustments to the practice expense geographic adjustment described in subparagraph (A)(i) to ensure accurate geographic adjustments across fee schedule areas, including—

''(I) basing the office rents component and its weight on office expenses that vary among fee schedule areas; and

''(II) considering a representative range of professional and non-professional personnel employed in a medical office based on the use of the American Community Survey data or other reliable data for wage adjustments.

Such adjustments shall be made without regard to adjustments made pursuant to clauses (i) and (ii) and shall be made in a budget neutral manner.''.

SEC. 3103. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 3104. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

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

SEC. 3105. EXTENSION OF AMBULANCE ADD-ONS.

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

(1) in the matter preceding clause (i)—

(A) by striking ''2007, and for'' and inserting ''2007, for''; and

(B) by striking ''2010'' and inserting ''2010, and for such services furnished on or after April 1, 2010, and before January 1, 2011,''; and

(2) in each of clauses (i) and (ii), by inserting '', and on or after April 1, 2010, and before January 1, 2011'' after ''January 1, 2010'' each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2009, and during the period beginning on April 1, 2010, and ending on January 1, 2011''.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking ''2010'' and inserting ''2010, and on or after April 1, 2010, and before January 1, 2011''.

SEC. 3106. EXTENSION OF CERTAIN PAYMENT RULES FOR LONG-TERM CARE HOSPITAL SERVICES AND OF MORATORIUM ON THE ESTABLISHMENT OF CERTAIN HOSPITALS AND FACILITIES.

(a) EXTENSION OF CERTAIN PAYMENT RULES.—Section 114(c) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by section 4302(a) of the American Recovery and Reinvestment Act (Public Law 111–5), is further amended by striking

''3-year period'' each place it appears and inserting ''4-year period''.

(b) EXTENSION OF MORATORIUM.—Section 114(d)(1) of such Act (42 U.S.C. 1395ww note), in the matter preceding subparagraph (A), is amended by striking ''3-year period'' and inserting ''4-year period''.

SEC. 3107. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON.

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

SEC. 3108. PERMITTING PHYSICIAN ASSISTANTS TO ORDER POST-HOSPITAL EXTENDED CARE SERVICES.

(a) ORDERING POST-HOSPITAL EXTENDED CARE SERVICES.—

(1) IN GENERAL.—Section 1814(a)(2) of the Social Security Act (42 U.S.C. 1395f(a)(2)), in the matter preceding subparagraph (A), is amended by striking ''or clinical nurse specialist'' and inserting '', a clinical nurse specialist, or a physician assistant (as those terms are defined in section 1861(aa)(5))'' after ''nurse practitioner''.

(2) CONFORMING AMENDMENT.—Section 1814(a) of the Social Security Act (42 U.S.C. 1395f(a)) is amended, in the second sentence, by striking ''or clinical nurse specialist'' and inserting ''clinical nurse specialist, or physician assistant'' after ''nurse practitioner,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2011.

SEC. 3109. EXEMPTION OF CERTAIN PHARMACIES FROM ACCREDITATION REQUIREMENTS.

(a) IN GENERAL.—Section 1834(a)(20) of the Social Security Act (42 U.S.C. 1395m(a)(20)), as added by section 154(b)(1)(A) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 100–275), is amended—

(1) in subparagraph (F)(i)—

(A) by inserting ''and subparagraph (G)'' after ''clause (ii)''; and

(B) by inserting '', except that the Secretary shall not require a pharmacy to have submitted to the Secretary such evidence of accreditation prior to January 1, 2011'' before the semicolon at the end; and

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

''(G) APPLICATION OF ACCREDITATION REQUIREMENT TO CERTAIN PHARMACIES.—

''(i) IN GENERAL.—With respect to items and services furnished on or after January 1, 2011, in implementing quality standards under this paragraph—

''(I) subject to subclause (II), in applying such standards and the accreditation requirement of subparagraph (F)(i) with respect to pharmacies described in clause (ii) furnishing such items and services, such standards and accreditation requirement shall not apply to such pharmacies; and

''(II) the Secretary may apply to such pharmacies an alternative accreditation requirement established by the Secretary if the Secretary determines such alternative accreditation requirement is more appropriate for such pharmacies.

''(ii) PHARMACIES DESCRIBED.—A pharmacy described in this clause is a pharmacy that meets each of the following criteria:

''(I) The total billings by the pharmacy for such items and services under this title are less than 5 percent of total pharmacy sales, as determined based on the average total pharmacy sales for the previous 3 calendar years, 3 fiscal years, or other yearly period specified by the Secretary.

''(II) The pharmacy has been enrolled under section 1866(j) as a supplier of durable medical equipment, prosthetics, orthotics, and supplies, has been issued (which may include the renewal of) a provider number for at least 5 years, and for which a final adverse action (as defined in section 424.57(a) of title 42, Code of Federal Regulations) has not been imposed in the past 5 years.

''(III) The pharmacy submits to the Secretary an attestation, in a form and manner, and at a time, specified by the Secretary, that the pharmacy meets the criteria described in subclauses (I) and (II). Such attestation shall be subject to section 1001 of title 18, United States Code.

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

(b) ADMINISTRATION.—Notwithstanding any other provision of law, the Secretary may implement the amendments made by subsection (a) by program instruction or otherwise.

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

SEC. 3110. PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.

(a) IN GENERAL.—

(1) IN GENERAL.—Section 1837 of the Social Security Act (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

''(l)(1) In the case of any individual who is a covered beneficiary (as defined in section 1072(5) of title 10, United States Code) at the time the individual is entitled to part A under section 226(b) or section 226A and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual's initial enrollment period, there shall be a special enrollment period described in paragraph (2).

''(2) The special enrollment period described in this paragraph, with respect to an individual, is the 12-month period beginning on the day after the last day of the initial enrollment period of the individual or, if later, the 12-month period beginning with the month the individual is notified of enrollment under this section.

''(3) In the case of an individual who enrolls during the special enrollment period provided under paragraph (1), the coverage period under this part shall begin on the first day of the month in which the individual enrolls, or, at the option of the individual, the first month after the end of the individual's initial enrollment period.

''(4) An individual may only enroll during the special enrollment period provided under paragraph (1) one time during the individual's lifetime.

''(5) The Secretary shall ensure that the materials relating to coverage under this part that are provided to an individual described in paragraph (1) prior to the individual's initial enrollment period contain information concerning the impact of not enrolling under this part, including the impact on health care benefits under the TRICARE program under chapter 55 of title 10, United States Code.

''(6) The Secretary of Defense shall collaborate with the Secretary of Health and Human Services and the Commissioner of Social Security to provide for the accurate identification of individuals described in paragraph (1). The Secretary of Defense shall provide such individuals with notification with respect to this subsection. The Secretary of Defense shall collaborate with the Secretary of Health and Human Services and the Commissioner of Social Security to ensure appropriate follow up pursuant to any notification provided under the preceding sentence.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to elections made with respect to initial enrollment periods that end after the date of the enactment of this Act.

(b) WAIVER OF INCREASE OF PREMIUM.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by striking ''section 1837(i)(4)'' and inserting ''subsection (i)(4) or (l) of section 1837''.

SEC. 3111. PAYMENT FOR BONE DENSITY TESTS.

(a) PAYMENT.—

(1) IN GENERAL.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(A) in subsection (b)—

(i) in paragraph (4)(B), by inserting '', and for 2010 and 2011, dual-energy x-ray absorptiometry services (as described in paragraph (6))'' before the period at the end; and

(ii) by adding at the end the following new paragraph:

''(6) TREATMENT OF BONE MASS SCANS.—For dual-energy x-ray absorptiometry services (identified in 2006 by HCPCS codes 76075 and 76077 (and any succeeding codes)) furnished during 2010 and 2011, instead of the payment amount that would otherwise be determined under this section for such years, the payment amount shall be equal to 70 percent of the product of—

''(A) the relative value for the service (as determined in subsection (c)(2)) for 2006;

''(B) the conversion factor (established under subsection (d)) for 2006; and

''(C) the geographic adjustment factor (established under subsection (e)(2)) for the service for the fee schedule area for 2010 and 2011, respectively.''; and

(B) in subsection (c)(2)(B)(iv)—

(i) in subclause (II), by striking ''and'' at the end;

(ii) in subclause (III), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new subclause:

''(IV) subsection (b)(6) shall not be taken into account in applying clause (ii)(II) for 2010 or 2011.''.

(2) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the amendments made by paragraph (1) by program instruction or otherwise.

(b) STUDY AND REPORT BY THE INSTITUTE OF MEDICINE.—

(1) IN GENERAL.—The Secretary of Health and Human Services is authorized to enter into an agreement with the Institute of Medicine of the National Academies to conduct a study on the ramifications of Medicare payment reductions for dual-energy x-ray absorptiometry (as described in section 1848(b)(6) of the Social Security Act, as added by subsection (a)(1)) during 2007, 2008, and 2009 on beneficiary access to bone mass density tests.

(2) REPORT.—An agreement entered into under paragraph (1) shall provide for the Institute of Medicine to submit to the Secretary and to Congress a report containing the results of the study conducted under such paragraph.

SEC. 3112. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(A) of the Social Security Act (42 U.S.C. 1395iii) is amended by striking ''$22,290,000,000'' and inserting ''$0''.

SEC. 3113. TREATMENT OF CERTAIN COMPLEX DIAGNOSTIC LABORATORY TESTS.

(a) DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a demonstration project under part B title XVIII of the Social Security Act under which separate payments are made under such part for complex diagnostic laboratory tests provided to individuals under such part. Under the demonstration project, the Secretary shall establish appropriate payment rates for such tests.

(2) COVERED COMPLEX DIAGNOSTIC LABORATORY TEST DEFINED.—In this section, the term ''complex diagnostic laboratory test'' means a diagnostic laboratory test—

(A) that is an analysis of gene protein expression, topographic genotyping, or a cancer chemotherapy sensitivity assay;

(B) that is determined by the Secretary to be a laboratory test for which there is not an alternative test having equivalent performance characteristics;

(C) which is billed using a Health Care Procedure Coding System (HCPCS) code other than a not otherwise classified code under such Coding System;

(D) which is approved or cleared by the Food and Drug Administration or is covered under title XVIII of the Social Security Act; and

(E) is described in section 1861(s)(3) of the Social Security Act (42 U.S.C. 1395x(s)(3)).

(3) SEPARATE PAYMENT DEFINED.—In this section, the term ''separate payment'' means direct payment to a laboratory (including a hospital-based or independent laboratory) that performs a complex diagnostic laboratory test with respect to a specimen collected from an individual during a period in which the individual is a patient of a hospital if the test is performed after such period of hospitalization and if separate payment would not otherwise be made under title XVIII of the Social Security Act by reason of sections 1862(a)(14) and 1866(a)(1)(H)(i) of the such Act (42 U.S.C. 1395y(a)(14); 42 U.S.C. 1395cc(a)(1)(H)(i)).

(b) DURATION.—Subject to subsection (c)(2), the Secretary shall conduct the demonstration project under this section for the 2-year period beginning on July 1, 2011.

(c) PAYMENTS AND LIMITATION.—Payments under the demonstration project under this section shall—

(1) be made from the Federal Supplemental Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t); and

(2) may not exceed $100,000,000.

(d) REPORT.—Not later than 2 years after the completion of the demonstration project under this section, the Secretary shall submit to Congress a report on the project. Such report shall include—

(1) an assessment of the impact of the demonstration project on access to care, quality of care, health outcomes, and expenditures under title XVIII of the Social Security Act (including any savings under such title); and

(2) such recommendations as the Secretary determines appropriate.

(e) IMPLEMENTATION FUNDING.—For purposes of administering this section (including preparing and submitting the report under subsection (d)), the Secretary shall provide for the transfer, from the Federal Supplemental Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t), to the Centers for Medicare & Medicaid Services Program Management Account, of $5,000,000. Amounts transferred under the preceding sentence shall remain available until expended.

SEC. 3114. IMPROVED ACCESS FOR CERTIFIED NURSE-MIDWIFE SERVICES.

Section 1833(a)(1)(K) of the Social Security Act (42 U.S.C. 1395l(a)(1)(K)) is amended by inserting ''(or 100 percent for services furnished on or after January 1, 2011)'' after ''1992, 65 percent''.

PART II—RURAL PROTECTIONS

SEC. 3121. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

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

(1) in subclause (II)—

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

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

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

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

SEC. 3122. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l–4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note) and section 107 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395l note), is amended by inserting ''or during the 1-year period beginning on July 1, 2010'' before the period at the end.

SEC. 3123. EXTENSION OF THE RURAL COMMUNITY HOSPITAL DEMONSTRATION PROGRAM.

(a) ONE-YEAR EXTENSION.—Section 410A of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2272) is amended by adding at the end the following new subsection:

''(g) ONE-YEAR EXTENSION OF DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary shall conduct the demonstration program under this section for an additional 1-year period (in this section referred to as the '1-year extension period') that begins on the date immediately following the last day of the initial 5-year period under subsection (a)(5).

''(2) EXPANSION OF DEMONSTRATION STATES.—Notwithstanding subsection (a)(2), during the 1-year extension period, the Secretary shall expand the number of States with low population densities determined by the Secretary under such subsection to 20. In determining which States to include in such expansion, the Secretary shall use the same criteria and data that the Secretary used to determine the States under such subsection for purposes of the initial 5-year period.

''(3) INCREASE IN MAXIMUM NUMBER OF HOSPITALS PARTICIPATING IN THE DEMONSTRATION PROGRAM.—Notwithstanding subsection (a)(4), during the 1-year extension period, not more than 30 rural community hospitals may participate in the demonstration program under this section.

''(4) NO AFFECT ON HOSPITALS IN DEMONSTRATION PROGRAM ON DATE OF ENACTMENT.—In the case of a rural community hospital that is participating in the demonstration program under this section as of the last day of the initial 5-year period, the Secretary shall provide for the continued participation of such rural community hospital in the demonstration program during the 1-year extension period unless the rural community hospital makes an election, in such form and manner as the Secretary may specify, to discontinue such participation.''.

(b) CONFORMING AMENDMENTS.—Subsection (a)(5) of section 410A of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2272) is amended by inserting ''(in this section referred to as the 'initial 5-year period') and, as provided in subsection (g), for the 1-year extension period'' after ''5-year period''.

(c) TECHNICAL AMENDMENTS.—

(1) Subsection (b) of section 410A of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2272) is amended—

(A) in paragraph (1)(B)(ii), by striking ''2)'' and inserting ''2))''; and

(B) in paragraph (2), by inserting ''cost'' before ''reporting period'' the first place such term appears in each of subparagraphs (A) and (B).

(2) Subsection (f)(1) of section 410A of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2272) is amended—

(A) in subparagraph (A)(ii), by striking ''paragraph (2)'' and inserting ''subparagraph (B)''; and

(B) in subparagraph (B), by striking ''paragraph (1)(B)'' and inserting ''subparagraph (A)(ii)''.

SEC. 3124. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL (MDH) PROGRAM.

(a) EXTENSION OF PAYMENT METHODOLOGY.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking ''October 1, 2011'' and inserting ''October 1, 2012''; and

(2) in clause (ii)(II), by striking ''October 1, 2011'' and inserting ''October 1, 2012''.

(b) CONFORMING AMENDMENTS.—

(1) EXTENSION OF TARGET AMOUNT.—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking ''October 1, 2011'' and inserting ''October 1, 2012''; and

(B) in clause (iv), by striking ''through fiscal year 2011'' and inserting ''through fiscal year 2012''.

(2) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking ''through fiscal year 2011'' and inserting ''through fiscal year 2012''.

SEC. 3125. TEMPORARY IMPROVEMENTS TO THE MEDICARE INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR LOW-VOLUME HOSPITALS.

Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

(1) in subparagraph (A), by inserting ''or (D)'' after ''subparagraph (B)'';

(2) in subparagraph (B), in the matter preceding clause (i), by striking ''The Secretary'' and inserting ''For discharges occurring in fiscal years 2005 through 2010 and for discharges occurring in fiscal year 2013 and subsequent fiscal years, the Secretary'';

(3) in subparagraph (C)(i)—

(A) by inserting ''(or, with respect to fiscal years 2011 and 2012, 15 road miles)'' after ''25 road miles''; and

(B) by inserting ''(or, with respect to fiscal years 2011 and 2012, 1,500 discharges of individuals entitled to, or enrolled for, benefits under part A)'' after ''800 discharges''; and

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

''(D) TEMPORARY APPLICABLE PERCENTAGE INCREASE.—For discharges occurring in fiscal years 2011 and 2012, the Secretary shall determine an applicable percentage increase for purposes of subparagraph (A) using a continuous linear sliding scale ranging from 25 percent for low-volume hospitals with 200 or fewer discharges of individuals entitled to, or enrolled for, benefits under part A in the fiscal year to 0 percent for low-volume hospitals with greater than 1,500 discharges of such individuals in the fiscal year.''.

SEC. 3126. IMPROVEMENTS TO THE DEMONSTRATION PROJECT ON COMMUNITY HEALTH INTEGRATION MODELS IN CERTAIN RURAL COUNTIES.

(a) REMOVAL OF LIMITATION ON NUMBER OF ELIGIBLE COUNTIES SELECTED.—Subsection (d)(3) of section 123 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395i–4 note) is amended by striking ''not more than 6''.

(b) REMOVAL OF REFERENCES TO RURAL HEALTH CLINIC SERVICES AND INCLUSION OF PHYSICIANS' SERVICES IN SCOPE OF DEMONSTRATION PROJECT.—Such section 123 is amended—

(1) in subsection (d)(4)(B)(i)(3), by striking subclause (III); and

(2) in subsection (j)—

(A) in paragraph (8), by striking subparagraph (B) and inserting the following:

''(B) Physicians' services (as defined in section 1861(q) of the Social Security Act (42 U.S.C. 1395x(q)).'';

(B) by striking paragraph (9); and

(C) by redesignating paragraph (10) as paragraph (9).

SEC. 3127. MEDPAC STUDY ON ADEQUACY OF MEDICARE PAYMENTS FOR HEALTH CARE PROVIDERS SERVING IN RURAL AREAS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the adequacy of payments for items and services furnished by providers of services and suppliers in rural areas under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). Such study shall include an analysis of—

(1) any adjustments in payments to providers of services and suppliers that furnish items and services in rural areas;

(2) access by Medicare beneficiaries to items and services in rural areas;

(3) the adequacy of payments to providers of services and suppliers that furnish items and services in rural areas; and

(4) the quality of care furnished in rural areas.

(b) REPORT.—Not later than January 1, 2011, the Medicare Payment Advisory Commission shall submit to Congress a report containing the results of the study conducted under subsection (a). Such report shall include recommendations on appropriate modifications to any adjustments in payments to providers of services and suppliers that furnish items and services in rural areas, together with recommendations for such legislation and administrative action as the Medicare Payment Advisory Commission determines appropriate.

SEC. 3128. TECHNICAL CORRECTION RELATED TO CRITICAL ACCESS HOSPITAL SERVICES.

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

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

SEC. 3129. EXTENSION OF AND REVISIONS TO MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.

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

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

(2) by inserting ''and for making grants to all States under subsection (g), such sums as may be necessary in each of fiscal years 2011 and 2012, to remain available until expended'' before the period at the end.

(b) USE OF FUNDS.—Section 1820(g)(3) of the Social Security Act (42 U.S.C. 1395i–4(g)(3)) is amended—

(1) in subparagraph (A), by inserting ''and to assist such hospitals in participating in delivery system reforms under the provisions of and amendments made by the Patient Protection and Affordable Care Act, such as value-based purchasing programs, accountable care organizations under section 1899, the National pilot program on payment bundling under section 1866D, and other delivery system reform programs determined appropriate by the Secretary'' before the period at the end; and

(2) in subparagraph (E)—

(A) by striking '', and to offset'' and inserting '', to offset''; and

(B) by inserting ''and to participate in delivery system reforms under the provisions of and amendments made by the Patient Protection and Affordable Care Act, such as value-based purchasing programs, accountable care organizations under section 1899, the National pilot program on payment bundling under section 1866D, and other delivery system reform programs determined appropriate by the Secretary'' before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to grants made on or after January 1, 2010.

PART III—IMPROVING PAYMENT ACCURACY

SEC. 3131. PAYMENT ADJUSTMENTS FOR HOME HEALTH CARE.

(a) REBASING HOME HEALTH PROSPECTIVE PAYMENT AMOUNT.—

(1) IN GENERAL.—Section 1895(b)(3)(A) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(A)) is amended—

(A) in clause (i)(III), by striking ''For periods'' and inserting ''Subject to clause (iii), for periods''; and

(B) by adding at the end the following new clause:

''(iii) ADJUSTMENT FOR 2013 AND SUBSEQUENT YEARS.—

''(I) IN GENERAL.—Subject to subclause (II), for 2013 and subsequent years, the amount (or amounts) that would otherwise be applicable under clause (i)(III) shall be adjusted by a percentage determined appropriate by the Secretary to reflect such factors as changes in the number of visits in an episode, the mix of services in an episode, the level of intensity of services in an episode, the average cost of providing care per episode, and other factors that the Secretary considers to be relevant. In conducting the analysis under the preceding sentence, the Secretary may consider differences between hospital-based and freestanding agencies, between for-profit and nonprofit agencies, and between the resource costs of urban and rural agencies. Such adjustment shall be made before the update under subparagraph (B) is applied for the year.

''(II) TRANSITION.—The Secretary shall provide for a 4-year phase-in (in equal increments) of the adjustment under subclause (I), with such adjustment being fully implemented for 2016. During each year of such phase-in, the amount of any adjustment under subclause (I) for the year may not exceed 3.5 percent of the amount (or amounts) applicable under clause (i)(III) as of the date of enactment of the Patient Protection and Affordable Care Act.''.

(2) MEDPAC STUDY AND REPORT.—

(A) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the implementation of the amendments made by paragraph (1). Such study shall include an analysis of the impact of such amendments on—

(i) access to care;

(ii) quality outcomes;

(iii) the number of home health agencies; and

(iv) rural agencies, urban agencies, for-profit agencies, and nonprofit agencies.

(B) REPORT.—Not later than January 1, 2015, the Medicare Payment Advisory Commission shall submit to Congress a report on the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Commission determines appropriate.

(b) PROGRAM-SPECIFIC OUTLIER CAP.—Section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)) is amended—

(1) in paragraph (3)(C), by striking ''the aggregate'' and all that follows through the period at the end and inserting ''5 percent of the total payments estimated to be made based on the prospective payment system under this subsection for the period.''; and

(2) in paragraph (5)—

(A) by striking ''OUTLIERS.—The Secretary'' and inserting the following: ''OUTLIERS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary'';

(B) in subparagraph (A), as added by subparagraph (A), by striking ''5 percent'' and inserting ''2.5 percent''; and

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

''(B) PROGRAM SPECIFIC OUTLIER CAP.—The estimated total amount of additional payments or payment adjustments made under subparagraph (A) with respect to a home health agency for a year (beginning with 2011) may not exceed an amount equal to 10 percent of the estimated total amount of payments made under this section (without regard to this paragraph) with respect to the home health agency for the year.''.

(c) APPLICATION OF THE MEDICARE RURAL HOME HEALTH ADD-ON POLICY.—Section 421 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2283), as amended by section 5201(b) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 46), is amended—

*(1) in the section heading, by striking ''**ONE-YEAR**'' and inserting ''**TEMPORARY**''; and*

(2) in subsection (a)—

(A) by striking '', and episodes'' and inserting '', episodes'';

(B) by inserting ''and episodes and visits ending on or after April 1, 2010, and before January 1, 2016,'' after ''January 1, 2007,''; and

(C) by inserting ''(or, in the case of episodes and visits ending on or after April 1, 2010, and before January 1, 2016, 3 percent)'' before the period at the end.

(d) STUDY AND REPORT ON THE DEVELOPMENT OF HOME HEALTH PAYMENT REFORMS IN ORDER TO ENSURE ACCESS TO CARE AND QUALITY SERVICES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a study to evaluate the costs and quality of care among efficient home health agencies relative to other such agencies in providing ongoing access to care and in treating Medicare beneficiaries with varying severity levels of illness. Such study shall include an analysis of the following:

(A) Methods to revise the home health prospective payment system under section 1895 of the Social Security Act (42 U.S.C. 1395fff) to more accurately account for the costs related to patient severity of illness or to improving beneficiary access to care, including—

(i) payment adjustments for services that may be under- or over-valued;

(ii) necessary changes to reflect the resource use relative to providing home health services to low-income Medicare beneficiaries or Medicare beneficiaries living in medically underserved areas;

(iii) ways the outlier payment may be improved to more accurately reflect the cost of treating Medicare beneficiaries with high severity levels of illness;

(iv) the role of quality of care incentives and penalties in driving provider and patient behavior;

(v) improvements in the application of a wage index; and

(vi) other areas determined appropriate by the Secretary.

(B) The validity and reliability of responses on the OASIS instrument with particular emphasis on questions that relate to higher payment under the home health prospective payment system and higher outcome scores under Home Care Compare.

(C) Additional research or payment revisions under the home health prospective payment system that may be necessary to set the payment rates for home health services based on costs of high-quality and efficient home health agencies or to improve Medicare beneficiary access to care.

(D) A timetable for implementation of any appropriate changes based on the analysis of the matters described in subparagraphs (A), (B), and (C).

(E) Other areas determined appropriate by the Secretary.

(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Secretary shall consider whether certain factors should be used to measure patient severity of illness and access to care, such as—

(A) population density and relative patient access to care;

(B) variations in service costs for providing care to individuals who are dually eligible under the Medicare and Medicaid programs;

(C) the presence of severe or chronic diseases, as evidenced by multiple, discontinuous home health episodes;

(D) poverty status, as evidenced by the receipt of Supplemental Security Income under title XVI of the Social Security Act;

(E) the absence of caregivers;

(F) language barriers;

(G) atypical transportation costs;

(H) security costs; and

(I) other factors determined appropriate by the Secretary.

(3) REPORT.—Not later than March 1, 2011, the Secretary shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(4) CONSULTATIONS.—In conducting the study under paragraph (1) and preparing the report under paragraph (3), the Secretary shall consult with—

(A) stakeholders representing home health agencies;

(B) groups representing Medicare beneficiaries;

(C) the Medicare Payment Advisory Commission;

(D) the Inspector General of the Department of Health and Human Services; and

(E) the Comptroller General of the United States.

SEC. 3132. HOSPICE REFORM.

(a) HOSPICE CARE PAYMENT REFORMS.—

(1) IN GENERAL.—Section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)), as amended by section 3004(c), is amended—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph:

''(6)(A) The Secretary shall collect additional data and information as the Secretary determines appropriate to revise payments for hospice care under this subsection pursuant to subparagraph (D) and for other purposes as determined appropriate by the Secretary. The Secretary shall begin to collect such data by not later than January 1, 2011.

''(B) The additional data and information to be collected under subparagraph (A) may include data and information on—

''(i) charges and payments;

''(ii) the number of days of hospice care which are attributable to individuals who are entitled to, or enrolled for, benefits under part A; and

''(iii) with respect to each type of service included in hospice care—

''(I) the number of days of hospice care attributable to the type of service;

''(II) the cost of the type of service; and

''(III) the amount of payment for the type of service;

''(iv) charitable contributions and other revenue of the hospice program;

''(v) the number of hospice visits;

''(vi) the type of practitioner providing the visit; and

''(vii) the length of the visit and other basic information with respect to the visit.

''(C) The Secretary may collect the additional data and information under subparagraph (A) on cost reports, claims, or other mechanisms as the Secretary determines to be appropriate.

''(D)(i) Notwithstanding the preceding paragraphs of this subsection, not earlier than October 1, 2013, the Secretary shall, by regulation, implement revisions to the methodology for determining the payment rates for routine home care and other services included in hospice care under this part, as the Secretary determines to be appropriate. Such revisions may be based on an analysis of data and information collected under subparagraph (A). Such revisions may include adjustments to per diem payments that reflect changes in resource intensity in providing such care and services during the course of the entire episode of hospice care.

''(ii) Revisions in payment implemented pursuant to clause (i) shall result in the same estimated amount of aggregate expenditures under this title for hospice care furnished in the fiscal year in which such revisions in payment are implemented as would have been made under this title for such care in such fiscal year if such revisions had not been implemented.

''(E) The Secretary shall consult with hospice programs and the Medicare Payment Advisory Commission regarding the additional data and information to be collected under subparagraph (A) and the payment revisions under subparagraph (D).''.

(2) CONFORMING AMENDMENTS.—Section 1814(i)(1)(C) of the Social Security Act (42 U.S.C. 1395f(i)(1)(C)) is amended—

(A) in clause (ii)—

(i) in the matter preceding subclause (I), by inserting ''(before the first fiscal year in which the payment revisions described in paragraph (6)(D) are implemented)'' after ''subsequent fiscal year''; and

(ii) in subclause (VII), by inserting ''(before the first fiscal year in which the payment revisions described in paragraph (6)(D) are implemented), subject to clause (iv),'' after ''subsequent fiscal year''; and

(B) by adding at the end the following new clause:

''(iii) With respect to routine home care and other services included in hospice care furnished during fiscal years subsequent to the first fiscal year in which payment revisions described in paragraph (6)(D) are implemented, the payment rates for such care and services shall be the payment rates in effect under this clause during the preceding fiscal year increased by, subject to clause (iv), the market basket percentage increase (as defined in section 1886(b)(3)(B)(iii)) for the fiscal year.''.

(b) ADOPTION OF MEDPAC HOSPICE PROGRAM ELIGIBILITY RECERTIFICATION RECOMMENDATIONS.—Section 1814(a)(7) of the Social Security Act (42 U.S.C. 1395f(a)(7)) is amended—

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

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

''(D) on and after January 1, 2011—

''(i) a hospice physician or nurse practitioner has a face-to-face encounter with the individual to determine continued eligibility of the individual for hospice care prior to the 180th-day recertification and each subsequent recertification under subparagraph (A)(ii) and attests that such visit took place (in accordance with procedures established by the Secretary); and

''(ii) in the case of hospice care provided an individual for more than 180 days by a hospice program for which the number of such cases for such program comprises more than a percent (specified by the Secretary) of the total number of such cases for all programs under this title, the hospice care provided to such individual is medically reviewed (in accordance with procedures established by the Secretary); and''.

SEC. 3133. IMPROVEMENT TO MEDICARE DISPROPORTIONATE SHARE HOSPITAL (DSH) PAYMENTS.

Section 1886 of the Social Security Act (42 U.S.C. 1395ww), as amended by sections 3001, 3008, and 3025, is amended—

(1) in subsection (d)(5)(F)(i), by striking ''For'' and inserting ''Subject to subsection (r), for''; and

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

''(r) ADJUSTMENTS TO MEDICARE DSH PAYMENTS.—

''(1) EMPIRICALLY JUSTIFIED DSH PAYMENTS.—For fiscal year 2015 and each subsequent fiscal year, instead of the amount of disproportionate share hospital payment that would otherwise be made under subsection (d)(5)(F) to a subsection (d) hospital for the fiscal year, the Secretary shall pay to the subsection (d) hospital 25 percent of such amount (which represents the empirically justified amount for such payment, as determined by the Medicare Payment Advisory Commission in its March 2007 Report to the Congress).

''(2) ADDITIONAL PAYMENT.—In addition to the payment made to a subsection (d) hospital under paragraph (1), for fiscal year 2015 and each subsequent fiscal year, the Secretary shall pay to such subsection (d) hospitals an additional amount equal to the product of the following factors:

''(A) FACTOR ONE.—A factor equal to the difference between—

''(i) the aggregate amount of payments that would be made to subsection (d) hospitals under subsection (d)(5)(F) if this subsection did not apply for such fiscal year (as estimated by the Secretary); and

''(ii) the aggregate amount of payments that are made to subsection (d) hospitals under paragraph (1) for such fiscal year (as so estimated).

''(B) FACTOR TWO.—

''(i) FISCAL YEARS 2015, 2016, AND 2017.—For each of fiscal years 2015, 2016, and 2017, a factor equal to 1 minus the percent change (divided by 100) in the percent of individuals under the age of 65 who are uninsured, as determined by comparing the percent of such individuals—

''(I) who are uninsured in 2012, the last year before coverage expansion under the Patient Protection and Affordable Care Act (as calculated by the Secretary based on the most recent estimates available from the Director of the Congressional Budget Office before a vote in either House on such Act that, if determined in the affirmative, would clear such Act for enrollment); and

''(II) who are uninsured in the most recent period for which data is available (as so calculated).

''(ii) 2018 AND SUBSEQUENT YEARS.—For fiscal year 2018 and each subsequent fiscal year, a factor equal to 1 minus the percent change (divided by 100) in the percent of individuals who are uninsured, as determined by comparing the percent of individuals—

''(I) who are uninsured in 2012 (as estimated by the Secretary, based on data from the Census Bureau or other sources the Secretary determines appropriate, and certified by the Chief Actuary of the Centers for Medicare & Medicaid Services); and

''(II) who are uninsured in the most recent period for which data is available (as so estimated and certified).

''(C) FACTOR THREE.—A factor equal to the percent, for each subsection (d) hospital, that represents the quotient of—

''(i) the amount of uncompensated care for such hospital for a period selected by the Secretary (as estimated by the Secretary, based on appropriate data (including, in the case where the Secretary determines that alternative data is available which is a better proxy for the costs of subsection (d) hospitals for treating the uninsured, the use of such alternative data)); and

''(ii) the aggregate amount of uncompensated care for all subsection (d) hospitals that receive a payment under this subsection for such period (as so estimated, based on such data).

''(3) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the following:

''(A) Any estimate of the Secretary for purposes of determining the factors described in paragraph (2).

''(B) Any period selected by the Secretary for such purposes.''.

SEC. 3134. MISVALUED CODES UNDER THE PHYSICIAN FEE SCHEDULE.

(a) IN GENERAL.—Section 1848(c)(2) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)) is amended by adding at the end the following new subparagraphs:

''(K) POTENTIALLY MISVALUED CODES.—

''(i) IN GENERAL.—The Secretary shall—

''(I) periodically identify services as being potentially misvalued using criteria specified in clause (ii); and

''(II) review and make appropriate adjustments to the relative values established under this paragraph for services identified as being potentially misvalued under subclause (I).

''(ii) IDENTIFICATION OF POTENTIALLY MISVALUED CODES.—For purposes of identifying potentially misvalued services pursuant to clause (i)(I), the Secretary shall examine (as the Secretary determines to be appropriate) codes (and families of codes as appropriate) for which there has been the fastest growth; codes (and families of codes as appropriate) that have experienced substantial changes in practice expenses; codes for new technologies or services within an appropriate period (such as 3 years) after the relative values are initially established for such codes; multiple codes that are frequently billed in conjunction with furnishing a single service; codes with low relative values, particularly those that are often billed multiple times for a single treatment; codes which have not been subject to review since the implementation of the RBRVS (the so-called 'Harvard-valued codes'); and such other codes determined to be appropriate by the Secretary.

''(iii) REVIEW AND ADJUSTMENTS.—

''(I) The Secretary may use existing processes to receive recommendations on the review and appropriate adjustment of potentially misvalued services described in clause (i)(II).

''(II) The Secretary may conduct surveys, other data collection activities, studies, or other analyses as the Secretary determines to be appropriate to facilitate the review and appropriate adjustment described in clause (i)(II).

''(III) The Secretary may use analytic contractors to identify and analyze services identified under clause (i)(I), conduct surveys or collect data, and make recommendations on the review and appropriate adjustment of services described in clause (i)(II).

''(IV) The Secretary may coordinate the review and appropriate adjustment described in clause (i)(II) with the periodic review described in subparagraph (B).

''(V) As part of the review and adjustment described in clause (i)(II), including with respect to codes with low relative values described in clause (ii), the Secretary may make appropriate coding revisions (including using existing processes for consideration of coding changes) which may include consolidation of individual services into bundled codes for payment under the fee schedule under subsection (b).

''(VI) The provisions of subparagraph (B)(ii)(II) shall apply to adjustments to relative value units made pursuant to this subparagraph in the same manner as such provisions apply to adjustments under subparagraph (B)(ii)(II).

''(L) VALIDATING RELATIVE VALUE UNITS.—

''(i) IN GENERAL.—The Secretary shall establish a process to validate relative value units under the fee schedule under subsection (b).

''(ii) COMPONENTS AND ELEMENTS OF WORK.—The process described in clause (i) may include validation of work elements (such as time, mental effort and professional judgment, technical skill and physical effort, and stress due to risk) involved with furnishing a service and may include validation of the pre-, post-, and intra-service components of work.

''(iii) SCOPE OF CODES.—The validation of work relative value units shall include a sampling of codes for services that is the same as the codes listed under subparagraph (K)(ii).

''(iv) METHODS.—The Secretary may conduct the validation under this subparagraph using methods described in subclauses (I) through (V) of subparagraph (K)(iii) as the Secretary determines to be appropriate.

''(v) ADJUSTMENTS.—The Secretary shall make appropriate adjustments to the work relative value units under the fee schedule under subsection (b). The provisions of subparagraph (B)(ii)(II) shall apply to adjustments to relative value units made pursuant to this subparagraph in the same manner as such provisions apply to adjustments under subparagraph (B)(ii)(II).''.

(b) IMPLEMENTATION.—

(1) ADMINISTRATION.—

(A) Chapter 35 of title 44, United States Code and the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to this section or the amendment made by this section.

(B) Notwithstanding any other provision of law, the Secretary may implement subparagraphs (K) and (L) of 1848(c)(2) of the Social Security Act, as added by subsection (a), by program instruction or otherwise.

(C) Section 4505(d) of the Balanced Budget Act of 1997 is repealed.

(D) Except for provisions related to confidentiality of information, the provisions of the Federal Acquisition Regulation shall not apply to this section or the amendment made by this section.

(2) FOCUSING CMS RESOURCES ON POTENTIALLY OVERVALUED CODES.—Section 1868(a) of the Social Security Act (42 U.S.C. 1395ee(a)) is repealed.

SEC. 3135. MODIFICATION OF EQUIPMENT UTILIZATION FACTOR FOR ADVANCED IMAGING SERVICES.

(a) ADJUSTMENT IN PRACTICE EXPENSE TO REFLECT HIGHER PRESUMED UTILIZATION.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (b)(4)—

(A) in subparagraph (B), by striking ''subparagraph (A)'' and inserting ''this paragraph''; and

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

''(C) ADJUSTMENT IN PRACTICE EXPENSE TO REFLECT HIGHER PRESUMED UTILIZATION.—Consistent with the methodology for computing the number of practice expense relative value units under subsection (c)(2)(C)(ii) with respect to advanced diagnostic imaging services (as defined in section 1834(e)(1)(B)) furnished on or after January 1, 2010, the Secretary shall adjust such number of units so it reflects—

''(i) in the case of services furnished on or after January 1, 2010, and before January 1, 2013, a 65 percent (rather than 50 percent) presumed rate of utilization of imaging equipment;

''(ii) in the case of services furnished on or after January 1, 2013, and before January 1, 2014, a 70 percent (rather than 50 percent) presumed rate of utilization of imaging equipment; and

''(iii) in the case of services furnished on or after January 1, 2014, a 75 percent (rather than 50 percent) presumed rate of utilization of imaging equipment.''; and

(2) in subsection (c)(2)(B)(v), by adding at the end the following new subclauses:

''(III) CHANGE IN PRESUMED UTILIZATION LEVEL OF CERTAIN ADVANCED DIAGNOSTIC IMAGING SERVICES FOR 2010 THROUGH 2012.—Effective for fee schedules established beginning with 2010 and ending with 2012, reduced expenditures attributable to the presumed rate of utilization of imaging equipment of 65 percent under subsection (b)(4)(C)(i) instead of a presumed rate of utilization of such equipment of 50 percent.

''(IV) CHANGE IN PRESUMED UTILIZATION LEVEL OF CERTAIN ADVANCED DIAGNOSTIC IMAGING SERVICES FOR 2013.—Effective for fee schedules established for 2013, reduced expenditures attributable to the presumed rate of utilization of imaging equipment of 70 percent under subsection (b)(4)(C)(ii) instead of a presumed rate of utilization of such equipment of 50 percent.

''(V) CHANGE IN PRESUMED UTILIZATION LEVEL OF CERTAIN ADVANCED DIAGNOSTIC IMAGING SERVICES FOR 2014 AND SUBSEQUENT YEARS.—Effective for fee schedules established beginning with 2014, reduced expenditures attributable to the presumed rate of utilization of imaging equipment of 75 percent under subsection (b)(4)(C)(iii) instead of a presumed rate of utilization of such equipment of 50 percent.''.

(b) ADJUSTMENT IN TECHNICAL COMPONENT ''DISCOUNT'' ON SINGLE-SESSION IMAGING TO CONSECUTIVE BODY PARTS.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4), as amended by subsection (a), is amended—

(1) in subsection (b)(4), by adding at the end the following new subparagraph:

''(D) ADJUSTMENT IN TECHNICAL COMPONENT DISCOUNT ON SINGLE-SESSION IMAGING INVOLVING CONSECUTIVE BODY PARTS.—For services furnished on or after July 1, 2010, the Secretary shall increase the reduction in payments attributable to the multiple procedure payment reduction applicable to the technical component for imaging under the final rule published by the Secretary in the Federal Register on November 21, 2005 (part 405 of title 42, Code of Federal Regulations) from 25 percent to 50 percent.''; and

(2) in subsection (c)(2)(B)(v), by adding at the end the following new subclause:

''(VI) ADDITIONAL REDUCED PAYMENT FOR MULTIPLE IMAGING PROCEDURES.—Effective for fee schedules established beginning with 2010 (but not applied for services furnished prior to July 1, 2010), reduced expenditures attributable to the increase in the multiple procedure payment reduction from 25 to 50 percent (as described in subsection (b)(4)(D)).''.

(c) ANALYSIS BY THE CHIEF ACTUARY OF THE CENTERS FOR MEDICARE & MEDICAID SERVICES.—Not later than January 1, 2013, the Chief Actuary of the Centers for Medicare & Medicaid Services shall make publicly available an analysis of whether, for the period of 2010 through 2019, the cumulative expenditure reductions under title XVIII of the Social Security Act that are attributable to the adjustments under the amendments made by this section are projected to exceed $3,000,000,000.

SEC. 3136. REVISION OF PAYMENT FOR POWER-DRIVEN WHEELCHAIRS.

(a) IN GENERAL.—Section 1834(a)(7)(A) of the Social Security Act (42 U.S.C. 1395m(a)(7)(A)) is amended—

(1) in clause (i)—

(A) in subclause (II), by inserting ''subclause (III) and'' after ''Subject to''; and

(B) by adding at the end the following new subclause:

''(III) SPECIAL RULE FOR POWER-DRIVEN WHEELCHAIRS.—For purposes of payment for power-driven wheelchairs, subclause (II) shall be applied by substituting '15 percent' and '6 percent' for '10 percent' and '7.5 percent', respectively.''; and

(2) in clause (iii)—

(A) in the heading, by inserting ''COMPLEX, REHABILITATIVE'' before ''POWER-DRIVEN''; and

(B) by inserting ''complex, rehabilitative'' before ''power-driven''.

(b) TECHNICAL AMENDMENT.—Section 1834(a)(7)(C)(ii)(II) of the Social Security Act (42 U.S.C. 1395m(a)(7)(C)(ii)(II)) is amended by striking ''(A)(ii) or''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) shall take effect on January 1, 2011, and shall apply to power-driven wheelchairs furnished on or after such date.

(2) APPLICATION TO COMPETITIVE BIDDING.—The amendments made by subsection (a) shall not apply to payment made for items and services furnished pursuant to contracts entered into under section 1847 of the Social Security Act (42 U.S.C. 1395w–3) prior to January 1, 2011, pursuant to the implementation of subsection (a)(1)(B)(i)(I) of such section 1847.

SEC. 3137. HOSPITAL WAGE INDEX IMPROVEMENT.

(a) EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.—

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

(2) USE OF PARTICULAR WAGE INDEX IN FISCAL YEAR 2010.—For purposes of implementation of the amendment made by this subsection during fiscal year 2010, the Secretary shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on August 27, 2009 (74 Fed. Reg. 43754), and any subsequent corrections.

(b) PLAN FOR REFORMING THE MEDICARE HOSPITAL WAGE INDEX SYSTEM.—

(1) IN GENERAL.—Not later than December 31, 2011, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall submit to Congress a report that includes a plan to reform the hospital wage index system under section 1886 of the Social Security Act.

(2) DETAILS.—In developing the plan under paragraph (1), the Secretary shall take into account the goals for reforming such system set forth in the Medicare Payment Advisory Commission June 2007 report entitled ''Report to Congress: Promoting Greater Efficiency in Medicare'', including establishing a new hospital compensation index system that—

(A) uses Bureau of Labor Statistics data, or other data or methodologies, to calculate relative wages for each geographic area involved;

(B) minimizes wage index adjustments between and within metropolitan statistical areas and statewide rural areas;

(C) includes methods to minimize the volatility of wage index adjustments that result from implementation of policy, while maintaining budget neutrality in applying such adjustments;

(D) takes into account the effect that implementation of the system would have on health care providers and on each region of the country;

(E) addresses issues related to occupational mix, such as staffing practices and ratios, and any evidence on the effect on quality of care or patient safety as a result of the implementation of the system; and

(F) provides for a transition.

(3) CONSULTATION.—In developing the plan under paragraph (1), the Secretary shall consult with relevant affected parties.

(c) USE OF PARTICULAR CRITERIA FOR DETERMINING RECLASSIFICATIONS.—Notwithstanding any other provision of law, in making decisions on applications for reclassification of a subsection (d) hospital (as defined in paragraph (1)(B) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) for the purposes described in paragraph (10)(D)(v) of such section for fiscal year 2011 and each subsequent fiscal year (until the first fiscal year beginning on or after the date that is 1 year after the Secretary of Health and Human Services submits the report to Congress under subsection (b)), the Geographic Classification Review Board established under paragraph (10) of such section shall use the average hourly wage comparison criteria used in making such decisions as of September 30, 2008. The preceding sentence shall be effected in a budget neutral manner.

SEC. 3138. TREATMENT OF CERTAIN CANCER HOSPITALS.

Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) is amended by adding at the end the following new paragraph:

''(18) AUTHORIZATION OF ADJUSTMENT FOR CANCER HOSPITALS.—

''(A) STUDY.—The Secretary shall conduct a study to determine if, under the system under this subsection, costs incurred by hospitals described in section 1886(d)(1)(B)(v) with respect to ambulatory payment classification groups exceed those costs incurred by other hospitals furnishing services under this subsection (as determined appropriate by the Secretary). In conducting the study under this subparagraph, the Secretary shall take into consideration the cost of drugs and biologicals incurred by such hospitals.

''(B) AUTHORIZATION OF ADJUSTMENT.—Insofar as the Secretary determines under subparagraph (A) that costs incurred by hospitals described in section 1886(d)(1)(B)(v) exceed those costs incurred by other hospitals furnishing services under this subsection, the Secretary shall provide for an appropriate adjustment under paragraph (2)(E) to reflect those higher costs effective for services furnished on or after January 1, 2011.''.

SEC. 3139. PAYMENT FOR BIOSIMILAR BIOLOGICAL PRODUCTS.

(a) IN GENERAL.—Section 1847A of the Social Security Act (42 U.S.C. 1395w–3a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or'' at the end;

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

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

''(C) in the case of a biosimilar biological product (as defined in subsection (c)(6)(H)), the amount determined under paragraph (8).''; and

(B) by adding at the end the following new paragraph:

''(8) BIOSIMILAR BIOLOGICAL PRODUCT.—The amount specified in this paragraph for a biosimilar biological product described in paragraph (1)(C) is the sum of—

''(A) the average sales price as determined using the methodology described under paragraph (6) applied to a biosimilar biological product for all National Drug Codes assigned to such product in the same manner as such paragraph is applied to drugs described in such paragraph; and

''(B) 6 percent of the amount determined under paragraph (4) for the reference biological product (as defined in subsection (c)(6)(I)).''; and

(2) in subsection (c)(6), by adding at the end the following new subparagraph:

''(H) BIOSIMILAR BIOLOGICAL PRODUCT.—The term 'biosimilar biological product' means a biological product approved under an abbreviated application for a license of a biological product that relies in part on data or information in an application for another biological product licensed under section 351 of the Public Health Service Act.

''(I) REFERENCE BIOLOGICAL PRODUCT.—The term 'reference biological product' means the biological product licensed under such section 351 that is referred to in the application described in subparagraph (H) of the biosimilar biological product.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments for biosimilar biological products beginning with the first day of the second calendar quarter after enactment of legislation providing for a biosimilar pathway (as determined by the Secretary).

SEC. 3140. MEDICARE HOSPICE CONCURRENT CARE DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish a Medicare Hospice Concurrent Care demonstration program at participating hospice programs under which Medicare beneficiaries are furnished, during the same period, hospice care and any other items or services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) from funds otherwise paid under such title to such hospice programs.

(2) DURATION.—The demonstration program under this section shall be conducted for a 3-year period.

(3) SITES.—The Secretary shall select not more than 15 hospice programs at which the demonstration program under this section shall be conducted. Such hospice programs shall be located in urban and rural areas.

(b) INDEPENDENT EVALUATION AND REPORTS.—

(1) INDEPENDENT EVALUATION.—The Secretary shall provide for the conduct of an independent evaluation of the demonstration program under this section. Such independent evaluation shall determine whether the demonstration program has improved patient care, quality of life, and cost-effectiveness for Medicare beneficiaries participating in the demonstration program.

(2) REPORTS.—The Secretary shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with such recommendations as the Secretary determines appropriate.

(c) BUDGET NEUTRALITY.—With respect to the 3-year period of the demonstration program under this section, the Secretary shall ensure that the aggregate expenditures under title XVIII for such period shall not exceed the aggregate expenditures that would have been expended under such title if the demonstration program under this section had not been implemented.

SEC. 3141. APPLICATION OF BUDGET NEUTRALITY ON A NATIONAL BASIS IN THE CALCULATION OF THE MEDICARE HOSPITAL WAGE INDEX FLOOR.

In the case of discharges occurring on or after October 1, 2010, for purposes of applying section 4410 of the Balanced Budget Act of 1997 (42 U.S.C. 1395ww note) and paragraph (h)(4) of section 412.64 of title 42, Code of Federal Regulations, the Secretary of Health and Human Services shall administer subsection (b) of such section 4410 and paragraph (e) of such section 412.64 in the same manner as the Secretary administered such subsection (b) and paragraph (e) for discharges occurring during fiscal year 2008 (through a uniform, national adjustment to the area wage index).

SEC. 3142. HHS STUDY ON URBAN MEDICARE-DEPENDENT HOSPITALS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a study on the need for an additional payment for urban Medicare-dependent hospitals for inpatient hospital services under section 1886 of the Social Security Act (42 U.S.C. 1395ww). Such study shall include an analysis of—

(A) the Medicare inpatient margins of urban Medicare-dependent hospitals, as compared to other hospitals which receive 1 or more additional payments or adjustments under such section (including those payments or adjustments described in paragraph (2)(A)); and

(B) whether payments to medicare-dependent, small rural hospitals under subsection (d)(5)(G) of such section should be applied to urban Medicare-dependent hospitals.

(2) URBAN MEDICARE-DEPENDENT HOSPITAL DEFINED.—For purposes of this section, the term ''urban Medicare-dependent hospital'' means a subsection (d) hospital (as defined in subsection (d)(1)(B) of such section) that—

(A) does not receive any additional payment or adjustment under such section, such as payments for indirect medical education costs under subsection (d)(5)(B) of such section, disproportionate share payments under subsection (d)(5)(A) of such section, payments to a rural referral center under subsection (d)(5)(C) of such section, payments to a critical access hospital under section 1814(l) of such Act (42 U.S.C. 1395f(l)), payments to a sole community hospital under subsection (d)(5)(D) of such section 1886, or payments to a medicare-dependent, small rural hospital under subsection (d)(5)(G) of such section 1886; and

(B) for which more than 60 percent of its inpatient days or discharges during 2 of the 3 most recently audited cost reporting periods for which the Secretary has a settled cost report were attributable to inpatients entitled to benefits under part A of title XVIII of such Act.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 3143. PROTECTING HOME HEALTH BENEFITS.

Nothing in the provisions of, or amendments made by, this Act shall result in the reduction of guaranteed home health benefits under title XVIII of the Social Security Act.

Subtitle C—Provisions Relating to Part C

SEC. 3201. MEDICARE ADVANTAGE PAYMENT.

(a) MA BENCHMARK BASED ON PLAN'S COMPETITIVE BIDS.—

(1) IN GENERAL.—Section 1853(j) of the Social Security Act (42 U.S.C. 1395w–23(j)) is amended—

(A) by striking ''AMOUNTS.—For purposes'' and inserting ''AMOUNTS.—

''(1) IN GENERAL.—For purposes'';

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(C) in subparagraph (A), as redesignated by subparagraph (B)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately; and

(ii) in clause (i), as redesignated by clause (i), by striking ''an amount equal to'' and all that follows through the end and inserting ''an amount equal to—

''(I) for years before 2007, 1/12 of the annual MA capitation rate under section 1853(c)(1) for the area for the year, adjusted as appropriate for the purpose of risk adjustment;

''(II) for 2007 through 2011, 1/12 of the applicable amount determined under subsection (k)(1) for the area for the year;

''(III) for 2012, the sum of—

''(aa) 2/3 of the quotient of—

''(AA) the applicable amount determined under subsection (k)(1) for the area for the year; and

''(BB) 12; and

''(bb) 1/3 of the MA competitive benchmark amount (determined under paragraph (2)) for the area for the month;

''(IV) for 2013, the sum of—

''(aa) 1/3 of the quotient of—

''(AA) the applicable amount determined under subsection (k)(1) for the area for the year; and

''(BB) 12; and

''(bb) 2/3 of the MA competitive benchmark amount (as so determined) for the area for the month;

''(V) for 2014, the MA competitive benchmark amount for the area for a month in 2013 (as so determined), increased by the national per capita MA growth percentage, described in subsection (c)(6) for 2014, but not taking into account any adjustment under subparagraph (C) of such subsection for a year before 2004; and

''(VI) for 2015 and each subsequent year, the MA competitive benchmark amount (as so determined) for the area for the month; or'';

(iii) in clause (ii), as redesignated by clause (i), by striking ''subparagraph (A)'' and inserting ''clause (i)'';

(D) by adding at the end the following new paragraphs:

''(2) COMPUTATION OF MA COMPETITIVE BENCHMARK AMOUNT.—

''(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (3), for months in each year (beginning with 2012) for each MA payment area the Secretary shall compute an MA competitive benchmark amount equal to the weighted average of the unadjusted MA statutory nondrug monthly bid amount (as defined in section 1854(b)(2)(E)) for each MA plan in the area, with the weight for each plan being equal to the average number of beneficiaries enrolled under such plan in the reference month (as defined in section 1858(f)(4), except that, in applying such definition for purposes of this paragraph, 'to compute the MA competitive benchmark amount under section 1853(j)(2)' shall be substituted for 'to compute the percentage specified in subparagraph (A) and other relevant percentages under this part').

''(B) WEIGHTING RULES.—

''(i) SINGLE PLAN RULE.—In the case of an MA payment area in which only a single MA plan is being offered, the weight under subparagraph (A) shall be equal to 1.

''(ii) USE OF SIMPLE AVERAGE AMONG MULTIPLE PLANS IF NO PLANS OFFERED IN PREVIOUS YEAR.—In the case of an MA payment area in which no MA plan was offered in the previous year and more than 1 MA plan is offered in the current year, the Secretary shall use a simple average of the unadjusted MA statutory nondrug monthly bid amount (as so defined) for purposes of computing the MA competitive benchmark amount under subparagraph (A).

''(3) CAP ON MA COMPETITIVE BENCHMARK AMOUNT.—In no case shall the MA competitive benchmark amount for an area for a month in a year be greater than the applicable amount that would (but for the application of this subsection) be determined under subsection (k)(1) for the area for the month in the year.''; and

(E) in subsection (k)(2)(B)(ii)(III), by striking ''(j)(1)(A)'' and inserting ''(j)(1)(A)(i)''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1853(k)(2) of the Social Security Act (42 U.S.C. 1395w–23(k)(2)) is amended—

(i) in subparagraph (A), by striking ''through 2010'' and inserting ''and subsequent years''; and

(ii) in subparagraph (C)—

(I) in clause (iii), by striking ''and'' at the end;

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

(III) by adding at the end the following new clause:

''(v) for 2011 and subsequent years, 0.00.''.

(B) Section 1854(b) of the Social Security Act (42 U.S.C. 1395w–24(b)) is amended—

(i) in paragraph (3)(B)(i), by striking ''1853(j)(1)'' and inserting ''1853(j)(1)(A)''; and

(ii) in paragraph (4)(B)(i), by striking ''1853(j)(2)'' and inserting ''1853(j)(1)(B)''.

(C) Section 1858(f) of the Social Security Act (42 U.S.C. 1395w–27(f)) is amended—

(i) in paragraph (1), by striking ''1853(j)(2)'' and inserting ''1853(j)(1)(B)''; and

(ii) in paragraph (3)(A), by striking ''1853(j)(1)(A)'' and inserting ''1853(j)(1)(A)(i)''.

(D) Section 1860C–1(d)(1)(A) of the Social Security Act (42 U.S.C. 1395w–29(d)(1)(A)) is amended by striking ''1853(j)(1)(A)'' and inserting ''1853(j)(1)(A)(i)''.

(b) REDUCTION OF NATIONAL PER CAPITA GROWTH PERCENTAGE FOR 2011.—Section 1853(c)(6) of the Social Security Act (42 U.S.C. 1395w–23(c)(6)) is amended—

(1) in clause (v), by striking ''and'' at the end;

(2) in clause (vi)—

(A) by striking ''for a year after 2002'' and inserting ''for 2003 through 2010''; and

(B) by striking the period at the end and inserting a comma; and

(C) by adding at the end the following new clauses:

''(vii) for 2011, 3 percentage points; and

''(viii) for a year after 2011, 0 percentage points.''.

(c) ENHANCEMENT OF BENEFICIARY REBATES.—Section 1854(b)(1)(C)(i) of the Social Security Act (42 U.S.C. 1395w–24(b)(1)(C)(i)) is amended by inserting ''(or 100 percent in the case of plan years beginning on or after January 1, 2014)'' after ''75 percent''.

(d) BIDDING RULES.—

(1) REQUIREMENTS FOR INFORMATION SUBMITTED.—Section 1854(a)(6)(A) of the Social Security Act (42 U.S.C. 1395w–24(a)(6)(A)) is amended, in the flush matter following clause (v), by adding at the end the following sentence: ''Information to be submitted under this paragraph shall be certified by a qualified member of the American Academy of Actuaries and shall meet actuarial guidelines and rules established by the Secretary under subparagraph (B)(v).''.

(2) ESTABLISHMENT OF ACTUARIAL GUIDELINES.—Section 1854(a)(6)(B) of the Social Security Act (42 U.S.C. 1395w–24(a)(6)(B)) is amended—

(A) in clause (i), by striking ''(iii) and (iv)'' and inserting ''(iii), (iv), and (v)''; and

(B) by adding at the end the following new clause:

''(v) ESTABLISHMENT OF ACTUARIAL GUIDELINES.—

''(I) IN GENERAL.—In order to establish fair MA competitive benchmarks under section 1853(j)(1)(A)(i), the Secretary, acting through the Chief Actuary of the Centers for Medicare & Medicaid Services (in this clause referred to as the 'Chief Actuary'), shall establish—

''(aa) actuarial guidelines for the submission of bid information under this paragraph; and

''(bb) bidding rules that are appropriate to ensure accurate bids and fair competition among MA plans.

''(II) DENIAL OF BID AMOUNTS.—The Secretary shall deny monthly bid amounts submitted under subparagraph (A) that do not meet the actuarial guidelines and rules established under subclause (I).

''(III) REFUSAL TO ACCEPT CERTAIN BIDS DUE TO MISREPRESENTATIONS AND FAILURES TO ADEQUATELY MEET REQUIREMENTS.—In the case where the Secretary determines that information submitted by an MA organization under subparagraph (A) contains consistent misrepresentations and failures to adequately meet requirements of the organization, the Secretary may refuse to accept any additional such bid amounts from the organization for the plan year and the Chief Actuary shall, if the Chief Actuary determines that the actuaries of the organization were complicit in those misrepresentations and failures, report those actuaries to the Actuarial Board for Counseling and Discipline.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to bid amounts submitted on or after January 1, 2012.

(e) MA LOCAL PLAN SERVICE AREAS.—

(1) IN GENERAL.—Section 1853(d) of the Social Security Act (42 U.S.C. 1395w–23(d)) is amended—

(A) in the subsection heading, by striking ''MA REGION'' and inserting ''MA REGION; MA LOCAL PLAN SERVICE AREA'';

(B) in paragraph (1), by striking subparagraph (A) and inserting the following:

''(A) with respect to an MA local plan—

''(i) for years before 2012, an MA local area (as defined in paragraph (2)); and

''(ii) for 2012 and succeeding years, a service area that is an entire urban or rural area, as applicable (as described in paragraph (5)); and''; and

(C) by adding at the end the following new paragraph:

''(5) MA LOCAL PLAN SERVICE AREA.—For 2012 and succeeding years, the service area for an MA local plan shall be an entire urban or rural area in each State as follows:

''(A) URBAN AREAS.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraphs (C) and (D), the service area for an MA local plan in an urban area shall be the Core Based Statistical Area (in this paragraph referred to as a 'CBSA') or, if applicable, a conceptually similar alternative classification, as defined by the Director of the Office of Management and Budget.

''(ii) CBSA COVERING MORE THAN ONE STATE.—In the case of a CBSA (or alternative classification) that covers more than one State, the Secretary shall divide the CBSA (or alternative classification) into separate service areas with respect to each State covered by the CBSA (or alternative classification).

''(B) RURAL AREAS.—Subject to subparagraphs (C) and (D), the service area for an MA local plan in a rural area shall be a county that does not qualify for inclusion in a CBSA (or alternative classification), as defined by the Director of the Office of Management and Budget.

''(C) REFINEMENTS TO SERVICE AREAS.—For 2015 and succeeding years, in order to reflect actual patterns of health care service utilization, the Secretary may adjust the boundaries of service areas for MA local plans in urban areas and

rural areas under subparagraphs (A) and (B), respectively, but may only do so based on recent analyses of actual patterns of care.

''(D) ADDITIONAL AUTHORITY TO MAKE LIMITED EXCEPTIONS TO SERVICE AREA REQUIREMENTS FOR MA LOCAL PLANS.—The Secretary may, in addition to any adjustments under subparagraph (C), make limited exceptions to service area requirements otherwise applicable under this part for MA local plans that have in effect (as of the date of enactment of the Patient Protection and Affordable Care Act)—

''(i) agreements with another MA organization or MA plan that preclude the offering of benefits throughout an entire service area; or

''(ii) limitations in their structural capacity to support adequate networks throughout an entire service area as a result of the delivery system model of the MA local plan.''.

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—

(i) Section 1851(b)(1) of the Social Security Act (42 U.S.C. 1395w–21(b)(1)) is amended by striking subparagraph (C).

(ii) Section 1853(b)(1)(B)(i) of such Act (42 U.S.C. 1395w–23(b)(1)(B)(i))—

(I) in the matter preceding subclause (I), by striking ''MA payment area'' and inserting ''MA local area (as defined in subsection (d)(2))''; and

(II) in subclause (I), by striking ''MA payment area'' and inserting ''MA local area (as so defined)''.

(iii) Section 1853(b)(4) of such Act (42 U.S.C. 1395w–23(b)(4)) is amended by striking ''Medicare Advantage payment area'' and inserting ''MA local area (as so defined)''.

(iv) Section 1853(c)(1) of such Act (42 U.S.C. 1395w–23(c)(1)) is amended—

(I) in the matter preceding subparagraph (A), by striking ''a Medicare Advantage payment area that is''; and

(II) in subparagraph (D)(i), by striking ''MA payment area'' and inserting ''MA local area (as defined in subsection (d)(2))''.

(v) Section 1854 of such Act (42 U.S.C. 1395w–24) is amended by striking subsection (h).

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on January 1, 2012.

(f) PERFORMANCE BONUSES.—

(1) MA PLANS.—

(A) IN GENERAL.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended by adding at the end the following new subsection:

''(n) PERFORMANCE BONUSES.—

''(1) CARE COORDINATION AND MANAGEMENT PERFORMANCE BONUS.—

''(A) IN GENERAL.—For years beginning with 2014, subject to subparagraph (B), in the case of an MA plan that conducts 1 or more programs described in subparagraph (C) with respect to the year, the Secretary shall, in addition to any other payment provided under this part, make monthly payments, with respect to coverage of an individual under this part, to the MA plan in an amount equal to the product of—

''(i) 0.5 percent of the national monthly per capita cost for expenditures for individuals enrolled under the original medicare fee-for-service program for the year; and

''(ii) the total number of programs described in clauses (i) through (ix) of subparagraph (C) that the Secretary determines the plan is conducting for the year under such subparagraph.

''(B) LIMITATION.—In no case may the total amount of payment with respect to a year under subparagraph (A) be greater than 2 percent of the national monthly per capita cost for expenditures for individuals enrolled under the original medicare fee-for-service program for the year, as determined prior to the application of risk adjustment under paragraph (4).

''(C) PROGRAMS DESCRIBED.—The following programs are described in this paragraph:

''(i) Care management programs that—

''(I) target individuals with 1 or more chronic conditions;

''(II) identify gaps in care; and

''(III) facilitate improved care by using additional resources like nurses, nurse practitioners, and physician assistants.

''(ii) Programs that focus on patient education and self-management of health conditions, including interventions that—

''(I) help manage chronic conditions;

''(II) reduce declines in health status; and

''(III) foster patient and provider collaboration.

''(iii) Transitional care interventions that focus on care provided around a hospital inpatient episode, including programs that target post-discharge patient care in order to reduce unnecessary health complications and readmissions.

''(iv) Patient safety programs, including provisions for hospital-based patient safety programs in contracts that the Medicare Advantage organization offering the MA plan has with hospitals.

''(v) Financial policies that promote systematic coordination of care by primary care physicians across the full spectrum of specialties and sites of care, such as medical homes, capitation arrangements, or pay-for-performance programs.

''(vi) Programs that address, identify, and ameliorate health care disparities among principal at-risk subpopulations.

''(vii) Medication therapy management programs that are more extensive than is required under section 1860D–4(c) (as determined by the Secretary).

''(viii) Health information technology programs, including clinical decision support and other tools to facilitate data collection and ensure patient-centered, appropriate care.

''(ix) Such other care management and coordination programs as the Secretary determines appropriate.

''(D) CONDUCT OF PROGRAM IN URBAN AND RURAL AREAS.—An MA plan may conduct a program described in subparagraph (C) in a manner appropriate for an urban or rural area, as applicable.

''(E) REPORTING OF DATA.—Each Medicare Advantage organization shall provide to the Secretary the information needed to determine whether they are eligible for a care coordination and management performance bonus at a time and in a manner specified by the Secretary.

''(F) PERIODIC AUDITING.—The Secretary shall provide for the annual auditing of programs described in subparagraph (C) for which an MA plan receives a care coordination and management performance bonus under this paragraph. The Comptroller General shall monitor auditing activities conducted under this subparagraph.

''(2) QUALITY PERFORMANCE BONUSES.—

''(A) QUALITY BONUS.—For years beginning with 2014, the Secretary shall, in addition to any other payment provided under this part, make monthly payments, with respect to coverage of an individual under this part, to an MA plan that achieves at least a 3 star rating (or comparable rating) on a rating system described in subparagraph (C) in an amount equal to—

''(i) in the case of a plan that achieves a 3 star rating (or comparable rating) on such system 2 percent of the national monthly per capita cost for expenditures for individuals enrolled under the original medicare fee-for-service program for the year; and

''(ii) in the case of a plan that achieves a 4 or 5 star rating (or comparable rating on such system, 4 percent of such national monthly per capita cost for the year.

''(B) IMPROVED QUALITY BONUS.—For years beginning with 2014, in the case of an MA plan that does not receive a quality bonus under subparagraph (A) and is an improved quality MA plan with respect to the year (as identified by the Secretary), the Secretary shall, in addition to any other payment provided under this part, make monthly payments, with respect to coverage of an individual under this part, to the MA plan in an amount equal to 1 percent of such national monthly per capita cost for the year.

''(C) USE OF RATING SYSTEM.—For purposes of subparagraph (A), a rating system described in this paragraph is—

''(i) a rating system that uses up to 5 stars to rate clinical quality and enrollee satisfaction and performance at the Medicare Advantage contract or MA plan level; or

''(ii) such other system established by the Secretary that provides for the determination of a comparable quality performance rating to the rating system described in clause (i).

''(D) DATA USED IN DETERMINING SCORE.—

''(i) IN GENERAL.—The rating of an MA plan under the rating system described in subparagraph (C) with respect to a year shall be based on based on the most recent data available.

''(ii) PLANS THAT FAIL TO REPORT DATA.—An MA plan which does not report data that enables the Secretary to rate the plan for purposes of subparagraph (A) or identify the plan for purposes of subparagraph (B) shall be counted, for purposes of such rating or identification, as having the lowest plan performance rating and the lowest percentage improvement, respectively.

''(3) QUALITY BONUS FOR NEW AND LOW ENROLLMENT MA PLANS.—

''(A) NEW MA PLANS.—For years beginning with 2014, in the case of an MA plan that first submits a bid under section 1854(a)(1)(A) for 2012 or a subsequent year, only receives enrollments made during the coverage election periods described in section 1851(e), and is not able to receive a bonus under subparagraph (A) or (B) of paragraph (2) for the year, the Secretary shall, in addition to any other payment provided under this part, make monthly payments, with respect to coverage of an individual under this part, to the MA plan in an amount equal to 2 percent of national monthly per capita cost for expenditures for individuals enrolled under the original medicare fee-for-service program for the year. In its fourth year of operation, the MA plan shall be paid in the same manner as other MA plans with comparable enrollment.

''(B) LOW ENROLLMENT PLANS.—For years beginning with 2014, in the case of an MA plan that has low enrollment (as defined by the Secretary) and would not otherwise be able to receive a bonus under subparagraph (A) or (B) of paragraph (2) or subparagraph (A) of this paragraph for the year (referred to in this subparagraph as a 'low enrollment plan'), the Secretary shall use a regional or local mean of the rating of all MA plans in the region or local area, as determined appropriate by the Secretary, on measures used to determine whether MA plans are eligible for a quality or an improved quality bonus, as applicable, to determine whether the low enrollment plan is eligible for a bonus under such a subparagraph.

''(4) RISK ADJUSTMENT.—The Secretary shall risk adjust a performance bonus under this subsection in the same manner as the Secretary risk adjusts beneficiary rebates described in section 1854(b)(1)(C).

''(5) NOTIFICATION.—The Secretary, in the annual announcement required under subsection (b)(1)(B) for 2014 and each succeeding year, shall notify the Medicare Advantage organization of any performance bonus (including a care coordination and management performance bonus under paragraph (1), a quality performance bonus under paragraph (2), and a quality bonus for new and low enrollment plans under paragraph (3)) that the organization will receive under this subsection with respect to the year. The Secretary shall provide for the publication of the information described in the previous sentence on the Internet website of the Centers for Medicare & Medicaid Services.''

(B) CONFORMING AMENDMENT.—Section 1853(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–23(a)(1)(B)) is amended—

(i) in clause (i), by inserting ''and any performance bonus under subsection (n)'' before the period at the end; and

(ii) in clause (ii), by striking ''(G)'' and inserting ''(G), plus the amount (if any) of any performance bonus under subsection (n)''.

(2) APPLICATION OF PERFORMANCE BONUSES TO MA REGIONAL PLANS.—Section 1858 of the Social Security Act (42 U.S.C. 1395w–27a) is amended—

(A) in subsection (f)(1), by striking ''subsection (e)'' and inserting ''subsections (e) and (i)''; and

(B) by adding at the end the following new subsection:

''(i) APPLICATION OF PERFORMANCE BONUSES TO MA REGIONAL PLANS.—For years beginning with 2014, the Secretary shall apply the performance bonuses under section 1853(n) (relating to bonuses for care coordination and management, quality performance, and new and low enrollment MA plans) to MA regional plans in a similar manner as such performance bonuses apply to MA plans under such subsection.''.

(g) GRANDFATHERING SUPPLEMENTAL BENEFITS FOR CURRENT ENROLLEES AFTER IMPLEMENTATION OF COMPETITIVE BIDDING.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23), as amended by subsection (f), is amended by adding at the end the following new subsection:

''(o) GRANDFATHERING SUPPLEMENTAL BENEFITS FOR CURRENT ENROLLES AFTER IMPLEMENTATION OF COMPETITIVE BIDDING.—

''(1) IDENTIFICATION OF AREAS.—The Secretary shall identify MA local areas in which, with respect to 2009, average bids submitted by an MA organization under section 1854(a) for MA local plans in the area are not greater than 75 percent of the adjusted average per capita cost for the year involved, determined under section 1876(a)(4), for the area for individuals who are not enrolled in an MA plan under this part for the year, but adjusted to exclude costs attributable to payments under section 1848(o), 1886(n), and 1886(h).

''(2) ELECTION TO PROVIDE REBATES TO GRANDFATHERED ENROLLEES.—

''(A) IN GENERAL.—For years beginning with 2012, each Medicare Advantage organization offering an MA local plan in an area identified by the Secretary under paragraph (1) may elect to provide rebates to grandfathered enrollees under section 1854(b)(1)(C). In the case where an MA organization makes such an election, the monthly per capita dollar amount of such rebates shall not exceed the applicable amount for the year (as defined in subparagraph (B)).

''(B) APPLICABLE AMOUNT.—For purposes of this subsection, the term 'applicable amount' means—

''(i) for 2012, the monthly per capita dollar amount of such rebates provided to enrollees under the MA local plan with respect to 2011; and

''(ii) for a subsequent year, 95 percent of the amount determined under this subparagraph for the preceding year.

''(3) SPECIAL RULES FOR PLANS IN IDENTIFIED AREAS.—Notwithstanding any other provision of this part, the following shall apply with respect to each Medicare Advantage organization offering an MA local plan in an area identified by the Secretary under paragraph (1) that makes an election described in paragraph (2):

''(A) PAYMENTS.—The amount of the monthly payment under this section to the Medicare Advantage organization, with respect to coverage of a grandfathered enrollee under this part in the area for a month, shall be equal to—

''(i) for 2012 and 2013, the sum of—

''(I) the bid amount under section 1854(a) for the MA local plan; and

''(II) the applicable amount (as defined in paragraph (2)(B)) for the MA local plan for the year.

''(ii) for 2014 and subsequent years, the sum of—

''(I) the MA competitive benchmark amount under subsection (j)(1)(A)(i) for the area for the month, adjusted, only to the extent the Secretary determines necessary, to account for induced utilization as a result of rebates provided to grandfathered enrollees (except that such adjustment shall not exceed 0.5 percent of such MA competitive benchmark amount); and

''(II) the applicable amount (as so defined) for the MA local plan for the year.

''(B) REQUIREMENT TO SUBMIT BIDS UNDER COMPETITIVE BIDDING.—The Medicare Advantage organization shall submit a single bid amount under section 1854(a) for the MA local plan. The Medicare Advantage organization shall remove from such bid amount any effects of induced demand for care that may result from the higher rebates available to grandfathered enrollees under this subsection.

''(C) NONAPPLICATION OF BONUS PAYMENTS AND ANY OTHER REBATES.—The Medicare Advantage organization offering the MA local plan shall not be eligible for any bonus payment under subsection (n) or any rebate under this part (other than as provided under this subsection) with respect to grandfathered enrollees.

''(D) NONAPPLICATION OF UNIFORM BID AND PREMIUM AMOUNTS TO GRANDFATHERED ENROLLEES.—Section 1854(c) shall not apply with respect to the MA local plan.

''(E) NONAPPLICATION OF LIMITATION ON APPLICATION OF PLAN REBATES TOWARD PAYMENT OF PART B PREMIUM.—Notwithstanding clause (iii) of section 1854(b)(1)(C), in the case of a grandfathered enrollee, a rebate under such section may be used for the purpose described in clause (ii)(III) of such section.

''(F) RISK ADJUSTMENT.—The Secretary shall risk adjust rebates to grandfathered enrollees under this subsection in the same manner as the Secretary risk adjusts beneficiary rebates described in section 1854(b)(1)(C).

''(4) DEFINITION OF GRANDFATHERED ENROLLEE.—In this subsection, the term 'grandfathered enrollee' means an individual who is enrolled (effective as of the date of enactment of this subsection) in an MA local plan in an area that is identified by the Secretary under paragraph (1).''.

(h) TRANSITIONAL EXTRA BENEFITS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23), as amended by subsections (f) and (g), is amended by adding at the end the following new subsection:

''(p) TRANSITIONAL EXTRA BENEFITS.—

''(1) IN GENERAL.—For years beginning with 2012, the Secretary shall provide transitional rebates under section 1854(b)(1)(C) for the provision of extra benefits (as specified by the Secretary) to enrollees described in paragraph (2).

''(2) ENROLLEES DESCRIBED.—An enrollee described in this paragraph is an individual who—

''(A) enrolls in an MA local plan in an applicable area; and

''(B) experiences a significant reduction in extra benefits described in clause (ii) of section 1854(b)(1)(C) as a result of competitive bidding under this part (as determined by the Secretary).

''(3) APPLICABLE AREAS.—In this subsection, the term 'applicable area' means the following:

''(A) The 2 largest metropolitan statistical areas, if the Secretary determines that the total amount of such extra benefits for each enrollee for the month in those areas is greater than $100.

''(B) A county where—

''(i) the MA area-specific non-drug monthly benchmark amount for a month in 2011 is equal to the legacy urban floor amount (as described in subsection (c)(1)(B)(iii)), as determined by the Secretary for the area for 2011;

''(ii) the percentage of Medicare Advantage eligible beneficiaries in the county who are enrolled in an MA plan for 2009 is greater than 30 percent (as determined by the Secretary); and

''(iii) average bids submitted by an MA organization under section 1854(a) for MA local plans in the county for 2011 are not greater than the adjusted average per capita cost for the year involved, determined under section 1876(a)(4), for the county for individuals who are not enrolled in an MA plan under this part for the year, but adjusted to exclude costs attributable to payments under section 1848(o), 1886(n), and 1886(h).

''(C) If the Secretary determines appropriate, a county contiguous to an area or county described in subparagraph (A) or (B), respectively.

''(4) REVIEW OF PLAN BIDS.—In the case of a bid submitted by an MA organization under section 1854(a) for an MA local plan in an applicable area, the Secretary shall review such bid in order to ensure that extra benefits (as specified by the Secretary) are provided to enrollees described in paragraph (2).

''(5) FUNDING.—The Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund established under section 1841, in such proportion as the Secretary determines appropriate, of an amount not to exceed $5,000,000,000 for the period of fiscal years 2012 through 2019 for the purpose of providing transitional rebates under section 1854(b)(1)(C) for the provision of extra benefits under this subsection.''.

(i) NONAPPLICATION OF COMPETITIVE BIDDING AND RELATED PROVISIONS AND CLARIFICATION OF MA PAYMENT AREA FOR PACE PROGRAMS.—

(1) NONAPPLICATION OF COMPETITIVE BIDDING AND RELATED PROVISIONS FOR PACE PROGRAMS.—Section 1894 of the Social Security Act (42 U.S.C. 1395eee) is amended—

(A) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively;

(B) by inserting after subsection (g) the following new subsection:

''(h) NONAPPLICATION OF COMPETITIVE BIDDING AND RELATED PROVISIONS UNDER PART C.—With respect to a PACE program under this section, the following provisions (and regulations relating to such provisions) shall not apply:

''(1) Section 1853(j)(1)(A)(i), relating to MA area-specific non-drug monthly benchmark amount being based on competitive bids.

''(2) Section 1853(d)(5), relating to the establishment of MA local plan service areas.

''(3) Section 1853(n), relating to the payment of performance bonuses.

''(4) Section 1853(o), relating to grandfathering supplemental benefits for current enrollees after implementation of competitive bidding.

''(5) Section 1853(p), relating to transitional extra benefits.''.

(2) SPECIAL RULE FOR MA PAYMENT AREA FOR PACE PROGRAMS.—Section 1853(d) of the Social Security Act (42 U.S.C. 1395w–23(d)), as amended by subsection (e), is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR MA PAYMENT AREA FOR PACE PROGRAMS.—For years beginning with 2012, in the case of a PACE program under section 1894, the MA payment area shall be the MA local area (as defined in paragraph (2)).''.

SEC. 3202. BENEFIT PROTECTION AND SIMPLIFICATION.

(a) LIMITATION ON VARIATION OF COST SHARING FOR CERTAIN BENEFITS.—

(1) IN GENERAL.—Section 1852(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)) is amended—

(A) in clause (i), by inserting '', subject to clause (iii),'' after ''and B or''; and

(B) by adding at the end the following new clauses:

''(iii) LIMITATION ON VARIATION OF COST SHARING FOR CERTAIN BENEFITS.—Subject to clause (v), cost-sharing for services described in clause (iv) shall not exceed the cost-sharing required for those services under parts A and B.

''(iv) SERVICES DESCRIBED.—The following services are described in this clause:

''(I) Chemotherapy administration services.

''(II) Renal dialysis services (as defined in section 1881(b)(14)(B)).

''(III) Skilled nursing care.

''(IV) Such other services that the Secretary determines appropriate (including services that the Secretary determines require a high level of predictability and transparency for beneficiaries).

''(v) EXCEPTION.—In the case of services described in clause (iv) for which there is no cost-sharing required under parts A and B, cost-sharing may be required for those services in accordance with clause (i).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning on or after January 1, 2011.

(b) APPLICATION OF REBATES, PERFORMANCE BONUSES, AND PREMIUMS.—

(1) APPLICATION OF REBATES.—Section 1854(b)(1)(C) of the Social Security Act (42 U.S.C. 1395w–24(b)(1)(C)) is amended—

(A) in clause (ii), by striking ''REBATE.—A rebate'' and inserting ''REBATE FOR PLAN YEARS BEFORE 2012.—For plan years before 2012, a rebate'';

(B) by redesignating clauses (iii) and (iv) as clauses (iv) and (v); and

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

''(iii) FORM OF REBATE FOR PLAN YEAR 2012 AND SUBSEQUENT PLAN YEARS.—For plan years beginning on or after January 1, 2012, a rebate required under this subparagraph may not be used for the purpose described in clause (ii)(III) and shall be provided through the application of the amount of the rebate in the following priority order:

''(I) First, to use the most significant share to meaningfully reduce cost-sharing otherwise applicable for benefits under the original medicare fee-for-service program under parts A and B and for qualified prescription drug coverage under part D, including the reduction of any deductibles, copayments, and maximum limitations on out-of-pocket expenses otherwise applicable. Any reduction of maximum limitations on out-of-pocket expenses under the preceding sentence shall apply to all benefits under the original medicare fee-for-service program option. The Secretary may provide guidance on meaningfully reducing cost-sharing under this subclause, except that such guidance may not require a particular amount of cost-sharing or reduction in cost-sharing.

''(II) Second, to use the next most significant share to meaningfully provide coverage of preventive and wellness health care benefits (as defined by the Secretary) which are not benefits under the original medicare fee-for-service program, such as smoking cessation, a free flu shot, and an annual physical examination.

''(III) Third, to use the remaining share to meaningfully provide coverage of other health care benefits which are not benefits under the original medicare fee-for-service program, such as eye examinations and dental coverage, and are not benefits described in subclause (II).''.

(2) APPLICATION OF PERFORMANCE BONUSES.—Section 1853(n) of the Social Security Act, as added by section 3201(f), is amended by adding at the end the following new paragraph:

''(6) APPLICATION OF PERFORMANCE BONUSES.—For plan years beginning on or after January 1, 2014, any performance bonus paid to an MA plan under this subsection shall be used for the purposes, and in the priority order, described in subclauses (I) through (III) of section 1854(b)(1)(C)(iii).''.

(3) APPLICATION OF MA MONTHLY SUPPLEMENTARY BENEFICIARY PREMIUM.—Section 1854(b)(2)(C) of the Social Security Act (42 U.S.C. 1395w–24(b)(2)(C)) is amended—

(A) by striking ''PREMIUM.—The term'' and inserting ''PREMIUM.—

''(i) IN GENERAL.—The term''; and

(B) by adding at the end the following new clause:

''(ii) APPLICATION OF MA MONTHLY SUPPLEMENTARY BENEFICIARY PREMIUM.—For plan years beginning on or after January 1, 2012, any MA monthly supplementary beneficiary premium charged to an individual enrolled in an MA plan shall be used for the purposes, and in the priority order, described in subclauses (I) through (III) of paragraph (1)(C)(iii).''.

SEC. 3203. APPLICATION OF CODING INTENSITY ADJUSTMENT DURING MA PAYMENT TRANSITION.

Section 1853(a)(1)(C) of the Social Security Act (42 U.S.C. 1395w–23(a)(1)(C)) is amended by adding at the end the following new clause:

''(iii) APPLICATION OF CODING INTENSITY ADJUSTMENT FOR 2011 AND SUBSEQUENT YEARS.—

''(I) REQUIREMENT TO APPLY IN 2011 THROUGH 2013.—In order to ensure payment accuracy, the Secretary shall conduct an analysis of the differences described in clause (ii)(I). The Secretary shall ensure that the results of such analysis are incorporated into the risk scores for 2011, 2012, and 2013.

''(II) AUTHORITY TO APPLY IN 2014 AND SUBSEQUENT YEARS.—The Secretary may, as appropriate, incorporate the results of such analysis into the risk scores for 2014 and subsequent years.''.

SEC. 3204. SIMPLIFICATION OF ANNUAL BENEFICIARY ELECTION PERIODS.

(a) ANNUAL 45-DAY PERIOD FOR DISENROLLMENT FROM MA PLANS TO ELECT TO RECEIVE BENEFITS UNDER THE ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM.—

(1) IN GENERAL.—Section 1851(e)(2)(C) of the Social Security Act (42 U.S.C. 1395w–1(e)(2)(C)) is amended to read as follows:

''(C) ANNUAL 45-DAY PERIOD FOR DISENROLLMENT FROM MA PLANS TO ELECT TO RECEIVE BENEFITS UNDER THE ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM.—Subject to subparagraph (D), at any time during the first 45 days of a year (beginning with 2011), an individual who is enrolled in a Medicare Advantage plan may change the election under subsection (a)(1), but only with respect to coverage under the original medicare fee-for-service program under parts A and B, and may elect qualified prescription drug coverage in accordance with section 1860D–1.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to 2011 and succeeding years.

(b) TIMING OF THE ANNUAL, COORDINATED ELECTION PERIOD UNDER PARTS C AND D.—Section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395w–1(e)(3)(B)) is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) in clause (iv)—

(A) by striking ''and succeeding years'' and inserting '', 2008, 2009, and 2010''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(v) with respect to 2012 and succeeding years, the period beginning on October 15 and ending on December 7 of the year before such year.''.

SEC. 3205. EXTENSION FOR SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS.

(a) EXTENSION OF SNP AUTHORITY.—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)), as amended by section 164(a) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking ''2011'' and inserting ''2014''.

(b) AUTHORITY TO APPLY FRAILTY ADJUSTMENT UNDER PACE PAYMENT RULES.—Section 1853(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–23(a)(1)(B)) is amended by adding at the end the following new clause:

''(iv) AUTHORITY TO APPLY FRAILTY ADJUSTMENT UNDER PACE PAYMENT RULES FOR CERTAIN SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS.—

''(I) IN GENERAL.—Notwithstanding the preceding provisions of this paragraph, for plan year 2011 and subsequent plan years, in the case of a plan described in subclause (II), the Secretary may apply the payment rules under section 1894(d) (other than paragraph (3) of such section) rather than the payment rules that would otherwise apply under this part, but only to the extent necessary to reflect the costs of treating high concentrations of frail individuals.

''(II) PLAN DESCRIBED.—A plan described in this subclause is a specialized MA plan for special needs individuals described in section 1859(b)(6)(B)(ii) that is fully integrated with capitated contracts with States for Medicaid benefits, including long-term care, and that have similar average levels of frailty (as determined by the Secretary) as the PACE program.''.

(c) TRANSITION AND EXCEPTION REGARDING RESTRICTION ON ENROLLMENT.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)) is amended by adding at the end the following new paragraph:

''(6) TRANSITION AND EXCEPTION REGARDING RESTRICTION ON ENROLLMENT.—

''(A) IN GENERAL.—Subject to subparagraph (C), the Secretary shall establish procedures for the transition of applicable individuals to—

''(i) a Medicare Advantage plan that is not a specialized MA plan for special needs individuals (as defined in subsection (b)(6)); or

''(ii) the original medicare fee-for-service program under parts A and B.

''(B) APPLICABLE INDIVIDUALS.—For purposes of clause (i), the term 'applicable individual' means an individual who—

''(i) is enrolled under a specialized MA plan for special needs individuals (as defined in subsection (b)(6)); and

''(ii) is not within the 1 or more of the classes of special needs individuals to which enrollment under the plan is restricted to.

''(C) EXCEPTION.—The Secretary shall provide for an exception to the transition described in subparagraph (A) for a limited period of time for individuals enrolled under a specialized MA plan for special needs individuals described in subsection (b)(6)(B)(ii) who are no longer eligible for medical assistance under title XIX.

''(D) TIMELINE FOR INITIAL TRANSITION.—The Secretary shall ensure that applicable individuals enrolled in a specialized MA plan for special needs individuals (as defined in subsection (b)(6)) prior to January 1, 2010, are transitioned to a plan or the program described in subparagraph (A) by not later than January 1, 2013.''.

(d) TEMPORARY EXTENSION OF AUTHORITY TO OPERATE BUT NO SERVICE AREA EXPANSION FOR DUAL SPECIAL NEEDS PLANS THAT DO NOT MEET CERTAIN REQUIREMENTS.—Section 164(c)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

(e) AUTHORITY TO REQUIRE SPECIAL NEEDS PLANS BE NCQA APPROVED.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)), as amended by subsections (a) and (c), is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

''(C) If applicable, the plan meets the requirement described in paragraph (7).'';

(2) in paragraph (3), by adding at the end the following new subparagraph:

''(E) If applicable, the plan meets the requirement described in paragraph (7).'';

(3) in paragraph (4), by adding at the end the following new subparagraph:

''(C) If applicable, the plan meets the requirement described in paragraph (7).''; and

(4) by adding at the end the following new paragraph:

''(7) AUTHORITY TO REQUIRE SPECIAL NEEDS PLANS BE NCQA APPROVED.—For 2012 and subsequent years, the Secretary shall require that a Medicare Advantage organization offering a specialized MA plan for special needs individuals be approved by the National Committee for Quality Assurance (based on standards established by the Secretary).''.

(f) RISK ADJUSTMENT.—Section 1853(a)(1)(C) of the Social Security Act (42 U.S.C. 1395i–23(a)(1)(C)) is amended by adding at the end the following new clause:

''(iii) IMPROVEMENTS TO RISK ADJUSTMENT FOR SPECIAL NEEDS INDIVIDUALS WITH CHRONIC HEALTH CONDITIONS.—

''(I) IN GENERAL.—For 2011 and subsequent years, for purposes of the adjustment under clause (i) with respect to individuals described in subclause (II), the Secretary shall use a risk score that reflects the known underlying risk profile and chronic health status of similar individuals. Such risk score shall be used instead of the default risk score for new enrollees in Medicare Advantage plans that are not specialized MA plans for special needs individuals (as defined in section 1859(b)(6)).

''(II) INDIVIDUALS DESCRIBED.—An individual described in this subclause is a special needs individual described in subsection (b)(6)(B)(iii) who enrolls in a specialized MA plan for special needs individuals on or after January 1, 2011.

''(III) EVALUATION.—For 2011 and periodically thereafter, the Secretary shall evaluate and revise the risk adjustment system under this subparagraph in order to, as accurately as possible, account for higher medical and care coordination costs associated with frailty, individuals with multiple, comorbid chronic conditions, and individuals with a diagnosis of mental illness, and also to account for costs that may be associated with higher concentrations of beneficiaries with those conditions.

''(IV) PUBLICATION OF EVALUATION AND REVISIONS.—The Secretary shall publish, as part of an announcement under subsection (b), a description of any evaluation conducted under subclause (III) during the preceding year and any revisions made under such subclause as a result of such evaluation.''.

(g) TECHNICAL CORRECTION.—Section 1859(f)(5) of the Social Security Act (42 U.S.C. 1395w–28(f)(5)) is amended, in the matter preceding subparagraph (A), by striking ''described in subsection (b)(6)(B)(i)''.

SEC. 3206. EXTENSION OF REASONABLE COST CONTRACTS.

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended, in the matter preceding subclause (I), by striking ''January 1, 2010'' and inserting ''January 1, 2013''.

SEC. 3207. TECHNICAL CORRECTION TO MA PRIVATE FEE-FOR-SERVICE PLANS.

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

SEC. 3208. MAKING SENIOR HOUSING FACILITY DEMONSTRATION PERMANENT.

(a) IN GENERAL.—Section 1859 of the Social Security Act (42 U.S.C. 1395w–28) is amended by adding at the end the following new subsection:

''(g) SPECIAL RULES FOR SENIOR HOUSING FACILITY PLANS.—

''(1) IN GENERAL.—In the case of a Medicare Advantage senior housing facility plan described in paragraph (2), notwithstanding any other provision of this part to the contrary and in accordance with regulations of the Secretary, the service area of such plan may be limited to a senior housing facility in a geographic area.

''(2) MEDICARE ADVANTAGE SENIOR HOUSING FACILITY PLAN DESCRIBED.—For purposes of this subsection, a Medicare Advantage senior housing facility plan is a Medicare Advantage plan that—

''(A) restricts enrollment of individuals under this part to individuals who reside in a continuing care retirement community (as defined in section 1852(l)(4)(B));

''(B) provides primary care services onsite and has a ratio of accessible physicians to beneficiaries that the Secretary determines is adequate;

''(C) provides transportation services for beneficiaries to specialty providers outside of the facility; and

''(D) has participated (as of December 31, 2009) in a demonstration project established by the Secretary under which such a plan was offered for not less than 1 year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2010, and shall apply to plan years beginning on or after such date.

SEC. 3209. AUTHORITY TO DENY PLAN BIDS.

(a) IN GENERAL.—Section 1854(a)(5) of the Social Security Act (42 U.S.C. 1395w–24(a)(5)) is amended by adding at the end the following new subparagraph:

''(C) REJECTION OF BIDS.—

''(i) IN GENERAL.—Nothing in this section shall be construed as requiring the Secretary to accept any or every bid submitted by an MA organization under this subsection.

''(ii) AUTHORITY TO DENY BIDS THAT PROPOSE SIGNIFICANT INCREASES IN COST SHARING OR DECREASES IN BENEFITS.—The Secretary may deny a bid submitted by an MA organization for an MA plan if it proposes significant increases in cost sharing or decreases in benefits offered under the plan.''.

(b) APPLICATION UNDER PART D.—Section 1860D–11(d) of such Act (42 U.S.C. 1395w–111(d)) is amended by adding at the end the following new paragraph:

''(3) REJECTION OF BIDS.—Paragraph (5)(C) of section 1854(a) shall apply with respect to bids submitted by a PDP sponsor under subsection (b) in the same manner as such paragraph applies to bids submitted by an MA organization under such section 1854(a).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bids submitted for contract years beginning on or after January 1, 2011.

SEC. 3210. DEVELOPMENT OF NEW STANDARDS FOR CERTAIN MEDIGAP PLANS.

(a) IN GENERAL.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following new subsection:

''(y) DEVELOPMENT OF NEW STANDARDS FOR CERTAIN MEDICARE SUPPLEMENTAL POLICIES.—

''(1) IN GENERAL.—The Secretary shall request the National Association of Insurance Commissioners to review and revise the standards for benefit packages described in paragraph (2) under subsection (p)(1), to otherwise update standards to include requirements for nominal cost sharing to encourage the use of appropriate physicians' services under part B. Such revisions shall be based on evidence published in peer-reviewed journals or current examples used by integrated delivery systems and made consistent with the rules applicable under subsection (p)(1)(E) with the reference to the '1991 NAIC Model Regulation' deemed a reference to the NAIC Model Regulation as published in the Federal Register on December 4, 1998, and as subsequently updated by the National Association of Insurance Commissioners to reflect previous changes in law and the reference to 'date of enactment of this subsection' deemed a reference to the date of enactment of the Patient Protection and Affordable Care Act. To the extent practicable, such revision shall provide for the implementation of revised standards for benefit packages as of January 1, 2015.

''(2) BENEFIT PACKAGES DESCRIBED.—The benefit packages described in this paragraph are benefit packages classified as 'C' and 'F'.''.

(b) CONFORMING AMENDMENT.—Section 1882(o)(1) of the Social Security Act (42 U.S.C. 1395ss(o)(1)) is amended by striking '', and (w)'' and inserting ''(w), and (y)''.

Subtitle D—Medicare Part D Improvements for Prescription Drug Plans and MA–PD Plans

SEC. 3301. MEDICARE COVERAGE GAP DISCOUNT PROGRAM.

(a) CONDITION FOR COVERAGE OF DRUGS UNDER PART D.—Part D of Title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.), is amended by adding at the end the following new section:

''CONDITION FOR COVERAGE OF DRUGS UNDER THIS PART

''SEC. 1860D–43. (a) IN GENERAL.—In order for coverage to be available under this part for covered part D drugs (as defined in section 1860D–2(e)) of a manufacturer, the manufacturer must—

''(1) participate in the Medicare coverage gap discount program under section 1860D–14A;

''(2) have entered into and have in effect an agreement described in subsection (b) of such section with the Secretary; and

''(3) have entered into and have in effect, under terms and conditions specified by the Secretary, a contract with a third party that the Secretary has entered into a contract with under subsection (d)(3) of such section.

''(b) EFFECTIVE DATE.—Subsection (a) shall apply to covered part D drugs dispensed under this part on or after July 1, 2010.

''(c) AUTHORIZING COVERAGE FOR DRUGS NOT COVERED UNDER AGREEMENTS.—Subsection (a) shall not apply to the dispensing of a covered part D drug if—

''(1) the Secretary has made a determination that the availability of the drug is essential to the health of beneficiaries under this part; or

''(2) the Secretary determines that in the period beginning on July 1, 2010, and ending on December 31, 2010, there were extenuating circumstances.

''(d) DEFINITION OF MANUFACTURER.—In this section, the term 'manufacturer' has the meaning given such term in section 1860D–14A(g)(5).''.

(b) MEDICARE COVERAGE GAP DISCOUNT PROGRAM.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101) is amended by inserting after section 1860D–14 the following new section:

''MEDICARE COVERAGE GAP DISCOUNT PROGRAM

''SEC. 1860D–14A. (a) ESTABLISHMENT.—The Secretary shall establish a Medicare coverage gap discount program (in this section referred to as the 'program') by not later than July 1, 2010. Under the program, the Secretary shall enter into agreements described in subsection (b) with manufacturers and provide for the performance of the duties described in subsection (c)(1). The Secretary shall establish a model agreement for use under the program by not later than April 1, 2010, in consultation with manufacturers, and allow for comment on such model agreement.

''(b) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—

''(A) AGREEMENT.—An agreement under this section shall require the manufacturer to provide applicable beneficiaries access to discounted prices for applicable drugs of the manufacturer.

''(B) PROVISION OF DISCOUNTED PRICES AT THE POINT-OF-SALE.—Except as provided in subsection (c)(1)(A)(iii), such discounted prices shall be provided to the applicable beneficiary at the pharmacy or by the mail order service at the point-of-sale of an applicable drug.

''(C) TIMING OF AGREEMENT.—

''(i) SPECIAL RULE FOR 2010 AND 2011.—In order for an agreement with a manufacturer to be in effect under this section with respect to the period beginning on July 1, 2010, and ending on December 31, 2011, the manufacturer shall enter into such agreement not later than May 1, 2010.

''(ii) 2012 AND SUBSEQUENT YEARS.—In order for an agreement with a manufacturer to be in effect under this section with respect to plan year 2012 or a subsequent plan year, the manufacturer shall enter into such agreement (or

such agreement shall be renewed under paragraph (4)(A)) not later than January 30 of the preceding year.

''(2) PROVISION OF APPROPRIATE DATA.—Each manufacturer with an agreement in effect under this section shall collect and have available appropriate data, as determined by the Secretary, to ensure that it can demonstrate to the Secretary compliance with the requirements under the program.

''(3) COMPLIANCE WITH REQUIREMENTS FOR ADMINISTRATION OF PROGRAM.—Each manufacturer with an agreement in effect under this section shall comply with requirements imposed by the Secretary or a third party with a contract under subsection (d)(3), as applicable, for purposes of administering the program, including any determination under clause (i) of subsection (c)(1)(A) or procedures established under such subsection (c)(1)(A).

''(4) LENGTH OF AGREEMENT.—

''(A) IN GENERAL.—An agreement under this section shall be effective for an initial period of not less than 18 months and shall be automatically renewed for a period of not less than 1 year unless terminated under subparagraph (B).

''(B) TERMINATION.—

''(i) BY THE SECRETARY.—The Secretary may provide for termination of an agreement under this section for a knowing and willful violation of the requirements of the agreement or other good cause shown. Such termination shall not be effective earlier than 30 days after the date of notice to the manufacturer of such termination. The Secretary shall provide, upon request, a manufacturer with a hearing concerning such a termination, and such hearing shall take place prior to the effective date of the termination with sufficient time for such effective date to be repealed if the Secretary determines appropriate.

''(ii) BY A MANUFACTURER.—A manufacturer may terminate an agreement under this section for any reason. Any such termination shall be effective, with respect to a plan year—

''(I) if the termination occurs before January 30 of a plan year, as of the day after the end of the plan year; and

''(II) if the termination occurs on or after January 30 of a plan year, as of the day after the end of the succeeding plan year.

''(iii) EFFECTIVENESS OF TERMINATION.—Any termination under this subparagraph shall not affect discounts for applicable drugs of the manufacturer that are due under the agreement before the effective date of its termination.

''(iv) NOTICE TO THIRD PARTY.—The Secretary shall provide notice of such termination to a third party with a contract under subsection (d)(3) within not less than 30 days before the effective date of such termination.

''(c) DUTIES DESCRIBED AND SPECIAL RULE FOR SUPPLEMENTAL BENEFITS.—

''(1) DUTIES DESCRIBED.—The duties described in this subsection are the following:

''(A) ADMINISTRATION OF PROGRAM.—Administering the program, including—

''(i) the determination of the amount of the discounted price of an applicable drug of a manufacturer;

''(ii) except as provided in clause (iii), the establishment of procedures under which discounted prices are provided to applicable beneficiaries at pharmacies or by mail order service at the point-of-sale of an applicable drug;

''(iii) in the case where, during the period beginning on July 1, 2010, and ending on December 31, 2011, it is not practicable to provide such discounted prices at the point-of-sale (as described in clause (ii)), the establishment of procedures to provide such discounted prices as soon as practicable after the point-of-sale;

''(iv) the establishment of procedures to ensure that, not later than the applicable number of calendar days after the dispensing of an applicable drug by a pharmacy or mail order service, the pharmacy or mail order service is reimbursed for an amount equal to the difference between—

''(I) the negotiated price of the applicable drug; and

''(II) the discounted price of the applicable drug;

''(v) the establishment of procedures to ensure that the discounted price for an applicable drug under this section is applied before any coverage or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage on behalf of applicable beneficiaries as the Secretary may specify;

''(vi) the establishment of procedures to implement the special rule for supplemental benefits under paragraph (2); and

''(vii) providing a reasonable dispute resolution mechanism to resolve disagreements between manufacturers, applicable beneficiaries, and the third party with a contract under subsection (d)(3).

''(B) MONITORING COMPLIANCE.—

''(i) IN GENERAL.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under this section.

''(ii) NOTIFICATION.—If a third party with a contract under subsection (d)(3) determines that the manufacturer is not in compliance with such agreement, the third party shall notify the Secretary of such noncompliance for appropriate enforcement under subsection (e).

''(C) COLLECTION OF DATA FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS.—The Secretary may collect appropriate data from prescription drug plans and MA–PD plans in a timeframe that allows for discounted prices to be provided for applicable drugs under this section.

''(2) SPECIAL RULE FOR SUPPLEMENTAL BENEFITS.—For plan year 2010 and each subsequent plan year, in the case where an applicable beneficiary has supplemental benefits with respect to applicable drugs under the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in, the applicable beneficiary shall not be provided a discounted price for an applicable drug under this section until after such supplemental benefits have been applied with respect to the applicable drug.

''(d) ADMINISTRATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide for the implementation of this section, including the performance of the duties described in subsection (c)(1).

''(2) LIMITATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), in providing for such implementation, the Secretary shall not receive or distribute any funds of a manufacturer under the program.

''(B) EXCEPTION.—The limitation under subparagraph (A) shall not apply to the Secretary with respect to drugs dispensed during the period beginning on July 1, 2010, and ending on December 31, 2010, but only if the Secretary determines that the exception to such limitation under this subparagraph is necessary in order for the Secretary to begin implementation of this section and provide applicable beneficiaries timely access to discounted prices during such period.

''(3) CONTRACT WITH THIRD PARTIES.—The Secretary shall enter into a contract with 1 or more third parties to administer the requirements established by the Secretary in order to carry out this section. At a minimum, the contract with a third party under the preceding sentence shall require that the third party—

''(A) receive and transmit information between the Secretary, manufacturers, and other individuals or entities the Secretary determines appropriate;

''(B) receive, distribute, or facilitate the distribution of funds of manufacturers to appropriate individuals or entities in order to meet the obligations of manufacturers under agreements under this section;

''(C) provide adequate and timely information to manufacturers, consistent with the agreement with the manufacturer under this section, as necessary for the manufacturer to fulfill its obligations under this section; and

''(D) permit manufacturers to conduct periodic audits, directly or through contracts, of the data and information used by the third party to determine discounts for applicable drugs of the manufacturer under the program.

''(4) PERFORMANCE REQUIREMENTS.—The Secretary shall establish performance requirements for a third party with a contract under paragraph (3) and safeguards to protect the independence and integrity of the activities carried out by the third party under the program under this section.

''(5) IMPLEMENTATION.—The Secretary may implement the program under this section by program instruction or otherwise.

''(6) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the program under this section.

''(e) ENFORCEMENT.—

''(1) AUDITS.—Each manufacturer with an agreement in effect under this section shall be subject to periodic audit by the Secretary.

''(2) CIVIL MONEY PENALTY.—

''(A) IN GENERAL.—The Secretary shall impose a civil money penalty on a manufacturer that fails to provide applicable beneficiaries discounts for applicable drugs of the manufacturer in accordance with such agreement for each such failure in an amount the Secretary determines is commensurate with the sum of—

''(i) the amount that the manufacturer would have paid with respect to such discounts under the agreement, which will then be used to pay the discounts which the manufacturer had failed to provide; and

''(ii) 25 percent of such amount.

''(B) APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(f) CLARIFICATION REGARDING AVAILABILITY OF OTHER COVERED PART D DRUGS.—Nothing in this section shall prevent an applicable beneficiary from purchasing a covered part D drug that is not an applicable drug (including a generic drug or a drug that is not on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in).

''(g) DEFINITIONS.—In this section:

''(1) APPLICABLE BENEFICIARY.—The term 'applicable beneficiary' means an individual who, on the date of dispensing an applicable drug—

''(A) is enrolled in a prescription drug plan or an MA–PD plan;

''(B) is not enrolled in a qualified retiree prescription drug plan;

''(C) is not entitled to an income-related subsidy under section 1860D–14(a);

''(D) is not subject to a reduction in premium subsidy under section 1839(i); and

''(E) who—

''(i) has reached or exceeded the initial coverage limit under section 1860D–2(b)(3) during the year; and

''(ii) has not incurred costs for covered part D drugs in the year equal to the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B).

''(2) APPLICABLE DRUG.—The term 'applicable drug' means, with respect to an applicable beneficiary, a covered part D drug—

''(A) approved under a new drug application under section 505(b) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 351 of the Public Health Service Act (other than a product licensed under subsection (k) of such section 351); and

''(B)(i) if the PDP sponsor of the prescription drug plan or the MA organization offering the MA–PD plan uses a formulary, which is on the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in;

''(ii) if the PDP sponsor of the prescription drug plan or the MA organization offering the

MA–PD plan does not use a formulary, for which benefits are available under the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in; or

''(iii) is provided through an exception or appeal.

''(3) APPLICABLE NUMBER OF CALENDAR DAYS.—The term 'applicable number of calendar days' means—

''(A) with respect to claims for reimbursement submitted electronically, 14 days; and

''(B) with respect to claims for reimbursement submitted otherwise, 30 days.

''(4) DISCOUNTED PRICE.—

''(A) IN GENERAL.—The term 'discounted price' means 50 percent of the negotiated price of the applicable drug of a manufacturer.

''(B) CLARIFICATION.—Nothing in this section shall be construed as affecting the responsibility of an applicable beneficiary for payment of a dispensing fee for an applicable drug.

''(C) SPECIAL CASE FOR CERTAIN CLAIMS.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall at or above the initial coverage limit under section 1860D–2(b)(3) and below the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) for the year, the manufacturer of the applicable drug shall provide the discounted price under this section on only the portion of the negotiated price of the applicable drug that falls at or above such initial coverage limit and below such annual out-of-pocket threshold.

''(5) MANUFACTURER.—The term 'manufacturer' means any entity which is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drug products, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Such term does not include a wholesale distributor of drugs or a retail pharmacy licensed under State law.

''(6) NEGOTIATED PRICE.—The term 'negotiated price' has the meaning given such term in section 423.100 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this section), except that such negotiated price shall not include any dispensing fee for the applicable drug.

''(7) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug plan' has the meaning given such term in section 1860D–22(a)(2).''.

(c) INCLUSION IN INCURRED COSTS.—

(1) IN GENERAL.—Section 1860D–2(b)(4) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)) is amended—

(A) in subparagraph (C), in the matter preceding clause (i), by striking ''In applying'' and inserting ''Except as provided in subparagraph (E), in applying''; and

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

''(E) INCLUSION OF COSTS OF APPLICABLE DRUGS UNDER MEDICARE COVERAGE GAP DISCOUNT PROGRAM.—In applying subparagraph (A), incurred costs shall include the negotiated price (as defined in paragraph (6) of section 1860D–14A(g)) of an applicable drug (as defined in paragraph (2) of such section) of a manufacturer that is furnished to an applicable beneficiary (as defined in paragraph (1) of such section) under the Medicare coverage gap discount program under section 1860D–14A, regardless of whether part of such costs were paid by a manufacturer under such program.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to costs incurred on or after July 1, 2010.

(d) CONFORMING AMENDMENT PERMITTING PRESCRIPTION DRUG DISCOUNTS.—

(1) IN GENERAL.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(A) by striking ''and'' at the end of subparagraph (G);

(B) in the subparagraph (H) added by section 237(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2213)—

(i) by moving such subparagraph 2 ems to the left; and

(ii) by striking the period at the end and inserting a semicolon;

(C) in the subparagraph (H) added by section 431(a) of such Act (117 Stat. 2287)—

(i) by redesignating such subparagraph as subparagraph (I);

(ii) by moving such subparagraph 2 ems to the left; and

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

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

''(J) a discount in the price of an applicable drug (as defined in paragraph (2) of section 1860D–14A(g)) of a manufacturer that is furnished to an applicable beneficiary (as defined in paragraph (1) of such section) under the Medicare coverage gap discount program under section 1860D–14A.''.

(2) CONFORMING AMENDMENT TO DEFINITION OF BEST PRICE UNDER MEDICAID.—Section 1927(c)(1)(C)(i)(VI) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(i)(VI)) is amended by inserting '', or any discounts provided by manufacturers under the Medicare coverage gap discount program under section 1860D–14A'' before the period at the end.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to drugs dispensed on or after July 1, 2010.

SEC. 3302. IMPROVEMENT IN DETERMINATION OF MEDICARE PART D LOW-INCOME BENCHMARK PREMIUM.

(a) IN GENERAL.—Section 1860D–14(b)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–114(b)(2)(B)(iii)) is amended by inserting '', determined without regard to any reduction in such premium as a result of any beneficiary rebate under section 1854(b)(1)(C) or bonus payment under section 1853(n)'' before the period at the end.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to premiums for months beginning on or after January 1, 2011.

SEC. 3303. VOLUNTARY DE MINIMIS POLICY FOR SUBSIDY ELIGIBLE INDIVIDUALS UNDER PRESCRIPTION DRUG PLANS AND MA–PD PLANS.

(a) IN GENERAL.—Section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a)) is amended by adding at the end the following new paragraph:

''(5) WAIVER OF DE MINIMIS PREMIUMS.—The Secretary shall, under procedures established by the Secretary, permit a prescription drug plan or an MA–PD plan to waive the monthly beneficiary premium for a subsidy eligible individual if the amount of such premium is de minimis. If such premium is waived under the plan, the Secretary shall not reassign subsidy eligible individuals enrolled in the plan to other plans based on the fact that the monthly beneficiary premium under the plan was greater than the low-income benchmark premium amount.''.

(b) AUTHORIZING THE SECRETARY TO AUTO-ENROLL SUBSIDY ELIGIBLE INDIVIDUALS IN PLANS THAT WAIVE DE MINIMIS PREMIUMS.—Section 1860D–1(b)(1) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)) is amended—

(1) in subparagraph (C), by inserting ''except as provided in subparagraph (D),'' after ''shall include,''

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

''(D) SPECIAL RULE FOR PLANS THAT WAIVE DE MINIMIS PREMIUMS.—The process established under subparagraph (A) may include, in the case of a part D eligible individual who is a subsidy eligible individual (as defined in section 1860D–14(a)(3)) who has failed to enroll in a prescription drug plan or an MA–PD plan, for the enrollment in a prescription drug plan or MA–PD plan that has waived the monthly beneficiary premium for such subsidy eligible individual under section 1860D–14(a)(5). If there is more than one such plan available, the Secretary shall enroll such an individual under the preceding sentence on a random basis among all such plans in the PDP region. Nothing in the previous sentence shall prevent such an individual from declining or changing such enrollment.''.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to premiums for months, and enrollments for plan years, beginning on or after January 1, 2011.

SEC. 3304. SPECIAL RULE FOR WIDOWS AND WIDOWERS REGARDING ELIGIBILITY FOR LOW-INCOME ASSISTANCE.

(a) IN GENERAL.—Section 1860D–14(a)(3)(B) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(B)) is amended by adding at the end the following new clause:

''(vi) SPECIAL RULE FOR WIDOWS AND WIDOWERS.—Notwithstanding the preceding provisions of this subparagraph, in the case of an individual whose spouse dies during the effective period for a determination or redetermination that has been made under this subparagraph, such effective period shall be extended through the date that is 1 year after the date on which the determination or redetermination would (but for the application of this clause) otherwise cease to be effective.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2011.

SEC. 3305. IMPROVED INFORMATION FOR SUBSIDY ELIGIBLE INDIVIDUALS REASSIGNED TO PRESCRIPTION DRUG PLANS AND MA–PD PLANS.

Section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) FACILITATION OF REASSIGNMENTS.—Beginning not later than January 1, 2011, the Secretary shall, in the case of a subsidy eligible individual who is enrolled in one prescription drug plan and is subsequently reassigned by the Secretary to a new prescription drug plan, provide the individual, within 30 days of such reassignment, with—

''(1) information on formulary differences between the individual's former plan and the plan to which the individual is reassigned with respect to the individual's drug regimens; and

''(2) a description of the individual's right to request a coverage determination, exception, or reconsideration under section 1860D–4(g), bring an appeal under section 1860D–4(h), or resolve a grievance under section 1860D–4(f).''.

SEC. 3306. FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note) is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Centers for Medicare & Medicaid Services Program Management Account—

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

''(ii) for the period of fiscal years 2010 through 2012, of $15,000,000.

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

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

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

''(ii) for the period of fiscal years 2010 through 2012, of $15,000,000.

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

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

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

''(ii) for the period of fiscal years 2010 through 2012, of $10,000,000.

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

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

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

''(ii) for the period of fiscal years 2010 through 2012, of $5,000,000.

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

(e) SECRETARIAL AUTHORITY TO ENLIST SUPPORT IN CONDUCTING CERTAIN OUTREACH ACTIVITIES.—Such section 119 is amended by adding at the end the following new subsection:

''(g) SECRETARIAL AUTHORITY TO ENLIST SUPPORT IN CONDUCTING CERTAIN OUTREACH ACTIVITIES.—The Secretary may request that an entity awarded a grant under this section support the conduct of outreach activities aimed at preventing disease and promoting wellness. Notwithstanding any other provision of this section, an entity may use a grant awarded under this subsection to support the conduct of activities described in the preceding sentence.''.

SEC. 3307. IMPROVING FORMULARY REQUIREMENTS FOR PRESCRIPTION DRUG PLANS AND MA–PD PLANS WITH RESPECT TO CERTAIN CATEGORIES OR CLASSES OF DRUGS.

(a) IMPROVING FORMULARY REQUIREMENTS.—Section 1860D–4(b)(3)(G) of the Social Security Act is amended to read as follows:

''(G) REQUIRED INCLUSION OF DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

''(i) FORMULARY REQUIREMENTS.—

''(I) IN GENERAL.—Subject to subclause (II), a PDP sponsor offering a prescription drug plan shall be required to include all covered part D drugs in the categories and classes identified by the Secretary under clause (ii)(I).

''(II) EXCEPTIONS.—The Secretary may establish exceptions that permit a PDP sponsor offering a prescription drug plan to exclude from its formulary a particular covered part D drug in a category or class that is otherwise required to be included in the formulary under subclause (I) (or to otherwise limit access to such a drug, including through prior authorization or utilization management).

''(ii) IDENTIFICATION OF DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

''(I) IN GENERAL.—Subject to clause (iv), the Secretary shall identify, as appropriate, categories and classes of drugs for which the Secretary determines are of clinical concern.

''(II) CRITERIA.—The Secretary shall use criteria established by the Secretary in making any determination under subclause (I).

''(iii) IMPLEMENTATION.—The Secretary shall establish the criteria under clause (ii)(II) and any exceptions under clause (i)(II) through the promulgation of a regulation which includes a public notice and comment period.

''(iv) REQUIREMENT FOR CERTAIN CATEGORIES AND CLASSES UNTIL CRITERIA ESTABLISHED.—Until such time as the Secretary establishes the criteria under clause (ii)(II) the following categories and classes of drugs shall be identified under clause (ii)(I):

''(I) Anticonvulsants.

''(II) Antidepressants.

''(III) Antineoplastics.

''(IV) Antipsychotics.

''(V) Antiretrovirals.

''(VI) Immunosuppressants for the treatment of transplant rejection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan year 2011 and subsequent plan years.

SEC. 3308. REDUCING PART D PREMIUM SUBSIDY FOR HIGH-INCOME BENEFICIARIES.

(a) INCOME-RELATED INCREASE IN PART D PREMIUM.—

(1) IN GENERAL.—Section 1860D–13(a) of the Social Security Act (42 U.S.C. 1395w–113(a)) is amended by adding at the end the following new paragraph:

''(7) INCREASE IN BASE BENEFICIARY PREMIUM BASED ON INCOME.—

''(A) IN GENERAL.—In the case of an individual whose modified adjusted gross income exceeds the threshold amount applicable under paragraph (2) of section 1839(i) (including application of paragraph (5) of such section) for the calendar year, the monthly amount of the beneficiary premium applicable under this section for a month after December 2010 shall be increased by the monthly adjustment amount specified in subparagraph (B).

''(B) MONTHLY ADJUSTMENT AMOUNT.—The monthly adjustment amount specified in this subparagraph for an individual for a month in a year is equal to the product of—

''(i) the quotient obtained by dividing—

''(I) the applicable percentage determined under paragraph (3)(C) of section 1839(i) (including application of paragraph (5) of such section) for the individual for the calendar year reduced by 25.5 percent; by

''(II) 25.5 percent; and

''(ii) the base beneficiary premium (as computed under paragraph (2)).

''(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' has the meaning given such term in subparagraph (A) of section 1839(i)(4), determined for the taxable year applicable under subparagraphs (B) and (C) of such section.

''(D) DETERMINATION BY COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security shall make any determination necessary to carry out the income-related increase in the base beneficiary premium under this paragraph.

''(E) PROCEDURES TO ASSURE CORRECT INCOME-RELATED INCREASE IN BASE BENEFICIARY PREMIUM.—

''(i) DISCLOSURE OF BASE BENEFICIARY PREMIUM.—Not later than September 15 of each year beginning with 2010, the Secretary shall disclose to the Commissioner of Social Security the amount of the base beneficiary premium (as computed under paragraph (2)) for the purpose of carrying out the income-related increase in the base beneficiary premium under this paragraph with respect to the following year.

''(ii) ADDITIONAL DISCLOSURE.—Not later than October 15 of each year beginning with 2010, the Secretary shall disclose to the Commissioner of Social Security the following information for the purpose of carrying out the income-related increase in the base beneficiary premium under this paragraph with respect to the following year:

''(I) The modified adjusted gross income threshold applicable under paragraph (2) of section 1839(i) (including application of paragraph (5) of such section).

''(II) The applicable percentage determined under paragraph (3)(C) of section 1839(i) (including application of paragraph (5) of such section).

''(III) The monthly adjustment amount specified in subparagraph (B).

''(IV) Any other information the Commissioner of Social Security determines necessary to carry out the income-related increase in the base beneficiary premium under this paragraph.

''(F) RULE OF CONSTRUCTION.—The formula used to determine the monthly adjustment amount specified under subparagraph (B) shall only be used for the purpose of determining such monthly adjustment amount under such subparagraph.''.

(2) COLLECTION OF MONTHLY ADJUSTMENT AMOUNT.—Section 1860D–13(c) of the Social Security Act (42 U.S.C. 1395w–113(c)) is amended—

(A) in paragraph (1), by striking ''(2) and (3)'' and inserting ''(2), (3), and (4)''; and

(B) by adding at the end the following new paragraph:

''(4) COLLECTION OF MONTHLY ADJUSTMENT AMOUNT.—

''(A) IN GENERAL.—Notwithstanding any provision of this subsection or section 1854(d)(2), subject to subparagraph (B), the amount of the income-related increase in the base beneficiary premium for an individual for a month (as determined under subsection (a)(7)) shall be paid through withholding from benefit payments in the manner provided under section 1840.

''(B) AGREEMENTS.—In the case where the monthly benefit payments of an individual that are withheld under subparagraph (A) are insufficient to pay the amount described in such subparagraph, the Commissioner of Social Security shall enter into agreements with the Secretary, the Director of the Office of Personnel Management, and the Railroad Retirement Board as necessary in order to allow other agencies to collect the amount described in subparagraph (A) that was not withheld under such subparagraph.''.

(b) CONFORMING AMENDMENTS.—

(1) MEDICARE.—Section 1860D–13(a)(1) of the Social Security Act (42 U.S.C. 1395w–113(a)(1)) is amended—

(A) by redesignating subparagraph (F) as subparagraph (G);

(B) in subparagraph (G), as redesignated by subparagraph (A), by striking ''(D) and (E)'' and inserting ''(D), (E), and (F)''; and

(C) by inserting after subparagraph (E) the following new subparagraph:

''(F) INCREASE BASED ON INCOME.—The monthly beneficiary premium shall be increased pursuant to paragraph (7).''.

(2) INTERNAL REVENUE CODE.—Section 6103(l)(20) of the Internal Revenue Code of 1986 (relating to disclosure of return information to carry out Medicare part B premium subsidy adjustment) is amended—

(A) in the heading, by inserting ''AND PART D BASE BENEFICIARY PREMIUM INCREASE'' after ''PART B PREMIUM SUBSIDY ADJUSTMENT'';

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting ''or increase under section 1860D–13(a)(7)'' after ''1839(i)''; and

(ii) in clause (vii), by inserting after ''subsection (i) of such section'' the following: ''or increase under section 1860D–13(a)(7) of such Act''; and

(C) in subparagraph (B)—

(i) by striking ''Return information'' and inserting the following:

''(i) IN GENERAL.—Return information'';

(ii) by inserting ''or increase under such section 1860D–13(a)(7)'' before the period at the end;

(iii) as amended by clause (i), by inserting ''or for the purpose of resolving taxpayer appeals with respect to any such premium adjustment or increase'' before the period at the end; and

(iv) by adding at the end the following new clause:

''(ii) DISCLOSURE TO OTHER AGENCIES.—Officers, employees, and contractors of the Social Security Administration may disclose—

''(I) the taxpayer identity information and the amount of the premium subsidy adjustment or premium increase with respect to a taxpayer described in subparagraph (A) to officers, employees, and contractors of the Centers for Medicare and Medicaid Services, to the extent that such disclosure is necessary for the collection of the premium subsidy amount or the increased premium amount,

''(II) the taxpayer identity information and the amount of the premium subsidy adjustment or the increased premium amount with respect to a taxpayer described in subparagraph (A) to officers and employees of the Office of Personnel

Management and the Railroad Retirement Board, to the extent that such disclosure is necessary for the collection of the premium subsidy amount or the increased premium amount,

''(III) return information with respect to a taxpayer described in subparagraph (A) to officers and employees of the Department of Health and Human Services to the extent necessary to resolve administrative appeals of such premium subsidy adjustment or increased premium, and

''(IV) return information with respect to a taxpayer described in subparagraph (A) to officers and employees of the Department of Justice for use in judicial proceedings to the extent necessary to carry out the purposes described in clause (i).''.

SEC. 3309. ELIMINATION OF COST SHARING FOR CERTAIN DUAL ELIGIBLE INDIVIDUALS.

Section 1860D–14(a)(1)(D)(i) of the Social Security Act (42 U.S.C. 1395w–114(a)(1)(D)(i)) is amended by inserting ''or, effective on a date specified by the Secretary (but in no case earlier than January 1, 2012), who would be such an institutionalized individual or couple, if the full-benefit dual eligible individual were not receiving services under a home and community-based waiver authorized for a State under section 1115 or subsection (c) or (d) of section 1915 or under a State plan amendment under subsection (i) of such section or services provided through enrollment in a medicaid managed care organization with a contract under section 1903(m) or under section 1932'' after ''1902(q)(1)(B))''.

SEC. 3310. REDUCING WASTEFUL DISPENSING OF OUTPATIENT PRESCRIPTION DRUGS IN LONG-TERM CARE FACILITIES UNDER PRESCRIPTION DRUG PLANS AND MA–PD PLANS.

(a) IN GENERAL.—Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)) is amended by adding at the end the following new paragraph:

''(3) REDUCING WASTEFUL DISPENSING OF OUTPATIENT PRESCRIPTION DRUGS IN LONG-TERM CARE FACILITIES.—The Secretary shall require PDP sponsors of prescription drug plans to utilize specific, uniform dispensing techniques, as determined by the Secretary, in consultation with relevant stakeholders (including representatives of nursing facilities, residents of nursing facilities, pharmacists, the pharmacy industry (including retail and long-term care pharmacy), prescription drug plans, MA–PD plans, and any other stakeholders the Secretary determines appropriate), such as weekly, daily, or automated dose dispensing, when dispensing covered part D drugs to enrollees who reside in a long-term care facility in order to reduce waste associated with 30-day fills.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2012.

SEC. 3311. IMPROVED MEDICARE PRESCRIPTION DRUG PLAN AND MA–PD PLAN COMPLAINT SYSTEM.

(a) IN GENERAL.—The Secretary shall develop and maintain a complaint system, that is widely known and easy to use, to collect and maintain information on MA–PD plan and prescription drug plan complaints that are received (including by telephone, letter, e-mail, or any other means) by the Secretary (including by a regional office of the Department of Health and Human Services, the Medicare Beneficiary Ombudsman, a subcontractor, a carrier, a fiscal intermediary, and a Medicare administrative contractor under section 1874A of the Social Security Act (42 U.S.C. 1395kk)) through the date on which the complaint is resolved. The system shall be able to report and initiate appropriate interventions and monitoring based on substantial complaints and to guide quality improvement.

(b) MODEL ELECTRONIC COMPLAINT FORM.—The Secretary shall develop a model electronic complaint form to be used for reporting plan complaints under the system. Such form shall be prominently displayed on the front page of the Medicare.gov Internet website and on the Internet website of the Medicare Beneficiary Ombudsman.

(c) ANNUAL REPORTS BY THE SECRETARY.—The Secretary shall submit to Congress annual reports on the system. Such reports shall include an analysis of the number and types of complaints reported in the system, geographic variations in such complaints, the timeliness of agency or plan responses to such complaints, and the resolution of such complaints.

(d) DEFINITIONS.—In this section:

(1) MA–PD PLAN.—The term ''MA–PD plan'' has the meaning given such term in section 1860D–41(a)(9) of such Act (42 U.S.C. 1395w–151(a)(9)).

(2) PRESCRIPTION DRUG PLAN.—The term ''prescription drug plan'' has the meaning given such term in section 1860D–41(a)(14) of such Act (42 U.S.C. 1395w–151(a)(14)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(4) SYSTEM.—The term ''system'' means the plan complaint system developed and maintained under subsection (a).

SEC. 3312. UNIFORM EXCEPTIONS AND APPEALS PROCESS FOR PRESCRIPTION DRUG PLANS AND MA–PD PLANS.

(a) IN GENERAL.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)) is amended by adding at the end the following new subparagraph:

''(H) USE OF SINGLE, UNIFORM EXCEPTIONS AND APPEALS PROCESS.—Notwithstanding any other provision of this part, each PDP sponsor of a prescription drug plan shall—

''(i) use a single, uniform exceptions and appeals process (including, to the extent the Secretary determines feasible, a single, uniform model form for use under such process) with respect to the determination of prescription drug coverage for an enrollee under the plan; and

''(ii) provide instant access to such process by enrollees through a toll-free telephone number and an Internet website.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to exceptions and appeals on or after January 1, 2012.

SEC. 3313. OFFICE OF THE INSPECTOR GENERAL STUDIES AND REPORTS.

(a) STUDY AND ANNUAL REPORT ON PART D FORMULARIES' INCLUSION OF DRUGS COMMONLY USED BY DUAL ELIGIBLES.—

(1) STUDY.—The Inspector General of the Department of Health and Human Services shall conduct a study of the extent to which formularies used by prescription drug plans and MA–PD plans under part D include drugs commonly used by full-benefit dual eligible individuals (as defined in section 1935(c)(6) of the Social Security Act (42 U.S.C. 1396u–5(c)(6))).

(2) ANNUAL REPORTS.—Not later than July 1 of each year (beginning with 2011), the Inspector General shall submit to Congress a report on the study conducted under paragraph (1), together with such recommendations as the Inspector General determines appropriate.

(b) STUDY AND REPORT ON PRESCRIPTION DRUG PRICES UNDER MEDICARE PART D AND MEDICAID.—

(1) STUDY.—

(A) IN GENERAL.—The Inspector General of the Department of Health and Human Services shall conduct a study on prices for covered part D drugs under the Medicare prescription drug program under part D of title XVIII of the Social Security Act and for covered outpatient drugs under title XIX. Such study shall include the following:

(i) A comparison, with respect to the 200 most frequently dispensed covered part D drugs under such program and covered outpatient drugs under such title (as determined by the Inspector General based on volume and expenditures), of—

(I) the prices paid for covered part D drugs by PDP sponsors of prescription drug plans and Medicare Advantage organizations offering MA–PD plans; and

(II) the prices paid for covered outpatient drugs by a State plan under title XIX.

(ii) An assessment of—

(I) the financial impact of any discrepancies in such prices on the Federal Government; and

(II) the financial impact of any such discrepancies on enrollees under part D or individuals eligible for medical assistance under a State plan under title XIX.

(B) PRICE.—For purposes of subparagraph (A), the price of a covered part D drug or a covered outpatient drug shall include any rebate or discount under such program or such title, respectively, including any negotiated price concession described in section 1860D–2(d)(1)(B) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)(B)) or rebate under an agreement under section 1927 of the Social Security Act (42 U.S.C. 1396r–8).

(C) AUTHORITY TO COLLECT ANY NECESSARY INFORMATION.—Notwithstanding any other provision of law, the Inspector General of the Department of Health and Human Services shall be able to collect any information related to the prices of covered part D drugs under such program and covered outpatient drugs under such title XIX necessary to carry out the comparison under subparagraph (A).

(2) REPORT.—

(A) IN GENERAL.—Not later than October 1, 2011, subject to subparagraph (B), the Inspector General shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate.

(B) LIMITATION ON INFORMATION CONTAINED IN REPORT.—The report submitted under subparagraph (A) shall not include any information that the Inspector General determines is proprietary or is likely to negatively impact the ability of a PDP sponsor or a State plan under title XIX to negotiate prices for covered part D drugs or covered outpatient drugs, respectively.

(3) DEFINITIONS.—In this section:

(A) COVERED PART D DRUG.—The term ''covered part D drug'' has the meaning given such term in section 1860D–2(e) of the Social Security Act (42 U.S.C. 1395w–102(e)).

(B) COVERED OUTPATIENT DRUG.—The term ''covered outpatient drug'' has the meaning given such term in section 1927(k) of such Act (42 U.S.C. 1396r(k)).

(C) MA–PD PLAN.—The term ''MA–PD plan'' has the meaning given such term in section 1860D–41(a)(9) of such Act (42 U.S.C. 1395w–151(a)(9)).

(D) MEDICARE ADVANTAGE ORGANIZATION.—The term ''Medicare Advantage organization'' has the meaning given such term in section 1859(a)(1) of such Act (42 U.S.C. 1395w–28)(a)(1)).

(E) PDP SPONSOR.—The term ''PDP sponsor'' has the meaning given such term in section 1860D–41(a)(13) of such Act (42 U.S.C. 1395w–151(a)(13)).

(F) PRESCRIPTION DRUG PLAN.—The term ''prescription drug plan'' has the meaning given such term in section 1860D–41(a)(14) of such Act (42 U.S.C. 1395w–151(a)(14)).

SEC. 3314. INCLUDING COSTS INCURRED BY AIDS DRUG ASSISTANCE PROGRAMS AND INDIAN HEALTH SERVICE IN PROVIDING PRESCRIPTION DRUGS TOWARD THE ANNUAL OUT-OF-POCKET THRESHOLD UNDER PART D.

(a) IN GENERAL.—Section 1860D–2(b)(4)(C) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(C)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii)—

(A) by striking ''such costs shall be treated as incurred only if'' and inserting ''subject to clause (iii), such costs shall be treated as incurred only if'';

(B) by striking '', under section 1860D–14, or under a State Pharmaceutical Assistance Program''; and

(C) by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (ii) the following new clause:

''(iii) such costs shall be treated as incurred and shall not be considered to be reimbursed under clause (ii) if such costs are borne or paid—

''(I) under section 1860D–14;

''(II) under a State Pharmaceutical Assistance Program;

''(III) by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act); or

''(IV) under an AIDS Drug Assistance Program under part B of title XXVI of the Public Health Service Act.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to costs incurred on or after January 1, 2011.

SEC. 3315. IMMEDIATE REDUCTION IN COVERAGE GAP IN 2010.

Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (3)(A), by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (7)''; and

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

''(7) INCREASE IN INITIAL COVERAGE LIMIT IN 2010.—

''(A) IN GENERAL.—For the plan year beginning on January 1, 2010, the initial coverage limit described in paragraph (3)(B) otherwise applicable shall be increased by $500.

''(B) APPLICATION.—In applying subparagraph (A)—

''(i) except as otherwise provided in this subparagraph, there shall be no change in the premiums, bids, or any other parameters under this part or part C;

''(ii) costs that would be treated as incurred costs for purposes of applying paragraph (4) but for the application of subparagraph (A) shall continue to be treated as incurred costs;

''(iii) the Secretary shall establish procedures, which may include a reconciliation process, to fully reimburse PDP sponsors with respect to prescription drug plans and MA organizations with respect to MA–PD plans for the reduction in beneficiary cost sharing associated with the application of subparagraph (A);

''(iv) the Secretary shall develop an estimate of the additional increased costs attributable to the application of this paragraph for increased drug utilization and financing and administrative costs and shall use such estimate to adjust payments to PDP sponsors with respect to prescription drug plans under this part and MA organizations with respect to MA–PD plans under part C; and

''(v) the Secretary shall establish procedures for retroactive reimbursement of part D eligible individuals who are covered under such a plan for costs which are incurred before the date of initial implementation of subparagraph (A) and which would be reimbursed under such a plan if such implementation occurred as of January 1, 2010.

''(C) NO EFFECT ON SUBSEQUENT YEARS.—The increase under subparagraph (A) shall only apply with respect to the plan year beginning on January 1, 2010, and the initial coverage limit for plan years beginning on or after January 1, 2011, shall be determined as if subparagraph (A) had never applied.''.

Subtitle E—Ensuring Medicare Sustainability

SEC. 3401. REVISION OF CERTAIN MARKET BASKET UPDATES AND INCORPORATION OF PRODUCTIVITY IMPROVEMENTS INTO MARKET BASKET UPDATES THAT DO NOT ALREADY INCORPORATE SUCH IMPROVEMENTS.

(a) INPATIENT ACUTE HOSPITALS.—Section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)), as amended by section 3001(a)(3), is further amended—

(1) in clause (i)(XX), by striking ''clause (viii)'' and inserting ''clauses (viii), (ix), (xi), and (xii)'';

(2) in the first sentence of clause (viii), by inserting ''of such applicable percentage increase (determined without regard to clause (ix), (xi), or (xii))'' after ''one-quarter'';

(3) in the first sentence of clause (ix)(I), by inserting ''(determined without regard to clause (viii), (xi), or (xii))'' after ''clause (i)'' the second time it appears; and

(4) by adding at the end the following new clauses:

''(xi)(I) For 2012 and each subsequent fiscal year, after determining the applicable percentage increase described in clause (i) and after application of clauses (viii) and (ix), such percentage increase shall be reduced by the productivity adjustment described in subclause (II).

''(II) The productivity adjustment described in this subclause, with respect to a percentage, factor, or update for a fiscal year, year, cost reporting period, or other annual period, is a productivity adjustment equal to the 10-year moving average of changes in annual economy-wide private nonfarm business multi-factor productivity (as projected by the Secretary for the 10-year period ending with the applicable fiscal year, year, cost reporting period, or other annual period).

''(III) The application of subclause (I) may result in the applicable percentage increase described in clause (i) being less than 0.0 for a fiscal year, and may result in payment rates under this section for a fiscal year being less than such payment rates for the preceding fiscal year.

''(xii) After determining the applicable percentage increase described in clause (i), and after application of clauses (viii), (ix), and (xi), the Secretary shall reduce such applicable percentage increase—

''(I) for each of fiscal years 2010 and 2011, by 0.25 percentage point; and

''(II) subject to clause (xiii), for each of fiscal years 2012 through 2019, by 0.2 percentage point.

The application of this clause may result in the applicable percentage increase described in clause (i) being less than 0.0 for a fiscal year, and may result in payment rates under this section for a fiscal year being less than such payment rates for the preceding fiscal year.

''(xiii) Clause (xii) shall be applied with respect to any of fiscal years 2014 through 2019 by substituting '0.0 percentage points' for '0.2 percentage point', if for such fiscal year—

''(I) the excess (if any) of—

''(aa) the total percentage of the non-elderly insured population for the preceding fiscal year (based on the most recent estimates available from the Director of the Congressional Budget Office before a vote in either House on the Patient Protection and Affordable Care Act that, if determined in the affirmative, would clear such Act for enrollment); over

''(bb) the total percentage of the non-elderly insured population for such preceding fiscal year (as estimated by the Secretary); exceeds

''(II) 5 percentage points.''.

(b) SKILLED NURSING FACILITIES.—Section 1888(e)(5)(B) of the Social Security Act (42 U.S.C. 1395yy(e)(5)(B)) is amended—

(1) by striking ''PERCENTAGE.—The term'' and inserting ''PERCENTAGE.—

''(i) IN GENERAL.—Subject to clause (ii), the term''; and

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

''(ii) ADJUSTMENT.—For fiscal year 2012 and each subsequent fiscal year, after determining the percentage described in clause (i), the Secretary shall reduce such percentage by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II). The application of the preceding sentence may result in such percentage being less than 0.0 for a fiscal year, and may result in payment rates under this subsection for a fiscal year being less than such payment rates for the preceding fiscal year.''.

(c) LONG-TERM CARE HOSPITALS.—Section 1886(m) of the Social Security Act (42 U.S.C. 1395ww(m)) is amended by adding at the end the following new paragraphs:

''(3) IMPLEMENTATION FOR RATE YEAR 2010 AND SUBSEQUENT YEARS.—

''(A) IN GENERAL.—In implementing the system described in paragraph (1) for rate year 2010 and each subsequent rate year, any annual update to a standard Federal rate for discharges for the hospital during the rate year, shall be reduced—

''(i) for rate year 2012 and each subsequent rate year, by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II); and

''(ii) for each of rate years 2010 through 2019, by the other adjustment described in paragraph (4).

''(B) SPECIAL RULE.—The application of this paragraph may result in such annual update being less than 0.0 for a rate year, and may result in payment rates under the system described in paragraph (1) for a rate year being less than such payment rates for the preceding rate year.

''(4) OTHER ADJUSTMENT.—

''(A) IN GENERAL.—For purposes of paragraph (3)(A)(ii), the other adjustment described in this paragraph is—

''(i) for each of rate years 2010 and 2011, 0.25 percentage point; and

''(ii) subject to subparagraph (B), for each of rate years 2012 through 2019, 0.2 percentage point.

''(B) REDUCTION OF OTHER ADJUSTMENT.—Subparagraph (A)(ii) shall be applied with respect to any of rate years 2014 through 2019 by substituting '0.0 percentage points' for '0.2 percentage point', if for such rate year—

''(i) the excess (if any) of—

''(I) the total percentage of the non-elderly insured population for the preceding rate year (based on the most recent estimates available from the Director of the Congressional Budget Office before a vote in either House on the Patient Protection and Affordable Care Act that, if determined in the affirmative, would clear such Act for enrollment); over

''(II) the total percentage of the non-elderly insured population for such preceding rate year (as estimated by the Secretary); exceeds

''(ii) 5 percentage points.''.

(d) INPATIENT REHABILITATION FACILITIES.—Section 1886(j)(3) of the Social Security Act (42 U.S.C. 1395ww(j)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking ''FACTOR.—For purposes'' and inserting ''FACTOR.—

''(i) IN GENERAL.—For purposes'';

(B) by inserting ''subject to clause (ii)'' before the period at the end of the first sentence of clause (i), as added by paragraph (1); and

(C) by adding at the end the following new clause:

''(ii) PRODUCTIVITY AND OTHER ADJUSTMENT.—After establishing the increase factor described in clause (i) for a fiscal year, the Secretary shall reduce such increase factor—

''(I) for fiscal year 2012 and each subsequent fiscal year, by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II); and

''(II) for each of fiscal years 2010 through 2019, by the other adjustment described in subparagraph (D).

The application of this clause may result in the increase factor under this subparagraph being less than 0.0 for a fiscal year, and may result in payment rates under this subsection for a fiscal year being less than such payment rates for the preceding fiscal year.''; and

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

''(D) OTHER ADJUSTMENT.—

''(i) IN GENERAL.—For purposes of subparagraph (C)(ii)(II), the other adjustment described in this subparagraph is—

''(I) for each of fiscal years 2010 and 2011, 0.25 percentage point; and

''(II) subject to clause (ii), for each of fiscal years 2012 through 2019, 0.2 percentage point.

''(ii) REDUCTION OF OTHER ADJUSTMENT.—Clause (i)(II) shall be applied with respect to any of fiscal years 2014 through 2019 by substituting '0.0 percentage points' for '0.2 percentage point', if for such fiscal year—

''(I) the excess (if any) of—

''(aa) the total percentage of the non-elderly insured population for the preceding fiscal year (based on the most recent estimates available from the Director of the Congressional Budget Office before a vote in either House on the Patient Protection and Affordable Care Act that, if determined in the affirmative, would clear such Act for enrollment); over

''(bb) the total percentage of the non-elderly insured population for such preceding fiscal year (as estimated by the Secretary); exceeds

''(II) 5 percentage points.''.

(e) HOME HEALTH AGENCIES.—Section 1895(b)(3)(B) of the Social Security Act (42 U.S.C. 1395fff(b)(3)(B)) is amended—

(1) in clause (ii)(V), by striking ''clause (v)'' and inserting ''clauses (v) and (vi)''; and

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

''(vi) ADJUSTMENTS.—After determining the home health market basket percentage increase under clause (iii), and after application of clause (v), the Secretary shall reduce such percentage—

''(I) for 2015 and each subsequent year, by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II); and

''(II) for each of 2011 and 2012, by 1 percentage point.

The application of this clause may result in the home health market basket percentage increase under clause (iii) being less than 0.0 for a year, and may result in payment rates under the system under this subsection for a year being less than such payment rates for the preceding year.''.

(f) PSYCHIATRIC HOSPITALS.—Section 1886 of the Social Security Act, as amended by sections 3001, 3008, 3025, and 3133, is amended by adding at the end the following new subsection:

''(s) PROSPECTIVE PAYMENT FOR PSYCHIATRIC HOSPITALS.—

''(1) REFERENCE TO ESTABLISHMENT AND IMPLEMENTATION OF SYSTEM.—For provisions related to the establishment and implementation of a prospective payment system for payments under this title for inpatient hospital services furnished by psychiatric hospitals (as described in clause (i) of subsection (d)(1)(B)) and psychiatric units (as described in the matter following clause (v) of such subsection), see section 124 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999.

''(2) IMPLEMENTATION FOR RATE YEAR BEGINNING IN 2010 AND SUBSEQUENT RATE YEARS.—

''(A) IN GENERAL.—In implementing the system described in paragraph (1) for the rate year beginning in 2010 and any subsequent rate year, any update to a base rate for days during the rate year for a psychiatric hospital or unit, respectively, shall be reduced—

''(i) for the rate year beginning in 2012 and each subsequent rate year, by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II); and

''(ii) for each of the rate years beginning in 2010 through 2019, by the other adjustment described in paragraph (3).

''(B) SPECIAL RULE.—The application of this paragraph may result in such update being less than 0.0 for a rate year, and may result in payment rates under the system described in paragraph (1) for a rate year being less than such payment rates for the preceding rate year.

''(3) OTHER ADJUSTMENT.—

''(A) IN GENERAL.—For purposes of paragraph (2)(A)(ii), the other adjustment described in this paragraph is—

''(i) for each of the rate years beginning in 2010 and 2011, 0.25 percentage point; and

''(ii) subject to subparagraph (B), for each of the rate years beginning in 2012 through 2019, 0.2 percentage point.

''(B) REDUCTION OF OTHER ADJUSTMENT.—Subparagraph (A)(ii) shall be applied with respect to any of rate years 2014 through 2019 by substituting '0.0 percentage points' for '0.2 percentage point', if for such rate year—

''(i) the excess (if any) of—

''(I) the total percentage of the non-elderly insured population for the preceding rate year (based on the most recent estimates available from the Director of the Congressional Budget Office before a vote in either House on the Patient Protection and Affordable Care Act that, if determined in the affirmative, would clear such Act for enrollment); over

''(II) the total percentage of the non-elderly insured population for such preceding rate year (as estimated by the Secretary); exceeds

''(ii) 5 percentage points.''.

(g) HOSPICE CARE.—Section 1814(i)(1)(C) of the Social Security Act (42 U.S.C. 1395f(i)(1)(C)), as amended by section 3132, is amended by adding at the end the following new clauses:

''(iv) After determining the market basket percentage increase under clause (ii)(VII) or (iii), as applicable, with respect to fiscal year 2013 and each subsequent fiscal year, the Secretary shall reduce such percentage—

''(I) for 2013 and each subsequent fiscal year, by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II); and

''(II) subject to clause (v), for each of fiscal years 2013 through 2019, by 0.5 percentage point.

The application of this clause may result in the market basket percentage increase under clause (ii)(VII) or (iii), as applicable, being less than 0.0 for a fiscal year, and may result in payment rates under this subsection for a fiscal year being less than such payment rates for the preceding fiscal year.

''(v) Clause (iv)(II) shall be applied with respect to any of fiscal years 2014 through 2019 by substituting '0.0 percentage points' for '0.5 percentage point', if for such fiscal year—

''(I) the excess (if any) of—

''(aa) the total percentage of the non-elderly insured population for the preceding fiscal year (based on the most recent estimates available from the Director of the Congressional Budget Office before a vote in either House on the Patient Protection and Affordable Care Act that, if determined in the affirmative, would clear such Act for enrollment); over

''(bb) the total percentage of the non-elderly insured population for such preceding fiscal year (as estimated by the Secretary); exceeds

''(II) 5 percentage points.''.

(h) DIALYSIS.—Section 1881(b)(14)(F) of the Social Security Act (42 U.S.C. 1395rr(b)(14)(F)) is amended—

(1) in clause (i)—

(A) by inserting ''(I)'' after ''(F)(i)''

(B) in subclause (I), as inserted by subparagraph (A)—

(i) by striking ''clause (ii)'' and inserting ''subclause (II) and clause (ii)''; and

(ii) by striking ''minus 1.0 percentage point''; and

(C) by adding at the end the following new subclause:

''(II) For 2012 and each subsequent year, after determining the increase factor described in subclause (I), the Secretary shall reduce such increase factor by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II). The application of the preceding sentence may result in such increase factor being less than 0.0 for a year, and may result in payment rates under the payment system under this paragraph for a year being less than such payment rates for the preceding year.''; and

(2) in clause (ii)(II)—

(A) by striking ''The'' and inserting ''Subject to clause (i)(II), the''; and

(B) by striking ''clause (i) minus 1.0 percentage point'' and inserting ''clause (i)(I)''.

(i) OUTPATIENT HOSPITALS.—Section 1833(t)(3) of the Social Security Act (42 U.S.C. 1395l(t)(3)) is amended—

(1) in subparagraph (C)(iv), by inserting ''and subparagraph (F) of this paragraph'' after ''(17)''; and

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

''(F) PRODUCTIVITY AND OTHER ADJUSTMENT.—After determining the OPD fee schedule increase factor under subparagraph (C)(iv), the Secretary shall reduce such increase factor—

''(i) for 2012 and subsequent years, by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II); and

''(ii) for each of 2010 through 2019, by the adjustment described in subparagraph (G).

The application of this subparagraph may result in the increase factor under subparagraph (C)(iv) being less than 0.0 for a year, and may result in payment rates under the payment system under this subsection for a year being less than such payment rates for the preceding year.

''(G) OTHER ADJUSTMENT.—

''(i) ADJUSTMENT.—For purposes of subparagraph (F)(ii), the adjustment described in this subparagraph is—

''(I) for each of 2010 and 2011, 0.25 percentage point; and

''(II) subject to clause (ii), for each of 2012 through 2019, 0.2 percentage point.

''(ii) REDUCTION OF OTHER ADJUSTMENT.—Clause (i)(II) shall be applied with respect to any of 2014 through 2019 by substituting '0.0 percentage points' for '0.2 percentage point', if for such year—

''(I) the excess (if any) of—

''(aa) the total percentage of the non-elderly insured population for the preceding year (based on the most recent estimates available from the Director of the Congressional Budget Office before a vote in either House on the Patient Protection and Affordable Care Act that, if determined in the affirmative, would clear such Act for enrollment); over

''(bb) the total percentage of the non-elderly insured population for such preceding year (as estimated by the Secretary); exceeds

''(II) 5 percentage points.''.

(j) AMBULANCE SERVICES.—Section 1834(l)(3) of the Social Security Act (42 U.S.C. 1395m(l)(3)) is amended—

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

(2) in subparagraph (B)—

(A) by inserting '', subject to subparagraph (C) and the succeeding sentence of this paragraph,'' after ''increased''; and

(B) by striking the period at the end and inserting ''; and'';

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

''(C) for 2011 and each subsequent year, after determining the percentage increase under subparagraph (B) for the year, reduce such percentage increase by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II).''; and

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

''The application of subparagraph (C) may result in the percentage increase under subparagraph (B) being less than 0.0 for a year, and may result in payment rates under the fee schedule under this subsection for a year being less than such payment rates for the preceding year.''.

(k) AMBULATORY SURGICAL CENTER SERVICES.—Section 1833(i)(2)(D) of the Social Security Act (42 U.S.C. 1395l(i)(2)(D)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv) the following new clause:

''(v) In implementing the system described in clause (i) for 2011 and each subsequent year, any annual update under such system for the year, after application of clause (iv), shall be reduced by the productivity adjustment described

in section 1886(b)(3)(B)(xi)(II). The application of the preceding sentence may result in such update being less than 0.0 for a year, and may result in payment rates under the system described in clause (i) for a year being less than such payment rates for the preceding year.''.

(l) LABORATORY SERVICES.—Section 1833(h)(2)(A) of the Social Security Act (42 U.S.C. 1395l(h)(2)(A)) is amended—

(1) in clause (i)—

(A) by inserting '', subject to clause (iv),'' after ''year) by''; and

(B) by striking ''through 2013'' and inserting ''and 2010''; and

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

''(iv) After determining the adjustment to the fee schedules under clause (i), the Secretary shall reduce such adjustment—

''(I) for 2011 and each subsequent year, by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II); and

''(II) for each of 2011 through 2015, by 1.75 percentage points.

Subclause (I) shall not apply in a year where the adjustment to the fee schedules determined under clause (i) is 0.0 or a percentage decrease for a year. The application of the productivity adjustment under subclause (I) shall not result in an adjustment to the fee schedules under clause (i) being less than 0.0 for a year. The application of subclause (II) may result in an adjustment to the fee schedules under clause (i) being less than 0.0 for a year, and may result in payment rates for a year being less than such payment rates for the preceding year.''.

(m) CERTAIN DURABLE MEDICAL EQUIPMENT.—Section 1834(a)(14) of the Social Security Act (42 U.S.C. 1395m(a)(14)) is amended—

(1) in subparagraph (K)—

(A) by striking ''2011, 2012, and 2013,''; and

(B) by inserting ''and'' after the semicolon at the end;

(2) by striking subparagraphs (L) and (M) and inserting the following new subparagraph:

''(L) for 2011 and each subsequent year—

''(i) the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year, reduced by—

''(ii) the productivity adjustment described in section 1886(b)(3)(B)(xi)(II).''; and

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

''The application of subparagraph (L)(ii) may result in the covered item update under this paragraph being less than 0.0 for a year, and may result in payment rates under this subsection for a year being less than such payment rates for the preceding year.''.

(n) PROSTHETIC DEVICES, ORTHOTICS, AND PROSTHETICS.—Section 1834(h)(4) of the Social Security Act (42 U.S.C. 1395m(h)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (ix), by striking ''and'' at the end;

(B) in clause (x)—

(i) by striking ''a subsequent year'' and inserting ''for each of 2007 through 2010''; and

(ii) by inserting ''and'' after the semicolon at the end;

(C) by adding at the end the following new clause:

''(xi) for 2011 and each subsequent year—

''(I) the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year, reduced by—

''(II) the productivity adjustment described in section 1886(b)(3)(B)(xi)(II).''; and

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

''The application of subparagraph (A)(xi)(II) may result in the applicable percentage increase under subparagraph (A) being less than 0.0 for a year, and may result in payment rates under this subsection for a year being less than such payment rates for the preceding year.''.

(o) OTHER ITEMS.—Section 1842(s)(1) of the Social Security Act (42 U.S.C. 1395u(s)(1)) is amended—

(1) in the first sentence, by striking ''Subject to'' and inserting ''(A) Subject to'';

(2) by striking the second sentence and inserting the following new subparagraph:

''(B) Any fee schedule established under this paragraph for such item or service shall be updated—

''(i) for years before 2011—

''(I) subject to subclause (II), by the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the preceding year; and

''(II) for items and services described in paragraph (2)(D) for 2009, section 1834(a)(14)(J) shall apply under this paragraph instead of the percentage increase otherwise applicable; and

''(ii) for 2011 and subsequent years—

''(I) the percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year, reduced by—

''(II) the productivity adjustment described in section 1886(b)(3)(B)(xi)(II).''; and

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

''The application of subparagraph (B)(ii)(II) may result in the update under this paragraph being less than 0.0 for a year, and may result in payment rates under any fee schedule established under this paragraph for a year being less than such payment rates for the preceding year.''.

(p) NO APPLICATION PRIOR TO APRIL 1, 2010.—Notwithstanding the preceding provisions of this section, the amendments made by subsections (a), (c), and (d) shall not apply to discharges occurring before April 1, 2010.

SEC. 3402. TEMPORARY ADJUSTMENT TO THE CALCULATION OF PART B PREMIUMS.

Section 1839(i) of the Social Security Act (42 U.S.C. 1395r(i)) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''subject to paragraph (6),'' after ''subsection,'';

(2) in paragraph (3)(A)(i), by striking ''The applicable'' and inserting ''Subject to paragraph (6), the applicable'';

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by inserting after paragraph (5) the following new paragraph:

''(6) TEMPORARY ADJUSTMENT TO INCOME THRESHOLDS.—Notwithstanding any other provision of this subsection, during the period beginning on January 1, 2011, and ending on December 31, 2019—

''(A) the threshold amount otherwise applicable under paragraph (2) shall be equal to such amount for 2010; and

''(B) the dollar amounts otherwise applicable under paragraph (3)(C)(i) shall be equal to such dollar amounts for 2010.''.

SEC. 3403. INDEPENDENT MEDICARE ADVISORY BOARD.

(a) BOARD.—

(1) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), as amended by section 3022, is amended by adding at the end the following new section:

''INDEPENDENT MEDICARE ADVISORY BOARD

''SEC. 1899A. (a) ESTABLISHMENT.—There is established an independent board to be known as the 'Independent Medicare Advisory Board'.

''(b) PURPOSE.—It is the purpose of this section to, in accordance with the following provisions of this section, reduce the per capita rate of growth in Medicare spending—

''(1) by requiring the Chief Actuary of the Centers for Medicare & Medicaid Services to determine in each year to which this section applies (in this section referred to as 'a determination year') the projected per capita growth rate under Medicare for the second year following the determination year (in this section referred to as 'an implementation year');

''(2) if the projection for the implementation year exceeds the target growth rate for that year, by requiring the Board to develop and submit during the first year following the determination year (in this section referred to as 'a proposal year') a proposal containing recommendations to reduce the Medicare per capita growth rate to the extent required by this section; and

''(3) by requiring the Secretary to implement such proposals unless Congress enacts legislation pursuant to this section.

''(c) BOARD PROPOSALS.—

''(1) DEVELOPMENT.—

''(A) IN GENERAL.—The Board shall develop detailed and specific proposals related to the Medicare program in accordance with the succeeding provisions of this section.

''(B) ADVISORY REPORTS.—Beginning January 15, 2014, the Board may develop and submit to Congress advisory reports on matters related to the Medicare program, regardless of whether or not the Board submitted a proposal for such year. Such a report may, for years prior to 2020, include recommendations regarding improvements to payment systems for providers of services and suppliers who are not otherwise subject to the scope of the Board's recommendations in a proposal under this section. Any advisory report submitted under this subparagraph shall not be subject to the rules for congressional consideration under subsection (d).

''(2) PROPOSALS.—

''(A) REQUIREMENTS.—Each proposal submitted under this section in a proposal year shall meet each of the following requirements:

''(i) If the Chief Actuary of the Centers for Medicare & Medicaid Services has made a determination under paragraph (7)(A) in the determination year, the proposal shall include recommendations so that the proposal as a whole (after taking into account recommendations under clause (v)) will result in a net reduction in total Medicare program spending in the implementation year that is at least equal to the applicable savings target established under paragraph (7)(B) for such implementation year. In determining whether a proposal meets the requirement of the preceding sentence, reductions in Medicare program spending during the 3-month period immediately preceding the implementation year shall be counted to the extent that such reductions are a result of the implementation of recommendations contained in the proposal for a change in the payment rate for an item or service that was effective during such period pursuant to subsection (e)(2)(A).

''(ii) The proposal shall not include any recommendation to ration health care, raise revenues or Medicare beneficiary premiums under section 1818, 1818A, or 1839, increase Medicare beneficiary cost-sharing (including deductibles, coinsurance, and copayments), or otherwise restrict benefits or modify eligibility criteria.

''(iii) In the case of proposals submitted prior to December 31, 2018, the proposal shall not include any recommendation that would reduce payment rates for items and services furnished, prior to December 31, 2019, by providers of services (as defined in section 1861(u)) and suppliers (as defined in section 1861(d)) scheduled, pursuant to the amendments made by section 3401 of the Patient Protection and Affordable Care Act, to receive a reduction to the inflationary payment updates of such providers of services and suppliers in excess of a reduction due to productivity in a year in which such recommendations would take effect.

''(iv) As appropriate, the proposal shall include recommendations to reduce Medicare payments under parts C and D, such as reductions in direct subsidy payments to Medicare Advantage and prescription drug plans specified under

paragraph (1) and (2) of section 1860D–15(a) that are related to administrative expenses (including profits) for basic coverage, denying high bids or removing high bids for prescription drug coverage from the calculation of the national average monthly bid amount under section 1860D–13(a)(4), and reductions in payments to Medicare Advantage plans under clauses (i) and (ii) of section 1853(a)(1)(B) that are related to administrative expenses (including profits) and performance bonuses for Medicare Advantage plans under section 1853(n). Any such recommendation shall not affect the base beneficiary premium percentage specified under 1860D–13(a).

''(v) The proposal shall include recommendations with respect to administrative funding for the Secretary to carry out the recommendations contained in the proposal.

''(vi) The proposal shall only include recommendations related to the Medicare program.

''(B) ADDITIONAL CONSIDERATIONS.—In developing and submitting each proposal under this section in a proposal year, the Board shall, to the extent feasible—

''(i) give priority to recommendations that extend Medicare solvency;

''(ii) include recommendations that—

''(I) improve the health care delivery system and health outcomes, including by promoting integrated care, care coordination, prevention and wellness, and quality and efficiency improvement; and

''(II) protect and improve Medicare beneficiaries' access to necessary and evidence-based items and services, including in rural and frontier areas;

''(iii) include recommendations that target reductions in Medicare program spending to sources of excess cost growth;

''(iv) consider the effects on Medicare beneficiaries of changes in payments to providers of services (as defined in section 1861(u)) and suppliers (as defined in section 1861(d));

''(v) consider the effects of the recommendations on providers of services and suppliers with actual or projected negative cost margins or payment updates; and

''(vi) consider the unique needs of Medicare beneficiaries who are dually eligible for Medicare and the Medicaid program under title XIX.

''(C) NO INCREASE IN TOTAL MEDICARE PROGRAM SPENDING.—Each proposal submitted under this section shall be designed in such a manner that implementation of the recommendations contained in the proposal would not be expected to result, over the 10-year period starting with the implementation year, in any increase in the total amount of net Medicare program spending relative to the total amount of net Medicare program spending that would have occurred absent such implementation.

''(D) CONSULTATION WITH MEDPAC.—The Board shall submit a draft copy of each proposal to be submitted under this section to the Medicare Payment Advisory Commission established under section 1805 for its review. The Board shall submit such draft copy by not later than September 1 of the determination year.

''(E) REVIEW AND COMMENT BY THE SECRETARY.—The Board shall submit a draft copy of each proposal to be submitted to Congress under this section to the Secretary for the Secretary's review and comment. The Board shall submit such draft copy by not later than September 1 of the determination year. Not later than March 1 of the submission year, the Secretary shall submit a report to Congress on the results of such review, unless the Secretary submits a proposal under paragraph (5)(A) in that year.

''(F) CONSULTATIONS.—In carrying out its duties under this section, the Board shall engage in regular consultations with the Medicaid and CHIP Payment and Access Commission under section 1900.

''(3) TRANSMISSION OF BOARD PROPOSAL TO PRESIDENT.—

''(A) IN GENERAL.—

''(i) IN GENERAL.—Except as provided in clause (ii) and subsection (f)(3)(B), the Board shall transmit a proposal under this section to the President on January 15 of each year (beginning with 2014).

''(ii) EXCEPTION.—The Board shall not submit a proposal under clause (i) in a proposal year if the year is—

''(I) a year for which the Chief Actuary of the Centers for Medicare & Medicaid Services makes a determination in the determination year under paragraph (6)(A) that the growth rate described in clause (i) of such paragraph does not exceed the growth rate described in clause (ii) of such paragraph;

''(II) a year in which the Chief Actuary of the Centers for Medicare & Medicaid Services makes a determination in the determination year that the projected percentage increase (if any) for the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average) for the implementation year is less than the projected percentage increase (if any) in the Consumer Price Index for All Urban Consumers (all items; United States city average) for such implementation year; or

''(III) for proposal year 2019 and subsequent proposal years, a year in which the Chief Actuary of the Centers for Medicare & Medicaid Services makes a determination in the determination year that the growth rate described in paragraph (8) exceeds the growth rate described in paragraph (6)(A)(i).

''(iii) START-UP PERIOD.—The Board may not submit a proposal under clause (i) prior to January 15, 2014.

''(B) REQUIRED INFORMATION.—Each proposal submitted by the Board under subparagraph (A)(i) shall include—

''(i) the recommendations described in paragraph (2)(A)(i);

''(ii) an explanation of each recommendation contained in the proposal and the reasons for including such recommendation;

''(iii) an actuarial opinion by the Chief Actuary of the Centers for Medicare & Medicaid Services certifying that the proposal meets the requirements of subparagraphs (A)(i) and (C) of paragraph (2);

''(iv) a legislative proposal that implements the recommendations; and

''(v) other information determined appropriate by the Board.

''(4) PRESIDENTIAL SUBMISSION TO CONGRESS.—Upon receiving a proposal from the Board under paragraph (3)(A)(i) or the Secretary under paragraph (5), the President shall immediately submit such proposal to Congress.

''(5) CONTINGENT SECRETARIAL DEVELOPMENT OF PROPOSAL.—If, with respect to a proposal year, the Board is required, to but fails, to submit a proposal to the President by the deadline applicable under paragraph (3)(A)(i), the Secretary shall develop a detailed and specific proposal that satisfies the requirements of subparagraphs (A) and (C) (and, to the extent feasible, subparagraph (B)) of paragraph (2) and contains the information required paragraph (3)(B)). By not later than January 25 of the year, the Secretary shall transmit—

''(A) such proposal to the President; and

''(B) a copy of such proposal to the Medicare Payment Advisory Commission for its review.

''(6) PER CAPITA GROWTH RATE PROJECTIONS BY CHIEF ACTUARY.—

''(A) IN GENERAL.—Subject to subsection (f)(3)(A), not later than April 30, 2013, and annually thereafter, the Chief Actuary of the Centers for Medicare & Medicaid Services shall determine in each such year whether—

''(i) the projected Medicare per capita growth rate for the implementation year (as determined under subparagraph (B)); exceeds

''(ii) the projected Medicare per capita target growth rate for the implementation year (as determined under subparagraph (C)).

''(B) MEDICARE PER CAPITA GROWTH RATE.—

''(i) IN GENERAL.—For purposes of this section, the Medicare per capita growth rate for an implementation year shall be calculated as the projected 5-year average (ending with such year) of the growth in Medicare program spending per unduplicated enrollee.

''(ii) REQUIREMENT.—The projection under clause (i) shall—

''(I) to the extent that there is projected to be a negative update to the single conversion factor applicable to payments for physicians' services under section 1848(d) furnished in the proposal year or the implementation year, assume that such update for such services is 0 percent rather than the negative percent that would otherwise apply; and

''(II) take into account any delivery system reforms or other payment changes that have been enacted or published in final rules but not yet implemented as of the making of such calculation.

''(C) MEDICARE PER CAPITA TARGET GROWTH RATE.—For purposes of this section, the Medicare per capita target growth rate for an implementation year shall be calculated as the projected 5-year average (ending with such year) percentage increase in—

''(i) with respect to a determination year that is prior to 2018, the average of the projected percentage increase (if any) in—

''(I) the Consumer Price Index for All Urban Consumers (all items; United States city average); and

''(II) the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average); and

''(ii) with respect to a determination year that is after 2017, the nominal gross domestic product per capita plus 1.0 percentage point.

''(7) SAVINGS REQUIREMENT.—

''(A) IN GENERAL.—If, with respect to a determination year, the Chief Actuary of the Centers for Medicare & Medicaid Services makes a determination under paragraph (6)(A) that the growth rate described in clause (i) of such paragraph exceeds the growth rate described in clause (ii) of such paragraph, the Chief Actuary shall establish an applicable savings target for the implementation year.

''(B) APPLICABLE SAVINGS TARGET.—For purposes of this section, the applicable savings target for an implementation year shall be an amount equal to the product of—

''(i) the total amount of projected Medicare program spending for the proposal year; and

''(ii) the applicable percent for the implementation year.

''(C) APPLICABLE PERCENT.—For purposes of subparagraph (B), the applicable percent for an implementation year is the lesser of—

''(i) in the case of—

''(I) implementation year 2015, 0.5 percent;

''(II) implementation year 2016, 1.0 percent;

''(III) implementation year 2017, 1.25 percent; and

''(IV) implementation year 2018 or any subsequent implementation year, 1.5 percent; and

''(ii) the projected excess for the implementation year (expressed as a percent) determined under subparagraph (A).

''(8) PER CAPITA RATE OF GROWTH IN NATIONAL HEALTH EXPENDITURES.—In each determination year (beginning in 2018), the Chief Actuary of the Centers for Medicare & Medicaid Services shall project the per capita rate of growth in national health expenditures for the implementation year. Such rate of growth for an implementation year shall be calculated as the projected 5-year average (ending with such year) percentage increase in national health care expenditures.

''(d) CONGRESSIONAL CONSIDERATION.—

''(1) INTRODUCTION.—

''(A) IN GENERAL.—On the day on which a proposal is submitted by the President to the House of Representatives and the Senate under subsection (c)(4), the legislative proposal (described in subsection (c)(3)(B)(iv)) contained in the proposal shall be introduced (by request) in the Senate by the majority leader of the Senate or by Members of the Senate designated by the

majority leader of the Senate and shall be introduced (by request) in the House by the majority leader of the House or by Members of the House designated by the majority leader of the House.

''(B) NOT IN SESSION.—If either House is not in session on the day on which such legislative proposal is submitted, the legislative proposal shall be introduced in that House, as provided in subparagraph (A), on the first day thereafter on which that House is in session.

''(C) ANY MEMBER.—If the legislative proposal is not introduced in either House within 5 days on which that House is in session after the day on which the legislative proposal is submitted, then any Member of that House may introduce the legislative proposal.

''(D) REFERRAL.—The legislation introduced under this paragraph shall be referred by the Presiding Officers of the respective Houses to the Committee on Finance in the Senate and to the Committee on Energy and Commerce and the Committee on Ways and Means in the House of Representatives.

''(2) COMMITTEE CONSIDERATION OF PROPOSAL.—

''(A) REPORTING BILL.—Not later than April 1 of any proposal year in which a proposal is submitted by the President to Congress under this section, the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate may report the bill referred to the Committee under paragraph (1)(D) with committee amendments related to the Medicare program.

''(B) CALCULATIONS.—In determining whether a committee amendment meets the requirement of subparagraph (A), the reductions in Medicare program spending during the 3-month period immediately preceding the implementation year shall be counted to the extent that such reductions are a result of the implementation provisions in the committee amendment for a change in the payment rate for an item or service that was effective during such period pursuant to such amendment.

''(C) COMMITTEE JURISDICTION.—Notwithstanding rule XV of the Standing Rules of the Senate, a committee amendment described in subparagraph (A) may include matter not within the jurisdiction of the Committee on Finance if that matter is relevant to a proposal contained in the bill submitted under subsection (c)(3).

''(D) DISCHARGE.—If, with respect to the House involved, the committee has not reported the bill by the date required by subparagraph (A), the committee shall be discharged from further consideration of the proposal.

''(3) LIMITATION ON CHANGES TO THE BOARD RECOMMENDATIONS.—

''(A) IN GENERAL.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, or amendment, pursuant to this subsection or conference report thereon, that fails to satisfy the requirements of subparagraphs (A)(i) and (C) of subsection (c)(2).

''(B) LIMITATION ON CHANGES TO THE BOARD RECOMMENDATIONS IN OTHER LEGISLATION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report (other than pursuant to this section) that would repeal or otherwise change the recommendations of the Board if that change would fail to satisfy the requirements of subparagraphs (A)(i) and (C) of subsection (c)(2).

''(C) LIMITATION ON CHANGES TO THIS SUBSECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this subsection.

''(D) WAIVER.—This paragraph may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

''(E) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

''(4) EXPEDITED PROCEDURE.—

''(A) CONSIDERATION.—A motion to proceed to the consideration of the bill in the Senate is not debatable.

''(B) AMENDMENT.—

''(i) TIME LIMITATION.—Debate in the Senate on any amendment to a bill under this section shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or such leader's designee.

''(ii) GERMANE.—No amendment that is not germane to the provisions of such bill shall be received.

''(iii) ADDITIONAL TIME.—The leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

''(iv) AMENDMENT NOT IN ORDER.—It shall not be in order to consider an amendment that would cause the bill to result in a net reduction in total Medicare program spending in the implementation year that is less than the applicable savings target established under subsection (c)(7)(B) for such implementation year.

''(v) WAIVER AND APPEALS.—This paragraph may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

''(C) CONSIDERATION BY THE OTHER HOUSE.—

''(i) IN GENERAL.—The expedited procedures provided in this subsection for the consideration of a bill introduced pursuant to paragraph (1) shall not apply to such a bill that is received by one House from the other House if such a bill was not introduced in the receiving House.

''(ii) BEFORE PASSAGE.—If a bill that is introduced pursuant to paragraph (1) is received by one House from the other House, after introduction but before disposition of such a bill in the receiving House, then the following shall apply:

''(I) The receiving House shall consider the bill introduced in that House through all stages of consideration up to, but not including, passage.

''(II) The question on passage shall be put on the bill of the other House as amended by the language of the receiving House.

''(iii) AFTER PASSAGE.—If a bill introduced pursuant to paragraph (1) is received by one House from the other House, after such a bill is passed by the receiving House, then the vote on passage of the bill that originates in the receiving House shall be considered to be the vote on passage of the bill received from the other House as amended by the language of the receiving House.

''(iv) DISPOSITION.—Upon disposition of a bill introduced pursuant to paragraph (1) that is received by one House from the other House, it shall no longer be in order to consider the bill that originates in the receiving House.

''(v) LIMITATION.—Clauses (ii), (iii), and (iv) shall apply only to a bill received by one House from the other House if the bill—

''(I) is related only to the program under this title; and

''(II) satisfies the requirements of subparagraphs (A)(i) and (C) of subsection (c)(2).

''(D) SENATE LIMITS ON DEBATE.—

''(i) IN GENERAL.—In the Senate, consideration of the bill and on all debatable motions and appeals in connection therewith shall not exceed a total of 30 hours, which shall be divided equally between the majority and minority leaders or their designees.

''(ii) MOTION TO FURTHER LIMIT DEBATE.—A motion to further limit debate on the bill is in order and is not debatable.

''(iii) MOTION OR APPEAL.—Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal.

''(iv) FINAL DISPOSITION.—After 30 hours of consideration, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

''(E) CONSIDERATION IN CONFERENCE.—

''(i) IN GENERAL.—Consideration in the Senate and the House of Representatives on the conference report or any messages between Houses shall be limited to 10 hours, equally divided and controlled by the majority and minority leaders of the Senate or their designees and the Speaker of the House of Representatives and the minority leader of the House of Representatives or their designees.

''(ii) TIME LIMITATION.—Debate in the Senate on any amendment under this subparagraph shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 30 minutes, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or such leader's designee.

''(iii) FINAL DISPOSITION.—After 10 hours of consideration, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all motions not then pending before the Senate at that time or necessary to resolve the differences between the Houses and to the exclusion of all other motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

''(iv) LIMITATION.—Clauses (i) through (iii) shall only apply to a conference report, message or the amendments thereto if the conference report, message, or an amendment thereto—

''(I) is related only to the program under this title; and

''(II) satisfies the requirements of subparagraphs (A)(i) and (C) of subsection (c)(2).

''(F) VETO.—If the President vetoes the bill debate on a veto message in the Senate under this subsection shall be 1 hour equally divided between the majority and minority leaders or their designees.

''(5) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—This subsection and subsection (f)(2) are enacted by Congress—

''(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of bill under this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''(e) IMPLEMENTATION OF PROPOSAL.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall, except as provided in paragraph (3), implement the recommendations contained in a proposal submitted by the President to Congress pursuant to this section on August 15 of the year in which the proposal is so submitted.

''(2) APPLICATION.—

''(A) IN GENERAL.—A recommendation described in paragraph (1) shall apply as follows:

''(i) In the case of a recommendation that is a change in the payment rate for an item or service under Medicare in which payment rates change on a fiscal year basis (or a cost reporting period basis that relates to a fiscal year), on a calendar year basis (or a cost reporting period basis that relates to a calendar year), or on a rate year basis (or a cost reporting period basis that relates to a rate year), such recommendation shall apply to items and services furnished on the first day of the first fiscal year, calendar year, or rate year (as the case may be) that begins after such August 15.

''(ii) In the case of a recommendation relating to payments to plans under parts C and D, such recommendation shall apply to plan years beginning on the first day of the first calendar year that begins after such August 15.

''(iii) In the case of any other recommendation, such recommendation shall be addressed in the regular regulatory process timeframe and shall apply as soon as practicable.

''(B) INTERIM FINAL RULEMAKING.—The Secretary may use interim final rulemaking to implement any recommendation described in paragraph (1).

''(3) EXCEPTION.—The Secretary shall not be required to implement the recommendations contained in a proposal submitted in a proposal year by the President to Congress pursuant to this section if—

''(A) prior to August 15 of the proposal year, Federal legislation is enacted that includes the following provision: 'This Act supercedes the recommendations of the Board contained in the proposal submitted, in the year which includes the date of enactment of this Act, to Congress under section 1899A of the Social Security Act.'; and

''(B) in the case of implementation year 2020 and subsequent implementation years, a joint resolution described in subsection (f)(1) is enacted not later than August 15, 2017.

''(4) NO AFFECT ON AUTHORITY TO IMPLEMENT CERTAIN PROVISIONS.—Nothing in paragraph (3) shall be construed to affect the authority of the Secretary to implement any recommendation contained in a proposal or advisory report under this section to the extent that the Secretary otherwise has the authority to implement such recommendation administratively.

''(5) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the implementation by the Secretary under this subsection of the recommendations contained in a proposal.

''(f) JOINT RESOLUTION REQUIRED TO DISCONTINUE THE BOARD.—

''(1) IN GENERAL.—For purposes of subsection (e)(3)(B), a joint resolution described in this paragraph means only a joint resolution—

''(A) that is introduced in 2017 by not later than February 1 of such year;

''(B) which does not have a preamble;

''(C) the title of which is as follows: 'Joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act'; and

''(D) the matter after the resolving clause of which is as follows: 'That Congress approves the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.'.

''(2) PROCEDURE.—

''(A) REFERRAL.—A joint resolution described in paragraph (1) shall be referred to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate.

''(B) DISCHARGE.—In the Senate, if the committee to which is referred a joint resolution described in paragraph (1) has not reported such joint resolution (or an identical joint resolution) at the end of 20 days after the joint resolution described in paragraph (1) is introduced, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(C) CONSIDERATION.—

''(i) IN GENERAL.—In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subparagraph (C)) from further consideration of a joint resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution to be made, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived, except for points of order under the Congressional Budget act of 1974 or under budget resolutions pursuant to that Act. The motion is not debatable. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(ii) DEBATE LIMITATION.—In the Senate, consideration of the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority leader and the minority leader, or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(iii) PASSAGE.—In the Senate, immediately following the conclusion of the debate on a joint resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on passage of the joint resolution shall occur.

''(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in paragraph (1) shall be decided without debate.

''(D) OTHER HOUSE ACTS FIRST.—If, before the passage by 1 House of a joint resolution of that House described in paragraph (1), that House receives from the other House a joint resolution described in paragraph (1), then the following procedures shall apply:

''(i) The joint resolution of the other House shall not be referred to a committee.

''(ii) With respect to a joint resolution described in paragraph (1) of the House receiving the joint resolution—

''(I) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(II) the vote on final passage shall be on the joint resolution of the other House.

''(E) EXCLUDED DAYS.—For purposes of determining the period specified in subparagraph (B), there shall be excluded any days either House of Congress is adjourned for more than 3 days during a session of Congress.

''(F) MAJORITY REQUIRED FOR ADOPTION.—A joint resolution considered under this subsection shall require an affirmative vote of three-fifths of the Members, duly chosen and sworn, for adoption.

''(3) TERMINATION.—If a joint resolution described in paragraph (1) is enacted not later than August 15, 2017—

''(A) the Chief Actuary of the Medicare & Medicaid Services shall not—

''(i) make any determinations under subsection (c)(6) after May 1, 2017; or

''(ii) provide any opinion pursuant to subsection (c)(3)(B)(iii) after January 16, 2018;

''(B) the Board shall not submit any proposals or advisory reports to Congress under this section after January 16, 2018; and

''(C) the Board and the consumer advisory council under subsection (k) shall terminate on August 16, 2018.

''(g) BOARD MEMBERSHIP; TERMS OF OFFICE; CHAIRPERSON; REMOVAL.—

''(1) MEMBERSHIP.—

''(A) IN GENERAL.—The Board shall be composed of—

''(i) 15 members appointed by the President, by and with the advice and consent of the Senate; and

''(ii) the Secretary, the Administrator of the Center for Medicare & Medicaid Services, and the Administrator of the Health Resources and Services Administration, all of whom shall serve ex officio as nonvoting members of the Board.

''(B) QUALIFICATIONS.—

''(i) IN GENERAL.—The appointed membership of the Board shall include individuals with national recognition for their expertise in health finance and economics, actuarial science, health facility management, health plans and integrated delivery systems, reimbursement of health facilities, allopathic and osteopathic physicians, and other providers of health services, and other related fields, who provide a mix of different professionals, broad geographic representation, and a balance between urban and rural representatives.

''(ii) INCLUSION.—The appointed membership of the Board shall include (but not be limited to) physicians and other health professionals, experts in the area of pharmaco-economics or prescription drug benefit programs, employers, third-party payers, individuals skilled in the conduct and interpretation of biomedical, health services, and health economics research and expertise in outcomes and effectiveness research and technology assessment. Such membership shall also include representatives of consumers and the elderly.

''(iii) MAJORITY NONPROVIDERS.—Individuals who are directly involved in the provision or management of the delivery of items and services covered under this title shall not constitute a majority of the appointed membership of the Board.

''(C) ETHICAL DISCLOSURE.—The President shall establish a system for public disclosure by appointed members of the Board of financial and other potential conflicts of interest relating to such members. Appointed members of the Board shall be treated as officers in the executive branch for purposes of applying title I of the Ethics in Government Act of 1978 (Public Law 95–521).

''(D) CONFLICTS OF INTEREST.—No individual may serve as an appointed member if that individual engages in any other business, vocation, or employment.

''(E) CONSULTATION WITH CONGRESS.—In selecting individuals for nominations for appointments to the Board, the President shall consult with—

''(i) the majority leader of the Senate concerning the appointment of 3 members;

''(ii) the Speaker of the House of Representatives concerning the appointment of 3 members;

''(iii) the minority leader of the Senate concerning the appointment of 3 members; and

''(iv) the minority leader of the House of Representatives concerning the appointment of 3 members.

''(2) TERM OF OFFICE.—Each appointed member shall hold office for a term of 6 years except that—

''(A) a member may not serve more than 2 full consecutive terms (but may be reappointed to 2

full consecutive terms after being appointed to fill a vacancy on the Board);

''(B) a member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of such term;

''(C) a member may continue to serve after the expiration of the member's term until a successor has taken office; and

''(D) of the members first appointed under this section, 5 shall be appointed for a term of 1 year, 5 shall be appointed for a term of 3 years, and 5 shall be appointed for a term of 6 years, the term of each to be designated by the President at the time of nomination.

''(3) CHAIRPERSON.—

''(A) IN GENERAL.—The Chairperson shall be appointed by the President, by and with the advice and consent of the Senate, from among the members of the Board.

''(B) DUTIES.—The Chairperson shall be the principal executive officer of the Board, and shall exercise all of the executive and administrative functions of the Board, including functions of the Board with respect to—

''(i) the appointment and supervision of personnel employed by the Board;

''(ii) the distribution of business among personnel appointed and supervised by the Chairperson and among administrative units of the Board; and

''(iii) the use and expenditure of funds.

''(C) GOVERNANCE.—In carrying out any of the functions under subparagraph (B), the Chairperson shall be governed by the general policies established by the Board and by the decisions, findings, and determinations the Board shall by law be authorized to make.

''(D) REQUESTS FOR APPROPRIATIONS.—Requests or estimates for regular, supplemental, or deficiency appropriations on behalf of the Board may not be submitted by the Chairperson without the prior approval of a majority vote of the Board.

''(4) REMOVAL.—Any appointed member may be removed by the President for neglect of duty or malfeasance in office, but for no other cause.

''(h) VACANCIES; QUORUM; SEAL; VICE CHAIRPERSON; VOTING ON REPORTS.—

''(1) VACANCIES.—No vacancy on the Board shall impair the right of the remaining members to exercise all the powers of the Board.

''(2) QUORUM.—A majority of the appointed members of the Board shall constitute a quorum for the transaction of business, but a lesser number of members may hold hearings.

''(3) SEAL.—The Board shall have an official seal, of which judicial notice shall be taken.

''(4) VICE CHAIRPERSON.—The Board shall annually elect a Vice Chairperson to act in the absence or disability of the Chairperson or in case of a vacancy in the office of the Chairperson.

''(5) VOTING ON PROPOSALS.—Any proposal of the Board must be approved by the majority of appointed members present.

''(i) POWERS OF THE BOARD.—

''(1) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this section.

''(2) AUTHORITY TO INFORM RESEARCH PRIORITIES FOR DATA COLLECTION.—The Board may advise the Secretary on priorities for health services research, particularly as such priorities pertain to necessary changes and issues regarding payment reforms under Medicare.

''(3) OBTAINING OFFICIAL DATA.—The Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson, the head of that department or agency shall furnish that information to the Board on an agreed upon schedule.

''(4) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(5) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

''(6) OFFICES.—The Board shall maintain a principal office and such field offices as it determines necessary, and may meet and exercise any of its powers at any other place.

''(j) PERSONNEL MATTERS.—

''(1) COMPENSATION OF MEMBERS AND CHAIRPERSON.—Each appointed member, other than the Chairperson, shall be compensated at a rate equal to the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5315 of title 5, United States Code. The Chairperson shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5315 of title 5, United States Code.

''(2) TRAVEL EXPENSES.—The appointed members shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

''(3) STAFF.—

''(A) IN GENERAL.—The Chairperson may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Board to perform its duties. The employment of an executive director shall be subject to confirmation by the Board.

''(B) COMPENSATION.—The Chairperson may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

''(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

''(k) CONSUMER ADVISORY COUNCIL.—

''(1) IN GENERAL.—There is established a consumer advisory council to advise the Board on the impact of payment policies under this title on consumers.

''(2) MEMBERSHIP.—

''(A) NUMBER AND APPOINTMENT.—The consumer advisory council shall be composed of 10 consumer representatives appointed by the Comptroller General of the United States, 1 from among each of the 10 regions established by the Secretary as of the date of enactment of this section.

''(B) QUALIFICATIONS.—The membership of the council shall represent the interests of consumers and particular communities.

''(3) DUTIES.—The consumer advisory council shall, subject to the call of the Board, meet not less frequently than 2 times each year in the District of Columbia.

''(4) OPEN MEETINGS.—Meetings of the consumer advisory council shall be open to the public.

''(5) ELECTION OF OFFICERS.—Members of the consumer advisory council shall elect their own officers.

''(6) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the consumer advisory council except that section 14 of such Act shall not apply.

''(l) DEFINITIONS.—In this section:

''(1) BOARD; CHAIRPERSON; MEMBER.—The terms 'Board', 'Chairperson', and 'Member' mean the Independent Medicare Advisory Board established under subsection (a) and the Chairperson and any Member thereof, respectively.

''(2) MEDICARE.—The term 'Medicare' means the program established under this title, including parts A, B, C, and D.

''(3) MEDICARE BENEFICIARY.—The term 'Medicare beneficiary' means an individual who is entitled to, or enrolled for, benefits under part A or enrolled for benefits under part B.

''(4) MEDICARE PROGRAM SPENDING.—The term 'Medicare program spending' means program spending under parts A, B, and D net of premiums.

''(m) FUNDING.—

''(1) IN GENERAL.—There are appropriated to the Board to carry out its duties and functions—

''(A) for fiscal year 2012, $15,000,000; and

''(B) for each subsequent fiscal year, the amount appropriated under this paragraph for the previous fiscal year increased by the annual percentage increase in the Consumer Price Index for All Urban Consumers (all items; United States city average) as of June of the previous fiscal year.

''(2) FROM TRUST FUNDS.—Sixty percent of amounts appropriated under paragraph (1) shall be derived by transfer from the Federal Hospital Insurance Trust Fund under section 1817 and 40 percent of amounts appropriated under such paragraph shall be derived by transfer from the Federal Supplementary Medical Insurance Trust Fund under section 1841.''.

(2) LOBBYING COOLING-OFF PERIOD FOR MEMBERS OF THE INDEPENDENT MEDICARE ADVISORY BOARD.—Section 207(c) of title 18, United States Code, is amended by inserting at the end the following:

''(3) MEMBERS OF THE INDEPENDENT MEDICARE ADVISORY BOARD.—

''(A) IN GENERAL.—Paragraph (1) shall apply to a member of the Independent Medicare Advisory Board under section 1899A.

''(B) AGENCIES AND CONGRESS.—For purposes of paragraph (1), the agency in which the individual described in subparagraph (A) served shall be considered to be the Independent Medicare Advisory Board, the Department of Health and Human Services, and the relevant committees of jurisdiction of Congress, including the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate.''.

(b) GAO STUDY AND REPORT ON DETERMINATION AND IMPLEMENTATION OF PAYMENT AND COVERAGE POLICIES UNDER THE MEDICARE PROGRAM.—

(1) INITIAL STUDY AND REPORT.—

(A) STUDY.—The Comptroller General of the United States (in this section referred to as the ''Comptroller General'') shall conduct a study on changes to payment policies, methodologies, and rates and coverage policies and methodologies under the Medicare program under title XVIII of the Social Security Act as a result of the recommendations contained in the proposals made by the Independent Medicare Advisory Board under section 1899A of such Act (as added by subsection (a)), including an analysis of the effect of such recommendations on—

(i) Medicare beneficiary access to providers and items and services;

(ii) the affordability of Medicare premiums and cost-sharing (including deductibles, coinsurance, and copayments);

(iii) the potential impact of changes on other government or private-sector purchasers and payers of care; and

(iv) quality of patient care, including patient experience, outcomes, and other measures of care.

(B) REPORT.—Not later than July 1, 2015, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subparagraph (A), together with

recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(2) SUBSEQUENT STUDIES AND REPORTS.—The Comptroller General shall periodically conduct such additional studies and submit reports to Congress on changes to Medicare payments policies, methodologies, and rates and coverage policies and methodologies as the Comptroller General determines appropriate, in consultation with the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate.

(c) CONFORMING AMENDMENTS.—Section 1805(b) of the Social Security Act (42 U.S.C. 1395b–6(b)) is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) REVIEW AND COMMENT ON THE INDEPENDENT MEDICARE ADVISORY BOARD OR SECRETARIAL PROPOSAL.—If the Independent Medicare Advisory Board (as established under subsection (a) of section 1899A) or the Secretary submits a proposal to the Commission under such section in a year, the Commission shall review the proposal and, not later than March 1 of that year, submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate written comments on such proposal. Such comments may include such recommendations as the Commission deems appropriate.''.

Subtitle F—Health Care Quality Improvements

SEC. 3501. HEALTH CARE DELIVERY SYSTEM RESEARCH; QUALITY IMPROVEMENT TECHNICAL ASSISTANCE.

Part D of title IX of the Public Health Service Act, as amended by section 3013, is further amended by adding at the end the following:

''Subpart II—Health Care Quality Improvement Programs

''SEC. 933. HEALTH CARE DELIVERY SYSTEM RESEARCH.

''(a) PURPOSE.—The purposes of this section are to—

''(1) enable the Director to identify, develop, evaluate, disseminate, and provide training in innovative methodologies and strategies for quality improvement practices in the delivery of health care services that represent best practices (referred to as 'best practices') in health care quality, safety, and value; and

''(2) ensure that the Director is accountable for implementing a model to pursue such research in a collaborative manner with other related Federal agencies.

''(b) GENERAL FUNCTIONS OF THE CENTER.—The Center for Quality Improvement and Patient Safety of the Agency for Healthcare Research and Quality (referred to in this section as the 'Center'), or any other relevant agency or department designated by the Director, shall—

''(1) carry out its functions using research from a variety of disciplines, which may include epidemiology, health services, sociology, psychology, human factors engineering, biostatistics, health economics, clinical research, and health informatics;

''(2) conduct or support activities consistent with the purposes described in subsection (a), and for—

''(A) best practices for quality improvement practices in the delivery of health care services; and

''(B) that include changes in processes of care and the redesign of systems used by providers that will reliably result in intended health outcomes, improve patient safety, and reduce medical errors (such as skill development for health care providers in team-based health care delivery and rapid cycle process improvement) and facilitate adoption of improved workflow;

''(3) identify health care providers, including health care systems, single institutions, and individual providers, that—

''(A) deliver consistently high-quality, efficient health care services (as determined by the Secretary); and

''(B) employ best practices that are adaptable and scalable to diverse health care settings or effective in improving care across diverse settings;

''(4) assess research, evidence, and knowledge about what strategies and methodologies are most effective in improving health care delivery;

''(5) find ways to translate such information rapidly and effectively into practice, and document the sustainability of those improvements;

''(6) create strategies for quality improvement through the development of tools, methodologies, and interventions that can successfully reduce variations in the delivery of health care;

''(7) identify, measure, and improve organizational, human, or other causative factors, including those related to the culture and system design of a health care organization, that contribute to the success and sustainability of specific quality improvement and patient safety strategies;

''(8) provide for the development of best practices in the delivery of health care services that—

''(A) have a high likelihood of success, based on structured review of empirical evidence;

''(B) are specified with sufficient detail of the individual processes, steps, training, skills, and knowledge required for implementation and incorporation into workflow of health care practitioners in a variety of settings;

''(C) are designed to be readily adapted by health care providers in a variety of settings; and

''(D) where applicable, assist health care providers in working with other health care providers across the continuum of care and in engaging patients and their families in improving the care and patient health outcomes;

''(9) provide for the funding of the activities of organizations with recognized expertise and excellence in improving the delivery of health care services, including children's health care, by involving multiple disciplines, managers of health care entities, broad development and training, patients, caregivers and families, and frontline health care workers, including activities for the examination of strategies to share best quality improvement practices and to promote excellence in the delivery of health care services; and

''(10) build capacity at the State and community level to lead quality and safety efforts through education, training, and mentoring programs to carry out the activities under paragraphs (1) through (9).

''(c) RESEARCH FUNCTIONS OF CENTER.—

''(1) IN GENERAL.—The Center shall support, such as through a contract or other mechanism, research on health care delivery system improvement and the development of tools to facilitate adoption of best practices that improve the quality, safety, and efficiency of health care delivery services. Such support may include establishing a Quality Improvement Network Research Program for the purpose of testing, scaling, and disseminating of interventions to improve quality and efficiency in health care. Recipients of funding under the Program may include national, State, multi-State, or multi-site quality improvement networks.

''(2) RESEARCH REQUIREMENTS.—The research conducted pursuant to paragraph (1) shall—

''(A) address the priorities identified by the Secretary in the national strategic plan established under section 399HH;

''(B) identify areas in which evidence is insufficient to identify strategies and methodologies, taking into consideration areas of insufficient evidence identified by the entity with a contract under section 1890(a) of the Social Security Act in the report required under section 399JJ;

''(C) address concerns identified by health care institutions and providers and communicated through the Center pursuant to subsection (d);

''(D) reduce preventable morbidity, mortality, and associated costs of morbidity and mortality by building capacity for patient safety research;

''(E) support the discovery of processes for the reliable, safe, efficient, and responsive delivery of health care, taking into account discoveries from clinical research and comparative effectiveness research;

''(F) allow communication of research findings and translate evidence into practice recommendations that are adaptable to a variety of settings, and which, as soon as practicable after the establishment of the Center, shall include—

''(i) the implementation of a national application of Intensive Care Unit improvement projects relating to the adult (including geriatric), pediatric, and neonatal patient populations;

''(ii) practical methods for addressing health care associated infections, including Methicillin-Resistant Staphylococcus Aureus and Vancomycin-Resistant Entercoccus infections and other emerging infections; and

''(iii) practical methods for reducing preventable hospital admissions and readmissions;

''(G) expand demonstration projects for improving the quality of children's health care and the use of health information technology, such as through Pediatric Quality Improvement Collaboratives and Learning Networks, consistent with provisions of section 1139A of the Social Security Act for assessing and improving quality, where applicable;

''(H) identify and mitigate hazards by—

''(i) analyzing events reported to patient safety reporting systems and patient safety organizations; and

''(ii) using the results of such analyses to develop scientific methods of response to such events;

''(I) include the conduct of systematic reviews of existing practices that improve the quality, safety, and efficiency of health care delivery, as well as new research on improving such practices; and

''(J) include the examination of how to measure and evaluate the progress of quality and patient safety activities.

''(d) DISSEMINATION OF RESEARCH FINDINGS.—

''(1) PUBLIC AVAILABILITY.—The Director shall make the research findings of the Center available to the public through multiple media and appropriate formats to reflect the varying needs of health care providers and consumers and diverse levels of health literacy.

''(2) LINKAGE TO HEALTH INFORMATION TECHNOLOGY.—The Secretary shall ensure that research findings and results generated by the Center are shared with the Office of the National Coordinator of Health Information Technology and used to inform the activities of the health information technology extension program under section 3012, as well as any relevant standards, certification criteria, or implementation specifications.

''(e) PRIORITIZATION.—The Director shall identify and regularly update a list of processes or systems on which to focus research and dissemination activities of the Center, taking into account—

''(1) the cost to Federal health programs;

''(2) consumer assessment of health care experience;

''(3) provider assessment of such processes or systems and opportunities to minimize distress and injury to the health care workforce;

''(4) the potential impact of such processes or systems on health status and function of patients, including vulnerable populations including children;

''(5) the areas of insufficient evidence identified under subsection (c)(2)(B); and

''(6) the evolution of meaningful use of health information technology, as defined in section 3000.

''(f) COORDINATION.—The Center shall coordinate its activities with activities conducted by the Center for Medicare and Medicaid Innovation established under section 1115A of the Social Security Act.

''(g) FUNDING.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal years 2010 through 2014.

"SEC. 934. QUALITY IMPROVEMENT TECHNICAL ASSISTANCE AND IMPLEMENTATION.

''(a) IN GENERAL.—The Director, through the Center for Quality Improvement and Patient Safety of the Agency for Healthcare Research and Quality (referred to in this section as the 'Center'), shall award—

''(1) technical assistance grants or contracts to eligible entities to provide technical support to institutions that deliver health care and health care providers (including rural and urban providers of services and suppliers with limited infrastructure and financial resources to implement and support quality improvement activities, providers of services and suppliers with poor performance scores, and providers of services and suppliers for which there are disparities in care among subgroups of patients) so that such institutions and providers understand, adapt, and implement the models and practices identified in the research conducted by the Center, including the Quality Improvement Networks Research Program; and

''(2) implementation grants or contracts to eligible entities to implement the models and practices described under paragraph (1).

''(b) ELIGIBLE ENTITIES.—

''(1) TECHNICAL ASSISTANCE AWARD.—To be eligible to receive a technical assistance grant or contract under subsection (a)(1), an entity—

''(A) may be a health care provider, health care provider association, professional society, health care worker organization, Indian health organization, quality improvement organization, patient safety organization, local quality improvement collaborative, the Joint Commission, academic health center, university, physician-based research network, primary care extension program established under section 399W, a Federal Indian Health Service program or a health program operated by an Indian tribe (as defined in section 4 of the Indian Health Care Improvement Act), or any other entity identified by the Secretary; and

''(B) shall have demonstrated expertise in providing information and technical support and assistance to health care providers regarding quality improvement.

''(2) IMPLEMENTATION AWARD.—To be eligible to receive an implementation grant or contract under subsection (a)(2), an entity—

''(A) may be a hospital or other health care provider or consortium or providers, as determined by the Secretary; and

''(B) shall have demonstrated expertise in providing information and technical support and assistance to health care providers regarding quality improvement.

''(c) APPLICATION.—

''(1) TECHNICAL ASSISTANCE AWARD.—To receive a technical assistance grant or contract under subsection (a)(1), an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing—

''(A) a plan for a sustainable business model that may include a system of—

''(i) charging fees to institutions and providers that receive technical support from the entity; and

''(ii) reducing or eliminating such fees for such institutions and providers that serve low-income populations; and

''(B) such other information as the Director may require.

''(2) IMPLEMENTATION AWARD.—To receive a grant or contract under subsection (a)(2), an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing—

''(A) a plan for implementation of a model or practice identified in the research conducted by the Center including—

''(i) financial cost, staffing requirements, and timeline for implementation; and

''(ii) pre- and projected post-implementation quality measure performance data in targeted improvement areas identified by the Secretary; and

''(B) such other information as the Director may require.

''(d) MATCHING FUNDS.—The Director may not award a grant or contract under this section to an entity unless the entity agrees that it will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant or contract in an amount equal to $1 for each $5 of Federal funds provided under the grant or contract. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

''(e) EVALUATION.—

''(1) IN GENERAL.—The Director shall evaluate the performance of each entity that receives a grant or contract under this section. The evaluation of an entity shall include a study of—

''(A) the success of such entity in achieving the implementation, by the health care institutions and providers assisted by such entity, of the models and practices identified in the research conducted by the Center under section 933;

''(B) the perception of the health care institutions and providers assisted by such entity regarding the value of the entity; and

''(C) where practicable, better patient health outcomes and lower cost resulting from the assistance provided by such entity.

''(2) EFFECT OF EVALUATION.—Based on the outcome of the evaluation of the entity under paragraph (1), the Director shall determine whether to renew a grant or contract with such entity under this section.

''(f) COORDINATION.—The entities that receive a grant or contract under this section shall coordinate with health information technology regional extension centers under section 3012(c) and the primary care extension program established under section 399W regarding the dissemination of quality improvement, system delivery reform, and best practices information.''.

SEC. 3502. ESTABLISHING COMMUNITY HEALTH TEAMS TO SUPPORT THE PATIENT-CENTERED MEDICAL HOME.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish a program to provide grants to or enter into contracts with eligible entities to establish community-based interdisciplinary, interprofessional teams (referred to in this section as ''health teams'') to support primary care practices, including obstetrics and gynecology practices, within the hospital service areas served by the eligible entities. Grants or contracts shall be used to—

(1) establish health teams to provide support services to primary care providers; and

(2) provide capitated payments to primary care providers as determined by the Secretary.

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

(1)(A) be a State or State-designated entity; or

(B) be an Indian tribe or tribal organization, as defined in section 4 of the Indian Health Care Improvement Act;

(2) submit a plan for achieving long-term financial sustainability within 3 years;

(3) submit a plan for incorporating prevention initiatives and patient education and care management resources into the delivery of health care that is integrated with community-based prevention and treatment resources, where available;

(4) ensure that the health team established by the entity includes an interdisciplinary, interprofessional team of health care providers, as determined by the Secretary; such team may include medical specialists, nurses, pharmacists, nutritionists, dieticians, social workers, behavioral and mental health providers (including substance use disorder prevention and treatment providers), doctors of chiropractic, licensed complementary and alternative medicine practitioners, and physicians' assistants;

(5) agree to provide services to eligible individuals with chronic conditions, as described in section 1945 of the Social Security Act (as added by section 2703), in accordance with the payment methodology established under subsection (c) of such section; and

(6) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) REQUIREMENTS FOR HEALTH TEAMS.—A health team established pursuant to a grant or contract under subsection (a) shall—

(1) establish contractual agreements with primary care providers to provide support services;

(2) support patient-centered medical homes, defined as a mode of care that includes—

(A) personal physicians;

(B) whole person orientation;

(C) coordinated and integrated care;

(D) safe and high-quality care through evidence-informed medicine, appropriate use of health information technology, and continuous quality improvements;

(E) expanded access to care; and

(F) payment that recognizes added value from additional components of patient-centered care;

(3) collaborate with local primary care providers and existing State and community based resources to coordinate disease prevention, chronic disease management, transitioning between health care providers and settings and case management for patients, including children, with priority given to those amenable to prevention and with chronic diseases or conditions identified by the Secretary;

(4) in collaboration with local health care providers, develop and implement interdisciplinary, interprofessional care plans that integrate clinical and community preventive and health promotion services for patients, including children, with a priority given to those amenable to prevention and with chronic diseases or conditions identified by the Secretary;

(5) incorporate health care providers, patients, caregivers, and authorized representatives in program design and oversight;

(6) provide support necessary for local primary care providers to—

(A) coordinate and provide access to high-quality health care services;

(B) coordinate and provide access to preventive and health promotion services;

(C) provide access to appropriate specialty care and inpatient services;

(D) provide quality-driven, cost-effective, culturally appropriate, and patient- and family-centered health care;

(E) provide access to pharmacist-delivered medication management services, including medication reconciliation;

(F) provide coordination of the appropriate use of complementary and alternative (CAM) services to those who request such services;

(G) promote effective strategies for treatment planning, monitoring health outcomes and resource use, sharing information, treatment decision support, and organizing care to avoid duplication of service and other medical management approaches intended to improve quality and value of health care services;

(H) provide local access to the continuum of health care services in the most appropriate setting, including access to individuals that implement the care plans of patients and coordinate care, such as integrative health care practitioners;

(I) collect and report data that permits evaluation of the success of the collaborative effort on patient outcomes, including collection of data on patient experience of care, and identification of areas for improvement; and

(J) establish a coordinated system of early identification and referral for children at risk for developmental or behavioral problems such as through the use of infolines, health information technology, or other means as determined by the Secretary;

(7) provide 24-hour care management and support during transitions in care settings including—

(A) a transitional care program that provides onsite visits from the care coordinator, assists with the development of discharge plans and medication reconciliation upon admission to and discharge from the hospitals, nursing home, or other institution setting;

(B) discharge planning and counseling support to providers, patients, caregivers, and authorized representatives;

(C) assuring that post-discharge care plans include medication management, as appropriate;

(D) referrals for mental and behavioral health services, which may include the use of infolines; and

(E) transitional health care needs from adolescence to adulthood;

(8) serve as a liaison to community prevention and treatment programs;

(9) demonstrate a capacity to implement and maintain health information technology that meets the requirements of certified EHR technology (as defined in section 3000 of the Public Health Service Act (42 U.S.C. 300jj)) to facilitate coordination among members of the applicable care team and affiliated primary care practices; and

(10) where applicable, report to the Secretary information on quality measures used under section 399JJ of the Public Health Service Act.

(d) REQUIREMENT FOR PRIMARY CARE PROVIDERS.—A provider who contracts with a care team shall—

(1) provide a care plan to the care team for each patient participant;

(2) provide access to participant health records; and

(3) meet regularly with the care team to ensure integration of care.

(e) REPORTING TO SECRETARY.—An entity that receives a grant or contract under subsection (a) shall submit to the Secretary a report that describes and evaluates, as requested by the Secretary, the activities carried out by the entity under subsection (c).

(f) DEFINITION OF PRIMARY CARE.—In this section, the term ''primary care'' means the provision of integrated, accessible health care services by clinicians who are accountable for addressing a large majority of personal health care needs, developing a sustained partnership with patients, and practicing in the context of family and community.

SEC. 3503. MEDICATION MANAGEMENT SERVICES IN TREATMENT OF CHRONIC DISEASE.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.), as amended by section 3501, is further amended by inserting after section 934 the following:

''SEC. 935. GRANTS OR CONTRACTS TO IMPLEMENT MEDICATION MANAGEMENT SERVICES IN TREATMENT OF CHRONIC DISEASES.

''(a) IN GENERAL.—The Secretary, acting through the Patient Safety Research Center established in section 933 (referred to in this section as the 'Center'), shall establish a program to provide grants or contracts to eligible entities to implement medication management (referred to in this section as 'MTM') services provided by licensed pharmacists, as a collaborative, multidisciplinary, inter-professional approach to the treatment of chronic diseases for targeted individuals, to improve the quality of care and reduce overall cost in the treatment of such diseases. The Secretary shall commence the program under this section not later than May 1, 2010.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant or contract under subsection (a), an entity shall—

''(1) provide a setting appropriate for MTM services, as recommended by the experts described in subsection (e);

''(2) submit to the Secretary a plan for achieving long-term financial sustainability;

''(3) where applicable, submit a plan for coordinating MTM services through local community health teams established in section 3502 of the Patient Protection and Affordable Care Act or in collaboration with primary care extension programs established in section 399W;

''(4) submit a plan for meeting the requirements under subsection (c); and

''(5) submit to the Secretary such other information as the Secretary may require.

''(c) MTM SERVICES TO TARGETED INDIVIDUALS.—The MTM services provided with the assistance of a grant or contract awarded under subsection (a) shall, as allowed by State law including applicable collaborative pharmacy practice agreements, include—

''(1) performing or obtaining necessary assessments of the health and functional status of each patient receiving such MTM services;

''(2) formulating a medication treatment plan according to therapeutic goals agreed upon by the prescriber and the patient or caregiver or authorized representative of the patient;

''(3) selecting, initiating, modifying, recommending changes to, or administering medication therapy;

''(4) monitoring, which may include access to, ordering, or performing laboratory assessments, and evaluating the response of the patient to therapy, including safety and effectiveness;

''(5) performing an initial comprehensive medication review to identify, resolve, and prevent medication-related problems, including adverse drug events, quarterly targeted medication reviews for ongoing monitoring, and additional followup interventions on a schedule developed collaboratively with the prescriber;

''(6) documenting the care delivered and communicating essential information about such care, including a summary of the medication review, and the recommendations of the pharmacist to other appropriate health care providers of the patient in a timely fashion;

''(7) providing education and training designed to enhance the understanding and appropriate use of the medications by the patient, caregiver, and other authorized representative;

''(8) providing information, support services, and resources and strategies designed to enhance patient adherence with therapeutic regimens;

''(9) coordinating and integrating MTM services within the broader health care management services provided to the patient; and

''(10) such other patient care services allowed under pharmacist scopes of practice in use in other Federal programs that have implemented MTM services.

''(d) TARGETED INDIVIDUALS.—MTM services provided by licensed pharmacists under a grant or contract awarded under subsection (a) shall be offered to targeted individuals who—

''(1) take 4 or more prescribed medications (including over-the-counter medications and dietary supplements);

''(2) take any 'high risk' medications;

''(3) have 2 or more chronic diseases, as identified by the Secretary; or

''(4) have undergone a transition of care, or other factors, as determined by the Secretary, that are likely to create a high risk of medication-related problems.

''(e) CONSULTATION WITH EXPERTS.—In designing and implementing MTM services provided under grants or contracts awarded under subsection (a), the Secretary shall consult with Federal, State, private, public-private, and academic entities, pharmacy and pharmacist organizations, health care organizations, consumer advocates, chronic disease groups, and other stakeholders involved with the research, dissemination, and implementation of pharmacist-delivered MTM services, as the Secretary determines appropriate. The Secretary, in collaboration with this group, shall determine whether it is possible to incorporate rapid cycle process improvement concepts in use in other Federal programs that have implemented MTM services.

''(f) REPORTING TO THE SECRETARY.—An entity that receives a grant or contract under subsection (a) shall submit to the Secretary a report that describes and evaluates, as requested by the Secretary, the activities carried out under subsection (c), including quality measures endorsed by the entity with a contract under section 1890 of the Social Security Act, as determined by the Secretary.

''(g) EVALUATION AND REPORT.—The Secretary shall submit to the relevant committees of Congress a report which shall—

''(1) assess the clinical effectiveness of pharmacist-provided services under the MTM services program, as compared to usual care, including an evaluation of whether enrollees maintained better health with fewer hospitalizations and emergency room visits than similar patients not enrolled in the program;

''(2) assess changes in overall health care resource use by targeted individuals;

''(3) assess patient and prescriber satisfaction with MTM services;

''(4) assess the impact of patient-cost sharing requirements on medication adherence and recommendations for modifications;

''(5) identify and evaluate other factors that may impact clinical and economic outcomes, including demographic characteristics, clinical characteristics, and health services use of the patient, as well as characteristics of the regimen, pharmacy benefit, and MTM services provided; and

''(6) evaluate the extent to which participating pharmacists who maintain a dispensing role have a conflict of interest in the provision of MTM services, and if such conflict is found, provide recommendations on how such a conflict might be appropriately addressed.

''(h) GRANTS OR CONTRACTS TO FUND DEVELOPMENT OF PERFORMANCE MEASURES.—The Secretary may, through the quality measure development program under section 931 of the Public Health Service Act, award grants or contracts to eligible entities for the purpose of funding the development of performance measures that assess the use and effectiveness of medication therapy management services.''.

SEC. 3504. DESIGN AND IMPLEMENTATION OF REGIONALIZED SYSTEMS FOR EMERGENCY CARE.

(a) IN GENERAL.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended—

(1) in section 1203—

*(A) in the section heading, by inserting ''**FOR TRAUMA SYSTEMS**'' after ''**GRANTS**''; and*

(B) in subsection (a), by striking ''Administrator of the Health Resources and Services Administration'' and inserting ''Assistant Secretary for Preparedness and Response'';

(2) by inserting after section 1203 the following:

''SEC. 1204. COMPETITIVE GRANTS FOR REGIONALIZED SYSTEMS FOR EMERGENCY CARE RESPONSE.

''(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall award not fewer than 4 multiyear contracts or competitive grants to eligible entities to support pilot projects that design, implement, and evaluate innovative models of regionalized, comprehensive, and accountable emergency care and trauma systems.

''(b) ELIGIBLE ENTITY; REGION.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a State or a partnership of 1 or more States and 1 or more local governments; or

''(B) an Indian tribe (as defined in section 4 of the Indian Health Care Improvement Act) or a partnership of 1 or more Indian tribes.

''(2) REGION.—The term 'region' means an area within a State, an area that lies within multiple States, or a similar area (such as a multicounty area), as determined by the Secretary.

''(3) EMERGENCY SERVICES.—The term 'emergency services' includes acute, prehospital, and trauma care.

''(c) PILOT PROJECTS.—The Secretary shall award a contract or grant under subsection (a) to an eligible entity that proposes a pilot project to design, implement, and evaluate an emergency medical and trauma system that—

''(1) coordinates with public health and safety services, emergency medical services, medical facilities, trauma centers, and other entities in a region to develop an approach to emergency medical and trauma system access throughout the region, including 9–1–1 Public Safety Answering Points and emergency medical dispatch;

''(2) includes a mechanism, such as a regional medical direction or transport communications system, that operates throughout the region to ensure that the patient is taken to the medically appropriate facility (whether an initial facility or a higher-level facility) in a timely fashion;

''(3) allows for the tracking of prehospital and hospital resources, including inpatient bed capacity, emergency department capacity, trauma center capacity, on-call specialist coverage, ambulance diversion status, and the coordination of such tracking with regional communications and hospital destination decisions; and

''(4) includes a consistent region-wide prehospital, hospital, and interfacility data management system that—

''(A) submits data to the National EMS Information System, the National Trauma Data Bank, and others;

''(B) reports data to appropriate Federal and State databanks and registries; and

''(C) contains information sufficient to evaluate key elements of prehospital care, hospital destination decisions, including initial hospital and interfacility decisions, and relevant health outcomes of hospital care.

''(d) APPLICATION.—

''(1) IN GENERAL.—An eligible entity that seeks a contract or grant described in subsection (a) shall submit to the Secretary an application at such time and in such manner as the Secretary may require.

''(2) APPLICATION INFORMATION.—Each application shall include—

''(A) an assurance from the eligible entity that the proposed system—

''(i) has been coordinated with the applicable State Office of Emergency Medical Services (or equivalent State office);

''(ii) includes consistent indirect and direct medical oversight of prehospital, hospital, and interfacility transport throughout the region;

''(iii) coordinates prehospital treatment and triage, hospital destination, and interfacility transport throughout the region;

''(iv) includes a categorization or designation system for special medical facilities throughout the region that is integrated with transport and destination protocols;

''(v) includes a regional medical direction, patient tracking, and resource allocation system that supports day-to-day emergency care and surge capacity and is integrated with other components of the national and State emergency preparedness system; and

''(vi) addresses pediatric concerns related to integration, planning, preparedness, and coordination of emergency medical services for infants, children and adolescents; and

''(B) such other information as the Secretary may require.

''(e) REQUIREMENT OF MATCHING FUNDS.—

''(1) IN GENERAL.—The Secretary may not make a grant under this section unless the State (or consortia of States) involved agrees, with respect to the costs to be incurred by the State (or consortia) in carrying out the purpose for which such grant was made, to make available non-Federal contributions (in cash or in kind under paragraph (2)) toward such costs in an amount equal to not less than $1 for each $3 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities.

''(2) NON-FEDERAL CONTRIBUTIONS.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(f) PRIORITY.—The Secretary shall give priority for the award of the contracts or grants described in subsection (a) to any eligible entity that serves a population in a medically underserved area (as defined in section 330(b)(3)).

''(g) REPORT.—Not later than 90 days after the completion of a pilot project under subsection (a), the recipient of such contract or grant described in shall submit to the Secretary a report containing the results of an evaluation of the program, including an identification of—

''(1) the impact of the regional, accountable emergency care and trauma system on patient health outcomes for various critical care categories, such as trauma, stroke, cardiac emergencies, neurological emergencies, and pediatric emergencies;

''(2) the system characteristics that contribute to the effectiveness and efficiency of the program (or lack thereof);

''(3) methods of assuring the long-term financial sustainability of the emergency care and trauma system;

''(4) the State and local legislation necessary to implement and to maintain the system;

''(5) the barriers to developing regionalized, accountable emergency care and trauma systems, as well as the methods to overcome such barriers; and

''(6) recommendations on the utilization of available funding for future regionalization efforts.

''(h) DISSEMINATION OF FINDINGS.—The Secretary shall, as appropriate, disseminate to the public and to the appropriate Committees of the Congress, the information contained in a report made under subsection (g).''; and

(3) in section 1232—

(A) in subsection (a), by striking ''appropriated'' and all that follows through the period at the end and inserting ''appropriated $24,000,000 for each of fiscal years 2010 through 2014.''; and

(B) by inserting after subsection (c) the following:

''(d) AUTHORITY.—For the purpose of carrying out parts A through C, beginning on the date of enactment of the Patient Protection and Affordable Care Act, the Secretary shall transfer authority in administering grants and related authorities under such parts from the Administrator of the Health Resources and Services Administration to the Assistant Secretary for Preparedness and Response.''.

(b) SUPPORT FOR EMERGENCY MEDICINE RESEARCH.—Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after the section 498C the following:

''SEC. 498D. SUPPORT FOR EMERGENCY MEDICINE RESEARCH.

''(a) EMERGENCY MEDICAL RESEARCH.—The Secretary shall support Federal programs administered by the National Institutes of Health, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and other agencies involved in improving the emergency care system to expand and accelerate research in emergency medical care systems and emergency medicine, including—

''(1) the basic science of emergency medicine;

''(2) the model of service delivery and the components of such models that contribute to enhanced patient health outcomes;

''(3) the translation of basic scientific research into improved practice; and

''(4) the development of timely and efficient delivery of health services.

''(b) PEDIATRIC EMERGENCY MEDICAL RESEARCH.—The Secretary shall support Federal programs administered by the National Institutes of Health, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and other agencies to coordinate and expand research in pediatric emergency medical care systems and pediatric emergency medicine, including—

''(1) an examination of the gaps and opportunities in pediatric emergency care research and a strategy for the optimal organization and funding of such research;

''(2) the role of pediatric emergency services as an integrated component of the overall health system;

''(3) system-wide pediatric emergency care planning, preparedness, coordination, and funding;

''(4) pediatric training in professional education; and

''(5) research in pediatric emergency care, specifically on the efficacy, safety, and health outcomes of medications used for infants, children, and adolescents in emergency care settings in order to improve patient safety.

''(c) IMPACT RESEARCH.—The Secretary shall support research to determine the estimated economic impact of, and savings that result from, the implementation of coordinated emergency care systems.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2014.''.

SEC. 3505. TRAUMA CARE CENTERS AND SERVICE AVAILABILITY.

(a) TRAUMA CARE CENTERS.—

(1) GRANTS FOR TRAUMA CARE CENTERS.—Section 1241 of the Public Health Service Act (42 U.S.C. 300d–41) is amended by striking subsections (a) and (b) and inserting the following:

''(a) IN GENERAL.—The Secretary shall establish 3 programs to award grants to qualified public, nonprofit Indian Health Service, Indian tribal, and urban Indian trauma centers—

''(1) to assist in defraying substantial uncompensated care costs;

''(2) to further the core missions of such trauma centers, including by addressing costs associated with patient stabilization and transfer, trauma education and outreach, coordination with local and regional trauma systems, essential personnel and other fixed costs, and expenses associated with employee and non-employee physician services; and

''(3) to provide emergency relief to ensure the continued and future availability of trauma services.

''(b) MINIMUM QUALIFICATIONS OF TRAUMA CENTERS.—

''(1) PARTICIPATION IN TRAUMA CARE SYSTEM OPERATING UNDER CERTAIN PROFESSIONAL GUIDELINES.—Except as provided in paragraph (2), the Secretary may not award a grant to a trauma center under subsection (a) unless the trauma center is a participant in a trauma system that substantially complies with section 1213.

''(2) EXEMPTION.—Paragraph (1) shall not apply to trauma centers that are located in States with no existing trauma care system.

''(3) QUALIFICATION FOR SUBSTANTIAL UNCOMPENSATED CARE COSTS.—The Secretary shall award substantial uncompensated care grants under subsection (a)(1) only to trauma centers meeting at least 1 of the criteria in 1 of the following 3 categories:

''(A) CATEGORY A.—The criteria for category A are as follows:

''(i) At least 40 percent of the visits in the emergency department of the hospital in which the trauma center is located were charity or self-pay patients.

''(ii) At least 50 percent of the visits in such emergency department were Medicaid (under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)) and charity and self-pay patients combined.

''(B) CATEGORY B.—The criteria for category B are as follows:

''(i) At least 35 percent of the visits in the emergency department were charity or self-pay patients.

''(ii) At least 50 percent of the visits in the emergency department were Medicaid and charity and self-pay patients combined.

''(C) CATEGORY C.—The criteria for category C are as follows:

''(i) At least 20 percent of the visits in the emergency department were charity or self-pay patients.

''(ii) At least 30 percent of the visits in the emergency department were Medicaid and charity and self-pay patients combined.

''(4) TRAUMA CENTERS IN 1115 WAIVER STATES.—Notwithstanding paragraph (3), the Secretary may award a substantial uncompensated care grant to a trauma center under subsection (a)(1) if the trauma center qualifies for funds under a Low Income Pool or Safety Net Care Pool established through a waiver approved under section 1115 of the Social Security Act (42 U.S.C. 1315).

''(5) DESIGNATION.—The Secretary may not award a grant to a trauma center unless such trauma center is verified by the American College of Surgeons or designated by an equivalent State or local agency.

''(c) ADDITIONAL REQUIREMENTS.—The Secretary may not award a grant to a trauma center under subsection (a)(1) unless such trauma center—

''(1) submits to the Secretary a plan satisfactory to the Secretary that demonstrates a continued commitment to serving trauma patients regardless of their ability to pay; and

''(2) has policies in place to assist patients who cannot pay for part or all of the care they receive, including a sliding fee scale, and to ensure fair billing and collection practices.''.

(2) CONSIDERATIONS IN MAKING GRANTS.—Section 1242 of the Public Health Service Act (42 U.S.C. 300d–42) is amended by striking subsections (a) and (b) and inserting the following:

''(a) SUBSTANTIAL UNCOMPENSATED CARE AWARDS.—

''(1) IN GENERAL.—The Secretary shall establish an award basis for each eligible trauma center for grants under section 1241(a)(1) according to the percentage described in paragraph (2), subject to the requirements of section 1241(b)(3).

''(2) PERCENTAGES.—The applicable percentages are as follows:

''(A) With respect to a category A trauma center, 100 percent of the uncompensated care costs.

''(B) With respect to a category B trauma center, not more than 75 percent of the uncompensated care costs.

''(C) With respect to a category C trauma center, not more than 50 percent of the uncompensated care costs.

''(b) CORE MISSION AWARDS.—

''(1) IN GENERAL.—In awarding grants under section 1241(a)(2), the Secretary shall—

''(A) reserve 25 percent of the amount allocated for core mission awards for Level III and Level IV trauma centers; and

''(B) reserve 25 percent of the amount allocated for core mission awards for large urban Level I and II trauma centers—

''(i) that have at least 1 graduate medical education fellowship in trauma or trauma related specialties for which demand is exceeding supply;

''(ii) for which—

''(I) annual uncompensated care costs exceed $10,000,000; or

''(II) at least 20 percent of emergency department visits are charity or self-pay or Medicaid patients; and

''(iii) that are not eligible for substantial uncompensated care awards under section 1241(a)(1).

''(c) EMERGENCY AWARDS.—In awarding grants under section 1241(a)(3), the Secretary shall—

''(1) give preference to any application submitted by a trauma center that provides trauma care in a geographic area in which the availability of trauma care has significantly decreased or will significantly decrease if the center is forced to close or downgrade service or growth in demand for trauma services exceeds capacity; and

''(2) reallocate any emergency awards funds not obligated due to insufficient, or a lack of qualified, applications to the significant uncompensated care award program.''.

(3) CERTAIN AGREEMENTS.—Section 1243 of the Public Health Service Act (42 U.S.C. 300d–43) is amended by striking subsections (a), (b), and (c) and inserting the following:

''(a) MAINTENANCE OF FINANCIAL SUPPORT.—The Secretary may require a trauma center receiving a grant under section 1241(a) to maintain access to trauma services at comparable levels to the prior year during the grant period.

''(b) TRAUMA CARE REGISTRY.—The Secretary may require the trauma center receiving a grant under section 1241(a) to provide data to a national and centralized registry of trauma cases, in accordance with guidelines developed by the American College of Surgeons, and as the Secretary may otherwise require.''.

(4) GENERAL PROVISIONS.—Section 1244 of the Public Health Service Act (42 U.S.C. 300d–44) is amended by striking subsections (a), (b), and (c) and inserting the following:

''(a) APPLICATION.—The Secretary may not award a grant to a trauma center under section 1241(a) unless such center submits an application for the grant to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

''(b) LIMITATION ON DURATION OF SUPPORT.—The period during which a trauma center receives payments under a grant under section 1241(a)(3) shall be for 3 fiscal years, except that the Secretary may waive such requirement for a center and authorize such center to receive such payments for 1 additional fiscal year.

''(c) LIMITATION ON AMOUNT OF GRANT.—Notwithstanding section 1242(a), a grant under section 1241 may not be made in an amount exceeding $2,000,000 for each fiscal year.

''(d) ELIGIBILITY.—Except as provided in section 1242(b)(1)(B)(iii), acquisition of, or eligibility for, a grant under section 1241(a) shall not preclude a trauma center from being eligible for other grants described in such section.

''(e) FUNDING DISTRIBUTION.—Of the total amount appropriated for a fiscal year under section 1245, 70 percent shall be used for substantial uncompensated care awards under section 1241(a)(1), 20 percent shall be used for core mission awards under section 1241(a)(2), and 10 percent shall be used for emergency awards under section 1241(a)(3).

''(f) MINIMUM ALLOWANCE.—Notwithstanding subsection (e), if the amount appropriated for a fiscal year under section 1245 is less than $25,000,000, all available funding for such fiscal year shall be used for substantial uncompensated care awards under section 1241(a)(1).

''(g) SUBSTANTIAL UNCOMPENSATED CARE AWARD DISTRIBUTION AND PROPORTIONAL SHARE.—Notwithstanding section 1242(a), of the amount appropriated for substantial uncompensated care grants for a fiscal year, the Secretary shall—

''(1) make available—

''(A) 50 percent of such funds for category A trauma center grantees;

''(B) 35 percent of such funds for category B trauma center grantees; and

''(C) 15 percent of such funds for category C trauma center grantees; and

''(2) provide available funds within each category in a manner proportional to the award basis specified in section 1242(a)(2) to each eligible trauma center.

''(h) REPORT.—Beginning 2 years after the date of enactment of the Patient Protection and Affordable Care Act, and every 2 years thereafter, the Secretary shall biennially report to Congress regarding the status of the grants made under section 1241 and on the overall financial stability of trauma centers.''.

(5) AUTHORIZATION OF APPROPRIATIONS.—Section 1245 of the Public Health Service Act (42 U.S.C. 300d–45) is amended to read as follows:

''SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $100,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2015. Such authorization of appropriations is in addition to any other authorization of appropriations or amounts that are available for such purpose.''.

(6) DEFINITION.—Part D of title XII of the Public Health Service Act (42 U.S.C. 300d–41 et seq.) is amended by adding at the end the following:

''SEC. 1246. DEFINITION.

''In this part, the term 'uncompensated care costs' means unreimbursed costs from serving self-pay, charity, or Medicaid patients, without regard to payment under section 1923 of the Social Security Act, all of which are attributable to emergency care and trauma care, including costs related to subsequent inpatient admissions to the hospital.''.

(b) TRAUMA SERVICE AVAILABILITY.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended by adding at the end the following:

''PART H—TRAUMA SERVICE AVAILABILITY

''SEC. 1281. GRANTS TO STATES.

''(a) ESTABLISHMENT.—To promote universal access to trauma care services provided by trauma centers and trauma-related physician specialties, the Secretary shall provide funding to States to enable such States to award grants to eligible entities for the purposes described in this section.

''(b) AWARDING OF GRANTS BY STATES.—Each State may award grants to eligible entities within the State for the purposes described in subparagraph (d).

''(c) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to receive a grant under subsection (b) an entity shall—

''(A) be—

''(i) a public or nonprofit trauma center or consortium thereof that meets that requirements of paragraphs (1), (2), and (5) of section 1241(b);

''(ii) a safety net public or nonprofit trauma center that meets the requirements of paragraphs (1) through (5) of section 1241(b); or

''(iii) a hospital in an underserved area (as defined by the State) that seeks to establish new trauma services; and

''(B) submit to the State an application at such time, in such manner, and containing such information as the State may require.

''(2) LIMITATION.—A State shall use at least 40 percent of the amount available to the State under this part for a fiscal year to award grants to safety net trauma centers described in paragraph (1)(A)(ii).

''(d) USE OF FUNDS.—The recipient of a grant under subsection (b) shall carry out 1 or more of the following activities consistent with subsection (b):

''(1) Providing trauma centers with funding to support physician compensation in trauma-related physician specialties where shortages exist in the region involved, with priority provided to safety net trauma centers described in subsection (c)(1)(A)(ii).

''(2) Providing for individual safety net trauma center fiscal stability and costs related to having service that is available 24 hours a day, 7 days a week, with priority provided to safety net trauma centers described in subsection (c)(1)(A)(ii) located in urban, border, and rural areas.

''(3) Reducing trauma center overcrowding at specific trauma centers related to throughput of trauma patients.

''(4) Establishing new trauma services in underserved areas as defined by the State.

''(5) Enhancing collaboration between trauma centers and other hospitals and emergency medical services personnel related to trauma service availability.

''(6) Making capital improvements to enhance access and expedite trauma care, including providing helipads and associated safety infrastructure.

''(7) Enhancing trauma surge capacity at specific trauma centers.

''(8) Ensuring expedient receipt of trauma patients transported by ground or air to the appropriate trauma center.

''(9) Enhancing interstate trauma center collaboration.

''(e) LIMITATION.—

''(1) IN GENERAL.—A State may use not more than 20 percent of the amount available to the State under this part for a fiscal year for administrative costs associated with awarding grants and related costs.

''(2) MAINTENANCE OF EFFORT.—The Secretary may not provide funding to a State under this part unless the State agrees that such funds will be used to supplement and not supplant State funding otherwise available for the activities and costs described in this part.

''(f) DISTRIBUTION OF FUNDS.—The following shall apply with respect to grants provided in this part:

''(1) LESS THAN $10,000,000.—If the amount of appropriations for this part in a fiscal year is less than $10,000,000, the Secretary shall divide such funding evenly among only those States that have 1 or more trauma centers eligible for funding under section 1241(b)(3)(A).

''(2) LESS THAN $20,000,000.—If the amount of appropriations in a fiscal year is less than $20,000,000, the Secretary shall divide such funding evenly among only those States that have 1 or more trauma centers eligible for funding under subparagraphs (A) and (B) of section 1241(b)(3).

''(3) LESS THAN $30,000,000.—If the amount of appropriations for this part in a fiscal year is less than $30,000,000, the Secretary shall divide such funding evenly among only those States that have 1 or more trauma centers eligible for funding under section 1241(b)(3).

''(4) $30,000,000 OR MORE.—If the amount of appropriations for this part in a fiscal year is $30,000,000 or more, the Secretary shall divide such funding evenly among all States.

''SEC. 1282. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there is authorized to be appropriated $100,000,000 for each of fiscal years 2010 through 2015.''.

SEC. 3506. PROGRAM TO FACILITATE SHARED DECISIONMAKING.

Part D of title IX of the Public Health Service Act, as amended by section 3503, is further amended by adding at the end the following:

''SEC. 936. PROGRAM TO FACILITATE SHARED DECISIONMAKING.

''(a) PURPOSE.—The purpose of this section is to facilitate collaborative processes between patients, caregivers or authorized representatives, and clinicians that engages the patient, caregiver or authorized representative in decisionmaking, provides patients, caregivers or authorized representatives with information about trade-offs among treatment options, and facilitates the incorporation of patient preferences and values into the medical plan.

''(b) DEFINITIONS.—In this section:

''(1) PATIENT DECISION AID.—The term 'patient decision aid' means an educational tool that helps patients, caregivers or authorized representatives understand and communicate their beliefs and preferences related to their treatment options, and to decide with their health care provider what treatments are best for them based on their treatment options, scientific evidence, circumstances, beliefs, and preferences.

''(2) PREFERENCE SENSITIVE CARE.—The term 'preference sensitive care' means medical care for which the clinical evidence does not clearly support one treatment option such that the appropriate course of treatment depends on the values of the patient or the preferences of the patient, caregivers or authorized representatives regarding the benefits, harms and scientific evidence for each treatment option, the use of such care should depend on the informed patient choice among clinically appropriate treatment options.

''(c) ESTABLISHMENT OF INDEPENDENT STANDARDS FOR PATIENT DECISION AIDS FOR PREFERENCE SENSITIVE CARE.—

''(1) CONTRACT WITH ENTITY TO ESTABLISH STANDARDS AND CERTIFY PATIENT DECISION AIDS.—

''(A) IN GENERAL.—For purposes of supporting consensus-based standards for patient decision aids for preference sensitive care and a certification process for patient decision aids for use in the Federal health programs and by other interested parties, the Secretary shall have in effect a contract with the entity with a contract under section 1890 of the Social Security Act. Such contract shall provide that the entity perform the duties described in paragraph (2).

''(B) TIMING FOR FIRST CONTRACT.—As soon as practicable after the date of the enactment of this section, the Secretary shall enter into the first contract under subparagraph (A).

''(C) PERIOD OF CONTRACT.—A contract under subparagraph (A) shall be for a period of 18 months (except such contract may be renewed after a subsequent bidding process).

''(2) DUTIES.—The following duties are described in this paragraph:

''(A) DEVELOP AND IDENTIFY STANDARDS FOR PATIENT DECISION AIDS.—The entity shall synthesize evidence and convene a broad range of experts and key stakeholders to develop and identify consensus-based standards to evaluate patient decision aids for preference sensitive care.

''(B) ENDORSE PATIENT DECISION AIDS.—The entity shall review patient decision aids and develop a certification process whether patient decision aids meet the standards developed and identified under subparagraph (A). The entity shall give priority to the review and certification of patient decision aids for preference sensitive care.

''(d) PROGRAM TO DEVELOP, UPDATE AND PATIENT DECISION AIDS TO ASSIST HEALTH CARE PROVIDERS AND PATIENTS.—

''(1) IN GENERAL.—The Secretary, acting through the Director, and in coordination with heads of other relevant agencies, such as the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health, shall establish a program to award grants or contracts—

''(A) to develop, update, and produce patient decision aids for preference sensitive care to assist health care providers in educating patients, caregivers, and authorized representatives concerning the relative safety, relative effectiveness (including possible health outcomes and impact on functional status), and relative cost of treatment or, where appropriate, palliative care options;

''(B) to test such materials to ensure such materials are balanced and evidence based in aiding health care providers and patients, caregivers, and authorized representatives to make informed decisions about patient care and can be easily incorporated into a broad array of practice settings; and

''(C) to educate providers on the use of such materials, including through academic curricula.

''(2) REQUIREMENTS FOR PATIENT DECISION AIDS.—Patient decision aids developed and produced pursuant to a grant or contract under paragraph (1)—

''(A) shall be designed to engage patients, caregivers, and authorized representatives in informed decisionmaking with health care providers;

''(B) shall present up-to-date clinical evidence about the risks and benefits of treatment options in a form and manner that is age-appropriate and can be adapted for patients, caregivers, and authorized representatives from a variety of cultural and educational backgrounds to reflect the varying needs of consumers and diverse levels of health literacy;

''(C) shall, where appropriate, explain why there is a lack of evidence to support one treatment option over another; and

''(D) shall address health care decisions across the age span, including those affecting vulnerable populations including children.

''(3) DISTRIBUTION.—The Director shall ensure that patient decision aids produced with grants or contracts under this section are available to the public.

''(4) NONDUPLICATION OF EFFORTS.—The Director shall ensure that the activities under this section of the Agency and other agencies, including the Centers for Disease Control and Prevention and the National Institutes of Health, are free of unnecessary duplication of effort.

''(e) GRANTS TO SUPPORT SHARED DECISIONMAKING IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary shall establish a program to provide for the phased-in development, implementation, and evaluation of shared decisionmaking using patient decision aids to meet the objective of improving the understanding of patients of their medical treatment options.

''(2) SHARED DECISIONMAKING RESOURCE CENTERS.—

''(A) IN GENERAL.—The Secretary shall provide grants for the establishment and support of Shared Decisionmaking Resource Centers (referred to in this subsection as 'Centers') to provide technical assistance to providers and to develop and disseminate best practices and other information to support and accelerate adoption, implementation, and effective use of patient decision aids and shared decisionmaking by providers.

''(B) OBJECTIVES.—The objective of a Center is to enhance and promote the adoption of patient decision aids and shared decisionmaking through—

''(i) providing assistance to eligible providers with the implementation and effective use of, and training on, patient decision aids; and

''(ii) the dissemination of best practices and research on the implementation and effective use of patient decision aids.

''(3) SHARED DECISIONMAKING PARTICIPATION GRANTS.—

''(A) IN GENERAL.—The Secretary shall provide grants to health care providers for the development and implementation of shared decisionmaking techniques and to assess the use of such techniques.

''(B) PREFERENCE.—In order to facilitate the use of best practices, the Secretary shall provide a preference in making grants under this subsection to health care providers who participate in training by Shared Decisionmaking Resource Centers or comparable training.

''(C) LIMITATION.—Funds under this paragraph shall not be used to purchase or implement use of patient decision aids other than those certified under the process identified in subsection (c).

''(4) GUIDANCE.—The Secretary may issue guidance to eligible grantees under this subsection on the use of patient decision aids.

''(f) FUNDING.—For purposes of carrying out this section there are authorized to be appropriated such sums as may be necessary for fiscal year 2010 and each subsequent fiscal year.''.

SEC. 3507. PRESENTATION OF PRESCRIPTION DRUG BENEFIT AND RISK INFORMATION.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Commissioner of Food and Drugs, shall determine whether the addition of quantitative summaries of the benefits and risks of prescription drugs in a standardized format (such as a table or drug facts box) to the promotional labeling or print advertising of such drugs would improve health care decisionmaking by clinicians and patients and consumers.

(b) REVIEW AND CONSULTATION.—In making the determination under subsection (a), the Secretary shall review all available scientific evidence and research on decisionmaking and social and cognitive psychology and consult with drug manufacturers, clinicians, patients and consumers, experts in health literacy, representatives of racial and ethnic minorities, and experts in women's and pediatric health.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that provides—

(1) the determination by the Secretary under subsection (a); and

(2) the reasoning and analysis underlying that determination.

(d) AUTHORITY.—If the Secretary determines under subsection (a) that the addition of quantitative summaries of the benefits and risks of prescription drugs in a standardized format (such as a table or drug facts box) to the promotional labeling or print advertising of such drugs would improve health care decisionmaking by clinicians and patients and consumers, then the Secretary, not later than 3 years after the date of submission of the report under subsection (c), shall promulgate proposed regulations as necessary to implement such format.

(e) CLARIFICATION.—Nothing in this section shall be construed to restrict the existing authorities of the Secretary with respect to benefit and risk information.

SEC. 3508. DEMONSTRATION PROGRAM TO INTEGRATE QUALITY IMPROVEMENT AND PATIENT SAFETY TRAINING INTO CLINICAL EDUCATION OF HEALTH PROFESSIONALS.

(a) IN GENERAL.—The Secretary may award grants to eligible entities or consortia under this section to carry out demonstration projects to develop and implement academic curricula that integrates quality improvement and patient safety in the clinical education of health professionals. Such awards shall be made on a competitive basis and pursuant to peer review.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity or consortium shall—

(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(2) be or include—

(A) a health professions school;

(B) a school of public health;

(C) a school of social work;

(D) a school of nursing;

(E) a school of pharmacy;

(F) an institution with a graduate medical education program; or

(G) a school of health care administration;

(3) collaborate in the development of curricula described in subsection (a) with an organization that accredits such school or institution;

(4) provide for the collection of data regarding the effectiveness of the demonstration project; and

(5) provide matching funds in accordance with subsection (c).

(c) MATCHING FUNDS.—

(1) IN GENERAL.—The Secretary may award a grant to an entity or consortium under this section only if the entity or consortium agrees to make available non-Federal contributions toward the costs of the program to be funded under the grant in an amount that is not less than $1 for each $5 of Federal funds provided under the grant.

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in-kind, fairly evaluated, including equipment or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

(d) EVALUATION.—The Secretary shall take such action as may be necessary to evaluate the projects funded under this section and publish, make publicly available, and disseminate the results of such evaluations on as wide a basis as is practicable.

(e) REPORTS.—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a report that—

(1) describes the specific projects supported under this section; and

(2) contains recommendations for Congress based on the evaluation conducted under subsection (d).

SEC. 3509. IMPROVING WOMEN'S HEALTH.

(a) HEALTH AND HUMAN SERVICES OFFICE ON WOMEN'S HEALTH.—

(1) ESTABLISHMENT.—Part A of title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

"SEC. 229. HEALTH AND HUMAN SERVICES OFFICE ON WOMEN'S HEALTH.

''(a) ESTABLISHMENT OF OFFICE.—There is established within the Office of the Secretary, an Office on Women's Health (referred to in this section as the 'Office'). The Office shall be headed by a Deputy Assistant Secretary for Women's Health who may report to the Secretary.

''(b) DUTIES.—The Secretary, acting through the Office, with respect to the health concerns of women, shall—

''(1) establish short-range and long-range goals and objectives within the Department of Health and Human Services and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Department that relate to disease prevention, health promotion, service delivery, research, and public and health care professional education, for issues of particular concern to women throughout their lifespan;

''(2) provide expert advice and consultation to the Secretary concerning scientific, legal, ethical, and policy issues relating to women's health;

''(3) monitor the Department of Health and Human Services' offices, agencies, and regional activities regarding women's health and identify needs regarding the coordination of activities, including intramural and extramural multidisciplinary activities;

''(4) establish a Department of Health and Human Services Coordinating Committee on Women's Health, which shall be chaired by the Deputy Assistant Secretary for Women's Health and composed of senior level representatives from each of the agencies and offices of the Department of Health and Human Services;

''(5) establish a National Women's Health Information Center to—

''(A) facilitate the exchange of information regarding matters relating to health information, health promotion, preventive health services, research advances, and education in the appropriate use of health care;

''(B) facilitate access to such information;

''(C) assist in the analysis of issues and problems relating to the matters described in this paragraph; and

''(D) provide technical assistance with respect to the exchange of information (including facilitating the development of materials for such technical assistance);

''(6) coordinate efforts to promote women's health programs and policies with the private sector; and

''(7) through publications and any other means appropriate, provide for the exchange of information between the Office and recipients of grants, contracts, and agreements under subsection (c), and between the Office and health professionals and the general public.

''(c) GRANTS AND CONTRACTS REGARDING DUTIES.—

''(1) AUTHORITY.—In carrying out subsection (b), the Secretary may make grants to, and enter into cooperative agreements, contracts, and interagency agreements with, public and private entities, agencies, and organizations.

''(2) EVALUATION AND DISSEMINATION.—The Secretary shall directly or through contracts with public and private entities, agencies, and organizations, provide for evaluations of projects carried out with financial assistance provided under paragraph (1) and for the dissemination of information developed as a result of such projects.

''(d) REPORTS.—Not later than 1 year after the date of enactment of this section, and every second year thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under this section during the period for which the report is being prepared.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.''.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Office on Women's Health (established under section 229 of the Public Health Service Act, as added by this section), all functions exercised by the Office on Women's Health of the Public Health Service prior to the date of enactment of this section, including all personnel and compensation authority, all delegation and assignment authority, and all remaining appropriations. All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions that—

(A) have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions transferred under this paragraph; and

(B) are in effect at the time this section takes effect, or were final before the date of enactment of this section and are to become effective on or after such date,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) CENTERS FOR DISEASE CONTROL AND PREVENTION OFFICE OF WOMEN'S HEALTH.—Part A of title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"SEC. 310A. CENTERS FOR DISEASE CONTROL AND PREVENTION OFFICE OF WOMEN'S HEALTH.

''(a) ESTABLISHMENT.—There is established within the Office of the Director of the Centers for Disease Control and Prevention, an office to be known as the Office of Women's Health (referred to in this section as the 'Office'). The Office shall be headed by a director who shall be appointed by the Director of such Centers.

''(b) PURPOSE.—The Director of the Office shall—

''(1) report to the Director of the Centers for Disease Control and Prevention on the current level of the Centers' activity regarding women's health conditions across, where appropriate, age, biological, and sociocultural contexts, in all aspects of the Centers' work, including prevention programs, public and professional education, services, and treatment;

''(2) establish short-range and long-range goals and objectives within the Centers for women's health and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Centers that relate to prevention, research, education and training, service delivery, and policy development, for issues of particular concern to women;

''(3) identify projects in women's health that should be conducted or supported by the Centers;

''(4) consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups, as appropriate, on the policy of the Centers with regard to women; and

''(5) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4)).

''(c) DEFINITION.—As used in this section, the term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means diseases, disorders, and conditions—

''(1) unique to, significantly more serious for, or significantly more prevalent in women; and

''(2) for which the factors of medical risk or type of medical intervention are different for women, or for which there is reasonable evidence that indicates that such factors or types may be different for women.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.''.

(c) OFFICE OF WOMEN'S HEALTH RESEARCH.—Section 486(a) of the Public Health Service Act (42 U.S.C. 287d(a)) is amended by inserting ''and who shall report directly to the Director'' before the period at the end thereof.

(d) SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.—Section 501(f) of the Public Health Service Act (42 U.S.C. 290aa(f)) is amended—

(1) in paragraph (1), by inserting ''who shall report directly to the Administrator'' before the period;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3), the following:

''(4) OFFICE.—Nothing in this subsection shall be construed to preclude the Secretary from establishing within the Substance Abuse and Mental Health Administration an Office of Women's Health.''.

(e) AGENCY FOR HEALTHCARE RESEARCH AND QUALITY ACTIVITIES REGARDING WOMEN'S HEALTH.—Part C of title IX of the Public Health Service Act (42 U.S.C. 299c et seq.) is amended—

(1) by redesignating sections 925 and 926 as sections 926 and 927, respectively; and

(2) by inserting after section 924 the following:

''SEC. 925. ACTIVITIES REGARDING WOMEN'S HEALTH.

''(a) ESTABLISHMENT.—There is established within the Office of the Director, an Office of Women's Health and Gender-Based Research (referred to in this section as the 'Office'). The Office shall be headed by a director who shall be appointed by the Director of Healthcare and Research Quality.

''(b) PURPOSE.—The official designated under subsection (a) shall—

''(1) report to the Director on the current Agency level of activity regarding women's health, across, where appropriate, age, biological, and sociocultural contexts, in all aspects of Agency work, including the development of evidence reports and clinical practice protocols and the conduct of research into patient outcomes, delivery of health care services, quality of care, and access to health care;

''(2) establish short-range and long-range goals and objectives within the Agency for research important to women's health and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Agency that relate to health services and medical effectiveness research, for issues of particular concern to women;

''(3) identify projects in women's health that should be conducted or supported by the Agency;

''(4) consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups, as appropriate, on Agency policy with regard to women; and

''(5) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4)).''.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.''.

(f) HEALTH RESOURCES AND SERVICES ADMINISTRATION OFFICE OF WOMEN'S HEALTH.—Title VII of the Social Security Act (42 U.S.C. 901 et seq.) is amended by adding at the end the following:

''SEC. 713. OFFICE OF WOMEN'S HEALTH.

''(a) ESTABLISHMENT.—The Secretary shall establish within the Office of the Administrator of the Health Resources and Services Administration, an office to be known as the Office of Women's Health. The Office shall be headed by a director who shall be appointed by the Administrator.

''(b) PURPOSE.—The Director of the Office shall—

''(1) report to the Administrator on the current Administration level of activity regarding women's health across, where appropriate, age, biological, and sociocultural contexts;

''(2) establish short-range and long-range goals and objectives within the Health Resources and Services Administration for women's health and, as relevant and appropriate, coordinate with other appropriate offices on activities within the Administration that relate to health care provider training, health service delivery, research, and demonstration projects, for issues of particular concern to women;

''(3) identify projects in women's health that should be conducted or supported by the bureaus of the Administration;

''(4) consult with health professionals, nongovernmental organizations, consumer organizations, women's health professionals, and other individuals and groups, as appropriate, on Administration policy with regard to women; and

''(5) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4) of the Public Health Service Act).

''(c) CONTINUED ADMINISTRATION OF EXISTING PROGRAMS.—The Director of the Office shall assume the authority for the development, implementation, administration, and evaluation of any projects carried out through the Health Resources and Services Administration relating to women's health on the date of enactment of this section.

''(d) DEFINITIONS.—For purposes of this section:

''(1) ADMINISTRATION.—The term 'Administration' means the Health Resources and Services Administration.

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Health Resources and Services Administration.

''(3) OFFICE.—The term 'Office' means the Office of Women's Health established under this section in the Administration.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.''.

(g) FOOD AND DRUG ADMINISTRATION OFFICE OF WOMEN'S HEALTH.—Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

''SEC. 1011. OFFICE OF WOMEN'S HEALTH.

''(a) ESTABLISHMENT.—There is established within the Office of the Commissioner, an office to be known as the Office of Women's Health (referred to in this section as the 'Office'). The Office shall be headed by a director who shall be appointed by the Commissioner of Food and Drugs.

''(b) PURPOSE.—The Director of the Office shall—

''(1) report to the Commissioner of Food and Drugs on current Food and Drug Administration (referred to in this section as the 'Administration') levels of activity regarding women's participation in clinical trials and the analysis of data by sex in the testing of drugs, medical devices, and biological products across, where appropriate, age, biological, and sociocultural contexts;

''(2) establish short-range and long-range goals and objectives within the Administration for issues of particular concern to women's health within the jurisdiction of the Administration, including, where relevant and appropriate, adequate inclusion of women and analysis of data by sex in Administration protocols and policies;

''(3) provide information to women and health care providers on those areas in which differences between men and women exist;

''(4) consult with pharmaceutical, biologics, and device manufacturers, health professionals with expertise in women's issues, consumer organizations, and women's health professionals on Administration policy with regard to women;

''(5) make annual estimates of funds needed to monitor clinical trials and analysis of data by sex in accordance with needs that are identified; and

''(6) serve as a member of the Department of Health and Human Services Coordinating Committee on Women's Health (established under section 229(b)(4) of the Public Health Service Act).

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.''.

(h) NO NEW REGULATORY AUTHORITY.—Nothing in this section and the amendments made by this section may be construed as establishing regulatory authority or modifying any existing regulatory authority.

(i) LIMITATION ON TERMINATION.—Notwithstanding any other provision of law, a Federal office of women's health (including the Office of Research on Women's Health of the National Institutes of Health) or Federal appointive position with primary responsibility over women's health issues (including the Associate Administrator for Women's Services under the Substance Abuse and Mental Health Services Administration) that is in existence on the date of enactment of this section shall not be terminated, reorganized, or have any of it's powers or duties transferred unless such termination, reorganization, or transfer is approved by Congress through the adoption of a concurrent resolution of approval.

(j) RULE OF CONSTRUCTION.—Nothing in this section (or the amendments made by this section) shall be construed to limit the authority of the Secretary of Health and Human Services with respect to women's health, or with respect to activities carried out through the Department of Health and Human Services on the date of enactment of this section.

SEC. 3510. PATIENT NAVIGATOR PROGRAM.

Section 340A of the Public Health Service Act (42 U.S.C. 256a) is amended—

(1) by striking subsection (d)(3) and inserting the following:

''(3) LIMITATIONS ON GRANT PERIOD.—In carrying out this section, the Secretary shall ensure that the total period of a grant does not exceed 4 years.'';

(2) in subsection (e), by adding at the end the following:

''(3) MINIMUM CORE PROFICIENCIES.—The Secretary shall not award a grant to an entity under this section unless such entity provides assurances that patient navigators recruited, assigned, trained, or employed using grant funds meet minimum core proficiencies, as defined by the entity that submits the application, that are tailored for the main focus or intervention of the navigator involved.''; and

(3) in subsection (m)—

(A) in paragraph (1), by striking ''and $3,500,000 for fiscal year 2010.'' and inserting ''$3,500,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2015.''; and

(B) in paragraph (2), by striking ''2010'' and inserting ''2015''.

SEC. 3511. AUTHORIZATION OF APPROPRIATIONS.

Except where otherwise provided in this subtitle (or an amendment made by this subtitle), there is authorized to be appropriated such sums as may be necessary to carry out this subtitle (and such amendments made by this subtitle).

Subtitle G—Protecting and Improving Guaranteed Medicare Benefits

SEC. 3601. PROTECTING AND IMPROVING GUARANTEED MEDICARE BENEFITS.

(a) PROTECTING GUARANTEED MEDICARE BENEFITS.—Nothing in the provisions of, or amendments made by, this Act shall result in a reduction of guaranteed benefits under title XVIII of the Social Security Act.

(b) ENSURING THAT MEDICARE SAVINGS BENEFIT THE MEDICARE PROGRAM AND MEDICARE BENEFICIARIES.—Savings generated for the Medicare program under title XVIII of the Social Security Act under the provisions of, and amendments made by, this Act shall extend the solvency of the Medicare trust funds, reduce Medicare premiums and other cost-sharing for beneficiaries, and improve or expand guaranteed Medicare benefits and protect access to Medicare providers.

SEC. 3602. NO CUTS IN GUARANTEED BENEFITS.

Nothing in this Act shall result in the reduction or elimination of any benefits guaranteed by law to participants in Medicare Advantage plans.

TITLE IV—PREVENTION OF CHRONIC DISEASE AND IMPROVING PUBLIC HEALTH

Subtitle A—Modernizing Disease Prevention and Public Health Systems

SEC. 4001. NATIONAL PREVENTION, HEALTH PROMOTION AND PUBLIC HEALTH COUNCIL.

(a) ESTABLISHMENT.—The President shall establish, within the Department of Health and Human Services, a council to be known as the ''National Prevention, Health Promotion and Public Health Council'' (referred to in this section as the ''Council'').

(b) CHAIRPERSON.—The President shall appoint the Surgeon General to serve as the chairperson of the Council.

(c) COMPOSITION.—The Council shall be composed of—

(1) the Secretary of Health and Human Services;

(2) the Secretary of Agriculture;

(3) the Secretary of Education;

(4) the Chairman of the Federal Trade Commission;

(5) the Secretary of Transportation;

(6) the Secretary of Labor;

(7) the Secretary of Homeland Security;

(8) the Administrator of the Environmental Protection Agency;

(9) the Director of the Office of National Drug Control Policy;

(10) the Director of the Domestic Policy Council;

(11) the Assistant Secretary for Indian Affairs;

(12) the Chairman of the Corporation for National and Community Service; and

(13) the head of any other Federal agency that the chairperson determines is appropriate.

(d) PURPOSES AND DUTIES.—The Council shall—

(1) provide coordination and leadership at the Federal level, and among all Federal departments and agencies, with respect to prevention, wellness and health promotion practices, the public health system, and integrative health care in the United States;

(2) after obtaining input from relevant stakeholders, develop a national prevention, health promotion, public health, and integrative health care strategy that incorporates the most effective and achievable means of improving the health status of Americans and reducing the incidence of preventable illness and disability in the United States;

(3) provide recommendations to the President and Congress concerning the most pressing health issues confronting the United States and changes in Federal policy to achieve national wellness, health promotion, and public health goals, including the reduction of tobacco use, sedentary behavior, and poor nutrition;

(4) consider and propose evidence-based models, policies, and innovative approaches for the promotion of transformative models of prevention, integrative health, and public health on individual and community levels across the United States;

(5) establish processes for continual public input, including input from State, regional, and local leadership communities and other relevant stakeholders, including Indian tribes and tribal organizations;

(6) submit the reports required under subsection (g); and

(7) carry out other activities determined appropriate by the President.

(e) MEETINGS.—The Council shall meet at the call of the Chairperson.

(f) ADVISORY GROUP.—

(1) IN GENERAL.—The President shall establish an Advisory Group to the Council to be known as the ''Advisory Group on Prevention, Health Promotion, and Integrative and Public Health'' (hereafter referred to in this section as the ''Advisory Group''). The Advisory Group shall be within the Department of Health and Human Services and report to the Surgeon General.

(2) COMPOSITION.—

(A) IN GENERAL.—The Advisory Group shall be composed of not more than 25 non-Federal members to be appointed by the President.

(B) REPRESENTATION.—In appointing members under subparagraph (A), the President shall ensure that the Advisory Group includes a diverse group of licensed health professionals, including integrative health practitioners who have expertise in—

(i) worksite health promotion;

(ii) community services, including community health centers;

(iii) preventive medicine;

(iv) health coaching;

(v) public health education;

(vi) geriatrics; and

(vii) rehabilitation medicine.

(3) PURPOSES AND DUTIES.—The Advisory Group shall develop policy and program recommendations and advise the Council on lifestyle-based chronic disease prevention and management, integrative health care practices, and health promotion.

(g) NATIONAL PREVENTION AND HEALTH PROMOTION STRATEGY.—Not later than 1 year after the date of enactment of this Act, the Chairperson, in consultation with the Council, shall develop and make public a national prevention, health promotion and public health strategy, and shall review and revise such strategy periodically. Such strategy shall—

(1) set specific goals and objectives for improving the health of the United States through federally-supported prevention, health promotion, and public health programs, consistent with ongoing goal setting efforts conducted by specific agencies;

(2) establish specific and measurable actions and timelines to carry out the strategy, and determine accountability for meeting those timelines, within and across Federal departments and agencies; and

(3) make recommendations to improve Federal efforts relating to prevention, health promotion, public health, and integrative health care practices to ensure Federal efforts are consistent with available standards and evidence.

(h) REPORT.—Not later than July 1, 2010, and annually thereafter through January 1, 2015, the Council shall submit to the President and the relevant committees of Congress, a report that—

(1) describes the activities and efforts on prevention, health promotion, and public health and activities to develop a national strategy conducted by the Council during the period for which the report is prepared;

(2) describes the national progress in meeting specific prevention, health promotion, and public health goals defined in the strategy and further describes corrective actions recommended by the Council and taken by relevant agencies and organizations to meet these goals;

(3) contains a list of national priorities on health promotion and disease prevention to address lifestyle behavior modification (smoking cessation, proper nutrition, appropriate exercise, mental health, behavioral health, substance use disorder, and domestic violence screenings) and the prevention measures for the 5 leading disease killers in the United States;

(4) contains specific science-based initiatives to achieve the measurable goals of Healthy People 2010 regarding nutrition, exercise, and smoking cessation, and targeting the 5 leading disease killers in the United States;

(5) contains specific plans for consolidating Federal health programs and Centers that exist to promote healthy behavior and reduce disease risk (including eliminating programs and offices determined to be ineffective in meeting the priority goals of Healthy People 2010);

(6) contains specific plans to ensure that all Federal health care programs are fully coordinated with science-based prevention recommendations by the Director of the Centers for Disease Control and Prevention; and

(7) contains specific plans to ensure that all non-Department of Health and Human Services prevention programs are based on the science-based guidelines developed by the Centers for Disease Control and Prevention under paragraph (4).

(i) PERIODIC REVIEWS.—The Secretary and the Comptroller General of the United States shall jointly conduct periodic reviews, not less than every 5 years, and evaluations of every Federal disease prevention and health promotion initiative, program, and agency. Such reviews shall be evaluated based on effectiveness in meeting metrics-based goals with an analysis posted on such agencies' public Internet websites.

SEC. 4002. PREVENTION AND PUBLIC HEALTH FUND.

(a) PURPOSE.—It is the purpose of this section to establish a Prevention and Public Health Fund (referred to in this section as the ''Fund''), to be administered through the Department of Health and Human Services, Office of the Secretary, to provide for expanded and sustained national investment in prevention and public health programs to improve health and help restrain the rate of growth in private and public sector health care costs.

(b) FUNDING.—There are hereby authorized to be appropriated, and appropriated, to the Fund, out of any monies in the Treasury not otherwise appropriated—

(1) for fiscal year 2010, $500,000,000;

(2) for fiscal year 2011, $750,000,000;

(3) for fiscal year 2012, $1,000,000,000;

(4) for fiscal year 2013, $1,250,000,000;

(5) for fiscal year 2014, $1,500,000,000; and

(6) for fiscal year 2015, and each fiscal year thereafter, $2,000,000,000.

(c) USE OF FUND.—The Secretary shall transfer amounts in the Fund to accounts within the Department of Health and Human Services to increase funding, over the fiscal year 2008 level, for programs authorized by the Public Health Service Act, for prevention, wellness, and public health activities including prevention research and health screenings, such as the Community Transformation grant program, the Education and Outreach Campaign for Preventive Benefits, and immunization programs.

(d) TRANSFER AUTHORITY.—The Committee on Appropriations of the Senate and the Committee

on Appropriations of the House of Representatives may provide for the transfer of funds in the Fund to eligible activities under this section, subject to subsection (c).

SEC. 4003. CLINICAL AND COMMUNITY PREVENTIVE SERVICES.

(a) PREVENTIVE SERVICES TASK FORCE.—Section 915 of the Public Health Service Act (42 U.S.C. 299b–4) is amended by striking subsection (a) and inserting the following:

''(a) PREVENTIVE SERVICES TASK FORCE.—

''(1) ESTABLISHMENT AND PURPOSE.—The Director shall convene an independent Preventive Services Task Force (referred to in this subsection as the 'Task Force') to be composed of individuals with appropriate expertise. Such Task Force shall review the scientific evidence related to the effectiveness, appropriateness, and cost-effectiveness of clinical preventive services for the purpose of developing recommendations for the health care community, and updating previous clinical preventive recommendations, to be published in the Guide to Clinical Preventive Services (referred to in this section as the 'Guide'), for individuals and organizations delivering clinical services, including primary care professionals, health care systems, professional societies, employers, community organizations, non-profit organizations, Congress and other policy-makers, governmental public health agencies, health care quality organizations, and organizations developing national health objectives. Such recommendations shall consider clinical preventive best practice recommendations from the Agency for Healthcare Research and Quality, the National Institutes of Health, the Centers for Disease Control and Prevention, the Institute of Medicine, specialty medical associations, patient groups, and scientific societies.

''(2) DUTIES.—The duties of the Task Force shall include—

''(A) the development of additional topic areas for new recommendations and interventions related to those topic areas, including those related to specific sub-populations and age groups;

''(B) at least once during every 5-year period, review interventions and update recommendations related to existing topic areas, including new or improved techniques to assess the health effects of interventions;

''(C) improved integration with Federal Government health objectives and related target setting for health improvement;

''(D) the enhanced dissemination of recommendations;

''(E) the provision of technical assistance to those health care professionals, agencies and organizations that request help in implementing the Guide recommendations; and

''(F) the submission of yearly reports to Congress and related agencies identifying gaps in research, such as preventive services that receive an insufficient evidence statement, and recommending priority areas that deserve further examination, including areas related to populations and age groups not adequately addressed by current recommendations.

''(3) ROLE OF AGENCY.—The Agency shall provide ongoing administrative, research, and technical support for the operations of the Task Force, including coordinating and supporting the dissemination of the recommendations of the Task Force, ensuring adequate staff resources, and assistance to those organizations requesting it for implementation of the Guide's recommendations.

''(4) COORDINATION WITH COMMUNITY PREVENTIVE SERVICES TASK FORCE.—The Task Force shall take appropriate steps to coordinate its work with the Community Preventive Services Task Force and the Advisory Committee on Immunization Practices, including the examination of how each task force's recommendations interact at the nexus of clinic and community.

''(5) OPERATION.—Operation. In carrying out the duties under paragraph (2), the Task Force is not subject to the provisions of Appendix 2 of title 5, United States Code.

''(6) INDEPENDENCE.—All members of the Task Force convened under this subsection, and any recommendations made by such members, shall be independent and, to the extent practicable, not subject to political pressure.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal year to carry out the activities of the Task Force.''.

(b) COMMUNITY PREVENTIVE SERVICES TASK FORCE.—

(1) IN GENERAL.—Part P of title III of the Public Health Service Act, as amended by paragraph (2), is amended by adding at the end the following:

''SEC. 399U. COMMUNITY PREVENTIVE SERVICES TASK FORCE.

''(a) ESTABLISHMENT AND PURPOSE.—The Director of the Centers for Disease Control and Prevention shall convene an independent Community Preventive Services Task Force (referred to in this subsection as the 'Task Force') to be composed of individuals with appropriate expertise. Such Task Force shall review the scientific evidence related to the effectiveness, appropriateness, and cost-effectiveness of community preventive interventions for the purpose of developing recommendations, to be published in the Guide to Community Preventive Services (referred to in this section as the 'Guide'), for individuals and organizations delivering population-based services, including primary care professionals, health care systems, professional societies, employers, community organizations, non-profit organizations, schools, governmental public health agencies, Indian tribes, tribal organizations and urban Indian organizations, medical groups, Congress and other policy-makers. Community preventive services include any policies, programs, processes or activities designed to affect or otherwise affecting health at the population level.

''(b) DUTIES.—The duties of the Task Force shall include—

''(1) the development of additional topic areas for new recommendations and interventions related to those topic areas, including those related to specific populations and age groups, as well as the social, economic and physical environments that can have broad effects on the health and disease of populations and health disparities among sub-populations and age groups;

''(2) at least once during every 5-year period, review interventions and update recommendations related to existing topic areas, including new or improved techniques to assess the health effects of interventions, including health impact assessment and population health modeling;

''(3) improved integration with Federal Government health objectives and related target setting for health improvement;

''(4) the enhanced dissemination of recommendations;

''(5) the provision of technical assistance to those health care professionals, agencies, and organizations that request help in implementing the Guide recommendations; and

''(6) providing yearly reports to Congress and related agencies identifying gaps in research and recommending priority areas that deserve further examination, including areas related to populations and age groups not adequately addressed by current recommendations.

''(c) ROLE OF AGENCY.—The Director shall provide ongoing administrative, research, and technical support for the operations of the Task Force, including coordinating and supporting the dissemination of the recommendations of the Task Force, ensuring adequate staff resources, and assistance to those organizations requesting it for implementation of Guide recommendations.

''(d) COORDINATION WITH PREVENTIVE SERVICES TASK FORCE.—The Task Force shall take appropriate steps to coordinate its work with the U.S. Preventive Services Task Force and the Advisory Committee on Immunization Practices, including the examination of how each task force's recommendations interact at the nexus of clinic and community.

''(e) OPERATION.—In carrying out the duties under subsection (b), the Task Force shall not be subject to the provisions of Appendix 2 of title 5, United States Code.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal year to carry out the activities of the Task Force.''.

(2) TECHNICAL AMENDMENTS.—

(A) Section 399R of the Public Health Service Act (as added by section 2 of the ALS Registry Act (Public Law 110–373; 122 Stat. 4047)) is redesignated as section 399S.

(B) Section 399R of such Act (as added by section 3 of the Prenatally and Postnatally Diagnosed Conditions Awareness Act (Public Law 110–374; 122 Stat. 4051)) is redesignated as section 399T.

SEC. 4004. EDUCATION AND OUTREACH CAMPAIGN REGARDING PREVENTIVE BENEFITS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall provide for the planning and implementation of a national public–private partnership for a prevention and health promotion outreach and education campaign to raise public awareness of health improvement across the life span. Such campaign shall include the dissemination of information that—

(1) describes the importance of utilizing preventive services to promote wellness, reduce health disparities, and mitigate chronic disease;

(2) promotes the use of preventive services recommended by the United States Preventive Services Task Force and the Community Preventive Services Task Force;

(3) encourages healthy behaviors linked to the prevention of chronic diseases;

(4) explains the preventive services covered under health plans offered through a Gateway;

(5) describes additional preventive care supported by the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, the Advisory Committee on Immunization Practices, and other appropriate agencies; and

(6) includes general health promotion information.

(b) CONSULTATION.—In coordinating the campaign under subsection (a), the Secretary shall consult with the Institute of Medicine to provide ongoing advice on evidence-based scientific information for policy, program development, and evaluation.

(c) MEDIA CAMPAIGN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish and implement a national science-based media campaign on health promotion and disease prevention.

(2) REQUIREMENT OF CAMPAIGN.—The campaign implemented under paragraph (1)—

(A) shall be designed to address proper nutrition, regular exercise, smoking cessation, obesity reduction, the 5 leading disease killers in the United States, and secondary prevention through disease screening promotion;

(B) shall be carried out through competitively bid contracts awarded to entities providing for the professional production and design of such campaign;

(C) may include the use of television, radio, Internet, and other commercial marketing venues and may be targeted to specific age groups based on peer-reviewed social research;

(D) shall not be duplicative of any other Federal efforts relating to health promotion and disease prevention; and

(E) may include the use of humor and nationally recognized positive role models.

(3) EVALUATION.—The Secretary shall ensure that the campaign implemented under paragraph (1) is subject to an independent evaluation every 2 years and shall report every 2 years

to Congress on the effectiveness of such campaigns towards meeting science-based metrics.

(d) WEBSITE.—The Secretary, in consultation with private-sector experts, shall maintain or enter into a contract to maintain an Internet website to provide science-based information on guidelines for nutrition, regular exercise, obesity reduction, smoking cessation, and specific chronic disease prevention. Such website shall be designed to provide information to health care providers and consumers.

(e) DISSEMINATION OF INFORMATION THROUGH PROVIDERS.—The Secretary, acting through the Centers for Disease Control and Prevention, shall develop and implement a plan for the dissemination of health promotion and disease prevention information consistent with national priorities, to health care providers who participate in Federal programs, including programs administered by the Indian Health Service, the Department of Veterans Affairs, the Department of Defense, and the Health Resources and Services Administration, and Medicare and Medicaid.

(f) PERSONALIZED PREVENTION PLANS.—

(1) CONTRACT.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enter into a contract with a qualified entity for the development and operation of a Federal Internet website personalized prevention plan tool.

(2) USE.—The website developed under paragraph (1) shall be designed to be used as a source of the most up-to-date scientific evidence relating to disease prevention for use by individuals. Such website shall contain a component that enables an individual to determine their disease risk (based on personal health and family history, BMI, and other relevant information) relating to the 5 leading diseases in the United States, and obtain personalized suggestions for preventing such diseases.

(g) INTERNET PORTAL.—The Secretary shall establish an Internet portal for accessing risk-assessment tools developed and maintained by private and academic entities.

(h) PRIORITY FUNDING.—Funding for the activities authorized under this section shall take priority over funding provided through the Centers for Disease Control and Prevention for grants to States and other entities for similar purposes and goals as provided for in this section. Not to exceed $500,000,000 shall be expended on the campaigns and activities required under this section.

(i) PUBLIC AWARENESS OF PREVENTIVE AND OBESITY-RELATED SERVICES.—

(1) INFORMATION TO STATES.—The Secretary of Health and Human Services shall provide guidance and relevant information to States and health care providers regarding preventive and obesity-related services that are available to Medicaid enrollees, including obesity screening and counseling for children and adults.

(2) INFORMATION TO ENROLLEES.—Each State shall design a public awareness campaign to educate Medicaid enrollees regarding availability and coverage of such services, with the goal of reducing incidences of obesity.

(3) REPORT.—Not later than January 1, 2011, and every 3 years thereafter through January 1, 2017, the Secretary of Health and Human Services shall report to Congress on the status and effectiveness of efforts under paragraphs (1) and (2), including summaries of the States' efforts to increase awareness of coverage of obesity-related services.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle B—Increasing Access to Clinical Preventive Services

SEC. 4101. SCHOOL-BASED HEALTH CENTERS.

(a) GRANTS FOR THE ESTABLISHMENT OF SCHOOL-BASED HEALTH CENTERS.—

(1) PROGRAM.—The Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall establish a program to award grants to eligible entities to support the operation of school-based health centers.

(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an entity shall—

(A) be a school-based health center or a sponsoring facility of a school-based health center; and

(B) submit an application at such time, in such manner, and containing such information as the Secretary may require, including at a minimum an assurance that funds awarded under the grant shall not be used to provide any service that is not authorized or allowed by Federal, State, or local law.

(3) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to awarding grants for school-based health centers that serve a large population of children eligible for medical assistance under the State Medicaid plan under title XIX of the Social Security Act or under a waiver of such plan or children eligible for child health assistance under the State child health plan under title XXI of that Act (42 U.S.C. 1397aa et seq.).

(4) LIMITATION ON USE OF FUNDS.—An eligible entity shall use funds provided under a grant awarded under this subsection only for expenditures for facilities (including the acquisition or improvement of land, or the acquisition, construction, expansion, replacement, or other improvement of any building or other facility), equipment, or similar expenditures, as specified by the Secretary. No funds provided under a grant awarded under this section shall be used for expenditures for personnel or to provide health services.

(5) APPROPRIATIONS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2010 through 2013, $50,000,000 for the purpose of carrying out this subsection. Funds appropriated under this paragraph shall remain available until expended.

(6) DEFINITIONS.—In this subsection, the terms ''school-based health center'' and ''sponsoring facility'' have the meanings given those terms in section 2110(c)(9) of the Social Security Act (42 U.S.C. 1397jj(c)(9)).

(b) GRANTS FOR THE OPERATION OF SCHOOL-BASED HEALTH CENTERS.—Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

''SEC. 399Z–1. SCHOOL-BASED HEALTH CENTERS.

''(a) DEFINITIONS; ESTABLISHMENT OF CRITERIA.—In this section:

''(1) COMPREHENSIVE PRIMARY HEALTH SERVICES.—The term 'comprehensive primary health services' means the core services offered by school-based health centers, which shall include the following:

''(A) PHYSICAL.—Comprehensive health assessments, diagnosis, and treatment of minor, acute, and chronic medical conditions, and referrals to, and follow-up for, specialty care and oral health services.

''(B) MENTAL HEALTH.—Mental health and substance use disorder assessments, crisis intervention, counseling, treatment, and referral to a continuum of services including emergency psychiatric care, community support programs, inpatient care, and outpatient programs.

''(2) MEDICALLY UNDERSERVED CHILDREN AND ADOLESCENTS.—

''(A) IN GENERAL.—The term 'medically underserved children and adolescents' means a population of children and adolescents who are residents of an area designated as a medically underserved area or a health professional shortage area by the Secretary.

''(B) CRITERIA.—The Secretary shall prescribe criteria for determining the specific shortages of personal health services for medically underserved children and adolescents under subparagraph (A) that shall—

''(i) take into account any comments received by the Secretary from the chief executive officer of a State and local officials in a State; and

''(ii) include factors indicative of the health status of such children and adolescents of an area, including the ability of the residents of such area to pay for health services, the accessibility of such services, the availability of health professionals to such children and adolescents, and other factors as determined appropriate by the Secretary.

''(3) SCHOOL-BASED HEALTH CENTER.—The term 'school-based health center' means a health clinic that—

''(A) meets the definition of a school-based health center under section 2110(c)(9)(A) of the Social Security Act and is administered by a sponsoring facility (as defined in section 2110(c)(9)(B) of the Social Security Act);

''(B) provides, at a minimum, comprehensive primary health services during school hours to children and adolescents by health professionals in accordance with established standards, community practice, reporting laws, and other State laws, including parental consent and notification laws that are not inconsistent with Federal law; and

''(C) does not perform abortion services.

''(b) AUTHORITY TO AWARD GRANTS.—The Secretary shall award grants for the costs of the operation of school-based health centers (referred to in this section as 'SBHCs') that meet the requirements of this section.

''(c) APPLICATIONS.—To be eligible to receive a grant under this section, an entity shall—

''(1) be an SBHC (as defined in subsection (a)(3)); and

''(2) submit to the Secretary an application at such time, in such manner, and containing—

''(A) evidence that the applicant meets all criteria necessary to be designated an SBHC;

''(B) evidence of local need for the services to be provided by the SBHC;

''(C) an assurance that—

''(i) SBHC services will be provided to those children and adolescents for whom parental or guardian consent has been obtained in cooperation with Federal, State, and local laws governing health care service provision to children and adolescents;

''(ii) the SBHC has made and will continue to make every reasonable effort to establish and maintain collaborative relationships with other health care providers in the catchment area of the SBHC;

''(iii) the SBHC will provide on-site access during the academic day when school is in session and 24-hour coverage through an on-call system and through its backup health providers to ensure access to services on a year-round basis when the school or the SBHC is closed;

''(iv) the SBHC will be integrated into the school environment and will coordinate health services with school personnel, such as administrators, teachers, nurses, counselors, and support personnel, as well as with other community providers co-located at the school;

''(v) the SBHC sponsoring facility assumes all responsibility for the SBHC administration, operations, and oversight; and

''(vi) the SBHC will comply with Federal, State, and local laws concerning patient privacy and student records, including regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 and section 444 of the General Education Provisions Act; and

''(D) such other information as the Secretary may require.

''(d) PREFERENCES AND CONSIDERATION.—In reviewing applications:

''(1) The Secretary may give preference to applicants who demonstrate an ability to serve the following:

''(A) Communities that have evidenced barriers to primary health care and mental health and substance use disorder prevention services for children and adolescents.

''(B) Communities with high per capita numbers of children and adolescents who are uninsured, underinsured, or enrolled in public health insurance programs.

''(C) Populations of children and adolescents that have historically demonstrated difficulty in accessing health and mental health and substance use disorder prevention services.

''(2) The Secretary may give consideration to whether an applicant has received a grant under subsection (a) of section 4101 of the Patient Protection and Affordable Care Act.

''(e) WAIVER OF REQUIREMENTS.—The Secretary may—

''(1) under appropriate circumstances, waive the application of all or part of the requirements of this subsection with respect to an SBHC for not to exceed 2 years; and

''(2) upon a showing of good cause, waive the requirement that the SBHC provide all required comprehensive primary health services for a designated period of time to be determined by the Secretary.

''(f) USE OF FUNDS.—

''(1) FUNDS.—Funds awarded under a grant under this section—

''(A) may be used for—

''(i) acquiring and leasing equipment (including the costs of amortizing the principle of, and paying interest on, loans for such equipment);

''(ii) providing training related to the provision of required comprehensive primary health services and additional health services;

''(iii) the management and operation of health center programs;

''(iv) the payment of salaries for physicians, nurses, and other personnel of the SBHC; and

''(B) may not be used to provide abortions.

''(2) CONSTRUCTION.—The Secretary may award grants which may be used to pay the costs associated with expanding and modernizing existing buildings for use as an SBHC, including the purchase of trailers or manufactured buildings to install on the school property.

''(3) LIMITATIONS.—

''(A) IN GENERAL.—Any provider of services that is determined by a State to be in violation of a State law described in subsection (a)(3)(B) with respect to activities carried out at a SBHC shall not be eligible to receive additional funding under this section.

''(B) NO OVERLAPPING GRANT PERIOD.—No entity that has received funding under section 330 for a grant period shall be eligible for a grant under this section for with respect to the same grant period.

''(g) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 20 percent of the amount of the grant (which may be provided in cash or in-kind) to carry out the activities supported by the grant.

''(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for the SBHC if the Secretary determines that applying the matching requirement to the SBHC would result in serious hardship or an inability to carry out the purposes of this section.

''(h) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal or State funds.

''(i) EVALUATION.—The Secretary shall develop and implement a plan for evaluating SBHCs and monitoring quality performance under the awards made under this section.

''(j) AGE APPROPRIATE SERVICES.—An eligible entity receiving funds under this section shall only provide age appropriate services through a SBHC funded under this section to an individual.

''(k) PARENTAL CONSENT.—An eligible entity receiving funds under this section shall not provide services through a SBHC funded under this section to an individual without the consent of the parent or guardian of such individual if such individual is considered a minor under applicable State law.

''(l) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014.''.

SEC. 4102. ORAL HEALTHCARE PREVENTION ACTIVITIES.

(a) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 3025, is amended by adding at the end the following:

''PART T—ORAL HEALTHCARE PREVENTION ACTIVITIES

''SEC. 399LL. ORAL HEALTHCARE PREVENTION EDUCATION CAMPAIGN.

''(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with professional oral health organizations, shall, subject to the availability of appropriations, establish a 5-year national, public education campaign (referred to in this section as the 'campaign') that is focused on oral healthcare prevention and education, including prevention of oral disease such as early childhood and other caries, periodontal disease, and oral cancer.

''(b) REQUIREMENTS.—In establishing the campaign, the Secretary shall—

''(1) ensure that activities are targeted towards specific populations such as children, pregnant women, parents, the elderly, individuals with disabilities, and ethnic and racial minority populations, including Indians, Alaska Natives and Native Hawaiians (as defined in section 4(c) of the Indian Health Care Improvement Act) in a culturally and linguistically appropriate manner; and

''(2) utilize science-based strategies to convey oral health prevention messages that include, but are not limited to, community water fluoridation and dental sealants.

''(c) PLANNING AND IMPLEMENTATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall begin implementing the 5-year campaign. During the 2-year period referred to in the previous sentence, the Secretary shall conduct planning activities with respect to the campaign.

''SEC. 399LL–1. RESEARCH-BASED DENTAL CARIES DISEASE MANAGEMENT.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award demonstration grants to eligible entities to demonstrate the effectiveness of research-based dental caries disease management activities.

''(b) ELIGIBILITY.—To be eligible for a grant under this section, an entity shall—

''(1) be a community-based provider of dental services (as defined by the Secretary), including a Federally-qualified health center, a clinic of a hospital owned or operated by a State (or by an instrumentality or a unit of government within a State), a State or local department of health, a dental program of the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as such terms are defined in section 4 of the Indian Health Care Improvement Act), a health system provider, a private provider of dental services, medical, dental, public health, nursing, nutrition educational institutions, or national organizations involved in improving children's oral health; and

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—A grantee shall use amounts received under a grant under this section to demonstrate the effectiveness of research-based dental caries disease management activities.

''(d) USE OF INFORMATION.—The Secretary shall utilize information generated from grantees under this section in planning and implementing the public education campaign under section 399LL.

''SEC. 399LL–2. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this part, such sums as may be necessary.''.

(b) SCHOOL-BASED SEALANT PROGRAMS.—Section 317M(c)(1) of the Public Health Service Act (42 U.S.C. 247b–14(c)(1)) is amended by striking ''may award grants to States and Indian tribes'' and inserting ''shall award a grant to each of the 50 States and territories and to Indians, Indian tribes, tribal organizations and urban Indian organizations (as such terms are defined in section 4 of the Indian Health Care Improvement Act)''.

(c) ORAL HEALTH INFRASTRUCTURE.—Section 317M of the Public Health Service Act (42 U.S.C. 247b–14) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c), the following:

''(d) ORAL HEALTH INFRASTRUCTURE.—

''(1) COOPERATIVE AGREEMENTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enter into cooperative agreements with State, territorial, and Indian tribes or tribal organizations (as those terms are defined in section 4 of the Indian Health Care Improvement Act) to establish oral health leadership and program guidance, oral health data collection and interpretation, (including determinants of poor oral health among vulnerable populations), a multidimensional delivery system for oral health, and to implement science-based programs (including dental sealants and community water fluoridation) to improve oral health.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as necessary to carry out this subsection for fiscal years 2010 through 2014.''.

(d) UPDATING NATIONAL ORAL HEALTHCARE SURVEILLANCE ACTIVITIES.—

(1) PRAMS.—

(A) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall carry out activities to update and improve the Pregnancy Risk Assessment Monitoring System (referred to in this section as ''PRAMS'') as it relates to oral healthcare.

(B) STATE REPORTS AND MANDATORY MEASUREMENTS.—

(i) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, a State shall submit to the Secretary a report concerning activities conducted within the State under PRAMS.

(ii) MEASUREMENTS.—The oral healthcare measurements developed by the Secretary for use under PRAMS shall be mandatory with respect to States for purposes of the State reports under clause (i).

(C) FUNDING.—There is authorized to be appropriated to carry out this paragraph, such sums as may be necessary.

(2) NATIONAL HEALTH AND NUTRITION EXAMINATION SURVEY.—The Secretary shall develop oral healthcare components that shall include tooth-level surveillance for inclusion in the National Health and Nutrition Examination Survey. Such components shall be updated by the Secretary at least every 6 years. For purposes of this paragraph, the term ''tooth-level surveillance'' means a clinical examination where an examiner looks at each dental surface, on each tooth in the mouth and as expanded by the Division of Oral Health of the Centers for Disease Control and Prevention.

(3) MEDICAL EXPENDITURES PANEL SURVEY.—The Secretary shall ensure that the Medical Expenditures Panel Survey by the Agency for Healthcare Research and Quality includes the verification of dental utilization, expenditure, and coverage findings through conduct of a look-back analysis.

(4) NATIONAL ORAL HEALTH SURVEILLANCE SYSTEM.—

(A) APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary for each of fiscal years 2010 through 2014 to increase the participation of States in the National Oral Health Surveillance System from 16 States to all 50 States, territories, and District of Columbia.

(B) REQUIREMENTS.—The Secretary shall ensure that the National Oral Health Surveillance System include the measurement of early childhood caries.

SEC. 4103. MEDICARE COVERAGE OF ANNUAL WELLNESS VISIT PROVIDING A PERSONALIZED PREVENTION PLAN.

(a) COVERAGE OF PERSONALIZED PREVENTION PLAN SERVICES.—

(1) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(A) in subparagraph (DD), by striking ''and'' at the end;

(B) in subparagraph (EE), by adding ''and'' at the end; and

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

''(FF) personalized prevention plan services (as defined in subsection (hhh));''.

(2) CONFORMING AMENDMENTS.—Clauses (i) and (ii) of section 1861(s)(2)(K) of the Social Security Act (42 U.S.C. 1395x(s)(2)(K)) are each amended by striking ''subsection (ww)(1)'' and inserting ''subsections (ww)(1) and (hhh)''.

(b) PERSONALIZED PREVENTION PLAN SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Annual Wellness Visit

''(hhh)(1) The term 'personalized prevention plan services' means the creation of a plan for an individual—

''(A) that includes a health risk assessment (that meets the guidelines established by the Secretary under paragraph (4)(A)) of the individual that is completed prior to or as part of the same visit with a health professional described in paragraph (3); and

''(B) that—

''(i) takes into account the results of the health risk assessment; and

''(ii) may contain the elements described in paragraph (2).

''(2) Subject to paragraph (4)(H), the elements described in this paragraph are the following:

''(A) The establishment of, or an update to, the individual's medical and family history.

''(B) A list of current providers and suppliers that are regularly involved in providing medical care to the individual (including a list of all prescribed medications).

''(C) A measurement of height, weight, body mass index (or waist circumference, if appropriate), blood pressure, and other routine measurements.

''(D) Detection of any cognitive impairment.

''(E) The establishment of, or an update to, the following:

''(i) A screening schedule for the next 5 to 10 years, as appropriate, based on recommendations of the United States Preventive Services Task Force and the Advisory Committee on Immunization Practices, and the individual's health status, screening history, and age-appropriate preventive services covered under this title.

''(ii) A list of risk factors and conditions for which primary, secondary, or tertiary prevention interventions are recommended or are underway, including any mental health conditions or any such risk factors or conditions that have been identified through an initial preventive physical examination (as described under subsection (ww)(1)), and a list of treatment options and their associated risks and benefits.

''(F) The furnishing of personalized health advice and a referral, as appropriate, to health education or preventive counseling services or programs aimed at reducing identified risk factors and improving self-management, or community-based lifestyle interventions to reduce health risks and promote self-management and wellness, including weight loss, physical activity, smoking cessation, fall prevention, and nutrition.

''(G) Any other element determined appropriate by the Secretary.

''(3) A health professional described in this paragraph is—

''(A) a physician;

''(B) a practitioner described in clause (i) of section 1842(b)(18)(C); or

''(C) a medical professional (including a health educator, registered dietitian, or nutrition professional) or a team of medical professionals, as determined appropriate by the Secretary, under the supervision of a physician.

''(4)(A) For purposes of paragraph (1)(A), the Secretary, not later than 1 year after the date of enactment of this subsection, shall establish publicly available guidelines for health risk assessments. Such guidelines shall be developed in consultation with relevant groups and entities and shall provide that a health risk assessment—

''(i) identify chronic diseases, injury risks, modifiable risk factors, and urgent health needs of the individual; and

''(ii) may be furnished—

''(I) through an interactive telephonic or web-based program that meets the standards established under subparagraph (B);

''(II) during an encounter with a health care professional;

''(III) through community-based prevention programs; or

''(IV) through any other means the Secretary determines appropriate to maximize accessibility and ease of use by beneficiaries, while ensuring the privacy of such beneficiaries.

''(B) Not later than 1 year after the date of enactment of this subsection, the Secretary shall establish standards for interactive telephonic or web-based programs used to furnish health risk assessments under subparagraph (A)(ii)(I). The Secretary may utilize any health risk assessment developed under section 4004(f) of the Patient Protection and Affordable Care Act as part of the requirement to develop a personalized prevention plan to comply with this subparagraph.

''(C)(i) Not later than 18 months after the date of enactment of this subsection, the Secretary shall develop and make available to the public a health risk assessment model. Such model shall meet the guidelines under subparagraph (A) and may be used to meet the requirement under paragraph (1)(A).

''(ii) Any health risk assessment that meets the guidelines under subparagraph (A) and is approved by the Secretary may be used to meet the requirement under paragraph (1)(A).

''(D) The Secretary may coordinate with community-based entities (including State Health Insurance Programs, Area Agencies on Aging, Aging and Disability Resource Centers, and the Administration on Aging) to—

''(i) ensure that health risk assessments are accessible to beneficiaries; and

''(ii) provide appropriate support for the completion of health risk assessments by beneficiaries.

''(E) The Secretary shall establish procedures to make beneficiaries and providers aware of the requirement that a beneficiary complete a health risk assessment prior to or at the same time as receiving personalized prevention plan services.

''(F) To the extent practicable, the Secretary shall encourage the use of, integration with, and coordination of health information technology (including use of technology that is compatible with electronic medical records and personal health records) and may experiment with the use of personalized technology to aid in the development of self-management skills and management of and adherence to provider recommendations in order to improve the health status of beneficiaries.

''(G)(i) A beneficiary shall only be eligible to receive an initial preventive physical examination (as defined under subsection (ww)(1)) at any time during the 12-month period after the date that the beneficiary's coverage begins under part B and shall be eligible to receive personalized prevention plan services under this subsection provided that the beneficiary has not received such services within the preceding 12-month period.

''(ii) The Secretary shall establish procedures to make beneficiaries aware of the option to select an initial preventive physical examination or personalized prevention plan services during the period of 12 months after the date that a beneficiary's coverage begins under part B, which shall include information regarding any relevant differences between such services.

''(H) The Secretary shall issue guidance that—

''(i) identifies elements under paragraph (2) that are required to be provided to a beneficiary as part of their first visit for personalized prevention plan services; and

''(ii) establishes a yearly schedule for appropriate provision of such elements thereafter.''.

(c) PAYMENT AND ELIMINATION OF COST-SHARING.—

(1) PAYMENT AND ELIMINATION OF COINSURANCE.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) in subparagraph (N), by inserting ''other than personalized prevention plan services (as defined in section 1861(hhh)(1))'' after ''(as defined in section 1848(j)(3))'';

(B) by striking ''and'' before ''(W)''; and

(C) by inserting before the semicolon at the end the following: '', and (X) with respect to personalized prevention plan services (as defined in section 1861(hhh)(1)), the amount paid shall be 100 percent of the lesser of the actual charge for the services or the amount determined under the payment basis determined under section 1848''.

(2) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w–4(j)(3)) is amended by inserting ''(2)(FF) (including administration of the health risk assessment) ,'' after ''(2)(EE),''.

(3) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—

(A) EXCLUSION FROM OPD FEE SCHEDULE.—Section 1833(t)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(1)(B)(iv)) is amended by striking ''and diagnostic mammography'' and inserting '', diagnostic mammography, or personalized prevention plan services (as defined in section 1861(hhh)(1))''.

(B) CONFORMING AMENDMENTS.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)) is amended—

(i) in subparagraph (F), by striking ''and'' at the end;

(ii) in subparagraph (G)(ii), by striking the comma at the end and inserting ''; and''; and

(iii) by inserting after subparagraph (G)(ii) the following new subparagraph:

''(H) with respect to personalized prevention plan services (as defined in section 1861(hhh)(1)) furnished by an outpatient department of a hospital, the amount determined under paragraph (1)(X),''.

(4) WAIVER OF APPLICATION OF DEDUCTIBLE.—The first sentence of section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)) is amended—

(A) by striking ''and'' before ''(9)''; and

(B) by inserting before the period the following: '', and (10) such deductible shall not apply with respect to personalized prevention plan services (as defined in section 1861(hhh)(1))''.

(d) FREQUENCY LIMITATION.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (N), by striking ''and'' at the end;

(B) in subparagraph (O), by striking the semicolon at the end and inserting '', and''; and

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

''(P) in the case of personalized prevention plan services (as defined in section 1861(hhh)(1)), which are performed more frequently than is covered under such section;''; and

(2) in paragraph (7), by striking ''or (K)'' and inserting ''(K), or (P)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2011.

SEC. 4104. REMOVAL OF BARRIERS TO PREVENTIVE SERVICES IN MEDICARE.

(a) DEFINITION OF PREVENTIVE SERVICES.—Section 1861(ddd) of the Social Security Act (42 U.S.C. 1395x(ddd)) is amended—

(1) in the heading, by inserting ''; Preventive Services'' after ''Services'';

(2) in paragraph (1), by striking ''not otherwise described in this title'' and inserting ''not described in subparagraph (A) or (C) of paragraph (3)''; and

(3) by adding at the end the following new paragraph:

''(3) The term 'preventive services' means the following:

''(A) The screening and preventive services described in subsection (ww)(2) (other than the service described in subparagraph (M) of such subsection).

''(B) An initial preventive physical examination (as defined in subsection (ww)).

''(C) Personalized prevention plan services (as defined in subsection (hhh)(1)).''.

(b) COINSURANCE.—

(1) GENERAL APPLICATION.—

(A) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 4103(c)(1), is amended—

(i) in subparagraph (T), by inserting ''(or 100 percent if such services are recommended with a grade of A or B by the United States Preventive Services Task Force for any indication or population and are appropriate for the individual)'' after ''80 percent'';

(ii) in subparagraph (W)—

(I) in clause (i), by inserting ''(if such subparagraph were applied, by substituting '100 percent' for '80 percent')'' after ''subparagraph (D)''; and

(II) in clause (ii), by striking ''80 percent'' and inserting ''100 percent'';

(iii) by striking ''and'' before ''(X)''; and

(iv) by inserting before the semicolon at the end the following: '', and (Y) with respect to preventive services described in subparagraphs (A) and (B) of section 1861(ddd)(3) that are appropriate for the individual and, in the case of such services described in subparagraph (A), are recommended with a grade of A or B by the United States Preventive Services Task Force for any indication or population, the amount paid shall be 100 percent of the lesser of the actual charge for the services or the amount determined under the fee schedule that applies to such services under this part''.

(2) ELIMINATION OF COINSURANCE IN OUTPATIENT HOSPITAL SETTINGS.—

(A) EXCLUSION FROM OPD FEE SCHEDULE.—Section 1833(t)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395l(t)(1)(B)(iv)), as amended by section 4103(c)(3)(A), is amended—

(i) by striking ''or'' before ''personalized prevention plan services''; and

(ii) by inserting before the period the following: '', or preventive services described in subparagraphs (A) and (B) of section 1861(ddd)(3) that are appropriate for the individual and, in the case of such services described in subparagraph (A), are recommended with a grade of A or B by the United States Preventive Services Task Force for any indication or population''.

(B) CONFORMING AMENDMENTS.—Section 1833(a)(2) of the Social Security Act (42 U.S.C. 1395l(a)(2)), as amended by section 4103(c)(3)(B), is amended—

(i) in subparagraph (G)(ii), by striking ''and'' after the semicolon at the end;

(ii) in subparagraph (H), by striking the comma at the end and inserting ''; and''; and

(iii) by inserting after subparagraph (H) the following new subparagraph:

''(I) with respect to preventive services described in subparagraphs (A) and (B) of section 1861(ddd)(3) that are appropriate for the individual and are furnished by an outpatient department of a hospital and, in the case of such services described in subparagraph (A), are recommended with a grade of A or B by the United States Preventive Services Task Force for any indication or population, the amount determined under paragraph (1)(W) or (1)(Y),''.

(c) WAIVER OF APPLICATION OF DEDUCTIBLE FOR PREVENTIVE SERVICES AND COLORECTAL CANCER SCREENING TESTS.—Section 1833(b) of the Social Security Act (42 U.S.C. 1395l(b)), as amended by section 4103(c)(4), is amended—

(1) in paragraph (1), by striking ''items and services described in section 1861(s)(10)(A)'' and inserting ''preventive services described in subparagraph (A) of section 1861(ddd)(3) that are recommended with a grade of A or B by the United States Preventive Services Task Force for any indication or population and are appropriate for the individual.''; and

(2) by adding at the end the following new sentence: ''Paragraph (1) of the first sentence of this subsection shall apply with respect to a colorectal cancer screening test regardless of the code that is billed for the establishment of a diagnosis as a result of the test, or for the removal of tissue or other matter or other procedure that is furnished in connection with, as a result of, and in the same clinical encounter as the screening test.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2011.

SEC. 4105. EVIDENCE-BASED COVERAGE OF PREVENTIVE SERVICES IN MEDICARE.

(a) AUTHORITY TO MODIFY OR ELIMINATE COVERAGE OF CERTAIN PREVENTIVE SERVICES.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(n) AUTHORITY TO MODIFY OR ELIMINATE COVERAGE OF CERTAIN PREVENTIVE SERVICES.—Notwithstanding any other provision of this title, effective beginning on January 1, 2010, if the Secretary determines appropriate, the Secretary may—

''(1) modify—

''(A) the coverage of any preventive service described in subparagraph (A) of section 1861(ddd)(3) to the extent that such modification is consistent with the recommendations of the United States Preventive Services Task Force; and

''(B) the services included in the initial preventive physical examination described in subparagraph (B) of such section; and

''(2) provide that no payment shall be made under this title for a preventive service described in subparagraph (A) of such section that has not received a grade of A, B, C, or I by such Task Force.''.

(b) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) shall be construed to affect the coverage of diagnostic or treatment services under title XVIII of the Social Security Act.

SEC. 4106. IMPROVING ACCESS TO PREVENTIVE SERVICES FOR ELIGIBLE ADULTS IN MEDICAID.

(a) CLARIFICATION OF INCLUSION OF SERVICES.—Section 1905(a)(13) of the Social Security Act (42 U.S.C. 1396d(a)(13)) is amended to read as follows:

''(13) other diagnostic, screening, preventive, and rehabilitative services, including—

''(A) any clinical preventive services that are assigned a grade of A or B by the United States Preventive Services Task Force;

''(B) with respect to an adult individual, approved vaccines recommended by the Advisory Committee on Immunization Practices (an advisory committee established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration; and

''(C) any medical or remedial services (provided in a facility, a home, or other setting) recommended by a physician or other licensed practitioner of the healing arts within the scope of their practice under State law, for the maximum reduction of physical or mental disability and restoration of an individual to the best possible functional level;''.

(b) INCREASED FMAP.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as amended by sections 2001(a)(3)(A) and 2004(c)(1), is amended in the first sentence—

(1) by striking '', and (4)'' and inserting '', (4)''; and

(2) by inserting before the period the following: '', and (5) in the case of a State that provides medical assistance for services and vaccines described in subparagraphs (A) and (B) of subsection (a)(13), and prohibits cost-sharing for such services and vaccines, the Federal medical assistance percentage, as determined under this subsection and subsection (y) (without regard to paragraph (1)(C) of such subsection), shall be increased by 1 percentage point with respect to medical assistance for such services and vaccines and for items and services described in subsection (a)(4)(D)''.

(c) EFFECTIVE DATE.—The amendments made under this section shall take effect on January 1, 2013.

SEC. 4107. COVERAGE OF COMPREHENSIVE TOBACCO CESSATION SERVICES FOR PREGNANT WOMEN IN MEDICAID.

(a) REQUIRING COVERAGE OF COUNSELING AND PHARMACOTHERAPY FOR CESSATION OF TOBACCO USE BY PREGNANT WOMEN.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by sections 2001(a)(3)(B) and 2303, is further amended—

(1) in subsection (a)(4)—

(A) by striking ''and'' before ''(C)''; and

(B) by inserting before the semicolon at the end the following new subparagraph: ''; and (D) counseling and pharmacotherapy for cessation of tobacco use by pregnant women (as defined in subsection (bb))''; and

(2) by adding at the end the following:

''(bb)(1) For purposes of this title, the term 'counseling and pharmacotherapy for cessation of tobacco use by pregnant women' means diagnostic, therapy, and counseling services and pharmacotherapy (including the coverage of prescription and nonprescription tobacco cessation agents approved by the Food and Drug Administration) for cessation of tobacco use by pregnant women who use tobacco products or who are being treated for tobacco use that is furnished—

''(A) by or under the supervision of a physician; or

''(B) by any other health care professional who—

''(i) is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished; and

''(ii) is authorized to receive payment for other services under this title or is designated by the Secretary for this purpose.

''(2) Subject to paragraph (3), such term is limited to—

''(A) services recommended with respect to pregnant women in 'Treating Tobacco Use and Dependence: 2008 Update: A Clinical Practice Guideline', published by the Public Health Service in May 2008, or any subsequent modification of such Guideline; and

''(B) such other services that the Secretary recognizes to be effective for cessation of tobacco use by pregnant women.

''(3) Such term shall not include coverage for drugs or biologicals that are not otherwise covered under this title.''.

(b) EXCEPTION FROM OPTIONAL RESTRICTION UNDER MEDICAID PRESCRIPTION DRUG COVERAGE.—Section 1927(d)(2)(F) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)(F)), as redesignated by section 2502(a), is amended by inserting before the period at the end the following: '', except, in the case of pregnant women when recommended in accordance with the Guideline referred to in section 1905(bb)(2)(A), agents approved by the Food and Drug Administration under the over-the-counter monograph process for purposes of promoting, and when used to promote, tobacco cessation''.

(c) REMOVAL OF COST-SHARING FOR COUNSELING AND PHARMACOTHERAPY FOR CESSATION OF TOBACCO USE BY PREGNANT WOMEN.—

(1) GENERAL COST-SHARING LIMITATIONS.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended in each of subsections (a)(2)(B) and (b)(2)(B) by inserting '', and counseling and pharmacotherapy for cessation of tobacco use by pregnant women (as defined in section 1905(bb)) and covered outpatient drugs (as defined in subsection (k)(2) of section 1927 and including nonprescription drugs described in subsection (d)(2) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation by pregnant women in accordance with the Guideline referred to in section 1905(bb)(2)(A)'' after ''complicate the pregnancy''.

(2) APPLICATION TO ALTERNATIVE COST-SHARING.—Section 1916A(b)(3)(B)(iii) of such Act (42 U.S.C. 1396o–1(b)(3)(B)(iii)) is amended by inserting '', and counseling and pharmacotherapy for cessation of tobacco use by pregnant women (as defined in section 1905(bb))'' after ''complicate the pregnancy''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 4108. INCENTIVES FOR PREVENTION OF CHRONIC DISEASES IN MEDICAID.

(a) INITIATIVES.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall award grants to States to carry out initiatives to provide incentives to Medicaid beneficiaries who—

(i) successfully participate in a program described in paragraph (3); and

(ii) upon completion of such participation, demonstrate changes in health risk and outcomes, including the adoption and maintenance of healthy behaviors by meeting specific targets (as described in subsection (c)(2)).

(B) PURPOSE.—The purpose of the initiatives under this section is to test approaches that may encourage behavior modification and determine scalable solutions.

(2) DURATION.—

(A) INITIATION OF PROGRAM; RESOURCES.—The Secretary shall awards grants to States beginning on January 1, 2011, or beginning on the date on which the Secretary develops program criteria, whichever is earlier. The Secretary shall develop program criteria for initiatives under this section using relevant evidence-based research and resources, including the Guide to Community Preventive Services, the Guide to Clinical Preventive Services, and the National Registry of Evidence-Based Programs and Practices.

(B) DURATION OF PROGRAM.—A State awarded a grant to carry out initiatives under this section shall carry out such initiatives within the 5-year period beginning on January 1, 2011, or beginning on the date on which the Secretary develops program criteria, whichever is earlier. Initiatives under this section shall be carried out by a State for a period of not less than 3 years.

(3) PROGRAM DESCRIBED.—

(A) IN GENERAL.—A program described in this paragraph is a comprehensive, evidence-based, widely available, and easily accessible program, proposed by the State and approved by the Secretary, that is designed and uniquely suited to address the needs of Medicaid beneficiaries and has demonstrated success in helping individuals achieve one or more of the following:

(i) Ceasing use of tobacco products.

(ii) Controlling or reducing their weight.

(iii) Lowering their cholesterol.

(iv) Lowering their blood pressure.

(v) Avoiding the onset of diabetes or, in the case of a diabetic, improving the management of that condition.

(B) CO-MORBIDITIES.—A program under this section may also address co-morbidities (including depression) that are related to any of the conditions described in subparagraph (A).

(C) WAIVER AUTHORITY.—The Secretary may waive the requirements of section 1902(a)(1) (relating to statewideness) of the Social Security Act for a State awarded a grant to conduct an initiative under this section and shall ensure that a State makes any program described in subparagraph (A) available and accessible to Medicaid beneficiaries.

(D) FLEXIBILITY IN IMPLEMENTATION.—A State may enter into arrangements with providers participating in Medicaid, community-based organizations, faith-based organizations, public-private partnerships, Indian tribes, or similar entities or organizations to carry out programs described in subparagraph (A).

(4) APPLICATION.—Following the development of program criteria by the Secretary, a State may submit an application, in such manner and containing such information as the Secretary may require, that shall include a proposal for programs described in paragraph (3)(A) and a plan to make Medicaid beneficiaries and providers participating in Medicaid who reside in the State aware and informed about such programs.

(b) EDUCATION AND OUTREACH CAMPAIGN.—

(1) STATE AWARENESS.—The Secretary shall conduct an outreach and education campaign to make States aware of the grants under this section.

(2) PROVIDER AND BENEFICIARY EDUCATION.—A State awarded a grant to conduct an initiative under this section shall conduct an outreach and education campaign to make Medicaid beneficiaries and providers participating in Medicaid who reside in the State aware of the programs described in subsection (a)(3) that are to be carried out by the State under the grant.

(c) IMPACT.—A State awarded a grant to conduct an initiative under this section shall develop and implement a system to—

(1) track Medicaid beneficiary participation in the program and validate changes in health risk and outcomes with clinical data, including the adoption and maintenance of health behaviors by such beneficiaries;

(2) to the extent practicable, establish standards and health status targets for Medicaid beneficiaries participating in the program and measure the degree to which such standards and targets are met;

(3) evaluate the effectiveness of the program and provide the Secretary with such evaluations;

(4) report to the Secretary on processes that have been developed and lessons learned from the program; and

(5) report on preventive services as part of reporting on quality measures for Medicaid managed care programs.

(d) EVALUATIONS AND REPORTS.—

(1) INDEPENDENT ASSESSMENT.—The Secretary shall enter into a contract with an independent entity or organization to conduct an evaluation and assessment of the initiatives carried out by States under this section, for the purpose of determining—

(A) the effect of such initiatives on the use of health care services by Medicaid beneficiaries participating in the program;

(B) the extent to which special populations (including adults with disabilities, adults with chronic illnesses, and children with special health care needs) are able to participate in the program;

(C) the level of satisfaction of Medicaid beneficiaries with respect to the accessibility and quality of health care services provided through the program; and

(D) the administrative costs incurred by State agencies that are responsible for administration of the program.

(2) STATE REPORTING.—A State awarded a grant to carry out initiatives under this section shall submit reports to the Secretary, on a semi-annual basis, regarding the programs that are supported by the grant funds. Such report shall include information, as specified by the Secretary, regarding—

(A) the specific uses of the grant funds;

(B) an assessment of program implementation and lessons learned from the programs;

(C) an assessment of quality improvements and clinical outcomes under such programs; and

(D) estimates of cost savings resulting from such programs.

(3) INITIAL REPORT.—Not later than January 1, 2014, the Secretary shall submit to Congress an initial report on such initiatives based on information provided by States through reports required under paragraph (2). The initial report shall include an interim evaluation of the effectiveness of the initiatives carried out with grants awarded under this section and a recommendation regarding whether funding for expanding or extending the initiatives should be extended beyond January 1, 2016.

(4) FINAL REPORT.—Not later than July 1, 2016, the Secretary shall submit to Congress a final report on the program that includes the results of the independent assessment required under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(e) NO EFFECT ON ELIGIBILITY FOR, OR AMOUNT OF, MEDICAID OR OTHER BENEFITS.—Any incentives provided to a Medicaid beneficiary participating in a program described in subsection (a)(3) shall not be taken into account for purposes of determining the beneficiary's eligibility for, or amount of, benefits under the Medicaid program or any program funded in whole or in part with Federal funds.

(f) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated for the 5-year period beginning on January 1, 2011, $100,000,000 to the Secretary to carry out this section. Amounts appropriated under this subsection shall remain available until expended.

(g) DEFINITIONS.—In this section:

(1) MEDICAID BENEFICIARY.—The term ''Medicaid beneficiary'' means an individual who is eligible for medical assistance under a State plan or waiver under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and is enrolled in such plan or waiver.

(2) STATE.—The term ''State'' has the meaning given that term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

Subtitle C—Creating Healthier Communities

SEC. 4201. COMMUNITY TRANSFORMATION GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention (referred to in this section as the ''Director''), shall award competitive grants to State and local governmental agencies and community-based organizations for the implementation, evaluation, and dissemination of evidence-based community preventive health activities in order to reduce chronic disease rates, prevent the development of secondary conditions, address health disparities, and develop a stronger evidence-base of effective prevention programming.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be—

(A) a State governmental agency;

(B) a local governmental agency;

(C) a national network of community-based organizations;

(D) a State or local non-profit organization; or

(E) an Indian tribe; and

(2) submit to the Director an application at such time, in such a manner, and containing such information as the Director may require, including a description of the program to be carried out under the grant; and

(3) demonstrate a history or capacity, if funded, to develop relationships necessary to engage key stakeholders from multiple sectors within and beyond health care and across a community, such as healthy futures corps and health care providers.

(c) USE OF FUNDS.—

(1) IN GENERAL.—An eligible entity shall use amounts received under a grant under this section to carry out programs described in this subsection.

(2) COMMUNITY TRANSFORMATION PLAN.—

(A) IN GENERAL.—An eligible entity that receives a grant under this section shall submit to the Director (for approval) a detailed plan that includes the policy, environmental, programmatic, and as appropriate infrastructure changes needed to promote healthy living and reduce disparities.

(B) ACTIVITIES.—Activities within the plan may focus on (but not be limited to)—

(i) creating healthier school environments, including increasing healthy food options, physical activity opportunities, promotion of healthy lifestyle, emotional wellness, and prevention curricula, and activities to prevent chronic diseases;

(ii) creating the infrastructure to support active living and access to nutritious foods in a safe environment;

(iii) developing and promoting programs targeting a variety of age levels to increase access to nutrition, physical activity and smoking cessation, improve social and emotional wellness, enhance safety in a community, or address any other chronic disease priority area identified by the grantee;

(iv) assessing and implementing worksite wellness programming and incentives;

(v) working to highlight healthy options at restaurants and other food venues;

(vi) prioritizing strategies to reduce racial and ethnic disparities, including social, economic, and geographic determinants of health; and

(vii) addressing special populations needs, including all age groups and individuals with disabilities, and individuals in both urban and rural areas.

(3) COMMUNITY-BASED PREVENTION HEALTH ACTIVITIES.—

(A) IN GENERAL.—An eligible entity shall use amounts received under a grant under this section to implement a variety of programs, policies, and infrastructure improvements to promote healthier lifestyles.

(B) ACTIVITIES.—An eligible entity shall implement activities detailed in the community transformation plan under paragraph (2).

(C) IN-KIND SUPPORT.—An eligible entity may provide in-kind resources such as staff, equipment, or office space in carrying out activities under this section.

(4) EVALUATION.—

(A) IN GENERAL.—An eligible entity shall use amounts provided under a grant under this section to conduct activities to measure changes in the prevalence of chronic disease risk factors among community members participating in preventive health activities

(B) TYPES OF MEASURES.—In carrying out subparagraph (A), the eligible entity shall, with respect to residents in the community, measure—

(i) changes in weight;

(ii) changes in proper nutrition;

(iii) changes in physical activity;

(iv) changes in tobacco use prevalence;

(v) changes in emotional well-being and overall mental health;

(vi) other factors using community-specific data from the Behavioral Risk Factor Surveillance Survey; and

(vii) other factors as determined by the Secretary.

(C) REPORTING.—An eligible entity shall annually submit to the Director a report containing an evaluation of activities carried out under the grant.

(5) DISSEMINATION.—A grantee under this section shall—

(A) meet at least annually in regional or national meetings to discuss challenges, best practices, and lessons learned with respect to activities carried out under the grant; and

(B) develop models for the replication of successful programs and activities and the mentoring of other eligible entities.

(d) TRAINING.—

(1) IN GENERAL.—The Director shall develop a program to provide training for eligible entities on effective strategies for the prevention and control of chronic disease and the link between physical, emotional, and social well-being.

(2) COMMUNITY TRANSFORMATION PLAN.—The Director shall provide appropriate feedback and technical assistance to grantees to establish community transformation plans

(3) EVALUATION.—The Director shall provide a literature review and framework for the evaluation of programs conducted as part of the grant program under this section, in addition to working with academic institutions or other entities with expertise in outcome evaluation.

(e) PROHIBITION.—A grantee shall not use funds provided under a grant under this section to create video games or to carry out any other activities that may lead to higher rates of obesity or inactivity.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each fiscal years 2010 through 2014.

SEC. 4202. HEALTHY AGING, LIVING WELL; EVALUATION OF COMMUNITY-BASED PREVENTION AND WELLNESS PROGRAMS FOR MEDICARE BENEFICIARIES.

(a) HEALTHY AGING, LIVING WELL.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention, shall award grants to State or local health departments and Indian tribes to carry out 5-year pilot programs to provide public health community interventions, screenings, and where necessary, clinical referrals for individuals who are between 55 and 64 years of age.

(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an entity shall—

(A) be—

(i) a State health department;

(ii) a local health department; or

(iii) an Indian tribe;

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require including a description of the program to be carried out under the grant;

(C) design a strategy for improving the health of the 55-to-64 year-old population through community-based public health interventions; and

(D) demonstrate the capacity, if funded, to develop the relationships necessary with relevant health agencies, health care providers, community-based organizations, and insurers to carry out the activities described in paragraph (3), such relationships to include the identification of a community-based clinical partner, such as a community health center or rural health clinic.

(3) USE OF FUNDS.—

(A) IN GENERAL.—A State or local health department shall use amounts received under a grant under this subsection to carry out a program to provide the services described in this paragraph to individuals who are between 55 and 64 years of age.

(B) PUBLIC HEALTH INTERVENTIONS.—

(i) IN GENERAL.—In developing and implementing such activities, a grantee shall collaborate with the Centers for Disease Control and Prevention and the Administration on Aging, and relevant local agencies and organizations.

(ii) TYPES OF INTERVENTION ACTIVITIES.—Intervention activities conducted under this subparagraph may include efforts to improve nutrition, increase physical activity, reduce tobacco use and substance abuse, improve mental health, and promote healthy lifestyles among the target population.

(C) COMMUNITY PREVENTIVE SCREENINGS.—

(i) IN GENERAL.—In addition to community-wide public health interventions, a State or local health department shall use amounts received under a grant under this subsection to conduct ongoing health screening to identify risk factors for cardiovascular disease, cancer, stroke, and diabetes among individuals in both urban and rural areas who are between 55 and 64 years of age.

(ii) TYPES OF SCREENING ACTIVITIES.—Screening activities conducted under this subparagraph may include—

(I) mental health/behavioral health and substance use disorders;

(II) physical activity, smoking, and nutrition; and

(III) any other measures deemed appropriate by the Secretary.

(iii) MONITORING.—Grantees under this section shall maintain records of screening results under this subparagraph to establish the baseline data for monitoring the targeted population

(D) CLINICAL REFERRAL/TREATMENT FOR CHRONIC DISEASES.—

(i) IN GENERAL.—A State or local health department shall use amounts received under a grant under this subsection to ensure that individuals between 55 and 64 years of age who are found to have chronic disease risk factors through the screening activities described in subparagraph (C)(ii), receive clinical referral/treatment for follow-up services to reduce such risk.

(ii) MECHANISM.—

(I) IDENTIFICATION AND DETERMINATION OF STATUS.—With respect to each individual with risk factors for or having heart disease, stroke, diabetes, or any other condition for which such individual was screened under subparagraph (C), a grantee under this section shall determine whether or not such individual is covered under any public or private health insurance program.

(II) INSURED INDIVIDUALS.—An individual determined to be covered under a health insurance program under subclause (I) shall be referred by the grantee to the existing providers under such program or, if such individual does not have a current provider, to a provider who is in-network with respect to the program involved.

(III) UNINSURED INDIVIDUALS.—With respect to an individual determined to be uninsured under subclause (I), the grantee's community-based clinical partner described in paragraph (4)(D) shall assist the individual in determining eligibility for available public coverage options and identify other appropriate community health care resources and assistance programs.

(iii) PUBLIC HEALTH INTERVENTION PROGRAM.—A State or local health department shall use amounts received under a grant under this subsection to enter into contracts with community health centers or rural health clinics and mental health and substance use disorder service providers to assist in the referral/treatment of at risk patients to community resources for clinical follow-up and help determine eligibility for other public programs.

(E) GRANTEE EVALUATION.—An eligible entity shall use amounts provided under a grant under this subsection to conduct activities to measure changes in the prevalence of chronic disease risk factors among participants.

(4) PILOT PROGRAM EVALUATION.—The Secretary shall conduct an annual evaluation of the effectiveness of the pilot program under this subsection. In determining such effectiveness, the Secretary shall consider changes in the prevalence of uncontrolled chronic disease risk factors among new Medicare enrollees (or individuals nearing enrollment, including those who

are 63 and 64 years of age) who reside in States or localities receiving grants under this section as compared with national and historical data for those States and localities for the same population.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2010 through 2014.

(b) EVALUATION AND PLAN FOR COMMUNITY-BASED PREVENTION AND WELLNESS PROGRAMS FOR MEDICARE BENEFICIARIES.—

(1) IN GENERAL.—The Secretary shall conduct an evaluation of community-based prevention and wellness programs and develop a plan for promoting healthy lifestyles and chronic disease self-management for Medicare beneficiaries.

(2) MEDICARE EVALUATION OF PREVENTION AND WELLNESS PROGRAMS.—

(A) IN GENERAL.—The Secretary shall evaluate community prevention and wellness programs including those that are sponsored by the Administration on Aging, are evidence-based, and have demonstrated potential to help Medicare beneficiaries (particularly beneficiaries that have attained 65 years of age) reduce their risk of disease, disability, and injury by making healthy lifestyle choices, including exercise, diet, and self-management of chronic diseases.

(B) EVALUATION.—The evaluation under subparagraph (A) shall consist of the following:

(i) EVIDENCE REVIEW.—The Secretary shall review available evidence, literature, best practices, and resources that are relevant to programs that promote healthy lifestyles and reduce risk factors for the Medicare population. The Secretary may determine the scope of the evidence review and such issues to be considered, which shall include, at a minimum—

(I) physical activity, nutrition, and obesity;

(II) falls;

(III) chronic disease self-management; and

(IV) mental health.

(ii) INDEPENDENT EVALUATION OF EVIDENCE-BASED COMMUNITY PREVENTION AND WELLNESS PROGRAMS.—The Administrator of the Centers for Medicare & Medicaid Services, in consultation with the Assistant Secretary for Aging, shall, to the extent feasible and practicable, conduct an evaluation of existing community prevention and wellness programs that are sponsored by the Administration on Aging to assess the extent to which Medicare beneficiaries who participate in such programs—

(I) reduce their health risks, improve their health outcomes, and adopt and maintain healthy behaviors;

(II) improve their ability to manage their chronic conditions; and

(III) reduce their utilization of health services and associated costs under the Medicare program for conditions that are amenable to improvement under such programs.

(3) REPORT.—Not later than September 30, 2013, the Secretary shall submit to Congress a report that includes—

(A) recommendations for such legislation and administrative action as the Secretary determines appropriate to promote healthy lifestyles and chronic disease self-management for Medicare beneficiaries;

(B) any relevant findings relating to the evidence review under paragraph (2)(B)(i); and

(C) the results of the evaluation under paragraph (2)(B)(ii).

(4) FUNDING.—For purposes of carrying out this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplemental Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in such proportion as the Secretary determines appropriate, of $50,000,000 to the Centers for Medicare & Medicaid Services Program Management Account. Amounts transferred under the preceding sentence shall remain available until expended.

(5) ADMINISTRATION.—Chapter 35 of title 44, United States Code shall not apply to the this subsection.

(6) MEDICARE BENEFICIARY.—In this subsection, the term ''Medicare beneficiary'' means an individual who is entitled to benefits under part A of title XVIII of the Social Security Act and enrolled under part B of such title.

SEC. 4203. REMOVING BARRIERS AND IMPROVING ACCESS TO WELLNESS FOR INDIVIDUALS WITH DISABILITIES.

Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) is amended by adding at the end of the following:

''SEC. 510. ESTABLISHMENT OF STANDARDS FOR ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.

''(a) STANDARDS.—Not later than 24 months after the date of enactment of the Affordable Health Choices Act, the Architectural and Transportation Barriers Compliance Board shall, in consultation with the Commissioner of the Food and Drug Administration, promulgate regulatory standards in accordance with the Administrative Procedure Act (2 U.S.C. 551 et seq.) setting forth the minimum technical criteria for medical diagnostic equipment used in (or in conjunction with) physician's offices, clinics, emergency rooms, hospitals, and other medical settings. The standards shall ensure that such equipment is accessible to, and usable by, individuals with accessibility needs, and shall allow independent entry to, use of, and exit from the equipment by such individuals to the maximum extent possible.

''(b) MEDICAL DIAGNOSTIC EQUIPMENT COVERED.—The standards issued under subsection (a) for medical diagnostic equipment shall apply to equipment that includes examination tables, examination chairs (including chairs used for eye examinations or procedures, and dental examinations or procedures), weight scales, mammography equipment, x-ray machines, and other radiological equipment commonly used for diagnostic purposes by health professionals.

''(c) REVIEW AND AMENDMENT.—The Architectural and Transportation Barriers Compliance Board, in consultation with the Commissioner of the Food and Drug Administration, shall periodically review and, as appropriate, amend the standards in accordance with the Administrative Procedure Act (2 U.S.C. 551 et seq.).''.

SEC. 4204. IMMUNIZATIONS.

(a) STATE AUTHORITY TO PURCHASE RECOMMENDED VACCINES FOR ADULTS.—Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended by adding at the end the following:

''(l) AUTHORITY TO PURCHASE RECOMMENDED VACCINES FOR ADULTS.—

''(1) IN GENERAL.—The Secretary may negotiate and enter into contracts with manufacturers of vaccines for the purchase and delivery of vaccines for adults as provided for under subsection (e).

''(2) STATE PURCHASE.—A State may obtain additional quantities of such adult vaccines (subject to amounts specified to the Secretary by the State in advance of negotiations) through the purchase of vaccines from manufacturers at the applicable price negotiated by the Secretary under this subsection.''.

(b) DEMONSTRATION PROGRAM TO IMPROVE IMMUNIZATION COVERAGE.—Section 317 of the Public Health Service Act (42 U.S.C. 247b), as amended by subsection (a), is further amended by adding at the end the following:

''(m) DEMONSTRATION PROGRAM TO IMPROVE IMMUNIZATION COVERAGE.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a demonstration program to award grants to States to improve the provision of recommended immunizations for children, adolescents, and adults through the use of evidence-based, population-based interventions for high-risk populations.

''(2) STATE PLAN.—To be eligible for a grant under paragraph (1), a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a State plan that describes the interventions to be implemented under the grant and how such interventions match with local needs and capabilities, as determined through consultation with local authorities.

''(3) USE OF FUNDS.—Funds received under a grant under this subsection shall be used to implement interventions that are recommended by the Task Force on Community Preventive Services (as established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) or other evidence-based interventions, including—

''(A) providing immunization reminders or recalls for target populations of clients, patients, and consumers;

''(B) educating targeted populations and health care providers concerning immunizations in combination with one or more other interventions;

''(C) reducing out-of-pocket costs for families for vaccines and their administration;

''(D) carrying out immunization-promoting strategies for participants or clients of public programs, including assessments of immunization status, referrals to health care providers, education, provision of on-site immunizations, or incentives for immunization;

''(E) providing for home visits that promote immunization through education, assessments of need, referrals, provision of immunizations, or other services;

''(F) providing reminders or recalls for immunization providers;

''(G) conducting assessments of, and providing feedback to, immunization providers;

''(H) any combination of one or more interventions described in this paragraph; or

''(I) immunization information systems to allow all States to have electronic databases for immunization records.

''(4) CONSIDERATION.—In awarding grants under this subsection, the Secretary shall consider any reviews or recommendations of the Task Force on Community Preventive Services.

''(5) EVALUATION.—Not later than 3 years after the date on which a State receives a grant under this subsection, the State shall submit to the Secretary an evaluation of progress made toward improving immunization coverage rates among high-risk populations within the State.

''(6) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of the Affordable Health Choices Act, the Secretary shall submit to Congress a report concerning the effectiveness of the demonstration program established under this subsection together with recommendations on whether to continue and expand such program.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2010 through 2014.''.

(c) REAUTHORIZATION OF IMMUNIZATION PROGRAM.—Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended—

(1) in paragraph (1), by striking ''for each of the fiscal years 1998 through 2005''; and

(2) in paragraph (2), by striking ''after October 1, 1997,''.

(d) RULE OF CONSTRUCTION REGARDING ACCESS TO IMMUNIZATIONS.—Nothing in this section (including the amendments made by this section), or any other provision of this Act (including any amendments made by this Act) shall be construed to decrease children's access to immunizations.

(e) GAO STUDY AND REPORT ON MEDICARE BENEFICIARY ACCESS TO VACCINES.—

(1) STUDY.—The Comptroller General of the United States (in this section referred to as the ''Comptroller General'') shall conduct a study on the ability of Medicare beneficiaries who were 65 years of age or older to access routinely recommended vaccines covered under the prescription drug program under part D of title XVIII of the Social Security Act over the period since the establishment of such program. Such study shall include the following:

(A) An analysis and determination of—

(i) the number of Medicare beneficiaries who were 65 years of age or older and were eligible for a routinely recommended vaccination that was covered under part D;

(ii) the number of such beneficiaries who actually received a routinely recommended vaccination that was covered under part D; and

(iii) any barriers to access by such beneficiaries to routinely recommended vaccinations that were covered under part D.

(B) A summary of the findings and recommendations by government agencies, departments, and advisory bodies (as well as relevant professional organizations) on the impact of coverage under part D of routinely recommended adult immunizations for access to such immunizations by Medicare beneficiaries.

(2) REPORT.—Not later than June 1, 2011, the Comptroller General shall submit to the appropriate committees of jurisdiction of the House of Representatives and the Senate a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(3) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated $1,000,000 for fiscal year 2010 to carry out this subsection.

SEC. 4205. NUTRITION LABELING OF STANDARD MENU ITEMS AT CHAIN RESTAURANTS.

(a) TECHNICAL AMENDMENTS.—Section 403(q)(5)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)(A)) is amended—

(1) in subitem (i), by inserting at the beginning ''except as provided in clause (H)(ii)(III),''; and

(2) in subitem (ii), by inserting at the beginning ''except as provided in clause (H)(ii)(III),''.

(b) LABELING REQUIREMENTS.—Section 403(q)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)) is amended by adding at the end the following:

''(H) RESTAURANTS, RETAIL FOOD ESTABLISHMENTS, AND VENDING MACHINES.—

''(i) GENERAL REQUIREMENTS FOR RESTAURANTS AND SIMILAR RETAIL FOOD ESTABLISHMENTS.—Except for food described in subclause (vii), in the case of food that is a standard menu item that is offered for sale in a restaurant or similar retail food establishment that is part of a chain with 20 or more locations doing business under the same name (regardless of the type of ownership of the locations) and offering for sale substantially the same menu items, the restaurant or similar retail food establishment shall disclose the information described in subclauses (ii) and (iii).

''(ii) INFORMATION REQUIRED TO BE DISCLOSED BY RESTAURANTS AND RETAIL FOOD ESTABLISHMENTS.—Except as provided in subclause (vii), the restaurant or similar retail food establishment shall disclose in a clear and conspicuous manner—

''(I)(aa) in a nutrient content disclosure statement adjacent to the name of the standard menu item, so as to be clearly associated with the standard menu item, on the menu listing the item for sale, the number of calories contained in the standard menu item, as usually prepared and offered for sale; and

''(bb) a succinct statement concerning suggested daily caloric intake, as specified by the Secretary by regulation and posted prominently on the menu and designed to enable the public to understand, in the context of a total daily diet, the significance of the caloric information that is provided on the menu;

''(II)(aa) in a nutrient content disclosure statement adjacent to the name of the standard menu item, so as to be clearly associated with the standard menu item, on the menu board, including a drive-through menu board, the number of calories contained in the standard menu item, as usually prepared and offered for sale; and

''(bb) a succinct statement concerning suggested daily caloric intake, as specified by the Secretary by regulation and posted prominently on the menu board, designed to enable the public to understand, in the context of a total daily diet, the significance of the nutrition information that is provided on the menu board;

''(III) in a written form, available on the premises of the restaurant or similar retail establishment and to the consumer upon request, the nutrition information required under clauses (C) and (D) of subparagraph (1); and

''(IV) on the menu or menu board, a prominent, clear, and conspicuous statement regarding the availability of the information described in item (III).

''(iii) SELF-SERVICE FOOD AND FOOD ON DISPLAY.—Except as provided in subclause (vii), in the case of food sold at a salad bar, buffet line, cafeteria line, or similar self-service facility, and for self-service beverages or food that is on display and that is visible to customers, a restaurant or similar retail food establishment shall place adjacent to each food offered a sign that lists calories per displayed food item or per serving.

''(iv) REASONABLE BASIS.—For the purposes of this clause, a restaurant or similar retail food establishment shall have a reasonable basis for its nutrient content disclosures, including nutrient databases, cookbooks, laboratory analyses, and other reasonable means, as described in section 101.10 of title 21, Code of Federal Regulations (or any successor regulation) or in a related guidance of the Food and Drug Administration.

''(v) MENU VARIABILITY AND COMBINATION MEALS.—The Secretary shall establish by regulation standards for determining and disclosing the nutrient content for standard menu items that come in different flavors, varieties, or combinations, but which are listed as a single menu item, such as soft drinks, ice cream, pizza, doughnuts, or children's combination meals, through means determined by the Secretary, including ranges, averages, or other methods.

''(vi) ADDITIONAL INFORMATION.—If the Secretary determines that a nutrient, other than a nutrient required under subclause (ii)(III), should be disclosed for the purpose of providing information to assist consumers in maintaining healthy dietary practices, the Secretary may require, by regulation, disclosure of such nutrient in the written form required under subclause (ii)(III).

''(vii) NONAPPLICABILITY TO CERTAIN FOOD.—

''(I) IN GENERAL.—Subclauses (i) through (vi) do not apply to—

''(aa) items that are not listed on a menu or menu board (such as condiments and other items placed on the table or counter for general use);

''(bb) daily specials, temporary menu items appearing on the menu for less than 60 days per calendar year, or custom orders; or

''(cc) such other food that is part of a customary market test appearing on the menu for less than 90 days, under terms and conditions established by the Secretary.

''(II) WRITTEN FORMS.—Subparagraph (5)(C) shall apply to any regulations promulgated under subclauses (ii)(III) and (vi).

''(viii) VENDING MACHINES.—

''(I) IN GENERAL.—In the case of an article of food sold from a vending machine that—

''(aa) does not permit a prospective purchaser to examine the Nutrition Facts Panel before purchasing the article or does not otherwise provide visible nutrition information at the point of purchase; and

''(bb) is operated by a person who is engaged in the business of owning or operating 20 or more vending machines,

the vending machine operator shall provide a sign in close proximity to each article of food or the selection button that includes a clear and conspicuous statement disclosing the number of calories contained in the article.

''(ix) VOLUNTARY PROVISION OF NUTRITION INFORMATION.—

''(I) IN GENERAL.—An authorized official of any restaurant or similar retail food establishment or vending machine operator not subject to the requirements of this clause may elect to be subject to the requirements of such clause, by registering biannually the name and address of such restaurant or similar retail food establishment or vending machine operator with the Secretary, as specified by the Secretary by regulation.

''(II) REGISTRATION.—Within 120 days of enactment of this clause, the Secretary shall publish a notice in the Federal Register specifying the terms and conditions for implementation of item (I), pending promulgation of regulations.

''(III) RULE OF CONSTRUCTION.—Nothing in this subclause shall be construed to authorize the Secretary to require an application, review, or licensing process for any entity to register with the Secretary, as described in such item.

''(x) REGULATIONS.—

''(I) PROPOSED REGULATION.—Not later than 1 year after the date of enactment of this clause, the Secretary shall promulgate proposed regulations to carry out this clause.

''(II) CONTENTS.—In promulgating regulations, the Secretary shall—

''(aa) consider standardization of recipes and methods of preparation, reasonable variation in serving size and formulation of menu items, space on menus and menu boards, inadvertent human error, training of food service workers, variations in ingredients, and other factors, as the Secretary determines; and

''(bb) specify the format and manner of the nutrient content disclosure requirements under this subclause.

''(III) REPORTING.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a quarterly report that describes the Secretary's progress toward promulgating final regulations under this subparagraph.

''(xi) DEFINITION.—In this clause, the term 'menu' or 'menu board' means the primary writing of the restaurant or other similar retail food establishment from which a consumer makes an order selection.''

(c) NATIONAL UNIFORMITY.—Section 403A(a)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343–1(a)(4)) is amended by striking ''except a requirement for nutrition labeling of food which is exempt under subclause (i) or (ii) of section 403(q)(5)(A)'' and inserting ''except that this paragraph does not apply to food that is offered for sale in a restaurant or similar retail food establishment that is not part of a chain with 20 or more locations doing business under the same name (regardless of the type of ownership of the locations) and offering for sale substantially the same menu items unless such restaurant or similar retail food establishment complies with the voluntary provision of nutrition information requirements under section 403(q)(5)(H)(ix)''.

(d) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed—

(1) to preempt any provision of State or local law, unless such provision establishes or continues into effect nutrient content disclosures of the type required under section 403(q)(5)(H) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (b)) and is expressly preempted under subsection (a)(4) of such section;

(2) to apply to any State or local requirement respecting a statement in the labeling of food that provides for a warning concerning the safety of the food or component of the food; or

(3) except as provided in section 403(q)(5)(H)(ix) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (b)), to apply to any restaurant or similar retail food establishment other than a restaurant or similar retail food establishment described in section 403(q)(5)(H)(i) of such Act.

SEC. 4206. DEMONSTRATION PROJECT CONCERNING INDIVIDUALIZED WELLNESS PLAN.

Section 330 of the Public Health Service Act (42 U.S.C. 245b) is amended by adding at the end the following:

''(s) DEMONSTRATION PROGRAM FOR INDIVIDUALIZED WELLNESS PLANS.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to test the impact of providing at-risk populations who utilize community health centers funded under this section an individualized wellness plan that is designed to reduce risk factors for preventable conditions as identified by a comprehensive risk-factor assessment.

''(2) AGREEMENTS.—The Secretary shall enter into agreements with not more than 10 community health centers funded under this section to conduct activities under the pilot program under paragraph (1).

''(3) WELLNESS PLANS.—

''(A) IN GENERAL.—An individualized wellness plan prepared under the pilot program under this subsection may include one or more of the following as appropriate to the individual's identified risk factors:

''(i) Nutritional counseling.

''(ii) A physical activity plan.

''(iii) Alcohol and smoking cessation counseling and services.

''(iv) Stress management.

''(v) Dietary supplements that have health claims approved by the Secretary.

''(vi) Compliance assistance provided by a community health center employee.

''(B) RISK FACTORS.—Wellness plan risk factors shall include—

''(i) weight;

''(ii) tobacco and alcohol use;

''(iii) exercise rates;

''(iv) nutritional status; and

''(v) blood pressure.

''(C) COMPARISONS.—Individualized wellness plans shall make comparisons between the individual involved and a control group of individuals with respect to the risk factors described in subparagraph (B).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, such sums as may be necessary.''.

SEC. 4207. REASONABLE BREAK TIME FOR NURSING MOTHERS.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

''(r)(1) An employer shall provide—

''(A) a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk; and

''(B) a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

''(2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose.

''(3) An employer that employs less than 50 employees shall not be subject to the requirements of this subsection, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

''(4) Nothing in this subsection shall preempt a State law that provides greater protections to employees than the protections provided for under this subsection.''.

Subtitle D—Support for Prevention and Public Health Innovation

SEC. 4301. RESEARCH ON OPTIMIZING THE DELIVERY OF PUBLIC HEALTH SERVICES.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention, shall provide funding for research in the area of public health services and systems.

(b) REQUIREMENTS OF RESEARCH.—Research supported under this section shall include—

(1) examining evidence-based practices relating to prevention, with a particular focus on high priority areas as identified by the Secretary in the National Prevention Strategy or Healthy People 2020, and including comparing community-based public health interventions in terms of effectiveness and cost;

(2) analyzing the translation of interventions from academic settings to real world settings; and

(3) identifying effective strategies for organizing, financing, or delivering public health services in real world community settings, including comparing State and local health department structures and systems in terms of effectiveness and cost.

(c) EXISTING PARTNERSHIPS.—Research supported under this section shall be coordinated with the Community Preventive Services Task Force and carried out by building on existing partnerships within the Federal Government while also considering initiatives at the State and local levels and in the private sector.

(d) ANNUAL REPORT.—The Secretary shall, on an annual basis, submit to Congress a report concerning the activities and findings with respect to research supported under this section.

SEC. 4302. UNDERSTANDING HEALTH DISPARITIES: DATA COLLECTION AND ANALYSIS.

(a) UNIFORM CATEGORIES AND COLLECTION REQUIREMENTS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

''TITLE XXXI—DATA COLLECTION, ANALYSIS, AND QUALITY

''SEC. 3101. DATA COLLECTION, ANALYSIS, AND QUALITY.

''(a) DATA COLLECTION.—

''(1) IN GENERAL.—The Secretary shall ensure that, by not later than 2 years after the date of enactment of this title, any federally conducted or supported health care or public health program, activity or survey (including Current Population Surveys and American Community Surveys conducted by the Bureau of Labor Statistics and the Bureau of the Census) collects and reports, to the extent practicable—

''(A) data on race, ethnicity, sex, primary language, and disability status for applicants, recipients, or participants;

''(B) data at the smallest geographic level such as State, local, or institutional levels if such data can be aggregated;

''(C) sufficient data to generate statistically reliable estimates by racial, ethnic, sex, primary language, and disability status subgroups for applicants, recipients or participants using, if needed, statistical oversamples of these subpopulations; and

''(D) any other demographic data as deemed appropriate by the Secretary regarding health disparities.

''(2) COLLECTION STANDARDS.—In collecting data described in paragraph (1), the Secretary or designee shall—

''(A) use Office of Management and Budget standards, at a minimum, for race and ethnicity measures;

''(B) develop standards for the measurement of sex, primary language, and disability status;

''(C) develop standards for the collection of data described in paragraph (1) that, at a minimum—

''(i) collects self-reported data by the applicant, recipient, or participant; and

''(ii) collects data from a parent or legal guardian if the applicant, recipient, or participant is a minor or legally incapacitated;

''(D) survey health care providers and establish other procedures in order to assess access to care and treatment for individuals with disabilities and to identify—

''(i) locations where individuals with disabilities access primary, acute (including intensive), and long-term care;

''(ii) the number of providers with accessible facilities and equipment to meet the needs of the individuals with disabilities, including medical diagnostic equipment that meets the minimum technical criteria set forth in section 510 of the Rehabilitation Act of 1973; and

''(iii) the number of employees of health care providers trained in disability awareness and patient care of individuals with disabilities; and

''(E) require that any reporting requirement imposed for purposes of measuring quality under any ongoing or federally conducted or supported health care or public health program, activity, or survey includes requirements for the collection of data on individuals receiving health care items or services under such programs activities by race, ethnicity, sex, primary language, and disability status.

''(3) DATA MANAGEMENT.—In collecting data described in paragraph (1), the Secretary, acting through the National Coordinator for Health Information Technology shall—

''(A) develop national standards for the management of data collected; and

''(B) develop interoperability and security systems for data management.

''(b) DATA ANALYSIS.—

''(1) IN GENERAL.—For each federally conducted or supported health care or public health program or activity, the Secretary shall analyze data collected under paragraph (a) to detect and monitor trends in health disparities (as defined for purposes of section 485E) at the Federal and State levels.

''(c) DATA REPORTING AND DISSEMINATION.—

''(1) IN GENERAL.—The Secretary shall make the analyses described in (b) available to—

''(A) the Office of Minority Health;

''(B) the National Center on Minority Health and Health Disparities;

''(C) the Agency for Healthcare Research and Quality;

''(D) the Centers for Disease Control and Prevention;

''(E) the Centers for Medicare & Medicaid Services;

''(F) the Indian Health Service and epidemiology centers funded under the Indian Health Care Improvement Act;

''(G) the Office of Rural health;

''(H) other agencies within the Department of Health and Human Services; and

''(I) other entities as determined appropriate by the Secretary.

''(2) REPORTING OF DATA.—The Secretary shall report data and analyses described in (a) and (b) through—

''(A) public postings on the Internet websites of the Department of Health and Human Services; and

''(B) any other reporting or dissemination mechanisms determined appropriate by the Secretary.

''(3) AVAILABILITY OF DATA.—The Secretary may make data described in (a) and (b) available for additional research, analyses, and dissemination to other Federal agencies, non-governmental entities, and the public, in accordance with any Federal agency's data user agreements.

''(d) LIMITATIONS ON USE OF DATA.—Nothing in this section shall be construed to permit the use of information collected under this section in a manner that would adversely affect any individual.

''(e) PROTECTION AND SHARING OF DATA.—

''(1) PRIVACY AND OTHER SAFEGUARDS.—The Secretary shall ensure (through the promulgation of regulations or otherwise) that—

''(A) all data collected pursuant to subsection (a) is protected—

''(i) under privacy protections that are at least as broad as those that the Secretary applies to other health data under the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 2033); and

''(ii) from all inappropriate internal use by any entity that collects, stores, or receives the data, including use of such data in determinations of eligibility (or continued eligibility) in health plans, and from other inappropriate uses, as defined by the Secretary; and

''(B) all appropriate information security safeguards are used in the collection, analysis, and sharing of data collected pursuant to subsection (a).

''(2) DATA SHARING.—The Secretary shall establish procedures for sharing data collected pursuant to subsection (a), measures relating to such data, and analyses of such data, with other relevant Federal and State agencies including the agencies, centers, and entities within the Department of Health and Human Services specified in subsection (c)(1).

''(f) DATA ON RURAL UNDERSERVED POPULATIONS.—The Secretary shall ensure that any data collected in accordance with this section regarding racial and ethnic minority groups are also collected regarding underserved rural and frontier populations.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014.

''(h) REQUIREMENT FOR IMPLEMENTATION.—Notwithstanding any other provision of this section, data may not be collected under this section unless funds are directly appropriated for such purpose in an appropriations Act.

''(i) CONSULTATION.—The Secretary shall consult with the Director of the Office of Personnel Management, the Secretary of Defense, the Secretary of Veterans Affairs, the Director of the Bureau of the Census, the Commissioner of Social Security, and the head of other appropriate Federal agencies in carrying out this section.''.

(b) ADDRESSING HEALTH CARE DISPARITIES IN MEDICAID AND CHIP.—

(1) STANDARDIZED COLLECTION REQUIREMENTS INCLUDED IN STATE PLANS.—

(A) MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 2001(d), is amended—

(i) in paragraph 4), by striking ''and'' at the end;

(ii) in paragraph (75), by striking the period at the end and inserting ''; and''; and

(iii) by inserting after paragraph (75) the following new paragraph:

''(76) provide that any data collected under the State plan meets the requirements of section 3101 of the Public Health Service Act.''.

(B) CHIP.—Section 2108(e) of the Social Security Act (42 U.S.C. 1397hh(e)) is amended by adding at the end the following new paragraph:

''(7) Data collected and reported in accordance with section 3101 of the Public Health Service Act, with respect to individuals enrolled in the State child health plan (and, in the case of enrollees under 19 years of age, their parents or legal guardians), including data regarding the primary language of such individuals, parents, and legal guardians.''.

(2) EXTENDING MEDICARE REQUIREMENT TO ADDRESS HEALTH DISPARITIES DATA COLLECTION TO MEDICAID AND CHIP.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), as amended by section 2703 is amended by adding at the end the following new section:

''SEC. 1946. ADDRESSING HEALTH CARE DISPARITIES.

''(a) EVALUATING DATA COLLECTION APPROACHES.—The Secretary shall evaluate approaches for the collection of data under this title and title XXI, to be performed in conjunction with existing quality reporting requirements and programs under this title and title XXI, that allow for the ongoing, accurate, and timely collection and evaluation of data on disparities in health care services and performance on the basis of race, ethnicity, sex, primary language, and disability status. In conducting such evaluation, the Secretary shall consider the following objectives:

''(1) Protecting patient privacy.

''(2) Minimizing the administrative burdens of data collection and reporting on States, providers, and health plans participating under this title or title XXI.

''(3) Improving program data under this title and title XXI on race, ethnicity, sex, primary language, and disability status.

''(b) REPORTS TO CONGRESS.—

''(1) REPORT ON EVALUATION.—Not later than 18 months after the date of the enactment of this section, the Secretary shall submit to Congress a report on the evaluation conducted under subsection (a). Such report shall, taking into consideration the results of such evaluation—

''(A) identify approaches (including defining methodologies) for identifying and collecting and evaluating data on health care disparities on the basis of race, ethnicity, sex, primary language, and disability status for the programs under this title and title XXI; and

''(B) include recommendations on the most effective strategies and approaches to reporting HEDIS quality measures as required under section 1852(e)(3) and other nationally recognized quality performance measures, as appropriate, on such bases.

''(2) REPORTS ON DATA ANALYSES.—Not later than 4 years after the date of the enactment of this section, and 4 years thereafter, the Secretary shall submit to Congress a report that includes recommendations for improving the identification of health care disparities for beneficiaries under this title and under title XXI based on analyses of the data collected under subsection (c).

''(c) IMPLEMENTING EFFECTIVE APPROACHES.—Not later than 24 months after the date of the enactment of this section, the Secretary shall implement the approaches identified in the report submitted under subsection (b)(1) for the ongoing, accurate, and timely collection and evaluation of data on health care disparities on the basis of race, ethnicity, sex, primary language, and disability status.''.

SEC. 4303. CDC AND EMPLOYER-BASED WELLNESS PROGRAMS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), by section 4102, is further amended by adding at the end the following:

''PART U—EMPLOYER-BASED WELLNESS PROGRAM

''SEC. 399MM. TECHNICAL ASSISTANCE FOR EMPLOYER-BASED WELLNESS PROGRAMS.

''In order to expand the utilization of evidence-based prevention and health promotion approaches in the workplace, the Director shall—

''(1) provide employers (including small, medium, and large employers, as determined by the Director) with technical assistance, consultation, tools, and other resources in evaluating such employers' employer-based wellness programs, including—

''(A) measuring the participation and methods to increase participation of employees in such programs;

''(B) developing standardized measures that assess policy, environmental and systems changes necessary to have a positive health impact on employees' health behaviors, health outcomes, and health care expenditures; and

''(C) evaluating such programs as they relate to changes in the health status of employees, the absenteeism of employees, the productivity of employees, the rate of workplace injury, and the medical costs incurred by employees; and

''(2) build evaluation capacity among workplace staff by training employers on how to evaluate employer-based wellness programs by ensuring evaluation resources, technical assistance, and consultation are available to workplace staff as needed through such mechanisms as web portals, call centers, or other means.

''SEC. 399MM–1. NATIONAL WORKSITE HEALTH POLICIES AND PROGRAMS STUDY.

''(a) IN GENERAL.—In order to assess, analyze, and monitor over time data about workplace policies and programs, and to develop instruments to assess and evaluate comprehensive workplace chronic disease prevention and health promotion programs, policies and practices, not later than 2 years after the date of enactment of this part, and at regular intervals (to be determined by the Director) thereafter, the Director shall conduct a national worksite health policies and programs survey to assess employer-based health policies and programs.

''(b) REPORT.—Upon the completion of each study under subsection (a), the Director shall submit to Congress a report that includes the recommendations of the Director for the implementation of effective employer-based health policies and programs.

''SEC. 399MM–2. PRIORITIZATION OF EVALUATION BY SECRETARY.

''The Secretary shall evaluate, in accordance with this part, all programs funded through the Centers for Disease Control and Prevention before conducting such an evaluation of privately funded programs unless an entity with a privately funded wellness program requests such an evaluation.

''SEC. 399MM–3. PROHIBITION OF FEDERAL WORKPLACE WELLNESS REQUIREMENTS.

''Notwithstanding any other provision of this part, any recommendations, data, or assessments carried out under this part shall not be used to mandate requirements for workplace wellness programs.''.

SEC. 4304. EPIDEMIOLOGY-LABORATORY CAPACITY GRANTS.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.) is amended by adding at the end the following:

''Subtitle C—Strengthening Public Health Surveillance Systems

''SEC. 2821. EPIDEMIOLOGY-LABORATORY CAPACITY GRANTS.

''(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an Epidemiology and Laboratory Capacity Grant Program to award grants to State health departments as well as local health departments and tribal jurisdictions that meet such criteria as the Director determines appropriate. Academic centers that assist State and eligible local and tribal health departments may also be eligible for funding under this section as the Director determines appropriate. Grants shall be awarded under this section to assist public health agencies in improving surveillance for, and response to, infectious diseases and other conditions of public health importance by—

''(1) strengthening epidemiologic capacity to identify and monitor the occurrence of infectious diseases and other conditions of public health importance;

''(2) enhancing laboratory practice as well as systems to report test orders and results electronically;

''(3) improving information systems including developing and maintaining an information exchange using national guidelines and complying with capacities and functions determined by an advisory council established and appointed by the Director; and

''(4) developing and implementing prevention and control strategies.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $190,000,000 for each of fiscal years 2010 through 2013, of which—

''(1) not less than $95,000,000 shall be made available each such fiscal year for activities under paragraphs (1) and (4) of subsection (a);

''(2) not less than $60,000,000 shall be made available each such fiscal year for activities under subsection (a)(3); and

''(3) not less than $32,000,000 shall be made available each such fiscal year for activities under subsection (a)(2).''.

SEC. 4305. ADVANCING RESEARCH AND TREATMENT FOR PAIN CARE MANAGEMENT.

(a) INSTITUTE OF MEDICINE CONFERENCE ON PAIN.—

(1) CONVENING.—Not later than 1 year after funds are appropriated to carry out this subsection, the Secretary of Health and Human Services shall seek to enter into an agreement with the Institute of Medicine of the National Academies to convene a Conference on Pain (in this subsection referred to as ''the Conference'').

(2) PURPOSES.—The purposes of the Conference shall be to—

(A) increase the recognition of pain as a significant public health problem in the United States;

(B) evaluate the adequacy of assessment, diagnosis, treatment, and management of acute and chronic pain in the general population, and in identified racial, ethnic, gender, age, and other demographic groups that may be disproportionately affected by inadequacies in the assessment, diagnosis, treatment, and management of pain;

(C) identify barriers to appropriate pain care;

(D) establish an agenda for action in both the public and private sectors that will reduce such barriers and significantly improve the state of pain care research, education, and clinical care in the United States.

(3) OTHER APPROPRIATE ENTITY.—If the Institute of Medicine declines to enter into an agreement under paragraph (1), the Secretary of Health and Human Services may enter into such agreement with another appropriate entity.

(4) REPORT.—A report summarizing the Conference's findings and recommendations shall be submitted to the Congress not later than June 30, 2011.

(5) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 and 2011.

(b) PAIN RESEARCH AT NATIONAL INSTITUTES OF HEALTH.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

''SEC. 409J. PAIN RESEARCH.

''(a) RESEARCH INITIATIVES.—

''(1) IN GENERAL.—The Director of NIH is encouraged to continue and expand, through the Pain Consortium, an aggressive program of basic and clinical research on the causes of and potential treatments for pain.

''(2) ANNUAL RECOMMENDATIONS.—Not less than annually, the Pain Consortium, in consultation with the Division of Program Coordination, Planning, and Strategic Initiatives, shall develop and submit to the Director of NIH recommendations on appropriate pain research initiatives that could be undertaken with funds reserved under section 402A(c)(1) for the Common Fund or otherwise available for such initiatives.

''(3) DEFINITION.—In this subsection, the term 'Pain Consortium' means the Pain Consortium of the National Institutes of Health or a similar trans-National Institutes of Health coordinating entity designated by the Secretary for purposes of this subsection.

''(b) INTERAGENCY PAIN RESEARCH COORDINATING COMMITTEE.—

''(1) ESTABLISHMENT.—The Secretary shall establish not later than 1 year after the date of the enactment of this section and as necessary maintain a committee, to be known as the Interagency Pain Research Coordinating Committee (in this section referred to as the 'Committee'), to coordinate all efforts within the Department of Health and Human Services and other Federal agencies that relate to pain research.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall be composed of the following voting members:

''(i) Not more than 7 voting Federal representatives appoint by the Secretary from agencies that conduct pain care research and treatment.

''(ii) 12 additional voting members appointed under subparagraph (B).

''(B) ADDITIONAL MEMBERS.—The Committee shall include additional voting members appointed by the Secretary as follows:

''(i) 6 non-Federal members shall be appointed from among scientists, physicians, and other health professionals.

''(ii) 6 members shall be appointed from members of the general public, who are representatives of leading research, advocacy, and service organizations for individuals with pain-related conditions.

''(C) NONVOTING MEMBERS.—The Committee shall include such nonvoting members as the Secretary determines to be appropriate.

''(3) CHAIRPERSON.—The voting members of the Committee shall select a chairperson from among such members. The selection of a chairperson shall be subject to the approval of the Director of NIH.

''(4) MEETINGS.—The Committee shall meet at the call of the chairperson of the Committee or upon the request of the Director of NIH, but in no case less often than once each year.

''(5) DUTIES.—The Committee shall—

''(A) develop a summary of advances in pain care research supported or conducted by the Federal agencies relevant to the diagnosis, prevention, and treatment of pain and diseases and disorders associated with pain;

''(B) identify critical gaps in basic and clinical research on the symptoms and causes of pain;

''(C) make recommendations to ensure that the activities of the National Institutes of Health and other Federal agencies are free of unnecessary duplication of effort;

''(D) make recommendations on how best to disseminate information on pain care; and

''(E) make recommendations on how to expand partnerships between public entities and private entities to expand collaborative, cross-cutting research.

''(6) REVIEW.—The Secretary shall review the necessity of the Committee at least once every 2 years.''.

(c) PAIN CARE EDUCATION AND TRAINING.—Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following new section:

''SEC. 759. PROGRAM FOR EDUCATION AND TRAINING IN PAIN CARE.

''(a) IN GENERAL.—The Secretary may make awards of grants, cooperative agreements, and contracts to health professions schools, hospices, and other public and private entities for the development and implementation of programs to provide education and training to health care professionals in pain care.

''(b) CERTAIN TOPICS.—An award may be made under subsection (a) only if the applicant for the award agrees that the program carried out with the award will include information and education on—

''(1) recognized means for assessing, diagnosing, treating, and managing pain and related signs and symptoms, including the medically appropriate use of controlled substances;

''(2) applicable laws, regulations, rules, and policies on controlled substances, including the degree to which misconceptions and concerns regarding such laws, regulations, rules, and policies, or the enforcement thereof, may create barriers to patient access to appropriate and effective pain care;

''(3) interdisciplinary approaches to the delivery of pain care, including delivery through specialized centers providing comprehensive pain care treatment expertise;

''(4) cultural, linguistic, literacy, geographic, and other barriers to care in underserved populations; and

''(5) recent findings, developments, and improvements in the provision of pain care.

''(c) EVALUATION OF PROGRAMS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of programs implemented under subsection (a) in order to determine the effect of such programs on knowledge and practice of pain care.

''(d) PAIN CARE DEFINED.—For purposes of this section the term 'pain care' means the assessment, diagnosis, treatment, or management of acute or chronic pain regardless of causation or body location.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 2010 through 2012. Amounts appropriated under this subsection shall remain available until expended.''.

SEC. 4306. FUNDING FOR CHILDHOOD OBESITY DEMONSTRATION PROJECT.

Section 1139A(e)(8) of the Social Security Act (42 U.S.C. 1320b–9a(e)(8)) is amended to read as follows:

''(8) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this subsection, $25,000,000 for the period of fiscal years 2010 through 2014.''.

Subtitle E—Miscellaneous Provisions

SEC. 4401. SENSE OF THE SENATE CONCERNING CBO SCORING.

(a) FINDING.—The Senate finds that the costs of prevention programs are difficult to estimate due in part because prevention initiatives are hard to measure and results may occur outside the 5 and 10 year budget windows.

(b) SENSE OF CONGRESS.—It is the sense of the Senate that Congress should work with the Congressional Budget Office to develop better methodologies for scoring progress to be made in prevention and wellness programs.

SEC. 4402. EFFECTIVENESS OF FEDERAL HEALTH AND WELLNESS INITIATIVES.

To determine whether existing Federal health and wellness initiatives are effective in achieving their stated goals, the Secretary of Health and Human Services shall—

(1) conduct an evaluation of such programs as they relate to changes in health status of the American public and specifically on the health status of the Federal workforce, including absenteeism of employees, the productivity of employees, the rate of workplace injury, and the medical costs incurred by employees, and health conditions, including workplace fitness, healthy food and beverages, and incentives in the Federal Employee Health Benefits Program; and

(2) submit to Congress a report concerning such evaluation, which shall include conclusions concerning the reasons that such existing programs have proven successful or not successful and what factors contributed to such conclusions.

TITLE V—HEALTH CARE WORKFORCE

Subtitle A—Purpose and Definitions

SEC. 5001. PURPOSE.

The purpose of this title is to improve access to and the delivery of health care services for all individuals, particularly low income, underserved, uninsured, minority, health disparity, and rural populations by—

(1) gathering and assessing comprehensive data in order for the health care workforce to meet the health care needs of individuals, including research on the supply, demand, distribution, diversity, and skills needs of the health care workforce;

(2) increasing the supply of a qualified health care workforce to improve access to and the delivery of health care services for all individuals;

(3) enhancing health care workforce education and training to improve access to and the delivery of health care services for all individuals; and

(4) providing support to the existing health care workforce to improve access to and the delivery of health care services for all individuals.

SEC. 5002. DEFINITIONS.

(a) THIS TITLE.—In this title:

(1) ALLIED HEALTH PROFESSIONAL.—The term ''allied health professional'' means an allied

health professional as defined in section 799B(5) of the Public Heath Service Act (42 U.S.C. 295p(5)) who—

(A) has graduated and received an allied health professions degree or certificate from an institution of higher education; and

(B) is employed with a Federal, State, local or tribal public health agency, or in a setting where patients might require health care services, including acute care facilities, ambulatory care facilities, personal residences, and other settings located in health professional shortage areas, medically underserved areas, or medically underserved populations, as recognized by the Secretary of Health and Human Services.

(2) HEALTH CARE CAREER PATHWAY.—The term ''healthcare career pathway'' means a rigorous, engaging, and high quality set of courses and services that—

(A) includes an articulated sequence of academic and career courses, including 21st century skills;

(B) is aligned with the needs of healthcare industries in a region or State;

(C) prepares students for entry into the full range of postsecondary education options, including registered apprenticeships, and careers;

(D) provides academic and career counseling in student-to-counselor ratios that allow students to make informed decisions about academic and career options;

(E) meets State academic standards, State requirements for secondary school graduation and is aligned with requirements for entry into postsecondary education, and applicable industry standards; and

(F) leads to 2 or more credentials, including—

(i) a secondary school diploma; and

(ii) a postsecondary degree, an apprenticeship or other occupational certification, a certificate, or a license.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in sections 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001 and 1002).

(4) LOW INCOME INDIVIDUAL, STATE WORKFORCE INVESTMENT BOARD, AND LOCAL WORKFORCE INVESTMENT BOARD.—

(A) LOW-INCOME INDIVIDUAL.—The term ''low-income individual'' has the meaning given that term in section 101 of the Workforce investment Act of 1998 (29 U.S.C. 2801).

(B) STATE WORKFORCE INVESTMENT BOARD; LOCAL WORKFORCE INVESTMENT BOARD.—The terms ''State workforce investment board'' and ''local workforce investment board'', refer to a State workforce investment board established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821) and a local workforce investment board established under section 117 of such Act (29 U.S.C. 2832), respectively.

(5) POSTSECONDARY EDUCATION.—The term ''postsecondary education'' means—

(A) a 4-year program of instruction, or not less than a 1-year program of instruction that is acceptable for credit toward an associate or a baccalaureate degree, offered by an institution of higher education; or

(B) a certificate or registered apprenticeship program at the postsecondary level offered by an institution of higher education or a nonprofit educational institution.

(6) REGISTERED APPRENTICESHIP PROGRAM.—The term ''registered apprenticeship program'' means an industry skills training program at the postsecondary level that combines technical and theoretical training through structure on the job learning with related instruction (in a classroom or through distance learning) while an individual is employed, working under the direction of qualified personnel or a mentor, and earning incremental wage increases aligned to enhance job proficiency, resulting in the acquisition of a nationally recognized and portable certificate, under a plan approved by the Office of Apprenticeship or a State agency recognized by the Department of Labor.

(b) TITLE VII OF THE PUBLIC HEALTH SERVICE ACT.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) PHYSICIAN ASSISTANT EDUCATION PROGRAM.—The term 'physician assistant education program' means an educational program in a public or private institution in a State that—

''(A) has as its objective the education of individuals who, upon completion of their studies in the program, be qualified to provide primary care medical services with the supervision of a physician; and

''(B) is accredited by the Accreditation Review Commission on Education for the Physician Assistant.''; and

(2) by adding at the end the following:

''(12) AREA HEALTH EDUCATION CENTER.—The term 'area health education center' means a public or nonprofit private organization that has a cooperative agreement or contract in effect with an entity that has received an award under subsection (a)(1) or (a)(2) of section 751, satisfies the requirements in section 751(d)(1), and has as one of its principal functions the operation of an area health education center. Appropriate organizations may include hospitals, health organizations with accredited primary care training programs, accredited physician assistant educational programs associated with a college or university, and universities or colleges not operating a school of medicine or osteopathic medicine.

''(13) AREA HEALTH EDUCATION CENTER PROGRAM.—The term 'area health education center program' means cooperative program consisting of an entity that has received an award under subsection (a)(1) or (a)(2) of section 751 for the purpose of planning, developing, operating, and evaluating an area health education center program and one or more area health education centers, which carries out the required activities described in section 751(c), satisfies the program requirements in such section, has as one of its principal functions identifying and implementing strategies and activities that address health care workforce needs in its service area, in coordination with the local workforce investment boards.

''(14) CLINICAL SOCIAL WORKER.—The term 'clinical social worker' has the meaning given the term in section 1861(hh)(1) of the Social Security Act (42 U.S.C. 1395x(hh)(1)).

''(15) CULTURAL COMPETENCY.—The term 'cultural competency' shall be defined by the Secretary in a manner consistent with section 1707(d)(3).

''(16) DIRECT CARE WORKER.—The term 'direct care worker' has the meaning given that term in the 2010 Standard Occupational Classifications of the Department of Labor for Home Health Aides [31–1011], Psychiatric Aides [31–1013], Nursing Assistants [31–1014], and Personal Care Aides [39–9021].

''(17) FEDERALLY QUALIFIED HEALTH CENTER.—The term 'Federally qualified health center' has the meaning given that term in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)).

''(18) FRONTIER HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'frontier health professional shortage area' means an area—

''(A) with a population density less than 6 persons per square mile within the service area; and

''(B) with respect to which the distance or time for the population to access care is excessive.

''(19) GRADUATE PSYCHOLOGY.—The term 'graduate psychology' means an accredited program in professional psychology.

''(20) HEALTH DISPARITY POPULATION.—The term 'health disparity population' has the meaning given such term in section 903(d)(1).

''(21) HEALTH LITERACY.—The term 'health literacy' means the degree to which an individual has the capacity to obtain, communicate, process, and understand health information and services in order to make appropriate health decisions.

''(22) MENTAL HEALTH SERVICE PROFESSIONAL.—The term 'mental health service professional' means an individual with a graduate or postgraduate degree from an accredited institution of higher education in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, substance abuse disorder prevention and treatment, marriage and family counseling, school counseling, or professional counseling.

''(23) ONE-STOP DELIVERY SYSTEM CENTER.—The term 'one-stop delivery system' means a one-stop delivery system described in section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)).

''(24) PARAPROFESSIONAL CHILD AND ADOLESCENT MENTAL HEALTH WORKER.—The term 'paraprofessional child and adolescent mental health worker' means an individual who is not a mental or behavioral health service professional, but who works at the first stage of contact with children and families who are seeking mental or behavioral health services, including substance abuse prevention and treatment services.

''(25) RACIAL AND ETHNIC MINORITY GROUP; RACIAL AND ETHNIC MINORITY POPULATION.—The terms 'racial and ethnic minority group' and 'racial and ethnic minority population' have the meaning given the term 'racial and ethnic minority group' in section 1707.

''(26) RURAL HEALTH CLINIC.—The term 'rural health clinic' has the meaning given that term in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)).''.

(c) TITLE VIII OF THE PUBLIC HEALTH SERVICE ACT.—Section 801 of the Public Health Service Act (42 U.S.C. 296) is amended—

(1) in paragraph (2)—

(A) by striking ''means a'' and inserting ''means an accredited (as defined in paragraph 6)''; and

(B) by striking the period as inserting the following: ''where graduates are—

''(A) authorized to sit for the National Council Licensure EXamination-Registered Nurse (NCLEX–RN); or

''(B) licensed registered nurses who will receive a graduate or equivalent degree or training to become an advanced education nurse as defined by section 811(b).''; and

(2) by adding at the end the following:

''(16) ACCELERATED NURSING DEGREE PROGRAM.—The term 'accelerated nursing degree program' means a program of education in professional nursing offered by an accredited school of nursing in which an individual holding a bachelors degree in another discipline receives a BSN or MSN degree in an accelerated time frame as determined by the accredited school of nursing.

''(17) BRIDGE OR DEGREE COMPLETION PROGRAM.—The term 'bridge or degree completion program' means a program of education in professional nursing offered by an accredited school of nursing, as defined in paragraph (2), that leads to a baccalaureate degree in nursing. Such programs may include, Registered Nurse (RN) to Bachelor's of Science of Nursing (BSN) programs, RN to MSN (Master of Science of Nursing) programs, or BSN to Doctoral programs.''.

Subtitle B—Innovations in the Health Care Workforce

SEC. 5101. NATIONAL HEALTH CARE WORKFORCE COMMISSION.

(a) PURPOSE.—It is the purpose of this section to establish a National Health Care Workforce Commission that—

(1) serves as a national resource for Congress, the President, States, and localities;

(2) communicates and coordinates with the Departments of Health and Human Services, Labor, Veterans Affairs, Homeland Security, and Education on related activities administered by one or more of such Departments;

(3) develops and commissions evaluations of education and training activities to determine whether the demand for health care workers is being met;

(4) identifies barriers to improved coordination at the Federal, State, and local levels and recommend ways to address such barriers; and

(5) encourages innovations to address population needs, constant changes in technology, and other environmental factors.

(b) ESTABLISHMENT.—There is hereby established the National Health Care Workforce Commission (in this section referred to as the ''Commission'').

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members to be appointed by the Comptroller General, without regard to section 5 of the Federal Advisory Committee Act (5 U.S.C. App.).

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The membership of the Commission shall include individuals—

(i) with national recognition for their expertise in health care labor market analysis, including health care workforce analysis; health care finance and economics; health care facility management; health care plans and integrated delivery systems; health care workforce education and training; health care philanthropy; providers of health care services; and other related fields; and

(ii) who will provide a combination of professional perspectives, broad geographic representation, and a balance between urban, suburban, rural, and frontier representatives.

(B) INCLUSION.—

(i) IN GENERAL.—The membership of the Commission shall include no less than one representative of—

(I) the health care workforce and health professionals;

(II) employers;

(III) third-party payers;

(IV) individuals skilled in the conduct and interpretation of health care services and health economics research;

(V) representatives of consumers;

(VI) labor unions;

(VII) State or local workforce investment boards; and

(VIII) educational institutions (which may include elementary and secondary institutions, institutions of higher education, including 2 and 4 year institutions, or registered apprenticeship programs).

(ii) ADDITIONAL MEMBERS.—The remaining membership may include additional representatives from clause (i) and other individuals as determined appropriate by the Comptroller General of the United States.

(C) MAJORITY NON-PROVIDERS.—Individuals who are directly involved in health professions education or practice shall not constitute a majority of the membership of the Commission.

(D) ETHICAL DISCLOSURE.—The Comptroller General shall establish a system for public disclosure by members of the Commission of financial and other potential conflicts of interest relating to such members. Members of the Commission shall be treated as employees of Congress for purposes of applying title I of the Ethics in Government Act of 1978. Members of the Commission shall not be treated as special government employees under title 18, United States Code.

(3) TERMS.—

(A) IN GENERAL.—The terms of members of the Commission shall be for 3 years except that the Comptroller General shall designate staggered terms for the members first appointed.

(B) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(C) INITIAL APPOINTMENTS.—The Comptroller General shall make initial appointments of members to the Commission not later than September 30, 2010.

(4) COMPENSATION.—While serving on the business of the Commission (including travel time), a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of tile 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Chairman of the Commission. Physicians serving as personnel of the Commission may be provided a physician comparability allowance by the Commission in the same manner as Government physicians may be provided such an allowance by an agency under section 5948 of title 5, United States Code, and for such purpose subsection (i) of such section shall apply to the Commission in the same manner as it applies to the Tennessee Valley Authority. For purposes of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the United States Senate. Personnel of the Commission shall not be treated as employees of the Government Accountability Office for any purpose.

(5) CHAIRMAN, VICE CHAIRMAN.—The Comptroller General shall designate a member of the Commission, at the time of appointment of the member, as Chairman and a member as Vice Chairman for that term of appointment, except that in the case of vacancy of the chairmanship or vice chairmanship, the Comptroller General may designate another member for the remainder of that member's term.

(6) MEETINGS.—The Commission shall meet at the call of the chairman, but no less frequently than on a quarterly basis.

(d) DUTIES.—

(1) RECOGNITION, DISSEMINATION, AND COMMUNICATION.—The Commission shall—

(A) recognize efforts of Federal, State, and local partnerships to develop and offer health care career pathways of proven effectiveness;

(B) disseminate information on promising retention practices for health care professionals; and

(C) communicate information on important policies and practices that affect the recruitment, education and training, and retention of the health care workforce.

(2) REVIEW OF HEALTH CARE WORKFORCE AND ANNUAL REPORTS.—In order to develop a fiscally sustainable integrated workforce that supports a high-quality, readily accessible health care delivery system that meets the needs of patients and populations, the Commission, in consultation with relevant Federal, State, and local agencies, shall—

(A) review current and projected health care workforce supply and demand, including the topics described in paragraph (3);

(B) make recommendations to Congress and the Administration concerning national health care workforce priorities, goals, and policies;

(C) by not later than October 1 of each year (beginning with 2011), submit a report to Congress and the Administration containing the results of such reviews and recommendations concerning related policies; and

(D) by not later than April 1 of each year (beginning with 2011), submit a report to Congress and the Administration containing a review of, and recommendations on, at a minimum one high priority area as described in paragraph (4).

(3) SPECIFIC TOPICS TO BE REVIEWED.—The topics described in this paragraph include—

(A) current health care workforce supply and distribution, including demographics, skill sets, and demands, with projected demands during the subsequent 10 and 25 year periods;

(B) health care workforce education and training capacity, including the number of students who have completed education and training, including registered apprenticeships; the number of qualified faculty; the education and training infrastructure; and the education and training demands, with projected demands during the subsequent 10 and 25 year periods;

(C) the education loan and grant programs in titles VII and VIII of the Public Health Service Act (42 U.S.C. 292 et seq. and 296 et seq.), with recommendations on whether such programs should become part of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq);

(D) the implications of new and existing Federal policies which affect the health care workforce, including Medicare and Medicaid graduate medical education policies, titles VII and VIII of the Public Health Service Act (42 U.S.C. 292 et seq. and 296 et seq.), the National Health Service Corps (with recommendations for aligning such programs with national health workforce priorities and goals), and other health care workforce programs, including those supported through the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and any other Federal health care workforce programs;

(E) the health care workforce needs of special populations, such as minorities, rural populations, medically underserved populations, gender specific needs, individuals with disabilities, and geriatric and pediatric populations with recommendations for new and existing Federal policies to meet the needs of these special populations; and

(F) recommendations creating or revising national loan repayment programs and scholarship programs to require low-income, minority medical students to serve in their home communities, if designated as medical underserved community.

(4) HIGH PRIORITY AREAS.—

(A) IN GENERAL.—The initial high priority topics described in this paragraph include each of the following:

(i) Integrated health care workforce planning that identifies health care professional skills needed and maximizes the skill sets of health care professionals across disciplines.

(ii) An analysis of the nature, scopes of practice, and demands for health care workers in the enhanced information technology and management workplace.

(iii) An analysis of how to align Medicare and Medicaid graduate medical education policies with national workforce goals.

(iv) The education and training capacity, projected demands, and integration with the health care delivery system of each of the following:

(I) Nursing workforce capacity at all levels.

(II) Oral health care workforce capacity at all levels.

(III) Mental and behavioral health care workforce capacity at all levels.

(IV) Allied health and public health care workforce capacity at all levels.

(V) Emergency medical service workforce capacity, including the retention and recruitment of the volunteer workforce, at all levels.

(VI) The geographic distribution of health care providers as compared to the identified health care workforce needs of States and regions.

(B) FUTURE DETERMINATIONS.—The Commission may require that additional topics be included under subparagraph (A). The appropriate committees of Congress may recommend to the Commission the inclusion of other topics for health care workforce development areas that require special attention.

(5) GRANT PROGRAM.—The Commission shall—

(A) review implementation progress reports on, and report to Congress about, the State Health Care Workforce Development Grant program established in section 5102;

(B) in collaboration with the Department of Labor and in coordination with the Department of Education and other relevant Federal agencies, make recommendations to the fiscal and administrative agent under section 5102(b) for grant recipients under section 5102;

(C) assess the implementation of the grants under such section; and

(D) collect performance and report information, including identified models and best practices, on grants from the fiscal and administrative agent under such section and distribute this

information to Congress, relevant Federal agencies, and to the public.

(6) STUDY.—The Commission shall study effective mechanisms for financing education and training for careers in health care, including public health and allied health.

(7) RECOMMENDATIONS.—The Commission shall submit recommendations to Congress, the Department of Labor, and the Department of Health and Human Services about improving safety, health, and worker protections in the workplace for the health care workforce.

(8) ASSESSMENT.—The Commission shall assess and receive reports from the National Center for Health Care Workforce Analysis established under section 761(b) of the Public Service Health Act (as amended by section 5103).

(e) CONSULTATION WITH FEDERAL, STATE, AND LOCAL AGENCIES, CONGRESS, AND OTHER ORGANIZATIONS.—

(1) IN GENERAL.—The Commission shall consult with Federal agencies (including the Departments of Health and Human Services, Labor, Education, Commerce, Agriculture, Defense, and Veterans Affairs and the Environmental Protection Agency), Congress, the Medicare Payment Advisory Commission, the Medicaid and CHIP Payment and Access Commission, and, to the extent practicable, with State and local agencies, Indian tribes, voluntary health care organizations, professional societies, and other relevant public-private health care partnerships.

(2) OBTAINING OFFICIAL DATA.—The Commission, consistent with established privacy rules, may secure directly from any department or agency of the Executive Branch information necessary to enable the Commission to carry out this section.

(3) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—An employee of the Federal Government may be detailed to the Commission without reimbursement. The detail of such an employee shall be without interruption or loss of civil service status.

(f) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—Subject to such review as the Comptroller General of the United States determines to be necessary to ensure the efficient administration of the Commission, the Commission may—

(1) employ and fix the compensation of an executive director that shall not exceed the rate of basic pay payable for level V of the Executive Schedule and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

(4) make advance, progress, and other payments which relate to the work of the Commission;

(5) provide transportation and subsistence for persons serving without compensation; and

(6) prescribe such rules and regulations as the Commission determines to be necessary with respect to the internal organization and operation of the Commission.

(g) POWERS.—

(1) DATA COLLECTION.—In order to carry out its functions under this section, the Commission shall—

(A) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section, including coordination with the Bureau of Labor Statistics;

(B) carry out, or award grants or contracts for the carrying out of, original research and development, where existing information is inadequate, and

(C) adopt procedures allowing interested parties to submit information for the Commission's use in making reports and recommendations.

(2) ACCESS OF THE GOVERNMENT ACCOUNTABILITY OFFICE TO INFORMATION.—The Comptroller General of the United States shall have unrestricted access to all deliberations, records, and data of the Commission, immediately upon request.

(3) PERIODIC AUDIT.—The Commission shall be subject to periodic audit by an independent public accountant under contract to the Commission.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) REQUEST FOR APPROPRIATIONS.—The Commission shall submit requests for appropriations in the same manner as the Comptroller General of the United States submits requests for appropriations. Amounts so appropriated for the Commission shall be separate from amounts appropriated for the Comptroller General.

(2) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(3) GIFTS AND SERVICES.—The Commission may not accept gifts, bequeaths, or donations of property, but may accept and use donations of services for purposes of carrying out this section.

(i) DEFINITIONS.—In this section:

(1) HEALTH CARE WORKFORCE.—The term ''health care workforce'' includes all health care providers with direct patient care and support responsibilities, such as physicians, nurses, nurse practitioners, primary care providers, preventive medicine physicians, optometrists, ophthalmologists, physician assistants, pharmacists, dentists, dental hygienists, and other oral healthcare professionals, allied health professionals, doctors of chiropractic, community health workers, health care paraprofessionals, direct care workers, psychologists and other behavioral and mental health professionals (including substance abuse prevention and treatment providers), social workers, physical and occupational therapists, certified nurse midwives, podiatrists, the EMS workforce (including professional and volunteer ambulance personnel and firefighters who perform emergency medical services), licensed complementary and alternative medicine providers, integrative health practitioners, public health professionals, and any other health professional that the Comptroller General of the United States determines appropriate.

(2) HEALTH PROFESSIONALS.—The term ''health professionals'' includes—

(A) dentists, dental hygienists, primary care providers, specialty physicians, nurses, nurse practitioners, physician assistants, psychologists and other behavioral and mental health professionals (including substance abuse prevention and treatment providers), social workers, physical and occupational therapists, public health professionals, clinical pharmacists, allied health professionals, doctors of chiropractic, community health workers, school nurses, certified nurse midwives, podiatrists, licensed complementary and alternative medicine providers, the EMS workforce (including professional and volunteer ambulance personnel and firefighters who perform emergency medical services), and integrative health practitioners;

(B) national representatives of health professionals;

(C) representatives of schools of medicine, osteopathy, nursing, dentistry, optometry, pharmacy, chiropractic, allied health, educational programs for public health professionals, behavioral and mental health professionals (as so defined), social workers, pharmacists, physical and occupational therapists, oral health care industry dentistry and dental hygiene, and physician assistants;

(D) representatives of public and private teaching hospitals, and ambulatory health facilities, including Federal medical facilities; and

(E) any other health professional the Comptroller General of the United States determines appropriate.

SEC. 5102. STATE HEALTH CARE WORKFORCE DEVELOPMENT GRANTS.

(a) ESTABLISHMENT.—There is established a competitive health care workforce development grant program (referred to in this section as the ''program'') for the purpose of enabling State partnerships to complete comprehensive planning and to carry out activities leading to coherent and comprehensive health care workforce development strategies at the State and local levels.

(b) FISCAL AND ADMINISTRATIVE AGENT.—The Health Resources and Services Administration of the Department of Health and Human Services (referred to in this section as the ''Administration'') shall be the fiscal and administrative agent for the grants awarded under this section. The Administration is authorized to carry out the program, in consultation with the National Health Care Workforce Commission (referred to in this section as the ''Commission''), which shall review reports on the development, implementation, and evaluation activities of the grant program, including—

(1) administering the grants;

(2) providing technical assistance to grantees; and

(3) reporting performance information to the Commission.

(c) PLANNING GRANTS.—

(1) AMOUNT AND DURATION.—A planning grant shall be awarded under this subsection for a period of not more than one year and the maximum award may not be more than $150,000.

(2) ELIGIBILITY.—To be eligible to receive a planning grant, an entity shall be an eligible partnership. An eligible partnership shall be a State workforce investment board, if it includes or modifies the members to include at least one representative from each of the following: health care employer, labor organization, a public 2-year institution of higher education, a public 4-year institution of higher education, the recognized State federation of labor, the State public secondary education agency, the State P–16 or P–20 Council if such a council exists, and a philanthropic organization that is actively engaged in providing learning, mentoring, and work opportunities to recruit, educate, and train individuals for, and retain individuals in, careers in health care and related industries.

(3) FISCAL AND ADMINISTRATIVE AGENT.—The Governor of the State receiving a planning grant has the authority to appoint a fiscal and an administrative agency for the partnership.

(4) APPLICATION.—Each State partnership desiring a planning grant shall submit an application to the Administrator of the Administration at such time and in such manner, and accompanied by such information as the Administrator may reasonable require. Each application submitted for a planning grant shall describe the members of the State partnership, the activities for which assistance is sought, the proposed performance benchmarks to be used to measure progress under the planning grant, a budget for use of the funds to complete the required activities described in paragraph (5), and such additional assurance and information as the Administrator determines to be essential to ensure compliance with the grant program requirements.

(5) REQUIRED ACTIVITIES.—A State partnership receiving a planning grant shall carry out the following:

(A) Analyze State labor market information in order to create health care career pathways for students and adults, including dislocated workers.

(B) Identify current and projected high demand State or regional health care sectors for purposes of planning career pathways.

(C) Identify existing Federal, State, and private resources to recruit, educate or train, and retain a skilled health care workforce and strengthen partnerships.

(D) Describe the academic and health care industry skill standards for high school graduation, for entry into postsecondary education, and for various credentials and licensure.

(E) Describe State secondary and postsecondary education and training policies, models, or practices for the health care sector, including career information and guidance counseling.

(F) Identify Federal or State policies or rules to developing a coherent and comprehensive health care workforce development strategy and barriers and a plan to resolve these barriers.

(G) Participate in the Administration's evaluation and reporting activities.

(6) PERFORMANCE AND EVALUATION.—Before the State partnership receives a planning grant, such partnership and the Administrator of the Administration shall jointly determine the performance benchmarks that will be established for the purposes of the planning grant.

(7) MATCH.—Each State partnership receiving a planning grant shall provide an amount, in cash or in kind, that is not less that 15 percent of the amount of the grant, to carry out the activities supported by the grant. The matching requirement may be provided from funds available under other Federal, State, local or private sources to carry out the activities.

(8) REPORT.—

(A) REPORT TO ADMINISTRATION.—Not later than 1 year after a State partnership receives a planning grant, the partnership shall submit a report to the Administration on the State's performance of the activities under the grant, including the use of funds, including matching funds, to carry out required activities, and a description of the progress of the State workforce investment board in meeting the performance benchmarks.

(B) REPORT TO CONGRESS.—The Administration shall submit a report to Congress analyzing the planning activities, performance, and fund utilization of each State grant recipient, including an identification of promising practices and a profile of the activities of each State grant recipient.

(d) IMPLEMENTATION GRANTS.—

(1) IN GENERAL.—The Administration shall—

(A) competitively award implementation grants to State partnerships to enable such partnerships to implement activities that will result in a coherent and comprehensive plan for health workforce development that will address current and projected workforce demands within the State; and

(B) inform the Commission and Congress about the awards made.

(2) DURATION.—An implementation grant shall be awarded for a period of no more than 2 years, except in those cases where the Administration determines that the grantee is high performing and the activities supported by the grant warrant up to 1 additional year of funding.

(3) ELIGIBILITY.—To be eligible for an implementation grant, a State partnership shall have—

(A) received a planning grant under subsection (c) and completed all requirements of such grant; or

(B) completed a satisfactory application, including a plan to coordinate with required partners and complete the required activities during the 2 year period of the implementation grant.

(4) FISCAL AND ADMINISTRATIVE AGENT.—A State partnership receiving an implementation grant shall appoint a fiscal and an administration agent for the implementation of such grant.

(5) APPLICATION.—Each eligible State partnership desiring an implementation grant shall submit an application to the Administration at such time, in such manner, and accompanied by such information as the Administration may reasonably require. Each application submitted shall include—

(A) a description of the members of the State partnership;

(B) a description of how the State partnership completed the required activities under the planning grant, if applicable;

(C) a description of the activities for which implementation grant funds are sought, including grants to regions by the State partnership to advance coherent and comprehensive regional health care workforce planning activities;

(D) a description of how the State partnership will coordinate with required partners and complete the required partnership activities during the duration of an implementation grant;

(E) a budget proposal of the cost of the activities supported by the implementation grant and a timeline for the provision of matching funds required;

(F) proposed performance benchmarks to be used to assess and evaluate the progress of the partnership activities;

(G) a description of how the State partnership will collect data to report progress in grant activities; and

(H) such additional assurances as the Administration determines to be essential to ensure compliance with grant requirements.

(6) REQUIRED ACTIVITIES.—

(A) IN GENERAL.—A State partnership that receives an implementation grant may reserve not less than 60 percent of the grant funds to make grants to be competitively awarded by the State partnership, consistent with State procurement rules, to encourage regional partnerships to address health care workforce development needs and to promote innovative health care workforce career pathway activities, including career counseling, learning, and employment.

(B) ELIGIBLE PARTNERSHIP DUTIES.—An eligible State partnership receiving an implementation grant shall—

(i) identify and convene regional leadership to discuss opportunities to engage in statewide health care workforce development planning, including the potential use of competitive grants to improve the development, distribution, and diversity of the regional health care workforce; the alignment of curricula for health care careers; and the access to quality career information and guidance and education and training opportunities;

(ii) in consultation with key stakeholders and regional leaders, take appropriate steps to reduce Federal, State, or local barriers to a comprehensive and coherent strategy, including changes in State or local policies to foster coherent and comprehensive health care workforce development activities, including health care career pathways at the regional and State levels, career planning information, retraining for dislocated workers, and as appropriate, requests for Federal program or administrative waivers;

(iii) develop, disseminate, and review with key stakeholders a preliminary statewide strategy that addresses short- and long-term health care workforce development supply versus demand;

(iv) convene State partnership members on a regular basis, and at least on a semiannual basis;

(v) assist leaders at the regional level to form partnerships, including technical assistance and capacity building activities;

(vi) collect and assess data on and report on the performance benchmarks selected by the State partnership and the Administration for implementation activities carried out by regional and State partnerships; and

(vii) participate in the Administration's evaluation and reporting activities.

(7) PERFORMANCE AND EVALUATION.—Before the State partnership receives an implementation grant, it and the Administrator shall jointly determine the performance benchmarks that shall be established for the purposes of the implementation grant.

(8) MATCH.—Each State partnership receiving an implementation grant shall provide an amount, in cash or in kind that is not less than 25 percent of the amount of the grant, to carry out the activities supported by the grant. The matching funds may be provided from funds available from other Federal, State, local, or private sources to carry out such activities.

(9) REPORTS.—

(A) REPORT TO ADMINISTRATION.—For each year of the implementation grant, the State partnership receiving the implementation grant shall submit a report to the Administration on the performance of the State of the grant activities, including a description of the use of the funds, including matched funds, to complete activities, and a description of the performance of the State partnership in meeting the performance benchmarks.

(B) REPORT TO CONGRESS.—The Administration shall submit a report to Congress analyzing implementation activities, performance, and fund utilization of the State grantees, including an identification of promising practices and a profile of the activities of each State grantee.

(e) AUTHORIZATION FOR APPROPRIATIONS.—

(1) PLANNING GRANTS.—There are authorized to be appropriated to award planning grants under subsection (c) $8,000,000 for fiscal year 2010, and such sums as may be necessary for each subsequent fiscal year.

(2) IMPLEMENTATION GRANTS.—There are authorized to be appropriated to award implementation grants under subsection (d), $150,000,000 for fiscal year 2010, and such sums as may be necessary for each subsequent fiscal year.

SEC. 5103. HEALTH CARE WORKFORCE ASSESSMENT.

(a) IN GENERAL.—Section 761 of the Public Health Service Act (42 U.S.C. 294m) is amended—

(1) by redesignating subsection (c) as subsection (e);

(2) by striking subsection (b) and inserting the following:

''(b) NATIONAL CENTER FOR HEALTH CARE WORKFORCE ANALYSIS.—

''(1) ESTABLISHMENT.—The Secretary shall establish the National Center for Health Workforce Analysis (referred to in this section as the 'National Center').

''(2) PURPOSES.—The National Center, in coordination to the extent practicable with the National Health Care Workforce Commission (established in section 5101 of the Patient Protection and Affordable Care Act), and relevant regional and State centers and agencies, shall—

''(A) provide for the development of information describing and analyzing the health care workforce and workforce related issues;

''(B) carry out the activities under section 792(a);

''(C) annually evaluate programs under this title;

''(D) develop and publish performance measures and benchmarks for programs under this title; and

''(E) establish, maintain, and publicize a national Internet registry of each grant awarded under this title and a database to collect data from longitudinal evaluations (as described in subsection (d)(2)) on performance measures (as developed under sections 749(d)(3), 757(d)(3), and 762(a)(3)).

''(3) COLLABORATION AND DATA SHARING.—

''(A) IN GENERAL.—The National Center shall collaborate with Federal agencies and relevant professional and educational organizations or societies for the purpose of linking data regarding grants awarded under this title.

''(B) CONTRACTS FOR HEALTH WORKFORCE ANALYSIS.—For the purpose of carrying out the activities described in subparagraph (A), the National Center may enter into contracts with relevant professional and educational organizations or societies.

''(c) STATE AND REGIONAL CENTERS FOR HEALTH WORKFORCE ANALYSIS.—

''(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, eligible entities for purposes of—

''(A) collecting, analyzing, and reporting data regarding programs under this title to the National Center and to the public; and

''(B) providing technical assistance to local and regional entities on the collection, analysis, and reporting of data.

''(2) ELIGIBLE ENTITIES.—To be eligible for a grant or contract under this subsection, an entity shall—

''(A) be a State, a State workforce investment board, a public health or health professions school, an academic health center, or an appropriate public or private nonprofit entity; and

''(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) INCREASE IN GRANTS FOR LONGITUDINAL EVALUATIONS.—

''(1) IN GENERAL.—The Secretary shall increase the amount awarded to an eligible entity under this title for a longitudinal evaluation of individuals who have received education, training, or financial assistance from programs under this title.

''(2) CAPABILITY.—A longitudinal evaluation shall be capable of—

''(A) studying practice patterns; and

''(B) collecting and reporting data on performance measures developed under sections 749(d)(3), 757(d)(3), and 762(a)(3).

''(3) GUIDELINES.—A longitudinal evaluation shall comply with guidelines issued under sections 749(d)(4), 757(d)(4), and 762(a)(4).

''(4) ELIGIBLE ENTITIES.—To be eligible to obtain an increase under this section, an entity shall be a recipient of a grant or contract under this title.''; and

(3) in subsection (e), as so redesignated—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) NATIONAL CENTER.—To carry out subsection (b), there are authorized to be appropriated $7,500,000 for each of fiscal years 2010 through 2014.

''(B) STATE AND REGIONAL CENTERS.—To carry out subsection (c), there are authorized to be appropriated $4,500,000 for each of fiscal years 2010 through 2014.

''(C) GRANTS FOR LONGITUDINAL EVALUATIONS.—To carry out subsection (d), there are authorized to be appropriated such sums as may be necessary for fiscal years 2010 through 2014.''; and

(4) in paragraph (2), by striking ''subsection (a)'' and inserting ''paragraph (1)''.

(b) TRANSFERS.—Not later than 180 days after the date of enactment of this Act, the responsibilities and resources of the National Center for Health Workforce Analysis, as in effect on the date before the date of enactment of this Act, shall be transferred to the National Center for Health Care Workforce Analysis established under section 761 of the Public Health Service Act, as amended by subsection (a).

(c) USE OF LONGITUDINAL EVALUATIONS.—Section 791(a)(1) of the Public Health Service Act (42 U.S.C. 295j(a)(1)) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(C) utilizes a longitudinal evaluation (as described in section 761(d)(2)) and reports data from such system to the national workforce database (as established under section 761(b)(2)(E)).''.

(d) PERFORMANCE MEASURES; GUIDELINES FOR LONGITUDINAL EVALUATIONS.—

(1) ADVISORY COMMITTEE ON TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.—Section 748(d) of the Public Health Service Act is amended—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(3) develop, publish, and implement performance measures for programs under this part;

''(4) develop and publish guidelines for longitudinal evaluations (as described in section 761(d)(2)) for programs under this part; and

''(5) recommend appropriation levels for programs under this part.''.

(2) ADVISORY COMMITTEE ON INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.—Section 756(d) of the Public Health Service Act is amended—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(3) develop, publish, and implement performance measures for programs under this part;

''(4) develop and publish guidelines for longitudinal evaluations (as described in section 761(d)(2)) for programs under this part; and

''(5) recommend appropriation levels for programs under this part.''.

(3) ADVISORY COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 762(a) of the Public Health Service Act (42 U.S.C. 294o(a)) is amended—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(3) develop, publish, and implement performance measures for programs under this title, except for programs under part C or D;

''(4) develop and publish guidelines for longitudinal evaluations (as described in section 761(d)(2)) for programs under this title, except for programs under part C or D; and

''(5) recommend appropriation levels for programs under this title, except for programs under part C or D.''.

Subtitle C—Increasing the Supply of the Health Care Workforce

SEC. 5201. FEDERALLY SUPPORTED STUDENT LOAN FUNDS.

(a) MEDICAL SCHOOLS AND PRIMARY HEALTH CARE.—Section 723 of the Public Health Service Act (42 U.S.C. 292s) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) to practice in such care for 10 years (including residency training in primary health care) or through the date on which the loan is repaid in full, whichever occurs first.''; and

(B) by striking paragraph (3) and inserting the following:

''(3) NONCOMPLIANCE BY STUDENT.—Each agreement entered into with a student pursuant to paragraph (1) shall provide that, if the student fails to comply with such agreement, the loan involved will begin to accrue interest at a rate of 2 percent per year greater than the rate at which the student would pay if compliant in such year.''; and

(2) by adding at the end the following:

''(d) SENSE OF CONGRESS.—It is the sense of Congress that funds repaid under the loan program under this section should not be transferred to the Treasury of the United States or otherwise used for any other purpose other than to carry out this section.''.

(b) STUDENT LOAN GUIDELINES.—The Secretary of Health and Human Services shall not require parental financial information for an independent student to determine financial need under section 723 of the Public Health Service Act (42 U.S.C. 292s) and the determination of need for such information shall be at the discretion of applicable school loan officer. The Secretary shall amend guidelines issued by the Health Resources and Services Administration in accordance with the preceding sentence.

SEC. 5202. NURSING STUDENT LOAN PROGRAM.

(a) LOAN AGREEMENTS.—Section 836(a) of the Public Health Service Act (42 U.S.C. 297b(a)) is amended—

(1) by striking ''$2,500'' and inserting ''$3,300'';

(2) by striking ''$4,000'' and inserting ''$5,200''; and

(3) by striking ''$13,000'' and all that follows through the period and inserting ''$17,000 in the case of any student during fiscal years 2010 and 2011. After fiscal year 2011, such amounts shall be adjusted to provide for a cost-of-attendance increase for the yearly loan rate and the aggregate of the loans.''.

(b) LOAN PROVISIONS.—Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1)(C), by striking ''1986'' and inserting ''2000''; and

(2) in paragraph (3), by striking ''the date of enactment of the Nurse Training Amendments of 1979'' and inserting ''September 29, 1995''.

SEC. 5203. HEALTH CARE WORKFORCE LOAN REPAYMENT PROGRAMS.

Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

''Subpart 3—Recruitment and Retention Programs

''SEC. 775. INVESTMENT IN TOMORROW'S PEDIATRIC HEALTH CARE WORKFORCE.

''(a) ESTABLISHMENT.—The Secretary shall establish and carry out a pediatric specialty loan repayment program under which the eligible individual agrees to be employed full-time for a specified period (which shall not be less than 2 years) in providing pediatric medical subspecialty, pediatric surgical specialty, or child and adolescent mental and behavioral health care, including substance abuse prevention and treatment services.

''(b) PROGRAM ADMINISTRATION.—Through the program established under this section, the Secretary shall enter into contracts with qualified health professionals under which—

''(1) such qualified health professionals will agree to provide pediatric medical subspecialty, pediatric surgical specialty, or child and adolescent mental and behavioral health care in an area with a shortage of the specified pediatric subspecialty that has a sufficient pediatric population to support such pediatric subspecialty, as determined by the Secretary; and

''(2) the Secretary agrees to make payments on the principal and interest of undergraduate, graduate, or graduate medical education loans of professionals described in paragraph (1) of not more than $35,000 a year for each year of agreed upon service under such paragraph for a period of not more than 3 years during the qualified health professional's—

''(A) participation in an accredited pediatric medical subspecialty, pediatric surgical specialty, or child and adolescent mental health subspecialty residency or fellowship; or

''(B) employment as a pediatric medical subspecialist, pediatric surgical specialist, or child and adolescent mental health professional serving an area or population described in such paragraph.

''(c) IN GENERAL.—

''(1) ELIGIBLE INDIVIDUALS.—

''(A) PEDIATRIC MEDICAL SPECIALISTS AND PEDIATRIC SURGICAL SPECIALISTS.—For purposes of contracts with respect to pediatric medical specialists and pediatric surgical specialists, the term 'qualified health professional' means a licensed physician who—

''(i) is entering or receiving training in an accredited pediatric medical subspecialty or pediatric surgical specialty residency or fellowship; or

''(ii) has completed (but not prior to the end of the calendar year in which this section is enacted) the training described in subparagraph (B).

''(B) CHILD AND ADOLESCENT MENTAL AND BEHAVIORAL HEALTH.—For purposes of contracts with respect to child and adolescent mental and behavioral health care, the term 'qualified health professional' means a health care professional who—

''(i) has received specialized training or clinical experience in child and adolescent mental health in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, substance abuse disorder prevention and treatment, marriage and family therapy, school counseling, or professional counseling;

''(ii) has a license or certification in a State to practice allopathic medicine, osteopathic medicine, psychology, school psychology, psychiatric

nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling; or

''(iii) is a mental health service professional who completed (but not before the end of the calendar year in which this section is enacted) specialized training or clinical experience in child and adolescent mental health described in clause (i).

''(2) ADDITIONAL ELIGIBILITY REQUIREMENTS.—The Secretary may not enter into a contract under this subsection with an eligible individual unless—

''(A) the individual agrees to work in, or for a provider serving, a health professional shortage area or medically underserved area, or to serve a medically underserved population;

''(B) the individual is a United States citizen or a permanent legal United States resident; and

''(C) if the individual is enrolled in a graduate program, the program is accredited, and the individual has an acceptable level of academic standing (as determined by the Secretary).

''(d) PRIORITY.—In entering into contracts under this subsection, the Secretary shall give priority to applicants who—

''(1) are or will be working in a school or other pre-kindergarten, elementary, or secondary education setting;

''(2) have familiarity with evidence-based methods and cultural and linguistic competence health care services; and

''(3) demonstrate financial need.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $30,000,000 for each of fiscal years 2010 through 2014 to carry out subsection (c)(1)(A) and $20,000,000 for each of fiscal years 2010 through 2013 to carry out subsection (c)(1)(B).''.

SEC. 5204. PUBLIC HEALTH WORKFORCE RECRUITMENT AND RETENTION PROGRAMS.

Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.), as amended by section 5203, is further amended by adding at the end the following:

''SEC. 776. PUBLIC HEALTH WORKFORCE LOAN REPAYMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish the Public Health Workforce Loan Repayment Program (referred to in this section as the 'Program') to assure an adequate supply of public health professionals to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies.

''(b) ELIGIBILITY.—To be eligible to participate in the Program, an individual shall—

''(1)(A) be accepted for enrollment, or be enrolled, as a student in an accredited academic educational institution in a State or territory in the final year of a course of study or program leading to a public health or health professions degree or certificate; and have accepted employment with a Federal, State, local, or tribal public health agency, or a related training fellowship, as recognized by the Secretary, to commence upon graduation;

''(B)(i) have graduated, during the preceding 10-year period, from an accredited educational institution in a State or territory and received a public health or health professions degree or certificate; and

''(ii) be employed by, or have accepted employment with, a Federal, State, local, or tribal public health agency or a related training fellowship, as recognized by the Secretary;

''(2) be a United States citizen; and

''(3)(A) submit an application to the Secretary to participate in the Program;

''(B) execute a written contract as required in subsection (c); and

''(4) not have received, for the same service, a reduction of loan obligations under section 455(m), 428J, 428K, 428L, or 460 of the Higher Education Act of 1965.

''(c) CONTRACT.—The written contract (referred to in this section as the 'written contract') between the Secretary and an individual shall contain—

''(1) an agreement on the part of the Secretary that the Secretary will repay on behalf of the individual loans incurred by the individual in the pursuit of the relevant degree or certificate in accordance with the terms of the contract;

''(2) an agreement on the part of the individual that the individual will serve in the full-time employment of a Federal, State, local, or tribal public health agency or a related fellowship program in a position related to the course of study or program for which the contract was awarded for a period of time (referred to in this section as the 'period of obligated service') equal to the greater of—

''(A) 3 years; or

''(B) such longer period of time as determined appropriate by the Secretary and the individual;

''(3) an agreement, as appropriate, on the part of the individual to relocate to a priority service area (as determined by the Secretary) in exchange for an additional loan repayment incentive amount to be determined by the Secretary;

''(4) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments under this section;

''(5) a statement of the damages to which the United States is entitled, under this section for the individual's breach of the contract; and

''(6) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.

''(d) PAYMENTS.—

''(1) IN GENERAL.—A loan repayment provided for an individual under a written contract under the Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for tuition expenses incurred by the individual.

''(2) PAYMENTS FOR YEARS SERVED.—For each year of obligated service that an individual contracts to serve under subsection (c) the Secretary may pay up to $35,000 on behalf of the individual for loans described in paragraph (1). With respect to participants under the Program whose total eligible loans are less than $105,000, the Secretary shall pay an amount that does not exceed ⅓ of the eligible loan balance for each year of obligated service of the individual.

''(3) TAX LIABILITY.—For the purpose of providing reimbursements for tax liability resulting from payments under paragraph (2) on behalf of an individual, the Secretary shall, in addition to such payments, make payments to the individual in an amount not to exceed 39 percent of the total amount of loan repayments made for the taxable year involved.

''(e) POSTPONING OBLIGATED SERVICE.—With respect to an individual receiving a degree or certificate from a health professions or other related school, the date of the initiation of the period of obligated service may be postponed as approved by the Secretary.

''(f) BREACH OF CONTRACT.—An individual who fails to comply with the contract entered into under subsection (c) shall be subject to the same financial penalties as provided for under section 338E for breaches of loan repayment contracts under section 338B.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $195,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2015.''.

SEC. 5205. ALLIED HEALTH WORKFORCE RECRUITMENT AND RETENTION PROGRAMS.

(a) PURPOSE.—The purpose of this section is to assure an adequate supply of allied health professionals to eliminate critical allied health workforce shortages in Federal, State, local, and tribal public health agencies or in settings where patients might require health care services, including acute care facilities, ambulatory care facilities, personal residences and other settings, as recognized by the Secretary of Health and Human Services by authorizing an Allied Health Loan Forgiveness Program.

(b) ALLIED HEALTH WORKFORCE RECRUITMENT AND RETENTION PROGRAM.—Section 428K of the Higher Education Act of 1965 (20 U.S.C. 1078–11) is amended—

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

''(18) ALLIED HEALTH PROFESSIONALS.—The individual is employed full-time as an allied health professional—

''(A) in a Federal, State, local, or tribal public health agency; or

''(B) in a setting where patients might require health care services, including acute care facilities, ambulatory care facilities, personal residences and other settings located in health professional shortage areas, medically underserved areas, or medically underserved populations, as recognized by the Secretary of Health and Human Services.''; and

(2) in subsection (g)—

(A) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively; and

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) ALLIED HEALTH PROFESSIONAL.—The term 'allied health professional' means an allied health professional as defined in section 799B(5) of the Public Heath Service Act (42 U.S.C. 295p(5)) who—

''(A) has graduated and received an allied health professions degree or certificate from an institution of higher education; and

''(B) is employed with a Federal, State, local or tribal public health agency, or in a setting where patients might require health care services, including acute care facilities, ambulatory care facilities, personal residences and other settings located in health professional shortage areas, medically underserved areas, or medically underserved populations, as recognized by the Secretary of Health and Human Services.''.

SEC. 5206. GRANTS FOR STATE AND LOCAL PROGRAMS.

(a) IN GENERAL.—Section 765(d) of the Public Health Service Act (42 U.S.C. 295(d)) is amended—

(1) in paragraph (7), by striking ''; or'' and inserting a semicolon;

(2) by redesignating paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following:

''(8) public health workforce loan repayment programs; or''.

(b) TRAINING FOR MID-CAREER PUBLIC HEALTH PROFESSIONALS.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.), as amended by section 5204, is further amended by adding at the end the following:

''SEC. 777. TRAINING FOR MID-CAREER PUBLIC AND ALLIED HEALTH PROFESSIONALS.

''(a) IN GENERAL.—The Secretary may make grants to, or enter into contracts with, any eligible entity to award scholarships to eligible individuals to enroll in degree or professional training programs for the purpose of enabling mid-career professionals in the public health and allied health workforce to receive additional training in the field of public health and allied health.

''(b) ELIGIBILITY.—

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' indicates an accredited educational institution that offers a course of study, certificate program, or professional training program in public or allied health or a related discipline, as determined by the Secretary

''(2) ELIGIBLE INDIVIDUALS.—The term 'eligible individuals' includes those individuals employed in public and allied health positions at the Federal, State, tribal, or local level who are interested in retaining or upgrading their education.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $60,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2015. Fifty percent of appropriated funds shall be allotted to public health mid-career professionals and 50 percent shall be allotted to allied health mid-career professionals.''.

SEC. 5207. FUNDING FOR NATIONAL HEALTH SERVICE CORPS.

Section 338H(a) of the Public Health Service Act (42 U.S.C. 254q(a)) is amended to read as follows:

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the following:

''(1) For fiscal year 2010, $320,461,632.

''(2) For fiscal year 2011, $414,095,394.

''(3) For fiscal year 2012, $535,087,442.

''(4) For fiscal year 2013, $691,431,432.

''(5) For fiscal year 2014, $893,456,433.

''(6) For fiscal year 2015, $1,154,510,336.

''(7) For fiscal year 2016, and each subsequent fiscal year, the amount appropriated for the preceding fiscal year adjusted by the product of—

''(A) one plus the average percentage increase in the costs of health professions education during the prior fiscal year; and

''(B) one plus the average percentage change in the number of individuals residing in health professions shortage areas designated under section 333 during the prior fiscal year, relative to the number of individuals residing in such areas during the previous fiscal year.''.

SEC. 5208. NURSE-MANAGED HEALTH CLINICS.

(a) PURPOSE.—The purpose of this section is to fund the development and operation of nurse-managed health clinics.

(b) GRANTS.—Subpart 1 of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by inserting after section 330A the following:

''SEC. 330A–1. GRANTS TO NURSE–MANAGED HEALTH CLINICS.

''(a) DEFINITIONS.—

''(1) COMPREHENSIVE PRIMARY HEALTH CARE SERVICES.—In this section, the term 'comprehensive primary health care services' means the primary health services described in section 330(b)(1).

''(2) NURSE-MANAGED HEALTH CLINIC.—The term 'nurse-managed health clinic' means a nurse-practice arrangement, managed by advanced practice nurses, that provides primary care or wellness services to underserved or vulnerable populations and that is associated with a school, college, university or department of nursing, federally qualified health center, or independent nonprofit health or social services agency.

''(b) AUTHORITY TO AWARD GRANTS.—The Secretary shall award grants for the cost of the operation of nurse-managed health clinics that meet the requirements of this section.

''(c) APPLICATIONS.—To be eligible to receive a grant under this section, an entity shall—

''(1) be an NMHC; and

''(2) submit to the Secretary an application at such time, in such manner, and containing—

''(A) assurances that nurses are the major providers of services at the NMHC and that at least 1 advanced practice nurse holds an executive management position within the organizational structure of the NMHC;

''(B) an assurance that the NMHC will continue providing comprehensive primary health care services or wellness services without regard to income or insurance status of the patient for the duration of the grant period; and

''(C) an assurance that, not later than 90 days of receiving a grant under this section, the NMHC will establish a community advisory committee, for which a majority of the members shall be individuals who are served by the NMHC.

''(d) GRANT AMOUNT.—The amount of any grant made under this section for any fiscal year shall be determined by the Secretary, taking into account—

''(1) the financial need of the NMHC, considering State, local, and other operational funding provided to the NMHC; and

''(2) other factors, as the Secretary determines appropriate.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there are authorized to be appropriated $50,000,000 for the fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2014.''.

SEC. 5209. ELIMINATION OF CAP ON COMMISSIONED CORPS.

Section 202 of the Department of Health and Human Services Appropriations Act, 1993 (Public Law 102–394) is amended by striking ''not to exceed 2,800''.

SEC. 5210. ESTABLISHING A READY RESERVE CORPS.

Section 203 of the Public Health Service Act (42 U.S.C. 204) is amended to read as follows:

''SEC. 203. COMMISSIONED CORPS AND READY RESERVE CORPS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There shall be in the Service a commissioned Regular Corps and a Ready Reserve Corps for service in time of national emergency.

''(2) REQUIREMENT.—All commissioned officers shall be citizens of the United States and shall be appointed without regard to the civil-service laws and compensated without regard to the Classification Act of 1923, as amended.

''(3) APPOINTMENT.—Commissioned officers of the Ready Reserve Corps shall be appointed by the President and commissioned officers of the Regular Corps shall be appointed by the President with the advice and consent of the Senate.

''(4) ACTIVE DUTY.—Commissioned officers of the Ready Reserve Corps shall at all times be subject to call to active duty by the Surgeon General, including active duty for the purpose of training.

''(5) WARRANT OFFICERS.—Warrant officers may be appointed to the Service for the purpose of providing support to the health and delivery systems maintained by the Service and any warrant officer appointed to the Service shall be considered for purposes of this Act and title 37, United States Code, to be a commissioned officer within the Commissioned Corps of the Service.

''(b) ASSIMILATING RESERVE CORP OFFICERS INTO THE REGULAR CORPS.—Effective on the date of enactment of the Patient Protection and Affordable Care Act, all individuals classified as officers in the Reserve Corps under this section (as such section existed on the day before the date of enactment of such Act) and serving on active duty shall be deemed to be commissioned officers of the Regular Corps.

''(c) PURPOSE AND USE OF READY RESEARCH.—

''(1) PURPOSE.—The purpose of the Ready Reserve Corps is to fulfill the need to have additional Commissioned Corps personnel available on short notice (similar to the uniformed service's reserve program) to assist regular Commissioned Corps personnel to meet both routine public health and emergency response missions.

''(2) USES.—The Ready Reserve Corps shall—

''(A) participate in routine training to meet the general and specific needs of the Commissioned Corps;

''(B) be available and ready for involuntary calls to active duty during national emergencies and public health crises, similar to the uniformed service reserve personnel;

''(C) be available for backfilling critical positions left vacant during deployment of active duty Commissioned Corps members, as well as for deployment to respond to public health emergencies, both foreign and domestic; and

''(D) be available for service assignment in isolated, hardship, and medically underserved communities (as defined in section 799B) to improve access to health services.

''(d) FUNDING.—For the purpose of carrying out the duties and responsibilities of the Commissioned Corps under this section, there are authorized to be appropriated $5,000,000 for each of fiscal years 2010 through 2014 for recruitment and training and $12,500,000 for each of fiscal years 2010 through 2014 for the Ready Reserve Corps.''.

Subtitle D—Enhancing Health Care Workforce Education and Training

SEC. 5301. TRAINING IN FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, AND PHYSICIAN ASSISTANTSHIP.

Part C of title VII (42 U.S.C. 293k et seq.) is amended by striking section 747 and inserting the following:

''SEC. 747. PRIMARY CARE TRAINING AND ENHANCEMENT.

''(a) SUPPORT AND DEVELOPMENT OF PRIMARY CARE TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Secretary may make grants to, or enter into contracts with, an accredited public or nonprofit private hospital, school of medicine or osteopathic medicine, academically affiliated physician assistant training program, or a public or private nonprofit entity which the Secretary has determined is capable of carrying out such grant or contract—

''(A) to plan, develop, operate, or participate in an accredited professional training program, including an accredited residency or internship program in the field of family medicine, general internal medicine, or general pediatrics for medical students, interns, residents, or practicing physicians as defined by the Secretary;

''(B) to provide need-based financial assistance in the form of traineeships and fellowships to medical students, interns, residents, practicing physicians, or other medical personnel, who are participants in any such program, and who plan to specialize or work in the practice of the fields defined in subparagraph (A);

''(C) to plan, develop, and operate a program for the training of physicians who plan to teach in family medicine, general internal medicine, or general pediatrics training programs;

''(D) to plan, develop, and operate a program for the training of physicians teaching in community-based settings;

''(E) to provide financial assistance in the form of traineeships and fellowships to physicians who are participants in any such programs and who plan to teach or conduct research in a family medicine, general internal medicine, or general pediatrics training program;

''(F) to plan, develop, and operate a physician assistant education program, and for the training of individuals who will teach in programs to provide such training;

''(G) to plan, develop, and operate a demonstration program that provides training in new competencies, as recommended by the Advisory Committee on Training in Primary Care Medicine and Dentistry and the National Health Care Workforce Commission established in section 5101 of the Patient Protection and Affordable Care Act, which may include—

''(i) providing training to primary care physicians relevant to providing care through patient-centered medical homes (as defined by the Secretary for purposes of this section);

''(ii) developing tools and curricula relevant to patient-centered medical homes; and

''(iii) providing continuing education to primary care physicians relevant to patient-centered medical homes; and

''(H) to plan, develop, and operate joint degree programs to provide interdisciplinary and interprofessional graduate training in public health and other health professions to provide training in environmental health, infectious disease control, disease prevention and health promotion, epidemiological studies and injury control.

''(2) DURATION OF AWARDS.—The period during which payments are made to an entity from

an award of a grant or contract under this subsection shall be 5 years.

''(b) CAPACITY BUILDING IN PRIMARY CARE.—

''(1) IN GENERAL.—The Secretary may make grants to or enter into contracts with accredited schools of medicine or osteopathic medicine to establish, maintain, or improve—

''(A) academic units or programs that improve clinical teaching and research in fields defined in subsection (a)(1)(A); or

''(B) programs that integrate academic administrative units in fields defined in subsection (a)(1)(A) to enhance interdisciplinary recruitment, training, and faculty development.

''(2) PREFERENCE IN MAKING AWARDS UNDER THIS SUBSECTION.—In making awards of grants and contracts under paragraph (1), the Secretary shall give preference to any qualified applicant for such an award that agrees to expend the award for the purpose of—

''(A) establishing academic units or programs in fields defined in subsection (a)(1)(A); or

''(B) substantially expanding such units or programs.

''(3) PRIORITIES IN MAKING AWARDS.—In awarding grants or contracts under paragraph (1), the Secretary shall give priority to qualified applicants that—

''(A) proposes a collaborative project between academic administrative units of primary care;

''(B) proposes innovative approaches to clinical teaching using models of primary care, such as the patient centered medical home, team management of chronic disease, and interprofessional integrated models of health care that incorporate transitions in health care settings and integration physical and mental health provision;

''(C) have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers trained, who enter and remain in primary care practice;

''(D) have a record of training individuals who are from underrepresented minority groups or from a rural or disadvantaged background;

''(E) provide training in the care of vulnerable populations such as children, older adults, homeless individuals, victims of abuse or trauma, individuals with mental health or substance-related disorders, individuals with HIV/AIDS, and individuals with disabilities;

''(F) establish formal relationships and submit joint applications with federally qualified health centers, rural health clinics, area health education centers, or clinics located in underserved areas or that serve underserved populations;

''(G) teach trainees the skills to provide interprofessional, integrated care through collaboration among health professionals;

''(H) provide training in enhanced communication with patients, evidence-based practice, chronic disease management, preventive care, health information technology, or other competencies as recommended by the Advisory Committee on Training in Primary Care Medicine and Dentistry and the National Health Care Workforce Commission established in section 5101 of the Patient Protection and Affordable Care Act; or

''(I) provide training in cultural competency and health literacy.

''(4) DURATION OF AWARDS.—The period during which payments are made to an entity from an award of a grant or contract under this subsection shall be 5 years.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For purposes of carrying out this section (other than subsection (b)(1)(B)), there are authorized to be appropriated $125,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.

''(2) TRAINING PROGRAMS.—Fifteen percent of the amount appropriated pursuant to paragraph (1) in each such fiscal year shall be allocated to the physician assistant training programs described in subsection (a)(1)(F), which prepare students for practice in primary care.

''(3) INTEGRATING ACADEMIC ADMINISTRATIVE UNITS.—For purposes of carrying out subsection (b)(1)(B), there are authorized to be appropriated $750,000 for each of fiscal years 2010 through 2014.''.

SEC. 5302. TRAINING OPPORTUNITIES FOR DIRECT CARE WORKERS.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by inserting after section 747, as amended by section 5301, the following:

''SEC. 747A. TRAINING OPPORTUNITIES FOR DIRECT CARE WORKERS.

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to provide new training opportunities for direct care workers who are employed in long-term care settings such as nursing homes (as defined in section 1908(e)(1) of the Social Security Act (42 U.S.C. 1396g(e)(1)), assisted living facilities and skilled nursing facilities, intermediate care facilities for individuals with mental retardation, home and community based settings, and any other setting the Secretary determines to be appropriate.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) that—

''(A) is accredited by a nationally recognized accrediting agency or association listed under section 101(c) of the Higher Education Act of 1965 (20 U.S.C. 1001(c)); and

''(B) has established a public-private educational partnership with a nursing home or skilled nursing facility, agency or entity providing home and community based services to individuals with disabilities, or other long-term care provider; and

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An eligible entity shall use amounts awarded under a grant under this section to provide assistance to eligible individuals to offset the cost of tuition and required fees for enrollment in academic programs provided by such entity.

''(d) ELIGIBLE INDIVIDUAL.—

''(1) ELIGIBILITY.—To be eligible for assistance under this section, an individual shall be enrolled in courses provided by a grantee under this subsection and maintain satisfactory academic progress in such courses.

''(2) CONDITION OF ASSISTANCE.—As a condition of receiving assistance under this section, an individual shall agree that, following completion of the assistance period, the individual will work in the field of geriatrics, disability services, long term services and supports, or chronic care management for a minimum of 2 years under guidelines set by the Secretary.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for the period of fiscal years 2011 through 2013.''.

SEC. 5303. TRAINING IN GENERAL, PEDIATRIC, AND PUBLIC HEALTH DENTISTRY.

Part C of Title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by—

(1) redesignating section 748, as amended by section 5103 of this Act, as section 749; and

(2) inserting after section 747A, as added by section 5302, the following:

''SEC. 748. TRAINING IN GENERAL, PEDIATRIC, AND PUBLIC HEALTH DENTISTRY.

''(a) SUPPORT AND DEVELOPMENT OF DENTAL TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Secretary may make grants to, or enter into contracts with, a school of dentistry, public or nonprofit private hospital, or a public or private nonprofit entity which the Secretary has determined is capable of carrying out such grant or contract—

''(A) to plan, develop, and operate, or participate in, an approved professional training program in the field of general dentistry, pediatric dentistry, or public health dentistry for dental students, residents, practicing dentists, dental hygienists, or other approved primary care dental trainees, that emphasizes training for general, pediatric, or public health dentistry;

''(B) to provide financial assistance to dental students, residents, practicing dentists, and dental hygiene students who are in need thereof, who are participants in any such program, and who plan to work in the practice of general, pediatric, public heath dentistry, or dental hygiene;

''(C) to plan, develop, and operate a program for the training of oral health care providers who plan to teach in general, pediatric, public health dentistry, or dental hygiene;

''(D) to provide financial assistance in the form of traineeships and fellowships to dentists who plan to teach or are teaching in general, pediatric, or public health dentistry;

''(E) to meet the costs of projects to establish, maintain, or improve dental faculty development programs in primary care (which may be departments, divisions or other units);

''(F) to meet the costs of projects to establish, maintain, or improve predoctoral and postdoctoral training in primary care programs;

''(G) to create a loan repayment program for faculty in dental programs; and

''(H) to provide technical assistance to pediatric training programs in developing and implementing instruction regarding the oral health status, dental care needs, and risk-based clinical disease management of all pediatric populations with an emphasis on underserved children.

''(2) FACULTY LOAN REPAYMENT.—

''(A) IN GENERAL.—A grant or contract under subsection (a)(1)(G) may be awarded to a program of general, pediatric, or public health dentistry described in such subsection to plan, develop, and operate a loan repayment program under which—

''(i) individuals agree to serve full-time as faculty members; and

''(ii) the program of general, pediatric or public health dentistry agrees to pay the principal and interest on the outstanding student loans of the individuals.

''(B) MANNER OF PAYMENTS.—With respect to the payments described in subparagraph (A)(ii), upon completion by an individual of each of the first, second, third, fourth, and fifth years of service, the program shall pay an amount equal to 10, 15, 20, 25, and 30 percent, respectively, of the individual's student loan balance as calculated based on principal and interest owed at the initiation of the agreement.

''(b) ELIGIBLE ENTITY.—For purposes of this subsection, entities eligible for such grants or contracts in general, pediatric, or public health dentistry shall include entities that have programs in dental or dental hygiene schools, or approved residency or advanced education programs in the practice of general, pediatric, or public health dentistry. Eligible entities may partner with schools of public health to permit the education of dental students, residents, and dental hygiene students for a master's year in public health at a school of public health.

''(c) PRIORITIES IN MAKING AWARDS.—With respect to training provided for under this section, the Secretary shall give priority in awarding grants or contracts to the following:

''(1) Qualified applicants that propose collaborative projects between departments of primary care medicine and departments of general, pediatric, or public health dentistry.

''(2) Qualified applicants that have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers, who enter and remain in general, pediatric, or public health dentistry.

''(3) Qualified applicants that have a record of training individuals who are from a rural or disadvantaged background, or from underrepresented minorities.

''(4) Qualified applicants that establish formal relationships with Federally qualified health

centers, rural health centers, or accredited teaching facilities and that conduct training of students, residents, fellows, or faculty at the center or facility.

''(5) Qualified applicants that conduct teaching programs targeting vulnerable populations such as older adults, homeless individuals, victims of abuse or trauma, individuals with mental health or substance-related disorders, individuals with disabilities, and individuals with HIV/AIDS, and in the risk-based clinical disease management of all populations.

''(6) Qualified applicants that include educational activities in cultural competency and health literacy.

''(7) Qualified applicants that have a high rate for placing graduates in practice settings that serve underserved areas or health disparity populations, or who achieve a significant increase in the rate of placing graduates in such settings.

''(8) Qualified applicants that intend to establish a special populations oral health care education center or training program for the didactic and clinical education of dentists, dental health professionals, and dental hygienists who plan to teach oral health care for people with developmental disabilities, cognitive impairment, complex medical problems, significant physical limitations, and vulnerable elderly.

''(d) APPLICATION.—An eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(e) DURATION OF AWARD.—The period during which payments are made to an entity from an award of a grant or contract under subsection (a) shall be 5 years. The provision of such payments shall be subject to annual approval by the Secretary and subject to the availability of appropriations for the fiscal year involved to make the payments.

''(f) AUTHORIZATIONS OF APPROPRIATIONS.—For the purpose of carrying out subsections (a) and (b), there is authorized to be appropriated $30,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2015.

''(g) CARRYOVER FUNDS.—An entity that receives an award under this section may carry over funds from 1 fiscal year to another without obtaining approval from the Secretary. In no case may any funds be carried over pursuant to the preceding sentence for more than 3 years.''.

SEC. 5304. ALTERNATIVE DENTAL HEALTH CARE PROVIDERS DEMONSTRATION PROJECT.

Subpart X of part D of title III of the Public Health Service Act (42 U.S.C. 256f et seq.) is amended by adding at the end the following:

''SEC. 340G–1. DEMONSTRATION PROGRAM.

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—The Secretary is authorized to award grants to 15 eligible entities to enable such entities to establish a demonstration program to establish training programs to train, or to employ, alternative dental health care providers in order to increase access to dental health care services in rural and other underserved communities.

''(2) DEFINITION.—The term 'alternative dental health care providers' includes community dental health coordinators, advance practice dental hygienists, independent dental hygienists, supervised dental hygienists, primary care physicians, dental therapists, dental health aides, and any other health professional that the Secretary determines appropriate.

''(b) TIMEFRAME.—The demonstration projects funded under this section shall begin not later than 2 years after the date of enactment of this section, and shall conclude not later than 7 years after such date of enactment.

''(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be—

''(A) an institution of higher education, including a community college;

''(B) a public-private partnership;

''(C) a federally qualified health center;

''(D) an Indian Health Service facility or a tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act);

''(E) a State or county public health clinic, a health facility operated by an Indian tribe or tribal organization, or urban Indian organization providing dental services; or

''(F) a public hospital or health system;

''(2) be within a program accredited by the Commission on Dental Accreditation or within a dental education program in an accredited institution; and

''(3) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) ADMINISTRATIVE PROVISIONS.—

''(1) AMOUNT OF GRANT.—Each grant under this section shall be in an amount that is not less than $4,000,000 for the 5-year period during which the demonstration project being conducted.

''(2) DISBURSEMENT OF FUNDS.—

''(A) PRELIMINARY DISBURSEMENTS.—Beginning 1 year after the enactment of this section, the Secretary may disperse to any entity receiving a grant under this section not more than 20 percent of the total funding awarded to such entity under such grant, for the purpose of enabling the entity to plan the demonstration project to be conducted under such grant.

''(B) SUBSEQUENT DISBURSEMENTS.—The remaining amount of grant funds not dispersed under subparagraph (A) shall be dispersed such that not less than 15 percent of such remaining amount is dispersed each subsequent year.

''(e) COMPLIANCE WITH STATE REQUIREMENTS.—Each entity receiving a grant under this section shall certify that it is in compliance with all applicable State licensing requirements.

''(f) EVALUATION.—The Secretary shall contract with the Director of the Institute of Medicine to conduct a study of the demonstration programs conducted under this section that shall provide analysis, based upon quantitative and qualitative data, regarding access to dental health care in the United States.

''(g) CLARIFICATION REGARDING DENTAL HEALTH AIDE PROGRAM.—Nothing in this section shall prohibit a dental health aide training program approved by the Indian Health Service from being eligible for a grant under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.''.

SEC. 5305. GERIATRIC EDUCATION AND TRAINING; CAREER AWARDS; COMPREHENSIVE GERIATRIC EDUCATION.

(a) WORKFORCE DEVELOPMENT; CAREER AWARDS.—Section 753 of the Public Health Service Act (42 U.S.C. 294c) is amended by adding at the end the following:

''(d) GERIATRIC WORKFORCE DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary shall award grants or contracts under this subsection to entities that operate a geriatric education center pursuant to subsection (a)(1).

''(2) APPLICATION.—To be eligible for an award under paragraph (1), an entity described in such paragraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) USE OF FUNDS.—Amounts awarded under a grant or contract under paragraph (1) shall be used to—

''(A) carry out the fellowship program described in paragraph (4); and

''(B) carry out 1 of the 2 activities described in paragraph (5).

''(4) FELLOWSHIP PROGRAM.—

''(A) IN GENERAL.—Pursuant to paragraph (3), a geriatric education center that receives an award under this subsection shall use such funds to offer short-term intensive courses (referred to in this subsection as a 'fellowship') that focus on geriatrics, chronic care management, and long-term care that provide supplemental training for faculty members in medical schools and other health professions schools with programs in psychology, pharmacy, nursing, social work, dentistry, public health, allied health, or other health disciplines, as approved by the Secretary. Such a fellowship shall be open to current faculty, and appropriately credentialed volunteer faculty and practitioners, who do not have formal training in geriatrics, to upgrade their knowledge and clinical skills for the care of older adults and adults with functional limitations and to enhance their interdisciplinary teaching skills.

''(B) LOCATION.—A fellowship shall be offered either at the geriatric education center that is sponsoring the course, in collaboration with other geriatric education centers, or at medical schools, schools of dentistry, schools of nursing, schools of pharmacy, schools of social work, graduate programs in psychology, or allied health and other health professions schools approved by the Secretary with which the geriatric education centers are affiliated.

''(C) CME CREDIT.—Participation in a fellowship under this paragraph shall be accepted with respect to complying with continuing health profession education requirements. As a condition of such acceptance, the recipient shall agree to subsequently provide a minimum of 18 hours of voluntary instructional support through a geriatric education center that is providing clinical training to students or trainees in long-term care settings.

''(5) ADDITIONAL REQUIRED ACTIVITIES DESCRIBED.—Pursuant to paragraph (3), a geriatric education center that receives an award under this subsection shall use such funds to carry out 1 of the following 2 activities.

''(A) FAMILY CAREGIVER AND DIRECT CARE PROVIDER TRAINING.—A geriatric education center that receives an award under this subsection shall offer at least 2 courses each year, at no charge or nominal cost, to family caregivers and direct care providers that are designed to provide practical training for supporting frail elders and individuals with disabilities. The Secretary shall require such Centers to work with appropriate community partners to develop training program content and to publicize the availability of training courses in their service areas. All family caregiver and direct care provider training programs shall include instruction on the management of psychological and behavioral aspects of dementia, communication techniques for working with individuals who have dementia, and the appropriate, safe, and effective use of medications for older adults.

''(B) INCORPORATION OF BEST PRACTICES.—A geriatric education center that receives an award under this subsection shall develop and include material on depression and other mental disorders common among older adults, medication safety issues for older adults, and management of the psychological and behavioral aspects of dementia and communication techniques with individuals who have dementia in all training courses, where appropriate.

''(6) TARGETS.—A geriatric education center that receives an award under this subsection shall meet targets approved by the Secretary for providing geriatric training to a certain number of faculty or practitioners during the term of the award, as well as other parameters established by the Secretary.

''(7) AMOUNT OF AWARD.—An award under this subsection shall be in an amount of $150,000. Not more than 24 geriatric education centers may receive an award under this subsection.

''(8) MAINTENANCE OF EFFORT.—A geriatric education center that receives an award under this subsection shall provide assurances to the Secretary that funds provided to the geriatric education center under this subsection will be

used only to supplement, not to supplant, the amount of Federal, State, and local funds otherwise expended by the geriatric education center.

''(9) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funding available to carry out this section, there is authorized to be appropriated to carry out this subsection, $10,800,000 for the period of fiscal year 2011 through 2014.

''(e) GERIATRIC CAREER INCENTIVE AWARDS.—

''(1) IN GENERAL.—The Secretary shall award grants or contracts under this section to individuals described in paragraph (2) to foster greater interest among a variety of health professionals in entering the field of geriatrics, long-term care, and chronic care management.

''(2) ELIGIBLE INDIVIDUALS.—To be eligible to received an award under paragraph (1), an individual shall—

''(A) be an advanced practice nurse, a clinical social worker, a pharmacist, or student of psychology who is pursuing a doctorate or other advanced degree in geriatrics or related fields in an accredited health professions school; and

''(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) CONDITION OF AWARD.—As a condition of receiving an award under this subsection, an individual shall agree that, following completion of the award period, the individual will teach or practice in the field of geriatrics, long-term care, or chronic care management for a minimum of 5 years under guidelines set by the Secretary.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $10,000,000 for the period of fiscal years 2011 through 2013.''.

(b) EXPANSION OF ELIGIBILITY FOR GERIATRIC ACADEMIC CAREER AWARDS; PAYMENT TO INSTITUTION.—Section 753(c) of the Public Health Service Act 294(c)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(2) by striking paragraph (2) through paragraph (3) and inserting the following:

''(2) ELIGIBLE INDIVIDUALS.—To be eligible to receive an Award under paragraph (1), an individual shall—

''(A) be board certified or board eligible in internal medicine, family practice, psychiatry, or licensed dentistry, or have completed any required training in a discipline and employed in an accredited health professions school that is approved by the Secretary;

''(B) have completed an approved fellowship program in geriatrics or have completed specialty training in geriatrics as required by the discipline and any addition geriatrics training as required by the Secretary; and

''(C) have a junior (non-tenured) faculty appointment at an accredited (as determined by the Secretary) school of medicine, osteopathic medicine, nursing, social work, psychology, dentistry, pharmacy, or other allied health disciplines in an accredited health professions school that is approved by the Secretary.

''(3) LIMITATIONS.—No Award under paragraph (1) may be made to an eligible individual unless the individual—

''(A) has submitted to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, and the Secretary has approved such application;

''(B) provides, in such form and manner as the Secretary may require, assurances that the individual will meet the service requirement described in paragraph (6); and

''(C) provides, in such form and manner as the Secretary may require, assurances that the individual has a full-time faculty appointment in a health professions institution and documented commitment from such institution to spend 75 percent of the total time of such individual on teaching and developing skills in interdisciplinary education in geriatrics.

''(4) MAINTENANCE OF EFFORT.—An eligible individual that receives an Award under paragraph (1) shall provide assurances to the Secretary that funds provided to the eligible individual under this subsection will be used only to supplement, not to supplant, the amount of Federal, State, and local funds otherwise expended by the eligible individual.''; and

(3) in paragraph (5), as so designated—

(A) in subparagraph (A)—

(i) by inserting ''for individuals who are physicians'' after ''this section''; and

(ii) by inserting after the period at the end the following: ''The Secretary shall determine the amount of an Award under this section for individuals who are not physicians.''; and

(B) by adding at the end the following:

''(C) PAYMENT TO INSTITUTION.—The Secretary shall make payments to institutions which include schools of medicine, osteopathic medicine, nursing, social work, psychology, dentistry, and pharmacy, or other allied health discipline in an accredited health professions school that is approved by the Secretary.''.

(c) COMPREHENSIVE GERIATRIC EDUCATION.—Section 855 of the Public Health Service Act (42 U.S.C. 298) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking ''or'' at the end;

(B) in paragraph (4), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(5) establish traineeships for individuals who are preparing for advanced education nursing degrees in geriatric nursing, long-term care, gero-psychiatric nursing or other nursing areas that specialize in the care of the elderly population.''; and

(2) in subsection (e), by striking ''2003 through 2007'' and inserting ''2010 through 2014''.

SEC. 5306. MENTAL AND BEHAVIORAL HEALTH EDUCATION AND TRAINING GRANTS.

(a) IN GENERAL.—Part D of title VII (42 U.S.C. 294 et seq.) is amended by—

(1) striking section 757;

(2) redesignating section 756 (as amended by section 5103) as section 757; and

(3) inserting after section 755 the following:

''SEC. 756. MENTAL AND BEHAVIORAL HEALTH EDUCATION AND TRAINING GRANTS.

''(a) GRANTS AUTHORIZED.—The Secretary may award grants to eligible institutions of higher education to support the recruitment of students for, and education and clinical experience of the students in—

''(1) baccalaureate, master's, and doctoral degree programs of social work, as well as the development of faculty in social work;

''(2) accredited master's, doctoral, internship, and post-doctoral residency programs of psychology for the development and implementation of interdisciplinary training of psychology graduate students for providing behavioral and mental health services, including substance abuse prevention and treatment services;

''(3) accredited institutions of higher education or accredited professional training programs that are establishing or expanding internships or other field placement programs in child and adolescent mental health in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, substance abuse prevention and treatment, marriage and family therapy, school counseling, or professional counseling; and

''(4) State-licensed mental health nonprofit and for-profit organizations to enable such organizations to pay for programs for preservice or in-service training of paraprofessional child and adolescent mental health workers.

''(b) ELIGIBILITY REQUIREMENTS.—To be eligible for a grant under this section, an institution shall demonstrate—

''(1) participation in the institutions' programs of individuals and groups from different racial, ethnic, cultural, geographic, religious, linguistic, and class backgrounds, and different genders and sexual orientations;

''(2) knowledge and understanding of the concerns of the individuals and groups described in subsection (a);

''(3) any internship or other field placement program assisted under the grant will prioritize cultural and linguistic competency;

''(4) the institution will provide to the Secretary such data, assurances, and information as the Secretary may require; and

''(5) with respect to any violation of the agreement between the Secretary and the institution, the institution will pay such liquidated damages as prescribed by the Secretary by regulation.

''(c) INSTITUTIONAL REQUIREMENT.—For grants authorized under subsection (a)(1), at least 4 of the grant recipients shall be historically black colleges or universities or other minority-serving institutions.

''(d) PRIORITY.—

''(1) In selecting the grant recipients in social work under subsection (a)(1), the Secretary shall give priority to applicants that—

''(A) are accredited by the Council on Social Work Education;

''(B) have a graduation rate of not less than 80 percent for social work students; and

''(C) exhibit an ability to recruit social workers from and place social workers in areas with a high need and high demand population.

''(2) In selecting the grant recipients in graduate psychology under subsection (a)(2), the Secretary shall give priority to institutions in which training focuses on the needs of vulnerable groups such as older adults and children, individuals with mental health or substance-related disorders, victims of abuse or trauma and of combat stress disorders such as posttraumatic stress disorder and traumatic brain injuries, homeless individuals, chronically ill persons, and their families.

''(3) In selecting the grant recipients in training programs in child and adolescent mental health under subsections (a)(3) and (a)(4), the Secretary shall give priority to applicants that—

''(A) have demonstrated the ability to collect data on the number of students trained in child and adolescent mental health and the populations served by such students after graduation or completion of preservice or in-service training;

''(B) have demonstrated familiarity with evidence-based methods in child and adolescent mental health services, including substance abuse prevention and treatment services;

''(C) have programs designed to increase the number of professionals and paraprofessionals serving high-priority populations and to applicants who come from high-priority communities and plan to serve medically underserved populations, in health professional shortage areas, or in medically underserved areas;

''(D) offer curriculum taught collaboratively with a family on the consumer and family lived experience or the importance of family-professional or family-paraprofessional partnerships; and

''(E) provide services through a community mental health program described in section 1913(b)(1).

''(e) AUTHORIZATION OF APPROPRIATION.—For the fiscal years 2010 through 2013, there is authorized to be appropriated to carry out this section—

''(1) $8,000,000 for training in social work in subsection (a)(1);

''(2) $12,000,000 for training in graduate psychology in subsection (a)(2), of which not less than $10,000,000 shall be allocated for doctoral, postdoctoral, and internship level training;

''(3) $10,000,000 for training in professional child and adolescent mental health in subsection (a)(3); and

''(4) $5,000,000 for training in paraprofessional child and adolescent work in subsection (a)(4).''.

(b) CONFORMING AMENDMENTS.—Section 757(b)(2) of the Public Health Service Act, as redesignated by subsection (a), is amended by striking ''sections 751(a)(1)(A), 751(a)(1)(B), 753(b), 754(3)(A), and 755(b)'' and inserting ''sections 751(b)(1)(A), 753(b), and 755(b)''.

SEC. 5307. CULTURAL COMPETENCY, PREVENTION, AND PUBLIC HEALTH AND INDIVIDUALS WITH DISABILITIES TRAINING.

(a) TITLE VII.—Section 741 of the Public Health Service Act (42 U.S.C. 293e) is amended—

(1) in subsection (a)—

(A) by striking the subsection heading and inserting ''CULTURAL COMPETENCY, PREVENTION, AND PUBLIC HEALTH AND INDIVIDUALS WITH DISABILITY GRANTS''; and

(B) in paragraph (1), by striking ''for the purpose of'' and all that follows through the period at the end and inserting ''for the development, evaluation, and dissemination of research, demonstration projects, and model curricula for cultural competency, prevention, public health proficiency, reducing health disparities, and aptitude for working with individuals with disabilities training for use in health professions schools and continuing education programs, and for other purposes determined as appropriate by the Secretary.''; and

(2) by striking subsection (b) and inserting the following:

''(b) COLLABORATION.—In carrying out subsection (a), the Secretary shall collaborate with health professional societies, licensing and accreditation entities, health professions schools, and experts in minority health and cultural competency, prevention, and public health and disability groups, community-based organizations, and other organizations as determined appropriate by the Secretary. The Secretary shall coordinate with curricula and research and demonstration projects developed under section 807.

''(c) DISSEMINATION.—

''(1) IN GENERAL.—Model curricula developed under this section shall be disseminated through the Internet Clearinghouse under section 270 and such other means as determined appropriate by the Secretary.

''(2) EVALUATION.—The Secretary shall evaluate the adoption and the implementation of cultural competency, prevention, and public health, and working with individuals with a disability training curricula, and the facilitate inclusion of these competency measures in quality measurement systems as appropriate.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2015.''.

(b) TITLE VIII.—Section 807 of the Public Health Service Act (42 U.S.C. 296e–1) is amended—

(1) in subsection (a)—

(A) by striking the subsection heading and inserting ''CULTURAL COMPETENCY, PREVENTION, AND PUBLIC HEALTH AND INDIVIDUALS WITH DISABILITY GRANTS''; and

(B) by striking ''for the purpose of'' and all that follows through ''health care.'' and inserting ''for the development, evaluation, and dissemination of research, demonstration projects, and model curricula for cultural competency, prevention, public health proficiency, reducing health disparities, and aptitude for working with individuals with disabilities training for use in health professions schools and continuing education programs, and for other purposes determined as appropriate by the Secretary.''; and

(2) by redesignating subsection (b) as subsection (d);

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

''(b) COLLABORATION.—In carrying out subsection (a), the Secretary shall collaborate with the entities described in section 741(b). The Secretary shall coordinate with curricula and research and demonstration projects developed under such section 741.

''(c) DISSEMINATION.—Model curricula developed under this section shall be disseminated and evaluated in the same manner as model curricula developed under section 741, as described in subsection (c) of such section.''; and

(4) in subsection (d), as so redesignated—

(A) by striking ''subsection (a)'' and inserting ''this section''; and

(B) by striking ''2001 through 2004'' and inserting ''2010 through 2015''.

SEC. 5308. ADVANCED NURSING EDUCATION GRANTS.

Section 811 of the Public Health Service Act (42 U.S.C. 296j) is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking ''AND NURSE MIDWIFERY PROGRAMS''; and

(B) by striking ''and nurse midwifery'';

(2) in subsection (f)—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2); and

(3) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(4) by inserting after subsection (c), the following:

''(d) AUTHORIZED NURSE-MIDWIFERY PROGRAMS.—Midwifery programs that are eligible for support under this section are educational programs that—

''(1) have as their objective the education of midwives; and

''(2) are accredited by the American College of Nurse-Midwives Accreditation Commission for Midwifery Education.''.

SEC. 5309. NURSE EDUCATION, PRACTICE, AND RETENTION GRANTS.

(a) IN GENERAL.—Section 831 of the Public Health Service Act (42 U.S.C. 296p) is amended—

*(1) in the section heading, by striking ''**RETENTION**'' and inserting ''**QUALITY**'';*

(2) in subsection (a)—

(A) in paragraph (1), by adding ''or'' after the semicolon;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (b)(3), by striking ''managed care, quality improvement'' and inserting ''coordinated care'';

(4) in subsection (g), by inserting '', as defined in section 801(2),'' after ''school of nursing''; and

(5) in subsection (h), by striking ''2003 through 2007'' and inserting ''2010 through 2014''.

(b) NURSE RETENTION GRANTS.—Title VIII of the Public Health Service Act is amended by inserting after section 831 (42 U.S.C. 296b) the following:

''SEC. 831A. NURSE RETENTION GRANTS.

''(a) RETENTION PRIORITY AREAS.—The Secretary may award grants to, and enter into contracts with, eligible entities to enhance the nursing workforce by initiating and maintaining nurse retention programs pursuant to subsection (b) or (c).

''(b) GRANTS FOR CAREER LADDER PROGRAM.—The Secretary may award grants to, and enter into contracts with, eligible entities for programs—

''(1) to promote career advancement for individuals including licensed practical nurses, licensed vocational nurses, certified nurse assistants, home health aides, diploma degree or associate degree nurses, to become baccalaureate prepared registered nurses or advanced education nurses in order to meet the needs of the registered nurse workforce;

''(2) developing and implementing internships and residency programs in collaboration with an accredited school of nursing, as defined by section 801(2), to encourage mentoring and the development of specialties; or

''(3) to assist individuals in obtaining education and training required to enter the nursing profession and advance within such profession.

''(c) ENHANCING PATIENT CARE DELIVERY SYSTEMS.—

''(1) GRANTS.—The Secretary may award grants to eligible entities to improve the retention of nurses and enhance patient care that is directly related to nursing activities by enhancing collaboration and communication among nurses and other health care professionals, and by promoting nurse involvement in the organizational and clinical decision-making processes of a health care facility.

''(2) PRIORITY.—In making awards of grants under this subsection, the Secretary shall give preference to applicants that have not previously received an award under this subsection (or section 831(c) as such section existed on the day before the date of enactment of this section).

''(3) CONTINUATION OF AN AWARD.—The Secretary shall make continuation of any award under this subsection beyond the second year of such award contingent on the recipient of such award having demonstrated to the Secretary measurable and substantive improvement in nurse retention or patient care.

''(d) OTHER PRIORITY AREAS.—The Secretary may award grants to, or enter into contracts with, eligible entities to address other areas that are of high priority to nurse retention, as determined by the Secretary.

''(e) REPORT.—The Secretary shall submit to the Congress before the end of each fiscal year a report on the grants awarded and the contracts entered into under this section. Each such report shall identify the overall number of such grants and contracts and provide an explanation of why each such grant or contract will meet the priority need of the nursing workforce.

''(f) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' includes an accredited school of nursing, as defined by section 801(2), a health care facility, or a partnership of such a school and facility.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2012.''.

SEC. 5310. LOAN REPAYMENT AND SCHOLARSHIP PROGRAM.

(a) LOAN REPAYMENTS AND SCHOLARSHIPS.—Section 846(a)(3) of the Public Health Service Act (42 U.S.C. 297n(a)(3)) is amended by inserting before the semicolon the following: '', or in a accredited school of nursing, as defined by section 801(2), as nurse faculty''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Title VIII (42 U.S.C. 296 et seq.) is amended—

(1) by redesignating section 810 (relating to prohibition against discrimination by schools on the basis of sex) as section 809 and moving such section so that it follows section 808;

(2) in sections 835, 836, 838, 840, and 842, by striking the term ''this subpart'' each place it appears and inserting ''this part'';

(3) in section 836(h), by striking the last sentence;

(4) in section 836, by redesignating subsection (l) as subsection (k);

(5) in section 839, by striking ''839'' and all that follows through ''(a)'' and inserting ''839. (a)'';

(6) in section 835(b), by striking ''841'' each place it appears and inserting ''871'';

(7) by redesignating section 841 as section 871, moving part F to the end of the title, and redesignating such part as part I;

(8) in part G—

(A) by redesignating section 845 as section 851; and

(B) by redesignating part G as part F;

(9) in part H—

(A) by redesignating sections 851 and 852 as sections 861 and 862, respectively; and

(B) by redesignating part H as part G; and

(10) in part I—

(A) by redesignating section 855, as amended by section 5305, as section 865; and

(B) by redesignating part I as part H.

SEC. 5311. NURSE FACULTY LOAN PROGRAM.

(a) IN GENERAL.—Section 846A of the Public Health Service Act (42 U.S.C. 297n–1) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''ESTABLISHMENT'' and inserting ''SCHOOL OF NURSING STUDENT LOAN FUND''; and

(B) by inserting ''accredited'' after ''agreement with any'';

(2) in subsection (c)—

(A) in paragraph (2), by striking ''$30,000'' and all that follows through the semicolon and inserting ''$35,500, during fiscal years 2010 and 2011 fiscal years (after fiscal year 2011, such amounts shall be adjusted to provide for a cost-of-attendance increase for the yearly loan rate and the aggregate loan;''; and

(B) in paragraph (3)(A), by inserting ''an accredited'' after ''faculty member in'';

(3) in subsection (e), by striking ''a school'' and inserting ''an accredited school''; and

(4) in subsection (f), by striking ''2003 through 2007'' and inserting ''2010 through 2014''.

(b) ELIGIBLE INDIVIDUAL STUDENT LOAN REPAYMENT.—Title VIII of the Public Health Service Act is amended by inserting after section 846A (42 U.S.C. 297n–1) the following:

''SEC. 847. ELIGIBLE INDIVIDUAL STUDENT LOAN REPAYMENT.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with eligible individuals for the repayment of education loans, in accordance with this section, to increase the number of qualified nursing faculty.

''(b) AGREEMENTS.—Each agreement entered into under this subsection shall require that the eligible individual shall serve as a full-time member of the faculty of an accredited school of nursing, for a total period, in the aggregate, of at least 4 years during the 6-year period beginning on the later of—

''(1) the date on which the individual receives a master's or doctorate nursing degree from an accredited school of nursing; or

''(2) the date on which the individual enters into an agreement under this subsection.

''(c) AGREEMENT PROVISIONS.—Agreements entered into pursuant to subsection (b) shall be entered into on such terms and conditions as the Secretary may determine, except that—

''(1) not more than 10 months after the date on which the 6-year period described under subsection (b) begins, but in no case before the individual starts as a full-time member of the faculty of an accredited school of nursing the Secretary shall begin making payments, for and on behalf of that individual, on the outstanding principal of, and interest on, any loan of that individual obtained to pay for such degree;

''(2) for an individual who has completed a master's in nursing or equivalent degree in nursing—

''(A) payments may not exceed $10,000 per calendar year; and

''(B) total payments may not exceed $40,000 during the 2010 and 2011 fiscal years (after fiscal year 2011, such amounts shall be adjusted to provide for a cost-of-attendance increase for the yearly loan rate and the aggregate loan); and

''(3) for an individual who has completed a doctorate or equivalent degree in nursing—

''(A) payments may not exceed $20,000 per calendar year; and

''(B) total payments may not exceed $80,000 during the 2010 and 2011 fiscal years (adjusted for subsequent fiscal years as provided for in the same manner as in paragraph (2)(B)).

''(d) BREACH OF AGREEMENT.—

''(1) IN GENERAL.—In the case of any agreement made under subsection (b), the individual is liable to the Federal Government for the total amount paid by the Secretary under such agreement, and for interest on such amount at the maximum legal prevailing rate, if the individual fails to meet the agreement terms required under such subsection.

''(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such paragraph if compliance by the individual with the agreement involved is impossible or would involve extreme hardship to the individual or if enforcement of the agreement with respect to the individual would be unconscionable.

''(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

''(4) AVAILABILITY.—Amounts recovered under paragraph (1) shall be available to the Secretary for making loan repayments under this section and shall remain available for such purpose until expended.

''(e) ELIGIBLE INDIVIDUAL DEFINED.—For purposes of this section, the term 'eligible individual' means an individual who—

''(1) is a United States citizen, national, or lawful permanent resident;

''(2) holds an unencumbered license as a registered nurse; and

''(3) has either already completed a master's or doctorate nursing program at an accredited school of nursing or is currently enrolled on a full-time or part-time basis in such a program.

''(f) PRIORITY.—For the purposes of this section and section 846A, funding priority will be awarded to School of Nursing Student Loans that support doctoral nursing students or Individual Student Loan Repayment that support doctoral nursing students.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2014.''.

SEC. 5312. AUTHORIZATION OF APPROPRIATIONS FOR PARTS B THROUGH D OF TITLE VIII.

Section 871 of the Public Health Service Act, as redesignated and moved by section 5310, is amended to read as follows:

''SEC. 871. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out parts B, C, and D (subject to section 851(g)), there are authorized to be appropriated $338,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2016.''.

SEC. 5313. GRANTS TO PROMOTE THE COMMUNITY HEALTH WORKFORCE.

(a) IN GENERAL.—Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399V. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS AND OUTCOMES.

''(a) GRANTS AUTHORIZED.—The Director of the Centers for Disease Control and Prevention, in collaboration with the Secretary, shall award grants to eligible entities to promote positive health behaviors and outcomes for populations in medically underserved communities through the use of community health workers.

''(b) USE OF FUNDS.—Grants awarded under subsection (a) shall be used to support community health workers—

''(1) to educate, guide, and provide outreach in a community setting regarding health problems prevalent in medically underserved communities, particularly racial and ethnic minority populations;

''(2) to educate and provide guidance regarding effective strategies to promote positive health behaviors and discourage risky health behaviors;

''(3) to educate and provide outreach regarding enrollment in health insurance including the Children's Health Insurance Program under title XXI of the Social Security Act, Medicare under title XVIII of such Act and Medicaid under title XIX of such Act;

''(4) to identify, educate, refer, and enroll underserved populations to appropriate healthcare agencies and community-based programs and organizations in order to increase access to quality healthcare services and to eliminate duplicative care; or

''(5) to educate, guide, and provide home visitation services regarding maternal health and prenatal care.

''(c) APPLICATION.—Each eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary, at such time, in such manner, and accompanied by such information as the Secretary may require.

''(d) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applicants that—

''(1) propose to target geographic areas—

''(A) with a high percentage of residents who are eligible for health insurance but are uninsured or underinsured;

''(B) with a high percentage of residents who suffer from chronic diseases; or

''(C) with a high infant mortality rate;

''(2) have experience in providing health or health-related social services to individuals who are underserved with respect to such services; and

''(3) have documented community activity and experience with community health workers.

''(e) COLLABORATION WITH ACADEMIC INSTITUTIONS AND THE ONE-STOP DELIVERY SYSTEM.—The Secretary shall encourage community health worker programs receiving funds under this section to collaborate with academic institutions and one-stop delivery systems under section 134(c) of the Workforce Investment Act of 1998. Nothing in this section shall be construed to require such collaboration.

''(f) EVIDENCE-BASED INTERVENTIONS.—The Secretary shall encourage community health worker programs receiving funding under this section to implement a process or an outcome-based payment system that rewards community health workers for connecting underserved populations with the most appropriate services at the most appropriate time. Nothing in this section shall be construed to require such a payment.

''(g) QUALITY ASSURANCE AND COST EFFECTIVENESS.—The Secretary shall establish guidelines for assuring the quality of the training and supervision of community health workers under the programs funded under this section and for assuring the cost-effectiveness of such programs.

''(h) MONITORING.—The Secretary shall monitor community health worker programs identified in approved applications under this section and shall determine whether such programs are in compliance with the guidelines established under subsection (g).

''(i) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to community health worker programs identified in approved applications under this section with respect to planning, developing, and operating programs under the grant.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section for each of fiscal years 2010 through 2014.

''(k) DEFINITIONS.—In this section:

''(1) COMMUNITY HEALTH WORKER.—The term 'community health worker', as defined by the Department of Labor as Standard Occupational Classification [21–1094] means an individual who promotes health or nutrition within the community in which the individual resides—

''(A) by serving as a liaison between communities and healthcare agencies;

''(B) by providing guidance and social assistance to community residents;

''(C) by enhancing community residents' ability to effectively communicate with healthcare providers;

''(D) by providing culturally and linguistically appropriate health or nutrition education;

''(E) by advocating for individual and community health;

''(F) by providing referral and follow-up services or otherwise coordinating care; and

''(G) by proactively identifying and enrolling eligible individuals in Federal, State, local, private or nonprofit health and human services programs.

''(2) COMMUNITY SETTING.—The term 'community setting' means a home or a community organization located in the neighborhood in which a participant in the program under this section resides.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a public or nonprofit private entity (including a State or public subdivision of a State, a public health department, a free health clinic, a hospital, or a Federally-qualified health center (as defined in section 1861(aa) of the Social Security Act)), or a consortium of any such entities.

''(4) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' means a community identified by a State—

''(A) that has a substantial number of individuals who are members of a medically underserved population, as defined by section 330(b)(3); and

''(B) a significant portion of which is a health professional shortage area as designated under section 332.''.

SEC. 5314. FELLOWSHIP TRAINING IN PUBLIC HEALTH.

Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.), as amended by section 5206, is further amended by adding at the end the following:

''SEC. 778. FELLOWSHIP TRAINING IN APPLIED PUBLIC HEALTH EPIDEMIOLOGY, PUBLIC HEALTH LABORATORY SCIENCE, PUBLIC HEALTH INFORMATICS, AND EXPANSION OF THE EPIDEMIC INTELLIGENCE SERVICE.

''(a) IN GENERAL.—The Secretary may carry out activities to address documented workforce shortages in State and local health departments in the critical areas of applied public health epidemiology and public health laboratory science and informatics and may expand the Epidemic Intelligence Service.

''(b) SPECIFIC USES.—In carrying out subsection (a), the Secretary shall provide for the expansion of existing fellowship programs operated through the Centers for Disease Control and Prevention in a manner that is designed to alleviate shortages of the type described in subsection (a).

''(c) OTHER PROGRAMS.—The Secretary may provide for the expansion of other applied epidemiology training programs that meet objectives similar to the objectives of the programs described in subsection (b).

''(d) WORK OBLIGATION.—Participation in fellowship training programs under this section shall be deemed to be service for purposes of satisfying work obligations stipulated in contracts under section 338I(j).

''(e) GENERAL SUPPORT.—Amounts may be used from grants awarded under this section to expand the Public Health Informatics Fellowship Program at the Centers for Disease Control and Prevention to better support all public health systems at all levels of government.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $39,500,000 for each of fiscal years 2010 through 2013, of which—

''(1) $5,000,000 shall be made available in each such fiscal year for epidemiology fellowship training program activities under subsections (b) and (c);

''(2) $5,000,000 shall be made available in each such fiscal year for laboratory fellowship training programs under subsection (b);

''(3) $5,000,000 shall be made available in each such fiscal year for the Public Health Informatics Fellowship Program under subsection (e); and

''(4) $24,500,000 shall be made available for expanding the Epidemic Intelligence Service under subsection (a).''.

SEC. 5315. UNITED STATES PUBLIC HEALTH SCIENCES TRACK.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

''PART D—UNITED STATES PUBLIC HEALTH SCIENCES TRACK

''SEC. 271. ESTABLISHMENT.

''(a) UNITED STATES PUBLIC HEALTH SCIENCES TRACK.—

''(1) IN GENERAL.—There is hereby authorized to be established a United States Public Health Sciences Track (referred to in this part as the 'Track'), at sites to be selected by the Secretary, with authority to grant appropriate advanced degrees in a manner that uniquely emphasizes team-based service, public health, epidemiology, and emergency preparedness and response. It shall be so organized as to graduate not less than—

''(A) 150 medical students annually, 10 of whom shall be awarded studentships to the Uniformed Services University of Health Sciences;

''(B) 100 dental students annually;

''(C) 250 nursing students annually;

''(D) 100 public health students annually;

''(E) 100 behavioral and mental health professional students annually;

''(F) 100 physician assistant or nurse practitioner students annually; and

''(G) 50 pharmacy students annually.

''(2) LOCATIONS.—The Track shall be located at existing and accredited, affiliated health professions education training programs at academic health centers located in regions of the United States determined appropriate by the Surgeon General, in consultation with the National Health Care Workforce Commission established in section 5101 of the Patient Protection and Affordable Care Act.

''(b) NUMBER OF GRADUATES.—Except as provided in subsection (a), the number of persons to be graduated from the Track shall be prescribed by the Secretary. In so prescribing the number of persons to be graduated from the Track, the Secretary shall institute actions necessary to ensure the maximum number of first-year enrollments in the Track consistent with the academic capacity of the affiliated sites and the needs of the United States for medical, dental, and nursing personnel.

''(c) DEVELOPMENT.—The development of the Track may be by such phases as the Secretary may prescribe subject to the requirements of subsection (a).

''(d) INTEGRATED LONGITUDINAL PLAN.—The Surgeon General shall develop an integrated longitudinal plan for health professions continuing education throughout the continuum of health-related education, training, and practice. Training under such plan shall emphasize patient-centered, interdisciplinary, and care coordination skills. Experience with deployment of emergency response teams shall be included during the clinical experiences.

''(e) FACULTY DEVELOPMENT.—The Surgeon General shall develop faculty development programs and curricula in decentralized venues of health care, to balance urban, tertiary, and inpatient venues.

''SEC. 272. ADMINISTRATION.

''(a) IN GENERAL.—The business of the Track shall be conducted by the Surgeon General with funds appropriated for and provided by the Department of Health and Human Services. The National Health Care Workforce Commission shall assist the Surgeon General in an advisory capacity.

''(b) FACULTY.—

''(1) IN GENERAL.—The Surgeon General, after considering the recommendations of the National Health Care Workforce Commission, shall obtain the services of such professors, instructors, and administrative and other employees as may be necessary to operate the Track, but utilize when possible, existing affiliated health professions training institutions. Members of the faculty and staff shall be employed under salary schedules and granted retirement and other related benefits prescribed by the Secretary so as to place the employees of the Track faculty on a comparable basis with the employees of fully accredited schools of the health professions within the United States.

''(2) TITLES.—The Surgeon General may confer academic titles, as appropriate, upon the members of the faculty.

''(3) NONAPPLICATION OF PROVISIONS.—The limitations in section 5373 of title 5, United States Code, shall not apply to the authority of the Surgeon General under paragraph (1) to prescribe salary schedules and other related benefits.

''(c) AGREEMENTS.—The Surgeon General may negotiate agreements with agencies of the Federal Government to utilize on a reimbursable basis appropriate existing Federal medical resources located in the United States (or locations selected in accordance with section 271(a)(2)). Under such agreements the facilities concerned will retain their identities and basic missions. The Surgeon General may negotiate affiliation agreements with accredited universities and health professions training institutions in the United States. Such agreements may include provisions for payments for educational services provided students participating in Department of Health and Human Services educational programs.

''(d) PROGRAMS.—The Surgeon General may establish the following educational programs for Track students:

''(1) Postdoctoral, postgraduate, and technological programs.

''(2) A cooperative program for medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students.

''(3) Other programs that the Surgeon General determines necessary in order to operate the Track in a cost-effective manner.

''(e) CONTINUING MEDICAL EDUCATION.—The Surgeon General shall establish programs in continuing medical education for members of the health professions to the end that high standards of health care may be maintained within the United States.

''(f) AUTHORITY OF THE SURGEON GENERAL.—

''(1) IN GENERAL.—The Surgeon General is authorized—

''(A) to enter into contracts with, accept grants from, and make grants to any nonprofit entity for the purpose of carrying out cooperative enterprises in medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing research, consultation, and education;

''(B) to enter into contracts with entities under which the Surgeon General may furnish the services of such professional, technical, or clerical personnel as may be necessary to fulfill cooperative enterprises undertaken by the Track;

''(C) to accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property made to the Track, including any gift, devise, or bequest for the support of an academic chair, teaching, research, or demonstration project;

''(D) to enter into agreements with entities that may be utilized by the Track for the purpose of enhancing the activities of the Track in education, research, and technological applications of knowledge; and

''(E) to accept the voluntary services of guest scholars and other persons.

''(2) LIMITATION.—The Surgeon General may not enter into any contract with an entity if the contract would obligate the Track to make outlays in advance of the enactment of budget authority for such outlays.

''(3) SCIENTISTS.—Scientists or other medical, dental, or nursing personnel utilized by the Track under an agreement described in paragraph (1) may be appointed to any position within the Track and may be permitted to perform such duties within the Track as the Surgeon General may approve.

''(4) VOLUNTEER SERVICES.—A person who provides voluntary services under the authority of subparagraph (E) of paragraph (1) shall be considered to be an employee of the Federal Government for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and to be an employee of the Federal Government for the purposes of chapter 171 of title 28, relating to tort claims. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such services.

"SEC. 273. STUDENTS; SELECTION; OBLIGATION.

''(a) STUDENT SELECTION.—

''(1) IN GENERAL.—Medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students at the Track shall be selected under procedures prescribed by the Surgeon General. In so prescribing, the Surgeon General shall consider the recommendations of the National Health Care Workforce Commission.

''(2) PRIORITY.—In developing admissions procedures under paragraph (1), the Surgeon General shall ensure that such procedures give priority to applicant medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students from rural communities and underrepresented minorities.

''(b) CONTRACT AND SERVICE OBLIGATION.—

''(1) CONTRACT.—Upon being admitted to the Track, a medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, or nursing student shall enter into a written contract with the Surgeon General that shall contain—

''(A) an agreement under which—

''(i) subject to subparagraph (B), the Surgeon General agrees to provide the student with tuition (or tuition remission) and a student stipend (described in paragraph (2)) in each school year for a period of years (not to exceed 4 school years) determined by the student, during which period the student is enrolled in the Track at an affiliated or other participating health professions institution pursuant to an agreement between the Track and such institution; and

''(ii) subject to subparagraph (B), the student agrees—

''(I) to accept the provision of such tuition and student stipend to the student;

''(II) to maintain enrollment at the Track until the student completes the course of study involved;

''(III) while enrolled in such course of study, to maintain an acceptable level of academic standing (as determined by the Surgeon General);

''(IV) if pursuing a degree from a school of medicine or osteopathic medicine, dental, public health, or nursing school or a physician assistant, pharmacy, or behavioral and mental health professional program, to complete a residency or internship in a specialty that the Surgeon General determines is appropriate; and

''(V) to serve for a period of time (referred to in this part as the 'period of obligated service') within the Commissioned Corps of the Public Health Service equal to 2 years for each school year during which such individual was enrolled at the College, reduced as provided for in paragraph (3);

''(B) a provision that any financial obligation of the United States arising out of a contract entered into under this part and any obligation of the student which is conditioned thereon, is contingent upon funds being appropriated to carry out this part;

''(C) a statement of the damages to which the United States is entitled for the student's breach of the contract; and

''(D) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with the provisions of this part.

''(2) TUITION AND STUDENT STIPEND.—

''(A) TUITION REMISSION RATES.—The Surgeon General, based on the recommendations of the National Health Care Workforce Commission, shall establish Federal tuition remission rates to be used by the Track to provide reimbursement to affiliated and other participating health professions institutions for the cost of educational services provided by such institutions to Track students. The agreement entered into by such participating institutions under paragraph (1)(A)(i) shall contain an agreement to accept as payment in full the established remission rate under this subparagraph.

''(B) STIPEND.—The Surgeon General, based on the recommendations of the National Health Care Workforce Commission, shall establish and update Federal stipend rates for payment to students under this part.

''(3) REDUCTIONS IN THE PERIOD OF OBLIGATED SERVICE.—The period of obligated service under paragraph (1)(A)(ii)(V) shall be reduced—

''(A) in the case of a student who elects to participate in a high-needs speciality residency (as determined by the National Health Care Workforce Commission), by 3 months for each year of such participation (not to exceed a total of 12 months); and

''(B) in the case of a student who, upon completion of their residency, elects to practice in a Federal medical facility (as defined in section 781(e)) that is located in a health professional shortage area (as defined in section 332), by 3 months for year of full-time practice in such a facility (not to exceed a total of 12 months).

''(c) SECOND 2 YEARS OF SERVICE.—During the third and fourth years in which a medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, or nursing student is enrolled in the Track, training should be designed to prioritize clinical rotations in Federal medical facilities in health professional shortage areas, and emphasize a balance of hospital and community-based experiences, and training within interdisciplinary teams.

''(d) DENTIST, PHYSICIAN ASSISTANT, PHARMACIST, BEHAVIORAL AND MENTAL HEALTH PROFESSIONAL, PUBLIC HEALTH PROFESSIONAL, AND NURSE TRAINING.—The Surgeon General shall establish provisions applicable with respect to dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students that are comparable to those for medical students under this section, including service obligations, tuition support, and stipend support. The Surgeon General shall give priority to health professions training institutions that train medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students for some significant period of time together, but at a minimum have a discrete and shared core curriculum.

''(e) ELITE FEDERAL DISASTER TEAMS.—The Surgeon General, in consultation with the Secretary, the Director of the Centers for Disease Control and Prevention, and other appropriate military and Federal government agencies, shall develop criteria for the appointment of highly qualified Track faculty, medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, and nursing students, and graduates to elite Federal disaster preparedness teams to train and to respond to public health emergencies, natural disasters, bioterrorism events, and other emergencies.

''(f) STUDENT DROPPED FROM TRACK IN AFFILIATE SCHOOL.—A medical, dental, physician assistant, pharmacy, behavioral and mental health, public health, or nursing student who, under regulations prescribed by the Surgeon General, is dropped from the Track in an affiliated school for deficiency in conduct or studies, or for other reasons, shall be liable to the United States for all tuition and stipend support provided to the student.

"SEC. 274. FUNDING.

''Beginning with fiscal year 2010, the Secretary shall transfer from the Public Health and Social Services Emergency Fund such sums as may be necessary to carry out this part.''.

Subtitle E—Supporting the Existing Health Care Workforce

SEC. 5401. CENTERS OF EXCELLENCE.

Section 736 of the Public Health Service Act (42 U.S.C. 293) is amended by striking subsection (h) and inserting the following:

''(h) FORMULA FOR ALLOCATIONS.—

''(1) ALLOCATIONS.—Based on the amount appropriated under subsection (i) for a fiscal year, the following subparagraphs shall apply as appropriate:

''(A) IN GENERAL.—If the amounts appropriated under subsection (i) for a fiscal year are $24,000,000 or less—

''(i) the Secretary shall make available $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A); and

''(ii) and available after grants are made with funds under clause (i), the Secretary shall make available—

''(I) 60 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting the conditions under subsection (e)); and

''(II) 40 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

''(B) FUNDING IN EXCESS OF $24,000,000.—If amounts appropriated under subsection (i) for a fiscal year exceed $24,000,000 but are less than $30,000,000—

''(i) 80 percent of such excess amounts shall be made available for grants under subsection (a) to health professions schools that meet the requirements described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)); and

''(ii) 20 percent of such excess amount shall be made available for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

''(C) FUNDING IN EXCESS OF $30,000,000.—If amounts appropriated under subsection (i) for a fiscal year exceed $30,000,000 but are less than $40,000,000, the Secretary shall make available—

''(i) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A);

''(ii) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e));

''(iii) not less than $6,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5); and

''(iv) after grants are made with funds under clauses (i) through (iii), any remaining excess amount for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (2)(A), (3), (4), or (5) of subsection (c).

''(D) FUNDING IN EXCESS OF $40,000,000.—If amounts appropriated under subsection (i) for a fiscal year are $40,000,000 or more, the Secretary shall make available—

''(i) not less than $16,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A);

''(ii) not less than $16,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e));

''(iii) not less than $8,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5); and

''(iv) after grants are made with funds under clauses (i) through (iii), any remaining funds for grants under subsection (a) to health professions schools that meet the conditions described

in paragraph (2)(A), (3), (4), or (5) of subsection (c).

''(2) NO LIMITATION.—Nothing in this subsection shall be construed as limiting the centers of excellence referred to in this section to the designated amount, or to preclude such entities from competing for grants under this section.

''(3) MAINTENANCE OF EFFORT.—

''(A) IN GENERAL.—With respect to activities for which a grant made under this part are authorized to be expended, the Secretary may not make such a grant to a center of excellence for any fiscal year unless the center agrees to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the school receives such a grant.

''(B) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a center of excellence and available for carrying out activities for which a grant under this part is authorized to be expended, the center shall, before expending the grant, expend the Federal amounts obtained from sources other than the grant, unless given prior approval from the Secretary.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $50,000,000 for each of the fiscal years 2010 through 2015; and

''(2) and such sums as are necessary for each subsequent fiscal year.''.

SEC. 5402. HEALTH CARE PROFESSIONALS TRAINING FOR DIVERSITY.

(a) LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS.—Section 738(a)(1) of the Public Health Service Act (42 U.S.C. 293b(a)(1)) is amended by striking ''$20,000 of the principal and interest of the educational loans of such individuals.'' and inserting ''$30,000 of the principal and interest of the educational loans of such individuals.''.

(b) SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.—Section 740(a) of such Act (42 U.S.C. 293d(a)) is amended by striking ''$37,000,000'' and all that follows through ''2002'' and inserting ''$51,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014''.

(c) REAUTHORIZATION FOR LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS.—Section 740(b) of such Act (42 U.S.C. 293d(b)) is amended by striking ''appropriated'' and all that follows through the period at the end and inserting ''appropriated, $5,000,000 for each of the fiscal years 2010 through 2014.''.

(d) REAUTHORIZATION FOR EDUCATIONAL ASSISTANCE IN THE HEALTH PROFESSIONS REGARDING INDIVIDUALS FROM A DISADVANTAGED BACKGROUND.—Section 740(c) of such Act (42 U.S.C. 293d(c)) is amended by striking the first sentence and inserting the following: ''For the purpose of grants and contracts under section 739(a)(1), there is authorized to be appropriated $60,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2014.''

SEC. 5403. INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.

(a) AREA HEALTH EDUCATION CENTERS.—Section 751 of the Public Health Service Act (42 U.S.C. 294a) is amended to read as follows:

''SEC. 751. AREA HEALTH EDUCATION CENTERS.

''(a) ESTABLISHMENT OF AWARDS.—The Secretary shall make the following 2 types of awards in accordance with this section:

''(1) INFRASTRUCTURE DEVELOPMENT AWARD.—The Secretary shall make awards to eligible entities to enable such entities to initiate health care workforce educational programs or to continue to carry out comparable programs that are operating at the time the award is made by planning, developing, operating, and evaluating an area health education center program.

''(2) POINT OF SERVICE MAINTENANCE AND ENHANCEMENT AWARD.—The Secretary shall make awards to eligible entities to maintain and improve the effectiveness and capabilities of an existing area health education center program, and make other modifications to the program that are appropriate due to changes in demographics, needs of the populations served, or other similar issues affecting the area health education center program. For the purposes of this section, the term 'Program' refers to the area health education center program.

''(b) ELIGIBLE ENTITIES; APPLICATION.—

''(1) ELIGIBLE ENTITIES.—

''(A) INFRASTRUCTURE DEVELOPMENT.—For purposes of subsection (a)(1), the term 'eligible entity' means a school of medicine or osteopathic medicine, an incorporated consortium of such schools, or the parent institutions of such a school. With respect to a State in which no area health education center program is in operation, the Secretary may award a grant or contract under subsection (a)(1) to a school of nursing.

''(B) POINT OF SERVICE MAINTENANCE AND ENHANCEMENT.—For purposes of subsection (a)(2), the term 'eligible entity' means an entity that has received funds under this section, is operating an area health education center program, including an area health education center or centers, and has a center or centers that are no longer eligible to receive financial assistance under subsection (a)(1).

''(2) APPLICATION.—An eligible entity desiring to receive an award under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—

''(1) REQUIRED ACTIVITIES.—An eligible entity shall use amounts awarded under a grant under subsection (a)(1) or (a)(2) to carry out the following activities:

''(A) Develop and implement strategies, in coordination with the applicable one-stop delivery system under section 134(c) of the Workforce Investment Act of 1998, to recruit individuals from underrepresented minority populations or from disadvantaged or rural backgrounds into health professions, and support such individuals in attaining such careers.

''(B) Develop and implement strategies to foster and provide community-based training and education to individuals seeking careers in health professions within underserved areas for the purpose of developing and maintaining a diverse health care workforce that is prepared to deliver high-quality care, with an emphasis on primary care, in underserved areas or for health disparity populations, in collaboration with other Federal and State health care workforce development programs, the State workforce agency, and local workforce investment boards, and in health care safety net sites.

''(C) Prepare individuals to more effectively provide health services to underserved areas and health disparity populations through field placements or preceptorships in conjunction with community-based organizations, accredited primary care residency training programs, Federally qualified health centers, rural health clinics, public health departments, or other appropriate facilities.

''(D) Conduct and participate in interdisciplinary training that involves physicians, physician assistants, nurse practitioners, nurse midwives, dentists, psychologists, pharmacists, optometrists, community health workers, public and allied health professionals, or other health professionals, as practicable.

''(E) Deliver or facilitate continuing education and information dissemination programs for health care professionals, with an emphasis on individuals providing care in underserved areas and for health disparity populations.

''(F) Propose and implement effective program and outcomes measurement and evaluation strategies.

''(G) Establish a youth public health program to expose and recruit high school students into health careers, with a focus on careers in public health.

''(2) INNOVATIVE OPPORTUNITIES.—An eligible entity may use amounts awarded under a grant under subsection (a)(1) or subsection (a)(2) to carry out any of the following activities:

''(A) Develop and implement innovative curricula in collaboration with community-based accredited primary care residency training programs, Federally qualified health centers, rural health clinics, behavioral and mental health facilities, public health departments, or other appropriate facilities, with the goal of increasing the number of primary care physicians and other primary care providers prepared to serve in underserved areas and health disparity populations.

''(B) Coordinate community-based participatory research with academic health centers, and facilitate rapid flow and dissemination of evidence-based health care information, research results, and best practices to improve quality, efficiency, and effectiveness of health care and health care systems within community settings.

''(C) Develop and implement other strategies to address identified workforce needs and increase and enhance the health care workforce in the area served by the area health education center program.

''(d) REQUIREMENTS.—

''(1) AREA HEALTH EDUCATION CENTER PROGRAM.—In carrying out this section, the Secretary shall ensure the following:

''(A) An entity that receives an award under this section shall conduct at least 10 percent of clinical education required for medical students in community settings that are removed from the primary teaching facility of the contracting institution for grantees that operate a school of medicine or osteopathic medicine. In States in which an entity that receives an award under this section is a nursing school or its parent institution, the Secretary shall alternatively ensure that—

''(i) the nursing school conducts at least 10 percent of clinical education required for nursing students in community settings that are remote from the primary teaching facility of the school; and

''(ii) the entity receiving the award maintains a written agreement with a school of medicine or osteopathic medicine to place students from that school in training sites in the area health education center program area.

''(B) An entity receiving funds under subsection (a)(2) does not distribute such funding to a center that is eligible to receive funding under subsection (a)(1).

''(2) AREA HEALTH EDUCATION CENTER.—The Secretary shall ensure that each area health education center program includes at least 1 area health education center, and that each such center—

''(A) is a public or private organization whose structure, governance, and operation is independent from the awardee and the parent institution of the awardee;

''(B) is not a school of medicine or osteopathic medicine, the parent institution of such a school, or a branch campus or other subunit of a school of medicine or osteopathic medicine or its parent institution, or a consortium of such entities;

''(C) designates an underserved area or population to be served by the center which is in a location removed from the main location of the teaching facilities of the schools participating in the program with such center and does not duplicate, in whole or in part, the geographic area or population served by any other center;

''(D) fosters networking and collaboration among communities and between academic health centers and community-based centers;

''(E) serves communities with a demonstrated need of health professionals in partnership with academic medical centers;

''(F) addresses the health care workforce needs of the communities served in coordination with the public workforce investment system; and

''(G) has a community-based governing or advisory board that reflects the diversity of the communities involved.

''(e) MATCHING FUNDS.—With respect to the costs of operating a program through a grant under this section, to be eligible for financial assistance under this section, an entity shall make available (directly or through contributions from State, county or municipal governments, or the private sector) recurring non-Federal contributions in cash or in kind, toward such costs in an amount that is equal to not less than 50 percent of such costs. At least 25 percent of the total required non-Federal contributions shall be in cash. An entity may apply to the Secretary for a waiver of not more than 75 percent of the matching fund amount required by the entity for each of the first 3 years the entity is funded through a grant under subsection (a)(1).

''(f) LIMITATION.—Not less than 75 percent of the total amount provided to an area health education center program under subsection (a)(1) or (a)(2) shall be allocated to the area health education centers participating in the program under this section. To provide needed flexibility to newly funded area health education center programs, the Secretary may waive the requirement in the sentence for the first 2 years of a new area health education center program funded under subsection (a)(1).

''(g) AWARD.—An award to an entity under this section shall be not less than $250,000 annually per area health education center included in the program involved. If amounts appropriated to carry out this section are not sufficient to comply with the preceding sentence, the Secretary may reduce the per center amount provided for in such sentence as necessary, provided the distribution established in subsection (j)(2) is maintained.

''(h) PROJECT TERMS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the period during which payments may be made under an award under subsection (a)(1) may not exceed—

''(A) in the case of a program, 12 years; or

''(B) in the case of a center within a program, 6 years.

''(2) EXCEPTION.—The periods described in paragraph (1) shall not apply to programs receiving point of service maintenance and enhancement awards under subsection (a)(2) to maintain existing centers and activities.

''(i) INAPPLICABILITY OF PROVISION.—Notwithstanding any other provision of this title, section 791(a) shall not apply to an area health education center funded under this section.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $125,000,000 for each of the fiscal years 2010 through 2014.

''(2) REQUIREMENTS.—Of the amounts appropriated for a fiscal year under paragraph (1)—

''(A) not more than 35 percent shall be used for awards under subsection (a)(1);

''(B) not less than 60 percent shall be used for awards under subsection (a)(2);

''(C) not more than 1 percent shall be used for grants and contracts to implement outcomes evaluation for the area health education centers; and

''(D) not more than 4 percent shall be used for grants and contracts to provide technical assistance to entities receiving awards under this section.

''(3) CARRYOVER FUNDS.—An entity that receives an award under this section may carry over funds from 1 fiscal year to another without obtaining approval from the Secretary. In no case may any funds be carried over pursuant to the preceding sentence for more than 3 years.

''(k) SENSE OF CONGRESS.—It is the sense of the Congress that every State have an area health education center program in effect under this section.''.

(b) CONTINUING EDUCATIONAL SUPPORT FOR HEALTH PROFESSIONALS SERVING IN UNDERSERVED COMMUNITIES.—Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by striking section 752 and inserting the following:

''SEC. 752. CONTINUING EDUCATIONAL SUPPORT FOR HEALTH PROFESSIONALS SERVING IN UNDERSERVED COMMUNITIES.

''(a) IN GENERAL.—The Secretary shall make grants to, and enter into contracts with, eligible entities to improve health care, increase retention, increase representation of minority faculty members, enhance the practice environment, and provide information dissemination and educational support to reduce professional isolation through the timely dissemination of research findings using relevant resources.

''(b) ELIGIBLE ENTITIES.—For purposes of this section, the term 'eligible entity' means an entity described in section 799(b).

''(c) APPLICATION.—An eligible entity desiring to receive an award under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) USE OF FUNDS.—An eligible entity shall use amounts awarded under a grant or contract under this section to provide innovative supportive activities to enhance education through distance learning, continuing educational activities, collaborative conferences, and electronic and telelearning activities, with priority for primary care.

''(e) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2010 through 2014, and such sums as may be necessary for each subsequent fiscal year.''.

SEC. 5404. WORKFORCE DIVERSITY GRANTS.

Section 821 of the Public Health Service Act (42 U.S.C. 296m) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary may'' and inserting the following:

''(1) AUTHORITY.—The Secretary may'';

(B) by striking ''pre-entry preparation, and retention activities'' and inserting the following: ''stipends for diploma or associate degree nurses to enter a bridge or degree completion program, student scholarships or stipends for accelerated nursing degree programs, pre-entry preparation, advanced education preparation, and retention activities''; and

(2) in subsection (b)—

(A) by striking ''First'' and all that follows through ''including the'' and inserting ''National Advisory Council on Nurse Education and Practice and consult with nursing associations including the National Coalition of Ethnic Minority Nurse Associations,''; and

(B) by inserting before the period the following: '', and other organizations determined appropriate by the Secretary''.

SEC. 5405. PRIMARY CARE EXTENSION PROGRAM.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by section 5313, is further amended by adding at the end the following:

''SEC. 399W. PRIMARY CARE EXTENSION PROGRAM.

''(a) ESTABLISHMENT, PURPOSE AND DEFINITION.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Agency for Healthcare Research and Quality, shall establish a Primary Care Extension Program.

''(2) PURPOSE.—The Primary Care Extension Program shall provide support and assistance to primary care providers to educate providers about preventive medicine, health promotion, chronic disease management, mental and behavioral health services (including substance abuse prevention and treatment services), and evidence-based and evidence-informed therapies and techniques, in order to enable providers to incorporate such matters into their practice and to improve community health by working with community-based health connectors (referred to in this section as 'Health Extension Agents').

''(3) DEFINITIONS.—In this section:

''(A) HEALTH EXTENSION AGENT.—The term 'Health Extension Agent' means any local, community-based health worker who facilitates and provides assistance to primary care practices by implementing quality improvement or system redesign, incorporating the principles of the patient-centered medical home to provide high-quality, effective, efficient, and safe primary care and to provide guidance to patients in culturally and linguistically appropriate ways, and linking practices to diverse health system resources.

''(B) PRIMARY CARE PROVIDER.—The term 'primary care provider' means a clinician who provides integrated, accessible health care services and who is accountable for addressing a large majority of personal health care needs, including providing preventive and health promotion services for men, women, and children of all ages, developing a sustained partnership with patients, and practicing in the context of family and community, as recognized by a State licensing or regulatory authority, unless otherwise specified in this section.

''(b) GRANTS TO ESTABLISH STATE HUBS AND LOCAL PRIMARY CARE EXTENSION AGENCIES.—

''(1) GRANTS.—The Secretary shall award competitive grants to States for the establishment of State- or multistate-level primary care Primary Care Extension Program State Hubs (referred to in this section as 'Hubs').

''(2) COMPOSITION OF HUBS.—A Hub established by a State pursuant to paragraph (1)—

''(A) shall consist of, at a minimum, the State health department, the entity responsible for administering the State Medicaid program (if other than the State health department), the State-level entity administering the Medicare program, and the departments of 1 or more health professions schools in the State that train providers in primary care; and

''(B) may include entities such as hospital associations, primary care practice-based research networks, health professional societies, State primary care associations, State licensing boards, organizations with a contract with the Secretary under section 1153 of the Social Security Act, consumer groups, and other appropriate entities.

''(c) STATE AND LOCAL ACTIVITIES.—

''(1) HUB ACTIVITIES.—Hubs established under a grant under subsection (b) shall—

''(A) submit to the Secretary a plan to coordinate functions with quality improvement organizations and area health education centers if such entities are members of the Hub not described in subsection (b)(2)(A);

''(B) contract with a county- or local-level entity that shall serve as the Primary Care Extension Agency to administer the services described in paragraph (2);

''(C) organize and administer grant funds to county- or local-level Primary Care Extension Agencies that serve a catchment area, as determined by the State; and

''(D) organize State-wide or multistate networks of local-level Primary Care Extension Agencies to share and disseminate information and practices.

''(2) LOCAL PRIMARY CARE EXTENSION AGENCY ACTIVITIES.—

''(A) REQUIRED ACTIVITIES.—Primary Care Extension Agencies established by a Hub under paragraph (1) shall—

''(i) assist primary care providers to implement a patient-centered medical home to improve the accessibility, quality, and efficiency of primary care services, including health homes;

''(ii) develop and support primary care learning communities to enhance the dissemination of research findings for evidence-based practice, assess implementation of practice improvement, share best practices, and involve community clinicians in the generation of new knowledge and identification of important questions for research;

''(iii) participate in a national network of Primary Care Extension Hubs and propose how the

Primary Care Extension Agency will share and disseminate lessons learned and best practices; and

''(iv) develop a plan for financial sustainability involving State, local, and private contributions, to provide for the reduction in Federal funds that is expected after an initial 6-year period of program establishment, infrastructure development, and planning.

''(B) DISCRETIONARY ACTIVITIES.—Primary Care Extension Agencies established by a Hub under paragraph (1) may—

''(i) provide technical assistance, training, and organizational support for community health teams established under section 3602 of the Patient Protection and Affordable Care Act;

''(ii) collect data and provision of primary care provider feedback from standardized measurements of processes and outcomes to aid in continuous performance improvement;

''(iii) collaborate with local health departments, community health centers, tribes and tribal entities, and other community agencies to identify community health priorities and local health workforce needs, and participate in community-based efforts to address the social and primary determinants of health, strengthen the local primary care workforce, and eliminate health disparities;

''(iv) develop measures to monitor the impact of the proposed program on the health of practice enrollees and of the wider community served; and

''(v) participate in other activities, as determined appropriate by the Secretary.

''(d) FEDERAL PROGRAM ADMINISTRATION.—

''(1) GRANTS; TYPES.—Grants awarded under subsection (b) shall be—

''(A) program grants, that are awarded to State or multistate entities that submit fully-developed plans for the implementation of a Hub, for a period of 6 years; or

''(B) planning grants, that are awarded to State or multistate entities with the goal of developing a plan for a Hub, for a period of 2 years.

''(2) APPLICATIONS.—To be eligible for a grant under subsection (b), a State or multistate entity shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

''(3) EVALUATION.—A State that receives a grant under subsection (b) shall be evaluated at the end of the grant period by an evaluation panel appointed by the Secretary.

''(4) CONTINUING SUPPORT.—After the sixth year in which assistance is provided to a State under a grant awarded under subsection (b), the State may receive additional support under this section if the State program has received satisfactory evaluations with respect to program performance and the merits of the State sustainability plan, as determined by the Secretary.

''(5) LIMITATION.—A State shall not use in excess of 10 percent of the amount received under a grant to carry out administrative activities under this section. Funds awarded pursuant to this section shall not be used for funding direct patient care.

''(e) REQUIREMENTS ON THE SECRETARY.—In carrying out this section, the Secretary shall consult with the heads of other Federal agencies with demonstrated experience and expertise in health care and preventive medicine, such as the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Administration, the Health Resources and Services Administration, the National Institutes of Health, the Office of the National Coordinator for Health Information Technology, the Indian Health Service, the Agricultural Cooperative Extension Service of the Department of Agriculture, and other entities, as the Secretary determines appropriate.

''(f) AUTHORIZATION OF APPROPRIATIONS.—To awards grants as provided in subsection (d), there are authorized to be appropriated $120,000,000 for each of fiscal years 2011 and 2012, and such sums as may be necessary to carry out this section for each of fiscal years 2013 through 2014.''.

Subtitle F—Strengthening Primary Care and Other Workforce Improvements

SEC. 5501. EXPANDING ACCESS TO PRIMARY CARE SERVICES AND GENERAL SURGERY SERVICES.

(a) INCENTIVE PAYMENT PROGRAM FOR PRIMARY CARE SERVICES.—

(1) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by adding at the end the following new subsection:

''(x) INCENTIVE PAYMENTS FOR PRIMARY CARE SERVICES.—

''(1) IN GENERAL.—In the case of primary care services furnished on or after January 1, 2011, and before January 1, 2016, by a primary care practitioner, in addition to the amount of payment that would otherwise be made for such services under this part, there also shall be paid (on a monthly or quarterly basis) an amount equal to 10 percent of the payment amount for the service under this part.

''(2) DEFINITIONS.—In this subsection:

''(A) PRIMARY CARE PRACTITIONER.—The term 'primary care practitioner' means an individual—

''(i) who—

''(I) is a physician (as described in section 1861(r)(1)) who has a primary specialty designation of family medicine, internal medicine, geriatric medicine, or pediatric medicine; or

''(II) is a nurse practitioner, clinical nurse specialist, or physician assistant (as those terms are defined in section 1861(aa)(5)); and

''(ii) for whom primary care services accounted for at least 60 percent of the allowed charges under this part for such physician or practitioner in a prior period as determined appropriate by the Secretary.

''(B) PRIMARY CARE SERVICES.—The term 'primary care services' means services identified, as of January 1, 2009, by the following HCPCS codes (and as subsequently modified by the Secretary):

''(i) 99201 through 99215.

''(ii) 99304 through 99340.

''(iii) 99341 through 99350.

''(3) COORDINATION WITH OTHER PAYMENTS.—The amount of the additional payment for a service under this subsection and subsection (m) shall be determined without regard to any additional payment for the service under subsection (m) and this subsection, respectively.

''(4) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, 1878, or otherwise, respecting the identification of primary care practitioners under this subsection.''.

(2) CONFORMING AMENDMENT.—Section 1834(g)(2)(B) of the Social Security Act (42 U.S.C. 1395m(g)(2)(B)) is amended by adding at the end the following sentence: ''Section 1833(x) shall not be taken into account in determining the amounts that would otherwise be paid pursuant to the preceding sentence.''.

(b) INCENTIVE PAYMENT PROGRAM FOR MAJOR SURGICAL PROCEDURES FURNISHED IN HEALTH PROFESSIONAL SHORTAGE AREAS.—

(1) IN GENERAL.—Section 1833 of the Social Security Act (42 U.S.C. 1395l), as amended by subsection (a)(1), is amended by adding at the end the following new subsection:

''(y) INCENTIVE PAYMENTS FOR MAJOR SURGICAL PROCEDURES FURNISHED IN HEALTH PROFESSIONAL SHORTAGE AREAS.—

''(1) IN GENERAL.—In the case of major surgical procedures furnished on or after January 1, 2011, and before January 1, 2016, by a general surgeon in an area that is designated (under section 332(a)(1)(A) of the Public Health Service Act) as a health professional shortage area as identified by the Secretary prior to the beginning of the year involved, in addition to the amount of payment that would otherwise be made for such services under this part, there also shall be paid (on a monthly or quarterly basis) an amount equal to 10 percent of the payment amount for the service under this part.

''(2) DEFINITIONS.—In this subsection:

''(A) GENERAL SURGEON.—In this subsection, the term 'general surgeon' means a physician (as described in section 1861(r)(1)) who has designated CMS specialty code 02–General Surgery as their primary specialty code in the physician's enrollment under section 1866(j).

''(B) MAJOR SURGICAL PROCEDURES.—The term 'major surgical procedures' means physicians' services which are surgical procedures for which a 10-day or 90-day global period is used for payment under the fee schedule under section 1848(b).

''(3) COORDINATION WITH OTHER PAYMENTS.—The amount of the additional payment for a service under this subsection and subsection (m) shall be determined without regard to any additional payment for the service under subsection (m) and this subsection, respectively.

''(4) APPLICATION.—The provisions of paragraph (2) and (4) of subsection (m) shall apply to the determination of additional payments under this subsection in the same manner as such provisions apply to the determination of additional payments under subsection (m).''.

(2) CONFORMING AMENDMENT.—Section 1834(g)(2)(B) of the Social Security Act (42 U.S.C. 1395m(g)(2)(B)), as amended by subsection (a)(2), is amended by striking ''Section 1833(x)'' and inserting ''Subsections (x) and (y) of section 1833'' in the last sentence.

(c) BUDGET-NEUTRALITY ADJUSTMENT.—Section 1848(c)(2)(B) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)(B)) is amended by adding at the end the following new clause:

''(vii) ADJUSTMENT FOR CERTAIN PHYSICIAN INCENTIVE PAYMENTS.—Fifty percent of the additional expenditures under this part attributable to subsections (x) and (y) of section 1833 for a year (as estimated by the Secretary) shall be taken into account in applying clause (ii)(II) for 2011 and subsequent years. In lieu of applying the budget-neutrality adjustments required under clause (ii)(II) to relative value units to account for such costs for the year, the Secretary shall apply such budget-neutrality adjustments to the conversion factor otherwise determined for the year. For 2011 and subsequent years, the Secretary shall increase the incentive payment otherwise applicable under section 1833(m) by a percent estimated to be equal to the additional expenditures estimated under the first sentence of this clause for such year that is applicable to physicians who primarily furnish services in areas designated (under section 332(a)(1)(A) of the Public Health Service Act) as health professional shortage areas.''.

SEC. 5502. MEDICARE FEDERALLY QUALIFIED HEALTH CENTER IMPROVEMENTS.

(a) EXPANSION OF MEDICARE-COVERED PREVENTIVE SERVICES AT FEDERALLY QUALIFIED HEALTH CENTERS.—

(1) IN GENERAL.—Section 1861(aa)(3)(A) of the Social Security Act (42 U.S.C. 1395w (aa)(3)(A)) is amended to read as follows:

''(A) services of the type described subparagraphs (A) through (C) of paragraph (1) and preventive services (as defined in section 1861(ddd)(3)); and''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services furnished on or after January 1, 2011.

(b) PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(n) DEVELOPMENT AND IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM.—

''(1) DEVELOPMENT.—

''(A) IN GENERAL.—The Secretary shall develop a prospective payment system for payment for Federally qualified health services furnished by Federally qualified health centers under this title. Such system shall include a process for appropriately describing the services furnished by Federally qualified health centers.

''(B) COLLECTION OF DATA AND EVALUATION.—The Secretary shall require Federally qualified

health centers to submit to the Secretary such information as the Secretary may require in order to develop and implement the prospective payment system under this paragraph and paragraph (2), respectively, including the reporting of services using HCPCS codes.

''(2) IMPLEMENTATION.—

''(A) IN GENERAL.—Notwithstanding section 1833(a)(3)(B), the Secretary shall provide, for cost reporting periods beginning on or after October 1, 2014, for payments for Federally qualified health services furnished by Federally qualified health centers under this title in accordance with the prospective payment system developed by the Secretary under paragraph (1).

''(B) PAYMENTS.—

''(i) INITIAL PAYMENTS.—The Secretary shall implement such prospective payment system so that the estimated amount of expenditures under this title for Federally qualified health services in the first year that the prospective payment system is implemented is equal to 103 percent of the estimated amount of expenditures under this title that would have occurred for such services in such year if the system had not been implemented.

''(ii) PAYMENTS IN SUBSEQUENT YEARS.—In the year after the first year of implementation of such system, and in each subsequent year, the payment rate for Federally qualified health services furnished in the year shall be equal to the payment rate established for such services furnished in the preceding year under this subparagraph increased by the percentage increase in the MEI (as defined in 1842(i)(3)) for the year involved.''.

SEC. 5503. DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.

(a) IN GENERAL.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (4)(F)(i), by striking ''paragraph (7)'' and inserting ''paragraphs (7) and (8)'';

(2) in paragraph (4)(H)(i), by striking ''paragraph (7)'' and inserting ''paragraphs (7) and (8)'';

(3) in paragraph (7)(E), by inserting ''or paragraph (8)'' before the period at the end; and

(4) by adding at the end the following new paragraph:

''(8) DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.—

''(A) REDUCTIONS IN LIMIT BASED ON UNUSED POSITIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), if a hospital's reference resident level (as defined in subparagraph (H)(i)) is less than the otherwise applicable resident limit (as defined in subparagraph (H)(iii)), effective for portions of cost reporting periods occurring on or after July 1, 2011, the otherwise applicable resident limit shall be reduced by 65 percent of the difference between such otherwise applicable resident limit and such reference resident level.

''(ii) EXCEPTIONS.—This subparagraph shall not apply to—

''(I) a hospital located in a rural area (as defined in subsection (d)(2)(D)(ii)) with fewer than 250 acute care inpatient beds;

''(II) a hospital that was part of a qualifying entity which had a voluntary residency reduction plan approved under paragraph (6)(B) or under the authority of section 402 of Public Law 90–248, if the hospital demonstrates to the Secretary that it has a specified plan in place for filling the unused positions by not later than 2 years after the date of enactment of this paragraph; or

''(III) a hospital described in paragraph (4)(H)(v).

''(B) DISTRIBUTION.—

''(i) IN GENERAL.—The Secretary shall increase the otherwise applicable resident limit for each qualifying hospital that submits an application under this subparagraph by such number as the Secretary may approve for portions of cost reporting periods occurring on or after July 1, 2011. The aggregate number of increases in the otherwise applicable resident limit under this subparagraph shall be equal to the aggregate reduction in such limits attributable to subparagraph (A) (as estimated by the Secretary).

''(ii) REQUIREMENTS.—Subject to clause (iii), a hospital that receives an increase in the otherwise applicable resident limit under this subparagraph shall ensure, during the 5-year period beginning on the date of such increase, that—

''(I) the number of full-time equivalent primary care residents, as defined in paragraph (5)(H) (as determined by the Secretary), excluding any additional positions under subclause (II), is not less than the average number of full-time equivalent primary care residents (as so determined) during the 3 most recent cost reporting periods ending prior to the date of enactment of this paragraph; and

''(II) not less than 75 percent of the positions attributable to such increase are in a primary care or general surgery residency (as determined by the Secretary).

The Secretary may determine whether a hospital has met the requirements under this clause during such 5-year period in such manner and at such time as the Secretary determines appropriate, including at the end of such 5-year period.

''(iii) REDISTRIBUTION OF POSITIONS IF HOSPITAL NO LONGER MEETS CERTAIN REQUIREMENTS.—In the case where the Secretary determines that a hospital described in clause (ii) does not meet either of the requirements under subclause (I) or (II) of such clause, the Secretary shall—

''(I) reduce the otherwise applicable resident limit of the hospital by the amount by which such limit was increased under this paragraph; and

''(II) provide for the distribution of positions attributable to such reduction in accordance with the requirements of this paragraph.

''(C) CONSIDERATIONS IN REDISTRIBUTION.—In determining for which hospitals the increase in the otherwise applicable resident limit is provided under subparagraph (B), the Secretary shall take into account—

''(i) the demonstration likelihood of the hospital filling the positions made available under this paragraph within the first 3 cost reporting periods beginning on or after July 1, 2011, as determined by the Secretary; and

''(ii) whether the hospital has an accredited rural training track (as described in paragraph (4)(H)(iv)).

''(D) PRIORITY FOR CERTAIN AREAS.—In determining for which hospitals the increase in the otherwise applicable resident limit is provided under subparagraph (B), subject to subparagraph (E), the Secretary shall distribute the increase to hospitals based on the following factors:

''(i) Whether the hospital is located in a State with a resident-to-population ratio in the lowest quartile (as determined by the Secretary).

''(ii) Whether the hospital is located in a State, a territory of the United States, or the District of Columbia that is among the top 10 States, territories, or Districts in terms of the ratio of—

''(I) the total population of the State, territory, or District living in an area designated (under such section 332(a)(1)(A)) as a health professional shortage area (as of the date of enactment of this paragraph); to

''(II) the total population of the State, territory, or District (as determined by the Secretary based on the most recent available population data published by the Bureau of the Census).

''(iii) Whether the hospital is located in a rural area (as defined in subsection (d)(2)(D)(ii)).

''(E) RESERVATION OF POSITIONS FOR CERTAIN HOSPITALS.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary shall reserve the positions available for distribution under this paragraph as follows:

''(I) 70 percent of such positions for distribution to hospitals described in clause (i) of subparagraph (D).

''(II) 30 percent of such positions for distribution to hospitals described in clause (ii) and (iii) of such subparagraph.

''(ii) EXCEPTION IF POSITIONS NOT REDISTRIBUTED BY JULY 1, 2011.—In the case where the Secretary does not distribute positions to hospitals in accordance with clause (i) by July 1, 2011, the Secretary shall distribute such positions to other hospitals in accordance with the considerations described in subparagraph (C) and the priority described in subparagraph (D).

''(F) LIMITATION.—A hospital may not receive more than 75 full-time equivalent additional residency positions under this paragraph.

''(G) APPLICATION OF PER RESIDENT AMOUNTS FOR PRIMARY CARE AND NONPRIMARY CARE.—With respect to additional residency positions in a hospital attributable to the increase provided under this paragraph, the approved FTE per resident amounts are deemed to be equal to the hospital per resident amounts for primary care and nonprimary care computed under paragraph (2)(D) for that hospital.

''(H) DEFINITIONS.—In this paragraph:

''(i) REFERENCE RESIDENT LEVEL.—The term 'reference resident level' means, with respect to a hospital, the highest resident level for any of the 3 most recent cost reporting periods (ending before the date of the enactment of this paragraph) of the hospital for which a cost report has been settled (or, if not, submitted (subject to audit)), as determined by the Secretary.

''(ii) RESIDENT LEVEL.—The term 'resident level' has the meaning given such term in paragraph (7)(C)(i).

''(iii) OTHERWISE APPLICABLE RESIDENT LIMIT.—The term 'otherwise applicable resident limit' means, with respect to a hospital, the limit otherwise applicable under subparagraphs (F)(i) and (H) of paragraph (4) on the resident level for the hospital determined without regard to this paragraph but taking into account paragraph (7)(A).''.

(b) IME.—

(1) IN GENERAL.—Section 1886(d)(5)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(v)), in the second sentence, is amended—

(A) by striking ''subsection (h)(7)'' and inserting ''subsections (h)(7) and (h)(8)''; and

(B) by striking ''it applies'' and inserting ''they apply''.

(2) CONFORMING AMENDMENT.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following clause:

''(x) For discharges occurring on or after July 1, 2011, insofar as an additional payment amount under this subparagraph is attributable to resident positions distributed to a hospital under subsection (h)(8)(B), the indirect teaching adjustment factor shall be computed in the same manner as provided under clause (ii) with respect to such resident positions.''.

(c) CONFORMING AMENDMENT.—Section 422(b)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended by striking ''section 1886(h)(7)'' and all that follows and inserting ''paragraphs (7) and (8) of subsection (h) of section 1886 of the Social Security Act''.

SEC. 5504. COUNTING RESIDENT TIME IN NON-PROVIDER SETTINGS.

(a) GME.—Section 1886(h)(4)(E) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(E)) is amended—

(1) by striking ''shall be counted and that all the time'' and inserting ''shall be counted and that—

''(i) effective for cost reporting periods beginning before July 1, 2010, all the time;'';

(2) in clause (i), as inserted by paragraph (1), by striking the period at the end and inserting ''; and''; and

(3) by inserting after clause (i), as so inserted, the following new clause:

''(ii) effective for cost reporting periods beginning on or after July 1, 2010, all the time so spent by a resident shall be counted towards the determination of full-time equivalency, without regard to the setting in which the activities are performed, if a hospital incurs the costs of the stipends and fringe benefits of the resident during the time the resident spends in that setting. If more than one hospital incurs these costs, either directly or through a third party, such hospitals shall count a proportional share of the time, as determined by written agreement between the hospitals, that a resident spends training in that setting.''; and

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

''Any hospital claiming under this subparagraph for time spent in a nonprovider setting shall maintain and make available to the Secretary records regarding the amount of such time and such amount in comparison with amounts of such time in such base year as the Secretary shall specify.''.

(b) IME.—Section 1886(d)(5)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(5)) is amended—

(1) by striking ''(iv) Effective for discharges occurring on or after October 1, 1997'' and inserting ''(iv)(I) Effective for discharges occurring on or after October 1, 1997, and before July 1, 2010''; and

(2) by inserting after clause (I), as inserted by paragraph (1), the following new subparagraph:

''(II) Effective for discharges occurring on or after July 1, 2010, all the time spent by an intern or resident in patient care activities in a nonprovider setting shall be counted towards the determination of full-time equivalency if a hospital incurs the costs of the stipends and fringe benefits of the intern or resident during the time the intern or resident spends in that setting. If more than one hospital incurs these costs, either directly or through a third party, such hospitals shall count a proportional share of the time, as determined by written agreement between the hospitals, that a resident spends training in that setting.''.

(c) APPLICATION.—The amendments made by this section shall not be applied in a manner that requires reopening of any settled hospital cost reports as to which there is not a jurisdictionally proper appeal pending as of the date of the enactment of this Act on the issue of payment for indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) or for direct graduate medical education costs under section 1886(h) of such Act (42 U.S.C. 1395ww(h)).

SEC. 5505. RULES FOR COUNTING RESIDENT TIME FOR DIDACTIC AND SCHOLARLY ACTIVITIES AND OTHER ACTIVITIES.

(a) GME.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)), as amended by section 5504, is amended—

(1) in paragraph (4)—

(A) in subparagraph (E), by striking ''Such rules'' and inserting ''Subject to subparagraphs (J) and (K), such rules''; and

(B) by adding at the end the following new subparagraphs:

''(J) TREATMENT OF CERTAIN NONPROVIDER AND DIDACTIC ACTIVITIES.—Such rules shall provide that all time spent by an intern or resident in an approved medical residency training program in a nonprovider setting that is primarily engaged in furnishing patient care (as defined in paragraph (5)(K)) in non-patient care activities, such as didactic conferences and seminars, but not including research not associated with the treatment or diagnosis of a particular patient, as such time and activities are defined by the Secretary, shall be counted toward the determination of full-time equivalency.

''(K) TREATMENT OF CERTAIN OTHER ACTIVITIES.—In determining the hospital's number of full-time equivalent residents for purposes of this subsection, all the time that is spent by an intern or resident in an approved medical residency training program on vacation, sick leave, or other approved leave, as such time is defined by the Secretary, and that does not prolong the total time the resident is participating in the approved program beyond the normal duration of the program shall be counted toward the determination of full-time equivalency.''; and

(2) in paragraph (5), by adding at the end the following new subparagraph:

''(K) NONPROVIDER SETTING THAT IS PRIMARILY ENGAGED IN FURNISHING PATIENT CARE.—The term 'nonprovider setting that is primarily engaged in furnishing patient care' means a nonprovider setting in which the primary activity is the care and treatment of patients, as defined by the Secretary.''.

(b) IME DETERMINATIONS.—Section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clause:

''(x)(I) The provisions of subparagraph (K) of subsection (h)(4) shall apply under this subparagraph in the same manner as they apply under such subsection.

''(II) In determining the hospital's number of full-time equivalent residents for purposes of this subparagraph, all the time spent by an intern or resident in an approved medical residency training program in non-patient care activities, such as didactic conferences and seminars, as such time and activities are defined by the Secretary, that occurs in the hospital shall be counted toward the determination of full-time equivalency if the hospital—

''(aa) is recognized as a subsection (d) hospital;

''(bb) is recognized as a subsection (d) Puerto Rico hospital;

''(cc) is reimbursed under a reimbursement system authorized under section 1814(b)(3); or

''(dd) is a provider-based hospital outpatient department.

''(III) In determining the hospital's number of full-time equivalent residents for purposes of this subparagraph, all the time spent by an intern or resident in an approved medical residency training program in research activities that are not associated with the treatment or diagnosis of a particular patient, as such time and activities are defined by the Secretary, shall not be counted toward the determination of full-time equivalency.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided, the Secretary of Health and Human Services shall implement the amendments made by this section in a manner so as to apply to cost reporting periods beginning on or after January 1, 1983.

(2) GME.—Section 1886(h)(4)(J) of the Social Security Act, as added by subsection (a)(1)(B), shall apply to cost reporting periods beginning on or after July 1, 2009.

(3) IME.—Section 1886(d)(5)(B)(x)(III) of the Social Security Act, as added by subsection (b), shall apply to cost reporting periods beginning on or after October 1, 2001. Such section, as so added, shall not give rise to any inference as to how the law in effect prior to such date should be interpreted.

SEC. 5506. PRESERVATION OF RESIDENT CAP POSITIONS FROM CLOSED HOSPITALS.

(a) GME.—Section 1886(h)(4)(H) of the Social Security Act (42 U.S.C. Section 1395ww(h)(4)(H)) is amended by adding at the end the following new clause:

''(vi) REDISTRIBUTION OF RESIDENCY SLOTS AFTER A HOSPITAL CLOSES.—

''(I) IN GENERAL.—Subject to the succeeding provisions of this clause, the Secretary shall, by regulation, establish a process under which, in the case where a hospital (other than a hospital described in clause (v)) with an approved medical residency program closes on or after a date that is 2 years before the date of enactment of this clause, the Secretary shall increase the otherwise applicable resident limit under this paragraph for other hospitals in accordance with this clause.

''(II) PRIORITY FOR HOSPITALS IN CERTAIN AREAS.—Subject to the succeeding provisions of this clause, in determining for which hospitals the increase in the otherwise applicable resident limit is provided under such process, the Secretary shall distribute the increase to hospitals in the following priority order (with preference given within each category to hospitals that are members of the same affiliated group (as defined by the Secretary under clause (ii)) as the closed hospital):

''(aa) First, to hospitals located in the same core-based statistical area as, or a core-based statistical area contiguous to, the hospital that closed.

''(bb) Second, to hospitals located in the same State as the hospital that closed.

''(cc) Third, to hospitals located in the same region of the country as the hospital that closed.

''(dd) Fourth, only if the Secretary is not able to distribute the increase to hospitals described in item (cc), to qualifying hospitals in accordance with the provisions of paragraph (8).

''(III) REQUIREMENT HOSPITAL LIKELY TO FILL POSITION WITHIN CERTAIN TIME PERIOD.—The Secretary may only increase the otherwise applicable resident limit of a hospital under such process if the Secretary determines the hospital has demonstrated a likelihood of filling the positions made available under this clause within 3 years.

''(IV) LIMITATION.—The aggregate number of increases in the otherwise applicable resident limits for hospitals under this clause shall be equal to the number of resident positions in the approved medical residency programs that closed on or after the date described in subclause (I).

''(V) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to the implementation of this clause.''.

(b) IME.—Section 1886(d)(5)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(v)), in the second sentence, as amended by section 5503, is amended by striking ''subsections (h)(7) and (h)(8)'' and inserting ''subsections (h)(4)(H)(vi), (h)(7), and (h)(8)''.

(c) APPLICATION.—The amendments made by this section shall not be applied in a manner that requires reopening of any settled hospital cost reports as to which there is not a jurisdictionally proper appeal pending as of the date of the enactment of this Act on the issue of payment for indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) or for direct graduate medical education costs under section 1886(h) of such Act (42 U.S.C. Section 1395ww(h)).

(d) EFFECT ON TEMPORARY FTE CAP ADJUSTMENTS.—The Secretary of Health and Human Services shall give consideration to the effect of the amendments made by this section on any temporary adjustment to a hospital's FTE cap under section 413.79(h) of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act) in order to ensure that there is no duplication of FTE slots. Such amendments shall not affect the application of section 1886(h)(4)(H)(v) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(H)(v)).

(e) CONFORMING AMENDMENT.—Section 1886(h)(7)(E) of the Social Security Act (42 U.S.C. 1395ww(h)(7)(E)), as amended by section 5503(a), is amended by striking ''paragraph or paragraph (8)'' and inserting ''this paragraph, paragraph (8), or paragraph (4)(H)(vi)''.

SEC. 5507. DEMONSTRATION PROJECTS TO ADDRESS HEALTH PROFESSIONS WORKFORCE NEEDS; EXTENSION OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

(a) AUTHORITY TO CONDUCT DEMONSTRATION PROJECTS.—Title XX of the Social Security Act (42 U.S.C. 1397 et seq.) is amended by adding at the end the following:

"SEC. 2008. DEMONSTRATION PROJECTS TO ADDRESS HEALTH PROFESSIONS WORKFORCE NEEDS.

''(a) DEMONSTRATION PROJECTS TO PROVIDE LOW-INCOME INDIVIDUALS WITH OPPORTUNITIES FOR EDUCATION, TRAINING, AND CAREER ADVANCEMENT TO ADDRESS HEALTH PROFESSIONS WORKFORCE NEEDS.—

''(1) AUTHORITY TO AWARD GRANTS.—The Secretary, in consultation with the Secretary of Labor, shall award grants to eligible entities to conduct demonstration projects that are designed to provide eligible individuals with the opportunity to obtain education and training for occupations in the health care field that pay well and are expected to either experience labor shortages or be in high demand.

''(2) REQUIREMENTS.—

''(A) AID AND SUPPORTIVE SERVICES.—

''(i) IN GENERAL.—A demonstration project conducted by an eligible entity awarded a grant under this section shall, if appropriate, provide eligible individuals participating in the project with financial aid, child care, case management, and other supportive services.

''(ii) TREATMENT.—Any aid, services, or incentives provided to an eligible beneficiary participating in a demonstration project under this section shall not be considered income, and shall not be taken into account for purposes of determining the individual's eligibility for, or amount of, benefits under any means-tested program.

''(B) CONSULTATION AND COORDINATION.—An eligible entity applying for a grant to carry out a demonstration project under this section shall demonstrate in the application that the entity has consulted with the State agency responsible for administering the State TANF program, the local workforce investment board in the area in which the project is to be conducted (unless the applicant is such board), the State workforce investment board established under section 111 of the Workforce Investment Act of 1998, and the State Apprenticeship Agency recognized under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act') (or if no agency has been recognized in the State, the Office of Apprenticeship of the Department of Labor) and that the project will be carried out in coordination with such entities.

''(C) ASSURANCE OF OPPORTUNITIES FOR INDIAN POPULATIONS.—The Secretary shall award at least 3 grants under this subsection to an eligible entity that is an Indian tribe, tribal organization, or Tribal College or University.

''(3) REPORTS AND EVALUATION.—

''(A) ELIGIBLE ENTITIES.—An eligible entity awarded a grant to conduct a demonstration project under this subsection shall submit interim reports to the Secretary on the activities carried out under the project and a final report on such activities upon the conclusion of the entities' participation in the project. Such reports shall include assessments of the effectiveness of such activities with respect to improving outcomes for the eligible individuals participating in the project and with respect to addressing health professions workforce needs in the areas in which the project is conducted.

''(B) EVALUATION.—The Secretary shall, by grant, contract, or interagency agreement, evaluate the demonstration projects conducted under this subsection. Such evaluation shall include identification of successful activities for creating opportunities for developing and sustaining, particularly with respect to low-income individuals and other entry-level workers, a health professions workforce that has accessible entry points, that meets high standards for education, training, certification, and professional development, and that provides increased wages and affordable benefits, including health care coverage, that are responsive to the workforce's needs.

''(C) REPORT TO CONGRESS.—The Secretary shall submit interim reports and, based on the evaluation conducted under subparagraph (B), a final report to Congress on the demonstration projects conducted under this subsection.

''(4) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE ENTITY.—The term 'eligible entity' means a State, an Indian tribe or tribal organization, an institution of higher education, a local workforce investment board established under section 117 of the Workforce Investment Act of 1998, a sponsor of an apprenticeship program registered under the National Apprenticeship Act or a community-based organization.

''(B) ELIGIBLE INDIVIDUAL.—

''(i) IN GENERAL.—The term 'eligible individual' means a individual receiving assistance under the State TANF program.

''(ii) OTHER LOW-INCOME INDIVIDUALS.—Such term may include other low-income individuals described by the eligible entity in its application for a grant under this section.

''(C) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' have the meaning given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(D) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(E) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa.

''(F) STATE TANF PROGRAM.—The term 'State TANF program' means the temporary assistance for needy families program funded under part A of title IV.

''(G) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' has the meaning given that term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

''(b) DEMONSTRATION PROJECT TO DEVELOP TRAINING AND CERTIFICATION PROGRAMS FOR PERSONAL OR HOME CARE AIDES.—

''(1) AUTHORITY TO AWARD GRANTS.—Not later than 18 months after the date of enactment of this section, the Secretary shall award grants to eligible entities that are States to conduct demonstration projects for purposes of developing core training competencies and certification programs for personal or home care aides. The Secretary shall—

''(A) evaluate the efficacy of the core training competencies described in paragraph (3)(A) for newly hired personal or home care aides and the methods used by States to implement such core training competencies in accordance with the issues specified in paragraph (3)(B); and

''(B) ensure that the number of hours of training provided by States under the demonstration project with respect to such core training competencies are not less than the number of hours of training required under any applicable State or Federal law or regulation.

''(2) DURATION.—A demonstration project shall be conducted under this subsection for not less than 3 years.

''(3) CORE TRAINING COMPETENCIES FOR PERSONAL OR HOME CARE AIDES.—

''(A) IN GENERAL.—The core training competencies for personal or home care aides described in this subparagraph include competencies with respect to the following areas:

''(i) The role of the personal or home care aide (including differences between a personal or home care aide employed by an agency and a personal or home care aide employed directly by the health care consumer or an independent provider).

''(ii) Consumer rights, ethics, and confidentiality (including the role of proxy decision-makers in the case where a health care consumer has impaired decision-making capacity).

''(iii) Communication, cultural and linguistic competence and sensitivity, problem solving, behavior management, and relationship skills.

''(iv) Personal care skills.

''(v) Health care support.

''(vi) Nutritional support.

''(vii) Infection control.

''(viii) Safety and emergency training.

''(ix) Training specific to an individual consumer's needs (including older individuals, younger individuals with disabilities, individuals with developmental disabilities, individuals with dementia, and individuals with mental and behavioral health needs).

''(x) Self-Care.

''(B) IMPLEMENTATION.—The implementation issues specified in this subparagraph include the following:

''(i) The length of the training.

''(ii) The appropriate trainer to student ratio.

''(iii) The amount of instruction time spent in the classroom as compared to on-site in the home or a facility.

''(iv) Trainer qualifications.

''(v) Content for a 'hands-on' and written certification exam.

''(vi) Continuing education requirements.

''(4) APPLICATION AND SELECTION CRITERIA.—

''(A) IN GENERAL.—

''(i) NUMBER OF STATES.—The Secretary shall enter into agreements with not more than 6 States to conduct demonstration projects under this subsection.

''(ii) REQUIREMENTS FOR STATES.—An agreement entered into under clause (i) shall require that a participating State—

''(I) implement the core training competencies described in paragraph (3)(A); and

''(II) develop written materials and protocols for such core training competencies, including the development of a certification test for personal or home care aides who have completed such training competencies.

''(iii) CONSULTATION AND COLLABORATION WITH COMMUNITY AND VOCATIONAL COLLEGES.—The Secretary shall encourage participating States to consult with community and vocational colleges regarding the development of curricula to implement the project with respect to activities, as applicable, which may include consideration of such colleges as partners in such implementation.

''(B) APPLICATION AND ELIGIBILITY.—A State seeking to participate in the project shall—

''(i) submit an application to the Secretary containing such information and at such time as the Secretary may specify;

''(ii) meet the selection criteria established under subparagraph (C); and

''(iii) meet such additional criteria as the Secretary may specify.

''(C) SELECTION CRITERIA.—In selecting States to participate in the program, the Secretary shall establish criteria to ensure (if applicable with respect to the activities involved)—

''(i) geographic and demographic diversity;

''(ii) that participating States offer medical assistance for personal care services under the State Medicaid plan;

''(iii) that the existing training standards for personal or home care aides in each participating State—

''(I) are different from such standards in the other participating States; and

''(II) are different from the core training competencies described in paragraph (3)(A);

''(iv) that participating States do not reduce the number of hours of training required under applicable State law or regulation after being selected to participate in the project; and

''(v) that participating States recruit a minimum number of eligible health and long-term care providers to participate in the project.

''(D) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States in developing written materials and protocols for such core training competencies.

''(5) EVALUATION AND REPORT.—

''(A) EVALUATION.—The Secretary shall develop an experimental or control group testing protocol in consultation with an independent evaluation contractor selected by the Secretary. Such contractor shall evaluate—

''(i) the impact of core training competencies described in paragraph (3)(A), including curricula developed to implement such core training competencies, for personal or home care aides

within each participating State on job satisfaction, mastery of job skills, beneficiary and family caregiver satisfaction with services, and additional measures determined by the Secretary in consultation with the expert panel;

''(ii) the impact of providing such core training competencies on the existing training infrastructure and resources of States; and

''(iii) whether a minimum number of hours of initial training should be required for personal or home care aides and, if so, what minimum number of hours should be required.

''(B) REPORTS.—

''(i) REPORT ON INITIAL IMPLEMENTATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the initial implementation of activities conducted under the demonstration project, including any available results of the evaluation conducted under subparagraph (A) with respect to such activities, together with such recommendations for legislation or administrative action as the Secretary determines appropriate.

''(ii) FINAL REPORT.—Not later than 1 year after the completion of the demonstration project, the Secretary shall submit to Congress a report containing the results of the evaluation conducted under subparagraph (A), together with such recommendations for legislation or administrative action as the Secretary determines appropriate.

''(6) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE HEALTH AND LONG-TERM CARE PROVIDER.—The term 'eligible health and long-term care provider' means a personal or home care agency (including personal or home care public authorities), a nursing home, a home health agency (as defined in section 1861(o)), or any other health care provider the Secretary determines appropriate which—

''(i) is licensed or authorized to provide services in a participating State; and

''(ii) receives payment for services under title XIX.

''(B) PERSONAL CARE SERVICES.—The term 'personal care services' has the meaning given such term for purposes of title XIX.

''(C) PERSONAL OR HOME CARE AIDE.—The term 'personal or home care aide' means an individual who helps individuals who are elderly, disabled, ill, or mentally disabled (including an individual with Alzheimer's disease or other dementia) to live in their own home or a residential care facility (such as a nursing home, assisted living facility, or any other facility the Secretary determines appropriate) by providing routine personal care services and other appropriate services to the individual.

''(D) STATE.—The term 'State' has the meaning given that term for purposes of title XIX.

''(c) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (2), out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out subsections (a) and (b), $85,000,000 for each of fiscal years 2010 through 2014.

''(2) TRAINING AND CERTIFICATION PROGRAMS FOR PERSONAL AND HOME CARE AIDES.—With respect to the demonstration projects under subsection (b), the Secretary shall use $5,000,000 of the amount appropriated under paragraph (1) for each of fiscal years 2010 through 2012 to carry out such projects. No funds appropriated under paragraph (1) shall be used to carry out demonstration projects under subsection (b) after fiscal year 2012.

''(d) NONAPPLICATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the preceding sections of this title shall not apply to grant awarded under this section.

''(2) LIMITATIONS ON USE OF GRANTS.—Section 2005(a) (other than paragraph (6)) shall apply to a grant awarded under this section to the same extent and in the same manner as such section applies to payments to States under this title.''.

(b) EXTENSION OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.—Section 501(c)(1)(A)(iii) of the Social Security Act (42 U.S.C. 701(c)(1)(A)(iii)) is amended by striking ''fiscal year 2009'' and inserting ''each of fiscal years 2009 through 2012''.

SEC. 5508. INCREASING TEACHING CAPACITY.

(a) TEACHING HEALTH CENTERS TRAINING AND ENHANCEMENT.—Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et. seq.), as amended by section 5303, is further amended by inserting after section 749 the following:

''SEC. 749A. TEACHING HEALTH CENTERS DEVELOPMENT GRANTS.

''(a) PROGRAM AUTHORIZED.—The Secretary may award grants under this section to teaching health centers for the purpose of establishing new accredited or expanded primary care residency programs.

''(b) AMOUNT AND DURATION.—Grants awarded under this section shall be for a term of not more than 3 years and the maximum award may not be more than $500,000.

''(c) USE OF FUNDS.—Amounts provided under a grant under this section shall be used to cover the costs of—

''(1) establishing or expanding a primary care residency training program described in subsection (a), including costs associated with—

''(A) curriculum development;

''(B) recruitment, training and retention of residents and faculty:

''(C) accreditation by the Accreditation Council for Graduate Medical Education (ACGME), the American Dental Association (ADA), or the American Osteopathic Association (AOA); and

''(D) faculty salaries during the development phase; and

''(2) technical assistance provided by an eligible entity.

''(d) APPLICATION.—A teaching health center seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) PREFERENCE FOR CERTAIN APPLICATIONS.—In selecting recipients for grants under this section, the Secretary shall give preference to any such application that documents an existing affiliation agreement with an area health education center program as defined in sections 751 and 799B.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an organization capable of providing technical assistance including an area health education center program as defined in sections 751 and 799B.

''(2) PRIMARY CARE RESIDENCY PROGRAM.—The term 'primary care residency program' means an approved graduate medical residency training program (as defined in section 340H) in family medicine, internal medicine, pediatrics, internal medicine-pediatrics, obstetrics and gynecology, psychiatry, general dentistry, pediatric dentistry, and geriatrics.

''(3) TEACHING HEALTH CENTER.—

''(A) IN GENERAL.—The term 'teaching health center' means an entity that—

''(i) is a community based, ambulatory patient care center; and

''(ii) operates a primary care residency program.

''(B) INCLUSION OF CERTAIN ENTITIES.—Such term includes the following:

''(i) A Federally qualified health center (as defined in section 1905(l)(2)(B), of the Social Security Act).

''(ii) A community mental health center (as defined in section 1861(ff)(3)(B) of the Social Security Act).

''(iii) A rural health clinic, as defined in section 1861(aa) of the Social Security Act.

''(iv) A health center operated by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act).

''(v) An entity receiving funds under title X of the Public Health Service Act.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, $25,000,000 for fiscal year 2010, $50,000,000 for fiscal year 2011, $50,000,000 for fiscal year 2012, and such sums as may be necessary for each fiscal year thereafter to carry out this section. Not to exceed $5,000,000 annually may be used for technical assistance program grants.''.

(b) NATIONAL HEALTH SERVICE CORPS TEACHING CAPACITY.—Section 338C(a) of the Public Health Service Act (42 U.S.C. 254m(a)) is amended to read as follows:

''(a) SERVICE IN FULL-TIME CLINICAL PRACTICE.—Except as provided in section 338D, each individual who has entered into a written contract with the Secretary under section 338A or 338B shall provide service in the full-time clinical practice of such individual's profession as a member of the Corps for the period of obligated service provided in such contract. For the purpose of calculating time spent in full-time clinical practice under this subsection, up to 50 percent of time spent teaching by a member of the Corps may be counted toward his or her service obligation.''.

(c) PAYMENTS TO QUALIFIED TEACHING HEALTH CENTERS.—Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

''Subpart XI—Support of Graduate Medical Education in Qualified Teaching Health Centers

''SEC. 340H. PROGRAM OF PAYMENTS TO TEACHING HEALTH CENTERS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

''(a) PAYMENTS.—Subject to subsection (h)(2), the Secretary shall make payments under this section for direct expenses and for indirect expenses to qualified teaching health centers that are listed as sponsoring institutions by the relevant accrediting body for expansion of existing or establishment of new approved graduate medical residency training programs.

''(b) AMOUNT OF PAYMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the amounts payable under this section to qualified teaching health centers for an approved graduate medical residency training program for a fiscal year are each of the following amounts:

''(A) DIRECT EXPENSE AMOUNT.—The amount determined under subsection (c) for direct expenses associated with sponsoring approved graduate medical residency training programs.

''(B) INDIRECT EXPENSE AMOUNT.—The amount determined under subsection (d) for indirect expenses associated with the additional costs relating to teaching residents in such programs.

''(2) CAPPED AMOUNT.—

''(A) IN GENERAL.—The total of the payments made to qualified teaching health centers under paragraph (1)(A) or paragraph (1)(B) in a fiscal year shall not exceed the amount of funds appropriated under subsection (g) for such payments for that fiscal year.

''(B) LIMITATION.—The Secretary shall limit the funding of full-time equivalent residents in order to ensure the direct and indirect payments as determined under subsection (c) and (d) do not exceed the total amount of funds appropriated in a fiscal year under subsection (g).

''(c) AMOUNT OF PAYMENT FOR DIRECT GRADUATE MEDICAL EDUCATION.—

''(1) IN GENERAL.—The amount determined under this subsection for payments to qualified teaching health centers for direct graduate expenses relating to approved graduate medical residency training programs for a fiscal year is equal to the product of—

''(A) the updated national per resident amount for direct graduate medical education, as determined under paragraph (2); and

''(B) the average number of full-time equivalent residents in the teaching health center's graduate approved medical residency training

programs as determined under section 1886(h)(4) of the Social Security Act (without regard to the limitation under subparagraph (F) of such section) during the fiscal year.

''(2) UPDATED NATIONAL PER RESIDENT AMOUNT FOR DIRECT GRADUATE MEDICAL EDUCATION.—The updated per resident amount for direct graduate medical education for a qualified teaching health center for a fiscal year is an amount determined as follows:

''(A) DETERMINATION OF QUALIFIED TEACHING HEALTH CENTER PER RESIDENT AMOUNT.—The Secretary shall compute for each individual qualified teaching health center a per resident amount—

''(i) by dividing the national average per resident amount computed under section 340E(c)(2)(D) into a wage-related portion and a non-wage related portion by applying the proportion determined under subparagraph (B);

''(ii) by multiplying the wage-related portion by the factor applied under section 1886(d)(3)(E) of the Social Security Act (but without application of section 4410 of the Balanced Budget Act of 1997 (42 U.S.C. 1395ww note)) during the preceding fiscal year for the teaching health center's area; and

''(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

''(B) UPDATING RATE.—The Secretary shall update such per resident amount for each such qualified teaching health center as determined appropriate by the Secretary.

''(d) AMOUNT OF PAYMENT FOR INDIRECT MEDICAL EDUCATION.—

''(1) IN GENERAL.—The amount determined under this subsection for payments to qualified teaching health centers for indirect expenses associated with the additional costs of teaching residents for a fiscal year is equal to an amount determined appropriate by the Secretary.

''(2) FACTORS.—In determining the amount under paragraph (1), the Secretary shall—

''(A) evaluate indirect training costs relative to supporting a primary care residency program in qualified teaching health centers; and

''(B) based on this evaluation, assure that the aggregate of the payments for indirect expenses under this section and the payments for direct graduate medical education as determined under subsection (c) in a fiscal year do not exceed the amount appropriated for such expenses as determined in subsection (g).

''(3) INTERIM PAYMENT.—Before the Secretary makes a payment under this subsection pursuant to a determination of indirect expenses under paragraph (1), the Secretary may provide to qualified teaching health centers a payment, in addition to any payment made under subsection (c), for expected indirect expenses associated with the additional costs of teaching residents for a fiscal year, based on an estimate by the Secretary.

''(e) CLARIFICATION REGARDING RELATIONSHIP TO OTHER PAYMENTS FOR GRADUATE MEDICAL EDUCATION.—Payments under this section—

''(1) shall be in addition to any payments—

''(A) for the indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act;

''(B) for direct graduate medical education costs under section 1886(h) of such Act; and

''(C) for direct costs of medical education under section 1886(k) of such Act;

''(2) shall not be taken into account in applying the limitation on the number of total full-time equivalent residents under subparagraphs (F) and (G) of section 1886(h)(4) of such Act and clauses (v), (vi)(I), and (vi)(II) of section 1886(d)(5)(B) of such Act for the portion of time that a resident rotates to a hospital; and

''(3) shall not include the time in which a resident is counted toward full-time equivalency by a hospital under paragraph (2) or under section 1886(d)(5)(B)(iv) of the Social Security Act, section 1886(h)(4)(E) of such Act, or section 340E of this Act.

''(f) RECONCILIATION.—The Secretary shall determine any changes to the number of residents reported by a hospital in the application of the hospital for the current fiscal year to determine the final amount payable to the hospital for the current fiscal year for both direct expense and indirect expense amounts. Based on such determination, the Secretary shall recoup any overpayments made to pay any balance due to the extent possible. The final amount so determined shall be considered a final intermediary determination for the purposes of section 1878 of the Social Security Act and shall be subject to administrative and judicial review under that section in the same manner as the amount of payment under section 1186(d) of such Act is subject to review under such section.

''(g) FUNDING.—To carry out this section, there are appropriated such sums as may be necessary, not to exceed $230,000,000, for the period of fiscal years 2011 through 2015.

''(h) ANNUAL REPORTING REQUIRED.—

''(1) ANNUAL REPORT.—The report required under this paragraph for a qualified teaching health center for a fiscal year is a report that includes (in a form and manner specified by the Secretary) the following information for the residency academic year completed immediately prior to such fiscal year:

''(A) The types of primary care resident approved training programs that the qualified teaching health center provided for residents.

''(B) The number of approved training positions for residents described in paragraph (4).

''(C) The number of residents described in paragraph (4) who completed their residency training at the end of such residency academic year and care for vulnerable populations living in underserved areas.

''(D) Other information as deemed appropriate by the Secretary.

''(2) AUDIT AUTHORITY; LIMITATION ON PAYMENT.—

''(A) AUDIT AUTHORITY.—The Secretary may audit a qualified teaching health center to ensure the accuracy and completeness of the information submitted in a report under paragraph (1).

''(B) LIMITATION ON PAYMENT.—A teaching health center may only receive payment in a cost reporting period for a number of such resident positions that is greater than the base level of primary care resident positions, as determined by the Secretary. For purposes of this subparagraph, the 'base level of primary care residents' for a teaching health center is the level of such residents as of a base period.

''(3) REDUCTION IN PAYMENT FOR FAILURE TO REPORT.—

''(A) IN GENERAL.—The amount payable under this section to a qualified teaching health center for a fiscal year shall be reduced by at least 25 percent if the Secretary determines that—

''(i) the qualified teaching health center has failed to provide the Secretary, as an addendum to the qualified teaching health center's application under this section for such fiscal year, the report required under paragraph (1) for the previous fiscal year; or

''(ii) such report fails to provide complete and accurate information required under any subparagraph of such paragraph.

''(B) NOTICE AND OPPORTUNITY TO PROVIDE ACCURATE AND MISSING INFORMATION.—Before imposing a reduction under subparagraph (A) on the basis of a qualified teaching health center's failure to provide complete and accurate information described in subparagraph (A)(ii), the Secretary shall provide notice to the teaching health center of such failure and the Secretary's intention to impose such reduction and shall provide the teaching health center with the opportunity to provide the required information within the period of 30 days beginning on the date of such notice. If the teaching health center provides such information within such period, no reduction shall be made under subparagraph (A) on the basis of the previous failure to provide such information.

''(4) RESIDENTS.—The residents described in this paragraph are those who are in part-time or full-time equivalent resident training positions at a qualified teaching health center in any approved graduate medical residency training program.

''(i) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section.

''(j) DEFINITIONS.—In this section:

''(1) APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term 'approved graduate medical residency training program' means a residency or other postgraduate medical training program—

''(A) participation in which may be counted toward certification in a specialty or subspecialty and includes formal postgraduate training programs in geriatric medicine approved by the Secretary; and

''(B) that meets criteria for accreditation (as established by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or the American Dental Association).

''(2) PRIMARY CARE RESIDENCY PROGRAM.—The term 'primary care residency program' has the meaning given that term in section 749A.

''(3) QUALIFIED TEACHING HEALTH CENTER.—The term 'qualified teaching health center' has the meaning given the term 'teaching health center' in section 749A.''.

SEC. 5509. GRADUATE NURSE EDUCATION DEMONSTRATION.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a graduate nurse education demonstration under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) under which an eligible hospital may receive payment for the hospital's reasonable costs (described in paragraph (2)) for the provision of qualified clinical training to advance practice nurses.

(B) NUMBER.—The demonstration shall include up to 5 eligible hospitals.

(C) WRITTEN AGREEMENTS.—Eligible hospitals selected to participate in the demonstration shall enter into written agreements pursuant to subsection (b) in order to reimburse the eligible partners of the hospital the share of the costs attributable to each partner.

(2) COSTS DESCRIBED.—

(A) IN GENERAL.—Subject to subparagraph (B) and subsection (d), the costs described in this paragraph are the reasonable costs (as described in section 1861(v) of the Social Security Act (42 U.S.C. 1395x(v))) of each eligible hospital for the clinical training costs (as determined by the Secretary) that are attributable to providing advanced practice registered nurses with qualified training.

(B) LIMITATION.—With respect to a year, the amount reimbursed under subparagraph (A) may not exceed the amount of costs described in subparagraph (A) that are attributable to an increase in the number of advanced practice registered nurses enrolled in a program that provides qualified training during the year and for which the hospital is being reimbursed under the demonstration, as compared to the average number of advanced practice registered nurses who graduated in each year during the period beginning on January 1, 2006, and ending on December 31, 2010 (as determined by the Secretary) from the graduate nursing education program operated by the applicable school of nursing that is an eligible partner of the hospital for purposes of the demonstration.

(3) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII of the Social Security Act as may be necessary to carry out the demonstration.

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

(b) WRITTEN AGREEMENTS WITH ELIGIBLE PARTNERS.—No payment shall be made under this section to an eligible hospital unless such hospital has in effect a written agreement with the eligible partners of the hospital. Such written agreement shall describe, at a minimum—

(1) the obligations of the eligible partners with respect to the provision of qualified training; and

(2) the obligation of the eligible hospital to reimburse such eligible partners applicable (in a timely manner) for the costs of such qualified training attributable to partner.

(c) EVALUATION.—Not later than October 17, 2017, the Secretary shall submit to Congress a report on the demonstration. Such report shall include an analysis of the following:

(1) The growth in the number of advanced practice registered nurses with respect to a specific base year as a result of the demonstration.

(2) The growth for each of the specialties described in subparagraphs (A) through (D) of subsection (e)(1).

(3) The costs to the Medicare program under title XVIII of the Social Security Act as a result of the demonstration.

(4) Other items the Secretary determines appropriate and relevant.

(d) FUNDING.—

(1) IN GENERAL.—There is hereby appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, $50,000,000 for each of fiscal years 2012 through 2015 to carry out this section, including the design, implementation, monitoring, and evaluation of the demonstration.

(2) PRORATION.—If the aggregate payments to eligible hospitals under the demonstration exceed $50,000,000 for a fiscal year described in paragraph (1), the Secretary shall prorate the payment amounts to each eligible hospital in order to ensure that the aggregate payments do not exceed such amount.

(3) WITHOUT FISCAL YEAR LIMITATION.—Amounts appropriated under this subsection shall remain available without fiscal year limitation.

(e) DEFINITIONS.—In this section:

(1) ADVANCED PRACTICE REGISTERED NURSE.—The term ''advanced practice registered nurse'' includes the following:

(A) A clinical nurse specialist (as defined in subsection (aa)(5) of section 1861 of the Social Security Act (42 U.S.C. 1395x)).

(B) A nurse practitioner (as defined in such subsection).

(C) A certified registered nurse anesthetist (as defined in subsection (bb)(2) of such section).

(D) A certified nurse-midwife (as defined in subsection (gg)(2) of such section).

(2) APPLICABLE NON-HOSPITAL COMMUNITY-BASED CARE SETTING.—The term ''applicable non-hospital community-based care setting'' means a non-hospital community-based care setting which has entered into a written agreement (as described in subsection (b)) with the eligible hospital participating in the demonstration. Such settings include Federally qualified health centers, rural health clinics, and other non-hospital settings as determined appropriate by the Secretary.

(3) APPLICABLE SCHOOL OF NURSING.—The term ''applicable school of nursing'' means an accredited school of nursing (as defined in section 801 of the Public Health Service Act) which has entered into a written agreement (as described in subsection (b)) with the eligible hospital participating in the demonstration.

(4) DEMONSTRATION.—The term ''demonstration'' means the graduate nurse education demonstration established under subsection (a).

(5) ELIGIBLE HOSPITAL.—The term ''eligible hospital'' means a hospital (as defined in subsection (e) of section 1861 of the Social Security Act (42 U.S.C. 1395x)) or a critical access hospital (as defined in subsection (mm)(1) of such section) that has a written agreement in place with—

(A) 1 or more applicable schools of nursing; and

(B) 2 or more applicable non-hospital community-based care settings.

(6) ELIGIBLE PARTNERS.—The term ''eligible partners'' includes the following:

(A) An applicable non-hospital community-based care setting.

(B) An applicable school of nursing.

(7) QUALIFIED TRAINING.—

(A) IN GENERAL.—The term ''qualified training'' means training—

(i) that provides an advanced practice registered nurse with the clinical skills necessary to provide primary care, preventive care, transitional care, chronic care management, and other services appropriate for individuals entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act, or enrolled under part B of such title; and

(ii) subject to subparagraph (B), at least half of which is provided in a non-hospital community-based care setting.

(B) WAIVER OF REQUIREMENT HALF OF TRAINING BE PROVIDED IN NON-HOSPITAL COMMUNITY-BASED CARE SETTING IN CERTAIN AREAS.—The Secretary may waive the requirement under subparagraph (A)(ii) with respect to eligible hospitals located in rural or medically underserved areas.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

Subtitle G—Improving Access to Health Care Services

SEC. 5601. SPENDING FOR FEDERALLY QUALIFIED HEALTH CENTERS (FQHCS).

(a) IN GENERAL.—Section 330(r) of the Public Health Service Act (42 U.S.C. 254b(r)) is amended by striking paragraph (1) and inserting the following:

''(1) GENERAL AMOUNTS FOR GRANTS.—For the purpose of carrying out this section, in addition to the amounts authorized to be appropriated under subsection (d), there is authorized to be appropriated the following:

''(A) For fiscal year 2010, $2,988,821,592.

''(B) For fiscal year 2011, $3,862,107,440.

''(C) For fiscal year 2012, $4,990,553,440.

''(D) For fiscal year 2013, $6,448,713,307.

''(E) For fiscal year 2014, $7,332,924,155.

''(F) For fiscal year 2015, $8,332,924,155.

''(G) For fiscal year 2016, and each subsequent fiscal year, the amount appropriated for the preceding fiscal year adjusted by the product of—

''(i) one plus the average percentage increase in costs incurred per patient served; and

''(ii) one plus the average percentage increase in the total number of patients served.''.

(b) RULE OF CONSTRUCTION.—Section 330(r) of the Public Health Service Act (42 U.S.C. 254b(r)) is amended by adding at the end the following:

''(4) RULE OF CONSTRUCTION WITH RESPECT TO RURAL HEALTH CLINICS.—

''(A) IN GENERAL.—Nothing in this section shall be construed to prevent a community health center from contracting with a Federally certified rural health clinic (as defined in section 1861(aa)(2) of the Social Security Act), a low-volume hospital (as defined for purposes of section 1886 of such Act), a critical access hospital, a sole community hospital (as defined for purposes of section 1886(d)(5)(D)(iii) of such Act), or a medicare-dependent share hospital (as defined for purposes of section 1886(d)(5)(G)(iv) of such Act) for the delivery of primary health care services that are available at the clinic or hospital to individuals who would otherwise be eligible for free or reduced cost care if that individual were able to obtain that care at the community health center. Such services may be limited in scope to those primary health care services available in that clinic or hospitals.

''(B) ASSURANCES.—In order for a clinic or hospital to receive funds under this section through a contract with a community health center under subparagraph (A), such clinic or hospital shall establish policies to ensure—

''(i) nondiscrimination based on the ability of a patient to pay; and

''(ii) the establishment of a sliding fee scale for low-income patients.''.

SEC. 5602. NEGOTIATED RULEMAKING FOR DEVELOPMENT OF METHODOLOGY AND CRITERIA FOR DESIGNATING MEDICALLY UNDERSERVED POPULATIONS AND HEALTH PROFESSIONS SHORTAGE AREAS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall establish, through a negotiated rulemaking process under subchapter 3 of chapter 5 of title 5, United States Code, a comprehensive methodology and criteria for designation of—

(A) medically underserved populations in accordance with section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3));

(B) health professions shortage areas under section 332 of the Public Health Service Act (42 U.S.C. 254e).

(2) FACTORS TO CONSIDER.—In establishing the methodology and criteria under paragraph (1), the Secretary—

(A) shall consult with relevant stakeholders who will be significantly affected by a rule (such as national, State and regional organizations representing affected entities), State health offices, community organizations, health centers and other affected entities, and other interested parties; and

(B) shall take into account—

(i) the timely availability and appropriateness of data used to determine a designation to potential applicants for such designations;

(ii) the impact of the methodology and criteria on communities of various types and on health centers and other safety net providers;

(iii) the degree of ease or difficulty that will face potential applicants for such designations in securing the necessary data; and

(iv) the extent to which the methodology accurately measures various barriers that confront individuals and population groups in seeking health care services.

(b) PUBLICATION OF NOTICE.—In carrying out the rulemaking process under this subsection, the Secretary shall publish the notice provided for under section 564(a) of title 5, United States Code, by not later than 45 days after the date of the enactment of this Act.

(c) TARGET DATE FOR PUBLICATION OF RULE.—As part of the notice under subsection (b), and for purposes of this subsection, the ''target date for publication'', as referred to in section 564(a)(5) of title 5, United Sates Code, shall be July 1, 2010.

(d) APPOINTMENT OF NEGOTIATED RULEMAKING COMMITTEE AND FACILITATOR.—The Secretary shall provide for—

(1) the appointment of a negotiated rulemaking committee under section 565(a) of title 5, United States Code, by not later than 30 days after the end of the comment period provided for under section 564(c) of such title; and

(2) the nomination of a facilitator under section 566(c) of such title 5 by not later than 10 days after the date of appointment of the committee.

(e) PRELIMINARY COMMITTEE REPORT.—The negotiated rulemaking committee appointed under subsection (d) shall report to the Secretary, by not later than April 1, 2010, regarding the committee's progress on achieving a consensus with regard to the rulemaking proceeding and whether such consensus is likely to occur before one month before the target date for publication of the rule. If the committee reports that the committee has failed to make significant progress toward such consensus or is unlikely to reach such consensus by the target date, the Secretary may terminate such process and provide for the publication of a rule under this section through such other methods as the Secretary may provide.

(f) FINAL COMMITTEE REPORT.—If the committee is not terminated under subsection (e), the rulemaking committee shall submit a report containing a proposed rule by not later than one month before the target publication date.

(g) INTERIM FINAL EFFECT.—The Secretary shall publish a rule under this section in the Federal Register by not later than the target publication date. Such rule shall be effective and final immediately on an interim basis, but is subject to change and revision after public notice and opportunity for a period (of not less

than 90 days) for public comment. In connection with such rule, the Secretary shall specify the process for the timely review and approval of applications for such designations pursuant to such rules and consistent with this section.

(h) PUBLICATION OF RULE AFTER PUBLIC COMMENT.—The Secretary shall provide for consideration of such comments and republication of such rule by not later than 1 year after the target publication date.

SEC. 5603. REAUTHORIZATION OF THE WAKEFIELD EMERGENCY MEDICAL SERVICES FOR CHILDREN PROGRAM.

Section 1910 of the Public Health Service Act (42 U.S.C. 300w–9) is amended—

(1) in subsection (a), by striking ''3-year period (with an optional 4th year'' and inserting ''4-year period (with an optional 5th year''; and

(2) in subsection (d)—

(A) by striking ''and such sums'' and inserting ''such sums''; and

(B) by inserting before the period the following: '', $25,000,000 for fiscal year 2010, $26,250,000 for fiscal year 2011, $27,562,500 for fiscal year 2012, $28,940,625 for fiscal year 2013, and $30,387,656 for fiscal year 2014''.

SEC. 5604. CO-LOCATING PRIMARY AND SPECIALTY CARE IN COMMUNITY-BASED MENTAL HEALTH SETTINGS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by adding at the end the following:

''SEC. 520K. AWARDS FOR CO-LOCATING PRIMARY AND SPECIALTY CARE IN COMMUNITY-BASED MENTAL HEALTH SETTINGS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a qualified community mental health program defined under section 1913(b)(1).

''(2) SPECIAL POPULATIONS.—The term 'special populations' means adults with mental illnesses who have co-occurring primary care conditions and chronic diseases.

''(b) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator shall award grants and cooperative agreements to eligible entities to establish demonstration projects for the provision of coordinated and integrated services to special populations through the co-location of primary and specialty care services in community-based mental and behavioral health settings.

''(c) APPLICATION.—To be eligible to receive a grant or cooperative agreement under this section, an eligible entity shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may require, including a description of partnerships, or other arrangements with local primary care providers, including community health centers, to provide services to special populations.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—For the benefit of special populations, an eligible entity shall use funds awarded under this section for—

''(A) the provision, by qualified primary care professionals, of on site primary care services;

''(B) reasonable costs associated with medically necessary referrals to qualified specialty care professionals, other coordinators of care or, if permitted by the terms of the grant or cooperative agreement, by qualified specialty care professionals on a reasonable cost basis on site at the eligible entity;

''(C) information technology required to accommodate the clinical needs of primary and specialty care professionals; or

''(D) facility modifications needed to bring primary and specialty care professionals on site at the eligible entity.

''(2) LIMITATION.—Not to exceed 15 percent of grant or cooperative agreement funds may be used for activities described in subparagraphs (C) and (D) of paragraph (1).

''(e) EVALUATION.—Not later than 90 days after a grant or cooperative agreement awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2014.''.

SEC. 5605. KEY NATIONAL INDICATORS.

(a) DEFINITIONS.—In this section:

(1) ACADEMY.—The term ''Academy'' means the National Academy of Sciences.

(2) COMMISSION.—The term ''Commission'' means the Commission on Key National Indicators established under subsection (b).

(3) INSTITUTE.—The term ''Institute'' means a Key National Indicators Institute as designated under subsection (c)(3).

(b) COMMISSION ON KEY NATIONAL INDICATORS.—

(1) ESTABLISHMENT.—There is established a ''Commission on Key National Indicators''.

(2) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Commission shall be composed of 8 members, to be appointed equally by the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives.

(B) PROHIBITED APPOINTMENTS.—Members of the Commission shall not include Members of Congress or other elected Federal, State, or local government officials.

(C) QUALIFICATIONS.—In making appointments under subparagraph (A), the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives shall appoint individuals who have shown a dedication to improving civic dialogue and decision-making through the wide use of scientific evidence and factual information.

(D) PERIOD OF APPOINTMENT.—Each member of the Commission shall be appointed for a 2-year term, except that 1 initial appointment shall be for 3 years. Any vacancies shall not affect the power and duties of the Commission but shall be filled in the same manner as the original appointment and shall last only for the remainder of that term.

(E) DATE.—Members of the Commission shall be appointed by not later than 30 days after the date of enactment of this Act.

(F) INITIAL ORGANIZING PERIOD.—Not later than 60 days after the date of enactment of this Act, the Commission shall develop and implement a schedule for completion of the review and reports required under subsection (d).

(G) CO-CHAIRPERSONS.—The Commission shall select 2 Co-Chairpersons from among its members.

(c) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall—

(A) conduct comprehensive oversight of a newly established key national indicators system consistent with the purpose described in this subsection;

(B) make recommendations on how to improve the key national indicators system;

(C) coordinate with Federal Government users and information providers to assure access to relevant and quality data; and

(D) enter into contracts with the Academy.

(2) REPORTS.—

(A) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the selection of the 2 Co-Chairpersons of the Commission, and each subsequent year thereafter, the Commission shall prepare and submit to the appropriate Committees of Congress and the President a report that contains a detailed statement of the recommendations, findings, and conclusions of the Commission on the activities of the Academy and a designated Institute related to the establishment of a Key National Indicator System.

(B) ANNUAL REPORT TO THE ACADEMY.—

(i) IN GENERAL.—Not later than 6 months after the selection of the 2 Co-Chairpersons of the Commission, and each subsequent year thereafter, the Commission shall prepare and submit to the Academy and a designated Institute a report making recommendations concerning potential issue areas and key indicators to be included in the Key National Indicators.

(ii) LIMITATION.—The Commission shall not have the authority to direct the Academy or, if established, the Institute, to adopt, modify, or delete any key indicators.

(3) CONTRACT WITH THE NATIONAL ACADEMY OF SCIENCES.—

(A) IN GENERAL.——As soon as practicable after the selection of the 2 Co-Chairpersons of the Commission, the Co-Chairpersons shall enter into an arrangement with the National Academy of Sciences under which the Academy shall—

(i) review available public and private sector research on the selection of a set of key national indicators;

(ii) determine how best to establish a key national indicator system for the United States, by either creating its own institutional capability or designating an independent private nonprofit organization as an Institute to implement a key national indicator system;

(iii) if the Academy designates an independent Institute under clause (ii), provide scientific and technical advice to the Institute and create an appropriate governance mechanism that balances Academy involvement and the independence of the Institute; and

(iv) provide an annual report to the Commission addressing scientific and technical issues related to the key national indicator system and, if established, the Institute, and governance of the Institute's budget and operations.

(B) PARTICIPATION.—In executing the arrangement under subparagraph (A), the National Academy of Sciences shall convene a multi-sector, multi-disciplinary process to define major scientific and technical issues associated with developing, maintaining, and evolving a Key National Indicator System and, if an Institute is established, to provide it with scientific and technical advice.

(C) ESTABLISHMENT OF A KEY NATIONAL INDICATOR SYSTEM.—

(i) IN GENERAL.—In executing the arrangement under subparagraph (A), the National Academy of Sciences shall enable the establishment of a key national indicator system by—

(I) creating its own institutional capability; or

(II) partnering with an independent private nonprofit organization as an Institute to implement a key national indicator system.

(ii) INSTITUTE.—If the Academy designates an Institute under clause (i)(II), such Institute shall be a non-profit entity (as defined for purposes of section 501(c)(3) of the Internal Revenue Code of 1986) with an educational mission, a governance structure that emphasizes independence, and characteristics that make such entity appropriate for establishing a key national indicator system.

(iii) RESPONSIBILITIES.—Either the Academy or the Institute designated under clause (i)(II) shall be responsible for the following:

(I) Identifying and selecting issue areas to be represented by the key national indicators.

(II) Identifying and selecting the measures used for key national indicators within the issue areas under subclause (I).

(III) Identifying and selecting data to populate the key national indicators described under subclause (II).

(IV) Designing, publishing, and maintaining a public website that contains a freely accessible database allowing public access to the key national indicators.

(V) Developing a quality assurance framework to ensure rigorous and independent processes and the selection of quality data.

(VI) Developing a budget for the construction and management of a sustainable, adaptable, and evolving key national indicator system that reflects all Commission funding of Academy and, if an Institute is established, Institute activities.

(VII) Reporting annually to the Commission regarding its selection of issue areas, key indicators, data, and progress toward establishing a web-accessible database.

(VIII) Responding directly to the Commission in response to any Commission recommendations and to the Academy regarding any inquiries by the Academy.

(iv) GOVERNANCE.—Upon the establishment of a key national indicator system, the Academy shall create an appropriate governance mechanism that incorporates advisory and control functions. If an Institute is designated under clause (i)(II), the governance mechanism shall balance appropriate Academy involvement and the independence of the Institute.

(v) MODIFICATION AND CHANGES.—The Academy shall retain the sole discretion, at any time, to alter its approach to the establishment of a key national indicator system or, if an Institute is designated under clause (i)(II), to alter any aspect of its relationship with the Institute or to designate a different non-profit entity to serve as the Institute.

(vi) CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the Academy or the Institute designated under clause (i)(II) to receive private funding for activities related to the establishment of a key national indicator system.

(D) ANNUAL REPORT.—As part of the arrangement under subparagraph (A), the National Academy of Sciences shall, not later than 270 days after the date of enactment of this Act, and annually thereafter, submit to the Co-Chairpersons of the Commission a report that contains the findings and recommendations of the Academy.

(d) GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT.—

(1) GAO STUDY.—The Comptroller General of the United States shall conduct a study of previous work conducted by all public agencies, private organizations, or foreign countries with respect to best practices for a key national indicator system. The study shall be submitted to the appropriate authorizing committees of Congress.

(2) GAO FINANCIAL AUDIT.—If an Institute is established under this section, the Comptroller General shall conduct an annual audit of the financial statements of the Institute, in accordance with generally accepted government auditing standards and submit a report on such audit to the Commission and the appropriate authorizing committees of Congress.

(3) GAO PROGRAMMATIC REVIEW.—The Comptroller General of the United States shall conduct programmatic assessments of the Institute established under this section as determined necessary by the Comptroller General and report the findings to the Commission and to the appropriate authorizing committees of Congress.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out the purposes of this section, $10,000,000 for fiscal year 2010, and $7,500,000 for each of fiscal year 2011 through 2018.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

Subtitle H—General Provisions

SEC. 5701. REPORTS.

(a) REPORTS BY SECRETARY OF HEALTH AND HUMAN SERVICES.—On an annual basis, the Secretary of Health and Human Services shall submit to the appropriate Committees of Congress a report on the activities carried out under the amendments made by this title, and the effectiveness of such activities.

(b) REPORTS BY RECIPIENTS OF FUNDS.—The Secretary of Health and Human Services may require, as a condition of receiving funds under the amendments made by this title, that the entity receiving such award submit to such Secretary such reports as the such Secretary may require on activities carried out with such award, and the effectiveness of such activities.

TITLE VI—TRANSPARENCY AND PROGRAM INTEGRITY

Subtitle A—Physician Ownership and Other Transparency

SEC. 6001. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

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

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

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

''(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).'';

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

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

''(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph.''; and

(3) by adding at the end the following new subsection:

''(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR RURAL PROVIDER AND HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

''(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

''(A) PROVIDER AGREEMENT.—The hospital had—

''(i) physician ownership or investment on February 1, 2010; and

''(ii) a provider agreement under section 1866 in effect on such date.

''(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds for which the hospital is licensed at any time on or after the date of the enactment of this subsection is no greater than the number of operating rooms, procedure rooms, and beds for which the hospital is licensed as of such date.

''(C) PREVENTING CONFLICTS OF INTEREST.—

''(i) The hospital submits to the Secretary an annual report containing a detailed description of—

''(I) the identity of each physician owner or investor and any other owners or investors of the hospital; and

''(II) the nature and extent of all ownership and investment interests in the hospital.

''(ii) The hospital has procedures in place to require that any referring physician owner or investor discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

''(I) the ownership or investment interest, as applicable, of such referring physician in the hospital; and

''(II) if applicable, any such ownership or investment interest of the treating physician.

''(iii) The hospital does not condition any physician ownership or investment interests either directly or indirectly on the physician owner or investor making or influencing referrals to the hospital or otherwise generating business for the hospital.

''(iv) The hospital discloses the fact that the hospital is partially owned or invested in by physicians—

''(I) on any public website for the hospital; and

''(II) in any public advertising for the hospital.

''(D) ENSURING BONA FIDE INVESTMENT.—

''(i) The percentage of the total value of the ownership or investment interests held in the hospital, or in an entity whose assets include the hospital, by physician owners or investors in the aggregate does not exceed such percentage as of the date of enactment of this subsection.

''(ii) Any ownership or investment interests that the hospital offers to a physician owner or investor are not offered on more favorable terms than the terms offered to a person who is not a physician owner or investor.

''(iii) The hospital (or any owner or investor in the hospital) does not directly or indirectly provide loans or financing for any investment in the hospital by a physician owner or investor.

''(iv) The hospital (or any owner or investor in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or investor or group of physician owners or investors that is related to acquiring any ownership or investment interest in the hospital.

''(v) Ownership or investment returns are distributed to each owner or investor in the hospital in an amount that is directly proportional to the ownership or investment interest of such owner or investor in the hospital.

''(vi) Physician owners and investors do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other owners or investors in the hospital or located near the premises of the hospital.

''(vii) The hospital does not offer a physician owner or investor the opportunity to purchase or lease any property under the control of the hospital or any other owner or investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner or investor.

''(E) PATIENT SAFETY.—

''(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

''(I) the hospital discloses such fact to a patient; and

''(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

''(ii) The hospital has the capacity to—

''(I) provide assessment and initial treatment for patients; and

''(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

''(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

''(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

''(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

''(A) PROCESS.—

''(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

''(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community in which the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

''(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on August 1, 2011.

''(iv) REGULATIONS.—Not later than July 1, 2011, the Secretary shall promulgate regulations to carry out the process under clause (i).

''(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

''(C) PERMITTED INCREASE.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds for which the applicable hospital is licensed above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds for which the hospital is licensed after the application of the most recent increase under such an exception).

''(ii) 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds for which an applicable hospital is licensed under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds for which the applicable hospital is licensed exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

''(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds for which the applicable hospital is licensed as of the date of enactment of this subsection.

''(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds for which an applicable hospital is licensed pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

''(E) APPLICABLE HOSPITAL.—In this paragraph, the term 'applicable hospital' means a hospital—

''(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

''(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

''(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

''(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

''(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

''(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

''(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

''(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

''(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

''(5) PHYSICIAN OWNER OR INVESTOR DEFINED.—For purposes of this subsection, the term 'physician owner or investor' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership or investment interest in the hospital.

''(6) CLARIFICATION.—Nothing in this subsection shall be construed as preventing the Secretary from revoking a hospital's provider agreement if not in compliance with regulations implementing section 1866.''.

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than November 1, 2011, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

SEC. 6002. TRANSPARENCY REPORTS AND REPORTING OF PHYSICIAN OWNERSHIP OR INVESTMENT INTERESTS.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128F the following new section:

''SEC. 1128G. TRANSPARENCY REPORTS AND REPORTING OF PHYSICIAN OWNERSHIP OR INVESTMENT INTERESTS.

''(a) TRANSPARENCY REPORTS.—

''(1) PAYMENTS OR OTHER TRANSFERS OF VALUE.—

''(A) IN GENERAL.—On March 31, 2013, and on the 90th day of each calendar year beginning thereafter, any applicable manufacturer that provides a payment or other transfer of value to a covered recipient (or to an entity or individual at the request of or designated on behalf of a covered recipient), shall submit to the Secretary, in such electronic form as the Secretary shall require, the following information with respect to the preceding calendar year:

''(i) The name of the covered recipient.

''(ii) The business address of the covered recipient and, in the case of a covered recipient who is a physician, the specialty and National Provider Identifier of the covered recipient.

''(iii) The amount of the payment or other transfer of value.

''(iv) The dates on which the payment or other transfer of value was provided to the covered recipient.

''(v) A description of the form of the payment or other transfer of value, indicated (as appropriate for all that apply) as—

''(I) cash or a cash equivalent;

''(II) in-kind items or services;

''(III) stock, a stock option, or any other ownership interest, dividend, profit, or other return on investment; or

''(IV) any other form of payment or other transfer of value (as defined by the Secretary).

''(vi) A description of the nature of the payment or other transfer of value, indicated (as appropriate for all that apply) as—

''(I) consulting fees;

''(II) compensation for services other than consulting;

''(III) honoraria;

''(IV) gift;

''(V) entertainment;

''(VI) food;

''(VII) travel (including the specified destinations);

''(VIII) education;

''(IX) research;

''(X) charitable contribution;

''(XI) royalty or license;

''(XII) current or prospective ownership or investment interest;

''(XIII) direct compensation for serving as faculty or as a speaker for a medical education program;

''(XIV) grant; or

''(XV) any other nature of the payment or other transfer of value (as defined by the Secretary).

''(vii) If the payment or other transfer of value is related to marketing, education, or research specific to a covered drug, device, biological, or medical supply, the name of that covered drug, device, biological, or medical supply.

''(viii) Any other categories of information regarding the payment or other transfer of value the Secretary determines appropriate.

''(B) SPECIAL RULE FOR CERTAIN PAYMENTS OR OTHER TRANSFERS OF VALUE.—In the case where an applicable manufacturer provides a payment or other transfer of value to an entity or individual at the request of or designated on behalf of a covered recipient, the applicable manufacturer shall disclose that payment or other transfer of value under the name of the covered recipient.

''(2) PHYSICIAN OWNERSHIP.—In addition to the requirement under paragraph (1)(A), on March 31, 2013, and on the 90th day of each calendar year beginning thereafter, any applicable manufacturer or applicable group purchasing organization shall submit to the Secretary, in such electronic form as the Secretary shall require, the following information regarding any ownership or investment interest (other than an ownership or investment interest in a publicly traded security and mutual fund, as described in section 1877(c)) held by a physician (or an immediate family member of such physician (as defined for purposes of section 1877(a))) in the applicable manufacturer or applicable group purchasing organization during the preceding year:

''(A) The dollar amount invested by each physician holding such an ownership or investment interest.

''(B) The value and terms of each such ownership or investment interest.

''(C) Any payment or other transfer of value provided to a physician holding such an ownership or investment interest (or to an entity or individual at the request of or designated on behalf of a physician holding such an ownership or investment interest), including the information described in clauses (i) through (viii) of paragraph (1)(A), except that in applying such clauses, 'physician' shall be substituted for 'covered recipient' each place it appears.

''(D) Any other information regarding the ownership or investment interest the Secretary determines appropriate.

''(b) PENALTIES FOR NONCOMPLIANCE.—

''(1) FAILURE TO REPORT.—

''(A) IN GENERAL.—Subject to subparagraph (B) except as provided in paragraph (2), any applicable manufacturer or applicable group purchasing organization that fails to submit information required under subsection (a) in a timely manner in accordance with rules or regulations promulgated to carry out such subsection, shall be subject to a civil money penalty of not less than $1,000, but not more than $10,000, for each payment or other transfer of value or ownership or investment interest not reported as required under such subsection. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A are imposed and collected under that section.

''(B) LIMITATION.—The total amount of civil money penalties imposed under subparagraph (A) with respect to each annual submission of information under subsection (a) by an applicable manufacturer or applicable group purchasing organization shall not exceed $150,000.

''(2) KNOWING FAILURE TO REPORT.—

''(A) IN GENERAL.—Subject to subparagraph (B), any applicable manufacturer or applicable group purchasing organization that knowingly fails to submit information required under subsection (a) in a timely manner in accordance with rules or regulations promulgated to carry out such subsection, shall be subject to a civil money penalty of not less than $10,000, but not more than $100,000, for each payment or other transfer of value or ownership or investment interest not reported as required under such subsection. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A are imposed and collected under that section.

''(B) LIMITATION.—The total amount of civil money penalties imposed under subparagraph (A) with respect to each annual submission of information under subsection (a) by an applicable manufacturer or applicable group purchasing organization shall not exceed $1,000,000.

''(3) USE OF FUNDS.—Funds collected by the Secretary as a result of the imposition of a civil money penalty under this subsection shall be used to carry out this section.

''(c) PROCEDURES FOR SUBMISSION OF INFORMATION AND PUBLIC AVAILABILITY.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—Not later than October 1, 2011, the Secretary shall establish procedures—

''(i) for applicable manufacturers and applicable group purchasing organizations to submit information to the Secretary under subsection (a); and

''(ii) for the Secretary to make such information submitted available to the public.

''(B) DEFINITION OF TERMS.—The procedures established under subparagraph (A) shall provide for the definition of terms (other than those terms defined in subsection (e)), as appropriate, for purposes of this section.

''(C) PUBLIC AVAILABILITY.—Except as provided in subparagraph (E), the procedures established under subparagraph (A)(ii) shall ensure that, not later than September 30, 2013, and on June 30 of each calendar year beginning thereafter, the information submitted under subsection (a) with respect to the preceding calendar year is made available through an Internet website that—

''(i) is searchable and is in a format that is clear and understandable;

''(ii) contains information that is presented by the name of the applicable manufacturer or applicable group purchasing organization, the name of the covered recipient, the business address of the covered recipient, the specialty of the covered recipient, the value of the payment or other transfer of value, the date on which the payment or other transfer of value was provided to the covered recipient, the form of the payment or other transfer of value, indicated (as appropriate) under subsection (a)(1)(A)(v), the nature of the payment or other transfer of value, indicated (as appropriate) under subsection (a)(1)(A)(vi), and the name of the covered drug, device, biological, or medical supply, as applicable;

''(iii) contains information that is able to be easily aggregated and downloaded;

''(iv) contains a description of any enforcement actions taken to carry out this section, including any penalties imposed under subsection (b), during the preceding year;

''(v) contains background information on industry-physician relationships;

''(vi) in the case of information submitted with respect to a payment or other transfer of value described in subparagraph (E)(i), lists such information separately from the other information submitted under subsection (a) and designates such separately listed information as funding for clinical research;

''(vii) contains any other information the Secretary determines would be helpful to the average consumer;

''(viii) does not contain the National Provider Identifier of the covered recipient, and

''(ix) subject to subparagraph (D), provides the applicable manufacturer, applicable group purchasing organization, or covered recipient an opportunity to review and submit corrections to the information submitted with respect to the applicable manufacturer, applicable group purchasing organization, or covered recipient, respectively, for a period of not less than 45 days prior to such information being made available to the public.

''(D) CLARIFICATION OF TIME PERIOD FOR REVIEW AND CORRECTIONS.—In no case may the 45-day period for review and submission of corrections to information under subparagraph (C)(ix) prevent such information from being made available to the public in accordance with the dates described in the matter preceding clause (i) in subparagraph (C).

''(E) DELAYED PUBLICATION FOR PAYMENTS MADE PURSUANT TO PRODUCT RESEARCH OR DEVELOPMENT AGREEMENTS AND CLINICAL INVESTIGATIONS.—

''(i) IN GENERAL.—In the case of information submitted under subsection (a) with respect to a payment or other transfer of value made to a covered recipient by an applicable manufacturer pursuant to a product research or development agreement for services furnished in connection with research on a potential new medical technology or a new application of an existing medical technology or the development of a new drug, device, biological, or medical supply, or by an applicable manufacturer in connection with a clinical investigation regarding a new drug, device, biological, or medical supply, the procedures established under subparagraph (A)(ii) shall provide that such information is made available to the public on the first date described in the matter preceding clause (i) in subparagraph (C) after the earlier of the following:

''(I) The date of the approval or clearance of the covered drug, device, biological, or medical supply by the Food and Drug Administration.

''(II) Four calendar years after the date such payment or other transfer of value was made.

''(ii) CONFIDENTIALITY OF INFORMATION PRIOR TO PUBLICATION.—Information described in clause (i) shall be considered confidential and shall not be subject to disclosure under section 552 of title 5, United States Code, or any other similar Federal, State, or local law, until on or after the date on which the information is made available to the public under such clause.

''(2) CONSULTATION.—In establishing the procedures under paragraph (1), the Secretary shall consult with the Inspector General of the Department of Health and Human Services, affected industry, consumers, consumer advocates, and other interested parties in order to ensure that the information made available to the public under such paragraph is presented in the appropriate overall context.

''(d) ANNUAL REPORTS AND RELATION TO STATE LAWS.—

''(1) ANNUAL REPORT TO CONGRESS.—Not later than April 1 of each year beginning with 2013, the Secretary shall submit to Congress a report that includes the following:

''(A) The information submitted under subsection (a) during the preceding year, aggregated for each applicable manufacturer and applicable group purchasing organization that submitted such information during such year (except, in the case of information submitted with respect to a payment or other transfer of value described in subsection (c)(1)(E)(i), such information shall be included in the first report submitted to Congress after the date on which such information is made available to the public under such subsection).

''(B) A description of any enforcement actions taken to carry out this section, including any penalties imposed under subsection (b), during the preceding year.

''(2) ANNUAL REPORTS TO STATES.—Not later than September 30, 2013 and on June 30 of each calendar year thereafter, the Secretary shall submit to States a report that includes a summary of the information submitted under subsection (a) during the preceding year with respect to covered recipients in the State (except, in the case of information submitted with respect to a payment or other transfer of value described in subsection (c)(1)(E)(i), such information shall be included in the first report submitted to States after the date on which such information is made available to the public under such subsection).

''(3) RELATION TO STATE LAWS.—

''(A) IN GENERAL.—In the case of a payment or other transfer of value provided by an applicable manufacturer that is received by a covered recipient (as defined in subsection (e)) on or after January 1, 2012, subject to subparagraph (B), the provisions of this section shall preempt any statute or regulation of a State or of a political subdivision of a State that requires an applicable manufacturer (as so defined) to disclose or report, in any format, the type of information (as described in subsection (a)) regarding such payment or other transfer of value.

''(B) NO PREEMPTION OF ADDITIONAL REQUIREMENTS.—Subparagraph (A) shall not preempt any statute or regulation of a State or of a political subdivision of a State that requires the disclosure or reporting of information—

''(i) not of the type required to be disclosed or reported under this section;

''(ii) described in subsection (e)(10)(B), except in the case of information described in clause (i) of such subsection;

''(iii) by any person or entity other than an applicable manufacturer (as so defined) or a covered recipient (as defined in subsection (e)); or

''(iv) to a Federal, State, or local governmental agency for public health surveillance, investigation, or other public health purposes or health oversight purposes.

''(C) Nothing in subparagraph (A) shall be construed to limit the discovery or admissibility of information described in such subparagraph in a criminal, civil, or administrative proceeding.

''(4) CONSULTATION.—The Secretary shall consult with the Inspector General of the Department of Health and Human Services on the implementation of this section.

''(e) DEFINITIONS.—In this section:

''(1) APPLICABLE GROUP PURCHASING ORGANIZATION.—The term 'applicable group purchasing organization' means a group purchasing organization (as defined by the Secretary) that purchases, arranges for, or negotiates the purchase of a covered drug, device, biological, or medical supply which is operating in the United States, or in a territory, possession, or commonwealth of the United States.

''(2) APPLICABLE MANUFACTURER.—The term 'applicable manufacturer' means a manufacturer of a covered drug, device, biological, or medical supply which is operating in the United States, or in a territory, possession, or commonwealth of the United States.

''(3) CLINICAL INVESTIGATION.—The term 'clinical investigation' means any experiment involving 1 or more human subjects, or materials derived from human subjects, in which a drug or device is administered, dispensed, or used.

''(4) COVERED DEVICE.—The term 'covered device' means any device for which payment is available under title XVIII or a State plan under title XIX or XXI (or a waiver of such a plan).

''(5) COVERED DRUG, DEVICE, BIOLOGICAL, OR MEDICAL SUPPLY.—The term 'covered drug, device, biological, or medical supply' means any drug, biological product, device, or medical supply for which payment is available under title XVIII or a State plan under title XIX or XXI (or a waiver of such a plan).

''(6) COVERED RECIPIENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'covered recipient' means the following:

''(i) A physician.

''(ii) A teaching hospital.

''(B) EXCLUSION.—Such term does not include a physician who is an employee of the applicable manufacturer that is required to submit information under subsection (a).

''(7) EMPLOYEE.—The term 'employee' has the meaning given such term in section 1877(h)(2).

''(8) KNOWINGLY.—The term 'knowingly' has the meaning given such term in section 3729(b) of title 31, United States Code.

''(9) MANUFACTURER OF A COVERED DRUG, DEVICE, BIOLOGICAL, OR MEDICAL SUPPLY.—The term 'manufacturer of a covered drug, device, biological, or medical supply' means any entity which is engaged in the production, preparation, propagation, compounding, or conversion of a covered drug, device, biological, or medical supply (or any entity under common ownership with such entity which provides assistance or support to such entity with respect to the production, preparation, propagation, compounding, conversion, marketing, promotion, sale, or distribution of a covered drug, device, biological, or medical supply).

''(10) PAYMENT OR OTHER TRANSFER OF VALUE.—

''(A) IN GENERAL.—The term 'payment or other transfer of value' means a transfer of anything of value. Such term does not include a transfer of anything of value that is made indirectly to a covered recipient through a third party in connection with an activity or service in the case where the applicable manufacturer is unaware of the identity of the covered recipient.

''(B) EXCLUSIONS.—An applicable manufacturer shall not be required to submit information under subsection (a) with respect to the following:

''(i) A transfer of anything the value of which is less than $10, unless the aggregate amount transferred to, requested by, or designated on behalf of the covered recipient by the applicable manufacturer during the calendar year exceeds $100. For calendar years after 2012, the dollar amounts specified in the preceding sentence shall be increased by the same percentage as the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 12-month period ending with June of the previous year.

''(ii) Product samples that are not intended to be sold and are intended for patient use.

''(iii) Educational materials that directly benefit patients or are intended for patient use.

''(iv) The loan of a covered device for a short-term trial period, not to exceed 90 days, to permit evaluation of the covered device by the covered recipient.

''(v) Items or services provided under a contractual warranty, including the replacement of a covered device, where the terms of the warranty are set forth in the purchase or lease agreement for the covered device.

''(vi) A transfer of anything of value to a covered recipient when the covered recipient is a patient and not acting in the professional capacity of a covered recipient.

''(vii) Discounts (including rebates).

''(viii) In-kind items used for the provision of charity care.

''(ix) A dividend or other profit distribution from, or ownership or investment interest in, a publicly traded security and mutual fund (as described in section 1877(c)).

''(x) In the case of an applicable manufacturer who offers a self-insured plan, payments for the provision of health care to employees under the plan.

''(xi) In the case of a covered recipient who is a licensed non-medical professional, a transfer of anything of value to the covered recipient if the transfer is payment solely for the non-medical professional services of such licensed non-medical professional.

''(xii) In the case of a covered recipient who is a physician, a transfer of anything of value to the covered recipient if the transfer is payment solely for the services of the covered recipient with respect to a civil or criminal action or an administrative proceeding.

''(11) PHYSICIAN.—The term 'physician' has the meaning given that term in section 1861(r).''.

SEC. 6003. DISCLOSURE REQUIREMENTS FOR IN-OFFICE ANCILLARY SERVICES EXCEPTION TO THE PROHIBITION ON PHYSICIAN SELF-REFERRAL FOR CERTAIN IMAGING SERVICES.

(a) IN GENERAL.—Section 1877(b)(2) of the Social Security Act (42 U.S.C. 1395nn(b)(2)) is amended by adding at the end the following new sentence: ''Such requirements shall, with respect to magnetic resonance imaging, computed tomography, positron emission tomography, and any other designated health services specified under subsection (h)(6)(D) that the Secretary determines appropriate, include a requirement that the referring physician inform the individual in writing at the time of the referral that the individual may obtain the services for which the individual is being referred from a person other than a person described in subparagraph (A)(i) and provide such individual with a written list of suppliers (as defined in section 1861(d)) who furnish such services in the area in which such individual resides.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to services furnished on or after January 1, 2010.

SEC. 6004. PRESCRIPTION DRUG SAMPLE TRANSPARENCY.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 6002, is amended by inserting after section 1128G the following new section:

''SEC. 1128H. REPORTING OF INFORMATION RELATING TO DRUG SAMPLES.

''(a) IN GENERAL.—Not later than April 1 of each year (beginning with 2012), each manufacturer and authorized distributor of record of an applicable drug shall submit to the Secretary (in a form and manner specified by the Secretary) the following information with respect to the preceding year:

''(1) In the case of a manufacturer or authorized distributor of record which makes distributions by mail or common carrier under subsection (d)(2) of section 503 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353), the identity and quantity of drug samples requested and the identity and quantity of drug samples distributed under such subsection during that year, aggregated by—

''(A) the name, address, professional designation, and signature of the practitioner making the request under subparagraph (A)(i) of such subsection, or of any individual who makes or signs for the request on behalf of the practitioner; and

''(B) any other category of information determined appropriate by the Secretary.

''(2) In the case of a manufacturer or authorized distributor of record which makes distributions by means other than mail or common carrier under subsection (d)(3) of such section 503, the identity and quantity of drug samples requested and the identity and quantity of drug samples distributed under such subsection during that year, aggregated by—

''(A) the name, address, professional designation, and signature of the practitioner making the request under subparagraph (A)(i) of such subsection, or of any individual who makes or signs for the request on behalf of the practitioner; and

''(B) any other category of information determined appropriate by the Secretary.

''(b) DEFINITIONS.—In this section:

''(1) APPLICABLE DRUG.—The term 'applicable drug' means a drug—

''(A) which is subject to subsection (b) of such section 503; and

''(B) for which payment is available under title XVIII or a State plan under title XIX or XXI (or a waiver of such a plan).

''(2) AUTHORIZED DISTRIBUTOR OF RECORD.—The term 'authorized distributor of record' has the meaning given that term in subsection (e)(3)(A) of such section.

''(3) MANUFACTURER.—The term 'manufacturer' has the meaning given that term for purposes of subsection (d) of such section.''.

SEC. 6005. PHARMACY BENEFIT MANAGERS TRANSPARENCY REQUIREMENTS.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1150 the following new section:

''SEC. 1150A. PHARMACY BENEFIT MANAGERS TRANSPARENCY REQUIREMENTS.

''(a) PROVISION OF INFORMATION.—A health benefits plan or any entity that provides pharmacy benefits management services on behalf of a health benefits plan (in this section referred to as a 'PBM') that manages prescription drug coverage under a contract with—

''(1) a PDP sponsor of a prescription drug plan or an MA organization offering an MA–PD plan under part D of title XVIII; or

''(2) a qualified health benefits plan offered through an exchange established by a State under section 1311 of the Patient Protection and Affordable Care Act,

shall provide the information described in subsection (b) to the Secretary and, in the case of a PBM, to the plan with which the PBM is under contract with, at such times, and in such form and manner, as the Secretary shall specify.

''(b) INFORMATION DESCRIBED.—The information described in this subsection is the following with respect to services provided by a health benefits plan or PBM for a contract year:

''(1) The percentage of all prescriptions that were provided through retail pharmacies compared to mail order pharmacies, and the percentage of prescriptions for which a generic drug was available and dispensed (generic dispensing rate), by pharmacy type (which includes an independent pharmacy, chain pharmacy, supermarket pharmacy, or mass merchandiser pharmacy that is licensed as a pharmacy by the State and that dispenses medication to the general public), that is paid by the health benefits plan or PBM under the contract.

''(2) The aggregate amount, and the type of rebates, discounts, or price concessions (excluding bona fide service fees, which include but are not limited to distribution service fees, inventory management fees, product stocking allowances, and fees associated with administrative services agreements and patient care programs (such as medication compliance programs and patient education programs)) that the PBM negotiates that are attributable to patient utilization under the plan, and the aggregate amount of the rebates, discounts, or price concessions that are passed through to the plan sponsor, and the total number of prescriptions that were dispensed.

''(3) The aggregate amount of the difference between the amount the health benefits plan pays the PBM and the amount that the PBM pays retail pharmacies, and mail order pharmacies, and the total number of prescriptions that were dispensed.

''(c) CONFIDENTIALITY.—Information disclosed by a health benefits plan or PBM under this section is confidential and shall not be disclosed by the Secretary or by a plan receiving the information, except that the Secretary may disclose the information in a form which does not disclose the identity of a specific PBM, plan, or prices charged for drugs, for the following purposes:

''(1) As the Secretary determines to be necessary to carry out this section or part D of title XVIII.

''(2) To permit the Comptroller General to review the information provided.

''(3) To permit the Director of the Congressional Budget Office to review the information provided.

''(4) To States to carry out section 1311 of the Patient Protection and Affordable Care Act.

''(d) PENALTIES.—The provisions of subsection (b)(3)(C) of section 1927 shall apply to a health benefits plan or PBM that fails to provide information required under subsection (a) on a timely basis or that knowingly provides false information in the same manner as such provisions

apply to a manufacturer with an agreement under that section.''.

Subtitle B—Nursing Home Transparency and Improvement

PART I—IMPROVING TRANSPARENCY OF INFORMATION

SEC. 6101. REQUIRED DISCLOSURE OF OWNERSHIP AND ADDITIONAL DISCLOSABLE PARTIES INFORMATION.

(a) IN GENERAL.—Section 1124 of the Social Security Act (42 U.S.C. 1320a–3) is amended by adding at the end the following new subsection:

''(c) REQUIRED DISCLOSURE OF OWNERSHIP AND ADDITIONAL DISCLOSABLE PARTIES INFORMATION.—

''(1) DISCLOSURE.—A facility shall have the information described in paragraph (2) available—

''(A) during the period beginning on the date of the enactment of this subsection and ending on the date such information is made available to the public under section 6101(b) of the Patient Protection and Affordable Care Act for submission to the Secretary, the Inspector General of the Department of Health and Human Services, the State in which the facility is located, and the State long-term care ombudsman in the case where the Secretary, the Inspector General, the State, or the State long-term care ombudsman requests such information; and

''(B) beginning on the effective date of the final regulations promulgated under paragraph (3)(A), for reporting such information in accordance with such final regulations.

Nothing in subparagraph (A) shall be construed as authorizing a facility to dispose of or delete information described in such subparagraph after the effective date of the final regulations promulgated under paragraph (3)(A).

''(2) INFORMATION DESCRIBED.—

''(A) IN GENERAL.—The following information is described in this paragraph:

''(i) The information described in subsections (a) and (b), subject to subparagraph (C).

''(ii) The identity of and information on—

''(I) each member of the governing body of the facility, including the name, title, and period of service of each such member;

''(II) each person or entity who is an officer, director, member, partner, trustee, or managing employee of the facility, including the name, title, and period of service of each such person or entity; and

''(III) each person or entity who is an additional disclosable party of the facility.

''(iii) The organizational structure of each additional disclosable party of the facility and a description of the relationship of each such additional disclosable party to the facility and to one another.

''(B) SPECIAL RULE WHERE INFORMATION IS ALREADY REPORTED OR SUBMITTED.—To the extent that information reported by a facility to the Internal Revenue Service on Form 990, information submitted by a facility to the Securities and Exchange Commission, or information otherwise submitted to the Secretary or any other Federal agency contains the information described in clauses (i), (ii), or (iii) of subparagraph (A), the facility may provide such Form or such information submitted to meet the requirements of paragraph (1).

''(C) SPECIAL RULE.—In applying subparagraph (A)(i)—

''(i) with respect to subsections (a) and (b), 'ownership or control interest' shall include direct or indirect interests, including such interests in intermediate entities; and

''(ii) subsection (a)(3)(A)(ii) shall include the owner of a whole or part interest in any mortgage, deed of trust, note, or other obligation secured, in whole or in part, by the entity or any of the property or assets thereof, if the interest is equal to or exceeds 5 percent of the total property or assets of the entirety.

''(3) REPORTING.—

''(A) IN GENERAL.—Not later than the date that is 2 years after the date of the enactment of this subsection, the Secretary shall promulgate final regulations requiring, effective on the date that is 90 days after the date on which such final regulations are published in the Federal Register, a facility to report the information described in paragraph (2) to the Secretary in a standardized format, and such other regulations as are necessary to carry out this subsection. Such final regulations shall ensure that the facility certifies, as a condition of participation and payment under the program under title XVIII or XIX, that the information reported by the facility in accordance with such final regulations is, to the best of the facility's knowledge, accurate and current.

''(B) GUIDANCE.—The Secretary shall provide guidance and technical assistance to States on how to adopt the standardized format under subparagraph (A).

''(4) NO EFFECT ON EXISTING REPORTING REQUIREMENTS.—Nothing in this subsection shall reduce, diminish, or alter any reporting requirement for a facility that is in effect as of the date of the enactment of this subsection.

''(5) DEFINITIONS.—In this subsection:

''(A) ADDITIONAL DISCLOSABLE PARTY.—The term 'additional disclosable party' means, with respect to a facility, any person or entity who—

''(i) exercises operational, financial, or managerial control over the facility or a part thereof, or provides policies or procedures for any of the operations of the facility, or provides financial or cash management services to the facility;

''(ii) leases or subleases real property to the facility, or owns a whole or part interest equal to or exceeding 5 percent of the total value of such real property; or

''(iii) provides management or administrative services, management or clinical consulting services, or accounting or financial services to the facility.

''(B) FACILITY.—The term 'facility' means a disclosing entity which is—

''(i) a skilled nursing facility (as defined in section 1819(a)); or

''(ii) a nursing facility (as defined in section 1919(a)).

''(C) MANAGING EMPLOYEE.—The term 'managing employee' means, with respect to a facility, an individual (including a general manager, business manager, administrator, director, or consultant) who directly or indirectly manages, advises, or supervises any element of the practices, finances, or operations of the facility.

''(D) ORGANIZATIONAL STRUCTURE.—The term 'organizational structure' means, in the case of—

''(i) a corporation, the officers, directors, and shareholders of the corporation who have an ownership interest in the corporation which is equal to or exceeds 5 percent;

''(ii) a limited liability company, the members and managers of the limited liability company (including, as applicable, what percentage each member and manager has of the ownership interest in the limited liability company);

''(iii) a general partnership, the partners of the general partnership;

''(iv) a limited partnership, the general partners and any limited partners of the limited partnership who have an ownership interest in the limited partnership which is equal to or exceeds 10 percent;

''(v) a trust, the trustees of the trust;

''(vi) an individual, contact information for the individual; and

''(vii) any other person or entity, such information as the Secretary determines appropriate.''.

(b) PUBLIC AVAILABILITY OF INFORMATION.—Not later than the date that is 1 year after the date on which the final regulations promulgated under section 1124(c)(3)(A) of the Social Security Act, as added by subsection (a), are published in the Federal Register, the Secretary of Health and Human Services shall make the information reported in accordance with such final regulations available to the public in accordance with procedures established by the Secretary.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—

(A) SKILLED NURSING FACILITIES.—Section 1819(d)(1) of the Social Security Act (42 U.S.C. 1395i–3(d)(1)) is amended by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(B) NURSING FACILITIES.—Section 1919(d)(1) of the Social Security Act (42 U.S.C. 1396r(d)(1)) is amended by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date on which the Secretary makes the information described in subsection (b)(1) available to the public under such subsection.

SEC. 6102. ACCOUNTABILITY REQUIREMENTS FOR SKILLED NURSING FACILITIES AND NURSING FACILITIES.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by sections 6002 and 6004, is amended by inserting after section 1128H the following new section:

''SEC. 1128I. ACCOUNTABILITY REQUIREMENTS FOR FACILITIES.

''(a) DEFINITION OF FACILITY.—In this section, the term 'facility' means—

''(1) a skilled nursing facility (as defined in section 1819(a)); or

''(2) a nursing facility (as defined in section 1919(a)).

''(b) EFFECTIVE COMPLIANCE AND ETHICS PROGRAMS.—

''(1) REQUIREMENT.—On or after the date that is 36 months after the date of the enactment of this section, a facility shall, with respect to the entity that operates the facility (in this subparagraph referred to as the 'operating organization' or 'organization'), have in operation a compliance and ethics program that is effective in preventing and detecting criminal, civil, and administrative violations under this Act and in promoting quality of care consistent with regulations developed under paragraph (2).

''(2) DEVELOPMENT OF REGULATIONS.—

''(A) IN GENERAL.—Not later than the date that is 2 years after such date of the enactment, the Secretary, working jointly with the Inspector General of the Department of Health and Human Services, shall promulgate regulations for an effective compliance and ethics program for operating organizations, which may include a model compliance program.

''(B) DESIGN OF REGULATIONS.—Such regulations with respect to specific elements or formality of a program shall, in the case of an organization that operates 5 or more facilities, vary with the size of the organization, such that larger organizations should have a more formal program and include established written policies defining the standards and procedures to be followed by its employees. Such requirements may specifically apply to the corporate level management of multi unit nursing home chains.

''(C) EVALUATION.—Not later than 3 years after the date of the promulgation of regulations under this paragraph, the Secretary shall complete an evaluation of the compliance and ethics programs required to be established under this subsection. Such evaluation shall determine if such programs led to changes in deficiency citations, changes in quality performance, or changes in other metrics of patient quality of care. The Secretary shall submit to Congress a report on such evaluation and shall include in such report such recommendations regarding changes in the requirements for such programs as the Secretary determines appropriate.

''(3) REQUIREMENTS FOR COMPLIANCE AND ETHICS PROGRAMS.—In this subsection, the term 'compliance and ethics program' means, with respect to a facility, a program of the operating organization that—

''(A) has been reasonably designed, implemented, and enforced so that it generally will be effective in preventing and detecting criminal, civil, and administrative violations under this Act and in promoting quality of care; and

''(B) includes at least the required components specified in paragraph (4).

''(4) REQUIRED COMPONENTS OF PROGRAM.—The required components of a compliance and ethics program of an operating organization are the following:

''(A) The organization must have established compliance standards and procedures to be followed by its employees and other agents that are reasonably capable of reducing the prospect of criminal, civil, and administrative violations under this Act.

''(B) Specific individuals within high-level personnel of the organization must have been assigned overall responsibility to oversee compliance with such standards and procedures and have sufficient resources and authority to assure such compliance.

''(C) The organization must have used due care not to delegate substantial discretionary authority to individuals whom the organization knew, or should have known through the exercise of due diligence, had a propensity to engage in criminal, civil, and administrative violations under this Act.

''(D) The organization must have taken steps to communicate effectively its standards and procedures to all employees and other agents, such as by requiring participation in training programs or by disseminating publications that explain in a practical manner what is required.

''(E) The organization must have taken reasonable steps to achieve compliance with its standards, such as by utilizing monitoring and auditing systems reasonably designed to detect criminal, civil, and administrative violations under this Act by its employees and other agents and by having in place and publicizing a reporting system whereby employees and other agents could report violations by others within the organization without fear of retribution.

''(F) The standards must have been consistently enforced through appropriate disciplinary mechanisms, including, as appropriate, discipline of individuals responsible for the failure to detect an offense.

''(G) After an offense has been detected, the organization must have taken all reasonable steps to respond appropriately to the offense and to prevent further similar offenses, including any necessary modification to its program to prevent and detect criminal, civil, and administrative violations under this Act.

''(H) The organization must periodically undertake reassessment of its compliance program to identify changes necessary to reflect changes within the organization and its facilities.

''(c) QUALITY ASSURANCE AND PERFORMANCE IMPROVEMENT PROGRAM.—

''(1) IN GENERAL.—Not later than December 31, 2011, the Secretary shall establish and implement a quality assurance and performance improvement program (in this subparagraph referred to as the 'QAPI program') for facilities, including multi unit chains of facilities. Under the QAPI program, the Secretary shall establish standards relating to quality assurance and performance improvement with respect to facilities and provide technical assistance to facilities on the development of best practices in order to meet such standards. Not later than 1 year after the date on which the regulations are promulgated under paragraph (2), a facility must submit to the Secretary a plan for the facility to meet such standards and implement such best practices, including how to coordinate the implementation of such plan with quality assessment and assurance activities conducted under sections 1819(b)(1)(B) and 1919(b)(1)(B), as applicable.

''(2) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection.''.

SEC. 6103. NURSING HOME COMPARE MEDICARE WEBSITE.

(a) SKILLED NURSING FACILITIES.—

(1) IN GENERAL.—Section 1819 of the Social Security Act (42 U.S.C. 1395i–3) is amended—

(A) by redesignating subsection (i) as subsection (j); and

(B) by inserting after subsection (h) the following new subsection:

''(i) NURSING HOME COMPARE WEBSITE.—

''(1) INCLUSION OF ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—The Secretary shall ensure that the Department of Health and Human Services includes, as part of the information provided for comparison of nursing homes on the official Internet website of the Federal Government for Medicare beneficiaries (commonly referred to as the 'Nursing Home Compare' Medicare website) (or a successor website), the following information in a manner that is prominent, updated on a timely basis, easily accessible, readily understandable to consumers of long-term care services, and searchable:

''(i) Staffing data for each facility (including resident census data and data on the hours of care provided per resident per day) based on data submitted under section 1128I(g), including information on staffing turnover and tenure, in a format that is clearly understandable to consumers of long-term care services and allows such consumers to compare differences in staffing between facilities and State and national averages for the facilities. Such format shall include—

''(I) concise explanations of how to interpret the data (such as a plain English explanation of data reflecting 'nursing home staff hours per resident day');

''(II) differences in types of staff (such as training associated with different categories of staff);

''(III) the relationship between nurse staffing levels and quality of care; and

''(IV) an explanation that appropriate staffing levels vary based on patient case mix.

''(ii) Links to State Internet websites with information regarding State survey and certification programs, links to Form 2567 State inspection reports (or a successor form) on such websites, information to guide consumers in how to interpret and understand such reports, and the facility plan of correction or other response to such report. Any such links shall be posted on a timely basis.

''(iii) The standardized complaint form developed under section 1128I(f), including explanatory material on what complaint forms are, how they are used, and how to file a complaint with the State survey and certification program and the State long-term care ombudsman program.

''(iv) Summary information on the number, type, severity, and outcome of substantiated complaints.

''(v) The number of adjudicated instances of criminal violations by a facility or the employees of a facility—

''(I) that were committed inside the facility;

''(II) with respect to such instances of violations or crimes committed inside of the facility that were the violations or crimes of abuse, neglect, and exploitation, criminal sexual abuse, or other violations or crimes that resulted in serious bodily injury; and

''(III) the number of civil monetary penalties levied against the facility, employees, contractors, and other agents.

''(B) DEADLINE FOR PROVISION OF INFORMATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall ensure that the information described in subparagraph (A) is included on such website (or a successor website) not later than 1 year after the date of the enactment of this subsection.

''(ii) EXCEPTION.—The Secretary shall ensure that the information described in subparagraph (A)(i) is included on such website (or a successor website) not later than the date on which the requirements under section 1128I(g) are implemented.

''(2) REVIEW AND MODIFICATION OF WEBSITE.—

''(A) IN GENERAL.—The Secretary shall establish a process—

''(i) to review the accuracy, clarity of presentation, timeliness, and comprehensiveness of information reported on such website as of the day before the date of the enactment of this subsection; and

''(ii) not later than 1 year after the date of the enactment of this subsection, to modify or revamp such website in accordance with the review conducted under clause (i).

''(B) CONSULTATION.—In conducting the review under subparagraph (A)(i), the Secretary shall consult with—

''(i) State long-term care ombudsman programs;

''(ii) consumer advocacy groups;

''(iii) provider stakeholder groups; and

''(iv) any other representatives of programs or groups the Secretary determines appropriate.''.

(2) TIMELINESS OF SUBMISSION OF SURVEY AND CERTIFICATION INFORMATION.—

(A) IN GENERAL.—Section 1819(g)(5) of the Social Security Act (42 U.S.C. 1395i–3(g)(5)) is amended by adding at the end the following new subparagraph:

''(E) SUBMISSION OF SURVEY AND CERTIFICATION INFORMATION TO THE SECRETARY.—In order to improve the timeliness of information made available to the public under subparagraph (A) and provided on the Nursing Home Compare Medicare website under subsection (i), each State shall submit information respecting any survey or certification made respecting a skilled nursing facility (including any enforcement actions taken by the State) to the Secretary not later than the date on which the State sends such information to the facility. The Secretary shall use the information submitted under the preceding sentence to update the information provided on the Nursing Home Compare Medicare website as expeditiously as practicable but not less frequently than quarterly.''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect 1 year after the date of the enactment of this Act.

(3) SPECIAL FOCUS FACILITY PROGRAM.—Section 1819(f) of the Social Security Act (42 U.S.C. 1395i–3(f)) is amended by adding at the end the following new paragraph:

''(8) SPECIAL FOCUS FACILITY PROGRAM.—

''(A) IN GENERAL.—The Secretary shall conduct a special focus facility program for enforcement of requirements for skilled nursing facilities that the Secretary has identified as having substantially failed to meet applicable requirement of this Act.

''(B) PERIODIC SURVEYS.—Under such program the Secretary shall conduct surveys of each facility in the program not less than once every 6 months.''.

(b) NURSING FACILITIES.—

(1) IN GENERAL.—Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended—

(A) by redesignating subsection (i) as subsection (j); and

(B) by inserting after subsection (h) the following new subsection:

''(i) NURSING HOME COMPARE WEBSITE.—

''(1) INCLUSION OF ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—The Secretary shall ensure that the Department of Health and Human Services includes, as part of the information provided for comparison of nursing homes on the official Internet website of the Federal Government for Medicare beneficiaries (commonly referred to as the 'Nursing Home Compare' Medicare website) (or a successor website), the following information in a manner that is prominent, updated on a timely basis, easily accessible, readily understandable to consumers of long-term care services, and searchable:

''(i) Staffing data for each facility (including resident census data and data on the hours of care provided per resident per day) based on data submitted under section 1128I(g), including information on staffing turnover and tenure, in a format that is clearly understandable to consumers of long-term care services and allows such consumers to compare differences in staffing between facilities and State and national

averages for the facilities. Such format shall include—

''(I) concise explanations of how to interpret the data (such as plain English explanation of data reflecting 'nursing home staff hours per resident day');

''(II) differences in types of staff (such as training associated with different categories of staff);

''(III) the relationship between nurse staffing levels and quality of care; and

''(IV) an explanation that appropriate staffing levels vary based on patient case mix.

''(ii) Links to State Internet websites with information regarding State survey and certification programs, links to Form 2567 State inspection reports (or a successor form) on such websites, information to guide consumers in how to interpret and understand such reports, and the facility plan of correction or other response to such report. Any such links shall be posted on a timely basis.

''(iii) The standardized complaint form developed under section 1128I(f), including explanatory material on what complaint forms are, how they are used, and how to file a complaint with the State survey and certification program and the State long-term care ombudsman program.

''(iv) Summary information on the number, type, severity, and outcome of substantiated complaints.

''(v) The number of adjudicated instances of criminal violations by a facility or the employees of a facility—

''(I) that were committed inside of the facility; and

''(II) with respect to such instances of violations or crimes committed outside of the facility, that were violations or crimes that resulted in the serious bodily injury of an elder.

''(B) DEADLINE FOR PROVISION OF INFORMATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall ensure that the information described in subparagraph (A) is included on such website (or a successor website) not later than 1 year after the date of the enactment of this subsection.

''(ii) EXCEPTION.—The Secretary shall ensure that the information described in subparagraph (A)(i) is included on such website (or a successor website) not later than the date on which the requirements under section 1128I(g) are implemented.

''(2) REVIEW AND MODIFICATION OF WEBSITE.—

''(A) IN GENERAL.—The Secretary shall establish a process—

''(i) to review the accuracy, clarity of presentation, timeliness, and comprehensiveness of information reported on such website as of the day before the date of the enactment of this subsection; and

''(ii) not later than 1 year after the date of the enactment of this subsection, to modify or revamp such website in accordance with the review conducted under clause (i).

''(B) CONSULTATION.—In conducting the review under subparagraph (A)(i), the Secretary shall consult with—

''(i) State long-term care ombudsman programs;

''(ii) consumer advocacy groups;

''(iii) provider stakeholder groups;

''(iv) skilled nursing facility employees and their representatives; and

''(v) any other representatives of programs or groups the Secretary determines appropriate.''.

(2) TIMELINESS OF SUBMISSION OF SURVEY AND CERTIFICATION INFORMATION.—

(A) IN GENERAL.—Section 1919(g)(5) of the Social Security Act (42 U.S.C. 1396r(g)(5)) is amended by adding at the end the following new subparagraph:

''(E) SUBMISSION OF SURVEY AND CERTIFICATION INFORMATION TO THE SECRETARY.—In order to improve the timeliness of information made available to the public under subparagraph (A) and provided on the Nursing Home Compare Medicare website under subsection (i), each State shall submit information respecting any survey or certification made respecting a nursing facility (including any enforcement actions taken by the State) to the Secretary not later than the date on which the State sends such information to the facility. The Secretary shall use the information submitted under the preceding sentence to update the information provided on the Nursing Home Compare Medicare website as expeditiously as practicable but not less frequently than quarterly.''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect 1 year after the date of the enactment of this Act.

(3) SPECIAL FOCUS FACILITY PROGRAM.—Section 1919(f) of the Social Security Act (42 U.S.C. 1396r(f)) is amended by adding at the end of the following new paragraph:

''(10) SPECIAL FOCUS FACILITY PROGRAM.—

''(A) IN GENERAL.—The Secretary shall conduct a special focus facility program for enforcement of requirements for nursing facilities that the Secretary has identified as having substantially failed to meet applicable requirements of this Act.

''(B) PERIODIC SURVEYS.—Under such program the Secretary shall conduct surveys of each facility in the program not less often than once every 6 months.''.

(c) AVAILABILITY OF REPORTS ON SURVEYS, CERTIFICATIONS, AND COMPLAINT INVESTIGATIONS.—

(1) SKILLED NURSING FACILITIES.—Section 1819(d)(1) of the Social Security Act (42 U.S.C. 1395i–3(d)(1)), as amended by section 6101, is amended by adding at the end the following new subparagraph:

''(C) AVAILABILITY OF SURVEY, CERTIFICATION, AND COMPLAINT INVESTIGATION REPORTS.—A skilled nursing facility must—

''(i) have reports with respect to any surveys, certifications, and complaint investigations made respecting the facility during the 3 preceding years available for any individual to review upon request; and

''(ii) post notice of the availability of such reports in areas of the facility that are prominent and accessible to the public.

The facility shall not make available under clause (i) identifying information about complainants or residents.''.

(2) NURSING FACILITIES.—Section 1919(d)(1) of the Social Security Act (42 U.S.C. 1396r(d)(1)), as amended by section 6101, is amended by adding at the end the following new subparagraph:

''(V) AVAILABILITY OF SURVEY, CERTIFICATION, AND COMPLAINT INVESTIGATION REPORTS.—A nursing facility must—

''(i) have reports with respect to any surveys, certifications, and complaint investigations made respecting the facility during the 3 preceding years available for any individual to review upon request; and

''(ii) post notice of the availability of such reports in areas of the facility that are prominent and accessible to the public.

The facility shall not make available under clause (i) identifying information about complainants or residents.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 1 year after the date of the enactment of this Act.

(d) GUIDANCE TO STATES ON FORM 2567 STATE INSPECTION REPORTS AND COMPLAINT INVESTIGATION REPORTS.—

(1) GUIDANCE.—The Secretary of Health and Human Services (in this subtitle referred to as the ''Secretary'') shall provide guidance to States on how States can establish electronic links to Form 2567 State inspection reports (or a successor form), complaint investigation reports, and a facility's plan of correction or other response to such Form 2567 State inspection reports (or a successor form) on the Internet website of the State that provides information on skilled nursing facilities and nursing facilities and the Secretary shall, if possible, include such information on Nursing Home Compare.

(2) REQUIREMENT.—Section 1902(a)(9) of the Social Security Act (42 U.S.C. 1396a(a)(9)) is amended—

(A) by striking ''and'' at the end of subparagraph (B);

(B) by striking the semicolon at the end of subparagraph (C) and inserting '', and''; and

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

''(D) that the State maintain a consumer-oriented website providing useful information to consumers regarding all skilled nursing facilities and all nursing facilities in the State, including for each facility, Form 2567 State inspection reports (or a successor form), complaint investigation reports, the facility's plan of correction, and such other information that the State or the Secretary considers useful in assisting the public to assess the quality of long term care options and the quality of care provided by individual facilities;''.

(3) DEFINITIONS.—In this subsection:

(A) NURSING FACILITY.—The term ''nursing facility'' has the meaning given such term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

(B) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(C) SKILLED NURSING FACILITY.—The term ''skilled nursing facility'' has the meaning given such term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

(e) DEVELOPMENT OF CONSUMER RIGHTS INFORMATION PAGE ON NURSING HOME COMPARE WEBSITE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall ensure that the Department of Health and Human Services, as part of the information provided for comparison of nursing facilities on the Nursing Home Compare Medicare website develops and includes a consumer rights information page that contains links to descriptions of, and information with respect to, the following:

(1) The documentation on nursing facilities that is available to the public.

(2) General information and tips on choosing a nursing facility that meets the needs of the individual.

(3) General information on consumer rights with respect to nursing facilities.

(4) The nursing facility survey process (on a national and State-specific basis).

(5) On a State-specific basis, the services available through the State long-term care ombudsman for such State.

SEC. 6104. REPORTING OF EXPENDITURES.

Section 1888 of the Social Security Act (42 U.S.C. 1395yy) is amended by adding at the end the following new subsection:

''(f) REPORTING OF DIRECT CARE EXPENDITURES.—

''(1) IN GENERAL.—For cost reports submitted under this title for cost reporting periods beginning on or after the date that is 2 years after the date of the enactment of this subsection, skilled nursing facilities shall separately report expenditures for wages and benefits for direct care staff (breaking out (at a minimum) registered nurses, licensed professional nurses, certified nurse assistants, and other medical and therapy staff).

''(2) MODIFICATION OF FORM.—The Secretary, in consultation with private sector accountants experienced with Medicare and Medicaid nursing facility home cost reports, shall redesign such reports to meet the requirement of paragraph (1) not later than 1 year after the date of the enactment of this subsection.

''(3) CATEGORIZATION BY FUNCTIONAL ACCOUNTS.—Not later than 30 months after the date of the enactment of this subsection, the Secretary, working in consultation with the Medicare Payment Advisory Commission, the Medicaid and CHIP Payment and Access Commission, the Inspector General of the Department of Health and Human Services, and other expert parties the Secretary determines appropriate, shall take the expenditures listed on cost

reports, as modified under paragraph (1), submitted by skilled nursing facilities and categorize such expenditures, regardless of any source of payment for such expenditures, for each skilled nursing facility into the following functional accounts on an annual basis:

''(A) Spending on direct care services (including nursing, therapy, and medical services).

''(B) Spending on indirect care (including housekeeping and dietary services).

''(C) Capital assets (including building and land costs).

''(D) Administrative services costs.

''(4) AVAILABILITY OF INFORMATION SUBMITTED.—The Secretary shall establish procedures to make information on expenditures submitted under this subsection readily available to interested parties upon request, subject to such requirements as the Secretary may specify under the procedures established under this paragraph.''.

SEC. 6105. STANDARDIZED COMPLAINT FORM.

(a) IN GENERAL.—Section 1128I of the Social Security Act, as added and amended by this Act, is amended by adding at the end the following new subsection:

''(f) STANDARDIZED COMPLAINT FORM.—

''(1) DEVELOPMENT BY THE SECRETARY.—The Secretary shall develop a standardized complaint form for use by a resident (or a person acting on the resident's behalf) in filing a complaint with a State survey and certification agency and a State long-term care ombudsman program with respect to a facility.

''(2) COMPLAINT FORMS AND RESOLUTION PROCESSES.—

''(A) COMPLAINT FORMS.—The State must make the standardized complaint form developed under paragraph (1) available upon request to—

''(i) a resident of a facility; and

''(ii) any person acting on the resident's behalf.

''(B) COMPLAINT RESOLUTION PROCESS.—The State must establish a complaint resolution process in order to ensure that the legal representative of a resident of a facility or other responsible party is not denied access to such resident or otherwise retaliated against if they have complained about the quality of care provided by the facility or other issues relating to the facility. Such complaint resolution process shall include—

''(i) procedures to assure accurate tracking of complaints received, including notification to the complainant that a complaint has been received;

''(ii) procedures to determine the likely severity of a complaint and for the investigation of the complaint; and

''(iii) deadlines for responding to a complaint and for notifying the complainant of the outcome of the investigation.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as preventing a resident of a facility (or a person acting on the resident's behalf) from submitting a complaint in a manner or format other than by using the standardized complaint form developed under paragraph (1) (including submitting a complaint orally).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 6106. ENSURING STAFFING ACCOUNTABILITY.

Section 1128I of the Social Security Act, as added and amended by this Act, is amended by adding at the end the following new subsection:

''(g) SUBMISSION OF STAFFING INFORMATION BASED ON PAYROLL DATA IN A UNIFORM FORMAT.—Beginning not later than 2 years after the date of the enactment of this subsection, and after consulting with State long-term care ombudsman programs, consumer advocacy groups, provider stakeholder groups, employees and their representatives, and other parties the Secretary deems appropriate, the Secretary shall require a facility to electronically submit to the Secretary direct care staffing information (including information with respect to agency and contract staff) based on payroll and other verifiable and auditable data in a uniform format (according to specifications established by the Secretary in consultation with such programs, groups, and parties). Such specifications shall require that the information submitted under the preceding sentence—

''(1) specify the category of work a certified employee performs (such as whether the employee is a registered nurse, licensed practical nurse, licensed vocational nurse, certified nursing assistant, therapist, or other medical personnel);

''(2) include resident census data and information on resident case mix;

''(3) include a regular reporting schedule; and

''(4) include information on employee turnover and tenure and on the hours of care provided by each category of certified employees referenced in paragraph (1) per resident per day.

Nothing in this subsection shall be construed as preventing the Secretary from requiring submission of such information with respect to specific categories, such as nursing staff, before other categories of certified employees. Information under this subsection with respect to agency and contract staff shall be kept separate from information on employee staffing.''.

SEC. 6107. GAO STUDY AND REPORT ON FIVE-STAR QUALITY RATING SYSTEM.

(a) STUDY.—The Comptroller General of the United States (in this section referred to as the ''Comptroller General'') shall conduct a study on the Five-Star Quality Rating System for nursing homes of the Centers for Medicare & Medicaid Services. Such study shall include an analysis of—

(1) how such system is being implemented;

(2) any problems associated with such system or its implementation; and

(3) how such system could be improved.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

PART II—TARGETING ENFORCEMENT

SEC. 6111. CIVIL MONEY PENALTIES.

(a) SKILLED NURSING FACILITIES.—

(1) IN GENERAL.—Section 1819(h)(2)(B)(ii) of the Social Security Act (42 U.S.C. 1395i–3(h)(2)(B)(ii)) is amended—

(A) by striking ''PENALTIES.—The Secretary'' and inserting ''PENALTIES.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary''; and

(B) by adding at the end the following new subclauses:

''(II) REDUCTION OF CIVIL MONEY PENALTIES IN CERTAIN CIRCUMSTANCES.—Subject to subclause (III), in the case where a facility self-reports and promptly corrects a deficiency for which a penalty was imposed under this clause not later than 10 calendar days after the date of such imposition, the Secretary may reduce the amount of the penalty imposed by not more than 50 percent.

''(III) PROHIBITIONS ON REDUCTION FOR CERTAIN DEFICIENCIES.—

''(aa) REPEAT DEFICIENCIES.—The Secretary may not reduce the amount of a penalty under subclause (II) if the Secretary had reduced a penalty imposed on the facility in the preceding year under such subclause with respect to a repeat deficiency.

''(bb) CERTAIN OTHER DEFICIENCIES.—The Secretary may not reduce the amount of a penalty under subclause (II) if the penalty is imposed on the facility for a deficiency that is found to result in a pattern of harm or widespread harm, immediately jeopardizes the health or safety of a resident or residents of the facility, or results in the death of a resident of the facility.

''(IV) COLLECTION OF CIVIL MONEY PENALTIES.—In the case of a civil money penalty imposed under this clause, the Secretary shall issue regulations that—

''(aa) subject to item (cc), not later than 30 days after the imposition of the penalty, provide for the facility to have the opportunity to participate in an independent informal dispute resolution process which generates a written record prior to the collection of such penalty;

''(bb) in the case where the penalty is imposed for each day of noncompliance, provide that a penalty may not be imposed for any day during the period beginning on the initial day of the imposition of the penalty and ending on the day on which the informal dispute resolution process under item (aa) is completed;

''(cc) may provide for the collection of such civil money penalty and the placement of such amounts collected in an escrow account under the direction of the Secretary on the earlier of the date on which the informal dispute resolution process under item (aa) is completed or the date that is 90 days after the date of the imposition of the penalty;

''(dd) may provide that such amounts collected are kept in such account pending the resolution of any subsequent appeals;

''(ee) in the case where the facility successfully appeals the penalty, may provide for the return of such amounts collected (plus interest) to the facility; and

''(ff) in the case where all such appeals are unsuccessful, may provide that some portion of such amounts collected may be used to support activities that benefit residents, including assistance to support and protect residents of a facility that closes (voluntarily or involuntarily) or is decertified (including offsetting costs of relocating residents to home and community-based settings or another facility), projects that support resident and family councils and other consumer involvement in assuring quality care in facilities, and facility improvement initiatives approved by the Secretary (including joint training of facility staff and surveyors, technical assistance for facilities implementing quality assurance programs, the appointment of temporary management firms, and other activities approved by the Secretary).''.

(2) CONFORMING AMENDMENT.—The second sentence of section 1819(h)(5) of the Social Security Act (42 U.S.C. 1395i–3(h)(5)) is amended by inserting ''(ii)(IV),'' after ''(i),''.

(b) NURSING FACILITIES.—

(1) IN GENERAL.—Section 1919(h)(3)(C)(ii) of the Social Security Act (42 U.S.C. 1396r(h)(3)(C)) is amended—

(A) by striking ''PENALTIES.—The Secretary'' and inserting ''PENALTIES.—

''(I) IN GENERAL.—Subject to subclause (II), the Secretary''; and

(B) by adding at the end the following new subclauses:

''(II) REDUCTION OF CIVIL MONEY PENALTIES IN CERTAIN CIRCUMSTANCES.—Subject to subclause (III), in the case where a facility self-reports and promptly corrects a deficiency for which a penalty was imposed under this clause not later than 10 calendar days after the date of such imposition, the Secretary may reduce the amount of the penalty imposed by not more than 50 percent.

''(III) PROHIBITIONS ON REDUCTION FOR CERTAIN DEFICIENCIES.—

''(aa) REPEAT DEFICIENCIES.—The Secretary may not reduce the amount of a penalty under subclause (II) if the Secretary had reduced a penalty imposed on the facility in the preceding year under such subclause with respect to a repeat deficiency.

''(bb) CERTAIN OTHER DEFICIENCIES.—The Secretary may not reduce the amount of a penalty under subclause (II) if the penalty is imposed on the facility for a deficiency that is found to result in a pattern of harm or widespread harm, immediately jeopardizes the health or safety of a resident or residents of the facility, or results in the death of a resident of the facility.

''(IV) COLLECTION OF CIVIL MONEY PENALTIES.—In the case of a civil money penalty imposed under this clause, the Secretary shall issue regulations that—

''(aa) subject to item (cc), not later than 30 days after the imposition of the penalty, provide for the facility to have the opportunity to participate in an independent informal dispute resolution process which generates a written record prior to the collection of such penalty;

''(bb) in the case where the penalty is imposed for each day of noncompliance, provide that a penalty may not be imposed for any day during the period beginning on the initial day of the imposition of the penalty and ending on the day on which the informal dispute resolution process under item (aa) is completed;

''(cc) may provide for the collection of such civil money penalty and the placement of such amounts collected in an escrow account under the direction of the Secretary on the earlier of the date on which the informal dispute resolution process under item (aa) is completed or the date that is 90 days after the date of the imposition of the penalty;

''(dd) may provide that such amounts collected are kept in such account pending the resolution of any subsequent appeals;

''(ee) in the case where the facility successfully appeals the penalty, may provide for the return of such amounts collected (plus interest) to the facility; and

''(ff) in the case where all such appeals are unsuccessful, may provide that some portion of such amounts collected may be used to support activities that benefit residents, including assistance to support and protect residents of a facility that closes (voluntarily or involuntarily) or is decertified (including offsetting costs of relocating residents to home and community-based settings or another facility), projects that support resident and family councils and other consumer involvement in assuring quality care in facilities, and facility improvement initiatives approved by the Secretary (including joint training of facility staff and surveyors, technical assistance for facilities implementing quality assurance programs, the appointment of temporary management firms, and other activities approved by the Secretary).''.

(2) CONFORMING AMENDMENT.—Section 1919(h)(5)(8) of the Social Security Act (42 U.S.C. 1396r(h)(5)(8)) is amended by inserting ''(ii)(IV),'' after ''(i),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 6112. NATIONAL INDEPENDENT MONITOR DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the Inspector General of the Department of Health and Human Services, shall conduct a demonstration project to develop, test, and implement an independent monitor program to oversee interstate and large intrastate chains of skilled nursing facilities and nursing facilities.

(2) SELECTION.—The Secretary shall select chains of skilled nursing facilities and nursing facilities described in paragraph (1) to participate in the demonstration project under this section from among those chains that submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(3) DURATION.—The Secretary shall conduct the demonstration project under this section for a 2-year period.

(4) IMPLEMENTATION.—The Secretary shall implement the demonstration project under this section not later than 1 year after the date of the enactment of this Act.

(b) REQUIREMENTS.—The Secretary shall evaluate chains selected to participate in the demonstration project under this section based on criteria selected by the Secretary, including where evidence suggests that a number of the facilities of the chain are experiencing serious safety and quality of care problems. Such criteria may include the evaluation of a chain that includes a number of facilities participating in the ''Special Focus Facility'' program (or a successor program) or multiple facilities with a record of repeated serious safety and quality of care deficiencies.

(c) RESPONSIBILITIES.—An independent monitor that enters into a contract with the Secretary to participate in the conduct of the demonstration project under this section shall—

(1) conduct periodic reviews and prepare root-cause quality and deficiency analyses of a chain to assess if facilities of the chain are in compliance with State and Federal laws and regulations applicable to the facilities;

(2) conduct sustained oversight of the efforts of the chain, whether publicly or privately held, to achieve compliance by facilities of the chain with State and Federal laws and regulations applicable to the facilities;

(3) analyze the management structure, distribution of expenditures, and nurse staffing levels of facilities of the chain in relation to resident census, staff turnover rates, and tenure;

(4) report findings and recommendations with respect to such reviews, analyses, and oversight to the chain and facilities of the chain, to the Secretary, and to relevant States; and

(5) publish the results of such reviews, analyses, and oversight.

(d) IMPLEMENTATION OF RECOMMENDATIONS.—

(1) RECEIPT OF FINDING BY CHAIN.—Not later than 10 days after receipt of a finding of an independent monitor under subsection (c)(4), a chain participating in the demonstration project shall submit to the independent monitor a report—

(A) outlining corrective actions the chain will take to implement the recommendations in such report; or

(B) indicating that the chain will not implement such recommendations, and why it will not do so.

(2) RECEIPT OF REPORT BY INDEPENDENT MONITOR.—Not later than 10 days after receipt of a report submitted by a chain under paragraph (1), an independent monitor shall finalize its recommendations and submit a report to the chain and facilities of the chain, the Secretary, and the State or States, as appropriate, containing such final recommendations.

(e) COST OF APPOINTMENT.—A chain shall be responsible for a portion of the costs associated with the appointment of independent monitors under the demonstration project under this section. The chain shall pay such portion to the Secretary (in an amount and in accordance with procedures established by the Secretary).

(f) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.) as may be necessary for the purpose of carrying out the demonstration project under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(h) DEFINITIONS.—In this section:

(1) ADDITIONAL DISCLOSABLE PARTY.—The term ''additional disclosable party'' has the meaning given such term in section 1124(c)(5)(A) of the Social Security Act, as added by section 4201(a).

(2) FACILITY.—The term ''facility'' means a skilled nursing facility or a nursing facility.

(3) NURSING FACILITY.—The term ''nursing facility'' has the meaning given such term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services, acting through the Assistant Secretary for Planning and Evaluation.

(5) SKILLED NURSING FACILITY.—The term ''skilled nursing facility'' has the meaning given such term in section 1819(a) of the Social Security Act (42 U.S.C. 1395(a)).

(i) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary, in consultation with the Inspector General of the Department of Health and Human Services, shall evaluate the demonstration project conducted under this section.

(2) REPORT.—Not later than 180 days after the completion of the demonstration project under this section, the Secretary shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with recommendations—

(A) as to whether the independent monitor program should be established on a permanent basis;

(B) if the Secretary recommends that such program be so established, on appropriate procedures and mechanisms for such establishment; and

(C) for such legislation and administrative action as the Secretary determines appropriate.

SEC. 6113. NOTIFICATION OF FACILITY CLOSURE.

(a) IN GENERAL.—Section 1128I of the Social Security Act, as added and amended by this Act, is amended by adding at the end the following new subsection:

''(h) NOTIFICATION OF FACILITY CLOSURE.—

''(1) IN GENERAL.—Any individual who is the administrator of a facility must—

''(A) submit to the Secretary, the State long-term care ombudsman, residents of the facility, and the legal representatives of such residents or other responsible parties, written notification of an impending closure—

''(i) subject to clause (ii), not later than the date that is 60 days prior to the date of such closure; and

''(ii) in the case of a facility where the Secretary terminates the facility's participation under this title, not later than the date that the Secretary determines appropriate;

''(B) ensure that the facility does not admit any new residents on or after the date on which such written notification is submitted; and

''(C) include in the notice a plan for the transfer and adequate relocation of the residents of the facility by a specified date prior to closure that has been approved by the State, including assurances that the residents will be transferred to the most appropriate facility or other setting in terms of quality, services, and location, taking into consideration the needs, choice, and best interests of each resident.

''(2) RELOCATION.—

''(A) IN GENERAL.—The State shall ensure that, before a facility closes, all residents of the facility have been successfully relocated to another facility or an alternative home and community-based setting.

''(B) CONTINUATION OF PAYMENTS UNTIL RESIDENTS RELOCATED.—The Secretary may, as the Secretary determines appropriate, continue to make payments under this title with respect to residents of a facility that has submitted a notification under paragraph (1) during the period beginning on the date such notification is submitted and ending on the date on which the resident is successfully relocated.

''(3) SANCTIONS.—Any individual who is the administrator of a facility that fails to comply with the requirements of paragraph (1)—

''(A) shall be subject to a civil monetary penalty of up to $100,000;

''(B) may be subject to exclusion from participation in any Federal health care program (as defined in section 1128B(f)); and

''(C) shall be subject to any other penalties that may be prescribed by law.

''(4) PROCEDURE.—The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty or exclusion under paragraph (3) in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).''.

(b) CONFORMING AMENDMENTS.—Section 1819(h)(4) of the Social Security Act (42 U.S.C. 1395i–3(h)(4)) is amended—

(1) in the first sentence, by striking ''the Secretary shall terminate'' and inserting ''the Secretary, subject to section 1128I(h), shall terminate''; and

(2) in the second sentence, by striking ''subsection (c)(2)'' and inserting ''subsection (c)(2) and section 1128I(h)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 6114. NATIONAL DEMONSTRATION PROJECTS ON CULTURE CHANGE AND USE OF INFORMATION TECHNOLOGY IN NURSING HOMES.

(a) IN GENERAL.—The Secretary shall conduct 2 demonstration projects, 1 for the development of best practices in skilled nursing facilities and nursing facilities that are involved in the culture change movement (including the development of resources for facilities to find and access funding in order to undertake culture change) and 1 for the development of best practices in skilled nursing facilities and nursing facilities for the use of information technology to improve resident care.

(b) CONDUCT OF DEMONSTRATION PROJECTS.—

(1) GRANT AWARD.—Under each demonstration project conducted under this section, the Secretary shall award 1 or more grants to facility-based settings for the development of best practices described in subsection (a) with respect to the demonstration project involved. Such award shall be made on a competitive basis and may be allocated in 1 lump-sum payment.

(2) CONSIDERATION OF SPECIAL NEEDS OF RESIDENTS.—Each demonstration project conducted under this section shall take into consideration the special needs of residents of skilled nursing facilities and nursing facilities who have cognitive impairment, including dementia.

(c) DURATION AND IMPLEMENTATION.—

(1) DURATION.—The demonstration projects shall each be conducted for a period not to exceed 3 years.

(2) IMPLEMENTATION.—The demonstration projects shall each be implemented not later than 1 year after the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) NURSING FACILITY.—The term ''nursing facility'' has the meaning given such term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(3) SKILLED NURSING FACILITY.—The term ''skilled nursing facility'' has the meaning given such term in section 1819(a) of the Social Security Act (42 U.S.C. 1395(a)).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(f) REPORT.—Not later than 9 months after the completion of the demonstration project, the Secretary shall submit to Congress a report on such project, together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

PART III—IMPROVING STAFF TRAINING

SEC. 6121. DEMENTIA AND ABUSE PREVENTION TRAINING.

(a) SKILLED NURSING FACILITIES.—

(1) IN GENERAL.—Section 1819(f)(2)(A)(i)(I) of the Social Security Act (42 U.S.C. 1395i–3(f)(2)(A)(i)(I)) is amended by inserting ''(including, in the case of initial training and, if the Secretary determines appropriate, in the case of ongoing training, dementia management training, and patient abuse prevention training'' before '', (II)''.

(2) CLARIFICATION OF DEFINITION OF NURSE AIDE.—Section 1819(b)(5)(F) of the Social Security Act (42 U.S.C. 1395i–3(b)(5)(F)) is amended by adding at the end the following flush sentence:

''Such term includes an individual who provides such services through an agency or under a contract with the facility.''.

(b) NURSING FACILITIES.—

(1) IN GENERAL.—Section 1919(f)(2)(A)(i)(I) of the Social Security Act (42 U.S.C. 1396r(f)(2)(A)(i)(I)) is amended by inserting ''(including, in the case of initial training and, if the Secretary determines appropriate, in the case of ongoing training, dementia management training, and patient abuse prevention training'' before '', (II)''.

(2) CLARIFICATION OF DEFINITION OF NURSE AIDE.—Section 1919(b)(5)(F) of the Social Security Act (42 U.S.C. 1396r(b)(5)(F)) is amended by adding at the end the following flush sentence:

''Such term includes an individual who provides such services through an agency or under a contract with the facility.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

Subtitle C—Nationwide Program for National and State Background Checks on Direct Patient Access Employees of Long-term Care Facilities and Providers

SEC. 6201. NATIONWIDE PROGRAM FOR NATIONAL AND STATE BACKGROUND CHECKS ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-TERM CARE FACILITIES AND PROVIDERS.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary''), shall establish a program to identify efficient, effective, and economical procedures for long term care facilities or providers to conduct background checks on prospective direct patient access employees on a nationwide basis (in this subsection, such program shall be referred to as the ''nationwide program''). Except for the following modifications, the Secretary shall carry out the nationwide program under similar terms and conditions as the pilot program under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2257), including the prohibition on hiring abusive workers and the authorization of the imposition of penalties by a participating State under subsection (b)(3)(A) and (b)(6), respectively, of such section 307:

(1) AGREEMENTS.—

(A) NEWLY PARTICIPATING STATES.—The Secretary shall enter into agreements with each State—

(i) that the Secretary has not entered into an agreement with under subsection (c)(1) of such section 307;

(ii) that agrees to conduct background checks under the nationwide program on a Statewide basis; and

(iii) that submits an application to the Secretary containing such information and at such time as the Secretary may specify.

(B) CERTAIN PREVIOUSLY PARTICIPATING STATES.—The Secretary shall enter into agreements with each State—

(i) that the Secretary has entered into an agreement with under such subsection (c)(1), but only in the case where such agreement did not require the State to conduct background checks under the program established under subsection (a) of such section 307 on a Statewide basis;

(ii) that agrees to conduct background checks under the nationwide program on a Statewide basis; and

(iii) that submits an application to the Secretary containing such information and at such time as the Secretary may specify.

(2) NONAPPLICATION OF SELECTION CRITERIA.—The selection criteria required under subsection (c)(3)(B) of such section 307 shall not apply.

(3) REQUIRED FINGERPRINT CHECK AS PART OF CRIMINAL HISTORY BACKGROUND CHECK.—The procedures established under subsection (b)(1) of such section 307 shall—

(A) require that the long-term care facility or provider (or the designated agent of the long-term care facility or provider) obtain State and national criminal history background checks on the prospective employee through such means as the Secretary determines appropriate, efficient, and effective that utilize a search of State-based abuse and neglect registries and databases, including the abuse and neglect registries of another State in the case where a prospective employee previously resided in that State, State criminal history records, the records of any proceedings in the State that may contain disqualifying information about prospective employees (such as proceedings conducted by State professional licensing and disciplinary boards and State Medicaid Fraud Control Units), and Federal criminal history records, including a fingerprint check using the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation;

(B) require States to describe and test methods that reduce duplicative fingerprinting, including providing for the development of ''rap back'' capability by the State such that, if a direct patient access employee of a long-term care facility or provider is convicted of a crime following the initial criminal history background check conducted with respect to such employee, and the employee's fingerprints match the prints on file with the State law enforcement department, the department will immediately inform the State and the State will immediately inform the long-term care facility or provider which employs the direct patient access employee of such conviction; and

(C) require that criminal history background checks conducted under the nationwide program remain valid for a period of time specified by the Secretary.

(4) STATE REQUIREMENTS.—An agreement entered into under paragraph (1) shall require that a participating State—

(A) be responsible for monitoring compliance with the requirements of the nationwide program;

(B) have procedures in place to—

(i) conduct screening and criminal history background checks under the nationwide program in accordance with the requirements of this section;

(ii) monitor compliance by long-term care facilities and providers with the procedures and requirements of the nationwide program;

(iii) as appropriate, provide for a provisional period of employment by a long-term care facility or provider of a direct patient access employee, not to exceed 60 days, pending completion of the required criminal history background check and, in the case where the employee has appealed the results of such background check, pending completion of the appeals process, during which the employee shall be subject to direct on-site supervision (in accordance with procedures established by the State to ensure that a long-term care facility or provider furnishes such direct on-site supervision);

(iv) provide an independent process by which a provisional employee or an employee may appeal or dispute the accuracy of the information obtained in a background check performed under the nationwide program, including the specification of criteria for appeals for direct patient access employees found to have disqualifying information which shall include consideration of the passage of time, extenuating circumstances, demonstration of rehabilitation, and relevancy of the particular disqualifying information with respect to the current employment of the individual;

(v) provide for the designation of a single State agency as responsible for—

(I) overseeing the coordination of any State and national criminal history background checks requested by a long-term care facility or provider (or the designated agent of the long-term care facility or provider) utilizing a search of State and Federal criminal history records, including a fingerprint check of such records;

(II) overseeing the design of appropriate privacy and security safeguards for use in the review of the results of any State or national criminal history background checks conducted

regarding a prospective direct patient access employee to determine whether the employee has any conviction for a relevant crime;

(III) immediately reporting to the long-term care facility or provider that requested the criminal history background check the results of such review; and

(IV) in the case of an employee with a conviction for a relevant crime that is subject to reporting under section 1128E of the Social Security Act (42 U.S.C. 1320a–7e), reporting the existence of such conviction to the database established under that section;

(vi) determine which individuals are direct patient access employees (as defined in paragraph (6)(B)) for purposes of the nationwide program;

(vii) as appropriate, specify offenses, including convictions for violent crimes, for purposes of the nationwide program; and

(viii) describe and test methods that reduce duplicative fingerprinting, including providing for the development of ''rap back'' capability such that, if a direct patient access employee of a long-term care facility or provider is convicted of a crime following the initial criminal history background check conducted with respect to such employee, and the employee's fingerprints match the prints on file with the State law enforcement department—

(I) the department will immediately inform the State agency designated under clause (v) and such agency will immediately inform the facility or provider which employs the direct patient access employee of such conviction; and

(II) the State will provide, or will require the facility to provide, to the employee a copy of the results of the criminal history background check conducted with respect to the employee at no charge in the case where the individual requests such a copy.

(5) PAYMENTS.—

(A) NEWLY PARTICIPATING STATES.—

(i) IN GENERAL.—As part of the application submitted by a State under paragraph (1)(A)(iii), the State shall guarantee, with respect to the costs to be incurred by the State in carrying out the nationwide program, that the State will make available (directly or through donations from public or private entities) a particular amount of non-Federal contributions, as a condition of receiving the Federal match under clause (ii).

(ii) FEDERAL MATCH.—The payment amount to each State that the Secretary enters into an agreement with under paragraph (1)(A) shall be 3 times the amount that the State guarantees to make available under clause (i), except that in no case may the payment amount exceed $3,000,000.

(B) PREVIOUSLY PARTICIPATING STATES.—

(i) IN GENERAL.—As part of the application submitted by a State under paragraph (1)(B)(iii), the State shall guarantee, with respect to the costs to be incurred by the State in carrying out the nationwide program, that the State will make available (directly or through donations from public or private entities) a particular amount of non-Federal contributions, as a condition of receiving the Federal match under clause (ii).

(ii) FEDERAL MATCH.—The payment amount to each State that the Secretary enters into an agreement with under paragraph (1)(B) shall be 3 times the amount that the State guarantees to make available under clause (i), except that in no case may the payment amount exceed $1,500,000.

(6) DEFINITIONS.—Under the nationwide program:

(A) CONVICTION FOR A RELEVANT CRIME.—The term ''conviction for a relevant crime'' means any Federal or State criminal conviction for—

(i) any offense described in section 1128(a) of the Social Security Act (42 U.S.C. 1320a–7); or

(ii) such other types of offenses as a participating State may specify for purposes of conducting the program in such State.

(B) DISQUALIFYING INFORMATION.—The term ''disqualifying information'' means a conviction for a relevant crime or a finding of patient or resident abuse.

(C) FINDING OF PATIENT OR RESIDENT ABUSE.—The term ''finding of patient or resident abuse'' means any substantiated finding by a State agency under section 1819(g)(1)(C) or 1919(g)(1)(C) of the Social Security Act (42 U.S.C. 1395i–3(g)(1)(C), 1396r(g)(1)(C)) or a Federal agency that a direct patient access employee has committed—

(i) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property; or

(ii) such other types of acts as a participating State may specify for purposes of conducting the program in such State.

(D) DIRECT PATIENT ACCESS EMPLOYEE.—The term ''direct patient access employee'' means any individual who has access to a patient or resident of a long-term care facility or provider through employment or through a contract with such facility or provider and has duties that involve (or may involve) one-on-one contact with a patient or resident of the facility or provider, as determined by the State for purposes of the nationwide program. Such term does not include a volunteer unless the volunteer has duties that are equivalent to the duties of a direct patient access employee and those duties involve (or may involve) one-on-one contact with a patient or resident of the long-term care facility or provider.

(E) LONG-TERM CARE FACILITY OR PROVIDER.—The term ''long-term care facility or provider'' means the following facilities or providers which receive payment for services under title XVIII or XIX of the Social Security Act:

(i) A skilled nursing facility (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a))).

(ii) A nursing facility (as defined in section 1919(a) of such Act (42 U.S.C. 1396r(a))).

(iii) A home health agency.

(iv) A provider of hospice care (as defined in section 1861(dd)(1) of such Act (42 U.S.C. 1395x(dd)(1))).

(v) A long-term care hospital (as described in section 1886(d)(1)(B)(iv) of such Act (42 U.S.C. 1395ww(d)(1)(B)(iv))).

(vi) A provider of personal care services.

(vii) A provider of adult day care.

(viii) A residential care provider that arranges for, or directly provides, long-term care services, including an assisted living facility that provides a level of care established by the Secretary.

(ix) An intermediate care facility for the mentally retarded (as defined in section 1905(d) of such Act (42 U.S.C. 1396d(d))).

(x) Any other facility or provider of long-term care services under such titles as the participating State determines appropriate.

(7) EVALUATION AND REPORT.—

(A) EVALUATION.—

(i) IN GENERAL.—The Inspector General of the Department of Health and Human Services shall conduct an evaluation of the nationwide program.

(ii) INCLUSION OF SPECIFIC TOPICS.—The evaluation conducted under clause (i) shall include the following:

(I) A review of the various procedures implemented by participating States for long-term care facilities or providers, including staffing agencies, to conduct background checks of direct patient access employees under the nationwide program and identification of the most appropriate, efficient, and effective procedures for conducting such background checks.

(II) An assessment of the costs of conducting such background checks (including start up and administrative costs).

(III) A determination of the extent to which conducting such background checks leads to any unintended consequences, including a reduction in the available workforce for long-term care facilities or providers.

(IV) An assessment of the impact of the nationwide program on reducing the number of incidents of neglect, abuse, and misappropriation of resident property to the extent practicable.

(V) An evaluation of other aspects of the nationwide program, as determined appropriate by the Secretary.

(B) REPORT.—Not later than 180 days after the completion of the nationwide program, the Inspector General of the Department of Health and Human Services shall submit a report to Congress containing the results of the evaluation conducted under subparagraph (A).

(b) FUNDING.—

(1) NOTIFICATION.—The Secretary of Health and Human Services shall notify the Secretary of the Treasury of the amount necessary to carry out the nationwide program under this section for the period of fiscal years 2010 through 2012, except that in no case shall such amount exceed $160,000,000.

(2) TRANSFER OF FUNDS.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide for the transfer to the Secretary of Health and Human Services of the amount specified as necessary to carry out the nationwide program under paragraph (1). Such amount shall remain available until expended.

(B) RESERVATION OF FUNDS FOR CONDUCT OF EVALUATION.—The Secretary may reserve not more than $3,000,000 of the amount transferred under subparagraph (A) to provide for the conduct of the evaluation under subsection (a)(7)(A).

Subtitle D—Patient-Centered Outcomes Research

SEC. 6301. PATIENT-CENTERED OUTCOMES RESEARCH.

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new part:

''PART D—COMPARATIVE CLINICAL EFFECTIVENESS RESEARCH

''COMPARATIVE CLINICAL EFFECTIVENESS RESEARCH

''SEC. 1181. (a) DEFINITIONS.—In this section:

''(1) BOARD.—The term 'Board' means the Board of Governors established under subsection (f).

''(2) COMPARATIVE CLINICAL EFFECTIVENESS RESEARCH; RESEARCH.—

''(A) IN GENERAL.—The terms 'comparative clinical effectiveness research' and 'research' mean research evaluating and comparing health outcomes and the clinical effectiveness, risks, and benefits of 2 or more medical treatments, services, and items described in subparagraph (B).

''(B) MEDICAL TREATMENTS, SERVICES, AND ITEMS DESCRIBED.—The medical treatments, services, and items described in this subparagraph are health care interventions, protocols for treatment, care management, and delivery, procedures, medical devices, diagnostic tools, pharmaceuticals (including drugs and biologicals), integrative health practices, and any other strategies or items being used in the treatment, management, and diagnosis of, or prevention of illness or injury in, individuals.

''(3) CONFLICT OF INTEREST.—The term 'conflict of interest' means an association, including a financial or personal association, that have the potential to bias or have the appearance of biasing an individual's decisions in matters related to the Institute or the conduct of activities under this section.

''(4) REAL CONFLICT OF INTEREST.—The term 'real conflict of interest' means any instance where a member of the Board, the methodology committee established under subsection (d)(6), or an advisory panel appointed under subsection (d)(4), or a close relative of such member, has received or could receive either of the following:

''(A) A direct financial benefit of any amount deriving from the result or findings of a study conducted under this section.

''(B) A financial benefit from individuals or companies that own or manufacture medical

treatments, services, or items to be studied under this section that in the aggregate exceeds $10,000 per year. For purposes of the preceding sentence, a financial benefit includes honoraria, fees, stock, or other financial benefit and the current value of the member or close relative's already existing stock holdings, in addition to any direct financial benefit deriving from the results or findings of a study conducted under this section.

''(b) PATIENT-CENTERED OUTCOMES RESEARCH INSTITUTE.—

''(1) ESTABLISHMENT.—There is authorized to be established a nonprofit corporation, to be known as the 'Patient-Centered Outcomes Research Institute' (referred to in this section as the 'Institute') which is neither an agency nor establishment of the United States Government.

''(2) APPLICATION OF PROVISIONS.—The Institute shall be subject to the provisions of this section, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act.

''(3) FUNDING OF COMPARATIVE CLINICAL EFFECTIVENESS RESEARCH.—For fiscal year 2010 and each subsequent fiscal year, amounts in the Patient-Centered Outcomes Research Trust Fund (referred to in this section as the 'PCORTF') under section 9511 of the Internal Revenue Code of 1986 shall be available, without further appropriation, to the Institute to carry out this section.

''(c) PURPOSE.—The purpose of the Institute is to assist patients, clinicians, purchasers, and policy-makers in making informed health decisions by advancing the quality and relevance of evidence concerning the manner in which diseases, disorders, and other health conditions can effectively and appropriately be prevented, diagnosed, treated, monitored, and managed through research and evidence synthesis that considers variations in patient subpopulations, and the dissemination of research findings with respect to the relative health outcomes, clinical effectiveness, and appropriateness of the medical treatments, services, and items described in subsection (a)(2)(B).

''(d) DUTIES.—

''(1) IDENTIFYING RESEARCH PRIORITIES AND ESTABLISHING RESEARCH PROJECT AGENDA.—

''(A) IDENTIFYING RESEARCH PRIORITIES.—The Institute shall identify national priorities for research, taking into account factors of disease incidence, prevalence, and burden in the United States (with emphasis on chronic conditions), gaps in evidence in terms of clinical outcomes, practice variations and health disparities in terms of delivery and outcomes of care, the potential for new evidence to improve patient health, well-being, and the quality of care, the effect on national expenditures associated with a health care treatment, strategy, or health conditions, as well as patient needs, outcomes, and preferences, the relevance to patients and clinicians in making informed health decisions, and priorities in the National Strategy for quality care established under section 399H of the Public Health Service Act that are consistent with this section.

''(B) ESTABLISHING RESEARCH PROJECT AGENDA.—The Institute shall establish and update a research project agenda for research to address the priorities identified under subparagraph (A), taking into consideration the types of research that might address each priority and the relative value (determined based on the cost of conducting research compared to the potential usefulness of the information produced by research) associated with the different types of research, and such other factors as the Institute determines appropriate.

''(2) CARRYING OUT RESEARCH PROJECT AGENDA.—

''(A) RESEARCH.—The Institute shall carry out the research project agenda established under paragraph (1)(B) in accordance with the methodological standards adopted under paragraph (9) using methods, including the following:

''(i) Systematic reviews and assessments of existing and future research and evidence including original research conducted subsequent to the date of the enactment of this section.

''(ii) Primary research, such as randomized clinical trials, molecularly informed trials, and observational studies.

''(iii) Any other methodologies recommended by the methodology committee established under paragraph (6) that are adopted by the Board under paragraph (9).

''(B) CONTRACTS FOR THE MANAGEMENT OF FUNDING AND CONDUCT OF RESEARCH.—

''(i) CONTRACTS.—

''(I) IN GENERAL.—In accordance with the research project agenda established under paragraph (1)(B), the Institute shall enter into contracts for the management of funding and conduct of research in accordance with the following:

''(aa) Appropriate agencies and instrumentalities of the Federal Government.

''(bb) Appropriate academic research, private sector research, or study-conducting entities.

''(II) PREFERENCE.—In entering into contracts under subclause (I), the Institute shall give preference to the Agency for Healthcare Research and Quality and the National Institutes of Health, but only if the research to be conducted or managed under such contract is authorized by the governing statutes of such Agency or Institutes.

''(ii) CONDITIONS FOR CONTRACTS.—A contract entered into under this subparagraph shall require that the agency, instrumentality, or other entity—

''(I) abide by the transparency and conflicts of interest requirements under subsection (h) that apply to the Institute with respect to the research managed or conducted under such contract;

''(II) comply with the methodological standards adopted under paragraph (9) with respect to such research;

''(III) consult with the expert advisory panels for clinical trials and rare disease appointed under clauses (ii) and (iii), respectively, of paragraph (4)(A);

''(IV) subject to clause (iv), permit a researcher who conducts original research under the contract for the agency, instrumentality, or other entity to have such research published in a peer-reviewed journal or other publication;

''(V) have appropriate processes in place to manage data privacy and meet ethical standards for the research;

''(VI) comply with the requirements of the Institute for making the information available to the public under paragraph (8); and

''(VII) comply with other terms and conditions determined necessary by the Institute to carry out the research agenda adopted under paragraph (2).

''(iii) COVERAGE OF COPAYMENTS OR COINSURANCE.—A contract entered into under this subparagraph may allow for the coverage of copayments or coinsurance, or allow for other appropriate measures, to the extent that such coverage or other measures are necessary to preserve the validity of a research project, such as in the case where the research project must be blinded.

''(iv) REQUIREMENTS FOR PUBLICATION OF RESEARCH.—Any research published under clause (ii)(IV) shall be within the bounds of and entirely consistent with the evidence and findings produced under the contract with the Institute under this subparagraph. If the Institute determines that those requirements are not met, the Institute shall not enter into another contract with the agency, instrumentality, or entity which managed or conducted such research for a period determined appropriate by the Institute (but not less than 5 years).

''(C) REVIEW AND UPDATE OF EVIDENCE.—The Institute shall review and update evidence on a periodic basis as appropriate.

''(D) TAKING INTO ACCOUNT POTENTIAL DIFFERENCES.—Research shall be designed, as appropriate, to take into account the potential for differences in the effectiveness of health care treatments, services, and items as used with various subpopulations, such as racial and ethnic minorities, women, age, and groups of individuals with different comorbidities, genetic and molecular sub-types, or quality of life preferences and include members of such subpopulations as subjects in the research as feasible and appropriate.

''(E) DIFFERENCES IN TREATMENT MODALITIES.—Research shall be designed, as appropriate, to take into account different characteristics of treatment modalities that may affect research outcomes, such as the phase of the treatment modality in the innovation cycle and the impact of the skill of the operator of the treatment modality.

''(3) DATA COLLECTION.—

''(A) IN GENERAL.—The Secretary shall, with appropriate safeguards for privacy, make available to the Institute such data collected by the Centers for Medicare & Medicaid Services under the programs under titles XVIII, XIX, and XXI, as well as provide access to the data networks developed under section 937(f) of the Public Health Service Act, as the Institute and its contractors may require to carry out this section. The Institute may also request and obtain data from Federal, State, or private entities, including data from clinical databases and registries.

''(B) USE OF DATA.—The Institute shall only use data provided to the Institute under subparagraph (A) in accordance with laws and regulations governing the release and use of such data, including applicable confidentiality and privacy standards.

''(4) APPOINTING EXPERT ADVISORY PANELS.—

''(A) APPOINTMENT.—

''(i) IN GENERAL.—The Institute may appoint permanent or ad hoc expert advisory panels as determined appropriate to assist in identifying research priorities and establishing the research project agenda under paragraph (1) and for other purposes.

''(ii) EXPERT ADVISORY PANELS FOR CLINICAL TRIALS.—The Institute shall appoint expert advisory panels in carrying out randomized clinical trials under the research project agenda under paragraph (2)(A)(ii). Such expert advisory panels shall advise the Institute and the agency, instrumentality, or entity conducting the research on the research question involved and the research design or protocol, including important patient subgroups and other parameters of the research. Such panels shall be available as a resource for technical questions that may arise during the conduct of such research.

''(iii) EXPERT ADVISORY PANEL FOR RARE DISEASE.—In the case of a research study for rare disease, the Institute shall appoint an expert advisory panel for purposes of assisting in the design of the research study and determining the relative value and feasibility of conducting the research study.

''(B) COMPOSITION.—An expert advisory panel appointed under subparagraph (A) shall include representatives of practicing and research clinicians, patients, and experts in scientific and health services research, health services delivery, and evidence-based medicine who have experience in the relevant topic, and as appropriate, experts in integrative health and primary prevention strategies. The Institute may include a technical expert of each manufacturer or each medical technology that is included under the relevant topic, project, or category for which the panel is established.

''(5) SUPPORTING PATIENT AND CONSUMER REPRESENTATIVES.—The Institute shall provide support and resources to help patient and consumer representatives effectively participate on the Board and expert advisory panels appointed by the Institute under paragraph (4).

''(6) ESTABLISHING METHODOLOGY COMMITTEE.—

''(A) IN GENERAL.—The Institute shall establish a standing methodology committee to carry out the functions described in subparagraph (C).

''(B) APPOINTMENT AND COMPOSITION.—The methodology committee established under subparagraph (A) shall be composed of not more than 15 members appointed by the Comptroller General of the United States. Members appointed to the methodology committee shall be experts in their scientific field, such as health services research, clinical research, comparative clinical effectiveness research, biostatistics, genomics, and research methodologies. Stakeholders with such expertise may be appointed to the methodology committee. In addition to the members appointed under the first sentence, the Directors of the National Institutes of Health and the Agency for Healthcare Research and Quality (or their designees) shall each be included as members of the methodology committee.

''(C) FUNCTIONS.—Subject to subparagraph (D), the methodology committee shall work to develop and improve the science and methods of comparative clinical effectiveness research by, not later than 18 months after the establishment of the Institute, directly or through subcontract, developing and periodically updating the following:

''(i) Methodological standards for research. Such methodological standards shall provide specific criteria for internal validity, generalizability, feasibility, and timeliness of research and for health outcomes measures, risk adjustment, and other relevant aspects of research and assessment with respect to the design of research. Any methodological standards developed and updated under this subclause shall be scientifically based and include methods by which new information, data, or advances in technology are considered and incorporated into ongoing research projects by the Institute, as appropriate. The process for developing and updating such standards shall include input from relevant experts, stakeholders, and decisionmakers, and shall provide opportunities for public comment. Such standards shall also include methods by which patient subpopulations can be accounted for and evaluated in different types of research. As appropriate, such standards shall build on existing work on methodological standards for defined categories of health interventions and for each of the major categories of comparative clinical effectiveness research methods (determined as of the date of enactment of the Patient Protection and Affordable Care Act).

''(ii) A translation table that is designed to provide guidance and act as a reference for the Board to determine research methods that are most likely to address each specific research question.

''(D) CONSULTATION AND CONDUCT OF EXAMINATIONS.—The methodology committee may consult and contract with the Institute of Medicine of the National Academies and academic, nonprofit, or other private and governmental entities with relevant expertise to carry out activities described in subparagraph (C) and may consult with relevant stakeholders to carry out such activities.

''(E) REPORTS.—The methodology committee shall submit reports to the Board on the committee's performance of the functions described in subparagraph (C). Reports shall contain recommendations for the Institute to adopt methodological standards developed and updated by the methodology committee as well as other actions deemed necessary to comply with such methodological standards.

''(7) PROVIDING FOR A PEER-REVIEW PROCESS FOR PRIMARY RESEARCH.—

''(A) IN GENERAL.—The Institute shall ensure that there is a process for peer review of primary research described in subparagraph (A)(ii) of paragraph (2) that is conducted under such paragraph. Under such process—

''(i) evidence from such primary research shall be reviewed to assess scientific integrity and adherence to methodological standards adopted under paragraph (9); and

''(ii) a list of the names of individuals contributing to any peer-review process during the preceding year or years shall be made public and included in annual reports in accordance with paragraph (10)(D).

''(B) COMPOSITION.—Such peer-review process shall be designed in a manner so as to avoid bias and conflicts of interest on the part of the reviewers and shall be composed of experts in the scientific field relevant to the research under review.

''(C) USE OF EXISTING PROCESSES.—

''(i) PROCESSES OF ANOTHER ENTITY.—In the case where the Institute enters into a contract or other agreement with another entity for the conduct or management of research under this section, the Institute may utilize the peer-review process of such entity if such process meets the requirements under subparagraphs (A) and (B).

''(ii) PROCESSES OF APPROPRIATE MEDICAL JOURNALS.—The Institute may utilize the peer-review process of appropriate medical journals if such process meets the requirements under subparagraphs (A) and (B).

''(8) RELEASE OF RESEARCH FINDINGS.—

''(A) IN GENERAL.—The Institute shall, not later than 90 days after the conduct or receipt of research findings under this part, make such research findings available to clinicians, patients, and the general public. The Institute shall ensure that the research findings—

''(i) convey the findings of research in a manner that is comprehensible and useful to patients and providers in making health care decisions;

''(ii) fully convey findings and discuss considerations specific to certain subpopulations, risk factors, and comorbidities, as appropriate;

''(iii) include limitations of the research and what further research may be needed as appropriate;

''(iv) not be construed as mandates for practice guidelines, coverage recommendations, payment, or policy recommendations; and

''(v) not include any data which would violate the privacy of research participants or any confidentiality agreements made with respect to the use of data under this section.

''(B) DEFINITION OF RESEARCH FINDINGS.—In this paragraph, the term 'research findings' means the results of a study or assessment.

''(9) ADOPTION.—Subject to subsection (h)(1), the Institute shall adopt the national priorities identified under paragraph (1)(A), the research project agenda established under paragraph (1)(B), the methodological standards developed and updated by the methodology committee under paragraph (6)(C)(i), and any peer-review process provided under paragraph (7) by majority vote. In the case where the Institute does not adopt such processes in accordance with the preceding sentence, the processes shall be referred to the appropriate staff or entity within the Institute (or, in the case of the methodological standards, the methodology committee) for further review.

''(10) ANNUAL REPORTS.—The Institute shall submit an annual report to Congress and the President, and shall make the annual report available to the public. Such report shall contain—

''(A) a description of the activities conducted under this section, research priorities identified under paragraph (1)(A) and methodological standards developed and updated by the methodology committee under paragraph (6)(C)(i) that are adopted under paragraph (9) during the preceding year;

''(B) the research project agenda and budget of the Institute for the following year;

''(C) any administrative activities conducted by the Institute during the preceding year;

''(D) the names of individuals contributing to any peer-review process under paragraph (7), without identifying them with a particular research project; and

''(E) any other relevant information (including information on the membership of the Board, expert advisory panels, methodology committee, and the executive staff of the Institute, any conflicts of interest with respect to these individuals, and any bylaws adopted by the Board during the preceding year).

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—Subject to paragraph (2), the Board shall carry out the duties of the Institute.

''(2) NONDELEGABLE DUTIES.—The activities described in subsections (d)(1) and (d)(9) are nondelegable.

''(f) BOARD OF GOVERNORS.—

''(1) IN GENERAL.—The Institute shall have a Board of Governors, which shall consist of the following members:

''(A) The Director of Agency for Healthcare Research and Quality (or the Director's designee).

''(B) The Director of the National Institutes of Health (or the Director's designee).

''(C) Seventeen members appointed, not later than 6 months after the date of enactment of this section, by the Comptroller General of the United States as follows:

''(i) 3 members representing patients and health care consumers.

''(ii) 5 members representing physicians and providers, including at least 1 surgeon, nurse, State-licensed integrative health care practitioner, and representative of a hospital.

''(iii) 3 members representing private payers, of whom at least 1 member shall represent health insurance issuers and at least 1 member shall represent employers who self-insure employee benefits.

''(iv) 3 members representing pharmaceutical, device, and diagnostic manufacturers or developers.

''(v) 1 member representing quality improvement or independent health service researchers.

''(vi) 2 members representing the Federal Government or the States, including at least 1 member representing a Federal health program or agency.

''(2) QUALIFICATIONS.—The Board shall represent a broad range of perspectives and collectively have scientific expertise in clinical health sciences research, including epidemiology, decisions sciences, health economics, and statistics. In appointing the Board, the Comptroller General of the United States shall consider and disclose any conflicts of interest in accordance with subsection (h)(4)(B). Members of the Board shall be recused from relevant Institute activities in the case where the member (or an immediate family member of such member) has a real conflict of interest directly related to the research project or the matter that could affect or be affected by such participation.

''(3) TERMS; VACANCIES.—A member of the Board shall be appointed for a term of 6 years, except with respect to the members first appointed, whose terms of appointment shall be staggered evenly over 2-year increments. No individual shall be appointed to the Board for more than 2 terms. Vacancies shall be filled in the same manner as the original appointment was made.

''(4) CHAIRPERSON AND VICE-CHAIRPERSON.—The Comptroller General of the United States shall designate a Chairperson and Vice Chairperson of the Board from among the members of the Board. Such members shall serve as Chairperson or Vice Chairperson for a period of 3 years.

''(5) COMPENSATION.—Each member of the Board who is not an officer or employee of the Federal Government shall be entitled to compensation (equivalent to the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code) and expenses incurred while performing the duties of the Board. An officer or employee of the Federal government who is a member of the Board shall be exempt from compensation.

''(6) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—The Board may employ and fix the compensation of an Executive Director and such other personnel as may be necessary to carry out the duties of the Institute and may seek such assistance and support of, or contract

with, experts and consultants that may be necessary for the performance of the duties of the Institute.

''(7) MEETINGS AND HEARINGS.—The Board shall meet and hold hearings at the call of the Chairperson or a majority of its members. Meetings not solely concerning matters of personnel shall be advertised at least 7 days in advance and open to the public. A majority of the Board members shall constitute a quorum, but a lesser number of members may meet and hold hearings.

''(g) FINANCIAL AND GOVERNMENTAL OVERSIGHT.—

''(1) CONTRACT FOR AUDIT.—The Institute shall provide for the conduct of financial audits of the Institute on an annual basis by a private entity with expertise in conducting financial audits.

''(2) REVIEW AND ANNUAL REPORTS.—

''(A) REVIEW.—The Comptroller General of the United States shall review the following:

''(i) Not less frequently than on an annual basis, the financial audits conducted under paragraph (1).

''(ii) Not less frequently than every 5 years, the processes established by the Institute, including the research priorities and the conduct of research projects, in order to determine whether information produced by such research projects is objective and credible, is produced in a manner consistent with the requirements under this section, and is developed through a transparent process.

''(iii) Not less frequently than every 5 years, the dissemination and training activities and data networks established under section 937 of the Public Health Service Act, including the methods and products used to disseminate research, the types of training conducted and supported, and the types and functions of the data networks established, in order to determine whether the activities and data are produced in a manner consistent with the requirements under such section.

''(iv) Not less frequently than every 5 years, the overall effectiveness of activities conducted under this section and the dissemination, training, and capacity building activities conducted under section 937 of the Public Health Service Act. Such review shall include an analysis of the extent to which research findings are used by health care decision-makers, the effect of the dissemination of such findings on reducing practice variation and disparities in health care, and the effect of the research conducted and disseminated on innovation and the health care economy of the United States.

''(v) Not later than 8 years after the date of enactment of this section, the adequacy and use of the funding for the Institute and the activities conducted under section 937 of the Public Health Service Act, including a determination as to whether, based on the utilization of research findings by public and private payers, funding sources for the Patient-Centered Outcomes Research Trust Fund under section 9511 of the Internal Revenue Code of 1986 are appropriate and whether such sources of funding should be continued or adjusted.

''(B) ANNUAL REPORTS.—Not later than April 1 of each year, the Comptroller General of the United States shall submit to Congress a report containing the results of the review conducted under subparagraph (A) with respect to the preceding year (or years, if applicable), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

''(h) ENSURING TRANSPARENCY, CREDIBILITY, AND ACCESS.—The Institute shall establish procedures to ensure that the following requirements for ensuring transparency, credibility, and access are met:

''(1) PUBLIC COMMENT PERIODS.—The Institute shall provide for a public comment period of not less than 45 days and not more than 60 days prior to the adoption under subsection (d)(9) of the national priorities identified under subsection (d)(1)(A), the research project agenda established under subsection (d)(1)(B), the methodological standards developed and updated by the methodology committee under subsection (d)(6)(C)(i), and the peer-review process provided under paragraph (7), and after the release of draft findings with respect to systematic reviews of existing research and evidence.

''(2) ADDITIONAL FORUMS.—The Institute shall support forums to increase public awareness and obtain and incorporate public input and feedback through media (such as an Internet website) on research priorities, research findings, and other duties, activities, or processes the Institute determines appropriate.

''(3) PUBLIC AVAILABILITY.—The Institute shall make available to the public and disclose through the official public Internet website of the Institute the following:

''(A) Information contained in research findings as specified in subsection (d)(9).

''(B) The process and methods for the conduct of research, including the identity of the entity and the investigators conducing such research and any conflicts of interests of such parties, any direct or indirect links the entity has to industry, and research protocols, including measures taken, methods of research and analysis, research results, and such other information the Institute determines appropriate) concurrent with the release of research findings.

''(C) Notice of public comment periods under paragraph (1), including deadlines for public comments.

''(D) Subsequent comments received during each of the public comment periods.

''(E) In accordance with applicable laws and processes and as the Institute determines appropriate, proceedings of the Institute.

''(4) DISCLOSURE OF CONFLICTS OF INTEREST.—

''(A) IN GENERAL.—A conflict of interest shall be disclosed in the following manner:

''(i) By the Institute in appointing members to an expert advisory panel under subsection (d)(4), in selecting individuals to contribute to any peer-review process under subsection (d)(7), and for employment as executive staff of the Institute.

''(ii) By the Comptroller General in appointing members of the methodology committee under subsection (d)(6);

''(iii) By the Institute in the annual report under subsection (d)(10), except that, in the case of individuals contributing to any such peer review process, such description shall be in a manner such that those individuals cannot be identified with a particular research project.

''(B) MANNER OF DISCLOSURE.—Conflicts of interest shall be disclosed as described in subparagraph (A) as soon as practicable on the Internet web site of the Institute and of the Government Accountability Office. The information disclosed under the preceding sentence shall include the type, nature, and magnitude of the interests of the individual involved, except to the extent that the individual recuses himself or herself from participating in the consideration of or any other activity with respect to the study as to which the potential conflict exists.

''(i) RULES.—The Institute, its Board or staff, shall be prohibited from accepting gifts, bequeaths, or donations of services or property. In addition, the Institute shall be prohibited from establishing a corporation or generating revenues from activities other than as provided under this section.

''(j) RULES OF CONSTRUCTION.—

''(1) COVERAGE.—Nothing in this section shall be construed—

''(A) to permit the Institute to mandate coverage, reimbursement, or other policies for any public or private payer; or

''(B) as preventing the Secretary from covering the routine costs of clinical care received by an individual entitled to, or enrolled for, benefits under title XVIII, XIX, or XXI in the case where such individual is participating in a clinical trial and such costs would otherwise be covered under such title with respect to the beneficiary.''.

(b) DISSEMINATION AND BUILDING CAPACITY FOR RESEARCH.—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.), as amended by section 3606, is further amended by inserting after section 936 the following:

''SEC. 937. DISSEMINATION AND BUILDING CAPACITY FOR RESEARCH.

''(a) IN GENERAL.—

''(1) DISSEMINATION.—The Office of Communication and Knowledge Transfer (referred to in this section as the 'Office') at the Agency for Healthcare Research and Quality (or any other relevant office designated by Agency for Healthcare Research and Quality), in consultation with the National Institutes of Health, shall broadly disseminate the research findings that are published by the Patient Centered Outcomes Research Institute established under section 1181(b) of the Social Security Act (referred to in this section as the 'Institute') and other government-funded research relevant to comparative clinical effectiveness research. The Office shall create informational tools that organize and disseminate research findings for physicians, health care providers, patients, payers, and policy makers. The Office shall also develop a publicly available resource database that collects and contains government-funded evidence and research from public, private, not-for profit, and academic sources.

''(2) REQUIREMENTS.—The Office shall provide for the dissemination of the Institute's research findings and government-funded research relevant to comparative clinical effectiveness research to physicians, health care providers, patients, vendors of health information technology focused on clinical decision support, appropriate professional associations, and Federal and private health plans. Materials, forums, and media used to disseminate the findings, informational tools, and resource databases shall—

''(A) include a description of considerations for specific subpopulations, the research methodology, and the limitations of the research, and the names of the entities, agencies, instrumentalities, and individuals who conducted any research which was published by the Institute; and

''(B) not be construed as mandates, guidelines, or recommendations for payment, coverage, or treatment.

''(b) INCORPORATION OF RESEARCH FINDINGS.—The Office, in consultation with relevant medical and clinical associations, shall assist users of health information technology focused on clinical decision support to promote the timely incorporation of research findings disseminated under subsection (a) into clinical practices and to promote the ease of use of such incorporation.

''(c) FEEDBACK.—The Office shall establish a process to receive feedback from physicians, health care providers, patients, and vendors of health information technology focused on clinical decision support, appropriate professional associations, and Federal and private health plans about the value of the information disseminated and the assistance provided under this section.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall preclude the Institute from making its research findings publicly available as required under section 1181(d)(8) of the Social Security Act.

''(e) TRAINING OF RESEARCHERS.—The Agency for Health Care Research and Quality, in consultation with the National Institutes of Health, shall build capacity for comparative clinical effectiveness research by establishing a grant program that provides for the training of researchers in the methods used to conduct such research, including systematic reviews of existing research and primary research such as clinical trials. At a minimum, such training shall be in methods that meet the methodological standards adopted under section 1181(d)(9) of the Social Security Act.

''(f) BUILDING DATA FOR RESEARCH.—The Secretary shall provide for the coordination of relevant Federal health programs to build data capacity for comparative clinical effectiveness research, including the development and use of clinical registries and health outcomes research data networks, in order to develop and maintain a comprehensive, interoperable data network to collect, link, and analyze data on outcomes and effectiveness from multiple sources, including electronic health records.

''(g) AUTHORITY TO CONTRACT WITH THE INSTITUTE.—Agencies and instrumentalities of the Federal Government may enter into agreements with the Institute, and accept and retain funds, for the conduct and support of research described in this part, provided that the research to be conducted or supported under such agreements is authorized under the governing statutes of such agencies and instrumentalities.''.

(c) IN GENERAL.—Part D of title XI of the Social Security Act, as added by subsection (a), is amended by adding at the end the following new section:

''LIMITATIONS ON CERTAIN USES OF COMPARATIVE CLINICAL EFFECTIVENESS RESEARCH

''SEC. 1182. (a) The Secretary may only use evidence and findings from research conducted under section 1181 to make a determination regarding coverage under title XVIII if such use is through an iterative and transparent process which includes public comment and considers the effect on subpopulations.

''(b) Nothing in section 1181 shall be construed as—

''(1) superceding or modifying the coverage of items or services under title XVIII that the Secretary determines are reasonable and necessary under section 1862(l)(1); or

''(2) authorizing the Secretary to deny coverage of items or services under such title solely on the basis of comparative clinical effectiveness research.

''(c)(1) The Secretary shall not use evidence or findings from comparative clinical effectiveness research conducted under section 1181 in determining coverage, reimbursement, or incentive programs under title XVIII in a manner that treats extending the life of an elderly, disabled, or terminally ill individual as of lower value than extending the life of an individual who is younger, nondisabled, or not terminally ill.

''(2) Paragraph (1) shall not be construed as preventing the Secretary from using evidence or findings from such comparative clinical effectiveness research in determining coverage, reimbursement, or incentive programs under title XVIII based upon a comparison of the difference in the effectiveness of alternative treatments in extending an individual's life due to the individual's age, disability, or terminal illness.

''(d)(1) The Secretary shall not use evidence or findings from comparative clinical effectiveness research conducted under section 1181 in determining coverage, reimbursement, or incentive programs under title XVIII in a manner that precludes, or with the intent to discourage, an individual from choosing a health care treatment based on how the individual values the tradeoff between extending the length of their life and the risk of disability.

''(2)(A) Paragraph (1) shall not be construed to—

''(i) limit the application of differential copayments under title XVIII based on factors such as cost or type of service; or

''(ii) prevent the Secretary from using evidence or findings from such comparative clinical effectiveness research in determining coverage, reimbursement, or incentive programs under such title based upon a comparison of the difference in the effectiveness of alternative health care treatments in extending an individual's life due to that individual's age, disability, or terminal illness.

''(3) Nothing in the provisions of, or amendments made by the Patient Protection and Affordable Care Act, shall be construed to limit comparative clinical effectiveness research or any other research, evaluation, or dissemination of information concerning the likelihood that a health care treatment will result in disability.

''(e) The Patient-Centered Outcomes Research Institute established under section 1181(b)(1) shall not develop or employ a dollars-per-quality adjusted life year (or similar measure that discounts the value of a life because of an individual's disability) as a threshold to establish what type of health care is cost effective or recommended. The Secretary shall not utilize such an adjusted life year (or such a similar measure) as a threshold to determine coverage, reimbursement, or incentive programs under title XVIII.''.

(d) IN GENERAL.—Part D of title XI of the Social Security Act, as added by subsection (a) and amended by subsection (c), is amended by adding at the end the following new section:

''TRUST FUND TRANSFERS TO PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND

''SEC. 1183. (a) IN GENERAL.—The Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841, in proportion (as estimated by the Secretary) to the total expenditures during such fiscal year that are made under title XVIII from the respective trust fund, to the Patient-Centered Outcomes Research Trust Fund (referred to in this section as the 'PCORTF') under section 9511 of the Internal Revenue Code of 1986, of the following:

''(1) For fiscal year 2013, an amount equal to $1 multiplied by the average number of individuals entitled to benefits under part A, or enrolled under part B, of title XVIII during such fiscal year.

''(2) For each of fiscal years 2014, 2015, 2016, 2017, 2018, and 2019, an amount equal to $2 multiplied by the average number of individuals entitled to benefits under part A, or enrolled under part B, of title XVIII during such fiscal year.

''(b) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a)(2) for such fiscal year shall be equal to the sum of such dollar amount for the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

''(1) such dollar amount for the previous fiscal year, multiplied by

''(2) the percentage increase in the projected per capita amount of National Health Expenditures, as most recently published by the Secretary before the beginning of the fiscal year.''.

(e) PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND; FINANCING FOR TRUST FUND.—

(1) ESTABLISHMENT OF TRUST FUND.—

(A) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section:

''SEC. 9511. PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Patient-Centered Outcomes Research Trust Fund' (hereafter in this section referred to as the 'PCORTF'), consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section and section 9602(b).

''(b) TRANSFERS TO FUND.—

''(1) APPROPRIATION.—There are hereby appropriated to the Trust Fund the following:

''(A) For fiscal year 2010, $10,000,000.

''(B) For fiscal year 2011, $50,000,000.

''(C) For fiscal year 2012, $150,000,000.

''(D) For fiscal year 2013—

''(i) an amount equivalent to the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans) for such fiscal year; and

''(ii) $150,000,000.

''(E) For each of fiscal years 2014, 2015, 2016, 2017, 2018, and 2019—

''(i) an amount equivalent to the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans) for such fiscal year; and

''(ii) $150,000,000.

The amounts appropriated under subparagraphs (A), (B), (C), (D)(ii), and (E)(ii) shall be transferred from the general fund of the Treasury, from funds not otherwise appropriated.

''(2) TRUST FUND TRANSFERS.—In addition to the amounts appropriated under paragraph (1), there shall be credited to the PCORTF the amounts transferred under section 1183 of the Social Security Act.

''(3) LIMITATION ON TRANSFERS TO PCORTF.—No amount may be appropriated or transferred to the PCORTF on and after the date of any expenditure from the PCORTF which is not an expenditure permitted under this section. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this chapter or in a revenue Act, and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

''(c) TRUSTEE.—The Secretary of the Treasury shall be a trustee of the PCORTF.

''(d) EXPENDITURES FROM FUND.—

''(1) AMOUNTS AVAILABLE TO THE PATIENT-CENTERED OUTCOMES RESEARCH INSTITUTE.—Subject to paragraph (2), amounts in the PCORTF are available, without further appropriation, to the Patient-Centered Outcomes Research Institute established under section 1181(b) of the Social Security Act for carrying out part D of title XI of the Social Security Act (as in effect on the date of enactment of such Act).

''(2) TRANSFER OF FUNDS.—

''(A) IN GENERAL.—The trustee of the PCORTF shall provide for the transfer from the PCORTF of 20 percent of the amounts appropriated or credited to the PCORTF for each of fiscal years 2011 through 2019 to the Secretary of Health and Human Services to carry out section 937 of the Public Health Service Act.

''(B) AVAILABILITY.—Amounts transferred under subparagraph (A) shall remain available until expended.

''(C) REQUIREMENTS.—Of the amounts transferred under subparagraph (A) with respect to a fiscal year, the Secretary of Health and Human Services shall distribute—

''(i) 80 percent to the Office of Communication and Knowledge Transfer of the Agency for Healthcare Research and Quality (or any other relevant office designated by Agency for Healthcare Research and Quality) to carry out the activities described in section 937 of the Public Health Service Act; and

''(ii) 20 percent to the Secretary to carry out the activities described in such section 937.

''(e) NET REVENUES.—For purposes of this section, the term 'net revenues' means the amount estimated by the Secretary of the Treasury based on the excess of—

''(1) the fees received in the Treasury under subchapter B of chapter 34, over

''(2) the decrease in the tax imposed by chapter 1 resulting from the fees imposed by such subchapter.

''(f) TERMINATION.—No amounts shall be available for expenditure from the PCORTF after September 30, 2019, and any amounts in such Trust Fund after such date shall be transferred to the general fund of the Treasury.''.

(B) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

''Sec. 9511. Patient-centered outcomes research trust fund.''.

(2) FINANCING FOR FUND FROM FEES ON INSURED AND SELF-INSURED HEALTH PLANS.—

(A) GENERAL RULE.—Chapter 34 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

"Subchapter B—Insured and Self-Insured Health Plans

''Sec. 4375. Health insurance.
''Sec. 4376. Self-insured health plans.
''Sec. 4377. Definitions and special rules.

"SEC. 4375. HEALTH INSURANCE.

''(a) IMPOSITION OF FEE.—There is hereby imposed on each specified health insurance policy for each policy year ending after September 30, 2012, a fee equal to the product of $2 ($1 in the case of policy years ending during fiscal year 2013) multiplied by the average number of lives covered under the policy.

''(b) LIABILITY FOR FEE.—The fee imposed by subsection (a) shall be paid by the issuer of the policy.

''(c) SPECIFIED HEALTH INSURANCE POLICY.—For purposes of this section:

''(1) IN GENERAL.—Except as otherwise provided in this section, the term 'specified health insurance policy' means any accident or health insurance policy (including a policy under a group health plan) issued with respect to individuals residing in the United States.

''(2) EXEMPTION FOR CERTAIN POLICIES.—The term 'specified health insurance policy' does not include any insurance if substantially all of its coverage is of excepted benefits described in section 9832(c).

''(3) TREATMENT OF PREPAID HEALTH COVERAGE ARRANGEMENTS.—

''(A) IN GENERAL.—In the case of any arrangement described in subparagraph (B), such arrangement shall be treated as a specified health insurance policy, and the person referred to in such subparagraph shall be treated as the issuer.

''(B) DESCRIPTION OF ARRANGEMENTS.—An arrangement is described in this subparagraph if under such arrangement fixed payments or premiums are received as consideration for any person's agreement to provide or arrange for the provision of accident or health coverage to residents of the United States, regardless of how such coverage is provided or arranged to be provided.

''(d) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any policy year ending in any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a) for such policy year shall be equal to the sum of such dollar amount for policy years ending in the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

''(1) such dollar amount for policy years ending in the previous fiscal year, multiplied by

''(2) the percentage increase in the projected per capita amount of National Health Expenditures, as most recently published by the Secretary before the beginning of the fiscal year.

''(e) TERMINATION.—This section shall not apply to policy years ending after September 30, 2019.

"SEC. 4376. SELF-INSURED HEALTH PLANS.

''(a) IMPOSITION OF FEE.—In the case of any applicable self-insured health plan for each plan year ending after September 30, 2012, there is hereby imposed a fee equal to $2 ($1 in the case of plan years ending during fiscal year 2013) multiplied by the average number of lives covered under the plan.

''(b) LIABILITY FOR FEE.—

''(1) IN GENERAL.—The fee imposed by subsection (a) shall be paid by the plan sponsor.

''(2) PLAN SPONSOR.—For purposes of paragraph (1) the term 'plan sponsor' means—

''(A) the employer in the case of a plan established or maintained by a single employer,

''(B) the employee organization in the case of a plan established or maintained by an employee organization,

''(C) in the case of—

''(i) a plan established or maintained by 2 or more employers or jointly by 1 or more employers and 1 or more employee organizations,

''(ii) a multiple employer welfare arrangement, or

''(iii) a voluntary employees' beneficiary association described in section 501(c)(9), the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan, or

''(D) the cooperative or association described in subsection (c)(2)(F) in the case of a plan established or maintained by such a cooperative or association.

''(c) APPLICABLE SELF-INSURED HEALTH PLAN.—For purposes of this section, the term 'applicable self-insured health plan' means any plan for providing accident or health coverage if—

''(1) any portion of such coverage is provided other than through an insurance policy, and

''(2) such plan is established or maintained—

''(A) by 1 or more employers for the benefit of their employees or former employees,

''(B) by 1 or more employee organizations for the benefit of their members or former members,

''(C) jointly by 1 or more employers and 1 or more employee organizations for the benefit of employees or former employees,

''(D) by a voluntary employees' beneficiary association described in section 501(c)(9),

''(E) by any organization described in section 501(c)(6), or

''(F) in the case of a plan not described in the preceding subparagraphs, by a multiple employer welfare arrangement (as defined in section 3(40) of Employee Retirement Income Security Act of 1974), a rural electric cooperative (as defined in section 3(40)(B)(iv) of such Act), or a rural telephone cooperative association (as defined in section 3(40)(B)(v) of such Act).

''(d) ADJUSTMENTS FOR INCREASES IN HEALTH CARE SPENDING.—In the case of any plan year ending in any fiscal year beginning after September 30, 2014, the dollar amount in effect under subsection (a) for such plan year shall be equal to the sum of such dollar amount for plan years ending in the previous fiscal year (determined after the application of this subsection), plus an amount equal to the product of—

''(1) such dollar amount for plan years ending in the previous fiscal year, multiplied by

''(2) the percentage increase in the projected per capita amount of National Health Expenditures, as most recently published by the Secretary before the beginning of the fiscal year.

''(e) TERMINATION.—This section shall not apply to plan years ending after September 30, 2019.

"SEC. 4377. DEFINITIONS AND SPECIAL RULES.

''(a) DEFINITIONS.—For purposes of this subchapter—

''(1) ACCIDENT AND HEALTH COVERAGE.—The term 'accident and health coverage' means any coverage which, if provided by an insurance policy, would cause such policy to be a specified health insurance policy (as defined in section 4375(c)).

''(2) INSURANCE POLICY.—The term 'insurance policy' means any policy or other instrument whereby a contract of insurance is issued, renewed, or extended.

''(3) UNITED STATES.—The term 'United States' includes any possession of the United States.

''(b) TREATMENT OF GOVERNMENTAL ENTITIES.—

''(1) IN GENERAL.—For purposes of this subchapter—

''(A) the term 'person' includes any governmental entity, and

''(B) notwithstanding any other law or rule of law, governmental entities shall not be exempt from the fees imposed by this subchapter except as provided in paragraph (2).

''(2) TREATMENT OF EXEMPT GOVERNMENTAL PROGRAMS.—In the case of an exempt governmental program, no fee shall be imposed under section 4375 or section 4376 on any covered life under such program.

''(3) EXEMPT GOVERNMENTAL PROGRAM DEFINED.—For purposes of this subchapter, the term 'exempt governmental program' means—

''(A) any insurance program established under title XVIII of the Social Security Act,

''(B) the medical assistance program established by title XIX or XXI of the Social Security Act,

''(C) any program established by Federal law for providing medical care (other than through insurance policies) to individuals (or the spouses and dependents thereof) by reason of such individuals being members of the Armed Forces of the United States or veterans, and

''(D) any program established by Federal law for providing medical care (other than through insurance policies) to members of Indian tribes (as defined in section 4(d) of the Indian Health Care Improvement Act).

''(c) TREATMENT AS TAX.—For purposes of subtitle F, the fees imposed by this subchapter shall be treated as if they were taxes.

''(d) NO COVER OVER TO POSSESSIONS.—Notwithstanding any other provision of law, no amount collected under this subchapter shall be covered over to any possession of the United States.''.

(B) CLERICAL AMENDMENTS.—

(i) Chapter 34 of such Code is amended by striking the chapter heading and inserting the following:

"CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES

''SUBCHAPTER A. POLICIES ISSUED BY FOREIGN INSURERS

''SUBCHAPTER B. INSURED AND SELF-INSURED HEALTH PLANS

"Subchapter A—Policies Issued By Foreign Insurers".

(ii) The table of chapters for subtitle D of such Code is amended by striking the item relating to chapter 34 and inserting the following new item:

''CHAPTER 34—TAXES ON CERTAIN INSURANCE POLICIES''.

(f) TAX-EXEMPT STATUS OF THE PATIENT-CENTERED OUTCOMES RESEARCH INSTITUTE.—Subsection 501(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) The Patient-Centered Outcomes Research Institute established under section 1181(b) of the Social Security Act.''.

SEC. 6302. FEDERAL COORDINATING COUNCIL FOR COMPARATIVE EFFECTIVENESS RESEARCH.

Notwithstanding any other provision of law, the Federal Coordinating Council for Comparative Effectiveness Research established under section 804 of Division A of the American Recovery and Reinvestment Act of 2009 (42 U.S.C. 299b–8), including the requirement under subsection (e)(2) of such section, shall terminate on the date of enactment of this Act.

Subtitle E—Medicare, Medicaid, and CHIP Program Integrity Provisions

SEC. 6401. PROVIDER SCREENING AND OTHER ENROLLMENT REQUIREMENTS UNDER MEDICARE, MEDICAID, AND CHIP.

(a) MEDICARE.—Section 1866(j) of the Social Security Act (42 U.S.C. 1395cc(j)) is amended—

(1) in paragraph (1)(A), by adding at the end the following: ''Such process shall include screening of providers and suppliers in accordance with paragraph (2), a provisional period of enhanced oversight in accordance with paragraph (3), disclosure requirements in accordance with paragraph (4), the imposition of temporary enrollment moratoria in accordance with paragraph (5), and the establishment of compliance programs in accordance with paragraph (6).'';

(2) by redesignating paragraph (2) as paragraph (7); and

(3) by inserting after paragraph (1) the following:

''(2) PROVIDER SCREENING.—

''(A) PROCEDURES.—Not later than 180 days after the date of enactment of this paragraph, the Secretary, in consultation with the Inspector General of the Department of Health and Human Services, shall establish procedures under which screening is conducted with respect to providers of medical or other items or services and suppliers under the program under this title, the Medicaid program under title XIX, and the CHIP program under title XXI.

''(B) LEVEL OF SCREENING.—The Secretary shall determine the level of screening conducted under this paragraph according to the risk of fraud, waste, and abuse, as determined by the Secretary, with respect to the category of provider of medical or other items or services or supplier. Such screening—

''(i) shall include a licensure check, which may include such checks across States; and

''(ii) may, as the Secretary determines appropriate based on the risk of fraud, waste, and abuse described in the preceding sentence, include—

''(I) a criminal background check;

''(II) fingerprinting;

''(III) unscheduled and unannounced site visits, including preenrollment site visits;

''(IV) database checks (including such checks across States); and

''(V) such other screening as the Secretary determines appropriate.

''(C) APPLICATION FEES.—

''(i) INDIVIDUAL PROVIDERS.—Except as provided in clause (iii), the Secretary shall impose a fee on each individual provider of medical or other items or services or supplier (such as a physician, physician assistant, nurse practitioner, or clinical nurse specialist) with respect to which screening is conducted under this paragraph in an amount equal to—

''(I) for 2010, $200; and

''(II) for 2011 and each subsequent year, the amount determined under this clause for the preceding year, adjusted by the percentage change in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year.

''(ii) INSTITUTIONAL PROVIDERS.—Except as provided in clause (iii), the Secretary shall impose a fee on each institutional provider of medical or other items or services or supplier (such as a hospital or skilled nursing facility) with respect to which screening is conducted under this paragraph in an amount equal to—

''(I) for 2010, $500; and

''(II) for 2011 and each subsequent year, the amount determined under this clause for the preceding year, adjusted by the percentage change in the consumer price index for all urban consumers (all items; United States city average) for the 12-month period ending with June of the previous year.

''(iii) HARDSHIP EXCEPTION; WAIVER FOR CERTAIN MEDICAID PROVIDERS.—The Secretary may, on a case-by-case basis, exempt a provider of medical or other items or services or supplier from the imposition of an application fee under this subparagraph if the Secretary determines that the imposition of the application fee would result in a hardship. The Secretary may waive the application fee under this subparagraph for providers enrolled in a State Medicaid program for whom the State demonstrates that imposition of the fee would impede beneficiary access to care.

''(iv) USE OF FUNDS.—Amounts collected as a result of the imposition of a fee under this subparagraph shall be used by the Secretary for program integrity efforts, including to cover the costs of conducting screening under this paragraph and to carry out this subsection and section 1128J.

''(D) APPLICATION AND ENFORCEMENT.—

''(i) NEW PROVIDERS OF SERVICES AND SUPPLIERS.—The screening under this paragraph shall apply, in the case of a provider of medical or other items or services or supplier who is not enrolled in the program under this title, title XIX , or title XXI as of the date of enactment of this paragraph, on or after the date that is 1 year after such date of enactment.

''(ii) CURRENT PROVIDERS OF SERVICES AND SUPPLIERS.—The screening under this paragraph shall apply, in the case of a provider of medical or other items or services or supplier who is enrolled in the program under this title, title XIX, or title XXI as of such date of enactment, on or after the date that is 2 years after such date of enactment.

''(iii) REVALIDATION OF ENROLLMENT.—Effective beginning on the date that is 180 days after such date of enactment, the screening under this paragraph shall apply with respect to the revalidation of enrollment of a provider of medical or other items or services or supplier in the program under this title, title XIX, or title XXI.

''(iv) LIMITATION ON ENROLLMENT AND REVALIDATION OF ENROLLMENT.—In no case may a provider of medical or other items or services or supplier who has not been screened under this paragraph be initially enrolled or reenrolled in the program under this title, title XIX, or title XXI on or after the date that is 3 years after such date of enactment.

''(E) EXPEDITED RULEMAKING.—The Secretary may promulgate an interim final rule to carry out this paragraph.

''(3) PROVISIONAL PERIOD OF ENHANCED OVERSIGHT FOR NEW PROVIDERS OF SERVICES AND SUPPLIERS.—

''(A) IN GENERAL.—The Secretary shall establish procedures to provide for a provisional period of not less than 30 days and not more than 1 year during which new providers of medical or other items or services and suppliers, as the Secretary determines appropriate, including categories of providers or suppliers, would be subject to enhanced oversight, such as prepayment review and payment caps, under the program under this title, the Medicaid program under title XIX. and the CHIP program under title XXI.

''(B) IMPLEMENTATION.—The Secretary may establish by program instruction or otherwise the procedures under this paragraph.

''(4) INCREASED DISCLOSURE REQUIREMENTS.—

''(A) DISCLOSURE.—A provider of medical or other items or services or supplier who submits an application for enrollment or revalidation of enrollment in the program under this title, title XIX, or title XXI on or after the date that is 1 year after the date of enactment of this paragraph shall disclose (in a form and manner and at such time as determined by the Secretary) any current or previous affiliation (directly or indirectly) with a provider of medical or other items or services or supplier that has uncollected debt, has been or is subject to a payment suspension under a Federal health care program (as defined in section 1128B(f)), has been excluded from participation under the program under this title, the Medicaid program under title XIX, or the CHIP program under title XXI, or has had its billing privileges denied or revoked.

''(B) AUTHORITY TO DENY ENROLLMENT.—If the Secretary determines that such previous affiliation poses an undue risk of fraud, waste, or abuse, the Secretary may deny such application. Such a denial shall be subject to appeal in accordance with paragraph (7).

''(5) AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE SAME TAX IDENTIFICATION NUMBER FOR PAST-DUE OBLIGATIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, in the case of an applicable provider of services or supplier, the Secretary may make any necessary adjustments to payments to the applicable provider of services or supplier under the program under this title in order to satisfy any past-due obligations described in subparagraph (B)(ii) of an obligated provider of services or supplier.

''(B) DEFINITIONS.—In this paragraph:

''(i) IN GENERAL.—The term 'applicable provider of services or supplier' means a provider of services or supplier that has the same taxpayer identification number assigned under section 6109 of the Internal Revenue Code of 1986 as is assigned to the obligated provider of services or supplier under such section, regardless of whether the applicable provider of services or supplier is assigned a different billing number or national provider identification number under the program under this title than is assigned to the obligated provider of services or supplier.

''(ii) OBLIGATED PROVIDER OF SERVICES OR SUPPLIER.—The term 'obligated provider of services or supplier' means a provider of services or supplier that owes a past-due obligation under the program under this title (as determined by the Secretary).

''(6) TEMPORARY MORATORIUM ON ENROLLMENT OF NEW PROVIDERS.—

''(A) IN GENERAL.—The Secretary may impose a temporary moratorium on the enrollment of new providers of services and suppliers, including categories of providers of services and suppliers, in the program under this title, under the Medicaid program under title XIX, or under the CHIP program under title XXI if the Secretary determines such moratorium is necessary to prevent or combat fraud, waste, or abuse under either such program.

''(B) LIMITATION ON REVIEW.—There shall be no judicial review under section 1869, section 1878, or otherwise, of a temporary moratorium imposed under subparagraph (A).

''(7) COMPLIANCE PROGRAMS.—

''(A) IN GENERAL.—On or after the date of implementation determined by the Secretary under subparagraph (C), a provider of medical or other items or services or supplier within a particular industry sector or category shall, as a condition of enrollment in the program under this title, title XIX, or title XXI, establish a compliance program that contains the core elements established under subparagraph (B) with respect to that provider or supplier and industry or category.

''(B) ESTABLISHMENT OF CORE ELEMENTS.—The Secretary, in consultation with the Inspector General of the Department of Health and Human Services, shall establish core elements for a compliance program under subparagraph (A) for providers or suppliers within a particular industry or category.

''(C) TIMELINE FOR IMPLEMENTATION.—The Secretary shall determine the timeline for the establishment of the core elements under subparagraph (B) and the date of the implementation of subparagraph (A) for providers or suppliers within a particular industry or category. The Secretary shall, in determining such date of implementation, consider the extent to which the adoption of compliance programs by a provider of medical or other items or services or supplier is widespread in a particular industry sector or with respect to a particular provider or supplier category.''.

(b) MEDICAID.—

(1) STATE PLAN AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 4302(b), is amended—

(A) in subsection (a)—

(i) by striking ''and'' at the end of paragraph (75);

(ii) by striking the period at the end of paragraph (76) and inserting a semicolon; and

(iii) by inserting after paragraph (76) the following:

''(77) provide that the State shall comply with provider and supplier screening, oversight, and reporting requirements in accordance with subsection (ii);''; and

(B) by adding at the end the following:

''(ii) PROVIDER AND SUPPLIER SCREENING, OVERSIGHT, AND REPORTING REQUIREMENTS.—For purposes of subsection (a)(77), the requirements of this subsection are the following:

''(1) SCREENING.—The State complies with the process for screening providers and suppliers under this title, as established by the Secretary under section 1886(j)(2).

''(2) PROVISIONAL PERIOD OF ENHANCED OVERSIGHT FOR NEW PROVIDERS AND SUPPLIERS.—The

State complies with procedures to provide for a provisional period of enhanced oversight for new providers and suppliers under this title, as established by the Secretary under section 1886(j)(3).

''(3) DISCLOSURE REQUIREMENTS.—The State requires providers and suppliers under the State plan or under a waiver of the plan to comply with the disclosure requirements established by the Secretary under section 1886(j)(4).

''(4) TEMPORARY MORATORIUM ON ENROLLMENT OF NEW PROVIDERS OR SUPPLIERS.—

''(A) TEMPORARY MORATORIUM IMPOSED BY THE SECRETARY.—

''(i) IN GENERAL.—Subject to clause (ii), the State complies with any temporary moratorium on the enrollment of new providers or suppliers imposed by the Secretary under section 1886(j)(6).

''(ii) EXCEPTION.—A State shall not be required to comply with a temporary moratorium described in clause (i) if the State determines that the imposition of such temporary moratorium would adversely impact beneficiaries' access to medical assistance.

''(B) MORATORIUM ON ENROLLMENT OF PROVIDERS AND SUPPLIERS.—At the option of the State, the State imposes, for purposes of entering into participation agreements with providers or suppliers under the State plan or under a waiver of the plan, periods of enrollment moratoria, or numerical caps or other limits, for providers or suppliers identified by the Secretary as being at high-risk for fraud, waste, or abuse as necessary to combat fraud, waste, or abuse, but only if the State determines that the imposition of any such period, cap, or other limits would not adversely impact beneficiaries' access to medical assistance.

''(5) COMPLIANCE PROGRAMS.—The State requires providers and suppliers under the State plan or under a waiver of the plan to establish, in accordance with the requirements of section 1866(j)(7), a compliance program that contains the core elements established under subparagraph (B) of that section 1866(j)(7) for providers or suppliers within a particular industry or category.

''(6) REPORTING OF ADVERSE PROVIDER ACTIONS.—The State complies with the national system for reporting criminal and civil convictions, sanctions, negative licensure actions, and other adverse provider actions to the Secretary, through the Administrator of the Centers for Medicare & Medicaid Services, in accordance with regulations of the Secretary.

''(7) ENROLLMENT AND NPI OF ORDERING OR REFERRING PROVIDERS.—The State requires—

''(A) all ordering or referring physicians or other professionals to be enrolled under the State plan or under a waiver of the plan as a participating provider; and

''(B) the national provider identifier of any ordering or referring physician or other professional to be specified on any claim for payment that is based on an order or referral of the physician or other professional.

''(8) OTHER STATE OVERSIGHT.—Nothing in this subsection shall be interpreted to preclude or limit the ability of a State to engage in provider and supplier screening or enhanced provider and supplier oversight activities beyond those required by the Secretary.''.

(2) DISCLOSURE OF MEDICARE TERMINATED PROVIDERS AND SUPPLIERS TO STATES.—The Administrator of the Centers for Medicare & Medicaid Services shall establish a process for making available to the each State agency with responsibility for administering a State Medicaid plan (or a waiver of such plan) under title XIX of the Social Security Act or a child health plan under title XXI the name, national provider identifier, and other identifying information for any provider of medical or other items or services or supplier under the Medicare program under title XVIII or under the CHIP program under title XXI that is terminated from participation under that program within 30 days of the termination (and, with respect to all such providers or suppliers who are terminated from the Medicare program on the date of enactment of this Act, within 90 days of such date).

(3) CONFORMING AMENDMENT.—Section 1902(a)(23) of the Social Security Act (42 U.S.C. 1396a), is amended by inserting before the semicolon at the end the following: ''or by a provider or supplier to which a moratorium under subsection (ii)(4) is applied during the period of such moratorium''.

(c) CHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)), as amended by section 2101(d), is amended—

(1) by redesignating subparagraphs (D) through (M) as subparagraphs (E) through (N), respectively; and

(2) by inserting after subparagraph (C), the following:

''(D) Subsections (a)(77) and (ii) of section 1902 (relating to provider and supplier screening, oversight, and reporting requirements).''.

SEC. 6402. ENHANCED MEDICARE AND MEDICAID PROGRAM INTEGRITY PROVISIONS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by sections 6002, 6004, and 6102, is amended by inserting after section 1128I the following new section:

''SEC. 1128J. MEDICARE AND MEDICAID PROGRAM INTEGRITY PROVISIONS.

''(a) DATA MATCHING.—

''(1) INTEGRATED DATA REPOSITORY.—

''(A) INCLUSION OF CERTAIN DATA.—

''(i) IN GENERAL.—The Integrated Data Repository of the Centers for Medicare & Medicaid Services shall include, at a minimum, claims and payment data from the following:

''(I) The programs under titles XVIII and XIX (including parts A, B, C, and D of title XVIII).

''(II) The program under title XXI.

''(III) Health-related programs administered by the Secretary of Veterans Affairs.

''(IV) Health-related programs administered by the Secretary of Defense.

''(V) The program of old-age, survivors, and disability insurance benefits established under title II.

''(VI) The Indian Health Service and the Contract Health Service program.

''(ii) PRIORITY FOR INCLUSION OF CERTAIN DATA.—Inclusion of the data described in subclause (I) of such clause in the Integrated Data Repository shall be a priority. Data described in subclauses (II) through (VI) of such clause shall be included in the Integrated Data Repository as appropriate.

''(B) DATA SHARING AND MATCHING.—

''(i) IN GENERAL.—The Secretary shall enter into agreements with the individuals described in clause (ii) under which such individuals share and match data in the system of records of the respective agencies of such individuals with data in the system of records of the Department of Health and Human Services for the purpose of identifying potential fraud, waste, and abuse under the programs under titles XVIII and XIX.

''(ii) INDIVIDUALS DESCRIBED.—The following individuals are described in this clause:

''(I) The Commissioner of Social Security.

''(II) The Secretary of Veterans Affairs.

''(III) The Secretary of Defense.

''(IV) The Director of the Indian Health Service.

''(iii) DEFINITION OF SYSTEM OF RECORDS.—For purposes of this paragraph, the term 'system of records' has the meaning given such term in section 552a(a)(5) of title 5, United States Code.

''(2) ACCESS TO CLAIMS AND PAYMENT DATABASES.—For purposes of conducting law enforcement and oversight activities and to the extent consistent with applicable information, privacy, security, and disclosure laws, including the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, and subject to any information systems security requirements under such laws or otherwise required by the Secretary, the Inspector General of the Department of Health and Human Services and the Attorney General shall have access to claims and payment data of the Department of Health and Human Services and its contractors related to titles XVIII, XIX, and XXI.

''(b) OIG AUTHORITY TO OBTAIN INFORMATION.—

''(1) IN GENERAL.—Notwithstanding and in addition to any other provision of law, the Inspector General of the Department of Health and Human Services may, for purposes of protecting the integrity of the programs under titles XVIII and XIX, obtain information from any individual (including a beneficiary provided all applicable privacy protections are followed) or entity that—

''(A) is a provider of medical or other items or services, supplier, grant recipient, contractor, or subcontractor; or

''(B) directly or indirectly provides, orders, manufactures, distributes, arranges for, prescribes, supplies, or receives medical or other items or services payable by any Federal health care program (as defined in section 1128B(f)) regardless of how the item or service is paid for, or to whom such payment is made.

''(2) INCLUSION OF CERTAIN INFORMATION.—Information which the Inspector General may obtain under paragraph (1) includes any supporting documentation necessary to validate claims for payment or payments under title XVIII or XIX, including a prescribing physician's medical records for an individual who is prescribed an item or service which is covered under part B of title XVIII, a covered part D drug (as defined in section 1860D–2(e)) for which payment is made under an MA–PD plan under part C of such title, or a prescription drug plan under part D of such title, and any records necessary for evaluation of the economy, efficiency, and effectiveness of the programs under titles XVIII and XIX.

''(c) ADMINISTRATIVE REMEDY FOR KNOWING PARTICIPATION BY BENEFICIARY IN HEALTH CARE FRAUD SCHEME.—

''(1) IN GENERAL.—In addition to any other applicable remedies, if an applicable individual has knowingly participated in a Federal health care fraud offense or a conspiracy to commit a Federal health care fraud offense, the Secretary shall impose an appropriate administrative penalty commensurate with the offense or conspiracy.

''(2) APPLICABLE INDIVIDUAL.—For purposes of paragraph (1), the term 'applicable individual' means an individual—

''(A) entitled to, or enrolled for, benefits under part A of title XVIII or enrolled under part B of such title;

''(B) eligible for medical assistance under a State plan under title XIX or under a waiver of such plan; or

''(C) eligible for child health assistance under a child health plan under title XXI.

''(d) REPORTING AND RETURNING OF OVERPAYMENTS.—

''(1) IN GENERAL.—If a person has received an overpayment, the person shall—

''(A) report and return the overpayment to the Secretary, the State, an intermediary, a carrier, or a contractor, as appropriate, at the correct address; and

''(B) notify the Secretary, State, intermediary, carrier, or contractor to whom the overpayment was returned in writing of the reason for the overpayment.

''(2) DEADLINE FOR REPORTING AND RETURNING OVERPAYMENTS.—An overpayment must be reported and returned under paragraph (1) by the later of—

''(A) the date which is 60 days after the date on which the overpayment was identified; or

''(B) the date any corresponding cost report is due, if applicable.

''(3) ENFORCEMENT.—Any overpayment retained by a person after the deadline for reporting and returning the overpayment under paragraph (2) is an obligation (as defined in section

3729(b)(3) of title 31, United States Code) for purposes of section 3729 of such title.

''(4) DEFINITIONS.—In this subsection:

''(A) KNOWING AND KNOWINGLY.—The terms 'knowing' and 'knowingly' have the meaning given those terms in section 3729(b) of title 31, United States Code.

''(B) OVERPAYMENT.—The term ''overpayment'' means any funds that a person receives or retains under title XVIII or XIX to which the person, after applicable reconciliation, is not entitled under such title.

''(C) PERSON.—

''(i) IN GENERAL.—The term 'person' means a provider of services, supplier, medicaid managed care organization (as defined in section 1903(m)(1)(A)), Medicare Advantage organization (as defined in section 1859(a)(1)), or PDP sponsor (as defined in section 1860D–41(a)(13)).

''(ii) EXCLUSION.—Such term does not include a beneficiary.

''(e) INCLUSION OF NATIONAL PROVIDER IDENTIFIER ON ALL APPLICATIONS AND CLAIMS.—The Secretary shall promulgate a regulation that requires, not later than January 1, 2011, all providers of medical or other items or services and suppliers under the programs under titles XVIII and XIX that qualify for a national provider identifier to include their national provider identifier on all applications to enroll in such programs and on all claims for payment submitted under such programs.''.

(b) ACCESS TO DATA.—

(1) MEDICARE PART D.—Section 1860D–15(f)(2) of the Social Security Act (42 U.S.C. 1395w–116(f)(2)) is amended by striking ''may be used by'' and all that follows through the period at the end and inserting ''may be used—

''(A) by officers, employees, and contractors of the Department of Health and Human Services for the purposes of, and to the extent necessary in—

''(i) carrying out this section; and

''(ii) conducting oversight, evaluation, and enforcement under this title; and

''(B) by the Attorney General and the Comptroller General of the United States for the purposes of, and to the extent necessary in, carrying out health oversight activities.''.

(2) DATA MATCHING.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) in clause (vii), by striking ''or'' at the end;

(B) in clause (viii), by inserting ''or'' after the semicolon; and

(C) by adding at the end the following new clause:

''(ix) matches performed by the Secretary of Health and Human Services or the Inspector General of the Department of Health and Human Services with respect to potential fraud, waste, and abuse, including matches of a system of records with non-Federal records;''.

(3) MATCHING AGREEMENTS WITH THE COMMISSIONER OF SOCIAL SECURITY.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following new paragraph:

''(9)(A) The Commissioner of Social Security shall, upon the request of the Secretary or the Inspector General of the Department of Health and Human Services—

''(i) enter into an agreement with the Secretary or such Inspector General for the purpose of matching data in the system of records of the Social Security Administration and the system of records of the Department of Health and Human Services; and

''(ii) include in such agreement safeguards to assure the maintenance of the confidentiality of any information disclosed.

''(B) For purposes of this paragraph, the term 'system of records' has the meaning given such term in section 552a(a)(5) of title 5, United States Code.''.

(c) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR STATES THAT FAIL TO REPORT ENROLLEE ENCOUNTER DATA IN THE MEDICAID STATISTICAL INFORMATION SYSTEM.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(1) in paragraph (23), by striking ''or'' at the end;

(2) in paragraph (24), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:.

''(25) with respect to any amounts expended for medical assistance for individuals for whom the State does not report enrollee encounter data (as defined by the Secretary) to the Medicaid Statistical Information System (MSIS) in a timely manner (as determined by the Secretary).''.

(d) PERMISSIVE EXCLUSIONS AND CIVIL MONETARY PENALTIES.—

(1) PERMISSIVE EXCLUSIONS.—Section 1128(b) of the Social Security Act (42 U.S.C. 1320a–7(b)) is amended by adding at the end the following new paragraph:

''(16) MAKING FALSE STATEMENTS OR MISREPRESENTATION OF MATERIAL FACTS.—Any individual or entity that knowingly makes or causes to be made any false statement, omission, or misrepresentation of a material fact in any application, agreement, bid, or contract to participate or enroll as a provider of services or supplier under a Federal health care program (as defined in section 1128B(f)), including Medicare Advantage organizations under part C of title XVIII, prescription drug plan sponsors under part D of title XVIII, medicaid managed care organizations under title XIX, and entities that apply to participate as providers of services or suppliers in such managed care organizations and such plans.''.

(2) CIVIL MONETARY PENALTIES.—

(A) IN GENERAL.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended—

(i) in paragraph (1)(D), by striking ''was excluded'' and all that follows through the period at the end and inserting ''was excluded from the Federal health care program (as defined in section 1128B(f)) under which the claim was made pursuant to Federal law.'';

(ii) in paragraph (6), by striking ''or'' at the end;

(iii) by inserting after paragraph (7), the following new paragraphs:

''(8) orders or prescribes a medical or other item or service during a period in which the person was excluded from a Federal health care program (as so defined), in the case where the person knows or should know that a claim for such medical or other item or service will be made under such a program;

''(9) knowingly makes or causes to be made any false statement, omission, or misrepresentation of a material fact in any application, bid, or contract to participate or enroll as a provider of services or a supplier under a Federal health care program (as so defined), including Medicare Advantage organizations under part C of title XVIII, prescription drug plan sponsors under part D of title XVIII, medicaid managed care organizations under title XIX, and entities that apply to participate as providers of services or suppliers in such managed care organizations and such plans;

''(10) knows of an overpayment (as defined in paragraph (4) of section 1128J(d)) and does not report and return the overpayment in accordance with such section;'';

(iv) in the first sentence—

(I) by striking the ''or'' after ''prohibited relationship occurs;''; and

(II) by striking ''act)'' and inserting ''act; or in cases under paragraph (9), $50,000 for each false statement or misrepresentation of a material fact)''; and

(v) in the second sentence, by striking ''purpose)'' and inserting ''purpose; or in cases under paragraph (9), an assessment of not more than 3 times the total amount claimed for each item or service for which payment was made based upon the application containing the false statement or misrepresentation of a material fact)''.

(B) CLARIFICATION OF TREATMENT OF CERTAIN CHARITABLE AND OTHER INNOCUOUS PROGRAMS.—Section 1128A(i)(6) of the Social Security Act (42 U.S.C. 1320a–7a(i)(6)) is amended—

(i) in subparagraph (C), by striking ''or'' at the end;

(ii) in subparagraph (D), as redesignated by section 4331(e) of the Balanced Budget Act of 1997 (Public Law 105–33), by striking the period at the end and inserting a semicolon;

(iii) by redesignating subparagraph (D), as added by section 4523(c) of such Act, as subparagraph (E) and striking the period at the end and inserting ''; or''; and

(iv) by adding at the end the following new subparagraphs:

''(F) any other remuneration which promotes access to care and poses a low risk of harm to patients and Federal health care programs (as defined in section 1128B(f) and designated by the Secretary under regulations);

''(G) the offer or transfer of items or services for free or less than fair market value by a person, if—

''(i) the items or services consist of coupons, rebates, or other rewards from a retailer;

''(ii) the items or services are offered or transferred on equal terms available to the general public, regardless of health insurance status; and

''(iii) the offer or transfer of the items or services is not tied to the provision of other items or services reimbursed in whole or in part by the program under title XVIII or a State health care program (as defined in section 1128(h));

''(H) the offer or transfer of items or services for free or less than fair market value by a person, if—

''(i) the items or services are not offered as part of any advertisement or solicitation;

''(ii) the items or services are not tied to the provision of other services reimbursed in whole or in part by the program under title XVIII or a State health care program (as so defined);

''(iii) there is a reasonable connection between the items or services and the medical care of the individual; and

''(iv) the person provides the items or services after determining in good faith that the individual is in financial need; or

''(I) effective on a date specified by the Secretary (but not earlier than January 1, 2011), the waiver by a PDP sponsor of a prescription drug plan under part D of title XVIII or an MA organization offering an MA–PD plan under part C of such title of any copayment for the first fill of a covered part D drug (as defined in section 1860D–2(e)) that is a generic drug for individuals enrolled in the prescription drug plan or MA–PD plan, respectively.''.

(e) TESTIMONIAL SUBPOENA AUTHORITY IN EXCLUSION-ONLY CASES.—Section 1128(f) of the Social Security Act (42 U.S.C. 1320a–7(f)) is amended by adding at the end the following new paragraph:

''(4) The provisions of subsections (d) and (e) of section 205 shall apply with respect to this section to the same extent as they are applicable with respect to title II. The Secretary may delegate the authority granted by section 205(d) (as made applicable to this section) to the Inspector General of the Department of Health and Human Services for purposes of any investigation under this section.''.

(f) HEALTH CARE FRAUD.—

(1) KICKBACKS.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended by adding at the end the following new subsection:

''(g) In addition to the penalties provided for in this section or section 1128A, a claim that includes items or services resulting from a violation of this section constitutes a false or fraudulent claim for purposes of subchapter III of chapter 37 of title 31, United States Code.''.

(2) REVISING THE INTENT REQUIREMENT.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b), as amended by paragraph (1), is amended by adding at the end the following new subsection:

''(h) With respect to violations of this section, a person need not have actual knowledge of this

section or specific intent to commit a violation of this section.''.

(g) SURETY BOND REQUIREMENTS.—

(1) DURABLE MEDICAL EQUIPMENT.—Section 1834(a)(16)(B) of the Social Security Act (42 U.S.C. 1395m(a)(16)(B)) is amended by inserting ''that the Secretary determines is commensurate with the volume of the billing of the supplier'' before the period at the end.

(2) HOME HEALTH AGENCIES.—Section 1861(o)(7)(C) of the Social Security Act (42 U.S.C. 1395x(o)(7)(C)) is amended by inserting ''that the Secretary determines is commensurate with the volume of the billing of the home health agency'' before the semicolon at the end.

(3) REQUIREMENTS FOR CERTAIN OTHER PROVIDERS OF SERVICES AND SUPPLIERS.—Section 1862 of the Social Security Act (42 U.S.C. 1395y) is amended by adding at the end the following new subsection:

''(n) REQUIREMENT OF A SURETY BOND FOR CERTAIN PROVIDERS OF SERVICES AND SUPPLIERS.—

''(1) IN GENERAL.—The Secretary may require a provider of services or supplier described in paragraph (2) to provide the Secretary on a continuing basis with a surety bond in a form specified by the Secretary in an amount (not less than $50,000) that the Secretary determines is commensurate with the volume of the billing of the provider of services or supplier. The Secretary may waive the requirement of a bond under the preceding sentence in the case of a provider of services or supplier that provides a comparable surety bond under State law.

''(2) PROVIDER OF SERVICES OR SUPPLIER DESCRIBED.—A provider of services or supplier described in this paragraph is a provider of services or supplier the Secretary determines appropriate based on the level of risk involved with respect to the provider of services or supplier, and consistent with the surety bond requirements under sections 1834(a)(16)(B) and 1861(o)(7)(C).''.

(h) SUSPENSION OF MEDICARE AND MEDICAID PAYMENTS PENDING INVESTIGATION OF CREDIBLE ALLEGATIONS OF FRAUD.—

(1) MEDICARE.—Section 1862 of the Social Security Act (42 U.S.C. 1395y), as amended by subsection (g)(3), is amended by adding at the end the following new subsection:

''(o) SUSPENSION OF PAYMENTS PENDING INVESTIGATION OF CREDIBLE ALLEGATIONS OF FRAUD.—

''(1) IN GENERAL.—The Secretary may suspend payments to a provider of services or supplier under this title pending an investigation of a credible allegation of fraud against the provider of services or supplier, unless the Secretary determines there is good cause not to suspend such payments.

''(2) CONSULTATION.—The Secretary shall consult with the Inspector General of the Department of Health and Human Services in determining whether there is a credible allegation of fraud against a provider of services or supplier.

''(3) PROMULGATION OF REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection and section 1903(i)(2)(C).''.

(2) MEDICAID.—Section 1903(i)(2) of such Act (42 U.S.C. 1396b(i)(2)) is amended—

(A) in subparagraph (A), by striking ''or'' at the end; and

(B) by inserting after subparagraph (B), the following:

''(C) by any individual or entity to whom the State has failed to suspend payments under the plan during any period when there is pending an investigation of a credible allegation of fraud against the individual or entity, as determined by the State in accordance with regulations promulgated by the Secretary for purposes of section 1862(o) and this subparagraph, unless the State determines in accordance with such regulations there is good cause not to suspend such payments; or''.

(i) INCREASED FUNDING TO FIGHT FRAUD AND ABUSE.—

(1) IN GENERAL.—Section 1817(k) of the Social Security Act (42 U.S.C. 1395i(k)) is amended—

(A) by adding at the end the following new paragraph:

''(7) ADDITIONAL FUNDING.—In addition to the funds otherwise appropriated to the Account from the Trust Fund under paragraphs (3) and (4) and for purposes described in paragraphs (3)(C) and (4)(A), there are hereby appropriated an additional $10,000,000 to such Account from such Trust Fund for each of fiscal years 2011 through 2020. The funds appropriated under this paragraph shall be allocated in the same proportion as the total funding appropriated with respect to paragraphs (3)(A) and (4)(A) was allocated with respect to fiscal year 2010, and shall be available without further appropriation until expended.''; and

(B) in paragraph (4)(A), by inserting ''until expended'' after ''appropriation''.

(2) INDEXING OF AMOUNTS APPROPRIATED.—

(A) DEPARTMENTS OF HEALTH AND HUMAN SERVICES AND JUSTICE.—Section 1817(k)(3)(A)(i) of the Social Security Act (42 U.S.C. 1395i(k)(3)(A)(i)) is amended—

(i) in subclause (III), by inserting ''and'' at the end;

(ii) in subclause (IV)—

(I) by striking ''for each of fiscal years 2007, 2008, 2009, and 2010'' and inserting ''for each fiscal year after fiscal year 2006''; and

(II) by striking ''; and'' and inserting a period; and

(iii) by striking subclause (V).

(B) OFFICE OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Section 1817(k)(3)(A)(ii) of such Act (42 U.S.C. 1395i(k)(3)(A)(ii)) is amended—

(i) in subclause (VIII), by inserting ''and'' at the end;

(ii) in subclause (IX)—

(I) by striking ''for each of fiscal years 2008, 2009, and 2010'' and inserting ''for each fiscal year after fiscal year 2007''; and

(II) by striking ''; and'' and inserting a period; and

(iii) by striking subclause (X).

(C) FEDERAL BUREAU OF INVESTIGATION.—Section 1817(k)(3)(B) of the Social Security Act (42 U.S.C. 1395i(k)(3)(B)) is amended—

(i) in clause (vii), by inserting ''and'' at the end;

(ii) in clause (viii)—

(I) by striking ''for each of fiscal years 2007, 2008, 2009, and 2010'' and inserting ''for each fiscal year after fiscal year 2006''; and

(II) by striking ''; and'' and inserting a period; and

(iii) by striking clause (ix).

(D) MEDICARE INTEGRITY PROGRAM.—Section 1817(k)(4)(C) of the Social Security Act (42 U.S.C. 1395i(k)(4)(C)) is amended by adding at the end the following new clause:

''(ii) For each fiscal year after 2010, by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over the previous year.''.

(j) MEDICARE INTEGRITY PROGRAM AND MEDICAID INTEGRITY PROGRAM.—

(1) MEDICARE INTEGRITY PROGRAM.—

(A) REQUIREMENT TO PROVIDE PERFORMANCE STATISTICS.—Section 1893(c) of the Social Security Act (42 U.S.C. 1395ddd(c)) is amended—

(i) in paragraph (3), by striking ''and'' at the end;

(ii) by redesignating paragraph (4) as paragraph (5); and

(iii) by inserting after paragraph (3) the following new paragraph:

''(4) the entity agrees to provide the Secretary and the Inspector General of the Department of Health and Human Services with such performance statistics (including the number and amount of overpayments recovered, the number of fraud referrals, and the return on investment of such activities by the entity) as the Secretary or the Inspector General may request; and''.

(B) EVALUATIONS AND ANNUAL REPORT.—Section 1893 of the Social Security Act (42 U.S.C. 1395ddd) is amended by adding at the end the following new subsection:

''(i) EVALUATIONS AND ANNUAL REPORT.—

''(1) EVALUATIONS.—The Secretary shall conduct evaluations of eligible entities which the Secretary contracts with under the Program not less frequently than every 3 years.

''(2) ANNUAL REPORT.—Not later than 180 days after the end of each fiscal year (beginning with fiscal year 2011), the Secretary shall submit a report to Congress which identifies—

''(A) the use of funds, including funds transferred from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Insurance Trust Fund under section 1841, to carry out this section; and

''(B) the effectiveness of the use of such funds.''.

(C) FLEXIBILITY IN PURSUING FRAUD AND ABUSE.—Section 1893(a) of the Social Security Act (42 U.S.C. 1395ddd(a)) is amended by inserting '', or otherwise,'' after ''entities''.

(2) MEDICAID INTEGRITY PROGRAM.—

(A) REQUIREMENT TO PROVIDE PERFORMANCE STATISTICS.—Section 1936(c)(2) of the Social Security Act (42 U.S.C. 1396u–6(c)(2)) is amended—

(i) by redesignating subparagraph (D) as subparagraph (E); and

(ii) by inserting after subparagraph (C) the following new subparagraph:

''(D) The entity agrees to provide the Secretary and the Inspector General of the Department of Health and Human Services with such performance statistics (including the number and amount of overpayments recovered, the number of fraud referrals, and the return on investment of such activities by the entity) as the Secretary or the Inspector General may request.''.

(B) EVALUATIONS AND ANNUAL REPORT.—Section 1936(e) of the Social Security Act (42 U.S.C. 1396u–7(e)) is amended—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following new paragraph:

''(4) EVALUATIONS.—The Secretary shall conduct evaluations of eligible entities which the Secretary contracts with under the Program not less frequently than every 3 years.''.

(k) EXPANDED APPLICATION OF HARDSHIP WAIVERS FOR EXCLUSIONS.—Section 1128(c)(3)(B) of the Social Security Act (42 U.S.C. 1320a–7(c)(3)(B)) is amended by striking ''individuals entitled to benefits under part A of title XVIII or enrolled under part B of such title, or both'' and inserting ''beneficiaries (as defined in section 1128A(i)(5)) of that program''.

SEC. 6403. ELIMINATION OF DUPLICATION BETWEEN THE HEALTHCARE INTEGRITY AND PROTECTION DATA BANK AND THE NATIONAL PRACTITIONER DATA BANK.

(a) INFORMATION REPORTED BY FEDERAL AGENCIES AND HEALTH PLANS.—Section 1128E of the Social Security Act (42 U.S.C. 1320a–7e) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary shall maintain a national health care fraud and abuse data collection program under this section for the reporting of certain final adverse actions (not including settlements in which no findings of liability have been made) against health care providers, suppliers, or practitioners as required by subsection (b), with access as set forth in subsection (d), and shall furnish the information collected under this section to the National Practitioner Data Bank established pursuant to the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et seq.).'';

(2) by striking subsection (d) and inserting the following:

''(d) ACCESS TO REPORTED INFORMATION.—

''(1) AVAILABILITY.—The information collected under this section shall be available from the National Practitioner Data Bank to the agencies, authorities, and officials which are provided under section 1921(b) information reported under section 1921(a).

''(2) FEES FOR DISCLOSURE.—The Secretary may establish or approve reasonable fees for the disclosure of information under this section. The amount of such a fee may not exceed the costs of processing the requests for disclosure and of providing such information. Such fees shall be available to the Secretary to cover such costs.'';

(3) by striking subsection (f) and inserting the following:

''(f) APPROPRIATE COORDINATION.—In implementing this section, the Secretary shall provide for the maximum appropriate coordination with part B of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11131 et seq.) and section 1921.''; and

(4) in subsection (g)—

(A) in paragraph (1)(A)—

(i) in clause (iii)—

(I) by striking ''or State'' each place it appears;

(II) by redesignating subclauses (II) and (III) as subclauses (III) and (IV), respectively; and

(III) by inserting after subclause (I) the following new subclause:

''(II) any dismissal or closure of the proceedings by reason of the provider, supplier, or practitioner surrendering their license or leaving the State or jurisdiction''; and

(ii) by striking clause (iv) and inserting the following:

''(iv) Exclusion from participation in a Federal health care program (as defined in section 1128B(f)).'';

(B) in paragraph (3)—

(i) by striking subparagraphs (D) and (E); and

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

(C) in subparagraph (D) (as so redesignated), by striking ''or State''.

(b) INFORMATION REPORTED BY STATE LAW OR FRAUD ENFORCEMENT AGENCIES.—Section 1921 of the Social Security Act (42 U.S.C. 1396r–2) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''SYSTEM.—The State'' and all that follows through the semicolon and inserting SYSTEM.—

''(A) LICENSING OR CERTIFICATION ACTIONS.—The State must have in effect a system of reporting the following information with respect to formal proceedings (as defined by the Secretary in regulations) concluded against a health care practitioner or entity by a State licensing or certification agency:'';

(ii) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(iii) in subparagraph (A)(iii) (as so redesignated)—

(I) by striking ''the license of'' and inserting ''license or the right to apply for, or renew, a license by''; and

(II) by inserting ''nonrenewability,'' after ''voluntary surrender,''; and

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

''(B) OTHER FINAL ADVERSE ACTIONS.—The State must have in effect a system of reporting information with respect to any final adverse action (not including settlements in which no findings of liability have been made) taken against a health care provider, supplier, or practitioner by a State law or fraud enforcement agency.''; and

(B) in paragraph (2), by striking ''the authority described in paragraph (1)'' and inserting ''a State licensing or certification agency or State law or fraud enforcement agency'';

(2) in subsection (b)—

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

''(2) to State licensing or certification agencies and Federal agencies responsible for the licensing and certification of health care providers, suppliers, and licensed health care practitioners;'';

(B) in each of paragraphs (4) and (6), by inserting '', but only with respect to information provided pursuant to subsection (a)(1)(A)'' before the comma at the end;

(C) by striking paragraph (5) and inserting the following:

''(5) to State law or fraud enforcement agencies,'';

(D) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(E) by inserting after paragraph (6) the following new paragraph:

''(7) to health plans (as defined in section 1128C(c));'';

(3) by redesignating subsection (d) as subsection (h), and by inserting after subsection (c) the following new subsections:

''(d) DISCLOSURE AND CORRECTION OF INFORMATION.—

''(1) DISCLOSURE.—With respect to information reported pursuant to subsection (a)(1), the Secretary shall—

''(A) provide for disclosure of the information, upon request, to the health care practitioner who, or the entity that, is the subject of the information reported; and

''(B) establish procedures for the case where the health care practitioner or entity disputes the accuracy of the information reported.

''(2) CORRECTIONS.—Each State licensing or certification agency and State law or fraud enforcement agency shall report corrections of information already reported about any formal proceeding or final adverse action described in subsection (a), in such form and manner as the Secretary prescribes by regulation.

''(e) FEES FOR DISCLOSURE.—The Secretary may establish or approve reasonable fees for the disclosure of information under this section. The amount of such a fee may not exceed the costs of processing the requests for disclosure and of providing such information. Such fees shall be available to the Secretary to cover such costs.

''(f) PROTECTION FROM LIABILITY FOR REPORTING.—No person or entity, including any agency designated by the Secretary in subsection (b), shall be held liable in any civil action with respect to any reporting of information as required under this section, without knowledge of the falsity of the information contained in the report.

''(g) REFERENCES.—For purposes of this section:

''(1) STATE LICENSING OR CERTIFICATION AGENCY.—The term 'State licensing or certification agency' includes any authority of a State (or of a political subdivision thereof) responsible for the licensing of health care practitioners (or any peer review organization or private accreditation entity reviewing the services provided by health care practitioners) or entities.

''(2) STATE LAW OR FRAUD ENFORCEMENT AGENCY.—The term 'State law or fraud enforcement agency' includes—

''(A) a State law enforcement agency; and

''(B) a State medicaid fraud control unit (as defined in section 1903(q)).

''(3) FINAL ADVERSE ACTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'final adverse action' includes—

''(i) civil judgments against a health care provider, supplier, or practitioner in State court related to the delivery of a health care item or service;

''(ii) State criminal convictions related to the delivery of a health care item or service;

''(iii) exclusion from participation in State health care programs (as defined in section 1128(h));

''(iv) any licensing or certification action described in subsection (a)(1)(A) taken against a supplier by a State licensing or certification agency; and

''(v) any other adjudicated actions or decisions that the Secretary shall establish by regulation.

''(B) EXCEPTION.—Such term does not include any action with respect to a malpractice claim.''; and

(4) in subsection (h), as so redesignated, by striking ''The Secretary'' and all that follows through the period at the end and inserting ''In implementing this section, the Secretary shall provide for the maximum appropriate coordination with part B of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11131 et seq.) and section 1128E.''.

(c) CONFORMING AMENDMENT.—Section 1128C(a)(1) of the Social Security Act (42 U.S.C. 1320a–7c(a)(1)) is amended—

(1) in subparagraph (C), by adding ''and'' after the comma at the end;

(2) in subparagraph (D), by striking '', and'' and inserting a period; and

(3) by striking subparagraph (E).

(d) TRANSITION PROCESS; EFFECTIVE DATE.—

(1) IN GENERAL.—Effective on the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall implement a transition process under which, by not later than the end of the transition period described in paragraph (5), the Secretary shall cease operating the Healthcare Integrity and Protection Data Bank established under section 1128E of the Social Security Act (as in effect before the effective date specified in paragraph (6)) and shall transfer all data collected in the Healthcare Integrity and Protection Data Bank to the National Practitioner Data Bank established pursuant to the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et seq.). During such transition process, the Secretary shall have in effect appropriate procedures to ensure that data collection and access to the Healthcare Integrity and Protection Data Bank and the National Practitioner Data Bank are not disrupted.

(2) REGULATIONS.—The Secretary shall promulgate regulations to carry out the amendments made by subsections (a) and (b).

(3) FUNDING.—

(A) AVAILABILITY OF FEES.—Fees collected pursuant to section 1128E(d)(2) of the Social Security Act prior to the effective date specified in paragraph (6) for the disclosure of information in the Healthcare Integrity and Protection Data Bank shall be available to the Secretary, without fiscal year limitation, for payment of costs related to the transition process described in paragraph (1). Any such fees remaining after the transition period is complete shall be available to the Secretary, without fiscal year limitation, for payment of the costs of operating the National Practitioner Data Bank.

(B) AVAILABILITY OF ADDITIONAL FUNDS.—In addition to the fees described in subparagraph (A), any funds available to the Secretary or to the Inspector General of the Department of Health and Human Services for a purpose related to combating health care fraud, waste, or abuse shall be available to the extent necessary for operating the Healthcare Integrity and Protection Data Bank during the transition period, including systems testing and other activities necessary to ensure that information formerly reported to the Healthcare Integrity and Protection Data Bank will be accessible through the National Practitioner Data Bank after the end of such transition period.

(4) SPECIAL PROVISION FOR ACCESS TO THE NATIONAL PRACTITIONER DATA BANK BY THE DEPARTMENT OF VETERANS AFFAIRS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, during the 1-year period that begins on the effective date specified in paragraph (6), the information described in subparagraph (B) shall be available from the National Practitioner Data Bank to the Secretary of Veterans Affairs without charge.

(B) INFORMATION DESCRIBED.—For purposes of subparagraph (A), the information described in this subparagraph is the information that would, but for the amendments made by this section, have been available to the Secretary of Veterans Affairs from the Healthcare Integrity and Protection Data Bank.

(5) TRANSITION PERIOD DEFINED.—For purposes of this subsection, the term ''transition period'' means the period that begins on the date of enactment of this Act and ends on the later of—

(A) the date that is 1 year after such date of enactment; or

(B) the effective date of the regulations promulgated under paragraph (2).

(6) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on the first day after the final day of the transition period.

SEC. 6404. MAXIMUM PERIOD FOR SUBMISSION OF MEDICARE CLAIMS REDUCED TO NOT MORE THAN 12 MONTHS.

(a) REDUCING MAXIMUM PERIOD FOR SUBMISSION.—

(1) PART A.—Section 1814(a) of the Social Security Act (42 U.S.C. 1395f(a)(1)) is amended—

(A) in paragraph (1), by striking ''period of 3 calendar years'' and all that follows through the semicolon and inserting ''period ending 1 calendar year after the date of service;''; and

(B) by adding at the end the following new sentence: ''In applying paragraph (1), the Secretary may specify exceptions to the 1 calendar year period specified in such paragraph.''

(2) PART B.—

(A) Section 1842(b)(3) of such Act (42 U.S.C. 1395u(b)(3)(B)) is amended—

(i) in subparagraph (B), in the flush language following clause (ii), by striking ''close of the calendar year following the year in which such service is furnished (deeming any service furnished in the last 3 months of any calendar year to have been furnished in the succeeding calendar year)'' and inserting ''period ending 1 calendar year after the date of service''; and

(ii) by adding at the end the following new sentence: ''In applying subparagraph (B), the Secretary may specify exceptions to the 1 calendar year period specified in such subparagraph.''

(B) Section 1835(a) of such Act (42 U.S.C. 1395n(a)) is amended—

(i) in paragraph (1), by striking ''period of 3 calendar years'' and all that follows through the semicolon and inserting ''period ending 1 calendar year after the date of service;''; and

(ii) by adding at the end the following new sentence: ''In applying paragraph (1), the Secretary may specify exceptions to the 1 calendar year period specified in such paragraph.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 2010.

(2) SERVICES FURNISHED BEFORE 2010.—In the case of services furnished before January 1, 2010, a bill or request for payment under section 1814(a)(1), 1842(b)(3)(B), or 1835(a) shall be filed not later that December 31, 2010.

SEC. 6405. PHYSICIANS WHO ORDER ITEMS OR SERVICES REQUIRED TO BE MEDICARE ENROLLED PHYSICIANS OR ELIGIBLE PROFESSIONALS.

(a) DME.—Section 1834(a)(11)(B) of the Social Security Act (42 U.S.C. 1395m(a)(11)(B)) is amended by striking ''physician'' and inserting ''physician enrolled under section 1866(j) or an eligible professional under section 1848(k)(3)(B) that is enrolled under section 1866(j)''.

(b) HOME HEALTH SERVICES.—

(1) PART A.—Section 1814(a)(2) of such Act (42 U.S.C. 1395(a)(2)) is amended in the matter preceding subparagraph (A) by inserting ''in the case of services described in subparagraph (C), a physician enrolled under section 1866(j) or an eligible professional under section 1848(k)(3)(B),'' before ''or, in the case of services''.

(2) PART B.—Section 1835(a)(2) of such Act (42 U.S.C. 1395n(a)(2)) is amended in the matter preceding subparagraph (A) by inserting '', or in the case of services described in subparagraph (A), a physician enrolled under section 1866(j) or an eligible professional under section 1848(k)(3)(B),'' after ''a physician''.

(c) APPLICATION TO OTHER ITEMS OR SERVICES.—The Secretary may extend the requirement applied by the amendments made by subsections (a) and (b) to durable medical equipment and home health services (relating to requiring certifications and written orders to be made by enrolled physicians and health professions) to all other categories of items or services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), including covered part D drugs as defined in section 1860D–2(e) of such Act (42 U.S.C. 1395w–102), that are ordered, prescribed, or referred by a physician enrolled under section 1866(j) of such Act (42 U.S.C. 1395cc(j)) or an eligible professional under section 1848(k)(3)(B) of such Act (42 U.S.C. 1395w–4(k)(3)(B)).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to written orders and certifications made on or after July 1, 2010.

SEC. 6406. REQUIREMENT FOR PHYSICIANS TO PROVIDE DOCUMENTATION ON REFERRALS TO PROGRAMS AT HIGH RISK OF WASTE AND ABUSE.

(a) PHYSICIANS AND OTHER SUPPLIERS.—Section 1842(h) of the Social Security Act (42 U.S.C. 1395u(h)) is amended by adding at the end the following new paragraph:

''(9) The Secretary may revoke enrollment, for a period of not more than one year for each act, for a physician or supplier under section 1866(j) if such physician or supplier fails to maintain and, upon request of the Secretary, provide access to documentation relating to written orders or requests for payment for durable medical equipment, certifications for home health services, or referrals for other items or services written or ordered by such physician or supplier under this title, as specified by the Secretary.''.

(b) PROVIDERS OF SERVICES.—Section 1866(a)(1) of such Act (42 U.S.C. 1395cc) is further amended—

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

(2) in subparagraph (V), by striking the period at the end and adding ''; and''; and

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

''(W) maintain and, upon request of the Secretary, provide access to documentation relating to written orders or requests for payment for durable medical equipment, certifications for home health services, or referrals for other items or services written or ordered by the provider under this title, as specified by the Secretary.''.

(c) OIG PERMISSIVE EXCLUSION AUTHORITY.—Section 1128(b)(11) of the Social Security Act (42 U.S.C. 1320a–7(b)(11)) is amended by inserting '', ordering, referring for furnishing, or certifying the need for'' after ''furnishing''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to orders, certifications, and referrals made on or after January 1, 2010.

SEC. 6407. FACE TO FACE ENCOUNTER WITH PATIENT REQUIRED BEFORE PHYSICIANS MAY CERTIFY ELIGIBILITY FOR HOME HEALTH SERVICES OR DURABLE MEDICAL EQUIPMENT UNDER MEDICARE.

(a) CONDITION OF PAYMENT FOR HOME HEALTH SERVICES.—

(1) PART A.—Section 1814(a)(2)(C) of such Act is amended—

(A) by striking ''and such services'' and inserting ''such services''; and

(B) by inserting after ''care of a physician'' the following: '', and, in the case of a certification made by a physician after January 1, 2010, prior to making such certification the physician must document that the physician himself or herself has had a face-to-face encounter (including through use of telehealth, subject to the requirements in section 1834(m), and other than with respect to encounters that are incident to services involved) with the individual within a reasonable timeframe as determined by the Secretary''.

(2) PART B.—Section 1835(a)(2)(A) of the Social Security Act is amended—

(A) by striking ''and'' before ''(iii)''; and

(B) by inserting after ''care of a physician'' the following: '', and (iv) in the case of a certification after January 1, 2010, prior to making such certification the physician must document that the physician has had a face-to-face encounter (including through use of telehealth and other than with respect to encounters that are incident to services involved) with the individual during the 6-month period preceding such certification, or other reasonable timeframe as determined by the Secretary''.

(b) CONDITION OF PAYMENT FOR DURABLE MEDICAL EQUIPMENT.—Section 1834(a)(11)(B) of the Social Security Act (42 U.S.C. 1395m(a)(11)(B)) is amended—

(1) by striking ''ORDER.—The Secretary'' and inserting ''ORDER.—

''(i) IN GENERAL.—The Secretary''; and

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

''(ii) REQUIREMENT FOR FACE TO FACE ENCOUNTER.—The Secretary shall require that such an order be written pursuant to the physician documenting that a physician, a physician assistant, a nurse practitioner, or a clinical nurse specialist (as those terms are defined in section 1861(aa)(5)) has had a face-to-face encounter (including through use of telehealth under subsection (m) and other than with respect to encounters that are incident to services involved) with the individual involved during the 6-month period preceding such written order, or other reasonable timeframe as determined by the Secretary.''.

(c) APPLICATION TO OTHER AREAS UNDER MEDICARE.—The Secretary may apply the face-to-face encounter requirement described in the amendments made by subsections (a) and (b) to other items and services for which payment is provided under title XVIII of the Social Security Act based upon a finding that such an decision would reduce the risk of waste, fraud, or abuse.

(d) APPLICATION TO MEDICAID.—The requirements pursuant to the amendments made by subsections (a) and (b) shall apply in the case of physicians making certifications for home health services under title XIX of the Social Security Act in the same manner and to the same extent as such requirements apply in the case of physicians making such certifications under title XVIII of such Act.

SEC. 6408. ENHANCED PENALTIES.

(a) CIVIL MONETARY PENALTIES FOR FALSE STATEMENTS OR DELAYING INSPECTIONS.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)), as amended by section 5002(d)(2)(A), is amended—

(1) in paragraph (6), by striking ''or'' at the end; and

(2) by inserting after paragraph (7) the following new paragraphs:

''(8) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim for payment for items and services furnished under a Federal health care program; or

''(9) fails to grant timely access, upon reasonable request (as defined by the Secretary in regulations), to the Inspector General of the Department of Health and Human Services, for the purpose of audits, investigations, evaluations, or other statutory functions of the Inspector General of the Department of Health and Human Services;''; and

(3) in the first sentence—

(A) by striking ''or in cases under paragraph (7)'' and inserting ''in cases under paragraph (7)''; and

(B) by striking ''act)'' and inserting ''act, in cases under paragraph (8), $50,000 for each false record or statement, or in cases under paragraph (9), $15,000 for each day of the failure described in such paragraph)''.

(b) MEDICARE ADVANTAGE AND PART D PLANS.—

(1) ENSURING TIMELY INSPECTIONS RELATING TO CONTRACTS WITH MA ORGANIZATIONS.—Section 1857(d)(2) of such Act (42 U.S.C. 1395w–27(d)(2)) is amended—

(A) in subparagraph (A), by inserting ''timely'' before ''inspect''; and

(B) in subparagraph (B), by inserting ''timely'' before ''audit and inspect''.

(2) MARKETING VIOLATIONS.—Section 1857(g)(1) of the Social Security Act (42 U.S.C. 1395w–27(g)(1)) is amended—

(A) in subparagraph (F), by striking ''or'' at the end;

(B) by inserting after subparagraph (G) the following new subparagraphs:

''(H) except as provided under subparagraph (C) or (D) of section 1860D–1(b)(1), enrolls an individual in any plan under this part without the prior consent of the individual or the designee of the individual;

''(I) transfers an individual enrolled under this part from one plan to another without the prior consent of the individual or the designee of the individual or solely for the purpose of earning a commission;

''(J) fails to comply with marketing restrictions described in subsections (h) and (j) of section 1851 or applicable implementing regulations or guidance; or

''(K) employs or contracts with any individual or entity who engages in the conduct described in subparagraphs (A) through (J) of this paragraph;''; and

(C) by adding at the end the following new sentence: ''The Secretary may provide, in addition to any other remedies authorized by law, for any of the remedies described in paragraph (2), if the Secretary determines that any employee or agent of such organization, or any provider or supplier who contracts with such organization, has engaged in any conduct described in subparagraphs (A) through (K) of this paragraph.''.

(3) PROVISION OF FALSE INFORMATION.—Section 1857(g)(2)(A) of the Social Security Act (42 U.S.C. 1395w–27(g)(2)(A)) is amended by inserting ''except with respect to a determination under subparagraph (E), an assessment of not more than the amount claimed by such plan or plan sponsor based upon the misrepresentation or falsified information involved,'' after ''for each such determination,''.

(c) OBSTRUCTION OF PROGRAM AUDITS.—Section 1128(b)(2) of the Social Security Act (42 U.S.C. 1320a–7(b)(2)) is amended—

(1) in the heading, by inserting ''OR AUDIT'' after ''INVESTIGATION''; and

(2) by striking ''investigation into'' and all that follows through the period and inserting ''investigation or audit related to—''

''(i) any offense described in paragraph (1) or in subsection (a); or

''(ii) the use of funds received, directly or indirectly, from any Federal health care program (as defined in section 1128B(f)).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to acts committed on or after January 1, 2010.

(2) EXCEPTION.—The amendments made by subsection (b)(1) take effect on the date of enactment of this Act.

SEC. 6409. MEDICARE SELF-REFERRAL DISCLOSURE PROTOCOL.

(a) DEVELOPMENT OF SELF-REFERRAL DISCLOSURE PROTOCOL.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in cooperation with the Inspector General of the Department of Health and Human Services, shall establish, not later than 6 months after the date of the enactment of this Act, a protocol to enable health care providers of services and suppliers to disclose an actual or potential violation of section 1877 of the Social Security Act (42 U.S.C. 1395nn) pursuant to a self-referral disclosure protocol (in this section referred to as an ''SRDP''). The SRDP shall include direction to health care providers of services and suppliers on—

(A) a specific person, official, or office to whom such disclosures shall be made; and

(B) instruction on the implication of the SRDP on corporate integrity agreements and corporate compliance agreements.

(2) PUBLICATION ON INTERNET WEBSITE OF SRDP INFORMATION.—The Secretary of Health and Human Services shall post information on the public Internet website of the Centers for Medicare & Medicaid Services to inform relevant stakeholders of how to disclose actual or potential violations pursuant to an SRDP.

(3) RELATION TO ADVISORY OPINIONS.—The SRDP shall be separate from the advisory opinion process set forth in regulations implementing section 1877(g) of the Social Security Act.

(b) REDUCTION IN AMOUNTS OWED.—The Secretary of Health and Human Services is authorized to reduce the amount due and owing for all violations under section 1877 of the Social Security Act to an amount less than that specified in subsection (g) of such section. In establishing such amount for a violation, the Secretary may consider the following factors:

(1) The nature and extent of the improper or illegal practice.

(2) The timeliness of such self-disclosure.

(3) The cooperation in providing additional information related to the disclosure.

(4) Such other factors as the Secretary considers appropriate.

(c) REPORT.—Not later than 18 months after the date on which the SRDP protocol is established under subsection (a)(1), the Secretary shall submit to Congress a report on the implementation of this section. Such report shall include—

(1) the number of health care providers of services and suppliers making disclosures pursuant to the SRDP;

(2) the amounts collected pursuant to the SRDP;

(3) the types of violations reported under the SRDP; and

(4) such other information as may be necessary to evaluate the impact of this section.

SEC. 6410. ADJUSTMENTS TO THE MEDICARE DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND SUPPLIES COMPETITIVE ACQUISITION PROGRAM.

(a) EXPANSION OF ROUND 2 OF THE DME COMPETITIVE BIDDING PROGRAM.—Section 1847(a)(1) of the Social Security Act (42 U.S.C. 1395w–3(a)(1)) is amended—

(1) in subparagraph (B)(i)(II), by striking ''70'' and inserting ''91''; and

(2) in subparagraph (D)(ii)—

(A) in subclause (I), by striking ''and'' at the end;

(B) by redesignating subclause (II) as subclause (III); and

(C) by inserting after subclause (I) the following new subclause:

''(II) the Secretary shall include the next 21 largest metropolitan statistical areas by total population (after those selected under subclause (I)) for such round; and''.

(b) REQUIREMENT TO EITHER COMPETITIVELY BID AREAS OR USE COMPETITIVE BID PRICES BY 2016.—Section 1834(a)(1)(F) of the Social Security Act (42 U.S.C. 1395m(a)(1)(F)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii)—

(A) by inserting ''(and, in the case of covered items furnished on or after January 1, 2016, subject to clause (iii), shall)'' after ''may''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(iii) in the case of covered items furnished on or after January 1, 2016, the Secretary shall continue to make such adjustments described in clause (ii) as, under such competitive acquisition programs, additional covered items are phased in or information is updated as contracts under section 1847 are recompeted in accordance with section 1847(b)(3)(B).''.

SEC. 6411. EXPANSION OF THE RECOVERY AUDIT CONTRACTOR (RAC) PROGRAM.

(a) EXPANSION TO MEDICAID.—

(1) STATE PLAN AMENDMENT.—Section 1902(a)(42) of the Social Security Act (42 U.S.C. 1396a(a)(42)) is amended—

(A) by striking ''that the records'' and inserting ''that—

''(A) the records'';

(B) by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(B) not later than December 31, 2010, the State shall—

''(i) establish a program under which the State contracts (consistent with State law and in the same manner as the Secretary enters into contracts with recovery audit contractors under section 1893(h), subject to such exceptions or requirements as the Secretary may require for purposes of this title or a particular State) with 1 or more recovery audit contractors for the purpose of identifying underpayments and overpayments and recouping overpayments under the State plan and under any waiver of the State plan with respect to all services for which payment is made to any entity under such plan or waiver; and

''(ii) provide assurances satisfactory to the Secretary that—

''(I) under such contracts, payment shall be made to such a contractor only from amounts recovered;

''(II) from such amounts recovered, payment—

''(aa) shall be made on a contingent basis for collecting overpayments; and

''(bb) may be made in such amounts as the State may specify for identifying underpayments;

''(III) the State has an adequate process for entities to appeal any adverse determination made by such contractors; and

''(IV) such program is carried out in accordance with such requirements as the Secretary shall specify, including—

''(aa) for purposes of section 1903(a)(7), that amounts expended by the State to carry out the program shall be considered amounts expended as necessary for the proper and efficient administration of the State plan or a waiver of the plan;

''(bb) that section 1903(d) shall apply to amounts recovered under the program; and

''(cc) that the State and any such contractors under contract with the State shall coordinate such recovery audit efforts with other contractors or entities performing audits of entities receiving payments under the State plan or waiver in the State, including efforts with Federal and State law enforcement with respect to the Department of Justice, including the Federal Bureau of Investigations, the Inspector General of the Department of Health and Human Services, and the State medicaid fraud control unit; and''.

(2) COORDINATION; REGULATIONS.—

(A) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall coordinate the expansion of the Recovery Audit Contractor program to Medicaid with States, particularly with respect to each State that enters into a contract with a recovery audit contractor for purposes of the State's Medicaid program prior to December 31, 2010.

(B) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations to carry out this subsection and the amendments made by this subsection, including with respect to conditions of Federal financial participation, as specified by the Secretary.

(b) EXPANSION TO MEDICARE PARTS C AND D.—Section 1893(h) of the Social Security Act (42 U.S.C. 1395ddd(h)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''part A or B'' and inserting ''this title'';

(2) in paragraph (2), by striking ''parts A and B'' and inserting ''this title'';

(3) in paragraph (3), by inserting ''(not later than December 31, 2010, in the case of contracts relating to payments made under part C or D)'' after ''2010'';

(4) in paragraph (4), in the matter preceding subparagraph (A), by striking ''part A or B'' and inserting ''this title''; and

(5) by adding at the end the following:

''(9) SPECIAL RULES RELATING TO PARTS C AND D.—The Secretary shall enter into contracts under paragraph (1) to require recovery audit contractors to—

''(A) ensure that each MA plan under part C has an anti-fraud plan in effect and to review the effectiveness of each such anti-fraud plan;

''(B) ensure that each prescription drug plan under part D has an anti-fraud plan in effect and to review the effectiveness of each such anti-fraud plan;

''(C) examine claims for reinsurance payments under section 1860D–15(b) to determine whether prescription drug plans submitting such claims incurred costs in excess of the allowable reinsurance costs permitted under paragraph (2) of that section; and

''(D) review estimates submitted by prescription drug plans by private plans with respect to the enrollment of high cost beneficiaries (as defined by the Secretary) and to compare such estimates with the numbers of such beneficiaries actually enrolled by such plans.''.

(c) ANNUAL REPORT.—The Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall submit an annual report to Congress concerning the effectiveness of the Recovery Audit Contractor program under Medicaid and Medicare and shall include such reports recommendations for expanding or improving the program.

Subtitle F—Additional Medicaid Program Integrity Provisions

SEC. 6501. TERMINATION OF PROVIDER PARTICIPATION UNDER MEDICAID IF TERMINATED UNDER MEDICARE OR OTHER STATE PLAN.

Section 1902(a)(39) of the Social Security Act (42 U.S.C. 42 U.S.C. 1396a(a)) is amended by inserting after ''1128A,'' the following: ''terminate the participation of any individual or entity in such program if (subject to such exceptions as are permitted with respect to exclusion under sections 1128(c)(3)(B) and 1128(d)(3)(B)) participation of such individual or entity is terminated under title XVIII or any other State plan under this title,''.

SEC. 6502. MEDICAID EXCLUSION FROM PARTICIPATION RELATING TO CERTAIN OWNERSHIP, CONTROL, AND MANAGEMENT AFFILIATIONS.

Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 6401(b), is amended by inserting after paragraph (77) the following:

''(78) provide that the State agency described in paragraph (9) exclude, with respect to a period, any individual or entity from participation in the program under the State plan if such individual or entity owns, controls, or manages an entity that (or if such entity is owned, controlled, or managed by an individual or entity that)—

''(A) has unpaid overpayments (as defined by the Secretary) under this title during such period determined by the Secretary or the State agency to be delinquent;

''(B) is suspended or excluded from participation under or whose participation is terminated under this title during such period; or

''(C) is affiliated with an individual or entity that has been suspended or excluded from participation under this title or whose participation is terminated under this title during such period;''.

SEC. 6503. BILLING AGENTS, CLEARINGHOUSES, OR OTHER ALTERNATE PAYEES REQUIRED TO REGISTER UNDER MEDICAID.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 42 U.S.C. 1396a(a)), as amended by section 6502(a), is amended by inserting after paragraph (78), the following:

''(79) provide that any agent, clearinghouse, or other alternate payee (as defined by the Secretary) that submits claims on behalf of a health care provider must register with the State and the Secretary in a form and manner specified by the Secretary;''.

SEC. 6504. REQUIREMENT TO REPORT EXPANDED SET OF DATA ELEMENTS UNDER MMIS TO DETECT FRAUD AND ABUSE.

(a) IN GENERAL.—Section 1903(r)(1)(F) of the Social Security Act (42 U.S.C. 1396b(r)(1)(F)) is amended by inserting after ''necessary'' the following: ''and including, for data submitted to the Secretary on or after January 1, 2010, data elements from the automated data system that the Secretary determines to be necessary for program integrity, program oversight, and administration, at such frequency as the Secretary shall determine''.

(b) MANAGED CARE ORGANIZATIONS.—

(1) IN GENERAL.—Section 1903(m)(2)(A)(xi) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)(xi)) is amended by inserting ''and for the provision of such data to the State at a frequency and level of detail to be specified by the Secretary'' after ''patients''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to contract years beginning on or after January 1, 2010.

SEC. 6505. PROHIBITION ON PAYMENTS TO INSTITUTIONS OR ENTITIES LOCATED OUTSIDE OF THE UNITED STATES.

Section 1902(a) of the Social Security Act (42 U.S.C. 1396b(a)), as amended by section 6503, is amended by inserting after paragraph (79) the following new paragraph:

''(80) provide that the State shall not provide any payments for items or services provided under the State plan or under a waiver to any financial institution or entity located outside of the United States;''.

SEC. 6506. OVERPAYMENTS.

(a) EXTENSION OF PERIOD FOR COLLECTION OF OVERPAYMENTS DUE TO FRAUD.—

(1) IN GENERAL.—Section 1903(d)(2) of the Social Security Act (42 U.S.C. 1396b(d)(2)) is amended—

(A) in subparagraph (C)—

(i) in the first sentence, by striking ''60 days'' and inserting ''1 year''; and

(ii) in the second sentence, by striking ''60 days'' and inserting ''1-year period''; and

(B) in subparagraph (D)—

(i) in inserting ''(i)'' after ''(D)''; and

(ii) by adding at the end the following:

''(ii) In any case where the State is unable to recover a debt which represents an overpayment (or any portion thereof) made to a person or other entity due to fraud within 1 year of discovery because there is not a final determination of the amount of the overpayment under an administrative or judicial process (as applicable), including as a result of a judgment being under appeal, no adjustment shall be made in the Federal payment to such State on account of such overpayment (or portion thereof) before the date that is 30 days after the date on which a final judgment (including, if applicable, a final determination on an appeal) is made.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date of enactment of this Act and apply to overpayments discovered on or after that date.

(b) CORRECTIVE ACTION.—The Secretary shall promulgate regulations that require States to correct Federally identified claims overpayments, of an ongoing or recurring nature, with new Medicaid Management Information System (MMIS) edits, audits, or other appropriate corrective action.

SEC. 6507. MANDATORY STATE USE OF NATIONAL CORRECT CODING INITIATIVE.

Section 1903(r) of the Social Security Act (42 U.S.C. 1396b(r)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by adding ''and'' after the semi-colon; and

(C) by adding at the end the following new clause:

''(iv) effective for claims filed on or after October 1, 2010, incorporate compatible methodologies of the National Correct Coding Initiative administered by the Secretary (or any successor initiative to promote correct coding and to control improper coding leading to inappropriate payment) and such other methodologies of that Initiative (or such other national correct coding methodologies) as the Secretary identifies in accordance with paragraph (4);''; and

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

''(4) For purposes of paragraph (1)(B)(iv), the Secretary shall do the following:

''(A) Not later than September 1, 2010:

''(i) Identify those methodologies of the National Correct Coding Initiative administered by the Secretary (or any successor initiative to promote correct coding and to control improper coding leading to inappropriate payment) which are compatible to claims filed under this title.

''(ii) Identify those methodologies of such Initiative (or such other national correct coding methodologies) that should be incorporated into claims filed under this title with respect to items or services for which States provide medical assistance under this title and no national correct coding methodologies have been established under such Initiative with respect to title XVIII.

''(iii) Notify States of—

''(I) the methodologies identified under subparagraphs (A) and (B) (and of any other national correct coding methodologies identified under subparagraph (B)); and

''(II) how States are to incorporate such methodologies into claims filed under this title.

''(B) Not later than March 1, 2011, submit a report to Congress that includes the notice to States under clause (iii) of subparagraph (A) and an analysis supporting the identification of the methodologies made under clauses (i) and (ii) of subparagraph (A).''.

SEC. 6508. GENERAL EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle take effect on January 1, 2011, without regard to whether final regulations to carry out such amendments and subtitle have been promulgated by that date.

(b) DELAY IF STATE LEGISLATION REQUIRED.—In the case of a State plan for medical assistance under title XIX of the Social Security Act or a child health plan under title XXI of such Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirement imposed by the amendments made by this subtitle, the State plan or child health plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet this additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

Subtitle G—Additional Program Integrity Provisions

SEC. 6601. PROHIBITION ON FALSE STATEMENTS AND REPRESENTATIONS.

(a) PROHIBITION.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following:

''SEC. 519. PROHIBITION ON FALSE STATEMENTS AND REPRESENTATIONS.

''No person, in connection with a plan or other arrangement that is multiple employer welfare arrangement described in section 3(40), shall make a false statement or false representation of fact, knowing it to be false, in connection with the marketing or sale of such plan or arrangement, to any employee, any member of an employee organization, any beneficiary, any employer, any employee organization, the Secretary, or any State, or the representative or

agent of any such person, State, or the Secretary, concerning—

''(1) the financial condition or solvency of such plan or arrangement;

''(2) the benefits provided by such plan or arrangement;

''(3) the regulatory status of such plan or other arrangement under any Federal or State law governing collective bargaining, labor management relations, or intern union affairs; or

''(4) the regulatory status of such plan or other arrangement regarding exemption from state regulatory authority under this Act.

This section shall not apply to any plan or arrangement that does not fall within the meaning of the term 'multiple employer welfare arrangement' under section 3(40)(A).''.

(b) CRIMINAL PENALTIES.—Section 501 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131) is amended—

(1) by inserting ''(a)'' before ''Any person''; and

(2) by adding at the end the following:

''(b) Any person that violates section 519 shall upon conviction be imprisoned not more than 10 years or fined under title 18, United States Code, or both.''.

(c) CONFORMING AMENDMENT.—The table of sections for part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''Sec. 519. Prohibition on false statement and representations.''.

SEC. 6602. CLARIFYING DEFINITION.

Section 24(a)(2) of title 18, United States Code, is amended by inserting ''or section 411, 518, or 511 of the Employee Retirement Income Security Act of 1974,'' after ''1954 of this title''.

SEC. 6603. DEVELOPMENT OF MODEL UNIFORM REPORT FORM.

Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–91 et seq.) is amended by adding at the end the following:

''SEC. 2794. UNIFORM FRAUD AND ABUSE REFERRAL FORMAT.

''The Secretary shall request the National Association of Insurance Commissioners to develop a model uniform report form for private health insurance issuer seeking to refer suspected fraud and abuse to State insurance departments or other responsible State agencies for investigation. The Secretary shall request that the National Association of Insurance Commissioners develop recommendations for uniform reporting standards for such referrals.''.

SEC. 6604. APPLICABILITY OF STATE LAW TO COMBAT FRAUD AND ABUSE.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.), as amended by section 6601, is further amended by adding at the end the following:

''SEC. 520. APPLICABILITY OF STATE LAW TO COMBAT FRAUD AND ABUSE.

''The Secretary may, for the purpose of identifying, preventing, or prosecuting fraud and abuse, adopt regulatory standards establishing, or issue an order relating to a specific person establishing, that a person engaged in the business of providing insurance through a multiple employer welfare arrangement described in section 3(40) is subject to the laws of the States in which such person operates which regulate insurance in such State, notwithstanding section 514(b)(6) of this Act or the Liability Risk Retention Act of 1986, and regardless of whether the law of the State is otherwise preempted under any of such provisions. This section shall not apply to any plan or arrangement that does not fall within the meaning of the term 'multiple employer welfare arrangement' under section 3(40)(A).''.

(b) CONFORMING AMENDMENT.—The table of sections for part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 6601, is further amended by adding at the end the following:

''Sec. 520. Applicability of State law to combat fraud and abuse.''.

SEC. 6605. ENABLING THE DEPARTMENT OF LABOR TO ISSUE ADMINISTRATIVE SUMMARY CEASE AND DESIST ORDERS AND SUMMARY SEIZURES ORDERS AGAINST PLANS THAT ARE IN FINANCIALLY HAZARDOUS CONDITION.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.), as amended by section 6604, is further amended by adding at the end the following:

''SEC. 521. ADMINISTRATIVE SUMMARY CEASE AND DESIST ORDERS AND SUMMARY SEIZURE ORDERS AGAINST MULTIPLE EMPLOYER WELFARE ARRANGEMENTS IN FINANCIALLY HAZARDOUS CONDITION.

''(a) IN GENERAL.—The Secretary may issue a cease and desist (ex parte) order under this title if it appears to the Secretary that the alleged conduct of a multiple employer welfare arrangement described in section 3(40), other than a plan or arrangement described in subsection (g), is fraudulent, or creates an immediate danger to the public safety or welfare, or is causing or can be reasonably expected to cause significant, imminent, and irreparable public injury.

''(b) HEARING.—A person that is adversely affected by the issuance of a cease and desist order under subsection (a) may request a hearing by the Secretary regarding such order. The Secretary may require that a proceeding under this section, including all related information and evidence, be conducted in a confidential manner.

''(c) BURDEN OF PROOF.—The burden of proof in any hearing conducted under subsection (b) shall be on the party requesting the hearing to show cause why the cease and desist order should be set aside.

''(d) DETERMINATION.—Based upon the evidence presented at a hearing under subsection (b), the cease and desist order involved may be affirmed, modified, or set aside by the Secretary in whole or in part.

''(e) SEIZURE.—The Secretary may issue a summary seizure order under this title if it appears that a multiple employer welfare arrangement is in a financially hazardous condition.

''(f) REGULATIONS.—The Secretary may promulgate such regulations or other guidance as may be necessary or appropriate to carry out this section.

''(g) EXCEPTION.—This section shall not apply to any plan or arrangement that does not fall within the meaning of the term 'multiple employer welfare arrangement' under section 3(40)(A).''.

(b) CONFORMING AMENDMENT.—The table of sections for part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 6604, is further amended by adding at the end the following:

''Sec. 521. Administrative summary cease and desist orders and summary seizure orders against health plans in financially hazardous condition.''.

SEC. 6606. MEWA PLAN REGISTRATION WITH DEPARTMENT OF LABOR.

Section 101(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(g)) is amended—

(1) by striking ''Secretary may'' and inserting ''Secretary shall''; and

(2) by inserting ''to register with the Secretary prior to operating in a State and may, by regulation, require such multiple employer welfare arrangements'' after ''not group health plans''.

SEC. 6607. PERMITTING EVIDENTIARY PRIVILEGE AND CONFIDENTIAL COMMUNICATIONS.

Section 504 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1134) is amended by adding at the end the following:

''(d) The Secretary may promulgate a regulation that provides an evidentiary privilege for, and provides for the confidentiality of communications between or among, any of the following entities or their agents, consultants, or employees:

''(1) A State insurance department.

''(2) A State attorney general.

''(3) The National Association of Insurance Commissioners.

''(4) The Department of Labor.

''(5) The Department of the Treasury.

''(6) The Department of Justice.

''(7) The Department of Health and Human Services.

''(8) Any other Federal or State authority that the Secretary determines is appropriate for the purposes of enforcing the provisions of this title.

''(e) The privilege established under subsection (d) shall apply to communications related to any investigation, audit, examination, or inquiry conducted or coordinated by any of the agencies. A communication that is privileged under subsection (d) shall not waive any privilege otherwise available to the communicating agency or to any person who provided the information that is communicated.''.

Subtitle H—Elder Justice Act

SEC. 6701. SHORT TITLE OF SUBTITLE.

This subtitle may be cited as the ''Elder Justice Act of 2009''.

SEC. 6702. DEFINITIONS.

Except as otherwise specifically provided, any term that is defined in section 2011 of the Social Security Act (as added by section 6703(a)) and is used in this subtitle has the meaning given such term by such section.

SEC. 6703. ELDER JUSTICE.

(a) ELDER JUSTICE.—

(1) IN GENERAL.—Title XX of the Social Security Act (42 U.S.C. 1397 et seq.) is amended—

*(A) in the heading, by inserting ''**AND ELDER JUSTICE**'' after ''**SOCIAL SERVICES**'';*

(B) by inserting before section 2001 the following:

''Subtitle A—Block Grants to States for Social Services'';

and

(C) by adding at the end the following:

''Subtitle B—Elder Justice

''SEC. 2011. DEFINITIONS.

''In this subtitle:

''(1) ABUSE.—The term 'abuse' means the knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm.

''(2) ADULT PROTECTIVE SERVICES.—The term 'adult protective services' means such services provided to adults as the Secretary may specify and includes services such as—

''(A) receiving reports of adult abuse, neglect, or exploitation;

''(B) investigating the reports described in subparagraph (A);

''(C) case planning, monitoring, evaluation, and other case work and services; and

''(D) providing, arranging for, or facilitating the provision of medical, social service, economic, legal, housing, law enforcement, or other protective, emergency, or support services.

''(3) CAREGIVER.—The term 'caregiver' means an individual who has the responsibility for the care of an elder, either voluntarily, by contract, by receipt of payment for care, or as a result of the operation of law, and means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) compensated or uncompensated care to an elder who needs supportive services in any setting.

''(4) DIRECT CARE.—The term 'direct care' means care by an employee or contractor who provides assistance or long-term care services to a recipient.

''(5) ELDER.—The term 'elder' means an individual age 60 or older.

''(6) ELDER JUSTICE.—The term 'elder justice' means—

''(A) from a societal perspective, efforts to—

''(i) prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation; and

''(ii) protect elders with diminished capacity while maximizing their autonomy; and

''(B) from an individual perspective, the recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation.

''(7) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or local government agency, Indian tribe or tribal organization, or any other public or private entity that is engaged in and has expertise in issues relating to elder justice or in a field necessary to promote elder justice efforts.

''(8) EXPLOITATION.—The term 'exploitation' means the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an elder for monetary or personal benefit, profit, or gain, or that results in depriving an elder of rightful access to, or use of, benefits, resources, belongings, or assets.

''(9) FIDUCIARY.—The term 'fiduciary'—

''(A) means a person or entity with the legal responsibility—

''(i) to make decisions on behalf of and for the benefit of another person; and

''(ii) to act in good faith and with fairness; and

''(B) includes a trustee, a guardian, a conservator, an executor, an agent under a financial power of attorney or health care power of attorney, or a representative payee.

''(10) GRANT.—The term 'grant' includes a contract, cooperative agreement, or other mechanism for providing financial assistance.

''(11) GUARDIANSHIP.—The term 'guardianship' means—

''(A) the process by which a State court determines that an adult individual lacks capacity to make decisions about self-care or property, and appoints another individual or entity known as a guardian, as a conservator, or by a similar term, as a surrogate decisionmaker;

''(B) the manner in which the court-appointed surrogate decisionmaker carries out duties to the individual and the court; or

''(C) the manner in which the court exercises oversight of the surrogate decisionmaker.

''(12) INDIAN TRIBE.—

''(A) IN GENERAL.—The term 'Indian tribe' has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(B) INCLUSION OF PUEBLO AND RANCHERIA.—The term 'Indian tribe' includes any Pueblo or Rancheria.

''(13) LAW ENFORCEMENT.—The term 'law enforcement' means the full range of potential responders to elder abuse, neglect, and exploitation including—

''(A) police, sheriffs, detectives, public safety officers, and corrections personnel;

''(B) prosecutors;

''(C) medical examiners;

''(D) investigators; and

''(E) coroners.

''(14) LONG-TERM CARE.—

''(A) IN GENERAL.—The term 'long-term care' means supportive and health services specified by the Secretary for individuals who need assistance because the individuals have a loss of capacity for self-care due to illness, disability, or vulnerability.

''(B) LOSS OF CAPACITY FOR SELF-CARE.—For purposes of subparagraph (A), the term 'loss of capacity for self-care' means an inability to engage in 1 or more activities of daily living, including eating, dressing, bathing, management of one's financial affairs, and other activities the Secretary determines appropriate.

''(15) LONG-TERM CARE FACILITY.—The term 'long-term care facility' means a residential care provider that arranges for, or directly provides, long-term care.

''(16) NEGLECT.—The term 'neglect' means—

''(A) the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an elder; or

''(B) self-neglect.

''(17) NURSING FACILITY.—

''(A) IN GENERAL.—The term 'nursing facility' has the meaning given such term under section 1919(a).

''(B) INCLUSION OF SKILLED NURSING FACILITY.—The term 'nursing facility' includes a skilled nursing facility (as defined in section 1819(a)).

''(18) SELF-NEGLECT.—The term 'self-neglect' means an adult's inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including—

''(A) obtaining essential food, clothing, shelter, and medical care;

''(B) obtaining goods and services necessary to maintain physical health, mental health, or general safety; or

''(C) managing one's own financial affairs.

''(19) SERIOUS BODILY INJURY.—

''(A) IN GENERAL.—The term 'serious bodily injury' means an injury—

''(i) involving extreme physical pain;

''(ii) involving substantial risk of death;

''(iii) involving protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or

''(iv) requiring medical intervention such as surgery, hospitalization, or physical rehabilitation.

''(B) CRIMINAL SEXUAL ABUSE.—Serious bodily injury shall be considered to have occurred if the conduct causing the injury is conduct described in section 2241 (relating to aggravated sexual abuse) or 2242 (relating to sexual abuse) of title 18, United States Code, or any similar offense under State law.

''(20) SOCIAL.—The term 'social', when used with respect to a service, includes adult protective services.

''(21) STATE LEGAL ASSISTANCE DEVELOPER.—The term 'State legal assistance developer' means an individual described in section 731 of the Older Americans Act of 1965.

''(22) STATE LONG-TERM CARE OMBUDSMAN.—The term 'State Long-Term Care Ombudsman' means the State Long-Term Care Ombudsman described in section 712(a)(2) of the Older Americans Act of 1965.

''SEC. 2012. GENERAL PROVISIONS.

''(a) PROTECTION OF PRIVACY.—In pursuing activities under this subtitle, the Secretary shall ensure the protection of individual health privacy consistent with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 and applicable State and local privacy regulations.

''(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to interfere with or abridge an elder's right to practice his or her religion through reliance on prayer alone for healing when this choice—

''(1) is contemporaneously expressed, either orally or in writing, with respect to a specific illness or injury which the elder has at the time of the decision by an elder who is competent at the time of the decision;

''(2) is previously set forth in a living will, health care proxy, or other advance directive document that is validly executed and applied under State law; or

''(3) may be unambiguously deduced from the elder's life history.

''PART I—NATIONAL COORDINATION OF ELDER JUSTICE ACTIVITIES AND RESEARCH

''Subpart A—Elder Justice Coordinating Council and Advisory Board on Elder Abuse, Neglect, and Exploitation

''SEC. 2021. ELDER JUSTICE COORDINATING COUNCIL.

''(a) ESTABLISHMENT.—There is established within the Office of the Secretary an Elder Justice Coordinating Council (in this section referred to as the 'Council').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Council shall be composed of the following members:

''(A) The Secretary (or the Secretary's designee).

''(B) The Attorney General (or the Attorney General's designee).

''(C) The head of each Federal department or agency or other governmental entity identified by the Chair referred to in subsection (d) as having responsibilities, or administering programs, relating to elder abuse, neglect, and exploitation.

''(2) REQUIREMENT.—Each member of the Council shall be an officer or employee of the Federal Government.

''(c) VACANCIES.—Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

''(d) CHAIR.—The member described in subsection (b)(1)(A) shall be Chair of the Council.

''(e) MEETINGS.—The Council shall meet at least 2 times per year, as determined by the Chair.

''(f) DUTIES.—

''(1) IN GENERAL.—The Council shall make recommendations to the Secretary for the coordination of activities of the Department of Health and Human Services, the Department of Justice, and other relevant Federal, State, local, and private agencies and entities, relating to elder abuse, neglect, and exploitation and other crimes against elders.

''(2) REPORT.—Not later than the date that is 2 years after the date of enactment of the Elder Justice Act of 2009 and every 2 years thereafter, the Council shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report that—

''(A) describes the activities and accomplishments of, and challenges faced by—

''(i) the Council; and

''(ii) the entities represented on the Council; and

''(B) makes such recommendations for legislation, model laws, or other action as the Council determines to be appropriate.

''(g) POWERS OF THE COUNCIL.—

''(1) INFORMATION FROM FEDERAL AGENCIES.—Subject to the requirements of section 2012(a), the Council may secure directly from any Federal department or agency such information as the Council considers necessary to carry out this section. Upon request of the Chair of the Council, the head of such department or agency shall furnish such information to the Council.

''(2) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(h) TRAVEL EXPENSES.—The members of the Council shall not receive compensation for the performance of services for the Council. The members shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of the members of the Council.

''(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(j) STATUS AS PERMANENT COUNCIL.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"SEC. 2022. ADVISORY BOARD ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

''(a) ESTABLISHMENT.—There is established a board to be known as the 'Advisory Board on Elder Abuse, Neglect, and Exploitation' (in this section referred to as the 'Advisory Board') to create short- and long-term multidisciplinary strategic plans for the development of the field of elder justice and to make recommendations to the Elder Justice Coordinating Council established under section 2021.

''(b) COMPOSITION.—The Advisory Board shall be composed of 27 members appointed by the Secretary from among members of the general public who are individuals with experience and expertise in elder abuse, neglect, and exploitation prevention, detection, treatment, intervention, or prosecution.

''(c) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointment of members of the Advisory Board under subsection (b).

''(d) TERMS.—

''(1) IN GENERAL.—Each member of the Advisory Board shall be appointed for a term of 3 years, except that, of the members first appointed—

''(A) 9 shall be appointed for a term of 3 years;

''(B) 9 shall be appointed for a term of 2 years; and

''(C) 9 shall be appointed for a term of 1 year.

''(2) VACANCIES.—

''(A) IN GENERAL.—Any vacancy on the Advisory Board shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

''(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

''(3) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the member's successor takes office.

''(e) ELECTION OF OFFICERS.—The Advisory Board shall elect a Chair and Vice Chair from among its members. The Advisory Board shall elect its initial Chair and Vice Chair at its initial meeting.

''(f) DUTIES.—

''(1) ENHANCE COMMUNICATION ON PROMOTING QUALITY OF, AND PREVENTING ABUSE, NEGLECT, AND EXPLOITATION IN, LONG-TERM CARE.—The Advisory Board shall develop collaborative and innovative approaches to improve the quality of, including preventing abuse, neglect, and exploitation in, long-term care.

''(2) COLLABORATIVE EFFORTS TO DEVELOP CONSENSUS AROUND THE MANAGEMENT OF CERTAIN QUALITY-RELATED FACTORS.—

''(A) IN GENERAL.—The Advisory Board shall establish multidisciplinary panels to address, and develop consensus on, subjects relating to improving the quality of long-term care. At least 1 such panel shall address, and develop consensus on, methods for managing resident-to-resident abuse in long-term care.

''(B) ACTIVITIES CONDUCTED.—The multidisciplinary panels established under subparagraph (A) shall examine relevant research and data, identify best practices with respect to the subject of the panel, determine the best way to carry out those best practices in a practical and feasible manner, and determine an effective manner of distributing information on such subject.

''(3) REPORT.—Not later than the date that is 18 months after the date of enactment of the Elder Justice Act of 2009, and annually thereafter, the Advisory Board shall prepare and submit to the Elder Justice Coordinating Council, the Committee on Finance of the Senate, and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report containing—

''(A) information on the status of Federal, State, and local public and private elder justice activities;

''(B) recommendations (including recommended priorities) regarding—

''(i) elder justice programs, research, training, services, practice, enforcement, and coordination;

''(ii) coordination between entities pursuing elder justice efforts and those involved in related areas that may inform or overlap with elder justice efforts, such as activities to combat violence against women and child abuse and neglect; and

''(iii) activities relating to adult fiduciary systems, including guardianship and other fiduciary arrangements;

''(C) recommendations for specific modifications needed in Federal and State laws (including regulations) or for programs, research, and training to enhance prevention, detection, and treatment (including diagnosis) of, intervention in (including investigation of), and prosecution of elder abuse, neglect, and exploitation;

''(D) recommendations on methods for the most effective coordinated national data collection with respect to elder justice, and elder abuse, neglect, and exploitation; and

''(E) recommendations for a multidisciplinary strategic plan to guide the effective and efficient development of the field of elder justice.

''(g) POWERS OF THE ADVISORY BOARD.—

''(1) INFORMATION FROM FEDERAL AGENCIES.—Subject to the requirements of section 2012(a), the Advisory Board may secure directly from any Federal department or agency such information as the Advisory Board considers necessary to carry out this section. Upon request of the Chair of the Advisory Board, the head of such department or agency shall furnish such information to the Advisory Board.

''(2) SHARING OF DATA AND REPORTS.—The Advisory Board may request from any entity pursuing elder justice activities under the Elder Justice Act of 2009 or an amendment made by that Act, any data, reports, or recommendations generated in connection with such activities.

''(3) POSTAL SERVICES.—The Advisory Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(h) TRAVEL EXPENSES.—The members of the Advisory Board shall not receive compensation for the performance of services for the Advisory Board. The members shall be allowed travel expenses for up to 4 meetings per year, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Advisory Board. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of the members of the Advisory Board.

''(i) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Advisory Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(j) STATUS AS PERMANENT ADVISORY COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"SEC. 2023. RESEARCH PROTECTIONS.

''(a) GUIDELINES.—The Secretary shall promulgate guidelines to assist researchers working in the area of elder abuse, neglect, and exploitation, with issues relating to human subject protections.

''(b) DEFINITION OF LEGALLY AUTHORIZED REPRESENTATIVE FOR APPLICATION OF REGULATIONS.—For purposes of the application of subpart A of part 46 of title 45, Code of Federal Regulations, to research conducted under this subpart, the term 'legally authorized representative' means, unless otherwise provided by law, the individual or judicial or other body authorized under the applicable law to consent to medical treatment on behalf of another person.

"SEC. 2024. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart—

''(1) for fiscal year 2011, $6,500,000; and

''(2) for each of fiscal years 2012 through 2014, $7,000,000.

"Subpart B—Elder Abuse, Neglect, and Exploitation Forensic Centers

"SEC. 2031. ESTABLISHMENT AND SUPPORT OF ELDER ABUSE, NEGLECT, AND EXPLOITATION FORENSIC CENTERS.

''(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, shall make grants to eligible entities to establish and operate stationary and mobile forensic centers, to develop forensic expertise regarding, and provide services relating to, elder abuse, neglect, and exploitation.

''(b) STATIONARY FORENSIC CENTERS.—The Secretary shall make 4 of the grants described in subsection (a) to institutions of higher education with demonstrated expertise in forensics or commitment to preventing or treating elder abuse, neglect, or exploitation, to establish and operate stationary forensic centers.

''(c) MOBILE CENTERS.—The Secretary shall make 6 of the grants described in subsection (a) to appropriate entities to establish and operate mobile forensic centers.

''(d) AUTHORIZED ACTIVITIES.—

''(1) DEVELOPMENT OF FORENSIC MARKERS AND METHODOLOGIES.—An eligible entity that receives a grant under this section shall use funds made available through the grant to assist in determining whether abuse, neglect, or exploitation occurred and whether a crime was committed and to conduct research to describe and disseminate information on—

''(A) forensic markers that indicate a case in which elder abuse, neglect, or exploitation may have occurred; and

''(B) methodologies for determining, in such a case, when and how health care, emergency service, social and protective services, and legal service providers should intervene and when the providers should report the case to law enforcement authorities.

''(2) DEVELOPMENT OF FORENSIC EXPERTISE.—An eligible entity that receives a grant under this section shall use funds made available through the grant to develop forensic expertise regarding elder abuse, neglect, and exploitation in order to provide medical and forensic evaluation, therapeutic intervention, victim support and advocacy, case review, and case tracking.

''(3) COLLECTION OF EVIDENCE.—The Secretary, in coordination with the Attorney General, shall use data made available by grant recipients under this section to develop the capacity of geriatric health care professionals and law enforcement to collect forensic evidence, including collecting forensic evidence relating to a potential determination of elder abuse, neglect, or exploitation.

''(e) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for fiscal year 2011, $4,000,000;

''(2) for fiscal year 2012, $6,000,000; and

''(3) for each of fiscal years 2013 and 2014, $8,000,000.

"PART II—PROGRAMS TO PROMOTE ELDER JUSTICE

"SEC. 2041. ENHANCEMENT OF LONG-TERM CARE.

''(a) GRANTS AND INCENTIVES FOR LONG-TERM CARE STAFFING.—

''(1) IN GENERAL.—The Secretary shall carry out activities, including activities described in paragraphs (2) and (3), to provide incentives for individuals to train for, seek, and maintain employment providing direct care in long-term care.

''(2) SPECIFIC PROGRAMS TO ENHANCE TRAINING, RECRUITMENT, AND RETENTION OF STAFF.—

''(A) COORDINATION WITH SECRETARY OF LABOR TO RECRUIT AND TRAIN LONG-TERM CARE STAFF.—The Secretary shall coordinate activities under this subsection with the Secretary of Labor in order to provide incentives for individuals to train for and seek employment providing direct care in long-term care.

''(B) CAREER LADDERS AND WAGE OR BENEFIT INCREASES TO INCREASE STAFFING IN LONG-TERM CARE.—

''(i) IN GENERAL.—The Secretary shall make grants to eligible entities to carry out programs through which the entities—

''(I) offer, to employees who provide direct care to residents of an eligible entity or individuals receiving community-based long-term care from an eligible entity, continuing training and varying levels of certification, based on observed clinical care practices and the amount of time the employees spend providing direct care; and

''(II) provide, or make arrangements to provide, bonuses or other increased compensation or benefits to employees who achieve certification under such a program.

''(ii) APPLICATION.—To be eligible to receive a grant under this subparagraph, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require (which may include evidence of consultation with the State in which the eligible entity is located with respect to carrying out activities funded under the grant).

''(iii) AUTHORITY TO LIMIT NUMBER OF APPLICANTS.—Nothing in this subparagraph shall be construed as prohibiting the Secretary from limiting the number of applicants for a grant under this subparagraph.

''(3) SPECIFIC PROGRAMS TO IMPROVE MANAGEMENT PRACTICES.—

''(A) IN GENERAL.—The Secretary shall make grants to eligible entities to enable the entities to provide training and technical assistance.

''(B) AUTHORIZED ACTIVITIES.—An eligible entity that receives a grant under subparagraph (A) shall use funds made available through the grant to provide training and technical assistance regarding management practices using methods that are demonstrated to promote retention of individuals who provide direct care, such as—

''(i) the establishment of standard human resource policies that reward high performance, including policies that provide for improved wages and benefits on the basis of job reviews;

''(ii) the establishment of motivational and thoughtful work organization practices;

''(iii) the creation of a workplace culture that respects and values caregivers and their needs;

''(iv) the promotion of a workplace culture that respects the rights of residents of an eligible entity or individuals receiving community-based long-term care from an eligible entity and results in improved care for the residents or the individuals; and

''(v) the establishment of other programs that promote the provision of high quality care, such as a continuing education program that provides additional hours of training, including on-the-job training, for employees who are certified nurse aides.

''(C) APPLICATION.—To be eligible to receive a grant under this paragraph, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require (which may include evidence of consultation with the State in which the eligible entity is located with respect to carrying out activities funded under the grant).

''(D) AUTHORITY TO LIMIT NUMBER OF APPLICANTS.—Nothing in this paragraph shall be construed as prohibiting the Secretary from limiting the number of applicants for a grant under this paragraph.

''(4) ACCOUNTABILITY MEASURES.—The Secretary shall develop accountability measures to ensure that the activities conducted using funds made available under this subsection benefit individuals who provide direct care and increase the stability of the long-term care workforce.

''(5) DEFINITIONS.—In this subsection:

''(A) COMMUNITY-BASED LONG-TERM CARE.—The term 'community-based long-term care' has the meaning given such term by the Secretary.

''(B) ELIGIBLE ENTITY.—The term 'eligible entity' means the following:

''(i) A long-term care facility.

''(ii) A community-based long-term care entity (as defined by the Secretary).

''(b) CERTIFIED EHR TECHNOLOGY GRANT PROGRAM.—

''(1) GRANTS AUTHORIZED.—The Secretary is authorized to make grants to long-term care facilities for the purpose of assisting such entities in offsetting the costs related to purchasing, leasing, developing, and implementing certified EHR technology (as defined in section 1848(o)(4)) designed to improve patient safety and reduce adverse events and health care complications resulting from medication errors.

''(2) USE OF GRANT FUNDS.—Funds provided under grants under this subsection may be used for any of the following:

''(A) Purchasing, leasing, and installing computer software and hardware, including handheld computer technologies.

''(B) Making improvements to existing computer software and hardware.

''(C) Making upgrades and other improvements to existing computer software and hardware to enable e-prescribing.

''(D) Providing education and training to eligible long-term care facility staff on the use of such technology to implement the electronic transmission of prescription and patient information.

''(3) APPLICATION.—

''(A) IN GENERAL.—To be eligible to receive a grant under this subsection, a long-term care facility shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require (which may include evidence of consultation with the State in which the long-term care facility is located with respect to carrying out activities funded under the grant).

''(B) AUTHORITY TO LIMIT NUMBER OF APPLICANTS.—Nothing in this subsection shall be construed as prohibiting the Secretary from limiting the number of applicants for a grant under this subsection.

''(4) PARTICIPATION IN STATE HEALTH EXCHANGES.—A long-term care facility that receives a grant under this subsection shall, where available, participate in activities conducted by a State or a qualified State-designated entity (as defined in section 3013(f) of the Public Health Service Act) under a grant under section 3013 of the Public Health Service Act to coordinate care and for other purposes determined appropriate by the Secretary.

''(5) ACCOUNTABILITY MEASURES.—The Secretary shall develop accountability measures to ensure that the activities conducted using funds made available under this subsection help improve patient safety and reduce adverse events and health care complications resulting from medication errors.

''(c) ADOPTION OF STANDARDS FOR TRANSACTIONS INVOLVING CLINICAL DATA BY LONG-TERM CARE FACILITIES.—

''(1) STANDARDS AND COMPATIBILITY.—The Secretary shall adopt electronic standards for the exchange of clinical data by long-term care facilities, including, where available, standards for messaging and nomenclature. Standards adopted by the Secretary under the preceding sentence shall be compatible with standards established under part C of title XI, standards established under subsections (b)(2)(B)(i) and (e)(4) of section 1860D–4, standards adopted under section 3004 of the Public Health Service Act, and general health information technology standards.

''(2) ELECTRONIC SUBMISSION OF DATA TO THE SECRETARY.—

''(A) IN GENERAL.—Not later than 10 years after the date of enactment of the Elder Justice Act of 2009, the Secretary shall have procedures in place to accept the optional electronic submission of clinical data by long-term care facilities pursuant to the standards adopted under paragraph (1).

''(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require a long-term care facility to submit clinical data electronically to the Secretary.

''(3) REGULATIONS.—The Secretary shall promulgate regulations to carry out this subsection. Such regulations shall require a State, as a condition of the receipt of funds under this part, to conduct such data collection and reporting as the Secretary determines are necessary to satisfy the requirements of this subsection.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for fiscal year 2011, $20,000,000;

''(2) for fiscal year 2012, $17,500,000; and

''(3) for each of fiscal years 2013 and 2014, $15,000,000.

''SEC. 2042. ADULT PROTECTIVE SERVICES FUNCTIONS AND GRANT PROGRAMS.

''(a) SECRETARIAL RESPONSIBILITIES.—

''(1) IN GENERAL.—The Secretary shall ensure that the Department of Health and Human Services—

''(A) provides funding authorized by this part to State and local adult protective services offices that investigate reports of the abuse, neglect, and exploitation of elders;

''(B) collects and disseminates data annually relating to the abuse, exploitation, and neglect of elders in coordination with the Department of Justice;

''(C) develops and disseminates information on best practices regarding, and provides training on, carrying out adult protective services;

''(D) conducts research related to the provision of adult protective services; and

''(E) provides technical assistance to States and other entities that provide or fund the provision of adult protective services, including through grants made under subsections (b) and (c).

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $3,000,000 for fiscal year 2011 and $4,000,000 for each of fiscal years 2012 through 2014.

''(b) GRANTS TO ENHANCE THE PROVISION OF ADULT PROTECTIVE SERVICES.—

''(1) ESTABLISHMENT.—There is established an adult protective services grant program under which the Secretary shall annually award grants to States in the amounts calculated under paragraph (2) for the purposes of enhancing adult protective services provided by States and local units of government.

''(2) AMOUNT OF PAYMENT.—

''(A) IN GENERAL.—Subject to the availability of appropriations and subparagraphs (B) and (C), the amount paid to a State for a fiscal year under the program under this subsection shall equal the amount appropriated for that year to carry out this subsection multiplied by the percentage of the total number of elders who reside in the United States who reside in that State.

''(B) GUARANTEED MINIMUM PAYMENT AMOUNT.—

''(i) 50 STATES.—Subject to clause (ii), if the amount determined under subparagraph (A) for a State for a fiscal year is less than 0.75 percent of the amount appropriated for such year, the Secretary shall increase such determined amount so that the total amount paid under this subsection to the State for the year is equal to 0.75 percent of the amount so appropriated.

''(ii) TERRITORIES.—In the case of a State other than 1 of the 50 States, clause (i) shall be applied as if each reference to '0.75' were a reference to '0.1'.

''(C) PRO RATA REDUCTIONS.—The Secretary shall make such pro rata reductions to the

amounts described in subparagraph (A) as are necessary to comply with the requirements of subparagraph (B).

''(3) AUTHORIZED ACTIVITIES.—

''(A) ADULT PROTECTIVE SERVICES.—Funds made available pursuant to this subsection may only be used by States and local units of government to provide adult protective services and may not be used for any other purpose.

''(B) USE BY AGENCY.—Each State receiving funds pursuant to this subsection shall provide such funds to the agency or unit of State government having legal responsibility for providing adult protective services within the State.

''(C) SUPPLEMENT NOT SUPPLANT.—Each State or local unit of government shall use funds made available pursuant to this subsection to supplement and not supplant other Federal, State, and local public funds expended to provide adult protective services in the State.

''(4) STATE REPORTS.—Each State receiving funds under this subsection shall submit to the Secretary, at such time and in such manner as the Secretary may require, a report on the number of elders served by the grants awarded under this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $100,000,000 for each of fiscal years 2011 through 2014.

''(c) STATE DEMONSTRATION PROGRAMS.—

''(1) ESTABLISHMENT.—The Secretary shall award grants to States for the purposes of conducting demonstration programs in accordance with paragraph (2).

''(2) DEMONSTRATION PROGRAMS.—Funds made available pursuant to this subsection may be used by States and local units of government to conduct demonstration programs that test—

''(A) training modules developed for the purpose of detecting or preventing elder abuse;

''(B) methods to detect or prevent financial exploitation of elders;

''(C) methods to detect elder abuse;

''(D) whether training on elder abuse forensics enhances the detection of elder abuse by employees of the State or local unit of government; or

''(E) other matters relating to the detection or prevention of elder abuse.

''(3) APPLICATION.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(4) STATE REPORTS.—Each State that receives funds under this subsection shall submit to the Secretary a report at such time, in such manner, and containing such information as the Secretary may require on the results of the demonstration program conducted by the State using funds made available under this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $25,000,000 for each of fiscal years 2011 through 2014.

"SEC. 2043. LONG-TERM CARE OMBUDSMAN PROGRAM GRANTS AND TRAINING.

''(a) GRANTS TO SUPPORT THE LONG-TERM CARE OMBUDSMAN PROGRAM.—

''(1) IN GENERAL.—The Secretary shall make grants to eligible entities with relevant expertise and experience in abuse and neglect in long-term care facilities or long-term care ombudsman programs and responsibilities, for the purpose of—

''(A) improving the capacity of State long-term care ombudsman programs to respond to and resolve complaints about abuse and neglect;

''(B) conducting pilot programs with State long-term care ombudsman offices or local ombudsman entities; and

''(C) providing support for such State long-term care ombudsman programs and such pilot programs (such as through the establishment of a national long-term care ombudsman resource center).

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

''(A) for fiscal year 2011, $5,000,000;

''(B) for fiscal year 2012, $7,500,000; and

''(C) for each of fiscal years 2013 and 2014, $10,000,000.

''(b) OMBUDSMAN TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Secretary shall establish programs to provide and improve ombudsman training with respect to elder abuse, neglect, and exploitation for national organizations and State long-term care ombudsman programs.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, for each of fiscal years 2011 through 2014, $10,000,000.

"SEC. 2044. PROVISION OF INFORMATION REGARDING, AND EVALUATIONS OF, ELDER JUSTICE PROGRAMS.

''(a) PROVISION OF INFORMATION.—To be eligible to receive a grant under this part, an applicant shall agree—

''(1) except as provided in paragraph (2), to provide the eligible entity conducting an evaluation under subsection (b) of the activities funded through the grant with such information as the eligible entity may require in order to conduct such evaluation; or

''(2) in the case of an applicant for a grant under section 2041(b), to provide the Secretary with such information as the Secretary may require to conduct an evaluation or audit under subsection (c).

''(b) USE OF ELIGIBLE ENTITIES TO CONDUCT EVALUATIONS.—

''(1) EVALUATIONS REQUIRED.—Except as provided in paragraph (2), the Secretary shall—

''(A) reserve a portion (not less than 2 percent) of the funds appropriated with respect to each program carried out under this part; and

''(B) use the funds reserved under subparagraph (A) to provide assistance to eligible entities to conduct evaluations of the activities funded under each program carried out under this part.

''(2) CERTIFIED EHR TECHNOLOGY GRANT PROGRAM NOT INCLUDED.—The provisions of this subsection shall not apply to the certified EHR technology grant program under section 2041(b).

''(3) AUTHORIZED ACTIVITIES.—A recipient of assistance described in paragraph (1)(B) shall use the funds made available through the assistance to conduct a validated evaluation of the effectiveness of the activities funded under a program carried out under this part.

''(4) APPLICATIONS.—To be eligible to receive assistance under paragraph (1)(B), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a proposal for the evaluation.

''(5) REPORTS.—Not later than a date specified by the Secretary, an eligible entity receiving assistance under paragraph (1)(B) shall submit to the Secretary, the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate a report containing the results of the evaluation conducted using such assistance together with such recommendations as the entity determines to be appropriate.

''(c) EVALUATIONS AND AUDITS OF CERTIFIED EHR TECHNOLOGY GRANT PROGRAM BY THE SECRETARY.—

''(1) EVALUATIONS.—The Secretary shall conduct an evaluation of the activities funded under the certified EHR technology grant program under section 2041(b). Such evaluation shall include an evaluation of whether the funding provided under the grant is expended only for the purposes for which it is made.

''(2) AUDITS.—The Secretary shall conduct appropriate audits of grants made under section 2041(b).

"SEC. 2045. REPORT.

''Not later than October 1, 2014, the Secretary shall submit to the Elder Justice Coordinating Council established under section 2021, the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate a report—

''(1) compiling, summarizing, and analyzing the information contained in the State reports submitted under subsections (b)(4) and (c)(4) of section 2042; and

''(2) containing such recommendations for legislative or administrative action as the Secretary determines to be appropriate.

"SEC. 2046. RULE OF CONSTRUCTION.

''Nothing in this subtitle shall be construed as—

''(1) limiting any cause of action or other relief related to obligations under this subtitle that is available under the law of any State, or political subdivision thereof; or

''(2) creating a private cause of action for a violation of this subtitle.''.

(2) OPTION FOR STATE PLAN UNDER PROGRAM FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.—

(A) IN GENERAL.—Section 402(a)(1)(B) of the Social Security Act (42 U.S.C. 602(a)(1)(B)) is amended by adding at the end the following new clause:

''(v) The document shall indicate whether the State intends to assist individuals to train for, seek, and maintain employment—

''(I) providing direct care in a long-term care facility (as such terms are defined under section 2011); or

''(II) in other occupations related to elder care determined appropriate by the State for which the State identifies an unmet need for service personnel,

and, if so, shall include an overview of such assistance.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on January 1, 2011.

(b) PROTECTING RESIDENTS OF LONG-TERM CARE FACILITIES.—

(1) NATIONAL TRAINING INSTITUTE FOR SURVEYORS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with an entity for the purpose of establishing and operating a National Training Institute for Federal and State surveyors. Such Institute shall provide and improve the training of surveyors with respect to investigating allegations of abuse, neglect, and misappropriation of property in programs and long-term care facilities that receive payments under title XVIII or XIX of the Social Security Act.

(B) ACTIVITIES CARRIED OUT BY THE INSTITUTE.—The contract entered into under subparagraph (A) shall require the Institute established and operated under such contract to carry out the following activities:

(i) Assess the extent to which State agencies use specialized surveyors for the investigation of reported allegations of abuse, neglect, and misappropriation of property in such programs and long-term care facilities.

(ii) Evaluate how the competencies of surveyors may be improved to more effectively investigate reported allegations of such abuse, neglect, and misappropriation of property, and provide feedback to Federal and State agencies on the evaluations conducted.

(iii) Provide a national program of training, tools, and technical assistance to Federal and State surveyors on investigating reports of such abuse, neglect, and misappropriation of property.

(iv) Develop and disseminate information on best practices for the investigation of such abuse, neglect, and misappropriation of property.

(v) Assess the performance of State complaint intake systems, in order to ensure that the intake of complaints occurs 24 hours per day, 7 days a week (including holidays).

(vi) To the extent approved by the Secretary of Health and Human Services, provide a national 24 hours per day, 7 days a week (including holidays), back-up system to State complaint intake systems in order to ensure optimum national responsiveness to complaints of such abuse, neglect, and misappropriation of property.

(vii) Analyze and report annually on the following:

(I) The total number and sources of complaints of such abuse, neglect, and misappropriation of property.

(II) The extent to which such complaints are referred to law enforcement agencies.

(III) General results of Federal and State investigations of such complaints.

(viii) Conduct a national study of the cost to State agencies of conducting complaint investigations of skilled nursing facilities and nursing facilities under sections 1819 and 1919, respectively, of the Social Security Act (42 U.S.C. 1395i–3; 1396r), and making recommendations to the Secretary of Health and Human Services with respect to options to increase the efficiency and cost-effectiveness of such investigations.

(C) AUTHORIZATION.—There are authorized to be appropriated to carry out this paragraph, for the period of fiscal years 2011 through 2014, $12,000,000.

(2) GRANTS TO STATE SURVEY AGENCIES.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall make grants to State agencies that perform surveys of skilled nursing facilities or nursing facilities under sections 1819 or 1919, respectively, of the Social Security Act (42 U.S.C. 1395i–3; 1395r).

(B) USE OF FUNDS.—A grant awarded under subparagraph (A) shall be used for the purpose of designing and implementing complaint investigations systems that—

(i) promptly prioritize complaints in order to ensure a rapid response to the most serious and urgent complaints;

(ii) respond to complaints with optimum effectiveness and timeliness; and

(iii) optimize the collaboration between local authorities, consumers, and providers, including—

(I) such State agency;

(II) the State Long-Term Care Ombudsman;

(III) local law enforcement agencies;

(IV) advocacy and consumer organizations;

(V) State aging units;

(VI) Area Agencies on Aging; and

(VII) other appropriate entities.

(C) AUTHORIZATION.—There are authorized to be appropriated to carry out this paragraph, for each of fiscal years 2011 through 2014, $5,000,000.

(3) REPORTING OF CRIMES IN FEDERALLY FUNDED LONG-TERM CARE FACILITIES.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 6005, is amended by inserting after section 1150A the following new section:

''REPORTING TO LAW ENFORCEMENT OF CRIMES OCCURRING IN FEDERALLY FUNDED LONG-TERM CARE FACILITIES

''SEC. 1150B. (a) DETERMINATION AND NOTIFICATION.—

''(1) DETERMINATION.—The owner or operator of each long-term care facility that receives Federal funds under this Act shall annually determine whether the facility received at least $10,000 in such Federal funds during the preceding year.

''(2) NOTIFICATION.—If the owner or operator determines under paragraph (1) that the facility received at least $10,000 in such Federal funds during the preceding year, such owner or operator shall annually notify each covered individual (as defined in paragraph (3)) of that individual's obligation to comply with the reporting requirements described in subsection (b).

''(3) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means each individual who is an owner, operator, employee, manager, agent, or contractor of a long-term care facility that is the subject of a determination described in paragraph (1).

''(b) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Each covered individual shall report to the Secretary and 1 or more law enforcement entities for the political subdivision in which the facility is located any reasonable suspicion of a crime (as defined by the law of the applicable political subdivision) against any individual who is a resident of, or is receiving care from, the facility.

''(2) TIMING.—If the events that cause the suspicion—

''(A) result in serious bodily injury, the individual shall report the suspicion immediately, but not later than 2 hours after forming the suspicion; and

''(B) do not result in serious bodily injury, the individual shall report the suspicion not later than 24 hours after forming the suspicion.

''(c) PENALTIES.—

''(1) IN GENERAL.—If a covered individual violates subsection (b)—

''(A) the covered individual shall be subject to a civil money penalty of not more than $200,000; and

''(B) the Secretary may make a determination in the same proceeding to exclude the covered individual from participation in any Federal health care program (as defined in section 1128B(f)).

''(2) INCREASED HARM.—If a covered individual violates subsection (b) and the violation exacerbates the harm to the victim of the crime or results in harm to another individual—

''(A) the covered individual shall be subject to a civil money penalty of not more than $300,000; and

''(B) the Secretary may make a determination in the same proceeding to exclude the covered individual from participation in any Federal health care program (as defined in section 1128B(f)).

''(3) EXCLUDED INDIVIDUAL.—During any period for which a covered individual is classified as an excluded individual under paragraph (1)(B) or (2)(B), a long-term care facility that employs such individual shall be ineligible to receive Federal funds under this Act.

''(4) EXTENUATING CIRCUMSTANCES.—

''(A) IN GENERAL.—The Secretary may take into account the financial burden on providers with underserved populations in determining any penalty to be imposed under this subsection.

''(B) UNDERSERVED POPULATION DEFINED.—In this paragraph, the term 'underserved population' means the population of an area designated by the Secretary as an area with a shortage of elder justice programs or a population group designated by the Secretary as having a shortage of such programs. Such areas or groups designated by the Secretary may include—

''(i) areas or groups that are geographically isolated (such as isolated in a rural area);

''(ii) racial and ethnic minority populations; and

''(iii) populations underserved because of special needs (such as language barriers, disabilities, alien status, or age).

''(d) ADDITIONAL PENALTIES FOR RETALIATION.—

''(1) IN GENERAL.—A long-term care facility may not—

''(A) discharge, demote, suspend, threaten, harass, or deny a promotion or other employment-related benefit to an employee, or in any other manner discriminate against an employee in the terms and conditions of employment because of lawful acts done by the employee; or

''(B) file a complaint or a report against a nurse or other employee with the appropriate State professional disciplinary agency because of lawful acts done by the nurse or employee,

for making a report, causing a report to be made, or for taking steps in furtherance of making a report pursuant to subsection (b)(1).

''(2) PENALTIES FOR RETALIATION.—If a long-term care facility violates subparagraph (A) or (B) of paragraph (1) the facility shall be subject to a civil money penalty of not more than $200,000 or the Secretary may classify the entity as an excluded entity for a period of 2 years pursuant to section 1128(b), or both.

''(3) REQUIREMENT TO POST NOTICE.—Each long-term care facility shall post conspicuously in an appropriate location a sign (in a form specified by the Secretary) specifying the rights of employees under this section. Such sign shall include a statement that an employee may file a complaint with the Secretary against a long-term care facility that violates the provisions of this subsection and information with respect to the manner of filing such a complaint.

''(e) PROCEDURE.—The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty or exclusion under this section in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(f) DEFINITIONS.—In this section, the terms 'elder justice', 'long-term care facility', and 'law enforcement' have the meanings given those terms in section 2011.''.

(c) NATIONAL NURSE AIDE REGISTRY.—

(1) DEFINITION OF NURSE AIDE.—In this subsection, the term ''nurse aide'' has the meaning given that term in sections 1819(b)(5)(F) and 1919(b)(5)(F) of the Social Security Act (42 U.S.C. 1395i–3(b)(5)(F); 1396r(b)(5)(F)).

(2) STUDY AND REPORT.—

(A) IN GENERAL.—The Secretary, in consultation with appropriate government agencies and private sector organizations, shall conduct a study on establishing a national nurse aide registry.

(B) AREAS EVALUATED.—The study conducted under this subsection shall include an evaluation of—

(i) who should be included in the registry;

(ii) how such a registry would comply with Federal and State privacy laws and regulations;

(iii) how data would be collected for the registry;

(iv) what entities and individuals would have access to the data collected;

(v) how the registry would provide appropriate information regarding violations of Federal and State law by individuals included in the registry;

(vi) how the functions of a national nurse aide registry would be coordinated with the nationwide program for national and State background checks on direct patient access employees of long-term care facilities and providers under section 4301; and

(vii) how the information included in State nurse aide registries developed and maintained under sections 1819(e)(2) and 1919(e)(2) of the Social Security Act (42 U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2)) would be provided as part of a national nurse aide registry.

(C) CONSIDERATIONS.—In conducting the study and preparing the report required under this subsection, the Secretary shall take into consideration the findings and conclusions of relevant reports and other relevant resources, including the following:

(i) The Department of Health and Human Services Office of Inspector General Report, Nurse Aide Registries: State Compliance and Practices (February 2005).

(ii) The General Accounting Office (now known as the Government Accountability Office) Report, Nursing Homes: More Can Be Done to Protect Residents from Abuse (March 2002).

(iii) The Department of Health and Human Services Office of the Inspector General Report, Nurse Aide Registries: Long-Term Care Facility Compliance and Practices (July 2005).

(iv) The Department of Health and Human Services Health Resources and Services Administration Report, Nursing Aides, Home Health Aides, and Related Health Care Occupations—National and Local Workforce Shortages and

Associated Data Needs (2004) (in particular with respect to chapter 7 and appendix F).

(v) The 2001 Report to CMS from the School of Rural Public Health, Texas A&M University, Preventing Abuse and Neglect in Nursing Homes: The Role of Nurse Aide Registries.

(vi) Information included in State nurse aide registries developed and maintained under sections 1819(e)(2) and 1919(e)(2) of the Social Security Act (42 U.S.C. 1395i–3(e)(2); 1396r(e)(2)(2)).

(D) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Elder Justice Coordinating Council established under section 2021 of the Social Security Act, as added by section 1805(a), the Committee on Finance of the Senate, and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report containing the findings and recommendations of the study conducted under this paragraph.

(E) FUNDING LIMITATION.—Funding for the study conducted under this subsection shall not exceed $500,000.

(3) CONGRESSIONAL ACTION.—After receiving the report submitted by the Secretary under paragraph (2)(D), the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives shall, as they deem appropriate, take action based on the recommendations contained in the report.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for the purpose of carrying out this subsection.

(d) CONFORMING AMENDMENTS.—

(1) TITLE XX.—Title XX of the Social Security Act (42 U.S.C. 1397 et seq.), as amended by section 6703(a), is amended—

(A) in the heading of section 2001, by striking ''TITLE'' and inserting ''SUBTITLE''; and

(B) in subtitle 1, by striking ''this title'' each place it appears and inserting ''this subtitle''.

(2) TITLE IV.—Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(A) in section 404(d)—

(i) in paragraphs (1)(A), (2)(A), and (3)(B), by inserting ''subtitle 1 of'' before ''title XX'' each place it appears;

(ii) in the heading of paragraph (2), by inserting ''SUBTITLE 1 OF'' before ''TITLE XX''; and

(iii) in the heading of paragraph (3)(B), by inserting ''SUBTITLE 1 OF'' before ''TITLE XX''; and

(B) in sections 422(b), 471(a)(4), 472(h)(1), and 473(b)(2), by inserting ''subtitle 1 of'' before ''title XX'' each place it appears.

(3) TITLE XI.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended—

(A) in section 1128(h)(3)—

(i) by inserting ''subtitle 1 of'' before ''title XX''; and

(ii) by striking ''such title'' and inserting ''such subtitle''; and

(B) in section 1128A(i)(1), by inserting ''subtitle 1 of'' before ''title XX''.

Subtitle I—Sense of the Senate Regarding Medical Malpractice

SEC. 6801. SENSE OF THE SENATE REGARDING MEDICAL MALPRACTICE.

It is the sense of the Senate that—

(1) health care reform presents an opportunity to address issues related to medical malpractice and medical liability insurance;

(2) States should be encouraged to develop and test alternatives to the existing civil litigation system as a way of improving patient safety, reducing medical errors, encouraging the efficient resolution of disputes, increasing the availability of prompt and fair resolution of disputes, and improving access to liability insurance, while preserving an individual's right to seek redress in court; and

(3) Congress should consider establishing a State demonstration program to evaluate alternatives to the existing civil litigation system with respect to the resolution of medical malpractice claims.

TITLE VII—IMPROVING ACCESS TO INNOVATIVE MEDICAL THERAPIES

Subtitle A—Biologics Price Competition and Innovation

SEC. 7001. SHORT TITLE.

(a) IN GENERAL.—This subtitle may be cited as the ''Biologics Price Competition and Innovation Act of 2009''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that a biosimilars pathway balancing innovation and consumer interests should be established.

SEC. 7002. APPROVAL PATHWAY FOR BIOSIMILAR BIOLOGICAL PRODUCTS.

(a) LICENSURE OF BIOLOGICAL PRODUCTS AS BIOSIMILAR OR INTERCHANGEABLE.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended—

(1) in subsection (a)(1)(A), by inserting ''under this subsection or subsection (k)'' after ''biologics license''; and

(2) by adding at the end the following:

''(k) LICENSURE OF BIOLOGICAL PRODUCTS AS BIOSIMILAR OR INTERCHANGEABLE.—

''(1) IN GENERAL.—Any person may submit an application for licensure of a biological product under this subsection.

''(2) CONTENT.—

''(A) IN GENERAL.—

''(i) REQUIRED INFORMATION.—An application submitted under this subsection shall include information demonstrating that—

''(I) the biological product is biosimilar to a reference product based upon data derived from—

''(aa) analytical studies that demonstrate that the biological product is highly similar to the reference product notwithstanding minor differences in clinically inactive components;

''(bb) animal studies (including the assessment of toxicity); and

''(cc) a clinical study or studies (including the assessment of immunogenicity and pharmacokinetics or pharmacodynamics) that are sufficient to demonstrate safety, purity, and potency in 1 or more appropriate conditions of use for which the reference product is licensed and intended to be used and for which licensure is sought for the biological product;

''(II) the biological product and reference product utilize the same mechanism or mechanisms of action for the condition or conditions of use prescribed, recommended, or suggested in the proposed labeling, but only to the extent the mechanism or mechanisms of action are known for the reference product;

''(III) the condition or conditions of use prescribed, recommended, or suggested in the labeling proposed for the biological product have been previously approved for the reference product;

''(IV) the route of administration, the dosage form, and the strength of the biological product are the same as those of the reference product; and

''(V) the facility in which the biological product is manufactured, processed, packed, or held meets standards designed to assure that the biological product continues to be safe, pure, and potent.

''(ii) DETERMINATION BY SECRETARY.—The Secretary may determine, in the Secretary's discretion, that an element described in clause (i)(I) is unnecessary in an application submitted under this subsection.

''(iii) ADDITIONAL INFORMATION.—An application submitted under this subsection—

''(I) shall include publicly-available information regarding the Secretary's previous determination that the reference product is safe, pure, and potent; and

''(II) may include any additional information in support of the application, including publicly-available information with respect to the reference product or another biological product.

''(B) INTERCHANGEABILITY.—An application (or a supplement to an application) submitted under this subsection may include information demonstrating that the biological product meets the standards described in paragraph (4).

''(3) EVALUATION BY SECRETARY.—Upon review of an application (or a supplement to an application) submitted under this subsection, the Secretary shall license the biological product under this subsection if—

''(A) the Secretary determines that the information submitted in the application (or the supplement) is sufficient to show that the biological product—

''(i) is biosimilar to the reference product; or

''(ii) meets the standards described in paragraph (4), and therefore is interchangeable with the reference product; and

''(B) the applicant (or other appropriate person) consents to the inspection of the facility that is the subject of the application, in accordance with subsection (c).

''(4) SAFETY STANDARDS FOR DETERMINING INTERCHANGEABILITY.—Upon review of an application submitted under this subsection or any supplement to such application, the Secretary shall determine the biological product to be interchangeable with the reference product if the Secretary determines that the information submitted in the application (or a supplement to such application) is sufficient to show that—

''(A) the biological product—

''(i) is biosimilar to the reference product; and

''(ii) can be expected to produce the same clinical result as the reference product in any given patient; and

''(B) for a biological product that is administered more than once to an individual, the risk in terms of safety or diminished efficacy of alternating or switching between use of the biological product and the reference product is not greater than the risk of using the reference product without such alternation or switch.

''(5) GENERAL RULES.—

''(A) ONE REFERENCE PRODUCT PER APPLICATION.—A biological product, in an application submitted under this subsection, may not be evaluated against more than 1 reference product.

''(B) REVIEW.—An application submitted under this subsection shall be reviewed by the division within the Food and Drug Administration that is responsible for the review and approval of the application under which the reference product is licensed.

''(C) RISK EVALUATION AND MITIGATION STRATEGIES.—The authority of the Secretary with respect to risk evaluation and mitigation strategies under the Federal Food, Drug, and Cosmetic Act shall apply to biological products licensed under this subsection in the same manner as such authority applies to biological products licensed under subsection (a).

''(6) EXCLUSIVITY FOR FIRST INTERCHANGEABLE BIOLOGICAL PRODUCT.—Upon review of an application submitted under this subsection relying on the same reference product for which a prior biological product has received a determination of interchangeability for any condition of use, the Secretary shall not make a determination under paragraph (4) that the second or subsequent biological product is interchangeable for any condition of use until the earlier of—

''(A) 1 year after the first commercial marketing of the first interchangeable biosimilar biological product to be approved as interchangeable for that reference product;

''(B) 18 months after—

''(i) a final court decision on all patents in suit in an action instituted under subsection (l)(6) against the applicant that submitted the application for the first approved interchangeable biosimilar biological product; or

''(ii) the dismissal with or without prejudice of an action instituted under subsection (l)(6) against the applicant that submitted the application for the first approved interchangeable biosimilar biological product; or

''(C)(i) 42 months after approval of the first interchangeable biosimilar biological product if the applicant that submitted such application

has been sued under subsection (l)(6) and such litigation is still ongoing within such 42-month period; or

''(ii) 18 months after approval of the first interchangeable biosimilar biological product if the applicant that submitted such application has not been sued under subsection (l)(6).

For purposes of this paragraph, the term 'final court decision' means a final decision of a court from which no appeal (other than a petition to the United States Supreme Court for a writ of certiorari) has been or can be taken.

''(7) EXCLUSIVITY FOR REFERENCE PRODUCT.—

''(A) EFFECTIVE DATE OF BIOSIMILAR APPLICATION APPROVAL.—Approval of an application under this subsection may not be made effective by the Secretary until the date that is 12 years after the date on which the reference product was first licensed under subsection (a).

''(B) FILING PERIOD.—An application under this subsection may not be submitted to the Secretary until the date that is 4 years after the date on which the reference product was first licensed under subsection (a).

''(C) FIRST LICENSURE.—Subparagraphs (A) and (B) shall not apply to a license for or approval of—

''(i) a supplement for the biological product that is the reference product; or

''(ii) a subsequent application filed by the same sponsor or manufacturer of the biological product that is the reference product (or a licensor, predecessor in interest, or other related entity) for—

''(I) a change (not including a modification to the structure of the biological product) that results in a new indication, route of administration, dosing schedule, dosage form, delivery system, delivery device, or strength; or

''(II) a modification to the structure of the biological product that does not result in a change in safety, purity, or potency.

''(8) GUIDANCE DOCUMENTS.—

''(A) IN GENERAL.—The Secretary may, after opportunity for public comment, issue guidance in accordance, except as provided in subparagraph (B)(i), with section 701(h) of the Federal Food, Drug, and Cosmetic Act with respect to the licensure of a biological product under this subsection. Any such guidance may be general or specific.

''(B) PUBLIC COMMENT.—

''(i) IN GENERAL.—The Secretary shall provide the public an opportunity to comment on any proposed guidance issued under subparagraph (A) before issuing final guidance.

''(ii) INPUT REGARDING MOST VALUABLE GUIDANCE.—The Secretary shall establish a process through which the public may provide the Secretary with input regarding priorities for issuing guidance.

''(C) NO REQUIREMENT FOR APPLICATION CONSIDERATION.—The issuance (or non-issuance) of guidance under subparagraph (A) shall not preclude the review of, or action on, an application submitted under this subsection.

''(D) REQUIREMENT FOR PRODUCT CLASS-SPECIFIC GUIDANCE.—If the Secretary issues product class-specific guidance under subparagraph (A), such guidance shall include a description of—

''(i) the criteria that the Secretary will use to determine whether a biological product is highly similar to a reference product in such product class; and

''(ii) the criteria, if available, that the Secretary will use to determine whether a biological product meets the standards described in paragraph (4).

''(E) CERTAIN PRODUCT CLASSES.—

''(i) GUIDANCE.—The Secretary may indicate in a guidance document that the science and experience, as of the date of such guidance, with respect to a product or product class (not including any recombinant protein) does not allow approval of an application for a license as provided under this subsection for such product or product class.

''(ii) MODIFICATION OR REVERSAL.—The Secretary may issue a subsequent guidance document under subparagraph (A) to modify or reverse a guidance document under clause (i).

''(iii) NO EFFECT ON ABILITY TO DENY LICENSE.—Clause (i) shall not be construed to require the Secretary to approve a product with respect to which the Secretary has not indicated in a guidance document that the science and experience, as described in clause (i), does not allow approval of such an application.

''(l) PATENTS.—

''(1) CONFIDENTIAL ACCESS TO SUBSECTION (k) APPLICATION.—

''(A) APPLICATION OF PARAGRAPH.—Unless otherwise agreed to by a person that submits an application under subsection (k) (referred to in this subsection as the 'subsection (k) applicant') and the sponsor of the application for the reference product (referred to in this subsection as the 'reference product sponsor'), the provisions of this paragraph shall apply to the exchange of information described in this subsection.

''(B) IN GENERAL.—

''(i) PROVISION OF CONFIDENTIAL INFORMATION.—When a subsection (k) applicant submits an application under subsection (k), such applicant shall provide to the persons described in clause (ii), subject to the terms of this paragraph, confidential access to the information required to be produced pursuant to paragraph (2) and any other information that the subsection (k) applicant determines, in its sole discretion, to be appropriate (referred to in this subsection as the 'confidential information').

''(ii) RECIPIENTS OF INFORMATION.—The persons described in this clause are the following:

''(I) OUTSIDE COUNSEL.—One or more attorneys designated by the reference product sponsor who are employees of an entity other than the reference product sponsor (referred to in this paragraph as the 'outside counsel'), provided that such attorneys do not engage, formally or informally, in patent prosecution relevant or related to the reference product.

''(II) IN-HOUSE COUNSEL.—One attorney that represents the reference product sponsor who is an employee of the reference product sponsor, provided that such attorney does not engage, formally or informally, in patent prosecution relevant or related to the reference product.

''(iii) PATENT OWNER ACCESS.—A representative of the owner of a patent exclusively licensed to a reference product sponsor with respect to the reference product and who has retained a right to assert the patent or participate in litigation concerning the patent may be provided the confidential information, provided that the representative informs the reference product sponsor and the subsection (k) applicant of his or her agreement to be subject to the confidentiality provisions set forth in this paragraph, including those under clause (ii).

''(C) LIMITATION ON DISCLOSURE.—No person that receives confidential information pursuant to subparagraph (B) shall disclose any confidential information to any other person or entity, including the reference product sponsor employees, outside scientific consultants, or other outside counsel retained by the reference product sponsor, without the prior written consent of the subsection (k) applicant, which shall not be unreasonably withheld.

''(D) USE OF CONFIDENTIAL INFORMATION.—Confidential information shall be used for the sole and exclusive purpose of determining, with respect to each patent assigned to or exclusively licensed by the reference product sponsor, whether a claim of patent infringement could reasonably be asserted if the subsection (k) applicant engaged in the manufacture, use, offering for sale, sale, or importation into the United States of the biological product that is the subject of the application under subsection (k).

''(E) OWNERSHIP OF CONFIDENTIAL INFORMATION.—The confidential information disclosed under this paragraph is, and shall remain, the property of the subsection (k) applicant. By providing the confidential information pursuant to this paragraph, the subsection (k) applicant does not provide the reference product sponsor or the outside counsel any interest in or license to use the confidential information, for purposes other than those specified in subparagraph (D).

''(F) EFFECT OF INFRINGEMENT ACTION.—In the event that the reference product sponsor files a patent infringement suit, the use of confidential information shall continue to be governed by the terms of this paragraph until such time as a court enters a protective order regarding the information. Upon entry of such order, the subsection (k) applicant may redesignate confidential information in accordance with the terms of that order. No confidential information shall be included in any publicly-available complaint or other pleading. In the event that the reference product sponsor does not file an infringement action by the date specified in paragraph (6), the reference product sponsor shall return or destroy all confidential information received under this paragraph, provided that if the reference product sponsor opts to destroy such information, it will confirm destruction in writing to the subsection (k) applicant.

''(G) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

''(i) as an admission by the subsection (k) applicant regarding the validity, enforceability, or infringement of any patent; or

''(ii) as an agreement or admission by the subsection (k) applicant with respect to the competency, relevance, or materiality of any confidential information.

''(H) EFFECT OF VIOLATION.—The disclosure of any confidential information in violation of this paragraph shall be deemed to cause the subsection (k) applicant to suffer irreparable harm for which there is no adequate legal remedy and the court shall consider immediate injunctive relief to be an appropriate and necessary remedy for any violation or threatened violation of this paragraph.

''(2) SUBSECTION (k) APPLICATION INFORMATION.—Not later than 20 days after the Secretary notifies the subsection (k) applicant that the application has been accepted for review, the subsection (k) applicant—

''(A) shall provide to the reference product sponsor a copy of the application submitted to the Secretary under subsection (k), and such other information that describes the process or processes used to manufacture the biological product that is the subject of such application; and

''(B) may provide to the reference product sponsor additional information requested by or on behalf of the reference product sponsor.

''(3) LIST AND DESCRIPTION OF PATENTS.—

''(A) LIST BY REFERENCE PRODUCT SPONSOR.—Not later than 60 days after the receipt of the application and information under paragraph (2), the reference product sponsor shall provide to the subsection (k) applicant—

''(i) a list of patents for which the reference product sponsor believes a claim of patent infringement could reasonably be asserted by the reference product sponsor, or by a patent owner that has granted an exclusive license to the reference product sponsor with respect to the reference product, if a person not licensed by the reference product sponsor engaged in the making, using, offering to sell, selling, or importing into the United States of the biological product that is the subject of the subsection (k) application; and

''(ii) an identification of the patents on such list that the reference product sponsor would be prepared to license to the subsection (k) applicant.

''(B) LIST AND DESCRIPTION BY SUBSECTION (k) APPLICANT.—Not later than 60 days after receipt of the list under subparagraph (A), the subsection (k) applicant—

''(i) may provide to the reference product sponsor a list of patents to which the subsection (k) applicant believes a claim of patent infringement could reasonably be asserted by the reference product sponsor if a person not licensed by the reference product sponsor engaged in the making, using, offering to sell, selling, or importing into the United States of the biological

product that is the subject of the subsection (k) application;

''(ii) shall provide to the reference product sponsor, with respect to each patent listed by the reference product sponsor under subparagraph (A) or listed by the subsection (k) applicant under clause (i)—

''(I) a detailed statement that describes, on a claim by claim basis, the factual and legal basis of the opinion of the subsection (k) applicant that such patent is invalid, unenforceable, or will not be infringed by the commercial marketing of the biological product that is the subject of the subsection (k) application; or

''(II) a statement that the subsection (k) applicant does not intend to begin commercial marketing of the biological product before the date that such patent expires; and

''(iii) shall provide to the reference product sponsor a response regarding each patent identified by the reference product sponsor under subparagraph (A)(ii).

''(C) DESCRIPTION BY REFERENCE PRODUCT SPONSOR.—Not later than 60 days after receipt of the list and statement under subparagraph (B), the reference product sponsor shall provide to the subsection (k) applicant a detailed statement that describes, with respect to each patent described in subparagraph (B)(ii)(I), on a claim by claim basis, the factual and legal basis of the opinion of the reference product sponsor that such patent will be infringed by the commercial marketing of the biological product that is the subject of the subsection (k) application and a response to the statement concerning validity and enforceability provided under subparagraph (B)(ii)(I).

''(4) PATENT RESOLUTION NEGOTIATIONS.—

''(A) IN GENERAL.—After receipt by the subsection (k) applicant of the statement under paragraph (3)(C), the reference product sponsor and the subsection (k) applicant shall engage in good faith negotiations to agree on which, if any, patents listed under paragraph (3) by the subsection (k) applicant or the reference product sponsor shall be the subject of an action for patent infringement under paragraph (6).

''(B) FAILURE TO REACH AGREEMENT.—If, within 15 days of beginning negotiations under subparagraph (A), the subsection (k) applicant and the reference product sponsor fail to agree on a final and complete list of which, if any, patents listed under paragraph (3) by the subsection (k) applicant or the reference product sponsor shall be the subject of an action for patent infringement under paragraph (6), the provisions of paragraph (5) shall apply to the parties.

''(5) PATENT RESOLUTION IF NO AGREEMENT.—

''(A) NUMBER OF PATENTS.—The subsection (k) applicant shall notify the reference product sponsor of the number of patents that such applicant will provide to the reference product sponsor under subparagraph (B)(i)(I).

''(B) EXCHANGE OF PATENT LISTS.—

''(i) IN GENERAL.—On a date agreed to by the subsection (k) applicant and the reference product sponsor, but in no case later than 5 days after the subsection (k) applicant notifies the reference product sponsor under subparagraph (A), the subsection (k) applicant and the reference product sponsor shall simultaneously exchange—

''(I) the list of patents that the subsection (k) applicant believes should be the subject of an action for patent infringement under paragraph (6); and

''(II) the list of patents, in accordance with clause (ii), that the reference product sponsor believes should be the subject of an action for patent infringement under paragraph (6).

''(ii) NUMBER OF PATENTS LISTED BY REFERENCE PRODUCT SPONSOR.—

''(I) IN GENERAL.—Subject to subclause (II), the number of patents listed by the reference product sponsor under clause (i)(II) may not exceed the number of patents listed by the subsection (k) applicant under clause (i)(I).

''(II) EXCEPTION.—If a subsection (k) applicant does not list any patent under clause (i)(I), the reference product sponsor may list 1 patent under clause (i)(II).

''(6) IMMEDIATE PATENT INFRINGEMENT ACTION.—

''(A) ACTION IF AGREEMENT ON PATENT LIST.—If the subsection (k) applicant and the reference product sponsor agree on patents as described in paragraph (4), not later than 30 days after such agreement, the reference product sponsor shall bring an action for patent infringement with respect to each such patent.

''(B) ACTION IF NO AGREEMENT ON PATENT LIST.—If the provisions of paragraph (5) apply to the parties as described in paragraph (4)(B), not later than 30 days after the exchange of lists under paragraph (5)(B), the reference product sponsor shall bring an action for patent infringement with respect to each patent that is included on such lists.

''(C) NOTIFICATION AND PUBLICATION OF COMPLAINT.—

''(i) NOTIFICATION TO SECRETARY.—Not later than 30 days after a complaint is served to a subsection (k) applicant in an action for patent infringement described under this paragraph, the subsection (k) applicant shall provide the Secretary with notice and a copy of such complaint.

''(ii) PUBLICATION BY SECRETARY.—The Secretary shall publish in the Federal Register notice of a complaint received under clause (i).

''(7) NEWLY ISSUED OR LICENSED PATENTS.—In the case of a patent that—

''(A) is issued to, or exclusively licensed by, the reference product sponsor after the date that the reference product sponsor provided the list to the subsection (k) applicant under paragraph (3)(A); and

''(B) the reference product sponsor reasonably believes that, due to the issuance of such patent, a claim of patent infringement could reasonably be asserted by the reference product sponsor if a person not licensed by the reference product sponsor engaged in the making, using, offering to sell, selling, or importing into the United States of the biological product that is the subject of the subsection (k) application,

not later than 30 days after such issuance or licensing, the reference product sponsor shall provide to the subsection (k) applicant a supplement to the list provided by the reference product sponsor under paragraph (3)(A) that includes such patent, not later than 30 days after such supplement is provided, the subsection (k) applicant shall provide a statement to the reference product sponsor in accordance with paragraph (3)(B), and such patent shall be subject to paragraph (8).

''(8) NOTICE OF COMMERCIAL MARKETING AND PRELIMINARY INJUNCTION.—

''(A) NOTICE OF COMMERCIAL MARKETING.—The subsection (k) applicant shall provide notice to the reference product sponsor not later than 180 days before the date of the first commercial marketing of the biological product licensed under subsection (k).

''(B) PRELIMINARY INJUNCTION.—After receiving the notice under subparagraph (A) and before such date of the first commercial marketing of such biological product, the reference product sponsor may seek a preliminary injunction prohibiting the subsection (k) applicant from engaging in the commercial manufacture or sale of such biological product until the court decides the issue of patent validity, enforcement, and infringement with respect to any patent that is—

''(i) included in the list provided by the reference product sponsor under paragraph (3)(A) or in the list provided by the subsection (k) applicant under paragraph (3)(B); and

''(ii) not included, as applicable, on—

''(I) the list of patents described in paragraph (4); or

''(II) the lists of patents described in paragraph (5)(B).

''(C) REASONABLE COOPERATION.—If the reference product sponsor has sought a preliminary injunction under subparagraph (B), the reference product sponsor and the subsection (k) applicant shall reasonably cooperate to expedite such further discovery as is needed in connection with the preliminary injunction motion.

''(9) LIMITATION ON DECLARATORY JUDGMENT ACTION.—

''(A) SUBSECTION (k) APPLICATION PROVIDED.—If a subsection (k) applicant provides the application and information required under paragraph (2)(A), neither the reference product sponsor nor the subsection (k) applicant may, prior to the date notice is received under paragraph (8)(A), bring any action under section 2201 of title 28, United States Code, for a declaration of infringement, validity, or enforceability of any patent that is described in clauses (i) and (ii) of paragraph (8)(B).

''(B) SUBSEQUENT FAILURE TO ACT BY SUBSECTION (k) APPLICANT.—If a subsection (k) applicant fails to complete an action required of the subsection (k) applicant under paragraph (3)(B)(ii), paragraph (5), paragraph (6)(C)(i), paragraph (7), or paragraph (8)(A), the reference product sponsor, but not the subsection (k) applicant, may bring an action under section 2201 of title 28, United States Code, for a declaration of infringement, validity, or enforceability of any patent included in the list described in paragraph (3)(A), including as provided under paragraph (7).

''(C) SUBSECTION (k) APPLICATION NOT PROVIDED.—If a subsection (k) applicant fails to provide the application and information required under paragraph (2)(A), the reference product sponsor, but not the subsection (k) applicant, may bring an action under section 2201 of title 28, United States Code, for a declaration of infringement, validity, or enforceability of any patent that claims the biological product or a use of the biological product.''.

(b) DEFINITIONS.—Section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)) is amended—

(1) by striking ''In this section, the term 'biological product' means'' and inserting the following: ''In this section:

''(1) The term 'biological product' means'';

(2) in paragraph (1), as so designated, by inserting ''protein (except any chemically synthesized polypeptide),'' after ''allergenic product,''; and

(3) by adding at the end the following:

''(2) The term 'biosimilar' or 'biosimilarity', in reference to a biological product that is the subject of an application under subsection (k), means—

''(A) that the biological product is highly similar to the reference product notwithstanding minor differences in clinically inactive components; and

''(B) there are no clinically meaningful differences between the biological product and the reference product in terms of the safety, purity, and potency of the product.

''(3) The term 'interchangeable' or 'interchangeability', in reference to a biological product that is shown to meet the standards described in subsection (k)(4), means that the biological product may be substituted for the reference product without the intervention of the health care provider who prescribed the reference product.

''(4) The term 'reference product' means the single biological product licensed under subsection (a) against which a biological product is evaluated in an application submitted under subsection (k).''.

(c) CONFORMING AMENDMENTS RELATING TO PATENTS.—

(1) PATENTS.—Section 271(e) of title 35, United States Code, is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B), by adding ''or'' at the end; and

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

''(C)(i) with respect to a patent that is identified in the list of patents described in section 351(l)(3) of the Public Health Service Act (including as provided under section 351(l)(7) of such Act), an application seeking approval of a biological product, or

''(ii) if the applicant for the application fails to provide the application and information required under section 351(l)(2)(A) of such Act, an application seeking approval of a biological product for a patent that could be identified pursuant to section 351(l)(3)(A)(i) of such Act,''; and

(iv) in the matter following subparagraph (C) (as added by clause (iii)), by striking ''or veterinary biological product'' and inserting '', veterinary biological product, or biological product'';

(B) in paragraph (4)—

(i) in subparagraph (B), by—

(I) striking ''or veterinary biological product'' and inserting '', veterinary biological product, or biological product''; and

(II) striking ''and'' at the end;

(ii) in subparagraph (C), by—

(I) striking ''or veterinary biological product'' and inserting '', veterinary biological product, or biological product''; and

(II) striking the period and inserting '', and''; and

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

''(D) the court shall order a permanent injunction prohibiting any infringement of the patent by the biological product involved in the infringement until a date which is not earlier than the date of the expiration of the patent that has been infringed under paragraph (2)(C), provided the patent is the subject of a final court decision, as defined in section 351(k)(6) of the Public Health Service Act, in an action for infringement of the patent under section 351(l)(6) of such Act, and the biological product has not yet been approved because of section 351(k)(7) of such Act.''; and

(iv) in the matter following subparagraph (D) (as added by clause (iii)), by striking ''and (C)'' and inserting ''(C), and (D)''; and

(C) by adding at the end the following:

''(6)(A) Subparagraph (B) applies, in lieu of paragraph (4), in the case of a patent—

''(i) that is identified, as applicable, in the list of patents described in section 351(l)(4) of the Public Health Service Act or the lists of patents described in section 351(l)(5)(B) of such Act with respect to a biological product; and

''(ii) for which an action for infringement of the patent with respect to the biological product—

''(I) was brought after the expiration of the 30-day period described in subparagraph (A) or (B), as applicable, of section 351(l)(6) of such Act; or

''(II) was brought before the expiration of the 30-day period described in subclause (I), but which was dismissed without prejudice or was not prosecuted to judgment in good faith.

''(B) In an action for infringement of a patent described in subparagraph (A), the sole and exclusive remedy that may be granted by a court, upon a finding that the making, using, offering to sell, selling, or importation into the United States of the biological product that is the subject of the action infringed the patent, shall be a reasonable royalty.

''(C) The owner of a patent that should have been included in the list described in section 351(l)(3)(A) of the Public Health Service Act, including as provided under section 351(l)(7) of such Act for a biological product, but was not timely included in such list, may not bring an action under this section for infringement of the patent with respect to the biological product.''.

(2) CONFORMING AMENDMENT UNDER TITLE 28.—Section 2201(b) of title 28, United States Code, is amended by inserting before the period the following: '', or section 351 of the Public Health Service Act''.

(d) CONFORMING AMENDMENTS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) CONTENT AND REVIEW OF APPLICATIONS.—Section 505(b)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(5)(B)) is amended by inserting before the period at the end of the first sentence the following: ''or, with respect to an applicant for approval of a biological product under section 351(k) of the Public Health Service Act, any necessary clinical study or studies''.

(2) NEW ACTIVE INGREDIENT.—Section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) is amended by adding at the end the following:

''(n) NEW ACTIVE INGREDIENT.—

''(1) NON-INTERCHANGEABLE BIOSIMILAR BIOLOGICAL PRODUCT.—A biological product that is biosimilar to a reference product under section 351 of the Public Health Service Act, and that the Secretary has not determined to meet the standards described in subsection (k)(4) of such section for interchangeability with the reference product, shall be considered to have a new active ingredient under this section.

''(2) INTERCHANGEABLE BIOSIMILAR BIOLOGICAL PRODUCT.—A biological product that is interchangeable with a reference product under section 351 of the Public Health Service Act shall not be considered to have a new active ingredient under this section.''.

(e) PRODUCTS PREVIOUSLY APPROVED UNDER SECTION 505.—

(1) REQUIREMENT TO FOLLOW SECTION 351.—Except as provided in paragraph (2), an application for a biological product shall be submitted under section 351 of the Public Health Service Act (42 U.S.C. 262) (as amended by this Act).

(2) EXCEPTION.—An application for a biological product may be submitted under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) if—

(A) such biological product is in a product class for which a biological product in such product class is the subject of an application approved under such section 505 not later than the date of enactment of this Act; and

(B) such application—

(i) has been submitted to the Secretary of Health and Human Services (referred to in this subtitle as the ''Secretary'') before the date of enactment of this Act; or

(ii) is submitted to the Secretary not later than the date that is 10 years after the date of enactment of this Act.

(3) LIMITATION.—Notwithstanding paragraph (2), an application for a biological product may not be submitted under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) if there is another biological product approved under subsection (a) of section 351 of the Public Health Service Act that could be a reference product with respect to such application (within the meaning of such section 351) if such application were submitted under subsection (k) of such section 351.

(4) DEEMED APPROVED UNDER SECTION 351.—An approved application for a biological product under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) shall be deemed to be a license for the biological product under such section 351 on the date that is 10 years after the date of enactment of this Act.

(5) DEFINITIONS.—For purposes of this subsection, the term ''biological product'' has the meaning given such term under section 351 of the Public Health Service Act (42 U.S.C. 262) (as amended by this Act).

(f) FOLLOW-ON BIOLOGICS USER FEES.—

(1) DEVELOPMENT OF USER FEES FOR BIOSIMILAR BIOLOGICAL PRODUCTS.—

(A) IN GENERAL.—Beginning not later than October 1, 2010, the Secretary shall develop recommendations to present to Congress with respect to the goals, and plans for meeting the goals, for the process for the review of biosimilar biological product applications submitted under section 351(k) of the Public Health Service Act (as added by this Act) for the first 5 fiscal years after fiscal year 2012. In developing such recommendations, the Secretary shall consult with—

(i) the Committee on Health, Education, Labor, and Pensions of the Senate;

(ii) the Committee on Energy and Commerce of the House of Representatives;

(iii) scientific and academic experts;

(iv) health care professionals;

(v) representatives of patient and consumer advocacy groups; and

(vi) the regulated industry.

(B) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

(i) present the recommendations developed under subparagraph (A) to the Congressional committees specified in such subparagraph;

(ii) publish such recommendations in the Federal Register;

(iii) provide for a period of 30 days for the public to provide written comments on such recommendations;

(iv) hold a meeting at which the public may present its views on such recommendations; and

(v) after consideration of such public views and comments, revise such recommendations as necessary.

(C) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2012, the Secretary shall transmit to Congress the revised recommendations under subparagraph (B), a summary of the views and comments received under such subparagraph, and any changes made to the recommendations in response to such views and comments.

(2) ESTABLISHMENT OF USER FEE PROGRAM.—It is the sense of the Senate that, based on the recommendations transmitted to Congress by the Secretary pursuant to paragraph (1)(C), Congress should authorize a program, effective on October 1, 2012, for the collection of user fees relating to the submission of biosimilar biological product applications under section 351(k) of the Public Health Service Act (as added by this Act).

(3) TRANSITIONAL PROVISIONS FOR USER FEES FOR BIOSIMILAR BIOLOGICAL PRODUCTS.—

(A) APPLICATION OF THE PRESCRIPTION DRUG USER FEE PROVISIONS.—Section 735(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g(1)(B)) is amended by striking ''section 351'' and inserting ''subsection (a) or (k) of section 351''.

(B) EVALUATION OF COSTS OF REVIEWING BIOSIMILAR BIOLOGICAL PRODUCT APPLICATIONS.—During the period beginning on the date of enactment of this Act and ending on October 1, 2010, the Secretary shall collect and evaluate data regarding the costs of reviewing applications for biological products submitted under section 351(k) of the Public Health Service Act (as added by this Act) during such period.

(C) AUDIT.—

(i) IN GENERAL.—On the date that is 2 years after first receiving a user fee applicable to an application for a biological product under section 351(k) of the Public Health Service Act (as added by this Act), and on a biennial basis thereafter until October 1, 2013, the Secretary shall perform an audit of the costs of reviewing such applications under such section 351(k). Such an audit shall compare—

(I) the costs of reviewing such applications under such section 351(k) to the amount of the user fee applicable to such applications; and

(II)(aa) such ratio determined under subclause (I); to

(bb) the ratio of the costs of reviewing applications for biological products under section 351(a) of such Act (as amended by this Act) to the amount of the user fee applicable to such applications under such section 351(a).

(ii) ALTERATION OF USER FEE.—If the audit performed under clause (i) indicates that the ratios compared under subclause (II) of such clause differ by more than 5 percent, then the Secretary shall alter the user fee applicable to applications submitted under such section 351(k) to more appropriately account for the costs of reviewing such applications.

(iii) ACCOUNTING STANDARDS.—The Secretary shall perform an audit under clause (i) in conformance with the accounting principles, standards, and requirements prescribed by the Comptroller General of the United States under section 3511 of title 31, United State Code, to ensure the validity of any potential variability.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection such sums as may be necessary for each of fiscal years 2010 through 2012.

(g) PEDIATRIC STUDIES OF BIOLOGICAL PRODUCTS.—

(1) IN GENERAL.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended by adding at the end the following:

''(m) PEDIATRIC STUDIES.—

''(1) APPLICATION OF CERTAIN PROVISIONS.—The provisions of subsections (a), (d), (e), (f), (i), (j), (k), (l), (p), and (q) of section 505A of the Federal Food, Drug, and Cosmetic Act shall apply with respect to the extension of a period under paragraphs (2) and (3) to the same extent and in the same manner as such provisions apply with respect to the extension of a period under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act.

''(2) MARKET EXCLUSIVITY FOR NEW BIOLOGICAL PRODUCTS.—If, prior to approval of an application that is submitted under subsection (a), the Secretary determines that information relating to the use of a new biological product in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), the applicant agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with section 505A(d)(3) of the Federal Food, Drug, and Cosmetic Act—

''(A) the periods for such biological product referred to in subsection (k)(7) are deemed to be 4 years and 6 months rather than 4 years and 12 years and 6 months rather than 12 years; and

''(B) if the biological product is designated under section 526 for a rare disease or condition, the period for such biological product referred to in section 527(a) is deemed to be 7 years and 6 months rather than 7 years.

''(3) MARKET EXCLUSIVITY FOR ALREADY-MARKETED BIOLOGICAL PRODUCTS.—If the Secretary determines that information relating to the use of a licensed biological product in the pediatric population may produce health benefits in that population and makes a written request to the holder of an approved application under subsection (a) for pediatric studies (which shall include a timeframe for completing such studies), the holder agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with section 505A(d)(3) of the Federal Food, Drug, and Cosmetic Act—

''(A) the periods for such biological product referred to in subsection (k)(7) are deemed to be 4 years and 6 months rather than 4 years and 12 years and 6 months rather than 12 years; and

''(B) if the biological product is designated under section 526 for a rare disease or condition, the period for such biological product referred to in section 527(a) is deemed to be 7 years and 6 months rather than 7 years.

''(4) EXCEPTION.—The Secretary shall not extend a period referred to in paragraph (2)(A), (2)(B), (3)(A), or (3)(B) if the determination under section 505A(d)(3) is made later than 9 months prior to the expiration of such period.''.

(2) STUDIES REGARDING PEDIATRIC RESEARCH.—

(A) PROGRAM FOR PEDIATRIC STUDY OF DRUGS.—Subsection (a)(1) of section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended by inserting '', biological products,'' after ''including drugs''.

(B) INSTITUTE OF MEDICINE STUDY.—Section 505A(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355b(p)) is amended by striking paragraphs (4) and (5) and inserting the following:

''(4) review and assess the number and importance of biological products for children that are being tested as a result of the amendments made by the Biologics Price Competition and Innovation Act of 2009 and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

''(5) review and assess the number, importance, and prioritization of any biological products that are not being tested for pediatric use; and

''(6) offer recommendations for ensuring pediatric testing of biological products, including consideration of any incentives, such as those provided under this section or section 351(m) of the Public Health Service Act.''.

(h) ORPHAN PRODUCTS.—If a reference product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262) (as amended by this Act) has been designated under section 526 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb) for a rare disease or condition, a biological product seeking approval for such disease or condition under subsection (k) of such section 351 as biosimilar to, or interchangeable with, such reference product may be licensed by the Secretary only after the expiration for such reference product of the later of—

(1) the 7-year period described in section 527(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc(a)); and

(2) the 12-year period described in subsection (k)(7) of such section 351.

SEC. 7003. SAVINGS.

(a) DETERMINATION.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall for each fiscal year determine the amount of savings to the Federal Government as a result of the enactment of this subtitle.

(b) USE.—Notwithstanding any other provision of this subtitle (or an amendment made by this subtitle), the savings to the Federal Government generated as a result of the enactment of this subtitle shall be used for deficit reduction.

Subtitle B—More Affordable Medicines for Children and Underserved Communities

SEC. 7101. EXPANDED PARTICIPATION IN 340B PROGRAM.

(a) EXPANSION OF COVERED ENTITIES RECEIVING DISCOUNTED PRICES.—Section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)) is amended by adding at the end the following:

''(M) A children's hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act, or a free-standing cancer hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(v) of the Social Security Act, that would meet the requirements of subparagraph (L), including the disproportionate share adjustment percentage requirement under clause (ii) of such subparagraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

''(N) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of subparagraph (L)(i).

''(O) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of subparagraph (L)(i) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.''.

(b) EXTENSION OF DISCOUNT TO INPATIENT DRUGS.—Section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended—

(1) in paragraphs (2), (5), (7), and (9) of subsection (a), by striking ''outpatient'' each place it appears; and

(2) in subsection (b)—

(A) by striking ''OTHER DEFINITION'' and all that follows through ''In this section'' and inserting the following: ''OTHER DEFINITIONS.—

''(1) IN GENERAL.—In this section''; and

(B) by adding at the end the following new paragraph:

''(2) COVERED DRUG.—In this section, the term 'covered drug'—

''(A) means a covered outpatient drug (as defined in section 1927(k)(2) of the Social Security Act); and

''(B) includes, notwithstanding paragraph (3)(A) of section 1927(k) of such Act, a drug used in connection with an inpatient or outpatient service provided by a hospital described in subparagraph (L), (M), (N), or (O) of subsection (a)(4) that is enrolled to participate in the drug discount program under this section.''.

(c) PROHIBITION ON GROUP PURCHASING ARRANGEMENTS.—Section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended—

(1) in paragraph (4)(L)—

(A) in clause (i), by adding ''and'' at the end;

(B) in clause (ii), by striking ''; and'' and inserting a period; and

(C) by striking clause (iii); and

(2) in paragraph (5), as amended by subsection (b)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E); respectively; and

(B) by inserting after subparagraph (B), the following:

''(C) PROHIBITION ON GROUP PURCHASING ARRANGEMENTS.—

''(i) IN GENERAL.—A hospital described in subparagraph (L), (M), (N), or (O) of paragraph (4) shall not obtain covered outpatient drugs through a group purchasing organization or other group purchasing arrangement, except as permitted or provided for pursuant to clauses (ii) or (iii).

''(ii) INPATIENT DRUGS.—Clause (i) shall not apply to drugs purchased for inpatient use.

''(iii) EXCEPTIONS.—The Secretary shall establish reasonable exceptions to clause (i)—

''(I) with respect to a covered outpatient drug that is unavailable to be purchased through the program under this section due to a drug shortage problem, manufacturer noncompliance, or any other circumstance beyond the hospital's control;

''(II) to facilitate generic substitution when a generic covered outpatient drug is available at a lower price; or

''(III) to reduce in other ways the administrative burdens of managing both inventories of drugs subject to this section and inventories of drugs that are not subject to this section, so long as the exceptions do not create a duplicate discount problem in violation of subparagraph (A) or a diversion problem in violation of subparagraph (B).

''(iv) PURCHASING ARRANGEMENTS FOR INPATIENT DRUGS.—The Secretary shall ensure that a hospital described in subparagraph (L), (M), (N), or (O) of subsection (a)(4) that is enrolled to participate in the drug discount program under this section shall have multiple options for purchasing covered drugs for inpatients, including by utilizing a group purchasing organization or other group purchasing arrangement, establishing and utilizing its own group purchasing program, purchasing directly from a manufacturer, and any other purchasing arrangements that the Secretary determines is appropriate to ensure access to drug discount pricing under this section for inpatient drugs taking into account the particular needs of small and rural hospitals.''.

(d) MEDICAID CREDITS ON INPATIENT DRUGS.—Section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking subsection (c) and inserting the following:

''(c) MEDICAID CREDIT.—Not later than 90 days after the date of filing of the hospital's most recently filed Medicare cost report, the

hospital shall issue a credit as determined by the Secretary to the State Medicaid program for inpatient covered drugs provided to Medicaid recipients.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section and section 7102 shall take effect on January 1, 2010, and shall apply to drugs purchased on or after January 1, 2010.

(2) EFFECTIVENESS.—The amendments made by this section and section 7102 shall be effective and shall be taken into account in determining whether a manufacturer is deemed to meet the requirements of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)), notwithstanding any other provision of law.

SEC. 7102. IMPROVEMENTS TO 340B PROGRAM INTEGRITY.

(a) INTEGRITY IMPROVEMENTS.—Subsection (d) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended to read as follows:

''(d) IMPROVEMENTS IN PROGRAM INTEGRITY.—

''(1) MANUFACTURER COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under paragraph (4), the Secretary shall provide for improvements in compliance by manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

''(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

''(i) The development of a system to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include the following:

''(I) Developing and publishing through an appropriate policy or regulatory issuance, precisely defined standards and methodology for the calculation of ceiling prices under such subsection.

''(II) Comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary.

''(III) Performing spot checks of sales transactions by covered entities.

''(IV) Inquiring into the cause of any pricing discrepancies that may be identified and either taking, or requiring manufacturers to take, such corrective action as is appropriate in response to such price discrepancies.

''(ii) The establishment of procedures for manufacturers to issue refunds to covered entities in the event that there is an overcharge by the manufacturers, including the following:

''(I) Providing the Secretary with an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued.

''(II) Oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time, both in routine instances of retroactive adjustment to relevant pricing data and exceptional circumstances such as erroneous or intentional overcharging for covered drugs.

''(iii) The provision of access through the Internet website of the Department of Health and Human Services to the applicable ceiling prices for covered drugs as calculated and verified by the Secretary in accordance with this section, in a manner (such as through the use of password protection) that limits such access to covered entities and adequately assures security and protection of privileged pricing data from unauthorized re-disclosure.

''(iv) The development of a mechanism by which—

''(I) rebates and other discounts provided by manufacturers to other purchasers subsequent to the sale of covered drugs to covered entities are reported to the Secretary; and

''(II) appropriate credits and refunds are issued to covered entities if such discounts or rebates have the effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

''(v) Selective auditing of manufacturers and wholesalers to ensure the integrity of the drug discount program under this section.

''(vi) The imposition of sanctions in the form of civil monetary penalties, which—

''(I) shall be assessed according to standards established in regulations to be promulgated by the Secretary not later than 180 days after the date of enactment of the Patient Protection and Affordable Care Act;

''(II) shall not exceed $5,000 for each instance of overcharging a covered entity that may have occurred; and

''(III) shall apply to any manufacturer with an agreement under this section that knowingly and intentionally charges a covered entity a price for purchase of a drug that exceeds the maximum applicable price under subsection (a)(1).

''(2) COVERED ENTITY COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under paragraph (4), the Secretary shall provide for improvements in compliance by covered entities with the requirements of this section in order to prevent diversion and violations of the duplicate discount provision and other requirements specified under subsection (a)(5).

''(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

''(i) The development of procedures to enable and require covered entities to regularly update (at least annually) the information on the Internet website of the Department of Health and Human Services relating to this section.

''(ii) The development of a system for the Secretary to verify the accuracy of information regarding covered entities that is listed on the website described in clause (i).

''(iii) The development of more detailed guidance describing methodologies and options available to covered entities for billing covered drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(5)(A).

''(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site can be identified by manufacturers, distributors, covered entities, and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered drugs under this section, including the processing of chargebacks for such drugs.

''(v) The imposition of sanctions, in appropriate cases as determined by the Secretary, additional to those to which covered entities are subject under subsection (a)(5)(E), through one or more of the following actions:

''(I) Where a covered entity knowingly and intentionally violates subsection (a)(5)(B), the covered entity shall be required to pay a monetary penalty to a manufacturer or manufacturers in the form of interest on sums for which the covered entity is found liable under subsection (a)(5)(E), such interest to be compounded monthly and equal to the current short term interest rate as determined by the Federal Reserve for the time period for which the covered entity is liable.

''(II) Where the Secretary determines a violation of subsection (a)(5)(B) was systematic and egregious as well as knowing and intentional, removing the covered entity from the drug discount program under this section and disqualifying the entity from re-entry into such program for a reasonable period of time to be determined by the Secretary.

''(III) Referring matters to appropriate Federal authorities within the Food and Drug Administration, the Office of Inspector General of Department of Health and Human Services, or other Federal agencies for consideration of appropriate action under other Federal statutes, such as the Prescription Drug Marketing Act (21 U.S.C. 353).

''(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Patient Protection and Affordable Care Act, the Secretary shall promulgate regulations to establish and implement an administrative process for the resolution of claims by covered entities that they have been overcharged for drugs purchased under this section, and claims by manufacturers, after the conduct of audits as authorized by subsection (a)(5)(D), of violations of subsections (a)(5)(A) or (a)(5)(B), including appropriate procedures for the provision of remedies and enforcement of determinations made pursuant to such process through mechanisms and sanctions described in paragraphs (1)(B) and (2)(B).

''(B) DEADLINES AND PROCEDURES.—Regulations promulgated by the Secretary under subparagraph (A) shall—

''(i) designate or establish a decision-making official or decision-making body within the Department of Health and Human Services to be responsible for reviewing and finally resolving claims by covered entities that they have been charged prices for covered drugs in excess of the ceiling price described in subsection (a)(1), and claims by manufacturers that violations of subsection (a)(5)(A) or (a)(5)(B) have occurred;

''(ii) establish such deadlines and procedures as may be necessary to ensure that claims shall be resolved fairly, efficiently, and expeditiously;

''(iii) establish procedures by which a covered entity may discover and obtain such information and documents from manufacturers and third parties as may be relevant to demonstrate the merits of a claim that charges for a manufacturer's product have exceeded the applicable ceiling price under this section, and may submit such documents and information to the administrative official or body responsible for adjudicating such claim;

''(iv) require that a manufacturer conduct an audit of a covered entity pursuant to subsection (a)(5)(D) as a prerequisite to initiating administrative dispute resolution proceedings against a covered entity;

''(v) permit the official or body designated under clause (i), at the request of a manufacturer or manufacturers, to consolidate claims brought by more than one manufacturer against the same covered entity where, in the judgment of such official or body, consolidation is appropriate and consistent with the goals of fairness and economy of resources; and

''(vi) include provisions and procedures to permit multiple covered entities to jointly assert claims of overcharges by the same manufacturer for the same drug or drugs in one administrative proceeding, and permit such claims to be asserted on behalf of covered entities by associations or organizations representing the interests of such covered entities and of which the covered entities are members.

''(C) FINALITY OF ADMINISTRATIVE RESOLUTION.—The administrative resolution of a claim or claims under the regulations promulgated under subparagraph (A) shall be a final agency decision and shall be binding upon the parties involved, unless invalidated by an order of a court of competent jurisdiction.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for fiscal year 2010 and each succeeding fiscal year.''.

(b) CONFORMING AMENDMENTS.—Section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended—

(1) in subsection (a)(1), by adding at the end the following: ''Each such agreement shall require that the manufacturer furnish the Secretary with reports, on a quarterly basis, of the price for each covered drug subject to the agreement that, according to the manufacturer, represents the maximum price that covered entities may permissibly be required to pay for the drug (referred to in this section as the 'ceiling price'), and shall require that the manufacturer offer each covered entity covered drugs for purchase at or below the applicable ceiling price if such

drug is made available to any other purchaser at any price.''; and

(2) in the first sentence of subsection (a)(5)(E), as redesignated by section 7101(c), by inserting ''after audit as described in subparagraph (D) and'' after ''finds,''.

SEC. 7103. GAO STUDY TO MAKE RECOMMENDATIONS ON IMPROVING THE 340B PROGRAM.

(a) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that examines whether those individuals served by the covered entities under the program under section 340B of the Public Health Service Act (42 U.S.C. 256b) (referred to in this section as the ''340B program'') are receiving optimal health care services.

(b) RECOMMENDATIONS.—The report under subsection (a) shall include recommendations on the following:

(1) Whether the 340B program should be expanded since it is anticipated that the 47,000,000 individuals who are uninsured as of the date of enactment of this Act will have health care coverage once this Act is implemented.

(2) Whether mandatory sales of certain products by the 340B program could hinder patients access to those therapies through any provider.

(3) Whether income from the 340B program is being used by the covered entities under the program to further the program objectives.

TITLE VIII—CLASS ACT

SEC. 8001. SHORT TITLE OF TITLE.

This title may be cited as the ''Community Living Assistance Services and Supports Act'' or the ''CLASS Act''.

SEC. 8002. ESTABLISHMENT OF NATIONAL VOLUNTARY INSURANCE PROGRAM FOR PURCHASING COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORT.

(a) ESTABLISHMENT OF CLASS PROGRAM.—

(1) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.), as amended by section 4302(a), is amended by adding at the end the following:

''TITLE XXXII—COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS

''SEC. 3201. PURPOSE.

''The purpose of this title is to establish a national voluntary insurance program for purchasing community living assistance services and supports in order to—

''(1) provide individuals with functional limitations with tools that will allow them to maintain their personal and financial independence and live in the community through a new financing strategy for community living assistance services and supports;

''(2) establish an infrastructure that will help address the Nation's community living assistance services and supports needs;

''(3) alleviate burdens on family caregivers; and

''(4) address institutional bias by providing a financing mechanism that supports personal choice and independence to live in the community.

''SEC. 3202. DEFINITIONS.

''In this title:

''(1) ACTIVE ENROLLEE.—The term 'active enrollee' means an individual who is enrolled in the CLASS program in accordance with section 3204 and who has paid any premiums due to maintain such enrollment.

''(2) ACTIVELY EMPLOYED.—The term 'actively employed' means an individual who—

''(A) is reporting for work at the individual's usual place of employment or at another location to which the individual is required to travel because of the individual's employment (or in the case of an individual who is a member of the uniformed services, is on active duty and is physically able to perform the duties of the individual's position); and

''(B) is able to perform all the usual and customary duties of the individual's employment on the individual's regular work schedule.

''(3) ACTIVITIES OF DAILY LIVING.—The term 'activities of daily living' means each of the following activities specified in section 7702B(c)(2)(B) of the Internal Revenue Code of 1986:

''(A) Eating.

''(B) Toileting.

''(C) Transferring.

''(D) Bathing.

''(E) Dressing.

''(F) Continence.

''(4) CLASS PROGRAM.—The term 'CLASS program' means the program established under this title.

''(5) ELIGIBILITY ASSESSMENT SYSTEM.—The term 'Eligibility Assessment System' means the entity established by the Secretary under section 3205(a)(2) to make functional eligibility determinations for the CLASS program.

''(6) ELIGIBLE BENEFICIARY.—

''(A) IN GENERAL.—The term 'eligible beneficiary' means any individual who is an active enrollee in the CLASS program and, as of the date described in subparagraph (B)—

''(i) has paid premiums for enrollment in such program for at least 60 months;

''(ii) has earned, with respect to at least 3 calendar years that occur during the first 60 months for which the individual has paid premiums for enrollment in the program, at least an amount equal to the amount of wages and self-employment income which an individual must have in order to be credited with a quarter of coverage under section 213(d) of the Social Security Act for the year; and

''(iii) has paid premiums for enrollment in such program for at least 24 consecutive months, if a lapse in premium payments of more than 3 months has occurred during the period that begins on the date of the individual's enrollment and ends on the date of such determination.

''(B) DATE DESCRIBED.—For purposes of subparagraph (A), the date described in this subparagraph is the date on which the individual is determined to have a functional limitation described in section 3203(a)(1)(C) that is expected to last for a continuous period of more than 90 days.

''(C) REGULATIONS.—The Secretary shall promulgate regulations specifying exceptions to the minimum earnings requirements under subparagraph (A)(ii) for purposes of being considered an eligible beneficiary for certain populations.

''(7) HOSPITAL; NURSING FACILITY; INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED; INSTITUTION FOR MENTAL DISEASES.—The terms 'hospital', 'nursing facility', 'intermediate care facility for the mentally retarded', and 'institution for mental diseases' have the meanings given such terms for purposes of Medicaid.

''(8) CLASS INDEPENDENCE ADVISORY COUNCIL.—The term 'CLASS Independence Advisory Council' or 'Council' means the Advisory Council established under section 3207 to advise the Secretary.

''(9) CLASS INDEPENDENCE BENEFIT PLAN.—The term 'CLASS Independence Benefit Plan' means the benefit plan developed and designated by the Secretary in accordance with section 3203.

''(10) CLASS INDEPENDENCE FUND.—The term 'CLASS Independence Fund' or 'Fund' means the fund established under section 3206.

''(11) MEDICAID.—The term 'Medicaid' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''(12) POVERTY LINE.—The term 'poverty line' has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)).

''(13) PROTECTION AND ADVOCACY SYSTEM.—The term 'Protection and Advocacy System' means the system for each State established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

''SEC. 3203. CLASS INDEPENDENCE BENEFIT PLAN.

''(a) PROCESS FOR DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary, in consultation with appropriate actuaries and other experts, shall develop at least 3 actuarially sound benefit plans as alternatives for consideration for designation by the Secretary as the CLASS Independence Benefit Plan under which eligible beneficiaries shall receive benefits under this title. Each of the plan alternatives developed shall be designed to provide eligible beneficiaries with the benefits described in section 3205 consistent with the following requirements:

''(A) PREMIUMS.—

''(i) IN GENERAL.—Beginning with the first year of the CLASS program, and for each year thereafter, subject to clauses (ii) and (iii), the Secretary shall establish all premiums to be paid by enrollees for the year based on an actuarial analysis of the 75-year costs of the program that ensures solvency throughout such 75-year period.

''(ii) NOMINAL PREMIUM FOR POOREST INDIVIDUALS AND FULL-TIME STUDENTS.—

''(I) IN GENERAL.—The monthly premium for enrollment in the CLASS program shall not exceed the applicable dollar amount per month determined under subclause (II) for—

''(aa) any individual whose income does not exceed the poverty line; and

''(bb) any individual who has not attained age 22, and is actively employed during any period in which the individual is a full-time student (as determined by the Secretary).

''(II) APPLICABLE DOLLAR AMOUNT.—The applicable dollar amount described in this subclause is the amount equal to $5, increased by the percentage increase in the consumer price index for all urban consumers (U.S. city average) for each year occurring after 2009 and before such year.

''(iii) CLASS INDEPENDENCE FUND RESERVES.—At such time as the CLASS program has been in operation for 10 years, the Secretary shall establish all premiums to be paid by enrollees for the year based on an actuarial analysis that accumulated reserves in the CLASS Independence Fund would not decrease in that year. At such time as the Secretary determines the CLASS program demonstrates a sustained ability to finance expected yearly expenses with expected yearly premiums and interest credited to the CLASS Independence Fund, the Secretary may decrease the required amount of CLASS Independence Fund reserves.

''(B) VESTING PERIOD.—A 5-year vesting period for eligibility for benefits.

''(C) BENEFIT TRIGGERS.—A benefit trigger for provision of benefits that requires a determination that an individual has a functional limitation, as certified by a licensed health care practitioner, described in any of the following clauses that is expected to last for a continuous period of more than 90 days:

''(i) The individual is determined to be unable to perform at least the minimum number (which may be 2 or 3) of activities of daily living as are required under the plan for the provision of benefits without substantial assistance (as defined by the Secretary) from another individual.

''(ii) The individual requires substantial supervision to protect the individual from threats to health and safety due to substantial cognitive impairment.

''(iii) The individual has a level of functional limitation similar (as determined under regulations prescribed by the Secretary) to the level of functional limitation described in clause (i) or (ii).

''(D) CASH BENEFIT.—Payment of a cash benefit that satisfies the following requirements:

''(i) MINIMUM REQUIRED AMOUNT.—The benefit amount provides an eligible beneficiary with not less than an average of $50 per day (as determined based on the reasonably expected distribution of beneficiaries receiving benefits at various benefit levels).

''(ii) AMOUNT SCALED TO FUNCTIONAL ABILITY.—The benefit amount is varied based on a scale of functional ability, with not less than 2, and not more than 6, benefit level amounts.

''(iii) DAILY OR WEEKLY.—The benefit is paid on a daily or weekly basis.

''(iv) NO LIFETIME OR AGGREGATE LIMIT.—The benefit is not subject to any lifetime or aggregate limit.

''(E) COORDINATION WITH SUPPLEMENTAL COVERAGE OBTAINED THROUGH THE EXCHANGE.—The benefits allow for coordination with any supplemental coverage purchased through an Exchange established under section 1311 of the Patient Protection and Affordable Care Act.

''(2) REVIEW AND RECOMMENDATION BY THE CLASS INDEPENDENCE ADVISORY COUNCIL.—The CLASS Independence Advisory Council shall—

''(A) evaluate the alternative benefit plans developed under paragraph (1); and

''(B) recommend for designation as the CLASS Independence Benefit Plan for offering to the public the plan that the Council determines best balances price and benefits to meet enrollees' needs in an actuarially sound manner, while optimizing the probability of the long-term sustainability of the CLASS program.

''(3) DESIGNATION BY THE SECRETARY.—Not later than October 1, 2012, the Secretary, taking into consideration the recommendation of the CLASS Independence Advisory Council under paragraph (2)(B), shall designate a benefit plan as the CLASS Independence Benefit Plan. The Secretary shall publish such designation, along with details of the plan and the reasons for the selection by the Secretary, in a final rule that allows for a period of public comment.

''(b) ADDITIONAL PREMIUM REQUIREMENTS.—

''(1) ADJUSTMENT OF PREMIUMS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B), (C), (D), and (E), the amount of the monthly premium determined for an individual upon such individual's enrollment in the CLASS program shall remain the same for as long as the individual is an active enrollee in the program.

''(B) RECALCULATED PREMIUM IF REQUIRED FOR PROGRAM SOLVENCY.—

''(i) IN GENERAL.—Subject to clause (ii), if the Secretary determines, based on the most recent report of the Board of Trustees of the CLASS Independence Fund, the advice of the CLASS Independence Advisory Council, and the annual report of the Inspector General of the Department of Health and Human Services, and waste, fraud, and abuse, or such other information as the Secretary determines appropriate, that the monthly premiums and income to the CLASS Independence Fund for a year are projected to be insufficient with respect to the 20-year period that begins with that year, the Secretary shall adjust the monthly premiums for individuals enrolled in the CLASS program as necessary (but maintaining a nominal premium for enrollees whose income is below the poverty line or who are full-time students actively employed).

''(ii) EXEMPTION FROM INCREASE.—Any increase in a monthly premium imposed as result of a determination described in clause (i) shall not apply with respect to the monthly premium of any active enrollee who—

''(I) has attained age 65;

''(II) has paid premiums for enrollment in the program for at least 20 years; and

''(III) is not actively employed.

''(C) RECALCULATED PREMIUM IF REENROLLMENT AFTER MORE THAN A 3-MONTH LAPSE.—

''(i) IN GENERAL.—The reenrollment of an individual after a 90-day period during which the individual failed to pay the monthly premium required to maintain the individual's enrollment in the CLASS program shall be treated as an initial enrollment for purposes of age-adjusting the premium for enrollment in the program.

''(ii) CREDIT FOR PRIOR MONTHS IF REENROLLED WITHIN 5 YEARS.—An individual who reenrolls in the CLASS program after such a 90-day period and before the end of the 5-year period that begins with the first month for which the individual failed to pay the monthly premium required to maintain the individual's enrollment in the program shall be—

''(I) credited with any months of paid premiums that accrued prior to the individual's lapse in enrollment; and

''(II) notwithstanding the total amount of any such credited months, required to satisfy section 3202(6)(A)(ii) before being eligible to receive benefits.

''(D) NO LONGER STATUS AS A FULL-TIME STUDENT.—An individual subject to a nominal premium on the basis of being described in subsection (a)(1)(A)(ii)(I)(bb) who ceases to be described in that subsection, beginning with the first month following the month in which the individual ceases to be so described, shall be subject to the same monthly premium as the monthly premium that applies to an individual of the same age who first enrolls in the program under the most similar circumstances as the individual (such as the first year of eligibility for enrollment in the program or in a subsequent year).

''(E) PENALTY FOR REENOLLMENT AFTER 5-YEAR LAPSE.—In the case of an individual who reenrolls in the CLASS program after the end of the 5-year period described in subparagraph (C)(ii), the monthly premium required for the individual shall be the age-adjusted premium that would be applicable to an initially enrolling individual who is the same age as the reenrolling individual, increased by the greater of—

''(i) an amount that the Secretary determines is actuarially sound for each month that occurs during the period that begins with the first month for which the individual failed to pay the monthly premium required to maintain the individual's enrollment in the CLASS program and ends with the month preceding the month in which the reenollment is effective; or

''(ii) 1 percent of the applicable age-adjusted premium for each such month occurring in such period.

''(2) ADMINISTRATIVE EXPENSES.—In determining the monthly premiums for the CLASS program the Secretary may factor in costs for administering the program, not to exceed for any year in which the program is in effect under this title, an amount equal to 3 percent of all premiums paid during the year.

''(3) NO UNDERWRITING REQUIREMENTS.—No underwriting (other than on the basis of age in accordance with subparagraphs (D) and (E) of paragraph (1)) shall be used to—

''(A) determine the monthly premium for enrollment in the CLASS program; or

''(B) prevent an individual from enrolling in the program.

''(c) SELF-ATTESTATION AND VERIFICATION OF INCOME.—The Secretary shall establish procedures to—

''(1) permit an individual who is eligible for the nominal premium required under subsection (a)(1)(A)(ii), as part of their automatic enrollment in the CLASS program, to self-attest that their income does not exceed the poverty line or that their status as a full-time student who is actively employed;

''(2) verify, using procedures similar to the procedures used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii) of the Social Security Act and consistent with the requirements applicable to the conveyance of data and information under section 1942 of such Act, the validity of such self-attestation; and

''(3) require an individual to confirm, on at least an annual basis, that their income does not exceed the poverty line or that they continue to maintain such status.

''SEC. 3204. ENROLLMENT AND DISENROLLMENT REQUIREMENTS.

''(a) AUTOMATIC ENROLLMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in coordination with the Secretary of the Treasury, shall establish procedures under which each individual described in subsection (c) may be automatically enrolled in the CLASS program by an employer of such individual in the same manner as an employer may elect to automatically enroll employees in a plan under section 401(k), 403(b), or 457 of the Internal Revenue Code of 1986.

''(2) ALTERNATIVE ENROLLMENT PROCEDURES.—The procedures established under paragraph (1) shall provide for an alternative enrollment process for an individual described in subsection (c) in the case of such an individual—

''(A) who is self-employed;

''(B) who has more than 1 employer; or

''(C) whose employer does not elect to participate in the automatic enrollment process established by the Secretary.

''(3) ADMINISTRATION.—

''(A) IN GENERAL.—The Secretary and the Secretary of the Treasury shall, by regulation, establish procedures to ensure that an individual is not automatically enrolled in the CLASS program by more than 1 employer.

''(B) FORM.—Enrollment in the CLASS program shall be made in such manner as the Secretary may prescribe in order to ensure ease of administration.

''(b) ELECTION TO OPT-OUT.—An individual described in subsection (c) may elect to waive enrollment in the CLASS program at any time in such form and manner as the Secretary and the Secretary of the Treasury shall prescribe.

''(c) INDIVIDUAL DESCRIBED.—For purposes of enrolling in the CLASS program, an individual described in this paragraph is an individual—

''(1) who has attained age 18;

''(2) who—

''(A) receives wages on which there is imposed a tax under section 3201(a) of the Internal Revenue Code of 1986; or

''(B) derives self-employment income on which there is imposed a tax under section 1401(a) of the Internal Revenue Code of 1986;

''(3) who is actively employed; and

''(4) who is not—

''(A) a patient in a hospital or nursing facility, an intermediate care facility for the mentally retarded, or an institution for mental diseases and receiving medical assistance under Medicaid; or

''(B) confined in a jail, prison, other penal institution or correctional facility, or by court order pursuant to conviction of a criminal offense or in connection with a verdict or finding described in section 202(x)(1)(A)(ii) of the Social Security Act (42 U.S.C. 402(x)(1)(A)(ii)).

''(d) RULE OF CONSTRUCTION.—Nothing in this title shall be construed as requiring an active enrollee to continue to satisfy subparagraph (B) or (C) of subsection (c)(1) in order to maintain enrollment in the CLASS program.

''(e) PAYMENT.—

''(1) PAYROLL DEDUCTION.—An amount equal to the monthly premium for the enrollment in the CLASS program of an individual shall be deducted from the wages or self-employment income of such individual in accordance with such procedures as the Secretary, in coordination with the Secretary of the Treasury, shall establish for employers who elect to deduct and withhold such premiums on behalf of enrolled employees.

''(2) ALTERNATIVE PAYMENT MECHANISM.—The Secretary, in coordination with the Secretary of the Treasury, shall establish alternative procedures for the payment of monthly premiums by an individual enrolled in the CLASS program—

''(A) who does not have an employer who elects to deduct and withhold premiums in accordance with subparagraph (A); or

''(B) who does not earn wages or derive self-employment income.

''(f) TRANSFER OF PREMIUMS COLLECTED.—

''(1) IN GENERAL.—During each calendar year the Secretary of the Treasury shall deposit into the CLASS Independence Fund a total amount equal, in the aggregate, to 100 percent of the premiums collected during that year.

''(2) TRANSFERS BASED ON ESTIMATES.—The amount deposited pursuant to paragraph (1) shall be transferred in at least monthly payments to the CLASS Independence Fund on the basis of estimates by the Secretary and certified to the Secretary of the Treasury of the amounts

collected in accordance with subparagraphs (A) and (B) of paragraph (5). Proper adjustments shall be made in amounts subsequently transferred to the Fund to the extent prior estimates were in excess of, or were less than, actual amounts collected.

''(g) OTHER ENROLLMENT AND DISENROLLMENT OPPORTUNITIES.—The Secretary, in coordination with the Secretary of the Treasury, shall establish procedures under which—

''(1) an individual who, in the year of the individual's initial eligibility to enroll in the CLASS program, has elected to waive enrollment in the program, is eligible to elect to enroll in the program, in such form and manner as the Secretaries shall establish, only during an open enrollment period established by the Secretaries that is specific to the individual and that may not occur more frequently than biennially after the date on which the individual first elected to waive enrollment in the program; and

''(2) an individual shall only be permitted to disenroll from the program (other than for nonpayment of premiums) during an annual disenrollment period established by the Secretaries and in such form and manner as the Secretaries shall establish.

"SEC. 3205. BENEFITS.

''(a) DETERMINATION OF ELIGIBILITY.—

''(1) APPLICATION FOR RECEIPT OF BENEFITS.—The Secretary shall establish procedures under which an active enrollee shall apply for receipt of benefits under the CLASS Independence Benefit Plan.

''(2) ELIGIBILITY ASSESSMENTS.—

''(A) IN GENERAL.—Not later than January 1, 2012, the Secretary shall—

''(i) establish an Eligibility Assessment System (other than a service with which the Commissioner of Social Security has entered into an agreement, with respect to any State, to make disability determinations for purposes of title II or XVI of the Social Security Act) to provide for eligibility assessments of active enrollees who apply for receipt of benefits;

''(ii) enter into an agreement with the Protection and Advocacy System for each State to provide advocacy services in accordance with subsection (d); and

''(iii) enter into an agreement with public and private entities to provide advice and assistance counseling in accordance with subsection (e).

''(B) REGULATIONS.—The Secretary shall promulgate regulations to develop an expedited nationally equitable eligibility determination process, as certified by a licensed health care practitioner, an appeals process, and a redetermination process, as certified by a licensed health care practitioner, including whether an active enrollee is eligible for a cash benefit under the program and if so, the amount of the cash benefit (in accordance the sliding scale established under the plan).

''(C) PRESUMPTIVE ELIGIBILITY FOR CERTAIN INSTITUTIONALIZED ENROLLEES PLANNING TO DISCHARGE.—An active enrollee shall be deemed presumptively eligible if the enrollee—

''(i) has applied for, and attests is eligible for, the maximum cash benefit available under the sliding scale established under the CLASS Independence Benefit Plan;

''(ii) is a patient in a hospital (but only if the hospitalization is for long-term care), nursing facility, intermediate care facility for the mentally retarded, or an institution for mental diseases; and

''(iii) is in the process of, or about to begin the process of, planning to discharge from the hospital, facility, or institution, or within 60 days from the date of discharge from the hospital, facility, or institution.

''(D) APPEALS.—The Secretary shall establish procedures under which an applicant for benefits under the CLASS Independence Benefit Plan shall be guaranteed the right to appeal an adverse determination.

''(b) BENEFITS.—An eligible beneficiary shall receive the following benefits under the CLASS Independence Benefit Plan:

''(1) CASH BENEFIT.—A cash benefit established by the Secretary in accordance with the requirements of section 3203(a)(1)(D) that—

''(A) the first year in which beneficiaries receive the benefits under the plan, is not less than the average dollar amount specified in clause (i) of such section; and

''(B) for any subsequent year, is not less than the average per day dollar limit applicable under this subparagraph for the preceding year, increased by the percentage increase in the consumer price index for all urban consumers (U.S. city average) over the previous year.

''(2) ADVOCACY SERVICES.—Advocacy services in accordance with subsection (d).

''(3) ADVICE AND ASSISTANCE COUNSELING.—Advice and assistance counseling in accordance with subsection (e).

''(4) ADMINISTRATIVE EXPENSES.—Advocacy services and advise and assistance counseling services under paragraphs (2) and (3) of this subsection shall be included as administrative expenses under section 3203(b)(3).

''(c) PAYMENT OF BENEFITS.—

''(1) LIFE INDEPENDENCE ACCOUNT.—

''(A) IN GENERAL.—The Secretary shall establish procedures for administering the provision of benefits to eligible beneficiaries under the CLASS Independence Benefit Plan, including the payment of the cash benefit for the beneficiary into a Life Independence Account established by the Secretary on behalf of each eligible beneficiary.

''(B) USE OF CASH BENEFITS.—Cash benefits paid into a Life Independence Account of an eligible beneficiary shall be used to purchase nonmedical services and supports that the beneficiary needs to maintain his or her independence at home or in another residential setting of their choice in the community, including (but not limited to) home modifications, assistive technology, accessible transportation, homemaker services, respite care, personal assistance services, home care aides, and nursing support. Nothing in the preceding sentence shall prevent an eligible beneficiary from using cash benefits paid into a Life Independence Account for obtaining assistance with decision making concerning medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate advance directives or other written instructions recognized under State law, such as a living will or durable power of attorney for health care, in the case that an injury or illness causes the individual to be unable to make health care decisions.

''(C) ELECTRONIC MANAGEMENT OF FUNDS.—The Secretary shall establish procedures for—

''(i) crediting an account established on behalf of a beneficiary with the beneficiary's cash daily benefit;

''(ii) allowing the beneficiary to access such account through debit cards; and

''(iii) accounting for withdrawals by the beneficiary from such account.

''(D) PRIMARY PAYOR RULES FOR BENEFICIARIES WHO ARE ENROLLED IN MEDICAID.—In the case of an eligible beneficiary who is enrolled in Medicaid, the following payment rules shall apply:

''(i) INSTITUTIONALIZED BENEFICIARY.—If the beneficiary is a patient in a hospital, nursing facility, intermediate care facility for the mentally retarded, or an institution for mental diseases, the beneficiary shall retain an amount equal to 5 percent of the beneficiary's daily or weekly cash benefit (as applicable) (which shall be in addition to the amount of the beneficiary's personal needs allowance provided under Medicaid), and the remainder of such benefit shall be applied toward the facility's cost of providing the beneficiary's care, and Medicaid shall provide secondary coverage for such care.

''(ii) BENEFICIARIES RECEIVING HOME AND COMMUNITY-BASED SERVICES.—

''(I) 50 PERCENT OF BENEFIT RETAINED BY BENEFICIARY.—Subject to subclause (II), if a beneficiary is receiving medical assistance under Medicaid for home and community based services, the beneficiary shall retain an amount equal to 50 percent of the beneficiary's daily or weekly cash benefit (as applicable), and the remainder of the daily or weekly cash benefit shall be applied toward the cost to the State of providing such assistance (and shall not be used to claim Federal matching funds under Medicaid), and Medicaid shall provide secondary coverage for the remainder of any costs incurred in providing such assistance.

''(II) REQUIREMENT FOR STATE OFFSET.—A State shall be paid the remainder of a beneficiary's daily or weekly cash benefit under subclause (I) only if the State home and community-based waiver under section 1115 of the Social Security Act (42 U.S.C. 1315) or subsection (c) or (d) of section 1915 of such Act (42 U.S.C. 1396n), or the State plan amendment under subsection (i) of such section does not include a waiver of the requirements of section 1902(a)(1) of the Social Security Act (relating to statewideness) or of section 1902(a)(10)(B) of such Act (relating to comparability) and the State offers at a minimum case management services, personal care services, habilitation services, and respite care under such a waiver or State plan amendment.

''(III) DEFINITION OF HOME AND COMMUNITY-BASED SERVICES.—In this clause, the term 'home and community-based services' means any services which may be offered under a home and community-based waiver authorized for a State under section 1115 of the Social Security Act (42 U.S.C. 1315) or subsection (c) or (d) of section 1915 of such Act (42 U.S.C. 1396n) or under a State plan amendment under subsection (i) of such section.

''(iii) BENEFICIARIES ENROLLED IN PROGRAMS OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE).—

''(I) IN GENERAL.—Subject to subclause (II), if a beneficiary is receiving medical assistance under Medicaid for PACE program services under section 1934 of the Social Security Act (42 U.S.C. 1396u–4), the beneficiary shall retain an amount equal to 50 percent of the beneficiary's daily or weekly cash benefit (as applicable), and the remainder of the daily or weekly cash benefit shall be applied toward the cost to the State of providing such assistance (and shall not be used to claim Federal matching funds under Medicaid), and Medicaid shall provide secondary coverage for the remainder of any costs incurred in providing such assistance.

''(II) INSTITUTIONALIZED RECIPIENTS OF PACE PROGRAM SERVICES.—If a beneficiary receiving assistance under Medicaid for PACE program services is a patient in a hospital, nursing facility, intermediate care facility for the mentally retarded, or an institution for mental diseases, the beneficiary shall be treated as in institutionalized beneficiary under clause (i).

''(2) AUTHORIZED REPRESENTATIVES.—

''(A) IN GENERAL.—The Secretary shall establish procedures to allow access to a beneficiary's cash benefits by an authorized representative of the eligible beneficiary on whose behalf such benefits are paid.

''(B) QUALITY ASSURANCE AND PROTECTION AGAINST FRAUD AND ABUSE.—The procedures established under subparagraph (A) shall ensure that authorized representatives of eligible beneficiaries comply with standards of conduct established by the Secretary, including standards requiring that such representatives provide quality services on behalf of such beneficiaries, do not have conflicts of interest, and do not misuse benefits paid on behalf of such beneficiaries or otherwise engage in fraud or abuse.

''(3) COMMENCEMENT OF BENEFITS.—Benefits shall be paid to, or on behalf of, an eligible beneficiary beginning with the first month in which an application for such benefits is approved.

''(4) ROLLOVER OPTION FOR LUMP-SUM PAYMENT.—An eligible beneficiary may elect to—

''(A) defer payment of their daily or weekly benefit and to rollover any such deferred benefits from month-to-month, but not from year-to-year; and

''(B) receive a lump-sum payment of such deferred benefits in an amount that may not exceed the lesser of—

''(i) the total amount of the accrued deferred benefits; or

''(ii) the applicable annual benefit.

''(5) PERIOD FOR DETERMINATION OF ANNUAL BENEFITS.—

''(A) IN GENERAL.—The applicable period for determining with respect to an eligible beneficiary the applicable annual benefit and the amount of any accrued deferred benefits is the 12-month period that commences with the first month in which the beneficiary began to receive such benefits, and each 12-month period thereafter.

''(B) INCLUSION OF INCREASED BENEFITS.—The Secretary shall establish procedures under which cash benefits paid to an eligible beneficiary that increase or decrease as a result of a change in the functional status of the beneficiary before the end of a 12-month benefit period shall be included in the determination of the applicable annual benefit paid to the eligible beneficiary.

''(C) RECOUPMENT OF UNPAID, ACCRUED BENEFITS.—

''(i) IN GENERAL.—The Secretary, in coordination with the Secretary of the Treasury, shall recoup any accrued benefits in the event of—

''(I) the death of a beneficiary; or

''(II) the failure of a beneficiary to elect under paragraph (4)(B) to receive such benefits as a lump-sum payment before the end of the 12-month period in which such benefits accrued.

''(ii) PAYMENT INTO CLASS INDEPENDENCE FUND.—Any benefits recouped in accordance with clause (i) shall be paid into the CLASS Independence Fund and used in accordance with section 3206.

''(6) REQUIREMENT TO RECERTIFY ELIGIBILITY FOR RECEIPT OF BENEFITS.—An eligible beneficiary shall periodically, as determined by the Secretary—

''(A) recertify by submission of medical evidence the beneficiary's continued eligibility for receipt of benefits; and

''(B) submit records of expenditures attributable to the aggregate cash benefit received by the beneficiary during the preceding year.

''(7) SUPPLEMENT, NOT SUPPLANT OTHER HEALTH CARE BENEFITS.—Subject to the Medicaid payment rules under paragraph (1)(D), benefits received by an eligible beneficiary shall supplement, but not supplant, other health care benefits for which the beneficiary is eligible under Medicaid or any other Federally funded program that provides health care benefits or assistance.

''(d) ADVOCACY SERVICES.—An agreement entered into under subsection (a)(2)(A)(ii) shall require the Protection and Advocacy System for the State to—

''(1) assign, as needed, an advocacy counselor to each eligible beneficiary that is covered by such agreement and who shall provide an eligible beneficiary with—

''(A) information regarding how to access the appeals process established for the program;

''(B) assistance with respect to the annual recertification and notification required under subsection (c)(6); and

''(C) such other assistance with obtaining services as the Secretary, by regulation, shall require; and

''(2) ensure that the System and such counselors comply with the requirements of subsection (h).

''(e) ADVICE AND ASSISTANCE COUNSELING.—An agreement entered into under subsection (a)(2)(A)(iii) shall require the entity to assign, as requested by an eligible beneficiary that is covered by such agreement, an advice and assistance counselor who shall provide an eligible beneficiary with information regarding—

''(1) accessing and coordinating long-term services and supports in the most integrated setting;

''(2) possible eligibility for other benefits and services;

''(3) development of a service and support plan;

''(4) information about programs established under the Assistive Technology Act of 1998 and the services offered under such programs;

''(5) available assistance with decision making concerning medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate advance directives or other written instructions recognized under State law, such as a living will or durable power of attorney for health care, in the case that an injury or illness causes the individual to be unable to make health care decisions; and

''(6) such other services as the Secretary, by regulation, may require.

''(f) NO EFFECT ON ELIGIBILITY FOR OTHER BENEFITS.—Benefits paid to an eligible beneficiary under the CLASS program shall be disregarded for purposes of determining or continuing the beneficiary's eligibility for receipt of benefits under any other Federal, State, or locally funded assistance program, including benefits paid under titles II, XVI, XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq., 1395 et seq., 1396 et seq., 1397aa et seq.), under the laws administered by the Secretary of Veterans Affairs, under low-income housing assistance programs, or under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

''(g) RULE OF CONSTRUCTION.—Nothing in this title shall be construed as prohibiting benefits paid under the CLASS Independence Benefit Plan from being used to compensate a family caregiver for providing community living assistance services and supports to an eligible beneficiary.

''(h) PROTECTION AGAINST CONFLICT OF INTERESTS.—The Secretary shall establish procedures to ensure that the Eligibility Assessment System, the Protection and Advocacy System for a State, advocacy counselors for eligible beneficiaries, and any other entities that provide services to active enrollees and eligible beneficiaries under the CLASS program comply with the following:

''(1) If the entity provides counseling or planning services, such services are provided in a manner that fosters the best interests of the active enrollee or beneficiary.

''(2) The entity has established operating procedures that are designed to avoid or minimize conflicts of interest between the entity and an active enrollee or beneficiary.

''(3) The entity provides information about all services and options available to the active enrollee or beneficiary, to the best of its knowledge, including services available through other entities or providers.

''(4) The entity assists the active enrollee or beneficiary to access desired services, regardless of the provider.

''(5) The entity reports the number of active enrollees and beneficiaries provided with assistance by age, disability, and whether such enrollees and beneficiaries received services from the entity or another entity.

''(6) If the entity provides counseling or planning services, the entity ensures that an active enrollee or beneficiary is informed of any financial interest that the entity has in a service provider.

''(7) The entity provides an active enrollee or beneficiary with a list of available service providers that can meet the needs of the active enrollee or beneficiary.

''SEC. 3206. CLASS INDEPENDENCE FUND.

''(a) ESTABLISHMENT OF CLASS INDEPENDENCE FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'CLASS Independence Fund'. The Secretary of the Treasury shall serve as Managing Trustee of such Fund. The Fund shall consist of all amounts derived from payments into the Fund under sections 3204(f) and 3205(c)(5)(C)(ii), and remaining after investment of such amounts under subsection (b), including additional amounts derived as income from such investments. The amounts held in the Fund are appropriated and shall remain available without fiscal year limitation—

''(1) to be held for investment on behalf of individuals enrolled in the CLASS program;

''(2) to pay the administrative expenses related to the Fund and to investment under subsection (b); and

''(3) to pay cash benefits to eligible beneficiaries under the CLASS Independence Benefit Plan.

''(b) INVESTMENT OF FUND BALANCE.—The Secretary of the Treasury shall invest and manage the CLASS Independence Fund in the same manner, and to the same extent, as the Federal Supplementary Medical Insurance Trust Fund may be invested and managed under subsections (c), (d), and (e) of section 1841(d) of the Social Security Act (42 U.S.C. 1395t).

''(c) BOARD OF TRUSTEES.—

''(1) IN GENERAL.—With respect to the CLASS Independence Fund, there is hereby created a body to be known as the Board of Trustees of the CLASS Independence Fund (hereinafter in this section referred to as the 'Board of Trustees') composed of the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services, all ex officio, and of two members of the public (both of whom may not be from the same political party), who shall be nominated by the President for a term of 4 years and subject to confirmation by the Senate. A member of the Board of Trustees serving as a member of the public and nominated and confirmed to fill a vacancy occurring during a term shall be nominated and confirmed only for the remainder of such term. An individual nominated and confirmed as a member of the public may serve in such position after the expiration of such member's term until the earlier of the time at which the member's successor takes office or the time at which a report of the Board is first issued under paragraph (2) after the expiration of the member's term. The Secretary of the Treasury shall be the Managing Trustee of the Board of Trustees. The Board of Trustees shall meet not less frequently than once each calendar year. A person serving on the Board of Trustees shall not be considered to be a fiduciary and shall not be personally liable for actions taken in such capacity with respect to the Trust Fund.

''(2) DUTIES.—

''(A) IN GENERAL.—It shall be the duty of the Board of Trustees to do the following:

''(i) Hold the CLASS Independence Fund.

''(ii) Report to the Congress not later than the first day of April of each year on the operation and status of the CLASS Independence Fund during the preceding fiscal year and on its expected operation and status during the current fiscal year and the next 2 fiscal years.

''(iii) Report immediately to the Congress whenever the Board is of the opinion that the amount of the CLASS Independence Fund is not actuarially sound in regards to the projection under section 3203(b)(1)(B)(i).

''(iv) Review the general policies followed in managing the CLASS Independence Fund, and recommend changes in such policies, including necessary changes in the provisions of law which govern the way in which the CLASS Independence Fund is to be managed.

''(B) REPORT.—The report provided for in subparagraph (A)(ii) shall—

''(i) include—

''(I) a statement of the assets of, and the disbursements made from, the CLASS Independence Fund during the preceding fiscal year;

''(II) an estimate of the expected income to, and disbursements to be made from, the CLASS Independence Fund during the current fiscal year and each of the next 2 fiscal years;

''(III) a statement of the actuarial status of the CLASS Independence Fund for the current fiscal year, each of the next 2 fiscal years, and as projected over the 75-year period beginning with the current fiscal year; and

''(IV) an actuarial opinion by the Chief Actuary of the Centers for Medicare & Medicaid Services certifying that the techniques and methodologies used are generally accepted within the actuarial profession and that the assumptions and cost estimates used are reasonable; and

''(ii) be printed as a House document of the session of the Congress to which the report is made.

''(C) RECOMMENDATIONS.—If the Board of Trustees determines that enrollment trends and expected future benefit claims on the CLASS Independence Fund are not actuarially sound in regards to the projection under section 3203(b)(1)(B)(i) and are unlikely to be resolved with reasonable premium increases or through other means, the Board of Trustees shall include in the report provided for in subparagraph (A)(ii) recommendations for such legislative action as the Board of Trustees determine to be appropriate, including whether to adjust monthly premiums or impose a temporary moratorium on new enrollments.

''SEC. 3207. CLASS INDEPENDENCE ADVISORY COUNCIL.

''(a) ESTABLISHMENT.—There is hereby created an Advisory Committee to be known as the 'CLASS Independence Advisory Council'.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The CLASS Independence Advisory Council shall be composed of not more than 15 individuals, not otherwise in the employ of the United States—

''(A) who shall be appointed by the President without regard to the civil service laws and regulations; and

''(B) a majority of whom shall be representatives of individuals who participate or are likely to participate in the CLASS program, and shall include representatives of older and younger workers, individuals with disabilities, family caregivers of individuals who require services and supports to maintain their independence at home or in another residential setting of their choice in the community, individuals with expertise in long-term care or disability insurance, actuarial science, economics, and other relevant disciplines, as determined by the Secretary.

''(2) TERMS.—

''(A) IN GENERAL.—The members of the CLASS Independence Advisory Council shall serve overlapping terms of 3 years (unless appointed to fill a vacancy occurring prior to the expiration of a term, in which case the individual shall serve for the remainder of the term).

''(B) LIMITATION.—A member shall not be eligible to serve for more than 2 consecutive terms.

''(3) CHAIR.—The President shall, from time to time, appoint one of the members of the CLASS Independence Advisory Council to serve as the Chair.

''(c) DUTIES.—The CLASS Independence Advisory Council shall advise the Secretary on matters of general policy in the administration of the CLASS program established under this title and in the formulation of regulations under this title including with respect to—

''(1) the development of the CLASS Independence Benefit Plan under section 3203;

''(2) the determination of monthly premiums under such plan; and

''(3) the financial solvency of the program.

''(d) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of that Act, shall apply to the CLASS Independence Advisory Council.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the CLASS Independence Advisory Council to carry out its duties under this section, such sums as may be necessary for fiscal year 2011 and for each fiscal year thereafter.

''(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

''SEC. 3208. SOLVENCY AND FISCAL INDEPENDENCE; REGULATIONS; ANNUAL REPORT.

''(a) SOLVENCY.—The Secretary shall regularly consult with the Board of Trustees of the CLASS Independence Fund and the CLASS Independence Advisory Council, for purposes of ensuring that enrollees premiums are adequate to ensure the financial solvency of the CLASS program, both with respect to fiscal years occurring in the near-term and fiscal years occurring over 20- and 75-year periods, taking into account the projections required for such periods under subsections (a)(1)(A)(i) and (b)(1)(B)(i) of section 3202.

''(b) NO TAXPAYER FUNDS USED TO PAY BENEFITS.—No taxpayer funds shall be used for payment of benefits under a CLASS Independent Benefit Plan. For purposes of this subsection, the term 'taxpayer funds' means any Federal funds from a source other than premiums deposited by CLASS program participants in the CLASS Independence Fund and any associated interest earnings.

''(c) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out the CLASS program in accordance with this title. Such regulations shall include provisions to prevent fraud and abuse under the program.

''(d) ANNUAL REPORT.—Beginning January 1, 2014, the Secretary shall submit an annual report to Congress on the CLASS program. Each report shall include the following:

''(1) The total number of enrollees in the program.

''(2) The total number of eligible beneficiaries during the fiscal year.

''(3) The total amount of cash benefits provided during the fiscal year.

''(4) A description of instances of fraud or abuse identified during the fiscal year.

''(5) Recommendations for such administrative or legislative action as the Secretary determines is necessary to improve the program, ensure the solvency of the program, or to prevent the occurrence of fraud or abuse.

''SEC. 3209. INSPECTOR GENERAL'S REPORT.

''The Inspector General of the Department of Health and Human Services shall submit an annual report to the Secretary and Congress relating to the overall progress of the CLASS program and of the existence of waste, fraud, and abuse in the CLASS program. Each such report shall include findings in the following areas:

''(1) The eligibility determination process.

''(2) The provision of cash benefits.

''(3) Quality assurance and protection against waste, fraud, and abuse.

''(4) Recouping of unpaid and accrued benefits.

''SEC. 3210. TAX TREATMENT OF PROGRAM.

''The CLASS program shall be treated for purposes of the Internal Revenue Code of 1986 in the same manner as a qualified long-term care insurance contract for qualified long-term care services.''.

(2) CONFORMING AMENDMENTS TO MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 6505, is amended by inserting after paragraph (80) the following:

''(81) provide that the State will comply with such regulations regarding the application of primary and secondary payor rules with respect to individuals who are eligible for medical assistance under this title and are eligible beneficiaries under the CLASS program established under title XXXII of the Public Health Service Act as the Secretary shall establish; and''.

(b) ASSURANCE OF ADEQUATE INFRASTRUCTURE FOR THE PROVISION OF PERSONAL CARE ATTENDANT WORKERS.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by subsection (a)(2), is amended by inserting after paragraph (81) the following:

''(82) provide that, not later than 2 years after the date of enactment of the Community Living Assistance Services and Supports Act, each State shall—

''(A) assess the extent to which entities such as providers of home care, home health services, home and community service providers, public authorities created to provide personal care services to individuals eligible for medical assistance under the State plan, and nonprofit organizations, are serving or have the capacity to serve as fiscal agents for, employers of, and providers of employment-related benefits for, personal care attendant workers who provide personal care services to individuals receiving benefits under the CLASS program established under title XXXII of the Public Health Service Act, including in rural and underserved areas;

''(B) designate or create such entities to serve as fiscal agents for, employers of, and providers of employment-related benefits for, such workers to ensure an adequate supply of the workers for individuals receiving benefits under the CLASS program, including in rural and underserved areas; and

''(C) ensure that the designation or creation of such entities will not negatively alter or impede existing programs, models, methods, or administration of service delivery that provide for consumer controlled or self-directed home and community services and further ensure that such entities will not impede the ability of individuals to direct and control their home and community services, including the ability to select, manage, dismiss, co-employ, or employ such workers or inhibit such individuals from relying on family members for the provision of personal care services.''.

(c) PERSONAL CARE ATTENDANTS WORKFORCE ADVISORY PANEL.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish a Personal Care Attendants Workforce Advisory Panel for the purpose of examining and advising the Secretary and Congress on workforce issues related to personal care attendant workers, including with respect to the adequacy of the number of such workers, the salaries, wages, and benefits of such workers, and access to the services provided by such workers.

(2) MEMBERSHIP.—In appointing members to the Personal Care Attendants Workforce Advisory Panel, the Secretary shall ensure that such members include the following:

(A) Individuals with disabilities of all ages.

(B) Senior individuals.

(C) Representatives of individuals with disabilities.

(D) Representatives of senior individuals.

(E) Representatives of workforce and labor organizations.

(F) Representatives of home and community-based service providers.

(G) Representatives of assisted living providers.

(d) INCLUSION OF INFORMATION ON SUPPLEMENTAL COVERAGE IN THE NATIONAL CLEARINGHOUSE FOR LONG-TERM CARE INFORMATION; EXTENSION OF FUNDING.—Section 6021(d) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396p note) is amended—

(1) in paragraph (2)(A)—

(A) in clause (ii), by striking ''and'' at the end;

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

(C) by adding at the end the following:

''(iv) include information regarding the CLASS program established under title XXXII of the Public Health Service Act and coverage available for purchase through a Exchange established under section 1311 of the Patient Protection and Affordable Care Act that is supplemental coverage to the benefits provided under a CLASS Independence Benefit Plan under that program, and information regarding how benefits provided under a CLASS Independence Benefit Plan differ from disability insurance benefits.''; and

(2) in paragraph (3), by striking ''2010'' and inserting ''2015''.

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (d) take effect on January 1, 2011.

(f) RULE OF CONSTRUCTION.—Nothing in this title or the amendments made by this title are intended to replace or displace public or private disability insurance benefits, including such benefits that are for income replacement.

TITLE IX—REVENUE PROVISIONS

Subtitle A—Revenue Offset Provisions

SEC. 9001. EXCISE TAX ON HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986, as amended by section 1513, is amended by adding at the end the following:

"SEC. 4980I. EXCISE TAX ON HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE.

''(a) IMPOSITION OF TAX.—If—

''(1) an employee is covered under any applicable employer-sponsored coverage of an employer at any time during a taxable period, and

''(2) there is any excess benefit with respect to the coverage,

there is hereby imposed a tax equal to 40 percent of the excess benefit.

''(b) EXCESS BENEFIT.—For purposes of this section—

''(1) IN GENERAL.—The term 'excess benefit' means, with respect to any applicable employer-sponsored coverage made available by an employer to an employee during any taxable period, the sum of the excess amounts determined under paragraph (2) for months during the taxable period.

''(2) MONTHLY EXCESS AMOUNT.—The excess amount determined under this paragraph for any month is the excess (if any) of—

''(A) the aggregate cost of the applicable employer-sponsored coverage of the employee for the month, over

''(B) an amount equal to 1/12 of the annual limitation under paragraph (3) for the calendar year in which the month occurs.

''(3) ANNUAL LIMITATION.—For purposes of this subsection—

''(A) IN GENERAL.—The annual limitation under this paragraph for any calendar year is the dollar limit determined under subparagraph (C) for the calendar year.

''(B) APPLICABLE ANNUAL LIMITATION.—The annual limitation which applies for any month shall be determined on the basis of the type of coverage (as determined under subsection (f)(1)) provided to the employee by the employer as of the beginning of the month.

''(C) APPLICABLE DOLLAR LIMIT.—Except as provided in subparagraph (D)—

''(i) 2013.—In the case of 2013, the dollar limit under this subparagraph is—

''(I) in the case of an employee with self-only coverage, $8,500, and

''(II) in the case of an employee with coverage other than self-only coverage, $23,000.

''(ii) EXCEPTION FOR CERTAIN INDIVIDUALS.—In the case of an individual who is a qualified retiree or who participates in a plan sponsored by an employer the majority of whose employees are engaged in a high-risk profession or employed to repair or install electrical or telecommunications lines—

''(I) the dollar amount in clause (i)(I) (determined after the application of subparagraph (D)) shall be increased by $1,350, and

''(II) the dollar amount in clause (i)(II) (determined after the application of subparagraph (D)) shall be increased by $3,000.

''(iii) SUBSEQUENT YEARS.—In the case of any calendar year after 2013, each of the dollar amounts under clauses (i) and (ii) shall be increased to the amount equal to such amount as in effect for the calendar year preceding such year, increased by an amount equal to the product of—

''(I) such amount as so in effect, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such year (determined by substituting the calendar year that is 2 years before such year for '1992' in subparagraph (B) thereof), increased by 1 percentage point.

If any amount determined under this clause is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

''(D) TRANSITION RULE FOR STATES WITH HIGHEST COVERAGE COSTS.—

''(i) IN GENERAL.—If an employee is a resident of a high cost State on the first day of any month beginning in 2013, 2014, or 2015, the annual limitation under this paragraph for such month with respect to such employee shall be an amount equal to the applicable percentage of the annual limitation (determined without regard to this subparagraph or subparagraph (C)(ii)).

''(ii) APPLICABLE PERCENTAGE.—The applicable percentage is 120 percent for 2013, 110 percent for 2014, and 105 percent for 2015.

''(iii) HIGH COST STATE.—The term 'high cost State' means each of the 17 States which the Secretary of Health and Human Services, in consultation with the Secretary, estimates had the highest average cost during 2012 for employer-sponsored coverage under health plans. The Secretary's estimate shall be made on the basis of aggregate premiums paid in the State for such health plans, determined using the most recent data available as of August 31, 2012.

''(c) LIABILITY TO PAY TAX.—

''(1) IN GENERAL.—Each coverage provider shall pay the tax imposed by subsection (a) on its applicable share of the excess benefit with respect to an employee for any taxable period.

''(2) COVERAGE PROVIDER.—For purposes of this subsection, the term 'coverage provider' means each of the following:

''(A) HEALTH INSURANCE COVERAGE.—If the applicable employer-sponsored coverage consists of coverage under a group health plan which provides health insurance coverage, the health insurance issuer.

''(B) HSA AND MSA CONTRIBUTIONS.—If the applicable employer-sponsored coverage consists of coverage under an arrangement under which the employer makes contributions described in subsection (b) or (d) of section 106, the employer.

''(C) OTHER COVERAGE.—In the case of any other applicable employer-sponsored coverage, the person that administers the plan benefits.

''(3) APPLICABLE SHARE.—For purposes of this subsection, a coverage provider's applicable share of an excess benefit for any taxable period is the amount which bears the same ratio to the amount of such excess benefit as—

''(A) the cost of the applicable employer-sponsored coverage provided by the provider to the employee during such period, bears to

''(B) the aggregate cost of all applicable employer-sponsored coverage provided to the employee by all coverage providers during such period.

''(4) RESPONSIBILITY TO CALCULATE TAX AND APPLICABLE SHARES.—

''(A) IN GENERAL.—Each employer shall—

''(i) calculate for each taxable period the amount of the excess benefit subject to the tax imposed by subsection (a) and the applicable share of such excess benefit for each coverage provider, and

''(ii) notify, at such time and in such manner as the Secretary may prescribe, the Secretary and each coverage provider of the amount so determined for the provider.

''(B) SPECIAL RULE FOR MULTIEMPLOYER PLANS.—In the case of applicable employer-sponsored coverage made available to employees through a multiemployer plan (as defined in section 414(f)), the plan sponsor shall make the calculations, and provide the notice, required under subparagraph (A).

''(d) APPLICABLE EMPLOYER-SPONSORED COVERAGE; COST.—For purposes of this section—

''(1) APPLICABLE EMPLOYER-SPONSORED COVERAGE.—

''(A) IN GENERAL.—The term 'applicable employer-sponsored coverage' means, with respect to any employee, coverage under any group health plan made available to the employee by an employer which is excludable from the employee's gross income under section 106, or would be so excludable if it were employer-provided coverage (within the meaning of such section 106).

''(B) EXCEPTIONS.—The term 'applicable employer-sponsored coverage' shall not include—

''(i) any coverage (whether through insurance or otherwise) described in section 9832(c)(1)(A) or for long-term care, or

''(ii) any coverage described in section 9832(c)(3) the payment for which is not excludable from gross income and for which a deduction under section 162(l) is not allowable.

''(C) COVERAGE INCLUDES EMPLOYEE PAID PORTION.—Coverage shall be treated as applicable employer-sponsored coverage without regard to whether the employer or employee pays for the coverage.

''(D) SELF-EMPLOYED INDIVIDUAL.—In the case of an individual who is an employee within the meaning of section 401(c)(1), coverage under any group health plan providing health insurance coverage shall be treated as applicable employer-sponsored coverage if a deduction is allowable under section 162(l) with respect to all or any portion of the cost of the coverage.

''(E) GOVERNMENTAL PLANS INCLUDED.—Applicable employer-sponsored coverage shall include coverage under any group health plan established and maintained primarily for its civilian employees by the Government of the United States, by the government of any State or political subdivision thereof, or by any agency or instrumentality of any such government.

''(2) DETERMINATION OF COST.—

''(A) IN GENERAL.—The cost of applicable employer-sponsored coverage shall be determined under rules similar to the rules of section 4980B(f)(4), except that in determining such cost, any portion of the cost of such coverage which is attributable to the tax imposed under this section shall not be taken into account and the amount of such cost shall be calculated separately for self-only coverage and other coverage. In the case of applicable employer-sponsored coverage which provides coverage to retired employees, the plan may elect to treat a retired employee who has not attained the age of 65 and a retired employee who has attained the age of 65 as similarly situated beneficiaries.

''(B) HEALTH FSAS.—In the case of applicable employer-sponsored coverage consisting of coverage under a flexible spending arrangement (as defined in section 106(c)(2)), the cost of the coverage shall be equal to the sum of—

''(i) the amount of employer contributions under any salary reduction election under the arrangement, plus

''(ii) the amount determined under subparagraph (A) with respect to any reimbursement under the arrangement in excess of the contributions described in clause (i).

''(C) ARCHER MSAS AND HSAS.—In the case of applicable employer-sponsored coverage consisting of coverage under an arrangement under which the employer makes contributions described in subsection (b) or (d) of section 106, the cost of the coverage shall be equal to the amount of employer contributions under the arrangement.

''(D) ALLOCATION ON A MONTHLY BASIS.—If cost is determined on other than a monthly basis, the cost shall be allocated to months in a taxable period on such basis as the Secretary may prescribe.

''(e) PENALTY FOR FAILURE TO PROPERLY CALCULATE EXCESS BENEFIT.—

''(1) IN GENERAL.—If, for any taxable period, the tax imposed by subsection (a) exceeds the tax determined under such subsection with respect to the total excess benefit calculated by the employer or plan sponsor under subsection (c)(4)—

''(A) each coverage provider shall pay the tax on its applicable share (determined in the same manner as under subsection (c)(4)) of the excess,

but no penalty shall be imposed on the provider with respect to such amount, and

''(B) the employer or plan sponsor shall, in addition to any tax imposed by subsection (a), pay a penalty in an amount equal to such excess, plus interest at the underpayment rate determined under section 6621 for the period beginning on the due date for the payment of tax imposed by subsection (a) to which the excess relates and ending on the date of payment of the penalty.

''(2) LIMITATIONS ON PENALTY.—

''(A) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by paragraph (1)(B) on any failure to properly calculate the excess benefit during any period for which it is established to the satisfaction of the Secretary that the employer or plan sponsor neither knew, nor exercising reasonable diligence would have known, that such failure existed.

''(B) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No penalty shall be imposed by paragraph (1)(B) on any such failure if—

''(i) such failure was due to reasonable cause and not to willful neglect, and

''(ii) such failure is corrected during the 30-day period beginning on the 1st date that the employer knew, or exercising reasonable diligence would have known, that such failure existed.

''(C) WAIVER BY SECRETARY.—In the case of any such failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by paragraph (1), to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

''(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) COVERAGE DETERMINATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an employee shall be treated as having self-only coverage with respect to any applicable employer-sponsored coverage of an employer.

''(B) MINIMUM ESSENTIAL COVERAGE.—An employee shall be treated as having coverage other than self-only coverage only if the employee is enrolled in coverage other than self-only coverage in a group health plan which provides minimum essential coverage (as defined in section 5000A(f)) to the employee and at least one other beneficiary, and the benefits provided under such minimum essential coverage do not vary based on whether any individual covered under such coverage is the employee or another beneficiary.

''(2) QUALIFIED RETIREE.—The term 'qualified retiree' means any individual who—

''(A) is receiving coverage by reason of being a retiree,

''(B) has attained age 55, and

''(C) is not entitled to benefits or eligible for enrollment under the Medicare program under title XVIII of the Social Security Act.

''(3) EMPLOYEES ENGAGED IN HIGH-RISK PROFESSION.—The term 'employees engaged in a high-risk profession' means law enforcement officers (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968), employees in fire protection activities (as such term is defined in section 3(y) of the Fair Labor Standards Act of 1938), individuals who provide out-of-hospital emergency medical care (including emergency medical technicians, paramedics, and first-responders), and individuals engaged in the construction, mining, agriculture (not including food processing), forestry, and fishing industries. Such term includes an employee who is retired from a high-risk profession described in the preceding sentence, if such employee satisfied the requirements of such sentence for a period of not less than 20 years during the employee's employment.

''(4) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term by section 5000(b)(1).

''(5) HEALTH INSURANCE COVERAGE; HEALTH INSURANCE ISSUER.—

''(A) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term by section 9832(b)(1) (applied without regard to subparagraph (B) thereof, except as provided by the Secretary in regulations).

''(B) HEALTH INSURANCE ISSUER.—The term 'health insurance issuer' has the meaning given such term by section 9832(b)(2).

''(6) PERSON THAT ADMINISTERS THE PLAN BENEFITS.—The term 'person that administers the plan benefits' shall include the plan sponsor if the plan sponsor administers benefits under the plan.

''(7) PLAN SPONSOR.—The term 'plan sponsor' has the meaning given such term in section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

''(8) TAXABLE PERIOD.—The term 'taxable period' means the calendar year or such shorter period as the Secretary may prescribe. The Secretary may have different taxable periods for employers of varying sizes.

''(9) AGGREGATION RULES.—All employers treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

''(10) DENIAL OF DEDUCTION.—For denial of a deduction for the tax imposed by this section, see section 275(a)(6).

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code, as amended by section 1513, is amended by adding at the end the following new item:

''Sec. 4980I. Excise tax on high cost employer-sponsored health coverage.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 9002. INCLUSION OF COST OF EMPLOYER-SPONSORED HEALTH COVERAGE ON W–2.

(a) IN GENERAL.—Section 6051(a) of the Internal Revenue Code of 1986 (relating to receipts for employees) is amended by striking ''and'' at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting '', and'', and by adding after paragraph (13) the following new paragraph:

''(14) the aggregate cost (determined under rules similar to the rules of section 4980B(f)(4)) of applicable employer-sponsored coverage (as defined in section 4980I(d)(1)), except that this paragraph shall not apply to—

''(A) coverage to which paragraphs (11) and (12) apply, or

''(B) the amount of any salary reduction contributions to a flexible spending arrangement (within the meaning of section 125).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 9003. DISTRIBUTIONS FOR MEDICINE QUALIFIED ONLY IF FOR PRESCRIBED DRUG OR INSULIN.

(a) HSAs.—Subparagraph (A) of section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''Such term shall include an amount paid for medicine or a drug only if such medicine or drug is a prescribed drug (determined without regard to whether such drug is available without a prescription) or is insulin.''.

(b) ARCHER MSAs.—Subparagraph (A) of section 220(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''Such term shall include an amount paid for medicine or a drug only if such medicine or drug is a prescribed drug (determined without regard to whether such drug is available without a prescription) or is insulin.''.

(c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) REIMBURSEMENTS FOR MEDICINE RESTRICTED TO PRESCRIBED DRUGS AND INSULIN.—For purposes of this section and section 105, reimbursement for expenses incurred for a medicine or a drug shall be treated as a reimbursement for medical expenses only if such medicine or drug is a prescribed drug (determined without regard to whether such drug is available without a prescription) or is insulin.''.

(d) EFFECTIVE DATES.—

(1) DISTRIBUTIONS FROM SAVINGS ACCOUNTS.—The amendments made by subsections (a) and (b) shall apply to amounts paid with respect to taxable years beginning after December 31, 2010.

(2) REIMBURSEMENTS.—The amendment made by subsection (c) shall apply to expenses incurred with respect to taxable years beginning after December 31, 2010.

SEC. 9004. INCREASE IN ADDITIONAL TAX ON DISTRIBUTIONS FROM HSAS AND ARCHER MSAS NOT USED FOR QUALIFIED MEDICAL EXPENSES.

(a) HSAs.—Section 223(f)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''10 percent'' and inserting ''20 percent''.

(b) ARCHER MSAs.—Section 220(f)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''15 percent'' and inserting ''20 percent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2010.

SEC. 9005. LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and

(2) by inserting after subsection (h) the following new subsection:

''(i) LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS.—For purposes of this section, if a benefit is provided under a cafeteria plan through employer contributions to a health flexible spending arrangement, such benefit shall not be treated as a qualified benefit unless the cafeteria plan provides that an employee may not elect for any taxable year to have salary reduction contributions in excess of $2,500 made to such arrangement.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 9006. EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsections:

''(h) APPLICATION TO CORPORATIONS.—Notwithstanding any regulation prescribed by the Secretary before the date of the enactment of this subsection, for purposes of this section the term 'person' includes any corporation that is not an organization exempt from tax under section 501(a).

''(i) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.''.

(b) PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (a) of section 6041 of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''amounts in consideration for property,'' after ''wages,'',

(2) by inserting ''gross proceeds,'' after ''emoluments, or other'', and

(3) by inserting ''gross proceeds,'' after ''setting forth the amount of such''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2011.

SEC. 9007. ADDITIONAL REQUIREMENTS FOR CHARITABLE HOSPITALS.

(a) REQUIREMENTS TO QUALIFY AS SECTION 501(C)(3) CHARITABLE HOSPITAL ORGANIZATION.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (r) as subsection (s) and by inserting after subsection (q) the following new subsection:

''(r) ADDITIONAL REQUIREMENTS FOR CERTAIN HOSPITALS.—

''(1) IN GENERAL.—A hospital organization to which this subsection applies shall not be treated as described in subsection (c)(3) unless the organization—

''(A) meets the community health needs assessment requirements described in paragraph (3),

''(B) meets the financial assistance policy requirements described in paragraph (4),

''(C) meets the requirements on charges described in paragraph (5), and

''(D) meets the billing and collection requirement described in paragraph (6).

''(2) HOSPITAL ORGANIZATIONS TO WHICH SUBSECTION APPLIES.—

''(A) IN GENERAL.—This subsection shall apply to—

''(i) an organization which operates a facility which is required by a State to be licensed, registered, or similarly recognized as a hospital, and

''(ii) any other organization which the Secretary determines has the provision of hospital care as its principal function or purpose constituting the basis for its exemption under subsection (c)(3) (determined without regard to this subsection).

''(B) ORGANIZATIONS WITH MORE THAN 1 HOSPITAL FACILITY.—If a hospital organization operates more than 1 hospital facility—

''(i) the organization shall meet the requirements of this subsection separately with respect to each such facility, and

''(ii) the organization shall not be treated as described in subsection (c)(3) with respect to any such facility for which such requirements are not separately met.

''(3) COMMUNITY HEALTH NEEDS ASSESSMENTS.—

''(A) IN GENERAL.—An organization meets the requirements of this paragraph with respect to any taxable year only if the organization—

''(i) has conducted a community health needs assessment which meets the requirements of subparagraph (B) in such taxable year or in either of the 2 taxable years immediately preceding such taxable year, and

''(ii) has adopted an implementation strategy to meet the community health needs identified through such assessment.

''(B) COMMUNITY HEALTH NEEDS ASSESSMENT.—A community health needs assessment meets the requirements of this paragraph if such community health needs assessment—

''(i) takes into account input from persons who represent the broad interests of the community served by the hospital facility, including those with special knowledge of or expertise in public health, and

''(ii) is made widely available to the public.

''(4) FINANCIAL ASSISTANCE POLICY.—An organization meets the requirements of this paragraph if the organization establishes the following policies:

''(A) FINANCIAL ASSISTANCE POLICY.—A written financial assistance policy which includes—

''(i) eligibility criteria for financial assistance, and whether such assistance includes free or discounted care,

''(ii) the basis for calculating amounts charged to patients,

''(iii) the method for applying for financial assistance,

''(iv) in the case of an organization which does not have a separate billing and collections policy, the actions the organization may take in the event of non-payment, including collections action and reporting to credit agencies, and

''(v) measures to widely publicize the policy within the community to be served by the organization.

''(B) POLICY RELATING TO EMERGENCY MEDICAL CARE.—A written policy requiring the organization to provide, without discrimination, care for emergency medical conditions (within the meaning of section 1867 of the Social Security Act (42 U.S.C. 1395dd)) to individuals regardless of their eligibility under the financial assistance policy described in subparagraph (A).

''(5) LIMITATION ON CHARGES.—An organization meets the requirements of this paragraph if the organization—

''(A) limits amounts charged for emergency or other medically necessary care provided to individuals eligible for assistance under the financial assistance policy described in paragraph (4)(A) to not more than the lowest amounts charged to individuals who have insurance covering such care, and

''(B) prohibits the use of gross charges.

''(6) BILLING AND COLLECTION REQUIREMENTS.—An organization meets the requirement of this paragraph only if the organization does not engage in extraordinary collection actions before the organization has made reasonable efforts to determine whether the individual is eligible for assistance under the financial assistance policy described in paragraph (4)(A).

''(7) REGULATORY AUTHORITY.—The Secretary shall issue such regulations and guidance as may be necessary to carry out the provisions of this subsection, including guidance relating to what constitutes reasonable efforts to determine the eligibility of a patient under a financial assistance policy for purposes of paragraph (6).''.

(b) EXCISE TAX FOR FAILURES TO MEET HOSPITAL EXEMPTION REQUIREMENTS.—

(1) IN GENERAL.—Subchapter D of chapter 42 of the Internal Revenue Code of 1986 (relating to failure by certain charitable organizations to meet certain qualification requirements) is amended by adding at the end the following new section:

''SEC. 4959. TAXES ON FAILURES BY HOSPITAL ORGANIZATIONS.

''If a hospital organization to which section 501(r) applies fails to meet the requirement of section 501(r)(3) for any taxable year, there is imposed on the organization a tax equal to $50,000.''.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter D of chapter 42 of such Code is amended by adding at the end the following new item:

''Sec. 4959. Taxes on failures by hospital organizations.''.

(c) MANDATORY REVIEW OF TAX EXEMPTION FOR HOSPITALS.—The Secretary of the Treasury or the Secretary's delegate shall review at least once every 3 years the community benefit activities of each hospital organization to which section 501(r) of the Internal Revenue Code of 1986 (as added by this section) applies.

(d) ADDITIONAL REPORTING REQUIREMENTS.—

(1) COMMUNITY HEALTH NEEDS ASSESSMENTS AND AUDITED FINANCIAL STATEMENTS.—Section 6033(b) of the Internal Revenue Code of 1986 (relating to certain organizations described in section 501(c)(3)) is amended by striking ''and'' at the end of paragraph (14), by redesignating paragraph (15) as paragraph (16), and by inserting after paragraph (14) the following new paragraph:

''(15) in the case of an organization to which the requirements of section 501(r) apply for the taxable year—

''(A) a description of how the organization is addressing the needs identified in each community health needs assessment conducted under section 501(r)(3) and a description of any such needs that are not being addressed together with the reasons why such needs are not being addressed, and

''(B) the audited financial statements of such organization (or, in the case of an organization the financial statements of which are included in a consolidated financial statement with other organizations, such consolidated financial statement).''.

(2) TAXES.—Section 6033(b)(10) of such Code is amended by striking ''and'' at the end of subparagraph (B), by inserting ''and'' at the end of subparagraph (C), and by adding at the end the following new subparagraph:

''(D) section 4959 (relating to taxes on failures by hospital organizations),''.

(e) REPORTS.—

(1) REPORT ON LEVELS OF CHARITY CARE.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall submit to the Committees on Ways and Means, Education and Labor, and Energy and Commerce of the House of Representatives and to the Committees on Finance and Health, Education, Labor, and Pensions of the Senate an annual report on the following:

(A) Information with respect to private tax-exempt, taxable, and government-owned hospitals regarding—

(i) levels of charity care provided,

(ii) bad debt expenses,

(iii) unreimbursed costs for services provided with respect to means-tested government programs, and

(iv) unreimbursed costs for services provided with respect to non-means tested government programs.

(B) Information with respect to private tax-exempt hospitals regarding costs incurred for community benefit activities.

(2) REPORT ON TRENDS.—

(A) STUDY.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall conduct a study on trends in the information required to be reported under paragraph (1).

(B) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall submit a report on the study conducted under subparagraph (A) to the Committees on Ways and Means, Education and Labor, and Energy and Commerce of the House of Representatives and to the Committees on Finance and Health, Education, Labor, and Pensions of the Senate.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) COMMUNITY HEALTH NEEDS ASSESSMENT.—The requirements of section 501(r)(3) of the Internal Revenue Code of 1986, as added by subsection (a), shall apply to taxable years beginning after the date which is 2 years after the date of the enactment of this Act.

(3) EXCISE TAX.—The amendments made by subsection (b) shall apply to failures occurring after the date of the enactment of this Act.

SEC. 9008. IMPOSITION OF ANNUAL FEE ON BRANDED PRESCRIPTION PHARMACEUTICAL MANUFACTURERS AND IMPORTERS.

(a) IMPOSITION OF FEE.—

(1) IN GENERAL.—Each covered entity engaged in the business of manufacturing or importing branded prescription drugs shall pay to the Secretary of the Treasury not later than the annual payment date of each calendar year beginning after 2009 a fee in an amount determined under subsection (b).

(2) ANNUAL PAYMENT DATE.—For purposes of this section, the term ''annual payment date'' means with respect to any calendar year the date determined by the Secretary, but in no event later than September 30 of such calendar year.

(b) DETERMINATION OF FEE AMOUNT.—

(1) IN GENERAL.—With respect to each covered entity, the fee under this section for any calendar year shall be equal to an amount that bears the same ratio to $2,300,000,000 as—

(A) the covered entity's branded prescription drug sales taken into account during the preceding calendar year, bear to

(B) the aggregate branded prescription drug sales of all covered entities taken into account during such preceding calendar year.

(2) SALES TAKEN INTO ACCOUNT.—For purposes of paragraph (1), the branded prescription drug sales taken into account during any calendar year with respect to any covered entity shall be determined in accordance with the following table:

With respect to a covered entity's aggregate branded prescription drug sales during the calendar year that are:	*The percentage of such sales taken into account is:*
Not more than $5,000,000	*0 percent*
More than $5,000,000 but not more than $125,000,000	*10 percent*
More than $125,000,000 but not more than $225,000,000	*40 percent*
More than $225,000,000 but not more than $400,000,000	*75 percent*
More than $400,000,000	*100 percent.*

(3) SECRETARIAL DETERMINATION.—The Secretary of the Treasury shall calculate the amount of each covered entity's fee for any calendar year under paragraph (1). In calculating such amount, the Secretary of the Treasury shall determine such covered entity's branded prescription drug sales on the basis of reports submitted under subsection (g) and through the use of any other source of information available to the Secretary of the Treasury.

(c) TRANSFER OF FEES TO MEDICARE PART B TRUST FUND.—There is hereby appropriated to the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of the Social Security Act an amount equal to the fees received by the Secretary of the Treasury under subsection (a).

(d) COVERED ENTITY.—

(1) IN GENERAL.—For purposes of this section, the term ''covered entity'' means any manufacturer or importer with gross receipts from branded prescription drug sales.

(2) CONTROLLED GROUPS.—

(A) IN GENERAL.—For purposes of this subsection, all persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 or subsection (m) or (o) of section 414 of such Code shall be treated as a single covered entity.

(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 of such Code to this section, section 1563 of such Code shall be applied without regard to subsection (b)(2)(C) thereof.

(e) BRANDED PRESCRIPTION DRUG SALES.—For purposes of this section—

(1) IN GENERAL.—The term ''branded prescription drug sales'' means sales of branded prescription drugs to any specified government program or pursuant to coverage under any such program.

(2) BRANDED PRESCRIPTION DRUGS.—

(A) IN GENERAL.—The term ''branded prescription drug'' means—

(i) any prescription drug the application for which was submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)), or

(ii) any biological product the license for which was submitted under section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)).

(B) PRESCRIPTION DRUG.—For purposes of subparagraph (A)(i), the term ''prescription drug'' means any drug which is subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).

(3) EXCLUSION OF ORPHAN DRUG SALES.—The term ''branded prescription drug sales'' shall not include sales of any drug or biological product with respect to which a credit was allowed for any taxable year under section 45C of the Internal Revenue Code of 1986. The preceding sentence shall not apply with respect to any such drug or biological product after the date on which such drug or biological product is approved by the Food and Drug Administration for marketing for any indication other than the treatment of the rare disease or condition with respect to which such credit was allowed.

(4) SPECIFIED GOVERNMENT PROGRAM.—The term ''specified government program'' means—

(A) the Medicare Part D program under part D of title XVIII of the Social Security Act,

(B) the Medicare Part B program under part B of title XVIII of the Social Security Act,

(C) the Medicaid program under title XIX of the Social Security Act,

(D) any program under which branded prescription drugs are procured by the Department of Veterans Affairs,

(E) any program under which branded prescription drugs are procured by the Department of Defense, or

(F) the TRICARE retail pharmacy program under section 1074g of title 10, United States Code.

(f) TAX TREATMENT OF FEES.—The fees imposed by this section—

(1) for purposes of subtitle F of the Internal Revenue Code of 1986, shall be treated as excise taxes with respect to which only civil actions for refund under procedures of such subtitle shall apply, and

(2) for purposes of section 275 of such Code, shall be considered to be a tax described in section 275(a)(6).

(g) REPORTING REQUIREMENT.—Not later than the date determined by the Secretary of the Treasury following the end of any calendar year, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, and the Secretary of Defense shall report to the Secretary of the Treasury, in such manner as the Secretary of the Treasury prescribes, the total branded prescription drug sales for each covered entity with respect to each specified government program under such Secretary's jurisdiction using the following methodology:

(1) MEDICARE PART D PROGRAM.—The Secretary of Health and Human Services shall report, for each covered entity and for each branded prescription drug of the covered entity covered by the Medicare Part D program, the product of—

(A) the per-unit ingredient cost, as reported to the Secretary of Health and Human Services by prescription drug plans and Medicare Advantage prescription drug plans, minus any per-unit rebate, discount, or other price concession provided by the covered entity, as reported to the Secretary of Health and Human Services by the prescription drug plans and Medicare Advantage prescription drug plans, and

(B) the number of units of the branded prescription drug paid for under the Medicare Part D program.

(2) MEDICARE PART B PROGRAM.—The Secretary of Health and Human Services shall report, for each covered entity and for each branded prescription drug of the covered entity covered by the Medicare Part B program under section 1862(a) of the Social Security Act, the product of—

(A) the per-unit average sales price (as defined in section 1847A(c) of the Social Security Act) or the per-unit Part B payment rate for a separately paid branded prescription drug without a reported average sales price, and

(B) the number of units of the branded prescription drug paid for under the Medicare Part B program.

The Centers for Medicare and Medicaid Services shall establish a process for determining the units and the allocated price for purposes of this section for those branded prescription drugs that are not separately payable or for which National Drug Codes are not reported.

(3) MEDICAID PROGRAM.—The Secretary of Health and Human Services shall report, for each covered entity and for each branded prescription drug of the covered entity covered under the Medicaid program, the product of—

(A) the per-unit ingredient cost paid to pharmacies by States for the branded prescription drug dispensed to Medicaid beneficiaries, minus any per-unit rebate paid by the covered entity under section 1927 of the Social Security Act and any State supplemental rebate, and

(B) the number of units of the branded prescription drug paid for under the Medicaid program.

(4) DEPARTMENT OF VETERANS AFFAIRS PROGRAMS.—The Secretary of Veterans Affairs shall report, for each covered entity and for each branded prescription drug of the covered entity the total amount paid for each such branded prescription drug procured by the Department of Veterans Affairs for its beneficiaries.

(5) DEPARTMENT OF DEFENSE PROGRAMS AND TRICARE.—The Secretary of Defense shall report, for each covered entity and for each branded prescription drug of the covered entity, the sum of—

(A) the total amount paid for each such branded prescription drug procured by the Department of Defense for its beneficiaries, and

(B) for each such branded prescription drug dispensed under the TRICARE retail pharmacy program, the product of—

(i) the per-unit ingredient cost, minus any per-unit rebate paid by the covered entity, and

(ii) the number of units of the branded prescription drug dispensed under such program.

(h) SECRETARY.—For purposes of this section, the term ''Secretary'' includes the Secretary's delegate.

(i) GUIDANCE.—The Secretary of the Treasury shall publish guidance necessary to carry out the purposes of this section.

(j) APPLICATION OF SECTION.—This section shall apply to any branded prescription drug sales after December 31, 2008.

(k) CONFORMING AMENDMENT.—Section 1841(a) of the Social Security Act is amended by inserting ''or section 9008(c) of the Patient Protection and Affordable Care Act of 2009'' after ''this part''.

SEC. 9009. IMPOSITION OF ANNUAL FEE ON MEDICAL DEVICE MANUFACTURERS AND IMPORTERS.

(a) IMPOSITION OF FEE.—

(1) IN GENERAL.—Each covered entity engaged in the business of manufacturing or importing medical devices shall pay to the Secretary not later than the annual payment date of each calendar year beginning after 2009 a fee in an amount determined under subsection (b).

(2) ANNUAL PAYMENT DATE.—For purposes of this section, the term ''annual payment date'' means with respect to any calendar year the date determined by the Secretary, but in no event later than September 30 of such calendar year.

(b) DETERMINATION OF FEE AMOUNT.—

(1) IN GENERAL.—With respect to each covered entity, the fee under this section for any calendar year shall be equal to an amount that bears the same ratio to $2,000,000,000 as—

(A) the covered entity's gross receipts from medical device sales taken into account during the preceding calendar year, bear to

(B) the aggregate gross receipts of all covered entities from medical device sales taken into account during such preceding calendar year.

(2) GROSS RECEIPTS FROM SALES TAKEN INTO ACCOUNT.—For purposes of paragraph (1), the gross receipts from medical device sales taken

into account during any calendar year with respect to any covered entity shall be determined in accordance with the following table:

With respect to a covered entity's aggregate gross receipts from medical device sales during the calendar year that are:	*The percentage of gross receipts taken into account is:*
Not more than $5,000,000	*0 percent*
More than $5,000,000 but not more than $25,000,000	*50 percent*
More than $25,000,000	*100 percent.*

(3) SECRETARIAL DETERMINATION.—The Secretary shall calculate the amount of each covered entity's fee for any calendar year under paragraph (1). In calculating such amount, the Secretary shall determine such covered entity's gross receipts from medical device sales on the basis of reports submitted by the covered entity under subsection (f) and through the use of any other source of information available to the Secretary.

(c) COVERED ENTITY.—

(1) IN GENERAL.—For purposes of this section, the term ''covered entity'' means any manufacturer or importer with gross receipts from medical device sales.

(2) CONTROLLED GROUPS.—

(A) IN GENERAL.—For purposes of this subsection, all persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 or subsection (m) or (o) of section 414 of such Code shall be treated as a single covered entity.

(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 of such Code to this section, section 1563 of such Code shall be applied without regard to subsection (b)(2)(C) thereof.

(d) MEDICAL DEVICE SALES.—For purposes of this section—

(1) IN GENERAL.—The term ''medical device sales'' means sales for use in the United States of any medical device, other than the sales of a medical device that—

(A) has been classified in class II under section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) and is primarily sold to consumers at retail for not more than $100 per unit, or

(B) has been classified in class I under such section.

(2) UNITED STATES.—For purposes of paragraph (1), the term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(3) MEDICAL DEVICE.—For purposes of paragraph (1), the term ''medical device'' means any device (as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))) intended for humans.

(e) TAX TREATMENT OF FEES.—The fees imposed by this section—

(1) for purposes of subtitle F of the Internal Revenue Code of 1986, shall be treated as excise taxes with respect to which only civil actions for refund under procedures of such subtitle shall apply, and

(2) for purposes of section 275 of such Code, shall be considered to be a tax described in section 275(a)(6).

(f) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than the date determined by the Secretary following the end of any calendar year, each covered entity shall report to the Secretary, in such manner as the Secretary prescribes, the gross receipts from medical device sales of such covered entity during such calendar year.

(2) PENALTY FOR FAILURE TO REPORT.—

(A) IN GENERAL.—In the case of any failure to make a report containing the information required by paragraph (1) on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid by the covered entity failing to file such report, an amount equal to—

(i) $10,000, plus

(ii) the lesser of—

(I) an amount equal to $1,000, multiplied by the number of days during which such failure continues, or

(II) the amount of the fee imposed by this section for which such report was required.

(B) TREATMENT OF PENALTY.—The penalty imposed under subparagraph (A)—

(i) shall be treated as a penalty for purposes of subtitle F of the Internal Revenue Code of 1986,

(ii) shall be paid on notice and demand by the Secretary and in the same manner as tax under such Code, and

(iii) with respect to which only civil actions for refund under procedures of such subtitle F shall apply.

(g) SECRETARY.—For purposes of this section, the term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(h) GUIDANCE.—The Secretary shall publish guidance necessary to carry out the purposes of this section, including identification of medical devices described in subsection (d)(1)(A) and with respect to the treatment of gross receipts from sales of medical devices to another covered entity or to another entity by reason of the application of subsection (c)(2).

(i) APPLICATION OF SECTION.—This section shall apply to any medical device sales after December 31, 2008.

SEC. 9010. IMPOSITION OF ANNUAL FEE ON HEALTH INSURANCE PROVIDERS.

(a) IMPOSITION OF FEE.—

(1) IN GENERAL.—Each covered entity engaged in the business of providing health insurance shall pay to the Secretary not later than the annual payment date of each calendar year beginning after 2009 a fee in an amount determined under subsection (b).

(2) ANNUAL PAYMENT DATE.—For purposes of this section, the term ''annual payment date'' means with respect to any calendar year the date determined by the Secretary, but in no event later than September 30 of such calendar year.

(b) DETERMINATION OF FEE AMOUNT.—

(1) IN GENERAL.—With respect to each covered entity, the fee under this section for any calendar year shall be equal to an amount that bears the same ratio to $6,700,000,000 as—

(A) the sum of—

(i) the covered entity's net premiums written with respect to health insurance for any United States health risk that are taken into account during the preceding calendar year, plus

(ii) 200 percent of the covered entity's third party administration agreement fees that are taken into account during the preceding calendar year, bears to

(B) the sum of—

(i) the aggregate net premiums written with respect to such health insurance of all covered entities that are taken into account during such preceding calendar year, plus

(ii) 200 percent of the aggregate third party administration agreement fees of all covered entities that are taken into account during such preceding calendar year.

(2) AMOUNTS TAKEN INTO ACCOUNT.—For purposes of paragraph (1)—

(A) NET PREMIUMS WRITTEN.—The net premiums written with respect to health insurance for any United States health risk that are taken into account during any calendar year with respect to any covered entity shall be determined in accordance with the following table:

With respect to a covered entity's net premiums written during the calendar year that are:	*The percentage of net premiums written that are taken into account is:*
Not more than $25,000,000	*0 percent*
More than $25,000,000 but not more than $50,000,000	*50 percent*
More than $50,000,000	*100 percent.*

(B) THIRD PARTY ADMINISTRATION AGREEMENT FEES.—The third party administration agreement fees that are taken into account during any calendar year with respect to any covered entity shall be determined in accordance with the following table:

With respect to a covered entity's third party administration agreement fees during the calendar year that are:	*The percentage of third party administration agreement fees that are taken into account is:*
Not more than $5,000,000	*0 percent*
More than $5,000,000 but not more than $10,000,000	*50 percent*
More than $10,000,000	*100 percent.*

(3) SECRETARIAL DETERMINATION.—The Secretary shall calculate the amount of each covered entity's fee for any calendar year under paragraph (1). In calculating such amount, the Secretary shall determine such covered entity's net premiums written with respect to any United States health risk and third party administration agreement fees on the basis of reports submitted by the covered entity under subsection (g) and through the use of any other source of information available to the Secretary.

(c) COVERED ENTITY.—

(1) IN GENERAL.—For purposes of this section, the term ''covered entity'' means any entity which provides health insurance for any United States health risk.

(2) EXCLUSION.—Such term does not include—

(A) any employer to the extent that such employer self-insures its employees' health risks, or

(B) any governmental entity (except to the extent such an entity provides health insurance coverage through the community health insurance option under section 1323).

(3) CONTROLLED GROUPS.—

(A) IN GENERAL.—For purposes of this subsection, all persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 or subsection (m) or (o) of section 414 of such Code shall be treated as a single covered entity (or employer for purposes of paragraph (2)).

(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 of such Code to this section, section 1563 of such Code shall be applied without regard to subsection (b)(2)(C) thereof.

(d) UNITED STATES HEALTH RISK.—For purposes of this section, the term ''United States health risk'' means the health risk of any individual who is—

(1) a United States citizen,

(2) a resident of the United States (within the meaning of section 7701(b)(1)(A) of the Internal Revenue Code of 1986), or

(3) located in the United States, with respect to the period such individual is so located.

(e) THIRD PARTY ADMINISTRATION AGREEMENT FEES.—For purposes of this section, the term ''third party administration agreement fees'' means, with respect to any covered entity, amounts received from an employer which are in excess of payments made by such covered entity for health benefits under an arrangement under which such employer self-insures the United States health risk of its employees.

(f) TAX TREATMENT OF FEES.—The fees imposed by this section—

(1) for purposes of subtitle F of the Internal Revenue Code of 1986, shall be treated as excise taxes with respect to which only civil actions for refund under procedures of such subtitle shall apply, and

(2) for purposes of section 275 of such Code shall be considered to be a tax described in section 275(a)(6).

(g) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than the date determined by the Secretary following the end of any calendar year, each covered entity shall report to the Secretary, in such manner as the Secretary prescribes, the covered entity's net premiums written with respect to health insurance for any United States health risk and third party administration agreement fees for such calendar year.

(2) PENALTY FOR FAILURE TO REPORT.—

(A) IN GENERAL.—In the case of any failure to make a report containing the information required by paragraph (1) on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, there shall be paid by the covered entity failing to file such report, an amount equal to—

(i) $10,000, plus

(ii) the lesser of—

(I) an amount equal to $1,000, multiplied by the number of days during which such failure continues, or

(II) the amount of the fee imposed by this section for which such report was required.

(B) TREATMENT OF PENALTY.—The penalty imposed under subparagraph (A)—

(i) shall be treated as a penalty for purposes of subtitle F of the Internal Revenue Code of 1986,

(ii) shall be paid on notice and demand by the Secretary and in the same manner as tax under such Code, and

(iii) with respect to which only civil actions for refund under procedures of such subtitle F shall apply.

(h) ADDITIONAL DEFINITIONS.—For purposes of this section—

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(2) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(3) HEALTH INSURANCE.—The term ''health insurance'' shall not include insurance for long-term care or disability.

(i) GUIDANCE.—The Secretary shall publish guidance necessary to carry out the purposes of this section.

(j) APPLICATION OF SECTION.—This section shall apply to any net premiums written after December 31, 2008, with respect to health insurance for any United States health risk, and any third party administration agreement fees received after such date.

SEC. 9011. STUDY AND REPORT OF EFFECT ON VETERANS HEALTH CARE.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a study on the effect (if any) of the provisions of sections 9008, 9009, and 9010 on—

(1) the cost of medical care provided to veterans, and

(2) veterans' access to medical devices and branded prescription drugs.

(b) REPORT.—The Secretary of Veterans Affairs shall report the results of the study under subsection (a) to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate not later than December 31, 2012.

SEC. 9012. ELIMINATION OF DEDUCTION FOR EXPENSES ALLOCABLE TO MEDICARE PART D SUBSIDY.

(a) IN GENERAL.—Section 139A of the Internal Revenue Code of 1986 is amended by striking the second sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 9013. MODIFICATION OF ITEMIZED DEDUCTION FOR MEDICAL EXPENSES.

(a) IN GENERAL.—Subsection (a) of section 213 of the Internal Revenue Code of 1986 is amended by striking ''7.5 percent'' and inserting ''10 percent''.

(b) TEMPORARY WAIVER OF INCREASE FOR CERTAIN SENIORS.—Section 213 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) SPECIAL RULE FOR 2013, 2014, 2015, AND 2016.—In the case of any taxable year beginning after December 31, 2012, and ending before January 1, 2017, subsection (a) shall be applied with respect to a taxpayer by substituting '7.5 percent' for '10 percent' if such taxpayer or such taxpayer's spouse has attained age 65 before the close of such taxable year.''.

(c) CONFORMING AMENDMENT.—Section 56(b)(1)(B) of the Internal Revenue Code of 1986 is amended by striking ''by substituting '10 percent' for '7.5 percent'''' and inserting ''without regard to subsection (f) of such section''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 9014. LIMITATION ON EXCESSIVE REMUNERATION PAID BY CERTAIN HEALTH INSURANCE PROVIDERS.

(a) IN GENERAL.—Section 162(m) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(6) SPECIAL RULE FOR APPLICATION TO CERTAIN HEALTH INSURANCE PROVIDERS.—

''(A) IN GENERAL.—No deduction shall be allowed under this chapter—

''(i) in the case of applicable individual remuneration which is for any disqualified taxable year beginning after December 31, 2012, and which is attributable to services performed by an applicable individual during such taxable year, to the extent that the amount of such remuneration exceeds $500,000, or

''(ii) in the case of deferred deduction remuneration for any taxable year beginning after December 31, 2012, which is attributable to services performed by an applicable individual during any disqualified taxable year beginning after December 31, 2009, to the extent that the amount of such remuneration exceeds $500,000 reduced (but not below zero) by the sum of—

''(I) the applicable individual remuneration for such disqualified taxable year, plus

''(II) the portion of the deferred deduction remuneration for such services which was taken into account under this clause in a preceding taxable year (or which would have been taken into account under this clause in a preceding taxable year if this clause were applied by substituting 'December 31, 2009' for 'December 31, 2012' in the matter preceding subclause (I)).

''(B) DISQUALIFIED TAXABLE YEAR.—For purposes of this paragraph, the term 'disqualified taxable year' means, with respect to any employer, any taxable year for which such employer is a covered health insurance provider.

''(C) COVERED HEALTH INSURANCE PROVIDER.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'covered health insurance provider' means—

''(I) with respect to taxable years beginning after December 31, 2009, and before January 1, 2013, any employer which is a health insurance issuer (as defined in section 9832(b)(2)) and which receives premiums from providing health insurance coverage (as defined in section 9832(b)(1)), and

''(II) with respect to taxable years beginning after December 31, 2012, any employer which is a health insurance issuer (as defined in section 9832(b)(2)) and with respect to which not less than 25 percent of the gross premiums received from providing health insurance coverage (as defined in section 9832(b)(1)) is from minimum essential coverage (as defined in section 5000A(f)).

''(ii) AGGREGATION RULES.—Two or more persons who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer, except that in applying section 1563(a) for purposes of any such subsection, paragraphs (2) and (3) thereof shall be disregarded.

''(D) APPLICABLE INDIVIDUAL REMUNERATION.—For purposes of this paragraph, the term 'applicable individual remuneration' means, with respect to any applicable individual for any disqualified taxable year, the aggregate amount allowable as a deduction under this chapter for such taxable year (determined without regard to this subsection) for remuneration (as defined in paragraph (4) without regard to subparagraphs (B), (C), and (D) thereof) for services performed by such individual (whether or not during the taxable year). Such term shall not include any deferred deduction remuneration with respect to services performed during the disqualified taxable year.

''(E) DEFERRED DEDUCTION REMUNERATION.—For purposes of this paragraph, the term 'deferred deduction remuneration' means remuneration which would be applicable individual remuneration for services performed in a disqualified taxable year but for the fact that the deduction under this chapter (determined without regard to this paragraph) for such remuneration is allowable in a subsequent taxable year.

''(F) APPLICABLE INDIVIDUAL.—For purposes of this paragraph, the term 'applicable individual' means, with respect to any covered health insurance provider for any disqualified taxable year, any individual—

''(i) who is an officer, director, or employee in such taxable year, or

''(ii) who provides services for or on behalf of such covered health insurance provider during such taxable year.

''(G) COORDINATION.—Rules similar to the rules of subparagraphs (F) and (G) of paragraph (4) shall apply for purposes of this paragraph.

''(H) REGULATORY AUTHORITY.—The Secretary may prescribe such guidance, rules, or regulations as are necessary to carry out the purposes of this paragraph.''.

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

SEC. 9015. ADDITIONAL HOSPITAL INSURANCE TAX ON HIGH-INCOME TAXPAYERS.

(a) FICA.—

(1) IN GENERAL.—Section 3101(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''In addition'' and inserting the following:

''(1) IN GENERAL.—In addition'',

(B) by striking ''the following percentages of the'' and inserting ''1.45 percent of the'',

(C) by striking ''(as defined in section 3121(b))—'' and all that follows and inserting ''(as defined in section 3121(b)).'', and

(D) by adding at the end the following new paragraph:

''(2) ADDITIONAL TAX.—In addition to the tax imposed by paragraph (1) and the preceding subsection, there is hereby imposed on every taxpayer (other than a corporation, estate, or trust) a tax equal to 0.5 percent of wages which are received with respect to employment (as defined in section 3121(b)) during any taxable year beginning after December 31, 2012, and which are in excess of—

''(A) in the case of a joint return, $250,000, and

''(B) in any other case, $200,000.''.

(2) COLLECTION OF TAX.—Section 3102 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) SPECIAL RULES FOR ADDITIONAL TAX.—

''(1) IN GENERAL.—In the case of any tax imposed by section 3101(b)(2), subsection (a) shall only apply to the extent to which the taxpayer receives wages from the employer in excess of $200,000, and the employer may disregard the amount of wages received by such taxpayer's spouse.

''(2) COLLECTION OF AMOUNTS NOT WITHHELD.—To the extent that the amount of any tax imposed by section 3101(b)(2) is not collected by the employer, such tax shall be paid by the employee.

''(3) TAX PAID BY RECIPIENT.—If an employer, in violation of this chapter, fails to deduct and withhold the tax imposed by section 3101(b)(2) and thereafter the tax is paid by the employee, the tax so required to be deducted and withheld shall not be collected from the employer, but this paragraph shall in no case relieve the employer from liability for any penalties or additions to tax otherwise applicable in respect of such failure to deduct and withhold.''.

(b) SECA.—

(1) IN GENERAL.—Section 1401(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''In addition'' and inserting the following:

''(1) IN GENERAL.—In addition'', and

(B) by adding at the end the following new paragraph:

''(2) ADDITIONAL TAX.—

''(A) IN GENERAL.—In addition to the tax imposed by paragraph (1) and the preceding subsection, there is hereby imposed on every taxpayer (other than a corporation, estate, or trust) for each taxable year beginning after December 31, 2012, a tax equal to 0.5 percent of the self-employment income for such taxable year which is in excess of—

''(i) in the case of a joint return, $250,000, and

''(ii) in any other case, $200,000.

''(B) COORDINATION WITH FICA.—The amounts under clauses (i) and (ii) of subparagraph (A) shall be reduced (but not below zero) by the amount of wages taken into account in determining the tax imposed under section 3121(b)(2) with respect to the taxpayer.''.

(2) NO DEDUCTION FOR ADDITIONAL TAX.—

(A) IN GENERAL.—Section 164(f) of such Code is amended by inserting ''(other than the taxes imposed by section 1401(b)(2))'' after ''section 1401)''.

(B) DEDUCTION FOR NET EARNINGS FROM SELF-EMPLOYMENT.—Subparagraph (B) of section 1402(a)(12) is amended by inserting ''(determined without regard to the rate imposed under paragraph (2) of section 1401(b))'' after ''for such year''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to remuneration received, and taxable years beginning, after December 31, 2012.

SEC. 9016. MODIFICATION OF SECTION 833 TREATMENT OF CERTAIN HEALTH ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 833 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) NONAPPLICATION OF SECTION IN CASE OF LOW MEDICAL LOSS RATIO.—Notwithstanding the preceding paragraphs, this section shall not apply to any organization unless such organization's percentage of total premium revenue expended on reimbursement for clinical services provided to enrollees under its policies during such taxable year (as reported under section 2718 of the Public Health Service Act) is not less than 85 percent.''.

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

SEC. 9017. EXCISE TAX ON ELECTIVE COSMETIC MEDICAL PROCEDURES.

(a) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new chapter:

''CHAPTER 49—ELECTIVE COSMETIC MEDICAL PROCEDURES

''SEC. 5000B. IMPOSITION OF TAX ON ELECTIVE COSMETIC MEDICAL PROCEDURES.

''(a) IN GENERAL.—There is hereby imposed on any cosmetic surgery and medical procedure a tax equal to 5 percent of the amount paid for such procedure (determined without regard to this section), whether paid by insurance or otherwise.

''(b) COSMETIC SURGERY AND MEDICAL PROCEDURE.—For purposes of this section, the term 'cosmetic surgery and medical procedure' means any cosmetic surgery (as defined in section 213(d)(9)(B)) or other similar procedure which—

''(1) is performed by a licensed medical professional, and

''(2) is not necessary to ameliorate a deformity arising from, or directly related to, a congenital abnormality, a personal injury resulting from an accident or trauma, or disfiguring disease.

''(c) PAYMENT OF TAX.—

''(1) IN GENERAL.—The tax imposed by this section shall be paid by the individual on whom the procedure is performed.

''(2) COLLECTION.—Every person receiving a payment for procedures on which a tax is imposed under subsection (a) shall collect the amount of the tax from the individual on whom the procedure is performed and remit such tax quarterly to the Secretary at such time and in such manner as provided by the Secretary.

''(3) SECONDARY LIABILITY.—Where any tax imposed by subsection (a) is not paid at the time payments for cosmetic surgery and medical procedures are made, then to the extent that such tax is not collected, such tax shall be paid by the person who performs the procedure.''.

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after the item relating to chapter 48 the following new item:

''CHAPTER 49—ELECTIVE COSMETIC MEDICAL PROCEDURES''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to procedures performed on or after January 1, 2010.

Subtitle B—Other Provisions

SEC. 9021. EXCLUSION OF HEALTH BENEFITS PROVIDED BY INDIAN TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139C the following new section:

''SEC. 139D. INDIAN HEALTH CARE BENEFITS.

''(a) GENERAL RULE.—Except as otherwise provided in this section, gross income does not include the value of any qualified Indian health care benefit.

''(b) QUALIFIED INDIAN HEALTH CARE BENEFIT.—For purposes of this section, the term 'qualified Indian health care benefit' means—

''(1) any health service or benefit provided or purchased, directly or indirectly, by the Indian Health Service through a grant to or a contract or compact with an Indian tribe or tribal organization, or through a third-party program funded by the Indian Health Service,

''(2) medical care provided or purchased by, or amounts to reimburse for such medical care provided by, an Indian tribe or tribal organization for, or to, a member of an Indian tribe, including a spouse or dependent of such a member,

''(3) coverage under accident or health insurance (or an arrangement having the effect of accident or health insurance), or an accident or health plan, provided by an Indian tribe or tribal organization for medical care to a member of an Indian tribe, include a spouse or dependent of such a member, and

''(4) any other medical care provided by an Indian tribe or tribal organization that supplements, replaces, or substitutes for a program or service relating to medical care provided by the Federal government to Indian tribes or members of such a tribe.

''(c) DEFINITIONS.—For purposes of this section—

''(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term by section 45A(c)(6).

''(2) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given such term by section 4(l) of the Indian Self-Determination and Education Assistance Act.

''(3) MEDICAL CARE.—The term 'medical care' has the same meaning as when used in section 213.

''(4) ACCIDENT OR HEALTH INSURANCE; ACCIDENT OR HEALTH PLAN.—The terms 'accident or health insurance' and 'accident or health plan' have the same meaning as when used in section 105.

''(5) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof.

''(d) DENIAL OF DOUBLE BENEFIT.—Subsection (a) shall not apply to the amount of any qualified Indian health care benefit which is not includible in gross income of the beneficiary of such benefit under any other provision of this chapter, or to the amount of any such benefit for which a deduction is allowed to such beneficiary under any other provision of this chapter.''.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 139C the following new item:

''Sec. 139D. Indian health care benefits.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits and coverage provided after the date of the enactment of this Act.

(d) NO INFERENCE.—Nothing in the amendments made by this section shall be construed to create an inference with respect to the exclusion from gross income of—

(1) benefits provided by an Indian tribe or tribal organization that are not within the scope of this section, and

(2) benefits provided prior to the date of the enactment of this Act.

SEC. 9022. ESTABLISHMENT OF SIMPLE CAFETERIA PLANS FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans), as amended by this Act, is amended by redesignating subsections (j) and (k) as subsections (k) and (l), respectively, and by inserting after subsection (i) the following new subsection:

''(j) SIMPLE CAFETERIA PLANS FOR SMALL BUSINESSES.—

''(1) IN GENERAL.—An eligible employer maintaining a simple cafeteria plan with respect to which the requirements of this subsection are met for any year shall be treated as meeting any applicable nondiscrimination requirement during such year.

''(2) SIMPLE CAFETERIA PLAN.—For purposes of this subsection, the term 'simple cafeteria plan' means a cafeteria plan—

''(A) which is established and maintained by an eligible employer, and

''(B) with respect to which the contribution requirements of paragraph (3), and the eligibility and participation requirements of paragraph (4), are met.

''(3) CONTRIBUTION REQUIREMENTS.—

''(A) IN GENERAL.—The requirements of this paragraph are met if, under the plan the employer is required, without regard to whether a qualified employee makes any salary reduction contribution, to make a contribution to provide qualified benefits under the plan on behalf of each qualified employee in an amount equal to—

''(i) a uniform percentage (not less than 2 percent) of the employee's compensation for the plan year, or

''(ii) an amount which is not less than the lesser of—

''(I) 6 percent of the employee's compensation for the plan year, or

''(II) twice the amount of the salary reduction contributions of each qualified employee.

''(B) MATCHING CONTRIBUTIONS ON BEHALF OF HIGHLY COMPENSATED AND KEY EMPLOYEES.—The requirements of subparagraph (A)(ii) shall not be treated as met if, under the plan, the rate of contributions with respect to any salary reduction contribution of a highly compensated or key employee at any rate of contribution is greater than that with respect to an employee who is not a highly compensated or key employee.

''(C) ADDITIONAL CONTRIBUTIONS.—Subject to subparagraph (B), nothing in this paragraph shall be treated as prohibiting an employer from making contributions to provide qualified benefits under the plan in addition to contributions required under subparagraph (A).

''(D) DEFINITIONS.—For purposes of this paragraph—

''(i) SALARY REDUCTION CONTRIBUTION.—The term 'salary reduction contribution' means, with respect to a cafeteria plan, any amount which is contributed to the plan at the election of the employee and which is not includible in gross income by reason of this section.

''(ii) QUALIFIED EMPLOYEE.—The term 'qualified employee' means, with respect to a cafeteria plan, any employee who is not a highly compensated or key employee and who is eligible to participate in the plan.

''(iii) HIGHLY COMPENSATED EMPLOYEE.—The term 'highly compensated employee' has the meaning given such term by section 414(q).

''(iv) KEY EMPLOYEE.—The term 'key employee' has the meaning given such term by section 416(i).

''(4) MINIMUM ELIGIBILITY AND PARTICIPATION REQUIREMENTS.—

''(A) IN GENERAL.—The requirements of this paragraph shall be treated as met with respect to any year if, under the plan—

''(i) all employees who had at least 1,000 hours of service for the preceding plan year are eligible to participate, and

''(ii) each employee eligible to participate in the plan may, subject to terms and conditions applicable to all participants, elect any benefit available under the plan.

''(B) CERTAIN EMPLOYEES MAY BE EXCLUDED.—For purposes of subparagraph (A)(i), an employer may elect to exclude under the plan employees—

''(i) who have not attained the age of 21 before the close of a plan year,

''(ii) who have less than 1 year of service with the employer as of any day during the plan year,

''(iii) who are covered under an agreement which the Secretary of Labor finds to be a collective bargaining agreement if there is evidence that the benefits covered under the cafeteria plan were the subject of good faith bargaining between employee representatives and the employer, or

''(iv) who are described in section 410(b)(3)(C) (relating to nonresident aliens working outside the United States).

A plan may provide a shorter period of service or younger age for purposes of clause (i) or (ii).

''(5) ELIGIBLE EMPLOYER.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'eligible employer' means, with respect to any year, any employer if such employer employed an average of 100 or fewer employees on business days during either of the 2 preceding years. For purposes of this subparagraph, a year may only be taken into account if the employer was in existence throughout the year.

''(B) EMPLOYERS NOT IN EXISTENCE DURING PRECEDING YEAR.—If an employer was not in existence throughout the preceding year, the determination under subparagraph (A) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current year.

''(C) GROWING EMPLOYERS RETAIN TREATMENT AS SMALL EMPLOYER.—

''(i) IN GENERAL.—If—

''(I) an employer was an eligible employer for any year (a 'qualified year'), and

''(II) such employer establishes a simple cafeteria plan for its employees for such year,

then, notwithstanding the fact the employer fails to meet the requirements of subparagraph (A) for any subsequent year, such employer shall be treated as an eligible employer for such subsequent year with respect to employees (whether or not employees during a qualified year) of any trade or business which was covered by the plan during any qualified year.

''(ii) EXCEPTION.—This subparagraph shall cease to apply if the employer employs an average of 200 or more employees on business days during any year preceding any such subsequent year.

''(D) SPECIAL RULES.—

''(i) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(ii) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person.

''(6) APPLICABLE NONDISCRIMINATION REQUIREMENT.—For purposes of this subsection, the term 'applicable nondiscrimination requirement' means any requirement under subsection (b) of this section, section 79(d), section 105(h), or paragraph (2), (3), (4), or (8) of section 129(d).

''(7) COMPENSATION.—The term 'compensation' has the meaning given such term by section 414(s).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2010.

SEC. 9023. QUALIFYING THERAPEUTIC DISCOVERY PROJECT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48C the following new section:

''SEC. 48D. QUALIFYING THERAPEUTIC DISCOVERY PROJECT CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualifying therapeutic discovery project credit for any taxable year is an amount equal to 50 percent of the qualified investment for such taxable year with respect to any qualifying therapeutic discovery project of an eligible taxpayer.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the aggregate amount of the costs paid or incurred in such taxable year for expenses necessary for and directly related to the conduct of a qualifying therapeutic discovery project.

''(2) LIMITATION.—The amount which is treated as qualified investment for all taxable years with respect to any qualifying therapeutic discovery project shall not exceed the amount certified by the Secretary as eligible for the credit under this section.

''(3) EXCLUSIONS.—The qualified investment for any taxable year with respect to any qualifying therapeutic discovery project shall not take into account any cost—

''(A) for remuneration for an employee described in section 162(m)(3),

''(B) for interest expenses,

''(C) for facility maintenance expenses,

''(D) which is identified as a service cost under section 1.263A–1(e)(4) of title 26, Code of Federal Regulations, or

''(E) for any other expense as determined by the Secretary as appropriate to carry out the purposes of this section.

''(4) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—In the case of costs described in paragraph (1) that are paid for property of a character subject to an allowance for depreciation, rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(5) APPLICATION OF SUBSECTION.—An investment shall be considered a qualified investment under this subsection only if such investment is made in a taxable year beginning in 2009 or 2010.

''(c) DEFINITIONS.—

''(1) QUALIFYING THERAPEUTIC DISCOVERY PROJECT.—The term 'qualifying therapeutic discovery project' means a project which is designed—

''(A) to treat or prevent diseases or conditions by conducting pre-clinical activities, clinical trials, and clinical studies, or carrying out research protocols, for the purpose of securing approval of a product under section 505(b) of the Federal Food, Drug, and Cosmetic Act or section 351(a) of the Public Health Service Act,

''(B) to diagnose diseases or conditions or to determine molecular factors related to diseases or conditions by developing molecular diagnostics to guide therapeutic decisions, or

''(C) to develop a product, process, or technology to further the delivery or administration of therapeutics.

''(2) ELIGIBLE TAXPAYER.—

''(A) IN GENERAL.—The term 'eligible taxpayer' means a taxpayer which employs not more than 250 employees in all businesses of the taxpayer at the time of the submission of the application under subsection (d)(2).

''(B) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (m) or (o) of section 414, shall be so treated for purposes of this paragraph.

''(3) FACILITY MAINTENANCE EXPENSES.—The term 'facility maintenance expenses' means costs paid or incurred to maintain a facility, including—

''(A) mortgage or rent payments,

''(B) insurance payments,

''(C) utility and maintenance costs, and

''(D) costs of employment of maintenance personnel.

''(d) QUALIFYING THERAPEUTIC DISCOVERY PROJECT PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this section,

the Secretary, in consultation with the Secretary of Health and Human Services, shall establish a qualifying therapeutic discovery project program to consider and award certifications for qualified investments eligible for credits under this section to qualifying therapeutic discovery project sponsors.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed $1,000,000,000 for the 2-year period beginning with 2009.

''(2) CERTIFICATION.—

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require during the period beginning on the date the Secretary establishes the program under paragraph (1).

''(B) TIME FOR REVIEW OF APPLICATIONS.—The Secretary shall take action to approve or deny any application under subparagraph (A) within 30 days of the submission of such application.

''(C) MULTI-YEAR APPLICATIONS.—An application for certification under subparagraph (A) may include a request for an allocation of credits for more than 1 of the years described in paragraph (1)(B).

''(3) SELECTION CRITERIA.—In determining the qualifying therapeutic discovery projects with respect to which qualified investments may be certified under this section, the Secretary—

''(A) shall take into consideration only those projects that show reasonable potential—

''(i) to result in new therapies—

''(I) to treat areas of unmet medical need, or

''(II) to prevent, detect, or treat chronic or acute diseases and conditions,

''(ii) to reduce long-term health care costs in the United States, or

''(iii) to significantly advance the goal of curing cancer within the 30-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(B) shall take into consideration which projects have the greatest potential—

''(i) to create and sustain (directly or indirectly) high quality, high-paying jobs in the United States, and

''(ii) to advance United States competitiveness in the fields of life, biological, and medical sciences.

''(4) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.

''(e) SPECIAL RULES.—

''(1) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for an expenditure related to property of a character subject to an allowance for depreciation, the basis of such property shall be reduced by the amount of such credit.

''(2) DENIAL OF DOUBLE BENEFIT.—

''(A) BONUS DEPRECIATION.—A credit shall not be allowed under this section for any investment for which bonus depreciation is allowed under section 168(k), 1400L(b)(1), or 1400N(d)(1).

''(B) DEDUCTIONS.—No deduction under this subtitle shall be allowed for the portion of the expenses otherwise allowable as a deduction taken into account in determining the credit under this section for the taxable year which is equal to the amount of the credit determined for such taxable year under subsection (a) attributable to such portion. This subparagraph shall not apply to expenses related to property of a character subject to an allowance for depreciation the basis of which is reduced under paragraph (1), or which are described in section 280C(g).

''(C) CREDIT FOR RESEARCH ACTIVITIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), any expenses taken into account under this section for a taxable year shall not be taken into account for purposes of determining the credit allowable under section 41 or 45C for such taxable year.

''(ii) EXPENSES INCLUDED IN DETERMINING BASE PERIOD RESEARCH EXPENSES.—Any expenses for any taxable year which are qualified research expenses (within the meaning of section 41(b)) shall be taken into account in determining base period research expenses for purposes of applying section 41 to subsequent taxable years.

''(f) COORDINATION WITH DEPARTMENT OF TREASURY GRANTS.—In the case of any investment with respect to which the Secretary makes a grant under section 9023(e) of the Patient Protection and Affordable Care Act of 2009—

''(1) DENIAL OF CREDIT.—No credit shall be determined under this section with respect to such investment for the taxable year in which such grant is made or any subsequent taxable year.

''(2) RECAPTURE OF CREDITS FOR PROGRESS EXPENDITURES MADE BEFORE GRANT.—If a credit was determined under this section with respect to such investment for any taxable year ending before such grant is made—

''(A) the tax imposed under subtitle A on the taxpayer for the taxable year in which such grant is made shall be increased by so much of such credit as was allowed under section 38,

''(B) the general business carryforwards under section 39 shall be adjusted so as to recapture the portion of such credit which was not so allowed, and

''(C) the amount of such grant shall be determined without regard to any reduction in the basis of any property of a character subject to an allowance for depreciation by reason of such credit.

''(3) TREATMENT OF GRANTS.—Any such grant shall not be includible in the gross income of the taxpayer.''.

(b) INCLUSION AS PART OF INVESTMENT CREDIT.—Section 46 of the Internal Revenue Code of 1986 is amended—

(1) by adding a comma at the end of paragraph (2),

(2) by striking the period at the end of paragraph (5) and inserting '', and'', and

(3) by adding at the end the following new paragraph:

''(6) the qualifying therapeutic discovery project credit.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''and'' at the end of clause (iv),

(B) by striking the period at the end of clause (v) and inserting '', and'', and

(C) by adding at the end the following new clause:

''(vi) the basis of any property to which paragraph (1) of section 48D(e) applies which is part of a qualifying therapeutic discovery project under such section 48D.''.

(2) Section 280C of such Code is amended by adding at the end the following new subsection:

''(g) QUALIFYING THERAPEUTIC DISCOVERY PROJECT CREDIT.—

''(1) IN GENERAL.—No deduction shall be allowed for that portion of the qualified investment (as defined in section 48D(b)) otherwise allowable as a deduction for the taxable year which—

''(A) would be qualified research expenses (as defined in section 41(b)), basic research expenses (as defined in section 41(e)(2)), or qualified clinical testing expenses (as defined in section 45C(b)) if the credit under section 41 or section 45C were allowed with respect to such expenses for such taxable year, and

''(B) is equal to the amount of the credit determined for such taxable year under section 48D(a), reduced by—

''(i) the amount disallowed as a deduction by reason of section 48D(e)(2)(B), and

''(ii) the amount of any basis reduction under section 48D(e)(1).

''(2) SIMILAR RULE WHERE TAXPAYER CAPITALIZES RATHER THAN DEDUCTS EXPENSES.—In the case of expenses described in paragraph (1)(A) taken into account in determining the credit under section 48D for the taxable year, if—

''(A) the amount of the portion of the credit determined under such section with respect to such expenses, exceeds

''(B) the amount allowable as a deduction for such taxable year for such expenses (determined without regard to paragraph (1)),

the amount chargeable to capital account for the taxable year for such expenses shall be reduced by the amount of such excess.

''(3) CONTROLLED GROUPS.—Paragraph (3) of subsection (b) shall apply for purposes of this subsection.''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 48C the following new item:

''Sec. 48D. Qualifying therapeutic discovery project credit.''.

(e) GRANTS FOR QUALIFIED INVESTMENTS IN THERAPEUTIC DISCOVERY PROJECTS IN LIEU OF TAX CREDITS.—

(1) IN GENERAL.—Upon application, the Secretary of the Treasury shall, subject to the requirements of this subsection, provide a grant to each person who makes a qualified investment in a qualifying therapeutic discovery project in the amount of 50 percent of such investment. No grant shall be made under this subsection with respect to any investment unless such investment is made during a taxable year beginning in 2009 or 2010.

(2) APPLICATION.—

(A) IN GENERAL.—At the stated election of the applicant, an application for certification under section 48D(d)(2) of the Internal Revenue Code of 1986 for a credit under such section for the taxable year of the applicant which begins in 2009 shall be considered to be an application for a grant under paragraph (1) for such taxable year.

(B) TAXABLE YEARS BEGINNING IN 2010.—An application for a grant under paragraph (1) for a taxable year beginning in 2010 shall be submitted—

(i) not earlier than the day after the last day of such taxable year, and

(ii) not later than the due date (including extensions) for filing the return of tax for such taxable year.

(C) INFORMATION TO BE SUBMITTED.—An application for a grant under paragraph (1) shall include such information and be in such form as the Secretary may require to state the amount of the credit allowable (but for the receipt of a grant under this subsection) under section 48D for the taxable year for the qualified investment with respect to which such application is made.

(3) TIME FOR PAYMENT OF GRANT.—

(A) IN GENERAL.—The Secretary of the Treasury shall make payment of the amount of any grant under paragraph (1) during the 30-day period beginning on the later of—

(i) the date of the application for such grant, or

(ii) the date the qualified investment for which the grant is being made is made.

(B) REGULATIONS.—In the case of investments of an ongoing nature, the Secretary shall issue regulations to determine the date on which a qualified investment shall be deemed to have been made for purposes of this paragraph.

(4) QUALIFIED INVESTMENT.—For purposes of this subsection, the term ''qualified investment'' means a qualified investment that is certified under section 48D(d) of the Internal Revenue Code of 1986 for purposes of the credit under such section 48D.

(5) APPLICATION OF CERTAIN RULES.—

(A) IN GENERAL.—In making grants under this subsection, the Secretary of the Treasury shall apply rules similar to the rules of section 50 of the Internal Revenue Code of 1986. In applying such rules, any increase in tax under chapter 1 of such Code by reason of an investment ceasing to be a qualified investment shall be imposed on the person to whom the grant was made.

(B) SPECIAL RULES.—

(i) RECAPTURE OF EXCESSIVE GRANT AMOUNTS.—If the amount of a grant made under this subsection exceeds the amount allowable as

a grant under this subsection, such excess shall be recaptured under subparagraph (A) as if the investment to which such excess portion of the grant relates had ceased to be a qualified investment immediately after such grant was made.

(ii) GRANT INFORMATION NOT TREATED AS RETURN INFORMATION.—In no event shall the amount of a grant made under paragraph (1), the identity of the person to whom such grant was made, or a description of the investment with respect to which such grant was made be treated as return information for purposes of section 6103 of the Internal Revenue Code of 1986.

(6) EXCEPTION FOR CERTAIN NON-TAXPAYERS.—The Secretary of the Treasury shall not make any grant under this subsection to—

(A) any Federal, State, or local government (or any political subdivision, agency, or instrumentality thereof),

(B) any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code,

(C) any entity referred to in paragraph (4) of section 54(j) of such Code, or

(D) any partnership or other pass-thru entity any partner (or other holder of an equity or profits interest) of which is described in subparagraph (A), (B) or (C).

In the case of a partnership or other pass-thru entity described in subparagraph (D), partners and other holders of any equity or profits interest shall provide to such partnership or entity such information as the Secretary of the Treasury may require to carry out the purposes of this paragraph.

(7) SECRETARY.—Any reference in this subsection to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(8) OTHER TERMS.—Any term used in this subsection which is also used in section 48D of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this subsection as when used in such section.

(9) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under section 46(6) of the Internal Revenue Code of 1986 by reason of section 48D of such Code for any investment for which a grant is awarded under this subsection.

(10) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this subsection.

(11) TERMINATION.—The Secretary of the Treasury shall not make any grant to any person under this subsection unless the application of such person for such grant is received before January 1, 2013.

(12) PROTECTING MIDDLE CLASS FAMILIES FROM TAX INCREASES.—It is the sense of the Senate that the Senate should reject any procedural maneuver that would raise taxes on middle class families, such as a motion to commit the pending legislation to the Committee on Finance, which is designed to kill legislation that provides tax cuts for American workers and families, including the affordability tax credit and the small business tax credit.

(f) EFFECTIVE DATE.—The amendments made by subsections (a) through (d) of this section shall apply to amounts paid or incurred after December 31, 2008, in taxable years beginning after such date.

TITLE X—STRENGTHENING QUALITY, AFFORDABLE HEALTH CARE FOR ALL AMERICANS

Subtitle A—Provisions Relating to Title I

SEC. 10101. AMENDMENTS TO SUBTITLE A.

(a) Section 2711 of the Public Health Service Act, as added by section 1001(5) of this Act, is amended to read as follows:

"SEC. 2711. NO LIFETIME OR ANNUAL LIMITS.

''(a) PROHIBITION.—

''(1) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage may not establish—

''(A) lifetime limits on the dollar value of benefits for any participant or beneficiary; or

''(B) except as provided in paragraph (2), annual limits on the dollar value of benefits for any participant or beneficiary.

''(2) ANNUAL LIMITS PRIOR TO 2014.—With respect to plan years beginning prior to January 1, 2014, a group health plan and a health insurance issuer offering group or individual health insurance coverage may only establish a restricted annual limit on the dollar value of benefits for any participant or beneficiary with respect to the scope of benefits that are essential health benefits under section 1302(b) of the Patient Protection and Affordable Care Act, as determined by the Secretary. In defining the term 'restricted annual limit' for purposes of the preceding sentence, the Secretary shall ensure that access to needed services is made available with a minimal impact on premiums.

''(b) PER BENEFICIARY LIMITS.—Subsection (a) shall not be construed to prevent a group health plan or health insurance coverage from placing annual or lifetime per beneficiary limits on specific covered benefits that are not essential health benefits under section 1302(b) of the Patient Protection and Affordable Care Act, to the extent that such limits are otherwise permitted under Federal or State law.''.

(b) Section 2715(a) of the Public Health Service Act, as added by section 1001(5) of this Act, is amended by striking ''and providing to enrollees'' and inserting ''and providing to applicants, enrollees, and policyholders or certificate holders''.

(c) Subpart II of part A of title XXVII of the Public Health Service Act, as added by section 1001(5), is amended by inserting after section 2715, the following:

"SEC. 2715A. PROVISION OF ADDITIONAL INFORMATION.

''A group health plan and a health insurance issuer offering group or individual health insurance coverage shall comply with the provisions of section 1311(e)(3) of the Patient Protection and Affordable Care Act, except that a plan or coverage that is not offered through an Exchange shall only be required to submit the information required to the Secretary and the State insurance commissioner, and make such information available to the public.''.

(d) Section 2716 of the Public Health Service Act, as added by section 1001(5) of this Act, is amended to read as follows:

"SEC. 2716. PROHIBITION ON DISCRIMINATION IN FAVOR OF HIGHLY COMPENSATED INDIVIDUALS.

''(a) IN GENERAL.—A group health plan (other than a self-insured plan) shall satisfy the requirements of section 105(h)(2) of the Internal Revenue Code of 1986 (relating to prohibition on discrimination in favor of highly compensated individuals).

''(b) RULES AND DEFINITIONS.—For purposes of this section—

''(1) CERTAIN RULES TO APPLY.—Rules similar to the rules contained in paragraphs (3), (4), and (8) of section 105(h) of such Code shall apply.

''(2) HIGHLY COMPENSATED INDIVIDUAL.—The term 'highly compensated individual' has the meaning given such term by section 105(h)(5) of such Code.''.

(e) Section 2717 of the Public Health Service Act, as added by section 1001(5) of this Act, is amended—

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

(2) by inserting after subsection (b), the following:

''(c) PROTECTION OF SECOND AMENDMENT GUN RIGHTS.—

''(1) WELLNESS AND PREVENTION PROGRAMS.—A wellness and health promotion activity implemented under subsection (a)(1)(D) may not require the disclosure or collection of any information relating to—

''(A) the presence or storage of a lawfully-possessed firearm or ammunition in the residence or on the property of an individual; or

''(B) the lawful use, possession, or storage of a firearm or ammunition by an individual.

''(2) LIMITATION ON DATA COLLECTION.—None of the authorities provided to the Secretary under the Patient Protection and Affordable Care Act or an amendment made by that Act shall be construed to authorize or may be used for the collection of any information relating to—

''(A) the lawful ownership or possession of a firearm or ammunition;

''(B) the lawful use of a firearm or ammunition; or

''(C) the lawful storage of a firearm or ammunition.

''(3) LIMITATION ON DATABASES OR DATA BANKS.—None of the authorities provided to the Secretary under the Patient Protection and Affordable Care Act or an amendment made by that Act shall be construed to authorize or may be used to maintain records of individual ownership or possession of a firearm or ammunition.

''(4) LIMITATION ON DETERMINATION OF PREMIUM RATES OR ELIGIBILITY FOR HEALTH INSURANCE.—A premium rate may not be increased, health insurance coverage may not be denied, and a discount, rebate, or reward offered for participation in a wellness program may not be reduced or withheld under any health benefit plan issued pursuant to or in accordance with the Patient Protection and Affordable Care Act or an amendment made by that Act on the basis of, or on reliance upon—

''(A) the lawful ownership or possession of a firearm or ammunition; or

''(B) the lawful use or storage of a firearm or ammunition.

''(5) LIMITATION ON DATA COLLECTION REQUIREMENTS FOR INDIVIDUALS.—No individual shall be required to disclose any information under any data collection activity authorized under the Patient Protection and Affordable Care Act or an amendment made by that Act relating to—

''(A) the lawful ownership or possession of a firearm or ammunition; or

''(B) the lawful use, possession, or storage of a firearm or ammunition.''.

(f) Section 2718 of the Public Health Service Act, as added by section 1001(5), is amended to read as follows:

"SEC. 2718. BRINGING DOWN THE COST OF HEALTH CARE COVERAGE.

''(a) CLEAR ACCOUNTING FOR COSTS.—A health insurance issuer offering group or individual health insurance coverage (including a grandfathered health plan) shall, with respect to each plan year, submit to the Secretary a report concerning the ratio of the incurred loss (or incurred claims) plus the loss adjustment expense (or change in contract reserves) to earned premiums. Such report shall include the percentage of total premium revenue, after accounting for collections or receipts for risk adjustment and risk corridors and payments of reinsurance, that such coverage expends—

''(1) on reimbursement for clinical services provided to enrollees under such coverage;

''(2) for activities that improve health care quality; and

''(3) on all other non-claims costs, including an explanation of the nature of such costs, and excluding Federal and State taxes and licensing or regulatory fees.

The Secretary shall make reports received under this section available to the public on the Internet website of the Department of Health and Human Services.

''(b) ENSURING THAT CONSUMERS RECEIVE VALUE FOR THEIR PREMIUM PAYMENTS.—

''(1) REQUIREMENT TO PROVIDE VALUE FOR PREMIUM PAYMENTS.—

''(A) REQUIREMENT.—Beginning not later than January 1, 2011, a health insurance issuer offering group or individual health insurance coverage (including a grandfathered health plan) shall, with respect to each plan year, provide an annual rebate to each enrollee under

such coverage, on a pro rata basis, if the ratio of the amount of premium revenue expended by the issuer on costs described in paragraphs (1) and (2) of subsection (a) to the total amount of premium revenue (excluding Federal and State taxes and licensing or regulatory fees and after accounting for payments or receipts for risk adjustment, risk corridors, and reinsurance under sections 1341, 1342, and 1343 of the Patient Protection and Affordable Care Act) for the plan year (except as provided in subparagraph (B)(ii)), is less than—

''(i) with respect to a health insurance issuer offering coverage in the large group market, 85 percent, or such higher percentage as a State may by regulation determine; or

''(ii) with respect to a health insurance issuer offering coverage in the small group market or in the individual market, 80 percent, or such higher percentage as a State may by regulation determine, except that the Secretary may adjust such percentage with respect to a State if the Secretary determines that the application of such 80 percent may destabilize the individual market in such State.

''(B) REBATE AMOUNT.—

''(i) CALCULATION OF AMOUNT.—The total amount of an annual rebate required under this paragraph shall be in an amount equal to the product of—

''(I) the amount by which the percentage described in clause (i) or (ii) of subparagraph (A) exceeds the ratio described in such subparagraph; and

''(II) the total amount of premium revenue (excluding Federal and State taxes and licensing or regulatory fees and after accounting for payments or receipts for risk adjustment, risk corridors, and reinsurance under sections 1341, 1342, and 1343 of the Patient Protection and Affordable Care Act) for such plan year.

''(ii) CALCULATION BASED ON AVERAGE RATIO.—Beginning on January 1, 2014, the determination made under subparagraph (A) for the year involved shall be based on the averages of the premiums expended on the costs described in such subparagraph and total premium revenue for each of the previous 3 years for the plan.

''(2) CONSIDERATION IN SETTING PERCENTAGES.—In determining the percentages under paragraph (1), a State shall seek to ensure adequate participation by health insurance issuers, competition in the health insurance market in the State, and value for consumers so that premiums are used for clinical services and quality improvements.

''(3) ENFORCEMENT.—The Secretary shall promulgate regulations for enforcing the provisions of this section and may provide for appropriate penalties.

''(c) DEFINITIONS.—Not later than December 31, 2010, and subject to the certification of the Secretary, the National Association of Insurance Commissioners shall establish uniform definitions of the activities reported under subsection (a) and standardized methodologies for calculating measures of such activities, including definitions of which activities, and in what regard such activities, constitute activities described in subsection (a)(2). Such methodologies shall be designed to take into account the special circumstances of smaller plans, different types of plans, and newer plans.

''(d) ADJUSTMENTS.—The Secretary may adjust the rates described in subsection (b) if the Secretary determines appropriate on account of the volatility of the individual market due to the establishment of State Exchanges.

''(e) STANDARD HOSPITAL CHARGES.—Each hospital operating within the United States shall for each year establish (and update) and make public (in accordance with guidelines developed by the Secretary) a list of the hospital's standard charges for items and services provided by the hospital, including for diagnosis-related groups established under section 1886(d)(4) of the Social Security Act.''.

(g) Section 2719 of the Public Health Service Act, as added by section 1001(4) of this Act, is amended to read as follows:

''SEC. 2719. APPEALS PROCESS.

''(a) INTERNAL CLAIMS APPEALS.—

''(1) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage shall implement an effective appeals process for appeals of coverage determinations and claims, under which the plan or issuer shall, at a minimum—

''(A) have in effect an internal claims appeal process;

''(B) provide notice to enrollees, in a culturally and linguistically appropriate manner, of available internal and external appeals processes, and the availability of any applicable office of health insurance consumer assistance or ombudsman established under section 2793 to assist such enrollees with the appeals processes; and

''(C) allow an enrollee to review their file, to present evidence and testimony as part of the appeals process, and to receive continued coverage pending the outcome of the appeals process.

''(2) ESTABLISHED PROCESSES.—To comply with paragraph (1)—

''(A) a group health plan and a health insurance issuer offering group health coverage shall provide an internal claims and appeals process that initially incorporates the claims and appeals procedures (including urgent claims) set forth at section 2560.503–1 of title 29, Code of Federal Regulations, as published on November 21, 2000 (65 Fed. Reg. 70256), and shall update such process in accordance with any standards established by the Secretary of Labor for such plans and issuers; and

''(B) a health insurance issuer offering individual health coverage, and any other issuer not subject to subparagraph (A), shall provide an internal claims and appeals process that initially incorporates the claims and appeals procedures set forth under applicable law (as in existence on the date of enactment of this section), and shall update such process in accordance with any standards established by the Secretary of Health and Human Services for such issuers.

''(b) EXTERNAL REVIEW.—A group health plan and a health insurance issuer offering group or individual health insurance coverage—

''(1) shall comply with the applicable State external review process for such plans and issuers that, at a minimum, includes the consumer protections set forth in the Uniform External Review Model Act promulgated by the National Association of Insurance Commissioners and is binding on such plans; or

''(2) shall implement an effective external review process that meets minimum standards established by the Secretary through guidance and that is similar to the process described under paragraph (1)—

''(A) if the applicable State has not established an external review process that meets the requirements of paragraph (1); or

''(B) if the plan is a self-insured plan that is not subject to State insurance regulation (including a State law that establishes an external review process described in paragraph (1)).

''(c) SECRETARY AUTHORITY.—The Secretary may deem the external review process of a group health plan or health insurance issuer, in operation as of the date of enactment of this section, to be in compliance with the applicable process established under subsection (b), as determined appropriate by the Secretary.''.

(h) Subpart II of part A of title XVIII of the Public Health Service Act, as added by section 1001(5) of this Act, is amended by inserting after section 2719 the following:

''SEC. 2719A. PATIENT PROTECTIONS.

''(a) CHOICE OF HEALTH CARE PROFESSIONAL.—If a group health plan, or a health insurance issuer offering group or individual health insurance coverage, requires or provides for designation by a participant, beneficiary, or enrollee of a participating primary care provider, then the plan or issuer shall permit each participant, beneficiary, and enrollee to designate any participating primary care provider who is available to accept such individual.

''(b) COVERAGE OF EMERGENCY SERVICES.—

''(1) IN GENERAL.—If a group health plan, or a health insurance issuer offering group or individual health insurance issuer, provides or covers any benefits with respect to services in an emergency department of a hospital, the plan or issuer shall cover emergency services (as defined in paragraph (2)(B))—

''(A) without the need for any prior authorization determination;

''(B) whether the health care provider furnishing such services is a participating provider with respect to such services;

''(C) in a manner so that, if such services are provided to a participant, beneficiary, or enrollee—

''(i) by a nonparticipating health care provider with or without prior authorization; or

''(ii)(I) such services will be provided without imposing any requirement under the plan for prior authorization of services or any limitation on coverage where the provider of services does not have a contractual relationship with the plan for the providing of services that is more restrictive than the requirements or limitations that apply to emergency department services received from providers who do have such a contractual relationship with the plan; and

''(II) if such services are provided out-of-network, the cost-sharing requirement (expressed as a copayment amount or coinsurance rate) is the same requirement that would apply if such services were provided in-network;

''(D) without regard to any other term or condition of such coverage (other than exclusion or coordination of benefits, or an affiliation or waiting period, permitted under section 2701 of this Act, section 701 of the Employee Retirement Income Security Act of 1974, or section 9801 of the Internal Revenue Code of 1986, and other than applicable cost-sharing).

''(2) DEFINITIONS.—In this subsection:

''(A) EMERGENCY MEDICAL CONDITION.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

''(B) EMERGENCY SERVICES.—The term 'emergency services' means, with respect to an emergency medical condition—

''(i) a medical screening examination (as required under section 1867 of the Social Security Act) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate such emergency medical condition, and

''(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 of such Act to stabilize the patient.

''(C) STABILIZE.—The term 'to stabilize', with respect to an emergency medical condition (as defined in subparagraph (A)), has the meaning give in section 1867(e)(3) of the Social Security Act (42 U.S.C. 1395dd(e)(3)).

''(c) ACCESS TO PEDIATRIC CARE.—

''(1) PEDIATRIC CARE.—In the case of a person who has a child who is a participant, beneficiary, or enrollee under a group health plan, or health insurance coverage offered by a health insurance issuer in the group or individual market, if the plan or issuer requires or provides for the designation of a participating primary care provider for the child, the plan or issuer shall permit such person to designate a physician (allopathic or osteopathic) who specializes in pediatrics as the child's primary care provider if

such provider participates in the network of the plan or issuer.

''(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to waive any exclusions of coverage under the terms and conditions of the plan or health insurance coverage with respect to coverage of pediatric care.

''(d) PATIENT ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.—

''(1) GENERAL RIGHTS.—

''(A) DIRECT ACCESS.—A group health plan, or health insurance issuer offering group or individual health insurance coverage, described in paragraph (2) may not require authorization or referral by the plan, issuer, or any person (including a primary care provider described in paragraph (2)(B)) in the case of a female participant, beneficiary, or enrollee who seeks coverage for obstetrical or gynecological care provided by a participating health care professional who specializes in obstetrics or gynecology. Such professional shall agree to otherwise adhere to such plan's or issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan or issuer.

''(B) OBSTETRICAL AND GYNECOLOGICAL CARE.—A group health plan or health insurance issuer described in paragraph (2) shall treat the provision of obstetrical and gynecological care, and the ordering of related obstetrical and gynecological items and services, pursuant to the direct access described under subparagraph (A), by a participating health care professional who specializes in obstetrics or gynecology as the authorization of the primary care provider.

''(2) APPLICATION OF PARAGRAPH.—A group health plan, or health insurance issuer offering group or individual health insurance coverage, described in this paragraph is a group health plan or coverage that—

''(A) provides coverage for obstetric or gynecologic care; and

''(B) requires the designation by a participant, beneficiary, or enrollee of a participating primary care provider.

''(3) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to—

''(A) waive any exclusions of coverage under the terms and conditions of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

''(B) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.''.

(i) Section 2794 of the Public Health Service Act, as added by section 1003 of this Act, is amended—

(1) in subsection (c)(1)—

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

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) in establishing centers (consistent with subsection (d)) at academic or other nonprofit institutions to collect medical reimbursement information from health insurance issuers, to analyze and organize such information, and to make such information available to such issuers, health care providers, health researchers, health care policy makers, and the general public.''; and

(2) by adding at the end the following:

''(d) MEDICAL REIMBURSEMENT DATA CENTERS.—

''(1) FUNCTIONS.—A center established under subsection (c)(1)(C) shall—

''(A) develop fee schedules and other database tools that fairly and accurately reflect market rates for medical services and the geographic differences in those rates;

''(B) use the best available statistical methods and data processing technology to develop such fee schedules and other database tools;

''(C) regularly update such fee schedules and other database tools to reflect changes in charges for medical services;

''(D) make health care cost information readily available to the public through an Internet website that allows consumers to understand the amounts that health care providers in their area charge for particular medical services; and

''(E) regularly publish information concerning the statistical methodologies used by the center to analyze health charge data and make such data available to researchers and policy makers.

''(2) CONFLICTS OF INTEREST.—A center established under subsection (c)(1)(C) shall adopt bylaws that ensures that the center (and all members of the governing board of the center) is independent and free from all conflicts of interest. Such by-laws shall ensure that the center is not controlled or influenced by, and does not have any corporate relation to, any individual or entity that may make or receive payments for health care services based on the center's analysis of health care costs.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to permit a center established under subsection (c)(1)(C) to compel health insurance issuers to provide data to the center.''.

SEC. 10102. AMENDMENTS TO SUBTITLE B.

(a) Section 1102(a)(2)(B) of this Act is amended—

(1) in the matter preceding clause (i), by striking ''group health benefits plan'' and inserting ''group benefits plan providing health benefits''; and

(2) in clause (i)(I), by inserting ''or any agency or instrumentality of any of the foregoing'' before the closed parenthetical.

(b) Section 1103(a) of this Act is amended—

(1) in paragraph (1), by inserting '', or small business in,'' after ''residents of any''; and

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

''(2) CONNECTING TO AFFORDABLE COVERAGE.—An Internet website established under paragraph (1) shall, to the extent practicable, provide ways for residents of, and small businesses in, any State to receive information on at least the following coverage options:

''(A) Health insurance coverage offered by health insurance issuers, other than coverage that provides reimbursement only for the treatment or mitigation of—

''(i) a single disease or condition; or

''(ii) an unreasonably limited set of diseases or conditions (as determined by the Secretary).

''(B) Medicaid coverage under title XIX of the Social Security Act.

''(C) Coverage under title XXI of the Social Security Act.

''(D) A State health benefits high risk pool, to the extent that such high risk pool is offered in such State; and

''(E) Coverage under a high risk pool under section 1101.

''(F) Coverage within the small group market for small businesses and their employees, including reinsurance for early retirees under section 1102, tax credits available under section 45R of the Internal Revenue Code of 1986 (as added by section 1421), and other information specifically for small businesses regarding affordable health care options.''.

SEC. 10103. AMENDMENTS TO SUBTITLE C.

(a) Section 2701(a)(5) of the Public Health Service Act, as added by section 1201(4) of this Act, is amended by inserting ''(other than self-insured group health plans offered in such market)'' after ''such market''.

(b) Section 2708 of the Public Health Service Act, as added by section 1201(4) of this Act, is amended by striking ''or individual''.

(c) Subpart I of part A of title XXVII of the Public Health Service Act, as added by section 1201(4) of this Act, is amended by inserting after section 2708, the following:

''SEC. 2709. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CLINICAL TRIALS.

''(a) COVERAGE.—

''(1) IN GENERAL.—If a group health plan or a health insurance issuer offering group or individual health insurance coverage provides coverage to a qualified individual, then such plan or issuer—

''(A) may not deny the individual participation in the clinical trial referred to in subsection (b)(2);

''(B) subject to subsection (c), may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

''(C) may not discriminate against the individual on the basis of the individual's participation in such trial.

''(2) ROUTINE PATIENT COSTS.—

''(A) INCLUSION.—For purposes of paragraph (1)(B), subject to subparagraph (B), routine patient costs include all items and services consistent with the coverage provided in the plan (or coverage) that is typically covered for a qualified individual who is not enrolled in a clinical trial.

''(B) EXCLUSION.—For purposes of paragraph (1)(B), routine patient costs does not include—

''(i) the investigational item, device, or service, itself;

''(ii) items and services that are provided solely to satisfy data collection and analysis needs and that are not used in the direct clinical management of the patient; or

''(iii) a service that is clearly inconsistent with widely accepted and established standards of care for a particular diagnosis.

''(3) USE OF IN-NETWORK PROVIDERS.—If one or more participating providers is participating in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan or issuer from requiring that a qualified individual participate in the trial through such a participating provider if the provider will accept the individual as a participant in the trial.

''(4) USE OF OUT-OF-NETWORK.—Notwithstanding paragraph (3), paragraph (1) shall apply to a qualified individual participating in an approved clinical trial that is conducted outside the State in which the qualified individual resides.

''(b) QUALIFIED INDIVIDUAL DEFINED.—For purposes of subsection (a), the term 'qualified individual' means an individual who is a participant or beneficiary in a health plan or with coverage described in subsection (a)(1) and who meets the following conditions:

''(1) The individual is eligible to participate in an approved clinical trial according to the trial protocol with respect to treatment of cancer or other life-threatening disease or condition.

''(2) Either—

''(A) the referring health care professional is a participating health care provider and has concluded that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1); or

''(B) the participant or beneficiary provides medical and scientific information establishing that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1).

''(c) LIMITATIONS ON COVERAGE.—This section shall not be construed to require a group health plan, or a health insurance issuer offering group or individual health insurance coverage, to provide benefits for routine patient care services provided outside of the plan's (or coverage's) health care provider network unless out-of-network benefits are otherwise provided under the plan (or coverage).

''(d) APPROVED CLINICAL TRIAL DEFINED.—

''(1) IN GENERAL.—In this section, the term 'approved clinical trial' means a phase I, phase II, phase III, or phase IV clinical trial that is conducted in relation to the prevention, detection, or treatment of cancer or other life-threatening disease or condition and is described in any of the following subparagraphs:

''(A) FEDERALLY FUNDED TRIALS.—The study or investigation is approved or funded (which

may include funding through in-kind contributions) by one or more of the following:

''(i) The National Institutes of Health.

''(ii) The Centers for Disease Control and Prevention.

''(iii) The Agency for Health Care Research and Quality.

''(iv) The Centers for Medicare & Medicaid Services.

''(v) cooperative group or center of any of the entities described in clauses (i) through (iv) or the Department of Defense or the Department of Veterans Affairs.

''(vi) A qualified non-governmental research entity identified in the guidelines issued by the National Institutes of Health for center support grants.

''(vii) Any of the following if the conditions described in paragraph (2) are met:

''(I) The Department of Veterans Affairs.

''(II) The Department of Defense.

''(III) The Department of Energy.

''(B) The study or investigation is conducted under an investigational new drug application reviewed by the Food and Drug Administration.

''(C) The study or investigation is a drug trial that is exempt from having such an investigational new drug application.

''(2) CONDITIONS FOR DEPARTMENTS.—The conditions described in this paragraph, for a study or investigation conducted by a Department, are that the study or investigation has been reviewed and approved through a system of peer review that the Secretary determines—

''(A) to be comparable to the system of peer review of studies and investigations used by the National Institutes of Health, and

''(B) assures unbiased review of the highest scientific standards by qualified individuals who have no interest in the outcome of the review.

''(e) LIFE-THREATENING CONDITION DEFINED.—In this section, the term 'life-threatening condition' means any disease or condition from which the likelihood of death is probable unless the course of the disease or condition is interrupted.

''(f) CONSTRUCTION.—Nothing in this section shall be construed to limit a plan's or issuer's coverage with respect to clinical trials.

''(g) APPLICATION TO FEHBP.—Notwithstanding any provision of chapter 89 of title 5, United States Code, this section shall apply to health plans offered under the program under such chapter.

''(h) PREEMPTION.—Notwithstanding any other provision of this Act, nothing in this section shall preempt State laws that require a clinical trials policy for State regulated health insurance plans that is in addition to the policy required under this section.''.

(d) Section 1251(a) of this Act is amended—

(1) in paragraph (2), by striking ''With'' and inserting ''Except as provided in paragraph (3), with''; and

(2) by adding at the end the following:

''(3) APPLICATION OF CERTAIN PROVISIONS.—The provisions of sections 2715 and 2718 of the Public Health Service Act (as added by subtitle A) shall apply to grandfathered health plans for plan years beginning on or after the date of enactment of this Act.''.

(e) Section 1253 of this Act is amended insert before the period the following: '', except that—

''(1) section 1251 shall take effect on the date of enactment of this Act; and

''(2) the provisions of section 2704 of the Public Health Service Act (as amended by section 1201), as they apply to enrollees who are under 19 years of age, shall become effective for plan years beginning on or after the date that is 6 months after the date of enactment of this Act.''.

(f) Subtitle C of title I of this Act is amended—

(1) by redesignating section 1253 as section 1255; and

(2) by inserting after section 1252, the following:

''SEC. 1253. ANNUAL REPORT ON SELF-INSURED PLANS.

''Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Labor shall prepare an aggregate annual report, using data collected from the Annual Return/Report of Employee Benefit Plan (Department of Labor Form 5500), that shall include general information on self-insured group health plans (including plan type, number of participants, benefits offered, funding arrangements, and benefit arrangements) as well as data from the financial filings of self-insured employers (including information on assets, liabilities, contributions, investments, and expenses). The Secretary shall submit such reports to the appropriate committees of Congress.

''SEC. 1254. STUDY OF LARGE GROUP MARKET.

''(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study of the fully-insured and self-insured group health plan markets to—

''(1) compare the characteristics of employers (including industry, size, and other characteristics as determined appropriate by the Secretary), health plan benefits, financial solvency, capital reserve levels, and the risks of becoming insolvent; and

''(2) determine the extent to which new insurance market reforms are likely to cause adverse selection in the large group market or to encourage small and midsize employers to self-insure.

''(b) COLLECTION OF INFORMATION.—In conducting the study under subsection (a), the Secretary, in coordination with the Secretary of Labor, shall collect information and analyze—

''(1) the extent to which self-insured group health plans can offer less costly coverage and, if so, whether lower costs are due to more efficient plan administration and lower overhead or to the denial of claims and the offering very limited benefit packages;

''(2) claim denial rates, plan benefit fluctuations (to evaluate the extent that plans scale back health benefits during economic downturns), and the impact of the limited recourse options on consumers; and

''(3) any potential conflict of interest as it relates to the health care needs of self-insured enrollees and self-insured employer's financial contribution or profit margin, and the impact of such conflict on administration of the health plan.

''(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report concerning the results of the study conducted under subsection (a).''.

SEC. 10104. AMENDMENTS TO SUBTITLE D.

(a) Section 1301(a) of this Act is amended by striking paragraph (2) and inserting the following:

''(2) INCLUSION OF CO–OP PLANS AND MULTI-STATE QUALIFIED HEALTH PLANS.—Any reference in this title to a qualified health plan shall be deemed to include a qualified health plan offered through the CO–OP program under section 1322, and a multi-State plan under section 1334, unless specifically provided for otherwise.

''(3) TREATMENT OF QUALIFIED DIRECT PRIMARY CARE MEDICAL HOME PLANS.—The Secretary of Health and Human Services shall permit a qualified health plan to provide coverage through a qualified direct primary care medical home plan that meets criteria established by the Secretary, so long as the qualified health plan meets all requirements that are otherwise applicable and the services covered by the medical home plan are coordinated with the entity offering the qualified health plan.

''(4) VARIATION BASED ON RATING AREA.—A qualified health plan, including a multi-State qualified health plan, may as appropriate vary premiums by rating area (as defined in section 2701(a)(2) of the Public Health Service Act).''.

(b) Section 1302 of this Act is amended—

(1) in subsection (d)(2)(B), by striking ''may issue'' and inserting ''shall issue''; and

(2) by adding at the end the following:

''(g) PAYMENTS TO FEDERALLY-QUALIFIED HEALTH CENTERS.—If any item or service covered by a qualified health plan is provided by a Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)) to an enrollee of the plan, the offeror of the plan shall pay to the center for the item or service an amount that is not less than the amount of payment that would have been paid to the center under section 1902(bb) of such Act (42 U.S.C. 1396a(bb)) for such item or service.''.

(c) Section 1303 of this Act is amended to read as follows:

''SEC. 1303. SPECIAL RULES.

''(a) STATE OPT-OUT OF ABORTION COVERAGE.—

''(1) IN GENERAL.—A State may elect to prohibit abortion coverage in qualified health plans offered through an Exchange in such State if such State enacts a law to provide for such prohibition.

''(2) TERMINATION OF OPT OUT.—A State may repeal a law described in paragraph (1) and provide for the offering of such services through the Exchange.

''(b) SPECIAL RULES RELATING TO COVERAGE OF ABORTION SERVICES.—

''(1) VOLUNTARY CHOICE OF COVERAGE OF ABORTION SERVICES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title (or any amendment made by this title)—

''(i) nothing in this title (or any amendment made by this title), shall be construed to require a qualified health plan to provide coverage of services described in subparagraph (B)(i) or (B)(ii) as part of its essential health benefits for any plan year; and

''(ii) subject to subsection (a), the issuer of a qualified health plan shall determine whether or not the plan provides coverage of services described in subparagraph (B)(i) or (B)(ii) as part of such benefits for the plan year.

''(B) ABORTION SERVICES.—

''(i) ABORTIONS FOR WHICH PUBLIC FUNDING IS PROHIBITED.—The services described in this clause are abortions for which the expenditure of Federal funds appropriated for the Department of Health and Human Services is not permitted, based on the law as in effect as of the date that is 6 months before the beginning of the plan year involved.

''(ii) ABORTIONS FOR WHICH PUBLIC FUNDING IS ALLOWED.—The services described in this clause are abortions for which the expenditure of Federal funds appropriated for the Department of Health and Human Services is permitted, based on the law as in effect as of the date that is 6 months before the beginning of the plan year involved.

''(2) PROHIBITION ON THE USE OF FEDERAL FUNDS.—

''(A) IN GENERAL.—If a qualified health plan provides coverage of services described in paragraph (1)(B)(i), the issuer of the plan shall not use any amount attributable to any of the following for purposes of paying for such services:

''(i) The credit under section 36B of the Internal Revenue Code of 1986 (and the amount (if any) of the advance payment of the credit under section 1412 of the Patient Protection and Affordable Care Act).

''(ii) Any cost-sharing reduction under section 1402 of the Patient Protection and Affordable Care Act (and the amount (if any) of the advance payment of the reduction under section 1412 of the Patient Protection and Affordable Care Act).

''(B) ESTABLISHMENT OF ALLOCATION ACCOUNTS.—In the case of a plan to which subparagraph (A) applies, the issuer of the plan shall—

''(i) collect from each enrollee in the plan (without regard to the enrollee's age, sex, or family status) a separate payment for each of the following:

''(I) an amount equal to the portion of the premium to be paid directly by the enrollee for coverage under the plan of services other than services described in paragraph (1)(B)(i) (after

reduction for credits and cost-sharing reductions described in subparagraph (A)); and

''(II) an amount equal to the actuarial value of the coverage of services described in paragraph (1)(B)(i), and

''(ii) shall deposit all such separate payments into separate allocation accounts as provided in subparagraph (C).

In the case of an enrollee whose premium for coverage under the plan is paid through employee payroll deposit, the separate payments required under this subparagraph shall each be paid by a separate deposit.

''(C) SEGREGATION OF FUNDS.—

''(i) IN GENERAL.—The issuer of a plan to which subparagraph (A) applies shall establish allocation accounts described in clause (ii) for enrollees receiving amounts described in subparagraph (A).

''(ii) ALLOCATION ACCOUNTS.—The issuer of a plan to which subparagraph (A) applies shall deposit—

''(I) all payments described in subparagraph (B)(i)(I) into a separate account that consists solely of such payments and that is used exclusively to pay for services other than services described in paragraph (1)(B)(i); and

''(II) all payments described in subparagraph (B)(i)(II) into a separate account that consists solely of such payments and that is used exclusively to pay for services described in paragraph (1)(B)(i).

''(D) ACTUARIAL VALUE.—

''(i) IN GENERAL.—The issuer of a qualified health plan shall estimate the basic per enrollee, per month cost, determined on an average actuarial basis, for including coverage under the qualified health plan of the services described in paragraph (1)(B)(i).

''(ii) CONSIDERATIONS.—In making such estimate, the issuer—

''(I) may take into account the impact on overall costs of the inclusion of such coverage, but may not take into account any cost reduction estimated to result from such services, including prenatal care, delivery, or postnatal care;

''(II) shall estimate such costs as if such coverage were included for the entire population covered; and

''(III) may not estimate such a cost at less than $1 per enrollee, per month.

''(E) ENSURING COMPLIANCE WITH SEGREGATION REQUIREMENTS.—

''(i) IN GENERAL.—Subject to clause (ii), State health insurance commissioners shall ensure that health plans comply with the segregation requirements in this subsection through the segregation of plan funds in accordance with applicable provisions of generally accepted accounting requirements, circulars on funds management of the Office of Management and Budget, and guidance on accounting of the Government Accountability Office.

''(ii) CLARIFICATION.—Nothing in clause (i) shall prohibit the right of an individual or health plan to appeal such action in courts of competent jurisdiction.

''(3) RULES RELATING TO NOTICE.—

''(A) NOTICE.—A qualified health plan that provides for coverage of the services described in paragraph (1)(B)(i) shall provide a notice to enrollees, only as part of the summary of benefits and coverage explanation, at the time of enrollment, of such coverage.

''(B) RULES RELATING TO PAYMENTS.—The notice described in subparagraph (A), any advertising used by the issuer with respect to the plan, any information provided by the Exchange, and any other information specified by the Secretary shall provide information only with respect to the total amount of the combined payments for services described in paragraph (1)(B)(i) and other services covered by the plan.

''(4) NO DISCRIMINATION ON BASIS OF PROVISION OF ABORTION.—No qualified health plan offered through an Exchange may discriminate against any individual health care provider or health care facility because of its unwillingness to provide, pay for, provide coverage of, or refer for abortions.

''(c) APPLICATION OF STATE AND FEDERAL LAWS REGARDING ABORTION.—

''(1) NO PREEMPTION OF STATE LAWS REGARDING ABORTION.—Nothing in this Act shall be construed to preempt or otherwise have any effect on State laws regarding the prohibition of (or requirement of) coverage, funding, or procedural requirements on abortions, including parental notification or consent for the performance of an abortion on a minor.

''(2) NO EFFECT ON FEDERAL LAWS REGARDING ABORTION.—

''(A) IN GENERAL.—Nothing in this Act shall be construed to have any effect on Federal laws regarding—

''(i) conscience protection;

''(ii) willingness or refusal to provide abortion; and

''(iii) discrimination on the basis of the willingness or refusal to provide, pay for, cover, or refer for abortion or to provide or participate in training to provide abortion.

''(3) NO EFFECT ON FEDERAL CIVIL RIGHTS LAW.—Nothing in this subsection shall alter the rights and obligations of employees and employers under title VII of the Civil Rights Act of 1964.

''(d) APPLICATION OF EMERGENCY SERVICES LAWS.—Nothing in this Act shall be construed to relieve any health care provider from providing emergency services as required by State or Federal law, including section 1867 of the Social Security Act (popularly known as 'EMTALA').''.

(d) Section 1304 of this Act is amended by adding at the end the following:

''(e) EDUCATED HEALTH CARE CONSUMERS.—The term 'educated health care consumer' means an individual who is knowledgeable about the health care system, and has background or experience in making informed decisions regarding health, medical, and scientific matters.''.

(e) Section 1311(d) of this Act is amended—

(1) in paragraph (3)(B), by striking clause (ii) and inserting the following:

''(ii) STATE MUST ASSUME COST.—A State shall make payments—

''(I) to an individual enrolled in a qualified health plan offered in such State; or

''(II) on behalf of an individual described in subclause (I) directly to the qualified health plan in which such individual is enrolled;

to defray the cost of any additional benefits described in clause (i).''; and

(2) in paragraph (6)(A), by inserting ''educated'' before ''health care''.

(f) Section 1311(e) of this Act is amended—

(1) in paragraph (2), by striking ''may'' in the second sentence and inserting ''shall''; and

(2) by adding at the end the following:

''(3) TRANSPARENCY IN COVERAGE.—

''(A) IN GENERAL.—The Exchange shall require health plans seeking certification as qualified health plans to submit to the Exchange, the Secretary, the State insurance commissioner, and make available to the public, accurate and timely disclosure of the following information:

''(i) Claims payment policies and practices.

''(ii) Periodic financial disclosures.

''(iii) Data on enrollment.

''(iv) Data on disenrollment.

''(v) Data on the number of claims that are denied.

''(vi) Data on rating practices.

''(vii) Information on cost-sharing and payments with respect to any out-of-network coverage.

''(viii) Information on enrollee and participant rights under this title.

''(ix) Other information as determined appropriate by the Secretary.

''(B) USE OF PLAIN LANGUAGE.—The information required to be submitted under subparagraph (A) shall be provided in plain language. The term 'plain language' means language that the intended audience, including individuals with limited English proficiency, can readily understand and use because that language is concise, well-organized, and follows other best practices of plain language writing. The Secretary and the Secretary of Labor shall jointly develop and issue guidance on best practices of plain language writing.

''(C) COST SHARING TRANSPARENCY.—The Exchange shall require health plans seeking certification as qualified health plans to permit individuals to learn the amount of cost-sharing (including deductibles, copayments, and coinsurance) under the individual's plan or coverage that the individual would be responsible for paying with respect to the furnishing of a specific item or service by a participating provider in a timely manner upon the request of the individual. At a minimum, such information shall be made available to such individual through an Internet website and such other means for individuals without access to the Internet.

''(D) GROUP HEALTH PLANS.—The Secretary of Labor shall update and harmonize the Secretary's rules concerning the accurate and timely disclosure to participants by group health plans of plan disclosure, plan terms and conditions, and periodic financial disclosure with the standards established by the Secretary under subparagraph (A).''.

(g) Section 1311(g)(1) of this Act is amended—

(1) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (D), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(E) the implementation of activities to reduce health and health care disparities, including through the use of language services, community outreach, and cultural competency trainings.''.

(h) Section 1311(i)(2)((B) of this Act is amended by striking ''small business development centers'' and inserting ''resource partners of the Small Business Administration''.

(i) Section 1312 of this Act is amended—

(1) in subsection (a)(1), by inserting ''and for which such individual is eligible'' before the period;

(2) in subsection (e)—

(A) in paragraph (1), by inserting ''and employers'' after ''enroll individuals''; and

(B) by striking the flush sentence at the end; and

(3) in subsection (f)(1)(A)(ii), by striking the parenthetical.

(j)(1) Subparagraph (B) of section 1313(a)(6) of this Act is hereby deemed null, void, and of no effect.

(2) Section 3730(e) of title 31, United States Code, is amended by striking paragraph (4) and inserting the following:

''(4)(A) The court shall dismiss an action or claim under this section, unless opposed by the Government, if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed—

''(i) in a Federal criminal, civil, or administrative hearing in which the Government or its agent is a party;

''(ii) in a congressional, Government Accountability Office, or other Federal report, hearing, audit, or investigation; or

''(iii) from the news media,

unless the action is brought by the Attorney General or the person bringing the action is an original source of the information.

''(B) For purposes of this paragraph, ''original source'' means an individual who either (i) prior to a public disclosure under subsection (e)(4)(a), has voluntarily disclosed to the Government the information on which allegations or transactions in a claim are based, or (2) who has knowledge that is independent of and materially adds to the publicly disclosed allegations or transactions, and who has voluntarily provided the information to the Government before filing an action under this section.''.

(k) Section 1313(b) of this Act is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) a survey of the cost and affordability of health care insurance provided under the Exchanges for owners and employees of small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), including data on enrollees in Exchanges and individuals purchasing health insurance coverage outside of Exchanges; and''.

(l) Section 1322(b) of this Act is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2), the following:

''(3) REPAYMENT OF LOANS AND GRANTS.—Not later than July 1, 2013, and prior to awarding loans and grants under the CO–OP program, the Secretary shall promulgate regulations with respect to the repayment of such loans and grants in a manner that is consistent with State solvency regulations and other similar State laws that may apply. In promulgating such regulations, the Secretary shall provide that such loans shall be repaid within 5 years and such grants shall be repaid within 15 years, taking into consideration any appropriate State reserve requirements, solvency regulations, and requisite surplus note arrangements that must be constructed in a State to provide for such repayment prior to awarding such loans and grants.''.

(m) Part III of subtitle D of title I of this Act is amended by striking section 1323.

(n) Section 1324(a) of this Act is amended by striking '', a community health'' and all that follows through ''1333(b)'' and inserting '', or a multi-State qualified health plan under section 1334''.

(o) Section 1331 of this Act is amended—

(1) in subsection (d)(3)(A)(i), by striking ''85'' and inserting ''95''; and

(2) in subsection (e)(1)(B), by inserting before the semicolon the following: '', or, in the case of an alien lawfully present in the United States, whose income is not greater than 133 percent of the poverty line for the size of the family involved but who is not eligible for the Medicaid program under title XIX of the Social Security Act by reason of such alien status''.

(p) Section 1333 of this Act is amended by striking subsection (b).

(q) Part IV of subtitle D of title I of this Act is amended by adding at the end the following:

''SEC. 1334. MULTI-STATE PLANS.

''(a) OVERSIGHT BY THE OFFICE OF PERSONNEL MANAGEMENT.—

''(1) IN GENERAL.—The Director of the Office of Personnel Management (referred to in this section as the 'Director') shall enter into contracts with health insurance issuers (which may include a group of health insurance issuers affiliated either by common ownership and control or by the common use of a nationally licensed service mark), without regard to section 5 of title 41, United States Code, or other statutes requiring competitive bidding, to offer at least 2 multi-State qualified health plans through each Exchange in each State. Such plans shall provide individual, or in the case of small employers, group coverage.

''(2) TERMS.—Each contract entered into under paragraph (1) shall be for a uniform term of at least 1 year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. In entering into such contracts, the Director shall ensure that health benefits coverage is provided in accordance with the types of coverage provided for under section 2701(a)(1)(A)(i) of the Public Health Service Act.

''(3) NON-PROFIT ENTITIES.—In entering into contracts under paragraph (1), the Director shall ensure that at least one contract is entered into with a non-profit entity.

''(4) ADMINISTRATION.—The Director shall implement this subsection in a manner similar to the manner in which the Director implements the contracting provisions with respect to carriers under the Federal employees health benefit program under chapter 89 of title 5, United States Code, including (through negotiating with each multi-state plan)—

''(A) a medical loss ratio;

''(B) a profit margin;

''(C) the premiums to be charged; and

''(D) such other terms and conditions of coverage as are in the interests of enrollees in such plans.

''(5) AUTHORITY TO PROTECT CONSUMERS.—The Director may prohibit the offering of any multi-State health plan that does not meet the terms and conditions defined by the Director with respect to the elements described in subparagraphs (A) through (D) of paragraph (4).

''(6) ASSURED AVAILABILITY OF VARIED COVERAGE.—In entering into contracts under this subsection, the Director shall ensure that with respect to multi-State qualified health plans offered in an Exchange, there is at least one such plan that does not provide coverage of services described in section 1303(b)(1)(B)(i).

''(7) WITHDRAWAL.—Approval of a contract under this subsection may be withdrawn by the Director only after notice and opportunity for hearing to the issuer concerned without regard to subchapter II of chapter 5 and chapter 7 of title 5, United States Code.

''(b) ELIGIBILITY.—A health insurance issuer shall be eligible to enter into a contract under subsection (a)(1) if such issuer—

''(1) agrees to offer a multi-State qualified health plan that meets the requirements of subsection (c) in each Exchange in each State;

''(2) is licensed in each State and is subject to all requirements of State law not inconsistent with this section, including the standards and requirements that a State imposes that do not prevent the application of a requirement of part A of title XXVII of the Public Health Service Act or a requirement of this title;

''(3) otherwise complies with the minimum standards prescribed for carriers offering health benefits plans under section 8902(e) of title 5, United States Code, to the extent that such standards do not conflict with a provision of this title; and

''(4) meets such other requirements as determined appropriate by the Director, in consultation with the Secretary.

''(c) REQUIREMENTS FOR MULTI-STATE QUALIFIED HEALTH PLAN.—

''(1) IN GENERAL.—A multi-State qualified health plan meets the requirements of this subsection if, in the determination of the Director—

''(A) the plan offers a benefits package that is uniform in each State and consists of the essential benefits described in section 1302;

''(B) the plan meets all requirements of this title with respect to a qualified health plan, including requirements relating to the offering of the bronze, silver, and gold levels of coverage and catastrophic coverage in each State Exchange;

''(C) except as provided in paragraph (5), the issuer provides for determinations of premiums for coverage under the plan on the basis of the rating requirements of part A of title XXVII of the Public Health Service Act; and

''(D) the issuer offers the plan in all geographic regions, and in all States that have adopted adjusted community rating before the date of enactment of this Act.

''(2) STATES MAY OFFER ADDITIONAL BENEFITS.—Nothing in paragraph (1)(A) shall preclude a State from requiring that benefits in addition to the essential health benefits required under such paragraph be provided to enrollees of a multi-State qualified health plan offered in such State.

''(3) CREDITS.—

''(A) IN GENERAL.—An individual enrolled in a multi-State qualified health plan under this section shall be eligible for credits under section 36B of the Internal Revenue Code of 1986 and cost sharing assistance under section 1402 in the same manner as an individual who is enrolled in a qualified health plan.

''(B) NO ADDITIONAL FEDERAL COST.—A requirement by a State under paragraph (2) that benefits in addition to the essential health benefits required under paragraph (1)(A) be provided to enrollees of a multi-State qualified health plan shall not affect the amount of a premium tax credit provided under section 36B of the Internal Revenue Code of 1986 with respect to such plan.

''(4) STATE MUST ASSUME COST.—A State shall make payments—

''(A) to an individual enrolled in a multi-State qualified health plan offered in such State; or

''(B) on behalf of an individual described in subparagraph (A) directly to the multi-State qualified health plan in which such individual is enrolled;

to defray the cost of any additional benefits described in paragraph (2).

''(5) APPLICATION OF CERTAIN STATE RATING REQUIREMENTS.—With respect to a multi-State qualified health plan that is offered in a State with age rating requirements that are lower than 3:1, the State may require that Exchanges operating in such State only permit the offering of such multi-State qualified health plans if such plans comply with the State's more protective age rating requirements.

''(d) PLANS DEEMED TO BE CERTIFIED.—A multi-State qualified health plan that is offered under a contract under subsection (a) shall be deemed to be certified by an Exchange for purposes of section 1311(d)(4)(A).

''(e) PHASE-IN.—Notwithstanding paragraphs (1) and (2) of subsection (b), the Director shall enter into a contract with a health insurance issuer for the offering of a multi-State qualified health plan under subsection (a) if—

''(1) with respect to the first year for which the issuer offers such plan, such issuer offers the plan in at least 60 percent of the States;

''(2) with respect to the second such year, such issuer offers the plan in at least 70 percent of the States;

''(3) with respect to the third such year, such issuer offers the plan in at least 85 percent of the States; and

''(4) with respect to each subsequent year, such issuer offers the plan in all States.

''(f) APPLICABILITY.—The requirements under chapter 89 of title 5, United States Code, applicable to health benefits plans under such chapter shall apply to multi-State qualified health plans provided for under this section to the extent that such requirements do not conflict with a provision of this title.

''(g) CONTINUED SUPPORT FOR FEHBP.—

''(1) MAINTENANCE OF EFFORT.—Nothing in this section shall be construed to permit the Director to allocate fewer financial or personnel resources to the functions of the Office of Personnel Management related to the administration of the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code.

''(2) SEPARATE RISK POOL.—Enrollees in multi-State qualified health plans under this section shall be treated as a separate risk pool apart from enrollees in the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code.

''(3) AUTHORITY TO ESTABLISH SEPARATE ENTITIES.—The Director may establish such separate units or offices within the Office of Personnel Management as the Director determines to be appropriate to ensure that the administration of multi-State qualified health plans under this section does not interfere with the effective administration of the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code.

''(4) EFFECTIVE OVERSIGHT.—The Director may appoint such additional personnel as may

be necessary to enable the Director to carry out activities under this section.

''(5) ASSURANCE OF SEPARATE PROGRAM.—In carrying out this section, the Director shall ensure that the program under this section is separate from the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code. Premiums paid for coverage under a multi-State qualified health plan under this section shall not be considered to be Federal funds for any purposes.

''(6) FEHBP PLANS NOT REQUIRED TO PARTICIPATE.—Nothing in this section shall require that a carrier offering coverage under the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code, also offer a multi-State qualified health plan under this section.

''(h) ADVISORY BOARD.—The Director shall establish an advisory board to provide recommendations on the activities described in this section. A significant percentage of the members of such board shall be comprised of enrollees in a multi-State qualified health plan, or representatives of such enrollees.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to carry out this section.''.

(r) Section 1341 of this Act is amended—

*(1) in the section heading, by striking ''**AND SMALL GROUP MARKETS**'' and inserting ''**MARKET**'';*

(2) in subsection (b)(2)(B), by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)(B)''; and

(3) in subsection (c)(1)(A), by striking ''and small group markets'' and inserting ''market''.

SEC. 10105. AMENDMENTS TO SUBTITLE E.

(a) Section 36B(b)(3)(A)(ii) of the Internal Revenue Code of 1986, as added by section 1401(a) of this Act, is amended by striking ''is in excess of'' and inserting ''equals or exceeds''.

(b) Section 36B(c)(1)(A) of the Internal Revenue Code of 1986, as added by section 1401(a) of this Act, is amended by inserting ''equals or'' before ''exceeds''.

(c) Section 36B(c)(2)(C)(iv) of the Internal Revenue Code of 1986, as added by section 1401(a) of this Act, is amended by striking ''subsection (b)(3)(A)(ii)'' and inserting ''subsection (b)(3)(A)(iii)''.

(d) Section 1401(d) of this Act is amended by adding at the end the following:

''(3) Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by inserting '36B,' after '36A,'.''.

(e)(1) Subparagraph (B) of section 45R(d)(3) of the Internal Revenue Code of 1986, as added by section 1421(a) of this Act, is amended to read as follows:

''(B) DOLLAR AMOUNT.—For purposes of paragraph (1)(B) and subsection (c)(2)—

''(i) 2010, 2011, 2012, AND 2013.—The dollar amount in effect under this paragraph for taxable years beginning in 2010, 2011, 2012, or 2013 is $25,000.

''(ii) SUBSEQUENT YEARS.—In the case of a taxable year beginning in a calendar year after 2013, the dollar amount in effect under this paragraph shall be equal to $25,000, multiplied by the cost-of-living adjustment under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2012' for 'calendar year 1992' in subparagraph (B) thereof.''.

(2) Subsection (g) of section 45R of the Internal Revenue Code of 1986, as added by section 1421(a) of this Act, is amended by striking ''2011'' both places it appears and inserting ''2010, 2011''.

(3) Section 280C(h) of the Internal Revenue Code of 1986, as added by section 1421(d)(1) of this Act, is amended by striking ''2011'' and inserting ''2010, 2011''.

(4) Section 1421(f) of this Act is amended by striking ''2010'' both places it appears and inserting ''2009''.

(5) The amendments made by this subsection shall take effect as if included in the enactment of section 1421 of this Act.

(f) Part I of subtitle E of title I of this Act is amended by adding at the end of subpart B, the following:

''SEC. 1416. STUDY OF GEOGRAPHIC VARIATION IN APPLICATION OF FPL.

''(a) IN GENERAL.—The Secretary shall conduct a study to examine the feasibility and implication of adjusting the application of the Federal poverty level under this subtitle (and the amendments made by this subtitle) for different geographic areas so as to reflect the variations in cost-of-living among different areas within the United States. If the Secretary determines that an adjustment is feasible, the study should include a methodology to make such an adjustment. Not later than January 1, 2013, the Secretary shall submit to Congress a report on such study and shall include such recommendations as the Secretary determines appropriate.

''(b) INCLUSION OF TERRITORIES.—

''(1) IN GENERAL.—The Secretary shall ensure that the study under subsection (a) covers the territories of the United States and that special attention is paid to the disparity that exists among poverty levels and the cost of living in such territories and to the impact of such disparity on efforts to expand health coverage and ensure health care.

''(2) TERRITORIES DEFINED.—In this subsection, the term 'territories of the United States' includes the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and any other territory or possession of the United States.''.

SEC. 10106. AMENDMENTS TO SUBTITLE F.

(a) Section 1501(a)(2) of this Act is amended to read as follows:

''(2) EFFECTS ON THE NATIONAL ECONOMY AND INTERSTATE COMMERCE.—The effects described in this paragraph are the following:

''(A) The requirement regulates activity that is commercial and economic in nature: economic and financial decisions about how and when health care is paid for, and when health insurance is purchased. In the absence of the requirement, some individuals would make an economic and financial decision to forego health insurance coverage and attempt to self-insure, which increases financial risks to households and medical providers.

''(B) Health insurance and health care services are a significant part of the national economy. National health spending is projected to increase from $2,500,000,000,000, or 17.6 percent of the economy, in 2009 to $4,700,000,000,000 in 2019. Private health insurance spending is projected to be $854,000,000,000 in 2009, and pays for medical supplies, drugs, and equipment that are shipped in interstate commerce. Since most health insurance is sold by national or regional health insurance companies, health insurance is sold in interstate commerce and claims payments flow through interstate commerce.

''(C) The requirement, together with the other provisions of this Act, will add millions of new consumers to the health insurance market, increasing the supply of, and demand for, health care services, and will increase the number and share of Americans who are insured.

''(D) The requirement achieves near-universal coverage by building upon and strengthening the private employer-based health insurance system, which covers 176,000,000 Americans nationwide. In Massachusetts, a similar requirement has strengthened private employer-based coverage: despite the economic downturn, the number of workers offered employer-based coverage has actually increased.

''(E) The economy loses up to $207,000,000,000 a year because of the poorer health and shorter lifespan of the uninsured. By significantly reducing the number of the uninsured, the requirement, together with the other provisions of this Act, will significantly reduce this economic cost.

''(F) The cost of providing uncompensated care to the uninsured was $43,000,000,000 in 2008. To pay for this cost, health care providers pass on the cost to private insurers, which pass on the cost to families. This cost-shifting increases family premiums by on average over $1,000 a year. By significantly reducing the number of the uninsured, the requirement, together with the other provisions of this Act, will lower health insurance premiums.

''(G) 62 percent of all personal bankruptcies are caused in part by medical expenses. By significantly increasing health insurance coverage, the requirement, together with the other provisions of this Act, will improve financial security for families.

''(H) Under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), the Public Health Service Act (42 U.S.C. 201 et seq.), and this Act, the Federal Government has a significant role in regulating health insurance. The requirement is an essential part of this larger regulation of economic activity, and the absence of the requirement would undercut Federal regulation of the health insurance market.

''(I) Under sections 2704 and 2705 of the Public Health Service Act (as added by section 1201 of this Act), if there were no requirement, many individuals would wait to purchase health insurance until they needed care. By significantly increasing health insurance coverage, the requirement, together with the other provisions of this Act, will minimize this adverse selection and broaden the health insurance risk pool to include healthy individuals, which will lower health insurance premiums. The requirement is essential to creating effective health insurance markets in which improved health insurance products that are guaranteed issue and do not exclude coverage of pre-existing conditions can be sold.

''(J) Administrative costs for private health insurance, which were $90,000,000,000 in 2006, are 26 to 30 percent of premiums in the current individual and small group markets. By significantly increasing health insurance coverage and the size of purchasing pools, which will increase economies of scale, the requirement, together with the other provisions of this Act, will significantly reduce administrative costs and lower health insurance premiums. The requirement is essential to creating effective health insurance markets that do not require underwriting and eliminate its associated administrative costs.''.

(b)(1) Section 5000A(b)(1) of the Internal Revenue Code of 1986, as added by section 1501(b) of this Act, is amended to read as follows:

''(1) IN GENERAL.—If a taxpayer who is an applicable individual, or an applicable individual for whom the taxpayer is liable under paragraph (3), fails to meet the requirement of subsection (a) for 1 or more months, then, except as provided in subsection (e), there is hereby imposed on the taxpayer a penalty with respect to such failures in the amount determined under subsection (c).''.

(2) Paragraphs (1) and (2) of section 5000A(c) of the Internal Revenue Code of 1986, as so added, are amended to read as follows:

''(1) IN GENERAL.—The amount of the penalty imposed by this section on any taxpayer for any taxable year with respect to failures described in subsection (b)(1) shall be equal to the lesser of—

''(A) the sum of the monthly penalty amounts determined under paragraph (2) for months in the taxable year during which 1 or more such failures occurred, or

''(B) an amount equal to the national average premium for qualified health plans which have a bronze level of coverage, provide coverage for the applicable family size involved, and are offered through Exchanges for plan years beginning in the calendar year with or within which the taxable year ends.

''(2) MONTHLY PENALTY AMOUNTS.—For purposes of paragraph (1)(A), the monthly penalty amount with respect to any taxpayer for any month during which any failure described in subsection (b)(1) occurred is an amount equal to 1/12 of the greater of the following amounts:

''(A) FLAT DOLLAR AMOUNT.—An amount equal to the lesser of—

''(i) the sum of the applicable dollar amounts for all individuals with respect to whom such failure occurred during such month, or

''(ii) 300 percent of the applicable dollar amount (determined without regard to paragraph (3)(C)) for the calendar year with or within which the taxable year ends.

''(B) PERCENTAGE OF INCOME.—An amount equal to the following percentage of the taxpayer's household income for the taxable year:

''(i) 0.5 percent for taxable years beginning in 2014.

''(ii) 1.0 percent for taxable years beginning in 2015.

''(iii) 2.0 percent for taxable years beginning after 2015.''.

(3) Section 5000A(c)(3) of the Internal Revenue Code of 1986, as added by section 1501(b) of this Act, is amended by striking ''$350'' and inserting ''$495''.

(c) Section 5000A(d)(2)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of this Act, is amended to read as follows:

''(A) RELIGIOUS CONSCIENCE EXEMPTION.—Such term shall not include any individual for any month if such individual has in effect an exemption under section 1311(d)(4)(H) of the Patient Protection and Affordable Care Act which certifies that such individual is—

''(i) a member of a recognized religious sect or division thereof which is described in section 1402(g)(1), and

''(ii) an adherent of established tenets or teachings of such sect or division as described in such section.''.

(d) Section 5000A(e)(1)(C) of the Internal Revenue Code of 1986, as added by section 1501(b) of this Act, is amended to read as follows:

''(C) SPECIAL RULES FOR INDIVIDUALS RELATED TO EMPLOYEES.—For purposes of subparagraph (B)(i), if an applicable individual is eligible for minimum essential coverage through an employer by reason of a relationship to an employee, the determination under subparagraph (A) shall be made by reference to required contribution of the employee.''.

(e) Section 4980H(b) of the Internal Revenue Code of 1986, as added by section 1513(a) of this Act, is amended to read as follows:

''(b) LARGE EMPLOYERS WITH WAITING PERIODS EXCEEDING 60 DAYS.—

''(1) IN GENERAL.—In the case of any applicable large employer which requires an extended waiting period to enroll in any minimum essential coverage under an employer-sponsored plan (as defined in section 5000A(f)(2)), there is hereby imposed on the employer an assessable payment of $600 for each full-time employee of the employer to whom the extended waiting period applies.

''(2) EXTENDED WAITING PERIOD.—The term 'extended waiting period' means any waiting period (as defined in section 2701(b)(4) of the Public Health Service Act) which exceeds 60 days.''.

(f)(1) Subparagraph (A) of section 4980H(d)(4) of the Internal Revenue Code of 1986, as added by section 1513(a) of this Act, is amended by inserting '', with respect to any month,'' after ''means''.

(2) Section 4980H(d)(2) of the Internal Revenue Code of 1986, as added by section 1513(a) of this Act, is amended by adding at the end the following:

''(D) APPLICATION TO CONSTRUCTION INDUSTRY EMPLOYERS.—In the case of any employer the substantial annual gross receipts of which are attributable to the construction industry—

''(i) subparagraph (A) shall be applied by substituting 'who employed an average of at least 5 full-time employees on business days during the preceding calendar year and whose annual payroll expenses exceed $250,000 for such preceding calendar year' for 'who employed an average of at least 50 full-time employees on business days during the preceding calendar year', and

''(ii) subparagraph (B) shall be applied by substituting '5' for '50'.''.

(3) The amendment made by paragraph (2) shall apply to months beginning after December 31, 2013.

(g) Section 6056(b) of the Internal Revenue Code of 1986, as added by section 1514(a) of the Act, is amended by adding at the end the following new flush sentence:

''The Secretary shall have the authority to review the accuracy of the information provided under this subsection, including the applicable large employer's share under paragraph (2)(C)(iv).''.

SEC. 10107. AMENDMENTS TO SUBTITLE G.

(a) Section 1562 of this Act is amended, in the amendment made by subsection (a)(2)(B)(iii), by striking ''subpart 1'' and inserting ''subparts I and II''; and

(b) Subtitle G of title I of this Act is amended—

(1) by redesignating section 1562 (as amended) as section 1563; and

(2) by inserting after section 1561 the following:

''SEC. 1562. GAO STUDY REGARDING THE RATE OF DENIAL OF COVERAGE AND ENROLLMENT BY HEALTH INSURANCE ISSUERS AND GROUP HEALTH PLANS.

''(a) IN GENERAL.—The Comptroller General of the United States (referred to in this section as the 'Comptroller General') shall conduct a study of the incidence of denials of coverage for medical services and denials of applications to enroll in health insurance plans, as described in subsection (b), by group health plans and health insurance issuers.

''(b) DATA.—

''(1) IN GENERAL.—In conducting the study described in subsection (a), the Comptroller General shall consider samples of data concerning the following:

''(A)(i) denials of coverage for medical services to a plan enrollees, by the types of services for which such coverage was denied; and

''(ii) the reasons such coverage was denied; and

''(B)(i) incidents in which group health plans and health insurance issuers deny the application of an individual to enroll in a health insurance plan offered by such group health plan or issuer; and

''(ii) the reasons such applications are denied.

''(2) SCOPE OF DATA.—

''(A) FAVORABLY RESOLVED DISPUTES.—The data that the Comptroller General considers under paragraph (1) shall include data concerning denials of coverage for medical services and denials of applications for enrollment in a plan by a group health plan or health insurance issuer, where such group health plan or health insurance issuer later approves such coverage or application.

''(B) ALL HEALTH PLANS.—The study under this section shall consider data from varied group health plans and health insurance plans offered by health insurance issuers, including qualified health plans and health plans that are not qualified health plans.

''(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Secretaries of Health and Human Services and Labor a report describing the results of the study conducted under this section.

''(d) PUBLICATION OF REPORT.—The Secretaries of Health and Human Services and Labor shall make the report described in subsection (c) available to the public on an Internet website.

''SEC. 1563. SMALL BUSINESS PROCUREMENT.

''Part 19 of the Federal Acquisition Regulation, section 15 of the Small Business Act (15 U.S.C. 644), and any other applicable laws or regulations establishing procurement requirements relating to small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) may not be waived with respect to any contract awarded under any program or other authority under this Act or an amendment made by this Act.''.

SEC. 10108. FREE CHOICE VOUCHERS.

(a) IN GENERAL.—An offering employer shall provide free choice vouchers to each qualified employee of such employer.

(b) OFFERING EMPLOYER.—For purposes of this section, the term ''offering employer'' means any employer who—

(1) offers minimum essential coverage to its employees consisting of coverage through an eligible employer-sponsored plan; and

(2) pays any portion of the costs of such plan.

(c) QUALIFIED EMPLOYEE.—For purposes of this section—

(1) IN GENERAL.—The term ''qualified employee'' means, with respect to any plan year of an offering employer, any employee—

(A) whose required contribution (as determined under section 5000A(e)(1)(B)) for minimum essential coverage through an eligible employer-sponsored plan—

(i) exceeds 8 percent of such employee's household income for the taxable year described in section 1412(b)(1)(B) which ends with or within in the plan year; and

(ii) does not exceed 9.8 percent of such employee's household income for such taxable year;

(B) whose household income for such taxable year is not greater than 400 percent of the poverty line for a family of the size involved; and

(C) who does not participate in a health plan offered by the offering employer.

(2) INDEXING.—In the case of any calendar year beginning after 2014, the Secretary shall adjust the 8 percent under paragraph (1)(A)(i) and 9.8 percent under paragraph (1)(A)(ii) for the calendar year to reflect the rate of premium growth between the preceding calendar year and 2013 over the rate of income growth for such period.

(d) FREE CHOICE VOUCHER.—

(1) AMOUNT.—

(A) IN GENERAL.—The amount of any free choice voucher provided under subsection (a) shall be equal to the monthly portion of the cost of the eligible employer-sponsored plan which would have been paid by the employer if the employee were covered under the plan with respect to which the employer pays the largest portion of the cost of the plan. Such amount shall be equal to the amount the employer would pay for an employee with self-only coverage unless such employee elects family coverage (in which case such amount shall be the amount the employer would pay for family coverage).

(B) DETERMINATION OF COST.—The cost of any health plan shall be determined under the rules similar to the rules of section 2204 of the Public Health Service Act, except that such amount shall be adjusted for age and category of enrollment in accordance with regulations established by the Secretary.

(2) USE OF VOUCHERS.—An Exchange shall credit the amount of any free choice voucher provided under subsection (a) to the monthly premium of any qualified health plan in the Exchange in which the qualified employee is enrolled and the offering employer shall pay any amounts so credited to the Exchange.

(3) PAYMENT OF EXCESS AMOUNTS.—If the amount of the free choice voucher exceeds the amount of the premium of the qualified health plan in which the qualified employee is enrolled for such month, such excess shall be paid to the employee.

(e) OTHER DEFINITIONS.—Any term used in this section which is also used in section 5000A of the Internal Revenue Code of 1986 shall have the meaning given such term under such section 5000A.

(f) EXCLUSION FROM INCOME FOR EMPLOYEE.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139C the following new section:

''SEC. 139D. FREE CHOICE VOUCHERS.

''Gross income shall not include the amount of any free choice voucher provided by an employer under section 10108 of the Patient Protection and Affordable Care Act to the extent that the amount of such voucher does not exceed the

amount paid for a qualified health plan (as defined in section 1301 of such Act) by the taxpayer.''.

(2) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139C the following new item:

''Sec. 139D. Free choice vouchers.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to vouchers provided after December 31, 2013.

(g) DEDUCTION ALLOWED TO EMPLOYER.—

(1) IN GENERAL.—Section 162(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''For purposes of paragraph (1), the amount of a free choice voucher provided under section 10108 of the Patient Protection and Affordable Care Act shall be treated as an amount for compensation for personal services actually rendered.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to vouchers provided after December 31, 2013.

(h) VOUCHER TAKEN INTO ACCOUNT IN DETERMINING PREMIUM CREDIT.—

(1) IN GENERAL.—Subsection (c)(2) of section 36B of the Internal Revenue Code of 1986, as added by section 1401, is amended by adding at the end the following new subparagraph:

''(D) EXCEPTION FOR INDIVIDUAL RECEIVING FREE CHOICE VOUCHERS.—The term 'coverage month' shall not include any month in which such individual has a free choice voucher provided under section 10108 of the Patient Protection and Affordable Care Act.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2013.

(i) COORDINATION WITH EMPLOYER RESPONSIBILITIES.—

(1) SHARED RESPONSIBILITY PENALTY.—

(A) IN GENERAL.—Subsection (c) of section 4980H of the Internal Revenue Code of 1986, as added by section 1513, is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR EMPLOYERS PROVIDING FREE CHOICE VOUCHERS.—No assessable payment shall be imposed under paragraph (1) for any month with respect to any employee to whom the employer provides a free choice voucher under section 10108 of the Patient Protection and Affordable Care Act for such month.''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to months beginning after December 31, 2013.

(2) NOTIFICATION REQUIREMENT.—Section 18B(a)(3) of the Fair Labor Standards Act of 1938, as added by section 1512, is amended—

(A) by inserting ''and the employer does not offer a free choice voucher'' after ''Exchange''; and

(B) by striking ''will lose'' and inserting ''may lose''.

(j) EMPLOYER REPORTING.—

(1) IN GENERAL.—Subsection (a) of section 6056 of the Internal Revenue Code of 1986, as added by section 1514, is amended by inserting ''and every offering employer'' before ''shall''.

(2) OFFERING EMPLOYERS.—Subsection (f) of section 6056 of such Code, as added by section 1514, is amended to read as follows:

''(f) DEFINITIONS.—For purposes of this section—

''(1) OFFERING EMPLOYER.—

''(A) IN GENERAL.—The term 'offering employer' means any offering employer (as defined in section 10108(b) of the Patient Protection and Affordable Care Act) if the required contribution (within the meaning of section 5000A(e)(1)(B)(i)) of any employee exceeds 8 percent of the wages (as defined in section 3121(a)) paid to such employee by such employer.

''(B) INDEXING.—In the case of any calendar year beginning after 2014, the 8 percent under subparagraph (A) shall be adjusted for the calendar year to reflect the rate of premium growth between the preceding calendar year and 2013 over the rate of income growth for such period.

''(2) OTHER DEFINITIONS.—Any term used in this section which is also used in section 4980H shall have the meaning given such term by section 4980H.''.

(3) CONFORMING AMENDMENTS.—

*(A) The heading of section 6056 of such Code, as added by section 1514, is amended by striking ''**LARGE**'' and inserting ''**CERTAIN**''.*

(B) Section 6056(b)(2)(C) of such Code is amended—

(i) by inserting ''in the case of an applicable large employer,'' before ''the length'' in clause (i);

(ii) by striking ''and'' at the end of clause (iii);

(iii) by striking ''applicable large employer'' in clause (iv) and inserting ''employer'';

(iv) by inserting ''and'' at the end of clause (iv); and

(v) by inserting at the end the following new clause:

''(v) in the case of an offering employer, the option for which the employer pays the largest portion of the cost of the plan and the portion of the cost paid by the employer in each of the enrollment categories under such option,''.

(C) Section 6056(d)(2) of such Code is amended by inserting ''or offering employer'' after ''applicable large employer''.

(D) Section 6056(e) of such Code is amended by inserting ''or offering employer'' after ''applicable large employer''.

(E) Section 6724(d)(1)(B)(xv) of such Code, as added by section 1514, is amended by striking ''large'' and inserting ''certain''.

(F) Section 6724(d)(2)(HH) of such Code, as added by section 1514, is amended by striking ''large'' and inserting ''certain''.

(G) The table of sections for subpart D of part III of subchapter A of chapter 1 of such Code, as amended by section 1514, is amended by striking ''Large employers'' in the item relating to section 6056 and inserting ''Certain employers''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2013.

SEC. 10109. DEVELOPMENT OF STANDARDS FOR FINANCIAL AND ADMINISTRATIVE TRANSACTIONS.

(a) ADDITIONAL TRANSACTION STANDARDS AND OPERATING RULES.—

(1) DEVELOPMENT OF ADDITIONAL TRANSACTION STANDARDS AND OPERATING RULES.—Section 1173(a) of the Social Security Act (42 U.S.C. 1320d–2(a)), as amended by section 1104(b)(2), is amended—

(A) in paragraph (1)(B), by inserting before the period the following: '', and subject to the requirements under paragraph (5)''; and

(B) by adding at the end the following new paragraph:

''(5) CONSIDERATION OF STANDARDIZATION OF ACTIVITIES AND ITEMS.—

''(A) IN GENERAL.—For purposes of carrying out paragraph (1)(B), the Secretary shall solicit, not later than January 1, 2012, and not less than every 3 years thereafter, input from entities described in subparagraph (B) on—

''(i) whether there could be greater uniformity in financial and administrative activities and items, as determined appropriate by the Secretary; and

''(ii) whether such activities should be considered financial and administrative transactions (as described in paragraph (1)(B)) for which the adoption of standards and operating rules would improve the operation of the health care system and reduce administrative costs.

''(B) SOLICITATION OF INPUT.—For purposes of subparagraph (A), the Secretary shall seek input from—

''(i) the National Committee on Vital and Health Statistics, the Health Information Technology Policy Committee, and the Health Information Technology Standards Committee; and

''(ii) standard setting organizations and stakeholders, as determined appropriate by the Secretary.''.

(b) ACTIVITIES AND ITEMS FOR INITIAL CONSIDERATION.—For purposes of section 1173(a)(5) of the Social Security Act, as added by subsection (a), the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall, not later than January 1, 2012, seek input on activities and items relating to the following areas:

(1) Whether the application process, including the use of a uniform application form, for enrollment of health care providers by health plans could be made electronic and standardized.

(2) Whether standards and operating rules described in section 1173 of the Social Security Act should apply to the health care transactions of automobile insurance, worker's compensation, and other programs or persons not described in section 1172(a) of such Act (42 U.S.C. 1320d–1(a)).

(3) Whether standardized forms could apply to financial audits required by health plans, Federal and State agencies (including State auditors, the Office of the Inspector General of the Department of Health and Human Services, and the Centers for Medicare & Medicaid Services), and other relevant entities as determined appropriate by the Secretary.

(4) Whether there could be greater transparency and consistency of methodologies and processes used to establish claim edits used by health plans (as described in section 1171(5) of the Social Security Act (42 U.S.C. 1320d(5))).

(5) Whether health plans should be required to publish their timeliness of payment rules.

(c) ICD CODING CROSSWALKS.—

(1) ICD–9 TO ICD–10 CROSSWALK.—The Secretary shall task the ICD–9–CM Coordination and Maintenance Committee to convene a meeting, not later than January 1, 2011, to receive input from appropriate stakeholders (including health plans, health care providers, and clinicians) regarding the crosswalk between the Ninth and Tenth Revisions of the International Classification of Diseases (ICD–9 and ICD–10, respectively) that is posted on the website of the Centers for Medicare & Medicaid Services, and make recommendations about appropriate revisions to such crosswalk.

(2) REVISION OF CROSSWALK.—For purposes of the crosswalk described in paragraph (1), the Secretary shall make appropriate revisions and post any such revised crosswalk on the website of the Centers for Medicare & Medicaid Services.

(3) USE OF REVISED CROSSWALK.—For purposes of paragraph (2), any revised crosswalk shall be treated as a code set for which a standard has been adopted by the Secretary for purposes of section 1173(c)(1)(B) of the Social Security Act (42 U.S.C. 1320d–2(c)(1)(B)).

(4) SUBSEQUENT CROSSWALKS.—For subsequent revisions of the International Classification of Diseases that are adopted by the Secretary as a standard code set under section 1173(c) of the Social Security Act (42 U.S.C. 1320d–2(c)), the Secretary shall, after consultation with the appropriate stakeholders, post on the website of the Centers for Medicare & Medicaid Services a crosswalk between the previous and subsequent version of the International Classification of Diseases not later than the date of implementation of such subsequent revision.

Subtitle B—Provisions Relating to Title II

PART I—MEDICAID AND CHIP

SEC. 10201. AMENDMENTS TO THE SOCIAL SECURITY ACT AND TITLE II OF THIS ACT.

(a)(1) Section 1902(a)(10)(A)(i)(IX) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(IX)), as added by section 2004(a), is amended to read as follows:

''(IX) who—

''(aa) are under 26 years of age;

''(bb) are not described in or enrolled under any of subclauses (I) through (VII) of this clause or are described in any of such subclauses but have income that exceeds the level of

income applicable under the State plan for eligibility to enroll for medical assistance under such subclause;

''(cc) were in foster care under the responsibility of the State on the date of attaining 18 years of age or such higher age as the State has elected under section 475(8)(B)(iii); and

''(dd) were enrolled in the State plan under this title or under a waiver of the plan while in such foster care;''.

(2) Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10), as amended by section 2001(a)(5)(A), is amended in the matter following subparagraph (G), by striking ''and (XV)'' and inserting ''(XV)'', and by inserting ''and (XVI) if an individual is described in subclause (IX) of subparagraph (A)(i) and is also described in subclause (VIII) of that subparagraph, the medical assistance shall be made available to the individual through subclause (IX) instead of through subclause (VIII)'' before the semicolon.

(3) Section 2004(d) of this Act is amended by striking ''2019'' and inserting ''2014''.

(b) Section 1902(k)(2) of the Social Security Act (42 U.S.C. 1396a(k)(2)), as added by section 2001(a)(4)(A), is amended by striking ''January 1, 2011'' and inserting ''April 1, 2010''.

(c) Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by sections 2001(a)(3), 2001(a)(5)(C), 2006, and 4107(a)(2), is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting in clause (xiv), ''or 1902(a)(10)(A)(i)(IX)'' before the comma;

(2) in subsection (b), in the first sentence, by inserting '', (z),'' before ''and (aa)'';

(3) in subsection (y)—

(A) in paragraph (1)(B)(ii)(II), in the first sentence, by inserting ''includes inpatient hospital services,'' after ''100 percent of the poverty line, that''; and

(B) in paragraph (2)(A), by striking ''on the date of enactment of the Patient Protection and Affordable Care Act'' and inserting ''as of December 1, 2009'';

(4) by inserting after subsection (y) the following:

''(z) EQUITABLE SUPPORT FOR CERTAIN STATES.—

''(1)(A) During the period that begins on January 1, 2014, and ends on September 30, 2019, notwithstanding subsection (b), the Federal medical assistance percentage otherwise determined under subsection (b) with respect to a fiscal year occurring during that period shall be increased by 2.2 percentage points for any State described in subparagraph (B) for amounts expended for medical assistance for individuals who are not newly eligible (as defined in subsection (y)(2)) individuals described in subclause (VIII) of section 1902(a)(10)(A)(i).

''(B) For purposes of subparagraph (A), a State described in this subparagraph is a State that—

''(i) is an expansion State described in subsection (y)(1)(B)(ii)(II);

''(ii) the Secretary determines will not receive any payments under this title on the basis of an increased Federal medical assistance percentage under subsection (y) for expenditures for medical assistance for newly eligible individuals (as so defined); and

''(iii) has not been approved by the Secretary to divert a portion of the DSH allotment for a State to the costs of providing medical assistance or other health benefits coverage under a waiver that is in effect on July 2009.

''(2)(A) During the period that begins on January 1, 2014, and ends on December 31, 2016, notwithstanding subsection (b), the Federal medical assistance percentage otherwise determined under subsection (b) with respect to all or any portion of a fiscal year occurring during that period shall be increased by .5 percentage point for a State described in subparagraph (B) for amounts expended for medical assistance under the State plan under this title or under a waiver of that plan during that period.

''(B) For purposes of subparagraph (A), a State described in this subparagraph is a State that—

''(i) is described in clauses (i) and (ii) of paragraph (1)(B); and

''(ii) is the State with the highest percentage of its population insured during 2008, based on the Current Population Survey.

''(3) Notwithstanding subsection (b) and paragraphs (1) and (2) of this subsection, the Federal medical assistance percentage otherwise determined under subsection (b) with respect to all or any portion of a fiscal year that begins on or after January 1, 2017, for the State of Nebraska, with respect to amounts expended for newly eligible individuals described in subclause (VIII) of section 1902(a)(10)(A)(i), shall be determined as provided for under subsection (y)(1)(A) (notwithstanding the period provided for in such paragraph).

''(4) The increase in the Federal medical assistance percentage for a State under paragraphs (1), (2), or (3) shall apply only for purposes of this title and shall not apply with respect to—

''(A) disproportionate share hospital payments described in section 1923;

''(B) payments under title IV;

''(C) payments under title XXI; and

''(D) payments under this title that are based on the enhanced FMAP described in section 2105(b).'';

(5) in subsection (aa), is amended by striking ''without regard to this subsection and subsection (y)'' and inserting ''without regard to this subsection, subsection (y), subsection (z), and section 10202 of the Patient Protection and Affordable Care Act'' each place it appears;

(6) by adding after subsection (bb), the following:

''(cc) REQUIREMENT FOR CERTAIN STATES.—Notwithstanding subsections (y), (z), and (aa), in the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures required under the State plan under section 1902(a)(2), the State shall not be eligible for an increase in its Federal medical assistance percentage under such subsections if it requires that political subdivisions pay a greater percentage of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1923, than the respective percentages that would have been required by the State under the State plan under this title, State law, or both, as in effect on December 31, 2009, and without regard to any such increase. Voluntary contributions by a political subdivision to the non-Federal share of expenditures under the State plan under this title or to the non-Federal share of payments under section 1923, shall not be considered to be required contributions for purposes of this subsection. The treatment of voluntary contributions, and the treatment of contributions required by a State under the State plan under this title, or State law, as provided by this subsection, shall also apply to the increases in the Federal medical assistance percentage under section 5001 of the American Recovery and Reinvestment Act of 2009.''.

(d) Section 1108(g)(4)(B) of the Social Security Act (42 U.S.C. 1308(g)(4)(B)), as added by section 2005(b), is amended by striking ''income eligibility level in effect for that population under title XIX or under a waiver'' and inserting ''the highest income eligibility level in effect for parents under the commonwealth's or territory's State plan under title XIX or under a waiver of the plan''.

(e)(1) Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)), as amended by section 2551, is amended—

(A) in paragraph (6)—

(i) by striking the paragraph heading and inserting the following: ''ALLOTMENT ADJUSTMENTS''; and

(ii) in subparagraph (B), by adding at the end the following:

''(iii) ALLOTMENT FOR 2D, 3RD, AND 4TH QUARTER OF FISCAL YEAR 2012, FISCAL YEAR 2013, AND SUCCEEDING FISCAL YEARS.—Notwithstanding the table set forth in paragraph (2) or paragraph (7):

''(I) 2D, 3RD, AND 4TH QUARTER OF FISCAL YEAR 2012.—The DSH allotment for Hawaii for the 2d, 3rd, and 4th quarters of fiscal year 2012 shall be $7,500,000.

''(II) TREATMENT AS A LOW-DSH STATE FOR FISCAL YEAR 2013 AND SUCCEEDING FISCAL YEARS.—With respect to fiscal year 2013, and each fiscal year thereafter, the DSH allotment for Hawaii shall be increased in the same manner as allotments for low DSH States are increased for such fiscal year under clause (iii) of paragraph (5)(B).

''(III) CERTAIN HOSPITAL PAYMENTS.—The Secretary may not impose a limitation on the total amount of payments made to hospitals under the QUEST section 1115 Demonstration Project except to the extent that such limitation is necessary to ensure that a hospital does not receive payments in excess of the amounts described in subsection (g), or as necessary to ensure that such payments under the waiver and such payments pursuant to the allotment provided in this clause do not, in the aggregate in any year, exceed the amount that the Secretary determines is equal to the Federal medical assistance percentage component attributable to disproportionate share hospital payment adjustments for such year that is reflected in the budget neutrality provision of the QUEST Demonstration Project.''; and

(B) in paragraph (7)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraph (E)'' and inserting ''subparagraphs (E) and (G)'';

(ii) in subparagraph (B)—

(I) in clause (i), by striking subclauses (I) and (II), and inserting the following:

''(I) if the State is a low DSH State described in paragraph (5)(B) and has spent not more than 99.90 percent of the DSH allotments for the State on average for the period of fiscal years 2004 through 2008, as of September 30, 2009, the applicable percentage is equal to 25 percent;

''(II) if the State is a low DSH State described in paragraph (5)(B) and has spent more than 99.90 percent of the DSH allotments for the State on average for the period of fiscal years 2004 through 2008, as of September 30, 2009, the applicable percentage is equal to 17.5 percent;

''(III) if the State is not a low DSH State described in paragraph (5)(B) and has spent not more than 99.90 percent of the DSH allotments for the State on average for the period of fiscal years 2004 through 2008, as of September 30, 2009, the applicable percentage is equal to 50 percent; and

''(IV) if the State is not a low DSH State described in paragraph (5)(B) and has spent more than 99.90 percent of the DSH allotments for the State on average for the period of fiscal years 2004 through 2008, as of September 30, 2009, the applicable percentage is equal to 35 percent.'';

(II) in clause (ii), by striking subclauses (I) and (II), and inserting the following:

''(I) if the State is a low DSH State described in paragraph (5)(B) and has spent not more than 99.90 percent of the DSH allotments for the State on average for the period of fiscal years 2004 through 2008, as of September 30, 2009, the applicable percentage is equal to the product of the percentage reduction in uncovered individuals for the fiscal year from the preceding fiscal year and 27.5 percent;

''(II) if the State is a low DSH State described in paragraph (5)(B) and has spent more than 99.90 percent of the DSH allotments for the State on average for the period of fiscal years 2004 through 2008, as of September 30, 2009, the applicable percentage is equal to the product of the percentage reduction in uncovered individuals for the fiscal year from the preceding fiscal year and 20 percent;

''(III) if the State is not a low DSH State described in paragraph (5)(B) and has spent not more than 99.90 percent of the DSH allotments for the State on average for the period of fiscal

years 2004 through 2008, as of September 30, 2009, the applicable percentage is equal to the product of the percentage reduction in uncovered individuals for the fiscal year from the preceding fiscal year and 55 percent; and

''(IV) if the State is not a low DSH State described in paragraph (5)(B) and has spent more than 99.90 percent of the DSH allotments for the State on average for the period of fiscal years 2004 through 2008, as of September 30, 2009, the applicable percentage is equal to the product of the percentage reduction in uncovered individuals for the fiscal year from the preceding fiscal year and 40 percent.'';

(III) in subparagraph (E), by striking ''35 percent'' and inserting ''50 percent''; and

(IV) by adding at the end the following:

''(G) NONAPPLICATION.—The preceding provisions of this paragraph shall not apply to the DSH allotment determined for the State of Hawaii for a fiscal year under paragraph (6).''.

(f) Section 2551 of this Act is amended by striking subsection (b).

(g) Section 2105(d)(3)(B) of the Social Security Act (42 U.S.C. 1397ee(d)(3)(B)), as added by section 2101(b)(1), is amended by adding at the end the following: ''For purposes of eligibility for premium assistance for the purchase of a qualified health plan under section 36B of the Internal Revenue Code of 1986 and reduced cost-sharing under section 1402 of the Patient Protection and Affordable Care Act, children described in the preceding sentence shall be deemed to be ineligible for coverage under the State child health plan.''.

(h) Clause (i) of subparagraph (C) of section 513(b)(2) of the Social Security Act, as added by section 2953 of this Act, is amended to read as follows:

''(i) Healthy relationships, including marriage and family interactions.''.

(i) Section 1115 of the Social Security Act (42 U.S.C. 1315) is amended by inserting after subsection (c) the following:

''(d)(1) An application or renewal of any experimental, pilot, or demonstration project undertaken under subsection (a) to promote the objectives of title XIX or XXI in a State that would result in an impact on eligibility, enrollment, benefits, cost-sharing, or financing with respect to a State program under title XIX or XXI (in this subsection referred to as a 'demonstration project') shall be considered by the Secretary in accordance with the regulations required to be promulgated under paragraph (2).

''(2) Not later than 180 days after the date of enactment of this subsection, the Secretary shall promulgate regulations relating to applications for, and renewals of, a demonstration project that provide for—

''(A) a process for public notice and comment at the State level, including public hearings, sufficient to ensure a meaningful level of public input;

''(B) requirements relating to—

''(i) the goals of the program to be implemented or renewed under the demonstration project;

''(ii) the expected State and Federal costs and coverage projections of the demonstration project; and

''(iii) the specific plans of the State to ensure that the demonstration project will be in compliance with title XIX or XXI;

''(C) a process for providing public notice and comment after the application is received by the Secretary, that is sufficient to ensure a meaningful level of public input;

''(D) a process for the submission to the Secretary of periodic reports by the State concerning the implementation of the demonstration project; and

''(E) a process for the periodic evaluation by the Secretary of the demonstration project.

''(3) The Secretary shall annually report to Congress concerning actions taken by the Secretary with respect to applications for demonstration projects under this section.''.

(j) Subtitle F of title III of this Act is amended by adding at the end the following:

''SEC. 3512. GAO STUDY AND REPORT ON CAUSES OF ACTION.

''(a) STUDY.—

''(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of whether the development, recognition, or implementation of any guideline or other standards under a provision described in paragraph (2) would result in the establishment of a new cause of action or claim.

''(2) PROVISIONS DESCRIBED.—The provisions described in this paragraph include the following:

''(A) Section 2701 (adult health quality measures).

''(B) Section 2702 (payment adjustments for health care acquired conditions).

''(C) Section 3001 (Hospital Value-Based Purchase Program).

''(D) Section 3002 (improvements to the Physician Quality Reporting Initiative).

''(E) Section 3003 (improvements to the Physician Feedback Program).

''(F) Section 3007 (value based payment modifier under physician fee schedule).

''(G) Section 3008 (payment adjustment for conditions acquired in hospitals).

''(H) Section 3013 (quality measure development).

''(I) Section 3014 (quality measurement).

''(J) Section 3021 (Establishment of Center for Medicare and Medicaid Innovation).

''(K) Section 3025 (hospital readmission reduction program).

''(L) Section 3501 (health care delivery system research, quality improvement).

''(M) Section 4003 (Task Force on Clinical and Preventive Services).

''(N) Section 4301 (research to optimize deliver of public health services).

''(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress, a report containing the findings made by the Comptroller General under the study under subsection (a).''.

SEC. 10202. INCENTIVES FOR STATES TO OFFER HOME AND COMMUNITY-BASED SERVICES AS A LONG-TERM CARE ALTERNATIVE TO NURSING HOMES.

(a) STATE BALANCING INCENTIVE PAYMENTS PROGRAM.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), in the case of a balancing incentive payment State, as defined in subsection (b), that meets the conditions described in subsection (c), during the balancing incentive period, the Federal medical assistance percentage determined for the State under section 1905(b) of such Act and, if applicable, increased under subsection (z) or (aa) shall be increased by the applicable percentage points determined under subsection (d) with respect to eligible medical assistance expenditures described in subsection (e).

(b) BALANCING INCENTIVE PAYMENT STATE.—A balancing incentive payment State is a State—

(1) in which less than 50 percent of the total expenditures for medical assistance under the State Medicaid program for a fiscal year for long-term services and supports (as defined by the Secretary under subsection (f))(1)) are for non-institutionally-based long-term services and supports described in subsection (f)(1)(B);

(2) that submits an application and meets the conditions described in subsection (c); and

(3) that is selected by the Secretary to participate in the State balancing incentive payment program established under this section.

(c) CONDITIONS.—The conditions described in this subsection are the following:

(1) APPLICATION.—The State submits an application to the Secretary that includes, in addition to such other information as the Secretary shall require—

(A) a proposed budget that details the State's plan to expand and diversify medical assistance for non-institutionally-based long-term services and supports described in subsection (f)(1)(B) under the State Medicaid program during the balancing incentive period and achieve the target spending percentage applicable to the State under paragraph (2), including through structural changes to how the State furnishes such assistance, such as through the establishment of a ''no wrong door—single entry point system'', optional presumptive eligibility, case management services, and the use of core standardized assessment instruments, and that includes a description of the new or expanded offerings of such services that the State will provide and the projected costs of such services; and

(B) in the case of a State that proposes to expand the provision of home and community-based services under its State Medicaid program through a State plan amendment under section 1915(i) of the Social Security Act, at the option of the State, an election to increase the income eligibility for such services from 150 percent of the poverty line to such higher percentage as the State may establish for such purpose, not to exceed 300 percent of the supplemental security income benefit rate established by section 1611(b)(1) of the Social Security Act (42 U.S.C. 1382(b)(1)).

(2) TARGET SPENDING PERCENTAGES.—

(A) In the case of a balancing incentive payment State in which less than 25 percent of the total expenditures for long-term services and supports under the State Medicaid program for fiscal year 2009 are for home and community-based services, the target spending percentage for the State to achieve by not later than October 1, 2015, is that 25 percent of the total expenditures for long-term services and supports under the State Medicaid program are for home and community-based services.

(B) In the case of any other balancing incentive payment State, the target spending percentage for the State to achieve by not later than October 1, 2015, is that 50 percent of the total expenditures for long-term services and supports under the State Medicaid program are for home and community-based services.

(3) MAINTENANCE OF ELIGIBILITY REQUIREMENTS.—The State does not apply eligibility standards, methodologies, or procedures for determining eligibility for medical assistance for non-institutionally-based long-term services and supports described in subsection (f)(1)(B) under the State Medicaid program that are more restrictive than the eligibility standards, methodologies, or procedures in effect for such purposes on December 31, 2010.

(4) USE OF ADDITIONAL FUNDS.—The State agrees to use the additional Federal funds paid to the State as a result of this section only for purposes of providing new or expanded offerings of non-institutionally-based long-term services and supports described in subsection (f)(1)(B) under the State Medicaid program.

(5) STRUCTURAL CHANGES.—The State agrees to make, not later than the end of the 6-month period that begins on the date the State submits an application under this section, the following changes:

(A) ''NO WRONG DOOR—SINGLE ENTRY POINT SYSTEM''.—Development of a statewide system to enable consumers to access all long-term services and supports through an agency, organization, coordinated network, or portal, in accordance with such standards as the State shall establish and that shall provide information regarding the availability of such services, how to apply for such services, referral services for services and supports otherwise available in the community, and determinations of financial and functional eligibility for such services and supports, or assistance with assessment processes for financial and functional eligibility.

(B) CONFLICT-FREE CASE MANAGEMENT SERVICES.—Conflict-free case management services to develop a service plan, arrange for services and supports, support the beneficiary (and, if appropriate, the beneficiary's caregivers) in directing the provision of services and supports for the beneficiary, and conduct ongoing monitoring to assure that services and supports are delivered to meet the beneficiary's needs and achieve intended outcomes.

(C) CORE STANDARDIZED ASSESSMENT INSTRUMENTS.—Development of core standardized assessment instruments for determining eligibility for non-institutionally-based long-term services and supports described in subsection (f)(1)(B), which shall be used in a uniform manner throughout the State, to determine a beneficiary's needs for training, support services, medical care, transportation, and other services, and develop an individual service plan to address such needs.

(6) DATA COLLECTION.—The State agrees to collect from providers of services and through such other means as the State determines appropriate the following data:

(A) SERVICES DATA.—Services data from providers of non-institutionally-based long-term services and supports described in subsection (f)(1)(B) on a per-beneficiary basis and in accordance with such standardized coding procedures as the State shall establish in consultation with the Secretary.

(B) QUALITY DATA.—Quality data on a selected set of core quality measures agreed upon by the Secretary and the State that are linked to population-specific outcomes measures and accessible to providers.

(C) OUTCOMES MEASURES.—Outcomes measures data on a selected set of core population-specific outcomes measures agreed upon by the Secretary and the State that are accessible to providers and include—

(i) measures of beneficiary and family caregiver experience with providers;

(ii) measures of beneficiary and family caregiver satisfaction with services; and

(iii) measures for achieving desired outcomes appropriate to a specific beneficiary, including employment, participation in community life, health stability, and prevention of loss in function.

(d) APPLICABLE PERCENTAGE POINTS INCREASE IN FMAP.—The applicable percentage points increase is—

(1) in the case of a balancing incentive payment State subject to the target spending percentage described in subsection (c)(2)(A), 5 percentage points; and

(2) in the case of any other balancing incentive payment State, 2 percentage points.

(e) ELIGIBLE MEDICAL ASSISTANCE EXPENDITURES.—

(1) IN GENERAL.—Subject to paragraph (2), medical assistance described in this subsection is medical assistance for non-institutionally-based long-term services and supports described in subsection (f)(1)(B) that is provided by a balancing incentive payment State under its State Medicaid program during the balancing incentive payment period.

(2) LIMITATION ON PAYMENTS.—In no case may the aggregate amount of payments made by the Secretary to balancing incentive payment States under this section during the balancing incentive period exceed $3,000,000,000.

(f) DEFINITIONS.—In this section:

(1) LONG-TERM SERVICES AND SUPPORTS DEFINED.—The term ''long-term services and supports'' has the meaning given that term by Secretary and may include any of the following (as defined for purposes of State Medicaid programs):

(A) INSTITUTIONALLY-BASED LONG-TERM SERVICES AND SUPPORTS.—Services provided in an institution, including the following:

(i) Nursing facility services.

(ii) Services in an intermediate care facility for the mentally retarded described in subsection (a)(15) of section 1905 of such Act.

(B) NON-INSTITUTIONALLY-BASED LONG-TERM SERVICES AND SUPPORTS.—Services not provided in an institution, including the following:

(i) Home and community-based services provided under subsection (c), (d), or (i) of section 1915 of such Act or under a waiver under section 1115 of such Act.

(ii) Home health care services.

(iii) Personal care services.

(iv) Services described in subsection (a)(26) of section 1905 of such Act (relating to PACE program services).

(v) Self-directed personal assistance services described in section 1915(j) of such Act.

(2) BALANCING INCENTIVE PERIOD.—The term ''balancing incentive period'' means the period that begins on October 1, 2011, and ends on September 30, 2015.

(3) POVERTY LINE.—The term ''poverty line'' has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)).

(4) STATE MEDICAID PROGRAM.—The term ''State Medicaid program'' means the State program for medical assistance provided under a State plan under title XIX of the Social Security Act and under any waiver approved with respect to such State plan.

SEC. 10203. EXTENSION OF FUNDING FOR CHIP THROUGH FISCAL YEAR 2015 AND OTHER CHIP-RELATED PROVISIONS.

(a) Section 1311(c)(1) of this Act is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ''; and'', and by adding at the end the following:

''(I) report to the Secretary at least annually and in such manner as the Secretary shall require, pediatric quality reporting measures consistent with the pediatric quality reporting measures established under section 1139A of the Social Security Act.''.

(b) Effective as if included in the enactment of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3):

(1) Section 1906(e)(2) of the Social Security Act (42 U.S.C. 1396e(e)(2)) is amended by striking ''means'' and all that follows through the period and inserting ''has the meaning given that term in section 2105(c)(3)(A).''.

(2)(A) Section 1906A(a) of the Social Security Act (42 U.S.C. 1396e–1(a)), is amended by inserting before the period the following: ''and the offering of such a subsidy is cost-effective, as defined for purposes of section 2105(c)(3)(A)''.

(B) This Act shall be applied without regard to subparagraph (A) of section 2003(a)(1) of this Act and that subparagraph and the amendment made by that subparagraph are hereby deemed null, void, and of no effect.

(3) Section 2105(c)(10) of the Social Security Act (42 U.S.C. 1397ee(c)(10)) is amended—

(A) in subparagraph (A), in the first sentence, by inserting before the period the following: ''if the offering of such a subsidy is cost-effective, as defined for purposes of paragraph (3)(A)'';

(B) by striking subparagraph (M); and

(C) by redesignating subparagraph (N) as subparagraph (M).

(4) Section 2105(c)(3)(A) of the Social Security Act (42 U.S.C. 1397ee(c)(3)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''to'' and inserting ''to—''; and

(B) in clause (ii), by striking the period and inserting a semicolon.

(c) Section 2105 of the Social Security Act (42 U.S.C. 1397ee), as amended by section 2101, is amended—

(1) in subsection (b), in the second sentence, by striking ''2013'' and inserting ''2015''; and

(2) in subsection (d)(3)—

(A) in subparagraph (A)—

(i) in the first sentence, by inserting ''as a condition of receiving payments under section 1903(a),'' after ''2019,'';

(ii) in clause (i), by striking ''or'' at the end;

(iii) by redesignating clause (ii) as clause (iii); and

(iv) by inserting after clause (i), the following:

''(ii) after September 30, 2015, enrolling children eligible to be targeted low-income children under the State child health plan in a qualified health plan that has been certified by the Secretary under subparagraph (C); or'';

(B) in subparagraph (B), by striking ''provided coverage'' and inserting ''screened for eligibility for medical assistance under the State plan under title XIX or a waiver of that plan and, if found eligible, enrolled in such plan or a waiver. In the case of such children who, as a result of such screening, are determined to not be eligible for medical assistance under the State plan or a waiver under title XIX, the State shall establish procedures to ensure that the children are enrolled in a qualified health plan that has been certified by the Secretary under subparagraph (C) and is offered''; and

(C) by adding at the end the following:

''(C) CERTIFICATION OF COMPARABILITY OF PEDIATRIC COVERAGE OFFERED BY QUALIFIED HEALTH PLANS.—With respect to each State, the Secretary, not later than April 1, 2015, shall review the benefits offered for children and the cost-sharing imposed with respect to such benefits by qualified health plans offered through an Exchange established by the State under section 1311 of the Patient Protection and Affordable Care Act and shall certify those plans that offer benefits for children and impose cost-sharing with respect to such benefits that the Secretary determines are at least comparable to the benefits offered and cost-sharing protections provided under the State child health plan.''.

(d)(1) Section 2104(a) of such Act (42 U.S.C. 1397dd(a)) is amended—

(A) in paragraph (15), by striking ''and'' at the end; and

(B) by striking paragraph (16) and inserting the following:

''(16) for fiscal year 2013, $17,406,000,000;

''(17) for fiscal year 2014, $19,147,000,000; and

''(18) for fiscal year 2015, for purposes of making 2 semi-annual allotments—

''(A) $2,850,000,000 for the period beginning on October 1, 2014, and ending on March 31, 2015, and

''(B) $2,850,000,000 for the period beginning on April 1, 2015, and ending on September 30, 2015.''.

(2)(A) Section 2104(m) of such Act (42 U.S.C. 1397dd(m)), as amended by section 2102(a)(1), is amended—

(i) in the subsection heading, by striking ''2013'' and inserting ''2015'';

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking ''2012'' and inserting ''2014''; and

(II) by adding at the end the following:

''(B) FISCAL YEARS 2013 AND 2014.—Subject to paragraphs (4) and (6), from the amount made available under paragraphs (16) and (17) of subsection (a) for fiscal years 2013 and 2014, respectively, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for each such fiscal year as follows:

''(i) REBASING IN FISCAL YEAR 2013.—For fiscal year 2013, the allotment of the State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2012 (including payments made to the State under subsection (n) for fiscal year 2012 as well as amounts redistributed to the State in fiscal year 2012), multiplied by the allotment increase factor under paragraph (5) for fiscal year 2013.

''(ii) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2014.—For fiscal year 2014, the allotment of the State is equal to the sum of—

''(I) the amount of the State allotment under clause (i) for fiscal year 2013; and

''(II) the amount of any payments made to the State under subsection (n) for fiscal year 2013,

multiplied by the allotment increase factor under paragraph (5) for fiscal year 2014.'';

(iii) in paragraph (3)—

(I) in the paragraph heading, by striking ''2013'' and inserting ''2015'';

(II) in subparagraphs (A) and (B), by striking ''paragraph (16)'' each place it appears and inserting ''paragraph (18)'';

(III) in subparagraph (C)—

(aa) by striking ''2012'' each place it appears and inserting ''2014''; and

(bb) by striking ''2013'' and inserting ''2015''; and

(IV) in subparagraph (D)—

(aa) in clause (i)(I), by striking ''subsection (a)(16)(A)'' and inserting ''subsection (a)(18)(A)''; and

(bb) in clause (ii)(II), by striking ''subsection (a)(16)(B)'' and inserting ''subsection (a)(18)(B)'';

(iv) in paragraph (4), by striking ''2013'' and inserting ''2015'';

(v) in paragraph (6)—

(I) in subparagraph (A), by striking ''2013'' and inserting ''2015''; and

(II) in the flush language after and below subparagraph (B)(ii), by striking ''or fiscal year 2012'' and inserting '', fiscal year 2012, or fiscal year 2014''; and

(vi) in paragraph (8)—

(I) in the paragraph heading, by striking ''2013'' and inserting ''2015''; and

(II) by striking ''2013'' and inserting ''2015''.

(B) Section 2104(n) of such Act (42 U.S.C. 1397dd(n)) is amended—

(i) in paragraph (2)—

(I) in subparagraph (A)(ii)—

(aa) by striking ''2012'' and inserting ''2014''; and

(bb) by striking ''2013'' and inserting ''2015'';

(II) in subparagraph (B)—

(aa) by striking ''2012'' and inserting ''2014''; and

(bb) by striking ''2013'' and inserting ''2015''; and

(ii) in paragraph (3)(A), by striking ''or a semi-annual allotment period for fiscal year 2013'' and inserting ''fiscal year 2013, fiscal year 2014, or a semi-annual allotment period for fiscal year 2015''.

(C) Section 2105(g)(4) of such Act (42 U.S.C. 1397ee(g)(4)) is amended—

(i) in the paragraph heading, by striking ''2013'' and inserting ''2015''; and

(ii) in subparagraph (A), by striking ''2013'' and inserting ''2015''.

(D) Section 2110(b) of such Act (42 U.S.C. 1397jj(b)) is amended—

(i) in paragraph (2)(B), by inserting ''except as provided in paragraph (6),'' before ''a child''; and

(ii) by adding at the end the following new paragraph:

''(6) EXCEPTIONS TO EXCLUSION OF CHILDREN OF EMPLOYEES OF A PUBLIC AGENCY IN THE STATE.—

''(A) IN GENERAL.—A child shall not be considered to be described in paragraph (2)(B) if—

''(i) the public agency that employs a member of the child's family to which such paragraph applies satisfies subparagraph (B); or

''(ii) subparagraph (C) applies to such child.

''(B) MAINTENANCE OF EFFORT WITH RESPECT TO PER PERSON AGENCY CONTRIBUTION FOR FAMILY COVERAGE.—For purposes of subparagraph (A)(i), a public agency satisfies this subparagraph if the amount of annual agency expenditures made on behalf of each employee enrolled in health coverage paid for by the agency that includes dependent coverage for the most recent State fiscal year is not less than the amount of such expenditures made by the agency for the 1997 State fiscal year, increased by the percentage increase in the medical care expenditure category of the Consumer Price Index for All-Urban Consumers (all items: U.S. City Average) for such preceding fiscal year.

''(C) HARDSHIP EXCEPTION.—For purposes of subparagraph (A)(ii), this subparagraph applies to a child if the State determines, on a case-by-case basis, that the annual aggregate amount of premiums and cost-sharing imposed for coverage of the family of the child would exceed 5 percent of such family's income for the year involved.''.

(E) Section 2113 of such Act (42 U.S.C. 1397mm) is amended—

(i) in subsection (a)(1), by striking ''2013'' and inserting ''2015''; and

(ii) in subsection (g), by striking ''$100,000,000 for the period of fiscal years 2009 through 2013'' and inserting ''$140,000,000 for the period of fiscal years 2009 through 2015''.

(F) Section 108 of Public Law 111–3 is amended by striking ''$11,706,000,000'' and all that follows through the second sentence and inserting ''$15,361,000,000 to accompany the allotment made for the period beginning on October 1, 2014, and ending on March 31, 2015, under section 2104(a)(18)(A) of the Social Security Act (42 U.S.C. 1397dd(a)(18)(A)), to remain available until expended. Such amount shall be used to provide allotments to States under paragraph (3) of section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)) for the first 6 months of fiscal year 2015 in the same manner as allotments are provided under subsection (a)(18)(A) of such section 2104 and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(18)(A).''.

PART II—SUPPORT FOR PREGNANT AND PARENTING TEENS AND WOMEN

SEC. 10211. DEFINITIONS.

In this part:

(1) ACCOMPANIMENT.—The term ''accompaniment'' means assisting, representing, and accompanying a woman in seeking judicial relief for child support, child custody, restraining orders, and restitution for harm to persons and property, and in filing criminal charges, and may include the payment of court costs and reasonable attorney and witness fees associated therewith.

(2) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—The term ''eligible institution of higher education'' means an institution of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that has established and operates, or agrees to establish and operate upon the receipt of a grant under this part, a pregnant and parenting student services office.

(3) COMMUNITY SERVICE CENTER.—The term ''community service center'' means a non-profit organization that provides social services to residents of a specific geographical area via direct service or by contract with a local governmental agency.

(4) HIGH SCHOOL.—The term ''high school'' means any public or private school that operates grades 10 through 12, inclusive, grades 9 through 12, inclusive or grades 7 through 12, inclusive.

(5) INTERVENTION SERVICES.—The term ''intervention services'' means, with respect to domestic violence, sexual violence, sexual assault, or stalking, 24-hour telephone hotline services for police protection and referral to shelters.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(7) STATE.—The term ''State'' includes the District of Columbia, any commonwealth, possession, or other territory of the United States, and any Indian tribe or reservation.

(8) SUPPORTIVE SOCIAL SERVICES.—The term ''supportive social services'' means transitional and permanent housing, vocational counseling, and individual and group counseling aimed at preventing domestic violence, sexual violence, sexual assault, or stalking.

(9) VIOLENCE.—The term ''violence'' means actual violence and the risk or threat of violence.

SEC. 10212. ESTABLISHMENT OF PREGNANCY ASSISTANCE FUND.

(a) IN GENERAL.—The Secretary, in collaboration and coordination with the Secretary of Education (as appropriate), shall establish a Pregnancy Assistance Fund to be administered by the Secretary, for the purpose of awarding competitive grants to States to assist pregnant and parenting teens and women.

(b) USE OF FUND.—A State may apply for a grant under subsection (a) to carry out any activities provided for in section 10213.

(c) APPLICATIONS.—To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the purposes for which the grant is being requested and the designation of a State agency for receipt and administration of funding received under this part.

SEC. 10213. PERMISSIBLE USES OF FUND.

(a) IN GENERAL.—A State shall use amounts received under a grant under section 10212 for the purposes described in this section to assist pregnant and parenting teens and women.

(b) INSTITUTIONS OF HIGHER EDUCATION.—

(1) IN GENERAL.—A State may use amounts received under a grant under section 10212 to make funding available to eligible institutions of higher education to enable the eligible institutions to establish, maintain, or operate pregnant and parenting student services. Such funding shall be used to supplement, not supplant, existing funding for such services.

(2) APPLICATION.—An eligible institution of higher education that desires to receive funding under this subsection shall submit an application to the designated State agency at such time, in such manner, and containing such information as the State agency may require.

(3) MATCHING REQUIREMENT.—An eligible institution of higher education that receives funding under this subsection shall contribute to the conduct of the pregnant and parenting student services office supported by the funding an amount from non-Federal funds equal to 25 percent of the amount of the funding provided. The non-Federal share may be in cash or in-kind, fairly evaluated, including services, facilities, supplies, or equipment.

(4) USE OF FUNDS FOR ASSISTING PREGNANT AND PARENTING COLLEGE STUDENTS.—An eligible institution of higher education that receives funding under this subsection shall use such funds to establish, maintain or operate pregnant and parenting student services and may use such funding for the following programs and activities:

(A) Conduct a needs assessment on campus and within the local community—

(i) to assess pregnancy and parenting resources, located on the campus or within the local community, that are available to meet the needs described in subparagraph (B); and

(ii) to set goals for—

(I) improving such resources for pregnant, parenting, and prospective parenting students; and

(II) improving access to such resources.

(B) Annually assess the performance of the eligible institution in meeting the following needs of students enrolled in the eligible institution who are pregnant or are parents:

(i) The inclusion of maternity coverage and the availability of riders for additional family members in student health care.

(ii) Family housing.

(iii) Child care.

(iv) Flexible or alternative academic scheduling, such as telecommuting programs, to enable pregnant or parenting students to continue their education or stay in school.

(v) Education to improve parenting skills for mothers and fathers and to strengthen marriages.

(vi) Maternity and baby clothing, baby food (including formula), baby furniture, and similar items to assist parents and prospective parents in meeting the material needs of their children.

(vii) Post-partum counseling.

(C) Identify public and private service providers, located on the campus of the eligible institution or within the local community, that are qualified to meet the needs described in subparagraph (B), and establishes programs with qualified providers to meet such needs.

(D) Assist pregnant and parenting students, fathers or spouses in locating and obtaining services that meet the needs described in subparagraph (B).

(E) If appropriate, provide referrals for prenatal care and delivery, infant or foster care, or adoption, to a student who requests such information. An office shall make such referrals only to service providers that serve the following types of individuals:

(i) Parents.

(ii) Prospective parents awaiting adoption.

(iii) Women who are pregnant and plan on parenting or placing the child for adoption.

(iv) Parenting or prospective parenting couples.

(5) REPORTING.—

(A) ANNUAL REPORT BY INSTITUTIONS.—

(i) IN GENERAL.—For each fiscal year that an eligible institution of higher education receives funds under this subsection, the eligible institution shall prepare and submit to the State, by the date determined by the State, a report that—

(I) itemizes the pregnant and parenting student services office's expenditures for the fiscal year;

(II) contains a review and evaluation of the performance of the office in fulfilling the requirements of this section, using the specific performance criteria or standards established under subparagraph (B)(i); and

(III) describes the achievement of the office in meeting the needs listed in paragraph (4)(B) of the students served by the eligible institution, and the frequency of use of the office by such students.

(ii) PERFORMANCE CRITERIA.—Not later than 180 days before the date the annual report described in clause (i) is submitted, the State—

(I) shall identify the specific performance criteria or standards that shall be used to prepare the report; and

(II) may establish the form or format of the report.

(B) REPORT BY STATE.—The State shall annually prepare and submit a report on the findings under this subsection, including the number of eligible institutions of higher education that were awarded funds and the number of students served by each pregnant and parenting student services office receiving funds under this section, to the Secretary.

(c) SUPPORT FOR PREGNANT AND PARENTING TEENS.—A State may use amounts received under a grant under section 10212 to make funding available to eligible high schools and community service centers to establish, maintain or operate pregnant and parenting services in the same general manner and in accordance with all conditions and requirements described in subsection (b), except that paragraph (3) of such subsection shall not apply for purposes of this subsection.

(d) IMPROVING SERVICES FOR PREGNANT WOMEN WHO ARE VICTIMS OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, SEXUAL ASSAULT, AND STALKING.—

(1) IN GENERAL.—A State may use amounts received under a grant under section 10212 to make funding available tp its State Attorney General to assist Statewide offices in providing—

(A) intervention services, accompaniment, and supportive social services for eligible pregnant women who are victims of domestic violence, sexual violence, sexual assault, or stalking.

(B) technical assistance and training (as described in subsection (c)) relating to violence against eligible pregnant women to be made available to the following:

(i) Federal, State, tribal, territorial, and local governments, law enforcement agencies, and courts.

(ii) Professionals working in legal, social service, and health care settings.

(iii) Nonprofit organizations.

(iv) Faith-based organizations.

(2) ELIGIBILITY.—To be eligible for a grant under paragraph (1), a State Attorney General shall submit an application to the designated State agency at such time, in such manner, and containing such information, as specified by the State.

(3) TECHNICAL ASSISTANCE AND TRAINING DESCRIBED.—For purposes of paragraph (1)(B), technical assistance and training is—

(A) the identification of eligible pregnant women experiencing domestic violence, sexual violence, sexual assault, or stalking;

(B) the assessment of the immediate and short-term safety of such a pregnant woman, the evaluation of the impact of the violence or stalking on the pregnant woman's health, and the assistance of the pregnant woman in developing a plan aimed at preventing further domestic violence, sexual violence, sexual assault, or stalking, as appropriate;

(C) the maintenance of complete medical or forensic records that include the documentation of any examination, treatment given, and referrals made, recording the location and nature of the pregnant woman's injuries, and the establishment of mechanisms to ensure the privacy and confidentiality of those medical records; and

(D) the identification and referral of the pregnant woman to appropriate public and private nonprofit entities that provide intervention services, accompaniment, and supportive social services.

(4) ELIGIBLE PREGNANT WOMAN.—In this subsection, the term ''eligible pregnant woman'' means any woman who is pregnant on the date on which such woman becomes a victim of domestic violence, sexual violence, sexual assault, or stalking or who was pregnant during the one-year period before such date.

(e) PUBLIC AWARENESS AND EDUCATION.—A State may use amounts received under a grant under section 10212 to make funding available to increase public awareness and education concerning any services available to pregnant and parenting teens and women under this part, or any other resources available to pregnant and parenting women in keeping with the intent and purposes of this part. The State shall be responsible for setting guidelines or limits as to how much of funding may be utilized for public awareness and education in any funding award.

SEC. 10214. APPROPRIATIONS.

There is authorized to be appropriated, and there are appropriated, $25,000,000 for each of fiscal years 2010 through 2019, to carry out this part.

PART III—INDIAN HEALTH CARE IMPROVEMENT

SEC. 10221. INDIAN HEALTH CARE IMPROVEMENT.

(a) IN GENERAL.—Except as provided in subsection (b), S. 1790 entitled ''A bill to amend the Indian Health Care Improvement Act to revise and extend that Act, and for other purposes.'', as reported by the Committee on Indian Affairs of the Senate in December 2009, is enacted into law.

(b) AMENDMENTS.—

(1) Section 119 of the Indian Health Care Improvement Act (as amended by section 111 of the bill referred to in subsection (a)) is amended—

(A) in subsection (d)—

(i) in paragraph (2), by striking ''In establishing'' and inserting ''Subject to paragraphs (3) and (4), in establishing''; and

(ii) by adding at the end the following:

''(3) ELECTION OF INDIAN TRIBE OR TRIBAL ORGANIZATION.—

''(A) IN GENERAL.—Subparagraph (B) of paragraph (2) shall not apply in the case of an election made by an Indian tribe or tribal organization located in a State (other than Alaska) in which the use of dental health aide therapist services or midlevel dental health provider services is authorized under State law to supply such services in accordance with State law.

''(B) ACTION BY SECRETARY.—On an election by an Indian tribe or tribal organization under subparagraph (A), the Secretary, acting through the Service, shall facilitate implementation of the services elected.

''(4) VACANCIES.—The Secretary shall not fill any vacancy for a certified dentist in a program operated by the Service with a dental health aide therapist.''; and

(B) by adding at the end the following:

''(e) EFFECT OF SECTION.—Nothing in this section shall restrict the ability of the Service, an Indian tribe, or a tribal organization to participate in any program or to provide any service authorized by any other Federal law.''.

(2) The Indian Health Care Improvement Act (as amended by section 134(b) of the bill referred to in subsection (a)) is amended by striking section 125 (relating to treatment of scholarships for certain purposes).

(3) Section 806 of the Indian Health Care Improvement Act (25 U.S.C. 1676) is amended—

(A) by striking ''Any limitation'' and inserting the following:

''(a) HHS APPROPRIATIONS.—Any limitation''; and

(B) by adding at the end the following:

''(b) LIMITATIONS PURSUANT TO OTHER FEDERAL LAW.—Any limitation pursuant to other Federal laws on the use of Federal funds appropriated to the Service shall apply with respect to the performance or coverage of abortions.''.

(4) The bill referred to in subsection (a) is amended by striking section 201.

Subtitle C—Provisions Relating to Title III

SEC. 10301. PLANS FOR A VALUE-BASED PURCHASING PROGRAM FOR AMBULATORY SURGICAL CENTERS.

(a) IN GENERAL.—Section 3006 is amended by adding at the end the following new subsection:

''(f) AMBULATORY SURGICAL CENTERS.—

''(1) IN GENERAL.—The Secretary shall develop a plan to implement a value-based purchasing program for payments under the Medicare program under title XVIII of the Social Security Act for ambulatory surgical centers (as described in section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i))).

''(2) DETAILS.—In developing the plan under paragraph (1), the Secretary shall consider the following issues:

''(A) The ongoing development, selection, and modification process for measures (including under section 1890 of the Social Security Act (42 U.S.C. 1395aaa) and section 1890A of such Act, as added by section 3014), to the extent feasible and practicable, of all dimensions of quality and efficiency in ambulatory surgical centers.

''(B) The reporting, collection, and validation of quality data.

''(C) The structure of value-based payment adjustments, including the determination of thresholds or improvements in quality that would substantiate a payment adjustment, the size of such payments, and the sources of funding for the value-based bonus payments.

''(D) Methods for the public disclosure of information on the performance of ambulatory surgical centers.

''(E) Any other issues determined appropriate by the Secretary.

''(3) CONSULTATION.—In developing the plan under paragraph (1), the Secretary shall—

''(A) consult with relevant affected parties; and

''(B) consider experience with such demonstrations that the Secretary determines are relevant to the value-based purchasing program described in paragraph (1).

''(4) REPORT TO CONGRESS.—Not later than January 1, 2011, the Secretary shall submit to Congress a report containing the plan developed under paragraph (1).''.

(b) TECHNICAL.—Section 3006(a)(2)(A) is amended by striking clauses (i) and (ii).

SEC. 10302. REVISION TO NATIONAL STRATEGY FOR QUALITY IMPROVEMENT IN HEALTH CARE.

Section 399HH(a)(2)(B)(iii) of the Public Health Service Act, as added by section 3011, is amended by inserting ''(taking into consideration the limitations set forth in subsections (c) and (d) of section 1182 of the Social Security Act)'' after ''information''.

SEC. 10303. DEVELOPMENT OF OUTCOME MEASURES.

(a) DEVELOPMENT.—Section 931 of the Public Health Service Act, as added by section 3013(a), is amended by adding at the end the following new subsection:

''(f) DEVELOPMENT OF OUTCOME MEASURES.—

''(1) IN GENERAL.—The Secretary shall develop, and periodically update (not less than every 3 years), provider-level outcome measures for hospitals and physicians, as well as other providers as determined appropriate by the Secretary.

''(2) CATEGORIES OF MEASURES.—The measures developed under this subsection shall include, to

the extent determined appropriate by the Secretary—

''(A) outcome measurement for acute and chronic diseases, including, to the extent feasible, the 5 most prevalent and resource-intensive acute and chronic medical conditions; and

''(B) outcome measurement for primary and preventative care, including, to the extent feasible, measurements that cover provision of such care for distinct patient populations (such as healthy children, chronically ill adults, or infirm elderly individuals).

''(3) GOALS.—In developing such measures, the Secretary shall seek to—

''(A) address issues regarding risk adjustment, accountability, and sample size;

''(B) include the full scope of services that comprise a cycle of care; and

''(C) include multiple dimensions.

''(4) TIMEFRAME.—

''(A) ACUTE AND CHRONIC DISEASES.—Not later than 24 months after the date of enactment of this Act, the Secretary shall develop not less than 10 measures described in paragraph (2)(A).

''(B) PRIMARY AND PREVENTIVE CARE.—Not later than 36 months after the date of enactment of this Act, the Secretary shall develop not less than 10 measures described in paragraph (2)(B).''.

(b) HOSPITAL-ACQUIRED CONDITIONS.—Section 1890A of the Social Security Act, as amended by section 3013(b), is amended by adding at the end the following new subsection:

''(f) HOSPITAL ACQUIRED CONDITIONS.—The Secretary shall, to the extent practicable, publicly report on measures for hospital-acquired conditions that are currently utilized by the Centers for Medicare & Medicaid Services for the adjustment of the amount of payment to hospitals based on rates of hospital-acquired infections.''.

(c) CLINICAL PRACTICE GUIDELINES.—Section 304(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended by adding at the end the following new paragraph:

''(4) IDENTIFICATION.—

''(A) IN GENERAL.—Following receipt of the report submitted under paragraph (2), and not less than every 3 years thereafter, the Secretary shall contract with the Institute to employ the results of the study performed under paragraph (1) and the best methods identified by the Institute for the purpose of identifying existing and new clinical practice guidelines that were developed using such best methods, including guidelines listed in the National Guideline Clearinghouse.

''(B) CONSULTATION.—In carrying out the identification process under subparagraph (A), the Secretary shall allow for consultation with professional societies, voluntary health care organizations, and expert panels.''.

SEC. 10304. SELECTION OF EFFICIENCY MEASURES.

Sections 1890(b)(7) and 1890A of the Social Security Act, as added by section 3014, are amended by striking ''quality'' each place it appears and inserting ''quality and efficiency''.

SEC. 10305. DATA COLLECTION; PUBLIC REPORTING.

Section 399II(a) of the Public Health Service Act, as added by section 3015, is amended to read as follows:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT OF STRATEGIC FRAMEWORK.—The Secretary shall establish and implement an overall strategic framework to carry out the public reporting of performance information, as described in section 399JJ. Such strategic framework may include methods and related timelines for implementing nationally consistent data collection, data aggregation, and analysis methods.

''(2) COLLECTION AND AGGREGATION OF DATA.—The Secretary shall collect and aggregate consistent data on quality and resource use measures from information systems used to support health care delivery, and may award grants or contracts for this purpose. The Secretary shall align such collection and aggregation efforts with the requirements and assistance regarding the expansion of health information technology systems, the interoperability of such technology systems, and related standards that are in effect on the date of enactment of the Patient Protection and Affordable Care Act.

''(3) SCOPE.—The Secretary shall ensure that the data collection, data aggregation, and analysis systems described in paragraph (1) involve an increasingly broad range of patient populations, providers, and geographic areas over time.''.

SEC. 10306. IMPROVEMENTS UNDER THE CENTER FOR MEDICARE AND MEDICAID INNOVATION.

Section 1115A of the Social Security Act, as added by section 3021, is amended—

(1) in subsection (a), by inserting at the end the following new paragraph:

''(5) TESTING WITHIN CERTAIN GEOGRAPHIC AREAS.—For purposes of testing payment and service delivery models under this section, the Secretary may elect to limit testing of a model to certain geographic areas.'';

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) in the second sentence, by striking ''the preceding sentence may include'' and inserting ''this subparagraph may include, but are not limited to,''; and

(ii) by inserting after the first sentence the following new sentence: ''The Secretary shall focus on models expected to reduce program costs under the applicable title while preserving or enhancing the quality of care received by individuals receiving benefits under such title.'';

(B) in subparagraph (B), by adding at the end the following new clauses:

''(xix) Utilizing, in particular in entities located in medically underserved areas and facilities of the Indian Health Service (whether operated by such Service or by an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act)), telehealth services—

''(I) in treating behavioral health issues (such as post-traumatic stress disorder) and stroke; and

''(II) to improve the capacity of non-medical providers and non-specialized medical providers to provide health services for patients with chronic complex conditions.

''(xx) Utilizing a diverse network of providers of services and suppliers to improve care coordination for applicable individuals described in subsection (a)(4)(A)(i) with 2 or more chronic conditions and a history of prior-year hospitalization through interventions developed under the Medicare Coordinated Care Demonstration Project under section 4016 of the Balanced Budget Act of 1997 (42 U.S.C. 1395b–1 note).''; and

(C) in subparagraph (C), by adding at the end the following new clause:

''(viii) Whether the model demonstrates effective linkage with other public sector or private sector payers.'';

(3) in subsection (b)(4), by adding at the end the following new subparagraph:

''(C) MEASURE SELECTION.—To the extent feasible, the Secretary shall select measures under this paragraph that reflect national priorities for quality improvement and patient-centered care consistent with the measures described in 1890(b)(7)(B).''; and

(4) in subsection (c)—

(A) in paragraph (1)(B), by striking ''care and reduce spending; and'' and inserting ''patient care without increasing spending;'';

(B) in paragraph (2), by striking ''reduce program spending under applicable titles.'' and inserting ''reduce (or would not result in any increase in) net program spending under applicable titles; and''; and

(C) by adding at the end the following:

''(3) the Secretary determines that such expansion would not deny or limit the coverage or provision of benefits under the applicable title for applicable individuals.

In determining which models or demonstration projects to expand under the preceding sentence, the Secretary shall focus on models and demonstration projects that improve the quality of patient care and reduce spending.''.

SEC. 10307. IMPROVEMENTS TO THE MEDICARE SHARED SAVINGS PROGRAM.

Section 1899 of the Social Security Act, as added by section 3022, is amended by adding at the end the following new subsections:

''(i) OPTION TO USE OTHER PAYMENT MODELS.—

''(1) IN GENERAL.—If the Secretary determines appropriate, the Secretary may use any of the payment models described in paragraph (2) or (3) for making payments under the program rather than the payment model described in subsection (d).

''(2) PARTIAL CAPITATION MODEL.—

''(A) IN GENERAL.—Subject to subparagraph (B), a model described in this paragraph is a partial capitation model in which an ACO is at financial risk for some, but not all, of the items and services covered under parts A and B, such as at risk for some or all physicians' services or all items and services under part B. The Secretary may limit a partial capitation model to ACOs that are highly integrated systems of care and to ACOs capable of bearing risk, as determined to be appropriate by the Secretary.

''(B) NO ADDITIONAL PROGRAM EXPENDITURES.—Payments to an ACO for items and services under this title for beneficiaries for a year under the partial capitation model shall be established in a manner that does not result in spending more for such ACO for such beneficiaries than would otherwise be expended for such ACO for such beneficiaries for such year if the model were not implemented, as estimated by the Secretary.

''(3) OTHER PAYMENT MODELS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a model described in this paragraph is any payment model that the Secretary determines will improve the quality and efficiency of items and services furnished under this title.

''(B) NO ADDITIONAL PROGRAM EXPENDITURES.—Subparagraph (B) of paragraph (2) shall apply to a payment model under subparagraph (A) in a similar manner as such subparagraph (B) applies to the payment model under paragraph (2).

''(j) INVOLVEMENT IN PRIVATE PAYER AND OTHER THIRD PARTY ARRANGEMENTS.—The Secretary may give preference to ACOs who are participating in similar arrangements with other payers.

''(k) TREATMENT OF PHYSICIAN GROUP PRACTICE DEMONSTRATION.—During the period beginning on the date of the enactment of this section and ending on the date the program is established, the Secretary may enter into an agreement with an ACO under the demonstration under section 1866A, subject to rebasing and other modifications deemed appropriate by the Secretary.''.

SEC. 10308. REVISIONS TO NATIONAL PILOT PROGRAM ON PAYMENT BUNDLING.

(a) IN GENERAL.—Section 1866D of the Social Security Act, as added by section 3023, is amended—

(1) in paragraph (a)(2)(B), in the matter preceding clause (i), by striking ''8 conditions'' and inserting ''10 conditions'';

(2) by striking subsection (c)(1)(B) and inserting the following:

''(B) EXPANSION.—The Secretary may, at any point after January 1, 2016, expand the duration and scope of the pilot program, to the extent determined appropriate by the Secretary, if—

''(i) the Secretary determines that such expansion is expected to—

''(I) reduce spending under title XVIII of the Social Security Act without reducing the quality of care; or

''(II) improve the quality of care and reduce spending;

''(ii) the Chief Actuary of the Centers for Medicare & Medicaid Services certifies that such expansion would reduce program spending under such title XVIII; and

''(iii) the Secretary determines that such expansion would not deny or limit the coverage or provision of benefits under this title for individuals.''; and

(3) by striking subsection (g) and inserting the following new subsection:

''(g) APPLICATION OF PILOT PROGRAM TO CONTINUING CARE HOSPITALS.—

''(1) IN GENERAL.—In conducting the pilot program, the Secretary shall apply the provisions of the program so as to separately pilot test the continuing care hospital model.

''(2) SPECIAL RULES.—In pilot testing the continuing care hospital model under paragraph (1), the following rules shall apply:

''(A) Such model shall be tested without the limitation to the conditions selected under subsection (a)(2)(B).

''(B) Notwithstanding subsection (a)(2)(D), an episode of care shall be defined as the full period that a patient stays in the continuing care hospital plus the first 30 days following discharge from such hospital.

''(3) CONTINUING CARE HOSPITAL DEFINED.—In this subsection, the term 'continuing care hospital' means an entity that has demonstrated the ability to meet patient care and patient safety standards and that provides under common management the medical and rehabilitation services provided in inpatient rehabilitation hospitals and units (as defined in section 1886(d)(1)(B)(ii)), long term care hospitals (as defined in section 1886(d)(1)(B)(iv)(I)), and skilled nursing facilities (as defined in section 1819(a)) that are located in a hospital described in section 1886(d).''.

(b) TECHNICAL AMENDMENTS.—

(1) Section 3023 is amended by striking ''1886C'' and inserting ''1866C''.

(2) Title XVIII of the Social Security Act is amended by redesignating section 1866D, as added by section 3024, as section 1866E.

SEC. 10309. REVISIONS TO HOSPITAL READMISSIONS REDUCTION PROGRAM.

Section 1886(q)(1) of the Social Security Act, as added by section 3025, in the matter preceding subparagraph (A), is amended by striking ''the Secretary shall reduce the payments'' and all that follows through ''the product of'' and inserting ''the Secretary shall make payments (in addition to the payments described in paragraph (2)(A)(ii)) for such a discharge to such hospital under subsection (d) (or section 1814(b)(3), as the case may be) in an amount equal to the product of''.

SEC. 10310. REPEAL OF PHYSICIAN PAYMENT UPDATE.

The provisions of, and the amendment made by, section 3101 are repealed.

SEC. 10311. REVISIONS TO EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)), as amended by section 3105(a), is further amended—

(1) in the matter preceding clause (i)—

(A) by striking ''2007, for'' and inserting ''2007, and for''; and

(B) by striking ''2010, and for such services furnished on or after April 1, 2010, and before January 1, 2011'' and inserting ''2011''; and

(2) in each of clauses (i) and (ii)—

(A) by striking '', and on or after April 1, 2010, and before January 1, 2011'' each place it appears; and

(B) by striking ''January 1, 2010'' and inserting ''January 1, 2011'' each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by section 3105(b), is further amended by striking ''December 31, 2009, and during the period beginning on April 1, 2010, and ending on January 1, 2011'' and inserting ''December 31, 2010''.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)), as amended by section 3105(c), is further amended by striking ''2010, and on or after April 1, 2010, and before January 1, 2011'' and inserting ''2011''.

SEC. 10312. CERTAIN PAYMENT RULES FOR LONG-TERM CARE HOSPITAL SERVICES AND MORATORIUM ON THE ESTABLISHMENT OF CERTAIN HOSPITALS AND FACILITIES.

(a) CERTAIN PAYMENT RULES.—Section 114(c) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by section 4302(a) of the American Recovery and Reinvestment Act (Public Law 111–5) and section 3106(a) of this Act, is further amended by striking ''4-year period'' each place it appears and inserting ''5-year period''.

(b) MORATORIUM.—Section 114(d) of such Act (42 U.S.C. 1395ww note), as amended by section 3106(b) of this Act, in the matter preceding subparagraph (A), is amended by striking ''4-year period'' and inserting ''5-year period''.

SEC. 10313. REVISIONS TO THE EXTENSION FOR THE RURAL COMMUNITY HOSPITAL DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Subsection (g) of section 410A of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2272), as added by section 3123(a) of this Act, is amended to read as follows:

''(g) FIVE-YEAR EXTENSION OF DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary shall conduct the demonstration program under this section for an additional 5-year period (in this section referred to as the '5-year extension period') that begins on the date immediately following the last day of the initial 5-year period under subsection (a)(5).

''(2) EXPANSION OF DEMONSTRATION STATES.—Notwithstanding subsection (a)(2), during the 5-year extension period, the Secretary shall expand the number of States with low population densities determined by the Secretary under such subsection to 20. In determining which States to include in such expansion, the Secretary shall use the same criteria and data that the Secretary used to determine the States under such subsection for purposes of the initial 5-year period.

''(3) INCREASE IN MAXIMUM NUMBER OF HOSPITALS PARTICIPATING IN THE DEMONSTRATION PROGRAM.—Notwithstanding subsection (a)(4), during the 5-year extension period, not more than 30 rural community hospitals may participate in the demonstration program under this section.

''(4) HOSPITALS IN DEMONSTRATION PROGRAM ON DATE OF ENACTMENT.—In the case of a rural community hospital that is participating in the demonstration program under this section as of the last day of the initial 5-year period, the Secretary—

''(A) shall provide for the continued participation of such rural community hospital in the demonstration program during the 5-year extension period unless the rural community hospital makes an election, in such form and manner as the Secretary may specify, to discontinue such participation; and

''(B) in calculating the amount of payment under subsection (b) to the rural community hospital for covered inpatient hospital services furnished by the hospital during such 5-year extension period, shall substitute, under paragraph (1)(A) of such subsection—

''(i) the reasonable costs of providing such services for discharges occurring in the first cost reporting period beginning on or after the first day of the 5-year extension period, for

''(ii) the reasonable costs of providing such services for discharges occurring in the first cost reporting period beginning on or after the implementation of the demonstration program.''.

(b) CONFORMING AMENDMENTS.—Subsection (a)(5) of section 410A of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2272), as amended by section 3123(b) of this Act, is amended by striking ''1-year extension'' and inserting ''5-year extension''.

SEC. 10314. ADJUSTMENT TO LOW-VOLUME HOSPITAL PROVISION.

Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12), as amended by section 3125, is amended—

(1) in subparagraph (C)(i), by striking ''1,500 discharges'' and inserting ''1,600 discharges''; and

(2) in subparagraph (D), by striking ''1,500 discharges'' and inserting ''1,600 discharges''.

SEC. 10315. REVISIONS TO HOME HEALTH CARE PROVISIONS.

(a) REBASING.—Section 1895(b)(3)(A)(iii) of the Social Security Act, as added by section 3131, is amended—

(1) in the clause heading, by striking ''2013'' and inserting ''2014'';

(2) in subclause (I), by striking ''2013'' and inserting ''2014''; and

(3) in subclause (II), by striking ''2016'' and inserting ''2017''.

(b) REVISION OF HOME HEALTH STUDY AND REPORT.—Section 3131(d) is amended to read as follows:

''(d) STUDY AND REPORT ON THE DEVELOPMENT OF HOME HEALTH PAYMENT REVISIONS IN ORDER TO ENSURE ACCESS TO CARE AND PAYMENT FOR SEVERITY OF ILLNESS.—

''(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the 'Secretary') shall conduct a study on home health agency costs involved with providing ongoing access to care to low-income Medicare beneficiaries or beneficiaries in medically underserved areas, and in treating beneficiaries with varying levels of severity of illness. In conducting the study, the Secretary may analyze items such as the following:

''(A) Methods to potentially revise the home health prospective payment system under section 1895 of the Social Security Act (42 U.S.C. 1395fff) to account for costs related to patient severity of illness or to improving beneficiary access to care, such as—

''(i) payment adjustments for services that may involve additional or fewer resources;

''(ii) changes to reflect resources involved with providing home health services to low-income Medicare beneficiaries or Medicare beneficiaries residing in medically underserved areas;

''(iii) ways outlier payments might be revised to reflect costs of treating Medicare beneficiaries with high levels of severity of illness; and

''(iv) other issues determined appropriate by the Secretary.

''(B) Operational issues involved with potential implementation of potential revisions to the home health payment system, including impacts for both home health agencies and administrative and systems issues for the Centers for Medicare & Medicaid Services, and any possible payment vulnerabilities associated with implementing potential revisions.

''(C) Whether additional research might be needed.

''(D) Other items determined appropriate by the Secretary.

''(2) CONSIDERATIONS.—In conducting the study under paragraph (1), the Secretary may consider whether patient severity of illness and access to care could be measured by factors, such as—

''(A) population density and relative patient access to care;

''(B) variations in service costs for providing care to individuals who are dually eligible under the Medicare and Medicaid programs;

''(C) the presence of severe or chronic diseases, which might be measured by multiple, discontinuous home health episodes;

''(D) poverty status, such as evidenced by the receipt of Supplemental Security Income under title XVI of the Social Security Act; and

''(E) other factors determined appropriate by the Secretary.

''(3) REPORT.—Not later than March 1, 2014, the Secretary shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

''(4) CONSULTATIONS.—In conducting the study under paragraph (1), the Secretary shall consult with appropriate stakeholders, such as groups representing home health agencies and groups representing Medicare beneficiaries.

''(5) MEDICARE DEMONSTRATION PROJECT BASED ON THE RESULTS OF THE STUDY.—

''(A) IN GENERAL.—Subject to subparagraph (D), taking into account the results of the study conducted under paragraph (1), the Secretary may, as determined appropriate, provide for a demonstration project to test whether making payment adjustments for home health services under the Medicare program would substantially improve access to care for patients with high severity levels of illness or for low-income or underserved Medicare beneficiaries.

''(B) WAIVING BUDGET NEUTRALITY.—The Secretary shall not reduce the standard prospective payment amount (or amounts) under section 1895 of the Social Security Act (42 U.S.C. 1395fff) applicable to home health services furnished during a period to offset any increase in payments during such period resulting from the application of the payment adjustments under subparagraph (A).

''(C) NO EFFECT ON SUBSEQUENT PERIODS.—A payment adjustment resulting from the application of subparagraph (A) for a period—

''(i) shall not apply to payments for home health services under title XVIII after such period; and

''(ii) shall not be taken into account in calculating the payment amounts applicable for such services after such period.

''(D) DURATION.—If the Secretary determines it appropriate to conduct the demonstration project under this subsection, the Secretary shall conduct the project for a four year period beginning not later than January 1, 2015.

''(E) FUNDING.—The Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), in such proportion as the Secretary determines appropriate, of $500,000,000 for the period of fiscal years 2015 through 2018. Such funds shall be made available for the study described in paragraph (1) and the design, implementation and evaluation of the demonstration described in this paragraph. Amounts available under this subparagraph shall be available until expended.

''(F) EVALUATION AND REPORT.—If the Secretary determines it appropriate to conduct the demonstration project under this subsection, the Secretary shall—

''(i) provide for an evaluation of the project; and

''(ii) submit to Congress, by a date specified by the Secretary, a report on the project.

''(G) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply with respect to this subsection.''.

SEC. 10316. MEDICARE DSH.

Section 1886(r)(2)(B) of the Social Security Act, as added by section 3133, is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''(divided by 100)'';

(B) in subclause (I), by striking ''2012'' and inserting ''2013'';

(C) in subclause (II), by striking the period at the end and inserting a comma; and

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

''minus 1.5 percentage points.''.

(2) in clause (ii)—

(A) in the matter preceding subclause (I), by striking ''(divided by 100)'';

(B) in subclause (I), by striking ''2012'' and inserting ''2013'';

(C) in subclause (II), by striking the period at the end and inserting a comma; and

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

''and, for each of 2018 and 2019, minus 1.5 percentage points.''.

SEC. 10317. REVISIONS TO EXTENSION OF SECTION 508 HOSPITAL PROVISIONS.

Section 3137(a) is amended to read as follows:

''(a) EXTENSION.—

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

''(2) SPECIAL RULE FOR FISCAL YEAR 2010.—

''(A) IN GENERAL.—Subject to subparagraph (B), for purposes of implementation of the amendment made by paragraph (1), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid and SCHIP Extension Act of 2007 (Public Law 110–173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2010, the Secretary of Health and Human Services (in this subsection referred to as the 'Secretary') shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on August 27, 2009 (74 Fed. Reg. 43754), and any subsequent corrections.

''(B) EXCEPTION.—Beginning on April 1, 2010, in determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by paragraph (1) only if including such data results in a higher applicable reclassified wage index.

''(3) ADJUSTMENT FOR CERTAIN HOSPITALS IN FISCAL YEAR 2010.—

''(A) IN GENERAL.—In the case of a subsection (d) hospital (as defined in subsection (d)(1)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

''(i) a reclassification of its wage index for purposes of such section was extended pursuant to the amendment made by paragraph (1); and

''(ii) the wage index applicable for such hospital for the period beginning on October 1, 2009, and ending on March 31, 2010, was lower than for the period beginning on April 1, 2010, and ending on September 30, 2010, by reason of the application of paragraph (2)(B);

the Secretary shall pay such hospital an additional payment that reflects the difference between the wage index for such periods.

''(B) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under subparagraph by not later than December 31, 2010.''.

SEC. 10318. REVISIONS TO TRANSITIONAL EXTRA BENEFITS UNDER MEDICARE ADVANTAGE.

Section 1853(p)(3)(A) of the Social Security Act, as added by section 3201(h), is amended by inserting ''in 2009'' before the period at the end.

SEC. 10319. REVISIONS TO MARKET BASKET ADJUSTMENTS.

(a) INPATIENT ACUTE HOSPITALS.—Section 1886(b)(3)(B)(xii) of the Social Security Act, as added by section 3401(a), is amended—

(1) in subclause (I), by striking ''and'' at the end;

(2) by redesignating subclause (II) as subclause (III);

(3) by inserting after subclause (II) the following new subclause:

''(II) for each of fiscal years 2012 and 2013, by 0.1 percentage point; and''; and

(4) in subclause (III), as redesignated by paragraph (2), by striking ''2012'' and inserting ''2014''.

(b) LONG-TERM CARE HOSPITALS.—Section 1886(m)(4) of the Social Security Act, as added by section 3401(c), is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''each of rate years 2010 and 2011'' and inserting ''rate year 2010''; and

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

(B) by redesignating clause (ii) as clause (iv);

(C) by inserting after clause (i) the following new clauses:

''(ii) for rate year 2011, 0.50 percentage point;

''(iii) for each of the rate years beginning in 2012 and 2013, 0.1 percentage point; and''; and

(D) in clause (iv), as redesignated by subparagraph (B), by striking ''2012'' and inserting ''2014''; and

(2) in subparagraph (B), by striking ''(A)(ii)'' and inserting ''(A)(iv)''.

(c) INPATIENT REHABILITATION FACILITIES.—Section 1886(j)(3)(D)(i) of the Social Security Act, as added by section 3401(d), is amended—

(1) in subclause (I), by striking ''and'' at the end;

(2) by redesignating subclause (II) as subclause (III);

(3) by inserting after subclause (II) the following new subclause:

''(II) for each of fiscal years 2012 and 2013, 0.1 percentage point; and''; and

(4) in subclause (III), as redesignated by paragraph (2), by striking ''2012'' and inserting ''2014''.

(d) HOME HEALTH AGENCIES.—Section 1895(b)(3)(B)(vi)(II) of such Act, as added by section 3401(e), is amended by striking ''and 2012'' and inserting '', 2012, and 2013''.

(e) PSYCHIATRIC HOSPITALS.—Section 1886(s)(3)(A) of the Social Security Act, as added by section 3401(f), is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) by redesignating clause (ii) as clause (iii);

(3) by inserting after clause (ii) the following new clause:

''(ii) for each of the rate years beginning in 2012 and 2013, 0.1 percentage point; and''; and

(4) in clause (iii), as redesignated by paragraph (2), by striking ''2012'' and inserting ''2014''.

(f) HOSPICE CARE.—Section 1814(i)(1)(C) of the Social Security Act (42 U.S.C. 1395f(i)(1)(C)), as amended by section 3401(g), is amended—

(1) in clause (iv)(II), by striking ''0.5'' and inserting ''0.3''; and

(2) in clause (v), in the matter preceding subclause (I), by striking ''0.5'' and inserting ''0.3''.

(g) OUTPATIENT HOSPITALS.—Section 1833(t)(3)(G)(i) of the Social Security Act, as added by section 3401(i), is amended—

(1) in subclause (I), by striking ''and'' at the end;

(2) by redesignating subclause (II) as subclause (III);

(3) by inserting after subclause (II) the following new subclause:

''(II) for each of 2012 and 2013, 0.1 percentage point; and''; and

(4) in subclause (III), as redesignated by paragraph (2), by striking ''2012'' and inserting ''2014''.

SEC. 10320. EXPANSION OF THE SCOPE OF, AND ADDITIONAL IMPROVEMENTS TO, THE INDEPENDENT MEDICARE ADVISORY BOARD.

(a) IN GENERAL.—Section 1899A of the Social Security Act, as added by section 3403, is amended—

(1) in subsection (c)—

(A) in paragraph (1)(B), by adding at the end the following new sentence: ''In any year (beginning with 2014) that the Board is not required to submit a proposal under this section, the Board shall submit to Congress an advisory report on matters related to the Medicare program.'';

(B) in paragraph (2)(A)—

(i) in clause (iv), by inserting ''or the full premium subsidy under section 1860D–14(a)'' before the period at the end of the last sentence; and

(ii) by adding at the end the following new clause:

''(vii) If the Chief Actuary of the Centers for Medicare & Medicaid Services has made a determination described in subsection (e)(3)(B)(i)(II) in the determination year, the proposal shall be designed to help reduce the growth rate described in paragraph (8) while maintaining or enhancing beneficiary access to quality care under this title.'';

(C) in paragraph (2)(B)—

(i) in clause (v), by striking ''and'' at the end;

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

(iii) by adding at the end the following new clause:

''(vii) take into account the data and findings contained in the annual reports under subsection (n) in order to develop proposals that can most effectively promote the delivery of efficient, high quality care to Medicare beneficiaries.'';

(D) in paragraph (3)—

(i) in the heading, by striking ''TRANSMISSION OF BOARD PROPOSAL TO PRESIDENT'' and inserting ''SUBMISSION OF BOARD PROPOSAL TO CONGRESS AND THE PRESIDENT'';

(ii) in subparagraph (A)(i), by striking ''transmit a proposal under this section to the President'' and insert ''submit a proposal under this section to Congress and the President''; and

(iii) in subparagraph (A)(ii)—

(I) in subclause (I), by inserting ''or'' at the end;

(II) in subclause (II), by striking ''; or'' and inserting a period; and

(III) by striking subclause (III);

(E) in paragraph (4)—

(i) by striking ''the Board under paragraph (3)(A)(i) or''; and

(ii) by striking ''immediately'' and inserting ''within 2 days'';

(F) in paragraph (5)—

(i) by striking ''to but'' and inserting ''but''; and

(ii) by inserting ''Congress and'' after ''submit a proposal to''; and

(G) in paragraph (6)(B)(i), by striking ''per unduplicated enrollee'' and inserting ''(calculated as the sum of per capita spending under each of parts A, B, and D)'';

(2) in subsection (d)—

(A) in paragraph (1)(A)—

(i) by inserting ''the Board or'' after ''a proposal is submitted by''; and

(ii) by inserting ''subsection (c)(3)(A)(i) or'' after ''the Senate under''; and

(B) in paragraph (2)(A), by inserting ''the Board or'' after ''a proposal is submitted by'';

(3) in subsection (e)—

(A) in paragraph (1), by inserting ''the Board or'' after ''a proposal submitted by''; and

(B) in paragraph (3)—

(i) by striking ''EXCEPTION.—The Secretary shall not be required to implement the recommendations contained in a proposal submitted in a proposal year by'' and inserting ''EXCEPTIONS.—

''(A) IN GENERAL.—The Secretary shall not implement the recommendations contained in a proposal submitted in a proposal year by the Board or'';

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately; and

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

''(B) LIMITED ADDITIONAL EXCEPTION.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary shall not implement the recommendations contained in a proposal submitted by the Board or the President to Congress pursuant to this section in a proposal year (beginning with proposal year 2019) if—

''(I) the Board was required to submit a proposal to Congress under this section in the year preceding the proposal year; and

''(II) the Chief Actuary of the Centers for Medicare & Medicaid Services makes a determination in the determination year that the growth rate described in subsection (c)(8) exceeds the growth rate described in subsection (c)(6)(A)(i).

''(ii) LIMITED ADDITIONAL EXCEPTION MAY NOT BE APPLIED IN TWO CONSECUTIVE YEARS.—This subparagraph shall not apply if the recommendations contained in a proposal submitted by the Board or the President to Congress pursuant to this section in the year preceding the proposal year were not required to be implemented by reason of this subparagraph.

''(iii) NO AFFECT ON REQUIREMENT TO SUBMIT PROPOSALS OR FOR CONGRESSIONAL CONSIDERATION OF PROPOSALS.—Clause (i) and (ii) shall not affect—

''(I) the requirement of the Board or the President to submit a proposal to Congress in a proposal year in accordance with the provisions of this section; or

''(II) Congressional consideration of a legislative proposal (described in subsection (c)(3)(B)(iv)) contained such a proposal in accordance with subsection (d).'';

(4) in subsection (f)(3)(B)—

(A) by striking ''or advisory reports to Congress'' and inserting '', advisory reports, or advisory recommendations''; and

(B) by inserting ''or produce the public report under subsection (n)'' after ''this section''; and

(5) by adding at the end the following new subsections:

''(n) ANNUAL PUBLIC REPORT.—

''(1) IN GENERAL.—Not later than July 1, 2014, and annually thereafter, the Board shall produce a public report containing standardized information on system-wide health care costs, patient access to care, utilization, and quality-of-care that allows for comparison by region, types of services, types of providers, and both private payers and the program under this title.

''(2) REQUIREMENTS.—Each report produced pursuant to paragraph (1) shall include information with respect to the following areas:

''(A) The quality and costs of care for the population at the most local level determined practical by the Board (with quality and costs compared to national benchmarks and reflecting rates of change, taking into account quality measures described in section 1890(b)(7)(B)).

''(B) Beneficiary and consumer access to care, patient and caregiver experience of care, and the cost-sharing or out-of-pocket burden on patients.

''(C) Epidemiological shifts and demographic changes.

''(D) The proliferation, effectiveness, and utilization of health care technologies, including variation in provider practice patterns and costs.

''(E) Any other areas that the Board determines affect overall spending and quality of care in the private sector.

''(o) ADVISORY RECOMMENDATIONS FOR NON-FEDERAL HEALTH CARE PROGRAMS.—

''(1) IN GENERAL.—Not later than January 15, 2015, and at least once every two years thereafter, the Board shall submit to Congress and the President recommendations to slow the growth in national health expenditures (excluding expenditures under this title and in other Federal health care programs) while preserving or enhancing quality of care, such as recommendations—

''(A) that the Secretary or other Federal agencies can implement administratively;

''(B) that may require legislation to be enacted by Congress in order to be implemented;

''(C) that may require legislation to be enacted by State or local governments in order to be implemented;

''(D) that private sector entities can voluntarily implement; and

''(E) with respect to other areas determined appropriate by the Board.

''(2) COORDINATION.—In making recommendations under paragraph (1), the Board shall coordinate such recommendations with recommendations contained in proposals and advisory reports produced by the Board under subsection (c).

''(3) AVAILABLE TO PUBLIC.—The Board shall make recommendations submitted to Congress and the President under this subsection available to the public.''.

(b) NAME CHANGE.—Any reference in the provisions of, or amendments made by, section 3403 to the ''Independent Medicare Advisory Board'' shall be deemed to be a reference to the ''Independent Payment Advisory Board''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall preclude the Independent Medicare Advisory Board, as established under section 1899A of the Social Security Act (as added by section 3403), from solely using data from public or private sources to carry out the amendments made by subsection (a)(4).

SEC. 10321. REVISION TO COMMUNITY HEALTH TEAMS.

Section 3502(c)(2)(A) is amended by inserting ''or other primary care providers'' after ''physicians''.

SEC. 10322. QUALITY REPORTING FOR PSYCHIATRIC HOSPITALS.

(a) IN GENERAL.—Section 1886(s) of the Social Security Act, as added by section 3401(f), is amended by adding at the end the following new paragraph:

''(4) QUALITY REPORTING.—

''(A) REDUCTION IN UPDATE FOR FAILURE TO REPORT.—

''(i) IN GENERAL.—Under the system described in paragraph (1), for rate year 2014 and each subsequent rate year, in the case of a psychiatric hospital or psychiatric unit that does not submit data to the Secretary in accordance with subparagraph (C) with respect to such a rate year, any annual update to a standard Federal rate for discharges for the hospital during the rate year, and after application of paragraph (2), shall be reduced by 2 percentage points.

''(ii) SPECIAL RULE.—The application of this subparagraph may result in such annual update being less than 0.0 for a rate year, and may result in payment rates under the system described in paragraph (1) for a rate year being less than such payment rates for the preceding rate year.

''(B) NONCUMULATIVE APPLICATION.—Any reduction under subparagraph (A) shall apply only with respect to the rate year involved and the Secretary shall not take into account such reduction in computing the payment amount under the system described in paragraph (1) for a subsequent rate year.

''(C) SUBMISSION OF QUALITY DATA.—For rate year 2014 and each subsequent rate year, each psychiatric hospital and psychiatric unit shall submit to the Secretary data on quality measures specified under subparagraph (D). Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this subparagraph.

''(D) QUALITY MEASURES.—

''(i) IN GENERAL.—Subject to clause (ii), any measure specified by the Secretary under this subparagraph must have been endorsed by the entity with a contract under section 1890(a).

''(ii) EXCEPTION.—In the case of a specified area or medical topic determined appropriate by the Secretary for which a feasible and practical measure has not been endorsed by the entity with a contract under section 1890(a), the Secretary may specify a measure that is not so endorsed as long as due consideration is given to measures that have been endorsed or adopted by a consensus organization identified by the Secretary.

''(iii) TIME FRAME.—Not later than October 1, 2012, the Secretary shall publish the measures selected under this subparagraph that will be applicable with respect to rate year 2014.

''(E) PUBLIC AVAILABILITY OF DATA SUBMITTED.—The Secretary shall establish procedures for making data submitted under subparagraph (C) available to the public. Such procedures shall ensure that a psychiatric hospital and a psychiatric unit has the opportunity to review the data that is to be made public with respect to the hospital or unit prior to such data being made public. The Secretary shall report quality measures that relate to services furnished in inpatient settings in psychiatric hospitals and psychiatric units on the Internet website of the Centers for Medicare & Medicaid Services.''.

(b) CONFORMING AMENDMENT.—Section 1890(b)(7)(B)(i)(I) of the Social Security Act, as added by section 3014, is amended by inserting ''1886(s)(4)(D),'' after ''1886(o)(2),''.

SEC. 10323. MEDICARE COVERAGE FOR INDIVIDUALS EXPOSED TO ENVIRONMENTAL HEALTH HAZARDS.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1881 the following new section:

''SEC. 1881A. MEDICARE COVERAGE FOR INDIVIDUALS EXPOSED TO ENVIRONMENTAL HEALTH HAZARDS.

''(a) DEEMING OF INDIVIDUALS AS ELIGIBLE FOR MEDICARE BENEFITS.—

''(1) IN GENERAL.—For purposes of eligibility for benefits under this title, an individual determined under subsection (c) to be an environmental exposure affected individual described in subsection (e)(2) shall be deemed to meet the conditions specified in section 226(a).

''(2) DISCRETIONARY DEEMING.—For purposes of eligibility for benefits under this title, the Secretary may deem an individual determined under subsection (c) to be an environmental exposure affected individual described in subsection (e)(3) to meet the conditions specified in section 226(a).

''(3) EFFECTIVE DATE OF COVERAGE.—An Individual who is deemed eligible for benefits under this title under paragraph (1) or (2) shall be—

''(A) entitled to benefits under the program under Part A as of the date of such deeming; and

''(B) eligible to enroll in the program under Part B beginning with the month in which such deeming occurs.

''(b) PILOT PROGRAM FOR CARE OF CERTAIN INDIVIDUALS RESIDING IN EMERGENCY DECLARATION AREAS.—

''(1) PROGRAM; PURPOSE.—

''(A) PRIMARY PILOT PROGRAM.—The Secretary shall establish a pilot program in accordance with this subsection to provide innovative approaches to furnishing comprehensive, coordinated, and cost-effective care under this title to individuals described in paragraph (2)(A).

''(B) OPTIONAL PILOT PROGRAMS.—The Secretary may establish a separate pilot program, in accordance with this subsection, with respect to each geographic area subject to an emergency declaration (other than the declaration of June 17, 2009), in order to furnish such comprehensive, coordinated and cost-effective care to individuals described in subparagraph (2)(B) who reside in each such area.

''(2) INDIVIDUAL DESCRIBED.—For purposes of paragraph (1), an individual described in this paragraph is an individual who enrolls in part B, submits to the Secretary an application to participate in the applicable pilot program under this subsection, and—

''(A) is an environmental exposure affected individual described in subsection (e)(2) who resides in or around the geographic area subject to an emergency declaration made as of June 17, 2009; or

''(B) is an environmental exposure affected individual described in subsection (e)(3) who—

''(i) is deemed under subsection (a)(2); and

''(ii) meets such other criteria or conditions for participation in a pilot program under paragraph (1)(B) as the Secretary specifies.

''(3) FLEXIBLE BENEFITS AND SERVICES.—A pilot program under this subsection may provide for the furnishing of benefits, items, or services not otherwise covered or authorized under this title, if the Secretary determines that furnishing such benefits, items, or services will further the purposes of such pilot program (as described in paragraph (1)).

''(4) INNOVATIVE REIMBURSEMENT METHODOLOGIES.—For purposes of the pilot program under this subsection, the Secretary—

''(A) shall develop and implement appropriate methodologies to reimburse providers for furnishing benefits, items, or services for which payment is not otherwise covered or authorized under this title, if such benefits, items, or services are furnished pursuant to paragraph (3); and

''(B) may develop and implement innovative approaches to reimbursing providers for any benefits, items, or services furnished under this subsection.

''(5) LIMITATION.—Consistent with section 1862(b), no payment shall be made under the pilot program under this subsection with respect to benefits, items, or services furnished to an environmental exposure affected individual (as defined in subsection (e)) to the extent that such individual is eligible to receive such benefits, items, or services through any other public or private benefits plan or legal agreement.

''(6) WAIVER AUTHORITY.—The Secretary may waive such provisions of this title and title XI as are necessary to carry out pilot programs under this subsection.

''(7) FUNDING.—For purposes of carrying out pilot programs under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841, in such proportion as the Secretary determines appropriate, of such sums as the Secretary determines necessary, to the Centers for Medicare & Medicaid Services Program Management Account.

''(8) WAIVER OF BUDGET NEUTRALITY.—The Secretary shall not require that pilot programs under this subsection be budget neutral with respect to expenditures under this title.

''(c) DETERMINATIONS.—

''(1) BY THE COMMISSIONER OF SOCIAL SECURITY.—For purposes of this section, the Commissioner of Social Security, in consultation with the Secretary, and using the cost allocation method prescribed in section 201(g), shall determine whether individuals are environmental exposure affected individuals.

''(2) BY THE SECRETARY.—The Secretary shall determine eligibility for pilot programs under subsection (b).

''(d) EMERGENCY DECLARATION DEFINED.—For purposes of this section, the term 'emergency declaration' means a declaration of a public health emergency under section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

''(e) ENVIRONMENTAL EXPOSURE AFFECTED INDIVIDUAL DEFINED.—

''(1) IN GENERAL.—For purposes of this section, the term 'environmental exposure affected individual' means—

''(A) an individual described in paragraph (2); and

''(B) an individual described in paragraph (3).

''(2) INDIVIDUAL DESCRIBED.—

''(A) IN GENERAL.—An individual described in this paragraph is any individual who—

''(i) is diagnosed with 1 or more conditions described in subparagraph (B);

''(ii) as demonstrated in such manner as the Secretary determines appropriate, has been present for an aggregate total of 6 months in the geographic area subject to an emergency declaration specified in subsection (b)(2)(A), during a period ending—

''(I) not less than 10 years prior to such diagnosis; and

''(II) prior to the implementation of all the remedial and removal actions specified in the Record of Decision for Operating Unit 4 and the Record of Decision for Operating Unit 7;

''(iii) files an application for benefits under this title (or has an application filed on behalf of the individual), including pursuant to this section; and

''(iv) is determined under this section to meet the criteria in this subparagraph.

''(B) CONDITIONS DESCRIBED.—For purposes of subparagraph (A), the following conditions are described in this subparagraph:

''(i) Asbestosis, pleural thickening, or pleural plaques as established by—

''(I) interpretation by a 'B Reader' qualified physician of a plain chest x-ray or interpretation of a computed tomographic radiograph of the chest by a qualified physician, as determined by the Secretary; or

''(II) such other diagnostic standards as the Secretary specifies,

except that this clause shall not apply to pleural thickening or pleural plaques unless there are symptoms or conditions requiring medical treatment as a result of these diagnoses.

''(ii) Mesothelioma, or malignancies of the lung, colon, rectum, larynx, stomach, esophagus, pharynx, or ovary, as established by—

''(I) pathologic examination of biopsy tissue;

''(II) cytology from bronchioalveolar lavage; or

''(III) such other diagnostic standards as the Secretary specifies.

''(iii) Any other diagnosis which the Secretary, in consultation with the Commissioner of Social Security, determines is an asbestos-related medical condition, as established by such diagnostic standards as the Secretary specifies.

''(3) OTHER INDIVIDUAL DESCRIBED.—An individual described in this paragraph is any individual who—

''(A) is not an individual described in paragraph (2);

''(B) is diagnosed with a medical condition caused by the exposure of the individual to a public health hazard to which an emergency declaration applies, based on such medical conditions, diagnostic standards, and other criteria as the Secretary specifies;

''(C) as demonstrated in such manner as the Secretary determines appropriate, has been present for an aggregate total of 6 months in the geographic area subject to the emergency declaration involved, during a period determined appropriate by the Secretary;

''(D) files an application for benefits under this title (or has an application filed on behalf of the individual), including pursuant to this section; and

''(E) is determined under this section to meet the criteria in this paragraph.''.

(b) PROGRAM FOR EARLY DETECTION OF CERTAIN MEDICAL CONDITIONS RELATED TO ENVIRONMENTAL HEALTH HAZARDS.—Title XX of the Social Security Act (42 U.S.C. 1397 et seq.), as amended by section 5507, is amended by adding at the end the following:

''SEC. 2009. PROGRAM FOR EARLY DETECTION OF CERTAIN MEDICAL CONDITIONS RELATED TO ENVIRONMENTAL HEALTH HAZARDS.

''(a) PROGRAM ESTABLISHMENT.—The Secretary shall establish a program in accordance with this section to make competitive grants to eligible entities specified in subsection (b) for the purpose of—

''(1) screening at-risk individuals (as defined in subsection (c)(1)) for environmental health conditions (as defined in subsection (c)(3)); and

''(2) developing and disseminating public information and education concerning—

''(A) the availability of screening under the program under this section;

''(B) the detection, prevention, and treatment of environmental health conditions; and

''(C) the availability of Medicare benefits for certain individuals diagnosed with environmental health conditions under section 1881A.

''(b) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—For purposes of this section, an eligible entity is an entity described in paragraph (2) which submits an application to

the Secretary in such form and manner, and containing such information and assurances, as the Secretary determines appropriate.

''(2) TYPES OF ELIGIBLE ENTITIES.—The entities described in this paragraph are the following:

''(A) A hospital or community health center.

''(B) A Federally qualified health center.

''(C) A facility of the Indian Health Service.

''(D) A National Cancer Institute-designated cancer center.

''(E) An agency of any State or local government.

''(F) A nonprofit organization.

''(G) Any other entity the Secretary determines appropriate.

''(c) DEFINITIONS.—In this section:

''(1) AT-RISK INDIVIDUAL.—The term 'at-risk individual' means an individual who—

''(A)(i) as demonstrated in such manner as the Secretary determines appropriate, has been present for an aggregate total of 6 months in the geographic area subject to an emergency declaration specified under paragraph (2), during a period ending—

''(I) not less than 10 years prior to the date of such individual's application under subparagraph (B); and

''(II) prior to the implementation of all the remedial and removal actions specified in the Record of Decision for Operating Unit 4 and the Record of Decision for Operating Unit 7; or

''(ii) meets such other criteria as the Secretary determines appropriate considering the type of environmental health condition at issue; and

''(B) has submitted an application (or has an application submitted on the individual's behalf), to an eligible entity receiving a grant under this section, for screening under the program under this section.

''(2) EMERGENCY DECLARATION.—The term 'emergency declaration' means a declaration of a public health emergency under section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

''(3) ENVIRONMENTAL HEALTH CONDITION.—The term 'environmental health condition' means—

''(A) asbestosis, pleural thickening, or pleural plaques, as established by—

''(i) interpretation by a 'B Reader' qualified physician of a plain chest x-ray or interpretation of a computed tomographic radiograph of the chest by a qualified physician, as determined by the Secretary; or

''(ii) such other diagnostic standards as the Secretary specifies;

''(B) mesothelioma, or malignancies of the lung, colon, rectum, larynx, stomach, esophagus, pharynx, or ovary, as established by—

''(i) pathologic examination of biopsy tissue;

''(ii) cytology from bronchioalveolar lavage; or

''(iii) such other diagnostic standards as the Secretary specifies; and

''(C) any other medical condition which the Secretary determines is caused by exposure to a hazardous substance or pollutant or contaminant at a Superfund site to which an emergency declaration applies, based on such criteria and as established by such diagnostic standards as the Secretary specifies.

''(4) HAZARDOUS SUBSTANCE; POLLUTANT; CONTAMINANT.—The terms 'hazardous substance', 'pollutant', and 'contaminant' have the meanings given those terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

''(5) SUPERFUND SITE.—The term 'Superfund site' means a site included on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)).

''(d) HEALTH COVERAGE UNAFFECTED.—Nothing in this section shall be construed to affect any coverage obligation of a governmental or private health plan or program relating to an at-risk individual.

''(e) FUNDING.—

''(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary, to carry out the program under this section—

''(A) $23,000,000 for the period of fiscal years 2010 through 2014; and

''(B) $20,000,000 for each 5-fiscal year period thereafter.

''(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.

''(f) NONAPPLICATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the preceding sections of this title shall not apply to grants awarded under this section.

''(2) LIMITATIONS ON USE OF GRANTS.—Section 2005(a) shall apply to a grant awarded under this section to the same extent and in the same manner as such section applies to payments to States under this title, except that paragraph (4) of such section shall not be construed to prohibit grantees from conducting screening for environmental health conditions as authorized under this section.''.

SEC. 10324. PROTECTIONS FOR FRONTIER STATES.

(a) FLOOR ON AREA WAGE INDEX FOR HOSPITALS IN FRONTIER STATES.—

(1) IN GENERAL.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) is amended—

(A) in clause (i), by striking ''clause (ii)'' and inserting ''clause (ii) or (iii)''; and

(B) by adding at the end the following new clause:

''(iii) FLOOR ON AREA WAGE INDEX FOR HOSPITALS IN FRONTIER STATES.—

''(I) IN GENERAL.—Subject to subclause (IV), for discharges occurring on or after October 1, 2010, the area wage index applicable under this subparagraph to any hospital which is located in a frontier State (as defined in subclause (II)) may not be less than 1.00.

''(II) FRONTIER STATE DEFINED.—In this clause, the term 'frontier State' means a State in which at least 50 percent of the counties in the State are frontier counties.

''(III) FRONTIER COUNTY DEFINED.—In this clause, the term 'frontier county' means a county in which the population per square mile is less than 6.

''(IV) LIMITATION.—This clause shall not apply to any hospital located in a State that receives a non-labor related share adjustment under paragraph (5)(H).''.

(2) WAIVING BUDGET NEUTRALITY.—Section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)), as amended by subsection (a), is amended in the third sentence by inserting ''and the amendments made by section 10324(a)(1) of the Patient Protection and Affordable Care Act'' after ''2003''.

(b) FLOOR ON AREA WAGE ADJUSTMENT FACTOR FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES IN FRONTIER STATES.—Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)), as amended by section 3138, is amended—

(1) in paragraph (2)(D), by striking ''the Secretary'' and inserting ''subject to paragraph (19), the Secretary''; and

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

''(19) FLOOR ON AREA WAGE ADJUSTMENT FACTOR FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES IN FRONTIER STATES.—

''(A) IN GENERAL.—Subject to subparagraph (B), with respect to covered OPD services furnished on or after January 1, 2011, the area wage adjustment factor applicable under the payment system established under this subsection to any hospital outpatient department which is located in a frontier State (as defined in section 1886(d)(3)(E)(iii)(II)) may not be less than 1.00. The preceding sentence shall not be applied in a budget neutral manner.

''(B) LIMITATION.—This paragraph shall not apply to any hospital outpatient department located in a State that receives a non-labor related share adjustment under section 1886(d)(5)(H).''.

(c) FLOOR FOR PRACTICE EXPENSE INDEX FOR PHYSICIANS' SERVICES FURNISHED IN FRONTIER STATES.—Section 1848(e)(1) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)), as amended by section 3102, is amended—

(1) in subparagraph (A), by striking ''and (H)'' and inserting ''(H), and (I)''; and

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

''(I) FLOOR FOR PRACTICE EXPENSE INDEX FOR SERVICES FURNISHED IN FRONTIER STATES.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of payment for services furnished in a frontier State (as defined in section 1886(d)(3)(E)(iii)(II)) on or after January 1, 2011, after calculating the practice expense index in subparagraph (A)(i), the Secretary shall increase any such index to 1.00 if such index would otherwise be less that 1.00. The preceding sentence shall not be applied in a budget neutral manner.

''(ii) LIMITATION.—This subparagraph shall not apply to services furnished in a State that receives a non-labor related share adjustment under section 1886(d)(5)(H).''.

SEC. 10325. REVISION TO SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.

(a) TEMPORARY DELAY OF RUG–IV.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to October 1, 2011, implement Version 4 of the Resource Utilization Groups (in this subsection refereed to as ''RUG–IV'') published in the Federal Register on August 11, 2009, entitled ''Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2010; Minimum Data Set, Version 3.0 for Skilled Nursing Facilities and Medicaid Nursing Facilities'' (74 Fed. Reg. 40288). Beginning on October 1, 2010, the Secretary of Health and Human Services shall implement the change specific to therapy furnished on a concurrent basis that is a component of RUG–IV and changes to the lookback period to ensure that only those services furnished after admission to a skilled nursing facility are used as factors in determining a case mix classification under the skilled nursing facility prospective payment system under section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)).

(b) CONSTRUCTION.—Nothing in this section shall be interpreted as delaying the implementation of Version 3.0 of the Minimum Data Sets (MDS 3.0) beyond the planned implementation date of October 1, 2010.

SEC. 10326. PILOT TESTING PAY-FOR-PERFORMANCE PROGRAMS FOR CERTAIN MEDICARE PROVIDERS.

(a) IN GENERAL.—Not later than January 1, 2016, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall, for each provider described in subsection (b), conduct a separate pilot program under title XVIII of the Social Security Act to test the implementation of a value-based purchasing program for payments under such title for the provider.

(b) PROVIDERS DESCRIBED.—The providers described in this paragraph are the following:

(1) Psychiatric hospitals (as described in clause (i) of section 1886(d)(1)(B) of such Act (42 U.S.C. 1395ww(d)(1)(B))) and psychiatric units (as described in the matter following clause (v) of such section).

(2) Long-term care hospitals (as described in clause (iv) of such section).

(3) Rehabilitation hospitals (as described in clause (ii) of such section).

(4) PPS-exempt cancer hospitals (as described in clause (v) of such section).

(5) Hospice programs (as defined in section 1861(dd)(2) of such Act (42 U.S.C. 1395x(dd)(2))).

(c) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII of the Social Security Act as may be necessary

solely for purposes of carrying out the pilot programs under this section.

(d) NO ADDITIONAL PROGRAM EXPENDITURES.—Payments under this section under the separate pilot program for value based purchasing (as described in subsection (a)) for each provider type described in paragraphs (1) through (5) of subsection (b) for applicable items and services under title XVIII of the Social Security Act for a year shall be established in a manner that does not result in spending more under each such value based purchasing program for such year than would otherwise be expended for such provider type for such year if the pilot program were not implemented, as estimated by the Secretary.

(e) EXPANSION OF PILOT PROGRAM.—The Secretary may, at any point after January 1, 2018, expand the duration and scope of a pilot program conducted under this subsection, to the extent determined appropriate by the Secretary, if—

(1) the Secretary determines that such expansion is expected to—

(A) reduce spending under title XVIII of the Social Security Act without reducing the quality of care; or

(B) improve the quality of care and reduce spending;

(2) the Chief Actuary of the Centers for Medicare & Medicaid Services certifies that such expansion would reduce program spending under such title XVIII; and

(3) the Secretary determines that such expansion would not deny or limit the coverage or provision of benefits under such title XIII for Medicare beneficiaries.

SEC. 10327. IMPROVEMENTS TO THE PHYSICIAN QUALITY REPORTING SYSTEM.

(a) IN GENERAL.—Section 1848(m) of the Social Security Act (42 U.S.C. 1395w–4(m)) is amended by adding at the end the following new paragraph:

''(7) ADDITIONAL INCENTIVE PAYMENT.—

''(A) IN GENERAL.—For 2011 through 2014, if an eligible professional meets the requirements described in subparagraph (B), the applicable quality percent for such year, as described in clauses (iii) and (iv) of paragraph (1)(B), shall be increased by 0.5 percentage points.

''(B) REQUIREMENTS DESCRIBED.—In order to qualify for the additional incentive payment described in subparagraph (A), an eligible professional shall meet the following requirements:

''(i) The eligible professional shall—

''(I) satisfactorily submit data on quality measures for purposes of paragraph (1) for a year; and

''(II) have such data submitted on their behalf through a Maintenance of Certification Program (as defined in subparagraph (C)(i)) that meets—

''(aa) the criteria for a registry (as described in subsection (k)(4)); or

''(bb) an alternative form and manner determined appropriate by the Secretary.

''(ii) The eligible professional, more frequently than is required to qualify for or maintain board certification status—

''(I) participates in such a Maintenance of Certification program for a year; and

''(II) successfully completes a qualified Maintenance of Certification Program practice assessment (as defined in subparagraph (C)(ii)) for such year.

''(iii) A Maintenance of Certification program submits to the Secretary, on behalf of the eligible professional, information—

''(I) in a form and manner specified by the Secretary, that the eligible professional has successfully met the requirements of clause (ii) (which may be in the form of a structural measure);

''(II) if requested by the Secretary, on the survey of patient experience with care (as described in subparagraph (C)(ii)(II)); and

''(III) as the Secretary may require, on the methods, measures, and data used under the Maintenance of Certification Program and the qualified Maintenance of Certification Program practice assessment.

''(C) DEFINITIONS.—For purposes of this paragraph:

''(i) The term 'Maintenance of Certification Program' means a continuous assessment program, such as qualified American Board of Medical Specialties Maintenance of Certification program or an equivalent program (as determined by the Secretary), that advances quality and the lifelong learning and self-assessment of board certified specialty physicians by focusing on the competencies of patient care, medical knowledge, practice-based learning, interpersonal and communication skills and professionalism. Such a program shall include the following:

''(I) The program requires the physician to maintain a valid, unrestricted medical license in the United States.

''(II) The program requires a physician to participate in educational and self-assessment programs that require an assessment of what was learned.

''(III) The program requires a physician to demonstrate, through a formalized, secure examination, that the physician has the fundamental diagnostic skills, medical knowledge, and clinical judgment to provide quality care in their respective specialty.

''(IV) The program requires successful completion of a qualified Maintenance of Certification Program practice assessment as described in clause (ii).

''(ii) The term 'qualified Maintenance of Certification Program practice assessment' means an assessment of a physician's practice that—

''(I) includes an initial assessment of an eligible professional's practice that is designed to demonstrate the physician's use of evidence-based medicine;

''(II) includes a survey of patient experience with care; and

''(III) requires a physician to implement a quality improvement intervention to address a practice weakness identified in the initial assessment under subclause (I) and then to remeasure to assess performance improvement after such intervention.''.

(b) AUTHORITY.—Section 3002(c) of this Act is amended by adding at the end the following new paragraph:

''(3) AUTHORITY.—For years after 2014, if the Secretary of Health and Human Services determines it to be appropriate, the Secretary may incorporate participation in a Maintenance of Certification Program and successful completion of a qualified Maintenance of Certification Program practice assessment into the composite of measures of quality of care furnished pursuant to the physician fee schedule payment modifier, as described in section 1848(p)(2) of the Social Security Act (42 U.S.C. 1395w–4(p)(2)).''.

(c) ELIMINATION OF MA REGIONAL PLAN STABILIZATION FUND.—

(1) IN GENERAL.—Section 1858 of the Social Security Act (42 U.S.C. 1395w–27a) is amended by striking subsection (e).

(2) TRANSITION.—Any amount contained in the MA Regional Plan Stabilization Fund as of the date of the enactment of this Act shall be transferred to the Federal Supplementary Medical Insurance Trust Fund.

SEC. 10328. IMPROVEMENT IN PART D MEDICATION THERAPY MANAGEMENT (MTM) PROGRAMS.

(a) IN GENERAL.—Section 1860D–4(c)(2) of the Social Security Act (42 U.S.C. 1395w–104(c)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (E), (F), and (G), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraphs:

''(C) REQUIRED INTERVENTIONS.—For plan years beginning on or after the date that is 2 years after the date of the enactment of the Patient Protection and Affordable Care Act, prescription drug plan sponsors shall offer medication therapy management services to targeted beneficiaries described in subparagraph (A)(ii) that include, at a minimum, the following to increase adherence to prescription medications or other goals deemed necessary by the Secretary:

''(i) An annual comprehensive medication review furnished person-to-person or using telehealth technologies (as defined by the Secretary) by a licensed pharmacist or other qualified provider. The comprehensive medication review—

''(I) shall include a review of the individual's medications and may result in the creation of a recommended medication action plan or other actions in consultation with the individual and with input from the prescriber to the extent necessary and practicable; and

''(II) shall include providing the individual with a written or printed summary of the results of the review.

The Secretary, in consultation with relevant stakeholders, shall develop a standardized format for the action plan under subclause (I) and the summary under subclause (II).

''(ii) Follow-up interventions as warranted based on the findings of the annual medication review or the targeted medication enrollment and which may be provided person-to-person or using telehealth technologies (as defined by the Secretary).

''(D) ASSESSMENT.—The prescription drug plan sponsor shall have in place a process to assess, at least on a quarterly basis, the medication use of individuals who are at risk but not enrolled in the medication therapy management program, including individuals who have experienced a transition in care, if the prescription drug plan sponsor has access to that information.

''(E) AUTOMATIC ENROLLMENT WITH ABILITY TO OPT-OUT.—The prescription drug plan sponsor shall have in place a process to—

''(i) subject to clause (ii), automatically enroll targeted beneficiaries described in subparagraph (A)(ii), including beneficiaries identified under subparagraph (D), in the medication therapy management program required under this subsection; and

''(ii) permit such beneficiaries to opt-out of enrollment in such program.''.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall limit the authority of the Secretary of Health and Human Services to modify or broaden requirements for a medication therapy management program under part D of title XVIII of the Social Security Act or to study new models for medication therapy management through the Center for Medicare and Medicaid Innovation under section 1115A of such Act, as added by section 3021.

SEC. 10329. DEVELOPING METHODOLOGY TO ASSESS HEALTH PLAN VALUE.

(a) DEVELOPMENT.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), in consultation with relevant stakeholders including health insurance issuers, health care consumers, employers, health care providers, and other entities determined appropriate by the Secretary, shall develop a methodology to measure health plan value. Such methodology shall take into consideration, where applicable—

(1) the overall cost to enrollees under the plan;

(2) the quality of the care provided for under the plan;

(3) the efficiency of the plan in providing care;

(4) the relative risk of the plan's enrollees as compared to other plans;

(5) the actuarial value or other comparative measure of the benefits covered under the plan; and

(6) other factors determined relevant by the Secretary.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary

shall submit to Congress a report concerning the methodology developed under subsection (a).

SEC. 10330. MODERNIZING COMPUTER AND DATA SYSTEMS OF THE CENTERS FOR MEDICARE & MEDICAID SERVICES TO SUPPORT IMPROVEMENTS IN CARE DELIVERY.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall develop a plan (and detailed budget for the resources needed to implement such plan) to modernize the computer and data systems of the Centers for Medicare & Medicaid Services (in this section referred to as ''CMS'').

(b) CONSIDERATIONS.—In developing the plan, the Secretary shall consider how such modernized computer system could—

(1) in accordance with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, make available data in a reliable and timely manner to providers of services and suppliers to support their efforts to better manage and coordinate care furnished to beneficiaries of CMS programs; and

(2) support consistent evaluations of payment and delivery system reforms under CMS programs.

(c) POSTING OF PLAN.—By not later than 9 months after the date of the enactment of this Act, the Secretary shall post on the website of the Centers for Medicare & Medicaid Services the plan described in subsection (a).

SEC. 10331. PUBLIC REPORTING OF PERFORMANCE INFORMATION.

(a) IN GENERAL.—

(1) DEVELOPMENT.—Not later than January 1, 2011, the Secretary shall develop a Physician Compare Internet website with information on physicians enrolled in the Medicare program under section 1866(j) of the Social Security Act (42 U.S.C. 1395cc(j)) and other eligible professionals who participate in the Physician Quality Reporting Initiative under section 1848 of such Act (42 U.S.C. 1395w–4).

(2) PLAN.—Not later than January 1, 2013, and with respect to reporting periods that begin no earlier than January 1, 2012, the Secretary shall also implement a plan for making publicly available through Physician Compare, consistent with subsection (c), information on physician performance that provides comparable information for the public on quality and patient experience measures with respect to physicians enrolled in the Medicare program under such section 1866(j). To the extent scientifically sound measures that are developed consistent with the requirements of this section are available, such information, to the extent practicable, shall include—

(A) measures collected under the Physician Quality Reporting Initiative;

(B) an assessment of patient health outcomes and the functional status of patients;

(C) an assessment of the continuity and coordination of care and care transitions, including episodes of care and risk-adjusted resource use;

(D) an assessment of efficiency;

(E) an assessment of patient experience and patient, caregiver, and family engagement;

(F) an assessment of the safety, effectiveness, and timeliness of care; and

(G) other information as determined appropriate by the Secretary.

(b) OTHER REQUIRED CONSIDERATIONS.—In developing and implementing the plan described in subsection (a)(2), the Secretary shall, to the extent practicable, include—

(1) processes to assure that data made public, either by the Centers for Medicare & Medicaid Services or by other entities, is statistically valid and reliable, including risk adjustment mechanisms used by the Secretary;

(2) processes by which a physician or other eligible professional whose performance on measures is being publicly reported has a reasonable opportunity, as determined by the Secretary, to review his or her individual results before they are made public;

(3) processes by the Secretary to assure that the implementation of the plan and the data made available on Physician Compare provide a robust and accurate portrayal of a physician's performance;

(4) data that reflects the care provided to all patients seen by physicians, under both the Medicare program and, to the extent practicable, other payers, to the extent such information would provide a more accurate portrayal of physician performance;

(5) processes to ensure appropriate attribution of care when multiple physicians and other providers are involved in the care of a patient;

(6) processes to ensure timely statistical performance feedback is provided to physicians concerning the data reported under any program subject to public reporting under this section; and

(7) implementation of computer and data systems of the Centers for Medicare & Medicaid Services that support valid, reliable, and accurate public reporting activities authorized under this section.

(c) ENSURING PATIENT PRIVACY.—The Secretary shall ensure that information on physician performance and patient experience is not disclosed under this section in a manner that violates sections 552 or 552a of title 5, United States Code, with regard to the privacy of individually identifiable health information.

(d) FEEDBACK FROM MULTI-STAKEHOLDER GROUPS.—The Secretary shall take into consideration input provided by multi-stakeholder groups, consistent with sections 1890(b)(7) and 1890A of the Social Security Act, as added by section 3014 of this Act, in selecting quality measures for use under this section.

(e) CONSIDERATION OF TRANSITION TO VALUE-BASED PURCHASING.—In developing the plan under this subsection (a)(2), the Secretary shall, as the Secretary determines appropriate, consider the plan to transition to a value-based purchasing program for physicians and other practitioners developed under section 131 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275).

(f) REPORT TO CONGRESS.—Not later than January 1, 2015, the Secretary shall submit to Congress a report on the Physician Compare Internet website developed under subsection (a)(1). Such report shall include information on the efforts of and plans made by the Secretary to collect and publish data on physician quality and efficiency and on patient experience of care in support of value-based purchasing and consumer choice, together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(g) EXPANSION.—At any time before the date on which the report is submitted under subsection (f), the Secretary may expand (including expansion to other providers of services and suppliers under title XVIII of the Social Security Act) the information made available on such website.

(h) FINANCIAL INCENTIVES TO ENCOURAGE CONSUMERS TO CHOOSE HIGH QUALITY PROVIDERS.—The Secretary may establish a demonstration program, not later than January 1, 2019, to provide financial incentives to Medicare beneficiaries who are furnished services by high quality physicians, as determined by the Secretary based on factors in subparagraphs (A) through (G) of subsection (a)(2). In no case may Medicare beneficiaries be required to pay increased premiums or cost sharing or be subject to a reduction in benefits under title XVIII of the Social Security Act as a result of such demonstration program. The Secretary shall ensure that any such demonstration program does not disadvantage those beneficiaries without reasonable access to high performing physicians or create financial inequities under such title.

(i) DEFINITIONS.—In this section:

(1) ELIGIBLE PROFESSIONAL.—The term ''eligible professional'' has the meaning given that term for purposes of the Physician Quality Reporting Initiative under section 1848 of the Social Security Act (42 U.S.C. 1395w–4).

(2) PHYSICIAN.—The term ''physician'' has the meaning given that term in section 1861(r) of such Act (42 U.S.C. 1395x(r)).

(3) PHYSICIAN COMPARE.—The term ''Physician Compare'' means the Internet website developed under subsection (a)(1).

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

SEC. 10332. AVAILABILITY OF MEDICARE DATA FOR PERFORMANCE MEASUREMENT.

(a) IN GENERAL.—Section 1874 of the Social Security Act (42 U.S.C. 1395kk) is amended by adding at the end the following new subsection:

''(e) AVAILABILITY OF MEDICARE DATA.—

''(1) IN GENERAL.—Subject to paragraph (4), the Secretary shall make available to qualified entities (as defined in paragraph (2)) data described in paragraph (3) for the evaluation of the performance of providers of services and suppliers.

''(2) QUALIFIED ENTITIES.—For purposes of this subsection, the term 'qualified entity' means a public or private entity that—

''(A) is qualified (as determined by the Secretary) to use claims data to evaluate the performance of providers of services and suppliers on measures of quality, efficiency, effectiveness, and resource use; and

''(B) agrees to meet the requirements described in paragraph (4) and meets such other requirements as the Secretary may specify, such as ensuring security of data.

''(3) DATA DESCRIBED.—The data described in this paragraph are standardized extracts (as determined by the Secretary) of claims data under parts A, B, and D for items and services furnished under such parts for one or more specified geographic areas and time periods requested by a qualified entity. The Secretary shall take such actions as the Secretary deems necessary to protect the identity of individuals entitled to or enrolled for benefits under such parts.

''(4) REQUIREMENTS.—

''(A) FEE.—Data described in paragraph (3) shall be made available to a qualified entity under this subsection at a fee equal to the cost of making such data available. Any fee collected pursuant to the preceding sentence shall be deposited into the Federal Supplementary Medical Insurance Trust Fund under section 1841.

''(B) SPECIFICATION OF USES AND METHODOLOGIES.—A qualified entity requesting data under this subsection shall—

''(i) submit to the Secretary a description of the methodologies that such qualified entity will use to evaluate the performance of providers of services and suppliers using such data;

''(ii)(I) except as provided in subclause (II), if available, use standard measures, such as measures endorsed by the entity with a contract under section 1890(a) and measures developed pursuant to section 931 of the Public Health Service Act; or

''(II) use alternative measures if the Secretary, in consultation with appropriate stakeholders, determines that use of such alternative measures would be more valid, reliable, responsive to consumer preferences, cost-effective, or relevant to dimensions of quality and resource use not addressed by such standard measures;

''(iii) include data made available under this subsection with claims data from sources other than claims data under this title in the evaluation of performance of providers of services and suppliers;

''(iv) only include information on the evaluation of performance of providers and suppliers in reports described in subparagraph (C);

''(v) make available to providers of services and suppliers, upon their request, data made available under this subsection; and

''(vi) prior to their release, submit to the Secretary the format of reports under subparagraph (C).

''(C) REPORTS.—Any report by a qualified entity evaluating the performance of providers of

services and suppliers using data made available under this subsection shall—

''(i) include an understandable description of the measures, which shall include quality measures and the rationale for use of other measures described in subparagraph (B)(ii)(II), risk adjustment methods, physician attribution methods, other applicable methods, data specifications and limitations, and the sponsors, so that consumers, providers of services and suppliers, health plans, researchers, and other stakeholders can assess such reports;

''(ii) be made available confidentially, to any provider of services or supplier to be identified in such report, prior to the public release of such report, and provide an opportunity to appeal and correct errors;

''(iii) only include information on a provider of services or supplier in an aggregate form as determined appropriate by the Secretary; and

''(iv) except as described in clause (ii), be made available to the public.

''(D) APPROVAL AND LIMITATION OF USES.—The Secretary shall not make data described in paragraph (3) available to a qualified entity unless the qualified entity agrees to release the information on the evaluation of performance of providers of services and suppliers. Such entity shall only use such data, and information derived from such evaluation, for the reports under subparagraph (C). Data released to a qualified entity under this subsection shall not be subject to discovery or admission as evidence in judicial or administrative proceedings without consent of the applicable provider of services or supplier.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2012.

SEC. 10333. COMMUNITY-BASED COLLABORATIVE CARE NETWORKS.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following new subpart:

''Subpart XI—Community-Based Collaborative Care Network Program

''SEC. 340H. COMMUNITY-BASED COLLABORATIVE CARE NETWORK PROGRAM.

''(a) IN GENERAL.—The Secretary may award grants to eligible entities to support community-based collaborative care networks that meet the requirements of subsection (b).

''(b) COMMUNITY-BASED COLLABORATIVE CARE NETWORKS.—

''(1) DESCRIPTION.—A community-based collaborative care network (referred to in this section as a 'network') shall be a consortium of health care providers with a joint governance structure (including providers within a single entity) that provides comprehensive coordinated and integrated health care services (as defined by the Secretary) for low-income populations.

''(2) REQUIRED INCLUSION.—A network shall include the following providers (unless such provider does not exist within the community, declines or refuses to participate, or places unreasonable conditions on their participation):

''(A) A hospital that meets the criteria in section 1923(b)(1) of the Social Security Act; and

''(B) All Federally qualified health centers (as defined in section 1861(aa) of the Social Security Act located in the community.

''(3) PRIORITY.—In awarding grants, the Secretary shall give priority to networks that include—

''(A) the capability to provide the broadest range of services to low-income individuals;

''(B) the broadest range of providers that currently serve a high volume of low-income individuals; and

''(C) a county or municipal department of health.

''(c) APPLICATION.—

''(1) APPLICATION.—A network described in subsection (b) shall submit an application to the Secretary.

''(2) RENEWAL.—In subsequent years, based on the performance of grantees, the Secretary may provide renewal grants to prior year grant recipients.

''(d) USE OF FUNDS.—

''(1) USE BY GRANTEES.—Grant funds may be used for the following activities:

''(A) Assist low-income individuals to—

''(i) access and appropriately use health services;

''(ii) enroll in health coverage programs; and

''(iii) obtain a regular primary care provider or a medical home.

''(B) Provide case management and care management.

''(C) Perform health outreach using neighborhood health workers or through other means.

''(D) Provide transportation.

''(E) Expand capacity, including through telehealth, after-hours services or urgent care.

''(F) Provide direct patient care services.

''(2) GRANT FUNDS TO HRSA GRANTEES.—The Secretary may limit the percent of grant funding that may be spent on direct care services provided by grantees of programs administered by the Health Resources and Services Administration or impose other requirements on such grantees deemed necessary.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2011 through 2015.''.

SEC. 10334. MINORITY HEALTH.

(a) OFFICE OF MINORITY HEALTH.—

(1) IN GENERAL.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

(A) in subsection (a), by striking ''within the Office of Public Health and Science'' and all that follows through the end and inserting ''. The Office of Minority Health as existing on the date of enactment of the Patient Protection and Affordable Care Act shall be transferred to the Office of the Secretary in such manner that there is established in the Office of the Secretary, the Office of Minority Health, which shall be headed by the Deputy Assistant Secretary for Minority Health who shall report directly to the Secretary, and shall retain and strengthen authorities (as in existence on such date of enactment) for the purpose of improving minority health and the quality of health care minorities receive, and eliminating racial and ethnic disparities. In carrying out this subsection, the Secretary, acting through the Deputy Assistant Secretary, shall award grants, contracts, enter into memoranda of understanding, cooperative, interagency, intra-agency and other agreements with public and nonprofit private entities, agencies, as well as Departmental and Cabinet agencies and organizations, and with organizations that are indigenous human resource providers in communities of color to assure improved health status of racial and ethnic minorities, and shall develop measures to evaluate the effectiveness of activities aimed at reducing health disparities and supporting the local community. Such measures shall evaluate community outreach activities, language services, workforce cultural competence, and other areas as determined by the Secretary.''; and

(B) by striking subsection (h) and inserting the following:

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2016.''.

(2) TRANSFER OF FUNCTIONS.—There are transferred to the Office of Minority Health in the office of the Secretary of Health and Human Services, all duties, responsibilities, authorities, accountabilities, functions, staff, funds, award mechanisms, and other entities under the authority of the Office of Minority Health of the Public Health Service as in effect on the date before the date of enactment of this Act, which shall continue in effect according to the terms in effect on the date before such date of enactment, until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, a court of competent jurisdiction, or by operation of law.

(3) REPORTS.—Not later than 1 year after the date of enactment of this section, and biennially thereafter, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report describing the activities carried out under section 1707 of the Public Health Service Act (as amended by this subsection) during the period for which the report is being prepared. Not later than 1 year after the date of enactment of this section, and biennially thereafter, the heads of each of the agencies of the Department of Health and Human Services shall submit to the Deputy Assistant Secretary for Minority Health a report summarizing the minority health activities of each of the respective agencies.

(b) ESTABLISHMENT OF INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) IN GENERAL.—Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by inserting after section 1707 the following section:

''SEC. 1707A. INDIVIDUAL OFFICES OF MINORITY HEALTH WITHIN THE DEPARTMENT.

''(a) IN GENERAL.—The head of each agency specified in subsection (b)(1) shall establish within the agency an office to be known as the Office of Minority Health. The head of each such Office shall be appointed by the head of the agency within which the Office is established, and shall report directly to the head of the agency. The head of such agency shall carry out this section (as this section relates to the agency) acting through such Director.

''(b) SPECIFIED AGENCIES.—The agencies referred to in subsection (a) are the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, the Agency for Healthcare Research and Quality, the Food and Drug Administration, and the Centers for Medicare & Medicaid Services.

''(c) DIRECTOR; APPOINTMENT.—Each Office of Minority Health established in an agency listed in subsection (a) shall be headed by a director, with documented experience and expertise in minority health services research and health disparities elimination.

''(d) REFERENCES.—Except as otherwise specified, any reference in Federal law to an Office of Minority Health (in the Department of Health and Human Services) is deemed to be a reference to the Office of Minority Health in the Office of the Secretary.

''(e) FUNDING.—

''(1) ALLOCATIONS.—Of the amounts appropriated for a specified agency for a fiscal year, the Secretary must designate an appropriate amount of funds for the purpose of carrying out activities under this section through the minority health office of the agency. In reserving an amount under the preceding sentence for a minority health office for a fiscal year, the Secretary shall reduce, by substantially the same percentage, the amount that otherwise would be available for each of the programs of the designated agency involved.

''(2) AVAILABILITY OF FUNDS FOR STAFFING.—The purposes for which amounts made available under paragraph may be expended by a minority health office include the costs of employing staff for such office.''.

(2) NO NEW REGULATORY AUTHORITY.—Nothing in this subsection and the amendments made by this subsection may be construed as establishing regulatory authority or modifying any existing regulatory authority.

(3) LIMITATION ON TERMINATION.—Notwithstanding any other provision of law, a Federal office of minority health or Federal appointive position with primary responsibility over minority health issues that is in existence in an office

of agency of the Department of Health and Human Services on the date of enactment of this section shall not be terminated, reorganized, or have any of its power or duties transferred unless such termination, reorganization, or transfer is approved by an Act of Congress.

(c) REDESIGNATION OF NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES.—

(1) REDESIGNATION.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(A) by redesignating subpart 6 of part E as subpart 20;

(B) by transferring subpart 20, as so redesignated, to part C of such title IV;

(C) by inserting subpart 20, as so redesignated, after subpart 19 of such part C; and

(D) in subpart 20, as so redesignated—

(i) by redesignating sections 485E through 485H as sections 464z–3 through 464z–6, respectively;

(ii) by striking ''National Center on Minority Health and Health Disparities'' each place such term appears and inserting ''National Institute on Minority Health and Health Disparities''; and

(iii) by striking ''Center'' each place such term appears and inserting ''Institute''.

(2) PURPOSE OF INSTITUTE; DUTIES.—Section 464z–3 of the Public Health Service Act, as so redesignated, is amended—

(A) in subsection (h)(1), by striking ''research endowments at centers of excellence under section 736.'' and inserting the following: ''research endowments—

''(1) at centers of excellence under section 736; and

''(2) at centers of excellence under section 464z–4.'';

(B) in subsection (h)(2)(A), by striking ''average'' and inserting ''median''; and

(C) by adding at the end the following:

''(h) INTERAGENCY COORDINATION.—The Director of the Institute, as the primary Federal officials with responsibility for coordinating all research and activities conducted or supported by the National Institutes of Health on minority health and health disparities, shall plan, coordinate, review and evaluate research and other activities conducted or supported by the Institutes and Centers of the National Institutes of Health.''.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 401(b)(24) of the Public Health Service Act (42 U.S.C. 281(b)(24)) is amended by striking ''Center'' and inserting ''Institute''.

(B) Subsection (d)(1) of section 903 of the Public Health Service Act (42 U.S.C. 299a–1(d)(1)) is amended by striking ''section 485E'' and inserting ''section 464z–3''.

SEC. 10335. TECHNICAL CORRECTION TO THE HOSPITAL VALUE-BASED PURCHASING PROGRAM.

Section 1886(o)(2)A) of the Social Security Act, as added by section 3001, is amended, in the first sentence, by inserting '', other than measures of readmissions,'' after ''shall select measures''.

SEC. 10336. GAO STUDY AND REPORT ON MEDICARE BENEFICIARY ACCESS TO HIGH-QUALITY DIALYSIS SERVICES.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the impact on Medicare beneficiary access to high-quality dialysis services of including specified oral drugs that are furnished to such beneficiaries for the treatment of end stage renal disease in the bundled prospective payment system under section 1881(b)(14) of the Social Security Act (42 U.S.C. 1395rr(b)(14)) (pursuant to the proposed rule published by the Secretary of Health and Human Services in the Federal Register on September 29, 2009 (74 Fed. Reg. 49922 et seq.)). Such study shall include an analysis of—

(A) the ability of providers of services and renal dialysis facilities to furnish specified oral drugs or arrange for the provision of such drugs;

(B) the ability of providers of services and renal dialysis facilities to comply, if necessary, with applicable State laws (such as State pharmacy licensure requirements) in order to furnish specified oral drugs;

(C) whether appropriate quality measures exist to safeguard care for Medicare beneficiaries being furnished specified oral drugs by providers of services and renal dialysis facilities; and

(D) other areas determined appropriate by the Comptroller General.

(2) SPECIFIED ORAL DRUG DEFINED.—For purposes of paragraph (1), the term ''specified oral drug'' means a drug or biological for which there is no injectable equivalent (or other non-oral form of administration).

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

Subtitle D—Provisions Relating to Title IV

SEC. 10401. AMENDMENTS TO SUBTITLE A.

(a) Section 4001(h)(4) and (5) of this Act is amended by striking ''2010'' each place such appears and inserting ''2020''.

(b) Section 4002(c) of this Act is amended—

(1) by striking ''research and health screenings'' and inserting ''research, health screenings, and initiatives''; and

(2) by striking ''for Preventive'' and inserting ''Regarding Preventive''.

(c) Section 4004(a)(4) of this Act is amended by striking ''a Gateway'' and inserting ''an Exchange''.

SEC. 10402. AMENDMENTS TO SUBTITLE B.

(a) Section 399Z–1(a)(1(A) of the Public Health Service Act, as added by section 4101(b) of this Act, is amended by inserting ''and vision'' after ''oral''.

(b) Section 1861(hhh)(4)(G) of the Social Security Act, as added by section 4103(b), is amended to read as follows:

''(G) A beneficiary shall be eligible to receive only an initial preventive physical examination (as defined under subsection (ww)(1)) during the 12-month period after the date that the beneficiary's coverage begins under part B and shall be eligible to receive personalized prevention plan services under this subsection each year thereafter provided that the beneficiary has not received either an initial preventive physical examination or personalized prevention plan services within the preceding 12-month period.''.

SEC. 10403. AMENDMENTS TO SUBTITLE C.

Section 4201 of this Act is amended—

(1) in subsection (a), by adding before the period the following: '', with not less than 20 percent of such grants being awarded to rural and frontier areas'';

(2) in subsection (c)(2)(B)(vii), by striking ''both urban and rural areas'' and inserting ''urban, rural, and frontier areas''; and

(3) in subsection (f), by striking ''each fiscal years'' and inserting ''each of fiscal year''.

SEC. 10404. AMENDMENTS TO SUBTITLE D.

Section 399MM(2) of the Public Health Service Act, as added by section 4303 of this Act, is amended by striking ''by ensuring'' and inserting ''and ensuring''.

SEC. 10405. AMENDMENTS TO SUBTITLE E.

Subtitle E of title IV of this Act is amended by striking section 4401.

SEC. 10406. AMENDMENT RELATING TO WAIVING COINSURANCE FOR PREVENTIVE SERVICES.

Section 4104(b) of this Act is amended to read as follows:

''(b) PAYMENT AND ELIMINATION OF COINSURANCE IN ALL SETTINGS.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 4103(c)(1), is amended—

''(1) in subparagraph (T), by inserting '(or 100 percent if such services are recommended with a grade of A or B by the United States Preventive Services Task Force for any indication or population and are appropriate for the individual)' after '80 percent';

''(2) in subparagraph (W)—

''(A) in clause (i), by inserting '(if such subparagraph were applied, by substituting ''100 percent'' for ''80 percent'')' after 'subparagraph (D)'; and

''(B) in clause (ii), by striking '80 percent' and inserting '100 percent';

''(3) by striking 'and' before '(X)'; and

''(4) by inserting before the semicolon at the end the following: ', and (Y) with respect to preventive services described in subparagraphs (A) and (B) of section 1861(ddd)(3) that are appropriate for the individual and, in the case of such services described in subparagraph (A), are recommended with a grade of A or B by the United States Preventive Services Task Force for any indication or population, the amount paid shall be 100 percent of (i) except as provided in clause (ii), the lesser of the actual charge for the services or the amount determined under the fee schedule that applies to such services under this part, and (ii) in the case of such services that are covered OPD services (as defined in subsection (t)(1)(B)), the amount determined under subsection (t)'.''.

SEC. 10407. BETTER DIABETES CARE.

(a) SHORT TITLE.—This section may be cited as the ''Catalyst to Better Diabetes Care Act of 2009''.

(b) NATIONAL DIABETES REPORT CARD.—

(1) IN GENERAL.—The Secretary, in collaboration with the Director of the Centers for Disease Control and Prevention (referred to in this section as the ''Director''), shall prepare on a biennial basis a national diabetes report card (referred to in this section as a ''Report Card'') and, to the extent possible, for each State.

(2) CONTENTS.—

(A) IN GENERAL.—Each Report Card shall include aggregate health outcomes related to individuals diagnosed with diabetes and prediabetes including—

(i) preventative care practices and quality of care;

(ii) risk factors; and

(iii) outcomes.

(B) UPDATED REPORTS.—Each Report Card that is prepared after the initial Report Card shall include trend analysis for the Nation and, to the extent possible, for each State, for the purpose of—

(i) tracking progress in meeting established national goals and objectives for improving diabetes care, costs, and prevalence (including Healthy People 2010); and

(ii) informing policy and program development.

(3) AVAILABILITY.—The Secretary, in collaboration with the Director, shall make each Report Card publicly available, including by posting the Report Card on the Internet.

(c) IMPROVEMENT OF VITAL STATISTICS COLLECTION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with appropriate agencies and States, shall—

(A) promote the education and training of physicians on the importance of birth and death certificate data and how to properly complete these documents, including the collection of such data for diabetes and other chronic diseases;

(B) encourage State adoption of the latest standard revisions of birth and death certificates; and

(C) work with States to re-engineer their vital statistics systems in order to provide cost-effective, timely, and accurate vital systems data.

(2) DEATH CERTIFICATE ADDITIONAL LANGUAGE.—In carrying out this subsection, the Secretary may promote improvements to the collection of diabetes mortality data, including the

addition of a question for the individual certifying the cause of death regarding whether the deceased had diabetes.

(d) STUDY ON APPROPRIATE LEVEL OF DIABETES MEDICAL EDUCATION.—

(1) IN GENERAL.—The Secretary shall, in collaboration with the Institute of Medicine and appropriate associations and councils, conduct a study of the impact of diabetes on the practice of medicine in the United States and the appropriateness of the level of diabetes medical education that should be required prior to licensure, board certification, and board recertification.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report on the study under paragraph (1) to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committees on Finance and Health, Education, Labor, and Pensions of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 10408. GRANTS FOR SMALL BUSINESSES TO PROVIDE COMPREHENSIVE WORKPLACE WELLNESS PROGRAMS.

(a) ESTABLISHMENT.—The Secretary shall award grants to eligible employers to provide their employees with access to comprehensive workplace wellness programs (as described under subsection (c)).

(b) SCOPE.—

(1) DURATION.—The grant program established under this section shall be conducted for a 5-year period.

(2) ELIGIBLE EMPLOYER.—The term ''eligible employer'' means an employer (including a nonprofit employer) that—

(A) employs less than 100 employees who work 25 hours or greater per week; and

(B) does not provide a workplace wellness program as of the date of enactment of this Act.

(c) COMPREHENSIVE WORKPLACE WELLNESS PROGRAMS.—

(1) CRITERIA.—The Secretary shall develop program criteria for comprehensive workplace wellness programs under this section that are based on and consistent with evidence-based research and best practices, including research and practices as provided in the Guide to Community Preventive Services, the Guide to Clinical Preventive Services, and the National Registry for Effective Programs.

(2) REQUIREMENTS.—A comprehensive workplace wellness program shall be made available by an eligible employer to all employees and include the following components:

(A) Health awareness initiatives (including health education, preventive screenings, and health risk assessments).

(B) Efforts to maximize employee engagement (including mechanisms to encourage employee participation).

(C) Initiatives to change unhealthy behaviors and lifestyle choices (including counseling, seminars, online programs, and self-help materials).

(D) Supportive environment efforts (including workplace policies to encourage healthy lifestyles, healthy eating, increased physical activity, and improved mental health).

(d) APPLICATION.—An eligible employer desiring to participate in the grant program under this section shall submit an application to the Secretary, in such manner and containing such information as the Secretary may require, which shall include a proposal for a comprehensive workplace wellness program that meet the criteria and requirements described under subsection (c).

(e) AUTHORIZATION OF APPROPRIATION.—For purposes of carrying out the grant program under this section, there is authorized to be appropriated $200,000,000 for the period of fiscal years 2011 through 2015. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 10409. CURES ACCELERATION NETWORK.

(a) SHORT TITLE.—This section may be cited as the ''Cures Acceleration Network Act of 2009''.

(b) REQUIREMENT FOR THE DIRECTOR OF NIH TO ESTABLISH A CURES ACCELERATION NETWORK.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (23), the following:

''(24) implement the Cures Acceleration Network described in section 402C.''.

(c) ACCEPTING GIFTS TO SUPPORT THE CURES ACCELERATION NETWORK.—Section 499(c)(1) of the Public Health Service Act (42 U.S.C. 290b(c)(1)) is amended by adding at the end the following:

''(E) The Cures Acceleration Network described in section 402C.''.

(d) ESTABLISHMENT OF THE CURES ACCELERATION NETWORK.—Part A of title IV of the Public Health Service Act is amended by inserting after section 402B (42 U.S.C. 282b) the following:

''SEC. 402C. CURES ACCELERATION NETWORK.

''(a) DEFINITIONS.—In this section:

''(1) BIOLOGICAL PRODUCT.—The term 'biological product' has the meaning given such term in section 351 of the Public Health Service Act.

''(2) DRUG; DEVICE.—The terms 'drug' and 'device' have the meanings given such terms in section 201 of the Federal Food, Drug, and Cosmetic Act.

''(3) HIGH NEED CURE.—The term 'high need cure' means a drug (as that term is defined by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act, biological product (as that term is defined by section 262(i)), or device (as that term is defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act) that, in the determination of the Director of NIH—

''(A) is a priority to diagnose, mitigate, prevent, or treat harm from any disease or condition; and

''(B) for which the incentives of the commercial market are unlikely to result in its adequate or timely development.

''(4) MEDICAL PRODUCT.—The term 'medical product' means a drug, device, biological product, or product that is a combination of drugs, devices, and biological products.

''(b) ESTABLISHMENT OF THE CURES ACCELERATION NETWORK.—Subject to the appropriation of funds as described in subsection (g), there is established within the Office of the Director of NIH a program to be known as the Cures Acceleration Network (referred to in this section as 'CAN'), which shall—

''(1) be under the direction of the Director of NIH, taking into account the recommendations of a CAN Review Board (referred to in this section as the 'Board'), described in subsection (d); and

''(2) award grants and contracts to eligible entities, as described in subsection (e), to accelerate the development of high need cures, including through the development of medical products and behavioral therapies.

''(c) FUNCTIONS.—The functions of the CAN are to—

''(1) conduct and support revolutionary advances in basic research, translating scientific discoveries from bench to bedside;

''(2) award grants and contracts to eligible entities to accelerate the development of high need cures;

''(3) provide the resources necessary for government agencies, independent investigators, research organizations, biotechnology companies, academic research institutions, and other entities to develop high need cures;

''(4) reduce the barriers between laboratory discoveries and clinical trials for new therapies; and

''(5) facilitate review in the Food and Drug Administration for the high need cures funded by the CAN, through activities that may include—

''(A) the facilitation of regular and ongoing communication with the Food and Drug Administration regarding the status of activities conducted under this section;

''(B) ensuring that such activities are coordinated with the approval requirements of the Food and Drug Administration, with the goal of expediting the development and approval of countermeasures and products; and

''(C) connecting interested persons with additional technical assistance made available under section 565 of the Federal Food, Drug, and Cosmetic Act.

''(d) CAN BOARD.—

''(1) ESTABLISHMENT.—There is established a Cures Acceleration Network Review Board (referred to in this section as the 'Board'), which shall advise the Director of NIH on the conduct of the activities of the Cures Acceleration Network.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—

''(i) APPOINTMENT.—The Board shall be comprised of 24 members who are appointed by the Secretary and who serve at the pleasure of the Secretary.

''(ii) CHAIRPERSON AND VICE CHAIRPERSON.—The Secretary shall designate, from among the 24 members appointed under clause (i), one Chairperson of the Board (referred to in this section as the 'Chairperson') and one Vice Chairperson.

''(B) TERMS.—

''(i) IN GENERAL.—Each member shall be appointed to serve a 4-year term, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

''(ii) CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.—A member may be appointed to serve not more than 3 terms on the Board, and may not serve more than 2 such terms consecutively.

''(C) QUALIFICATIONS.—

''(i) IN GENERAL.—The Secretary shall appoint individuals to the Board based solely upon the individual's established record of distinguished service in one of the areas of expertise described in clause (ii). Each individual appointed to the Board shall be of distinguished achievement and have a broad range of disciplinary interests.

''(ii) EXPERTISE.—The Secretary shall select individuals based upon the following requirements:

''(I) For each of the fields of—

''(aa) basic research;

''(bb) medicine;

''(cc) biopharmaceuticals;

''(dd) discovery and delivery of medical products;

''(ee) bioinformatics and gene therapy;

''(ff) medical instrumentation; and

''(gg) regulatory review and approval of medical products,

the Secretary shall select at least 1 individual who is eminent in such fields.

''(II) At least 4 individuals shall be recognized leaders in professional venture capital or private equity organizations and have demonstrated experience in private equity investing.

''(III) At least 8 individuals shall represent disease advocacy organizations.

''(3) EX-OFFICIO MEMBERS.—

''(A) APPOINTMENT.—In addition to the 24 Board members described in paragraph (2), the Secretary shall appoint as ex-officio members of the Board—

''(i) a representative of the National Institutes of Health, recommended by the Secretary of the Department of Health and Human Services;

''(ii) a representative of the Office of the Assistant Secretary of Defense for Health Affairs, recommended by the Secretary of Defense;

''(iii) a representative of the Office of the Under Secretary for Health for the Veterans Health Administration, recommended by the Secretary of Veterans Affairs;

''(iv) a representative of the National Science Foundation, recommended by the Chair of the National Science Board; and

''(v) a representative of the Food and Drug Administration, recommended by the Commissioner of Food and Drugs.

''(B) TERMS.—Each ex-officio member shall serve a 3-year term on the Board, except that the Chairperson may adjust the terms of the initial ex-officio members in order to provide for a staggered term of appointment for all such members.

''(4) RESPONSIBILITIES OF THE BOARD AND THE DIRECTOR OF NIH.—

''(A) RESPONSIBILITIES OF THE BOARD.—

''(i) IN GENERAL.—The Board shall advise, and provide recommendations to, the Director of NIH with respect to—

''(I) policies, programs, and procedures for carrying out the duties of the Director of NIH under this section; and

''(II) significant barriers to successful translation of basic science into clinical application (including issues under the purview of other agencies and departments).

''(ii) REPORT.—In the case that the Board identifies a significant barrier, as described in clause (i)(II), the Board shall submit to the Secretary a report regarding such barrier.

''(B) RESPONSIBILITIES OF THE DIRECTOR OF NIH.—With respect to each recommendation provided by the Board under subparagraph (A)(i), the Director of NIH shall respond in writing to the Board, indicating whether such Director will implement such recommendation. In the case that the Director of NIH indicates a recommendation of the Board will not be implemented, such Director shall provide an explanation of the reasons for not implementing such recommendation.

''(5) MEETINGS.—

''(A) IN GENERAL.—The Board shall meet 4 times per calendar year, at the call of the Chairperson.

''(B) QUORUM; REQUIREMENTS; LIMITATIONS.—

''(i) QUORUM.—A quorum shall consist of a total of 13 members of the Board, excluding ex-officio members, with diverse representation as described in clause (iii).

''(ii) CHAIRPERSON OR VICE CHAIRPERSON.—Each meeting of the Board shall be attended by either the Chairperson or the Vice Chairperson.

''(iii) DIVERSE REPRESENTATION.—At each meeting of the Board, there shall be not less than one scientist, one representative of a disease advocacy organization, and one representative of a professional venture capital or private equity organization.

''(6) COMPENSATION AND TRAVEL EXPENSES.—

''(A) COMPENSATION.—Members shall receive compensation at a rate to be fixed by the Chairperson but not to exceed a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

''(B) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Federal Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

''(e) GRANT PROGRAM.—

''(1) SUPPORTING INNOVATION.—To carry out the purposes described in this section, the Director of NIH shall award contracts, grants, or cooperative agreements to the entities described in paragraph (2), to—

''(A) promote innovation in technologies supporting the advanced research and development and production of high need cures, including through the development of medical products and behavioral therapies.

''(B) accelerate the development of high need cures, including through the development of medical products, behavioral therapies, and biomarkers that demonstrate the safety or effectiveness of medical products; or

''(C) help the award recipient establish protocols that comply with Food and Drug Administration standards and otherwise permit the recipient to meet regulatory requirements at all stages of development, manufacturing, review, approval, and safety surveillance of a medical product.

''(2) ELIGIBLE ENTITIES.—To receive assistance under paragraph (1), an entity shall—

''(A) be a public or private entity, which may include a private or public research institution, an institution of higher education, a medical center, a biotechnology company, a pharmaceutical company, a disease advocacy organization, a patient advocacy organization, or an academic research institution;

''(B) submit an application containing—

''(i) a detailed description of the project for which the entity seeks such grant or contract;

''(ii) a timetable for such project;

''(iii) an assurance that the entity will submit—

''(I) interim reports describing the entity's—

''(aa) progress in carrying out the project; and

''(bb) compliance with all provisions of this section and conditions of receipt of such grant or contract; and

''(II) a final report at the conclusion of the grant period, describing the outcomes of the project; and

''(iv) a description of the protocols the entity will follow to comply with Food and Drug Administration standards and regulatory requirements at all stages of development, manufacturing, review, approval, and safety surveillance of a medical product; and

''(C) provide such additional information as the Director of NIH may require.

''(3) AWARDS.—

''(A) THE CURES ACCELERATION PARTNERSHIP AWARDS.—

''(i) INITIAL AWARD AMOUNT.—Each award under this subparagraph shall be not more than $15,000,000 per project for the first fiscal year for which the project is funded, which shall be payable in one payment.

''(ii) FUNDING IN SUBSEQUENT FISCAL YEARS.—An eligible entity receiving an award under clause (i) may apply for additional funding for such project by submitting to the Director of NIH the information required under subparagraphs (B) and (C) of paragraph (2). The Director may fund a project of such eligible entity in an amount not to exceed $15,000,000 for a fiscal year subsequent to the initial award under clause (i).

''(iii) MATCHING FUNDS.—As a condition for receiving an award under this subsection, an eligible entity shall contribute to the project non-Federal funds in the amount of $1 for every $3 awarded under clauses (i) and (ii), except that the Director of NIH may waive or modify such matching requirement in any case where the Director determines that the goals and objectives of this section cannot adequately be carried out unless such requirement is waived.

''(B) THE CURES ACCELERATION GRANT AWARDS.—

''(i) INITIAL AWARD AMOUNT.—Each award under this subparagraph shall be not more than $15,000,000 per project for the first fiscal year for which the project is funded, which shall be payable in one payment.

''(ii) FUNDING IN SUBSEQUENT FISCAL YEARS.—An eligible entity receiving an award under clause (i) may apply for additional funding for such project by submitting to the Board the information required under subparagraphs (B) and (C) of paragraph (2). The Director of NIH may fund a project of such eligible entity in an amount not to exceed $15,000,000 for a fiscal year subsequent to the initial award under clause (i).

''(C) THE CURES ACCELERATION FLEXIBLE RESEARCH AWARDS.—If the Director of NIH determines that the goals and objectives of this section cannot adequately be carried out through a contract, grant, or cooperative agreement, the Director of NIH shall have flexible research authority to use other transactions to fund projects in accordance with the terms and conditions of this section. Awards made under such flexible research authority for a fiscal year shall not exceed 20 percent of the total funds appropriated under subsection (g)(1) for such fiscal year.

''(4) SUSPENSION OF AWARDS FOR DEFAULTS, NONCOMPLIANCE WITH PROVISIONS AND PLANS, AND DIVERSION OF FUNDS; REPAYMENT OF FUNDS.—The Director of NIH may suspend the award to any entity upon noncompliance by such entity with provisions and plans under this section or diversion of funds.

''(5) AUDITS.—The Director of NIH may enter into agreements with other entities to conduct periodic audits of the projects funded by grants or contracts awarded under this subsection.

''(6) CLOSEOUT PROCEDURES.—At the end of a grant or contract period, a recipient shall follow the closeout procedures under section 74.71 of title 45, Code of Federal Regulations (or any successor regulation).

''(7) REVIEW.—A determination by the Director of NIH as to whether a drug, device, or biological product is a high need cure (for purposes of subsection (a)(3)) shall not be subject to judicial review.

''(f) COMPETITIVE BASIS OF AWARDS.—Any grant, cooperative agreement, or contract awarded under this section shall be awarded on a competitive basis.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For purposes of carrying out this section, there are authorized to be appropriated $500,000,000 for fiscal year 2010, and such sums as may be necessary for subsequent fiscal years. Funds appropriated under this section shall be available until expended.

''(2) LIMITATION ON USE OF FUNDS OTHERWISE APPROPRIATED.—No funds appropriated under this Act, other than funds appropriated under paragraph (1), may be allocated to the Cures Acceleration Network.''.

SEC. 10410. CENTERS OF EXCELLENCE FOR DEPRESSION.

(a) SHORT TITLE.—This section may be cited as the ''Establishing a Network of Health-Advancing National Centers of Excellence for Depression Act of 2009'' or the ''ENHANCED Act of 2009''.

(b) CENTERS OF EXCELLENCE FOR DEPRESSION.—Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by inserting after section 520A the following:

''SEC. 520B. NATIONAL CENTERS OF EXCELLENCE FOR DEPRESSION.

''(a) DEPRESSIVE DISORDER DEFINED.—In this section, the term 'depressive disorder' means a mental or brain disorder relating to depression, including major depression, bipolar disorder, and related mood disorders.

''(b) GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator, shall award grants on a competitive basis to eligible entities to establish national centers of excellence for depression (referred to in this section as 'Centers'), which shall engage in activities related to the treatment of depressive disorders.

''(2) ALLOCATION OF AWARDS.—If the funds authorized under subsection (f) are appropriated in the amounts provided for under such subsection, the Secretary shall allocate such amounts so that—

''(A) not later than 1 year after the date of enactment of the ENHANCED Act of 2009, not more than 20 Centers may be established; and

''(B) not later than September 30, 2016, not more than 30 Centers may be established.

''(3) GRANT PERIOD.—

''(A) IN GENERAL.—A grant awarded under this section shall be for a period of 5 years.

''(B) RENEWAL.—A grant awarded under subparagraph (A) may be renewed, on a competitive basis, for 1 additional 5-year period, at the discretion of the Secretary. In determining whether to renew a grant, the Secretary shall consider the report cards issued under subsection (e)(2).

''(4) USE OF FUNDS.—Grant funds awarded under this subsection shall be used for the establishment and ongoing activities of the recipient of such funds.

''(5) ELIGIBLE ENTITIES.—

''(A) REQUIREMENTS.—To be eligible to receive a grant under this section, an entity shall—

''(i) be an institution of higher education or a public or private nonprofit research institution; and

''(ii) submit an application to the Secretary at such time and in such manner as the Secretary may require, as described in subparagraph (B).

''(B) APPLICATION.—An application described in subparagraph (A)(ii) shall include—

''(i) evidence that such entity—

''(I) provides, or is capable of coordinating with other entities to provide, comprehensive health services with a focus on mental health services and subspecialty expertise for depressive disorders;

''(II) collaborates with other mental health providers, as necessary, to address co-occurring mental illnesses;

''(III) is capable of training health professionals about mental health; and

''(ii) such other information, as the Secretary may require.

''(C) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to eligible entities that meet 1 or more of the following criteria:

''(i) Demonstrated capacity and expertise to serve the targeted population.

''(ii) Existing infrastructure or expertise to provide appropriate, evidence-based and culturally and linguistically competent services.

''(iii) A location in a geographic area with disproportionate numbers of underserved and at-risk populations in medically underserved areas and health professional shortage areas.

''(iv) Proposed innovative approaches for outreach to initiate or expand services.

''(v) Use of the most up-to-date science, practices, and interventions available.

''(vi) Demonstrated capacity to establish cooperative and collaborative agreements with community mental health centers and other community entities to provide mental health, social, and human services to individuals with depressive disorders.

''(6) NATIONAL COORDINATING CENTER.—

''(A) IN GENERAL.—The Secretary, acting through the Administrator, shall designate 1 recipient of a grant under this section to be the coordinating center of excellence for depression (referred to in this section as the 'coordinating center'). The Secretary shall select such coordinating center on a competitive basis, based upon the demonstrated capacity of such center to perform the duties described in subparagraph (C).

''(B) APPLICATION.—A Center that has been awarded a grant under paragraph (1) may apply for designation as the coordinating center by submitting an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(C) DUTIES.—The coordinating center shall—

''(i) develop, administer, and coordinate the network of Centers under this section;

''(ii) oversee and coordinate the national database described in subsection (d);

''(iii) lead a strategy to disseminate the findings and activities of the Centers through such database; and

''(iv) serve as a liaison with the Administration, the National Registry of Evidence-based Programs and Practices of the Administration, and any Federal interagency or interagency forum on mental health.

''(7) MATCHING FUNDS.—The Secretary may not award a grant or contract under this section to an entity unless the entity agrees that it will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant or contract in an amount equal to $1 for each $5 of Federal funds provided under the grant or contract. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

''(c) ACTIVITIES OF THE CENTERS.—Each Center shall carry out the following activities:

''(1) GENERAL ACTIVITIES.—Each Center shall—

''(A) integrate basic, clinical, or health services interdisciplinary research and practice in the development, implementation, and dissemination of evidence-based interventions;

''(B) involve a broad cross-section of stakeholders, such as researchers, clinicians, consumers, families of consumers, and voluntary health organizations, to develop a research agenda and disseminate findings, and to provide support in the implementation of evidence-based practices;

''(C) provide training and technical assistance to mental health professionals, and engage in and disseminate translational research with a focus on meeting the needs of individuals with depressive disorders; and

''(D) educate policy makers, employers, community leaders, and the public about depressive disorders to reduce stigma and raise awareness of treatments.

''(2) IMPROVED TREATMENT STANDARDS, CLINICAL GUIDELINES, DIAGNOSTIC PROTOCOLS, AND CARE COORDINATION PRACTICE.—Each Center shall collaborate with other Centers in the network to—

''(A) develop and implement treatment standards, clinical guidelines, and protocols that emphasize primary prevention, early intervention, treatment for, and recovery from, depressive disorders;

''(B) foster communication with other providers attending to co-occurring physical health conditions such as cardiovascular, diabetes, cancer, and substance abuse disorders;

''(C) leverage available community resources, develop and implement improved self-management programs, and, when appropriate, involve family and other providers of social support in the development and implementation of care plans; and

''(D) use electronic health records and telehealth technology to better coordinate and manage, and improve access to, care, as determined by the coordinating center.

''(3) TRANSLATIONAL RESEARCH THROUGH COLLABORATION OF CENTERS AND COMMUNITY-BASED ORGANIZATIONS.—Each Center shall—

''(A) demonstrate effective use of a public-private partnership to foster collaborations among members of the network and community-based organizations such as community mental health centers and other social and human services providers;

''(B) expand interdisciplinary, translational, and patient-oriented research and treatment; and

''(C) coordinate with accredited academic programs to provide ongoing opportunities for the professional and continuing education of mental health providers.

''(d) NATIONAL DATABASE.—

''(1) IN GENERAL.—The coordinating center shall establish and maintain a national, publicly available database to improve prevention programs, evidence-based interventions, and disease management programs for depressive disorders, using data collected from the Centers, as described in paragraph (2).

''(2) DATA COLLECTION.—Each Center shall submit data gathered at such center, as appropriate, to the coordinating center regarding—

''(A) the prevalence and incidence of depressive disorders;

''(B) the health and social outcomes of individuals with depressive disorders;

''(C) the effectiveness of interventions designed, tested, and evaluated;

''(D) other information, as the Secretary may require.

''(3) SUBMISSION OF DATA TO THE ADMINISTRATOR.—The coordinating center shall submit to the Administrator the data and financial information gathered under paragraph (2).

''(4) PUBLICATION USING DATA FROM THE DATABASE.—A Center, or an individual affiliated with a Center, may publish findings using the data described in paragraph (2) only if such center submits such data to the coordinating center, as required under such paragraph.

''(e) ESTABLISHMENT OF STANDARDS; REPORT CARDS AND RECOMMENDATIONS; THIRD PARTY REVIEW.—

''(1) ESTABLISHMENT OF STANDARDS.—The Secretary, acting through the Administrator, shall establish performance standards for—

''(A) each Center; and

''(B) the network of Centers as a whole.

''(2) REPORT CARDS.—The Secretary, acting through the Administrator, shall—

''(A) for each Center, not later than 3 years after the date on which such center of excellence is established and annually thereafter, issue a report card to the coordinating center to rate the performance of such Center; and

''(B) not later than 3 years after the date on which the first grant is awarded under subsection (b)(1) and annually thereafter, issue a report card to Congress to rate the performance of the network of centers of excellence as a whole.

''(3) RECOMMENDATIONS.—Based upon the report cards described in paragraph (2), the Secretary shall, not later than September 30, 2015—

''(A) make recommendations to the Centers regarding improvements such centers shall make; and

''(B) make recommendations to Congress for expanding the Centers to serve individuals with other types of mental disorders.

''(4) THIRD PARTY REVIEW.—Not later than 3 years after the date on which the first grant is awarded under subsection (b)(1) and annually thereafter, the Secretary shall arrange for an independent third party to conduct an evaluation of the network of Centers to ensure that such centers are meeting the goals of this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated—

''(A) $100,000,000 for each of the fiscal years 2011 through 2015; and

''(B) $150,000,000 for each of the fiscal years 2016 through 2020.

''(2) ALLOCATION OF FUNDS AUTHORIZED.—Of the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall determine the allocation of each Center receiving a grant under this section, but in no case may the allocation be more than $5,000,000, except that the Secretary may allocate not more than $10,000,000 to the coordinating center.''.

SEC. 10411. PROGRAMS RELATING TO CONGENITAL HEART DISEASE.

(a) SHORT TITLE.—This subtitle may be cited as the ''Congenital Heart Futures Act''.

(b) PROGRAMS RELATING TO CONGENITAL HEART DISEASE.—

(1) NATIONAL CONGENITAL HEART DISEASE SURVEILLANCE SYSTEM.—Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by section 5405, is further amended by adding at the end the following:

''SEC. 399V–2. NATIONAL CONGENITAL HEART DISEASE SURVEILLANCE SYSTEM.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may—

''(1) enhance and expand infrastructure to track the epidemiology of congenital heart disease and to organize such information into a

nationally-representative, population-based surveillance system that compiles data concerning actual occurrences of congenital heart disease, to be known as the 'National Congenital Heart Disease Surveillance System'; or

''(2) award a grant to one eligible entity to undertake the activities described in paragraph (1).

''(b) PURPOSE.—The purpose of the Congenital Heart Disease Surveillance System shall be to facilitate further research into the types of health services patients use and to identify possible areas for educational outreach and prevention in accordance with standard practices of the Centers for Disease Control and Prevention.

''(c) CONTENT.—The Congenital Heart Disease Surveillance System—

''(1) may include information concerning the incidence and prevalence of congenital heart disease in the United States;

''(2) may be used to collect and store data on congenital heart disease, including data concerning—

''(A) demographic factors associated with congenital heart disease, such as age, race, ethnicity, sex, and family history of individuals who are diagnosed with the disease;

''(B) risk factors associated with the disease;

''(C) causation of the disease;

''(D) treatment approaches; and

''(E) outcome measures, such that analysis of the outcome measures will allow derivation of evidence-based best practices and guidelines for congenital heart disease patients; and

''(3) may ensure the collection and analysis of longitudinal data related to individuals of all ages with congenital heart disease, including infants, young children, adolescents, and adults of all ages.

''(d) PUBLIC ACCESS.—The Congenital Heart Disease Surveillance System shall be made available to the public, as appropriate, including congenital heart disease researchers.

''(e) PATIENT PRIVACY.—The Secretary shall ensure that the Congenital Heart Disease Surveillance System is maintained in a manner that complies with the regulations promulgated under section 264 of the Health Insurance Portability and Accountability Act of 1996.

''(f) ELIGIBILITY FOR GRANT.—To be eligible to receive a grant under subsection (a)(2), an entity shall—

''(1) be a public or private nonprofit entity with specialized experience in congenital heart disease; and

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

(2) CONGENITAL HEART DISEASE RESEARCH.—Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following:

''SEC. 425. CONGENITAL HEART DISEASE.

''(a) IN GENERAL.—The Director of the Institute may expand, intensify, and coordinate research and related activities of the Institute with respect to congenital heart disease, which may include congenital heart disease research with respect to—

''(1) causation of congenital heart disease, including genetic causes;

''(2) long-term outcomes in individuals with congenital heart disease, including infants, children, teenagers, adults, and elderly individuals;

''(3) diagnosis, treatment, and prevention;

''(4) studies using longitudinal data and retrospective analysis to identify effective treatments and outcomes for individuals with congenital heart disease; and

''(5) identifying barriers to life-long care for individuals with congenital heart disease.

''(b) COORDINATION OF RESEARCH ACTIVITIES.—The Director of the Institute may coordinate research efforts related to congenital heart disease among multiple research institutions and may develop research networks.

''(c) MINORITY AND MEDICALLY UNDERSERVED COMMUNITIES.—In carrying out the activities described in this section, the Director of the Institute shall consider the application of such research and other activities to minority and medically underserved communities.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the amendments made by this section such sums as may be necessary for each of fiscal years 2011 through 2015.

SEC. 10412. AUTOMATED DEFIBRILLATION IN ADAM'S MEMORY ACT.

Section 312 of the Public Health Service Act (42 U.S.C. 244) is amended—

(1) in subsection (c)(6), after ''clearinghouse'' insert '', that shall be administered by an organization that has substantial expertise in pediatric education, pediatric medicine, and electrophysiology and sudden death,''; and

(2) in the first sentence of subsection (e), by striking ''fiscal year 2003'' and all that follows through ''2006'' and inserting ''for each of fiscal years 2003 through 2014''.

SEC. 10413. YOUNG WOMEN'S BREAST HEALTH AWARENESS AND SUPPORT OF YOUNG WOMEN DIAGNOSED WITH BREAST CANCER.

(a) SHORT TITLE.—This section may be cited as the ''Young Women's Breast Health Education and Awareness Requires Learning Young Act of 2009'' or the ''EARLY Act''.

(b) AMENDMENT.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by this Act, is further amended by adding at the end the following:

''PART V—PROGRAMS RELATING TO BREAST HEALTH AND CANCER

''SEC. 399NN. YOUNG WOMEN'S BREAST HEALTH AWARENESS AND SUPPORT OF YOUNG WOMEN DIAGNOSED WITH BREAST CANCER.

''(a) PUBLIC EDUCATION CAMPAIGN.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall conduct a national evidence-based education campaign to increase awareness of young women's knowledge regarding—

''(A) breast health in young women of all racial, ethnic, and cultural backgrounds;

''(B) breast awareness and good breast health habits;

''(C) the occurrence of breast cancer and the general and specific risk factors in women who may be at high risk for breast cancer based on familial, racial, ethnic, and cultural backgrounds such as Ashkenazi Jewish populations;

''(D) evidence-based information that would encourage young women and their health care professional to increase early detection of breast cancers; and

''(E) the availability of health information and other resources for young women diagnosed with breast cancer.

''(2) EVIDENCE-BASED, AGE APPROPRIATE MESSAGES.—The campaign shall provide evidence-based, age-appropriate messages and materials as developed by the Centers for Disease Control and Prevention and the Advisory Committee established under paragraph (4).

''(3) MEDIA CAMPAIGN.—In conducting the education campaign under paragraph (1), the Secretary shall award grants to entities to establish national multimedia campaigns oriented to young women that may include advertising through television, radio, print media, billboards, posters, all forms of existing and especially emerging social networking media, other Internet media, and any other medium determined appropriate by the Secretary.

''(4) ADVISORY COMMITTEE.—

''(A) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an advisory committee to assist in creating and conducting the education campaigns under paragraph (1) and subsection (b)(1).

''(B) MEMBERSHIP.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall appoint to the advisory committee under subparagraph (A) such members as deemed necessary to properly advise the Secretary, and shall include organizations and individuals with expertise in breast cancer, disease prevention, early detection, diagnosis, public health, social marketing, genetic screening and counseling, treatment, rehabilitation, palliative care, and survivorship in young women.

''(b) HEALTH CARE PROFESSIONAL EDUCATION CAMPAIGN.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the Administrator of the Health Resources and Services Administration, shall conduct an education campaign among physicians and other health care professionals to increase awareness—

''(1) of breast health, symptoms, and early diagnosis and treatment of breast cancer in young women, including specific risk factors such as family history of cancer and women that may be at high risk for breast cancer, such as Ashkenazi Jewish population;

''(2) on how to provide counseling to young women about their breast health, including knowledge of their family cancer history and importance of providing regular clinical breast examinations;

''(3) concerning the importance of discussing healthy behaviors, and increasing awareness of services and programs available to address overall health and wellness, and making patient referrals to address tobacco cessation, good nutrition, and physical activity;

''(4) on when to refer patients to a health care provider with genetics expertise;

''(5) on how to provide counseling that addresses long-term survivorship and health concerns of young women diagnosed with breast cancer; and

''(6) on when to provide referrals to organizations and institutions that provide credible health information and substantive assistance and support to young women diagnosed with breast cancer.

''(c) PREVENTION RESEARCH ACTIVITIES.—The Secretary, acting through—

''(1) the Director of the Centers for Disease Control and Prevention, shall conduct prevention research on breast cancer in younger women, including—

''(A) behavioral, survivorship studies, and other research on the impact of breast cancer diagnosis on young women;

''(B) formative research to assist with the development of educational messages and information for the public, targeted populations, and their families about breast health, breast cancer, and healthy lifestyles;

''(C) testing and evaluating existing and new social marketing strategies targeted at young women; and

''(D) surveys of health care providers and the public regarding knowledge, attitudes, and practices related to breast health and breast cancer prevention and control in high-risk populations; and

''(2) the Director of the National Institutes of Health, shall conduct research to develop and validate new screening tests and methods for prevention and early detection of breast cancer in young women.

''(d) SUPPORT FOR YOUNG WOMEN DIAGNOSED WITH BREAST CANCER.—

''(1) IN GENERAL.—The Secretary shall award grants to organizations and institutions to provide health information from credible sources and substantive assistance directed to young women diagnosed with breast cancer and preneoplastic breast diseases.

''(2) PRIORITY.—In making grants under paragraph (1), the Secretary shall give priority to applicants that deal specifically with young women diagnosed with breast cancer and preneoplastic breast disease.

''(e) NO DUPLICATION OF EFFORT.—In conducting an education campaign or other program under subsections (a), (b), (c), or (d), the Secretary shall avoid duplicating other existing Federal breast cancer education efforts.

''(f) MEASUREMENT; REPORTING.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(1) measure—

''(A) young women's awareness regarding breast health, including knowledge of family cancer history, specific risk factors and early warning signs, and young women's proactive efforts at early detection;

''(B) the number or percentage of young women utilizing information regarding lifestyle interventions that foster healthy behaviors;

''(C) the number or percentage of young women receiving regular clinical breast exams; and

''(D) the number or percentage of young women who perform breast self exams, and the frequency of such exams, before the implementation of this section;

''(2) not less than every 3 years, measure the impact of such activities; and

''(3) submit reports to the Congress on the results of such measurements.

''(g) DEFINITION.—In this section, the term 'young women' means women 15 to 44 years of age.

''(h) AUTHORIZATION OF APPROPRIATIONS.—To carry out subsections (a), (b), (c)(1), and (d), there are authorized to be appropriated $9,000,000 for each of the fiscal years 2010 through 2014.''.

Subtitle E—Provisions Relating to Title V

SEC. 10501. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT, THE SOCIAL SECURITY ACT, AND TITLE V OF THIS ACT.

(a) Section 5101 of this Act is amended—

(1) in subsection (c)(2)(B)(i)(II), by inserting '', including representatives of small business and self-employed individuals'' after ''employers'';

(2) in subsection (d)(4)(A)—

(A) by redesignating clause (iv) as clause (v); and

(B) by inserting after clause (iii) the following:

''(iv) An analysis of, and recommendations for, eliminating the barriers to entering and staying in primary care, including provider compensation.''; and

(3) in subsection (i)(2)(B), by inserting ''optometrists, ophthalmologists,'' after ''occupational therapists,''.

(b) Subtitle B of title V of this Act is amended by adding at the end the following:

''SEC. 5104. INTERAGENCY TASK FORCE TO ASSESS AND IMPROVE ACCESS TO HEALTH CARE IN THE STATE OF ALASKA.

''(a) ESTABLISHMENT.—There is established a task force to be known as the 'Interagency Access to Health Care in Alaska Task Force' (referred to in this section as the 'Task Force').

''(b) DUTIES.—The Task Force shall—

''(1) assess access to health care for beneficiaries of Federal health care systems in Alaska; and

''(2) develop a strategy for the Federal Government to improve delivery of health care to Federal beneficiaries in the State of Alaska.

''(c) MEMBERSHIP.—The Task Force shall be comprised of Federal members who shall be appointed, not later than 45 days after the date of enactment of this Act, as follows:

''(1) The Secretary of Health and Human Services shall appoint one representative of each of the following:

''(A) The Department of Health and Human Services.

''(B) The Centers for Medicare and Medicaid Services.

''(C) The Indian Health Service.

''(2) The Secretary of Defense shall appoint one representative of the TRICARE Management Activity.

''(3) The Secretary of the Army shall appoint one representative of the Army Medical Department.

''(4) The Secretary of the Air Force shall appoint one representative of the Air Force, from among officers at the Air Force performing medical service functions.

''(5) The Secretary of Veterans Affairs shall appoint one representative of each of the following:

''(A) The Department of Veterans Affairs.

''(B) The Veterans Health Administration.

''(6) The Secretary of Homeland Security shall appoint one representative of the United States Coast Guard.

''(d) CHAIRPERSON.—One chairperson of the Task Force shall be appointed by the Secretary at the time of appointment of members under subsection (c), selected from among the members appointed under paragraph (1).

''(e) MEETINGS.—The Task Force shall meet at the call of the chairperson.

''(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Task Force shall submit to Congress a report detailing the activities of the Task Force and containing the findings, strategies, recommendations, policies, and initiatives developed pursuant to the duty described in subsection (b)(2). In preparing such report, the Task Force shall consider completed and ongoing efforts by Federal agencies to improve access to health care in the State of Alaska.

''(g) TERMINATION.—The Task Force shall be terminated on the date of submission of the report described in subsection (f).''.

(c) Section 399V of the Public Health Service Act, as added by section 5313, is amended—

(1) in subsection (b)(4), by striking ''identify, educate, refer, and enroll'' and inserting ''identify and refer''; and

(2) in subsection (k)(1), by striking '', as defined by the Department of Labor as Standard Occupational Classification [21–1094]''.

(d) Section 738(a)(3) of the Public Health Service Act (42 U.S.C. 293b(a)(3)) is amended by inserting ''schools offering physician assistant education programs,'' after ''public health,''.

(e) Subtitle D of title V of this Act is amended by adding at the end the following:

''SEC. 5316. DEMONSTRATION GRANTS FOR FAMILY NURSE PRACTITIONER TRAINING PROGRAMS.

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Health and Human Services (referred to in this section as the 'Secretary') shall establish a training demonstration program for family nurse practitioners (referred to in this section as the 'program') to employ and provide 1-year training for nurse practitioners who have graduated from a nurse practitioner program for careers as primary care providers in Federally qualified health centers (referred to in this section as 'FQHCs') and nurse-managed health clinics (referred to in this section as 'NMHCs').

''(b) PURPOSE.—The purpose of the program is to enable each grant recipient to—

''(1) provide new nurse practitioners with clinical training to enable them to serve as primary care providers in FQHCs and NMHCs;

''(2) train new nurse practitioners to work under a model of primary care that is consistent with the principles set forth by the Institute of Medicine and the needs of vulnerable populations; and

''(3) create a model of FQHC and NMHC training for nurse practitioners that may be replicated nationwide.

''(c) GRANTS.—The Secretary shall award 3-year grants to eligible entities that meet the requirements established by the Secretary, for the purpose of operating the nurse practitioner primary care programs described in subsection (a) in such entities.

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

''(1)(A) be a FQHC as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)); or

''(B) be a nurse-managed health clinic, as defined in section 330A–1 of the Public Health Service Act (as added by section 5208 of this Act); and

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(e) PRIORITY IN AWARDING GRANTS.—In awarding grants under this section, the Secretary shall give priority to eligible entities that—

''(1) demonstrate sufficient infrastructure in size, scope, and capacity to undertake the requisite training of a minimum of 3 nurse practitioners per year, and to provide to each awardee 12 full months of full-time, paid employment and benefits consistent with the benefits offered to other full-time employees of such entity;

''(2) will assign not less than 1 staff nurse practitioner or physician to each of 4 precepted clinics;

''(3) will provide to each awardee specialty rotations, including specialty training in prenatal care and women's health, adult and child psychiatry, orthopedics, geriatrics, and at least 3 other high-volume, high-burden specialty areas;

''(4) provide sessions on high-volume, high-risk health problems and have a record of training health care professionals in the care of children, older adults, and underserved populations; and

''(5) collaborate with other safety net providers, schools, colleges, and universities that provide health professions training.

''(f) ELIGIBILITY OF NURSE PRACTITIONERS.—

''(1) IN GENERAL.—To be eligible for acceptance to a program funded through a grant awarded under this section, an individual shall—

''(A) be licensed or eligible for licensure in the State in which the program is located as an advanced practice registered nurse or advanced practice nurse and be eligible or board-certified as a family nurse practitioner; and

''(B) demonstrate commitment to a career as a primary care provider in a FQHC or in a NMHC.

''(2) PREFERENCE.—In selecting awardees under the program, each grant recipient shall give preference to bilingual candidates that meet the requirements described in paragraph (1).

''(3) DEFERRAL OF CERTAIN SERVICE.—The starting date of required service of individuals in the National Health Service Corps Service program under title II of the Public Health Service Act (42 U.S.C. 202 et seq.) who receive training under this section shall be deferred until the date that is 22 days after the date of completion of the program.

''(g) GRANT AMOUNT.—Each grant awarded under this section shall be in an amount not to exceed $600,000 per year. A grant recipient may carry over funds from 1 fiscal year to another without obtaining approval from the Secretary.

''(h) TECHNICAL ASSISTANCE GRANTS.—The Secretary may award technical assistance grants to 1 or more FQHCs or NMHCs that have demonstrated expertise in establishing a nurse practitioner residency training program. Such technical assistance grants shall be for the purpose of providing technical assistance to other recipients of grants under subsection (c).

''(i) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated such sums as may be necessary for each of fiscal years 2011 through 2014.''.

(f)(1) Section 399W of the Public Health Service Act, as added by section 5405, is redesignated as section 399V–1.

(2) Section 399V–1 of the Public Health Service Act, as so redesignated, is amended in subsection (b)(2)(A) by striking ''and the departments of 1 or more health professions schools in the State that train providers in primary care'' and inserting ''and the departments that train providers in primary care in 1 or more health professions schools in the State''.

(3) Section 934 of the Public Health Service Act, as added by section 3501, is amended by

striking ''399W'' each place such term appears and inserting ''399V–1''.

(4) Section 935(b) of the Public Health Service Act, as added by section 3503, is amended by striking ''399W'' and inserting ''399V–1''.

(g) Part P of title III of the Public Health Service Act 42 U.S.C. 280g et seq.), as amended by section 10411, is amended by adding at the end the following:

''SEC. 399V–3. NATIONAL DIABETES PREVENTION PROGRAM.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a national diabetes prevention program (referred to in this section as the 'program') targeted at adults at high risk for diabetes in order to eliminate the preventable burden of diabetes.

''(b) PROGRAM ACTIVITIES.—The program described in subsection (a) shall include—

''(1) a grant program for community-based diabetes prevention program model sites;

''(2) a program within the Centers for Disease Control and Prevention to determine eligibility of entities to deliver community-based diabetes prevention services;

''(3) a training and outreach program for lifestyle intervention instructors; and

''(4) evaluation, monitoring and technical assistance, and applied research carried out by the Centers for Disease Control and Prevention.

''(c) ELIGIBLE ENTITIES.—To be eligible for a grant under subsection (b)(1), an entity shall be a State or local health department, a tribal organization, a national network of community-based non-profits focused on health and wellbeing, an academic institution, or other entity, as the Secretary determines.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014.''.

(h) The provisions of, and amendment made by, section 5501(c) of this Act are repealed.

(i)(1) The provisions of, and amendments made by, section 5502 of this Act are repealed.

(2)(A) Section 1861(aa)(3)(A) of the Social Security Act (42 U.S.C. 1395w(aa)(3)(A)) is amended to read as follows:

''(A) services of the type described in subparagraphs (A) through (C) of paragraph (1) and preventive services (as defined in section 1861(ddd)(3)); and''.

(B) The amendment made by subparagraph (A) shall apply to services furnished on or after January 1, 2011.

(3)(A) Section 1834 of the Social Security Act (42 U.S.C. 1395m), as amended by section 4105, is amended by adding at the end the following new subsection:

''(o) DEVELOPMENT AND IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM.—

''(1) DEVELOPMENT.—

''(A) IN GENERAL.—The Secretary shall develop a prospective payment system for payment for Federally qualified health center services furnished by Federally qualified health centers under this title. Such system shall include a process for appropriately describing the services furnished by Federally qualified health centers and shall establish payment rates for specific payment codes based on such appropriate descriptions of services. Such system shall be established to take into account the type, intensity, and duration of services furnished by Federally qualified health centers. Such system may include adjustments, including geographic adjustments, determined appropriate by the Secretary.

''(B) COLLECTION OF DATA AND EVALUATION.—By not later than January 1, 2011, the Secretary shall require Federally qualified health centers to submit to the Secretary such information as the Secretary may require in order to develop and implement the prospective payment system under this subsection, including the reporting of services using HCPCS codes.

''(2) IMPLEMENTATION.—

''(A) IN GENERAL.—Notwithstanding section 1833(a)(3)(A), the Secretary shall provide, for cost reporting periods beginning on or after October 1, 2014, for payments of prospective payment rates for Federally qualified health center services furnished by Federally qualified health centers under this title in accordance with the prospective payment system developed by the Secretary under paragraph (1).

''(B) PAYMENTS.—

''(i) INITIAL PAYMENTS.—The Secretary shall implement such prospective payment system so that the estimated aggregate amount of prospective payment rates (determined prior to the application of section 1833(a)(1)(Z)) under this title for Federally qualified health center services in the first year that such system is implemented is equal to 100 percent of the estimated amount of reasonable costs (determined without the application of a per visit payment limit or productivity screen and prior to the application of section 1866(a)(2)(A)(ii)) that would have occurred for such services under this title in such year if the system had not been implemented.

''(ii) PAYMENTS IN SUBSEQUENT YEARS.—Payment rates in years after the year of implementation of such system shall be the payment rates in the previous year increased—

''(I) in the first year after implementation of such system, by the percentage increase in the MEI (as defined in section 1842(i)(3)) for the year involved; and

''(II) in subsequent years, by the percentage increase in a market basket of Federally qualified health center goods and services as promulgated through regulations, or if such an index is not available, by the percentage increase in the MEI (as defined in section 1842(i)(3)) for the year involved.

''(C) PREPARATION FOR PPS IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may establish and implement by program instruction or otherwise the payment codes to be used under the prospective payment system under this section.''.

(B) Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 4104, is amended—

(i) by striking ''and'' before ''(Y)''; and

(ii) by inserting before the semicolon at the end the following: '', and (Z) with respect to Federally qualified health center services for which payment is made under section 1834(o), the amounts paid shall be 80 percent of the lesser of the actual charge or the amount determined under such section''.

(C) Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended—

(i) in paragraph (3)(B)(i)—

(I) by inserting ''(I)'' after ''otherwise been provided''; and

(II) by inserting '', or (II) in the case of such services furnished on or after the implementation date of the prospective payment system under section 1834(o), under such section (calculated as if '100 percent' were substituted for '80 percent' in such section) for such services if the individual had not been so enrolled'' after ''been so enrolled''; and

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

''Paragraph (3)(A) shall not apply to Federally qualified health center services furnished on or after the implementation date of the prospective payment system under section 1834(o).''.

(j) Section 5505 is amended by adding at the end the following new subsection:

''(d) APPLICATION.—The amendments made by this section shall not be applied in a manner that requires reopening of any settled cost reports as to which there is not a jurisdictionally proper appeal pending as of the date of the enactment of this Act on the issue of payment for indirect costs of medical education under section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)) or for direct graduate medical education costs under section 1886(h) of such Act (42 U.S.C. 1395ww(h)).''.

(k) Subtitle G of title V of this Act is amended by adding at the end the following:

''SEC. 5606. STATE GRANTS TO HEALTH CARE PROVIDERS WHO PROVIDE SERVICES TO A HIGH PERCENTAGE OF MEDICALLY UNDERSERVED POPULATIONS OR OTHER SPECIAL POPULATIONS.

''(a) IN GENERAL.—A State may award grants to health care providers who treat a high percentage, as determined by such State, of medically underserved populations or other special populations in such State.

''(b) SOURCE OF FUNDS.—A grant program established by a State under subsection (a) may not be established within a department, agency, or other entity of such State that administers the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and no Federal or State funds allocated to such Medicaid program, the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), or the TRICARE program under chapter 55 of title 10, United States Code, may be used to award grants or to pay administrative costs associated with a grant program established under subsection (a).''.

(l) Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended—

(1) after the part heading, by inserting the following:

''Subpart I—Medical Training Generally'';

and

(2) by inserting at the end the following:

''Subpart II—Training in Underserved Communities

''SEC. 749B. RURAL PHYSICIAN TRAINING GRANTS.

''(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a grant program for the purposes of assisting eligible entities in recruiting students most likely to practice medicine in underserved rural communities, providing rural-focused training and experience, and increasing the number of recent allopathic and osteopathic medical school graduates who practice in underserved rural communities.

''(b) ELIGIBLE ENTITIES.—In order to be eligible to receive a grant under this section, an entity shall—

''(1) be a school of allopathic or osteopathic medicine accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose, or any combination or consortium of such schools; and

''(2) submit an application to the Secretary that includes a certification that such entity will use amounts provided to the institution as described in subsection (d)(1).

''(c) PRIORITY.—In awarding grant funds under this section, the Secretary shall give priority to eligible entities that—

''(1) demonstrate a record of successfully training students, as determined by the Secretary, who practice medicine in underserved rural communities;

''(2) demonstrate that an existing academic program of the eligible entity produces a high percentage, as determined by the Secretary, of graduates from such program who practice medicine in underserved rural communities;

''(3) demonstrate rural community institutional partnerships, through such mechanisms as matching or contributory funding, documented in-kind services for implementation, or existence of training partners with interprofessional expertise in community health center training locations or other similar facilities; or

''(4) submit, as part of the application of the entity under subsection (b), a plan for the long-term tracking of where the graduates of such entity practice medicine.

''(d) USE OF FUNDS.—

''(1) ESTABLISHMENT.—An eligible entity receiving a grant under this section shall use the funds made available under such grant to establish, improve, or expand a rural-focused training program (referred to in this section as the

'Program') meeting the requirements described in this subsection and to carry out such program.

''(2) STRUCTURE OF PROGRAM.—An eligible entity shall—

''(A) enroll no fewer than 10 students per class year into the Program; and

''(B) develop criteria for admission to the Program that gives priority to students—

''(i) who have originated from or lived for a period of 2 or more years in an underserved rural community; and

''(ii) who express a commitment to practice medicine in an underserved rural community.

''(3) CURRICULA.—The Program shall require students to enroll in didactic coursework and clinical experience particularly applicable to medical practice in underserved rural communities, including—

''(A) clinical rotations in underserved rural communities, and in applicable specialties, or other coursework or clinical experience deemed appropriate by the Secretary; and

''(B) in addition to core school curricula, additional coursework or training experiences focused on medical issues prevalent in underserved rural communities.

''(4) RESIDENCY PLACEMENT ASSISTANCE.—Where available, the Program shall assist all students of the Program in obtaining clinical training experiences in locations with postgraduate programs offering residency training opportunities in underserved rural communities, or in local residency training programs that support and train physicians to practice in underserved rural communities.

''(5) PROGRAM STUDENT COHORT SUPPORT.—The Program shall provide and require all students of the Program to participate in group activities designed to further develop, maintain, and reinforce the original commitment of such students to practice in an underserved rural community.

''(e) ANNUAL REPORTING.—An eligible entity receiving a grant under this section shall submit an annual report to the Secretary on the success of the Program, based on criteria the Secretary determines appropriate, including the residency program selection of graduating students who participated in the Program.

''(f) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the Secretary shall by regulation define 'underserved rural community' for purposes of this section.

''(g) SUPPLEMENT NOT SUPPLANT.—Any eligible entity receiving funds under this section shall use such funds to supplement, not supplant, any other Federal, State, and local funds that would otherwise be expended by such entity to carry out the activities described in this section.

''(h) MAINTENANCE OF EFFORT.—With respect to activities for which funds awarded under this section are to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives a grant under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000 for each of the fiscal years 2010 through 2013.''.

(m)(1) Section 768 of the Public Health Service Act (42 U.S.C. 295c) is amended to read as follows:

''SEC. 768. PREVENTIVE MEDICINE AND PUBLIC HEALTH TRAINING GRANT PROGRAM.

''(a) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Director of the Centers for Disease Control and Prevention, shall award grants to, or enter into contracts with, eligible entities to provide training to graduate medical residents in preventive medicine specialties.

''(b) ELIGIBILITY.—To be eligible for a grant or contract under subsection (a), an entity shall be—

''(1) an accredited school of public health or school of medicine or osteopathic medicine;

''(2) an accredited public or private nonprofit hospital;

''(3) a State, local, or tribal health department; or

''(4) a consortium of 2 or more entities described in paragraphs (1) through (3).

''(c) USE OF FUNDS.—Amounts received under a grant or contract under this section shall be used to—

''(1) plan, develop (including the development of curricula), operate, or participate in an accredited residency or internship program in preventive medicine or public health;

''(2) defray the costs of practicum experiences, as required in such a program; and

''(3) establish, maintain, or improve—

''(A) academic administrative units (including departments, divisions, or other appropriate units) in preventive medicine and public health; or

''(B) programs that improve clinical teaching in preventive medicine and public health.

''(d) REPORT.—The Secretary shall submit to the Congress an annual report on the program carried out under this section.''.

(2) Section 770(a) of the Public Health Service Act (42 U.S.C. 295e(a)) is amended to read as follows:

''(a) IN GENERAL.—For the purpose of carrying out this subpart, there is authorized to be appropriated $43,000,000 for fiscal year 2011, and such sums as may be necessary for each of the fiscal years 2012 through 2015.''.

(n)(1) Subsection (i) of section 331 of the Public Health Service Act (42 U.S.C. 254d) of the Public Health Service Act is amended—

(A) in paragraph (1), by striking ''In carrying out subpart III'' and all that follows through the period and inserting ''In carrying out subpart III, the Secretary may, in accordance with this subsection, issue waivers to individuals who have entered into a contract for obligated service under the Scholarship Program or the Loan Repayment Program under which the individuals are authorized to satisfy the requirement of obligated service through providing clinical practice that is half time.'';

(B) in paragraph (2)—

(i) in subparagraphs (A)(ii) and (B), by striking ''less than full time'' each place it appears and inserting ''half time'';

(ii) in subparagraphs (C) and (F), by striking ''less than full-time service'' each place it appears and inserting ''half-time service''; and

(iii) by amending subparagraphs (D) and (E) to read as follows:

''(D) the entity and the Corps member agree in writing that the Corps member will perform half-time clinical practice;

''(E) the Corps member agrees in writing to fulfill all of the service obligations under section 338C through half-time clinical practice and either—

''(i) double the period of obligated service that would otherwise be required; or

''(ii) in the case of contracts entered into under section 338B, accept a minimum service obligation of 2 years with an award amount equal to 50 percent of the amount that would otherwise be payable for full-time service; and'';

and

(C) in paragraph (3), by striking ''In evaluating a demonstration project described in paragraph (1)'' and inserting ''In evaluating waivers issued under paragraph (1)''.

(2) Subsection (j) of section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended by adding at the end the following:

''(5) The terms 'full time' and 'full-time' mean a minimum of 40 hours per week in a clinical practice, for a minimum of 45 weeks per year.

''(6) The terms 'half time' and 'half-time' mean a minimum of 20 hours per week (not to exceed 39 hours per week) in a clinical practice, for a minimum of 45 weeks per year.''.

(3) Section 337(b)(1) of the Public Health Service Act (42 U.S.C. 254j(b)(1)) is amended by striking ''Members may not be reappointed to the Council.''.

(4) Section 338B(g)(2)(A) of the Public Health Service Act (42 U.S.C. 254l–1(g)(2)(A)) is amended by striking ''$35,000'' and inserting ''$50,000, plus, beginning with fiscal year 2012, an amount determined by the Secretary on an annual basis to reflect inflation,''.

(5) Subsection (a) of section 338C of the Public Health Service Act (42 U.S.C. 254m), as amended by section 5508, is amended—

(A) by striking the second sentence and inserting the following: ''The Secretary may treat teaching as clinical practice for up to 20 percent of such period of obligated service.''; and

(B) by adding at the end the following: ''Notwithstanding the preceding sentence, with respect to a member of the Corps participating in the teaching health centers graduate medical education program under section 340H, for the purpose of calculating time spent in full-time clinical practice under this section, up to 50 percent of time spent teaching by such member may be counted toward his or her service obligation.''.

SEC. 10502. INFRASTRUCTURE TO EXPAND ACCESS TO CARE.

(a) APPROPRIATION.—There are authorized to be appropriated, and there are appropriated to the Department of Health and Human Services, $100,000,000 for fiscal year 2010, to remain available for obligation until September 30, 2011, to be used for debt service on, or direct construction or renovation of, a health care facility that provides research, inpatient tertiary care, or outpatient clinical services. Such facility shall be affiliated with an academic health center at a public research university in the United States that contains a State's sole public academic medical and dental school.

(b) REQUIREMENT.—Amount appropriated under subsection (a) may only be made available by the Secretary of Health and Human Services upon the receipt of an application from the Governor of a State that certifies that—

(1) the new health care facility is critical for the provision of greater access to health care within the State;

(2) such facility is essential for the continued financial viability of the State's sole public medical and dental school and its academic health center;

(3) the request for Federal support represents not more than 40 percent of the total cost of the proposed new facility; and

(4) the State has established a dedicated funding mechanism to provide all remaining funds necessary to complete the construction or renovation of the proposed facility.

SEC. 10503. COMMUNITY HEALTH CENTERS AND THE NATIONAL HEALTH SERVICE CORPS FUND.

(a) PURPOSE.—It is the purpose of this section to establish a Community Health Center Fund (referred to in this section as the ''CHC Fund''), to be administered through the Office of the Secretary of the Department of Health and Human Services to provide for expanded and sustained national investment in community health centers under section 330 of the Public Health Service Act and the National Health Service Corps.

(b) FUNDING.—There is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, to the CHC Fund—

(1) to be transferred to the Secretary of Health and Human Services to provide enhanced funding for the community health center program under section 330 of the Public Health Service Act—

(A) $700,000,000 for fiscal year 2011;
(B) $800,000,000 for fiscal year 2012;
(C) $1,000,000,000 for fiscal year 2013;
(D) $1,600,000,000 for fiscal year 2014; and
(E) $2,900,000,000 for fiscal year 2015; and

(2) to be transferred to the Secretary of Health and Human Services to provide enhanced funding for the National Health Service Corps—

(A) $290,000,000 for fiscal year 2011;
(B) $295,000,000 for fiscal year 2012;
(C) $300,000,000 for fiscal year 2013;
(D) $305,000,000 for fiscal year 2014; and
(E) $310,000,000 for fiscal year 2015.

(c) CONSTRUCTION.—There is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $1,500,000,000 to be available for fiscal years 2011 through 2015 to be used by the Secretary of Health and Human Services for the construction and renovation of community health centers.

(d) USE OF FUND.—The Secretary of Health and Human Services shall transfer amounts in the CHC Fund to accounts within the Department of Health and Human Services to increase funding, over the fiscal year 2008 level, for community health centers and the National Health Service Corps.

(e) AVAILABILITY.—Amounts appropriated under subsections (b) and (c) shall remain available until expended.

SEC. 10504. DEMONSTRATION PROJECT TO PROVIDE ACCESS TO AFFORDABLE CARE.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Health Resources and Services Administration, shall establish a 3 year demonstration project in up to 10 States to provide access to comprehensive health care services to the uninsured at reduced fees. The Secretary shall evaluate the feasibility of expanding the project to additional States.

(b) ELIGIBILITY.—To be eligible to participate in the demonstration project, an entity shall be a State-based, nonprofit, public-private partnership that provides access to comprehensive health care services to the uninsured at reduced fees. Each State in which a participant selected by the Secretary is located shall receive not more than $2,000,000 to establish and carry out the project for the 3-year demonstration period.

(c) AUTHORIZATION.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

Subtitle F—Provisions Relating to Title VI

SEC. 10601. REVISIONS TO LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.

(a) IN GENERAL.—Section 1877(i) of the Social Security Act, as added by section 6001(a), is amended—

(1) in paragraph (1)(A)(i), by striking ''February 1, 2010'' and inserting ''August 1, 2010''; and

(2) in paragraph (3)(A)—

(A) in clause (iii), by striking ''August 1, 2011'' and inserting ''February 1, 2012''; and

(B) in clause (iv), by striking ''July 1, 2011'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENT.—Section 6001(b)(2) of this Act is amended by striking ''November 1, 2011'' and inserting ''May 1, 2012''.

SEC. 10602. CLARIFICATIONS TO PATIENT-CENTERED OUTCOMES RESEARCH.

Section 1181 of the Social Security Act (as added by section 6301) is amended—

(1) in subsection (d)(2)(B)—

(A) in clause (ii)(IV)—

(i) by inserting '', as described in subparagraph (A)(ii),'' after ''original research''; and

(ii) by inserting '', as long as the researcher enters into a data use agreement with the Institute for use of the data from the original research, as appropriate'' after ''publication''; and

(B) by amending clause (iv) to read as follows:

''(iv) SUBSEQUENT USE OF THE DATA.—The Institute shall not allow the subsequent use of data from original research in work-for-hire contracts with individuals, entities, or instrumentalities that have a financial interest in the results, unless approved under a data use agreement with the Institute.'';

(2) in subsection (d)(8)(A)(iv), by striking ''not be construed as mandates for'' and inserting ''do not include''; and

(3) in subsection (f)(1)(C), by amending clause (ii) to read as follows:

''(ii) 7 members representing physicians and providers, including 4 members representing physicians (at least 1 of whom is a surgeon), 1 nurse, 1 State-licensed integrative health care practitioner, and 1 representative of a hospital.''.

SEC. 10603. STRIKING PROVISIONS RELATING TO INDIVIDUAL PROVIDER APPLICATION FEES.

(a) IN GENERAL.—Section 1866(j)(2)(C) of the Social Security Act, as added by section 6401(a), is amended—

(1) by striking clause (i);

(2) by redesignating clauses (ii) through (iv), respectively, as clauses (i) through (iii); and

(3) in clause (i), as redesignated by paragraph (2), by striking ''clause (iii)'' and inserting ''clause (ii)''.

(b) TECHNICAL CORRECTION.—Section 6401(a)(2) of this Act is amended to read as follows:

''(2) by redesignating paragraph (2) as paragraph (8); and''.

SEC. 10604. TECHNICAL CORRECTION TO SECTION 6405.

Paragraphs (1) and (2) of section 6405(b) are amended to read as follows:

''(1) PART A.—Section 1814(a)(2) of the Social Security Act (42 U.S.C. 1395(a)(2)) is amended in the matter preceding subparagraph (A) by inserting ', or, in the case of services described in subparagraph (C), a physician enrolled under section 1866(j),' after 'in collaboration with a physician,'.

''(2) PART B.—Section 1835(a)(2) of the Social Security Act (42 U.S.C. 1395n(a)(2)) is amended in the matter preceding subparagraph (A) by inserting ', or, in the case of services described in subparagraph (A), a physician enrolled under section 1866(j),' after 'a physician'.''.

SEC. 10605. CERTAIN OTHER PROVIDERS PERMITTED TO CONDUCT FACE TO FACE ENCOUNTER FOR HOME HEALTH SERVICES.

(a) PART A.—Section 1814(a)(2)(C) of the Social Security Act (42 U.S.C. 1395f(a)(2)(C)), as amended by section 6407(a)(1), is amended by inserting '', or a nurse practitioner or clinical nurse specialist (as those terms are defined in section 1861(aa)(5)) who is working in collaboration with the physician in accordance with State law, or a certified nurse-midwife (as defined in section 1861(gg)) as authorized by State law, or a physician assistant (as defined in section 1861(aa)(5)) under the supervision of the physician,'' after ''himself or herself''.

(b) PART B.—Section 1835(a)(2)(A)(iv) of the Social Security Act, as added by section 6407(a)(2), is amended by inserting '', or a nurse practitioner or clinical nurse specialist (as those terms are defined in section 1861(aa)(5)) who is working in collaboration with the physician in accordance with State law, or a certified nurse-midwife (as defined in section 1861(gg)) as authorized by State law, or a physician assistant (as defined in section 1861(aa)(5)) under the supervision of the physician,'' after ''must document that the physician''.

SEC. 10606. HEALTH CARE FRAUD ENFORCEMENT.

(a) FRAUD SENTENCING GUIDELINES.—

(1) DEFINITION.—In this subsection, the term ''Federal health care offense'' has the meaning given that term in section 24 of title 18, United States Code, as amended by this Act.

(2) REVIEW AND AMENDMENTS.—Pursuant to the authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall—

(A) review the Federal Sentencing Guidelines and policy statements applicable to persons convicted of Federal health care offenses;

(B) amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of Federal health care offenses involving Government health care programs to provide that the aggregate dollar amount of fraudulent bills submitted to the Government health care program shall constitute prima facie evidence of the amount of the intended loss by the defendant; and

(C) amend the Federal Sentencing Guidelines to provide—

(i) a 2-level increase in the offense level for any defendant convicted of a Federal health care offense relating to a Government health care program which involves a loss of not less than $1,000,000 and less than $7,000,000;

(ii) a 3-level increase in the offense level for any defendant convicted of a Federal health care offense relating to a Government health care program which involves a loss of not less than $7,000,000 and less than $20,000,000;

(iii) a 4-level increase in the offense level for any defendant convicted of a Federal health care offense relating to a Government health care program which involves a loss of not less than $20,000,000; and

(iv) if appropriate, otherwise amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of Federal health care offenses involving Government health care programs.

(3) REQUIREMENTS.—In carrying this subsection, the United States Sentencing Commission shall—

(A) ensure that the Federal Sentencing Guidelines and policy statements—

(i) reflect the serious harms associated with health care fraud and the need for aggressive and appropriate law enforcement action to prevent such fraud; and

(ii) provide increased penalties for persons convicted of health care fraud offenses in appropriate circumstances;

(B) consult with individuals or groups representing health care fraud victims, law enforcement officials, the health care industry, and the Federal judiciary as part of the review described in paragraph (2);

(C) ensure reasonable consistency with other relevant directives and with other guidelines under the Federal Sentencing Guidelines;

(D) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the Federal Sentencing Guidelines, as in effect on the date of enactment of this Act, provide sentencing enhancements;

(E) make any necessary conforming changes to the Federal Sentencing Guidelines; and

(F) ensure that the Federal Sentencing Guidelines adequately meet the purposes of sentencing.

(b) INTENT REQUIREMENT FOR HEALTH CARE FRAUD.—Section 1347 of title 18, United States Code, is amended—

(1) by inserting ''(a)'' before ''Whoever knowingly''; and

(2) by adding at the end the following:

''(b) With respect to violations of this section, a person need not have actual knowledge of this section or specific intent to commit a violation of this section.''.

(c) HEALTH CARE FRAUD OFFENSE.—Section 24(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking the semicolon and inserting ''or section 1128B of the Social Security Act (42 U.S.C. 1320a–7b); or''; and

(2) in paragraph (2)—

(A) by inserting ''1349,'' after ''1343,''; and

(B) by inserting ''section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), or section 501 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131),'' after ''title,''.

(d) SUBPOENA AUTHORITY RELATING TO HEALTH CARE.—

(1) SUBPOENAS UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996.—Section 1510(b) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking ''to the grand jury''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''grand jury subpoena'' and inserting ''subpoena for records''; and

(ii) in the matter following subparagraph (B), by striking ''to the grand jury''.

(2) SUBPOENAS UNDER THE CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.—The Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997 et seq.) is amended by inserting after section 3 the following:

''SEC. 3A. SUBPOENA AUTHORITY.

''(a) AUTHORITY.—The Attorney General, or at the direction of the Attorney General, any officer or employee of the Department of Justice may require by subpoena access to any institution that is the subject of an investigation under this Act and to any document, record, material, file, report, memorandum, policy, procedure, investigation, video or audio recording, or quality assurance report relating to any institution that is the subject of an investigation under this Act to determine whether there are conditions which deprive persons residing in or confined to the institution of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

''(b) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

''(1) ISSUANCE.—Subpoenas issued under this section—

''(A) shall bear the signature of the Attorney General or any officer or employee of the Department of Justice as designated by the Attorney General; and

''(B) shall be served by any person or class of persons designated by the Attorney General or a designated officer or employee for that purpose.

''(2) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under this section, the United States district court for the judicial district in which the institution is located may issue an order requiring compliance. Any failure to obey the order of the court may be punished by the court as a contempt that court.

''(c) PROTECTION OF SUBPOENAED RECORDS AND INFORMATION.—Any document, record, material, file, report, memorandum, policy, procedure, investigation, video or audio recording, or quality assurance report or other information obtained under a subpoena issued under this section—

''(1) may not be used for any purpose other than to protect the rights, privileges, or immunities secured or protected by the Constitution or laws of the United States of persons who reside, have resided, or will reside in an institution;

''(2) may not be transmitted by or within the Department of Justice for any purpose other than to protect the rights, privileges, or immunities secured or protected by the Constitution or laws of the United States of persons who reside, have resided, or will reside in an institution; and

''(3) shall be redacted, obscured, or otherwise altered if used in any publicly available manner so as to prevent the disclosure of any personally identifiable information.''.

SEC. 10607. STATE DEMONSTRATION PROGRAMS TO EVALUATE ALTERNATIVES TO CURRENT MEDICAL TORT LITIGATION.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.), as amended by this Act, is further amended by adding at the end the following:

''SEC. 399V–4. STATE DEMONSTRATION PROGRAMS TO EVALUATE ALTERNATIVES TO CURRENT MEDICAL TORT LITIGATION.

''(a) IN GENERAL.—The Secretary is authorized to award demonstration grants to States for the development, implementation, and evaluation of alternatives to current tort litigation for resolving disputes over injuries allegedly caused by health care providers or health care organizations. In awarding such grants, the Secretary shall ensure the diversity of the alternatives so funded.

''(b) DURATION.—The Secretary may award grants under subsection (a) for a period not to exceed 5 years.

''(c) CONDITIONS FOR DEMONSTRATION GRANTS.—

''(1) REQUIREMENTS.—Each State desiring a grant under subsection (a) shall develop an alternative to current tort litigation that—

''(A) allows for the resolution of disputes over injuries allegedly caused by health care providers or health care organizations; and

''(B) promotes a reduction of health care errors by encouraging the collection and analysis of patient safety data related to disputes resolved under subparagraph (A) by organizations that engage in efforts to improve patient safety and the quality of health care.

''(2) ALTERNATIVE TO CURRENT TORT LITIGATION.—Each State desiring a grant under subsection (a) shall demonstrate how the proposed alternative described in paragraph (1)(A)—

''(A) makes the medical liability system more reliable by increasing the availability of prompt and fair resolution of disputes;

''(B) encourages the efficient resolution of disputes;

''(C) encourages the disclosure of health care errors;

''(D) enhances patient safety by detecting, analyzing, and helping to reduce medical errors and adverse events;

''(E) improves access to liability insurance;

''(F) fully informs patients about the differences in the alternative and current tort litigation;

''(G) provides patients the ability to opt out of or voluntarily withdraw from participating in the alternative at any time and to pursue other options, including litigation, outside the alternative;

''(H) would not conflict with State law at the time of the application in a way that would prohibit the adoption of an alternative to current tort litigation; and

''(I) would not limit or curtail a patient's existing legal rights, ability to file a claim in or access a State's legal system, or otherwise abrogate a patient's ability to file a medical malpractice claim.

''(3) SOURCES OF COMPENSATION.—Each State desiring a grant under subsection (a) shall identify the sources from and methods by which compensation would be paid for claims resolved under the proposed alternative to current tort litigation, which may include public or private funding sources, or a combination of such sources. Funding methods shall to the extent practicable provide financial incentives for activities that improve patient safety.

''(4) SCOPE.—

''(A) IN GENERAL.—Each State desiring a grant under subsection (a) shall establish a scope of jurisdiction (such as Statewide, designated geographic region, a designated area of health care practice, or a designated group of health care providers or health care organizations) for the proposed alternative to current tort litigation that is sufficient to evaluate the effects of the alternative. No scope of jurisdiction shall be established under this paragraph that is based on a health care payer or patient population.

''(B) NOTIFICATION OF PATIENTS.—A State shall demonstrate how patients would be notified that they are receiving health care services that fall within such scope, and the process by which they may opt out of or voluntarily withdraw from participating in the alternative. The decision of the patient whether to participate or continue participating in the alternative process shall be made at any time and shall not be limited in any way.

''(5) PREFERENCE IN AWARDING DEMONSTRATION GRANTS.—In awarding grants under subsection (a), the Secretary shall give preference to States—

''(A) that have developed the proposed alternative through substantive consultation with relevant stakeholders, including patient advocates, health care providers and health care organizations, attorneys with expertise in representing patients and health care providers, medical malpractice insurers, and patient safety experts;

''(B) that make proposals that are likely to enhance patient safety by detecting, analyzing, and helping to reduce medical errors and adverse events; and

''(C) that make proposals that are likely to improve access to liability insurance.

''(d) APPLICATION.—

''(1) IN GENERAL.—Each State desiring a grant under subsection (a) shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

''(2) REVIEW PANEL.—

''(A) IN GENERAL.—In reviewing applications under paragraph (1), the Secretary shall consult with a review panel composed of relevant experts appointed by the Comptroller General.

''(B) COMPOSITION.—

''(i) NOMINATIONS.—The Comptroller General shall solicit nominations from the public for individuals to serve on the review panel.

''(ii) APPOINTMENT.—The Comptroller General shall appoint, at least 9 but not more than 13, highly qualified and knowledgeable individuals to serve on the review panel and shall ensure that the following entities receive fair representation on such panel:

''(I) Patient advocates.

''(II) Health care providers and health care organizations.

''(III) Attorneys with expertise in representing patients and health care providers.

''(IV) Medical malpractice insurers.

''(V) State officials.

''(VI) Patient safety experts.

''(C) CHAIRPERSON.—The Comptroller General, or an individual within the Government Accountability Office designated by the Comptroller General, shall be the chairperson of the review panel.

''(D) AVAILABILITY OF INFORMATION.—The Comptroller General shall make available to the review panel such information, personnel, and administrative services and assistance as the review panel may reasonably require to carry out its duties.

''(E) INFORMATION FROM AGENCIES.—The review panel may request directly from any department or agency of the United States any information that such panel considers necessary to carry out its duties. To the extent consistent with applicable laws and regulations, the head of such department or agency shall furnish the requested information to the review panel.

''(e) REPORTS.—

''(1) BY STATE.—Each State receiving a grant under subsection (a) shall submit to the Secretary an annual report evaluating the effectiveness of activities funded with grants awarded under such subsection. Such report shall, at a minimum, include the impact of the activities funded on patient safety and on the availability and price of medical liability insurance.

''(2) BY SECRETARY.—The Secretary shall submit to Congress an annual compendium of the reports submitted under paragraph (1) and an analysis of the activities funded under subsection (a) that examines any differences that result from such activities in terms of the quality of care, number and nature of medical errors, medical resources used, length of time for dispute resolution, and the availability and price of liability insurance.

''(f) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall provide technical assistance to the States applying for or awarded grants under subsection (a).

''(2) REQUIREMENTS.—Technical assistance under paragraph (1) shall include—

''(A) guidance on non-economic damages, including the consideration of individual facts and circumstances in determining appropriate payment, guidance on identifying avoidable injuries, and guidance on disclosure to patients of health care errors and adverse events; and

''(B) the development, in consultation with States, of common definitions, formats, and data collection infrastructure for States receiving grants under this section to use in reporting to facilitate aggregation and analysis of data both within and between States.

''(3) USE OF COMMON DEFINITIONS, FORMATS, AND DATA COLLECTION INFRASTRUCTURE.—States not receiving grants under this section may also use the common definitions, formats, and data collection infrastructure developed under paragraph (2)(B).

''(g) EVALUATION.—

''(1) IN GENERAL.—The Secretary, in consultation with the review panel established under subsection (d)(2), shall enter into a contract with an appropriate research organization to conduct an overall evaluation of the effectiveness of grants awarded under subsection (a) and to annually prepare and submit a report to Congress. Such an evaluation shall begin not later than 18 months following the date of implementation of the first program funded by a grant under subsection (a).

''(2) CONTENTS.—The evaluation under paragraph (1) shall include—

''(A) an analysis of the effects of the grants awarded under subsection (a) with regard to the measures described in paragraph (3);

''(B) for each State, an analysis of the extent to which the alternative developed under subsection (c)(1) is effective in meeting the elements described in subsection (c)(2);

''(C) a comparison among the States receiving grants under subsection (a) of the effectiveness of the various alternatives developed by such States under subsection (c)(1);

''(D) a comparison, considering the measures described in paragraph (3), of States receiving grants approved under subsection (a) and similar States not receiving such grants; and

''(E) a comparison, with regard to the measures described in paragraph (3), of—

''(i) States receiving grants under subsection (a);

''(ii) States that enacted, prior to the date of enactment of the Patient Protection and Affordable Care Act, any cap on non-economic damages; and

''(iii) States that have enacted, prior to the date of enactment of the Patient Protection and Affordable Care Act, a requirement that the complainant obtain an opinion regarding the merit of the claim, although the substance of such opinion may have no bearing on whether the complainant may proceed with a case.

''(3) MEASURES.—The evaluations under paragraph (2) shall analyze and make comparisons on the basis of—

''(A) the nature and number of disputes over injuries allegedly caused by health care providers or health care organizations;

''(B) the nature and number of claims in which tort litigation was pursued despite the existence of an alternative under subsection (a);

''(C) the disposition of disputes and claims, including the length of time and estimated costs to all parties;

''(D) the medical liability environment;

''(E) health care quality;

''(F) patient safety in terms of detecting, analyzing, and helping to reduce medical errors and adverse events;

''(G) patient and health care provider and organization satisfaction with the alternative under subsection (a) and with the medical liability environment; and

''(H) impact on utilization of medical services, appropriately adjusted for risk.

''(4) FUNDING.—The Secretary shall reserve 5 percent of the amount appropriated in each fiscal year under subsection (k) to carry out this subsection.

''(h) MEDPAC AND MACPAC REPORTS.—

''(1) MEDPAC.—The Medicare Payment Advisory Commission shall conduct an independent review of the alternatives to current tort litigation that are implemented under grants under subsection (a) to determine the impact of such alternatives on the Medicare program under title XVIII of the Social Security Act, and its beneficiaries.

''(2) MACPAC.—The Medicaid and CHIP Payment and Access Commission shall conduct an independent review of the alternatives to current tort litigation that are implemented under grants under subsection (a) to determine the impact of such alternatives on the Medicaid or CHIP programs under titles XIX and XXI of the Social Security Act, and their beneficiaries.

''(3) REPORTS.—Not later than December 31, 2016, the Medicare Payment Advisory Commission and the Medicaid and CHIP Payment and Access Commission shall each submit to Congress a report that includes the findings and recommendations of each respective Commission based on independent reviews conducted under paragraphs (1) and (2), including an analysis of the impact of the alternatives reviewed on the efficiency and effectiveness of the respective programs.

''(i) OPTION TO PROVIDE FOR INITIAL PLANNING GRANTS.—Of the funds appropriated pursuant to subsection (k), the Secretary may use a portion not to exceed $500,000 per State to provide planning grants to such States for the development of demonstration project applications meeting the criteria described in subsection (c). In selecting States to receive such planning grants, the Secretary shall give preference to those States in which State law at the time of the application would not prohibit the adoption of an alternative to current tort litigation.

''(j) DEFINITIONS.—In this section:

''(1) HEALTH CARE SERVICES.—The term 'health care services' means any services provided by a health care provider, or by any individual working under the supervision of a health care provider, that relate to—

''(A) the diagnosis, prevention, or treatment of any human disease or impairment; or

''(B) the assessment of the health of human beings.

''(2) HEALTH CARE ORGANIZATION.—The term 'health care organization' means any individual or entity which is obligated to provide, pay for, or administer health benefits under any health plan.

''(3) HEALTH CARE PROVIDER.—The term 'health care provider' means any individual or entity—

''(A) licensed, registered, or certified under Federal or State laws or regulations to provide health care services; or

''(B) required to be so licensed, registered, or certified but that is exempted by other statute or regulation.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $50,000,000 for the 5-fiscal year period beginning with fiscal year 2011.

''(l) CURRENT STATE EFFORTS TO ESTABLISH ALTERNATIVE TO TORT LITIGATION.—Nothing in this section shall be construed to limit any prior, current, or future efforts of any State to establish any alternative to tort litigation.

''(m) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting states' authority over or responsibility for their state justice systems.''.

SEC. 10608. EXTENSION OF MEDICAL MALPRACTICE COVERAGE TO FREE CLINICS.

*(a) IN GENERAL.—*Section 224(o)(1) of the Public Health Service Act (42 U.S.C. 233(o)(1)) is amended by inserting after ''to an individual'' the following: '', or an officer, governing board member, employee, or contractor of a free clinic shall in providing services for the free clinic,''.

*(b) EFFECTIVE DATE.—*The amendment made by this section shall take effect on the date of enactment of this Act and apply to any act or omission which occurs on or after that date.

SEC. 10609. LABELING CHANGES.

Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended by adding at the end the following:

''(10)(A) If the proposed labeling of a drug that is the subject of an application under this subsection differs from the listed drug due to a labeling revision described under clause (i), the drug that is the subject of such application shall, notwithstanding any other provision of this Act, be eligible for approval and shall not be considered misbranded under section 502 if—

''(i) the application is otherwise eligible for approval under this subsection but for expiration of patent, an exclusivity period, or of a delay in approval described in paragraph (5)(B)(iii), and a revision to the labeling of the listed drug has been approved by the Secretary within 60 days of such expiration;

''(ii) the labeling revision described under clause (i) does not include a change to the 'Warnings' section of the labeling;

''(iii) the sponsor of the application under this subsection agrees to submit revised labeling of the drug that is the subject of such application not later than 60 days after the notification of any changes to such labeling required by the Secretary; and

''(iv) such application otherwise meets the applicable requirements for approval under this subsection.

''(B) If, after a labeling revision described in subparagraph (A)(i), the Secretary determines that the continued presence in interstate commerce of the labeling of the listed drug (as in effect before the revision described in subparagraph (A)(i)) adversely impacts the safe use of the drug, no application under this subsection shall be eligible for approval with such labeling.''.

Subtitle G—Provisions Relating to Title VIII

SEC. 10801. PROVISIONS RELATING TO TITLE VIII.

(a) Title XXXII of the Public Health Service Act, as added by section 8002(a)(1), is amended—

(1) in section 3203—

(A) in subsection (a)(1), by striking subparagraph (E);

(B) in subsection (b)(1)(C)(i), by striking ''for enrollment'' and inserting ''for reenrollment''; and

(C) in subsection (c)(1), by striking '', as part of their automatic enrollment in the CLASS program,''; and

(2) in section 3204—

(A) in subsection (c)(2), by striking subparagraph (A) and inserting the following:

''(A) receives wages or income on which there is imposed a tax under section 3101(a) or 3201(a) of the Internal Revenue Code of 1986; or'';

(B) in subsection (d), by striking ''subparagraph (B) or (C) of subsection (c)(1)'' and inserting ''subparagraph (A) or (B) of subsection (c)(2)'';

(C) in subsection (e)(2)(A), by striking ''subparagraph (A)'' and inserting ''paragraph (1)''; and

(D) in subsection (g)(1), by striking ''has elected to waive enrollment'' and inserting ''has not enrolled''.

(b) Section 8002 of this Act is amended in the heading for subsection (d), by striking ''INFORMATION ON SUPPLEMENTAL COVERAGE'' and inserting ''CLASS PROGRAM INFORMATION''.

(c) Section 6021(d)(2)(A)(iv) of the Deficit Reduction Act of 2005, as added by section 8002(d) of this Act, is amended by striking ''and coverage available'' and all that follows through ''that program,''.

Subtitle H—Provisions Relating to Title IX

SEC. 10901. MODIFICATIONS TO EXCISE TAX ON HIGH COST EMPLOYER-SPONSORED HEALTH COVERAGE.

*(a) LONGSHORE WORKERS TREATED AS EMPLOYEES ENGAGED IN HIGH-RISK PROFESSIONS.—*Paragraph (3) of section 4980I(f) of the Internal Revenue Code of 1986, as added by section 9001 of this Act, is amended by inserting ''individuals

whose primary work is longshore work (as defined in section 258(b) of the Immigration and Nationality Act (8 U.S.C. 1288(b)), determined without regard to paragraph (2) thereof),'' before ''and individuals engaged in the construction, mining''.

(b) EXEMPTION FROM HIGH-COST INSURANCE TAX INCLUDES CERTAIN ADDITIONAL EXCEPTED BENEFITS.—Clause (i) of section 4980I(d)(1)(B) of the Internal Revenue Code of 1986, as added by section 9001 of this Act, is amended by striking ''section 9832(c)(1)(A)'' and inserting ''section 9832(c)(1) (other than subparagraph (G) thereof)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 10902. INFLATION ADJUSTMENT OF LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.

(a) IN GENERAL.—Subsection (i) of section 125 of the Internal Revenue Code of 1986, as added by section 9005 of this Act, is amended to read as follows:

''(i) LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS.—

''(1) IN GENERAL.—For purposes of this section, if a benefit is provided under a cafeteria plan through employer contributions to a health flexible spending arrangement, such benefit shall not be treated as a qualified benefit unless the cafeteria plan provides that an employee may not elect for any taxable year to have salary reduction contributions in excess of $2,500 made to such arrangement.

''(2) ADJUSTMENT FOR INFLATION.—In the case of any taxable year beginning after December 31, 2011, the dollar amount in paragraph (1) shall be increased by an amount equal to—

''(A) such amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins by substituting 'calendar year 2010' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under this paragraph is not a multiple of $50, such increase shall be rounded to the next lowest multiple of $50.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 10903. MODIFICATION OF LIMITATION ON CHARGES BY CHARITABLE HOSPITALS.

(a) IN GENERAL.—Subparagraph (A) of section 501(r)(5) of the Internal Revenue Code of 1986, as added by section 9007 of this Act, is amended by striking ''the lowest amounts charged'' and inserting ''the amounts generally billed''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 10904. MODIFICATION OF ANNUAL FEE ON MEDICAL DEVICE MANUFACTURERS AND IMPORTERS.

(a) IN GENERAL.—Section 9009 of this Act is amended—

(1) by striking ''2009'' in subsection (a)(1) and inserting ''2010'',

(2) by inserting ''($3,000,000,000 after 2017)'' after ''$2,000,000,000'', and

(3) by striking ''2008'' in subsection (i) and inserting ''2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 9009.

SEC. 10905. MODIFICATION OF ANNUAL FEE ON HEALTH INSURANCE PROVIDERS.

(a) DETERMINATION OF FEE AMOUNT.—Subsection (b) of section 9010 of this Act is amended to read as follows:

''(b) DETERMINATION OF FEE AMOUNT.—

''(1) IN GENERAL.—With respect to each covered entity, the fee under this section for any calendar year shall be equal to an amount that bears the same ratio to the applicable amount as—

''(A) the covered entity's net premiums written with respect to health insurance for any United States health risk that are taken into account during the preceding calendar year, bears to

''(B) the aggregate net premiums written with respect to such health insurance of all covered entities that are taken into account during such preceding calendar year.

''(2) AMOUNTS TAKEN INTO ACCOUNT.—For purposes of paragraph (1), the net premiums written with respect to health insurance for any United States health risk that are taken into account during any calendar year with respect to any covered entity shall be determined in accordance with the following table:

''With respect to a covered entity's net premiums written during the calendar year that are:	*The percentage of net premiums written that are taken into account is:*
Not more than $25,000,000	*0 percent*
More than $25,000,000 but not more than $50,000,000	*50 percent*
More than $50,000,000	*100 percent.*

''(3) SECRETARIAL DETERMINATION.—The Secretary shall calculate the amount of each covered entity's fee for any calendar year under paragraph (1). In calculating such amount, the Secretary shall determine such covered entity's net premiums written with respect to any United States health risk on the basis of reports submitted by the covered entity under subsection (g) and through the use of any other source of information available to the Secretary.''.

(b) APPLICABLE AMOUNT.—Subsection (e) of section 9010 of this Act is amended to read as follows:

''(e) APPLICABLE AMOUNT.—For purposes of subsection (b)(1), the applicable amount shall be determined in accordance with the following table:

''Calendar year	*Applicable amount*
2011	*$2,000,000,000*
2012	*$4,000,000,000*
2013	*$7,000,000,000*
2014, 2015 and 2016	*$9,000,000,000*
2017 and thereafter	*$10,000,000,000.''.*

(c) EXEMPTION FROM ANNUAL FEE ON HEALTH INSURANCE FOR CERTAIN NONPROFIT ENTITIES.—Section 9010(c)(2) of this Act is amended by striking ''or'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma, and by adding at the end the following new subparagraphs:

''(C) any entity—

''(i)(I) which is incorporated as, is a wholly owned subsidiary of, or is a wholly owned affiliate of, a nonprofit corporation under a State law, or

''(II) which is described in section 501(c)(4) of the Internal Revenue Code of 1986 and the activities of which consist of providing commercial-type insurance (within the meaning of section 501(m) of such Code),

''(ii) the premium rate increases of which are regulated by a State authority,

''(iii) which, as of the date of the enactment of this section, acts as the insurer of last resort in the State and is subject to State guarantee issue requirements, and

''(iv) for which the medical loss ratio (determined in a manner consistent with the determination of such ratio under section 2718(b)(1)(A) of the Public Health Service Act) with respect to the individual insurance market for such entity for the calendar year is not less than 100 percent,

''(D) any entity—

''(i)(I) which is incorporated as a nonprofit corporation under a State law, or

''(II) which is described in section 501(c)(4) of the Internal Revenue Code of 1986 and the activities of which consist of providing commercial-type insurance (within the meaning of section 501(m) of such Code), and

''(ii) for which the medical loss ratio (as so determined)—

''(I) with respect to each of the individual, small group, and large group insurance markets for such entity for the calendar year is not less than 90 percent, and

''(II) with respect to all such markets for such entity for the calendar year is not less than 92 percent, or

''(E) any entity—

''(i) which is a mutual insurance company,

''(ii) which for the period reported on the 2008 Accident and Health Policy Experience Exhibit of the National Association of Insurance Commissioners had—

''(I) a market share of the insured population of a State of at least 40 but not more than 60 percent, and

''(II) with respect to all markets described in subparagraph (D)(ii)(I), a medical loss ratio of not less than 90 percent, and

''(iii) with respect to annual payment dates in calendar years after 2011, for which the medical loss ratio (determined in a manner consistent with the determination of such ratio under section 2718(b)(1)(A) of the Public Health Service Act) with respect to all such markets for such entity for the preceding calendar year is not less than 89 percent (except that with respect to such annual payment date for 2012, the calculation under 2718(b)(1)(B)(ii) of such Act is determined by reference to the previous year, and with respect to such annual payment date for 2013, such calculation is determined by reference to the average for the previous 2 years).''.

(d) CERTAIN INSURANCE EXEMPTED FROM FEE.—Paragraph (3) of section 9010(h) of this Act is amended to read as follows:

''(3) HEALTH INSURANCE.—The term 'health insurance' shall not include—

''(A) any insurance coverage described in paragraph (1)(A) or (3) of section 9832(c) of the Internal Revenue Code of 1986,

''(B) any insurance for long-term care, or

''(C) any medicare supplemental health insurance (as defined in section 1882(g)(1) of the Social Security Act).''.

(e) ANTI-AVOIDANCE GUIDANCE.—Subsection (i) of section 9010 of this Act is amended by inserting ''and shall prescribe such regulations as are necessary or appropriate to prevent avoidance of the purposes of this section, including inappropriate actions taken to qualify as an exempt entity under subsection (c)(2)'' after ''section''.

(f) CONFORMING AMENDMENTS.—

(1) Section 9010(a)(1) of this Act is amended by striking ''2009'' and inserting ''2010''.

(2) Section 9010(c)(2)(B) of this Act is amended by striking ''(except'' and all that follows through ''1323)''.

(3) Section 9010(c)(3) of this Act is amended by adding at the end the following new sentence: ''If any entity described in subparagraph (C)(i)(I), (D)(i)(I), or (E)(i) of paragraph (2) is treated as a covered entity by reason of the application of the preceding sentence, the net premiums written with respect to health insurance for any United States health risk of such entity

shall not be taken into account for purposes of this section.''.

(4) Section 9010(g)(1) of this Act is amended by striking ''and third party administration agreement fees''.

(5) Section 9010(j) of this Act is amended—

(A) by striking ''2008'' and inserting ''2009'', and

(B) by striking '', and any third party administration agreement fees received after such date''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 9010.

SEC. 10906. MODIFICATIONS TO ADDITIONAL HOSPITAL INSURANCE TAX ON HIGH-INCOME TAXPAYERS.

(a) FICA.—Section 3101(b)(2) of the Internal Revenue Code of 1986, as added by section 9015(a)(1) of this Act, is amended by striking ''0.5 percent'' and inserting ''0.9 percent''.

(b) SECA.—Section 1401(b)(2)(A) of the Internal Revenue Code of 1986, as added by section 9015(b)(1) of this Act, is amended by striking ''0.5 percent'' and inserting ''0.9 percent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to remuneration received, and taxable years beginning, after December 31, 2012.

SEC. 10907. EXCISE TAX ON INDOOR TANNING SERVICES IN LIEU OF ELECTIVE COSMETIC MEDICAL PROCEDURES.

(a) IN GENERAL.—The provisions of, and amendments made by, section 9017 of this Act are hereby deemed null, void, and of no effect.

(b) EXCISE TAX ON INDOOR TANNING SERVICES.—Subtitle D of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new chapter:

''CHAPTER 49—COSMETIC SERVICES

''Sec. 5000B. Imposition of tax on indoor tanning services.

''SEC. 5000B. IMPOSITION OF TAX ON INDOOR TANNING SERVICES.

''(a) IN GENERAL.—There is hereby imposed on any indoor tanning service a tax equal to 10 percent of the amount paid for such service (determined without regard to this section), whether paid by insurance or otherwise.

''(b) INDOOR TANNING SERVICE.—For purposes of this section—

''(1) IN GENERAL.—The term 'indoor tanning service' means a service employing any electronic product designed to incorporate 1 or more ultraviolet lamps and intended for the irradiation of an individual by ultraviolet radiation, with wavelengths in air between 200 and 400 nanometers, to induce skin tanning.

''(2) EXCLUSION OF PHOTOTHERAPY SERVICES.—Such term does not include any phototherapy service performed by a licensed medical professional.

''(c) PAYMENT OF TAX.—

''(1) IN GENERAL.—The tax imposed by this section shall be paid by the individual on whom the service is performed.

''(2) COLLECTION.—Every person receiving a payment for services on which a tax is imposed under subsection (a) shall collect the amount of the tax from the individual on whom the service is performed and remit such tax quarterly to the Secretary at such time and in such manner as provided by the Secretary.

''(3) SECONDARY LIABILITY.—Where any tax imposed by subsection (a) is not paid at the time payments for indoor tanning services are made, then to the extent that such tax is not collected, such tax shall be paid by the person who performs the service.''.

(c) CLERICAL AMENDMENT.—The table of chapter for subtitle D of the Internal Revenue Code of 1986, as amended by this Act, is amended by inserting after the item relating to chapter 48 the following new item:

''CHAPTER 49—COSMETIC SERVICES''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services performed on or after July 1, 2010.

SEC. 10908. EXCLUSION FOR ASSISTANCE PROVIDED TO PARTICIPANTS IN STATE STUDENT LOAN REPAYMENT PROGRAMS FOR CERTAIN HEALTH PROFESSIONALS.

(a) IN GENERAL.—Paragraph (4) of section 108(f) of the Internal Revenue Code of 1986 is amended to read as follows:

''(4) PAYMENTS UNDER NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM AND CERTAIN STATE LOAN REPAYMENT PROGRAMS.—In the case of an individual, gross income shall not include any amount received under section 338B(g) of the Public Health Service Act, under a State program described in section 338I of such Act, or under any other State loan repayment or loan forgiveness program that is intended to provide for the increased availability of health care services in underserved or health professional shortage areas (as determined by such State).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received by an individual in taxable years beginning after December 31, 2008.

SEC. 10909. EXPANSION OF ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

(a) INCREASE IN DOLLAR LIMITATION.—

(1) ADOPTION CREDIT.—

(A) IN GENERAL.—Paragraph (1) of section 23(b) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended by striking ''$10,000'' and inserting ''$13,170''.

(B) CHILD WITH SPECIAL NEEDS.—Paragraph (3) of section 23(a) of such Code (relating to $10,000 credit for adoption of child with special needs regardless of expenses) is amended—

(i) in the text by striking ''$10,000'' and inserting ''$13,170'', and

(ii) in the heading by striking ''$10,000'' and inserting ''$13,170''.

(C) CONFORMING AMENDMENT TO INFLATION ADJUSTMENT.—Subsection (h) of section 23 of such Code (relating to adjustments for inflation) is amended to read as follows:

''(h) ADJUSTMENTS FOR INFLATION.—

''(1) DOLLAR LIMITATIONS.—In the case of a taxable year beginning after December 31, 2010, each of the dollar amounts in subsections (a)(3) and (b)(1) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.

''(2) INCOME LIMITATION.—In the case of a taxable year beginning after December 31, 2002, the dollar amount in subsection (b)(2)(A)(i) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.''.

(2) ADOPTION ASSISTANCE PROGRAMS.—

(A) IN GENERAL.—Paragraph (1) of section 137(b) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended by striking ''$10,000'' and inserting ''$13,170''.

(B) CHILD WITH SPECIAL NEEDS.—Paragraph (2) of section 137(a) of such Code (relating to $10,000 exclusion for adoption of child with special needs regardless of expenses) is amended—

(i) in the text by striking ''$10,000'' and inserting ''$13,170'', and

(ii) in the heading by striking ''$10,000'' and inserting ''$13,170''.

(C) CONFORMING AMENDMENT TO INFLATION ADJUSTMENT.—Subsection (f) of section 137 of such Code (relating to adjustments for inflation) is amended to read as follows:

''(f) ADJUSTMENTS FOR INFLATION.—

''(1) DOLLAR LIMITATIONS.—In the case of a taxable year beginning after December 31, 2010, each of the dollar amounts in subsections (a)(2) and (b)(1) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.

''(2) INCOME LIMITATION.—In the case of a taxable year beginning after December 31, 2002, the dollar amount in subsection (b)(2)(A) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph thereof.

If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.''.

(b) CREDIT MADE REFUNDABLE.—

(1) CREDIT MOVED TO SUBPART RELATING TO REFUNDABLE CREDITS.—The Internal Revenue Code of 1986 is amended—

(A) by redesignating section 23, as amended by subsection (a), as section 36C, and

(B) by moving section 36C (as so redesignated) from subpart A of part IV of subchapter A of chapter 1 to the location immediately before section 37 in subpart C of part IV of subchapter A of chapter 1.

(2) CONFORMING AMENDMENTS.—

(A) Section 24(b)(3)(B) of such Code is amended by striking ''23,''.

(B) Section 25(e)(1)(C) of such Code is amended by striking ''23,'' both places it appears.

(C) Section 25A(i)(5)(B) of such Code is amended by striking ''23, 25D,'' and inserting ''25D''.

(D) Section 25B(g)(2) of such Code is amended by striking ''23,''.

(E) Section 26(a)(1) of such Code is amended by striking ''23,''.

(F) Section 30(c)(2)(B)(ii) of such Code is amended by striking ''23, 25D,'' and inserting ''25D''.

(G) Section 30B(g)(2)(B)(ii) of such Code is amended by striking ''23,''.

(H) Section 30D(c)(2)(B)(ii) of such Code is amended by striking ''sections 23 and'' and inserting ''section''.

(I) Section 36C of such Code, as so redesignated, is amended—

(i) by striking paragraph (4) of subsection (b), and

(ii) by striking subsection (c).

(J) Section 137 of such Code is amended—

(i) by striking ''section 23(d)'' in subsection (d) and inserting ''section 36C(d)'', and

(ii) by striking ''section 23'' in subsection (e) and inserting ''section 36C''.

(K) Section 904(i) of such Code is amended by striking ''23,''.

(L) Section 1016(a)(26) is amended by striking ''23(g)'' and inserting ''36C(g)''.

(M) Section 1400C(d) of such Code is amended by striking ''23,''.

(N) Section 6211(b)(4)(A) of such Code is amended by inserting ''36C,'' before ''53(e)''.

(O) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code of 1986 is amended by striking the item relating to section 23.

(P) Paragraph (2) of section 1324(b) of title 31, United States Code, as amended by this Act, is amended by inserting ''36C,'' after ''36B,''.

(Q) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal

Revenue Code of 1986, as amended by this Act, is amended by inserting after the item relating to section 36B the following new item:

''Sec. 36C. Adoption expenses.''.

(c) APPLICATION AND EXTENSION OF EGTRRA SUNSET.—Notwithstanding section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001, such section shall apply to the amendments made by this section and the amendments made by section 202 of such Act by substituting ''December 31, 2011'' for ''December 31, 2010'' in subsection (a)(1) thereof.

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

Amend the title so as to read: ''An Act entitled The Patient Protection and Affordable Care Act.''.

Mr. SPRATT, pursuant to section 2 of House Resolution 1203, moved to agree to the amendments of the Senate.

Pursuant to section 2 of House Resolution 1203, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. OBEY, announced that the yeas had it.

Mr. BOEHNER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 219 / Nays 212

¶36.24 [Roll No. 165]

AYES—219

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

NOES—212

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

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶36.25 RECONCILIATION

Mr. HOYER, pursuant to section 3 of House Resolution 1203, called up for consideration the bill (H.R. 4872) to provide for reconciliation pursuant to section 202 of the concurrent resolution on the budget for fiscal year 2010.

Pending consideration of said bill,

Pursuant to section 3 of House Resolution 1203, the following amendment in the nature of a substitute, printed in Part A of House Report 111-448, modified by the amendment printed in Part B of House Report 111-448, was considered as agreed to:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Health Care and Education Reconciliation Act of 2010''.

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

TITLE I—COVERAGE, MEDICARE, MEDICAID, AND REVENUES

Subtitle A—Coverage

SEC. 1001. TAX CREDITS.

(a) PREMIUM TAX CREDITS.—Section 36B of the Internal Revenue Code of 1986, as added by section 1401 of the Patient Protection and Affordable Care Act and amended by section 10105 of such Act, is amended—

(1) in subsection (b)(3)(A)—

(A) in clause (i), by striking ''with respect to any taxpayer'' and all that follows up to the end period and inserting ''for any taxable year shall be the percentage such that the applicable percentage for any taxpayer whose household income is within an income tier specified in the following table shall increase, on a sliding scale in a linear manner, from the initial premium percentage to the final premium percentage specified in such table for such income tier:

''In the case of household income (expressed as a percent of poverty line) within the following income tier:	*The initial premium percentage is—*	*The final premium percentage is—*
Up to 133%	*2.0%*	*2.0%*
133% up to 150%	*3.0%*	*4.0%*
150% up to 200%	*4.0%*	*6.3%*
200% up to 250%	*6.3%*	*8.05%*
250% up to 300%	*8.05%*	*9.5%*
300% up to 400%	*9.5%*	*9.5%''; and*

(B) by striking clauses (ii) and (iii), and inserting the following:

''(ii) INDEXING.—

''(I) IN GENERAL.—Subject to subclause (II), in the case of taxable years beginning in any calendar year after 2014, the initial and final applicable percentages under clause (i) (as in effect for the preceding calendar year after application of this clause) shall be adjusted to reflect the excess of the rate of premium growth for the preceding calendar year over the rate of income growth for the preceding calendar year.

''(II) ADDITIONAL ADJUSTMENT.—Except as provided in subclause (III), in the case of any calendar year after 2018, the percentages described in subclause (I) shall, in addition to the adjustment under subclause (I), be adjusted to reflect the excess (if any) of the rate of premium growth estimated under subclause (I) for the preceding calendar year over the rate of growth in the consumer price index for the preceding calendar year.

''(III) FAILSAFE.—Subclause (II) shall apply for any calendar year only if the aggregate amount of premium tax credits under this section and cost-sharing reductions under section 1402 of the Patient Protection and Affordable Care Act for the preceding calendar year exceeds an amount equal to 0.504 percent of the gross domestic product for the preceding calendar year.''; and

(2) in subsection (c)(2)(C)—

(A) by striking ''9.8 percent'' in clauses (i)(II) and (iv) and inserting ''9.5 percent'', and

(B) by striking ''(b)(3)(A)(iii)'' in clause (iv) and inserting ''(b)(3)(A)(ii)''.

(b) COST SHARING.—Section 1402(c) of the Patient Protection and Affordable Care Act is amended—

(1) in paragraph (1)(B)(i)—

(A) in subclause (I), by striking ''90'' and inserting ''94'';

(B) in subclause (II)—

(i) by striking ''80'' and inserting ''87''; and

(ii) by striking ''and''; and

(C) by striking subclause (III) and inserting the following:

''(III) 73 percent in the case of an eligible insured whose household income is more than 200 percent but not more than 250 percent of the poverty line for a family of the size involved; and

''(IV) 70 percent in the case of an eligible insured whose household income is more than 250 percent but not more than 400 percent of the poverty line for a family of the size involved.''; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''90'' and inserting ''94''; and

(ii) by striking ''and'';

(B) in subparagraph (B)—

(i) by striking ''80'' and inserting ''87''; and

(ii) by striking the period and inserting ''; and''; and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) in the case of an eligible insured whose household income is more than 200 percent but not more than 250 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of benefits provided under the plan to 73 percent of such costs.''.

SEC. 1002. INDIVIDUAL RESPONSIBILITY.

(a) AMOUNTS.—Section 5000A(c) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended—

(1) in paragraph (2)(B)—

(A) in the matter preceding clause (i), by—

(i) inserting ''the excess of'' before ''the taxpayer's household income''; and

(ii) inserting ''for the taxable year over the amount of gross income specified in section 6012(a)(1) with respect to the taxpayer'' before ''for the taxable year'';

(B) in clause (i), by striking ''0.5'' and inserting ''1.0'';

(C) in clause (ii), by striking ''1.0'' and inserting ''2.0''; and

(D) in clause (iii), by striking ''2.0'' and inserting ''2.5''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''$750'' and inserting ''$695'';

(B) in subparagraph (B), by striking ''$495'' and inserting ''$325''; and

(C) in subparagraph (D)—

(i) in the matter preceding clause (i), by striking ''$750'' and inserting ''$695''; and

(ii) in clause (i), by striking ''$750'' and inserting ''$695''.

(b) THRESHOLD.—Section 5000A of such Code, as so added and amended, is amended—

(1) by striking subsection (c)(4)(D); and

(2) in subsection (e)(2)—

(A) by striking ''UNDER 100 PERCENT OF POVERTY LINE'' and inserting ''BELOW FILING THRESHOLD''; and

(B) by striking all that follows ''less than'' and inserting ''the amount of gross income specified in section 6012(a)(1) with respect to the taxpayer.''.

SEC. 1003. EMPLOYER RESPONSIBILITY.

(a) PAYMENT CALCULATION.—Subparagraph (D) of subsection (d)(2) of section 4980H of the Internal Revenue Code of 1986, as added by section 1513 of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended to read as follows:

''(D) APPLICATION OF EMPLOYER SIZE TO ASSESSABLE PENALTIES.—

''(i) IN GENERAL.—The number of individuals employed by an applicable large employer as full-time employees during any month shall be reduced by 30 solely for purposes of calculating—

''(I) the assessable payment under subsection (a), or

''(II) the overall limitation under subsection (b)(2).

''(ii) AGGREGATION.—In the case of persons treated as 1 employer under subparagraph (C)(i), only 1 reduction under subclause (I) or (II) shall be allowed with respect to such persons and such reduction shall be allocated among such persons ratably on the basis of the number of full-time employees employed by each such person.''.

(b) APPLICABLE PAYMENT AMOUNT.—Section 4980H of such Code, as so added and amended, is amended—

(1) in the flush text following subsection (c)(1)(B), by striking ''400 percent of the applicable payment amount'' and inserting ''an amount equal to 1/12 of $3,000'';

(2) in subsection (d)(1), by striking ''$750'' and inserting ''$2,000''; and

(3) in subsection (d)(5)(A), in the matter preceding clause (i), by striking ''subsection (b)(2) and (d)(1)'' and inserting ''subsection (b) and paragraph (1)''.

(c) COUNTING PART-TIME WORKERS IN SETTING THE THRESHOLD FOR EMPLOYER RESPONSIBILITY.—Section 4980H(d)(2) of such Code, as so added and amended and as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(E) FULL-TIME EQUIVALENTS TREATED AS FULL-TIME EMPLOYEES.—Solely for purposes of determining whether an employer is an applicable large employer under this paragraph, an employer shall, in addition to the number of full-time employees for any month otherwise determined, include for such month a number of full-

time employees determined by dividing the aggregate number of hours of service of employees who are not full-time employees for the month by 120.''.

(d) ELIMINATING WAITING PERIOD ASSESSMENT.—Section 4980H of such Code, as so added and amended and as amended by the preceding subsections, is amended by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

SEC. 1004. INCOME DEFINITIONS.

(a) MODIFIED ADJUSTED GROSS INCOME.—

(1) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking ''modified gross'' each place it appears and inserting ''modified adjusted gross'':

(A) Clauses (i) and (ii) of section 36B(d)(2)(A), as added by section 1401 of the Patient Protection and Affordable Care Act.

(B) Section 6103(l)(21)(A)(iv), as added by section 1414 of such Act.

(C) Clauses (i) and (ii) of section 5000A(c)(4), as added by section 1501(b) of such Act.

(2) DEFINITION.—

(A) Section 36B(d)(2)(B) of such Code, as so added, is amended to read as follows:

''(B) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income increased by—

''(i) any amount excluded from gross income under section 911, and

''(ii) any amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.''.

(B) Section 5000A(c)(4)(C) of such Code, as so added, is amended to read as follows:

''(C) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income increased by—

''(i) any amount excluded from gross income under section 911, and

''(ii) any amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.''.

(b) MODIFIED ADJUSTED GROSS INCOME DEFINITION.—

(1) MEDICAID.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by striking ''modified gross income'' each place it appears in the text and headings of the following provisions and inserting ''modified adjusted gross income'':

(A) Paragraph (14) of subsection (e), as added by section 2002(a) of the Patient Protection and Affordable Care Act.

(B) Subsection (gg)(4)(A), as added by section 2001(b) of such Act.

(2) CHIP.—

(A) STATE PLAN REQUIREMENTS.—Section 2102(b)(1)(B)(v) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)(v)), as added by section 2101(d)(1) of the Patient Protection and Affordable Care Act, is amended by striking ''modified gross income'' and inserting ''modified adjusted gross income''.

(B) PLAN ADMINISTRATION.—Section 2107(e)(1)(E) of the Social Security Act (42 U.S.C. 1397gg(e)(1)(E)), as added by section 2101(d)(2) of the Patient Protection and Affordable Care Act, is amended by striking ''modified gross income'' and inserting ''modified adjusted gross income''.

(c) NO EXCESS PAYMENTS.—Section 36B(f) of the Internal Revenue Code of 1986, as added by section 1401(a) of the Patient Protection and Affordable Care Act, is amended by adding at the end the following new paragraph:

''(3) INFORMATION REQUIREMENT.—Each Exchange (or any person carrying out 1 or more responsibilities of an Exchange under section 1311(f)(3) or 1321(c) of the Patient Protection and Affordable Care Act) shall provide the following information to the Secretary and to the taxpayer with respect to any health plan provided through the Exchange:

''(A) The level of coverage described in section 1302(d) of the Patient Protection and Affordable Care Act and the period such coverage was in effect.

''(B) The total premium for the coverage without regard to the credit under this section or cost-sharing reductions under section 1402 of such Act.

''(C) The aggregate amount of any advance payment of such credit or reductions under section 1412 of such Act.

''(D) The name, address, and TIN of the primary insured and the name and TIN of each other individual obtaining coverage under the policy.

''(E) Any information provided to the Exchange, including any change of circumstances, necessary to determine eligibility for, and the amount of, such credit.

''(F) Information necessary to determine whether a taxpayer has received excess advance payments.''.

(d) ADULT DEPENDENTS.—

(1) EXCLUSION OF AMOUNTS EXPENDED FOR MEDICAL CARE.—The first sentence of section 105(b) of the Internal Revenue Code of 1986 (relating to amounts expended for medical care) is amended—

(A) by striking ''and his dependents'' and inserting ''his dependents''; and

(B) by inserting before the period the following: '', and any child (as defined in section 152(f)(1)) of the taxpayer who as of the end of the taxable year has not attained age 27''.

(2) SELF-EMPLOYED HEALTH INSURANCE DEDUCTION.—Section 162(l)(1) of such Code is amended to read as follows:

''(1) ALLOWANCE OF DEDUCTION.—In the case of a taxpayer who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for—

''(A) the taxpayer,

''(B) the taxpayer's spouse,

''(C) the taxpayer's dependents, and

''(D) any child (as defined in section 152(f)(1)) of the taxpayer who as of the end of the taxable year has not attained age 27.''.

(3) COVERAGE UNDER SELF-EMPLOYED DEDUCTION.—Section 162(l)(2)(B) of such Code is amended by inserting '', or any dependent, or individual described in subparagraph (D) of paragraph (1) with respect to,'' after ''spouse of''.

(4) SICK AND ACCIDENT BENEFITS PROVIDED TO MEMBERS OF A VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION AND THEIR DEPENDENTS.—Section 501(c)(9) of such Code is amended by adding at the end the following new sentence: ''For purposes of providing for the payment of sick and accident benefits to members of such an association and their dependents, the term 'dependent' shall include any individual who is a child (as defined in section 152(f)(1)) of a member who as of the end of the calendar year has not attained age 27.''.

(5) MEDICAL AND OTHER BENEFITS FOR RETIRED EMPLOYEES.—Section 401(h) of such Code is amended by adding at the end the following: ''For purposes of this subsection, the term 'dependent' shall include any individual who is a child (as defined in section 152(f)(1)) of a retired employee who as of the end of the calendar year has not attained age 27.''.

(e) FIVE PERCENT INCOME DISREGARD FOR CERTAIN INDIVIDUALS.—Section 1902(e)(14) of the Social Security Act (42 U.S.C. 1396a(e)(14)), as amended by subsection (b)(1), is further amended—

(1) in subparagraph (B), by striking ''No type'' and inserting ''Subject to subparagraph (I), no type''; and

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

''(I) TREATMENT OF PORTION OF MODIFIED ADJUSTED GROSS INCOME.—For purposes of determining the income eligibility of an individual for medical assistance whose eligibility is determined based on the application of modified adjusted gross income under subparagraph (A), the State shall—

''(i) determine the dollar equivalent of the difference between the upper income limit on eligibility for such an individual (expressed as a percentage of the poverty line) and such upper income limit increased by 5 percentage points; and

''(ii) notwithstanding the requirement in subparagraph (A) with respect to use of modified adjusted gross income, utilize as the applicable income of such individual, in determining such income eligibility, an amount equal to the modified adjusted gross income applicable to such individual reduced by such dollar equivalent amount.''.

SEC. 1005. IMPLEMENTATION FUNDING.

(a) IN GENERAL.—There is hereby established a Health Insurance Reform Implementation Fund (referred to in this section as the ''Fund'') within the Department of Health and Human Services to carry out the Patient Protection and Affordable Care Act and this Act (and the amendments made by such Acts).

(b) FUNDING.—There is appropriated to the Fund, out of any funds in the Treasury not otherwise appropriated, $1,000,000,000 for Federal administrative expenses to carry out such Act (and the amendments made by such Acts).

Subtitle B—Medicare

SEC. 1101. CLOSING THE MEDICARE PRESCRIPTION DRUG "DONUT HOLE".

(a) COVERAGE GAP REBATE FOR 2010.—

(1) IN GENERAL.—Section 1860D–42 of the Social Security Act (42 U.S.C. 1395w–152) is amended by adding at the end the following new subsection:

''(c) COVERAGE GAP REBATE FOR 2010.—

''(1) IN GENERAL.—In the case of an individual described in subparagraphs (A) through (D) of section 1860D–14A(g)(1) who as of the last day of a calendar quarter in 2010 has incurred costs for covered part D drugs so that the individual has exceeded the initial coverage limit under section 1860D–2(b)(3) for 2010, the Secretary shall provide for payment from the Medicare Prescription Drug Account of $250 to the individual by not later than the 15th day of the third month following the end of such quarter.

''(2) LIMITATION.—The Secretary shall provide only 1 payment under this subsection with respect to any individual.''.

(2) REPEAL OF PROVISION.—Section 3315 of the Patient Protection and Affordable Care Act (including the amendments made by such section) is repealed, and any provision of law amended or repealed by such sections is hereby restored or revived as if such section had not been enacted into law.

(b) CLOSING THE DONUT HOLE.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.), as amended by section 3301 of the Patient Protection and Affordable Care Act, is further amended—

(1) in section 1860D–43—

(A) in subsection (b), by striking ''July 1, 2010'' and inserting ''January 1, 2011''; and

(B) in subsection (c)(2), by striking ''July 1, 2010, and ending on December 31, 2010,'' and inserting ''January 1, 2011, and December 31, 2011,'';

(2) in section 1860D–14A—

(A) in subsection (a)—

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

(ii) by striking ''April 1, 2010'' and inserting ''180 days after the date of the enactment of this section'';

(B) in subsection (b)(1)(C)—

(i) in the heading, by striking ''2010 AND'';

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

(iii) by striking ''May 1, 2010'' and inserting ''not later than 30 days after the date of the establishment of a model agreement under subsection (a)'';

(C) in subsection (c)—

(i) in paragraph (1)(A)(iii), by striking ''July 1, 2010, and ending on December 31, 2011'' and

inserting ''January 1, 2011, and ending on December 31, 2011''; and

(ii) in paragraph (2), by striking ''2010'' and inserting ''2011'';

(D) in subsection (d)(2)(B), by striking ''July 1, 2010, and ending on December 31, 2010'' and inserting ''January 1, 2011, and ending on December 31, 2011''; and

(E) in subsection (g)(1)—

(i) in the matter before subparagraph (A), by striking ''an applicable drug'' and inserting ''a covered part D drug'';

(ii) by adding ''and'' at the end of subparagraph (C);

(iii) by striking subparagraph (D); and

(iv) by redesignating subparagraph (E) as subparagraph (D); and

(3) in section 1860D–2(b)—

(A) in paragraph (2)(A), by striking ''The coverage'' and inserting ''Subject to subparagraphs (C) and (D), the coverage'';

(B) in paragraph (2)(B), by striking ''subparagraph (A)(ii)'' and inserting ''subparagraphs (A)(ii), (C), and (D)'';

(C) by adding at the end of paragraph (2) the following new subparagraphs:

''(C) COVERAGE FOR GENERIC DRUGS IN COVERAGE GAP.—

''(i) IN GENERAL.—Except as provided in paragraph (4), the coverage for an applicable beneficiary (as defined in section 1860D–14A(g)(1)) has coinsurance (for costs above the initial coverage limit under paragraph (3) and below the out-of-pocket threshold) for covered part D drugs that are not applicable drugs under section 1860D–14A(g)(2) that is—

''(I) equal to the generic-gap coinsurance percentage (specified in clause (ii)) for the year, or

''(II) actuarially equivalent (using processes and methods established under section 1860D–11(c)) to an average expected payment of such percentage of such costs for covered part D drugs that are not applicable drugs under section 1860D–14A(g)(2).

''(ii) GENERIC-GAP COINSURANCE PERCENTAGE.—The generic-gap coinsurance percentage specified in this clause for—

''(I) 2011 is 93 percent;

''(II) 2012 and each succeeding year before 2020 is the generic-gap coinsurance percentage under this clause for the previous year decreased by 7 percentage points; and

''(III) 2020 and each subsequent year is 25 percent.

''(D) COVERAGE FOR APPLICABLE DRUGS IN COVERAGE GAP.—

''(i) IN GENERAL.—Except as provided in paragraph (4), the coverage for an applicable beneficiary (as defined in section 1860D–14A(g)(1)) has coinsurance (for costs above the initial coverage limit under paragraph (3) and below the out-of-pocket threshold) for the negotiated price (as defined in section 1860D–14A(g)(6)) of covered part D drugs that are applicable drugs under section 1860D–14A(g)(2) that is—

''(I) equal to the difference between the applicable gap percentage (specified in clause (ii) for the year) and the discount percentage specified in section 1860D–14A(g)(4)(A) for such applicable drugs, or

''(II) actuarially equivalent (using processes and methods established under section 1860D–11(c)) to an average expected payment of such percentage of such costs, for covered part D drugs that are applicable drugs under section 1860D–14A(g)(2).

''(ii) APPLICABLE GAP PERCENTAGE.—The applicable gap percentage specified in this clause for—

''(I) 2013 and 2014 is 97.5 percent;

''(II) 2015 and 2016 is 95 percent;

''(III) 2017 is 90 percent;

''(IV) 2018 is 85 percent;

''(V) 2019 is 80 percent; and

''(VI) 2020 and each subsequent year is 75 percent.'';

(D) in paragraph (3)(A), as restored under subsection (a)(2), by striking ''paragraph (4)'' and inserting ''paragraphs (2)(C), (2)(D), and (4)'';

(E) in paragraph (4)(E), by inserting before the period at the end the following: '', except that incurred costs shall not include the portion of the negotiated price that represents the reduction in coinsurance resulting from the application of paragraph (2)(D)''; and

(4) in section 1860D–22(a)(2)(A), by inserting before the period at the end the following: '', not taking into account the value of any discount or coverage provided during the gap in prescription drug coverage that occurs between the initial coverage limit under section 1860D–2(b)(3) during the year and the out-of-pocket threshold specified in section 1860D–2(b)(4)(B)''.

(c) CONFORMING AMENDMENT TO AMP UNDER MEDICAID.—Section 1927(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)), as amended by section 2503(a)(2)(B) of the Patient Protection and Affordable Care Act, is amended—

(1) by striking ''and'' at the end of subclause (III);

(2) by striking the period at the end of subclause (IV); and

(3) by adding at the end the following new subclause:

''(V) discounts provided by manufacturers under section 1860D–14A.''.

(d) REDUCING GROWTH RATE OF OUT-OF-POCKET COST THRESHOLD.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1395w–102(b)) is amended—

(1) in paragraph (4)(B)(i)—

(A) in subclause (I), by striking ''or'' at the end;

(B) by redesignating subclause (II) as subclause (VI); and

(C) by inserting after subclause (I) the following new subclauses:

''(II) for each of years 2007 through 2013, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (6) for the year involved;

''(III) for 2014 and 2015, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (6) for the year involved, minus 0.25 percentage point;

''(IV) for each of years 2016 through 2019, is equal to the amount specified in this subparagraph for the previous year, increased by the lesser of—

''(aa) the annual percentage increase described in paragraph (7) for the year involved, plus 2 percentage points; or

''(bb) the annual percentage increase described in paragraph (6) for the year;

''(V) for 2020, is equal to the amount that would have been applied under this subparagraph for 2020 if the amendments made by section 1101(d)(1) of the Health Care and Education Reconciliation Act of 2010 had not been enacted; or''; and

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

(7) ADDITIONAL ANNUAL PERCENTAGE INCREASE.—The annual percentage increase specified in this paragraph for a year is equal to the annual percentage increase in the consumer price index for all urban consumers (United States city average) for the 12-month period ending in July of the previous year.''.

SEC. 1102. MEDICARE ADVANTAGE PAYMENTS.

(a) REPEAL.—Effective as if included in the enactment of the Patient Protection and Affordable Care Act, sections 3201 and 3203 of such Act (and the amendments made by such sections) are repealed.

(b) PHASE-IN OF MODIFIED BENCHMARKS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended—

(1) in subsection (j)(1)(A), by striking ''(or, beginning with 2007, 1/12 of the applicable amount determined under subsection (k)(1)) for the area for the year'' and inserting '' for the area for the year (or, for 2007, 2008, 2009, and 2010, 1/12 of the applicable amount determined under subsection (k)(1) for the area for the year; for 2011, 1/12 of the applicable amount determined under subsection (k)(1) for the area for 2010; and, beginning with 2012, 1/12 of the blended benchmark amount determined under subsection (n)(1) for the area for the year)''; and

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

''(n) DETERMINATION OF BLENDED BENCHMARK AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (j), subject to paragraphs (3), (4), and (5), the term 'blended benchmark amount' means for an area—

''(A) for 2012 the sum of—

''(i) 1/2 of the applicable amount for the area and year; and

''(ii) 1/2 of the amount specified in paragraph (2)(A) for the area and year; and

''(B) for a subsequent year the amount specified in paragraph (2)(A) for the area and year.

''(2) SPECIFIED AMOUNT.—

''(A) IN GENERAL.—The amount specified in this subparagraph for an area and year is the product of—

''(i) the base payment amount specified in subparagraph (E) for the area and year adjusted to take into account the phase-out in the indirect costs of medical education from capitation rates described in subsection (k)(4); and

''(ii) the applicable percentage for the area for the year specified under subparagraph (B).

''(B) APPLICABLE PERCENTAGE.—Subject to subparagraph (D), the applicable percentage specified in this subparagraph for an area for a year in the case of an area that is ranked—

''(i) in the highest quartile under subparagraph (C) for the previous year is 95 percent;

''(ii) in the second highest quartile under such subparagraph for the previous year is 100 percent;

''(iii) in the third highest quartile under such subparagraph for the previous year is 107.5 percent; or

''(iv) in the lowest quartile under such subparagraph for the previous year is 115 percent.

''(C) PERIODIC RANKING.—For purposes of this paragraph in the case of an area located—

''(i) in 1 of the 50 States or the District of Columbia, the Secretary shall rank such area in each year specified under subsection (c)(1)(D)(ii) based upon the level of the amount specified in subparagraph (A)(i) for such areas; or

''(ii) in a territory, the Secretary shall rank such areas in each such year based upon the level of the amount specified in subparagraph (A)(i) for such area relative to quartile rankings computed under clause (i).

''(D) 1-YEAR TRANSITION FOR CHANGES IN APPLICABLE PERCENTAGE.—If, for a year after 2012, there is a change in the quartile in which an area is ranked compared to the previous year, the applicable percentage for the area in the year shall be the average of—

''(i) the applicable percentage for the area for the previous year; and

''(ii) the applicable percentage that would otherwise apply for the area for the year.

''(E) BASE PAYMENT AMOUNT.—Subject to subparagraph (F), the base payment amount specified in this subparagraph—

''(i) for 2012 is the amount specified in subsection (c)(1)(D) for the area for the year; or

''(ii) for a subsequent year that—

''(I) is not specified under subsection (c)(1)(D)(ii), is the base amount specified in this subparagraph for the area for the previous year, increased by the national per capita MA growth percentage, described in subsection (c)(6) for that succeeding year, but not taking into account any adjustment under subparagraph (C) of such subsection for a year before 2004; and

''(II) is specified under subsection (c)(1)(D)(ii), is the amount specified in subsection (c)(1)(D) for the area for the year.

''(F) APPLICATION OF INDIRECT MEDICAL EDUCATION PHASE-OUT.—The base payment amount specified in subparagraph (E) for a year shall be adjusted in the same manner under paragraph

(4) of subsection (k) as the applicable amount is adjusted under such subsection.

''(3) ALTERNATIVE PHASE-INS.—

''(A) 4-YEAR PHASE-IN FOR CERTAIN AREAS.—If the difference between the applicable amount (as defined in subsection (k)) for an area for 2010 and the projected 2010 benchmark amount (as defined in subparagraph (C)) for the area is at least $30 but less than $50, the blended benchmark amount for the area is—

''(i) for 2012 the sum of—

''(I) ¾ of the applicable amount for the area and year; and

''(II) ¼ of the amount specified in paragraph (2)(A) for the area and year;

''(ii) for 2013 the sum of—

''(I) ½ of the applicable amount for the area and year; and

''(II) ½ of the amount specified in paragraph (2)(A) for the area and year;

''(iii) for 2014 the sum of—

''(I) ¼ of the applicable amount for the area and year; and

''(II) ¾ of the amount specified in paragraph (2)(A) for the area and year; and

''(iv) for a subsequent year the amount specified in paragraph (2)(A) for the area and year.

''(B) 6-YEAR PHASE-IN FOR CERTAIN AREAS.—If the difference between the applicable amount (as defined in subsection (k)) for an area for 2010 and the projected 2010 benchmark amount (as defined in subparagraph (C)) for the area is at least $50, the blended benchmark amount for the area is—

''(i) for 2012 the sum of—

''(I) ⅚ of the applicable amount for the area and year; and

''(II) ⅙ of the amount specified in paragraph (2)(A) for the area and year;

''(ii) for 2013 the sum of—

''(I) ⅔ of the applicable amount for the area and year; and

''(II) ⅓ of the amount specified in paragraph (2)(A) for the area and year;

''(iii) for 2014 the sum of—

''(I) ½ of the applicable amount for the area and year; and

''(II) ½ of the amount specified in paragraph (2)(A) for the area and year;

''(iv) for 2015 the sum of—

''(I) ⅓ of the applicable amount for the area and year; and

''(II) ⅔ of the amount specified in paragraph (2)(A) for the area and year; and

''(v) for 2016 the sum of—

''(I) ⅙ of the applicable amount for the area and year; and

''(II) ⅚ of the amount specified in paragraph (2)(A) for the area and year; and

''(vi) for a subsequent year the amount specified in paragraph (2)(A) for the area and year.

''(C) PROJECTED 2010 BENCHMARK AMOUNT.—The projected 2010 benchmark amount described in this subparagraph for an area is equal to the sum of—

''(i) ½ of the applicable amount (as defined in subsection (k)) for the area for 2010; and

''(ii) ½ of the amount specified in paragraph (2)(A) for the area for 2010 but determined as if there were substituted for the applicable percentage specified in clause (ii) of such paragraph the sum of—

''(I) the applicable percent that would be specified under subparagraph (B) of paragraph (2) (determined without regard to subparagraph (D) of such paragraph) for the area for 2010 if any reference in such paragraph to 'the previous year' were deemed a reference to 2010; and

''(II) the applicable percentage increase that would apply to a qualifying plan in the area under subsection (o) as if any reference in such subsection to 2012 were deemed a reference to 2010 and as if the determination of a qualifying county under paragraph (3)(B) of such subsection were made for 2010.

''(4) CAP ON BENCHMARK AMOUNT.—In no case shall the blended benchmark amount for an area for a year (determined taking into account subsection (o)) be greater than the applicable amount that would (but for the application of this subsection) be determined under subsection (k)(1) for the area for the year.

''(5) NON-APPLICATION TO PACE PLANS.—This subsection shall not apply to payments to a PACE program under section 1894.''.

(c) APPLICABLE PERCENTAGE QUALITY INCREASES.—Section 1853 of such Act (42 U.S.C. 1395w–23), as amended by subsection (b), is amended—

(1) in subsection (j), by inserting ''subject to subsection (o),'' after ''For purposes of this part,'';

(2) in subsection (n)(2)(B), as added by subsection (b), by inserting '', subject to subsection (o)'' after ''as follows''; and

(3) by adding at the end the following new subsection:

''(o) APPLICABLE PERCENTAGE QUALITY INCREASES.—

''(1) IN GENERAL.—Subject to the succeeding paragraphs, in the case of a qualifying plan with respect to a year beginning with 2012, the applicable percentage under subsection (n)(2)(B) shall be increased on a plan or contract level, as determined by the Secretary—

''(A) for 2012, by 1.5 percentage points;

''(B) for 2013, by 3.0 percentage points; and

''(C) for 2014 or a subsequent year, by 5.0 percentage points.

''(2) INCREASE FOR QUALIFYING PLANS IN QUALIFYING COUNTIES.—The increase applied under paragraph (1) for a qualifying plan located in a qualifying county for a year shall be doubled.

''(3) QUALIFYING PLANS AND QUALIFYING COUNTY DEFINED; APPLICATION OF INCREASES TO LOW ENROLLMENT AND NEW PLANS.—For purposes of this subsection:

''(A) QUALIFYING PLAN.—

''(i) IN GENERAL.—The term 'qualifying plan' means, for a year and subject to paragraph (4), a plan that had a quality rating under paragraph (4) of 4 stars or higher based on the most recent data available for such year.

''(ii) APPLICATION OF INCREASES TO LOW ENROLLMENT PLANS.—

''(I) 2012.—For 2012, the term 'qualifying plan' includes an MA plan that the Secretary determines is not able to have a quality rating under paragraph (4) because of low enrollment.

''(II) 2013 AND SUBSEQUENT YEARS.—For 2013 and subsequent years, for purposes of determining whether an MA plan with low enrollment (as defined by the Secretary) is included as a qualifying plan, the Secretary shall establish a method to apply to MA plans with low enrollment (as defined by the Secretary) the computation of quality rating and the rating system under paragraph (4).

''(iii) APPLICATION OF INCREASES TO NEW PLANS.—

''(I) IN GENERAL.—A new MA plan that meets criteria specified by the Secretary shall be treated as a qualifying plan, except that in applying paragraph (1), the applicable percentage under subsection (n)(2)(B) shall be increased—

''(aa) for 2012, by 1.5 percentage points;

''(bb) for 2013, by 2.5 percentage points; and

''(cc) for 2014 or a subsequent year, by 3.5 percentage points.

''(II) NEW MA PLAN DEFINED.—The term 'new MA plan' means, with respect to a year, a plan offered by an organization or sponsor that has not had a contract as a Medicare Advantage organization in the preceding 3-year period.

''(B) QUALIFYING COUNTY.—The term 'qualifying county' means, for a year, a county—

''(i) that has an MA capitation rate that, in 2004, was based on the amount specified in subsection (c)(1)(B) for a Metropolitan Statistical Area with a population of more than 250,000;

''(ii) for which, as of December 2009, of the Medicare Advantage eligible individuals residing in the county at least 25 percent of such individuals were enrolled in Medicare Advantage plans; and

''(iii) that has per capita fee-for-service spending that is lower than the national monthly per capita cost for expenditures for individuals enrolled under the original medicare fee-for-service program for the year.

''(4) QUALITY DETERMINATIONS FOR APPLICATION OF INCREASE.—

''(A) QUALITY DETERMINATION.—The quality rating for a plan shall be determined according to a 5-star rating system (based on the data collected under section 1852(e)).

''(B) PLANS THAT FAILED TO REPORT.—An MA plan which does not report data that enables the Secretary to rate the plan for purposes of this paragraph shall be counted as having a rating of fewer than 3.5 stars.

''(5) EXCEPTION FOR PACE PLANS.—This subsection shall not apply to payments to a PACE program under section 1894.''.

(4) DETERMINATION OF MEDICARE PART D LOW-INCOME BENCHMARK PREMIUM.—Section 1860D–14(b)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–114(b)(2)(B)(iii)) as amended by section 3302 of the Patient Protection and Affordable Care Act, is amended by striking '', determined without regard to any reduction in such premium as a result of any beneficiary rebate under section 1854(b)(1)(C) or bonus payment under section 1853(n)'' and inserting the following: ''and determined before the application of the monthly rebate computed under section 1854(b)(1)(C)(i) for that plan and year involved and, in the case of a qualifying plan, before the application of the increase under section 1853(o) for that plan and year involved''.

(d) BENEFICIARY REBATES.—Section 1854(b)(1)(C) of such Act (42 U.S.C. 1395w–24(b)(1)(C)), as amended by section 3202(b) of the Patient Protection and Affordable Care Act, is further amended—

(1) in clause (i), by inserting ''(or the applicable rebate percentage specified in clause (iii) in the case of plan years beginning on or after January 1, 2012)'' after ''75 percent''; and

(2) by striking clause (iii), by redesignating clauses (iv) and (v) as clauses (vii) and (viii), respectively, and by inserting after clause (ii) the following new clauses:

''(iii) APPLICABLE REBATE PERCENTAGE.—The applicable rebate percentage specified in this clause for a plan for a year, based on the system under section 1853(o)(4)(A), is the sum of—

''(I) the product of the old phase-in proportion for the year under clause (iv) and 75 percent; and

''(II) the product of the new phase-in proportion for the year under clause (iv) and the final applicable rebate percentage under clause (v).

''(iv) OLD AND NEW PHASE-IN PROPORTIONS.—For purposes of clause (iv)—

''(I) for 2012, the old phase-in proportion is ⅔ and the new phase-in proportion is ⅓;

''(II) for 2013, the old phase-in proportion is ⅓ and the new phase-in proportion is ⅔; and

''(III) for 2014 and any subsequent year, the old phase-in proportion is 0 and the new phase-in proportion is 1.

''(v) FINAL APPLICABLE REBATE PERCENTAGE.—Subject to clause (vi), the final applicable rebate percentage under this clause is—

''(I) in the case of a plan with a quality rating under such system of at least 4.5 stars, 70 percent;

''(II) in the case of a plan with a quality rating under such system of at least 3.5 stars and less than 4.5 stars, 65 percent; and

''(III) in the case of a plan with a quality rating under such system of less than 3.5 stars, 50 percent.

''(vi) TREATMENT OF LOW ENROLLMENT AND NEW PLANS.—For purposes of clause (v)—

''(I) for 2012, in the case of a plan described in subclause (I) of subsection (o)(3)(A)(ii), the plan shall be treated as having a rating of 4.5 stars; and

''(II) for 2012 or a subsequent year, in the case of a new MA plan (as defined under subclause (III) of subsection (o)(3)(A)(iii))) that is treated as a qualifying plan pursuant to subclause (I) of such subsection, the plan shall be treated as having a rating of 3.5 stars.''.

(e) CODING INTENSITY ADJUSTMENT.—Section 1853(a)(1)(C)(ii) of such Act (42 U.S.C. 1395w–23(a)(1)(C)(ii)) is amended—

(1) in the heading, by striking ''DURING PHASE-OUT OF BUDGET NEUTRALITY FACTOR'' and inserting ''OF CODING ADJUSTMENT'';

(2) in the matter before subclause (I), by striking ''through 2010'' and inserting ''and each subsequent year''; and

(3) in subclause (II)—

(A) in the first sentence, by inserting ''annually'' before ''conduct an analysis'';

(B) in the second sentence—

(i) by inserting ''on a timely basis'' after ''are incorporated''; and

(ii) by striking ''only for 2008, 2009, and 2010'' and inserting ''for 2008 and subsequent years'';

(C) in the third sentence, by inserting ''and updated as appropriate'' before the period at the end; and

(D) by adding at the end the following new subclauses:

''(III) In calculating each year's adjustment, the adjustment factor shall be for 2014, not less than the adjustment factor applied for 2010, plus 1.3 percentage points; for each of years 2015 through 2018, not less than the adjustment factor applied for the previous year, plus 0.25 percentage point; and for 2019 and each subsequent year, not less than 5.7 percent.

''(IV) Such adjustment shall be applied to risk scores until the Secretary implements risk adjustment using Medicare Advantage diagnostic, cost, and use data.''.

(f) REPEAL OF COMPARATIVE COST ADJUSTMENT PROGRAM.—Section 1860C–1 of the Social Security Act (42 U.S.C. 1395w–29), as added by section 241(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173), is repealed.

SEC. 1103. SAVINGS FROM LIMITS ON MA PLAN ADMINISTRATIVE COSTS.

Section 1857(e) of the Social Security Act (42 U.S.C. 1395w–27(e)) is amended by adding at the end the following new paragraph:

''(4) REQUIREMENT FOR MINIMUM MEDICAL LOSS RATIO.—If the Secretary determines for a contract year (beginning with 2014) that an MA plan has failed to have a medical loss ratio of at least .85—

''(A) the MA plan shall remit to the Secretary an amount equal to the product of—

''(i) the total revenue of the MA plan under this part for the contract year; and

''(ii) the difference between .85 and the medical loss ratio;

''(B) for 3 consecutive contract years, the Secretary shall not permit the enrollment of new enrollees under the plan for coverage during the second succeeding contract year; and

''(C) the Secretary shall terminate the plan contract if the plan fails to have such a medical loss ratio for 5 consecutive contract years.

SEC. 1104. DISPROPORTIONATE SHARE HOSPITAL (DSH) PAYMENTS.

Section 1886(r) of the Social Security Act (42 U.S.C. 1395ww(r)), as added by section 3133 of the Patient Protection and Affordable Care Act and as amended by section 10316 of such Act, is amended—

(1) in paragraph (1), by striking ''2015'' and inserting ''2014''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''2015'' and inserting ''2014'';

(B) in subparagraph (B)(i)—

(i) in the heading, by inserting ''2014,'' after ''YEARS'';

(ii) in the matter preceding subclause (I), by inserting ''2014,'' after ''each of fiscal years'';

(iii) in subclause (I), by striking ''on such Act'' and inserting ''on the Health Care and Education Reconciliation Act of 2010''; and

(iv) in the matter following subclause (II), by striking ''minus 1.5 percentage points'' and inserting ''minus 0.1 percentage points for fiscal year 2014 and minus 0.2 percentage points for each of fiscal years 2015, 2016, and 2017''; and

(C) in subparagraph (B)(ii), in the matter following subclause (II), by striking ''and, for each of 2018 and 2019, minus 1.5 percentage points'' and inserting ''minus 0.2 percentage points for each of fiscal years 2018 and 2019''.

SEC. 1105. MARKET BASKET UPDATES.

(a) IPPS.—Section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)), as amended by sections 3401(a)(4) and 10319(a) of the Patient Protection and Affordable Care Act, is amended—

(1) in clause (xii)—

(A) by placing the subclause (II) (inserted by section 10319(a)(3) of the Patient Protection and Affordable Care Act) immediately after subclause (I) and, in such subclause (II), by striking ''and'' at the end; and

(B) by striking subclause (III) and inserting the following:

''(III) for fiscal year 2014, by 0.3 percentage point;

''(IV) for each of fiscal years 2015 and 2016, by 0.2 percentage point; and

''(V) for each of fiscal years 2017, 2018, and 2019, by 0.75 percentage point.''; and

(2) by striking clause (xiii).

(b) LONG-TERM CARE HOSPITALS.—Section 1886(m)(4) of the Social Security Act (42 U.S.C. 1395ww(m)(4)), as added by section 3401(c) of the Patient Protection and Affordable Care Act and amended by section 10319(b) of such Act, is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking ''and'' at the end; and

(B) by striking clause (iv) and inserting the following:

''(iv) for rate year 2014, 0.3 percentage point;

''(v) for each of rate years 2015 and 2016, 0.2 percentage point; and

''(vi) for each of rate years 2017, 2018, and 2019, 0.75 percentage point.'';

(2) by striking subparagraph (B); and

(3) by striking ''(4) OTHER ADJUSTMENT.—'' and all that follows through ''For purposes'' and inserting ''(4) OTHER ADJUSTMENT.—For purposes'' (and redesignating clauses (i) through (vi) as subparagraphs (A) through (F), respectively, with appropriate indentation).

(c) INPATIENT REHABILITATION FACILITIES.—Section 1886(j)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(j)(3)(D)), as added by section 3401(d)(2) of the Patient Protection and Affordable Care Act and amended by section 10319(c) of such Act, is amended—

(1) in clause (i)—

(A) by placing the subclause (II) (inserted by section 10319(c)(3) of the Patient Protection and Affordable Care Act) immediately after subclause (I) and, in such subclause (II), by striking ''and'' at the end; and

(B) by striking subclause (III) and inserting the following:

''(III) for fiscal year 2014, 0.3 percentage point;

''(IV) for each of fiscal years 2015 and 2016, 0.2 percentage point; and

''(V) for each of fiscal years 2017, 2018, and 2019, 0.75 percentage point.'';

(2) by striking clause (ii); and

(3) by striking ''(D) OTHER ADJUSTMENT.—'' and all that follows through ''For purposes'' and inserting ''(D) OTHER ADJUSTMENT.—For purposes'' (and redesignating subclauses (I) through (V) as clauses (i) through (v), respectively, with appropriate indentation).

(d) PSYCHIATRIC HOSPITALS.—Section 1886(s)(3) of the Social Security Act, as added by section 3401(f) of the Patient Protection and Affordable Care Act and amended by section 10319(e) of such Act, is amended—

(1) in subparagraph (A)—

(A) by placing the clause (ii) (inserted by section 10319(e)(3) of the Patient Protection and Affordable Care Act) immediately after clause (i) and, in such clause (ii), by striking ''and'' at the end; and

(B) by striking clause (iii) and inserting the following:

''(iii) for the rate year beginning in 2014, 0.3 percentage point;

''(iv) for each of the rate years beginning in 2015 and 2016, 0.2 percentage point; and

''(v) for each of the rate years beginning in 2017, 2018, and 2019, 0.75 percentage point.'';

(2) by striking subparagraph (B); and

(3) by striking ''(3) OTHER ADJUSTMENT.—'' and all that follows through ''For purposes'' and inserting ''(3) OTHER ADJUSTMENT.—For purposes'' (and redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, with appropriate indentation).

(e) OUTPATIENT HOSPITALS.—Section 1833(t)(3)(G) of the Social Security Act (42 U.S.C. 1395l(t)(3)(G)), as added by section 3401(i)(2) of the Patient Protection and Affordable Care Act and amended by section 10319(g) of such Act, is amended—

(1) in clause (i)—

(A) by placing the subclause (II) (inserted by section 10319(g)(3) of the Patient Protection and Affordable Care Act) immediately after subclause (I) and, in such subclause (II), by striking ''and'' at the end; and

(B) by striking subclause (III) and inserting the following:

''(III) for 2014, 0.3 percentage point;

''(IV) for each of 2015 and 2016, 0.2 percentage point; and

''(V) for each of 2017, 2018, and 2019, 0.75 percentage point.'';

(2) by striking clause (ii); and

(3) by striking ''(G) OTHER ADJUSTMENT.—'' and all that follows through ''For purposes'' and inserting ''(G) OTHER ADJUSTMENT.—For purposes'' (and redesignating subclauses (I) through (V) as clauses (i) through (v), respectively, with appropriate indentation).

SEC. 1106. PHYSICIAN OWNERSHIP-REFERRAL.

Section 1877(i) of the Social Security Act (42 U.S.C. 1395nn(i)), as added by section 6001(a)(3) of the Patient Protection and Affordable Care Act and as amended by section 10601(a) of such Act, is amended—

(1) in paragraph (1)(A)(i), by striking ''August 1, 2010'' and inserting ''December 31, 2010''; and

(2) in paragraph (3)—

(A) in subparagraph (A)(i), by striking ''an applicable hospital (as defined in subparagraph (E))'' and inserting ''a hospital that is an applicable hospital (as defined in subparagraph (E)) or is a high Medicaid facility described in subparagraph (F)'';

(B) in subparagraph (C)(iii), by inserting after ''date of enactment of this subsection'' the following: ''(or, in the case of a hospital that did not have a provider agreement in effect as of such date but does have such an agreement in effect on December 31, 2010, the effective date of such provider agreement)'';

(C) by redesignating subparagraphs (F) through (H) as subparagraphs (G) through (I), respectively; and

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

''(F) HIGH MEDICAID FACILITY DESCRIBED.—A high Medicaid facility described in this subparagraph is a hospital that—

''(i) is not the sole hospital in a county;

''(ii) with respect to each of the 3 most recent years for which data are available, has an annual percent of total inpatient admissions that represent inpatient admissions under title XIX that is estimated to be greater than such percent with respect to such admissions for any other hospital located in the county in which the hospital is located; and

''(iii) meets the conditions described in subparagraph (E)(iii).''.

SEC. 1107. PAYMENT FOR IMAGING SERVICES.

Section 1848 of the Social Security Act (42 U.S.C. 1395w–4), as amended by section 3135(a) of the Patient Protection and Affordable Care Act, is amended—

(1) in subsection (b)(4)—

(A) in subparagraph (B), by striking ''this paragraph'' and inserting ''subparagraph (A)''; and

(B) by amending subparagraph (C) to read as follows:

''(C) ADJUSTMENT IN IMAGING UTILIZATION RATE.—With respect to fee schedules established for 2011 and subsequent years, in the methodology for determining practice expense relative value units for expensive diagnostic imaging equipment under the final rule published by the Secretary in the Federal Register on November 25, 2009 (42 CFR 410, et al.), the Secretary shall use a 75 percent assumption instead of the utilization rates otherwise established in such final rule.''; and

(2) in subsection (c)(2)(B)(v), by striking subclauses (III), (IV), and (V) and inserting the following new subclause:

''(III) CHANGE IN UTILIZATION RATE FOR CERTAIN IMAGING SERVICES.—Effective for fee schedules established beginning with 2011, reduced expenditures attributable to the change in the utilization rate applicable to 2011, as described in subsection (b)(4)(C).''.

SEC. 1108. PE GPCI ADJUSTMENT FOR 2010.

Effective as if included in the enactment of the Patient Protection and Affordable Care Act, section 1848(e)(1)(II)(i) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(H)(i)), as added by section 3102(b)(2) of the Patient Protection and Affordable Care Act, is amended by striking ''¾'' and inserting ''½''.

SEC. 1109. PAYMENT FOR QUALIFYING HOSPITALS.

(a) IN GENERAL.—From the amount available under subsection (b), the Secretary of Health and Human Services shall provide for a payment to qualifying hospitals (as defined in subsection (d)) for fiscal years 2011 and 2012 of the amount determined under subsection (c).

(b) AMOUNTS AVAILABLE.—There shall be available from the Federal Hospital Insurance Trust Fund $400,000,000 for payments under this section for fiscal years 2011 and 2012.

(c) PAYMENT AMOUNT.—The amount of payment under this section for a qualifying hospital shall be determined, in a manner consistent with the amount available under subsection (b), in proportion to the portion of the amount of the aggregate payments under section 1886(d) of the Social Security Act to the hospital for fiscal year 2009 bears to the sum of all such payments to all qualifying hospitals for such fiscal year.

(d) QUALIFYING HOSPITAL DEFINED.—In this section, the term ''qualifying hospital'' means a subsection (d) hospital (as defined for purposes of section 1886(d) of the Social Security Act) that is located in a county that ranks, based upon its ranking in age, sex, and race adjusted spending for benefits under parts A and B under title XVIII of such Act per enrollee, within the lowest quartile of such counties in the United States.

Subtitle C—Medicaid

SEC. 1201. FEDERAL FUNDING FOR STATES.

Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by sections 2001(a)(3) and 10201(c) of the Patient Protection and Affordable Care Act, is amended—

(1) in subsection (y)—

(A) by redesignating subclause (II) of paragraph (1)(B)(ii) as paragraph (5) of subsection (z) and realigning the left margins accordingly; and

(B) by striking paragraph (1) and inserting the following:

''(1) AMOUNT OF INCREASE.—Notwithstanding subsection (b), the Federal medical assistance percentage for a State that is one of the 50 States or the District of Columbia, with respect to amounts expended by such State for medical assistance for newly eligible individuals described in subclause (VIII) of section 1902(a)(10)(A)(i), shall be equal to—

''(A) 100 percent for calendar quarters in 2014, 2015, and 2016;

''(B) 95 percent for calendar quarters in 2017;

''(C) 94 percent for calendar quarters in 2018;

''(D) 93 percent for calendar quarters in 2019; and

''(E) 90 percent for calendar quarters in 2020 and each year thereafter.''; and

(2) in subsection (z)—

(A) in paragraph (1), by striking ''September 30, 2019'' and inserting ''December 31, 2015'' and by striking ''subsection (y)(1)(B)(ii)(II)'' and inserting ''paragraph (3)'';

(B) by striking paragraphs (2) through (4) and inserting the following:

''(2)(A) For calendar quarters in 2014 and each year thereafter, the Federal medical assistance percentage otherwise determined under subsection (b) for an expansion State described in paragraph (3) with respect to medical assistance for individuals described in section 1902(a)(10)(A)(i)(VIII) who are nonpregnant childless adults with respect to whom the State may require enrollment in benchmark coverage under section 1937 shall be equal to the percent specified in subparagraph (B)(i) for such year.

''(B)(i) The percent specified in this subparagraph for a State for a year is equal to the Federal medical assistance percentage (as defined in the first sentence of subsection (b)) for the State increased by a number of percentage points equal to the transition percentage (specified in clause (ii) for the year) of the number of percentage points by which—

''(I) such Federal medical assistance percentage for the State, is less than

''(II) the percent specified in subsection (y)(1) for the year.

''(ii) The transition percentage specified in this clause for—

''(I) 2014 is 50 percent;

''(II) 2015 is 60 percent;

''(III) 2016 is 70 percent;

''(IV) 2017 is 80 percent;

''(V) 2018 is 90 percent; and

''(VI) 2019 and each subsequent year is 100 percent.''; and

(C) by redesignating paragraph (5) (as added by paragraph (1)(A) of this section) as paragraph (3), realigning the left margins to align with paragraph (2), and striking the heading and all that follows through ''a State is'' and inserting ''A State is''.

SEC. 1202. PAYMENTS TO PRIMARY CARE PHYSICIANS.

(a) IN GENERAL.—

(1) FEE-FOR-SERVICE PAYMENTS.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 2303(a)(2) of the Patient Protection and Affordable Care Act, is amended—

(A) in subsection (a)(13)—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by adding ''and'' at the end of subparagraph (B); and

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

''(C) payment for primary care services (as defined in subsection (jj)) furnished in 2013 and 2014 by a physician with a primary specialty designation of family medicine, general internal medicine, or pediatric medicine at a rate not less than 100 percent of the payment rate that applies to such services and physician under part B of title XVIII (or, if greater, the payment rate that would be applicable under such part if the conversion factor under section 1848(d) for the year involved were the conversion factor under such section for 2009);''; and

(B) by adding at the end the following new subsection:

''(jj) PRIMARY CARE SERVICES DEFINED.—For purposes of subsection (a)(13)(C), the term 'primary care services' means—

''(1) evaluation and management services that are procedure codes (for services covered under title XVIII) for services in the category designated Evaluation and Management in the Healthcare Common Procedure Coding System (established by the Secretary under section 1848(c)(5) as of December 31, 2009, and as subsequently modified); and

''(2) services related to immunization administration for vaccines and toxoids for which CPT codes 90465, 90466, 90467, 90468, 90471, 90472, 90473, or 90474 (as subsequently modified) apply under such System.''.

(2) UNDER MEDICAID MANAGED CARE PLANS.—Section 1932(f) of such Act (42 U.S.C. 1396u–2(f)) is amended—

(A) in the heading, by adding at the end the following: ''; ADEQUACY OF PAYMENT FOR PRIMARY CARE SERVICES''; and

(B) by inserting before the period at the end the following: ''and, in the case of primary care services described in section 1902(a)(13)(C), consistent with the minimum payment rates specified in such section (regardless of the manner in which such payments are made, including in the form of capitation or partial capitation)''.

(b) INCREASE IN PAYMENT USING INCREASED FMAP.—Section 1905 of the Social Security Act, as amended by section 1004(b) of this Act and section 10201(c)(6) of the Patient Protection and Affordable Care Act, is amended by adding at the end the following new subsection:

''(dd) INCREASED FMAP FOR ADDITIONAL EXPENDITURES FOR PRIMARY CARE SERVICES.—Notwithstanding subsection (b), with respect to the portion of the amounts expended for medical assistance for services described in section 1902(a)(13)(C) furnished on or after January 1, 2013, and before January 1, 2015, that is attributable to the amount by which the minimum payment rate required under such section (or, by application, section 1932(f)) exceeds the payment rate applicable to such services under the State plan as of July 1, 2009, the Federal medical assistance percentage for a State that is one of the 50 States or the District of Columbia shall be equal to 100 percent. The preceding sentence does not prohibit the payment of Federal financial participation based on the Federal medical assistance percentage for amounts in excess of those specified in such sentence.''.

SEC. 1203. DISPROPORTIONATE SHARE HOSPITAL PAYMENTS.

(a) IN GENERAL.—Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)), as amended by sections 2551(a)(4) and 10201(e)(1) of the Patient Protection and Affordable Care Act, is amended—

(1) in paragraph (6)(B)(iii), in the matter preceding subclause (I), by striking ''or paragraph (7)''; and

(2) by striking paragraph (7) and inserting the following:

''(7) MEDICAID DSH REDUCTIONS.—

''(A) REDUCTIONS.—

''(i) IN GENERAL.—For each of fiscal years 2014 through 2020 the Secretary shall effect the following reductions:

''(I) REDUCTION IN DSH ALLOTMENTS.—The Secretary shall reduce DSH allotments to States in the amount specified under the DSH health reform methodology under subparagraph (B) for the State for the fiscal year.

''(II) REDUCTIONS IN PAYMENTS.—The Secretary shall reduce payments to States under section 1903(a) for each calendar quarter in the fiscal year, in the manner specified in clause (iii), in an amount equal to ¼ of the DSH allotment reduction under subclause (I) for the State for the fiscal year.

''(ii) AGGREGATE REDUCTIONS.—The aggregate reductions in DSH allotments for all States under clause (i)(I) shall be equal to—

''(I) $500,000,000 for fiscal year 2014;

''(II) $600,000,000 for fiscal year 2015;

''(III) $600,000,000 for fiscal year 2016;

''(IV) $1,800,000,000 for fiscal year 2017;

''(V) $5,000,000,000 for fiscal year 2018;

''(VI) $5,600,000,000 for fiscal year 2019; and

''(VII) $4,000,000,000 for fiscal year 2020.

The Secretary shall distribute such aggregate reductions among States in accordance with subparagraph (B).

''(iii) MANNER OF PAYMENT REDUCTION.—The amount of the payment reduction under clause (i)(II) for a State for a quarter shall be deemed an overpayment to the State under this title to be disallowed against the State's regular quarterly draw for all spending under section

1903(d)(2). Such a disallowance is not subject to a reconsideration under subsections (d) and (e) of section 1116.

''(iv) DEFINITION.—In this paragraph, the term 'State' means the 50 States and the District of Columbia.

''(B) DSH HEALTH REFORM METHODOLOGY.—The Secretary shall carry out subparagraph (A) through use of a DSH Health Reform methodology that meets the following requirements:

''(i) The methodology imposes the largest percentage reductions on the States that—

''(I) have the lowest percentages of uninsured individuals (determined on the basis of data from the Bureau of the Census, audited hospital cost reports, and other information likely to yield accurate data) during the most recent year for which such data are available; or

''(II) do not target their DSH payments on—

''(aa) hospitals with high volumes of Medicaid inpatients (as defined in subsection (b)(1)(A)); and

''(bb) hospitals that have high levels of uncompensated care (excluding bad debt).

''(ii) The methodology imposes a smaller percentage reduction on low DSH States described in paragraph (5)(B).

''(iii) The methodology takes into account the extent to which the DSH allotment for a State was included in the budget neutrality calculation for a coverage expansion approved under section 1115 as of July 31, 2009.''.

(b) EXTENSION OF DSH ALLOTMENT.—Section 1923(f)(6)(A) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)(A)) is amended by adding at the end the following:

''(v) ALLOTMENT FOR 2D, 3RD, AND 4TH QUARTERS OF FISCAL YEAR 2012 AND FOR FISCAL YEAR 2013.—Notwithstanding the table set forth in paragraph (2):

''(I) 2D, 3RD, AND 4TH QUARTERS OF FISCAL YEAR 2012.—In the case of a State that has a DSH allotment of $0 for the 2d, 3rd, and 4th quarters of fiscal year 2012, the DSH allotment shall be $47,200,000 for such quarters.

''(II) FISCAL YEAR 2013.—In the case of a State that has a DSH allotment of $0 for fiscal year 2013, the DSH allotment shall be $53,100,000 for such fiscal year.''.

SEC. 1204. FUNDING FOR THE TERRITORIES.

(a) IN GENERAL.—Part III of subtitle D of title I of the Patient Protection and Affordable Care Act, as amended by section 10104(m) of such Act, is amended by inserting after section 1322 the following section:

''SEC. 1323. FUNDING FOR THE TERRITORIES.

''(a) IN GENERAL.—A territory that—

''(1) elects consistent with subsection (b) to establish an Exchange in accordance with part II of this subtitle and establishes such an Exchange in accordance with such part shall be treated as a State for purposes of such part and shall be entitled to payment from the amount allocated to the territory under subsection (c); or

''(2) does not make such election shall be entitled to an increase in the dollar limitation applicable to the territory under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) for such period in such amount for such territory and such increase shall not be taken into account in computing any other amount under such subsections.

''(b) TERMS AND CONDITIONS.—An election under subsection (a)(1) shall—

''(1) not be effective unless the election is consistent with section 1321 and is received not later than October 1, 2013; and''.

''(2) be contingent upon entering into an agreement between the territory and the Secretary that requires that—

''(A) funds provided under the agreement shall be used only to provide premium and cost-sharing assistance to residents of the territory obtaining health insurance coverage through the Exchange; and

''(B) the premium and cost-sharing assistance provided under such agreement shall be structured in such a manner so as to prevent any gap in assistance for individuals between the income level at which medical assistance is available through the territory's Medicaid plan under title XIX of the Social Security Act and the income level at which premium and cost-sharing assistance is available under the agreement.

''(c) APPROPRIATION AND ALLOCATION.—

''(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for purposes of payment pursuant to subsection (a) $1,000,000,000, to be available during the period beginning with 2014 and ending with 2019.

''(2) ALLOCATION.—The Secretary shall allocate the amount appropriated under paragraph (1) among the territories for purposes of carrying out this section as follows:

''(A) For Puerto Rico, $925,000,000.

''(B) For another territory, the portion of $75,000,000 specified by the Secretary.''.

(b) MEDICAID FUNDING.—

(1) INCREASE IN FUNDING CAPS.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)), as amended by section 2005(a) of the Patient Protection and Affordable Care Act, is amended—

(A) in paragraph (2), by inserting ''and section 1323(a)(2) of the Patient Protection and Affordable Care Act'' after ''subject to''; and

(B) by striking paragraph (5) and inserting the following:

''(5) ADDITIONAL INCREASE.—The Secretary shall increase the amounts otherwise determined under this subsection for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa (after the application of subsection (f) and the preceding paragraphs of this subsection) for the period beginning July 1, 2011, and ending on September 30, 2019, by such amounts that the total additional payments under title XIX to such territories equals $6,300,000,000 for such period. The Secretary shall increase such amounts in proportion to the amounts applicable to such territories under this subsection and subsection (f) on the date of enactment of this paragraph.''.

(2) DISREGARD OF PAYMENTS; INCREASED FMAP.—Section 2005 of the Patient Protection and Affordable Care Act is amended—

(A) by repealing subsection (b) (and the amendments made by that subsection) and section 1108(g)(4) of the Social Security Act shall be applied as if such amendments had never been enacted; and

(B) in subsection (c)(2), by striking ''January'' and inserting ''July''.

SEC. 1205. DELAY IN COMMUNITY FIRST CHOICE OPTION.

Section 1915(k)(1) of the Social Security Act (42 U.S.C. 1396n(k)), as added by section 2401 of the Patient Protection and Affordable Care Act, is amended by striking ''October 1, 2010'' and inserting ''October 1, 2011''.

SEC. 1206. DRUG REBATES FOR NEW FORMULATIONS OF EXISTING DRUGS.

(a) TREATMENT OF NEW FORMULATIONS.—Subparagraph (C) of section 1927(c)(2) of the Social Security Act (42 U.S.C. 1396r–8(c)(2)), as added by section 2501(d) of the Patient Protection and Affordable Care Act, is amended to read as follows:

''(C) TREATMENT OF NEW FORMULATIONS.—In the case of a drug that is a line extension of a single source drug or an innovator multiple source drug that is an oral solid dosage form, the rebate obligation with respect to such drug under this section shall be the amount computed under this section for such new drug or, if greater, the product of—

''(i) the average manufacturer price of the line extension of a single source drug or an innovator multiple source drug that is an oral solid dosage form;

''(ii) the highest additional rebate (calculated as a percentage of average manufacturer price) under this section for any strength of the original single source drug or innovator multiple source drug; and

''(iii) the total number of units of each dosage form and strength of the line extension product paid for under the State plan in the rebate period (as reported by the State).

In this subparagraph, the term 'line extension' means, with respect to a drug, a new formulation of the drug, such as an extended release formulation.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Patient Protection and Affordable Care Act.

Subtitle D—Reducing Fraud, Waste, and Abuse

SEC. 1301. COMMUNITY MENTAL HEALTH CENTERS.

(a) IN GENERAL.—Section 1861(ff)(3)(B) of the Social Security Act (42 U.S.C. 1395x(ff)(3)(B)) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following:

''(iii) provides at least 40 percent of its services to individuals who are not eligible for benefits under this title; and''.

(b) RESTRICTION.—Section 1861(ff)(3)(A) of such Act (42 U.S.C. 1395x(ff)(3)(A)) is amended by inserting ''other than in an individual's home or in an inpatient or residential setting'' before the period.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the first day of the first calendar quarter that begins at least 12 months after the date of the enactment of this Act.

SEC. 1302. MEDICARE PREPAYMENT MEDICAL REVIEW LIMITATIONS .

Section 1874A(h) of the Social Security Act (42 U.S.C. 1395w–3a(h)) is repealed.

SEC. 1303. FUNDING TO FIGHT FRAUD, WASTE, AND ABUSE.

(a) FUNDING TO FIGHT FRAUD, WASTE, AND ABUSE.—

(1) IN GENERAL.—Section 1817(k) of the Social Security Act (42 U.S.C. 1395i(k)), as amended by section 6402(i) of the Patient Protection and Affordable Care Act, is further amended—

(A) by adding at the end the following new paragraph:

''(8) ADDITIONAL FUNDING.—

''(A) IN GENERAL.—In addition to the funds otherwise appropriated to the Account from the Trust Fund under paragraphs (3)(C) and (4)(A) and for purposes described in paragraphs (3)(C) and (4)(A), there are hereby appropriated to such Account from such Trust Fund the following additional amounts:

''(i) For fiscal year 2011, $95,000,000.

''(ii) For fiscal year 2012, $55,000,000.

''(iii) For each of fiscal years 2013 and 2014, $30,000,000.

''(iv) For each of fiscal years 2015 and 2016, $20,000,000.

''(B) ALLOCATION.—The funds appropriated under this paragraph shall be allocated in the same proportion as the total funding appropriated with respect to paragraphs (3)(A) and (4)(A) was allocated with respect to fiscal year 2010, and shall be available without further appropriation until expended.''; and

(B) in paragraph (4)(A), by inserting ''for activities described in paragraph (3)(C) and'' after ''necessary''.

(b) MEDICAID INTEGRITY PROGRAM.—Section 1936(e)(1) of such Act (42 U.S.C. 1396–u6(e)(1)) is amended—

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

(2) in subparagraph (C)—

(A) by striking ''for each fiscal year thereafter'' and inserting ''for each of fiscal years 2009 and 2010''; and

(B) by striking the period and inserting ''; and''; and

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

''(D) for each fiscal year after fiscal year 2010, the amount appropriated under this paragraph

for the previous fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) over the previous year.''.

SEC. 1304. 90-DAY PERIOD OF ENHANCED OVERSIGHT FOR INITIAL CLAIMS OF DME SUPPLIERS.

Section 1866(j), as amended by section 6401 of the Patient Protection and Affordable Care Act, is further amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) 90-DAY PERIOD OF ENHANCED OVERSIGHT FOR INITIAL CLAIMS OF DME SUPPLIERS.—For periods beginning after January 1, 2011, if the Secretary determines that there is a significant risk of fraudulent activity among suppliers of durable medical equipment, in the case of a supplier of durable medical equipment who is within a category or geographic area under title XVIII identified pursuant to such determination and who is initially enrolling under such title, the Secretary shall, notwithstanding sections 1816(c), 1842(c), and 1869(a)(2), withhold payment under such title with respect to durable medical equipment furnished by such supplier during the 90-day period beginning on the date of the first submission of a claim under such title for durable medical equipment furnished by such supplier.''.

Subtitle E—Provisions Relating to Revenue

SEC. 1401. HIGH-COST PLAN EXCISE TAX.

(a) IN GENERAL.—Section 4980I of the Internal Revenue Code of 1986, as added by section 9001 of the Patient Protection and Affordable Care Act and amended by section 10901 of such Act, is amended—

(1) in subsection (b)(3)(B)—

(A) by striking ''The annual'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), the annual'', and

(B) by adding at the end the following new clause:

''(ii) MULTIEMPLOYER PLAN COVERAGE.—Any coverage provided under a multiemployer plan (as defined in section 414(f)) shall be treated as coverage other than self-only coverage.'',

(2) in subsection (b)(3)(C)—

(A) by striking ''Except as provided in subparagraph (D)—''

(B) in clause (i)—

(i) by striking ''2013'' each place it appears in the heading and the text and inserting ''2018'',

(ii) by striking ''$8,500'' in subclause (I) and inserting ''$10,200 multiplied by the health cost adjustment percentage (determined by only taking into account self-only coverage)'', and

(iii) by striking ''$23,000'' in subclause (II) and inserting ''$27,500 multiplied by the health cost adjustment percentage (determined by only taking into account coverage other than self-only coverage)'',

(C) by redesignating clauses (ii) and (iii) as clauses (iv) and (v), respectively, and by inserting after clause (i) the following new clauses:

''(ii) HEALTH COST ADJUSTMENT PERCENTAGE.—For purposes of clause (i), the health cost adjustment percentage is equal to 100 percent plus the excess (if any) of—

''(I) the percentage by which the per employee cost for providing coverage under the Blue Cross/Blue Shield standard benefit option under the Federal Employees Health Benefits Plan for plan year 2018 (determined by using the benefit package for such coverage in 2010) exceeds such cost for plan year 2010, over

''(II) 55 percent.

''(iii) AGE AND GENDER ADJUSTMENT.—

''(I) IN GENERAL.—The amount determined under subclause (I) or (II) of clause (i), whichever is applicable, for any taxable period shall be increased by the amount determined under subclause (II).

''(II) AMOUNT DETERMINED.—The amount determined under this subclause is an amount equal to the excess (if any) of—

''(aa) the premium cost of the Blue Cross/Blue Shield standard benefit option under the Federal Employees Health Benefits Plan for the type of coverage provided such individual in such taxable period if priced for the age and gender characteristics of all employees of the individual's employer, over

''(bb) that premium cost for the provision of such coverage under such option in such taxable period if priced for the age and gender characteristics of the national workforce.''.

(D) in clause (iv), as redesignated by subparagraph (C)—

(i) by inserting ''covered by the plan'' after ''whose employees'', and

(ii) by striking subclauses (I) and (II) and inserting the following:

''(I) the dollar amount in clause (i)(I) shall be increased by $1,650, and

''(II) the dollar amount in clause (i)(II) shall be increased by $3,450,'', and

(E) in clause (v), as redesignated by subparagraph (C)—

(i) by striking ''2013'' and inserting ''2018'',

(ii) by striking ''clauses (i) and (ii)'' and inserting ''clauses (i) (after the application of clause (ii)) and (iv)'', and

(iii) by inserting ''in the case of determinations for calendar years beginning before 2020'' after ''1 percentage point'' in subclause (II) thereof,

(3) by striking subparagraph (D) of subsection (b)(3),

(4) in subsection (d)(1)(B), by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following new clause:

''(ii) any coverage under a separate policy, certificate, or contract of insurance which provides benefits substantially all of which are for treatment of the mouth (including any organ or structure within the mouth) or for treatment of the eye, or'', and

(5) in subsection (d), by adding at the end the following new paragraph:

''(3) EMPLOYEE.—The term 'employee' includes any former employee, surviving spouse, or other primary insured individual.''.

(b) EFFECTIVE DATES.—

(1) Section 9001(c) of the Patient Protection and Affordable Care Act is amended by striking ''2012'' and inserting ''2017''.

(2) Section 10901(c) of the Patient Protection and Affordable Care Act is amended by striking ''2012'' and inserting ''2017''.

SEC. 1402. UNEARNED INCOME MEDICARE CONTRIBUTION.

(a) INVESTMENT INCOME.—

(1) IN GENERAL.—Subtitle A of the Internal Revenue Code of 1986 is amended by inserting after chapter 2 the following new chapter:

''CHAPTER 2A—UNEARNED INCOME MEDICARE CONTRIBUTION

''Sec. 1411. Imposition of tax.

''SEC. 1411. IMPOSITION OF TAX.

''(a) IN GENERAL.—Except as provided in subsection (e)—

''(1) APPLICATION TO INDIVIDUALS.—In the case of an individual, there is hereby imposed (in addition to any other tax imposed by this subtitle) for each taxable year a tax equal to 3.8 percent of the lesser of—

''(A) net investment income for such taxable year, or

''(B) the excess (if any) of—

''(i) the modified adjusted gross income for such taxable year, over

''(ii) the threshold amount.

''(2) APPLICATION TO ESTATES AND TRUSTS.—In the case of an estate or trust, there is hereby imposed (in addition to any other tax imposed by this subtitle) for each taxable year a tax of 3.8 percent of the lesser of—

''(A) the undistributed net investment income for such taxable year, or

''(B) the excess (if any) of—

''(i) the adjusted gross income (as defined in section 67(e)) for such taxable year, over

''(ii) the dollar amount at which the highest tax bracket in section 1(e) begins for such taxable year.

''(b) THRESHOLD AMOUNT.—For purposes of this chapter, the term 'threshold amount' means—

''(1) in the case of a taxpayer making a joint return under section 6013 or a surviving spouse (as defined in section 2(a)), $250,000,

''(2) in the case of a married taxpayer (as defined in section 7703) filing a separate return, ½ of the dollar amount determined under paragraph (1), and

''(3) in any other case, $200,000.

''(c) NET INVESTMENT INCOME.—For purposes of this chapter—

''(1) IN GENERAL.—The term 'net investment income' means the excess (if any) of—

''(A) the sum of—

''(i) gross income from interest, dividends, annuities, royalties, and rents, other than such income which is derived in the ordinary course of a trade or business not described in paragraph (2),

''(ii) other gross income derived from a trade or business described in paragraph (2), and

''(iii) net gain (to the extent taken into account in computing taxable income) attributable to the disposition of property other than property held in a trade or business not described in paragraph (2), over

''(B) the deductions allowed by this subtitle which are properly allocable to such gross income or net gain.

''(2) TRADES AND BUSINESSES TO WHICH TAX APPLIES.—A trade or business is described in this paragraph if such trade or business is—

''(A) a passive activity (within the meaning of section 469) with respect to the taxpayer, or

''(B) a trade or business of trading in financial instruments or commodities (as defined in section 475(e)(2)).

''(3) INCOME ON INVESTMENT OF WORKING CAPITAL SUBJECT TO TAX.—A rule similar to the rule of section 469(e)(1)(B) shall apply for purposes of this subsection.

''(4) EXCEPTION FOR CERTAIN ACTIVE INTERESTS IN PARTNERSHIPS AND S CORPORATIONS.—In the case of a disposition of an interest in a partnership or S corporation—

''(A) gain from such disposition shall be taken into account under clause (iii) of paragraph (1)(A) only to the extent of the net gain which would be so taken into account by the transferor if all property of the partnership or S corporation were sold for fair market value immediately before the disposition of such interest, and

''(B) a rule similar to the rule of subparagraph (A) shall apply to a loss from such disposition.

''(5) EXCEPTION FOR DISTRIBUTIONS FROM QUALIFIED PLANS.—The term 'net investment income' shall not include any distribution from a plan or arrangement described in section 401(a), 403(a), 403(b), 408, 408A, or 457(b).

''(6) SPECIAL RULE.—Net investment income shall not include any item taken into account in determining self-employment income for such taxable year on which a tax is imposed by section 1401(b).

''(d) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this chapter, the term 'modified adjusted gross income' means adjusted gross income increased by the excess of—

''(1) the amount excluded from gross income under section 911(a)(1), over

''(2) the amount of any deductions (taken into account in computing adjusted gross income) or exclusions disallowed under section 911(d)(6) with respect to the amounts described in paragraph (1).

''(e) NONAPPLICATION OF SECTION.—This section shall not apply to—

''(1) a nonresident alien, or

''(2) a trust all of the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).''.

(2) ESTIMATED TAXES.—Section 6654 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (a), by striking ''and the tax under chapter 2'' and inserting ''the tax under chapter 2, and the tax under chapter 2A'', and

(B) in subsection (f)—

(i) by striking ''minus'' at the end of paragraph (2) and inserting ''plus'', and

(ii) by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following new paragraph:

''(3) the taxes imposed by chapter 2A, minus''.

(3) CLERICAL AMENDMENT.—The table of chapters for subtitle A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 2 the following new item:

''CHAPTER 2A—UNEARNED INCOME MEDICARE CONTRIBUTION''.

(4) EFFECTIVE DATES.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2012.

(b) EARNED INCOME.—

(1) THRESHOLD.—

(A) FICA.—Paragraph (2) of section 3101(b) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act, is amended by striking ''and'' at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

''(B) in the case of a married taxpayer (as defined in section 7703) filing a separate return, ½ of the dollar amount determined under subparagraph (A), and''.

(B) SECA.—Section 1401(b)(2) of the Internal Revenue Code of 1986, as added by section 9015 of the Patient Protection and Affordable Care Act and amended by section 10906 of such Act, is amended—

(i) in subparagraph (A), by striking ''and'' at the end of clause (i), by redesignating clause (ii) as clause (iii), and by inserting after clause (i) the following new clause:

''(ii) in the case of a married taxpayer (as defined in section 7703) filing a separate return, ½ of the dollar amount determined under clause (i), and'', and

(ii) in subparagraph (B), by striking ''under clauses (i) and (ii)'' and inserting ''under clause (i), (ii), or (iii) (whichever is applicable)''.

(2) ESTIMATED TAXES.—Section 6654 of the Internal Revenue Code of 1986 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULE FOR MEDICARE TAX.—For purposes of this section, the tax imposed under section 3101(b)(2) (to the extent not withheld) shall be treated as a tax imposed under chapter 2.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to remuneration received, and taxable years beginning after, December 31, 2012.

SEC. 1403. DELAY OF LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.

(a) IN GENERAL.—Section 10902(b) of the Patient Protection and Affordable Care Act is amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

(b) INFLATION ADJUSTMENT.—Paragraph (2) of section 125(i) of the Internal Revenue Code of 1986, as added by section 9005 of the Patient Protection and Affordable Care Act and amended by section 10902 of such Act, is amended—

(1) in the matter preceding subparagraph (A), by striking ''December 31, 2011'' and inserting ''December 31, 2013'', and

(2) in subparagraph (B), by striking ''2010'' and inserting ''2012''.

SEC. 1404. BRAND NAME PHARMACEUTICALS.

(a) IN GENERAL.—Section 9008 of the Patient Protection and Affordable Care Act is amended—

(1) in subsection (a)(1), by striking ''2009'' and inserting ''2010'',

(2) in subsection (b)—

(A) by striking ''$2,300,000,000'' in paragraph (1) and inserting ''the applicable amount'', and

(B) by adding at the end the following new paragraph:

''(4) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount shall be determined in accordance with the following table:

''Calendar year	*Applicable amount*
2011	*$2,500,000,000*
2012	*$2,800,000,000*
2013	*$2,800,000,000*
2014	*$3,000,000,000*
2015	*$3,000,000,000*
2016	*$3,000,000,000*
2017	*$4,000,000,000.*
2018	*$4,100,000,000*
2019 and thereafter	*$2,800,000,000.'',*

(3) in subsection (d), by adding at the end the following new paragraph:

''(3) JOINT AND SEVERAL LIABILITY.—If more than one person is liable for payment of the fee under subsection (a) with respect to a single covered entity by reason of the application of paragraph (2), all such persons shall be jointly and severally liable for payment of such fee.'', and

(4) by striking subsection (j) and inserting the following new subsection:

''(j) EFFECTIVE DATE.—This section shall apply to calendar years beginning after December 31, 2010.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 9008 of the Patient Protection and Affordable Care Act.

SEC. 1405. EXCISE TAX ON MEDICAL DEVICE MANUFACTURERS.

(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended—

(1) by inserting after subchapter D the following new subchapter:

''Subchapter E—Medical Devices

''Sec. 4191. Medical devices.

''SEC. 4191. MEDICAL DEVICES.

''(a) IN GENERAL.—There is hereby imposed on the sale of any taxable medical device by the manufacturer, producer, or importer a tax equal to 2.3 percent of the price for which so sold.

''(b) TAXABLE MEDICAL DEVICE.—For purposes of this section—

''(1) IN GENERAL.—The term 'taxable medical device' means any device (as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act) intended for humans.

''(2) EXEMPTIONS.—Such term shall not include—

''(A) eyeglasses,

''(B) contact lenses,

''(C) hearing aids, and

''(D) any other medical device determined by the Secretary to be of a type which is generally purchased by the general public at retail for individual use.'', and

(2) by inserting after the item relating to subchapter D in the table of subchapters for such chapter the following new item:

''SUBCHAPTER E. MEDICAL DEVICES.''.

(b) CERTAIN EXEMPTIONS NOT TO APPLY.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''In the case of the tax imposed by section 4191, paragraphs (3), (4), (5), and (6) shall not apply.''.

(2) Section 6416(b)(2) of such Code is amended by adding at the end the following: ''In the case of the tax imposed by section 4191, subparagraphs (B), (C), (D), and (E) shall not apply.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after December 31, 2012.

(d) REPEAL OF SECTION 9009 OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.—Section 9009 of the Patient Protection and Affordable Care Act, as amended by section 10904 of such Act, is repealed effective as of the date of enactment of that Act.

SEC. 1406. HEALTH INSURANCE PROVIDERS.

(a) IN GENERAL.—Section 9010 of the Patient Protection and Affordable Care Act, as amended by section 10905 of such Act, is amended—

(1) in subsection (a)(1), by striking ''2010'' and inserting ''2013'',

(2) in subsection (b)(2)—

(A) by striking ''For purposes of paragraph (1), the net premiums'' and inserting ''For purposes of paragraph (1)—

''(A) IN GENERAL.—The net premiums'', and

(B) by adding at the end the following subparagraph:

''(B) PARTIAL EXCLUSION FOR CERTAIN EXEMPT ACTIVITIES.—After the application of subparagraph (A), only 50 percent of the remaining net premiums written with respect to health insurance for any United States health risk that are attributable to the activities (other than activities of an unrelated trade or business as defined in section 513 of the Internal Revenue Code of 1986) of any covered entity qualifying under paragraph (3), (4), (26), or (29) of section 501(c) of such Code and exempt from tax under section 501(a) of such Code shall be taken into account.'',

(3) in subsection (c)—

(A) by inserting ''during the calendar year in which the fee under this section is due'' in paragraph (1) after ''risk'',

(B) in paragraph (2), by striking subparagraphs (C), (D), and (E) and inserting the following new subparagraphs:

''(C) any entity—

''(i) which is incorporated as a nonprofit corporation under a State law,

''(ii) no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in section 501(h) of the Internal Revenue Code of 1986), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office, and

''(iii) more than 80 percent of the gross revenues of which is received from government programs that target low-income, elderly, or disabled populations under titles XVIII, XIX, and XXI of the Social Security Act, and

''(D) any entity which is described in section 501(c)(9) of such Code and which is established by an entity (other than by an employer or employers) for purposes of providing health care benefits.'',

(C) in paragraph (3)(A), by striking ''subparagraph (C)(i)(I), (D)(i)(I), or (E)(i)'' and inserting ''subparagraph (C) or (D)'', and

(D) by adding at the end the following new paragraph:

''(4) JOINT AND SEVERAL LIABILITY.—If more than one person is liable for payment of the fee under subsection (a) with respect to a single covered entity by reason of the application of paragraph (3), all such persons shall be jointly and severally liable for payment of such fee.'',

(4) by striking subsection (e) and inserting the following:

''(e) APPLICABLE AMOUNT.—For purposes of subsection (b)(1)—

''(1) YEARS BEFORE 2019.—In the case of calendar years beginning before 2019, the applicable amount shall be determined in accordance with the following table:

''Calendar year	*Applicable amount*
2014	*$8,000,000,000*
2015	*$11,300,000,000*
2016	*$11,300,000,000*
2017	*$13,900,000,000*
2018	*$14,300,000,000.*

''(2) YEARS AFTER 2018.—In the case of any calendar year beginning after 2018, the applicable amount shall be the applicable amount for the preceding calendar year increased by the rate of premium growth (within the meaning of section 36B(b)(3)(A)(ii) of the Internal Revenue Code of 1986) for such preceding calendar year.'',

(5) in subsection (g), by adding at the end the following new paragraphs:

''(3) ACCURACY-RELATED PENALTY.—

''(A) IN GENERAL.—In the case of any understatement of a covered entity's net premiums written with respect to health insurance for any United States health risk for any calendar year, there shall be paid by the covered entity making such understatement, an amount equal to the excess of—

''(i) the amount of the covered entity's fee under this section for the calendar year the Secretary determines should have been paid in the absence of any such understatement, over

''(ii) the amount of such fee the Secretary determined based on such understatement.

''(B) UNDERSTATEMENT.—For purposes of this paragraph, an understatement of a covered entity's net premiums written with respect to health insurance for any United States health risk for any calendar year is the difference between the amount of such net premiums written as reported on the return filed by the covered entity under paragraph (1) and the amount of such net premiums written that should have been reported on such return.

''(C) TREATMENT OF PENALTY.—The penalty imposed under subparagraph (A) shall be subject to the provisions of subtitle F of the Internal Revenue Code of 1986 that apply to assessable penalties imposed under chapter 68 of such Code.

''(4) TREATMENT OF INFORMATION.—Section 6103 of the Internal Revenue Code of 1986 shall not apply to any information reported under this subsection.'', and

(6) by striking subsection (j) and inserting the following new subsection:

''(j) EFFECTIVE DATE.—This section shall apply to calendar years beginning after December 31, 2013.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 9010 of the Patient Protection and Affordable Care Act.

SEC. 1407. DELAY OF ELIMINATION OF DEDUCTION FOR EXPENSES ALLOCABLE TO MEDICARE PART D SUBSIDY.

Section 9012(b) of the Patient Protection and Affordable Care Act is amended by striking ''2010'' and inserting ''2012''.

SEC. 1408. ELIMINATION OF UNINTENDED APPLICATION OF CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(b)(6)(E) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

''(iii) EXCLUSION OF UNPROCESSED FUELS.—The term 'cellulosic biofuel' shall not include any fuel if—

''(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment, or

''(II) the ash content of such fuel is more than 1 percent (determined by weight).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 1409. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE AND PENALTIES.

(a) IN GENERAL.—Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

''(1) APPLICATION OF DOCTRINE.—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

''(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

''(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

''(2) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—

''(A) IN GENERAL.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

''(B) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses shall be taken into account as expenses in determining pre-tax profit under subparagraph (A). The Secretary shall issue regulations requiring foreign taxes to be treated as expenses in determining pre-tax profit in appropriate cases.

''(3) STATE AND LOCAL TAX BENEFITS.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

''(4) FINANCIAL ACCOUNTING BENEFITS.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if the origin of such financial accounting benefit is a reduction of Federal income tax.

''(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(C) DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

''(D) TRANSACTION.—The term 'transaction' includes a series of transactions.''.

(b) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

''(6) Any disallowance of claimed tax benefits by reason of a transaction lacking economic substance (within the meaning of section 7701(o)) or failing to meet the requirements of any similar rule of law.''.

(2) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Section 6662 is amended by adding at the end the following new subsection:

''(i) INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—

''(1) IN GENERAL.—In the case of any portion of an underpayment which is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.

''(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term 'nondisclosed noneconomic substance transaction' means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—In no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.''.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended—

(A) by striking ''section 6662(h)'' and inserting ''subsections (h) or (i) of section 6662''; and

(B) by striking ''GROSS VALUATION MISSTATEMENT PENALTY'' in the heading and inserting ''CERTAIN INCREASED UNDERPAYMENT PENALTIES''.

(c) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.—

(1) REASONABLE CAUSE EXCEPTION FOR UNDERPAYMENTS.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking ''paragraph (2)'' in paragraph (4)(A), as so redesignated, and inserting ''paragraph (3)''; and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment which is attributable to one or more transactions described in section 6662(b)(6).''.

(2) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—Subsection (d) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking ''paragraph (2)(C)'' in paragraph (4), as so redesignated, and inserting ''paragraph (3)(C)''; and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a reportable transaction understatement which is attributable to one or more transactions described in section 6662(b)(6).''.

(d) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

''(c) NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

(2) UNDERPAYMENTS.—The amendments made by subsections (b) and (c)(1) shall apply to underpayments attributable to transactions entered into after the date of the enactment of this Act.

(3) UNDERSTATEMENTS.—The amendments made by subsection (c)(2) shall apply to understatements attributable to transactions entered into after the date of the enactment of this Act.

(4) REFUNDS AND CREDITS.—The amendment made by subsection (d) shall apply to refunds and credits attributable to transactions entered into after the date of the enactment of this Act.

SEC. 1410. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 15.75 percentage points.

Subtitle F—Other Provisions

SEC. 1501. COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.

Section 279(b) of the Trade Act of 1974 (19 U.S.C. 2372a(b)) is amended by striking ''SUPPLEMENT'' and all that follows through ''Funds'' and inserting ''There are'' and by striking ''pursuant'' and all that follows and inserting ''$500,000,000 for each of fiscal years 2011, 2012, 2013, and 2014 to carry out this subchapter, except that the limitations contained in

section 278(a)(2) shall not apply to such funds and each State shall receive not less than 0.5 percent of the amount appropriated pursuant to this subsection for each such fiscal year.''.

TITLE II—EDUCATION AND HEALTH

Subtitle A—Education

SEC. 2001. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the ''SAFRA Act''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

PART I—INVESTING IN STUDENTS AND FAMILIES

SEC. 2101. FEDERAL PELL GRANTS.

(a) AMOUNT OF GRANTS.—Section 401(b) (20 U.S.C. 1070a(b)) is amended—

(1) by amending paragraph (2)(A) to read as follows:

''(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

''(i) the maximum Federal Pell Grant, as specified in the last enacted appropriation Act applicable to that award year, plus

''(ii) the amount of the increase calculated under paragraph (8)(B) for that year, less

''(iii) an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.''; and

(2) in paragraph (8)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking '', to carry out subparagraph (B) of this paragraph''; and

(ii) by striking clauses (iii) through (x) and inserting the following:

''(iii) to carry out subparagraph (B) of this paragraph, such sums as may be necessary for fiscal year 2010 and each subsequent fiscal year to provide the amount of increase of the maximum Federal Pell Grant required by clauses (ii) and (iii) of subparagraph (B); and

''(iv) to carry out this section, $13,500,000,000 for fiscal year 2011.'';

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''subparagraph (A)'' and inserting ''clauses (i) through (iii) of subparagraph (A)'';

(ii) in clause (ii), by striking ''and 2011–2012'' and inserting '', 2011 092012, and 2012–2013''; and

(iii) by striking clause (iii) and inserting the following:

''(iii) the amount determined under subparagraph (C) for each succeeding award year.'';

(C) by striking subparagraph (C) and inserting the following:

''(C) ADJUSTMENT AMOUNTS.—

''(i) AWARD YEAR 2013–2014.—For award year 2013–2014, the amount determined under this subparagraph for purposes of subparagraph (B)(iii) shall be equal to—

''(I) $5,550 or the total maximum Federal Pell Grant for the preceding award year (as determined under clause (v)(II)), whichever is greater, increased by a percentage equal to the annual adjustment percentage for award year 2013–2014; reduced by

''(II) $4,860 or the maximum Federal Pell Grant for which a student was eligible for the preceding award year, as specified in the last enacted appropriation Act applicable to that year, whichever is greater; and

''(III) rounded to the nearest $5.

''(ii) AWARD YEARS 2014–2015 THROUGH 2017–2018.—For each of the award years 2014–2015 through 2017–2018, the amount determined under this subparagraph for purposes of subparagraph (B)(iii) shall be equal to—

''(I) the total maximum Federal Pell Grant for the preceding award year (as determined under clause (v)(II)), increased by a percentage equal to the annual adjustment percentage for the award year for which the amount under this subparagraph is being determined; reduced by

''(II) $4,860 or the maximum Federal Pell Grant for which a student was eligible for the preceding award year, as specified in the last enacted appropriation Act applicable to that year, whichever is greater; and

''(III) rounded to the nearest $5.

''(iii) SUBSEQUENT AWARD YEARS.—For award year 2018–2019 and each subsequent award year, the amount determined under this subparagraph for purposes of subparagraph (B)(iii) shall be equal to the amount determined under clause (ii) for award year 2017–2018.

''(iv) LIMITATION ON DECREASES.—Notwithstanding clauses (i), (ii), and (iii), if the amount determined under clause (i), (ii), or (iii) for a particular award year is less than the amount determined under this paragraph for the award year preceding that particular award year, then the amount determined under such clause for that particular award year shall be the amount determined under this paragraph for the preceding award year.

''(v) DEFINITIONS.—For purposes of this subparagraph—

''(I) the term 'annual adjustment percentage' as applied to an award year, is equal to the estimated percentage change in the Consumer Price Index (as determined by the Secretary, using the definition in section 478(f)) for the most recent calendar year ending prior to the beginning of that award year; and

''(II) the term 'total maximum Federal Pell Grant' as applied to a preceding award year, is equal to the sum of—

''(aa) the maximum Federal Pell Grant for which a student is eligible during an award year, as specified in the last enacted appropriation Act applicable to that preceding award year; and

''(bb) the amount of the increase in the maximum Federal Pell Grant required by this paragraph for that preceding award year.'';

(D) by striking subparagraph (E); and

(E) by redesignating subparagraph (F) as subparagraph (E).

(b) CONFORMING AMENDMENTS.—Title IV (20 U.S.C. 1070 et seq.) is further amended—

(1) in section 401(b) (20 U.S.C. 1070a(b))—

(A) in paragraph (4)—

(i) by striking ''maximum basic grant level specified in the appropriate appropriation Act'' and inserting ''maximum amount of a Federal Pell Grant award determined under paragraph (2)(A)''; and

(ii) by striking ''such level'' each place it appears and inserting ''such Federal Pell Grant amount'' in each such place; and

(B) in paragraph (6), by striking ''the grant level specified in the appropriate Appropriation Act for this subpart for such year'' and inserting ''the maximum amount of a Federal Pell Grant award determined under paragraph (2)(A), for which a student is eligible during such award year'';

(2) in section 402D(d)(1) (20 U.S.C. 1070a–14(d)(1)), by striking ''exceed the maximum'' and all that follows through ''Grant, for'' and inserting ''exceed the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student is eligible, or be less than the minimum Federal Pell Grant amount described in section 401(b)(4), for'';

(3) in section 435(a)(5)(A)(i)(I) (20 U.S.C. 1085(a)(5)(A)(i)(I)), by striking ''one-half the maximum Federal Pell Grant award for which a student would be eligible'' and inserting ''one-half the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student would be eligible'';

(4) in section 483(e)(3)(A)(ii) (20 U.S.C. 1090(e)(3)(A)(ii)), by striking ''based on the maximum Federal Pell Grant award at the time of application'' and inserting ''based on the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student is eligible at the time of application'';

(5) in section 485E(b)(1)(A) (20 U.S.C. 1092f(b)(1)(A)), by striking ''of such students' potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A'' and inserting ''of such students' potential eligibility for the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which the student would be eligible''; and

(6) in section 894(f)(2)(C)(ii)(I) (20 U.S.C. 1161y(f)(2)(C)(ii)(I)), by striking ''the maximum Federal Pell Grant for each award year'' and inserting ''the Federal Pell Grant amount, determined under section 401(b)(2)(A), for which a student may be eligible for each award year''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2010.

SEC. 2102. COLLEGE ACCESS CHALLENGE GRANT PROGRAM.

Section 781 (20 U.S.C. 1141) is amended—

(1) in the first sentence of subsection (a), by striking ''$66,000,000'' and all that follows through the period and inserting ''$150,000,000 for each of the fiscal years 2010 through 2014. The authority to award grants under this section shall expire at the end of fiscal year 2014.''; and

(2) in subsection (c)(2), by striking ''0.5 percent'' and inserting ''1.0 percent''.

SEC. 2103. INVESTMENT IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS.

Section 371(b)(1)(A) (20 U.S.C. 1067q(b)(1)(A)) is amended by striking ''and 2009.'' and all that follows and inserting ''through 2019. The authority to award grants under this section shall expire at the end of fiscal year 2019.''.

PART II—STUDENT LOAN REFORM

SEC. 2201. TERMINATION OF FEDERAL FAMILY EDUCATION LOAN APPROPRIATIONS.

Section 421 (20 U.S.C. 1071) is amended—

(1) in subsection (b), in the first sentence of the matter following paragraph (6), by inserting '', except that no sums may be expended after June 30, 2010, with respect to loans under this part for which the first disbursement is after such date'' after ''expended''; and

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

''(d) TERMINATION OF AUTHORITY TO MAKE OR INSURE NEW LOANS.—Notwithstanding paragraphs (1) through (6) of subsection (b) or any other provision of law—

''(1) no new loans (including consolidation loans) may be made or insured under this part after June 30, 2010; and

''(2) no funds are authorized to be appropriated, or may be expended, under this Act or any other Act to make or insure loans under this part (including consolidation loans) for which the first disbursement is after June 30, 2010,

except as expressly authorized by an Act of Congress enacted after the date of enactment of the SAFRA Act.''.

SEC. 2202. TERMINATION OF FEDERAL LOAN INSURANCE PROGRAM.

Section 424(a) (20 U.S.C. 1074(a)) is amended by striking ''September 30, 1976,'' and all that follows and inserting ''September 30, 1976, for each of the succeeding fiscal years ending prior to October 1, 2009, and for the period from October 1, 2009, to June 30, 2010, for loans first disbursed on or before June 30, 2010.''.

SEC. 2203. TERMINATION OF APPLICABLE INTEREST RATES.

Section 427A(l) (20 U.S.C. 1077a(l)) is amended—

(1) in the subsection heading, by inserting ''AND BEFORE JULY 1, 2010'' after ''2006'';

(2) in paragraph (1), by inserting ''and before July 1, 2010,'' after ''July 1, 2006,'';

(3) in paragraph (2), by inserting ''and before July 1, 2010,'' after ''July 1, 2006,'';

(4) in paragraph (3), by inserting ''and that was disbursed before July 1, 2010,'' after ''July 1, 2006,''; and

(5) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking ''July 1, 2012'' and inserting ''July 1, 2010''; and

(B) by repealing subparagraphs (D) and (E).

SEC. 2204. TERMINATION OF FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.

(a) HIGHER EDUCATION ACT OF 1965.—Section 428 (20 U.S.C. 1078) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''for which the first disbursement is made before July 1, 2010, and'' after ''eligible institution''; and

(B) in paragraph (5), by striking ''September 30, 2014,'' and all that follows through the period and inserting ''June 30, 2010.'';

(2) in subsection (b)(1)—

(A) in subparagraph (G)(ii), by inserting ''and before July 1, 2010,'' after ''July 1, 2006,''; and

(B) in subparagraph (H)(ii), by inserting ''and that are first disbursed before July 1, 2010,'' after ''July 1, 2006,'';

(3) in subsection (f)(1)(A)(ii)—

(A) by striking ''during fiscal years beginning''; and

(B) by inserting ''and first disbursed before July 1, 2010,'' after ''October 1, 2003,''; and

(4) in subsection (j)(1), by inserting '', before July 1, 2010,'' after ''section 435(d)(1)(D) of this Act shall''.

(b) COLLEGE COST REDUCTION AND ACCESS ACT.—Section 303 of the College Cost Reduction and Access Act (Public Law 110–84) is repealed.

SEC. 2205. TERMINATION OF FFEL PLUS LOANS.

Section 428B(a)(1) (20 U.S.C. 1078–2(a)(1)) is amended by striking ''A graduate'' and inserting ''Prior to July 1, 2010, a graduate''.

SEC. 2206. FEDERAL CONSOLIDATION LOANS.

(a) IN GENERAL.—Section 428C (20 U.S.C. 1078–3) is amended—

(1) in subsection (a)(4)(A), by inserting '', and first disbursed before July 1, 2010'' after ''under this part'';

(2) in subsection (b)—

(A) in paragraph (1)(E), by inserting before the semicolon '', and before July 1, 2010''; and

(B) in paragraph (5), by striking ''In the event that'' and inserting ''If, before July 1, 2010,'';

(3) in subsection (c)(1)—

(A) in subparagraph (A)(ii), by inserting ''and that is disbursed before July 1, 2010,'' after ''2006,''; and

(B) in subparagraph (C), by inserting ''and disbursed before July 1, 2010,'' after ''1994,''; and

(4) in subsection (e), by striking ''September 30, 2014.'' and inserting ''June 30, 2010. No loan may be made under this section for which the disbursement is on or after July 1, 2010.''.

(b) TEMPORARY LOAN CONSOLIDATION AUTHORITY.—Part D of title IV (20 U.S.C. 1087a et seq.) is amended by inserting after section 459A (20 U.S.C. 1087i) the following:

''SEC. 459B. TEMPORARY LOAN CONSOLIDATION AUTHORITY.

''(a) TEMPORARY LOAN CONSOLIDATION AUTHORITY.—

''(1) IN GENERAL.—A borrower who has 1 or more loans in 2 or more of the categories described in paragraph (2), and who has not yet entered repayment on 1 or more of those loans in any of the categories, may consolidate all of the loans of the borrower that are described in paragraph (2) into a Federal Direct Consolidation Loan during the period described in paragraph (3).

''(2) CATEGORIES OF LOANS THAT MAY BE CONSOLIDATED.—The categories of loans that may be consolidated under paragraph (1) are—

''(A) loans made under this part;

''(B) loans purchased by the Secretary pursuant to section 459A; and

''(C) loans made under part B that are held by an eligible lender, as such term is defined in section 435(d).

''(3) TIME PERIOD IN WHICH LOANS MAY BE CONSOLIDATED.—The Secretary may make a Federal Direct Consolidation Loan under this section to a borrower whose application for such Federal Direct Consolidation Loan is received on or after July 1, 2010, and before July 1, 2011.

''(b) TERMS OF LOANS.—A Federal Direct Consolidation Loan made under this section shall have the same terms and conditions as a Federal Direct Consolidation Loan made under section 455(g), except that—

''(1) in determining the applicable rate of interest on the Federal Direct Consolidation Loan made under this section (other than on a Federal Direct Consolidation Loan described in paragraph (2)), section 427A(l)(3) shall be applied without rounding the weighted average of the interest rate on the loans consolidated to the nearest higher one-eighth of 1 percent as described in subparagraph (A) of section 427A(l)(3); and

''(2) if a Federal Direct Consolidation Loan made under this section that repays a loan which is subject to an interest rate determined under section 427A(g)(2), (j)(2), or (k)(2), then the interest rate for such Federal Direct Consolidation Loan shall be calculated—

''(A) by using the applicable rate of interest described in section 427A(g)(2), (j)(2), or (k)(2), respectively; and

''(B) in accordance with section 427A(l)(3).''.

SEC. 2207. TERMINATION OF UNSUBSIDIZED STAFFORD LOANS FOR MIDDLE-INCOME BORROWERS.

Section 428H (20 U.S.C. 1078–8) is amended—

(1) in subsection (a), by inserting ''that are first disbursed before July 1, 2010,'' after ''under this part'';

(2) in subsection (b)—

(A) by striking ''Any student'' and inserting ''Prior to July 1, 2010, any student''; and

(B) by inserting ''for which the first disbursement is made before such date'' after ''unsubsidized Federal Stafford Loan''; and

(3) in subsection (h), by inserting ''and that are first disbursed before July 1, 2010,'' after ''July 1, 2006,''.

SEC. 2208. TERMINATION OF SPECIAL ALLOWANCES.

Section 438 (20 U.S.C. 1087–1) is amended—

(1) in subsection (b)(2)(I)—

(A) in the subclause heading, by inserting '', AND BEFORE JULY 1, 2010'' after ''2000'';

(B) in clause (i), by inserting ''and before July 1, 2010,'' after ''2000,'';

(C) in clause (ii)(II), by inserting ''and before July 1, 2010,'' after ''2006,'';

(D) in clause (iii), by inserting ''and before July 1, 2010,'' after ''2000,'';

(E) in clause (iv), by inserting ''and that is disbursed before July 1, 2010,'' after ''2000,'';

(F) in clause (v)(I), by inserting ''and before July 1, 2010,'' after ''2006,''; and

(G) in clause (vi)—

(i) in the clause heading, by inserting '', AND BEFORE JULY 1, 2010'' after ''2007''; and

(ii) in the matter preceding subclause (I), by inserting ''and before July 1, 2010,'' after ''2007,'';

(2) in subsection (c)—

(A) in paragraph (2)(B)—

(i) in clause (iii), by inserting ''and'' after the semicolon;

(ii) in clause (iv), by striking ''; and'' and inserting a period; and

(iii) by striking clause (v); and

(B) in paragraph (6), by inserting ''and first disbursed before July 1, 2010,'' after ''1992,''; and

(3) in subsection (d)(2)(B), by inserting '', and before July 1, 2010'' after ''2007''.

SEC. 2209. ORIGINATION OF DIRECT LOANS AT INSTITUTIONS OUTSIDE THE UNITED STATES.

(a) LOANS FOR STUDENTS ATTENDING INSTITUTIONS OUTSIDE THE UNITED STATES.—Section 452 (20 U.S.C. 1087b) is amended by adding at the end the following:

''(d) INSTITUTIONS OUTSIDE THE UNITED STATES.—Loan funds for students (and parents of students) attending institutions outside the United States shall be disbursed through a financial institution located or operating in the United States and designated by the Secretary to serve as the agent of such institutions with respect to the receipt of the disbursements of such loan funds and the transfer of such funds to such institutions. To be eligible to receive funds under this part, an institution outside the United States shall make arrangements with the agent designated by the Secretary under this subsection to receive funds under this part.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—Section 102 (20 U.S.C. 1002), as amended by section 102 of the Higher Education Opportunity Act (Public Law 110–315) and section 101 of Public Law 111–39, is amended—

(A) by striking ''part B'' each place the term appears and inserting ''part D'';

(B) in subsection (a)(1)(C), by inserting '', consistent with the requirements of section 452(d)'' before the period at the end; and

(C) in subsection (a)(2)(A)—

(i) in the second sentence of the matter preceding clause (i), by striking ''made, insured, or guaranteed'' and inserting ''made''; and

(ii) in clause (iii)—

(I) in subclause (III), by striking ''only Federal Stafford'' and all that follows through ''section 428B'' and inserting ''only Federal Direct Stafford Loans under section 455(a)(2)(A), Federal Direct Unsubsidized Stafford Loans under section 455(a)(2)(D), or Federal Direct PLUS Loans under section 455(a)(2)(B)''; and

(II) in subclause (V), by striking ''a Federal Stafford'' and all that follows through ''section 428B'' and inserting ''a Federal Direct Stafford Loan under section 455(a)(2)(A), a Federal Direct Unsubsidized Stafford Loan under section 455(a)(2)(D), or a Federal Direct PLUS Loan under section 455(a)(2)(B)''.

(2) EFFECTIVE DATE.—The amendments made by subparagraph (C) of paragraph (1) shall be effective on July 1, 2010, as if enacted as part of section 102(a)(1) of the Higher Education Opportunity Act (Public Law 110–315) and subject to section 102(e) of such Act as amended by section 101(a)(2) of Public Law 111–39 (20 U.S.C. 1002 note).

SEC. 2210. CONFORMING AMENDMENTS.

(a) AMENDMENTS.—Section 454 (20 U.S.C. 1087d) is amended—

(1) in subsection (a)—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively; and

(2) in subsection (b)(2), by striking ''(5), (6), and (7)'' and inserting ''(5), and (6)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2010.

SEC. 2211. TERMS AND CONDITIONS OF LOANS.

(a) IN GENERAL.—Section 455 (20 U.S.C. 1087e) is amended—

(1) in subsection (a)(1), by inserting '', and first disbursed on June 30, 2010,'' before ''under sections 428''; and

(2) in subsection (g)—

(A) by inserting '', including any loan made under part B and first disbursed before July 1, 2010'' after ''section 428C(a)(4)''; and

(B) by striking the third sentence.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall apply with respect to loans first disbursed under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) on or after July 1, 2010.

SEC. 2212. CONTRACTS; MANDATORY FUNDS.

(a) CONTRACTS.—Section 456 (20 U.S.C. 1087f) is amended—

(1) in subsection (a)—

(A) by inserting after paragraph (3) the following new paragraph:

''(4) SERVICING BY ELIGIBLE NOT-FOR-PROFIT SERVICERS.—

''(A) SERVICING CONTRACTS.—

''(i) IN GENERAL.—The Secretary shall contract with each eligible not-for-profit servicer to service loans originated under this part, if the servicer—

''(I) meets the standards for servicing Federal assets that apply to contracts awarded pursuant to paragraph (1); and

''(II) has the capacity to service the applicable loan volume allocation described in subparagraph (B).

''(ii) COMPETITIVE MARKET RATE DETERMINATION FOR FIRST 100,000 BORROWER ACCOUNTS.—The Secretary shall establish a separate pricing tier for each of the first 100,000 borrower loan accounts at a competitive market rate.

''(iii) INELIGIBILITY.—An eligible not-for-profit servicer shall no longer be eligible for a contract under this paragraph after July 1, 2014, if—

''(I) the servicer has not been awarded such a contract before that date; or

''(II) the servicer's contract was terminated, and the servicer had not reapplied for, and been awarded, a contract under this paragraph.

''(B) ALLOCATIONS.—

''(i) IN GENERAL.—The Secretary shall (except as provided in clause (ii)) allocate to an eligible not-for-profit servicer, subject to the contract of such servicer described in subparagraph (A), the servicing rights for the loan accounts of 100,000 borrowers (including borrowers who borrowed loans in a prior year that were serviced by the servicer).

''(ii) SERVICER ALLOCATION.—The Secretary may reallocate, increase, reduce, or terminate an eligible not-for-profit servicer's allocation of servicing rights under clause (i) based on the performance of such servicer, on the same terms as loan allocations provided by contracts awarded pursuant to paragraph (1).''; and

(2) by adding at the end the following:

''(c) DEFINITION OF ELIGIBLE NOT-FOR-PROFIT SERVICER.—In this section:

''(1) IN GENERAL.—The term 'eligible not-for-profit servicer' means an entity—

''(A) that is not owned or controlled in whole or in part by—

''(i) a for profit entity; or

''(ii) a nonprofit entity having its principal place of business in another State; and

''(B) that—

''(i) as of July 1, 2009—

''(I) meets the definition of an eligible not-for-profit holder under section 435(p), except that such term does not include eligible lenders described in paragraph (1)(D) of such section; and

''(II) was performing, or had entered into a contract with a third party servicer (as such term is defined in section 481(c)) who was performing, student loan servicing functions for loans made under part B of this title;

''(ii) notwithstanding clause (i), as of July 1, 2009—

''(I) is the sole beneficial owner of a loan for which the special allowance rate is calculated under section 438(b)(2)(I)(vi)(II) because the loan is held by an eligible lender trustee that is an eligible not-for-profit holder as defined under section 435(p)(1)(D); and

''(II) was performing, or had entered into a contract with a third party servicer (as such term is defined in section 481(c)) who was performing, student loan servicing functions for loans made under part B of this title; or

''(iii) is an affiliated entity of an eligible not-for-profit servicer described in clause (i) or (ii) that—

''(I) directly employs, or will directly employ (on or before the date the entity begins servicing loans under a contract awarded by the Secretary pursuant to subsection (a)(3)(A)), the majority of individuals who perform borrower-specific student loan servicing functions; and

''(II) as of July 1, 2009, was performing, or had entered into a contract with a third party servicer (as such term is defined in section 481(c)) who was performing, student loan servicing functions for loans made under part B of this title.

''(2) AFFILIATED ENTITY.—For the purposes of paragraph (1), the term 'affiliated entity'—

''(A) means an entity contracted to perform services for an eligible not-for-profit servicer that—

''(i) is a nonprofit entity or is wholly owned by a nonprofit entity; and

''(ii) is not owned or controlled, in whole or in part, by—

''(I) a for-profit entity; or

''(II) an entity having its principal place of business in another State; and

''(B) may include an affiliated entity that is established by an eligible not-for-profit servicer after the date of enactment of the SAFRA Act, if such affiliated entity is otherwise described in paragraph (1)(B)(iii)(I) and subparagraph (A) of this paragraph.''.

(b) MANDATORY FUNDS.—

(1) AMENDMENTS.—Section 458(a) (20 U.S.C. 1087h(a)) is amended—

(A) by redesignating paragraph (5) as paragraph (8);

(B) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(C) by inserting after paragraph (1) the following new paragraph:

''(2) MANDATORY FUNDS FOR ELIGIBLE NOT-FOR-PROFIT-SERVICERS.—For fiscal years 2010 through 2019, there shall be available to the Secretary, in addition to any other amounts appropriated to carry out this paragraph and out of any money in the Treasury not otherwise appropriated, funds to be obligated for administrative costs of servicing contracts with eligible not-for-profit servicers as described in section 456.''; and

(D) by inserting after paragraph (5), as redesignated by subparagraph (B) of this paragraph, the following:

''(6) TECHNICAL ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION.—

''(A) PROVISION OF ASSISTANCE.—The Secretary shall provide institutions of higher education participating, or seeking to participate, in the loan programs under this part with technical assistance in establishing and administering such programs.

''(B) FUNDS.—There are authorized to be appropriated, and there are appropriated, to carry out this paragraph (in addition to any other amounts appropriated to carry out this paragraph and out of any money in the Treasury not otherwise appropriated), $50,000,000 for fiscal year 2010.

''(C) DEFINITION.—In this paragraph, the term 'assistance' means the provision of technical support, training, materials, technical assistance, and financial assistance.

''(7) ADDITIONAL PAYMENTS.—

''(A) PROVISION OF ASSISTANCE.—The Secretary shall provide payments to loan servicers for retaining jobs at locations in the United States where such servicers were operating under part B on January 1, 2010.

''(B) FUNDS.—There are authorized to be appropriated, and there are appropriated, to carry out this paragraph (in addition to any other amounts appropriated to carry out this paragraph and out of any money in the Treasury not otherwise appropriated), $25,000,000 for each of the fiscal years 2010 and 2011.''.

(2) CONFORMING AMENDMENT.—Section 458 (20 U.S.C. 1087h) is further amended by striking ''subsection (a)(3)'' in subsection (b) and inserting ''subsection (a)(4)''.

SEC. 2213. INCOME-BASED REPAYMENT.

Section 493C (20 U.S.C. 1098e) is amended by adding at the end the following new subsection:

''(e) SPECIAL TERMS FOR NEW BORROWERS ON AND AFTER JULY 1, 2014.—With respect to any loan made to a new borrower on or after July 1, 2014—

''(1) subsection (a)(3)(B) shall be applied by substituting '10 percent' for '15 percent'; and

''(2) subsection (b)(7)(B) shall be applied by substituting '20 years' for '25 years'.''.

Subtitle B—Health

SEC. 2301. INSURANCE REFORMS.

(a) EXTENDING CERTAIN INSURANCE REFORMS TO GRANDFATHERED PLANS.—Section 1251(a) of the Patient Protection and Affordable Care Act, as added by section 10103(d) of such Act, is amended by adding at the end the following:

''(4) APPLICATION OF CERTAIN PROVISIONS.—

''(A) IN GENERAL.—The following provisions of the Public Health Service Act (as added by this title) shall apply to grandfathered health plans for plan years beginning with the first plan year to which such provisions would otherwise apply:

''(i) Section 2708 (relating to excessive waiting periods).

''(ii) Those provisions of section 2711 relating to lifetime limits.

''(iii) Section 2712 (relating to rescissions).

''(iv) Section 2714 (relating to extension of dependent coverage).

''(B) PROVISIONS APPLICABLE ONLY TO GROUP HEALTH PLANS.—

''(i) PROVISIONS DESCRIBED.—Those provisions of section 2711 relating to annual limits and the provisions of section 2704 (relating to pre-existing condition exclusions) of the Public Health Service Act (as added by this subtitle) shall apply to grandfathered health plans that are group health plans for plan years beginning with the first plan year to which such provisions otherwise apply.

''(ii) ADULT CHILD COVERAGE.—For plan years beginning before January 1, 2014, the provisions of section 2714 of the Public Health Service Act (as added by this subtitle) shall apply in the case of an adult child with respect to a grandfathered health plan that is a group health plan only if such adult child is not eligible to enroll in an eligible employer-sponsored health plan (as defined in section 5000A(f)(2) of the Internal Revenue Code of 1986) other than such grandfathered health plan.''.

(b) CLARIFICATION REGARDING DEPENDENT COVERAGE.—Section 2714(a) of the Public Health Service Act, as added by section 1001(5) of the Patient Protection and Affordable Care Act, is amended by striking ''(who is not married)''.

SEC. 2302. DRUGS PURCHASED BY COVERED ENTITIES.

Section 340B of the Public Health Service Act (42 U.S.C. 256b), as amended by sections 7101 and 7102 of the Patient Protection and Affordable Care Act, is amended—

(1) in subsection (a)—

(A) in paragraphs (1), (2), (5), (7), and (9), by striking the terms ''covered drug'' and ''covered drugs'' each place either term appears and inserting ''covered outpatient drug'' or ''covered outpatient drugs'', respectively;

(B) in paragraph (4)(L)—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period and inserting ''; and''; and

(iii) by inserting after clause (ii), the following:

''(iii) does not obtain covered outpatient drugs through a group purchasing organization or other group purchasing arrangement.''; and

(C) in paragraph (5)—

(i) by striking subparagraph (C);

(ii) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(iii) in subparagraph (D), as so redesignated, by striking ''subparagraph (D)'' and inserting ''subparagraph (C)'';

(2) by striking subsection (c);

(3) in subsection (d)—

(A) by striking ''covered drugs'' each place it appears and inserting ''covered outpatient drugs'';

(B) by striking ''(a)(5)(D)'' each place it appears and inserting ''(a)(5)(C)''; and

(C) by striking ''(a)(5)(E)'' each place it appears and inserting ''(a)(5)(D)''; and

(4) by inserting after subsection (d) the following:

''(e) EXCLUSION OF ORPHAN DRUGS FOR CERTAIN COVERED ENTITIES.—For covered entities described in subparagraph (M), (N), or (O) of subsection (a)(4), the term 'covered outpatient drug' shall not include a drug designated by the Secretary under section 526 of the Federal Food, Drug, and Cosmetic Act for a rare disease or condition.''.

SEC. 2303. COMMUNITY HEALTH CENTERS.

Section 10503(b)(1) of the Patient Protection and Affordable Care Act is amended—

(1) in subparagraph (A), by striking ''700,000,000'' and inserting ''1,000,000,000'';

(2) in subparagraph (B), by striking ''800,000,000'' and inserting ''1,200,000,000'';

(3) in subparagraph (C), by striking ''1,000,000,000'' and inserting ''1,500,000,000'';

(4) in subparagraph (D), by striking ''1,600,000,000'' and inserting ''2,200,000,000''; and

(5) in subparagraph (E), by striking ''2,900,000,000'' and inserting ''3,600,000,000''.

When said bill, as amended, was considered and read twice.

Pursuant to section 3 of House Resolution 1203, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CAMP moved to recommit the bill to the Committee on the Budget with instructions to report the bill back to the House forthwith with the following amendment:

Add at the end of section 1002 (relating to individual responsibility) the following:

(c) APPLICATION OF PENALTY.—Section 5000A(g)(1) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act and amended by section 10106 of such Act, is amended to read as follows:

''(1) IN GENERAL.—The penalty provided by this section shall be paid upon notice and demand by the Secretary, and except as provided in paragraph (2), shall be assessed and collected in the same manner as an assessable penalty under subchapter B of chapter 68. The penalties provided by this section shall, subject to appropriations, be deposited by the Secretary in the the Trust Funds established under title II of the Social Security Act (in such proportions as the Secretary shall specify). The value of such Trust Funds shall be calculated each year as if the amounts described in the previous sentence had been appropriated and deposited into such Trust Funds.''.

At the end of subtitle A of title I, add the following:

SEC. 1006. SPECIAL RULES RELATING TO COVERAGE OF ABORTION SERVICES.

(a) IN GENERAL.—Section 1303 of the Patient Protection and Affordable Care Act, as amended by section 10104(c) of such Act, is amended—

(1) in the section heading, by inserting ''**RELATING TO COVERAGE OF ABORTION SERVICES**'' after ''**SPECIAL RULES**''; and

(2) by striking subsection (a) and all of subsection (b) that precedes paragraph (4) and inserting the following:

''(a) IN GENERAL.—Nothing in this Act (or any amendment made by this Act) shall be construed to require any health plan to provide coverage of abortion services or to allow the Secretary or any other person or entity implementing this Act (or amendment) to require coverage of such services.

''(b) LIMITATION ON ABORTION FUNDING.—

''(1) IN GENERAL.—None of the funds authorized or appropriated by this Act (or an amendment made by this Act), including credits under section 36B of the Internal Revenue Code of 1986, shall be expended for any abortion or to cover any part of the costs of any health plan that includes coverage of abortion, except in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself, or unless the pregnancy is the result of an act of rape or incest.

''(2) OPTION TO PURCHASE SEPARATE COVERAGE OR PLAN.—Subject to paragraph (1), nothing in this subsection shall be construed as prohibiting any non-Federal entity (including an individual or a State or local government) from purchasing separate coverage for abortions for which funding is prohibited under this subsection, or a plan that includes such abortions, so long as such coverage or plan is not purchased using the non-Federal funds required to receive a Federal payment, including a premium payment required for a qualified health plan towards which the credit described in paragraph (1) is applied or a State's or locality's contribution of Medicaid matching funds.

''(3) OPTION TO OFFER COVERAGE OR PLAN.—Subject to paragraph (1), nothing in this subsection shall restrict any non-Federal health insurance issuer offering a qualified health plan from offering separate coverage for abortions for which funding is prohibited under this subsection, or a plan that includes such abortions, so long as any such issuer that offers a qualified health plan through an Exchange that includes coverage for abortions for which funding is prohibited under this subsection also offers a qualified health plan through the Exchange that is identical in every respect except that it does not cover such abortions.''.

(b) CONFORMING AMENDMENT FOR MULTI-STATE PLANS.—Section 1334(a) of the Patient Protection and Affordable Care Act, as added by section 10104(q) of such Act, is amended by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. OBEY, announced that the yeas had it.

Mr. CAMP demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 199 / Nays 232

¶36.26 [Roll No. 166]

AYES—199

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

NOES—232

Ackerman	Edwards (TX)	Kratovil
Adler (NJ)	Ellison	Kucinich
Andrews	Ellsworth	Langevin
Arcuri	Engel	Larsen (WA)
Baca	Eshoo	Larson (CT)
Baird	Etheridge	Lee (CA)
Baldwin	Farr	Levin
Bean	Fattah	Lewis (GA)
Becerra	Filner	Loebsack
Berkley	Foster	Lofgren, Zoe
Berman	Frank (MA)	Lowey
Bishop (GA)	Fudge	Luján
Bishop (NY)	Garamendi	Lynch
Blumenauer	Giffords	Maffei
Boccieri	Gonzalez	Maloney
Boswell	Gordon (TN)	Markey (CO)
Boucher	Grayson	Markey (MA)
Boyd	Green, Al	Matsui
Brady (PA)	Green, Gene	McCarthy (NY)
Braley (IA)	Grijalva	McCollum
Brown, Corrine	Gutierrez	McDermott
Butterfield	Hall (NY)	McGovern
Capps	Halvorson	McMahon
Capuano	Hare	McNerney
Cardoza	Harman	Meek (FL)
Carnahan	Hastings (FL)	Meeks (NY)
Carney	Heinrich	Michaud
Carson (IN)	Herseth Sandlin	Miller (NC)
Castor (FL)	Higgins	Miller, George
Chu	Hill	Minnick
Clarke	Himes	Mitchell
Clay	Hinchey	Mollohan
Cleaver	Hinojosa	Moore (KS)
Clyburn	Hirono	Moore (WI)
Cohen	Hodes	Moran (VA)
Connolly (VA)	Holt	Murphy (CT)
Conyers	Honda	Murphy (NY)
Cooper	Hoyer	Murphy, Patrick
Costa	Inslee	Nadler (NY)
Courtney	Israel	Napolitano
Crowley	Jackson (IL)	Neal (MA)
Cuellar	Jackson Lee (TX)	Nye
Cummings	Johnson (GA)	Oberstar
Dahlkemper	Johnson, E. B.	Obey
Davis (AL)	Kagen	Olver
Davis (CA)	Kanjorski	Ortiz
Davis (IL)	Kaptur	Owens
DeFazio	Kennedy	Pallone
DeGette	Kildee	Pascrell
Delahunt	Kilpatrick (MI)	Pastor (AZ)
DeLauro	Kilroy	Payne
Dicks	Kind	Pelosi
Dingell	Kirkpatrick (AZ)	Perlmutter
Doggett	Kissell	Perriello
Doyle	Klein (FL)	Peters
Driehaus	Kosmas	Pingree (ME)
Edwards (MD)		Polis (CO)

Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. OBEY, announced that the yeas had it.

Mr. DINGELL demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 Nays 211

¶36.27 [Roll No. 167]

AYES—220

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

NOES—211

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

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶36.28 H. RES. 1099—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1099) recognizing the 65th anniversary of the Battle of Iwo Jima; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 Nays 0

¶36.29 [Roll No. 168]

YEAS—421

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

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

NOT VOTING—9

Boehner
Clay
Davis (AL)
Deal (GA)
Frelinghuysen
Klein (FL)
LaTourette
Linder
Moore (KS)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶36.30 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mr. WEINER, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
March 21, 2010.

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

DEAR MADAM SPEAKER: I have sent the enclosed letter to Governor Sonny Perdue of Georgia resigning my office of United States Representative for the Ninth Congressional District of Georgia, effective 11:45 p.m., March 21, 2010.

It has been an honor and a privilege to serve the people of Georgia.

Respectfully,

NATHAN DEAL,
Member of Congress.

CONGRESS OF THE UNITED STATES,
March 21, 2010.

Hon. SONNY PERDUE,
Governor, State of Georgia, State Capitol, Atlanta, GA.

DEAR GOVERNOR PERDUE: In accordance with my earlier letter dated March 4, 2010, this will confirm to you that I now hereby resign from the office of United States Representative for the Ninth Congressional District of Georgia effective at this time, 11:45 p.m., March 21, 2010.

It has been an honor and a privilege to serve the people of Georgia.

Respectfully,

NATHAN DEAL,
Member of Congress.

¶36.31 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Mr. WEINER, announced under clause 5(d) of rule XX, that, in light of the resignation of the gentleman from Georgia [Mr. DEAL], the whole number of the House is adjusted to 430.

¶36.32 H. RES. 1119—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1119) expressing the sense of the House of Representatives that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400 / Nays 0

¶36.33 [Roll No. 169]

YEAS—400

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

Smith (NJ)	Thornberry	Watson
Smith (TX)	Tiahrt	Watt
Snyder	Tiberi	Waxman
Souder	Tierney	Weiner
Space	Titus	Welch
Speier	Tonko	Westmoreland
Spratt	Towns	Whitfield
Stark	Tsongas	Wilson (OH)
Stearns	Turner	Wilson (SC)
Stupak	Upton	Wittman
Sullivan	Van Hollen	Wolf
Sutton	Velázquez	Woolsey
Tanner	Visclosky	Wu
Teague	Walden	Yarmuth
Terry	Walz	Young (AK)
Thompson (CA)	Wamp	Young (FL)
Thompson (MS)	Wasserman Schultz	
Thompson (PA)		

NOT VOTING—29

Barrett (SC)	Kagen	Moore (KS)
Boehner	Kennedy	Moran (VA)
Castor (FL)	Kline (MN)	Quigley
Clay	Larson (CT)	Royce
Davis (AL)	LaTourette	Schakowsky
DeFazio	Lee (CA)	Shea-Porter
Dingell	Linder	Smith (WA)
Frelinghuysen	Lowey	Taylor
Honda	Markey (MA)	Waters
Issa	McIntyre	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

MONDAY, MARCH 22 (LEGISLATIVE DAY OF MARCH 21), 2010

And then,

¶36.34 ADJOURNMENT

Mr. CONYERS moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. MAFFEI, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

The House, at 12 o'clock and 2 minutes a.m., Monday, March 22 (legislative day of March 21), 2010, stands adjourned.

¶36.35 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. RICHARDSON:

H.R. 4897. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for interest paid on indebtedness incurred in connection with the purchase of a new automobile or light truck; to the Committee on Ways and Means.

By Ms. RICHARDSON (for herself, Ms. NORTON, Ms. JACKSON LEE of Texas, Ms. CLARKE, and Ms. KILROY):

H.R. 4898. A bill to authorize the Secretary of Homeland Security to establish a competitive program to make emergency preparedness planning and implementation grants to local educational districts/agencies located in areas under a high threat of terrorist attacks, natural disasters, or public health emergencies; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY:

H.R. 4899. A bill making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶36.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 949: Mr. MICHAUD.
H.R. 959: Mr. ELLSWORTH.
H.R. 1017: Ms. CORRINE BROWN of Florida.
H.R. 1822: Mr. DEAL of Georgia.
H.R. 1879: Mr. TIM MURPHY of Pennsylvania.
H.R. 2067: Mr. ARCURI.
H.R. 2254: Mr. BERRY, Mr. BISHOP of Georgia, and Mr. ENGEL.
H.R. 2360: Mr. MATHESON.
H.R. 3217: Mr. BILBRAY.
H.R. 3365: Mr. TONKO.
H.R. 4404: Mr. SESTAK and Mr. ETHERIDGE.
H.R. 4405: Ms. FUDGE, Mr. RUSH, and Mr. BLUMENAUER.
H.R. 4684: Mr. HODES.
H.R. 4710: Mr. KAGEN.
H.R. 4874: Ms. RICHARDSON.
H.R. 4894: Mr. KLINE of Minnesota, Mr. WAMP, and Mr. TIAHRT.
H.J. Res. 76: Mr. TANNER.
H. Res. 1116: Mr. LEWIS of Georgia, Mr. HODES, Ms. CORRINE BROWN of Florida, Mr. LEVIN, and Mr. FILNER.
H. Res. 1199: Mr. CONAWAY.

MONDAY, MARCH 22, 2010 (37)

¶37.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mrs. KIRKPATRICK of Arizona, who laid before the House the following communication:

WASHINGTON, DC.
March 22, 2010.

I hereby appoint the Honorable ANN KIRKPATRICK to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶37.2 RECESS—12:41 P.M.

The SPEAKER pro tempore, Mrs. KIRKPATRICK of Arizona, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 41 minutes p.m., until 2 p.m.

¶37.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, called the House to order.

¶37.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced she had examined and approved the Journal of the proceedings of Sunday, March 21, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶37.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6723. A letter from the Under Secretary, Department of Defense, transmitting authorization of 4 officers to wear the authorized insignia of the grade of brigadier general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

6724. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's ''Major'' final rule — Truth in Lending [Regulation Z; Docket No. R-1370] received March 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6725. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Multiemployer Pension Plan Information Made Available on Request (RIN: 1210-AB21) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6726. A letter from the NIH Associate Director for AIDS Research and Director, Office of AIDS Research, Department of Health and Human Services, transmitting Fiscal Year 2011 Trans-NIH AIDS Research By-Pass Budget Estimate and Trans-NIH Plan for HIV-Related Research; to the Committee on Energy and Commerce.

6727. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Insurer Reporting Requirements; List of Insurers Required To File Reports [Docket No.: NHTSA-2009-0050] (RIN: 2127-AK46) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6728. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''District's Earmark Process Needs Improvement'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6729. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''District's Earmark Process Needs Improvement'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6730. A letter from the Associate Deputy Director, Central Intelligence Agency, transmitting the Agency's annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174, for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

6731. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

6732. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6733. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6734. A letter from the Acting Director, Office of Human Resources, Evironmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6735. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model PIAGGIO P-180 Airplanes [Docket No.: FAA-2009-1116; Directorate Identifier 2009-CE-061-AD; Amendment 39-16193; AD 2010-03-09] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6736. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters [Docket No.: FAA-2010-0066; Directorate Identifier 2009-SW-52-AD; Amendment 39-16190; AD 2009-23-51] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6737. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767-200, -300, and -300F Series Airplanes [Docket No.: FAA-2010-0031;Directorate Identifier 2009-NM-266-AD; Amendment 39-16192; AD 2010-03-08] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6738. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, and -135LR Airplanes; and EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No.: FAA-2009-0659; Directorate Identifier 2009-NM-060-AD; Amendment 39-16191; AD 2010-03-07] (RIN: 2120-AA64) received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6739. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revision of Area Navigation (RNAV) Route Q-108; Florida [Docket No.: FAA-2009-0885; Airspace Docket No. 09-ASO-17] received March 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6740. A letter from the Ambassador, Executive Office of the President, transmitting the 2010 Trade Policy Agenda and 2009 Annual Report on the Trade Agreements Program, pursuant to 19 U.S.C. 2213(a); to the Committee on Ways and Means.

6741. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2007 annual report on the Child Support Enforcement Program, pursuant to Section 452(a) of the Social Security Act; to the Committee on Ways and Means.

6742. A letter from the Assistant Attorney General, Department of Justice, transmitting First Quarterly Report of FY 2010 under The Veterans' Benefits Improvement Act of 2008, pursuant to Public Law 110-389; jointly to the Committees on the Judiciary and Veterans' Affairs.

6743. A letter from the Director, Office of Legislative Affairs, Railroad Retirement Board, transmitting a copy of the Railroad Retirement Handbook; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

¶37.6 END VETERAN HOMELESSNESS

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 4810) to amend title 38, United States Code, to make certain improvements in the services provided for homeless veterans under the laws administered by the Secretary of Veterans Affairs.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Mr. FILNER and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶37.7 NATIONAL GUARD EMPLOYMENT PROTECTION

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 1879) to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty; as amended.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Mr. FILNER and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, March 23, 2010.

The point of no quorum was considered as withdrawn.

¶37.8 BLINDED VETERANS ASSOCIATION'S 65TH ANNIVERSARY

Mr. FILNER moved to suspend the rules and pass the joint resolution (H.J. Res. 80) recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Mr. FILNER and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tueday, March 23, 2010.

¶37.9 HELPING HEROES KEEP THEIR HOMES

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 3976) to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgages foreclosure; as amended.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Mr. FILNER and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, March 23, 2010.

The point of no quorum was considered as withdrawn.

¶37.10 VETERANS' COMPENSATION COST OF LIVING ADJUSTMENT

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 4667) to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Mr. FILNER and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that

two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, March 23, 2010.

¶37.11 PILOT PROGRAM FOR VETERANS IN ENERGY-RELATED POSITIONS

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 4592) to provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions; as amended.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Mr. FILNER and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, March 23, 2010.

The point of no quorum was considered as withdrawn.

¶37.12 RECESS—3:15 P.M.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 15 minutes p.m., until approximately 6:30 p.m.

¶37.13 AFTER RECESS—6:33 P.M.

The SPEAKER pro tempore, Mr. TEAGUE, called the House to order.

¶37.14 PROVIDING FOR CONSIDERATION OF H.R. 4899

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–454) the resolution (H. Res. 1204) providing for consideration of the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶37.15 PROVIDING FOR CONSIDERATION OF H.R. 4849

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–455) the resolution (H. Res. 1205) providing for consideration of the bill (H.R. 4849) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶37.16 H.R. 4810—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TEAGUE, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4810) to amend title 38, United States Code, to make certain improvements in the services provided for homeless veterans under the laws administered by the Secretary of Veterans Affairs.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 / Nays 0

¶37.17 [Roll No. 170]

YEAS—413

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

NOT VOTING—16

Barrett (SC)
Blunt
Buyer
Courtney
Davis (AL)
Davis (TN)
Dicks
Hoekstra
Kilpatrick (MI)
Lynch
McCarthy (NY)
Moran (VA)
Neal (MA)
Payne
Shadegg
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.18 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE FREDERICK HEINEMAN

The SPEAKER pro tempore, Mr. TEAGUE, announced that all Members stand and observe a moment of silence in memory of the late Honorable Frederick Heineman.

¶37.19 H.R. 4667—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TEAGUE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4667) to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 407 Nays 0

¶37.20 [Roll No. 171]

YEAS—407

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

NOT VOTING—22

Bachmann	Davis (TN)	Moran (VA)
Barrett (SC)	Dicks	Neal (MA)
Bishop (GA)	Fallin	Olson
Bishop (NY)	Hoekstra	Payne
Blunt	Johnson, Sam	Shadegg
Buyer	Kilpatrick (MI)	Wamp
Chandler	Lynch	
Davis (AL)	McCarthy (NY)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.21 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3590. An Act entitled The Patient Protection and Affordable Care Act.

¶37.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. KILPATRICK of Michigan, for today and balance of the week.

And then,

¶37.23 ADJOURNMENT

On motion of Mr. KING of Iowa, at 10 o'clock and 55 minutes p.m., the House adjourned.

¶37.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FILNER: Committee on Veterans' Affairs. H.R. 4810. A bill to amend title 38, United States Code, to make certain improvements in the services provided for homeless veterans under the laws administered by the Secretary of Veterans Affairs (Rept. 111–449). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1879. A bill to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty; with an amendment (Rept. 111–450). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3976. A bill to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosure; with amendments (Rept. 111–451). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 4667. A bill to increase, effective as of December 1, 2010, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes (Rept. 111–452). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 4592. A bill to provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions; with an amendment (Rept. 111–453). Referred to the Committee of the Whole House on the state of the Union.

Mr. PERLMUTTER: Committee on Rules. House Resolution 1204. Resolution providing for consideration of the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–454). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 1205. Resolution providing for consideration of the bill (H.R. 4849) to

amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes (Rept. 111–455). Referred to the House Calendar.

¶37.25 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. WATSON:

H.R. 4900. A bill to amend chapter 35 of title 44, United States Code, to create the National Office for Cyberspace, to revise requirements relating to Federal information security, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Kansas:

H.R. 4901. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON:

H.R. 4902. A bill to establish additional research, study, and reporting requirements for the Department of Defense working group reviewing the possible repeal of current United States policy concerning homosexuality in the Armed Forces, referred to as Don't Ask, Don't Tell and codified as section 654 of title 10, United States Code; to the Committee on Armed Services.

By Mrs. BACHMANN (for herself, Mr. BURTON of Indiana, Mr. SOUDER, Mr. HALL of Texas, Mr. ISSA, Mr. KINGSTON, Mr. JOHNSON of Illinois, Mr. INGLIS, Mr. DUNCAN, Mr. TIAHRT, Mr. LATTA, and Mr. KING of Iowa):

H.R. 4903. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, Appropriations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas:

H.R. 4904. A bill to prohibit the use of funds for implementation or enforcement of any Federal mandate to purchase health insurance; to the Committee on Energy and Commerce.

By Mr. BAIRD (for himself and Mrs. BIGGERT):

H.R. 4905. A bill to guide and provide for research activities at the Department of Energy Office of Science, and for other purposes; to the Committee on Science and Technology.

By Mr. GORDON of Tennessee:

H.R. 4906. A bill to reauthorize the Advanced Research Projects Agency-Energy, and for other purposes; to the Committee on Science and Technology.

By Mr. CARNAHAN (for himself, Mr. TONKO, and Ms. GIFFORDS):

H.R. 4907. A bill to establish Energy Innovation Hubs, and for other purposes; to the Committee on Science and Technology.

By Mr. PASCRELL (for himself and Mr. KING of New York):

H.R. 4908. A bill to authorize the Secretary of Education to make grants to support fire safety education programs on college campuses; to the Committee on Education and Labor.

By Mrs. BACHMANN:

H.R. 4909. A bill to designate the facility of the United States Postal Service located at 2168 7th Avenue in Anoka, Minnesota, as the ''Richard K. Sorenson Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. BURTON of Indiana:

H.R. 4910. A bill to repeal the Patient Protection and Affordable Care Act and enact the Empowering Patients First Act in order to provide incentives to encourage health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, Education and Labor, Ways and Means, the Judiciary, Rules, the Budget, Appropriations, House Administration, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER:

H.R. 4911. A bill to repeal specific provisions in the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. HALVORSON (for herself, Ms. JACKSON LEE of Texas, Mr. BRADY of Pennsylvania, and Ms. GIFFORDS):

H.R. 4912. A bill to amend title 10, United States Code, to eliminate the required reduction in the amount of combat-related special compensation paid to disabled combat-related uniformed services retirees retired under chapter 61 of such title whose disability is attributable to an injury for which the members were awarded the Purple Heart; to the Committee on Armed Services.

By Mr. HIMES (for himself and Mr. KLEIN of Florida):

H. Con. Res. 256. Concurrent resolution expressing the sense of Congress that any official within the Government of Iran at the level of deputy minister or higher or officer within the Iranian Revolutionary Guard is presumptively ineligible for a travel visa to the United States; to the Committee on the Judiciary.

¶37.26 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. NADLER of New York.

H.R. 211: Ms. JENKINS, Mr. HARE, Mr. CLAY, Mr. RYAN of Ohio, Mr. DAVIS of Illinois, and Mr. MARCHANT.

H.R. 413: Mr. COOPER, Ms. ESHOO, Mr. ARCURI, and Mr. SMITH of Washington.

H.R. 450: Mr. BURTON of Indiana.

H.R. 836: Mr. MCNERNEY.

H.R. 952: Mr. BOREN.

H.R. 1020: Ms. ZOE LOFGREN of California.

H.R. 1074: Mr. THOMPSON of Pennsylvania.

H.R. 1132: Mr. BILBRAY and Mr. ELLISON.

H.R. 1210: Mr. CONYERS.

H.R. 1250: Mr. ELLISON.

H.R. 1351: Mrs. LUMMIS, Mr. ROE of Tennessee, and Mr. SMITH of Nebraska.

H.R. 1352: Mr. SMITH of Nebraska, Mr. PETRI, Mr. TONKO, and Mr. ADLER of New Jersey.

H.R. 1362: Mr. CASTLE.

H.R. 1398: Mr. DENT.

H.R. 1430: Mr. PRICE of Georgia.

H.R. 1796: Ms. CASTOR of Florida.

H.R. 1829: Mr. GRIFFITH.

H.R. 1835: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1879: Ms. GRANGER and Ms. GIFFORDS.

H.R. 1956: Mr. HARPER.

H.R. 2156: Mr. HASTINGS of Florida.

H.R. 2308: Mr. ROTHMAN of New Jersey.

H.R. 2485: Mr. MOORE of Kansas.

H.R. 3070: Mr. BISHOP of Utah.

H.R. 3156: Ms. RICHARDSON and Mr. RANGEL.

H.R. 3407: Mr. GERLACH.

H.R. 3764: Mr. GONZALEZ.

H.R. 3936: Mr. TIM MURPHY of Pennsylvania, Mr. DONNELLY of Indiana, Mr. SCHOCK, Mrs. DAHLKEMPER, Ms. SUTTON, and Mrs. NAPOLITANO.

H.R. 4021: Mr. SIRES.

H.R. 4090: Mr. JOHNSON of Georgia.

H.R. 4122: Mr. GENE GREEN of Texas and Mr. POLIS of Colorado.

H.R. 4241: Mr. BOREN and Ms. KAPTUR.

H.R. 4392: Ms. RICHARDSON.

H.R. 4396: Mr. SKELTON.

H.R. 4402: Mr. POLIS of Colorado.

H.R. 4415: Mrs. MCMORRIS RODGERS.

H.R. 4430: Mr. AKIN.

H.R. 4538: Ms. BORDALLO.

H.R. 4543: Mr. HONDA, Mr. THOMPSON of California, Mr. HERGER, Mr. DANIEL E. LUNGREN of California, Mr. MCCLINTOCK, Ms. MATSUI, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Ms. LEE of California, Mr. GARAMENDI, Mr. MCNERNEY, Ms. SPEIER, Mr. STARK, Ms. ESHOO, Mr. FARR, Mr. CARDOZA, Mr. RADANOVICH, Mr. COSTA, Mr. NUNES, Mr. MCCARTHY of California, Mrs. CAPPS, Mr. GALLEGLY, Mr. DREIER, Mr. SHERMAN, Mr. BERMAN, Mr. SCHIFF, Mr. WAXMAN, Mr. BECERRA, Ms. CHU, Ms. WATSON, Ms. ROYBAL-ALLARD, Ms. WATERS, Ms. HARMAN, Ms. RICHARDSON, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. BACA, Mr. CALVERT, Mrs. BONO MACK, Mr. ROHRABACHER, Ms. LORETTA SANCHEZ of California, Mr. CAMPBELL, Mr. ISSA, Mr. FILNER, Mr. HUNTER, and Mrs. DAVIS of California.

H.R. 4603: Mrs. BACHMANN.

H.R. 4615: Mr. MARKEY of Massachusetts.

H.R. 4684: Mr. MARKEY of Massachusetts.

H.R. 4709: Mr. ROTHMAN of New Jersey.

H.R. 4755: Mr. VISCLOSKY.

H.R. 4800: Mr. MCGOVERN.

H.R. 4806: Ms. WOOLSEY.

H.R. 4812: Mr. HINOJOSA and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4815: Mr. CONAWAY.

H.R. 4856: Mr. MCINTYRE, Mr. CUELLAR, Mr. PETERSON, and Mr. MARSHALL.

H.R. 4864: Mr. GEORGE MILLER of California.

H.R. 4865: Mr. CONNOLLY of Virginia and Mr. SARBANES.

H.R. 4894: Mr. REICHERT.

H.R. 4896: Mr. HUNTER and Mr. LATTA.

H.J. Res. 79: Mr. GOODLATTE.

H.J. Res. 80: Mr. LARSON of Connecticut.

H. Con. Res. 98: Mr. CLAY.

H. Con. Res. 252: Mr. BACA and Mr. LAMBORN.

H. Res. 173: Mr. LATOURETTE and Mr. HILL.

H. Res. 252: Mr. MAFFEI.

H. Res. 763: Mr. PENCE and Mr. SMITH of Texas.

H. Res. 859: Mr. RUSH.

H. Res. 913: Ms. CASTOR of Florida and Mr. RUSH.

H. Res. 992: Mr. SHIMKUS.

H. Res. 1016: Mr. OLVER and Mr. FATTAH.

H. Res. 1033: Mr. MURPHY of Connecticut, Mr. FRANK of Massachusetts, Mr. KING of New York, and Mr. MCCARTHY of California.

H. Res. 1060: Mr. RAHALL, Mr. BARTON of Texas, and Mr. MACK.

H. Res. 1116: Mrs. CHRISTENSEN and Mr. MCCARTHY of California.

H. Res. 1121: Mrs. MILLER of Michigan, Mr. DAVIS of Kentucky, Mr. KING of New York, Mr. ROGERS of Michigan, Mr. BISHOP of Utah,

Mr. LAMBORN, Mr. REICHERT, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. ISSA, Ms. ROS-LEHTINEN, Mrs. CAPITO, Mrs. BIGGERT, Mr. SMITH of Nebraska, Mr. BROUN of Georgia, Mr. GINGREY of Georgia, Mr. WESTMORELAND, Mr. LINDER, Mr. GOODLATTE, Mr. HUNTER, Mr. WITTMAN, Mr. LUETKEMEYER, Mr. YOUNG of Florida, and Mr. FRELINGHUYSEN.

H. Res. 1181: Mr. LAMBORN.

H. Res. 1191: Mr. SOUDER.

TUESDAY, MARCH 23, 2010 (38)

¶38.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Ms. MARKEY of Colorado, who laid before the House the following communication:

WASHINGTON, DC,
March 23, 2010.

I hereby appoint the Honorable BETSY MARKEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶38.2 RECESS—10:36 A.M.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 36 minutes a.m., until noon.

¶38.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Ms. MARKEY of Colorado, called the House to order.

¶38.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. MARKEY of Colorado, announced she had examined and approved the Journal of the proceedings of Monday, March 22, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶38.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6744. A letter from the Acting Director, NRCS Legislative Affairs Division, Department of Agriculture, transmitting the Department's final rule — Healthy Forests Reserve Program (RIN: 0578-AA53) received March 8, 2010 to the Committee on Agriculture.

6745. A letter from the Acting Director, NRCS Legislative Affairs Division, Department of Agriculture, transmitting the Department's final rule — Agricultural Management Assistance Program (RIN: 0578-AA50) received March 8, 2010 to the Committee on Agriculture.

6746. A letter from the Acting Director, NRCS Legislative Affairs Division, Department of Agriculture, transmitting the Department's final rule — Technical Service Provider Assistance (RIN: 0578-AA48) received March 5, 2010 to the Committee on Agriculture.

6747. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2009-0325; FRL-8813-7] received March 11, 2010 to the Committee on Agriculture.

6748. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — S-Abscisic Acid, (S)-5-(1-hydroxy-2,6,6,-trimethyl-4-oxo-1-cyclohex-2-enyl)-3-methyl-penta-(2Z,4E)-dienoic Acid; Amendment to an Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0127; FRL-8814-5] received March 11, 2010 to the Committee on Agriculture.

6749. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tetraethoxysilane, Polymer with Hexamethyldisiloxane; Tolerance Exemption [EPA-HQ-OPP-2009-0845; FRL-8814-3] received March 11, 2010 to the Committee on Agriculture.

6750. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the Air Force's Small Diameter Bomb Increment I acquisition report to the Committee on Armed Services.

6751. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Amendment to Electric Generating Unit Multi-Pollutant Regulation [EPA-R03-OAR-2009-0804; FRL-9127-2] received March 11, 2010 to the Committee on Energy and Commerce.

6752. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Technical Corrections and Clarifications Rule [EPA-RCRA-2008-0678; FRL-9127-9] (RIN: 2050-AG52) received March 11, 2010 to the Committee on Energy and Commerce.

6753. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Minor Harmonizing Changes of the General Provisions [EPA-HQ-OAR-2008-0508; FRL-9127-6] (RIN: 2060-AQ15) received March 11, 2010 to the Committee on Energy and Commerce.

6754. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule PM2.5 and PM10 Amendments [EPA-HQ-OAR-2008-0540; FRL-9127-7] (RIN: 2060-AP29) received March 11, 2010 to the Committee on Energy and Commerce.

6755. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-07, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended to the Committee on Foreign Affairs.

6756. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 09-67, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended to the Committee on Foreign Affairs.

6757. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting recommending the authorization of the proposed Topeka, Kansas, Flood Risk Management project to the Committee on Transportation and Infrastructure and ordered to be printed.

6758. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting the March 2010 Report to the Congress: Medicare Payment Policy jointly to the Committees on Ways and Means and Energy and Commerce.

¶38.6 RECESS—12:10 P.M.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 10 minutes p.m., subject to the call of the Chair

¶38.7 AFTER RECESS—1:01 P.M.

The SPEAKER pro tempore, Ms. TITUS, called the House to order.

¶38.8 PROVIDING FOR CONSIDERATION OF H.R. 4849

Mr. CARDOZA, by direction of the Committee on Rules, called up the following resolution (H. Res. 1205):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4849) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

Mr. CARDOZA moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. TITUS, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 240 / Nays 179

¶38.9 [Roll No. 172]

YEAS—240

Ackerman	Boyd	Cohen
Adler (NJ)	Brady (PA)	Connolly (VA)
Altmire	Braley (IA)	Conyers
Andrews	Bright	Cooper
Arcuri	Brown, Corrine	Costa
Baca	Butterfield	Costello
Baird	Capps	Courtney
Baldwin	Capuano	Crowley
Barrow	Cardoza	Cuellar
Bean	Carnahan	Cummings
Becerra	Carney	Dahlkemper
Berkley	Carson (IN)	Davis (CA)
Berman	Castor (FL)	Davis (IL)
Berry	Chandler	DeFazio
Bishop (GA)	Childers	DeGette
Bishop (NY)	Chu	Delahunt
Blumenauer	Clarke	DeLauro
Boren	Clay	Dingell
Boswell	Cleaver	Doggett
Boucher	Clyburn	Donnelly (IN)

Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—179

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

NOT VOTING—10

Boccieri
Davis (AL)
Davis (TN)
Dicks
Hoekstra
Kennedy
Kilpatrick (MI)
Moore (KS)
Tiahrt
Wamp

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 233 Nays 187

¶38.10 [Roll No. 173]

YEAS—233

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

NAYS—187

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

Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Bilirakis
Davis (AL)
Davis (TN)
Hoekstra
Kennedy
Kilpatrick (MI)
Lowey
Tiahrt
Wamp

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶38.11 H.J. RES. 80—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the joint resolution (H.J. Res. 80) recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of those present had voted in the affirmative.

Mrs. HALVORSON demanded a recorded vote on passage of said joint resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 Nays 0

¶38.12 [Roll No. 174]

AYES—416

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

NOT VOTING—13

Davis (AL)
Davis (TN)
Ellison
Fattah
Fortenberry
Frank (MA)
Hoekstra
Kennedy
Kilpatrick (MI)
Miller (FL)
Slaughter
Tiahrt
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶38.13 NATIONAL DISTRACTED DRIVING AWARENESS MONTH

Ms. MARKEY of Colorado, moved to suspend the rules and agree to the following resolution (H. Res. 1186):

Whereas 9-year-old Erica Forney of Fort Collins, Colorado, was struck and killed by a distracted driver in 2008;

Whereas there were more than 276,000,000 wireless cell phone subscribers in the United States as of June 2009, an increase of 42 percent from 194,000,000 in June 2005, and nearly 3 times more than the 97,000,000 wireless subscribers in June 2000;

Whereas over 600,000,000,000 text messages were sent in 2008, nearly 4 times the number sent in 2006;

Whereas according to the recent National Motor Vehicle Crash Causation Survey, 80 percent of all traffic incidents and 65 percent of all near-crashes involve some type of distraction;

Whereas according to data from the Fatality Analysis Reporting System (FARS), driver distraction was reported to have been involved in 16 percent of all fatal crashes in 2008, which is an increase from 12 percent in 2004;

Whereas the Secretary of Transportation held a Distracted Driving Summit in September 2009; and

Whereas April would be an appropriate month to designate as National Distracted Driving Awareness Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of Distracted Driving Awareness Month;

(2) encourages all people in the United States to consider the lives of others on the road and avoid distracted driving; and

(3) respectfully requests the Clerk of the House to transmit a copy of this resolution to FocusDriven, an advocacy group for victims of motor vehicle crashes involving drivers using cell phones.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Ms. MARKEY of Colorado, and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Ms. MARKEY of Colorado, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶38.14 NATIONAL PUBLIC WORKS WEEK

Mr. PERRIELLO moved to suspend the rules and agree to the following resolution (H. Res. 1125); as amended:

Whereas public works infrastructure, facilities, and services have far-reaching effects on the United States economy and the competitiveness of the United States in the world marketplace;

Whereas public works infrastructure, facilities, and services play a pivotal role in the health, safety, and quality of life of communities throughout the United States;

Whereas public works infrastructure, facilities, and services could not be provided without the skill and dedication of public works professionals, including engineers and administrators, representing State and local governments throughout the United States;

Whereas public works professionals design, build, operate, maintain, and protect the transportation systems, water supply infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens, communities, and commerce of the United States;

Whereas the Corps of Engineers, in partnership with public port authorities, provides navigational improvements that link United States producers and customers with national and international markets;

Whereas the public waterways, including locks and dams constructed, operated, and maintained by the Corps of Engineers, provide a safe, energy-efficient, and cost-effective means of transporting goods and services;

Whereas the Corps of Engineers, in partnership with local public entities, provides levees, reservoirs, and other structural and nonstructural flood damage reduction measures that protect millions of families, homes, and businesses;

Whereas a recent analysis of the state of the infrastructure of the United States garnered an overall grade of ''D'';

Whereas every $1 invested in public transportation generates as much as $6 in economic returns to the economy of the United States;

Whereas the public transportation systems of the United States experienced record ridership levels in 2008, the last full year for which data are available, with 10,680,000,000 passenger trips taken;

Whereas, in the ''2008 Conditions & Performance'' report of the Department of Transportation, the Department confirms that investment in United States highway, bridge, and transit infrastructure has not kept up with growing demands;

Whereas, in the ''2008 Conditions & Performance'' report of the Department of Transportation, the Department found that an additional $27,000,000,000 per year in capital investments is needed to sustain highway conditions and performance and an additional $96,000,000,000 per year in capital investments is needed to make cost-effective highway improvements and eliminate the existing bridge maintenance backlog;

Whereas capital expenditures in highways, bridges, and public transportation from all levels of government and the private sector are over $91,450,000,000 annually;

Whereas the capital asset program of the General Services Administration is authorized annually to provide Federal employees with necessary office space, courts of law, and other special purpose facilities;

Whereas, since 1972, the United States has invested more than $300,000,000,000 in wastewater infrastructure facilities to establish a system that includes 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers;

Whereas the Pipelines and Hazardous Materials Safety Administration is charged with the safe and secure movement of almost 1,200,000 daily shipments of hazardous materials by all modes of transportation and oversees the safety and security of 2,300,000 miles of gas and hazardous liquid pipelines, which account for 64 percent of the energy commodities consumed in the United States;

Whereas the National Railroad Passenger Corporation annually provides more than 27,100,000 people with intercity rail service;

Whereas the National Surface Transportation Policy and Revenue Study Commission estimates that the total capital cost of reestablishing the national intercity passenger rail network by 2050 is approximately $357,200,000,000 (or $8,100,000,000 annually for the next 40 years);

Whereas 21 airfield projects have opened at 18 of the 35 busiest airports in the United States since fiscal year 2000, including 15 runways, 3 taxiways, one runway extension, one completed airfield reconfiguration, and one airfield reconfiguration that is two-thirds completed, and these airfield projects have provided the airports with the potential to accommodate 1,900,000 additional airfield operations each year and decrease average delay per operation by approximately 5 minutes;

Whereas 3 airports have airfield projects under construction, and an additional airport will begin construction this fiscal year, and these 4 airfield projects will provide the airports with the potential to accommodate an additional 110,900 airfield operations each year and decrease average delay per operation by approximately 1.5 minutes;

Whereas transparency and accountability information relating to the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) submitted monthly to the Committee on Transportation and Infrastructure demonstrates successful implementation of highway, transit, and wastewater investments under the Act;

Whereas $31,600,000,000, or 83 percent of the $38,100,000,000 provided for highway, transit, and wastewater infrastructure formula programs under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), has been put out to bid on 15,377 projects as of January 31, 2010;

Whereas, across the United States, as a result of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) work has begun on 11,583 projects totaling $25,000,000,000, or 66 percent of the total available for highway, transit, and wastewater infrastructure formula programs under the Act;

Whereas the 11,583 highway, transit, and wastewater infrastructure projects on which work has begun have created or sustained approximately 330,000 direct jobs as of January 31, 2010;

Whereas total employment from the 11,583 highway, transit, and wastewater infrastructure projects on which work has begun, which includes direct, indirect, and induced jobs, totals more than one million jobs;

Whereas direct job creation from highway, transit, and wastewater infrastructure projects under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) has resulted in payroll expenditures of $1,700,000,000; and

Whereas public works professionals are observing National Public Works Week from May 16 through 22, 2010: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Public Works Week;

(2) recognizes and celebrates the 50th anniversary of National Public Works Week; and

(3) urges citizens and communities throughout the United States to join with representatives of the Federal Government in activities and ceremonies that are designed to pay tribute to the public works professionals of the United States and to recognize the substantial contributions that public works professionals make to the United States.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. PERRIELLO and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DUNCAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 24, 2010.

¶38.15 FLORIDA KEYS SCENIC HIGHWAY

Mr. PERRIELLO moved to suspend the rules and agree to the following resolution (H. Res. 917); as amended:

Whereas established by Congress in 1991, the National Scenic Byways program is a collaborative effort to help recognize, preserve, and enhance selected roads throughout the United States;

Whereas the U.S. Department of Transportation recognizes certain roads as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational, and scenic qualities;

Whereas, on October 16, 2009, the U.S. Department of Transportation announced 42 new designations to the America's Byways collection, including five All-American Roads and 37 National Scenic Byways, thus increasing the total number of designations to 151;

Whereas the Florida Keys Scenic Highway was listed by the U.S. Department of Transportation as one of five All-American Roads for 2009;

Whereas the Florida Keys Scenic Highway is the first All-American Road in the State of Florida and only one of 30 in the United States, joining an elite list which includes the Blue Ridge Parkway, Alaska's Seward Highway, and Historic Route 66;

Whereas the Florida Keys Scenic Highway follows the railroad trail blazed in the 1900s by Henry Flagler;

Whereas the Florida Keys Scenic Highway comprises of an 110-mile stretch of US 1 from Key Largo to Key West;

Whereas the Florida Keys Scenic Highway incorporates 42 bridges over the waters of the Atlantic Ocean, Florida Bay, and the Gulf of Mexico;

Whereas the road's corridor is a leading tourist destination, featuring world-renowned coral reefs, exotic fish species, and historic shipwrecks; and

Whereas the end of the Florida Keys Scenic Highway, Mile Marker 0, is the southernmost city in the Continental United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Florida Keys Scenic Highway on the occasion of its designation as an All-American Road by the U.S. Department of Transportation; and

(2) congratulates those residents of the Florida Keys who participated in the effort to support this designation.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. PERRIELLO and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PERRIELLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 24, 2010.

¶38.16 CHANEY, GOODMAN, SCHWERNER FEDERAL BUILDING

Mr. PERRIELLO moved to suspend the rules and pass the bill (H.R. 3562) to designate the Federal building under construction at 1220 Echelon Parkway in Jackson, Mississippi, as the ''Chaney, Goodman, Schwerner Federal Building''; as amended.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. PERRIELLO, and Mr. Mario DIAZ-BALART of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PERRIELLO objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 24, 2010.

The point of no quorum was considered as withdrawn.

¶38.17 SECURE FEDERAL FILE SHARING

Mr. TOWNS moved to suspend the rules and pass the bill (H.R. 4098) to require the Director of the Office of Management and Budget to issue guidance on the use of peer-to-peer file sharing software to prohibit the personal use of such software by Government employees, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LUJAN, recognized Mr. TOWNS and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, March 24, 2010.

¶38.18 H. RES. 1186—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1186) expressing support for designation of April as National Distracted Driving Awareness Month.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 / Nays 2

¶38.19 [Roll No. 175]

YEAS—410

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

NAYS—2

Johnson (IL)	Paul

NOT VOTING—17

Bishop (UT)	Gohmert	Payne
Costa	Hoekstra	Poe (TX)
Davis (AL)	Kennedy	Sessions
Davis (TN)	Kilpatrick (MI)	Tiahrt
Garamendi	McCollum	Wamp
Giffords	Olson	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶38.20 H.R. 3976—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3976) to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgages foreclosure; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of those present had voted in the affirmative.

Mr. PRICE of North Carolina, demanded a recorded vote on passage of said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 Nays 4

¶38.21 [Roll No. 176]

AYES—416

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

NOES—4

Broun (GA)
Flake
McClintock
Paul

NOT VOTING—9

Davis (AL)
Davis (TN)
Hoekstra
Kennedy
Kilpatrick (MI)
Price (GA)
Sessions
Tiahrt
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶38.22 H.R. 4592—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LUJAN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4592) to provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LUJAN, announced that two-thirds of those present had voted in the affirmative.

Mr. TONKO demanded a recorded vote on passage of said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 397 Nays 19

¶38.23 [Roll No. 177]

AYES—397

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

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

NOES—19

Barrett (SC)
Bishop (UT)
Broun (GA)
Campbell
Chaffetz
Conaway
Flake
Franks (AZ)
Garrett (NJ)
Hensarling
Herger
Jordan (OH)
Kingston
Lamborn
Lummis
McClintock
Paul
Sensenbrenner
Shadegg

NOT VOTING—13

Akin
Bilirakis
Davis (AL)
Davis (TN)
Gutierrez
Hoekstra
Kennedy
Kilpatrick (MI)
Schrader
Sessions
Thompson (MS)
Tiahrt
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶38.24 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, with amendments, a bill of the House of the following title:

H.R. 1586. An Act to impose an additional tax on bonuses received from certain TARP recipients.

And then,

¶38.25 ADJOURNMENT

On motion of Mr. GARAMENDI, at 7 o'clock and 43 minutes p.m., the House adjourned.

¶38.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself and Mr. POLIS of Colorado):

H.R. 4913. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning the distribution of information on legitimate scientific research in connection with foods and dietary supplements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself, Ms. SHEA-PORTER, and Ms. PINGREE of Maine):

H.R. 4914. A bill to promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. LEVIN, Mr. CAMP, Mr. COSTELLO, and Mr. PETRI):

H.R. 4915. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself and Mr. SCHRADER):

H.R. 4916. A bill to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land; to the Committee on Natural Resources.

By Mr. SCHAUER:

H.R. 4917. A bill to amend part D of title XVIII of the Social Security Act to prohibit mid-year changes in the formularies of Medicare Part D plans; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER (for himself and Mr. CASTLE):

H.R. 4918. A bill to require States to carry out Congressional redistricting in accordance with a process under which members of the public are informed of redistricting proposals and have the opportunity to participate in the development of such proposals prior to their adoption, and for other purposes; to the Committee on the Judiciary.

By Ms. FALLIN (for herself, Mr. COLE, Mr. SULLIVAN, Mr. BOREN, and Mr. LUCAS):

H. Res. 1206. A resolution remembering the victims of the attack on the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, and supporting the goals and ideals of the National Week of Hope; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself, Ms. BORDALLO, Mr. MCCAUL, Mr. COURTNEY, Ms. MARKEY of Colorado, Mr. KINGSTON, and Mr. BOREN):

H. Res. 1207. A resolution recognizing the National Museum of World War II Aviation in Colorado Springs, Colorado, as America's National World War II Aviation Museum; to the Committee on Armed Services.

By Mr. SMITH of Washington (for himself, Mrs. BONO MACK, and Mr. COBLE):

H. Res. 1208. A resolution supporting the goals of World Intellectual Property Day; to the Committee on the Judiciary.

By Mr. INSLEE (for himself, Mr. CLYBURN, Mr. HASTINGS of Washington, Mr. DICKS, Mr. SPRATT, Mr. UPTON, and Mr. BARRETT of South Carolina):

H. Res. 1209. A resolution expressing disapproval of the House of Representatives with respect to the Department of Energy's motion with the Nuclear Regulatory Commission to withdraw the license application for a high-level nuclear waste repository at Yucca Mountain with prejudice; to the Committee on Energy and Commerce.

By Mr. KENNEDY (for himself and Mr. LANGEVIN):

H. Res. 1210. A resolution honoring the Blackstone Valley Tourism Council on the celebration of its 25th anniversary; to the Committee on Energy and Commerce.

By Ms. WATSON:

H. Res. 1211. A resolution expressing the appreciation of Congress for the service and sacrifice of the 2nd Ranger Infantry Company (Airborne), United States Army, which was the first and only all-African American Ranger Company in the Army; to the Committee on Armed Services.

¶38.27 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

245. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 117 memorializing the Congress to change Medicaid Laws, rules, and policies to reward states for results, staying healthy, and spending less, pursuant to; to the Committee on Energy and Commerce.

246. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 176 urging the Congress to stimulate markets for recycled materials, recycling, and source reduction and development of comprehensive solid waste management plans; to the Committee on Energy and Commerce.

247. Also, a memorial of the Legislature of the State of Wyoming, relative to Joint Resolution recognizing the Greater Sage Grouse Core Area as Wyoming's primary regulatory mechanism for conservaton to preclude the need for listing the bird on the threatened and endangered species list; to the Committee on Natural Resources.

248. Also, a memorial of the House of Representatives of the State of Maine, relative to House Joint Resolution No. 1287 urging the Congress of the United States to pass legislation in order to send a one time $250 payment to every Social Security Recipient; jointly to the Committees on Ways and Means, Transportation and Infrastructure, and Veterans' Affairs.

¶38.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mrs. KIRKPATRICK of Arizona, Ms. SPEIER, Mr. GEORGE MILLER of California, Mr. FARR, Mrs. NAPOLITANO, Mr. SABLAN, Mr. SALAZAR, Mr. RODRIGUEZ, and Mr. PAYNE.

H.R. 113: Mr. MARCHANT, Mr. ISSA, Mr. PENCE, Mr. HENSARLING, Mr. MANZULLO, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. GINGREY of Georgia, Mr. CONAWAY, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. GRIFFITH, and Mr. BARTLETT.

H.R. 177: Mr. OWENS.

H.R. 211: Mr. ISSA.

H.R. 219: Mr. JOHNSON of Illinois.

H.R. 235: Mr. ETHERIDGE, Mr. OWENS, Mr. LUCAS, and Ms. KOSMAS.

H.R. 442: Mr. THOMPSON of Pennsylvania.

H.R. 456: Mr. ROONEY.

H.R. 537: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. GUTHRIE.

H.R. 690: Mr. HUNTER and Mr. LUCAS.

H.R. 1177: Mr. CLYBURN, Mr. DINGELL, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Ms. MCCOLLUM, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mr. BUTTERFIELD, Mr. GRIJALVA, Mr. PASCRELL, Mr. BERMAN, Mr. KIND, Mr. DAVIS of Illinois, Mr. DOGGETT, Mr. FILNER, Mr. HOLT, Mr. KAGEN, Mr. LARSEN of Washington, Mr. STUPAK, Ms. SUTTON, Ms. WOOLSEY, Mr. WU, Ms. BALDWIN, and Mr. YARMUTH.

H.R. 1203: Mr. GINGREY of Georgia, Mr. ETHERIDGE, Mrs. DAHLKEMPER, and Ms. SHEA-PORTER.

H.R. 1324: Mr. SCOTT of Georgia.

H.R. 1467: Mr. GERLACH.

H.R. 1806: Mr. HALL of New York.

H.R. 1822: Mr. DUNCAN and Mr. WESTMORELAND.

H.R. 1895: Mr. MCMAHON.

H.R. 2000: Ms. TITUS.

H.R. 2067: Mr. TOWNS and Mr. GARAMENDI.

H.R. 2138: Mr. TIM MURPHY of Pennsylvania.

H.R. 2139: Mr. WEINER.

H.R. 2296: Mr. ORTIZ.

H.R. 2378: Ms. KILROY.

H.R. 2531: Mr. TONKO and Mr. HINCHEY.

H.R. 2713: Mr. WALZ.

H.R. 2799: Mr. MINNICK.

H.R. 3024: Mr. CONNOLLY of Virginia.

H.R. 3047: Mr. COHEN.

H.R. 3147: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3407: Mr. SCOTT of Virginia.

H.R. 3464: Mr. PETRI, Mr. ALEXANDER, Mr. WOLF, Mr. MORAN of Kansas, Mr. BISHOP of Utah, and Mrs. LUMMIS.

H.R. 3577: Mr. MICHAUD.

H.R. 3729: Mrs. HALVORSON.

H.R. 3787: Mr. BRALEY of Iowa.

H.R. 3947: Ms. RICHARDSON.

H.R. 3948: Mr. TIM MURPHY of Pennsylvania.

H.R. 3986: Mr. WATT.

H.R. 4271: Mr. SCHOCK and Mr. BARTLETT.

H.R. 4278: Mr. CLEAVER.

H.R. 4296: Mr. CARSON of Indiana.

H.R. 4306: Mr. NEUGEBAUER and Mr. POE of Texas.

H.R. 4360: Mr. SKELTON, Mr. KAGEN, and Mr. BOOZMAN.

H.R. 4430: Mr. CANTOR.

H.R. 4480: Ms. HERSETH SANDLIN.

H.R. 4486: Mrs. NAPOLITANO.

H.R. 4505: Mr. WELCH, Mr. BOREN, and Mr. ARCURI.

H.R. 4553: Mr. JONES.

H.R. 4635: Mr. FILNER.

H.R. 4674: Mrs. HALVORSON.

H.R. 4677: Ms. ZOE LOFGREN of California, Mr. VISCLOSKY, Mr. ARCURI, and Mr. WILSON of Ohio.

H.R. 4701: Mr. KAGEN.

H.R. 4753: Mr. ELLSWORTH.

H.R. 4767: Mr. LEE of New York.

H.R. 4788: Mr. KAGEN, Mr. STARK, Mr. TIM MURPHY of Pennsylvania, and Mr. FILNER.

H.R. 4812: Mr. BLUMENAUER, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Mr. TOWNS, Ms. SLAUGHTER, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Ms. PINGREE of Maine, Mr. THOMPSON of Mississippi, Mr. SIRES, Ms. DELAURO, Mr. BRADY of Pennsylvania, Ms. ROYBAL-ALLARD, and Mr. DAVIS of Illinois.

H.R. 4862: Mr. ACKERMAN and Ms. NORTON.

H.R. 4865: Mr. MORAN of Virginia and Ms. NORTON.

H.R. 4879: Ms. DELAURO, Mr. SHERMAN, Mr. ROTHMAN of New Jersey, Mrs. DAVIS of California, and Mrs. MALONEY.

H.R. 4894: Mr. HASTINGS of Washington and Mr. MICA.

H.R. 4903: Mr. BOOZMAN, Mr. SMITH of Texas, Mr. ROGERS of Alabama, Mr. JONES, Mr. GOHMERT, Mr. CARTER, Mr. GOODLATTE, and Mr. GARY G. MILLER of California.

H.R. 4904: Mr. ROHRABACHER, Mr. HALL of Texas, Mr. KING of Iowa, Mr. JONES, Mr. HASTINGS of Washington, and Mr. GOHMERT.

H.J. Res. 80: Mr. BUYER.

H. Con. Res. 241: Mrs. MCMORRIS RODGERS.

H. Res. 213: Mr. HINOJOSA, Mr. REYES, Mrs. DAVIS of California, and Mr. FATTAH.

H. Res. 577: Mr. HARE.

H. Res. 989: Mrs. NAPOLITANO.

H. Res. 996: Mr. CLEAVER, Mr. RUSH, Mr. MARKEY of Massachusetts, and Mr. MAFFEI.

H. Res. 1041: Mr. MEEKS of New York, Mr. BILBRAY, Mr. BOCCIERI, Mr. TANNER, and Mr. BOOZMAN.

H. Res. 1042: Mr. MEEKS of New York, Mr. BILBRAY, Mr. BOCCIERI, Mr. TANNER, and Mr. BOOZMAN.

H. Res. 1052: Ms. SHEA-PORTER, Mr. WILSON of South Carolina, and Mr. ORTIZ.

H. Res. 1094: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Ms. EDWARDS of Maryland, Mr. SCOTT of Georgia, Ms. RICHARDSON, Ms. FUDGE, Mr. CARSON of Indiana, Mrs. SCHMIDT, Mrs. MYRICK, Mr. DINGELL, Ms. CLARKE, Mr. JACKSON of Illinois, Mrs. MALONEY, Ms. SUTTON, Ms. BERKLEY, Mr. CLYBURN, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Mrs. HALVORSON, Ms. SPEIER, Ms. KAPTUR, Ms. KILROY, Ms. LEE of California, Ms. SCHAKOWSKY, Ms. WOOLSEY, Ms. HIRONO, Mr. GARAMENDI, Mr. DOGGETT, Mr. FATTAH, Mr. BRADY of Pennsylvania, Mr. ROTHMAN of New Jersey, Mr. KANJORSKI, Mr. HOLDEN, Mr. BUTTERFIELD, Mr. SCOTT of Virginia, Mr. HASTINGS of Florida, Mr. BECERRA, Ms. SLAUGHTER, and Mr. HOYER.

H. Res. 1132: Mr. NYE, Mr. BOREN, Mr. TAYLOR, Mr. MARSHALL, Mr. LOEBSACK, Ms. TSONGAS, Ms. PINGREE of Maine, Mr. KISSELL, Mr. LARSEN of Washington, Mr. MINNICK, Mr. REYES, Mr. BRIGHT, and Mr. BOOZMAN.

H. Res. 1158: Ms. NORTON.

H. Res. 1189: Mr. CAO, Mr. UPTON, Mr. GUTHRIE, Mr. EDWARDS of Texas, Mr. COBLE, Mr. SENSENBRENNER, Mr. GALLEGLY, Mrs. LUMMIS, Mr. ADERHOLT, Mr. PENCE, Mr. HENSARLING, Mr. FLAKE, Mr. CARTER, Mr. SMITH of Nebraska, Mr. BURTON of Indiana, Mr. ROGERS of Kentucky, Mr. BROWN of South Carolina, Mrs. SCHMIDT, Ms. ROS-LEHTINEN, Mrs. CAPITO, Mrs. BIGGERT, Mr. WESTMORELAND, Mr. FORBES, Mr. BOOZMAN, Mr. WITTMAN, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. REICHERT, Mr. WALDEN, Mr. BUCHANAN, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. FRELINGHUYSEN, Mr. MCKEON, Mr. HELLER, Mr. MCDERMOTT, Mr. FOSTER, Mr. BOUSTANY, Mr. BOYD, Mr. HOYER, Mr. MINNICK, Mr. SCHRADER, Mr. CASSIDY, Mr. MCINTYRE, Mr. BOREN, Mr. MELANCON, Mr. CHILDERS, Mr. ELLSWORTH, Mr. GORDON of Tennessee, Mr. SHULER, Mr. ALEXANDER, Mr. GRIFFITH, Mr. ROGERS of Alabama, Mr. TAYLOR, Mr. REHBERG, Mr. SULLIVAN, Mr. DAVIS of Tennessee, Mr. BOSWELL, Mr. SHERMAN, Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. THOMPSON of California, Ms. WOOLSEY, Ms. MATSUI, Mr. BERRY, Mr. GRAYSON, Ms. HIRONO, Mr. SKELTON, Mr. KILDEE, Mr. PITTS, Mr. DUNCAN, Mr. TANNER, Mr. SABLAN, Mr. GARRETT of New Jersey, Mr. ETHERIDGE, Mr. BAIRD, and Mr. BISHOP of New York.

H. Res. 1199: Mr. MORAN of Kansas.

¶38.29 PETITIONS

Under clause 1 of rule XXII,

111. The SPEAKER presented a petition of Wilton Manors Island City, Florida, relative to Resolution No. 3521 supporting H.R. 4530: Student Non-Discrimination Act of 2010; which was referred to the Committee on Education and Labor.

WEDNESDAY, MARCH 24, 2010 (39)

¶39.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. SPEIER, who laid before the House the following communication:

WASHINGTON, DC.
March 24, 2010.

I hereby appoint the Honorable JACKIE SPEIER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶39.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. SPEIER, announced she had examined and approved the Journal of the proceedings of Tuesday, March 23, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶39.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6759. A letter from the Director, Department of Defense, transmitting the Department's twentieth annual report for the Pentagon Renovation and Construction Program Office (PENREN) to the Committee on Armed Services.

6760. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No.: NHTSA-2009-0156] (RIN: 2127-AK57) received March 4, 2010 to the Committee on Energy and Commerce.

6761. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Requirements and Procedures for Consumer Assistance To Recycle and Save Program [Docket No.:

NHTSA-2009-0120; Notice 2] (RIN: 2127-AK67) received March 4, 2010 to the Committee on Energy and Commerce.

6762. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses as required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), and pursuant to Executive Order 13313 of July 31, 2003 to the Committee on Foreign Affairs.

6763. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-020 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6764. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6765. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6766. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6767. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6768. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6769. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6770. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6771. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6772. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6773. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6774. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6775. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6776. A letter from the Assistant Director, Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6777. A letter from the Assistant Director, Executive & Political Personnel, Department of the Navy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6778. A letter from the General Counsel, Institute of Museum and Library Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6779. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Civil Penalties [Docket No.: NHTSA-2009-0066; Notice 2] (RIN: 2127-AK40) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6780. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30708; Amdt. No. 3359] received March 4, 2010 to the Committee on Transportation and Infrastructure.

6781. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Hinesville, GA [Docket No.: FAA-2009-0960; Airspace Docket No. 09-ASO-29] received March 4, 2010 to the Committee on Transportation and Infrastructure.

6782. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-221, -222, -322, -324, and -325 Airplanes, and Model A300 B4-620, B4-622, B4-622R, and F4-622R Airplanes, Equipped with Pratt & Whitney PW4000 or JT9D-7R4 Series Airplanes [Docket No.: FAA-2009-0613; Directorate Identifier 2009-NM-013-AD; Amendment 39-16195; AD 2010-04-02] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6783. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault-Aviation Model Falcon 900EX Airplanes [Docket No.: FAA-2009-0994; Directorate Identifier 2009-NM-108-AD; Amendment 39-16194; AD 2010-04-01] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6784. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2S1 Turboshaft Engines [Docket No.: FAA-2009-0568; Directorate Identifier 2009-NE-20-AD; Amendment 39-16200; AD 2010-04-07] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6785. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No.: FAA-2009-0717; Directorate Identifier 2009-NM-002-AD; Amendment 39-16196; AD 2010-04-03] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6786. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SICLI Halon 1211 Portable Fire Extinguishers as Installed on Various Airplanes and Rotocraft [Docket No.: FAA-2010-0126; Directorate Identifier 2010-NM-015-AD; Amendment 39-16029; AD 2010-04-16] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

¶39.4 MAJOR CHARLES R. SOLTES, JR., O.D. DEPARTMENT OF VETERANS AFFAIRS BLIND REHABILITATION CENTER

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 4360) to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the ''Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center''.

The SPEAKER pro tempore, Ms. SPEIER, recognized Mr. FILNER and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. SPEIER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. SPEIER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, March 25, 2010.

¶39.5 AIRPORT AND AIRWAY TRUST FUND

Mr. COSTELLO moved to suspend the rules and pass the bill (H.R. 4915) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The SPEAKER pro tempore, Ms. SPEIER, recognized Mr. COSTELLO and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. SPEIER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶39.6 PROVIDING FOR CONSIDERATION OF H.R. 4899

Mr. PERLMUTTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1204):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

When said resolution was considered.

After debate,

On motion of Mr. PERLMUTTER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. SPEIER, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. SPEIER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶39.7 ADJOURNMENT OF THE TWO HOUSES

Mr. PERLMUTTER, submitted the following privileged concurrent resolution (H. Con. Res. 257):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Wednesday, March 24, 2010, through Monday, March 29, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 13, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, March 25, 2010, through Wednesday, March 31, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 12, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. SPEIER, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 236 / Nays 175

¶39.8 [Roll No. 178]

YEAS—236

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

NAYS—175

Aderholt	Gingrey (GA)	Murphy, Tim
Adler (NJ)	Goodlatte	Myrick
Akin	Granger	Neugebauer
Altmire	Graves	Nunes
Arcuri	Griffith	Paulsen
Austria	Guthrie	Pence
Bachmann	Hall (TX)	Perriello
Bachus	Harper	Petri
Barrett (SC)	Hastings (WA)	Pitts
Barton (TX)	Heller	Platts
Biggert	Hensarling	Poe (TX)
Bilirakis	Herger	Posey
Bishop (UT)	Himes	Price (GA)
Blackburn	Hunter	Putnam
Blunt	Inglis	Radanovich
Boehner	Issa	Rehberg
Bonner	Jenkins	Reichert
Boozman	Johnson, Sam	Roe (TN)
Boustany	Jordan (OH)	Rogers (AL)
Brady (TX)	King (IA)	Rogers (KY)
Broun (GA)	King (NY)	Rogers (MI)
Brown (SC)	Kingston	Rohrabacher
Buchanan	Kirk	Rooney
Burgess	Kline (MN)	Ros-Lehtinen
Burton (IN)	Kosmas	Roskam
Buyer	Kratovil	Royce
Calvert	Lamborn	Ryan (WI)
Camp	Lance	Scalise
Campbell	Latham	Schauer
Cantor	LaTourette	Schmidt
Cao	Latta	Sensenbrenner
Capito	Lee (NY)	Sessions
Carney	Lewis (CA)	Sestak
Carter	Linder	Shadegg
Cassidy	LoBiondo	Shimkus
Castle	Lucas	Shuster
Coble	Luetkemeyer	Simpson
Coffman (CO)	Lummis	Smith (NE)
Cole	Lungren, Daniel E.	Smith (NJ)
Conaway	Manzullo	Smith (TX)
Crenshaw	Marchant	Souder
Culberson	Markey (CO)	Stearns
Davis (KY)	McCarthy (CA)	Sullivan
Dent	McCaul	Terry
Diaz-Balart, M.	McClintock	Thompson (PA)
Donnelly (IN)	McCotter	Thornberry
Dreier	McKeon	Tiahrt
Duncan	McMahon	Tiberi
Ellsworth	McMorris Rodgers	Turner
Emerson	Mica	Upton
Fallin	Miller (FL)	Walden
Fleming	Miller (MI)	Wamp
Forbes	Miller, Gary	Westmoreland
Fortenberry	Minnick	Whitfield
Foxx	Mitchell	Wilson (SC)
Franks (AZ)	Moran (KS)	Wittman
Frelinghuysen	Murphy (NY)	Wolf
Gallegly	Murphy, Patrick	Young (AK)
Garrett (NJ)	Reyes	Young (FL)

NOT VOTING—18

Alexander	Diaz-Balart, L.	Schock
Bono Mack	Eshoo	Shuler
Brown-Waite, Ginny	Gerlach	Waters
Cardoza	Hill	
Cummings	Hoekstra	
Davis (AL)	Kilpatrick (MI)	
	Mack	

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶39.9 H. RES. 1204—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. SPEIER, pursuant to clause 8 of rule XX, announced the unfinished business to be the question of agreeing to said resolution (H. Res. 1204) providing for consideration of the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 233 Nays 191

¶39.10 [Roll No. 179]

YEAS—233

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

NAYS—191

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

NOT VOTING—5

Brown-Waite, Ginny
Cardoza
Davis (AL)
Hoekstra
Kilpatrick (MI)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶39.11 H. RES. 917—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. SPEIER, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 917) recognizing the Florida Keys Scenic Highway on the occasion of its designation as a All-American Road by the Department of Transportation; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 420 Nays 2

¶39.12 [Roll No. 180]]

YEAS—420

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts

Platts	Schakowsky	Terry
Poe (TX)	Schauer	Thompson (CA)
Polis (CO)	Schiff	Thompson (MS)
Pomeroy	Schmidt	Thompson (PA)
Posey	Schock	Thornberry
Price (GA)	Schrader	Tiahrt
Price (NC)	Schwartz	Tiberi
Putnam	Scott (GA)	Tierney
Quigley	Scott (VA)	Titus
Radanovich	Sensenbrenner	Tonko
Rahall	Serrano	Towns
Rangel	Sessions	Tsongas
Rehberg	Sestak	Turner
Reichert	Shadegg	Upton
Reyes	Shea-Porter	Van Hollen
Richardson	Sherman	Velázquez
Rodriguez	Shimkus	Visclosky
Roe (TN)	Shuler	Walden
Rogers (AL)	Shuster	Walz
Rogers (KY)	Simpson	Wamp
Rogers (MI)	Sires	Wasserman Schultz
Rohrabacher	Skelton	Waters
Rooney	Smith (NE)	Watson
Ros-Lehtinen	Smith (NJ)	Watt
Roskam	Smith (TX)	Waxman
Ross	Smith (WA)	Weiner
Rothman (NJ)	Snyder	Welch
Roybal-Allard	Souder	Westmoreland
Royce	Space	Whitfield
Ruppersberger	Speier	Wilson (OH)
Rush	Spratt	Wilson (SC)
Ryan (OH)	Stark	Wittman
Ryan (WI)	Stearns	Wolf
Salazar	Stupak	Woolsey
Sánchez, Linda T.	Sullivan	Wu
Sanchez, Loretta	Sutton	Yarmuth
Sarbanes	Tanner	Young (FL)
Scalise	Taylor	
	Teague	

NAYS—2

Linder	Young (AK)

NOT VOTING—7

Brown-Waite, Ginny	Davis (AL)	Kilpatrick (MI)
Cardoza	Hoekstra	Slaughter
	Honda	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶39.13 SMALL BUSINESS AND INFRASTRUCTURE JOBS

Mr. LEVIN, pursuant to House Resolution 1205, called up for consideration the bill (H.R. 4849) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business creation, extend the Build America Bonds program, provide other infrastructure job creation tax incentives, and for other purposes.

Pending consideration of said bill,

Pursuant to House Resolution 1205, the amendment in the nature of a substitute, recommended by the Committee on Ways and Means, printed in the bill, modified by the following amendment printed in House Report 111-455, was considered as agreed to:

Strike section 306 and insert the following (and amend the table of contents accordingly):

SEC. 306. APPLICATION OF CONTINUOUS LEVY TO TAX LIABILITIES OF CERTAIN FEDERAL CONTRACTORS.

(a) IN GENERAL.—Subsection (f) of section 6330 is amended by striking ''or'' at the end of paragraph (2), by inserting ''or'' at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

''(4) the Secretary has served a Federal contractor levy,''.

(b) FEDERAL CONTRACTOR LEVY.—Subsection (h) of section 6330 is amended—

(1) by striking all that precedes ''any levy in connection with the collection'' and inserting the following:

''(h) DEFINITIONS RELATED TO EXCEPTIONS.—For purposes of subsection (f)—

''(1) DISQUALIFIED EMPLOYMENT TAX LEVY.—A disqualified employment tax levy is'', and

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

''(2) FEDERAL CONTRACTOR LEVY.—A Federal contractor levy is any levy if the person whose property is subject to the levy (or any predecessor thereof) is a Federal contractor.''.

(c) CONFORMING AMENDMENT.—The heading of subsection (f) of section 6330 is amended by striking ''JEOPARDY AND STATE REFUND COLLECTION'' and inserting ''EXCEPTIONS''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to levies issued after December 31, 2010.

At the end of title III, add the following (and amend the table of contents accordingly):

SEC. 309. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Section 40(B)(6)(E) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

''(iv) EXCLUSION OF CERTAIN PROCESSED FUELS WITH A HIGH ACID CONTENT.—The term 'cellulosic biofuel' shall not include any processed fuel with an acid number greater than 25. For purposes of the preceding sentence, the term 'processed fuel' means any fuel other than a fuel—

''(I) more than 4 percent of which (determined by weight) is any combination of water and sediment, or

''(II) the ash content of which is more than 1 percent (determined by weight).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 310. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) SHIFT FROM 2015 TO 2014.—The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 4.5 percentage points.

(b) SHIFT FROM 2016 TO 2015.—The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 3.5 percentage points.

(c) SHIFT FROM 2020 TO 2019.—The percentage under paragraph (3) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 1.25 percentage points.

At the end of the bill, add the following (and amend the table of contents accordingly):

TITLE IV—EXTENSION OF EMERGENCY CONTINGENCY FUND FOR STATE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS

SEC. 401. 1-YEAR EXTENSION OF THE EMERGENCY CONTINGENCY FUND FOR STATE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS.

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting '', and for fiscal year 2011, $2,500,000,000'' before ''for payment'';

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

''(B) AVAILABILITY AND USE OF FUNDS.—

''(i) FISCAL YEARS 2009 AND 2010.—The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2009 shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with the requirements of paragraph (3).

''(ii) FISCAL YEAR 2011.—Subject to clause (iii), the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall remain available through fiscal year 2012 and shall be used to make grants to States based on expenditures in fiscal year 2011 for benefits and services provided in fiscal year 2011 in accordance with the requirements of paragraph (3).

''(iii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011, $500,000 shall be placed in reserve for use in fiscal year 2012, and shall be used to award grants for any expenditures described in this subsection incurred by States after September 30, 2011.'';

(3) in paragraph (2)(C), by striking ''2010'' and inserting ''2012'';

(4) in paragraph (3)—

(A) in clause (i) of each of subparagraphs (A), (B), and (C)—

(i) by striking ''year 2009 or 2010'' and inserting ''years 2009 through 2011'';

(ii) by striking ''and'' at the end of subclause (I);

(iii) by striking the period at the end of subclause (II) and inserting ''; and''; and

(iv) by adding at the end the following:

''(III) if the quarter is in fiscal year 2011, has provided the Secretary with such information as the Secretary may find necessary in order to make the determinations, or take any other action, described in paragraph (5)(C).''; and

(B) in subparagraph (C), by adding at the end the following:

''(iv) LIMITATION ON EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.—An expenditure for subsidized employment shall be taken into account under clause (ii) only if the expenditure is used to subsidize employment for—

''(I) a member of a needy family (without regard to whether the family is receiving assistance under the State program funded under this part); or

''(II) an individual who has exhausted (or, within 60 days, will exhaust) all rights to receive unemployment compensation under Federal and State law, and who is a member of a needy household (regardless of whether the household includes a child).'';

(5) by striking paragraph (5) and inserting the following:

''(5) LIMITATIONS ON PAYMENTS; ADJUSTMENT AUTHORITY.—

''(A) FISCAL YEARS 2009 AND 2010.—The total amount payable to a single State under subsection (b) and this subsection for fiscal years 2009 and 2010 combined shall not exceed 50 percent of the annual State family assistance grant.

''(B) FISCAL YEAR 2011.—Subject to subparagraph (C), the total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 30 percent of the annual State family assistance grant.

''(C) ADJUSTMENT AUTHORITY.—If the Secretary determines that the Emergency Fund is at risk of being depleted before September 30, 2011, or that funds are available to accommodate additional State requests under this subsection, the Secretary may, through program instructions issued without regard to the requirements of section 553 of title 5, United States Code—

''(i) specify priority criteria for awarding grants to States during fiscal year 2011; and

''(ii) adjust the percentage limitation applicable under subparagraph (B) with respect to the total amount payable to a single State for fiscal year 2011.''; and

(6) in paragraph (6), by inserting ''or for expenditures described in paragraph (3)(C)(iv)'' before the period.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(2)—

(A) by striking ''2010'' and inserting ''2011''; and

(B) by striking all that follows ''repealed'' and inserting a period; and

(2) in subsection (d)(1), by striking ''2010'' and inserting ''2011''.

(c) PROGRAM GUIDANCE.—The Secretary of Health and Human Services shall issue program guidance, without regard to the requirements of section 553 of title 5, United States Code, which ensures that the funds provided under the amendments made by this section for subsidized employment do not support any subsidized employment position the annual salary of which is greater than, at State option—

(1) 200 percent of the poverty line (within the meaning of section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section 673(2)) for a family of 4; or

(2) the median wage in any jurisdiction operating a program with funds provided pursuant to the amendments.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 1205, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CAMP moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Incentives for Small Business Growth and Health Care Corrections Act of 2010''.

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

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

TITLE I—SMALL BUSINESS TAX INCENTIVES

Subtitle A—General Provisions

SEC. 101. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 is amended by adding at the end the following new paragraph:

''(4) SPECIAL 100 PERCENT EXCLUSION.—In the case of qualified small business stock acquired after March 15, 2010, and before January 1, 2012—

''(A) paragraph (1) shall be applied by substituting '100 percent' for '50 percent',

''(B) paragraph (2) shall not apply, and

''(C) paragraph (7) of section 57(a) shall not apply.''.

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 1202(a) is amended—

(1) by striking ''after the date of the enactment of this paragraph and before January 1, 2011'' and inserting ''after February 17, 2009, and before March 16, 2010'', and

(2) by striking ''SPECIAL RULES FOR 2009 AND 2010'' in the heading and inserting ''SPECIAL 75 PERCENT EXCLUSION''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after March 15, 2010.

Subtitle B—Limitations and Reporting on Certain Penalties

SEC. 111. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE CERTAIN INFORMATION.

(a) IN GENERAL.—Subsection (b) of section 6707A is amended to read as follows:

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

''(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction for any taxable year shall not exceed—

''(A) in the case of a listed transaction, $200,000 ($100,000 in the case of a natural person), or

''(B) in the case of any other reportable transaction, $50,000 ($10,000 in the case of a natural person).

''(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any transaction for any taxable year shall not be less than $10,000 ($5,000 in the case of a natural person).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

SEC. 112. ANNUAL REPORTS ON PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

Subtitle C—Preservation of Health Savings Accounts and Health Flexible Spending Arrangements

SEC. 121. REPEAL OF LIMITATIONS ON MEDICINES.

Effective as of the enactment of the Patient Protection and Affordable Care Act, section 9003 of such Act (relating to distributions for medicine qualified only if for prescribed drug or insulin) is hereby repealed and any provision of law amended by such section is amended to read as such provision would read if such section had never been enacted.

SEC. 122. REPEAL OF DOLLAR LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS.

Effective as of the enactment of the Patient Protection and Affordable Care Act, section 9005 of such Act (relating to limitation on health flexible spending arrangements under cafeteria plans) is hereby repealed and any provision of law amended by such section is amended to read as such provision would read if such section had never been enacted.

Subtitle D—Other Provisions

SEC. 131. NONRECOURSE SMALL BUSINESS INVESTMENT COMPANY LOANS FROM THE SMALL BUSINESS ADMINISTRATION TREATED AS AMOUNTS AT RISK.

(a) IN GENERAL.—Subparagraph (B) of section 465(b)(6) is amended to read as follows:

''(B) QUALIFIED NONRECOURSE FINANCING.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified nonrecourse financing' means any financing—

''(I) which is qualified real property financing or qualified SBIC financing,

''(II) except to the extent provided in regulations, with respect to which no person is personally liable for repayment, and

''(III) which is not convertible debt.

''(ii) QUALIFIED REAL PROPERTY FINANCING.—The term 'qualified real property financing' means any financing which—

''(I) is borrowed by the taxpayer with respect to the activity of holding real property,

''(II) is secured by real property used in such activity, and

''(III) is borrowed by the taxpayer from a qualified person or represents a loan from any Federal, State, or local government or instrumentality thereof, or is guaranteed by any Federal, State, or local government.

''(iii) QUALIFIED SBIC FINANCING.—The term 'qualified SBIC financing' means any financing which—

''(I) is borrowed by a small business investment company (within the meaning of section 301 of the Small Business Investment Act of 1958), and

''(II) is borrowed from, or guaranteed by, the Small Business Administration under the authority of section 303(b) of such Act.''.

(b) CONFORMING AMENDMENTS.—Subparagraph (A) of section 465(b)(6) is amended—

(1) by striking ''in the case of an activity of holding real property,'', and

(2) by striking ''which is secured by real property used in such activity''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to loans and guarantees made after the date of the enactment of this Act.

SEC. 132. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES.

(a) IN GENERAL.—Subsection (b) of section 195 is amended by adding at the end the following new paragraph:

''(3) INCREASED LIMITATION FOR TAXABLE YEARS BEGINNING IN 2010 OR 2011.—In the case of any taxable year beginning in 2010 or 2011, paragraph (1)(A)(ii) shall be applied—

''(A) by substituting '$20,000' for '$5,000', and

''(B) by substituting '$75,000' for '$50,000'.''.

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

TITLE II—REVENUE PROVISIONS

SEC. 201. EXCLUSION OF CERTAIN LOW-QUALITY FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) is amended by adding at the end the following new clause:

''(iii) EXCLUSION OF CERTAIN LOW-QUALITY FUELS.—The term 'cellulosic biofuel' shall not include any fuel if—

''(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment,

''(II) the ash content of such fuel is more than 1 percent (determined by weight), or

''(III) the acid number of such fuel is greater than 25.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 202. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986, in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year)—

(1) the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2010 shall be 100.75 percent of such amount, and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that the nays had it.

Mr. CAMP demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 184 / Nays 239

¶39.14 [Roll No. 181]

YEAS—184

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

NAYS—239

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

NOT VOTING—6

Brown (SC)	Davis (AL)	Kilpatrick (MI)
Brown-Waite, Ginny	Gutierrez	
	Hoekstra	

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that the yeas had it.

Mr. LEVIN demanded a recorded vote on, passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 246 / Nays 178

¶39.15 [Roll No. 182]

AYES—246

Ackerman	Baca	Becerra
Adler (NJ)	Baird	Berkley
Altmire	Baldwin	Berman
Andrews	Barrow	Berry
Arcuri	Bean	Bishop (GA)

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

NOES—178

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

NOT VOTING—5

Brown (SC)
Cleaver
Davis (AL)
Hoekstra
Kilpatrick (MI)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶39.16 H.R. 4098—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4098) to require the Director of the Office of Management and Budget to issue guidance on the use of peer-to-peer file sharing software to prohibit the personal use of such software by Government employees, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	408
Nays	13
Answered present	1

¶39.17 [Roll No. 183]

YEAS—408

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky

Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—13

Akin
Broun (GA)
Duncan
Gingrey (GA)
Kingston
Marchant
Paul
Poe (TX)
Price (GA)
Royce
Sensenbrenner
Westmoreland
Young (AK)

ANSWERED ''PRESENT''—1

Lofgren, Zoe

NOT VOTING—7

Barrett (SC)
Brown (SC)
Butterfield
Cassidy
Davis (AL)
Hoekstra
Kilpatrick (MI)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶39.18 H.R. 1879—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1879) to amend title 38, United States Code, to provide for employment and reemployment rights for certain individuals ordered to full-time National Guard duty; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of those present had voted in the affirmative.

Mr. HARE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 1

¶39.19 [Roll No. 184]

YEAS—416

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

NAYS—1

Paul

NOT VOTING—12

Barrett (SC)
Becerra
Brown (SC)
Cassidy
Crowley
Davis (AL)
Hoekstra
Kilpatrick (MI)
King (IA)
Minnick
Murphy (NY)
Teague

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶39.20 DISASTER RELIEF AND SUMMER JOBS

Mr. OBEY, pursuant to House Resolution 1204, called up for consideration the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

After debate,

Pursuant to House Resolution 1204, the previous question was ordered on the bill.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

Mr. LEWIS of California, moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendments:

On page 2, strike line 10 and all that follows through line 4 on page 3.

On page 5, after line 16, insert the following:

(5) ''Department of Labor—Employment and Training Administration–Training and Employment'', $140,000,000 to be derived from unobligated balances available from amounts placed in a national reserve under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

(6) ''Department of Labor—Employment and Training Administration–Training and Employment'', $400,000,000 to be derived from unobligated balances available from amounts provided for competitive grants for worker training in high growth and emerging industry sectors under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

(7) ''Department of Health and Human Services—National Institutes of Health–Buildings and Facilities'', $434,000,000 to be derived from unobligated balances available from amounts provided under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

(8) ''Department of Health and Human Services—Agency for Healthcare Quality and Research–Healthcare Research and Quality'', $850,000,000 to be derived from unobligated balances available from amounts provided for comparative effectiveness research under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

(9) ''Department of Health and Human Services—Office of the Secretary–Office of the National Coordinator for Health Information Technology'', $1,900,000,000 to be derived from unobligated balances available under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

(10) ''Department of Health and Human Services—Public Health and Social Services Emergency Fund'', $38,000,000 to be derived from unobligated balances available under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

(11) ''Department of Education—Impact Aid'', $60,000,000 to be derived from unobligated balances available under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

(12) ''Department of Education—Institute of Education Science'', $250,000,000 to be derived from unobligated balances available under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

(13) ''Social Security Administration—Limitation on Administrative Expenses'', $497,000,000 to be derived from unobligated balances available from amounts provided for the replacement of the National Computing Center under this heading in title VIII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

(14) ''Department of Energy—Energy Programs—Title 17–Innovative Technology Loan Guarantee Program'', $571,000,000 to be derived from unobligated balances available under this heading in title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115).

¶39.21 POINT OF ORDER

Mr. OBEY made a point of order against consideration of the motion, and said:

''Mr. Speaker, I make a point of order against the motion because it constitutes legislation on an appropriation bill, which is in violation of clause 2, rule XXI. The instructions in the motion include an amendment proposing to include language in the bill that would provide for the rescission of previously appropriated funds made available in other appropriation acts.

''This is clearly a legislative proposition, Mr. Speaker. Section 1052 of the House Rules and Manual states, in part: An amendment proposing a rescission constitutes legislation under clause 2(c).

''The amendment is, therefore, legislative in nature and is in violation of clause 2, rule XXI, and I ask for a ruling from the Chair.''.

Mr. LEWIS of California, was recognized to speak to the point of order and said:

''Mr. Speaker, as I suggested earlier, the bill before us contains almost $6 billion in new spending, spending that is not offset by true reductions. Instead, this $6 billion will simply pile more money on to the government's charge card and add to our already astronomical debt.

''Mr. Speaker, it is my understanding that the bill before us today is considered to be a general appropriations bill, and under the rules of the House, general appropriations bills are privileged and are to be considered in the Committee on Appropriations or sent to the Committee on Appropriations prior to consideration on the House floor.

''I have expressed my concern about the lack of regular order, the number of supplementals and appropriations bills that are not being heard in committee or subcommittee. I won't repeat all of those concerns, except to say that we are on this disastrous pathway because of our totally ignoring the need to make sense out of our national deficit and get a handle on spending.

''Mr. Speaker, I ask for consideration of my motion to recommit.''.

The SPEAKER pro tempore, Mr. BLUMENAUER, sustained the point of order, and said:

''The gentleman from Wisconsin raises a point of order against the motion on the basis that it violates clause 2 of rule XXI.

''The motion proposes to insert a rescission in a general appropriation bill. As provided in section 1052 of the House Rules and Manual, an amendment proposing a rescission constitutes legislation in violation of clause 2(c) of rule XXI.

''The point of order is sustained and the motion is not in order.''.

Mr. LEWIS of California, appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. OBEY moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the nays had it.

Mr. OBEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 / Nays 176

¶39.22 [Roll No. 185]

YEAS—239

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

NAYS—176

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell

Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barrett (SC)
Boucher
Buchanan
Davis (AL)
Donnelly (IN)
Edwards (TX)
Ellsworth
Hoekstra
Jackson Lee (TX)
Johnson (GA)
Kilpatrick (MI)
Maloney
Reichert
Richardson

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

The question being put,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that, pursuant to clause 10 of rule XX, the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239; Nays ..... 175; Answered present 1

¶39.23 [Roll No. 186]

YEAS—239

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

NAYS—175

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

ANSWERED ''PRESENT''—1

Cassidy

NOT VOTING—14

Barrett (SC)
Boucher
Cooper
Davis (AL)
Gutierrez
Hoekstra
Issa
Jackson Lee (TX)
Kilpatrick (MI)
Maloney
Reichert
Rush
Schrader
Wasserman Schultz

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶39.24 H.R. 3562—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3562) to designate the Federal building under construction at 1220 Echelon Parkway in Jackson, Mississippi, as the ''Chaney, Goodman, Schwerner Federal Building''; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the 'James Chaney, Andrew Goodman, and Michael Schwerner Federal Building'.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶39.25 PROVIDING FOR CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 1586

Ms. MATSUI, by direction of the Committee on Rules, reported (Rept. No. 111–456) the resolution (H. Res. 1212)

providing for consideration of the amendments of the Senate to the bill (H.R. 1586) to impose additional tax on bonuses received from certain TARP recipients, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶39.26 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on March 22, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 3590. An Act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

¶39.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. Ginny BROWN-WAITE of Florida, for today before 3 p.m.; and

To Ms. MALONEY, for today after 2 p.m.

And then,

¶39.28 ADJOURNMENT

On motion of Mr. GARAMENDI, at 6 o'clock and 14 minutes p.m., the House adjourned.

¶39.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 1212. Resolution providing for consideration of the Senate amendments to the bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients, and for other purposes (Rept. 111–456). Referred to the House Calendar.

¶39.30 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MACK:

H.R. 4919. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, Appropriations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH:

H.R. 4920. A bill to create and encourage the creation of jobs for youth, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, Natural Resources, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINNICK (for himself, Ms. HERSETH SANDLIN, Mr. MATHESON, Mr. SHULER, Mr. BOYD, Mr. TANNER, Mr. ROSS, Mr. CARDOZA, Mr. COOPER, Ms. MARKEY of Colorado, Mr. CHILDERS, Mr. POMEROY, Mr. COSTA, Mr. BOREN, Mr. BARROW, Mr. BRIGHT, Ms. GIFFORDS, Mr. DAVIS of Tennessee, Mr. KRATOVIL, Mr. MURPHY of New York, Mr. NYE, Mr. BACA, Mr. PETERSON, Mr. BISHOP of Georgia, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SCHRADER, Mr. CUELLAR, Mr. MCINTYRE, and Mr. PETERS):

H.R. 4921. A bill to establish procedures for the expedited consideration by Congress of certain proposals by the President to rescind amounts of budget authority; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. FRANK of Massachusetts, Mr. KENNEDY, and Mr. LANGEVIN):

H.R. 4922. A bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation or importation of natural gas; to the Committee on Energy and Commerce.

By Mr. HEINRICH:

H.R. 4923. A bill to amend title 10, United States Code, to extend TRICARE coverage to certain dependents under the age of 26; to the Committee on Armed Services.

By Mrs. BACHMANN:

H.R. 4924. A bill to allow the Secretary of the Interior to clear a proposed project in the Lower St. Croix Wild and Scenic River, and for other purposes; to the Committee on Natural Resources.

By Ms. BALDWIN (for herself, Mrs. CAPITO, Ms. WASSERMAN SCHULTZ, Mrs. CAPPS, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 4925. A bill to authorize grants to promote media literacy and youth empowerment programs, to authorize research on the role and impact of depictions of girls and women in the media, to provide for the establishment of a National Task Force on Girls and Women in the Media, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Mr. EDWARDS of Texas, Mr. POLIS of Colorado, Mr. SARBANES, and Mr. JOHNSON of Georgia):

H.R. 4926. A bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Tennessee (for himself and Mrs. BLACKBURN):

H.R. 4927. A bill to amend subtitle IV of title 40, United States Code, regarding county additions to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. GUTIERREZ:

H.R. 4928. A bill to amend the Federal Deposit Insurance Act to permanently extend the Transaction Amount Guarantee Program; to the Committee on Financial Services.

By Mr. RUSH:

H.R. 4929. A bill to amend the Small Business Act to ensure that certain Federal contracts are set aside for small businesses, to enhance services to small businesses that are disadvantaged, and for other purposes; to the Committee on Small Business, and in addition to the Committees on Financial Services, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER:

H.R. 4930. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income of gain from the sale of non-principal residences; to the Committee on Ways and Means.

By Mr. KLEIN of Florida:

H.R. 4931. A bill to amend the Congressional Budget Act of 1974 to require that the concurrent resolution on the budget for fiscal year 2012 include a benchmark plan to eliminate the budget deficit by fiscal year 2020 and that subsequent resolutions adhere to that plan; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KRATOVIL:

H.R. 4932. A bill to waive temporarily the matching amount requirement with respect to section 21 of the Small Business Act, and for other purposes; to the Committee on Small Business.

By Ms. LEE of California:

H.R. 4933. A bill to establish a strategy to coordinate all health-related United States foreign assistance, to assist developing countries in improving delivery of health services, and to establish an initiative to assist developing countries in strengthening their indigenous health workforces, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POSEY (for himself, Mr. PRICE of Georgia, Mr. HENSARLING, Mr. SOUDER, Mr. BURTON of Indiana, Mr. WESTMORELAND, Mr. POE of Texas, Mrs. BACHMANN, Mr. PITTS, Mr. BARTLETT, Mr. GOHMERT, Mr. GRIFFITH, Mr. BROUN of Georgia, Mr. BONNER, Mr. PAUL, Mr. KINGSTON, Mr. LAMBORN, and Mr. AKIN):

H.R. 4934. A bill to prohibit the enforcement of a climate change interpretive guidance issued by the Securities and Exchange Commission, and for other purposes; to the Committee on Financial Services.

By Mr. TIAHRT:

H.R. 4935. A bill to allow regional directors of the Federal Emergency Management Agency to extend temporarily the Provisional Accredited Levee period if a good faith effort to upgrade a levee to the accredited level is being made; to the Committee on Financial Services.

By Ms. TSONGAS:

H.R. 4936. A bill to amend the Expedited Funds Availability Act, to adjust dollar limits on check hold policies, and for other purposes; to the Committee on Financial Services.

By Ms. TSONGAS (for herself and Mr. PETRI):

H.R. 4937. A bill to modify certain requirements for countable resources and income under the Supplemental Security Income program, and for other purposes; to the Committee on Ways and Means.

By Mr. PERLMUTTER:

H. Con. Res. 257. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Ms. FUDGE (for herself and Mr. EHLERS):

H. Res. 1213. A resolution recognizing the need to improve the participation and performance of America's students in Science, Technology, Engineering, and Mathematics (STEM) fields, supporting the ideals of National Lab Day, and for other purposes; to the Committee on Science and Technology.

By Mr. CARSON of Indiana (for himself and Mr. CONYERS):

H. Res. 1214. A resolution recognizing and commending Viola Liuzzo for her extraordinary courage and for her contribution to the United States; to the Committee on the Judiciary.

By Mr. CROWLEY (for himself and Mr. ROYCE):

H. Res. 1215. A resolution expressing support for Bangladesh's return to democracy; to the Committee on Foreign Affairs.

By Mr. LIPINSKI (for himself and Mr. FORTENBERRY):

H. Res. 1216. A resolution congratulating Reverend Daniel P. Coughlin on his tenth year of service as Chaplain of the House of Representatives; to the Committee on House Administration.

By Mr. OWENS:

H. Res. 1217. A resolution honoring Fort Drum's soldiers of the 10th Mountain Division for their past and continuing contributions to the security of the United States; to the Committee on Armed Services.

By Mr. TAYLOR (for himself, Mr. CHILDERS, Mr. HARPER, and Mr. THOMPSON of Mississippi):

H. Res. 1218. A resolution recognizing the University of Southern Mississippi for 100 years of service and excellence in higher education; to the Committee on Education and Labor.

¶39.31 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

249. The SPEAKER presented a memorial of the Senate of the State of New Mexico, relative to Senate Joint Memorial 51 urging the Congress of the United States to support the preservation of the Navajo Code Talkers' remarkable legacy; jointly to the Committees on Armed Services and Veterans' Affairs.

¶39.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. DAVIS of Illinois and Ms. WATSON.

H.R. 211: Mr. ACKERMAN.

H.R. 303: Mr. SIMPSON and Mr. HUNTER.

H.R. 745: Mr. KISSELL.

H.R. 767: Mr. REYES.

H.R. 810: Mr. ROSS.

H.R. 811: Mr. MICHAUD.

H.R. 892: Mr. FORBES.

H.R. 927: Mr. OWENS.

H.R. 950: Mr. REYES, Mr. RODRIGUEZ, Mr. COHEN, and Ms. CLARKE.

H.R. 1157: Mr. ANDREWS.

H.R. 1177: Mr. ADERHOLT, Mr. ALEXANDER, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLUNT, Mr. BROWN of South Carolina, Mrs. CAPITO, Mr. CASTLE, Mr. DENT, Mr. EHLERS, Mr. THORNBERRY, Mr. YOUNG of Florida, Mr. GERLACH, Mr. GOHMERT, Mr. GOODLATTE, Mr. KING of Iowa, Mr. LATOURETTE, Mr. MANZULLO, Mr. MARCHANT, Mr. MCHENRY, Mr. MILLER of Florida, Mr. POE of Texas, Mr. PRICE of Georgia, Mr. REHBERG, Mr. REICHERT, Mr. ROSKAM, and Mr. SESSIONS.

H.R. 1199: Mr. FORBES.

H R. 1343: Mr. CALVERT.

H.R. 1552: Mr. SPACE.

H.R. 1625: Mr. TERRY, Mr. POSEY, Ms. HERSETH SANDLIN, and Mr. ANDREWS.

H.R. 1646: Mr. COBLE.

H.R. 1722: Mr. CUMMINGS and Ms. NORTON.

H.R. 1884: Mr. ROGERS of Michigan, Mr. BILBRAY, Mr. DEFAZIO, Mr. AKIN, Mr. EHLERS, Mr. WAMP, Mr. BISHOP of Utah, Mr. SCHAUER, Mrs. MCMORRIS RODGERS, Mr. YARMUTH, Mr. PASTOR of Arizona, and Mrs. BONO MACK.

H.R. 1990: Mr. STEARNS.

H.R. 2067: Mr. LARSON of Connecticut and Mr. CONYERS.

H.R. 2110: Mr. DUNCAN.

H.R. 2305: Mr. JONES.

H.R. 2324: Mr. DAVIS of Illinois.

H.R. 2455: Mr. KISSELL.

H.R. 2478: Mr. TONKO.

H.R. 2568: Mrs. MALONEY.

H.R. 3186: Mr. CASTLE.

H.R. 3308: Mr. DENT.

H.R. 3339: Mr. HELLER.

H.R. 3406: Mr. CHAFFETZ, Mr. PLATTS, and Mr. PAUL.

H.R. 3415: Mr. LUJÁN, Mr. HARE, and Mrs. EMERSON.

H.R. 3484: Mr. FILNER.

H.R. 3578: Mr. COHEN and Mr. LOBIONDO.

H.R. 3636: Ms. WATERS.

H.R. 3655: Mr. BUTTERFIELD.

H.R. 3668: Ms. SCHWARTZ, Mr. HOLDEN, Mr. PASTOR of Arizona, Mr. MURPHY of Connecticut, Mr. GRAVES, Mr. HARE, and Mrs. DAVIS of California.

H.R. 3720: Mr. GUTHRIE.

H.R. 3745: Mr. DELAHUNT.

H.R. 3995: Mr. KAGEN.

H.R. 4000: Ms. CASTOR of Florida and Mr. BUTTERFIELD.

H.R. 4014: Ms. SPEIER and Ms. RICHARDSON.

H.R. 4021: Mr. SCHOCK.

H.R. 4036: Mr. RUSH.

H.R. 4053: Ms. SCHAKOWSKY.

H.R. 4128: Mr. ROYCE.

H.R. 4224: Mr. GUTIERREZ, Mr. SERRANO, and Mr. PIERLUISI.

H.R. 4278: Mr. HIGGINS.

H.R. 4296: Mr. BISHOP of New York.

H.R. 4302: Mr. RUPPERSBERGER and Mr. GARAMENDI.

H.R. 4530: Mr. NEAL of Massachusetts.

H.R. 4616: Mr. SERRANO.

H.R. 4647: Mr. BACA and Ms. TITUS.

H.R. 4677: Ms. WOOLSEY.

H.R. 4678: Mr. JACKSON of Illinois and Mr. ELLISON.

H.R. 4684: Mr. LARSON of Connecticut, Mr. BISHOP of Georgia, Mr. CARNEY, and Mr. DENT.

H.R. 4703: Mr. CALVERT.

H.R. 4800: Ms. CLARKE and Mr. GRIJALVA.

H.R. 4803: Mr. KINGSTON and Mr. YOUNG of Alaska.

H.R. 4807: Mr. MCMAHON.

H.R. 4812: Mr. PAYNE, Mr. RYAN of Ohio, Mr. BACA, Mr. PALLONE, Mr. NADLER of New York, Ms. HIRONO, Mr. HALL of New York, Mr. MORAN of Virginia, Mr. PASTOR of Arizona, Mr. SERRANO, Mrs. MALONEY, and Ms. VELÁZQUEZ.

H.R. 4815: Mr. BOYD and Mr. SCHRADER.

H.R. 4850: Mr. DINGELL, Mr. SCHAUER, Mr. ARCURI, Ms. SUTTON, and Mr. ISRAEL.

H.R. 4870: Mr. BRADY of Pennsylvania.

H.R. 4886: Mr. ROHRABACHER and Mr. CROWLEY.

H.R. 4896: Mr. POE of Texas and Mr. TIAHRT.

H.R. 4901: Mr. JONES.

H.R. 4903: Mr. WAMP, Mr. PENCE, Mr. GRIFFITH, and Mr. BARRETT of South Carolina.

H.R. 4904: Mr. GOODLATTE, Mr. GARY G. MILLER of California, Ms. JENKINS, Mr. LAMBORN, Mr. MCCAUL, Mr. HENSARLING, Mr. PENCE, Mrs. BACHMANN, Mr. PITTS, Mr. OLSON, Mr. FLEMING, Mr. BARTLETT, Mr. GRIFFITH, Mr. BONNER, Mr. CAMPBELL, Mr. BROUN of Georgia, Ms. FALLIN, Mr. POSEY, Mr. WESTMORELAND, Mrs. LUMMIS, Mr. AKIN, Mr. NEUGEBAUER, Mr. PRICE of Georgia, and Mr. ISSA.

H.R. 4910: Mr. TIAHRT, Mr. KINGSTON, Mr. WILSON of South Carolina, Mrs. BACHMANN, Mr. SOUDER, and Mr. HALL of Texas.

H.R. 4914: Mr. DELAHUNT.

H.J. Res. 1: Mr. DANIEL E. LUNGREN of California.

H. Con. Res. 49: Mr. SCHAUER, Ms. KOSMAS, and Mr. MEEKS of New York.

H. Con. Res. 128: Mr. COHEN, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. RICHARDSON.

H. Con. Res. 252: Mr. LIPINSKI.

H. Res. 173: Ms. KILROY, Mr. HOLT, Mr. BACA, Ms. CHU, Mr. LOBIONDO, Mrs. EMERSON, Mr. BRADY of Pennsylvania, Mr. SCHIFF, Ms. BERKLEY, Ms. LORETTA SANCHEZ of California, Mr. MICHAUD, and Mrs. DAVIS of California.

H. Res. 213: Ms. SUTTON and Ms. HARMAN.

H. Res. 704: Mr. REHBERG, Mr. CARNAHAN, and Mr. LATTA.

H. Res. 763: Mr. COBLE.

H. Res. 855: Mr. LAMBORN, Mr. TIAHRT, and Ms. BORDALLO.

H. Res. 857: Mr. FILNER.

H. Res. 870: Mr. ADERHOLT.

H. Res. 874: Mr. SCHOCK.

H. Res. 992: Mrs. MYRICK, Mr. ISSA, and Mr. POSEY.

H. Res. 996: Ms. MATSUI, Ms. BALDWIN, Mr. CARSON of Indiana, Mr. THOMPSON of Mississippi, Mr. KILDEE, Mr. LOEBSACK, Mr. SCOTT of Georgia, Ms. TITUS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mr. WATT, and Ms. KILROY

H. Res. 1060: Mr. CALVERT.

H. Res. 1094: Mr. MEEK of Florida.

H. Res. 1132: Mr. SKELTON, Mr. ORTIZ, Mr. ANDREWS, Mr. MURPHY of New York, Mr. BOCCIERI, Mr. CONNOLLY of Virginia, Mr. DRIEHAUS, Ms. FUDGE, Ms. MARKEY of Colorado, Mr. MCMAHON, Mr. PIERLUISI, Mr. POLIS of Colorado, Mr. SCHRADER, Mr. TONKO, Mr. HOLDEN, Mr. WILSON of Ohio, Mr. DAVIS of Tennessee, Mr. OWENS, Mr. SABLAN, Mr. SNYDER, Mr. MAFFEI, Mr. PERRIELLO, Mr. PETERS, Mr. SCHAUER, Mr. MATHESON, Ms. BALDWIN, Mr. MCNERNEY, Mr. CHANDLER, Mr. MELANCON, Mr. SCOTT of Virginia, and Mr. HALL of New York.

H. Res. 1171: Mr. ROTHMAN of New Jersey and Mr. TIM MURPHY of Pennsylvania.

H. Res. 1175: Mr. CARTER, Mr. JORDAN of Ohio, Mr. KINGSTON, and Mr. BISHOP of Georgia.

H. Res. 1187: Mr. DOGGETT, Mr. FARR, Ms. RICHARDSON, and Mr. TOWNS.

H. Res. 1188: Mr. REICHERT.

H. Res. 1209: Mrs. MCMORRIS RODGERS and Mr. INGLIS.

H. Res. 1211: Mr. RYAN of Ohio, Mr. WALZ, Ms. BORDALLO, and Mr. CLAY.

¶39.33 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1255: Mr. MORAN of Kansas.

H. Res. 648: Ms. LINDA T. SÁNCHEZ of California.

THURSDAY, MARCH 25, 2010 (40)

The House was called to order by the SPEAKER.

¶40.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, March 24, 2010.

Mr. JACKSON of Illinois, pursuant to clause 1 of rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. JACKSON of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶40.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6787. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Victor E. Renuart, Jr., United States Air Force, and his placement on the retired list in the grade of general to the Committee on Armed Services.

6788. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Saftey Standards; Door Locks and Door Retention Components [Docket No.: NHTSA-2010-0015] (RIN: 2127-AK60) received March 4, 2010 to the Committee on Energy and Commerce.

6789. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-012 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6790. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-018 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6791. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-025 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6792. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-022, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act to the Committee on Foreign Affairs.

6793. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-013, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6794. A letter from the Chair, J. William Fulbright Foreign Scholarship Board, transmitting the annual report of the J. William Fulbright Foreign Scholarship Board for 2008-2009 to the Committee on Foreign Affairs.

6795. A letter from the Acting Director, Office of Financial Management, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period April 1, 2009 through September 30, 2009 to the Committee on House Administration and ordered to be printed.

6796. A letter from the Deputy Chief Financial Officer and Director for Financial Management, Department of Commerce, transmitting the Department's final rule — Civil Monetary Penalties; Adjustment for Inflation [Docket No.: 080731957-8958-01] (RIN: 0605-AA27) received March 4, 2010 to the Committee on the Judiciary.

6797. A letter from the Paralegal Specialist, Department of Homeland Security, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30707 Amdt. No 3358] received March 4, 2010 to the Committee on Transportation and Infrastructure.

6798. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Certification of Aircraft and Airmen for Operation of Light-Sport Aircraft; Modifications to Rules for Sport Pilots and Flight Instructors with a Sport Pilot Rating [Docket No.: FAA-2007-29015; Amdt. Nos. 43-44, 61-125, 91-311, and 141-13] (RIN: 2120-AJ10) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6799. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2B and 2B1 Turboshaft Engines [Docket No.: FAA-2009-0889; Directorate Identifier 2009-NE-35-AD; Amendment 39-16189; AD 2010-03-06] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6800. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lifesavings Systems Corp., D-Lok Hook Assembly [Docket No.: FAA-2009-1148; Directorate Identifier 2009-SW-36-AD; Amendment 39-16185; AD 2010-03-02] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6801. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SE3160, SA315B, SA316B, SA316C, and SA319B Helicopters [Docket No.: FAA-2010-0047; Directorate Identifier 2009-SW-28-AD; Amendment 39-16177; AD 2010-02-07] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6802. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA-2009-0793; Directorate Identifier 2009-NM-051-AD; Amendment 39-16183; AD 2010-02-12] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6803. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -243, -301,-302, -303, -321, -322, -323, -341, -342, and -343 Series Airplanes; Model A340-211, -212, -213, -311, -312, and -313 Series Airplanes; and Model A340-541 and -642 Airplanes [Docket No.: FAA-2009-0782; Directorate Identifier 2009-NM-011-AD; Amendment 39-16181; AD 2010-02-10] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6804. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2009-0912; Directorate Identifier 2009-NM-047-AD; Amendment 39-16182; AD 2010-02-11] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6805. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332L1, AS332L2, and EC225LP Helicopters [Docket No.: FAA-2009-1146; Directorate Identifier 2008-SW-38-AD; Amendment 39-16184; AD 2010-03-01] (RIN: 2120-AA64) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6806. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Filtered Flight Data [Docket No.: FAA-2006-26135; Amendment Nos. 121-347, 125-59, and 135-120] (RIN: 2120-AI79) received March 4, 2010 to the Committee on Transportation and Infrastructure.

6807. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Computerized Tribal IV-D Systems and Office Automation (RIN: 0970-AC32) received February 25, 2010 to the Committee on Ways and Means.

¶40.3 NOTICE REQUIREMENT— CONSIDERATION OF RESOLUTION— QUESTION OF PRIVILEGES

Mr. FLAKE, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that ''the committee report was five pages long and included no documentation of any evidence

collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.' '' (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas: Now therefore be it:

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Arizona [Mr. FLAKE] will appear in the Record at this point.

''The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.''.

¶40.4 PROVIDING FOR CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 1586

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1212):

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on Transportation and Infrastructure or his designee that the House concur in the Senate amendment to the title and that the House concur in the Senate amendment to the text with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

SEC. 2. It shall be in order at any time through the calendar day of March 28, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of March 29, 2010.

SEC. 4. (a) On any legislative day specified in subsection (b), the Speaker may at any time declare the House adjourned.

(b) When the House adjourns on a motion pursuant to this subsection or a declaration pursuant to subsection (a) on the legislative day of:

(1) Thursday, March 25, 2010, it shall stand adjourned until 10:30 a.m. on Monday, March 29, 2010.

(2) Monday, March 29, 2010, it shall stand adjourned until 10 a.m. on Thursday, April 1, 2010.

(3) Thursday, April 1, 2010, it shall stand adjourned until 4 p.m. on Monday, April 5, 2010.

(4) Monday, April 5, 2010, it shall stand adjourned until 9 a.m. on Thursday, April 8, 2010.

(5) Thursday, April 8, 2010, it shall stand adjourned until noon on Monday, April 12, 2010.

(c) If, during any adjournment addressed by subsection (b), the House has received a message from the Senate transmitting its concurrence in an applicable concurrent resolution of adjournment, the House shall stand adjourned (as though by motion) pursuant to such concurrent resolution.

(d) The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by this section as though under clause 8(a) of rule I.

When said resolution was considered.

After debate,

On motion of Ms. SLAUGHTER, the previous question was ordered on the resolution.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶40.5 RECESS—11:19 A.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 19 minutes a.m., subject to the call of the Chair.

¶40.6 AFTER RECESS—2:26 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, called the House to order.

¶40.7 PRIVILEGES OF THE HOUSE

Mr. FLAKE, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1220):

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that ''the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.' (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas.

Therefore be it: Resolved, that not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. MCGOVERN moved to refer the resolution to the Committee on Standards of Official Conduct.

After debate,

On motion of Mr. McGOVERN, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406; Nays ..... 1; Answered present 15

¶40.8 [Roll No. 187]

YEAS—406

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

NAYS—1

Rahall

ANSWERED ''PRESENT''—15

Bonner	Dent	Lofgren, Zoe
Butterfield	Diaz-Balart, L.	McCaul
Castor (FL)	Harper	Simpson
Chandler	Hastings (WA)	Walden
Conaway	Latham	Welch

NOT VOTING—7

Barrett (SC)	Honda	Souder
Buyer	Johnson (GA)	
Davis (AL)	Reichert	

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶40.9 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4872. An Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

¶40.10 H. RES. 1212—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 1212) providing for consideration of the amendments of the Senate to the bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 231; Nays 190

¶40.11 [Roll No. 188]

YEAS—231

Ackerman	Filner	Matsui
Adler (NJ)	Foster	McCarthy (NY)
Altmire	Frank (MA)	McCollum
Andrews	Fudge	McDermott
Baca	Garamendi	McGovern
Baird	Giffords	McIntyre
Baldwin	Gonzalez	McMahon
Barrow	Gordon (TN)	McNerney
Bean	Grayson	Meek (FL)
Becerra	Green, Al	Meeks (NY)
Berkley	Green, Gene	Melancon
Berman	Grijalva	Michaud
Berry	Gutierrez	Miller (NC)
Bishop (GA)	Hall (NY)	Miller, George
Bishop (NY)	Halvorson	Mollohan
Blumenauer	Hare	Moore (KS)
Boccieri	Harman	Moran (VA)
Boswell	Hastings (FL)	Murphy (CT)
Boucher	Heinrich	Murphy (NY)
Boyd	Higgins	Murphy, Patrick
Brady (PA)	Himes	Nadler (NY)
Braley (IA)	Hinchey	Napolitano
Brown, Corrine	Hinojosa	Neal (MA)
Butterfield	Hirono	Oberstar
Capps	Hodes	Obey
Capuano	Holden	Olver
Carnahan	Holt	Ortiz
Carney	Honda	Owens
Carson (IN)	Hoyer	Pallone
Castor (FL)	Inslee	Pascrell
Chandler	Israel	Pastor (AZ)
Chu	Jackson (IL)	Payne
Clarke	Jackson Lee (TX)	Perlmutter
Clay	Johnson (GA)	Perriello
Cleaver	Johnson, E. B.	Peters
Clyburn	Kagen	Peterson
Connolly (VA)	Kanjorski	Pingree (ME)
Conyers	Kaptur	Polis (CO)
Cooper	Kennedy	Pomeroy
Costello	Kildee	Price (NC)
Courtney	Kilpatrick (MI)	Quigley
Crowley	Kilroy	Rahall
Cuellar	Kind	Rangel
Cummings	Kissell	Reyes
Dahlkemper	Klein (FL)	Richardson
Davis (CA)	Kosmas	Rodriguez
Davis (IL)	Kucinich	Ross
Davis (TN)	Langevin	Rothman (NJ)
DeFazio	Larsen (WA)	Roybal-Allard
DeGette	Larson (CT)	Ruppersberger
Delahunt	Lee (CA)	Rush
DeLauro	Levin	Ryan (OH)
Dicks	Lewis (GA)	Salazar
Dingell	Lipinski	Sánchez, Linda T.
Doggett	Loebsack	Sanchez, Loretta
Donnelly (IN)	Lofgren, Zoe	Sarbanes
Doyle	Lowey	Schakowsky
Driehaus	Luján	Schauer
Edwards (MD)	Lynch	Schiff
Edwards (TX)	Maffei	Schrader
Ellsworth	Maloney	Schwartz
Engel	Markey (CO)	Scott (GA)
Eshoo	Markey (MA)	Scott (VA)
Etheridge	Marshall	Serrano
Farr	Matheson	Sestak
Fattah		

Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—190

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

NOT VOTING—8

Barrett (SC)
Buyer
Davis (AL)
Ellison
Moore (WI)
Reichert
Smith (WA)
Souder

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶40.12 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, March 24, 2010.

The question being put,

Will the House agree to the Chair's approval of said Journal?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 / Nays 178

¶40.13 [Roll No. 189]

YEAS—241

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

NAYS—178

Aderholt
Adler (NJ)
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Cardoza
Carney
Carter
Cassidy
Childers
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Granger
Griffith
Guthrie
Harper
Hastings (WA)
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hoekstra
Inglis
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Owens
Paul
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stupak
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Barrett (SC)
Buyer
Davis (AL)
Gohmert
Hall (TX)
Matsui
Perlmutter
Reichert
Souder
Wilson (OH)

So the Journal was approved.

¶40.14 AMENDMENTS OF THE SENATE TO H.R. 1586

Mr. OBERSTAR, pursuant to House Resolution 1212, moved to take from the Speaker's table the bill (H.R. 1586) to impose additional tax on bonuses received from certain TARP recipients, and for other purposes; together with the following amendment of the Senate to the title and the amendment of the Senate to the text thereto:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FAA Air Transportation Modernization and Safety Improvement Act''.

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

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—AUTHORIZATIONS

SEC. 101. OPERATIONS.

Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

''(A) $9,336,000,000 for fiscal year 2010; and
''(B) $9,620,000,000 for fiscal year 2011.''.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) $3,500,000,000 for fiscal year 2010, of which $500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund; and

''(2) $3,600,000,000 for fiscal year 2011, of which $500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund.''.

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511 through 44513 of this title:

''(1) $200,000,000 for fiscal year 2010.

''(2) $206,000,000 for fiscal year 2011.'';

(2) by striking subsections (c) through (h); and

(3) by adding at the end the following:

''(c) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

''(1) research projects to be carried out at primarily undergraduate institutions and technical colleges;

''(2) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

''(3) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees; or

''(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.''.

SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 48103 is amended by striking paragraphs (1) through (6) and inserting the following:

''(1) $4,000,000,000 for fiscal year 2010; and

''(2) $4,100,000,000 for fiscal year 2011.''.

SEC. 105. OTHER AVIATION PROGRAMS.

Section 48114 is amended—

(1) by striking ''2007'' in subsection (a)(1)(A) and inserting ''2011'';

(2) by striking ''2007,'' in subsection (a)(2) and inserting ''2011,''; and

(3) by striking ''2007'' in subsection (c)(2) and inserting ''2011''.

SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

(1) by striking ''and'' after the semicolon in paragraph (3);

(2) by striking ''defense.'' in paragraph (4) and inserting ''defense; and''; and

(3) by adding at the end thereof the following:

''(5) a list of projects that are part of the Next Generation Air Transportation System and do not have as a primary purpose to operate or maintain the current air traffic control system.''.

SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

''§48105. Airport programs administrative expenses

''Of the amount made available under section 48103 of this title, the following may be available for administrative expenses relating to the Airport Improvement Program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities (including airport technology research), to remain available until expended—

''(1) for fiscal year 2010, $94,000,000; and

''(2) for fiscal year 2011, $98,000,000.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

''48105. Airport programs administrative expenses''.

(c) PASSENGER ENPLANEMENT REPORT.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report on every airport in the United States that reported between 10,000 and 15,000 passenger enplanements during each of the 2 most recent years for which such data is available.

(2) REPORT OBJECTIVES.—In carrying out the report under paragraph (1), the Administrator shall document the methods used by each subject airport to reach the 10,000 passenger enplanement threshold, including whether airports subsidize commercial flights to reach such threshold.

(3) REVIEW.—The Inspector General of the Department of Transportation shall review the process of the Adminstrator in developing the report under paragraph (1).

(4) REPORT.—The Administrator shall submit the report prepared under paragraph (1) to Congress and the Secretary of Transportation.

TITLE II—AIRPORT IMPROVEMENTS

SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.

(a) PASSENGER FACILITY CHARGE STREAMLINING.—Section 40117(c) is amended to read as follows:

''(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.—

''(1) IN GENERAL.—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency's passenger facility charge program, including—

''(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;

''(B) the total amount of program revenue collected by the agency during the period covered by the report;

''(C) the amount of expenditures with program revenue made by the agency on each eligible airport-related project during the period covered by the report;

''(D) each airport-related project for which the agency plans to collect and use program revenue during the next 12-month period covered by the report, including the amount of revenue projected to be used for such project;

''(E) the level of program revenue the agency plans to collect during the next 12-month period covered by the report;

''(F) a description of the notice and consultation process with air carriers and foreign air carriers under paragraph (3), and with the public under paragraph (4), including a copy of any

adverse comments received and how the agency responded; and

''(G) any other information on the program that the Secretary may require.

''(2) IMPLEMENTATION.—Subject to the requirements of paragraphs (3), (4), (5), and (6), the eligible agency may implement the planned collection and use of passenger facility charges in accordance with its report upon filing the report as required in paragraph (1).

''(3) CONSULTATION WITH CARRIERS FOR NEW PROJECTS.—

''(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was submitted in a prior year shall provide to air carriers and foreign air carriers operating at the airport reasonable notice, and an opportunity to comment on the planned collection and use of program revenue before providing the report required under paragraph (1). The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum include—

''(i) that the eligible agency provide to air carriers and foreign air carriers operating at the airport written notice of the planned collection and use of passenger facility charge revenue;

''(ii) that the notice include a full description and justification for a proposed project;

''(iii) that the notice include a detailed financial plan for the proposed project; and

''(iv) that the notice include the proposed level for the passenger facility charge.

''(B) An eligible agency providing notice and an opportunity for comment shall be deemed to have satisfied the requirements of this paragraph if the eligible agency provides such notice to air carriers and foreign air carriers that have a significant business interest at the airport. For purposes of this subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that—

''(i) had not less than 1.0 percent of passenger boardings at the airport in the prior calendar year;

''(ii) had at least 25,000 passenger boardings at the airport in the prior calendar year; or

''(iii) provides scheduled service at the airport.

''(C) Not later than 45 days after written notice is provided under subparagraph (A), each air carrier and foreign air carrier may provide written comments to the eligible agency indicating its agreement or disagreement with the project or, if applicable, the proposed level for a passenger facility charge.

''(D) The eligible agency may include, as part of the notice and comment process, a consultation meeting to discuss the proposed project or, if applicable, the proposed level for a passenger facility charge. If the agency provides a consultation meeting, the written comments specified in subparagraph (C) shall be due not later than 30 days after the meeting.

''(4) PUBLIC NOTICE AND COMMENT.—

''(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was filed in a prior year shall provide reasonable notice and an opportunity for public comment on the planned collection and use of program revenue before providing the report required in paragraph (1).

''(B) The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum require—

''(i) that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected;

''(ii) appropriate methods of publication, which may include notice in local newspapers of general circulation or other local media, or posting of the notice on the agency's Internet website; and

''(iii) submission of public comments no later than 45 days after the date of the publication of the notice.

''(5) OBJECTIONS.—

''(A) Any interested person may file with the Secretary a written objection to a proposed project included in a notice under this paragraph provided that the filing is made within 30 days after submission of the report specified in paragraph (1).

''(B) The Secretary shall provide not less than 30 days for the eligible agency to respond to any filed objection.

''(C) Not later than 90 days after receiving the eligible agency's response to a filed objection, the Secretary shall make a determination whether or not to terminate authority to collect the passenger facility charge for the project, based on the filed objection. The Secretary shall state the reasons for any determination. The Secretary may only terminate authority if—

''(i) the project is not an eligible airport related project;

''(ii) the eligible agency has not complied with the requirements of this section or the Secretary's implementing regulations in proposing the project;

''(iii) the eligible agency has been found to be in violation of section 47107(b) of this title and has failed to take corrective action, prior to the filing of the objection; or

''(iv) in the case of a proposed increase in the passenger facility charge level, the level is not authorized by this section.

''(D) Upon issuance of a decision terminating authority, the public agency shall prepare an accounting of passenger facility revenue collected under the terminated authority and restore the funds for use on other authorized projects.

''(E) Except as provided in subparagraph (C), the eligible agency may implement the planned collection and use of a passenger facility charge in accordance with its report upon filing the report as specified in paragraph (1)(A).

''(6) APPROVAL REQUIREMENT FOR INCREASED PASSENGER FACILITY CHARGE OR INTERMODAL GROUND ACCESS PROJECT.—

''(A) An eligible agency may not collect or use a passenger facility charge to finance an intermodal ground access project, or increase a passenger facility charge, unless the project is first approved by the Secretary in accordance with this paragraph.

''(B) The eligible agency may submit to the Secretary an application for authority to impose a passenger facility charge for an intermodal ground access project or to increase a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

''(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

''(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.''.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

(i) by striking ''FEE'' in the heading for paragraph (5) and inserting ''CHARGE''; and

(ii) by striking ''fee'' each place it appears in paragraphs (5) and (6) and inserting ''charge''.

(B) Subsections (b), and subsections (d) through (m), of section 40117 are amended—

(i) by striking ''fee'' or ''fees'' each place either appears and inserting ''charge'' or ''charges'', respectively; and

(ii) by striking ''FEE'' in the subsection caption for subsection (l), and ''FEES'' in the subsection captions for subsections (e) and (m), and inserting ''CHARGE'' and ''CHARGES'', respectively.

(C) The caption for section 40117 is amended to read as follows:

''§ 40117. Passenger facility charges''.

(D) The table of contents for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

''40117. Passenger facility charges''.

(2) LIMITATIONS ON APPROVING APPLICATIONS.—Section 40117(d) is amended—

(A) by striking ''subsection (c) of this section to finance a specific'' and inserting ''subsection (c)(6) of this section to finance an intermodal ground access'';

(B) by striking ''specific'' in paragraph (1);

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

''(2) the project is an eligible airport-related project; and'';

(D) by striking ''each of the specific projects; and'' in paragraph (3) and inserting ''the project.''; and

(E) by striking paragraph (4).

(3) LIMITATIONS ON IMPOSING CHARGES.—Section 40117(e)(1) is amended to read as follows: ''(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.''.

(4) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—Section 40117(f)(2) is amended by striking ''long-term''.

(5) COMPLIANCE.—Section 40117(h) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

''(3) The Secretary may, on complaint of an interested person or on the Secretary's own initiative, conduct an investigation into an eligible agency's collection and use of passenger facility charge revenue to determine whether a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section. The Secretary shall prescribe regulations establishing procedures for complaints and investigations. The regulations may provide for the issuance of a final agency decision without resort to an oral evidentiary hearing. The Secretary shall not accept complaints filed under this paragraph until after the issuance of regulations establishing complaint procedures.''.

(6) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(A) by striking ''(c)(2)'' in paragraph (2) and inserting ''(c)(3)''; and

(B) by striking ''October 1, 2009.'' in paragraph (7) and inserting ''the date of issuance of regulations to carry out subsection (c) of this section, as amended by the FAA Air Transportation Modernization and Safety Improvement Act.''.

(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking ''sponsor'' the second place it appears in the first sentence and all that follows and inserting ''sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of section 40117(c) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.''.

SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.

(a) IN GENERAL.—Section 40117 is amended by adding at the end thereof the following:

''(n) ALTERNATIVE PASSENGER FACILITY CHARGE COLLECTION PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not more

than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set forth in paragraph (1) or (4) of subsection (b) if the participating eligible agency meets the requirements of paragraph (2).

''(2) COLLECTION REQUIREMENTS.—

''(A) DIRECT COLLECTION.—An eligible agency participating in the pilot program—

''(i) may collect the charge from the passenger at the facility, via the Internet, or in any other reasonable manner; but

''(ii) may not require or permit the charge to be collected by an air carrier or foreign air carrier for the flight segment.

''(B) PFC COLLECTION REQUIREMENT NOT TO APPLY.—Subpart C of part 158 of title 14, Code of Federal Regulations, does not apply to the collection of the passenger facility charge imposed by an eligible agency participating in the pilot program.''.

(b) GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCS.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of alternative means of collection passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being included in the ticket price. In the study, the Comptroller General shall consider, at a minimum—

(A) collection options for arriving, connecting, and departing passengers at airports;

(B) cost sharing or fee allocation methods based on passenger travel to address connecting traffic; and

(C) examples of airport fees collected by domestic and international airports that are not included in ticket prices.

(2) REPORT.—No later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the Comptroller General's findings, conclusions, and recommendations.

SEC. 203. AMENDMENTS TO GRANT ASSURANCES.

Section 47107 is amended—

(1) by striking ''made;'' in subsection (a)(16)(D)(ii) and inserting ''made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator's control that requires the relocation or replacement of an existing airport facility, the Secretary, upon the request of the owner or operator, may grant funds available under section 47114 to pay the cost of relocating or replacing such facility;'';

(2) by striking ''purpose;'' in subsection (c)(2)(A)(i) and inserting ''purpose, which includes serving as noise buffer land;'';

(3) by striking ''paid to the Secretary for deposit in the Fund if another eligible project does not exist.'' in subsection (c)(2)(B)(iii) and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes.''; and

(4) by redesignating paragraph (3) of subsection (c) as paragraph (4) and inserting after paragraph (2) the following:

''(3) In approving the reinvestment or transfer of proceeds under paragraph (2)(C)(iii), the Secretary shall give preference, in descending order, to—

''(i) reinvestment in an approved noise compatibility project;

''(ii) reinvestment in an approved project that is eligible for funding under section 47117(e);

''(iii) reinvestment in an airport development project that is eligible for funding under section 47114, 47115, or 47117 and meets the requirements of this chapter;

''(iv) transfer to the sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport; and

''(v) payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).''.

SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.

(a) FEDERAL SHARE.—Section 47109 is amended—

(1) by striking ''subsection (b) or subsection (c)'' in subsection (a) and inserting ''subsection (b), (c), or (e)''; and

(2) by adding at the end the following:

''(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub primary airport changes to a medium hub primary airport, the United States Government's share of allowable project costs for the airport may not exceed 95 percent for 2 fiscal years following such change in hub status.''.

(b) TRANSITIONING AIRPORTS.—Section 47114(f)(3)(B) is amended by striking ''year 2004.'' and inserting ''years 2010 and 2011.''.

SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.

Section 47110 is amended—

(1) by striking subsection (d) and inserting the following:

''(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

''(1) the Government's share of such costs is paid with funds apportioned to the airport sponsor under sections 47114(c)(1) or 47114(d)(2);

''(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

''(3) the Secretary determines that the change is beyond the control of the airport sponsor.'';

(2) by striking ''facilities, including fuel farms and hangars,'' in subsection (h) and inserting ''facilities, as defined by section 47102,''; and

(3) by adding at the end the following:

''(i) BIRD-DETECTING RADAR SYSTEMS.—Within 180 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall analyze the conclusions of ongoing studies of various types of commercially-available bird radar systems, based upon that analysis, if the Administrator determines such systems have no negative impact on existing navigational aids and that the expenditure of such funds is appropriate, the Administrator shall allow the purchase of bird-detecting radar systems as an allowable airport development project costs subject to subsection (b). If a determination is made that such radar systems will not improve or negatively impact airport safety, the Administrator shall issue a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on why that determination was made.''.

SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

Section 47133(b) is amended—

(1) by resetting the text of the subsection as an indented paragraph 2 ems from the left margin;

(2) by inserting ''(1)'' before ''Subsection''; and

(3) by adding at the end thereof the following:

''(2) In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

''(A) the sale is approved by the Secretary;

''(B) funding is provided under this title for the public sponsor's acquisition; and

''(C) an amount equal to the remaining unamortized portion of the original grant, amortized over a 20-year period, is repaid to the Secretary by the private owner for deposit in the Trust Fund for airport acquisitions.

''(3) This subsection shall apply to grants issued on or after October 1, 1996.''.

SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Federal Government's share of allowable project costs for a grant made in fiscal year 2008, 2009, 2010, or 2011 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 207(b). PROHIBITION ON USE OF PASSENGER FACILITY CHARGES TO CONSTRUCT BICYCLE STORAGE FACILITIES.

Section 40117(a)(3) is amended—

(1) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii);

(2) by striking ''The term'' and inserting the following:

''(A) IN GENERAL.—The term''; and

(3) by adding at the end the following:

''(B) BICYCLE STORAGE FACILITIES.—A project to construct a bicycle storage facility may not be considered an eligible airport-related project.''.

SEC. 208. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) by striking ''each airport to—'' in subsection (a) and inserting ''the airport system to—'';

(2) by striking ''system in the particular area;'' in subsection (a)(1) and inserting ''system, including connection to the surface transportation network; and'';

(3) by striking ''aeronautics; and'' in subsection (a)(2) and inserting ''aeronautics.'';

(4) by striking subsection (a)(3);

(5) by inserting ''and'' after the semicolon in subsection (b)(1);

(6) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) as paragraph (2);

(7) by striking ''operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,'' in subsection (b)(2), as redesignated, and inserting ''operations''; and

(8) by striking ''status of the'' in subsection (d).

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) by striking ''separated from'' in paragraph (1)(B) and inserting ''discharged or released from active duty in'';

(2) by adding at the end of paragraph (1) the following:

''(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.'';

(3) by striking ''veterans and'' in paragraph (2) and inserting ''veterans, Afghanistan-Iraq war veterans, and''; and

(4) by adding at the end the following:

''(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.''.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking ''April 1'' and inserting ''June 1''; and

(2) by striking paragraphs (1) through (4) and inserting the following:

''(1) a summary of airport development and planning completed;

''(2) a summary of individual grants issued;

''(3) an accounting of discretionary and apportioned funds allocated; and

''(4) the allocation of appropriations; and''.

(d) SUNSET OF PROGRAM.—Section 47137 is repealed effective September 30, 2008.

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) by striking ''47102(3)(F),'' in subsection (a);

(2) by striking ''47102(3)(F), 47102(3)(K), 47102(3)(L), or 47140'' in subsection (b) and inserting ''47102(3)(K) or 47102(3)(L)''; and

(3) by striking ''40117(a)(3)(G), 47103(3)(F), 47102(3)(K), 47102(3)(L), or 47140,'' in subsection (b) and inserting ''40117(a)(3)(G), 47102(3)(K), or 47102(3)(L),''; and

(f) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking ''(other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note),''.

(g) AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.—Section 47175 is amended—

(1) by striking ''Airport Capacity Benchmark Report 2001.'' in paragraph (2) and inserting ''2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report, Future Airport Capacity Task Report, or other comparable FAA report.''; and

(2) by adding at the end thereof the following:

''(7) JOINT USE AIRPORT.—The term 'joint use airport' means an airport owned by the United States Department of Defense, at which both military and civilian aircraft make shared use of the airfield.''.

(h) USE OF APPORTIONED AMOUNTS.—Section 47117(e)(1)(A) is amended—

(1) by striking ''35 percent'' in the first sentence and inserting ''$300,000,000'';

(2) by striking ''and'' after ''47141,'';

(3) by striking ''et seq.).'' and inserting ''et seq.), and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title.''; and

(4) by striking ''such 35 percent requirement is'' in the second sentence and inserting ''the requirements of the preceding sentence are''.

(i) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Section 47114(c)(1) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (E)(ii);

(2) by striking ''airport.'' in subparagraph (E)(iii) and inserting ''airport; and'';

(3) by adding at the end of subparagraph (E) the following:

''(iv) the airport received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) and the Secretary determines that the airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.'';

(4) in subparagraph (G)—

(A) by striking ''FISCAL YEAR 2006'' in the heading and inserting ''FISCAL YEARS 2008 THROUGH 2011'';

(B) by striking ''fiscal year 2006'' and inserting ''fiscal years 2008 through 2011'';

(C) by striking clause (i) and inserting the following:

''(i) the average annual passenger boardings at the airport for calendar years 2004 through 2006 were below 10,000 per year;''; and

(D) by striking ''2000 or 2001;'' in clause (ii) and inserting ''2003;''; and

(5) by adding at the end thereof the following:

''(H) SPECIAL RULE FOR FISCAL YEARS 2010 AND 2011.—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar years 2008 or 2009, or both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in fiscal years 2010 or 2011 to the sponsor of such an airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.''.

(j) MOBILE REFUELER PARKING CONSTRUCTION.—Section 47102(3) is amended by adding at the end the following:

''(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.''.

(k) DISCRETIONARY FUND.—Section 47115(g)(1) is amended by striking ''of—'' and all that follows and inserting ''of $520,000,000. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.''.

SEC. 209. STATE BLOCK GRANT PROGRAM.

Section 47128 is amended—

(1) by striking ''regulations'' each place it appears in subsection (a) and inserting ''guidance'';

(2) by striking ''grant;'' in subsection (b)(4) and inserting ''grant, including Federal environmental requirements or an agreed upon equivalent;'';

(3) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

''(c) PROJECT ANALYSIS AND COORDINATION REQUIREMENTS.—Any Federal agency that must approve, license, or permit a proposed action by a participating State shall coordinate and consult with the State. The agency shall utilize the environmental analysis prepared by the State, provided it is adequate, or supplement that analysis as necessary to meet applicable Federal requirements.''; and

(4) by adding at the end the following:

''(e) PILOT PROGRAM.—The Secretary shall establish a pilot program for up to 3 States that do not participate in the program established under subsection (a) that is consistent with the program under subsection (a).''.

SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking ''project.'' and inserting ''project, or to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environmental mitigation in a Federal Aviation Administration Record of Decision or Finding of No Significant Impact.''.

SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

''(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

''(1) The Secretary is authorized in accordance with subsection (c)(1) to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures that have been approved for airport noise compatibility planning purposes under subsection (b).

''(2) The Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review and completion of environmental activities associated with proposals to implement flight procedures submitted and approved for airport noise compatibility planning purposes in accordance with this section. Funds received under this authority shall not be subject to the procedures applicable to the receipt of gifts by the Administrator.''.

SEC. 212. SAFETY-CRITICAL AIRPORTS.

Section 47118(c) is amended—

(1) by striking ''or'' after the semicolon in paragraph (1);

(2) by striking ''delays.'' in paragraph (2) and inserting ''delays; or''; and

(3) by adding at the end the following:

''(3) be critical to the safety of commercial, military, or general aviation in trans-oceanic flights.''.

SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM.

(a) PILOT PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

''§ 47143. Environmental mitigation demonstration pilot program

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program involving not more than 6 projects at public-use airports under which the Secretary may make grants to sponsors of such airports from funds apportioned under paragraph 47117(e)(1)(A) for use at such airports for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport. Notwithstanding any other provision of this subchapter, an environmental mitigation demonstration project approved under this section shall be treated as eligible for assistance under this subchapter.

''(b) PARTICIPATION IN PILOT PROGRAM.—A public-use airport shall be eligible for participation in the pilot.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary may give priority consideration to environmental mitigation demonstration projects that—

''(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis, or on a per-dollar-of-funds expended basis; and

''(2) will be implemented by an eligible consortium.

''(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under this section shall be 50 percent.

''(e) MAXIMUM AMOUNT.—Not more than $2,500,000 may be made available by the Secretary in grants under this section for any single project.

''(f) IDENTIFYING BEST PRACTICES.—The Administrator may develop and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports, based on the projects carried out under the pilot program.

''(g) DEFINITIONS.—In this section:

''(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means a consortium that comprises 2 or more of the following entities:

''(A) Businesses operating in the United States.

''(B) Public or private educational or research organizations located in the United States.

''(C) Entities of State or local governments in the United States.

''(D) Federal laboratories.

''(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term 'environmental mitigation demonstration project' means a project that—

''(A) introduces new conceptual environmental mitigation techniques or technology with associated benefits, which have already been proven in laboratory demonstrations;

''(B) proposes methods for efficient adaptation or integration of new concepts to airport operations; and

''(C) will demonstrate whether new techniques or technology for environmental mitigation identified in research are—

''(i) practical to implement at or near multiple public use airports; and

''(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47142 the following:

''47143. Environmental mitigation demonstration pilot program''.

SEC. 214. ALLOWABLE PROJECT COSTS FOR AIRPORT DEVELOPMENT PROGRAM.

Section 47110(c) is amended—

(1) by striking ''; or'' in paragraph (1) and inserting a semicolon;

(2) by striking ''project.'' in paragraph (2) and inserting ''project; or''; and

(3) by adding at the end the following:

''(3) necessarily incurred in anticipation of severe weather.''.

SEC. 215. GLYCOL RECOVERY VEHICLES.

Section 47102(3)(G) is amended by inserting ''including acquiring glycol recovery vehicles,'' after ''aircraft,''.

SEC. 216. RESEARCH IMPROVEMENT FOR AIRCRAFT.

Section 44504(b) is amended—

(1) by striking ''and'' after the semicolon in paragraph (6);

(2) by striking ''aircraft.'' in paragraph (7) and inserting ''aircraft; and''; and

(3) by adding at the end thereof the following:

''(8) to conduct research to support programs designed to reduce gases and particulates emitted.''.

SEC. 217. UNITED STATES TERRITORY MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) by inserting ''AND ANY UNITED STATES TERRITORY'' after ''ALASKA'' in the subsection heading; and

(2) by adding at the end thereof the following:

''(5) UNITED STATES TERRITORY MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in a United States Territory under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under those subsections, the Secretary may apportion to the local authority in any United States Territory responsible for airport development projects in that fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in that fiscal year and the amount otherwise apportioned under those subsections to airports in a United States Territory in that fiscal year.''.

SEC. 218. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

SEC. 219. RELEASE FROM RESTRICTIONS.

(a) IN GENERAL.—Subject to subsection (b), and notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) and sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

(b) CONDITION.—Any release granted by the Secretary of Transportation pursuant to subsection (a) shall be subject to the following conditions:

(1) The city of St. George, Utah, shall agree that in conveying any interest in the property which the United States conveyed to the city by deed on August 28, 1973, the city will receive an amount for such interest which is equal to its fair market value.

(2) Any amount received by the city under paragraph (1) shall be used by the city of St. George, Utah, for the development or improvement of a replacement public airport.

SEC. 220. DESIGNATION OF FORMER MILITARY AIRPORTS.

Section 47118(g) is amended by striking ''one'' and inserting ''three'' in its place.

SEC. 221. AIRPORT SUSTAINABILITY PLANNING WORKING GROUP.

(a) IN GENERAL.—The Administrator shall establish an airport sustainability working group to assist the Administrator with issues pertaining to airport sustainability practices.

(b) MEMBERSHIP.—The Working Group shall be comprised of not more than 15 members including—

(1) the Administrator;

(2) 5 member organizations representing aviation interests including:

(A) an organization representing airport operators;

(B) an organization representing airport employees;

(C) an organization representing air carriers;

(D) an organization representing airport development and operations experts;

(E) a labor organization representing aviation employees.

(3) 9 airport chief executive officers which shall include:

(A) at least one from each of the FAA Regions;

(B) at least 1 large hub;

(C) at least 1 medium hub;

(D) at least 1 small hub;

(E) at least 1 non hub;

(F) at least 1 general aviation airport.

(c) FUNCTIONS.—

(1) develop consensus-based best practices and metrics for the sustainable design, construction, planning, maintenance, and operation of an airport that comply with the guidelines prescribed by the Administrator;

(2) develop standards for a consensus-based rating system based on the aforementioned best practices, metrics, and ratings; and

(3) develop standards for a voluntary ratings process, based on the aforementioned best practices, metrics, and ratings;

(4) examine and submit recommendations for the industry's next steps with regard to sustainability.

(d) DETERMINATION.—The Administrator shall provide assurance that the best practices developed by the working group under paragraph (a) are not in conflict with any federal aviation or federal, state or local environmental regulation.

(e) UNPAID POSITION.—Working Group members shall serve at their own expense and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group under this section.

(g) REPORT.—Not later than one year after the date of enactment the Working Group shall submit a report to the Administrator containing the best practices and standards contained in paragraph (c). After receiving the report, the Administrator may publish such best practices in order to disseminate the information to support the sustainable design, construction, planning, maintenance, and operations of airports.

(h) No funds may be authorized to carry out this provision.

SEC. 222. INCLUSION OF MEASURES TO IMPROVE THE EFFICIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVEMENT PROJECTS.

Section 47101(a) is amended—

(1) in paragraph (12), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (13), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(14) that the airport improvement program should be administered to allow measures to improve the efficiency of airport buildings to be included in airport improvement projects, such as measures designed to meet one or more of the criteria for being a high-performance green building set forth in section 401(13) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061(13)), if any significant increase in upfront project costs from any such measure is justified by expected savings over the lifecycle of the project.''.

SEC. 223. STUDY ON APPORTIONING AMOUNTS FOR AIRPORT IMPROVEMENT IN PROPORTION TO AMOUNTS OF AIR TRAFFIC.

(a) STUDY AND REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) complete a study on the feasibility and advisability of apportioning amounts under section 47114(c)(1) of title 49, United States Code, to the sponsor of each primary airport for each fiscal year an amount that bears the same ratio to the amount subject to the apportionment for fiscal year 2009 as the number of passenger boardings at the airport during the prior calendar year bears to the aggregate of all passenger boardings at all primary airports during that calendar year; and

(2) submit to Congress a report on the study completed under paragraph (1).

(b) REPORT CONTENTS.—The report required by subsection (a)(2) shall include the following:

(1) A description of the study carried out under subsection (a)(1).

(2) The findings of the Administrator with respect to such study.

(3) A list of each sponsor of a primary airport that received an amount under section 47114(c)(1) of title 49, United States Code, in 2009.

(4) For each sponsor listed in accordance with paragraph (3), the following:

(A) The amount such sponsor received, if any, in 2005, 2006, 2007, 2008, and 2009 under such section 47114(c)(1).

(B) An explanation of how the amount awarded to such sponsor was determined.

(C) The average number of air passenger flights serviced each month at the airport of such sponsor in 2009.

(D) The number of enplanements for air passenger transportation at such airport in 2005, 2006, 2007, 2008, and 2009.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.

Section 106(p) is amended to read as follows:

''(p) AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.—

''(1) ESTABLISHMENT.—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish and appoint the members of an advisory Board which shall be known as the Air Traffic Control Modernization Oversight Board.

''(2) MEMBERSHIP.—The Board shall be comprised of the individual appointed or designated under section 302 of the FAA Air Transportation Modernization and Safety Improvement Act (who shall serve ex officio without the right to vote) and 9 other members, who shall consist of—

''(A) the Administrator and a representative from the Department of Defense;

''(B) 1 member who shall have a fiduciary responsibility to represent the public interest; and

''(C) 6 members representing aviation interests, as follows:

''(i) 1 representative that is the chief executive officer of an airport.

''(ii) 1 representative that is the chief executive officer of a passenger or cargo air carrier.

''(iii) 1 representative of a labor organization representing employees at the Federal Aviation Administration that are involved with the operation of the air traffic control system.

''(iv) 1 representative with extensive operational experience in the general aviation community.

''(v) 1 representative from an aircraft manufacturer.

''(vi) 1 representative of a labor organization representing employees at the Federal Aviation Administration who are involved with maintenance of the air traffic control system.

''(3) APPOINTMENT AND QUALIFICATIONS.—

''(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.

''(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—

''(i) management of large service organizations;

''(ii) customer service;

''(iii) management of large procurements;

''(iv) information and communications technology;

''(v) organizational development; and

''(vi) labor relations.

''(C) Of the members first appointed under paragraphs (2)(B) and (2)(C)—

''(i) 2 shall be appointed for terms of 1 year;

''(ii) 1 shall be appointed for a term of 2 years;

''(iii) 1 shall be appointed for a term of 3 years; and

''(iv) 1 shall be appointed for a term of 4 years.

''(4) FUNCTIONS.—

''(A) IN GENERAL.—The Board shall—

''(i) review and provide advice on the Administration's modernization programs, budget, and cost accounting system;

''(ii) review the Administration's strategic plan and make recommendations on the nonsafety program portions of the plan, and provide advice on the safety programs of the plan;

''(iii) review the operational efficiency of the air traffic control system and make recommendations on the operational and performance metrics for that system;

''(iv) approve procurements of air traffic control equipment in excess of $100,000,000;

''(v) approve by July 31 of each year the Administrator's budget request for facilities and equipment prior to its submission to the Office of Management and budget, including which programs are proposed to be funded from the Air Traffic control system Modernization Account of the Airport and Airway Trust Fund;

''(vi) approve the Federal Aviation Administration's Capital Investment Plan prior to its submission to the Congress;

''(vii) annually review and make recommendations on the NextGen Implementation Plan;

''(viii) approve the Administrator's selection of the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act; and

''(ix) approve the selection of the head of the Joint Planning and Development Office.

''(B) MEETINGS.—The Board shall meet on a regular and periodic basis or at the call of the Chairman or of the Administrator.

''(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Board appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic control systems. Any member of the Board who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

''(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or such rulemaking committees as the Administrator shall designate.

''(6) ADMINISTRATIVE MATTERS.—

''(A) TERMS OF MEMBERS.—Except as provided in paragraph (3)(C), members of the Board appointed under paragraph (2)(B) and (2)(C) shall be appointed for a term of 4 years.

''(B) REAPPOINTMENT.—No individual may be appointed to the Board for more than 8 years total.

''(C) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original position. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for a term of 4 years.

''(D) CONTINUATION IN OFFICE.—A member of the Board whose term expires shall continue to serve until the date on which the member's successor takes office.

''(E) REMOVAL.—Any member of the Board appointed under paragraph (2)(B) or (2)(C) may be removed by the President for cause.

''(F) CLAIMS AGAINST MEMBERS OF THE BOARD.—

''(i) IN GENERAL.—A member appointed to the Board shall have no personal liability under State or Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Board.

''(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

''(I) to affect any other immunity or protection that may be available to a member of the Board under applicable law with respect to such transactions;

''(II) to affect any other right or remedy against the United States under applicable law; or

''(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

''(G) ETHICAL CONSIDERATIONS.—Each member of the Board appointed under paragraph (2)(B) must certify that the member—

''(i) does not have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

''(ii) does not engage in another business related to aviation or aeronautics; and

''(iii) is not a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

''(H) CHAIRMAN; VICE CHAIRMAN.—The Board shall elect a chair and a vice chair from among its members, each of whom shall serve for a term of 2 years. The vice chair shall perform the duties of the chairman in the absence of the chairman.

''(I) COMPENSATION.—No member shall receive any compensation or other benefits from the Federal Government for serving on the Board, except for compensation benefits for injuries under subchapter I of chapter 81 of title 5 and except as provided under subparagraph (J).

''(J) EXPENSES.—Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

''(K) BOARD RESOURCES.—From resources otherwise available to the Administrator, the Chairman shall appoint such staff to assist the board and provide impartial analysis, and the Administrator shall make available to the Board such information and administrative services and assistance, as may reasonably be required to enable the Board to carry out its responsibilities under this subsection.

''(L) QUORUM AND VOTING.—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

''(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this subsection, the term 'air traffic control system' has the meaning given that term in section 40102(a).''.

SEC. 302. NEXTGEN MANAGEMENT.

(a) IN GENERAL.—The Administrator shall appoint or designate an individual, as the Chief NextGen Officer, to be responsible for implementation of all Administration programs associated with the Next Generation Air Transportation System.

(b) SPECIFIC DUTIES.—The individual appointed or designated under subsection (a) shall—

(1) oversee the implementation of all Administration NextGen programs;

(2) coordinate implementation of those NextGen programs with the Office of Management and Budget;

(3) develop an annual NextGen implementation plan;

(4) ensure that Next Generation Air Transportation System implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into the System in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation; and

(5) oversee the Joint Planning and Development Office's facilitation of cooperation among all Federal agencies whose operations and interests are affected by implementation of the NextGen programs.

SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAFFIC SERVICES.

Section 106(l) is amended by adding at the end the following:

''(7) AIR TRAFFIC SERVICES.—In determining what actions to take, by rule or through an agreement or transaction under paragraph (6) or under section 44502, to permit non-Government providers of communications, navigation, surveillance or other services to provide such services in the National Airspace System, or to require the usage of such services, the Administrator shall consider whether such actions would—

''(A) promote the safety of life and property;

''(B) improve the efficiency of the National Airspace System and reduce the regulatory burden upon National Airspace System users, based upon sound engineering principles, user operational requirements, and marketplace demands;

''(C) encourage competition and provide services to the largest feasible number of users; and

''(D) take into account the unique role served by general aviation.''.

SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended by striking ''without'' in the last sentence and inserting ''with or without''.

SEC. 305. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting ''and'' after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) by inserting ''(whether public or private)'' in paragraph (1) after ''authorities'';

(2) by striking ''safety.'' in paragraph (1) and inserting ''safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with the provisions under section 106(l)(6) of this title. The Administrator is also authorized, notwithstanding any other provision of law or policy, to accept payments in arrears.''; and

(3) by striking ''appropriation from which expenses were incurred in providing such services.'' in paragraph (3) and inserting ''appropriation current when the expenditures are or were paid, or the appropriation current when the amount is received.''.

SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (G);

(2) by striking ''Board.'' in subparagraph (H) and inserting ''Board; and''; and

(3) by inserting at the end the following new subparagraph:

''(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards), and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

''(i) for purposes of applying such provisions to the personnel management system—

''(I) the term 'agency' means the Department of Transportation;

''(II) the term 'senior executive' means a Federal Aviation Administration executive;

''(III) the term 'career appointee' means a Federal Aviation Administration career executive; and

''(IV) the term 'senior career employee' means a Federal Aviation Administration career senior professional;

''(ii) receipt by a career appointee of the rank of Meritorious Executive or Meritorious Senior Professional entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

''(iii) receipt by a career appointee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.''.

SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESSMENT.

(a) FAA CRITERIA FOR FACILITIES REALIGNMENT.—Within 9 months after the date of enactment of this Act, the Administrator, after providing an opportunity for public comment, shall publish final criteria to be used in making the Administrator's recommendations for the realignment of services and facilities to assist in the transition to next generation facilities and help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(b) REALIGNMENT RECOMMENDATIONS.—Within 9 months after publication of the criteria, the Administrator shall publish a list of the services and facilities that the Administrator recommends for realignment, including a justification for each recommendation and a description of the costs and savings of such transition, in the Federal Register and allow 45 days for the submission of public comments to the Board. In addition, the Administrator upon request shall hold a public hearing in any community that would be affected by a recommendation in the report.

(c) STUDY BY BOARD.—The Air Traffic Control Modernization Oversight Board established by section 106(p) of title 49, United States Code, shall study the Administrator's recommendations for realignment and the opportunities, risks, and benefits of realigning services and facilities of the Administration to help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(d) REVIEW AND RECOMMENDATIONS.—

(1) Based on its review and analysis of the Administrator's recommendations and any public comment it may receive, the Board shall make its independent recommendations for realignment of aviation services or facilities and submit its recommendations in a report to the President, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

(2) The Board shall explain and justify in its report any recommendation made by the Board that is different from the recommendations made by the Administrator pursuant to subsection (b).

(3) The Administrator may not realign any air traffic control facilities or regional offices until the Board's recommendations are complete, unless for each proposed realignment the Administrator and each exclusive bargaining representative certified under section 7114 of title 5, United States Code, of affected employees execute a written agreement regarding the proposed realignment.

(e) REALIGNMENT DEFINED.—In this section, the term ''realignment''—

(1) means a relocation or reorganization of functions, services, or personnel positions, including a facility closure, consolidation, deconsolidation, collocation, decombining, decoupling, split, or inter-facility or inter-regional reorganization that requires a reassignment of employees; but

(2) does not include a reduction in personnel resulting from workload adjustments.

SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYSTEM IMPLEMENTATION OFFICE.

(a) IMPROVED COOPERATION AND COORDINATION AMONG PARTICIPATING AGENCIES.—Section 709 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended—

(1) by inserting ''strategic and cross-agency'' after ''manage'' in subsection (a)(1);

(2) by adding at the end of subsection (a)(1) ''The office shall be headed by a Director, who shall report to the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act.'';

(3) by inserting ''(A)'' after ''(3)'' in subsection (a)(3);

(4) by inserting after subsection (a)(3) the following:

''(B) The Administrator, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Department or Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate an implementation office to be responsible for—

''(i) carrying out the Department or agency's Next Generation Air Transportation System implementation activities with the Office;

''(ii) liaison and coordination with other Departments and agencies involved in Next Generation Air Transportation System activities; and

''(iii) managing all Next Generation Air Transportation System programs for the Department or agency, including necessary budgetary and staff resources, including, for the Federal Aviation Administration, those projects described in section 44501(b)(5) of title 49, United States Code).

''(C) The head of any such Department or agency shall ensure that—

''(i) the Department's or agency's Next Generation Air Transportation System responsibilities are clearly communicated to the designated office; and

''(ii) the performance of supervisory personnel in that office in carrying out the Department's or agency's Next Generation Air Transportation System responsibilities is reflected in their annual performance evaluations and compensation decisions.

''(D)(i) Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the head of each such Department or agency shall execute a memorandum of understanding with the Office and with the other Departments and agencies participating in the Next Generation Air Transportation System project that—

''(I) describes the respective responsibilities of each such Department and agency, including budgetary commitments; and

''(II) the budgetary and staff resources committed to the project.

''(ii) The memorandum shall be revised as necessary to reflect any changes in such responsibilities or commitments and be reflected in each Department or agency's budget request.'';

(5) by striking ''beyond those currently included in the Federal Aviation Administration's operational evolution plan'' in subsection (b);

(6) by striking ''research and development roadmap'' in subsection (b)(3) and inserting ''implementation plan'';

(7) by striking ''and'' after the semicolon in subsection (b)(3)(B);

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

''(D) a schedule of rulemakings required to issue regulations and guidelines for implementation of the Next Generation Air Transportation System within a timeframe consistent with the integrated plan; and'';

(9) by inserting ''and key technologies'' after ''concepts'' in subsection (b)(4);

(10) by striking ''users'' in subsection (b)(4) and inserting ''users, an implementation plan,'';

(11) by adding at the end of subsection (b) the following:

''Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall develop the implementation plan described in paragraph (3) of this subsection and shall update it annually thereafter.''; and

(12) by striking ''2010.'' in subsection (e) and inserting ''2011.''.

(b) SENIOR POLICY COMMITTEE MEETINGS.—Section 710(a) of such Act (49 U.S.C. 40101 note) is amended by striking ''Secretary.'' and inserting ''Secretary and shall meet at least once each quarter.''.

SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by striking subparagraph (B) and inserting the following:

''(B) runway lighting and airport surface visual and other navigation aids;'';

(2) by striking ''weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and'' in subparagraph (C) and inserting ''aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications;'';

(3) by striking ''another structure'' in subparagraph (D) and inserting ''any structure, equipment,'';

(4) by striking ''aircraft.'' in subparagraph (D) and inserting ''aircraft; and''; and

(5) by adding at the end the following:

''(E) buildings, equipment, and systems dedicated to the National Airspace System.''.

SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking ''compensation; and'' and inserting ''compensation, and the amount received may be credited to the appropriation current when the amount is received; and''.

SEC. 312. EDUCATIONAL REQUIREMENTS.

The Administrator shall make payments to the Department of Defense for the education of dependent children of those Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a)(2) is amended to read as follows:

''(2) DISPUTE RESOLUTION.—

''(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

''(B) BINDING ARBITRATION.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) do not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members in accordance with section 2471.6(a)(2)(ii) of title 5, Code of Federal Regulations. The executive director of the Panel shall request a list of not less than 15 names of arbitrators with Federal sector experience from the director of the Federal Mediation and Conciliation Service to be provided to the Administrator and the bargaining representatives. Within 10 days after receiving the list, the parties shall each select 1 person. The 2 arbitrators shall then select a third person from the list within 7 days. If the 2 arbitrators are unable to agree on the third person, the parties shall select the third person by alternately striking names from the list until only 1 name remains. If the parties do not agree on the framing of the issues to be submitted, the arbitration board shall frame the issues. The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 90 days after its appointment. The Administrator and the bargaining representative shall share costs of the arbitration equally. The arbitration board shall take into consideration the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce and the Federal Aviation Administration's budget.

''(C) EFFECT.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subparagraph (B) above, the final agreement, except for those matters decided by the arbitration board, shall be subject to ratification by the exclusive representative, if so requested by the exclusive representative, and approval by the head of the agency in accordance with subsection (g)(2)(C).

''(D) ENFORCEMENT.—Enforcement of the provisions of this paragraph shall be in the United States District Court for the District of Columbia.''.

SEC. 314. ACCELERATION OF NEXTGEN TECHNOLOGIES.

(a) OEP AIRPORT PROCEDURES.—

(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, general aviation representatives, and aircraft manufacturers that includes the following:

(A) RNP/RNAV OPERATIONS.—The required navigation performance and area navigation operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 35 Operational Evolution Partnership airports identified by the Administration.

(B) COORDINATION AND IMPLEMENTATION ACTIVITIES.—A description of the activities and operational changes and approvals required to coordinate and utilize those procedures at those airports.

(C) IMPLEMENTATION PLAN.—A plan for implementing those procedures that establishes—

(i) clearly defined budget, schedule, project organization, and leadership requirements;

(ii) specific implementation and transition steps; and

(iii) baseline and performance metrics for measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System.

(D) COST/BENEFIT ANALYSIS FOR THIRD-PARTY USAGE.—An assessment of the costs and benefits of using third parties to assist in the development of the procedures.

(E) ADDITIONAL PROCEDURES.—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may be required at such airports in the future.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures within 36 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before January 1, 2014.

(b) EXPANSION OF PLAN TO OTHER AIRPORTS.—

(1) IN GENERAL.—No later than January 1, 2014, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, and air carriers, that includes a plan for applying the procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 25 percent of the required procedures at such other airports before January 1, 2015;

(B) 50 percent of the procedures at such other airports before January 1, 2016;

(C) 75 percent of the procedures at such other airports before January 1, 2017; and

(D) 100 percent of the procedures before January 1, 2018.

(c) ESTABLISHMENT OF PRIORITIES.—The Administrator shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance and area navigation procedures based on their potential safety and congestion benefits.

(d) COORDINATED AND EXPEDITED REVIEW.—Navigation performance and area navigation procedures developed, certified, published, and implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.

(e) DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.—Within 1 year after the date of enactment of this Act, the Administrator shall submit a plan for implementation of a nationwide communications system to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The plan shall include—

(1) clearly defined budget, schedule, project organization, and leadership requirements;

(2) specific implementation and transition steps; and

(3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.

(f) IMPROVED PERFORMANCE STANDARDS.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate committee on commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(1) evaluates whether utilization of ADS–B, RNP, and other technologies as part of the NextGen Air Transportation System implementation plan will display the position of aircraft more accurately and frequently so as to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions;

(2) evaluates the feasibility of reducing aircraft separation standards in a safe manner as a result of implementation of such technologies; and

(3) if the Administrator determines that such standards can be reduced safely, includes a timetable for implementation of such reduced standards.

SEC. 315. ADS–B DEVELOPMENT AND IMPLEMENTATION.

(a) IN GENERAL.—

(1) REPORT REQUIRED.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure detailing the Administration's program and schedule for integrating ADS–B technology into the National Airspace System. The report shall include—

(A) a clearly defined budget, schedule, project organization, leadership, and the specific implementation or transition steps required to achieve these ADS–B ground station installation goals;

(B) a transition plan for ADS–B that includes date-specific milestones for the implementation of new capabilities into the National Airspace System;

(C) identification of any potential operational or workforce changes resulting from deployment of ADS–B;

(D) detailed plans and schedules for implementation of advanced operational procedures and ADS–B air-to-air applications; and

(E) baseline and performance metrics in order to measure the agency's progress.

(2) IDENTIFICATION AND MEASUREMENT OF BENEFITS.—In the report required by paragraph (1), the Administrator shall identify actual benefits that will accrue to National Airspace System users, small and medium-sized airports, and general aviation users from deployment of ADS–B and provide an explanation of the metrics used to quantify those benefits.

(b) RULEMAKINGS.—

(1) ADS–B OUT.—Not later than 45 days after the date of enactment of this Act the Administrator shall—

(A) complete the initial rulemaking proceeding (Docket No. FAA–2007–29305; Notice No. 07–15; 72 FR 56947) to issue guidelines and regulations for ADS–B Out technology that—

(i) identify the ADS–B Out technology that will be required under NextGen;

(ii) subject to paragraph (3), require all aircraft to be equipped with such technology by 2015; and

(iii) identify—

(I) the type of such avionics required of aircraft for all classes of airspace;

(II) the expected costs associated with the avionics; and

(III) the expected uses and benefits of the avionics; and

(B) initiate a rulemaking proceeding to issue any additional guidelines and regulations for ADS–B Out technology not addressed in the initial rulemaking.

(2) ADS–B IN.—Not later than 45 days after the date of enactment of this Act the Administrator shall initiate a rulemaking proceeding to issue guidelines and regulations for ADS–B In technology that—

(A) identify the ADS–B In technology that will be required under NextGen;

(B) subject to paragraph (3), require all aircraft to be equipped with such technology by 2018; and

(C) identify—

(i) the type of such avionics required of aircraft for all classes of airspace;

(ii) the expected costs associated with the avionics; and

(iii) the expected uses and benefits of the avionics.

(3) READINESS VERIFICATION.—Before the date on which all aircraft are required to be equipped with ADS–B technology pursuant to rulemakings under paragraphs (1) and (2), the Air Traffic Control Modernization Oversight Board shall verify that—

(A) the necessary ground infrastructure is installed and functioning properly;

(B) certification standards have been approved; and

(C) appropriate operational platforms interface safely and efficiently.

(c) USES.—Within 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee groups, a plan for the use of ADS–B technology for surveillance and active air traffic control by 2015. The plans shall—

(1) include provisions to test the use of ADS–B prior to the 2015 deadline for surveillance and active air traffic control in specific regions of the country with the most congested airspace;

(2) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;

(3) develop procedures, in consultation with appropriate employee groups, to conduct air traffic management in mixed equipage environments; and

(4) establish a policy in these test regions, with consultation from appropriate employee groups, to provide incentives for equipage with ADS–B technology by giving priority to aircraft equipped with such technology before the 2015 and 2018 equipage deadlines.

(d) CONDITIONAL EXTENSION OF DEADLINES FOR EQUIPPING AIRCRAFT WITH ADS–B TECHNOLOGY.—

(1) ADS–B OUT.—In the case that the Administrator fails to complete the initial rulemaking described in subparagraph (A) of subsection (b)(1) on or before the date that is 45 days after the date of the enactment of this Act, the deadline described in clause (ii) of such subparagraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator completes such initial rulemaking.

(2) ADS–B IN.—In the case that the Administrator fails to initiate the rulemaking required by paragraph (2) of subsection (b) on or before the date that is 45 days after the date of the enactment of this Act, the deadline described in subparagraph (B) of such paragraph shall be extended by an amount of time that is equal to the amount of time of the period beginning on the date that is 45 days after the date of the enactment of this Act and ending on the date on which the Administrator initiates such rulemaking.

SEC. 316. EQUIPAGE INCENTIVES.

(a) IN GENERAL.—The Administrator shall issue a report that—

(1) identifies incentive options to encourage the equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft equipped with ADS–B technology;

(2) identifies the costs and benefits of each option; and

(3) includes input from industry stakeholders, including passenger and cargo air carriers, aerospace manufacturers, and general aviation aircraft operators.

(b) DEADLINE.—The Administrator shall issue the report before the earlier of—

(1) the date that is 6 months after the date of enactment of this Act; or

(2) the date on which aircraft are required to be equipped with ADS–B technology pursuant to rulemakings under section 315(b) of this Act.

SEC. 317. PERFORMANCE METRICS.

(a) IN GENERAL.—No later than June 1, 2010, the Administrator shall establish and track National Airspace System performance metrics, including, at a minimum—

(1) the allowable operations per hour on runways;

(2) average gate-to-gate times;

(3) fuel burned between key city pairs;

(4) operations using the advanced procedures implemented under section 314 of this Act;

(5) average distance flown between key city pairs;

(6) time between pushing back from the gate and taking off;

(7) uninterrupted climb or descent;

(8) average gate arrival delay for all arrivals;

(9) flown versus filed flight times for key city pairs; and

(10) metrics to demonstrate reduced fuel burn and reduced emissions.

(b) OPTIMAL BASELINES.—The Administrator, in consultation with aviation industry stakeholders, shall identify optimal baselines for each of these metrics and appropriate methods to measure deviations from these baselines.

(c) PUBLICATION.—The Administration shall make the data obtained under subsection (a) available to the public in a searchable, sortable, downloadable format through its website and other appropriate media.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(A) a description of the metrics that will be used to measure the Administration's progress in implementing NextGen Air Transportation System capabilities and operational results; and

(B) information about how any additional metrics were developed.

(2) ANNUAL PROGRESS REPORT.—The Administrator shall submit an annual progress report to those committees on the Administration's progress in implementing NextGen Air Transportation System.

SEC. 318. CERTIFICATION STANDARDS AND RESOURCES.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—

(1) updated project plans and timelines to meet the deadlines established by this title;

(2) identification of the specific activities needed to certify core NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipage, installation of equipage, airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training;

(3) staffing requirements for the Air Certification Service and the Flight Standards Service, and measures addressing concerns expressed by the Department of Transportation Inspector General and the Comptroller General regarding staffing needs for modernization;

(4) an assessment of the extent to which the Administration will use third parties in the certification process, and the cost and benefits of this approach; and

(5) performance metrics to measure the Administration's progress.

(b) CERTIFICATION INTEGRITY.—The Administrator shall make no distinction between public or privately owned equipment, systems, or services used in the National Airspace System when determining certification requirements.

SEC. 319. REPORT ON FUNDING FOR NEXTGEN TECHNOLOGY.

Not later than 120 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report that contains—

(1) a financing proposal that—

(A) uses innovative methods to fully fund the development and implementation of technology for the Next Generation Air Transportation System in a manner that does not increase the Federal deficit; and

(B) takes into consideration opportunities for involvement by public-private partnerships; and

(C) recommends creative financing proposals other than user fees or higher taxes; and

(2) recommendations with respect to how the Administrator and Congress can provide operational benefits, such as benefits relating to preferred airspace, routings, or runway access, for all aircraft, including air carriers and general aviation, that equip their aircraft with technology necessary for the operation of the Next Generation Air Transportation System before the date by which the Administrator requires the use of such technology.

SEC. 320. UNMANNED AERIAL SYSTEMS.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator shall develop a plan to accelerate the integration of unmanned aerial systems into the National Airspace System that—

(1) creates a pilot project to integrate such vehicles into the National Airspace System at 4 test sites in the National Airspace System by 2012;

(2) creates a safe, non-exclusionary airspace designation for cooperative manned and unmanned flight operations in the National Airspace System;

(3) establishes a process to develop certification, flight standards, and air traffic requirements for such vehicles at the test sites;

(4) dedicates funding for unmanned aerial systems research and development to certification, flight standards, and air traffic requirements;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and civilian unmanned aerial system operations;

(7) ensures the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for verification of the safety of the vehicles and navigation procedures before their integration into the National Airspace System.

(b) TEST SITE CRITERIA.—The Administrator shall take into consideration geographical and climate diversity in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

SEC. 321. SURFACE SYSTEMS PROGRAM OFFICE.

(a) IN GENERAL.—The Air Traffic Organization shall—

(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;

(2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;

(3) accelerate implementation of the program; and

(4) carry out such additional duties as the Administrator may require.

(b) EXPEDITED CERTIFICATION AND UTILIZATION.—The Administrator shall—

(1) consider options for expediting the certification of Ground Based Augmentation System technology; and

(2) develop a plan to utilize such a system at the 35 Operational Evolution Partnership airports by September 30, 2012.

SEC. 322. STAKEHOLDER COORDINATION.

(a) IN GENERAL.—The Administrator shall establish a process for including qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be affected by the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) in, and collaborating with, such employees in the planning, development, and deployment of those projects.

(b) PARTICIPATION.—

(1) BARGAINING OBLIGATIONS AND RIGHTS.—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) CAPACITY AND COMPENSATION.—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

(c) REPORT.—No later than 180 days after the date of enactment of this Act, the Administrator shall submit a report on the implementation of this section to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 323. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator shall establish a special task force to be known as the ''FAA Task Force on Air Traffic Control Facility Conditions''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 11 members of whom—

(A) 7 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, ''sick building syndrome,'' and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICES.—The Task Force shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the facility condition indices under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit a report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days after receipt of the Task Force report under subsection (h), the Administrator shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) is submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 324. STATE ADS–B EQUIPAGE BANK PILOT PROGRAM.

(a) IN GENERAL.—

(1) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary of Transportation may enter into cooperative agreements with not to exceed 5 States for the establishment of State ADS–B equipage banks for making loans and providing other assistance to public entities for projects eligible for assistance under this section.

(b) FUNDING.—

(1) SEPARATE ACCOUNT.—An ADS–B equipage bank established under this section shall maintain a separate aviation trust fund account for Federal funds contributed to the bank under paragraph (2). No Federal funds contributed or credited to an account of an ADS–B equipage bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

(2) AUTHORIZATION.—There are authorized to be appropriated to the Secretary $25,000,000 for each of fiscal years 2010 through 2014.

(c) FORMS OF ASSISTANCE FROM ADS–B EQUIPAGE BANKS.—An ADS–B equipage bank established under this section may make loans or provide other assistance to a public entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project.

(d) QUALIFYING PROJECTS.—Federal funds in the ADS–B equipage account of an ADS–B equipage bank established under this section may be used only to provide assistance with respect to aircraft ADS–B and related avionics equipage.

(e) REQUIREMENTS.—In order to establish an ADS–B equipage bank under this section, each State establishing such a bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 50 percent of the amount of each capitalization grant made to the State and contributed to the bank;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(4) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(5) ensure that the term for repaying any loan will not exceed 10 years after the date of the first payment on the loan; and

(6) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year for which funds are made

available under this section, and to make such other reports as the Secretary may require by guidelines.

SEC. 325. IMPLEMENTATION OF INSPECTOR GENERAL ATC RECOMMENDATIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, but no later than 1 year after that date, the Administrator of the Federal Aviation Administration shall—

(1) provide the Los Angeles International Air Traffic Control Tower facility, the Southern California Terminal Radar Approach Control facility, and the Northern California Terminal Radar Approach Control facility a sufficient number of contract instructors, classroom space (including off-site locations as needed), and simulators for a surge in the number of new air traffic controllers at those facilities;

(2) to the greatest extent practicable, distribute the placement of new trainee air traffic controllers at those facilities evenly across the calendar year in order to avoid training bottlenecks;

(3) commission an independent analysis, in consultation with the Administration and the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, of overtime scheduling practices at those facilities; and

(4) to the greatest extent practicable, provide priority to certified professional controllers-in-training when filling staffing vacancies at those facilities.

(b) STAFFING ANALYSES AND REPORTS.—For the purposes of—

(1) the Federal Aviation Administration's annual controller workforce plan,

(2) the Administration's facility-by-facility authorized staffing ranges, and

(3) any report of air traffic controller staffing levels submitted to the Congress,

the Administrator may not consider an individual to be an air traffic controller unless that individual is a certified professional controller.

SEC. 326. SEMIANNUAL REPORT ON STATUS OF GREENER SKIES PROJECT.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the strategy of the Administrator for implementing, on an accelerated basis, the NextGen operational capabilities produced by the Greener Skies project, as recommended in the final report of the RTCA NextGen Mid-Term Implementation Task Force that was issued on September 9, 2009.

(b) SUBSEQUENT REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the Administrator submits to Congress the report required by subsection (a) and not less frequently than once every 180 days thereafter until September 30, 2011, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of the Administrator in carrying out the strategy described in the report submitted under subsection (a).

(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A timeline for full implementation of the strategy described in the report submitted under subsection (a).

(B) A description of the progress made in carrying out such strategy.

(C) A description of the challenges, if any, encountered by the Administrator in carrying out such strategy.

SEC. 327. DEFINITIONS.

In this title:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(3) NEXTGEN.—The term ''NextGen'' means the Next Generation Air Transportation System.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 328. FINANCIAL INCENTIVES FOR NEXTGEN EQUIPAGE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may enter into agreements to fund the costs of equipping aircraft with communications, surveillance, navigation, and other avionics to enable NextGen air traffic control capabilities.

(b) FUNDING INSTRUMENT.—The Administrator may make grants or other instruments authorized under section 106(l)(6) of title 49, United States Code, to carry out subsection (a).

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

SEC. 401. AIRLINE CUSTOMER SERVICE COMMITMENT.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

''SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

''§41781. Air carrier and airport contingency plans for long on-board tarmac delays

''(a) DEFINITION OF TARMAC DELAY.—The term 'tarmac delay' means the holding of an aircraft on the ground before taking off or after landing with no opportunity for its passengers to deplane.

''(b) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 60 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, each air carrier and airport operator shall submit, in accordance with the requirements under this section, a proposed contingency plan to the Secretary of Transportation for review and approval.

''(c) MINIMUM STANDARDS.—The Secretary of Transportation shall establish minimum standards for elements in contingency plans required to be submitted under this section to ensure that such plans effectively address long on-board tarmac delays and provide for the health and safety of passengers and crew.

''(d) AIR CARRIER PLANS.—The plan shall require each air carrier to implement at a minimum the following:

''(1) PROVISION OF ESSENTIAL SERVICES.—Each air carrier shall provide for the essential needs of passengers on board an aircraft at an airport in any case in which the departure of a flight is delayed or disembarkation of passengers on an arriving flight that has landed is substantially delayed, including—

''(A) adequate food and potable water;

''(B) adequate restroom facilities;

''(C) cabin ventilation and comfortable cabin temperatures; and

''(D) access to necessary medical treatment.

''(2) RIGHT TO DEPLANE.—

''(A) IN GENERAL.—Each air carrier shall submit a proposed contingency plan to the Secretary of Transportation that identifies a clear time frame under which passengers would be permitted to deplane a delayed aircraft. After the Secretary has reviewed and approved the proposed plan, the air carrier shall make the plan available to the public.

''(B) DELAYS.—

''(i) IN GENERAL.—As part of the plan, except as provided under clause (iii), an air carrier shall provide passengers with the option of deplaning and returning to the terminal at which such deplaning could be safely completed, or deplaning at the terminal if—

''(I) 3 hours have elapsed after passengers have boarded the aircraft, the aircraft doors are closed, and the aircraft has not departed; or

''(II) 3 hours have elapsed after the aircraft has landed and the passengers on the aircraft have been unable to deplane.

''(ii) FREQUENCY.—The option described in clause (i) shall be offered to passengers at a minimum not less often than once during each successive 3-hour period that the plane remains on the ground.

''(iii) EXCEPTIONS.—This subparagraph shall not apply if—

''(I) the pilot of such aircraft reasonably determines that the aircraft will depart or be unloaded at the terminal not later than 30 minutes after the 3 hour delay; or

''(II) the pilot of such aircraft reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

''(C) APPLICATION TO DIVERTED FLIGHTS.—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

''(D) REPORTS.—Not later than 30 days after any flight experiences a tarmac delay lasting at least 3 hours, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation Consumer Protection Office of the Department of Transportation.

''(e) AIRPORT PLANS.—Each airport operator shall submit a proposed contingency plan under subsection (b) that contains a description of—

''(1) how the airport operator will provide for the deplanement of passengers following a long tarmac delay; and

''(2) how, to the maximum extent practicable, the airport operator will provide for the sharing of facilities and make gates available at the airport for use by aircraft experiencing such delays.

''(f) UPDATES.—The Secretary shall require periodic reviews and updates of the plans as necessary.

''(g) APPROVAL.—

''(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Secretary of Transportation shall—

''(A) review the initial contingency plans submitted under subsection (b); and

''(B) approve plans that closely adhere to the standards described in subsections (d) or (e), whichever is applicable.

''(2) UPDATES.—Not later than 60 days after the submission of an update under subsection (f) or an initial contingency plan by a new air carrier or airport, the Secretary shall—

''(A) review the plan; and

''(B) approve the plan if it closely adheres to the standards described in subsections (d) or (e), whichever is applicable.

''(h) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against any air carrier or airport operator that does not submit, obtain approval of, or adhere to a contingency plan submitted under this section.

''(i) PUBLIC ACCESS.—Each air carrier and airport operator required to submit a contingency plan under this section shall ensure public access to an approved plan under this section by—

''(1) including the plan on the Internet Web site of the carrier or airport; or

''(2) disseminating the plan by other means, as determined by the Secretary.

''§41782. Air passenger complaints hotline and information

''(a) AIR PASSENGER COMPLAINTS HOTLINE TELEPHONE NUMBER.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of air passengers.

''(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, which sums shall remain available until expended.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by adding at the end the following:

''SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

''41781. Air carrier and airport contingency plans for long on-board tarmac delays

''41782. Air passenger complaints hotline and information''.

SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND FLIGHT DELAY HISTORY.

(a) IN GENERAL.—Section 41722 is amended by adding at the end the following:

''(f) CHRONICALLY DELAYED FLIGHTS.—

''(1) PUBLICATION OF LIST OF FLIGHTS.—Each air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall, on a monthly basis—

''(A) publish and update on the Internet website of the air carrier a list of chronically delayed flights operated by such air carrier; and

''(B) share such list with each entity that is authorized to book passenger air transportation for such air carrier for inclusion on the Internet website of such entity.

''(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—For each individual who books passenger air transportation on the Internet website of an air carrier, or the Internet website of an entity that is authorized to book passenger air transportation for an air carrier, for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, such air carrier or entity, as the case may be, shall prominently disclose to such individual, before such individual makes such booking, the following:

''(A) The on-time performance for the flight if the flight is a chronically delayed flight.

''(B) The cancellation rate for the flight if the flight is a chronically canceled flight.

''(3) DEFINITIONS.—In this subsection:

''(A) CHRONICALLY DELAYED FLIGHT.—The term 'chronically delayed flight' means a regularly scheduled flight that has failed to arrive on time (as such term is defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data is available.

''(B) CHRONICALLY CANCELED FLIGHT.—The term 'chronically canceled flight' means a regularly scheduled flight at least 30 percent of the departures of which have been canceled during the most recent 3-month period for which data is available.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles, or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out airline customer service improvements, including those required by subchapter IV of chapter 417 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint members of the advisory committee comprised of one representative each of—

(1) air carriers;

(2) airport operators;

(3) State or local governments who has expertise in consumer protection matters; and

(4) a nonprofit public interest group who has expertise in consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include—

(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

(2) providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) the recommendations made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 405. DISCLOSURE OF PASSENGER FEES.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking that requires each air carrier operating in the United States under part 121 of title 49, Code of Federal Regulations, to make available to the public and to the Secretary a list of all passenger fees and charges (other than airfare) that may be imposed by the air carrier, including fees for—

(1) checked baggage or oversized or heavy baggage;

(2) meals, beverages, or other refreshments;

(3) seats in exit rows, seats with additional space, or other preferred seats in any given class of travel;

(4) purchasing tickets from an airline ticket agent or a travel agency; or

(5) any other good, service, or amenity provided by the air carrier, as required by the Secretary.

(b) PUBLICATION; UPDATES.—In order to ensure that the fee information required by subsection (a) is both current and widely available to the travelling public, the Secretary—

(1) may require an air carrier to make such information on any public website maintained by an air carrier, to make such information available to travel agencies, and to notify passengers of the availability of such information when advertising airfares; and

(2) shall require air carriers to update the information as necessary, but no less frequently than every 90 days unless there has been no increase in the amount or type of fees shown in the most recent publication.

SEC. 406. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

Section 41712 is amended by adding at the end the following:

''(c) DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.—

''(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to not disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

''(A) the name (including any business or corporate name) of the air carrier providing the air transportation; and

''(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

''(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.''.

SEC. 407. NOTIFICATION REQUIREMENTS WITH RESPECT TO THE SALE OF AIRLINE TICKETS.

(a) IN GENERAL.—The Office of Aviation Consumer Protection and Enforcement of the Department of Transportation shall establish rules to ensure that all consumers are able to easily and fairly compare airfares and charges paid when purchasing tickets for air transportation, including all taxes and fees.

(b) NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.—Section 41712, as amended by this Act, is further amended by adding at the end the following:

''(d) NOTICE OF TAXES AND FEES APPLICABLE TO TICKETS FOR AIR TRANSPORTATION.—

''(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for an air carrier, foreign air carrier, or ticket agent to sell a ticket for air transportation on the Internet unless the air carrier, foreign air carrier, or ticket agent, as the case may be—

''(A) displays information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, in reasonable proximity to the price listed for the ticket; and

''(B) provides to the purchaser of the ticket information with respect to the taxes and fees described in paragraph (2), including the amount and a description of each such tax or fee, before requiring the purchaser to provide any personal information, including the name, address, phone number, e-mail address, or credit card information of the purchaser.

''(2) TAXES AND FEES DESCRIBED.—The taxes and fees described in this paragraph are all taxes, fees, and charges applicable to a ticket for air transportation, consisting of—

''(A) all taxes, fees, charges, and surcharges included in the price paid by a purchaser for the ticket, including fuel surcharges and surcharges relating to peak or holiday travel; and

''(B) any fees for baggage, seating assignments; and

''(C) operational services that are charged when the ticket is purchased.''.

(c) REGULATIONS.—The Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall prescribe such regulations as may be necessary to carry out subsection (d) of section 41712 of title 49, United States Code, as added by subsection (b) of this section.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

SEC. 411. EAS CONNECTIVITY PROGRAM.

Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking ''may'' and inserting ''shall''.

SEC. 412. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731

note) is amended by striking ''September 30, 2010.'' and inserting ''September 30, 2013.''.

SEC. 413. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking ''provided.'' in subparagraph (C) and inserting ''provided;''; and

(3) by adding at the end the following:

''(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

''(E) include provisions under which the Secretary may execute long-term essential air service contracts to encourage carriers to provide air service to small and rural communities where it would be in the public interest to do so.''.

SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.

(a) IN GENERAL.—Section 41745 is amended to read as follows:

''§41745. Conversion of lost eligibility airports

''(a) IN GENERAL.—The Secretary shall establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify for a subsidy.

''(b) GRANTS.—A grant under this section—

''(1) may not exceed twice the compensation paid to provide essential air service to the airport in the fiscal year preceeding the fiscal year in which the Secretary determines that the place served by the airport is no longer an eligible place; and

''(2) may be used—

''(A) for airport development (as defined in section 47102(3)) that will enhance general aviation capacity at the airport;

''(B) to defray operating expenses, if such use is approved by the Secretary; or

''(C) to develop innovative air service options, such as on-demand or air taxi operations, if such use is approved by the Secretary.

''(c) AIP REQUIREMENTS.—An airport sponsor that uses funds provided under this section for an airport development project shall comply with the requirements of subchapter I of chapter 471 applicable to airport development projects funded under that subchapter with respect to the project funded under this section.

''(d) LIMITATION.—The sponsor of an airport receiving funding under this section is not eligible for funding under section 41736.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 417 is amended by striking the item relating to section 41745 and inserting the following:

''417454. Conversion of lost eligibility airports.''.

SEC. 415. EAS REFORM.

Section 41742(a) is amended—

(1) by adding at the end of paragraph (1) ''Any amount in excess of $50,000,000 credited for any fiscal year to the account established under section 45303(c) shall be obligated for programs under section 406 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) and section 41745 of this title. Amounts appropriated pursuant to this section shall remain available until expended.''; and

(2) by striking ''$77,000,000'' in paragraph (2) and inserting ''$150,000,000''.

SEC. 416. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (D);

(2) by striking ''fashion.'' in subparagraph (E) and inserting ''fashion; and''; and

(3) by adding at the end the following:

''(F) multiple communities cooperate to submit a region or multistate application to improve air service.''.

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended—

(1) by striking ''is appropriated'' and inserting ''are appropriated''; and

(2) by striking ''2009'' and inserting ''2011''.

SEC. 417. EAS MARKETING.

The Secretary of Transportation shall require all applications to provide service under subchapter II of chapter 417 of title 49, United States Code, include a marketing plan.

SEC. 418. RURAL AVIATION IMPROVEMENT.

(a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY CAP.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

''§41749. Essential air service for eligible places above per passenger subsidy cap

''(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for an air carrier to provide air transportation to a place described in subsection (b).

''(b) PLACE DESCRIBED.—A place described in this subsection is a place—

''(1) that is otherwise an eligible place; and

''(2) for which the per passenger subsidy exceeds the dollar amount allowable under this subchapter.

''(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for an air carrier to provide air transportation to a place described in subsection (b), the Secretary shall—

''(1) decide whether to provide compensation for the air carrier to provide air transportation to the place; and

''(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

''(A) the per passenger subsidy; and

''(B) the dollar amount allowable for such subsidy under this subchapter.

''(d) COMPENSATION PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

''(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—

''(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

''(B) the Secretary decides the compensation is necessary to maintain air transportation to the place.

''(e) REVIEW.—

''(1) IN GENERAL.—The Secretary shall periodically review the type and level of air service provided under this section.

''(2) CONSULTATION.—The Secretary may make appropriate adjustments in the type and level of air service to a place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

''(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—An air carrier providing air transportation to a place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the air carrier provides notice of the intent of the air carrier to end, suspend, or reduce such air transportation to—

''(1) the Secretary;

''(2) the affected community; and

''(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).''.

(2) CLERICAL AMENDMENT.—The table of contents for chapter 417 is amended by adding after the item relating to section 41748 the following new item:

''41749. Essential air service for eligible places above per passenger subsidy cap''.

(b) PREFERRED ESSENTIAL AIR SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 417, as amended by subsection (a), is further amended by adding after section 41749 the following:

''§41750. Preferred essential air service

''(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place.

''(b) PREFERRED AIR CARRIER DESCRIBED.—A preferred air carrier described in this subsection is an air carrier that—

''(1) submits an application under section 41733(c) to provide air transportation to an eligible place;

''(2) is not the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

''(3) is an air carrier that the affected community prefers to provide air transportation to the eligible place instead of the air carrier that submits the lowest cost bid.

''(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place, the Secretary shall—

''(1) decide whether to provide compensation for the preferred air carrier to provide air transportation to the eligible place; and

''(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

''(A) the rate of compensation the Secretary would provide to the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

''(B) the rate of compensation the preferred air carrier estimates to be necessary to provide air transportation to the eligible place.

''(d) COMPENSATION PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

''(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—

''(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

''(B) the Secretary decides the compensation is necessary to maintain air transportation to the eligible place.

''(e) REVIEW.—

''(1) IN GENERAL.—The Secretary shall periodically review the type and level of air service provided under this section.

''(2) CONSULTATION.—The Secretary may make appropriate adjustments in the type and level of air service to an eligible place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

''(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—A preferred air carrier providing air transportation to an eligible place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the preferred air carrier provides notice of the intent of the preferred air carrier to end, suspend, or reduce such air transportation to—

''(1) the Secretary;

''(2) the affected community; and

''(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).''.

(2) CLERICAL AMENDMENT.—The table of contents for chapter 417, as amended by subsection (a), is further amended by adding after the item relating to section 41749 the following new item:

''41750. Preferred essential air service''.

(c) RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—Section 41733 is amended by adding at the end the following:

''(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—

''(1) IN GENERAL.—If the Secretary of Transportation terminates the eligibility of an otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c), a State or local government may submit to the Secretary a proposal for restoring such eligibility.

''(2) DETERMINATION BY SECRETARY.—If the per passenger subsidy required by the proposal submitted by a State or local government under paragraph (1) does not exceed the per passenger subsidy cap provided under this subchapter, the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).''.

(d) OFFICE OF RURAL AVIATION.—

(1) ESTABLISHMENT.—There is established within the Office of the Secretary of Transportation the Office of Rural Aviation.

(e) FUNCTIONS.—The functions of the Office are—

(1) to develop a uniform 4-year contract for air carriers providing essential air service to communities under subchapter II of chapter 417 of title 49, United States Code;

(2) to develop a mechanism for comparing applications submitted by air carriers under section 41733(c) to provide essential air service to communities, including comparing—

(A) estimates from air carriers on—

(i) the cost of providing essential air service; and

(ii) the revenues air carriers expect to receive when providing essential air service; and

(B) estimated schedules for air transportation; and

(3) to select an air carrier from among air carriers applying to provide essential air service, based on the criteria described in paragraph (2).

(f) EXTENSION OF AUTHORITY TO MAKE AGREEMENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.—Section 41743(e)(2) is amended by striking ''2009'' and inserting ''2011''.

(g) ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.—Section 41737 is amended by adding at the end thereof the following:

''(f) FUEL COST SUBSIDY DISREGARD.—Any amount provided as an adjustment in compensation pursuant to subsection (a)(1)(D) shall be disregarded for the purpose of determining whether the amount of compensation provided under this subchapter with respect to an eligible place exceeds the per passenger subsidy exceeds the dollar amount allowable under this subchapter.''.

SEC. 419. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747, and such title 49 shall be applied as if such section 41747 had not been enacted.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 417 of title 49, United States Code, is amended by striking the item relating to section 41747.

SUBTITLE C—MISCELLANEOUS

SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

''§ 47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees''

(2) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the heading for subsection (d);

(3) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the heading for subsection (d)(2);

(4) by striking ''air carrier'' each place it appears and inserting ''air carrier or foreign air carrier'';

(5) by striking ''air carrier's'' each place it appears and inserting ''air carrier's or foreign air carrier's'';

(6) by striking ''air carriers'' and inserting ''air carriers or foreign air carriers''; and

(7) by striking ''(as defined in section 40102 of this title)'' in subsection (a) and inserting ''(as those terms are defined in section 40102 of this title)''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

''47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees''.

SEC. 432. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b)(1) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following:

''(B) If the Secretary determines that a tower already operating under this program has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

''(C) If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use during such fiscal year the amount not so required to carry out the program established under paragraph (3) of this section.''.

(b) COSTS EXCEEDING BENEFITS.—Subparagraph (D) of section 47124(b)(3) is amended—

(1) by striking ''benefit.'' and inserting ''benefit, with the maximum allowable local cost share for FAA Part 139 certified airports capped at 20 percent for those airports with fewer than 50,000 annual passenger enplanements.''.

(c) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking ''and'' after ''2006,''; and

(2) by striking ''2007'' and inserting ''2007, $9,500,000 for fiscal year 2010, and $10,000,000 for fiscal year 2011'' after ''2007,''; and

(3) by inserting after ''paragraph.'' the following: ''If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under subsection (b)(1) of this section.''.

(d) FEDERAL SHARE.—Subparagraph (C) of section 47124(b)(4) is amended by striking ''$1,500,000.'' and inserting ''$2,000,000.''.

(e) SAFETY AUDITS.—Section 41724 is amended by adding at the end the following:

''(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section in accordance with the Administration's safety management system.''.

SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—The Congress finds that—

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees (including baggage fees), ancillary costs, or penalties.

SEC. 434. AUTHORIZATION OF USE OF CERTAIN LANDS IN THE LAS VEGAS MCCARRAN INTERNATIONAL AIRPORT ENVIRONS OVERLAY DISTRICT FOR TRANSIENT LODGING AND ASSOCIATED FACILITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), Clark County, Nevada, is authorized to permit transient lodging, including hotels, and associated facilities, including enclosed auditoriums, concert halls, sports arenas, and places of public assembly, on lands in the Las Vegas McCarran International Airport Environs Overlay District that fall below the forecasted 2017 65 dB day-night annual average noise level (DNL), as identified in the Noise Exposure Map Notice published by the Federal Aviation Administration in the Federal Register on July 24, 2007 (72 Fed. Reg. 40357), and adopted into the Clark County Development Code in June 2008.

(b) LIMITATION.—No structure may be permitted under subsection (a) that would constitute a hazard to air navigation, result in an increase to minimum flight altitudes, or otherwise pose a significant adverse impact on airport or aircraft operations.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan shall be integrated into the annual Federal Aviation Administration NextGen Implementation Plan.

SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

''(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.''.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking ''section 44709 or'' and inserting ''section 44703(d), 44709, or''.

SEC. 503. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

''(5) RELEASE OF DATA.—

''(A) Notwithstanding any other provision of law, the Administrator may designate, without the consent of the owner of record, engineering data in the agency's possession related to a type certificate or a supplemental type certificate for an aircraft, engine, propeller or appliance as public data, and therefore releasable, upon request, to a person seeking to maintain the airworthiness of such product, if the Administrator determines that—

''(i) the certificate containing the requested data has been inactive for 3 years;

''(ii) the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate has not been located despite a search of due diligence by the agency; and

''(iii) the designation of such data as public data will enhance aviation safety.

''(B) In this section, the term 'engineering data' means type design drawings and specifications for the entire product or change to the product, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular aeronautical product certificate.''.

SEC. 504. DESIGN ORGANIZATION CERTIFICATES.

Section 44704(e) is amended—

(1) by striking ''Beginning 7 years after the date of enactment of this subsection,'' in paragraph (1) and inserting ''Effective January 1, 2013,'';

(2) by striking ''testing'' in paragraph (2) and inserting ''production''; and

(3) by striking paragraph (3) and inserting the following:

''(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on the Design Organization for certification of compliance under this section.''.

SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end thereof the following:

''§40130. FAA access to criminal history records or databases systems

''(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

''(1) Notwithstanding section 534 of title 28 and the implementing regulations for such section (28 C.F.R. part 20), the Administrator of the Federal Aviation Administration is authorized to access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out its civil and administrative responsibilities to protect the safety and security of the National Airspace System or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies. The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.

''(2) The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall, by order, designate those employees of the Administration who shall carry out the authority described in subsection (a). Such designated employees may—

''(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

''(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

''(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

''(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section the term 'system of documented criminal justice information' means any law enforcement databases, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 401 is amended by inserting after the item relating to section 40129 the following:

''40130. FAA access to criminal history records or databases systems''.

SEC. 506. PILOT FATIGUE.

(a) FLIGHT AND DUTY TIME REGULATIONS.—

(1) IN GENERAL.—In accordance with paragraph (2), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information—

(A) to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue; and

(B) to require part 121 air carriers to develop and implement fatigue risk management plans.

(2) DEADLINES.—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under paragraph (1); and

(B) not later than one year after the date of enactment of this Act, a final rule under paragraph (1).

(b) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this Act, each part 121 air carrier shall submit to the Administrator for review and approval a fatigue risk management plan.

(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme that enables the management of fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on pilots; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) PLAN UPDATES.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and approval.

(4) APPROVAL.—

(A) INITIAL APPROVAL OR MODIFICATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall review and approve or require modification to fatigue risk management plans submitted under this subsection to ensure that pilots are not operating aircraft while fatigued.

(B) UPDATE APPROVAL OR MODIFICATION.—Not later than 9 months after submission of a plan update under paragraph (3), the Administrator shall review and approve or require modification to such update.

(5) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(6) LIMITATION ON APPLICABILITY.—The requirements of this subsection shall cease to apply to a part 121 air carrier on and after the effective date of the regulations to be issued under subsection (a).

(c) EFFECT OF COMMUTING ON FATIGUE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) post-conference materials from the Federal Aviation Administration's June 2008 symposium entitled ''Aviation Fatigue Management Symposium: Partnerships for Solutions'';

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

(G) any other matters as the Administrator considers appropriate.

(3) PRELIMINARY FINDINGS.—Not later than 90 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) REPORT.—Not later than 6 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit a report to the Administrator containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) RULEMAKING.—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

SEC. 507. INCREASING SAFETY FOR HELICOPTER AND FIXED WING EMERGENCY MEDICAL SERVICE OPERATORS AND PATIENTS.

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of enactment of this Act, helicopter and fixed wing aircraft certificate holders providing emergency medical services shall comply with part 135 of title 14, Code of Federal Regulations, if there is a medical crew on board, without regard to whether there are patients on board.

(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—

(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and

(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.

(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and

(B) to require helicopter and fixed wing aircraft emergency medical service operators to use

the checklist created under subparagraph (A) to determine whether a mission should be accepted.

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(c) COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to require that helicopter and fixed wing emergency medical service operators formalize and implement performance based flight dispatch and flight-following procedures; and

(B) to develop a method to assess and ensure that such operators comply with the requirements described in subparagraph (A).

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(d) IMPROVING SITUATIONAL AWARENESS.—Within 1 year after the date of enactment of this Act, any helicopter or fixed-wing aircraft used for emergency medical service shall have on board a device that performs the function of a terrain awareness and warning system and a means of displaying that information that meets the requirements of the applicable Federal Aviation Administration Technical Standard Order or other guidance prescribed by the Administrator.

(e) IMPROVING THE DATA AVAILABLE ON AIR MEDICAL OPERATIONS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require each certificate holder for helicopters and fixed-wing aircraft used for emergency medical service operations to report not later than 1 year after the date of enactment of this Act and annually thereafter on—

(A) the number of aircraft and helicopters used to provide air ambulance services, the registration number of each of these aircraft or helicopters, and the base location of each of these aircraft or helicopters;

(B) the number of flights and hours flown by each such aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(C) the number of flights and the purpose of each flight for each aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(D) the number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight);

(E) the number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents;

(F) the number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services;

(G) the time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services; and

(H) The number of incidents where more helicopters arrive to transport patients than is needed in a flight request or scene response.

(2) REPORT TO CONGRESS.—The Administrator of the Federal Aviation Administration shall report to Congress on the information received pursuant to paragraph (1) of this subsection no later than 18 months after the date of enactment of this Act.

(f) IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.—

(1) STUDY.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a report that indicates the availability, survivability, size, weight, and cost of devices that perform the function of recording voice communications and flight data information on existing and new helicopters and existing and new fixed wing aircraft used for emergency medical service operations.

(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require devices that perform the function of recording voice communications and flight data information on board aircraft described in paragraph (1).

SEC. 508. CABIN CREW COMMUNICATION.

(a) IN GENERAL.—Section 44728 is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) MINIMUM LANGUAGE SKILLS.—

''(1) IN GENERAL.—No certificate holder may use any person to serve, nor may any person serve, as a flight attendant under this part, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

''(A) read material written in English and comprehend the information;

''(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

''(C) write incident reports and statements and log entries and statements; and

''(D) carry out written and oral instructions regarding the proper performance of their duties.

''(2) FOREIGN FLIGHTS.—The requirements of paragraph (1) do not apply to service as a flight attendant serving solely between points outside the United States.''.

(b) ADMINISTRATION.—The Administrator of the Federal Aviation Administration shall work with certificate holders to which section 44728(f) of title 49, United States Code, applies to facilitate compliance with the requirements of section 44728(f)(1) of that title.

SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) establish milestones, in consultation with the Occupational Safety and Health Administration, through a report to Congress for the completion of work begun under the August 2000 memorandum of understanding between the 2 Administrations and to address issues needing further action in the Administrations' joint report in December 2000; and

(2) initiate development of a policy statement to set forth the circumstances in which Occupational Safety and Health Administration requirements may be applied to crewmembers while working in the aircraft.

(b) POLICY STATEMENT.—The policy statement to be developed under subsection (a)(2) shall be completed within 18 months after the date of enactment of this Act and shall satisfy the following principles:

(1) The establishment of a coordinating body similar to the Aviation Safety and Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations—

(A) to examine the applicability of current and future Occupational Safety and Health Administration regulations;

(B) to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and

(C) to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.

(a) IN GENERAL.—

(1) ANNUAL MINIMUM REQUIRED NAVIGATION PERFORMANCE PROCEDURES.—The Administrator shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria consistent with the NextGen Implementation Plan.

(2) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.

(b) DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.—

(1) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures, including public use procedures, for the National Airspace System.

(2) ASSESSMENTS.—The Inspector General shall include, at a minimum, in the review—

(A) an assessment of the extent to which the Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and

(B) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the National Airspace System without the use of third party resources.

(c) REPORT.—No later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the review conducted under this section.

SEC. 511. IMPROVED SAFETY INFORMATION.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a final rule in docket No. FAA–2008–0188, Re-registration and Renewal of Aircraft Registration. The final rule shall include—

(1) provision for the expiration of a certificate for an aircraft registered as of the date of enactment of this Act, with re-registration requirements for those aircraft that remain eligible for registration;

(2) provision for the periodic expiration of all certificates issued after the effective date of the rule with a registration renewal process; and

(3) other measures to promote the accuracy and efficient operation and value of the Administration's aircraft registry.

SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS IMPROVEMENTS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) take such action as may be necessary to ensure that the Voluntary Disclosure Reporting Process requires inspectors—

(A) to evaluate corrective action proposed by an air carrier with respect to a matter disclosed by that air carrier is sufficiently comprehensive in scope and application and applies to all affected aircraft operated by that air carrier before accepting the proposed voluntary disclosure;

(B) to verify that corrective action so identified by an air carrier is completed within the timeframe proposed; and

(C) to verify by inspection that the carrier's corrective action adequately corrects the problem that was disclosed; and

(2) establish a second level supervisory review of disclosures under the Voluntary Disclosure Reporting Process before any proposed disclosure is accepted and closed that will ensure that a matter disclosed by an air carrier—

(A) has not been previously identified by a Federal Aviation Administration inspector; and

(B) has not been previously disclosed by the carrier in the preceding 5 years.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Comptroller General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration aware of violations that it would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the Administration insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but the Administration did not;

(C) the information the Administration gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads Administration investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the study conducted under this subsection.

SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.

(a) IN GENERAL.—Section 44711 is amended by adding at the end the following:

''(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

''(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 3-year period—

''(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

''(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

''(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Federal Aviation Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.

Within 30 days after the date of enactment of this Act, the Comptroller General shall initiate a review and investigation of air safety issues identified by Federal Aviation Administration employees and reported to the Administrator. The Comptroller General shall report the Government Accountability Office's findings and recommendations to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on an annual basis.

SEC. 515. NATIONAL REVIEW TEAM.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a national review team within the Administration to conduct periodic, unannounced, and random reviews of the Administration's oversight of air carriers and report annually its findings and recommendations to the Administrator, the Senate Commerce, Science, and Transportation Committee, and the House of Representatives Committee on Transportation and Infrastructure.

(b) LIMITATION.—The Administrator shall prohibit a member of the National Review Team from participating in any review or audit of an air carrier under subsection (a) if the member has previously had responsibility for inspecting, or overseeing the inspection of, the operations of that air carrier.

(c) INSPECTOR GENERAL REPORTS.—The Inspector General of the Department of Transportation shall provide progress reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the review teams and their effectiveness.

SEC. 516. FAA ACADEMY IMPROVEMENTS.

(a) REVIEW.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a comprehensive review and evaluation of its Academy and facility training efforts.

(b) FACILITY TRAINING PROGRAM.—The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job-training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.

(a) PLAN.—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.

(b) PROCESS.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—

(1) identifying the office responsible for establishing regulations regarding operational errors and runway incursions;

(2) identifying who is responsible for tracking and investigating operational errors and runway incursions and taking remedial actions;

(3) identifying who is responsible for tracking operational errors and runway incursions, including a process for lower level employees to report to higher supervisory levels; and

(4) periodic random audits of the oversight process.

SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 is amended by adding at the end the following:

''(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Administration an Aviation Safety Whistleblower Investigation Office.

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

''(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

''(C) TERM.—The Director shall be appointed for a term of 5 years.

''(D) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(3) COMPLAINTS AND INVESTIGATIONS.—

''(A) AUTHORITY OF DIRECTOR.—The Director shall—

''(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Administration concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety;

''(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred; and

''(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

''(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

''(i) the individual consents to the disclosure in writing; or

''(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable.

''(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Administration may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted subparagraph (A)(i) or from reporting to Congress on any such assessment.

''(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of

the Administration or any other provision of Federal law relating to aviation safety may have occurred.

''(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

''(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

''(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

''(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

''(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

''(B) summaries of those submissions;

''(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

''(D) summaries of the responses of the Administrator to such recommendations.''.

SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Administration—

(1) to remove any reference to air carriers or other entities regulated by the Administration as ''customers'';

(2) to clarify that in regulating safety the only customers of the Administration are members of the traveling public; and

(3) to clarify that air carriers and other entities regulated by the Administration do not have the right to select the employees of the Administration who will inspect their operations.

(b) SAFETY PRIORITY.—In carrying out the Administrator's responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Administration with an employee of the Administration.

SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by a team of employees of the Agency on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44730. Inspection of foreign repair stations

''(a) IN GENERAL.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

''(1) ensure that repair stations outside the United States are subject to appropriate inspections based on identified risk and consistent with existing United States requirements;

''(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States in meeting the requirements of the safety assessment system; and

''(3) require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Federal Aviation Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

''(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

''(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Federal Aviation Administration's oversight of part 145 repair stations and implementation of the safety assessment system required by subsection (a). The report shall—

''(1) describe in detail any improvements in the Federal Aviation Administration's ability to identify and track where part 121 air carrier repair work is performed;

''(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;

''(3) describe the training provided to inspectors; and

''(4) include an assessment of the quality of monitoring and surveillance by the Federal Aviation Administration of work provided by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or implementation agreement.

''(d) ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—The Secretaries of State and Transportation jointly shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety sensitive maintenance functions upon commercial air carrier aircraft.

''(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive functions on part 121 air carrier aircraft are subject to an alcohol and controlled substance testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

''(e) BIANNUAL INSPECTIONS.—The Administrator shall require part 145 repair stations to be inspected twice each year by Federal Aviation Administration safety inspectors, regardless of where the station is located, in a manner consistent with United States obligations under international agreements.

''(f) DEFINITIONS.—In this section:

''(1) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

''(2) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end thereof the following:

''44730. Inspection of foreign repair stations''.

SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.

(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—No individual may perform covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations unless that individual is employed by—

(1) a part 121 air carrier;

(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations;

(3) a person that provides contract maintenance workers or services to a part 145 repair station or part 121 air carrier, and the individual—

(A) meets the requirements of the part 121 air carrier or the part 145 repair station;

(B) performs the work under the direct supervision and control of the part 121 air carrier or the part 145 repair station directly in charge of the maintenance services; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual;

(4) by the holder of a type certificate, production certificate, or other production approval issued under part 21 of title 14, Code of Federal Regulations, and the holder of such certificate or approval—

(A) originally produced, and continues to produce, the article upon which the work is to be performed; and

(B) is acting in conjunction with a part 121 air carrier or a part 145 repair station.

(d) DEFINITIONS.—In this section:

(1) COVERED MAINTENANCE WORK.—The term ''covered maintenance work'' means maintenance work that is essential maintenance, regularly scheduled maintenance, or a required inspection item, as determined by the Administrator.

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' has the meaning given that term in section 44730(f)(1) of title 49, United States Code.

(3) PART 145 REPAIR STATION.—The term ''part 145 repair station'' has the meaning given that term in section 44730(f)(2) of title 49, United States Code.

SUBTITLE B—FLIGHT SAFETY

SEC. 551. FAA PILOT RECORDS DATABASE.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44703(h) is amended by adding at the end the following:

''(16) APPLICABILITY.—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).''.

(b) ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.—Section 44703 is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

''(i) FAA PILOT RECORDS DATABASE.—

''(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

''(2) PILOT RECORDS DATABASE.—The Administrator shall establish an electronic database (in this subsection referred to as the 'database') containing the following records:

''(A) FAA RECORDS.—From the Administrator—

''(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

''(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

''(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

''(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—

''(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time), including records under regulations set forth in—

''(I) section 121.683 of title 14, Code of Federal Regulations;

''(II) paragraph (A) of section VI, appendix I, part 121 of such title;

''(III) paragraph (A) of section IV, appendix J, part 121 of such title;

''(IV) section 125.401 of such title; and

''(V) section 135.63(a)(4) of such title; and

''(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

''(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

''(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

''(III) any release from employment or resignation, termination, or disqualification with respect to employment.

''(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

''(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

''(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

''(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

''(4) REPORTING.—

''(A) REPORTING BY ADMINISTRATOR.—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

''(B) REPORTING BY AIR CARRIERS AND OTHER PERSONS.—

''(i) IN GENERAL.—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

''(ii) DATA TO BE REPORTED.—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

''(I) Records that are generated by the air carrier or other person after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act.

''(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

''(5) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator—

''(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

''(B) may remove the individual's records from the database after that date.

''(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

''(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

''(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

''(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

''(8) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

''(9) PRIVACY PROTECTIONS.—

''(A) USE OF RECORDS.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

''(B) DISCLOSURE OF INFORMATION.—

''(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552 of title 5.

''(ii) EXCEPTIONS.—Clause (i) shall not apply to—

''(I) de-identified, summarized information to explain the need for changes in policies and regulations;

''(II) information to correct a condition that compromises safety;

''(III) information to carry out a criminal investigation or prosecution;

''(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

''(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

''(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

''(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

''(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

''(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

''(A) to protect and secure—

''(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

''(ii) the confidentiality of those records; and

''(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

''(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

''(A) the air carrier has made a documented good faith attempt to access the information from the database; and

''(B) has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

''(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

''(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

''(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

''(i) the designated individual has received the written consent of the pilot applicant to access the information; and

''(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

''(14) REGULATIONS.—

''(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

''(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

''(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

''(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act;

''(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of that Act; and

''(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

''(15) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting '45 days' for '30 days'.''.

(c) CONFORMING AMENDMENTS.—

(1) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

(A) in the subsection heading by striking ''LIMITATION'' and inserting ''LIMITATIONS'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking ''paragraph (2)'' and inserting ''subsection (h)(2) or (i)(3)'';

(ii) in subparagraph (A) by inserting ''or accessing the records of that individual under subsection (i)(1)'' before the semicolon; and

(iii) in the matter following subparagraph (D) by striking ''subsection (h)'' and inserting ''subsection (h) or (i)'';

(C) in paragraph (2) by striking ''subsection (h)'' and inserting ''subsection (h) or (i)'';

(D) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or who furnished information to the database established under subsection (i)(2)'' after ''subsection (h)(1)''; and

(E) by adding at the end the following:

''(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

''(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

''(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).''.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking ''subsection (h)'' and inserting ''subsection (h) or (i)''.

SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Administrator shall initiate and complete a rulemaking to require part 121 air carriers—

(1) to implement, as part of their safety management systems—

(A) an Aviation Safety Action Program;

(B) a Flight Operations Quality Assurance Program;

(C) a Line Operational Safety Audit Program; and

(D) a Flight Crew Fatigue Risk Management Program;

(2) to implement appropriate privacy protection safeguards with respect to data included in such programs; and

(3) to provide appropriate collaboration and operational oversight of regional/commuter air carriers by affiliated major air carriers that include—

(A) periodic safety audits of flight operations;

(B) training, maintenance, and inspection programs; and

(C) provisions for the exchange of safety information.

(b) EFFECT ON ADVANCED QUALIFICATION PROGRAM.—Implementation of the programs under subsection (a)(1) neither limits nor invalidates the Federal Aviation Administration's advanced qualification program.

(c) LIMITATIONS ON DISCIPLINE AND ENFORCEMENT.—The Administrator shall require that each of the programs described in subsection (a)(1)(A) and (B) establish protections for an air carrier or employee submitting data or reports against disciplinary or enforcement actions by any Federal agency or employer. The protections shall not be less than the protections provided under Federal Aviation Administration Advisory Circulars governing those programs, including Advisory Circular AC No. 120–66 and AC No. 120–82.

(d) CVR DATA.—The Administrator, acting in collaboration with aviation industry interested parties, shall consider the merits and feasibility of incorporating cockpit voice recorder data in safety oversight practices.

(e) ENFORCEMENT CONSISTENCY.—Within 9 months after the date of enactment of this Act, the Administrator shall—

(1) develop and implement a plan that will ensure that the FAA's safety enforcement plan is consistently enforced; and

(2) ensure that the FAA's safety oversight program is reviewed periodically and updated as necessary.

SEC. 553. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The first sentence of section 1135(a) is amended by inserting ''to the National Transportation Safety Board'' after ''shall give''.

(b) AIR CARRIER SAFETY RECOMMENDATIONS.—Section 1135 is amended—

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

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

''(c) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

''(1) IN GENERAL.—The Secretary shall submit an annual report to the Congress and the Board on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

''(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

''(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

''(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

''(3) CONTENTS.—

''(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

''(i) a description of the recommendation;

''(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

''(iii) the proposed date for completing the procedures; and

''(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

''(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

''(i) a description of the recommendation; and

''(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.''.

SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY ASSURANCE, AVIATION SAFETY ACTION, AND LINE OPERATIONAL SAFETY AUDIT PROGRAMS.

(a) LIMITATION ON DISCLOSURE AND USE OF INFORMATION.—

(1) IN GENERAL.—Except as provided by this section, a party in a judicial proceeding may not use discovery to obtain—

(A) an Aviation Safety Action Program report;

(B) Flight Operational Quality Assurance Program data; or

(C) a Line Operations Safety Audit Program report.

(2) FOIA NOT APPLICABLE.—Section 522 of title 5, United States Code, shall not apply to reports or data described in paragraph (1).

(3) EXCEPTIONS.—Nothing in paragraph (1) or (2) prohibits the FAA from disclosing information contained in reports or data described in paragraph (1) if withholding the information would not be consistent with the FAA's safety responsibilities, including—

(A) a summary of information, with identifying information redacted, to explain the need for changes in policies or regulations;

(B) information provided to correct a condition that compromises safety, if that condition continues uncorrected; or

(C) information provided to carry out a criminal investigation or prosecution.

(b) PERMISSIBLE DISCOVERY FOR SUCH REPORTS AND DATA.—Except as provided in subsection (c), a court may allow discovery by a party of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report if, after an in camera review of the information, the court determines that a party to a claim or defense in the proceeding shows a particularized need for the report or data that outweighs the need for confidentiality of the report or data, considering the confidential nature of the report or data, and upon a showing that the report or data is both relevant to the preparation of a claim or defense and not otherwise known or available.

(c) PROTECTIVE ORDER.—When a court allows discovery, in a judicial proceeding, of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report, the court shall issue a protective order—

(1) to limit the use of the information contained in the report or data to the judicial proceeding;

(2) to prohibit dissemination of the report or data to any person that does not need access to the report for the proceeding; and

(3) to limit the use of the report or data in the proceeding to the uses permitted for privileged self-analysis information as defined under the Federal Rules of Evidence.

(d) SEALED INFORMATION.—A court may allow an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report to be admitted into evidence in a judicial proceeding only if the court places the report or data under seal to prevent the use of the report or data for purposes other than for the proceeding.

(e) SAFETY RECOMMENDATIONS.—This section does not prevent the National Transportation Safety Board from referring at any time to information contained in an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report in making safety recommendations.

(f) WAIVER.—Any waiver of the privilege for self-analysis information by a protected party,

unless occasioned by the party's own use of the information in presenting a claim or defense, must be in writing.

SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING, TESTING, AND CERTIFICATION REQUIREMENTS.

(a) TRAINING AND TESTING.—The Administrator shall develop and implement a plan for reevaluation of flight crew training regulations in effect on the date of enactment of this Act, including regulations for—

(1) classroom instruction requirements governing curriculum content and hours of instruction;

(2) crew leadership training; and

(3) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides.

(b) BEST PRACTICES.—The plan shall incorporate best practices in the aviation industry with respect to training protocols, methods, and procedures.

(c) CERTIFICATION.—The Administrator shall initiate a rulemaking to re-evaluate FAA regulations governing the minimum requirements—

(1) to become a commercial pilot;

(2) to receive an Air Transport Pilot Certificate to become a captain; and

(3) to transition to a new type of aircraft.

(d) REMEDIAL TRAINING PROGRAMS.—

(1) IN GENERAL.—The Administrator shall initiate a rulemaking to require part 121 air carriers to establish remedial training programs for flightcrew members who have demonstrated performance deficiencies or experienced failures in the training environment.

(2) DEADLINES.—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under paragraph (1); and

(B) not later than 24 months after the date of enactment of this Act, issue a final rule for the rulemaking.

(e) STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.—

(1) MULTIDISCIPLINARY PANEL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flightcrew member training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flightcrew members with, and improve the response of flightcrew members to, stick pusher systems, icing conditions, and microburst and windshear weather events.

(2) REPORT TO CONGRESS.—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

(A) submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation based on the findings of the panel; and

(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

SEC. 556. FLIGHTCREW MEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) AVIATION RULEMAKING COMMITTEE.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct an aviation rulemaking committee proceeding with stakeholders to develop procedures for each part 121 air carrier to take the following actions:

(A) Establish flightcrew member mentoring programs under which the air carrier will pair highly experienced flightcrew members who will serve as mentor pilots and be paired with newly employed flightcrew members. Mentor pilots should be provided, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flightcrew members.

(B) Establish flightcrew member professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flightcrew members to reach their maximum potential as safe, seasoned, and proficient flightcrew members.

(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flightcrew members.

(D) Establish or modify training programs for second-in-command flightcrew members attempting to qualify as pilot-in-command flightcrew members for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the aviation rulemaking committee determines appropriate to enhance flightcrew member professional development.

(2) COMPLIANCE WITH STERILE COCKPIT RULE.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flightcrew member duties under part 121.542 of title 14, Code of Federal Regulations.

(3) STREAMLINED PROGRAM REVIEW.—

(A) IN GENERAL.—As part of the rulemaking required by subsection (a), the Administrator shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) EXPEDITED APPROVALS.—Under the streamlined process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 557. FLIGHTCREW MEMBER SCREENING AND QUALIFICATIONS.

(a) REQUIREMENTS.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flightcrew members have proper qualifications and experience.

(b) MINIMUM EXPERIENCE REQUIREMENT.—

(1) IN GENERAL.—The final rule prescribed under subsection (a) shall, among any other requirements established by the rule, require that a pilot—

(A) have not less than 800 hours of flight time before serving as a flightcrew member for a part 121 air carrier; and

(B) demonstrate the ability to—

(i) function effectively in a multipilot environment;

(ii) function effectively in an air carrier operational environment;

(iii) function effectively in adverse weather conditions, including icing conditions if the pilot is expected to be operating aircraft in icing conditions;

(iv) function effectively during high altitude operations; and

(v) adhere to the highest professional standards.

(2) HOURS OF FLIGHT EXPERIENCE IN DIFFICULT OPERATIONAL CONDITIONS.—The total number of hours of flight experience required by the Administrator under paragraph (1) for pilots shall include a number of hours of flight experience in difficult operational conditions that may be encountered by an air carrier that the Administrator determines to be sufficient to enable a pilot to operate an aircraft safely in such conditions.

(c) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than December 31, 2011, a final rule under subsection (a).

(d) DEFAULT REQUIREMENTS.—If the Administrator fails to meet the deadline established by subsection (c))(2), then all flightcrew members for part 121 air carriers shall meet the requirements established by subpart G of part 61 of the Federal Aviation Administration's regulations (14 C.F.R. 61.151 et seq.).

(e) DEFINITIONS.—In this section:

(1) FLIGHTCREW MEMBER.—The term ''flightcrew member'' has the meaning given that term in section 1.1 of the Federal Aviation Administration's regulations (14 C.F.R. 1.1)).

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' has the meaning given that term by section 41720(d)(1) of title 49, United States Code.

SEC. 558. PROHIBITION ON PERSONAL USE OF CERTAIN DEVICES ON FLIGHT DECK.

(a) IN GENERAL.—Chapter 447, as amended by section 521 of this Act, is further amended by adding at the end thereof the following:

''§ 44731. Use of certain devices on flight deck

''(a) IN GENERAL.—It is unlawful for any member of the flight crew of an aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, to use a personal wireless communications device or laptop computer while at the crew member's duty station on the flight deck of such an aircraft while the aircraft is being operated.

''(b) EXCEPTIONS.—Subsection (a) shall not apply to the use of a personal wireless communications device or laptop computer for a purpose directly related to operation of the aircraft, or for emergency, safety-related, or employment-related communications, in accordance with procedures established by the air carrier or the Federal Aviation Administration.

''(c) ENFORCEMENT.—In addition to the penalties provided under section 46301 of this title applicable to any violation of this section, the Administrator of the Federal Aviation Administration may enforce compliance with this section under section 44709.

''(d) PERSONAL WIRELESS COMMUNICATIONS DEVICE DEFINED.—The term 'personal wireless communications device' means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted.''.

(b) PENALTY.—Section 44711(a) is amended—

(1) by striking ''or'' after the semicolon in paragraph (8);

(2) by striking ''title.'' in paragraph (9) and inserting ''title; or''; and

(3) by adding at the end the following:

''(10) violate section 44730 of this title or any regulation issued thereunder.''.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end thereof the following:

''44731. Use of certain devices on flight deck''.

(d) REGULATIONS.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking procedure for regulations under section 44730 of title 49, United States Code, and shall issue a final rule thereunder within 1 year after the date of enactment of this Act.

(e) STUDY.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall review relevant air carrier data and carry out a study—

(A) to identify common sources of distraction for the cockpit flight crew on commercial aircraft; and

(B) to determine the safety impacts of such distractions.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(A) the findings of the study conducted under paragraph (1); and

(B) recommendations about ways to reduce distractions for cockpit flight crews.

SEC. 559. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.

The Administrator shall, not less frequently than once each year, perform random, unannounced, on-site inspections of air carriers that provide air transportation pursuant to a contract with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

SEC. 560. ESTABLISHMENT OF SAFETY STANDARDS WITH RESPECT TO THE TRAINING, HIRING, AND OPERATION OF AIRCRAFT BY PILOTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue a final rule with respect to the Notice of Proposed Rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280), relating to training programs for flight crew members and aircraft dispatchers.

(b) EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

(2) ASSESSMENT AND RECOMMENDATIONS.—The panel shall assess and make recommendations concerning—

(A) the best methods and optimal time needed for flightcrew members of part 121 air carriers and flightcrew members of part 135 air carriers to master aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination;

(B) the optimal length of time between training events for such crewmembers, including recurrent training events;

(C) the best methods to reliably evaluate mastery by such crewmembers of aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination; and

(D) the best methods to allow specific academic training courses to be credited pursuant to section 11(d) toward the total flight hours required to receive an airline transport pilot certificate.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation based on the findings of the panel.

SEC. 561. OVERSIGHT OF PILOT TRAINING SCHOOLS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to Congress a plan for overseeing pilot schools certified under part 141 of title 14, Code of Federal Regulations, that includes—

(1) ensuring that the curriculum and course outline requirements for such schools under subpart C of such part are being met; and

(2) conducting on-site inspections of each such school not less frequently than once every 2 years.

(b) GAO STUDY.—The Comptroller General shall conduct a comprehensive study of flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 562. ENHANCED TRAINING FOR FLIGHT ATTENDANTS AND GATE AGENTS.

(a) IN GENERAL.—Chapter 447, as amended by section 558 of this Act, is further amended by adding at the end the following:

"§ 44732. Training of flight attendants and gate agents

''(a) TRAINING REQUIRED.—In addition to other training required under this chapter, each air carrier shall provide initial and annual recurring training for flight attendants and gate agents employed or contracted by such air carrier regarding—

''(1) serving alcohol to passengers;

''(2) recognizing intoxicated passengers; and

''(3) dealing with disruptive passengers.

''(b) SITUATIONAL TRAINING.—In carrying out the training required under subsection (a), each air carrier shall provide situational training to flight attendants and gate agents on the proper method for dealing with intoxicated passengers who act in a belligerent manner.

''(c) DEFINITIONS.—In this section:

''(1) AIR CARRIER.—The term 'air carrier' means a person or commercial enterprise that has been issued an air carrier operating certificate under section 44705.

''(2) FLIGHT ATTENDANT.—The term 'flight attendant' has the meaning given the term in section 44728(f).

''(3) GATE AGENT.—The term 'gate agent' means an individual working at an airport whose responsibilities include facilitating passenger access to commercial aircraft.

''(4) PASSENGER.—The term 'passenger' means an individual traveling on a commercial aircraft, from the time at which the individual arrives at the airport from which such aircraft departs until the time the individual leaves the airport to which such aircraft arrives.''.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end the following:

''44732. Training of flight attendants and gate agents''.

(c) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out section 44730 of title 49, United States Code, as added by subsection (a).

SEC. 563. DEFINITIONS.

In this subtitle:

(1) AVIATION SAFETY ACTION PROGRAM.—The term ''Aviation Safety Action Program'' means the program described under Federal Aviation Administration Advisory Circular No. 120–66B that permits employees of participating air carriers and repair station certificate holders to identify and report safety issues to management and to the Administration for resolution.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator.

(3) AIR CARRIER.—The term ''air carrier'' has the meaning given that term by section 40102(2) of title 49, United States Code.

(4) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term ''Flight Operational Quality Assurance Program'' means the voluntary safety program authorized under section 13.401 of title 14, Code of Federal Regulations, that permits commercial air carriers and pilots to share confidential aggregate information with the Administration to permit the Administration to target resources to address operational risk issues.

(6) LINE OPERATIONS SAFETY AUDIT PROGRAM.—The term ''Line Operations Safety Audit Program'' has the meaning given that term by Federal Aviation Administration Advisory Circular Number 120–90.

(7) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' has the meaning given that term by section 41719(d)(1) of title 49, United States Code.

SEC. 564. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study of air quality in aircraft cabins to—

(1) assess bleed air quality on the full range of commercial aircraft operating in the United States;

(2) identify oil-based contaminants, hydraulic fluid toxins, and other air toxins that appear in cabin air and measure the quantity and prevalence, or absence of those toxins through a comprehensive sampling program;

(3) determine the specific amount and duration of toxic fumes present in aircraft cabins that constitutes a health risk to passengers;

(4) develop a systematic reporting standard for smoke and fume events in aircraft cabins;

(5) identify the potential health risks to individuals exposed to toxic fumes during flight; and

(6) determine the extent to which the installation of sensors and air filters on commercial aircraft would provide a public health benefit.

(b) AUTHORITY TO MONITOR AIR IN AIRCRAFT CABINS.—For purposes of conducting the study required by subsection (a), the Administrator of the Federal Aviation Administration shall require domestic air carriers to allow air quality monitoring on their aircraft in a manner that imposes no significant costs on the air carrier and does not interfere with the normal operation of the aircraft.

TITLE VI—AVIATION RESEARCH

SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 44511(f) is amended—

(1) by striking ''establish a 4-year pilot'' in paragraph (1) and inserting ''maintain an''; and

(2) by inserting ''pilot'' in paragraph (4) before ''program'' the first time it appears; and

(3) by striking ''program, including recommendations as to the need for establishing a permanent airport cooperative research program.'' in paragraph (4) and inserting ''program.''.

(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Not more than $15,000,000 per year for fiscal years 2010 and 2011 may be appropriated to the Secretary of Transportation from the amounts made available each year under subsection (a) for the Airport Cooperative Research Program under section 44511 of this title, of which not less than $5,000,000 per year shall be for research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.

SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY CONSUMPTION FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft energy use, emissions, and source noise with equivalent safety through grants or other measures, which may include cost-sharing, authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) ESTABLISHMENT OF CONSORTIUM.—

(1) DESIGNATION AS CONSORTIUM.—Not later than 180 days after the date of the enactment of

this Act, the Administrator shall designate, using a competitive process, one or more institutions or entities described in paragraph (2) as a Consortium for Continuous Low Energy, Emissions, and Noise (CLEEN) to perform research in accordance with this section.

(2) PARTICIPATION.—The Administrator shall include educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions and energy reduction engine and aircraft technology, and developing alternative fuels in the research program required by subsection (a).

(3) COORDINATION MECHANISMS.—In conducting the research program, the Consortium designated under paragraph (1) shall—

(A) coordinate its activities with the Department of Agriculture, the Department of Energy, the National Aeronautics and space Administration, and other relevant Federal agencies; and

(B) consult on a regular basis with the Commercial Aviation Alternative Fuels Initiative.

(c) PERFORMANCE OBJECTIVES.—Not later than January 1, 2016, the research program shall accomplish the following objectives:

(1) Certifiable aircraft technology that reduces fuel burn 33 percent compared to current technology, reducing energy consumption and carbon dioxide emissions.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30 over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

(3) Certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise in decibels (EPNdb) cumulative, relative to Stage 4 standards.

(4) Advance qualification and environmental assurance of alternative aviation fuels to support a goal of having 20 percent of the jet fuel available for purchase by United States commercial airlines and cargo carriers be alternative fuels.

(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft so as to increase the level of penetration into the commercial fleet.

SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) IN GENERAL.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from natural gas, biomass and other renewable sources through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION IN PROGRAM.—The Secretary shall—

(1) include educational and research institutions that have existing facilities and experience in the research, small-scale development, testing, or evaluation of technologies related to the creation, processing, and production of a variety of feedstocks into aviation fuel under the program required by subsection (a); and

(2) consider utilizing the existing capacity in Aeronautics research at Langley Research Center of the National Aeronautics and Space Administration to carry out the program required by subsection (a).

(c) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (b) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft. The Center of Excellence shall be a member of the CLEEN Consortium established under section 602(b), and shall be part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excellence.

SEC. 604. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.

(b) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel Research.

SEC. 605. ADVISORY COMMITTEE ON FUTURE OF AERONAUTICS.

(a) ESTABLISHMENT.—There is established an advisory committee to be know as the ''Advisory Committee on the Future of Aeronautics''.

(b) MEMBERSHIP.—The Advisory Committee shall consist of 7 members appointed by the President from a list of 15 candidates proposed by the Director of the National Academy of Sciences.

(c) CHAIRPERSON.—The Advisory Committee members shall elect 1 member to serve as chairperson of the Advisory Committee.

(d) FUNCTIONS.—The Advisory Committee shall examine the best governmental and organizational structures for the conduct of civil aeronautics research and development, including options and recommendations for consolidating such research to ensure continued United States leadership in civil aeronautics. The Committee shall consider transferring responsibility for civil aeronautics research and development from the National Aeronautics and Space Administration to other existing departments or agencies of the Federal Government or to a non-governmental organization such as academic consortia or not-for-profit organizations. In developing its recommendations, the Advisory Committee shall consider, as appropriate, the aeronautics research policies developed pursuant to section 101(d) of Public Law 109–155 and the requirements and priorities for aeronautics research established by title IV of Public Law 109–155.

(e) REPORT.—Not later than 12 months after the date on which the full membership of the Advisory Committee is appointed, the Advisory Committee shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committees on Science and Technology and on Transportation and Infrastructure on its findings and recommendations. The report may recommend a rank ordered list of acceptable solutions.

(f) TERMINATION.—The Advisory Committee shall terminate 60 days after the date on which it submits the report to the Congress.

SEC. 606. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

SEC. 607. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) initiate evaluation of proposals that would increase capacity throughout the air transportation system by reducing existing spacing requirements between aircraft of all sizes, including research on the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

SEC. 608. INCORPORATION OF UNMANNED AIRCRAFT SYSTEMS INTO FAA PLANS AND POLICIES.

(a) RESEARCH.—

(1) EQUIPMENT.—Section 44504, as amended by section 216 of this Act, is further amended—

(A) by inserting ''unmanned and manned'' in subsection (a) after ''improve'';

(B) by striking ''and'' after the semicolon in subsection (b)(7);

(C) by striking ''emitted.'' in subsection (b)(8) and inserting ''emitted; and''; and

(D) by adding at the end of subsection (b) the following:

''(9) in conjunction with other Federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure.''.

(2) HUMAN FACTORS; SIMULATIONS.—Section 44505(b) is amended—

(A) by striking ''and'' after the semicolon in paragraph (4);

(B) by striking ''programs.'' in paragraph (5)(C) and inserting ''programs; and''; and

(C) by adding at the end thereof the following:

''(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems air safety; and

''(7) to develop dynamic simulation models of integrating all classes of unmanned aircraft systems into the National Airspace System.''.

(b) NATIONAL ACADEMY OF SCIENCES ASSESSMENT.—

(1) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academy of Sciences for an assessment of unmanned aircraft systems that may include consideration of—

(A) human factors regarding unmanned aircraft systems operation;

(B) ''detect, sense and avoid technologies'' with respect to both cooperative and non-cooperative aircraft;

(C) spectrum issues and bandwidth requirements;

(D) operation in suboptimal winds and adverse weather conditions;

(E) mechanisms such as the use of transponders for letting other entities know where the unmanned aircraft system is flying;

(F) airworthiness and system redundancy;

(G) flight termination systems for safety and security;

(H) privacy issues;

(I) technologies for unmanned aircraft systems flight control;

(J) technologies for unmanned aircraft systems propulsion;

(K) unmanned aircraft systems operator qualifications, medical standards, and training requirements;

(L) unmanned aircraft systems maintenance requirements and training requirements; and

(M) any other unmanned aircraft systems-related issue the Administrator believes should be addressed.

(2) REPORT.—Within 12 months after initiating the study, the National Academy shall submit its report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing its findings and recommendations.

(c) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish 3 2-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace new test sites to conduct experiments and collect data in order to accelerate the safe integration of unmanned aircraft systems into the National Airspace System as follows:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aircraft systems defined as analogous to RC models covered in the FAA Advisory Circular AC 91–57.

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aircraft systems defined as non-standard aircraft that perform special purpose operations. Operators must provide evidence of airworthiness and operator qualifications.

(C) 1 project shall address operational issues required for integration of Category 3 unmanned aircraft systems defined as capable of flying throughout all categories of airspace and conforming to part 91 of title 14, Code of Federal Regulations.

(D) All 3 pilot projects shall be operational no later than 6 months after being established.

(2) USE OF CONSORTIA.—In conducting the pilot projects, the Administrator shall encourage the formation of participating consortia from the public and private sectors, educational institutions, and non-profit organization.

(3) REPORT.—Within 90 days after completing the pilot projects, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the Administrator's findings and conclusions concerning the projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for fiscal years 2010 and 2011 such sums as may be necessary to conduct the pilot projects.

(d) UNMANNED AIRCRAFT SYSTEMS ROADMAP.—Within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall approve and make available in print and on the Administration's website a 5-year ''roadmap'' for the introduction of unmanned aircraft systems into the National Airspace System being coordinated by its Unmanned Aircraft Program Office. The Administrator shall update the ''roadmap'' annually.

(e) UPDATED POLICY STATEMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to update the Administration's most recent policy statement on unmanned aircraft systems, Docket No. FAA–2006–25714.

(f) EXPANDING THE USE OF UAS IN THE ARCTIC.—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the National Oceanic and Atmospheric Administration, the Coast Guard, and other Federal agencies as appropriate, shall identify permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day from 2000 feet to the surface and beyond line-of-sight for research and commercial purposes. Within 12 months after the date of enactment of this Act, the Administrator shall have established and implemented a single process for approving unmanned aircraft use in the designated arctic regions regardless of whether the unmanned aircraft is used as a public aircraft, a civil aircraft, or as a model aircraft.

(g) DEFINTIONS.—In this section:

(1) ARCTIC.—The term ''Arctic'' means the United States zone of the Chukchi, Beaufort, and Bering Sea north of the Aleutian chain.

(2) PERMANENT AREAS.—The term ''permanent areas'' means areas on land or water that provide for terrestrial launch and recovery of small unmanned aircraft.

SEC. 609. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking ''$500,000 for fiscal year 2004'' and inserting ''$1,000,000 for each of fiscal years 2008 through 2012''.

SEC. 610. PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47136 the following:

''§ 47136A. Zero emission airport vehicles and infrastructure

''(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airports or passenger facility revenue (as defined in section 40117(a)(6)) to carry out activities associated with the acquisition and operation of zero emission vehicles (as defined in section 88.120–94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles. Any use of funds authorized by the preceding sentence shall be considered to be an authorized use of funds under section 47117 or section 48103, or an authorized use of passenger facility revenue (as defined in section 40117(a)(6)), as the case may be.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

''(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).

''(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

''(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

''(e) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

''(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

''(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources.''.

(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not later than 18 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation the House of Representatives Committee on Transportation and Infrastructure containing—

(1) an evaluation of the effectiveness of the pilot program;

(2) an identification of all public-use airports that expressed an interest in participating in the program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47136 the following:

''47136A. Zero emission airport vehicles and infrastructure''.

SEC. 611. REDUCTION OF EMISSIONS FROM AIRPORT POWER SOURCES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47140 the following:

''§ 47140A. Reduction of emissions from airport power sources

''(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the sponsor of each airport eligible to receive grants under section 48103 is encouraged to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to reduce harmful emissions and increase energy efficiency at the airport.

''(b) GRANTS.—The Secretary may make grants under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will reduce harmful emissions and increase energy efficiency at the airport. To be eligible for such a grant, the sponsor of such an airport shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47140 the following:

''47140A. Reduction of emissions from airport power sources''.

SEC. 612. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL AIDES AND OTHER ASSETS.

(a) SURVEY AND ASSESSMENT.—

(1) IN GENERAL.—In order to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms in proximity to critical FAA facilities, the Administrator shall, within 60 days after the date of enactment of this Act, complete a survey and assessment of leases for critical FAA facility sites, including—

(A) an inventory of the leases that describes, for each such lease—

(i) the periodic cost, location, site, terms, number of years remaining, and lessor;

(ii) other Administration facilities that share the leasehold, including surveillance and communications equipment; and

(iii) the type of transmission services supported, including the terms of service, cost, and support contract obligations for the services; and

(B) a list of those leases for facilities located in or near areas suitable for the construction and operation of wind farms, as determined by the Administrator in consultation with the Secretary of Energy.

(2) REPORT.—Upon completion of the survey and assessment, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the Comptroller General containing the Administrator's findings, conclusions, and recommendations.

(b) GAO ASSESSMENT.—

(1) IN GENERAL.—Within 180 days after receiving the Administrator's report under subsection (a)(2), the Comptroller General, in consultation with the Administrator, shall report on—

(A) the current and potential impact of wind farms on the national airspace system;

(B) the extent to which the Department of Defense and the Federal Aviation Administration have guidance, processes, and procedures in place to evaluate the impact of wind farms on the implementation of the Next Generation air traffic control system; and

(C) potential mitigation strategies, if necessary, to ensure that wind farms do not have an adverse impact on the implementation of the Next Generation air traffic control system, including the installation of navigational aides associated with that system.

(c) ISSUANCE OF GUIDELINES; PUBLIC INFORMATION.—

(1) GUIDANCE.—Within 60 days after the Administrator receives the Comptroller's recommendations, the Administrator shall publish guidelines for the construction and operation of wind farms to be located in proximity to critical Federal Aviation Administration facilities. The guidelines may include—

(A) the establishment of a zone system for wind farms based on proximity to critical FAA assets;

(B) the establishment of turbine height and density limitations on such wind farms;

(C) requirements for notice to the Administration under section 44718(a) of title 49, United States Code, before the construction, alteration, establishment, or expansion of a such a wind farm; and

(D) any other requirements or recommendations designed to address Administration safety or operational concerns related to the construction, alteration, establishment, or expansion of such wind farms.

(2) PUBLIC ACCESS TO INFORMATION.—To the extent feasible, taking into consideration security, operational, and public safety concerns (as determined by the Administrator), the Administrator shall provide public access to information regarding the planning, construction, and operation of wind farms in proximity to critical FAA facilities on, or by linkage from, the homepage of the Federal Aviation Administration's public website.

(d) CONSULTATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Administrator and the Comptroller General shall consult, as appropriate, with the Secretaries of the Army, the Navy, the Air Force, Homeland Security, and Energy—

(1) to coordinate the requirements of each department for future air space needs;

(2) to determine what the acceptable risks are to the existing infrastructure of each department; and

(3) to define the different levels of risk for such infrastructure.

(e) REPORTS.—The Administrator and the Comptroller General shall provide a copy of reports under subsections (a) and (b), respectively, to the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Armed Services, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Armed Services, and the House of Representatives Committee on Science and Technology, as appropriate.

(f) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(3) CRITICAL FAA FACILITIES.—The term ''critical FAA facilities'' means facilities on which are located navigational aides, surveillance systems, or communications systems used by the Administration in administration of the national airspace system.

(4) WIND FARM.—The term ''wind farm'' means an installation of 1 or more wind turbines used for the generation of electricity.

SEC. 613. RESEARCH AND DEVELOPMENT FOR EQUIPMENT TO CLEAN AND MONITOR THE ENGINE AND APU BLEED AIR SUPPLIED ON PRESSURIZED AIRCRAFT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall, to the degree practicable, implement a research program for the identification or development of appropriate and effective air cleaning technology and sensor technology for the engine and auxiliary power unit (APU) bleed air supplied to the passenger cabin and flight deck of all pressurized aircraft.

(b) TECHNOLOGY REQUIREMENTS.—The technology referred to in subsection (a) should, at a minimum, have the capacity—

(1) to remove oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) to detect and record oil-based contaminants in the portion of the total air supplied to the passenger cabin and flight deck from bleed air.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the research and development work carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are as necessary to carry out this section.

TITLE VII—MISCELLANEOUS

SEC. 701. GENERAL AUTHORITY.

(a) THIRD PARTY LIABILITY.—Section 44303(b) is amended by striking ''December 31, 2009,'' and inserting ''December 31, 2012,''.

(b) EXTENSION OF PROGRAM AUTHORITY.—Section 44310 is amended by striking ''December 31, 2013.'' and inserting ''October 1, 2017.''.

(c) WAR RISK.—Section 44302(f)(1) is amended—

(1) by striking ''September 30, 2009,'' and inserting ''September 30, 2011,''; and

(2) by striking ''December 31, 2009,'' and inserting ''December 31, 2011,''.

SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Management Study program for cabin crews employed by commercial air carriers in the United States.

SEC. 703. AIRPORT PROGRAM MODIFICATIONS.

The Administrator of the Federal Aviation Administration—

(1) shall establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program; and

(2) may appoint 3 additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.

SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.

(a) MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PALAU.—Section 47115(j) is amended by striking ''2009,'' and inserting ''2011,''.

(b) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking ''2009,'' and inserting ''2011,''.

SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s) is amended by striking paragraph (3).

SEC. 706. UPDATE ON OVERFLIGHTS.

(a) IN GENERAL.—Section 45301(b) is amended to read as follows:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—In establishing fees under subsection (a), the Administrator shall ensure that the fees required by subsection (a) are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor land in the United States. The determination of such costs by the Administrator is not subject to judicial review.

''(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2010. In developing the adjusted overflight fees, the Administrator shall seek and consider the recommendations, if any, offered by the Aviation Rulemaking Committee for Overflight Fees that are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights. In addition, the Administrator may periodically modify the fees established under this section either on the Administrator's own initiative or on a recommendation from the Air Traffic Control Modernization Board.

''(3) COST DATA.—The adjustment of overflight fees under paragraph (2) shall be based on the costs to the Administration of providing the air traffic control and related activities, services, facilities, and equipment using the available data derived from the Administration's cost accounting system and cost allocation system to users, as well as budget and operational data.

''(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

''(5) COSTS DEFINED.—In this subsection, the term 'costs' means those costs associated with the operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

''(6) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as a proposed rule, pursuant to which public comment will be sought and a final rule issued.''.

(b) ADMINISTRATIVE PROVISION.—Section 45303(c)(2) is amended to read as follows:

''(2) shall be available to the Administrator for expenditure for purposes authorized by Congress for the Federal Aviation Administration, however, fees established by section 45301(a)(1) of this title shall be available only to pay the cost of activities and services for which the fee is imposed, including the costs to determine, assess, review, and collect the fee; and''.

SEC. 707. TECHNICAL CORRECTIONS.

Section 40122(g), as amended by section 307 of this Act, is further amended—

(1) by striking ''section 2302(b), relating to whistleblower protection,'' in paragraph (2)(A) and inserting ''sections 2301 and 2302,'';

(2) by striking ''and'' after the semicolon in paragraph (2)(H);

(3) by striking ''Plan.'' in paragraph (2)(I)(iii) and inserting ''Plan;'';

(4) by adding at the end of paragraph (2) the following:

''(J) section 5596, relating to back pay; and

''(K) sections 6381 through 6387, relating to Family and Medical Leave.''; and

(5) by adding at the end of paragraph (3) ''Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.''.

SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of airway transportation systems specialists of the Federal Aviation Administration that includes—

(A) an analysis of the type of training provided to such specialists;

(B) an analysis of the type of training that such specialists need to be proficient in the maintenance of the latest technologies;

(C) actions that the Administration has undertaken to ensure that such specialists receive up-to-date training on such technologies;

(D) the amount and cost of training provided by vendors for such specialists;

(E) the amount and cost of training provided by the Administration after developing in-house training courses for such specialists;

(F) the amount and cost of travel required of such specialists in receiving training; and

(G) a recommendation regarding the most cost-effective approach to providing such training.

(2) REPORT.—Within 1 year after the date of enactment of this Act, the Comptroller General shall transmit a report on the study containing the Comptroller General's findings and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall contract with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for Federal Aviation Administration air traffic controllers, system specialists, and engineers to ensure proper maintenance, certification, and operation of the National Airspace System. The National Academy of Sciences shall consult with the Exclusive Bargaining Representative certified under section 7111 of title 5, United States Code, and the Administration (including the Civil Aeronautical Medical Institute) and examine data entailing human factors, traffic activity, and the technology at each facility.

(2) CONTENTS.—The study shall include—

(A) recommendations for objective staffing standards that maintain the safety of the National Airspace System; and

(B) the approximate length of time for developing such standards.

(3) REPORT.—Not later than 24 months after executing a contract under subsection (a), the National Academy of Sciences shall transmit a report containing its findings and recommendations to the Congress.

(c) AVIATION SAFETY INSPECTORS.—

(1) SAFETY STAFFING MODEL.—Within 12 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall consult with representatives of the aviation safety inspectors and other interested parties.

(2) SAFETY INSPECTOR STAFFING.—The Federal Aviation Administration aviation safety inspector staffing requirement shall be no less than the staffing levels indicated as necessary in the staffing model described under subsection (a).

(d) ALASKA FLIGHT SERVICE STATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator, in conjunction with flight service station personnel, shall submit a report to Congress on the future of flight service stations in Alaska, which includes—

(1) an analysis of the number of flight service specialists needed, the training needed by such personnel, and the need for a formal training and hiring program for such personnel;

(2) a schedule for necessary inspection, upgrades, and modernization of stations and equipment; and

(3) a description of the interaction between flight service stations operated by the Administration and flight service stations operated by contractors.

SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NATIONAL PARKS.

(a) SECRETARY OF THE INTERIOR AND OVERFLIGHTS OF NATIONAL PARKS.—

(1) Section 40128 is amended—

(A) by striking paragraph (8) of subsection (f);

(B) by striking ''Director'' each place it appears and inserting ''Secretary of the Interior'';

(C) by striking ''National Park Service'' in subsection (a)(2)(B)(vi) and inserting ''Department of the Interior''; and

(D) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by striking '', in cooperation with'' and inserting ''and''; and

(bb) by striking ''The air tour'' and all that follows; and

(II) by redesignating subparagraph (B) as subparagraph (C);

(III) by inserting after subparagraph (A) the following:

''(B) PROCESS AND APPROVAL.—The Federal Aviation Administration has sole authority to control airspace over the United States. The National Park Service has the sole responsibility for conserving the scenery and natural resources in National Parks and providing for the enjoyment of the National Parks unimpaired for future generations. Each air tour management plan shall be—

''(i) developed through a public process that complies with paragraph (4); and

''(ii) approved by the Administrator and the Director.''; and

(IV) by adding at the end the following:

''(D) EXCEPTION.—An application to begin commercial air tour operations at Crater Lake National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would unacceptably impact park resources or visitor experiences.''; and

(ii) in paragraph (4)(C), by striking ''National Park Service'' and inserting ''Department of the Interior''.

(2) The National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended—

(A) by striking ''Director'' in section 804(b) and inserting ''Secretary of the Interior'';

(B) in section 805—

(i) by striking ''Director of the National Park Service'' in subsection (a) and inserting ''Secretary of the Interior'';

(ii) by striking ''Director'' each place it appears and inserting ''Secretary of the Interior'';

(iii) by striking ''National Park Service'' each place it appears in subsection (b) and inserting ''Department of the Interior'';

(iv) by striking ''National Park Service'' in subsection (d)(2) and inserting ''Department of the Interior''; and

(C) in section 807—

(i) by striking ''National Park Service'' in subsection (a)(1) and inserting ''Department of the Interior''; and

(ii) by striking ''Director of the National Park Service'' in subsection (b) and inserting ''Secretary of the Interior''.

(b) ALLOWING OVERFLIGHTS IN CASE OF AGREEMENT.—Paragraph (1) of subsection (a) of section 40128 is amended—

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking ''lands.'' in subparagraph (C) and inserting ''lands; and''; and

(3) by adding at the end the following:

''(D) in accordance with a voluntary agreement between the commercial air tour operator and appropriate representatives of the national park or tribal lands, as the case may be.''.

(c) MODIFICATION OF INTERIM OPERATING AUTHORITY.—Section 40128(c)(2)(I) is amended to read as follows:

''(I) may allow for modifications of the interim operating authority without further environmental process, if—

''(i) adequate information on the existing and proposed operations of the commercial air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;

''(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and

''(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.''.

(d) REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation Administration and the Secretary of the Interior on—

(A) the number of commercial air tour operations conducted by such operator over the national park each day;

(B) any relevant characteristics of commercial air tour operations, including the routes, altitudes, duration, and time of day of flights; and

(C) such other information as the Administrator and the Secretary may determine necessary to administer the provisions of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note).

(2) FORMAT.—The report required by paragraph (1) shall be submitted in such form as the Administrator and the Secretary determine to be appropriate.

(3) EFFECT OF FAILURE TO REPORT.—The Administrator shall rescind the operating authority of a commercial air tour operator that fails to file a report not later than 180 days after the date for the submittal of the report described in paragraph (1).

(4) AUDIT OF REPORTS.—Not later than 2 years after the date of the enactment of this Act, and at such times thereafter as the Inspector General of the Department of Transportation determines necessary, the Inspector General shall audit the reports required by paragraph (1).

(e) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.

(2) AMOUNT OF FEE.—In determining the amount of the fee assessed under paragraph (1), the Secretary shall collect sufficient revenue, in the aggregate, to pay for the expenses incurred by the Federal Government to develop air tour management plans for national parks.

(3) EFFECT OF FAILURE TO PAY FEE.—The Administrator of the Federal Aviation Administration shall revoke the operating authority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.

(f) FUNDING FOR AIR TOUR MANAGEMENT PLANS.—The Secretary of the Interior shall use the amounts collected under subsection (e) to develop air tour management plans under section 40128(b) of title 49, United States Code, for the national parks the Secretary determines would most benefit from such a plan.

(g) GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL AIR TOUR OPERATORS.—The Administrator of the Federal Aviation Administration shall provide to the Administration's district offices clear guidance on the ability of commercial air tour operators to obtain—

(1) increased safety certifications;

(2) exemptions from regulations requiring safety certifications; and

(3) other information regarding compliance with the requirements of this Act and other Federal and State laws and regulations.

(h) OPERATING AUTHORITY OF COMMERCIAL AIR TOUR OPERATORS.—

(1) TRANSFER OF OPERATING AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a commercial air tour operator that obtains operating authority from the Administrator under section 40128 of title 49, United States Code, to conduct commercial air tour operations may transfer such authority to another commercial air tour operator at any time.

(B) NOTICE.—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.

(C) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).

(2) TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—

(A) the operator submits an application; or

(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.

(3) INCREASE IN INTERIM OPERATING AUTHORITY.—The Administrator and the Secretary may increase the interim operating authority while an air tour management plan is being developed for a park if—

(A) the Secretary determines that such an increase does not adversely impact park resources or visitor experiences; and

(B) the Administrator determines that granting interim operating authority does not adversely affect aviation safety or the management of the national airspace system.

(4) ENFORCEMENT OF OPERATING AUTHORITY.—The Administrator is authorized and directed to enforce the requirements of this Act and any agency rules or regulations related to operating authority.

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

"§47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels

''(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

''(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

''(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

''(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

''(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

''(2) to scrap the aircraft;

''(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

''(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

''(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

''(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

''(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

''(e) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended by striking ''47529, or 47530'' and inserting ''47529, 47530, or 47534''.

(2) Section 47532 is amended by striking ''47528–47531'' and inserting ''47528 through 47531 or 47534''.

(3) The table of contents for chapter 475 is amended by inserting after the item relating to section 47533 the following:

''47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 5 years after the date of enactment of this Act.

SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

On and after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey, except in an emergency.

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports for local airport operators that have submitted a noise compatibility program approved by the Federal Aviation Administration under section 47504 of title 49, United States Code, under which such airport operators may use funds made available under section 47117(e) of that title, or passenger facility revenue collected under section 40117 of that title, in partnership with affected neighboring local jurisdictions, to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility charge funds, to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

(b) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (D);

(2) by striking ''operations.'' in subparagraph (E) and inserting ''operations; and''; and

(3) by adding at the end the following:

''(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interest acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.''.

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under subsection (a) unless the grant is made—

(1) to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts;

(2) subject to a requirement that the local jurisdiction governing the property interests in question has adopted zoning regulations that permit airport compatible redevelopment; and

(3) subject to a requirement that, in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section shall be added to the amount of any grants issued for acquisition of land.

(d) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Administrator shall provide grants for up to 4 pilot property redevelopment projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community; and

(B) the probability of clear economic benefit to the local community and financial return to the airport through the implementation of the redevelopment plan.

(2) FEDERAL SHARE.—

(A) Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(B) In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (a) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under the pilot program at any single public-use airport.

(4) EXCEPTION.—Amounts paid to the Administrator under subsection (c)(3)—

(A) shall be in addition to amounts authorized under section 48203 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(e) USE OF PASSENGER REVENUE.—An airport sponsor that owns or operates an airport participating in the pilot program may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay any project cost described in subsection (a) that is not financed by a grant under the program.

(f) SUNSET.—This section, other than the amendments made by subsections (b), shall not be in effect after September 30, 2011.

(g) REPORT TO CONGRESS.—The Administrator shall report to Congress within 18 months after making the first grant under this section on the effectiveness of this program on returning part 150 lands to productive use.

SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

''§41724. Musical instruments

''(a) IN GENERAL.—

''(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin without charge if—

''(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat; and

''(B) there is space for such stowage at the time the passenger boards the aircraft.

''(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin without charge if—

''(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

''(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds;

''(C) the instrument can be secured by a seat belt to avoid shifting during flight;

''(D) the instrument does not restrict access to, or use of, any required emergency exit, regular exit, or aisle;

''(E) the instrument does not obscure any passenger's view of any illuminated exit, warning, or other informational sign;

''(F) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

''(G) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

''(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage, without charge, a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

''(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches; and

''(B) the weight of the instrument does not exceed 165 pounds.

''(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by inserting after the item relating to section 41723 the following:

''41724. Musical instruments''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 714. RECYCLING PLANS FOR AIRPORTS.

(a) AIRPORT PLANNING.—Section 47102(5) is amended by striking ''planning.'' and inserting ''planning and a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.''.

(b) MASTER PLAN.—Section 47106(a) is amended—

(1) by striking ''and'' in paragraph (4);

(2) by striking ''proposed.'' in paragraph (5) and inserting ''proposed; and''; and

(3) by adding at the end the following:

''(6) if the project is for an airport that has an airport master plan, the master plan addresses—

''(A) the feasibility of solid waste recycling at the airport;

''(B) minimizing the generation of solid waste at the airport;

''(C) operation and maintenance requirements;

''(D) the review of waste management contracts;

''(E) the potential for cost savings or the generation of revenue; and

''(F) training and education requirements.''.

SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM ADJUSTMENTS.

(a) PURPOSE.—It is the purpose of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113) to ensure that minority- and women-owned businesses do not face barriers because of their race or gender and so that they have a fair opportunity to compete in Federally assisted airport contracts and concessions.

(b) FINDINGS.—The Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing barrier merits the continuation of the airport disadvantaged business enterprise program.

(2) The Congress has received recent evidence of discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This evidence also shows that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) This evidence demonstrates that discrimination across the nation poses a barrier to full and fair participation in airport related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport related business in the public and private markets.

(4) This evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(c) IN GENERAL.—Section 47107(e) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.—

''(A) IN GENERAL.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

''(B) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

''(C) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport owner or operator who is required to provide a written assurance under paragraph (1) that the airport owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.''.

(d) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and other appropriate committees of Congress on the results of the training program conducted under section 47107(e)(8) of title 49, United States Code, as added by subsection (a).

(e) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

''(e) PERSONAL NET WORTH CAP.—Not later than 180 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at $750,000 in 1989.

''(f) EXCLUSION OF RETIREMENT BENEFITS.—

''(1) IN GENERAL.—In calculating a business owner's personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

''(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

''(g) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall establish a program to eliminate barriers to small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

''(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue a final rule to establish the program under paragraph (1).''.

SEC. 716. FRONT LINE MANAGER STAFFING.

(a) STUDY.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator may take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 717. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) IN GENERAL.— The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and recommendations pertinent to ensuring a safe air ambulance industry.

(b) REQUIRED INFORMATION.—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) ANALYSIS AND RECOMMENDATIONS.—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) REPORT.—Not later than June 1, 2010, the Comptroller General shall submit a report to the Secretary of Transportation, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the Government Accountability Office's findings and recommendations regarding the study under this section.

(e) ADOPTION OF RECOMMENDED POLICY CHANGES.—Not later than 60 days after the date of receipt of the report under subsection (d), the Secretary shall issue a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate

(f) PART 135 CERTIFICATE HOLDER DEFINED.— In this section, the term ''part 135 certificate holder'' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

SEC. 718. REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

(a) IN GENERAL.—Section 49108 is repealed.

(b) CONFORMING REPEAL.—The table of sections for chapter 491 is amended by striking the item relating to section 49108.

SEC. 719. STUDY OF AERONAUTICAL MOBILE TELEMETRY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with other Federal agencies, shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science and Technology, and the House of Representatives Committee on Energy and Commerce that identifies—

(1) the current and anticipated need over the next decade by civil aviation, including equipment manufacturers, for aeronautical mobile telemetry services; and

(2) the potential impact to the aerospace industry of the introduction of a new radio service operating in the same spectrum allocated to the aeronautical mobile telemetry service.

SEC. 720. FLIGHTCREW MEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flightcrew member pairing, crew resource management techniques, and pilot commuting.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the results of the study.

SEC. 721. CONSOLIDATION OR ELIMINATION OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY REPORTS; USE OF ELECTRONIC MEDIA FORMAT.

(a) CONSOLIDATION OR ELIMINATION OF REPORTS.—No later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the Federal Aviation Administration shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing—

(1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to the Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and

(2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

(b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Federal Aviation Administration—

(A) may not publish any report required or authorized by law in printed format; and

(B) shall publish any such report by posting it on the Administration's website in an easily accessible and downloadable electronic format.

(2) EXCEPTION.—Paragraph (1) does not apply to any report with respect to which the Administrator determines that—

(A) its publication in printed format is essential to the mission of the Federal Aviation Administration; or

(B) its publication in accordance with the requirements of paragraph (1) would disclose matter—

(i) described in section 552(b) of title 5, United States Code; or

(ii) the disclosure of which would have an adverse impact on aviation safety or security, as determined by the Administrator.

SEC. 722. LINE CHECK EVALUATIONS.

Section 44729(h) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 723. REPORT ON NEWARK LIBERTY AIRPORT AIR TRAFFIC CONTROL TOWER.

Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall report to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, on the Federal Aviation Administration's plan to staff the Newark Liberty Airport air traffic control tower at negotiated staffing levels within 1 year after such date of enactment.

SEC. 724 PRIORITY REVIEW OF CONSTRUCTION PROJECTS IN COLD WEATHER STATES.

The Administrator of the Federal Aviation Administration shall, to the maximum extent practicable, schedule the Administrator's review of construction projects so that projects to be carried out in States in which the weather during a typical calendar year prevents major construction projects from being carried out before May 1 are reviewed as early as possible.

SEC. 725. AIR-RAIL CODESHARE STUDY.

(a) CODESHARE STUDY.—Not later than 180 days after the date of the enactment of this Act, the GAO shall conduct a study of—

(1) the current airline and intercity passenger rail codeshare arrangements;

(2) the feasibility and costs to taxpayers and passengers of increasing intermodal connectivity of airline and intercity passenger rail facilities and systems to improve passenger travel.

(b) CONSIDERATIONS.—The study shall consider—

(1) the potential benefits to passengers and costs to taxpayers from the implementation of

more integrated scheduling between airlines and Amtrak or other intercity passenger rail carriers achieved through codesharing arrangements;

(2) airport operations that can improve connectivity to intercity passenger rail facilities and stations.

(c) REPORT.—Not later than 1 year after commencing the study required by subsection (a), the Comptroller shall submit the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include any conclusions of the Comptroller resulting from the study.

SEC. 726. ON-GOING MONITORING OF AND REPORT ON THE NEW YORK/NEW JERSEY/PHILADELPHIA METROPOLITAN AREA AIRSPACE REDESIGN.

Not later than 270 days after the date of the enactment of this Act and every 180 days thereafter until the completion of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign, the Administrator of the Federal Aviation Administration shall, in conjunction with the Port Authority of New York and New Jersey and the Philadelphia International Airport—

(1) monitor the air noise impacts of the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign; and

(2) submit to Congress a report on the findings of the Administrator with respect to the monitoring described in paragraph (1).

SEC. 727. STUDY ON AVIATION FUEL PRICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the impact of increases in aviation fuel prices on the Airport and Airway Trust Fund and the aviation industry in general. The study shall include the impact of increases in aviation fuel prices on—

(1) general aviation;

(2) commercial passenger aviation;

(3) piston aircraft purchase and use;

(4) the aviation services industry, including repair and maintenance services;

(5) aviation manufacturing;

(6) aviation exports; and

(7) the use of small airport installations.

(b) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—In conducting the study required by subsection (a), the Comptroller General shall use the average aviation fuel price for fiscal year 2010 as a baseline and measure the impact of increases in aviation fuel prices that range from 5 percent to 200 percent over the 2010 baseline.

SEC. 728. LAND CONVEYANCE FOR SOUTHERN NEVADA SUPPLEMENTAL AIRPORT.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term ''County'' means Clark County, Nevada.

(2) PUBLIC LAND.—The term ''public land'' means the land located at—

(A) sec. 23 and sec. 26, T. 26 S., R. 59 E., Mount Diablo Meridian;

(B) the NE ¼ and the N ½ of the SE ¼ of sec. 6, T. 25 S., R. 59 E., Mount Diablo Meridian, together with the SE ¼ of sec. 31, T. 24 S., R. 59 E., Mount Diablo Meridian; and

(C) sec. 8, T. 26 S., R. 60 E., Mount Diablo Meridian.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) LAND CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date described in paragraph (2), subject to valid existing rights, and notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to the County, without consideration, all right, title, and interest of the United States in and to the public land.

(2) DATE ON WHICH CONVEYANCE MAY BE MADE.—The Secretary shall not make the conveyance described in paragraph (1) until the later of the date on which the Administrator of the Federal Aviation Administration has—

(A) approved an airport layout plan for an airport to be located in the Ivanpah Valley; and

(B) with respect to the construction and operation of an airport on the site conveyed to the County pursuant to section 2(a) of the Ivanpah Valley Airport Public Lands Transfer Act (Public Law 106–362; 114 Stat. 1404), issued a record of decision after the preparation of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) WITHDRAWAL.—Subject to valid existing rights, the public land to be conveyed under paragraph (1) is withdrawn from—

(A) location, entry, and patent under the mining laws; and

(B) operation of the mineral leasing and geothermal leasing laws.

(4) USE.—The public land conveyed under paragraph (1) shall be used for the development of flood mitigation infrastructure for the Southern Nevada Supplemental Airport.

SEC. 729. CLARIFICATION OF REQUIREMENTS FOR VOLUNTEER PILOTS OPERATING CHARITABLE MEDICAL FLIGHTS.

In administering part 61.113(c) of title 14, Code of Federal Regulations, the Administrator of the Federal Aviation Administration shall allow an aircraft owner or aircraft operator who has volunteered to provide transportation for an individual or individuals for medical purposes to accept reimbursement to cover all or part of the fuel costs associated with the operation from a volunteer pilot organization.

SEC. 730. CYLINDERS OF COMPRESSED OXYGEN, NITROUS OXIDE, OR OTHER OXIDIZING GASES.

(a) IN GENERAL.—The transportation within Alaska of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft shall be exempt from compliance with the requirements, under sections 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4) of the Pipeline and Hazardous Material Safety Administration's regulations (49 C.F.R. 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4)), that oxidizing gases transported aboard aircraft be enclosed in outer packaging capable of passing the flame penetration and resistance test and the thermal resistance test, without regard to the end use of the cylinders, if—

(1) there is no other practical means of transportation for transporting the cylinders to their destination and transportation by ground or vessel is unavailable; and

(2) the transportation meets the requirements of subsection (b).

(b) EXEMPTION REQUIREMENTS.—Subsection (a) shall not apply to the transportation of cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases aboard aircraft unless the following requirements are met:

(1) PACKAGING.—

(A) SMALLER CYLINDERS.—Each cylinder with a capacity of not more than 116 cubic feet shall be—

(i) fully covered with a fire or flame resistant blanket that is secured in place; and

(ii) placed in a rigid outer packaging or an ATA 300 Category 1 shipping container.

(B) LARGER CYLINDERS.—Each cylinder with a capacity of more than 116 cubic feet but not more than 281 cubic feet shall be—

(i) secured within a frame;

(ii) fully covered with a fire or flame resistant blanket that is secured in place; and

(iii) fitted with a securely attached metal cap of sufficient strength to protect the valve from damage during transportation.

(2) OPERATIONAL CONTROLS.—

(A) STORAGE; ACCESS TO FIRE EXTINGUISHERS.—Unless the cylinders are stored in a Class C cargo compartment or its equivalent on the aircraft, crew members shall have access to the cylinders and at least 2 fire extinguishers shall be readily available for use by the crew members.

(B) SHIPMENT WITH OTHER HAZARDOUS MATERIALS.—The cylinders may not be transported in the same aircraft with other hazardous materials other than Division 2.2 materials with no subsidiary risk, Class 9 materials, and ORM–D materials.

(3) AIRCRAFT REQUIREMENTS.—

(A) AIRCRAFT TYPE.—The transportation shall be provided only aboard a passenger-carrying aircraft or a cargo aircraft.

(B) PASSENGER-CARRYING AIRCRAFT.—

(i) SMALLER CYLINDERS ONLY.—A cylinder with a capacity of more than 116 cubic feet may not be transported aboard a passenger-carrying aircraft.

(ii) MAXIMUM NUMBER.—Unless transported in a Class C cargo compartment or its equivalent, no more than 6 cylinders in each cargo compartment may be transported aboard a passenger-carrying aircraft.

(C) CARGO AIRCRAFT.—A cylinder may not be transported aboard a cargo aircraft unless it is transported in a Class B cargo compartment or a Class C cargo compartment or its equivalent.

(c) DEFINITIONS.—Terms used in this section shall have the meaning given those terms in parts 106, 107, and 171 through 180 of the Pipeline and Hazardous Material Safety Administration's regulations (49 C.F.R. parts 106, 107, and 171–180).

SEC. 731. TECHNICAL CORRECTION.

Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010, is amended by striking clauses (i) and (ii) and inserting the following:

''(i) requiring inspections of any container containing a firearm or ammunition; and

''(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.''.

SEC. 732. PLAN FOR FLYING SCIENTIFIC INSTRUMENTS ON COMMERCIAL FLIGHTS.

(a) PLAN DEVELOPMENT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Transportation and the Secretary of Commerce, in consultation with interested representatives of the aviation industry and other relevant agencies, shall develop a plan and process to allow Federal agencies to fly scientific instruments on commercial flights with airlines who volunteer, for the purpose of taking measurements to improve weather forecasting.

TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

SEC. 800. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking ''March 31, 2010'' and inserting ''September 30, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—

(1) by striking ''April 1, 2010'' in the matter preceding subparagraph (A) and inserting ''October 1, 2013'', and

(2) by striking the semicolon at the end of subparagraph (A) and inserting ''or the FAA Air Transportation Modernization and Safety Improvement Act;''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking ''April 1, 2010'' and inserting ''October 1, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2010.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) (relating to rates of tax) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.''.

(2) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(3) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 is amended—

(A) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(B) by striking ''section 4081(a)(2)(A)(iii)'' and inserting ''section 4081(a)(2)(A)(iv)'', and

(C) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting ''other than aviation-grade kerosene'' after ''kerosene''.

(B) The following provisions are each amended by striking ''kerosene'' and inserting ''aviation-grade kerosene'':

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) is amended—

(i) by striking ''paragraph (2)(C)(i)'' in clause (i) and inserting ''paragraph (2)(C)'', and

(ii) by striking ''paragraph (2)(C)(ii)'' in clause (ii) and inserting ''paragraph (2)(A)(iv)''.

(D) Section 4081(a)(4) is amended—

(i) in the heading by striking ''KEROSENE'' and inserting ''AVIATION-GRADE KEROSENE'', and

(ii) by striking ''paragraph (2)(C)(i)'' and inserting ''paragraph (2)(C)''.

(E) Section 4081(d)(2) is amended by striking ''(a)(2)(C)(ii)'' and inserting ''(a)(2)(A)(iv)''.

(b) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) is amended by inserting ''at the rate specified in subsection (a)(2)(A)(iv) thereof'' after ''section 4081''.

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) is amended to read as follows:

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).''.

(c) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) is amended by striking ''specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,'' and inserting ''so imposed''.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

''(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.''.

(4) CONFORMING AMENDMENTS.—

(A) Section 4082(d)(2)(B) is amended by striking ''6427(l)(5)(B)'' and inserting ''6427(l)(6)(B)''.

(B) Section 6427(i)(4) is amended—

(i) by striking ''(4)(C)'' the first two places it occurs and inserting ''(4)(B)'', and

(ii) by striking '', (l)(4)(C)(ii), and'' and inserting ''and''.

(C) The heading of section 6427(l) is amended by striking ''DIESEL FUEL AND KEROSENE'' and inserting ''DIESEL FUEL, KEROSENE, AND AVIATION FUEL''.

(D) Section 6427(l)(1) is amended by striking ''paragraph (4)(C)(i)'' and inserting ''paragraph (4)(B)''.

(E) Section 6427(l)(4) is amended—

(i) by striking ''KEROSENE USED IN AVIATION'' in the heading and inserting ''AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION'', and

(ii) in subparagraph (A)—

(I) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(II) by striking ''KEROSENE USED IN COMMERCIAL AVIATION'' in the heading and inserting ''IN GENERAL''.

(d) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subparagraph (C) of section 9502(b)(1) is amended to read as follows:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 is amended—

(i) in paragraph (2) by striking ''(other than subsection (l)(4) thereof)'', and

(ii) in paragraph (3) by striking ''(other than payments made by reason of paragraph (4) of section 6427(l))''.

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

''(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

''(F) section 4041(c).''.

(ii) Section 9503(c) is amended by striking paragraph (6).

(iii) Section 9502(a) is amended—

(I) by striking ''appropriated, credited, or paid into'' and inserting ''appropriated or credited to'', and

(II) by striking '', section 9503(c)(7),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after June 30, 2010.

(f) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on July 1, 2010, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on July 1, 2010, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION FUEL.—The term ''aviation fuel'' means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on July 1, 2010, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (5).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 (relating to the Airport and Airway Trust Fund) is amended by adding at the end the following new subsection:

''(f) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Airport and Airway Trust Fund a separate account to be known as the 'Air Traffic Control System Modernization Account' consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2010, and annually thereafter the Secretary shall transfer $400,000,000 to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene.

''(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).''.

(b) CONFORMING AMENDMENT.—Section 9502(d)(1) is amended by striking ''Amounts'' and inserting ''Except as provided in subsection (f), amounts''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

''SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

''(a) IN GENERAL.—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

''(1) registered in the United States, and

''(2) part of a fractional ownership aircraft program.

''(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

''(c) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—For purposes of this section—

''(1) IN GENERAL.—The term 'fractional ownership aircraft program' means a program under which—

''(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

''(B) 2 or more airworthy aircraft are part of the program,

''(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

''(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

''(E) there exists a dry-lease exchange arrangement among all of the fractional owners, and

''(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

''(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—

''(A) IN GENERAL.—The term 'minimum fractional ownership interest' means, with respect to each type of aircraft—

''(i) a fractional ownership interest equal to or greater than 1/16 of at least 1 subsonic, fixed wing or powered lift program aircraft, or

''(ii) a fractional ownership interest equal to or greater than 1/32 of a least 1 rotorcraft program aircraft.

''(B) FRACTIONAL OWNERSHIP INTEREST.—The term 'fractional ownership interest' means—

''(i) the ownership of an interest in a program aircraft,

''(ii) the holding of a multi-year leasehold interest in a program aircraft, or

''(iii) the holding of a multi-year leasehold interest which is convertible into an ownership interest in a program aircraft.

''(3) DRY-LEASE EXCHANGE ARRANGEMENT.—A 'dry-lease aircraft exchange' means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

''(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2013.''.

(2) CONFORMING AMENDMENT.—Section 4082(e) is amended by inserting ''(other than an aircraft described in section 4043(a))'' after ''an aircraft''.

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(b)(1) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),''.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

''Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.''.

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: ''For uses of aircraft before October 1, 2013, such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation provided before October 1, 2013, by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to fuel used after June 30, 2010.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after June 30, 2010.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after June 30, 2010.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL AIRCRAFT ON NONESTABLISHED LINES.

(a) IN GENERAL.—Section 4281 is amended to read as follows:

''SEC. 4281. SMALL AIRCRAFT OPERATED SOLELY FOR SIGHTSEEING.

''The taxes imposed by sections 4261 and 4271 shall not apply to transportation by an aircraft having a maximum certificated takeoff weight of 6,000 pounds or less at any time during which such aircraft is being operated on a flight the sole purpose of which is sightseeing. For purposes of the preceding sentence, the term 'maximum certificated takeoff weight' means the maximum such weight contained in the type certificate or airworthiness certificate.''.

(b) CONFORMING AMENDMENT.—The item relating to section 4281 in the table of sections for part III of subchapter C of chapter 33 is amended by striking ''on nonestablished lines'' and inserting ''operated solely for sightseeing''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after June 30, 2010.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking ''subsection (a) or (b)'' in subsection (d), as so redesignated, and inserting ''subsection (a), (b), or (c)'', and

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

''(c) NON-TAX CHARGES.—

''(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), it shall be unlawful for the disclosure of the amount of such taxes on such ticket or advertising to include any amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261.

''(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after June 30, 2010.

TITLE IX—BUDGETARY EFFECTS

SEC. 901. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

SEC. 1001. DEFINITION.

In this title, the term ''earmark'' means the following:

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark, as defined for purposes of Rule XXI of the Rules of the House of Representatives.

SEC. 1002. RESCISSION.

Any earmark of funds provided for the Department of Transportation with more than 90 percent of the appropriated amount remaining available for obligation at the end of the 9th fiscal year following the fiscal year in which the earmark was made available is rescinded effective at the end of that 9th fiscal year, except that the Secretary of Transportation may delay any such rescission if the Secretary determines

that an additional obligation of the earmark is likely to occur during the following 12-month period.

SEC. 1003. AGENCY WIDE IDENTIFICATION AND REPORTS.

(a) AGENCY IDENTIFICATION.—Each Federal agency shall identify and report every project that is an earmark with an unobligated balance at the end of each fiscal year to the Director of OMB.

(b) ANNUAL REPORT.—The Director of OMB shall submit to Congress and publically post on the website of OMB an annual report that includes—

(1) a listing and accounting for earmarks with unobligated balances summarized by agency including the amount of the original earmark, amount of the unobligated balance, and the year when the funding expires, if applicable;

(2) the number of rescissions resulting from this title and the annual savings resulting from this title for the previous fiscal year; and

(3) a listing and accounting for earmarks provided for the Department of Transportation scheduled to be rescinded at the end of the current fiscal year.

Amend the title so as to read: ''An Act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.''.

Mr. OBERSTAR, pursuant to House Resolution 1212, moved to agree to the amendment of the Senate to the title and the amendment of the Senate to the text with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Aviation Safety and Investment Act of 2010''.

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

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2008.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended—

(1) by striking ''September 30, 2003'' and inserting ''September 30, 2008''; and

(2) by striking paragraphs (1) through (6) and inserting the following:

''(1) $4,000,000,000 for fiscal year 2010;

''(2) $4,100,000,000 for fiscal year 2011; and

''(3) $4,200,000,000 for fiscal year 2012.''.

(b) ALLOCATIONS OF FUNDS.—Section 48103 is amended—

(1) by striking ''The total amounts'' and inserting ''(a) AVAILABILITY OF AMOUNTS.—The total amounts''; and

(2) by adding at the end the following:

''(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Of the amounts made available under subsection (a), $15,000,000 for each of fiscal years 2010 through 2012 may be used for carrying out the Airport Cooperative Research Program.

''(c) AIRPORTS TECHNOLOGY RESEARCH.—Of the amounts made available under subsection (a), $19,348,000 for each of fiscal years 2010 through 2012 may be used for carrying out airports technology research.''.

(c) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(d) RESCISSION OF UNOBLIGATED BALANCES.—Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, for fiscal year 2009, $305,500,000 are hereby rescinded. Of the unobligated balances from funds available under such sections for fiscal years prior to fiscal year 2009, $102,000,000 are hereby rescinded.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

''(1) $3,259,000,000 for fiscal year 2010.

''(2) $3,353,000,000 for fiscal year 2011.

''(3) $3,506,000,000 for fiscal year 2012.''.

(b) USE OF FUNDS.—Section 48101 is amended by striking subsections (c) through (i) and inserting the following:

''(c) WAKE VORTEX MITIGATION.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used for the development and analysis of wake vortex mitigation, including advisory systems.

''(d) WEATHER HAZARDS.—

''(1) IN GENERAL.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used for the development of in-flight and ground-based weather threat mitigation systems, including ground de-icing and anti-icing systems and other systems for predicting, detecting, and mitigating the effects of certain weather conditions on both airframes and engines.

''(2) SPECIFIC HAZARDS.—Weather conditions referred to in paragraph (1) include—

''(A) ground-based icing threats such as ice pellets and freezing drizzle;

''(B) oceanic weather, including convective weather, and other hazards associated with oceanic operations (where commercial traffic is high and only rudimentary satellite sensing is available) to reduce the hazards presented to commercial aviation, including convective weather ice crystal ingestion threats; and

''(C) en route turbulence prediction.

''(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts appropriated under subsection (a) and section 106(k)(1), such sums as may be necessary for each of fiscal years 2010 through 2012 may be used to advance the development and implementation of safety management systems.

''(f) RUNWAY INCURSION REDUCTION PROGRAMS.—Of amounts appropriated under subsection (a), $12,000,000 for fiscal year 2010, $12,000,000 for fiscal year 2011, and $12,000,000 for fiscal year 2012 may be used for the development and implementation of runway incursion reduction programs.

''(g) RUNWAY STATUS LIGHTS.—Of amounts appropriated under subsection (a), $125,000,000 for fiscal year 2010, $100,000,000 for 2011, and $50,000,000 for fiscal year 2012 may be used for the acquisition and installation of runway status lights.

''(h) NEXTGEN SYSTEMS DEVELOPMENT PROGRAMS.—Of amounts appropriated under subsection (a), $102,900,000 for fiscal year 2010, $104,000,000 for fiscal year 2011, and $105,300,000 for fiscal year 2012 may be used for systems development activities associated with NextGen.

''(i) NEXTGEN DEMONSTRATION PROGRAMS.—Of amounts appropriated under subsection (a), $30,000,000 for fiscal year 2010, $30,000,000 for fiscal year 2011, and $30,000,000 for fiscal year 2012 may be used for demonstration activities associated with NextGen.

''(j) CENTER FOR ADVANCED AVIATION SYSTEM DEVELOPMENT.—Of amounts appropriated under subsection (a), $79,000,000 for fiscal year 2010, $79,000,000 for fiscal year 2011, and $80,800,000 for fiscal year 2012 may be used for the Center for Advanced Aviation System Development.

''(k) ADDITIONAL PROGRAMS.—Of amounts appropriated under subsection (a), $22,500,000 for fiscal year 2010, $22,500,000 for fiscal year 2011, and $22,500,000 for fiscal year 2012 may be used for—

''(1) system capacity, planning, and improvement;

''(2) operations concept validation;

''(3) NAS weather requirements; and

''(4) Airspace Management Lab.''.

SEC. 103. FAA OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

''(A) $9,531,272,000 for fiscal year 2010;

''(B) $9,936,259,000 for fiscal year 2011; and

''(C) $10,350,155,000 for fiscal year 2012.''.

(b) AUTHORIZED EXPENDITURES.—Section 106(k)(2) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) Such sums as may be necessary for fiscal years 2010 through 2012 to support development and maintenance of helicopter approach procedures, including certification and recertification of instrument flight rule, global positioning system, and point-in-space approaches to heliports necessary to support all weather, emergency services.'';

(2) by striking subparagraphs (B), (C), and (D);

(3) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (B), (C), and (D), respectively; and

(4) in subparagraphs (B), (C), and (D) (as so redesignated) by striking ''2004 through 2007'' and inserting ''2010 through 2012''.

(c) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to fund airline data collection and analysis by the Bureau of Transportation Statistics in the Research and Innovative Technology Administration of the Department of Transportation $6,000,000 for each of fiscal years 2010, 2011, and 2012.

SEC. 104. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) is amended—

(1) in paragraph (11)—

(A) in subparagraph (K) by inserting ''and'' at the end; and

(B) in subparagraph (L) by striking ''and'' at the end;

(2) in paragraph (12)(L) by striking ''and'' at the end; and

(3) by striking paragraph (13) and inserting the following:

''(13) for fiscal year 2010, $214,587,000, including—

''(A) $8,546,000 for fire research and safety;

''(B) $4,075,000 for propulsion and fuel systems;

''(C) $2,965,000 for advanced materials and structural safety;

''(D) $4,921,000 for atmospheric hazards and digital system safety;

''(E) $14,688,000 for aging aircraft;

''(F) $2,153,000 for aircraft catastrophic failure prevention research;

''(G) $11,000,000 for flightdeck maintenance, system integration, and human factors;

''(H) $12,589,000 for aviation safety risk analysis;

''(I) $15,471,000 for air traffic control, technical operations, and human factors;

''(J) $8,699,000 for aeromedical research;

''(K) $23,286,000 for weather program;

''(L) $6,236,000 for unmanned aircraft systems research;

''(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

''(N) $10,412,000 for wake turbulence;

''(O) $10,400,000 for NextGen—Air ground integration;

''(P) $8,000,000 for NextGen—Self separation;

''(Q) $7,567,000 for NextGen—Weather technology in the cockpit;

''(R) $20,278,000 for environment and energy;

''(S) $19,700,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

''(T) $1,827,000 for system planning and resource management; and

''(U) $3,674,000 for the William J. Hughes Technical Center Laboratory Facility;

''(14) for fiscal year 2011, $225,993,000, including—

''(A) $8,815,000 for fire research and safety;

''(B) $4,150,000 for propulsion and fuel systems;

''(C) $2,975,000 for advanced materials and structural safety;

''(D) $4,949,000 for atmospheric hazards and digital system safety;

''(E) $14,903,000 for aging aircraft;

''(F) $2,181,000 for aircraft catastrophic failure prevention research;

''(G) $12,000,000 for flightdeck maintenance, system integration, and human factors;

''(H) $12,497,000 for aviation safety risk analysis;

''(I) $15,715,000 for air traffic control, technical operations, and human factors;

''(J) $8,976,000 for aeromedical research;

''(K) $23,638,000 for weather program;

''(L) $6,295,000 for unmanned aircraft systems research;

''(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

''(N) $10,471,000 for wake turbulence;

''(O) $10,600,000 for NextGen—Air ground integration;

''(P) $8,300,000 for NextGen—Self separation;

''(Q) $8,345,000 for NextGen—Weather technology in the cockpit;

''(R) $27,075,000 for environment and energy;

''(S) $20,368,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;

''(T) $1,836,000 for system planning and resource management; and

''(U) $3,804,000 for the William J. Hughes Technical Center Laboratory Facility; and

''(15) for fiscal year 2012, $244,860,000, including—

''(A) $8,957,000 for fire research and safety;

''(B) $4,201,000 for propulsion and fuel systems;

''(C) $2,986,000 for advanced materials and structural safety;

''(D) $4,979,000 for atmospheric hazards and digital system safety;

''(E) $15,013,000 for aging aircraft;

''(F) $2,192,000 for aircraft catastrophic failure prevention research;

''(G) $12,000,000 for flightdeck maintenance, system integration, and human factors;

''(H) $12,401,000 for aviation safety risk analysis;

''(I) $16,000,000 for air traffic control, technical operations, and human factors;

''(J) $9,267,000 for aeromedical research;

''(K) $23,800,000 for weather program;

''(L) $6,400,000 for unmanned aircraft systems research;

''(M) $18,100,000 for the Next Generation Air Transportation System Joint Planning and Development Office;

''(N) $10,471,000 for wake turbulence;
''(O) $10,800,000 for NextGen—Air ground integration;
''(P) $8,500,000 for NextGen—Self separation;
''(Q) $8,569,000 for NextGen—Weather technology in the cockpit;
''(R) $44,409,000 for environment and energy;
''(S) $20,034,000 for NextGen—Environmental research—Aircraft technologies, fuels, and metrics;
''(T) $1,840,000 for system planning and resource management; and
''(U) $3,941,000 for the William J. Hughes Technical Center Laboratory Facility.''.

SEC. 105. FUNDING FOR AVIATION PROGRAMS.

(a) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—Section 48114(a)(1)(A) is amended to read as follows:
''(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2012 pursuant to sections 48101, 48102, 48103, and 106(k) shall—
''(i) in fiscal year 2010, be equal to 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and
''(ii) in each of fiscal years 2011 and 2012, be equal to the sum of—
''(I) 90 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and
''(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.
Such amounts may be used only for aviation investment programs listed in subsection (b).''.

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is amended by striking ''2007'' and inserting ''2012''.

(c) ESTIMATED LEVEL OF RECEIPTS PLUS INTEREST DEFINED.—Section 48114(b)(2) is amended—
(1) in the paragraph heading by striking ''LEVEL'' and inserting ''ESTIMATED LEVEL''; and
(2) by striking ''level of receipts plus interest'' and inserting ''estimated level of receipts plus interest''.

(d) ENFORCEMENT OF GUARANTEES.—Section 48114(c)(2) is amended by striking ''2007'' and inserting ''2012''.

Subtitle B—Passenger Facility Charges

SEC. 111. PFC AUTHORITY.

(a) PFC DEFINED.—Section 40117(a)(5) is amended to read as follows:
''(5) PASSENGER FACILITY CHARGE.—The term 'passenger facility charge' means a charge or fee imposed under this section.''.

(b) INCREASE IN PFC MAXIMUM LEVEL.—Section 40117(b)(4) is amended by striking ''$4.00 or $4.50'' and inserting ''$4.00, $4.50, $5.00, $6.00, or $7.00''.

(c) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—
(1) by striking paragraph (7); and
(2) by redesignating paragraph (8) as paragraph (7).

(d) CORRECTION OF REFERENCES.—
(1) SECTION 40117.—Section 40117 is amended—
(A) in the section heading by striking ''**fees**'' and inserting ''**charges**'';
(B) in the heading for subsection (e) by striking ''FEES'' and inserting ''CHARGES'';
(C) in the heading for subsection (l) by striking ''FEE'' and inserting ''CHARGE'';
(D) in the heading for paragraph (5) of subsection (l) by striking ''FEE'' and inserting ''CHARGE'';
(E) in the heading for subsection (m) by striking ''FEES'' and inserting ''CHARGES'';
(F) in the heading for paragraph (1) of subsection (m) by striking ''FEES'' and inserting ''CHARGES'';
(G) by striking ''fee'' each place it appears (other than the second sentence of subsection (g)(4)) and inserting ''charge''; and
(H) by striking ''fees'' each place it appears and inserting ''charges''.

(2) OTHER REFERENCES.—Subtitle VII is amended by striking ''fee'' and inserting ''charge'' each place it appears in each of the following sections:
(A) Section 47106(f)(1).
(B) Section 47110(e)(5).
(C) Section 47114(f).
(D) Section 47134(g)(1).
(E) Section 47139(b).
(F) Section 47524(e).
(G) Section 47526(2).

SEC. 112. PFC ELIGIBILITY FOR BICYCLE STORAGE.

(a) IN GENERAL.—Section 40117(a)(3) is amended by adding at the end the following:
''(H) A project to construct secure bicycle storage facilities that are to be used by passengers at the airport and that are in compliance with applicable security standards.''.

(b) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to Congress a report on the progress being made by airports to install bicycle parking for airport customers and airport employees.

SEC. 113. AWARD OF ARCHITECTURAL AND ENGINEERING CONTRACTS FOR AIRSIDE PROJECTS.

(a) IN GENERAL.—Section 40117(d) is amended—
(1) by striking ''and'' at the end of paragraph (3);
(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and
(3) by adding at the end the following:
''(5) in the case of an application to finance a project to meet the airside needs of the airport, the application includes written assurances, satisfactory to the Secretary, that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services will be awarded in the same way that a contract for architectural and engineering services is negotiated under chapter 11 of title 40 or an equivalent qualifications-based requirement prescribed for or by the eligible agency.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to an application submitted to the Secretary of Transportation by an eligible agency under section 40117 of title 49, United States Code, after the date of enactment of this Act.

SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT PROGRAM.

Section 40117 is amended by adding at the end the following:
''(n) PILOT PROGRAM FOR PFC ELIGIBILITY FOR INTERMODAL GROUND ACCESS PROJECTS.—
''(1) PFC ELIGIBILITY.—Subject to the requirements of this subsection, the Secretary shall establish a pilot program under which the Secretary may authorize, at no more than 5 airports, a passenger facility charge imposed under subsection (b)(1) or (b)(4) to be used to finance the eligible cost of an intermodal ground access project.
''(2) INTERMODAL GROUND ACCESS PROJECT DEFINED.—In this section, the term 'intermodal ground access project' means a project for constructing a local facility owned or operated by an eligible agency that is directly and substantially related to the movement of passengers or property traveling in air transportation.
''(3) ELIGIBLE COSTS.—
''(A) IN GENERAL.—For purposes of paragraph (1), the eligible cost of an intermodal ground access project shall be the total cost of the project multiplied by the ratio that—
''(i) the number of individuals projected to use the project to gain access to or depart from the airport; bears to
''(ii) the total number of the individuals projected to use the facility.
''(B) DETERMINATIONS REGARDING PROJECTED PROJECT USE.—
''(i) IN GENERAL.—Except as provided by clause (ii), the Secretary shall determine the projected use of a project for purposes of subparagraph (A) at the time the project is approved under this subsection.
''(ii) PUBLIC TRANSPORTATION PROJECTS.—In the case of a project approved under this section to be financed in part using funds administered by the Federal Transit Administration, the Secretary shall use the travel forecasting model for the project at the time such project is approved by the Federal Transit Administration to enter preliminary engineering to determine the projected use of the project for purposes of subparagraph (A).''.

SEC. 115. PARTICIPATION OF DISADVANTAGED BUSINESS ENTERPRISES IN CONTRACTS, SUBCONTRACTS, AND BUSINESS OPPORTUNITIES FUNDED USING PASSENGER FACILITY REVENUES AND IN AIRPORT CONCESSIONS.

Section 40117 (as amended by this Act) is further amended by adding at the end the following:
''(o) PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES.—
''(1) APPLICABILITY OF REQUIREMENTS.—Except to the extent otherwise provided by the Secretary, requirements relating to disadvantaged business enterprises, as set forth in parts 23 and 26 of title 49, Code of Federal Regulations (or a successor regulation), shall apply to an airport collecting passenger facility revenue.
''(2) REGULATIONS.—The Secretary shall issue any regulations necessary to implement this subsection, including—
''(A) goal setting requirements for an eligible agency to ensure that contracts, subcontracts, and business opportunities funded using passenger facility revenues, and airport concessions, are awarded consistent with the levels of participation of disadvantaged business enterprises and airport concessions disadvantaged business enterprises that would be expected in the absence of discrimination;
''(B) provision for an assurance that requires that an eligible agency will not discriminate on the basis of race, color, national origin, or sex in the award and performance of any contract funded using passenger facility revenues; and
''(C) a requirement that an eligible agency will take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts funded using passenger facility revenues.
''(3) EFFECTIVE DATE.—Paragraph (1) shall take effect on the day following the date on which the Secretary issues final regulations under paragraph (2).
''(4) DEFINITIONS.—In this subsection, the following definitions apply:
''(A) AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE.—The term 'airport concessions disadvantaged business enterprise' has the meaning given that term in part 23 of title 49, Code of Federal Regulations (or a successor regulation).
''(B) DISADVANTAGED BUSINESS ENTERPRISE.—The term 'disadvantaged business enterprise' has the meaning given that term in part 26 of title 49, Code of Federal Regulations (or a successor regulation).''.

SEC. 116. IMPACTS ON AIRPORTS OF ACCOMMODATING CONNECTING PASSENGERS.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate—

(1) the impacts on airports of accommodating connecting passengers; and

(2) the treatment of airports at which the majority of passengers are connecting passengers under the passenger facility charge program authorized by section 40117 of title 49, United States Code.

(b) CONTENTS OF STUDY.—In conducting the study, the Secretary shall review, at a minimum, the following:

(1) the differences in facility needs, and the costs for constructing, maintaining, and operating those facilities, for airports at which the majority of passengers are connecting passengers as compared to airports at which the majority of passengers are originating and destination passengers;

(2) whether the costs to an airport of accommodating additional connecting passengers differs from the cost of accommodating additional originating and destination passengers;

(3) for each airport charging a passenger facility charge, the percentage of passenger facility charge revenue attributable to connecting passengers and the percentage of such revenue attributable to originating and destination passengers;

(4) the potential effects on airport revenues of requiring airports to charge different levels of passenger facility charges on connecting passengers and originating and destination passengers; and

(5) the added costs to air carriers of collecting passenger facility charges under a system in which different levels of passenger facility charges are imposed on connecting passengers and originating and destination passengers.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of initiation of the study, the Secretary shall submit to Congress a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b); and

(B) recommendations, if any, of the Secretary based on the results of the study for any changes to the passenger facility charge program, including recommendations as to whether different levels of passenger facility charges should be imposed on connecting passengers and originating and destination passengers.

Subtitle C—Fees for FAA Services

SEC. 121. UPDATE ON OVERFLIGHTS.

(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—Section 45301(b) is amended to read as follows:

''(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

''(1) IN GENERAL.—In establishing and adjusting fees under subsection (a), the Administrator shall ensure that the fees are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States. The determination of such costs by the Administrator, and the allocation of such costs by the Administrator to services provided, are not subject to judicial review.

''(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by May 1, 2010. In developing the adjusted overflight fees, the Administrator may seek and consider the recommendations offered by an aviation rulemaking committee for overflight fees that are provided to the Administrator by September 1, 2009, and are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights.

''(3) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

''(4) COSTS DEFINED.—In this subsection, the term 'costs' includes those costs associated with the operation, maintenance, leasing costs, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

''(5) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as an interim final rule, pursuant to which public comment will be sought and a final rule issued.''.

(b) ADJUSTMENTS.—Section 45301 is amended by adding at the end the following:

''(e) ADJUSTMENTS.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.''.

SEC. 122. REGISTRATION FEES.

(a) IN GENERAL.—Chapter 453 is amended by adding at the end the following:

''§ 45305. Registration, certification, and related fees

''(a) GENERAL AUTHORITY AND FEES.—Subject to subsection (b), the Administrator of the Federal Aviation Administration shall establish the following fees for services and activities of the Administration:

''(1) $130 for registering an aircraft.

''(2) $45 for replacing an aircraft registration.

''(3) $130 for issuing an original dealer's aircraft certificate.

''(4) $105 for issuing an aircraft certificate (other than an original dealer's aircraft certificate).

''(5) $80 for issuing a special registration number.

''(6) $50 for issuing a renewal of a special registration number.

''(7) $130 for recording a security interest in an aircraft or aircraft part.

''(8) $50 for issuing an airman certificate.

''(9) $25 for issuing a replacement airman certificate.

''(10) $42 for issuing an airman medical certificate.

''(11) $100 for providing a legal opinion pertaining to aircraft registration or recordation.

''(b) LIMITATION ON COLLECTION.—No fee may be collected under this section unless the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

''(c) FEES CREDITED AS OFFSETTING COLLECTIONS.—

''(1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall—

''(A) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

''(B) be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

''(C) remain available until expended.

''(2) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations in lieu of the Administration's regular appropriations.

''(3) ADJUSTMENTS.—The Administrator shall periodically adjust the fees established by subsection (a) when cost data from the cost accounting system developed pursuant to section 45303(e) reveal that the cost of providing the service is higher or lower than the cost data that were used to establish the fee then in effect.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 453 is amended by adding at the end the following:

''45305. Registration, certification, and related fees.''.

(c) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR TRANSPORTATION.—Section 45302(e) is amended—

(1) by striking ''A fee'' and inserting the following:

''(1) IN GENERAL.—A fee''; and

(2) by adding at the end the following:

''(2) EFFECT OF IMPOSITION OF OTHER FEES.—A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.''.

Subtitle D—AIP Modifications

SEC. 131. AMENDMENTS TO AIP DEFINITIONS.

(a) AIRPORT DEVELOPMENT.—Section 47102(3) is amended—

(1) in subparagraph (B)(iv) by striking ''20'' and inserting ''9''; and

(2) by adding at the end the following:

''(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.

''(N) terminal development under section 47119(a).

''(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, non-exclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems.''.

(b) AIRPORT PLANNING.—Section 47102(5) is amended by inserting before the period at the end the following: '', developing an environmental management system''.

(c) GENERAL AVIATION AIRPORT.—Section 47102 is amended—

(1) by redesignating paragraphs (23) through (25) as paragraphs (25) through (27), respectively;

(2) by redesignating paragraphs (8) through (22) as paragraphs (9) through (23), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) 'general aviation airport' means a public airport that is located in a State and that, as determined by the Secretary—

''(A) does not have scheduled service; or

''(B) has scheduled service with less that 2,500 passenger boardings each year.''.

(d) REVENUE PRODUCING AERONAUTICAL SUPPORT FACILITIES.—Section 47102 is amended by inserting after paragraph (23) (as redesignated by subsection (c)(2) of this section) the following:

''(24) 'revenue producing aeronautical support facilities' means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical

support facilities that the Secretary determines will increase the revenue producing ability of the airport.''.

(e) TERMINAL DEVELOPMENT.—Section 47102 is further amended by adding at the end the following:

''(28) 'terminal development' means—

''(A) development of—

''(i) an airport passenger terminal building, including terminal gates;

''(ii) access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and

''(iii) walkways that lead directly to or from an airport passenger terminal building; and

''(B) the cost of a vehicle described in section 47119(a)(1)(B).''.

SEC. 132. SOLID WASTE RECYCLING PLANS.

(a) AIRPORT PLANNING.—Section 47102(5) (as amended by section 131(b) of this Act) is amended by inserting before the period at the end the following: '', and planning to minimize the generation of, and to recycle, airport solid waste in a manner that is consistent with applicable State and local recycling laws''.

(b) MASTER PLAN.—Section 47106(a) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in any case in which the project is for an airport that has an airport master plan, the master plan addresses the feasibility of solid waste recycling at the airport and minimizing the generation of solid waste at the airport.''.

SEC. 133. AMENDMENTS TO GRANT ASSURANCES.

(a) GENERAL WRITTEN ASSURANCES.—Section 47107(a)(16)(D)(ii) is amended by inserting before the semicolon at the end the following: '', except in the case of a relocation or replacement of an existing airport facility that meets the conditions of section 47110(d)''.

(b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

(1) USE OF PROCEEDS.—Section 47107(c)(2)(A)(iii) is amended by striking ''paid to the Secretary'' and all that follows before the semicolon and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)''.

(2) ELIGIBLE PROJECTS.—Section 47107(c) is amended by adding at the end the following:

''(4) PRIORITIES FOR REINVESTMENT.—In approving the reinvestment or transfer of proceeds under subsection (c)(2)(A)(iii), the Secretary shall give preference, in descending order, to the following actions:

''(A) Reinvestment in an approved noise compatibility project.

''(B) Reinvestment in an approved project that is eligible for funding under section 47117(e).

''(C) Reinvestment in an approved airport development project that is eligible for funding under section 47114, 47115, or 47117.

''(D) Transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport.

''(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund.''.

(c) CLERICAL AMENDMENT.—Section 47107(c)(2)(B)(iii) is amended by striking ''the Fund'' and inserting ''the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502)''.

SEC. 134. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

(1) in subsection (a) by striking ''provided in subsection (b) or subsection (c) of this section'' and inserting ''otherwise specifically provided in this section''; and

(2) by adding at the end the following:

''(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub airport changes to a medium hub airport, the Government's share of allowable project costs for the airport may not exceed 90 percent for the first 2 fiscal years following such change in hub status.

''(f) SPECIAL RULE FOR ECONOMICALLY DEPRESSED COMMUNITIES.—The Government's share of allowable project costs shall be 95 percent for a project at an airport that—

''(1) is receiving subsidized air service under subchapter II of chapter 417; and

''(2) is located in an area that meets one or more of the criteria established in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)), as determined by the Secretary of Commerce.''.

SEC. 135. AMENDMENTS TO ALLOWABLE COSTS.

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2)(D) is amended to read as follows:

''(D) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

''(i) the cost was incurred before execution of the grant agreement due to the short construction season in the vicinity of the airport;

''(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement;

''(iii) the sponsor notifies the Secretary before authorizing work to commence on the project; and

''(iv) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;''.

(b) RELOCATION OF AIRPORT-OWNED FACILITIES.—Section 47110(d) is amended to read as follows:

''(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

''(1) the Government's share of such costs will be paid with funds apportioned to the airport sponsor under section 47114(c)(1) or 47114(d);

''(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

''(3) the Secretary determines that the change is beyond the control of the airport sponsor.''.

(c) NONPRIMARY AIRPORTS.—Section 47110(h) is amended—

(1) by inserting ''construction of'' before ''revenue producing''; and

(2) by striking '', including fuel farms and hangars,''.

SEC. 136. PREFERENCE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY DISABLED VETERANS.

Section 47112(c) is amended by adding at the end the following:

''(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.''.

SEC. 137. AIRPORT DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

(a) PURPOSE.—It is the purpose of the airport disadvantaged business program to ensure that minority- and women-owned businesses have a full and fair opportunity to compete in federally assisted airport contracts and concessions and to ensure that the Federal Government does not subsidize discrimination in private or locally funded airport-related industries.

(b) FINDINGS.—Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a significant barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing discrimination merits the continuation of the airport disadvantaged business enterprise program.

(2) Discrimination poses serious barriers to the full participation in airport-related businesses of women business owners and minority business owners, including African Americans, Hispanic Americans, Asian Americans, and Native Americans.

(3) Discrimination impacts minority and women business owners in every geographic region of the United States and in every airport-related industry.

(4) Discrimination has impacted many aspects of airport-related business, including—

(A) the availability of venture capital and credit;

(B) the availability of bonding and insurance;

(C) the ability to obtain licensing and certification;

(D) public and private bidding and quoting procedures;

(E) the pricing of supplies and services;

(F) business training, education, and apprenticeship programs; and

(G) professional support organizations and informal networks through which business opportunities are often established.

(5) Congress has received voluminous evidence of discrimination against minority and women business owners in airport-related industries, including—

(A) statistical analyses demonstrating significant disparities in the utilization of minority- and women-owned businesses in federally and locally funded airport related contracting;

(B) statistical analyses of private sector disparities in business success by minority- and women-owned businesses in airport related industries;

(C) research compiling anecdotal reports of discrimination by individual minority and women business owners;

(D) individual reports of discrimination by minority and women business owners and the organizations and individuals who represent minority and women business owners;

(E) analyses demonstrating significant reductions in the participation of minority and women businesses in jurisdictions that have reduced or eliminated their minority- and women-owned business programs;

(F) statistical analyses showing significant disparities in the credit available to minority- and women-owned businesses;

(G) research and statistical analyses demonstrating how discrimination negatively impacts firm formation, growth, and success;

(H) experience of airports and other localities demonstrating that race- and gender-neutral efforts alone are insufficient to remedy discrimination; and

(I) other qualitative and quantitative evidence of discrimination against minority- and women-owned businesses in airport-related industries.

(6) All of this evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(7) Congress has received and reviewed recent comprehensive and compelling evidence of discrimination from many different sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits.

(c) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

''(e) PERSONAL NET WORTH CAP.—

''(1) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at $750,000 in 1989.

''(2) ANNUAL ADJUSTMENT.—Following the initial adjustment under paragraph (1), the Secretary shall adjust, on June 30 of each year thereafter, the personal net worth cap to account for changes, occurring in the preceding 12-month period, in the Consumer Price Index of All Urban Consumers (United States city average, all items) published by the Secretary of Labor.

''(f) EXCLUSION OF RETIREMENT BENEFITS.—

''(1) IN GENERAL.—In calculating a business owner's personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

''(2) REGULATIONS.—Not later than one year after the date of enactment of this subsection, the Secretary shall issue final regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

''(g) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary shall establish a program to eliminate barriers to small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

''(2) REGULATIONS.—Not later than one year after the date of enactment of this subsection, the Secretary shall issue a final rule to establish the program under paragraph (1).''.

SEC. 138. TRAINING PROGRAM FOR CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISES.

(a) MANDATORY TRAINING PROGRAM.—Section 47113 (as amended by this Act) is further amended—

(1) in subsection (b) by striking ''Secretary'' and inserting ''Secretary of Transportation''; and

(2) by adding at the end the following:

''(h) MANDATORY TRAINING PROGRAM.—

''(1) IN GENERAL.—Not later than one year after the date of enactment of this subsection, the Secretary shall establish a mandatory training program for persons described in paragraph (3) on certifying whether a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section and section 47107(e).

''(2) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

''(3) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport sponsor—

''(A) who is required to provide a written assurance under this section or section 47107(e) that the airport owner or operator will meet the percentage goal of subsection (b) or section 47107(e)(1); or

''(B) who is responsible for determining whether or not a small business concern qualifies as a small business concern owned and controlled by socially and economically disadvantaged individuals under this section or section 47107(e).

''(4) AUTHORIZATION OF APPROPRIATIONS.—Out of amounts appropriated under section 106(k), not less than $2,000,000 for each of fiscal years 2010, 2011, and 2012 shall be used to carry out this subsection and to support other programs and activities of the Secretary related to the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals in airport related contracts or concessions.''.

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and other appropriate committees of Congress a report on the results of the training program conducted under the amendment made by subsection (b).

SEC. 139. CALCULATION OF STATE APPORTIONMENT FUND.

Section 47114(d) is amended—

(1) in paragraph (2)—

(A) by striking ''Except as provided in paragraph (3), the Secretary'' and inserting ''The Secretary''; and

(B) by striking ''18.5 percent'' and inserting ''10 percent''; and

(2) by striking paragraph (3) and inserting the following:

''(3) ADDITIONAL AMOUNT.—

''(A) IN GENERAL.—In addition to amounts apportioned under paragraph (2), and subject to subparagraph (B), the Secretary shall apportion to each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

''(i) $150,000; or

''(ii) ⅕ of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

''(B) REDUCTION.—In any fiscal year in which the total amount made available for apportionment under paragraph (2) is less than $300,000,000, the Secretary shall reduce, on a prorated basis, the amount to be apportioned under subparagraph (A) and make such reduction available to be apportioned under paragraph (2), so as to apportion under paragraph (2) a minimum of $300,000,000.''.

SEC. 140. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) in subparagraph (B)—

(A) by inserting ''except as provided by subparagraph (C),'' before ''in the case''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) in the case of a charge of more than $4.50 imposed by the sponsor of an airport enplaning at least one percent of the total number of boardings each year in the United States, 100 percent of the projected revenues from the charge in the fiscal year but not more than 100 percent of the amount that otherwise would be apportioned under this section.''.

SEC. 141. MINIMUM AMOUNT FOR DISCRETIONARY FUND.

Section 47115(g)(1) is amended by striking ''sum of—'' and all that follows through the period at the end of subparagraph (B) and inserting ''sum of $520,000,000.''.

SEC. 142. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115(j) is amended by striking ''fiscal years 2004 through 2009,'' and inserting ''fiscal years 2010 through 2012,''.

SEC. 143. USE OF APPORTIONED AMOUNTS.

Section 47117(e)(1)(A) is amended—

(1) in the first sentence—

(A) by striking ''35 percent'' and inserting ''$300,000,000'';

(B) by striking ''and'' after ''47141,''; and

(C) by inserting before the period at the end the following: '', and for water quality mitigation projects to comply with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as approved in an environmental record of decision for an airport development project under this title''; and

(2) in the second sentence by striking ''such 35 percent requirement is'' and inserting ''the requirements of the preceding sentence are''.

SEC. 144. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

(a) IN GENERAL.—Section 47133(b) is amended—

(1) by striking ''Subsection (a) shall not apply if'' and inserting the following:

''(1) PRIOR LAWS AND AGREEMENTS.—Subsection (a) shall not apply if''; and

(2) by adding at the end the following:

''(2) SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.—In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

''(A) the sale is approved by the Secretary;

''(B) funding is provided under this subtitle for any portion of the public sponsor's acquisition of airport land; and

''(C) an amount equal to the remaining unamortized portion of any airport improvement grant made to that airport for purposes other than land acquisition, amortized over a 20-year period, plus an amount equal to the Federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996, is repaid to the Secretary by the private owner.

''(3) TREATMENT OF REPAYMENTS.—Repayments referred to in paragraph (2)(C) shall be treated as a recovery of prior year obligations.''.

(b) APPLICABILITY TO GRANTS.—The amendments made by subsection (a) shall apply to grants issued on or after October 1, 1996.

SEC. 145. AIRPORT PRIVATIZATION PILOT PROGRAM.

(a) APPROVAL REQUIREMENTS.—Section 47134 is amended in subsections (b)(1)(A)(i), (b)(1)(A)(ii), (c)(4)(A), and (c)(4)(B) by striking ''65 percent'' each place it appears and inserting ''75 percent''.

(b) PROHIBITION ON RECEIPT OF FUNDS.—

(1) SECTION 47134.—Section 47134 is amended by adding at the end the following:

''(n) PROHIBITION ON RECEIPT OF CERTAIN FUNDS.—An airport receiving an exemption under subsection (b) shall be prohibited from receiving apportionments under section 47114 or discretionary funds under section 47115.''.

(2) CONFORMING AMENDMENTS.—Section 47134(g) is amended—

(A) in the subsection heading by striking ''APPORTIONMENTS;'';

(B) in paragraph (1) by striking the semicolon at the end and inserting ''; or'';

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

(c) FEDERAL SHARE OF PROJECT COSTS.—Section 47109(a) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting ''; and'';

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 146. AIRPORT SECURITY PROGRAM.

(a) GENERAL AUTHORITY.—Section 47137(a) is amended by inserting '', in consultation with the Secretary of Homeland Security,'' after ''Transportation''.

(b) IMPLEMENTATION.—Section 47137(b) is amended to read as follows:

''(b) IMPLEMENTATION.—

''(1) IN GENERAL.—In carrying out this section, the Secretary of Transportation shall provide funding through a grant, contract, or another agreement described in section 106(l)(6) to a nonprofit consortium that—

''(A) is composed of public and private persons, including an airport sponsor; and

''(B) has at least 10 years of demonstrated experience in testing and evaluating antiterrorist technologies at airports.

''(2) PROJECT SELECTION.—The Secretary shall select projects under this subsection that—

''(A) evaluate and test the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

''(B) provide testing and evaluation of airport security systems and technology in an operational, testbed environment.''.

(c) MATCHING SHARE.—Section 47137(c) is amended by inserting after ''section 47109'' the following: ''or any other provision of law''.

(d) ADMINISTRATION.—Section 47137(e) is amended by adding at the end the following: ''The Secretary may enter into an agreement in accordance with section 106(m) to provide for the administration of any project under the program.''.

(e) ELIGIBLE SPONSOR.—Section 47137 is amended by striking subsection (f) and redesignating subsection (g) as subsection (f).

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 47137(f) (as so redesignated) is amended by striking ''$5,000,000'' and inserting ''$8,500,000''.

SEC. 147. SUNSET OF PILOT PROGRAM FOR PURCHASE OF AIRPORT DEVELOPMENT RIGHTS.

Section 47138 is amended by adding at the end the following:

''(f) SUNSET.—This section shall not be in effect after September 30, 2008.''.

SEC. 148. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

SEC. 149. REPEAL OF LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

Section 49108, and the item relating to such section in the analysis for chapter 491, are repealed.

SEC. 150. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking ''October 1, 2009,'' and inserting ''October 1, 2012,''.

SEC. 151. PUERTO RICO MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) in the subsection heading by inserting ''AND PUERTO RICO'' after ''ALASKA''; and

(2) by adding at the end the following:

''(5) PUERTO RICO MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in Puerto Rico under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under subsections (c) and (d), the Secretary shall apportion to the Puerto Rico Ports Authority for airport development projects in such fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in such fiscal year and the amount otherwise apportioned under subsections (c) and (d) to airports in Puerto Rico in such fiscal year.''.

SEC. 152. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) in subsection (a)—

(A) by striking ''each airport to—'' and inserting ''the airport system to—'';

(B) in paragraph (1) by striking ''system in the particular area;'' and inserting ''system, including connection to the surface transportation network; and'';

(C) in paragraph (2) by striking ''; and'' and inserting a period; and

(D) by striking paragraph (3);

(2) in subsection (b)—

(A) in paragraph (1) by striking the semicolon and inserting ''; and'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated) by striking '', Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,''; and

(3) in subsection (d) by striking ''status of the''.

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B) by striking ''separated from'' and inserting ''discharged or released from active duty in''; and

(B) by adding at the end the following:

''(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty (as defined by section 101 of title 38) in the Armed Forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by presidential proclamation or by law as the last date of Operation Iraqi Freedom, and who was separated from the Armed Forces under honorable conditions.''; and

(2) in paragraph (2) by striking ''veterans and'' and inserting ''veterans, Afghanistan-Iraq war veterans, and''.

(c) CONSOLIDATION OF TERMINAL DEVELOPMENT PROVISIONS.—Section 47119 is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (e), respectively; and

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) TERMINAL DEVELOPMENT PROJECTS.—

''(1) IN GENERAL.—The Secretary may approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport—

''(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

''(i) all the safety equipment required for certification of the airport under section 44706;

''(ii) all the security equipment required by regulation; and

''(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;

''(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and

''(C) under terms necessary to protect the interests of the Government.

''(2) PROJECT IN REVENUE-PRODUCING AREAS AND NONREVENUE-PRODUCING PARKING LOTS.—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing parking lot if—

''(A) except as provided in section 47108(e)(3), the airport does not have more than .05 percent of the total annual passenger boardings in the United States; and

''(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary's approval.'';

(3) in paragraphs (3) and (4)(A) of subsection (b) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)'';

(4) in paragraph (5) of subsection (b) (as redesignated by paragraph (1) of this subsection) by striking ''subsection (b)(1) and (2)'' and inserting ''subsections (c)(1) and (c)(2)'';

(5) in paragraphs (2)(A), (3), and (4) of subsection (c) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d) of this title'' and inserting ''subsection (a)'';

(6) in paragraph (2)(B) of subsection (c) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)'';

(7) in subsection (c)(5) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)''; and

(8) by adding at the end the following:

''(f) LIMITATION ON DISCRETIONARY FUNDS.—The Secretary may distribute not more than $20,000,000 from the discretionary fund established under section 47115 for terminal development projects at a nonhub airport or a small hub airport that is eligible to receive discretionary funds under section 47108(e)(3).''.

(d) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking ''April 1'' and inserting ''June 1''; and

(2) by striking paragraphs (1), (2), (3), and (4) and inserting the following:

''(1) a summary of airport development and planning completed;

''(2) a summary of individual grants issued;

''(3) an accounting of discretionary and apportioned funds allocated;

''(4) the allocation of appropriations; and''.

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) in subsection (a) by striking ''47102(3)(F),''; and

(2) in subsection (b)—

(A) by striking ''47102(3)(F),''; and

(B) by striking ''47103(3)(F),''.

(f) CONFORMING AMENDMENT TO CIVIL PENALTY ASSESSMENT AUTHORITY.—Section 46301(d)(2) is amended by inserting ''46319,'' after ''46318,''.

(g) OTHER CONFORMING AMENDMENTS.—

(1) Sections 40117(a)(3)(B) is amended by striking ''section 47110(d)'' and inserting ''section 47119(a)''.

(2) Section 47108(e)(3) is amended—

(A) by striking ''section 47110(d)(2)'' and inserting ''section 47119(a)''; and

(B) by striking ''section 47110(d)'' and inserting ''section 47119(a)''.

(h) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking ''(other than real property'' and all that follows through ''(10 U.S.C. 2687 note))''.

(i) AIRPORT CAPACITY BENCHMARK REPORTS.—Section 47175(2) is amended by striking ''Airport Capacity Benchmark Report

2001'' and inserting ''2001 and 2004 Airport Capacity Benchmark Reports or table 1 of the Federal Aviation Administration's most recent airport capacity benchmark report''.

SEC. 153. AIRPORT MASTER PLANS.

Section 47101 is amended by adding at the end the following:

''(i) ADDITIONAL GOALS FOR AIRPORT MASTER PLANS.—In addition to the goals set forth in subsection (g)(2), the Secretary shall encourage airport sponsors and State and local officials, through Federal Aviation Administration advisory circulars, to consider customer convenience, airport ground access, and access to airport facilities in airport master plans.''.

TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

SEC. 201. MISSION STATEMENT; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The United States faces a great national challenge as the Nation's aviation infrastructure is at a crossroads.

(2) The demand for aviation services, a critical element of the United States economy, vital in supporting the quality of life of the people of the United States, and critical in support of the Nation's defense and national security, is growing at an ever increasing rate. At the same time, the ability of the United States air transportation system to expand and change to meet this increasing demand is limited.

(3) The aviation industry accounts for more than 11,000,000 jobs in the United States and contributes approximately $741,000,000,000 annually to the United States gross domestic product.

(4) The United States air transportation system continues to drive economic growth in the United States and will continue to be a major economic driver as air traffic triples over the next 20 years.

(5) The Next Generation Air Transportation System (in this section referred to as the ''NextGen System'') is the system for achieving long-term transformation of the United States air transportation system that focuses on developing and implementing new technologies and that will set the stage for the long-term development of a scalable and more flexible air transportation system without compromising the unprecedented safety record of United States aviation.

(6) The benefits of the NextGen System, in terms of promoting economic growth and development, are enormous.

(7) The NextGen System will guide the path of the United States air transportation system in the challenging years ahead.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) modernizing the air transportation system is a national priority and the United States must make a commitment to revitalizing this essential component of the Nation's transportation infrastructure;

(2) one fundamental requirement for the success of the NextGen System is strong leadership and sufficient resources;

(3) the Joint Planning and Development Office of the Federal Aviation Administration and the Next Generation Air Transportation System Senior Policy Committee, each established by Congress in 2003, will lead and facilitate this important national mission to ensure that the programs and capabilities of the NextGen System are carefully integrated and aligned;

(4) Government agencies and industry must work together, carefully integrating and aligning their work to meet the needs of the NextGen System in the development of budgets, programs, planning, and research;

(5) the Department of Transportation, the Federal Aviation Administration, the Department of Defense, the Department of Homeland Security, the Department of Commerce, and the National Aeronautics and Space Administration must work in cooperation and make transformational improvements to the United States air transportation infrastructure a priority; and

(6) due to the critical importance of the NextGen System to the economic and national security of the United States, partner departments and agencies must be provided with the resources required to complete the implementation of the NextGen System.

SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) ESTABLISHMENT.—

(1) ASSOCIATE ADMINISTRATOR FOR THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.—Section 709(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2582) is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) The director of the Office shall be the Associate Administrator for the Next Generation Air Transportation System, who shall be appointed by the Administrator of the Federal Aviation Administration. The Associate Administrator shall report to the Administrator.''.

(2) RESPONSIBILITIES.—Section 709(a)(3) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) in subparagraph (G) by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (H) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(I) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of Next Generation Air Transportation System implementation activities and measuring actual operational experience against those goals, taking into account noise pollution reduction concerns of affected communities to the greatest extent practicable in establishing the environmental goals;

''(J) working to ensure global interoperability of the Next Generation Air Transportation System;

''(K) working to ensure the use of weather information and space weather information in the Next Generation Air Transportation System as soon as possible;

''(L) overseeing, with the Administrator of the Federal Aviation Administration, the selection of products or outcomes of research and development activities that would be moved to the next stage of a demonstration project; and

''(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation enterprise architecture requirements.''.

(3) COOPERATION WITH OTHER FEDERAL AGENCIES.—Section 709(a)(4) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) by striking ''(4)'' and inserting ''(4)(A)''; and

(B) by adding at the end the following:

''(B) The Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate a senior official in the agency to be responsible for—

''(i) carrying out the activities of the agency relating to the Next Generation Air Transportation System in coordination with the Office, including the execution of all aspects of the work of the agency in developing and implementing the integrated work plan described in subsection (b)(5);

''(ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and coordinating with other Federal agencies involved in activities relating to the System; and

''(iii) ensuring that the agency meets its obligations as set forth in any memorandum of understanding executed by or on behalf of the agency relating to the Next Generation Air Transportation System.

''(C) The head of a Federal agency referred to in subparagraph (B) shall ensure that—

''(i) the responsibilities of the agency relating to the Next Generation Air Transportation System are clearly communicated to the senior official of the agency designated under subparagraph (B); and

''(ii) the performance of the senior official in carrying out the responsibilities of the agency relating to the Next Generation Air Transportation System is reflected in the official's annual performance evaluations and compensation.

''(D) The head of a Federal agency referred to in subparagraph (B) shall—

''(i) establish or designate an office within the agency to carry out its responsibilities under the memorandum of understanding under the supervision of the designated official; and

''(ii) ensure that the designated official has sufficient budgetary authority and staff resources to carry out the agency's Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subsection (b).

''(E) Not later than 6 months after the date of enactment of this subparagraph, the head of each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall execute a memorandum of understanding with the Office obligating that agency to carry out the activity.''.

(4) COORDINATION WITH OMB.—Section 709(a) of such Act (117 Stat. 2582) is further amended by adding at the end the following:

''(6)(A) The Office shall work with the Director of the Office of Management and Budget to develop a process whereby the Director will identify projects related to the Next Generation Air Transportation System across the agencies referred to in paragraph (4)(A) and consider the Next Generation Air Transportation System as a unified, cross-agency program.

''(B) The Director, to the maximum extent practicable, shall—

''(i) ensure that—

''(I) each Federal agency covered by the plan has sufficient funds requested in the President's budget, as submitted under section 1105(a) of title 31, United States Code, for each fiscal year covered by the plan to carry out its responsibilities under the plan; and

''(II) the development and implementation of the Next Generation Air Transportation System remains on schedule;

''(ii) include, in the President's budget, a statement of the portion of the estimated budget of each Federal agency covered by the plan that relates to the activities of the agency under the Next Generation Air Transportation System initiative; and

''(iii) identify and justify as part of the President's budget submission any inconsistencies between the plan and amounts requested in the budget.

''(7) The Associate Administrator of the Next Generation Air Transportation System

shall be a voting member of the Joint Resources Council of the Federal Aviation Administration.''.

(b) INTEGRATED PLAN.—Section 709(b) of such Act (117 Stat. 2583) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''meets air'' and inserting ''meets anticipated future air''; and

(B) by striking ''beyond those currently included in the Federal Aviation Administration's operational evolution plan'';

(2) by striking ''and'' at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(4) by adding at the end the following:

''(5) a multiagency integrated work plan for the Next Generation Air Transportation System that includes—

''(A) an outline of the activities required to achieve the end-state architecture, as expressed in the concept of operations and enterprise architecture documents, that identifies each Federal agency or other entity responsible for each activity in the outline;

''(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and other milestones of progress for each Federal agency or entity conducting activities relating to the Next Generation Air Transportation System;

''(C) for each element of the Next Generation Air Transportation System, an outline, on a year-by-year basis, of what is to be accomplished in that year toward meeting the Next Generation Air Transportation System's end-state architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for each component of any research, development, or implementation program;

''(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity's responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase;

''(E) a clear explanation of how each step in the development of the Next Generation Air Transportation System will lead to the following step and of the implications of not successfully completing a step in the time period described in the integrated work plan;

''(F) a transition plan for the implementation of the Next Generation Air Transportation System that includes date-specific milestones for the implementation of new capabilities into the national airspace system;

''(G) date-specific timetables for meeting the environmental goals identified in subsection (a)(3)(I); and

''(H) a description of potentially significant operational or workforce changes resulting from deployment of the Next Generation Air Transportation System.''.

(c) NEXTGEN IMPLEMENTATION PLAN.—Section 709(d) of such Act (117 Stat. 2584) is amended to read as follows:

''(d) NEXTGEN IMPLEMENTATION PLAN.—The Administrator of the Federal Aviation Administration shall develop and publish annually the document known as the 'NextGen Implementation Plan', or any successor document, that provides a detailed description of how the agency is implementing the Next Generation Air Transportation System.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 709(e) of such Act (117 Stat. 2584) is amended by striking ''2010'' and inserting ''2012''.

(e) CONTINGENCY PLANNING.—The Associate Administrator for the Next Generation Air Transportation System shall, as part of the design of the System, develop contingency plans for dealing with the degradation of the System in the event of a natural disaster, major equipment failure, or act of terrorism.

SEC. 203. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

(a) MEETINGS.—Section 710(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2584) is amended by inserting before the period at the end the following ''and shall meet at least twice each year''.

(b) ANNUAL REPORT.—Section 710 of such Act (117 Stat. 2584) is amended by adding at the end the following:

''(e) ANNUAL REPORT.—

''(1) SUBMISSION TO CONGRESS.—Not later than one year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President's budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the progress made in carrying out the integrated work plan required by section 709(b)(5) and any changes in that plan.

''(2) CONTENTS.—The report shall include—

''(A) a copy of the updated integrated work plan;

''(B) a description of the progress made in carrying out the integrated work plan and any changes in that plan, including any changes based on funding shortfalls and limitations set by the Office of Management and Budget;

''(C) a detailed description of—

''(i) the success or failure of each item of the integrated work plan for the previous year and relevant information as to why any milestone was not met; and

''(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;

''(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

''(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President's budget request.''.

SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(a) REPORT ON FAA PROGRAM AND SCHEDULE.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report detailing the program and schedule for integrating automatic dependent surveillance-broadcast (in this section referred to as ''ADS-B'') technology into the national airspace system.

(2) CONTENTS.—The report shall include—

(A) a description of segment 1 and segment 2 activity to acquire ADS-B services;

(B) a description of plans for implementation of advanced operational procedures and ADS-B air-to-air applications;

(C) a description of possible options for expanding surveillance coverage beyond the ground stations currently under contract, including enhanced ground signal coverage at airports; and

(D) a detailed description of the protections that the Administration will require as part of any contract or program in the event of a contractor's default, bankruptcy, acquisition by another entity, or any other event jeopardizing the uninterrupted provision of ADS-B services.

(3) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report prepared under paragraph (1).

(b) REQUIREMENTS OF FAA CONTRACTS FOR ADS-B SERVICES.—Any contract entered into by the Administrator with an entity to acquire ADS-B services shall contain terms and conditions that—

(1) require approval by the Administrator before the contract may be assigned to or assumed by another entity, including any successor entity, subsidiary of the contractor, or other corporate entity;

(2) provide that the assets, equipment, hardware, and software used in the performance of the contract be designated as critical national infrastructure for national security and related purposes;

(3) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of a termination of the contract;

(4) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of material nonperformance, as determined by the Administrator; and

(5) permit the Government to acquire or utilize for a reasonable period, as determined by the Administrator, the assets, equipment, hardware, and software necessary to ensure the continued and uninterrupted provision of ADS-B services and to have ready access to such assets, equipment, hardware, and software through its own personnel, agents, or others, if the Administrator provides reasonable compensation for such acquisition or utilization.

(c) REVIEW BY DOT INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a review concerning the Federal Aviation Administration's award and oversight of any contract entered into by the Administration to provide ADS-B services for the national airspace system.

(2) CONTENTS.—The review shall include, at a minimum—

(A) an examination of how program risks are being managed;

(B) an assessment of expected benefits attributable to the deployment of ADS-B services, including the implementation of advanced operational procedures and air-to-air applications as well as to the extent to which ground radar will be retained;

(C) a determination of whether the Administration has established sufficient mechanisms to ensure that all design, acquisition, operation, and maintenance requirements have been met by the contractor;

(D) an assessment of whether the Administration and any contractors are meeting cost, schedule, and performance milestones, as measured against the original baseline of the Administration's program for providing ADS-B services;

(E) an assessment of whether security issues are being adequately addressed in the overall design and implementation of the ADS-B system; and

(F) any other matters or aspects relating to contract implementation and oversight that the Inspector General determines merit attention.

(3) REPORTS TO CONGRESS.—The Inspector General shall periodically, on at least an annual basis, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee

on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this subsection.

SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC CONTROL MODERNIZATION PROJECTS.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish a process for including in the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) and collaborating with qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be impacted by such planning, development, and deployment.

(b) PARTICIPATION.—

(1) BARGAINING OBLIGATIONS AND RIGHTS.—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) CAPACITY AND COMPENSATION.—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of this section.

SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH TRANSFORMING TO THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) IN GENERAL.—The Comptroller General shall conduct a review of the progress and challenges associated with transforming the Nation's air traffic control system into the Next Generation Air Transportation System (in this section referred to as the ''NextGen System'').

(b) REVIEW.—The review shall include the following:

(1) An evaluation of the continued implementation and institutionalization of the processes that are key to the ability of the Air Traffic Organization to effectively maintain management structures and systems acquisitions procedures utilized under the current air traffic control modernization program as a basis for the NextGen System.

(2) An assessment of the progress and challenges associated with collaboration and contributions of the partner agencies working with the Joint Planning and Development Office of the Federal Aviation Administration (in this section referred to as the ''JPDO'') in planning and implementing the NextGen System.

(3) The progress and challenges associated with coordinating government and industry stakeholders in activities relating to the NextGen System, including an assessment of the contributions of the NextGen Institute.

(4) An assessment of planning and implementation of the NextGen System against established schedules, milestones, and budgets.

(5) An evaluation of the recently modified organizational structure of the JPDO.

(6) An examination of transition planning by the Air Traffic Organization and the JPDO.

(7) Any other matters or aspects of planning and coordination of the NextGen System by the Federal Aviation Administration and the JPDO that the Comptroller General determines appropriate.

(c) REPORTS.—

(1) REPORT TO CONGRESS ON PRIORITIES.—Not later than one year after the date of enactment of this Act, the Comptroller General shall determine the priority of topics to be reviewed under this section and report such priorities to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General shall periodically submit to the committees referred to in paragraph (1) a report on the results of the review conducted under this section.

SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANSPORTATION SYSTEM ACQUISITION AND PROCEDURES DEVELOPMENT.

(a) STUDY.—The Comptroller General shall conduct a review of the progress made and challenges related to the acquisition of designated technologies and the development of procedures for the Next Generation Air Transportation System (in this section referred to as the ''NextGen System'').

(b) SPECIFIC SYSTEMS REVIEW.—The review shall include, at a minimum, an examination of the acquisition costs, schedule, and other relevant considerations for the following systems:

(1) En Route Automation Modernization (ERAM).

(2) Standard Terminal Automation Replacement System/Common Automated Radar Terminal System (STARS/CARTS).

(3) Automatic Dependent Surveillance-Broadcast (ADS-B).

(4) System Wide Information Management (SWIM).

(5) Traffic Flow Management Modernization (TFM-M).

(c) REVIEW.—The review shall include, at a minimum, an assessment of the progress and challenges related to the development of standards, regulations, and procedures that will be necessary to implement the NextGen System, including required navigation performance, area navigation, the airspace management program, and other programs and procedures that the Comptroller General identifies as relevant to the transformation of the air traffic system.

(d) PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General shall periodically submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section.

SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Federal Aviation Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures, including public use procedures, for the national airspace system.

(b) ASSESSMENTS.—The Inspector General shall include, at a minimum, in the review—

(1) an assessment of the extent to which the Federal Aviation Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and

(2) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the national airspace system without the use of third party resources.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) REVIEW.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enterprise architecture for the Next Generation Air Transportation System.

(b) CONTENTS.—At a minimum, the review to be conducted under subsection (a) shall—

(1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the Administration;

(2) assess technical, cost, and schedule risk for the software development that will be necessary to achieve the expected benefits from a highly automated air traffic management system and the implications for ongoing modernization projects; and

(3) include judgments on how risks with automation efforts for the Next Generation Air Transportation System can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review conducted pursuant to subsection (a).

SEC. 210. NEXTGEN TECHNOLOGY TESTBED.

Of amounts appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of the fiscal years 2010 through 2012 to contribute to the establishment by a public-private partnership (including a university component with significant aviation expertise in air traffic management, simulation, meteorology, and engineering and aviation business) an airport-based testing site for existing Next Generation Air Transport System technologies. The Administrator shall ensure that next generation air traffic control integrated systems developed by private industries are installed at the site for demonstration, operational research, and evaluation by the Administration. The testing site shall serve a mix of general aviation and commercial traffic.

SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended in the last sentence by inserting ''with or'' before ''without reimbursement''.

SEC. 212. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

(2) by striking subparagraphs (B) and (C) and inserting the following:

''(B) runway lighting and airport surface visual and other navigation aids;

''(C) aeronautical and meteorological information to air traffic control facilities or aircraft;

''(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications;'';

(3) in subparagraph (E) (as redesignated by paragraph (1) of this section)—

(A) by striking ''another structure'' and inserting ''any structure, equipment,''; and

(B) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(F) buildings, equipment, and systems dedicated to the national airspace system.''.

SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking ''compensation'' and inserting ''compensation, and the amount received shall be credited as an offsetting collection to the account from which the amount was expended and shall remain available until expended''.

SEC. 214. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting ''; and'';

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

(A) by inserting ''public and private'' before ''foreign aviation authorities''; and

(B) by striking the period at the end of the first sentence and inserting ''or efficiency. The Administrator may participate in, and submit offers in response to, competitions to provide such services and may contract with foreign aviation authorities to provide such services consistent with section 106(l)(6). Notwithstanding any other provision of law or policy, the Administrator may accept payments received under this subsection in arrears.''; and

(2) in paragraph (3) by striking ''credited'' and all that follows through the period at the end and inserting ''credited as an offsetting collection to the account from which the expenses were incurred in providing such services and shall remain available until expended.''.

SEC. 216. FRONT LINE MANAGER STAFFING.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 217. FLIGHT SERVICE STATIONS.

(a) ESTABLISHMENT OF MONITORING SYSTEM.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and implement a monitoring system for flight service specialist staffing and training under service contracts for flight service stations.

(b) COMPONENTS.—At a minimum, the monitoring system shall include mechanisms to monitor—

(1) flight specialist staffing plans for individual facilities;

(2) actual staffing levels for individual facilities;

(3) the initial and recurrent certification and training of flight service specialists on the safety, operational, and technological aspects of flight services, including any certification and training necessary to meet user demand; and

(4) system outages, excessive hold times, dropped calls, poor quality briefings, and any other safety or customer service issues under a contract for flight service station services.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) a description of monitoring system;

(2) if the Administrator determines that contractual changes or corrective actions are required for the Administration to ensure that the vendor under a contract for flight service station services provides safe and high quality service to consumers, a description of the changes or actions required; and

(3) a description of the contingency plans of the Administrator and the protections that the Administrator will have in place to provide uninterrupted flight service station services in the event of—

(A) material non-performance of the contract;

(B) a vendor's default, bankruptcy, or acquisition by another entity; or

(C) any other event that could jeopardize the uninterrupted provision of flight service station services.

SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—Of the amount appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of fiscal years 2010 through 2012 to contribute to the establishment of a center of excellence for the research and development of Next Generation Air Transportation System technologies.

(b) FUNCTIONS.—The center established under subsection (a) shall—

(1) leverage the centers of excellence program of the Federal Aviation Administration, as well as other resources and partnerships, to enhance the development of Next Generation Air Transportation System technologies within academia and industry; and

(2) provide educational, technical, and analytical assistance to the Federal Aviation Administration and other Federal agencies with responsibilities to research and develop Next Generation Air Transportation System technologies.

SEC. 219. AIRSPACE REDESIGN.

(a) FINDINGS.—Congress finds the following:

(1) The airspace redesign efforts of the Federal Aviation Administration will play a critical near-term role in enhancing capacity, reducing delays, transitioning to more flexible routing, and ultimately saving money in fuel costs for airlines and airspace users.

(2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2009–2013 and the document known as the ''NextGen Implementation Plan''.

(3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.

(4) Several new runways planned for the period of fiscal years 2010 to 2012 will not provide estimated capacity benefits without additional funds.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized by section 106(k) of title 49, United States Code, there are authorized to be appropriated to the Administrator of the Federal Aviation Administration $20,000,000 for each of fiscal years 2010, 2011, and 2012 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

(c) ADDITIONAL AMOUNTS.—Of the amounts appropriated under section 48101(a) of such title, the Administrator may use $5,000,000 for each of fiscal years 2010, 2011, and 2012 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

TITLE III—SAFETY

Subtitle A—General Provisions

SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

''(3) JUDICIAL REVIEW.—A person who is substantially affected by an order of the Board under this subsection, or the Administrator if the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this subtitle, may seek judicial review of the order under section 46110. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.''.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking ''section 44709 or'' and inserting ''section 44703(d), 44709, or''.

SEC. 302. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

(a) RELEASE OF DATA.—Section 44704(a) is amended by adding at the end the following:

''(5) RELEASE OF DATA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request to a person seeking to maintain the airworthiness of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

''(i) the certificate containing the requested data has been inactive for 3 or more years;

''(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate; and

''(iii) making such data available will enhance aviation safety.

''(B) ENGINEERING DATA DEFINED.—In this section, the term 'engineering data' as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft engine, propeller, or appliance.''.

(b) DESIGN ORGANIZATION CERTIFICATES.—Section 44704(e)(1) is amended by striking ''Beginning 7 years after the date of enactment of this subsection,'' and inserting ''Beginning January 1, 2014,''.

SEC. 303. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

''§ 44730. Inspection of foreign repair stations

''(a) IN GENERAL.—Not later than one year after the date of enactment of this section, and annually thereafter, the Administrator of the Federal Aviation Administration shall—

''(1) submit to Congress a certification that each foreign repair station that is certified by the Administrator under part 145 of title 14, Code of Federal Regulations, and performs work on air carrier aircraft or components has been inspected by safety inspectors of the Administration not fewer than 2 times in the preceding calendar year;

''(2) modify the certification requirements under such part to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of any individual performing a safety-sensitive function at a foreign aircraft repair station, including an individual working at a station of a third-party with whom an air carrier contracts to perform work on air carrier aircraft or components; and

''(3) continue to hold discussions with countries that have foreign repair stations that perform work on air carrier aircraft and components to ensure harmonization of the safety standards of such countries with those of the United States, including standards governing maintenance requirements, education and licensing of maintenance personnel, training, oversight, and mutual inspection of work sites.

''(b) REGULATORY AUTHORITY WITH RESPECT TO CERTAIN FOREIGN REPAIR STATIONS.—With respect to repair stations that are located in countries that are party to the agreement entitled ''Agreement between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety'', dated June 30, 2008, the requirements of subsection (a) are an exercise of the rights of the United States under paragraph A of Article 15 of the Agreement, which provides that nothing in the Agreement shall be construed to limit the authority of a party to determine through its legislative, regulatory, and administrative measures, the level of protection it considers appropriate for civil aviation safety.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''44730. Inspection of foreign repair stations.''.

SEC. 304. RUNWAY SAFETY.

(a) STRATEGIC RUNWAY SAFETY PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and submit to Congress a report containing a strategic runway safety plan.

(2) CONTENTS OF PLAN.—The strategic runway safety plan—

(A) shall include, at a minimum—

(i) goals to improve runway safety;

(ii) near- and longer-term actions designed to reduce the severity, number, and rate of runway incursions;

(iii) timeframes and resources needed for the actions described in clause (ii); and

(iv) a continuous evaluative process to track performance toward the goals referred to in clause (i); and

(B) shall address the increased runway safety risk associated with the expected increased volume of air traffic.

(b) PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall submit to Congress a report containing a plan for the installation and deployment of systems the Administration is installing to alert controllers or flight crews, or both, of potential runway incursions. The plan shall be integrated into the annual NextGen Implementation Plan document of the Administration or any successor document.

SEC. 305. IMPROVED PILOT LICENSES.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(b) REQUIREMENTS.—Improved pilots licenses issued under subsection (a) shall—

(1) be resistant to tampering, alteration, and counterfeiting;

(2) include a photograph of the individual to whom the license is issued; and

(3) be capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier that the Administrator considers necessary.

(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered, altered, or counterfeited.

(d) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent feasible in order to minimize the burdens on pilots.

(e) REPORT.—Not later than 9 months after the date of enactment of this Act and every 6 months thereafter until September 30, 2012, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

SEC. 306. FLIGHT CREW FATIGUE.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

(b) STUDY.—The study shall include consideration of—

(1) research on pilot fatigue, sleep, and circadian rhythms;

(2) sleep and rest requirements of pilots recommended by the National Aeronautics and Space Administration and the National Transportation Safety Board; and

(3) Federal Aviation Administration and international standards regarding flight limitations and rest for pilots.

(c) REPORT.—Not later than 18 months after initiating the study, the National Academy of Sciences shall submit to the Administrator a report containing its findings and recommendations regarding the study under subsections (a) and (b), including recommendations with respect to Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(d) RULEMAKING.—After the Administrator receives the report of the National Academy of Sciences, the Administrator shall consider the findings in the report and update as appropriate based on scientific data Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(e) FLIGHT ATTENDANT FATIGUE.—

(1) STUDY.—The Administrator, acting through the Civil Aerospace Medical Institute, shall conduct a study on the issue of flight attendant fatigue.

(2) CONTENTS.—The study shall include the following:

(A) A survey of field operations of flight attendants.

(B) A study of incident reports regarding flight attendant fatigue.

(C) Field research on the effects of such fatigue.

(D) A validation of models for assessing flight attendant fatigue.

(E) A review of international policies and practices regarding flight limitations and rest of flight attendants.

(F) An analysis of potential benefits of training flight attendants regarding fatigue.

(3) REPORT.—Not later than June 30, 2010, the Administrator shall submit to Congress a report on the results of the study.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 307. OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR FLIGHT ATTENDANTS ON BOARD AIRCRAFT.

(a) IN GENERAL.—Chapter 447 (as amended by section 303 of this Act) is further amended by adding at the end the following:

''§ 44731. Occupational safety and health standards for flight attendants on board aircraft

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prescribe and enforce standards and regulations to ensure the occupational safety and health of individuals serving as flight attendants in the cabin of an aircraft of an air carrier.

''(b) STANDARDS AND REGULATIONS.—Standards and regulations issued under this section shall require each air carrier operating an aircraft in air transportation—

''(1) to provide for an environment in the cabin of the aircraft that is free from hazards that could cause physical harm to a flight attendant working in the cabin; and

''(2) to meet minimum standards for the occupational safety and health of flight attendants who work in the cabin of the aircraft.

''(c) RULEMAKING.—In carrying out this section, the Administrator shall conduct a rulemaking proceeding to address, at a minimum, the following areas:

''(1) Record keeping.

''(2) Blood borne pathogens.

''(3) Noise.

''(4) Sanitation.

''(5) Hazard communication.

''(6) Anti-discrimination.

''(7) Access to employee exposure and medical records.

''(8) Temperature standards for the aircraft cabin.

''(d) REGULATIONS.—

''(1) DEADLINE.—Not later than 3 years after the date of enactment of this section, the Administrator shall issue final regulations to carry out this section.

''(2) CONTENTS.—Regulations issued under this subsection shall address each of the issues identified in subsection (c) and others

aspects of the environment of an aircraft cabin that may cause illness or injury to a flight attendant working in the cabin.

''(3) EMPLOYER ACTIONS TO ADDRESS OCCUPATIONAL SAFETY AND HEALTH HAZARDS.—Regulations issued under this subsection shall set forth clearly the circumstances under which an air carrier is required to take action to address occupational safety and health hazards.

''(e) ADDITIONAL RULEMAKING PROCEEDINGS.—After issuing regulations under subsection (c), the Administrator may conduct additional rulemaking proceedings as the Administrator determines appropriate to carry out this section.

''(f) OVERSIGHT.—

''(1) CABIN OCCUPATIONAL SAFETY AND HEALTH INSPECTORS.—The Administrator shall establish the position of Cabin Occupational Safety and Health Inspector within the Federal Aviation Administration and shall employ individuals with appropriate qualifications and expertise to serve in the position.

''(2) RESPONSIBILITIES.—Inspectors employed under this subsection shall be solely responsible for conducting proper oversight of air carrier programs implemented under this section.

''(g) CONSULTATION.—In developing regulations under this section, the Administrator shall consult with the Administrator of the Occupational Safety and Health Administration, labor organizations representing flight attendants, air carriers, and other interested persons.

''(h) SAFETY PRIORITY.—In developing and implementing regulations under this section, the Administrator shall give priority to the safe operation and maintenance of an aircraft.

''(i) FLIGHT ATTENDANT DEFINED.—In this section, the term 'flight attendant' has the meaning given that term by section 44728.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

''*44731. Occupational safety and health standards for flight attendants on board aircraft.*''.

SEC. 308. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS AREAS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration may establish a pilot program to improve safety and efficiency by providing surveillance for aircraft flying outside of radar coverage in mountainous areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SEC. 309. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a review of off-airport, low-altitude aircraft weather observation technologies.

(b) SPECIFIC REVIEW.—The review shall include, at a minimum, an examination of off-airport, low-altitude weather reporting needs, an assessment of technical alternatives (including automated weather observation stations), an investment analysis, and recommendations for improving weather reporting.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the results of the review.

SEC. 310. NONCERTIFICATED MAINTENANCE PROVIDERS.

(a) ISSUANCE OF REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—Covered maintenance work for a part 121 air carrier shall only be performed by—

(1) an individual employed by the air carrier;

(2) an individual employed by another part 121 air carrier;

(3) an individual employed by a part 145 repair station; or

(4) an individual employed by a company that provides contract maintenance workers to a part 145 repair station or part 121 air carrier, if the individual—

(A) meets the requirements of the part 145 repair station or the part 121 air carrier;

(B) works under the direct supervision and control of the part 145 repair station or part 121 air carrier; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual and, if applicable, the part 145 certificate holder's repair station and quality control manuals.

(c) PLAN.—

(1) DEVELOPMENT.—The Administrator shall develop a plan to—

(A) require air carriers to identify and provide to the Administrator a complete listing of all noncertificated maintenance providers that perform, before the effective date of the regulations to be issued under subsection (a), covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations;

(B) validate the lists that air carriers provide under subparagraph (A) by sampling air carrier records, such as maintenance activity reports and general vendor listings; and

(C) include surveillance and oversight by field inspectors of the Federal Aviation Administration for all noncertificated maintenance providers that perform covered maintenance work on aircraft used to provide air transportation in accordance with such part 121.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing the plan developed under paragraph (1).

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED MAINTENANCE WORK.—The term ''covered maintenance work'' means maintenance work that is essential, regularly scheduled, or a required inspection item, as determined by the Administrator.

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) PART 145 REPAIR STATION.—The term ''part 145 repair station'' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

(4) NONCERTIFICATED MAINTENANCE PROVIDER.—The term ''noncertificated maintenance provider'' means a maintenance provider that does not hold a certificate issued under part 121 or part 145 of title 14 Code of Federal Regulations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the Administrator to hire additional field safety inspectors to ensure adequate and timely inspection of maintenance providers that perform covered maintenance work.

SEC. 311. AIRCRAFT RESCUE AND FIREFIGHTING STANDARDS.

(a) RULEMAKING PROCEEDING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the purpose of issuing a proposed and final rule that revises the aircraft rescue and firefighting standards (''ARFF'') under part 139 of title 14, Code of Federal Regulations, to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.

(b) CONTENTS OF PROPOSED AND FINAL RULE.—The proposed and final rule to be issued under subsection (a) shall address the following:

(1) The mission of aircraft rescue and firefighting personnel, including responsibilities for passenger egress in the context of other Administration requirements.

(2) The proper level of staffing.

(3) The timeliness of a response.

(4) The handling of hazardous materials incidents at airports.

(5) Proper vehicle deployment.

(6) The need for equipment modernization.

(c) CONSISTENCY WITH VOLUNTARY CONSENSUS STANDARDS.—The proposed and final rule issued under subsection (a) shall be, to the extent practical, consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports.

(d) ASSESSMENTS OF POTENTIAL IMPACTS.—In the rulemaking proceeding initiated under subsection (a), the Administrator shall assess the potential impact of any revisions to the firefighting standards on airports and air transportation service.

(e) INCONSISTENCY WITH STANDARDS.—If the proposed or final rule issued under subsection (a) is not consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports, the Administrator shall submit to the Office of Management and Budget an explanation of the reasons for such inconsistency in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(f) FINAL RULE.—Not later than 24 months after the date of enactment of this Act, the Administrator shall issue the final rule required by subsection (a).

SEC. 312. COCKPIT SMOKE.

(a) STUDY.—The Comptroller General shall conduct a study on the effectiveness of oversight activities of the Federal Aviation Administration relating to preventing or mitigating the effects of dense continuous smoke in the cockpit of a commercial aircraft.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 313. SAFETY OF HELICOPTER AIR AMBULANCE OPERATIONS.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''§ 44732. Helicopter air ambulance operations

''(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to improve the safety of flight crewmembers, medical personnel, and passengers onboard helicopters providing helicopter air ambulance services under part 135 of title 14, Code of Federal Regulations.

''(b) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall address the following:

''(1) Flight request and dispatch procedures, including performance-based flight dispatch procedures.

''(2) Pilot training standards, including—

''(A) mandatory training requirements, including a minimum time for completing the training requirements;

''(B) training subject areas, such as communications procedures and appropriate technology use;

''(C) establishment of training standards in—

''(i) crew resource management;

''(ii) flight risk evaluation;

''(iii) preventing controlled flight into terrain;

''(iv) recovery from inadvertent flight into instrument meteorological conditions;

''(v) operational control of the pilot in command; and

''(vi) use of flight simulation training devices and line oriented flight training.

''(3) Safety-enhancing technology and equipment, including—

''(A) helicopter terrain awareness and warning systems;

''(B) radar altimeters;

''(C) devices that perform the function of flight data recorders and cockpit voice recorders, to the extent feasible; and

''(D) safety equipment that should be worn or used by flight crewmembers and medical personnel on a flight, including the possible use of shoulder harnesses, helmets, seatbelts, and fire resistant clothing to enhance crash survivability.

''(4) Such other matters as the Administrator considers appropriate.

''(c) MINIMUM REQUIREMENTS.—In issuing a final rule under subsection (a), the Administrator, at a minimum, shall provide for the following:

''(1) FLIGHT RISK EVALUATION PROGRAM.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services—

''(A) establishes a flight risk evaluation program, based on FAA Notice 8000.301 issued by the Administration on August 1, 2005, including any updates thereto;

''(B) as part of the flight risk evaluation program, develops a checklist for use by pilots in determining whether a flight request should be accepted; and

''(C) requires the pilots of the certificate holder to use the checklist.

''(2) OPERATIONAL CONTROL CENTER.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services using 10 or more helicopters has an operational control center that meets such requirements as the Administrator may prescribe.

''(3) COMPLIANCE.—The Administrator shall ensure that a part 135 certificate holder providing helicopter air ambulance services complies with applicable regulations under part 135 of title 14, Code of Federal Regulations, including regulations on weather minima and flight and duty time whenever medical personnel are onboard the aircraft.

''(d) DEADLINES.—The Administrator shall—

''(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking under subsection (a); and

''(2) not later than 16 months after the close of the comment period on the proposed rule, issue a final rule.

''(e) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term 'part 135 certificate holder' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

''§ 44733. Collection of data on helicopter air ambulance operations

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require a part 135 certificate holder providing helicopter air ambulance services to submit to the Administrator, not later than one year after the date of enactment of this section, and annually thereafter, a report containing, at a minimum, the following data:

''(1) The number of helicopters that the certificate holder uses to provide helicopter air ambulance services and the base locations of the helicopters.

''(2) The number of flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services.

''(3) The number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight).

''(4) The number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents.

''(5) The number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services.

''(6) The time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services.

''(b) REPORTING PERIOD.—Data contained in a report submitted by a part 135 certificate holder under subsection (a) shall relate to such reporting period as the Administrator determines appropriate.

''(c) DATABASE.—Not later than 6 months after the date of enactment of this section, the Administrator shall develop a method to collect and store the data collected under subsection (a), including a method to protect the confidentiality of any trade secret or proprietary information provided in response to this section.

''(d) REPORT TO CONGRESS.—Not later than 24 months after the date of enactment of this section, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of the data collected under subsection (a).

''(e) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term 'part 135 certificate holder' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 447 (as amended by this Act) is further amended by adding at the end the following:

''Sec. 44732. Helicopter air ambulance operations.

''Sec. 44733. Collection of data on helicopter air ambulance operations.''.

SEC. 314. FEASIBILITY OF REQUIRING HELICOPTER PILOTS TO USE NIGHT VISION GOGGLES.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of requiring pilots of helicopters providing helicopter air ambulance services under part 135 of title 14, Code of Federal Regulations, to use night vision goggles during nighttime operations.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult with owners and operators of helicopters providing helicopter air ambulance services under such part 135 and aviation safety professionals to determine the benefits, financial considerations, and risks associated with requiring the use of night vision goggles.

(c) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 315. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) IN GENERAL.—The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and recommendations pertinent to ensuring a safe air ambulance industry.

(b) REQUIRED INFORMATION.—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certificate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) ANALYSIS AND RECOMMENDATIONS.—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services,

the availability and coordination of service, and costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) REPORT.—Not later than June 1, 2010, the Comptroller General shall submit to the Secretary of Transportation and the appropriate committees of Congress a report containing its findings and recommendations regarding the study under this section.

(e) ADOPTION OF RECOMMENDED POLICY CHANGES.—Not later than 60 days after the date of receipt of the report under subsection (d), the Secretary shall issue a report to the appropriate committees of Congress, that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate.

(f) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term ''part 135 certificate holder'' means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

Subtitle B—Unmanned Aircraft Systems

SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS INTEGRATION PLAN.

(a) INTEGRATION PLAN.—

(1) COMPREHENSIVE PLAN.—Not later than 9 months after the date of enactment of this Act, the Secretary, in consultation with representatives of the aviation industry, shall develop a comprehensive plan to safely integrate commercial unmanned aircraft systems into the national airspace system.

(2) MINIMUM REQUIREMENTS.—In developing the plan under paragraph (1), the Secretary shall, at a minimum—

(A) review technologies and research that will assist in facilitating the safe integration of commercial unmanned aircraft systems into the national airspace system;

(B) provide recommendations or projections for the rulemaking to be conducted under subsection (b) to—

(i) define the acceptable standards for operations and certification of commercial unmanned aircraft systems;

(ii) ensure that any commercial unmanned aircraft system includes a detect, sense, and avoid capability; and

(iii) develop standards and requirements for the operator, pilot, and programmer of a commercial unmanned aircraft system, including standards and requirements for registration and licensing;

(C) recommend how best to enhance the technologies and subsystems necessary to effect the safe and routine operations of commercial unmanned aircraft systems in the national airspace system; and

(D) recommend how a phased-in approach to the integration of commercial unmanned aircraft systems into the national airspace system can best be achieved and a timeline upon which such a phase-in shall occur.

(3) DEADLINE.—The plan to be developed under paragraph (1) shall provide for the safe integration of commercial unmanned aircraft systems into the national airspace system as soon as possible, but not later than September 30, 2013.

(4) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a copy of the plan developed under paragraph (1).

(b) RULEMAKING.—Not later than 18 months after the date on which the integration plan is submitted to Congress under subsection (a)(4), the Administrator of the Federal Aviation Administration shall publish in the Federal Register a notice of proposed rulemaking to implement the recommendations of the integration plan.

(c) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 322. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Notwithstanding the requirements of sections 321 and 323, and not later than 6 months after the date of enactment of this Act, the Secretary shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rulemaking required by section 321 or the guidance required by section 323.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and population areas, and operation within visual line-of-sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of authorization or an airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

Not later than 9 months after the date of enactment of this Act, the Secretary shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures and the necessary safety analysis and data become available and until standards are completed and technology issues are resolved; and

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems.

SEC. 324. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) CERTIFICATE OF AUTHORIZATION.—The term ''certificate of authorization'' means a Federal Aviation Administration grant of approval for a specific flight operation.

(2) DETECT, SENSE, AND AVOID CAPABILITY.—The term ''detect, sense, and avoid capability'' means the technical capability to perform separation assurance and collision avoidance, as defined by the Federal Aviation Administration.

(3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term ''public unmanned aircraft system'' means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft, as defined by section 40102 of title 49, United States Code.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(5) TEST RANGE.—The term ''test range'' means a defined geographic area where research and development are conducted.

(6) UNMANNED AIRCRAFT.—The term ''unmanned aircraft'' means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(7) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' means an unmanned aircraft and associated elements (such as communication links and a ground control station) that are required to operate safely and efficiently in the national airspace system.

Subtitle C—Safety and Protections

SEC. 331. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 is amended by adding at the end the following:

''(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

''(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration (in this subsection referred to as the 'Agency') an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the 'Office').

''(2) DIRECTOR.—

''(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

''(B) REPORTS AND RECOMMENDATIONS TO SECRETARY.—The Director shall provide regular reports to the Secretary of Transportation. The Director may recommend that the Secretary take any action necessary for the Office to carry out its functions, including protection of complainants and witnesses.

''(C) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

''(D) TERM.—The Director shall be appointed for a term of 5 years.

''(E) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

''(3) COMPLAINTS AND INVESTIGATIONS.—

''(A) AUTHORITY OF DIRECTOR.—The Director shall—

''(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety;

''(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred; and

''(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Secretary and Administrator in writing for—

''(I) further investigation by the Office, the Inspector General of the Department of Transportation, or other appropriate investigative body; or

''(II) corrective actions.

''(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity or identifying information of an individual who submits a complaint or information under subparagraph (A)(i) unless—

''(i) the individual consents to the disclosure in writing; or

''(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable, in which case the Director shall provide the individual with reasonable advance notice.

''(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Agency may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted under subparagraph (A)(i) or from reporting to Congress on any such assessment.

''(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to, and can order the retention of, all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred. The Director may order sworn testimony from appropriate witnesses during the course of an investigation.

''(E) PROCEDURE.—The Office shall establish procedures equivalent to sections 1213(d) and 1213(e) of title 5 for investigation, report, employee comment, and evaluation by the Secretary for any investigation conducted pursuant to paragraph (3)(A).

''(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall—

''(A) respond within 60 days to a recommendation made by the Director under paragraph (3)(A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation, in accordance with established record retention requirements; and

''(B) ensure that the findings of all referrals for further investigation or corrective actions taken are reported to the Director.

''(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Secretary, the Administrator, and the Inspector General of the Department of Transportation.

''(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

''(7) RETALIATION AGAINST AGENCY EMPLOYEES.—Any retaliatory action taken or threatened against an employee of the Agency for good faith participation in activities under this subsection is prohibited. The Director shall make all policy recommendations and specific requests to the Secretary for relief necessary to protect employees of the Agency who initiate or participate in investigations under this subsection. The Secretary shall respond in a timely manner and shall share the responses with the appropriate committees of Congress.

''(8) DISCIPLINARY ACTIONS.—The Secretary shall exercise the Secretary's authority under section 2302 of title 5 for the prevention of prohibited personnel actions in any case in which the prohibited personnel action is taken against an employee of the Agency who, in good faith, has reported the possible existence of an activity relating to a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety. In exercising such authority, the Secretary may subject an employee of the Agency who has taken or failed to take, or threatened to take or fail to take, a personnel action in violation of such section to a disciplinary action up to and including termination.

''(9) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a public report containing—

''(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

''(B) summaries of those submissions;

''(C) summaries of further investigations, corrective actions recommended, and referrals in response to the submissions;

''(D) summaries of the responses of the Administrator to such recommendations; and

''(E) an evaluation of personnel and resources necessary to effectively support the mandate of the Office.''.

SEC. 332. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) FINDINGS.—Congress finds the following:

(1) Subsections (a) and (d) of section 40101 of title 49, United States Code, directs the Federal Aviation Administration (in this section referred to as the ''Agency'') to make safety its highest priority.

(2) In 1996, to ensure that there would be no appearance of a conflict of interest for the Agency in carrying out its safety responsibilities, Congress amended section 40101(d) of such title to remove the responsibilities of the Agency to promote airlines.

(3) Despite these directives from Congress regarding the priority of safety, the Agency issued a vision statement in which it stated that it has a ''vision'' of ''being responsive to our customers and accountable to the public'' and, in 2003, issued a customer service initiative that required aviation inspectors to treat air carriers and other aviation certificate holders as ''customers'' rather than regulated entities.

(4) The initiatives described in paragraph (3) appear to have given regulated entities and Agency inspectors the impression that the management of the Agency gives an unduly high priority to the satisfaction of regulated entities regarding its inspection and certification decisions and other lawful actions of its safety inspectors.

(5) As a result of the emphasis on customer satisfaction, some managers of the Agency have discouraged vigorous enforcement and replaced inspectors whose lawful actions adversely affected an air carrier.

(b) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Agency—

(1) to remove any reference to air carriers or other entities regulated by the Agency as ''customers'';

(2) to clarify that in regulating safety the only customers of the Agency are individuals traveling on aircraft; and

(3) to clarify that air carriers and other entities regulated by the Agency do not have the right to select the employees of the Agency who will inspect their operations.

(c) SAFETY PRIORITY.—In carrying out the Administrator's responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Agency with an employee of the Agency.

SEC. 333. POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.

(a) IN GENERAL.—Section 44711 of title 49, United States Code, is amended by adding at the end the following:

''(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

''(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration (in this subsection referred to as the 'Agency') if the individual, in the preceding 2-year period—

''(A) served as, or was responsible for oversight of, a flight standards inspector of the Agency; and

''(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

''(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Agency if the individual makes any written or oral communication on behalf of the certificate holder to the Agency (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Agency.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 334. ASSIGNMENT OF PRINCIPAL SUPERVISORY INSPECTORS.

(a) IN GENERAL.—An individual serving as a principal supervisory inspector of the Federal Aviation Administration (in this section referred to as the ''Agency'') may not be responsible for overseeing the operations of a single air carrier for a continuous period of more than 5 years.

(b) TRANSITIONAL PROVISION.—An individual serving as a principal supervisory inspector of the Agency with respect to an air carrier as of the date of enactment of this Act may be responsible for overseeing the operations of the carrier until the last day of the 5-year period specified in subsection (a) or last day of the 2-year period beginning on such date of enactment, whichever is later.

(c) ISSUANCE OF ORDER.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue an order to carry out this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section.

SEC. 335. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Federal Aviation Administration (in this section referred to as the ''Agency'') is reviewed by a team of employees of the Agency, including at least one employee selected by the exclusive bargaining representative for aviation safety inspectors, on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 336. IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM.

(a) VOLUNTARY DISCLOSURE REPORTING PROGRAM DEFINED.—In this section, the term ''Voluntary Disclosure Reporting Program'' means the program established by the Federal Aviation Administration through Advisory Circular 00–58A, dated September 8, 2006, including any subsequent revisions thereto.

(b) VERIFICATION.—The Administrator of the Federal Aviation Administration shall modify the Voluntary Disclosure Reporting Program to require inspectors to—

(1) verify that air carriers implement comprehensive solutions to correct the underlying causes of the violations voluntarily disclosed by such air carriers; and

(2) confirm, before approving a final report of a violation, that the violation, or another violation occurring under the same circumstances, has not been previously discovered by an inspector or self-disclosed by the air carrier.

(c) SUPERVISORY REVIEW OF VOLUNTARY SELF DISCLOSURES.—The Administrator shall establish a process by which voluntary self-disclosures received from air carriers are reviewed and approved by a supervisor after the initial review by an inspector.

(d) INSPECTOR GENERAL STUDY.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Inspector General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration (FAA) aware of violations that the FAA would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the FAA insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but FAA did not;

(C) the information the FAA gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads FAA investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

Subtitle D—Airline Safety and Pilot Training Improvement

SEC. 341. SHORT TITLE.

This subtitle may be cited as the ''Airline Safety and Pilot Training Improvement Act of 2010''.

SEC. 342. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle, the following definitions apply:

(1) ADVANCED QUALIFICATION PROGRAM.—The term ''advanced qualification program'' means the program established by the Federal Aviation Administration in Advisory Circular 120–54A, dated June 23, 2006, including any subsequent revisions thereto.

(2) AIR CARRIER.—The term ''air carrier'' has the meaning given that term in section 40102 of title 49, United States Code.

(3) AVIATION SAFETY ACTION PROGRAM.—The term ''aviation safety action program'' means the program established by the Federal Aviation Administration in Advisory Circular 120–66B, dated November 15, 2002, including any subsequent revisions thereto.

(4) FLIGHT CREWMEMBER.—The term ''flight crewmember'' has the meaning given that term in part 1.1 of title 14, Code of Federal Regulations.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term ''flight operational quality assurance program'' means the program established by the Federal Aviation Administration in Advisory Circular 120–82, dated April 12, 2004, including any subsequent revisions thereto.

(6) LINE OPERATIONS SAFETY AUDIT.—The term ''line operations safety audit'' means the procedure referenced by the Federal Aviation Administration in Advisory Circular 120–90, dated April 27, 2006, including any subsequent revisions thereto.

(7) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(8) PART 135 AIR CARRIER.—The term ''part 135 air carrier'' means an air carrier that holds a certificate issued under part 135 of title 14, Code of Federal Regulations.

SEC. 343. FAA TASK FORCE ON AIR CARRIER SAFETY AND PILOT TRAINING.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the FAA Task Force on Air Carrier Safety and Pilot Training (in this section referred to as the ''Task Force'').

(b) COMPOSITION.—The Task Force shall consist of members appointed by the Administrator and shall include air carrier representatives, labor union representatives, and aviation safety experts with knowledge of foreign and domestic regulatory requirements for flight crewmember education and training.

(c) DUTIES.—The duties of the Task Force shall include, at a minimum, evaluating best practices in the air carrier industry and providing recommendations in the following areas:

(1) Air carrier management responsibilities for flight crewmember education and support.

(2) Flight crewmember professional standards.

(3) Flight crewmember training standards and performance.

(4) Mentoring and information sharing between air carriers.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, and before the last day of each 180-day period thereafter until termination of the Task Force, the Task Force shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing—

(1) the progress of the Task Force in identifying best practices in the air carrier industry;

(2) the progress of air carriers and labor unions in implementing the best practices identified by the Task Force;

(3) recommendations of the Task Force, if any, for legislative or regulatory actions;

(4) the progress of air carriers and labor unions in implementing training-related, nonregulatory actions recommended by the Administrator; and

(5) the progress of air carriers in developing specific programs to share safety data and ensure implementation of the most effective safety practices.

(e) TERMINATION.—The Task Force shall terminate on September 30, 2012.

(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 344. IMPLEMENTATION OF NTSB FLIGHT CREWMEMBER TRAINING RECOMMENDATIONS.

(a) RULEMAKING PROCEEDINGS.—

(1) STALL AND UPSET RECOGNITION AND RECOVERY TRAINING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to provide flight crewmembers with ground training and flight training or flight simulator training—

(A) to recognize and avoid a stall of an aircraft or, if not avoided, to recover from the stall; and

(B) to recognize and avoid an upset of an aircraft or, if not avoided, to execute such techniques as available data indicate are appropriate to recover from the upset in a given make, model, and series of aircraft.

(2) REMEDIAL TRAINING PROGRAMS.—The Administrator shall conduct a rulemaking proceeding to require part 121 air carriers to establish remedial training programs for flight crewmembers who have demonstrated performance deficiencies or experienced failures in the training environment.

(3) DEADLINES.—The Administrator shall—

(A) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under each of paragraphs (1) and (2); and

(B) not later than 24 months after the date of enactment of this Act, issue a final rule for the rulemaking under each of paragraphs (1) and (2).

(b) STICK PUSHER TRAINING AND WEATHER EVENT TRAINING.—

(1) MULTIDISCIPLINARY PANEL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary panel of specialists in aircraft operations, flight crewmember training, human factors, and aviation safety to study and submit to the Administrator a report on methods to increase the familiarity of flight crewmembers with, and improve the response of flight crewmembers to, stick pusher systems, icing conditions, and microburst and windshear weather events.

(2) REPORT TO CONGRESS AND NTSB.—Not later than one year after the date on which the Administrator convenes the panel, the Administrator shall—

(A) submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel; and

(B) with respect to stick pusher systems, initiate appropriate actions to implement the recommendations of the panel.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) FLIGHT TRAINING AND FLIGHT SIMULATOR.—The terms ''flight training'' and ''flight simulator'' have the meanings given those terms in part 61.1 of title 14, Code of Federal Regulations (or any successor regulation).

(2) STALL.—The term ''stall'' means an aerodynamic loss of lift caused by exceeding the critical angle of attack.

(3) STICK PUSHER.—The term ''stick pusher'' means a device that, at or near a stall, applies a nose down pitch force to an aircraft's control columns to attempt to decrease the aircraft's angle of attack.

(4) UPSET.—The term ''upset'' means an unusual aircraft attitude.

SEC. 345. SECRETARY OF TRANSPORTATION RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The first sentence of section 1135(a) of title 49, United States Code, is amended by inserting ''to the National Transportation Safety Board'' after ''shall give''.

(b) AIR CARRIER SAFETY RECOMMENDATIONS.—Section 1135 of such title is amended—

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

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

''(c) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

''(1) IN GENERAL.—The Secretary shall submit to Congress and the Board, on an annual basis, a report on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

''(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

''(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

''(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

''(3) CONTENTS.—

''(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

''(i) a description of the recommendation;

''(ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;

''(iii) the proposed date for completing the procedures; and

''(iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

''(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

''(i) a description of the recommendation; and

''(ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.''.

SEC. 346. FAA PILOT RECORDS DATABASE.

(a) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44703(h) of title 49, United States Code, is amended by adding at the end the following:

''(16) APPLICABILITY.—This subsection shall cease to be effective on the date specified in regulations issued under subsection (i).''.

(b) ESTABLISHMENT OF FAA PILOT RECORDS DATABASE.—Section 44703 of such title is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

''(i) FAA PILOT RECORDS DATABASE.—

''(1) IN GENERAL.—Before allowing an individual to begin service as a pilot, an air carrier shall access and evaluate, in accordance with the requirements of this subsection, information pertaining to the individual from the pilot records database established under paragraph (2).

''(2) PILOT RECORDS DATABASE.—The Administrator shall establish an electronic database (in this subsection referred to as the 'database') containing the following records:

''(A) FAA RECORDS.—From the Administrator—

''(i) records that are maintained by the Administrator concerning current airman certificates, including airman medical certificates and associated type ratings and information on any limitations to those certificates and ratings;

''(ii) records that are maintained by the Administrator concerning any failed attempt of an individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

''(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

''(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the Armed Forces, the National Guard, or a reserve component of the Armed Forces) that has employed an individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—

''(i) records pertaining to the individual that are maintained by the air carrier (other than records relating to flight time, duty time, or rest time), including records under regulations set forth in—

''(I) section 121.683 of title 14, Code of Federal Regulations;

''(II) paragraph (A) of section VI, appendix I, part 121 of such title;

''(III) paragraph (A) of section IV, appendix J, part 121 of such title;

''(IV) section 125.401 of such title; and

''(V) section 135.63(a)(4) of such title; and

''(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

''(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

''(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

''(III) any release from employment or resignation, termination, or disqualification with respect to employment.

''(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

''(3) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier—

''(A) shall obtain the written consent of an individual before accessing records pertaining to the individual under paragraph (1); and

''(B) may, notwithstanding any other provision of law or agreement to the contrary, require an individual with respect to whom the carrier is accessing records under paragraph (1) to execute a release from liability for any claim arising from accessing the records or the use of such records by the air carrier in accordance with this section (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

''(4) REPORTING.—

''(A) REPORTING BY ADMINISTRATOR.—The Administrator shall enter data described in paragraph (2)(A) into the database promptly to ensure that an individual's records are current.

''(B) REPORTING BY AIR CARRIERS AND OTHER PERSONS.—

''(i) IN GENERAL.—Air carriers and other persons shall report data described in paragraphs (2)(B) and (2)(C) to the Administrator promptly for entry into the database.

''(ii) DATA TO BE REPORTED.—Air carriers and other persons shall report, at a minimum, under clause (i) the following data described in paragraph (2)(B):

''(I) Records that are generated by the air carrier or other person after the date of enactment of this paragraph.

''(II) Records that the air carrier or other person is maintaining, on such date of enactment, pursuant to subsection (h)(4).

''(5) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator—

''(A) shall maintain all records entered into the database under paragraph (2) pertaining to an individual until the date of receipt of notification that the individual is deceased; and

''(B) may remove the individual's records from the database after that date.

''(6) RECEIPT OF CONSENT.—The Administrator shall not permit an air carrier to access records pertaining to an individual from the database under paragraph (1) without the air carrier first demonstrating to the satisfaction of the Administrator that the air carrier has obtained the written consent of the individual.

''(7) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS AND CORRECT INACCURACIES.—Notwithstanding any other provision of law or agreement, the Administrator, upon receipt of written request from an individual—

''(A) shall make available, not later than 30 days after the date of the request, to the individual for review all records referred to in paragraph (2) pertaining to the individual; and

''(B) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records.

''(8) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—The Administrator may establish a reasonable charge for the cost of processing a request under paragraph (1) or (7) and for the cost of furnishing copies of requested records under paragraph (7).

''(9) PRIVACY PROTECTIONS.—

''(A) USE OF RECORDS.—An air carrier that accesses records pertaining to an individual under paragraph (1) may use the records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the individual and the confidentiality of the records accessed, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

''(B) DISCLOSURE OF INFORMATION.—

''(i) IN GENERAL.—Except as provided by clause (ii), information collected by the Administrator under paragraph (2) shall be exempt from the disclosure requirements of section 552 of title 5.

''(ii) EXCEPTIONS.—Clause (i) shall not apply to—

''(I) de-identified, summarized information to explain the need for changes in policies and regulations;

''(II) information to correct a condition that compromises safety;

''(III) information to carry out a criminal investigation or prosecution;

''(IV) information to comply with section 44905, regarding information about threats to civil aviation; and

''(V) such information as the Administrator determines necessary, if withholding the information would not be consistent with the safety responsibilities of the Federal Aviation Administration.

''(10) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of this paragraph, and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

''(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be included in the database under paragraph (2); or

''(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

''(11) REGULATIONS FOR PROTECTION AND SECURITY OF RECORDS.—The Administrator shall prescribe such regulations as may be necessary—

''(A) to protect and secure—

''(i) the personal privacy of any individual whose records are accessed under paragraph (1); and

''(ii) the confidentiality of those records; and

''(B) to preclude the further dissemination of records received under paragraph (1) by the person who accessed the records.

''(12) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier may allow an individual to begin service as a pilot, without first obtaining information described in paragraph (2)(B) from the database pertaining to the individual, if—

''(A) the air carrier has made a documented good faith attempt to access the information from the database; and

''(B) has received written notice from the Administrator that the information is not contained in the database because the individual was employed by an air carrier or other person that no longer exists or by a foreign government or other entity that has not provided the information to the database.

''(13) LIMITATIONS ON ELECTRONIC ACCESS TO RECORDS.—

''(A) ACCESS BY INDIVIDUALS DESIGNATED BY AIR CARRIERS.—For the purpose of increasing timely and efficient access to records described in paragraph (2), the Administrator may allow, under terms established by the Administrator, an individual designated by an air carrier to have electronic access to the database.

''(B) TERMS.—The terms established by the Administrator under subparagraph (A) for allowing a designated individual to have electronic access to the database shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that—

''(i) the designated individual has received the written consent of the pilot applicant to access the information; and

''(ii) information obtained using such access will not be used for any purpose other than making the hiring decision.

''(14) AUTHORIZED EXPENDITURES.—Out of amounts appropriated under section 106(k)(1), there is authorized to be expended to carry out this subsection such sums as may be necessary for each of fiscal years 2010, 2011, and 2012.

''(15) REGULATIONS.—

''(A) IN GENERAL.—The Administrator shall issue regulations to carry out this subsection.

''(B) EFFECTIVE DATE.—The regulations shall specify the date on which the requirements of this subsection take effect and the date on which the requirements of subsection (h) cease to be effective.

''(C) EXCEPTIONS.—Notwithstanding subparagraph (B)—

''(i) the Administrator shall begin to establish the database under paragraph (2) not later than 90 days after the date of enactment of this paragraph;

''(ii) the Administrator shall maintain records in accordance with paragraph (5) beginning on the date of enactment of this paragraph; and

''(iii) air carriers and other persons shall maintain records to be reported to the database under paragraph (4)(B) in the period beginning on such date of enactment and ending on the date that is 5 years after the requirements of subsection (h) cease to be effective pursuant to subparagraph (B).

''(16) SPECIAL RULE.—During the one-year period beginning on the date on which the requirements of this section become effective pursuant to paragraph (15)(B), paragraph (7)(A) shall be applied by substituting '45 days' for '30 days'.''.

(c) CONFORMING AMENDMENTS.—

(1) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—Section 44703(j) (as redesignated by subsection (b)(1) of this section) is amended—

(A) in the subsection heading by striking ''LIMITATION'' and inserting ''LIMITATIONS'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking ''paragraph (2)'' and inserting ''subsection (h)(2) or (i)(3)'';

(ii) in subparagraph (A) by inserting ''or accessing the records of that individual under subsection (i)(1)'' before the semicolon; and

(iii) in the matter following subparagraph (D) by striking ''subsection (h)'' and inserting ''subsection (h) or (i)'';

(C) in paragraph (2) by striking ''subsection (h)'' and inserting ''subsection (h) or (i)'';

(D) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or who furnished information to the database established under subsection (i)(2)'' after ''subsection (h)(1)''; and

(E) by adding at the end the following:

''(4) PROHIBITION ON ACTIONS AND PROCEEDINGS AGAINST AIR CARRIERS.—

''(A) HIRING DECISIONS.—An air carrier may refuse to hire an individual as a pilot if the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute the release from liability requested under subsection (h)(2)(B) or (i)(3)(B).

''(B) ACTIONS AND PROCEEDINGS.—No action or proceeding may be brought against an air carrier by or on behalf of an individual who has applied for or is seeking a position as a pilot with the air carrier if the air carrier refused to hire the individual after the individual did not provide written consent for the air carrier to receive records under subsection (h)(2)(A) or (i)(3)(A) or did not execute a release from liability requested under subsection (h)(2)(B) or (i)(3)(B).''.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Section 44703(k) (as redesignated by subsection (b)(1) of this section) is amended by striking ''subsection (h)'' and inserting ''subsection (h) or (i)''.

SEC. 347. FAA RULEMAKING ON TRAINING PROGRAMS.

(a) COMPLETION OF RULEMAKING ON TRAINING PROGRAMS.—Not later than 14 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a final rule with respect to the notice of proposed rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280; relating to training programs for flight crewmembers and aircraft dispatchers).

(b) EXPERT PANEL TO REVIEW PART 121 AND PART 135 TRAINING HOURS.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a multidisciplinary expert panel comprised of, at a minimum, air carrier representatives, training facility representatives, instructional design experts, aircraft manufacturers, safety organization representatives, and labor union representatives.

(2) ASSESSMENT AND RECOMMENDATIONS.—The panel shall assess and make recommendations concerning—

(A) the best methods and optimal time needed for flight crewmembers of part 121 air carriers and flight crewmembers of part 135 air carriers to master aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination;

(B) the optimal length of time between training events for such crewmembers, including recurrent training events;

(C) the best methods to reliably evaluate mastery by such crewmembers of aircraft systems, maneuvers, procedures, take offs and landings, and crew coordination; and

(D) the best methods to allow specific academic training courses to be credited pursuant to section 11(d) toward the total flight hours required to receive an airline transport pilot certificate.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the National Transportation Safety Board a report based on the findings of the panel.

SEC. 348. AVIATION SAFETY INSPECTORS AND OPERATIONAL RESEARCH ANALYSTS.

(a) REVIEW BY DOT INSPECTOR GENERAL.—Not later than 9 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct a review of aviation safety inspectors and operational research analysts of the Federal Aviation Administration assigned to part 121 air carriers and submit to the Administrator of the Federal Aviation Administration a report on the results of the review.

(b) PURPOSES.—The purpose of the review shall be, at a minimum—

(1) to review the level of the Administration's oversight of each part 121 air carrier;

(2) to make recommendations to ensure that each part 121 air carrier is receiving an equivalent level of oversight;

(3) to assess the number and level of experience of aviation safety inspectors assigned to such carriers;

(4) to evaluate how the Administration is making assignments of aviation safety inspectors to such carriers;

(5) to review various safety inspector oversight programs, including the geographic inspector program;

(6) to evaluate the adequacy of the number of operational research analysts assigned to each part 121 air carrier;

(7) to evaluate the surveillance responsibilities of aviation safety inspectors, including en route inspections;

(8) to evaluate whether inspectors are able to effectively use data sources, such as the Safety Performance Analysis System and the Air Transportation Oversight System, to assist in targeting oversight of air carriers;

(9) to assess the feasibility of establishment by the Administration of a comprehensive repository of information that encompasses multiple Administration data sources and allowing access by aviation safety inspectors and operational research analysts to assist in the oversight of part 121 air carriers; and

(10) to conduct such other analyses as the Inspector General considers relevant to the purpose of the review.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of receipt of the report submitted under subsection (a), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report—

(1) that specifies which, if any, policy changes recommended by the Inspector General under this section the Administrator intends to adopt and implement;

(2) that includes an explanation of how the Administrator plans to adopt and implement such policy changes; and

(3) in any case in which the Administrator does not intend to adopt a policy change recommended by the Inspector General, that includes an explanation of the reasons for the decision not to adopt and implement the policy change.

SEC. 349. FLIGHT CREWMEMBER MENTORING, PROFESSIONAL DEVELOPMENT, AND LEADERSHIP.

(a) RULEMAKING PROCEEDING.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require each part 121 air carrier to take the following actions:

(A) Establish flight crewmember mentoring programs under which the air carrier will pair highly experienced flight crewmembers who will serve as mentor pilots and be paired with newly employed flight crewmembers. Mentor pilots shall receive, at a minimum, specific instruction on techniques for instilling and reinforcing the highest standards of technical performance, airmanship, and professionalism in newly employed flight crewmembers.

(B) Establish flight crewmember professional development committees made up of air carrier management and labor union or professional association representatives to develop, administer, and oversee formal mentoring programs of the carrier to assist flight crewmembers to reach their maximum potential as safe, seasoned, and proficient flight crewmembers.

(C) Establish or modify training programs to accommodate substantially different levels and types of flight experience by newly employed flight crewmembers.

(D) Establish or modify training programs for second-in-command flight crewmembers attempting to qualify as pilot-in-command flight crewmembers for the first time in a specific aircraft type and ensure that such programs include leadership and command training.

(E) Ensure that recurrent training for pilots in command includes leadership and command training.

(F) Such other actions as the Administrator determines appropriate to enhance flight crewmember professional development.

(2) COMPLIANCE WITH STERILE COCKPIT RULE.—Leadership and command training described in paragraphs (1)(D) and (1)(E) shall include instruction on compliance with flight crewmember duties under part 121.542 of title 14, Code of Federal Regulations.

(3) STREAMLINED PROGRAM REVIEW.—

(A) IN GENERAL.—As part of the rulemaking required by subsection (a), the Administrator shall establish a streamlined process for part 121 air carriers that have in effect, as of the date of enactment of this Act, the programs required by paragraph (1).

(B) EXPEDITED APPROVALS.—Under the streamlined process, the Administrator shall—

(i) review the programs of such part 121 air carriers to determine whether the programs meet the requirements set forth in the final rule referred to in subsection (b)(2); and

(ii) expedite the approval of the programs that the Administrator determines meet such requirements.

(b) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 350. FLIGHT CREWMEMBER SCREENING AND QUALIFICATIONS.

(a) REQUIREMENTS.—

(1) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require part 121 air carriers to develop and implement means and methods for ensuring that flight crewmembers have proper qualifications and experience.

(2) MINIMUM REQUIREMENTS.—

(A) PROSPECTIVE FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that prospective flight crewmembers undergo comprehensive pre-employment screening, including an assessment of the skills, aptitudes, airmanship, and suitability of each applicant for a position as a flight crewmember in terms of functioning effectively in the air carrier's operational environment.

(B) ALL FLIGHT CREWMEMBERS.—Rules issued under paragraph (1) shall ensure that, after the date that is 3 years after the date of enactment of this Act, all flight crewmembers—

(i) have obtained an airline transport pilot certificate under part 61 of title 14, Code of Federal Regulations; and

(ii) have appropriate multi-engine aircraft flight experience, as determined by the Administrator.

(b) DEADLINES.—The Administrator shall issue—

(1) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after such date of enactment, a final rule under subsection (a).

SEC. 351. AIRLINE TRANSPORT PILOT CERTIFICATION.

(a) RULEMAKING PROCEEDING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to amend part 61 of title 14, Code of Federal Regulations, to modify requirements for the issuance of an airline transport pilot certificate.

(b) MINIMUM REQUIREMENTS.—To be qualified to receive an airline transport pilot certificate pursuant to subsection (a), an individual shall—

(1) have sufficient flight hours, as determined by the Administrator, to enable a pilot to function effectively in an air carrier operational environment; and

(2) have received flight training, academic training, or operational experience that will prepare a pilot, at a minimum, to—

(A) function effectively in a multipilot environment;

(B) function effectively in adverse weather conditions, including icing conditions;

(C) function effectively during high altitude operations;

(D) adhere to the highest professional standards; and

(E) function effectively in an air carrier operational environment.

(c) FLIGHT HOURS.—

(1) NUMBERS OF FLIGHT HOURS.—The total flight hours required by the Administrator under subsection (b)(1) shall be at least 1,500 flight hours.

(2) FLIGHT HOURS IN DIFFICULT OPERATIONAL CONDITIONS.—The total flight hours required by the Administrator under subsection (b)(1) shall include sufficient flight hours, as determined by the Administrator, in difficult operational conditions that may be encountered by an air carrier to enable a pilot to operate safely in such conditions.

(d) CREDIT TOWARD FLIGHT HOURS.—The Administrator may allow specific academic training courses, beyond those required under subsection (b)(2), to be credited toward the total flight hours required under subsection (c). The Administrator may allow such credit based on a determination by the Administrator that allowing a pilot to take specific academic training courses will enhance safety more than requiring the pilot to fully comply with the flight hours requirement.

(e) RECOMMENDATIONS OF EXPERT PANEL.—In conducting the rulemaking proceeding under this section, the Administrator shall review and consider the assessment and recommendations of the expert panel to review part 121 and part 135 training hours established by section 7(b) of this Act.

(f) DEADLINE.—Not later than 36 months after the date of enactment of this Act, the Administrator shall issue a final rule under subsection (a).

SEC. 352. FLIGHT SCHOOLS, FLIGHT EDUCATION, AND PILOT ACADEMIC TRAINING.

(a) GAO STUDY.—The Comptroller General shall conduct a comprehensive study of flight schools, flight education, and academic training requirements for certification of an individual as a pilot.

(b) MINIMUM CONTENTS OF STUDY.—The study shall include, at a minimum—

(1) an assessment of the Federal Aviation Administration's oversight of flight schools;

(2) an assessment of the Administration's academic training requirements in effect on the date of enactment of this Act as compared to flight education provided to a pilot by accredited 2- and 4-year universities;

(3) an assessment of the quality of pilots entering the part 121 air carrier workforce from all sources after receiving training from flight training providers, including Aviation Accreditation Board International, universities, pilot training organizations, and the military, utilizing the training records of part 121 air carriers, including consideration of any relationships between flight training providers and air carriers;

(4) a comparison of the academic training requirements for pilots in the United States to the academic training requirements for pilots in other countries;

(5) a determination and description of any improvements that may be needed in the Administration's academic training requirements for pilots;

(6) an assessment of student financial aid and loan options available to individuals interested in enrolling at a flight school for both academic and flight hour training;

(7) an assessment of the Federal Aviation Administration's oversight of general aviation flight schools that offer or would like to offer training programs under part 142 of title 14, Code of Federal Regulations; and

(8) an assessment of whether compliance with the English speaking requirements applicable to pilots under part 61 of such title is adequately tested and enforced.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 353. VOLUNTARY SAFETY PROGRAMS.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report on the aviation safety action program, the flight operational quality assurance program, the line operations safety audit, and the advanced qualification program.

(b) CONTENTS.—The report shall include—

(1) a list of—

(A) which air carriers are using one or more of the voluntary safety programs referred to in subsection (a); and

(B) the voluntary safety programs each air carrier is using;

(2) if an air carrier is not using one or more of the voluntary safety programs—

(A) a list of such programs the carrier is not using; and

(B) the reasons the carrier is not using each such program;

(3) if an air carrier is using one or more of the voluntary safety programs, an explanation of the benefits and challenges of using each such program;

(4) a detailed analysis of how the Administration is using data derived from each of the voluntary safety programs as safety analysis and accident or incident prevention tools and a detailed plan on how the Administration intends to expand data analysis of such programs;

(5) an explanation of—

(A) where the data derived from such programs is stored;

(B) how the data derived from such programs is protected and secured; and

(C) what data analysis processes air carriers are implementing to ensure the effective use of the data derived from such programs;

(6) a description of the extent to which aviation safety inspectors are able to review data derived from such programs to enhance their oversight responsibilities;

(7) a description of how the Administration plans to incorporate operational trends identified under such programs into the air transport oversight system and other surveillance databases so that such system and databases are more effectively utilized;

(8) other plans to strengthen such programs, taking into account reviews of such programs by the Inspector General of the Department of Transportation; and

(9) such other matters as the Administrator determines are appropriate.

SEC. 354. ASAP AND FOQA IMPLEMENTATION PLAN.

(a) DEVELOPMENT AND IMPLEMENTATION PLAN.—The Administrator of the Federal Aviation Administration shall develop and implement a plan to facilitate the establishment of an aviation safety action program and a flight operational quality assurance program by all part 121 air carriers.

(b) MATTERS TO BE CONSIDERED.—In developing the plan under subsection (a), the Administrator shall consider—

(1) how the Administration can assist part 121 air carriers with smaller fleet sizes to derive benefit from establishing a flight operational quality assurance program;

(2) how part 121 air carriers with established aviation safety action and flight operational quality assurance programs can quickly begin to report data into the aviation safety information analysis sharing database; and

(3) how part 121 air carriers and aviation safety inspectors can better utilize data from such database as accident and incident prevention tools.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Science, Commerce, and Transportation of the Senate a copy of the plan developed under subsection (a) and an explanation of how the Administration will implement the plan.

(d) DEADLINE FOR BEGINNING IMPLEMENTATION OF PLAN.—Not later than one year after the date of enactment of this Act, the Administrator shall begin implementation of the plan developed under subsection (a).

SEC. 355. SAFETY MANAGEMENT SYSTEMS.

(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require all part 121 air carriers to implement a safety management system.

(b) MATTERS TO CONSIDER.—In conducting the rulemaking under subsection (a), the Administrator shall consider, at a minimum, including each of the following as a part of the safety management system:

(1) An aviation safety action program.

(2) A flight operational quality assurance program.

(3) A line operations safety audit.

(4) An advanced qualification program.

(c) DEADLINES.—The Administrator shall issue—

(1) not later than 90 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(2) not later than 24 months after the date of enactment of this Act, a final rule under subsection (a).

(d) SAFETY MANAGEMENT SYSTEM DEFINED.—In this section, the term ''safety management system'' means the program established by the Federal Aviation Administration in Advisory Circular 120–92, dated June 22, 2006, including any subsequent revisions thereto.

SEC. 356. DISCLOSURE OF AIR CARRIERS OPERATING FLIGHTS FOR TICKETS SOLD FOR AIR TRANSPORTATION.

Section 41712 of title 49, United States Code, is amended by adding at the end the following:

''(c) DISCLOSURE REQUIREMENT FOR SELLERS OF TICKETS FOR FLIGHTS.—

''(1) IN GENERAL.—It shall be an unfair or deceptive practice under subsection (a) for any ticket agent, air carrier, foreign air carrier, or other person offering to sell tickets for air transportation on a flight of an air carrier to not disclose, whether verbally in oral communication or in writing in written or electronic communication, prior to the purchase of a ticket—

''(A) the name (including any business or corporate name) of the air carrier providing the air transportation; and

''(B) if the flight has more than one flight segment, the name of each air carrier providing the air transportation for each such flight segment.

''(2) INTERNET OFFERS.—In the case of an offer to sell tickets described in paragraph (1) on an Internet Web site, disclosure of the information required by paragraph (1) shall be provided on the first display of the Web site following a search of a requested itinerary in a format that is easily visible to a viewer.''.

SEC. 357. PILOT FATIGUE.

(a) FLIGHT AND DUTY TIME REGULATIONS.—

(1) IN GENERAL.—In accordance with paragraph (3), the Administrator of the Federal Aviation Administration shall issue regulations, based on the best available scientific information—

(A) to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue; and

(B) to require part 121 air carriers to develop and implement fatigue risk management plans.

(2) MATTERS TO BE ADDRESSED.—In conducting the rulemaking proceeding under this subsection, the Administrator shall consider and review the following:

(A) Time of day of flights in a duty period.

(B) Number of takeoff and landings in a duty period.

(C) Number of time zones crossed in a duty period.

(D) The impact of functioning in multiple time zones or on different daily schedules.

(E) Research conducted on fatigue, sleep, and circadian rhythms.

(F) Sleep and rest requirements recommended by the National Transportation Safety Board and the National Aeronautics and Space Administration.

(G) International standards regarding flight schedules and duty periods.

(H) Alternative procedures to facilitate alertness in the cockpit.

(I) Scheduling and attendance policies and practices, including sick leave.

(J) The effects of commuting, the means of commuting, and the length of the commute.

(K) Medical screening and treatment.

(L) Rest environments.

(M) Any other matters the Administrator considers appropriate.

(3) DEADLINES.—The Administrator shall issue—

(A) not later than 180 days after the date of enactment of this Act, a notice of proposed rulemaking under subsection (a); and

(B) not later than one year after the date of enactment of this Act, a final rule under subsection (a).

(b) FATIGUE RISK MANAGEMENT PLAN.—

(1) SUBMISSION OF FATIGUE RISK MANAGEMENT PLAN BY PART 121 AIR CARRIERS.—Not later than 90 days after the date of enactment of this section, each part 121 air carrier shall submit to the Administrator for review and approval a fatigue risk management plan.

(2) CONTENTS OF PLAN.—A fatigue risk management plan submitted by a part 121 air carrier under paragraph (1) shall include the following:

(A) Current flight time and duty period limitations.

(B) A rest scheme that enables the management of fatigue, including annual training to increase awareness of—

(i) fatigue;

(ii) the effects of fatigue on pilots; and

(iii) fatigue countermeasures.

(C) Development and use of a methodology that continually assesses the effectiveness of the program, including the ability of the program—

(i) to improve alertness; and

(ii) to mitigate performance errors.

(3) PLAN UPDATES.—A part 121 air carrier shall update its fatigue risk management plan under paragraph (1) every 2 years and submit the update to the Administrator for review and approval.

(4) APPROVAL.—

(A) INITIAL APPROVAL OR MODIFICATION.—Not later than 9 months after the date of enactment of this section, the Administrator

shall review and approve or require modification to fatigue risk management plans submitted under this subsection to ensure that pilots are not operating aircraft while fatigued.

(B) UPDATE APPROVAL OR MODIFICATION.—Not later than 9 months after submission of a plan update under paragraph (3), the Administrator shall review and approve or require modification to such update.

(5) CIVIL PENALTIES.—A violation of this subsection by a part 121 air carrier shall be treated as a violation of chapter 447 of title 49, United States Code, for purposes of the application of civil penalties under chapter 463 of that title.

(6) LIMITATION ON APPLICABILITY.—The requirements of this subsection shall cease to apply to a part 121 air carrier on and after the effective date of the regulations to be issued under subsection (a).

(c) EFFECT OF COMMUTING ON FATIGUE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the effects of commuting on pilot fatigue and report its findings to the Administrator.

(2) STUDY.—In conducting the study, the National Academy of Sciences shall consider—

(A) the prevalence of pilot commuting in the commercial air carrier industry, including the number and percentage of pilots who commute;

(B) information relating to commuting by pilots, including distances traveled, time zones crossed, time spent, and methods used;

(C) research on the impact of commuting on pilot fatigue, sleep, and circadian rhythms;

(D) commuting policies of commercial air carriers (including passenger and all-cargo air carriers), including pilot check-in requirements and sick leave and fatigue policies;

(E) post-conference materials from the Federal Aviation Administration's June 2008 symposium entitled ''Aviation Fatigue Management Symposium: Partnerships for Solutions'';

(F) Federal Aviation Administration and international policies and guidance regarding commuting; and

(G) any other matters as the Administrator considers appropriate.

(3) PRELIMINARY FINDINGS.—Not later than 90 days after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator its preliminary findings under the study.

(4) REPORT.—Not later than 6 months after the date of entering into arrangements under paragraph (1), the National Academy of Sciences shall submit to the Administrator a report containing its findings under the study and any recommendations for regulatory or administrative actions by the Federal Aviation Administration concerning commuting by pilots.

(5) RULEMAKING.—Following receipt of the report of the National Academy of Sciences under paragraph (4), the Administrator shall—

(A) consider the findings and recommendations in the report; and

(B) update, as appropriate based on scientific data, regulations required by subsection (a) on flight and duty time.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 358. FLIGHT CREWMEMBER PAIRING AND CREW RESOURCE MANAGEMENT TECHNIQUES.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on aviation industry best practices with regard to flight crewmember pairing and crew resource management techniques.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

TITLE IV—AIR SERVICE IMPROVEMENTS

SEC. 401. SMOKING PROHIBITION.

(a) IN GENERAL.—Section 41706 is amended—

(1) in the section heading by striking ''**scheduled**'' and inserting ''**passenger**''; and

(2) by striking subsections (a) and (b) and inserting the following:

''(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE TRANSPORTATION BY AIRCRAFT.—An individual may not smoke in an aircraft—

''(1) in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation; and

''(2) in nonscheduled intrastate or interstate transportation of passengers by aircraft for compensation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator of the Federal Aviation Administration).

''(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in an aircraft—

''(1) in scheduled passenger foreign air transportation; and

''(2) in nonscheduled passenger foreign air transportation, if a flight attendant is a required crewmember on the aircraft (as determined by the Administrator or a foreign government).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41706 and inserting the following:

''41706. Prohibitions against smoking on flights.''.

SEC. 402. MONTHLY AIR CARRIER REPORTS.

(a) IN GENERAL.—Section 41708 is amended by adding at the end the following:

''(c) DIVERTED AND CANCELLED FLIGHTS.—

''(1) MONTHLY REPORTS.—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

''(2) APPLICABILITY.—An air carrier that is required to file a monthly airline service quality performance report under subsection (b) shall be subject to the requirement of paragraph (1).

''(3) CONTENTS.—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

''(A) For a diverted flight—

''(i) the flight number of the diverted flight;

''(ii) the scheduled destination of the flight;

''(iii) the date and time of the flight;

''(iv) the airport to which the flight was diverted;

''(v) wheels-on time at the diverted airport;

''(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and

''(vii) if the flight arrives at the scheduled destination airport—

''(I) the gate-departure time at the diverted airport;

''(II) the wheels-off time at the diverted airport;

''(III) the wheels-on time at the scheduled arrival airport; and

''(IV) the gate arrival time at the scheduled arrival airport.

''(B) For flights cancelled after gate departure—

''(i) the flight number of the cancelled flight;

''(ii) the scheduled origin and destination airports of the cancelled flight;

''(iii) the date and time of the cancelled flight;

''(iv) the gate-departure time of the cancelled flight; and

''(v) the time the aircraft returned to the gate.

''(4) PUBLICATION.—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the website of the Department of Transportation.''.

(b) EFFECTIVE DATE.—The Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a) beginning not later than 90 days after the date of enactment of this Act.

SEC. 403. FLIGHT OPERATIONS AT REAGAN NATIONAL AIRPORT.

(a) BEYOND PERIMETER EXEMPTIONS.—Section 41718(a) is amended by striking ''24'' and inserting ''34''.

(b) LIMITATIONS.—Section 41718(c)(2) is amended by striking ''3 operations'' and inserting ''5 operations''.

(c) ALLOCATION OF BEYOND-PERIMETER EXEMPTIONS.—Section 41718(c) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) SLOTS.—The Administrator of the Federal Aviation Administration shall reduce the hourly air carrier slot quota for Ronald Reagan Washington National Airport in section 93.123(a) of title 14, Code of Federal Regulations, by a total of 10 slots that are available for allocation. Such reductions shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00 p.m. hours, as determined by the Administrator, in order to grant exemptions under subsection (a).''.

(d) SCHEDULING PRIORITY.—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) SCHEDULING PRIORITY.—Operations conducted by new entrant air carriers and limited incumbent air carriers shall be afforded a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority to be afforded to beyond-perimeter operations conducted by new entrant air carriers and limited incumbent air carriers.''.

SEC. 404. EAS CONTRACT GUIDELINES.

(a) COMPENSATION GUIDELINES.—Section 41737(a)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

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

(3) by adding at the end the following:

''(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential

air service contract based on specified performance goals, including goals related to improving on-time performance, reducing the number of flight cancellations, establishing reasonable fares (including joint fares beyond the hub airport), establishing convenient connections to flights providing service beyond hub airports, and increasing marketing efforts; and

''(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.''.

(b) DEADLINE FOR ISSUANCE OF REVISED GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 of title 49, United States Code, that incorporate the amendments made by subsection (a).

(c) REPORT.—Not later than 2 years after the date of issuance of revised guidelines pursuant to subsection (b), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the extent to which the revised guidelines have been implemented and the impact, if any, such implementation has had on air carrier performance and community satisfaction with air service for which compensation is being paid under subchapter II of chapter 417 of title 49, United States Code.

SEC. 405. ESSENTIAL AIR SERVICE REFORM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 41742(a)(2) of title 49, United States Code, is amended by striking ''there is authorized to be appropriated $77,000,000'' and inserting ''there is authorized to be appropriated out of the Airport and Airway Trust Fund $150,000,000''.

(b) DISTRIBUTION OF EXCESS FUNDS.—

(1) IN GENERAL.—Section 41742(a) is amended by adding at the end the following:

''(4) DISTRIBUTION OF EXCESS FUNDS.—Of the funds, if any, credited to the account established under section 45303 in a fiscal year that exceed the $50,000,000 made available for such fiscal year under paragraph (1)—

''(A) one-half shall be made available immediately for obligation and expenditure to carry out section 41743; and

''(B) one-half shall be made available immediately for obligation and expenditure to carry out subsection (b).''.

(2) CONFORMING AMENDMENT.—Section 41742(b) is amended—

(A) in the first sentence by striking ''moneys credited'' and all that follows before ''shall be used'' and inserting ''amounts made available under subsection (a)(4)(B)''; and

(B) in the second sentence by striking ''any amounts from those fees'' and inserting ''any of such amounts''.

SEC. 406. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) in subparagraph (E) by striking ''fashion.'' and inserting ''fashion; and''; and

(3) by adding at the end the following:

''(F) multiple communities cooperate to submit a regional or multistate application to improve air service.''.

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended by striking ''2009'' and inserting ''2012''.

SEC. 407. AIR PASSENGER SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Subtitle VII is amended by inserting after chapter 421 the following:

''CHAPTER 423—AIR PASSENGER SERVICE IMPROVEMENTS

''§ 42301. Emergency contingency plans

''(a) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 90 days after the date of enactment of this section, each air carrier providing covered air transportation at a large hub airport or medium hub airport and each operator of a large hub airport or medium hub airport shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section.

''(b) COVERED AIR TRANSPORTATION DEFINED.—In this section, the term 'covered air transportation' means scheduled passenger air transportation provided by an air carrier using aircraft with more than 30 seats.

''(c) AIR CARRIER PLANS.—

''(1) PLANS FOR INDIVIDUAL AIRPORTS.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

''(A) each large hub airport and medium hub airport at which the carrier provides covered air transportation; and

''(B) each large hub airport and medium hub airport at which the carrier has flights for which it has primary responsibility for inventory control.

''(2) CONTENTS.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the air carrier will—

''(A) provide food, water that meets the standards of the Safe Drinking Water Act (42 U.S.C. 300f et seq.), restroom facilities, cabin ventilation, and access to medical treatment for passengers onboard an aircraft at the airport that is on the ground for an extended period of time without access to the terminal;

''(B) allow passengers to deplane following excessive delays; and

''(C) share facilities and make gates available at the airport in an emergency.

''(d) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain—

''(1) a description of how the airport operator, to the maximum extent practicable, will provide for the deplanement of passengers following excessive delays and will provide for the sharing of facilities and make gates available at the airport in an emergency; and

''(2) in the case of an airport that is used by an air carrier or foreign air carrier for flights in foreign air transportation, a description of how the airport operator will provide for use of the airport's terminal, to the maximum extent practicable, for the processing of passengers arriving at the airport on such a flight in the case of an excessive tarmac delay.

''(e) UPDATES.—

''(1) AIR CARRIERS.—An air carrier shall update the emergency contingency plan submitted by the air carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

''(2) AIRPORTS.—An airport operator shall update the emergency contingency plan submitted by the airport operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

''(f) APPROVAL.—

''(1) IN GENERAL.—Not later than 9 months after the date of enactment of this section, the Secretary shall review and approve or require modifications to emergency contingency plans submitted under subsection (a) and updates submitted under subsection (e) to ensure that the plans and updates will effectively address emergencies and provide for the health and safety of passengers.

''(2) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against an air carrier or airport that does not adhere to an emergency contingency plan approved under this subsection.

''(g) MINIMUM STANDARDS.—The Secretary may establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

''(h) PUBLIC ACCESS.—An air carrier or airport required to submit emergency contingency plans under this section shall ensure public access to such plan after its approval under this section on the Internet website of the carrier or airport or by such other means as determined by the Secretary.

''§ 42302. Consumer complaints

''(a) CONSUMER COMPLAINTS HOTLINE TELEPHONE NUMBER.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of passengers in air transportation.

''(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).

''(c) NOTICE TO PASSENGERS OF AIR CARRIERS.—An air carrier providing scheduled air transportation using aircraft with 30 or more seats shall include on the Internet Web site of the carrier and on any ticket confirmation and boarding pass issued by the air carrier—

''(1) the hotline telephone number established under subsection (a);

''(2) the email address, telephone number, and mailing address of the air carrier; and

''(3) the email address, telephone number, and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of reports by passengers about air travel service problems.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

''§ 42303. Use of insecticides in passenger aircraft

''(a) INFORMATION TO BE PROVIDED ON THE INTERNET.—The Secretary of Transportation shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

''(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall—

''(1) disclose, on its own Internet Web site or through other means, that the destination country may require the air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to the flight or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers; and

''(2) refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.

''§ 42304. Notification of flight status by text message or email

''Not later than 180 days after the date of enactment of this section, the Secretary of

Transportation shall issue regulations to require that each air carrier that has at least 1 percent of total domestic scheduled-service passenger revenue provide each passenger of the carrier—

''(1) an option to receive a text message or email or any other comparable electronic service, subject to any fees applicable under the contract of the passenger for the electronic service, from the air carrier a notification of any change in the status of the flight of the passenger whenever the flight status is changed before the boarding process for the flight commences; and

''(2) the notification if the passenger requests the notification.''.

(b) CLERICAL AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

''423. Air Passenger Service Improvements 42301''.

(c) PENALTIES.—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting ''chapter 423,'' after ''chapter 421,''.

(d) APPLICABILITY OF REQUIREMENTS.—Except as otherwise specifically provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act.

SEC. 408. CONTENTS OF COMPETITION PLANS.

Section 47106(f)(2) is amended—

(1) by striking ''patterns of air service,'';

(2) by inserting ''and'' before ''whether''; and

(3) by striking '', and airfare levels'' and all that follows before the period.

SEC. 409. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s)(3) is amended by striking ''October 1, 2009'' and inserting ''September 30, 2012''.

SEC. 410. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b) is amended—

(1) by striking ''(1) The Secretary'' and inserting the following:

''(1) CONTRACT TOWER PROGRAM.—

''(A) CONTINUATION AND EXTENSION.—The Secretary'';

(2) by adding at the end of paragraph (1) the following:

''(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

''(C) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program established under paragraph (3).''; and

(3) by striking ''(2) The Secretary'' and inserting the following:

''(2) GENERAL AUTHORITY.—The Secretary''.

(1) Section 47124(b)(3)(E) is amended to read as follows:

''(E) FUNDING.—Of the amounts appropriated pursuant to section 106(k), not more than $9,500,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $10,000,000 for fiscal year 2012 may be used to carry out this paragraph.''.

(2) USE OF EXCESS FUNDS.—Section 47124(b)(3) is amended—

(A) by redesignating subparagraph (E) (as amended by paragraph (1) of this subsection) as subparagraph (F); and

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

''(E) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under paragraph (1).''.

(c) FEDERAL SHARE.—Section 47124(b)(4)(C) is amended by striking ''$1,500,000'' and inserting ''$2,000,000''.

(d) SAFETY AUDITS.—Section 47124 is amended by adding at the end the following:

''(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section.''.

SEC. 411. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home and require members of the Armed Forces to travel with heavy bags; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties and waive baggage fees for a minimum of 3 bags.

SEC. 412. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) REPEAL.—Section 41747 of title 49, United States Code, and the item relating to such section in the analysis for chapter 417 of such title, are repealed.

(b) APPLICABILITY.—Title 49, United States Code, shall be applied as if section 41747 of such title had not been enacted.

SEC. 413. ADJUSTMENT TO SUBSIDY CAP TO REFLECT INCREASED FUEL COSTS.

(a) IN GENERAL.—The $200 per passenger subsidy cap initially established by Public Law 103–122 (107 Stat. 1198; 1201) and made permanent by section 332 of Public Law 106–69 (113 Stat. 1022) shall be increased by an amount necessary to account for the increase, if any, in the cost of aviation fuel in the 24 months preceding the date of enactment of this Act, as determined by the Secretary.

(b) ADJUSTMENT OF CAP.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register the increased subsidy cap as an interim final rule, pursuant to which public comment will be sought and a final rule issued.

(c) LIMITATION ON ELIGIBILITY.—A community that has been determined, pursuant to a final order issued by the Department of Transportation before the date of enactment of this Act, to be ineligible for subsidized air service under subchapter II of chapter 417 of title 49, United States Code, shall not be eligible for the increased subsidy cap established pursuant to this section.

SEC. 414. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 of title 49, United States Code, is amended by adding at the end the following:

''(f) NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter on or before the 45th day before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap.

''(2) PROCEDURES TO AVOID TERMINATION.—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap.

''(3) ASSISTANCE PROVIDED.—The Secretary shall provide, by order, to each community notified under paragraph (1) information regarding—

''(A) the procedures established pursuant to paragraph (2); and

''(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with the subsidy cap.

''(4) SUBSIDY CAP DEFINED.—In this subsection, the term 'subsidy cap' means the subsidy cap established by section 332 of Public Law 106–69, including any increase to that subsidy cap established by the Secretary pursuant to the Aviation Safety and Investment Act of 2010.''.

SEC. 415. RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 (as amended by section 413 of this Act) is further amended by adding at the end the following:

''(g) PROPOSALS OF STATE AND LOCAL GOVERNMENTS TO RESTORE ELIGIBILITY.—

''(1) IN GENERAL.—If the Secretary, after the date of enactment of this subsection, ends payment of compensation to an air carrier for providing basic essential air service to an eligible place because the Secretary has determined that providing such service requires a rate of subsidy per passenger in excess of the subsidy cap (as defined in subsection (f)), a State or local government may submit to the Secretary a proposal for restoring compensation for such service. Such proposal shall be a joint proposal of the State or local government and an air carrier.

''(2) DETERMINATION BY SECRETARY.—If a State or local government submits to the Secretary a proposal under paragraph (1) with respect to an eligible place, and the Secretary determines that—

''(A) the rate of subsidy per passenger under the proposal does not exceed the subsidy cap (as defined in subsection (f)); and

''(B) the proposal is consistent with the legal and regulatory requirements of the essential air service program,

the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).''.

SEC. 416. OFFICE OF RURAL AVIATION.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

''§ 41749. Office of Rural Aviation

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Department of Transportation an office to be known as the 'Office of Rural Aviation' (in this section referred to as the 'Office').

''(b) FUNCTIONS.—The Office shall—

''(1) monitor the status of air service to small communities;

''(2) develop proposals to improve air service to small communities; and

''(3) carry out such other functions as the Secretary considers appropriate.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

''41749. Office of Rural Aviation.''.

SEC. 417. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.

(a) EMERGENCY ACROSS-THE-BOARD ADJUSTMENT.—Subject to the availability of funds, the Secretary may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation fuel costs, without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.

(b) EXPEDITED PROCESS FOR ADJUSTMENTS TO INDIVIDUAL CONTRACTS.—

(1) IN GENERAL.—Section 41734(d) of title 49, United States Code, is amended by striking ''continue to pay'' and all that follows through ''compensation sufficient—'' and inserting ''provide the carrier with compensation sufficient—''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to compensation to air carriers for air service provided after the 30th day following the date of enactment of this Act.

SEC. 418. REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding air carrier flight delays, cancellations, and associated causes to update its 2000 report numbered CR–2000–112 and entitled ''Audit of Air Carrier Flight Delays and Cancellations''.

(b) ASSESSMENTS.—In conducting the review under subsection (a), the Inspector General shall assess—

(1) the need for an update on delay and cancellation statistics, such as number of chronically delayed flights and taxi-in and taxi-out times;

(2) air carriers' scheduling practices;

(3) the need for a re-examination of capacity benchmarks at the Nation's busiest airports;

(4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers; and

(5) the effect that limited air carrier service options on routes have on the frequency of delays and cancellations on such routes.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 419. EUROPEAN UNION RULES FOR PASSENGER RIGHTS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to evaluate and compare the regulations of the European Union and the United States on compensation and other consideration offered to passengers who are denied boarding or whose flights are cancelled or delayed.

(b) SPECIFIC STUDY REQUIREMENTS.—The study shall include an evaluation and comparison of the regulations based on costs to the air carriers, preferences of passengers for compensation or other consideration, and forms of compensation. In conducting the study, the Comptroller General shall also take into account the differences in structure and size of the aviation systems of the European Union and the United States.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

SEC. 420. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection (in this section referred to as the ''advisory committee'') to advise the Secretary in carrying out air passenger service improvements, including those required by chapter 423 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint 8 members to the advisory committee as follows:

(1) Two representatives of air carriers required to submit emergency contingency plans pursuant to section 42301 of title 49, United States Code.

(2) Two representatives of the airport operators required to submit emergency contingency plans pursuant to section 42301 of such title.

(3) Two representatives of State and local governments who have expertise in aviation consumer protection matters.

(4) Two representatives of nonprofit public interest groups who have expertise in aviation consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include the following:

(1) Evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed.

(2) Providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) each recommendation made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 421. DENIED BOARDING COMPENSATION.

Not later than May 19, 2010, and every 2 years thereafter, the Secretary shall evaluate the amount provided for denied boarding compensation and issue a regulation to adjust such compensation as necessary.

SEC. 422. COMPENSATION FOR DELAYED BAGGAGE.

(a) STUDY.—The Comptroller General shall conduct a study to—

(1) examine delays in the delivery of checked baggage to passengers of air carriers; and

(2) make recommendations for establishing minimum standards to compensate a passenger in the case of an unreasonable delay in the delivery of checked baggage.

(b) CONSIDERATION.—In conducting the study, the Comptroller General shall take into account the additional fees for checked baggage that are imposed by many air carriers and how the additional fees should improve an air carrier's baggage performance.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

SEC. 423. SCHEDULE REDUCTION.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that: (1) the aircraft operations of air carriers during any hour at an airport exceeds the hourly maximum departure and arrival rate established by the Administrator for such operations; and (2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on the national or regional airspace system, the Administrator shall convene a conference of such carriers to reduce pursuant to section 41722, on a voluntary basis, the number of such operations to less than such maximum departure and arrival rate.

(b) NO AGREEMENT.—If the air carriers participating in a conference with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport to less than the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

(c) QUARTERLY REPORTS.—Beginning 3 months after the date of enactment of this Act and every 3 months thereafter, the Administrator shall submit to Congress a report regarding scheduling at the 35 airports that have the greatest number of passenger enplanements, including each occurrence in which hourly scheduled aircraft operations of air carriers at such an airport exceed the hourly maximum departure and arrival rate at any such airport.

SEC. 424. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats on flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual

budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 425. PROHIBITIONS AGAINST VOICE COMMUNICATIONS USING MOBILE COMMUNICATIONS DEVICES ON SCHEDULED FLIGHTS.

(a) IN GENERAL.—Subchapter I of chapter 417 of title 49, United States Code, is amended by adding at the end the following:

"§ 41724. Prohibitions against voice communications using mobile communications devices on scheduled flights

''(a) INTERSTATE AND INTRASTATE AIR TRANSPORTATION.—

''(1) IN GENERAL.—An individual may not engage in voice communications using a mobile communications device in an aircraft during a flight in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

''(2) EXCEPTIONS.—The prohibition described in paragraph (1) shall not apply to—

''(A) a member of the flight crew or flight attendants on an aircraft; or

''(B) a Federal law enforcement officer acting in an official capacity.

''(b) FOREIGN AIR TRANSPORTATION.—

''(1) IN GENERAL.—The Secretary of Transportation shall require all air carriers and foreign air carriers to adopt the prohibition described in subsection (a) with respect to the operation of an aircraft in scheduled passenger foreign air transportation.

''(2) ALTERNATE PROHIBITION.—If a foreign government objects to the application of paragraph (1) on the basis that paragraph (1) provides for an extraterritorial application of the laws of the United States, the Secretary may waive the application of paragraph (1) to a foreign air carrier licensed by that foreign government until such time as an alternative prohibition on voice communications using a mobile communications device during flight is negotiated by the Secretary with such foreign government through bilateral negotiations.

''(c) DEFINITIONS.—In this section, the following definitions apply:

''(1) FLIGHT.—The term 'flight' means the period beginning when an aircraft takes off and ending when an aircraft lands.

''(2) VOICE COMMUNICATIONS USING A MOBILE COMMUNICATIONS DEVICE.—

''(A) INCLUSIONS.—The term 'voice communications using a mobile communications device' includes voice communications using—

''(i) a commercial mobile radio service or other wireless communications device;

''(ii) a broadband wireless device or other wireless device that transmits data packets using the Internet Protocol or comparable technical standard; or

''(iii) a device having voice override capability.

''(B) EXCLUSION.—Such term does not include voice communications using a phone installed on an aircraft.

''(d) SAFETY REGULATIONS.—This section shall not be construed to affect the authority of the Secretary to impose limitations on voice communications using a mobile communications device for safety reasons.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.''.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''41724. Prohibitions against voice communications using mobile communications devices on scheduled flights.''.

SEC. 426. ANTITRUST EXEMPTIONS.

(a) STUDY.—The Comptroller General shall conduct a study of the legal requirements and policies followed by the Department in deciding whether to approve international alliances under section 41309 of title 49, United States Code, and grant exemptions from the antitrust laws under section 41308 of such title in connection with such international alliances.

(b) ISSUES TO BE CONSIDERED.—In conducting the study under subsection (a), the Comptroller General, at a minimum, shall examine the following:

(1) Whether granting exemptions from the antitrust laws in connection with international alliances has resulted in public benefits, including an analysis of whether such benefits could have been achieved by international alliances not receiving exemptions from the antitrust laws.

(2) Whether granting exemptions from the antitrust laws in connection with international alliances has resulted in reduced competition, increased prices in markets, or other adverse effects.

(3) Whether international alliances that have been granted exemptions from the antitrust laws have implemented pricing or other practices with respect to the hub airports at which the alliances operate that have resulted in increased costs for consumers or foreclosed competition by rival (nonalliance) air carriers at such airports.

(4) Whether increased network size resulting from additional international alliance members will adversely affect competition between international alliances.

(5) The areas in which immunized international alliances compete and whether there is sufficient competition among immunized international alliances to ensure that consumers will receive benefits of at least the same magnitude as those that consumers would receive if there were no immunized international alliances.

(6) The minimum number of international alliances that is necessary to ensure robust competition and benefits to consumers on major international routes.

(7) Whether the different regulatory and antitrust responsibilities of the Secretary and the Attorney General with respect to international alliances have created any significant conflicting agency recommendations, such as the conditions imposed in granting exemptions from the antitrust laws.

(8) Whether, from an antitrust standpoint, requests for exemptions from the antitrust laws in connection with international alliances should be treated as mergers, and therefore be exclusively subject to a traditional merger analysis by the Attorney General and be subject to advance notification requirements and a confidential review process similar to those required under section 7A of the Clayton Act (15 U.S.C. 18a).

(9) Whether the Secretary should amend, modify, or revoke any exemption from the antitrust laws granted by the Secretary in connection with an international alliance.

(10) The effect of international alliances on the number and quality of jobs for United States air carrier flight crew employees, including the share of alliance flying done by those employees.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Secretary of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study under subsection (a), including any recommendations of the Comptroller General as to whether there should be changes in the authority of the Secretary under title 49, United States Code, or policy changes that the Secretary can implement administratively, with respect to approving international alliances and granting exemptions from the antitrust laws in connection with such international alliances.

(d) ADOPTION OF RECOMMENDED POLICY CHANGES.—Not later than one year after the date of receipt of the report under subsection (c), and after providing notice and an opportunity for public comment, the Secretary shall issue a written determination as to whether the Secretary will adopt the policy changes, if any, recommended by the Comptroller General in the report or make any other policy changes with respect to approving international alliances and granting exemptions from the antitrust laws in connection with such international alliances.

(e) SUNSET PROVISION.—

(1) IN GENERAL.—An exemption from the antitrust laws granted by the Secretary on or before the last day of the 3-year period beginning on the date of enactment of this Act in connection with an international alliance, including an exemption granted before the date of enactment of this Act, shall cease to be effective after such last day unless the exemption is renewed by the Secretary.

(2) TIMING FOR RENEWALS.—The Secretary may not renew an exemption under paragraph (1) before the date on which the Secretary issues a written determination under subsection (d).

(3) STANDARDS FOR RENEWALS.—The Secretary shall make a decision on whether to renew an exemption under paragraph (1) based on the policies of the Department in effect after the Secretary issues a written determination under subsection (d).

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) EXEMPTION FROM THE ANTITRUST LAWS.—The term ''exemption from the antitrust laws'' means an exemption from the antitrust laws granted by the Secretary under section 41308 of title 49, United States Code.

(2) IMMUNIZED INTERNATIONAL ALLIANCE.—The term ''immunized international alliance'' means an international alliance for which the Secretary has granted an exemption from the antitrust laws.

(3) INTERNATIONAL ALLIANCE.—The term ''international alliance'' means a cooperative agreement between an air carrier and a foreign air carrier to provide foreign air transportation subject to approval or disapproval by the Secretary under section 41309 of title 49, United States Code.

(4) DEPARTMENT.—The term ''Department'' means the Department of Transportation.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 427. MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 (as amended by this Act) is further amended by adding at the end the following:

"§ 41725. Musical instruments

''(a) IN GENERAL.—

''(1) INSTRUMENTS IN THE PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in the aircraft passenger compartment in a closet, baggage, or cargo stowage compartment approved by the Administrator without charge if—

''(A) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator of the Federal Aviation Administration; and

''(B) there is space for such stowage on the aircraft.

''(2) LARGE INSTRUMENTS IN THE PASSENGER COMPARTMENT.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument in the aircraft passenger compartment that is too large to

be secured in a closet, baggage, or cargo stowage compartment approved by the Administrator, if—

''(A) the instrument can be stowed in a seat, in accordance with the requirements for carriage of carry-on baggage or cargo set forth by the Administrator for such stowage; and

''(B) the passenger wishing to carry the instrument in the aircraft cabin has purchased a seat to accommodate the instrument.

''(3) INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage a musical instrument that is the property of a passenger on a flight and that may not be carried in the aircraft passenger compartment if—

''(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches and the size restrictions for that aircraft;

''(B) the weight of the instrument does not exceed 165 pounds and the weight restrictions for that aircraft; and

''(C) the instrument can be stowed in accordance with the requirements for carriage of baggage or cargo set forth by the Administrator for such stowage.

''(4) AIR CARRIER TERMS.—Nothing in this section shall be construed as prohibiting an air carrier from limiting its liability for carrying a musical instrument or requiring a passenger to purchase insurance to cover the value of a musical instrument transported by the air carrier.

''(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).''.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''41725. Musical instruments.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PROGRAM.

Section 40128 is amended—

(1) in subsection (a)(1)(C) by inserting ''or voluntary agreement under subsection (b)(7)'' before ''for the park'';

(2) in subsection (a) by adding at the end the following:

''(5) EXEMPTION.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour flights a year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

''(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

''(C) LIST OF PARKS.—The Director shall inform the Administrator, in writing, of each determination under subparagraph (B). The Director and Administrator shall publish an annual list of national parks that are covered by the exemption provided by this paragraph.

''(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tours in a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director an annual report regarding the number of commercial air tour flights it conducts each year in such park.'';

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

''(7) VOLUNTARY AGREEMENTS.—

''(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant applicant and an operator that has interim operating authority) that has applied to conduct air tour operations over a national park to manage commercial air tour operations over such national park.

''(B) PARK PROTECTION.—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

''(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);

''(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

''(iii) provide for fees for such operations.

''(C) PUBLIC.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

''(D) TERMINATION.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of the Director or the Administrator if the Director determines that the agreement is not adequately protecting park resources or visitor experiences or the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system. If a voluntary agreement for a national park is terminated, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.'';

(4) in subsection (c) by striking paragraph (2)(I) and inserting the following:

''(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this section if—

''(i) adequate information regarding the operator's existing and proposed operations under the interim operating authority is provided to the Administrator and the Director;

''(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees with the modification, based on the Director's professional expertise regarding the protection of the park resources and values and visitor use and enjoyment.'';

(5) in subsection (c)(3)(A) by striking ''if the Administrator determines'' and all that follows through the period at the end and inserting ''without further environmental process beyond that described in this paragraph if—

''(i) adequate information on the operator's proposed operations is provided to the Administrator and the Director by the operator making the request;

''(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoyment.'';

(6) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(7) by inserting after subsection (c) the following:

''(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

''(1) REPORT.—Each commercial air tour operator providing a commercial air tour over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan under subsection (b) shall submit a report to the Administrator and Director regarding the number of its commercial air tour operations over each national park and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.

''(2) REPORT SUBMISSION.—Not later than 3 months after the date of enactment of the Aviation Safety and Investment Act of 2010, the Administrator and Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and Director on a frequency and in a format prescribed by the Administrator and Director.''.

SEC. 502. STATE BLOCK GRANT PROGRAM.

(a) GENERAL REQUIREMENTS.—Section 47128(a) is amended—

(1) in the first sentence by striking ''prescribe regulations'' and inserting ''issue guidance''; and

(2) in the second sentence by striking ''regulations'' and inserting ''guidance''.

(b) APPLICATIONS AND SELECTION.—Section 47128(b)(4) is amended by inserting before the semicolon the following: '', including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive orders, agency regulations and guidance, and other Federal environmental requirements''.

(c) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—Section 47128 is amended by adding at the end the following:

''(d) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

''(1) coordinate and consult with the State;

''(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and

''(3) supplement such analysis, as necessary, to meet applicable Federal requirements.''.

SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking ''services of consultants in order to'' and all that follows through the period at the end and inserting ''services of consultants—

''(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;

''(2) to conduct special environmental studies related to an airport project funded with Federal funds;

''(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations; or

''(4) to conduct special studies or reviews to support environmental mitigation in a record of decision or finding of no significant impact by the Federal Aviation Administration.''.

SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

''(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

''(1) IN GENERAL.—In accordance with subsection (c)(1), the Secretary may make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

''(2) ADDITIONAL STAFF.—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

''(3) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section—

''(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

''(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

''(C) shall remain available until expended.''.

SEC. 505. DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.

Section 47504 (as amended by this Act) is further amended by adding at the end the following:

''(g) DETERMINATION OF FAIR MARKET VALUE OF RESIDENTIAL PROPERTIES.—In approving a project to acquire residential real property using financial assistance made available under this section or chapter 471, the Secretary shall ensure that the appraisal of the property to be acquired disregards any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.''.

SEC. 506. SOUNDPROOFING OF RESIDENCES.

(a) SOUNDPROOFING AND ACQUISITION OF CERTAIN RESIDENTIAL BUILDINGS AND PROPERTIES.—Section 47504(c)(2)(D) is amended to read as follows:

''(D) to an airport operator and unit of local government referred to in paragraph (1)(A) or (1)(B) to soundproof—

''(i) a building in the noise impact area surrounding the airport that is used primarily for educational or medical purposes and that the Secretary decides is adversely affected by airport noise; and

''(ii) residential buildings located on residential properties in the noise impact area surrounding the airport that the Secretary decides is adversely affected by airport noise, if—

''(I) the residential properties are within airport noise contours prepared by the airport owner or operator using the Secretary's methodology and guidance, and the noise contours have been found acceptable by the Secretary;

''(II) the residential properties cannot be removed from airport noise contours for at least a 5-year period by changes in airport configuration or flight procedures;

''(III) the land use jurisdiction has taken, or will take, appropriate action, including the adoption of zoning laws, to the extent reasonable to restrict the use of land to uses that are compatible with normal airport operations; and

''(IV) the Secretary determines that the project is compatible with the purposes of this chapter; and''

(b) REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.—Section 44705 (as amended by this Act) is further amended by adding at the end the following:

''(f) REQUIREMENTS APPLICABLE TO CERTAIN GRANTS.—

''(1) ESTABLISHMENT OF CRITERIA.—Before awarding a grant under subsection (c)(2)(D), the Secretary shall establish criteria to determine which residences in the 65 DNL area suffer the greatest noise impact.

''(2) ANALYSIS FROM COMPTROLLER GENERAL.—Prior to making a final decision on the criteria required by paragraph (1), the Secretary shall develop proposed criteria and obtain an analysis from the Comptroller General as to the reasonableness and validity of the criteria.

''(3) PRIORITY.—If the Secretary determines that the grants likely to be awarded under subsection (c)(2)(D) in fiscal years 2010 though 2012 will not be sufficient to soundproof all residences in the 65 DNL area, the Secretary shall first award grants to soundproof those residences suffering the greatest noise impact under the criteria established under paragraph (1).''.

SEC. 507. CLEEN RESEARCH, DEVELOPMENT, AND IMPLEMENTATION PARTNERSHIP.

(a) COOPERATIVE AGREEMENT.—Subchapter I of chapter 475 is amended by adding at the end the following:

''§ 47511. CLEEN research, development, and implementation partnership

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall enter into a cooperative agreement, using a competitive process, with an institution, entity, or consortium to carry out a program for the development, maturing, and certification of CLEEN engine and airframe technology for aircraft over the next 10 years.

''(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY DEFINED.—In this section, the term 'CLEEN engine and airframe technology' means continuous lower energy, emissions, and noise engine and airframe technology.

''(c) PERFORMANCE OBJECTIVE.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall establish the following performance objectives for the program, to be achieved by September 30, 2016:

''(1) Development of certifiable aircraft technology that reduces fuel burn by 33 percent compared to current technology, reducing energy consumption and greenhouse gas emissions.

''(2) Development of certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30, over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

''(3) Development of certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise Level in Decibels cumulative, relative to Stage 4 standards.

''(4) Determination of the feasibility of the use of alternative fuels in aircraft systems, including successful demonstration and quantification of the benefits of such fuels.

''(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft to increase the integration of retrofitted and re-engined aircraft into the commercial fleet.

''(d) FUNDING.—Of amounts appropriated under section 48102(a), not more than the following amounts may be used to carry out this section:

''(1) $25,000,000 for fiscal year 2010.

''(2) $33,000,000 for fiscal year 2011.

''(3) $50,000,000 for fiscal year 2012.

''(e) REPORT.—Beginning in fiscal year 2010, the Administrator of the Federal Aviation Administration shall publish an annual report on the program established under this section until completion of the program.''.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''47511. CLEEN research, development, and implementation partnership.''.

SEC. 508. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

''§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

''(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), after December 31, 2013, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate (other than an experimental certificate) has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

''(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

''(c) EXCEPTIONS.—The Secretary may allow temporary operation of an airplane otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

''(1) To sell, lease, or use the aircraft outside the 48 contiguous States.

''(2) To scrap the aircraft.

''(3) To obtain modifications to the aircraft to meet stage 3 noise levels.

''(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.

''(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

''(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).

''(7) To provide transport of persons and goods in the relief of emergency situations.

''(8) To divert the aircraft to an alternative air port in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

''(d) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended—

(A) in the section heading by striking ''**for violating sections 47528–47530**''; and

(B) by striking ''47529, or 47530'' and inserting ''47529, 47530, or 47534''.

(2) Section 47532 is amended by inserting ''or 47534'' after ''47528–47531''.

(3) The analysis for chapter 475 is amended—

(A) by striking the item relating to section 47531 and inserting the following:

''47531. Penalties.'';

and

(B) by inserting after the item relating to section 47533 the following:

''47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.''.

SEC. 509. ENVIRONMENTAL MITIGATION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a pilot program to carry out not more than 6 environmental mitigation demonstration projects at public-use airports.

(b) GRANTS.—In implementing the program, the Secretary may make a grant to the sponsor of a public-use airport from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code, to carry out an environmental mitigation demonstration project to measurably reduce or mitigate aviation impacts on noise, air quality, or water quality in the vicinity of the airport.

(c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—An environmental mitigation demonstration project that receives funds made available under this section may be considered an eligible airport-related project for purposes of section 40117 of such title.

(d) SELECTION CRITERIA.—In selecting among applicants for participation in the program, the Secretary shall give priority consideration to applicants proposing to carry out environmental mitigation demonstration projects that will—

(1) achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis or on a per dollar of funds expended basis; and

(2) be implemented by an eligible consortium.

(e) FEDERAL SHARE.—Notwithstanding any provision of subchapter I of chapter 471 of such title, the United States Government share of allowable project costs of an environmental mitigation demonstration project carried out under this section shall be 50 percent.

(f) MAXIMUM AMOUNT.—The Secretary may not make grants for a single environmental mitigation demonstration project under this section in a total amount that exceeds $2,500,000.

(g) PUBLICATION OF INFORMATION.—The Secretary may develop and publish information on the results of environmental mitigation demonstration projects carried out under this section, including information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE CONSORTIUM.—The term ''eligible consortium'' means a consortium of 2 or more of the following entities:

(A) A business incorporated in the United States.

(B) A public or private educational or research organization located in the United States.

(C) An entity of a State or local government.

(D) A Federal laboratory.

(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term ''environmental mitigation demonstration project'' means a project that—

(A) demonstrates at a public-use airport environmental mitigation techniques or technologies with associated benefits, which have already been proven in laboratory demonstrations;

(B) utilizes methods for efficient adaptation or integration of innovative concepts to airport operations; and

(C) demonstrates whether a technique or technology for environmental mitigation identified in research is—

(i) practical to implement at or near multiple public-use airports; and

(ii) capable of reducing noise, airport emissions, greenhouse gas emissions, or water quality impacts in measurably significant amounts.

SEC. 510. AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

(b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) MAXIMUM AMOUNT.—Not more than a total of $5,000,000 may be expended under the pilot program at any single public-use airport.

(d) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) an evaluation of the effectiveness of the pilot program, including an assessment of the tools, methodologies, and procedures that provided the greatest fuel savings and air quality and other environmental benefits, and any impacts on safety, capacity, or efficiency of the air traffic control system or the airports at which affected aircraft were operating;

(2) an identification of anticipated benefits from implementation of the tools, methodologies, and procedures developed under the pilot program at other airports;

(3) a plan for implementing the tools, methodologies, and procedures developed under the pilot program at other airports or the Secretary's reasons for not implementing such measures at other airports; and

(4) such other information as the Secretary considers appropriate.

SEC. 511. HIGH PERFORMANCE AND SUSTAINABLE AIR TRAFFIC CONTROL FACILITIES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall implement, to the maximum extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption and improve the environmental performance of such facilities.

(b) AUTHORIZATION.—Of amounts appropriated under section 48101(a) of title 49, United States Code, such sums as may be necessary may be used to carry out this section.

SEC. 512. REGULATORY RESPONSIBILITY FOR AIRCRAFT ENGINE NOISE AND EMISSIONS STANDARDS.

(a) INDEPENDENT REVIEW.—The Administrator of the FAA shall make appropriate arrangements for the National Academy of Public Administration or another qualified independent entity to review, in consultation with the FAA and the EPA, whether it is desirable to locate the regulatory responsibility for the establishment of engine noise and emissions standards for civil aircraft within one of the agencies.

(b) CONSIDERATIONS.—The review shall be conducted so as to take into account—

(1) the interrelationships between aircraft engine noise and emissions;

(2) the need for aircraft engine noise and emissions to be evaluated and addressed in an integrated and comprehensive manner;

(3) the scientific expertise of the FAA and the EPA to evaluate aircraft engine emissions and noise impacts on the environment;

(4) expertise to interface environmental performance with ensuring the highest safe and reliable engine performance of aircraft in flight;

(5) consistency of the regulatory responsibility with other missions of the FAA and the EPA;

(6) past effectiveness of the FAA and the EPA in carrying out the aviation environmental responsibilities assigned to the agency; and

(7) the international responsibility to represent the United States with respect to both engine noise and emissions standards for civil aircraft.

(c) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the FAA shall submit to Congress a report on the results of the review. The report shall include any recommendations developed as a result of the review and, if a transfer of responsibilities is recommended, a description of the steps and timeline for implementation of the transfer.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) EPA.—The term ''EPA'' means the Environmental Protection Agency.

(2) FAA.—The term ''FAA'' means the Federal Aviation Administration.

SEC. 513. CABIN AIR QUALITY TECHNOLOGY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate research and development work on effective air cleaning and sensor technology for the engine and auxiliary power unit for bleed air supplied to the passenger cabin and flight deck of a pressurized aircraft.

(b) TECHNOLOGY REQUIREMENTS.—The technology should, at a minimum, be capable of—

(1) removing oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) detecting and recording oil-based contaminants in the bleed air fraction of the total air supplied to the passenger cabin and flight deck.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the research and development work carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 514. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the European Union directive extending the European Union's emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this section referred to as the ''ICAO'') in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (TIAS 1591; commonly known as ''Chicago Convention''), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation; and

(2) the European Union and its member states should instead work with other contracting states of the ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through the ICAO.

SEC. 515. AIRPORT NOISE COMPATIBILITY PLANNING STUDY, PORT AUTHORITY OF NEW YORK AND NEW JERSEY.

It is the sense of the House of Representatives that the Port Authority of New York and New Jersey should undertake an airport noise compatibility planning study under part 150 of title 14, Code of Federal Regulations, for the airports that the Port Authority operates as of November 2, 2009. In undertaking the study, the Port Authority should pay particular attention to the impact of noise on affected neighborhoods, including homes, businesses, and places of worship surrounding LaGuardia Airport, Newark Liberty Airport, and JFK Airport.

SEC. 516. GAO STUDY ON COMPLIANCE WITH FAA RECORD OF DECISION.

(a) STUDY.—The Comptroller General shall conduct a study to determine whether the Federal Aviation Administration and the Massachusetts Port Authority are complying with the requirements of the Federal Aviation Administration's record of decision dated August 2, 2002.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 517. WESTCHESTER COUNTY AIRPORT, NEW YORK.

(a) RULEMAKING.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to determine whether Westchester County Airport should be authorized to limit aircraft operations between the hours of 12 a.m. and 6:30 a.m.

(b) DEADLINES.—The Administrator shall—

(1) not later than 180 days after the date of enactment of this Act, issue a notice of proposed rulemaking under subsection (a); and

(2) not later than 16 months after the close of the comment period on the proposed rule, issue a final rule.

SEC. 518. AVIATION NOISE COMPLAINTS.

(a) TELEPHONE NUMBER POSTING.—Not later than 3 months after the date of enactment of this Act, each owner or operator of a large hub airport (as defined in section 40102(a) of title 49, United States Code) shall publish on an Internet Web site of the airport a telephone number to receive aviation noise complaints related to the airport.

(b) SUMMARIES AND REPORTS.—Not later than one year after the last day of the 3-month period referred to in subsection (a), and annually thereafter, an owner or operator that receives one or more noise complaints under subsection (a) shall submit to the Administrator of the Federal Aviation Administration a report regarding the number of complaints received and a summary regarding the nature of such complaints. The Administrator shall make such information available to the public by print and electronic means.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) DISPUTE RESOLUTION.—Section 40122(a) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

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

''(2) DISPUTE RESOLUTION.—

''(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

''(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the Aviation Safety and Investment Act of 2010); or

''(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

''(B) BINDING ARBITRATION.—

''(i) ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to an agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the 'parties') shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

''(ii) APPOINTMENT OF ARBITRATION BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Within 10 days of receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list within 7 days. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person within 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

''(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

''(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

''(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

''(vi) COSTS.—The parties shall share costs of the arbitration equally.

''(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(B), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).

''(4) ENFORCEMENT.—

''(A) ENFORCEMENT ACTIONS IN UNITED STATES COURTS.—Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of enforcement actions brought under this section. Such an action may be brought in any judicial district in the State in which the violation of this section is alleged to have been committed, the judicial district in which the Federal Aviation Administration has its principal office, or the District of Columbia.

''(B) ATTORNEY FEES.—The court may assess against the Federal Aviation Administration reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.''.

(b) APPLICATION.—On and after the date of enactment of this Act, any changes implemented by the Administrator of the Federal Aviation Administration on and after July 10, 2005, under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the exclusive bargaining representative of the employees of the Administration certified under section 7111 of title 5, United States Code, shall be null and void and the parties shall be governed by their last mutual agreement before the implementation of such changes. The Administrator and the bargaining representative shall resume negotiations promptly, and, subject to subsection (c), their last mutual agreement shall be in effect until a new contract is adopted by the Administrator and the bargaining representative. If an agreement is not reached within 45 days after the date on which negotiations resume, the Administrator and the bargaining representative shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5, United States Code, for binding arbitration in accordance with paragraphs (2)(B), (3), and (4) of section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section).

(c) SAVINGS CLAUSE.—All cost of living adjustments and other pay increases, lump sum payments to employees, and leave and other benefit accruals implemented as part of the changes referred to in subsection (b) may not be reversed unless such reversal is part of the calculation of back pay under subsection (d). The Administrator shall waive any overpayment paid to, and not collect any funds for such overpayment, from former employees of the Administration who received lump sum payments prior to their separation from the Administration.

(d) BACK PAY.—

(1) IN GENERAL.—Employees subject to changes referred to in subsection (b) that are determined to be null and void under subsection (b) shall be eligible for pay that the employees would have received under the last mutual agreement between the Administrator and the exclusive bargaining representative of such employees before the date of enactment of this Act and any changes were implemented without agreement of the bargaining representative. The Administrator shall pay the employees such pay subject to the availability of amounts appropriated to carry out this subsection. If the appropriated funds do not cover all claims of the employees for such pay, the Administrator and the bargaining representative, pursuant to negotiations conducted in accordance with section 40122(a) of title 49,

United States Code (as amended by subsection (a) of this section), shall determine the allocation of the appropriated funds among the employees on a pro rata basis.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to carry out this subsection.

(e) INTERIM AGREEMENT.—If the Administrator and the exclusive bargaining representative of the employees subject to the changes referred to in subsection (b) reach a final and binding agreement with respect to such changes before the date of enactment of this Act, such agreement shall supersede any changes implemented by the Administrator under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the bargaining representative, and subsections (b) and (c) shall not take effect.

SEC. 602. MERIT SYSTEM PRINCIPLES AND PROHIBITED PERSONNEL PRACTICES.

Section 40122(g)(2)(A) is amended to read as follows:

''(A) sections 2301 and 2302, relating to merit system principles and prohibited personnel practices, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;''.

SEC. 603. APPLICABILITY OF BACK PAY REQUIREMENTS.

(a) APPLICABILITY OF BACK PAY REQUIREMENTS.—Section 40122(g)(2) is amended—

(1) by striking ''and'' at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting ''; and''; and

(3) by adding at the end the following:

''(I) section 5596, relating to back pay.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to—

(A) all proceedings pending on, or commenced after, the date of enactment of this Act in which an employee of the Federal Aviation Administration is seeking relief under section 5596 of title 5, United States Code, that was available as of March 31, 1996; and

(B) subject to paragraph (2), personnel actions of the Federal Aviation Administration under section 5596 of such title occurring before the date of enactment of this Act.

(2) SPECIAL RULE.—The authority of the Merit Systems Protection Board to provide a remedy under section 5596 of such title, with respect to a personnel action of the Federal Aviation Administration occurring before the date of enactment of this Act, shall be limited to cases in which—

(A) the Board, before such date of enactment, found that the Federal Aviation Administration committed an unjustified or unwarranted personnel action but ruled that the Board did not have the authority to provide a remedy for the personnel action under section 5596 of such title; and

(B) a petition for review is filed with the clerk of the Board not later than 6 months after such date of enactment.

SEC. 604. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the training of the airway transportation systems specialists of the Federal Aviation Administration (in this section referred to as ''FAA systems specialists'').

(2) CONTENTS.—The study shall—

(A) include an analysis of the type of training provided to FAA systems specialists;

(B) include an analysis of the type of training that FAA systems specialists need to be proficient on the maintenance of latest technologies;

(C) include a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies;

(D) identify the amount and cost of FAA systems specialists training provided by vendors;

(E) identify the amount and cost of FAA systems specialists training provided by the Administration after developing courses for the training of such specialists;

(F) identify the amount and cost of travel that is required of FAA systems specialists in receiving training; and

(G) include a recommendation regarding the most cost-effective approach to providing FAA systems specialists training.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) WORKLOAD OF SYSTEMS SPECIALISTS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system.

(2) CONTENTS.—The study shall be conducted so as to provide the following:

(A) A suggested method of modifying FAA systems specialists staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) CONSULTATION.—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the Federal Aviation Administration certified under section 7111 of title 5, United States Code, and the Administrator of the Federal Aviation Administration.

(4) REPORT.—Not later than one year after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall submit to Congress a report on the results of the study.

SEC. 605. DESIGNEE PROGRAM.

(a) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of recommendations made by the Government Accountability Office in its October 2004 report, ''Aviation Safety: FAA Needs to Strengthen Management of Its Designee Programs'' (GAO–05–40).

(b) CONTENTS.—The report shall include—

(1) an assessment of the extent to which the Federal Aviation Administration has responded to recommendations of the Government Accountability Office referred to in subsection (a);

(2) an identification of improvements, if any, that have been made to the designee programs referred to in the report of the Office as a result of such recommendations;

(3) an identification of further action that is needed to implement such recommendations, improve the Administration's management control of the designee programs, and increase assurance that designees meet the Administration's performance standards; and

(4) an assessment of the Administration's organizational delegation and designee programs and a determination as to whether the Administration has sufficient monitoring and surveillance programs in place to properly oversee these programs.

SEC. 606. STAFFING MODEL FOR AVIATION SAFETY INSPECTORS.

(a) IN GENERAL.—Not later than October 31, 2009, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall follow the recommendations outlined in the 2007 study released by the National Academy of Sciences entitled ''Staffing Standards for Aviation Safety Inspectors'' and consult with interested persons, including the exclusive collective bargaining representative of the aviation safety inspectors.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 607. SAFETY CRITICAL STAFFING.

(a) SAFETY INSPECTORS.—The Administrator of the Federal Aviation Administration shall increase the number of safety critical positions in the Flight Standards Service and Aircraft Certification Service for a fiscal year commensurate with the funding levels provided in subsection (b) for the fiscal year. Such increases shall be measured relative to the number of persons serving in safety critical positions as of September 30, 2008.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized by section 106(k) of title 49, United States Code, there is authorized to be appropriated to carry out subsection (a)—

(1) $45,000,000 for fiscal year 2010;

(2) $138,000,000 for fiscal year 2011; and

(3) $235,000,000 for fiscal year 2012.

Such sums shall remain available until expended.

(c) IMPLEMENTATION OF STAFFING STANDARDS.—Notwithstanding any other provision of this section, upon completion of the flight standards service staffing model under section 605 of this Act, and validation of the model by the Administrator, there are authorized to be appropriated such sums as may be necessary to support the number of aviation safety inspectors, safety technical specialists, and operation support positions that such model determines are required to meet the responsibilities of the Flight Standards Service.

(d) SAFETY CRITICAL POSITIONS DEFINED.—In this section, the term ''safety critical positions'' means—

(1) aviation safety inspectors, safety technical specialists, and operations support positions in the Flight Standards Service (as such terms are used in the Administration's fiscal year 2009 congressional budget justification); and

(2) manufacturing safety inspectors, pilots, engineers, Chief Scientist Technical Advisors, safety technical specialists, and operational support positions in the Aircraft Certification Service (as such terms are used in the Administration's fiscal year 2009 congressional budget justification).

SEC. 608. FAA AIR TRAFFIC CONTROLLER STAFFING.

(a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration (in this section referred to as the ''FAA'') to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system.

(b) CONSULTATION.—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the FAA certified under section 7111 of title 5, United States Code, the Administrator of the Federal Aviation Administration, and representatives of the Civil Aeronautical Medical Institute.

(c) CONTENTS.—The study shall include an examination of representative information on human factors, traffic activity, and the technology and equipment used in air traffic control.

(d) RECOMMENDATIONS AND ESTIMATES.—In conducting the study, the National Academy of Sciences shall develop—

(1) recommendations for the development by the FAA of objective staffing standards to maintain the safety and efficiency of the national airspace system with current and future projected air traffic levels; and

(2) estimates of cost and schedule for the development of such standards by the FAA or its contractors.

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 609. ASSESSMENT OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers.

(b) CONTENTS.—The study shall include—

(1) a review of the current training system for air traffic controllers;

(2) an analysis of the competencies required of air traffic controllers for successful performance in the current air traffic control environment;

(3) an analysis of competencies required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System; and

(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3).

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 610. COLLEGIATE TRAINING INITIATIVE STUDY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on training options for graduates of the Collegiate Training Initiative program conducted under section 44506(c) of title 49 United States Code. The study shall analyze the impact of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the Administration a new controller orientation session for graduates of such programs at the Mike Monroney Aeronautical Center followed by on-the-job training for newly hired air traffic controllers who are graduates of such program and shall include—

(1) the cost effectiveness of such an alternative training approach; and

(2) the effect that such an alternative training approach would have on the overall quality of training received by graduates of such programs.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 611. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the ''FAA Task Force on Air Traffic Control Facility Conditions'' (in this section referred to as the ''Task Force'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 12 members of whom—

(A) 8 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, ''sick building syndrome,'' and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICIES (FCI).—The Task Force shall review the facility condition indicies of the Administration (in this section referred to as the ''FCI'') for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the FCI under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days of the receipt of the Task Force report under subsection (h), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) was submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $250,000 to carry out this section.

TITLE VII—AVIATION INSURANCE

SEC. 701. GENERAL AUTHORITY.

(a) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended—

(1) by striking ''September 30, 2009'' and inserting ''September 30, 2012''; and

(2) by striking ''December 31, 2009'' and inserting ''December 31, 2019''.

(b) SUCCESSOR PROGRAM.—Section 44302(f) is amended by adding at the end the following:

''(3) SUCCESSOR PROGRAM.—

''(A) IN GENERAL.—After December 31, 2019, coverage for the risks specified in a policy

that has been extended under paragraph (1) shall be provided in an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

''(B) TRANSFER OF PREMIUMS.—

''(i) IN GENERAL.—On December 31, 2019, and except as provided in clause (ii), premiums that are collected by the Secretary from the airline industry after September 22, 2001, for any policy under this subsection, and interest earned thereon, as determined by the Secretary, shall be transferred to an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

''(ii) DETERMINATION OF AMOUNT TRANSFERRED.—The amount transferred pursuant to clause (i) shall be less—

''(I) the amount of any claims paid out on such policies from September 22, 2001, through December 31, 2019;

''(II) the amount of any claims pending under such policies as of December 31, 2019; and

''(III) the cost, as determined by the Secretary, of administering the provision of insurance policies under this chapter from September 22, 2001, through December 31, 2019.''.

SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.

Section 44303(b) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2012''.

SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

Section 44304 is amended in the second sentence by striking ''the carrier'' and inserting ''any insurance carrier''.

SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.

Section 44308(c)(1) is amended in the second sentence by striking ''agent'' and inserting ''agent, or a claims adjuster who is independent of the underwriting agent,''.

SEC. 705. EXTENSION OF PROGRAM AUTHORITY.

Section 44310 is amended by striking ''December 31, 2013'' and inserting ''December 31, 2019''.

TITLE VIII—MISCELLANEOUS

SEC. 801. AIR CARRIER CITIZENSHIP.

Section 40102(a)(15) is amended by adding at the end the following:

''For purposes of subparagraph (C), an air carrier shall not be deemed to be under the actual control of citizens of the United States unless citizens of the United States control all matters pertaining to the business and structure of the air carrier, including operational matters such as marketing, branding, fleet composition, route selection, pricing, and labor relations.''.

SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY.

Section 40119(b) is amended by adding at the end the following:

''(3) LIMITATION ON APPLICABILITY OF FREEDOM OF INFORMATION ACT.—Section 552a of title 5, United States Code, shall not apply to disclosures that the Administrator of the Federal Aviation Administration may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.''.

SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS AND DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

''§ 40130. FAA access to criminal history records or databases systems

''(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

''(1) ACCESS TO INFORMATION.—Notwithstanding section 534 of title 28, and regulations issued to implement such section, the Administrator of the Federal Aviation Administration may access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out civil and administrative responsibilities of the Administration to protect the safety and security of the national airspace system or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies.

''(2) RELEASE OF INFORMATION.—In accessing a system referred to in paragraph (1), the Administrator shall be subject to the same conditions and procedures established by the Department of Justice or the State for other governmental agencies with access to the system.

''(3) LIMITATION.—The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Administration who shall carry out the authority described in subsection (a). The designated employees may—

''(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or any jurisdiction of a State, in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

''(2) use any radio, data link, or warning system of the Federal Government, and of any jurisdiction in a State, that provides information about wanted persons, be-on-the-lookout notices, warrant status, or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

''(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

''(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section, the term 'system of documented criminal justice information' means any law enforcement database, system, or communication containing information concerning identification, criminal history, arrests, convictions, arrest warrants, wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40130. FAA access to criminal history records or databases systems.''.

SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—

(1) in the section heading by striking ''**air carrier**'' and inserting ''**carrier**'';

(2) in subsection (a) by striking ''(as defined in section 40102 of this title)'' and inserting ''(as such terms are defined in section 40102)'';

(3) in the heading for subsection (d) by striking ''AIR CARRIER'' and inserting ''AIR CARRIER AND FOREIGN AIR CARRIER'';

(4) in the heading for paragraph (2) of subsection (d) by striking ''AIR CARRIER'' and inserting ''AIR CARRIER AND FOREIGN AIR CARRIER'';

(5) by striking ''air carriers'' each place it appears and inserting ''air carriers or foreign air carriers'';

(6) by striking ''air carrier'' each place it appears and inserting ''air carrier or foreign air carrier''; and

(7) by striking ''air carrier's'' each place it appears and inserting ''air carrier's or foreign air carrier's''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

''47129. Resolution of airport-carrier disputes concerning airport fees.''.

SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate the formulation of the National Plan of Integrated Airport Systems (in this section referred to as the ''plan'') under section 47103 of title 49, United States Code.

(b) CONTENTS OF STUDY.—The study shall include a review of the following:

(1) The criteria used for including airports in the plan and the application of such criteria in the most recently published version of the plan.

(2) The changes in airport capital needs between fiscal years 2003 and 2008, as reported in the plan, as compared with the amounts apportioned or otherwise made available to individual airports over the same period of time.

(3) A comparison of the amounts received by airports under the airport improvement program in airport apportionments, State apportionments, and discretionary grants during such fiscal years with capital needs as reported in the plan.

(4) The effect of transfers of airport apportionments under title 49, United States Code.

(5) Any other matters pertaining to the plan that the Secretary determines appropriate.

(c) REPORT TO CONGRESS.—

(1) SUBMISSION.—Not later than 36 months after the date of initiation of the study, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b);

(B) recommendations for any changes to policies and procedures for formulating the plan; and

(C) recommendations for any changes to the methods of determining the amounts to be apportioned or otherwise made available to individual airports.

SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.

(a) IN GENERAL.—Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended—

(1) by striking ''All'' and inserting ''(a) IN GENERAL.—All'';

(2) by inserting ''and every express carrier'' after ''common carrier by air''; and

(3) by adding at the end the following:

''(b) SPECIAL RULES FOR EXPRESS CARRIERS.—

''(1) IN GENERAL.—An employee of an express carrier shall be covered by this Act only if that employee is in a position that is eligible for certification under part 61, 63, or 65 of title 14, Code of Federal Regulations, and only if that employee performs duties for the express carrier that are eligible for such certification. All other employees of an

express carrier shall be covered by the provisions of the National Labor Relations Act (29 U.S.C. 151 et seq.).

''(2) AIR CARRIER STATUS.—Any person that is an express carrier shall be governed by paragraph (1) notwithstanding any finding that the person is also a common carrier by air.

''(3) EXPRESS CARRIER DEFINED.—In this section, the term 'express carrier' means any person (or persons affiliated through common control or ownership) whose primary business is the express shipment of freight or packages through an integrated network of air and surface transportation.''.

(b) CONFORMING AMENDMENT.—Section 1 of such Act (45 U.S.C. 151) is amended in the first paragraph by striking '', any express company that would have been subject to subtitle IV of title 49, United States Code, as of December 31, 1995,''.

SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FACILITIES.

(a) ESTABLISHMENT OF WORKING GROUP.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall establish within the Federal Aviation Administration (in this section referred to as the ''FAA'') a working group to develop criteria and make recommendations for the realignment of services and facilities (including regional offices) of the FAA to assist in the transition to next generation facilities and to help reduce capital, operating, maintenance, and administrative costs in instances in which cost reductions can be implemented without adversely affecting safety.

(b) MEMBERSHIP.—The working group shall be composed of—

(1) the Administrator of the FAA;

(2) 2 representatives of air carriers;

(3) 2 representatives of the general aviation community;

(4) 2 representatives of labor unions representing employees who work at regional or field facilities of the FAA; and

(5) 2 representatives of the airport community.

(c) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE WORKING GROUP.—

(1) SUBMISSION.—Not later than 6 months after convening the working group, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the criteria and recommendations developed by the working group under this section.

(2) CONTENTS.—The report shall include a justification for each recommendation to consolidate or realign a service or facility (including a regional office) and a description of the costs and savings associated with the consolidation or realignment.

(d) PUBLIC NOTICE AND COMMENT.—The Administrator shall publish the report submitted under subsection (c) in the Federal Register and allow 45 days for the submission of public comments. In addition, the Administrator upon request shall hold a public hearing in a community that would be affected by a recommendation in the report.

(e) OBJECTIONS.—Any interested person may file with the Administrator a written objection to a recommendation of the working group.

(f) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE ADMINISTRATOR.—Not later than 60 days after the last day of the period for public comment under subsection (d), the Administrator shall submit to the committees referred to in subsection (c)(1) a report containing the recommendations of the Administrator on realignment of services and facilities (including regional offices) of the FAA and copies of any public comments and objections received by the Administrator under this section.

(g) LIMITATION ON IMPLEMENTATION OF REALIGNMENTS AND CONSOLIDATIONS.—The Administrator may not realign or consolidate any services or facilities (including regional offices) of the FAA before the Administrator has submitted the report under subsection (f).

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(2) REALIGNMENT; CONSOLIDATION.—

(A) IN GENERAL.—The terms ''realignment'' and ''consolidation'' include any action that—

(i) relocates functions, services, or personnel positions;

(ii) severs existing facility functions or services; or

(iii) any combination thereof.

(B) EXCLUSION.—The term does not include a reduction in personnel resulting from workload adjustments.

SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE FOR NATIONAL TRANSPORTATION SAFETY BOARD EMPLOYEES.

Section 1113 is amended by adding at the end the following:

''(i) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—

''(1) AUTHORITY TO PROVIDE INSURANCE.—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident investigation or other activity of the Board outside the United States or inside the United States under hazardous circumstances, as defined by the Board.

''(2) CREDITING OF INSURANCE BENEFITS TO OFFSET UNITED STATES TORT LIABILITY.—Any amounts paid to a person under insurance coverage procured under this subsection shall be credited as offsetting any liability of the United States to pay damages to that person under section 1346(b) of title 28, chapter 171 of title 28, chapter 163 of title 10, or any other provision of law authorizing recovery based upon tort liability of the United States in connection with the injury or death resulting in the insurance payment.

''(3) TREATMENT OF INSURANCE BENEFITS.—Any amounts paid under insurance coverage procured under this subsection shall not—

''(A) be considered additional pay or allowances for purposes of section 5536 of title 5; or

''(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.

''(4) ENTITLEMENT TO OTHER INSURANCE.—Nothing in this subsection shall be construed as affecting the entitlement of an employee to insurance under section 8704(b) of title 5.''.

SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE INDUSTRY IN INTERNATIONAL CHILD ABDUCTION CASES.

(a) STUDY.—The Comptroller General shall conduct a study to help determine how the Federal Aviation Administration (in this section referred to as the ''FAA'') could better ensure the collaboration and cooperation of air carriers and foreign air carriers providing air transportation and relevant Federal agencies to develop and enforce child safety control for adults traveling internationally with children.

(b) CONTENTS.—In conducting the study, the Comptroller General shall examine—

(1) the nature and scope of exit policies and procedures of the FAA, air carriers, and foreign air carriers and how the enforcement of such policies and procedures is monitored, including ticketing and boarding procedures;

(2) the extent to which air carriers and foreign air carriers cooperate in the investigations of international child abduction cases, including cooperation with the National Center for Missing and Exploited Children and relevant Federal, State, and local agencies;

(3) any effective practices, procedures, or lessons learned from the assessment of current practices and procedures of air carriers, foreign air carriers, and operators of other transportation modes that could improve the ability of the aviation community to ensure the safety of children traveling internationally with adults and, as appropriate, enhance the capability of air carriers and foreign air carriers to cooperate in the investigations of international child abduction cases; and

(4) any liability issues associated with providing assistance in such investigations.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 810. LOST NATION AIRPORT, OHIO.

(a) APPROVAL OF SALE.—The Secretary of Transportation may approve the sale of Lost Nation Airport from the city of Willoughby, Ohio, to Lake County, Ohio, if—

(1) Lake County meets all applicable requirements for sponsorship of the airport; and

(2) Lake County agrees to assume the obligations and assurances of the grant agreements relating to the airport executed by the city of Willoughby under chapter 471 of title 49, United States Code, and to operate and maintain the airport in accordance with such obligations and assurances.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant, from funds made available under section 48103 of title 49, United States Code, to Lake County to assist in Lake County's purchase of the Lost Nation Airport under subsection (a).

(2) FEDERAL SHARE.—The Federal share of the grant under this subsection shall be for 90 percent of the cost of Lake County's purchase of the Lost Nation Airport, but in no event may the Federal share of the grant exceed $1,220,000.

(3) APPROVAL.—The Secretary may make a grant under this subsection only if the Secretary receives such written assurances as the Secretary may require under section 47107 of title 49, United States Code, with respect to the grant and Lost Nation Airport.

(c) TREATMENT OF PROCEEDS FROM SALE.—The Secretary may grant to the city of Willoughby an exemption from the provisions of sections 47107 and 47133 of such title, any grant obligations of the city of Willoughby, and regulations and policies of the Federal Aviation Administration to the extent necessary to allow the city of Willoughby to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the city of Willoughby.

SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.

(a) FINDINGS.—Congress finds that—

(1) Pollock Municipal Airport located in Pollock, Louisiana (in this section referred to as the ''airport''), has never been included in the National Plan of Integrated Airport Systems pursuant to section 47103 of title 49, United States Code, and is therefore not considered necessary to meet the current or future needs of the national aviation system; and

(2) closing the airport will not adversely affect aviation safety, aviation capacity, or air commerce.

(b) REQUEST FOR CLOSURE.—

(1) APPROVAL.—Notwithstanding any other provision of law, requirement, or agreement and subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall—

(A) approve a request from the town of Pollock, Louisiana, to close the airport as a public airport; and

(B) release the town from any term, condition, reservation, or restriction contained in a surplus property conveyance or transfer document, and from any order or finding by the Department of Transportation on the use and repayment of airport revenue applicable to the airport, that would otherwise prevent the closure of the airport and redevelopment of the facilities to nonaeronautical uses.

(2) CONTINUED AIRPORT OPERATION PRIOR TO APPROVAL.—The town of Pollock shall continue to operate and maintain the airport until the Administrator grants the town's request for closure of the airport.

(3) USE OF PROCEEDS FROM SALE OF AIRPORT.—Upon the approval of the request to close the airport, the town of Pollock shall obtain fair market value for the sale of the airport property and shall immediately upon receipt transfer all such proceeds from the sale of the airport property to the sponsor of a public airport designated by the Administrator to be used for the development or improvement of such airport.

(4) RELOCATION OF AIRCRAFT.—Before closure of the airport, the town of Pollock shall provide adequate time for any airport-based aircraft to relocate.

SEC. 812. HUMAN INTERVENTION AND MOTIVATION STUDY PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a human intervention and motivation study program for pilots and flight attendants involved in air carrier operations in the United States under part 121 of title 14, Code of Federal Regulations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2012. Such sums shall remain available until expended.

SEC. 813. WASHINGTON, DC, AIR DEFENSE IDENTIFICATION ZONE.

(a) SUBMISSION OF PLAN TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with Secretary of Homeland Security and Secretary of Defense, shall submit to the Committee on Transportation and Infrastructure and Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the Washington, DC, Air Defense Identification Zone.

(b) CONTENTS OF PLAN.—The plan shall outline specific changes to the Washington, DC, Air Defense Identification Zone that will decrease operational impacts and improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P. HOBBY AIRPORT, HOUSTON, TEXAS.

It is the sense of Congress that the Nation—

(1) supports the goals and ideals of the 1940 Air Terminal Museum located at William P. Hobby Airport in the city of Houston, Texas;

(2) congratulates the city of Houston and the 1940 Air Terminal Museum on the 80-year history of William P. Hobby Airport and the vital role of the airport in Houston's and the Nation's transportation infrastructure; and

(3) recognizes the 1940 Air Terminal Museum for its importance to the Nation in the preservation and presentation of civil aviation heritage and recognizes the importance of civil aviation to the Nation's history and economy.

SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the following purposes:

(1) To require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

(2) To require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

SEC. 817. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports (as defined in section 47102 of title 49, United States Code) that have a noise compatibility program approved by the Administrator under section 47504 of such title.

(b) GRANTS.—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made available under section 47117(e)(1)(A) of such title, to the operator of an airport participating in the pilot program—

(1) to support joint planning (including planning described in section 47504(a)(2)(F) of such title), engineering design, and environmental permitting for the assembly and redevelopment of real property purchased with noise mitigation funds made available under section 48103 or passenger facility revenues collected for the airport under section 40117 of such title; and

(2) to encourage compatible land uses with the airport and generate economic benefits to the airport operator and an affected local jurisdiction.

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under this section unless the grant is made—

(1) to enable the airport operator and an affected local jurisdiction to expedite their noise mitigation redevelopment efforts with respect to real property described in subsection (b)(1);

(2) subject to a requirement that the affected local jurisdiction has adopted zoning regulations that permit compatible redevelopment of real property described in subsection (b)(1); and

(3) subject to a requirement that funds made available under section 47117(e)(1)(A) with respect to real property assembled and redeveloped under subsection (b)(1) plus the amount of any grants made for acquisition of such property under section 47504 of such title are repaid to the Administrator upon the sale of such property.

(d) COOPERATION WITH LOCAL AFFECTED JURISDICTION.—An airport operator may use funds granted under this section for a purpose described in subsection (b) only in cooperation with an affected local jurisdiction.

(e) UNITED STATES GOVERNMENT SHARE.—

(1) IN GENERAL.—The United States Government share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(2) DETERMINATION.—In determining the allowable project costs of a project carried out under the pilot program for purposes of this subsection, the Administrator shall deduct from the total costs of the project that portion of the total costs of the project that are incurred with respect to real property that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program for the airport or that is not owned by an affected local jurisdiction or other public entity.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under this pilot program at any single public-use airport.

(f) SPECIAL RULES FOR REPAID FUNDS.—The amounts repaid to the Administrator with respect to an airport under subsection (c)(3)—

(1) shall be available to the Administrator for the following actions giving preference to such actions in descending order:

(A) reinvestment in an approved noise compatibility project at the airport;

(B) reinvestment in another project at the airport that is available for funding under section 47117(e) of title 49, United States Code;

(C) reinvestment in an approved airport development project at the airport that is eligible for funding under section 47114, 47115, or 47117 of such title;

(D) reinvestment in approved noise compatibility project at any other public airport; and

(E) deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502);

(2) shall be in addition to amounts authorized under section 48103 of title 49, United States Code; and

(3) shall remain available until expended.

(g) USE OF PASSENGER FACILITY REVENUE.—An operator of an airport participating in the pilot program may use passenger facility

revenue collected for the airport under section 40117 of title 49, United States Code, to pay the portion of the total cost of a project carried out by the operator under the pilot program that are not allowable under subsection (e)(2).

(h) SUNSET.—The Administrator may not make a grant under the pilot program after September 30, 2012.

(i) REPORT TO CONGRESS.—Not later than the last day of the 30th month following the date on which the first grant is made under this section, the Administrator shall report to Congress on the effectiveness of the pilot program on returning real property purchased with noise mitigation funds made available under section 47117(e)(1)(A) or 47505 or passenger facility revenues to productive use.

(j) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(3) by adding at the end the following:

''(F) joint comprehensive land use planning, including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where any land or other property interest acquired by the airport operator under this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.''.

SEC. 818. HELICOPTER OPERATIONS OVER LONG ISLAND AND STATEN ISLAND, NEW YORK.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on helicopter operations over Long Island and Staten Island, New York.

(b) CONTENTS.—In conducting the study, the Administrator shall examine, at a minimum, the following:

(1) The effect of helicopter operations on residential areas, including—

(A) safety issues relating to helicopter operations;

(B) noise levels relating to helicopter operations and ways to abate the noise levels; and

(C) any other issue relating to helicopter operations on residential areas.

(2) The feasibility of diverting helicopters from residential areas.

(3) The feasibility of creating specific air lanes for helicopter operations.

(4) The feasibility of establishing altitude limits for helicopter operations.

(c) EXCEPTIONS.—Any determination under this section on the feasibility of establishing limitations or restrictions for helicopter operations over Long Island and Staten Island, New York, shall not apply to helicopters performing operations for news organizations, the military, law enforcement, or providers of emergency services.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to interfere with the Federal Aviation Administration's authority to ensure the safe and efficient use of the national airspace system.

(e) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 819. CABIN TEMPERATURE AND HUMIDITY STANDARDS STUDY.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study to determine whether onboard temperature standards are necessary to protect cabin and cockpit crew members and passengers on an aircraft of an air carrier used to provide air transportation from excessive heat and humidity onboard such aircraft during standard operations or during an excessive flight delay.

(b) TEMPERATURE REVIEW.—In conducting the study under subsection (a), the Administrator shall—

(1) survey onboard cabin and cockpit temperature and humidity of a representative sampling of different aircraft types and operations;

(2) address the appropriate placement of temperature monitoring devices onboard the aircraft to determine the most accurate measurement of onboard temperature and humidity and develop a system for the reporting of excessive temperature and humidity onboard passenger aircraft by cockpit and cabin crew members; and

(3) review the impact of implementing such onboard temperature and humidity standards on the environment, fuel economy, and avionics and determine the costs associated with such implementation and the feasibility of using ground equipment or other mitigation measures to offset any such costs.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the findings of the study.

SEC. 820. CIVIL PENALTIES TECHNICAL AMENDMENTS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by inserting ''chapter 451,'' before ''section 47107(b)'';

(2) in subsection (a)(5)(A)(i)—

(A) by striking ''or chapter 449'' and inserting ''chapter 449''; and

(B) by inserting after ''44909)'' the following: '', or chapter 451''; and

(3) in subsection (d)(2)—

(A) by inserting after ''44723)'' the following: '', chapter 451 (except section 45107)''; and

(B) by inserting after ''44909),'' the following: ''section 45107 or''.

SEC. 821. STUDY AND REPORT ON ALLEVIATING CONGESTION.

Not later than 18 months after the date of enactment of this Act, the Comptroller General shall conduct a study and submit a report to Congress regarding effective strategies to alleviate congestion in the national airspace at airports during peak travel times, by evaluating the effectiveness of reducing flight schedules and staggering flights, developing incentives for airlines to reduce the number of flights offered, and instituting slots and quotas at airports. In addition, the Comptroller General shall compare the efficiency of implementing the strategies in the preceding sentence with redesigning airspace and evaluate any legal obstacles to implementing such strategies.

SEC. 822. AIRLINE PERSONNEL TRAINING ENHANCEMENT.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations under chapter 447 of title 49, United States Code, that require air carriers to provide initial and annual recurring training for flight attendants and gate attendants regarding serving alcohol, dealing with disruptive passengers, and recognizing intoxicated persons. The training shall include situational training on methods of handling an intoxicated person who is belligerent.

SEC. 823. STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED SEARCH ENGINE ON WIND TURBINE INSTALLATION OBSTRUCTION.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the acceptable height and distance that wind turbines may be installed in relation to aviation sites and the level of obstruction such turbines may present to such sites.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult, if appropriate, with the Secretaries of the Army, Navy and Air Force, Homeland Security, Agriculture, and Energy to coordinate the requirements of each agency for future air space needs, determine what the acceptable risks are to existing infrastructure of each agency, and define the different levels of risk for such infrastructure.

(c) IMPACT OF WIND TURBINES ON RADAR SIGNALS.—In conducting the study, the Administrator shall consider the impact of the operation of wind turbines, individually and in collections, on radar signals and evaluate the feasibility of providing quantifiable measures of numbers of turbines and distance from radars that are acceptable.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report on the results of the study to the Committee on Transportation and Infrastructure, Committee on Homeland Security, Committee on Armed Services, Committee on Agriculture, and Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation, Committee on Homeland Security and Governmental Affairs, Committee on Agriculture, Nutrition, and Forestry, and Committee on Armed Services of the Senate.

SEC. 824. FAA RADAR SIGNAL LOCATIONS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on the locations of Federal Aviation Administration radar signals (in this section referred to as ''FAA radars'') in the United States, including the impact of such locations on—

(1) the development and installation of renewable energy technologies, including wind turbines; and

(2) the ability of State and local authorities to identify and plan for the location of such renewable energy technologies.

(b) CONSULTATION.—In conducting the study, the Administrator may consult with the heads of appropriate agencies as needed.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(d) ADMINISTRATIVE PROCESS.—The Administrator shall develop an effective administrative process for relocation of FAA radars, when appropriate, and testing and deployment of alternate solutions, as necessary.

(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of the Administrator to issue hazard determinations.

SEC. 825. WIND TURBINE LIGHTING.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on wind turbine lighting systems.

(b) CONTENTS.—In conducting the study, the Administrator shall examine the following:

(1) The effect of wind turbine lighting on residential areas.

(2) The safety issues associated with alternative lighting strategies, technologies, and regulations.

(3) Potential energy savings associated with alternative lighting strategies, technologies, and regulations.

(4) The feasibility of implementing alternative lighting strategies or technologies.

(5) Any other issue relating to wind turbine lighting.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 826. PROHIBITION ON USE OF CERTAIN FUNDS.

The Secretary may not use any funds authorized in this Act to name, rename, designate, or redesignate any project or program under this act for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress.

SEC. 827. LIMITING ACCESS TO FLIGHT DECKS OF ALL-CARGO AIRCRAFT.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with appropriate air carriers, aircraft manufacturers, and air carrier labor representatives, shall conduct a study to identify a physical means, or a combination of physical and procedural means, of limiting access to the flight decks of all-cargo aircraft to authorized flight crew members.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

SEC. 828. WHISTLEBLOWERS AT FAA.

It is the sense of Congress that whistleblowers at the Federal Aviation Administration be granted the full protection of the law.

SEC. 829. COLLEGE POINT MARINE TRANSFER STATION, NEW YORK.

(a) FINDING.—Congress finds that the Federal Aviation Administration, in determining whether the proposed College Point Marine Transfer Station in New York City, New York, if constructed, would constitute a hazard to air navigation, has not followed published policy statements of the Federal Aviation Administration, including—

(1) Advisory Circular Number 150/5200–33B 2, entitled ''Hazardous Wildlife Attractants on or Near Airports'';

(2) Advisory Circular Number 150/5300–13, entitled ''Airport Design''; and

(3) the publication entitled ''Policies and Procedures Memorandum—Airports Division'', Number 5300.1B, dated Feb. 5, 1999.

(b) DESIGNATION OF TRANSFER STATION AS HAZARD TO AIR NAVIGATION.—The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to designate the proposed College Point Marine Transfer Station in New York City, New York, as a hazard to air navigation.

SEC. 830. PILOT TRAINING AND CERTIFICATION.

(a) INITIATION OF STUDY.—Not later than 3 months after the date of enactment of this Act, the Comptroller General shall initiate a study on commercial airline pilot training and certification programs. The study shall include the data collected under subsection (b).

(b) DATA COLLECTED.—In conducting the study, the Comptroller General shall collect data on—

(1) commercial pilot training and certification programs at United States air carriers, including regional and commuter air carriers;

(2) the number of training hours required for pilots operating new aircraft types before assuming pilot in command duties;

(3) how United States air carriers update and train pilots on new technologies in aircraft types in which they hold certifications;

(4) what remedial actions are taken in cases of repeated unsatisfactory check-rides by commercial airline pilots;

(5) what stall warning systems are included in flight simulator training compared to classroom instruction; and

(6) the information required to be provided by pilots on their job applications and the ability of United States air carriers to verify the information provided.

(c) CONTENTS OF STUDY.—The study shall include, at a minimum—

(1) a review of Federal Aviation Administration and international standards regarding commercial airline pilot training and certification programs;

(2) the results of interviews that the Comptroller General shall conduct with United States air carriers, pilot organizations, the National Transportation Safety Board, the Federal Aviation Administration, and such other parties as the Comptroller General determines appropriate; and

(3) such other matters as the Comptroller General determines are appropriate.

(d) REPORT.—Not later than 12 months after the date of initiation of the study, the Comptroller General shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, together with the findings and recommendations of the Comptroller General regarding the study.

SEC. 831. ST. GEORGE, UTAH.

(a) IN GENERAL.—Notwithstanding section 16 of the Federal Airport Act (as in effect on August 28, 1973) or sections 47125 and 47153 of title 49, United States Code, the Secretary of Transportation is authorized, subject to subsection (b), to grant releases from any of the terms, conditions, reservations, and restrictions contained in the deed of conveyance dated August 28, 1973, under which the United States conveyed certain property to the city of St. George, Utah, for airport purposes.

(b) CONDITION.—Any release granted by the Secretary under the subsection (a) shall be subject to the following conditions:

(1) The city of St. George shall agree that in conveying any interest in the property that the United States conveyed to the city by deed dated August 28, 1973, the city will receive an amount for such interest that is equal to the fair market value.

(2) Any such amount so received by the city of St. George shall be used by the city for the development, improvement, operation, or maintenance of a replacement public airport.

SEC. 832. REPLACEMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.

The Administrator of the Federal Aviation Administration shall take such actions as may be necessary to ensure that any air traffic control tower or facility placed into operation at Palm Beach International Airport after September 30, 2009, to replace an air traffic control tower or facility placed into operation before September 30, 2009, includes an operating terminal radar approach control.

SEC. 833. SANTA MONICA AIRPORT, CALIFORNIA.

It is the sense of Congress that the Administrator of the Federal Aviation Administration should enter into good faith discussions with the city of Santa Monica, California, to achieve runway safety area solutions consistent with Federal Aviation Administration design guidelines to address safety concerns at Santa Monica Airport.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

SEC. 901. SHORT TITLE.

This title may be cited as the ''Federal Aviation Research and Development Reauthorization Act of 2010''.

SEC. 902. DEFINITIONS.

As used in this title, the following definition apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(3) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(4) NATIONAL RESEARCH COUNCIL.—The term ''National Research Council'' means the National Research Council of the National Academies of Science and Engineering.

(5) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

(6) NSF.—The term ''NSF'' means the National Science Foundation.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

SEC. 903. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) IN GENERAL.—The Administrator, in coordination with NASA and the United States Climate Change Science Program, shall carry out a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) RESEARCH PLAN.—Not later than one year after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

SEC. 904. RESEARCH PROGRAM ON RUNWAYS.

(a) RESEARCH PROGRAM.—The Administrator shall maintain a program of research grants to universities and nonprofit research foundations for research and technology demonstrations related to—

(1) improved runway surfaces; and

(2) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2012 to carry out this section.

SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of enactment of this Act, the FAA, in consultation with other agencies as appropriate, shall establish a research program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), the FAA shall develop a plan for the research program that contains the objectives, proposed tasks, milestones, and five-year budgetary profile.

(c) REVIEW.—The Administrator shall have the National Research Council conduct an independent review of the research program plan and provide the results of that review to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 906. CENTERS OF EXCELLENCE.

(a) GOVERNMENT'S SHARE OF COSTS.—Section 44513(f) is amended to read as follows:

''(f) GOVERNMENT'S SHARE OF COSTS.—The United States Government's share of establishing and operating the center and all related research activities that grant recipients carry out shall not exceed 75 percent of the costs. The United States Government's share of an individual grant under this section shall not exceed 90 percent of the costs.''.

(b) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request a report that lists—

(1) the research projects that have been initiated by each Center of Excellence in the preceding year;

(2) the amount of funding for each research project and the funding source;

(3) the institutions participating in each project and their shares of the overall funding for each research project; and

(4) the level of cost-sharing for each research project.

SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511(f) is amended—

(1) in paragraph (1) by striking ''establish a 4-year pilot'' and inserting ''maintain an''; and

(2) in paragraph (4)—

(A) by striking ''expiration of the program'' and inserting ''expiration of the pilot program''; and

(B) by striking ''program, including recommendations as to the need for establishing a permanent airport cooperative research program'' and inserting ''program''.

SEC. 908. UNMANNED AIRCRAFT SYSTEMS.

(a) RESEARCH INITIATIVE.—Section 44504(b) is amended—

(1) in paragraph (6) by striking ''and'' after the semicolon;

(2) in paragraph (7) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.''.

(b) SYSTEMS, PROCEDURES, FACILITIES, AND DEVICES.—Section 44505(b) is amended—

(1) in paragraph (4) by striking ''and'' after the semicolon;

(2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems safety; and

''(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.''.

SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) IN GENERAL.—The Administrator shall establish a program to utilize colleges and universities, including Historically Black Colleges and Universities, Hispanic serving institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in conducting research by undergraduate students on subjects of relevance to the FAA. Grants may be awarded under this section for—

(1) research projects to be carried out primarily by undergraduate students;

(2) research projects that combine undergraduate research with other research supported by the FAA;

(3) research on future training requirements related to projected changes in regulatory requirements for aircraft maintenance and power plant licensees; and

(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2010 through 2012, for research grants under this section.

SEC. 910. AVIATION GAS RESEARCH AND DEVELOPMENT PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Administrator, in coordination with the NASA Administrator, shall continue research and development activities into technologies for modification of existing general aviation piston engines to enable their safe operation using unleaded aviation fuel.

(b) ROADMAP.—Not later than 120 days after the date of enactment of this Act, the Administrator shall develop a research and development roadmap for the program continued in subsection (a), containing the specific research and development objectives and the anticipated timetable for achieving the objectives.

(c) REPORT.—Not later than 130 days after the date of enactment of this Act, the Administrator shall provide the roadmap specified in subsection (b) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 for each of the fiscal years 2010 through 2012 to carry out this section.

SEC. 911. REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.

(a) STUDY.—The Administrator shall enter into an arrangement with the National Research Council for a review of the FAA's energy- and environment-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the energy- and environment-related research programs of NASA, NOAA, and other relevant agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results into the FAA's operational technologies and procedures and certification activities.

(b) REPORT.—A report containing the results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months of the enactment of this Act.

SEC. 912. REVIEW OF FAA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of the FAA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of NASA and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results from the programs into the FAA's operational technologies and procedures and certification activities in a timely manner.

(b) AVIATION SAFETY-RELATED RESEARCH PROGRAMS TO BE ASSESSED.—The FAA aviation safety-related research programs to be assessed under the review shall include, at a minimum, the following:

(1) Air traffic control/technical operations human factors.

(2) Runway incursion reduction.

(3) Flightdeck/maintenance system integration human factors.

(4) Airports technology research—safety.

(5) Airport cooperative research program—safety.

(6) Weather program.

(7) Atmospheric hazards/digital system safety.

(8) Fire research and safety.

(9) Propulsion and fuel systems.

(10) Advanced materials/structural safety.

(11) Aging aircraft.

(12) Aircraft catastrophic failure prevention research.

(13) Aeromedical research.

(14) Aviation safety risk analysis.

(15) Unmanned aircraft systems research.

(c) REPORT.—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the review.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by the amendments made by this Act, there is authorized to be appropriated $700,000 for fiscal year 2010 to carry out this section.

SEC. 913. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—Using amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall conduct a research program related to developing jet fuel from alternative sources (such as coal, natural gas, biomass, ethanol, butanol, and hydrogen) through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION BY EDUCATIONAL AND RESEARCH INSTITUTIONS.—In conducting the program, the Secretary shall provide for participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology for alternative jet fuels.

(c) DESIGNATION OF INSTITUTE AS A CENTER OF EXCELLENCE.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Alternative Jet Fuel Research.

SEC. 914. CENTER FOR EXCELLENCE IN AVIATION EMPLOYMENT.

(a) ESTABLISHMENT.—The Administrator shall establish a Center for Excellence in Aviation Employment (in this section referred to as the ''Center'').

(b) APPLIED RESEARCH AND TRAINING.—The Center shall conduct applied research and training on—

(1) human performance in the air transportation environment;

(2) air transportation personnel, including air traffic controllers, pilots, and technicians; and

(3) any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system.

(c) DUTIES.—The Center shall—

(1) in conjunction with the Collegiate Training Initiative and other air traffic controller training programs, develop, implement, and evaluate a comprehensive, best-practices based training program for air traffic controllers;

(2) work with the Office of Human Resource Management of the FAA as that office develops and implements a strategic recruitment and marketing program to help the FAA compete for the best qualified employees and incorporate an employee value proposition process that results in attracting a broad-based and diverse aviation workforce in mission critical positions, including air traffic controller, aviation safety inspector, airway transportation safety specialist, and engineer;

(3) through industry surveys and other research methodologies and in partnership with the ''Taskforce on the Future of the Aerospace Workforce'' and the Secretary of Labor, establish a baseline of general aviation employment statistics for purposes of projecting and anticipating future workforce needs and demonstrating the economic impact of general aviation employment;

(4) conduct a comprehensive analysis of the airframe and powerplant technician certification process and employment trends for maintenance repair organization facilities, certificated repair stations, and general aviation maintenance organizations;

(5) establish a best practices model in aviation maintenance technician school environments; and

(6) establish a workforce retraining program to allow for transition of recently unemployed and highly skilled mechanics into aviation employment.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Airport and Airway Trust Fund Financing Act of 2010''.

SEC. 1002. EXTENSION AND MODIFICATION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE AND AVIATION GASOLINE.—

(1) AVIATION-GRADE KEROSENE.—Subparagraph (A) of section 4081(a)(2) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.''.

(2) AVIATION GASOLINE.—Clause (ii) of section 4081(a)(2)(A) of such Code is amended by striking ''19.3 cents'' and inserting ''24.1 cents''.

(3) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) of such Code is amended to read as follows:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) of such Code is amended by inserting ''other than aviation-grade kerosene'' after ''kerosene''.

(B) The following provisions of such Code are each amended by striking ''kerosene'' and inserting ''aviation-grade kerosene'':

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) of such Code is amended—

(i) by striking ''paragraph (2)(C)(i)'' in clause (i) and inserting ''paragraph (2)(C)'', and

(ii) by striking ''paragraph (2)(C)(ii)'' in clause (ii) and inserting ''paragraph (2)(A)(iv)''.

(D) Section 4081(a)(4) of such Code is amended—

(i) by striking ''paragraph (2)(C)(i)'' and inserting ''paragraph (2)(C)'', and

(ii) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(E) Section 4081(d)(2) of such Code is amended by inserting '', (a)(2)(A)(iv),'' after ''subsections (a)(2)(A)(ii)''.

(b) EXTENSION.—

(1) FUELS TAXES.—Paragraph (2) of section 4081(d) of such Code is amended by striking ''gallon—'' and all that follows and inserting ''gallon after September 30, 2012''.

(2) TAXES ON TRANSPORTATION OF PERSONS AND PROPERTY.—

(A) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(B) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(c) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 of such Code is amended—

(1) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(2) by striking ''section 4081(a)(2)(A)(iii)'' and inserting ''section 4081(a)(2)(A)(iv)'', and

(3) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(d) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) of such Code is amended by inserting ''at the rate specified in subsection (a)(2)(A)(iv) thereof'' after ''section 4081''.

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) of such Code is amended to read as follows:

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).''.

(e) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) of such Code is amended by striking ''specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,'' and inserting ''so imposed''.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) of such Code is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

''(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 of such Code is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.''.

(4) CONFORMING AMENDMENTS.—

(A) Section 6427(i)(4) of such Code is amended—

(i) by striking ''paragraph (4)(C) or (5)'' both places it appears and inserting ''paragraph (4)(B) or (6)'', and

(ii) by striking '', (l)(4)(C)(ii), and (l)(5)'' and inserting ''and (l)(6)''.

(B) Section 6427(l)(1) of such Code is amended by striking ''paragraph (4)(C)(i)'' and inserting ''paragraph (4)(B)(i)''.

(C) Section 4082(d)(2)(B) of such Code is amended by striking ''6427(l)(5)(B)'' and inserting ''6427(l)(6)(B)''.

(f) AIRPORT AND AIRWAY TRUST FUND.—

(1) EXTENSION OF TRUST FUND AUTHORITIES.—

(A) EXPENDITURES FROM TRUST FUND.—Paragraph (1) of section 9502(d) of such Code is amended—

(i) by striking ''October 1, 2009'' in the matter preceding subparagraph (A) and inserting ''October 1, 2012'', and

(ii) by inserting ''or the Aviation Safety and Investment Act of 2010'' before the semicolon at the end of subparagraph (A).

(B) LIMITATION ON TRANSFERS TO TRUST FUND.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(2) TRANSFERS TO TRUST FUND.—Subparagraph (C) of section 9502(b)(1) of such Code is amended to read as follows:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(3) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 of such Code is amended—

(i) by striking ''(other than subsection (l)(4) thereof)'' in paragraph (2), and

(ii) by striking ''(other than payments made by reason of paragraph (4) of section 6427(l))'' in paragraph (3).

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) of such Code is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

''(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

''(F) section 4041(c).''.

(ii) Section 9503(c) of such Code is amended by striking the last paragraph (relating to transfers from the Trust Fund for certain aviation fuel taxes).

(iii) Section 9502(a) of such Code is amended by striking '', section 9503(c)(7),''.

(4) TRANSFERS ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Section 9502(d) of such Code is amended by adding at the end the following new paragraph:

''(7) TRANSFERS FROM AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund into the Highway Trust Fund amounts as determined by the Secretary of the Treasury equivalent to amounts transferred to the Airport and Airway Trust Fund with respect to aviation-grade kerosene not used in aviation.''.

(5) EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.—Section 9502(d) of such Code, as amended by this title, is amended by adding at the end the following new paragraph:

''(8) EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.—The following amounts may be used only for making expenditures to carry out air traffic control modernization:

''(A) So much of the amounts appropriated under subsection (b)(1)(C) as the Secretary estimates are attributable to—

''(i) 14.1 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(iv) in the case of aviation-grade kerosene used other than in commercial aviation (as defined in section 4083(b)), and

''(ii) 4.8 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(ii) in the case of aviation gasoline used other than in commercial aviation (as so defined).

''(B) Any amounts credited to the Airport and Airway Trust Fund under section 9602(b) with respect to amounts described in this paragraph.''.

(g) EFFECTIVE DATE.—

(1) MODIFICATIONS.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2009.

(2) EXTENSIONS.—The amendments made by subsections (b) and (f)(1) shall take effect on the date of the enactment of this Act.

(h) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on January 1, 2010, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on January 1, 2010, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid on April 30, 2010, and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by the provision of section 4081 of the Internal Revenue Code of 1986 which applies with respect to the aviation fuel involved.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION FUEL.—The term ''aviation fuel'' means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on January 1, 2010, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (6).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

TITLE XI—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO-ACT OF 2010

SEC. 1101. COMPLIANCE PROVISION.

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

After debate,

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 1(c) of rule XIX, announced that further proceedings on the motion were postponed.

¶40.15 BANGLADESH'S RETURN TO DEMOCRACY

Mr. CROWLEY moved to suspend the rules and agree to the following resolution (H. Res. 1215); as amended:

Whereas March 26 is the anniversary of Bangladesh's independence;

Whereas the Constitution of Bangladesh, ratified in 1972 following a war of independence, established a democracy ruled by and for the people of Bangladesh;

Whereas Bangladesh has a population of approximately 160,000,000 people, is the world's fourth most populated Muslim country, and is a moderate and democratic Muslim nation;

Whereas before elections in December 2008, Bangladesh held what the international community viewed as three free and fair elections in 1991, 1996, and 2001, respectively;

Whereas in October 2006, power was handed over to a caretaker government before the January 22, 2007, scheduled election and the caretaker government subsequently imposed a state of emergency on January 11, 2007;

Whereas the United States House of Representatives passed a resolution in September 2008 calling for the return of democracy in Bangladesh;

Whereas the caretaker government of Bangladesh returned the country to democracy through an election held on December 29, 2008;

Whereas the December 29, 2008, election was monitored by numerous international election observers that declared the election credible;

Whereas the United States Department of State welcomed ''the success of Bangladesh's parliamentary elections'' and congratulated the ''Bangladesh Election Commission and the thousands of government officials involved in organizing this successful election'';

Whereas the Awami League, led by former Prime Minister Sheikh Hasina Wajed, won over two-thirds of the 300 seats in Parliament and formed a new government in January 2009;

Whereas President Barack Obama awarded Muhammad Yunus the Presidential Medal of Freedom in August 2009;

Whereas the United States Agency for International Development reports that 49 percent of Bangladeshis live below the poverty line;

Whereas Bangladesh's economy grew at an estimated rate of 5.7 percent in 2009;

Whereas the Anti-Corruption Commission in Bangladesh has commenced serious efforts to address corruption; and

Whereas Bangladesh's long-term political stability and economic progress are critical to the security of the South Asian region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its strong support for the people of Bangladesh;

(2) encourages the strengthening and consolidation of democracy in Bangladesh one year after the election;

(3) urges the Government of Bangladesh to work together with all political leaders to continue and deepen reconciliation;

(4) appreciates the Government of Bangladesh for making progress in meeting the selection criteria of the Millennium Challenge Corporation;

(5) urges the Government of Bangladesh to protect the rights of religious and ethnic minorities in Bangladesh, including the Hindus, Christians, Buddhists, Ahmadis, and non-Muslim tribal peoples;

(6) urges the Anti-Corruption Commission in Bangladesh to continue its efforts to eradicate corruption;

(7) urges the Secretary of State to coordinate with Bangladesh on matters pertaining to security, economic progress, and human rights in South Asia; and

(8) encourages the Secretary of State and the Administrator of the United States Agency for International Development to continue supporting the building of a strong civil society and eradicating poverty in Bangladesh.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. CROWLEY and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CROWLEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶40.16 SMALL BUSINESS LOAN GUARANTEE

Mr. SERRANO moved to suspend the rules and pass the bill (H.R. 4938) to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. SERRANO and Mrs. EMERSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶40.17 FURTHER CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 1586

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 1(c) of rule XIX, announced that further proceedings were resumed on the motion to agree to the amendment of the Senate to the title and the amendment of the Senate to the text to the bill (H.R. 1586) to impose additional tax on bonuses received from certain TARP recipients, and for other purposes, with an amendment.

Pursuant to House Resolution 1212, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mrs. EMERSON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 276 / Nays 145

¶40.18 [Roll No. 190]

YEAS—276

Ackerman	Edwards (TX)	Lipinski
Adler (NJ)	Ehlers	LoBiondo
Altmire	Ellison	Loebsack
Andrews	Ellsworth	Lofgren, Zoe
Arcuri	Eshoo	Lowey
Baca	Etheridge	Luján
Baird	Farr	Lynch
Baldwin	Fattah	Maffei
Barrow	Filner	Maloney
Bean	Foster	Markey (CO)
Becerra	Frank (MA)	Markey (MA)
Berkley	Fudge	Marshall
Berman	Garamendi	Matheson
Berry	Gerlach	Matsui
Biggert	Giffords	McCarthy (NY)
Bilbray	Gonzalez	McCollum
Bishop (GA)	Gordon (TN)	McCotter
Bishop (NY)	Grayson	McDermott
Blumenauer	Green, Al	McGovern
Boccieri	Green, Gene	McIntyre
Bono Mack	Griffith	McMahon
Boren	Grijalva	McNerney
Boswell	Gutierrez	Meek (FL)
Boucher	Hall (NY)	Meeks (NY)
Boyd	Halvorson	Melancon
Brady (PA)	Hare	Michaud
Braley (IA)	Harman	Miller (MI)
Brown, Corrine	Hastings (FL)	Miller (NC)
Butterfield	Heinrich	Miller, Gary
Cao	Herseth Sandlin	Miller, George
Capito	Higgins	Mitchell
Capps	Hill	Mollohan
Capuano	Himes	Moore (KS)
Cardoza	Hinchey	Moore (WI)
Carnahan	Hinojosa	Moran (VA)
Carney	Hirono	Murphy (CT)
Carson (IN)	Hodes	Murphy (NY)
Castle	Holden	Murphy, Patrick
Castor (FL)	Holt	Murphy, Tim
Chandler	Honda	Nadler (NY)
Childers	Hoyer	Napolitano
Chu	Inslee	Nye
Clarke	Israel	Oberstar
Clay	Jackson (IL)	Obey
Cleaver	Jackson Lee (TX)	Olver
Clyburn	Jenkins	Ortiz
Cole	Johnson (GA)	Owens
Connolly (VA)	Johnson (IL)	Pallone
Conyers	Johnson, E. B.	Pascrell
Costa	Kagen	Pastor (AZ)
Costello	Kanjorski	Payne
Courtney	Kennedy	Perlmutter
Crowley	Kildee	Perriello
Cuellar	Kilpatrick (MI)	Peters
Cummings	Kilroy	Peterson
Dahlkemper	Kind	Pingree (ME)
Davis (CA)	King (NY)	Platts
Davis (IL)	Kirk	Polis (CO)
Davis (TN)	Kirkpatrick (AZ)	Pomeroy
DeFazio	Kissell	Price (NC)
DeGette	Klein (FL)	Quigley
Delahunt	Kosmas	Rahall
DeLauro	Kratovil	Rangel
Dent	Kucinich	Reyes
Diaz-Balart, L.	Lance	Richardson
Diaz-Balart, M.	Langevin	Rodriguez
Dicks	Larsen (WA)	Ross
Dingell	Larson (CT)	Rothman (NJ)
Doggett	LaTourette	Roybal-Allard
Donnelly (IN)	Lee (CA)	Ruppersberger
Doyle	Lee (NY)	Rush
Driehaus	Levin	Ryan (OH)
Duncan	Lewis (GA)	Salazar
Edwards (MD)		

Sánchez, Linda T.	Smith (NJ)	Velázquez
Sanchez, Loretta	Smith (WA)	Visclosky
Sarbanes	Snyder	Walz
Schakowsky	Space	Wasserman Schultz
Schauer	Speier	Waters
Schiff	Spratt	Watson
Schrader	Stark	Watt
Schwartz	Stupak	Waxman
Scott (GA)	Sutton	Weiner
Scott (VA)	Taylor	Welch
Serrano	Teague	Wilson (OH)
Sestak	Thompson (CA)	Wittman
Shea-Porter	Thompson (MS)	Wolf
Sherman	Thompson (PA)	Woolsey
Shimkus	Tiahrt	Wu
Shuler	Titus	Yarmuth
Sires	Tonko	Young (AK)
Skelton	Towns	
Slaughter	Tsongas	
	Van Hollen	

NAYS—145

Aderholt	Franks (AZ)	Neugebauer
Akin	Frelinghuysen	Nunes
Alexander	Gallegly	Olson
Austria	Garrett (NJ)	Paul
Bachmann	Gingrey (GA)	Paulsen
Bachus	Gohmert	Pence
Barrett (SC)	Goodlatte	Petri
Bartlett	Granger	Pitts
Barton (TX)	Graves	Poe (TX)
Bilirakis	Guthrie	Posey
Bishop (UT)	Hall (TX)	Price (GA)
Blackburn	Harper	Putnam
Blunt	Hastings (WA)	Rehberg
Boehner	Heller	Roe (TN)
Bonner	Hensarling	Rogers (AL)
Boozman	Herger	Rogers (KY)
Boustany	Hoekstra	Rogers (MI)
Brady (TX)	Hunter	Rohrabacher
Bright	Inglis	Rooney
Broun (GA)	Issa	Ros-Lehtinen
Brown (SC)	Johnson, Sam	Roskam
Brown-Waite, Ginny	Jones	Royce
Buchanan	Jordan (OH)	Ryan (WI)
Burgess	King (IA)	Scalise
Burton (IN)	Kingston	Schmidt
Calvert	Kline (MN)	Schock
Camp	Lamborn	Sensenbrenner
Campbell	Latham	Sessions
Cantor	Latta	Shadegg
Carter	Lewis (CA)	Shuster
Cassidy	Linder	Simpson
Chaffetz	Lucas	Smith (NE)
Coble	Luetkemeyer	Smith (TX)
Coffman (CO)	Lummis	Souder
Cohen	Lungren, Daniel E.	Stearns
Conaway	Mack	Sullivan
Cooper	Marchant	Tanner
Crenshaw	McCarthy (CA)	Terry
Culberson	McCaul	Thornberry
Davis (KY)	McClintock	Tiberi
Dreier	McHenry	Turner
Emerson	McKeon	Upton
Engel	McMorris Rodgers	Walden
Fallin	Mica	Wamp
Flake	Miller (FL)	Westmoreland
Fleming	Minnick	Whitfield
Forbes	Moran (KS)	Wilson (SC)
Fortenberry	Myrick	Young (FL)
Foxx		

NOT VOTING—8

Buyer	Manzullo	Reichert
Davis (AL)	Neal (MA)	Tierney
Kaptur	Radanovich	

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶40.19 H. RES. 1125—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1125) supporting the goals and ideals of National Public

Works Week, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 249 / Nays 172

¶40.20 [Roll No. 191]

YEAS—249

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

NAYS—172

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

NOT VOTING—8

Boehner
Buyer
Davis (AL)
Manzullo
Radanovich
Reichert
Shadegg
Woolsey

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said resolution, as amended, was not agreed to.

¶40.21 H.R. 4360—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4360) to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the ''Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 0

¶40.22 [Roll No. 192]

YEAS—417

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim

Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Bilbray
Boehner
Buyer
Chandler
Davis (AL)
Lynch
Manzullo
Meeks (NY)
Neal (MA)
Owens
Radanovich
Reichert

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶40.23 COMMITTEE ELECTION—MINORITY

Mr. PENCE, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 1223):

Resolved, That the following-named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON ENERGY AND COMMERCE: Mr. Latta.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶40.24 RECESS—5:39 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 39 minutes p.m., subject to the call of the Chair.

¶40.25 AFTER RECESS—6:37 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, called the House to order.

¶40.26 PROVIDING FOR CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 4872

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 111–458) the resolution (H. Res. 1225) providing for consideration of the amendments of the Senate to the bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

When said resolution and report were referred to the House Calendar and ordered printed.

¶40.27 PROVIDING FOR CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 4872

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1225):

Resolved, That upon adoption of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13), with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on Education and Labor or his designee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

When said resolution was considered.

After debate,

On motion of Ms. SLAUGHTER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. OBEY, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 225 / Nays 199

¶40.28 [Roll No. 193]

YEAS—225

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

NAYS—199

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)

Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Brady (TX)
Buyer
Davis (AL)
Reichert
Space

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶40.29 AMENDMENTS OF THE SENATE TO H.R. 4872

Mr. George MILLER of California, pursuant to House Resolution 1225, moved to take from the Speaker's table the bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13); together with the following amendments of the Senate thereto:

On page 118, strike lines 15 through 25 (and redesignate subsequent subsections accordingly).

On page 120, strike lines 3 through 5.

Mr. George MILLER of California, pursuant to House Resolution 1225, moved to agree to the amendments of the Senate.

After debate,

Pursuant to House Resolution 1225, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. CAPUANO, announced that the yeas had it.

Mr. KLINE of Minnesota, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 207

¶40.30 [Roll No. 194]

YEAS—220

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

NAYS—207

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

NOT VOTING—3

Buyer
Davis (AL)
Reichert

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶40.31 H. RES. 1215—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1215) expressing support of Bangladesh's return to democracy; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 380 / Nays 7

¶40.32 [Roll No. 195]

YEAS—380

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett

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

NAYS—7

Broun (GA)
Carter
Conaway
Gohmert
Lummis
Paul
Poe (TX)

NOT VOTING—42

Austria
Baca
Berman
Boehner
Buyer
Calvert
Cao
Capps
Castor (FL)
Coffman (CO)
Davis (AL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Fudge
Gallegly
Gingrey (GA)
Gordon (TN)
Gutierrez
Jordan (OH)
Kilpatrick (MI)
Kosmas
Linder
McIntyre
Miller, Gary
Murphy (NY)
Napolitano
Obey
Peterson
Price (GA)
Putnam
Radanovich
Reichert
Rohrabacher
Roskam
Sanchez, Loretta
Shimkus
Shuler
Sutton
Tiberi
Velázquez

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶40.33 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to, without amendment, a concurrent resolution of the House of the following title:

H. Con. Res. 257. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

¶40.34 CLERK TO CORRECT ENGROSSMENT—H.R. 4360

On motion of Mr. WALZ, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 4360) to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the ''Major Charles R. Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center'', the Clerk be directed to make the following correction in both the text and the title: In each place it appears, strike ''Major Charles R. Soltes'' and insert in lieu thereof ''Major Charles Robert Soltes''.

¶40.35 CLERK TO CORRECT ENGROSSMENT—H.R. 1612

On motion of Mr. HEINRICH, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 1612) to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, help restore the nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service, the Clerk be directed to execute the sixth instruction in the amendment conveyed by the motion to recommit in the form as placed at the desk:

In section 3(n), by striking paragraphs (1) and (2) (and redesignating subsequent paragraphs accordingly) and inserting the following:

(1) by amending subsection (A) to read as follows:

''(a) IN GENERAL.-There is authorized to be appropriated to carry out this title $12,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015, of which no less than three-quarters of the sums shall be made available for healthy forests restoration priority projects under section 204(e)(1)(B)(vi).'';''

¶40.36 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, without amendment, a bill of the House of the following title:

H.R. 4938. An Act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

The message also announced that the Senate has passed bills of the following titles, in which the concurrence of the House is requested:

S. 3186. An Act to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes.

S. 3187. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

¶40.37 SATELLITE HOME VIEWER

On motion of Mr. MAFFEI, by unanimous consent, the bill of the Senate (S. 3186) to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶40.38 AIRPORT AND AIRWAY TRUST FUND

On motion of Ms. RICHARDSON, by unanimous consent, the Committee on Transportation and Infrastructure and the Committee on Ways and Means were discharged from further consideration of the bill (H.R. 4957) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶40.39 BILLS AND JOINT RESOLUTION APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the following titles:

January 22, 2010:

H.R. 4462. An Act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

January 29, 2010:

H.R. 1817. An Act to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the ''John S. Wilder Post Office Building''.

H.R. 2877. An Act to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office''.

H.R. 3072. An Act to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the ''Coach Jodie Bailey Post Office Building''.

H.R. 3319. An Act to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the ''Army Specialist Jeremiah Paul McCleery Post Office Building''.

H.R. 3539. An Act to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the ''Patricia D. McGinty-Juhl Post Office Building''.

H.R. 3667. An Act to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the ''Clyde L. Hillhouse Post Office Building''.

H.R. 3767. An Act to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the ''W. Hazen Hillyard Post Office Building''.

H.R. 3788. An Act to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the ''Corporal Joseph A. Tomci Post Office Building''.

H.R. 4508. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1968, and for other purposes.

February 1, 2010:

H.R. 1377. An Act to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

February 12, 2010:

H.J. Res. 46. A joint resolution increasing the statutory limit on the public debt.

February 16, 2010:

H.R. 730. An Act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material and for other purposes.

February 27, 2010:

H.R. 3961. An Act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.

H.R. 4532. An Act to provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

March 2, 2010:

H.R. 4891. An Act to provide a temporary extension of certain programs, and for other purposes.

March 4, 2010:

H.R. 1299. An Act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

March 18, 2010:

H.R. 2847. An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

March 23, 2010:

H.R. 3590. An Act entitled The Patient Protection and Affordable Care Act.

¶40.40 SENATE BILLS APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

January 27, 2010:

S. 2949. An Act to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

February 1, 2010:

S. 692. An Act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

March 1, 2010:

S. 2950. An Act to extend the pilot program for volunteer groups to obtain criminal history background checks.

March 17, 2010:

S. 2968. An Act to make certain technical and conforming amendments to the Lanham Act.

And then,

¶40.41 ADJOURNMENT

Mr. GOHMERT moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Ms. PINGREE of Maine, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to House Concurrent Resolution 257, One Hundred Eleventh Congress, at 11 o'clock and 21 minutes p.m., the House adjourned until 2 p.m. on Tuesday, April 13, 2010.

¶40.42 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 3489. A bill to amend the Help America Vote Act of 2002 to prohibit State election officials from accepting a challenge to an individual's eligibility to register to vote in an election for Federal office or to vote in an election for Federal office in a jurisdiction on the grounds that the individual resides in a household in the jurisdiction which is subject to foreclosure proceedings or that the jurisdiction was adversely affected by a hurricane or other major disaster, and for other purposes (Rept. 111–457). Referred to the Committee of the Whole House on the state of the Union.

Ms. SLAUGHTER. Committee on Rules. House Resolution 1225. Resolution providing for consideration of the Senate amendments to the bill (H.R. 4872) to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13) (Rept. 111–458). Referred to the House Calendar.

¶40.43 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 3376. Referral to the Committees on the Judiciary and Homeland Security extended for a period ending not later than May 28, 2010.

¶40.44 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SERRANO:

H.R. 4938. A bill to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes; to the Committee on Small Business. Considered and passed.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 4939. A bill to establish a procedure to safeguard the surpluses of the Social Security and Medicare hospital insurance trust funds; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself, Mr. SHIMKUS, Ms. HERSETH SANDLIN, Mr. JOHNSON of Illinois, Mr. LATHAM, Mr. HARE, Mr. PETERSON, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. BOSWELL, Mr. KING of Iowa, Mr. WALZ, Mr. SCHOCK, Mr. LEE of New York, Ms. MARKEY of Colorado, Mr. MOORE of Kansas, Mr. SALAZAR, Mrs. HALVORSON, Mr. GRAVES, Mr. ELLSWORTH, Mr. DAVIS of Illinois, Mrs. EMERSON, Mr. DAVIS of Alabama, Mr. LUETKEMEYER, Mr. TERRY, Ms. KAPTUR, Mr. COSTELLO, Mr. HILL, Mr. FOSTER, and Mr. KIRK):

H.R. 4940. A bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol; to the Committee on Ways and Means.

By Mrs. KIRKPATRICK of Arizona (for herself, Mr. FILNER, Ms. TITUS, Mr. RODRIGUEZ, and Mrs. LUMMIS):

H.R. 4941. A bill to amend title 31, United States Code, to include means of access to funds or the value of funds in certain records and reports on monetary instrument transactions, and for other purposes; to the Committee on Financial Services.

By Mr. GOODLATTE (for himself, Mr. WOLF, Mr. WITTMAN, Mr. NYE, Mr. CANTOR, Mr. FORBES, Mr. BOUCHER, and Mr. PERRIELLO):

H.R. 4942. A bill to require the Secretary of the Interior to conduct proposed oil and gas Lease Sale 220 for areas of the outer Continental Shelf at least 50 miles beyond the coastal zone of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California (for himself, Mr. CANTOR, Mr. CAMP, Mr. RYAN of Wisconsin, and Mr. BRADY of Texas):

H.R. 4943. A bill to require the Internal Revenue Service to include in the Form 1040 instruction booklet information relating to Federal Government revenues, spending, and public debt; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 4944. A bill to repeal the Patient Protection and Affordable Care Act and to replace such Act with incentives to encourage health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Budget, Oversight and Government Reform, Ways and Means, Education and Labor, the Judiciary, Natural Resources, Rules, House Administration, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. DENT, Mr. TOWNS, and Mr. PASCRELL):

H.R. 4945. A bill to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for the authority and duties of the Director and Deputy Director of the Census, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. COLE (for himself and Mr. ROONEY):

H.R. 4946. A bill to protect 10th Amendment rights by providing special standing for State government officials to challenge proposed regulations, and for other purposes; to the Committee on the Judiciary.

By Mr. LATHAM (for himself and Mr. BOREN):

H.R. 4947. A bill to amend title 10, United States Code, to eliminate the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service; to the Committee on Armed Services.

By Mr. BOREN (for himself and Mr. COLE):

H.R. 4948. A bill to amend the Water Resources Development Act of 1986 to clarify the role of the Cherokee Nation of Oklahoma in maintaining the W.D. Mayo Lock and Dam in Oklahoma; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. ORTIZ, and Mr. WILSON of South Carolina):

H.R. 4949. A bill to establish within the Office of the Secretary of Defense an office responsible for implementing all recommendations and requirements regarding military medical facilities in the National Capital Region, and for other purposes; to the Committee on Armed Services.

By Mr. COHEN (for himself, Mr. WHITFIELD, and Mr. CONYERS):

H.R. 4950. A bill to provide for improvements to the administration of bankruptcy in cases under chapter 7 of title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. BURGESS (for himself, Mr. HERGER, Mr. CARTER, Mr. BOEHNER, Mr. KIRK, Mr. ISSA, Mr. PLATTS, Mr. CULBERSON, Mr. POE of Texas, Mr. YOUNG of Alaska, Mr. THOMPSON of Pennsylvania, Mr. MICA, Mr. CALVERT, Mr. NEUGEBAUER, Mr. GINGREY of Georgia, Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. ROE of Tennessee, Mr. PAUL, Mr. SCALISE, Mr. SAM JOHNSON of Texas, Mr. HELLER, Mr. SMITH of Texas, Mr. HALL of Texas, Mr. CAMPBELL, and Mr. FORTENBERRY):

H.R. 4951. A bill to amend the Patient Protection and Affordable Care Act to provide for participation in the Exchange of the President, Vice-President, Members of Congress, political appointees, and congressional staff; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. MACK, Mr. MARIO DIAZ-BALART of Florida, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 4952. A bill to establish the Office of the Special Coordinator for Assistance to Haiti, to establish the Office of the Special Inspector General for Assistance to Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MILLER of North Carolina (for himself and Mr. ELLISON):

H.R. 4953. A bill to amend the Truth in Lending Act to prohibit the servicer of a home mortgage, or any affiliate of the servicer, from holding any other mortgage on the property; to the Committee on Financial Services.

By Mr. ISSA (for himself, Mr. BOUCHER, Mr. SMITH of Texas, Mr. CONYERS, Mr. COBLE, Mr. COHEN, Mr. FRANKS of Arizona, and Mr. DANIEL E. LUNGREN of California):

H.R. 4954. A bill to amend title 35, United States Code, to provide recourse under the patent law for persons who suffer competitive injury as a result of false markings; to the Committee on the Judiciary.

By Ms. KOSMAS:

H.R. 4955. A bill to authorize the National Science Foundation to provide grants for implementing or expanding research-based reforms in undergraduate STEM education for the purpose of increasing the number and quality of students studying toward and completing baccalaureate degrees in STEM; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK (for herself, Mr. ROGERS of Kentucky, Mr. TERRY, Mr. DUNCAN, Mr. MACK, Mr. WHITFIELD, and Mr. LYNCH):

H.R. 4956. A bill to direct the Commissioner of Food and Drugs to modify the approval of any drug containing controlled-release oxycodone hydrochloride to limit such approval to use for the relief of severe-only instead of moderate-to-severe pain, and for other purposes; to the Committee on Energy and Commerce.

By Ms. RICHARDSON:

H.R. 4957. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. considered and passed.

By Mr. BACA (for himself, Mr. SIRES, Mr. TOWNS, and Ms. NORTON):

H.R. 4958. A bill to amend section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1751 note) to require each local educational agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to include under the local wellness policy established by the agency a requirement that students receive 50 hours of school nutrition education per school year; to the Committee on Education and Labor.

By Mr. CARNAHAN (for himself, Mr. FORTENBERRY, Mr. REICHERT, Mr. MORAN of Virginia, Mr. SIRES, Mr. EHLERS, Mrs. BIGGERT, Mrs. MALONEY, and Mr. DICKS):

H.R. 4959. A bill to strengthen the capacity of the United States to lead the international community in reversing renewable natural resource degradation trends around the world that threaten to undermine global prosperity and security and eliminate the diversity of life on Earth; to the Committee on Foreign Affairs.

By Mr. BUCHANAN (for himself, Mr. JONES, Mr. CARTER, Mr. PLATTS, Mr. GARY G. MILLER of California, Mr. POSEY, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. BISHOP of Utah, Mr. FORBES, Mr. ISSA, Mr. CALVERT, Mr. BURGESS, Mr. ROONEY, Mr. CHAFFETZ, Mr. PRICE of Georgia, Mr. PENCE, Mr. BRADY of Texas, Mr. KINGSTON, Mr. CASTLE, Mr. GINGREY of Georgia, Mr. HALL of Texas, and Mrs. BIGGERT):

H.R. 4960. A bill to eliminate sweetheart deals under the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE (for herself, Mr. MEEKS of New York, Ms. FUDGE, and Mr. MEEK of Florida):

H.R. 4961. A bill to provide for the establishment of the Haitian-American Enterprise Fund; to the Committee on Foreign Affairs.

By Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, Mr. KING of New York, Ms. LORETTA SANCHEZ of California, Mr. WEINER, and Ms. RICHARDSON):

H.R. 4962. A bill to require reporting on certain information and communications technologies of foreign countries, to develop action plans to improve the capacity of certain countries to combat cybercrime, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself, Ms. DELAURO, Mr. HARE, Ms. EDWARDS of Maryland, and Mr. YARMUTH):

H.R. 4963. A bill to amend the child nutrition laws to require that milk served in school lunch programs be consistent with the Dietary Guidelines for Americans and to expand eligibility for the Special Milk Program, and to establish a pilot program providing low-fat cheeses for school breakfast and lunch programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 4964. A bill to amend the Internal Revenue Code of 1986 to provide individuals a deduction for commuting expenses; to the Committee on Ways and Means.

By Mr. DONNELLY of Indiana:

H.R. 4965. A bill to amend the Internal Revenue Code of 1986 to reduce the employer portion of payroll taxes in the case of employers who expand payroll in 2010 and 2011 in areas with high unemployment and to make permanent the research and development credit, bonus depreciation, and increased expensing limitations; to the Committee on Ways and Means.

By Ms. GIFFORDS:

H.R. 4966. A bill to amend section 5316 of title 31, United States Code, to establish a reporting requirement for any stored value device carried out of, into, or through the United States, to establish registration requirements for stored value device businesses, and for other purposes; to the Committee on Financial Services.

By Ms. GIFFORDS (for herself, Mr. THOMPSON of California, Mrs. BONO MACK, Mr. GRIJALVA, Mr. LUJÁN, Mr. BLUMENAUER, and Mr. CARNAHAN):

H.R. 4967. A bill to amend the Internal Revenue Code of 1986 to provide an exception to the arbitrage rules for prepayments for electricity generated from renewable resources; to the Committee on Ways and Means.

By Ms. GIFFORDS:

H.R. 4968. A bill to authorize the National Science Foundation to award grants for implementing or expanding research-based reforms in master's and doctoral level STEM education that emphasize preparation for diverse careers in the STEM workforce; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. SMITH of Washington, and Mr. REICHERT):

H.R. 4969. A bill to require the Attorney General to make recommendations to the Interstate Commission for Adult Offender Supervision on policies and minimum standards to better protect public and officer safety; to the Committee on the Judiciary.

By Mr. INSLEE (for himself, Mr. SMITH of Washington, and Mr. REICHERT):

H.R. 4970. A bill to further the mission of the Global Justice Information Sharing Initiative Advisory Committee by continuing its development of policy recommendations and technical solutions on information sharing and interoperability, and enhancing its pursuit of benefits and cost savings for local, State, tribal, and Federal justice agencies; to the Committee on the Judiciary.

By Ms. KAPTUR (for herself, Ms. KILPATRICK of Michigan, Ms. FUDGE, Mr. JACKSON of Illinois, Ms. MOORE of Wisconsin, Ms. VELÁZQUEZ, Ms. LEE of California, Mr. CUMMINGS, Mr. NEAL of Massachusetts, Ms. ROYBAL-ALLARD, Mr. CLAY, Mr. RUSH, Mr. DAVIS of Illinois, Mr. RYAN of Ohio, Mr. MCGOVERN, Mr. KUCINICH, Mr. KILDEE, Mr. HARE, Ms. SUTTON, Mr. TONKO, Mr. KANJORSKI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SHERMAN, and Mrs. DAHLKEMPER):

H.R. 4971. A bill to increase the emphasis on urban agricultural issues in the Department of Agriculture through the establishment of a new office to ensure that Department authorities are used to effectively encourage local agricultural production and increase the availability of fresh food in urban areas, particularly underserved communities experiencing hunger, poor nutrition, obesity, and food insecurity, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa (for himself, Mr. ADERHOLT, Mr. AKIN, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. BONNER, Mr. BURTON of Indiana, Mr. BUYER, Mr. CAMPBELL, Mr. CARTER, Mr. COBLE, Mr. DUNCAN, Mr. FLEMING, Mr. GOHMERT, Mr. GOODLATTE, Mr. GRIFFITH, Mr. HENSARLING, Mr. INGLIS, Mr. ISSA, Mr. JOHNSON of Illinois, Mr. JONES, Mr. KINGSTON, Mr. LAMBORN, Mr. LATTA, Mr. MARCHANT, Mr. MCHENRY, Mr. GARY G. MILLER of California, Mr. NEUGEBAUER, Mr. PENCE, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOUDER, Mr. TIAHRT, Mr. WAMP, Mr. WESTMORELAND, Mr. ROGERS of Alabama, Mr. OLSON, Ms. JENKINS, Mr. BROUN of Georgia, and Mrs. LUMMIS):

H.R. 4972. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, the Judiciary, Natural Resources, Rules, House Administration, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KRATOVIL:

H.R. 4973. A bill to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes; to the Committee on Natural Resources.

By Mr. LANGEVIN (for himself, Mr. THORNBERRY, Mr. SKELTON, Ms. HARMAN, Mr. GONZALEZ, Mr. DAVIS of Kentucky, Mr. WALZ, Mr. REYES, Mr. OWENS, Mr. ROTHMAN of New Jersey, Mr. THOMPSON of Mississippi, and Mr. CARTER):

H.R. 4974. A bill to provide for quadrennial national security reviews, and for other purposes; to the Committee on Armed Services.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. CARTER, Mr. FRANKS of Arizona, Mrs. MILLER of Michigan, Mr. COBLE, and Mr. LINDER):

H.R. 4975. A bill to provide for habeas corpus review for unprivileged enemy belligerents; to the Committee on the Judiciary.

By Mr. MCDERMOTT (for himself, Mr. LARSON of Connecticut, Mr. FRANK of Massachusetts, and Mr. BLUMENAUER):

H.R. 4976. A bill to amend the Internal Revenue Code of 1986 to regulate and tax Internet gambling; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MITCHELL:

H.R. 4977. A bill to amend the Noyce Teacher Scholarship Program to reduce the cost-sharing requirement for colleges and universities and to provide incentives for Noyce scholars to teach in high-needs schools; to the Committee on Science and Technology.

By Ms. MOORE of Wisconsin (for herself and Mr. STARK):

H.R. 4978. A bill to require States to take certain steps to address domestic and sexual violence among individuals receiving assistance under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mr. WOLF, Mr. CONNOLLY of Virginia, and Ms. NORTON):

H.R. 4979. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide for the indexation of deferred annuities; to provide that a survivor annuity be provided to the widow or widower of a former employee who dies after separating from Government service with title to a deferred annuity under the Civil Service Retirement System but before establishing a valid claim therefor, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. FLAKE):

H.R. 4980. A bill to terminate the authorities of the Overseas Private Investment Corporation; to the Committee on Foreign Affairs.

By Mr. PETERSON (for himself, Mr. WALZ, Mr. PENCE, Mr. PITTS, Mr. LOEBSACK, and Mr. LUETKEMEYER):

H.R. 4981. A bill to amend the Internal Revenue Code of 1986 to provide a religious exception to the requirement that certain tax return preparers file returns on magnetic media; to the Committee on Ways and Means.

By Mr. POSEY (for himself, Mr. LINDER, Mr. KIRK, Mr. PITTS, Mr. OLSON, Mr. BARTLETT, Mr. FLEMING, Mr. PAULSEN, Ms. FALLIN, Mr. GRIFFITH, Mr. NEUGEBAUER, Mrs. BACHMANN, Mr. GOHMERT, Mr. BROUN of Georgia, Mr. BONNER, Mr. AKIN, Mr. WESTMORELAND, Mr. PAUL, Mrs. MYRICK, and Mr. SOUDER):

H.R. 4982. A bill to amend the Patient Protection and Affordable Care Act to clarify the coverage for congressional employees through Exchanges under title I of such Act; to the Committee on House Administration, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Mr. QUIGLEY:

H.R. 4983. A bill to amend the Ethics in Government Act of 1978, the Rules of the House of Representatives, the Lobbying Disclosure Act of 1995, and the Federal Funding Accountability and Transparency Act of 2006 to improve access to information in the legislative and executive branches of the Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, House Administration, the Judiciary, and Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES:

H.R. 4984. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo tribe to determine blood quantum requirement for membership in that Tribe; to the Committee on Natural Resources.

By Mr. ROE of Tennessee (for himself, Mr. POSEY, Mr. FLEMING, Mr. LUETKEMEYER, Mr. WAMP, Mr. WESTMORELAND, Mr. OLSON, Mrs. MCMORRIS RODGERS, Mr. CHAFFETZ, Mrs. BLACKBURN, Mr. GRIFFITH, Mrs. LUMMIS, Mr. SHADEGG, Mr. LINDER, Mr. DUNCAN, Mr. TIAHRT, Mr. JONES, Mr. SOUDER, Mr. HALL of Texas, Mrs. BACHMANN, Mr. MICA, Ms. FALLIN, Mr. PENCE, Mr. BURGESS, Mr. KING of Iowa, Mr. COFFMAN of Colorado, Mr. SCHOCK, Mr. ROONEY, Mr. THOMPSON of Pennsylvania, and Mr. PAUL):

H.R. 4985. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board; to the Committee on Ways and Means, and in addition to the Committees on Rules, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself, Ms. WATSON, and Ms. ROS-LEHTINEN):

H.R. 4986. A bill to develop a strategy for assisting stateless children from North Korea, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SCHOCK (for himself and Mrs. LUMMIS):

H.R. 4987. A bill to use unexpended stimulus funds to replenish the Highway Trust Fund; to the Committee on Appropriations.

By Mr. SESTAK:

H.R. 4988. A bill to amend the Fair Housing Act to prohibit discrimination on the basis of sexual orientation and gender identity, and for other purposes; to the Committee on the Judiciary.

By Mr. SESTAK:

H.R. 4989. A bill to require consideration of the life-cycle cost of a building during the construction of certain Federal buildings, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SESTAK:

H.R. 4990. A bill to amend the Internal Revenue Code of 1986 to modify and extend the credit for alternative motor vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 4991. A bill to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, and for other purposes; to the Committee on Natural Resources.

By Mr. COURTNEY (for himself, Mr. MICHAUD, Ms. HIRONO, Mr. COBLE, Mr. MURPHY of Connecticut, Mr. LARSON of Connecticut, Mr. MICA, Ms. DELAURO, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. BARTLETT, Mr. WITTMAN, Ms. SHEA-PORTER, Mr. LAMBORN, Mr. TAYLOR, Mr. HALL of New York, Ms. ROYBAL-ALLARD, Mr. BISHOP of New York, Mr. BUTTERFIELD, Ms. LORETTA SANCHEZ of California, Mr. CONAWAY, Mr. LANGEVIN, and Ms. KILPATRICK of Michigan):

H. Con. Res. 258. Concurrent resolution congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself and Mr. TIBERI):

H. Con. Res. 259. Concurrent resolution recognizing the 500th anniversary of the birth of Italian architect Andrea Palladio; to the Committee on Foreign Affairs.

By Mr. CALVERT (for himself and Ms. LORETTA SANCHEZ of California):

H. Res. 1219. A resolution expressing support for designation of September as National Child Awareness Month; to the Committee on Education and Labor.

By Mr. FLAKE:

H. Res. 1220. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. CHAFFETZ:

H. Res. 1221. A resolution amending the Rules of the House of Representatives to increase openness and transparency in the annual appropriations process as it relates to earmarks; to the Committee on Rules, and in addition to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself and Mr. GRIJALVA):

H. Res. 1222. A resolution supporting the goals and ideals of National Library Week; to the Committee on Education and Labor.

By Mr. PENCE:

H. Res. 1223. A resolution electing a Minority member to a standing committee; considered and agreed to.

By Mr. JOHNSON of Georgia (for himself, Ms. LEE of California, Mr. MCGOVERN, Mr. PAYNE, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. GRIJALVA, Mr. HONDA, Mr. MORAN of Virginia, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. ELLISON, Ms. WOOLSEY, Ms. NORTON, Mr. SERRANO, Ms. WATSON, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. FARR, and Ms. RICHARDSON):

H. Res. 1224. A resolution recognizing and honoring the important work that Colombia's Constitutional Court has done on behalf of Colombia's internally displaced persons, especially indigenous peoples, Afro-Colombians, and women; to the Committee on Foreign Affairs.

By Mr. GENE GREEN of Texas (for himself, Mr. WHITFIELD, Ms. BALDWIN, Mr. SESSIONS, Mr. SCOTT of Georgia, Mr. SCHRADER, Mr. NEAL of Massachusetts, Mr. GRIJALVA, and Mr. KENNEDY):

H. Res. 1226. A resolution commending EyeCare America for its work over the last 25 years; to the Committee on Energy and Commerce.

By Ms. FALLIN:

H. Res. 1227. A resolution remembering the victims of the attack on the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, and supporting the goals and ideals of the National Week of Hope; to the Committee on Oversight and Government Reform.

By Mr. BOOZMAN:

H. Res. 1228. A resolution honoring the veterans of Helicopter Attack Light Squadron Three and their families; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself, Mrs. NAPOLITANO, Mr. KENNEDY, Ms. BERKLEY, Mr. HINCHEY, Ms. RICHARDSON, Mr. YOUNG of Alaska, Mr. INGLIS, Mr. ROTHMAN of New Jersey, Mr. CARSON of Indiana, Ms. KILROY, Mr. LOEBSACK, Mr. TONKO, Mr. WOLF, Mr. PENCE, Ms. MOORE of Wisconsin, Mr. SMITH of New Jersey, Mr. GRIJALVA, Mr. WAXMAN, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. HASTINGS of Florida, Ms. SHEA-PORTER, Mr. RUSH, Mr. MICHAUD, Mr. MCCAUL, Mr. GRIFFITH, Ms. JACKSON LEE of Texas, Mr. KAGEN, Mr. THOMPSON of Pennsylvania, Ms. BORDALLO, Mrs. SCHMIDT, Mr. LUJÁN, Mr. GONZALEZ, Mr. HINOJOSA, Mr. ORTIZ, Mr. PASTOR of Arizona, Mr. PIERLUISI, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. LANGEVIN, and Mr. GUTIERREZ):

H. Res. 1229. A resolution expressing the sense of the House of Representatives that the President should overturn the policy that prohibits sending a presidential letter of condolence to the family of a member of the Armed Forces who has died by suicide; to the Committee on Armed Services.

By Mr. GARRETT of New Jersey (for himself, Mr. CULBERSON, Mrs. BLACKBURN, Mr. JONES, Mr. BISHOP of Utah, Mr. GOHMERT, Mr. GARY G. MILLER of California:

H. Res. 1230. A resolution commending the efforts of State legislatures, Attorneys General, and citizens to resist the implementation of the Patient Protection and Affordable Care Act; to the Committee on the Judiciary.

By Mr. HOLT:

H. Res. 1231. A resolution celebrating the 50th anniversary of the United States Television Infrared Observation Satellite, the world's first meteorological satellite, launched by the National Aeronautics and Space Administration on April 1, 1960, and fulfilling the promise of President Eisenhower to all nations of the world to promote the peaceful use of space for the benefit of all mankind; to the Committee on Science and Technology.

By Mr. LATTA:

H. Res. 1232. A resolution congratulating the six-time Defending Mid-American Conference Champion Bowling Green State University women's basketball team on another outstanding and record-setting season; to the Committee on Education and Labor.

By Mr. LOEBSACK:

H. Res. 1233. A resolution congratulating the University of Iowa Hawkeyes wrestling team on winning the 2010 NCAA Division I National Wrestling Championships; to the Committee on Education and Labor.

By Mr. MAFFEI:

H. Res. 1234. A resolution congratulating the Town of Penfield, New York, on the occasion of its bicentennial anniversary; to the Committee on Oversight and Government Reform.

By Mr. TEAGUE:

H. Res. 1235. A resolution amending the Rules of the House of Representatives to require chairs and ranking minority members of committees and subcommittees to indicate whether they have any financial interest in the employer of any witness at a hearing, any person retaining a witness, or any person represented by a witness; to the Committee on Rules.

¶40.45 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. CHANDLER, Mr. LEE of New York, Ms. BERKLEY, Ms. VELÁZQUEZ, and Mr. SCHRADER.

H.R. 177: Mr. GRIJALVA.

H.R. 197: Mr. ELLSWORTH.

H.R. 211: Mr. FRANK of Massachusetts and Mr. OLVER.

H.R. 275: Mr. HONDA.

H.R. 333: Mr. MCGOVERN, Mr. TONKO, Ms. BERKLEY, Mr. MANZULLO, Mr. SIMPSON, and Mr. ROSS.

H.R. 510: Mr. ETHERIDGE.

H.R. 537: Mr. DELAHUNT.

H.R. 571: Mr. ETHERIDGE.

H.R. 668: Mr. TIAHRT.

H.R. 734: Mr. THOMPSON of Mississippi, Mr. CALVERT, and Mrs. DAVIS of California.

H.R. 796: Mr. KILDEE, Mr. BACA, and Mr. FILNER.

H.R. 886: Mr. PASTOR of Arizona and Mr. COBLE.

H.R. 948: Mr. DENT.

H.R. 1074: Mr. ELLSWORTH and Mr. TIAHRT.

H.R. 1093: Mr. CLEAVER.

H.R. 1132: Mr. HUNTER.

H.R. 1177: Mr. AKIN, Mr. BONNER, Mr. BOUSTANY, Mr. BUCHANAN, Mr. COBLE, Mr. CRENSHAW, Mr. FRANKS of Arizona, Ms. GRANGER, Mr. KING of New York, Mr. LINDER, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. GARY G. MILLER of California, Mr. NUNES, Mr. PETRI, Mr. RADANOVICH, Mr. SENSENBRENNER, Mr. SHUSTER, and Mr. SIMPSON.

H.R. 1189: Mr. TIAHRT.

H.R. 1205: Ms. RICHARDSON and Mrs. CAPITO.

H.R. 1294: Mr. TIAHRT.

H.R. 1352: Mr. PETERS and Mr. DAVIS of Tennessee.

H.R. 1362: Mr. CHAFFETZ.

H.R. 1426: Mr. NUNES.

H.R. 1443: Mr. COSTELLO.

H.R. 1549: Mr. BISHOP of New York.

H.R. 1623: Mr. UPTON and Mr. HALL of New York.

H.R. 1643: Mr. YOUNG of Alaska and Mr. BRADY of Pennsylvania.

H.R. 1646: Mr. TIAHRT.

H.R. 1691: Mr. TIAHRT.

H.R. 1818: Mr. ISRAEL.

H.R. 1826: Mrs. CAPPS.

H.R. 1894: Mr. TIAHRT.

H.R. 1908: Mrs. MALONEY.

H.R. 1912: Mr. YOUNG of Florida.

H.R. 2000: Mr. SERRANO, Mr. GRAYSON, Mr. YOUNG of Alaska, Mr. NADLER of New York, Mrs. EMERSON, Ms. KILPATRICK of Michigan, Mr. WALZ, Mr. BARTLETT, Mr. LYNCH, Mr. SARBANES, and Ms. SHEA-PORTER.

H.R. 2038: Mr. MCCLINTOCK.

H.R. 2054: Mr. WILSON of Ohio.

H.R. 2057: Mr. WILSON of Ohio.

H.R. 2067: Mr. GRIJALVA.

H.R. 2104: Mr. STARK.

H.R. 2105: Mr. DENT.

H.R. 2122: Mr. BROWN of South Carolina and Ms. ROS-LEHTINEN.

H.R. 2160: Mrs. MCMORRIS RODGERS.

H.R. 2214: Mr. PRICE of North Carolina.

H.R. 2220: Ms. HERSETH SANDLIN.

H.R. 2262: Mr. KLEIN of Florida.

H.R. 2275: Mr. RAHALL, Mr. STARK, and Ms. KOSMAS.

H.R. 2296: Mr. BURGESS and Mr. KISSELL.

H.R. 2319: Mr. GRIJALVA.

H.R. 2328: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2378: Mr. BOCCIERI, Mr. CUMMINGS, Mr. LARSON of Connecticut, Mr. GUTIERREZ, Mr. LYNCH, Mr. DELAHUNT, Mr. ANDREWS, Ms. SHEA-PORTER, Ms. LORETTA SANCHEZ of California, Mr. CONNOLLY of Virginia, Mr. BARROW, and Mrs. MCCARTHY of New York.

H.R. 2472: Mr. WHITFIELD, Mr. POSEY, Mr. WAMP, Mr. MILLER of Florida, and Mr. ROYCE.

H.R. 2520: Mr. DANIEL E. LUNGREN of California.

H.R. 2542: Mr. LARSON of Connecticut, Mrs. MILLER of Michigan, and Mr. TIM MURPHY of Pennsylvania.

H.R. 2578: Mr. CHAFFETZ.

H.R. 2584: Ms. BALDWIN.

H.R. 2597: Mr. TONKO.

H.R. 2625: Ms. GIFFORDS, Mr. FILNER, and Ms. SUTTON.

H.R. 2697: Mr. ARCURI.

H.R. 2720: Mr. SHADEGG.

H.R. 2746: Ms. CLARKE, Mr. DELAHUNT, and Mr. RUSH.

H.R. 2866: Mr. BISHOP of Utah.

H.R. 3012: Mrs. CAPPS.

H.R. 3070: Mr. HARE, Mr. SHERMAN, Ms. SPEIER, Mr. PALLONE, Ms. WOOLSEY, Mr. HINCHEY, Mr. COSTA, Mr. CARDOZA, Mr. ENGEL, and Ms. WASSERMAN SCHULTZ.

H.R. 3116: Mr. DAVIS of Tennessee.

H.R. 3148: Mr. WU.

H.R. 3173: Ms. SUTTON.

H.R. 3186: Mr. GALLEGLY and Mr. DELAHUNT.

H.R. 3243: Mr. PLATTS.

H.R. 3308: Mrs. EMERSON.

H.R. 3393: Mr. CUELLAR and Mr. MCINTYRE.

H.R. 3408: Ms. WASSERMAN SCHULTZ, Ms. RICHARDSON, Ms. WOOLSEY, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. ARCURI, Mr. HIMES, and Mr. SIRES.

H.R. 3595: Mr. SHADEGG, Mr. BISHOP of Utah, Mr. MARCHANT, Mr. BURTON of Indiana, Mr. MCHENRY, Mr. CAMPBELL, Mr. GOHMERT, Ms. FOXX, Mr. ROYCE, Mr. MARIO DIAZ-BALART of Florida, Mr. CHAFFETZ, Mrs. MYRICK, Mr. MCCARTHY of California, and Mr. WESTMORELAND.

H.R. 3749: Mr. SESTAK.

H.R. 3790: Mr. HELLER.

H.R. 3943: Ms. BERKLEY, Mr. LUJÁN, and Mrs. KIRKPATRICK of Arizona.

H.R. 3995: Mr. MELANCON.

H.R. 4051: Mr. UPTON, Mr. WOLF, Mr. BOREN, and Mr. DELAHUNT.

H.R. 4054: Mr. BERMAN.

H.R. 4070: Mr. KING of Iowa.

H.R. 4128: Mr. SHERMAN.

H.R. 4179: Ms. FUDGE.

H.R. 4197: Mr. BOREN.

H.R. 4226: Mr. CALVERT and Ms. SCHWARTZ.

H.R. 4241: Mr. SPACE.

H.R. 4278: Mr. REICHERT.

H.R. 4296: Mr. DELAHUNT and Mr. KIRK.

H.R. 4306: Mr. PUTNAM, Mr. GUTHRIE, and Mr. CALVERT.

H.R. 4322: Mr. SPRATT.

H.R. 4371: Ms. GINNY BROWN-WAITE of Florida and Mr. KLEIN of Florida.

H.R. 4376: Mr. HIGGINS.

H.R. 4394: Ms. NORTON.

H.R. 4399: Mr. PAYNE, Mr. BISHOP of New York, Mr. ROTHMAN of New Jersey, and Mr. DELAHUNT.

H.R. 4405: Mr. CASTLE.

H.R. 4430: Mr. TIAHRT.

H.R. 4436: Mrs. MILLER of Michigan.

H.R. 4494: Mr. BOUCHER.

H.R. 4502: Mr. HONDA.

H.R. 4520: Mr. MOORE of Kansas.

H.R. 4530: Mr. SESTAK, Mr. SIRES, and Ms. SUTTON.

H.R. 4533: Mr. CLEAVER.

H.R. 4564: Mr. JOHNSON of Georgia.

H.R. 4588: Mr. SCHOCK.

H.R. 4594: Mr. SIRES, Mr. BISHOP of Georgia, Ms. ZOE LOFGREN of California, Mr. KILDEE, and Mr. DOGGETT.

H.R. 4596: Mr. HASTINGS of Florida and Mr. ENGEL.

H.R. 4603: Mr. SESTAK.

H.R. 4619: Mr. DOYLE.

H.R. 4653: Mr. BARRETT of South Carolina.

H.R. 4676: Mr. BLUNT, Mr. ROTHMAN of New Jersey, Ms. BORDALLO, Ms. BERKLEY, and Ms. TITUS.

H.R. 4677: Mr. CARSON of Indiana.

H.R. 4678: Ms. MCCOLLUM, Mr. VISCLOSKY, Mr. BRIGHT, and Mr. SHERMAN.

H.R. 4689: Mr. STARK, Ms. LEE of California, and Mr. MITCHELL.

H.R. 4694: Mr. MAFFEI and Mr. HONDA.

H.R. 4705: Mr. MCCLINTOCK.

H.R. 4710: Mr. LOEBSACK.

H.R. 4711: Mr. PAYNE.

H.R. 4717: Mr. WALDEN, Mr. KING of Iowa, and Mrs. KIRKPATRICK of Arizona.

H.R. 4722: Mr. RYAN of Ohio and Mr. DELAHUNT.

H.R. 4732: Mr. FARR.

H.R. 4735: Mr. PAUL.

H.R. 4746: Ms. FALLIN, Mr. GERLACH, Mr. SOUDER, Mr. BURTON of Indiana, Mr. DUNCAN, Mr. SCHOCK, Mrs. BLACKBURN, and Mr. LAMBORN.

H.R. 4755: Mrs. DAHLKEMPER.

H.R. 4788: Mr. ISRAEL, Mr. GRIJALVA, and Mr. CAPUANO.

H.R. 4790: Mr. CUMMINGS, Mr. HEINRICH, Ms. WATERS, Mr. WEINER, and Mr. GRIJALVA.

H.R. 4797: Mr. KIRK.

H.R. 4800: Mr. RUSH.

H.R. 4804: Mr. PIERLUISI and Mr. GENE GREEN of Texas.

H.R. 4806: Mr. NADLER of New York, Mr. FRANK of Massachusetts, and Ms. SPEIER.

H.R. 4807: Mr. MILLER of Florida.

H.R. 4812: Mr. WEINER, Mr. SARBANES, Mr. KISSELL, Mr. ROTHMAN of New Jersey, Mr. GRAYSON, Mr. BUTTERFIELD, Mr. HONDA, Mr. BRALEY of Iowa, Mr. MARKEY of Massachusetts, Mr. WAXMAN, Ms. WATERS, Mr. BISHOP of Georgia, and Mr. WU.

H.R. 4850: Mr. HELLER and Mr. LUETKEMEYER.

H.R. 4869: Ms. BERKLEY, Mr. COHEN, Ms. RICHARDSON, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, Mr. RANGEL, and Mr. GRIJALVA.

H.R. 4879: Mr. SIRES, Ms. SPEIER, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. CLAY, Mr. HOLT, Mr. PASCRELL, and Ms. MCCOLLUM.

H.R. 4886: Mr. WOLF and Mr. KIRK.

H.R. 4889: Mr. BACHUS, Mr. MCCLINTOCK, and Mr. JONES.

H.R. 4894: Mr. WILSON of South Carolina and Mr. ROHRABACHER.

H.R. 4896: Mr. FORTENBERRY and Mr. MILLER of Florida.

H.R. 4901: Mr. GOODLATTE and Mr. GARY G. MILLER of California.

H.R. 4903: Mr. BISHOP of Utah, Mr. BONNER, Mr. BROUN of Georgia, Mr. CAMPBELL, Mr. FLEMING, Ms. GRANGER, Mr. HERGER, Mr. MARCHANT, Mr. SMITH of New Jersey, Mr. HENSARLING, Mr. MCCLINTOCK, Mr. WESTMORELAND, Mr. LAMBORN, and Mr. ADERHOLT.

H.R. 4905: Mr. GARAMENDI, Ms. FUDGE, Mr. CARNAHAN, Mr. LIPINSKI, Mr. WU, Mr. TONKO, Mr. LUJÁN, and Mr. COSTELLO.

H.R. 4906: Mr. GARAMENDI, Ms. FUDGE, Mr. CARNAHAN, Mr. LIPINSKI, Mr. WU, Mr. TONKO, Mr. LUJÁN, and Mr. COSTELLO.

H.R. 4907: Mr. GARAMENDI, Ms. FUDGE, Mr. LIPINSKI, Mr. WU, Mr. LUJÁN, and Mr. COSTELLO.

H.R. 4908: Mr. BISHOP of Georgia.

H.R. 4910: Mr. FRANKS of Arizona, Mr. HUNTER, Mr. GARY G. MILLER of California, Mr. WESTMORELAND, Mr. ADERHOLT, Mr. ROE of Tennessee, Mr. FLEMING, Mr. MILLER of Florida, Ms. FALLIN, Mrs. BLACKBURN, and Mr. PRICE of Georgia.

H.R. 4913: Mr. BURTON of Indiana.
H.R. 4919: Mr. DUNCAN, Mr. TIAHRT, Mr. SOUDER, and Mr. JONES.
H.R. 4923: Mr. OWENS, Mr. KISSELL, Ms. BORDALLO, Ms. RICHARDSON, Mr. TEAGUE, Mr. BERMAN, Mr. AL GREEN of Texas, Ms. GIFFORDS, Mr. COURTNEY, Mr. ORTIZ, Mr. JOHNSON of Georgia, and Ms. SHEA-PORTER.
H.R. 4934: Mr. CAMPBELL.
H J. Res. 42: Mrs. MILLER of Michigan.
H. Con. Res. 98: Mr. RUSH.
H. Con. Res. 128: Mr. MEEK of Florida, Mr. TOWNS, Mr. JOHNSON of Georgia, and Mr. THOMPSON of Mississippi.
H. Con. Res. 143: Mr. GRIJALVA.
H. Con. Res. 201: Mr. GERLACH and Mr. MCCOTTER.
H. Con. Res. 230: Mr. MILLER of Florida.
H. Con. Res. 241: Mr. MCCARTHY of California, Mr. BISHOP of Georgia, Mr. BROUN of Georgia, Mr. FARR, Mr. LINDER, Mrs. BLACKBURN, Mr. ANDREWS, Mr. ROE of Tennessee, Mr. GINGREY of Georgia, Mr. WESTMORELAND, Mr. STARK, Mr. TANNER, Mr. ROYCE, Mr. DAVIS of Tennessee, and Mr. ROONEY.
H. Con. Res. 250: Mr. SOUDER, Mr. POLIS of Colorado, Mr. SCHOCK, Mr. ROE of Tennessee, and Mr. TURNER.
H. Res. 173: Mr. ROTHMAN of New Jersey, Mr. HARE, Mr. ROE of Tennessee, Mr. HALL of New York, Mr. LOEBSACK, Mr. REHBERG, Mr. HIMES, Mr. GARAMENDI, Mr. FRELINGHUYSEN, and Mr. TEAGUE.
H. Res. 443: Mr. GRIJALVA.
H. Res. 855: Ms. SHEA-PORTER, Mr. WITTMAN, Mr. BRADY of Pennsylvania, and Ms. FALLIN.
H. Res. 949: Mr. TIAHRT.
H. Res. 982: Mr. DANIEL E. LUNGREN of California and Mr. MCKEON.
H. Res. 989: Mr. HALL of New York.
H. Res. 996: Mr. WU, Ms. SUTTON, and Mr. SPACE.
H. Res. 1033: Mr. ROGERS of Alabama, Mr. JOHNSON of Georgia, Mr. BRIGHT, Mr. ROSKAM, Mr. BONNER, Mr. GARRETT of New Jersey, and Mr. TIAHRT.
H. Res. 1052: Mr. ALEXANDER, Mr. QUIGLEY, Mr. BOUSTANY, Mr. ETHERIDGE, Mr. BAIRD, Mr. BERRY, Mr. SPRATT, Mr. MELANCON, Mr. SMITH of Washington, Mr. TANNER, Mr. MINNICK, Mr. BARROW, Mr. CHILDERS, Mr. KLEIN of Florida, Mr. SALAZAR, Mr. SIRES, Ms. GIFFORDS, Mr. RODRIGUEZ, Mr. MAFFEI, Ms. WASSERMAN SCHULTZ, Mr. HONDA, Mr. CUELLAR, Ms. BEAN, Mr. SARBANES, Mr. BACA, Mr. KIND, Mr. FOSTER, Mr. VAN HOLLEN, Mr. HILL, Mr. MITCHELL, Mr. BLUMENAUER, Ms. MARKEY of Colorado, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. CAPUANO, and Mr. TIAHRT.
H. Res. 1057: Mr. JACKSON of Illinois.
H. Res. 1063: Mr. MCCLINTOCK.
H. Res. 1116: Mr. BRADY of Pennsylvania and Mr. HARE.
H. Res. 1121: Mr. SCHOCK, Mr. CAO, Mr. BONNER, Mr. HEINRICH, Mr. BAIRD, and Ms. FALLIN.
H. Res. 1122: Mr. KENNEDY, Mr. MOORE of Kansas, Mr. NEAL of Massachusetts, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. EHLERS, and Ms. BALDWIN.
H. Res. 1132: Mr. CAO, Mr. BROUN of Georgia, Mr. COFFMAN of Colorado, Mr. HARPER, Mr. MCKEON, Mr. FORBES, Mr. LANCE, Mr. INGLIS, Mr. AUSTRIA, Mr. SCHOCK, Mr. FRANKS of Arizona, Mr. LOBIONDO, Mr. LAMBORN, Mr. PAULSEN, Mr. LUETKEMEYER, Mr. SHUSTER, Mr. ADLER of New Jersey, Mr. SALAZAR, Mrs. DAHLKEMPER, Mr. BRALEY of Iowa, Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Georgia, Mr. WILSON of South Carolina, Mr. FLEMING, Mrs. LUMMIS, Mr. TURNER, Mr. SIRES, Ms. FALLIN, and Mr. ROONEY.
H. Res. 1139: Mrs. BLACKBURN.
H. Res. 1143: Mr. LINCOLN DIAZ-BALART of Florida, Mr. HIGGINS, Mr. ACKERMAN, Mr. ENGEL, Mr. DELAHUNT, Mr. SIRES, Mr. CONNOLLY of Virginia, Mr. MCMAHON, Mr. FLAKE, and Ms. GIFFORDS.
H. Res. 1162: Mr. GRIJALVA, Mr. TONKO, Ms. LEE of California, Mr. BISHOP of Georgia, Ms. FUDGE, Ms. CLARKE, Ms. MOORE of Wisconsin, Ms. TITUS, Mr. KISSELL, Ms. SPEIER, Mr. POMEROY, Ms. LINDA T. SÁNCHEZ of California, Mr. BRADY of Pennsylvania, Mr. HIGGINS, Mr. ARCURI, Ms. HARMAN, Ms. KILROY, Mr. MCKEON, Mr. FARR, Mr. PETERS, Mr. BERRY, Ms. LORETTA SANCHEZ of California, Mr. GENE GREEN of Texas, Mr. PASTOR of Arizona, Mrs. NAPOLITANO, Mr. BACA, Mr. SALAZAR, Mr. BOSWELL, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Ms. HIRONO, Ms. MATSUI, Mr. HINCHEY, Ms. BALDWIN, Mr. REYES, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. GUTIERREZ, Mr. MCDERMOTT, Mrs. CAPPS, Ms. SHEA-PORTER, Mrs. LOWEY, Mr. OLVER, Mr. WAXMAN, Mr. PRICE of North Carolina, Ms. CHU, Mr. SCHAUER, Mr. SCOTT of Georgia, Mr. BARROW, Mr. SCHIFF, Mr. CROWLEY, Mr. CUMMINGS, Ms. ESHOO, Ms. SCHAKOWSKY, Mr. NADLER of New York, Mr. BECERRA, Mr. BOYD, Mr. GRAYSON, Mr. WEINER, Mr. TOWNS, Mrs. DAVIS of California, Ms. EDWARDS of Maryland, Mr. ENGEL, Ms. DEGETTE, Mrs. DAHLKEMPER, Mr. FOSTER, Mr. CARDOZA, and Mr. DOYLE.
H. Res. 1181: Mr. KIRK.
H. Res. 1187: Mr. SERRANO and Ms. BORDALLO.
H. Res. 1206: Mr. ROGERS of Alabama, Mr. OLSON, Mr. GUTHRIE, Ms. BORDALLO, Mr. GRAVES, Mr. OBERSTAR, Mr. BURGESS, Mr. WESTMORELAND, Mr. MARCHANT, Mr. CAO, Mr. CONAWAY, Mr. WAMP, Mr. KING of Iowa, Mr. CHAFFETZ, Mr. RYAN of Wisconsin, Mr. POSEY, Mr. FORTENBERRY, Mr. AKIN, Mr. NEUGEBAUER, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mrs. BLACKBURN, Mr. TIM MURPHY of Pennsylvania, Mr. PENCE, Mrs. BACHMANN, Mr. PITTS, Mr. GRIFFITH, Mr. BARTLETT, Mr. BONNER, Mr. THOMPSON of Pennsylvania, Mr. GOHMERT, Mr. BROUN of Georgia, Mrs. MILLER of Michigan, Mr. SIMPSON, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mr. BILBRAY, Mr. BACA, Mr. BARTON of Texas, Mr. TURNER, Mr. BRADY of Pennsylvania, Mr. ROE of Tennessee, Mr. WALDEN, Mrs. SCHMIDT, Mr. TERRY, Mr. FLAKE, and Mr. HOEKSTRA.
H. Res. 1211: Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, Mr. BRADY of Pennsylvania, Ms. KILPATRICK of Michigan, and Mr. LEWIS of Georgia.
H. Res. 1215: Mr. SNYDER and Mr. MCDERMOTT.

¶40.46 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4269: Mr. KILDEE.

TUESDAY, APRIL 13, 2010 (41)

¶41.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. JACKSON of Illinois, who laid before the House the following communication:

WASHINGTON, DC,
April 13, 2010.

I hereby appoint the Honorable JESSE L. JACKSON, Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶41.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced he had examined and approved the Journal of the proceedings of Thursday, March 25, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶41.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6808. A letter from the Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule — Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, and Extended Certification Periods [FNS-2007-0042] (RIN: 0584-AD12) received March 5, 2010 to the Committee on Agriculture.

6809. A letter from the Chief, Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule — Commodity Supplemental Food Program (CSFP): Amendment Removing Priority Given to Women, Infants and Children Before the Elderly in Program Participation [FNS-2009-0015] (RIN: 0584-AD93) received March 5, 2010 to the Committee on Agriculture.

6810. A letter from the Acting Director, NRCS Legislative Affairs Division, Department of Agriculture, transmitting the Department's final rule — Compliance with NEPA (RIN: 0578-AA55) received March 8, 2010 to the Committee on Agriculture.

6811. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Agricultural Inspection and AQI User Fees Along the U.S./Canada Border [Docket No.: APHIS-2006-0096] (RIN: 0579-AC06) received March 11, 2010 to the Committee on Agriculture.

6812. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Low Pathogenic Avian Influenza; Voluntary Control Program and Payment of Indemnity [Docket No.: APHIS-2005-0109] (RIN: 0579-AB99) received March 11, 2010 to the Committee on Agriculture.

6813. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Regulation of the Interstate Movement of Lemons from Areas Quarantined for Mediterranean Fruit Fly [Docket No.: APHIS-2009-0002] received March 22, 2010 to the Committee on Agriculture.

6814. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Paracoccus Pigment; Confirmation of Effective Date [Docket No.: FDA-2007-C-0456] (formerly Docket No. 2007C-0245) to the Committee on Agriculture.

6815. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spiromesifen; Pesticide Tolerances [EPA-HQ-OPP-2008-0262; FRL-8436-9] received March 16, 2010 to the Committee on Agriculture.

6816. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hexythiazox; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2009-0540; FRL-8808-4] received March 16, 2010 to the Committee on Agriculture.

6817. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dithianon; Pesticide Tolerances [EPA-HQ-OPP-2007-0460; FRL-8808-8] received March 16, 2010 to the Committee on Agriculture.

6818. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Pesticide Tolerances [EPA-HQ-OPP-2009-0261; FRL-8809-3] received March 16, 2010 to the Committee on Agriculture.

6819. A letter from the Director, Office of National Drug Control Policy, transmitting a proposed FY 2010 budget for High Intensity Drug Trafficking Areas (HIDTA) Program to the Committee on Appropriations.

6820. A letter from the Director, Office of Management and Budget, transmitting a request of FY 2011 emergency supplemental funding, totaling $1.5 billion for the Federal Emergency Management Agency (FEMA) Disaster Relief Fund (DRF) to the Committee on Appropriations and ordered to be printed.

6821. A communication from the President of the United States, transmitting FY 2011 Budget Amendments for the Departments of Defense, Agriculture, Health and Human Services, the Treasury, Homeland Security, and State as well as the United States Agency for International Development and the Broadcasting Board of Governors to the Committee on Appropriations and ordered to be printed.

6822. A letter from the Under Secretary, Department of Defense, transmitting report on the Family Subsistence Supplemental Allowance (FSSA) program, covering the period October 1, 2008, through September 30, 2009 to the Committee on Armed Services.

6823. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Payment of Costs Prior to Definitization-Definition of Contract Action (DFARS Case 2009-D035) received March 3, 2010 to the Committee on Armed Services.

6824. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement (DFARS); DFARS Case 2009-D017, Continuation of Essential Contractor Services (RIN: 0750-AG52) received March 3, 2010 to the Committee on Armed Services.

6825. A letter from the Assistant Secretary, Department of Defense, transmitting a quarterly report on withdrawals or diversions of equipment from Reserve component units for the period of October 1, 2009 through December 31, 2009 to the Committee on Armed Services.

6826. A letter from the Assistant Secretary, Department of Defense, transmitting the annual National Guard and Reserve Component Equipment Report for fiscal year (FY) 2010 to the Committee on Armed Services.

6827. A letter from the Under Secretary, Department of Defense, transmitting the Department's final rule — Selected Acquisition Reports (SARs) for the December 2009 reporting period to the Committee on Armed Services.

6828. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Export-Controlled Items (DFARS Case 2004-D010) (RIN: 0750-AF13) received March 22, 2010 to the Committee on Armed Services.

6829. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition regulation Supplement; Acquisitions in Support of Operations in Iraq or Afghanistan (DFARS Case 2008-D002) (RIN: 0750-AG02) received March 22, 2010 to the Committee on Armed Services.

6830. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 09-142, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act to the Committee on Armed Services.

6831. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343 to the Committee on Financial Services.

6832. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8121] received March 19, 2010 to the Committee on Financial Services.

6833. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8111] received March 19, 2010 to the Committee on Financial Services.

6834. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received March 19, 2010 to the Committee on Financial Services.

6835. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1073] received March 18, 2010 to the Committee on Financial Services.

6836. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1077] received March 17, 2010 to the Committee on Financial Services.

6837. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill ''To authorize United States participation in, and appropriations for the United States contribution to, the ninth replenishment of the resources of the Asian Development Fund and to authorize United States participation in, and appropriations for the United States subscription to, the fifth general capital increase of the Asian Development Bank'' to the Committee on Financial Services.

6838. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Turkey pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended to the Committee on Financial Services.

6839. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Final Model Privacy Form Under the Gramm-Leach-Bliley Act [Project No.: 034815] (RIN: 3084-AA94) received January 27, 2010 to the Committee on Financial Services.

6840. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Secondary Capital Accounts (RIN: 3133-AD67) received March 17, 2010 to the Committee on Financial Services.

6841. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Unfair or Deceptive Acts or Practices (RIN: 3133-AD47) received March 18, 2010 to the Committee on Financial Services.

6842. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Amendments to Regulation SHO (RIN: 3235-AK35) received March 3, 2010 to the Committee on Financial Services.

6843. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's ''Report to Congress on a Plan for an Indian Head Start Study'' to the Committee on Education and Labor.

6844. A letter from the Acting Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's final rule — Age Discrimination in Employment Act; Retiree Health Benefits (RIN: 3046-AA72) received March 16, 2010 to the Committee on Education and Labor.

6845. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Certain Commercial and Industrial Equipment: Test Procedure for Metal Halide Lamp Ballasts (Active and Standby Modes) and Proposed Information Collection; Comment Request; Certification, Compliance, and Enforcement Requirements for Consumer Products and Certain Commercial and Industrial Equipment; Final Rule and Notice [Docket No.: EERE-2008-BT-TP-0017] (RIN: 1904-AB87) received March 15, 2010 to the Committee on Energy and Commerce.

6846. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Weatherization Assistance for Low-Income Persons: Maintaining the Privacy of Applicants for and Recipients of Services (RIN: 1904-AC16) received March 15, 2010 to the Committee on Energy and Commerce.

6847. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Interim Final Rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction equity Act of 2008 [CMS-4140-IFC] (RIN: 0938-AP65) received March 3, 2010 to the Committee on Energy and Commerce.

6848. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Classification of Benzoyl Peroxide as Safe and Effective and Revision of Labeling to Drug Facts Format; Topical Acne Drug Products for Over-The-Counter Human Use; Final Rule [Docket Nos.: FDA-1981-N-0114 and FDA-1992-N-0049] (formerly Docket Nos. 1981N-0114A and 1992N-0311) (RIN: 0910-AG00) received March 11, 2010 to the Committee on Energy and Commerce.

6849. A letter from the Department Director, Regulations and Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — New Animal Drug Applications; Confirmation of Effective Date [Docket No.: FDA-2009-N-0436] received March 19, 2010 to the Committee on Energy and Commerce.

6850. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Availability of Class Deviation; Disputes Resolution Procedures Related to Clean Water and Drinking Water State Revolving Fund (CWSRF and DWSRF, respectively) Reallocation Under the American Reinvestment and Recovery Act of 2009 (ARRA) [FRI-9115-1] received March 16, 2010 to the Committee on Energy and Commerce.

6851. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of

Areas for Air Quality Planning Purposes; Arkansas; Redesignation of the Crittenden County, Arkansas Portion of the Memphis, Tennessee-Arkansas 1997 8-Hour Ozone Nonattainment Area to Attainment [EPA-R06-OAR-2009-0202; FRL-9129-2] received March 18, 2010 to the Committee on Energy and Commerce.

6852. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans: Alaska [EPA-R10-OAR-2008-0690; FRL-9091-5] received March 18, 2010 to the Committee on Energy and Commerce.

6853. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing; Technical Correction [EPA-HQ-OAR-2009-0027; FRL-9128-1] (RIN: 2060-AO84) received March 18, 2010 to the Committee on Energy and Commerce.

6854. A letter from the Director, Regulatory Management Division, Evironmental Protection Agency, transmitting the Agency's final rule — Approval and Promulagation of Air Quality Implementation Plans; Indiana; Correction [EPA-R05-OAR-2009-0771; FRL-9108-7] received March 16, 2010 to the Committee on Energy and Commerce.

6855. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Albuquerque-Bernalillo County, New Mexico; Excess Emissions [EPA-R06-OAR-2009-0745; FRL-9110-2] received March 16, 2010 to the Committee on Energy and Commerce.

6856. A letter from the Chief of Staff, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Markham, Ganado, and Victoria, Texas) [MB Docket No.: 07-163] received March 3, 2010 to the Committee on Energy and Commerce.

6857. A letter from the Chief, Policy and Rules Division, OET, Federal Communication Commission, transmitting the Commission's final rule — Facilitating Opportunities for Flexible, Efficient, and Reliable Spectrum Use Employing Cognitive Radio Technologies [ET Docket No.: 03-108] received March 9, 2010 to the Committee on Energy and Commerce.

6858. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Birmingham, Alabama) [MB Docket No. 10-21] received March 11, 2010 to the Committee on Energy and Commerce.

6859. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Port Angeles, Washington) [MB Docket No. 08-228] received March 11, 2010 to the Committee on Energy and Commerce.

6860. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Irvington, Kentucky and French Lick, Indiana) [MB Docket No.: 07-296] received March 3, 2010 to the Committee on Energy and Commerce.

6861. A letter from the Assistant Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Congressional Review Act [WT Docket No.: 08-166, WT Docket No. 08-167, ET Docket No. 10-24, FCC 10-16] received January 26, 2010 to the Committee on Energy and Commerce.

6862. A letter from the Office of Managing Director, AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule—Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition; Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones [WT Docket No.: 08-166, WT Docket No. 08-167, ET Docket No. 10-24] received January 26, 2010 to the Committee on Energy and Commerce.

6863. A letter from the Office of Managing Director, AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule — Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition; Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones [WT Docket No.: 08-166, WT Docket No. 08-167, ET Docket No. 10-24] received January 26, 2010 to the Committee on Energy and Commerce.

6864. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Oklahoma City, Oklahoma) [MB Docket No.: 10-19] received March 18, 2010 to the Committee on Energy and Commerce.

6865. A letter from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revisions to Form, Procedures, and Criteria for Certification of Qualifying Facility Status for a Small Power Production or Cogeneration Facility [Docket No.: RM09-23-000; Order No. 732) received March 22, 2010 to the Committee on Energy and Commerce.

6866. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Trade Regulation Rule Relating to Power Output Claims for Amplifiers Utilized in Home Entertainment Products received March 11, 2010 to the Committee on Energy and Commerce.

6867. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Free Annual File Disclosures (RIN: 3084-AA94) received March 12, 2010 to the Committee on Energy and Commerce.

6868. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on gifts given in Fiscal Year 2009 to the Committee on Foreign Affairs.

6869. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of both the Understandings Reached at the 2009 Australia Group (AG) Plenary Meeting and a Decision Adopted under the AG Intersessional Silent Approval Procedures [Docket No.: 100119033-0042-01] (RIN: 0694-AE85) received March 19, 2010 to the Committee on Foreign Affairs.

6870. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Wassenaar Arrangement 2008 Plenary Agreements Implementation: Categories 1, 2, 3, 4, 5 Parts I and II, 6, 7, 8 and 9 of the Commerce Control List, Definitions, Reports; Correction [Docket No.: 0908041218-91220-01] (RIN: 0694-AE58) received March 19, 2010 to the Committee on Foreign Affairs.

6871. A letter from the Acting Under Secretary, Department of Commerce, transmitting revision to the Export Administration Act of 1979 to the Committee on Foreign Affairs.

6872. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Department's final rule — Foreign Trade Regulations (FTR): Eliminate the Social Security Number (SSN) as an identification number in the Automated Export System (AES) [Docket Number: 090422707-91445-02] (RIN: 0607-AA48) received March 23, 2010 to the Committee on Foreign Affairs.

6873. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-004, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act to the Committee on Foreign Affairs.

6874. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-006, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act to the Committee on Foreign Affairs.

6875. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act to the Committee on Foreign Affairs.

6876. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-010 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act to the Committee on Foreign Affairs.

6877. A letter from the Associate Director, Department of the Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations; Sudanese Sanctions Regulations; Iranian Transactions Regulations received March 9, 2010 to the Committee on Foreign Affairs.

6878. A letter from the Associate Director, Department of the Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations received March 9, 2010 to the Committee on Foreign Affairs.

6879. A letter from the Special Inspector General for Iraq Reconstruction, transmitting fifth lessons learned report entitled ''Applying Iraq's Hard Lessons to the Reform of Stablization and Reconstruction Operations'' to the Committee on Foreign Affairs.

6880. A communication from the President of the United States, transmitting report on the U.S. efforts to ensure the free flow of information to Iran and to enhance the abilities of Iranians to exercise their universal rights to the Committee on Foreign Affairs.

6881. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Commission's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174 to the Committee on Oversight and Government Reform.

6882. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

6883. A letter from the Deputy Assistant Secretary for Administration, Department of Commerce, transmitting the Department's final rule — Commerce Acquisition Regulation (CAR) [Document No.: 080730954-0033-02] (RIN: 0605-AA26) received March 9, 2010 to the Committee on Oversight and Government Reform.

6884. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's Fiscal Year 2009 Annual Performance Report to the Committee on Oversight and Government Reform.

6885. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Technical Amendment [FAC 2005-39; Item VII; Docket FAR 2010-0078; Sequence 1] received March 19, 2010 to the Committee on Oversight and Government Reform.

6886. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendment [FAC 2005-39; Item VII; Docket FAR 2010-0078; Sequence 1] received March 19, 2010 to the Committee on Oversight and Government Reform.

6887. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-015, Payments Under Fixed-Price Architect-Engineer Contracts [FAC 2005-39; FAR Case 2008-015; Item VI; Docket 2009-0015, Sequence 1] (RIN: 9000-AL26) received March 19, 2010 to the Committee on Oversight and Government Reform.

6888. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-040, Use of Standard Form 26 — Award/Contract [FAC 2005-39; FAR Case 2008-040; Item III; Docket 2010-0081, Sequence 1] (RIN: 9000-AL48) received March 19, 2010 to the Committee on Oversight and Government Reform.

6889. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-035, Extend Use of Simplified Acquisition Procedures for Certain Commercial Items [FAC 2005-39; FAR Case 2009-035; Item I; Docket 2010-0080, Sequence 1] (RIN: 9000-AL52) received March 19, 2010 to the Committee on Oversight and Government Reform.

6890. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-012, Clarification of Submission of Cost or Pricing Data on Non-Commercial Modifications of Commercial Items [FAC 2005-39; FAR Case 2008-012; Item II; Docket 2008-0001, Sequence 23] (RIN: 9000-AL12) received March 19, 2010 to the Committee on Oversight and Government Reform.

6891. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-006, Enhanced Competition for Task- and Delivery-Order Contracts-Section 843 of the Fiscal Year 2008 National Defense Authorization Act [FAC 2005-39; FAR Case 2008-006; Item IV; Docket 2008-0001, Sequence 25] (RIN: 9000-AL05) received March 19, 2010 to the Committee on Oversight and Government Reform.

6892. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-39; Introduction [Docket FAR 2010-0076, Sequence 1] received March 19, 2010 to the Committee on Oversight and Government Reform.

6893. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-036, Trade Agreements-Costa Rica, Oman, and Peru [FAC 2005-39; FAR Case 2008-036, Item V; Docket 2009-019, Sequence 1] (RIN: 9000-AL23) received March 19, 2010 to the Committee on Oversight and Government Reform.

6894. A letter from the Commissioner, International Boundry and Water Commission, transmitting the Commission's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174 to the Committee on Oversight and Government Reform.

6895. A letter from the Director, Office of Personnel Management, transmitting response to the recommendations made by the Government Accountability Office in ''Results-Oriented Cultures: Office of Personnel Management Should Review Administrative Law Judge Program to Improve Hiring and Performance'' to the Committee on Oversight and Government Reform.

6896. A letter from the Chairman, Postal Regulatory Commission, transmitting Advisory Opinion Concerning the Process for Evaluating Closing Stations and Branches to the Committee on Oversight and Government Reform.

6897. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-329, ''Service Animal Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

6898. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-330, ''Uniform Interstate Depositions and Discovery Act of 2010'' to the Committee on Oversight and Government Reform.

6899. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-331, ''Closing of a Portion of an Unimproved Public Alley in Square 5795, S.O. 08-7766, Act of 2010'' to the Committee on Oversight and Government Reform.

6900. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-332, ''Office on Latino Affairs Grant-Making Authority Temporary Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

6901. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-333, ''Rhode Island Place Shopping Center Working Group Temporary Act of 2010'' to the Committee on Oversight and Government Reform.

6902. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-334, ''Rent Administrator Hearing Authority Temporary Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

6903. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-335, ''Legalization of Marijuana for Medical Treatment Initiative Applicability Temporary Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

6904. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-336, ''Real Property Tax Reform Temporary Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

6905. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-337, ''Healthy DC Equal Access Fund and Hospital Stabilization Temporary Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

6906. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-338, ''Haiti Earthquake Relief Drug and Medical Supply Assistance Temporary Act of 2010'' to the Committee on Oversight and Government Reform.

6907. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-339, ''Energy Efficiency Financing Temporary Act of 2010'' to the Committee on Oversight and Government Reform.

6908. A letter from the Assistant General Counsel, Federal Election Commission, transmitting the Commission's final rule — Funds received in Response to Solicitations; Allocation of Expenses by Separate Segregated Funds and Nonconnected Committees [Notice 2010-08] received March 15, 2010 to the Committee on House Administration.

6909. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2010 through March 31, 2010 as compiled by the Chief Administrative Officer to the Committee on House Administration and ordered to be printed.

6910. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU59) received March 17, 2010 to the Committee on Natural Resources.

6911. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 29 Supplement [Docket No.: 090206140-91414-04] (RIN: 0648-AX39) received March 18, 2010 to the Committee on Natural Resources.

6912. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 feet (18.3m) Length Overall Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU64) received March 17, 2010 to the Committee on Natural Resources.

6913. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Reopening of the Gulf Group King Mackerel East Coast Subzone [Docket No.: 040205043-4043-01] (RIN: 0648-XU38) received March 17, 2010 to the Committee on Natural Resources.

6914. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU65) received March 17, 2010 to the Committee on Natural Resources.

6915. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XU51) received March 18, 2010 to the Committee on Natural Resources.

6916. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XU79) received March 17, 2010 to the Committee on Natural Resources.

6917. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XU63) received March 18, 2010 to the Committee on Natural Resources.

6918. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XU37) received March 18, 2010 to the Committee on Natural Resources.

6919. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Correction [Docket No.: 071220872-0093-04] (RIN: 0648-AS71 and 0648-AU71) received March 19, 2010 to the Committee on Natural Resources.

6920. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No.: 0809121213-9221-02] (RIN: 0648-AY40) received March 17, 20010 to the Committee on Natural Resources.

6921. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU59) received March 18, 2010 to the Committee on Natural Resources.

6922. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United; Black Sea Bass Fishery; 2010 Black Sea Bass Specifications; Emergency Rule [Docket No.: 100120036-0038-01] (RIN: 0648-XT99) received March 18, 2010 to the Committee on Natural Resources.

6923. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XU27) received March 18, 2010 to the Committee on Natural Resources.

6924. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock for American Fisheries Act Catcher Vessels in the Inshore Open Access Fishery in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU30) received March 18, 2010 to the Committee on Natural Resources.

6925. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program; Emergency Rule [Docket No.: 100106010-0074-01] (RIN: 0648-AY52) received March 18, 2010 to the Committee on Natural Resources.

6926. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU22) received March 18, 2010 to the Committee on Natural Resources.

6927. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Data Collection for the Trawl Rationalization Program [Docket No.: 0907281183-91427-02] (RIN: 0648-AX98) received March 18, 2010 to the Committee on Natural Resources.

6928. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 29 Supplement [Docket No.: 090206140-91414-04] (RIN: 0648-AX39) received March 17, 2010 to the Committee on Natural Resources.

6929. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU36) received March 18, 2010 to the Committee on Natural Resources.

6930. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Pelagic Fisheries; Vessel Identification Requirements; Correction [Docket No.: 090218199-91223-02] (RIN: 0648-AX38) received March 17, 2010 to the Committee on Natural Resources.

6931. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher-Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU52) received March 18, 2010 to the Committee on Natural Resources.

6932. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Initial Implementation of the Western and Central Pacific Fisheries Convention; Correction [Docket No.: 070717350-9936-02] (RIN: 0648-AV63) received March 18, 2010 to the Committee on Natural Resources.

6933. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XU33) received March 18, 2010 to the Committee on Natural Resources.

6934. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the C. Opilio Bycatch Limitation Zone of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU34) received March 18, 2010 to the Committee on Natural Resources.

6935. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2009 and 2010 Harvest Specifications for Groundfish; Correction [Docket No.: 0810141351-0040-03] (RIN: 0648-XL28) received March 18, 2010 to the Committee on Natural Resources.

6936. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Reporting Requirement for Midwater Trawl Vessels Fishing in Closed Area I [Docket No.: 0907281181-0040-03] (RIN: 0648-AX93) received March 18, 2010 to the Committee on Natural Resources.

6937. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No.: 001005281-0369-02] (RIN: 0648-XU24) received March 18, 2010 to the Committee on Natural Resources.

6938. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XU20) received March 18, 2010 to the Committee on Natural Resources.

6939. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0908191244-91427-02] (RIN: 0648-XT93) received March 18, 2010 to the Committee on Natural Resources.

6940. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU11) received March 18, 2010 to the Committee on Natural Resources.

6941. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XU12) received March 18, 2010 to the Committee on Natural Resources.

6942. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 60 Feet (18.3 Meters) Length Overall Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XU15) received March 17, 2010 to the Committee on Natural Resources.

6943. A letter from the Staff Director, Commission on Civil Rights, transmitting a copy of the charter of the Nevada State Advisory Committee to the Commission on Civil Rights to the Committee on the Judiciary.

6944. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Missouri Advisory Committee to the Committee on the Judiciary.

6945. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Registration Requirements for Importers and Manufacturers of Prescription Drug Products Containing Ephedrine, Pseudoephedrine, or Phenylpropanolamine [Docket No.: DEA-294F] (RIN: 1117-AB09) received March 5, 2010 to the Committee on the Judiciary.

6946. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — Annual Submission of Tax Information for use in the Revenue Shortfall Allocation Method received [STB Ex Parte No. 682] received March 19, 2010 to the Committee on Transportation and Infrastructure.

6947. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2010-0178; Directorate Identifier 2010-NM-039-AD; Amendment 39-16224; AD 2010-05-14] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6948. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, and DHC-8-202 Series Airplanes [Docket No.: FAA-2009-0609; Directorate Identifier 2009-NM-037-AD; Amendment 39-16222; AD 2010-05-12] (RIN: 2120-AA64) March 17, 2010 to the Committee on Transportation and Infrastructure.

6949. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-200B, 747-300, and 747SR Series Airplanes [Docket No.: FAA-2008-0376; Directorate Identifier 2007-NM-322-AD; Amendment 39-16221; AD 2010-05-11] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6950. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Relief for U.S. Military and Civilian Personnel Who are Assigned Outside the United States in Support of U.S. Armed Forces Operations [Docket No.: FAA-2009-0923; Special Federal Aviation Regulation No. 100-2] (RIN: 2120-AJ54) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6951. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used in Interstate Commerce [Docket No.: FMCSA-2009-0127] (RIN: 2126-AA98) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6952. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30713; Amdt. No. 486] received March 17, 2010 to the Committee on Transportation and Infrastructure.

6953. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule—Aircraft Noise Certification Documents for International Operations [Docket No.: FAA-2008-1097; Amendment No. 91-312] (RIN: 2120-AJ31) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6954. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate Previously Held by Raytheon Aircraft Company) Model B300 and B300C Airplanes [Docket No.: FAA-2009-1180; Directorate Identifier 2009-CE-060-AD; Amendment 39-16220; AD 2010-05-10] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6955. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Dowty Propellers Models R354/4-123-F/13, R354/4-123-F/20, R375/4-123-F/21, R389/4-123-F/25, R389/4-123-F/26, and R390/4-123-F/27 Propellers [Docket No.: FAA-2008-0545; Directorate Identifier 2008-NE-16-AD; Amendment 39-16219; AD 2010-05-09] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6956. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Stamford, TX [Docket No.: FAA-2009-0876; Airspace Docket No. 09-ASW-24] received March 17, 2010 to the Committee on Transportation and Infrastructure.

6957. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Llano, TX [Docket No.: FAA-2009-0858; Airspace Docket No. 09-ASW-22] received March 17, 2010 to the Committee on Transportation and Infrastructure.

6958. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revocation of Class D and E Airspace; Brunswick, ME [Docket No.: FAA-2009-0981; Airspace Docket No.: 09-ANE-105] received March 17, 2010 to the Committee on Transportation and Infrastructure.

6959. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Langdon, ND [Docket No.: FAA-2009-0535; Airspace Docket No. 09-AGL-11] received March 17, 2010 to the Committee on Transportation and Infrastructure.

6960. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft LTD. Model PC-12/47E Airplanes [Docket No.: FAA-2009-1158; Directorate Identifier 2009-CE-063-AD; Amendment 39-16211; AD 2010-05-02] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6961. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model MD-90-30 Airplanes [Docket No.: FAA-2009-0783; Directorate Identifier 2009-NM-081-AD; Amendment 39-16213; AD 2010-05-04] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6962. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model Cl-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A, CL-601-3R, and CL-604) Airplanes [Docket No.: FAA-2009-1021; Directorate Identifier 2009-NM-054-AD; Amendment 39-16217; AD 2009-06-05 R1] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6963. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model ATP Airplanes [Docket No.: FAA-2010-0130; Directorate Identifier 2009-NM-087-AD; Amendment 39-16214; AD 2010-05-05] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6964. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR-GIE Avions de Transport Regional Model ATR42 and ATR72 Airplanes [Docket No.: FAA-2010-0155; Directorate Identifier 2010-NM-026-ADl Amendment 39-16210; AD 2010-05-01] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6965. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-541 and -642 Airplanes [Docket No.: FAA-2010-0128; Directorate Identifier 2009-NM-136-AD; Amendment 39-16215; AD 2010-05-06] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6966. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes [Docket No.: FAA-2010-0131; Directorate Identifier 2009-NM-132-AD; Amendment 39-16216; AD 2010-05-07] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6967. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule —

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30712; Amdt. No. 3363] received March 17, 2010 to the Committee on Transportation and Infrastructure.

6968. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departures; Miscellaneous Amendments [Docket No.: 30711; Amdt. No. 3362] received March 17, 2010 to the Committee on Transportation and Infrastructure.

6969. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Propellers Models R354/4-123-F/13, R354/4-123-F/20, R375/4-123-F/21, R389/4-123-F/25, R389/4-123-F/26, and R390/4-123-F/27 Propellers [Docket No.: FAA-2008-0545; Directorate Identifier 2008-NE-16-AD; Amendment 39-16219; AD 2010-05-09] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6970. A letter from the Chief Counsel, Department of Transportation, transmitting the Department's final rule — Seaway Regulations and Rules Periodic Update, Various Categories [Docket No.: SLSDC-2010-0001] (RIN: 2135-AA30) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6971. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-0452; Directorate Identifier 2007-NM-326-AD; Amendment 39-16223; AD 2010-05-13] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6972. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190-100 LR, -100 IGW, -100 STD, -200 STD, -200 LR, and -200 IGW Airplanes [Docket No.: FAA-2009-0418; Directorate Identifier 2009-NM-020-AD; Amendment 39-16201; AD 2010-04-08] (RIN: 2120-AA64) received March 18, 2010 to the Committee on Transportation and Infrastructure.

6973. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2009-0718; Directorate Identifier 2009-NM-025-AD; Amendment 39-16212; AD 2010-05-03] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6974. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-100 and DHC-8-200 Series Airplanes, and Model DHC-8-301, -311, and -315 Airplanes [Docket No.: FAA-2009-0712; Directorate Identifier 2009-NM-152-AD; Amendment 39-16205; AD 2010-04-12] (RIN: 2120-AA64) received March 17, 2010 to the Committee on Transportation and Infrastructure.

6975. A letter from the Federal Regulatory Officer, Department of Agriculture, transmitting the Department's final rule — Trade Adjustment Assistance for Farmers (RIN: 0551-AA80) received March 19, 2010 to the Committee on Ways and Means.

6976. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material from the Pre-Hispanic Cultures of the Republic of El Salvador [CBP Dec.: 10-01] (RIN: 1505-AC23) received March 3, 2010 to the Committee on Ways and Means.

6977. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Chile Earthquake Occurring in February 2010 Designated as a Qualified Disaster Under Section 139 of the Internal Revenue Code [Notice 2010-26] received March 16, 2010 to the Committee on Ways and Means.

6978. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deemed Dispositions by Individuals Emigrating from Canada (Rev. Proc. 2010-19) received March 16, 2010 to the Committee on Ways and Means.

6979. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-24] received March 16, 2010 to the Committee on Ways and Means.

6980. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — James R. Thompson v. United States Court of Federal Claims No. 06-211 T [IRB No.: 2009-22] received March 17, 2010 to the Committee on Ways and Means.

6981. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified School Construction Bond Allocations for 2010 [Notice 2010-17] received March 19, 2010 to the Committee on Ways and Means.

6982. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Reduced 2009 Estimated Income Tax Payments for Individuals with Small Business Income [TD 9480] (RIN: 1545-BI89) received March 3, 2010 to the Committee on Ways and Means.

6983. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Research Expenses-Extraordinary Expenditures for Utilities (UIL 41.51-01) received March 19, 2010 to the Committee on Ways and Means.

6984. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement determination of correct tax liability (Rev. Proc. 2010-20) received March 19, 2010 to the Committee on Ways and Means.

6985. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2010-11) received March 19, 2010 to the Committee on Ways and Means.

6986. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Interim Guidance on Measurement of Continuity of Interest in Reorganizations [Notice 2010-25] received March 19, 2010 to the Committee on Ways and Means.

6987. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2010 Calender Year Resident Population Estimates [Notice 2010-21] received March 22, 2010 to the Committee on Ways and Means.

6988. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tier II Issue — Non-Performing Loans Directive #1 [LMSB Control No: LMSB-4-0110-003] received March 22, 2010 to the Committee on Ways and Means.

6989. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Housing Cost Amounts Eligible for Exclusion or Deduction for 2010 [Notice 2010-27] received March 22, 2010 to the Committee on Ways and Means.

6990. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Name Change of Two DHS Components [CBP Dec. 10-13] received March 10, 2010 to the Committee on Homeland Security.

6991. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Prohibitions and Conditions for Importation of Burmese and Non-Burmese Covered Articles of Jadeite, Rubies, and Articles of Jewerly Containing Jadeite or Rubies [CBP Dec. 10-04] (RIN: 1505-AC06) received March 18, 2010 jointly to the Committees on Foreign Affairs and Ways and Means.

6992. A letter from the Secretary, Department of Agriculture, transmitting proposal to implement the settlement of a case involving claims of alleged discrimination jointly to the Committees on the Judiciary and Agriculture.

6993. A letter from the Chief Counsel, Economic Development Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the EDA Regulations [Docket No.: 080213181-91417-02] (RIN: 0610-AA64) received March 17, 2010 jointly to the Committees on Transportation and Infrastructure and Financial Services.

6994. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1871-DR for the State of North Carolina jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

¶41.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 26, 2010 at 12:30 p.m.:

That the Senate passed without amendment H.R. 4957.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶41.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 26, 2010 at 4:09 p.m.:

That the Senate passed without amendment H.R. 4621.

That the Senate passed with amendments H.R. 4573.

That the Senate agreed to without amendment H.J. Res. 80.

That the Senate passed S. 3162.

That the Senate passed S. 3191.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶41.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 12, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 12, 2010 at 3:11 p.m.:

Notifying the House of the filing of the answer by G. Thomas Porteous Jr., District Judge for the Eastern District of Louisiana, and providing a copy of his answer to the House of Representatives.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶41.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 13, 2010 at 9:50 a.m.:

That the Senate passed without amendment H.R. 4887.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶41.8 ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that, pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills:

On Friday, March 26, 2010:

H.R. 4872. An Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for the fiscal year 2010 (S. Con. Res. 13).

H.R. 4957. An Act to amend the Internal Revenue code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend Title 40, United States Code, to extend authorizations for the Airport Improvement Program, and for other purposes.

H.R. 4938. An Act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

S. 3186. An Act to reauthorize the Satellite Home Viewer Extension and reauthorization Act of 2004 through April 30, 2010, and for other purposes.

The SPEAKER signed the following bill and joint resolution:

On Monday, March 29, 2010:

H.J. Res. 80. A joint resolution recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

H.R. 4621. An Act to protect the integrity of the constitutionally mandated United States Census and Prohibit Deceptive Mail practices that attempt to exploit the decennial census.

¶41.9 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House the following communication from Mr. MEEKS of New York:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 30, 2010.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that my district office has been served with a subpoena for documents issued by the U.S. District Court for the Southern District of New York.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

GREGORY W. MEEKS,
Member of Congress.

¶41.10 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House the following communication from Mr. ROONEY:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 2010.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Circuit Court for St. Lucie County, Florida, in connection with a civil case pending there.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

THOMAS J. ROONEY,
Member of Congress.

¶41.11 NATIONAL LIBRARY WEEK

Ms. CHU moved to suspend the rules and agree to the resolution (H. Res. 1222):

Whereas the Nation's school, academic, public, and special libraries make a difference in the lives of millions of people in the United States, today, more than ever;

Whereas librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn, and work in a challenging economy;

Whereas libraries are part of the American Dream, places for opportunity, education, self-help, and lifelong learning;

Whereas according to a December 2008 National Center for Education Statistics (NCES) report, public library use increased to 1,400,000,000 visits nationwide during fiscal year 2006, among all types of library users, continuing a long term trend of increased library usage;

Whereas libraries play a vital role in supporting the quality of life in their communities;

Whereas libraries help people of all ages discover a world of knowledge, both in person and online, as well as provide personal service and assistance in finding needed information;

Whereas libraries are a key player in the national discourse on intellectual freedom and equity of access;

Whereas libraries are narrowing the ''digital divide'', by providing no-fee public computer and Internet access to accommodate the growing need for access to digital and online information, including e-government, continuing education, and employment opportunities;

Whereas in 71 percent of communities, libraries have the only no-fee public computers; and

Whereas libraries, librarians, library workers, and supporters across the United States will celebrate National Library Week, April 11–17, 2010: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Library Week;

(2) encourages all residents to visit a library to take advantage of the wonderful library resources available, and to thank their librarians and library workers for making information accessible to all who walk through the library's doors; and

(3) supports librarians' efforts to ensure that all Americans can continue to access 21st century library services in school, public, academic, and special libraries.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. CHU and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Ms. CHU demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶41.12 UNIVERSITY OF IDAHO FOOTBALL TEAM

Ms. CHU moved to suspend the rules and agree to the resolution (H. Res. 1041):

Whereas the University of Idaho's football team won the 2009 Humanitarian Bowl in Boise, Idaho, on December 30, 2009, its first bowl game in more than a decade;

Whereas Coach Robb Akey led the team to significantly improve its win-loss record to 8–5 this past season, the first winning record since 1999;

Whereas the University of Idaho beat Bowling Green University 43–42 after successfully executing a nail-biting 2-point play in the final seconds of the game;

Whereas senior guard Mike Lupati was named to the Senior Bowl and as an All-American and Outland Trophy finalist for best college football interior lineman;

Whereas teammates visited Saint Luke's Regional Medical Hospital to visit with children patients as part of the Humanitarian Bowl outreach; and

Whereas University of Idaho supporters look forward to seeing the team build its promising momentum next season: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates and commends the University of Idaho's football team for winning the 2009 Humanitarian Bowl in Boise, Idaho; and

(2) recognizes the achievements of the players, coaches, students, alumni, and staff who were instrumental in helping to secure the University of Idaho's Humanitarian Bowl win.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. CHU and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Ms. CHU demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶41.13 BOISE STATE UNIVERSITY BRONCOS FOOTBALL TEAM

Ms. CHU moved to suspend the rules and agree to the resolution (H. Res. 1042):

Whereas the Boise State University Broncos football team won the 2010 Tostitos Fiesta Bowl, defeating the Texas Christian University Horned Frogs by a score of 17–10 at the University of Phoenix Stadium in Glendale, Arizona, on January 4, 2010;

Whereas the Broncos finished their 2009 season with a flawless 14–0 record and have gone undefeated 3 of their last 4 regular seasons;

Whereas the Broncos' only loss in 2008 was against Texas Christian University in a 1-point nail-biter, making the 2010 Fiesta Bowl victory all the more gratifying for the team;

Whereas Broncos head coach Chris Petersen called for a courageous fake punt play with less than 10 minutes remaining in the game that led to the game-winning touchdown;

Whereas Broncos head coach Chris Petersen received the Paul ''Bear'' Bryant Award for the second time in just 4 years, which recognizes the best college football coach in the Nation;

Whereas sophomore quarterback Kellen Moore threw 39 touchdown passes this season, the most for a single season in school history;

Whereas the 2010 Fiesta Bowl victory comes just 3 years after the Broncos' historic Fiesta Bowl victory in 2007;

Whereas the entire Broncos team should be commended for its steadfast resolve, tireless work ethic, and solid sportsmanship;

Whereas the Broncos should be considered serious National Championship contenders next year with 21 of its 22 starters returning to the field, ready to pick up from where they left off; and

Whereas the Broncos have brought great honor to themselves, their university, the city of Boise, and the State of Idaho: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Boise State University Broncos football team for winning the 2010 Fiesta Bowl; and

(2) congratulates the team for completing an undefeated, 14–0 season.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. CHU and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

Ms. CHU demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶41.14 LOCK HAVEN UNIVERSITY OF PENNSYLVANIA

Ms. CHU moved to suspend the rules and agree to the resolution (H. Res. 1198); as amended:

Whereas Lock Haven University of Pennsylvania was founded in 1870 as Central State Normal School;

Whereas Lock Haven University of Pennsylvania, located in Lock Haven, Pennsylvania has 4,665 undergraduate students enrolled at the main campus and 440 students enrolled at the Clearfield campus;

Whereas Lock Haven University of Pennsylvania competes in 10 women's and 8 men's intercollegiate NCAA sports;

Whereas students attending Lock Haven University of Pennsylvania can obtain degrees and certificates from 60 different undergraduate programs and 3 different graduate programs;

Whereas Lock Haven University of Pennsylvania has 17,000 living alumni; and

Whereas 97 percent of recent Lock Haven University of Pennsylvania graduates are employed or continuing their education and 84 percent of employed graduates are working in their field of study or chosen field: Now, therefore, be it

Resolved, That the House of Representatives congratulates Lock Haven University of Pennsylvania for 140 years of excellence in higher education.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. CHU and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶41.15 NATIONAL WEEK OF HOPE

Mr. CONNOLLY of Virginia, moved to suspend the rules and agree to the resolution (H. Res. 1206); as amended:

Whereas, on April 19, 1995, at 9:02 a.m., a terrorist detonated a truck bomb at the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma;

Whereas this was one of the worst terrorist attacks ever to occur on United States soil, taking the lives of 168 people and injuring more than 850 others, many of them United States Government employees who worked in the Alfred P. Murrah Federal Building;

Whereas this cowardly act of domestic terrorism directly affected thousands of families and horrified millions of people across the State of Oklahoma and the United States;

Whereas the people of Oklahoma and the United States responded to this tragedy through the remarkable efforts of local, State, and Federal law enforcement personnel, firefighters, search and rescue teams, public and private medical personnel, other emergency services personnel, and thousands of volunteers from the community who saved lives, assisted the injured and wounded, comforted the bereaved, and provided meals and support to those who came to Oklahoma City to offer assistance;

Whereas this courageous response set what has come to be known as the ''Oklahoma Standard'', which was later emulated by many Americans following the terrorist attacks of September 11, 2001;

Whereas, following the 1995 attack, the people of Oklahoma and the United States pledged to build and maintain a permanent national memorial to remember those who were killed, those who survived, and those changed forever;

Whereas this pledge was fulfilled by establishing the Oklahoma City National Memorial, which draws hundreds of thousands of visitors from around the world every year to the site of the attack;

Whereas the inscription on the wall of the Oklahoma City National Memorial reads: ''We come here to remember those who were killed, those who survived, and those changed forever. May all who leave here know the impact of violence. May this memorial offer comfort, strength, peace, hope, and serenity.'';

Whereas the National Memorial Institute for the Prevention of Terrorism was established to educate the Nation's emergency responders about preventing and mitigating the effects of terrorist attacks;

Whereas the Alfred P. Murrah Federal Building has been replaced with a new, safe, secure, and functional Federal building in

downtown Oklahoma City that houses many of the offices once housed in the Murrah Building, sending a message that the people and Government of the United States will not be cowed by terrorists; and

Whereas the 15th anniversary of the terrorist bombing of the Alfred P. Murrah Federal Building is April 19, 2010: Now, therefore, be it

Resolved, That the House of Representatives—

(1) joins with the people of the United States in sending best wishes and prayers to the families, friends, and neighbors of the 168 people killed in the terrorist bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma; and

(2) sends its best wishes and prayers to those injured in the bombing and expresses gratitude to the thousands of first responders, rescue workers, medical personnel, and volunteers from the community and across the Nation who answered the call for help on the morning of the attack and in the days and weeks thereafter.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. CONNOLLY of Virginia, and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution remembering the victims of the attack on the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma.''

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶41.16 RECESS—3 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock p.m., until approximately 6:30 p.m.

¶41.17 AFTER RECESS—6:31 P.M.

The SPEAKER pro tempore, Mrs. HALVORSON, called the House to order.

¶41.18 H. RES. 1222—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1222) supporting the goals and ideals of National Library Week.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 397 Nays 0

¶41.19 [Roll No. 196]

YEAS—397

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

NOT VOTING—32

Barrett (SC)	Davis (AL)	Jordan (OH)
Bilbray	Delahunt	Kingston
Bishop (UT)	Fallin	Lee (NY)
Blunt	Gallegly	McKeon
Brown, Corrine	Gohmert	Ruppersberger
Brown-Waite, Ginny	Gonzalez	Scott (GA)
	Grijalva	Sherman
Campbell	Gutierrez	Souder
Carney	Hoekstra	Stupak
Carter	Inglis	Terry
Chaffetz	Inslee	Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶41.20 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE ROBERT D. FRANKS, JR., AND THE LATE HONORABLE STAN PARRIS

The SPEAKER pro tempore, Mrs. HALVORSON, announced that all Members stand and observe a moment of silence in memory of the late Honorable Robert D. Franks, Jr., and the late Honorable Stan Parris.

¶41.21 H. RES. 1041—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1041) congratulating and commending the University of Idaho's football team for winning the 2009 Humanitarian Bowl in Boise, Idaho.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	394
Nays	1
Answered present	2

¶41.22 [Roll No. 197]

YEAS—394

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

NAYS—1

Altmire

ANSWERED ''PRESENT''—2

DeFazio Oberstar

NOT VOTING—32

Barrett (SC)	Chaffetz	Inslee
Bilbray	Davis (AL)	Jordan (OH)
Bishop (UT)	Edwards (TX)	Kingston
Blunt	Fallin	Lee (NY)
Brown, Corrine	Gallegly	McKeon
Brown-Waite, Ginny	Gohmert	Ruppersberger
	Gonzalez	Scott (GA)
Campbell	Grijalva	Sherman
Cantor	Gutierrez	Souder
Carney	Hoekstra	Terry
Carter	Inglis	Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶41.23 MOMENT OF SILENCE IN MEMORY OF THE VICTIMS OF THE MINE TRAGEDY IN WEST VIRGINIA

The SPEAKER pro tempore, Mrs. HALVORSON, announced that all Members stand and observe a moment of silence in memory of the victims of the mine tragedy in West Virginia.

¶41.24 H. RES. 1042—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1042) commending the Boise State University Broncos football team for winning the 2010 Fiesta Bowl.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	385
Nays	1
Answered present	3

¶41.25 [Roll No. 198]

YEAS—385

Ackerman	Davis (TN)	Kennedy
Aderholt	DeGette	Kildee
Adler (NJ)	Delahunt	Kilpatrick (MI)
Akin	DeLauro	Kilroy
Alexander	Dent	Kind
Andrews	Diaz-Balart, L.	King (IA)
Arcuri	Diaz-Balart, M.	King (NY)
Austria	Dicks	Kirk
Baca	Dingell	Kirkpatrick (AZ)
Bachmann	Doggett	Kissell
Bachus	Donnelly (IN)	Klein (FL)
Baird	Doyle	Kline (MN)
Baldwin	Dreier	Kosmas
Barrow	Driehaus	Kratovil
Bartlett	Duncan	Kucinich
Barton (TX)	Edwards (MD)	Lamborn
Bean	Ehlers	Lance
Becerra	Ellison	Langevin
Berkley	Ellsworth	Larson (CT)
Berman	Emerson	Latham
Berry	Engel	Latta
Biggert	Eshoo	Lee (CA)
Bilirakis	Etheridge	Levin
Bishop (GA)	Farr	Lewis (CA)
Bishop (NY)	Fattah	Lewis (GA)
Blackburn	Filner	Lipinski
Blumenauer	Flake	LoBiondo
Boccieri	Fleming	Loebsack
Bonner	Forbes	Lofgren, Zoe
Bono Mack	Fortenberry	Lowey
Boozman	Foster	Lucas
Boren	Foxx	Luetkemeyer
Boswell	Frank (MA)	Luján
Boucher	Franks (AZ)	Lummis
Boustany	Frelinghuysen	Lungren, Daniel E.
Boyd	Fudge	
Brady (PA)	Garamendi	Lynch
Brady (TX)	Garrett (NJ)	Mack
Braley (IA)	Gerlach	Maffei
Bright	Giffords	Maloney
Broun (GA)	Gingrey (GA)	Manzullo
Brown (SC)	Goodlatte	Marchant
Buchanan	Graves	Markey (CO)
Burgess	Grayson	Markey (MA)
Burton (IN)	Green, Al	Marshall
Butterfield	Green, Gene	Matheson
Buyer	Griffith	Matsui
Calvert	Guthrie	McCarthy (CA)
Camp	Hall (NY)	McCarthy (NY)
Cao	Hall (TX)	McCaul
Capito	Halvorson	McClintock
Capps	Hare	McCollum
Capuano	Harman	McCotter
Cardoza	Harper	McDermott
Carnahan	Hastings (FL)	McGovern
Carson (IN)	Hastings (WA)	McHenry
Cassidy	Heinrich	McIntyre
Castle	Heller	McMahon
Castor (FL)	Hensarling	McMorris Rodgers
Chandler	Herger	
Childers	Herseth Sandlin	McNerney
Chu	Higgins	Meek (FL)
Clarke	Hill	Meeks (NY)
Clay	Himes	Melancon
Cleaver	Hinchey	Mica
Clyburn	Hinojosa	Michaud
Coble	Hirono	Miller (FL)
Coffman (CO)	Holden	Miller (MI)
Cohen	Holt	Miller (NC)
Cole	Honda	Miller, Gary
Conaway	Hoyer	Miller, George
Connolly (VA)	Hunter	Minnick
Conyers	Israel	Mitchell
Cooper	Issa	Mollohan
Costa	Jackson (IL)	Moore (KS)
Costello	Jackson Lee (TX)	Moore (WI)
Courtney		Moran (KS)
Crenshaw	Jenkins	Moran (VA)
Crowley	Johnson (GA)	Murphy (CT)
Cuellar	Johnson (IL)	Murphy (NY)
Culberson	Johnson, E. B.	Murphy, Patrick
Cummings	Johnson, Sam	Murphy, Tim
Dahlkemper	Jones	Myrick
Davis (CA)	Kagen	Nadler (NY)
Davis (IL)	Kanjorski	Napolitano
Davis (KY)	Kaptur	Neal (MA)

Neugebauer	Ros-Lehtinen	Stearns
Nunes	Roskam	Stupak
Nye	Ross	Sullivan
Obey	Rothman (NJ)	Sutton
Olson	Roybal-Allard	Tanner
Olver	Royce	Taylor
Ortiz	Rush	Teague
Owens	Ryan (OH)	Thompson (CA)
Pallone	Ryan (WI)	Thompson (MS)
Pastor (AZ)	Salazar	Thompson (PA)
Paul	Sánchez, Linda T.	Thornberry
Paulsen	Sanchez, Loretta	Tiahrt
Payne	Sarbanes	Tiberi
Pence	Scalise	Tierney
Perlmutter	Schakowsky	Titus
Perriello	Schauer	Tonko
Peters	Schiff	Towns
Peterson	Schmidt	Tsongas
Petri	Schock	Turner
Pingree (ME)	Schrader	Upton
Pitts	Schwartz	Van Hollen
Platts	Scott (VA)	Velázquez
Poe (TX)	Sensenbrenner	Visclosky
Polis (CO)	Serrano	Walden
Pomeroy	Sessions	Walz
Posey	Sestak	Wamp
Price (GA)	Shadegg	Wasserman Schultz
Price (NC)	Shea-Porter	Waters
Putnam	Shimkus	Watson
Quigley	Shuler	Watt
Radanovich	Shuster	Waxman
Rahall	Simpson	Weiner
Rangel	Sires	Welch
Rehberg	Skelton	Westmoreland
Reichert	Slaughter	Whitfield
Reyes	Smith (NE)	Wilson (OH)
Richardson	Smith (NJ)	Wilson (SC)
Rodriguez	Smith (TX)	Wittman
Roe (TN)	Snyder	Wolf
Rogers (AL)	Space	Woolsey
Rogers (KY)	Speier	Wu
Rogers (MI)	Spratt	Yarmuth
Rohrabacher	Stark	Young (FL)
Rooney		

NAYS—1

Altmire

ANSWERED ''PRESENT''—3

DeFazio	Granger	Oberstar

NOT VOTING—40

Barrett (SC)	Edwards (TX)	Larsen (WA)
Bilbray	Fallin	LaTourette
Bishop (UT)	Gallegly	Lee (NY)
Blunt	Gohmert	Linder
Boehner	Gonzalez	McKeon
Brown, Corrine	Gordon (TN)	Pascrell
Brown-Waite, Ginny	Grijalva	Ruppersberger
Campbell	Gutierrez	Scott (GA)
Cantor	Hodes	Sherman
Carney	Hoekstra	Smith (WA)
Carter	Inglis	Souder
Chaffetz	Inslee	Terry
Davis (AL)	Jordan (OH)	Young (AK)
	Kingston	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶41.26 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mrs. HALVORSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, April 13, 2010 at 3:24 p.m., and said to contain a message from the President whereby he submits to the Congress a copy of an Executive Order, with an annex attached, he has issued with respect to Somalia.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶41.27 NATIONAL EMERGENCY WITH RESPECT TO SOMALIA

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631 (NEA), I hereby report that I have issued an Executive Order (the ''order'') blocking the property of certain persons contributing to the conflict in Somalia. In that order, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by that conflict, as described below.

The United Nations Security Council, in Resolution 1844 of November 20, 2008, reaffirmed its condemnation of all acts of violence in Somalia and incitement to violence inside Somalia, and expressed its concern at all acts intended to prevent or block a peaceful political process. United Nations Security Council Resolution (UNSCR) 1844 also expressed grave concern over the recent increase in acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and noted the role piracy may play in financing violations of the arms embargo on Somalia imposed by UNSCR 733 of January 23, 1992. In UNSCR 1844, the United Nations Security Council determined that the situation in Somalia poses a threat to international peace and security in the region and called on member States to apply certain measures against persons responsible for the continuing conflict. The United Nations Security Council has continued to express grave concern about the crisis in Somalia in UNSCR 1846 of December 2, 2008, UNSCR 1851 of December 16, 2008, and UNSCR 1872 of May 26, 2009.

Pursuant to the IEEPA and the NEA, I have determined that the deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. The order declares a national emergency to deal with this threat.

The order is not targeted at the entire country of Somalia, but rather is intended to target those who threaten peace and stability in Somalia, who inhibit the delivery of humanitarian assistance to Somalia or the distribution of such assistance in Somalia, or who supply arms or related materiel in violation of the arms embargo. The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

to have engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to (1) acts that threaten the Djibouti Agreement of August 18, 2008, or the political process, or (2) acts that threaten the Transitional Federal Institutions, the African Union Mission in Somalia (AMISOM), or other international peacekeeping operations related to Somalia;

to have obstructed the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia; or

to have directly or indirectly supplied, sold, or transferred to Somalia, or to have been the recipient in the territory of Somalia of, arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to military activities.

The designation criteria will be applied in accordance with applicable Federal law including, where appropriate, the First Amendment to the United States Constitution. The designation criteria will also be applied taking into consideration the arms embargo on Somalia imposed by UNSCR 733 of January 23, 1992, as elaborated upon and amended by subsequent resolutions.

The order also authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to designate for blocking any person determined to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the activities described above or any person whose property and interests in property are blocked pursuant to the order. I determined that, among other threats to the peace, security, or stability of Somalia, acts of piracy or armed robbery at sea off the coast of Somalia threaten the peace, security, or stability of Somalia. I further authorized the Secretary of the Treasury, in consultation with the Secretary of State, to designate for blocking any person (defined as an individual or entity) determined to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

I delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the United Nations Participation Act, as may be necessary to carry out the purposes of the order. All executive agencies are directed to

take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, became effective at 12:01 a.m. eastern daylight time on April 13, 2010.

BARACK OBAMA.

THE WHITE HOUSE, *April 13, 2010*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–103).

¶41.28 BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on March 26, 2010, she presented to the President of the United States, for his approval, the following bills:

H.R. 4957. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 4938. An Act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

Lorraine C. Miller, Clerk of the House, reported that on March 30, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 4872. An Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

Lorraine C. Miller, Clerk of the House, reported that on April 1, 2010, she presented the President of the United States, for his approval, the following bill and joint resolution:

H.R. 4621. An Act to protect the integrity of the constitutionally mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census.

H.J. Res. 80. A joint resolution recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

¶41.29 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. RUPPERSBERGER, for today and balance of the week; and

To Mr. INSLEE, for today.

And then,

¶41.30 ADJOURNMENT

On motion of Mr. GINGREY of Georgia, at 10 o'clock and 8 minutes p.m., the House adjourned.

¶41.31 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1174. A bill to establish the Federal Emergency Management Agency as a cabinet-level independent agency in the executive branch, and for other purposes; with an amendment (Rept. 111–459, Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 197. Resolution to commend the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill; with an amendment (Rept. 111–460, Pt. 1). Referred to the House Calendar and ordered to be printed.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1258. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes; with amendments (Rept. 111–461). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3125. A bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission; with an amendment (Rept. 111–462). Referred to the Committee of the Whole House on the state of the Union.

¶41.32 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

[The following action occurred on March 26, 2010]

H.R. 2989. Referral to the Committee on Ways and Means extended for a period ending not later than April 30, 2010.

[The following action occurred on April 13, 2010]

H.R. 1174. Referral to the Committee on Homeland Security extended for a period ending not later than September 30, 2010.

¶41.33 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committee on Foreign Affairs discharged from further consideration. House Resolution 197 referred to the House Calendar and ordered to be printed.

¶41.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WAMP:

H.R. 4992. A bill to require employers of first responders to pay for certain judgments against, and other costs incurred by, those first responders that arise out of their conduct in the course of official duty; to the Committee on Education and Labor.

By Ms. SCHWARTZ (for herself, Mrs. CAPPS, Mrs. MCCARTHY of New York, Ms. BALDWIN, Ms. SHEA-PORTER, Mr. BRALEY of Iowa, Mr. COURTNEY, Ms. HARMAN, Mr. FARR, Mr. BLUMENAUER, Mr. GARAMENDI, Ms. WATSON, Ms. SCHAKOWSKY, Ms. PINGREE of Maine, Mrs. DAHLKEMPER, Mr. GRIJALVA, Mr. PERLMUTTER, Ms. DELAURO, and Mr. DEFAZIO):

H.R. 4993. A bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. LEVIN, Mr. RANGEL, Mr. STARK, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. TANNER, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. DAVIS of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. YARMUTH, and Mr. BECERRA):

H.R. 4994. A bill to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 4995. A bill to restore the American people's freedom to choose the health insurance that best meets their individual needs by repealing the mandate that all Americans obtain government-approved health insurance; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX (for herself, Mr. MCCLINTOCK, Mrs. MCMORRIS RODGERS, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. BROUN of Georgia, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. ROHRABACHER, Mr. GARRETT of New Jersey, Mr. FLAKE, Mrs. LUMMIS, and Mr. DUNCAN):

H.R. 4996. A bill to provide for congressional approval of national monuments and restrictions on the use of national monuments; to the Committee on Natural Resources.

By Mr. LIPINSKI:

H.R. 4997. A bill to authorize appropriations for fiscal years 2011 through 2015 for the National Science Foundation, and for other purposes; to the Committee on Science and Technology.

By Mr. HILL:

H.R. 4998. A bill to establish and to expand partnerships that promote innovation and increase the economic and social impact of research by developing tools and resources to connect new scientific discoveries to practical uses; to the Committee on Science and Technology.

By Mr. GARRETT of New Jersey (for himself, Mr. PITTS, Mr. POSEY, and Mr. DUNCAN):

H.R. 4999. A bill to amend the Internal Revenue Code of 1986 to repeal the mandate that individuals purchase health insurance; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 5000. A bill to amend the Employee Retirement Income Security Act of 1974 to ensure health care coverage value and transparency for dental benefits under group health plans; to the Committee on Education and Labor.

By Mr. BACA:

H.R. 5001. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 5002. A bill to end the cycle of illegal immigration in the United States and withdraw Federal funds from States and political subdivisions of States that interfere with the enforcement of Federal immigration law; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO:

H.R. 5003. A bill to increase the loan guarantee fee for rural housing loans guaranteed under section 502(h) of the Housing Act of 1949; to the Committee on Financial Services.

By Mr. CONNOLLY of Virginia:

H.R. 5004. A bill to amend section 1004 of title 39, United States Code, to include that it is a policy of the Postal Service to ensure reasonable and sustainable workloads and schedules for supervisory and management employees and to clarify provisions relating to consultation and changes or terminations in certain proposals; to the Committee on Oversight and Government Reform.

By Mr. GRIFFITH (for himself, Mr. INGLIS, Mr. JONES, Mr. ROGERS of Alabama, Mr. SOUDER, Mr. OLSON, Ms. JENKINS, Mrs. BACHMANN, Mr. BISHOP of Utah, Mr. TIAHRT, Mr. KING of Iowa, Mr. WAMP, Mr. BROUN of Georgia, Mr. CAMPBELL, Mr. GOHMERT, Mr. BONNER, Mr. GARY G. MILLER of California, Mr. ADERHOLT, and Mr. DUNCAN):

H.R. 5005. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, Appropriations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mr. CONYERS, Mr. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Ms. CLARKE, Mr. RANGEL, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Ms. FUDGE, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, Mr. GRIJALVA, Ms. NORTON, Ms. RICHARDSON, Mr. RUSH, Mr. SABLAN, and Mr. CAO):

H.R. 5006. A bill to require the President to call a White House Conference on Haiti; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself and Mr. KENNEDY):

H.R. 5007. A bill to authorize the Administrator of the Small Business Administration to make grants to assist small business concerns located in areas affected by a major disaster and high unemployment, and for other purposes; to the Committee on Small Business.

By Ms. MARKEY of Colorado (for herself, Mr. BACA, Mr. BERRY, Mr. BOREN, Mr. BOYD, Mr. BRIGHT, Mr. CHILDERS, Mr. COOPER, Mr. DAVIS of Tennessee, Ms. GIFFORDS, Ms. HERSETH SANDLIN, Mr. HILL, Mr. KRATOVIL, Mr. MARSHALL, Mr. MATHESON, Mr. MCINTYRE, Mr. MELANCON, Mr. MINNICK, Mr. MURPHY of New York, Mr. NYE, Mr. ROSS, Mr. SCHIFF, Mr. SCHRADER, Mr. SHULER, Mr. SPACE, Mr. TANNER, and Mr. WILSON of Ohio):

H.R. 5008. A bill to amend the Congressional Budget Act of 1974 to require annual progress toward meeting fiscally responsible 5- and 10-year deficit and debt targets; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON:

H.R. 5009. A bill to designate certain lands in the Wasatch Mountains of Salt Lake County, Utah, as wilderness, and for other purposes; to the Committee on Natural Resources.

By Ms. MOORE of Wisconsin:

H.R. 5010. A bill to amend title 49, United States Code, to require that not less than 10 percent of the amounts made available for certain high-speed rail projects be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 5011. A bill to amend the Food Security Act of 1985 to support State and tribal government efforts to encourage owners and operators of privately held farm, ranch, and forest land containing maple trees to make their land available for access by the public for maple-tapping activities under programs administered by States and tribal governments; to the Committee on Agriculture.

By Ms. TITUS:

H.R. 5012. A bill to amend the Richard B. Russell National School Lunch to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself, Mr. KLEIN of Florida, Mr. BOEHNER, Mr. MOORE of Kansas, Mr. CANTOR, Mr. TOWNS, Mr. PENCE, Mr. ROTHMAN of New Jersey, Mr. BURTON of Indiana, Mr. PETERS, Mr. HOEKSTRA, Ms. CORRINE BROWN of Florida, Mr. KING of New York, Mr. HIMES, Mr. MCKEON, Mr. ADLER of New Jersey, Mr. WILSON of South Carolina, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. GARRETT of New Jersey, Ms. RICHARDSON, Mr. PRICE of Georgia, Mr. ELLSWORTH, Mr. MARIO DIAZ-BALART of Florida, and Ms. WASSERMAN SCHULTZ):

H. Con. Res. 260. Concurrent resolution recognizing the 62nd anniversary of the independence of the State of Israel, and reaffirming unequivocal support for the alliance and friendship between the United States and Israel; to the Committee on Foreign Affairs.

By Mr. RAHALL (for himself, Mr. MOLLOHAN, Mrs. CAPITO, Mr. GEORGE MILLER of California, and Ms. WOOLSEY):

H. Res. 1236. A resolution honoring the coal miners who perished in the Upper Big Branch Mine-South in Raleigh County, West Virginia, extending condolences to their families and recognizing the valiant efforts of emergency response workers at the mine disaster; to the Committee on Education and Labor.

By Mr. BOREN (for himself, Mr. COLE, Mr. RAHALL, Ms. FALLIN, Mr. SULLIVAN, Mr. KILDEE, Mr. LUCAS, Ms. RICHARDSON, Ms. MCCOLLUM, Mr. HONDA, Ms. HERSETH SANDLIN, Mr. MORAN of Virginia, and Mr. BACA):

H. Res. 1237. A resolution honoring the life of Wilma Pearl Mankiller and expressing condolences of the House of Representatives on her passing; to the Committee on Natural Resources.

By Mr. HASTINGS of Washington (for himself and Mr. BISHOP of Utah):

H. Res. 1238. A resolution directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the Secretary's Treasured Landscape Initiative, designation of National Monuments, and high priority land-rationalization efforts; to the Committee on Natural Resources.

By Mr. COURTNEY (for himself, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. HIMES, Mr. MURPHY of Connecticut, Mr. MEEKS of New York, Ms. NORTON, Mr. PUTNAM, and Mr. SESTAK):

H. Res. 1239. A resolution commending the University of Connecticut Huskies for their historic win in the 2010 NCAA Division I Women's Basketball Tournament; to the Committee on Education and Labor.

By Ms. DELAURO (for herself, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MATSUI, Mr. PLATTS, Mr. MCDERMOTT, Mr. COURTNEY, Mr. KENNEDY, Ms. NORTON, Mr. PRICE of North Carolina, Mr. SIRES, Mr. LOEBSACK, Mr. LARSON of Connecticut, Ms. RICHARDSON, Mr. RYAN of Ohio, and Ms. SLAUGHTER):

H. Res. 1240. A resolution supporting the goals and ideals of Global Youth Service Day; to the Committee on Education and Labor.

By Mr. GARRETT of New Jersey:

H. Res. 1241. A resolution supporting the right of Israel to defend itself against terrorists and the Israeli construction of new security fences along the border of Egypt; to the Committee on Foreign Affairs.

By Mr. PRICE of North Carolina (for himself, Mr. JONES, Mr. KISSELL, Mrs. MYRICK, Mrs. CAPITO, Mr. LIPINSKI, Mr. CLYBURN, Mr. CAPUANO, Mr. COBLE, Mr. SHULER, Mr. CONNOLLY of Virginia, Mr. WATT, Mr. ETHERIDGE, Mr. WALDEN, Mr. MCHENRY, Ms. RICHARDSON, Mr. OLSON, Mr. RYAN of Ohio, Mr. BUTTERFIELD, Ms. LINDA T. SÁNCHEZ of California, Ms. FOXX, Mr. INGLIS, Mr. MCINTYRE, Mr. MILLER of North Carolina, Ms. MATSUI, Mr. RAHALL, Mr. BLUMENAUER, Mr. HOLDEN, and Mr. HOYER):

H. Res. 1242. A resolution congratulating the Duke University men's basketball team for winning the 2010 NCAA Division I Men's Basketball National Championship; to the Committee on Education and Labor.

By Mr. QUIGLEY:

H. Res. 1243. A resolution expressing sympathy for the people of the Republic of Poland in the aftermath of the devastating plane crash that killed the country's President, First Lady, and 94 other high ranking government, military, and civic leaders on April 10, 2010; to the Committee on Foreign Affairs.

By Mr. RODRIGUEZ (for himself, Mr. MICHAUD, Mr. LIPINSKI, Mrs. NAPOLITANO, Mr. MCDERMOTT, and Mr. CAPUANO):

H. Res. 1244. A resolution recognizing the National Collegiate Cyber Defense Competition for its now five-year effort to promote cyber security curriculum in institutions of higher learning; to the Committee on Education and Labor.

By Mr. TIAHRT:

H. Res. 1245. A resolution expressing the sense of the House of Representatives that the Value Added Tax is a massive tax increase that will cripple families on fixed income and only further push back America's

economic recovery; to the Committee on Ways and Means.

¶41.35 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

250. The SPEAKER presented a memorial of the Legislature of the State of Virgin Islands, relative to Resolution No. 1734 urging the United States Congress to enact Employee Free Choice Act, pursuant to; to the Committee on Education and Labor.

251. Also, a memorial of the Legislature of the State of Virgin Islands, relative to Resolution No. 1742 urging the Congress to make St. Croix a National Heritage Area; to the Committee on Natural Resources.

252. Also, a memorial of the Senate of the State of Washington, relative to Senate Joint Memorial 8026 memorilizing that the Interstate Commission for Adult Offender Supervision immediately initiate its emergency rule-making process; to the Committee on the Judiciary.

¶41.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. ROYCE, Mr. BRADY of Texas, and Mr. THORNBERRY.

H.R. 208: Mr. JOHNSON of Georgia and Mr. ROGERS of Michigan.

H.R. 211: Mr. POLIS, Mr. HIMES, Mr. GUTHRIE, Mr. NEAL of Massachusetts, Mr. LYNCH, Mr. SALAZAR, Mr. COBLE, Ms. GRANGER, and Mr. HOEKSTRA.

H.R. 223: Mr. GARAMENDI.

H.R. 235: Mr. TEAGUE and Mr. MEEKS of New York.

H.R. 272: Mr. COBLE.

H.R. 275: Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, and Ms. BALDWIN.

H.R. 413: Mr. PASTOR of Arizona, Mrs. HALVORSON, Mr. BURTON of Indiana, Mr. CUMMINGS, Mr. ELLISON, and Mr. HILL.

H.R. 422: Ms. RICHARDSON, Mr. ARCURI, Mrs. BLACKBURN, and Mr. CHAFFETZ.

H.R. 442: Mr. ROYCE, Mr. BISHOP of Utah, Mr. KRATOVIL, Mr. BRADY of Texas, and Mr. THORNBERRY.

H.R. 444: Mrs. MALONEY.

H.R. 476: Mr. BRADY of Pennsylvania, Mr. KUCINICH, and Mr. RYAN of Ohio.

H.R. 537: Mr. COSTA.

H.R. 544: Mr. KINGSTON.

H.R. 635: Ms. WATSON.

H.R. 667: Ms. SHEA-PORTER.

H.R. 690: Mr. KINGSTON, Ms. HERSETH SANDLIN, and Mr. CUELLAR.

H.R. 704: Mr. ACKERMAN.

H.R. 707: Mr. PALLONE.

H.R. 723: Ms. SUTTON.

H.R. 745: Ms. WOOLSEY.

H.R. 832: Mr. MCDERMOTT.

H.R. 878: Mr. WAMP.

H.R. 914: Mr. FORBES.

H.R. 930: Mr. PITTS.

H.R. 943: Mr. FORBES.

H.R. 978: Mr. LATOURETTE.

H.R. 1032: Mr. TIAHRT.

H.R. 1067: Mr. WAMP.

H.R. 1074: Mr. ROYCE, Mr. BRADY of Texas, and Mr. THORNBERRY.

H.R. 1137: Ms. NORTON.

H.R. 1177: Mr. HONDA, Ms. RICHARDSON, Mr. KISSELL, and Mr. WITTMAN.

H.R. 1191: Ms. ZOE LOFGREN of California.

H.R. 1210: Mr. TIAHRT, Mr. INSLEE, Mr. CAPUANO, and Mr. KISSELL.

H.R. 1229: Mr. WAMP.

H.R. 1310: Mr. ADLER of New Jersey and Mr. LYNCH.

H.R. 1311: Mr. JONES.

H.R. 1403: Mr. FORBES.

H.R. 1458: Mr. MCKEON and Mr. MICHAUD.

H.R. 1483: Mr. BLUMENAUER.

H.R. 1521: Mr. HUNTER.

H.R. 1547: Mr. JOHNSON of Georgia and Mr. SIMPSON.

H.R. 1549: Ms. RICHARDSON.

H.R. 1578: Mr. RYAN of Ohio.

H.R. 1587: Mr. BOSWELL.

H.R. 1588: Mrs. BACHMANN.

H.R. 1625: Mr. HIGGINS, Mr. SCHIFF, Ms. LEE of California, Mr. ROYCE, and Ms. TITUS.

H.R. 1806: Mrs. HALVORSON.

H.R. 1818: Mr. WALZ, Mr. COSTELLO, and Mr. FORTENBERRY.

H.R. 1831: Mr. HELLER.

H.R. 1835: Mr. SESSIONS.

H.R. 1956: Mr. BLUMENAUER.

H.R. 2067: Ms. SUTTON, Mr. LYNCH, Ms. RICHARDSON, and Mr. LEWIS of Georgia.

H.R. 2110: Ms. JACKSON LEE of Texas.

H.R. 2135: Mr. TIAHRT.

H.R. 2136: Mr. KENNEDY and Mr. FORBES.

H.R. 2149: Mr. GARAMENDI, Mr. SABLAN, Mr. NADLER of New York, and Mr. SIRES.

H.R. 2156: Mr. PASTOR of Arizona.

H.R. 2255: Mr. FORBES.

H.R. 2262: Ms. BERKLEY and Mr. HINCHEY.

H.R. 2305: Mr. WAMP.

H.R. 2324: Mr. DOYLE, Mr. MCDERMOTT, and Mr. BERMAN.

H.R. 2373: Mr. TIAHRT, Mr. PETERS, and Ms. HERSETH SANDLIN.

H.R. 2378: Mr. WELCH, Mr. BRADY of Pennsylvania, Mr. DUNCAN, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2381: Ms. LEE of California, Mr. KUCINICH, and Ms. CHU.

H.R. 2406: Mr. WAMP.

H.R. 2433: Mr. PLATTS.

H.R. 2472: Mr. TAYLOR.

H.R. 2478: Mr. WALZ, Mr. TEAGUE, Mr. ADERHOLT, Mr. SHUSTER, Mr. LANGEVIN, and Mr. DAVIS of Tennessee.

H.R. 2485: Mr. MICHAUD.

H.R. 2553: Mr. JONES.

H.R. 2555: Mr. DAVIS of Illinois.

H.R. 2672: Mr. GERLACH.

H.R. 2817: Mr. JOHNSON of Georgia.

H.R. 2850: Ms. ZOE LOFGREN of California, Ms. NORTON, and Mr. CONNOLLY of Virginia.

H.R. 2866: Ms. ROS-LEHTINEN and Mr. EHLERS.

H.R. 2900: Mr. BURTON of Indiana.

H.R. 2906: Mr. NYE.

H.R. 3012: Mr. ELLSWORTH.

H.R. 3017: Mr. MAFFEI.

H.R. 3059: Ms. BORDALLO.

H.R. 3077: Mr. RYAN of Ohio and Ms. RICHARDSON.

H.R. 3099: Mrs. HALVORSON.

H.R. 3116: Mr. HOLDEN, Mr. WILSON of South Carolina, and Mr. BARROW.

H.R. 3125: Mr. JOHNSON of Georgia, Mrs. BLACKBURN, and Mr. SCOTT of Georgia.

H.R. 3164: Ms. ZOE LOFGREN of California.

H.R. 3186: Mr. HALL of New York, Mr. STARK, Mr. RAHALL, Ms. SHEA-PORTER, Mr. SCOTT of Virginia, Ms. WOOLSEY, and Mr. HEINRICH.

H.R. 3202: Mr. MORAN of Virginia and Mr. SIRES.

H.R. 3243: Ms. SHEA-PORTER.

H.R. 3266: Mr. MORAN of Virginia.

H.R. 3286: Mr. BOREN, Mr. PETERS, Mr. GARAMENDI, and Mr. GUTIERREZ.

H.R. 3287: Mr. CARNAHAN.

H.R. 3315: Mr. CARNAHAN and Mr. HINCHEY.

H.R. 3335: Mr. TOWNS.

H.R. 3380: Mr. DAVIS of Illinois, Mr. WAMP, Mr. BLUMENAUER, Mr. HARE, Mr. HUNTER, Mr. CONYERS, and Mr. ROONEY.

H.R. 3400: Mr. SMITH of New Jersey and Mr. RADANOVICH.

H.R. 3407: Mr. HALL of New York.

H.R. 3454: Mr. BACHUS.

H.R. 3487: Mr. MCGOVERN, Ms. NORTON, and Mr. SIRES.

H.R. 3488: Mrs. LOWEY.

H.R. 3491: Mr. HOLT.

H.R. 3512: Mr. ROONEY.

H.R. 3636: Mr. COSTA.

H.R. 3652: Mr. MATHESON, Mr. SMITH of Washington, Ms. FUDGE, Mr. HILL, Mr. RYAN of Ohio, Mr. BRADY of Pennsylvania, Mr. NYE, Mr. SCOTT of Virginia, Mr. CAPUANO, Mrs. MYRICK, and Ms. ROS-LEHTINEN.

H.R. 3653: Mr. ISRAEL.

H.R. 3655: Mr. MOLLOHAN.

H.R. 3668: Mrs. LUMMIS, Mr. TIBERI, Mr. MITCHELL, Mr. SMITH of Washington, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 3715: Mr. GUTIERREZ and Mr. GRIJALVA.

H.R. 3720: Mr. DUNCAN, Mr. MCINTYRE, and Mr. PETERSON.

H.R. 3731: Mr. SERRANO.

H.R. 3734: Mr. CARNAHAN.

H.R. 3745: Mr. BAIRD.

H.R. 3757: Mr. CONNOLLY of Virginia.

H.R. 3790: Mr. MATHESON, Mr. MARSHALL, Mr. HALL of New York, Mr. DAVIS of Alabama, Mr. PETERSON, Mr. CARTER, Mr. JACKSON of Illinois, Mr. HOLDEN, Mr. CASTLE, Mr. TIAHRT, Mr. SESTAK, Mr. CARNAHAN, Mr. CROWLEY, and Mr. BACHUS.

H.R. 3931: Mr. SHADEGG.

H.R. 3939: Mrs. DAVIS of California.

H.R. 3943: Mrs. MCCARTHY of New York and Mr. RAHALL.

H.R. 3990: Mr. RYAN of Ohio.

H.R. 3995: Ms. NORTON, Mr. GRIJALVA, and Ms. WATSON.

H.R. 4000: Mr. HASTINGS of Florida, Mr. HARE, and Mr. MEEKS of New York.

H.R. 4004: Mr. RANGEL.

H.R. 4021: Mr. PASTOR of Arizona and Mr. GEORGE MILLER of California.

H.R. 4037: Mr. ETHERIDGE and Mr. CARNAHAN.

H.R. 4054: Mr. CASTLE and Mr. CARNAHAN.

H.R. 4091: Mr. HALL of New York.

H.R. 4107: Mr. PAUL, Ms. FOXX, and Mr. BURTON of Indiana.

H.R. 4109: Mr. GUTIERREZ, Ms. RICHARDSON, and Mr. BACA.

H.R. 4116: Mr. COSTA, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Ms. CHU, and Ms. GRANGER.

H.R. 4149: Mr. POMEROY.

H.R. 4195: Ms. WOOLSEY, Mr. STARK, Ms. LEE of California, Ms. MCCOLLUM, Ms. BORDALLO, Mr. MCGOVERN, and Mr. PAYNE.

H.R. 4197: Mr. DELAHUNT.

H.R. 4223: Mr. BOUCHER.

H.R. 4239: Ms. SHEA-PORTER.

H.R. 4241: Mr. MCINTYRE and Mr. LEE of New York.

H.R. 4256: Ms. SCHWARTZ, Mr. ETHERIDGE, Mr. BOUSTANY, and Mr. PASCRELL.

H.R. 4274: Ms. KILROY.

H.R. 4278: Mr. HOLDEN, Mr. ETHERIDGE, Mr. THOMPSON of California, Mr. LEWIS of Georgia, Mr. BARTLETT, Ms. SCHWARTZ, Mr. WAMP, Mr. YARMUTH, and Mr. CASTLE.

H.R. 4286: Ms. JACKSON LEE of Texas.

H.R. 4302: Mr. PETERSON, Mr. PETERS, Mr. HOLDEN, Mr. DELAHUNT, Mr. ROTHMAN of New Jersey, Mr. WILSON of Ohio, Mr. MATHESON, Mr. HIMES, Mr. REYES, Mr. SIRES, Mr. LIPINSKI, and Mr. CARNAHAN.

H.R. 4306: Mr. MORAN of Kansas, Mr. MACK, and Mr. WELCH.

H.R. 4322: Ms. RICHARDSON, Ms. BALDWIN, and Ms. FUDGE.

H.R. 4325: Ms. RICHARDSON and Ms. WOOLSEY.

H.R. 4347: Mr. KILDEE.

H.R. 4378: Mr. MORAN of Virginia.

H.R. 4386: Mr. LANGEVIN.

H.R. 4391: Mr. QUIGLEY.

H.R. 4400: Mr. STUPAK and Mr. DAVIS of Tennessee.

H.R. 4402: Mr. COHEN, Ms. RICHARDSON, Mr. PRICE of North Carolina, and Mr. OWENS.

H.R. 4443: Mr. MURPHY of New York and Ms. JACKSON LEE of Texas.

H.R. 4486: Mr. JOHNSON of Georgia and Ms. GIFFORDS.

H.R. 4525: Mr. ROGERS of Alabama, Mr. WITTMAN, and Mr. MARSHALL.

H.R. 4530: Ms. RICHARDSON, Mr. CLAY, Mr. PALLONE, and Ms. WATSON.
H.R. 4538: Ms. SUTTON.
H.R. 4541: Mr. KILDEE and Mr. BERMAN.
H.R. 4543: Ms. PELOSI.
H.R. 4568: Mr. TIM MURPHY of Pennsylvania.
H.R. 4580: Ms. NORTON, Mr. PASCRELL, and Ms. RICHARDSON.
H.R. 4594: Ms. BERKLEY, Mr. MICHAUD, Mr. HINCHEY, Mr. GARAMENDI, Mr. CUMMINGS, Mr. STARK, Mr. GEORGE MILLER of California, Mr. SESTAK, and Ms. SPEIER.
H.R. 4598: Mr. HILL and Mr. CARNEY.
H.R. 4601: Mr. DEFAZIO, Ms. SHEA-PORTER, Mr. CONNOLLY of Virginia, Mr. WELCH, and Ms. NORTON.
H.R. 4616: Mr. NADLER of New York, Mr. RUSH, Mr. HINCHEY, Mr. FRANK of Massachusetts, Ms. CORRINE BROWN of Florida, Mr. SIRES, Mr. CAO, and Mr. MEEKS of New York.
H.R. 4640: Mr. FORBES and Ms. KILROY.
H.R. 4649: Ms. CORRINE BROWN of Florida, Mr. CAO, Mr. LANCE, Mr. GERLACH, Mr. MACK, Mrs. MCMORRIS RODGERS, Mr. BILIRAKIS, Mr. SCHOCK, Mr. MORAN of Kansas, Mrs. MILLER of Michigan, Mr. BLUNT, Ms. JENKINS, Mr. LINDER, Mr. FORTENBERRY, Mrs. MYRICK, Mr. LAMBORN, Mr. FORBES, Mr. PENCE, Mr. BURGESS, Mr. CRENSHAW, Mr. THORNBERRY, Mr. OLSON, Mr. KAGEN, Mr. CAMPBELL, Mr. ELLSWORTH, Mr. MCCOTTER, Mr. COFFMAN of Colorado, Mrs. CAPITO, Mr. YOUNG of Alaska, Mrs. BACHMANN, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 4662: Mr. HONDA, Mr. COBLE, Mr. FRANK of Massachusetts, and Mr. HOEKSTRA.
H.R. 4677: Mrs. CAPPS, Mr. BERMAN, Ms. WASSERMAN SCHULTZ, Mr. PASTOR of Arizona, Ms. MCCOLLUM, and Mr. CARNAHAN.
H.R. 4678: Mr. HOLDEN, Mr. JOHNSON of Georgia, Ms. SPEIER, Mr. FILNER, Ms. FUDGE, Mr. HEINRICH, Mr. CARNEY, and Mr. SIRES.
H.R. 4689: Mr. BOREN, Mr. ISRAEL, Mr. LOBIONDO, Mr. GARAMENDI, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. COHEN, Mr. ROE of Tennessee, and Mr. CARNAHAN.
H.R. 4693: Mr. MCMAHON, Mr. WILSON of Ohio, Mr. MEEK of Florida, and Mr. LUJÁN.
H.R. 4697: Mr. SCOTT of Virginia.
H.R. 4701: Ms. KILROY.
H.R. 4709: Mr. LYNCH, Mr. BOUCHER, and Mr. CAPUANO.
H.R. 4710: Mr. ROSS.
H.R. 4711: Mr. DELAHUNT, Mr. ROTHMAN of New Jersey, Mr. BISHOP of New York, and Mr. POLIS.
H.R. 4722: Ms. NORTON, Mr. WELCH, Mr. SCHIFF, Mr. CLEAVER, Mr. BRALEY of Iowa, Mr. HINCHEY, and Mr. PASTOR of Arizona.
H.R. 4732: Mr. HALL of New York.
H.R. 4733: Mr. ACKERMAN and Ms. LEE of California.
H.R. 4734: Ms. BERKLEY, Mr. TONKO, Mr. FILNER, Mr. CONYERS, Ms. KILROY, Ms. KILPATRICK of Michigan, Mr. COURTNEY, Mr. BRADY of Pennsylvania, Mr. BLUMENAUER, Mr. GRIJALVA, Ms. RICHARDSON, and Ms. NORTON.
H.R. 4748: Mrs. DAHLKEMPER.
H.R. 4755: Ms. MCCOLLUM, Mr. PETERS, Mr. RYAN of Ohio, and Mr. KUCINICH.
H.R. 4796: Mr. SIRES, Mr. COURTNEY, Mr. MOORE of Kansas, and Mr. BRALEY of Iowa.
H.R. 4800: Mr. JOHNSON of Georgia and Ms. MOORE of Wisconsin.
H.R. 4806: Mr. JACKSON of Illinois and Ms. NORTON.
H.R. 4812: Mr. DOYLE, Mr. KENNEDY, Mr. SCOTT of Georgia, Mr. SESTAK, Ms. WASSERMAN SCHULTZ, Mr. LANGEVIN, Mr. ISRAEL, Mr. ENGEL, Mr. ACKERMAN, Mr. KAGEN, Mr. CARNAHAN, Mr. MEEK of Florida, Ms. ZOE LOFGREN of California, Mr. PASCRELL, Mr. RODRIGUEZ, Mrs. LOWEY, Mrs. CAPPS, Mrs. NAPOLITANO, Ms. KAPTUR, Ms. SHEA-PORTER, Mrs. MCCARTHY of New York, Mr. GENE GREEN of Texas, and Mr. WILSON of Ohio.
H.R. 4830: Ms. ROYBAL-ALLARD.
H.R. 4842: Ms. RICHARDSON, Mr. LUJÁN, Mr. AL GREEN of Texas, and Mr. PASCRELL.
H.R. 4844: Mr. BROWN of South Carolina, Ms. RICHARDSON, and Mr. MCCAUL.
H.R. 4869: Ms. NORTON, Mr. CLEAVER, and Ms. JACKSON LEE of Texas.
H.R. 4870: Mr. BERMAN, Mr. RYAN of Ohio, Mr. BACA, and Mr. SCOTT of Virginia.
H.R. 4876: Mr. KIND, Mr. RYAN of Ohio, Ms. SUTTON, Mr. KIRK, Mr. QUIGLEY, Mr. LEE of New York, and Mr. EHLERS.
H.R. 4883: Mr. HENSARLING.
H.R. 4886: Mr. ACKERMAN and Mr. SMITH of New Jersey.
H.R. 4890: Mr. FILNER.
H.R. 4894: Mr. SOUDER, Mr. JONES, Mr. MCCARTHY of California, Mr. ALEXANDER, Mr. ISSA, Mr. LEE of New York, Mr. THOMPSON of Pennsylvania, Mrs. MYRICK, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 4896: Mrs. BACHMANN.
H.R. 4901: Mr. SOUDER, Mrs. BACHMANN, Mr. MCCLINTOCK, Mr. PITTS, Mrs. MILLER of Michigan, and Mr. SIMPSON.
H.R. 4903: Mr. MORAN of Kansas, Mr. UPTON, Mrs. MILLER of Michigan, Mr. YOUNG of Florida, Mr. MACK, Mr. PITTS, Mr. RADANOVICH, and Mrs. SCHMIDT.
H.R. 4904: Mr. TIAHRT, Mr. SAM JOHNSON of Texas, Mr. SOUDER, Mr. KINGSTON, Mr. DUNCAN, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, and Mr. BURGESS.
H.R. 4908: Mr. HOLT and Mrs. CHRISTENSEN.
H.R. 4909: Mr. PAULSEN.
H.R. 4920: Ms. JACKSON LEE of Texas, Ms. MOORE of Wisconsin, Ms. RICHARDSON, Mr. RANGEL, Mr. LEWIS of Georgia, Ms. FUDGE, Ms. KAPTUR, Ms. CASTOR of Florida, Mr. SIRES, Ms. CLARKE, Ms. KILPATRICK of Michigan, Ms. DELAURO, Mr. CONYERS, Mr. BUTTERFIELD, Mr. ELLISON, Mr. GRIJALVA, and Mr. SERRANO.
H.R. 4923: Mr. FARR, Mrs. DAVIS of California, Mr. SPRATT, Ms. KILPATRICK of Michigan, Mr. RODRIGUEZ, Mr. CONNOLLY of Virginia, Ms. JACKSON LEE of Texas, Mr. RAHALL, Ms. MARKEY of Colorado, Ms. TSONGAS, Mr. SCOTT of Virginia, Mr. BACA, Mr. LANGEVIN, Mr. EDWARDS of Texas, Mr. CUMMINGS, Mr. HALL of New York, Mr. GORDON of Tennessee, Ms. PINGREE of Maine, Mr. LARSEN of Washington, Mr. GRIJALVA, Mr. SNYDER, Mr. MURPHY of Connecticut, and Mr. ROSS.
H.R. 4925: Mr. FRANK of Massachusetts, Ms. LEE of California, Ms. NORTON, Mr. SCOTT of Virginia, Mr. TONKO, Mr. CARNAHAN, and Mrs. DAVIS of California.
H.R. 4934: Mr. BISHOP of Utah.
H.R. 4947: Mr. SABLAN, Mr. WILSON of South Carolina, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. COURTNEY, and Mr. POMEROY.
H.R. 4951: Mr. WALDEN, Mr. SESSIONS, Mr. UPTON, Mr. MCCAUL, Mr. INGLIS, Mr. KLINE of Minnesota, and Mr. BURTON of Indiana.
H.R. 4958: Mr. ORTIZ, Mr. CUELLAR, Mr. CLAY, Mr. CONNOLLY of Virginia, Mr. RYAN of Ohio, and Mr. CARNAHAN.
H.R. 4959: Mr. BLUMENAUER and Mr. ENGEL.
H.R. 4961: Ms. CORRINE BROWN of Florida, Mr. RUSH, Ms. JACKSON LEE of Texas, Mr. RANGEL, and Ms. KILPATRICK of Michigan.
H.R. 4972: Mr. MCCLINTOCK, Mr. POE of Texas, Mr. PITTS, and Mrs. MILLER of Michigan.
H.R. 4982: Ms. JENKINS, Mr. FORBES, and Mr. WITTMAN.
H.R. 4990: Mr. CONYERS.
H.J. Res. 1: Ms. MARKEY of Colorado.
H.J. Res. 11: Mr. MCCOTTER.
H.J. Res. 63: Mr. INGLIS.
H.J. Res. 67: Mr. INGLIS.
H.J. Res. 76: Mr. ORTIZ.
H.J. Res. 77: Mr. PUTNAM, Mr. LEE of New York, Mr. CAMPBELL, Mr. COLE, Mr. SCHOCK, and Mr. KINGSTON.
H. Con. Res. 94: Ms. NORTON and Mr. WALZ.
H. Con. Res. 200: Mr. HOLT.
H. Con. Res. 230: Mr. ORTIZ and Mr. PLATTS.
H. Con. Res. 232: Mr. SHULER.
H. Con. Res. 241: Mr. BOOZMAN, Mr. CANTOR, Mr. THOMPSON of Pennsylvania, Mr. PLATTS, Mr. DAVIS of Kentucky, Mr. WAMP, Mr. JOHNSON of Georgia, Mr. GALLEGLY, Mr. MCKEON, Mr. WILSON of South Carolina, Mr. BILBRAY, Mr. BOREN, Mr. SHIMKUS, Mr. KINGSTON, Mr. CARTER, Mrs. BONO MACK, Mr. BROWN of South Carolina, Mr. SULLIVAN, Ms. FALLIN, Mr. NUNES, Mr. SMITH of Nebraska, Ms. JENKINS, Mr. PRICE of Georgia, Mr. ROSKAM, Mr. WALDEN, Mr. SCHOCK, and Mr. DELAHUNT.
H. Con. Res. 252: Mr. PIERLUISI and Mr. HARE.
H. Con. Res. 258: Ms. JACKSON LEE of Texas.
H. Res. 173: Mr. LATHAM, Ms. TITUS, Mr. HINCHEY, Mr. CARDOZA, Ms. ROYBAL-ALLARD, Mr. BERMAN, Mr. SALAZAR, Ms. WATERS, Mr. BOREN, Ms. SPEIER, Mr. COHEN, Ms. SCHAKOWSKY, Ms. RICHARDSON, Mr. CALVERT, Mr. DAVIS of Tennessee, Mr. WESTMORELAND, Mr. CARNEY, Ms. SUTTON, Mr. BOOZMAN, Mr. SHULER, and Mr. BRALEY of Iowa.
H. Res. 200: Mr. SIRES.
H. Res. 213: Ms. ROYBAL-ALLARD and Mr. JOHNSON of Georgia.
H. Res. 375: Mr. WALZ, Ms. NORTON, Ms. DELAURO, Ms. CORRINE BROWN of Florida, Mr. RYAN of Ohio, Ms. SPEIER, Mr. DAVIS of Illinois, Ms. FUDGE, Mr. ELLISON, Mr. DEFAZIO, Ms. BALDWIN, Mr. CONYERS, and Ms. WOOLSEY.
H. Res. 394: Mr. WAMP.
H. Res. 443: Mr. HODES.
H. Res. 763: Mr. SENSENBRENNER.
H. Res. 767: Mrs. NAPOLITANO and Mr. CONNOLLY of Virginia.
H. Res. 855: Mr. SOUDER, Mr. CANTOR, Mr. ORTIZ, Mrs. DAVIS of California, Mr. HOEKSTRA, Ms. RICHARDSON, Mr. WALZ, Ms. NORTON, Mr. RYAN of Ohio, Mr. COURTNEY, Mr. ROONEY, Mr. LOBIONDO, Mr. TAYLOR, Mr. BISHOP of Utah, Mr. FOSTER, Mrs. MCMORRIS RODGERS, Mr. MORAN of Kansas, Mr. COOPER, and Mr. BUYER.
H. Res. 898: Mr. HALL of New York.
H. Res. 919: Ms. NORTON.
H. Res. 928: Mr. SIRES, Mr. GRIJALVA, Ms. MCCOLLUM, and Mr. RYAN of Ohio.
H. Res. 992: Mr. CRENSHAW, Mr. SCOTT of Georgia, Mr. CROWLEY, and Mr. BURTON of Indiana.
H. Res. 996: Mr. SARBANES, Mr. BRALEY of Iowa, Ms. LEE of California, Mr. DRIEHAUS, Mr. MATHESON, Ms. KAPTUR, Mr. SERRANO, Mr. BARROW, Ms. WASSERMAN SCHULTZ, Mr. DINGELL, Ms. HARMAN, Mr. FORBES, Mr. THOMPSON of California, Ms. SCHAKOWSKY, and Mrs. CAPPS.
H. Res. 1006: Mr. CULBERSON.
H. Res. 1019: Mr. PLATTS, Mr. SHUSTER, and Mr. MAFFEI.
H. Res. 1033: Mr. ROE of Tennessee, Mr. LOEBSACK, Mr. WAMP, Mrs. CHRISTENSEN, Mr. SHIMKUS, Mr. ROGERS of Michigan, Mr. MCMAHON, and Mr. BOOZMAN.
H. Res. 1104: Mr. LAMBORN, Mr. SCHOCK, and Mr. MCCAUL.
H. Res. 1106: Mr. CLEAVER and Mr. RYAN of Ohio.
H. Res. 1121: Mr. ROE of Tennessee.
H. Res. 1132: Mr. CARNEY, Mr. CHILDERS, Mr. HUNTER, Ms. LORETTA SANCHEZ of California, Mr. SESTAK, and Mr. WU.
H. Res. 1138: Mr. CONYERS and Mr. HODES.
H. Res. 1153: Mr. BISHOP of Utah, Mr. NADLER of New York, Mr. SPACE, Mr. WITTMAN, Mr. BOUCHER, Mr. SABLAN, Ms. NORTON, Mr. PIERLUISI, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mr. MCCLINTOCK, Mr. HINCHEY, Ms. DEGETTE, Mr. DEFAZIO, Mr. WILSON of Ohio, Ms. MOORE of Wisconsin, Mr. LAMBORN, Ms. BORDALLO, Mr. CONAWAY, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. YOUNG of Alaska, Mr. GRIJALVA, Mr. INSLEE, Mr. HOLDEN, Ms. RICHARDSON, Mr. SIRES, Mr. CARNEY, Mr. HALL of

New York, Mr. WALZ, Mr. SHULER, Mr. CAO, Mr. TAYLOR, Mr. ARCURI, and Mr. BUCHANAN.

H. Res. 1161: Mr. SIRES, Mr. BOUCHER, Mr. CAO, and Ms. HIRONO.

H. Res. 1166: Mr. MURPHY of New York.

H. Res. 1187: Mr. ALEXANDER, Ms. DELAURO, Mr. FILNER, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Ms. HIRONO, Mr. REYES, Mr. NADLER of New York, Ms. MCCOLLUM, Mr. WALZ, Mr. LARSON of Connecticut, Mrs. MALONEY, Mr. COHEN, Ms. BERKLEY, Ms. SHEA-PORTER, Mr. BLUMENAUER, and Mr. SCOTT of Georgia.

H. Res. 1196: Mr. SMITH of Nebraska, Mr. CONAWAY, Ms. MARKEY of Colorado, Mr. NUNES, Mr. NEUGEBAUER, Mr. BISHOP of Georgia, Mr. SIMPSON, Ms. JENKINS, Mr. PUTNAM, Mr. POMEROY, Mr. LINDER, Mr. OLSON, and Mr. FORTENBERRY.

H. Res. 1206: Ms. GIFFORDS, Mrs. MCMORRIS RODGERS, Mr. BLUNT, Mr. LAMBORN, and Mr. PERRIELLO.

H. Res. 1211: Mr. JOHNSON of Georgia, Mr. LEWIS of California, Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. CAO, and Ms. JACKSON LEE of Texas.

H. Res. 1224: Mr. GARAMENDI, Ms. JACKSON LEE of Texas, and Ms. BALDWIN.

H. Res. 1229: Mr. COBLE, Ms. SCHAKOWSKY, Mr. SABLAN, Ms. LEE of California, Mr. BARTLETT, and Mr. HARPER.

H. Res. 1230: Mr. TIAHRT, Mr. JORDAN of Ohio, Mr. SOUDER, Mr. PAUL, Mr. LAMBORN, Mr. GOODLATTE, Mr. HALL of Texas, and Mr. CARTER.

¶41.37 PETITIONS

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

112. The SPEAKER presented a petition of City of North Miami Beach, Florida, relative to Resolution No. R2010-12 urging the Florida State Legislature to pass legislation to advocate for and encourage governmental entities to go ''green''; to the Committee on Energy and Commerce.

113. Also, a petition of Wilton Manors, Island City, Florida, relative to Resolution No. 3518 supporting The Broward League of Cities 2010 State Legislative Action Plan; to the Committee on Oversight and Government Reform.

114. Also, a petition of Wilton Manors, Island City, Florida, relative to Resolution No. 3520 urging the repeal of Chapter 2009-125, Laws of Florida; to the Committee on House Administration.

115. Also, a petition of City of Fort Lauderdale, Florida, relative to Resolution No. 10-55 expressing the City's opposition to permitting offshore oil drilling within the waters of the State of Florida; to the Committee on Natural Resources.

116. Also, a petition of Wilton Manors, Island City, Florida, relative to Resolution No. 3522 urging the Legislature of Flordia to support SB 1354; to the Committee on the Judiciary.

117. Also, a petition of The Legislature of Rockland County, New York, relative to Resolution No. 86 urging the Secretary of Health and Human Services to provide additional financial aid to school districts facing an influx of Haitian refugees, Haitian immigrants, and Haitian-Americans returning to the U.S. because of the recent earthquake; jointly to the Committees on the Judiciary and Education and Labor.

¶41.38 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 413: Mr. WAMP.

WEDNESDAY, APRIL 14, 2010 (42)

The House was called to order by the SPEAKER.

¶42.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, April 13, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶42.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

6995. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ammonium Salts of Fatty Acids (C8-C18 Saturated); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0652; FRL-8809-6] received March 23, 2010 to the Committee on Agriculture.

6996. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cloquintocet-mexyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0714; FRL-8816-3] received March 23, 2010 to the Committee on Agriculture.

6997. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clopyralid; Pesticide Tolerances [EPA-HQ-OPP-2009-0092; FRL-8814-2] received March 23, 2010 to the Committee on Agriculture.

6998. A letter from the Assistant Secretary, Department of Defense, transmitting a letter regarding the National Guard and Reserve Equipment Report to the Committee on Armed Services.

6999. A letter from the Executive Director, Consumer Product Safety Commission, transmitting the Fiscal Year 2009 Annual Report to the Committee on Energy and Commerce.

7000. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Classifying Products as Covered Products [Docket No.: EE-RM-03-630] (RIN: 1904-AB52) received March 22, 2010 to the Committee on Energy and Commerce.

7001. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's ''Major'' final rule — Energy Conservation Program: Energy Conservation Standards for Small Electric Motors [Docket No.: EERE-2001-BT-STD-0007] (RIN: 1904-AB70) received April 8, 2010 to the Committee on Energy and Commerce.

7002. A letter from the Deputy Assistant Administrator/Office of Diversion Control, Department of Justice, transmitting the Department's ''Major'' final rule — Electronic Prescriptions for Controlled Substances [Docket No.: DEA-218I] (RIN: 1117-AA61) received April 1, 2010 to the Committee on Energy and Commerce.

7003. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; NOx Budget Trading Program; Correction [EPA-R05-OAR-2009-0964; FRL-9129-9] received March 23, 2010 to the Committee on Energy and Commerce.

7004. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan; PSD Regulations [EPA-R05-OAR-2007-1043; FRL-9129-5] received March 23, 2010 to the Committee on Energy and Commerce.

7005. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to Control Volatile Organic Compound Emissions in the Houston/Galveston/Brazoria 8-Hour Ozone Nonattainment Area [EPA-R06-OAR-2007-0526; FRL-9130-8] received March 23, 2010 to the Committee on Energy and Commerce.

7006. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Atlantic City, New Jersey) [MB Docket No.: 09-231] received March 25, 2010 to the Committee on Energy and Commerce.

7007. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Digital Audio Broadcasting Systems And Their Impact on the Terrestrial Radio Broadcast Service [MD Docket No.: 99-325] received March 25, 2010 to the Committee on Energy and Commerce.

7008. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's annual report for fiscal year 2009, in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174 to the Committee on Oversight and Government Reform.

7009. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's fiscal year 2009 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174 to the Committee on Oversight and Government Reform.

7010. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-40; Small Entity Compliance Guide [Docket FAR 2010-0077, Sequence 2] received March 25, 2010 to the Committee on Oversight and Government Reform.

7011. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-40; Introduction [Docket FAR 2010-0076, Sequence 2] received March 25, 2010 to the Committee on Oversight and Government Reform.

7012. A letter from the Acting Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-027, Federal Awardee Performance and Integrity Information System [FAC 2005-40; FAR Case 2008-027; Docket 2009-030, Sequence 1] (RIN: 9000-AL38) received March 25, 2010 to the Committee on Oversight and Government Reform.

7013. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations [Docket No.: 080721862-8864-01] (RIN: 0648-

AW51) received March 25, 2010 to the Committee on Natural Resources.

7014. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XU62) received March 25, 2010 to the Committee on Natural Resources.

7015. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Kansas Advisory Committee to the Committee on the Judiciary.

7016. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the District of Columbia Advisory Committee to the Committee on the Judiciary.

7017. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Pennsylvania Advisory Committee to the Committee on the Judiciary.

7018. A letter from the Secretary, Department of Transportation, transmitting the Department's report on the Tribal-State Road Maintenance Agreements to the Committee on Transportation and Infrastructure.

7019. A letter from the Regulation Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs (RIN: 0938-AP77) received April 7, 2010 jointly to the Committees on Energy and Commerce and Ways and Means.

7020. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1872-DR for the State of Arkansas jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7021. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1873-DR for the State of New Jersey jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

¶42.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 1749. An Act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

¶42.4 AMENDMENTS OF THE SENATE TO H.R. 4573

Ms. WATERS moved to suspend the rules and agree to the following amendments of the Senate to the bill (H.R. 4573) to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes:

On page 3, line 4, after ''provision'' insert: '', *before February 1, 2015,*''.

On page 3, lines 18 and 19, strike ''relief'' and all that follows through ''Haiti.'' and insert: ''*relief and debt service relief for Haiti and, before February 1, 2015, to provide grants for Haiti.*''.

On page 4, line 7, after ''Haiti's future'' insert: ''*and future generations*''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. WATERS and Mr. PAULSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendments of the Senate?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendments of the Senate were agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendments of the Senate were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶42.5 GRAMM-LEACH-BLILEY

Mr. MOORE of Kansas, moved to suspend the rules and pass the bill (H.R. 3506) to amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not share personal information with affiliates, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. MOORE of Kansas, and Mr. PAULSEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Gramm-Leach-Bliley Act to provide an exception from the continuing requirement for annual privacy notices for financial institutions which do not change their policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶42.6 AMERICAN SAIL TRAINING ASSOCIATION

Mr. CUMMINGS moved to suspend the rules and agree to the resolution (H. Res. 197); as amended:

Whereas the American Sail Training Association (ASTA) is an educational nonprofit corporation whose declared mission is ''to encourage character building through sail training, promote sail training to the North American public and support education under sail'';

Whereas since its founding in 1973, ASTA has promoted these goals through—

(1) support of character building experiences aboard traditionally rigged sail training vessels;

(2) a program of scholarship funds supporting such experiences;

(3) a long history of tall ship races, rallies, and maritime festivals dating back as far as 1976;

(4) the Tall Ships Challenge series of races and maritime festivals which—

(A) have been conducted each year since 2001;

(B) have reached an aggregate audience to date of some 8,000,000 spectators;

(C) have had a cumulative economic impact of over $400,000,000 for over 30 host communities; and

(D) involve sail training vessels, trainees, and crews from all the coasts of the United States and around the world;

(5) support of its membership of more than 200 sail training vessels, embracing barks, barques, barkentines, brigantines, brigs, schooners, sloops, and full-rigged ships, which carry the flags of the United States, Canada, and many other nations and have brought life changing adventures to thousands and thousands of young trainees;

(6) a series of more than 30 annual sail training conferences to date, conducted in numerous cities throughout the United States and Canada and embracing the Safety Under Sail Forum and the Education Under Sail Forum;

(7) extensive collaboration with the United States Coast Guard and with the premier sail training vessel of the United States, the square-rigged barque USCGC Eagle;

(8) publication of ''Sail Tall Ships'', a periodic directory of sail training opportunities; and

(9) supporting the enactment of the Sailing Schools Vessel Act of 1982, Public Law 97–322, on October 15, 1982;

Whereas ASTA has ably represented the United States as its national sail training organization as a founding member of Sail Training International, the recognized international body for the promotion of sail training, which itself carries forward a series of international races amongst square-rigged and other traditionally rigged vessels reaching back as far as the 1950s; and

Whereas ASTA and Sail Training International are collaborating with port partners around the Atlantic Ocean to produce Tall Ships Atlantic Challenge 2009, an international fleet of sail training vessels originating in Europe, voyaging to North America, and returning to Europe: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the American Sail Training Association for its advancement of character

building experiences for youth at sea in traditionally rigged sailing vessels and its advancement of the finest traditions of the sea; and—

(2) commends the American Sail Training Association as the national sail training association of the United States, representing the sail training community of the United States in the international forum.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. CUMMINGS and Mrs. MILLER of Michigan, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶42.7 JOHN C. GODBOLD UNITED STATES JUDICIAL ADMINISTRATION BUILDING

Mr. CUMMINGS moved to suspend the rules and pass the bill (H.R. 4275) to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the ''John C. Godbold United States Judicial Administration Building''; as amended.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. CUMMINGS and Mr. Mario DIAZ-BALART of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the 'John C. Godbold Federal Building'.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶42.8 COAST GUARD GROUP ASTORIA

Mr. CUMMINGS moved to suspend the rules and agree to the resolution (H. Res. 1062); as amended:

Whereas Coast Guard Group Astoria was established in 1948;

Whereas Coast Guard Group Astoria units are responsible for safeguarding mariners in the often treacherous waters of the Pacific Northwest;

Whereas Coast Guard Group Astoria's area of responsibility covers more than 140 miles of coastline between Queets, Washington, and Pacific City, Oregon;

Whereas helicopters from Coast Guard Air Station Astoria regularly patrol and respond to offshore missions from the Canadian border to northern California;

Whereas Coast Guard Group Astoria is comprised of Station Grays Harbor in Westport, Washington; Station Cape Disappointment in Ilwaco, Washington; Station Tillamook Bay in Garibaldi, Oregon; Air Station Astoria in Warrenton, Oregon; and Aids to Navigation Team Astoria at Tongue Point, Oregon;

Whereas during an average year, Coast Guard Group Astoria units respond to more than 800 search-and-rescue calls for help, assist more than 1,700 mariners, and save nearly 100 lives;

Whereas the 325 men and women of Coast Guard Group Astoria perform many missions including search and rescue, homeland security, enforcement of laws and treaties, and maintenance of Aids to Navigation;

Whereas Coast Guard Group Astoria supports local Coast Guard cutters in maintaining 470 Aids to Navigation, enabling mariners to safely navigate the coastal waters of Oregon and Washington;

Whereas since 2003, the men and women of Coast Guard Group Astoria have assisted more than 10,000 individuals in distress and saved more than 500 lives;

Whereas since 2003, Coast Guard Group Astoria has conducted more than 1,200 Living Marine Resources missions to ensure commercial fishing vessel crews abide by Federal and State laws in order to preserve fisheries for future generations;

Whereas since 2003, Coast Guard Group Astoria has spent more than 1,000 hours responding to High Interest Vessels to ensure the security of United States ports and waterways in accordance with the Coast Guard's statutory homeland security responsibilities;

Whereas during the December 2007 Pacific Northwest winter storm, Coast Guard Air Station Astoria helicopter crews flew 28 sorties to rescue and save 136 persons as winds exceeded 130 knots; and

Whereas Coast Guard Group Astoria continues to protect the Pacific Northwest and embody the Coast Guard motto, Semper Paratus: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest;

(2) honors the brave men and women of Coast Guard Group Astoria who risk their lives daily to ensure the safety and security of the people of the Pacific Northwest; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Coast Guard Group Astoria for appropriate display.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. CUMMINGS and Mr. COBLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CUMMINGS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, April 15, 2010.

¶42.9 DR. HECTOR GARCIA

Mr. CONYERS moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 222):

Whereas Dr. Hector Garcia changed the lives of Americans from all walks of life;

Whereas Dr. Hector Garcia was born in Mexico on January 17, 1914, and immigrated to Mercedes, Texas, in 1918;

Whereas Dr. Hector Garcia is an honored alumnus of the School of Medicine at the University of Texas Medical Branch, Class of 1940;

Whereas Dr. Hector Garcia fought in World War II, specifically in North Africa and Italy, attained the rank of Major, and was awarded the Bronze Star with six battle stars;

Whereas once the Army discovered he was a physician, Dr. Hector Garcia was asked to practice his profession by treating his fellow soldiers;

Whereas Dr. Hector Garcia moved to Corpus Christi, Texas, after the war, and opened a medical practice; rarely charged his indigent patients, and was recognized as a passionate and dedicated physician;

Whereas he first became known in south Texas for his public health messages on the radio with topics ranging from infant diarrhea to tuberculosis;

Whereas Dr. Hector Garcia continued his public service and advocacy and became founder of the American G.I. Forum, a Mexican-American veterans association, which initiated countless efforts on behalf of Americans to advance opportunities in health care, veterans benefits, and civil rights equality;

Whereas his civil rights movement would then grow to also combat discrimination in housing, jobs, education, and voting rights;

Whereas President Kennedy appointed Dr. Hector Garcia a member of the American Treaty Delegation for the Mutual Defense Agreement between the United States and the Federation of the West Indies;

Whereas in 1967, President Lyndon Johnson appointed Dr. Hector Garcia as alternate ambassador to the United Nations where he gave the first speech by an American before the United Nations in a language other than English;

Whereas Dr. Hector Garcia was named member of the Texas Advisory Committee to the United States Commission on Civil Rights;

Whereas President Reagan presented Dr. Hector Garcia the Nation's highest civilian award, the Medal of Freedom, in 1984 for meritorious service to his country, the first Mexican-American to receive this recognition; and

Whereas Pope John Paul II recognized him with the Pontifical Equestrian Order of Pope Gregory the Great: Now, therefore, be it

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

(1) encourages—

(A) teachers of primary schools and secondary schools to launch educational campaigns to inform students about the lifetime of accomplishments by Dr. Hector Garcia; and

(B) all people of the United States to educate themselves about the legacy of Dr. Hector Garcia; and

(2) recognizes the leadership and historical contributions of Dr. Hector Garcia to the

Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CONYERS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, April 15, 2010.

The point of no quorum was considered as withdrawn.

¶42.10 WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

Mr. CONYERS moved to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 25) granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶42.11 CALLER IDENTIFICATION INFORMATION

Mr. BOUCHER moved to suspend the rules and pass the bill (H.R. 1258) to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. BOUCHER and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Communications Act of 1934 to prohibit manipulation of caller ID information, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶42.12 INVENTORY OF RADIO SPECTRUM BANDS

Mr. BOUCHER moved to suspend the rules and pass the bill (H.R. 3125) to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission; as amended.

The SPEAKER pro tempore, Mr. WEINER, recognized Mr. BOUCHER and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶42.13 BIRTHDAY OF KING KAMEHAMEHA

Mr. BRADY of Pennsylvania, moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 243):

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 6, 2010, to celebrate the birthday of King Kamehameha.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore, Mr. WEINER, recognized Mr. BRADY of Pennsylvania, and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶42.14 TAXPAYER ASSISTANCE

Mr. LEWIS of Georgia, moved to suspend the rules and pass the bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. WEINER, recognized Mr. LEWIS of Georgia, and Mr. BOUSTANY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LEWIS of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶42.15 WILMA PEARL MANKILLER

Mr. BOREN moved to suspend the rules and agree to the resolution (H. Res. 1237):

Whereas Wilma was born November 18, 1945, at Hastings Indian Hospital in Tahlequah, Oklahoma, and had her roots planted deep in the rural community of Mankiller Flats in Adair County, Oklahoma, where she spent most of her life;

Whereas at age 10, her family moved to San Francisco as part of the Bureau of Indian Affairs Relocation Program where she lived for two decades before returning to Oklahoma in 1977;

Whereas upon returning to Oklahoma, Wilma found a job as a community coordinator at the Cherokee Nation capital and enrolled in graduate courses at the University of Arkansas in Fayetteville;

Whereas in 1983 Wilma ran for the office of Deputy Chief alongside Ross Swimmer, then Principal Chief of the Cherokee Nation, and the two won the election and took office in August, 1983;

Whereas on December 5, 1985, Wilma was sworn in to replace Chief Swimmer as Principal Chief of the Cherokee Nation, making her the first female to hold the office;

Whereas Wilma was formally elected to serve as the first female Principal Chief of the Cherokee Nation in 1987, and was overwhelmingly re-elected in 1991;

Whereas during her time as Principal Chief, Wilma focused on education and health care, overseeing the construction of new schools, job-training centers, health clinics, community development, and a award winning housing and water projects in low-income communities;

Whereas over the course of her three terms, Wilma made great strides to reinstate the traditional Cherokee culture and values, especially the role of women, reinvigorating the Cherokee Nation through community development projects where men and women work collectively for the common good;

Whereas during Wilma's tenure she transformed the Nation-to-Nation relationship between the Cherokee Nation and the Federal Government, met with Presidents Reagan, Bush, and Clinton to present critical tribal issues, and co-chaired a national conference between tribal leaders and cabinet members, which helped facilitate the establishment of an Office of Indian Justice within the U.S. Department of Justice;

Whereas upon leaving office Wilma continued her endeavors, serving on several philanthropic boards, including 12 years on the board of trustees of the Ford Foundation, 4 years on the Board of the Ms. Foundation for Women, and 4 years on the board of the Seventh Generation Fund and the board of the Freedom Forum and its subsidiary, the Newseum;

Whereas Wilma presented more than 100 lectures on the challenges facing Native Americans and women in the 21st century and she served as the Wayne Morse Professor at the University of Oregon for the fall semester of 2005 where she taught class on tribal government, law, and life;

Whereas Wilma held Honorary Doctorate Degrees from Yale University, Dartmouth College, Smith College, Mills College, Northern Arizona University, University of Oklahoma, Oklahoma City University, Oklahoma State University, Tulsa University, Drury College, Saint Mary-of-the-Woods College, Rhode Island College, New England University, and Northeastern State University;

Whereas Wilma held many honors, including the Montgomery Fellowship, Dartmouth College; The Chubb Fellowship, Timothy Dwight College, Yale University; San Francisco State University, Hall of Fame; an Francisco State Alumna of the Year (1988), International Women of Distinction Award, Alpha Delta Kappa, Oklahoma Hall of Fame, Oklahoma Women's Hall of Fame, National Women's Hall of Fame, International Women's Forum Hall of Fame, Minority Business Hall of Fame, and she was awarded the Presidential Medal of Freedom by then President Bill Clinton for her vision and commitment to a brighter future for all Americans;

Whereas Wilma published several works, including ''Every Day is a Good Day'', Fulcrum Publishing 2004, ''Mankiller: A Chief and Her People'', co-authored, St. Martin's Press 1993, ''A Reader's Companion to the History of Women in the U.S.'', co-edited, Houghton-Mifflin 1998, and she contributed to many other publications, including an essay for Native Universe, the inaugural publication of the National Museum of the American Indian;

Whereas upon the announcement of her diagnoses in March of 2010, Wilma offered words of inspiration: ''I want my family and friends to know that I am mentally and spiritually prepared for this journey; a journey that all human beings will take at one time or another. I learned a long time ago that I can't control the challenges the Creator sends my way but I can control the way I think about them and deal with them. On balance, I have been blessed with an extraordinarily rich and wonderful life, filled with incredible experiences. And I am grateful to have a support team composed of loving family and friends. I will be spending my time with my family and close friends and engaging in activities I enjoy. It's been my privilege to meet and be touched by thousands of people in my life and I regret not being able to deliver this message personally to so many of you'';

Whereas Chief Mankiller's final days were not marred by the impending sorrow of her departure, but glowing reminiscence of her influence in years past; and

Whereas Chief Mankiller passed away in the morning hours of April 6, 2010, at her home in rural Adair County, Oklahoma: Now, therefore, be it

Resolved, That the House of Representatives expresses—

(1) gratitude to Wilma Mankiller for her significant contributions to the Nation, an inspiration to women in Indian Country and across America, and for leaving a profound legacy that will continue to encourage and motivate all who carry on her work; and

(2) deep sorrow at the passing of Chief Mankiller and condolences to her friends and family, especially her husband Charlie and two daughters, Gina and Felicia, as well as the Cherokee Nation and all those who knew her and were touched by her good works.

The SPEAKER pro tempore, Mr. WEINER, recognized Mr. BOREN and Mrs. MCMORRIS RODGERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶42.16 WEST VIRGINIA COAL MINERS

Mr. George MILLER of California, moved to suspend the rules and agree to the resolution (H. Res. 1236):

Whereas coal mining is a time-honored profession and miners and their families have shaped the history and rich culture of West Virginia and the Nation;

Whereas the Nation is greatly indebted to coal miners for the difficult and dangerous work they perform to provide the fuel needed to keep the Nation strong and secure;

Whereas the Nation has long recognized the importance of health and safety protections for miners who labor in extreme and dangerous conditions;

Whereas accidents in the Nation's mines have again and again taken the lives of coal miners;

Whereas 29 West Virginia miners tragically perished in the Upper Big Branch Mine-South following an explosion on April 5, 2010;

Whereas this was the worst coal mining disaster in the Nation over the last 40 years;

Whereas Federal, State, and local rescue crews worked tirelessly night and day in courageous rescue and recovery efforts;

Whereas the families of the fallen miners have suffered immeasurable loss; and

Whereas residents of Raleigh County and throughout West Virginia came together to support the miners' families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the ultimate sacrifice made by the 29 coal miners lost at the Upper Big Branch Mine-South, Raleigh County, West Virginia;

(2) extends the deepest condolences of the Nation to the families of these men;

(3) recognizes all coal miners for enduring the loss of their coworkers and maintaining courage throughout this ordeal;

(4) commends the rescue crews for their valiant efforts to find these miners; and

(5) honors the many volunteers who provided support and comfort for the miners' families during the rescue and recovery operations.

The SPEAKER pro tempore, Mr. WEINER, recognized Mr. George MILLER of California, and Mrs. MCMORRIS RODGERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. George MILLER of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶42.17 DUKE UNIVERSITY MEN'S BASKETBALL TEAM

Ms. FUDGE moved to suspend the rules and agree to the resolution (H. Res. 1242):

Whereas on April 5, 2010, the Duke University Blue Devils defeated the Butler University Bulldogs by a score of 61–59 in the finals of the National Collegiate Athletic Association (hereinafter referred to as the ''NCAA'') Division I Men's Basketball Tournament in Indianapolis, Indiana;

Whereas the Blue Devils now hold 4 national men's basketball titles, winning NCAA championships in 1991, 1992, 2001, and 2010;

Whereas Blue Devils head coach Mike Krzyzewski improved his record to 868–279, won his 77th NCAA tournament game, the most in NCAA history, and won his fourth national championship, making him tied with Adolph Rupp for second most championships in NCAA history;

Whereas Coach Krzyzewski and his coaching staff, including Assistant Coaches Chris Collins, Steve Wojciechowski, and Nate James, as well as each manager, trainer, and staff member, deserve praise and credit for helping the Blue Devils reach the pinnacle of college basketball;

Whereas the Blue Devil team roster included seniors Jordan Davidson, Jon Scheyer, Lance Thomas, and Brian Zoubek, juniors Steve Johnson, Casey Peters, Kyle Singler, and Nolan Smith, sophomores Seth Curry and Miles Plumlee, and freshmen Andre Dawkins, Ryan Kelly, Mason Plumlee, and Todd Zafirovski;

Whereas junior Kyle Singler was named the Most Outstanding Player of the Final Four, scoring 19 points and collecting 9 rebounds while playing all 40 minutes in the championship game;

Whereas Blue Devils Jon Scheyer, Kyle Singler, and Nolan Smith were each named to the all-tournament team;

Whereas during the 2009–2010 season, the Duke Blue Devils finished with a record of 35–5, tied for the most wins, and scored a total of 3079 points;

Whereas the Blue Devils went undefeated on their home court in Cameron Indoor Stadium for the 2009–2010 regular season;

Whereas the Duke Blue Devils won the 2010 Atlantic Coast Conference (hereinafter referred to as the ''ACC'') Tournament, their record 18 such tournament championship, and won a share of the ACC regular-season championship with a conference record of 13–3;

Whereas the Duke Blue Devils have played in 15 Final Fours and have played in at least one Final Four in 6 consecutive decades;

Whereas the Blue Devils have amassed a record overall winning percentage of 75.8 percent in the NCAA tournament;

Whereas the Blue Devil players, coaches, and staff are outstanding representatives of Duke University, a top ten university that is recognized annually as a national leader in academics and research;

Whereas in addition to their skill on the court, the Duke men's basketball team upholds a high standard of academic excellence, achieving an overall graduation success rate of 92 percent;

Whereas the Duke men's basketball program has had 31 ACC All-Academic basketball teams over the last 14 years, has had at least one player on the ACC All-Academic basketball team for a record 16 straight years, has received 5 Academic All-America selections over the past 12 years, and has had at least one team member on the ACC All-Academic basketball team in 23 of the last 26 years for a total of 46 selections;

Whereas the Blue Devils showed tremendous dedication to their team, appreciation to their fans, sportsmanship toward their opponents, and respect for the game of basketball throughout the 2009–2010 season;

Whereas Duke students, faculty, staff, alumni, and all fans of the Blue Devils are to be congratulated for their sportsmanship, dedication, and support of their team; and

Whereas the Blue Devils' 2010 NCAA championship further solidifies the tradition of basketball excellence that exists in the State of North Carolina, whose universities have won 4 of the last 10 NCAA championships: Now, therefore, be it—

Resolved, That the House of Representatives—

(1) congratulates the 2010 national champions, the Duke University Blue Devils, for their win in the 2010 National Collegiate Athletic Association Division I Men's Basketball Tournament;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Blue Devils' victory;

(3) invites the Duke University men's basketball team to the United States Capitol Building to be honored; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Duke University President Richard H. Brodhead, Athletic Director Kevin White, and Head Coach Mike Krzyzewski for appropriate display.

The SPEAKER pro tempore, Mrs. CAPPS, recognized Ms. FUDGE and Mrs. MCMORRIS RODGERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. CAPPS, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FUDGE objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mrs. CAPPS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, April 15, 2010.

The point of no quorum was considered as withdrawn.

¶42.18 PLANE CRASH IN RUSSIA

Mr. DELAHUNT moved to suspend the rules and agree to the resolution (H. Res. 1246):

Whereas the Polish President Lech Kaczynski and 95 other people, including Poland's First Lady, deputy foreign minister, deputy defense minister, dozens of members of Parliament, the chiefs of the army and navy, and the president of the national bank, were killed in a plane crash in western Russia on April 10, 2010;

Whereas President Kaczynski and his colleagues were traveling to Katyn, Russia for a memorial service to mark the 70th anniversary of the Soviet secret police killing of more than 20,000 Polish officers, prisoners, and intellectuals who were captured after the Soviet Union invaded Poland in 1939;

Whereas Ryszard Kaczorowski, who served as Poland's final president in exile before the country's return to democracy, perished;

Whereas Anna Walentynowicz, the former dock worker whose firing in 1980 sparked the Solidarity strike that ultimately overthrew the Polish communist government, was also killed in the crash;

Whereas respected Chicago artist Wojciech Seweryn, whose father was killed in Katyn, and who recently completed a memorial to the victims of Katyn at St. Adalbert Cemetery in Niles, Illinois, which Polish President Kaczynski planned to visit in May, died in the crash as well;

Whereas Russia and Poland had begun to heal the deep wounds from the Katyn tragedy, with Russian Prime Minister Vladimir Putin recently joining Polish Prime Minister Donald Tusk at a ceremony marking the event at Katyn;

Whereas Prime Minister Putin, the first Russian leader ever to attend the Katyn commemoration said ''we bow our heads to those who bravely met death here'';

Whereas more than 9,000,000 Americans of Polish descent now reside in the United States, including in major metropolitan areas such as Chicago, Detroit, and New York City;

Whereas the American people stood in support of the Solidarity movement as it fought against the oppression of the Polish communist government through peaceful means, eventually leading to Solidarity members being elected to office in partially free democratic elections held on June 4, 1989;

Whereas Poland joined the North Atlantic Treaty Organization (NATO) in 1999 and has since contributed to military operations in Iraq and Afghanistan; and

Whereas the United States and Poland share a strong bond of friendship and international cooperation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the death of President Kaczynski and the terrible loss of life that resulted from the plane crash of April 10, 2010;

(2) expresses its deepest sympathies to the people of Poland and the families of those who perished for their profound loss;

(3) expresses strong and continued solidarity with the people of Poland and all persons of Polish descent; and

(4) expresses unwavering support for the Polish government as it works to overcome the loss of many key public officials.

The SPEAKER pro tempore, Mrs. CAPPS, recognized Mr. DELAHUNT and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. CAPPS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DELAHUNT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. CAPPS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶42.19 H. RES. 1236—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. CAPPS, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1236) honoring the coal miners who perished in the Upper Big Branch Mine-South in Raleigh County, West Virginia, extending condolences to their families and recognizing the valiant efforts of emergency response workers at the mine disaster.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays 0

¶42.20 [Roll No. 199]

YEAS—409

Ackerman	Brown, Corrine	Culberson
Aderholt	Brown-Waite, Ginny	Cummings
Adler (NJ)	Buchanan	Dahlkemper
Akin	Burgess	Davis (CA)
Alexander	Burton (IN)	Davis (IL)
Altmire	Butterfield	Davis (KY)
Andrews	Buyer	Davis (TN)
Arcuri	Calvert	DeFazio
Austria	Camp	DeGette
Baca	Cantor	Delahunt
Bachmann	Cao	DeLauro
Bachus	Capito	Dent
Baird	Capps	Diaz-Balart, L.
Baldwin	Capuano	Diaz-Balart, M.
Barrow	Cardoza	Dicks
Bartlett	Carnahan	Dingell
Barton (TX)	Carney	Doggett
Bean	Carson (IN)	Donnelly (IN)
Becerra	Carter	Doyle
Berkley	Cassidy	Dreier
Berman	Castle	Driehaus
Berry	Castor (FL)	Duncan
Biggert	Chaffetz	Edwards (MD)
Bilirakis	Chandler	Edwards (TX)
Bishop (NY)	Childers	Ehlers
Bishop (UT)	Chu	Ellison
Blackburn	Clarke	Ellsworth
Blumenauer	Clay	Emerson
Blunt	Cleaver	Engel
Boccieri	Clyburn	Eshoo
Boehner	Coble	Etheridge
Bonner	Coffman (CO)	Fallin
Bono Mack	Cohen	Farr
Boozman	Cole	Fattah
Boren	Conaway	Filner
Boswell	Connolly (VA)	Flake
Boucher	Conyers	Fleming
Boustany	Cooper	Forbes
Boyd	Costa	Fortenberry
Brady (PA)	Costello	Foster
Brady (TX)	Courtney	Foxx
Braley (IA)	Crenshaw	Frank (MA)
Bright	Crowley	Franks (AZ)
Broun (GA)	Cuellar	Frelinghuysen
Brown (SC)		Fudge

Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—20

Barrett (SC)
Bilbray
Bishop (GA)
Campbell
Davis (AL)
Gallegly
Gonzalez
Hoekstra
Moore (KS)
Moore (WI)
Price (GA)
Ruppersberger
Sánchez, Linda T.
Scott (GA)
Sherman
Terry
Velázquez
Wamp
Wasserman Schultz
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶42.21 H.R. 4994—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. CAPPS, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 399 Nays 9

¶42.22 [Roll No. 200]

YEAS—399

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

NAYS—9

Chaffetz
Duncan
Flake
Johnson (IL)
Lummis
McClintock
Paul
Royce
Sensenbrenner

NOT VOTING—21

Barrett (SC)
Bilbray
Campbell
Costa
Davis (AL)
Gallegly
Gonzalez
Griffith
Hoekstra
Jones
Kirk
Price (GA)
Ruppersberger
Sánchez, Linda T.
Scott (GA)
Sherman
Terry
Wamp
Wasserman Schultz
Welch
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was,

by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶42.23 MOMENT OF SILENCE IN MEMORY OF MEMBERS OF THE UNITED STATES ARMED FORCES IN IRAQ AND AFGHANISTAN

The SPEAKER announced that all Members stand and observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and all who serve in our Armed Forces and their families.

¶42.24 H.R. 3125—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. CAPPS, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3125) to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 394 Nays 18

¶42.25 [Roll No. 201]

YEAS—394

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

NAYS—18

Akin	Foxx	Neugebauer
Brady (TX)	Hensarling	Paul
Burgess	Johnson, Sam	Poe (TX)
Conaway	Mack	Rooney
Culberson	Marchant	Royce
Flake	Miller (FL)	Sensenbrenner

NOT VOTING—17

Barrett (SC)	Obey	Terry
Bilbray	Price (GA)	Wamp
Campbell	Ruppersberger	Wasserman Schultz
Davis (AL)	Sánchez, Linda T.	
Gallegly		Young (AK)
Gonzalez	Scott (GA)	
Hoekstra	Sherman	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶42.26 PRIVILEGES OF THE HOUSE

Mr. BOEHNER, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1249):

Whereas, on March 4, 2010, the Committee on Standards of Official Conduct issued the following public statement, ''The Committee, pursuant to Rule 18(a), is investigating and gathering additional information concerning matters related to allegations involving Representative Massa'';

Whereas, on March 8, 2010, Representative Eric Massa resigned from the House;

Whereas, in the days following Representative Massa's resignation, numerous confusing and conflicting media reports that House Democratic leaders knew about, and may have failed to handle appropriately, allegations that Rep. Massa was sexually harassing his own employees raised serious and legitimate questions about what Speaker Pelosi as well as other Democratic leaders and their respective staffs were told, and what those individuals did with the information in their possession;

Whereas, on March 11, 2010, the House of Representatives voted 402–1 to refer to the Standards Committee House Resolution 1164. The resolution would have directed the Committee on Standards of Official Conduct to ''investigate fully, pursuant to clause 3(a)(2) of House Rule XI, which Democratic leaders and members of their respective staffs had knowledge prior to March 3, 2010 of the aforementioned allegations concerning Mr. Massa, and what actions each leader and staffer having any such knowledge took after learning of the allegations'';

Whereas, House Resolution 1164 also stated, ''Within ten days following the adoption of this resolution, and pursuant to Committee on Standards of Official Conduct rule 19, the committee shall establish an investigative subcommittee in the aforementioned matter, or report to the House no later than the final day of that period the reasons for its failure to do so'';

Whereas, thirty-four days have passed since the House vote on the resolution that, had it passed, would have required the Standards Committee to create an investigative subcommittee. Nevertheless, during that time the committee has failed to establish an investigative subcommittee and has issued no public announcements indicating its intention to do so;

Whereas, during the past thirty-four days, numerous news reports have made public additional disturbing information about Mr. Massa's actions and his staff's attempts to bring their concerns about Mr. Massa's conduct to the attention of Democratic leadership;

Whereas, the possibility that House Democratic leaders may have failed to immediately confront Rep. Massa about allegations of sexual harassment may have exposed employees and interns of Rep. Massa to continued harassment;

Whereas, as recently as this morning, the Washington Post published an article on its Web site and on page three of that newspaper headlined ''Staffers' Accounts Paint More

Detailed, Troubling Picture of Massa's Office'';

Whereas, the same Washington Post article also contained the following sub-headline: ''Workers Felt Helpless'';

Whereas, in the wake of the aforementioned media accounts and a 402–1 vote by the House that should have signaled to the committee the seriousness of this matter, the continued failure by the Committee on Standards of Official Conduct to establish an investigative subcommittee has held the committee and the full House to public ridicule;

Whereas, clause one of rule XXIII of the Rules of the House of Representatives, titled ''Code of Conduct,'' states ''A Member, Delegate, Resident Commission, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House'';

Whereas, the Committee on Standards of Official Conduct is charged under House Rules with enforcing the Code of Conduct;

Therefore, be it *Resolved,*

(1) The Committee on Standards of Official Conduct is directed to investigate fully, pursuant to clause 3(a)(2) of House Rule XI, which House Democratic leaders and members of their respective staffs had knowledge prior to March 3, 2010 of the aforementioned allegations concerning Mr. Massa, and what actions each leader and staffer having any such knowledge took after learning of the allegations;

(2) Within ten days following adoption of this resolution, and pursuant to Committee on Standards of Official Conduct rule 19, the committee shall establish an Investigative Subcommittee in the aforementioned matter, or report to the House no later than the final day of that period the reasons for its failure to do so;

(3) All Members, officers and staff are instructed to cooperate fully in the committee's investigation and to preserve all records, electronic or otherwise, that may bear on the subject of this investigation;

(4) The Chief Administrative Officer shall immediately take all steps necessary to secure and prevent the alteration or deletion of any e-mails, text messages, voicemails and other electronic records resident on House equipment that have been sent or received by the Members and staff who are the subjects of the investigation authorized under this resolution until advised by the Committee on Standards of Official Conduct that it has no need of any portion of said records; and,

(5) The Committee shall issue a final report of its findings and recommendations in this matter no later than July 31, 2010.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. MCGOVERN moved to refer the resolution to the Committee on Standards of Official Conduct.

After debate,

On motion of Mr. MCGOVERN, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

Mr. BOEHNER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 Nays ..... 157 Answered present 17

¶42.27 [Roll No. 202]

AYES—235

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

NOES—157

Aderholt	Bishop (UT)	Brown-Waite, Ginny
Akin	Blackburn	Buchanan
Alexander	Blunt	Burgess
Austria	Boehner	Burton (IN)
Bachmann	Bono Mack	Buyer
Bachus	Boozman	Calvert
Bartlett	Boustany	Camp
Barton (TX)	Brady (TX)	Cantor
Biggert	Broun (GA)	Cao
Bilirakis	Brown (SC)	Capito
Carter	Jordan (OH)	Posey
Cassidy	King (IA)	Putnam
Castle	King (NY)	Quigley
Chaffetz	Kingston	Rehberg
Coble	Kirk	Reichert
Coffman (CO)	Kirkpatrick (AZ)	Roe (TN)
Cole	Kline (MN)	Rogers (AL)
Crenshaw	Lamborn	Rogers (KY)
Culberson	Lance	Rogers (MI)
Davis (KY)	LaTourette	Rohrabacher
Diaz-Balart, M.	Latta	Rooney
Dreier	Lee (NY)	Ros-Lehtinen
Duncan	Lewis (CA)	Roskam
Ehlers	Linder	Royce
Emerson	LoBiondo	Ryan (WI)
Fallin	Luetkemeyer	Scalise
Flake	Lummis	Schmidt
Fleming	Lungren, Daniel E.	Schock
Forbes	Mack	Sensenbrenner
Fortenberry	Manzullo	Sessions
Foxx	Marchant	Shadegg
Franks (AZ)	McCarthy (CA)	Shimkus
Frelinghuysen	McClintock	Shuster
Garrett (NJ)	McCotter	Smith (NE)
Gerlach	McHenry	Smith (NJ)
Gingrey (GA)	McKeon	Smith (TX)
Gohmert	McMorris Rodgers	Souder
Goodlatte	Mica	Stearns
Granger	Miller (FL)	Sullivan
Graves	Miller (MI)	Thompson (PA)
Griffith	Miller, Gary	Thornberry
Guthrie	Moran (KS)	Tiahrt
Hall (TX)	Murphy, Tim	Tiberi
Heller	Neugebauer	Turner
Hensarling	Nunes	Upton
Herger	Olson	Walz
Hunter	Paul	Westmoreland
Inglis	Paulsen	Whitfield
Issa	Pence	Wilson (SC)
Jenkins	Petri	Wittman
Johnson (IL)	Pitts	Wolf
Johnson, Sam	Platts	Young (FL)
Jones		

ANSWERED ''PRESENT''—17

Bonner	Diaz-Balart, L.	Myrick
Butterfield	Harper	Poe (TX)
Castor (FL)	Hastings (WA)	Simpson
Chandler	Latham	Walden
Conaway	Lofgren, Zoe	Welch
Dent	McCaul	

NOT VOTING—20

Barrett (SC)	Lucas	Sherman
Bilbray	Lynch	Terry
Campbell	Price (GA)	Wamp
Davis (AL)	Radanovich	Wasserman Schultz
Gallegly	Ruppersberger	Young (AK)
Gonzalez	Sánchez, Linda T.	
Gordon (TN)	Scott (GA)	
Hoekstra		

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶42.28 MOURNING THE LOSS OF THE PRESIDENT OF POLAND AND OTHER MEMBERS OF THE POLISH DELEGATION

The SPEAKER announced that all Members stand and observe a moment of silence in solidarity with the people of Poland and in remembrance of those who lost their lives in that terrible tragedy.

¶42.29 H. RES. 1246—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1246) expressing sympathy to the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady, and 94 others on April 10, 2010.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 Nays 0

¶42.30 [Roll No. 203]

YEAS—404

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

NOT VOTING—26

Barrett (SC)	Johnson (GA)	Schrader
Bilbray	Lynch	Scott (GA)
Boehner	Meek (FL)	Sherman
Boyd	Myrick	Terry
Campbell	Price (GA)	Wamp
Davis (AL)	Radanovich	Wasserman Schultz
Gallegly	Richardson	Young (AK)
Gonzalez	Ruppersberger	
Griffith	Sánchez, Linda T.	
Hoekstra		

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶42.31 PROVIDING FOR CONSIDERATION OF H.R. 4175

Mr. MCGOVERN, by direction of the Committee on Rules, reported (Rept. No. 111–463) the resolution (H. Res. 1248) providing for consideration of the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶42.32 FIRST SPONSORS CHANGE—H.R. 610

Mr. COHEN, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 610) to amend title 18, United States Code, to strengthen enforcement of spousal court-ordered property distributions, and for other purposes, (a bill originally introduced by Representative Wexler); for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7(b)(4) of rule XII.

¶42.33 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. FLAKE, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that ''the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.''' (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore be it:

Resolved, That not later than seven days after the adoption of this resolution, the

Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Arizona [Mr. FLAKE] will appear in the Record at this point.

''The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.''.

¶42.34 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. TEAGUE, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 25, 2010.

Hon. NANCY PELOSI,
Speaker of the House,
The Capitol, Washington, DC.

DEAR MADAM SPEAKER: Due to my recent appointment to the Committee on Energy and Commerce, I hereby announce my resignation from the Committee on Agriculture; Committee on the Budget; and the Committee on Transportation and Infrastructure.

Sincerely,

ROBERT E. LATTA,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶42.35 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1749. An Act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners, to the Committee on the Judiciary.

¶42.36 ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4573. An Act to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

H.R. 4887. An Act to amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage.

And then,

¶42.37 ADJOURNMENT

On motion of Mr. DONNELLY of Indiana, at 7 o'clock and 32 minutes p.m., the House adjourned.

¶42.38 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1248. Resolution providing for consideration of the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes, waiving a requirement of clause 6(1) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules (Rept. 111–463). Referred to the House Calendar.

¶42.39 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ANDREWS (for himself, Mr. CONAWAY, Mr. SKELTON, Mr. MCKEON, Mr. ELLSWORTH, Mr. COFFMAN of Colorado, and Mr. HUNTER):

H.R. 5013. A bill to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 5014. A bill to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage; to the Committee on Ways and Means.

By Mr. MCGOVERN (for himself, Mr. JONES, Ms. LEE of California, Mr. JOHNSON of Illinois, Ms. PINGREE of Maine, Mr. CAPUANO, Mr. CONYERS, Mr. LUJÁN, Ms. SLAUGHTER, Mr. KUCINICH, Mr. NADLER of New York, Mr. SCHRADER, and Ms. HARMAN):

H.R. 5015. A bill to require a plan for the safe, orderly, and expeditious redeployment of United States Armed Forces from Afghanistan; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself, Mr. HASTINGS of Washington, Mr. KING of New York, and Mr. SMITH of Texas):

H.R. 5016. A bill to prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI (for himself, Mr. HODES, Mr. WILSON of Ohio, Mr. HINOJOSA, and Mr. COURTNEY):

H.R. 5017. A bill to ensure the availability of loan guarantees for rural homeowners; to the Committee on Financial Services.

By Ms. BEAN (for herself and Mr. CONAWAY):

H.R. 5018. A bill to amend title 31, United States Code, to direct the Director of the Office of Management and Budget to improve oversight of the single audit process, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. WELCH (for himself, Mr. EHLERS, Mr. MARKEY of Massachusetts, Mr. WAXMAN, and Mr. CARDOZA):

H.R. 5019. A bill to provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Ms. SPEIER, Mr. ELLISON, Ms. RICHARDSON, Ms. WATSON, Mr. MEEKS of New York, Mr. AL GREEN of Texas, Ms. CLARKE, Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, Mr. WATT, Mr. PAYNE, Mr. CLEAVER, Mr. THOMPSON of Mississippi, Mr. CONYERS, Ms. FUDGE, Ms. WOOLSEY, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. FRANK of Massachusetts, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. PIERLUISI, Mr. REYES, Mr. HONDA, Mr. PASTOR of Arizona, Ms. KAPTUR, Mr. CUMMINGS, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. GARAMENDI, Ms. CORRINE BROWN of Florida, Ms. EDWARDS of Maryland, Mr. JACKSON of Illinois, Ms. MOORE of Wisconsin, Mr. DOGGETT, Mr. MCGOVERN, Mr. FARR, Mr. CLAY, Mr. HASTINGS of Florida, Ms. ROYBAL-ALLARD, Ms. LEE of California, Mr. STARK, Mr. CAPUANO, Mr. DEFAZIO, Mr. FILNER, Mr. DELAHUNT, Mrs. NAPOLITANO, and Ms. LORETTA SANCHEZ of California):

H.R. 5020. A bill to require the Federal Communications Commission to extend the time period for filing petitions to deny, oppositions, and comments in the proceeding relating to the proposed merger of Comcast and NBC Universal; to the Committee on Energy and Commerce.

By Mr. BISHOP of New York (for himself, Mr. MCMAHON, Mr. ELLSWORTH, Mr. NADLER of New York, and Mr. HARE):

H.R. 5021. A bill to amend the Internal Revenue Code of 1986 to provide that fees charged for baggage carried into the cabin of an aircraft are subject to the excise tax imposed on transportation of persons by air; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa:

H.R. 5022. A bill to authorize the Secretary of Education to make grants to 10 institutions of higher education for the expansion of master's degree in physical education programs that emphasize technology and innovative teaching practices; to the Committee on Education and Labor.

By Mr. GRIJALVA:

H.R. 5023. A bill to prescribe procedures for effective consultation and coordination by Federal agencies with federally recognized

Indian tribes regarding Federal Government activities that impact tribal lands and interests to ensure that meaningful tribal input is an integral part of the Federal decision-making process; to the Committee on Natural Resources.

By Mr. HOLT (for himself and Mrs. MCCARTHY of New York):

H.R. 5024. A bill to authorize the Secretary of Education to award grants to improve access to, sharing of, and use of, education data to improve student outcomes, and for other purposes; to the Committee on Education and Labor.

By Mr. KENNEDY:

H.R. 5025. A bill to amend the Public Health Service Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY of Massachusetts (for himself and Mr. UPTON):

H.R. 5026. A bill to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States from cybersecurity and other threats and vulnerabilities; to the Committee on Energy and Commerce.

By Mr. TONKO (for himself, Mr. GRIJALVA, Ms. FUDGE, and Ms. RICHARDSON):

H.R. 5027. A bill to direct the Secretary of Agriculture to assess the effectiveness and efficiency of administrative review systems to ensure compliance with Federal meal standards; to the Committee on Education and Labor.

By Mr. HODES:

H.J. Res. 82. A joint resolution proposing the ''Doris 'Granny D' Haddock Amendment of 2010'' to the Constitution of the United States regarding the authority of Congress and the States to regulate the spending and activities of corporations with regard to political campaigns and campaigns for election for public office; to the Committee on the Judiciary.

By Mrs. DAHLKEMPER (for herself, Mr. KANJORSKI, Mr. LIPINSKI, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. QUIGLEY, Mrs. NAPOLITANO, Mr. CONYERS, Ms. VELÁZQUEZ, Mr. GUTIERREZ, Mr. SIRES, Mr. VISCLOSKY, Mr. HOLDEN, Mr. COURTNEY, Mr. PASCRELL, Mr. HOLT, Mr. MCGOVERN, Mr. MILLER of North Carolina, Mr. FILNER, Mr. DOGGETT, Mr. BURTON of Indiana, Mr. LEVIN, Mr. KUCINICH, Mr. CARNEY, Ms. DEGETTE, Mr. LANGEVIN, Ms. HARMAN, Mr. TONKO, Mr. TANNER, Ms. NORTON, Mr. SNYDER, Mr. NEAL of Massachusetts, Mr. SMITH of New Jersey, Mr. MAFFEI, Mr. MCCAUL, Mr. BILIRAKIS, Ms. BERKLEY, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. CARNAHAN, Mr. HASTINGS of Florida, Mr. SHERMAN, Mr. WILSON of South Carolina, Ms. KAPTUR, Mr. DINGELL, Mr. SCHAUER, Ms. JACKSON LEE of Texas, Mr. MANZULLO, Mr. OWENS, Mr. COSTA, Mr. POE of Texas, Mr. OLVER, Ms. BORDALLO, Mr. PENCE, Mr. MURPHY of Connecticut, Mr. HALL of New York, Mrs. MALONEY, Mr. HIGGINS, Mr. LEWIS of Georgia, Mr. PIERLUISI, Ms. SCHAKOWSKY, Mr. MOORE of Kansas, Ms. MARKEY of Colorado, Mr. ROGERS of Michigan, Ms. CORRINE BROWN of Florida, Mr. HUNTER, Mr. LARSON of Connecticut, Mr. JOHNSON of Georgia, and Ms. RICHARDSON):

H. Res. 1246. A resolution expressing sympathy to the people of Poland in the aftermath of the tragic plane crash that killed the country's President, First Lady, and 94 others on April 10, 2010; to the Committee on Foreign Affairs. considered and agreed to.

By Mr. LYNCH (for himself, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. CONNOLLY of Virginia, and Mr. CHAFFETZ):

H. Res. 1247. A resolution expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 3 through 9, 2010, and throughout the year; to the Committee on Oversight and Government Reform.

By Mr. BOEHNER:

H. Res. 1249. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Ms. LEE of California (for herself, Mr. TOWNS, Mr. GRIJALVA, Ms. RICHARDSON, Ms. KILROY, and Mr. RYAN of Ohio):

H. Res. 1250. A resolution supporting the goals and ideals of ''National STD Awareness Month''; to the Committee on Energy and Commerce.

By Mr. POE of Texas (for himself and Mr. THORNBERRY):

H. Res. 1251. A resolution recognizing and honoring the United States troops who gave their lives on D-Day at the Battle of Normandy; to the Committee on Armed Services.

By Mr. ROONEY:

H. Res. 1252. A resolution commending the political leadership of Northern Ireland on reaching the Hillsborough Agreement on policing and justice; to the Committee on Foreign Affairs.

By Mr. WELCH:

H. Res. 1253. A resolution commemorating the 200th anniversary of the birth of Vermont Senator Justin Smith Morrill, who helped create a national system of land-grant colleges; to the Committee on House Administration.

¶42.40 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. HILL, Mrs. MCCARTHY of New York, and Ms. VELÁZQUEZ.

H.R. 333: Ms. NORTON, Mr. LEWIS of Georgia, Ms. SUTTON, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, Mrs. KIRKPATRICK of Arizona, Mr. WILSON of Ohio, Mr. MURPHY of New York, Mr. LUETKEMEYER, and Mr. MCNERNEY.

H.R. 362: Mr. TIAHRT.

H.R. 537: Mr. CONNOLLY of Virginia.

H.R. 728: Mr. BUCHANAN.

H.R. 758: Ms. SHEA-PORTER.

H.R. 855: Mr. TIM MURPHY of Pennsylvania.

H.R. 929: Mr. GRIJALVA.

H.R. 933: Mr. KINGSTON.

H.R. 1189: Ms. SUTTON, Mr. GARAMENDI, Mr. PAYNE, Mr. BLUMENAUER, and Mr. PAULSEN.

H.R. 1191: Mr. FILNER.

H.R. 1210: Mr. ARCURI.

H.R. 1310: Mr. HEINRICH.

H.R. 1322: Mr. DOYLE.

H.R. 1362: Mr. WEINER, Ms. NORTON, Mr. PITTS, and Mr. KLINE of Minnesota.

H.R. 1520: Mr. CONNOLLY of Virginia.

H.R. 1526: Mr. GUTHRIE.

H.R. 1549: Mr. FILNER.

H.R. 1551: Mr. CONNOLLY of Virginia.

H.R. 1557: Mr. TANNER.

H.R. 1616: Mr. CAO.

H.R. 1625: Ms. MOORE of Wisconsin, Ms. RICHARDSON, Mr. MOORE of Kansas, Ms. CHU, Mr. SIRES, Mr. CARNAHAN, Ms. SHEA-PORTER, and Mr. MCNERNEY.

H.R. 1670: Ms. MOORE of Wisconsin.

H.R. 1751: Ms. RICHARDSON, Mr. BACA, and Mr. PASCRELL.

H.R. 1826: Mr. LIPINSKI, Mr. CLEAVER, and Mr. SCHAUER.

H.R. 1844: Mr. CAPUANO.

H.R. 1855: Mr. WELCH.

H.R. 1875: Mr. FILNER and Mr. SHERMAN.

H.R. 1912: Mr. MAFFEI.

H.R. 1943: Mrs. MALONEY.

H.R. 1995: Mr. FORBES.

H.R. 2054: Ms. KILROY.

H.R. 2142: Mr. MATHESON, Mr. SCHIFF, Mr. MINNICK, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2414: Mr. TOWNS and Ms. RICHARDSON.

H.R. 2425: Mr. ELLISON.

H.R. 2478: Mr. RANGEL, Mr. SULLIVAN, and Mr. BRALEY of Iowa.

H.R. 2480: Mr. ROGERS of Michigan.

H.R. 2483: Mr. PALLONE.

H.R. 2546: Mr. CAMPBELL.

H.R. 2565: Mr. PETRI.

H.R. 2583: Ms. KILROY.

H.R. 2733: Mr. LOEBSACK and Mrs. MCMORRIS RODGERS.

H.R. 2766: Ms. CLARKE and Mr. CONNOLLY of Virginia.

H.R. 2807: Ms. MARKEY of Colorado, Mr. BLUMENAUER, and Ms. KILPATRICK of Michigan.

H.R. 2808: Mr. BURTON of Indiana and Mr. DUNCAN.

H.R. 2891: Mr. KAGEN and Ms. CORRINE BROWN of Florida.

H.R. 2932: Mr. LYNCH and Mr. ELLISON.

H.R. 3018: Mr. GENE GREEN of Texas.

H.R. 3043: Mr. MORAN of Virginia, Mr. MAFFEI, and Mrs. CAPPS.

H.R. 3116: Mr. MILLER of Florida.

H.R. 3131: Mr. CAMPBELL.

H.R. 3189: Mr. FORBES.

H.R. 3243: Mr. CONNOLLY of Virginia.

H.R. 3315: Mr. MOORE of Kansas.

H.R. 3339: Mrs. KIRKPATRICK of Arizona.

H.R. 3393: Mr. TANNER, Mr. BRIGHT, Mr. COOPER, Mr. CHANDLER, and Mr. SCHIFF.

H.R. 3415: Mr. ROSS, Mr. MARCHANT, and Mr. SESSIONS.

H.R. 3421: Ms. DELAURO and Mr. MARCHANT.

H.R. 3464: Mr. PRICE of North Carolina, Mr. TEAGUE, Mrs. MILLER of Michigan, and Mr. ADERHOLT.

H.R. 3487: Mr. MILLER of Florida.

H.R. 3554: Mr. ROGERS of Michigan.

H.R. 3668: Mr. CARSON of Indiana, Mr. BRADY of Pennsylvania, Mr. MARKEY of Massachusetts, Mr. LYNCH, Mr. CULBERSON, Mr. CAPUANO, Mr. SCOTT of Georgia, Ms. ROYBAL-ALLARD, Mr. HELLER, Mr. FARR, Mrs. MALONEY, Ms. MATSUI, Mr. NADLER of New York, Mrs. NAPOLITANO, Mr. MICHAUD, Mr. BARTLETT, Mr. GARAMENDI, Mr. AL GREEN of Texas, Ms. NORTON, Mr. PASCRELL, Ms. SUTTON, Mr. ORTIZ, Mr. MELANCON, Mr. HALL of New York, Mrs. MCCARTHY of New York, Mr. TIM MURPHY of Pennsylvania, Mr. PETRI, Mr. CARNAHAN, Ms. PINGREE of Maine, Mr. GUTHRIE, Mr. WEINER, and Mr. BERRY.

H.R. 3715: Mr. MAFFEI.

H.R. 3720: Mr. LOEBSACK.

H.R. 3745: Ms. SPEIER and Mr. CAPUANO.

H.R. 3787: Mr. ARCURI.

H.R. 3790: Mr. CALVERT, Mr. BRIGHT, Ms. KILROY, and Mr. LUCAS.

H.R. 3799: Ms. NORTON.

H.R. 3924: Mr. GRIFFITH, Mr. TERRY, Mr. ROGERS of Michigan, and Mr. BROWN of South Carolina.

H.R. 4021: Mr. SCOTT of Virginia.

H.R. 4090: Mr. RAHALL and Mr. ELLISON.

H.R. 4094: Mr. SCOTT of Virginia.

H.R. 4109: Mr. HASTINGS of Florida and Mr. BISHOP of Georgia.

H.R. 4123: Ms. SUTTON.

H.R. 4144: Mr. MCDERMOTT.

H.R. 4148: Ms. RICHARDSON.

H.R. 4178: Mr. CLAY.

H.R. 4196: Mr. KUCINICH.

H.R. 4199: Mr. COURTNEY.
H.R. 4255: Mr. SCHRADER and Ms. SUTTON.
H.R. 4296: Mr. LYNCH and Mr. KING of New York.
H.R. 4300: Mr. KRATOVIL.
H.R. 4321: Mr. LANGEVIN.
H.R. 4351: Mr. CARNEY.
H.R. 4399: Mr. ACKERMAN.
H.R. 4402: Ms. WOOLSEY and Mr. CONNOLLY of Virginia.
H.R. 4405: Ms. BALDWIN, Mr. FATTAH, Mr. HONDA, Mr. KUCINICH, Ms. NORTON, and Mr. ELLISON.
H.R. 4410: Mr. MCCOTTER, Mrs. MILLER of Michigan, Mr. HILL, and Mr. SHERMAN.
H.R. 4426: Ms. CHU.
H.R. 4443: Mr. WEINER.
H.R. 4494: Mr. RYAN of Ohio.
H.R. 4530: Mr. OBERSTAR and Mr. PETERS.
H.R. 4544: Mr. LANGEVIN, Mr. ROGERS of Alabama, and Mr. WILSON of Ohio.
H.R. 4594: Mr. DOYLE, Mr. FATTAH, Mr. LUJÁN, Mr. SCHIFF, Mr. KISSELL, and Mr. HOLT.
H.R. 4599: Mr. CONNOLLY of Virginia.
H.R. 4607: Mr. RYAN of Ohio.
H.R. 4669: Mr. GUTIERREZ and Ms. VELÁZQUEZ.
H.R. 4671: Mr. CONNOLLY of Virginia.
H.R. 4676: Mr. SKELTON and Mr. KLEIN of Florida.
H.R. 4684: Mr. MCGOVERN, Ms. JACKSON LEE of Texas, Mr. EHLERS, Mr. BROWN of South Carolina, Mrs. MYRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. RYAN of Ohio, Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, Mr. UPTON, Ms. MARKEY of Colorado, and Mr. HOLDEN.
H.R. 4690: Mr. GEORGE MILLER of California and Mr. LYNCH.
H.R. 4692: Mr. YARMUTH and Mr. FILNER.
H.R. 4711: Mr. HEINRICH.
H.R. 4720: Mr. HALL of New York.
H.R. 4722: Mr. CONNOLLY of Virginia, Mr. DINGELL, Mr. ELLISON, and Mr. SCOTT of Virginia.
H.R. 4733: Mr. PETERS and Mr. CONNOLLY of Virginia.
H.R. 4745: Mr. SHERMAN, Mr. WATT, and Ms. RICHARDSON.
H.R. 4746: Mr. HALL of Texas, Mr. MCCAUL, Mr. SIMPSON, Mr. ALEXANDER, Mr. LATTA, Mr. WILSON of South Carolina, Mr. PAUL, Mr. POE of Texas, and Mr. FRANKS of Arizona.
Poe of Texas, and Mr. FRANKS of Arizona.
H.R. 4749: Mr. HODES.
H.R. 4752: Mr. LYNCH and Mr. JACKSON of Illinois.
H.R. 4753: Mr. ROSS.
H.R. 4764: Mr. FILNER, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. ROGERS of Alabama, and Mr. TIM MURPHY of Pennsylvania.
H.R. 4785: Mr. JOHNSON of Georgia, Mr. GORDON of Tennessee, Mr. PASTOR of Arizona, and Ms. MARKEY of Colorado.
H.R. 4788: Mr. ARCURI, Mr. CONNOLLY of Virginia, Mr. CARNAHAN, Mr. HOLDEN, Mr. BOCCIERI, Mr. ELLISON, Mr. CARNEY, and Mr. HALL of New York.
H.R. 4790: Mr. CONYERS, Mr. GENE GREEN of Texas, Mr. HODES, Mr. LYNCH, Mrs. NAPOLITANO, Mr. OLVER, Mr. SARBANES, and Ms. WOOLSEY.
H.R. 4797: Mr. CONNOLLY of Virginia.
H.R. 4812: Mr. HEINRICH, Ms. EDWARDS of Maryland, Mr. LUJÁN, Mr. MAFFEI, Ms. SPEIER, Mr. COURTNEY, Mr. DELAHUNT, and Mr. YARMUTH.
H.R. 4818: Mr. RUSH.
H.R. 4819: Mr. HARE and Ms. JACKSON LEE of Texas.
H.R. 4830: Mr. GUTIERREZ.
H.R. 4835: Mr. GUTHRIE.
H.R. 4844: Mr. ALEXANDER, Mr. CAO, and Mr. SCALISE.
H.R. 4850: Mr. DAVIS of Alabama, Mr. MCCOTTER, Mr. SPACE, Ms. RICHARDSON, Mr. WILSON of Ohio, Mr. VAN HOLLEN, Mr. TOWNS, Mr. UPTON, Mr. MEEK of Florida, Mr. MAFFEI, Mr. NUNES, Mr. PASCRELL, and Ms. BERKLEY.
H.R. 4856: Mr. ROSS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MOORE of Kansas, and Mr. SCHIFF.
H.R. 4862: Mr. JOHNSON of Georgia.
H.R. 4868: Mr. RANGEL and Mr. NADLER of New York.
H.R. 4870: Mr. ISRAEL.
H.R. 4879: Mr. KIRK, Ms. BALDWIN, Mr. STARK, Mr. PETERS, Mr. PALLONE, and Mr. SMITH of Washington.
H.R. 4898: Mr. CAO and Mr. FILNER.
H.R. 4903: Mr. BILIRAKIS.
H.R. 4904: Mr. LATTA and Mr. MORAN of Kansas.
H.R. 4910: Mr. SMITH of New Jersey, Mr. YOUNG of Alaska, and Mr. LAMBORN.
H.R. 4921: Mr. MOORE of Kansas.
H.R. 4923: Mr. FORTENBERRY, Mr. MARSHALL, and Ms. SUTTON.
H.R. 4925: Ms. BERKLEY and Ms. KILROY.
H.R. 4947: Mr. MARSHALL and Mr. ROSS.
H.R. 4956: Mr. WOLF.
H.R. 4960: Mr. DENT and Mr. LANCE.
H.R. 4966: Mr. BILBRAY.
H.R. 4972: Mr. BILIRAKIS.
H.R. 4981: Mrs. BACHMANN and Mr. SKELTON.
H.R. 4985: Mr. SESSIONS and Mr. ROHRABACHER.
H.R. 4995: Mr. TIAHRT.
H.R. 4996: Mr. SESSIONS, Mr. POE of Texas, Mr. ROE of Tennessee, and Mr. HERGER.
H.R. 5000: Mr. ROTHMAN of New Jersey and Mr. CLAY.
H.R. 5006: Mr. JOHNSON of Georgia.
H.J. Res. 81: Mr. BISHOP of Georgia, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Ms. FUDGE, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. PAYNE, Ms. RICHARDSON, Mr. RUSH, Mr. THOMPSON of Mississippi, and Mr. SERRANO.
H. Con. Res. 4: Mr. PETERSON.
H. Con. Res. 88: Mr. FORBES.
H. Con. Res. 92: Mr. WU, Mr. STARK, and Ms. ZOE LOFGREN of California.
H. Con. Res. 98: Mr. JACKSON of Illinois, Ms. WATSON, Mr. SMITH of Washington, and Mr. HINCHEY.
H. Con. Res. 137: Mr. MEEKS of New York and Ms. CLARKE.
H. Con. Res. 233: Mr. KUCINICH.
H. Con. Res. 255: Mrs. CHRISTENSEN, Mr. LIPINSKI, Mr. REYES, Mr. DAVIS of Illinois, Mr. RYAN of Ohio, Mr. MCGOVERN, Ms. DELAURO, Mr. WAXMAN, Mr. BACA, Mr. QUIGLEY, Ms. PINGREE of Maine, Mr. SCHAUER, Mr. PRICE of North Carolina, and Mr. TONKO.
H. Res. 111: Ms. FALLIN, Mr. HILL, and Mr. SULLIVAN.
H. Res. 407: Mr. BUTTERFIELD.
H. Res. 639: Mr. FORBES.
H. Res. 886: Mr. GOODLATTE.
H. Res. 1056: Mr. ROE of Tennessee, Mr. HOLDEN, Mr. MICHAUD, Mrs. BACHMANN, Mr. FILNER, Mr. INGLIS, Mr. PLATTS, Mr. WILSON of South Carolina, and Mr. ROGERS of Michigan.
H. Res. 1064: Mr. HOLT, Mr. CUMMINGS, Mr. CAPUANO, and Ms. RICHARDSON.
H. Res. 1116: Mr. GINGREY of Georgia, Mr. GRIFFITH, Ms. MATSUI, Mr. PITTS, Mrs. BLACKBURN, Mr. LATHAM, Mr. SPACE, Mrs. CAPPS, Mr. BOUCHER, Ms. DEGETTE, and Mrs. BONO MACK.
H. Res. 1143: Mr. KIRK, Mr. FILNER, Mr. REICHERT, and Mr. RYAN of Ohio.
H. Res. 1158: Mr. ADERHOLT.
H. Res. 1181: Mr. MILLER of Florida.
H. Res. 1182: Mr. MARKEY of Massachusetts, Mr. DOYLE, Mr. BUTTERFIELD, Mr. WILSON of Ohio, Mr. HALL of New York, Mr. DINGELL, Mr. RAHALL, Mr. RYAN of Ohio, Mr. WAXMAN, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. HODES, Ms. RICHARDSON, Mr. CONNOLLY of Virginia, Mr. ROSS, Ms. NORTON, Mr. HOLDEN, Mr. GORDON of Tennessee, Mr. COSTELLO, Mr. GONZALEZ, and Ms. LEE of California.
H. Res. 1187: Ms. TITUS, Mr. ISRAEL, Mr. TONKO, Ms. LORETTA SANCHEZ of California, Mr. KILDEE, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Ms. CLARKE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. JACKSON of Illinois, Mr. PALLONE, Mr. HOLT, Mr. PASTOR of Arizona, Mr. STARK, Mr. OLVER, Ms. ROYBAL-ALLARD, Mr. KLEIN of Florida, Ms. WATERS, Ms. WOOLSEY, Mr. BERRY, Ms. BALDWIN, Mr. ELLISON, Ms. SCHWARTZ, Ms. ESHOO, Ms. CASTOR of Florida, Mrs. LOWEY, and Ms. DEGETTE.
H. Res. 1211: Ms. CORRINE BROWN of Florida and Ms. LEE of California.
H. Res. 1216: Mr. STUPAK and Mr. MCCOTTER.
H. Res. 1240: Mrs. CHRISTENSEN.

¶42.41 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1549: Ms. BERKLEY.
H. Con. Res. 49: Mr. BRADY of Pennsylvania.

THURSDAY, APRIL 15, 2010 (43)

¶43.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BLUMENAUER, who laid before the House the following communication:

WASHINGTON, DC.,
April 15, 2010.

I hereby appoint the Honorable EARL BLUMENAUER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶43.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BLUMENAUER, announced he had examined and approved the Journal of the proceedings of Wednesday, April 14, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶43.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7022. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Potato Research and Promotion Plan [Doc. No.: AMS-FV-09-0024; FV-09-706C] received April 1, 2010 to the Committee on Agriculture.

7023. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flutolanil; Pesticide Tolerances [EPA-HQ-OPP-2009-0553; FRL-8817-9] received March 30, 2010 to the Committee on Agriculture.

7024. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding mobilization of reserve component service members to the Committee on Armed Services.

7025. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Federal Home Loan Bank Housing Associates, Core Mission Activities and Standby Letters of Credit

(RIN: 2590-AA33) received March 1, 2010 to the Committee on Financial Services.

7026. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Interpretation — Prevention of Significant Deterioration (PSD): Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by the Federal PSD Permit Program received April 8, 2010 to the Committee on Energy and Commerce.

7027. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by Clean Air Act Permitting Programs [EPA-HQ-OAR-2009-0597; FRL-9133-6] (RIN: 2060-AP87) received March 30, 2010 to the Committee on Energy and Commerce.

7028. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Inclusion of Fugitive Emissions; Final Rule; Stay [EPA-HQ-OAR-2004-0014; FRL-9131-9] (RIN: 2060-AP73) received March 26, 2010 to the Committee on Energy and Commerce.

7029. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to Chapter 116 which relate to the Voiding of Permits and Extension of Permits [EPA-R06-OAR-2008-0089; FRL-9132-3] received March 26, 2010 to the Committee on Energy and Commerce.

7030. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Propene, 2,3,3,3-tetrafluoro-; Withdrawal of Significant New Use Rule [EPA-HQ-OPPT-2008-0918; FRL-8816-9] (RIN: 2070-AB27) received March 26, 2010 to the Committee on Energy and Commerce.

7031. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the General Conformity Regulations [EPA-HQ-OAR-2006-0669; FRL-9131-7] (RIN: 2060-AH93) received March 26, 2010 to the Committee on Energy and Commerce.

7032. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's ''Major'' final rule — Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program [EPA-HQ-OAR-2005-0161; FRL-9112-3] (RIN: 2060-A081) received March 26, 2010 to the Committee on Energy and Commerce.

7033. A letter from the Acting Associate Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Schools and Libraries Universal Service Support Mechanism [CC Docket No.: 02-6] received April 1, 2010 to the Committee on Energy and Commerce.

7034. A letter from the Senior Legal Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 90 of the Commission's Rules [WP Docket No.: 07-100] received April 1, 2010 to the Committee on Energy and Commerce.

7035. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the National Emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001 to the Committee on Foreign Affairs.

7036. A letter from the Secretary, Department of State, transmitting notification that effective February 28, 2010, the 15% Danger Pay Allowance for USG civilian employees serving in Monrovia and Other, Liberia has been eliminated based on improved conditions to the Committee on Foreign Affairs.

7037. A letter from the Under Secretary, Department of Defense, transmitting annual audit of the American Red Cross consolidated financial statements for the year ending June 30, 2009 to the Committee on Foreign Affairs.

7038. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998 to the Committee on Oversight and Government Reform.

7039. A letter from the Director, Congressional Affairs and Public Relations, Trade and Development Agency, transmitting the Agency's Fiscal Year 2009 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174 to the Committee on Oversight and Government Reform.

7040. A letter from the Acting Assistant Secretary for Fish & Wildlife & Parks, Department of the Interior, transmitting the Department's final rule — Refuge Specific Regulations; Public Use; Kodiak National Wildlife Refuge [FWS-R7-NSR-2009-0055] [70133-1265-0000-4A] (RIN: 1018-AW15) received April 1, 2010 to the Committee on Natural Resources.

7041. A letter from the Assistant Secretary for Fish & Wildlife & Parks, Department of the Interior, transmitting the Department's final rule — 2009–2010 Refuge-Specific Hunting and Sport Fishing Regulations — Additions [Docket No.: FWS-R9-NSR-2009-0023] [93270-1265-0000-4A] (RIN: 1018-AW49) received April 8, 2010 to the Committee on Natural Resources.

7042. A letter from the Assistant Attorney General, Department of Justice, transmitting the third Annual Report of the Office of Privacy and Civil Liberties to the Committee on the Judiciary.

7043. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties to the Committee on the Judiciary.

7044. A letter from the Acting Assistant Chief Counsel for Legislation & Regulations, Department of Transportation, transmitting the Department's final rule — America's Marine Highway Program [Docket No.: MARAD-2010-0035] (RIN: 2133-AB70) received April 5, 2010 to the Committee on Transportation and Infrastructure.

7045. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's ''Major'' final rule — Electronic On-Board Recorders for Hours-of-Service Compliance [Docket No.: FMCSA-2004-18940] (RIN: 2126-AA89) received April 13, 2010 to the Committee on Transportation and Infrastructure.

7046. A letter from the Director, Regulations Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Grants to States for Construction or Acquisition of State Home Facilities-Update of Authorized Beds (RIN: 2900-AM70) received April 8, 2010 to the Committee on Veterans' Affairs.

7047. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Liquor Dealer Recordkeeping and Registration, and Repeal of Certain Special (Occupational) Taxes [Docket No.: TTB-2009-0003; T.D. TTB-84; Re: Notice No. 96 and T.D. TTB-79] (RIN: 1513-AB63) received April 8, 2010 to the Committee on Ways and Means.

7048. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Stripping Transactions for Qualified Tax Credit Bonds [Notice 2010-28] received March 30, 2010 to the Committee on Ways and Means.

7049. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — American Recovery and Reinvestment Tax Act of 2009 Clarifications [Notice 2010-18] received March 30, 2010 to the Committee on Ways and Means.

¶43.4 PROVIDING FOR CONSIDERATION OF H.R. 4715

Ms. PINGREE of Maine, by direction of the Committee on Rules, called up the following resolution (H. Res. 1248):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Transportation and Infrastructure or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of April 16, 2010, providing for consideration of a measure relating to the extension of unemployment insurance.

SEC. 4. It shall be in order at any time through the legislative day of April 16, 2010,

for the Speaker to entertain motions that the House suspend the rules relating to a measure addressing the extension of unemployment insurance.

When said resolution was considered.

After debate,

On motion of Ms. PINGREE of Maine, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶43.5 RECESS—11:38 A.M.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 38 minutes a.m., subject to the call of the Chair.

¶43.6 AFTER RECESS—1:04 P.M.

The SPEAKER pro tempore, Ms. MCCOLLUM, called the House to order.

¶43.7 H. RES. 1248—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 1248) providing for consideration of the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 / Nays 171

¶43.8 [Roll No. 204]

YEAS—235

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

NAYS—171

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

NOT VOTING—23

Barrett (SC)	Jackson Lee (TX)	Schakowsky
Bilbray	Kosmas	Slaughter
Boyd	McCotter	Tiahrt
Cardoza	Meek (FL)	Towns
Clay	Miller (FL)	Tsongas
Gallegly	Ruppersberger	Wamp
Gonzalez	Sánchez, Linda T.	Wasserman Schultz
Hoekstra		Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶43.9 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Kurt S. Browning, Secretary of State, State of Florida, indicating that, according to the unofficial returns of the Special Election held April 13, 2010, the Honorable Theodore E. Deutch was elected Representative to Congress for the Nineteenth Congressional District, State of Florida.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

Enclosure.

___

FLORIDA DEPARTMENT OF STATE,
Tallahassee, FL, April 14, 2010.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. MILLER: Attached are the unofficial results of the Special Election held on Tuesday, April 13, 2010, for Representative in Congress from the Nineteenth Congressional District of Florida.

To the best of our knowledge and belief at this time, there is no contest to this election, As soon as the official results are certified to this office by the Supervisors of Elections for Palm Beach County and Broward County, an official Certificate of Election will be prepared for transmittal as required by law.

Please let me know if you have any questions or concerns.

Sincerely,

KURT S. BROWNING,
Secretary of State.

Enclosure.

FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS, APRIL 13, 2010 SPECIAL GENERAL CONGRESSIONAL 19 & HOUSE 4

UNOFFICIAL ELECTION NIGHT RETURNS (MAY NOT INCLUDE ABSENTEE OR PROVISIONAL BALLOTS)

UNITED STATES REPRESENTATIVE DISTRICT: 19

County	Edward Lynch (REP)	Ted Deutch (DEM)	Jim McCormick (NPA)	Josue Larose (WRI)
Broward	5,837	7,342	458	0
Palm Beach	18,702	35,913	1,447	0
Total	24,539	43,255	1,905	0
% Votes	35.2%	62.1%	2.7%	0.0%

¶43.10 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Mr. HASTINGS of Florida, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. Theodore E. Deutch, 19th District of the State of Florida, has not been received by the Clerk of the House of Representatives, Mr. DEUTCH be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

Mr. DEUTCH then presented himself at the bar of the House and took the oath of office prescribed by law.

¶43.11 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced under clause 5(d) of rule XX, that, in light of the administration of the oath to Representative DEUTCH, the whole number of the House is adjusted to 431.

¶43.12 H. RES. 1062 —UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1062) recognizing the Coast Guard Group Astoria's more than 60 years of service to the Pacific Northwest, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 401 Nays 0

¶43.13 [Roll No. 205]

YEAS—401

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

NOT VOTING—29

Ackerman	Hoekstra	Ruppersberger
Barrett (SC)	Jackson Lee (TX)	Sánchez, Linda T.
Bilbray	Kosmas	Slaughter
Bilirakis	Lungren, Daniel E.	Tiahrt
Boyd	McCotter	Towns
Brown, Corrine	Meek (FL)	Wamp
Cardoza	Miller (FL)	Wasserman Schultz
Ehlers	Olver	Waxman
Engel	Rothman (NJ)	Young (AK)
Gallegly		
Gonzalez		

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶43.14 H. CON. RES. 222—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 222) recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶43.15 NATIONAL ESTUARY PROGRAM

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to House Resolution 1248 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

The SPEAKER pro tempore, Ms. MCCOLLUM, by unanimous consent, designated Mr. CUELLAR as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Ms. MOORE of Wisconsin, assumed the Chair.

When Mr. CUELLAR, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶43.16 PRIVILEGES OF THE HOUSE

Mr. FLAKE, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1255):

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that ''the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.''' (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore be it:

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore, Ms. MOORE of Wisconsin, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. OBERSTAR moved to refer the resolution to the Committee on Standards of Official Conduct.

After debate,

On motion of Mr. OBERSTAR, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. MOORE of Wisconsin, announced that the yeas had it.

Mr. FLAKE demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	385
Nays	0
Answered present	18

¶43.17 [Roll No. 206]

YEAS—385

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

ANSWERED ''PRESENT''—18

Blackburn
Bonner
Butterfield
Buyer
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Hastings (WA)
Latham
Lofgren, Zoe
McCaul
Myrick
Simpson
Walden
Welch

NOT VOTING—27

Barrett (SC)
Bean
Berry
Bilbray
Boyd
Capito
Gallegly
Gonzalez
Hoekstra
Jackson Lee (TX)
Kline (MN)
Kosmas
Marshall
McCotter
Meek (FL)
Miller (FL)
Mollohan
Pence
Radanovich
Rahall
Ruppersberger
Sánchez, Linda T.

Tiahrt
Towns
Wamp
Wasserman Schultz
Young (AK)

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶43.18 NATIONAL ESTUARY PROGRAM

The SPEAKER pro tempore, Ms. MOORE of Wisconsin, pursuant to House Resolution 1248 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4715) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes.

Mr. CUELLAR, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶43.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in House Report 111-463, submitted by Ms. SHEA-PORTER:

Page 4, line 10, strike ''and'' at the end.

Page 4, line 12, insert ''and'' after the semicolon.

Page 4, after line 12, insert the following:

''(iii) the impacts of changes in sea level on estuarine water quality, estuarine habitat, and infrastructure located in the estuary;

It was decided in the affirmative ..... { Yeas ..... 294 / Nays 109

¶43.20 [Roll No. 207]

AYES—294

Ackerman
Adler (NJ)
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—109

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Bartlett
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Griffith
Guthrie
Harper
Hastings (WA)
Hensarling
Herger
Hunter
Issa
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Miller, Gary
Nunes
Olson
Owens
Paul
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Rehberg
Roe (TN)
Rogers (KY)
Rohrabacher
Rooney
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Westmoreland
Whitfield

NOT VOTING—33

Barrett (SC)
Berry
Bilbray
Bordallo
Boyd
Brown (SC)
Faleomavaega
Gallegly
Gonzalez
Hoekstra
Jackson Lee (TX)
Kosmas
Marshall
McCotter
Meek (FL)
Miller (FL)
Mitchell
Nadler (NY)
Neugebauer
Norton
Pence
Price (NC)
Radanovich
Ruppersberger
Rush
Sánchez, Linda T.
Shuster
Taylor
Tiahrt
Towns
Wamp
Wasserman Schultz
Young (AK)

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. WEINER, assumed the Chair.

When Mr. CUELLAR, Chairman, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

Pursuant to said resolution, the question on agreeing to the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

The following sundry amendments were agreed to:

Page 4, line 10, strike ''and'' at the end.

Page 4, line 12, insert ''and'' after the semicolon.

Page 4, after line 12, insert the following:

''(iii) the impacts of changes in sea level on estuarine water quality, estuarine habitat, and infrastructure located in the estuary;

Page 4, strike lines 13 through 15 and insert the following:

''(E) increases public education and awareness with respect to—

''(i) the ecological health of the estuary;

''(ii) the water quality conditions of the estuary; and

''(iii) ocean, estuarine, land, and atmospheric connections and interactions;

Page 4, line 19, strike ''and'' at the end.

Page 4, line 21, strike the first period through the final period and insert ''; and''.

Page 4, after line 21, insert the following:

''(H) includes a coordinated monitoring strategy for Federal, State, and local governments and other entities.''.

Page 6, strike line 3, and insert the following:

(b) MEMBERS OF CONFERENCE; COLLABORATIVE PROCESSES.—

(1) MEMBERS OF CONFERENCE.—Section 320(c)(5)

Page 6, after line 6, insert the following:

(2) COLLABORATIVE PROCESSES.—Section 320(d) of such Act (33 U.S.C. 1330(d)) is amended—

(A) by striking ''(d)'' and all that follows through ''In developing'' and inserting the following:

''(d) UTILIZATION OF EXISTING DATA AND COLLABORATIVE PROCESSES.—

''(1) UTILIZATION OF EXISTING DATA.—In developing''; and

(B) by adding at the end the following:

''(2) UTILIZATION OF COLLABORATIVE PROCESSES.—In updating a plan under subsection (f)(4) or developing a new plan under subsection (b), a management conference shall make use of collaborative processes to—

''(A) ensure equitable inclusion of affected interests;

''(B) engage with members of the management conference, including through—

''(i) the use of consensus-based decision rules; and

''(ii) assistance from impartial facilitators, as appropriate;

''(C) ensure relevant information, including scientific, technical, and cultural information, is accessible to members;

''(D) promote accountability and transparency by ensuring members are informed in a timely manner of—

''(i) the purposes and objectives of the management conference; and

''(ii) the results of an evaluation conducted under subsection (f)(3);

''(E) identify the roles and responsibilities of members—

''(i) in the management conference proceedings; and

''(ii) in the implementation of the plan; and

''(F) seek resolution of conflicts or disputes as necessary.''.

Page 8, line 15, insert ''the implementation of'' before ''the plan''.

Page 8, line 22, insert ''the implementation of'' before ''a comprehensive''.

Page 10, line 25, insert '', including monitoring activities,'' after ''activities''.

Page 11, after line 18, insert the following:

(1) RECIPIENTS.—Section 320(h)(1) of such Act (as redesignated by subsection (d) of this section) is amended by striking ''other public'' and all that follows before the period at the end and inserting ''and other public or nonprofit private agencies, institutions, and organizations''.

Page 11, line 19, strike ''(1) IN GENERAL.—'' and insert ''(2) EFFECTS OF PROBATIONARY STATUS.—''.

Page 11, line 21, insert ''further'' before ''amended''.

Page 12, line 17, strike ''(2)'' and insert ''(3)''.

Page 14, strike lines 3 through 6 and insert the following:

(g) RESEARCH.—Section 320(k)(1)(A) of such Act (as redesignated by subsection (d) of this section) is amended—

(1) by striking ''paramenters'' and inserting ''parameters''; and

(2) by inserting ''(including monitoring of both pathways and ecosystems to track the introduction and establishment of nonnative species)'' before '', to provide the Administrator''.

Page 14, strike lines 17 through 23 and insert the following:

''(2) SPECIFIC ASSESSMENTS.—In conducting an evaluation under this subsection, the Administrator shall—

''(A) assess the effectiveness of the national estuary program in improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section;

''(B) identify best practices for improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section, including those practices funded through the use of technical assistance from the Environmental Protection Agency and other Federal agencies, and assess the reasons why such practices result in the achievement of program goals; and

''(C) identify any redundant requirements for reporting by recipients of a grant under this section, and develop and recommend a plan for limiting reporting redundancies.

Page 15, line 4, strike ''TO PUBLIC''.

Page 15, line 6, insert ''management conferences convened under this section and'' before ''the public''.

Page 15, after line 8, insert the following:

(i) CONVENING OF CONFERENCE.—Section 320(a)(2) of such Act (33 U.S.C. 1330(a)(2)) is amended—

(1) by striking ''(2) CONVENING OF CONFERENCE.—'' and all that follows through ''In any case'' and inserting the following:

''(2) CONVENING OF CONFERENCE.—In any case''; and

(2) by striking subparagraph (B).

Page 15, after line 8, add the following:

(i) GREAT LAKES ESTUARIES.—Section 320(m) of such Act (as redesignated by subsection (d) of this section) is amended by striking the subsection designation and all that follows through ''and those portions of tributaries'' and inserting the following:

''(m) DEFINITIONS.—In this section, the terms 'estuary' and 'estuarine zone' have the meanings such terms have in section 104(n)(4), except that—

''(1) the term 'estuary' also includes near coastal waters and other bodies of water within the Great Lakes that are similar in form and function to the waters described in the definition of 'estuary' contained in section 104(n)(4); and

''(2) the term 'estuarine zone' also includes—

''(A) waters within the Great Lakes described in paragraph (1) and transitional areas from such waters that are similar in form and function to the transitional areas described in the definition of 'estuarine zone' contained in section 104(n)(4);

''(B) associated aquatic ecosystems; and

''(C) those portions of tributaries''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. JORDAN of Ohio, moved to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the bill back to the House forthwith with the following amendments:

Page 13, strike lines 1 through 3, and insert the following:

''(1) IN GENERAL.—There is authorized to be appropriated to the Administrator an amount as determined under paragraph (3) for each of fiscal years 2011 through 2016 for—

Page 14, line 2, strike the closing quotation marks and the final period.

Page 14, after line 2, insert the following:

''(3) AMOUNT OF AUTHORIZATION.—In any fiscal year following a fiscal year in which there is no national deficit, the amount authorized under paragraph (1) shall be $50,000,000. In any fiscal year following a fiscal year in which there is a national deficit, the amount authorized under paragraph (1) shall be $35,000,000.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. WEINER, announced that the nays had it.

Mr. JORDAN of Ohio, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 192 / Nays 214

¶43.21 [Roll No. 208]

AYES—192

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

NOES—214

Ackerman	DeFazio	Israel
Adler (NJ)	DeGette	Jackson (IL)
Andrews	Delahunt	Johnson (GA)
Baca	DeLauro	Johnson, E. B.
Baird	Deutch	Kagen
Baldwin	Dicks	Kanjorski
Barrow	Dingell	Kaptur
Becerra	Doggett	Kennedy
Berkley	Doyle	Kildee
Berman	Driehaus	Kilpatrick (MI)
Bishop (GA)	Edwards (MD)	Kilroy
Bishop (NY)	Edwards (TX)	Kind
Blumenauer	Ellison	Kissell
Boccieri	Engel	Klein (FL)
Boswell	Eshoo	Kratovil
Boucher	Etheridge	Kucinich
Brady (PA)	Farr	Langevin
Braley (IA)	Fattah	Larsen (WA)
Brown, Corrine	Filner	Larson (CT)
Butterfield	Frank (MA)	Lee (CA)
Capps	Fudge	Levin
Capuano	Garamendi	Lewis (GA)
Cardoza	Gordon (TN)	Lipinski
Carnahan	Grayson	Loebsack
Carson (IN)	Green, Al	Lofgren, Zoe
Castor (FL)	Green, Gene	Lowey
Chandler	Grijalva	Luján
Chu	Gutierrez	Lynch
Clarke	Hall (NY)	Maloney
Clay	Halvorson	Markey (CO)
Cleaver	Hare	Markey (MA)
Clyburn	Harman	Matheson
Cohen	Hastings (FL)	Matsui
Connolly (VA)	Heinrich	McCarthy (NY)
Conyers	Herseth Sandlin	McCollum
Cooper	Higgins	McDermott
Costa	Hill	McGovern
Costello	Hinchey	McMahon
Courtney	Hinojosa	Meeks (NY)
Crowley	Hirono	Melancon
Cummings	Holden	Michaud
Davis (AL)	Holt	Miller (NC)
Davis (CA)	Honda	Miller, George
Davis (IL)	Hoyer	Mollohan
Davis (TN)	Inslee	Moore (KS)

Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—24

Barrett (SC)
Berry
Bilbray
Boyd
Brown (SC)
Gallegly
Gonzalez
Hoekstra
Jackson Lee (TX)
Kosmas
McCotter
Meek (FL)
Miller (FL)
Neugebauer
Pence
Radanovich
Ruppersberger
Sánchez, Linda T.
Slaughter
Tiahrt
Towns
Wamp
Wasserman Schultz
Young (AK)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. OBERSTAR demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 278 Nays 128

¶43.22 [Roll No. 209]

YEAS—278

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—128

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Nunes
Olson
Owens
Paul
Petri
Pitts
Poe (TX)
Price (GA)
Rehberg
Roe (TN)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Turner
Upton
Westmoreland
Whitfield
Wittman
Wolf

NOT VOTING—24

Barrett (SC)
Berry
Bilbray
Boyd
Brown (SC)
Gallegly
Gonzalez
Hoekstra
Jackson Lee (TX)
Kosmas
McCotter
Meek (FL)
Miller (FL)
Murphy, Patrick
Neugebauer
Pence
Radanovich
Ruppersberger
Sánchez, Linda T.
Tiahrt
Towns
Wamp
Wasserman Schultz
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶43.23 H. RES. 1242—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1242) congratulating the Duke University men's basketball team for winning the 2010 NCAA Division I Men's Basketball National Championship.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of those present had voted in the affirmative.

Mr. SCHAUER demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 390 Nays ..... 0 Answered present 12

¶43.24 [Roll No. 210]

AYES—390

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett

Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

ANSWERED ''PRESENT''—12

Braley (IA)
Cardoza
Carney
Cooper
Courtney
DeFazio
Edwards (MD)
Kagen
Kratovil
Maffei
Nye
Oberstar

NOT VOTING—28

Barrett (SC)
Berry
Bilbray
Blunt
Boyd
Brown (SC)
Brown-Waite, Ginny
Gallegly
Gonzalez
Grijalva
Hoekstra
Jackson Lee (TX)
Kosmas
McCotter
Meek (FL)
Miller (FL)
Neugebauer
Pence
Radanovich
Rogers (MI)
Ruppersberger
Sánchez, Linda T.
Tiahrt
Towns
Wamp
Wasserman Schultz
Welch
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶43.25 RECESS—5:25 P.M.

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 25 minutes p.m., subject to the call of the Chair.

¶43.26 AFTER RECESS—7:10 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, called the House to order.

¶43.27 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 15, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 15, 2010 at 6:46 p.m.:

That the Senate passed with an amendment H.R. 4851.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶43.28 ORDER OF BUSINESS—CONSIDERATION OF H.R. 4851

On motion of Mr. LEVIN, by unanimous consent,

Ordered, That it may be in order at any time to take from the Speaker's table the bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes, with the amendment of the Senate thereto, and to consider in the House, without intervention of any point of order or question of consideration, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the amendment of the Senate; that the amendment of the Senate be considered as read; that the motion be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and that the previous question be considered as ordered on the motion to final adoption without intervening motion.

¶43.29 AMENDMENT OF THE SENATE TO H.R. 4851

Mr. LEVIN, pursuant to the previous order of the House, moved to take from the Speaker's table the bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes; together with the following amendment of the Senate thereto:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Continuing Extension Act of 2010''.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

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

(A) by striking ''April 5, 2010'' each place it appears and inserting ''June 2, 2010'';

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

(C) in subsection (b)(3), by striking ''September 4, 2010'' and inserting ''November 6, 2010''.

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

(A) in paragraph (1)(B), by striking ''April 5, 2010'' and inserting ''June 2, 2010'';

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

(C) in paragraph (3), by striking ''October 5, 2010'' and inserting ''December 7, 2010''.

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

(A) by striking ''April 5, 2010'' each place it appears and inserting ''June 2, 2010''; and

(B) in subsection (c), by striking ''September 4, 2010'' and inserting ''November 6, 2010''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''September 4, 2010'' and inserting ''November 6, 2010''.

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

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

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

''(E) the amendments made by section 2(a)(1) of the Continuing Extension Act of 2010; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Temporary Extension Act of 2010 (Public Law 111–144).

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3(a) of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by striking ''March 31, 2010'' and inserting ''May 31, 2010''.

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3(b) of the Temporary Extension Act of 2010

(Public Law 111–144), is amended by adding at the end the following:

''(18) RULES RELATED TO APRIL AND MAY 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after April 1, 2010 and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs.''.

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

SEC. 4. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) and as amended by section 5 of the Temporary Extension Act of 2010 (Public Law 111–144), is amended—

(1) in subparagraph (A), by striking ''March 31, 2010'' and inserting ''May 31, 2010''; and

(2) in subparagraph (B), by striking ''April 1, 2010'' and inserting ''June 1, 2010''.

SEC. 5. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

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

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

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

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

SEC. 6. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), as amended by section 7 of the Temporary Extension Act of 2010 (Public Law 111–144), is amended by striking ''March 31, 2010'' and inserting ''May 31, 2010''.

SEC. 7. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 8 of Public Law 111–144, is amended by striking ''by substituting'' and all that follows through the period at the end and inserting ''by substituting May 31, 2010, for the date specified in each such section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on February 28, 2010.

SEC. 8. COMPENSATION AND RATIFICATION OF AUTHORITY RELATED TO LAPSE IN HIGHWAY PROGRAMS.

(a) COMPENSATION FOR FEDERAL EMPLOYEES.—Any Federal employees furloughed as a result of the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, shall be compensated for the period of that lapse at their standard rates of compensation, as determined under policies established by the Secretary of Transportation.

(b) RATIFICATION OF ESSENTIAL ACTIONS.—All actions taken by Federal employees, contractors, and grantees for the purposes of maintaining the essential level of Government operations, services, and activities to protect life and property and to bring about orderly termination of Government functions during the lapse in expenditure authority from the Highway Trust Fund after 11:59 p.m. on February 28, 2010, through March 2, 2010, are hereby ratified and approved if otherwise in accord with the provisions of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68).

(c) FUNDING.—Funds used by the Secretary to compensate employees described in subsection (a) shall be derived from funds previously authorized out of the Highway Trust Fund and made available or limited to the Department of Transportation by the Consolidated Appropriations Act, 2010 (Public Law 111–117) and shall be subject to the obligation limitations established in such Act.

(d) EXPENDITURES FROM HIGHWAY TRUST FUND.—To permit expenditures from the Highway Trust Fund to effectuate the purposes of this section, this section shall be deemed to be a section of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68), as in effect on the date of the enactment of the last amendment to such Resolution.

SEC. 9. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking ''April 30, 2010'' and inserting ''May 31, 2010''; and

(B) in subsection (e), by striking ''April 30, 2010'' and inserting ''May 31, 2010''.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''April 30, 2010'', and inserting ''May 31, 2010''.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking ''April 30, 2010'' and inserting ''May 31, 2010''; and

(2) in paragraph (3)(C), by striking ''May 1, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''June 1, 2010''.

SEC. 10. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, $80,000,000, for an additional amount for ''Small Business Administration—Business Loans Program Account'', to remain available until expended, for the cost of fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) and loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF SUNSET DATE.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''April 30, 2010'' and inserting ''May 31, 2010''.

SEC. 11. SENSE OF THE SENATE REGARDING A VALUE ADDED TAX.

It is the sense of the Senate that the Value Added Tax is a massive tax increase that will cripple families on fixed income and only further push back America's economic recovery and the Senate opposes a Value Added Tax.

SEC. 12. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act, with the exception of section 4, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 4, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)).

Mr. LEVIN, pursuant to the previous order of the House, moved to agree to the amendment of the Senate.

After debate,

Pursuant to the previous order of the House, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. LEVIN demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 289 / Nays 112

¶43.30 [Roll No. 211]

AYES—289

Ackerman	Conyers	Hare
Aderholt	Costa	Harman
Adler (NJ)	Costello	Hastings (FL)
Altmire	Courtney	Heinrich
Andrews	Crenshaw	Heller
Arcuri	Crowley	Herseth Sandlin
Baca	Cuellar	Higgins
Baird	Cummings	Hill
Baldwin	Dahlkemper	Himes
Barrow	Davis (AL)	Hinchey
Bean	Davis (CA)	Hinojosa
Becerra	Davis (IL)	Hirono
Berkley	Davis (KY)	Hodes
Berman	Davis (TN)	Holden
Biggert	DeFazio	Holt
Bilirakis	DeGette	Honda
Bishop (GA)	Delahunt	Hoyer
Bishop (NY)	DeLauro	Inslee
Blumenauer	Dent	Israel
Boccieri	Deutch	Jackson (IL)
Bonner	Diaz-Balart, L.	Johnson (GA)
Boren	Diaz-Balart, M.	Johnson (IL)
Boswell	Dicks	Johnson, E. B.
Boucher	Dingell	Jones
Brady (PA)	Doggett	Kagen
Braley (IA)	Donnelly (IN)	Kanjorski
Bright	Doyle	Kaptur
Brown, Corrine	Driehaus	Kennedy
Brown-Waite, Ginny	Edwards (TX)	Kildee
	Ehlers	Kilpatrick (MI)
Buchanan	Ellison	Kilroy
Burgess	Ellsworth	Kind
Butterfield	Engel	Kirk
Camp	Eshoo	Kirkpatrick (AZ)
Cao	Etheridge	Kissell
Capps	Farr	Klein (FL)
Capuano	Fattah	Kratovil
Cardoza	Filner	Kucinich
Carnahan	Foster	Langevin
Carney	Frank (MA)	Larsen (WA)
Carson (IN)	Fudge	Larson (CT)
Cassidy	Garamendi	LaTourette
Castle	Gerlach	Lee (CA)
Castor (FL)	Giffords	Levin
Chandler	Gordon (TN)	Lewis (GA)
Childers	Grayson	Lipinski
Chu	Green, Al	LoBiondo
Clarke	Green, Gene	Loebsack
Clay	Griffith	Lofgren, Zoe
Cleaver	Grijalva	Lowey
Clyburn	Gutierrez	Luján
Cohen	Hall (NY)	Lynch
Connolly (VA)	Halvorson	Maffei

Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHenry
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

NOES—112

Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Culberson
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Lummis
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul
McClintock
McKeon
McMorris Rodgers
Mica
Miller, Gary
Moran (KS)
Myrick
Nunes
Olson
Paul
Pitts
Poe (TX)
Price (GA)
Rehberg
Rogers (KY)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Terry
Thompson (PA)
Thornberry
Westmoreland
Wilson (SC)
Wittman
Wolf

NOT VOTING—29

Barrett (SC)
Berry
Bilbray
Boehner
Boyd
Brown (SC)
Capito
Edwards (MD)
Gallegly
Gonzalez
Hoekstra
Jackson Lee (TX)
Kline (MN)
Kosmas
Luetkemeyer
McCotter
Meek (FL)
Miller (FL)
Neugebauer
Pence
Radanovich
Ruppersberger
Sánchez, Linda T.
Speier
Tiahrt
Towns
Wamp
Wasserman Schultz
Young (AK)

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶43.31 ADJOURNMENT OVER

On motion of Mr. POLIS, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, April 16, 2010, at 1 p.m.; and further, when the House adjourns on Friday, April 16, 2010, it adjourn to meet at 12:30 p.m. on Tuesday, April 20, 2010, for morning-hour debate.

¶43.32 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4851. An Act to provide a temporary extension of certain programs, and for other purposes.

¶43.33 SENATE ENROLLED JOINT RESOLUTION SIGNED

The Speaker announced her signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 25. A joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

¶43.34 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. BORDALLO, for today and balance of the week;

To Mr. TOWNS, for today; and

To Ms. JACKSON LEE of Texas, for today.

And then,

¶43.35 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 11 p.m., the House adjourned, until 1 p.m. on Friday, April 16, 2010.

¶43.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GRIJALVA (for himself and Ms. KAPTUR):

H.R. 5028. A bill to allow homeowners of moderate-value homes who are subject to mortgage foreclosure proceedings to remain in their homes as renters; to the Committee on Financial Services.

By Mr. JORDAN of Ohio (for himself and Mr. CHAFFETZ):

H.R. 5029. A bill to amend the Internal Revenue Code of 1986 to allow the private sector to create robust levels of economic growth; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BEAN (for herself, Mr. KIND, Mrs. HALVORSON, Ms. MARKEY of Colorado, and Mr. NYE):

H.R. 5030. A bill to amend the Internal Revenue Code of 1986 to allow distributions from 529 plans for the payment of student loans; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5031. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for individuals age 18 through 30 for certain retirement contributions; to the Committee on Ways and Means.

By Mr. ACKERMAN (for himself, Mr. MAFFEI, Mr. KING of New York, Mr. KLEIN of Florida, Mr. PERLMUTTER, and Ms. SPEIER):

H.R. 5032. A bill to amend the Securities Investor Protection Act of 1970 to provide insurance coverage for certain indirect investors caught in Ponzi schemes, and for other purposes; to the Committee on Financial Services.

By Ms. ROYBAL-ALLARD (for herself and Mr. DAVIS of Illinois):

H.R. 5033. A bill to authorize the Secretary of Health and Human Services to carry out programs to provide youth in racial or ethnic minority or immigrant communities the information and skills needed to reduce teenage pregnancies; to the Committee on Energy and Commerce.

By Mr. DELAHUNT (for himself, Mr. COBLE, Mr. CHAFFETZ, and Mr. QUIGLEY):

H.R. 5034. A bill to support State based alcohol regulation, to clarify evidentiary rules for alcohol matters, to ensure the collection of all alcohol taxes, and for other purposes; to the Committee on the Judiciary.

By Mr. WITTMAN:

H.R. 5035. A bill to authorize appropriations for the construction of vessels for the Navy and to authorize appropriations for loan guarantees for commercial vessels; to the Committee on Armed Services.

By Mr. FOSTER (for himself and Mr. QUIGLEY):

H.R. 5036. A bill to amend the Internal Revenue Code of 1986 to establish a program to populate downloadable tax forms with taxpayer return information; to the Committee on Ways and Means.

By Mr. DOYLE (for himself, Mr. WAXMAN, Mr. BOUCHER, Ms. WASSERMAN SCHULTZ, Mr. ROHRABACHER, and Mr. HARPER):

H.R. 5037. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Oversight and Government Reform.

By Mr. HENSARLING (for himself and Mr. BACHUS):

H.R. 5038. A bill to repeal the Community Reinvestment Act of 1977; to the Committee on Financial Services.

By Ms. LORETTA SANCHEZ of California:

H.R. 5039. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Groundwater Replenishment System Expansion to reclaim and reuse municipal wastewater in the Orange County, California region, and for other purposes; to the Committee on Natural Resources.

By Mr. KENNEDY (for himself, Mr. TIM MURPHY of Pennsylvania, Mr. MURPHY of Connecticut, Mr. GENE GREEN of Texas, and Mr. HASTINGS of Florida):

H.R. 5040. A bill to amend the Public Health Service Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health,

mental health, and substance abuse professionals and facilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARE (for himself, Mr. RYAN of Ohio, Ms. SUTTON, Mr. HASTINGS of Florida, Mr. ELLISON, Mr. LYNCH, Mr. TONKO, Mr. KENNEDY, Mrs. NAPOLITANO, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PERLMUTTER, Mr. YARMUTH, Mr. OLVER, Ms. SHEA-PORTER, Mr. WAXMAN, Mr. COURTNEY, Mr. MICHAUD, Mr. LEWIS of Georgia, Mr. HINCHEY, Ms. WOOLSEY, Mr. KAGEN, Mr. JOHNSON of Georgia, Mr. QUIGLEY, Mr. LIPINSKI, Ms. RICHARDSON, Ms. HIRONO, Mr. DOYLE, Mr. LARSEN of Washington, Mr. BOSWELL, Mr. MCDERMOTT, Mr. ARCURI, Mr. FILNER, Mr. RODRIGUEZ, Mr. GRAYSON, Mr. CAPUANO, Mr. THOMPSON of Mississippi, Mr. LOEBSACK, Mr. SIRES, Mr. PALLONE, Ms. KILROY, Mr. SCHAUER, Mr. BOCCIERI, Ms. SPEIER, Mrs. MCCARTHY of New York, Mr. WILSON of Ohio, Mr. BRALEY of Iowa, Ms. ROYBAL-ALLARD, Ms. TITUS, Mr. MCGOVERN, Mr. GARAMENDI, Mr. KILDEE, and Ms. WATERS):

H.R. 5041. A bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit; to the Committee on Ways and Means.

By Ms. WATERS (for herself and Mr. FRANK of Massachusetts):

H.R. 5042. A bill to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself and Mr. DAVIS of Illinois):

H.R. 5043. A bill to amend title 11 of the United States Code to modify the dischargeability of debts for certain educational payments and loans; to the Committee on the Judiciary.

By Mr. KLEIN of Florida (for himself and Ms. ROS-LEHTINEN):

H.R. 5044. A bill to provide for enhanced penalties to combat Medicare and Medicaid fraud, a Medicare data-mining system and biometric technology pilot program, and a GAO study on Medicare administrative contractors; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADLER of New Jersey:

H.R. 5045. A bill to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AKIN (for himself, Mr. NEUGEBAUER, Mrs. BACHMANN, Mr. BARTLETT, Mr. GRIFFITH, Mr. BONNER, Mr. CAMPBELL, Mr. POSEY, and Mr. BILBRAY):

H.R. 5046. A bill to amend title 13, United States Code, to require the inclusion of a statement within the decennial census questionnaire and the American Community Survey regarding certain response requirements, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BECERRA:

H.R. 5047. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania (for himself, Mr. BARTLETT, and Mr. SPRATT):

H.R. 5048. A bill to amend the Servicemembers Civil Relief Act to enhance the protection of credit ratings of servicemembers serving on active duty, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CARSON of Indiana:

H.R. 5049. A bill to amend title 10, United States Code, to expand the matters covered by preseparation counseling provided to members of the Armed Forces and their spouses; to the Committee on Armed Services.

By Mr. COOPER:

H.R. 5050. A bill to amend the Internal Revenue Code of 1986 to provide an election for unmarried, nonitemizing individuals to have their returns prepared by the Secretary of the Treasury, and for other purposes; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. BISHOP of New York, Mr. ISRAEL, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. NADLER of New York, Mr. WEINER, Ms. CLARKE, Ms. VELÁZQUEZ, Mr. MCMAHON, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mr. HALL of New York, Mr. MURPHY of New York, Mr. TONKO, Mr. HINCHEY, Mr. OWENS, Mr. ARCURI, Mr. MAFFEI, Mr. LEE of New York, Mr. HIGGINS, and Ms. SLAUGHTER):

H.R. 5051. A bill to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the ''Zachary Smith Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. DENT:

H.R. 5052. A bill to amend Public Law 110-36 to clarify that a period of employment by the Chief of Mission or United States Armed Forces as a security advisor, translator, or interpreter in Iraq or Afghanistan is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization; to the Committee on the Judiciary.

By Mr. DENT (for himself, Mr. KING of New York, Mr. MCCAUL, Mr. AUSTRIA, and Mr. OLSON):

H.R. 5053. A bill to amend the Homeland Security Act of 2002 to enhance the Federal Protective Service's ability to provide adequate security for the prevention of terrorist activities and for the promotion of homeland security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FORBES:

H.R. 5054. A bill to prohibit the Internal Revenue Service from hiring new employees to enforce the Federal Government's invasion into the health care lives of American citizens; to the Committee on Ways and Means.

By Ms. FUDGE (for herself, Mr. TOWNS, Mr. JOHNSON of Georgia, and Mr. RUSH):

H.R. 5055. A bill to provide funds for Pell Grants by amending title IV of the Higher Education Act of 1965; to the Committee on Education and Labor.

By Ms. KILROY:

H.R. 5056. A bill to authorize and request the President to award the Medal of Honor posthumously to Major Dominic S. Gentile of the United States Army Air Forces for acts of valor during the World War II; to the Committee on Armed Services.

By Mr. KING of New York (for himself, Mr. ROGERS of Alabama, Mr. OLSON, and Mr. CAO):

H.R. 5057. A bill to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, Agriculture, Oversight and Government Reform, Transportation and Infrastructure, Foreign Affairs, Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself, Mr. WEINER, and Ms. ROS-LEHTINEN):

H.R. 5058. A bill to amend the Internal Revenue Code of 1986 to provide special rules for investments lost in a fraudulent Ponzi-type scheme; to the Committee on Ways and Means.

By Mr. SALAZAR (for himself, Mr. THOMPSON of California, and Mr. MATHESON):

H.R. 5059. A bill to provide for certain land exchanges in Gunnison County, Colorado, and Uintah County, Utah; to the Committee on Natural Resources.

By Mr. SMITH of New Jersey:

H.R. 5060. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for tuition expenses incurred for each qualifying child of the taxpayer in attending public or private elementary or secondary school; to the Committee on Ways and Means.

By Ms. SPEIER (for herself, Ms. ESHOO, Mr. GARAMENDI, Mr. HONDA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mr. STARK, Ms. WOOLSEY, Mr. MCNERNEY, Mr. GEORGE MILLER of California, and Mr. THOMPSON of California):

H.R. 5061. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of the San Francisco Bay, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TEAGUE (for himself and Mr. HALL of Texas):

H.R. 5062. A bill to amend the Energy Policy Act of 2005 to promote domestic natural gas research and development, and for other purposes; to the Committee on Science and Technology.

By Ms. TSONGAS (for herself and Mr. KISSELL):

H.R. 5063. A bill to direct the Secretary of Defense to establish a joint task force to improve the research and development of lighter weight body armor; to the Committee on Armed Services.

By Mr. BOCCIERI:

H. Con. Res. 261. Concurrent resolution expressing the sense of Congress that the Supreme Court should uphold laws that allow the families and friends of fallen members of the Armed Forces to mourn their loved ones in peace and privacy; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois (for himself, Mr. MEEKS of New York, and Mr. RANGEL):

H. Con. Res. 262. Concurrent resolution supporting the goals and ideals of National Sarcoidosis Awareness Month in April 2010 and supporting efforts to devote new resources to research the causes of the disease, environmental and otherwise, along with treatments and workforce strategies to support individuals with sarcoidosis and their families; to the Committee on Education and Labor.

By Mr. HASTINGS of Washington (for himself and Mr. BISHOP of Utah):

H. Res. 1254. A resolution directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the Secretary's Treasured Landscape Initiative, potential designation of National Monuments, and High Priority Land-Rationalization Efforts; to the Committee on Natural Resources.

By Mr. FLAKE:

H. Res. 1255. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. BROUN of Georgia:

H. Res. 1256. A resolution congratulating Phil Mickelson on winning the 2010 Masters golf tournament; to the Committee on Oversight and Government Reform.

By Mr. HINOJOSA (for himself, Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MOORE of Kansas, Mr. CASTLE, Mr. MANZULLO, Mr. SCOTT of Georgia, Mr. HIMES, Mr. POMEROY, Mrs. MCCARTHY of New York, Mr. BACA, Mr. JOHNSON of Illinois, Ms. JENKINS, Mr. LOEBSACK, Ms. CLARKE, Ms. HIRONO, Mr. WALZ, Mr. CLEAVER, Ms. SPEIER, Mr. POLIS of Colorado, Mr. LEE of New York, Mr. PAULSEN, and Mr. LANCE):

H. Res. 1257. A resolution supporting the goals and ideals of National Financial Literacy Month, 2010, and for other purposes; to the Committee on Financial Services.

By Mrs. NAPOLITANO (for herself, Mr. TIM MURPHY of Pennsylvania, Ms. LEE of California, Mr. RODRIGUEZ, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. STARK, Mrs. MALONEY, Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. KENNEDY, Mr. JOHNSON of Georgia, Mr. SALAZAR, Ms. JACKSON LEE of Texas, Mr. DREIER, Mr. HOLT, Ms. RICHARDSON, Mr. BACA, Ms. KILPATRICK of Michigan, Mr. FILNER, Mr. WILSON of Ohio, Mr. LOEBSACK, Mr. CAPUANO, Ms. BORDALLO, Ms. WATSON, Mr. MURPHY of Connecticut, Mr. RANGEL, Mr. KAGEN, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. BAIRD, Mr. RUSH, Ms. WOOLSEY, Mr. ISRAEL, and Ms. ROYBAL-ALLARD):

H. Res. 1258. A resolution expressing support for designation of May 2010 as Mental Health Month; to the Committee on Energy and Commerce.

By Ms. BALDWIN (for herself, Mr. POE of Texas, Ms. WASSERMAN SCHULTZ, Ms. MOORE of Wisconsin, Ms. HERSETH SANDLIN, Mr. COSTA, Mr. KENNEDY, Mr. RYAN of Ohio, Ms. TSONGAS, Mr. KIND, Ms. RICHARDSON, Mr. DELAHUNT, Mr. MCNERNEY, Ms. KILROY, and Ms. GIFFORDS):

H. Res. 1259. A resolution recognizing and supporting the goals and ideals of Sexual Assault Awareness Month; to the Committee on the Judiciary.

By Mr. BISHOP of New York:

H. Res. 1260. A resolution expressing support for designation of April 2010 as Student Financial Aid Awareness Month to raise awareness of student financial aid; to the Committee on Oversight and Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. CAPPS, Mrs. MCCARTHY of New York, Mr. LATOURETTE, Mrs. CHRISTENSEN, Mrs. MALONEY, Mr. FRANK of Massachusetts, Mr. CONYERS, Ms. RICHARDSON, Mr. GRIJALVA, Mr. LEWIS of Georgia, Mr. SPRATT, Mr. MCGOVERN, Mr. LATHAM, Mr. BLUMENAUER, Mr. LANGEVIN, Ms. MCCOLLUM, Mrs. NAPOLITANO, Mr. ROSS, Mr. GUTIERREZ, Ms. BORDALLO, Mr. KENNEDY, and Ms. MARKEY of Colorado):

H. Res. 1261. A resolution recognizing National Nurses Week; to the Committee on Education and Labor.

By Mr. LARSEN of Washington (for himself, Mr. DICKS, Mr. INSLEE, Mr. BAIRD, Mr. BLUMENAUER, Mr. RAHALL, Mr. COSTA, Mr. CARNEY, Mr. CAO, Mr. CASSIDY, Mr. KIRK, Mr. SHIMKUS, Mr. KINGSTON, Mr. BRADY of Pennsylvania, Mr. ROGERS of Alabama, Ms. BORDALLO, Mr. REICHERT, Mr. LEWIS of Georgia, Mr. GORDON of Tennessee, Mr. CONAWAY, Ms. WOOLSEY, Mr. SMITH of Washington, Mr. HASTINGS of Washington, Mrs. MCMORRIS RODGERS, Mr. MORAN of Virginia, Mr. WU, Mr. HARE, Mr. RYAN of Ohio, Ms. RICHARDSON, Mrs. DAVIS of California, Mr. LANGEVIN, Mr. LOEBSACK, Mr. SCHRADER, Ms. VELÁZQUEZ, Mr. BOSWELL, Mr. GENE GREEN of Texas, Mr. SABLAN, Mr. ELLSWORTH, Ms. GIFFORDS, Mr. SARBANES, Mr. TONKO, Mr. GUTHRIE, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. WITTMAN, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. BOUSTANY, Ms. HIRONO, Mr. BRIGHT, Ms. MCCOLLUM, Mr. BOREN, Mr. BECERRA, Mr. GARAMENDI, Mr. CONNOLLY of Virginia, Mr. BUTTERFIELD, Mr. ROTHMAN of New Jersey, Mr. TEAGUE, Mr. TAYLOR, Mr. SHUSTER, Mr. ENGEL, Ms. ZOE LOFGREN of California, Mr. BOOZMAN, Ms. LORETTA SANCHEZ of California, and Mr. PITTS):

H. Res. 1262. A resolution expressing condolences to the families, friends, and loved ones of the victims of the fire at the Tesoro refinery in Anacortes, Washington; to the Committee on Oversight and Government Reform.

By Mrs. MCMORRIS RODGERS:

H. Res. 1263. A resolution expressing support for Mathematics Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. MOORE of Kansas (for himself, Mr. GRIJALVA, Mr. BISHOP of Georgia, Ms. LINDA T. SÁNCHEZ of California, Ms. RICHARDSON, Ms. SPEIER, Mr. COBLE, Mr. TERRY, Mr. MARSHALL, and Mr. HOLT):

H. Res. 1264. A resolution expressing support for the designation of March as National Essential Tremor Awareness Month; to the Committee on Oversight and Government Reform.

By Mrs. NAPOLITANO (for herself, Ms. ROYBAL-ALLARD, Mr. BACA, Mr. GUTIERREZ, Mr. ORTIZ, Ms. LINDA T. SÁNCHEZ of California, Mr. RANGEL, Mr. MEEKS of New York, Mr. PIERLUISI, Ms. RICHARDSON, Mr. SABLAN, Mr. GONZALEZ, Mr. HONDA, Mr. GRIJALVA, Mr. SERRANO, Mr. BECERRA, Mr. SIRES, Mr. CARDOZA, Mr. COSTA, Mr. HINOJOSA, Mr. LUJÁN, Mr. PASTOR of Arizona, Ms. CHU, Mr. REYES, Mr. RODRIGUEZ, Mr. SALAZAR, Ms. VELÁZQUEZ, Ms. HIRONO, Mr. EDWARDS of Texas, Mr. COSTELLO, Mr. GEORGE MILLER of California, Ms. WATSON, Ms. CORRINE BROWN of Florida, and Mr. CLYBURN):

H. Res. 1265. A resolution honoring the life and accomplishments of Jaime A. Escalante; to the Committee on Education and Labor.

By Mr. ROYCE (for himself, Mr. CAPUANO, Mr. BURTON of Indiana, and Ms. WATSON):

H. Res. 1266. A resolution recognizing the 60th anniversary of the outbreak of the Korean War; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIRES (for himself, Mr. ENGEL, Mr. MEEKS of New York, and Mr. MACK):

H. Res. 1267. A resolution recognizing the 200th anniversary of the independence of the Republic of Colombia; to the Committee on Foreign Affairs.

By Mr. TEAGUE:

H. Res. 1268. A resolution amending the Rules of the House of Representatives to require chairs and ranking minority members of committees and subcommittees to indicate whether they have any financial interest in the employer of any witness at a hearing, any person retaining a witness, or any person represented by a witness; to the Committee on Rules.

By Mr. TIBERI (for himself, Mr. BILIRAKIS, Mr. BROWN of South Carolina, Mr. KING of New York, and Mr. PASCRELL):

H. Res. 1269. A resolution commemorating the 400th anniversary of the first use of the telescope for astronomical observation by the Italian scientist Galileo Galilei; to the Committee on Science and Technology.

¶43.37 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Ms. TITUS, Ms. HARMAN, Ms. FUDGE, Mr. BUYER, and Ms. MATSUI.

H.R. 39: Mr. DEFAZIO and Mr. SCOTT of Virginia.

H.R. 333: Mrs. NAPOLITANO, Mr. REHBERG, and Mr. AL GREEN of Texas.

H.R. 476: Mr. COHEN.

H.R. 504: Ms. SCHAKOWSKY.

H.R. 510: Mr. TIAHRT.

H.R. 564: Mr. INSLEE.

H.R. 635: Mr. MORAN of Virginia.

H.R. 678: Mr. THOMPSON of California, Mr. DENT, Mr. PERRIELLO, Ms. JACKSON LEE of Texas, Ms. NORTON, Mr. MAFFEI, Mr. INSLEE, and Mr. OWENS.

H.R. 690: Mr. TONKO, Mr. GERLACH, and Mr. SHUSTER.

H.R. 705: Mr. LEE of New York.

H.R. 816: Mr. ARCURI.

H.R. 847: Mr. BUTTERFIELD.

H.R. 889: Mr. FARR.

H.R. 891: Mr. GEORGE MILLER of California.

H.R. 930: Mr. DOYLE.

H.R. 950: Mr. GRIJALVA and Ms. NORTON.

H.R. 1077: Mr. MICHAUD and Ms. NORTON.

H.R. 1173: Ms. MARKEY of Colorado.

H.R. 1177: Mr. CONYERS, Ms. EDWARDS of Maryland, Mr. HINCHEY, Mr. PALLONE, Mr. PRICE of North Carolina, Mr. TOWNS, Mr. OLVER, Mr. FOSTER, Ms. KAPTUR, Mr. KENNEDY, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Mr. MINNICK, Mr. OBEY, Mr. PERLMUTTER, Mr. LATHAM, Mr. CARTER, Mr. CULBERSON, Mr. DUNCAN, Mr. WALDEN, Mr. HOEKSTRA, Mr. MCCARTHY of California, Mr. MICA, Mr. SOUDER, and Mr. TERRY.

H.R. 1205: Mr. LUCAS, Ms. MOORE of Wisconsin, and Mr. CHANDLER.

H.R. 1250: Mr. RAHALL.

H.R. 1339: Mr. HARE.

H.R. 1351: Mr. ARCURI, Mr. SCOTT of Virginia, Mr. WAMP, and Mr. MOORE of Kansas.

H.R. 1392: Ms. SCHWARTZ.
H.R. 1412: Mr. KUCINICH.
H.R. 1430: Mr. SESSIONS.
H.R. 1526: Mr. KUCINICH.
H.R. 1545: Mr. PETERS.
H.R. 1547: Mr. WAXMAN.
H.R. 1560: Ms. HARMAN.
H.R. 1618: Mr. HIGGINS.
H.R. 1646: Mr. MICHAUD and Mr. MELANCON.
H.R. 1671: Mr. FARR and Mrs. MCMORRIS RODGERS.
H.R. 1685: Mr. ANDREWS.
H.R. 1708: Mr. QUIGLEY.
H.R. 1751: Mr. HINCHEY and Mr. BRADY of Pennsylvania.
H.R. 1821: Mr. GRIJALVA.
H.R. 1908: Mr. NUNES.
H.R. 1962: Mr. LINDER.
H.R. 2057: Ms. LORETTA SANCHEZ of California, Mr. FRANK of Massachusetts, and Mr. ARCURI.
H.R. 2067: Mr. GUTIERREZ.
H.R. 2089: Mr. PETERS.
H.R. 2103: Mr. KILDEE.
H.R. 2104: Ms. LEE of California and Mrs. NAPOLITANO.
H.R. 2132: Mr. GUTIERREZ and Ms. CHU.
H.R. 2149: Mr. ELLISON and Mr. PITTS.
H.R. 2160: Mr. WALDEN and Mr. FORTENBERRY.
H.R. 2254: Mr. SCOTT of Georgia, Mr. SULLIVAN, and Mr. COBLE.
H.R. 2266: Ms. TITUS and Mr. OWENS.
H.R. 2267: Ms. TITUS and Mr. OWENS.
H.R. 2275: Mr. DAVIS of Illinois and Mr. DOYLE.
H.R. 2287: Mr. BACHUS.
H.R. 2296: Mr. MATHESON.
H.R. 2378: Mrs. HALVORSON.
H.R. 2413: Mr. LANGEVIN.
H.R. 2478: Mr. GRIFFITH, Mr. OBERSTAR, and Mr. KLEIN of Florida.
H.R. 2521: Mr. PIERLUISI, Mr. LUJÁN, Ms. SPEIER, Ms. SHEA-PORTER, and Mr. HASTINGS of Florida.
H.R. 2536: Mr. PITTS.
H.R. 2597: Ms. CHU.
H.R. 2600: Mr. BARTLETT.
H.R. 2737: Mr. HIMES, Mr. YARMUTH, Mr. CALVERT and Mr. FOSTER.
H.R. 2740: Mr. SCHAUER and Mr. ARCURI.
H.R. 2819: Ms. ZOE LOFGREN of California.
H.R. 3006: Mr. MARSHALL.
H.R. 3024: Mr. HIGGINS and Ms. SUTTON.
H.R. 3131: Mr. HOEKSTRA.
H.R. 3186: Mr. OWENS.
H.R. 3202: Mr. COHEN.
H.R. 3225: Mr. ARCURI.
H.R. 3233: Mr. GINGREY of Georgia.
H.R. 3240: Mr. LATHAM and Ms. NORTON.
H.R. 3243: Mr. WITTMAN.
H.R. 3310: Mr. HUNTER.
H.R. 3408: Mr. NADLER of New York.
H.R. 3453: Mr. CASSIDY.
H.R. 3458: Mr. WEINER, Ms. HARMAN, and Mr. POLIS.
H.R. 3488: Mr. COHEN.
H.R. 3502: Mr. DOYLE, Mr. KUCINICH, Ms. SPEIER, and Mr. CHILDERS.
H.R. 3519: Mr. GENE GREEN of Texas.
H.R. 3553: Mrs. NAPOLITANO.
H.R. 3564: Ms. NORTON, Mr. SABLAN, Mr. KENNEDY, and Ms. ZOE LOFGREN of California.
H.R. 3592: Ms. BERKLEY.
H.R. 3612: Mr. GARRETT of New Jersey and Mr. TIAHRT.
H.R. 3655: Mr. QUIGLEY.
H.R. 3668: Mr. CUELLAR, Mr. HINOJOSA, Mr. LUETKEMEYER, Mr. SCHIFF, Mr. QUIGLEY, and Mr. PRICE of North Carolina.
H.R. 3712: Mr. PASCRELL, Mr. DELAHUNT, Mr. MANZULLO, Mr. BLUNT, Mr. COFFMAN of Colorado, and Mr. DUNCAN.
H.R. 3754: Ms. SHEA-PORTER.
H.R. 3772: Mr. COHEN.
H.R. 3799: Mr. GRIJALVA.
H.R. 3813: Mr. WITTMAN, Mr. FILNER, Mr. SIMPSON, Mr. HALL of New York, and Ms. MOORE of Wisconsin.
H.R. 3973: Ms. WATSON, Mr. KENNEDY, Mr. JOHNSON of Georgia, and Mr. SESTAK.
H.R. 3995: Ms. WOOLSEY.
H.R. 4128: Mr. MARSHALL.
H.R. 4132: Mrs. BONO MACK, Mr. MARIO DIAZ-BALART of Florida, Mr. MICA, and Mr. COSTA.
H.R. 4183: Mr. FRANK of Massachusetts.
H.R. 4186: Mr. SOUDER.
H.R. 4197: Mr. BOUCHER.
H.R. 4229: Mr. BACA and Mr. AL GREEN of Texas.
H.R. 4274: Mr. INSLEE.
H.R. 4278: Mr. NUNES.
H.R. 4298: Ms. MOORE of Wisconsin.
H.R. 4299: Mr. CHANDLER and Ms. BERKLEY.
H.R. 4303: Mr. MORAN of Virginia.
H.R. 4354: Mr. ETHERIDGE and Mr. MARSHALL.
H.R. 4371: Mr. THOMPSON of Mississippi, Mr. LATOURETTE, Mrs. MALONEY, and Mr. SCHAUER.
H.R. 4376: Mr. MEEKS of New York and Ms. MOORE of Wisconsin.
H.R. 4386: Mr. CAPUANO.
H.R. 4393: Mr. PERRIELLO.
H.R. 4399: Ms. WOOLSEY and Mr. MCGOVERN.
H.R. 4413: Mr. MOLLOHAN.
H.R. 4453: Mr. TIAHRT.
H.R. 4472: Mr. KLINE of Minnesota.
H.R. 4489: Ms. CHU and Mr. DELAHUNT.
H.R. 4502: Mr. TONKO.
H.R. 4522: Mr. BISHOP of New York.
H.R. 4524: Mr. CONNOLLY of Virginia.
H.R. 4530: Mr. BACA.
H.R. 4544: Mr. CHANDLER, Mr. ANDREWS, and Mr. DRIEHAUS.
H.R. 4550: Mr. HODES.
H.R. 4554: Mr. OLVER.
H.R. 4555: Mr. BERRY, Mr. SARBANES, Ms. MOORE of Wisconsin, and Mr. WILSON of South Carolina.
H.R. 4596: Mr. SIRES, Mr. ROTHMAN of New Jersey, Mr. SCHOCK, Mr. GALLEGLY, and Mr. MCCOTTER.
H.R. 4638: Mr. ALEXANDER.
H.R. 4645: Ms. RICHARDSON, Ms. ESHOO, Mr. GRIJALVA, Mrs. BIGGERT, and Mr. ORTIZ.
H.R. 4677: Mr. WEINER.
H.R. 4684: Mr. HINOJOSA, Mr. COSTELLO, and Mr. COHEN.
H.R. 4689: Ms. SHEA-PORTER, Mr. LATHAM, Mr. GENE GREEN of Texas, and Mr. BOUCHER.
H.R. 4694: Ms. WATERS.
H.R. 4717: Mr. HELLER, Mr. HASTINGS of Washington, and Ms. JENKINS.
H.R. 4722: Mr. KISSELL.
H.R. 4745: Ms. BEAN and Mr. NYE.
H.R. 4746: Mr. LEE of New York, Mr. REHBERG, Mr. MORAN of Kansas, and Mrs. BACHMANN.
H.R. 4751: Mr. FOSTER.
H.R. 4753: Mr. KIND.
H.R. 4755: Mr. ELLISON.
H.R. 4788: Mr. RAHALL, Mr. WALZ, Ms. WOOLSEY, and Mr. VISCLOSKY.
H.R. 4806: Ms. KILROY and Mrs. DAVIS of California.
H.R. 4812: Mr. HIGGINS, Mr. HOLDEN, and Ms. BERKLEY.
H.R. 4829: Mr. ETHERIDGE, Mr. LARSEN of Washington, Ms. MATSUI, Ms. MARKEY of Colorado, Mr. COURTNEY, and Mr. MURPHY of Connecticut.
H.R. 4842: Ms. KILROY.
H.R. 4844: Mr. CASSIDY.
H.R. 4850: Ms. LORETTA SANCHEZ of California, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PERRIELLO, Mr. PAULSEN, Mr. LATHAM, and Mr. GENE GREEN of Texas.
H.R. 4856: Mr. DAVIS of Tennessee.
H.R. 4859: Ms. NORTON, Mr. RAHALL, and Mr. ALEXANDER.
H.R. 4868: Mr. ELLISON.
H.R. 4870: Ms. KAPTUR and Ms. WOOLSEY.
H.R. 4881: Mr. SCOTT of Virginia.
H.R. 4886: Mr. PITTS and Mr. MCCOTTER.
H.R. 4889: Mr. SENSENBRENNER and Mr. BURTON of Indiana.
H.R. 4894: Mr. ROGERS of Kentucky.
H.R. 4903: Mr. PLATTS.
H.R. 4904: Mr. WAMP.
H.R. 4908: Mr. PRICE of North Carolina.
H.R. 4910: Mr. POSEY, Mr. ROGERS of Kentucky, and Mr. WAMP.
H.R. 4919: Mrs. BACHMANN, Mrs. BONO MACK, Mr. MCCLINTOCK, Mr. PITTS, Mrs. MILLER of Michigan, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. GRIFFITH, and Mr. HENSARLING.
H.R. 4925: Mr. NADLER of New York.
H.R. 4937: Mr. LEE of New York.
H.R. 4940: Mr. TIAHRT, Mr. SOUDER, and Mr. MORAN of Kansas.
H.R. 4943: Mrs. BLACKBURN, Mr. BURGESS, Mr. MACK, Mr. REICHERT, Mr. NUNES, Mr. SAM JOHNSON of Texas, and Mr. HENSARLING.
H.R. 4944: Mr. PRICE of Georgia, Mr. BURTON of Indiana, Mr. MCCLINTOCK, and Mr. ROGERS of Kentucky.
H.R. 4947: Mr. WAMP.
H.R. 4951: Mr. MORAN of Kansas and Mr. POSEY.
H.R. 4960: Mr. LAMBORN.
H.R. 4962: Ms. KILROY.
H.R. 4975: Mr. KING of New York and Mr. SOUDER.
H.R. 4985: Mr. CASSIDY.
H.R. 4996: Mr. LATTA.
H.R. 4999: Mr. LAMBORN.
H.R. 5000: Ms. FUDGE and Mr. DRIEHAUS.
H.R. 5008: Ms. HARMAN, Mr. HOLDEN, Mr. SALAZAR, Mr. BOSWELL, and Mr. MICHAUD.
H.R. 5015: Mr. WELCH, Ms. WOOLSEY, Mr. DELAHUNT, Mr. SERRANO, Mr. DUNCAN, Mr. MORAN of Virginia, Mr. DEFAZIO, Mr. FARR, and Ms. HIRONO.
H.R. 5020: Mr. DAVIS of Illinois, Mr. OLVER, Mr. HARE, Mr. HINCHEY, Mr. MCDERMOTT, Mr. KENNEDY, and Mr. DAVIS of Alabama.
H.R. 5021: Ms. SUTTON.
H.J. Res. 76: Mr. SCHRADER.
H.J. Res. 79: Mr. YOUNG of Florida, Mr. BONNER, and Mr. BARTLETT.
H. Con. Res. 28: Mr. QUIGLEY.
H. Con. Res. 40: Mr. QUIGLEY.
H. Con. Res. 50: Ms. RICHARDSON.
H. Con. Res. 137: Mr. RANGEL, Mr. TOWNS, and Mrs. MCCARTHY of New York.
H. Con. Res. 241: Mr. LEWIS of California.
H. Con. Res. 256: Mr. BURTON of Indiana, Mr. WEINER, Mr. SHULER, Mr. MILLER of Florida, Mr. KIRK, and Mr. INGLIS.
H. Con. Res. 260: Mr. TIM MURPHY of Pennsylvania, Mr. NUNES, Mr. OLSON, Mr. PITTS, Mr. PLATTS, Mr. POSEY, Mr. ROE of Tennessee, Mr. RADANOVICH, Mr. ROGERS of Alabama, Mr. ROYCE, Mrs. SCHMIDT, Mr. SCHOCK, Mr. SESSIONS, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. TIAHRT, Mr. TIBERI, Mr. ADERHOLT, Mr. COSTELLO, Mr. KAGEN, Mr. MCCOTTER, Mr. MURPHY of New York, Mr. WAMP, Mr. WOLF, Mr. GALLEGLY, Ms. GINNY BROWN-WAITE of Florida, Mr. MARCHANT, Mr. HENSARLING, Mr. ORTIZ, Mr. POE of Texas, Mr. BRIGHT, Mr. CONNOLLY of Virginia, Mr. ALEXANDER, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BERRY, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLUNT, Mr. BONNER, Mr. BOOZMAN, Mr. BOSWELL, Mr. BROUN of Georgia, Mr. BUCHANAN, Mr. BURGESS, Mrs. CAPITO, Mr. CHAFFETZ, Mr. CULBERSON, Mr. DENT, Mr. FALEOMAVAEGA, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GERLACH, Mr. GOHMERT, Mr. HASTINGS of Washington, Mr. HELLER, Mr. INGLIS, Ms. JENKINS, Mr. JORDAN of Ohio, Mr. KINGSTON, Mr. KISSELL, Mr. LANCE, Mr. LATTA, Mr. LAMBORN, Mr. LOBIONDO, Mr. MACK, Mr. MCCLINTOCK, Mrs. MCMORRIS RODGERS, Mr. GARY G. MILLER of California, Mrs. MILLER of Michigan, and Mr. MORAN of Kansas.
H. Res. 173: Mr. ACKERMAN, Mr. WITTMAN, Ms. HARMAN, Mr. HEINRICH, Ms. WOOLSEY, Mr. CONNOLLY of Virginia, Mr. MCNERNEY, Mrs. NAPOLITANO, Mr. MAFFEI, Mrs. CAPPS, Mr. ROGERS of Kentucky, Mr. HOLDEN, Mr. YARMUTH, Mr. OWENS, Mr. LUCAS, Ms. SLAUGHTER, and Mr. BOSWELL.

H. Res. 497: Mr. CALVERT.
H. Res. 855: Mr. BURTON of Indiana, Mr. BRIGHT, Mr. KISSELL, Mr. MANZULLO, and Mr. QUIGLEY.
H. Res. 982: Mr. KIRK, Mr. MICA, Mr. FLEMING, Mr. SMITH of New Jersey, and Mr. KLINE of Minnesota.
H. Res. 989: Mr. SABLAN, Mr. SERRANO, Mr. MICHAUD, and Mr. FRANK of Massachusetts.
H. Res. 1033: Ms. CASTOR of Florida, Mr. SCOTT of Georgia, Mrs. MCMORRIS RODGERS, Mr. ORTIZ, and Mr. RYAN of Ohio.
H. Res. 1073: Mr. MCCOTTER.
H. Res. 1106: Mr. RUSH and Mr. JOHNSON of Georgia.
H. Res. 1171: Ms. SCHWARTZ, Mr. ARCURI, Ms. HIRONO, Mr. PASCRELL, Mr. SERRANO, Mr. SNYDER, Mr. CARSON of Indiana, and Mr. QUIGLEY.
H. Res. 1172: Mrs. CAPPS, Mr. SNYDER, Mr. SHERMAN, Mr. KLEIN of Florida, Ms. HIRONO, Mr. HINCHEY, Ms. WOOLSEY, Ms. KILROY, Mr. HARE, Ms. SPEIER, Ms. BALDWIN, Mr. CAMP, Mr. LEE of New York, Mr. EHLERS, Ms. SUTTON, Mr. DINGELL, Mr. FOSTER, Mr. MAFFEI, Mr. KAGEN, Ms. EDWARDS of Maryland, Ms. RICHARDSON, Mr. HASTINGS of Florida, Mr. KILDEE, Mr. HINOJOSA, Mr. ANDREWS, Mr. WALZ, Mr. SALAZAR, Mr. GENE GREEN of Texas, Mr. ORTIZ, Mr. HIMES, Mr. MURPHY of Connecticut, Mr. PERRIELLO, Mr. BOCCIERI, Mr. ADLER of New Jersey, Mr. STUPAK, Mr. CLAY, Ms. SCHWARTZ, Mr. LOEBSACK, Mr. PETERS, Ms. DELAURO, Mr. SPRATT, Ms. LORETTA SANCHEZ of California, Ms. CHU, Ms. TITUS, Mr. ACKERMAN, Ms. CASTOR of Florida, Mr. TEAGUE, Ms. MARKEY of Colorado, and Mr. UPTON.
H. Res. 1175: Mr. STEARNS and Mr. BURTON of Indiana.
H. Res. 1187: Mr. HINCHEY, Ms. LEE of California, and Mr. SABLAN.
H. Res. 1196: Mr. MARSHALL, Mr. REHBERG, and Mr. SKELTON.
H. Res. 1208: Mr. CAO, Mr. COOPER, Mr. HOLDEN, Mr. ISSA, Mr. BARROW, Mrs. BLACKBURN, Mr. KIND, Mr. BLUNT, and Ms. LORETTA SANCHEZ of California.
H. Res. 1209: Ms. MCCOLLUM, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, and Mr. PAULSEN.
H. Res. 1226: Mr. KIRK and Mr. CASSIDY.
H. Res. 1230: Mr. PRICE of Georgia.
H. Res. 1240: Mr. MINNICK.
H. Res. 1241: Mr. MARCHANT, Mr. LAMBORN, Mrs. BACHMANN, Mr. BARTLETT, Mr. PITTS, Mr. LANCE, Mr. SHULER, Mrs. MILLER of Michigan, Mr. MCHENRY, Mrs. MCMORRIS RODGERS, Mr. KING of New York, Mr. MORAN of Kansas, and Mr. PRICE of Georgia.

¶43.38 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 877: Ms. ESHOO.

FRIDAY, APRIL 16, 2010 (44)

¶44.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
April 16, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶44.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced she had examined and approved the Journal of the proceedings of Thursday, April 15, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶44.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7050. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. Act 18-374, ''Tenant Opportunity to Purchase Preservation Clarification Temporary Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

7051. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-373, ''Abe Pollin City Title Championship and Title Trophy Designation Act of 2010'' to the Committee on Oversight and Government Reform.

7052. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-369, ''Ronald H. Brown Way Designation Act of 2010'' to the Committee on Oversight and Government Reform.

7053. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-368, ''Msgr J. Mundell Way Designation Act of 2010'' to the Committee on Oversight and Government Reform.

7054. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-362, ''Tregaron Conservancy Clarification Temporary Act of 2010'' to the Committee on Oversight and Government Reform.

7055. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-361, ''IHOP Restaurant #3221 Tax Exemption Clarification Temporary Act of 2010'' to the Committee on Oversight and Government Reform.

7056. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-360, ''SOME, Inc., Technical Amendments Temporary Act of 2010'' to the Committee on Oversight and Government Reform.

7057. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-359, ''Special Event Exemption Temporary Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

7058. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-358, ''Old Morgan School Place, N.W., Designation Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

7059. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-375, ''H Street, N.E. Small Business Streetscape Construction Real Property Tax Deferral Temporary Act of 2010'' to the Committee on Oversight and Government Reform.

7060. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-349, ''Newborn Safe Haven Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

And then,

¶44.4 ADJOURNMENT

On motion of the SPEAKER pro tempore, Ms. EDWARDS of Maryland, by unanimous consent, and pursuant to the special order of the House agreed to on April 15, 2010, at 1 o'clock and 2 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, April 20, 2010.

¶44.5 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ADLER of New Jersey (for himself, Mr. HALL of New York, and Mr. ACKERMAN):

H.R. 5064. A bill to amend title 38, United States Code, to provide for the tolling of the timing of review for appeals of final decisions of the Board of Veterans' Appeals, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MCMORRIS RODGERS:

H. Res. 1270. A resolution expressing support for Mathematics Awareness Month; to the Committee on Education and Labor.

¶44.6 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1020: Mr. HINOJOSA.
H.R. 1549: Ms. MATSUI.
H.R. 4132: Ms. WATERS.
H.R. 4440: Mr. PETERSON.
H.R. 4443: Mr. COURTNEY, Mr. AL GREEN of Texas, and Mr. KAGEN.
H. Con. Res. 261: Mr. HUNTER, Mr. LOBIONDO, Mr. WALZ, Mr. CARNEY, and Mr. LEE of New York.
H. Res. 1257: Mr. AL GREEN of Texas, Mr. MINNICK, Mrs. DAVIS of California, Mr. JONES, Mr. GARRETT of New Jersey, Mr. HENSARLING, and Mr. CAMPBELL.

TUESDAY, APRIL 20, 2010 (45)

¶45.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. LARSEN of Washington, who laid before the House the following communication:

WASHINGTON, DC,
April 20, 2010.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶45.2 RECESS—12:55 P.M.

The SPEAKER pro tempore, Mr. CONNOLLY of Virginia, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 55 minutes p.m., until 2 p.m.

¶45.3 AFTER RECESS—2 P.M.

The SPEAKER called the House to order.

¶45.4 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Friday, April 16, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶45.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7061. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Aminopyralid; Posticide Tolerances [EPA-HQ-OPP-2009-0141; FRL-8808-9] received April 8, 2010 to the Committee on Agriculture.

7062. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Extension of Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2008-0770; FRL-8820-3] received April 8, 2010 to the Committee on Agriculture.

7063. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Nicosulfuron; Pesticide Tolerances [EPA-HQ-OPP-2009-0057; FRL-8818-4] received April 8, 2010 to the Committee on Agriculture.

7064. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pendimethalin; Pesticide Tolerances [EPA-HQ-OPP-2009-0673; FRL-8817-4] received April 8, 2010 to the Committee on Agriculture.

7065. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan; Pinal County [EPA-R09-OAR-2009-0521; FRL-9096-8] received April 8, 2010 to the Committee on Agriculture.

7066. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received April 8, 2010 to the Committee on Financial Services.

7067. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Modification of Existing Qualified Facilities Program and General Definitions [EPA-R06-OAR-2005-TX-0025; FRL-9135-7] received April 8, 2010 to the Committee on Energy and Commerce.

7068. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonable Further Progress Plan, 2002 Base Year Inventory, Reasonably Available Control Measures, Contingency Measures, and Transportation Conformity Budgets for the Delaware Portion of the Philadelphia 1997 8-Hour Ozone Moderate Nonattainment Area [EPA-R03-OAR-2009-0712; FRL-9134-9] received April 8, 2010 to the Committee on Energy and Commerce.

7069. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Control of Air Pollution from Motor Vehicles [EPA-R06-OAR-2006-0988; FRL-9135-6] received April 8, 2010 to the Committee on Energy and Commerce.

7070. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Interstate Transport of Pollution [EPA-R06-OAR-2007-0993; FRL-9134-8] received April 8, 2010 to the Committee on Energy and Commerce.

7071. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Idaho: Incorporation by Reference of Approved State Hazardous Waste Management Program [EPA-R10-RCRA-2009-0868; FRL-9122-8] received April 8, 2010 to the Committee on Energy and Commerce.

7072. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; Final Rule [EPA-HQ-OAR-2009-0472 FRL-9134-6; NHTSA-2009-0059] (RIN: 2060-AP58; RIN 2127-AK50) received April 8, 2010 to the Committee on Energy and Commerce.

7073. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Increase in the Primary Nuclear Liability Insurance Premium [NRC-2009-0516] (RIN: 3150-AI74) received April 8, 2010 to the Committee on Energy and Commerce.

7074. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Issuance of Electronic Documents and Related Recordkeeping Requirements [Docket No.: 0907201151-0114-02] (RIN: 0694-AE66) received April 8, 2010 to the Committee on Foreign Affairs.

7075. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Organizational Integrity of Entities That Are Implementing Programs and Activities Under the Leadership Act (RIN: 0991-AB60) received April 13, 2010 to the Committee on Foreign Affairs.

7076. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246)), and Sections 603-604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107-228), the functions of which have been delegated to the Department of State to the Committee on Foreign Affairs.

7077. A letter from the Assistant Secretary, Political Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 10-007 to the Committee on Foreign Affairs.

7078. A letter from the Assistant Secretary, Political Military Affairs, Department of State, transmitting an addendum to a certification, transmittal number: DDTC 10-014 to the Committee on Foreign Affairs.

7079. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-377, ''Lis Pendens Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

7080. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-357, ''Disposition of the Property Formerly Designated as Federal Reservations 129, 130, and 299 Approval Act of 2010'' to the Committee on Oversight and Government Reform.

7081. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-356, ''Campbell Heights Residents Real Property Tax Exemption Act of 2010'' to the Committee on Oversight and Government Reform.

7082. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-355, ''Jubilee Housing Residential Rental Project Real Property Tax Exemption Act of 2010'' to the Committee on Oversight and Government Reform.

7083. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-354, ''Foster Care Youth Identity Protection Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

7084. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-353, ''Third & H Streets, N.E. Economic Development Act of 2010'' to the Committee on Oversight and Government Reform.

7085. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-352, ''Prohibition Against Selling Tobacco Products to Minors Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

7086. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-351, ''Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

7087. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-350, ''Small Business Stabilization and Job Creation Strategy Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

7088. A letter from the Director, Office of Economic Impact, Department of Energy, transmitting the Department's annual report on the No FEAR Act for Fiscal Year 2009 to the Committee on Oversight and Government Reform.

7089. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's fourth Annual No FEAR Report to Congress for Fiscal Year 2009 to the Committee on Oversight and Government Reform.

7090. A letter from the Acting Staff Director, Federal Election Commission, transmitting the Commission's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174 to the Committee on Oversight and Government Reform.

7091. A letter from the Exectutive Vice President, Postal Service, transmitting the Service's annual report for fiscal year 2009, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174 to the Committee on Oversight and Government Reform.

7092. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-346, ''Fiscal Year 2010 Balanced Budget and Spending Pressure Control Plan Temporary Act of 2010'' to the Committee on Oversight and Government Reform.

7093. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-376, ''Adams Morgan Main Street Group Temporary Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

7094. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-372, ''Tenth Street Community Park Designation Act of 2010'' to the Committee on Oversight and Government Reform.

7095. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-371, ''Council Cable Autonomy and Control Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

7096. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-370, ''Rev. Dr.

Edward Thomas Way Designation Act of 2010'' to the Committee on Oversight and Government Reform.

7097. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-382, ''Energy Efficiency Financing Act of 2010'' to the Committee on Oversight and Government Reform.

7098. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-381, ''DC Circulator Bus Jurisdiction Expansion Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

7099. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-380, ''Uniform Unsworn Foreign Declarations Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

7100. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-378, ''Certified Capital Companies Improvement Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

7101. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-379, ''Safe Release of Inmates Amendment Act of 2010'' to the Committee on Oversight and Government Reform.

7102. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report entitled, ''2009 Annual Report of the Director of the Administrative Office of the U.S. Courts'' to the Committee on the Judiciary.

7103. A letter from the Vice President, Government Affairs and Corporate Communications, Amtrak, transmitting an addendum to the Fiscal Year 2011 Legislative and Grant Request of February 1, 2010 to the Committee on Transportation and Infrastructure.

7104. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileria de Aeronautica S.A. (EMBRAER) Model ERJ 170 and Model ERJ 190 Airplanes [Docket No.: FAA-2010-0274; Directorate Identifier 2010-NM-055-AD; Amendment 39-16248; AD 2010-07-04] (RIN: 2120-AA64) received April 13, 2010 to the Committee on Transportation and Infrastructure.

7105. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Transportation; Registration and Fee Assessment Program [Docket No.: PHMSA-2009-0201 (HM-208H)] (RIN: 2137-AE47) received April 13, 2010 to the Committee on Transportation and Infrastructure.

7106. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 757 Airplanes [Docket No.: FAA-2009-0795; Directorate Identifier 2009-NM-083-AD; Amendment 39-16242; AD 2010-06-17] (RIN: 2120-AA64) received April 13, 2010 to the Committee on Transportation and Infrastructure.

7107. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-Trent 800 Series Turbofan Engines [Docket No.: FAA-2009-1004; Directorate Identifier 2009-NE-36-AD; Amendment 39-16239; AD 2010-06-14] (RIN: 2120-AA64) received April 13, 2010 to the Committee on Transportation and Infrastructure.

7108. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-Trent 500, 700, and 800 Series Turbofan Engines [Docket No.: FAA-2009-0674; Directorate Identifier 2009-NE-25-AD; Amendment 39-16244; AD 2010-07-01] (RIN: 2120-AA64) received April 13, 2010 to the Committee on Transportation and Infrastructure.

7109. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's 48th annual report of activities for fiscal year 2008 to the Committee on Transportation and Infrastructure.

7110. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting report on steps taken by the U.S. government to encouragte Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel jointly to the Committees on Foreign Affairs and Ways and Means.

7111. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations jointly to the Committees on Natural Resources and Appropriations.

¶45.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC., April 20,2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on April 20, 2010 at 10:12 a.m.:

That the Senate passed without amendment H.R. 4360.

That the Senate agreed to without amendment H. Con. Res. 243.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶45.7 DEPOSIT RESTRICTED QUALIFIED TUITION PROGRAMS

Mr. CLEAVER moved to suspend the rules and pass the bill (H.R. 4178) to amend the Federal Deposit Insurance Act to provide for deposit restricted qualified tuition programs, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. CLEAVER and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶45.8 INDIAN VETERANS HOUSING

Mr. CLEAVER moved to suspend the rules and pass the bill (H.R. 3553) to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. CLEAVER and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶45.9 FINANCIAL LITERACY MONTH

Mr. HINOJOSA moved to suspend the rules and agree to the following resolution (H. Res. 1257):

Whereas personal financial literacy is essential to ensure that individuals are prepared to make informed financial choices so that they can become successful heads of households, investors, entrepreneurs, and business leaders;

Whereas financially informed individuals are better able to take control of their circumstances, improve their quality of life, and plan for their financial future;

Whereas personal financial management skills and lifelong habits begin to develop during childhood, making it all the more important to support youth financial education;

Whereas financial education is the first line of defense against financial fraud;

Whereas the results of the National Foundation for Credit Counseling's fourth annual Consumer Financial Literacy Survey suggest that while many United States adults are improving how they manage their money, and more consumers now have a budget and nonretirement savings, many Americans continue to struggle with their finances, especially young adults and minorities;

Whereas the Federal Deposit Insurance Corporation's ''National Survey of Unbanked and Underbanked Households, December 2009'' found that approximately 60,000,000 people in the United States are either unbanked or underbanked;

Whereas almost 54 percent of Black households, 44.5 percent of American Indian/Alaskan households, and 43.3 percent of Hispanic households are either unbanked or underbanked;

Whereas personal saving as a percentage of disposable personal income was 3.1 percent in February 2010, compared with 3.4 percent in January 2010, and a reduction from a 12-month average of 4.1 percent in 2009, according to the Bureau of Economic Analysis;

Whereas public, community-based, and private sector organizations throughout the United States are working to increase financial literacy rates for Americans of all ages and walks of life through a range of outreach efforts, including media campaigns, Web sites, and one-on-one financial counseling for individuals;

Whereas the National Endowment for Financial Education provides consumers with the tools necessary to manage their money wisely and empower them to turn their financial education into action;

Whereas bankers across the United States will teach savings skills to young people on April 27, 2010, during ''Teach Children to Save Day'', which was launched by the American Bankers Association Education Foundation in April 1997 and has now helped more than 80,000 bankers teach savings skills to more than 3,200,000 young people;

Whereas staff from America's credit unions will focus on the financial needs of young people, provide financial literacy education, and teach youth under the age of 18 the benefits of saving and goal setting during ''National Credit Union Youth Week'', April 18–24, 2010;

Whereas more than 100 Federal agencies have collaborated on a Web site, www.consumer.gov, which helps consumers shop for a mortgage or auto loan, understand and reconcile credit card statements and utility bills, choose savings and retirement plans, compare health insurance policies, and understand their credit report and how it affects their ability to get credit and on what terms;

Whereas Members of the United States House of Representatives established the Financial and Economic Literacy Caucus in February 2005 to provide a forum for interested Members of Congress to review, discuss and recommend financial and economic literacy policies, legislation, and programs; to collaborate with the private sector, and nonprofit and community-based organizations; and to organize and promote financial literacy resolutions, legislation, seminars, and events, such as ''Financial Literacy Month'' in April 2010, and the annual ''Financial Literacy Day Fair'' on April 27, 2010; and

Whereas the Council for Economic Education, its State Councils and Centers for Economic Education, the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations, and JA Worldwide have designated April as Financial Literacy Month to educate the public about the need for increased financial literacy for youth and adults in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Financial Literacy Month, including raising public awareness about financial education;

(2) recognizes the importance of managing personal finances, increasing personal savings, and reducing personal debt in the United States; and

(3) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of increasing financial literacy rates for individuals of all ages and walks of life.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. HINOJOSA and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HINOJOSA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶45.10 HONORING REV. BENJAMIN LAWSON HOOKS

Mr. COHEN moved to suspend the rules and agree to the following resolution (H. Res. 1271):

Whereas Benjamin Lawson Hooks, a native Memphian, was the fifth out of seven children born to Robert B. and Bessie Hooks;

Whereas his grandmother, Julia Britton Hooks, was the second African-American female college graduate in the Nation, graduating from Berea College in Kentucky in 1874;

Whereas Dr. Hooks studied prelaw at LeMoyne College in Memphis and continued his studies at Howard University in Washington, DC, and at Depaul University Law School in Chicago, Illionois;

Whereas Dr. Hooks was a member of Omega Psi Phi Fraternity;

Whereas after college, he then served in the United States Army during World War II and had the job of guarding Italian prisoners who were able to eat in restaurants that were off limits to him, an experience that he found humiliating and that deepened his determination to do something about bigotry in the South;

Whereas in 1949, Dr. Hooks met teacher Frances Dancy and the couple married in 1952;

Whereas the couple had a daughter, Patricia Gray;

Whereas from 1949 to 1965 he was one of the few African-Americans practicing law in Memphis, Tennessee;

Whereas in 1954, Dr. Hooks served on a roundtable with Thurgood Marshall and other Southern African-American attorneys to formulate a possible litigation strategy days before the Supreme Court decision in Brown v. Board of Education of Topeka was handed down;

Whereas Dr. Hooks served as assistant public defender of Shelby County, Memphis, from 1961 to 1965;

Whereas in 1965, he was appointed by Tennessee Governor Frank G. Clement to serve as a criminal judge in Shelby County becoming the first African-American criminal court judge in the State of Tennessee;

Whereas Dr. Hooks was also a Baptist minister who pastored at the Greater Middle Baptist Church in Memphis, Tennessee, and the Greater New Mount Moriah Baptist Church in Detroit, Michigan;

Whereas he joined the Southern Christian Leadership Conference of Reverend Martin Luther King in 1956;

Whereas from 1972 to 1977, President Richard Nixon appointed Rev. Hooks to the Federal Communications Commission, making him the first African-American appointed commissioner;

Whereas from 1977 to 1992, Rev. Hooks was the Executive Director and CEO of the National Association for the Advancement of Colored People (NAACP);

Whereas under his leadership, the NAACP fought for affirmative action, led efforts to end apartheid in South Africa, and addressed racism in sports and in the Rodney King trial;

Whereas Rev. Hooks was awarded the Spingarn Medal in 1986 from the NAACP;

Whereas Dr. Hooks served as chairman of the board of directors of the National Civil Rights Museum in Memphis;

Whereas he taught at the University of Memphis, and the Benjamin L. Hooks Institute for Social Change was established at the University in 1996;

Whereas on March 24, 2001, Rev. Hooks and his beautiful wife Frances renewed their wedding vows for the third time, after nearly 50 years of marriage;

Whereas in 2002, Dr. Hooks founded the Children's Health Forum to protect the most vulnerable children from preventable disease;

Whereas Dr. Hooks received the Presidential Medal of Freedom from President George W. Bush at a White House ceremony in November 2007;

Whereas Rev. Hooks gave one of his last lectures on civil rights and social justice as part of the premier lecture series of the Benjamin Hooks Institute for Social Change in the Judiciary Committee Room of the Rayburn House Office Building in Washington, DC, on October 6, 2009;

Whereas he was one of the greatest civil rights icons of United States history and a community leader in Memphis; and

Whereas Rev. Benjamin L. Hooks was one of the golden-throated warriors of the spoken word, and one of the few silver-tongued giants of oratory: Now, therefore, be it

Resolved, That the House of Representatives honors the life and achievements of Dr. Benjamin Lawson Hooks, for his commitment to justice on the bench in Memphis, Tennessee, for his strong work with the National Association for the Advancement of Colored People to formulate strategies for eliminating barriers to civil rights, and for his leadership in promoting equal opportunity for all.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. COHEN and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COHEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶45.11 CRIME VICTIMS' RIGHTS WEEK

Mr. COHEN moved to suspend the rules and agree to the following resolution (H. Res. 1104):

Whereas over 25,000,000 individuals in the United States are victims of crime each year, including over 6,000,000 individuals who are victims of violent crime;

Whereas a just society acknowledges the impact of crime on individuals, families, neighborhoods, and communities by ensuring that rights, resources, and services are available to help rebuild the lives of victims;

Whereas although our Nation has steadily expanded rights, protections, and services for

victims of crime, too many victims are still not able to realize the hope and promise of these expanded rights, protections, and services;

Whereas despite impressive accomplishments over the past 40 years in crime victims' rights and services, there remain many challenges to ensuring that all victims—

(1) are treated with fairness, dignity, and respect;

(2) are offered support and services regardless of whether they report the crimes committed against them to law enforcement; and

(3) are recognized as key participants in our system of justice when such crimes are reported;

Whereas justice systems in the United States should ensure that services are available for all victims of crime, including victims from underserved communities of our Nation;

Whereas observing victims' rights and treating victims with fairness, dignity, and respect serve the public interest by engaging victims in the justice system, inspiring respect for public authorities, and promoting confidence in public safety;

Whereas individuals in the United States recognize that our homes, neighborhoods, and communities are made safer and stronger by identifying and meeting the needs of crime victims and ensuring justice for all;

Whereas treating victims of crime with fairness, dignity, and respect, as encouraged and expressed by the theme of 2010 National Crime Victims' Right Week, ''Crime Victims' Rights: Fairness. Dignity. Respect.'', costs nothing more than taking time to identify victims' needs and concerns, and effective collaboration among justice systems to meet such needs and concerns; and

Whereas 2010 National Crime Victims' Rights Week, April 18 through April 24, 2010, provides an opportunity for justice systems in the United States to strive to reach the goal of justice for all by ensuring that all victims are afforded legal rights and provided with assistance as they face the financial, physical, spiritual, psychological, and social impact of crime: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the mission and goals of 2010 National Crime Victims' Rights Week to increase public awareness of—

(A) the impact on victims and survivors of crime; and

(B) the constitutional and statutory rights and needs of such victims and survivors;

(2) recognizes that fairness, dignity, and respect comprise the very foundation of how victims and survivors of crime should be treated; and

(3) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Office for Victims of Crime within the Office of Justice Programs of the Department of Justice.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. COHEN and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POE of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, April 21, 2010.

¶45.12 RECESS—3:40 P.M.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 40 minutes p.m., until approximately 6:30 p.m.

¶45.13 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. QUIGLEY, called the House to order.

¶45.14 H. RES. 1257—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. QUIGLEY, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1257) supporting the goals and ideals of National Financial Literacy Month, 2010, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 397 Nays 4

¶45.15 [Roll No. 212]

YEAS—397

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

NAYS—4

Broun (GA)	Flake
Burgess	Paul

NOT VOTING—29

Alexander	Capps	Kilpatrick (MI)
Barrett (SC)	Clarke	Kirk
Berry	Conyers	Langevin
Bilirakis	Davis (AL)	McGovern
Bishop (GA)	Diaz-Balart, L.	Murphy (NY)
Blumenauer	Fattah	Ruppersberger
Blunt	Gohmert	Souder
Boccieri	Hoekstra	Sutton
Boehner	Honda	Wamp
Boustany	Johnson, E. B.	

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶45.16 H. RES. 1271—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. QUIGLEY, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1271) honoring the life and achievements of Rev. Benjamin Lawson Hooks.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 407 Nays 0

¶45.17 [Roll No. 213]

YEAS—407

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

NOT VOTING—23

Alexander
Barrett (SC)
Bishop (GA)
Blumenauer
Blunt
Boccieri
Boehner
Boustany
Broun (GA)
Davis (AL)
DeFazio
Diaz-Balart, L.
Gohmert
Hare
Hoekstra
Honda
Johnson, E. B.
Kilpatrick (MI)
Kirk
Miller (NC)
Ruppersberger
Souder
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶45.18 FIRST SPONSORS CHANGE—H.R. 1868

Mr. Gary MILLER of California, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 1868) to amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United States at birth, (a bill originally introduced by the Representative Deal of Georgia); for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7(b)(4) of rule XII.

¶45.19 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. FLAKE, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that ''the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.' '' (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore be it:

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore, Mr. QUIGLEY, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Arizona [Mr. FLAKE] will appear in the Record at this point.

''The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.''.

¶45.20 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on April 14, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 4887. An Act to amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage.

Lorraine C. Miller, Clerk of the House, further reported that on April 15, 2010, she presented to the President of the United States, for his approval, the following bills:

H.R. 4573. An Act to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

H.R. 4851. An Act to provide a temporary extension of certain programs, and for other purposes.

¶45.21 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BISHOP of Georgia, for today;

To Ms. Eddie Bernice JOHNSON of Texas, for today; and

To Ms. KILPATRICK of Michigan, for today.

And then,

¶45.22 ADJOURNMENT

On motion of Ms. WATSON, at 10 o'clock and 11 minutes p.m., the House adjourned.

¶45.23 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, Mr. KIRK, Mrs. BACHMANN, Mrs. MILLER of Michigan, and Mr. SHIMKUS):

H.R. 5065. A bill to ensure accountability for United States taxpayers' humanitarian assistance for Palestinian refugees; to the Committee on Foreign Affairs.

By Mr. FLEMING:

H.R. 5066. A bill to prohibit the hiring of additional employees by the Internal Revenue Service to implement, administer, or enforce health insurance reform; to the Committee on Ways and Means.

By Mr. COFFMAN of Colorado:

H.R. 5067. A bill to prohibit any use of eminent domain authority by the United States to expand the Pinon Canyon Maneuver Site in southeastern Colorado; to the Committee on Armed Services.

By Mrs. LUMMIS (for herself and Mr. HINOJOSA):

H.R. 5068. A bill to amend the Atomic Energy Act of 1954 to authorize the Secretary of Energy to barter, transfer, or sell surplus uranium from the inventory of the Department of Energy, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia:

H.R. 5069. A bill to amend the Federal Rules of Civil Procedure and the Federal Rules of Appellate Procedure to ensure access to the Federal judiciary in cases where the interest of justice so requires, and for other purposes; to the Committee on the Judiciary.

By Mr. HONDA:

H.R. 5070. A bill to assess the potential of smart electronics to reduce home and office electricity demand, to incorporate smart electronics into the Energy Star Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FATTAH:

H.R. 5071. A bill to amend section 1120A(c) of the Elementary and Secondary Education Act of 1965 to assure comparability of opportunity for educationally disadvantaged students; to the Committee on Education and Labor.

By Ms. WATERS (for herself, Mrs. CAPITO, Mr. FRANK of Massachusetts, and Mr. AL GREEN of Texas):

H.R. 5072. A bill to improve the financial safety and soundness of the FHA mortgage insurance program; to the Committee on Financial Services.

By Mr. BROUN of Georgia:

H.R. 5073. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 and enact the OPTION Act of 2009; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Appropriations, the Judiciary, Natural Resources, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 5074. A bill to reauthorize the National Institute of Standards and Technology, and for other purposes; to the Committee on Science and Technology.

By Mr. ADLER of New Jersey:

H.R. 5075. A bill to amend the Internal Revenue Code of 1986 to modify the dependent care tax credit and to extend and increase the additional standard deduction for state and local real property taxes; to the Committee on Ways and Means.

By Mr. BISHOP of New York:

H.R. 5076. A bill to amend the Internal Revenue Code of 1986 to require the disclosure of the names of individuals who are granted amnesty from criminal prosecution by the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. HALL of New York (for himself, Mr. HOLT, Mr. PETERS, and Mrs. MALONEY):

H.R. 5077. A bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax exemption amount and index such amount for inflation; to the Committee on Ways and Means.

By Mr. HIGGINS (for himself, Mrs. MCCARTHY of New York, Mr. PLATTS, and Mr. ROSKAM):

H.R. 5078. A bill to amend the Internal Revenue Code of 1986 to expand incentives for education; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 5079. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to establish a Federal ''Grow Your Own Teacher'' program, and for other purposes; to the Committee on Education and Labor.

By Mr. KENNEDY (for himself and Mr. LANGEVIN):

H.R. 5080. A bill to amend the Internal Revenue Code of 1986 to provide unemployment benefits during summer vacation for non-professional school employees; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Ms. CLARKE, Mrs. MILLER of Michigan, Mr. CAO, and Mr. ROGERS of Alabama):

H.R. 5081. A bill to enhance public safety by making more spectrum available to public safety agencies, to facilitate the development of a wireless public safety broadband network, to provide standards for the spectrum needs of public safety agencies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LUJÁN (for himself, Ms. GIFFORDS, Mr. POLIS, and Mr. HEINRICH):

H.R. 5082. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish uniform national standards for the interconnection of certain small power production facilities; to the Committee on Energy and Commerce.

By Ms. MOORE of Wisconsin:

H.R. 5083. A bill to amend part A of title IV of the Social Security Act, to reward States for engaging individuals with disabilities in work activities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of New York (for himself and Mr. SMITH of Washington):

H.R. 5084. A bill to require the Secretary of Commerce to establish a loan program to assist in the locating of information technology and manufacturing jobs in the United States, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 5085. A bill to amend the Internal Revenue Code of 1986 to eliminate for 5 years the limitation on expensing certain depreciable business assets; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 5086. A bill to amend the Federal Election Campaign Act of 1971 to prohibit an authorized committee of a candidate for election for Federal office from disbursing any amount received as a contribution to the committee until the committee posts on a public Internet site the identification of the person who provided the contribution, and for other purposes; to the Committee on House Administration.

By Mr. SHERMAN:

H.R. 5087. A bill to establish the Commission on Freedom of Information Act Processing Delays; to the Committee on Oversight and Government Reform.

By Mr. CONYERS (for himself, Mr. COHEN, Mr. SMITH of Texas, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. GUTIERREZ, Ms. RICHARDSON, Mr. THOMPSON of Mississippi, Ms. FUDGE, and Ms. MCCOLLUM):

H. Res. 1271. A resolution honoring the life and achievements of Rev. Benjamin Lawson Hooks; to the Committee on the Judiciary. considered and agreed to.

By Mr. RYAN of Ohio (for himself, Mr. GRAYSON, Ms. BALDWIN, Mr. BOCCIERI, Mr. BOUCHER, Mr. CONYERS, Ms. DELAURO, Mr. DRIEHAUS, Mr. FILNER, Ms. FUDGE, Mr. GRIJALVA, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. KILROY, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LOEBSACK, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. POLIS, Mr. QUIGLEY, Ms. RICHARDSON, Mr. RUSH, Mr. SPACE, Ms. SUTTON, and Mr. WILSON of Ohio):

H. Res. 1272. A resolution commemorating the 40th anniversary of the May 4, 1970, Kent State University shootings; to the Committee on Education and Labor.

By Mr. SMITH of Texas (for himself, Mr. FORBES, Mr. BARTLETT, Mr. HARPER, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. DAVIS of Kentucky, Mr. ADERHOLT, Mr. WAMP, Mr. EHLERS, Mr. BACHUS, Mr. JORDAN of Ohio, Mr. ALEXANDER, Mr. KLINE of Minnesota, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. PENCE, Mr. LAMBORN, Mr. BOOZMAN, Mr. ISSA, Mr. CHAFFETZ, Mr. DANIEL E. LUNGREN of California, and Mr. LATOURETTE):

H. Res. 1273. A resolution expressing the sense of Congress with respect to the National Day of Prayer; to the Committee on Oversight and Government Reform.

By Mr. ETHERIDGE (for himself, Mr. PRICE of North Carolina, Mrs. MYRICK, Mr. BUTTERFIELD, Mr. KISSELL, Mr. SHULER, Mr. JONES, Mr. WATT, Mr. COBLE, Ms. FOXX, Mr. MILLER of North Carolina, Mr. MCINTYRE, and Mr. MCHENRY):

H. Res. 1274. A resolution honoring the historic and community significance of the Chatham County Courthouse and expressing condolences to Chatham County and the town of Pittsboro for the fire damage sustained by the courthouse on March 25, 2010; to the Committee on Oversight and Government Reform.

By Mr. YARMUTH (for himself, Mr. VAN HOLLEN, Mr. LARSON of Connecticut, Ms. PINGREE of Maine, and Mr. COHEN):

H. Res. 1275. A resolution expressing disapproval of the decision issued by the Supreme Court in Citizens United v. Federal Election Commission; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. SABLAN, Mr. CROWLEY, Mr. KENNEDY, Mr. HARE, Mr. LOEBSACK, Ms. DELAURO, Mr. SARBANES, Mr. SERRANO, Ms. BORDALLO, Mr. POLIS, Ms. FUDGE, Mr. GRIJALVA, Ms. TITUS, Ms. HIRONO, Mr. EHLERS, Mr. PIERLUISI, Mr. RANGEL, Mr. SESTAK, Mr. KILDEE, Ms. RICHARDSON, Mr. CAPUANO, Ms. CLARKE, Mr. TONKO, Ms. NORTON, Ms. ZOE LOFGREN of California, and Mr. PRICE of North Carolina):

H. Res. 1276. A resolution recognizing the continued importance of volunteerism and national service and the anniversary of the signing of the landmark service legislation, the Edward M. Kennedy Serve America Act; to the Committee on Education and Labor.

By Mr. JOHNSON of Georgia (for himself, Mr. WEINER, Mr. SHULER, Mr. ISRAEL, Mr. GRAYSON, Mr. BURTON of Indiana, Mr. ADERHOLT, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CONYERS, Ms. WASSERMAN SCHULTZ, Mr. MORAN of Virginia, Mr. CAPUANO, Mr. MEEK of Florida, Mr. GEORGE MILLER of California, Mr. BERRY, Ms. BERKLEY, Mr. KLEIN of Florida, Mr. FILNER, Mr. CROWLEY, Mr. NADLER of New York, Mrs. MCCARTHY of New York, Ms. KILROY, Mr. SCHAUER, Ms. CLARKE, Mr. HINCHEY, Ms. WATSON, Mr. BAIRD, Mr. HONDA, Mrs. HALVORSON, Ms. MOORE of Wisconsin, Mr. POLIS, Mr. MCGOVERN, Mr. TONKO, Mr. HALL of New York, Mrs. MALONEY, Mr. ROTHMAN of New Jersey, Mr. DELAHUNT, Mr. QUIGLEY, Mr. ELLISON, Mr. SIRES, Mr. HODES, Mr. RANGEL, Mr. MELANCON, Mr. MICHAUD, Mr. KAGEN, Mr. PETERSON, Ms. ESHOO, Mr. OLVER, Mr. COSTA, Mr. PASCRELL, Mr. INSLEE, Mr. SCHIFF, Mr. HIGGINS, Ms. JACKSON LEE of Texas, Mr. GARAMENDI, Mr. VAN HOLLEN, Mr. KISSELL, Mr. MCDERMOTT, Mr. HASTINGS of Florida, Mr. WESTMORELAND, Ms. LEE of California, Ms. LINDA T. SÁNCHEZ of California, Mr. KINGSTON, and Mr. BRALEY of Iowa):

H. Res. 1277. A resolution commending the efforts and honoring the work of the State of Israel, the Israel Defense Forces, and the Israeli people for their coordinated efforts to save lives and provide relief to the people of Haiti in the aftermath of the devastating earthquake that struck the island nation on January 12, 2010; to the Committee on Foreign Affairs.

By Mr. SHUSTER:

H. Res. 1278. A resolution in support and recognition of National Safe Digging Month, April, 2010; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. FORBES, Mr. ROE of Tennessee, Mr. POSEY, Mr. HERGER, Mr. FRANKS of Arizona, Mr. BARTLETT, Mr. HARPER, Mr. ADERHOLT, Mr. PENCE, Mr. MILLER of Florida, Mr. DAVIS of Kentucky, Mr. WAMP, Mr. ALEXANDER, Mr. WESTMORELAND, Mr. KLINE of Minnesota, Mr. BACHUS, Mr. HUNTER, Mrs. BLACKBURN, Mr. LAMBORN, Mr. WILSON of South Carolina, and Mr. LATTA):

H. Res. 1279. A resolution calling for an appeal of the ruling which found the National Day of Prayer to be unconstitutional and expressing the support of the House of Representatives for the institution of an annual National Day of Prayer; to the Committee on the Judiciary.

By Mr. TONKO (for himself, Ms. BALDWIN, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BOSWELL, Mr. CONYERS, Mr. COURTNEY, Mr. ELLISON, Ms. FUDGE, Mr. GRIJALVA, Mr. ISRAEL, Mr. KENNEDY, Mr. KIRK, Ms. LEE of California, Mrs. MCCARTHY of New York, Ms. MOORE of Wisconsin, Mr. MURPHY of New York, Ms. RICHARDSON, Mr. RYAN of Ohio, and Ms. SCHWARTZ):

H. Res. 1280. A resolution expressing the support of the House of Representatives for the goals and ideals of National Healthy Schools Day; to the Committee on Education and Labor.

¶45.24 MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

253. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 115 memorializing the Congress and the President of the United States to ensure that local businesses located in Michigan and their employees be the primary beneficiaries of the American Recovery and Reinvestment Act, pursuant to; to the Committee on Appropriations.

254. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 200 memorializing the Congress to adopt legislation to postpone the Environmental Protection Agency's effort to regulate greenhouse gas emissions from stationary sources; to the Committee on Energy and Commerce.

255. Also, a memorial of the Legislature of the State of Wyoming, relative to Joint Resolution No. 1 requesting that the Congress of the United States oppose the Northern Rockies Ecosystem Protection Act, H.R. 980; to the Committee on Natural Resources.

256. Also, a memorial of the House of Representatives of the State of South Dakota, relative to House Concurrent Resolution No. 1014 urging the Congress to support the Parental Rights Amendment; to the Committee on the Judiciary.

257. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 28 urging the Congress to make a long-term commitment to the Great Lakes; to the Committee on Transportation and Infrastructure.

258. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 128 memorializing the Congress of the United States to rectify the imbalance in federal transportation funding that consistently put Michigan near the bottom of the 50 states in the percentage of federal transportation tax dollars; to the Committee on Transportation and Infrastructure.

259. Also, a memorial of the Senate of the State of Washington, relative to Senate Joint Memorial No. 8025 urging the National Aeronautics and Space Administration to transfer one of the remaining Shuttle Orbiters, Atlantis or Endeavour, to the Museum of Flight in Seattle, Washington upon its retirement; to the Committee on Science and Technology.

¶45.25 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. PASTOR of Arizona, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Ms. NORTON, and Mr. RUSH.

H.R. 43: Mr. BUTTERFIELD, Mr. LEE of New York, and Mr. BRADY of Pennsylvania.

H.R. 197: Mrs. EMERSON.
H.R. 211: Ms. CASTOR of Florida and Mr. QUIGLEY.
H.R. 235: Mr. MAFFEI.
H.R. 275: Mr. LATTA, Mrs. MALONEY, and Mr. CARTER.
H.R. 422: Mr. FILNER, Mr. TONKO, Mr. TOWNS, and Mr. WAXMAN.
H.R. 426: Mr. MCDERMOTT and Ms. LINDA T. SÁNCHEZ of California.
H.R. 450: Mr. REHBERG.
H.R. 476: Ms. FUDGE, Mr. RANGEL, Ms. MATSUI, Ms. WATSON, and Mr. ORTIZ.
H.R. 513: Mr. GERLACH.
H.R. 537: Mr. AL GREEN of Texas.
H.R. 571: Mr. BACA.
H.R. 644: Ms. WOOLSEY.
H.R. 658: Mr. JOHNSON of Georgia.
H.R. 745: Mr. LEE of New York.
H.R. 855: Mr. DOYLE.
H.R. 878: Mr. ADERHOLT.
H.R. 949: Ms. DELAURO.
H.R. 953: Mr. DUNCAN.
H.R. 994: Mr. ROGERS of Alabama and Mr. DUNCAN.
H.R. 1017: Mr. SCHOCK.
H.R. 1058: Mr. LEE of New York.
H.R. 1083: Mr. JOHNSON of Georgia.
H.R. 1175: Mr. WALZ.
H.R. 1177: Mrs. BACHMANN and Mr. FORTENBERRY.
H.R. 1191: Mr. RYAN of Ohio.
H.R. 1194: Mr. GERLACH, Mrs. HALVORSON, Ms. LINDA T. SÁNCHEZ of California, Ms. GRANGER, Mr. GARAMENDI, Mr. KRATOVIL, Mr. PLATTS, and Mr. TONKO.
H.R. 1203: Mr. CUMMINGS and Mr. PASTOR of Arizona.
H.R. 1204: Mr. MCNERNEY.
H.R. 1210: Ms. PINGREE of Maine.
H.R. 1230: Mr. LATHAM.
H.R. 1324: Ms. CHU.
H.R. 1443: Mr. DELAHUNT, Mr. PASTOR of Arizona, Mr. HALL of New York, and Mr. SCOTT of Virginia.
H.R. 1547: Mr. POMEROY.
H.R. 1552: Mr. FORBES.
H.R. 1570: Mr. COHEN.
H.R. 1579: Mr. FORBES.
H.R. 1585: Ms. RICHARDSON and Mr. SPRATT.
H.R. 1718: Mr. CARTER and Mr. PITTS.
H.R. 1751: Mr. KUCINICH.
H.R. 1792: Mr. HINCHEY.
H.R. 1802: Mr. CULBERSON.
H.R. 1806: Mr. HINCHEY and Mr. SCHOCK.
H.R. 1944: Mr. AKIN.
H.R. 2067: Mr. THOMPSON of Mississippi.
H.R. 2068: Mr. CARNAHAN.
H.R. 2110: Mr. SCOTT of Virginia.
H.R. 2136: Mrs. MALONEY.
H.R. 2142: Mr. FOSTER and Mr. ALTMIRE.
H.R. 2159: Mr. WAXMAN.
H.R. 2271: Ms. KAPTUR.
H.R. 2296: Mr. HEINRICH.
H.R. 2324: Ms. MOORE of Wisconsin and Mr. SARBANES.
H.R. 2363: Mr. COHEN, Ms. BERKLEY, and Ms. CLARKE.
H.R. 2378: Mr. LATOURETTE and Mr. HILL.
H.R. 2408: Mr. MEEK of Florida.
H.R. 2460: Mrs. NAPOLITANO, Mr. LUJÁN, and Mr. HOLDEN.
H.R. 2478: Mr. MURPHY of New York and Mr. DREIER.
H.R. 2567: Mr. MAFFEI and Mr. BLUMENAUER.
H.R. 2570: Mr. WAXMAN.
H.R. 2579: Mr. ROTHMAN of New Jersey, Mr. BRADY of Pennsylvania, and Mr. YARMUTH.
H.R. 2709: Mr. BERMAN.
H.R. 2733: Mr. BRALEY of Iowa, Mrs. MILLER of Michigan, Ms. RICHARDSON, and Mr. THOMPSON of Mississippi.
H.R. 2737: Mr. BOSWELL and Mr. JONES.
H.R. 2746: Mr. CHANDLER, Mr. DRIEHAUS, Mr. INSLEE, Mr. ELLISON, Mr. CUMMINGS, Mr. MEEK of Florida, Mr. SHULER, Mr. NADLER of New York, Ms. LORETTA SANCHEZ of California, and Ms. MCCOLLUM.
H.R. 2849: Mr. BERRY.
H.R. 2855: Mr. LYNCH and Mr. COHEN.
H.R. 2866: Mr. WESTMORELAND.
H.R. 2882: Mr. COHEN, Mr. BLUMENAUER, and Mr. POLIS.
H.R. 2964: Ms. NORTON.
H.R. 2999: Mr. BOREN and Ms. MCCOLLUM.
H.R. 3007: Mr. TIM MURPHY of Pennsylvania and Mr. TONKO.
H.R. 3018: Mr. MCCAUL.
H.R. 3043: Ms. VELÁZQUEZ, Ms. LORETTA SANCHEZ of California, Mr. ENGEL, and Mr. COHEN.
H.R. 3101: Ms. ROS-LEHTINEN and Mr. GRIFFITH.
H.R. 3131: Mr. MCCLINTOCK.
H.R. 3156: Mrs. CHRISTENSEN.
H.R. 3186: Mr. NYE.
H.R. 3212: Mr. STARK and Mrs. NAPOLITANO.
H.R. 3268: Mr. MURPHY of New York.
H.R. 3336: Mr. LATHAM.
H.R. 3355: Ms. FUDGE, Mr. DANIEL E. LUNGREN of California, and Mr. HOLDEN.
H.R. 3380: Mr. TONKO.
H.R. 3381: Mr. YARMUTH.
H.R. 3393: Mr. DAVIS of Tennessee.
H.R. 3408: Mr. ISRAEL.
H.R. 3531: Mr. OLVER, Mr. NADLER of New York, and Mr. WAXMAN.
H.R. 3586: Mr. PETERSON.
H.R. 3652: Ms. KILROY, Mr. TEAGUE, Mr. DICKS, Mr. WILSON of Ohio, Mr. PRICE of North Carolina, Mr. SPACE, Mr. QUIGLEY, Mr. ROGERS of Kentucky, Mr. BISHOP of Utah, and Mr. LUJÁN.
H.R. 3656: Mr. MCCOTTER.
H.R. 3662: Mr. PASTOR of Arizona.
H.R. 3758: Mr. JOHNSON of Georgia and Mr. ROE of Tennessee.
H.R. 3790: Mr. ALEXANDER, Mr. MCKEON, Mrs. HALVORSON, Mrs. BLACKBURN, Mr. RUSH, Mr. TAYLOR, Mr. DAVIS of Tennessee, Mr. SESSIONS, and Mr. CARSON of Indiana.
H.R. 3813: Ms. FALLIN.
H.R. 3995: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4014: Ms. LEE of California.
H.R. 4051: Mr. HODES, Mr. MCMAHON, Mr. WILSON of South Carolina, and Mr. HINCHEY.
H.R. 4053: Mr. GRIJALVA.
H.R. 4109: Mr. HOLT.
H.R. 4116: Mr. EDWARDS of Texas, Mr. ELLISON, and Mr. WEINER.
H.R. 4130: Mr. STARK.
H.R. 4144: Mr. KAGEN.
H.R. 4178: Mr. AL GREEN of Texas and Mr. GERLACH.
H.R. 4211: Mr. INSLEE.
H.R. 4233: Mr. CHILDERS.
H.R. 4278: Ms. PINGREE of Maine and Mr. WALDEN.
H.R. 4286: Mr. RUSH.
H.R. 4306: Mr. ELLISON, Mr. CULBERSON, Mr. BURGESS, Mr. GENE GREEN of Texas, Mr. DENT, and Mr. HOLDEN.
H.R. 4318: Mr. STARK.
H.R. 4320: Mr. PETERSON, Ms. TITUS, Mr. COURTNEY, Mr. KAGEN, and Mr. BOSWELL.
H.R. 4376: Mr. KUCINICH, Mr. MEEK of Florida, Ms. TITUS, Mr. LEWIS of Georgia, Ms. RICHARDSON, Mr. ELLISON, and Mr. HARE.
H.R. 4405: Mr. CARNAHAN and Mr. GRIJALVA.
H.R. 4420: Mr. JOHNSON of Georgia.
H.R. 4443: Mr. GRIJALVA.
H.R. 4455: Mr. KIND.
H.R. 4469: Mr. KINGSTON.
H.R. 4502: Mr. GARAMENDI.
H.R. 4530: Mrs. LOWEY, Mr. ADLER of New Jersey, and Mr. WAXMAN.
H.R. 4539: Mr. NEUGEBAUER.
H.R. 4541: Mr. REHBERG.
H.R. 4544: Mr. ELLISON, Ms. LINDA T. SÁNCHEZ of California, Mr. BRIGHT, and Mr. CARSON of Indiana.
H.R. 4568: Mr. AL GREEN of Texas.
H.R. 4572: Mr. AKIN and Mr. COLE.
H.R. 4582: Mr. QUIGLEY.
H.R. 4603: Mr. CARTER and Mr. LATHAM.
H.R. 4616: Ms. WATERS.
H.R. 4619: Ms. ESHOO.
H.R. 4629: Ms. SUTTON.
H.R. 4635: Mr. ELLISON and Ms. JACKSON LEE of Texas.
H.R. 4678: Mr. COURTNEY and Ms. TITUS.
H.R. 4693: Mr. TANNER, Mr. PLATTS, Mr. CAO, Mr. GRIFFITH, Ms. TITUS, Mr. ROONEY, Mr. FARR, Mr. COHEN, Mr. BERMAN, Mr. LEWIS of Georgia, Mr. GARAMENDI, and Mr. CONNOLLY of Virginia.
H.R. 4711: Mrs. DAVIS of California.
H.R. 4713: Mr. BOSWELL.
H.R. 4722: Mr. MCDERMOTT, Mr. INSLEE, and Mr. FRANK of Massachusetts.
H.R. 4733: Mr. DEFAZIO, Mr. GRIJALVA, Mr. MORAN of Virginia, Mr. ANDREWS, Mr. KUCINICH, and Mrs. NAPOLITANO.
H.R. 4734: Mr. THOMPSON of Pennsylvania.
H.R. 4745: Mr. HALL of New York and Mr. CLAY.
H.R. 4751: Mr. LUJÁN and Mr. MCDERMOTT.
H.R. 4752: Mr. QUIGLEY.
H.R. 4755: Mr. KAGEN and Mr. SESTAK.
H.R. 4770: Mr. ROTHMAN of New Jersey.
H.R. 4785: Mr. BRIGHT, Mr. BUTTERFIELD, Mr. MARSHALL, Mr. ROE of Tennessee, Ms. HERSETH SANDLIN, Mr. CHANDLER, Mr. FILNER, Mr. ELLSWORTH, and Mr. CUELLAR.
H.R. 4788: Ms. SCHAKOWSKY, Mr. PASTOR of Arizona, Ms. MCCOLLUM, and Mr. AL GREEN of Texas.
H.R. 4794: Mrs. BLACKBURN.
H.R. 4800: Mr. ELLISON.
H.R. 4811: Mr. MARCHANT.
H.R. 4812: Mr. SHERMAN, Mr. BECERRA, Mr. LYNCH, Mrs. DAVIS of California, Mr. LARSEN of Washington, Mr. MCMAHON, Mr. BOUCHER, Mr. CROWLEY, Mr. GORDON of Tennessee, and Mr. STUPAK.
H.R. 4844: Mr. MELANCON and Mr. CULBERSON.
H.R. 4850: Ms. SLAUGHTER, Mr. BOUCHER, and Mrs. HALVORSON.
H.R. 4859: Mr. ROGERS of Michigan.
H.R. 4875: Mrs. MCCARTHY of New York.
H.R. 4894: Mr. ROGERS of Michigan and Mr. GRAVES.
H.R. 4896: Mr. ROGERS of Michigan.
H.R. 4898: Mr. SABLAN and Mr. BACA.
H.R. 4903: Mr. FRELINGHUYSEN.
H.R. 4904: Mr. MCCLINTOCK.
H.R. 4909: Mr. KLINE of Minnesota.
H.R. 4910: Mr. COLE.
H.R. 4914: Mr. COURTNEY, Mrs. NAPOLITANO, Mr. NYE, and Mrs. CHRISTENSEN.
H.R. 4918: Mr. ARCURI, Mr. CUELLAR, Mr. COOPER, and Mr. MARSHALL.
H.R. 4923: Ms. WOOLSEY, Mr. MICHAUD, Mr. KAGEN, Mr. SARBANES, Mr. COSTELLO, Mr. MCDERMOTT, Mr. PASTOR of Arizona, and Mr. BUTTERFIELD.
H.R. 4925: Mr. FILNER and Ms. TITUS.
H.R. 4935: Mr. PAUL.
H.R. 4937: Mr. THOMPSON of Pennsylvania.
H.R. 4945: Mr. BLUMENAUER.
H.R. 4963: Mr. LUJÁN and Mr. WELCH.
H.R. 4971: Mr. THOMPSON of Mississippi and Mr. YARMUTH.
H.R. 4972: Mr. MACK.
H.R. 4982: Mr. CAPUANO.
H.R. 4985: Mr. FRELINGHUYSEN and Ms. GINNY BROWN-WAITE of Florida.
H.R. 4993: Mr. OLVER, Mr. CARDOZA, Mr. SCHRADER, Ms. LEE of California, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CONNOLLY of Virginia, Ms. ROYBAL-ALLARD, Mr. HASTINGS of Florida, Mr. BRADY of Pennsylvania, Mrs. HALVORSON, Ms. CASTOR of Florida, Mr. SERRANO, Mr. BOSWELL, Mr. FATTAH, Mr. CARNEY, and Mr. JONES.
H.R. 4995: Ms. JENKINS and Mr. JONES.
H.R. 4999: Mr. WESTMORELAND and Mr. BURTON of Indiana.
H.R. 5000: Mr. ADLER of New Jersey and Mr. YOUNG of Alaska.
H.R. 5003: Mr. LEE of New York and Mrs. LUMMIS.
H.R. 5011: Ms. PINGREE of Maine and Mr. MURPHY of New York.

H.R. 5013: Mr. ORTIZ and Mr. LARSON of Connecticut.
H.R. 5014: Mrs. KIRKPATRICK of Arizona.
H.R. 5015: Mr. MICHAUD, Mr. FILNER, Mr. OBERSTAR, Ms. MOORE of Wisconsin, Mr. GRIJALVA, and Mr. HONDA.
H.R. 5030: Mr. PRICE of North Carolina.
H.R. 5032: Ms. ROS-LEHTINEN, Mr. THOMPSON of Mississippi, Mrs. MALONEY, and Mr. HODES.
H.R. 5034: Mr. ROONEY, Mr. RYAN of Ohio, Mr. FOSTER, Mr. SCOTT of Georgia, Mr. MCMAHON, Mr. PASCRELL, Mr. ANDREWS, Mr. JONES, Mr. WILSON of South Carolina, Mr. STEARNS, Mr. DAVIS of Tennessee, Mr. HINOJOSA, Mr. MACK, Mr. HODES, Mr. GENE GREEN of Texas, Mr. JACKSON of Illinois, Ms. SUTTON, and Mr. KILDEE.
H.R. 5040: Mr. GRIJALVA, Mr. RYAN of Ohio, and Ms. WATSON.
H.R. 5057: Mr. DANIEL E. LUNGREN of California and Mrs. MILLER of Michigan.
H.R. 5058: Mr. MELANCON.
H.J. Res. 42: Mr. REHBERG, Mr. LATOURETTE, and Mr. THOMPSON of Pennsylvania.
H. J. Res. 76: Mr. AKIN and Mr. COLE.
H. Con. Res. 28: Mr. CUMMINGS.
H. Con. Res. 201: Mr. CULBERSON and Mr. BROUN of Georgia.
H. Con. Res. 230: Mr. COLE.
H. Con. Res. 241: Mr. NEUGEBAUER.
H. Con. Res. 258: Mr. RAHALL.
H. Con. Res. 260: Mr. MICHAUD, Mr. BOREN, Ms. LINDA T. SÁNCHEZ of California, Ms. KILROY, Mr. COFFMAN of Colorado, Mr. PALLONE, Mr. KIRK, Mr. MCHENRY, Mr. MEEK of Florida, Mr. ROSKAM, Mr. RUPPERSBERGER, Mr. JOHNSON of Illinois, Mr. MCGOVERN, Mr. WEINER, and Mr. ROGERS of Michigan.
H. Res. 173: Mr. COURTNEY, Mr. WEINER, Ms. DELAURO, Mr. KING of New York, Mr. LARSEN of Washington, Ms. KAPTUR, and Mr. MCDERMOTT.
H. Res. 227: Mr. STUPAK.
H. Res. 272: Mr. FORBES.
H. Res. 407: Ms. MARKEY of Colorado.
H. Res. 569: Mr. ROTHMAN of New Jersey.
H. Res. 855: Ms. BERKLEY, Mr. MCKEON, Mr. BACHUS, Mr. HUNTER, Mr. KAGEN, and Mr. PETERSON.
H. Res. 989: Mr. HINCHEY and Mr. HASTINGS of Florida.
H. Res. 992: Mr. FRANKS of Arizona, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. COSTA, and Mr. ROGERS of Alabama.
H. Res. 996: Mr. HILL and Mr. WAXMAN.
H. Res. 1053: Mr. ALEXANDER.
H. Res. 1060: Mr. HALL of Texas.
H. Res. 1090: Mr. KUCINICH.
H. Res. 1121: Mr. SMITH of Texas and Ms. SLAUGHTER.
H. Res. 1129: Mr. CULBERSON.
H. Res. 1143: Mrs. BLACKBURN and Mrs. MYRICK.
H. Res. 1152: Mr. CAPUANO, Ms. ZOE LOFGREN of California, Mr. WAXMAN, and Mr. RYAN of Ohio.
H. Res. 1154: Mr. LATTA, Mr. HINCHEY, Ms. GIFFORDS, and Mr. ALEXANDER.
H. Res. 1161: Mr. KIRK.
H. Res. 1172: Mr. HIGGINS and Mr. OWENS.
H. Res. 1187: Mr. RYAN of Ohio, Ms. FUDGE, Ms. PINGREE of Maine, and Mr. THOMPSON of Mississippi.
H. Res. 1211: Mr. KINGSTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLEAVER, and Mr. DAVIS of Kentucky.
H. Res. 1217: Mr. ARCURI, Mr. DAVIS of Tennessee, Mrs. MALONEY, Mr. MURPHY of New York, Mr. WALZ, Mr. TOWNS, Mr. HINCHEY, and Ms. SLAUGHTER.
H. Res. 1219: Mr. YOUNG of Alaska, Ms. CORRINE BROWN of Florida, Mr. AKIN, Ms. MOORE of Wisconsin, Mr. CAO, Mr. MACK, Mr. MCCARTHY of California, Mr. GRIJALVA, Mr. HERGER, and Mr. ISSA.
H. Res. 1224: Mr. CLAY, Mr. CARNAHAN, Ms. WATERS, Mr. FRANK of Massachusetts, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLEAVER, and Mr. CONYERS.
H. Res. 1240: Mr. HINCHEY, Mr. BLUMENAUER, Mr. SCOTT of Virginia, Mrs. MALONEY, Mr. TAYLOR, Mr. CONYERS, Mr. GEORGE MILLER of California, Ms. BERKLEY, and Mr. SARBANES.
H. Res. 1241: Mr. GOHMERT, Mr. BURTON of Indiana, Mr. TIAHRT, Mr. FLEMING, Mr. COBLE, Mr. LATTA, Mr. ROGERS of Alabama, Mr. WILSON of South Carolina, Mr. MCCLINTOCK, and Mr. RADANOVICH.
H. Res. 1245: Mr. CULBERSON and Mr. DENT.
H. Res. 1251: Mr. RODRIGUEZ and Mr. CONAWAY.
H. Res. 1257: Mr. CAPUANO and Mr. DREIER.
H. Res. 1259: Ms. TITUS.
H. Res. 1261: Mr. THOMPSON of California, Mr. SMITH of Washington, Mr. CLEAVER, Mr. REYES, Mr. KLEIN of Florida, Mr. SALAZAR, Ms. LEE of California, Mr. GERLACH, Ms. ZOE LOFGREN of California, Mr. ALEXANDER, Mr. BRALEY of Iowa, Mr. ETHERIDGE, Mr. RANGEL, Ms. GIFFORDS, Ms. SUTTON, Mr. COURTNEY, Mr. STARK, Mr. DOGGETT, Mr. PIERLUISI, Ms. MOORE of Wisconsin, Mr. DOYLE, Mr. KIND, Ms. SCHWARTZ, Mr. CAPUANO, Ms. DELAURO, Mr. CASTLE, Ms. MATSUI, Ms. BALDWIN, Mr. CARSON of Indiana, Mr. HINCHEY, Mr. HOLT, Mr. WILSON of Ohio, Mr. ORTIZ, Mr. BOSWELL, Mr. LOEBSACK, Ms. EDWARDS of Maryland, Ms. FUDGE, Mr. OLVER, Mr. MOORE of Kansas, Mr. TOWNS, Mr. BUTTERFIELD, Mr. LOBIONDO, Mr. YOUNG of Alaska, Mr. PASCRELL, Ms. SHEA-PORTER, and Mr. WU.
H. Res. 1262: Mr. LEVIN, Ms. LEE of California, Mr. WILSON of Ohio, and Mr. HEINRICH.
H. Res. 1263: Mr. EHLERS.
H. Res. 1265: Mr. SCOTT of Virginia.

¶45.26 PETITIONS

Under clause 3 of Rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

118. The SPEAKER presented a petition of City and County of Honolulu, Hawaii, relative to Resolution 10-46 urging the Congress of the United States to support and pass S. 1337; to the Committee on the Judiciary.

119. Also, a petition of Kern County Board of Supervisors, California, relative to Resolution urging the Congress and the President of the United States to recognize the vital role that general aviation plays in the economy, health, safety, and protection of the nation; to the Committee on Transportation and Infrastructure.

120. Also, a petition of Legislature of Rockland County, New York, relative to Resolution No. 132 urging the Congress of the United States to pass bills S. 2781 and H.R. 4544; jointly to the Committees on Energy and Commerce and Education and Labor.

WEDNESDAY, APRIL 21, 2010 (46)

¶46.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PASTOR of Arizona, who laid before the House the following communication:

WASHINGTON, DC,
April 21, 2010.

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

NANCY PELOSI,
Speaker of the House of Representatives.

¶46.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced he had examined and approved the Journal of the proceedings of Tuesday, April 20, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶46.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7112. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's Annual Report for FY 2009 regarding the training, and its associated expenses, of U.S. Special Operations Forces (SOF) with friendly foreign forces, pursuant to 10 U.S.C. 2011; to the Committee on Armed Services.

7113. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's Annual Report for 2009; to the Committee on Financial Services.

7114. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Federal Home Loan Bank Directors' Eligibility, Elections, Compensation and Expenses (RIN: 2590-AA03, 2590-AA31, and 2590-AA34) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7115. A letter from the Acting Director, Pension Benefit Guaranty Coporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7116. A letter from the Secretary, Department of Health and Human Services, transmitting renewal of the December 28, 2009 determination of a public health emergency existing nationwide involving Swine Influenza A (now called 2009 — H1N1 flu), pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

7117. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Side Impact Protection; Fuel System Integrity; Electric-Powered Vehicles: Electrolyte Spillage and Electrical Shock Protection [Docket No.: NHTSA-2010-0032] (RIN: 2127-AK48) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7118. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations to Enhance U.S. Homeland Security: Addition of Three Export Control Classification Numbers (ECCNs) and License Review Policy [Docket No.: 0906041008-91452-01] (RIN: 0694-AE64) received March 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7119. A letter from the Secretary, Department of the Interior, transmitting draft legislation to provide for the issuance of coins to commemorate the 100th anniversary of the National Park Service; to the Committee on Foreign Affairs.

7120. A letter from the Associate Attorney General, Department of Justice, transmitting the Department's 2009 annual report on certain activities pertaining to the Freedom of Information Act, as amended; to the Committee on Oversight and Government Reform.

7121. A letter from the Director, EEO and Diversity Programs, National Archives and Records Administration, transmitting a copy of the Administration's Fiscal Year 2009 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Oversight and Government Reform.

7122. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the

Commission's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

7123. A letter from the Deputy Associate Director for Management and Administration and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7124. A letter from the Chief Administrative Officer, Patent and Trademark Office, transmitting the Office's annual report for fiscal year 2009, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7125. A letter from the Acting EEO Director, Securities and Exchange Commission, transmitting a report about the Commission's activities in FY 2009 to ensure accountability for antidiscrimination and whistleblower laws related to employment; to the Committee on Oversight and Government Reform.

7126. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace; Panama City, FL [Docket No.: FAA-2009-0710; Airspace Docket No. 09-ASO-16] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7127. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Restricted Area R-2204 High and R-2204 Low; Oliktok Point, AK [Docket No.: FAA-2009-0693; Airspace Docket No. 09-AAL-14] (RIN: 2120-AA66) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7128. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; West Bend, WI [Docket No.: FAA-2009-1149; Airspace Docket No. 09-AGL-33] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7129. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Huntingburg, IN [Docket No.: FAA-2009-0736; Airspace Docket No. 09-AGL-21] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7130. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Rawlins, WY [Docket No.: FAA-2009-0880; Airspace Docket No. 09-ANM-14] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7131. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Cedar Rapids, IA [Docket No.: FAA-2009-0916; Airspace Docket No. 09-ACE-12] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7132. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-209, -217, -217C, and -219 Turbofan Engines [Docket No.: FAA-2009-0883; Directorate Identifier 97-ANE-08; Amendment 39-16237; AD 97-17-04R1] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7133. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Dumas, TX [Docket No.: FAA-2009-1151; Airspace Docket No. 09-ASW-30] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7134. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Gadsden, AL [Docket No.: FAA-2009-0955; Airspace Docket No. 09-ASO-28] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7135. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Damage Tolerance Data for Repairs and Alterations [Docket No.: FAA-2005-21693; Amendment No. 26-4] (RIN: 2120-AI32) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7136. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-1C, B2-203, B2K-3C, B4-103, B4-203, B4-2C Airplanes; Model A310 Series Airplanes; and Model A300 B4-601, B4-603, B4-605R, B4-620, B4-622, and B4-622R Airplanes [Docket No.: FAA-2009-0789; Directorate Identifier 2008-NM-185-AD; Amendment 39-16228; AD 2010-06-04] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7137. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Battle Mountain, NV [Docket No.: FAA-2009-1057; Airspace Docket No. 09-AWP-9] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7138. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Gunnison, CO [Docket No.: FAA-2009-0949; Airspace Docket No. 09-ANM-12] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7139. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-2C, B4-103, and B4-203 Airplanes; and Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, and B4-622R Airplanes [Docket No.: FAA-2009-0993; Directorate Identifier 2009-NM-089-AD; Amendment 39-16229; AD 2010-06-05] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7140. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No.: FAA-2009-0649; Directorate Identifier 2008-NM-218-AD; Amendment 39-16225; AD 2010-06-01] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7141. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Risk-Based Adjustment of Transportation Security Plan Requirements [Docket No.: PHMSA-06-25885 (HM-232F)] (RIN: 2137-AE22) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶46.4 CAREGIVERS AND VETERANS

Mr. FILNER moved to suspend the rules and pass the bill of the Senate (S. 1963) to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶46.5 CONGRATULATING REVEREND DANIEL P. COUGHLIN

Mr. CAPUANO moved to suspend the rules and agree to the following resolution (H. Res. 1216):

Whereas Reverend Daniel P. Coughlin has served honorably and faithfully as Chaplain of the House of Representatives since being sworn in as the 59th Chaplain on March 23, 2000;

Whereas Reverend Coughlin was born on November 8, 1934, in Chicago, Illinois;

Whereas Reverend Coughlin graduated from St. Mary of the Lake University in Mundelein, Illinois, becoming a Licentiate of Sacred Theology in 1960, and from Loyola University in Chicago, Illinois, with a degree in Pastoral Studies in 1968;

Whereas Reverend Coughlin was ordained for the Archdiocese of Chicago on May 3, 1960;

Whereas Reverend Coughlin was appointed the first Director of the Office for Divine Worship for the Archdiocese of Chicago;

Whereas Reverend Coughlin spent a yearlong sabbatical in residence with the Trappist monks of the Abbey of Gethsemani in Kentucky, and served the poor through the Missionaries of Charity in Calcutta, India, in 1984;

Whereas Reverend Coughlin served as scholar-in-residence at North American College in Vatican City;

Whereas Reverend Coughlin was pastor at St. Francis Xavier Parish in La Grange, Illinois, from 1985 through 1990;

Whereas Reverend Coughlin worked as Vicar for Priests of the Archdiocese of Chicago under both Joseph Cardinal Bernardin and Francis Cardinal George from 1995 through 2000;

Whereas the Office of the Chaplain of the House of Representatives has served the House since May 1, 1789;

Whereas Reverend Coughlin is the first person of Roman Catholic faith to hold the Office of Chaplain of the House of Representatives; and

Whereas Reverend Coughlin opens proceedings in the House of Representatives with prayer, and additionally provides pastoral counseling and arranges memorial services for the House and its staff: Now, therefore, be it

Resolved, That the House of Representatives congratulates Reverend Daniel P. Coughlin on his 10th year of faithful service as Chaplain of the House of Representatives.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. CAPUANO and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CAPUNO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶46.6 MULTIPLE SCLEROSIS AWARENESS WEEK

Mrs. CAPPS moved to suspend the rules and agree to the following resolution (H. Res. 1116):

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities;

Whereas more than 400,000 Americans live with multiple sclerosis;

Whereas approximately 2,500,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 and 10,000 children and adolescents are living with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available that definitely defines a diagnosis for multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show there are genetic factors that indicate certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying it and replacing it with scar tissue, thereby interfering with or preventing the transmission of nerve signals;

Whereas in rare cases multiple sclerosis is so progressive it is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes, and celebrates Multiple Sclerosis Awareness Week;

Whereas the Multiple Sclerosis Coalition's mission is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and celebrates Multiple Sclerosis Awareness Week during 1 week in March every calendar year;

Whereas the goals of Multiple Sclerosis Awareness Week are to invite people to join the movement to end multiple sclerosis, encourage everyone to do something to demonstrate their commitment to moving toward a world free of multiple sclerosis, and to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas this year Multiple Sclerosis Awareness Week is recognized during the week of March 8, 2010, through March 14, 2010: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages the President to issue a proclamation in support of the goals and ideals of Multiple Sclerosis Awareness Week;

(3) encourages States, territories, possessions of the United States, and localities to support the goals and ideals of Multiple Sclerosis Awareness Week by issuing proclamations designating Multiple Sclerosis Awareness Week;

(4) encourages media organizations to participate in Multiple Sclerosis Awareness Week and help educate the public about multiple sclerosis;

(5) commends the efforts of the States, territories, and possessions of the United States who support the goals and ideals of Multiple Sclerosis Awareness Week;

(6) recognizes and reaffirms the Nation's commitment to combating multiple sclerosis by promoting awareness about its causes and risks and by promoting new education programs, supporting research, and expanding access to medical treatment; and

(7) recognizes all people in the United States living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those so afflicted and continue to work to find cures and improve treatments.

The SPEAKER pro tempore, Ms. McCOLLUM, recognized Mrs. CAPPS and Mr. BURGESS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶46.7 LIFE AND ACHIEVEMENTS OF DR. DOROTHY IRENE HEIGHT

Mr. CONYERS moved to suspend the rules and agree to the following resolution (H. Res. 1281):

Whereas Dr. Dorothy Irene Height was a humanitarian whose life exemplified her passionate commitment to a just society and civil rights for all people;

Whereas Dr. Height was the godmother of the civil rights movement and tireless advocate of equality for women and women's rights in the United States;

Whereas Dr. Height led many national organizations, including 33 years of service on the staff of the National Board of the Young Women's Christian Association (YWCA), director of the National YWCA School for Professional Workers, and became the first director of the Center for Racial Justice, served as president of the National Council of Negro Women (NCNW) for 4 decades, as president of Delta Sigma Theta Sorority, Incorporated during two consecutive terms, and continued to provide guidance as chair and president emerita of NCNW until her death;

Whereas Dr. Height was the recipient of countless awards and honors, including the Presidential Citizens Medal in 1989 by President Ronald Reagan, the Presidential Medal of Honor in 1994 by President William Clinton, and the Congressional Medal of Honor by President George W. Bush on behalf of the United States Congress in 2004; and

Whereas Dr. Height was a tenacious and zealous civil rights activist, social worker, advocate, educator, and organizer in the quest for equality: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the life of Dr. Dorothy Irene Height; and

(2) expresses recognition for her life-long dedication and leadership in the struggle for civil rights for all people.

The SPEAKER pro tempore, Ms. McCOLLUM, recognized Mr. CONYERS and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶46.8 40TH ANNIVERSARY OF EARTH DAY

Ms. SPEIER moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 255); as amended:

Whereas Gaylord Nelson, former United States Senator from Wisconsin, is recognized as one of the leading environmentalists of the 20th Century who helped launch an international era of environmental awareness and activism;

Whereas Gaylord Nelson grew up in Clear Lake, Wisconsin, and rose to national prominence while exemplifying the progressive values instilled in him;

Whereas Gaylord Nelson served with distinction in the Wisconsin State Senate from 1949 to 1959, as Governor of the State of Wisconsin from 1959 to 1963, and in the United States Senate from 1963 to 1981;

Whereas Gaylord Nelson founded Earth Day, which was first celebrated on April 22, 1970, by 20 million people across the United

States, making the celebration the largest environmental grassroots event in history at that time;

Whereas Gaylord Nelson called on Americans to hold their elected officials accountable for protecting their health and the natural environment on that first Earth Day, an action which launched the Environmental Decade, an unparalleled period of legislative and grassroots activity that resulted in passage of 28 major pieces of environmental legislation from 1970 to 1980, including the Clean Air Act, the Clean Water Act, and the National Environmental Education Act;

Whereas Gaylord Nelson was responsible for legislation that created the Apostle Islands National Lakeshore and the St. Croix Wild and Scenic Riverway and protected other important Wisconsin and national treasures;

Whereas Gaylord Nelson sponsored legislation to ban phosphates in household detergents and to ban the use of Dichlorodiphenyltrichloroethane (DDT), and he worked tirelessly to ensure clean water and clean air for all Americans;

Whereas in addition to his environmental leadership, Gaylord Nelson fought for civil rights, enlisted for the War on Poverty, challenged drug companies and tire manufacturers to protect consumers, and stood up to Senator Joe McCarthy and the House Un-American Activities Committee to defend and protect civil liberties;

Whereas Gaylord Nelson was a patriot, who as a young soldier honorably served 46 months in the Armed Forces during World War II, and then, as Senator, worked to ban the use of the toxic defoliant Agent Orange;

Whereas, in 1995, Gaylord Nelson was awarded the highest honor accorded civilians in the United States, the Presidential Medal of Freedom;

Whereas Gaylord Nelson's legacy includes generations of Americans who have grown up with an environmental ethic and an appreciation and understanding of their roles as stewards of the environment and the planet; and

Whereas Gaylord Nelson was an extraordinary statesman, public servant, environmentalist, husband, father, and friend, and who never let disagreement on the issues become personal or partisan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress commemorates the 40th anniversary of Earth Day and honors the founder of Earth Day, the late Senator Gaylord Nelson of Wisconsin.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. SPEIER and Mr. FLAKE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶46.9 SILVER STAR SERVICE BANNER DAY

Ms. SPEIER moved to suspend the rules and agree to the following resolution (H. Res. 855):

Whereas the House of Representatives has always honored the sacrifices made by the wounded and ill members of the Armed Forces;

Whereas the Silver Star Service Banner has come to represent the members of the Armed Forces and veterans who were wounded or became ill in combat in the wars fought by the United States;

Whereas the Silver Star Families of America was formed to help the American people remember the sacrifices made by the wounded and ill members of the Armed Forces by designing and manufacturing Silver Star Service Banners and Flags for that purpose;

Whereas the sole mission of the Silver Star Families of America is to evoke memories of the sacrifices of members and veterans of the Armed Forces on behalf of the United States through the presence of a Silver Star Service Banner in a window or a Silver Star Flag flying;

Whereas the sacrifices of members and veterans of the Armed Forces on behalf of the United States should never be forgotten; and

Whereas May 1 would be an appropriate date to designate as ''Silver Star Service Banner Day'': Now, therefore, be it

Resolved, That the House of Representatives supports the designation of ''Silver Star Service Banner Day'' and calls upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. SPEIER and Mr. FLAKE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶46.10 FIRE AT TESORO REFINERY

Ms. SPEIER moved to suspend the rules and agree to the following resolution (H. Res. 1262):

Whereas the people of the State of Washington experienced a tragedy on April 2, 2010, when a fire occurred at the Tesoro refinery in Anacortes, Washington;

Whereas a team of seven Tesoro employees was working in the refinery's naphtha hydrotreater when the fire occurred;

Whereas three of these individuals died immediately in the fire, three more died of their injuries, and one more remains in intensive care after suffering severe burns;

Whereas the fire was quickly brought under control by Tesoro's fire control team and local first responders;

Whereas Federal, State and local government agencies, including the Chemical Safety Board, the United States Environmental Protection Agency, and the Washington State Department of Labor and Industries, are conducting investigations to determine the cause of the incident and to ensure that the risk of similar incidents is minimized in the future;

Whereas the Tesoro refinery in Anacortes has temporarily shut down due to the damage sustained; and

Whereas Tesoro and the Skagit Community Foundation have established the Tesoro Anacortes Refinery Survivors Fund, and the United Steelworkers Local 12–591 has established the Tesoro Incident Family Fund to support the victims of the fire and their families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses condolences to the families, friends, and loved ones of the victims of the fire at the Tesoro refinery in Anacortes, Washington;

(2) honors Matthew C. Bowen, Darrin J. Hoines, Daniel J. Aldridge, Kathryn Powell, Lew Janz, and Donna Van Dreumel who died as a result of the fire;

(3) offers best wishes to Matt Gumbel, who suffered severe burns and is recovering at Harborview Medical Center in Seattle; and

(4) expresses sympathies to the people of Anacortes, the entire State of Washington, and the Nation who grieve for the victims.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. SPEIER and Mr. FLAKE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶46.11 100TH ANNIVERSARY OF RADFORD UNIVERSITY

Mr. SABLAN moved to suspend the rules and agree to the following resolution (H. Res. 1182):

Whereas Radford University was chartered on March 10, 1910, by the Commonwealth of Virginia as the State Normal and Industrial School for Women at Radford;

Whereas Radford University was chartered to prepare teachers to educate the people of the United States;

Whereas Radford University has grown substantially in scope and quality since the day on which the university was chartered;

Whereas Radford University was renamed the Radford State Teachers College in 1924 and the Women's Division of Virginia Polytechnic Institute in 1944, respectively;

Whereas Radford University was renamed Radford College in 1964 when the relationship between the Virginia Polytechnic Institute and Radford University ended;

Whereas Radford College was renamed Radford University in 1979;

Whereas, since the founding of the university, Radford University has provided thousands of students with the benefits of a Radford education;

Whereas Radford University graduates have made meaningful and lasting contributions to society through service, including service in—

(1) education;

(2) the sciences;

(3) business;

(4) health and human services;

(5) government;

(6) the arts and humanities; and

(7) other endeavors;

Whereas Radford University is a productive and vital academic community with thousands of students;

Whereas the students of Radford University approach university life with an enthusiasm for learning and personal development;

Whereas the brilliant faculty of Radford University is committed to the highest ideals of academic scholarship and the advancement of society;

Whereas the devoted administrators and staff members of Radford University strive to foster an environment that supports the noble work of the university;

Whereas the centennial of Radford University is an appropriate time for faculty, staff, students, alumni, and friends—

(1) to unite in recognition of the past achievements of Radford University with pride; and

(2) to consider ways to create an even more successful university during the century ahead;

Whereas Radford University celebrates the culture of service of the university through a program entitled ''Centennial Service Challenge'' that invites every member of the campus and extended university community to engage in, and document community service in honor of, the centennial; and

Whereas Radford University will observe a Centennial Charter Day Celebration on March 24, 2010, and host numerous other academic programs and arts and cultural events throughout 2010 to commemorate the event: Now, therefore, be it

Resolved, That the House of Representatives commends Radford University on the 100th anniversary of the university.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. SABLAN and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶46.12 UNIVERSITY OF CONNECTICUT HUSKIES

Mr. SABLAN moved to suspend the rules and agree to the following resolution (H. Res. 1239); as amended:

Whereas, on April 6, 2010, the University of Connecticut Huskies defeated the University of Stanford Cardinal 53 to 47 in the final game of the National Collegiate Athletic Association Division I Women's Basketball Tournament in San Antonio, Texas;

Whereas the Huskies were undefeated with a record of 39–0, defeating 38 of their 39 opponents by more than 10 points;

Whereas the Huskies have won a record 78 games in a row;

Whereas the Huskies were undefeated for the 4th time since 1994–1995;

Whereas the Huskies have won 7 national titles, second most in NCAA Division I women's basketball history;

Whereas senior center Tina Charles was chosen as the Naismith Award winner, the Wooden Award winner, the United States Basketball Writers Association player of the year, and Associated Press player of the year;

Whereas junior forward Maya Moore was chosen as the State Farm Wade Trophy player of the year and as the Women's Final Four Most Valuable Player;

Whereas Maya Moore and Tina Charles were chosen as first team All-Americans and as members of the Final Four First All Tournament Team;

Whereas Coach Geno Auriemma, who holds the highest winning percentage among active coaches, serves as president of the Women's Basketball Coaches Association and coach of the 2012 United States Olympic team;

Whereas the University of Connecticut Women's Basketball program has a 100 percent graduation rate among four-year players, representing the team's commitment to achievement in the classroom as well as on the court;

Whereas each player, coach, athletic trainer, and staff member of the University of Connecticut Huskies dedicated their season and their tireless efforts to their perfect record and the NCAA championship; and

Whereas residents of Connecticut and Huskies fans worldwide are to be commended for their longstanding support, perseverance, and pride in this team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Connecticut Huskies for their historic win in the 2010 National Collegiate Athletic Association Division I Women's Basketball Tournament;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Huskies' victory; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to University of Connecticut President Michael Hogan and head coach Geno Auriemma for appropriate display.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. SABLAN and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶46.13 FIT KIDS

Mr. SABLAN moved to suspend the rules and pass the bill (H.R. 1585) to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. SABLAN and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to increase awareness of physical activity opportunities at school, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.14 MATHEMATICS AWARENESS MONTH

Mr. SABLAN moved to suspend the rules and agree to the following resolution (H. Res. 1270):

Whereas current educational and economic trends indicate that the demand for employees with a high-quality mathematics education could exceed the supply of individuals with such an education;

Whereas students who pursue a postsecondary education in mathematics have a broad range of career choices upon graduation;

Whereas Mathematics Awareness Month began in 1986 as Mathematics Awareness Week;

Whereas April 2010, is recognized as Mathematics Awareness Month;

Whereas the theme for Mathematics Awareness Month 2010, ''Mathematics and Sports'', highlights uses for an education in mathematics across a broad range of subjects and helps to show students the role of mathematics in their everyday lives and interests;

Whereas mathematics is found in sports in the forms of measurement, time, computation, fractions, statistics, and probability; and

Whereas Mathematics Awareness Month encourages colleges, universities, and other organizations to hold events that draw and retain students to the field of mathematics: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Mathematics Awareness Month;

(2) encourages colleges, universities, and other organizations to hold events to honor Mathematics Awareness Month; and

(3) supports increased public awareness and appreciation for the importance of mathematics at all levels of the educational system in the United States.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. SABLAN and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SABLAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, April 22, 2010.

¶46.15 IMPORTANCE OF VOLUNTEERISM

Mr. SABLAN moved to suspend the rules and agree to the following resolution (H. Res. 1276):

Whereas April 21, 2010, marks the first anniversary of the signing of the Edward M. Kennedy Serve America Act;

Whereas the Edward M. Kennedy Serve America Act reauthorized the Corporation for National and Community Service and its programs through 2014, expanding opportunities for millions of people in the United States to serve the Nation;

Whereas the country is experiencing a wave of new innovation and collaboration to increase volunteerism; as social entrepreneurs try new approaches, technology increases access and expands service, and corporate volunteers provide pro bono skills to nonprofit organizations;

Whereas the Edward M. Kennedy Serve America Act increases volunteer opportunities for people in the United States of all ages, with a focus on disadvantaged youth, seniors, and veterans;

Whereas the Edward M. Kennedy Serve America Act promotes social innovation by supporting and expanding proven programs and builds capacity of individuals, nonprofits, and communities to volunteer; and

Whereas the legislation leverages service to assist in meeting challenges in the areas of education, health, clean energy, veterans, and economic opportunity: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that service is of significant value to the United States; and

(2) recognizes the first anniversary of the Edward M. Kennedy Serve America Act, and encourages every citizen of the United States to continue to answer the call to serve.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. SABLAN and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶46.16 S. 1963—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 1963) to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 Nays 0

¶46.17 [Roll No. 214]

YEAS—419

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

NOT VOTING—11

Barrett (SC)
Brown, Corrine
Cohen
Conyers
Davis (AL)
Hoekstra
Johnson, E. B.
Lewis (GA)
Neal (MA)
Ruppersberger
Smith (TX)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶46.18 H. RES. 1104—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1104) supporting the mission and goals of 2010 National Crime Victims' Rights Week to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, no matter their country of origin or their creed, and to commemorate the National Crime Victims' Rights Week theme of ''Crime Victims' Rights: Fairness. Dignity. Respect.''

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 Nays 0

¶46.19 [Roll No. 215]

YEAS—417

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

NOT VOTING—13

Barrett (SC)
Brown, Corrine
Cleaver
Cohen
Conyers
Davis (AL)
Hoekstra
Johnson, E. B.
Lewis (GA)
McMahon
Neal (MA)
Ruppersberger
Smith (TX)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶46.20 H. RES. 1216—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1216) congratulating Reverend Daniel P. Coughlin on his tenth year of service as Chaplain of the House of Representatives.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 Nays 0

¶46.21 [Roll No. 216]

YEAS—412

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)

Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Baird
Barrett (SC)
Boren
Brown, Corrine
Cohen
Conyers
Davis (AL)
Herger
Hoekstra
Lewis (GA)
McMahon
Neal (MA)
Polis (CO)
Ruppersberger
Schrader
Smith (TX)
Smith (WA)
Waters
Welch

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶46.22 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4360. An Act to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the ''Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center''.

¶46.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. Eddie Bernice JOHNSON of Texas, for today until 4 p.m.

And then,

¶46.24 ADJOURNMENT

On motion of Mr. SMITH of New Jersey, at 7 o'clock and 34 minutes p.m., the House adjourned.

¶46.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. In the Matter of Randy Vogel (Rept. 111–464). Referred to the House Calendar.

¶46.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OBERSTAR (for himself, Mr. DINGELL, and Mr. EHLERS):

H.R. 5088. A bill to amend the Federal Water Pollution Control Act to reaffirm the jurisdiction of the United States over waters of the United States; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Ohio (for himself, Mr. BOUCHER, and Ms. SUTTON):

H.R. 5089. A bill to amend the Public Works and Economic Development Act of 1965 to modify the period used to calculate certain unemployment rates, to encourage the development of business incubators, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS (for himself, Mr. BERMAN, Ms. FUDGE, Mr. KAGEN, Ms. KILPATRICK of Michigan, and Ms. SCHAKOWSKY):

H.R. 5090. A bill to amend the Richard B. Russell National School Lunch Act to promote the health and well-being of schoolchildren in the United States through effective local wellness policies, technical assistance, training, and support for healthy school foods, nutrition promotion and education, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. GRIJALVA, Ms. NORTON, and Ms. JACKSON LEE of Texas):

H.R. 5091. A bill to authorize public awareness campaigns to promote the persistent quest for knowledge and increased education among youth; to the Committee on Education and Labor.

By Mr. GALLEGLY (for himself, Mr. MORAN of Virginia, Mr. WHITFIELD, Mr. FARR, Mr. CAMPBELL, Mr. BURTON of Indiana, Mr. GARY G. MILLER of California, Mr. LEWIS of California, Mr. MCKEON, Mr. LINDER, Mr. BLUMENAUER, Mr. FRANKS of Arizona, Mr. BROWN of South Carolina, Mr. UPTON, Mr. FORBES, Mr. MILLER of Florida, Mr. BARTLETT, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. BRADY of Texas, Mr. WOLF, Mr. ROYCE, Ms. SUTTON, Mr. DELAHUNT, Mr. CASTLE, Ms. MOORE of Wisconsin, Mr. HARE, Mr. COHEN, Mr. GERLACH, Ms. LINDA T. SÁNCHEZ of California, Mr. OLVER, Mr. SCHIFF, Mr. HALL of New York, Mr. FILNER, Mr. WEINER, Ms. WATSON, Mr. DOYLE, Mr. SHERMAN, Mrs. DAVIS of California, Mrs. CAPITO, Mr. KILDEE, Mr. KING of New York, Mr. KUCINICH, Mr. LOBIONDO, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. ROTHMAN of New Jersey, Mrs. BONO MACK, Mr. COBLE, Mr. SCHOCK, Mrs. CAPPS, Mr. ISRAEL, Mr. LEWIS of Georgia, Mrs. EMERSON, Mr. HOLT, and Mr. SMITH of Texas):

H.R. 5092. A bill to amend section 48 (relating to depiction of animal cruelty) of title 18, United States Code, and for other purposes; to the Committee on the Judiciary.

By Ms. KOSMAS (for herself, Ms. CORRINE BROWN of Florida, Mr. KLEIN of Florida, Ms. CASTOR of Florida, Ms. FUDGE, Ms. RICHARDSON, Mr. WILSON of Ohio, Mr. ROTHMAN of New Jersey, Ms. JACKSON LEE of Texas, Mr. HASTINGS of Florida, and Ms. GIFFORDS):

H.R. 5093. A bill to authorize the Secretary of Education to establish a program for displaced aerospace professionals to become certified elementary, secondary, or vocational school teachers; to the Committee on Education and Labor.

By Mr. LIPINSKI (for himself and Mr. WOLF):

H.R. 5094. A bill to authorize the National Science Foundation to carry out a pilot program to award innovation inducement cash prizes in areas of research funded by the National Science Foundation; to the Committee on Science and Technology.

By Mr. PAULSEN (for himself, Mrs. BACHMANN, Mr. DENT, Mr. GERLACH, Mr. LANCE, Mr. MARCHANT, Mr. PRICE of Georgia, Mr. BROWN of South Carolina, Mr. ROYCE, Mr. LAMBORN, Mr. CHAFFETZ, Mr. LATTA, Mr. BARTLETT, Mr. GOODLATTE, Mr. PITTS, Mr. AKIN, Mrs. BLACKBURN, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. CONAWAY, Mr. MCCLINTOCK, Mr. GINGREY of Georgia, Mr. RYAN of Wisconsin, Mr. MANZULLO, Mr. PLATTS, Mr. UPTON, and Mr. LEE of New York):

H.R. 5095. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Ms. EDWARDS of Maryland, and Mr. HONDA):

H.R. 5096. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize the Secretary of Education to make grants for recruiting, training, and retaining individuals from underrepresented groups as teachers at public elementary and secondary schools, and for other purposes; to the Committee on Education and Labor.

By Ms. MARKEY of Colorado:

H.R. 5097. A bill to amend title 23, United States Code, to reduce the amount of funding available to States that do not enact a law prohibiting an individual from using a wireless communication device while operating a motor vehicle in a school zone, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ELLISON:

H.R. 5098. A bill to delay the implementation of the licensing requirements under the S.A.F.E. Mortgage Licensing Act of 2008; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts (for himself, Mr. MARKEY of Massachusetts, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. DELAHUNT, Mr. MCGOVERN, Mr. TIERNEY, Mr. CAPUANO, Mr. LYNCH, and Ms. TSONGAS):

H.R. 5099. A bill to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the ''Michael C. Rothberg Post Office''; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA:

H.R. 5100. A bill to provide for the conveyance of certain Federal lands in Yuma County, Arizona; to the Committee on Natural Resources.

By Mr. HOLT (for himself, Mr. POLIS, Mr. HINCHEY, and Mr. GEORGE MILLER of California):

H.R. 5101. A bill to expand the science and stewardship of America's most important wildlife corridors; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY of Massachusetts (for himself, Mr. FRANK of Massachusetts, Mrs. CAPPS, Mr. GRIJALVA, Mr. HINCHEY, Mr. HODES, Mr. YARMUTH, Mr. WELCH, and Ms. SUTTON):

H.R. 5102. A bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore lands that are subject to a lease for production of oil or natural gas under which production is not occurring, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 5103. A bill to authorize improvements in the operation of the government of the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself and Mr. NUNES):

H.R. 5104. A bill to amend the Internal Revenue Code of 1986 to allow for the deduction for domestic oil related production activities of companies which are not major integrated oil companies; to the Committee on Ways and Means.

By Mr. ROGERS of Alabama (for himself, Ms. KILROY, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. MCCAUL, Ms. CLARKE, and Mr. CARNEY):

H.R. 5105. A bill to establish a Chief Veterinary Officer in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE (for himself and Ms. SHEA-PORTER):

H.R. 5106. A bill to direct the Secretary of Defense to establish a commission on urotrauma; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. MARIO DIAZ-BALART of Florida, Mr. HOYER, Mr. WOLF, Mr. MORAN of Virginia, Mr. CUMMINGS, Mr. VAN HOLLEN, Ms. EDWARDS of Maryland, and Mr. CONNOLLY of Virginia):

H. Con. Res. 263. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Ms. NORTON (for herself, Mr. MARIO DIAZ-BALART of Florida, Mr. HOYER, Mr. WOLF, Mr. MORAN of Virginia, Mr. CUMMINGS, Mr. VAN HOLLEN, Ms. EDWARDS of Maryland, and Mr. CONNOLLY of Virginia):

H. Con. Res. 264. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Mr. LAMBORN (for himself, Mr. SMITH of Texas, Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. GARRETT of New Jersey, Mr. JONES, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. CHAFFETZ, Mr. LATTA, Mrs. BACHMANN, Mr. PITTS, Mr. AKIN, Mr. KINGSTON, Mr. GOHMERT, Mr. CONAWAY, Mr. KING of Iowa, Mr. MCCLINTOCK, Mr. GINGREY of Georgia, Mr. BURGESS, Mr. MANZULLO, Mr. MARCHANT, Mr. BROWN of South Carolina, Mr. WITTMAN, Mr. JORDAN of Ohio, Mr. POE of Texas, and Mr. BILIRAKIS):

H. Con. Res. 265. Concurrent resolution expressing the sense of the Congress that the United States should neither become a signatory to the Rome Statute on the International Criminal Court nor attend the Review Conference of the Rome Statute in Kampala, Uganda, commencing on May 31, 2010; to the Committee on Foreign Affairs.

By Ms. BERKLEY (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CONNOLLY of Virginia, and Mr. GINGREY of Georgia):

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO); to the Committee on Foreign Affairs.

By Ms. FUDGE (for herself, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mrs. NAPOLITANO, Mr. ELLISON, Ms. LEE of California, Ms. WASSERMAN SCHULTZ, Ms. DELAURO, Ms. NORTON, Ms. RICHARDSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Alabama, Mr. BUTTERFIELD, Mr. MCGOVERN, Mr. RUSH, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, Mr. GRIJALVA, Ms. HIRONO, Mr. CROWLEY, Ms. EDWARDS of Maryland, Mr. CLEAVER, Mr. JOHNSON of Georgia, Mrs. MCCARTHY of New York, Mr. STARK, Ms. SCHAKOWSKY, Mr. CASTLE, Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Ms. KILROY, Mr. KILDEE, Mr. AL GREEN of Texas, Mr. MCDERMOTT, Mrs. DAVIS of California, Mr. THOMPSON of Pennsylvania, Ms. PINGREE of Maine, Ms. JACKSON LEE of Texas, Mr. DAVIS of Illinois, Ms. CLARKE, Mr. CAO, Ms. KILPATRICK of Michigan, Mr. COHEN, Mr. KISSELL, Mrs. EMERSON, Mr. RANGEL, Ms. KAPTUR, Ms. MOORE of Wisconsin, Ms. BORDALLO, Ms. CASTOR of Florida, Ms. MCCOLLUM, Mr. OLVER, Mr. CLYBURN, Mr. YARMUTH, Mr. SABLAN, Mr. MARKEY of Massachusetts, Ms. SUTTON, Mr. NADLER of New York, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. FATTAH, Mr. THOMPSON of Mississippi, Mr. ETHERIDGE, Mr. SCHAUER, Mr. PERRIELLO, Mr. RUPPERSBERGER, Mrs. CHRISTENSEN, Mr. BACA, Ms. WATSON, Mr. SCHIFF, Mr. MELANCON, Mr. BISHOP of New York, Mr. MOORE of Kansas, Mr. TOWNS, Ms. HERSETH SANDLIN, Mr. JACKSON of Illinois, Mr. CARSON of Indiana, Ms. WATERS, Mr. BRADY of Pennsylvania, Mr. CLAY, Mr. CONYERS, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. DINGELL, Mr. HOLT, Mr. HINOJOSA, Mr. ORTIZ, Mr. VAN HOLLEN, Mr. HEINRICH, Ms. TITUS, Mr. WATT, Mr. POMEROY, Mr. PAYNE, Mr. MAFFEI, Mr. LARSON of Connecticut, Mrs. DAHLKEMPER, Mr. FILNER, Mr. BERMAN, Ms. DEGETTE, Mr. BOOZMAN, Mr. SMITH of Washington, Mr. BOCCIERI, Mr. GONZALEZ, Mr. BARROW, Mr. HINCHEY, Ms. LINDA T. SÁNCHEZ of California, Mr. WAXMAN, and Ms. SLAUGHTER):

H. Res. 1281. A resolution celebrating the life and achievements of Dr. Dorothy Irene Height and recognizing her life-long dedication and leadership in the struggle for human rights and equality for all people until her death at age 98 on April 20, 2010; to the Committee on the Judiciary; considered and agreed to.

By Mr. BLUNT (for himself, Mr. BOREN, Mr. RYAN of Wisconsin, Mr. MILLER of Florida, and Mr. ROSS):

H. Res. 1282. A resolution expressing the sense of the House of Representatives that the promotion of recreational fishing and boating should be a national priority, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES:

H. Res. 1283. A resolution honoring and thanking Dave Brubeck for his contributions to American music and cultural diplomacy; to the Committee on Education and Labor.

By Mr. BOYD (for himself and Mr. EHLERS):

H. Res. 1284. A resolution supporting the goals and ideals of National Learn to Fly Day, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ENGEL (for himself and Mr. KIRK):

H. Res. 1285. A resolution condemning the Government of Syria for transferring Scud missiles to the Hizballah terrorist organization, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PERLMUTTER (for himself, Mr. CAPUANO, Mr. HIGGINS, Mr. HODES, Mr. KENNEDY, Ms. MARKEY of Colorado, Mr. MARKEY of Massachusetts, Mr. MOORE of Kansas, and Mr. ROTHMAN of New Jersey):

H. Res. 1286. A resolution commemorating the 50th anniversary of the inaugural season of the American Football League; to the Committee on Oversight and Government Reform.

¶46.27 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

260. The SPEAKER presented a memorial of the Legislature of the State of Wyoming, relative to House Joint Resolution No. 3 demanding Congress to cease and desist from enacting mandates that are beyond the enumerated powers granted to the Congress by the United States Constitution; to the Committee on the Judiciary.

261. Also, a memorial of the Legislature of the State of Wyoming, relative to House Joint Resolution No. 2 demanding Congress cease and desist from enacting mandates that are beyond the scope of the enumerated powers granted to Congress by the Constitution of the United States; to the Committee on the Judiciary.

¶46.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Ms. TSONGAS and Mr. SPACE.
H.R. 147: Mrs. EMERSON.
H.R. 211: Mr. ELLSWORTH and Mr. OWENS.
H.R. 233: Mr. BOUSTANY.
H.R. 293: Mr. WOLF.
H.R. 333: Mr. ALTMIRE.
H.R. 406: Mr. VAN HOLLEN and Mr. LANCE.
H.R. 422: Mr. MAFFEI.
H.R. 426: Ms. SUTTON.
H.R. 442: Mr. PRICE of Georgia, Mr. TEAGUE, and Mrs. EMERSON.
H.R. 560: Mr. COOPER.
H.R. 571: Mr. FORBES and Mr. NADLER of New York.
H.R. 615: Ms. SUTTON.
H.R. 618: Mr. FRANK of Massachusetts.
H.R. 853: Mr. CALVERT.
H.R. 1026: Mr. WITTMAN and Mr. BACHUS.
H.R. 1034: Mr. BARRETT of South Carolina.
H.R. 1079: Mr. MARKEY of Massachusetts.
H.R. 1220: Mr. ALTMIRE.
H.R. 1229: Mr. FORBES.
H.R. 1240: Mr. HIGGINS and Mr. QUIGLEY.
H.R. 1339: Mr. SESSIONS, Mr. VISCLOSKY, Mr. MATHESON, and Mr. STUPAK.
H.R. 1362: Ms. LORETTA SANCHEZ of California, Mr. MELANCON, and Mr. FRELINGHUYSEN.
H.R. 1547: Mr. RADANOVICH, Ms. GRANGER, Mr. LYNCH, Mr. BOSWELL, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. WOOLSEY, Ms. DELAURO, Mr. HARPER, and Mr. ROGERS of Kentucky.
H.R. 1557: Mr. LOEBSACK.
H.R. 1581: Mr. CARSON of Indiana and Mr. DAVIS of Tennessee.
H.R. 1587: Mr. BRALEY of Iowa.
H.R. 1600: Mr. TURNER.
H.R. 1822: Mr. COBLE and Mr. ROE of Tennessee.
H.R. 1868: Mr. WALDEN.
H.R. 1923: Mr. FORBES.
H.R. 1925: Mr. TOWNS.
H.R. 1990: Mr. PRICE of North Carolina.
H.R. 2000: Mr. EDWARDS of Texas, Mr. BOSWELL, Mrs. MILLER of Michigan, Ms. CHU, Mr. FORTENBERRY, Mr. PUTNAM, and Mr. COSTA.
H.R. 2136: Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BERKLEY, Mr. KING of New York and Mr. BRALEY of Iowa.
H.R. 2156: Mr. MURPHY of New York.
H.R. 2222: Mr. WEINER and Mr. HINCHEY.
H.R. 2298: Mr. STARK.
H.R. 2313: Mr. FORBES.
H.R. 2478: Ms. BERKLEY and Mr. ROSS.
H.R. 2567: Mr. WEINER.
H.R. 2697: Mr. GARAMENDI, Mr. SALAZAR, Mr. ANDREWS, Mr. BOREN, Mr. PETERS, and Mr. PASTOR of Arizona.
H.R. 2730: Mr. POMEROY.
H.R. 2737: Mr. TAYLOR, Ms. KILROY, Mr. COFFMAN of Colorado, and Mr. CARSON of Indiana.
H.R. 2799: Ms. FUDGE.
H.R. 3116: Mr. MCCOTTER and Mr. KAGEN.
H.R. 3186: Mr. GARAMENDI.
H.R. 3238: Ms. FUDGE.
H.R. 3240: Mr. BLUNT.
H.R. 3321: Mr. BOREN and Ms. RICHARDSON.
H.R. 3393: Mr. ATLMIRE and Mr. BARROW.
H.R. 3487: Mr. WEINER and Ms. WATSON.
H.R. 3517: Mr. MCGOVERN.
H.R. 3554: Mr. BLUMENAUER.
H.R. 3577: Mr. JONES.
H.R. 3582: Mr. MCCOTTER.
H.R. 3630: Mr. MOORE of Kansas.
H.R. 3734: Mr. HINCHEY and Mr. DRIEHAUS.
H.R. 3752: Mr. BACA and Mr. MCCLINTOCK.
H.R. 3764: Ms. BALDWIN and Mr. HARE.
H.R. 3799: Mr. AL GREEN of Texas and Mr. BISHOP of Georgia.
H.R. 3905: Mr. ANDREWS and Mr. HODES.
H.R. 3914: Ms. DEGETTE.
H.R. 3927: Ms. BORDALLO.
H.R. 4014: Mr. FILNER.
H.R. 4132: Mrs. CAPPS, Mr. MEEK of Florida, and Mr. GALLEGLY.
H.R. 4153: Ms. MARKEY of Colorado.
H.R. 4195: Mr. TONKO, Mr. BLUMENAUER, Ms. BALDWIN, Mr. POMEROY, Mr. COURTNEY, Mrs. CAPPS and Ms. SHEA-PORTER.
H.R. 4241: Mr. ARCURI.
H.R. 4264: Mr. FARR and Mr. FILNER.
H.R. 4268: Ms. TSONGAS.
H.R. 4278: Mr. HARE and Mrs. EMERSON.
H.R. 4298: Ms. CHU.
H.R. 4306: Mr. HOLT, Mr. BACHUS, and Mr. BISHOP of Georgia.
H.R. 4325: Ms. CHU and Mr. BRADY of Pennsylvania.
H.R. 4376: Ms. WOOLSEY and Mr. AL GREEN of Texas.
H.R. 4389: Mr. ROE of Tennessee.
H.R. 4398: Mr. BISHOP of Utah and Mr. SIMPSON.
H.R. 4399: Mrs. DAVIS of California.
H.R. 4402: Mr. BRADY of Pennsylvania.
H.R. 4440: Mr. MCGOVERN.
H.R. 4477: Mr. KUCINICH and Mr. WITTMAN.
H.R. 4502: Mr. BLUMENAUER.
H.R. 4505: Mr. KAGEN.
H.R. 4509: Mr. HINCHEY.
H.R. 4530: Mr. MEEK of Florida, Mr. TIERNEY, and Mr. BISHOP of New York.
H.R. 4544: Mr. PAULSEN and Mr. CAO.
H.R. 4568: Mr. BISHOP of New York.
H.R. 4616: Mr. CLAY and Mr. CUMMINGS.
H.R. 4650: Mr. DOGGETT, Mr. WU, Ms. KAPTUR, and Mr. FRANK of Massachusetts.
H.R. 4662: Mr. DOGGETT.
H.R. 4671: Mr. BLUMENAUER.
H.R. 4684: Mr. SCOTT of Virginia, Mr. DUNCAN, and Mr. SHULER.
H.R. 4693: Mr. ALEXANDER.
H.R. 4694: Ms. MATSUI.
H.R. 4717: Mr. PETRI.
H.R. 4728: Mrs. BACHMANN.
H.R. 4753: Mr. JOHNSON of Georgia.
H.R. 4757: Mr. TONKO, Mr. WELCH, Mr. FARR, and Mr. RANGEL.
H.R. 4788: Ms. MARKEY of Colorado and Ms. SUTTON.
H.R. 4790: Mr. BLUMENAUER, Mr. FOSTER, Mr. HINCHEY, and Ms. KILPATRICK of Michigan.
H.R. 4794: Mr. WITTMAN.
H.R. 4812: Mr. PERLMUTTER.
H.R. 4830: Ms. KILROY.
H.R. 4844: Mr. KINGSTON, Mr. PAUL, Mr. BONNER, Mr. SIMPSON, and Mrs. CAPPS.
H.R. 4850: Mr. CLAY, Mr. ROSKAM, Mr. CARTER, and Mr. TEAGUE.
H.R. 4856: Ms. MARKEY of Colorado, Mr. CHANDLER, and Mr. ALTMIRE.
H.R. 4866: Mr. FRANKS of Arizona and Mr. BARTLETT.
H.R. 4868: Mr. FILNER.
H.R. 4870: Mrs. NAPOLITANO, Mrs. DAVIS of California, and Mrs. CAPPS.
H.R. 4871: Mr. ALTMIRE.
H.R. 4876: Mr. HIGGINS, Mr. SCHAUER, and Mr. CROWLEY.
H.R. 4901: Mr. MACK, Mr. HOEKSTRA, and Mr. KING of Iowa.
H.R. 4903: Mr. HOEKSTRA.
H.R. 4904: Mr. CALVERT.
H.R. 4918: Mr. BARROW, Mr. BOREN, Mr. BOYD, Mr. CARNEY, Mr. CHILDERS, Mr. COSTA, Mrs. DAHLKEMPER, Mr. ELLSWORTH, Mr. GORDON of Tennessee, Ms. HARMAN, Ms. HERSETH SANDLIN, Mr. HILL, Mr. MATHESON, Mr. MCINTYRE, Mr. MINNICK, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. NYE, Mr. ROSS, Mr. SALAZAR, Mr. SHULER, Mr. WILSON of Ohio, Mr. MURPHY of New York, Mr. CARDOZA, Mr. BERRY, Mr. HOLDEN, and Mr. BRIGHT.
H.R. 4919: Mr. NEUGEBAUER, Mr. GOODLATTE, Mr. GARY G. MILLER of California, Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. GOHMERT, Mr. MORAN of Kansas, Mr. BONNER, Mr. SMITH of Texas, Mr. PENCE, and Mr. HOEKSTRA.
H.R. 4923: Mr. BOSWELL, Mr. STARK, and Mr. MILLER of Florida.
H.R. 4925: Mrs. NAPOLITANO and Ms. CHU.
H.R. 4933: Mr. ELLISON, Mr. GARAMENDI, and Ms. WATSON.
H.R. 4972: Mr. COLE, Mr. MORAN of Kansas, Mr. GARRETT of New Jersey, Mr. BURGESS, Mr. SHADEGG, Mr. HOEKSTRA, Mr. HALL of Texas, Mr. GINGREY of Georgia, Mr. POSEY, Ms. FALLIN, Mr. JORDAN of Ohio, Mr. ROE of Tennessee, and Mr. RADANOVICH.
H.R. 4974: Ms. RICHARDSON, Mr. MILLER of Florida, Mr. CARNAHAN, and Mr. PETERSON.
H.R. 4985: Mr. MORAN of Kansas.
H.R. 4995: Mr. POSEY, Mr. HALL of Texas, Mr. MCCLINTOCK, Mr. HOEKSTRA, and Mr. ALEXANDER.
H.R. 5000: Mr. SIRES and Ms. RICHARDSON.
H.R. 5013: Mr. LARSEN of Washington.
H.R. 5015: Mr. COSTELLO and Mr. GRAYSON.
H.R. 5020: Ms. JACKSON LEE of Texas and Ms. SUTTON.
H.R. 5022: Mr. BOSWELL.
H.R. 5027: Mr. COURTNEY.
H.R. 5029: Mr. ROONEY.
H.R. 5031: Mr. LOEBSACK.
H.R. 5032: Mr. WEINER and Mr. HALL of New York.
H.R. 5034: Mr. MITCHELL, Mr. THOMPSON of Mississippi, Mr. CUELLAR, and Mr. NEUGEBAUER.
H.R. 5040: Mrs. BLACKBURN, Mr. GONZALEZ, and Mr. COURTNEY.
H.R. 5041: Mr. TIERNEY and Mr. JACKSON of Illinois.
H.R. 5064: Mr. FILNER.
H.R. 5068: Mr. SMITH of Nebraska.
H.R. 5079: Mr. BISHOP of New York.
H. Con. Res. 98: Mr. KENNEDY.
H. Con. Res. 137: Mr. PAYNE.
H. Res. 213: Mr. KUCINICH.
H. Res. 407: Mrs. BLACKBURN, Ms. GIFFORDS, Mr. RANGEL, and Mr. ORTIZ.
H. Res. 440: Mr. MURPHY of New York.
H. Res. 551: Ms. KAPTUR and Ms. MCCOLLUM.
H. Res. 762: Mr. RANGEL, Mr. GEORGE MILLER of California, Ms. LEE of California, Mr. RYAN of Ohio, Mr. SIRES, and Mr. OWENS.
H. Res. 764: Mr. BARRETT of South Carolina.
H. Res. 904: Mr. GRAYSON, Ms. HIRONO, Ms. NORTON, Mr. CUMMINGS, and Ms. BALDWIN.
H. Res. 1026: Ms. FALLIN and Mr. ISSA.
H. Res. 1033: Mr. MCNERNEY, Mr. LARSEN of Washington, Ms. NORTON, Mr ARCURI, Mr. BUCHANAN, Mr. BARTON of Texas, Mr. INSLEE, Mr. HASTINGS of Washington, Mr. INGLIS, Mr. FLEMING, Mrs. BLACKBURN, Mr. BOUSTANY, Ms. FUDGE, Mr. HINOJOSA, Mr. MURPHY of New York, Mr. ROTHMAN of New Jersey, Mrs. MYRICK, Mr. PITTS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARKEY of Massachusetts, Mr. KIND, and Ms. BALDWIN.
H. Res. 1053: Mrs. NAPOLITANO and Mr. CAO.
H. Res. 1078: Mr. WITTMAN, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. STARK, Mr. MCCOTTER, and Mr. NYE.
H. Res. 1116: Mr. SHIMKUS and Mr. CONYERS.
H. Res. 1152: Mr. LOEBSACK.
H. Res. 1153: Mr. LARSEN of Washington, Mr. BRIGHT, Mr. FILNER, Mr. LATTA, Mr. SHUSTER, Mr. ORTIZ, Mr. WILSON of South Carolina, Mr. BOREN, Mr. DAVIS of Tennessee, Ms. SHEA-PORTER, Ms. FUDGE, Mr. SCHAUER, Mr. HUNTER, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mrs. LUMMIS, Mr. PETRI, Ms. LORETTA SANCHEZ of California, Mr. LANGEVIN, Mr. SNYDER, Mrs. DAVIS of California, Mr. GORDON of Tennessee, Mr. NEAL of Massachusetts, Mr. COURTNEY, Mr. MCGOVERN, Mr. PLATTS, Mr. KLINE of Minnesota, Mr. LOBIONDO, Mr. JONES, Mr. CONNOLLY of Virginia, Ms. TSONGAS, Ms. PINGREE of Maine, Mr. SPRATT, Mr. SKELTON, Mr. JOHNSON of Georgia, Mr. OWENS, Mr. MCINTYRE, Mr. REYES, Mr. KRATOVIL, Mr. KISSELL, Mr. COOPER, Mr. ELLSWORTH, Mr. PATRICK J. MURPHY of Pennsylvania, and Ms. FALLIN.
H. Res. 1187: Mr. BRADY of Pennsylvania and Mr. SCHIFF.
H. Res. 1196: Mr. HENSARLING.
H. Res. 1197: Mr. POE of Texas.
H. Res. 1208: Mr. KING of New York, Mr. INSLEE, and Mr. GALLEGLY.
H. Res. 1211: Mr. MEEK of Florida.
H. Res. 1229: Mr. TIM MURPHY of Pennsylvania, Mr. KING of New York, and Ms. JENKINS.

H. Res. 1240: Mr. POLIS, Mr. BOSWELL, Ms. HIRONO, Mr. CARSON of Indiana, Mr. TONKO, and Mr. CAPUANO.

H. Res. 1241: Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. SHADEGG, Mr. JORDAN of Ohio, Ms. FALLIN, Mr. BROUN of Georgia, Mr. HENSARLING, Mr. CHAFFETZ, Mr. ROONEY, Mrs. LUMMIS, Mr. POSEY, Mr. HERGER, Mr. BILBRAY, and Mr. CALVERT.

H. Res. 1250: Mr. SERRANO, Mr. MCGOVERN, and Ms. DELAURO.

H. Res. 1251: Mrs. EMERSON, Mr. WALDEN, Mr. BROUN of Georgia, Mr. ROHRABACHER, Mr. MCCAUL, Mr. KINGSTON, Mr. POSEY, Mr. BURTON of Indiana, Mr. BONNER, Mr. WALZ, Mr. KING of New York, Mr. NUNES, Mr. CARTER, Mr. SNYDER, and Mr. SMITH of New Jersey.

H. Res. 1254: Mr. HERGER, Mrs. LUMMIS, Mrs. MCMORRIS RODGERS, Mr. MCCLINTOCK, Mr. CULBERSON, Mr. BROUN of Georgia, and Mr. CHAFFETZ.

H. Res. 1256: Mr. GINGREY of Georgia, Mr. HALL of Texas, Mr. ROGERS of Kentucky, Mr. PRICE of Georgia, Mr. PENCE, Mr. SESSIONS, Mr. KUCINICH, Mr. KINGSTON, Mr. TIM MURPHY of Pennsylvania, Mr. BURTON of Indiana, Mr. DANIEL E. LUNGREN of California, Mr. DUNCAN, Mr. MCCARTHY of California, Mr. ROSKAM, Mr. JORDAN of Ohio, Mr. GUTHRIE, Mr. WESTMORELAND, Mrs. BLACKBURN, Mr. MACK, Mrs. BONO MACK, Mr. HARPER, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. CRENSHAW, Mr. CONNOLLY of Virginia, Mr. BOEHNER, Mr. BILBRAY, Mr. ALEXANDER, Mr. SHUSTER, Mr. CARNEY, Mr. SHADEGG, Mr. KLEIN of Florida, Mr. ROONEY, Mr. MILLER of Florida, Ms. ROS-LEHTINEN, Mr. BROWN of South Carolina, Mr. BOCCIERI, Mr. SCALISE, Mr. DAVIS of Kentucky, Mr. FORBES, Mr. BOOZMAN, Mr. MORAN of Kansas, Mr. FRANKS of Arizona, Mr. RADANOVICH, Mr. LEWIS of California, Mr. CALVERT, Mr. GARY G. MILLER of California, Mr. CAMPBELL, Ms. KAPTUR, Mr. JONES, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. BUCHANAN, Mr. STEARNS, Mr. HALL of New York, Ms. WASSERMAN SCHULTZ, Mr. HODES, Mr. TEAGUE, Mr. FOSTER, Mr. WELCH, Mr. SCOTT of Georgia, Mr. CLAY, Mr. BISHOP of Georgia, Mr. HEINRICH, Mr. LUETKEMEYER, Mr. CUELLAR, and Mr. FORTENBERRY.

H. Res. 1263: Mr. CALVERT.

H. Res. 1276: Mr. PLATTS and Mr. RAHALL.

H. Res. 1277: Mr. OWENS, Mr. BISHOP of Georgia, and Mr. POE of Texas.

H. Res. 1279: Mr. GINGREY of Georgia, Mr. MCCOTTER, Mr. GARY G. MILLER of California, and Mr. KING of Iowa.

H. Res. 1280: Mr. ANDREWS, Mr. BAIRD, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. CLYBURN, Mr. CONNOLLY of Virginia, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DOGGETT, Ms. EDWARDS of Maryland, Ms. ESHOO, Mr. FARR, Mr. GARAMENDI, Mr. HARE, Ms. HARMAN, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Mr. LARSEN of Washington, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mrs. LOWEY, Mr. PIERLUISI, Mr. RANGEL, Mr. SERRANO, Ms. SLAUGHTER, Mr. STARK, Ms. SUTTON, Mr. SABLAN, Ms. WATSON, and Mr. WELCH.

¶46.29 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3936: Mr. PENCE.

THURSDAY, APRIL 22, 2010 (47)

¶47.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PASTOR of Arizona, who laid before the House the following communication:

WASHINGTON, DC,
April 22, 2010.

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

NANCY PELOSI,
Speaker of the House of Representatives.

¶47.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced he had examined and approved the Journal of the proceedings of Wednesday, April 21, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶47.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7142. A letter from the Assistant Secretary of the Army, Acquisition, Logistics and Technology, Department of the Army, transmitting report of intent to enter into a contract for technical engineering, logistical services and supplies, and component/airframe materials in support of depot maintenance programs; to the Committee on Armed Services.

7143. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's determination and certification under Section 490(b)(1)(A) of the Foreign Assistance Act of 1961 relating to the top five exporting and importing countries of pseudoephedrine and ephedrine; to the Committee on Foreign Affairs.

7144. A letter from the Chairman, Federal Labor Relations Authority, transmitting the Authority's fiscal year 2009 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7145. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the Board's annual report for FY 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7146. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the Paul Coverdell National Forensic Science Improvement Grants Program, managed by the Office of Justice Programs' National Institute of Justice, pursuant to Public Law 90-351, section 2806(b); to the Committee on the Judiciary.

7147. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Georgetown, TX [Docket No.: FAA-2009-0934; Airspace Docket No. 09-ASW-29] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7148. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Jet Routes and VOR Federal Airways in the Vicinity of Gage, OK [Docket No.: FAA-2010-0004; Airspace Docket No. 09-ASW-32] (RIN: 2120-AA66) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7149. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of VOR Federal Airway V-422 in the Vicinity of Wolf Lake, IN [Docket No.: FAA-2010-0006; Airspace Docket No. 09-AGL-30] (RIN: 2120-AA66) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7150. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Koyukuk, AK [Docket No.: FAA-2009-0692; Airspace Docket No. 09-AAL-13] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7151. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Shaktoolik, AK [Docket No.: FAA-2009-0142; Airspace Docket No. 09-AAL-2] received, March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7152. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Scammon Bay, AK [Docket No.: FAA-2009-1038; Airspace Docket No. 09-AAL-19] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7153. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Dillingham, AK [Docket No.: FAA-2009-1055; Airspace Docket No. 09-AAL-16] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7154. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30714; Amdt. No. 3364] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7155. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-0452; Directorate Identifier 2007-NM-326-AD; Amendment 39-16223; AD 2010-05-13] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7156. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines (IAE) V2500-A1, V2522-A5, V2524-A5, V2525-D5, V2527-A5, V2527E-A5, V2527M-A5, V2528-D5, V2530-A5, and V2533-A5 Turbofan Engines [Docket No.: FAA-2007-29060; Directorate Identifier 2007-NE-34-AD; Amendment 39-16243; AD 2010-06-18] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7157. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30715; Amdt. No. 3365] received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7158. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767 Airplanes [Docket No.: FAA-2009-0642; Directorate Identifier 2009-NM-001-AD; Amendment 39-16241; AD 2010-06-16] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7159. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model MD-900 Helicopters [Docket No.: FAA-2009-0953; Directorate Identifier 2009-SW-45-AD; Amendment 39-16230; AD 2010-06-06] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7160. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Models TAE 125-02-99 and TAE 125-01 Reciprocating Engines [Docket No.: FAA-2009-0948; Directorate Identifier 2009-NE-30-AD; Amendment 39-16236; AD 2010-06-12] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7161. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS355E, AS355F, AS355F1, AS355F2, and AS355N Helicopters [Docket No.: FAA-2009-1090; Directorate Identifier 2009-SW-31-AD; Amendment 39-16227; AD 2010-06-03] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7162. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Using Agency for restricted Areas R-3005A, R-3305B, R-3005C, R-3005D and R-3005E; Fort Stewart, GA [Docket No.: FAA-2010-0201; Airspace Docket No. 10-ASO-19] (RIN: 2120-AA66) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7163. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Extended Operations (ETOPS) of Multi-Engine Airplanes; Technical Amendment [Docket No.: FAA-2002-6717; Amendment No. 121-348] (RIN: 2120-AI03) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7164. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Issuance of Opinion and Advisory Letters and Opening of the EGTRRA Determination Letter Program for Pre-Approved Defined Benefit Plans (Announcement 2010-20) received March 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7165. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Distressed Asset Trust (DAT) Tax Shelters (LMSB4-0210-008) (UIL: 9300.50-00) received April 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7166. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxation of fringe benefits (Rev. Rul. 2010-10) received April 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7167. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Director Directive #3 Tier II Issue Enhanced Oil Recovery Credit Status Changed to Monitoring [LMSB-04-0210-007] received April 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶47.4 COMPREHENSIVE IRAN SANCTIONS

On motion of Mr. BERMAN, by unanimous consent, the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. BERMAN, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶47.5 MOTION TO INSTRUCT CONFEREES—H.R. 2194

Ms. ROS-LEHTINEN moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 2194, be instructed (1) to insist on the provisions of H.R. 2194, to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran, as passed by the House on December 15, 2009; and (2) to complete their work and present a conference report and joint explanatory statement by no later than May 28, 2010.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶47.6 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to, without amendment, a concurrent resolution of the House of the following title:

H. Con. Res. 222. A concurrent resolution recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America.

The message also announced that pursuant to Public Law 85-874, as amended, the Chair, on behalf of the President of the Senate, appoints the following individual to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: the Senator from North Dakota [Mr. CONRAD] vice the Honorable Edward M. Kennedy of Massachusetts.

The message also announced that pursuant to Public Law 94–201, as amended by Public Law 105–275, the Chair, on behalf of the President pro tempore, appoints the following individuals as members of the Board of Trustees of the American Folklife Center of the Library of Congress: Patricia Atkinson of Nevada vice, Dennis Holub of South Dakota; and Joanna Hess of New Mexico vice, Mickey Hart of California.

¶47.7 PRIVILEGES OF THE HOUSE

Mr. FLAKE, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1287):

Whereas, the Committee on Standards of Official Conduct initiated an investigation into allegations related to earmarks and campaign contributions in the Spring of 2009.

Whereas, on December 2, 2009, reports and findings in seven separate matters involving the alleged connection between earmarks and campaign contributions were forwarded by the Office of Congressional Ethics to the Standards Committee.

Whereas, on February 26, 2010, the Standards Committee made public its report on the matter wherein the Committee found, though a widespread perception exists among corporations and lobbyists that campaign contributions provide a greater chance of obtaining earmarks, there was no evidence that Members or their staff considered contributions when requesting earmarks.

Whereas, the Committee indicated that, with respect to the matters forwarded by the Office of Congressional Ethics, neither the evidence cited in the OCE's findings nor the evidence in the record before the Standards Committee provided a substantial reason to believe that violations of applicable standards of conduct occurred.

Whereas, the Office of Congressional Ethics is prohibited from reviewing activities taking place prior to March of 2008 and lacks the authority to subpoena witnesses and documents.

Whereas, for example, the Office of Congressional Ethics noted that in some instances documents were redacted or specific information was not provided and that, in at least one instance, they had reason to believe a witness withheld information requested and did not identify what was being withheld.

Whereas, the Office of Congressional Ethics also noted that they were able to interview only six former employees of the PMA Group, with many former employees refusing to consent to interviews and the OCE unable to obtain evidence within PMA's possession.

Whereas, Roll Call noted that ''the committee report was five pages long and included no documentation of any evidence collected or any interviews conducted by the committee, beyond a statement that the investigation 'included extensive document reviews and interviews with numerous witnesses.' '' (Roll Call, March 8, 2010)

Whereas, it is unclear whether the Standards Committee included in their investigation any activities that occurred prior to 2008.

Whereas, it is unclear whether the Standards Committee interviewed any Members in the course of their investigation.

Whereas, it is unclear whether the Standards Committee, in the course of their investigation, initiated their own subpoenas or followed the Office of Congressional Ethics recommendations to issue subpoenas. Therefore be it:

Resolved, That not later than seven days after the adoption of this resolution, the Committee on Standards of Official Conduct shall report to the House of Representatives, with respect to the activities addressed in its report of February 26, 2010, (1) how many witnesses were interviewed, (2) how many, if any, subpoenas were issued in the course of their investigation, and (3) what documents were reviewed and their availability for public review.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

When said resolution was considered.

Mr. HASTINGS of Florida, moved to refer the resolution to the Committee on Standards of Official Conduct.

Mr. FLAKE moved the previous question on the resolution to its adoption or rejection.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the motion on the previous question was preferential.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the nays had it.

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative .....

Yeas	187
Nays	218
Answered present	16

¶47.8 [Roll No. 217]

YEAS—187

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

NAYS—218

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

ANSWERED ''PRESENT''—16

Bonner	Dent	McCaul
Butterfield	Diaz-Balart, L.	Myrick
Buyer	Harper	Walden
Castor (FL)	Hastings (WA)	Welch
Chandler	Latham	
Conaway	Lofgren, Zoe	

NOT VOTING—9

Barrett (SC)	Gohmert	Polis (CO)
Conyers	Inglis	Ruppersberger
Davis (AL)	Maloney	Rush

So the previous question was not ordered.

A motion to reconsider the vote whereby the previous question was not ordered was, by unanimous consent, laid on the table.

Accordingly,

When said motion to refer was considered.

After debate,

On motion of Mr. HASTINGS of Florida, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to the motion?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. HASTINGS of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	402
Nays	0
Answered present	17

¶47.9 [Roll No. 218]

YEAS—402

Ackerman	Brady (TX)	Costa
Aderholt	Braley (IA)	Costello
Adler (NJ)	Bright	Courtney
Akin	Broun (GA)	Crenshaw
Alexander	Brown (SC)	Crowley
Altmire	Brown, Corrine	Cuellar
Andrews	Brown-Waite, Ginny	Culberson
Arcuri		Cummings
Austria	Buchanan	Dahlkemper
Baca	Burton (IN)	Davis (CA)
Bachmann	Buyer	Davis (IL)
Bachus	Calvert	Davis (KY)
Baird	Camp	Davis (TN)
Baldwin	Campbell	DeFazio
Barrow	Cantor	DeGette
Bartlett	Cao	Delahunt
Barton (TX)	Capito	DeLauro
Bean	Capps	Deutch
Becerra	Capuano	Diaz-Balart, M.
Berkley	Cardoza	Dicks
Berry	Carnahan	Dingell
Biggert	Carney	Doggett
Bilbray	Carson (IN)	Donnelly (IN)
Bilirakis	Carter	Doyle
Bishop (GA)	Cassidy	Dreier
Bishop (NY)	Castle	Driehaus
Bishop (UT)	Chaffetz	Duncan
Blumenauer	Childers	Edwards (MD)
Blunt	Chu	Edwards (TX)
Boccieri	Clarke	Ehlers
Boehner	Clay	Ellison
Bono Mack	Cleaver	Ellsworth
Boozman	Clyburn	Emerson
Boren	Coble	Engel
Boswell	Coffman (CO)	Eshoo
Boucher	Cohen	Etheridge
Boustany	Cole	Fallin
Boyd	Connolly (VA)	Farr
Brady (PA)	Cooper	Fattah

Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—17

Blackburn
Bonner
Butterfield
Castor (FL)
Chandler
Conaway
Dent
Diaz-Balart, L.
Harper
Hastings (WA)
Latham
Lofgren, Zoe
McCaul
Myrick
Simpson
Walden
Welch

NOT VOTING—11

Barrett (SC)
Berman
Burgess
Conyers
Davis (AL)
Gingrey (GA)
Gohmert
Maloney
Polis (CO)
Ruppersberger
Rush

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶47.10 MOTION TO INSTRUCT CONFEREES TO H.R. 2194—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Ms. ROS-LEHTINEN, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	403
Nays	11
Answered present	3

¶47.11 [Roll No. 219]

YEAS—403

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

NAYS—11

Baird
Baldwin
Blumenauer
Duncan
Flake
Jones
Kucinich
McDermott
Moore (WI)
Paul
Waters

ANSWERED ''PRESENT''—3

Ellison	Lee (CA)	Stark

NOT VOTING—13

Barrett (SC)	Higgins	Rush
Conyers	Maloney	Sutton
Davis (AL)	Markey (MA)	Tierney
Gohmert	Polis (CO)	
Gordon (TN)	Ruppersberger	

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶47.12 H. RES. 1270—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1270) expressing support for Mathematics Awareness Month.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 407 Nays 2

¶47.13 [Roll No. 220]

YEAS—407

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

NAYS—2

Paul	Young (AK)

NOT VOTING—21

Ackerman	Dicks	McIntyre
Aderholt	Gohmert	Polis (CO)
Barrett (SC)	Grijalva	Quigley
Cleaver	Jordan (OH)	Ruppersberger
Conyers	Kaptur	Rush
Davis (AL)	LaTourette	Welch
Dent	Maloney	Whitfield

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶47.14 APPOINTMENT OF CONFEREES—H.R. 2194

The SPEAKER pro tempore, Ms. TITUS, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran:

From the Committee on Foreign Affairs, for consideration of the House bill and the amendment of the Senate, and modifications committed to conference: Messrs. BERMAN, ACKERMAN, SHERMAN, CROWLEY, SCOTT of Georgia, COSTA, KLEIN of Florida, Ms. ROS-LEHTINEN, Messrs. BURTON of Indiana, ROYCE, and PENCE.

From the Committee on Financial Services, for consideration of sections 3 and 4 of the House bill, and sections 101–103, 106, 203, and 401 of the amendment of the Senate, and modifications committed to conference: Messrs. FRANK of Massachusetts, MEEKS of New York, and GARRETT of New Jersey.

From the Committee on Ways and Means, for consideration of sections 3 and 4 of the House bill, and sections 101–103 and 401 of the amendment of the Senate, and modifications committed to conference: Messrs. LEVIN, TANNER, and CAMP.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶47.15 FIRST SPONSORS CHANGE—H.R. 1914

Mr. BROUN of Georgia, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 1914) to amend the endangered Species Act of 1973 to provide for the suspension of each provision of the Act during periods of drought with respect to Federal and State agencies that manage Federal river basins that are located in each region affected by the drought, (a bill originally introduced by Representative Deal of Georgia); for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7(b)(4) of rule XII.

¶47.16 FIRST SPONSORS CHANGE—H.R. 4336

Mr. GINGREY of Georgia, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 4336) to provide that pay for Members of Congress be reduced following any fiscal year in which there is a Federal deficit, (a bill originally introduced by Representative Deal of Georgia); for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7(b)(4) of rule XII.

¶47.17 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, April 26, 2010, at 12:30 p.m. for morning-hour debate.

¶47.18 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 3244. An Act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

¶47.19 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3244. An Act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011; to the Committee on House Administration; in addition to the Committee on Oversight and Government Reform for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶47.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. MCCOLLUM, for today until noon.

And then,

¶47.21 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 4 o'clock and 8 minutes p.m., the House adjourned until 12:30 p.m. on Monday, April 26, 2010.

¶47.22 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. WOOLSEY (for herself, Mr. ANDREWS, and Mr. GEORGE MILLER of California):

H.R. 5107. A bill to amend the Fair Labor Standards Act of 1938 to require persons to keep records of non-employees who perform labor or services for remuneration and to provide a special penalty for persons who misclassify employees as non-employees, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H.R. 5108. A bill to require certain Internet websites that, contain personal information of individuals to remove such information at the request of such individuals; to the Committee on Energy and Commerce.

By Mr. KIRK (for himself, Mr. SESSIONS, Mr. LEE of New York, Mr. GERLACH, Mr. DENT, Mr. SHIMKUS, Mr. SENSENBRENNER, and Mr. BARTON of Texas):

H.R. 5109. A bill to establish a tax, regulatory, and legal structure in the United States that encourages small businesses to expand and innovate, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Small Business, Financial Services, Rules, Education and Labor, Energy and Commerce, the Judiciary, Oversight and Government Reform, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIRKPATRICK of Arizona:

H.R. 5110. A bill to modify the boundary of the Casa Grande Ruins National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. PITTS (for himself, Mr. ADERHOLT, Mr. AKIN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. CHAFFETZ, Mr. CONAWAY, Mr. DAVIS of Tennessee, Mr. FLEMING, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GRIFFITH, Mr. HENSARLING, Mr. HOEKSTRA, Mr. HOLDEN, Mr. INGLIS, Mr. ISSA, Mr. JORDAN of Ohio, Mr. LAMBORN, Mr. LATTA, Mr. LIPINSKI, Mr. MANZULLO, Mr. MARCHANT, Mr. MCHENRY, Mr. MCINTYRE, Mr. NEUGEBAUER, Mr. PENCE, Mr. ROE of Tennessee, Mr. RYAN of Wisconsin, Mr. SMITH of New Jersey, Mr. SCALISE, Mrs. SCHMIDT, Mr. TAYLOR, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. BRADY of Texas, Mr. DANIEL E. LUNGREN of California, Mr. CHILDERS, Mr. MARSHALL, and Mr. SESSIONS):

H.R. 5111. A bill to amend the Patient Protection and Affordable Care Act to modify special rules relating to coverage of abortion services under such Act; to the Committee on Energy and Commerce.

By Mr. CARNAHAN (for himself, Mrs. BIGGERT, and Ms. NORTON):

H.R. 5112. A bill to provide for the training of Federal building personnel, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. DAHLKEMPER:

H.R. 5113. A bill to amend the Child Nutrition Act of 1966 to establish the Healthy Habits School Challenge Program to reduce childhood obesity by recognizing schools that are creating healthier school environments for children by promoting good nutrition and physical activity, and for other purposes; to the Committee on Education and Labor.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. COSTELLO, Ms. MATSUI, Mr. THOMPSON of Mississippi, Mr. PATRICK J. MURPHY of Pennsylvania, Mrs. CAPPS, Mr. CARDOZA, Mr. HARE, Mr. AL GREEN of Texas, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 5114. A bill to extend the authorization for the national flood insurance program, to identify priorities essential to reform and ongoing stable functioning of the program, and for other purposes; to the Committee on Financial Services.

By Mr. SCHAUER (for himself and Mr. RUSH):

H.R. 5115. A bill to recognize the key contributions of flight support specialists to our Nation's aviation safety by restoring the retirement treatment of flight support specialists whose functions were outsourced by the Federal Government in 2005; to the Committee on Oversight and Government Reform.

By Mr. GORDON of Tennessee:

H.R. 5116. A bill to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. REICHERT, Mr. SMITH of Washington, Ms. LEE of California, and Mr. OLVER):

H.R. 5117. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MORAN of Kansas:

H.R. 5118. A bill to amend the Clean Air Act to require the exclusion of data of an exceedance or violation of a national ambient air quality standard caused by a prescribed fire in the Flint Hills Region, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LUJÁN (for himself, Ms. BORDALLO, Mr. GRIJALVA, Mr. HEINRICH, Mrs. KIRKPATRICK of Arizona, Mr. MATHESON, Mrs. NAPOLITANO, Mr. SALAZAR, and Mr. TEAGUE):

H.R. 5119. A bill to amend the Radiation Exposure Compensation Act to improve compensation for workers involved in uranium mining, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. NYE, and Mr. TEAGUE):

H.R. 5120. A bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Education and Labor, Small Business, Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE (for herself, Ms. WOOLSEY, Mr. ELLISON, Mrs. MALONEY, Mr. STARK, Ms. CHU, Mrs. DAVIS of California, Ms. WATSON, Mr. GRIJALVA, Ms. KILPATRICK of Michigan, Ms. BALDWIN, Mrs. CAPPS, Mr. MOORE of Kansas, Ms. SCHAKOWSKY, Mr. COHEN, Mr. MEEK of Florida, Ms. LEE of California, and Ms. SLAUGHTER):

H.R. 5121. A bill to promote the sexual and reproductive health of individuals and couples in developing countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HINOJOSA (for himself, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. PASTOR of Arizona, Mr. CLAY, Mr. ELLISON, Mr. LUJÁN, Mr. WILSON of Ohio, and Mr. THOMPSON of Mississippi):

H.R. 5122. A bill to authorize appropriations for the Housing Assistance Council; to the Committee on Financial Services.

By Mr. DAVIS of Illinois:

H.R. 5123. A bill to suspend temporarily the duty on certain high-intensity sweetener; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 5124. A bill to prohibit the use, production, sale, importation, or exportation of any pesticide containing atrazine; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself and Ms. SPEIER):

H.R. 5125. A bill to amend the Emergency Economic Stabilization Act of 2008 to establish a fund to be used to make local governments whole for losses incurred from the Lehman Brothers Holding, Inc., bankruptcy; to the Committee on Financial Services.

By Mr. FLEMING:

H.R. 5126. A bill to repeal provisions of the Patient Protection and Affordable Care Act relating to health savings accounts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself and Mr. BILBRAY):

H.R. 5127. A bill to amend title 31, United States Code, to establish a reporting requirement for any stored value device carried out of, into, or through the United States, to establish registration requirements for stored value programs, and for other purposes; to the Committee on Financial Services.

By Mr. HEINRICH (for himself, Mr. LUJÁN, Mr. TEAGUE, Mr. GRIJALVA, Ms. GIFFORDS, Mrs. KIRKPATRICK of Arizona, Mr. MITCHELL, and Mr. PASTOR of Arizona):

H.R. 5128. A bill to designate the Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''; to the Committee on Transportation and Infrastructure.

By Mr. HODES (for himself and Mr. CARNAHAN):

H.R. 5129. A bill to amend the Internal Revenue Code of 1986 to treat carsharing and ridesharing reimbursement arrangements as qualified transportation fringe benefits; to the Committee on Ways and Means.

By Mr. LANGEVIN (for himself and Mr. COURTNEY):

H.R. 5130. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut:

H.R. 5131. A bill to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes; to the Committee on Natural Resources.

By Mr. MATHESON:

H.R. 5132. A bill to require the Director of the National Institute of Standards and Technology to establish a research initiative to support the development of technical standards and conformance architecture to improve emergency communication and tracking technologies for use in locating trapped individuals in confined spaces and other shielded environments where conventional radio communication is limited, and for other purposes; to the Committee on Science and Technology.

By Mr. ROTHMAN of New Jersey (for himself, Mr. ANDREWS, Mr. LOBIONDO, Mr. SIRES, Mr. PALLONE, Mr. SMITH of New Jersey, Mr. LANCE, Mr. ADLER of New Jersey, Mr. FRELINGHUYSEN, Mr. GARRETT of New Jersey, Mr. HOLT, Mr. PASCRELL, and Mr. PAYNE):

H.R. 5133. A bill to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. TSONGAS (for herself, Mr. PAYNE, Ms. NORTON, Mr. SIRES, Mr. ELLISON, Mr. CAO, Ms. MOORE of Wisconsin, Mrs. LOWEY, and Mr. BLUMENAUER):

H.R. 5134. A bill to authorize the Secretary of the Interior, in consultation with the Groundwork USA national office, to provide grants to certain nonprofit organizations; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALDEN:

H.R. 5135. A bill to provide for congressional approval of national monuments in Oregon, restrictions on the use of national monuments, and for other purposes; to the Committee on Natural Resources.

By Mr. FLAKE:

H. Res. 1287. A resolution raising a question of the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. DENT (for himself, Mr. CANTOR, Mr. MCCAUL, Mr. AUSTRIA, Mr. ROE of Tennessee, Mr. COFFMAN of Colorado, Mr. FRANKS of Arizona, Mr. POSEY, Mr. GERLACH, Mr. ROONEY, Mr. UPTON, Mr. BARTLETT, Mrs. MILLER of Michigan, Mr. BROUN of Georgia, Mr. BILIRAKIS, Mr. OLSON, and Mr. PITTS):

H. Res. 1288. A resolution urging the issuance of a certificate of loss of nationality for Anwar al-Awlaki; to the Committee on the Judiciary.

By Mr. GOODLATTE (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. MCCARTHY of California, Mr. PENCE, Mr. MCCOTTER, Mrs. MCMORRIS RODGERS, Mr. AKIN, Mr. ALEXANDER, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. BARTON of Texas, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mr. BONNER, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BROUN of Georgia, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CAMPBELL, Mrs. CAPITO, Mr. CARTER, Mr. CASSIDY, Mr. CASTLE, Mr. CHAFFETZ, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. CRENSHAW, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DENT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DREIER, Mr. DUNCAN, Mr. EHLERS, Mrs. EMERSON, Ms. FALLIN, Mr. FLAKE, Mr. FLEMING, Mr. FORBES, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GINGREY of Georgia, Mr. GOHMERT, Ms. GRANGER, Mr. GRAVES, Mr. GRIFFITH, Mr. GUTHRIE, Mr. HALL of Texas, Mr. HARPER, Mr. HASTINGS of Washington, Mr. HELLER, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. INGLIS, Mr. ISSA, Ms. JENKINS, Mr. JOHNSON of Illinois, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. KINGSTON, Mr. KIRK, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LANCE, Mr. LATOURETTE, Mr. LATTA, Mr. LEE of New York, Mr. LEWIS of California, Mr. LINDER, Mr. LOBIONDO, Mr. LUCAS, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCHENRY, Mr. MCKEON, Mr. MICA, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MILLER of Michigan, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. NUNES, Mr. OLSON, Mr. PETRI, Mr. PITTS, Mr. PLATTS, Mr. POE of Texas, Mr. POSEY, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. RADANOVICH, Mr. REHBERG, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Mr. ROONEY, Mr. ROSKAM, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SCALISE, Mrs. SCHMIDT, Mr. SCHOCK, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SMITH of Nebraska, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. TIAHRT, Mr. TIBERI, Mr. TURNER, Mr. UPTON, Mr. WALDEN, Mr. WAMP, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. WOLF, Mr. ADERHOLT, and Mr. SIMPSON):

H. Res. 1289. A resolution expressing the sense of the House that Democratic Members of the House should join Republican Members of the House in a total ban on earmarks for one year, that total discretionary spending should be reduced by the amount saved by earmark moratoriums, and that a bipartisan, bicameral committee should be created to review and overhaul the budgetary, spending, and earmark processes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of Connecticut (for himself, Mr. CASTLE, Ms. SLAUGHTER, Mrs. BIGGERT, Ms. DEGETTE, and Mr. WAXMAN):

H. Res. 1290. A resolution supporting the goals and ideals of a National Day to Prevent Teen Pregnancy; to the Committee on Energy and Commerce.

By Mr. ARCURI:

H. Res. 1291. A resolution expressing support for designation of the week beginning May 9, 2010, as National Nursing Home Week; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas:

H. Res. 1292. A resolution congratulating the Emporia State University Lady Hornets women's basketball team for winning the 2010 NCAA Division II National Championship; to the Committee on Education and Labor.

By Mrs. BIGGERT (for herself and Mr. WALDEN):

H. Res. 1293. A resolution expressing support for the goals and ideals of National Child Abuse Prevention Month; to the Committee on Education and Labor.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. BOREN):

H. Res. 1294. A resolution expressing support for designation of the first Saturday in May as National Explosive Ordnance Disposal Day to honor those who are serving and have served in the noble and self-sacrificing profession of Explosive Ordnance Disposal in the United States Armed Forces; to

the Committee on Oversight and Government Reform.

By Mr. FORTENBERRY:

H. Res. 1295. A resolution celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day; to the Committee on Oversight and Government Reform.

By Mr. LANGEVIN (for himself and Mr. BILBRAY):

H. Res. 1296. A resolution congratulating the American Society for Cell Biology on its 50 years of service to the basic biomedical research community in the United States and around the world, as well as the public; to the Committee on Energy and Commerce.

By Ms. MARKEY of Colorado (for herself, Mr. DEFAZIO, Mr. REHBERG, Mr. CARNAHAN, Mr. POLIS, Mr. WU, Mr. BLUMENAUER, and Mr. LANCE):

H. Res. 1297. A resolution supporting the goals and ideals of American Craft Beer Week; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Virginia (for himself, Mr. MCGOVERN, Mr. FARR, Mr. RYAN of Ohio, Mr. HONDA, Ms. ROYBAL-ALLARD, Mr. ANDREWS, Mr. BERMAN, Mr. NADLER of New York, Ms. WOOLSEY, Ms. EDWARDS of Maryland, Mr. CONNOLLY of Virginia, Ms. CASTOR of Florida, Mr. BOYD, Mrs. CAPPS, Ms. HARMAN, Mrs. DAVIS of California, Mr. WAXMAN, Ms. DEGETTE, Mr. BLUMENAUER, Mr. SCHAUER, Ms. WATSON, Ms. SCHAKOWSKY, Ms. MATSUI, Mr. HINCHEY, and Mr. GARAMENDI):

H. Res. 1298. A resolution encouraging efforts to reduce the use of paper and plastic bags; to the Committee on Energy and Commerce.

¶47.23 MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

262. The SPEAKER presented a memorial of the House of Representatives of the State of New Mexico, relative to House Memorial 39 urging the Republic of Turkey to hold and safeguard religious and human rights without compromise; to the Committee on Foreign Affairs.

263. Also, a memorial of the House of Representatives of the State of New Mexico, relative to House Memorial 34 urging the Congress of the United States to expedite the passage of legislation to enact the necessary amendments to the Surface Mining Control and Reclamation Act of 1977; to the Committee on Natural Resources.

264. Also, a memorial of the House of Representatives of the State of New Mexico, relative to House Memorial 54 urging the Congress of the United States to consider legislation that promotes clean energy development and use; jointly to the Committees on Energy and Commerce, Foreign Affairs, Financial Services, Education and Labor, Science and Technology, Transportation and Infrastructure, Natural Resources, Agriculture, and Ways and Means.

¶47.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. MURPHY of New York, Ms. HIRONO, Ms. SLAUGHTER, Mr. DONNELLY of Indiana, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 208: Ms. GINNY BROWN-WAITE of Florida, Mr. MILLER of Florida, and Mr. CARTER.

H.R. 213: Mr. CONNOLLY of Virginia.

H.R. 219: Mr. AUSTRIA.

H.R. 413: Mr. QUIGLEY, Mr. LARSEN of Washington, Mr. GARAMENDI, Mr. LUJÁN, and Mr. OLVER.

H.R. 483: Mr. WALDEN.

H.R. 678: Mr. PITTS, Mrs. NAPOLITANO, and Mr. SPACE.

H.R. 734: Mr. KUCINICH, Mr. JOHNSON of Illinois, and Mr. LARSEN of Washington.

H.R. 761: Mr. REHBERG.

H.R. 775: Mr. QUIGLEY, Mr. HALL of Texas, Mr. MURPHY of New York, and Mr. MAFFEI.

H.R. 836: Mr. PALLONE.

H.R. 847: Mr. GARAMENDI and Mr. BACA.

H.R. 878: Mr. GOODLATTE.

H.R. 932: Mr. BISHOP of New York.

H.R. 949: Mr. KUCINICH.

H.R. 950: Ms. CORRINE BROWN of Florida.

H.R. 1024: Ms. CASTOR of Florida.

H.R. 1074: Mr. TEAGUE, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. ADERHOLT.

H.R. 1077: Ms. PINGREE of Maine.

H.R. 1079: Mr. KUCINICH.

H.R. 1083: Mr. POE of Texas.

H.R. 1087: Mr. RYAN of Ohio.

H.R. 1165: Ms. ZOE LOFGREN of California.

H.R. 1169: Mr. FORBES.

H.R. 1177: Mr. BRADY of Texas, Mr. GINGREY of Georgia, Mr. HERGER, Mr. KIRK, Mr. NEUGEBAUER, and Mr. SMITH of New Jersey.

H.R. 1205: Mr. MARKEY of Massachusetts, Mr. SHIMKUS, Mrs. BACHMANN, and Mr. MCGOVERN.

H.R. 1283: Mr. DEUTCH.

H.R. 1308: Mr. CUMMINGS and Ms. KILROY.

H.R. 1361: Mr. YARMUTH, Ms. CHU, and Ms. PINGREE of Maine.

H.R. 1408: Ms. RICHARDSON and Ms. NORTON.

H.R. 1430: Mr. DOYLE and Mr. SIRES.

H.R. 1458: Mrs. NAPOLITANO and Ms. ZOE LOFGREN of California.

H.R. 1526: Mr. PRICE of North Carolina.

H.R. 1529: Mr. JOHNSON of Georgia.

H.R. 1558: Mr. GERLACH.

H.R. 1616: Mr. HALL of New York.

H.R. 1625: Mrs. MCMORRIS RODGERS, Mr. HEINRICH, Mr. GARAMENDI, Mr. MARKEY of Massachusetts, Mr. MCINTYRE, Mr. MELANCON, Ms. CASTOR of Florida, Mr. ARCURI, Mr. WELCH, and Mrs. MCCARTHY of New York.

H.R. 1670: Ms. ESHOO.

H.R. 1826: Mr. BOSWELL, Mr. THOMPSON of California, and Mr. MEEK of Florida.

H.R. 1844: Mr. KAGEN.

H.R. 1855: Ms. SUTTON.

H.R. 1874: Mr. RYAN of Ohio and Mr. SHULER.

H.R. 1964: Mr. CAO.

H.R. 2000: Mr. KINGSTON, Ms. JENKINS, and Ms. CASTOR of Florida.

H.R. 2054: Ms. ZOE LOFGREN of California.

H.R. 2057: Ms. SPEIER.

H.R. 2142: Ms. HARMAN.

H.R. 2220: Ms. SCHWARTZ.

H.R. 2275: Mr. MELANCON, Mr. THOMPSON of Pennsylvania, Ms. MCCOLLUM, and Mr. BACHUS.

H.R. 2328: Mr. LARSON of Connecticut.

H.R. 2408: Mr. LATOURETTE.

H.R. 2478: Mr. LIPINSKI and Mr. GALLEGLY.

H.R. 2542: Mr. KLEIN of Florida.

H.R. 2547: Mr. BROUN of Georgia.

H.R. 2625: Mr. GUTIERREZ, Mr. HALL of New York, and Ms. WOOLSEY.

H.R. 2639: Mr. DICKS.

H.R. 2999: Mr. MARKEY of Massachusetts.

H.R. 3017: Mr. DEUTCH, Mr. SCHAUER, and Ms. LORETTA SANCHEZ of California.

H.R. 3024: Mr. BECERRA.

H.R. 3039: Mr. BOUSTANY and Mr. PITTS.

H.R. 3048: Mr. BRADY of Pennsylvania.

H.R. 3077: Mr. HINCHEY.

H.R. 3108: Ms. NORTON.

H.R. 3181: Ms. RICHARDSON and Ms. CHU.

H.R. 3286: Ms. LORETTA SANCHEZ of California and Ms. KOSMAS.

H.R. 3310: Mr. FRELINGHUYSEN and Mr. OLSON.

H.R. 3335: Mr. WATT and Ms. MOORE of Wisconsin.

H.R. 3393: Ms. HARMAN and Mr. MITCHELL.

H.R. 3402: Mr. WALDEN.

H.R. 3408: Mr. BLUMENAUER, Mr. SHERMAN, Mr. BRADY of Pennsylvania, Mr. SCOTT of Virginia, Ms. ROYBAL-ALLARD, Mr. LANGEVIN, Mr. LEWIS of Georgia, Mr. HASTINGS of Florida, Mr. CUMMINGS, Mr. BECERRA, Mr. CARNAHAN, Mr. WEINER, Ms. EDWARDS of Maryland, Mr. SERRANO, and Ms. FUDGE.

H.R. 3418: Mr. KISSELL.

H.R. 3421: Mrs. MALONEY and Mr. MEEKS of New York.

H.R. 3560: Mr. BLUMENAUER.

H.R. 3564: Ms. TITUS and Mr. SHERMAN.

H.R. 3567: Mr. CUMMINGS.

H.R. 3652: Mr. TERRY, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, and Mr. DOYLE.

H.R. 3666: Mr. SOUDER.

H.R. 3668: Mr. CONAWAY, Mr. HODES, Mrs. LOWEY, Mr. LEE of New York, Ms. KAPTUR, Mr. SARBANES, Mr. HOLT, Mr. COURTNEY, Mr. BROWN of South Carolina, Mr. KLEIN of Florida, Mr. MCNERNEY, and Mr. CLAY.

H.R. 3764: Ms. MOORE of Wisconsin, Mr. PALLONE, Mr. MEEKS of New York, and Mr. SIRES.

H.R. 3781: Mr. CARNEY.

H.R. 3790: Mr. PERLMUTTER, Mr. PETRI, and Mr. HARE.

H.R. 3799: Mr. CLAY.

H.R. 3924: Mr. PITTS, Mr. RADANOVICH, Mr. BLUNT, Mr. SULLIVAN, and Mrs. BONO MACK.

H.R. 3936: Mr. MITCHELL, Ms. FUDGE, and Mr. CARNEY.

H.R. 3995: Mr. CAPUANO.

H.R. 4109: Mr. CUMMINGS.

H.R. 4115: Mr. WEINER.

H.R. 4128: Mr. DAVIS of Tennessee, Mr. OLVER, and Mr. RANGEL.

H.R. 4148: Mr. CLAY.

H.R. 4163: Mrs. CAPPS and Mr. BRADY of Pennsylvania.

H.R. 4175: Mr. ISSA.

H.R. 4195: Mr. CONNOLLY of Virginia and Mr. CALVERT.

H.R. 4278: Mr. COFFMAN of Colorado and Mr. TIERNEY.

H.R. 4296: Mr. CHANDLER and Mr. MCGOVERN.

H.R. 4333: Mr. DRIEHAUS.

H.R. 4343: Mr. AL GREEN of Texas.

H.R. 4427: Mr. FRANK of Massachusetts and Mr. MACK.

H.R. 4443: Mr. BISHOP of New York.

H.R. 4489: Mr. MORAN of Virginia, Mr. VISCLOSKY, and Mr. FILNER.

H.R. 4502: Mr. HODES.

H.R. 4525: Ms. MARKEY of Colorado.

H.R. 4530: Mr. BRALEY of Iowa.

H.R. 4533: Ms. RICHARDSON and Ms. SUTTON.

H.R. 4544: Mr. MELANCON and Mr. PLATTS.

H.R. 4568: Mr. LOBIONDO.

H.R. 4572: Mr. ROSS.

H.R. 4594: Mr. PETERS, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. ENGEL, Mr. HODES, Ms. LORETTA SANCHEZ of California, Mr. TIERNEY, Mr. CROWLEY, Mr. CONNOLLY of Virginia, Ms. WASSERMAN SCHULTZ, and Mr. TIM MURPHY of Pennsylvania.

H.R. 4599: Ms. GIFFORDS.

H.R. 4645: Mr. LOEBSACK and Mr. JOHNSON of Georgia.

H.R. 4647: Mr. COSTA, Mr. RUSH, Mr. CROWLEY, and Mr. CONNOLLY of Virginia.

H.R. 4649: Mr. HIMES, Mr. TIAHRT, Mr. CALVERT, and Mr. FRANKS of Arizona.

H.R. 4684: Ms. CHU.

H.R. 4689: Mr. QUIGLEY, Ms. LORETTA SANCHEZ of California, Mrs. CAPITO, and Mr. PETRI.

H.R. 4745: Ms. WASSERMAN SCHULTZ.

H.R. 4759: Mr. ALTMIRE and Mr. SPACE.

H.R. 4785: Mr. WALZ, Mr. BISHOP of Georgia, and Ms. GIFFORDS.

H.R. 4796: Mr. LEE of New York and Ms. GIFFORDS.

H.R. 4803: Mr. PITTS.

H.R. 4812: Ms. DEGETTE.

H.R. 4850: Ms. KILROY.

H.R. 4859: Mr. REHBERG.

H.R. 4869: Mr. QUIGLEY, Ms. WATSON, and Mr. PAYNE.

H.R. 4879: Mr. NADLER of New York, Mr. BLUMENAUER, Ms. ESHOO, Ms. MOORE of Wisconsin, and Ms. KILROY.

H.R. 4886: Mr. FRANKS of Arizona and Mrs. BLACKBURN.

H.R. 4888: Mr. THOMPSON of California, Mr. PAULSEN, Mr. HUNTER, Mr. WALDEN, and Ms. GIFFORDS.

H.R. 4889: Mr. MCCOTTER.

H.R. 4903: Mr. SHADEGG, Mr. BROWN of South Carolina, and Mr. NEUGEBAUER.

H.R. 4904: Mr. AUSTRIA.

H.R. 4918: Mr. SCHIFF, Mr. MELANCON, Mr. DAVIS of Tennessee, and Ms. GIFFORDS.

H.R. 4919: Mr. RADANOVICH.

H.R. 4923: Mr. PERLMUTTER, Mr. MATHESON, Mr. SIRES, Mr. HARE, Ms. TITUS, Ms. BERKLEY, Mrs. HALVORSON, Mr. LOEBSACK, Mr. WALZ, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. POMEROY, Mr. TONKO, Ms. EDWARDS of Maryland, Ms. BALDWIN, Mr. MORAN of Virginia, Mr. NYE, Mr. LARSON of Connecticut, Mr. BRALEY of Iowa, Mr. SMITH of Washington, Mr. PALLONE, Mr. BECERRA, Mr. SERRANO, Ms. ESHOO, Mr. BROUN of Georgia, Mr. HODES, and Mrs. CAPPS.

H.R. 4927: Mr. COHEN.

H.R. 4929: Mr. THOMPSON of Mississippi, Ms. RICHARDSON, and Ms. FUDGE.

H.R. 4933: Ms. WOOLSEY, Mr. GRIJALVA, and Mr. CONYERS.

H.R. 4940: Ms. JENKINS, Mr. BISHOP of Georgia, and Mr. MANZULLO.

H.R. 4943: Mr. MCCOTTER.

H.R. 4951: Mr. HASTINGS of Washington, Mr. TERRY, Mr. HOEKSTRA, and Ms. GIFFORDS.

H.R. 4959: Mr. NADLER of New York and Mr. PAYNE.

H.R. 4960: Mr. FRELINGHUYSEN.

H.R. 4971: Mrs. BONO MACK and Mr. NUNES.

H.R. 4972: Mrs. BLACKBURN, Mrs. BONO MACK, Mr. NUNES.

H.R. 4993: Mr. WELCH, Mr. HODES, and Mr. COFFMAN of Colorado.

H.R. 4995: Mr. SOUDER.

H.R. 4999: Mr. HOEKSTRA and Mr. GOHMERT.

H.R. 5000: Mr. BAIRD.

H.R. 5008: Mr. ARCURI, Mr. CARDOZA, and Mr. CUELLAR.

H.R. 5015: Mr. FRANK of Massachusetts, Mr. HOLT, and Mr. VISCLOSKY.

H.R. 5017: Mr. HOLDEN and Mr. MOORE of Kansas.

H.R. 5019: Mr. HALL of New York, Mr. INSLEE, Mr. PIERLUISI, Mr. LANGEVIN, Mr. MCGOVERN, Mrs. CAPPS, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. MURPHY of New York, Ms. BERKLEY, Mr. SARBANES, Ms. SUTTON, Mr. CARNAHAN, Mr. LOEBSACK, Ms. PINGREE of Maine, Mr. WEINER, Mr. HOLT, Mr. COURTNEY, Mr. HONDA, Mr. HASTINGS of Florida, and Mr. RYAN of Ohio.

H.R. 5034: Mr. BRALEY of Iowa, Mr. HARE, Mr. POE of Texas, Mr. HOLT, Mr. SCHAUER, and Mr. TOWNS.

H.R. 5038: Mr. LAMBORN.

H.R. 5042: Mr. CLAY.

H.R. 5044: Mr. POE of Texas and Mr. MEEK of Florida.

H.R. 5049: Mr. WALZ.

H.R. 5059: Mr. ROONEY.

H.R. 5064: Mr. WALZ.

H.R. 5065: Mr. MORAN of Kansas, Mr. POE of Texas, Mrs. MCMORRIS RODGERS, Mr. GALLEGLY, and Mr. COBLE.

H.R. 5081: Mr. BOSWELL and Mr. KRATOVIL.

H.R. 5082: Mr. TONKO.

H.R. 5083: Mr. ELLISON.

H.R. 5091: Mr. RUSH.

H.R. 5092: Ms. BERKLEY, Mr. AUSTRIA, Mr. GRIJALVA, and Mr. LANCE.

H.R. 5095: Mr. SOUDER.

H.R. 5102: Mr. VAN HOLLEN.

H.J. Res. 59: Mr. RYAN of Ohio.

H.J. Res. 78: Mr. ALTMIRE.

H. Con. Res. 226: Mr. PERLMUTTER, Mr. CAO, and Mr. RYAN of Ohio.

H. Con. Res. 260: Ms. KOSMAS, Mr. BROWN of South Carolina, Mrs. BONO MACK, Mr. HERGER, Mr. COLE, Mr. COBLE, Mr. REICHERT, Mr. GINGREY of Georgia, Mr. MAFFEI, Mr. RYAN of Wisconsin, Mr. GRAYSON, Mr. MCMAHON, Mr. CAO, Mr. PUTNAM, Mr. BARTLETT, Mr. LINDER, Mr. DEUTCH, Mr. SOUDER, Mr. ROONEY, Mr. CAMPBELL, Mr. STEARNS, Mr. HOLDEN, Mr. NEUGEBAUER, Mr. LEE of New York, and Mr. NEAL of Massachusetts.

H. Con. Res. 262: Ms. MOORE of Wisconsin, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. CLEAVER, Ms. LEE of California, Ms. CORRINE BROWN of Florida, Mr. CARSON of Indiana, Mr. WATT, Ms. FUDGE, Ms. EDWARDS of Maryland, Mr. CONYERS, Mr. CLAY, and Mr. LEWIS of Georgia.

H. Con. Res. 265: Mr. SOUDER and Mr. POSEY.

H. Res. 173: Mrs. MALONEY, Mr. CUMMINGS, Mr. POMEROY, Mr. SCHRADER, Mrs. LOWEY, and Mr. BISHOP of New York.

H. Res. 191: Mr. MCCOTTER.

H. Res. 252: Mr. SCOTT of Virginia.

H. Res. 278: Mr. CROWLEY, Mr. DELAHUNT, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. MEEKS of New York, Ms. WATSON, Mr. SMITH of New Jersey, and Mr. PAYNE

H. Res. 375: Ms. HIRONO, Ms. SHEA-PORTER, Ms. TITUS, and Mr. ARCURI.

H. Res. 397: Mr. CALVERT.

H. Res. 407: Mr. COURTNEY, Mr. CLEAVER, Ms. FUDGE, and Mr. EHLERS.

H. Res. 857: Mr. TERRY.

H. Res. 873: Mr. WALZ and Mr. GALLEGLY.

H. Res. 929: Mr. KUCINICH.

H. Res. 1033: Mrs. CAPITO, Mrs. MILLER of Michigan, Mr. SMITH of Washington, Mr. JOHNSON of Illinois, Mr. CAMP, Ms. JENKINS, Mr. LAMBORN, and Mr. WHITFIELD.

H. Res. 1056: Ms. NORTON.

H. Res. 1110: Mr. BARTLETT, Mr. CONAWAY, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. BRADY of Texas, Mr. PITTS, Mr. AKIN, Mr. LATTA, Mr. BILBRAY, Mr. GINGREY of Georgia, Mrs. LUMMIS, Mr. MARCHANT, Mr. ROONEY, Mr. JOHNSON of Illinois, Mr. CHAFFETZ, and Mr. MILLER of Florida.

H. Res. 1161: Mrs. MALONEY, Ms. CLARKE, Ms. WATERS, Ms. CORRINE BROWN of Florida, Ms. FUDGE, Ms. WATSON, Ms. EDWARDS of Maryland, Mr. SCOTT of Virginia, Ms. JACKSON LEE of Texas, Mr. ELLISON, Mr. PAUL, Mr. KENNEDY, Ms. SCHAKOWSKY, Mrs. CAPPS, Mr. MOORE of Kansas, Mrs. LUMMIS, Ms. LEE of California, Mrs. HALVORSON, Ms. TITUS, Ms. WOOLSEY, Mr. BOEHNER, Mr. BARTLETT, and Mr. MCGOVERN.

H. Res. 1196: Mr. EDWARDS of Texas.

H. Res. 1207: Mr. BRADY of Pennsylvania, Ms. FALLIN, Mr. HENSARLING, Mr. ROONEY, Mrs. LUMMIS, Mr. AKIN, Mr. PITTS, Mr. BARTLETT, Mr. DINGELL, and Mr. FRANKS of Arizona.

H. Res. 1209: Mr. LATOURETTE and Mr. LAMBORN.

H. Res. 1226: Mr. ORTIZ and Mr. TERRY.

H. Res. 1229: Mrs. MYRICK and Mr. CALVERT.

H. Res. 1240: Mr. DAVIS of Illinois, Mr. HARE, Mr. THOMPSON of California, Mr. VAN HOLLEN, and Mr. MORAN of Virginia.

H. Res. 1245: Mr. KINGSTON and Mr. GRIFFITH.

H. Res. 1247: Ms. MCCOLLUM, Mr. CUMMINGS, Mr. HODES, Ms. WATSON, Mrs. MALONEY, Mr. PIERLUISI, Ms. SPEIER, Mr. SARBANES, Mr. REYES, Mr. KUCINICH, Mr. HOYER, Mr. CLAY, and Ms. NORTON.

H. Res. 1250: Mr. CONYERS.

H. Res. 1251: Ms. JENKINS, Mr. BRADY of Pennsylvania, Mr. CHAFFETZ, Mr. WOLF, Mr. GOHMERT, Mr. COBLE, Mr. PERRIELLO, and Mr. BARTLETT.

H. Res. 1254: Mr. MCKEON, Mr. WALDEN, Mr. LAMBORN, Mr. REHBERG, Mr. FLAKE, Mr. HELLER, and Mr. YOUNG of Alaska.

H. Res. 1259: Mr. BRADY of Pennsylvania and Mr. MCGOVERN.

H. Res. 1261: Mrs. HALVORSON, Mr. KAGEN, Mr. EDWARDS of Texas, Mr. SKELTON, and Mr. SMITH of New Jersey.

H. Res. 1273: Mr. GOHMERT, Mr. GOODLATTE, Mr. WOLF, Mr. GARY G. MILLER of California, Mr. SMITH of Nebraska, Mr. GINGREY of Georgia, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. KING of Iowa, Mrs. BACHMANN, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. MCCOTTER, Mr. MCINTYRE, Mr. POE of Texas, Mr. THOMPSON of Pennsylvania, Ms. JENKINS, Mr. PRICE of Georgia, Mr. BILIRAKIS, Mr. ROONEY, Mr. FORTENBERRY, Mr. BURGESS, Mr. AKIN, Mr. CARTER, Mr. CONAWAY, Ms. FOXX, Mr. TIAHRT, Mr. ROE of Tennessee, Mrs. MCMORRIS RODGERS, Mr. LIPINSKI, Mr. HOEKSTRA, Mr. COBLE, Mr. SHIMKUS, Mr. BROUN of Georgia, Mr. BONNER, Mr. FRELINGHUYSEN, Mr. ROGERS of Alabama, Mr. BRADY of Texas, Mr. OLSON, Mr. LATTA, Mr. SOUDER, Mr. FLEMING, Mr. DUNCAN, Ms. GINNY BROWN-WAITE of Florida, Mr. BARTON of Texas, Mr. UPTON, Mr. AUSTRIA, and Mr. LATHAM.

H. Res. 1277: Mr. GINGREY of Georgia, Mr. LAMBORN, Mr. SOUDER, Mrs. LOWEY, Mr. TOWNS, and Mr. BROUN of Georgia.

H. Res. 1279: Mr. MORAN of Kansas and Mr. BRADY of Texas.

¶47.25 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4717: Ms. NORTON.

MONDAY, APRIL 26, 2010 (48)

¶48.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. MORAN of Virginia, who laid before the House the following communication:

WASHINGTON, DC,
April 26, 2010.

I hereby appoint the Honorable JAMES P. MORAN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶48.2 RECESS—12:31 P.M.

The SPEAKER pro tempore, Mr. MORAN of Virginia, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 31 minutes p.m., until 2 p.m.

¶48.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. HINOJOSA, called the House to order.

¶48.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HINOJOSA, announced he had examined and approved the Journal of the proceedings of Thursday, April 22, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶48.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7168. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alkyl (C12-C16) Dimethyl Ammonio Acetate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-

2009-0479; FRL-8816-5] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7169. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Kasugamycin; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2008-0695; FRL-8808-7] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7170. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thifensulfuron methyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0134; FRL-8818-9] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7171. A letter from the Secretary, Deapartment of the Army, transmitting notification that the Average Procurement Unit Cost (APUC) and Program Acquisition Unit Cost metrics for the Army's Advanced Threat Infrared Countermeasure and Common Missile Warning System (ATIRCM/CMWS) program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

7172. A letter from the Assistant Secretary, Department of Defense, transmitting modernization priority assessments for the National Guard and Reserve equipment for Fiscal Year 2010; to the Committee on Armed Services.

7173. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Transitional Safe Harbor Protection for Treatment by the Federal Deposit Insurance Corporation as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution in Connection With a Securitization or Participation (RIN: 3064-AD55) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7174. A letter from the Chairman, Federal Reserve System, transmitting the Board's report pursuant to the Buy American Act for Fiscal Year 2009; to the Committee on Financial Services.

7175. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Alternate Monitoring Requirements for Indianapolis Power and Light — Harding Street Station [EPA-R05-OAR-2009-0118; FRL-9124-9] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7176. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District [EPA-R09-OAR-2010-0045; FRL-9124-5] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7177. A letter from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Transmission Relay Loadability Reliability Standard [Docket No.: RM08-13-000; Order No. 733] April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7178. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standards [EPA-R05-OAR-2009-0731; FRL-9129-7] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7179. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Pursuant to section 102(g) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103-236 as amended by 103-415), certification for FY 2010 that no United Nations affiliated agency grants any offical staus, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia; to the Committee on Foreign Affairs.

7180. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7181. A letter from the Director Equal Employment Opportunity, National Endowment for the Humanities, transmitting notification that the National Endowment for the Humanities is in compliance with the No FEAR Act for fiscal year 2009 and that there were no incidents of discrimination reported; to the Committee on Oversight and Government Reform.

7182. A letter from the Inspector General, U.S. House of Representatives, transmitting the results of an audit of the U.S. House of Representatives' annual financial statements for the fiscal year ending September 30, 2008; to the Committee on House Administration.

7183. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties, pursuant to Public Law 110-53, section 803 (121 Stat. 266, 360); to the Committee on the Judiciary.

7184. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, -300ER, and 777F Series Airplanes [Docket No.: FAA-2010-0221; Directorate Identifier 2010-NM-043-AD; Amendment 39-16233; AD 2010-06-09] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7185. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS 332 C, L, L1, and L2; AS 350 B3; AS355 F, F1, F2, and N; SA 365N and N1; AS 365 N2 and N3; SA 366G1; EC 130 B4; and EC 155B and B1 Helicopters [Docket No.: FAA-2009-0663; Directorate Identifier 2007-SW-25-AD; Amendment 39-16231; AD 2010-06-07] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7186. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Series Turbofan Engines [Docket No.: FAA-2010-0068; Directorate Identifier 2010-NE-05-AD; Amendment 39-16240; AD 2010-06-15] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7187. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TFE731 Series Turbofan Engines [Docket No.: FAA-2009-0331; Directorate Identifer 2008-NE-40-AD; Amendment 39-16235; AD 2010-06-11] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7188. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Inc. Model 45 Airplanes [Docket No.: FAA-2010-0226; Directorate Identifier 2010-NM-034-AD; Amendment 39-16238; AD 2010-06-13] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7189. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76C Helicopters [Docket No.: FAA-2010-0242; Directorate Identifier 2009-SW-27-AD; Amendment 39-16232; AD 2010-06-08] (RIN: 2120-AA64) received March 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7190. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule — Repeal of Marine Terminal Agreement Exemption [Docket No.: 09-02] (RIN: 3072-AC 35) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7191. A letter from the Director, Regulations Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Revision of 38 CFR 1.17 to Remove Obsolete References to Herbicides Containing Dioxin (RIN: 2900-AN56) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7192. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Temporary Assistance for Needy Families (TANF) Carry-over Funds (RIN: 0970-AC40) received April 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7193. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Life Insurance Reserves —— Actuarial Guideline XLIII [Notice 2010-09] received April 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7194. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Advance Pricing Agreements [Announcement 2010-21] received April 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7195. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2009 [4830-01-P] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7196. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Travel Expenses of State Legislators [TD 9481] (RIN: 1545-BG92) received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7197. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-36] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7198. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — PFIC shareholder reporting under new section 1298(f) for tax years beginning before March 18, 2010 [Notice 2010-34] received April 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶48.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. HINOJOSA, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 26, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 26, 2010 at 9:31 a.m.:

That the Senate concur in the House amendment to the bill S. 1963.

That the Senate passed S. 3253.

That the Senate agreed to with an amendment H. Con. Res. 255.

Appointments:

Commission on Key National Indicators

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶48.7 COMMITTEE APPOINTMENT-MAJORITY

The SPEAKER pro tempore, Mr. HINOJOSA, pursuant to clause 4(a)(5) of rule X, and the order of the House of January 6, 2009, announced that the Speaker appointed the following Member of the House to the Select Intelligence Oversight Panel of the Committee on Appropriations: Ms. WASSERMAN SCHULTZ.

¶48.8 ANTHONY J. CORTESE POST OFFICE BUILDING

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 4543) designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the ''Anthony J. Cortese Post Office Building.''

The SPEAKER pro tempore, Mr. HINOJOSA, recognized Mr. LYNCH and Mr. OLSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HINOJOSA, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HINOJOSA, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶48.9 SAM HOUSTON 217TH ANNIVERSARY OF HIS BIRTH

Mr. LYNCH moved to suspend the rules and agree to the following resolution (H. Res. 1103); as amended:

Whereas Sam Houston was born at Timber Ridge Church, near Lexington, Virginia, on March 2, 1793;

Whereas Sam Houston as an enlisted soldier fought courageously in the War of 1812, and after receiving three near-mortal wounds at the Battle of Horseshoe Bend, rose to the rank of first lieutenant;

Whereas Sam Houston studied law, was admitted to the bar in 1818, and commenced practice in Lebanon, Tennessee;

Whereas Sam Houston became District Attorney in 1819, Adjutant General of the State in 1820, and Major General in 1821;

Whereas Sam Houston was elected to the United States Congress for the State of Tennessee in 1823 and again in 1825 before serving as Governor from 1827 to 1829;

Whereas Sam Houston moved to Oklahoma, served as an advocate for Native American rights and a representative of the Cherokee Nation, and then became a Cherokee citizen on October 21, 1829;

Whereas Sam Houston moved to Texas in 1835 and joined the movement to establish separate statehood for Texas;

Whereas Sam Houston was elected as the commander-in-chief of the armies of Texas in 1836;

Whereas, on April 21, 1836, Sam Houston's forces defeated Mexican President and General Santa Anna, securing Texas' long sought independence;

Whereas the city of Houston, Texas, was named after then-President of the Republic of Texas, Sam Houston, on June 5, 1837;

Whereas Sam Houston was elected the first President of the Republic of Texas and served 2 terms, followed by 2 years with the Texas Congress, after which he returned to serve as President from 1841 to 1844;

Whereas, after Texas joined the Union in 1845, Sam Houston was elected Senator to the United States Congress and served from 1846 to 1859;

Whereas Sam Houston once again resigned his position with Congress to serve as Governor of Texas from 1859 to 1861;

Whereas Sam Houston was deposed on March 18, 1861, because he refused to take the oath of allegiance to the Confederate States;

Whereas Sam Houston died in Huntsville, Texas, on July 26, 1863, and was then interred in Oakwood Cemetery;

Whereas Sam Houston is the only person in United States history to have been the Governor of 2 different States, Tennessee and Texas;

Whereas a memorial museum, U.S. Army base, national forest, historical park, university, and the largest free-standing statue of a United States figure recognize the life of Sam Houston; and

Whereas Sam Houston still stands as a symbol for Texas solidarity and is one of the most significant individuals in the history of Texas: Now, therefore, be it

Resolved, That the House of Representatives honors the life and accomplishments of Sam Houston for his historical contributions to the expansion of the United States.

The SPEAKER pro tempore, Mr. HINOJOSA, recognized Mr. LYNCH and Mr. OLSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. HINOJOSA, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HINOJOSA, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶48.10 STEVE GOODMAN POST OFFICE BUILDING

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 4861) to designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the ''Steve Goodman Post Office Building.''

The SPEAKER pro tempore, Mr. HINOJOSA, recognized Mr. LYNCH and Mr. OLSON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HINOJOSA, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HINOJOSA, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶48.11 RECESS—2:37 P.M.

The SPEAKER pro tempore, Mr. HINOJOSA, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 37 minutes p.m., until approximately 6:30 p.m.

¶48.12 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mrs. HALVORSON, called the House to order.

¶48.13 H.R. 4543—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4543) to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the ''Anthony J. Cortese Post Office Building.''

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	370
	Nays	0

¶48.14 [Roll No. 221]

YEAS—370

Ackerman	Baird	Bishop (UT)
Aderholt	Baldwin	Blackburn
Adler (NJ)	Barrow	Blumenauer
Akin	Bartlett	Blunt
Alexander	Barton (TX)	Boccieri
Altmire	Bean	Boehner
Andrews	Berkley	Bonner
Arcuri	Berman	Bono Mack
Austria	Biggert	Boozman
Baca	Bilbray	Boren
Bachmann	Bilirakis	Boswell
Bachus	Bishop (NY)	Boucher

Boustany
Boyd
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—60

Barrett (SC)
Becerra
Berry
Bishop (GA)
Brady (PA)
Brady (TX)
Brown, Corrine
Cao
Capuano
Castor (FL)
Coble
Costa
Cummings
Davis (AL)
Davis (IL)
Dingell
Fallin
Fleming
Fudge
Gingrey (GA)
Gohmert
Grijalva
Gutierrez
Harman
Higgins
Hinchey
Hoekstra
Inglis
Israel
Johnson (IL)
Kaptur
Kilpatrick (MI)
Kirk
Kissell
Kosmas
Lipinski
Mack
Maffei
Mollohan
Moore (WI)
Moran (VA)
Neal (MA)
Pascrell
Price (GA)
Rohrabacher
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Shadegg
Simpson
Souder
Speier
Stupak
Tiahrt
Towns
Wamp
Weiner
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶48.15 H. RES. 1103—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1103) celebrating the life of Sam Houston on the 217th anniversary of his birth; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 375 Nays 0

¶48.16 [Roll No. 222]

YEAS—375

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

Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—55

Barrett (SC)
Becerra
Berry
Brady (PA)
Brady (TX)
Brown, Corrine
Cao
Capuano
Castor (FL)
Coble
Cummings
Davis (AL)
Davis (IL)
Dingell
Fallin
Fleming
Fudge
Gingrey (GA)
Gohmert
Grijalva
Gutierrez
Harman
Higgins
Hinchey
Hoekstra
Inglis
Israel
Johnson (IL)
Kaptur
Kilpatrick (MI)
Kirk
Kissell
Lipinski
Mack
Maffei
Mollohan
Moore (WI)
Moran (VA)
Neal (MA)
Pascrell
Price (GA)
Rohrabacher
Ruppersberger
Rush
Sanchez, Loretta
Shadegg
Simpson
Souder
Stupak
Tiahrt
Towns
Wamp
Weiner
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution honoring the life and accomplishments of Sam Houston for his historical contributions to the expansion of the United States.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶48.17 H.R. 4861—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4861) to designate the facility of the United States Postal Service located at 1343 West Irving Park Road in Chicago, Illinois, as the ''Steve Goodman Post Office Building.''

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 371 Nays 0

¶48.18 [Roll No. 223]

YEAS—371

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

NOT VOTING—59

Barrett (SC)
Becerra
Berry
Brady (PA)
Brady (TX)
Brown, Corrine
Buyer
Cao
Capuano
Castor (FL)
Coble
Cummings
Davis (AL)
Davis (IL)
Dingell
Fallin
Fleming
Franks (AZ)
Fudge
Gingrey (GA)
Gohmert
Grijalva
Gutierrez
Harman
Higgins
Hinchey
Hoekstra
Inglis
Israel
Johnson (IL)
Kaptur
Kilpatrick (MI)
Kirk
Kissell
Lipinski
Mack
Maffei
Mollohan
Moore (WI)
Moran (VA)
Neal (MA)
Olson
Pascrell
Price (GA)
Rohrabacher
Ruppersberger
Rush
Sanchez, Loretta
Shadegg
Simpson
Souder
Stupak
Tiahrt
Towns
Wamp
Waters
Weiner
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶48.19 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1963. An Act to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

¶48.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CULBERSON, for today;

To Mr. CUMMINGS, for today;

To Mr. DAVIS of Illinois, for today;

To Mr. FLEMING, for today;

To Ms. FUDGE, for today; and

To Ms. KILPATRICK of Michigan, for today.

And then,

¶48.21 ADJOURNMENT

On motion of Mr. KING of Iowa, at 10 o'clock and 25 minutes p.m., the House adjourned.

¶48.22 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on April 23, 2010]

Mr. SKELTON: Committee on Armed Services. H.R. 5013. A bill to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes; with an amendment (Rept. 111–465, Pt. 1). Referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

[Submitted April 26, 2010]

Mr. CONYERS: Committee on the Judiciary. H.R. 1478. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United

States for damages for certain injuries caused by improper medical care, and for other purposes; with an amendment (Rept. 111–466). Referred to the Committee of the Whole House on the state of the Union.

¶48.23 COMMITTEE DISCHARGED

[The following action occurred on April 23, 2010]

Pursuant to clause 2 of rule XIII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 5013 referred to the Committee of the Whole House on the state of the Union.

¶48.24 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SKELTON (for himself and Mr. MCKEON) (both by request):

H.R. 5136. A bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; to the Committee on Armed Services.

By Mr. CROWLEY (for himself and Mrs. BONO MACK):

H.R. 5137. A bill to amend title 18, United States Code, to provide penalties for transporting minors in foreign commerce for the purposes of female genital mutilation; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Ms. ROS-LEHTINEN, Mr. DANIEL E. LUNGREN of California, Mr. CRENSHAW, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. FORTENBERRY, Mr. POE of Texas, Mr. LANCE, Mr. ADERHOLT, Mr. UPTON, Mr. PITTS, Mr. KING of New York, Mr. WOLF, Mrs. SCHMIDT, Mr. PASCRELL, and Mr. DAVIS of Tennessee):

H.R. 5138. A bill to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN:

H.R. 5139. A bill to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo; to the Committee on Foreign Affairs.

By Mr. HOLT:

H.R. 5140. A bill to require the Director of the White House Office of Science and Technology Policy to conduct a study and to prepare a comprehensive national economic competitiveness and innovation strategy; to the Committee on Science and Technology, and in addition to the Committees on Energy and Commerce, the Judiciary, Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California:

H.R. 5141. A bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes; to the Committee on Ways and Means.

By Ms. SCHWARTZ (for herself, Mr. SCHAUER, and Mr. BILBRAY):

H.R. 5142. A bill to amend the Internal Revenue Code of 1986 to provide for an investment tax credit for biofuel facilities, and for other purposes; to the Committee on Ways and Means.

By Mr. SHIMKUS (for himself and Mr. KUCINICH):

H. Con. Res. 267. Concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of the reestablishment of their full independence; to the Committee on Foreign Affairs.

By Mr. POE of Texas:

H. Res. 1299. A resolution supporting the goals and ideals of Peace Officers Memorial Day; to the Committee on the Judiciary.

¶48.25 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Ms. RICHARDSON and Ms. EDWARDS of Maryland.
H.R. 162: Mrs. BACHMANN.
H.R. 197: Mr. BOSWELL.
H.R. 422: Mr. GOODLATTE.
H.R. 444: Mr. OLVER.
H.R. 537: Mr. MCNERNEY.
H.R. 571: Mr. FLAKE and Mr. HINCHEY.
H.R. 734: Mr. MEEK of Florida.
H.R. 745: Mr. DRIEHAUS.
H.R. 847: Mr. MILLER of North Carolina.
H.R. 848: Mr. GARAMENDI.
H.R. 891: Mr. GUTIERREZ.
H.R. 953: Mr. SCHIFF.
H.R. 1021: Mr. BOSWELL.
H.R. 1326: Mr. PIERLUISI.
H.R. 1547: Mr. MARIO DIAZ-BALART of Florida, Mr. FORBES, Mr. BROUN of Georgia, Mr. LARSON of Connecticut, Mr. MCDERMOTT, Mrs. MCCARTHY of New York, Mr. BONNER, and Mr. BOCCIERI.
H.R. 1549: Ms. CASTOR of Florida.
H.R. 1557: Mr. INSLEE.
H.R. 1722: Mr. TOWNS.
H.R. 1806: Mr. DRIEHAUS, Mr. RUSH, and Mr. SCHIFF.
H.R. 2049: Mr. MCNERNEY.
H.R. 2061: Mr. FORBES.
H.R. 2112: Mr. DAVIS of Illinois and Mr. HEINRICH.
H.R. 2142: Mr. MCCAUL.
H.R. 2203: Mr. MCCOTTER.
H.R. 2222: Mr. FILNER.
H.R. 2243: Mr. ROYCE.
H.R. 2324: Mrs. DAVIS of California, Mr. CLAY, Mr. TIERNEY, and Mr. HIMES.
H.R. 2400: Mrs. CHRISTENSEN.
H.R. 2408: Mr. COHEN.
H.R. 2478: Mr. ROE of Tennessee, Ms. ESHOO, Ms. EDWARDS of Maryland, and Mr. NADLER of New York.
H.R. 2483: Mr. ADLER of New Jersey.
H.R. 2546: Mr. LEE of New York.
H.R. 2850: Ms. DELAURO.
H.R. 2866: Mrs. DAVIS of California.
H.R. 2999: Mr. FRANK of Massachusetts.
H.R. 3041: Mr. KUCINICH.
H.R. 3048: Mr. KUCINICH.
H.R. 3070: Mr. SCOTT of Georgia, Mr. MORAN of Virginia, Mr. ROSS, Mr. GARAMENDI, and Mr. SIRES.
H.R. 3268: Mr. PLATTS.
H.R. 3333: Mr. ARCURI.
H.R. 3339: Ms. GIFFORDS and Mr. DEFAZIO.
H.R. 3393: Ms. TITUS, Ms. KILROY, and Ms. BEAN.
H.R. 3440: Mr. SESSIONS.
H.R. 3441: Mr. MEEKS of New York and Mr. CARNEY.
H.R. 3463: Mr. SCALISE.
H.R. 3564: Ms. SPEIER and Ms. HIRONO.
H.R. 3577: Mr. FORBES.
H.R. 3745: Mr. MCGOVERN.
H.R. 3764: Mr. DRIEHAUS, Ms. JACKSON LEE of Texas, and Mr. BISHOP of Georgia.
H.R. 3790: Mr. MCGOVERN, Mr. SCHIFF, and Mr. THOMPSON of California.
H.R. 3813: Mr. COLE.
H.R. 3995: Mr. HONDA.
H.R. 4004: Mr. QUIGLEY.
H.R. 4051: Mr. POE of Texas.
H.R. 4054: Mr. QUIGLEY, Mr. FORBES, and Ms. HIRONO.
H.R. 4085: Mr. HIGGINS.
H.R. 4090: Mr. KILDEE and Mr. COLE.
H.R. 4109: Mr. DAVIS of Illinois.
H.R. 4112: Mr. AUSTRIA and Mr. PLATTS.
H.R. 4241: Ms. SHEA-PORTER.
H.R. 4255: Mr. MELANCON and Mr. GORDON of Tennessee.
H.R. 4278: Mr. WU, Mr. PAULSEN, Mr. AKIN, Mr. SAM JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. LAMBORN, Ms. HIRONO, and Mr. MCCOTTER.
H.R. 4287: Mr. CONNOLLY of Virginia and Mr. MOORE of Kansas.
H.R. 4306: Mr. ARCURI and Mr. PAULSEN.
H.R. 4353: Ms. CHU.
H.R. 4371: Mr. ANDREWS, Mr. BOOZMAN, Mr. ROGERS of Alabama, Mr. BONNER, Mr. COLE, Mr. WHITFIELD, Mr. BRIGHT, Mr. VAN HOLLEN, Mr. BILIRAKIS, Mr. PLATTS, and Mr. GRAVES.
H.R. 4376: Mr. FARR, Mr. BRADY of Pennsylvania, Ms. HIRONO, Mr. MOORE of Kansas, and Mr. HIMES.
H.R. 4392: Mr. SMITH of New Jersey.
H.R. 4403: Mr. REYES.
H.R. 4440: Mr. WALZ.
H.R. 4502: Ms. WOOLSEY and Mr. MILLER of North Carolina.
H.R. 4520: Ms. DELAURO.
H.R. 4544: Mr. OWENS, Mr. KENNEDY, Mr. RYAN of Ohio, Mr. TONKO, and Mr. SCHOCK.
H.R. 4597: Mr. HODES.
H.R. 4616: Mr. ELLISON.
H.R. 4630: Ms. CHU.
H.R. 4638: Mr. MCGOVERN.
H.R. 4677: Mr. COURTNEY.
H.R. 4684: Mr. CUMMINGS.
H.R. 4689: Ms. SLAUGHTER.
H.R. 4692: Ms. KILPATRICK of Michigan and Mr. FOSTER.
H.R. 4722: Mr. KILDEE.
H.R. 4785: Mr. BOSWELL, Mr. ROGERS of Alabama, Mr. THOMPSON of Mississippi, and Mr. ROGERS of Kentucky.
H.R. 4788: Mr. HOLT, Mr. SHULER, Mr. SCHIFF, and Mrs. MCCARTHY of New York.
H.R. 4790: Ms. HIRONO, Ms. LINDA T. SÁNCHEZ of California, and Ms. SHEA-PORTER.
H.R. 4844: Ms. SUTTON, Mr. FLEMING, and Mr. OWENS.
H.R. 4850: Mr. AUSTRIA, Mr. BISHOP of Georgia, Mr. GONZALEZ, and Mr. BOCCIERI.
H.R. 4861: Mr. COHEN.
H.R. 4886: Mr. SABLAN.
H.R. 4903: Mr. PRICE of Georgia.
H.R. 4904: Mr. BOOZMAN.
H.R. 4908: Mr. CLAY.
H.R. 4920: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. SCOTT of Virginia, Mr. JOHNSON of Georgia, Mr. AL GREEN of Texas, Mr. COHEN, Mr. TONKO, Ms. SUTTON, and Ms. NORTON.
H.R. 4947: Mr. BARTLETT, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. DAVIS of Tennessee, Mr. SMITH of New Jersey, Mr. HOLT, Mr. ELLSWORTH, Ms. WASSERMAN SCHULTZ, Mr. FORTENBERRY, Mr. BONNER, Mr. MORAN of Kansas, and Mr. HALL of New York.
H.R. 4995: Mr. LAMBORN and Mr. DUNCAN.
H.R. 5015: Mr. PASTOR of Arizona, Mr. ROTHMAN of New Jersey, and Ms. SCHAKOWSKY.

H.R. 5017: Mr. SKELTON, Ms. HIRONO, and Mr. POMEROY.
H.R. 5019: Mr. MCNERNEY, Mr. HINCHEY, Mr. BRALEY of Iowa, Mr. HIMES, Mr. HARE, and Ms. SCHAKOWSKY.
H.R. 5029: Mr. LATTA and Mr. CULBERSON.
H.R. 5032: Mr. ISRAEL.
H.R. 5034: Mr. KIND, Mr. MICA, Mr. THORNBERRY, Mr. WILSON of Ohio, Mr. BARROW, Mr. FILNER, Mr. PASTOR of Arizona, Mr. WESTMORELAND, Mr. PUTNAM, Mr. SHULER, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. CHILDERS.
H.R. 5043: Mr. GEORGE MILLER of California, Ms. CHU, Mr. JOHNSON of Georgia, Mr. POLIS, and Ms. WOOLSEY.
H.R. 5054: Mr. JONES, Mr. FRANKS of Arizona, and Mr. SOUDER.
H.R. 5058: Mr. CULBERSON.
H.R. 5081: Mr. MCMAHON.
H.R. 5092: Mr. ACKERMAN, Mr. CALVERT, Mr. HINCHEY, Mr. MELANCON, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mrs. MYRICK, Mr. PIERLUISI, Mr. POLIS, Ms. SHEA-PORTER, Mr. GARAMENDI, Ms. BORDALLO, Ms. SLAUGHTER, Mr. GRIFFITH, Mr. PLATTS, and Mr. SARBANES.
H.R. 5095: Mrs. MILLER of Michigan and Mr. FRELINGHUYSEN.
H.R. 5102: Mr. FOSTER.
H.R. 5121: Mr. HASTINGS of Florida.
H.R. 5125: Mr. GARAMENDI, Ms. MATSUI, and Ms. RICHARDSON.
H.J. Res. 42: Mr. PETRI.
H. Con. Res. 110: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. SCHOCK.
H. Con. Res. 128: Ms. NORTON, Mr. FILNER, and Mr. BERRY.
H. Con. Res. 202: Mr. STUPAK.
H. Con. Res. 240: Mrs. DAVIS of California, Mr. FILNER, Mr. GARAMENDI, and Mr. MOORE of Kansas.
H. Con. Res. 253: Mr. LARSON of Connecticut.
H. Con. Res. 261: Mr. ROSS, Mrs. BLACKBURN, Mrs. CHRISTENSEN, Mrs. NAPOLITANO, Mr. HARE, Mr. WILSON of Ohio, Mr. SCHIFF, Ms. JENKINS, Mr. WILSON of South Carolina, and Mr. MINNICK.
H. Con. Res. 262: Ms. SCHAKOWSKY, Mrs. MALONEY, and Mr. PAYNE.
H. Con. Res. 265: Mr. ADERHOLT.
H. Res. 173: Mr. MELANCON, Mr. VAN HOLLEN, Mr. ADLER of New Jersey, Ms. MCCOLLUM, Mr. MORAN of Kansas, Mr. DRIEHAUS, Mr. CHILDERS, Mr. PASCRELL, and Mrs. MCCARTHY of New York.
H. Res. 375: Mr. RAHALL.
H. Res. 407: Mr. BACA and Mr. ENGEL.
H. Res. 886: Mr. MINNICK and Mr. BRADY of Pennsylvania.
H. Res. 898: Mr. JOHNSON of Georgia.
H. Res. 1026: Mr. KLINE of Minnesota.
H. Res. 1106: Mr. OWENS and Ms. BORDALLO.
H. Res. 1129: Ms. ROS-LEHTINEN.
H. Res. 1176: Mr. MINNICK.
H. Res. 1196: Mr. MCCOTTER.
H. Res. 1201: Mr. PENCE, Mr. HILL, and Mr. SOUDER.
H. Res. 1208: Mr. BILBRAY and Mr. GOODLATTE.
H. Res. 1211: Mr. WILSON of South Carolina, Mr. SHIMKUS, Mr. CUMMINGS, Mr. OWENS, and Mr. GARAMENDI.
H. Res. 1226: Mr. MCCAUL, Mr. WU, Mr. ROSKAM, Mr. ALTMIRE, Ms. SPEIER, Mr. CHANDLER, Mr. SCHAUER, Mr. BISHOP of Georgia, Mr. CAPUANO, and Mr. KLEIN of Florida.
H. Res. 1244: Mr. EDWARDS of Texas, Mr. CUELLAR, and Mr. GONZALEZ.
H. Res. 1245: Mr. CHAFFETZ.
H. Res. 1251: Mrs. BLACKBURN, Mr. INGLIS, Mr. BARTON of Texas, Mrs. MYRICK, Mr. ISSA, and Mr. MCCOTTER.
H. Res. 1258: Mr. WAXMAN, Mr. HASTINGS of Florida, Mr. GARY G. MILLER of California, Mr. TEAGUE, Ms. MCCOLLUM, Mrs. CHRISTENSEN, Mr. DOYLE, Mr. LEWIS of Georgia, Ms. NORTON, Mr. MARKEY of Massachusetts, Mr. FARR, Mrs. MYRICK, Ms. MATSUI, Mr. PERLMUTTER, Mr. HINOJOSA, Mr. CAO, Mrs. BONO MACK, Ms. CHU, Mr. ARCURI, Mrs. DAHLKEMPER, Mr. SULLIVAN, Mr. TONKO, and Mr. MCGOVERN.
H. Res. 1259: Ms. DELAURO.
H. Res. 1261: Mr. SCHRADER and Mr. LEE of New York.
H. Res. 1265: Ms. LORETTA SANCHEZ of California, Mr. BERMAN, and Mr. GENE GREEN of Texas.
H. Res. 1277: Mr. HIMES, Mr. CUMMINGS, and Ms. SCHAKOWSKY.
H. Res. 1279: Mr. GARRETT of New Jersey, Mr. MANZULLO, Mr. LATHAM, and Mr. JORDAN of Ohio.
H. Res. 1284: Mr. GRAVES.
H. Res. 1289: Mr. LATHAM and Mr. FRELINGHUYSEN.
H. Res. 1291: Mr. OWENS, Mr. MAFFEI, and Mr. HINCHEY.

¶48.26 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4753: Mr. JOHNSON of Georgia.

TUESDAY, APRIL 27, 2010 (49)

¶49.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
April 27, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶49.2 RECESS—11:01 A.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 1 minute a.m., until noon.

¶49.3 AFTER RECESS—NOON

The SPEAKER called the House to order.

¶49.4 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Monday, April 26, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶49.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7199. A letter from the Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule — Swine Contract Library (RIN: 0580-AB06) received April 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7200. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flumioxazin; Pesticide Tolerances [EPA-HQ-OPP-2008-0885; FRL-8810-3] received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7201. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Research and Development Contract Type Determination (DFARS Case 2006-D053) (RIN: 0750-AF79) received March 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7202. A letter from the Principal Deputy, Department of the Navy, transmitting notice of cancellation of public-private competitions performed under the Office of Management and Budget Circular A-76 ''Performance of Commercial Activities''; to the Committee on Armed Services.

7203. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's ''Major'' final rule — Electronic Fund Transfers [Regulation E; Docket No. R-1377] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7204. A letter from the Chairman, U.S.-China Economic and Security Review Commission, transmitting the Commission's record of the public hearing on ''China's Activities in Southeast Asia and the Implications for U.S. Interests''; to the Committee on Financial Services.

7205. A letter from the Acting Scientific Director, Department of Health and Human Services, transmitting the Annual Report on the National Institute of Child Health and Human Development (NICHD) Division of Intramural Research for FY 2009; to the Committee on Energy and Commerce.

7206. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's Vehicle Fleet Report on Alternative Fuel Vehicles for fiscal year 2009, pursuant to 42 U.S.C. 13218; to the Committee on Energy and Commerce.

7207. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 25, 74, 78 and 101 of the Rules regarding Coordination between the Non-Geostationary and Geostationary Satellite Orbit Fixed-Satellite Service and Fixed, Broadcast Auxiliary and Cable Television Relay Services in the 7 GHz, 10 GHz and 13 GHz Frequency Bands [ET Docket No.: 03-254] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7208. A letter from the Secretary, Department of Energy, transmitting a legislative proposal to provide additional Flexibility to the Department of Energy Materials Protection, Control, and Accounting Program; to the Committee on Foreign Affairs.

7209. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Oklahoma Regulatory Program [SATS No. OK-0320-FOR; Docket No. OSM-2008-0023] received April 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7210. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Corrections [Docket No.: 071220872-0093-04] (RIN: 0648-AS71 and 0648-AU71) received March 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7211. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Iliamna, AK [Docket No.: FAA-2009-1036; Airspace Docket No.

09-AAL-17] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7212. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hailey, ID [Docket No.: FAA-2009-0954; Airspace Docket No. 09-ANM-11] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7213. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2009-0656; Directorate Identifier 2009-NM-038-AD; Amendment 39-16056; AD 2009-22-05] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7214. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Model G58 Airplanes [Docket No.: FAA-2009-1176; Directorate Identifier 2009-CE-062-AD; Amendment 39-16226; AD 2010-06-02] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7215. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Route (T-284); Houston, TX [Docket No.: FAA-2009-0878; Airspace Docket No. 09-ASW-7] (RIN: 2120-AA66) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7216. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Killeen, TX [Docket No.: FAA-2009-0928; Airspace Docket No. 09-ASW-28] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7217. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Lampasas, TX [Docket No.: FAA-2009-0925; Airspace Docket No. 09-ASW-25] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7218. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Panama City, Tyndall AFB, FL [Docket No.: FAA-2010-0249; Airspace Docket No. 10-ASO-22] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7219. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Quitman, GA [Docket No.: FAA-2010-0053; Airspace Docket No. 10-ASO-19] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7220. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mount Pleasnt, SC [Docket No.: FAA-2010-0069; Airspace Docket No. 10-ASO-15] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7221. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Revision of Prohibited Area P-49; Crawford, TX [Docket No.: FAA-2009-0921; Airspace Docket No. 09-AWA-3] (RIN: 2120-AA66) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7222. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Extension of Compliance Date for Cockpit Voice Recorder and Digital Flight Data Recorder Regulations [Docket No.: FAA-2005-20245; Amendment No. 27-45, 29-52, 91-313, 121-349, 125-60 and 135-121] (RIN: 2120-AJ65) recieved April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7223. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Luverne, MN [Docket No.: FAA-2009-1150; Airspace Docket No. 09-AGL-34] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7224. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Notice of Availability of Class Deviation; Disputes Resolution Procedures Related to Clean Water and Drinking Water State Revolving Fund (CWSRF and DWSRF, respectively) Reallocation Under the American Reinvestment and Recovery Act of 2009 (ARRA) [FRL-9115-1] received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

7225. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1874-DR for the Commonwealth of Virginia; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

7226. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1875-DR for the State of Maryland; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

¶49.6 SMALL BUSINESS EXTENSION OF PROGRAMS

Ms. VELAZQUEZ moved to suspend the rules and pass the bill of the Senate (S. 3253) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Ms. VELAZQUEZ and Mr. GRAVES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶49.7 GLOBAL YOUTH SERVICE DAY

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 1240); as amended:

Whereas Global Youth Service Day is an annual campaign that celebrates and mobilizes the millions of children and youth who improve their communities each day of the year through community service and service-learning;

Whereas Global Youth Service Day will be celebrated from April 23, 2010, to April 25, 2010;

Whereas the goals of Global Youth Service Day are to mobilize and support young people to identify and address the needs of their communities, schools, and organizations, to provide opportunities for youth engagement, and the public, the media, and policymakers to recognize and raise awareness of young people as assets and resources;

Whereas Global Youth Service Day, a program of Youth Service America, is the largest service event in the world, the only day of service dedicated to youth engagement, and in 2010 is being observed for the 22nd consecutive year in the United States and for the 11th year globally in more than 100 countries;

Whereas Global Youth Service Day engages millions of young people worldwide with the support of more than 200 National and International Partners, 85 State and local Lead Agencies, and thousands of local partners;

Whereas high quality community service and service-learning programs increase young people's academic engagement and achievement, workforce readiness, 21st century skills, and civic knowledge and engagement;

Whereas community service and service-learning provide opportunities for young people to apply their knowledge, idealism, energy, creativity, and unique perspectives to improve their communities by addressing a myriad of critical issues, such as health, childhood obesity, education, illiteracy, poverty, hunger, environment, climate change, violence, and natural disasters;

Whereas Global Youth Service Day is an opportunity for citizen diplomacy, as evidenced by the growing number of projects that involve youth working collaboratively across borders to address global issues, increasing intercultural understanding, and promoting the sense that they are global citizens;

Whereas thousands of participants in schools and community-based organizations are planning Global Youth Service Day activities as part of a Semester of Service in which young people spend the semester addressing a community need connected to learning goals or academic standards over the course of at least 70 hours;

Whereas Global Youth Service Day provides an opportunity for young children, teenagers, and young adults, to gain experience as active citizens and community leaders, and assist schools, community organizations, faith-based organizations, government agencies, businesses, and families; and

Whereas the Edward M. Kennedy Serve America Act recognizes Global Youth Service Day as a national day of service and calls on the President to encourage people of the United States to observe the day with appropriate youth-led community improvement and service-learning activities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and commends the significant contributions of youth of the United

States and encourages the cultivation of a civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) supports the goals and ideals of Global Youth Service Day; and

(3) calls on the people of the United States to observe Global Youth Service Day by—

(A) encouraging youth to participate in community service and service-learning projects and joining their peers in such projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging them in meaningful community service, service-learning, and decision-making opportunities as an investment in the future of the United States.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Ms. WOOLSEY and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶49.8 NATIONAL CHILD ABUSE PREVENTION MONTH

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 1293); as amended:

Whereas ''National Child Abuse Prevention Month'' is observed in April 2010;

Whereas in 2008, out of an estimated 6,000,000 children referred for investigations and assessments, approximately 772,000 children were determined to be victims of abuse and neglect;

Whereas in 2008, an estimated 1,740 children died as a result of abuse and neglect;

Whereas in 2008, an estimated 80 percent of the children who died due to abuse and neglect were under the age of 4;

Whereas in 2008, of the children under the age of 4 who died due to abuse and neglect, the majority were under the age of 1;

Whereas abused and neglected children have a higher risk in adulthood for developing health problems, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases;

Whereas a National Institute of Justice study indicated that abused and neglected children are 11 times more likely to be arrested for delinquent behavior as juveniles, and are 2.7 times more likely to be arrested for violent and criminal behavior as adults;

Whereas an estimated ⅓ of abused and neglected children grow up to abuse or neglect their own children;

Whereas providing community-based services to families impacted by child abuse and neglect is less costly than the emotional and physical damage inflicted on children who have been abused and neglected, providing services to abused and neglected children (including child protective, law enforcement, court, foster care, or health care services), or providing treatment to adults recovering from child abuse; and

Whereas child abuse and neglect has long-term economic and societal costs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses support for the goals and ideals of National Child Abuse Prevention Month;

(2) recognizes and applauds the national and community organizations that work to promote awareness about child abuse and neglect, including by identifying risk factors and developing prevention strategies; and

(3) supports efforts to—

(A) increase public awareness of prevention programs relating to child abuse and neglect; and

(B) reduce the incidence of child abuse and neglect in the United States.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Ms. WOOLSEY and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶49.9 NATIONAL ASSISTANT PRINCIPALS WEEK

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 1131); as amended:

Whereas the National Association of Secondary School Principals and the National Association of Elementary School Principals have declared the week of April 18, 2010, through April 23, 2010, as National Assistant Principals Week;

Whereas the assistant principal is responsible for establishing a positive learning environment and building strong school-community relationships;

Whereas the assistant principal is a member of the school administrative team who interacts with sectors of the school community, including support staff, instructional staff, students, and parents;

Whereas assistant principals play a pivotal role in the instructional leadership of the school by conducting instructional supervision, mentoring teachers, recognizing the achievements of staff, encouraging collaboration, ensuring the implementation of best practices, monitoring student achievement goals and progress, facilitating and modeling data driven decision-making to inform instruction, and guiding the direction of targeted intervention and continual school improvement;

Whereas the day-to-day logistical operations of schools require assistant principals to monitor and address facility needs, attendance, transportation issues, and scheduling, as well as supervise extra and co-curricular events;

Whereas assistant principals are entrusted with maintaining an inviting, safe, and orderly school environment that supports the growth and achievement of each and every student by nurturing positive peer relationships, recognizing student achievement, serving as mediators, analyzing behavior patterns, providing interventions, and conducting discipline;

Whereas the National Association of Secondary School Principals/Virco National Assistant Principal of the Year program began in 2004 to recognize outstanding middle and high school assistant principals who have demonstrated success in leadership, curriculum, and personalization; and

Whereas the week of April 18, 2010, through April 23, 2010, would be an appropriate week to designate as National Assistant Principals Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Assistant Principals Week;

(2) honors and recognizes the contributions of assistant principals to the success of students in schools in the United States; and

(3) encourages the people of the United States to observe National Assistant Principals Week with appropriate ceremonies and activities that promote awareness of school leadership in ensuring that every child has access to a high-quality education.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Ms. WOOLSEY and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WOOLSEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶49.10 WORKERS' MEMORIAL DAY

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 375); as amended:

Whereas, each year, about 5,000 workers are killed due to workplace-related injuries in the United States, and more than 2,000,000 workers across the world die of workplace-related accidents and diseases;

Whereas, each day, an average of 14 workers are killed due to workplace injuries in the United States;

Whereas there are about 3,700,000 occupational injuries and illnesses in the United States annually;

Whereas tens of thousands of Americans with workplace injuries or illness become permanently disabled;

Whereas more people are killed worldwide each year at work than in wars;

Whereas, on February 7, 2010, 6 workers were killed and 26 injured when there was a massive natural gas explosion at the Kleen Energy power plant in Middletown, Connecticut;

Whereas, on April 2, 2010, 7 workers were killed by a fire at the Tesoro oil refinery in Anacortes, Washington;

Whereas, on April 5, 2010, 29 miners were killed and 2 were injured in a massive explosion at the Upper Big Branch Mine in Raleigh County, West Virginia, in the worst coal mine disaster in 40 years;

Whereas, on April 20, 2010, there was an explosion and fire on the British Petroleum-leased Transocean Deepwater Horizon drilling rig in the Gulf of Mexico 50 miles off the

coast of Louisiana in which 17 workers were injured and 11 workers went missing;

Whereas observing Workers' Memorial Day allows us to honor and remember victims of workplace injuries and disease; and

Whereas observing Workers' Memorial Day reminds us of the need to strive for better worker safety and health protections: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Workers' Memorial Day to honor and remember workers who have been killed or injured in the workplace;

(2) recognizes the importance of worker health and safety standards;

(3) encourages the Occupational Safety and Health Administration, the Mine Safety and Health Administration, industries, employers, and employees to support activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace; and

(4) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Ms. WOOLSEY and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WOOLSEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, April 28, 2010.

¶49.11 WOMEN'S LACROSSE TOURNAMENT WINNERS

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 561):

Whereas, on May 10, 2009, the Onondaga Community College Lady Lazers defeated Monroe Community College 9–7 in the finals of the National Junior College Athletic Association (NJCAA) Division I Women's Lacrosse Tournament at Herkimer County Community College;

Whereas the Lady Lazers won the national title in their first year of existence;

Whereas the Lady Lazers' players, coaches, and staff are excellent representatives of Onondaga Community College;

Whereas Lauren Welch, Amanda Cizenski, and Emily Pierson were named 1st Team NJCAA All-Americans; and

Whereas the residents of Onondaga County and fans are to be congratulated for their support, dedication, and pride in the team: Now, therefore, be it

Resolved, That the House of Representatives congratulates the Onondaga Community College Lady Lazers for winning the National Junior College Athletic Association (NJCAA) Division I Women's Lacrosse Tournament.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Ms. WOOLSEY and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶49.12 MEN'S LACROSSE TOURNAMENT WINNERS

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 563):

Whereas, on May 10, 2009, the Onondaga Community College Lazers defeated Nassau Community College 9–8 in the finals of the National Junior College Athletic Association (NJCAA) Division I Men's Lacrosse Tournament at Herkimer County Community College;

Whereas the Lazers now holds 3 men's lacrosse national titles;

Whereas Head Coach Chuck Wilbur was the NJCAA Men's Lacrosse Coach of the Year;

Whereas the Lazers completed an undefeated season;

Whereas the Lazers' players, coaches, and staff are excellent representatives of Onondaga Community College;

Whereas Jerome Thompson and Jon Fiorillo were named the Offensive and Defensive Players of the Year respectively by the NJCAA Men's Lacrosse Coaches Association; and

Whereas the residents of Onondaga County and fans are to be congratulated for their support, dedication, and pride in the team: Now, therefore, be it

Resolved, That the House of Representatives congratulates the Onondaga Community College Lazers for winning the National Junior College Athletic Association (NJCAA) Division I Men's Lacrosse Tournament.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Ms. WOOLSEY and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶49.13 NATIONAL HEALTHY SCHOOL DAY

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 1280); as amended:

Whereas there are approximately 55,000,000 children and 7,000,000 adults who spend their days in the Nation's more than 125,000 public and private schools;

Whereas children spend an average of 30 to 50 hours per week in school;

Whereas one-third of public school principals report that some environmental factors interfere with classroom instruction;

Whereas some environmental hazards that are common in schools include unsafe drinking water, ventilation problems and poor indoor environmental quality which are associated with a wide range of problems that include poor concentration, poor attendance, lower student test scores, respiratory illnesses, cancer, and other safety hazards;

Whereas about 9 percent of the Nation's students have asthma, which is a leading cause of school absenteeism and is aggravated by poor air quality and ventilation problems;

Whereas healthy and high performance schools are designed to improve indoor environments and other environmental factors by improving ventilation, providing for moisture and mold controls, temperature and humidity controls, as well as acoustics and noise controls, and other design elements;

Whereas healthy and high performance schools provide a healthier and safer learning environment for children and improved academic achievement and well-being;

Whereas National Healthy Schools Day is an important day to celebrate and promote healthy and green school environments for all children;

Whereas National Healthy Schools Day is coordinated by Healthy Schools Network in collaboration with the Environmental Protection Agency and the Council of Educational Facility Planners—International and is celebrated on the first day of School Building Week; and

Whereas April 26, 2010, would be an appropriate day to designate as ''National Healthy Schools Day'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Healthy Schools Day; and

(2) supports the goals and ideals of this day which include the promotion of healthy and safe places to learn.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Ms. WOOLSEY and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing support for designation of April 26, 2010, as National Healthy Schools Day.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶49.14 RURAL HOUSING PRESERVATION AND STABILIZATION

Mr. KANJORSKI moved to suspend the rules and pass the bill (H.R. 5017) to ensure the availability of loan guarantees for rural homeowners; as amended.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. KANJORSKI and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KANJORSKI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶49.15 COST OF LIVING ADJUSTMENT PAY

Mrs. DAVIS of California, moved to suspend the rules and pass the bill (H.R. 5146) providing that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mrs. DAVIS of California, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. DAVIS of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶49.16 H. RES. 1131—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1131) expressing support for designation of the week of April 18, 2010, through April 23, 2010, as National Assistant Principals Week; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 0

¶49.17 [Roll No. 224]

YEAS—411

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

NOT VOTING—19

Barrett (SC)	Gonzalez	Richardson
Becerra	Harman	Schwartz
Berry	Hoekstra	Souder
Brady (TX)	Mollohan	Velázquez
Davis (AL)	Moore (WI)	Wamp
Fallin	Price (GA)	
Gohmert	Reyes	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶49.18 H.R. 5017—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5017) to ensure the availability of loan guarantees for rural homeowners; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 352 / Nays 62

¶49.19 [Roll No. 225]

YEAS—352

Ackerman	Blunt	Cardoza
Aderholt	Boccieri	Carnahan
Adler (NJ)	Boehner	Carney
Alexander	Bonner	Carson (IN)
Altmire	Bono Mack	Cassidy
Andrews	Boozman	Castle
Arcuri	Boren	Castor (FL)
Austria	Boswell	Chandler
Baca	Boucher	Childers
Bachmann	Boustany	Chu
Bachus	Boyd	Clarke
Baird	Brady (PA)	Clay
Baldwin	Braley (IA)	Cleaver
Barrow	Bright	Clyburn
Bartlett	Brown, Corrine	Coble
Barton (TX)	Brown-Waite, Ginny	Cohen
Bean	Buchanan	Cole
Berkley	Butterfield	Conaway
Berman	Buyer	Connolly (VA)
Biggert	Camp	Conyers
Bilbray	Cao	Cooper
Bilirakis	Capito	Costa
Bishop (GA)	Capps	Costello
Bishop (NY)	Capuano	Courtney
Blumenauer		Crenshaw

Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—62

Akin
Bishop (UT)
Blackburn
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Calvert
Campbell
Cantor
Carter
Chaffetz
Coffman (CO)
Culberson
Duncan
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Hastings (WA)
Hensarling
Herger
Hunter
Inglis
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Lewis (CA)
Linder
Lummis
Mack
Marchant
McClintock
Mica
Miller (FL)
Miller, Gary
Myrick
Nunes
Paul
Pence
Petri
Poe (TX)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Westmoreland

NOT VOTING—16

Barrett (SC)
Becerra
Berry
Davis (AL)
Fallin
Gohmert
Gonzalez
Harman
Hoekstra
Mollohan
Moore (WI)
Price (GA)
Reyes
Ruppersberger
Souder
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶49.20 H.R. 5146—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TONKO, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5146) providing that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 / Nays 15

¶49.21 [Roll No. 226]

YEAS—402

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

Wilson (OH)	Wolf	Young (AK)
Wilson (SC)	Wu	Young (FL)
Wittman	Yarmuth	

NAYS—15

Clyburn	Johnson, E. B.	Thompson (MS)
Conyers	Kilpatrick (MI)	Towns
Edwards (MD)	Lee (CA)	Watt
Ellison	Meeks (NY)	Woolsey
Jackson Lee (TX)	Moran (VA)	
	Payne	

NOT VOTING—13

Barrett (SC)	Harman	Souder
Berry	Hoekstra	Wamp
Davis (AL)	Marshall	Waters
Fallin	Moore (WI)	
Gohmert	Price (GA)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶49.22 PROVIDING FOR CONSIDERATION OF H.R. 5013

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–467) the resolution (H. Res. 1300) providing for consideration of the bill (H.R. 5013) to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶49.23 SEXUAL ASSAULT AWARENESS MONTH

Ms. BALDWIN moved to suspend the rules and agree to the following resolution (H. Res. 1259):

Whereas, on average, a person is sexually assaulted in the United States every 2½ minutes;

Whereas the Department of Justice reports that 203,830 people in the United States were sexually assaulted in 2008;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,908 reports of sexual assault involving members of the Armed Forces in fiscal year 2008, representing an eight percent increase from fiscal 2007;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, ability, and economic groups in the United States;

Whereas women, children, and men suffer multiple types of sexual violence, including but not limited to acquaintance, stranger, spousal, and gang rape, incest, child sexual molestation, forced prostitution, trafficking, forced pornography, ritual abuse, sexual harassment, and stalking;

Whereas it is estimated that the percentage of completed or attempt rape victimization among women in higher educational institutions may be between 20 and 25 percent over the course of a college career;

Whereas, in addition to the immediate physical and emotional costs, sexual assault has associated consequences that may include post-traumatic stress disorder, substance abuse, major depression, homelessness, eating disorders, and suicide, among others;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas two-thirds of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas, with recent advances in DNA technology, law enforcement agencies have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can lead to the incarceration of rapists and therefore prevent them from committing further crimes;

Whereas national, State, territory, and tribal coalitions, community-based rape crisis centers, and other organizations across the Nation are committed to increasing public awareness of sexual violence and its prevalence, and to eliminating it through prevention and education;

Whereas important partnerships have been formed among criminal and juvenile justice agencies, health professionals, public health workers, educators, first responders, and victim service providers;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault;

Whereas, according to a 2010 survey of rape crisis centers by the National Alliance to End Sexual Violence, 72 percent of programs have experienced a reduction in funding over the past year, 56 percent have experienced a reduction in staffing, 23 percent currently have a waiting list for services, and funding and staffing cuts have resulted in an overall 50 percent reduction in the provision of institutional advocacy services;

Whereas individual and collective efforts reflect our dream for a Nation where citizens and organizations actively work to prevent all forms of sexual violence and no sexual assault victim goes unserved or ever feels there is no path to justice; and

Whereas April is recognized as ''National Sexual Assault Awareness and Prevention Month'': Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20 million men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its survivors, and increasing the number of successful prosecutions of its perpetrators; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) the House of Representatives strongly recommends national and community organizations, businesses in the private sector, colleges and universities, and the media to promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) the House of Representatives supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The SPEAKER pro tempore, Ms. CHU, recognized Ms. BALDWIN and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. TITUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶49.24 WORLD INTELLECTUAL PROPERTY DAY

Ms. BALDWIN moved to suspend the rules and agree to the following resolution (H. Res. 1208):

Whereas intellectual property is the backbone of the economic competitiveness of the United States and the only economic sector in which the United States has a trade surplus with every nation in the world;

Whereas well over 50 percent of United States exports now depend on some form of intellectual property, compared to less than 10 percent 50 years ago;

Whereas intangible assets that stem from intellectual property, such as high-value services, global branding, technological know-how, and scientific research, must be recognized as cornerstones in achieving economic recovery and creating jobs;

Whereas intellectual property assets today represent more than one third of the value of United States-based corporations and more than 17 percent of the gross domestic product of the United States;

Whereas intellectual property plays a significant role in an increasingly broad range of services, ranging from the Internet to health care to nearly all aspects of science and technology and literature and the arts, and the potential for innovation and invention must be fostered as its greatest attribute;

Whereas the United States and all countries share the challenge of combating piracy and counterfeiting of intellectual property, including illicit trade in life-saving drugs, cutting edge technologies, film, music, books, and inventions that affect the quality of life;

Whereas the piracy and counterfeiting of intellectual property have a significant impact on economies around the world, translate into lost jobs, lost earnings, and lost tax revenues, and threaten public health and safety;

Whereas the World Intellectual Property Organization, with 184 member states, is the primary organization in the world focused on the development and protection of intellectual property rights for all creators and all countries;

Whereas World Intellectual Property Day provides an opportunity to reflect on how intellectual property touches all aspects of people's lives, how copyright helps music to be heard and art, films, and literature to be

seen, how industrial design helps shape the world in which people live, how trademarks provide reliable signs of quality, and how patenting helps promote ingenious inventions that make life easier, faster, safer, and sometimes completely changes the way people live;

Whereas the theme of 2010 World Intellectual Property Day is ''Innovation-Linking the World'', and presents an opportunity to champion the role of intellectual property rights in providing incentives for the development of the innovative solutions needed to meet today's global challenges while creating jobs and stimulating the United States economy;

Whereas April 26, 1970, was the date on which the Convention establishing the World Intellectual Property Organization entered into force;

Whereas, in 2000, member states of the World Intellectual Property Organization established World Intellectual Property Day to celebrate the contribution made by innovators and artists to the development and growth of societies across the globe and to highlight the importance and practical use of intellectual property in everyone's daily lives; and

Whereas April 26, 2010, has been designated as World Intellectual Property Day, a time to celebrate the importance of intellectual property to the United States and the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of World Intellectual Property Day to promote, inform, and teach the importance of intellectual property as a tool for economic, social, and cultural development;

(2) recognizes the ever-increasing importance of intellectual property and the new challenges and serious threats to its protection, which affect prospects for future growth of the United States economy;

(3) supports robust and ongoing efforts to protect the health and well-being of citizens in the United States from fraudulent and illegal counterfeiting and piracy;

(4) congratulates the World Intellectual Property Organization for building awareness of the value of intellectual property and developing the necessary infrastructure to help citizens take full advantage of their own creativity; and

(5) applauds the ongoing contributions of human creativity and intellectual property to growth and innovation and for the key role they play in promoting and ensuring a brighter and stronger future for the United States and the world.

The SPEAKER pro tempore, Ms. TITUS, recognized Ms. BALDWIN and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. TITUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶49.25 INTERSTATE RECOGNITION OF NOTARIZATIONS

Ms. BALDWIN moved to suspend the rules and pass the bill (H.R. 3808) to require any Federal or State court to recognize any notarization made by a notary public licensed by the State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

The SPEAKER pro tempore, Ms. TITUS, recognized Ms. BALDWIN and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. TITUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶49.26 NATIONAL AUTISM AWARENESS MONTH

Mr. DOYLE moved to suspend the rules and agree to the following resolution (H. Res. 1033); as amended:

Whereas autism is a developmental disorder that is typically diagnosed during the first 3 years of life, affecting individuals' ability to communicate and interact with others;

Whereas autism affects an estimated 1 in every 110 children in the United States;

Whereas autism is four times more likely to be diagnosed in boys than in girls;

Whereas autism can affect anyone, regardless of race, ethnicity, or other factors;

Whereas it costs approximately $80,000 per year to treat an individual with autism in a medical center specializing in developmental disabilities;

Whereas the cost of special education programs for school-age children with autism is often more than $30,000 per individual per year;

Whereas the cost nationally of caring for persons affected by autism is estimated at upwards of $90,000,000,000 per year;

Whereas despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; and

Whereas April 2010 would be an appropriate month to designate as ''National Autism Awareness Month'' to increase public awareness of the need to support individuals with autism and the family members and medical professionals who care for individuals with autism: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) expresses support for designation of a ''National Autism Awareness Month'';

(2) recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing financial costs for specialized education and support services;

(3) supports the goal of devoting resources to researching the root causes of autism, identifying the best methods of early intervention and treatment, expanding programs for individuals with autism across their lifespans, and promoting understanding of the special needs of people with autism;

(4) stresses the need to begin early intervention services soon after a child has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic options for young people with autism, and that early intervention significantly improves the outcome for people with autism and can reduce the level of funding and services needed to treat people with autism later in life;

(5) recognizes the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those with autism, in our school systems; and

(6) recognizes the importance of worker training programs that are tailored to the needs of people with developmental disabilities, including those with autism, and notes that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

The SPEAKER pro tempore, Ms. TITUS, recognized Mr. DOYLE and Mr. PITTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. TITUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing support for designation of April 2010 as 'National Autism Awareness Month' and supporting efforts to devote resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶49.27 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 3253. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

¶49.28 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on April 26, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 4360. An Act to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center.

And then,

¶49.29 ADJOURNMENT

On motion of Mr. GARRETT of New Jersey, at 7 o'clock and 10 minutes p.m., the House adjourned.

¶49.30 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 1300. Resolution providing for consideration of the bill (H.R. 5013) to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes (Rept. 111–467). Referred to the House Calendar.

¶49.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DELAHUNT (for himself, Mr. ISSA, Ms. FUDGE, Mr. ROONEY, Mr. SCOTT of Virginia, and Ms. RICHARDSON):

H.R. 5143. A bill to establish the National Criminal Justice Commission; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 5144. A bill to establish the Buffalo Bayou National Heritage Area in the State of Texas, and for other purposes; to the Committee on Natural Resources.

By Mr. MCNERNEY:

H.R. 5145. A bill to amend title 38, United States Code, to improve the continuing professional education reimbursement provided to health professionals employed by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MITCHELL (for himself, Mr. MATHESON, Mr. PAUL, Mr. TEAGUE, Ms. HERSETH SANDLIN, Mr. SALAZAR, Mr. YARMUTH, Mr. HALL of New York, Mr. HOLT, Ms. PINGREE of Maine, Mr. ISRAEL, Mr. AL GREEN of Texas, Ms. TITUS, Mrs. KIRKPATRICK of Arizona, Ms. TSONGAS, Mr. SESTAK, Mr. DONNELLY of Indiana, Mr. LANGEVIN, Ms. GIFFORDS, Mr. HARE, Mr. BURTON of Indiana, Mr. MCNERNEY, Mr. QUIGLEY, Mr. CONNOLLY of Virginia, Mrs. HALVORSON, Mr. MAFFEI, Mr. HODES, Mr. BOUCHER, Mr. FLAKE, Mr. ARCURI, Ms. KILROY, Mr. WALZ, Ms. MARKEY of Colorado, Mr. BARROW, Mr. POLIS, Mr. KRATOVIL, Mr. CHANDLER, Mr. DAVIS of Tennessee, Mr. ALTMIRE, Mr. MOORE of Kansas, Mr. PETERSON, Mr. GORDON of Tennessee, Mr. TAYLOR, Mr. DRIEHAUS, Mr. FOSTER, Mr. LOEBSACK, Mr. KLEIN of Florida, Mrs. DAHLKEMPER, Ms. KAPTUR, Mr. ELLSWORTH, Mr. AUSTRIA, Mr. HILL, Ms. MATSUI, Mr. CHILDERS, Mr. CARNAHAN, Mr. MELANCON, Mr. REICHERT, Mr. KAGEN, Mr. MINNICK, Mr. MCINTYRE, Mr. COBLE, Mr. BRIGHT, Mr. CUELLAR, Mr. POMEROY, Mr. SPACE, Mr. LANCE, Ms. GRANGER, Ms. JENKINS, Mrs. EMERSON, Mr. FORBES, Mr. MCHENRY, Mr. MORAN of Kansas, Mr. MCCAUL, Mr. ALEXANDER, Mr. GOODLATTE, Mr. REHBERG, Ms. SUTTON, Mr. LOBIONDO, Mr. VAN HOLLEN, and Mr. BOOZMAN):

H.R. 5146. A bill to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; considered and passed.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. LEVIN, Mr. CAMP, Mr. COSTELLO, and Mr. PETRI):

H.R. 5147. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Mr. TOWNS, Mr. CHAFFETZ, and Mrs. MALONEY):

H.R. 5148. A bill to amend title 39, United States Code, to clarify the instances in which the term ''census'' may appear on mailable matter; to the Committee on Oversight and Government Reform.

By Mr. BONNER:

H.R. 5149. A bill to extend Federal recognition to the Mowa Band of Choctaw Indians of Alabama, and for other purposes; to the Committee on Natural Resources.

By Mr. CHILDERS:

H.R. 5150. A bill to restore Second Amendment rights in the District of Columbia; to the Committee on Oversight and Government Reform.

By Mr. FLAKE:

H.R. 5151. A bill to limit the amount which may be made available for the Members' Representational Allowance for fiscal year 2011, to prohibit the use of such Allowance for expenses of official mail of any material other than a document transmitted under the official letterhead of the Member involved, and to require the quarterly statement of costs incurred for official mail by offices of the House of Representatives to provide a separate breakdown of the costs incurred for each method of mass communication covered by the statement; to the Committee on House Administration.

By Mr. GINGREY of Georgia (for himself, Mr. LEWIS of Georgia, and Mr. KINGSTON):

H.R. 5152. A bill to adjust the boundary of the Kennesaw Mountain National Battlefield Park to include the Wallis House and Harriston Hill, and for other purposes; to the Committee on Natural Resources.

By Ms. HERSETH SANDLIN:

H.R. 5153. A bill to amend the Minuteman Missile National Historic Site Establishment Act of 1999 to modify the boundary of the Minuteman Missile National Historic Site in South Dakota, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIMES:

H.R. 5154. A bill to authorize public housing agencies to use public housing operating funds as collateral for financing energy conservation improvements and to freeze utility consumption levels for purposes of determining Operating Fund assistance, and for other purposes; to the Committee on Financial Services.

By Mr. JONES (for himself and Mr. ORTIZ):

H.R. 5155. A bill to direct the Secretary of Commerce to conduct an aerial assessment of sea turtle populations in United States waters, and for other purposes; to the Committee on Natural Resources.

By Ms. MATSUI (for herself, Mr. RUSH, Mr. DINGELL, and Ms. ESHOO):

H.R. 5156. A bill to provide for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist United States businesses with exporting clean energy technology products and services; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 5157. A bill to amend title 31, United States Code, to provide for the issuance of War on Debt Bonds; to the Committee on Ways and Means.

By Mr. WILSON of Ohio:

H.R. 5158. A bill to require Federal contractors and subcontractors to comply with certain reporting requirements and transparency standards; to the Committee on Oversight and Government Reform.

By Mr. HINCHEY (for himself, Mrs. CAPPS, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. ARCURI, Ms. DELAURO, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Mr. KILDEE, Mr. FARR, Mr. ENGEL, Ms. MCCOLLUM, Mr. SCHIFF, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. TANNER, Mr. SERRANO, Mr. SCOTT of Georgia, Ms. SPEIER, Ms. MOORE of Wisconsin, Mr. CUMMINGS, Mr. SCOTT of Virginia, Ms. CLARKE, Ms. KILROY, Ms. EDWARDS of Maryland, Mr. TONKO, Ms. SHEA-PORTER, Mr. THOMPSON of California, Mr. LOEBSACK, Mr. MORAN of Virginia, Mrs. DAVIS of California, Ms. KAPTUR, Mr. ISRAEL, Mrs. MALONEY, Ms. BALDWIN, Ms. ZOE LOFGREN of California, Mr. DINGELL, Mr. FILNER, Mr. JACKSON of Illinois, and Ms. ROYBAL-ALLARD):

H. Con. Res. 268. Concurrent resolution supporting the goals and ideals of National Women's Health Week, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PETERSON (for himself, Mr. LUCAS, Ms. MARKEY of Colorado, Mr. BOSWELL, Mr. HOLDEN, Mr. KINGSTON, Mrs. DAHLKEMPER, Mr. MORAN of Kansas, Mr. POMEROY, Mr. SMITH of Nebraska, Ms. HERSETH SANDLIN, Mr. NEUGEBAUER, Mr. KISSELL, Mr. CONAWAY, Mr. KRATOVIL, Mr. ELLSWORTH, Mr. GRAVES, Mrs. LUMMIS, and Mr. JOHNSON of Illinois):

H. Con. Res. 269. Concurrent resolution congratulating the outstanding professional public servants, both past and present, of the Natural Resources Conservation Service on the occasion of its 75th anniversary; to the Committee on Agriculture.

By Ms. CORRINE BROWN of Florida:

H. Res. 1301. A resolution supporting the goals and ideals of National Train Day; to the Committee on Transportation and Infrastructure.

By Mr. CAO (for himself, Mr. HONDA, Mr. JOHNSON of Georgia, Mr. DENT, and Mr. CASSIDY):

H. Res. 1302. A resolution supporting the goals and ideals of National Hepatitis Awareness Month and World Hepatitis Day; to the Committee on Energy and Commerce.

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Ms. WATSON, Mr. CAMPBELL, Mr. KIND, Mr. SESTAK, Mr. MCINTYRE, Mr. ISSA, and Mr. ENGEL):

H. Res. 1303. A resolution recognizing the close friendship and historical ties between

the United Kingdom and the United States; to the Committee on Foreign Affairs.

By Mr. MARSHALL (for himself, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. LINDER, Mr. SCOTT of Georgia, Mr. GINGREY of Georgia, Mr. BARROW, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, and Mr. BROUN of Georgia):

H. Res. 1304. A resolution honoring the members of the 48th Infantry Brigade Combat Team of the State of Georgia's Army National Guard for their service and sacrifice on behalf of the United States from 2009 to 2010; to the Committee on Armed Services.

¶49.32 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

265. The SPEAKER presented a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6032 urging the United States Congress to select the Boeing NewGen Tanker; to the Committee on Armed Services.

266. Also, a memorial of the House of Representatives of the State of Maine, relative to House Joint Resolution 1303 urging the Congress of the United States to support a strong clean energy and climate bill; to the Committee on Energy and Commerce.

¶49.33 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. WEINER, Mr. LARSON of Connecticut, Mr. COURTNEY, and Mr. DOGGETT.

H.R. 213: Mr. ROGERS of Michigan and Mr. FORBES.

H.R. 303: Mr. JONES, Mr. VAN HOLLEN, and Mr. ALTMIRE.

H.R. 333: Mr. GENE GREEN of Texas and Mr. SOUDER.

H.R. 616: Mr. TIAHRT.

H.R. 758: Ms. FUDGE, Ms. BALDWIN, and Mr. QUIGLEY.

H.R. 775: Mr. STARK.

H.R. 949: Mr. VAN HOLLEN, Mr. OLVER, Ms. MOORE of Wisconsin, and Mr. HARE.

H.R. 988: Mr. SHUSTER and Mr. UPTON.

H.R. 1074: Mr. BOSWELL and Mr. TIM MURPHY of Pennsylvania.

H.R. 1079: Mr. MORAN of Kansas.

H.R. 1175: Mr. MCNERNEY.

H.R. 1430: Mr. PAULSEN.

H.R. 1578: Mr. CLAY.

H.R. 1587: Mr. RYAN of Ohio.

H.R. 1625: Mr. HOLDEN.

H.R. 1671: Ms. BALDWIN, Mr. GORDON of Tennessee, Mr. BISHOP of Georgia, and Mr. KAGEN.

H.R. 1751: Ms. MATSUI, Mr. MOORE of Kansas, and Ms. HIRONO.

H.R. 1806: Mr. ORTIZ.

H.R. 2003: Mr. LANGEVIN.

H.R. 2016: Ms. WATSON.

H.R. 2067: Mr. HIMES.

H.R. 2084: Ms. SCHAKOWSKY.

H.R. 2104: Ms. CHU.

H.R. 2156: Ms. KILPATRICK of Michigan.

H.R. 2262: Mr. YARMUTH, Mr. HALL of New York, Ms. MOORE of Wisconsin, Mr. MOORE of Kansas, and Mr. MCMAHON.

H.R. 2414: Ms. MATSUI and Mr. SCHRADER.

H.R. 2417: Mr. MORAN of Virginia.

H.R. 2455: Mr. HASTINGS of Florida, Mr. CASTLE, Mr. TIM MURPHY of Pennsylvania, and Mr. Sablan.

H.R. 2575: Mr. COURTNEY.

H.R. 2597: Mr. PRICE of North Carolina.

H.R. 2753: Mr. TIAHRT.

H.R. 2891: Mr. HEINRICH.

H.R. 2941: Ms. ESHOO and Mr. COURTNEY.

H.R. 2987: Mr. MOORE of Kansas.

H.R. 3043: Ms. TITUS, Mr. MEEK of Florida, and Mr. LYNCH.

H.R. 3116: Ms. WOOLSEY.

H.R. 3185: Mr. HOLT, Ms. LINDA T. SÁNCHEZ of California, Ms. CASTOR of Florida, and Mr. BISHOP of Georgia.

H.R. 3212: Mr. COHEN and Mr. HODES.

H.R. 3339: Mr. MCDERMOTT, Mr. FILNER, and Mr. THOMPSON of California.

H.R. 3355: Mr. KLEIN of Florida.

H.R. 3393: Mr. NYE, Mr. BISHOP of Georgia, Mr. ROSS, Mr. PETERSON, Mr. CARNEY, Mr. ARCURI, Mr. BOSWELL, Mr. KRATOVIL, Mr. SCOTT of Georgia, Mr. POMEROY, and Mr. CHILDERS.

H.R. 3415: Mr. OLSON.

H.R. 3421: Mr. GEORGE MILLER of California, Mr. SIRES, and Mr. MICHAUD.

H.R. 3441: Mr. BISHOP of Georgia and Mr. HINCHEY.

H.R. 3594: Mr. CALVERT.

H.R. 3597: Ms. SHEA-PORTER.

H.R. 3668: Mr. YOUNG of Florida, Mr. MILLER of North Carolina, and Mr. LARSON of Connecticut.

H.R. 3706: Mr. HENSARLING.

H.R. 3734: Mr. BERMAN and Ms. FUDGE.

H.R. 3764: Mr. SCHIFF, Mr. PIERLUISI, and Mr. JACKSON of Illinois.

H.R. 4000: Mr. RANGEL and Mr. COHEN.

H.R. 4014: Mr. BERMAN, Mr. HONDA, Mr. SHERMAN, and Mrs. DAVIS of California.

H.R. 4128: Mr. BOOZMAN, Ms. RICHARDSON, Ms. MOORE of Wisconsin, and Mr. SESTAK.

H.R. 4132: Mr. SCHIFF.

H.R. 4219: Mr. LAMBORN.

H.R. 4223: Mr. YARMUTH.

H.R. 4255: Mr. LATOURETTE, Mr. CONNOLLY of Virginia, Mr. SALAZAR, and Mr. ROGERS of Michigan.

H.R. 4296: Mr. CAPUANO.

H.R. 4303: Mr. STARK.

H.R. 4306: Mr. WALZ and Mr. AUSTRIA.

H.R. 4309: Mr. LARSEN of Washington.

H.R. 4320: Mr. CUMMINGS and Mr. HOLT.

H.R. 4329: Mr. SHIMKUS.

H.R. 4502: Mr. PETERS.

H.R. 4530: Mr. MOORE of Kansas and Mr. ARCURI.

H.R. 4544: Ms. NORTON.

H.R. 4593: Mr. PLATTS.

H.R. 4638: Ms. DELAURO.

H.R. 4662: Mr. LATHAM, Ms. NORTON, and Mrs. CHRISTENSEN.

H.R. 4678: Mr. MOLLOHAN, Mr. MEEKS of New York, and Mr. ISRAEL.

H.R. 4749: Ms. CHU.

H.R. 4751: Ms. BALDWIN and Mr. BLUMENAUER.

H.R. 4759: Mr. SHULER.

H.R. 4800: Mr. NADLER of New York.

H.R. 4812: Mr. SALAZAR.

H.R. 4830: Mr. LOEBSACK and Mr. WU.

H.R. 4844: Mr. BRADY of Pennsylvania, Mr. GENE GREEN of Texas, and Mr. CRENSHAW.

H.R. 4850: Ms. SCHWARTZ, Mr. DAVIS of Kentucky, Mr. HIGGINS, Ms. KILPATRICK of Michigan, and Mr. ADLER of New Jersey.

H.R. 4856: Ms. HARMAN and Mr. MITCHELL.

H.R. 4866: Mr. AKIN and Mrs. MCMORRIS RODGERS.

H.R. 4868: Mr. LANGEVIN.

H.R. 4870: Mr. FARR and Mr. COHEN.

H.R. 4914: Mr. FRANK of Massachusetts.

H.R. 4918: Mr. TAYLOR.

H.R. 4919: Mr. LATTA.

H.R. 4925: Mr. MCGOVERN and Mr. ARCURI.

H.R. 4943: Mr. YOUNG of Alaska and Mr. INGLIS.

H.R. 4947: Mr. FALEOMAVAEGA and Mr. ARCURI.

H.R. 4953: Mr. GRIJALVA.

H.R. 5012: Ms. BERKLEY.

H.R. 5015: Ms. BALDWIN and Mr. OLVER.

H.R. 5035: Mr. SCHOCK, Mr. SPACE, Mr. THOMPSON of Pennsylvania, Mr. KRATOVIL, Mr. POMEROY, Mr. MCCOTTER, and Mr. CAPUANO.

H.R. 5040: Ms. BALDWIN.

H.R. 5044: Mr. BRALEY of Iowa.

H.R. 5065: Mr. BONNER, Mr. LINDER, Mr. LAMBORN, Mrs. MYRICK, Mr. PRICE of Georgia, Mr. WILSON of South Carolina, and Mr. KING of New York.

H.R. 5078: Mr. FILNER.

H.R. 5085: Mr. LEE of New York and Mr. MURPHY of New York.

H.R. 5089: Mr. WILSON of Ohio and Mr. CARNAHAN.

H.R. 5090: Ms. NORTON.

H.R. 5092: Mr. MICA, Mr. FOSTER, Mr. ROGERS of Michigan, Mr. CLAY, Mr. BRADY of Pennsylvania, Mr. PASCRELL, Mr. BUCHANAN, Ms. KAPTUR, Mr. KIRK, Mr. KISSELL, Mr. BILBRAY, Mr. ANDREWS, Ms. GINNY BROWN-WAITE of Florida, Mr. BLUNT, Ms. WOOLSEY, Mr. BISHOP of New York, Mr. MCNERNEY, Mr. SIMPSON, and Mrs. BIGGERT.

H.R. 5111: Mr. SULLIVAN, Mrs. BACHMANN, Mr. FORBES, Mr. BUCHANAN, Mr. MCCOTTER, Mr. WAMP, and Mr. COFFMAN of Colorado.

H.R. 5138: Mr. MANZULLO and Mr. BILBRAY.

H.R. 5142: Mr. TEAGUE and Mr. LARSON of Connecticut.

H. Con. Res. 16: Mr. CHAFFETZ.

H. Con. Res. 18: Mr. SAM JOHNSON of Texas.

H. Con. Res. 200: Mr. SAM JOHNSON of Texas and Mr. KAGEN.

H. Con. Res. 226: Mr. BISHOP of New York and Mr. MCNERNEY.

H. Con. Res. 240: Mr. BRALEY of Iowa, Mr. COSTELLO, Mr. COURTNEY, Mr. DOYLE, Mr. GUTIERREZ, Mr. KLEIN of Florida, Ms. WASSERMAN SCHULTZ, Ms. ZOE LOFGREN of California, Ms. PINGREE of Maine, Mr. DELAHUNT, Mr. NEAL of Massachusetts, and Mr. TIERNEY.

H. Con. Res. 260: Ms. SHEA-PORTER, Mr. QUIGLEY, Ms. SUTTON, Mr. ROHRABACHER, Mr. BRADY of Texas, Mr. BARTON of Texas, Mr. HUNTER, Mr. MILLER of Florida, Mr. BARROW, Mr. THOMPSON of Pennsylvania, Mr. FOSTER, Mr. TERRY, Mr. GRIFFITH, Mr. CARTER, Mr. FRELINGHUYSEN, Mr. BISHOP of Utah, Mr. AL GREEN of Texas, Mr. SHIMKUS, and Mr. CONAWAY.

H. Con. Res. 265: Mr. MILLER of Florida.

H. Con. Res. 266: Mr. ACKERMAN and Mr. FLEMING.

H. Res. 407: Ms. DEGETTE and Ms. WATSON.

H. Res. 764: Mr. ROHRABACHER Mr. CHAFFETZ, and Mr. MCINTYRE.

H. Res. 767: Ms. HIRONO and Mr. RYAN of Ohio.

H. Res. 1033: Mr. CARNEY, Mr. SCHOCK, Mr. MCHENRY, Mr. THOMPSON of Pennsylvania, and Mr. COLE.

H. Res. 1073: Mr. ADERHOLT and Mr. PENCE.

H. Res. 1131: Mr. MICHAUD and Ms. EDDIE BERNICE Johnson of Texas.

H. Res. 1152: Mr. LYNCH.

H. Res. 1217: Mr. KING of New York, Mrs. LOWEY, and Mr. TONKO.

H. Res. 1224: Mr. STARK and Mr. QUIGLEY.

H. Res. 1229: Mr. CHAFFETZ.

H. Res. 1240: Ms. MCCOLLUM, Ms. BORDALLO, Mr. BERMAN, Ms. LORETTA SANCHEZ of California, Ms. FUDGE, and Mr. LEWIS of Georgia.

H. Res. 1241: Mr. SOUDER.

H. Res. 1247: Mr. FRANK of Massachusetts, Mr. MARKEY of Massachusetts, Mr. OLVER, Mr. NEAL of Massachusetts, Mr. DELAHUNT, Mr. MCGOVERN, Mr. CAPUANO, Ms. MOORE of Wisconsin, Mr. FILNER, Ms. SHEA-PORTER, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. MATSUI, Ms. FUDGE, Ms. TSONGAS, Ms. RICHARDSON, Ms. DELAURO, Mr. SERRANO, Mr. PRICE of North Carolina, Ms. EDWARDS of Maryland, Ms. LEE of California, Mr. SHULER, Ms. CASTOR of Florida, Mr. HONDA, Mr. CONYERS, Mr. GRIJALVA, Mr. PLATTS, Mr. FATTAH, Mr. COSTA, Mr. ORTIZ, Mr. WOLF, Mr. LEVIN, Ms. CORRINE BROWN of Florida, and Mr. SKELTON.

H. Res. 1261: Mr. GUTHRIE.

H. Res. 1265: Ms. ZOE LOFGREN of California.

H. Res. 1275: Ms. SHEA-PORTER.
H. Res. 1277: Mr. HOLT.
H. Res. 1279: Mr. AKIN.
H. Res. 1285: Mr. LOBIONDO, Ms. BERKLEY, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. LAMBORN, and Ms. SCHWARTZ.
H. Res. 1290: Ms. DELAURO, Mr. MORAN of Virginia, Mr. MOORE of Kansas, Ms. MCCOLLUM, Mrs. MALONEY, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. DINGELL, Mr. CONYERS, Mr. CUMMINGS, Ms. WATSON, Ms. MOORE of Wisconsin, Mr. QUIGLEY, and Mr. VAN HOLLEN.
H. Res. 1295: Mr. TERRY and Mr. SMITH of Nebraska.
H. Res. 1297: Mr. ARCURI, Ms. DEGETTE, Mr. ISSA, Mr. MINNICK, Mr. PERLMUTTER, Mr. RODRIGUEZ, Mr. SALAZAR, Mr. TANNER, Mr. TEAGUE, Mr. TERRY, Ms. TITUS, Mr. ADLER of New Jersey, Mr. MCNERNEY, Mr. KAGEN, Mr. SCHAUER, Mr. BOREN, Mr. JONES, Mr. BOUSTANY, Mr. DAVIS of Kentucky, Mr. ALEXANDER, Mr. CARDOZA, Mr. MELANCON, Mr. GORDON of Tennessee, Mr. KRATOVIL, Mr. BOCCIERI, Mr. COOPER, Mr. NYE, Mr. RAHALL, Mr. BOYD, Mr. WALDEN, and Mr. PERRIELLO.

¶49.34 PETITIONS

Under clause 3 of rule XII,

121. The SPEAKER presented a petition of City of Lauderdale Lakes, Florida, relative to Resolution No. 2010–05 calling upon the United States Conference of Mayors to adopt a plan for providing economic relief to the Nation of Haiti; which was referred to the Committee on Foreign Affairs.

WEDNESDAY, APRIL 28, 2010 (50)

¶50.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. ISRAEL, who laid before the House the following communication:

WASHINGTON, DC,
April 28, 2010.

I hereby appoint the Honorable STEVE ISRAEL to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶50.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. ISRAEL, announced he had examined and approved the Journal of the proceedings of Tuesday, April 27, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶50.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7227. A letter from the Assistant Secretary, Financial Management and Comptroller, Department of the Navy, transmitting Fiscal Year 2009 annual report on the authority granted therein to pay for meals sold by messes for United States Navy and Naval Auxiliary vessels; to the Committee on Armed Services.

7228. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting Buy American Act report for Fiscal Year 2009; to the Committee on Education and Labor.

7229. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the state of North Dakota since February 26, 2010, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

7230. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco To Protect Children and Adolescents [Docket No.: FDA-1995-N-0259] (formerly Docket No. 1995N-0253) (RIN: 0910-AG33) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7231. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 2008 Superfund Five-Year Review Report to Congress, in accordance with the requirements in Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Energy and Commerce.

7232. A letter from the Deputy Chief Human Capital Officer and Director for Human Resources Management, Department of Commerce, transmitting the Department's report on the use of the Category Rating System; to the Committee on Oversight and Government Reform.

7233. A letter from the Chairman, National Labor Relations Board, transmitting the Board's FY 2009 Buy American Act report; to the Committee on Oversight and Government Reform.

7234. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No.: 0912281446-0111-02] (RIN: 0648-XT32) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7235. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure [Docket No.: 040205043-4043-01] (RIN: 0648-XU86) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7236. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program [Docket No.: 0910131362-0087-02 and 0910131363-0087-02] (RIN: 0648-XV03) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7237. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XV12) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7238. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery [Docket No.: 0907221160-91412-02] (RIN: 0648-AY01) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7239. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Aircraft Equipped With Honeywell Primus II RNZ-850()/-851() Integrated Navigation Units [Docket No.: FAA-2008-0556; Directorate Identifier 2007-NM-028-AD; Amendment 39-16246; AD 2010-07-02] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7240. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft; Modifications to Rules for Sport Pilots and Flight Instructors With a Sport Pilot Rating; Correction [Docket No.: FAA-2007-29015; Amdt. No. 61-125A] (RIN: 2120-AJ10) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7241. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767-200, -300, and -300F Series Airplanes [Docket No.: FAA-2008-0978; Directorate Identifier 2008-NM-014-AD; Amendment 39-16234; AD 2010-06-10] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7242. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kindred, ND [Docket No.: FAA-2009-0802; Airspace Docket No. 09-AGL-22] received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7243. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Model TBM 700 Airplanes [Docket No.: FAA-2009-1256; Directorate Identifier 2009-CE-064-AD; Amendment 39-16252; AD 2010-07-07] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7244. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aircraft Industries a.s. Model L23 Super Blanik Gliders [Docket No.: FAA-2010-0357; Directorate Identifier 2010-CE-017-AD; Amendment 39-16256; AD 2010-08-01] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7245. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca ARRIEL 1B, 1D, 1D1, 2B, and 2B1 Turboshaft Engines [Docket No.: FAA-2009-0302; Directorate Identifier 2009-NE-09- AD; Amendment 39-16245; AD 2009-08-08R1] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7246. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment to Restricted Area R-2510A; El Centro, CA [Docket No.: FAA-2010-0346; Airspace Docket No. 10-AWP-3] (RIN: 2120-AA66) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7247. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Kelly Aerospace Energy Systems, LLC Rebuilt Turbochargers

[Docket No.: FAA-2009-1259; Directorate Identifier 2009-NE-41-AD; Amendment 39-16253; AD 2010-07-08] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7248. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model BD-100-1A10 (Challenger 300) Airplanes [Docket No.: FAA-2009-1214; Directorate Identifier 2009-NM-091-AD; Amendment 39-16251; AD 2010-07-06] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7249. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-Trent 700 Series Turbofan Engines [Docket No.: FAA-2005-19559; Directorate Identifier 2004-NE-03-AD; Amendment 39-16254; AD 2010-07-09] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7250. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-200C and -200F Series Airplanes [Docket No.: FAA-2009-0684; Directorate Identifier 2008-NM-149-AD; Amendment 39-16247; AD 2010-07-03] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7251. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes [Docket No.: FAA-2010-0230; Directorate Identifier 2010-NM-071-AD; Amendment 39-16250; AD 2010-06-51] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7252. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-1C, B2K-3C, B2-203, B4-2C, B4-103, and B4-203 Airplanes [Docket No.: FAA-2009-1166; Directorate Identifier 2009-NM-107-AD; Amendment 39-16255; AD 2010-07-10] (RIN: 2120-AA64) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7253. A letter from the President and Chief Executive Officer, Amtrak, National Railroad Passenger Corporation, transmitting the Corporation's FY 2011 General and Legislative annual report supporting documents; to the Committee on Transportation and Infrastructure.

7254. A letter from the Chairman, Board of Veterans' Appeals, Department of Veterans Affairs, transmitting a copy of the Report of the Chairman for FY 2009; to the Committee on Veterans' Affairs.

¶50.4 IMPROPER PAYMENTS ELIMINATION AND RECOVERY

Mr. TOWNS moved to suspend the rules and pass the bill (H.R. 3393) to amend the Improper Payments Information Act of 2002 (31 United States Code 3321) in order to prevent the loss of billions in taxpayer dollars; as amended.

The SPEAKER pro tempore, Mr. ISRAEL, recognized Mr. TOWNS and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ISRAEL, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶50.5 CENSUS

Mr. TOWNS moved to suspend the rules and pass the bill (H.R. 5148) to amend title 30, United States Code, to clarify the instances in which the term ''census'' may appear on mailable matter.

The SPEAKER pro tempore, Mr. ISRAEL, recognized Mr. TOWNS and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISRAEL, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶50.6 NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. COSTELLO moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 264):

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the 29th Annual National Peace Officers' Memorial Service (in this resolution referred to as the ''event''), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2009.

(b) DATE OF EVENT.—The event shall be held on May 15, 2010, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore, Mr. ISRAEL, recognized Mr. COSTELLO and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. ISRAEL, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶50.7 AIRPORT AND AIRWAY EXTENSION

Mr. COSTELLO moved to suspend the rules and pass the bill (H.R. 5147) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and AirwayFund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The SPEAKER pro tempore, Mr. ISRAEL, recognized Mr. COSTELLO and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISRAEL, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶50.8 PROVIDING FOR CONSIDERATION OF H.R. 5013

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1300):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5013) to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Armed Services or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

When said resolution was considered.

After debate,

On motion of Ms. SLAUGHTER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. ISRAEL, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶50.9 IMPROVE DEFENSE ACQUISITION

The SPEAKER pro tempore, Mr. ISRAEL, pursuant to House Resolution 1300 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5013) to amend title 10, United States Code, to provide for performance management of the defense acquisition system, and for other purposes.

The SPEAKER pro tempore, Mr. ISRAEL, by unanimous consent, designated Mr. KIND as Chairman of the Committee of the Whole; and after some time spent therein,

¶50.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 111-467, submitted by Mr. HALL of New York:

Page 9, after line 22, insert the following:

''(f) INCLUSION IN ANNUAL REPORT.—The Director of the Office of Performance Assessment and Root Cause Analysis shall include information on the activities undertaken by the Director under this section in the annual report of the Director required under section 103(f) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 123 Stat. 1716), including information on any performance assessment required by subsection (a) with significant findings. In addition, if a performance assessment uncovers particularly egregious problems, as identified by the Director, the Director shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such problems within 30 days after the problems are identified.

Page 9, line 23, strike ''(f)'' and insert ''(g)''.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 0

¶50.11 [Roll No. 227]

AYES—416

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

NOT VOTING—20

Barrett (SC)
Culberson
Davis (AL)
DeGette
Faleomavaega
Fallin
Fudge
Gohmert
Gordon (TN)

Harman	Serrano	Wamp
Hoekstra	Tanner	Waters
Meeks (NY)	Teague	Wolf
Rangel	Thornberry	

So the amendment was agreed to.

¶50.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 11, printed in House Report 111-467, submitted by Mr. CONNOLLY of Virginia:

At the end of title IV, add the following new section:

SEC. 407. INDUSTRIAL BASE COUNCIL AND FUND.

(a) INDUSTRIAL BASE COUNCIL.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 188. Industrial Base Council

''(a) COUNCIL ESTABLISHED.—There is in the Department of Defense an Industrial Base Council.

''(b) MISSION.—The mission of the Industrial Base Council is to assist the Secretary in all matters pertaining to the industrial base of the Department of Defense, including matters pertaining to the national defense technology and industrial base included in chapter 148 of this title.

''(c) MEMBERSHIP.—The following officials of the Department of Defense shall be members of the Council:

''(1) The Chairman of the Council, who shall be the Under Secretary of Defense for Acquisition, Technology, and Logistics, the functions of which may be delegated by the Under Secretary only to the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Executive Director of the Council, who shall be an official from within the Office of the Under Secretary responsible for industrial base matters and who shall report directly to the Under Secretary or the Principal Deputy Under Secretary.

''(3) Officials from within the Office of the Secretary of Defense, as designated by the Secretary, with direct responsibility for matters pertaining to following areas:

''(A) Manufacturing.

''(B) Research and development.

''(C) Systems engineering and system integration.

''(D) Services.

''(E) Information Technology.

''(F) Sustainment and logistics.

''(4) The Director of the Defense Logistics Agency.

''(5) Officials from the military departments, as designated by the Secretary of each military department, with responsibility for industrial base matters relevant to the military department concerned.

''(d) DUTIES.—The Council shall assist the Secretary in the following:

''(1) Providing input on industrial base matters to strategy reviews, including quadrennial defense reviews performed pursuant to section 118 of this title.

''(2) Managing the industrial base.

''(3) Providing recommendations to the Secretary on budget matters pertaining to the industrial base.

''(4) Providing recommendations to the Secretary on supply chain management and supply chain vulnerability.

''(5) Providing input on industrial base matters to defense acquisition policy guidance.

''(6) Issuing and revising the Department of Defense technology and industrial base guidance required by section 2506 of this title.

''(7) Such other duties as are assigned by the Secretary.

''(e) REPORTING OF ACTIVITIES.—The Secretary shall include a section describing the activities of the Council in the annual report to Congress required by section 2505 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''188. Industrial Base Council.''.

(b) INDUSTRIAL BASE FUND.—

(1) IN GENERAL.—Chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2508. Industrial Base Fund

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish an Industrial Base Fund (in this section referred to as the 'Fund').

''(b) CONTROL OF FUND.—The Fund shall be under the control of the Industrial Base Council established pursuant to section 188 of this title.

''(c) AMOUNTS IN FUND.—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

''(d) USE OF FUND.—Subject to subsection (e), the Fund shall be used—

''(1) to support the monitoring and assessment of the industrial base required by this chapter;

''(2) to address critical issues in the industrial base relating to urgent operation needs;

''(3) to support efforts to expand the industrial base; and

''(4) to address supply chain vulnerabilities.

''(e) USE OF FUND SUBJECT TO APPROPRIATIONS.—The authority of the Secretary of Defense to use the Fund under this section in any fiscal year is subject to the availability of appropriations for that purpose.

''(f) EXPENDITURES.—The Secretary shall establish procedures for expending monies in the Fund in support of the uses identified in subsection (d), including the following:

''(1) Direct obligations from the Fund.

''(2) Transfers of monies from the Fund to relevant appropriations of the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2508. Industrial Base Fund.''.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 2

¶50.13 [Roll No. 228]

AYES—417

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

Van Hollen	Watson	Wilson (SC)
Velázquez	Watt	Wittman
Visclosky	Waxman	Wolf
Walden	Weiner	Woolsey
Walz	Welch	Wu
Wasserman Schultz	Westmoreland	Yarmuth
Waters	Whitfield	Young (AK)
	Wilson (OH)	Young (FL)

NOES—2

Campbell	Flake

NOT VOTING—17

Barrett (SC)	Fudge	Rangel
Culberson	Harman	Tanner
Davis (AL)	Hoekstra	Teague
DeGette	Johnson (GA)	Thornberry
Faleomavaega	Kline (MN)	Wamp
Fallin	Miller (NC)	

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. JACKSON of Illinois, assumed the Chair.

When Mr. SALAZAR, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Implementing Management for Performance and Related Reforms to Obtain Value in Every Acquisition Act of 2010''.

SEC. 2. DEFINITION OF CONGRESSIONAL DEFENSE COMMITTEES.

In this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—DEFENSE ACQUISITION SYSTEM

SEC. 101. PERFORMANCE MANAGEMENT OF THE DEFENSE ACQUISITION SYSTEM.

(a) PERFORMANCE MANAGEMENT OF THE DEFENSE ACQUISITION SYSTEM.—

(1) IN GENERAL.—Part IV of title 10, United States Code, is amended by inserting after chapter 148 the following new chapter:

''CHAPTER 149—PERFORMANCE MANAGEMENT OF THE DEFENSE ACQUISITION SYSTEM

''§ 2545. Performance assessments of the defense acquisition system

''(a) PERFORMANCE ASSESSMENTS REQUIRED.—(1) The Secretary of Defense shall ensure that all elements of the defense acquisition system are subject to regular performance assessments—

''(A) to determine the extent to which such elements deliver appropriate value to the Department of Defense; and

''(B) to enable senior officials of the Department of Defense to manage the elements of the defense acquisition system to maximize their value to the Department.

''(2) The performance of each element of the defense acquisition system shall be assessed as needed, but not less often than annually.

''(3) The Secretary shall ensure that the performance assessments required by this subsection are appropriately tailored to reflect the diverse nature of defense acquisition so that the performance assessment of each element of the defense acquisition system accurately reflects the work performed by such element.

''(b) SYSTEMWIDE CATEGORIES.—(1) The Secretary of Defense shall establish categories of metrics for the defense acquisition system, including, at a minimum, categories relating to cost, quality, delivery, workforce, and policy implementation that apply to all elements of the defense acquisition system.

''(2) The Secretary of Defense shall issue guidance for service acquisition executives within the Department of Defense on the establishment of metrics, and goals and standards relating to such metrics, within the categories established by the Secretary under paragraph (1) to ensure that there is sufficient uniformity in performance assessments across the defense acquisition system so that elements of the defense acquisition system can be meaningfully compared.

''(c) METRICS, GOALS, AND STANDARDS.—(1) Each service acquisition executive of the Department of Defense shall establish metrics to be used in the performance assessments required by subsection (a) for each element of the defense acquisition system for which such executive is responsible within the categories established by the Secretary under subsection (b). Such metrics shall be appropriately tailored pursuant to subsection (a)(3) and may include measures of—

''(A) cost, quality, and delivery;

''(B) contractor performance, including compliance with the Department of Defense policy regarding the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals, veteran-owned small businesses, service-disabled, veteran-owned small businesses, and women-owned small businesses;

''(C) excessive use of contract bundling and availability of non-bundled contract vehicles;

''(D) workforce quality and program manager tenure (where applicable);

''(E) the quality of market research;

''(F) appropriate use of integrated testing;

''(G) appropriate consideration of long-term sustainment and energy efficiency; and

''(H) appropriate acquisition of technical data and other rights and assets necessary to support long-term sustainment.

''(2) Each service acquisition executive within the Department of Defense shall establish goals and standards (including, at a minimum, a threshold standard and an objective goal) for each metric established under paragraph (1) by the executive. In establishing the goals and standards for an element of the defense acquisition system, a service acquisition executive shall consult with the head of the element to the maximum extent practicable, but the service acquisition executive shall retain the final authority to determine the goals and standards established. The service acquisition executive shall update the goals and standards as necessary and appropriate consistent with the guidance issued under subsection (b)(2).

''(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall periodically review the metrics, goals, and standards established by service acquisition executives under this subsection to ensure that they are consistent with the guidance issued under subsection (b)(2).

''(d) RESPONSIBILITY FOR OVERSIGHT AND DIRECTION OF PERFORMANCE ASSESSMENTS.—(1) Performance assessments required by subsection (a) shall either be carried out by, or shall be subject to the oversight of, the Director of the Office of Performance Assessment and Root Cause Analysis. The authority and responsibility granted by this subsection is in addition to any other authority or responsibility granted to the Director of the Office of Performance Assessment and Root Cause Analysis by the Secretary of Defense or by any other provision of law. In the performance of duties pursuant to this section, the Director of the Office of Performance Assessment and Root Cause Analysis shall coordinate with the Deputy Chief Management Officer to ensure that performance assessments carried out pursuant to this section are consistent with the performance management initiatives of the Department of Defense.

''(2) A performance assessment may be carried out by an organization under the control of the service acquisition executive of a military department if—

''(A) the assessment fulfills the requirements of subsection (a);

''(B) the organization is approved to carry out the assessment by the Director of the Office of Performance Assessment and Root Cause Analysis; and

''(C) the assessment is subject to the oversight of the Director of the Office of Performance Assessment and Root Cause Analysis in accordance with paragraph (1).

''(e) RETENTION AND ACCESS TO RECORDS OF PERFORMANCE ASSESSMENTS WITHIN THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES.—The Secretary of Defense shall ensure that information from performance assessments of all elements of the defense acquisition system are retained electronically and that the Director of the Office of Performance Assessment and Root Cause Analysis—

''(1) promptly receives the results of all performance assessments conducted by an organization under the control of the service acquisition executive of a military department; and

''(2) has timely access to any records and data in the Department of Defense (including the records and data of each military department and Defense Agency and including classified and proprietary information) that the Director considers necessary to review in order to perform or oversee performance assessments pursuant to this section.

''(f) INCLUSION IN ANNUAL REPORT.—The Director of the Office of Performance Assessment and Root Cause Analysis shall include information on the activities undertaken by the Director under this section in the annual report of the Director required under section 103(f) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1716), including information on any performance assessment required by subsection (a) with significant findings. In addition, if a performance assessment uncovers particularly egregious problems, as identified by the Director, the Director shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such problems within 30 days after the problems are identified.

''(g) DEFINITIONS.—In this section:

''(1) The term 'defense acquisition system' means the acquisition workforce; the process by which the Department of Defense manages the acquisition of goods and services, including weapon systems, commodities, commercial and military unique services, and information technology; and the management structure for carrying out the acquisition function within the Department of Defense.

''(2) The term 'element of the defense acquisition system' means an organization that operates within the defense acquisition system and that focuses primarily on acquisition.

''(3) The term 'metric' means a specific measure that serves as a basis for comparison.

''(4) The term 'threshold performance standard' means the minimum acceptable level of performance in relation to a metric.

''(5) The term 'objective performance goal' means the most desired level of performance in relation to a metric.

''(6) The term 'Office of Performance Assessment and Root Cause Analysis' means the office reporting to the senior official designated by the Secretary of Defense under section 103(a) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23, 10 U.S.C. 2430 note).

''§ 2546. Audits of performance assessments

''(a) AUDITS REQUIRED.—The Secretary of Defense shall ensure that the performance assessments of the defense acquisition system required by section 2545 of this title are subject to periodic audits to determine the accuracy, reliability, and completeness of such assessments.

''(b) STANDARDS AND APPROACH.—In performing the audits required by subsection (a), the Secretary shall ensure that such audits—

''(1) comply with generally accepted government auditing standards issued by the Comptroller General;

''(2) use a risk-based approach to audit planning; and

''(3) appropriately account for issues associated with auditing assessments of activities occurring in a contingency operation.

''§ 2547. Use of performance assessments for managing performance

''(a) IN GENERAL.—The Secretary of Defense shall ensure that the results of performance assessments are used in the management of elements of the defense acquisition system through direct linkages between the results of a performance assessment and the following:

''(1) The size of the bonus pool available to the workforce of an element of the defense acquisition system.

''(2) Rates of promotion in the workforce of an element of the defense acquisition system.

''(3) Awards for acquisition excellence.

''(4) The scope of work assigned to an element of the defense acquisition system.

''(b) ADDITIONAL REQUIREMENTS.—The Secretary of Defense shall ensure that actions taken to manage the acquisition workforce pursuant to subsection (a) are undertaken in accordance with the requirements of subsections (c) and (d) of section 1701a of this title.

''§ 2548. Acquisition-related functions of the Chiefs of Staff of the armed forces

''(a) ASSISTANCE.—The Secretary of Defense shall ensure, notwithstanding section 3014(c)(1)(A), section 5014(c)(1)(A), and section 8014(c)(1)(A) of this title, that the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps assist the Secretary of the military department concerned in the performance of the following acquisition-related functions of such department:

''(1) The development of requirements relating to the defense acquisition system.

''(2) The development of measures to control requirements creep in the defense acquisition system.

''(3) The development of career paths in acquisition for military personnel (as required by section 1722a of this title).

''(4) The assignment and training of contracting officer representatives when such representatives are required to be members of the armed forces because of the nature of the contract concerned.

''(b) DEFINITIONS.—In this section:

''(1) The term 'requirements creep' means the addition of new technical or operational specifications after a requirements document is approved.

''(2) The term 'requirements document' means a document produced in the requirements process that is provided for an acquisition program to guide the subsequent development, production, and testing of the program and that—

''(A) justifies the need for a materiel approach, or an approach that is a combination of materiel and non-materiel, to satisfy one or more specific capability gaps;

''(B) details the information necessary to develop an increment of militarily useful, logistically supportable, and technically mature capability, including key performance parameters; or

''(C) identifies production attributes required for a single increment of a program.''.

(2) CLERICAL AMENDMENTS.—The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 148 the following new item:

''149. Performance Management of the Defense Acquisition System .. 2545''.

(b) PHASED IMPLEMENTATION OF PERFORMANCE ASSESSMENTS.—The Secretary of Defense shall implement the requirements of chapter 149 of title 10, United States Code, as added by subsection (a), in a phased manner while guidance is issued, and categories, metrics, goals, and standards are established. Implementation shall begin with a cross section of elements of the defense acquisition system representative of the entire system and shall be completed for all elements not later than 2 years after the date of the enactment of this Act.

SEC. 102. MEANINGFUL CONSIDERATION BY JOINT REQUIREMENTS OVERSIGHT COUNCIL OF INPUT FROM CERTAIN OFFICIALS.

(a) ADVISORS TO THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.—

(1) ADDITIONAL CIVILIAN ADVISORS.—Subsection (d)(1) of section 181 of title 10, United States Code, is amended by striking ''The Under Secretary'' and all that follows through ''and expertise.'' and inserting the following: ''The following officials of the Department of Defense shall serve as advisors to the Council on matters within their authority and expertise:

''(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(B) The Under Secretary of Defense (Comptroller).

''(C) The Under Secretary of Defense for Policy.

''(D) The Director of Cost Assessment and Program Evaluation.''.

(2) ROLE OF COMBATANT COMMANDERS AS MEMBERS OF THE JROC.—Paragraph (1) of subsection (c) of such section is amended—

(A) by striking ''and'' at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

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

''(F) when directed by the chairman, the commander of any combatant command (or, as directed by that commander, the deputy commander of that command) when matters related to the area of responsibility or functions of that command will be under consideration by the Council.''.

(b) AMENDMENT RELATED TO REPORT.—Paragraph (2) of section 105(c) of the Weapon

Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1718) is amended to read as follows:

''(2) MATTERS COVERED.—The report shall include, at a minimum, an assessment of—

''(A) the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements;

''(B) the extent to which the Council has meaningfully considered the input and expertise of the Under Secretary of Defense for Acquisition, Technology, and Logistics in its discussions;

''(C) the extent to which the Council has meaningfully considered the input and expertise of the Director of Cost Assessment and Program Evaluation in its discussions;

''(D) the quality and effectiveness of efforts to estimate the level of resources needed to fulfill joint military requirements; and

''(E) the extent to which the Council has considered trade-offs among cost, schedule, and performance objectives.''.

(c) ASSESSMENT OF INDEPENDENCE OF COST ESTIMATORS AND COST ANALYSTS REQUIRED IN NEXT ANNUAL REPORT ON COST ASSESSMENT ACTIVITIES.—In the next annual report prepared by the Director of Cost Assessment and Program Evaluation under section 2334(e) of title 10, United States Code, the Director shall include an assessment of whether and to what extent personnel responsible for cost estimates or cost analysis developed by a military department or defense agency for a major defense acquisition program are independent and whether their independence or lack thereof affects their ability to generate reliable cost estimates.

SEC. 103. PERFORMANCE MANAGEMENT FOR THE JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall ensure that the Department of Defense develops and implements a program to manage performance in establishing joint military requirements pursuant to section 181 of title 10, United States Code.

(b) LEADERS.—The Secretary of Defense shall designate an officer identified or designated as a joint qualified officer to serve as leader of a joint effort to develop the performance management program required by subsection (a). The Secretary shall also designate an officer from each Armed Force to serve as leader of the effort within the Armed Force concerned. Officers designated pursuant to this section shall have the seniority and authority necessary to oversee and direct all personnel engaged in establishing joint military requirements within the Joint Staff or within the Armed Force concerned.

(c) MATTERS COVERED.—The program developed pursuant to subsection (a) shall:

(1) Measure the following in relation to each joint military requirement:

(A) The time a requirements document takes to receive validation through the requirements process.

(B) The quality of cost information associated with the requirement and the extent to which cost information was considered during the requirements process.

(C) The extent to which the requirements process established a meaningful level of priority for the requirement.

(D) The extent to which the requirements process considered trade-offs between cost, schedule, and performance objectives.

(E) The quality of information on sustainment associated with the requirement and the extent to which sustainment information was considered during the requirements process.

(F) Such other matters as the Secretary shall determine appropriate.

(2) Achieve, to the maximum extent practicable, the following outcomes in the requirements process:

(A) Timeliness in delivering capability to the warfighter.

(B) Mechanisms for controlling requirements creep.

(C) Responsiveness to fact-of-life changes occurring after the approval of a requirements document, including changes to the threat environment, the emergence of new capabilities, or changes in the resources estimated to procure or sustain a capability.

(D) The development of the personnel skills, capacity, and training needed for an effective and efficient requirements process.

(E) Such other outcomes as the Secretary shall determine appropriate.

(d) IMPLEMENTATION.—The program required by subsection (a) shall be developed and initially implemented not later than 1 year after the date of the enactment of this Act and shall apply to requirements documents entering the requirements process after the date of initial implementation.

(e) INITIAL REPORT.—Not later than 90 days after the initial implementation of the program required by subsection (a), the Secretary shall submit to the congressional defense committees a report on the steps taken to develop and implement the performance management program for joint military requirements. The report shall address the measures specified in subsection (c)(1).

(f) FINAL REPORT.—Not later than 4 years after the initial implementation of the program required by subsection (a), the Secretary shall submit to the congressional defense committees a report on the effectiveness of the program for joint military requirements in achieving the outcomes specified in subsection (c)(2).

(g) DEFINITIONS.—In this section:

(1) REQUIREMENTS PROCESS.—The term ''requirements process'' means the Joint Capabilities Integration and Development System (JCIDS) process or any successor to such process established by the Chairman of the Joint Chiefs of Staff to support the statutory responsibility of the Joint Requirements Oversight Council in advising the Chairman and the Secretary of Defense in identifying, assessing, and validating joint military capability needs, with their associated operational performance criteria, in order to successfully execute missions.

(2) REQUIREMENTS DOCUMENT.—The term ''requirements document'' means a document produced in the requirements process that is provided for an acquisition program to guide the subsequent development, production, and testing of the program and that—

(A) justifies the need for a materiel approach, or an approach that is a combination of materiel and non-materiel, to satisfy one or more specific capability gaps;

(B) details the information necessary to develop an increment of militarily useful, logistically supportable, and technically mature capability, including key performance parameters; or

(C) identifies production attributes required for a single increment of a program.

(3) REQUIREMENTS CREEP.—The term ''requirements creep'' means the addition of new technical or operational specifications after a requirements document is approved.

(h) DISCRETIONARY IMPLEMENTATION AFTER 5 YEARS.—After the date that is 5 years after the initial implementation of the performance management program under this section, the requirement to implement a program under this section shall be at the discretion of the Secretary of Defense.

SEC. 104. REQUIREMENTS FOR THE ACQUISITION OF SERVICES.

(a) PROCESS REQUIRED.—The Secretary of Defense shall ensure that each military department establishes a process for identifying, assessing, and approving requirements for the acquisition of services, and that commanders of unified combatant commands and other officers identified or designated as joint qualified officers have an opportunity to participate in the process of each military department to provide input on joint requirements for the acquisition of services.

(b) GUIDANCE AND PLAN REQUIRED.—The Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps shall—

(1) issue and maintain guidance relating to each process established under subsection (a); and

(2) develop a plan to implement each process established under subsection (a).

(c) MATTERS REQUIRED IN GUIDANCE.—The guidance issued under subsection (b) shall establish, in relation to a process for identifying, assessing, and approving requirements for the acquisition of services, the following:

(1) Organization of such process.

(2) The level of command responsibility required for identifying and validating requirements for the acquisition of services in accordance with the categories established under section 2330(a)(1)(C) of title 10, United States Code.

(3) The composition of billets necessary to operate such process.

(4) The training required for personnel engaged in such process.

(5) The relationship between doctrine and such process.

(6) Methods of obtaining input on joint requirements for the acquisition of services.

(7) Procedures for coordinating with the acquisition process.

(8) Considerations relating to opportunities for strategic sourcing.

(d) MATTERS REQUIRED IN IMPLEMENTATION PLAN.—Each plan required under subsection (b) shall provide for initial implementation of a process for identifying, assessing, and approving requirements for the acquisition of services not later than 180 days after the date of the enactment of this Act and shall provide for full implementation of such process at the earliest date practicable.

(e) CONSISTENCY WITH JOINT GUIDANCE.—Whenever, at any time, guidance is issued by the Chairman of the Joint Chiefs of Staff relating to requirements for the acquisition of services, each process established under subsection (a) shall be revised in accordance with such joint guidance.

(f) DEFINITION.—The term ''requirements for the acquisition of services'' means objectives to be achieved through acquisitions primarily involving the procurement of services.

SEC. 105. JOINT EVALUATION TASK FORCES.

(a) TASK FORCES REQUIRED.—For each joint military requirement involving a materiel solution for which the Chairman of the Joint Requirements Oversight Council is the validation authority, the Chairman shall designate a commander of a unified combatant command to provide a joint evaluation task force to participate in such materiel solution. Such task force shall—

(1) come from a military unit or units designated by the combatant commander concerned;

(2) be selected based on the relevance of such materiel solution to the mission of the unit; and

(3) participate consistent with its operational obligations.

(b) RESPONSIBILITIES.—A task force provided pursuant to subsection (a) shall, for the materiel solution concerned—

(1) provide input to the analysis of alternatives;

(2) participate in testing (including limited user tests and prototype testing);

(3) provide input on a concept of operations and doctrine;

(4) provide end user feedback to the resource sponsor; and

(5) participate, through the combatant commander concerned, in any alteration of the requirement for such solution.

(c) ADMINISTRATIVE SUPPORT.—The resource sponsor for the joint military requirement shall provide administrative support to the joint evaluation task force for purposes of carrying out this section.

(d) DEFINITIONS.—In this section:

(1) RESOURCE SPONSOR.—The term ''resource sponsor'' means the organization responsible for all common documentation, periodic reporting, and funding actions required to support the capabilities development and acquisition process for the materiel solution.

(2) MATERIEL SOLUTION.—The term ''materiel solution'' means the development, acquisition, procurement, or fielding of a new item, or of a modification to an existing item, necessary to equip, operate, maintain, and support military activities.

SEC. 106. REVIEW OF DEFENSE ACQUISITION GUIDANCE.

(a) REVIEW OF GUIDANCE.—The Secretary of Defense shall review the acquisition guidance of the Department of Defense, including, at a minimum, the guidance contained in Department of Defense Instruction 5000.02 entitled ''Operation of the Defense Acquisition System''.

(b) MATTERS CONSIDERED.—The review performed under subsection (a) shall consider—

(1) the extent to which it is appropriate to apply guidance primarily relating to the acquisition of weapon systems to acquisitions not involving weapon systems (including the acquisition of commercial goods and commodities, commercial and military unique services, and information technology);

(2) whether long-term sustainment and energy efficiency of weapon systems is appropriately emphasized;

(3) whether appropriate mechanisms exist to communicate information relating to the mission needs of the Department of Defense to the industrial base in a way that allows the industrial base to make appropriate investments in infrastructure, capacity, and technology development to help meet such needs;

(4) the extent to which earned value management should be required on acquisitions not involving the acquisition of weapon systems and whether measures of quality and technical performance should be included in any earned value management system;

(5) the extent to which it is appropriate to apply processes primarily relating to the acquisition of weapon systems to the acquisition of information technology systems, consistent with the requirement to develop an alternative process for such systems contained in section 804 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2401; 10 U.S.C. 2225 note); and

(6) such other matters as the Secretary considers appropriate.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report detailing any changes in the acquisition guidance of the Department of Defense identified during the review required by subsection (a), and any actions taken, or planned to be taken, to implement such changes.

SEC. 107. REQUIREMENT TO INCLUDE REFERENCES TO SERVICES ACQUISITION THROUGHOUT THE FEDERAL ACQUISITION REGULATION.

(a) FINDINGS.—Congress finds the following:

(1) The acquisition of services can be extremely complex, and program management skills, tools, and processes need to be applied to services acquisitions.

(2) An emphasis on the concept of ''services'' throughout the Federal Acquisition Regulation would enhance and support the procurement and project management community in all aspects of the acquisition planning process, including requirements development, assessment of reasonableness, and post-award management and oversight.

(b) REQUIREMENT FOR CHANGES TO FAR.—The Federal Acquisition Regulation shall be revised to provide, throughout the Regulation, appropriate references to services acquisition that are in addition to references provided in part 37 (which relates specifically to services acquisition).

(c) DEADLINE.—This section shall be carried out within 270 days after the date of the enactment of this Act.

SEC. 108. PROCUREMENT OF MILITARY PURPOSE NONDEVELOPMENTAL ITEMS.

(a) IN GENERAL.—

(1) PROCUREMENT OF MILITARY PURPOSE NONDEVELOPMENTAL ITEMS.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Military purpose nondevelopmental items

''(a) DEFINITIONS.—In this section:

''(1) The term 'military purpose nondevelopmental item' means an item—

''(A) developed exclusively at private expense;

''(B) that meets a validated military requirement, as certified in writing by the responsible program manager;

''(C) for which delivery of an initial lot of production-representative items may be made within nine months after contract award; and

''(D) for which the unit cost is less than $10,000,000.

''(2) The term 'item' has the meaning provided in section 2302(3) of this title.

''(b) REQUIREMENTS.—The Secretary of Defense shall ensure that, with respect to a contract for the acquisition of a military purpose nondevelopmental item, the following requirements apply:

''(1) The contract shall be awarded using competitive procedures in accordance with section 2304 of this title.

''(2) Certain contract clauses, as specified in regulations prescribed under subsection (c), shall be included in each such contract.

''(3) The type of contract used shall be a firm, fixed price type contract.

''(4) Nothing in the contract shall further restrict or otherwise affect the rights in technical data of the Government, the contractor, or any subcontractor of the contractor for items developed by the contractor or any such subcontractor exclusively at private expense, as prescribed in regulations implementing section 2320(a)(2)(B) of this title.

''(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall be included in regulations of the Department of Defense prescribed as part of the Federal Acquisition Regulation. At a minimum, the regulations shall include—

''(1) a list of contract clauses to be included in each contract for the acquisition of a military purpose nondevelopmental item;

''(2) definitions for the terms 'developed' and 'exclusively at private expense' that—

''(A) are consistent with the definitions developed for such terms in accordance with 2320(a)(3) of this title; and

''(B) also exclude an item developed in part or in whole with—

''(i) foreign government funding; or

''(ii) foreign or Federal Government loan financing at nonmarket rates; and

''(3) standards for evaluating the reasonableness of price for the military purpose nondevelopmental item, in lieu of certified cost or pricing data.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2410r. Military purpose nondevelopmental items.''.

(b) COST OR PRICING DATA EXCEPTION.—Section 2306a(b)(1) of title 10, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

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

''(D) for the acquisition of a military purpose nondevelopmental item, as defined in section 2410r of this title, if the contracting officer determines in writing that—

''(i) the contract, subcontract or modification will be a firm, fixed price type contract; and

''(ii) the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for the military purpose nondevelopmental item.''.

(c) EFFECTIVE DATE.—Section 2410r of title 10, United States Code, as added by subsection (a), and the amendment made by subsection (b), shall apply with respect to contracts entered into after the date that is 120 days after the date of the enactment of this Act.

TITLE II—DEFENSE ACQUISITION WORKFORCE

SEC. 201. ACQUISITION WORKFORCE EXCELLENCE.

(a) IN GENERAL.—

(1) ACQUISITION WORKFORCE EXCELLENCE.—Subchapter I of chapter 87 of title 10, United States Code, is amended by inserting after section 1701 the following new section:

''§ 1701a. Management for acquisition workforce excellence

''(a) PURPOSE.—The purpose of this chapter is to require the Department of Defense to develop and manage a highly skilled professional acquisition workforce—

''(1) in which excellence and contribution to mission is rewarded;

''(2) which has the technical expertise and business skills to ensure the Department receives the best value for the expenditure of public resources;

''(3) which serves as a model for performance management of employees of the Department; and

''(4) which is managed in a manner that complements and reinforces the performance management of the defense acquisition system pursuant to chapter 149 of this title.

''(b) PERFORMANCE MANAGEMENT.—In order to achieve the purpose set forth in subsection (a), the Secretary of Defense shall—

''(1) use the full authorities provided in subsections (a) through (d) of section 9902 of title 5, including flexibilities related to performance management and hiring and to training of managers;

''(2) require managers to develop performance plans for individual members of the acquisition workforce in order to give members an understanding of how their performance contributes to their organization's mission and the success of the defense acquisition system (as defined in section 2545 of this title);

''(3) to the extent appropriate, use the lessons learned from the acquisition demonstration project carried out under section 1762 of

this title related to contribution-based compensation and appraisal, and how those lessons may be applied within the General Schedule system;

''(4) develop attractive career paths;

''(5) encourage continuing education and training;

''(6) develop appropriate procedures for warnings during performance evaluations and due process for members of the acquisition workforce who consistently fail to meet performance standards;

''(7) take full advantage of the Defense Civilian Leadership Program established under section 1112 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2496; 10 U.S.C. 1580 note prec.);

''(8) use the authorities for highly qualified experts under section 9903 of title 5, to hire experts who are skilled acquisition professionals to—

''(A) serve in leadership positions within the acquisition workforce to strengthen management and oversight;

''(B) provide mentors to advise individuals within the acquisition workforce on their career paths and opportunities to advance and excel within the acquisition workforce; and

''(C) assist with the design of education and training courses and the training of individuals in the acquisition workforce; and

''(9) use the authorities for expedited security clearance processing pursuant to section 1564 of this title.

''(c) NEGOTIATIONS.—Any action taken by the Secretary under this section, or to implement this section, shall be subject to the requirements of chapter 71 of title 5.

''(d) REGULATIONS.—Any rules or regulations prescribed pursuant to this section shall be deemed an agency rule or regulation under section 7117(a)(2) of title 5, and shall not be deemed a Government-wide rule or regulation under section 7117(a)(1) of such title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1701 the following new item:

''1701a. Management for acquisition workforce excellence.''.

(b) AUTHORITY TO APPOINT HIGHLY QUALIFIED EXPERTS ON PART-TIME BASIS.—Section 9903(b)(1) of title 5, United States Code, is amended by inserting '', on a full-time or part-time basis,'' after ''positions in the Department of Defense'' the first place it appears.

SEC. 202. AMENDMENTS TO THE ACQUISITION WORKFORCE DEMONSTRATION PROJECT.

(a) CODIFICATION INTO TITLE 10.—

(1) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1761 the following new section:

''§ 1762. Demonstration project relating to certain acquisition personnel management policies and procedures

''(a) COMMENCEMENT.—The Secretary of Defense is encouraged to carry out a demonstration project, the purpose of which is to determine the feasibility or desirability of one or more proposals for improving the personnel management policies or procedures that apply with respect to the acquisition workforce of the Department of Defense and supporting personnel assigned to work directly with the acquisition workforce.

''(b) TERMS AND CONDITIONS.—(1) Except as otherwise provided in this subsection, any demonstration project described in subsection (a) shall be subject to section 4703 of title 5 and all other provisions of such title that apply with respect to any demonstration project under such section.

''(2) Subject to paragraph (3), in applying section 4703 of title 5 with respect to a demonstration project described in subsection (a)—

''(A) '180 days' in subsection (b)(4) of such section shall be deemed to read '120 days';

''(B) '90 days' in subsection (b)(6) of such section shall be deemed to read '30 days'; and

''(C) subsection (d)(1) of such section shall be disregarded.

''(3) Paragraph (2) shall not apply with respect to a demonstration project unless—

''(A) for each organization or team participating in the demonstration project—

''(i) at least one-third of the workforce participating in the demonstration project consists of members of the acquisition workforce; and

''(ii) at least two-thirds of the workforce participating in the demonstration project consists of members of the acquisition workforce and supporting personnel assigned to work directly with the acquisition workforce; and

''(B) the demonstration project commences before October 1, 2007.

''(c) LIMITATION ON NUMBER OF PARTICIPANTS.—The total number of persons who may participate in the demonstration project under this section may not exceed 120,000.

''(d) EFFECT OF REORGANIZATIONS.—The applicability of paragraph (2) of subsection (b) to an organization or team shall not terminate by reason that the organization or team, after having satisfied the conditions in paragraph (3) of such subsection when it began to participate in a demonstration project under this section, ceases to meet one or both of the conditions set forth in subparagraph (A) of such paragraph (3) as a result of a reorganization, restructuring, realignment, consolidation, or other organizational change.

''(e) ASSESSMENT.—(1) The Secretary of Defense shall designate an independent organization to review the acquisition workforce demonstration project described in subsection (a).

''(2) Such assessment shall include:

''(A) A description of the workforce included in the project.

''(B) An explanation of the flexibilities used in the project to appoint individuals to the acquisition workforce and whether those appointments are based on competitive procedures and recognize veteran's preferences.

''(C) An explanation of the flexibilities used in the project to develop a performance appraisal system that recognizes excellence in performance and offers opportunities for improvement.

''(D) The steps taken to ensure that such system is fair and transparent for all employees in the project.

''(E) How the project allows the organization to better meet mission needs.

''(F) An analysis of how the flexibilities in subparagraphs (B) and (C) are used, and what barriers have been encountered that inhibit their use.

''(G) Whether there is a process for—

''(i) ensuring ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the performance appraisal period; and

''(ii) setting timetables for performance appraisals.

''(H) The project's impact on career progression.

''(I) The project's appropriateness or inappropriateness in light of the complexities of the workforce affected.

''(J) The project's sufficiency in terms of providing protections for diversity in promotion and retention of personnel.

''(K) The adequacy of the training, policy guidelines, and other preparations afforded in connection with using the project.

''(L) Whether there is a process for ensuring employee involvement in the development and improvement of the project.

''(3) The first such assessment under this subsection shall be completed not later than September 30, 2011, and subsequent assessments shall be completed every two years thereafter until the termination of the project. The Secretary shall submit to the covered congressional committees a copy of the assessment within 30 days after receipt by the Secretary of the assessment.

''(f) COVERED CONGRESSIONAL COMMITTEES.—In this section, the term 'covered congressional committees' means—

''(1) the Committees on Armed Services of the Senate and the House of Representatives;

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

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

''(g) TERMINATION OF AUTHORITY.—The authority to conduct a demonstration program under this section shall terminate on September 30, 2017.

''(h) CONVERSION.—Within six months after the authority to conduct a demonstration project under this section is terminated as provided in subsection (g), employees in the project shall convert to the civilian personnel system created pursuant to section 9902 of title 5.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 87 of title 10, United States Code, is amended by inserting after the item relating to section 1761 the following new item:

''1762. Demonstration project relating to certain acquisition personnel management policies and procedures.''.

(b) CONFORMING REPEAL.—Section 4308 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 1701 note) is repealed.

SEC. 203. INCENTIVE PROGRAMS FOR CIVILIAN AND MILITARY PERSONNEL IN THE ACQUISITION WORKFORCE.

(a) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1762, as added by section 202, the following new section:

''§ 1763. Incentive programs for civilian and military personnel in the acquisition workforce

''(a) CIVILIAN ACQUISITION WORKFORCE INCENTIVES.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall provide for an enhanced system of incentives for the encouragement of excellence in the acquisition workforce by providing rewards for employees who contribute to achieving the agency's performance goals. The system of incentives shall include provisions that—

''(1) relate salary increases, bonuses, and awards to performance and contribution to the agency mission (including the extent to which the performance of personnel in such workforce contributes to achieving the goals and standards established for acquisition programs pursuant to section 2545 of this title);

''(2) provide for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel in such workforce contributes to achieving such goals and standards;

''(3) use the Department of Defense Civilian Workforce Incentive Fund established pursuant to section 9902(a) of title 5; and

''(4) provide opportunities for career broadening experiences for high performers.

''(b) MILITARY ACQUISITION WORKFORCE INCENTIVES.—The Secretaries of the military departments shall fully use and enhance incentive programs that reward individuals,

through recognition certificates or cash awards, for suggestions of process improvements that contribute to improvements in efficiency and economy and a better way of doing business.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 87 of title 10, United States Code, is amended by inserting after the item relating to section 1762, as added by section 202, the following new item:

''1763. Incentive programs for civilian and military personnel in the acquisition workforce.''.

SEC. 204. CAREER DEVELOPMENT FOR CIVILIAN AND MILITARY PERSONNEL IN THE ACQUISITION WORKFORCE.

(a) CAREER PATHS.—

(1) AMENDMENT.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1722a the following new section:

''§ 1722b. Special requirements for civilian employees in the acquisition field

''(a) REQUIREMENT FOR POLICY AND GUIDANCE REGARDING CIVILIAN PERSONNEL IN ACQUISITION.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish policies and issue guidance to ensure the proper development, assignment, and employment of civilian members of the acquisition workforce to achieve the objectives specified in subsection (b).

''(b) OBJECTIVES.—Policies established and guidance issued pursuant to subsection (a) shall ensure, at a minimum, the following:

''(1) A career path in the acquisition field that attracts the highest quality civilian personnel, from either within or outside the Federal Government.

''(2) A deliberate workforce development strategy that increases attainment of key experiences that contribute to a highly qualified acquisition workforce.

''(3) Sufficient opportunities for promotion and advancement in the acquisition field.

''(4) A sufficient number of qualified, trained members eligible for and active in the acquisition field to ensure adequate capacity, capability, and effective succession for acquisition functions, including contingency contracting, of the Department of Defense.

''(5) A deliberate workforce development strategy that ensures diversity in promotion, advancement, and experiential opportunities commensurate with the general workforce outlined in this section.

''(c) INCLUSION OF INFORMATION IN ANNUAL REPORT.—The Secretary of Defense shall include in the report to Congress required under section 115b(d) of this title the following information related to the acquisition workforce for the period covered by the report (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, Marine Corps, Defense Agencies, and Office of the Secretary of Defense):

''(1) The total number of persons serving in the Acquisition Corps, set forth separately for members of the armed forces and civilian employees, by grade level and by functional specialty.

''(2) The total number of critical acquisition positions held, set forth separately for members of the armed forces and civilian employees, by grade level and by other appropriate categories (including by program manager, deputy program manager, and division head positions). For each such category, the report shall specify the number of civilians holding such positions compared to the total number of positions filled.

''(3) The number of employees to whom the requirements of subsections (b)(2)(A) and (b)(2)(B) of section 1732 of this title did not apply because of the exceptions provided in paragraphs (1) and (2) of section 1732(c) of this title, set forth separately by type of exception.

''(4) The number of program managers and deputy program managers who were reassigned after completion of a major milestone occurring closest in time to the date on which the person has served in the position for four years (as required under section 1734(b) of this title), and the proportion of those reassignments to the total number of reassignments of program managers and deputy program managers, set forth separately for program managers and deputy program managers. The Secretary also shall include the average length of assignment served by program managers and deputy program managers so reassigned.

''(5) The number of persons, excluding those reported under paragraph (4), in critical acquisition positions who were reassigned after a period of three years or longer (as required under section 1734(a) of this title), and the proportion of those reassignments to the total number of reassignments of persons, excluding those reported under paragraph (4), in critical acquisition positions.

''(6) The number of times a waiver authority was exercised under section 1724(d), 1732(d), 1734(d), or 1736(c) of this title or any other provision of this chapter (or other provision of law) which permits the waiver of any requirement relating to the acquisition workforce, and in the case of each such authority, the reasons for exercising the authority. The Secretary may present the information provided under this paragraph by category or grouping of types of waivers and reasons.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 87 of title 10, United States Code, is amended by inserting after the item relating to section 1722a the following new item:

''1722b. Special requirements for civilian employees in the acquisition field.''.

(b) CAREER EDUCATION AND TRAINING.—Chapter 87 of title 10, United States Code, is amended in section 1723 by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

''(b) CAREER PATH REQUIREMENTS.—For each career path, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish requirements for the completion of course work and related on-the-job training and demonstration of qualifications in the critical acquisition-related duties and tasks of the career path. The Secretary of Defense, acting through the Under Secretary, shall also—

''(1) encourage individuals in the acquisition workforce to maintain the currency of their acquisition knowledge and generally enhance their knowledge of related acquisition management disciplines through academic programs and other self-developmental activities; and

''(2) develop key work experiences, including the creation of a program sponsored by the Department of Defense that facilitates the periodic interaction between individuals in the acquisition workforce and the end user in such end user's environment to enhance the knowledge base of such workforce, for individuals in the acquisition workforce so that the individuals may gain in-depth knowledge and experience in the acquisition process and become seasoned, well-qualified members of the acquisition workforce.''.

SEC. 205. RECERTIFICATION AND TRAINING REQUIREMENTS.

(a) CONTINUING EDUCATION.—Section 1723 of title 10, United States Code, as amended by section 204, is further amended by amending subsection (a) to read as follows:

''(a) QUALIFICATION REQUIREMENTS.—(1) The Secretary of Defense shall establish education, training and experience requirements for each acquisition position, based on the level of complexity of duties carried out in the position. In establishing such requirements, the Secretary shall ensure the availability and sufficiency of training in all areas of acquisition, including additional training courses with an emphasis on services contracting, market research strategies (including assessments of local contracting capabilities), long-term sustainment strategies, information technology, and rapid acquisition.

''(2) In establishing such requirements for positions other than critical acquisition positions designated pursuant to section 1733 of this title, the Secretary may state the requirements by categories of positions.

''(3) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish requirements for continuing education and periodic renewal of an individual's certification. Any requirement for a certification renewal shall not require a renewal more often than once every five years.''.

(b) STANDARDS FOR TRAINING.—

(1) IN GENERAL.—Subchapter IV of Chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1748. Guidance and standards for acquisition workforce training

''(a) FULFILLMENT STANDARDS.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop fulfillment standards, and implement and maintain a program, for purposes of the training requirements of sections 1723, 1724, and 1735 of this title. Such fulfillment standards shall consist of criteria for determining whether an individual has demonstrated competence in the areas that would be taught in the training courses required under those sections. If an individual meets the appropriate fulfillment standard, the applicable training requirement is fulfilled.

''(b) GUIDANCE AND STANDARDS RELATING TO CONTRACTS FOR TRAINING.—The Secretary of Defense shall develop appropriate guidance and standards to ensure that the Department of Defense will continue, where appropriate and cost-effective, to enter into contracts for the training requirements of sections 1723, 1724, and 1735 of this title, while maintaining appropriate control over the content and quality of such training.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''1748. Guidance and standards for acquisition workforce training.''.

(3) DEADLINE FOR FULFILLMENT STANDARDS.—The fulfillment standards required under section 1748(a) of title 10, United States Code, as added by paragraph (1), shall be developed not later than 90 days after the date of the enactment of this Act.

(4) CONFORMING REPEAL.—Section 853 of Public Law 105–85 (111 Stat. 1851) is repealed.

SEC. 206. INFORMATION TECHNOLOGY ACQUISITION WORKFORCE.

(a) IN GENERAL.—

(1) INFORMATION TECHNOLOGY.—Subchapter II of chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1725. Information technology acquisition positions

''(a) PLAN REQUIRED.—The Secretary of Defense shall develop and carry out a plan to strengthen the part of the acquisition workforce that specializes in information technology. The plan shall include the following:

''(1) Defined targets for billets devoted to information technology acquisition.

''(2) Specific certification requirements for individuals in the acquisition workforce who specialize in information technology acquisition.

''(3) Defined career paths for individuals in the acquisition workforce who specialize in information technology acquisitions.

''(b) DEFINITIONS.—In this section:

''(1) The term 'information technology' has the meaning provided such term in section 11101 of title 40 and includes information technology incorporated into a major weapon system.

''(2) The term 'major weapon system' has the meaning provided such term in section 2379(f) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''1725. Information technology acquisition positions.''.

(b) DEADLINE.—The Secretary of Defense shall develop the plan required under section 1725 of title 10, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 207. DEFINITION OF ACQUISITION WORKFORCE.

Section 101(a) of title 10, United States Code, is amended by inserting after paragraph (17) the following new paragraph:

''(18) The term 'acquisition workforce' means the persons serving in acquisition positions within the Department of Defense, as designated pursuant to section 1721(a) of this title.''.

SEC. 208. DEFENSE ACQUISITION UNIVERSITY CURRICULUM REVIEW.

(a) CURRICULUM REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall lead a review of the curriculum offered by the Defense Acquisition University to ensure it adequately supports the training and education requirements of acquisition professionals, particularly in service contracting, long term sustainment strategies, information technology, and rapid acquisition. The review shall also involve the service acquisition executives of each military department.

(b) ANALYSIS OF FUNDING REQUIREMENTS FOR TRAINING.—Following the review conducted under subsection (a), the Secretary of Defense shall analyze the most recent future-years defense program to determine the amounts of estimated expenditures and proposed appropriations necessary to support the training requirements of the amendments made by section 205 of this Act, including any new training requirements determined after the review conducted under subsection (a). The Secretary shall identify any additional funding needed for such training requirements in the separate chapter on the defense acquisition workforce required in the next annual strategic workforce plan under 115b of title 10, United States Code.

(c) REQUIREMENT FOR ONGOING CURRICULUM DEVELOPMENT WITH CERTAIN SCHOOLS.—

(1) REQUIREMENT.—Section 1746 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) CURRICULUM DEVELOPMENT.—The President of the Defense Acquisition University shall work with the relevant professional schools and degree-granting institutions of the Department of Defense and military departments to ensure that best practices are used in curriculum development to support acquisition workforce positions.''.

(2) AMENDMENT TO SECTION HEADING.—(A) The heading of section 1746 of such title is amended to read as follows:

"§ 1746. Defense Acquisition University".

(B) The item relating to section 1746 in the table of sections at the beginning of subchapter IV of chapter 87 of such title is amended to read as follows:

''1746. Defense Acquisition University.''.

SEC. 209. COST ESTIMATING INTERNSHIP AND SCHOLARSHIP PROGRAMS.

(a) PURPOSE.—The purpose of this section is to require the Department of Defense to develop internship and scholarship programs in cost estimating to underscore the importance of cost estimating, as a core acquisition function, to the acquisition process.

(b) REQUIREMENT.—The Secretary of Defense shall develop intern and scholarship programs in cost estimating for purposes of improving education and training in cost estimating and providing an opportunity to meet any certification requirements in cost estimating.

(c) IMPLEMENTATION.—Such programs shall be established not later than 270 days after the date of the enactment of this Act and shall be implemented for a 4-year period following establishment of the programs.

SEC. 210. PROHIBITION ON PERSONAL SERVICES CONTRACTS FOR SENIOR MENTORS.

(a) PROHIBITION.—The Secretary of Defense shall prohibit the award of a contract for personal services by any component of the Department of Defense for the purpose of obtaining the services of a senior mentor.

(b) INTERPRETATION.—Nothing in this section shall be interpreted to prohibit the employment of a senior mentor as a highly qualified expert pursuant to section 9903 of title 5, United States Code, subject to the pay and term limitations of that section. A senior mentor employed as a highly qualified expert shall be required to submit a financial disclosure report and comply with all conflict of interest laws and regulations applicable to other Federal employees with similar conditions of service.

(c) DEFINITIONS.—In this section:

(1) The term ''contract for personal services'' means a contract awarded under the authority of section 129b(a) of title 10, United States Code, or section 3109 of title 5, United States Code.

(2) The term ''component of the Department of Defense'' means a military department, a defense agency, a Department of Defense field activity, a unified combatant command, or the joint staff.

(3) The term ''senior mentor'' means any person—

(A)(i) who has served as a general or flag officer in the Armed Forces; or

(ii) who has served in a position at a level at or above the level of the senior executive service;

(B) has retired within the 10 years preceding the award of a contract; and

(C) who serves as a mentor, teacher, trainer, or advisor to government personnel on matters pertaining to the former official duties of such person.

TITLE III—FINANCIAL MANAGEMENT

SEC. 301. INCENTIVES FOR ACHIEVING AUDITABILITY.

(a) PREFERENTIAL TREATMENT AUTHORIZED.—The Under Secretary of Defense (Comptroller) shall ensure that any component of the Department of Defense that the Under Secretary determines has financial statements validated as ready for audit earlier than September 30, 2017, shall receive preferential treatment, as the Under Secretary determines appropriate—

(1) in financial matter matters, including—

(A) consistent with the need to fund urgent warfighter requirements and operational needs, priority in the release of appropriated funds to such component;

(B) relief from the frequency of financial reporting of such component in cases in which such reporting is not required by law;

(C) relief from departmental obligation and expenditure thresholds to the extent that such thresholds establish requirements more restrictive than those required by law; or

(D) such other measures as the Under Secretary considers appropriate; and

(2) in the availability of personnel management incentives, including—

(A) the size of the bonus pool available to the financial and business management workforce of the component;

(B) the rates of promotion within the financial and business management workforce of the component;

(C) awards for excellence in financial and business management; or

(D) the scope of work assigned to the financial and business management workforce of the component.

(b) INCLUSION OF INFORMATION IN REPORT.—The Under Secretary shall include information on any measure initiated pursuant to this section in the next semiannual report pursuant to section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note) after such measure is initiated.

(c) EXPIRATION.—This section shall expire on September 30, 2017.

(d) DEFINITION.—In this section, the term ''component of the Department of Defense'' means any organization within the Department of Defense that is required to submit an auditable financial statement to the Secretary of Defense.

SEC. 302. MEASURES REQUIRED AFTER FAILURE TO ACHIEVE AUDITABILITY.

(a) IN GENERAL.—The Secretary of Defense shall ensure that corrective measures are immediately taken to address the failure of a component of the Department of Defense to achieve a financial statement validated as ready for audit by September 30, 2017.

(b) MEASURES REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and issue guidance detailing measures to be taken in accordance with subsection (a). Such measures shall include—

(1) the development of a remediation plan to ensure the component can achieve a financial statement validated as ready for audit within 1 year;

(2) additional reporting requirements that may be necessary to mitigate financial risk to the component;

(3) delaying the release of appropriated funds to such component, consistent with the need to fund urgent warfighter requirements and operational needs, until such time as the Secretary is assured that the component will achieve a financial statement validated as ready for audit within 1 year;

(4) specific consequences for key personnel in order to ensure accountability within the leadership of the component; and

(5) such other measures as the Secretary considers appropriate.

(c) DEFINITION.—The term ''component'' of the Department of Defense means any organization within the Department of Defense that is required to submit an auditable financial statement to the Secretary of Defense.

SEC. 303. REVIEW OF OBLIGATION AND EXPENDITURE THRESHOLDS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Department of Defense program managers should be encouraged to place a higher priority on seeking the best value for the Government than on meeting arbitrary benchmarks for spending; and

(2) actions to carry out paragraph (1) should be supported by the Department's leadership at every level.

(b) POLICY REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense, in coordination with the Chief Management Officer of each military department, shall review and update as necessary all relevant policy and instruction regarding obligation and expenditure benchmarks to ensure that such guidance does not inadvertently prevent achieving the best value for the Government in the obligation and expenditure of funds.

(c) PROCESS REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Chief Management Officer, in coordination with the Chief Management Officer of each military department, the Director of the Office of Performance Assessment and Root Cause Analysis, the Under Secretary of Defense (Comptroller), and the Comptrollers of the military departments, shall conduct a comprehensive review of the use and value of obligation and expenditure benchmarks and propose new benchmarks or processes for tracking financial performance, including, as appropriate—

(1) increased reliance on individual obligation and expenditure plans for measuring program financial performance;

(2) mechanisms to improve funding stability and to increase the predictability of the release of funding for obligation and expenditure; and

(3) streamlined mechanisms for a program manager to submit an appeal for funding changes and to have such appeal evaluated promptly.

(d) TRAINING.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense (Comptroller) shall ensure that as part of the training required for program managers and business managers, an emphasis is placed on obligating and expending appropriated funds in a manner that achieves the best value for the Government and that the purpose and limitations of obligation and expenditure benchmarks are made clear.

SEC. 304. DISCLOSURE AND TRACEABILITY OF THE COST OF DEPARTMENT OF DEFENSE HEALTH CARE CONTRACTS.

(a) DISCLOSURE REQUIREMENT.—The Secretary of Defense shall require—

(1) an offeror that submits a bid or proposal in response to an invitation for bids or a request for proposals issued by a component of the Department of Defense for a health care contract to submit with the bid or proposal a disclosure of the additional cost, if any, contained in such bid or proposal associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152); and

(2) a contractor for a health care contract awarded following the date of the enactment of this Act to disclose on an annual basis the additional cost, if any, incurred for such contract associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(b) REPORT.—

(1) REQUIREMENT.—Not later than April 1, 2011, and each April 1st thereafter until April 1, 2016, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the additional cost to the Department of Defense associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(2) MATTERS COVERED.—The report required by paragraph (1) shall include—

(A) the projected costs of compliance for all health care contracts awarded during the preceding year, as disclosed in a bid or proposal in accordance with subsection (a)(1);

(B) for all other health care contracts, the incurred cost of compliance for the preceding year, as disclosed in accordance with subsection (a)(2); and

(C) any additional costs to the Department of Defense necessary to comply with such Acts.

(c) HEALTH CARE CONTRACT DEFINED.—In this section, the term ''health care contract'' means a contract in an amount greater than the simplified acquisition threshold for the acquisition of any of the following:

(1) Medical supplies.

(2) Health care services and administration, including the services of medical personnel.

(3) Durable medical equipment.

(4) Pharmaceuticals.

(5) Health care-related information technology.

TITLE IV—INDUSTRIAL BASE

SEC. 401. EXPANSION OF THE INDUSTRIAL BASE.

(a) PROGRAM TO EXPAND INDUSTRIAL BASE REQUIRED.—The Secretary of Defense shall establish a program to expand the industrial base of the Department of Defense to increase the Department's access to innovation and the benefits of competition. The program shall be limited to firms within the national technology and industrial base (as defined in section 2500(1) of title 10, United States Code).

(b) IDENTIFYING AND COMMUNICATING WITH NONTRADITIONAL SUPPLIERS.—The program established under subsection (a) shall use tools and resources available within the Federal Government and available from the private sector, to provide a capability for identifying and communicating with nontraditional suppliers, including commercial firms and firms of all business sizes, that are engaged in markets of importance to the Department of Defense.

(c) OUTREACH TO LOCAL FIRMS NEAR DEFENSE INSTALLATIONS.—The program established under subsection (a) shall include outreach, using procurement technical assistance centers, to notify firms of all business sizes in the vicinity of Department of Defense installations of opportunities to obtain contracts and subcontracts to perform work at such installations.

(d) INDUSTRIAL BASE REVIEW.—The program required by subsection (a) shall include a continuous effort to review the industrial base supporting the Department of Defense, including the identification of markets of importance to the Department of Defense.

(e) DEFINITION.—In this section:

(1) NONTRADITIONAL SUPPLIERS.—The term ''nontraditional suppliers'' means firms that have received contracts from the Department of Defense with a total value of not more than $100,000 in the previous 5 years.

(2) MARKETS OF IMPORTANCE TO THE DEPARTMENT OF DEFENSE.—The term ''markets of importance to the Department of Defense'' means industrial sectors in which the Department of Defense spends more than $500,000,000 annually.

(3) PROCUREMENT TECHNICAL ASSISTANCE CENTER.—The term ''procurement technical assistance center'' means a center operating under a cooperative agreement with the Defense Logistics Agency to provide procurement technical assistance pursuant to the authority provided in chapter 142 of title 10, United States Code.

SEC. 402. COMMERCIAL PRICING ANALYSIS.

Section 803(c) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 2306a note) is amended to read as follows:

''(c) COMMERCIAL PRICE TREND ANALYSIS.—

''(1) The Secretary of Defense shall develop and implement procedures that, to the maximum extent practicable, provide for the collection and analysis of information on price trends for categories of exempt commercial items described in paragraph (2).

''(2) A category of exempt commercial items referred to in paragraph (1) consists of exempt commercial items that are in a single Federal Supply Group or Federal Supply Class, are provided by a single contractor, or are otherwise logically grouped for the purpose of analyzing information on price trends.

''(3) The analysis of information on price trends under paragraph (1) shall include, in any category in which significant escalation in prices is identified, a more detailed examination of the causes of escalation for such prices within the category and whether such price escalation is consistent across the Department of Defense.

''(4) The head of a Department of Defense agency or the Secretary of a military department shall take appropriate action to address any unjustified escalation in prices being paid for items procured by that agency or military department as identified in an analysis conducted pursuant to paragraph (1).

''(5) Not later than April 1 of each of year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the analyses of price trends that were conducted for categories of exempt commercial items during the preceding fiscal year under the procedures prescribed pursuant to paragraph (1). The report shall include a description of the actions taken to identify and address any unjustified price escalation for the categories of items.

''(6) This subsection shall not be in effect on and after April 1, 2013.''.

SEC. 403. CONTRACTOR AND GRANTEE DISCLOSURE OF DELINQUENT FEDERAL TAX DEBTS.

(a) REQUIREMENT.—

(1) IN GENERAL.—Chapter 37 of title 31, United States Code, is amended by adding at the end of subchapter II the following new section:

''§ 3720F. Contractor and grantee disclosure of delinquent Federal tax debts

''(a) REQUIREMENT RELATING TO CONTRACTS.—The head of any executive agency that issues an invitation for bids or a request for proposals for a contract in an amount greater than the simplified acquisition threshold shall require each person that submits a bid or proposal to submit with the bid or proposal a form—

''(1) certifying that the person does not have a seriously delinquent tax debt; and

''(2) authorizing the Secretary of the Treasury to disclose to the head of the agency information strictly limited to verifying whether the person has a seriously delinquent tax debt.

''(b) REQUIREMENT RELATING TO GRANTS.—The head of any executive agency that offers a grant in excess of an amount equal to the simplified acquisition threshold may not award such grant to any person unless such person submits with the application for such grant a form—

''(1) certifying that the person does not have a seriously delinquent tax debt; and

''(2) authorizing the Secretary of the Treasury to disclose to the head of the executive agency information strictly limited to verifying whether the person has a seriously delinquent tax debt.

''(c) FORM FOR RELEASE OF INFORMATION.—The Secretary of the Treasury shall make available to all executive agencies a standard form for the certification and authorization described in subsections (a) and (b).

''(d) DEFINITIONS.—In this section:

''(1) CONTRACT.—The term 'contract' means a binding agreement entered into by an executive agency for the purpose of obtaining property or services, but does not include—

''(A) a contract for property or services that is intended to be entered into through the use of procedures other than competitive procedures by reason of section 2304(c)(2) of this title; or

''(B) a contract designated by the head of the agency as necessary to the national security of the United States.

''(2) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

''(3) PERSON.—The term 'person' includes—

''(A) an individual;

''(B) a partnership; and

''(C) a corporation.

''(4) SERIOUSLY DELINQUENT TAX DEBT.—The term 'seriously delinquent tax debt'—

''(A) means any Federal tax liability—

''(i) that exceeds $3,000;

''(ii) that has been assessed by the Secretary of the Treasury and not paid; and

''(iii) for which a notice of lien has been filed in public records; and

''(B) does not include any Federal tax liability—

''(i) being paid in a timely manner under an offer-in-compromise or installment agreement;

''(ii) with respect to which collection due process proceedings are not completed; or

''(iii) with respect to which collection due process proceedings are completed and no further payment is required.

''(5) SIMPLIFIED ACQUISITION THRESHOLD.—The term 'simplified acquisition threshold' has the meaning given that term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

''(e) REGULATIONS.—The Administrator for Federal Procurement Policy, in consultation with the Secretary of the Treasury, shall promulgate regulations that—

''(1) treat corporations and partnerships as having a seriously delinquent tax debt if such corporation or partnership is controlled (directly or indirectly) by persons who have a seriously delinquent tax debt;

''(2) provide for the proper application of subsections (a)(2) and (b)(2) in the case of corporations and partnerships; and

''(3) provide for the proper application of subsection (a) to first-tier subcontractors that are identified in a bid or proposal and are a significant part of a bid or proposal team.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of such title is amended by adding after the item relating to section 3720E the following new item:

''3720F. Contractor and grantee disclosure of delinquent Federal tax debts.''.

(b) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 90 days after the final promulgation of regulations under section 3720F(e) of title 31, United States Code, as added by subsection (a), the Federal Acquisition Regulation shall be revised to incorporate the requirements of section 3720F of such title.

SEC. 404. INDEPENDENCE OF CONTRACT AUDITS AND BUSINESS SYSTEM REVIEWS.

(a) DEFENSE CONTRACT AUDIT AGENCY GENERAL COUNSEL.—

(1) IN GENERAL.—Subchapter II of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 204. Defense Contract Audit Agency general counsel

''(a) GENERAL COUNSEL.—The Director of the Defense Contract Audit Agency shall appoint a General Counsel of the Defense Contract Audit Agency.

''(b) DUTIES.—(1) The General Counsel shall perform such functions as the Director may prescribe and shall serve at the discretion of the Director.

''(2) Notwithstanding section 140(b) of this title, the General Counsel shall be the chief legal officer of the Defense Contract Audit Agency.

''(3) The Defense Contract Audit Agency shall be the exclusive legal client of the General Counsel.

''(c) OFFICE OF THE GENERAL COUNSEL.—There is established an Office of the General Counsel within the Defense Contract Audit Agency. The Director may appoint to the Office to serve as staff of the General Counsel such legal counsel as the Director determines is appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by adding at the end the following new item:

''204. Defense Contract Audit Agency general counsel.''.

(b) CRITERIA FOR BUSINESS SYSTEM REVIEWS.—

(1) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by inserting after section 2222 the following new section:

''§ 2222a. Criteria for business system reviews

''(a) CRITERIA FOR BUSINESS SYSTEM REVIEWS.—The Secretary of Defense shall ensure that any contractor business system review carried out by a military department, a Defense Agency, or a Department of Defense Field Activity—

''(1) complies with generally accepted government auditing standards issued by the Comptroller General;

''(2) is performed by an audit team that does not engage in any other official activity (audit-related or otherwise) involving the contractor concerned;

''(3) is performed in a time and manner consistent with a documented assessment of risk to the Federal Government; and

''(4) involves testing on a representative sample of transactions sufficient to fully examine the integrity of the contractor business system concerned.

''(b) CONTRACTOR BUSINESS SYSTEM REVIEW DEFINED.—In this section, the term 'contractor business system review' means an audit of policies, procedures, and internal controls relating to accounting and management systems of a contractor.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by inserting after the item relating to section 2222 the following new item:

''2222a. Criteria for business system reviews.''.

(c) CONTRACT AUDIT GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance relating to contract audits carried out by a military department, a defense agency, or a Department of Defense field activity that are not contractor business system reviews, as described under section 2222a of title 10, United States Code, that—

(1) requires that such audits comply with generally accepted government auditing standards issued by the Comptroller General and are performed in a time and manner consistent with a documented assessment of risk to the Federal Government;

(2) establishes guidelines for discussions of the scope of the audit with the contractor concerned that ensure that such scope is not improperly influenced by the contractor;

(3) provides for withholding of contract payments when necessary to compel the submission of documentation from the contractor; and

(4) requires that the results of contract audits performed on behalf of an agency of the Department of Defense be shared with other Federal agencies upon request, without reimbursement.

(d) EFFECTIVE DATES.—

(1) SECTION 204.—Section 204 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

(2) SECTION 2222A.—Section 2222a of title 10, United States Code, as added by subsection (b), shall take effect 180 days after the date of the enactment of this Act.

SEC. 405. BLUE RIBBON PANEL ON ELIMINATING BARRIERS TO CONTRACTING WITH THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense shall establish a panel consisting of owners of large and small businesses that are not traditional defense suppliers, for purposes of creating a set of recommendations on eliminating barriers to contracting with the Department of Defense and its defense supply centers.

(b) MEMBERS.—The panel shall consist of nine members, of whom—

(1) three shall be appointed by the Secretary of the Army;

(2) three shall be appointed by the Secretary of the Navy; and

(3) three shall be appointed by the Secretary of the Air Force.

(c) APPOINTMENT DEADLINE.—Members shall be appointed to the panel not later than 180 days after the date of the enactment of this Act.

(d) DUTIES.—The panel shall be responsible for developing a set of recommendations on eliminating barriers to contracting with the Department of Defense and its defense supply centers.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the panel shall submit to Congress a report containing its recommendations.

SEC. 406. INCLUSION OF THE PROVIDERS OF SERVICES AND INFORMATION TECHNOLOGY IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) REVISED DEFINITIONS.—Section 2500 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''or maintenance'' and inserting ''integration, services, or information technology'';

(2) in paragraph (4), by striking ''or production'' and inserting ''production, integration, services, or information technology'';

(3) in paragraph (9)(A), by striking ''and manufacturing'' and inserting ''manufacturing, integration, services, and information technology''; and

(4) by adding at the end the following new paragraph:

''(15) The term 'integration' means the process of providing systems engineering and technical direction for a system for the purpose of achieving capabilities that satisfy program requirements.''.

(b) REVISED OBJECTIVES.—Section 2501(a) of such title is amended—

(1) in paragraph (1), by striking ''Supplying and equipping'' and inserting ''Supplying, equipping, and supporting'';

(2) in paragraph (2), by striking ''and logistics for'' and inserting ''logistics, and other activities in support of'';

(3) in paragraph (4), by striking ''and produce'' and inserting '', produce, and support''; and

(4) by redesignating paragraph (6) as paragraph (8) and inserting after paragraph (5) the following new paragraphs:

''(6) Providing for the generation of services capabilities that are not core functions of the armed forces and that are critical to military operations within the national technology and industrial base.

''(7) Providing for the development, production, and integration of information technology within the national technology and industrial base.''.

(c) REVISED ASSESSMENTS.—Section 2505(b)(4) of such title is amended by inserting after ''of this title)'' the following ''or major automated information systems (as defined in section 2445a of this title)''.

(d) REVISED POLICY GUIDANCE.—Section 2506(a) of such title is amended by striking ''budget allocation, weapons'' and inserting ''strategy, management, budget allocation,''.

SEC. 407. CONSTRUCTION OF ACT ON COMPETITION REQUIREMENTS FOR THE ACQUISITION OF SERVICES.

Nothing in this Act or the amendments made by this Act shall be construed to affect the competition requirements of section 2304 of title 10, United States Code, with respect to the acquisition of services.

SEC. 408. ACQUISITION SAVINGS PROGRAM.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall carry out a program to provide opportunities to provide cost-savings on nondevelopmental items.

(2) SAVINGS.—The program, to be known as the Acquisition Savings Program, shall provide any person or activity within or outside the Department of Defense with the opportunity to offer a proposal to provide savings in excess of 15 percent, to be known as an acquisition savings proposal, for covered contracts.

(3) SUNSET.—The program shall cease to be required on September 30, 2013.

(b) QUALIFYING ACQUISITION SAVINGS PROPOSALS.—A proposal shall qualify as an acquisition savings proposal for purposes of this section if it offers to supply a nondevelopmental item that is identical to, or equivalent to (under a performance specification or relevant commercial standard), an item being procured under a covered contract.

(c) REVIEW BY CONTRACTING OFFICER.—Each acquisition savings proposal shall be reviewed by the contracting officer for the covered contract concerned to determine if such proposal qualifies under this section and to calculate the savings provided by such proposal.

(d) ACTIONS UPON FAVORABLE REVIEW.—If the contracting officer for a covered contract determines after review of an acquisition savings proposal that the proposal would provide an identical or equivalent nondevelopmental item at a savings in excess of 15 percent, and that a contract award to the offeror of the proposal would not result in the violation of a minimum purchase agreement or otherwise cause a breach of contract for the covered contract, the contracting officer may make an award under the covered contract to the offeror of the acquisition savings proposal or otherwise award a contract for the nondevelopmental item concerned to such offeror.

(e) ACTIONS UPON UNFAVORABLE REVIEW.—If a contracting officer determines after review of an acquisition savings proposal that the proposal would not satisfy the requirements of this section, the contracting officer shall debrief the person or activity offering such proposal within 30 days after completion of the review.

(f) REPORT.—Not later than March 1, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report regarding the program, including the number of acquisition savings proposals submitted, the number favorably reviewed, the cumulative savings, and any further recommendations for the program.

(g) DEFINITIONS.—In this section:

(1) NONDEVELOPMENTAL ITEM.—The term ''nondevelopmental item'' has the meaning provided for such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) COVERED CONTRACT.—The term ''covered contract''—

(A) means an indefinite delivery indefinite quantity contract for property as defined in section 2304d(2) of title 10, United States Code; and

(B) does not include any contract awarded under an exception to competitive acquisition authorized by the Small Business Act (15 U.S.C. 631 et seq.)

(3) PERFORMANCE SPECIFICATION.—The term ''performance specification'' means a specification of required item functional characteristics.

(4) COMMERCIAL STANDARD.—The term ''commercial standard'' means a standard used in industry promulgated by an accredited standards organizations that is not a Federal entity.

SEC. 409. SENSE OF CONGRESS REGARDING COMPLIANCE WITH THE BERRY AMENDMENT, THE BUY AMERICAN ACT, AND LABOR STANDARDS OF THE UNITED STATES.

In order to create jobs, level the playing field for domestic manufacturers, and strengthen economic recovery, it is the sense of Congress that the Department of Defense should—

(1) ensure full contractor and subcontractor compliance with the Berry Amendment (10 U.S.C. 2533a) and the Buy American Act (41 U.S.C. 10a et seq.); and

(2) not procure products made by manufacturers in the United States that violate labor standards as defined under the laws of the United States.

SEC. 410. INDUSTRIAL BASE COUNCIL AND FUND.

(a) INDUSTRIAL BASE COUNCIL.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 188. Industrial Base Council

''(a) COUNCIL ESTABLISHED.—There is in the Department of Defense an Industrial Base Council.

''(b) MISSION.—The mission of the Industrial Base Council is to assist the Secretary in all matters pertaining to the industrial base of the Department of Defense, including matters pertaining to the national defense technology and industrial base included in chapter 148 of this title.

''(c) MEMBERSHIP.—The following officials of the Department of Defense shall be members of the Council:

''(1) The Chairman of the Council, who shall be the Under Secretary of Defense for Acquisition, Technology, and Logistics, the functions of which may be delegated by the Under Secretary only to the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Executive Director of the Council, who shall be an official from within the Office of the Under Secretary responsible for industrial base matters and who shall report directly to the Under Secretary or the Principal Deputy Under Secretary.

''(3) Officials from within the Office of the Secretary of Defense, as designated by the Secretary, with direct responsibility for matters pertaining to following areas:

''(A) Manufacturing.

''(B) Research and development.

''(C) Systems engineering and system integration.

''(D) Services.

''(E) Information Technology.

''(F) Sustainment and logistics.

''(4) The Director of the Defense Logistics Agency.

''(5) Officials from the military departments, as designated by the Secretary of each military department, with responsibility for industrial base matters relevant to the military department concerned.

''(d) DUTIES.—The Council shall assist the Secretary in the following:

''(1) Providing input on industrial base matters to strategy reviews, including quadrennial defense reviews performed pursuant to section 118 of this title.

''(2) Managing the industrial base.

''(3) Providing recommendations to the Secretary on budget matters pertaining to the industrial base.

''(4) Providing recommendations to the Secretary on supply chain management and supply chain vulnerability.

''(5) Providing input on industrial base matters to defense acquisition policy guidance.

''(6) Issuing and revising the Department of Defense technology and industrial base guidance required by section 2506 of this title.

''(7) Such other duties as are assigned by the Secretary.

''(e) REPORTING OF ACTIVITIES.—The Secretary shall include a section describing the activities of the Council in the annual report to Congress required by section 2505 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''188. Industrial Base Council.''.

(b) INDUSTRIAL BASE FUND.—

(1) IN GENERAL.—Chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2508. Industrial Base Fund

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish an Industrial Base Fund (in this section referred to as the 'Fund').

''(b) CONTROL OF FUND.—The Fund shall be under the control of the Industrial Base Council established pursuant to section 188 of this title.

''(c) AMOUNTS IN FUND.—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

''(d) USE OF FUND.—Subject to subsection (e), the Fund shall be used—

''(1) to support the monitoring and assessment of the industrial base required by this chapter;

''(2) to address critical issues in the industrial base relating to urgent operation needs;

''(3) to support efforts to expand the industrial base; and

''(4) to address supply chain vulnerabilities.

''(e) USE OF FUND SUBJECT TO APPROPRIATIONS.—The authority of the Secretary of Defense to use the Fund under this section in any fiscal year is subject to the availability of appropriations for that purpose.

''(f) EXPENDITURES.—The Secretary shall establish procedures for expending monies in the Fund in support of the uses identified in subsection (d), including the following:

''(1) Direct obligations from the Fund.

''(2) Transfers of monies from the Fund to relevant appropriations of the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2508. Industrial Base Fund.''.

TITLE V—OTHER MATTERS

SEC. 501. CLOTHING ALLOWANCE REQUIREMENT.

The Comptroller General shall conduct a study of the items purchased under section 418 of title 37, United States Code, to determine if there is sufficient domestic production of such items to adequately supply members of the Armed Forces and shall transmit the results of such study to the Secretary of Defense. Not later than 6 months after receiving the results of such study, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives an evaluation on whether such items under the study should be considered subject to section 2533a of title 10, United States Code (popularly known as the ''Berry Amendment'').

SEC. 502. REQUIREMENT THAT COST OR PRICE TO THE FEDERAL GOVERNMENT BE GIVEN AT LEAST EQUAL IMPORTANCE AS TECHNICAL OR OTHER CRITERIA IN EVALUATING COMPETITIVE PROPOSALS FOR DEFENSE CONTRACTS.

(a) REQUIREMENT.—Subparagraph (A) of section 2305(a)(3) of title 10, United States Code, is amended by striking ''proposals; and'' at the end of clause (ii) and all that follows through the end of the subparagraph and inserting the following: ''proposals and that must be assigned importance at least equal to all evaluation factors other than cost or price when combined.''.

(b) WAIVER.—Section 2305(a)(3) of such title is further amended by striking subparagraph (B) and inserting the following:

''(B) The requirement of subparagraph (A)(ii) relating to assigning at least equal importance to evaluation factors of cost or price may be waived by the head of the agency. The authority to issue a waiver under this subparagraph may not be delegated.''.

(c) REPORT.—Section 2305(a)(3) of such title is further amended by adding at the end the following new subparagraph:

''(C) Not later than 180 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress, and post on a publicly available website of the Department of Defense, a report containing a list of each waiver issued by the head of an agency under subparagraph (B) during the preceding fiscal year.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. BUYER moved to recommit the bill to the Committee on Armed Services with instructions to report the bill back to the House forthwith with the following amendment:

At the end of title III, add the following new section:

SEC. 304. DISCLOSURE AND TRACEABILITY OF THE COST OF DEPARTMENT OF DEFENSE HEALTH CARE CONTRACTS.

(a) DISCLOSURE REQUIREMENT.—The Secretary of Defense shall require—

(1) an offeror that submits a bid or proposal in response to an invitation for bids or a request for proposals issued by a component of the Department of Defense for a health care contract to submit with the bid or proposal a disclosure of the additional cost, if any, contained in such bid or proposal associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152); and

(2) a contractor for a health care contract awarded following the date of the enactment of this Act to disclose on an annual basis the additional cost, if any, incurred for such contract associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(b) REPORT.—

(1) REQUIREMENT.—Not later than April 1, 2011, and each April 1st thereafter until April 1, 2016, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the additional cost to the Department of Defense associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(2) MATTERS COVERED.—The report required by paragraph (1) shall include—

(A) the projected costs of compliance for all health care contracts awarded during the preceding year, as disclosed in a bid or proposal in accordance with subsection (a)(1);

(B) for all other health care contracts, the incurred cost of compliance for the preceding year, as disclosed in accordance with subsection (a)(2); and

(C) any additional costs to the Department of Defense necessary to comply with such Acts.

(c) HEALTH CARE CONTRACT DEFINED.—In this section, the term ''health care contract'' means a contract in an amount greater than the simplified acquisition threshold for the acquisition of any of the following:

(1) Medical supplies.

(2) Health care services and administration, including the services of medical personnel.

(3) Durable medical equipment.

(4) Pharmaceuticals.

(5) Health care-related information technology.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. BUYER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 1

¶50.14 [Roll No. 229]

AYES—419

Ackerman	Bean	Bono Mack
Aderholt	Becerra	Boozman
Adler (NJ)	Berkley	Boren
Akin	Berman	Boswell
Alexander	Berry	Boucher
Altmire	Biggert	Boustany
Andrews	Bilbray	Boyd
Arcuri	Bilirakis	Brady (PA)
Austria	Bishop (GA)	Brady (TX)
Baca	Bishop (NY)	Braley (IA)
Bachmann	Bishop (UT)	Bright
Bachus	Blackburn	Broun (GA)
Baird	Blumenauer	Brown (SC)
Baldwin	Blunt	Brown, Corrine
Barrow	Boccieri	Brown-Waite, Ginny
Bartlett	Boehner	Buchanan
Barton (TX)	Bonner	Burgess
Burton (IN)	Grijalva	McCollum
Butterfield	Guthrie	McCotter
Buyer	Gutierrez	McDermott
Calvert	Hall (NY)	McGovern
Camp	Hall (TX)	McHenry
Campbell	Halvorson	McIntyre
Cantor	Hare	McKeon
Cao	Harper	McMahon
Capito	Hastings (FL)	McMorris Rodgers
Capps	Hastings (WA)	McNerney
Capuano	Heinrich	Meek (FL)
Cardoza	Heller	Meeks (NY)
Carnahan	Hensarling	Melancon
Carney	Herger	Mica
Carson (IN)	Herseth Sandlin	Michaud
Carter	Higgins	Miller (FL)
Cassidy	Hill	Miller (MI)
Castle	Himes	Miller (NC)
Castor (FL)	Hinchey	Miller, Gary
Chaffetz	Hinojosa	Miller, George
Chandler	Hirono	Minnick
Childers	Hodes	Mitchell
Chu	Holden	Mollohan
Clarke	Holt	Moore (KS)
Clay	Honda	Moore (WI)
Cleaver	Hoyer	Moran (KS)
Clyburn	Hunter	Moran (VA)
Coble	Inglis	Murphy (CT)
Coffman (CO)	Inslee	Murphy (NY)
Cohen	Israel	Murphy, Patrick
Cole	Issa	Murphy, Tim
Conaway	Jackson (IL)	Myrick
Connolly (VA)	Jackson Lee (TX)	Nadler (NY)
Conyers	Jenkins	Napolitano
Cooper	Johnson (GA)	Neal (MA)
Costa	Johnson (IL)	Neugebauer
Costello	Johnson, E. B.	Nunes
Courtney	Johnson, Sam	Nye
Crenshaw	Jones	Oberstar
Crowley	Jordan (OH)	Obey
Cuellar	Kagen	Olson
Culberson	Kanjorski	Olver
Cummings	Kaptur	Ortiz
Dahlkemper	Kennedy	Owens
Davis (CA)	Kildee	Pallone
Davis (IL)	Kilpatrick (MI)	Pastor (AZ)
Davis (KY)	Kilroy	Paul
Davis (TN)	Kind	Paulsen
DeFazio	King (IA)	Payne
Delahunt	King (NY)	Pence
DeLauro	Kingston	Perlmutter
Dent	Kirk	Perriello
Deutch	Kirkpatrick (AZ)	Peters
Diaz-Balart, L.	Kissell	Peterson
Diaz-Balart, M.	Klein (FL)	Petri
Dicks	Kline (MN)	Pingree (ME)
Dingell	Kosmas	Pitts
Doggett	Kratovil	Platts
Donnelly (IN)	Kucinich	Poe (TX)
Doyle	Lamborn	Polis (CO)
Dreier	Lance	Pomeroy
Driehaus	Langevin	Posey
Duncan	Larsen (WA)	Price (GA)
Edwards (MD)	Larson (CT)	Price (NC)
Edwards (TX)	Latham	Putnam
Ellison	LaTourette	Quigley
Ellsworth	Latta	Radanovich
Emerson	Lee (CA)	Rahall
Engel	Lee (NY)	Rangel
Eshoo	Levin	Rehberg
Etheridge	Lewis (CA)	Reichert
Farr	Lewis (GA)	Reyes
Fattah	Linder	Richardson
Filner	Lipinski	Rodriguez
Flake	LoBiondo	Roe (TN)
Fleming	Loebsack	Rogers (AL)
Forbes	Lofgren, Zoe	Rogers (KY)
Fortenberry	Lowey	Rogers (MI)
Foster	Lucas	Rohrabacher
Foxx	Luetkemeyer	Rooney
Frank (MA)	Luján	Ros-Lehtinen
Franks (AZ)	Lummis	Roskam
Frelinghuysen	Lungren, Daniel E.	Ross
Gallegly	Lynch	Rothman (NJ)
Garamendi	Mack	Roybal-Allard
Garrett (NJ)	Maffei	Royce
Gerlach	Maloney	Ruppersberger
Giffords	Manzullo	Rush
Gingrey (GA)	Marchant	Ryan (OH)
Gohmert	Markey (CO)	Ryan (WI)
Gonzalez	Markey (MA)	Salazar
Goodlatte	Marshall	Sánchez, Linda T.
Gordon (TN)	Matheson	Sanchez, Loretta
Granger	Matsui	Sarbanes
Graves	McCarthy (CA)	Scalise
Grayson	McCarthy (NY)	Schakowsky
Green, Al	McCaul	Schauer
Green, Gene	McClintock	Schiff
Griffith		

Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—1

Pascrell

NOT VOTING—10

Barrett (SC)
Davis (AL)
DeGette
Ehlers
Fallin
Fudge
Harman
Hoekstra
Teague
Wamp

So the motion to recommit with instructions was agreed to.

Mr. SKELTON, by direction of the Committee on Armed Services and pursuant to the foregoing order of the House reported the bill back to the House with said amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. MORAN of Virginia, announced that the yeas had it.

Mr. SKELTON demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 Nays 3

¶50.15 [Roll No. 230]

AYES—417

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

NOES—3

Broun (GA)
Flake
Paul

NOT VOTING—10

Barrett (SC)
Davis (AL)
DeGette
Fallin
Fattah
Fudge
Harman
Hoekstra
Teague
Wamp

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶50.16 PROVIDING FOR CONSIDERATION OF H.R. 2499

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–468) the resolution (H. Res. 1305) providing for consideration of the bill (H.R. 2499) to provide for a federally sanctioned self-determination process for the people of Puerto Rico.

When said resolution and report were referred to the House Calendar and ordered printed.

¶50.17 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CULBERSON, for today until 3:15 p.m.

And then,

¶50.18 ADJOURNMENT

On motion of Mr. KING of Iowa, at 7 o'clock and 14 minutes p.m., the House adjourned.

¶50.19 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POLIS: Committee on Rules. House Resolution 1305. Resolution providing for consideration of the bill (H.R. 2499) to provide for a federally sanctioned self-determination process for the people of Puerto Rico (Rept. 111–468). Referred to the House Calendar.

¶50.20 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MILLER of North Carolina (for himself, Mr. CHANDLER, Mr. COHEN, Mr. ELLISON, and Mr. SHERMAN):

H.R. 5159. A bill to provide for a safe, accountable, fair, and efficient banking system, and for other purposes; to the Committee on Financial Services.

By Mr. RANGEL (for himself, Mr. LEVIN, and Mr. CAMP):

H.R. 5160. A bill to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes; to the Committee on Ways and Means.

By Mr. REYES:

H.R. 5161. A bill to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. CHILDERS (for himself, Mr. SOUDER, Mr. ALTMIRE, Mr. DAVIS of Alabama, Mr. MELANCON, Mr. MICA, Mr. CARNEY, Mr. BURTON of Indiana, Mr. DAVIS of Tennessee, Mr. SHULER, Mr. ROSS, Mr. GINGREY of Georgia, Mr. SESSIONS, Mr. SHUSTER, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. SIMPSON, Mr. ELLSWORTH, Mr. WILSON of Ohio, Mr. BISHOP of Georgia, Mr. CARDOZA, Mr. BOUCHER, Mr. KAGEN, Mr. BARROW, Mr. WALZ, Mr. HILL, Mr. HOLDEN, Mr. HEINRICH, Mr. YOUNG of Alaska, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MACK, Mr. MARSHALL, Mr. KISSELL, Mr. MORAN of Kansas, Mr. RAHALL, Mr. DINGELL, Mr. DONNELLY of Indiana, Mr. KINGSTON, Mr. MINNICK, Mr. TIAHRT, Mr. TEAGUE, Mr. JONES, Mr. OWENS, Ms. JENKINS, Mr. BOYD, Mr. GENE GREEN of Texas, Mr. CHANDLER, Mr. MCHENRY, Mr. BACHUS, Mrs. HALVORSON, Mr. WHITFIELD, Mr. HODES, Mr. TAYLOR, Mr. GERLACH, Mr. CALVERT, Mr. PERRIELLO, Ms. GIFFORDS, Mr. MCNERNEY, Mr. STUPAK, Ms. MARKEY of Colorado, Mr. DENT, Mr. TANNER, and Mr. BISHOP of Utah):

H.R. 5162. A bill to restore Second Amendment rights in the District of Columbia; to the Committee on Oversight and Government Reform.

By Mr. ALTMIRE (for himself, Mr. BARTON of Texas, Mr. FOSTER, Mr. HALL of Texas, Mr. ROSS, Mr. UPTON, Mr. MELANCON, Mrs. MYRICK, Mr. MCMAHON, Mr. ROGERS of Michigan, Mr. MURPHY of New York, Mr. BARTLETT, Mr. PERRIELLO, Mrs. BIGGERT, Mr. MURPHY of Connecticut, Mr. SHIMKUS, Mr. SALAZAR, Mrs. BONO MACK, Mrs. HALVORSON, and Mr. GRIFFITH):

H.R. 5163. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Science and Technology.

By Mr. ALTMIRE (for himself, Mr. BARTON of Texas, Mr. FOSTER, Mr. UPTON, Mr. ROSS, Mrs. MYRICK, Mr. MELANCON, Mr. ROGERS of Michigan, Mr. MCMAHON, Mr. BARTLETT, Mr. MURPHY of New York, Mrs. BIGGERT, Mr. PERRIELLO, Mr. SHIMKUS, Mr. MURPHY of Connecticut, Mrs. BONO MACK, Mr. SALAZAR, Mr. GRIFFITH, and Mrs. HALVORSON):

H.R. 5164. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 5165. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to provide grants to State educational agencies in order to provide subgrants to eligible local entities to promote financial education to students in the classroom; to the Committee on Education and Labor.

By Mr. DENT:

H.R. 5166. A bill to amend the Immigration and Nationality Act to provide for the loss of United States citizenship by individuals who are unprivileged enemy belligerents; to the Committee on the Judiciary.

By Mr. ELLISON:

H.R. 5167. A bill to amend the Richard B. Russell National School Lunch Act to reduce stigma associated with unpaid meal fees, and for other purposes; to the Committee on Education and Labor.

By Mr. ELLSWORTH:

H.R. 5168. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit through December 31, 2010, and for other purposes; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 5169. A bill to amend title 49, United States Code, to require the Secretary of Transportation to promulgate rules to require that all motor vehicles be equipped with event data recorders by 2015, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOLT (for himself, Ms. SHEA-PORTER, Mr. GEORGE MILLER of California, Ms. BERKLEY, Mr. BARTLETT, and Mr. HIMES):

H.R. 5170. A bill to amend title 10, United States Code, to direct the Secretary of Defense to provide members of the Individual Ready Reserve who served in Afghanistan or Iraq with information on counseling to prevent suicide; to the Committee on Armed Services.

By Mr. GARY G. MILLER of California:

H.R. 5171. A bill to create a program under which qualified and available United States construction workers and appropriate equipment can be sent to Haiti to assist Haitians in the rebuilding of their country after the devastating January 12, 2010, earthquake, as requested by the government of Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SARBANES (for himself, Mr. POLIS, and Ms. FUDGE):

H.R. 5172. A bill to amend the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to authorize competitive grants to train school principals in instructional leadership skills and to promote the incorporation of standards of instructional leadership into State-level principal certification or licensure; to the Committee on Education and Labor.

By Mr. TIAHRT (for himself, Mr. BILBRAY, Mr. ROHRABACHER, Mr. AKIN, and Mr. CALVERT):

H.R. 5173. A bill to provide for certain enhanced border security measures, and for other purposes; to the Committee on Homeland Security.

By Mr. TONKO:

H.R. 5174. A bill to amend the Internal Revenue Code of 1986 to modify the credit for qualified fuel cell motor vehicles by maintaining the level of credit for vehicles placed in service after 2009 and by allowing the credit for certain off-highway vehicles; to the Committee on Ways and Means.

By Ms. LEE of California (for herself, Mr. BAIRD, Mr. FILNER, and Mr. ELLISON):

H. Con. Res. 270. Concurrent resolution calling on the United States Government to investigate the case of Tristan Anderson, a United States citizen from Oakland, California, who was critically injured in the West Bank village of Ni'lin on March 13, 2009, and expressing sympathy to Tristan Anderson and his family, friends, and loved ones during this trying time; to the Committee on Foreign Affairs.

By Ms. NORTON:

H. Res. 1306. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued to honor the lives of Joseph Curseen, Jr. and Thomas Morris, Jr., the two United States Postal Service workers and District of Columbia natives who died as a result of their contact with anthrax while working at the United States Postal Service facility located at 900 Brentwood Road, NE, Washington, D.C., during the anthrax attack in the fall of 2001; to the Committee on Oversight and Government Reform.

¶50.21 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

267. The SPEAKER presented a memorial of the House of Representatives of the State of Maine, relative to House Joint Resolution 1326 urging the United States Congress to support the restoring and conserving the Northeast Great Waters; to the Committee on Appropriations.

268. Also, a memorial of the House of Representatives of the State of Maine, relative to House Joint Resolution 1302 urging the United States Congress to enact the Lyme and Tick-Borne Disease Prevention, Education, and Research Act of 2009; to the Committee on Energy and Commerce.

¶50.22 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Ms. MARKEY of Colorado, Mr. CANTOR, Ms. KILROY, Mr. POLIS, Mr. INSLEE, and Mr. PERRIELLO.

H.R. 40: Mr. SERRANO, Mr. MEEKS of New York, Mr. ELLISON, Mr. JACKSON of Illinois, Mr. FILNER, and Mr. KUCINICH.

H.R. 211: Ms. HIRONO.

H.R. 275: Mr. TIBERI, Mr. PETRI, Ms. TITUS, and Mr. COLE.

H.R. 313: Mr. MEEKS of New York.

H.R. 333: Mr. VAN HOLLEN and Mr. STARK.

H.R. 442: Mr. BOSWELL.

H.R. 484: Mr. WILSON of South Carolina.

H.R. 673: Ms. PINGREE of Maine.

H.R. 855: Mr. HEINRICH.

H.R. 886: Ms. WASSERMAN SCHULTZ, Mr. ELLISON, Mr. LARSEN of Washington, Mr. LATHAM, Mr. PLATTS, Ms. CLARKE, Mr. ARCURI, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1017: Mr. ARCURI.

H.R. 1034: Mr. BOUCHER.

H.R. 1126: Ms. FUDGE and Mr. LUJÁN.

H.R. 1173: Mr. ROONEY.

H.R. 1193: Ms. MARKEY of Colorado, Mr. VAN HOLLEN, and Mr. HOLT.

H.R. 1410: Mr. BOSWELL.

H.R. 1422: Mr. TIM MURPHY of Pennsylvania.

H.R. 1503: Mr. CONAWAY.

H.R. 1547: Mr. GARAMENDI, Mr. SENSENBRENNER, and Mr. TIBERI.

H.R. 1551: Ms. HARMAN.

H.R. 1570: Ms. LEE of California.

H.R. 1587: Mr. ROSKAM.

H.R. 1596: Ms. RICHARDSON.

H.R. 1597: Mr. HODES.

H.R. 1708: Ms. SHEA-PORTER.

H.R. 1806: Mr. BLUMENAUER.
H.R. 1826: Ms. FUDGE.
H.R. 1939: Mr. LEE of New York.
H.R. 2000: Mr. WESTMORELAND, Mr. PITTS, and Mr. YOUNG of Florida.
H.R. 2030: Mr. CAPUANO.
H.R. 2049: Mr. GINGREY of Georgia.
H.R. 2067: Mr. STARK, Ms. SPEIER, and Mr. WAXMAN.
H.R. 2149: Mr. TAYLOR and Mr. BARROW.
H.R. 2378: Mr. FOSTER.
H.R. 2413: Mr. COHEN, Mr. CARNAHAN, and Mr. RYAN of Ohio.
H.R. 2417: Mr. HODES and Ms. BERKLEY.
H.R. 2555: Mr. FILNER, Mr. MICA, and Mr. DEUTCH.
H.R. 2906: Mr. BLUMENAUER and Mr. MCGOVERN.
H.R. 3035: Mr. MCGOVERN, Mr. ELLISON, Mr. HARE, Ms. MOORE of Wisconsin, Mr. LATOURETTE, Mr. CHANDLER, Ms. MCCOLLUM, Mr. BISHOP of Georgia, Mr. CLAY, Mr. AUSTRIA, and Mr. SCHOCK.
H.R. 3151: Mr. BISHOP of Georgia and Mr. KAGEN.
H.R. 3339: Mr. PASTOR of Arizona.
H.R. 3393: Mr. MICHAUD.
H.R. 3421: Mr. MCCARTHY of New York.
H.R. 3439: Mr. CONNOLLY of Virginia.
H.R. 3457: Ms. WOOLSEY.
H.R. 3517: Mr. MCDERMOTT.
H.R. 3564: Mr. CUELLAR.
H.R. 3577: Ms. PINGREE of Maine.
H.R. 3615: Mrs. DAHLKEMPER and Mr. THOMPSON of Pennsylvania.
H.R. 3662: Mr. ELLISON.
H.R. 3712: Mr. RAHALL and Mr. REICHERT.
H.R. 3764: Ms. WATERS.
H.R. 3781: Mr. SALAZAR.
H.R. 3790: Mr. MCMORRIS RODGERS, Mr. COLE, Mr. SMITH of New Jersey, and Mr. ROGERS of Michigan.
H.R. 3995: Mr. CLAY.
H.R. 4011: Mr. FORBES.
H.R. 4085: Mr. MINNICK and Mr. STARK.
H.R. 4109: Ms. VELÁZQUEZ.
H.R. 4191: Mr. DEUTCH.
H.R. 4286: Mr. STARK and Mr. CLAY.
H.R. 4301: Mr. STARK.
H.R. 4302: Mr. MCNERNEY, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mr. ROSS, Mr. JOHNSON of Georgia, Mrs. DAHLKEMPER, Mr. SKELTON, Ms. HERSETH SANDLIN, Ms. MARKEY of Colorado, Mr. MCGOVERN, and Mrs. CAPPS.
H.R. 4321: Mr. HINCHEY.
H.R. 4322: Mr. PASTOR of Arizona.
H.R. 4472: Ms. KILPATRICK of Michigan and Mr. SCHAUER.
H.R. 4530: Mr. SARBANES and Mr. YARMUTH.
H.R. 4544: Mr. HOLT.
H.R. 4671: Mr. STARK.
H.R. 4674: Mr. SULLIVAN.
H.R. 4684: Mr. BOCCIERI and Mr. DAVIS of Tennessee.
H.R. 4720: Mr. CARNAHAN, and Ms. TSONGAS.
H.R. 4722: Mr. KIND, Mr. BOUCHER, and Mr. JACKSON of Illinois.
H.R. 4728: Mr. BILIRAKIS, Mr. SCHOCK, and Mr. ISSA.
H.R. 4755: Mr. ROGERS of Michigan.
H.R. 4812: Ms. CASTOR of Florida and Mr. SCHIFF.
H.R. 4844: Mrs. MCMORRIS RODGERS and Mr. KAGEN.
H.R. 4850: Ms. KOSMAS and Mr. BLUMENAUER.
H.R. 4858: Mr. POLIS.
H.R. 4869: Mr. CLAY and Mr. THOMPSON of Mississippi.
H.R. 4876: Mr. DINGELL and Mr. KILDEE.
H.R. 4879: Mr. WELCH, Mr. MOORE of Kansas, Mr. CARNAHAN, and Mr. MCDERMOTT.
H.R. 4886: Mr. CALVERT.
H.R. 4890: Mr. COHEN.
H.R. 4903: Mr. COLE.
H.R. 4933: Mr. STARK.
H.R. 4947: Mr. BOOZMAN and Mr. KING of Iowa.
H.R. 4959: Mr. DOGGETT and Mr. MCNERNEY.
H.R. 4960: Mr. OLSON.
H.R. 4972: Mr. PRICE of Georgia.
H.R. 5000: Ms. BERKLEY and Mr. CAPUANO.
H.R. 5015: Mrs. NAPOLITANO.
H.R. 5019: Mr. CONNOLLY of Virginia, Mr. BISHOP of New York, Mr. SCOTT of Georgia, Mr. POLIS, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. NORTON, Mr. CARNEY, Mr. JACKSON of Illinois, Mr. DOYLE, Ms. RICHARDSON, Ms. HIRONO, Ms. MATSUI, and Mr. PERRIELLO.
H.R. 5037: Mr. CAPUANO and Mr. FRANK of Massachusetts.
H.R. 5040: Mr. SKELTON.
H.R. 5041: Mr. CARSON of Indiana and Ms. GIFFORDS.
H.R. 5091: Ms. MOORE of Wisconsin and Mr. LEWIS of Georgia.
H.R. 5092: Ms. HIRONO, Mr. MOORE of Kansas, Mr. PAYNE, Ms. ESHOO, Ms. KILPATRICK of Michigan, Mr. PASTOR of Arizona, Mr. RADANOVICH, Mr. SCOTT of Georgia, Mr. COFFMAN of Colorado, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of New Jersey, Mr. ROE of Tennessee, Ms. LEE of California, Mrs. NAPOLITANO, Mrs. MILLER of Michigan, Mr. CARNAHAN, and Mr. YOUNG of Florida.
H.R. 5117: Ms. ZOE LOFGREN of California, Mr. POMEROY, and Ms. WOOLSEY.
H.R. 5121: Mr. CLAY.
H.R. 5125: Mr. FARR.
H.R. 5128: Mr. GEORGE MILLER of California, Mr. MATHESON, Mr. MEEKS of New York, Mr. HODES, Mr. SHULER, Mr. MARKEY of Massachusetts, Ms. MARKEY of Colorado, Mr. SALAZAR, Mrs. CAPPS, Mr. NADLER of New York, Mr. RAHALL, Mr. KILDEE, Mr. CONNOLLY of Virginia, and Ms. DEGETTE.
H.R. 5138: Mr. KILDEE.
H.R. 5142: Mr. MCDERMOTT, Mr. MAFFEI, Ms. KILROY, Ms. KAPTUR, Mr. MARKEY of Massachusetts, Mr. INSLEE, and Mr. BISHOP of New York.
H.J. Res. 14: Mr. COLE.
H.J. Res. 81: Mr. CROWLEY, Mr. ENGEL, and Mr. MAFFEI.
H. Con. Res. 49: Mr. BUTTERFIELD.
H. Con. Res. 262: Mr. LIPINSKI, Mr. MCGOVERN, Ms. KILPATRICK of Michigan, Ms. NORTON, Mr. TOWNS, Ms. MATSUI, Mr. MCNERNEY, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. HARE, Mr. SCOTT of Georgia, and Mr. HASTINGS of Florida.
H. Con. Res. 266: Mr. AUSTRIA and Mr. EHLERS.
H. Res. 20: Mrs. MYRICK.
H. Res. 416: Mr. MCDERMOTT.
H. Res. 988: Mr. GRAVES.
H. Res. 1016: Ms. LEE of California.
H. Res. 1158: Mr. MORAN of Virginia and Ms. KILROY.
H. Res. 1196: Mr. HASTINGS of Washington.
H. Res. 1211: Ms. RICHARDSON.
H. Res. 1226: Mr. SIMPSON, Mr. BOOZMAN, Mrs. MALONEY, and Mr. ISSA.
H. Res. 1256: Mr. BARROW, Mr. LINDER, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia.
H. Res. 1258: Mr. LUJÁN, Mr. FRANK of Massachusetts, Mr. LEVIN, Ms. ESHOO, Mr. GONZALEZ, Mr. PIERLUISI, Mr. KILDEE, Ms. BALDWIN, Mr. BARROW, Mrs. CAPPS, Mr. ENGEL, Mr. GENE GREEN of Texas, Mr. MELANCON, Mr. PALLONE, Ms. SCHAKOWSKY, Mr. STUPAK, Mr. WEINER, Mr. THOMPSON of California, Mr. HALL of New York, Ms. ZOE LOFGREN of California, Mr. LYNCH, Ms. DELAURO, Mr. CONYERS, and Mr. HONDA.
H. Res. 1261: Ms. NORTON.
H. Res. 1273: Mr. CASSIDY, Mr. HALL of Texas, Mr. JONES, Mr. BOEHNER, Mr. COFFMAN of Colorado, Mr. SENSENBRENNER, Mr. WHITFIELD, Mr. REHBERG, Mr. NUNES, Mr. MARCHANT, Mr. TURNER, Mr. RYAN of Wisconsin, and Mr. ROHRABACHER.
H. Res. 1283: Mr. CONYERS.
H. Res. 1294: Mr. BRIGHT.
H. Res. 1297: Ms. PINGREE of Maine, Mr. DINGELL, Ms. BALDWIN, Mr. LOEBSACK, Mr. SNYDER, and Mr. MOORE of Kansas.

THURSDAY, APRIL 29, 2010 (51)

¶51.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. LARSEN of Washington, who laid before the House the following communication:

WASHINGTON, DC,
April 29, 2010.

I hereby appoint the Honorable RICK LARSEN to act as speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶51.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced he had examined and approved the Journal of the proceedings of Wednesday, April 28, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶51.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7255. A letter from the Regulatory Officer, Department of Agriculture, transmitting the Department's final rule — Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2008 Tariff-Rate Quota Year received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7256. A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, ''2009 Packers and Stockyards Program Annual Report'', pursuant to the Packers and Stockyards Act of 1921, as amended; to the Committee on Agriculture.

7257. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Charles C. Campbell, United States Army, and his advancement on the retired list in the grade of general; to the Committee on Armed Services.

7258. A letter from the Under Secretary, Department of Defense, transmitting the Department's report on National Guard Counterdrug Schools Activities, pursuant to Public Law 109-469, section 901(f); to the Committee on Armed Services.

7259. A letter from the Under Secretary, Department of Defense, transmitting the Department's report on activities under the Secretary's personnel management demonstration project authorities for the Department of Defense Science and Technology Reinvention Laboratories; to the Committee on Armed Services.

7260. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket IN: FEMA-2010-0003] received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7261. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Deposit Insurance Regulations; Temporary Increase In Standard Coverage Amount; Mortgage Servicing Accounts; Revocable Trust Accounts; International Banking; Foreign Banks (RIN: 3064-AD36) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7262. A letter from the Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule —

School Food Safety Program Based on Hazard Analysis and Critical Control Point Principles [FNS-2008-0033] (RIN: 0584-AD65) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7263. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Race to the Top Fund [Docket ID: ED-2010-OESE-0005] (RIN: 1810-AB10) received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7264. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Tire Fuel Efficiency Consumer Information Program [Docket No.: NHTSA-2010-0036] (RIN: 2127-AK45) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7265. A letter from the Senior Legal Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Amateur Service Rules to Facilitate Use of Spread Spectrum Communications Technologies [WT Docket No.: 10-62] received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7266. A letter from the Acting Associate Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — High-Cost Universal Service Support Jurisdictional Separations Coalition for Equity in Switching Support Petition for Reconsideration [WC Docket No.: 05-337] [CC Docket No.: 80-286] received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7267. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on U.S. support for Taiwan's participation as an observer at the 63nd World Health Assembly and in the work of the World Health Organization, as mandated in the Participation of the 2004 Taiwan in the World Health Organization Act, Pub. L. 108-235, Sec. 1(c); to the Committee on Foreign Affairs.

7268. A letter from the Deputy Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting the Agency's annual report for Fiscal Year 2009, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

7269. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7270. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7271. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administrations's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Amendment 10 [Docket No.: 0907021105-0024-03] (RIN: 0648-AY00) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7272. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XU89) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7273. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; Trip Limit Reduction [Docket No.: 060525140-6221-02] (RIN: 0648-XU16) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7274. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone of Alaska; Gulf of Alaska; Final 2010 and 2011 Harvest Specifications for Groundfish [Docket No.: 0910131362-0087-02] (RIN: 0648-XS43) received April 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7275. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2010 and 2011 Harvest Specifications for Groundfish [Docket No.: 0910131363-0087-02] (RIN: 0648-XS44) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7276. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Inseason Action to Close the Commercial Gulf of Mexico Non-Sandbar Large Coastal Shark Fishery (RIN: 0648-XU90) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7277. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Harbor Porpoise Take Reduction Plan Regulations [Docket No.: 080721862-91321-03] (RIN: 0648-AW51) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7278. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Federal Civil Penalties Inflation Adjustment Act — 2009 Implementation [Docket No.: USCG-2009-0891] (RIN: 1625-AB40) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7279. A letter from the Director, Department of Justice, transmitting the Department's report entitled, ''National Drug Threat Assessment (NPDTA) 2010''; to the Committee on the Judiciary.

7280. A letter from the Deputy Assistant Administrator/Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Information on Foreign Chain of Distribution for Ephedrine, Pseudoephedrine, and Phenylpropanolamine [Docket No.: DEA-295F] (RIN: 1117-AB07) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7281. A letter from the Deputy Assistant Administrator/Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Changes to and Consolidation of DEA Mailing Addresses [Docket No.: DEA-312F] (RIN: 1117-AB19) received April 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7282. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — 2010 Rates for Pilotage on the Grast Lakes [Docket No.: USCG-2009-0883] (RIN: 1625-AB39) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶51.4 PROVIDING FOR CONSIDERATION OF H.R. 2499

Mr. POLIS, by direction of the Committee on Rules, called up the following resolution (H. Res. 1305):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2499) to provide for a federally sanctioned self-determination process for the people of Puerto Rico. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour and 30 minutes, with one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 30 minutes controlled by Representative Velázquez of New York or her designee. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Natural Resources or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

When said resolution was considered.

After debate,

Mr. POLIS moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶51.5 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed, without amendment, bills of the House of the following titles:

H.R. 5146. An Act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

H.R. 5147. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

¶51.6 RECESS—11:23 A.M.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 23 minutes a.m., subject to the call of the Chair.

¶51.7 AFTER RECESS—12:15 P.M.

The SPEAKER pro tempore, Mr. LARSEN of Washington, called the House to order.

¶51.8 H. RES. 1305—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1305) providing for consideration of the bill (H.R. 2499) to provide for a federally sanctioned self-determination process for the people of Puerto Rico.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 218 Nays 188

¶51.9 [Roll No. 231]

YEAS—218

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

NAYS—188

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

NOT VOTING—24

Barrett (SC)	Johnson (GA)	Platts
Buchanan	Kilroy	Roybal-Allard
Conyers	Langevin	Shuler
Davis (AL)	Meeks (NY)	Sutton
DeGette	Melancon	Teague
Fallin	Mollohan	Wamp
Gordon (TN)	Moore (WI)	Waters
Hoekstra	Pingree (ME)	Wilson (OH)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 Nays 190

¶51.10 [Roll No. 232]

YEAS—222

Ackerman	Clarke	Foster
Adler (NJ)	Clay	Frank (MA)
Andrews	Cleaver	Fudge
Arcuri	Clyburn	Garamendi
Baca	Cohen	Gonzalez
Baird	Connolly (VA)	Grayson
Baldwin	Conyers	Green, Al
Barrow	Cooper	Green, Gene
Bean	Costa	Grijalva
Becerra	Costello	Gutierrez
Berkley	Courtney	Hall (NY)
Berman	Crowley	Halvorson
Berry	Cuellar	Hare
Bishop (GA)	Cummings	Harman
Bishop (NY)	Dahlkemper	Hastings (FL)
Blumenauer	Davis (CA)	Heinrich
Boccieri	Davis (TN)	Higgins
Boren	DeFazio	Himes
Boswell	Delahunt	Hinchey
Boucher	DeLauro	Hinojosa
Boyd	Deutch	Hirono
Brady (PA)	Dicks	Hodes
Braley (IA)	Dingell	Holden
Bright	Doggett	Holt
Brown, Corrine	Donnelly (IN)	Hoyer
Butterfield	Doyle	Inslee
Cao	Driehaus	Israel
Capps	Edwards (MD)	Jackson (IL)
Capuano	Edwards (TX)	Jackson Lee (TX)
Cardoza	Ellsworth	Johnson (GA)
Carnahan	Engel	Johnson, E. B.
Carney	Eshoo	Kagen
Carson (IN)	Etheridge	Kanjorski
Castor (FL)	Farr	Kennedy
Chandler	Fattah	Kildee
Chu	Filner	

Kilpatrick (MI)
Kind
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NAYS—190

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

NOT VOTING—18

Barrett (SC)
Davis (AL)
DeGette
Fallin
Gordon (TN)
Hoekstra
McCaul
Meeks (NY)
Melancon
Mollohan
Moore (WI)
Pingree (ME)
Poe (TX)
Shuler
Stark
Teague
Wamp
Wilson (OH)

So the resolution was agreed to.

Mr. GUTIERREZ moved to reconsider the vote whereby the resolution was agreed to.

Ms. SLAUGHTER moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that the yeas had it.

Mr. GUTIERREZ demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 199 / Nays 186

¶51.11 [Roll No. 233]

AYES—199

Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boccieri
Boren
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Chandler
Chu
Clarke
Clyburn
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
Delahunt
DeLauro
Deutch
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Engel
Eshoo
Etheridge
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Schakowsky
Schauer
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Woolsey
Young (AK)

NOES—186

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

NOT VOTING—45

Barrett (SC)
Bean
Boswell
Brady (TX)
Butterfield
Castor (FL)
Cleaver
Cohen
Davis (AL)
DeGette
Dingell
Ellison
Ellsworth
Emerson
Fallin
Gingrey (GA)
Gordon (TN)
Hastings (FL)
Higgins
Hoekstra
Johnson (GA)
Kagen
Kilpatrick (MI)
Lewis (CA)
Linder
Meek (FL)
Meeks (NY)
Melancon
Mollohan
Moore (WI)
Pascrell
Pingree (ME)
Sánchez, Linda T.
Sarbanes
Schrader
Schwartz
Shuler
Stark
Tanner
Teague
Tsongas
Wamp
Waxman
Wilson (OH)
Yarmuth

So the motion to lay on the table the motion to reconsider the vote was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶51.12 PUERTO RICO DEMOCRACY

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to House Resolution 1305 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2499) to provide for a federally sanctioned self-determination process for the people of Puerto Rico.

The SPEAKER pro tempore, Mr. LARSEN of Washington, by unanimous consent, designated Mr. SCHIFF as Chairman of the Committee of the Whole; and after some time spent therein,

¶51.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 111-468, submitted by Ms. FOXX:

Page 4, line 5, strike ''3'' and insert ''4''.

Page 4, after line 16, insert the following:

(4) Commonwealth: Puerto Rico should continue to have its present form of political status. If you agree, mark here _____.

It was decided in the affirmative ..... { Yeas ..... 223 / Nays 179

¶51.14 [Roll No. 234]

AYES—223

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Becerra
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Buyer
Calvert
Camp
Capito
Capuano
Carney
Carter
Cassidy
Chaffetz
Christensen
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costello
Courtney
Cuellar
Culberson
Cummings
Davis (IL)
Davis (KY)
DeLauro
Dent
Dreier
Duncan
Ellison
Ellsworth
Emerson
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Green, Al
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Harman
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Himes
Holden
Honda
Hunter
Inglis
Issa
Jackson (IL)
Jenkins
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kilpatrick (MI)
King (IA)
Kingston
Kirk
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (WI)
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Neugebauer
Oberstar
Obey
Olson
Paulsen
Payne
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Quigley
Radanovich
Rangel
Rehberg
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Roybal-Allard
Royce
Rush
Ryan (WI)
Sarbanes
Scalise
Schakowsky
Schmidt
Sensenbrenner
Sessions
Shadegg
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tonko
Towns
Turner
Upton
Velázquez
Walden
Watt
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (FL)

NOES—179

Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Campbell
Cantor
Cao
Capps
Cardoza
Carnahan
Carson (IN)
Castle
Chandler
Childers
Chu
Clarke
Clyburn
Connolly (VA)
Conyers
Costa
Crenshaw
Crowley
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Engel
Eshoo
Etheridge
Farr
Filner
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Grijalva
Hare
Hastings (FL)
Heinrich
Higgins
Hill
Hirono
Holt
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McDermott
McGovern
McNerney
Meek (FL)
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Napolitano
Neal (MA)
Norton
Nye
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peterson
Pierluisi
Polis (CO)
Pomeroy
Price (NC)
Putnam
Rahall
Reichert
Rodriguez
Ros-Lehtinen
Rothman (NJ)
Ruppersberger
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Titus
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Watson
Welch
Yarmuth
Young (AK)

NOT VOTING—34

Barrett (SC)
Boucher
Brown (SC)
Butterfield
Castor (FL)
Clay
Cohen
Davis (AL)
DeGette
Delahunt
Faleomavaega
Fallin
Granger
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Linder
Meeks (NY)
Melancon
Mollohan
Nunes
Paul
Pingree (ME)
Reyes
Shuler
Speier
Teague
Tierney
Wamp
Waters
Waxman
Wilson (OH)

So the amendment was agreed to.

¶51.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 111-468, submitted by Mr. GUTIERREZ:

On page 4, line 5, strike ''on the following 3 options:'' and insert ''on the following 4 options:''.

On page 4, after line 16, insert the following:

''(4) None of the Above. If you agree, mark here _____.''.

It was decided in the negative ..... { Yeas ..... 164 / Nays 236

¶51.16 [Roll No. 235]

AYES—164

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Becerra
Bilbray
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Buchanan
Calvert
Camp
Capito
Carney
Carter
Cassidy
Chaffetz
Christensen
Coble
Coffman (CO)
Conaway
Costello
Culberson
Davis (IL)
Davis (KY)
Dreier
Duncan
Edwards (MD)
Ellison
Ellsworth
Flake
Fleming
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Graves
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Holden
Honda
Hunter
Inglis
Jenkins
Johnson (IL)
Jones
Jordan (OH)
Kanjorski
Kaptur
Kilpatrick (MI)
King (IA)
Kingston
Kirk
Kucinich
Lamborn
Lance
Latham
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lynch
Manzullo
Marchant
Marshall
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McIntyre
McKeon
McMahon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (WI)
Moran (KS)
Murphy (NY)
Neal (MA)
Neugebauer
Paulsen
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Quigley
Radanovich
Rangel
Rehberg
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Roybal-Allard
Royce
Ryan (WI)
Scalise
Schakowsky
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tonko
Towns
Upton
Velázquez
Watt
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wolf
Woolsey
Young (FL)

NOES—236

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boccieri
Boehner
Bordallo
Boren
Boswell
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright

Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Chandler
Childers
Chu
Clarke
Clyburn
Cole
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (TX)
Ehlers
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Forbes
Foster
Fudge
Garamendi
Gerlach
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hirono
Holt
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kagen
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (CA)
McDermott
McGovern
McHenry
McNerney
Meek (FL)
Mica
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pence
Perlmutter
Peters
Peterson
Pierluisi
Polis (CO)
Pomeroy
Price (NC)
Putnam
Rahall
Reichert
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Titus
Tsongas
Turner
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Welch
Wittman
Wu
Yarmuth
Young (AK)

NOT VOTING—36

Barrett (SC)
Boucher
Brown (SC)
Butterfield
Cantor
Castor (FL)
Clay
Cleaver
Cohen
Davis (AL)
DeGette
Delahunt
Faleomavaega
Fallin
Filner
Granger
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Linder
Meeks (NY)
Melancon
Mollohan
Nunes
Paul
Pingree (ME)
Reyes
Shuler
Speier
Teague
Wamp
Waters
Waxman
Wilson (OH)

So the amendment was not agreed to.

¶51.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 111-468, submitted by Mr. GUTIERREZ:

In the header of section 3(e), strike ''ENGLISH BALLOTS'' and insert ''LANGUAGE OF BALLOTS''.

In section 3(e), strike ''printed in English'' and insert ''printed in Spanish. Upon request by an eligible voter, the Puerto Rico State Elections Commission shall provide said eligible voter with a ballot printed in English''.

It was decided in the negative { Yeas ..... 13 / Nays 386

¶51.18 [Roll No. 236]

AYES—13

Chaffetz
Edwards (MD)
Grijalva
Gutierrez
Honda
Jackson Lee (TX)
Kucinich
Lee (CA)
Moore (WI)
Napolitano
Quigley
Towns
Velázquez

NOES—386

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

NOT VOTING—37

Barrett (SC)
Boucher
Brown (SC)
Butterfield
Castor (FL)
Clay
Cohen
Davis (AL)
DeGette
Delahunt
Faleomavaega
Fallin
Filner
Gohmert
Granger
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Lewis (GA)
Linder
Meeks (NY)
Melancon
Mollohan
Nunes
Paul
Pingree (ME)
Reyes
Rooney
Shuler
Speier
Teague
Wamp
Waters
Waxman
Wilson (OH)

So the amendment was not agreed to.

¶51.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 111-468, submitted by Mr. BURTON of Indiana:

Amend section 3(e) to read as follows:

(e) ENGLISH LANGUAGE REQUIREMENTS.—The Puerto Rico State Elections Commission shall—

(1) ensure that all ballots used for any plebiscite held under this Act include the full content of the ballot printed in English;

(2) inform persons voting in any plebiscite held under this Act that, if Puerto Rico retains its current political status or is admitted as a State of the United States, the official language requirements of the Federal Government shall apply to Puerto Rico in the same manner and to the same extent as throughout the United States; and

(3) inform persons voting in any plebiscite held under this Act that, if Puerto Rico retains its current political status or is admitted as a State of the United States, it is the Sense of Congress that it is in the best interest of the United States for the teaching of

English to be promoted in Puerto Rico as the language of opportunity and empowerment in the United States in order to enable students in public schools to achieve English language proficiency.

It was decided in the affirmative ..... { Yeas ..... 301 Nays 100

¶51.20 [Roll No. 237]

AYES—301

Ackerman	Ehlers	McCollum
Aderholt	Ellsworth	McCotter
Adler (NJ)	Emerson	McGovern
Alexander	Engel	McIntyre
Altmire	Eshoo	McMahon
Arcuri	Etheridge	McNerney
Austria	Farr	Meek (FL)
Baca	Flake	Mica
Baird	Foster	Miller (MI)
Baldwin	Frelinghuysen	Miller (NC)
Barrow	Fudge	Miller, George
Bartlett	Gallegly	Minnick
Barton (TX)	Garamendi	Mitchell
Bean	Garrett (NJ)	Moore (KS)
Becerra	Gerlach	Moran (VA)
Berkley	Giffords	Murphy (CT)
Berman	Gonzalez	Murphy (NY)
Berry	Goodlatte	Murphy, Patrick
Biggert	Griffith	Murphy, Tim
Bilirakis	Guthrie	Nadler (NY)
Bishop (GA)	Hall (NY)	Neal (MA)
Bishop (NY)	Hall (TX)	Neugebauer
Bishop (UT)	Halvorson	Norton
Blackburn	Hare	Nye
Blumenauer	Harman	Obey
Boccieri	Hastings (FL)	Olson
Bono Mack	Heinrich	Olver
Bordallo	Hensarling	Ortiz
Boren	Herger	Owens
Boswell	Herseth Sandlin	Pallone
Boustany	Higgins	Pascrell
Boyd	Hill	Pastor (AZ)
Brady (PA)	Himes	Paulsen
Brady (TX)	Holden	Payne
Braley (IA)	Holt	Pence
Bright	Hoyer	Perlmutter
Brown-Waite, Ginny	Inslee	Perriello
Buchanan	Israel	Peters
Burgess	Issa	Peterson
Burton (IN)	Johnson (GA)	Petri
Buyer	Johnson (IL)	Pierluisi
Calvert	Johnson, E. B.	Platts
Camp	Johnson, Sam	Poe (TX)
Campbell	Jones	Polis (CO)
Cao	Kagen	Pomeroy
Capito	Kanjorski	Posey
Capps	Kaptur	Price (NC)
Cardoza	Kennedy	Putnam
Carnahan	Kildee	Radanovich
Carney	Kilpatrick (MI)	Rahall
Carter	Kilroy	Rehberg
Cassidy	Kind	Reichert
Castle	King (NY)	Richardson
Chaffetz	Kirkpatrick (AZ)	Rodriguez
Chandler	Kissell	Roe (TN)
Childers	Klein (FL)	Rogers (KY)
Cleaver	Kline (MN)	Rogers (MI)
Clyburn	Kosmas	Rohrabacher
Coble	Kratovil	Rooney
Cole	Lance	Ros-Lehtinen
Conaway	Langevin	Roskam
Connolly (VA)	Larsen (WA)	Ross
Cooper	Latham	Rothman (NJ)
Costa	LaTourette	Roybal-Allard
Costello	Levin	Ruppersberger
Crenshaw	Lewis (CA)	Ryan (OH)
Crowley	Lewis (GA)	Ryan (WI)
Cuellar	Lipinski	Sablan
Culberson	LoBiondo	Sánchez, Linda T.
Dahlkemper	Loebsack	Sanchez, Loretta
Davis (CA)	Lofgren, Zoe	Sarbanes
Davis (KY)	Lowey	Scalise
Davis (TN)	Luján	Schauer
DeFazio	Lungren, Daniel E.	Schiff
Dent	Lynch	Schock
Deutch	Mack	Schrader
Diaz-Balart, L.	Maffei	Schwartz
Diaz-Balart, M.	Maloney	Scott (GA)
Dicks	Manzullo	Sensenbrenner
Dingell	Markey (CO)	Serrano
Doggett	Marshall	Sessions
Donnelly (IN)	Matheson	Sestak
Doyle	Matsui	Shadegg
Dreier	McCarthy (CA)	Shea-Porter
Driehaus	McCarthy (NY)	Sherman
Duncan	McCaul	Shimkus
Edwards (TX)	McClintock	Shuster
Simpson	Taylor	Walden
Sires	Thompson (CA)	Walz
Smith (NE)	Thompson (MS)	Wasserman Schultz
Smith (NJ)	Thompson (PA)	Watson
Smith (TX)	Thornberry	Welch
Smith (WA)	Tiberi	Whitfield
Snyder	Tierney	Wilson (SC)
Space	Titus	Wolf
Spratt	Tonko	Wu
Stark	Tsongas	Yarmuth
Stearns	Turner	Young (AK)
Stupak	Upton	Young (FL)
Sutton	Van Hollen	
Tanner	Visclosky	

NOES—100

Akin	Graves	McMorris Rodgers
Andrews	Grayson	Michaud
Bachmann	Green, Al	Miller (FL)
Bachus	Grijalva	Miller, Gary
Bilbray	Gutierrez	Moore (WI)
Blunt	Harper	Moran (KS)
Boehner	Hastings (WA)	Myrick
Bonner	Heller	Napolitano
Boozman	Hirono	Oberstar
Broun (GA)	Honda	Pitts
Brown, Corrine	Hunter	Price (GA)
Cantor	Inglis	Quigley
Capuano	Jackson (IL)	Rangel
Carson (IN)	Jackson Lee (TX)	Rogers (AL)
Christensen	Jenkins	Royce
Chu	Jordan (OH)	Rush
Clarke	King (IA)	Salazar
Coffman (CO)	Kingston	Schakowsky
Conyers	Kirk	Schmidt
Courtney	Kucinich	Scott (VA)
Cummings	Lamborn	Skelton
Davis (IL)	Larson (CT)	Slaughter
DeLauro	Latta	Souder
Edwards (MD)	Lee (CA)	Sullivan
Ellison	Lee (NY)	Terry
Fattah	Lucas	Tiahrt
Fleming	Luetkemeyer	Towns
Forbes	Lummis	Velázquez
Fortenberry	Marchant	Watt
Foxx	Markey (MA)	Weiner
Frank (MA)	McDermott	Westmoreland
Franks (AZ)	McHenry	Wittman
Gingrey (GA)	McKeon	Woolsey
Gordon (TN)		

NOT VOTING—35

Barrett (SC)	Filner	Nunes
Boucher	Gohmert	Paul
Brown (SC)	Granger	Pingree (ME)
Butterfield	Green, Gene	Reyes
Castor (FL)	Hinchey	Shuler
Clay	Hinojosa	Speier
Cohen	Hodes	Teague
Davis (AL)	Hoekstra	Wamp
DeGette	Linder	Waters
Delahunt	Meeks (NY)	Waxman
Faleomavaega	Melancon	Wilson (OH)
Fallin	Mollohan	

So the amendment was agreed to.

¶51.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 111-468, submitted by Ms. VELAZQUEZ:

Page 5, strike line 8 and all that follows through ''Persons eligible'' on line 13 and insert the following:

(2) An individual residing outside of Puerto Rico, if the individual—

(A)(i) is a resident of the United States, including a resident of any territory, possession, or military or civilian installation of the United States, at the time the plebiscite is held; and

(ii) would be eligible to vote in the plebiscite but for the individual's residency outside of Puerto Rico;

(B) was born in Puerto Rico; or

(C) has at least one parent who was born in Puerto Rico.

This paragraph shall apply notwithstanding any rule or regulation issued under subsection (b). Persons eligible

Page 6, after line 7, add the following:

(g) RECOGNITION OF RIGHT TO VOTE.—Congress recognizes the right of Puerto Ricans residing outside of Puerto Rico to vote in any plebiscite held under this Act and requests the Commonwealth Elections Commission of Puerto Rico to devise methods and procedures for such Puerto Ricans, including those born in, or having at least one parent born in, Puerto Rico, to register for and vote in absentia.

It was decided in the negative ..... { Yeas ..... 11 Nays 387

¶51.22 [Roll No. 238]

AYES—11

Gutierrez	Kaptur	Moore (WI)
Honda	Kilpatrick (MI)	Towns
Jackson Lee (TX)	Kucinich	Velázquez
	Lee (CA)	Weiner

NOES—387

Ackerman	Conyers	Hill
Aderholt	Cooper	Himes
Adler (NJ)	Costa	Hirono
Alexander	Costello	Holden
Altmire	Courtney	Holt
Andrews	Crenshaw	Hoyer
Arcuri	Crowley	Hunter
Austria	Cuellar	Inglis
Baca	Culberson	Inslee
Bachmann	Cummings	Israel
Bachus	Dahlkemper	Issa
Baird	Davis (CA)	Jackson (IL)
Baldwin	Davis (IL)	Jenkins
Barrow	Davis (KY)	Johnson (GA)
Bartlett	Davis (TN)	Johnson (IL)
Barton (TX)	DeFazio	Johnson, E. B.
Bean	DeLauro	Johnson, Sam
Becerra	Dent	Jones
Berkley	Deutch	Jordan (OH)
Berman	Diaz-Balart, L.	Kagen
Berry	Diaz-Balart, M.	Kanjorski
Biggert	Dicks	Kennedy
Bilbray	Dingell	Kildee
Bilirakis	Doggett	Kilroy
Bishop (GA)	Donnelly (IN)	Kind
Bishop (NY)	Doyle	King (IA)
Bishop (UT)	Dreier	King (NY)
Blackburn	Driehaus	Kingston
Blumenauer	Duncan	Kirk
Blunt	Edwards (MD)	Kirkpatrick (AZ)
Boccieri	Edwards (TX)	Kissell
Boehner	Ehlers	Klein (FL)
Bonner	Ellison	Kline (MN)
Bono Mack	Ellsworth	Kosmas
Boozman	Emerson	Kratovil
Bordallo	Engel	Lamborn
Boren	Eshoo	Lance
Boswell	Etheridge	Langevin
Boustany	Farr	Larsen (WA)
Boyd	Fattah	Larson (CT)
Brady (PA)	Flake	Latham
Brady (TX)	Fleming	LaTourette
Braley (IA)	Forbes	Latta
Bright	Fortenberry	Lee (NY)
Broun (GA)	Foster	Levin
Brown, Corrine	Foxx	Lewis (CA)
Brown-Waite, Ginny	Frank (MA)	Lewis (GA)
Buchanan	Franks (AZ)	Lipinski
Burgess	Frelinghuysen	LoBiondo
Burton (IN)	Fudge	Loebsack
Buyer	Gallegly	Lofgren, Zoe
Calvert	Garamendi	Lowey
Camp	Garrett (NJ)	Lucas
Campbell	Gerlach	Luetkemeyer
Cantor	Giffords	Luján
Cao	Gingrey (GA)	Lummis
Capito	Gohmert	Lungren, Daniel E.
Capps	Gonzalez	Lynch
Capuano	Goodlatte	Mack
Cardoza	Gordon (TN)	Maffei
Carney	Graves	Maloney
Carson (IN)	Grayson	Manzullo
Carter	Griffith	Marchant
Cassidy	Grijalva	Markey (CO)
Castle	Guthrie	Markey (MA)
Chaffetz	Hall (NY)	Marshall
Chandler	Hall (TX)	Matheson
Childers	Halvorson	Matsui
Christensen	Hare	McCarthy (CA)
Chu	Harman	McCarthy (NY)
Clarke	Harper	McCaul
Cleaver	Hastings (FL)	McClintock
Clyburn	Hastings (WA)	McCollum
Coble	Heinrich	McCotter
Coffman (CO)	Heller	McDermott
Cole	Hensarling	McGovern
Conaway	Herger	McHenry
Connolly (VA)	Herseth Sandlin	McIntyre
	Higgins	

McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—38

Akin
Barrett (SC)
Boucher
Brown (SC)
Butterfield
Carnahan
Castor (FL)
Clay
Cohen
Davis (AL)
DeGette
Delahunt
Faleomavaega
Fallin
Filner
Granger
Green, Al
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Linder
Meeks (NY)
Melancon
Mollohan
Nunes
Paul
Pingree (ME)
Reyes
Schock
Shuler
Speier
Teague
Wamp
Waters
Waxman
Wilson (OH)

So the amendment was not agreed to.

¶51.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in House Report 111-468, submitted by Ms. VELAZQUEZ:

Page 3, strike line 8 and all that follows through line 5 on page 4 and insert the following:

(a) AUTHORITY TO CONDUCT PLEBISCITE.—The Government of Puerto Rico is authorized to conduct a plebiscite on the following 4 options:

Page 4, after line 16, insert the following:

(4) Commonwealth: Puerto Rico should continue to have its present form of political status. If you agree, mark here ___.

(b) RUNOFF PROCESS.—

(1) IN GENERAL.—If no option receives votes on more than 50 percent of the ballots cast, the Government of Puerto Rico shall conduct a runoff process to permit voters to select among the 2 options that received the most votes.

(2) OPTION TO SELECT NONE OF THE ABOVE.—In a runoff process conducted under this subsection, voters shall be permitted to vote for—

(A) the option that received the most votes;

(B) the option that received the second most votes; or

(C) neither of those options.

It was decided in the negative { Yeas ..... 112 / Nays 285

¶51.24 [Roll No. 239]

AYES—112

Altmire
Bartlett
Bilbray
Bishop (GA)
Bonner
Boozman
Boren
Brady (TX)
Bright
Broun (GA)
Burgess
Capito
Carter
Christensen
Clarke
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costello
Courtney
Culberson
DeLauro
Dreier
Duncan
Ellison
Ellsworth
Flake
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gerlach
Giffords
Gingrey (GA)
Grijalva
Gutierrez
Hall (TX)
Hastings (WA)
Hensarling
Herger
Herseth Sandlin
Himes
Honda
Inglis
Johnson (IL)
Jordan (OH)
Kaptur
Kilpatrick (MI)
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Lance
Larson (CT)
Latham
Lee (CA)
Lee (NY)
Lowey
Marchant
Marshall
Matheson
McMahon
McMorris Rodgers
Michaud
Miller, Gary
Minnick
Mitchell
Moore (WI)
Murphy (CT)
Murphy (NY)
Nadler (NY)
Neal (MA)
Neugebauer
Nye
Olson
Pence
Pitts
Platts
Poe (TX)
Price (GA)
Richardson
Rogers (KY)
Rohrabacher
Roskam
Roybal-Allard
Royce
Scalise
Schakowsky
Schrader
Sessions
Shadegg
Sherman
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Thornberry
Tonko
Towns
Velázquez
Watt
Weiner
Westmoreland
Wilson (SC)

NOES—285

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Bordallo
Boswell
Boustany
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Cleaver
Clyburn
Connolly (VA)
Conyers
Costa
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Fleming
Forbes
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Griffith
Guthrie
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Higgins
Hill
Hirono
Holden
Holt
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McNerney
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Norton
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Welch
Whitfield
Wittman
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—39

Barrett (SC)
Boucher
Brown (SC)
Butterfield
Castor (FL)
Clay
Cohen
Davis (AL)
DeGette
Delahunt
Faleomavaega
Fallin
Filner
Gohmert
Granger
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Linder
McCaul
Meeks (NY)
Melancon
Mollohan
Nunes
Obey
Paul
Pingree (ME)
Reyes
Shuler
Slaughter
Speier
Teague
Wamp
Waters
Waxman
Wilson (OH)
Yarmuth

So the amendment was not agreed to.

¶51.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 111-468, submitted by Ms. VELAZQUEZ:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Puerto Rico Democracy Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Congress respects the self-determination right of the people of Puerto Rico to choose their future relationship to the United States.

(2) Congress pledges not to dissuade, influence, or dictate a status option to the people of Puerto Rico.

(3) Congress will respectfully postpone consideration of the Puerto Rico status question until it receives an official proposal from the people of Puerto Rico to revise the current relationship between Puerto Rico and the

United States that was made through a democratically held process by direct ballot.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the Government of Puerto Rico can proceed to conduct a plebiscite in Puerto Rico. The 2 options set forth on the ballot may be preceded by the following statement: ''Instructions: Mark one of the following 2 options:

''(1) Puerto Rico should conduct a plebiscite to determine a future proposal for the political status of Puerto Rico. If you agree, mark here ____.

''(2) Puerto Rico should NOT conduct a plebiscite to determine a future proposal for the political status of Puerto Rico. If you agree, mark here ____.''.

Amend the title so as to read: ''A bill to express the sense of Congress that the Government of Puerto Rico can proceed to conduct a plebiscite in Puerto Rico, and for other purposes.''.

It was decided in the negative ..... { Yeas ..... 171 / Nays 223

¶51.26 [Roll No. 240]

AYES—171

Aderholt	Graves	Moran (KS)
Adler (NJ)	Griffith	Myrick
Akin	Grijalva	Nadler (NY)
Altmire	Guthrie	Neal (MA)
Arcuri	Gutierrez	Neugebauer
Austria	Hall (TX)	Nye
Bachmann	Hastings (WA)	Olson
Bachus	Heller	Paulsen
Bartlett	Hensarling	Perriello
Barton (TX)	Herger	Petri
Becerra	Holden	Pitts
Bilbray	Honda	Platts
Bilirakis	Hunter	Poe (TX)
Bishop (GA)	Inglis	Price (GA)
Blunt	Jenkins	Roe (TN)
Boehner	Johnson (IL)	Rogers (AL)
Bonner	Johnson, Sam	Rogers (KY)
Boozman	Jones	Rogers (MI)
Boren	Jordan (OH)	Rohrabacher
Boustany	Kanjorski	Rooney
Brady (TX)	Kaptur	Roskam
Bright	Kilpatrick (MI)	Roybal-Allard
Broun (GA)	King (IA)	Royce
Buchanan	Kucinich	Rush
Buyer	Lamborn	Ryan (WI)
Calvert	Lance	Scalise
Capito	Larson (CT)	Schmidt
Carney	Latham	Sensenbrenner
Carter	LaTourette	Sessions
Cassidy	Latta	Shadegg
Chaffetz	Lee (NY)	Sherman
Chandler	Lewis (CA)	Shimkus
Coble	Lipinski	Shuster
Coffman (CO)	LoBiondo	Simpson
Conaway	Lowey	Skelton
Cooper	Lucas	Smith (TX)
Costello	Luetkemeyer	Souder
Courtney	Lynch	Space
Davis (IL)	Manzullo	Stearns
Davis (KY)	Marchant	Sullivan
DeLauro	Marshall	Tanner
Dreier	Matheson	Thompson (PA)
Duncan	McCarthy (NY)	Thornberry
Ellison	McCaul	Tiberi
Ellsworth	McClintock	Tonko
Emerson	McCollum	Towns
Fattah	McCotter	Turner
Flake	McHenry	Upton
Forbes	McKeon	Velázquez
Fortenberry	McMahon	Watt
Foxx	McMorris Rodgers	Weiner
Frank (MA)	Michaud	Westmoreland
Franks (AZ)	Miller (MI)	Whitfield
Gallegly	Miller, Gary	Wilson (SC)
Gerlach	Minnick	Wittman
Giffords	Mitchell	Wolf
Gingrey (GA)	Moore (WI)	
Goodlatte		

NOES—223

Ackerman	Berkley	Bordallo
Alexander	Berman	Boswell
Andrews	Berry	Brady (PA)
Baca	Biggert	Braley (IA)
Baird	Bishop (NY)	Brown, Corrine
Baldwin	Bishop (UT)	Brown-Waite, Ginny
Barrow	Boccieri	Burgess
Bean	Bono Mack	Burton (IN)
Camp	Hoyer	Peters
Campbell	Inslee	Peterson
Cantor	Israel	Pierluisi
Cao	Issa	Polis (CO)
Capps	Jackson (IL)	Pomeroy
Capuano	Jackson Lee (TX)	Posey
Cardoza	Johnson (GA)	Price (NC)
Carnahan	Johnson, E. B.	Putnam
Carson (IN)	Kagen	Quigley
Castle	Kennedy	Radanovich
Childers	Kildee	Rahall
Chu	Kilroy	Rangel
Clarke	Kind	Rehberg
Cleaver	King (NY)	Reichert
Clyburn	Kingston	Richardson
Cole	Kirk	Rodriguez
Connolly (VA)	Kirkpatrick (AZ)	Ros-Lehtinen
Conyers	Kissell	Ross
Costa	Klein (FL)	Rothman (NJ)
Crenshaw	Kline (MN)	Ruppersberger
Crowley	Kosmas	Ryan (OH)
Cuellar	Kratovil	Sablan
Cummings	Langevin	Salazar
Dahlkemper	Larsen (WA)	Sánchez, Linda T.
Davis (CA)	Lee (CA)	Sanchez, Loretta
Davis (TN)	Levin	Sarbanes
DeFazio	Lewis (GA)	Schakowsky
Dent	Loebsack	Schauer
Deutch	Lofgren, Zoe	Schiff
Diaz-Balart, L.	Luján	Schock
Diaz-Balart, M.	Lummis	Schrader
Dicks	Lungren, Daniel E.	Schwartz
Dingell	Maffei	Scott (GA)
Doggett	Maloney	Scott (VA)
Donnelly (IN)	Markey (CO)	Serrano
Doyle	Markey (MA)	Sestak
Driehaus	Matsui	Shea-Porter
Edwards (MD)	McCarthy (CA)	Sires
Edwards (TX)	McDermott	Slaughter
Ehlers	McGovern	Smith (NE)
Engel	McIntyre	Smith (NJ)
Eshoo	McNerney	Smith (WA)
Etheridge	Meek (FL)	Snyder
Farr	Mica	Spratt
Fleming	Miller (FL)	Stark
Foster	Miller (NC)	Stupak
Frelinghuysen	Miller, George	Sutton
Fudge	Moore (KS)	Taylor
Garamendi	Moran (VA)	Terry
Garrett (NJ)	Murphy (CT)	Thompson (CA)
Gonzalez	Murphy (NY)	Thompson (MS)
Gordon (TN)	Murphy, Patrick	Tiahrt
Grayson	Murphy, Tim	Tierney
Green, Al	Napolitano	Titus
Hall (NY)	Norton	Tsongas
Halvorson	Oberstar	Van Hollen
Hare	Obey	Visclosky
Harman	Olver	Walden
Harper	Ortiz	Walz
Hastings (FL)	Owens	Wasserman Schultz
Heinrich	Pallone	Watson
Herseth Sandlin	Pascrell	Welch
Higgins	Pastor (AZ)	Woolsey
Hill	Payne	Wu
Himes	Pence	Yarmuth
Hirono	Perlmutter	Young (AK)
Holt		Young (FL)

NOT VOTING—42

Barrett (SC)	Delahunt	Melancon
Blackburn	Faleomavaega	Mollohan
Blumenauer	Fallin	Nunes
Boucher	Filner	Paul
Boyd	Gohmert	Pingree (ME)
Brown (SC)	Granger	Reyes
Butterfield	Green, Gene	Shuler
Castor (FL)	Hinchey	Speier
Christensen	Hinojosa	Teague
Clay	Hodes	Wamp
Cohen	Hoekstra	Waters
Culberson	Linder	Waxman
Davis (AL)	Mack	Wilson (OH)
DeGette	Meeks (NY)	Yarmuth

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. WEINER, assumed the Chair.

When Mr. SCHIFF, Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Puerto Rico Democracy Act of 2010''.

SEC. 2. FEDERALLY SANCTIONED PROCESS FOR PUERTO RICO'S SELF-DETERMINATION.

(a) FIRST PLEBISCITE.—The Government of Puerto Rico is authorized to conduct a plebiscite in Puerto Rico. The 2 options set forth on the ballot shall be preceded by the following statement: ''Instructions: Mark one of the following 2 options:

''(1) Puerto Rico should continue to have its present form of political status. If you agree, mark here ____.

''(2) Puerto Rico should have a different political status. If you agree, mark here ____.''.

(b) PROCEDURE IF MAJORITY IN FIRST PLEBISCITE FAVORS OPTION 1.—If a majority of the ballots in the plebiscite are cast in favor of Option 1, the Government of Puerto Rico is authorized to conduct additional plebiscites under subsection (a) at intervals of every 8 years from the date that the results of the prior plebiscite are certified under section 3(d).

(c) PROCEDURE IF MAJORITY IN FIRST PLEBISCITE FAVORS OPTION 2.—If a majority of the ballots in a plebiscite conducted pursuant to subsection (a) or (b) are cast in favor of Option 2, the Government of Puerto Rico is authorized to conduct a plebiscite on the following 4 options:

(1) Independence: Puerto Rico should become fully independent from the United States. If you agree, mark here ____.

(2) Sovereignty in Association with the United States: Puerto Rico and the United States should form a political association between sovereign nations that will not be subject to the Territorial Clause of the United States Constitution. If you agree, mark here ____.

(3) Statehood: Puerto Rico should be admitted as a State of the Union. If you agree, mark here ____.

(4) Commonwealth: Puerto Rico should continue to have its present form of political status. If you agree, mark here _____.

SEC. 3. APPLICABLE LAWS AND OTHER REQUIREMENTS.

(a) APPLICABLE LAWS.—All Federal laws applicable to the election of the Resident Commissioner shall, as appropriate and consistent with this Act, also apply to any plebiscites held pursuant to this Act. Any reference in such Federal laws to elections shall be considered, as appropriate, to be a reference to the plebiscites, unless it would frustrate the purposes of this Act.

(b) RULES AND REGULATIONS.—The Puerto Rico State Elections Commission shall issue all rules and regulations necessary to carry out the plebiscites under this Act.

(c) ELIGIBILITY TO VOTE.—Each of the following shall be eligible to vote in any plebiscite held under this Act:

(1) All eligible voters under the electoral laws in effect in Puerto Rico at the time the plebiscite is held.

(2) All United States citizens born in Puerto Rico who comply, to the satisfaction of the Puerto Rico State Elections Commission, with all Commission requirements (other than the residency requirement) applicable to eligibility to vote in a general election in Puerto Rico. Persons eligible to vote under this subsection shall, upon timely request submitted to the Commission in compliance with any terms imposed by the Electoral Law of Puerto Rico, be entitled to receive an absentee ballot for the plebiscite.

(d) CERTIFICATION OF PLEBISCITE RESULTS.—The Puerto Rico State Elections

Commission shall certify the results of any plebiscite held under this Act to the President of the United States and to the Members of the Senate and House of Representatives of the United States.

(e) ENGLISH LANGUAGE REQUIREMENTS.—The Puerto Rico State Elections Commission shall—

(1) ensure that all ballots used for any plebiscite held under this Act include the full content of the ballot printed in English;

(2) inform persons voting in any plebiscite held under this Act that, if Puerto Rico retains its current political status or is admitted as a State of the United States, the official language requirements of the Federal Government shall apply to Puerto Rico in the same manner and to the same extent as throughout the United States; and

(3) inform persons voting in any plebiscite held under this Act that, if Puerto Rico retains its current political status or is admitted as a State of the United States, it is the Sense of Congress that it is in the best interest of the United States for the teaching of English to be promoted in Puerto Rico as the language of opportunity and empowerment in the United States in order to enable students in public schools to achieve English language proficiency.

(f) PLEBISCITE COSTS.—All costs associated with any plebiscite held under this Act (including the printing, distribution, transportation, collection, and counting of all ballots) shall be paid for by the Commonwealth of Puerto Rico.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HASTINGS of Washington, moved to recommit the bill to the Committee on Natural Resources with instructions to report the bill back to the House forthwith with the following amendment:

Amend Section 2(c)(3) to read as follows:

(3) Statehood: Puerto Rico should be admitted as a State of the Union, the official language of this State shall be English, and all its official business shall be conducted in English; and laws shall be in place that ensure that its residents have the Second Amendment right to own, possess, carry, use for lawful self defense, store. assembled at home, and transport for lawful purposes, firearms and in any amount ammunition, provided that such keeping and bearing of firearms and ammunition does not otherwise violate Federal law. If you agree, mark here _____.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. WEINER, announced that the nays had it.

Mr. HASTINGS of Washington, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 194 Nays 198

¶51.27 [Roll No. 241]

AYES—194

Aderholt	Foxx	Miller, Gary
Adler (NJ)	Franks (AZ)	Minnick
Akin	Frelinghuysen	Mitchell
Alexander	Gallegly	Moran (KS)
Altmire	Garrett (NJ)	Murphy, Tim
Arcuri	Gerlach	Myrick
Austria	Giffords	Neugebauer
Bachmann	Gingrey (GA)	Nye
Bachus	Gohmert	Olson
Barrow	Goodlatte	Owens
Bartlett	Graves	Paulsen
Barton (TX)	Griffith	Pence
Biggert	Guthrie	Perriello
Bilbray	Hall (TX)	Peterson
Bilirakis	Harper	Petri
Bishop (UT)	Hastings (WA)	Pitts
Blackburn	Heller	Platts
Blunt	Hensarling	Poe (TX)
Boccieri	Herger	Posey
Boehner	Holden	Price (GA)
Bonner	Hunter	Putnam
Bono Mack	Inglis	Radanovich
Boozman	Issa	Rehberg
Boren	Jenkins	Reichert
Boustany	Johnson (IL)	Roe (TN)
Brady (TX)	Johnson, Sam	Rogers (AL)
Bright	Jones	Rogers (KY)
Broun (GA)	Jordan (OH)	Rogers (MI)
Brown-Waite, Ginny	Kanjorski	Rohrabacher
Buchanan	King (IA)	Rooney
Burgess	King (NY)	Roskam
Burton (IN)	Kingston	Royce
Buyer	Kirk	Ryan (WI)
Calvert	Kline (MN)	Scalise
Camp	Lamborn	Schauer
Campbell	Lance	Schmidt
Cantor	Latham	Sensenbrenner
Capito	LaTourette	Sessions
Carney	Latta	Shadegg
Carter	Lee (NY)	Shimkus
Cassidy	Lewis (CA)	Shuster
Castle	Lipinski	Simpson
Chaffetz	LoBiondo	Skelton
Childers	Lucas	Smith (NE)
Coble	Luetkemeyer	Smith (NJ)
Coffman (CO)	Lummis	Smith (TX)
Cole	Lungren, Daniel E.	Souder
Conaway	Mack	Space
Costello	Manzullo	Stearns
Crenshaw	Marchant	Sullivan
Culberson	Marshall	Terry
Davis (KY)	McCarthy (CA)	Thompson (PA)
Dent	McCaul	Thornberry
Donnelly (IN)	McClintock	Tiahrt
Dreier	McCotter	Tiberi
Driehaus	McHenry	Titus
Duncan	McIntyre	Turner
Ehlers	McKeon	Upton
Ellsworth	McMahon	Walden
Emerson	McMorris Rodgers	Westmoreland
Flake	McNerney	Whitfield
Fleming	Mica	Wilson (SC)
Forbes	Miller (FL)	Wittman
Fortenberry	Miller (MI)	Wolf
Foster		Young (FL)

NOES—198

Ackerman	Cleaver	Ellison
Andrews	Clyburn	Engel
Baca	Connolly (VA)	Eshoo
Baird	Conyers	Etheridge
Baldwin	Cooper	Farr
Bean	Costa	Fattah
Becerra	Courtney	Frank (MA)
Berkley	Crowley	Fudge
Berman	Cuellar	Garamendi
Berry	Cummings	Gonzalez
Bishop (GA)	Dahlkemper	Gordon (TN)
Bishop (NY)	Davis (CA)	Grayson
Blumenauer	Davis (IL)	Green, Al
Boswell	Davis (TN)	Grijalva
Brady (PA)	DeFazio	Gutierrez
Braley (IA)	DeLauro	Hall (NY)
Brown, Corrine	Deutch	Halvorson
Cao	Diaz-Balart, L.	Hare
Capps	Diaz-Balart, M.	Harman
Capuano	Dicks	Hastings (FL)
Cardoza	Dingell	Heinrich
Carnahan	Doggett	Herseth Sandlin
Carson (IN)	Doyle	Higgins
Chu	Edwards (MD)	Hill
Clarke	Edwards (TX)	Himes
Hirono	McDermott	Sanchez, Loretta
Holt	McGovern	Sarbanes
Honda	Meek (FL)	Schakowsky
Hoyer	Michaud	Schiff
Inslee	Miller (NC)	Schock
Israel	Miller, George	Schrader
Jackson (IL)	Moore (KS)	Schwartz
Jackson Lee (TX)	Moore (WI)	Scott (GA)
Johnson (GA)	Moran (VA)	Scott (VA)
Johnson, E. B.	Murphy (CT)	Serrano
Kagen	Murphy (NY)	Sestak
Kaptur	Murphy, Patrick	Shea-Porter
Kennedy	Nadler (NY)	Sherman
Kildee	Napolitano	Sires
Kilroy	Neal (MA)	Slaughter
Kind	Oberstar	Smith (WA)
Kirkpatrick (AZ)	Obey	Snyder
Kissell	Olver	Spratt
Klein (FL)	Ortiz	Stark
Kosmas	Pallone	Stupak
Kratovil	Pascrell	Sutton
Kucinich	Pastor (AZ)	Tanner
Langevin	Payne	Taylor
Larsen (WA)	Perlmutter	Thompson (CA)
Larson (CT)	Peters	Thompson (MS)
Lee (CA)	Polis (CO)	Tierney
Levin	Pomeroy	Tonko
Lewis (GA)	Price (NC)	Towns
Loebsack	Quigley	Tsongas
Lofgren, Zoe	Rahall	Van Hollen
Lowey	Rangel	Velázquez
Luján	Richardson	Visclosky
Lynch	Rodriguez	Walz
Maffei	Ros-Lehtinen	Wasserman Schultz
Maloney	Rothman (NJ)	Watson
Markey (CO)	Roybal-Allard	Watt
Markey (MA)	Ruppersberger	Weiner
Matheson	Rush	Welch
Matsui	Ryan (OH)	Woolsey
McCarthy (NY)	Salazar	Wu
McCollum	Sánchez, Linda T.	Young (AK)

NOT VOTING—38

Barrett (SC)	Filner	Paul
Boucher	Granger	Pingree (ME)
Boyd	Green, Gene	Reyes
Brown (SC)	Hinchey	Ross
Butterfield	Hinojosa	Shuler
Castor (FL)	Hodes	Speier
Chandler	Hoekstra	Teague
Clay	Kilpatrick (MI)	Wamp
Cohen	Linder	Waters
Davis (AL)	Meeks (NY)	Waxman
DeGette	Melancon	Wilson (OH)
Delahunt	Mollohan	Yarmuth
Fallin	Nunes	

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 Nays ..... 169 Answered present 1

¶51.28 [Roll No. 242]

YEAS—223

Ackerman	Bishop (NY)	Cantor
Adler (NJ)	Blackburn	Cao
Andrews	Blumenauer	Capps
Arcuri	Boccieri	Capuano
Baca	Boswell	Cardoza
Baird	Brady (PA)	Carnahan
Baldwin	Braley (IA)	Carson (IN)
Barrow	Brown, Corrine	Castle
Bartlett	Brown-Waite, Ginny	Chu
Becerra	Buchanan	Clarke
Berkley	Burton (IN)	Cleaver
Berman	Buyer	Clyburn
Biggert	Campbell	Coffman (CO)
Bishop (GA)		Cole

Connolly (VA)
Conyers
Costa
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Flake
Foster
Frelinghuysen
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hirono
Holt
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Mica
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pence
Perlmutter
Peters
Peterson
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Rahall
Rangel
Reichert
Richardson
Rodriguez
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sires
Skelton
Smith (WA)
Snyder
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Welch
Woolsey
Wu
Young (AK)

NAYS—169

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barton (TX)
Bean
Berry
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Burgess
Calvert
Camp
Capito
Carney
Carter
Cassidy
Chaffetz
Chandler
Childers
Coble
Conaway
Cooper
Costello
Courtney
Culberson
Davis (IL)
Davis (KY)
DeLauro
Donnelly (IN)
Dreier
Duncan
Ellison
Emerson
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Griffith
Guthrie
Gutierrez
Hall (TX)
Harper
Hastings (WA)
Heller
Herger
Holden
Honda
Hunter
Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
King (IA)
Kingston
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Manzullo
Marchant
Marshall
Matheson
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (WI)
Moran (KS)
Murphy (CT)
Myrick
Neugebauer
Nye
Olson
Paulsen
Perriello
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Quigley
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Velázquez
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

ANSWERED ''PRESENT''—1

Slaughter

NOT VOTING—37

Barrett (SC)
Boucher
Boyd
Brown (SC)
Butterfield
Castor (FL)
Clay
Cohen
Davis (AL)
DeGette
Delahunt
Fallin
Filner
Granger
Green, Gene
Hinchey
Hinojosa
Hodes
Hoekstra
Kilpatrick (MI)
Klein (FL)
Linder
Meeks (NY)
Melancon
Mollohan
Nunes
Paul
Pingree (ME)
Reyes
Shuler
Speier
Teague
Wamp
Waters
Waxman
Wilson (OH)
Yarmuth

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶51.29 VOTE PROCEEDINGS VACATED—H. RES. 375

Mr. HOYER, by unanimous consent, requested that the ordering of the yeas and nays on the motion to suspend the rules and agree to the resolution (H. Res. 375) supporting the goals and ideals of Workers' Memorial Day in order to honor and remember the workers who have been killed or injured in the workplace, as amended, be vacated to the end that the resolution, as amended, stand agreed to by the earlier voice vote.

¶51.30 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, May 3, 2010, at 10 a.m.; and further, when the House adjourns on Monday, May 3, 2010, it adjourn to meet at 12:30 p.m. on Tuesday, May 4, 2010, for morning-hour debate.

¶51.31 PUBLIC WORKS PROJECTS

The SPEAKER pro tempore, Ms. KOSMOS, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, April 29, 2010.

Hon. NANCY PELOSI,
Speaker of the House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Today, on April 29, 2010, the Committee on Transportation and Infrastructure met in open session to consider four resolutions for the U.S. Army Corps of Engineers, in accordance with 33 U.S.C. §542. The resolutions authorize Corps surveys (or studies) of water resources needs and possible solutions. The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee.

Sincerely,

JAMES L. OBERSTAR.
Member of Congress

Enclosures.

RESOLUTION—DOCKET 2822—COASTAL CONNECTICUT STORM DAMAGE REDUCTION, MILFORD, CONNECTICUT

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on Land and Water Resources of the New England-New York Region, published as Senate Document No. 14, 85th Congress, 1st Session, and other reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, coastal storm damage reduction, coastal erosion, and other related purposes in the vicinity of the estuaries and shoreline from the Housatonic River to the Oyster River of Milford, Connecticut.

RESOLUTION—DOCKET 2823—HOUSATONIC RIVER WATERSHED, MASSACHUSETTS AND CONNECTICUT

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on Land and Water Resources of the New England-New York Region, published as Senate Document No. 14, 85th Congress, 1st Session, and other reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, and other related purposes in the vicinity of the Housatonic River, Connecticut.

RESOLUTION—DOCKET 2824—FAIRFIELD AND NEW HAVEN COUNTIES, CONNECTICUT

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on Land and Water Resources of the New England-New York Region, published as Senate Document No. 14, 85th Congress, 1st Session, and other reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, coastal storm damage reduction, coastal erosion, and other related purposes in the vicinity of the estuaries and shoreline of Fairfield and New Haven Counties, Connecticut.

RESOLUTION—DOCKET 2825—FIVE MILE RIVER, CONNECTICUT

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report of the Chief of Engineers on Land and Water Resources of the New England-New York Region, published as Senate Document No. 14, 85th Congress, 1st Session, and other reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction, environmental restoration, and other related purposes in the vicinity of Five Mile River, Connecticut.

The communication, together with the accompanying papers, was referred to the Committee on Appropriations.

¶51.32 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5147. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

And then,

¶51.33 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 9 o'clock and 16 minutes p.m., the House adjourned until 10 a.m. on Monday, May 3, 2010.

¶51.34 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 5019. A bill to provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes, with an amendment, Rept. 111–469, Pt. 1; referred to the Committee on Oversight and Government Reform for a period ending not later than May 3, 2010, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(m) of rule X.

¶51.35 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the following action was taken by the Speaker:

H.R. 5019. The Committee on Ways and Means discharged from further consideration.

¶51.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. VAN HOLLEN (for himself, Mr. CASTLE, Mr. BRADY of Pennsylvania, and Mr. JONES):

H.R. 5175. A bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 5176. A bill to amend the National Labor Relations Act to prohibit States and Territories from classifying self-employed individuals as employees under state collective bargaining laws; to the Committee on Education and Labor.

By Mr. REHBERG:

H.R. 5177. A bill to delay the implementation of certain final rules of the Environmental Protection Agency in States until accreditation classes are held in the States for a period of at least 1 year; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. LEVIN, Mr. WAXMAN, Mr. WEINER, Mr. GEORGE MILLER of California, Mr. VAN HOLLEN, Mr. PASCRELL, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. DAVIS of Illinois, Mr. KIND, Mr. BLUMENAUER, Ms. LINDA T. SÁNCHEZ of California, Mr. STARK, Ms. SCHWARTZ, Mr. THOMPSON of California, Ms. GINNY BROWN-WAITE of Florida, Ms. DELAURO, Ms. ESHOO, Mr. ISRAEL, Ms. JACKSON LEE of Texas, Ms. KILPATRICK of Michigan, Mr. LIPINSKI, Mrs. MCCARTHY of New York, Mr. SNYDER, Ms. SUTTON, Mr. WALZ, Mr. WELCH, Ms. WOOLSEY, Mr. NADLER of New York, Mr. BERMAN, Mr. LANGEVIN, Ms. DEGETTE, Mrs. MALONEY, Mr. GENE GREEN of Texas, Mr. HINCHEY, Ms. LEE of California, Mr. DEFAZIO, Mr. DELAHUNT, Mr. RUSH, Mr. MARKEY of Massachusetts, Mr. CUMMINGS, Mr. FILNER, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. MEEKS of New York, Mr. PLATTS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PIERLUISI, Mr. PALLONE, Mrs. CAPPS, Mr. HOLT, Mr. SMITH of New Jersey, Mr. WU, Mr. SHERMAN, Mr. BRALEY of Iowa, Mr. ELLISON, Mr. HARE, Mr. HINOJOSA, Mr. HONDA, Ms. CLARKE, Mr. KUCINICH, Mr. MATHESON, Ms. SLAUGHTER, Mr. TIERNEY, Mr. GRAYSON, Mr. SERRANO, Ms. WATERS, Mr. BISHOP of New York, Ms. KAPTUR, Ms. WATSON, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. FARR, Ms. LORETTA SANCHEZ of California, Mr. CARNAHAN, Mr. COHEN, Mrs. NAPOLITANO, Mr. CONNOLLY of Virginia, Mr. GUTIERREZ, Mr. SIRES, Ms. BALDWIN, Mr. OLVER, Mr. PAYNE, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mrs. LOWEY, Mr. MCGOVERN, Ms. EDWARDS of Maryland, Mr. LOEBSACK, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. ROTHMAN of New Jersey, Mr. ANDREWS, Mr. RYAN of Ohio, Ms. TSONGAS, Mr. ACKERMAN, Ms. HIRONO, Mr. OBERSTAR, Mr. CAPUANO, Mr. LYNCH, Mr. SARBANES, Ms. WASSERMAN SCHULTZ, Ms. NORTON, Mr. ARCURI, Mr. JACKSON of Illinois, Ms. KILROY, Mr. SESTAK, Mr. KENNEDY, Mr. HALL of New York, Mr. HIMES, Mr. TONKO, Mr. MORAN of Virginia, Mrs. DAHLKEMPER, Ms. HARMAN, Mr. MOORE of Kansas, Mr. BAIRD, Mr. SCHRADER, and Mr. GARAMENDI):

H.R. 5178. A bill to amend the Internal Revenue Code to reduce tobacco smuggling, and for other purposes; to the Committee on Ways and Means.

By Mrs. DAHLKEMPER:

H.R. 5179. A bill to amend title 5, United States Code, to make clear that family coverage under the Federal Employees Health Benefits Program remains available with respect to an otherwise eligible child of a Federal employee or annuitant until that child attains 26 years of age, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. SHEA-PORTER (for herself, Ms. PINGREE of Maine, Mr. FRANK of Massachusetts, Mr. TIERNEY, Ms. BORDALLO, and Mr. PALLONE):

H.R. 5180. A bill to establish an Ombudsman Office within the National Marine Fisheries Service, and for other purposes; to the Committee on Natural Resources.

By Mr. ARCURI (for himself, Mr. OWENS, Mr. HUNTER, and Mr. JONES):

H.R. 5181. A bill to amend title 10, United States Code, to improve the preservation of the small arms production industrial base; to the Committee on Armed Services.

By Mr. BERRY:

H.R. 5182. A bill to help certain communities adversely affected by FEMA's flood mapping modernization program; to the Committee on Financial Services.

By Mr. BRIGHT:

H.R. 5183. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit through December 31, 2010, and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. CUELLAR, Mr. MCGOVERN, Mr. NEAL of Massachusetts, Ms. BORDALLO, and Mr. OLVER):

H.R. 5184. A bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs; to the Committee on Education and Labor.

By Mr. DEFAZIO (for himself, Mr. DONNELLY of Indiana, and Mr. MARSHALL):

H.R. 5185. A bill to amend titles 10 and 38, United States Code, to increase the maximum age for children eligible for medical care under the TRICARE program and the CHAMPVA program; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT:

H.R. 5186. A bill to extend the chemical facility security program of the Department of Homeland Security, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mr. MCGOVERN, Mrs. CHRISTENSEN, Ms. CORRINE BROWN of Florida, Mr. CLEAVER, Mr. CONYERS, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. FILNER, Ms. LEE of California, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. NORTON, Ms. RICHARDSON, Mr. RUSH, and Mr. THOMPSON of Mississippi):

H.R. 5187. A bill to require the Secretary of Health and Human Services to establish a commission that is designed to construct a comprehensive national strategy on how to increase the affordability, accessibility, and effectiveness of long-term care and community services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY:

H.R. 5188. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit through December 31, 2010, and for other purposes; to the Committee on Ways and Means.

By Mr. HINCHEY:

H.R. 5189. A bill to amend the Internal Revenue Code of 1986 to require that the issuer of a tax-exempt State or local obligation obtain a certification that the interest rate with respect to such obligation is reasonable without materially increasing the risks associated with the obligation; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. EHLERS, Mr. KENNEDY, and Mr. KING of New York):

H.R. 5190. A bill to reauthorize the Special Olympics Sport and Empowerment Act of

2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Foreign Affairs, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Ms. ROS-LEHTINEN, Mr. ELLISON, and Mr. KIRK):

H.R. 5191. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on Foreign Affairs.

By Mrs. LUMMIS:

H.R. 5192. A bill to require the Secretary of Agriculture to designate national forests or portions of national forests in western States as locations for demonstration projects to prevent or mitigate the effect of pine beetle infestations and conduct forest restoration activities, to authorize the emergency removal of dead and dying trees to address public safety risks in western States, to make permanent the stewardship contracting authorities available to the Forest Service, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself and Ms. WATSON):

H.R. 5193. A bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States; to the Committee on the Judiciary.

By Mr. MCKEON:

H.R. 5194. A bill to designate Mt. Andrea Lawrence, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of New Jersey:

H.R. 5195. A bill to establish a director of anti-trafficking policies in the Department of Defense; to the Committee on Armed Services.

By Mr. WELCH:

H.R. 5196. A bill to support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple sugaring activities, and for other purposes; to the Committee on Agriculture.

By Mr. WILSON of South Carolina (for himself, Ms. ROS-LEHTINEN, Mr. CONAWAY, Mr. LAMBORN, Mr. HENSARLING, Mr. HERGER, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. SHADEGG, Mr. GINGREY of Georgia, Mr. PITTS, Mrs. SCHMIDT, Mr. FLEMING, Mr. SMITH of Texas, Mr. TIAHRT, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mrs. MCMORRIS RODGERS, Mr. MCCLINTOCK, Mr. MILLER of Florida, Mr. FORBES, Mr. REICHERT, Mr. AKIN, Mr. BLUNT, Mr. MARIO DIAZ-BALART of Florida, Mr. COBLE, Mr. CAMPBELL, and Mr. BARRETT of South Carolina):

H. Con. Res. 271. Concurrent resolution commemorating the 43rd anniversary of the reunification of Jerusalem; to the Committee on Foreign Affairs.

By Mr. EHLERS (for himself, Mr. BOYD, Ms. RICHARDSON, Mr. MCCAUL, Mr. RAHALL, Mr. GRAVES, Mr. BURGESS, Mr. COSTELLO, Mr. POSEY, Mr. PETRI, Mr. FILNER, Mr. BOOZMAN, Mr. DENT, Mr. BOSWELL, Mr. REHBERG, Mr. SALAZAR, Mr. YOUNG of Alaska, and Mr. OBERSTAR):

H. Con. Res. 272. Concurrent resolution recognizing the many contributions made by general aviation pilots and operators to the Haiti earthquake relief efforts, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GORDON of Tennessee (for himself and Mr. HALL of Texas):

H. Res. 1307. A resolution honoring the National Science Foundation for 60 years of service to the Nation; to the Committee on Science and Technology.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. GRIJALVA, Ms. SHEA-PORTER, Mr. SABLAN, Mr. PIERLUISI, and Mr. TANNER):

H. Res. 1308. A resolution supporting the goals and ideals of the International Year of Biodiversity, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. SENSENBRENNER, and Mr. WELCH):

H. Res. 1309. A resolution expressing the sense of the House of Representatives that there is need for further study of the Functional Gastrointestinal Disorder (FGID) Irritable Bowel Syndrome (IBS); to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself, Mr. INGLIS, Mr. WU, Mr. HALL of Texas, and Ms. GIFFORDS):

H. Res. 1310. A resolution recognizing the 50th anniversary of the laser; to the Committee on Science and Technology.

By Mr. COHEN (for himself and Mr. FARR):

H. Res. 1311. A resolution expressing support for the charitable collection and good samaritan distribution to uninsured, low-income Americans of Food and Drug Administration-approved, medically-appropriate, non-expired, non-narcotic prescription medications by non-profit organizations licensed to dispense such medications; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES (for himself, Mr. GUTHRIE, Mr. CLAY, Mr. LUETKEMEYER, Mr. ARCURI, Mr. CONNOLLY of Virginia, Mr. SIMPSON, Mr. AL GREEN of Texas, Mr. NEAL of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of California, Mr. THOMPSON of Pennsylvania, Mr. WILSON of South Carolina, Mr. MORAN of Virginia, Mr. HARPER, Mr. MORAN of Kansas, Mr. TERRY, Mr. BURGESS, Mrs. MCMORRIS RODGERS, Mr. BLUNT, Mr. SKELTON, Mr. CASTLE, Mr. CLEAVER, Mr. GERLACH, Mr. WHITFIELD, Mr. LEE of New York, Mr. PETRI, Mr. MICA, Mr. KIRK, Mr. ROSKAM, Mr. DENT, Mr. EHLERS, Mr. FORTENBERRY, and Mr. POE of Texas):

H. Res. 1312. A resolution recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well-being; to the Committee on Education and Labor.

By Mr. GRIFFITH:

H. Res. 1313. A resolution expressing support for designation of May as ''Child Advocacy Center Month'' and commending the National Child Advocacy Center in Huntsville, Alabama, on their 25th anniversary in 2010; to the Committee on Education and Labor.

By Mr. HASTINGS of Florida (for himself, Mr. FALEOMAVAEGA, Ms. BERKLEY, Ms. WOOLSEY, Ms. LEE of California, Ms. SPEIER, Ms. HIRONO, Mr. BERMAN, Mr. FARR, Mr. GRIJALVA, Mr. ANDREWS, Mr. POLIS, Mr. STARK, and Mr. HARE):

H. Res. 1314. A resolution urging the Government of Canada to end the commercial seal hunt; to the Committee on Foreign Affairs.

H. Res. 1315. A resolution urging the Secretary of State to designate the Caucasus Emirate as a foreign terrorist organization; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HONDA (for himself, Mr. SABLAN, Ms. CHU, Ms. SPEIER, Mr. SCHIFF, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RICHARDSON, Ms. BORDALLO, Mr. RANGEL, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. BLUMENAUER, Ms. MATSUI, Ms. WATSON, Mr. SIRES, Mr. SERRANO, Mr. FALEOMAVAEGA, Ms. HIRONO, Ms. MCCOLLUM, Mr. ORTIZ, Ms. LEE of California, Mr. SCOTT of Virginia, Ms. ROYBAL-ALLARD, Mr. WU, Mr. FARR, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Ms. BALDWIN, Mr. AL GREEN of Texas, Mr. RUSH, Mr. ROTHMAN of New Jersey, Mrs. CAPPS, Mr. ELLISON, Mrs. MALONEY, Mr. BACA, Mr. CAO, Mr. KAGEN, Mrs. CHRISTENSEN, Mrs. NAPOLITANO, Mr. HINOJOSA, Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. LARSON of Connecticut, Mr. CROWLEY, Mr. GRIJALVA, Ms. CLARKE, Mr. TOWNS, Mr. CLAY, Mr. JACKSON of Illinois, Mr. NADLER of New York, Ms. VELÁZQUEZ, Mr. GEORGE MILLER of California, Mr. GUTIERREZ, Mrs. DAVIS of California, Mr. MCDERMOTT, and Mr. CONNOLLY of Virginia):

H. Res. 1316. A resolution celebrating Asian/Pacific American Heritage Month; to the Committee on Oversight and Government Reform.

By Mr. LANCE (for himself, Mr. BURGESS, Mrs. MCMORRIS RODGERS, Mr. CHAFFETZ, Ms. JENKINS, Mr. GARRETT of New Jersey, Mr. LEE of New York, Mr. BOOZMAN, Mr. COLE, Mr. HASTINGS of Washington, Mr. HOEKSTRA, Mr. KINGSTON, Mr. BURTON of Indiana, Mr. MORAN of Kansas, and Mr. PAUL):

H. Res. 1317. A resolution expressing the sense of the House of Representatives that the value-added tax in addition to existing Federal taxes is a massive tax increase that will result in hardships for United States families and job-creating small business and will stunt economic recovery; to the Committee on Ways and Means.

By Mr. MAFFEI:

H. Res. 1318. A resolution congratulating Jim Boeheim, head coach of the Syracuse University Orange men's basketball team and a native of Lyons, New York, for receiving many coaching awards for the impressive achievements of the Syracuse University Orange 2009–2010 men's basketball team; to the Committee on Education and Labor.

By Mr. SIRES (for himself, Mr. PASCRELL, Mr. LOBIONDO, Mr. SMITH of

New Jersey, Mr. ADLER of New Jersey, Mr. LANCE, Mr. HOLT, Mr. ROTHMAN of New Jersey, Mr. PALLONE, Mr. GARRETT of New Jersey, Mr. PAYNE, Mr. ANDREWS, and Mr. FRELINGHUYSEN):

H. Res. 1319. A resolution congratulating Coach Bob Hurley, Sr. of St. Anthony High School in Jersey City, New Jersey, on his induction into the Naismith Memorial Basketball Hall of Fame and celebrating his achievements; to the Committee on Education and Labor.

¶51.37 MEMORIALS

Under clause 4 of rule XXII,

269. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 681 urging the Congress and the President of the United States to pass and sign legislation that would provide a temporary extension of the ARRA's Enhanced FMAP; to the Committee on Education and Labor.

¶51.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. CHU.
H.R. 24: Mr. HASTINGS of Washington, Mr. HEINRICH, Mrs. CHRISTENSEN, and Mr. SIRES.
H.R. 39: Mrs. NAPOLITANO and Ms. CHU.
H.R. 40: Mr. BRADY of Pennsylvania.
H.R. 108: Mr. TERRY.
H.R. 197: Mrs. DAHLKEMPER.
H.R. 208: Mr. FORBES, Mr. CUELLAR, Mr. PERRIELLO, Mr. VAN HOLLEN, Mr. SCOTT of Virginia, Mr. SMITH of Texas, and Mr. LUETKEMEYER.
H.R. 211: Mrs. KIRKPATRICK of Arizona.
H.R. 476: Mr. SCOTT of Georgia, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Ms. VELÁZQUEZ, and Mr. RUSH.
H.R. 510: Mr. CARTER.
H.R. 764: Mr. PLATTS and Mr. DUNCAN.
H.R. 848: Ms. SCHAKOWSKY and Ms. WOOLSEY.
H.R. 868: Mr. CARNAHAN.
H.R. 873: Mr. TONKO.
H.R. 995: Mr. ENGEL.
H.R. 997: Mr. WALDEN and Mr. LAMBORN.
H.R. 1021: Ms. SHEA-PORTER, Mr. SCHAUER, Mr. KAGEN, and Ms. BERKLEY.
H.R. 1036: Mrs. BLACKBURN, Ms. BERKLEY, Mr. RAHALL, Mr. GOODLATTE, and Mr. OBERSTAR.
H.R. 1067: Mr. MICA and Mr. MCGOVERN.
H.R. 1074: Mr. CAMP and Mrs. DAHLKEMPER.
H.R. 1126: Mr. WALZ.
H.R. 1210: Mr. YOUNG of Florida.
H.R. 1322: Mrs. MCCARTHY of New York.
H.R. 1346: Ms. RICHARDSON.
H.R. 1505: Mr. LAMBORN.
H.R. 1547: Mr. PRICE of Georgia, Ms. NORTON, and Mr. FILNER.
H.R. 1625: Mr. HOLT.
H.R. 1655: Mr. POE of Texas.
H.R. 1691: Mr. JOHNSON of Georgia, Mr. KIRK, and Mr. ROSS.
H.R. 1751: Mr. SIRES.
H.R. 1792: Ms. PINGREE of Maine.
H.R. 1826: Ms. WATERS.
H.R. 1829: Mr. PETERSON and Mr. HOLT.
H.R. 1961: Mr. LEWIS of Georgia and Mr. WU.
H.R. 2054: Ms. EDWARDS of Maryland, Mr. BRALEY of Iowa, Mrs. MCCARTHY of New York, Ms. TITUS, Mr. KILDEE, and Mr. KUCINICH.
H.R. 2149: Mr. ENGEL.
H.R. 2277: Mr. LEWIS of Georgia.
H.R. 2296: Mrs. DAHLKEMPER.
H.R. 2328: Mr. CROWLEY.
H.R. 2336: Mr. MOORE of Kansas.
H.R. 2378: Mr. MCINTYRE and Mr. MAFFEI.
H.R. 2406: Mr. MORAN of Kansas.
H.R. 2480: Mr. KRATOVIL.
H.R. 2542: Mr. KRATOVIL.
H.R. 2579: Ms. PINGREE of Maine.
H.R. 2625: Mr. ROTHMAN of New Jersey, Mrs. DAVIS of California, and Mrs. MALONEY.
H.R. 2737: Mr. ORTIZ, Mr. CUMMINGS, and Mr. MURPHY of New York.
H.R. 2766: Mr. MCMAHON and Ms. VELÁZQUEZ.
H.R. 2849: Ms. HERSETH SANDLIN.
H.R. 3035: Mr. ROGERS of Kentucky.
H.R. 3101: Mr. PALLONE.
H.R. 3185: Mr. KAGEN and Mr. FILNER.
H.R. 3202: Mr. HARE.
H.R. 3212: Mr. MARKEY of Massachusetts.
H.R. 3240: Mr. MINNICK.
H.R. 3286: Mr. YOUNG of Alaska and Mr. COLE.
H.R. 3333: Mr. SCHIFF.
H.R. 3408: Mr. GARAMENDI, Mr. LYNCH, Mr. FARR, Mr. WU, Mr. BISHOP of New York, and Mrs. CAPPS.
H.R. 3427: Mr. POLIS.
H.R. 3448: Mr. FORBES.
H.R. 3486: Mr. KRATOVIL.
H.R. 3487: Mr. ACKERMAN.
H.R. 3502: Ms. WOOLSEY.
H.R. 3519: Mr. WELCH, Ms. GIFFORDS, and Mr. FRANK of Massachusetts.
H.R. 3666: Mr. LATOURETTE and Mr. KING of New York.
H.R. 3668: Mr. RUPPERSBERGER and Mr. BURGESS.
H.R. 3699: Mr. OLVER.
H.R. 3734: Mr. THOMPSON of Mississippi.
H.R. 3781: Mr. NYE and Mr. YOUNG of Alaska.
H.R. 3790: Ms. DELAURO, Mr. LARSON of Connecticut, Ms. JENKINS, Mr. WU, and Mr. PLATTS.
H.R. 3839: Ms. KILPATRICK of Michigan.
H.R. 3905: Mr. BURGESS.
H.R. 3924: Mr. HALL of Texas.
H.R. 3936: Mrs. EMERSON, Mr. ELLISON, Mr. DAVIS of Tennessee, and Mr. ALTMIRE.
H.R. 4014: Mr. MCNERNEY and Mr. STARK.
H.R. 4070: Mr. GRAVES.
H.R. 4072: Mr. BOYD.
H.R. 4114: Mr. POE of Texas.
H.R. 4116: Ms. KILROY, Mr. COURTNEY, and Mrs. DAVIS of California.
H.R. 4128: Mr. GRIJALVA.
H.R. 4279: Mrs. LOWEY, Mr. PETERSON, Mr. WEINER, and Ms. BALDWIN.
H.R. 4296: Mr. SPACE.
H.R. 4325: Ms. LEE of California.
H.R. 4402: Mr. CLAY, Mr. CONYERS, Mr. VAN HOLLEN, and Ms. WASSERMAN SCHULTZ.
H.R. 4427: Mr. FORBES, Mr. CUELLAR, Mr. PLATTS, Mr. PERRIELLO, Mr. CARNEY, Mr. LUETKEMEYER, and Mr. BOREN.
H.R. 4469: Mr. HUNTER, Mr. BISHOP of Utah, Mr. COBLE, and Mr. KIRK.
H.R. 4473: Mr. DOGGETT and Ms. PINGREE of Maine.
H.R. 4477: Mr. WEINER and Mr. PASTOR of Arizona.
H.R. 4509: Mr. DEFAZIO, Mr. WU, Ms. CORRINE BROWN of Florida, and Mr. WALDEN.
H.R. 4525: Mr. SHUSTER.
H.R. 4544: Mr. CARNAHAN.
H.R. 4554: Mr. CHANDLER, Mr. SALAZAR, and Mr. RYAN of Ohio.
H.R. 4594: Ms. CORRINE BROWN of Florida, Ms. CLARKE, Ms. MATSUI, Mr. MOLLOHAN, Mr. KENNEDY, Mr. PERRIELLO, Mr. THOMPSON of California, and Mr. DAVIS of Illinois.
H.R. 4601: Mr. MCDERMOTT and Mr. GRIJALVA.
H.R. 4603: Mr. COFFMAN of Colorado.
H.R. 4638: Mr. WELCH.
H.R. 4645: Ms. PINGREE of Maine and Mr. ALEXANDER.
H.R. 4647: Mr. MILLER of North Carolina.
H.R. 4662: Mr. BISHOP of Georgia.
H.R. 4671: Mr. LOEBSACK and Mr. BRALEY of Iowa.
H.R. 4676: Ms. RICHARDSON, Mrs. CAPPS, Mrs. DAVIS of California, and Mr. COSTA.
H.R. 4678: Ms. RICHARDSON.
H.R. 4684: Mr. TANNER.
H.R. 4687: Mr. BACA, Mr. ELLISON, Mrs. CAPPS, and Mr. LARSON of Connecticut.
H.R. 4689: Mr. YOUNG of Alaska, Mr. COLE, and Mr. GRAVES.
H.R. 4690: Ms. MCCOLLUM.
H.R. 4746: Mr. GARY G. MILLER of California, Mr. SHIMKUS, Mr. TIAHRT, and Mr. CALVERT.
H.R. 4751: Mr. WELCH and Mr. HIGGINS.
H.R. 4755: Ms. FUDGE.
H.R. 4780: Mr. HUNTER, Mr. LAMBORN, and Mr. PLATTS.
H.R. 4785: Mr. HILL.
H.R. 4788: Ms. HIRONO, Mr. WU, and Ms. SPEIER.
H.R. 4835: Mrs. BLACKBURN and Mr. SHULER.
H.R. 4850: Mr. ELLSWORTH, Mr. KISSELL, Mr. CONNOLLY of Virginia, and Ms. CLARKE.
H.R. 4859: Mr. CALVERT.
H.R. 4866: Mr. ELLSWORTH.
H.R. 4876: Mr. STUPAK and Ms. BEAN.
H.R. 4896: Mr. ROHRABACHER.
H.R. 4923: Mr. FILNER, Mr. SCHIFF, Mr. DOGGETT, and Ms. MCCOLLUM.
H.R. 4925: Mr. WELCH.
H.R. 4940: Mr. WHITFIELD and Ms. BALDWIN.
H.R. 4941: Mr. TEAGUE and Mr. BILBRAY.
H.R. 4945: Mr. RUPPERSBERGER.
H.R. 4947: Mr. LOBIONDO.
H.R. 4951: Mr. EDWARDS of Texas.
H.R. 4952: Mr. BURTON of Indiana and Mrs. MILLER of Michigan.
H.R. 4958: Ms. SCHAKOWSKY.
H.R. 4959: Mr. COHEN.
H.R. 4961: Mr. LEWIS of Georgia, Mr. CLAY, Ms. MOORE of Wisconsin, Mr. DAVIS of Illinois, Mr. WATT, Mr. SCOTT of Virginia, Mr. ELLISON, and Mr. JOHNSON of Georgia.
H.R. 4972: Mr. FRANKS of Arizona.
H.R. 4993: Mr. MCDERMOTT, Mr. MICHAUD, and Ms. HIRONO.
H.R. 5012: Ms. MARKEY of Colorado and Ms. FUDGE.
H.R. 5015: Mrs. MALONEY, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. JACKSON of Illinois, Ms. MATSUI, Mr. MCDERMOTT, Ms. RICHARDSON, Mr. THOMPSON of California, Ms. WATSON, Mr. YARMUTH, Ms. CLARKE, Mr. ELLISON, Ms. JACKSON LEE of Texas, Mr. KAGEN, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Ms. NORTON, Mr. PAYNE, Mr. STARK, Mr. WALZ, Mr. BERRY, Mr. MAFFEI, Mr. HASTINGS of Florida, and Mr. KENNEDY.
H.R. 5032: Mr. BISHOP of New York.
H.R. 5034: Mrs. LUMMIS, Mr. LOBIONDO, Mr. DONNELLY of Indiana, Mr. BRIGHT, Mr. ORTIZ, Mr. CARNEY, Mr. HASTINGS of Florida, and Mr. BISHOP of New York.
H.R. 5035: Mr. SCOTT of Virginia and Mr. CALVERT.
H.R. 5044: Mr. BOCCIERI, Mr. BOYD, Mr. MCMAHON, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. YARMUTH, and Mr. SIRES.
H.R. 5049: Mr. BERMAN.
H.R. 5054: Mr. WITTMAN, Mr. BURTON of Indiana, Mr. MCCAUL, and Mr. MORAN of Kansas.
H.R. 5065: Mr. HOEKSTRA and Mr. MCCLINTOCK.
H.R. 5078: Mr. NEAL of Massachusetts.
H.R. 5084: Mr. HALL of New York, Mr. LARSEN of Washington, and Mr. TONKO.
H.R. 5092: Mr. CONNOLLY of Virginia, Mr. KENNEDY, Ms. MATSUI, Mr. WELCH, Mr. RUPPERSBERGER, Mr. BILIRAKIS, Mr. STARK, Mr. BURGESS, Mr. PETERS, Mr. ROGERS of Kentucky, Mr. SENSENBRENNER, Mr. DAVIS of Illinois, Mr. GENE GREEN of Texas, Mr. EHLERS, Ms. SPEIER, Mr. MCGOVERN, and Mr. TONKO.
H.R. 5095: Mr. ROONEY.
H.R. 5118: Ms. JENKINS.
H.R. 5126: Mr. BURTON of Indiana, Mr. TIAHRT, Mr. LATTA, Mr. DANIEL E. LUNGREN

of California, Mr. LAMBORN, and Mr. MORAN of Kansas.

H.R. 5128: Mr. BRALEY of Iowa, Ms. MCCOLLUM, Mr. FILNER, Mr. CHANDLER, Ms. LEE of California, and Mr. BLUMENAUER.

H.R. 5131: Ms. DELAURO, Mr. COURTNEY, and Mr. HIMES.

H.R. 5141: Mr. ROYCE, Mr. CAMPBELL, Mr. OLSON, Mr. AKIN, Mr. MARCHANT, Mr. WILSON of South Carolina, Mr. CHAFFETZ, Mr. POSEY, Mr. HENSARLING, Mr. MANZULLO, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. ISSA, Mr. GINGREY of Georgia, Mr. FLEMING, Mr. LATTA, Mr. TIAHRT, Mrs. BACHMANN, Mr. BILBRAY, Mr. BURGESS, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. WHITFIELD, Mr. SMITH of New Jersey, Mr. MCCARTHY of California, Mr. LOBIONDO, Mr. FRELINGHUYSEN, Mr. MCCAUL, Mr. GARY G. MILLER of California, Ms. GRANGER, Mr. PITTS, Mrs. SCHMIDT, and Mr. NEUGEBAUER.

H.R. 5144: Ms. JACKSON LEE of Texas and Mr. POE of Texas.

H.R. 5159: Mr. GRAYSON.

H.R. 5162: Mr. SPACE and Mr. BOREN.

H.R. 5173: Mr. BURTON of Indiana, Mr. ROYCE, Mr. GALLEGLY, Mr. WILSON of South Carolina, Mr. BUCHANAN, Mr. MARCHANT, and Mr. JONES.

H.J. Res. 61: Ms. WASSERMAN SCHULTZ.

H.J. Res. 67: Mr. COLE.

H.J. Res. 77: Mrs. SCHMIDT, Mr. GUTHRIE, Mr. HENSARLING, and Mrs. LUMMIS.

H.J. Res. 79: Mr. FORBES.

H. Con. Res. 4: Mr. WELCH.

H. Con. Res. 110: Ms. MCCOLLUM.

H. Con. Res. 137: Mr. ISRAEL.

H. Con. Res. 245: Mr. BILBRAY.

H. Con. Res. 260: Mr. DAVIS of Illinois, Mr. NYE, Mr. GORDON of Tennessee, Mr. WALDEN, Mr. ENGEL, Mr. LINCOLN DIAZ-BALART of Florida, Ms. BERKLEY, and Mr. COSTA.

H. Con. Res. 262: Ms. JACKSON LEE of Texas, Mr. ELLISON, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Ms. RICHARDSON, Mr. SCOTT of Virginia, Mr. AL GREEN of Texas, Ms. WATSON, Mr. MOORE of Kansas; Mr. CONNOLLY of Virginia, Mr. HINOJOSA, Mr. COURTNEY, Mrs. HALVORSON, Mr. KILDEE, Mr. MCDERMOTT, Ms. KAPTUR, Mr. RUSH, and Mrs. NAPOLITANO.

H. Con. Res. 266: Mr. MARCHANT, Mr. ROE of Tennessee, and Mr. ROTHMAN of New Jersey.

H. Con. Res. 268: Mr. COHEN, Mr. WEINER, Mr. KAGEN, Ms. KILPATRICK of Michigan, Mr. HALL of New York, and Ms. BORDALLO.

H. Res. 173: Mr. CHANDLER, Mr. SCHAUER, Ms. WASSERMAN SCHULTZ, Mr. TERRY, Mr. MCMAHON, Mr. TONKO, Mr. LANGEVIN, Mr. BOCCIERI, Mr. WELCH, Mr. KILDEE, Mr. NEAL of Massachusetts, and Mr. SPACE.

H. Res. 764: Mr. CLEAVER.

H. Res. 873: Mr. ROTHMAN of New Jersey, Mr. QUIGLEY, Mr. PETERS, and Mr. HINCHEY.

H. Res. 913: Mr. GERLACH and Mr. DAVIS of Illinois.

H. Res. 936: Ms. NORTON.

H. Res. 1056: Mr. WOLF.

H. Res. 1077: Mr. DEUTCH.

H. Res. 1149: Mr. HOEKSTRA, Mr. POLIS, Mr. EHLERS, Mr. CASSIDY, and Mr. PETRI.

H. Res. 1162: Mr. SIRES, Mr. INSLEE, Mr. PETERSON, Mr. LUJÁN, Mr. BISHOP of New York, Mr. HIMES, Mr. LARSON of Connecticut, Ms. DELAURO, Ms. BORDALLO, Ms. RICHARDSON, Mr. CONYERS, and Ms. MCCOLLUM.

H. Res. 1207: Mr. MILLER of Florida, Mr. LATTA, and Ms. SHEA-PORTER.

H. Res. 1224: Ms. MCCOLLUM.

H. Res. 1226: Mr. SIRES, Ms. DELAURO, and Mr. DAVIS of Kentucky.

H. Res. 1231: Mr. MORAN of Virginia, Mr. CROWLEY, Mr. CARNAHAN, Mr. LOBIONDO, Mr. WU, Ms. SLAUGHTER, Mrs. CAPPS, Mr. CAPUANO, Mr. BAIRD, and Mr. SCHIFF.

H. Res. 1234: Mr. ARCURI.

H. Res. 1245: Mr. AKIN, Mr. JORDAN of Ohio, Mr. WILSON of South Carolina, Mr. LAMBORN, Mr. PENCE, Mr. MARCHANT, Mr. POSEY, Mr. HENSARLING, Mr. KING of Iowa, Mr. MANZULLO, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. SHADEGG, Ms. GRANGER, Mr. GINGREY of Georgia, Mr. PITTS, Mrs. SCHMIDT, Mr. FLEMING, Mr. LATTA, Mr. SMITH of Texas, Mrs. BACHMANN, Mr. ROGERS of Kentucky, and Ms. JENKINS.

H. Res. 1247: Mr. DRIEHAUS, Mr. CAO, Mr. FARR, and Mr. TONKO.

H. Res. 1258: Mr. REYES, Mr. SABLAN, Ms. VELÁZQUEZ, Mr. COSTA, Ms. LINDA T. SÁNCHEZ of California, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. MCMAHON, Mr. GUTIERREZ, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. OBERSTAR, Mr. SERRANO, Mr. ORTIZ, and Mr. SCHIFF.

H. Res. 1277: Mr. ALTMIRE, Mr. JACKSON of Illinois, Ms. NORTON, and Mr. COHEN.

H. Res. 1279: Mr. DANIEL E. LUNGREN of California, Mr. NEUGEBAUER, Mr. MARCHANT, Mr. CHAFFETZ, Mr. HENSARLING, Mrs. BACHMANN, Mr. BISHOP of Utah, Mr. KINGSTON, Mr. GOHMERT, Mr. LUETKEMEYER, Mr. SHADEGG, Ms. GRANGER, Mr. PITTS, Mrs. SCHMIDT, Mr. FLEMING, Mr. SMITH of Texas, Mr. ISSA, and Mr. BARRETT of South Carolina.

H. Res. 1285: Mr. WEINER and Mr. MCMAHON.

H. Res. 1291: Mr. RODRIGUEZ, Ms. TITUS, and Mr. WALZ.

H. Res. 1294: Mr. WALZ.

H. Res. 1295: Mr. POMEROY, Mr. GERLACH, Mr. REHBERG, Mr. BILIRAKIS, Mr. ROE of Tennessee, Mr. GRIFFITH, Mr. ALEXANDER, Mr. MCCAUL, Mr. BRADY of Pennsylvania, Mr. BAIRD, Mr. JORDAN of Ohio, Mr. EHLERS, Mr. KINGSTON, Mr. CASTLE, Mr. INGLIS, Mr. SCALISE, Ms. WASSERMAN SCHULTZ, Mrs. SCHMIDT, Mr. PETRI, Mr. SCHIFF, Mr. AUSTRIA, Mr. BRALEY of Iowa, Mr. LARSEN of Washington, Mr. MCKEON, Mr. LIPINSKI, Mr. HELLER, Mr. UPTON, Mr. TURNER, Mr. KIRK, Mrs. DAHLKEMPER, Mr. DOGGETT, Mr. HOLT, Ms. KAPTUR, Mr. LYNCH, Mr. LAMBORN, Mr. BONNER, Mr. SMITH of New Jersey, Mr. LOBIONDO, Mr. SHADEGG, Mr. TAYLOR, Mr. POSEY, Mr. MCHENRY, Mrs. BIGGERT, Mrs. CAPITO, Mr. COSTA, Mr. HERGER, Mr. CARTER, Mr. HALL of Texas, Mr. SAM JOHNSON of Texas, Mr. PENCE, Mr. CHAFFETZ, Mr. GUTIERREZ, Mr. KENNEDY, Mr. WHITFIELD, Mr. PRICE of North Carolina, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. ROYCE, and Mr. DUNCAN.

H. Res. 1297: Mr. PETERS, Mr. FORTENBERRY, Mr. CAMP, Mr. MURPHY of New York, Mr. MILLER of North Carolina, Mr. PETERSON, Mrs. DAHLKEMPER, Mr. CROWLEY, Mr. HIMES, Mr. CONNOLLY of Virginia, Mr. TONKO, Mr. STUPAK, and Mr. QUIGLEY.

H. Res. 1299: Ms. MATSUI, Mr. COSTA, Mr. SABLAN, Mr. HELLER, and Mr. MCCAUL.

¶51.39 PETITIONS

Under clause 3 of rule XII,

122. The SPEAKER presented a petition of City of Lauderhill, Florida, relative to Resolution No. 10R-02-46 congratulating the President on receiving the 2009 Nobel Peace Prize; which was referred to the Committee on Foreign Affairs.

MONDAY, MAY 3, 2010 (52)

¶52.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
May 3, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶52.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced she had examined and approved the Journal of the proceedings of Thursday, April 29, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶52.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7283. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements [Doc. No.: AMS-FV-09-0085; FV10-925-1 IFR] received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7284. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Relaxation of the Handling Regulation for Area No. 3 [Doc. No. AMS-FV-08-0115; FV09-948-2 IFR] received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7285. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Changes in Hourly Fee Rates for Science and Technology Laboratory Services-Fiscal Years 2010-2012 [Document Number: AMS-ST-09-0016] (RIN: 0581-AC98) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7286. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches [Doc. No.: AMS-FV-09-0090; FV10-916/917-1 IFR] received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7287. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Citrus Seed Imports; Citrus Greening and Citrus Variegated Chlorosis [Docket No.: APHIS-2008-0052] (RIN: 0579-AD07) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7288. A letter from the Director, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations; Defining Mutual Funds as Financial Institutions (RIN: 1506-AA93) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7289. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Air Brake Systems [Docket No.: NHTSA 2009-0175] (RIN: 2127-AK62) received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7290. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Theft Protection and Rollaway Prevention [Docket No.: NHTSA 2010-0043] (RIN: 2127-AD38) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7291. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the State of Louisiana [EPA-R06-OAR-2006-0851; FRL-9137-2] received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7292. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wyoming; Revisions to the Wyoming Air Quality Standards and Regulations; Direct Final Rule [EPA-R08-OAR-2009-0052; FRL-9136-6] received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7293. A letter from the Chair, State Energy Advisory Board, transmitting the Board's FY 2009 annual report entitled, ''A New Direction: Providing Insight into Programs and Opportunities Created By the Recovery Act''; to the Committee on Energy and Commerce.

7294. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

7295. A letter from the Equal Employment Opportunity Director, Farm Credit Administration, transmitting the Administration's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7296. A letter from the Acting Secretary of the Commission, Federal Trade Commission, transmitting the Commission's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7297. A letter from the Acting General Counsel, Government Accountability Office, transmitting the Office's annual 2009 report of the Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002; to the Committee on Oversight and Government Reform.

7298. A letter from the Director, Office of Civil Rights, International Broadcasting Bureau, transmitting the Bureau's annual report for fiscal year 2009 on the Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002; to the Committee on Oversight and Government Reform.

7299. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7300. A letter from the Director, Office of Personnel Management, transmitting the Chief Human Capital Officers (CHCO) Council's Report to Congress covering FY 2009, pursuant to 5 U.S.C. 1401 note Public Law 107-296 section 1303(d); to the Committee on Oversight and Government Reform.

7301. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7302. A letter from the Administrator, Small Business Administration, transmitting the Administration's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7303. A letter from the Administrator, Social Security Administration, transmitting the Administration's report for fiscal year 2009 on competitive sourcing efforts as required by Section 647(b) of Division F of the Consolidated Appropriations Act, 2004, Pub. L. 108-199; to the Committee on Oversight and Government Reform.

7304. A letter from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Attestation Applications by Facilities Temporarily Employing H-1C Nonimmigrant Foreign Workers as Registered Nurses; Final Rule (RIN: 1205-AB52) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7305. A letter from the Deputy Assistant General Counsel, Aviation Enforcement & Proceedings, Department of Transportation, transmitting the Department's final rule — Enhancing Airline Passenger Protections: Extension of Compliance Date for Posting Flight Delay Data on Websites [Docket No.: DOT-OST-2010-0039] (RIN No.: 2105-AE00) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶52.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 30, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 30, 2010 at 11:20 a.m.:

That the Senate agreed to S. Con. Res. 61.

That the Senate agreed to S. Con. Res. 62.

That the Senate passed without amendment H.R. 3714.

That the Senate agreed to without amendment H. Con. Res. 264.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶52.5 SENATE CONCURRENT RESOLUTIONS REFERRED

Concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 61. A concurrent resolution expressing the sense of the Congress that general aviation pilots and industry should be recognized for the contributions made in response to Haiti earthquake relief efforts; to the Committee on Transportation and Infrastructure.

S. Con. Res. 62. A concurrent resolution congratulating the outstanding professional public servants, both past and present, of the Natural Resources Conservation Service on the occasion of its 75th anniversary; to the Committee on Agriculture.

And then,

¶52.6 ADJOURNMENT

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, by unanimous consent, and pursuant to the special order of the House agreed to on April 29, 2010, at 10 o'clock and 6 minutes a.m., declared the House adjourned until 12:30 p.m. on Tuesday, May 4, 2010.

¶52.7 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

[The following action occurred on April 30, 2010]

H.R. 2989. Referral to the Committee on Ways and Means extended for a period ending not later than May 28, 2010.

¶52.8 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 5019 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

¶52.9 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Ms. TSONGAS (for herself, Mr. TURNER, Ms. SHEA-PORTER, Mrs. MCMORRIS RODGERS, Ms. GIFFORDS, Ms. DELAURO, Ms. HARMAN, Mr. WALZ, Mr. MCGOVERN, Mrs. CAPPS, and Mr. CLEAVER) introduced a bill (H.R. 5197) to implement recommendations of the Defense Task Force on Sexual Assault in the Military Services; which was referred to the Committee on Armed Services.

¶52.10 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2506: Mr. COLE.

H.R. 2850: Mr. COURTNEY.

H.R. 4128: Mrs. MALONEY, Mr. HODES, Ms. ROS-LEHTINEN, and Mr. ENGEL.

H.R. 4844: Mr. WU and Mr. CALVERT.

H. Con. Res. 262: Ms. CLARKE and Mr. CUMMINGS.

H. Res. 1153: Mr. HEINRICH, Mr. TURNER, Mr. MILLER of Florida, Ms. GIFFORDS, Mr. NYE, Mr. ALTMIRE, and Mr. MURPHY of New York.

H. Res. 1290: Ms. WASSERMAN SCHULTZ, Mrs. CAPPS, Ms. HARMAN, Ms. VELÁZQUEZ, Mr. GRIJALVA, and Mr. FILNER.

TUESDAY, MAY 4, 2010 (53)

¶53.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. YARMUTH, who laid before the House the following communication:

WASHINGTON, DC,
May 4, 2010.

I hereby appoint the Honorable JOHN A. YARMUTH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members

were recognized for morning-hour debate.

¶53.2 RECESS—12:40 P.M.

The SPEAKER pro tempore, Mr. YARMUTH, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 40 minutes p.m., until approximately 2 p.m.

¶53.3 AFTER RECESS—2 P.M.

The SPEAKER called the House to order.

¶53.4 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Monday, May 3, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶53.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7306. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's annual report for 2009 on the STARBASE Program, pursuant to 10 U.S.C. 2193b(g); to the Committee on Armed Services.

7307. A letter from the Secretary, Department of the Army, transmitting report on future research and development of manportable and vehicle mounted guided missile systems; to the Committee on Armed Services.

7308. A letter from the Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting the Department's final rule — Coal Mine Dust Sampling Devices (RIN: 1219-AB61) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7309. A letter from the Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting the Department's final rule — High-Voltage Continuous Mining Machine Standard for Underground Coal Mines (RIN: 1219-AB34) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7310. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-04, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

7311. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-14, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

7312. A letter from the Assistant Secretary, legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-016 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7313. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-023, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7314. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-026 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7315. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-015, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7316. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-019, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7317. A letter from the Deputy Secretary, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, reports prepared by the Department of State on a weekly basis for the December 15 — February 15, 2010 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

7318. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Salt Creek Tiger Beetle [Docket No.: FWS-R6-ES-2007-0014] (RIN: 1018-AT79) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7319. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XV34) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7320. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XV51) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7321. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Invista Inc Facility Docks, Victoria Barge Canal, Victoria, TX [Docket No.: USCG-2009-0797] (RIN: 1625-AA00) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7322. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Congress Street Bridge, Pequonnock River, Bridgeport, Connecticut [Docket No.: USCG-2009-1072] (RIN: 1625-AA00) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7323. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Todd Pacific Shipyards Vessel Launch, West Duwamish Waterway, Seattle, WA [Docket No.: USCG-2009-1073] (RIN: 1625-AA00) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7324. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Escorted U.S. Navy Submarines in Sector Seattle Captain of the Port Zone [Docket No.: USCG-2009-1057] (RIN: 1625-AA87) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7325. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Great Egg Harbor Bay, between Beesleys Point and Somers Point, NJ [Docket No.: USCG-2009-0453] (RIN: 1625-AA09) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7326. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Havasu Landing Annual Regatta; Colorado River, Lake Havasu Landing, CA [Docket No.: USCG-2009-1060] (RIN: 1625-AA00) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7327. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; AICW Closure Safety Zone for Ben Sawyer Bridge Replacement Project, Sullivan's Island, SC [Docket No.: USCG-2009-0878) (RIN: 1625-AA00) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7328. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Baltimore Captain of Port Zone [Docket No.: USCG-2009-1130] (RIN: 1625-AA00) received April 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7329. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; U.S. Navy Submarines, Hood Canal, WA [Docket No.: USCG-2009-1058] (RIN: 1625-AA11) received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7330. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bullards Ferry Bridge, Coquille River, Bandon, OR [Docket No.: USCG-2009-0839] (RIN: 1625-AA09) received April 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7331. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''25th Annual Report of Accomplishments Under the Airport Improvement Program for Fiscal Year (FY) 2008'', pursuant to 49 U.S.C. 47131; to the Committee on Transportation and Infrastructure.

7332. A letter from the Director, National Intelligence, transmitting annual report on acquisition by foreign countries ''dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, biological weapons) and advanced conventional munitions'' covering January 1, to December 31, 2009; to the Committee on Intelligence (Permanent Select).

7333. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Memorandum of justification

for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority, pursuant to Public Law 111-8, section 7040(d); jointly to the Committees on Foreign Affairs and Appropriations.

7334. A letter from the Director, Congressional Budget Office, transmitting an estimate of the direct spending and revenue effects of an amendment in the nature of a substitute to H.R. 4872, the Reconciliation Act of 2010; jointly to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

7335. A letter from the Chairman, U.S.-China Economic & Security Review Commission, transmitting the Commission's record of the public hearing on ''U.S. Debt to China: Implications and Repercussions''; jointly to the Committees on Ways and Means, Foreign Affairs, and Armed Services.

¶53.6 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that, pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, April 30, 2010:

H.R. 5146. An Act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

¶53.7 NATIONAL SCIENCE FOUNDATION

Ms. FUDGE moved to suspend the rules and agree to the following resolution (H. Res. 1307):

Whereas Congress created the National Science Foundation in 1950 to promote the progress of science, to advance the national health, prosperity, and welfare, and to secure the national defense;

Whereas the National Science Foundation, under the capable leadership of its directors, advised by the distinguished members of the National Science Board, has worked continuously and successfully for 60 years to ensure that the United States maintains its leadership in discovery, innovation, and learning in science, engineering, and mathematics;

Whereas the National Science Foundation strengthens the economy and improves the quality of life in the United States as the Federal Government's only agency dedicated to the support of fundamental research and education in all scientific and engineering disciplines;

Whereas the National Science Foundation supports a network of 200,000 individuals each year, including scientists, engineers, students, and educators at over 2,000 colleges and universities, schools, nonprofit organizations, science centers and museums, and small businesses throughout our Nation, and funds multi-user facilities and tools for conducting world-class research and research training;

Whereas during the past decade, the National Science Foundation has met increasingly challenging national needs with strategic planning, hard work, and unrelenting dedication;

Whereas the National Science Foundation supports science, technology, engineering, and mathematics (STEM) education at all levels, including support for undergraduate and graduate students, early-career researchers, and K–12 STEM teachers, and emphasizes broadening participation in the Nation's science and engineering research and education enterprises;

Whereas the National Science Foundation, through its National Hazards Reduction Program, the George E. Brown, Jr., Network for Earthquake Engineering Simulation, the Approaches to Combat Terrorism program, and similar research activities, has contributed to predicting and reducing the risk of devastation from natural and manmade disasters, and during the past decade has funded quick-response research at the sites of unprecedented national and international tragedies, including the September 11 attacks on the United States, the South Asian earthquake and tsunami, Hurricane Katrina, and the Haitian earthquake, which in turn will contribute to further preventing and mitigating the impact of future disasters;

Whereas the contributions of the National Science Foundation to understanding the fundamental nature of the universe included the completion, during the past decade, of the Robert C. Byrd Green Bank Telescope, the Gemini South Telescope, the Long-Range Interferometer Gravitational-wave Observatory, the South Pole Telescope, and the United States contribution to the Large Hadron Collider; and

Whereas the research and observations supported by the National Science Foundation and conducted in the United States in the polar regions and across the planet increasingly contribute to our understanding of the climate: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significance of the anniversary of the founding of the National Science Foundation;

(2) acknowledges that 60 years of National Science Foundation achievements and service to the United States have advanced our Nation's leadership in discovery, innovation, and learning in science, engineering, and mathematics; and

(3) reaffirms its commitment to support investments in basic research, education, and technological advancement through the National Science Foundation, one of the premier scientific organizations in the World.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. FUDGE and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FUDGE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶53.8 LAB DAY

Ms. FUDGE moved to suspend the rules and agree to the following resolution (H. Res. 1213):

Whereas in 2005 the National Academy of Sciences published a report entitled ''Rising Above the Gathering Storm'', which estimated that in the United States innovations generated by the Science, Technology, Engineering, and Mathematics (STEM) fields account for nearly half of the growth in gross domestic product;

Whereas in 2006 only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore;

Whereas increasing the number of students pursuing careers in STEM fields is vital to the global competitiveness of the United States;

Whereas many STEM occupations do not have representation of women and underrepresented minorities proportional to these groups in the population or their enrollment in higher education;

Whereas strengthening partnerships between the Federal and State governments, the private sector, nonprofit organizations, professional societies, and the education community will improve STEM education in our Nation's schools;

Whereas the Bureau of Labor Statistics reports that science and engineering occupations are projected to grow by 21.4 percent from 2004 to 2014, compared to a projected growth of 13 percent in all occupations during the same time period;

Whereas an understanding of science and mathematics is necessary not only for those who will enter STEM fields as majors but for all citizens to understand scientific and technical issues that affect their lives;

Whereas scientific and technical skills are a requirement for an increasingly wide range of occupations and hands-on inquiry-based learning in the STEM fields is an essential element of a well-rounded education;

Whereas the President has launched an ''Educate to Innovate campaign'' which aims to increase STEM literacy so that all students can learn deeply and think critically in STEM, to move American students from the middle of the pack to the top in the next decade, and to expand STEM education and career opportunities for underrepresented groups, including women and girls;

Whereas National Lab Day is a nationwide initiative to foster community-based collaborations between educators and STEM professionals and other volunteers across the country to support high-quality, hands-on, discovery-based laboratory experiences for students;

Whereas more than 200 business, science and technology, and education organizations have declared their support for National Lab Day; and

Whereas schools and educators across the country will celebrate the first National Lab Day during the first week of May at a time of their own choosing: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the ideals of National Lab Day;

(2) calls upon the Office of Science and Technology Policy and the National Science Foundation to continue fostering partnerships such as those involved in National Lab Day; and

(3) encourages scientists, volunteers, and educators to participate in National Lab Day.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. FUDGE and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FUDGE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶53.9 LASER 50TH ANNIVERSARY

Ms. FUDGE moved to suspend the rules and agree to the following resolution (H. Res. 1310):

Whereas the invention of the laser was one of the groundbreaking scientific achievements of the 20th century;

Whereas in 1953, Charles H. Townes, along with graduate students James Gordon and Herbert Zeiger produced the first master device, which was a precursor to the laser that relied on microwave radiation instead of visible or infrared radiation;

Whereas concurrent to Charles H. Townes' activities, Nikolay Basov and Aleksandr Prokhorov of the Soviet Union independently produced a maser with significant technical advances which allowed continuous output;

Whereas Charles H. Townes, Nikolay Basov, and Aleksandr Prokhorov shared the 1964 Nobel Prize in Physics for their ''fundamental work in the field of quantum electronics'', which led to the construction of masers, and subsequently lasers;

Whereas in 1960, Theodore H. Maiman constructed the first functioning laser at Hughes Research Laboratories in Malibu, California, and the laser was first operated on May 16, 1960;

Whereas Theodore H. Maiman was the recipient of the 1983/1984 Wolf Prize in Physics for his realization of the first operating laser;

Whereas since being created in 1960, lasers have become an integral and essential part of our daily lives. Lasers can be found in a wide range of applications including in compact disc players, laser printers, barcode scanners, digital video devices (DVDs), industrial welders, and surgical apparatus, amongst others;

Whereas total global sales of lasers in 2010 is expected to top 5.9 billion dollars;

Whereas innovations flowing from basic research such as the laser have made America into the world leader in technology development;

Whereas continued support of scientific research programs is indispensable to maintaining America's position as the global leader in technology and innovation; and

Whereas LaserFest is a year-long celebration of the 50th anniversary intended to bring public awareness to the story of the laser and scientific achievement generally, and was founded by the following partners: the Optical Society of America, the American Physical Society, the International Society for Optical Engineering, and IEEE: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 50th anniversary of the laser; and

(2) recognizes the need for continued support of scientific research to maintain America's future competitiveness.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. FUDGE and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶53.10 TELEVISION INFRARED OBSERVATION SATELLITE

Ms. FUDGE moved to suspend the rules and agree to the following resolution (H. Res. 1231):

Whereas, April 1, 2010, is the 50th anniversary of the launch by the United States of the Television Infrared Observation Satellite (TIROS I), the first weather observation satellite, that was capable of taking television images on command and remotely at locations around the world, and either recording the pictures as television signals for subsequent playback or transmitting the images to ground stations in real time;

Whereas TIROS resulted from the actions by President Eisenhower and Congress to create the National Aeronautics and Space Administration (NASA), a civilian space agency, which applied technology from several military programs that had been directed by the U.S. Army Signal Corps Development and Research Labs (USASCDRL) at Fort Monmouth, New Jersey, and the United States Army Ballistic Missile Agency in Huntsville, Alabama;

Whereas TIROS I images offered meteorologists the ability to examine large-scale weather patterns to improve weather forecasting and enable early warning of approaching storms, thus saving lives and property around the world;

Whereas the TIROS I images led to a better understanding of global patterns and supported transmission of detailed local weather information to national weather agencies around the world;

Whereas the realization of TIROS I was made possible by years of development of computers, missile systems, television imaging, magnetic recording, semiconductor devices, and solar cell applications, all of which resulted from both Government and private sector investments;

Whereas Government investments in research and development made possible the deployment of satellite tracking networks, worldwide WWV receiver time base systems, tracking data reduction for orbit element determination, and other facilities essential to the satellite applications;

Whereas Government and contractor personnel collaborated to observe and analyze the motion of TIROS I in the Earth's magnetic field, and developed satellite magnetic attitude controls for later TIROS and other spacecraft to utilize the Earth's magnetic field to orient satellites in Earth orbit;

Whereas the success of TIROS I was a significant Cold War event that restored the national pride and confidence in the space program;

Whereas, since the launch of TIROS I, the United States has launched over 82 experimental and operational meteorological satellites;

Whereas NASA's Nimbus Satellites and Advanced Communications Technology Satellite continued to enhance understanding and performance by further testing and development of space power systems, sensor development, and other technologies;

Whereas the National Oceanic and Atmospheric Administration (NOAA) manages and operates fleets of satellites for the purposes of environmental and weather monitoring;

Whereas similar TIROS missions employed launch vehicles, spacecraft, and imaging equipment that was developed by NASA, the United States Air Force and their contractors and has performed in an outstanding manner;

Whereas the next 50 years of United States accomplishments in space, like other important fields, will rely on individuals possessing strong mathematics, science, and engineering skills and the educators who will train such individuals; and

Whereas the United States space program enables the development of advanced technologies, skills, and capabilities that support the competitiveness and economic growth of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the achievement of the National Aeronautics and Space Administration and the Television Infrared Observation Satellite (TIROS I) team who worked together to enable the successful launch and operation of TIROS I by the United States to establish applications of space systems and technology for the benefit of people worldwide;

(2) supports science, technology, engineering, and mathematics education programs which are critical for preparing the next generation of engineers and scientists to lead future United States space endeavors;

(3) recognizes the role of the United States space program in strengthening the scientific and engineering foundation that contributes to United States innovation and economic growth; and

(4) looks forward to the next 50 years of United States achievements in the peaceful use of space to benefit all mankind.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. FUDGE and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶53.11 FIRST USE OF THE TELESCOPE 400TH ANNIVERSARY

Ms. FUDGE moved to suspend the rules and agree to the following resolution (H. Res. 1269):

Whereas 2009 is the 400th anniversary of the first use of the improved telescope capable of astronomical observations by its developer, the Italian Renaissance scientist Galileo Galilei;

Whereas Galileo, born in Pisa, Italy, in 1564, was educated at the University of Pisa where he became Professor of Mathematics;

Whereas he attained life tenure as Chair of Mathematics at University of Padua;

Whereas Galileo was appointed Chief Philosopher and Mathematician to the Grand Duke of Tuscany, Cosimo de' Medici II, his patron;

Whereas Galileo had an integral role in the Scientific Revolution of the 17th Century due to his major contributions as a physicist, mathematician, astronomer, and philosopher;

Whereas Galileo is universally regarded as the ''Father of Modern Astronomy'', ''Father of Modern Physics'', and ''Father of Modern Science'';

Whereas his experiments on the laws of motion, falling bodies, and the parabolic paths of projectiles and his observations of

astronomical bodies were scientific advances;

Whereas his inventions, the enhanced telescope; hydrostatic balance; geometric and military compass; thermoscope (thermometer); perfected compound microscope; pulsilogium (pulsiometer), enabled practical applications in the fields of military and civil engineering, navigation, medicine, and astronomy;

Whereas his newly designed instruments of measurement, coupled with his theory that the natural world was written in the language of mathematics, laid the groundwork for modern scientific method and research;

Whereas Galileo's use of his telescope, the central instrument of the Scientific Revolution, enabled his discovery of certain features of the surface of the moon, the moons of Jupiter, the phases and motion of Venus, and sunspots;

Whereas these findings confirmed that the Copernican Sun Centered Solar System was plausible;

Whereas this changed human understanding of the cosmos;

Whereas Galileo published his theories and findings in several treatises, letters, and books, most importantly, Siderius Nuncius and the Dialogue Concerning the Two Chief World Systems;

Whereas Galileo's body of work enabled subsequent generations, in particular in the United States, to build on the tradition of scientific research, to be in the forefront of new scientific endeavors, specifically in medicine, technology, and space exploration, resulting in the betterment of mankind;

Whereas the United States of America has previously honored the scientist through naming a research aircraft, ''Galileo'', commissioned for the Eclipse Expedition in 1965, and naming one of its major interplanetary missions, the Galileo Expedition to Jupiter, launched in 1989 and ending its 14-year odyssey in 2003;

Whereas America also has built on the legacy of Galileo with NASA's most successful long-term science mission, the launch in 1990 of the Hubble Space Telescope, which contributes to our understanding of the universe;

Whereas as part of NASA's tribute to Galileo, a replica of Galileo's telescope, provided by the Istituto e Museo di Storia della Scienza, Florence, Italy, was carried into space by Italian American astronaut, Michael Massimino, on the May 2009 Atlantis mission to repair and update the orbiting Hubble telescope;

Whereas 2009 also marks the 40th anniversary of the moon landing by the Apollo 11 astronauts, which gave mankind first hand knowledge of the moon's surface, first observed in detail when Galileo turned his telescope to the sky in 1609;

Whereas the United Nations ''The International Year of Astronomy 2009'' is a global effort with over 140 countries participating, initiated by the International Astronomical Union (IAU) and UNESCO, at the request of Italy, Galileo's native country; and

Whereas organizations, educational institutions, government entities, most notably in Italy, Istituto e Museo di Storia della Scienza and in the United States, NASA, Smithsonian Institution, Franklin Institute in Philadelphia, Italian Embassy and Italian Consulates, National Italian American Foundation and Italian Heritage and Culture Committee of New York, Inc., are celebrating the genius of Galileo Galilei and ''The International Year of Astronomy 2009'' with numerous public programs, publications, symposia, proclamation ceremonies, and tributes to Galileo and his legacy: Now, therefore, be it

Resolved, That the Congress of the United States of America commemorates the 400th anniversary of the first use of the telescope by Galileo Galilei for astronomical observation and marks this discovery as one of the major events impacting mankind, and expresses its gratitude for Galileo's expansion of the universe and mankind's understanding of his place in the cosmos, and that the Congress of the United States of America joins the world in celebration of ''The International Year of Astronomy''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. FUDGE and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶53.12 REDESIGNATE THE DEPARTMENT OF THE NAVY

Mr. HEINRICH moved to suspend the rules and pass the bill (H.R. 24) to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. HEINRICH and Mr. JONES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶53.13 USS NEW MEXICO

Mr. HEINRICH moved to suspend the rules and agree to the following resolution (H. Res. 1132); as amended:

Whereas the mission statement of the United States Navy is to ''maintain, train and equip combat-ready Naval forces capable of winning wars, deterring aggression and maintaining freedom of the seas'';

Whereas the Virginia-class submarine is the first U.S. Navy attack submarine to be designed for post-Cold War missions and is capable of operating in the open ocean as well as close to shore;

Whereas the Virginia-class submarine is capable of submerged speeds of more than 25 knots and can stay submerged for extended periods at sea;

Whereas the Secretary of the Navy has named the U.S. Navy's sixth Virginia-class fast-attack nuclear powered submarine the USS New Mexico (SSN 779);

Whereas this submarine honors the legacy of the battleship USS New Mexico (BB–40), which served in both the Pacific and Atlantic theaters during World War II;

Whereas the USS New Mexico was constructed 4 months ahead of schedule, achieving the shortest construction period of any Virginia-class submarine;

Whereas the USS New Mexico is a state-of-the-art, nuclear powered submarine that will help fulfill the U.S. Navy's mission to deter aggression and maintain freedom of the seas;

Whereas the State of New Mexico and its two national security laboratories, Sandia National Laboratories and Los Alamos National Laboratory, have made significant contributions to the Nation's nuclear development, including the advancement of nuclear powered submarines;

Whereas the Commanding Officer of the USS New Mexico embraced the sense of New Mexican culture within the submarine including naming the ship's galley ''La Posta'' after a restaurant in Mesilla, New Mexico;

Whereas Ms. Emilee Sena of Albuquerque, New Mexico, submitted the winning design for the USS New Mexico's crest, which symbolizes the beauty of New Mexico as well as the inscription ''We Defend Our Land'' in the Spanish language;

Whereas the USS New Mexico Commissioning Committee of the Navy League's New Mexico Council led a dedicated 5-year statewide grassroots initiative to have the sixth Virginia-class submarine named New Mexico and has played a tremendous role in planning construction milestone ceremonies and supporting crew activities throughout the vessel's development;

Whereas the USS New Mexico was commissioned by the U.S. Navy on March 27, 2010, at the Norfolk Naval Base in Norfolk, Virginia; and

Whereas New Mexico, ''The Land of Enchantment'', is proud to be honored with the most modern and sophisticated attack submarine in the world, providing undersea supremacy well into the 21st century: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the USS New Mexico (SSN 779) as one of the most advanced submarines in the history of the U.S. Navy;

(2) commends the diligence of the New Mexico Council, Navy league of the United States, and the USS New Mexico Commissioning Committee who contributed to the support of the USS New Mexico;

(3) commends the dedicated craftsman, designers, engineers, and support staff of the Navy-industry team who contributed so vitally to the construction, testing, and trials of USS New Mexico; and

(4) honors Commander Mark Prokopius, United States Navy, the ships first Commanding Officer, Senior Chief Petty Officer Eric Murphy, United States Navy, the ships first Chief of the Boat, the commissioning crew, and the sailors who will man this ship for the next three decades maintaining an ever present silent presence throughout the oceans of the world ensuring the peace and safety of the United States.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. HEINRICH and Mr. JONES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HEINRICH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶53.14 RECESS—3:21 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 21 minutes p.m., until approximately 6:30 p.m.

¶53.15 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, called the House to order.

¶53.16 H. RES. 1307—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1307) honoring the National Science Foundation for 60 years of service to the Nation.

The question being put,

Will the House suspend the rules and agreed to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 370 Nays 2

¶53.17 [Roll No. 243]

YEAS—370

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

NAYS—2

Broun (GA)
Paul

NOT VOTING—58

Austria
Bean
Blackburn
Blunt
Brady (TX)
Burton (IN)
Butterfield
Buyer
Campbell
Cardoza
Carson (IN)
Coble
Cohen
Conaway
Conyers
Costa
Costello
Davis (AL)
DeGette
Dicks
Edwards (TX)
Fallin
Flake
Fortenberry
Griffith
Grijalva
Guthrie
Hinojosa
Hodes
Hoekstra
Kirk
Lamborn
Larson (CT)
Lee (CA)
Lucas
Lummis
Markey (CO)
McCaul
McHenry
Melancon
Oberstar
Payne
Perlmutter
Peterson
Platts
Radanovich
Rohrabacher
Roybal-Allard
Rush
Scott (VA)
Smith (NE)
Taylor
Thompson (MS)
Tonko
Towns
Watson
Welch
Wilson (OH)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶53.18 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE ANGELO RONCALLO

The SPEAKER pro tempore, Mrs. DAHLKEMPER, announced that all Members stand and observe a moment of silence in memory of the late Honorable Angelo Roncallo.

¶53.19 H. RES. 1213—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1213) recognizing the need to improve the participation and performance of America's students in Science, Technology, Engineering, and Mathematics (STEM) fields, supporting the ideals of National Lab Day, and for other purposes.

The question being put,

Will the House suspend the rules and agreed to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 378 Nays 2

¶53.20 [Roll No. 244]

YEAS—378

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

Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Perlmutter
Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
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Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Broun (GA)
Paul

NOT VOTING—50

Aderholt
Austria
Bean
Blackburn
Blunt
Burton (IN)
Butterfield
Buyer
Campbell
Cardoza
Carson (IN)
Coble
Cohen
Conaway
Conyers
Costello
Davis (AL)
DeGette
Dicks
Fallin
Flake
Fortenberry
Grijalva
Guthrie
Hinojosa
Hodes
Hoekstra
Kirk
Lamborn
Larson (CT)
Lee (CA)
Lucas
Lummis
Markey (CO)
McHenry
McKeon
Melancon
Payne
Pence
Peterson
Radanovich
Rohrabacher
Roybal-Allard
Rush
Scott (VA)
Smith (NE)
Taylor
Thompson (MS)
Towns
Wilson (OH)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶53.21 H. RES. 1132—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1132) honoring the USS New Mexico as the sixth Virginia-class submarine commissioned by the U.S. Navy to protect and defend the United States; as amended.

The question being put,

Will the House suspend the rules and agreed to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 378 / Nays 1

¶53.22 [Roll No. 245]

YEAS—378

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

NAYS—1

Markey (MA)

NOT VOTING—51

Aderholt
Austria
Bachus
Bean
Blackburn
Blunt
Burton (IN)
Butterfield
Buyer
Campbell
Cardoza
Carson (IN)
Coble
Cohen
Conaway
Conyers
Costello
Davis (AL)
DeGette
Dicks
Fallin
Flake
Fortenberry
Grijalva
Guthrie
Hinojosa
Hodes
Hoekstra
Kirk
Lamborn
Larson (CT)
Lee (CA)
Lucas
Lummis
Markey (CO)
McHenry
Melancon
Payne
Pence
Peterson
Radanovich
Rohrabacher
Roskam
Roybal-Allard
Rush

Scott (VA)	Taylor	Towns
Smith (NE)	Thompson (MS)	Wilson (OH)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶53.23 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mrs. DAHLKEMPER, laid before the House a communication, which was read as follows:

MAY 3, 2010.
Hon. NANCY PELOSI,
Speaker, The Capitol,
House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, May 3, 2010 at 3:23 p.m., and said to contain a message from the President whereby he submits to the Congress a copy of a notice continuing the national emergency with respect to the Syrian Government.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶53.24 NATIONAL EMERGENCY WITH RESPECT TO SYRIA

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency with respect to the actions of the Government of Syria declared in Executive Order 13338 of May 11, 2004, and relied upon for additional steps taken in Executive Order 13399 of April 25, 2006, and Executive Order 13460 of February 13, 2008, is to continue in effect beyond May 11, 2010.

While the Syrian government has made some progress in suppressing foreign fighter networks infiltrating suicide bombers into Iraq, its actions and policies, including continuing support for terrorist organizations and pursuit of weapons of mass destruction and missile programs, pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions to address this national emergency. As we have communicated to the Syrian government directly, Syrian actions will determine whether this national emergency is renewed or terminated in the future.

BARACK OBAMA.

THE WHITE HOUSE, *May 3, 2010.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–105).

¶53.25 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5146. An Act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

¶53.26 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on April 29, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 5147. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

Lorraine C. Miller, Clerk of the House, further reported that on May 3, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 5146. An Act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

¶53.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BURTON of Indiana, for today; and

To Mr. LUCAS, for today.

And then,

¶53.28 ADJOURNMENT

On motion of Mr. KING of Iowa, at 10 o'clock and 36 minutes p.m., the House adjourned.

¶53.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 263. Resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run (Rept. 111–470). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 247. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 111–471). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 1301. Resolution supporting the goals and ideals of National Train Day (Rept. 111–472). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 1278. Resolution in support and recognition of National Safe Digging Month, April, 2010; with amendments (Rept. 111–473 Pt. 1). Referred to the House Calendar.

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 1722. A bill to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; with amendments (Rept. 111–474). Referred to the Committee of the Whole House on the state of the Union.

¶53.30 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. House Resolution 1278 referred to the House Calendar.

¶53.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PAULSEN (for himself, Ms. TITUS, Mr. GUTHRIE, Mr. LANCE, Mr. LEE of New York, and Mr. ROGERS of Michigan):

H.R. 5198. A bill to express the sense of Congress that the Federal Pell Grant program should be a high funding priority; to the Committee on Education and Labor.

By Mr. WELCH:

H.R. 5199. A bill to authorize the Board of Governors of the Federal Reserve System to promulgate regulations regarding interchange transaction fees and to amend the Truth in Lending Act to prohibit certain restrictions put in place by credit card networks; to the Committee on Financial Services.

By Mr. VAN HOLLEN (for himself, Mr. CONNOLLY of Virginia, Ms. NORTON, and Mrs. DAHLKEMPER):

H.R. 5200. A bill to amend title 5, United States Code, to extend eligibility for coverage under the Federal Employees Health Benefits Program with respect to certain adult dependents of Federal employees and annuitants, in conformance with amendments made by the Patient Protection and Affordable Care Act; to the Committee on Oversight and Government Reform.

By Ms. HARMAN (for herself and Mr. UPTON):

H.R. 5201. A bill to improve the energy efficiency of outdoor lighting, and for other purposes; to the Committee on Energy and Commerce.

By Ms. CHU (for herself, Mr. TONKO, and Mr. POLIS):

H.R. 5202. A bill to direct the Secretary of Agriculture to issue guidance to school food authorities on indirect costs, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLE (for himself and Mr. TEAGUE):

H.R. 5203. A bill to direct the Secretary of Defense to establish a center of excellence for the study of tinnitus, and for other purposes; to the Committee on Armed Services.

By Mr. CONYERS:

H.R. 5204. A bill to establish the National Full Employment Trust Fund to create employment opportunities for the unemployed;

to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself and Mr. MINNICK):

H.R. 5205. A bill to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho; to the Committee on Natural Resources.

By Mr. TEAGUE (for himself and Mr. HEINRICH):

H.R. 5206. A bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program; to the Committee on Veterans' Affairs.

By Mr. POE of Texas (for himself and Ms. GIFFORDS):

H. Con. Res. 273. Concurrent resolution expressing the sense of Congress that the escalating level of violence on the United States-Mexico border is a serious threat to the national security of the United States; to the Committee on Armed Services.

By Mr. MCMAHON (for himself, Mr. HIMES, Mr. HALL of New York, Mr. CROWLEY, Mr. NADLER of New York, Mr. THOMPSON of Mississippi, Ms. CLARKE, Mr. WEINER, Mr. ISRAEL, Mrs. LOWEY, Mr. MURPHY of New York, Mrs. MALONEY, Mr. ENGEL, Mr. MEEKS of New York, Mr. RANGEL, Mr. KING of New York, Mr. ACKERMAN, Mr. OWENS, Mr. MAFFEI, Mr. BISHOP of New York, Mr. TONKO, Mr. ARCURI, Mr. TOWNS, Mrs. MCCARTHY of New York, Mr. HIGGINS, Mr. SERRANO, Ms. SLAUGHTER, Ms. VELÁZQUEZ, Mr. HINCHEY, Mr. LEE of New York, Mr. SIRES, Mr. KISSELL, and Mr. ADLER of New Jersey):

H. Res. 1320. A resolution expressing support for the vigilance and prompt response of the citizens of New York City, the New York Police Department, the New York Police Department Bomb Squad, the Fire Department of New York, other first responders, the Federal Bureau of Investigation, United States Customs and Border Protection, the United States Attorney's Office for the Southern District of New York, the Department of Homeland Security, the Department of Justice, the New York Joint Terrorism Task Force, the Bridgeport Police Department, Detective Bureau, Patrol Division, and other law enforcement agencies in Connecticut to the attempted terrorist attack in Times Square on May 1, 2010, their exceptional professionalism and investigative work following the attempted attack, and their consistent commitment to preparedness for and collective response to terrorism; to the Committee on Homeland Security.

By Mr. FALEOMAVAEGA:

H. Res. 1321. A resolution expressing the sense of the House of Representatives that the political situation in Thailand be solved peacefully and through democratic means; to the Committee on Foreign Affairs.

By Mr. HONDA (for himself, Mr. MCDERMOTT, Ms. BORDALLO, Mr. GRIJALVA, Mr. CAO, Mr. COURTNEY, Mr. HINOJOSA, Mr. YOUNG of Alaska, Ms. RICHARDSON, Ms. MOORE of Wisconsin, Mr. HOLT, Ms. LEE of California, Mr. CONYERS, Mr. GEORGE MILLER of California, and Mr. JOHNSON of Georgia):

H. Res. 1322. A resolution celebrating the 20th anniversary of the Albert Einstein Distinguished Educator Fellowship Program and recognizing the significant contributions of Albert Einstein Fellows; to the Committee on Education and Labor.

By Mr. MCCOTTER (for himself, Mr. LIPINSKI, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. PASCRELL, Mrs. BACHMANN, Mr. TONKO, Mr. FRANKS of Arizona, Mr. DINGELL, Ms. KAPTUR, and Mr. WOLF):

H. Res. 1323. A resolution commemorating the 70th anniversary of the Katyn massacre; to the Committee on Foreign Affairs.

By Mr. MCMAHON (for himself, Mr. MANZULLO, Ms. RICHARDSON, Ms. SPEIER, Ms. LEE of California, Ms. BORDALLO, Mr. HONDA, Mr. SCHIFF, and Mr. WILSON of South Carolina):

H. Res. 1324. A resolution expressing condolences and sympathies for the people of China following the tragic earthquake in the Qinghai province of the Peoples Republic of China on April 14, 2010; to the Committee on Foreign Affairs.

By Mr. ROONEY:

H. Res. 1325. A resolution recognizing National Missing Children's Day; to the Committee on the Judiciary.

¶53.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mrs. MCMORRIS RODGERS, Mr. WELCH, Mr. HINCHEY, Mr. TONKO, Mr. SPACE, Mr. OLSON, Mr. LUJÁN, Mr. PETERS, Mr. SCALISE, and Mr. SENSENBRENNER.

H.R. 40: Mr. CUMMINGS.

H.R. 43: Mr. TEAGUE, Mr. COLE, Mr. CUMMINGS, Ms. TITUS, and Mr. BERRY.

H.R. 197: Mr. YOUNG of Florida.

H.R. 275: Mr. RUPPERSBERGER, Mr. ISRAEL, Mr. REHBERG, and Mr. TIAHRT.

H.R. 422: Mr. MURPHY of Connecticut.

H.R. 442: Mrs. DAHLKEMPER and Mr. CAMP.

H.R. 476: Ms. ROYBAL-ALLARD and Mr. MAFFEI.

H.R. 564: Mr. DEFAZIO.

H.R. 658: Mr. FILNER.

H.R. 997: Mr. GRIFFITH.

H.R. 1020: Ms. HIRONO.

H.R. 1021: Mr. MURPHY of Connecticut, Mr. MOORE of Kansas, and Ms. TITUS.

H.R. 1036: Mr. BOYD, Mr. MOORE of Kansas, Mr. MELANCON, and Mr. PALLONE.

H.R. 1067: Mr. MURPHY of Connecticut.

H.R. 1175: Ms. BEAN.

H.R. 1177: Mr. ADLER of New Jersey, Mr. BAIRD, Mr. BECERRA, Mr. BOUCHER, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. HALL of New York, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mrs. KIRKPATRICK of Arizona, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. MITCHELL, Mr. MURPHY of Connecticut, Mr. THOMPSON of Mississippi, Ms. WATSON, Mr. WELCH, Ms. WASSERMAN SCHULTZ, Mr. FORBES, Mr. PENCE, and Mr. MCKEON.

H.R. 1179: Mr. MORAN of Virginia.

H.R. 1191: Mr. TERRY.

H.R. 1193: Mr. JOHNSON of Georgia.

H.R. 1210: Mrs. NAPOLITANO and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1215: Mr. TOWNS.

H.R. 1220: Mr. TIM MURPHY of Pennsylvania.

H.R. 1240: Ms. DELAURO.

H.R. 1255: Mr. COBLE and Mr. ROHRABACHER.

H.R. 1326: Mr. CARSON of Indiana.

H.R. 1340: Mr. HINCHEY.

H.R. 1392: Mr. MOORE of Kansas.

H.R. 1410: Mr. GONZALEZ.

H.R. 1529: Mr. LEWIS of Georgia.

H.R. 1547: Mr. WALZ and Mr. AUSTRIA.

H.R. 1615: Mr. MOORE of Kansas.

H.R. 1693: Mr. GARAMENDI.

H.R. 1806: Mr. ALTMIRE.

H.R. 1829: Mr. KING of Iowa.

H.R. 1873: Ms. CHU.

H.R. 1884: Mr. TIAHRT, Mr. SALAZAR, Mr. GARAMENDI, and Mr. SHIMKUS.

H.R. 1894: Mr. CHANDLER and Mr. WHITFIELD.

H.R. 1972: Mr. HOLDEN, Ms. BERKLEY, and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2002: Mr. UPTON, Mr. GENE GREEN of Texas, Mr. SCHAUER, and Mr. MELANCON.

H.R. 2109: Mr. CONNOLLY of Virginia, Mr. UPTON, Mr. BRALEY of Iowa, Ms. BALDWIN, Mr. MURPHY of Connecticut, and Mr. MCCAUL.

H.R. 2112: Ms. ZOE LOFGREN of California.

H.R. 2142: Mr. GORDON of Tennessee and Mr. BARROW.

H.R. 2149: Mr. LUETKEMEYER and Mr. LIPINSKI.

H.R. 2417: Mr. MCDERMOTT.

H.R. 2441: Mr. FORBES.

H.R. 2478: Mr. COLE, Ms. RICHARDSON, Mr. SALAZAR, Mr. RUPPERSBERGER, Mr. CARNEY, Mr. CROWLEY, and Mr. VAN HOLLEN.

H.R. 2672: Mr. WILSON of South Carolina.

H.R. 2732: Mrs. BACHMANN.

H.R. 2835: Mr. JOHNSON of Georgia.

H.R. 3012: Mr. MELANCON.

H.R. 3162: Mr. PLATTS.

H.R. 3185: Mr. MOORE of Kansas.

H.R. 3225: Mr. CAPUANO.

H.R. 3333: Mr. GENE GREEN of Texas.

H.R. 3383: Mr. HOEKSTRA.

H.R. 3441: Mr. WALZ.

H.R. 3463: Mr. MCHENRY.

H.R. 3464: Mr. GOODLATTE and Mr. KIND.

H.R. 3486: Mr. LIPINSKI.

H.R. 3487: Mr. MORAN of Virginia.

H.R. 3531: Mr. FARR.

H.R. 3564: Mr. MCNERNEY.

H.R. 3615: Mr. ELLSWORTH.

H.R. 3781: Ms. GIFFORDS and Mr. DAVIS of Tennessee.

H.R. 3790: Mrs. BIGGERT.

H.R. 3851: Ms. KOSMAS.

H.R. 3856: Mr. CHANDLER.

H.R. 3974: Mr. KENNEDY and Ms. HIRONO.

H.R. 4090: Mr. GUTIERREZ.

H.R. 4116: Mr. BRALEY of Iowa.

H.R. 4128: Ms. NORTON and Mr. LEWIS of Georgia.

H.R. 4195: Mr. TOWNS, Mr. HIMES, and Ms. SCHAKOWSKY.

H.R. 4202: Mr. MOORE of Kansas, Ms. LEE of California, Mr. CUMMINGS, Mr. THOMPSON of Mississippi, Mr. SIRES, Mr. YARMUTH, Mr. PRICE of North Carolina, Mr. HIGGINS, and Mr. PASTOR of Arizona.

H.R. 4241: Mr. BLUMENAUER.

H.R. 4278: Mr. CAMP, Mr. BLUNT, and Mrs. NAPOLITANO.

H.R. 4306: Mr. KLINE of Minnesota.

H.R. 4309: Mr. CARNEY.

H.R. 4318: Ms. WOOLSEY and Mr. VISCLOSKY.

H.R. 4321: Mr. CUMMINGS.

H.R. 4322: Mr. KIND.

H.R. 4376: Mr. STARK.

H.R. 4400: Mr. GORDON of Tennessee and Mrs. BLACKBURN.

H.R. 4402: Ms. ROYBAL-ALLARD.

H.R. 4491: Mrs. CAPPS.

H.R. 4494: Mr. COSTELLO.

H.R. 4502: Mr. QUIGLEY and Mr. CARNAHAN.

H.R. 4509: Mr. THOMPSON of California.

H.R. 4517: Mrs. LOWEY.

H.R. 4530: Mr. LANGEVIN, Mr. DEFAZIO, Mr. SCOTT of Virginia, and Mrs. MCCARTHY of New York.

H.R. 4542: Mr. CALVERT.

H.R. 4544: Mr. SPACE, Mr. LUJÁN, Mrs. CAPPS, and Mr. GRIJALVA.

H.R. 4552: Mr. DAVIS of Illinois and Ms. RICHARDSON.

H.R. 4638: Mr. BOSWELL.

H.R. 4662: Mr. MOORE of Kansas.

H.R. 4678: Mr. WEINER.

H.R. 4684: Mr. WALZ, Mr. MICHAUD, Mr. MORAN of Kansas, Mr. SIRES, Mrs. CHRISTENSEN, Mr. WU, Mr. OLVER, Mr. MURPHY of Connecticut, Mr. QUIGLEY, and Mr. SESTAK.

H.R. 4693: Ms. LEE of California.

H.R. 4710: Mr. MCGOVERN and Ms. CLARKE.

H.R. 4734: Mr. CLAY and Mr. HINCHEY.

H.R. 4745: Mr. LINCOLN DIAZ-BALART of Florida, Mr. HINCHEY, Mr. RAHALL, Mr. KLEIN of Florida, Mr. LEWIS of Georgia, Mr. HEINRICH, Mr. MURPHY of New York, and Mr. WITTMAN.

H.R. 4755: Mr. HALL of New York.

H.R. 4756: Mr. BISHOP of Georgia and Mr. BUTTERFIELD.

H.R. 4780: Mr. DUNCAN, Mr. INGLIS, and Mr. FRANKS of Arizona.

H.R. 4785: Mr. SALAZAR, Mr. KISSELL, Mr. BOOZMAN, Mr. MOORE of Kansas, Mr. WILSON of Ohio, Mr. BOUCHER, and Mr. RODRIGUEZ.

H.R. 4812: Mr. RAHALL.

H.R. 4819: Mr. BACA and Mr. JOHNSON of Georgia.

H.R. 4830: Ms. BALDWIN.

H.R. 4844: Mr. COURTNEY and Mr. OLSON.

H.R. 4850: Ms. LINDA T. SÁNCHEZ of California.

H.R. 4859: Mr. HASTINGS of Washington.

H.R. 4860: Mrs. CAPPS, Mr. KAGEN, and Ms. CASTOR of Florida.

H.R. 4868: Ms. MOORE of Wisconsin, Mr. SERRANO, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, and Mr. HOLT.

H.R. 4870: Mr. FRANK of Massachusetts.

H.R. 4886: Mr. THORNBERRY and Mr. FALEOMAVAEGA.

H.R. 4914: Mr. HODES, Mr. MEEK of Florida, and Mr. MOORE of Kansas.

H.R. 4943: Mr. NEUGEBAUER, Mr. YOUNG of Florida, and Mr. GARY G. MILLER of California.

H.R. 4959: Ms. SHEA-PORTER.

H.R. 4961: Ms. WATSON, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Ms. RICHARDSON, Mr. BISHOP of Georgia, and Ms. LEE of California.

H.R. 4971: Mr. BRADY of Pennsylvania, Mr. BISHOP of Georgia, Mr. CLEAVER, Mr. RANGEL, and Mr. FATTAH.

H.R. 4999: Mr. MCCLINTOCK, Mr. GARY G. MILLER of California, and Mrs. BLACKBURN.

H.R. 5008: Mr. ELLSWORTH and Mr. TAYLOR.

H.R. 5015: Mr. PAUL.

H.R. 5027: Ms. CHU.

H.R. 5029: Mr. PITTS, Mr. SHADEGG, Mr. GINGREY of Georgia, Mrs. BACHMANN, Mr. PRICE of Georgia, Mr. AKIN, Mr. BILBRAY, Mr. MARCHANT, Mr. LAMBORN, Mr. MCCLINTOCK, Mr. WILSON of South Carolina, Mr. POSEY, Mr. HENSARLING, Mr. HERGER, Mr. KINGSTON, Mr. FRANKS of Arizona, Mr. ISSA, Mr. FLEMING, Mr. SMITH of Texas, and Mr. TIAHRT.

H.R. 5034: Mr. DINGELL, Mr. SHUSTER, Mr. REYES, Mr. KRATOVIL, Mr.DRIEHAUS, Mr. MCHENRY, and Mr. NYE.

H.R. 5040: Mr. PASTOR of Arizona and Mr. MOORE of Kansas.

H.R. 5044: Mr. HODES and Mrs. HALVORSON.

H.R. 5054: Mrs. BLACKBURN.

H.R. 5078: Ms. KILPATRICK of Michigan.

H.R. 5092: Mr. CAPUANO, Mr. COURTNEY, Mr. DICKS, Mr. DOGGETT, Mr. LANGEVIN, Mr. LEVIN, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. RANGEL, Mr. DEUTCH, Ms. JACKSON LEE of Texas, Mr. LATOURETTE, Mr. DEFAZIO, Mr. NADLER of New York, Mr. JONES, Mr. LIPINSKI, Mr. TIERNEY, Mr. GORDON of Tennessee, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PITTS, Mr. DUNCAN, and Mr. OBERSTAR.

H.R. 5095: Mr. KLINE of Minnesota.

H.R. 5121: Ms. NORTON and Mr. MCMAHON.

H.R. 5125: Mr. BACA.

H.R. 5126: Mr. PAUL.

H.R. 5128: Mr. HINCHEY, Mr. INSLEE, Mr. ISRAEL, Mr. OBEY, Ms. LINDA T. SÁNCHEZ of California, Mr. RODRIGUEZ, Mr. OLVER, Ms. RICHARDSON, Ms. SHEA-PORTER, Mr. ORTIZ, Mr. WAXMAN, Mrs. CHRISTENSEN, and Mr. BACA.

H.R. 5131: Mr. MURPHY of Connecticut.

H.R. 5138: Mr. INGLIS.

H.R. 5141: Mr. GERLACH, Mr. SIMPSON, Mr. WALDEN, Mr. TERRY, Mr. YOUNG of Florida, Mr. GRAVES, Mr. RADANOVICH, Mr. DENT, and Mr. MCCLINTOCK.

H.R. 5142: Mr. HIGGINS, Mr. CROWLEY, Mr. CONNOLLY of Virginia, Ms. SUTTON, Mr. HASTINGS of Florida, Mr. FATTAH, Mr. WU, and Mr. CARNEY.

H.R. 5144: Mr. AL GREEN of Texas.

H.R. 5160: Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr TANNER, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. YARMUTH, Mr. MICHAUD, Mr. ENGEL, Mr. SPRATT, Mr. HONDA, Mr. MEEKS of New York, Ms. CLARKE, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. TOWNS, Ms. MOORE of Wisconsin, Ms. JACKSON LEE of Texas, Ms. RICHARDSON, Ms. WATSON, Mr. HASTINGS of Florida, Ms. LEE of California, Mr. AL GREEN of Texas, Ms. FUDGE, Mrs. CHRISTENSEN, Ms. KILPATRICK of Michigan, Ms. WASSERMAN SCHULTZ, Mr. CLAY, Mrs. NAPOLITANO, Mr. SIRES, Mr. LUJÁN, Mr. BRADY of Texas, Mr. DAVIS of Kentucky, and Mr. REICHERT.

H.R. 5163: Mr. RYAN of Ohio.

H.R. 5164: Mr. RYAN of Ohio.

H.R. 5173: Mrs. MYRICK.

H.R. 5174: Mr. MURPHY of New York and Mr. HINCHEY.

H.R. 5177: Ms. FALLIN, Mr. DAVIS of Tennessee, Mr. BLUNT, and Mr. SENSENBRENNER.

H. Con. Res. 137: Mrs. MALONEY.

H. Con. Res. 240: Ms. BALDWIN.

H. Con. Res. 261: Mr. BOREN, Mr. LIPINSKI, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Mr. WHITFIELD, Mr. ROGERS of Alabama, and Mr. BARTLETT.

H. Con. Res. 266: Mr. BOYD, Mr. TOWNS, Mr. CRENSHAW, Ms. BORDALLO, Mr. ENGEL, Mr. HINCHEY, and Mr. SCOTT of Georgia.

H. Con. Res. 267: Ms. BERKLEY.

H. Con. Res. 271: Mr. KINGSTON, Mr. MORAN of Kansas, and Mr. LOBIONDO.

H. Res. 173: Mr. WU, Mr. ROSS, Mr. COSTELLO, Mr. PETERS, Mr. TIERNEY, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURPHY of New York, Mr. LARSON of Connecticut, Mr. PALLONE, and Mr. HONDA.

H. Res. 278: Mr. FORTENBERRY.

H. Res. 287: Mr. LAMBORN.

H. Res. 407: Ms. RICHARDSON, Mr. YARMUTH, Mr. JOHNSON of Georgia, Ms. KOSMAS, Mr. MCNERNEY, Mr. DINGELL, Mr. ELLISON, Mr. AL GREEN of Texas, Mrs. BONO MACK, Mr. WU, and Mr. KLEIN of Florida.

H. Res. 904: Mr. ANDREWS, and Mrs. MALONEY.

H. Res. 1006: Mr. CONAWAY.

H. Res. 1149: Mr. KLINE of Minnesota.

H. Res. 1152: Ms. SLAUGHTER.

H. Res. 1213: Mr. AKIN, Mr. ALEXANDER, Mr. BAIRD, Mr. CARNAHAN, Mr.COSTELLO, Mr. GARAMENDI, Mr. HOLT, Ms. KOSMAS, Ms. ZOE LOFGREN of California, Ms. MARKEY of Colorado, Mr. MARKEY of Massachusetts, Ms. MATSUI, Ms. NORTON, Ms. RICHARDSON, Mrs. NAPOLITANO, Mr. PAULSEN, Mr. REYES, Mr. ROTHMAN of New Jersey, Mr. ROHRABACHER, Ms. SCHWARTZ, Mr. TONKO, Mr. WILSON of Ohio, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCNERNEY, Ms. CHU, Ms. WATSON, Mr. FORBES, and Mr. CONYERS.

H. Res. 1226: Mr. CARSON of Indiana, Ms. NORTON, Mr. MAFFEI, Mr. LOEBSACK, Mr. PAUL, Ms. GIFFORDS, and Mr. PITTS.

H. Res. 1231: Ms. GIFFORDS, Mr. FRELINGHUYSEN, and Mr. GARAMENDI.

H. Res. 1232: Mr. GUTHRIE, Ms. KILROY, Mr. KUCINICH, Ms. KAPTUR, and Mr. TURNER.

H. Res. 1241: Mr. PENCE, Mr. CULBERSON, Mrs. BLACKBURN, and Mr. SAM JOHNSON of Texas.

H. Res. 1245: Mr. RADANOVICH.

H. Res. 1247: Mr. WITTMAN, Mr. PETRI, and Ms. SLAUGHTER.

H. Res. 1251: Mr. GOODLATTE, Mr. KIRK, Mr. HALL of Texas, Mr. GARY G. MILLER of California, Ms. GIFFORDS, Mr. YOUNG of Florida, Mr. DINGELL, Mr. MCCLINTOCK, Mr. LINDER, and Mr. CALVERT.

H. Res. 1264: Mr. TONKO.

H. Res. 1273: Mr. ROSS.

H. Res. 1277: Ms. BALDWIN, Mr. MORAN of Kansas, and Mr. FORTENBERRY.

H. Res. 1285: Mr. INGLIS and Mr. FRANKS of Arizona.

H. Res. 1290: Ms. RICHARDSON and Ms. NORTON.

H. Res. 1291: Mr. KLEIN of Florida, Mr. BOCCIERI, and Mr. KENNEDY.

H. Res. 1294: Mr. THORNBERRY, Mr. FARR, Mrs. BLACKBURN, Mr. CRENSHAW, Mr. HARPER, Mrs. MILLER of Michigan, Mr. GRIFFITH, Mr. LOBIONDO, Ms. CASTOR of Florida, Mr. HONDA, Mr. NUNES, Mr. DAVIS of Kentucky, Mr. BLUMENAUER, and Mr. PIERLUISI.

H. Res. 1295: Ms. MATSUI and Ms. NORTON.

H. Res. 1297: Mr. LEWIS of Georgia and Mr. CONYERS.

H. Res. 1299: Mr. GRAVES, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RICHARDSON, Mr. HOLDEN, Mr. MCGOVERN, Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, Mr. BOSWELL, Ms. SUTTON, Ms. BORDALLO, Mr. JONES, Mrs. MILLER of Michigan, Mr. DONNELLY of Indiana, Mr. DREIER, Mr. BURTON of Indiana, Mr. BACHUS, and Mr. BOOZMAN.

H. Res. 1302: Ms. BORDALLO, Mr. BOUSTANY, Mrs. CHRISTENSEN, Ms. CHU, Mr. DAVIS of Illinois, Ms. LEE of California, Ms. NORTON, Mr. WU, Ms. RICHARDSON, Mr. GRIJALVA, and Mr. KENNEDY.

H. Res. 1307: Mr. MORAN of Virginia, Mr. GARAMENDI, Mr. LIPINSKI, and Mr. EHLERS.

H. Res. 1308: Mr. DICKS.

H. Res. 1310: Ms. KOSMAS and Mr. GARAMENDI.

H. Res. 1312: Mr. HARE, Mr. CUMMINGS, Mr. DAVIS of Kentucky, Ms. MCCOLLUM, Mr. ORTIZ, Mr. YARMUTH, Mr. LOEBSACK, Mr. ROE of Tennessee, Mr. REYES, Mr. HOLDEN, Mr. FOSTER, Mr. COURTNEY, Mrs. MALONEY, Mr. RAHALL, Mr. PUTNAM, Mr. PASCRELL, Mr. MCNERNEY, Mr. REICHERT, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. GRIFFITH, Mr. HALL of New York, Mr. WALZ, and Mr. BRIGHT.

H. Res. 1317: Mr. PENCE and Mr. GARY G. MILLER of California.

¶53.33 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2927: Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, and Mr. WESTMORELAND.

WEDNESDAY, MAY 5, 2010 (54)

¶54.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SERRANO, who laid before the House the following communication:

WASHINGTON, DC,
May 5, 2010.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶54.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SERRANO, announced he had examined and approved the Journal of the proceedings of Tuesday, May 4, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶54.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7336. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7337. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7338. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7339. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8125] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7340. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7341. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicaid Program; State Flexibility for Medicaid Benefit Packages [CMS-2232-F4] (RIN: 0938-AP72) received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7342. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Advisory Committees; Technical Amendment [Docket No.: FDA-2010-N-0001] received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7343. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Bismuth Citrate [Docket No.: FDA-2008-C-0098] received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7344. A letter from the Program Analyst, Department of Transportation, transmitting the Department's ''Major'' final rule — Federal Motor Vehicle Safety Standards; Roof Crush Resistance [Docket No.: NHTSA-2009-0093] (RIN: 2127-AG51) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7345. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Beaumont, Texas) [MB Docket No.: 10-49] received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7346. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices for Interstate Natural Gas Pipelines [Docket Nos.: RM96-1-030 and RM96-1036; Order No.: 587-U] received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7347. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Categorical Exclusions from Environmental Review [NRC-2009-0269] (RIN: 3150-AI27) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7348. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Freedom of Information Act [Docket ID: OCC-2010-0008](RIN: 1557-AD22) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7349. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's ''Major'' final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Amendment 16 [Docket No.: 0808071078-0019-02] (RIN: 0648-AW72) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7350. A letter from the Assistant Secretary, Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Trade Adjustment Assistance; Merit Staffing of State Administration and Allocation of Training Funds to States (RIN: 1205-AB56) received April 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶54.4 PRESIDENT'S EXPORT COUNCIL

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to Executive Order 12131 and the order of the House of January 6, 2009, announced that the Speaker appointed the following Members of the House to the President's Export Council: Ms. Linda T. SANCHEZ of California, Messrs. WU, and SCHAUER.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶54.5 COMMITTEE RESIGNATION— MAJORITY

The SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2010.

Hon. NANCY PELOSI,
Speaker of the House, The Capitol, Washington, DC.

DEAR MADAM SPEAKER, I am writing to notify you of my resignation from the House Judiciary Committee, effective May 5, 2010. It was an honor to serve you and Chairman Conyers on this prestigious committee.

I look forward to continuing to serve on the Appropriations Committee and the Select Intelligence Oversight Panel in the 111th Congress.

Sincerely,

DEBBIE WASSERMAN SCHULTZ,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶54.6 CARIBBEAN BASIN ECONOMIC RECOVERY

Mr. LEVIN moved to suspend the rules and pass the bill (H.R. 5160) to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. LEVIN and Mr. CAMP, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶54.7 TIMES SQUARE ATTEMPTED TERRORIST ATTACK

Mr. PASCRELL moved to suspend the rules and agree to the resolution (H. Res. 1320); as amended:

Whereas on Saturday, May 1, 2010, an individual drove a vehicle loaded with explosive materials to Times Square in New York City and attempted to detonate a car bomb;

Whereas on the same day, two alert citizens, Mr. Lance Orton and Mr. Duane Jackson, notified the New York Police Department about a suspicious vehicle that was parked on 45th Street in Times Square;

Whereas on the same day, New York City Police Officer Wayne Rhatigan, while patrolling on horse, responded to the reports of a suspicious vehicle and acted swiftly with his colleagues in the New York Police Department and the Fire Department of New York to thwart the detonation of the car bomb;

Whereas New York City first responders safely evacuated hundreds of people from Times Square and responded in a prompt and effective manner, as the result of extensive terrorism preparedness efforts that are supported, in part, by the Department of Homeland Security; and

Whereas in response to the Times Square incident, the Transportation Security Administration has enhanced ongoing efforts to increase security on various transportation modes: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the actions of Mr. Lance Orton and Mr. Duane Jackson for promptly alerting appropriate authorities about the suspicious vehicle in Times Square on May 1, 2010;

(2) urges all Americans to remain vigilant about potential terrorist or suspicious activity within their own communities and report such activity to the appropriate authorities;

(3) recognizes the New York City Police Department, in particular Police Officer Wayne Rhatigan of Mounted Unit Troop B, the Fire Department of New York, the New York Police Department Bomb Squad, led by Lieutenant Mark Torre and other first responders, the Federal Bureau of Investigation, United States Customs and Border Protection, the United States Attorney's Office for the Southern District of New York, the Department of Homeland Security, the Department of Justice, the New York Joint Terrorism Task Force, the Bridgeport Police

Department, Detective Bureau, Patrol Division, and other law enforcement agencies in Connecticut for their consistent commitment to preparedness for and collective response to terrorism;

(4) recognizes the exceptional professionalism and investigative work by the New York Police Department, the New York Police Department Bomb Squad, the Fire Department of New York, the Federal Bureau of Investigation, United States Customs and Border Protection, the United States Attorney's Office for the Southern District of New York, the Department of Homeland Security, the Department of Justice, the New York Joint Terrorism Task Force, the Bridgeport Police Department, Detective Bureau, Patrol Division, and other law enforcement agencies in Connecticut in apprehending a suspect only 53 hours following the attempted bombing; and

(5) urges all Federal agencies to continue to work with State, local, and tribal partners to bolster preparedness for and prevention of terrorism.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. PASCRELL and Mr. GRAVES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PASCRELL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶54.8 KENT STATE UNIVERSITY SHOOTINGS

Ms. CHU moved to suspend the rules and agree to the resolution (H. Res. 1272):

Whereas the year 2010 marks the 40th anniversary of the Kent State University shootings that occurred on May 4, 1970;

Whereas, on such date, Ohio National Guardsmen opened fire on Kent State students who were protesting the United States invasion of Cambodia and the ongoing Vietnam War;

Whereas four unarmed students (Allison Krause, Jeffrey Miller, Sandra Scheuer, and William Schroeder) were killed and nine others (Alan Canfora, John Cleary, Thomas Grace, Dean Kahler, Joseph Lewis, Donald MacKenzie, James Russell, Robert Stamps, and Douglas Wrentmore) were injured;

Whereas the site of the May 4 shootings was entered in the National Register of Historic Places, the official list of the Nation's historic places worthy of preservation, in February 2010;

Whereas, to preserve the memory of the May 4 shootings and encourage inquiry, learning, and reflection, Kent State has established a number of resources, including the May 4 Memorial, individual student memorial markers and scholarships in memory of the four students mentioned above who were killed, an experimental college course entitled ''May 4, 1970 and its Aftermath'', and an annual commemoration sponsored by the May 4 Task Force; and

Whereas Kent State has engaged the internationally renowned design services firm, Gallagher & Associates, to assist in the development of the May 4 visitors center as a central place where individuals can explore and better understand the May 4 shootings: Now therefore be it

Resolved, That the House of Representatives, in commemoration of the 40th year anniversary of the Kent State University shootings that occurred on May 4, 1970—

(1) recognizes the tragedy of the May 4 shootings and the implications that the shootings have had not only on Kent State and the local community, but also on the Nation and the world; and

(2) applauds the development of the May 4 visitors center as an additional primary resource to preserve and communicate the history of the May 4 shootings, its larger ethical and societal context and impact, and its enduring meaning for our democratic Nation.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Ms. CHU and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Ms. CHU demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶54.9 NATIONAL URBAN LEAGUE

Ms. CHU moved to suspend the rules and agree to the resolution (H. Res. 1157); as amended:

Whereas the National Urban League, formerly known as the National League of Black Men and Women, is a historic civil rights organization dedicated to elevating the standard of living in historically underserved urban communities;

Whereas, on its Centennial Anniversary, the National Urban League can look back with great pride on its extraordinary accomplishments;

Whereas, since its inception in 1910, the National Urban League has made tremendous gains in equality and empowerment in the African-American community throughout the United States;

Whereas the National Urban League began as a multiracial, diverse grassroots campaign by Mrs. Ruth Standish Baldwin and Dr. George Edmund Haynes;

Whereas the League has since expanded to 25 national programs, with more than 100 local affiliates in 36 States as well as the District of Columbia;

Whereas, during the Civil Rights movement, the League worked closely with A. Phillip Randolph, Dr. Martin Luther King, Jr., as well as many other exceptional leaders;

Whereas, throughout the 1970s, the League saw tremendous growth in its partnership with the Federal Government addressing race relations, delivering aid to urban areas, as well as making improvements in housing, education, health, and minority-owned small businesses;

Whereas the National Urban League employs a 5-point approach to increase the quality of life for Americans, particularly African-Americans;

Whereas the League's 5-point approach is accomplished through programs such as: ''Education and Youth Empowerment'', ''Economic Empowerment'', ''Health and Quality of Life Empowerment'', ''Civic Engagement and Leadership Empowerment'', and ''Civil Rights and Racial Justice Empowerment'';

Whereas through the League's Housing and Community Development division, programs such as ''Foreclosure Prevention'', ''Homeownership Preparation'', and ''Financial Literacy'', the League was able to aid over 50,000 people in 2009;

Whereas with assistance provided by the League's ''Foreclosure Prevention'' program, 3,000 people were able to avoid filing foreclosure in 2009;

Whereas through the League's Education and Youth Development division, programs such as ''Project Ready'' ensure that students will be prepared for the transition from high school to college, or in joining the workforce;

Whereas the National Urban League publishes the ''State of Black America'', an annual report analyzing social and economic conditions affecting African-Americans that includes their Equality Index, a statistical measure of the disparities between Blacks and Whites across 5 categories: economics, education, health, civic engagement, and social justice;

Whereas the League's programs not only emphasize the importance of leadership and community in local areas but also enhance the quality of life by studying and addressing specific problems within the communities;

Whereas throughout the League's 100 years of service the organization has assisted millions of Americans and especially African-Americans in combating poverty, inequality, and social injustice;

Whereas the League has outlined 4 aspirational goals to increase access to education, jobs, housing, and health care to mark its centennial anniversary as part of its I AM EMPOWERED campaign;

Whereas the work of the League has been pivotal in improving the lives of millions of African-Americans through community-oriented programs, civil rights, and leadership opportunities; and

Whereas the National Urban League remains an essential organization today: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the National Urban League on its 100th year of service to the United States;

(2) expresses its deep gratitude for the hardworking and dedicated men and women of the League who, in the last 100 years, have struggled to improve American society and the lives of all Americans; and

(3) commends the League's ongoing and tireless efforts to continue addressing areas of inequality and fighting for the rights of all Americans to live with freedom, dignity, and prosperity.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Ms. CHU and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶54.10 AMERICA'S TEACHERS

Ms. CHU moved to suspend the rules and agree to the resolution (H. Res. 1312); as amended:

Whereas education and knowledge are the foundation of America's current and future strength;

Whereas teachers and other education staff have earned and deserve the respect of their students and communities for their selfless dedication to community service and the future of our Nation's children;

Whereas the purpose of ''National Teacher Appreciation Week'', held during May 3, 2010, through May 7, 2010, is to raise public awareness of the unquantifiable contributions of teachers and to promote greater respect and understanding for the teaching profession; and

Whereas students, schools, communities, and a number of organizations representing educators are hosting teacher appreciation events in recognition of ''National Teacher Appreciation Week'': Now, therefore, be it

Resolved, That the House of Representatives thanks teachers and promotes the profession of teaching by encouraging students, parents, school administrators, and public officials to participate in teacher appreciation events during ''National Teacher Appreciation Week''.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. CHU and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶54.11 NATIONAL CHARTER SCHOOL WEEK

Ms. CHU moved to suspend the rules and agree to the resolution (H. Res. 1149):

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools promote innovation and excellence in public education;

Whereas charter schools provide hundreds of thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students, and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 39 States, the District of Columbia, and Guam have passed laws authorizing charter schools;

Whereas 4,956 charter schools, an increase of 292 schools from last school year, are now serving almost 1,500,000 children;

Whereas over the last 16 years, Congress has provided substantial support to the charter school movement through startup grants for planning, implementation, and dissemination of charter schools;

Whereas over 365,000 children are on charter school waiting lists nationally;

Whereas charter schools improve their students' achievement and often stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools must continually demonstrate their ongoing success to parents, policymakers, and their communities, some charter schools routinely measure parental satisfaction levels, and all give parents new freedom to choose their public school;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the 11th annual National Charter Schools Week, to be held May 2 through May 8, 2010, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of the 11th annual National Charter Schools Week;

(2) acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system; and

(3) calls on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. CHU and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶54.12 COINS IN COMMEMORATION OF CENTENNIAL IN MOTHER'S DAY

Mr. MEEKS of New York, moved to suspend the rules and pass the bill (H.R. 2421) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; as amended.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mr. MEEKS of New York, and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶54.13 MOTHER'S DAY

Mr. LYNCH moved to suspend the rules and agree to the resolution (H. Res. 1295):

Whereas Mother's Day is celebrated on the second Sunday of each May;

Whereas the first official Mother's Day was observed on May 10, 1908, in Grafton, West Virginia, and Philadelphia, Pennsylvania;

Whereas 2010 is the 102nd anniversary of the first official Mother's Day observation;

Whereas in 1908, Elmer Burkett, a U.S. senator from Nebraska, proposed making Mother's Day a national holiday;

Whereas in 1914, Congress passed a resolution designating the second Sunday of May as Mother's Day;

Whereas it is estimated that there are more than 82,000,000 mothers in the United States;

Whereas mothers have made immeasurable contributions toward building strong families, thriving communities, and ultimately a strong Nation;

Whereas the services rendered to the children of the United States by their mothers have strengthened and inspired the Nation throughout its history;

Whereas George Washington said, ''My mother was the most beautiful woman I ever saw. All I am I owe to my mother. I attribute all my success in life to the moral, intellectual, and physical education I received from her.'';

Whereas Abraham Lincoln said, ''All that I am or ever hope to be, I owe to my angel mother.'';

Whereas we honor ourselves and mothers in the United States when we revere and emphasize the importance of the role of the home and family as the true foundation of the Nation;

Whereas mothers continue to rise to the challenge of raising their families with love, understanding, and compassion, while overcoming the challenges of modern society; and

Whereas May 9, 2010, is recognized as Mother's Day: Now, therefore, be it

Resolved, That the House of Representatives celebrates the role of mothers in the

United States and supports the goals and ideals of Mother's Day.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, May 6, 2010.

¶54.14 PUBLIC SERVICE RECOGNITION WEEK

Mr. LYNCH moved to suspend the rules and agree to the resolution (H. Res. 1247):

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and to honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling, involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance the interests of the United States around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist our Nation's veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals, and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 3 through 9, 2010, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 26th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit of public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶54.15 TELEWORKING IN EXECUTIVE AGENCIES

Mr. LYNCH moved to suspend the rules and pass the bill (H.R. 1722) to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mr. LYNCH and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, May 6, 2010.

¶54.16 NATIONAL TRAIN DAY

Ms. Corrine BROWN of Florida, moved to suspend the rules and agree to the resolution (H. Res. 1301); as amended:

Whereas in 1830, the Nation's first passenger and freight railroad, the Baltimore & Ohio, revolutionized transportation in the United States;

Whereas on May 10, 1869, in Promontory Summit, Utah, the golden spike was driven into the final tie that joined 1,776 miles of the Central Pacific and Union Pacific railways, transforming America by creating the Nation's first transcontinental railroad;

Whereas by 1910, trains carried 95 percent of all intercity transportation;

Whereas after 1920, rail passenger revenues declined due to the rise of the automobile;

Whereas in the 1930s, railroads reignited popular imagination with service improvements and new, diesel-powered streamliners;

Whereas on May 26, 1934, the Pioneer Zephyr set a speed record for travel between Denver and Chicago when it made a 1,015-mile, non-stop ''Dawn-to-Dusk'' run in 13 hours and 5 minutes at an average speed of 77 miles per hour and, during one section of the run, reached a speed of 112.5 miles per hour, just short of the then United States land speed record of 115 miles per hour;

Whereas on January 22, 1935, the 400, later named the Twin Cities 400, traveled 400 miles between Chicago and St. Paul in 400 minutes;

Whereas at its inception in 1935, Time magazine dubbed the 400, ''the fastest train scheduled on the American continent, fastest in all the world on a stretch over 200 miles'';

Whereas the resurgence in passenger railroading was short-lived, as the continuing rise of the automobile, the devastating economic impact of two World Wars, the creation of the Interstate Highway System, the increasing availability, comfort, and convenience of air travel, increasing train fares and decreasing service, and a number of railroad bankruptcies, mergers, and acquisitions took their toll on passenger rail service in the United States;

Whereas by 1965, only 10,000 rail passenger cars were in operation, 85 percent fewer than in 1929, and passenger rail service was provided on only 75,000 miles of track;

Whereas in 1970, Congress saved passenger rail service in the United States by creating the National Railroad Passenger Corporation, known as Amtrak;

Whereas since 1970, the Federal Government has invested nearly $1,300,000,000,000 in

our Nation's highways, more than $484,000,000,000 in aviation, and $67,000,000,000 in passenger rail;

Whereas with the enactment of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432) in the 110th Congress and the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) in this Congress, Congress charted a new course for Amtrak and for the development of high-speed and intercity passenger rail in the United States;

Whereas the Recovery Act provided $8,000,000,000 in grants to States for the development of high-speed and intercity passenger rail and $1,300,000,000 for Amtrak for capital, safety, and security improvements;

Whereas the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010, provided an additional $2,500,000,000 to States for investment in high-speed and intercity passenger rail and more than $1,500,000,000 to Amtrak for capital and operating expenses;

Whereas the Federal Railroad Administration received 259 applications totaling $57,000,000,000 for the $8,000,000,000 in funds available under the Recovery Act;

Whereas in January, the President announced the recipients of the $8,000,000,000 in Recovery Act funds for development of high-speed and intercity passenger rail service in 13 corridors spanning 31 States;

Whereas Amtrak has selected projects in 44 States to invest its $1,300,000,000 in Recovery Act funds;

Whereas these and continued investments in developing a national high-speed and intercity passenger rail system will revitalize passenger rail service in the United States, help develop a domestic manufacturing base for high-speed and intercity passenger rail, and create good jobs in the United States;

Whereas Amtrak ridership grew every year from 1998 to 2008 and the railroad carried 27,200,000 passengers in 2009, making it the second-best year in the company's history; and

Whereas Amtrak has designated May 8, 2010, as National Train Day to celebrate America's love for trains: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the important contributions that trains and Amtrak make to the national transportation system;

(2) supports the goals and ideals of National Train Day as designated by Amtrak; and

(3) urges the people of the United States to recognize such a day as an opportunity to celebrate passenger rail and learn more about trains.

The SPEAKER pro tempore, Ms. McCOLLUM, recognized Ms. Corrine BROWN of Florida, and Mr. SHUSTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. McCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶54.17 H. RES. 1320—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. McCOLLUM, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1320) expressing support for the vigilance and prompt response of the citizens of New York City, the New York Police Department, the New York Police Department Bomb Squad, the Fire Department of New York, other first responders, the Federal Bureau of Investigation, United States Customs and Border Protection, the United States Attorney's Office for the Southern District of New York, the Department of Homeland Security, the Department of Justice, the New York Joint Terrorism Task Force, the Bridgeport Police Department, Detective Bureau, Patrol Division, and other law enforcement agencies in Connecticut to the attempted terrorist attack in Times Square on May 1, 2010, their exceptional professionalism and investigative work following the attempted attack, and their consistent commitment to preparedness for and collective response to terrorism; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 0

¶54.18 [Roll No. 246]

YEAS—418

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

NOT VOTING—12

Baird	Blackburn	Coble
Barrett (SC)	Campbell	Davis (AL)

DeGette
Hinojosa
Hoekstra
Jackson Lee (TX)
Meek (FL)
Melancon

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶54.19 MOMENT OF SILENCE IN MEMORY OF MEMBERS OF THE UNITED STATES ARMED FORCES IN IRAQ AND AFGHANISTAN

The SPEAKER announced that all Members stand and observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and all who serve in our Armed Forces and their families.

¶54.20 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶54.21 H. RES. 1272—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1272) commemorating the 40th anniversary of the May 4, 1970, Kent State University shootings.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	415
Nays	0
Answered present	2

¶54.22 [Roll No. 247]

YEAS—415

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

ANSWERED ''PRESENT''—2

Burgess
Foxx

NOT VOTING—13

Barrett (SC)
Blackburn
Boehner
Campbell
Cantor
Coble
Davis (AL)
DeGette
Hinojosa
Hoekstra
Jackson Lee (TX)
Meek (FL)
Melancon

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶54.23 H. RES. 1301—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1301) supporting the goals and ideals of National Train Day; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	296
Nays	119

¶54.24 [Roll No. 248]

YEAS—296

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Butterfield
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)

Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—119

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Carter
Cassidy
Castle
Chaffetz
Coffman (CO)
Conaway
Culberson
Davis (KY)
Dreier
Emerson
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Guthrie
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Luetkemeyer
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Platts
Poe (TX)
Price (GA)
Putnam
Reichert
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Thompson (PA)
Thornberry
Tiahrt
Upton
Walden
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Barrett (SC)
Blackburn
Campbell
Coble
Davis (AL)
DeGette
Gohmert
Hinojosa
Hoekstra
Jackson Lee (TX)
Meek (FL)
Melancon
Miller (FL)
Napolitano
Schock

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶54.25 DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Ms. Corrine BROWN of Florida, moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 263):

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR DC SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 4, 2010, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 25th Annual District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the ''event'') may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore, Mr. PETERS, recognized Ms. Corrine BROWN of Florida, and Mr. SHUSTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶54.26 GREATER WASHINGTON SOAP BOX DERBY

Ms. Corrine BROWN of Florida, moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 247):

SECTION 1. USE OF CAPITOL GROUNDS FOR SOAP BOX DERBY RACES.

(a) IN GENERAL.—The Greater Washington Soap Box Derby Association (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, soap box derby races (in this resolution referred to as the ''event''), on the Capitol Grounds.

(b) DATE OF EVENT.—The event shall be held on June 19, 2010, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make such additional arrangements as may be required to carry out the event.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

The SPEAKER pro tempore, Mr. PETERS, recognized Ms. Corrine BROWN of Florida, and Mr. SHUSTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶54.27 NATIONAL SAFE DIGGING MONTH

Ms. Corrine BROWN of Florida, moved to suspend the rules and agree to the resolution (H. Res. 1278); as amended:

Whereas each year there are over 200,000 incidences of unintentional damage to underground utility infrastructure (including pipelines, electrical, telecommunications, water, and sewer lines), many as a result of an individual who fails to have underground utilities lines located before digging;

Whereas there are 2,534,000 miles of pipelines, of which 2,036,800 are for distribution of natural gas, 323,600 for transmission of natural gas, and 173,500 for hazardous materials including oil;

Whereas some utility lines are buried only a few inches underground, making them easy to strike even during shallow digging projects;

Whereas failure to locate underground utility lines before digging may have unintended consequences such as service interruption, environmental damage, property damage, personal injury, and even death;

Whereas State one-call notification programs allow homeowners and excavators to have underground utilities located and marked before conducting digging or excavation activities;

Whereas Congress first established minimum standards for State one-call notification programs and authorized appropriations for Federal grants to improve State one-call notification programs in the Transportation Equity Act for the 21st Century in 1998;

Whereas Congress required a 3-digit, nationwide toll-free number be established to be used by State one-call systems in the Pipeline Safety Improvement Act of 2002;

Whereas in 2005, ''811'' was designated as the nationwide one-call number for homeowners and excavators to call before conducting digging or excavation activities;

Whereas in the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 Congress authorized the Secretary of Transportation to issue civil penalties to any owner or operator of a pipeline facility who fails to respond to a request to mark an underground pipeline facility, any individual who fails to use a State's one-call system prior to digging or excavation activities, or any individual who disregards location information or markings while digging or excavating;

Whereas the one-call system has helped reduce the number of digging damages caused by failure to locate underground utilities prior to digging from 57 percent in 2004 to 37.5 percent in 2009;

Whereas the 1,400 members of the Common Ground Alliance, who are dedicated to ensuring public safety, environmental protection, and the integrity of services by promoting effective damage prevention practices, promote the national ''Call Before You Dig'' campaign to increase public awareness about the importance of calling 811 to identify the exact location of underground utility lines;

Whereas the Common Ground Alliance has designated April as National Safe Digging month in order to increase awareness of safe digging practices across the country and to celebrate the anniversary of the designation of 811 as the national ''Call Before You Dig'' number; and

Whereas April is the beginning of the peak of excavation projects around the Nation: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of National Safe Digging Month, and encourages all homeowners and excavators throughout the country to call 811 before conducting any digging or excavation activities.

The SPEAKER pro tempore, Mr. PETERS, recognized Ms. Corrine BROWN of Florida, and Mr. SHUSTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PETERS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶54.28 MESSAGE FROM THE PRESIDENT—NUCLEAR ENERGY AGREEMENT BETWEEN THE UNITED STATES AND AUSTRALIA

The SPEAKER pro tempore, Mr. PETERS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the ''Act''), the text of a proposed Agreement between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. In accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately. The joint memorandum submitted to me by the Secretaries of State and Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Australia based on a mutual commitment to nuclear nonproliferation. The Agreement has an initial term of 30 years from the date of its entry into force, and will continue in force thereafter for additional periods of 5 years each, unless terminated by either party on 6 months' advance written notice at the end of the initial 30-year term or at the conclusion of any of the additional 5-year periods. The proposed Agreement permits the transfer of information, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, sensitive nuclear technology, sensitive nuclear facilities, or major critical components of such facilities. In the event of termination of the proposed Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the proposed Agreement.

Australia is a non-nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Australia has concluded a Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency. Australia is a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material. It is also a member of the Nuclear Suppliers Group, whose non-legally binding guidelines set forth standards for the responsible export of nuclear commodities for peaceful use. A more detailed discussion of Australia's domestic civil nuclear activities and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and the NPAS classified annex submitted to the Congress separately.

I have considered the views and recommendations of the interested agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement and authorized its execution. I urge the Congress to give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to begin immediately the consultations with the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs as provided in section 123 b. Upon completion of the 30 days of continuous session review provided for in section 123 b., the 60 days of continuous session review provided for in section 123 d. shall commence.

BARACK OBAMA.

THE WHITE HOUSE, *May 5, 2010*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs.

¶54.29 PROVIDING FOR CONSIDERATION OF H.R. 5019

Ms. MATSUI, by direction of the Committee on Rules, reported (Rept. No. 111–475) the resolution (H. Res. 1329) providing for consideration of the bill (H.R. 5019) to provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶54.30 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. QUIGLEY, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2010.

Hon. NANCY PELOSI,
Office of the Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI: I respectfully wish to resign from the Committee on Homeland Security. I have been honored to serve on the Committee and have found my experience to be extremely rewarding.

Sincerely,

BEN RAY LUJÁN,
Member of Congress.

By unanimous consent, the resignation was accepted.

And then,

¶54.31 ADJOURNMENT

On motion of Mr. GINGREY, at 6 o'clock and 35 minutes p.m., the House adjourned.

¶54.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. MATSUI: Committee on Rules. House Resolution 1329. A Resolution providing for consideration of the bill (H.R. 5019) to provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes (Rept. 111–475). Referred to the House Calendar.

¶54.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOUSTANY (for himself and Mr. POMEROY):

H.R. 5207. A bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. CARNEY, Mr. BILBRAY, and Mrs. MYRICK):

H.R. 5208. A bill to require the Secretary of Homeland Security to strengthen student visa background checks and improve the monitoring of foreign students in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. KIND (for himself, Mrs. BONO MACK, Mr. BLUMENAUER, and Ms. FUDGE):

H.R. 5209. A bill to provide a comprehensive approach to preventing and treating obesity; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, Agriculture, Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY of Massachusetts (for himself and Mr. MORAN of Virginia):

H.R. 5210. A bill to amend the Safe Drinking Water Act regarding an endocrine disruptor screening program; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself and Mr. PLATTS):

H.R. 5211. A bill to strengthen families' engagement in the education of their children; to the Committee on Education and Labor.

By Mrs. KIRKPATRICK of Arizona:

H.R. 5212. A bill to amend Public Law 105-344 to authorize the Secretary of Agriculture to convey to the Blue Ridge Unified School District that portion of the Woodland Lake Park tract in the Apache-Sitgreaves National Forest in the State of Arizona containing the Big Springs Environmental Study Area; to the Committee on Natural Resources.

By Mr. GARAMENDI (for himself, Mr. FARR, Ms. WOOLSEY, Mr. SCHRADER, Ms. ZOE LOFGREN of California, Ms. LEE of California, Mr. WU, Mr. THOMPSON of California, Ms. CHU, Mr. FILNER, Mr. DEFAZIO, Mr. BAIRD, Ms. ROYBAL-ALLARD, Mr. SHERMAN, Ms. HARMAN, Mr. DICKS, Mr. GEORGE MILLER of California, Mr. BERMAN, Mr. STARK, and Mr. SCHIFF):

H.R. 5213. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the coast of California, Oregon, and Washington; to the Committee on Natural Resources.

By Mr. HOLT (for himself, Mr. PALLONE, Ms. KOSMAS, Mr. BOYD, Mr. MEEK of Florida, Mr. HODES, Mr. DAVIS of Alabama, Mr. INSLEE, Mrs. CAPPS, and Mr. BRALEY of Iowa):

H.R. 5214. A bill to require oil polluters to pay the full cost of oil spills, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. AKIN:

H.R. 5215. A bill to amend the Internal Revenue Code of 1986 to repeal the $2,500 limitation on health flexible spending arrangements; to the Committee on Ways and Means.

By Mr. AKIN:

H.R. 5216. A bill to repeal the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER:

H.R. 5217. A bill to provide for distribution to States of revenues under the Geothermal Steam Act of 1970 as provided in that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. POLIS (for himself, Mr. BERMAN, Mr. CARNAHAN, Mr. CONYERS, Mr. COURTNEY, Mr. ELLISON, Mr. GRIJALVA, Mrs. KIRKPATRICK of Arizona, Ms. NORTON, and Ms. RICHARDSON):

H.R. 5218. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for school improvement and professional development for teachers, principals, instructional staff, and other school leaders, and for other purposes; to the Committee on Education and Labor.

By Mr. HELLER (for himself, Ms. TITUS, and Ms. BERKLEY):

H.R. 5219. A bill to withdraw certain land located in Clark County, Nevada, from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials, and for other purposes; to the Committee on Natural Resources.

By Mr. HOYER (for himself, Mr. BLUNT, Mr. KENNEDY, Mr. EHLERS, Ms. DELAURO, Mr. KING of New York, Mr. MORAN of Virginia, and Mr. VAN HOLLEN):

H.R. 5220. A bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Foreign Affairs, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 5221. A bill to amend title 49, United States Code, to require air carriers and foreign air carriers to transmit a passenger and crew manifest for a flight in foreign air transportation to or from the United States to the Commissioner of U.S. Customs and Border Protection at least 24 hours before the departure of the flight, and for other purposes; to the Committee on Homeland Security.

By Mr. MEEK of Florida (for himself and Mr. HASTINGS of Florida):

H.R. 5222. A bill to suspend certain activities in the outer Continental Shelf until the date on which the joint investigation into the Deepwater Horizon incident in the Gulf of Mexico has been completed, and for other purposes; to the Committee on Natural Resources.

By Mr. SALAZAR:

H.R. 5223. A bill to establish the Chimney Rock National Monument in the State of Colorado; to the Committee on Natural Resources.

By Ms. TSONGAS (for herself, Ms. SHEA-PORTER, Ms. GIFFORDS, and Mr. BISHOP of Georgia):

H.R. 5224. A bill to direct the Secretary of Defense to conduct a comprehensive review of the health care services available for female members of the Armed Forces; to the Committee on Armed Services.

By Ms. TSONGAS:

H.R. 5225. A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to jointly develop and implement an electronic personnel file system, and to jointly conduct a study on improving the access of veterans to files related to military service and veterans benefits, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of Ohio:

H.R. 5226. A bill to require the Secretary of Veterans Affairs and the Appalachian Regional Commission to carry out a program of outreach for veterans who reside in Appalachia, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 5227. A bill to amend title 46, United States Code, to require delivery by United States mail of any transportation security card issued to an individual who resides in a remote location; to the Committee on Homeland Security.

By Mr. FORBES (for himself, Mr. SMITH of Texas, Mr. AKIN, Mr. JORDAN of Ohio, Mr. CONAWAY, Mr. ROGERS of Alabama, Mr. ALEXANDER, Mr. KING of Iowa, Mr. PENCE, Mr. BACHUS, Mr. JONES, Mr. BURTON of Indiana, Mr. KLINE of Minnesota, Mr. ROE of Tennessee, Mr. MORAN of Kansas, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. GINGREY of Georgia, Mr. ADERHOLT, Mr. MILLER of Florida, Mr. MCCOTTER, Mr. THOMPSON of Pennsylvania, Mr. NEUGEBAUER, Mr. LAMBORN, Mr. SAM JOHNSON of Texas, Mr. TIAHRT, Mr. GOHMERT, Mr. FRANKS of Arizona, Mrs. BACHMANN, Mr. GARRETT of New Jersey, Mr. LATTA, Mr. HARPER, Mr. EHLERS, Mr. WOLF, Ms. FOXX, Mr. PUTNAM, Mr. CRENSHAW, Mr. MCHENRY, Mr. MCINTYRE, Mr. CHAFFETZ, Mr. COLE, Mr. HERGER, Mr. WAMP, Mr. SHUSTER, Mr. BROWN of South Carolina, Mr. HENSARLING, Mr. BISHOP of Utah, Mr. BROUN of Georgia, Mr. KINGSTON, Mr. SHADEGG, Mr. THORNBERRY, Ms. GRANGER, Ms. FALLIN, Mr. CAMP, Mr. GOODLATTE, Mr. PRICE of Georgia, Mr. CULBERSON, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mrs. CAPITO, and Mr. COFFMAN of Colorado):

H. Con. Res. 274. Concurrent resolution reaffirming ''In God We Trust'' as the official motto of the United States and supporting and encouraging the public display of the national motto in all public buildings, public schools, and other government institutions; to the Committee on the Judiciary.

By Mr. MORAN of Virginia (for himself, Mr. SMITH of New Jersey, Mr. HINCHEY, Mr. GARY G. MILLER of California, Mrs. BLACKBURN, and Mr. BECERRA):

H. Res. 1326. A resolution calling on the Government of Japan to immediately address the growing problem of abduction to and retention of United States citizen minor children in Japan, to work closely with the Government of the United States to return these children to their custodial parent or to the original jurisdiction for a custody determination in the United States, to provide left-behind parents immediate access to their children, and to adopt without delay the 1980 Hague Convention on the Civil Aspects of International Child Abduction; to the Committee on Foreign Affairs.

By Mr. SMITH of Nebraska (for himself and Mrs. NAPOLITANO):

H. Res. 1327. A resolution honoring the life, achievements, and contributions of Floyd Dominy; to the Committee on Natural Resources.

By Mr. MCCOTTER (for himself, Mr. ROGERS of Michigan, Mr. CAMP, Mr. HOEKSTRA, Mr. STUPAK, Mr. UPTON, Mr. EHLERS, Mr. CONYERS, Mr. KILDEE, Mr. PETERS, Mr. LEVIN, Mr. SCHAUER, Mrs. MILLER of Michigan, Ms. KILPATRICK of Michigan, Mr. DINGELL, Mr. HELLER, Mr. GARRETT of New Jersey, Mr. MILLER of Florida, Mr. CRENSHAW, Mr. FLEMING, Mr. MANZULLO, Mr. BUYER, Mr. FRANKS of Arizona, Mr. SHIMKUS, Mr. TERRY, Mr. PITTS, Ms. GINNY BROWN-WAITE of Florida, Mr. AUSTRIA, Mr. LATTA, Mr. SENSENBRENNER, Mr. FLAKE, Mr. KING of New York, Mr. SESSIONS, Mr. BILBRAY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. TIBERI, Mr. FRELINGHUYSEN, Mr. YOUNG of Florida, Mr. SIMPSON, Mr. LATHAM, Mr. LATOURETTE, Mr. MARIO DIAZ-BALART of Florida, Mrs. SCHMIDT, Mr. NUNES, Mr. BILIRAKIS, Mr. GUTHRIE, Mr. HUNTER, Mr. WITTMAN, Mr. GERLACH, Mr. BUCHANAN, Mr. ROE of Tennessee, Mr. PUTNAM, Mr. BRADY of Texas, Mr. GINGREY of Georgia, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. DENT, Mr. MARCHANT, Mr. MCCAUL, Mrs. BIGGERT, Mrs. CAPITO, Mr. POSEY, Mr. SULLIVAN, Mr. LEE of New York, Ms. ROS-LEHTINEN, Mr. SHUSTER, Mr. TIM MURPHY of Pennsylvania, Mr. DAVIS of Kentucky, Mr. KUCINICH, Mr. DANIEL E. LUNGREN of California, and Mr. BISHOP of Utah):

H. Res. 1328. A resolution honoring the life and legacy of William Earnest ''Ernie'' Harwell; to the Committee on Oversight and Government Reform.

By Mr. FARR (for himself, Mrs. CAPPS, Mr. EHLERS, Mr. INSLEE, Mr. PALLONE, Mrs. NAPOLITANO, Ms. SCHAKOWSKY, Mr. PERLMUTTER, Mr. KAGEN, Ms. LINDA T. SÁNCHEZ of California, Mr. BROWN of South Carolina, Mr. GALLEGLY, Mr. NADLER of New York, Mr. PRICE of North Carolina, Ms. LORETTA SANCHEZ of California and Mr. REYES):

H. Res. 1330. A resolution recognizing June 8, 2010, as World Ocean Day; to the Committee on Oversight and Government Reform.

By Mr. CAO:

H. Res. 1331. A resolution recognizing and appreciating the historical significance and the heroic struggle and sacrifice of the Vietnamese people for the cause of freedom and commending the Vietnamese-American community and nongovernmental organizations; to the Committee on the Judiciary.

By Mr. HIMES:

H. Res. 1332. A resolution encouraging the continuation and further expansion of sister-city relationships between United States and Haitian municipalities as an essential instrument in the ongoing efforts to rebuild Haiti and restore hope and prosperity to its people; to the Committee on Foreign Affairs.

¶54.34 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

270. The SPEAKER presented a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1855 supporting the NewGen Tanker that is to be built by Boeing; to the Committee on Armed Services.

271. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 606 supporting the petition of the Pennsylvania Public Utility Commission that is before the Federal Communications Commission; to the Committee on Energy and Commerce.

272. Also, a memorial of the House of Representatives of the State of Maine, relative to House Joint Resolution No. 1324 urging the Congress of the United States to enact legislation to strengthen enforcement of domestic sourcing laws; to the Committee on Oversight and Government Reform.

273. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Concurrent Resolution No. 5012 urging the Congress of the United States to authorize and appropriate funds for a study of the Missouri River Basin; to the Committee on Transportation and Infrastructure.

274. Also, a memorial of the House of Representatives of the State of Maine, relative to House Resolution No. 1320 urging the Congress of the United States to suport and pass H.R. 4241; to the Committee on Veterans' Affairs.

275. Also, a memorial of the Senate of the State of Arizona, relative to Senate Concurrent Memorial 1001 urging the Congress of the United States to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010; jointly to the Committees on Energy and Commerce, Education and Labor, Ways and Means, Appropriations, the Judiciary, Natural Resources, House Administration, and Rules.

¶54.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 333: Mr. WOLF and Mrs. DAHLKEMPER.
H.R. 406: Mr. MEEKS of New York.
H.R. 450: Mr. SIMPSON.
H.R. 510: Mr. RODRIGUEZ.
H.R. 953: Mr. POE of Texas.
H.R. 1024: Mr. SARBANES.
H.R. 1077: Mr. MELANCON.
H.R. 1205: Mr. HOEKSTRA, Ms. ESHOO, and Mr. POE of Texas.
H.R. 1314: Ms. LEE of California.
H.R. 1339: Mr. SIRES, Mr. TIM MURPHY of Pennsylvania, and Mrs. CAPPS.
H.R. 1362: Mr. MATHESON.
H.R. 1433: Mr. TIM MURPHY of Pennsylvania.
H.R. 1554: Mr. COLE.
H.R. 1712: Mr. TERRY.
H.R. 1792: Mr. GERLACH.
H.R. 1874: Mr. CARNAHAN.
H.R. 1887: Mr. FARR.
H.R. 1939: Mr. SHULER.
H.R. 2000: Mr. LINCOLN DIAZ-BALART of Florida and Mr. GARAMENDI.
H.R. 2149: Ms. KILROY.
H.R. 2235: Mr. CAPUANO.
H.R. 2262: Mr. CROWLEY, Mrs. LUMMIS, Ms. ROYBAL-ALLARD, and Mr. BLUMENAUER.
H.R. 2296: Mr. BUYER.
H.R. 2406: Mr. GALLEGLY.
H.R. 2478: Ms. KILROY.
H.R. 2546: Mr. MCNERNEY.
H.R. 2697: Mr. BRALEY of Iowa and Mr. PERLMUTTER.
H.R. 2730: Mr. ROTHMAN of New Jersey.
H.R. 2850: Mr. NADLER of New York.
H.R. 3012: Mr. ACKERMAN.
H.R. 3024: Ms. MARKEY of Colorado, Mr. QUIGLEY, Mr. YOUNG of Florida, Mr. HIMES, and Mr. MCDERMOTT.
H.R. 3043: Mr. SMITH of Washington and Ms. SHEA-PORTER.
H.R. 3108: Mr. COURTNEY, Mr. HOLT, and Mr. BERRY.
H.R. 3181: Mr. HINOJOSA.
H.R. 3396: Mr. BISHOP of Utah.
H.R. 3441: Ms. KILROY.
H.R. 3567: Ms. MOORE of Wisconsin.
H.R. 3595: Mr. AKIN, Mr. MANZULLO, and Mr. FRANKS of Arizona.
H.R. 3734: Mr. CUMMINGS.
H.R. 3749: Mr. MCNERNEY.
H.R. 3758: Mr. ROTHMAN of New Jersey.
H.R. 3781: Mr. FRANKS of Arizona.
H.R. 3926: Mr. BERMAN.
H.R. 3995: Mr. STARK.
H.R. 4000: Mr. BRADY of Pennsylvania.
H.R. 4115: Mr. MEEKS of New York and Ms. RICHARDSON.
H.R. 4116: Mrs. CAPPS.
H.R. 4150: Mr. ORTIZ.
H.R. 4223: Ms. ROYBAL-ALLARD.
H.R. 4226: Mr. BOUCHER.
H.R. 4256: Mr. STARK.
H.R. 4263: Ms. FUDGE.
H.R. 4320: Mr. ALEXANDER.
H.R. 4399: Mr. BLUMENAUER.
H.R. 4459: Mr. CALVERT.
H.R. 4472: Mr. CONYERS.
H.R. 4509: Mr. ROONEY and Mrs. HALVORSON.
H.R. 4530: Mr. LEVIN.
H.R. 4533: Mr. PETERS, Ms. BALDWIN, Mr. TONKO, and Mr. LEWIS of Georgia.
H.R. 4544: Ms. KILROY.
H.R. 4557: Ms. RICHARDSON.
H.R. 4636: Mr. CAMPBELL, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. KINGSTON, Mr. MARCHANT, Mr. BISHOP of Utah, Mr. MANZULLO, Mr. KING of Iowa, Mrs. BACHMANN, Mr.

HERGER, Mr. TIAHRT, Mr. PITTS, and Mr. GINGREY of Georgia.

H.R. 4638: Mr. JACKSON of Illinois.

H.R. 4645: Mr. CARSON of Indiana.

H.R. 4676: Ms. WOOLSEY.

H.R. 4684: Mr. POE of Texas, Ms. MCCOLLUM, and Mr. JACKSON of Illinois.

H.R. 4692: Ms. BEAN.

H.R. 4722: Mr. HONDA and Mr. JOHNSON of Georgia.

H.R. 4733: Mr. BLUMENAUER.

H.R. 4755: Mr. JACKSON of Illinois.

H.R. 4757: Mr. ELLISON, Mr. DOGGETT, and Mr. GARAMENDI.

H.R. 4761: Mr. ALTMIRE.

H.R. 4770: Ms. BEAN.

H.R. 4785: Ms. HIRONO, Mr. LUJÁN, Mr. SPACE, and Mr. HARE.

H.R. 4790: Ms. DELAURO, Mr. HALL of New York, Ms. WATSON, and Mr. WELCH.

H.R. 4800: Ms. LEE of California.

H.R. 4803: Mr. GINGREY of Georgia, Mr. LATTA, and Mr. HALL of Texas.

H.R. 4844: Ms. WOOLSEY, Mr. ORTIZ, and Mr. MILLER of Florida.

H.R. 4868: Mr. WU.

H.R. 4870: Mr. NADLER of New York and Mr. JACKSON of Illinois.

H.R. 4914: Mr. ADLER of New Jersey.

H.R. 4918: Mr. SCHRADER.

H.R. 4933: Ms. NORTON.

H.R. 4943: Mr. BURTON of Indiana.

H.R. 4985: Mr. COBLE.

H.R. 4995: Mr. SIMPSON.

H.R. 5008: Mr. QUIGLEY.

H.R. 5012: Mr. MOORE of Kansas.

H.R. 5016: Mr. MCCOTTER, Mr. SOUDER, Mr. BOOZMAN, Mr. ROYCE, Mr. TIAHRT, Mr. GARY G. MILLER of California, and Mr. BROUN of Georgia.

H.R. 5034: Mr. DAVIS of Illinois, Mr. MOLLOHAN, Mr. RODRIGUEZ, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 5040: Mr. TONKO.

H.R. 5041: Mr. ISRAEL and Mr. BACA.

H.R. 5044: Mr. HASTINGS of Florida.

H.R. 5049: Mr. BACA and Mr. MURPHY of New York.

H.R. 5054: Mrs. MCMORRIS RODGERS and Mr. ADERHOLT.

H.R. 5081: Mr. GERLACH.

H.R. 5092: Mr. CULBERSON, Mr. PETRI, Mr. DANIEL E. LUNGREN of California, Mr. HOEKSTRA, Mr. KANJORSKI, Mr. CLEAVER, Mr. MARSHALL, Mr. HUNTER, Mr. HARPER, Ms. BALDWIN, Mr. CROWLEY, Ms. KILROY, Ms. SCHWARTZ, Mr. GUTIERREZ, Ms. CHU, Mr. CUMMINGS, Mr. HASTINGS of Florida, Mr. MCDERMOTT, Ms. RICHARDSON, Ms. WATERS, Mr. MCCAUL, Mr. ORTIZ, Mr. SHULER, Mr. RYAN of Ohio, and Mr. SESTAK.

H.R. 5129: Mr. SIRES.

H.R. 5137: Ms. ESHOO, Mr. CONNOLLY of Virginia, Mr. INSLEE, Ms. HERSETH SANDLIN, Mr. SMITH of Washington, Mr. BAIRD, Mr. COOPER, Mr. MURPHY of Connecticut, Mr. ALTMIRE, Mr. CARNEY, Ms. BEAN, Ms. KILROY, Mr. HEINRICH, Mr. BOCCIERI, Mr. FRELINGHUYSEN, Mr. MCCOTTER, Mr. TIBERI, Mr. KING of New York, Mr. ROGERS of Michigan, Mr. AL GREEN of Texas, Mr. SCOTT of Georgia, Mr. COURTNEY, Mr. HARE, Ms. DELAURO, Ms. SLAUGHTER, Mr. HONDA, Mrs. MALONEY, Mr. CARDOZA, Mr. COSTA, Mr. MARSHALL, Mr. ANDREWS, Ms. SHEA-PORTER, Mr. DONNELLY of Indiana, Mr. LANGEVIN, Mr. SCHIFF, Mr. KAGEN, Mr. PERRIELLO, Mr. MARKEY of Massachusetts, Mr. NADLER of New York, Mr. MORAN of Virginia, Mr. ISRAEL, Mrs. EMERSON, Ms. MCCOLLUM, Mr. MCNERNEY, Ms. CLARKE, Ms. KILPATRICK of Michigan, Ms. WASSERMAN SCHULTZ, Mr. ACKERMAN, Mr. RANGEL, Mr. CAPUANO, Mr. TIERNEY, Mr. GEORGE MILLER of California, Mr. HIGGINS, Mr. KIND, Mr. QUIGLEY, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. DEFAZIO, Mr. BURTON of Indiana, Mr. BRALEY of Iowa, Mr. ARCURI, Mr. MCMAHON, Mr. ETHERIDGE, Mr. MCGOVERN, Mr. MAFFEI, Mr. HALL of New York, Ms. BALDWIN, Mr. HOLT, Ms. SCHAKOWSKY, Mr. MATHESON, Mr. HASTINGS of Florida, Mr. CARNAHAN, Mr. FRANK of Massachusetts, Mr. WATT, Mr. CLEAVER, Mr. WEINER, Mr. BLUMENAUER, Ms. FUDGE, Mr. JACKSON of Illinois, Mr. MURPHY of New York, Mr. MOORE of Kansas, Ms. RICHARDSON, Mr. SHULER, Ms. WOOLSEY, and Mr. WELCH.

H.R. 5141: Mr. MORAN of Kansas, Ms. FALLIN, Mrs. LUMMIS, Mr. GRIFFITH, Mr. PRICE of Georgia, Mr. BARTLETT, Mr. PAULSEN, Mr. SHADEGG, Mr. GOODLATTE, and Mr. SCHOCK.

H.R. 5142: Mr. STARK, Mr. SIRES, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. RYAN of Ohio, Mr. QUIGLEY, Ms. SPEIER, Mr. ANDREWS, Mr. BRADY of Pennsylvania, and Ms. BERKLEY.

H.R. 5152: Mr. MARSHALL.

H.R. 5158: Ms. KAPTUR and Mr. BOCCIERI.

H.R. 5200: Mr. COURTNEY.

H. Con. Res. 266: Mr. CULBERSON.

H. Res. 173: Ms. HERSETH SANDLIN and Mr. SCHOCK.

H. Res. 764: Mrs. MCMORRIS RODGERS.

H. Res. 928: Ms. NORTON.

H. Res. 989: Ms. CHU and Mr. PALLONE.

H. Res. 1073: Mr. WALZ, Mr. ELLSWORTH, Mr. CARSON of Indiana, Mr. MARSHALL, and Mr. HILL.

H. Res. 1078: Mr. SHUSTER, Mr. MCKEON, Mr. ROGERS of Alabama, Mr. PAULSEN, Mr. MCCARTHY of California, Mr. BOSWELL, Mr. THORNBERRY, Mrs. NAPOLITANO, Mr. ROONEY, and Mr. DAVIS of Tennessee.

H. Res. 1093: Mr. LOEBSACK.

H. Res. 1106: Mr. SHULER.

H. Res. 1152: Ms. MATSUI and Ms. KILROY.

H. Res. 1157: Mr. YARMUTH, Mr. SIRES, Mr. SERRANO, Mr. MEEK of Florida, Mr. CAO, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. WATSON, and Ms. BERKLEY.

H. Res. 1207: Mr. CONAWAY, Mr. NEUGEBAUER, and Mr. SALAZAR.

H. Res. 1245: Mr. TERRY.

H. Res. 1247: Mr. CASTLE.

H. Res. 1250: Mr. ELLISON, Ms. BALDWIN, and Ms. NORTON.

H. Res. 1258: Mr. MEEK of Florida, Mr. CUELLAR, Mr. SESTAK, and Mr. COURTNEY.

H. Res. 1261: Mr. EHLERS.

H. Res. 1266: Ms. LORETTA SANCHEZ of California.

H. Res. 1273: Mr. POSEY and Mr. SCHOCK.

H. Res. 1279: Mr. JONES.

H. Res. 1294: Mr. LANCE, Mr. PITTS, Mr. BUCHANAN, Mr. YOUNG of Florida, Mr. FRELINGHUYSEN, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. TIBERI, Mr. PUTNAM, Mr. MILLER of Florida, Mr. BILIRAKIS, Ms. ROS-LEHTINEN, Mr. ROONEY, Mr. ENGEL, Mr. DUNCAN, Mr. BILBRAY, Mr. INGLIS, Mr. BUTTERFIELD, Mr. REICHERT, Mr. STEARNS, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. SMITH of Nebraska, Mr. ROE of Tennessee, Mr. POSEY, Mr. SCHOCK, Mr. THOMPSON of Pennsylvania, Mr. WILSON of South Carolina, Mr. HERGER, Mr. HOLDEN, Mr. MCCOTTER, Mr. MICA, Mr. CAMP, Mr. ALEXANDER, Mr. FRANKS of Arizona, Mr. BROWN of South Carolina, Mr. LEE of New York, Mrs. BIGGERT, Ms. FALLIN, and Mr. ROGERS of Alabama.

H. Res. 1297: Mr. SCHRADER and Ms. WOOLSEY.

H. Res. 1299: Mr. ROGERS of Michigan, Mr. MCNERNEY, Mr. COURTNEY, Mrs. BLACKBURN, Mr. REICHERT, and Mr. LAMBORN.

H. Res. 1317: Mr. UPTON, Mr. PITTS, Mr. GUTHRIE, and Mr. LOBIONDO.

¶54.36 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

123. The SPEAKER presented a petition of Kenai Penninsula Borough, Alaska, relative to supporting House Joint Resolution 53 of the Twenty-Sixth Alaska legislature; to the Committee on the Judiciary.

124. Also, a petition of City of Binghamton, New York, relative to Permanent Resolution 10-32 supporting the passage of the Uniting American Families Act; to the Committee on the Judiciary.

125. Also, a petition of Board of Aldermen, St. Louis, Missouri, relative to Resolution Number 381 supporting the passage of the Uniting American Families Act; to the Committee on the Judiciary.

126. Also, a petition of California Federation of Teachers, California, relative to Resolution 21 urging the Congress of the United States to oppose the free trade agreement between the United States and Colombia; to the Committee on Ways and Means.

127. Also, a petition of City of Berkeley, California, relative to Resolution No. 64,820-N.S. supporting H.R. 4687, the Low-Income Housing Tax Credit Exchange Expansion and Job Creation Act of 2010; jointly to the Committees on Financial Services and Ways and Means.

128. Also, a petition of California Federation of Teachers, California, relative to Resolution 33 calling for a redirection of the military budget for Afghanistan to reparations for infrastructure and social programs for the Afghani people; jointly to the Committees on Foreign Affairs and Armed Services.

129. Also, a petition of California Federation of Teachers, California, relative to Resolution 25 urging the immediate release of the ''Cuban Five''; jointly to the Committees on the Judiciary and Foreign Affairs.

130. Also, a petition of California Federation of Teachers, California, relative to Resolution 24 declaring solidarity with the people of Honduras; jointly to the Committees on Foreign Affairs, the Judiciary, Financial Services, Armed Services, and Ways and Means.

THURSDAY, MAY 6, 2010 (55)

¶55.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. WILSON of Ohio, who laid before the House the following communication:

WASHINGTON, DC,
May 6, 2010.

I hereby appoint the Honorable CHARLES A. WILSON to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶55.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. WILSON of Ohio, announced he had examined and approved the Journal of the proceedings of Wednesday, May 5, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶55.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7351. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Polyglyceryl Phthalate Ester of Coconut Oil Fatty Acids; Exemption from the Requirement of a Tolerance; Technical Correction [EPA-HQ-OPP-2008-0888; FRL-8436-3] received April 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7352. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's fourth quarter report for calendar year 2009 as required by the Joint Improvised Explosive Device Defeat Fund; to the Committee on Armed Services.

7353. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Kingdom of Morocco pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7354. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's thirty-second annual report summarizing actions the Commission took during 2009 with respect to the Fair Debt Collection Practices Act, 15 U.S.C. 1692-1692o, pursuant to 15 U.S.C. 1692m; to the Committee on Financial Services.

7355. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report for fiscal years 2007 to 2008 on the Family Violence Prevention and Services Program, pursuant to 42 U.S.C. 10405, section 306; to the Committee on Education and Labor.

7356. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's reports entitled, ''The National Healthcare Quality Report 2009 (NHQR)'' and ''The National Healthcare Disparities Report 2009 (NHDR)'', pursuant to Public Law 106-129; to the Committee on Energy and Commerce.

7357. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Transportation Conformity Requirement for Bernalillo County [EPA-R06-OAR-2005-NM-0007; FRL-9140-2] received April 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7358. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Visibility Impairment Prevention for Federal Class I Areas; Removal of Federally Promulgated Provisions [EPA-R04-OAR-2010-0150-201009(a); FRL-9138-9] received April 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7359. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Revisions to the Kentucky State Implementation Plan [EPA-R04-OAR-2010-0502-201011; FRL-9139-1] received April 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7360. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations Based on the 2009 Missile Technology Control Regime Plenary Agreements [Docket No.: 0912031426-0047-01] (RIN: 0694-AE79) received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7361. A letter from the Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq pursuant to Section 9204 of the Department of Defense Supplemental Appropriations Act 2008; to the Committee on Foreign Affairs.

7362. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's annual report for 2009 on Voting Practices in the United Nations, pursuant to Public Law 101-246, section 406; to the Committee on Foreign Affairs.

7363. A letter from the General Manager, Defense Nuclear Facilities Safety Board, transmitting the Board's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7364. A letter from the Secretary, Department of Labor, transmitting pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), the Department's annual report for FY 2009; to the Committee on Oversight and Government Reform.

7365. A letter from the President, Inter-American Foundation, transmitting the Foundation's annual report for fiscal year 2009 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

7366. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Westinghouse Electric Corp., in Bloomfield, New Jersey, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

7367. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Area IV of the Santa Susana Field Laboratory in Stana Susana, California, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

7368. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Nevada Test Site, Mercury, Nevada, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

7369. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Lawrence Livermore National Laboratory in Livermore, Califonina, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

7370. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Lawrence Berkeley National Laboratory in Berkeley, California, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

7371. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties, pursuant to Public Law 110-53, section 803 (121 Stat. 266, 360); to the Committee on the Judiciary.

7372. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2008 Annual Report of the National Institute of Justice, pursuant to 42 U.S.C. 3766(c) and 3789(e); to the Committee on the Judiciary.

7373. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; March Fireworks displays within the Captain of the Port Puget Sound Area of Responsibility (AOR) [Docket No.: USCG-2010-0143] (RIN: 1625-AA00) received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7374. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Dive Platform, Pago Pago Harbor, American Samoa [Docket No.: USCG-2010-0002] (RIN: 1625-AA00) received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7375. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area: Narraganset Bay, RI and Mount Hope Bay, RI and MA, Including the Providence River and Taunton River [Docket No.: USCG-2009-0143 (formerly Docket Nos. D01-05-094 and Docket No. USCG-01-06-052] (RIN: 1625-AA11) received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7376. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Freeport Channel Entrance, Freeport, TX [Docket No.: USCG-2008-0125] (RIN: 1625-AA87) received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7377. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Brazos River, Freeport, TX [Docket No.: USCG-2009-0501] (RIN: 1625-AA87) received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7378. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; NASSCO Launching of USNS Charles Drew, San Diego Bay, San Diego, CA [Docket No.: USCG-2010-0093] (RIN: 1625-AA00) received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7379. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Freeport LNG Basin, Freeport, TX [Docket No.: USCG-2008-0124] (RIN: 1625-AA87) received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7380. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Mead Intake Construction; Lake Mead, Boulder City, NV [Docket No.: USCG-2009-1031] (RIN: 1625-AA00) received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7381. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Hudson River South of the Troy Locks, New York [Docket No.: USCG-2010-0009] (RIN: 1625-AA11) received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7382. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Director Directive #3 LMSB Tier II Issue Section 172(f) Specified Liability Losses received April 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7383. A communication from the President of the United States, transmitting a report consistent with the requirements of the National Defense Authorization Act for FY 2009; to the Committee on Homeland Security.

¶55.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, without amendment, a bill of the House of the following title:

H.R. 5148. An Act to amend title 39, United States Code, to clarify the instances in which the term ''census'' may appear on mailable matter.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 3111. An Act to establish the Commission on Freedom of Information Act Processing Delays.

¶55.5 PROVIDING FOR CONSIDERATION OF H.R. 5019

Ms. MATSUI, by direction of the Committee on Rules, called up the following resolution (H. Res. 1329):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5019) to provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Energy and Commerce or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

When said resolution was considered.

After debate,

On motion of Ms. MATSUI, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 229 / Nays 182

¶55.6 [Roll No. 249]

YEAS—229

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

NAYS—182

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

NOT VOTING—19

Barrett (SC)	DeGette	Melancon
Blackburn	Garamendi	Mollohan
Bonner	Hoekstra	Moore (WI)
Campbell	Johnson (GA)	Reyes
Costa	Kennedy	Schock
Dahlkemper	Kratovil	
Davis (AL)	McCollum	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶55.7 H. RES. 1295—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1295) celebrating the role of mothers in the United States

and supporting the goals and ideals of Mother's Day.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 Nays 0

¶55.8 [Roll No. 250]

YEAS—417

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

NOT VOTING—13

Barrett (SC)
Blackburn
Boehner
Bonner
Campbell
Davis (AL)
DeGette
Gohmert
Hoekstra
Kennedy
McCollum
Melancon
Mollohan

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶55.9 H.R. 1722—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1722) to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 268 Nays 147

¶55.10 [Roll No. 251]

YEAS—268

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

NAYS—147

Aderholt	Gohmert	Olson
Akin	Granger	Paul
Alexander	Griffith	Paulsen
Austria	Guthrie	Pence
Bachmann	Harper	Pitts
Bachus	Heller	Platts
Barton (TX)	Hensarling	Poe (TX)
Biggert	Herger	Posey
Bishop (UT)	Hunter	Price (GA)
Blunt	Inglis	Putnam
Boehner	Issa	Radanovich
Bono Mack	Jenkins	Rehberg
Boozman	Johnson (IL)	Roe (TN)
Boustany	Johnson, Sam	Rogers (AL)
Broun (GA)	Jones	Rogers (KY)
Brown (SC)	Jordan (OH)	Rogers (MI)
Brown-Waite, Ginny	King (IA)	Rohrabacher
	King (NY)	Rooney
Burgess	Kingston	Ros-Lehtinen
Burton (IN)	Kline (MN)	Roskam
Buyer	Lamborn	Royce
Calvert	Lance	Ryan (WI)
Camp	Latta	Scalise
Cantor	Lee (NY)	Schmidt
Carter	Lewis (CA)	Schock
Cassidy	LoBiondo	Sensenbrenner
Castle	Lucas	Sessions
Coble	Luetkemeyer	Shadegg
Coffman (CO)	Lummis	Shimkus
Cole	Lungren, Daniel E.	Shuster
Conaway		Simpson
Crenshaw	Mack	Smith (NE)
Culberson	Manzullo	Smith (NJ)
Davis (KY)	Marchant	Souder
Diaz-Balart, L.	McCarthy (CA)	Stearns
Diaz-Balart, M.	McCaul	Sullivan
Dreier	McClintock	Terry
Duncan	McHenry	Thompson (PA)
Emerson	McKeon	Thornberry
Fallin	McMorris Rodgers	Tiahrt
Flake		Tiberi
Fleming	Mica	Turner
Forbes	Miller (FL)	Upton
Foxx	Miller (MI)	Walden
Franks (AZ)	Miller, Gary	Wamp
Frelinghuysen	Moran (KS)	Westmoreland
Gallegly	Murphy, Tim	Whitfield
Garrett (NJ)	Myrick	Wilson (SC)
Gerlach	Neugebauer	Young (AK)
Gingrey (GA)	Nunes	Young (FL)

NOT VOTING—15

Barrett (SC)	Davis (AL)	McCollum
Blackburn	DeGette	Melancon
Bonner	Fattah	Mollohan
Brady (TX)	Hoekstra	Napolitano
Campbell	Kennedy	Velázquez

So, two-thirds of the Members present not having voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶55.11 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2010.

Speaker NANCY PELOSI,
House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: I hereby resign my appointment to the House Armed Services Committee so that I might accept the appointment to House Committee on Appropriations.

It has been my distinct honor to serve on the Armed Services Committee these past three years and I feel privileged to have been able to serve under the Honorable Chairman Ike Skelton. However I must resign my appointment to this committee effective immediately in order to begin work on the Committee on Appropriations and continue my work on the House Permanent Select Committee on Intelligence.

Sincerely,

PATRICK J. MURPHY.
Member of Congress

By unanimous consent, the resignation was accepted.

¶55.12 HOME STAR RETROFIT REBATE PROGRAM

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, pursuant to House Resolution 1329 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5019) to provide for the establishment of the Home Star Retrofit Rebate Program, and for other purposes.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, by unanimous consent, designated Ms. EDWARDS of Maryland, as Chairman of the Committee of the Whole; and after some time spent therein,

¶55.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 111-475, submitted by Mr. BARTON of Texas:

Page 64, lines 19 through 25, strike subsection (g) (and redesignate the subsequent subsection accordingly).

It was decided in the negative ..... { Yeas ..... 180 / Nays 237

¶55.14 [Roll No. 252]

AYES—180

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

NOES—237

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

NOT VOTING—19

Barrett (SC)	Davis (AL)	Kennedy
Blackburn	DeGette	McCollum
Bonner	Faleomavaega	Melancon
Campbell	Guthrie	
Castle	Hoekstra	

Mollohan	Obey	Platts
Moran (VA)	Pitts	Wamp

So the amendment was not agreed to.

¶55.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 111-475, submitted by Mr. BURGESS:

Page 6, line 6, strike ''111'' and insert ''110''.

Page 12, line 16, strike ''112'' and insert ''111''.

Page 53, line 16, strike ''112'' and insert ''111''.

Page 58, lines 6 through 16, strike section 109 (and redesignate the subsequent sections accordingly).

Page 65, line 19, strike ''subsection (j)'' and insert ''subsection (i)''.

Page 67, line 3, strike ''111'' and insert ''110''.

Page 70, lines 17 through 21, strike subsection (e) (and redesignate the subsequent subsections accordingly).

Page 71, line 1, strike ''subsections (b), (d), and (e)'' and insert ''subsections (b) and (d)''.

Page 71, lines 13 and 14, strike ''subsections (b), (d), and (e)'' and insert ''subsections (b) and (d)''.

Page 72, line 8, strike '', 110, and 111'' and insert ''and 110''.

It was decided in the negative ..... { Yeas ..... 190 / Nays 228

¶55.16 [Roll No. 253]

AYES—190

Aderholt	Edwards (TX)	Lummis
Alexander	Ehlers	Mack
Arcuri	Ellsworth	Manzullo
Austria	Emerson	Marchant
Bachmann	Fallin	Marshall
Bachus	Flake	McCarthy (CA)
Bartlett	Fleming	McCaul
Barton (TX)	Forbes	McClintock
Biggert	Fortenberry	McCotter
Bilbray	Foxx	McHenry
Bilirakis	Franks (AZ)	McKeon
Bishop (UT)	Frelinghuysen	McMorris Rodgers
Blunt	Gallegly	Mica
Boehner	Garrett (NJ)	Miller (FL)
Bono Mack	Gerlach	Miller (MI)
Boozman	Gingrey (GA)	Miller, Gary
Boren	Gohmert	Moran (KS)
Boustany	Goodlatte	Murphy (NY)
Brady (TX)	Gordon (TN)	Murphy, Tim
Broun (GA)	Granger	Myrick
Brown (SC)	Graves	Neugebauer
Brown-Waite, Ginny	Griffith	Nunes
Buchanan	Hall (TX)	Nye
Burgess	Harper	Olson
Burton (IN)	Hastings (WA)	Paul
Buyer	Heller	Paulsen
Calvert	Hensarling	Pence
Camp	Herger	Perriello
Cantor	Hunter	Peters
Cao	Inglis	Petri
Capito	Issa	Platts
Cardoza	Jenkins	Poe (TX)
Carney	Johnson (IL)	Posey
Carter	Johnson, Sam	Price (GA)
Cassidy	Jones	Putnam
Castle	Jordan (OH)	Radanovich
Chaffetz	Kilroy	Rehberg
Childers	King (IA)	Reichert
Coble	King (NY)	Roe (TN)
Coffman (CO)	Kingston	Rogers (AL)
Cole	Kirk	Rogers (KY)
Conaway	Kirkpatrick (AZ)	Rogers (MI)
Costa	Kline (MN)	Rohrabacher
Crenshaw	Lamborn	Rooney
Culberson	Lance	Ros-Lehtinen
Davis (KY)	Latham	Roskam
Dent	LaTourette	Royce
Diaz-Balart, L.	Latta	Ryan (WI)
Diaz-Balart, M.	Lee (NY)	Sanchez, Loretta
Doggett	Lewis (CA)	Scalise
Donnelly (IN)	Linder	Schauer
Dreier	LoBiondo	Schmidt
Duncan	Lucas	Schock
Schrader	Souder	Turner
Sensenbrenner	Stearns	Upton
Sessions	Sullivan	Walden
Shadegg	Taylor	Westmoreland
Shimkus	Teague	Whitfield
Shuster	Terry	Wilson (SC)
Simpson	Thompson (PA)	Wittman
Smith (NE)	Thornberry	Wolf
Smith (NJ)	Tiahrt	Young (AK)
Smith (TX)	Tiberi	Young (FL)

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

NOT VOTING—18

Akin	Davis (AL)	McCollum
Barrett (SC)	DeGette	Melancon
Blackburn	Faleomavaega	Mollohan
Bonner	Guthrie	Obey
Brown, Corrine	Hoekstra	Pitts
Campbell	Kennedy	Wamp

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. SERRANO, assumed the Chair.

When Ms. EDWARDS of Maryland, Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Home Star Energy Retrofit Act of 2010''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACCREDITED CONTRACTOR.—The term ''accredited contractor'' means a qualified contractor—

(A) that is accredited—

(i) by the BPI; or

(ii) under other standards that the Secretary shall approve or deny not later than 30 days after submittal, in consultation with the Administrator; and

(B) effective 1 year after the date of enactment of this Act, that uses a certified workforce.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(3) BPI.—The term ''BPI'' means the Building Performance Institute.

(4) CERTIFIED WORKFORCE.—The term ''certified workforce'' means a residential energy efficiency construction workforce in which all employees performing installation work are certified in the appropriate job skills under—

(A) an applicable third party skills standard established by—

(i) BPI;

(ii) North American Technician Excellence;

(iii) the Laborers' International Union of North America;

(B) an applicable third party skills standard established in the State in which the work is to be performed, pursuant to a program operated by the Home Builders Institute in connection with Ferris State University, to be effective 30 days after notice is provided by those organizations to the Secretary that such program has been established in such State, except to the extent that the Secretary determines within 30 days of such notice that the standard or certification is incomplete; or

(C) other standards that the Secretary shall approve or deny not later than 30 days after submittal, in consultation with the Secretary of Labor and the Administrator.

(5) CONDITIONED SPACE.—The term ''conditioned space'' means the area of a home that is—

(A) intended for habitation; and

(B) intentionally heated or cooled.

(6) DOE.—The term ''DOE'' means the Department of Energy.

(7) ELECTRIC UTILITY.—The term ''electric utility'' means any person, State agency, rural electric cooperative, municipality, or other governmental entity that delivers or sells electric energy at retail or wholesale, including nonregulated utilities and utilities that are subject to State regulation and Federal power marketing administrations.

(8) EPA.—The term ''EPA'' means the Environmental Protection Agency.

(9) FEDERAL REBATE PROCESSING SYSTEM.—The term ''Federal Rebate Processing

System'' means the Federal Rebate Processing System established under section 101(b).

(10) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—The term ''Gold Star Home Energy Retrofit Program'' means the Gold Star Home Energy Retrofit Program established under section 104.

(11) HOME.—The term ''home'' means a principal residential dwelling unit in a building with no more than 4 dwelling units that—

(A) is located in the United States; and

(B) was constructed before the date of enactment of this Act.

(12) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(13) NATIONAL HOME PERFORMANCE COUNCIL.—The term ''National Home Performance Council'' means the National Home Performance Council, Inc.

(14) NATURAL GAS UTILITY.—The term ''natural gas utility'' means any person or State agency that transports, distributes, or sells natural gas at retail, including nonregulated utilities and utilities that are subject to State regulation.

(15) QUALIFIED CONTRACTOR.—The term ''qualified contractor'' means a residential energy efficiency contractor meeting minimum applicable requirements as determined under section 101(c).

(16) QUALITY ASSURANCE FRAMEWORK.—The term ''quality assurance framework'' means a policy structure adopted by a State to develop high standards for ensuring quality in ongoing energy efficiency retrofit activities in which the State has a role, including operation of the quality assurance program, while creating significant employment opportunities, in particular for targeted workers.

(17) QUALITY ASSURANCE PROGRAM.—

(A) IN GENERAL.—The term ''quality assurance program'' means a program authorized under this Act to oversee the delivery of home efficiency retrofit programs to ensure that work is performed in accordance with standards and criteria established under this Act.

(B) INCLUSIONS.—For purposes of subparagraph (A), delivery of retrofit programs includes field inspections required under this Act, with the consent of participating consumers and without delaying rebate payments to participating contractors and vendors.

(18) QUALITY ASSURANCE PROVIDER.—

(A) IN GENERAL.—The term ''quality assurance provider'' means any entity that is authorized pursuant to this Act to perform field inspections and other measures required to confirm the compliance of retrofit work with the requirements of this Act.

(B) CERTIFICATION REQUIREMENT.—To be considered a quality assurance provider under this paragraph, an entity shall be certified through—

(i) the International Code Council;

(ii) the BPI;

(iii) the RESNET;

(iv) a State;

(v) a State-approved residential energy efficiency retrofit program; or

(vi) any other entity that is accredited under standards that the Secretary shall approve or deny not later than 30 days after submittal, in consultation with the Administrator.

(19) REBATE AGGREGATOR.—The term ''rebate aggregator'' means an entity that meets the requirements of section 102.

(20) RESNET.—The term ''RESNET'' means the Residential Energy Services Network.

(21) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(22) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—The term ''Silver Star Home Energy Retrofit Program'' means the Silver Star Home Energy Retrofit Program established under section 103.

(23) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the United States Virgin Islands;

(G) the Northern Mariana Islands; and

(H) any other commonwealth, territory, or possession of the United States.

(24) TARGETED WORKER.—The term ''targeted worker'' means an individual who is unemployed or underemployed and of an employable age and a resident of an area with high or chronic unemployment and low median household incomes, as defined by the Secretary in consultation with the Secretary of Labor.

(25) WATER UTILITY.—The term ''water utility'' means any State or local agency that delivers or sells water at wholesale or retail through an engineered distribution system.

TITLE I—HOME STAR RETROFIT REBATE PROGRAM

SEC. 101. HOME STAR RETROFIT REBATE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish the Home Star Retrofit Rebate Program.

(b) FEDERAL REBATE PROCESSING SYSTEM.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury and the Administrator, shall—

(A) establish a Federal Rebate Processing System which shall serve as a database and information technology system to allow—

(i) rebate aggregators to submit claims for reimbursement using standard data protocols;

(ii) quality assurance reports to be identified with the work for which rebates are claimed; and

(iii) any Home Star loans to be linked to the work for which they are made;

(B) establish a national retrofit website that provides information on the Home Star Retrofit Rebate Program, including how to determine whether particular energy efficiency measures are eligible for rebate and how to participate in the program;

(C) establish a means by which a State may obtain confidential access to records of work performed in that State from the database; and

(D) publish model forms and data protocols for use by contractors, vendors, and quality assurance providers to comply with the requirements of this title.

(2) MODEL CERTIFICATION FORMS.—In carrying out this section, the Secretary shall consider the model certification forms developed by the National Home Performance Council.

(c) QUALIFIED CONTRACTOR REQUIREMENTS.—A qualified contractor may perform retrofit work for which rebates are authorized under this title only if it affirms, in each Home Star rebate application submitted to a rebate aggregator, that it meets applicable requirements, including—

(1) all applicable State contractor licensing requirements or, with respect to a State that has no such requirements, any appropriate comparable requirements established under paragraph (6);

(2) insurance coverage of at least $1,000,000 for general liability, and for such other purposes and in such other amounts as may be required by the State;

(3) agreeing to provide warranties to homeowners that completed work will—

(A) be free of significant defects;

(B) be installed in accordance with the specifications of the manufacturer; and

(C) perform properly for a period of at least 1 year after the date of completion of the work;

(4) agreeing to pass through to the owner of a home, through a discount, the full economic value of all rebates received under this title with respect to the home;

(5) agreeing to provide to the homeowner a notice of the amount of the rebate the contractor intends to apply for on the homeowner's behalf with respect to the eligible work under this title, before a contract is executed between the contractor and a homeowner covering the eligible work;

(6) agreeing to cooperate with and comply with the requirements of the quality assurance provider assigned to inspect any work done, subject to any appeals or dispute resolution process described in section 105(b)(4);

(7) certifying that no employee has been convicted of, or pleaded guilty to, a crime of child molestation, rape, or any other form of sexual assault;

(8) all requirements of an applicable State quality assurance framework by and after the date that is 1 year after the date of enactment of this Act; and

(9) any other appropriate requirements as determined by the Secretary, in consultation with the Administrator.

(d) ADMINISTRATIVE AND TECHNICAL SUPPORT.—Subject to section 109(b) and (c), beginning not later than 30 days after the date of enactment of this Act, the Secretary shall provide such administrative and technical support to rebate aggregators and States as is necessary to carry out this title.

(e) ADMINISTRATION.—

(1) APPOINTMENT OF PERSONNEL.—Notwithstanding the provisions of title 5, United States Code, governing appointments in the competitive service and General Schedule classifications and pay rates, the Secretary may appoint and set basic rates of pay for such professional and administrative personnel as the Secretary considers necessary to carry out this title. Such authority shall not apply to positions in the Senior Executive Service. The number of personnel appointed under this paragraph shall not exceed 30 full-time equivalent employees. The terms of appointment of all personnel appointed under this paragraph shall expire upon the termination of the programs established under this title.

(2) RATE OF PAY.—The basic rate of pay for a person appointed under paragraph (1) shall not exceed the maximum rate of basic pay payable for GS–15 of the General Schedule under section 5332 of title 5, United States Code.

(3) REGULATIONS.—

(A) IN GENERAL.—Notwithstanding section 553 of title 5, United States Code, the Secretary may issue regulations that the Secretary, in the sole discretion of the Secretary, determines necessary to—

(i) establish;

(ii) achieve full operational status within 60 days after the date of enactment of this Act for; or

(iii) carry out,

the Home Star Retrofit Rebate Program.

(B) TIMING.—If the Secretary determines that regulations described in subparagraph (A) are necessary, the regulations shall be issued not later than 60 days after such determination.

(C) EXCEPTION.—(i) The Secretary shall not utilize the authority provided under this paragraph to—

(I) develop, adopt, or implement a public labeling system that rates and compares the energy performance of one home with another; or

(II) require the public disclosure of an energy performance evaluation or rating developed for any specific home.

(ii) Nothing in this subparagraph shall preclude—

(I) the computation, collection, or use, by the Secretary, rebate aggregators, quality assurance providers, or States for the purposes of carrying out sections 104 and 105, of information on the rating and comparison of the energy performance of homes with and without energy efficiency features or on energy performance evaluation or rating;

(II) the use and publication of aggregate data (without identifying individual homes or participants) based on information referred to in subclause (I) to determine or demonstrate the performance of the Home Star program; or

(III) the provision of information referred to in subclause (I) with respect to a specific home—

(aa) to the State, homeowner, quality assurance provider, rebate aggregator, or contractor performing retrofit work on that home, or an entity providing Home Star services, as necessary to enable carrying out this title; or

(bb) for purposes of prosecuting fraud and abuse.

(4) INFORMATION COLLECTION.—Chapter 35 of title 44, United States Code, shall not apply to any information collection requirement necessary for the implementation of the Home Star Retrofit Rebate Program.

(5) EFFECTIVE PERIOD.—(A) Paragraph (1) shall be effective only until December 31, 2010, except with respect to personnel appointed to support the quality assurance and enforcement of the programs established under this title, for which appointments may be made under paragraph (1) until the termination of the programs established under this title pursuant to section 111(i).

(B) Paragraphs (3) and (4) shall be effective only until the date that is 2 years after the date of enactment of this Act, except with respect to regulations and information collection relating to the quality assurance and enforcement of the programs established under this title.

(f) PROGRAM REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and transmit to Congress a State-by-State analysis and review the distribution of Home Star retrofit rebates under this title.

(g) ADJUSTMENT OF REBATE AMOUNTS.—Effective beginning on the date that is 180 days after the date of enactment of this Act, the Secretary may, after not less than 30 days public notice, prospectively adjust the rebate amounts provided for under this title as necessary to optimize the overall energy efficiency resulting from the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program.

(h) INDIAN TRIBE PARTICIPATION.—

(1) IN GENERAL.—An Indian tribe, within 30 days after the date of enactment of this Act, may indicate to the Secretary its intention to act in place of a State for purposes of carrying out the responsibilities of the State under this title with respect to its tribal lands. If the Indian tribe so indicates, the Secretary shall treat the Indian tribe as the State for purposes of carrying out this title with respect to those tribal lands.

(2) TRANSITION OF RESPONSIBILITIES.—The Secretary may permit an Indian tribe, after the expiration of 30 days after the date of enactment of this Act, to assume the responsibilities of a State under this title with respect to its tribal lands if the Secretary finds that such assumption of responsibilities will not disrupt the ongoing administration of the program under this title.

(3) COOPERATION.—An Indian tribe may cooperate with a State or the Secretary to ensure that all of the requirements of this title are carried out with respect to the tribal lands.

(i) IMPLEMENTATION BY SECRETARY.—

(1) IN GENERAL.—If a State has not indicated to the Secretary within 30 days after the date of enactment of this Act that it is prepared to carry out section 105 or 108, or if at any later time the Secretary determines that a State is no longer prepared to carry out section 105 or 108, to the extent that no Indian tribe assumes such responsibilities under subsection (h) the Secretary shall assume the responsibilities of that State with respect to carrying out section 105 or 108.

(2) TRANSITION OF RESPONSIBILITIES.—The Secretary may permit a State, after the Secretary has assumed the responsibilities of that State under paragraph (1), to assume the responsibilities assigned to States under section 105 or 108 with respect to that State if the Secretary finds that such assumption of responsibilities will not disrupt the ongoing administration of the program under this title.

(j) LIMITATION.—Rebates may not be provided under both section 103 and section 104 with respect to the same home unless the energy savings measures installed pursuant to section 103 are excluded from the calculations performed for purposes of section 104 and the total amount of rebates paid for the home does not exceed the maximum rebate available pursuant to section 104.

(k) FORMS FOR CERTIFICATION AND QUALITY ASSURANCE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall make available on the website established under subsection (b)(1)(B), model certification forms for compliance with quality assurance requirements under this title, to be submitted by—

(A) each qualified contractor, accredited contractor, and quality assurance provider on completion of an eligible home energy retrofit; and

(B) each quality assurance provider on completion of field verification required under this title.

(2) NATIONAL HOME PERFORMANCE COUNCIL.—The Secretary, States, and Indian tribes shall consider and may use model certification forms developed by the National Home Performance Council to ensure compliance with quality assurance requirements under this title.

(l) PUBLIC-PRIVATE PARTNERSHIPS.—A State that receives a grant under this title is encouraged to form partnerships with utilities, energy service companies, and other entities—

(1) to assist in marketing the Home Star Retrofit Rebate Program;

(2) to facilitate consumer financing;

(3) to assist in implementation of the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program, including installation of qualified energy retrofit measures; and

(4) to assist in implementing quality assurance programs.

(m) COORDINATION OF REBATE AND EXISTING STATE-SPONSORED PROGRAMS.—

(1) IN GENERAL.—A State shall, to the maximum extent practicable, prevent duplication through coordination of a program authorized under this title with—

(A) the Energy Star appliance rebates program authorized under section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821), and any other Federal programs that provide funds to States for home or appliance energy efficiency purposes; and

(B) comparable programs planned or operated by States, political subdivisions, electric and natural gas utilities, Federal power marketing administrations, and Indian tribes.

(2) EXISTING PROGRAMS.—In carrying out this subsection, a State shall—

(A) give priority to—

(i) comprehensive retrofit programs in existence on the date of enactment of this Act, including programs under the supervision of State utility regulators; and

(ii) using funds made available under this title to enhance and extend existing programs; and

(B) seek to enhance and extend existing programs by coordinating with administrators of the programs.

(n) HEALTH AND SAFETY REQUIREMENTS.—Nothing in this title shall relieve any contractor from the obligation to comply with applicable Federal, State, and local health and safety code requirements.

(o) INFORMATION HOTLINES.—

(1) CONTRACTORS.—The Secretary shall establish and publicize a telephone hotline for contractors to call to obtain information about the programs under this Act.

(2) HOMEOWNERS.—The Secretary shall establish and publicize a telephone hotline for homeowners to call to obtain information about the programs under this Act.

(p) ONLINE CHAT FUNCTION.—The Secretary shall determine the feasibility and effectiveness of establishing an online chat function through the website established for the Home Star Retrofit Rebate Program, and may establish such a function as appropriate.

(q) DISASTER AREAS.—The Secretary shall ensure that a home in an area declared affected by a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) is not denied assistance under the Home Star Retrofit Rebate Program solely because there is no equipment or system to replace due to the disaster.

(r) INCOME THRESHOLD.—Homeowners with a gross annual household income of more than $250,000 shall not be eligible for a rebate under this title.

SEC. 102. REBATE AGGREGATORS.

(a) IN GENERAL.—The Secretary shall develop a network of rebate aggregators that can facilitate the delivery of rebates to homeowners to reimburse the homeowners for work provided by participating contractors and vendors for energy efficiency retrofit work. The Secretary shall approve or deny an application from a person seeking to become a rebate aggregator not later than 30 days after receiving such application. The Secretary may disqualify any rebate aggregator, in one or more particular States, that fails to meet its obligations under this title in a timely and competent manner. The Secretary shall consult with States operating existing residential energy efficiency and retrofit programs on how best to coordinate the Home Star Retrofit Rebate Program with such existing programs, including the designation of rebate aggregators.

(b) AVAILABILITY.—Not later than 60 days after the date of enactment of this Act, the Secretary shall identify a sufficient number of rebate aggregators in each State to ensure that rebate applications can be accepted from all qualified contractors. Not later than 90 days after such date of enactment, the Secretary shall ensure that rebate aggregation services are available to all homeowners in the United States at the lowest reasonable cost.

(c) RESPONSIBILITIES.—Rebate aggregators shall—

(1) review each proposed rebate application for completeness and accuracy;

(2) review all measures for which rebates are sought for eligibility in accordance with this title;

(3) not later than 10 days after receipt of a complete rebate application, provide data to the Secretary for inclusion in the database maintained through the Federal Rebate Processing System, consistent with data protocols established by the Secretary;

(4) not later than 10 days after the date of receipt, distribute funds received from the Secretary to contractors, vendors, or other persons in accordance with approved claims for reimbursement made to the Federal Rebate Processing System;

(5) maintain appropriate accounting for rebate applications processed, and their disposition;

(6) review contractor qualifications and accreditation and retain documentation of such qualification and accreditation, as required for contractors to be authorized to perform residential energy efficiency retrofit work under this title; and

(7) maintain information regarding contractors' fulfillment of the requirements of section 101(c).

(d) ELIGIBILITY.—To be eligible to apply to the Secretary for approval as a rebate aggregator, an entity—

(1) shall be—

(A) a Home Performance with Energy Star partner;

(B) an entity administering a residential energy efficiency retrofit program established or approved by a State;

(C) a Federal power marketing administration or the Tennessee Valley Authority;

(D) an Armed Forces exchange service in the United States that offers for sale energy savings measures described in section 103;

(E) an electric utility, natural gas utility, or water utility administering or offering a residential energy efficiency retrofit program; or

(F) an entity—

(i) with corporate status or status as a State or local government;

(ii) who can demonstrate adequate financial capability to manage a rebate aggregator program, as evidenced by audited financial records;

(iii) whose participation in the program, in the judgment of the Secretary, would facilitate coordination with, and not disrupt, existing residential retrofit programs in the States that are carrying out the Home Star Retrofit Rebate Program under this title; and

(iv) whose operational facilities, employees, electronic recordkeeping hardware and facilities, and conventional records used to carry out the responsibilities of a rebate aggregator are located wholly within the United States, to the extent consistent with the international obligations of the United States.

(2) must be able to demonstrate—

(A) a relationship with 1 or more independent quality assurance providers that is sufficient to meet the volume of contracting services delivered;

(B) the capability to provide such electronic data as is required by the Secretary to the Federal Rebate Processing System; and

(C) a financial system that is capable of tracking the distribution of rebates to participating contractors and vendors; and

(3) shall include in its application the amount it proposes to charge for the review and processing of a rebate under this title.

(e) PROMPT PROCESSING OF REBATES.—Within 10 days after receiving an application for a rebate consistent with this title, a rebate aggregator shall submit a claim for that rebate to the Federal Rebate Processing System. Within 10 days after the Federal Rebate Processing System receives such a submission from a rebate aggregator, the Secretary shall provide the funds to the rebate aggregator necessary to pay such rebates to the qualified contractor or vendor who applied for them and to compensate the rebate aggregator for its services in accordance with this title. Within 10 days of being provided such funds, the rebate aggregator shall pay the rebates to the rebate applicant.

(f) PUBLIC UTILITY COMMISSION EFFICIENCY TARGETS.—The Secretary shall—

(1) develop guidelines for States to use to allow utilities participating as rebate aggregators to count the energy savings from their participation toward State-level energy savings targets; and

(2) work with States to assist in the adoption of these guidelines for the purposes and duration of the Home Star Retrofit Rebate Program.

SEC. 103. SILVER STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—During the first year after the date of enactment of this Act, a Silver Star Home Energy Retrofit Program rebate shall be awarded, subject to the maximum amount limitations under subsection (d)(4) and to the availability of funding pursuant to section 109, to homeowners to reimburse the homeowners for work provided by participating contractors and vendors, for the installation of energy savings measures—

(1) selected from the list of energy savings measures described in subsection (b);

(2) installed after the date of enactment of this Act in the home by a qualified contractor; and

(3) carried out in compliance with this section.

(b) ENERGY SAVINGS MEASURES.—Subject to subsection (c), a rebate shall be awarded under subsection (a) for the installation of the following energy savings measures for a home energy retrofit that meet technical standards established under this section:

(1) Whole house air sealing measures, including interior and exterior measures, utilizing sealants, caulks, insulating foams, gaskets, weather-stripping, mastics, and other building materials in accordance with BPI standards or other procedures approved by the Secretary.

(2) Attic insulation measures that—

(A) include sealing of air leakage between the attic and the conditioned space, in accordance with BPI standards or the attic portions of the DOE or EPA thermal bypass checklist or other procedures approved by the Secretary;

(B) add at least R–19 insulation to existing insulation;

(C) result in at least R–38 insulation in DOE climate zones 1 through 4 and at least R–49 insulation in DOE climate zones 5 through 8, including existing insulation, within the limits of structural capacity, except that a State, with the approval of the Secretary, may designate climate zone subregions as a function of varying elevation; and

(D) cover at least—

(i) 100 percent of an accessible attic; or

(ii) 75 percent of the total conditioned footprint of the house.

(3) Duct sealing or replacement and sealing that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary; and

(B) in the case of duct replacement and sealing, replaces and seals at least 50 percent of a distribution system of the home.

(4) Wall insulation that—

(A) is installed in accordance with BPI standards or other procedures approved by the Secretary;

(B) is to full-stud thickness or adds at least R–10 of continuous insulation; and

(C) covers at least 75 percent of the total external wall area of the home.

(5) Crawl space insulation or basement wall and rim joist insulation that is installed in accordance with BPI standards or other procedures approved by the Secretary and—

(A) covers at least 500 square feet of crawl space or basement wall and adds at least—

(i) R–19 of cavity insulation or R–15 of continuous insulation to existing crawl space insulation; or

(ii) R–13 of cavity insulation or R–10 of continuous insulation to basement walls; and

(B) fully covers the rim joist with at least R–10 of new continuous or R–13 of cavity insulation.

(6) Window replacement that replaces at least 8 exterior windows, or 75 percent of the exterior windows in a home, whichever is less, with windows that—

(A) are certified by the National Fenestration Rating Council; and

(B) comply with criteria applicable to windows under section 25(c) of the Internal Revenue Code of 1986 or, in areas above 5,000 feet elevation, have a U-factor of at least 0.35 when replacing windows that are single-glazed or double-glazed with an internal air space of ¼ inch or less.

(7) Door or skylight replacement that replaces at least 1 exterior door or skylight with doors or skylights that comply with the 2010 Energy Star specification for doors or skylights.

(8)(A) Heating system replacement of—

(i) a natural gas or propane furnace with a furnace that has—

(I) an AFUE rating of 92 or greater; or

(II) an AFUE rating of 95 or greater;

(ii) a natural gas or propane boiler with a boiler that has an AFUE rating of 90 or greater;

(iii) an oil furnace with a furnace that has an AFUE rating of 86 or greater and that uses an electrically commutated blower motor;

(iv) an oil boiler with a boiler that has an AFUE rating of 86 or greater and that has temperature reset or thermal purge controls; or

(v) a wood or pellet furnace, boiler, or stove, if—

(I) the new system—

(aa) meets at least 75 percent of the heating demands of the home; and

(bb) in the case of a wood stove, but not a pellet stove, replaces an existing wood stove, but not a pellet stove, and is certified by the Administrator;

(II) the home has a distribution system (such as ducts, vents, blowers, or affixed fans) that allows heat to reach all or most parts of the home;

(III) in the case where an old wood stove is being replaced, a voucher is provided by the installer or other responsible party certifying that the old wood stove has been removed and rendered inoperable or recycled at an appropriate recycling facility; and

(IV) an accredited independent laboratory recognized by the Administrator certifies that the new system—

(aa) has thermal efficiency (lower heating value) of at least 75 percent for wood and pellet stoves, and at least 80 percent for furnaces and boilers; and

(bb) has particulate emissions of less than 3.0 grams per hour for stoves, and less than 0.32 lbs/mmBTU for outdoor furnaces and boilers.

(B) A rebate may be provided under this section for the replacement of a furnace or boiler described in clauses (i) through (iv) of subparagraph (A) only if the new furnace or boiler is installed in accordance with ANSI/ACCA Standard 5 QI–2007.

(9) Air-source air conditioner or air-source heat pump replacement with a new unit that—

(A) is installed in accordance with ANSI/ACCA Standard 5 QI–2007; and

(B) meets or exceeds—

(i) in the case of an air-source air conditioner—

(I) SEER 16 and EER 13; or

(II) SEER 18 and EER 15; and

(ii) in the case of an air-source heat pump, SEER 15, EER 12.5, and HSPF 8.5.

(10) Heating or cooling system replacement with an Energy Star qualified geothermal heat pump that meets Tier 2 efficiency requirements and that is installed in accordance with ANSI/ACCA Standard 5 QI–2007.

(11) Replacement of a natural gas, propane, or electric water heater with—

(A) a natural gas or propane condensing storage water heater with an energy factor of 0.80 or more, or a natural gas or propane storage or tankless water heater with thermal efficiency of 90 percent or more;

(B) a tankless natural gas or propane water heater with an energy factor of at least .82;

(C) a natural gas or propane storage water heater with an energy factor of at least .67;

(D) an indirect water heater with an insulated storage tank that—

(i) has a storage capacity of at least 30 gallons and is insulated to at least R–16; and

(ii) is installed in conjunction with a qualifying boiler described in paragraph (8);

(E) an electric water heater with an energy factor of 2.0 or more;

(F) an electric tankless water heater with an energy factor or thermal efficiency, as applicable, of .96 or more or a thermal efficiency of 96 percent or more, that operates on not greater than 25 kilowatts;

(G) a solar hot water system that—

(i) is certified by the Solar Rating and Certification Corporation; or

(ii) meets technical standards established by the State of Hawaii; or

(H) a water heater installed in conjunction with a qualifying geothermal heat pump described in paragraph (10) that provides domestic water heating through the use of—

(i) a desuperheater; or

(ii) year-round demand water heating capability.

(12) Storm windows or doors that—

(A) are installed on at least 5 existing doors or existing single-glazed windows; and

(B) comply with any procedures that the Secretary may set for storm windows or doors and their installation.

(13) Window film that is installed on at least 8 exterior windows, doors, or skylights, or 75 percent of the total exterior square footage of glass in a home, whichever is more, with window films that—

(A) are certified by the National Fenestration Rating Council; and

(B) have—

(i) a solar heat gain coefficient of 0.43 or less with a visible light-to-solar heat gain coefficient of at least 1.1 for installations in 2009 International Energy Conservation Code climate zones 1–3; or

(ii) a solar heat gain coefficient of 0.43 or less with a visible light light-to-solar heat gain coefficient of at least 1.1 and a U-factor of 0.40 or less as installed in 2009 International Energy Conservation Code climate zones 4–8.

(c) INSTALLATION COSTS.—Measures described in paragraphs (1) through (13) of subsection (b) shall include expenditures for labor and other installation-related costs, including venting system modification and condensate disposal, properly allocable to the onsite preparation, assembly, or original installation of the component.

(d) AMOUNT OF REBATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the amount of a rebate provided under subsection (a) shall be $1,000 per measure for the installation of energy savings measures described in subsection (b).

(2) HIGHER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided under subsection (a) shall be $1,500 per measure for—

(A) attic insulation and air sealing described in subsection (b)(1) or (2);

(B) wall insulation described in subsection (b)(4); and

(C) an air-source air conditioner described in subsection (b)(9)(B)(i)(II).

(3) LOWER REBATE AMOUNT.—Except as provided in paragraph (4), the amount of a rebate provided under subsection (a) shall be—

(A) $125 per door and per skylight for the installation of up to a maximum of 2 Energy Star doors and 2 Energy Star skylights described in subsection (b)(7) for each home;

(B) $400 for a maximum of 1 natural gas or propane storage water heater described in subsection (b)(11)(C) for each home;

(C) $750 for a water heater described in subsection (b)(11)(B);

(D) $250 for rim joist insulation described in subsection (b)(5)(B);

(E) $50 for each storm window or door described in subsection (b)(12), with a minimum of 5 storm windows or doors and a maximum of 12;

(F) $250 each for a maximum of 4 electric tankless water heaters described in subsection (b)(11)(F) for each home;

(G) $500 for window film described in subsection (b)(13);

(H) $750 for heating system replacement described in subsection (b)(8)(A)(i)(I);

(I) $500 for a wood or pellet stove that has a heating capacity of at least 28,000 Btu per hour and meets all of the requirements of subsection (b)(8)(A)(v), except for the requirements of subclause (I)(aa) and subclause (II); and

(J) $500 for a for a desuperheater as described in subsection (b)(11)(H)(i).

(4) MAXIMUM AMOUNT.—The total amount of rebates provided for a home under this section shall not exceed the lower of—

(A) $3,000;

(B) 50 percent of the total cost of the installed measures; or

(C) if the Secretary finds that the net value to the homeowner of the rebates is less than the amount of the rebates, the actual net value to the homeowner.

(e) VERIFICATION AND CORRECTION OF WORK.—

(1) REIMBURSEMENT.—On submission of a claim by a rebate aggregator to the Federal Rebate Processing System, the Secretary shall provide reimbursement to the rebate aggregator for energy-efficiency measures installed in a home, subject to paragraphs (2) and (3).

(2) VERIFICATION.—

(A) PERCENTAGE OF RETROFITS VERIFIED.—

(i) IN GENERAL.—Except as provided in clause (ii), not less than—

(I) 20 percent of the retrofits performed by each qualified contractor under this section with respect to a rebate described in subsection (a) shall be randomly subject to field verification by an independent quality assurance provider of all work associated with the retrofit; and

(II) in the case of a qualified contractor that uses a certified workforce, 10 percent of the retrofits performed by that contractor under this section with respect to a rebate described in subsection (a) shall be randomly subject to field verification by an independent quality assurance provider of all work associated with the retrofit.

(ii) EXCEPTIONS.—In the case of a qualified contractor whose previous retrofit work—

(I) the Secretary has found to fail to comply with the requirements of this section, the Secretary may establish a higher percentage of the retrofits performed by that contractor under this section with respect to a rebate described in subsection (a) to be subject to field verification by an independent quality assurance provider; and

(II) the Secretary has found to successfully comply with the requirements of this section, the Secretary may establish a lower percentage of the retrofits performed by that contractor under this section with respect to a rebate described in subsection (a) to be subject to field verification by an independent quality assurance provider.

(B) HOMEOWNER COMPLAINT.—Not later than 1 year after the completion of a project for which rebates are sought, a homeowner may make a complaint under the quality assurance program that compliance with the required specifications for each measure or standards for installation have not been achieved. The quality assurance program shall provide that, upon receiving such a complaint, an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor. Verifications under this subparagraph shall be in addition to those conducted under subparagraph (A), and shall be corrected in accordance with paragraph (3).

(3) CORRECTION.—Rebates under subsection (a) shall be made subject to the following conditions:

(A) The installed measures will comply with the specifications and quality standards under this section if a field verification by a quality assurance provider finds that corrective work is needed. Such compliance shall be achieved by the installing accredited contractor not later than 14 days after the date of notification of a defect pursuant to a warranty, provided at no additional cost to the homeowner.

(B) A subsequent quality assurance visit shall be conducted to evaluate the remedy not later than 7 days after notification that the defect has been corrected.

(C) The quality assurance provider shall notify the contractor of the disposition of such visit not later than 7 days after the date of the visit.

(4) ACCESS TO HOME.—In order to be eligible for a rebate, a homeowner shall agree to permit such access to the home, upon reasonable notice and at a mutually convenient time, as is necessary to verify and correct retrofit work.

(f) PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—

(1) IN GENERAL.—A Silver Star Home Energy Retrofit Program rebate shall be awarded for attic, wall, and crawl space insulation and air-sealing products that—

(A)(i) in the case of insulation, qualify as of the date of enactment of this Act for a tax credit under section 25C of the Internal Revenue Code of 1986; and

(ii) in the case of air sealing products, are sealants, caulks, insulating foams, gaskets, weather-stripping, mastics, or other air sealing products described in subsection (b)(1);

(B) are purchased by a homeowner for installation by the homeowner in a home identified by its address by the homeowner;

(C) are accompanied by educational materials on proper installation of the products, including materials emphasizing the importance of air sealing when insulating; and

(D) are identified and attributed to that home in a rebate submission by the vendor to a rebate aggregator.

(2) LIMITATION.—No rebate may be provided under this subsection with respect to insulation or products that are employed in energy-efficiency measures with respect to which a rebate is provided under this section or section 104.

(3) AMOUNT OF REBATE.—A rebate under this subsection shall be awarded for 50 percent of the total cost of the products described in paragraph (1), not to exceed $250 per home.

(g) REVIEW.—

(1) IN GENERAL.—The Secretary shall determine whether information submitted to the Federal Rebate Processing System with respect to a rebate was complete, and on the basis of that information and other information available to the Secretary, shall determine whether the requirements of this section were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, or that sufficient information was not submitted to the Federal Rebate Processing System to enable such determination, the Secretary—

(A) may—

(i) recoup the amount of the incorrect payment; or

(ii) withhold the amount of the incorrect payment from a payment made to the party pursuant to a subsequent request; and

(B) shall, to the extent the Secretary determines the benefit of the rebate was not passed through to the homeowner through a discount on the price of the retrofit work, order the contractor or vendor to pay the amount of rebate benefit not previously passed through to the homeowner.

SEC. 104. GOLD STAR HOME ENERGY RETROFIT PROGRAM.

(a) IN GENERAL.—A Gold Star Home Energy Retrofit Program rebate shall be awarded, subject to subsection (b) and the availability of funds pursuant to section 109, to homeowners to reimburse the homeowners for work provided by participating accredited contractors and vendors for retrofits that achieve whole home energy savings carried out after the date of enactment of this Act in accordance with this section.

(b) ELIGIBLE MEASURES.—Rebates may be provided under this section for—

(1) any measure listed as eligible for Silver Star rebates in section 103; and

(2) any other energy-saving measure, such as home energy management systems, high-efficiency appliances, highly reflective roofing, awnings, canopies, and similar external fenestration attachments, automatic boiler water temperature controllers, energy-efficient wood products, insulated vinyl siding, and mechanical air circulation and heat exchangers in a passive-solar home—

(A) that can be demonstrated, when installed and operated as intended, to improve energy efficiency; and

(B) for which an energy efficiency contribution can be determined with confidence.

(c) ENERGY SAVINGS.—

(1) IN GENERAL.—Reductions in whole home energy consumption under this section shall be determined by a comparison of the simulated energy consumption of the home before and after the retrofit of the home.

(2) DOCUMENTATION.—The percent improvement in energy consumption of a home under this section shall be documented through—

(A)(i) the use of a whole home simulation software program that has been approved under the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); or

(ii) a equivalent performance test established by the Secretary, in consultation with the Administrator; or

(B)(i) the use of a whole home simulation software program that has been approved under RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(ii) an equivalent performance test established by the Secretary, in consultation with the Administrator;

(iii) a State-certified equivalent rating network, as specified by IRS Notice 2008–35; or

(iv) a HERS rating system approved or required by the law of the State in which the home is located.

(3) MONITORING.—The Secretary—

(A) shall continuously monitor the software programs used for determining rebates under this section; and

(B) may disallow the use of software programs that improperly assess energy savings.

(4) ASSUMPTIONS AND TESTING.—The Secretary may—

(A) establish simulation software program assumptions for carrying out paragraph (2);

(B) require compliance with software program performance tests covering—

(i) mechanical system performance;

(ii) duct distribution system efficiency;

(iii) hot water performance; or

(iv) other measures; and

(C) require the simulation of pre-retrofit energy usage to be determined by verified pre-retrofit energy usage.

(5) RECOMMENDED MEASURES.—Software programs used under this subsection shall have the ability at a minimum to assess the savings associated with all the measures for which rebates are specifically provided under the Silver Star Home Energy Retrofit Program.

(d) AMOUNT OF REBATE.—Subject to subsection (e)(2), the amount of a rebate provided under this section shall be—

(1) $3,000 for a 20-percent reduction in whole home energy consumption; and

(2) an additional $1,000 for each additional 5-percent reduction up to the lower of—

(A) $8,000; or

(B) 50 percent of the total retrofit cost.

(e) VERIFICATION AND CORRECTION OF WORK.—

(1) REIMBURSEMENT.—On submission of a claim by a rebate aggregator to the Federal Rebate Processing System, the Secretary shall provide reimbursement to the rebate aggregator for energy-efficiency measures installed in a home, subject to paragraphs (2) and (3).

(2) VERIFICATION.—

(A) IN GENERAL.—Subject to subparagraph (B), all work and energy savings projections conducted with respect to a home as part of a whole-home retrofit by an accredited contractor under this section shall be subject to random field verification by an independent quality assurance provider at a rate of—

(i) 15 percent; or

(ii) in the case of work performed by an accredited contractor using a certified workforce, 10 percent.

(B) VERIFICATION NOT REQUIRED.—A home shall not be subject to field verification under subparagraph (A) if—

(i) a post-retrofit home energy rating is conducted by an entity that is an eligible certifier in accordance with—

(I) RESNET Publication No. 06–001 (or a successor publication approved by the Secretary);

(II) a State-certified equivalent rating network, as specified in IRS Notice 2008–35; or

(III) a HERS rating system required by the law of the State in which the home is located;

(ii) the eligible certifier is independent of the accredited contractor in accordance with RESNET Publication No. 06–001 (or a successor publication approved by the Secretary); and

(iii) the rating includes field verification of all measures for which rebates are being provided.

(C) HOMEOWNER COMPLAINT.—Not later than 1 year after completion of a project for which rebates are sought, a homeowner may make a complaint under the quality assurance program that compliance with the quality assurance requirements of this title has not been achieved. The quality assurance program shall provide that, upon receiving such a complaint, an independent quality assurance provider shall conduct field verification on the retrofit work performed by the contractor. Verifications under this subparagraph shall be in addition to those conducted under subparagraph (A), and shall be corrected in accordance with paragraph (3).

(D) ACCESS TO HOME.—In order to be eligible for a rebate, a homeowner shall agree to permit such access to the home, upon reasonable notice and at a mutually convenient time, as is necessary to verify and correct retrofit work.

(3) CORRECTION.—Rebates under this section shall be made subject to the following conditions:

(A) If a field verification by an independent quality assurance provider finds that corrective work is needed, the accredited contractor will correct the work so the installed measures comply with manufacturer and applicable code standards, and reasonably determined energy savings projections indicate compliance with the specifications and quality standards under this title. Such compliance shall be achieved not later than 14 days after the date of notification of a defect pursuant to a warranty, provided at no additional cost to the homeowner.

(B) A subsequent quality assurance visit shall be conducted to evaluate the remedy not later than 7 days after notification that the defect has been corrected.

(C) The quality assurance provider shall notify the contractor of the disposition of such visit not later than 7 days after the date of the visit.

(f) REVIEW.—

(1) IN GENERAL.—The Secretary shall determine whether information submitted to the Federal Rebate Processing System with respect to a rebate was complete, and on the basis of that information and other information available to the Secretary, shall determine whether the requirements of this section were met in all respects.

(2) INCORRECT PAYMENT.—On a determination of the Secretary under paragraph (1) that a payment was made incorrectly to a party, or that sufficient information was not submitted to the Federal Rebate Processing System to enable such determination, the Secretary may—

(A) recoup the amount of the incorrect payment; or

(B) withhold the amount of the incorrect payment from a payment made to the party pursuant to a subsequent request.

(g) ACCREDITATION SCHOLARSHIPS.—The Secretary may provide up to 0.3 percent of the funding available for carrying out this section for need-based scholarships to individuals to enable them to qualify as accredited contractors. In providing such scholarships, the Secretary shall factor in the number of accredited contractors in the State

and their proportion to the State's population.

(h) EXCLUSION.—For purposes of this section, energy savings measures shall not include the installation or replacement of pool heaters.

SEC. 105. QUALITY ASSURANCE.

(a) QUALITY ASSURANCE FRAMEWORK.—

(1) IN GENERAL.—States that elect to carry out a quality assurance program pursuant to subsection (b) shall plan, develop, and implement a quality assurance framework. The Secretary shall promptly solicit the submission of model State quality assurance framework plans consistent with the requirements of this section and, not later than 60 days after the date of enactment of this Act, shall approve one or more such model plans that incorporate nationally consistent high standards for optional use by States. Not later than 180 days after the date of enactment of this Act, each State electing to develop a quality assurance framework shall submit its plan to the Secretary, who shall then approve or reject such plan within 30 days, providing a detailed statement of deficiencies if the plan is rejected. If a State's plan is rejected, that State may resubmit its plan within 30 days.

(2) IMPLEMENTATION.—A State shall—

(A) develop a quality assurance framework in consultation with industry stakeholders, including representatives of efficiency program managers, contractors, community and workforce organizations, and environmental, energy efficiency, and labor organizations; and

(B) implement the quality assurance framework not later than 1 year after the date of enactment of this Act.

(3) COMPONENTS.—The quality assurance framework established under this subsection shall include—

(A) minimum standards for accredited contractors, including—

(i) compliance with applicable Federal, State, and local laws;

(ii) use of a certified workforce;

(iii) maintenance of records needed to verify compliance; and

(iv) use of independent contractors only when appropriately classified as such pursuant to Revenue ruling 87–41 and section 530(d) of the Revenue Act of 1978 and relevant State law;

(B) maintenance of a list of accredited contractors;

(C) requirements for maintenance and delivery to the Federal Rebate Processing System of information needed to verify compliance and ensure appropriate compensation for quality assurance providers;

(D) targets and realistic plans for—

(i) the recruitment of minority, veteran, and women-owned small business enterprises;

(ii) the employment of graduates of training programs that primarily serve targeted workers; and

(iii) the employment of targeted workers;

(E) a plan to link workforce training for energy efficiency retrofits with training for the broader range of skills and occupations in construction or emerging clean energy industries;

(F) to the extent practicable, a plan to incorporate existing clean energy and energy efficiency coursework, worker training programs, and worker certification programs at community colleges;

(G) quarterly reports to the Secretary on the progress of implementation of the quality assurance framework and its success in meeting its targets and plans; and

(H) maintenance of a list of qualified quality assurance providers and minimum standards for such quality assurance providers.

(4) NONCOMPLIANCE.—If the Secretary determines that a State that has elected to implement a quality assurance program, but has failed to plan, develop, or implement a quality assurance framework in accordance with this section, the Secretary shall suspend further grants for State administration pursuant to section 109(b)(1).

(b) QUALITY ASSURANCE PROGRAMS.—

(1) IN GENERAL.—A State may carry out a quality assurance program—

(A) as part of a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.);

(B) to be managed by the office or the designee of the office—

(i) that is responsible for the development of the plan under section 362 of that Act (42 U.S.C. 6322); and

(ii) to the maximum extent practicable, that is conducting an existing energy efficiency program; and

(C) in the case of a grant made to an Indian tribe, to be managed by an entity designated by the Indian tribe to carry out a quality assurance program or a national quality assurance program manager.

(2) NONCOMPLIANCE.—If the Secretary determines that a State has not provided or cannot provide adequate oversight over a quality assurance program to ensure compliance with this title, the Secretary may—

(A) withhold further quality assurance funds from the State; and

(B) require that quality assurance providers operating in the State be overseen by a national quality assurance program manager selected by the Secretary.

(3) IMPLEMENTATION.—A State that receives a grant under this title may implement a quality assurance program through the State or an independent quality assurance provider designated by the State, including—

(A) an energy service company;

(B) an electric utility;

(C) a natural gas utility;

(D) an independent administrator designated by the State; or

(E) a unit of local government.

(4) APPEALS AND DISPUTE RESOLUTION PROCESS.—A quality assurance program established under this subsection shall include an expedited and final appeals and dispute resolution process.

SEC. 106. REPORTS.

(a) IN GENERAL.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on this title—

(1) not later than 1 year after the date of enactment of this Act; and

(2) not later than the earlier of—

(A) 2 years after the date of enactment of this Act; or

(B) December 31, 2012.

(b) CONTENTS.—The report shall include a description of—

(1) the energy savings produced as a result of this title;

(2) the direct and indirect employment created as a result of the programs supported under this title;

(3) the specific entities implementing the energy efficiency programs;

(4) the beneficiaries who received the efficiency improvements;

(5) the manner in which funds provided under this title were used;

(6) the sources (such as mortgage lenders, utility companies, and local governments) and types of financing used by the beneficiaries to finance the retrofit expenses that were not covered by rebates provided under this title;

(7) the results of verification requirements; and

(8) any other information the Secretary considers appropriate.

(c) REQUIRED INFORMATION.—

(1) REQUIREMENT.—Rebate aggregators and States participating in the Home Star Retrofit Rebate Program shall provide to the Secretary such information as the Secretary requires to prepare the report required under this section.

(2) NONCOMPLIANCE.—If the Secretary determines that a rebate aggregator or State has not provided the information required under paragraph (1), the Secretary shall provide to the rebate aggregator or State a period of at least 90 days to provide the necessary information, subject to withholding of funds or reduction of future grant amounts.

(d) COMPTROLLER GENERAL STUDY.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of a study of—

(1) how much money can reasonably be estimated to be saved by American consumers as a result of the energy efficiency measures undertaken pursuant to this title;

(2) how much energy can reasonably be estimated to be saved as a result of the energy efficiency measures undertaken pursuant to this title; and

(3) whether the savings from the energy efficiency measures undertaken pursuant to this title are greater than the cost of the implementation of this title.

SEC. 107. HEATING AND COOLING EFFICIENCY STUDY.

(a) IN GENERAL.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a study not later than 1 year after the date of enactment of this Act.

(b) CONTENTS.—The study shall include a description of—

(1) the efficiency through the life-cycle of air conditioning and heat pump products eligible under section 103; and

(2) a comparison of the efficiency through the life-cycle of air conditioning and heat pump products eligible under section 103 to the efficiency through the life-cycle of air conditioning and heat pump products not eligible under section 103.

SEC. 108. PENALTIES.

(a) IN GENERAL.—The Secretary may—

(1) assess and compromise a civil penalty against a person who violates this title (or any regulation issued under this title); and

(2) require from any entity the records and inspections necessary to enforce this title.

(b) CIVIL PENALTY.—A civil penalty assessed under subsection (a) shall be in an amount not greater than the higher of—

(1) $15,000 for each violation; or

(2) 3 times the value of any associated rebate under this title.

SEC. 109. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to subsection (i), there are authorized to be appropriated to carry out this title $6,000,000,000 for the period of fiscal years 2010 and 2011, to remain available until expended.

(2) MAINTENANCE OF FUNDING.—Funds provided under this section shall supplement and not supplant any prior or planned Federal and State funding provided to carry out energy efficiency programs. To the extent the Secretary finds that a State has supplanted other such programs with funding under this section, the Secretary may withhold an equivalent amount of funding from allocations for the State under this title.

(b) GRANTS TO STATES.—

(1) DISTRIBUTION TO STATES.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, of the amount provided under subsection (a), 3.6 percent is authorized to be appropriated to the Secretary for providing grants to States, to be used for—

(i) administrative costs of carrying out this title;

(ii) development and implementation of quality assurance frameworks;

(iii) oversight of quality assurance programs;

(iv) establishment and delivery of financing mechanisms, in accordance with paragraph (2); and

(v) coordination with existing residential retrofit programs and infrastructure development to assist deployment of the Home Star Retrofit Rebate Program.

(B) DISTRIBUTION.—

(i) PROVISION OF FUNDS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to the State energy offices, or such other State entities as are designated by the Governor, of States that are carrying out responsibilities under section 105, 25 percent of the funds described in subparagraph (A).

(ii) ALLOCATION.—Funds described in clause (i) shall be made available in accordance with the allocation formula for State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(iii) FUND ALLOCATION PROCESS.—The Secretary shall allocate the remaining 75 percent of the funds described in clause (i) in a manner that may vary from the formula described in clause (ii) as necessary to best support the objectives of achieving energy efficiency gains, employment of underemployed workers, and implementing quality assurance programs and frameworks in participating States.

(2) FINANCING.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, of the amount provided under subsection (a), 5.4 percent is authorized to be appropriated to the Secretary for carrying out section 109.

(B) DISTRIBUTION.—

(i) PROVISION OF FUNDS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall provide to the State energy offices, or such other State entities as are designated by the Governor, of States that are carrying out responsibilities under section 105, 75 percent of the funds described in subparagraph (A).

(ii) ALLOCATION.—Funds described in clause (i) shall be made available in accordance with the allocation formula for State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(iii) FUND ALLOCATION PROCESS.—The Secretary shall allocate the remaining 25 percent of the funds described in clause (i) in a manner that may vary from the formula described in clause (ii) and reward those States that make the best progress in providing loans to low-income areas pursuant to section 109(c)(4).

(3) WITHHOLDING OF FUNDS.—To the extent that the Secretary assumes the responsibilities of a State under section 101(i), the Secretary shall withhold the portion of the funds otherwise transferrable to the State under this section that are attributable to those State responsibilities.

(4) INDIAN TRIBES.—

(A) IN GENERAL.—If an Indian tribe acts in place of a State for purposes of carrying out the responsibilities of the State under this title with respect to its tribal lands pursuant to section 101(h), the Secretary shall transfer to that Indian tribe, instead of the State, the proportionate share of funds otherwise transferrable to the State under this section.

(B) PROPORTIONATE SHARE.—For purposes of subparagraph (A), the proportionate share shall be calculated on the basis of the percentage of the population of the State that resides within the tribal lands.

(c) QUALITY ASSURANCE AND REBATE AGGREGATION COSTS.—

(1) IN GENERAL.—Of the amount provided under subsection (a), not more than 5 percent are authorized to be appropriated to the Secretary to be used as provided in paragraph (2), in accordance with information provided by the State offices or entities described in subsection (b)(1)(B)(ii) with respect to services provided by quality assurance providers and rebate aggregators.

(2) DISTRIBUTION TO QUALITY ASSURANCE PROVIDERS OR REBATE AGGREGATORS.—The Secretary shall use funds provided under this subsection to compensate quality assurance providers and rebate aggregators for services provided under this title.

(3) COMPENSATION.—The amount of compensation provided under this subsection shall be—

(A)(i) in the case of the Silver Star Home Energy Retrofit Program—

(I) not more than $25 to rebate aggregators per rebate review and processing under the program; and

(II) $150 to quality assurance providers for each field inspection conducted under the program; and

(ii) in the case of the Gold Star Home Energy Retrofit Program—

(I) not more than $35 to rebate aggregators for each rebate review and processing under the program; and

(II) $300 to quality assurance providers for each field inspection conducted under the program; or

(B) such other amounts as the Secretary considers necessary to carry out the quality assurance provisions of this title to optimize the overall energy efficiency resulting from the Silver Star Home Energy Retrofit Program and the Gold Star Home Energy Retrofit Program.

(d) TRACKING OF REBATES AND EXPENDITURES.—Of the amount provided under subsection (a), not more than 2.5 percent are authorized to be appropriated to the Secretary to be used for costs associated with tracking rebates and expenditures through the Federal Rebate Processing System under this title, technical assistance to States, and related administrative costs incurred by the Secretary.

(e) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—

(1) IN GENERAL.—Of the amount provided under subsection (a), after subtracting the amounts authorized in subsections (b) and (d) of this section, two-thirds of the remainder are authorized to be appropriated to the Secretary to be used to provide rebates and other payments authorized under the Silver Star Home Energy Retrofit Program.

(2) PRODUCTS PURCHASED WITHOUT INSTALLATION SERVICES.—Of the amounts appropriated pursuant to this subsection for the Silver Star program, 7.5 percent shall be made available for rebates under section 103(f).

(f) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—Of the amount provided under subsection (a), after subtracting the amounts authorized in subsections (b) and (d) of this section, one-third of the remainder is authorized to be appropriated to the Secretary to be used to provide rebates and other payments authorized under the Gold Star Home Energy Retrofit Program.

(g) RETURN OF UNDISBURSED FUNDS.—

(1) SILVER STAR HOME ENERGY RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Silver Star Home Energy Retrofit Program by the date that is 1 year after the date of enactment of this Act, any undisbursed funds shall be made available to the Gold Star Home Energy Retrofit Program.

(2) GOLD STAR HOME ENERGY RETROFIT PROGRAM.—If the Secretary has not disbursed all the funds available for rebates under the Gold Star Home Energy Retrofit Program by the date that is 2 years after the date of enactment of this Act, any undisbursed funds shall be returned to the Treasury.

(3) HOME STAR ENERGY EFFICIENCY LOAN PROGRAM.—If a State, or the Secretary acting in lieu of a State program, has not disbursed or provided in the form of loans all the funds available for such loans under the Home Star Energy Efficiency Loan Program by the date that is 2 years after the date of enactment of this title, any undisbursed funds shall be returned to the Treasury.

(h) SUNSET.—With the exception of the provisions of section 102(c)(5), (6), and (7), section 109, this subsection, and the relevant definitions in section 2 to those provisions, this title shall cease to be effective after December 31, 2012. Nothing in this subsection shall prevent a State from continuing to implement a quality assurance framework established pursuant to section 105.

(i) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to this section may be used for a Congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

(j) ADMINISTRATIVE EXPENSE PROHIBITION.—No funds provided under this title shall be used for the purposes of conducting travel to gambling or gaming establishments in connection with official duties related to this title.

SEC. 110. NOISE ABATEMENT STUDY.

Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a study of the effects of the energy savings measures made as a result of this Act on noise abatement.

TITLE II—ENERGY EFFICIENT MANUFACTURED AND MODULAR HOMES

SEC. 201. ENERGY EFFICIENT MANUFACTURED AND MODULAR HOMES.

(a) DEFINITIONS.—In this section:

(1) MANUFACTURED HOME.—The term ''manufactured home'' has the meaning given such term in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5402).

(2) ENERGY STAR QUALIFIED MANUFACTURED HOME.—The term ''Energy Star qualified manufactured home'' means a manufactured home that has been designed, produced, and installed in accordance with Energy Star's guidelines by an Energy Star certified plant.

(3) MODULAR HOME.—The term ''modular home'' means a structure that is—

(A) designed and manufactured to comply with applicable national, State, and local building codes and regulations;

(B) transportable in one or more sections;

(C) not constructed on a permanent chassis; and

(D) designed to be used as a dwelling on permanent foundations when connected to required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein.

(4) ENERGY STAR QUALIFIED MODULAR HOME.—The term ''Energy Star qualified modular home'' means a modular home that has been designed, produced, and installed in accordance with Energy Star's guidelines.

(b) PURPOSE.—The purpose of this section is to assist low-income households residing in manufactured homes constructed prior to 1976 to save energy and energy expenditures by providing funding for the purchase of new Energy Star qualified manufactured homes or new Energy Star qualified modular homes.

(c) GRANTS TO STATE AGENCIES.—

(1) GRANTS.—The Secretary may make grants to State agencies responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) (or such other existing State agency that exercises similar functions as the Governor of a State may designate), to provide owners of manufactured homes constructed prior to 1976 funding to use to purchase new Energy Star qualified manufactured homes or new Energy Star qualified modular homes.

(2) ALLOCATION OF GRANTS.—Grants under paragraph (1) shall be distributed to State agencies in States on the basis of their proportionate share of all manufactured homes constructed prior to 1976 that are occupied as primary residences in the United States, based on the most recent and accurate data available.

(3) FUNDING.—

(A) PRIMARY RESIDENCE REQUIREMENT.—Funding described under paragraph (1) may only be made to an owner of a manufactured home constructed prior to 1976 that has been used by the owner as a primary residence on a year-round basis for at least the previous 12 months.

(B) DESTRUCTION AND REPLACEMENT.—Funding described under paragraph (1) may be provided only if the manufactured home constructed prior to 1976 will be—

(i) destroyed (including appropriate recycling); and

(ii) replaced, in an appropriate area, as determined by the applicable State agency, with an Energy Star qualified manufactured home or Energy Star qualified modular home.

(C) LIMITATION.—Funding described under paragraph (1) may not be provided to any owner of a manufactured home constructed prior to 1976 that was or is a member of a household for which any member of the household was provided funding pursuant to this section.

(D) ELIGIBLE HOUSEHOLDS.—To be eligible to receive funding described under paragraph (1), an owner of a manufactured home constructed prior to 1976 shall demonstrate to the applicable State agency that the total income of all members the owner's household does not exceed 80 percent of the area median income in the applicable area, as determined by the Secretary.

(E) LEASES.—To be eligible to receive funding described under paragraph (1), an owner of a manufactured home constructed prior to 1976 who intends to place the new Energy Star qualified manufactured home or new Energy Star qualified modular home on property leased from another person shall hold a lease to such property of at least 3 years in duration.

(4) FUNDING AMOUNT.—Funding provided by State agencies under this subsection shall not exceed $7,500 per manufactured home or modular home from any funds appropriated pursuant to this section.

(5) USE OF STATE FUNDS.—A State agency providing funding under this section may supplement the amount of such funding under paragraph (4) by any amount such agency approves if such additional amount is from State funds and other sources, including private donations and grants or loans from charitable foundations.

(6) STATE PROGRAMS.—A State agency conducting a program that has the purpose of replacing manufactured homes constructed prior to 1976 with Energy Star qualified manufactured homes or Energy Star qualified modular homes may use funds provided under this section to support such a program, provided such funding does not exceed the funding limitation amount under paragraph (4).

(7) ADMINISTRATION.—

(A) CONTROLS AND PROCEDURES.—Each State agency receiving funds under this section shall establish fiscal controls and accounting procedures sufficient, as determined by the Secretary, to ensure proper accounting for disbursements made from such funds and fund balances. Such procedures shall conform to generally accepted Government accounting principles.

(B) COORDINATION WITH OTHER STATE AGENCIES.—A State agency receiving funds under this section may coordinate its efforts, and share funds for administration, with other State agencies or nonprofit organizations involved in low-income housing programs.

(C) ADMINISTRATIVE EXPENSES.—A State agency receiving funds under this section may expend not more than 10 percent of such funds for administrative expenses.

(d) DECOMMISSIONING.—A person receiving funding under subsection (c) may also be provided not to exceed $2,500 for the decommissioning of the manufactured home being replaced.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section $200,000,000 for fiscal year 2010 and $400,000,000 for fiscal year 2011, to remain available until expended.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts available each fiscal year to carry out this section, the Secretary may expend not more than 5 percent to pay administrative expenses.

(3) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to this subsection may be used for a Congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

TITLE III—WASTE, FRAUD, AND ABUSE

SEC. 301. REPORT.

The Department of Energy's Inspector General shall submit a report to Congress measuring the amount of waste, fraud, and abuse occurring in programs created by this Act, which shall include recommendations to prevent additional waste, fraud, and abuse. This report shall be submitted before July 1, 2012.

TITLE IV—DEFICIT NEUTRALITY

SEC. 401. SUNSET.

The provisions of this Act shall be suspended and shall not apply if this Act will have a negative net effect on the national budget deficit of the United States.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. BARTON of Texas, moved to recommit the bill to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendment:

Page 6, lines 3 through 6, strike paragraph (12) (and redesignate the subsequent paragraphs accordingly).

Page 11, line 24, through page 12, line 1, strike ''notice of'' and all that follows through ''the amount'' and insert ''notice of the amount''.

Page 12, line 2, insert ''on the homeowner's behalf'' after ''apply for''.

Page 12, line 5, strike ''and''.

Page 12, lines 6 and 7, strike subparagraph (B).

Page 12, lines 8 and 12, redesignate paragraphs (6) and (7) as paragraphs (7) and (8), respectively.

Page 12, after line 7, insert the following new paragraph:

(6) certifying that no employee has been convicted of, or pleaded guilty to, a crime of child molestation, rape, or any other form of sexual assault;

Page 12, line 16, strike ''112'' and insert ''110''.

Page 21, after line 10, insert the following new subsection:

(o) INCOME THRESHOLD.—Homeowners with a gross annual household income of more than $250,000 shall not be eligible for a rebate under this title.

Page 21, lines 14 through 16, strike ''to participating contractors and vendors, to reimburse those contractors and vendors for discounts provided to homeowners'' and insert ''to homeowners to reimburse the homeowners for work provided by participating contractors and vendors''.

Page 25, lines 18 through 21, strike ''to participating contractors and vendors, to reimburse them for discounts provided to the owner of the home for the retrofit work'' and insert ''to homeowners to reimburse the homeowners for work provided by participating contractors and vendors''.

Page 35, line 24, through page 36, line 1, strike '', as a function of the discount the contractor or vendor provides to the homeowner for the installed measures,''.

Page 39, lines 12 and 13, strike ''discount from a contractor or vendor for which a rebate is provided under subsection (a)'' and insert ''rebate''.

Page 42, lines 6 through 8, strike ''to participating accredited contractors and vendors, to reimburse them for discounts provided to the owner of the home for the retrofit work'' and insert ''to homeowners to reimburse the homeowners for work provided by participating accredited contractors and vendors''.

Page 48, lines 2 and 3, strike ''discount from a contractor or vendor for which a rebate is provided under this section'' and insert ''rebate''.

Page 49, lines 16 and 17, strike ''Secretary'' and all that follows through ''may'' and insert ''Secretary may''.

Page 49, lines 18 and 20, redesignate clauses (i) and (ii) as subparagraphs (A) and (B), respectively.

Page 49, line 22, strike ''; and'' and insert a period.

Page 49, line 23, through page 50, line 3, strike subparagraph (B).

Page 50, after line 3, insert the following new subsection:

(g) EXCLUSION.—For purposes of this section, energy savings measures shall not include the installation or replacement of pool heaters.

Page 52, line 9, insert ''and'' after the semicolon.

Page 52, line 11, strike ''and''.

Page 52, lines 12 through 22, strike clause (iv).

Page 53, line 16, strike ''112'' and insert ''110''.

Page 58, lines 6 through 16, strike section 109.

Page 58, line 17, redesignate section 110 as section 109.

Page 59, line 7, through page 65, line 16, strike section 111.

Page 65, line 17, redesignate section 112 as section 110.

Page 65, line 19, strike ''subsection (j)'' and insert ''subsection (i)''.

Page 66, line 18, insert ''and'' after the semicolon.

Page 66, lines 19 through 21, strike subparagraph (D).

Page 66, line 22, redesignate subparagraph (E) as subparagraph (D).

Page 67, lines 1 through 3, strike paragraph (2).

Page 67, line 4, redesignate paragraph (3) as paragraph (2).

Page 68, lines 3 and 9, redesignate paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

Page 69, line 4, strike ''subsection (b)(3)(B)'' and insert ''subsection (b)(2)(B)''.

Page 70, lines 17 through 21, strike subsection (e) (and redesignate the subsequent subsections accordingly).

Page 71, line 1, strike ''subsections (b), (d), and (e)'' and insert ''subsections (b) and (d)''.

Page 71, lines 13 and 14, strike ''subsections (b), (d), and (e)'' and insert ''subsections (b) and (d)''.

Page 72, line 8, strike '', 110, and 111'' and insert ''and 109''.

Page 72, after line 13, insert the following new subsection:

(j) ADMINISTRATIVE EXPENSE PROHIBITION.—No funds provided under this title shall be used for the purposes of conducting travel to gambling or gaming establishments in connection with official duties related to this title.

At the end of the bill, add the following new title:

TITLE III—DEFICIT NEUTRALITY

SEC. 301. SUNSET.

The provisions of this Act shall be suspended and shall not apply if this Act will have a negative net effect on the national budget deficit of the United States.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SERRANO, announced that the nays had it.

Mr. BARTON of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 346 / Nays 68

¶55.17 [Roll No. 254]

YEAS—346

Ackerman	Boyd	Coble
Aderholt	Brady (PA)	Coffman (CO)
Adler (NJ)	Brady (TX)	Cohen
Akin	Braley (IA)	Cole
Alexander	Bright	Conaway
Altmire	Broun (GA)	Connolly (VA)
Arcuri	Brown (SC)	Cooper
Austria	Brown-Waite, Ginny	Costa
Baca	Buchanan	Costello
Bachmann	Burgess	Courtney
Bachus	Burton (IN)	Crenshaw
Barrow	Butterfield	Crowley
Bartlett	Buyer	Cuellar
Barton (TX)	Calvert	Culberson
Bean	Camp	Cummings
Berry	Cantor	Dahlkemper
Biggert	Cao	Davis (CA)
Bilbray	Capito	Davis (KY)
Bilirakis	Capuano	Davis (TN)
Bishop (GA)	Cardoza	DeFazio
Bishop (NY)	Carnahan	DeLauro
Bishop (UT)	Carney	Dent
Blunt	Carson (IN)	Deutch
Boccieri	Carter	Diaz-Balart, L.
Boehner	Cassidy	Diaz-Balart, M.
Bono Mack	Castle	Dicks
Boozman	Castor (FL)	Doggett
Boren	Chaffetz	Donnelly (IN)
Boswell	Chandler	Doyle
Boucher	Childers	Dreier
Boustany	Clyburn	Driehaus
Duncan	Larsen (WA)	Radanovich
Edwards (MD)	Larson (CT)	Rahall
Edwards (TX)	Latham	Rangel
Ehlers	LaTourette	Rehberg
Ellison	Latta	Reichert
Ellsworth	Lee (NY)	Richardson
Emerson	Levin	Rodriguez
Eshoo	Lewis (CA)	Roe (TN)
Etheridge	Lewis (GA)	Rogers (AL)
Fallin	Linder	Rogers (KY)
Fattah	Lipinski	Rogers (MI)
Flake	LoBiondo	Rohrabacher
Fleming	Loebsack	Rooney
Forbes	Lofgren, Zoe	Ros-Lehtinen
Fortenberry	Lowey	Roskam
Foster	Lucas	Ross
Foxx	Luetkemeyer	Roybal-Allard
Franks (AZ)	Luján	Royce
Frelinghuysen	Lummis	Ruppersberger
Gallegly	Lungren, Daniel E.	Ryan (WI)
Garamendi	Lynch	Salazar
Garrett (NJ)	Mack	Sarbanes
Gerlach	Maffei	Scalise
Giffords	Maloney	Schauer
Gingrey (GA)	Manzullo	Schiff
Gohmert	Marchant	Schmidt
Gonzalez	Markey (CO)	Schock
Goodlatte	Marshall	Schrader
Gordon (TN)	Matheson	Schwartz
Granger	Matsui	Scott (GA)
Graves	McCarthy (CA)	Sensenbrenner
Grayson	McCarthy (NY)	Serrano
Green, Al	McCaul	Sessions
Green, Gene	McClintock	Sestak
Griffith	McCotter	Shadegg
Gutierrez	McGovern	Shea-Porter
Hall (NY)	McHenry	Sherman
Hall (TX)	McIntyre	Shimkus
Halvorson	McKeon	Shuler
Hare	McMahon	Shuster
Harman	McMorris Rodgers	Simpson
Harper	McNerney	Skelton
Hastings (WA)	Meek (FL)	Slaughter
Heinrich	Meeks (NY)	Smith (NE)
Hensarling	Mica	Smith (NJ)
Herger	Miller (FL)	Smith (TX)
Herseth Sandlin	Miller (MI)	Smith (WA)
Higgins	Miller (NC)	Snyder
Hill	Miller, Gary	Souder
Himes	Miller, George	Space
Hodes	Minnick	Speier
Holden	Mitchell	Spratt
Hunter	Moore (KS)	Stearns
Inglis	Moran (KS)	Sullivan
Inslee	Murphy (CT)	Sutton
Israel	Murphy (NY)	Tanner
Issa	Murphy, Patrick	Taylor
Jackson (IL)	Murphy, Tim	Teague
Jackson Lee (TX)	Myrick	Terry
Jenkins	Neal (MA)	Thompson (CA)
Johnson (GA)	Neugebauer	Thompson (PA)
Johnson (IL)	Nunes	Thornberry
Johnson, E. B.	Nye	Tiahrt
Johnson, Sam	Olson	Tiberi
Jones	Ortiz	Tierney
Jordan (OH)	Owens	Tonko
Kagen	Pastor (AZ)	Tsongas
Kaptur	Paul	Turner
Kildee	Paulsen	Upton
Kilroy	Pence	Van Hollen
Kind	Perlmutter	Visclosky
King (IA)	Perriello	Walden
King (NY)	Peters	Walz
Kingston	Peterson	Wasserman Schultz
Kirk	Petri	Weiner
Kirkpatrick (AZ)	Platts	Westmoreland
Kissell	Poe (TX)	Whitfield
Klein (FL)	Polis (CO)	Wilson (OH)
Kline (MN)	Pomeroy	Wilson (SC)
Kosmas	Posey	Wittman
Kratovil	Price (GA)	Wolf
Kucinich	Price (NC)	Wu
Lamborn	Putnam	Yarmuth
Lance	Quigley	Young (AK)
Langevin	Rahall	Young (FL)

NAYS—68

Andrews	Clyburn	Heller
Baird	Conyers	Hinchey
Baldwin	Davis (IL)	Hinojosa
Becerra	Delahunt	Hirono
Berkley	Dingell	Holt
Berman	Engel	Honda
Blumenauer	Farr	Hoyer
Capps	Filner	Kanjorski
Chu	Frank (MA)	Kilpatrick (MI)
Clarke	Fudge	Lee (CA)
Clay	Grijalva	Markey (MA)
Cleaver	Hastings (FL)	McDermott
Michaud	Reyes	Stupak
Moore (WI)	Rothman (NJ)	Thompson (MS)
Moran (VA)	Rush	Titus
Nadler (NY)	Ryan (OH)	Towns
Napolitano	Sánchez, Linda T.	Velázquez
Oberstar	Sanchez, Loretta	Waters
Olver	Schakowsky	Watson
Pallone	Scott (VA)	Watt
Pascrell	Sires	Waxman
Payne	Stark	Welch
Pingree (ME)		Woolsey

NOT VOTING—16

Barrett (SC)	DeGette	Mollohan
Blackburn	Guthrie	Obey
Bonner	Hoekstra	Pitts
Brown, Corrine	Kennedy	Wamp
Campbell	McCollum	
Davis (AL)	Melancon	

So the motion to recommit with instructions was agreed to.

Mr. WAXMAN, by direction of the Committee on Energy and Commerce and pursuant to the foregoing order of the House reported the bill back to the House with said amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. WAXMAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 246 / Nays 161

¶55.18 [Roll No. 255]

YEAS—246

Ackerman	Chandler	Farr
Adler (NJ)	Childers	Fattah
Altmire	Chu	Foster
Andrews	Clarke	Frank (MA)
Arcuri	Clay	Fudge
Baca	Cleaver	Garamendi
Baird	Clyburn	Giffords
Baldwin	Cohen	Gohmert
Barrow	Connolly (VA)	Gonzalez
Bartlett	Conyers	Gordon (TN)
Barton (TX)	Cooper	Grayson
Bean	Costa	Green, Al
Becerra	Courtney	Green, Gene
Berkley	Crowley	Grijalva
Berman	Cuellar	Gutierrez
Berry	Cummings	Hall (NY)
Biggert	Dahlkemper	Hall (TX)
Bilbray	Davis (CA)	Halvorson
Bishop (GA)	Davis (IL)	Hare
Bishop (NY)	Davis (TN)	Harman
Boccieri	DeFazio	Hastings (FL)
Boswell	DeLauro	Heinrich
Boucher	Deutch	Herseth Sandlin
Brady (PA)	Dicks	Higgins
Braley (IA)	Dingell	Hill
Bright	Doggett	Himes
Butterfield	Donnelly (IN)	Hinchey
Camp	Doyle	Hinojosa
Cao	Driehaus	Hirono
Capps	Edwards (MD)	Hodes
Capuano	Edwards (TX)	Holden
Cardoza	Ehlers	Holt
Carnahan	Ellison	Honda
Carney	Ellsworth	Hoyer
Carson (IN)	Engel	Inslee
Castle	Eshoo	Israel
Castor (FL)	Etheridge	Jackson (IL)

Jackson Lee (TX)	Moore (KS)	Schrader
Johnson (GA)	Moore (WI)	Schwartz
Johnson, E. B.	Moran (VA)	Scott (GA)
Kagen	Murphy (CT)	Scott (VA)
Kaptur	Murphy (NY)	Serrano
Kildee	Murphy, Patrick	Sestak
Kilpatrick (MI)	Murphy, Tim	Shea-Porter
Kilroy	Nadler (NY)	Sherman
Kind	Napolitano	Shuler
Kissell	Neal (MA)	Sires
Klein (FL)	Nye	Skelton
Kosmas	Oberstar	Slaughter
Kratovil	Olver	Smith (WA)
Kucinich	Ortiz	Snyder
Langevin	Owens	Space
Larsen (WA)	Pallone	Speier
Larson (CT)	Pastor (AZ)	Spratt
Lee (CA)	Payne	Stark
Levin	Perlmutter	Stupak
Lewis (GA)	Perriello	Sutton
Lipinski	Peters	Tanner
Loebsack	Peterson	Taylor
Lofgren, Zoe	Pingree (ME)	Teague
Lowey	Polis (CO)	Thompson (CA)
Luján	Pomeroy	Thompson (MS)
Lynch	Price (NC)	Tierney
Maffei	Quigley	Titus
Maloney	Rahall	Tonko
Markey (CO)	Rangel	Towns
Markey (MA)	Reyes	Tsongas
Matheson	Richardson	Van Hollen
Matsui	Rodriguez	Velázquez
McCarthy (NY)	Rohrabacher	Visclosky
McDermott	Ross	Walz
McGovern	Rothman (NJ)	Wasserman Schultz
McIntyre	Roybal-Allard	Waters
McMahon	Ruppersberger	Watson
McNerney	Rush	Watt
Meek (FL)	Ryan (OH)	Waxman
Meeks (NY)	Salazar	Weiner
Michaud	Sánchez, Linda T.	Welch
Miller (NC)	Sanchez, Loretta	Wilson (OH)
Miller, George	Sarbanes	Woolsey
Minnick	Schakowsky	Wu
Mitchell	Schiff	Yarmuth

NAYS—161

Aderholt	Garrett (NJ)	Miller (FL)
Akin	Gerlach	Miller (MI)
Alexander	Gingrey (GA)	Miller, Gary
Austria	Goodlatte	Moran (KS)
Bachmann	Granger	Myrick
Bachus	Graves	Neugebauer
Bilirakis	Griffith	Nunes
Bishop (UT)	Harper	Olson
Blunt	Heller	Pascrell
Boehner	Hensarling	Paul
Bono Mack	Herger	Paulsen
Boozman	Hunter	Pence
Boren	Inglis	Petri
Boustany	Issa	Platts
Brady (TX)	Jenkins	Poe (TX)
Broun (GA)	Johnson (IL)	Posey
Brown (SC)	Johnson, Sam	Price (GA)
Brown-Waite, Ginny	Jones	Putnam
Buchanan	Jordan (OH)	Radanovich
Burgess	Kanjorski	Rehberg
Burton (IN)	King (IA)	Reichert
Buyer	King (NY)	Roe (TN)
Calvert	Kingston	Rogers (AL)
Cantor	Kirk	Rogers (KY)
Capito	Kirkpatrick (AZ)	Rogers (MI)
Carter	Kline (MN)	Rooney
Cassidy	Lamborn	Ros-Lehtinen
Chaffetz	Lance	Roskam
Coble	Latham	Royce
Coffman (CO)	LaTourette	Ryan (WI)
Cole	Latta	Scalise
Conaway	Lee (NY)	Schauer
Costello	Lewis (CA)	Schmidt
Crenshaw	Linder	Schock
Culberson	LoBiondo	Sensenbrenner
Davis (KY)	Lucas	Sessions
Dent	Luetkemeyer	Shadegg
Diaz-Balart, L.	Lummis	Shimkus
Diaz-Balart, M.	Lungren, Daniel E.	Shuster
Dreier	Mack	Simpson
Duncan	Manzullo	Smith (NE)
Emerson	Marchant	Smith (NJ)
Fallin	Marshall	Smith (TX)
Flake	McCaul	Souder
Fleming	McClintock	Stearns
Forbes	McCotter	Sullivan
Fortenberry	McHenry	Terry
Foxx	McKeon	Thompson (PA)
Franks (AZ)	McMorris Rodgers	Thornberry
Frelinghuysen	Mica	Tiahrt
Gallegly	Upton	Tiberi
	Walden	Turner
	Westmoreland	Wilson (SC)
		Wittman
		Wolf
		Young (AK)
		Young (FL)

NOT VOTING—23

Barrett (SC)	DeGette	McCollum
Blackburn	Delahunt	Melancon
Blumenauer	Filner	Mollohan
Bonner	Guthrie	Obey
Boyd	Hastings (WA)	Pitts
Brown, Corrine	Hoekstra	Wamp
Campbell	Kennedy	Whitfield
Davis (AL)	McCarthy (CA)	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶55.19 COMMITTEE ELECTION—MAJORITY

Mr. LARSON of Connecticut, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 1334):

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Owens (to rank immediately after Mr. Murphy of New York).

(2) COMMITTEE ON APPROPRIATIONS.—Mr. Patrick Murphy of Pennsylvania.

(3) COMMITTEE ON ARMED SERVICES.—Mr. Garamendi (to rank immediately after Mr. Owens), Mr. Boswell (to rank immediately after Mr. Garamendi), Mr. Johnson of Georgia (to rank immediately after Mr. Boren).

(4) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Deutch (to rank immediately after Mr. McMahon).

(5) COMMITTEE ON HOMELAND SECURITY.—Mr. Owens (to rank immediately after Ms. Titus).

(6) COMMITTEE ON THE JUDICIARY.—Mr. Deutch (to rank immediately after Ms. Chu), Mr. Polis.

(7) COMMITTEE ON NATURAL RESOURCES.—Mr. Luján (to rank immediately after Mr. Heinrich).

(8) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Garamendi (to rank immediately after Mr. Peters).

(9) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Johnson of Georgia.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶55.20 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, May 7, 2010, at 10 a.m.; and further, when the House adjourns on Friday, May 7, 2010, it adjourn to meet at 12:30 p.m. on Tuesday, May 11, 2010, for morning-hour debate.

¶55.21 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3111. An Act to establish the Commission on Freedom of Information Act Processing Delays, Committee on Oversight and Government Reform.

¶55.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. MCCOLLUM, for today; and

To Mr. BONNER, for today.

And then,

¶55.23 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 7 o'clock and 17 minutes p.m., the House adjourned until 10 a.m. on Friday, May 7, 2010.

¶55.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5072. A bill to improve the financial safety and soundness of the FHA mortgage insurance program; with an amendment (Rept. 111–476). Referred to the Committee of the Whole House on the state of the Union.

¶55.25 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

H.R. 5228. A bill to amend the Help America Vote Act of 2002 to establish standards for the publication of the poll tapes used in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HOLT:

H.R. 5229. A bill to amend the Help America Vote Act of 2002 to establish standards for the transparent and accurate tabulation of votes and aggregation of vote counts in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HEINRICH:

H.R. 5230. A bill to direct the Secretary of Defense to carry out a pilot program on collaborative energy security; to the Committee on Armed Services, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself and Mr. SCHIFF):

H.R. 5231. A bill to amend the Controlled Substances Act to clarify that persons who enter into a conspiracy within the United States to possess or traffic illegal controlled substances outside the United States, or engage in conduct within the United States to aid or abet drug trafficking outside the United States, may be criminally prosecuted in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KRATOVIL:

H.R. 5232. A bill to amend title 18, United States Code, to permit a court to sentence an offender who is determined to be sexually dangerous to a term of special confinement for the prevention of sexual predation, and for other purposes; to the Committee on the Judiciary.

By Ms. SHEA-PORTER (for herself, Mr. JONES, Mr. BRADY of Pennsylvania, Mr. FORBES, Mrs. CHRISTENSEN, Mr. AL GREEN of Texas, Mr. HINOJOSA, Mr. MCGOVERN, Mr. PAYNE, Mr. SCHIFF, Mr. GRIJALVA, and Mr. OWENS):

H.R. 5233. A bill to amend title 10, United States Code, to recognize the contributions made by the spouses of members of the Armed Forces who serve in combat through the presentation of an official lapel button, and for other purposes; to the Committee on Armed Services.

By Mr. WEINER (for himself and Mr. MORAN of Kansas):

H.R. 5234. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act, the Internal Revenue Code of 1986, and title XVIII of the Social Security Act to ensure transparency and proper operation of pharmacy benefit managers; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH (for himself and Mr. ROGERS of Michigan):

H.R. 5235. A bill to amend title XVIII of the Social Security Act to exempt blood glucose self-testing equipment and supplies furnished by small retail community pharmacies from Medicare competitive acquisition programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. DINGELL, Ms. MOORE of Wisconsin, Mr. TANNER, Mr. CHILDERS, Mr. BERRY, Mr. CONYERS, Mr. JOHNSON of Georgia, Ms. GRANGER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PERLMUTTER, Mr. PAYNE, Mr. PASCRELL, and Mr. YARMUTH):

H.R. 5236. A bill to amend SAFETEA-LU to ensure that projects that assist the establishment of aerotropolis transportation systems are eligible for certain grants, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ALTMIRE (for himself and Mr. DENT):

H.R. 5237. A bill to add joining a foreign terrorist organization or engaging in or supporting hostilities against the United States or its allies to the list of acts for which United States nationals would lose their nationality; to the Committee on the Judiciary.

By Mr. BISHOP of Utah (for himself and Mr. CHAFFETZ):

H.R. 5238. A bill to exempt the State of Utah from Federal programs in the areas of education, transportation, and Medicaid so that the State of Utah can undertake innovative methods to manage these government programs using Utah's portion of Federal revenues for these programs, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL (for himself, Mr. BRALEY of Iowa, and Mr. LOEBSACK):

H.R. 5239. A bill to amend the Internal Revenue Code of 1986 to provide an additional 25 percent allowance for the deduction of qualified residence interest with respect to a principal residence, and to waive recapture of the first-time homebuyer tax credit with respect to residences purchased during 2008; to the Committee on Ways and Means.

By Ms. CORRINE BROWN of Florida:

H.R. 5240. A bill to provide for child safety, care, and education continuity in the event of a presidentially declared disaster; to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. MARKEY of Massachusetts, Ms. CASTOR of Florida, Mr. PRICE of North Carolina, Mr. FARR, Ms. MATSUI, Ms. MCCOLLUM, Ms. HIRONO, Mr. SHERMAN, Mr. HASTINGS of Florida, Ms. LEE of California, Mr. MOORE of Kansas, Ms. SPEIER, Mr. BRALEY of Iowa, and Ms. ZOE LOFGREN of California):

H.R. 5241. A bill to establish an independent, nonpartisan commission to investigate the causes and impact of, and evaluate and improve the response to, the explosion, fire, and loss of life on and sinking of the Mobile Drilling Unit Deepwater Horizon and the resulting uncontrolled release of crude oil into the Gulf of Mexico, and to ensure that a similar disaster is not repeated; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY:

H.R. 5242. A bill to direct the Administrator of the Federal Emergency Management Agency to establish a disaster recovery assistance program for businesses, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CUELLAR:

H.R. 5243. A bill to amend the Patient Protection and Affordable Care Act to clarify that the Act does not affect standards or procedures in medical malpractice actions; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Mr. YARMUTH, Mr. ROSKAM, and Mr. DAVIS of Kentucky):

H.R. 5244. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received for services by a student at a work-college; to the Committee on Ways and Means.

By Mr. HOLDEN (for himself and Mr. SHUSTER):

H.R. 5245. A bill to establish minimum standards for engineered glass beads used in reflective markings; to the Committee on Transportation and Infrastructure.

By Mr. KENNEDY:

H.R. 5246. A bill to examine and improve the child welfare workforce, and for other purposes; to the Committee on Education and Labor.

By Mr. LANGEVIN (for himself, Mr. MCCAUL, Mr. RODRIGUEZ, Mr. RUPPERSBERGER, Ms. CLARKE, Ms. LORETTA SANCHEZ of California, Ms. MARKEY of Colorado, and Mr. SMITH of Washington):

H.R. 5247. A bill to establish a National Cyberspace Office, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Ms. CASTOR of Florida, and Mr. GARAMENDI):

H.R. 5248. A bill to amend the Outer Continental Shelf Lands Act to prohibit the leasing of any area of the outer Continental Shelf for the exploration, development, or production of oil, gas, or any other mineral; to the Committee on Natural Resources.

By Mr. PERLMUTTER (for himself, Mr. COFFMAN of Colorado, Ms. MARKEY of Colorado, Mr. KAGEN, Mr. ETHERIDGE, Mr. CHANDLER, and Mr. DAVIS of Tennessee):

H.R. 5249. A bill to provide amortization authority in certain situations, for purposes of capital calculation under the Financial Institutions Examination Council's Consolidated Reports of Condition and Income; to the Committee on Financial Services.

By Mr. SABLAN:

H.R. 5250. A bill to direct the Election Assistance Commission to make an election administration improvement payment to the Commonwealth of the Northern Mariana Islands under title I of the Help America Vote Act of 2002, to treat the Commonwealth as a State for the other purposes of such Act, and for other purposes; to the Committee on House Administration.

By Mrs. SCHMIDT (for herself, Mr. CAO, Mr. LAMBORN, and Mr. WILSON of South Carolina):

H.R. 5251. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for birth mothers whose children are adopted; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 5252. A bill to amend the American Recovery and Reinvestment Act of 2009 and the Internal Revenue Code of 1986 to provide incentives for the development of solar energy; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT:

H.R. 5253. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Oversight and Government Reform.

By Ms. SPEIER (for herself, Ms. SLAUGHTER, Mr. WU, Mrs. DAVIS of California, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Ms. BERKLEY, Ms. MATSUI, Ms. LEE of California, Mrs. MALONEY, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Mr. PASCRELL, Mr. POLIS, Mr. MORAN of Virginia, Mr. SMITH of Washington, Mr. SPRATT, Mr. CONNOLLY of Virginia, Mr. MCNERNEY, Mr. STARK, Mr. THOMPSON of California, Mr. FARR, Mr. GARAMENDI, Ms. KAPTUR, Mr. TONKO, Mr. SCHAUER, Ms. MOORE of Wisconsin, Ms. WOOLSEY, Mr. KIND, Mr. CUMMINGS, Ms. WATSON, Mr. HOLT, Mr. DEFAZIO, Mr. ACKERMAN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MCGOVERN, Mr. PLATTS, Mr. FILNER, Mr. LANGEVIN, Ms. SCHWARTZ, Ms. MCCOLLUM, Ms. CLARKE, Mr. SCHIFF, Mr. CONYERS, Mr. CAO, Mrs. CHRISTENSEN, Mr. DICKS, Mr. PALLONE, Ms. CASTOR of Florida, Mr. RAHALL, Mr. SNYDER, Ms. NORTON, Ms. BORDALLO, Mr. HALL

of New York, Mr. BERMAN, Mr. SHERMAN, Mr. ALEXANDER, Mr. ROTHMAN of New Jersey, Ms. HIRONO, Mr. WATT, Mr. GUTIERREZ, Mr. YARMUTH, Ms. SUTTON, Mr. HINCHEY, and Mr. HARE):

H. Con. Res. 275. Concurrent resolution expressing support for designation of the week beginning on the second Sunday of September as Arts in Education Week; to the Committee on Education and Labor.

By Mr. ANDREWS (for himself, Mr. GARRETT of New Jersey, and Mr. CULBERSON):

H. Con. Res. 276. Concurrent resolution expressing the sense of Congress relating to a free trade agreement between the United States and Taiwan; to the Committee on Ways and Means.

By Mr. ROE of Tennessee:

H. Res. 1333. A resolution expressing support for the goals and ideals of Children's Book Week; to the Committee on Education and Labor.

By Mr. LARSON of Connecticut:

H. Res. 1334. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. KIRK (for himself and Ms. BALDWIN):

H. Res. 1335. A resolution calling on the Government of the Republic of Malawi to respect the fundamental human rights of its citizens, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SMITH of Texas (for himself, Mr. MCCAUL, Mr. DOGGETT, Mr. CARTER, Mr. CUELLAR, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. GOHMERT, Mr. SESSIONS, Mr. MARCHANT, Mr. OLSON, Mr. PAUL, Mr. BURGESS, Mr. NEUGEBAUER, Mr. THORNBERRY, Mr. BRADY of Texas, Ms. GRANGER, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. CONAWAY, Mr. HENSARLING, Mr. HALL of Texas, Mr. GONZALEZ, Mr. POE of Texas, Mr. ORTIZ, Ms. JACKSON LEE of Texas, Mr. BARTON of Texas, Mr. GENE GREEN of Texas, Mr. EDWARDS of Texas, Mr. AL GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. REYES):

H. Res. 1336. A resolution congratulating the University of Texas men's swimming and diving team for winning the NCAA Division I national championship; to the Committee on Education and Labor.

By Mr. COOPER (for himself, Mr. DAVIS of Tennessee, Mr. ROE of Tennessee, Mrs. BLACKBURN, Mr. DUNCAN, Mr. GORDON of Tennessee, Mr. WAMP, Mr. COHEN, and Mr. TANNER):

H. Res. 1337. A resolution expressing the sympathy and condolences of the House of Representatives to those people affected by the flooding in Tennessee, Kentucky, and Mississippi in May, 2010; to the Committee on Transportation and Infrastructure.

By Ms. MATSUI (for herself, Mr. GEORGE MILLER of California, Mr. PRICE of North Carolina, Mr. PLATTS, Mr. EHLERS, Ms. MOORE of Wisconsin, and Ms. SLAUGHTER):

H. Res. 1338. A resolution recognizing the significant accomplishments of AmeriCorps and encouraging all citizens to join in a national effort to raise awareness about the importance of national and community service; to the Committee on Education and Labor.

By Mr. MCDERMOTT (for himself and Mr. LINDER):

H. Res. 1339. A resolution expressing support for designation of May as National Foster Care Month and acknowledging the responsibility that Congress has to promote safety, well-being, improved outcomes, and permanency for the Nation's collective children; to the Committee on Ways and Means.

By Mrs. NAPOLITANO:

H. Res. 1340. A resolution congratulating the California State Polytechnic University, Pomona men's basketball team for winning the 2010 NCAA Division II Men's Basketball National Championship; to the Committee on Education and Labor.

By Mr. RUPPERSBERGER:

H. Res. 1341. A resolution supporting K-12 geography education; to the Committee on Education and Labor.

By Ms. SCHAKOWSKY (for herself, Ms. MATSUI, Mr. ARCURI, Ms. BERKLEY, Mr. BLUMENAUER, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CONNOLLY of Virginia, Mr. COSTELLO, Mr. COURTNEY, Mr. DEFAZIO, Mr. DEUTCH, Mr. DOGGETT, Ms. FUDGE, Ms. GIFFORDS, Mr. GRIJALVA, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLT, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. KLEIN of Florida, Mr. LARSON of Connecticut, Mr. LOEBSACK, Mr. MICHAUD, Ms. MOORE of Wisconsin, Ms. RICHARDSON, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SCHAUER, Ms. SLAUGHTER, Ms. SPEIER, Ms. TITUS, Ms. TSONGAS, Ms. WOOLSEY, Ms. DELAURO, and Mr. FOSTER):

H. Res. 1342. A resolution entitled the ''Seniors Bill of Rights''; to the Committee on Education and Labor.

¶55.26 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DAVIS of Illinois introduced a bill (H.R. 5254) for the relief of Simaya T.K. Eversley; which was referred to the Committee on the Judiciary.

¶55.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. CRENSHAW.

H.R. 208: Mr. CUMMINGS, Ms. RICHARDSON, and Mr. TIERNEY.

H.R. 235: Ms. GRANGER and Mrs. DAHLKEMPER.

H.R. 275: Mr. WALDEN, Mrs. EMERSON, Mr. TIM MURPHY of Pennsylvania, and Mr. COFFMAN of Colorado.

H.R. 422: Mrs. DAHLKEMPER.

H.R. 442: Mr. GOHMERT.

H.R. 476: Mr. LYNCH.

H.R. 571: Mr. BISHOP of Georgia and Mrs. EMERSON.

H.R. 673: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 758: Mr. LYNCH and Ms. NORTON.

H.R. 949: Mr. RAHALL.

H.R. 1067: Mr. HINCHEY.

H.R. 1203: Mr. DEFAZIO.

H.R. 1324: Ms. PINGREE of Maine.

H.R. 1339: Mr. ANDREWS.

H.R. 1351: Mr. WILSON of Ohio and Mr. BACA.

H.R. 1522: Ms. WOOLSEY and Mr. RUSH.

H.R. 1547: Mr. BERMAN.

H.R. 1587: Mrs. HALVORSON.

H.R. 1625: Mr. BOYD, Mr. BRADY of Pennsylvania, Mr. HARE, and Mr. ROTHMAN of New Jersey.

H.R. 1670: Mr. CLAY.

H.R. 1682: Mr. BILBRAY.

H.R. 1806: Mr. WILSON of Ohio, Mr. KILDEE, and Mr. RYAN of Ohio.

H.R. 1829: Ms. SUTTON and Mrs. MCMORRIS RODGERS.

H.R. 1855: Mr. QUIGLEY and Ms. SCHAKOWSKY.

H.R. 1889: Ms. RICHARDSON.

H.R. 1894: Mr. JACKSON of Illinois and Mr. LATHAM.

H.R. 1895: Mr. LEE of New York.

H.R. 2049: Ms. BERKLEY.

H.R. 2054: Mr. MEEKS of New York, Mr. PAYNE, Ms. BALDWIN, Mr. ANDREWS, and Mr. RUPPERSBERGER.

H.R. 2067: Mr. HOLDEN and Mr. BACA.

H.R. 2084: Mr. HALL of Texas.

H.R. 2136: Ms. NORTON, Mr. CAO, Mr. WU, and Mr. CARNAHAN.

H.R. 2142: Mr. PETERSON.

H.R. 2149: Mr. CHILDERS.

H.R. 2176: Mr. ALTMIRE.

H.R. 2212: Mr. POLIS.

H.R. 2275: Mr. GUTIERREZ, Mr. LYNCH, Ms. SUTTON, Mr. CAO, Ms. DELAURO, Ms. KILPATRICK of Michigan, Ms. BALDWIN, and Mr. GRIJALVA.

H.R. 2287: Mr. ISSA.

H.R. 2305: Mr. MORAN of Kansas.

H.R. 2324: Mr. COHEN.

H.R. 2336: Mr. WU and Mr. LARSON OF CONNECTICUT.

H.R. 2378: Ms. WOOLSEY, Mr. BOREN, and Mr. HODES.

H.R. 2443: Mr. BERRY.

H.R. 2455: Mr. SCHIFF and Mr. TOWNS.

H.R. 2480: Mr. ALTMIRE.

H.R. 2485: Ms. ZOE LOFGREN of California.

H.R. 2521: Mr. PERRIELLO.

H.R. 2546: Mr. CLAY and Ms. KAPTUR.

H.R. 2575: Mr. FRANK of Massachusetts.

H.R. 2582: Ms. RICHARDSON.

H.R. 2625: Ms. NORTON.

H.R. 2746: Mrs. MCCARTHY of New York, Mr. GORDON of Tennessee, and Mr. WU.

H.R. 2791: Ms. RICHARDSON.

H.R. 2807: Mrs. CAPPS.

H.R. 2946: Mr. BRADY of Pennsylvania.

H.R. 2964: Mr. MOORE of Kansas.

H.R. 3035: Mr. JACKSON of Illinois.

H.R. 3039: Mr. AUSTRIA.

H.R. 3048: Mr. WEINER.

H.R. 3076: Ms. RICHARDSON.

H.R. 3116: Mr. PASCRELL.

H.R. 3185: Mr. COURTNEY.

H.R. 3189: Mr. SCALISE.

H.R. 3202: Mr. TIERNEY.

H.R. 3240: Mr. CASTLE and Ms. WATERS.

H.R. 3286: Mr. WEINER.

H.R. 3339: Mr. POMEROY, Mr. FARR, Mr. LARSEN of Washington, Mr. GARAMENDI, and Mr. GEORGE MILLER of California.

H.R. 3353: Ms. RICHARDSON.

H.R. 3380: Mr. CALVERT.

H.R. 3408: Mr. HOLT, Mr. CLEAVER, and Mr. LARSEN of Washington.

H.R. 3492: Ms. HIRONO.

H.R. 3554: Mr. WEINER.

H.R. 3615: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3652: Mr. COHEN, Mr. KIND, Ms. ESHOO, Mr. JACKSON of Illinois, Mr. GARAMENDI, Mr. LARSON of Connecticut, and Mr. NADLER of New York.

H.R. 3655: Mr. WILSON of Ohio.

H.R. 3666: Mr. GERLACH and Mr. KAGEN.

H.R. 3668: Mr. BARROW and Mr. SMITH of Texas.

H.R. 3705: Ms. CHU.

H.R. 3745: Ms. MCCOLLUM.

H.R. 3758: Mr. GRAYSON.

H.R. 3781: Mr. ROSS.

H.R. 3787: Mr. BUYER.

H.R. 3790: Mr. AL GREEN of Texas, Mr. KANJORSKI, and Mr. THOMPSON of Mississippi.

H.R. 3826: Mr. ROONEY.

H.R. 3919: Mr. POLIS.

H.R. 3924: Mr. SCALISE and Mr. BURGESS.

H.R. 3936: Mr. YARMUTH.

H.R. 3943: Mr. CALVERT and Mr. GRAYSON.

H.R. 3989: Mr. BISHOP of Utah and Ms. HIRONO.

H.R. 3990: Mr. FOSTER.

H.R. 3995: Mr. COHEN and Ms. PINGREE of Maine.

H.R. 4034: Mr. WALZ.

H.R. 4037: Mr. BOUCHER.

H.R. 4070: Ms. JENKINS.

H.R. 4109: Mr. JACKSON of Illinois and Mr. PAUL.

H.R. 4128: Mr. TIERNEY.
H.R. 4148: Mr. BRADY of Pennsylvania.
H.R. 4175: Mr. JORDAN of Ohio.
H.R. 4198: Mr. TERRY.
H.R. 4263: Mr. PRICE of North Carolina.
H.R. 4278: Mr. UPTON and Mr. MITCHELL.
H.R. 4318: Ms. HIRONO.
H.R. 4324: Mr. BOCCIERI.
H.R. 4375: Mr. KAGEN.
H.R. 4396: Mr. KINGSTON.
H.R. 4399: Ms. RICHARDSON.
H.R. 4405: Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Ms. CORRINE BROWN of Florida, and Mr. BACA.
H.R. 4427: Ms. RICHARDSON and Mr. REHBERG.
H.R. 4480: Mr. HEINRICH, Mr. KIND, Mr. SKELTON, and Mr. CLAY.
H.R. 4502: Mr. HILL.
H.R. 4509: Mr. PUTNAM and Mrs. DAHLKEMPER.
H.R. 4525: Mr. KLINE of Minnesota.
H.R. 4541: Mr. BISHOP of New York and Mr. GRAYSON.
H.R. 4549: Mr. WEINER and Mr. PERRIELLO.
H.R. 4568: Mr. HOLDEN.
H.R. 4598: Mr. POLIS.
H.R. 4601: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4603: Mr. THORNBERRY.
H.R. 4632: Mr. GRAYSON.
H.R. 4689: Mr. GERLACH, Mr. WEINER, Mr. SIRES, and Mr. BRADY of Pennsylvania.
H.R. 4690: Mr. FILNER.
H.R. 4693: Mr. NYE.
H.R. 4694: Mr. QUIGLEY.
H.R. 4722: Mr. POLIS.
H.R. 4733: Mr. POLIS.
H.R. 4748: Mr. LARSEN of Washington.
H.R. 4755: Ms. BALDWIN and Mr. MAFFEI.
H.R. 4788: Mr. KENNEDY, Mr. MOORE of Kansas, Mr. GUTIERREZ, Mr. ROTHMAN of New Jersey, Mr. MCNERNEY, Ms. KAPTUR, Mr. GRAYSON, Ms. RICHARDSON, Ms. PINGREE of Maine, and Mr. DEFAZIO.
H.R. 4812: Ms. HARMAN, Mr. SPACE, Mr. MCNERNEY, and Mr. DEUTCH.
H.R. 4844: Mr. PASCRELL.
H.R. 4859: Mr. EDWARDS of Texas.
H.R. 4866: Ms. GIFFORDS and Mr. THORNBERRY.
H.R. 4870: Mr. HARE and Mr. BISHOP of Georgia.
H.R. 4879: Mr. FILNER, Mrs. MCCARTHY of New York, Ms. WASSERMAN SCHULTZ, Ms. LINDA T. SÁNCHEZ of California, Mr. JACKSON of Illinois, Mr. MCMAHON, and Mrs. NAPOLITANO.
H.R. 4888: Ms. BORDALLO and Mr. MCNERNEY.
H.R. 4920: Mr. HARE, Mr. DAVIS of Illinois, Mr. CLAY, Mr. HASTINGS of Florida, Mr. CLEAVER, Mr. THOMPSON of Mississippi, Mr. MEEKS of New York, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. WATT, Ms. EDWARDS of Maryland, Ms. WATSON, Ms. CORRINE BROWN of Florida, Ms. WATERS, Ms. LEE of California, and Mr. JACKSON of Illinois.
H.R. 4925: Mr. COHEN, Mr. MOORE of Kansas, and Mr. MAFFEI.
H.R. 4933: Mr. JACKSON of Illinois.
H.R. 4940: Mr. BURTON of Indiana and Mr. KILDEE.
H.R. 4959: Mr. MARSHALL and Mr. FRANK of Massachusetts.
H.R. 4961: Mr. SCOTT of Georgia, Ms. WASSERMAN SCHULTZ, and Mr. CLEAVER.
H.R. 4972: Mrs. BIGGERT, Mr. MILLER of Florida, and Mr. CHAFFETZ.
H.R. 4985: Mr. LATHAM and Mr. BOOZMAN.
H.R. 4990: Mr. GRAYSON.
H.R. 4995: Mr. CARTER.
H.R. 4999: Mr. BOOZMAN.
H.R. 5015: Mr. TOWNS, Ms. CHU, Mr. BRALEY of Iowa, Mr. CARSON of Indiana, Ms. FUDGE, Mr. GUTIERREZ, Mr. HARE, Mr. PETERS, Mr. QUIGLEY, Ms. SPEIER, Ms. WATERS, Mr. BISHOP of New York, Mr. FATTAH, Mr. RUSH, Mr. POLIS, Mr. WAXMAN, Mr. CLAY, and Ms. VELÁZQUEZ.
H.R. 5021: Mr. WEINER.
H.R. 5028: Mr. CONYERS and Ms. WATSON.
H.R. 5034: Mr. WALZ, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CARSON of Indiana.
H.R. 5035: Mr. CAO.
H.R. 5040: Mr. FRANK of Massachusetts, Mr. MARSHALL, Mrs. NAPOLITANO, and Mr. HODES.
H.R. 5042: Mr. HODES and Mr. AL GREEN of Texas.
H.R. 5044: Mr. PETERS, Mr. MCNERNEY, Mr. DEUTCH, Ms. TITUS, and Mr. PERRIELLO.
H.R. 5054: Mr. GARY G. MILLER of California and Mr. GOODLATTE.
H.R. 5055: Ms. NORTON.
H.R. 5065: Mr. GARRETT of New Jersey, Mr. LATTA, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 5072: Mr. LYNCH and Mr. SHERMAN.
H.R. 5092: Mr. PAULSEN, Mr. BACHUS, Mrs. BACHMANN, Mr. LATTA, Mr. FORTENBERRY, Mr. TIAHRT, Ms. PINGREE of Maine, Mr. FRELINGHUYSEN, Ms. JENKINS, Mr. KINGSTON, Mr. DENT, Mrs. BLACKBURN, Mr. ALEXANDER, Mrs. SCHMIDT, Mr. SHIMKUS, Mr. POSEY, Mr. BARTON of Texas, Mr. LUCAS, Ms. GRANGER, Mr. JOHNSON of Georgia, Mr. BERMAN, Mr. COLE, and Mrs. LUMMIS.
H.R. 5093: Mr. RUPPERSBERGER, Mr. SCOTT of Virginia, Mr. GARAMENDI, Ms. CHU, Mr. MEEK of Florida, Ms. WATSON, and Mr. POSEY.
H.R. 5107: Ms. RICHARDSON.
H.R. 5111: Mr. PRICE of Georgia, Mr. SMITH of Texas, Mr. GARY G. MILLER of California, Mr. WHITFIELD, Mrs. MILLER of Michigan, Mr. UPTON, Mr. HUNTER, Mr. WESTMORELAND, Mr. WITTMAN, Mr. EHLERS, and Mr. MORAN of Kansas.
H.R. 5117: Mr. MORAN of Virginia, Ms. SCHAKOWSKY, and Mr. GARAMENDI.
H.R. 5120: Mr. REICHERT, Ms. BORDALLO, and Mr. MURPHY of New York.
H.R. 5126: Mr. GOODLATTE.
H.R. 5129: Mr. MCGOVERN.
H.R. 5137: Ms. WATSON and Mr. HODES.
H.R. 5142: Mr. POLIS, Ms. RICHARDSON, and Ms. ESHOO.
H.R. 5143: Mr. HINOJOSA, Mr. BOUCHER, and Mr. COHEN.
H.R. 5144: Mr. EDWARDS of Texas and Mr. OLSON.
H.R. 5145: Ms. BORDALLO.
H.R. 5156: Mr. SCHIFF and Ms. SUTTON.
H.R. 5159: Mr. GEORGE MILLER of California, Mr. CUMMINGS, and Mr. STARK.
H.R. 5173: Mr. BARRETT of South Carolina and Mr. FRANKS of Arizona.
H.R. 5177: Mr. PENCE, Mr. BOOZMAN, Mr. LATHAM, Mr. KING of Iowa, Mr. SIMPSON, Mr. WILSON of South Carolina, Mr. SKELTON, and Mr. MORAN of Kansas.
H.R. 5191: Mr. MEEKS of New York and Ms. LEE of California.
H.R. 5200: Mr. SARBANES and Mr. SESTAK.
H.R. 5207: Mr. HERGER and Mr. HINCHEY.
H.R. 5210: Mrs. CAPPS.
H.R. 5213: Mr. BLUMENAUER and Mrs. DAVIS of California.
H.R. 5214: Ms. CASTOR of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. HARE, Mr. HALL of New York, Mr. SARBANES, Mr. LANGEVIN, and Mr. CHANDLER.
H.R. 5220: Mr. SALAZAR, Mr. POMEROY, Mr. ALTMIRE, Mr. YARMUTH, Ms. ESHOO, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. DICKS, Mr. ROTHMAN of New Jersey, Mr. MOORE of Kansas, Mr. ELLISON, Ms. TITUS, Mr. SESTAK, Ms. BERKLEY, Mr. LUJÁN, Mr. BOSWELL, Mr. MICHAUD, Mr. MELANCON, Ms. SHEA-PORTER, Mr. KILDEE, Mr. WALZ, Mr. TONKO, Mr. DAVIS of Illinois, Mr. DRIEHAUS, Mr. BRALEY of Iowa, Mr. OBERSTAR, Mr. SPRATT, Mr. MATHESON, Ms. KILROY, Mr. RYAN of Ohio, Mr. OLVER, Mr. FOSTER, Mr. HONDA, Mr. STARK, Mr. LOEBSACK, Mr. BOREN, Mr. DELAHUNT, Ms. PINGREE of Maine, Mr. MARKEY of Massachusetts, Mr. MINNICK, Ms. WASSERMAN SCHULTZ, Mr. LANGEVIN, Mr. CAPUANO, Mr. DOGGETT, Mr. ELLSWORTH, Mr. COURTNEY, Mr. LYNCH, Mr. QUIGLEY, Mr. CARSON of Indiana, and Ms. SUTTON.
H.R. 5226: Mr. PERLMUTTER, Mr. MOORE of Kansas, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MAFFEI, Mr. STUPAK, Mr. RAHALL, Mr. ELLSWORTH, Mr. SPRATT, Mr. ALTMIRE, Ms. RICHARDSON, Mr. SPACE, and Mr. BOUCHER.
H.J. Res. 42: Mr. GRIFFITH.
H.J. Res. 61: Ms. VELÁZQUEZ.
H.J. Res. 76: Mr. KILDEE, Mr. KINGSTON, and Mr. REHBERG.
H. Con. Res. 30: Mr. SCOTT of Virginia.
H. Con. Res. 201: Mr. BILBRAY.
H. Con. Res. 226: Mrs. DAVIS of California.
H. Con. Res. 230: Mr. FLEMING, Mr. WITTMAN, Mr. COURTNEY, Mr. HUNTER, Mr. DONNELLY of Indiana, Mr. BARTLETT, and Ms. FALLIN.
H. Con. Res. 260: Ms. BEAN, Mr. CALVERT, Mr. YOUNG of Florida, Mr. BACA, Mrs. BLACKBURN, Mr. CRENSHAW, Mr. CUMMINGS, Mr. SCALISE, Mr. ISRAEL, Mr. ARCURI, Mr. PIERLUISI, Mr. LATHAM, Mr. SARBANES, and Mr. ROGERS of Kentucky.
H. Con. Res. 266: Mr. MICHAUD and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 268: Ms. NORTON, Ms. MATSUI, Ms. WASSERMAN SCHULTZ, Mr. MEEK of Florida, Ms. DEGETTE, and Mr. BACA.
H. Con. Res. 271: Mr. BRADY of Texas and Mr. POE of Texas.
H. Con. Res. 274: Mr. CALVERT, Mr. SIMPSON, Mr. GARY G. MILLER of California, Mr. MANZULLO, and Mr. CANTOR.
H. Res. 173: Mr. KANJORSKI, Ms. BALDWIN, Mr. PETERSON, Mr. GARRETT of New Jersey, Mr. ALTMIRE, Mr. MCINTYRE, and Mr. MEEK of Florida.
H. Res. 363: Mr. GRAYSON.
H. Res. 407: Ms. SUTTON and Mr. TURNER.
H. Res. 416: Ms. BALDWIN and Ms. WATSON.
H. Res. 582: Mr. GRIJALVA, Ms. RICHARDSON, and Mr. CONYERS.
H. Res. 584: Mr. WILSON of Ohio, Mr. CAPUANO, Mr. MILLER of North Carolina, Mr. DICKS, Mr. SOUDER, Mr. MORAN of Kansas, Mr. ELLSWORTH, and Mr. DAVIS of Kentucky.
H. Res. 764: Ms. BERKLEY.
H. Res. 873: Mr. BILBRAY, Mr. GORDON of Tennessee, Mr. MCMAHON, Mr. MORAN of Virginia, and Mr. GENE GREEN of Texas.
H. Res. 989: Mr. GRAYSON and Mr. HODES.
H. Res. 1056: Mr. TIBERI and Mr. MURPHY of New York.
H. Res. 1060: Mr. DUNCAN.
H. Res. 1073: Mr. MORAN of Kansas.
H. Res. 1143: Mr. HARE.
H. Res. 1155: Ms. SUTTON.
H. Res. 1175: Mr. JONES.
H. Res. 1211: Mr. MCGOVERN, Mr. HASTINGS of Florida, Mr. MURPHY of New York, Mr. EDWARDS of Texas, and Mr. BACA.
H. Res. 1226: Mr. POSEY.
H. Res. 1229: Mr. YOUNG of Florida.
H. Res. 1251: Mr. EDWARDS of Texas.
H. Res. 1265: Mr. JACKSON of Illinois.
H. Res. 1273: Mr. SMITH of New Jersey, Mr. CULBERSON, and Mr. CANTOR.
H. Res. 1279: Mr. SMITH of New Jersey.
H. Res. 1291: Mr. MURPHY of New York, Mr. TOWNS, Mr. DONNELLY of Indiana, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. ELLSWORTH, Mr. SIRES, Mr. BRALEY of Iowa, Mr. WELCH, Mr. YARMUTH, Mr. MCMAHON, Mr. BISHOP of New York, Mr. WEINER, and Mr. MCNERNEY.
H. Res. 1294: Mr. SHIMKUS, Mr. ROSKAM, and Mr. TAYLOR.
H. Res. 1297: Mr. MEEK of Florida.
H. Res. 1302: Ms. BALDWIN and Mr. YOUNG of Alaska.
H. Res. 1313: Mr. ROE of Tennessee, Mr. LATTA, and Mr. LAMBORN.
H. Res. 1321: Ms. LEE of California.
H. Res. 1330: Ms. BORDALLO, Ms. HIRONO, Mrs. CHRISTENSEN, Mr. MORAN of Virginia,

Mr. LEWIS of Georgia, Mr. POLIS, Mrs. MALONEY, Mr. BAIRD, and Mr. FALEOMAVAEGA.

FRIDAY, MAY 7, 2010 (56)

¶56.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. DRIEHAUS, who laid before the House the following communication:

WASHINGTON, DC,
May 7, 2010.

I hereby appoint the Honorable STEVE DRIEHAUS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶56.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DRIEHAUS, announced he had examined and approved the Journal of the proceedings of Thursday, May 6, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶56.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7384. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Cyromazine; Pesticide Tolerances [EPA-HQ-OPP-2008-0866; FRL-8801-6] received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7385. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Difenoconazole Pesticide Tolerances [EPA-HQ-OPP-2009-0162; FRL-8817-3] received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7386. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerances [EPA-HQ-OPP-2008-0722; FRL-8818-5] received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7387. A letter from the Acting Director, Office of Thrift Supervision, Department of Treasury, transmitting a letter on the details of the Office's 2010 compensation plan; to the Committee on Financial Services.

7388. A letter from the Inspector General, Department of Health and Human Services, transmitting Fiscal year 2009 Office of Inspector General Medicaid Integrity Report; to the Committee on Energy and Commerce.

7389. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Revisions to New Mexico Transportation Conformity Regulations [EPA-R06-OAR-2006-0990; FRL-9141-1] received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7390. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes; California; San Joaquin Valley, South Coast Air Basin, Coachella Valley, and Sacramento Metro 8-hour Ozone Nonattainment Areas; Reclassification [EPA-R09-OAR-2008-0467; FRL-9141-8] received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7391. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report for Fiscal Year 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7392. A letter from the Administrator, General Services Administration, transmitting the Administration's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7393. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; FAR Case 2009-005, Use of Project Labor Agreements for Federal Construction Projects [FAC 2005-41; FAR Case 2009-005; Item I; Docket 2009-0024, Sequence 1] (RIN: 9000-AL31) received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7394. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—National Industrial Security Program Directive No. 1 [FDMS Docket ISOO-09-0001] (RIN: 3095-AB63) received April 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7395. A letter from the Director, Office of Personnel Management, transmitting the Office's Fiscal Year 2009 Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

7396. A letter from the Assistant Secretary—Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas and Sulphur Operations in the Outer Continental Shelf — Oil and Gas Production Requirements [MMS-2008-OMM-0034] (RIN: 1010-AD12) received April 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7397. A letter from the Senior Procurement Analyst, Department of the Interior, transmitting the Department's final rule—Acquisition Regulation Rewrite (RIN: 1093-AA1) received April 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7398. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's 2009 Report on the Disclosure of Financial Interest and Recusal Requirements for Regional Fishery Management Councils and Scientific and Statistical Committees, pursuant to Section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

7399. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's 2009 report on Apportionment of Membership on the Regional Fishery Management Councils, pursuant to Section 302(b)(2)(B) of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

7400. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Washington Advisory Committee; to the Committee on the Judiciary.

7401. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the New Jersey Advisory Committee; to the Committee on the Judiciary.

7402. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report detailing activities under the Civil Rights of Institutionalized Persons Act during Fiscal Year 2009; to the Committee on the Judiciary.

7403. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Chester River, Chestertown, MD [Docket No.: USCG-2009-0796] (RIN: 1625-AA09) received April 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

And then,

¶56.4 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. DRIEHAUS, by unanimous consent, and pursuant to the special order of the House agreed to on May 6, 2010, at 10 o'clock and 1 minute a.m., declared the House adjourned until 12:30 p.m. on Tuesday, May 11, 2010.

¶56.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows;

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 1284. Resolution supporting the goals and ideals of National Learn to Fly Day, and for other purposes; with amendments (Rept. 111–477). Referred to the House Calendar.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 5116. A bill to invest in innovation through research and development, to improve the competitiveness of the United States, for other purposes; with an amendment (Rept. 111–478, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

¶56.6 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committee on Education and Labor discharged from further consideration. H.R. 5116 referred to the Committee of the Whole House on the state of the Union.

¶56.7 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. FRANK of Massachusetts (for Mr. KANJORSKI, Ms. WATERS, and Ms. MATSUI) introduced a bill (H.R. 5255) to reauthorize the National Flood Insurance Program, and for other purposes; which was referred to the Committee on Financial Services.

¶56.8 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3993: Ms. TSONGAS.

H.R. 5116: Mr. EHLERS, Mr. LIPINSKI, Mr. CARNAHAN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. GIFFORDS, Mr. GARAMENDI, Ms. FUDGE, Mr. TONKO, Mr. BAIRD, Mr. WILSON of Ohio, Mr. MAFFEI, Mr. MARKEY of Massachusetts, Mr. ROTHMAN of New Jersey, Mr. INSLEE, Ms. WOOLSEY, Mrs. DAHLKEMPER, Ms.

RICHARDSON, Mr. HOLT, Mr. MILLER of North Carolina, Mr. WU, Ms. EDWARDS of Maryland, Mr. COSTELLO, Ms. ESHOO, Mr. PERRIELLO, Ms. KOSMAS, Mr. ALTMIRE, Mr. MITCHELL, Mr. SALAZAR, Mr. BISHOP of Georgia, Mr. MINNICK, Mr. SPACE, Mr. MOORE of Kansas, Mr. ELLSWORTH, Mr. ARCURI, Mr. BARROW, Mr. SHULER, Mr. BOYD, Mr. HOYER, Mr. MCNERNEY, Ms. ZOE LOFGREN of California, Mr. GEORGE MILLER of California, Mr. LUJÁN, Mr. MATHESON, Mr. HINOJOSA, Mr. CHANDLER, Ms. HARMAN, Mr. MORAN of Virginia, Mr. REYES, Mr. MICHAUD, Mr. SCHIFF, Mr. MEEK of Florida, Mr. SCHAUER, Mr. CARNEY, Ms. TSONGAS, Mr. MARSHALL, Mr. YARMUTH, Mr. LANGEVIN, Mr. CAPUANO, Mr. HEINRICH, Ms. PINGREE of Maine, Mr. HILL, Mr. HARE, Mr. DINGELL, Mr. THOMPSON of California, Ms. CHU, Mr. GRAYSON, Mr. KIND, Mr. VAN HOLLEN, Mr. DAVIS of Tennessee, Mr. PETERS, Mr. MURPHY of New York, Ms. CASTOR of Florida, Mrs. HALVORSON, Ms. SHEA-PORTER, Ms. KILROY, Ms. CLARKE, Mr. CLYBURN, Ms. TITUS, Mr. COURTNEY, Mr. HALL of New York, Mr. TIERNEY, Ms. HIRONO, Mr. CONNOLLY of Virginia, Mr. HOLDEN, Mr. FOSTER, Ms. DELAURO, Mr. MCGOVERN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. KRATOVIL, Mr. DONNELLY of Indiana, Mr. QUIGLEY, Mrs. BIGGERT, Mr. KLEIN of Florida, Mr. ROSS, Mr. LARSON of Connecticut, Ms. SUTTON, Mr. ELLISON, Mr. DEUTCH, Mr. SCHRADER, Mr. BOCCIERI, and Ms. MARKEY of Colorado.

TUESDAY, MAY 11, 2010 (57)

The House was called to order at 12:30 p.m. by the SPEAKER, when, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶57.1 RECESS—12:50 P.M.

The SPEAKER pro tempore, Ms. MARKEY of Colorado, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 50 minutes p.m., until 2 p.m.

¶57.2 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. DRIEHAUS, called the House to order.

¶57.3 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DRIEHAUS, announced he had examined and approved the Journal of the proceedings of Friday, May 7, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶57.4 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7404. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Viruses, Serums, Toxins, and Analogous Products and Patent Term Restoration; Nonsubstantive Amendments [Docket No.: APHIS-2009-0069] received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7405. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule — Organization; Eligibility and Scope of Financing; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Definitions; and Disclosure to Shareholders; Director Elections (RIN: 3052-AC43) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7406. A letter from the Secretary, Department of the Army, transmitting notification that the Average Procurement Unit Cost (APUC) and Program Acquisition Unit Cost metrics for the Longbow Apache Block III (AB3) program have exceeded the 25 percent critical cost growth threshold by more than 15% but less than 25%, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

7407. A letter from the Under Secretary, Department of Defense, transmitting authorization of 3 officers to wear the authorized insignia of the grade of brigadier general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

7408. A letter from the Under Secretary, Department of Defense, transmitting letter on the approved retirement of Lieutenant General H. Steven Blum, Army National Guard, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

7409. A letter from the Chief, PRAB, Office of Research and Analysis, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment [FNS-2009-0001] (RIN: 0584-AD71) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7410. A letter from the Assistant Secretary for Administration, Department of Commerce, transmitting the Department's final rule — Commerce Acquisition Regulation (CAR); Correction [Document Number: 080730954-0129-03] (RIN: 0605-AA26) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7411. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Revision of Organization and Conforming Changes to Regulations [Docket No.: FDA-2010-N-0148] received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7412. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Product Jurisdiction; Change of Address and Telephone Number; Technical Amendment [Docket No.: FDA-2010-N-0010] received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7413. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Pediatric Uses of Devices; Requirement for Submission of Information on Pediatric Subpopulations That Suffer From a Disease or Condition That a Device is Intended to Treat, Diagnose, or Cure; Direct Final Rule [Docket No.: FDA-2009-N-0458] (RIN: 0910-AG29) recieved April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7414. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Technical Amendment [Docket No.: FDA-2010-N-0019] received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7415. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Administrative Practices and Procedures; Good Guidance Practices; Technical Amendment [Docket No.: FDA-1999-N-3539] (formerly Docket No. 1999N-4783) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7416. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — New Animal Drugs; Removal of Obsolete and Redundant Regulations [Docket No.: FDA-2003-N-0446] (formerly Docket No. 2003N-0324) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7417. A letter from the Deputy Assistant Administrator/Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances; Table of Excluded Nonnarcotic Products: Nasal Decongestant Inhalers Manufactured by Classic Pharmaceuticals, LLC [Docket No.: DEA-329F] (RIN: 1117-AB23) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7418. A letter from the Assistant Secretary for Communications and Information, Department of Transportation, transmitting the Department's report on the activities to improve coordination and communication with respect to the implementation of E-911 services, pursuant to Public Law 108-494, section 104; to the Committee on Energy and Commerce.

7419. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's report on Activities and Assistance under Cooperative Threat Reduction (CTR) Programs (FY 2011 CTR Annual Report), pursuant to Public Law 106-398, section 1308 (114 Stat. 1654A-341); to the Committee on Foreign Affairs.

7420. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

7421. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Foreign Affairs.

7422. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia in Executive Order 12987 of October 21, 1995; to the Committee on Foreign Affairs.

7423. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's FY 2009 ''Buy American Report'', pursuant to Public Law 110-28, section 8306; to the Committee on Oversight and Government Reform.

7424. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting the Department's report for fiscal year 2009 on the Acquisition of Articles, Materials, and Supplies Manufactured Outside the United States, pursuant to Public Law 110-28, section 8306; to the Committee on Oversight and Government Reform.

7425. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-41;

Introduction [Docket: FAR 2010-0076, Sequence 3] received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7426. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-41; Small Entity Compliance Guide [Docket: FAR 2010-0077, Sequence 3] received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7427. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's annual report for Fiscal Year 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7428. A letter from the HR Specialist, Office of Navajo and Hopi Indian Relocation, transmitting the Office's annual report for Fiscal Year 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7429. A letter from the Chief, Branch of Recovery and Delisting Endangered Species Program, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reinstatement of Protections for the Grizzly Bear in the Greater Yellowstone Ecosystem in Compliance with Court Order [Docket No.: FWS-R6-ES-2010-0021] (RIN: 1018-AW97) received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7430. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Cancellation of Rule of Practice 41.200(b) before the Board of Patent Appeals and Interferences in Interference Proceedings [Docket No.: PTO-P-2010-0032] (RIN: 0651-AC46) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7431. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1878-DR for the State of Nebraska; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7432. A letter from the General Counsel, Department of Defense, transmitting proposed legislation for the National Defense Authorization Bill for Fiscal Year 2011; jointly to the Committees on Armed Services, Foreign Affairs, Oversight and Government Reform, Veterans' Affairs, and the Judiciary.

7433. A letter from the General Counsel, Department of Defense, transmitting proposed legislation for the National Defense Authorization Bill for Fiscal Year 2011; jointly to the Committees on the Budget, Energy and Commerce, Transportation and Infrastructure, Financial Services, the Judiciary, Foreign Affairs, Education and Labor, Armed Services, Small Business, and Science and Technology.

¶57.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 11, 2010 at 10:05 a.m.:

Appointments:

Board of Trustees of the American Folklife Center of the Library of Congress.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶57.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 7, 2010.

Hon. NANCY PELOSI,
Speaker, Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 7, 2010 at 11:06 a.m.:

That the Senate passed S. 1053.

That the Senate passed S. 1405.

That the Senate passed without amendment H.R. 5160.

That the Senate passed with an amendment H.R. 689.

That the Senate passed without amendment H.R. 1121.

That the Senate passed without amendment H.R. 1442.

That the Senate passed without amendment H.R. 2802.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶57.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. DRIEHAUS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 7, 2010.

Hon. NANCY PELOSI,
Speaker, Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 7, 2010 at 3:04 p.m.:

That the Senate passed S. 3333.

That the Senate agreed to without amendment H. Con. Res. 247.

That the Senate agreed to without amendment H. Con. Res. 263.

That the Senate passed with an amendment H.R. 3619.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶57.8 ZACHARY SMITH POST OFFICE BUILDING

Mr. TOWNS moved to suspend the rules and pass the bill (H.R. 5051) to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the ''Zachary Smith Post Office Building''.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. TOWNS and Mr. MCCOTTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶57.9 NATIONAL EXPLOSIVE ORDNANCE DISPOSAL DAY

Mr. TOWNS moved to suspend the rules and agree to the following resolution (H. Res. 1294):

Whereas the bomb and mine disposal profession was created in April 1941;

Whereas members of Explosive Ordnance Disposal organizations perform a dangerous and selfless task often without recognition, risking their lives on behalf of the United States;

Whereas the United States will forever be in debt to personnel in the profession of explosive ordnance disposal for their bravery and sacrifice in times of peace and war;

Whereas people in the United States should express their recognition and gratitude for members of the Explosive Ordnance Disposal profession; and

Whereas the first Saturday in May would be an appropriate date to observe as National Explosive Ordnance Disposal Day: Now, therefore, be it

Resolved, That the House of Representatives supports the designation of National Explosive Ordnance Disposal Day to honor those who are serving and have served in the noble and self-sacrificing profession of Explosive Ordnance Disposal in the United States Armed Forces.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. TOWNS and Mr. MCCOTTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TOWNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of

rule XX, announced that further proceedings on the question were postponed.

¶57.10 NATIONAL WOMEN'S HEALTH WEEK

Mr. TOWNS moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 268):

Whereas women of all backgrounds should be encouraged to greatly reduce their risk of common diseases through preventative measures, such as engaging in regular physical activity, eating a nutritious diet, and visiting a healthcare provider to receive regular check-ups and preventative screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African-American women, Asian/Pacific Islander women, Latinas, and American Indian/Alaskan Native women;

Whereas healthy habits should begin at a young age;

Whereas preventative care saves Federal dollars designated for health care;

Whereas it is imperative to educate women and girls about key female health issues;

Whereas it is recognized that offices of women's health within the Department of Health and Human Services, the Food and Drug Administration, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institutes of Health, and the Agency for Healthcare Research and Quality are vital in providing critical services that support women's health research, education, and other necessary services that benefit women of all ages, races, and ethnicities;

Whereas the annual National Women's Health Week begins on Mother's Day and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas in 2010, the week of May 9 through May 15 is designated National Women's Health Week: Now, therefore, be it

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

(1) supports the goals and ideals of National Women's Health Week; and

(2) requests that the President of the United States issue a proclamation calling upon the people of the United States and interested groups to observe National Women's Health Week with appropriate ceremonies and activities.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. TOWNS and Mr. MCCOTTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TOWNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, May 12, 2010.

¶57.11 WILLIAM EARNEST ''ERNIE'' HARWELL

Mr. TOWNS moved to suspend the rules and agree to the following resolution (H. Res. 1328):

Whereas William Earnest ''Ernie'' Harwell was born in Washington, Georgia, in 1918, graduated from Emory University, and began his career as a copy editor and sportswriter for the Atlanta Constitution and as a regional correspondent for The Sporting News;

Whereas Ernie Harwell served four years in the United States Marine Corps during World War II, after which he announced games on the radio for the Atlanta Crackers of the Southern Association;

Whereas Ernie Harwell became the only announcer in baseball history to be traded for a player when the Brooklyn Dodgers acquired his services from the Atlanta Crackers in 1948;

Whereas Ernie Harwell called baseball games for the Brooklyn Dodgers through 1949, the New York Giants from 1950 to 1953, including his call of Bobby Thomson's ''shot heard 'round the world'' in the 1951 National League pennant playoff game on NBC television, and the Baltimore Orioles from 1954 to 1959;

Whereas in 1960, Ernie Harwell began calling games at the corner of Michigan and Trumbull as the ''voice'' of Detroit Tigers baseball, until his retirement from broadcasting in 2002;

Whereas Ernie Harwell called the 1984 World Series for the Tigers and WJR Radio, exclaiming ''Here comes Herndon, he's got it! And the Tigers are the champions of 1984!'';

Whereas Ernie Harwell broadcast two Major League All-Star Games (1958 and 1961) and two World Series (1963 and 1968) for NBC Radio, numerous American League Championship Series and American League Division Series for CBS Radio and ESPN Radio, the CBS Radio Game of the Week from 1992 to 1997, professional and college football, and the Masters Tournament of golf;

Whereas Ernie Harwell was honored by the National Baseball Hall of Fame as the fifth broadcaster to receive its Ford C. Frick Award in 1981, inducted into the Michigan Sports Hall of Fame and the National Sportscasters and Sportswriters Association Hall of Fame in 1989, and inducted into the National Radio Hall of Fame in 1998;

Whereas in January 2009, the American Sportscasters Association ranked Harwell 16th on its list of Top 50 Sportscasters of All Time;

Whereas, on May 5, 2010, Ernie Harwell was posthumously awarded the Vin Scully Lifetime Achievement Award in Sports Broadcasting;

Whereas Ernie Harwell thrilled baseball fans with his signature call of ''That ball is looooong gone!'', and said, ''Baseball is a lot like life. It's a day-to-day existence, full of ups and downs. You make the most of your opportunities in baseball as you do in life.'';

Whereas Ernie Harwell's low-key delivery and colorful, conversational style are synonymous with baseball and known to fans across the Nation;

Whereas Ernie Harwell began the first spring training broadcast of each season with a reading from Song of Solomon 2:11–12: ''For lo, the winter is past, the rain is over and gone; the flowers appear on the earth; the time of the singing of birds is come, and the voice of the turtle is heard in our land.'';

Whereas for 55 years, Ernie Harwell endeared Americans in his broadcast of over 8,400 baseball games;

Whereas Ernie Harwell spent 43 of his 55 major league seasons calling games for the Detroit Tigers;

Whereas Ernie Harwell said, ''I know we're all going at some time, and I'm ready for whatever God's got'';

Whereas, on May 4, 2010, Ernie Harwell, residing in Novi, Michigan, passed away at the age of 92 after a long career enjoyed by millions; and

Whereas Ernie Harwell is survived by his beloved wife of 68 years, Lulu, their four children, seven grandchildren, and seven great-grandchildren, and by baseball fans across the Nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and legacy of William Earnest ''Ernie'' Harwell for his significant contributions to Major League Baseball;

(2) expresses profound sorrow at his passing on May 4, 2010; and

(3) expresses sincere condolences to his wife Lulu, and the rest of his family, friends, colleagues, and admirers.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. TOWNS and Mr. MCCOTTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TOWNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶57.12 FEDERAL EMPLOYEES

Mr. TOWNS moved to suspend the rules and agree to the following resolution (H. Res. 1187); as amended:

Whereas title 18 of the United States Code makes it a crime to forcibly assault, resist, intimidate, or interfere with a Federal employee while engaged in or on account of the performance of official duties, or to kill or attempt to kill any such employee while so engaged or on such account;

Whereas the suicide attack on the Internal Revenue Service office in Austin, Texas on February 18, 2010, that claimed the life of two-tour Vietnam veteran Vernon Hunter follows the more than 1,200 attacks which were made on Internal Revenue Service employees between 2001 and 2008, attacks which have resulted in at least 197 convictions;

Whereas the shooting attack on Thursday, March 4, 2010, by John Patrick Bedell that injured two Pentagon guards was the fourth attack or security scare on a Federal building in 2010;

Whereas the Department of Justice filed 313 cases in fiscal year 2006, 326 cases in fiscal year 2007, 303 cases in fiscal year 2008, and 277 cases in fiscal year 2009 (as of August of such fiscal year), relating to attacks against Federal employees;

Whereas more than 2,000,000 civilian employees in the Federal workforce provide many forms of dedicated service to the United States and its people, such as fighting crime and fire, supporting our military, protecting health, providing essential human services, preserving the environment and maintaining our national parks, wildlife refuges, and forests, securing our borders, responding with assistance in times of natural

disaster, regulating commerce, defending our freedom, and advancing our country's interests around the world, all of which contribute to the greatness and prosperity of the Nation; and

Whereas Federal employees are entitled to expect a reasonable degree of personal safety and security while carrying out their official duties: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses the Nation's appreciation for the outstanding contributions made by Federal employees to the United States;

(2) supports the goal of protecting the safety and security of our Federal employees; and

(3) urges that the Government seek ways to improve the safety and security of our Federal employees.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. TOWNS and Mr. MCCOTTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶57.13 PEACE OFFICERS MEMORIAL DAY

Mr. DEUTCH moved to suspend the rules and agree to the following resolution (H. Res. 1299):

Whereas there are more than 900,000 sworn law enforcement officers in the United States, 12 percent of whom are women;

Whereas law enforcement officers selflessly protect the people of the United States and their communities;

Whereas law enforcement officers serve the country in spite of the inherent danger of their service;

Whereas more than 18,600 law enforcement officers have been killed in the line of duty in the United States since the first recorded police death in 1792;

Whereas 72 law enforcement officers were killed while responding to the terrorist attacks on September 11, 2001, making that day the deadliest in law enforcement history;

Whereas 125 law enforcement officers were killed in 2009;

Whereas, on March 21, 2009, Sergeant Mark Dunakin and Officer John Hege and Sergeants Ervin Romans and Dan Sakai of the Oakland Police Department in California were shot and killed by the same gunman in two separate attacks;

Whereas, on November 29, 2009, Sergeant Mark Renniger and Officers Tina Griswold, Ronald Owens II, and Greg Richards of the Lakewood Police Department in the State of Washington were shot and killed as they sat in a coffee shop;

Whereas Public Law 87–726 designates May 15th of each year as Peace Officers Memorial Day, and the calendar week during which that Day occurs as Police Week;

Whereas section 7(m) of title 4, United States Code, requires that the United States flag be flown at half-staff on all government buildings on Peace Officers Memorial Day; and

Whereas law enforcement officers deserve the gratitude of the people of the United States for their service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Peace Officers Memorial Day;

(2) honors Federal, State, and local law enforcement officers who have been killed or disabled in the line of duty; and

(3) calls upon the people of the United States to observe Peace Officers Memorial Day with ceremonies and respect befitting those who have risked their lives and died in service to their communities.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. DEUTCH and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POE of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶57.14 CYNTHIA DELORES TUCKER

Mr. DEUTCH moved to suspend the rules and agree to the following resolution (H. Res. 1094):

Whereas the late Cynthia DeLores Tucker dedicated her life to eliminating racial barriers by championing civil rights and rights of women in the United States;

Whereas, having grown up in Philadelphia during the Great Depression, C. DeLores Tucker overcame a childhood marked by economic hardship and segregation;

Whereas, having personally experienced the effects of racism, C. DeLores Tucker first became active in the postwar civil rights movement when she worked to register African-American voters during the 1950 Philadelphia mayoral campaign;

Whereas C. DeLores Tucker became active in local politics, developed her skills as an accomplished fund raiser and public speaker, and quickly became the first African-American and first woman to serve on the Philadelphia Zoning Board;

Whereas in 1965, in the midst of the Civil Rights Movement, C. DeLores Tucker participated in the White House Conference on Civil Rights and marched from Selma to Montgomery with Rev. Dr. Martin Luther King, Jr., in support of the 1965 Voting Rights Bill, which was later signed into law by President Lyndon Johnson;

Whereas in January 1971, while still primarily focused on efforts to gain equality for all, C. DeLores Tucker was named Secretary of the Commonwealth of Pennsylvania by then-Governor Milton Shapp, making her the first female African-American Secretary of a State in the Nation;

Whereas, under the leadership of C. DeLores Tucker as Secretary of the Commonwealth, Pennsylvania became one of the first States to pass the Equal Rights Amendment, lower the voting age from 21 to 18, and institute voter registration through mail;

Whereas, after leaving her position in Pennsylvania State government, C. DeLores Tucker became the first African-American to serve as president of the National Federation of Democratic Women;

Whereas in 1984, C. DeLores Tucker founded the National Political Congress of Black Women, now known as the National Congress of Black Women, a non-profit organization dedicated to the educational, political, economic, and cultural development of African-American Women and their families;

Whereas in 1983, C. DeLores Tucker founded the Philadelphia Martin Luther King Jr. Association for Non-Violence and, in 1986, the Bethune-DuBois Institute, both of which are dedicated to promoting the cultural and educational development of African-American youth and young professionals;

Whereas C. DeLores Tucker served as a member of the Board of Trustees of the NAACP and numerous other boards, including the Points of Light Foundation and Delaware Valley College;

Whereas, in the later phase of her life, C. DeLores Tucker publicly criticized gangster rap music, arguing that such music denigrated women and promoted violence and drug use;

Whereas, as a student of history, C. DeLores Tucker led the successful campaign to have a bust of the pioneering activist and suffragist Sojourner Truth installed in the United States Capitol, along with other suffragette leaders;

Whereas C. DeLores Tucker received more than 400 honors and awards during her lifetime, including the NAACP Thurgood Marshall Award, the Martin Luther King, Jr. Distinguished Service Award, and the Philadelphia Urban League Whitney Young Award, and honorary Doctor of Law degrees from Morris College and Villa Maria College; and

Whereas the work of C. DeLores Tucker as crusader for civil rights and rights of women, through grace, dignity, and purpose has helped transform the perception of race and gender in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commemorates the life of the late Cynthia DeLores Tucker;

(2) salutes the lasting legacy of the achievements of C. DeLores Tucker; and

(3) encourages the continued pursuit of the vision of C. DeLores Tucker to eliminate racial and gender prejudice from all corners of our society.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. DEUTCH and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶57.15 NATURAL RESOURCES CONSERVATION SERVICE PUBLIC SERVANTS

Mr. HOLDEN moved to suspend the rules and agree to the following concurrent resolution of the Senate (S. Con. Res. 62):

Whereas the well-being of the United States is dependent on productive soils along with abundant and high-quality water and related natural resources;

Whereas the Natural Resources Conservation Service (in this resolution referred to as ''NRCS'') was established as the Soil Conservation Service in the Department of Agriculture in 1935 to assist farmers, ranchers, and other landowners in protecting soil and water resources on private lands;

Whereas Hugh Hammond Bennett, the first Chief of the Soil Conservation Service and the ''father of soil conservation'', led the creation of the modern soil conservation movement that established soil and water conservation as a national priority;

Whereas the NRCS, with the assistance of President Franklin D. Roosevelt, State governments, and local partners, developed a new mechanism of American conservation service delivery, which brings together private individuals with Federal, State, and local governments to achieve common conservation objectives;

Whereas the NRCS provides a vital public service by supplying technical expertise and financial assistance to cooperating private landowners for the conservation of soil and water resources;

Whereas the NRCS, as authorized by Congress, has developed and provided land conservation programs that have resulted in the restoration and preservation of millions of acres of wetlands, forests, and grasslands that provide innumerable benefits to the general public in the form of recreational opportunities, wildlife habitat, water quality, and reduced soil erosion;

Whereas the NRCS is the world leader in soil science and soil surveying;

Whereas the NRCS is the national leader in the inventory of natural resources on private lands, providing national leaders and the public with the status and trends related to these resources and helping forecast the availability of critical water supplies;

Whereas the NRCS has helped communities develop and implement thousands of locally led projects that continue to provide flood control, soil conservation, water supply, and recreational benefits to all Americans, while providing business and job creation opportunities as well;

Whereas since its establishment, the NRCS has developed, tested, and demonstrated conservation practices, helped develop the science and art of conservation, and continues to strive toward innovation;

Whereas the NRCS encourages and works with landowners and land users to adopt conservation practices and technologies in a voluntary manner to address natural resource concerns;

Whereas NRCS employees serve in offices in every State and territory, while other employees assist other countries and governments;

Whereas while some NRCS employees work directly with landowners, other employees serve in support of NRCS field operations, but all work toward a common goal of improving the condition of all natural resources found on private lands, knowing when they succeed, all Americans benefit; and

Whereas the NRCS has been ''helping people, help the land'' for 75 years: Now, therefore, be it

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

(1) congratulates the outstanding conservation professionals of the Natural Resources Conservation Service on the occasion of the 75th anniversary of the Natural Resources Conservation Service;

(2) recognizes the vital role conservation plays in the well-being of the United States;

(3) expresses its continued commitment to the conservation of natural resources on private lands in both the national interest and as a national priority; and

(4) recognizes the services that the Natural Resources Conservation Service provides to the United States by helping farmers, ranchers, and other landowners to protect soil, water, and related natural resources.

The SPEAKER pro tempore, Mr. DRIEHAUS, recognized Mr. HOLDEN and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. DRIEHAUS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶57.16 RECESS—3:22 P.M.

The SPEAKER pro tempore, Mr. DRIEHAUS, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 22 minutes p.m., until approximately 6:30 p.m.

¶57.17 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mrs. HALVORSON, called the House to order.

¶57.18 H. RES. 1294—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1294) expressing support for designation of the first Saturday in May as National Explosive Ordnance Disposal Day to honor those who are serving and have served in the noble and self-sacrificing profession of Explosive Ordnance Disposal in the United States Armed Forces.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 388 / Nays 0

¶57.19 [Roll No. 256]

YEAS—388

Ackerman	Adler (NJ)	Alexander
Aderholt	Akin	Altmire
Andrews	Edwards (MD)	Lewis (CA)
Arcuri	Edwards (TX)	Lewis (GA)
Austria	Ehlers	Linder
Baca	Ellison	Lipinski
Bachmann	Ellsworth	LoBiondo
Bachus	Emerson	Loebsack
Baird	Eshoo	Lofgren, Zoe
Baldwin	Etheridge	Lowey
Barrow	Farr	Lucas
Bartlett	Fattah	Luetkemeyer
Barton (TX)	Filner	Luján
Bean	Flake	Lummis
Becerra	Fleming	Lungren, Daniel E.
Berkley	Forbes	Mack
Berman	Fortenberry	Maffei
Biggert	Foster	Maloney
Bilbray	Foxx	Manzullo
Bilirakis	Frank (MA)	Marchant
Bishop (GA)	Franks (AZ)	Markey (MA)
Bishop (NY)	Frelinghuysen	Marshall
Blackburn	Fudge	Matheson
Blumenauer	Gallegly	Matsui
Boccieri	Garamendi	McCarthy (CA)
Boehner	Garrett (NJ)	McCarthy (NY)
Bonner	Gerlach	McCaul
Bono Mack	Giffords	McClintock
Boozman	Gingrey (GA)	McCollum
Boren	Gonzalez	McCotter
Boswell	Goodlatte	McDermott
Boucher	Gordon (TN)	McGovern
Boustany	Granger	McHenry
Boyd	Graves	McIntyre
Brady (PA)	Grayson	McMorris Rodgers
Brady (TX)	Green, Al	McNerney
Braley (IA)	Green, Gene	Melancon
Bright	Griffith	Mica
Broun (GA)	Grijalva	Michaud
Brown (SC)	Guthrie	Miller (FL)
Brown, Corrine	Hall (NY)	Miller (MI)
Brown-Waite, Ginny	Hall (TX)	Miller (NC)
Buchanan	Halvorson	Miller, Gary
Burgess	Hare	Miller, George
Burton (IN)	Harman	Minnick
Butterfield	Harper	Mitchell
Buyer	Hastings (FL)	Moore (KS)
Calvert	Hastings (WA)	Moore (WI)
Camp	Heinrich	Moran (KS)
Campbell	Hensarling	Moran (VA)
Cantor	Herger	Murphy (CT)
Capito	Herseth Sandlin	Murphy (NY)
Capps	Higgins	Murphy, Patrick
Capuano	Hill	Murphy, Tim
Cardoza	Himes	Myrick
Carnahan	Hinchey	Nadler (NY)
Carney	Hinojosa	Napolitano
Carson (IN)	Hirono	Neal (MA)
Carter	Holden	Neugebauer
Cassidy	Holt	Nunes
Castle	Honda	Nye
Castor (FL)	Hoyer	Oberstar
Chaffetz	Hunter	Obey
Chandler	Inslee	Olson
Childers	Israel	Olver
Chu	Issa	Ortiz
Clay	Jackson (IL)	Owens
Cleaver	Jackson Lee (TX)	Pallone
Clyburn	Jenkins	Pascrell
Coble	Johnson (GA)	Pastor (AZ)
Coffman (CO)	Johnson (IL)	Paul
Cohen	Johnson, E. B.	Paulsen
Conaway	Johnson, Sam	Pence
Conyers	Jones	Perlmutter
Cooper	Jordan (OH)	Perriello
Costa	Kagen	Peterson
Costello	Kanjorski	Petri
Courtney	Kaptur	Pingree (ME)
Crenshaw	Kennedy	Pitts
Crowley	Kildee	Platts
Cuellar	Kilpatrick (MI)	Poe (TX)
Culberson	Kilroy	Polis (CO)
Cummings	Kind	Pomeroy
Dahlkemper	King (NY)	Posey
Davis (CA)	Kingston	Price (GA)
Davis (IL)	Kirkpatrick (AZ)	Price (NC)
Davis (KY)	Kissell	Putnam
DeGette	Klein (FL)	Quigley
DeLauro	Kline (MN)	Rahall
Dent	Kosmas	Rangel
Deutch	Kratovil	Rehberg
Diaz-Balart, L.	Kucinich	Reichert
Diaz-Balart, M.	Lamborn	Richardson
Dicks	Lance	Roe (TN)
Dingell	Langevin	Rogers (AL)
Doggett	Larsen (WA)	Rogers (KY)
Donnelly (IN)	Larson (CT)	Rogers (MI)
Doyle	LaTourette	Rohrabacher
Dreier	Latta	Rooney
Driehaus	Lee (NY)	Ros-Lehtinen
Duncan	Levin	

Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—42

Barrett (SC)
Berry
Bishop (UT)
Blunt
Cao
Clarke
Cole
Connolly (VA)
Davis (AL)
Davis (TN)
DeFazio
Delahunt
Engel
Fallin
Gohmert
Gutierrez
Heller
Hodes
Hoekstra
Inglis
King (IA)
Kirk
Latham
Lee (CA)
Lynch
Markey (CO)
McKeon
McMahon
Meek (FL)
Meeks (NY)
Mollohan
Payne
Peters
Radanovich
Reyes
Rodriguez
Rush
Souder
Speier
Wamp
Wasserman Schultz
Waters

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶57.20 H. RES. 1328—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1328) honoring the life and legacy of William Earnest ''Ernie'' Harwell.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 394 Nays 0

¶57.21 [Roll No. 257]

YEAS—394

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

NOT VOTING—36

Baca
Barrett (SC)
Berry
Bishop (UT)
Blunt
Cao
Cole
Davis (AL)
Davis (TN)
Engel
Fallin
Gohmert
Grijalva
Gutierrez
Heller
Hoekstra
Inglis
Kirk
Klein (FL)
Lee (CA)
Lewis (GA)
Lynch
Meek (FL)
Meeks (NY)
Mollohan
Murphy (CT)
Payne
Radanovich
Rodriguez
Rush
Scott (GA)
Souder
Speier
Wamp
Wasserman Schultz
Waters

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶57.22 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE IKE ANDREWS

The SPEAKER pro tempore, Mrs. HALVORSON, announced that all Members stand and observe a moment of silence in memory of the late Honorable Ike Andrews.

¶57.23 H. RES. 1299—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1299) supporting the goals and ideals of Peace Officers Memorial Day.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 395 Nays 0

¶57.24 [Roll No. 258]

YEAS—395

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp

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

NOT VOTING—35

Barrett (SC)
Berry
Bishop (UT)
Blunt
Cao
Cole
Conyers
Davis (AL)
Davis (TN)
Fallin
Gohmert
Gutierrez
Heller
Hoekstra
Inglis
Kirk
LaTourette
Lee (CA)
Lowey
Lynch
McKeon
Meek (FL)
Meeks (NY)
Melancon
Mollohan
Payne
Radanovich
Rodriguez
Rush
Souder
Speier
Wamp
Wasserman Schultz
Waters
Watson

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶57.25 PROVIDING FOR CONSIDERATION OF H.R. 5116

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–479) the resolution (H. Res. 1344) providing for consideration of the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶57.26 REPORT ON H. RES. 1254

Mr. GRIJALVA, by direction of the Committee on Natural Resources, submitted a privileged report (Rept. No. 111–480) on the resolution (H. Res. 1254) directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the Secretary's Treasured Landscape Initiative, potential designation of National Monuments, and High Priority Land-Rationalization Efforts, having considered the same, report thereon without amendment and without recommendation; referred to the House Calendar and ordered printed.

¶57.27 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mrs. HALVORSON, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, May 11, 2010 at 5:09 p.m., and said to contain a message from the President whereby he submits the 2010 National Drug Control Strategy.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶57.28 2010 NATIONAL DRUG CONTROL POLICY

The SPEAKER pro tempore, Mrs. HALVORSON, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit the 2010 National Drug Control Strategy, a blueprint for reducing illicit drug use and its harmful consequences in America. I am committed to restoring balance in our efforts to combat the drug problems that plague our communities. While I remain steadfast in my commitment to continue our strong enforcement efforts, especially along the southwest border, I directed the Office of National Drug Control Policy to reengage in efforts to prevent drug use and addiction and to make treatment available for those who seek recovery. This new, balanced approach will expand efforts for the three critical ways that we can address the drug problem: prevention, treatment, and law enforcement.

Drug use endangers the health and safety of every American, depletes financial and human resources, and deadens the spirit of many of our communities. Whether struggling with an addiction, worrying about a loved one's substance abuse, or being a victim of drug-related crime, millions of people in this country live with the devastating impact of illicit drug use every day. This stark reality demands a new direction in drug policy—one based on common sense, sound science, and practical experience. That is why my new Strategy includes efforts to educate young people who are the most at-risk about the dangers of substance abuse, allocates unprecedented funding for treatment efforts in federally qualified health centers, reinvigorates drug courts and other criminal justice innovations, and strengthens our enforcement efforts to rid our streets of the drug dealers who infect our communities.

I am confident that if we take these needed steps, we will make our country stronger, our people healthier, and our streets safer. If we boost community-based prevention efforts, expand treatment opportunities, strengthen law enforcement capabilities, and work collaboratively with our global partners, we will reduce drug use and its resulting damage.

While I am proud of the new direction described here, a well-crafted strategy is only as successful as its implementation. To succeed, we will need to rely on the hard work, dedication, and perseverance of every concerned

American. I look forward to working with the Congress, Federal, State, and local officials, tribal leaders, and citizens across the country as we implement this Strategy and make our communities better places to live, work, and raise our families.

BARACK OBAMA.
THE WHITE HOUSE, *May 11, 2010*.

The message, together with the accompanying papers, was referred to the Committee on Armed Services, the Committee on Education and Labor, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Natural Resources, the Committee on Oversight and Government Reform, the Committee on Small Business, the Committee on Transportation and Infrastructure, the Committee on Veterans Affairs, and the Committee on Ways and Means and ordered to be printed (H. Doc. 111–107).

¶57.29 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1405. An Act to redesignate the Longfellow National Historic Site, Massachusetts, as the ''Longfellow House-Washington's Headquarters National Historic Site''; to the Committee on Natural Resources.

S. 1053. An Act to amend the National Law Enforcement Museum Act to extend the termination date; to the Committee on Natural Resources.

¶57.30 ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2802. An Act to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes.

H.R. 5148. An Act to amend title 39, United States Code, to clarify the instances in which the term ''census'' may appear on mailable matter.

H.R. 5160. An Act to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes.

And then,

¶57.31 ADJOURNMENT

On motion of Mr. CARTER, at 9 o'clock and 8 minutes p.m., the House adjourned.

¶57.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 1344. Resolution providing for consideration of the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes (Rept. 111–479). Referred to the House Calendar.

Mr. RAHALL: Committee on Natural Resources. House Resolution 1254. Resolution directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the Secretary's Treasured Landscape Initiative, potential designation of National Monuments, and High Priority Land-Rationalization Efforts (Rept. 111–480). Referred to the House Calendar.

¶57.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. KIRKPATRICK of Arizona:

H.R. 5256. A bill to provide for the hiring, training, and deploying of additional Border Patrol agents along the southwest international border of the United States; to the Committee on Homeland Security.

By Mr. STEARNS (for himself, Mrs. BLACKBURN, Mrs. BONO MACK, Mr. BLUNT, Mr. RADANOVICH, Mr. LATTA, and Mr. UPTON):

H.R. 5257. A bill to prohibit the Federal Communications Commission from regulating information services or Internet access services absent a market failure, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASSIDY (for himself, Ms. SPEIER, Mr. REICHERT, and Mr. SMITH of Washington):

H.R. 5258. A bill to amend the Congressional Budget Act of 1974 to require Congress to establish a unified and searchable database on a public website for congressional earmarks; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PINGREE of Maine:

H.R. 5259. A bill to amend title 10, United States Code, to require preseparation counseling for members of the reserve components upon their retirement or separation from service; to the Committee on Armed Services.

By Ms. SCHWARTZ (for herself and Mr. MCMAHON):

H.R. 5260. A bill to amend the Internal Revenue Code of 1986 to repeal the phasedown of the credit percentage for the dependent care tax credit; to the Committee on Ways and Means.

By Mr. MCCOTTER:

H.R. 5261. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for tutoring expenses for elementary and secondary school students; to the Committee on Ways and Means.

By Mr. GARAMENDI (for himself and Mr. MCNERNEY):

H.R. 5262. A bill to amend the Atomic Energy Defense Act to authorize the Administrator for Nuclear Security to establish technology transfer centers at national security laboratories, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YARMUTH:

H.R. 5263. A bill to amend the Internal Revenue Code of 1986 to provide a 5 percent maximum rate of tax on gain from the sale or exchange of depreciable real property by individuals; to the Committee on Ways and Means.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 5264. A bill to authorize appropriations for the Department of Justice for fiscal year 2011; to the Committee on the Judiciary.

By Mr. BOSWELL:

H.R. 5265. A bill to continue to prohibit the hiring, recruitment, or referral of unauthorized aliens, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CORRINE BROWN of Florida:

H.R. 5266. A bill to extend the final report deadline and otherwise reauthorize the National Commission on Children and Disasters; to the Committee on Transportation and Infrastructure.

By Mr. CAO:

H.R. 5267. A bill to amend the Gulf of Mexico Energy Security Act of 2006 to accelerate the increase in the amount of Gulf of Mexico oil and gas lease revenues that is shared with States; to the Committee on Natural Resources.

By Mrs. CAPPS (for herself, Ms. MCCOLLUM, Mrs. CHRISTENSEN, Ms. WOOLSEY, Mrs. MALONEY, Ms. MOORE of Wisconsin, Ms. DELAURO, Ms. CLARKE, Ms. LEE of California, Ms. WASSERMAN SCHULTZ, Mr. LOEBSACK, Mr. GRIJALVA, Ms. SCHAKOWSKY, Ms. SHEA-PORTER, Ms. NORTON, Mrs. DAVIS of California, Mr. CONYERS, and Ms. MATSUI):

H.R. 5268. A bill to provide assistance to improve maternal and newborn health in developing countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CLAY:

H.R. 5269. A bill to express the sense of Congress that Federal job training programs that target older adults should work with nonprofit organizations that have a record of success in developing and implementing research-based technology curriculum designed specifically for older adults; to the Committee on Education and Labor.

By Mr. HARE (for himself, Mr. GEORGE MILLER of California, and Mr. SOUDER):

H.R. 5270. A bill to amend the Federal Employees' Compensation Act to cover services provided to injured Federal workers by physician assistants and nurse practitioners, and for other purposes; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. GENE GREEN of Texas):

H.R. 5271. A bill to amend section 1877 of the Social Security Act to delay by 2 years the expansion cut-off date imposed by the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H.R. 5272. A bill to increase the maximum civil penalty for violations of Federal motor vehicle safety standards; to the Committee on Energy and Commerce.

By Mr. LANGEVIN (for himself and Mr. KENNEDY):

H.R. 5273. A bill to amend the Internal Revenue Code of 1986 to extend certain tax benefits relating to certain disasters; to the Committee on Ways and Means.

By Mr. ROSKAM:

H.R. 5274. A bill to amend title 38, United States Code, to clarify the requirements for

verifying a small business concern owned and controlled by a veteran; to the Committee on Veterans' Affairs.

By Mr. SESTAK:

H.R. 5275. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BARTLETT, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHNER, Mr. BOOZMAN, Mr. BURTON of Indiana, Mr. CARTER, Mr. CANTOR, Mr. CAO, Mr. CHAFFETZ, Mr. CONAWAY, Mr. COSTELLO, Mr. DAVIS of Kentucky, Mr. DUNCAN, Mr. FLEMING, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. GOODLATTE, Mr. GRIFFITH, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. INGLIS, Mr. JOHNSON of Illinois, Mr. JONES, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. LAMBORN, Mr. LATTA, Mr. LIPINSKI, Mr. DANIEL E. LUNGREN of California, Mr. MANZULLO, Mr. MARCHANT, Mr. MCCAUL, Mr. MCCOTTER, Mrs. MCMORRIS RODGERS, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. NEUGEBAUER, Mr. OLSON, Mr. PENCE, Mr. PITTS, Mr. POE of Texas, Mr. RADANOVICH, Mr. RAHALL, Mr. ROE of Tennessee, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Ms. ROS-LEHTINEN, Mr. RYAN of Wisconsin, Mr. SCALISE, Mrs. SCHMIDT, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHUSTER, Mr. SOUDER, Mr. THOMPSON of Pennsylvania, Mr. TIAHRT, Mr. WILSON of South Carolina, and Mr. BROUN of Georgia):

H.R. 5276. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Energy and Commerce.

By Mr. WILSON of Ohio:

H.R. 5277. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for small business loans; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. KING of New York, Mr. CAPUANO, Ms. ROS-LEHTINEN, Mr. PITTS, Mrs. MALONEY, Mr. WOLF, Mr. BOUSTANY, Mr. MANZULLO, Mr. BERMAN, Mr. ENGEL, and Mr. HOLT):

H.J. Res. 83. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Ways and Means.

By Mr. POSEY (for himself, Mr. HOLT, Mr. WOLF, Ms. WASSERMAN SCHULTZ, Mr. SMITH of New Jersey, Ms. SUTTON, and Ms. SPEIER):

H. Res. 1343. A resolution recognizing the importance of detecting esophageal cancer during its earliest stages, advancing medical research, and supporting the goals and ideals of Esophageal Cancer Awareness Month; to the Committee on Energy and Commerce.

By Ms. CLARKE:

H. Res. 1345. A resolution honoring the life and achievements of Lena Calhoun Horne; to the Committee on Oversight and Government Reform.

By Mr. HERGER (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. LANCE, Mr. TIAHRT, Mr. SAM JOHNSON of Texas, Mr. LINDER, Mr. TIBERI, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Kentucky, Mr. REICHERT, Mr. BOUSTANY, Mr. HELLER, Mr. ROSKAM, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BILBRAY, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CARTER, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. CULBERSON, Mr. DREIER, Ms. FALLIN, Mr. FLAKE, Mr. FLEMING, Mr. FORBES, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GOHMERT, Mr. HALL of Texas, Mr. HARPER, Mr. HASTINGS of Washington, Mr. HENSARLING, Mr. ISSA, Ms. JENKINS, Mr. JOHNSON of Illinois, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. KINGSTON, Mr. LAMBORN, Mr. LATHAM, Mr. LATTA, Mr. LEWIS of California, Mr. LOBIONDO, Mrs. LUMMIS, Mr. MACK, Mr. MARCHANT, Mr. MCCARTHY of California, Mr. MCCAUL, Mr. MCCLINTOCK, Mr. MCHENRY, Mr. MCKEON, Mr. MICA, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PAULSEN, Mr. PITTS, Mr. POE of Texas, Mr. POSEY, Mr. PRICE of Georgia, Mr. ROE of Tennessee, Mr. ROGERS of Kentucky, Mr. SCALISE, Mrs. SCHMIDT, Mr. SCHOCK, Mr. SESSIONS, Mr. SHADEGG, Mr. SIMPSON, Mr. THORNBERRY, Mr. WALDEN, Mr. WILSON of South Carolina, and Mr. WOLF):

H. Res. 1346. A resolution opposing the imposition of a value-added tax; to the Committee on Ways and Means.

By Mr. MELANCON:

H. Res. 1347. A resolution honoring the workers who perished on the Deepwater Horizon offshore oil platform in the Gulf of Mexico off the coast of Louisiana, extending condolences to their families, and recognizing the valiant efforts of emergency response workers at the disaster site; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Virginia:

H. Res. 1348. A resolution recognizing the vision of John W. Weeks and his contribution to the conservation effort with the passage of the Weeks Act in 1911, a significant conservation achievement in the history of the United States; to the Committee on House Administration, Agriculture, and Natural Resources.

By Mr. RANGEL:

H. Res. 1349. A resolution recognizing Percy Sutton as one of the Nation's most influential political, civil rights, and business leaders, who, through his brilliance, courage, and compassion, inspired countless people in the United States; to the Committee on Oversight and Government Reform.

By Ms. WATSON:

H. Res. 1350. A resolution recognizing June 20, 2010, as World Refugee Day; to the Committee on Foreign Affairs.

¶57.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. MCMAHON and Ms. SUTTON.
H.R. 240: Mr. CALVERT.
H.R. 275: Mr. MCCLINTOCK, Mr. PLATTS, and Mr. LARSON of Connecticut.
H.R. 333: Mr. BISHOP of New York and Ms. ZOE LOFGREN of California.
H.R. 422: Mr. BISHOP of Utah and Mr. MCCOTTER.
H.R. 442: Ms. FOXX.
H.R. 450: Mr. LEE of New York and Mr. MICA.
H.R. 456: Mr. HASTINGS of Washington.
H.R. 463: Mr. QUIGLEY.
H.R. 484: Mr. CLEAVER.
H.R. 571: Mr. SPRATT.
H.R. 615: Ms. HIRONO.
H.R. 832: Mr. COHEN.
H.R. 930: Mr. MAFFEI.
H.R. 959: Mrs. NAPOLITANO, Mr. GRAYSON, and Mr. PAULSEN.
H.R. 978: Mr. BERRY.
H.R. 988: Mr. WESTMORELAND, Mr. KENNEDY, Mr. POMEROY, Mr. COLE, Mr. BONNER, and Mr. LEE of New York.
H.R. 1017: Mr. KIRK.
H.R. 1021: Mr. ELLISON, Mr. RUPPERSBERGER, and Mr. MORAN of Kansas.
H.R. 1036: Mrs. MCMORRIS RODGERS, Mr. LATHAM, and Mr. DOGGETT.
H.R. 1074: Ms. FOXX.
H.R. 1158: Mr. WELCH.
H.R. 1193: Ms. EDWARDS of Maryland, Mr. KLEIN of Florida, and Mr. BOUCHER.
H.R. 1194: Mr. CONNOLLY of Virginia, Ms. SPEIER, Mr. GRAVES, Mr. HODES, Ms. PINGREE of Maine, Ms. RICHARDSON, Mr. MICHAUD, Mr. GEORGE MILLER of California, and Mr. BRALEY of Iowa.
H.R. 1240: Mr. JOHNSON of Georgia.
H.R. 1248: Mr. GRAYSON.
H.R. 1310: Mr. OWENS.
H.R. 1326: Mr. JOHNSON of Georgia.
H.R. 1339: Mr. PAYNE and Mr. ROSS.
H.R. 1392: Mr. HOLT.
H.R. 1441: Mr. MAFFEI.
H.R. 1523: Mr. JACKSON of Illinois.
H.R. 1526: Mr. RYAN of Ohio.
H.R. 1547: Mr. PERRIELLO and Mrs. LUMMIS.
H.R. 1549: Ms. WATSON.
H.R. 1615: Ms. GIFFORDS.
H.R. 1671: Mr. GERLACH, Mr. HILL, and Mr. WOLF.
H.R. 1682: Mr. SCHAUER.
H.R. 1806: Mr. TEAGUE, Mr. JACKSON of Illinois, Mr. GARAMENDI, Mr. CUMMINGS, and Mr. BOCCIERI.
H.R. 1835: Mr. WELCH.
H.R. 1866: Mr. MORAN of Virginia.
H.R. 1972: Ms. SUTTON.
H.R. 2016: Mr. MOORE of Kansas.
H.R. 2057: Mr. JACKSON of Illinois.
H.R. 2067: Ms. BALDWIN, Mr. SIRES, Mr. GRAYSON, Ms. CASTOR of Florida, Mr. CHANDLER, Ms. KAPTUR, Mr. VISCLOSKY, and Mr. LEVIN.
H.R. 2104: Ms. EDWARDS of Maryland.
H.R. 2149: Mr. KIRK and Mr. MAFFEI.
H.R. 2243: Mr. GRIFFITH.
H.R. 2378: Mr. LOEBSACK, Mr. MURPHY of Connecticut, Mr. JACKSON of Illinois, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2382: Mr. TIERNEY.
H.R. 2443: Mr. WU.
H.R. 2460: Ms. WATSON.
H.R. 2478: Mr. TOWNS, Ms. NORTON, and Mr. THOMPSON of Mississippi.
H.R. 2483: Mr. HEINRICH.
H.R. 2624: Mr. COURTNEY.
H.R. 2855: Mr. DELAHUNT.
H.R. 3043: Ms. RICHARDSON, Mr. VAN HOLLEN, and Mr. HIGGINS.
H.R. 3070: Mr. JONES.
H.R. 3083: Mr. KILDEE.
H.R. 3108: Mr. DOGGETT.
H.R. 3131: Mr. PLATTS.
H.R. 3185: Ms. NORTON.
H.R. 3212: Mr. ROTHMAN of New Jersey and Mr. MCGOVERN.
H.R. 3267: Mr. COHEN.
H.R. 3355: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 3383: Mr. MCCOTTER.
H.R. 3408: Mr. WAXMAN.
H.R. 3525: Ms. ZOE LOFGREN of California.
H.R. 3559: Mr. ROTHMAN of New Jersey.
H.R. 3564: Ms. HARMAN, Mrs. DAVIS of California, Mr. STARK, and Ms. ESHOO.
H.R. 3652: Mr. DRIEHAUS, Mr. WELCH, and Mr. GERLACH.
H.R. 3666: Mr. MCINTYRE.

H.R. 3699: Mr. MICHAUD.
H.R. 3721: Mr. DEFAZIO and Ms. NORTON.
H.R. 3734: Ms. EDWARDS of Maryland and Mr. POLIS.
H.R. 3764: Mr. GRAYSON.
H.R. 3813: Mr. MICHAUD.
H.R. 3918: Mr. DOGGETT.
H.R. 3924: Mr. WHITFIELD, Mr. TIM MURPHY of Pennsylvania, Mr. STEARNS, and Mr. LATTA.
H.R. 3974: Mr. GRIJALVA, Mr. BRALEY of Iowa, and Ms. NORTON.
H.R. 3995: Mr. MILLER of North Carolina and Ms. JACKSON LEE of Texas.
H.R. 4037: Ms. SHEA-PORTER.
H.R. 4055: Mr. SCOTT of Virginia.
H.R. 4065: Mr. GRAYSON.
H.R. 4080: Mr. SCOTT of Virginia.
H.R. 4109: Ms. FUDGE.
H.R. 4160: Ms. NORTON.
H.R. 4179: Mr. JACKSON of Illinois.
H.R. 4259: Mr. WU, Mr. OWENS, and Ms. JACKSON LEE of Texas.
H.R. 4278: Mr. PASCRELL and Mr. SIMPSON.
H.R. 4296: Mr. ROTHMAN of New Jersey.
H.R. 4310: Mr. GRIJALVA.
H.R. 4329: Mr. DUNCAN.
H.R. 4371: Mr. EDWARDS of Texas and Mr. DINGELL.
H.R. 4383: Mr. TIM MURPHY of Pennsylvania.
H.R. 4466: Mr. STUPAK.
H.R. 4470: Mr. POLIS and Mr. CONYERS.
H.R. 4502: Mr. HARE.
H.R. 4509: Ms. MARKEY of Colorado, Mrs. KIRKPATRICK of Arizona, and Mr. KRATOVIL.
H.R. 4534: Mr. COHEN.
H.R. 4598: Mr. DOYLE, Mr. CARDOZA, and Mr. SIRES.
H.R. 4599: Mr. POLIS and Mr. GRIJALVA.
H.R. 4616: Mr. JACKSON of Illinois, Mr. ROTHMAN of New Jersey, Ms. WATSON, Ms. WASSERMAN SCHULTZ, and Mr. THOMPSON of Mississippi.
H.R. 4676: Mr. CARNAHAN and Mr. DELAHUNT.
H.R. 4677: Mr. SPACE.
H.R. 4678: Mr. PETERS and Mr. TEAGUE.
H.R. 4684: Mr. MCCAUL, Mr. BLUMENAUER, Mr. MILLER of North Carolina, Mr. BURGESS, Mr. WOLF, Mr. BRALEY of Iowa, Mr. LOBIONDO, and Mr. BRADY of Pennsylvania.
H.R. 4692: Ms. WOOLSEY.
H.R. 4701: Mr. ELLISON.
H.R. 4710: Mr. POLIS.
H.R. 4722: Ms. PINGREE of Maine.
H.R. 4733: Mrs. LOWEY, Mrs. MALONEY, and Mr. MCDERMOTT.
H.R. 4755: Mr. BOCCIERI and Mr. HOEKSTRA.
H.R. 4785: Mr. PLATTS, Mr. ROSS, and Mr. BOCCIERI.
H.R. 4787: Mr. KENNEDY and Mr. ENGEL.
H.R. 4844: Mr. CAPUANO, Mr. BRADY of Texas, and Mr. DUNCAN.
H.R. 4850: Mr. LEE of New York, Ms. FUDGE, and Mrs. MCCARTHY of New York.
H.R. 4866: Mr. CARSON of Indiana.
H.R. 4869: Mr. KILDEE, Mr. CUMMINGS, and Ms. WASSERMAN SCHULTZ.
H.R. 4870: Mr. CLAY, Mrs. LOWEY, and Mr. LUJÁN.
H.R. 4876: Mr. OBERSTAR.
H.R. 4890: Mr. ROTHMAN of New Jersey.
H.R. 4908: Mr. WALZ.
H.R. 4913: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4914: Mr. CAPUANO, Mrs. CAPPS, Mr. MCGOVERN, Mr. TIERNEY, and Mr. ISRAEL.
H.R. 4923: Mr. ISRAEL, Ms. MOORE of Wisconsin, Mr. MCGOVERN, and Mr. REYES.
H.R. 4925: Ms. FUDGE.
H.R. 4943: Mr. LATTA
H.R. 4947: Ms. SHEA-PORTER, Mr. MICHAUD, and Mr. JOHNSON of Georgia.
H.R. 4952: Mr. SCHOCK.
H.R. 4953: Ms. WATERS.
H.R. 4961: Ms. WATERS and Mr. JACKSON of Illinois.
H.R. 4983: Ms. SPEIER.
H.R. 4993: Mr. PLATTS, Ms. RICHARDSON, and Mr. LARSEN of Washington.
H.R. 4995: Mrs. MYRICK and Mr. BOOZMAN.
H.R. 4999: Mr. SOUDER.
H.R. 5000: Ms. NORTON.
H.R. 5006: Ms. WATERS.
H.R. 5015: Mr. BLUMENAUER.
H.R. 5032: Mr. CROWLEY.
H.R. 5034: Ms. HERSETH SANDLIN, Mr. VISCLOSKY, Mr. MCCOTTER, and Mr. BUCHANAN.
H.R. 5035: Mr. MICHAUD.
H.R. 5040: Mr. ISRAEL.
H.R. 5041: Mr. DEFAZIO, Ms. LINDA T. SÁNCHEZ of California, Mrs. DAVIS of California, Ms. CASTOR of Florida, Mr. GRIJALVA, Mr. CHANDLER, Mr. PAYNE, Mr. LANGEVIN, Mr. ROTHMAN of New Jersey, Ms. KAPTUR, Mr. MCMAHON, Mr. HIGGINS, and Ms. NORTON.
H.R. 5043: Mr. TOWNS.
H.R. 5044: Mr. ADLER of New Jersey, Ms. BERKLEY, Mr. CAPUANO, Mr. CHILDERS, Mr. COHEN, Mr. CONYERS, Mr. ENGEL, Mr. GARAMENDI, Mr. INSLEE, Mr. KAGEN, Mr. LYNCH, Mr. NADLER of New York, Mr. RUSH, Mr. RYAN of Ohio, Ms. WASSERMAN SCHULTZ, Mr. WELCH, and Ms. WOOLSEY.
H.R. 5054: Mr. MCCLINTOCK and Mr. BOOZMAN.
H.R. 5058: Mr. CROWLEY and Mr. ROTHMAN of New Jersey.
H.R. 5092: Mr. SERRANO, Mr. SMITH of Washington, Mr. COSTELLO, Ms. FUDGE, Mr. TIM MURPHY of Pennsylvania, Mr. RAHALL, Mr. BARROW, Mr. HOLDEN, Mr. BRALEY of Iowa, Mr. SHUSTER, Mr. CARSON of Indiana, Mr. BOOZMAN, Mr. TEAGUE, Mr. ELLISON, Mr. DAVIS of Kentucky, Mr. GRAVES, Mr. ADLER of New Jersey, Mr. SULLIVAN, Mr. KLINE of Minnesota, Ms. DELAURO, Mr. ROONEY, and Mr. OLSON.
H.R. 5107: Mrs. MALONEY and Mr. GUTIERREZ.
H.R. 5111: Ms. GINNY BROWN-WAITE of Florida, Mr. LATHAM, Mr. GALLEGLY, Mr. KLINE of Minnesota, Mr. CAMP, Mr. JOHNSON of Illinois, Mr. PAUL, Mr. KINGSTON, Mr. MCCLINTOCK, Mr. PLATTS, Mr. SHUSTER, Mr. BISHOP of Utah, Mr. JONES, Mr. RADANOVICH, Mr. ROSS, and Mr. BOUSTANY.
H.R. 5113: Ms. WATSON.
H.R. 5121: Mr. MCGOVERN.
H.R. 5125: Mr. CAPUANO.
H.R. 5128: Mr. MORAN of Virginia.
H.R. 5137: Ms. BERKLEY.
H.R. 5142: Mr. PASCRELL, Mr. MCNERNEY, Mr. PETERS, and Mr. POMEROY.
H.R. 5143: Mr. BLUMENAUER.
H.R. 5156: Mr. CARNAHAN and Mr. HONDA.
H.R. 5159: Ms. LEE of California, Ms. KAPTUR, Mr. JACKSON of Illinois, and Mr. TIERNEY.
H.R. 5162: Mr. PENCE, Mr. FLEMING, and Mr. HENSARLING.
H.R. 5166: Mrs. MYRICK.
H.R. 5170: Mr. BISHOP of New York.
H.R. 5175: Mr. HEINRICH, Mr. CLYBURN, Mr. GEORGE MILLER of California, Mr. ELLSWORTH, Mr. SHULER, Mr. BRALEY of Iowa, Mr. LARSON of Connecticut, Mr. BECERRA, Ms. DELAURO, Mr. WAXMAN, Mr. CONYERS, Mr. NADLER of New York, Mr. SKELTON, Mr. BISHOP of New York, Mr. LARSEN of Washington, Mr. SCHIFF, Mr. DEUTCH, Mr. MCGOVERN, Mr. HINCHEY, Mr. MCDERMOTT, Mr. TONKO, Ms. NORTON, Ms. EDWARDS of Maryland, Mr. ANDREWS, Ms. HIRONO, Mr. STARK, Mrs. MALONEY, Mr. HOLT, Mr. WALZ, Mr. TEAGUE, Mr. BOSWELL, Ms. MATSUI, Mr. FARR, Mr. GARAMENDI, Mr. KAGEN, Mr. PALLONE, Ms. ZOE LOFGREN of California, Mr. LOEBSACK, Mr. YARMUTH, Ms. HARMAN, Ms. CHU, Mr. ISRAEL, Mr. SCHAUER, Mrs. CAPPS, Ms. MCCOLLUM, Ms. SLAUGHTER, Mr. ELLISON, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. SARBANES, Mr. SALAZAR, Mr. LEVIN, Mr. POLIS, Mr. ROTHMAN of New Jersey, Ms. BERKLEY, Ms. GIFFORDS, Mr. HARE, Mr. KISSELL, Mr. HALL of New York, Mr. SCHRADER, Mr. ARCURI, Ms. SHEA-PORTER, Mr. KIND, Ms. KILROY, Mr. JACKSON of Illinois, Mr. PERRIELLO, Ms. SUTTON, Mr. FOSTER, Mr. SERRANO, Mr. COURTNEY, Mr. COHEN, Mr. BOCCIERI, Ms. TITUS, Ms. WATERS, Mr. REYES, Mr. LUJÁN, Ms. ROYBAL-ALLARD, Mr. MOLLOHAN, Mr. PIERLUISI, Mr. FILNER, Mr. DINGELL, Mr. LIPINSKI, Mr. WELCH, Ms. LINDA T. SÁNCHEZ of California, Mr. VISCLOSKY, Mr. SMITH of Washington, Mr. CHANDLER, Mr. BLUMENAUER, and Mr. POMEROY.
H.R. 5177: Mr. CANTOR, Mr. CULBERSON, Mr. SHUSTER, and Mr. POMEROY.
H.R. 5182: Mrs. EMERSON.
H.R. 5197: Ms. WATSON, Mr. HOLT, Mr. PLATTS, Mr. WEINER, Mr. HALL of New York, Mr. SABLAN, and Mr. MICHAUD.
H.R. 5204: Mr. SABLAN.
H.R. 5206: Mr. SABLAN, Mr. REYES, Mr. WILSON of Ohio, Ms. MARKEY of Colorado, and Mr. LUJÁN.
H.R. 5209: Mr. SABLAN.
H.R. 5210: Mr. GRIJALVA and Mr. ELLISON.
H.R. 5211: Mr. BISHOP of New York and Mr. CAO.
H.R. 5213: Ms. MATSUI, Mr. HOLT, and Ms. ESHOO.
H.R. 5214: Ms. WOOLSEY, Mr. GARAMENDI, Mr. DEFAZIO, Mr. HASTINGS of Florida, Ms. WASSERMAN SCHULTZ, Mr. DEUTCH, Mr. KLEIN of Florida, Mr. YARMUTH, Mr. CONNOLLY of Virginia, Ms. SUTTON, and Ms. ROS-LEHTINEN.
H.R. 5218: Mr. PIERLUISI.
H.R. 5221: Mr. CROWLEY.
H.R. 5224: Mr. MICHAUD.
H.R. 5235: Ms. WATSON.
H.R. 5251: Mr. PAUL.
H.J. Res. 65: Mr. POLIS.
H. Con. Res. 49: Mr. CHILDERS.
H. Con. Res. 226: Mr. BOUSTANY, Mrs. NAPOLITANO, Mr. BURTON of Indiana, and Mr. WOLF.
H. Con. Res. 261: Mr. HERGER, Mr. SESTAK, and Mr. DAVIS of Kentucky.
H. Con. Res. 267: Mr. SCHOCK and Mr. HASTINGS of Florida.
H. Con. Res. 271: Mr. GARRETT of New Jersey.
H. Con. Res. 274: Mr. CASSIDY.
H. Con. Res. 276: Mr. SABLAN.
H. Res. 173: Mr. TIM MURPHY of Pennsylvania, Mr. VISCLOSKY, Mr. WALZ, Ms. HIRONO, Mr. MEEKS of New York, Mr. HINOJOSA, Ms. VELÁZQUEZ, Mr. AL GREEN of Texas, Mr. HIGGINS, Mr. LANCE, and Mr. DOGGETT.
H. Res. 200: Mr. HOLT.
H. Res. 510: Mr. ELLSWORTH.
H. Res. 649: Mr. SERRANO.
H. Res. 764: Mr. MCCAUL.
H. Res. 873: Mr. ELLISON, Mr. TANNER, Mr. BILIRAKIS, and Mr. DELAHUNT.
H. Res. 928: Mr. CONYERS.
H. Res. 929: Mr. FRANKS of Arizona.
H. Res. 1006: Mr. INGLIS.
H. Res. 1191: Mr. LATOURETTE.
H. Res. 1207: Mr. SNYDER, Mr. WITTMAN, Ms. DEGETTE, and Ms. ROS-LEHTINEN.
H. Res. 1211: Mr. LAMBORN and Mr. TOWNS.
H. Res. 1226: Mr. CARNEY, Mr. PLATTS, Mr. ROTHMAN of New Jersey, Mr. BARROW, and Mr. CAMP.
H. Res. 1241: Mr. FRANKS of Arizona, Ms. JENKINS, and Mr. SCALISE.
H. Res. 1261: Mr. AL GREEN of Texas, Mr. MEEK of Florida, and Mr. LIPINSKI.
H. Res. 1285: Mrs. MILLER of Michigan, Mr. WOLF, and Mr. ISRAEL.
H. Res. 1288: Mrs. MYRICK.
H. Res. 1294: Mr. BARRETT of South Carolina, Mr. FALEOMAVAEGA, Mr. HASTINGS of Florida, and Mr. GRAYSON.
H. Res. 1299: Mr. PETERSON, Ms. LORETTA SANCHEZ of California, Mr. WOLF, Mr. MACK, Mr. GERLACH, Mr. ELLSWORTH, Mr. BARTLETT, Mr. WEINER, Mr. WALDEN, and Mr. CALVERT.
H. Res. 1302: Ms. SUTTON, Mr. MELANCON, and Mr. HINOJOSA.

H. Res. 1303: Mr. CRENSHAW, Mr. LAMBORN, and Mr. INGLIS.

H. Res. 1309: Mr. RYAN of Wisconsin and Ms. NORTON.

H. Res. 1317: Mr. MCCLINTOCK.

H. Res. 1319: Mr. PIERLUISI and Ms. FUDGE.

H. Res. 1321: Mr. PAYNE, Mr. SABLAN and Ms. BORDALLO.

H. Res. 1325: Mr. SABLAN, Mr. MACK, Mr. HASTINGS of Florida, Mr. YOUNG of Florida, Mr. MICA, and Mr. OLSON.

H. Res. 1330: Mr. MOORE of Kansas, Ms. HARMAN, Ms. WOOLSEY, Mr. GARAMENDI, Mr. SABLAN, Ms. SHEA-PORTER, Mr. BLUMENAUER, Ms. SPEIER, Ms. ROYBAL-ALLARD, Ms. RICHARDSON, Mr. SERRANO, Mr. BOSWELL, Mr. DICKS, Mr. FILNER, Mr. GRIJALVA, Ms. JACKSON LEE of Texas, Ms. ROS-LEHTINEN, Mr. THOMPSON of California, Mr. WU, Mr. WAXMAN, Mr. DOGGETT, Mr. BOYD, Mr. GEORGE MILLER of California, Mr. KENNEDY, Ms. LEE of California, Mr. HASTINGS of Florida, Mr. HONDA, Mr. MCGOVERN, and Ms. ESHOO.

H. Res. 1331: Mr. SABLAN.

H. Res. 1338: Mr. BACA, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BRALEY of Iowa, Mr. CAPUANO, Mr. COHEN, Mr. CONYERS, Mr. DOGGETT, Mr. ELLISON, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. GARAMENDI, Mr. HODES, Mr. HONDA, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mr. MARKEY of Massachusetts, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mrs. NAPOLITANO, Ms. NORTON, Mr. RANGEL, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Mr. SABLAN, Mr. SARBANES, Mr. SERRANO, Ms. SHEA-PORTER, Mr. THOMPSON of California, Ms. TITUS, Mr. VAN HOLLEN, and Mr. WAXMAN.

H. Res. 1339: Mr. LEWIS of Georgia, Mr. ELLISON, Ms. RICHARDSON, Mr. COOPER, Mr. CARDOZA, Mr. DAVIS of Illinois, Mr. MEEK of Florida, Ms. MOORE of Wisconsin, Mr. CROWLEY, and Ms. BEAN.

WEDNESDAY, MAY 12, 2010 (58)

¶58.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SERRANO, who laid before the House the following communication:

WASHINGTON, DC,
May 12, 2010.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶58.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SERRANO, announced he had examined and approved the Journal of the proceedings of Tuesday, May 11, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶58.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7434. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Changes to Reporting Dates [Doc. No.: AMS-FV-09-0073; FV10-929-1FR] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7435. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Papayas From Colombia and Ecuador [Docket No.: APHIS-2008-0050] (RIN: 0579-AC95) received April 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7436. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Northeast and Other Marketing Areas; Order Amending the Orders [Doc. No.: AMS-DA-09-0007; AO-13-A78, et al.; DA-09-02] received April 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7437. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Revised Nomination and Balloting Procedures [Doc. No.: AMS-FV-09-0070; FV09-929-1FR] received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7438. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — U.S. Honey Producer Research, Promotion, and Consumer Information Order; Referendum Procedures [Doc. No.: AMS-FV-07-0091; FV-07-706-FR] (RIN: 0581-AC78) received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7439. A letter from the Acting Under Secretary Research, Education, and Economics, Department of Agriculture, transmitting the Department's final rule — Veterinary Medicine Loan Repayment Program (VMLRP) (RIN: 0524-AA43) received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7440. A letter from the Under Secretary, Department of Defense, transmitting the annual report on the payment of incentive pay to members of precommissioning programs pursuing foreign language proficiency for Fiscal Year 2009, pursuant to Public Law 110-417, section 619; to the Committee on Armed Services.

7441. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's annual report for fiscal year 2009 on the quality of health care furnished under the health care programs of the Department of Defense; to the Committee on Armed Services.

7442. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

7443. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule — Emergency Management for Higher Education Grant Program received April 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7444. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Race to the Top Fund [Docket ID: ED-2010-OESE-0005] (RIN: 1810-AB10) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7445. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Health Care Reform Insurance Web Portal Requirements (RIN: 0991-AB63) received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7446. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting formal response to the Government Accountablility Office's report number GAO-09-120; to the Committee on Foreign Affairs.

7447. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-017, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7448. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-005, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7449. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting letter regarding the proposed opening of five new passport agencies; to the Committee on Foreign Affairs.

7450. A letter from the Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Foreign Affairs.

7451. A letter from the Deputy Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7452. A letter from the Deputy Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7453. A letter from the Deputy Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7454. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II — Extraterritorial Income Exclusion Effective Date and Transition Rules Directive #1 [LMSB-4-0310-011] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7455. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I — Industry Director Directive on Domestic Production Deduction (DPD) #4 [LMSB-4-0310-010] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7456. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—-Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2010-12) received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7457. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transitional Guidance for Taxpayers Claiming Relief Under the Military Spouses Residency Relief Act for Taxable Year 2009

[Notice 2010-30] received April 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7458. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Mandatory Guidelines for Federal Workplace Drug Testing Programs received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Oversight and Government Reform and Appropriations.

7459. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Changes in Provider and Supplier Enrollment, Ordering and Referring, and Documentation Requirements; and Changes in Provider Agreements [CMS-6010-IFC] (RIN: 0938-AQ01] received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶58.4 STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS

Mr. CONYERS moved to suspend the rules and pass the bill of the Senate (S. 3333) to extend the statutory license for secondary transmissions under title 17, United States Code, and for other purposes.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶58.5 VETERANS HEALTH CARE

Mr. LEVIN moved to suspend the rules and pass the bill (H.R. 5014) to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. LEVIN and Mr. HERGER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LEVIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶58.6 TENNESSEE, KENTUCKY, AND MISSISSIPPI FLOODING

Mr. COHEN moved to suspend the rules and agree to the following resolution (H. Res. 1337):

Whereas, beginning on May 2, 2010, the State of Tennessee was hit by unprecedented rainfall that resulted in the massive flooding of areas in and around Nashville;

Whereas according to the National Weather Service of the National Oceanic and Atmospheric Administration, the two-day rainfall totals of 13.53 inches more than doubles the previous record of 6.68 inches set in September, 1979;

Whereas the storms causing the rainfall claimed the lives of dozens of people across Tennessee, Kentucky, and Mississippi;

Whereas the storms destroyed homes and displaced thousands of people across Tennessee;

Whereas the flooding affected travel along hundreds of roads throughout Tennessee, including interstate highways 40 and 24;

Whereas the storms closed schools and universities across the region;

Whereas Tennessee Governor Phil Bredesen has worked with Federal, State, and local officials and agencies to coordinate rescue and recovery efforts;

Whereas, on May 3, 2010, Governor Bredesen declared a state of emergency for 52 counties, requesting Federal assistance for areas that were affected by the storms;

Whereas, on May 4, 2010, President Obama declared that a major disaster exists in the State of Tennessee and directed the Federal Emergency Management Agency to work closely with Tennessee to monitor the response efforts relating to the storms and flooding and identify and respond to any immediate emergency needs for the citizens and communities of Tennessee that are impacted by the devastating floods;

Whereas citizens and emergency responders of all stripes worked together to aid their neighbors after the storm; and

Whereas volunteers are giving their time to help ensure that evacuees are sheltered, clothed, fed, and comforted through the trauma caused by the storm: Now, therefore, be it

Resolved, That the House of Representatives—

(1) offers its deepest sympathy and condolences to the families of those who lost their lives as the result of flooding beginning on May 2, 2010, in the States of Tennessee, Kentucky, and Mississippi;

(2) expresses its condolences to the families who lost their homes and other property in the flooding throughout Tennessee, Kentucky, and Mississippi;

(3) expresses gratitude and appreciation to the people of the State of Tennessee and the surrounding States, who continue to work to protect people from the floodwaters and aid in the recovery efforts;

(4) expresses its support as the Federal Emergency Management Agency continues its efforts to respond to any needs of the citizens and communities affected by the flooding and assists in the recovery efforts; and

(5) honors the emergency responders across Tennessee for their bravery and sacrifice during this tragedy.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. COHEN and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COHEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, May 13, 2010.

¶58.7 NATIONAL LEARN TO FLY DAY

Mr. COHEN moved to suspend the rules and agree to the following resolution (H. Res. 1284); as amended:

Whereas, since the birth of flight, aviation has had a tremendous impact on the imagination, innovation, and economy of the United States;

Whereas many of the Nation's heroes have been pilots, including the Wright brothers, Charles Lindbergh, Amelia Earhart, Charles ''Chuck'' Yeager, the Nation's astronauts and military aviators, and the flight crew of U.S. Airways Flight 1549, among others;

Whereas every one of these individuals had to learn to fly before they could achieve their greatness;

Whereas there are approximately 600,000 pilots and approximately 230,000 commercial and general aviation airplanes in the United States;

Whereas flight brings joy, inspiration, and a sense of accomplishment to those who fly for recreation, pleasure, and work;

Whereas flight allows the movement of people and commodities across the Nation and around the world quickly and efficiently; and

Whereas the third Saturday in May is an appropriate day to observe International Learn to Fly Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Learn to Fly Day; and

(2) recognizes the contributions of flight instructors, flight schools, aviation groups, and industry in promoting and teaching the Nation's next generation of pilots.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. COHEN and Mr. GRAVES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution supporting the goals and ideals of International Learn to Fly Day, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶58.8 HAITI EARTHQUAKE AVIATION RELIEF EFFORTS

Mr. COHEN moved to suspend the rules and agree to the following concurrent resolution of the Senate (S. Con. Res. 61):

Whereas on January 12, 2010, the country of Haiti suffered a devastating earthquake;

Whereas after the earthquake, general aviation pilots rallied to provide transportation for medical staff and relief personnel;

Whereas more than 4,500 relief flights were made by general aviators in the first 30 days after the earthquake;

Whereas business aircraft alone conducted more than 700 flights, transporting 3,500 passengers, and over 1,000,000 pounds of cargo and supplies;

Whereas relief flights were fully paid for by individual pilots and aircraft owners;

Whereas smaller general aviation aircraft were able to deliver supplies and medical personnel to areas outside Port-Au-Prince which larger aircraft could not serve; and

Whereas the selfless efforts of the general aviation community have saved countless lives and provided humanitarian assistance in a time of need: Now, therefore, be it

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

(1) recognizes the many contributions of the general aviation pilots and industry to the Haiti earthquake relief efforts; and

(2) encourages the continued generosity of general aviation pilots and operators in the ongoing humanitarian relief efforts in Haiti.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. COHEN and Mr. GRAVES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶58.9 AMERICORPS

Ms. TITUS moved to suspend the rules and agree to the following resolution (H. Res. 1338):

Whereas, since its inception in 1994, the AmeriCorps national service program has proven to be a highly effective way to engage Americans in meeting a wide range of local and national needs and promoting the ethic of service and volunteering;

Whereas, each year, AmeriCorps provides opportunities for 85,000 citizens across the Nation to give back in an intensive way to their communities;

Whereas those same individuals improve the lives of the Nation's most vulnerable citizens, protect the environment, contribute to public safety, respond to disasters, and strengthen the educational system;

Whereas AmeriCorps members serve thousands of nonprofit organizations, schools, and faith-based and community organizations each year;

Whereas AmeriCorps members, after their terms of service end, are more likely to remain engaged in their communities as volunteers, teachers, and nonprofit professionals;

Whereas, on April 21, 2009, President Barack Obama signed the Edward M. Kennedy Serve America Act, passed by bi-partisan majorities in both the House of Representatives and the Senate, which reauthorized and will expand AmeriCorps programs;

Whereas national service programs have engaged millions of Americans in results-driven service in the Nation's most vulnerable communities, providing hope and help to people facing economic and social needs;

Whereas, this year, as the economic downturn puts millions of Americans at risk, national service and volunteering are more important than ever; and

Whereas 2010's AmeriCorps Week, observed May 8 through May 15, provides the perfect opportunity for AmeriCorps members, alumni, grantees, program partners, and friends to shine a spotlight on the work done by members and to motivate more Americans to serve their communities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages all citizens to join in a national effort to salute AmeriCorps members and alumni and raise awareness about the importance of national and community service;

(2) acknowledges the significant accomplishments of the AmeriCorps members, alumni, and community partners; and

(3) recognizes the important contributions to the lives of our citizens by AmeriCorps members.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. TITUS and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, May 13, 2010.

¶58.10 NATIONAL NURSES WEEK

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 1261); as amended:

Whereas since 1990, National Nurses Week is celebrated annually from May 6, also known as National Recognition Day for Nurses, through May 12, the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is a time of year to reflect on the important contributions that nurses make to provide safe, high-quality health care;

Whereas nurses are known to be patient advocates, acting to protect the lives of those under their care;

Whereas nurses represent the largest single component of the health care profession with 3,100,000 jobs;

Whereas the work of nurses encompasses a wide scope of scientific inquiry including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses help inform and educate the public and Congress to improve the recruitment, education, retention, and the practice of all nurses and, more importantly, the health and safety of the patients they care for;

Whereas the American Association of Colleges of Nursing (AACN) released final survey data showing that enrollments in entry-level baccalaureate programs in nursing rose by 3.6 percent in 2009, and though this marks the ninth consecutive year of enrollment growth, the annual increase in student capacity in 4-year nursing programs has declined sharply since 2003 when enrollment was up by 16.6 percent;

Whereas United States nursing programs were forced to reject almost 119,000 qualified applications to nursing programs according to the National League for Nursing's most recent survey of all prelicensure nursing programs;

Whereas according to the Bureau of Labor Statistics, employment of registered nurses is expected to grow by 22 percent from 2008 to 2018, much faster than the average for all occupations;

Whereas according to new survey data by the AACN, enrollment in doctoral nursing programs increased by more than 20 percent this year, signaling strong interest among students in careers as nursing scientists, faculty, primary care providers, and specialists;

Whereas according to the AACN, expanding capacity in baccalaureate and graduate programs is critical to sustaining a healthy nursing workforce and providing patients with the best care possible;

Whereas nursing colleges and universities across the country are struggling to meet the rising demand for nurses; and

Whereas increased support is needed to enhance efforts to educate nursing students at all levels, to increase the number of faculty members to educate nursing students, and to create educational opportunities to retain nurses in the profession: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(2) acknowledges the importance of quality higher education in nursing, including baccalaureate and graduate programs and programs that help expand the supply of nursing program faculty, to meet the needs of one of the Nation's fastest growing labor fields.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. WOOLSEY and Mr. KLINE of Minnesota, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶58.11 OFFICER DANIEL FAULKNER CHILDREN OF FALLEN HEROES SCHOLARSHIP

Ms. WOOLSEY moved to suspend the rules and pass the bill (H.R. 959) to increase Federal Pell Grants for the children of fallen public safety officers, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. WOOLSEY and Mr. KLINE of Minnesota, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶58.12 CHILDREN'S BOOK WEEK

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 1333):

Whereas research has indicated that children who are read to three or four times a week are more likely to recognize the letters of the alphabet, be able to count to 20, and write their own names;

Whereas children's books are instrumental in teaching children to read by providing simple phrases that promote reading techniques, including phonics, and retaining children's interest;

Whereas many teachers use children's books in the classroom as a tool to promote and teach literacy to their students;

Whereas Children's Book Week has been celebrated nationally since 1919 and is founded on the declaration that a ''great nation is a reading nation'';

Whereas Children's Book Week highlights the importance of parents and guardians taking the time to read with their children and encourages libraries, schools, and community organizations to hold events to promote reading; and

Whereas Children's Book Week is recognized May 10 to May 16, 2010: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Children's Book Week; and

(2) encourages parents to read with their children and schools, libraries, and community organizations to hold events to encourage children and students of all ages to read.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. WOOLSEY and Mr. KLINE of Minnesota, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶58.13 PROVIDING FOR CONSIDERATION OF H.R. 5116

Mr. PERLMUTTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1344):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. (b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution. (c) Each amendment printed in part B of the report of the Committee on Rules may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. (d) All points of order against amendments printed in part B of the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chair of the Committee on Science and Technology or his designee to offer amendments en bloc consisting of amendments printed in part B of the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 5. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Science and Technology or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

When said resolution was considered.

After debate,

On motion of Mr. PERLMUTTER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. CAPUANO, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 243 Nays 177

¶58.14 [Roll No. 259]

YEAS—243

Ackerman	Courtney	Heinrich
Adler (NJ)	Crowley	Herseth Sandlin
Altmire	Cuellar	Higgins
Andrews	Cummings	Himes
Arcuri	Dahlkemper	Hinchey
Baca	Davis (CA)	Hinojosa
Baird	Davis (IL)	Hirono
Baldwin	Davis (TN)	Hodes
Barrow	DeFazio	Holden
Bean	DeGette	Holt
Becerra	Delahunt	Honda
Berkley	DeLauro	Hoyer
Berman	Deutch	Inslee
Berry	Dicks	Israel
Bishop (GA)	Dingell	Jackson (IL)
Bishop (NY)	Doggett	Johnson (GA)
Blumenauer	Doyle	Johnson, E. B.
Boccieri	Driehaus	Kagen
Boren	Edwards (MD)	Kanjorski
Boswell	Edwards (TX)	Kaptur
Boucher	Ellison	Kennedy
Boyd	Ellsworth	Kildee
Brady (PA)	Engel	Kilpatrick (MI)
Braley (IA)	Eshoo	Kilroy
Brown, Corrine	Etheridge	Kind
Butterfield	Farr	Kirkpatrick (AZ)
Capps	Fattah	Kissell
Capuano	Filner	Klein (FL)
Cardoza	Foster	Kosmas
Carnahan	Frank (MA)	Kratovil
Carson (IN)	Fudge	Kucinich
Castor (FL)	Garamendi	Langevin
Chandler	Giffords	Larsen (WA)
Childers	Gonzalez	Larson (CT)
Chu	Gordon (TN)	Lee (CA)
Clarke	Grayson	Levin
Clay	Green, Al	Lewis (GA)
Cleaver	Green, Gene	Lipinski
Clyburn	Grijalva	Loebsack
Cohen	Gutierrez	Lofgren, Zoe
Connolly (VA)	Hall (NY)	Lowey
Conyers	Halvorson	Luján
Cooper	Hare	Lynch
Costa	Harman	Maffei
Costello	Hastings (FL)	Maloney

Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—177

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

NOT VOTING—10

Barrett (SC)
Carney
Cole
Davis (AL)
Hoekstra
Jackson Lee (TX)
Meeks (NY)
Rangel
Souder
Wamp

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶58.15 H.R. 5014—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5014) to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 0

¶58.16 [Roll No. 260]

YEAS—417

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

NOT VOTING—13

Barrett (SC)
Carnahan
Carney
Cole
Davis (AL)
Hoekstra
Jackson Lee (TX)
Meeks (NY)
Melancon
Putnam
Souder
Tsongas
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶58.17 H. CON. RES. 268—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 268) supporting the goals and ideals of National Women's Health Week, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 Nays 0

¶58.18 [Roll No. 261]

YEAS—418

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

NOT VOTING—12

Barrett (SC)	Hoekstra	Souder
Carney	Jackson Lee (TX)	Wamp
Cole		Woolsey
Davis (AL)	King (IA)	
Donnelly (IN)	Meeks (NY)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶58.19 AMERICA COMPETES

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to House Resolution 1344 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

The SPEAKER pro tempore, Mr. CUELLAR, by unanimous consent, designated Ms. NORTON as Chairman of the Committee of the Whole; and after some time spent therein,

¶58.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part B of House Report 111-479, submitted by Mr. GORDON of Tennessee:

Page 94, line 10, strike ''in the research'' and insert ''in research on the topic''.

Page 102, lines 1 through 9, section 243 is amended to read as follows:

SEC. 243. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

Section 10A(h)(1) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a(h)(1)) is amended to read as follows:

''(1) IN GENERAL.—An eligible entity receiving a grant under this section shall provide, from non-Federal sources, to carry out the activities supported by the grant—

''(A) in the case of grants in an amount of less than $1,500,000, an amount equal to at least 30 percent of the amount of the grant, at least one half of which shall be in cash; and

''(B) in the case of grants in an amount of $1,500,000 or more, an amount equal to at least 50 percent of the amount of the grant, at least one half of which shall be in cash.''.

Page 123, line 13, strike ''10 or more undergraduate STEM students'' and insert ''6 or more undergraduate STEM students for sites designated at primarily undergraduate institutions of higher education and 10 or more undergraduate STEM students for all other sites''.

Page 126, line 9, insert '', except for institutions of higher education'' after ''private sector entities''.

Page 131, lines 17 and 18, strike ''teachers, administrators, local education agencies'' and insert ''teachers and administrators in both public and private schools, local educational agencies''.

Page 135, line 13, strike ''and''.

Page 135, line 14, insert ''and'' after the semicolon.

Page 135, after line 14, insert the following new clause:

''(ix) carbon capture and sequestration science and engineering;''.

Page 174, after line 13, insert the following:

SEC. 412. REPORT ON THE USE OF MODELING AND SIMULATION.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Director shall submit a report to Congress examining the use of high-performance computational modeling and simulation by small- and medium-sized manufacturers.

(b) SPECIFIC REQUIREMENTS.—Such report shall include the following:

(1) An assessment of the current utilization of high-performance computational modeling and simulation by small- and medium-sized manufacturers.

(2) An examination of any barriers or challenges to the use of high-performance computational modeling and simulation by small- and medium-sized manufacturers, including—

(A) access to high-performance computing facilities and resources;

(B) the availability of software and other applications tailored to meet the needs of such manufacturers;

(C) appropriate expertise and training; and

(D) the availability of tools and other methods to understand and manage the costs and risks associated with transitioning to the use of computational modeling and simulation.

(3) Recommendations for addressing any barriers or challenges identified in paragraph (2) and, if appropriate, suggestions for action that the Federal Government may take to foster the development and utilization of high-performance computing resources by small- and medium-sized manufacturers.

(c) CONSULTATION.—In carrying out this section, the Director shall consult with the Office of Science and Technology Policy and with other relevant Federal agencies.

Page 175, line 16, strike ''and advocating''.

Page 180, strike line 13 and all that follows through line 20 and insert the following:

''(3) NOTIFICATION.—If the borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.''.

Page 184, line 8, strike ''ANNUAL'' and insert ''COMPTROLLER GENERAL''.

Page 184, line 8, strike ''The Comptroller General'' and insert ''The Comptroller General of the United States''.

Page 184, line 9, strike ''an annual'' and insert ''a biennial''.

Page 194, strike line 20 and all that follows through page 195, line 6, and insert the following:

''(f) DEFINITIONS.—In this section:

''(1) REGIONAL INNOVATION CLUSTER.—The term 'regional innovation cluster' means a geographically bounded network of similar, synergistic, or complementary entities that—

''(A) are engaged in or with a particular industry sector;

''(B) have active channels for business transactions and communication;

''(C) share specialized infrastructure, labor markets, and services; and

''(D) leverage the region's unique competitive strengths to stimulate innovation and create jobs.

''(2) STATE.—The term 'State' means one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

Page 198, lines 13 and 14, strike ''Department of Energy'' and insert ''Office of Science''.

Page 219, lines 7 and 8, strike ''Director'' and insert ''Secretary''.

Page 229, line 7, strike ''shall'' and insert ''may''.

Page 231, lines 13 through 17, amend subparagraph (F) to read as follows:

(F) in paragraph (3)(B), as so redesignated by subparagraph (A) of this paragraph, by striking ''not less than 70, and not more than 120,'' and inserting ''not more than 120''; and

Page 232, line 1, strike ''managers'' and insert ''directors''.

Page 238, line 24, insert ''In selecting consortia, the Secretary shall consider the information a consortium must disclose according to subsection (b), as well as any existing facilities a consortium will provide for Hub activities.'' after ''selection processes.''.

Page 245, lines 12 through 24, amend section 702 to read as follows:

SEC. 702. PERSONS WITH DISABILITIES.

For the purposes of the activities and programs supported by this Act and the amendments made by this Act—

(1) institutions of higher education chartered to serve large numbers of students with disabilities, including Gallaudet University, Landmark College, and the National Technical Institute for the Deaf, and institutions of higher education offering science, technology, engineering, and mathematics research and education activities and programs that serve veterans with disabilities, shall receive special consideration in the review of any proposals by these institutions for funding under the research and education programs authorized in this Act to ensure that institutions of higher education chartered to or serving persons with disabilities benefit from such research and education activities and programs; and

(2) agencies with respect to which appropriations are authorized under this Act shall also conduct outreach to veterans with disabilities pursuing studies in science, technology, engineering, and mathematics to ensure that such veterans are aware of and benefit from the research and education activities and programs authorized by this Act.

Page 246, after line 8, insert the following new sections:

SEC. 704. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 705. LIMITATION.

No funds authorized under this Act shall be used for the employment of, or shall be received by, any individual who has been convicted of, or pleaded guilty to, a crime of child molestation, rape, or any other form of sexual assault.

SEC. 706. PROHIBITION ON LOBBYING.

Nothing in this Act shall be construed to supercede section 1913 of title 18, United States Code.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 6

¶58.21 [Roll No. 262]

AYES—417

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

Watt
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—6

Burgess
Flake
Lummis
McClintock
Nadler (NY)
Paul

NOT VOTING—13

Barrett (SC)
Carney
Cole
Davis (AL)
Garrett (NJ)
Hoekstra
Jackson Lee (TX)
Moore (WI)
Sherman
Souder
Stearns
Wamp
Waxman

So the amendment was agreed to.

¶58.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in Part B of House Report 111-479, submitted by Mr. HALL of Texas:

Strike title V.

It was decided in the negative ..... { Yeas ..... 163 Nays 258

¶58.23 [Roll No. 263]

AYES—163

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

NOES—258

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

NOT VOTING—15

Barrett (SC)
Carney
Cole
Davis (AL)
Garrett (NJ)
Hoekstra
Jackson Lee (TX)
Lewis (GA)
Lummis
Moore (WI)
Sessions
Sherman
Souder
Wamp
Watt

So the amendment was not agreed to.

¶58.24 MOMENT OF SILENCE IN MEMORY OF THE FALLEN LAW ENFORCEMENT OFFICERS

The Acting Chairman, Mr. DRIEHAUS, announced that all Members stand and observe a moment of silence in memory of the fallen law enforcement officers.

¶58.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, printed in Part B of House Report 111-479, submitted by Mr. MARKEY of Massachusetts:

Page 195, after line 11, insert the following new section:

SEC. 504. CLEAN ENERGY CONSORTIUM.

(a) PURPOSE.—The Secretary shall carry out a program to establish a Clean Energy Consortium to enhance the Nation's economic, environmental, and energy security by promoting commercial application of clean energy technology and ensuring that the United States maintains a technological lead in the development and commercial application of state-of-the-art energy technologies. To achieve these purposes the program shall leverage the expertise and resources of the university and private research communities, industry, venture capital, national laboratories, and other participants in energy innovation to support collaborative, cross-disciplinary research and development in areas not being served by the private sector in order to develop and accelerate the commercial application of innovative clean energy technologies.

(b) DEFINITIONS.—For purposes of this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology that—

(A) produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean, and other renewable energy resources (as such term is defined in section 610 of the Public Utility Regulatory Policies Act of 1978);

(B) more efficiently transmits, distributes, or stores energy;

(C) enhances energy efficiency for buildings and industry, including combined heat and power;

(D) enables the development of a Smart Grid (as described in section 1301 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381)), including integration of renewable energy resources and distributed generation, demand response, demand side management, and systems analysis;

(E) produces an advanced or sustainable material with energy or energy efficiency applications; or

(F) improves energy efficiency for transportation, including electric vehicles.

(2) CLUSTER.—The term ''cluster'' means a network of entities directly involved in the research, development, finance, and commercial application of clean energy technologies whose geographic proximity facilitates utilization and sharing of skilled human resources, infrastructure, research facilities, educational and training institutions, venture capital, and input suppliers.

(3) CONSORTIUM.—The term ''Consortium'' means a Clean Energy Consortium established in accordance with this section.

(4) PROJECT.—The term ''project'' means an activity with respect to which a Consortium provides support under subsection (e).

(5) QUALIFYING ENTITY.—The term ''qualifying entity'' means each of the following:

(A) A research university.

(B) A State or Federal institution with a focus on the advancement of clean energy technologies.

(C) A nongovernmental organization with research or technology transfer expertise in clean energy technology development.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(7) TECHNOLOGY DEVELOPMENT FOCUS.—The term ''technology development focus'' means

the unique clean energy technology or technologies in which a Consortium specializes.

(8) TRANSLATIONAL RESEARCH.—The term ''translational research'' means coordination of basic or applied research with technical applications to enable promising discoveries or inventions to achieve commercial application of energy technology.

(c) ROLE OF THE SECRETARY.—The Secretary shall—

(1) have ultimate responsibility for, and oversight of, all aspects of the program under this section;

(2) select a recipient of a grant for the establishment and operation of a Consortium through a competitive selection process;

(3) coordinate the innovation activities of the Consortium with those occurring through other Department of Energy entities, including the National Laboratories, the Advanced Research Projects Agency—Energy, Energy Innovation Hubs, and Energy Frontier Research Collaborations, and within industry, including by annually—

(A) issuing guidance regarding national energy research and development priorities and strategic objectives; and

(B) convening a conference of staff of the Department of Energy and representatives from such other entities to share research results, program plans, and opportunities for collaboration.

(d) ENTITIES ELIGIBLE FOR SUPPORT.—A consortium shall be eligible to receive support under this section if—

(1) it is composed of—

(A) 2 research universities with a combined annual research budget of $500,000,000; and

(B) 1 or more additional qualifying entities;

(2) its members have established a binding agreement that documents—

(A) the structure of the partnership agreement;

(B) a governance and management structure to enable cost-effective implementation of the program;

(C) a conflicts of interest policy consistent with subsection (e)(1)(B);

(D) an accounting structure that meets the requirements of the Department of Energy and can be audited under subsection (f)(4); and

(E) that it has an External Advisory Committee consistent with subsection (e)(3);

(3) it receives funding from States, consortium participants, or other non-Federal sources, to be used to support project awards pursuant to subsection (e);

(4) it is part of an existing cluster or demonstrates high potential to develop a new cluster; and

(5) it operates as a nonprofit organization.

(e) CLEAN ENERGY CONSORTIUM.—

(1) ROLE.—The Consortium shall support translational research activities leading to commercial application of clean energy technologies, in accordance with the purposes of this section, through issuance of awards to projects managed by qualifying entities and other entities meeting the Consortium's project criteria, including national laboratories. The Consortium shall—

(A) develop and make available to the public through the Department of Energy's Web site proposed plans, programs, project selection criteria, and terms for individual project awards under this subsection;

(B) establish conflict of interest procedures, consistent with those of the Department of Energy, to ensure that employees and designees for Consortium activities who are in decisionmaking capacities disclose all material conflicts of interest, including financial, organizational, and personal conflicts of interest;

(C) establish policies—

(i) to prevent resources provided to the Consortium from being used to displace private sector investment otherwise likely to occur, including investment from private sector entities that are members of the Consortium;

(ii) to facilitate the participation of private entities that invest in clean energy technologies to perform due diligence on award proposals, to participate in the award review process, and to provide guidance to projects supported by the Consortium; and

(iii) to facilitate the participation of parties with a demonstrated history of commercial application of clean energy technologies in the development of Consortium projects;

(D) oversee project solicitations, review proposed projects, and select projects for awards; and

(E) monitor project implementation.

(2) DISTRIBUTION OF AWARDS.—The Consortium, with prior approval of the Secretary, shall distribute awards under this subsection to support clean energy technology projects conducting translational research, provided that at least 50 percent of such support shall be provided to projects related to the Consortium's clean energy technology development focus. Upon approval by the Secretary, all remaining funds shall be available to support any clean energy technology projects conducting translational research.

(3) EXTERNAL ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Consortium shall establish an External Advisory Committee, the members of which shall have extensive and relevant scientific, technical, industry, financial, or research management expertise. The External Advisory Committee shall review the Consortium's proposed plans, programs, project selection criteria, and projects and shall ensure that projects selected for awards meet the conflict of interest policies of the Consortium. External Advisory Committee members other than those representing Consortium members shall serve for no more than 3 years. All External Advisory Committee members shall comply with the Consortium's conflict of interest policies and procedures.

(B) MEMBERS.—The External Advisory Committee shall consist of—

(i) 5 members selected by the Consortium's research universities;

(ii) 2 members selected by the Consortium's other qualifying entities;

(iii) 2 members selected at large by other External Advisory Committee members to represent the entrepreneur and venture capital communities; and

(iv) 1 member appointed by the Secretary.

(4) CONFLICT OF INTEREST.—The Secretary may disqualify an application or revoke funds distributed to the Consortium if the Secretary discovers a failure to comply with conflict of interest procedures established under paragraph (1)(B).

(f) GRANT.—

(1) IN GENERAL.—The Secretary shall make a grant under this section in accordance with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353). The Secretary shall award the grant, on a competitive basis, to 1 regional Consortium, for a term of 3 years.

(2) AMOUNT.—A grant under this subsection shall be in an amount not greater than $10,000,000 per fiscal year over the 3 years of the term of the grant.

(3) USE.—The grant distributed under this section shall be used exclusively to support project awards pursuant to subsection (e)(1) and (2), provided that the Consortium may use not more than 10 percent of the amount of such grant for its administrative expenses related to making such awards. The grant made under this section shall not be used for construction of new buildings or facilities, and construction of new buildings or facilities shall not be considered as part of the non-Federal share of a cost sharing agreement under this section.

(4) AUDIT.—The Consortium shall conduct, in accordance with such requirements as the Secretary may prescribe, an annual audit to determine the extent to which a grant distributed to the Consortium under this subsection, and awards under subsection (e), have been utilized in a manner consistent with this section. The auditor shall transmit a report of the results of the audit to the Secretary and to the Government Accountability Office. The Secretary shall include such report in an annual report to Congress, along with a plan to remedy any deficiencies cited in the report. The Government Accountability Office may review such audits as appropriate and shall have full access to the books, records, and personnel of the Consortium to ensure that the grant distributed to the Consortium under this subsection, and awards made under subsection (e), have been utilized in a manner consistent with this section.

(5) REVOCATION OF AWARDS.—The Secretary shall have authority to review awards made under this subsection and to revoke such awards if the Secretary determines that the Consortium has used the award in a manner not consistent with the requirements of this section.

It was decided in the affirmative ..... { Yeas ..... 254 / Nays 173

¶58.26 [Roll No. 264]

AYES—254

Ackerman	Dingell	Kirkpatrick (AZ)
Adler (NJ)	Doggett	Kissell
Altmire	Donnelly (IN)	Klein (FL)
Andrews	Doyle	Kosmas
Arcuri	Driehaus	Kratovil
Baca	Edwards (MD)	Kucinich
Baird	Edwards (TX)	Langevin
Baldwin	Ellison	Larsen (WA)
Barrow	Ellsworth	Larson (CT)
Bean	Engel	Lee (CA)
Becerra	Eshoo	Levin
Berkley	Etheridge	Lewis (GA)
Berman	Faleomavaega	Lipinski
Berry	Farr	Loebsack
Bishop (GA)	Fattah	Lofgren, Zoe
Bishop (NY)	Filner	Lowey
Blumenauer	Foster	Luján
Boccieri	Frank (MA)	Lynch
Bordallo	Fudge	Maffei
Boren	Garamendi	Maloney
Boswell	Giffords	Markey (CO)
Boucher	Gonzalez	Markey (MA)
Boyd	Gordon (TN)	Marshall
Brady (PA)	Grayson	Matheson
Braley (IA)	Green, Al	Matsui
Bright	Green, Gene	McCarthy (NY)
Brown, Corrine	Grijalva	McCollum
Butterfield	Gutierrez	McDermott
Capps	Hall (NY)	McGovern
Capuano	Halvorson	McIntyre
Carnahan	Hare	McMahon
Carson (IN)	Harman	McNerney
Castor (FL)	Hastings (FL)	Meek (FL)
Chandler	Heinrich	Meeks (NY)
Childers	Herseth Sandlin	Melancon
Christensen	Higgins	Michaud
Chu	Hill	Miller (NC)
Clarke	Himes	Miller, George
Clay	Hinchey	Minnick
Cleaver	Hinojosa	Mitchell
Clyburn	Hirono	Mollohan
Cohen	Hodes	Moore (KS)
Connolly (VA)	Holden	Moore (WI)
Conyers	Holt	Moran (VA)
Cooper	Honda	Murphy (CT)
Costello	Hoyer	Murphy (NY)
Courtney	Inslee	Murphy, Patrick
Crowley	Israel	Nadler (NY)
Cuellar	Jackson (IL)	Napolitano
Cummings	Johnson (GA)	Neal (MA)
Dahlkemper	Johnson (IL)	Norton
Davis (CA)	Johnson, E. B.	Nye
Davis (IL)	Kagen	Oberstar
Davis (TN)	Kanjorski	Obey
DeFazio	Kaptur	Olver
DeGette	Kennedy	Ortiz
Delahunt	Kildee	Owens
DeLauro	Kilpatrick (MI)	Pallone
Deutch	Kilroy	Pascrell
Dicks	Kind	Pastor (AZ)

Payne
Perlmutter
Perriello
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—173

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

NOT VOTING—9

Barrett (SC)
Carney
Cole
Davis (AL)
Garrett (NJ)
Hoekstra
Jackson Lee (TX)
Souder
Wamp

So the amendment was agreed to.

¶58.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 12, printed in Part B of House Report 111-479, submitted by Mr. George MILLER of California:

Page 246, after line 8, add the following new section:

SEC. 704. INFORMATION REQUESTS BY LABOR ORGANIZATIONS.

(a) ELIGIBILITY FOR FUNDS.—Notwithstanding any other provision of this Act, a public institution of higher education that employs employees who are represented by a labor organization and perform work on an activity or program supported by this Act or an amendment made by this Act shall be eligible to receive funding for facilities and administrative costs for any activity or program supported by this Act or the amendments made by this Act only if the institution maintains a policy that meets the requirements set forth in subsection (b).

(b) REQUIREMENTS.—A policy described under subsection (a) shall require that the institution provide, within 15 days of receipt of a request by a labor organization representing the employees of the institution described in subsection (a), any information which the labor organization has a lawful right to obtain under applicable labor laws. Such a policy shall provide that, on a case-by-case basis, such 15 days may be extended to a longer time period by mutual agreement of the labor organization and the institution.

(c) FAILURE TO COMPLY WITH POLICY.—

(1) COMPLAINT OF NONCOMPLIANCE.—In the case of an institution of higher education that does not provide information requested by a labor organization in compliance with the requirements of a policy described in subsections (a) and (b), the labor organization may file a complaint of noncompliance with the head of the agency overseeing any activity or program supported by this Act or the amendments made by this Act for which the institution is receiving funds.

(2) NOTIFICATION TO INSTITUTION.—Upon receiving such a complaint, the head of such agency shall notify the institution of the complaint and provide the institution an additional 30 days to provide the requested information to the labor organization or otherwise explain why the complaint of non-compliance is not valid.

(3) AGENCY ACTION.—If the information has not been provided by the institution at the conclusion of such 30 day period and the head of such agency determines the complaint to be valid, the head of such agency shall suspend payment of any funds for facilities and administrative costs that would otherwise be available to such institution for all activities and programs supported by this Act and the amendments made by this Act until such time as the requested information has been provided by the institution.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''institution of higher education'' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), except that such term does not include a private institution of higher education; and

(2) the term ''facilities and administrative costs'' means facilities and administrative (F&A) costs as defined in the Office of Management and Budget Revised Circular A–21 (Cost Principles for Educational Institutions, published in the Federal Register on May 10, 2004).

(e) EFFECTIVE DATE.—This section shall take effect on January 1, 2011.

It was decided in the affirmative ..... { Yeas ..... 250 / Nays 174

¶58.28 [Roll No. 265]

AYES—250

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

NOES—174

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)

Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Conaway
Cooper
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Barrett (SC)
Carney
Cole
Davis (AL)
Franks (AZ)
Hoekstra
Jackson Lee (TX)
Radanovich
Sanchez, Loretta
Souder
Wamp
Waters

So the amendment was agreed to.

¶58.29 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 13, printed in Part B of House Report 111-479, submitted by Mr. REYES:

Page 128, line 21, strike ''; and'' and insert a semicolon.

Page 128, after line 25, insert the following new subparagraph:

(E) describe the approaches that will be taken by each participating agency to conduct outreach designed to promote widespread public understanding of career opportunities in the STEM fields specific to the workforce needs of each agency, including outreach to women, Latinos, African-Americans, Native Americans, and other students from groups underrepresented in STEM;

Page 129, line 6, strike the period and insert ''; and''.

Page 129, after line 6, insert the following new paragraph:

(4) establish and maintain a publically accessible online database of all federally sponsored STEM education programs and activities at all levels and for all audiences, including students, teachers, and the general public.

It was decided in the affirmative ..... { Yeas ..... 413 / Nays 10

¶58.30 [Roll No. 266]

AYES—413

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

NOES—10

Broun (GA)
Burgess
Flake
Johnson, Sam
McClintock
Miller, Gary
Rohrabacher
Royce
Sessions
Young (AK)

NOT VOTING—13

Barrett (SC)
Carney
Cole
Davis (AL)
Gingrey (GA)
Hoekstra
Jackson Lee (TX)
Olver
Radanovich
Smith (NJ)
Souder
Wamp
Waters

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. GARAMENDI, assumed the Chair.

When Mr. DRIEHAUS, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶58.31 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

¶58.32 LORD'S RESISTANCE ARMY DISARMAMENT AND NORTHERN UGANDA RECOVERY

Mr. ENGEL moved to suspend the rules and pass the bill of the Senate (S. 1067) to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

The SPEAKER pro tempore, Mr. GARAMENDI, recognized Mr. ENGEL

and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. GARAMENDI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶58.33 UNITED KINGDOM AND UNITED STATES

Mr. ENGEL moved to suspend the rules and agree to the following resolution (H. Res. 1303); as amended:

Whereas the Magna Carta, which subjected the English monarch and the English people to the rule of law and is considered one of the most important documents in the legal history of the United Kingdom and the United States, was recognized in 1957 by the American Bar Association for its importance to United States law and constitutionalism and remains on permanent display at the National Archives and Records Administration Building in Washington, DC;

Whereas the English philosopher John Locke, through his monumental works on social contract theory and natural law entitled ''An Essay Concerning Human Understanding'', ''First Treatise on Government'', and ''Second Treatise on Government'', greatly influenced the American Revolution;

Whereas Scottish economist Adam Smith's ''Wealth of Nations'' greatly contributed to the competition and free market principles of the United States;

Whereas the English lawyer Sir William Blackstone's ''Commentaries on the Laws of England'' had a lasting influence on the development of United States common law and legal institutions;

Whereas the arrival of more than 1,500,000 members of the United States Armed Forces in the United Kingdom in the 1940s was a turning point in World War II that further solidified the close friendship between the United Kingdom and the United States;

Whereas Sir Winston Churchill, who heroically and skillfully guided the United Kingdom through World War II, articulated the close ties between the United Kingdom and the United States when he was recognized by becoming the first Honorary Citizen of the United States on April 9, 1963, stating, ''In this century of storm and tragedy I contemplate with high satisfaction the constant factor of the interwoven and upward progress of our peoples. Our comradeship and our brotherhood in war were unexampled. We stood together, and because of that fact the free world now stands. Nor has our partnership any exclusive nature: the Atlantic community is a dream that can well be fulfilled to the detriment of none and to the enduring benefit and honour of the great democracies.'';

Whereas, on August 14, 1941, President Franklin Delano Roosevelt and Prime Minister Winston Churchill agreed to the Atlantic Charter which set forward principles meant to serve as the precursor for the formation of the United Nations;

Whereas when Sir Winston Churchill resigned from his second tour of duty as Prime Minister of the United Kingdom, he warned his cabinet to ''never be separated from the Americans'';

Whereas the United Kingdom and the United States were founding Members of the North Atlantic Treaty Organization and were 2 of the original 12 countries to sign the North Atlantic Treaty on April 4, 1949, in Washington, DC;

Whereas the special relationship between the United Kingdom and the United States was further strengthened by the coordination of Prime Minister Margaret Thatcher and President Ronald Reagan whose firm opposition to communism ultimately led to the fall of the Union of Soviet Socialist Republics and the Iron Curtain;

Whereas after the September 11, 2001, attacks, Prime Minister Tony Blair immediately flew to the United States to express solidarity with the United States, and President George W. Bush declared in a speech before Congress that the United States ''has no truer friend than Great Britain'';

Whereas the United Kingdom joined forces with the United States against the Taliban in Afghanistan as part of Operation Enduring Freedom from the first attacks in October 2001 and permitted the United States to fly missions from Diego Garcia, part of the British Indian Ocean Territory;

Whereas, as of March 15, 2010, a total of 273 United Kingdom military and civilian personnel have died while serving in Afghanistan since the start of operations;

Whereas there are approximately 1,700 United Kingdom military and civilian personnel currently deployed to assist with the military and reconstruction efforts in Iraq;

Whereas since 2003 the United Kingdom has pledged 744,000,000 British pounds toward reconstruction efforts in Iraq;

Whereas 179 United Kingdom military and civilian personnel have died in Iraq since the beginning of the campaign in March 2003;

Whereas, on August 17, 2006, the United States and the United Kingdom introduced a draft United Nations Security Council resolution for the ''expeditious deployment'' of a United Nations peacekeeping force in Darfur, Sudan, and since have worked collaboratively to press for full implementation of the United Nations-Africa Union Mission in Darfur (UNAMID) mandate;

Whereas the United Kingdom Foreign & Commonwealth Office reports that the United States is the largest source of foreign direct investment in the United Kingdom's economy, while the United Kingdom is the largest single investor in the United States economy and, according to the United States Trade Representative, the United Kingdom is one of the European Union countries with the largest foreign direct investment in the United States; and

Whereas the United Kingdom and the United States share a commitment to free speech, democracy, and the rule of law based on the rich history of a longstanding friendship and shared ideals: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the special relationship between the United Kingdom and the United States;

(2) expresses sincere gratitude to the people of the United Kingdom for their generosity, camaraderie, and cooperation with the people of the United States in military operations, foreign assistance, and other joint efforts throughout the world;

(3) acknowledges the importance of the United Kingdom's political philosophy, law, and history on the cultural, political, and legal institutions of the United States; and

(4) looks forward to continued, deepening ties of friendship between the peoples of the United Kingdom and the United States.

The SPEAKER pro tempore, Mr. GARAMENDI, recognized Mr. ENGEL and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. DEUTCH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution recognizing the special relationship and historic ties between the United Kingdom and the United States.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶58.34 COMMUNITY OF DEMOCRACIES

Mr. ENGEL moved to suspend the rules and agree to the following resolution (H. Res. 1143); as amended:

Whereas the Community of Democracies is a global intergovernmental organization of democratic countries which aims to promote democracy and strengthen democratic norms and institutions around the world;

Whereas the Community of Democracies was founded in June 2000 at a ministerial conference in Warsaw, Poland;

Whereas the Warsaw Conference was convened upon the initiative of then-Secretary of State Madeleine Albright and then-Minister of Foreign Affairs of Poland Bronislaw Geremek;

Whereas delegations from 106 countries signed the final declaration of the Warsaw Conference on June 27, 2000, endorsing an agreed list of core democratic principles and practices, and committing themselves to the promotion of those principles and practices;

Whereas since the Warsaw Conference, there have been four subsequent ministerial conferences of the Community of Democracies in Seoul, Korea, in November 2002, Santiago, Chile, in April 2005, Bamako, Mali, in November 2007, and Lisbon, Portugal, in July 2009;

Whereas since its founding the Community of Democracies has been guided by a Convening Group, today consisting of Cape Verde, Chile, Czech Republic, El Salvador, India, Italy, Lithuania, Mali, Mexico, Mongolia, Morocco, Philippines, Poland, Portugal, South Africa, South Korea, and the United States;

Whereas in June 2009, Lithuania assumed the Presidency of the Community of Democracies for a two-year term;

Whereas upon the initiative of the Government of Poland, the Community of Democracies established a Permanent Secretariat in Warsaw in January 2009, with the goal of strengthening the institution and enabling it to more effectively fulfill its mission of promoting democracy worldwide;

Whereas the Permanent Secretariat in Warsaw has established itself as a vibrant institution of the Community of Democracies, with an active agenda and effective operation;

Whereas under the leadership of the Convening Group, the Lithuanian Presidency,

the Permanent Secretariat, and the International Steering Committee, the Community of Democracies has mounted recent efforts to promote democracy in such countries as Iran, Burma, and Afghanistan, and passed resolutions, issued position statements, and committed itself further to missions assisting democratic advancement in those countries and societies which desire it; and

Whereas on the 10th anniversary of the Warsaw Conference, the Community of Democracies will convene in Krakow, Poland, to re-launch the Community and adopt a work program to advance democracy worldwide: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Community of Democracies for its achievements since it was founded in 2000;

(2) applauds the recent establishment of the Permanent Secretariat of the Community of Democracies and expresses its appreciation to the Government of Poland for the support it has extended to the Permanent Secretariat and for hosting it in Warsaw;

(3) appreciates the energy and initiative that the Lithuanian Presidency has committed to the Community of Democracies and its Working Groups; and

(4) extends its best wishes for the success of the Community's ongoing efforts to promote democracy worldwide, and of the Krakow Conference, which will be held on the 10th anniversary of the founding of the Community of Democracies.

The SPEAKER pro tempore, Mr. DEUTCH, recognized Mr. ENGEL and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. DEUTCH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶58.35 ANTI-TUBERCULOSIS PROGRAMS

Mr. ENGEL moved to suspend the rules and agree to the following resolution (H. Res. 1155); as amended:

Whereas tuberculosis (hereafter in this preamble referred to as ''TB'') is the second leading fatal global infectious disease behind HIV/AIDS, claiming 1,800,000 million lives each year;

Whereas the global TB pandemic and the spread of drug resistant TB present a persistent public health threat to the United States;

Whereas according to 2009 data of the World Health Organization, 5 percent of all new TB cases are drug resistant;

Whereas TB is the leading killer of people with HIV/AIDS;

Whereas TB is the third leading killer of adult women, and the stigma associated with TB disproportionately affects women, causing them to delay seeking care and interfering with treatment adherence;

Whereas the Institute of Medicine (IOM) found that the resurgence of TB between 1980 and 1992 was caused by cuts in TB control funding and the spread of HIV/AIDS;

Whereas, although the numbers of TB cases in the United States continue to decline, progress towards TB elimination has slowed, and it is a disease that does not recognize borders;

Whereas New York City had to spend over $1,000,000,000 to control a multi-drug resistant TB outbreak between 1989 and 1993;

Whereas an extensively drug resistant form of TB, known as XDR-TB (hereafter referred to in this preamble as ''XDR-TB)''), is very difficult and expensive to treat and has high and rapid fatality rates, especially among HIV/AIDS patients;

Whereas the United States has had more than 83 cases of XDR-TB over the last decade;

Whereas the Centers for Disease Control and Prevention estimated in 2009 that it costs $483,000 to treat a single case of XDR-TB;

Whereas African Americans are 8 times more likely to have TB than Caucasians, and significant disparities exist among other United States minorities, including Native Americans, Asian Americans, and Hispanic Americans;

Whereas, although drugs, diagnostics and vaccines for TB exist, these technologies are antiquated and are increasingly inadequate for controlling the global epidemic;

Whereas the most commonly used TB diagnostic in the world, sputum microscopy, is more than 100 years old and lacks sensitivity to detect TB in most HIV/AIDS patients and in children;

Whereas current tests to detect drug resistance take at least 1 month to complete and faster drug susceptibility tests must be developed to stop the spread of drug resistant TB;

Whereas the TB vaccine, BCG, provides some protection to children, but has little or no efficacy in preventing pulmonary TB in adults;

Whereas there is also a critical need for new TB drugs that can safely be taken concurrently with antiretroviral therapy for HIV;

Whereas enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 and the Comprehensive TB Elimination Act provide an historic United States commitment to the global eradication of TB, including to the successful treatment of 4,500,000 new TB patients and 90,000 new multi-drug resistant (MDR) TB cases by 2013, while providing additional treatment through coordinated multilateral efforts;

Whereas the United States Agency for International Development provides financial and technical assistance to nearly 40 highly-burdened TB countries and supports the development of new diagnostic and treatment tools, and is authorized to support research to develop new vaccines to combat TB;

Whereas the Centers for Disease Control and Prevention, working in partnership with States and territories of the United States, directs the national TB elimination program and essential national TB surveillance, technical assistance, prevention activities and supports the development of new diagnostic, treatment and prevention tools to combat TB;

Whereas the National Institutes of Health, through its many institutes and centers, plays the leading role in basic and clinical research into the identification, treatment and prevention of TB;

Whereas the Global Fund to Fight AIDS, Tuberculosis and Malaria provides 63 percent of all international financing for TB programs worldwide and finances proposals worth $3,200,000,000 in 112 countries, and TB treatment for 6,000,000 and HIV/TB services for 1,800,000, and in many countries in which the Global Fund supports programs, TB prevalence is declining, as are TB mortality rates; and

Whereas March 24, 2010, is World Tuberculosis Day, a day that commemorates the date in 1882 when Dr. Robert Koch announced his discovery of Mycobacterium tuberculosis, the bacteria that causes tuberculosis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of World TB Day to raise awareness about tuberculosis;

(2) commends the progress made by United States-led anti-tuberculosis programs; and

(3) reaffirms its commitment to global tuberculosis control made through the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

The SPEAKER pro tempore, Mr. DEUTCH, recognized Mr. ENGEL and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. DEUTCH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶58.36 PRESIDENT'S EXPORT COUNCIL

The SPEAKER pro tempore, Mr. DEUTCH, pursuant to Executive Order 12131, and the order of the House of January 6, 2009, announced that the Speaker appointed the following Members of the House to the President's Export Council: Messrs. REICHERT, and TIBERI.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶58.37 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO IRAQ

The SPEAKER pro tempore, Mr. DEUTCH, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, continuing the national emergency with respect to the stabilization of Iraq. This notice states that the national emergency with respect to the stabilization of Iraq declared in Executive Order 13303 of May 22, 2003, as

modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, is to continue in effect beyond May 22, 2010.

Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to this threat and maintain in force the measures taken to deal with that national emergency.

The Iraqi government continues to take steps to resolve debts and settle claims arising from the actions of the previous regime. Before the end of the year, my Administration will review the Iraqi government's progress on resolving these outstanding debts and claims, as well as other relevant circumstances, in order to determine whether the prohibitions contained in Executive Order 13303 of May 22, 2003, as amended by Executive Order 13364 of November 29, 2004, on any attachment, judgment, decree, lien, execution, garnishment, or other judicial process with respect to the Development Fund for Iraq, the accounts, assets, and property held by the Central Bank of Iraq, and Iraqi petroleum-related products, should continue in effect beyond December 31, 2010, which are in addition to the sovereign immunity ordinarily provided to Iraq as a sovereign nation under otherwise applicable law.

BARACK OBAMA.

THE WHITE HOUSE, *May 12, 2010.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–108).

¶58.38 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. DEUTCH, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 10, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, May 10, 2010 at 2:47 p.m., and said to contain a message from the President whereby he submits a proposed Agreement Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶58.39 ATOMIC ENERGY AGREEMENT BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the ''Act''), the text of a proposed Agreement Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy (the ''Agreement''). I am also pleased to transmit my written approval of the proposed Agreement and determination that the proposed Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security, together with a copy of an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. In accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), classified annexes to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.

The proposed Agreement was signed in Moscow on May 6, 2008. Former President George W. Bush approved the Agreement and authorized its execution, and he made the determinations required by section 123 b. of the Act. (Presidential Determination 2008–19 of May 5, 2008, 73 FR 27719 (May 14, 2008)).

On May 13, 2008, President Bush transmitted the Agreement, together with his Presidential Determination, an unclassified NPAS, and classified annex, to the Congress for review (see House Doc. 110–112, May 13, 2008). On September 8, 2008, prior to the completion of the 90-day continuous session review period, he sent a message informing the Congress that ''in view of recent actions by the Government of the Russian Federation incompatible with peaceful relations with its sovereign and democratic neighbor, Georgia,'' he had determined that his earlier determination (concerning performance of the proposed Agreement promoting, and not constituting an unreasonable risk to, the common defense and security) was no longer effective. He further stated that if circumstances should permit future reconsideration by the Congress, a new determination would be made and the proposed Agreement resubmitted.

After review of the situation and of the NPAS and classified annex, I have concluded: (1) that the situation in Georgia need no longer be considered an obstacle to proceeding with the proposed Agreement; and (2) that the level and scope of U.S.-Russia cooperation on Iran are sufficient to justify resubmitting the proposed Agreement to the Congress for the statutory review period of 90 days of continuous session and, absent enactment of legislation to disapprove it, taking the remaining steps to bring it into force.

The Secretary of State, the Secretary of Energy, and the members of the Nuclear Regulatory Commission (NRC) have recommended that I resubmit the proposed Agreement to the Congress for review. The joint memorandum submitted to me by the Secretaries of State and Energy and a letter from the Chairman of the NRC stating the views of the Commission are enclosed.

I have considered the views and recommendations of the interested departments and agencies in reviewing the proposed Agreement, and have determined that performance of the proposed Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the proposed Agreement and urge the Congress to give the proposed Agreement favorable consideration.

My reasons for resubmitting the proposed Agreement to the Congress for its review at this time are as follows:

The United States and Russia have significantly increased cooperation on nuclear nonproliferation and civil nuclear energy in the last 12 months, starting with the establishment of the Bilateral Presidential Commission Working Group on Nuclear Energy and Security. In our July 2009 Joint Statement on Nuclear Cooperation, Russian President Medvedev and I acknowledged the shared vision between the United States and Russia of the growth of clean, safe, and secure nuclear energy for peaceful purposes and committed to work together to bring into force the agreement for nuclear cooperation to achieve this end. The Russian government has indicated its support for a new United Nations Security Council Resolution on Iran and has begun to engage on specific resolution elements with P5 members in New York. On April 8, 2010, the United States and Russia signed an historic New START Treaty significantly reducing the number of strategic nuclear weapons both countries may deploy. On April 13, both sides signed the Protocol to amend the 2000 U.S.-Russian Plutonium Management and Disposition Agreement, which is an essential step toward fulfilling each country's commitment to effectively and transparently dispose of at least 34 metric tons of excess weapon-grade plutonium, enough for about 17,000 nuclear weapons, with more envisioned to be disposed in the future. Russia recently established an international nuclear fuel reserve in Angarsk to provide an incentive to other nations not to acquire sensitive uranium enrichment technologies. Joint U.S. and Russian leadership continue to successfully guide the Global Initiative to Combat Nuclear Terrorism as it becomes a durable international institution. The United States believes these events demonstrate significant progress in the

U.S.-Russia nuclear nonproliferation relationship and that it is now appropriate to move forward with this Agreement for cooperation in the peaceful uses of nuclear energy.

The proposed Agreement has been negotiated in accordance with the Act and other applicable laws. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Russia based on a mutual commitment to nuclear nonproliferation. It has a term of 30 years, and permits the transfer, subject to subsequent U.S. licensing decisions, of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data. Transfers of sensitive nuclear technology, sensitive nuclear facilities, and major critical components of such facilities may only occur if the Agreement is amended to cover such transfers. In the event of termination, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the Agreement.

The Russian Federation is a nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Like the United States, it has a ''voluntary offer'' safeguards agreement with the International Atomic Energy Agency (IAEA). That agreement gives the IAEA the right to apply safeguards on all source or special fissionable material at peaceful-use nuclear facilities on a list provided by Russia. The Russian Federation is also a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material. It is also a member of the Nuclear Suppliers Group, whose non-legally binding guidelines set forth standards for the responsible export of nuclear commodities for peaceful use. A more detailed discussion of Russia's domestic civil nuclear program and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and in the classified annexes to the NPAS submitted to the Congress separately.

This transmittal shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to immediately begin the consultations with the Senate Committee on Foreign Relations and House Committee on Foreign Affairs as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

BARACK OBAMA.

THE WHITE HOUSE, *May 10, 2010.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs.

¶58.40 ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1121. An Act to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes.

H.R. 1442. An Act to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909.

¶58.41 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on May 6, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 3714. An Act to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, and for other purposes.

¶58.42 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. JACKSON LEE of Texas, for today.

And then,

¶58.43 ADJOURNMENT

On motion of Mr. KING of Iowa, at 10 o'clock and 17 minutes p.m., the House adjourned.

¶58.44 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FOSTER (for himself, Mr. LIPINSKI, Mr. HARE, Mr. SHIMKUS, Mr. MANZULLO, Mr. QUIGLEY, Mr. SCHOCK, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. KIRK, Mr. COSTELLO, Ms. BEAN, Mrs. BIGGERT, Mr. JACKSON of Illinois, Mr. RUSH, Mrs. HALVORSON, Mr. JOHNSON of Illinois, Mr. ROSKAM, Ms. SCHAKOWSKY, Mr. ROHRABACHER, Mr. GARRETT of New Jersey, Mr. EHLERS, Mr. GOHMERT, Mr. HENSARLING, Mrs. DAHLKEMPER, Mr. PLATTS, Ms. KOSMAS, Mr. PAUL, Ms. MARKEY of Colorado, Mr. BARTLETT, Mr. MINNICK, Mr. JORDAN of Ohio, Mr. SENSENBRENNER, Mr. RYAN of Wisconsin, Mr. COSTA, Ms. HERSETH SANDLIN, Mr. BACHUS, Mr. FLAKE, Mr. CANTOR, Mr. MORAN of Kansas, Mr. LATOURETTE, and Mrs. BACHMANN):

H.R. 5278. A bill to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. GENE GREEN of Texas (for himself and Mr. DOGGETT):

H.R. 5279. A bill to amend the Internal Revenue Code of 1986 to provide for active qualified public safety employees to elect to be covered under the hospital insurance tax, and for other purposes; to the Committee on Ways and Means.

By Ms. GIFFORDS:

H.R. 5280. A bill to amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes; to the Committee on Armed Services.

By Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Mr. SMITH of Texas, and Mr. COBLE):

H.R. 5281. A bill to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. BARROW:

H.R. 5282. A bill to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FORTENBERRY:

H.R. 5283. A bill to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010; to the Committee on the Judiciary.

By Ms. BORDALLO:

H.R. 5284. A bill to amend the Sikes Act to improve natural resources management planning for State-owned facilities used for the national defense, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. KILDEE, Mr. PLATTS, Ms. FUDGE, and Mr. SESTAK):

H.R. 5285. A bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL:

H.R. 5286. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified tuition and related expenses; to the Committee on Ways and Means.

By Ms. CORRINE BROWN of Florida:

H.R. 5287. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf of the Atlantic Ocean and Gulf of Mexico; to the Committee on Natural Resources.

By Mr. COSTA (for himself, Mr. WELCH, Mr. COURTNEY, Mr. LARSEN of Washington, and Mr. LARSON of Connecticut):

H.R. 5288. A bill to amend the Dairy Production Stabilization Act of 1983 to establish a dairy price stabilization program; to the Committee on Agriculture.

By Ms. ESHOO (for herself and Mr. GEORGE MILLER of California):

H.R. 5289. A bill to amend the Safe Drinking Water Act to reduce lead in drinking water, and for other purposes; to the Committee on Energy and Commerce.

By Ms. GIFFORDS (for herself, Mr. BURGESS, and Mr. LARSON of Connecticut):

H.R. 5290. A bill to permit physicians and suppliers a new election to become Medicare participating physicians and suppliers if

Medicare physician fee schedule rates are extended; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of New York (for himself, Mr. CHILDERS, Mr. ROSS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CARDOZA, Ms. HARMAN, Mr. COOPER, Mr. SCHRADER, Mr. BISHOP of Georgia, Mr. PETERSON, Mr. TANNER, Mr. CARNEY, Mr. MATHESON, Mr. HILL, Ms. HERSETH SANDLIN, Mr. SHULER, Mr. CUELLAR, Mr. MCINTYRE, Ms. GIFFORDS, Mr. BRIGHT, Mr. MITCHELL, Mr. COSTA, Mr. ARCURI, Ms. MARKEY of Colorado, Mr. BOYD, Mr. MOORE of Kansas, Mr. KRATOVIL, Mr. SCHIFF, Mr. ELLSWORTH, Mr. MICHAUD, Mr. HOLDEN, Mr. CHANDLER, Mr. DAVIS of Tennessee, and Mr. DONNELLY of Indiana):

H.R. 5291. A bill to require the Joint Committee on Taxation to analyze each tax expenditure identified in its annual tax expenditure report for equity, efficiency, and ease of administration; to the Committee on Ways and Means.

By Ms. PINGREE of Maine (for herself and Mr. MICHAUD):

H.R. 5292. A bill to require the continuation of full-service operations at the commissary and exchange stores serving Naval Air Station, Brunswick, Maine; to the Committee on Armed Services.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. CARDOZA, Ms. CHU, Mrs. DAVIS of California, Mr. FARR, Mr. FILNER, Mr. GARAMENDI, Mr. HONDA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. MCCLINTOCK, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Ms. WATSON, and Ms. WOOLSEY):

H.R. 5293. A bill to designate the facility of the United States Postal Service located at 3270 Firestone Boulevard in South Gate, California, as the ''Henry C. Gonzalez Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. RANGEL:

H. Con. Res. 277. Concurrent resolution expressing the sense of Congress that Lena Horne should be recognized as one of the most outstanding American entertainers of the 20th century, who broke racial barriers and created opportunities for generations of African American performers who followed in her footsteps; to the Committee on Oversight and Government Reform.

By Mr. STARK (for himself, Mr. MCNERNEY, and Ms. LEE of California):

H. Res. 1351. A resolution congratulating Dallas Braden and the Oakland Athletics baseball team for pitching a perfect game against the Tampa Bay Rays on Mother's Day, May 9, 2010; to the Committee on Oversight and Government Reform.

By Mr. WU (for himself, Mr. HONDA, Ms. ROS-LEHTINEN, Mr. SHERMAN, Mr. ROHRABACHER, Mr. SIRES, Mr. INGLIS, Mr. GENE GREEN of Texas, Mr. DEFAZIO, Mr. HOLT, Ms. BALDWIN, Mr. MARSHALL, Mr. KIND, Mr. COURTNEY, Mr. MOORE of Kansas, Mr. ETHERIDGE, Mr. DEUTCH, Mr. BOSWELL, Mr. DONNELLY of Indiana, Ms. LORETTA SANCHEZ of California, Mr. PETRI, Mr. GONZALEZ, Mr. GARAMENDI, Mr. TONKO, Mr. PERLMUTTER, Mr. SERRANO, and Mr. GRAYSON):

H. Res. 1352. A resolution supporting the goals and ideals of Taiwanese American Heritage Week and recognizing the close relationship between the United States and Taiwan; to the Committee on Foreign Affairs.

By Mr. BISHOP of New York:

H. Res. 1353. A resolution supporting the goals and ideals of Student Financial Aid Awareness Month to raise awareness of student financial aid; to the Committee on Education and Labor.

By Mr. DAVIS of Illinois:

H. Res. 1354. A resolution honoring the John G. Shedd Aquarium on the occasion of its 80th anniversary and the 10th anniversary of its award-winning ''Amazon Rising'' exhibit; to the Committee on Natural Resources.

By Mr. KENNEDY:

H. Res. 1355. A resolution expressing the sense of the House of Representatives regarding the human rights crisis in Papua and West Papua; to the Committee on Foreign Affairs.

By Mr. SKELTON:

H. Res. 1356. A resolution recognizing the 150th anniversary of the birth of General John J. Pershing, an American military hero; to the Committee on Armed Services.

By Ms. WATSON (for herself, Ms. KAPTUR, Mr. HINCHEY, Ms. KILPATRICK of Michigan, Ms. LORETTA SANCHEZ of California, Ms. SPEIER, Mr. SHERMAN, Ms. LINDA T. SÁNCHEZ of California, Mr. BECERRA, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. BACA, Mr. REYES, Mr. HINOJOSA, Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. BARROW, Mr. CLAY, Mr. PASCRELL, Mr. CUELLAR, Mr. SCHIFF, Mr. FARR, Mr. STARK, Mrs. CAPPS, Ms. LEE of California, Ms. CHU, Ms. HARMAN, Ms. SHEA-PORTER, Mr. CAMPBELL, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. CALVERT, Mr. GALLEGLY, Mr. MCCLINTOCK, Mr. ISSA, Ms. WATERS, Mr. ROHRABACHER, Mr. BUCHANAN, Mr. BILBRAY, and Mr. RUSH):

H. Res. 1357. A resolution commending and congratulating the Hollywood Walk of Fame on the occasion of its 50th anniversary; to the Committee on Oversight and Government Reform.

¶58.45 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

276. The SPEAKER presented a memorial of the House of Representatives of the State of Idaho, relative to House Joint Memorial No. 10 urging the United States Air Force to use Idaho for its F–35 missions; to the Committee on Armed Services.

277. Also, a memorial of the House of Representatives of the State of Idaho, relative to House Joint Memorial No. 9 urging the Congress of the United States not to enact S. 787; to the Committee on Transportation and Infrastructure.

278. Also, a memorial of the House of Representatives of the State of Idaho, relative to House Joint Memorial No. 11 urging the Congress to reject all efforts to use global warming as a pretext to increase federal revenues; jointly to the Committees on Energy and Commerce and Ways and Means.

¶58.46 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. ARCURI.
H.R. 273: Mr. SMITH of Nebraska.
H.R. 275: Mr. POSEY and Mr. SCHIFF.
H.R. 537: Mr. GRAYSON.
H.R. 707: Ms. HIRONO.
H.R. 734: Mr. MATHESON and Mr. PALLONE.
H.R. 775: Mr. CLAY, Ms. CHU, and Ms. HERSETH SANDLIN.
H.R. 847: Mr. OBERSTAR.
H.R. 868: Mr. RYAN of Ohio.
H.R. 878: Mr. CALVERT.
H.R. 932: Mr. JACKSON of Illinois.
H.R. 995: Ms. CHU.
H.R. 1126: Mr. MINNICK.
H.R. 1215: Mr. CONYERS.
H.R. 1265: Mr. ISRAEL.
H.R. 1339: Ms. NORTON.
H.R. 1362: Ms. SUTTON.
H.R. 1443: Mr. HARE.
H.R. 1470: Mr. FILNER.
H.R. 1521: Mr. TOWNS.
H.R. 1547: Mr. BOUSTANY, Mr. MELANCON, and Mr. DAVIS of Illinois.
H.R. 1570: Ms. NORTON.
H.R. 1616: Mr. KILDEE.
H.R. 1691: Ms. CHU and Mr. TIBERI.
H.R. 1729: Mr. HOLT.
H.R. 1792: Mr. MARCHANT, Ms. BALDWIN, and Mr. BOUCHER.
H.R. 1806: Mr. DONNELLY of Indiana and Mr. ROTHMAN of New Jersey.
H.R. 1826: Mr. ACKERMAN.
H.R. 1844: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1884: Mr. WU, Mr. OWENS, Mr. LOBIONDO, and Mr. BRIGHT.
H.R. 2002: Mr. MORAN of Kansas.
H.R. 2067: Mr. RYAN of Ohio.
H.R. 2089: Mrs. CAPPS and Mr. MCGOVERN.
H.R. 2105: Mr. ALEXANDER.
H.R. 2112: Ms. BEAN.
H.R. 2142: Mr. PLATTS.
H.R. 2159: Ms. SHEA-PORTER and Mr. HOLT.
H.R. 2198: Mr. MANZULLO.
H.R. 2204: Mr. SMITH of Washington, Mr. BISHOP of Utah, and Mr. GRAVES.
H.R. 2381: Mr. BRADY of Pennsylvania.
H.R. 2417: Mrs. CAPPS and Mr. GRIJALVA.
H.R. 2443: Ms. NORTON and Mr. SMITH of Nebraska.
H.R. 2448: Mr. VISCLOSKY.
H.R. 2478: Mr. ROSKAM, Ms. SPEIER, and Ms. JACKSON LEE of Texas.
H.R. 2480: Mr. SCHOCK.
H.R. 2483: Ms. ZOE LOFGREN of California and Ms. WOOLSEY.
H.R. 2565: Mr. MORAN of Virginia.
H.R. 2597: Mr. MURPHY of Connecticut.
H.R. 2672: Mr. CALVERT.
H.R. 2737: Mr. DONNELLY of Indiana and Mr. GRAYSON.
H.R. 2817: Mrs. NAPOLITANO.
H.R. 2819: Mr. ROTHMAN of New Jersey.
H.R. 2906: Mr. OLVER.
H.R. 3012: Mr. FOSTER.
H.R. 3035: Mr. SERRANO.
H.R. 3116: Mr. COSTELLO and Mr. ADERHOLT.
H.R. 3151: Mr. MOORE of Kansas and Mr. COHEN.
H.R. 3421: Mr. HODES, Ms. PINGREE of Maine, and Mr. GRAYSON.
H.R. 3441: Mr. MICHAUD.
H.R. 3519: Mr. WOLF.
H.R. 3781: Mr. LUJÁN.
H.R. 3836: Mr. POLIS.
H.R. 3974: Mr. CAPUANO.
H.R. 4028: Mr. FALEOMAVAEGA.
H.R. 4038: Mr. CALVERT.
H.R. 4051: Mr. MCCOTTER.
H.R. 4133: Mr. BOUCHER.
H.R. 4155: Mr. POLIS.
H.R. 4182: Mr. NADLER of New York.
H.R. 4195: Mr. HALL of New York, Mr. JACKSON of Illinois, and Mr. WOLF.
H.R. 4199: Mr. BOSWELL and Ms. RICHARDSON.
H.R. 4241: Mr. HODES.
H.R. 4274: Mr. HINCHEY.
H.R. 4278: Ms. BALDWIN.
H.R. 4302: Mr. WELCH, Mr. MORAN of Virginia, Mr. DONNELLY of Indiana, Mr. CUMMINGS, Ms. KILROY, Mr. HONDA, Ms. SCHAKOWSKY, and Mr. HINOJOSA.

H.R. 4394: Ms. WOOLSEY and Mr. GRIJALVA.
H.R. 4399: Mr. RANGEL.
H.R. 4494: Mr. JACKSON of Illinois.
H.R. 4509: Mr. LATOURETTE.
H.R. 4530: Mr. LUJÁN.
H.R. 4594: Ms. ROYBAL-ALLARD, Mrs. KIRKPATRICK of Arizona, Ms. HARMAN, and Mr. LOEBSACK.
H.R. 4662: Mr. COHEN and Ms. WASSERMAN SCHULTZ.
H.R. 4684: Mr. CLEAVER, Mr. PLATTS, Mr. LANCE, Ms. KILPATRICK of Michigan, Mr. THOMPSON of Mississippi, and Mr. LANGEVIN.
H.R. 4710: Mr. GRIJALVA, Mr. ROTHMAN of New Jersey, and Mr. WELCH.
H.R. 4734: Mr. BISHOP of New York.
H.R. 4755: Mr. MCCOTTER.
H.R. 4761: Mr. PERRIELLO.
H.R. 4780: Mr. MILLER of Florida.
H.R. 4785: Mr. GUTHRIE.
H.R. 4788: Mr. DELAHUNT, Mr. NADLER of New York, and Ms. CHU.
H.R. 4796: Mr. ADLER of New Jersey, Mr. ROSKAM, Ms. SUTTON, Mr. HIMES, Mr. WEINER, and Mr. JONES.
H.R. 4806: Mr. ELLISON.
H.R. 4807: Mr. CALVERT.
H.R. 4844: Mr. HOLDEN.
H.R. 4846: Mr. COHEN.
H.R. 4850: Mr. PAYNE and Mr. HARE.
H.R. 4856: Mr. HOLDEN.
H.R. 4868: Mr. JACKSON of Illinois and Mr. BRADY of Pennsylvania.
H.R. 4888: Ms. ZOE LOFGREN of California.
H.R. 4933: Mr. FARR and Ms. WATERS.
H.R. 4985: Mr. KINGSTON and Mr. STEARNS.
H.R. 5008: Mr. DONNELLY of Indiana.
H.R. 5015: Mr. JOHNSON of Georgia.
H.R. 5034: Mr. PALLONE, Mr. BROWN of South Carolina, Mr. BROUN of Georgia, Mr. THOMPSON of Pennsylvania, Mr. SPACE, Mr. SCHOCK, Mr. POMEROY, Mr. CAPUANO, Mr. SIMPSON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. POSEY, Mr. GARY G. MILLER of California, Mr. GONZALEZ, Mr. RUSH, Ms. WASSERMAN SCHULTZ, and Mr. TIM MURPHY of Pennsylvania.
H.R. 5035: Mr. TAYLOR.
H.R. 5040: Mr. KILDEE.
H.R. 5041: Mr. PETERS, Mr. SPACE, Ms. WASSERMAN SCHULTZ, Mr. PASCRELL, and Ms. DELAURO.
H.R. 5043: Mrs. NAPOLITANO.
H.R. 5084: Mr. CARNEY.
H.R. 5091: Ms. FUDGE.
H.R. 5092: Mr. REICHERT, Mr. MCINTYRE, Mr. BARRETT of South Carolina, Mr. TAYLOR, Mr. QUIGLEY, Mr. CHANDLER, Mr. FALEOMAVAEGA, Mr. MARCHANT, Mr. FRANK of Massachusetts, Mr. MEEKS of New York, Mr. CRENSHAW, Mr. SHADEGG, Mr. BISHOP of Georgia, Mr. PUTNAM, Mr. BONNER, Mr. TERRY, Mr. WITTMAN, and Mr. HELLER.
H.R. 5118: Mr. LUCAS.
H.R. 5141: Mr. BOOZMAN, Mr. BURTON of Indiana, Mr. LAMBORN, and Mr. PAUL.
H.R. 5145: Mr. DONNELLY of Indiana.
H.R. 5163: Mr. ARCURI and Mr. TIM MURPHY of Pennsylvania.
H.R. 5164: Mr. ARCURI and Mr. TIM MURPHY of Pennsylvania.
H.R. 5175: Ms. LORETTA SANCHEZ of California, Mr. HIMES, and Mrs. DAVIS of California.
H.R. 5200: Mr. MORAN of Virginia.
H.R. 5206: Mr. DOGGETT.
H.R. 5207: Mr. GUTHRIE and Mr. GERLACH.
H.R. 5211: Mr. POLIS and Mr. ETHERIDGE.
H.R. 5222: Mr. GARAMENDI.
H.R. 5234: Mr. HOLDEN.
H.R. 5235: Mr. JONES and Mr. POSEY.
H.R. 5236: Ms. KILPATRICK of Michigan.
H.R. 5241: Mr. THOMPSON of California, Ms. HARMAN, Ms. ROS-LEHTINEN, Ms. WOOLSEY, Mr. LANGEVIN, Mr. KENNEDY, Mr. WELCH, Mr. GARAMENDI, and Mr. FILNER.
H.R. 5244: Mr. SABLAN.
H.R. 5268: Mr. ELLISON, Mr. PAYNE, Ms. WATSON, Ms. SLAUGHTER, Ms. KILROY, and Mr. HONDA.
H.J. Res. 76: Mr. BOYD.
H.J. Res. 77: Mr. TURNER.
H. Con. Res. 240: Mr. JACKSON of Illinois.
H. Con. Res. 266: Mr. BRADY of Pennsylvania and Mrs. LUMMIS.
H. Con. Res. 273: Ms. GRANGER, Mr. LATTA, Mr. POSEY, Mrs. LUMMIS, Mr. BISHOP of Utah, Mr. MARCHANT, Mr. MCCLINTOCK, Mr. SHIMKUS, Mr. BARTLETT, Mr. HALL of Texas, Mr. CAMPBELL, Mr. FRANKS of Arizona, Mr. HUNTER, Mr. PITTS, Mr. NEUGEBAUER, Mr. OLSON, Mr. KING of Iowa, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. BURTON of Indiana, and Mr. AKIN.
H. Con. Res. 275: Ms. GIFFORDS, Mr. HASTINGS of Florida, Mr. SERRANO, Mr. SCOTT of Virginia, Mr. HIMES, Ms. DELAURO, Mr. JACKSON of Illinois, Ms. KILROY, Mr. VAN HOLLEN, Mr. PETERSON, Mr. SABLAN, and Mr. HODES.
H. Res. 111: Mr. COLE and Mr. HEINRICH.
H. Res. 173: Mr. GENE GREEN of Texas.
H. Res. 287: Mr. QUIGLEY.
H. Res. 536: Mrs. MILLER of Michigan and Mr. LATHAM.
H. Res. 584: Mr. PAUL, Mr. MOORE of Kansas, Mr. HINOJOSA, Mr. THOMPSON of Mississippi, Mr. POSEY, and Mr. CHILDERS.
H. Res. 611: Ms. KILROY.
H. Res. 764: Mr. BURTON of Indiana.
H. Res. 873: Mr. CROWLEY and Mr. ROYCE.
H. Res. 989: Mr. MORAN of Virginia, Mr. FALEOMAVAEGA, Mr. CLEAVER, and Mr. JACKSON of Illinois.
H. Res. 1073: Mr. VISCLOSKY, Mr. COLE, Mr. SHUSTER, Mr. LATHAM, Mr. DEFAZIO, and Mr. TIAHRT.
H. Res. 1110: Ms. BORDALLO, Mr. PUTNAM, Mr. LOEBSACK, Mr. SHIMKUS, Mr. HARE, Mr. LAMBORN, Mr. KILDEE, Mr. LEE of New York, Mr. CARTER, Mr. GRIFFITH, Mr. THORNBERRY, Mr. FORTENBERRY, Mr. NEUGEBAUER, Mr. BUCHANAN, Mr. HERGER, Mr. DENT, Mr. ROGERS of Alabama, Mr. FRANKS of Arizona, Mr. HELLER, Mrs. MILLER of Michigan, Mr. TERRY, Ms. GRANGER, Mrs. CAPITO, Mr. CAMP, Mr. BOOZMAN, Mr. MARIO DIAZ-BALART of Florida, and Mr. SHUSTER.
H. Res. 1196: Mr. CULBERSON.
H. Res. 1245: Mr. CALVERT.
H. Res. 1250: Mr. COHEN.
H. Res. 1251: Mr. BOOZMAN and Mr. YOUNG of Alaska.
H. Res. 1258: Ms. EDWARDS of Maryland, Mr. BISHOP of New York, and Mr. PRICE of North Carolina.
H. Res. 1261: Mr. BISHOP of New York.
H. Res. 1291: Mrs. HALVORSON and Mr. TIM MURPHY of Pennsylvania.
H. Res. 1303: Mr. LUETKEMEYER and Mr. WILSON of South Carolina.
H. Res. 1326: Mr. ROTHMAN of New Jersey, Mr. WOLF, Mr. CAO, Mr. FALEOMAVAEGA, Mr. BURTON of Indiana, and Mr. INGLIS.
H. Res. 1335: Mr. MARKEY of Massachusetts.
H. Res. 1338: Mr. FILNER.
H. Res. 1346: Mr. MANZULLO, Mr. GERLACH, Mr. DENT, Mr. CAMPBELL, Mr. LEE of New York, Mrs. BACHMANN, Mr. OLSON, Ms. GRANGER, and Mr. MARIO DIAZ-BALART of Florida.

THURSDAY, MAY 13, 2010 (59)

¶59.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. JACKSON LEE of Texas, who laid before the House the following communication:

WASHINGTON, DC,
May 13, 2010.

I hereby appoint the Honorable SHEILA JACKSON LEE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶59.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, announced she had examined and approved the Journal of the proceedings of Wednesday, May 12, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶59.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7460. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2009-10 Crop Natural (Sun-Dried) Seedless Raisins [Doc. No.: AMS-FV-09-0075 and FV10-989-1 IFR] received May 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7461. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1116] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7462. A letter from the Managing Associate General Counsel, Government Accountability Office, transmitting a report on the major rule from the Environmental Protection Agency entitled ''National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines''; to the Committee on Energy and Commerce.

7463. A letter from the Assistant Director for Policy, Department of the Treasury, transmitting the Department's final rule — Somalia Sanctions Regulations received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7464. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-400, ''OTO Hotel at Constitution Square Economic Development Act of 2010''; to the Committee on Oversight and Government Reform.

7465. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-397, ''Bonus and Special Pay Clarification Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7466. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-395, ''Neighborhood Supermarket Tax Relief Clarification Act of 2010''; to the Committee on Oversight and Government Reform.

7467. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-396 ''Anti-Graffiti Act of 2010''; to the Committee on Oversight and Government Reform.

7468. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-394, ''Department of Parks and Recreation Capital Construction Mentorship Program Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7469. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-383, ''Uniform Emergency Volunteer Health Practitioners Act of 2010''; to the Committee on Oversight and Government Reform.

7470. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Collection of Administrative Debts; Collection of Debts Arising from Enforcement and Administration of Campaign Finance Laws [Notice 2010-10] received April 14, 2010, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on House Administration.

7471. A letter from the Secretary, Department of Health and Human Services, transmitting annual report on the Indian Health Service Funding for contract support Costs of self-determination awards for Fiscal Year 2008, pursuant to Public Law 93-638, section 106(c); to the Committee on Natural Resources.

7472. A letter from the Chief Justice, Supreme Court of the United States, transmitting Amendments To The Federal Rules of Criminal Procedure, pursuant to 28 U.S.C. 2074; (H. Doc. No. 111—110); to the Committee on the Judiciary and ordered to be printed.

7473. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 111—111); to the Committee on the Judiciary and ordered to be printed.

7474. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2074; (H. Doc. No. 111—112); to the Committee on the Judiciary and ordered to be printed.

7475. A letter from the Chief Jusstice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Evidence that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 111—113); to the Committee on the Judiciary and ordered to be printed.

7476. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendment to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. 111—114); to the Committee on the Judiciary and ordered to be printed.

7477. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ending June 30, 2009, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

7478. A letter from the Assistant Attorney General, Department of Justice, transmitting the semi-annual report of the Attorney General concerning enforcement actions taken by the Department under the Lobbying Disclosure Act, Public Law 104-65, as amended by Public Law 110-81, codified at 2 U.S.C. Sec. 1605(b)(1) for the semi-annual period beginning on January 1, 2009; to the Committee on the Judiciary.

7479. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, and A340-300 Series Airplanes [Docket No.: FAA-2009-1108; Directorate Identifier 2009-NM-131-AD; Amendment 39-16260; AD 2010-08-05] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7480. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model 340-500 and -600 Series Airplanes [Docket No.: FAA-2010-0282; Directorate Identifier 2009-NM-140-AD; Amendment 39-16262; AD 2010-08-07] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7481. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Oxnard, CA [Docket No.: FAA-2009-1009; Airspace Docket No. 09-AWP-11] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7482. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; North Bend, OR [Docket No.: FAA-2009-0831; Airspace Docket No. 09-ANM-13] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7483. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Low Altitude Area Navigation Route T-254; Houston, TX [Docket No.: FAA-2010-0015; Airspace Docket No. 09-ASW-18] (RIN: 2120-AA66) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7484. A letter from the Parlaegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Rifle, CO [Docket No.: FAA-2009-1014; Airspace Docket No. 09-ANM-10] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7485. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Altus, OK [Docket No.: FAA-2009-0405; Airspace Docket No. 09-ASW-17] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7486. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Hollywood, FL [Docket No.: FAA-2010-0300; Airspace Docket No. 10-ASO-17] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7487. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the final integrated General Reevaluation Report and Environmenal Impact Statement for West Onslow Beach and New River Inlet, North Carolina; (H. Doc. No. 111—109); to the Committee on Transportation and Infrastructure and ordered to be printed.

7488. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1876-DR for the State of Oklahoma; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7489. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1877-DR for the State of Iowa; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

¶59.4 AMERICA COMPETES

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to House Resolution 1344 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

Ms. JACKSON LEE of Texas, Acting Chairman, assumed the chair; and after some time spent therein,

¶59.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 34, printed in Part B of House Report 111-479, submitted by Mr. BOCCIERI:

Page 187, line 8, strike ''$50,000,000'' and insert ''$100,000,000''.

It was decided in the affirmative ..... { Yeas ..... 248 / Nays 171

¶59.6 [Roll No. 267]

AYES—248

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

Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—171

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

NOT VOTING—17

Barrett (SC)
Bishop (UT)
Carney
Christensen
Cole
Davis (AL)
Diaz-Balart, L.
Doyle
Higgins
Hoekstra
Honda
Lee (NY)
Rush
Serrano
Slaughter
Teague
Wamp

So the amendment was agreed to.

¶59.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 38, printed in Part B of House Report 111-479, submitted by Mrs. HALVORSON:

Page 106, line 3, strike ''CONSIDERATIONS.—In'' and insert ''CONSIDERATIONS.—

(1) IN GENERAL.—In''.

Page 106, line 8, insert ''and veterans'' after ''1885b)''.

Page 106, after line 8, insert the following new paragraph:

(2) DEFINITION.—For purposes of this subsection, the term ''veteran'' means a person who—

(A) served on active duty (other than active duty for training) in the Armed Forces of the United States for a period of more than 180 consecutive days, and who was discharged or released therefrom under conditions other than dishonorable; or

(B) served on active duty (other than active duty for training) in the Armed Forces of the United States and was discharged or released from such service for a service-connected disability before serving 180 consecutive days.

For purposes of subparagraph (B), the term ''service-connected'' has the meaning given such term under section 101 of title 38, United States Code.

It was decided in the affirmative ..... { Yeas ..... 419 / Nays 0

¶59.8 [Roll No. 268]

AYES—419

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

NOT VOTING—17

Barrett (SC)
Bishop (UT)
Carney
Christensen
Cole
Davis (AL)
Doyle
Higgins
Hoekstra
Lee (NY)
Pence
Rangel
Rush
Serrano
Slaughter
Teague
Wamp

So the amendment was agreed to.

¶59.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 50, printed in Part B of House Report 111-479, submitted by Mr. FLAKE:

Page 127, after line 13, insert the following new section:

SEC. 256. SENSE OF CONGRESS.

It is the sense of Congress that retaining graduate-level talent trained at American universities in Science, Technology, Engineering, and Mathematics (STEM) fields is critical to enhancing the competitiveness of American businesses.

It was decided in the affirmative ..... { Yeas ..... 419 Nays 0

¶59.10 [Roll No. 269]

AYES—419

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
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Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
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Miller, Gary
Miller, George
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Rothman (NJ)
Roybal-Allard
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Ryan (OH)
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Sánchez, Linda T.
Sanchez, Loretta
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Westmoreland
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Wilson (OH)
Wilson (SC)
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Wolf
Woolsey
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Yarmuth
Young (AK)
Young (FL)

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Barrett (SC)
Camp
Christensen
Cleaver
Cole
Davis (AL)
Doyle
Higgins
Hoekstra
Lee (NY)
Pitts
Radanovich
Rush
Slaughter
Smith (NJ)
Teague
Wamp

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. PASTOR of Arizona, assumed the Chair.

When Ms. JACKSON-LEE of Texas, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''America COMPETES Reauthorization Act of 2010''.

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

TITLE I—SCIENCE AND TECHNOLOGY POLICY

Subtitle A—National Nanotechnology Initiative Amendments

SEC. 101. SHORT TITLE.

This subtitle may be cited as the ''National Nanotechnology Initiative Amendments Act of 2010''.

SEC. 102. NATIONAL NANOTECHNOLOGY PROGRAM AMENDMENTS.

The 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501 et seq.) is amended—

(1) by striking section 2(c)(4) and inserting the following new paragraph:

''(4) develop, within 12 months after the date of enactment of the National Nanotechnology Initiative Amendments Act of 2010, and update every 3 years thereafter, a strategic plan to guide the activities described under subsection (b) that specifies near-term and long-term objectives for the Program, the anticipated time frame for achieving the near-term objectives, and the metrics to be used for assessing progress toward the objectives, and that describes—

''(A) how the Program will move results out of the laboratory and into applications for the benefit of society, including through cooperation and collaborations with nanotechnology research, development, and technology transition initiatives supported by the States;

''(B) how the Program will encourage and support interdisciplinary research and development in nanotechnology; and

''(C) proposed research in areas of national importance in accordance with the requirements of section 105 of the National Nanotechnology Initiative Amendments Act of 2010;'';

(2) in section 2—

(A) in subsection (d)—

(i) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(ii) by inserting the following new paragraph before paragraph (2), as so redesignated by clause (i) of this subparagraph:

''(1) the Program budget, for the previous fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to subsection (b)(10);''; and

(B) by inserting at the end the following new subsection:

''(e) STANDARDS SETTING.—The agencies participating in the Program shall support the activities of committees involved in the development of standards for nanotechnology and may reimburse the travel costs of scientists and engineers who participate in activities of such committees.'';

(3) by striking section 3(b) and inserting the following new subsection:

''(b) FUNDING.—(1) The operation of the National Nanotechnology Coordination Office shall be supported by funds from each agency participating in the Program. The portion of such Office's total budget provided by each agency for each fiscal year shall be in the same proportion as the agency's share of the total budget for the Program for the previous fiscal year, as specified in the report required under section 2(d)(1).

''(2) The annual report under section 2(d) shall include—

''(A) a description of the funding required by the National Nanotechnology Coordination Office to perform the functions specified under subsection (a) for the next fiscal year by category of activity, including the funding required to carry out the requirements of section 2(b)(10)(D), subsection (d) of this section, and section 5;

''(B) a description of the funding required by such Office to perform the functions specified under subsection (a) for the current fiscal year by category of activity, including the funding required to carry out the requirements of subsection (d); and

''(C) the amount of funding provided for such Office for the current fiscal year by each agency participating in the Program.'';

(4) by inserting at the end of section 3 the following new subsection:

''(d) PUBLIC INFORMATION.—(1) The National Nanotechnology Coordination Office shall develop and maintain a database accessible by the public of projects funded under the Environmental, Health, and Safety, the Education and Societal Dimensions, and the Nanomanufacturing program component areas, or any successor program component areas, including a description of each project, its source of funding by agency, and its funding history. For the Environmental, Health, and Safety program component area, or any successor program component area, projects shall be grouped by major objective as defined by the research plan required under section 103(b) of the National Nanotechnology Initiative Amendments Act of 2010. For the Education and Societal Dimensions program component area, or any successor program component area, the projects shall be grouped in subcategories of—

''(A) education in formal settings;

''(B) education in informal settings;

''(C) public outreach; and

''(D) ethical, legal, and other societal issues.

''(2) The National Nanotechnology Coordination Office shall develop, maintain, and publicize information on nanotechnology facilities supported under the Program, and may include information on nanotechnology facilities supported by the States, that are accessible for use by individuals from academic institutions and from industry. The information shall include at a minimum the terms and conditions for the use of each facility, a description of the capabilities of the instruments and equipment available for use at the facility, and a description of the technical support available to assist users of the facility.'';

(5) in section 4(a)—

(A) by striking ''or designate'';

(B) by inserting ''as a distinct entity'' after ''Advisory Panel''; and

(C) by inserting at the end ''The Advisory Panel shall form a subpanel with membership having specific qualifications tailored to enable it to carry out the requirements of subsection (c)(7).'';

(6) in section 4(b)—

(A) by striking ''or designated'' and ''or designating''; and

(B) by adding at the end the following: ''At least one member of the Advisory Panel shall be an individual employed by and representing a minority-serving institution.'';

(7) by amending section 5 to read as follows:

"SEC. 5. TRIENNIAL EXTERNAL REVIEW OF THE NATIONAL NANOTECHNOLOGY PROGRAM.

''(a) IN GENERAL.—The Director of the National Nanotechnology Coordination Office shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a triennial review of the Program. The Director shall ensure that the arrangement with the National Research Council is concluded in order to allow sufficient time for the reporting requirements of subsection (b) to be satisfied. Each triennial review shall include an evaluation of the—

''(1) research priorities and technical content of the Program, including whether the allocation of funding among program component areas, as designated according to section 2(c)(2), is appropriate;

''(2) effectiveness of the Program's management and coordination across agencies and disciplines, including an assessment of the effectiveness of the National Nanotechnology Coordination Office;

''(3) Program's scientific and technological accomplishments and its success in transferring technology to the private sector; and

''(4) adequacy of the Program's activities addressing ethical, legal, environmental, and other appropriate societal concerns, including human health concerns.

''(b) EVALUATION TO BE TRANSMITTED TO CONGRESS.—The National Research Council shall document the results of each triennial review carried out in accordance with subsection (a) in a report that includes any recommendations for ways to improve the Program's management and coordination processes and for changes to the Program's objectives, funding priorities, and technical content. Each report shall be submitted to the Director of the National Nanotechnology Coordination Office, who shall transmit it to the Advisory Panel, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives not later than September 30 of every third year, with the first report due September 30, 2010.

''(c) FUNDING.—Of the amounts provided in accordance with section 3(b)(1), the following amounts shall be available to carry out this section:

''(1) $500,000 for fiscal year 2010.

''(2) $500,000 for fiscal year 2011.

''(3) $500,000 for fiscal year 2012.''; and

(8) in section 10—

(A) by amending paragraph (2) to read as follows:

''(2) NANOTECHNOLOGY.—The term 'nanotechnology' means the science and technology that will enable one to understand, measure, manipulate, and manufacture at the nanoscale, aimed at creating materials, devices, and systems with fundamentally new properties or functions.''; and

(B) by adding at the end the following new paragraph:

''(7) NANOSCALE.—The term 'nanoscale' means one or more dimensions of between approximately 1 and 100 nanometers.''.

SEC. 103. SOCIETAL DIMENSIONS OF NANOTECHNOLOGY.

(a) COORDINATOR FOR SOCIETAL DIMENSIONS OF NANOTECHNOLOGY.—The Director of the Office of Science and Technology Policy shall designate an associate director of the Office of Science and Technology Policy as the Coordinator for Societal Dimensions of Nanotechnology. The Coordinator shall be responsible for oversight of the coordination, planning, and budget prioritization of activities required by section 2(b)(10) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(10)). The Coordinator shall, with the assistance of appropriate senior officials of the agencies funding activities within the Environmental, Health, and Safety and the Education and Societal Dimensions program component areas of the Program, or any successor program component areas, ensure that the requirements of such section 2(b)(10) are satisfied. The responsibilities of the Coordinator shall include—

(1) ensuring that a research plan for the environmental, health, and safety research activities required under subsection (b) is developed, updated, and implemented and that the plan is responsive to the recommendations of the subpanel of the Advisory Panel established under section 4(a) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7503(a)), as amended by this subtitle;

(2) encouraging and monitoring the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary to ensure that the ethical, legal, environmental, and other appropriate societal concerns related to nanotechnology, including human health concerns, are addressed under the Program, including the implementation of the research plan described in subsection (b); and

(3) encouraging the agencies required to develop the research plan under subsection (b) to identify, assess, and implement suitable mechanisms for the establishment of public-private partnerships for support of environmental, health, and safety research.

(b) RESEARCH PLAN.—

(1) IN GENERAL.—The Coordinator for Societal Dimensions of Nanotechnology shall convene and chair a panel comprised of representatives from the agencies funding research activities under the Environmental, Health, and Safety program component area of the Program, or any successor program component area, and from such other agencies as the Coordinator considers necessary to develop, periodically update, and coordinate the implementation of a research plan for this program component area. In developing and updating the plan, the panel convened by the Coordinator shall solicit and be responsive to recommendations and advice from—

(A) the subpanel of the Advisory Panel established under section 4(a) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7503(a)), as amended by this subtitle; and

(B) the agencies responsible for environmental, health, and safety regulations associated with the production, use, and disposal of nanoscale materials and products.

(2) DEVELOPMENT OF STANDARDS.—The plan required under paragraph (1) shall include a description of how the Program will help to ensure the development of—

(A) standards related to nomenclature associated with engineered nanoscale materials;

(B) engineered nanoscale standard reference materials for environmental, health, and safety testing; and

(C) standards related to methods and procedures for detecting, measuring, monitoring, sampling, and testing engineered nanoscale materials for environmental, health, and safety impacts.

(3) COMPONENTS OF PLAN.—The plan required under paragraph (1) shall, with respect to activities described in paragraphs (1) and (2)—

(A) specify near-term research objectives and long-term research objectives;

(B) specify milestones associated with each near-term objective and the estimated time and resources required to reach each milestone;

(C) with respect to subparagraphs (A) and (B), describe the role of each agency carrying out or sponsoring research in order to meet the objectives specified under subparagraph (A) and to achieve the milestones specified under subparagraph (B);

(D) specify the funding allocated to each major objective of the plan and the source of funding by agency for the current fiscal year; and

(E) estimate the funding required for each major objective of the plan and the source of funding by agency for the following 3 fiscal years.

(4) TRANSMITTAL TO CONGRESS.—The plan required under paragraph (1) shall be submitted not later than 60 days after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.

(5) UPDATING AND APPENDING TO REPORT.—The plan required under paragraph (1) shall be updated annually and appended to the report required under section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)).

(c) NANOTECHNOLOGY PARTNERSHIPS.—

(1) ESTABLISHMENT.—As part of the program authorized by section 9 of the National Science Foundation Authorization Act of 2002, the Director of the National Science Foundation shall provide 1 or more grants to establish partnerships as defined by subsection (a)(2) of that section, except that each such partnership shall include 1 or more businesses engaged in the production of nanoscale materials, products, or devices. Partnerships established in accordance with this subsection shall be designated as ''Nanotechnology Education Partnerships''.

(2) PURPOSE.—Nanotechnology Education Partnerships shall be designed to recruit and help prepare secondary school students to pursue postsecondary level courses of instruction in nanotechnology. At a minimum, grants shall be used to support—

(A) professional development activities to enable secondary school teachers to use curricular materials incorporating nanotechnology and to inform teachers about career possibilities for students in nanotechnology;

(B) enrichment programs for students, including access to nanotechnology facilities and equipment at partner institutions, to increase their understanding of nanoscale science and technology and to inform them about career possibilities in nanotechnology as scientists, engineers, and technicians; and

(C) identification of appropriate nanotechnology educational materials and incorporation of nanotechnology into the curriculum for secondary school students at one or more organizations participating in a Partnership.

(3) SELECTION.—Grants under this subsection shall be awarded in accordance with subsection (b) of such section 9, except that paragraph (3)(B) of that subsection shall not apply.

(d) UNDERGRADUATE EDUCATION PROGRAMS.—

(1) ACTIVITIES SUPPORTED.—As part of the activities included under the Education and Societal Dimensions program component area, or any successor program component area, the Program shall support efforts to introduce nanoscale science, engineering, and technology into undergraduate science and engineering education through a variety of interdisciplinary approaches. Activities supported may include—

(A) development of courses of instruction or modules to existing courses;

(B) faculty professional development; and

(C) acquisition of equipment and instrumentation suitable for undergraduate education and research in nanotechnology.

(2) COURSE, CURRICULUM, AND LABORATORY IMPROVEMENT AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out activities described in paragraph (1) through the Course, Curriculum, and Laboratory Improvement program from amounts authorized under section 7002(c)(2)(B) of the America COMPETES Act, $5,000,000 for fiscal year 2010.

(3) ADVANCED TECHNOLOGY EDUCATION AUTHORIZATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out activities described in paragraph (1) through the Advanced Technology Education program from amounts authorized under section 7002(c)(2)(B) of the America COMPETES Act, $5,000,000 for fiscal year 2010.

(e) INTERAGENCY WORKING GROUP.—The National Science and Technology Council shall establish under the Nanoscale Science, Engineering, and Technology Subcommittee an Education Working Group to coordinate, prioritize, and plan the educational activities supported under the Program.

(f) SOCIETAL DIMENSIONS IN NANOTECHNOLOGY EDUCATION ACTIVITIES.—Activities supported under the Education and Societal Dimensions program component area, or any successor program component area, that involve informal, precollege, or undergraduate nanotechnology education shall include education regarding the environmental, health and safety, and other societal aspects of nanotechnology.

(g) REMOTE ACCESS TO NANOTECHNOLOGY FACILITIES.—(1) Agencies supporting nanotechnology research facilities as part of the Program shall require the entities that operate such facilities to allow access via the Internet, and support the costs associated with the provision of such access, by secondary school students and teachers, to instruments and equipment within such facilities for educational purposes. The agencies may waive this requirement for cases when particular facilities would be inappropriate for educational purposes or the costs for providing such access would be prohibitive.

(2) The agencies identified in paragraph (1) shall require the entities that operate such nanotechnology research facilities to establish and publish procedures, guidelines, and conditions for the submission and approval of applications for the use of the facilities for the purpose identified in paragraph (1) and shall authorize personnel who operate the facilities to provide necessary technical support to students and teachers.

SEC. 104. TECHNOLOGY TRANSFER.

(a) PROTOTYPING.—

(1) ACCESS TO FACILITIES.—In accordance with section 2(b)(7) of 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(7)), the agencies supporting nanotechnology research facilities as part of the Program shall provide access to such facilities to companies for the purpose of assisting the companies in the development of prototypes of nanoscale products, devices, or processes (or products, devices, or processes enabled by nanotechnology) for determining proof of concept. The agencies shall publicize the availability of these facilities and encourage their use by companies as provided for in this section.

(2) PROCEDURES.—The agencies identified in paragraph (1)—

(A) shall establish and publish procedures, guidelines, and conditions for the submission and approval of applications for use of nanotechnology facilities;

(B) shall publish descriptions of the capabilities of facilities available for use under this subsection, including the availability of technical support; and

(C) may waive recovery, require full recovery, or require partial recovery of the costs associated with use of the facilities for projects under this subsection.

(3) SELECTION AND CRITERIA.—In cases when less than full cost recovery is required pursuant to paragraph (2)(C), projects provided access to nanotechnology facilities in accordance with this subsection shall be selected through a competitive, merit-based process, and the criteria for the selection of such projects shall include at a minimum—

(A) the readiness of the project for technology demonstration;

(B) evidence of a commitment by the applicant for further development of the project to full commercialization if the proof of concept is established by the prototype; and

(C) evidence of the potential for further funding from private sector sources following the successful demonstration of proof of concept.

The agencies may give special consideration in selecting projects to applications that are relevant to important national needs or requirements.

(b) USE OF EXISTING TECHNOLOGY TRANSFER PROGRAMS.—

(1) PARTICIPATING AGENCIES.—Each agency participating in the Program shall—

(A) encourage the submission of applications for support of nanotechnology related projects to the Small Business Innovation Research Program and the Small Business Technology Transfer Program administered by such agencies; and

(B) through the National Nanotechnology Coordination Office and within 6 months after the date of enactment of this Act, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives—

(i) the plan described in section 2(c)(7) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(7)); and

(ii) a report specifying, if the agency administers a Small Business Innovation Research Program and a Small Business Technology Transfer Program—

(I) the number of proposals received for nanotechnology related projects during the current fiscal year and the previous 2 fiscal years;

(II) the number of such proposals funded in each year;

(III) the total number of nanotechnology related projects funded and the amount of funding provided for fiscal year 2004 through fiscal year 2008; and

(IV) a description of the projects identified in accordance with subclause (III) which received private sector funding beyond the period of phase II support.

(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—The Director of the National Institute of Standards and Technology in carrying out the requirements of section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) shall—

(A) in regard to subsection (d) of that section, encourage the submission of proposals for support of nanotechnology related projects; and

(B) in regard to subsection (g) of that section, include a description of how the requirement of subparagraph (A) of this paragraph is being met, the number of proposals for nanotechnology related projects received, the number of such proposals funded, the total number of such projects funded since the beginning of the Technology Innovation Program, and the outcomes of such funded projects in terms of the metrics developed in accordance with such subsection (g).

(3) TIP ADVISORY BOARD.—The TIP Advisory Board established under section 28(k) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(k)), in carrying out its responsibilities under subsection (k)(3), shall provide the Director of the National Institute of Standards and Technology with—

(A) advice on how to accomplish the requirement of paragraph (2)(A) of this subsection; and

(B) an assessment of the adequacy of the allocation of resources for nanotechnology related projects supported under the Technology Innovation Program.

(c) INDUSTRY LIAISON GROUPS.—An objective of the Program shall be to establish industry liaison groups for all industry sectors that would benefit from applications of nanotechnology. The Nanomanufacturing, Industry Liaison, and Innovation Working Group of the National Science and Technology Council shall actively pursue establishing such liaison groups.

(d) COORDINATION WITH STATE INITIATIVES.—Section 2(b)(5) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(5)) is amended to read as follows:

''(5) ensuring United States global leadership in the development and application of nanotechnology, including through coordination and leveraging Federal investments with nanotechnology research, development, and technology transition initiatives supported by the States;''.

SEC. 105. RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

(a) IN GENERAL.—The Program shall include support for nanotechnology research and development activities directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits. The activities supported shall be designed to advance the development of research discoveries by demonstrating technical solutions to important problems in such areas as nano-electronics, energy efficiency, health care, and water remediation and purification. The Advisory Panel shall make recommendations to the Program for candidate research and development areas for support under this section.

(b) CHARACTERISTICS.—

(1) IN GENERAL.—Research and development activities under this section shall—

(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

(B) involve collaborations among researchers in academic institutions and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;

(C) when possible, leverage Federal investments through collaboration with related State initiatives; and

(D) include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities to industry for commercial development.

(2) PROCEDURES.—Determination of the requirements for applications under this subsection, review and selection of applications for support, and subsequent funding of projects shall be carried out by a collaboration of no fewer than 2 agencies participating in the Program. In selecting applications for support, the agencies shall give special consideration to projects that include cost sharing from non-Federal sources.

(3) INTERDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section may be supported through interdisciplinary nanotechnology research centers, as authorized by section 2(b)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(4)), that are organized to investigate basic research questions and carry out technology demonstration activities in areas such as those identified in subsection (a).

(c) REPORT.—Reports required under section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) shall include a description of research and development areas supported in accordance with this section, including the same budget information as is required for program component areas under paragraphs (1) and (2) of such section 2(d).

SEC. 106. NANOMANUFACTURING RESEARCH.

(a) RESEARCH AREAS.—The Nanomanufacturing program component area, or any successor program component area, shall include research on—

(1) development of instrumentation and tools required for the rapid characterization of nanoscale materials and for monitoring of nanoscale manufacturing processes; and

(2) approaches and techniques for scaling the synthesis of new nanoscale materials to achieve industrial-level production rates.

(b) GREEN NANOTECHNOLOGY.—Interdisciplinary research centers supported under the Program in accordance with section 2(b)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(b)(4)) that are focused on nanomanufacturing research and centers established under the authority of section 105(b)(3) of this subtitle shall include as part of the activities of such centers—

(1) research on methods and approaches to develop environmentally benign nanoscale products and nanoscale manufacturing processes, taking into consideration relevant findings and results of research supported under the Environmental, Health, and Safety program component area, or any successor program component area;

(2) fostering the transfer of the results of such research to industry; and

(3) providing for the education of scientists and engineers through interdisciplinary studies in the principles and techniques for the design and development of environmentally benign nanoscale products and processes.

(c) REVIEW OF NANOMANUFACTURING RESEARCH AND RESEARCH FACILITIES.—

(1) PUBLIC MEETING.—Not later than 12 months after the date of enactment of this Act, the National Nanotechnology Coordination Office shall sponsor a public meeting, including representation from a wide range of industries engaged in nanoscale manufacturing, to—

(A) obtain the views of participants at the meeting on—

(i) the relevance and value of the research being carried out under the Nanomanufacturing program component area of the Program, or any successor program component area; and

(ii) whether the capabilities of nanotechnology research facilities supported under the Program are adequate—

(I) to meet current and near-term requirements for the fabrication and characterization of nanoscale devices and systems; and

(II) to provide access to and use of instrumentation and equipment at the facilities, by means of networking technology, to individuals who are at locations remote from the facilities; and

(B) receive any recommendations on ways to strengthen the research portfolio supported under the Nanomanufacturing program component area, or any successor program component area, and on improving the capabilities of nanotechnology research facilities supported under the Program.

Companies participating in industry liaison groups shall be invited to participate in the meeting. The Coordination Office shall prepare a report documenting the findings and recommendations resulting from the meeting.

(2) ADVISORY PANEL REVIEW.—The Advisory Panel shall review the Nanomanufacturing program component area of the Program, or any successor program component area, and the capabilities of nanotechnology research facilities supported under the Program to assess—

(A) whether the funding for the Nanomanufacturing program component area, or any successor program component area, is adequate and receiving appropriate priority within the overall resources available for the Program;

(B) the relevance of the research being supported to the identified needs and requirements of industry;

(C) whether the capabilities of nanotechnology research facilities supported under the Program are adequate—

(i) to meet current and near-term requirements for the fabrication and characterization of nanoscale devices and systems; and

(ii) to provide access to and use of instrumentation and equipment at the facilities, by means of networking technology, to individuals who are at locations remote from the facilities; and

(D) the level of funding that would be needed to support—

(i) the acquisition of instrumentation, equipment, and networking technology sufficient to provide the capabilities at nanotechnology research facilities described in subparagraph (C); and

(ii) the operation and maintenance of such facilities.

In carrying out its assessment, the Advisory Panel shall take into consideration the findings and recommendations from the report required under paragraph (1).

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Advisory Panel shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on its assessment required under paragraph (2), along with any recommendations and a copy of the report prepared in accordance with paragraph (1).

SEC. 107. DEFINITIONS.

In this subtitle, terms that are defined in section 10 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7509) have the meaning given those terms in that section.

Subtitle B—Networking and Information Technology Research and Development

SEC. 111. SHORT TITLE.

This subtitle may be cited as the ''Networking and Information Technology Research and Development Act of 2010''.

SEC. 112. PROGRAM PLANNING AND COORDINATION.

(a) PERIODIC REVIEWS.—Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended by adding at the end the following new subsection:

''(d) PERIODIC REVIEWS.—The agencies identified in subsection (a)(3)(B) shall—

''(1) periodically assess the contents and funding levels of the Program Component Areas and restructure the Program when warranted, taking into consideration any relevant recommendations of the advisory committee established under subsection (b); and

''(2) ensure that the Program includes large-scale, long-term, interdisciplinary research and development activities, including activities described in section 104.''.

(b) DEVELOPMENT OF STRATEGIC PLAN.—Section 101 of such Act (15 U.S.C. 5511) is amended further by adding after subsection (d), as added by subsection (a) of this section, the following new subsection:

''(e) STRATEGIC PLAN.—

''(1) IN GENERAL.—The agencies identified in subsection (a)(3)(B), working through the National Science and Technology Council and with the assistance of the National Coordination Office established under section 102, shall develop, within 12 months after the date of enactment of the Networking and Information Technology Research and Development Act of 2010, and update every 3 years thereafter, a 5-year strategic plan to guide the activities described under subsection (a)(1).

''(2) CONTENTS.—The strategic plan shall specify near-term and long-term objectives for the Program, the anticipated time frame for achieving the near-term objectives, the metrics to be used for assessing progress toward the objectives, and how the Program will—

''(A) foster the transfer of research and development results into new technologies and applications for the benefit of society, including through cooperation and collaborations with networking and information technology research, development, and technology transition initiatives supported by the States;

''(B) encourage and support mechanisms for interdisciplinary research and development in networking and information technology, including through collaborations across agencies, across Program Component Areas, with industry, with Federal laboratories (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)), and with international organizations;

''(C) address long-term challenges of national importance for which solutions require large-scale, long-term, interdisciplinary research and development;

''(D) place emphasis on innovative and high-risk projects having the potential for substantial societal returns on the research investment;

''(E) strengthen all levels of networking and information technology education and training programs to ensure an adequate, well-trained workforce; and

''(F) attract more women and underrepresented minorities to pursue postsecondary degrees in networking and information technology.

''(3) NATIONAL RESEARCH INFRASTRUCTURE.—The strategic plan developed in accordance with paragraph (1) shall be accompanied by milestones and roadmaps for establishing and maintaining the national research infrastructure required to support the Program, including the roadmap required by subsection (a)(2)(E).

''(4) RECOMMENDATIONS.—The entities involved in developing the strategic plan under paragraph (1) shall take into consideration the recommendations—

''(A) of the advisory committee established under subsection (b); and

''(B) of the stakeholders whose input was solicited by the National Coordination Office, as required under section 102(b)(3).

''(5) REPORT TO CONGRESS.—The Director of the National Coordination Office shall transmit the strategic plan required under paragraph (1) to the advisory committee, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives.''.

(c) ADDITIONAL RESPONSIBILITIES OF DIRECTOR.—Section 101(a)(2) of such Act (15 U.S.C. 5511(a)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

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

''(E) encourage and monitor the efforts of the agencies participating in the Program to allocate the level of resources and management attention necessary to ensure that the

strategic plan under subsection (e) is developed and executed effectively and that the objectives of the Program are met;''.

(d) ADVISORY COMMITTEE.—Section 101(b)(1) of such Act (15 U.S.C. 5511(b)(1)) is amended by inserting after ''an advisory committee on high-performance computing,'' the following: ''in which the co-chairs shall be members of the President's Council of Advisors on Science and Technology and with the remainder of the committee''.

(e) REPORT.—Section 101(a)(3) of such Act (15 U.S.C. 5511(a)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking ''is submitted,'' and inserting ''is submitted, the levels for the previous fiscal year,''; and

(B) by striking ''each Program Component Area;'' and inserting ''each Program Component Area and research area supported in accordance with section 104;'';

(2) in subparagraph (D)—

(A) by striking ''each Program Component Area,'' and inserting ''each Program Component Area and research area supported in accordance with section 104,'';

(B) by striking ''is submitted,'' and inserting ''is submitted, the levels for the previous fiscal year,''; and

(C) by striking ''and'' after the semicolon;

(3) by redesignating subparagraph (E) as subparagraph (G); and

(4) by inserting after subparagraph (D) the following new subparagraphs:

''(E) include a description of how the objectives for each Program Component Area, and the objectives for activities that involve multiple Program Component Areas, relate to the objectives of the Program identified in the strategic plan required under subsection (e);

''(F) include—

''(i) a description of the funding required by the National Coordination Office to perform the functions specified under section 102(b) for the next fiscal year by category of activity;

''(ii) a description of the funding required by such Office to perform the functions specified under section 102(b) for the current fiscal year by category of activity; and

''(iii) the amount of funding provided for such Office for the current fiscal year by each agency participating in the Program; and''.

(f) DEFINITION.—Section 4 of such Act (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:

''(1) 'cyber-physical systems' means physical or engineered systems whose networking and information technology functions and physical elements are deeply integrated and are actively connected to the physical world through sensors, actuators, or other means to perform monitoring and control functions;'';

(3) in paragraph (4), as so redesignated—

(A) by striking ''high-performance computing'' and inserting ''networking and information technology''; and

(B) by striking ''supercomputer'' and inserting ''high-end computing'';

(4) in paragraph (6), as so redesignated, by striking ''network referred to as'' and all that follows through the semicolon and inserting ''network, including advanced computer networks of Federal agencies and departments;''; and

(5) in paragraph (7), as so redesignated, by striking ''National High-Performance Computing Program'' and inserting ''networking and information technology research and development program''.

SEC. 113. LARGE-SCALE RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

Title I of such Act (15 U.S.C. 5511) is amended by adding at the end the following new section:

''SEC. 104. LARGE-SCALE RESEARCH IN AREAS OF NATIONAL IMPORTANCE.

''(a) IN GENERAL.—The Program shall encourage agencies identified in section 101(a)(3)(B) to support large-scale, long-term, interdisciplinary research and development activities in networking and information technology directed toward application areas that have the potential for significant contributions to national economic competitiveness and for other significant societal benefits. Such activities, ranging from basic research to the demonstration of technical solutions, shall be designed to advance the development of research discoveries. The advisory committee established under section 101(b) shall make recommendations to the Program for candidate research and development areas for support under this section.

''(b) CHARACTERISTICS.—

''(1) IN GENERAL.—Research and development activities under this section shall—

''(A) include projects selected on the basis of applications for support through a competitive, merit-based process;

''(B) involve collaborations among researchers in institutions of higher education and industry, and may involve nonprofit research institutions and Federal laboratories, as appropriate;

''(C) when possible, leverage Federal investments through collaboration with related State initiatives; and

''(D) include a plan for fostering the transfer of research discoveries and the results of technology demonstration activities, including from institutions of higher education and Federal laboratories, to industry for commercial development.

''(2) COST-SHARING.—In selecting applications for support, the agencies shall give special consideration to projects that include cost sharing from non-Federal sources.

''(3) AGENCY COLLABORATION.—If 2 or more agencies identified in section 101(a)(3)(B), or other appropriate agencies, are working on large-scale research and development activities in the same area of national importance, then such agencies shall strive to collaborate through joint solicitation and selection of applications for support and subsequent funding of projects.

''(4) INTERDISCIPLINARY RESEARCH CENTERS.—Research and development activities under this section may be supported through interdisciplinary research centers that are organized to investigate basic research questions and carry out technology demonstration activities in areas described in subsection (a). Research may be carried out through existing interdisciplinary centers, including those authorized under section 7024(b)(2) of the America COMPETES Act (Public Law 110–69; 42 U.S.C. 1862o–10).''.

SEC. 114. CYBER-PHYSICAL SYSTEMS AND INFORMATION MANAGEMENT.

(a) ADDITIONAL PROGRAM CHARACTERISTICS.—Section 101(a)(1) of such Act (15 U.S.C. 5511(a)(1)) is amended—

(1) in subparagraph (H), by striking ''and'' after the semicolon;

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

(3) by adding at the end the following new subparagraphs:

''(J) provide for increased understanding of the scientific principles of cyber-physical systems and improve the methods available for the design, development, and operation of cyber-physical systems that are characterized by high reliability, safety, and security; and

''(K) provide for research and development on human-computer interactions, visualization, and information management.''.

(b) TASK FORCE.—Title I of such Act (15 U.S.C. 5511) is amended further by adding after section 104, as added by section 113 of this Act, the following new section:

''SEC. 105. UNIVERSITY/INDUSTRY TASK FORCE.

''(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Networking and Information Technology Research and Development Act of 2010, the Director of the National Coordination Office established under section 102 shall convene a task force to explore mechanisms for carrying out collaborative research and development activities for cyber-physical systems, including the related technologies required to enable these systems, through a consortium or other appropriate entity with participants from institutions of higher education, Federal laboratories, and industry.

''(b) FUNCTIONS.—The task force shall—

''(1) develop options for a collaborative model and an organizational structure for such entity under which the joint research and development activities could be planned, managed, and conducted effectively, including mechanisms for the allocation of resources among the participants in such entity for support of such activities;

''(2) propose a process for developing a research and development agenda for such entity, including objectives and milestones;

''(3) define the roles and responsibilities for the participants from institutions of higher education, Federal laboratories, and industry in such entity;

''(4) propose guidelines for assigning intellectual property rights and for the transfer of research results to the private sector; and

''(5) make recommendations for how such entity could be funded from Federal, State, and non-governmental sources.

''(c) COMPOSITION.—In establishing the task force under subsection (a), the Director of the National Coordination Office shall appoint an equal number of individuals from institutions of higher education and from industry with knowledge and expertise in cyber-physical systems, of which 2 may be selected from Federal laboratories.

''(d) REPORT.—Not later than 1 year after the date of enactment of the Networking and Information Technology Research and Development Act of 2010, the Director of the National Coordination Office shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report describing the findings and recommendations of the task force.''.

SEC. 115. NATIONAL COORDINATION OFFICE.

Section 102 of such Act (15 U.S.C. 5512) is amended to read as follows:

''SEC. 102. NATIONAL COORDINATION OFFICE.

''(a) ESTABLISHMENT.—The Director shall establish a National Coordination Office with a Director and full-time staff.

''(b) FUNCTIONS.—The National Coordination Office shall—

''(1) provide technical and administrative support to—

''(A) the agencies participating in planning and implementing the Program, including such support as needed in the development of the strategic plan under section 101(e); and

''(B) the advisory committee established under section 101(b);

''(2) serve as the primary point of contact on Federal networking and information technology activities for government organizations, academia, industry, professional societies, State computing and networking technology programs, interested citizen groups, and others to exchange technical and programmatic information;

''(3) solicit input and recommendations from a wide range of stakeholders during the development of each strategic plan required under section 101(e) through the convening of at least 1 workshop with invitees from academia, industry, Federal laboratories, and other relevant organizations and institutions;

''(4) conduct public outreach, including the dissemination of findings and recommendations of the advisory committee, as appropriate; and

''(5) promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry.

''(c) SOURCE OF FUNDING.—

''(1) IN GENERAL.—The operation of the National Coordination Office shall be supported by funds from each agency participating in the Program.

''(2) SPECIFICATIONS.—The portion of the total budget of such Office that is provided by each agency for each fiscal year shall be in the same proportion as each such agency's share of the total budget for the Program for the previous fiscal year, as specified in the report required under section 101(a)(3).''.

SEC. 116. IMPROVING NETWORKING AND INFORMATION TECHNOLOGY EDUCATION.

Section 201(a) of such Act (15 U.S.C. 5521(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

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

''(2) the National Science Foundation shall use its existing programs, in collaboration with other agencies, as appropriate, to improve the teaching and learning of networking and information technology at all levels of education and to increase participation in networking and information technology fields, including by women and underrepresented minorities;''.

SEC. 117. CONFORMING AND TECHNICAL AMENDMENTS.

(a) SECTION 3.—Section 3 of such Act (15 U.S.C. 5502) is amended—

(1) in the matter preceding paragraph (1), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(2) in paragraph (1), in the matter preceding subparagraph (A), by striking ''high-performance computing'' and inserting ''networking and information technology'';

(3) in subparagraphs (A) and (F) of paragraph (1), by striking ''high-performance computing'' each place it appears and inserting ''networking and information technology''; and

(4) in paragraph (2)—

(A) by striking ''high-performance computing and'' and inserting ''networking and information technology and''; and

(B) by striking ''high-performance computing network'' and inserting ''networking and information technology''.

(b) TITLE I.—The heading of title I of such Act (15 U.S.C. 5511) is amended by striking ''**HIGH-PERFORMANCE COMPUTING**'' and inserting ''**NETWORKING AND INFORMATION TECHNOLOGY**''.

(c) SECTION 101.—Section 101 of such Act (15 U.S.C. 5511) is amended—

(1) in the section heading, by striking ''high-performance computing'' and inserting ''networking and information technology research and development'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''NATIONAL HIGH-PERFORMANCE COMPUTING'' and inserting ''NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT'';

(B) in paragraph (1) of such subsection—

(i) in the matter preceding subparagraph (A), by striking ''National High-Performance Computing Program'' and inserting ''networking and information technology research and development program'';

(ii) in subparagraph (A), by striking ''high-performance computing, including networking'' and inserting ''networking and information technology''; and

(iii) in subparagraphs (B), (C), and (G), by striking ''high-performance'' each place it appears and inserting ''high-end''; and

(C) in paragraph (2) of such subsection—

(i) in subparagraphs (A) and (C)—

(I) by striking ''high-performance computing'' each place it appears and inserting ''networking and information technology''; and

(II) by striking ''development, networking,'' each place it appears and inserting ''development,''; and

(ii) in subparagraphs (F) and (G), as redesignated by section 112(c)(1) of this Act, by striking ''high-performance'' each place it appears and inserting ''high-end'';

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''high-performance computing'' both places it appears and inserting ''networking and information technology''; and

(4) in subsection (c)(1)(A), by striking ''high-performance computing'' and inserting ''networking and information technology''.

(d) SECTION 201.—Section 201(a)(1) of such Act (15 U.S.C. 5521(a)(1)) is amended by striking ''high-performance computing'' and all that follows through ''networking;'' and inserting ''networking and information research and development;''.

(e) SECTION 202.—Section 202(a) of such Act (15 U.S.C. 5522(a)) is amended by striking ''high-performance computing'' and inserting ''networking and information technology''.

(f) SECTION 203.—Section 203(a)(1) of such Act (15 U.S.C. 5523(a)(1)) is amended by striking ''high-performance computing and networking'' and inserting ''networking and information technology''.

(g) SECTION 204.—Section 204(a)(1) of such Act (15 U.S.C. 5524(a)(1)) is amended—

(1) in subparagraph (A), by striking ''high-performance computing systems and networks'' and inserting ''networking and information technology systems and capabilities''; and

(2) in subparagraph (C), by striking ''high-performance computing'' and inserting ''networking and information technology''.

(h) SECTION 205.—Section 205(a) of such Act (15 U.S.C. 5525(a)) is amended by striking ''computational'' and inserting ''networking and information technology''.

(i) SECTION 206.—Section 206(a) of such Act (15 U.S.C. 5526(a)) is amended by striking ''computational research'' and inserting ''networking and information technology research''.

(j) SECTION 208.—Section 208 of such Act (15 U.S.C. 5528) is amended—

(1) in the section heading, by striking ''high-performance computing'' and inserting ''networking and information technology''; and

(2) in subsection (a)—

(A) in paragraph (1), by striking ''High-performance computing and associated'' and inserting ''Networking and information'';

(B) in paragraph (2), by striking ''high-performance computing'' and inserting ''networking and information technologies'';

(C) in paragraph (4), by striking ''high-performance computers and associated'' and inserting ''networking and information''; and

(D) in paragraph (5), by striking ''high-performance computing and associated'' and inserting ''networking and information''.

Subtitle C—Other OSTP Provisions

SEC. 121. FEDERAL SCIENTIFIC COLLECTIONS.

(a) MANAGEMENT OF SCIENTIFIC COLLECTIONS.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall ensure the development of formal policies for the management and use of Federal scientific collections to improve the quality, organization, access, including online access, and long-term preservation of such collections for the benefit of the scientific enterprise.

(b) DEFINITION.—For the purposes of this section, the term ''scientific collection'' means a set of physical specimens, living or inanimate, created for the purpose of supporting science and serving as a long-term research asset, rather than for their market value as collectibles or their historical, artistic, or cultural significance.

(c) CLEARINGHOUSE.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall ensure the development of an online clearinghouse for information on the contents of and access to Federal scientific collections.

(d) DISPOSAL OF COLLECTIONS.—The policies developed under subsection (a) shall—

(1) require that, before disposing of a scientific collection, a Federal agency shall—

(A) conduct a review of the research value of the collection; and

(B) consult with researchers who have used the collection, and other potentially interested parties, concerning—

(i) the collection's value for research purposes; and

(ii) possible additional educational uses for the collection; and

(2) include procedures for Federal agencies to transfer scientific collections they no longer need to researchers at institutions or other entities qualified to manage the collections.

(e) COST PROJECTIONS.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall develop a common set of methodologies to be used by Federal agencies for the assessment and projection of costs associated with the management and preservation of their scientific collections.

SEC. 122. COORDINATION OF MANUFACTURING RESEARCH AND DEVELOPMENT.

(a) INTERAGENCY COMMITTEE.—The Director of the Office of Science and Technology Policy shall establish or designate an interagency committee under the National Science and Technology Council with the responsibility for planning and coordinating Federal programs and activities in manufacturing research and development.

(b) RESPONSIBILITIES OF COMMITTEE.—The interagency committee established or designated under subsection (a) shall—

(1) coordinate the manufacturing research and development programs and activities of the Federal agencies;

(2) establish goals and priorities for manufacturing research and development that will strengthen United States manufacturing; and

(3) develop and update every 5 years thereafter a strategic plan to guide Federal programs and activities in support of manufacturing research and development, which shall—

(A) specify and prioritize near-term and long-term research and development objectives, the anticipated time frame for achieving the objectives, and the metrics for use in assessing progress toward the objectives;

(B) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the objectives of the strategic plan;

(C) describe how the Federal agencies supporting manufacturing research and development will foster the transfer of research and

development results into new manufacturing technologies, processes, and products for the benefit of society and the national interest; and

(D) describe how the Federal agencies supporting manufacturing research and development will strengthen all levels of manufacturing education and training programs to ensure an adequate, well-trained workforce.

(c) RECOMMENDATIONS.—In the development of the strategic plan required under subsection (b)(3), the Director of the Office of Science and Technology Policy, working through the interagency committee, shall take into consideration the recommendations of a wide range of stakeholders, including representatives from diverse manufacturing companies, academia, and other relevant organizations and institutions.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit the strategic plan developed under subsection (b)(3) to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives, and shall transmit subsequent updates to those committees when completed.

SEC. 123. INTERAGENCY PUBLIC ACCESS COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a working group under the National Science and Technology Council with the responsibility to coordinate Federal science agency research and policies related to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications, supported wholly, or in part, by funding from the Federal science agencies.

(b) RESPONSIBILITIES.—The working group established under subsection (a) shall—

(1) coordinate the development or designation of uniform standards for research data, the structure of full text and metadata, navigation tools, and other applications to achieve interoperability across Federal science agencies, across science and engineering disciplines, and between research data and scholarly publications, taking into account existing consensus standards, including international standards;

(2) coordinate Federal science agency programs and activities that support research and education on tools and systems required to ensure preservation and stewardship of all forms of digital research data, including scholarly publications;

(3) work with international science and technology counterparts to maximize interoperability between United States based unclassified research databases and international databases and repositories;

(4) solicit input and recommendations from, and collaborate with, non-Federal stakeholders, including universities, nonprofit and for-profit publishers, libraries, federally funded research scientists, and other organizations and institutions with a stake in long term preservation and access to the results of federally funded research; and

(5) establish priorities for coordinating the development of any Federal science agency policies related to public access to the results of federally funded research to maximize uniformity of such policies with respect to their benefit to, and potential economic or other impact on, the science and engineering enterprise and the stakeholders thereof.

(c) PATENT OR COPYRIGHT LAW.—Nothing in this section shall be construed to affect any right under the provisions of title 17 or 35, United States Code.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit a report to Congress describing—

(1) any priorities established under subsection (b)(5);

(2) the status of any Federal science agency policies related to public access to the results of federally funded research; and

(3) how any policies developed or being developed by Federal science agencies, as described in paragraph (2), incorporate input from the non-Federal stakeholders described in subsection (b)(4).

(e) DEFINITION.—For the purposes of this section, the term ''Federal science agency'' means any Federal agency with an annual extramural research expenditure of over $100,000,000.

(f) SENSE OF CONGRESS REGARDING PEER REVIEW.—It is the sense of Congress that peer review is an important part of the process of ensuring the integrity of the record of scientific research, and that the National Science and Technology Council working group established under this section should take into account the role that scientific publishers play in the peer review process.

SEC. 124. FULFILLING THE POTENTIAL OF WOMEN IN ACADEMIC SCIENCE AND ENGINEERING.

(a) DEFINITION.—In this section, the term ''Federal science agency'' means any Federal agency that is responsible for at least 2 percent of total Federal research and development funding to institutions of higher education, according to the most recent data available from the National Science Foundation.

(b) WORKSHOPS TO ENHANCE GENDER EQUITY IN ACADEMIC SCIENCE AND ENGINEERING.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall develop a uniform policy for all Federal science agencies to carry out a program of workshops that educate program officers, members of grant review panels, institution of higher education STEM department chairs, and other federally funded researchers about methods that minimize the effects of gender bias in evaluation of Federal research grants and in the related academic advancement of actual and potential recipients of these grants, including hiring, tenure, promotion, and selection for any honor based in part on the recipient's research record.

(2) INTERAGENCY COORDINATION.—The Director of the Office of Science and Technology Policy shall ensure that programs of workshops across the Federal science agencies are coordinated and supported jointly as appropriate. As part of this process, the Director of the Office of Science and Technology Policy shall ensure that at least 1 workshop is supported every 2 years among the Federal science agencies in each of the major science and engineering disciplines supported by those agencies.

(3) ORGANIZATIONS ELIGIBLE TO CARRY OUT WORKSHOPS.—Federal science agencies may carry out the program of workshops under this subsection by making grants to eligible organizations. In addition to any other organizations made eligible by the Federal science agencies, the following organizations are eligible for grants under this subsection:

(A) Nonprofit scientific and professional societies and organizations that represent one or more STEM disciplines.

(B) Nonprofit organizations that have the primary mission of advancing the participation of women in STEM.

(4) CHARACTERISTICS OF WORKSHOPS.—The workshops shall have the following characteristics:

(A) Invitees to workshops shall include at least—

(i) the chairs of departments in the relevant discipline from at least the top 50 institutions of higher education, as determined by the amount of Federal research and development funds obligated to each institution of higher education in the prior year based on data available from the National Science Foundation;

(ii) members of any standing research grant review panel appointed by the Federal science agencies in the relevant discipline;

(iii) in the case of science and engineering disciplines supported by the Department of Energy, the individuals from each of the Department of Energy National Laboratories with personnel management responsibilities comparable to those of an institution of higher education department chair; and

(iv) Federal science agency program officers in the relevant discipline, other than program officers that participate in comparable workshops organized and run specifically for that agency's program officers.

(B) Activities at the workshops shall include research presentations and interactive discussions or other activities that increase the awareness of the existence of gender bias in the grant-making process and the development of the academic record necessary to qualify as a grant recipient, including recruitment, hiring, tenure review, promotion, and other forms of formal recognition of individual achievement, and provide strategies to overcome such bias.

(C) Research presentations and other workshop programs, as appropriate, shall include a discussion of the unique challenges faced by women who are members of historically underrepresented groups.

(D) Workshop programs shall include information on best practices and the value of mentoring undergraduate and graduate women students as well as outreach to girls earlier in their STEM education.

(5) REPORT.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report evaluating the effectiveness of the program carried out under this subsection to reduce gender bias towards women engaged in research funded by the Federal Government. The Director of the Office of Science and Technology Policy shall include in this report any recommendations for improving the evaluation process described in subparagraph (B).

(B) MINIMUM CRITERIA FOR EVALUATION.—In determining the effectiveness of the program, the Director of the Office of Science and Technology Policy shall consider, at a minimum—

(i) the rates of participation by invitees in the workshops authorized under this subsection;

(ii) the results of attitudinal surveys conducted on workshop participants before and after the workshops;

(iii) any relevant institutional policy or practice changes reported by participants; and

(iv) for individuals described in paragraph (4)(A)(i) or (iii) who participated in at least 1 workshop 3 or more years prior to the due date for the report, trends in the data for the department represented by the chair or employee including faculty data related to gender as described in section 216.

(C) INSTITUTIONAL ATTENDANCE AT WORKSHOPS.—As part of the report under subparagraph (A), the Director of the Office of Science and Technology Policy shall include a list of institutions of higher education

science and engineering departments whose representatives attended the workshops required under this subsection.

(6) MINIMIZING COSTS.—To the extent practicable, workshops shall be held in conjunction with national or regional disciplinary meetings to minimize costs associated with participant travel.

(c) EXTENDED RESEARCH GRANT SUPPORT AND INTERIM TECHNICAL SUPPORT FOR CAREGIVERS.—

(1) POLICIES FOR CAREGIVERS.—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall develop a uniform policy to—

(A) extend the period of grant support for federally funded researchers who have caregiving responsibilities; and

(B) provide funding for interim technical staff support for federally funded researchers who take a leave of absence for caregiving responsibilities.

(2) REPORT.—Upon developing the policy required under paragraph (1), the Director of the Office of Science and Technology Policy shall transmit a copy of the policy to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate.

(d) COLLECTION OF DATA ON FEDERAL RESEARCH GRANTS.—

(1) IN GENERAL.—Each Federal science agency shall collect standardized annual composite information on demographics, field, award type and budget request, review score, and funding outcome for all applications for research and development grants to institutions of higher education supported by that agency.

(2) REPORTING OF DATA.—

(A) The Director of the Office of Science and Technology Policy shall establish a policy to ensure uniformity and standardization of data collection required under paragraph (1).

(B) Not later than 2 years after the date of enactment of this Act, and annually thereafter, each Federal science agency shall submit data collected under paragraph (1) to the National Science Foundation.

(C) The National Science Foundation shall be responsible for storing and publishing all of the grant data submitted under subparagraph (B), disaggregated and cross-tabulated by race, ethnicity, and gender, in conjunction with the biennial report required under section 37 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d).

SEC. 125. NATIONAL COMPETITIVENESS AND INNOVATION STRATEGY.

Not later than one year after the date of the enactment of this Act, the Director of the White House Office of Science and Technology Policy shall submit to Congress and the President a national competitiveness and innovation strategy for strengthening the innovative and competitive capacity of the Federal Government, State and local governments, institutions of higher education, and the private sector that includes—

(1) proposed legislative changes and action;

(2) proposed actions to be taken collectively by executive agencies, including White House offices;

(3) proposed actions to be taken by individual executive agencies, including White House offices; and

(4) a proposal for metrics-based monitoring and oversight of the progress of the Federal Government with respect to improving conditions for the innovation occurring in and the competitiveness of the United States.

TITLE II—NATIONAL SCIENCE FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Science Foundation Authorization Act of 2010''.

Subtitle A—General Provisions

SEC. 211. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(2) FOUNDATION.—The term ''Foundation'' means the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) STATE.—The term ''State'' means one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(5) STEM.—The term ''STEM'' means science, technology, engineering, and mathematics.

(6) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2011.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $7,481,000,000 for fiscal year 2011.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $6,020,000,000 shall be made available for research and related activities;

(B) $945,000,000 shall be made available for education and human resources;

(C) $166,000,000 shall be made available for major research equipment and facilities construction;

(D) $330,000,000 shall be made available for agency operations and award management;

(E) $4,840,000 shall be made available for the Office of the National Science Board; and

(F) $14,830,000 shall be made available for the Office of Inspector General.

(b) FISCAL YEAR 2012.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $8,127,000,000 for fiscal year 2012.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $6,496,000,000 shall be made available for research and related activities;

(B) $1,020,000,000 shall be made available for education and human resources;

(C) $235,000,000 shall be made available for major research equipment and facilities construction;

(D) $356,000,000 shall be made available for agency operations and award management;

(E) $5,010,000 shall be made available for the Office of the National Science Board; and

(F) $15,350,000 shall be made available for the Office of Inspector General.

(c) FISCAL YEAR 2013.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $8,764,000,000 for fiscal year 2013.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $7,009,000,000 shall be made available for research and related activities;

(B) $1,100,000,000 shall be made available for education and human resources;

(C) $250,000,000 shall be made available for major research equipment and facilities construction;

(D) $384,000,000 shall be made available for agency operations and award management;

(E) $5,180,000 shall be made available for the Office of the National Science Board; and

(F) $15,890,000 shall be made available for the Office of Inspector General.

(d) FISCAL YEAR 2014.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $9,436,000,000 for fiscal year 2014.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $7,562,000,000 shall be made available for research and related activities;

(B) $1,187,000,000 shall be made available for education and human resources;

(C) $250,000,000 shall be made available for major research equipment and facilities construction;

(D) $415,000,000 shall be made available for agency operations and award management;

(E) $5,370,000 shall be made available for the Office of the National Science Board; and

(F) $16,440,000 shall be made available for the Office of Inspector General.

(e) FISCAL YEAR 2015.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $10,161,000,000 for fiscal year 2015.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $8,160,000,000 shall be made available for research and related activities;

(B) $1,281,000,000 shall be made available for education and human resources;

(C) $250,000,000 shall be made available for major research equipment and facilities construction;

(D) $447,000,000 shall be made available for agency operations and award management;

(E) $5,550,000 shall be made available for the Office of the National Science Board; and

(F) $17,020,000 shall be made available for the Office of Inspector General.

SEC. 213. NATIONAL SCIENCE BOARD ADMINISTRATIVE AMENDMENTS.

(a) STAFFING AT THE NATIONAL SCIENCE BOARD.—Section 4(g) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(g)) is amended by striking ''not more than 5''.

(b) SCIENCE AND ENGINEERING INDICATORS DUE DATE.—Section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) is amended by striking ''January 15'' and inserting ''May 31''.

(c) NATIONAL SCIENCE BOARD REPORTS.—Section 4(j)(2) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(2)) is amended by inserting ''within the authority of the Foundation (or otherwise as requested by the appropriate Congressional committees of jurisdiction or the President)'' after ''individual policy matters''.

(d) BOARD ADHERENCE TO SUNSHINE ACT.—Section 15(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–5(a)) is amended—

(1) by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively;

(2) in paragraph (3), as so redesignated by paragraph (1) of this subsection—

(A) by striking ''February 15'' and inserting ''April 15''; and

(B) by striking ''the audit required under paragraph (3) along with'' and inserting ''any''; and

(3) in paragraph (4), as so redesignated by paragraph (1) of this subsection, by striking ''To facilitate the audit required under paragraph (3) of this subsection, the'' and inserting ''The''.

SEC. 214. BROADER IMPACTS REVIEW CRITERION.

(a) GOALS.—The Foundation shall apply a Broader Impacts Review Criterion to achieve the following goals:

(1) Increased economic competitiveness of the United States.

(2) Development of a globally competitive STEM workforce.

(3) Increased participation of women and underrepresented minorities in STEM.

(4) Increased partnerships between academia and industry.

(5) Improved pre-K–12 STEM education and teacher development.

(6) Improved undergraduate STEM education.

(7) Increased public scientific literacy.

(8) Increased national security.

(b) POLICY.—Not later than 6 months after the date of enactment of this Act, the Director shall develop and implement a policy for the Broader Impacts Review Criterion that—

(1) provides for educating professional staff at the Foundation, merit review panels, and applicants for Foundation research grants on the policy developed under this subsection;

(2) clarifies that the activities of grant recipients undertaken to satisfy the Broader Impacts Review Criterion shall—

(A) to the extent practicable employ proven strategies and models and draw on existing programs and activities; and

(B) when novel approaches are justified, build on the most current research results;

(3) allows for some portion of funds allocated to broader impacts under a research grant to be used for assessment and evaluation of the broader impacts activity;

(4) encourages institutions of higher education and other nonprofit education or research organizations to develop and provide, either as individual institutions or in partnerships thereof, appropriate training and programs to assist Foundation-funded principal investigators at their institutions in achieving the goals of the Broader Impacts Review Criterion as described in subsection (a); and

(5) requires principal investigators applying for Foundation research grants to provide evidence of institutional support for the portion of the investigator's proposal designed to satisfy the Broader Impacts Review Criterion, including evidence of relevant training, programs, and other institutional resources available to the investigator from either their home institution or organization or another institution or organization with relevant expertise.

SEC. 215. NATIONAL CENTER FOR SCIENCE AND ENGINEERING STATISTICS.

(a) ESTABLISHMENT.—There is established within the Foundation a National Center for Science and Engineering Statistics (in this section referred to as the ''Center''), that shall serve as a central Federal clearinghouse for the collection, interpretation, analysis, and dissemination of objective data on science, engineering, technology, and research and development.

(b) DUTIES.—In carrying out subsection (a) of this section, the Director, acting through the Center shall—

(1) collect, acquire, analyze, report, and disseminate statistical data related to the science and engineering enterprise in the United States and other nations that is relevant and useful to practitioners, researchers, policymakers, and the public, including statistical data on—

(A) research and development trends;

(B) the science and engineering workforce;

(C) United States competitiveness in science, engineering, technology, and research and development; and

(D) the condition and progress of United States STEM education;

(2) support research using the data it collects, and on methodologies in areas related to the work of the Center; and

(3) support the education and training of researchers in the use of large-scale, nationally representative data sets.

(c) STATISTICAL REPORTS.—The Director or the National Science Board, acting through the Center, shall issue regular, and as necessary, special statistical reports on topics related to the national and international science and engineering enterprise such as the biennial report required by section 4 (j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) on indicators of the state of science and engineering in the United States.

SEC. 216. COLLECTION OF DATA ON DEMOGRAPHICS OF FACULTY.

(a) COLLECTION OF DATA.—The Director shall report, in conjunction with the biennial report required under section 37 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d), statistical summary data on the demographics of STEM discipline faculty at institutions of higher education in the United States, disaggregated and cross-tabulated by race, ethnicity, and gender. At a minimum, the Director shall consider—

(1) the number and percent of faculty by gender, race, and age;

(2) the number and percent of faculty at each rank, by gender, race, and age;

(3) the number and percent of faculty who are in nontenure-track positions, including teaching and research, by gender, race, and age;

(4) the number of faculty who are reviewed for promotion, including tenure, and the percentage of that number who are promoted, by gender, race, and age;

(5) faculty years in rank by gender, race, and age;

(6) faculty attrition by gender, race, and age;

(7) the number and percent of faculty hired by rank, gender, race, and age; and

(8) the number and percent of faculty in leadership positions, including endowed or named chairs, serving on promotion and tenure committees, by gender, race, and age.

(b) RECOMMENDATIONS.—The Director shall solicit input and recommendations from relevant stakeholders, including representatives from institutions of higher education and nonprofit organizations, on the collection of data required under subsection (a), including the development of standard definitions on the terms and categories to be used in the collection of such data.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Director shall submit a report to Congress on how the Foundation will gather the demographic data on STEM faculty, including—

(1) a description of the data to be reported and the sources of those data;

(2) justification for the exclusion of any data described in paragraph (1); and

(3) a list of the definitions for the terms and categories, such as ''faculty'' and ''leadership positions'', to be applied in the reporting of all data described in paragraph (1).

Subtitle B—Research and Innovation

SEC. 221. SUPPORT FOR POTENTIALLY TRANSFORMATIVE RESEARCH.

(a) POLICY.—The Director shall establish a policy that requires the Foundation to use at least 5 percent of its research budget to fund high-risk, high-reward basic research proposals. Support for facilities and infrastructure, including preconstruction design and operations and maintenance of major research facilities, shall not be counted as part of the research budget for the purposes of this section.

(b) IMPLEMENTATION.—In implementing such policy, the Foundation may—

(1) develop solicitations specifically for high-risk, high-reward basic research;

(2) establish review panels for the primary purpose of selecting high-risk, high-reward proposals or modify instructions to standard review panels to require identification of high-risk, high-reward proposals; and

(3) support workshops and participate in conferences with the primary purpose of identifying new opportunities for high-risk, high-reward basic research, especially at interdisciplinary interfaces.

(c) DEFINITION.—For purposes of this section, the term ''high-risk, high-reward basic research'' means research driven by ideas that have the potential to radically change our understanding of an important existing scientific or engineering concept, or leading to the creation of a new paradigm or field of science or engineering, and that is characterized by its challenge to current understanding or its pathway to new frontiers.

SEC. 222. FACILITATING INTERDISCIPLINARY COLLABORATIONS FOR NATIONAL NEEDS.

(a) IN GENERAL.—The Director shall award competitive, merit-based awards in amounts not to exceed $5,000,000 over a period of up to 5 years to interdisciplinary research collaborations that are likely to assist in addressing critical challenges to national security, competitiveness, and societal well-being and that—

(1) involve at least 2 co-equal principal investigators at the same or different institutions;

(2) draw upon well-integrated, diverse teams of investigators, including students or postdoctoral researchers, from one or more disciplines; and

(3) foster creativity and pursue high-risk, high-reward research.

(b) PRIORITY.—In selecting grant recipients under this section, the Director shall give priority to applicants that propose to utilize advances in cyberinfrastructure and simulation-based science and engineering.

SEC. 223. NATIONAL SCIENCE FOUNDATION MANUFACTURING RESEARCH AND EDUCATION.

(a) MANUFACTURING RESEARCH.—The Director shall carry out a program to award merit-reviewed, competitive grants to institutions of higher education to support fundamental research leading to transformative advances in manufacturing technologies, processes, and enterprises that will support United States manufacturing through improved performance, productivity, sustainability, and competitiveness. Research areas may include—

(1) nanomanufacturing;

(2) manufacturing and construction machines and equipment, including robotics, automation, and other intelligent systems;

(3) manufacturing enterprise systems;

(4) advanced sensing and control techniques;

(5) materials processing; and

(6) information technologies for manufacturing, including predictive and real-time models and simulations, and virtual manufacturing.

(b) MANUFACTURING EDUCATION.—In order to help ensure a well-trained manufacturing workforce, the Director shall award grants to strengthen and expand scientific and technical education and training in advanced manufacturing, including through the Foundation's Advanced Technological Education program.

SEC. 224. STRENGTHENING INSTITUTIONAL RESEARCH PARTNERSHIPS.

(a) IN GENERAL.—For any Foundation research grant, in an amount greater than $2,000,000, to be carried out through a partnership that includes one or more minority-

serving institutions or predominantly undergraduate institutions and one or more institutions described in subsection (b), the Director shall award funds directly, according to the budget justification described in the grant proposal, to at least two of the institutions of higher education in the partnership, including at least one minority-serving institution or one predominantly undergraduate institution, to ensure a strong and equitable partnership.

(b) INSTITUTIONS.—The institutions referred to in subsection (a) are institutions of higher education that are among the 100 institutions receiving, over the 3-year period immediately preceding the awarding of grants, the highest amount of research funding from the Foundation.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Director shall provide a report to Congress on institutional research partnerships identified in subsection (a) funded in the previous fiscal year.

SEC. 225. NATIONAL SCIENCE BOARD REPORT ON MID-SCALE INSTRUMENTATION.

(a) MID-SCALE RESEARCH INSTRUMENTATION NEEDS.—The National Science Board shall evaluate the needs, across all disciplines supported by the Foundation, for mid-scale research instrumentation that falls between the instruments funded by the Major Research Instrumentation program and the very large projects funded by the Major Research Equipment and Facilities Construction program.

(b) REPORT ON MID-SCALE RESEARCH INSTRUMENTATION PROGRAM.—Not later than 1 year after the date of enactment of this Act, the National Science Board shall submit to Congress a report on mid-scale research instrumentation at the Foundation. At a minimum, this report shall include—

(1) the findings from the Board's evaluation of instrumentation needs required under subsection (a), including a description of differences across disciplines and Foundation research directorates;

(2) a recommendation or recommendations regarding how the Foundation should set priorities for mid-scale instrumentation across disciplines and Foundation research directorates;

(3) a recommendation or recommendations regarding the appropriateness of expanding existing programs, including the Major Research Instrumentation program or the Major Research Equipment and Facilities Construction program, to support more instrumentation at the mid-scale;

(4) a recommendation or recommendations regarding the need for and appropriateness of a new, Foundation-wide program or initiative in support of mid-scale instrumentation, including any recommendations regarding the administration of and budget for such a program or initiative and the appropriate scope of instruments to be funded under such a program or initiative; and

(5) any recommendation or recommendations regarding other options for supporting mid-scale research instrumentation at the Foundation.

SEC. 226. SENSE OF CONGRESS ON OVERALL SUPPORT FOR RESEARCH INFRASTRUCTURE AT THE FOUNDATION.

It is the sense of Congress that the Foundation should strive to keep the percentage of the Foundation budget devoted to research infrastructure in the range of 24 to 27 percent, as recommended in the 2003 National Science Board report entitled ''Science and Engineering Infrastructure for the 21st Century''.

SEC. 227. PARTNERSHIPS FOR INNOVATION.

(a) IN GENERAL.—The Director shall carry out a program to award merit-reviewed, competitive grants to institutions of higher education to establish and to expand partnerships that promote innovation and increase the economic and social impact of research by developing tools and resources to connect new scientific discoveries to practical uses.

(b) PARTNERSHIPS.—

(1) IN GENERAL.—To be eligible for funding under this section, an institution of higher education must propose establishment of a partnership that—

(A) includes at least one private sector entity; and

(B) may include other institutions of higher education, public sector institutions, private sector entities, and social enterprise nonprofit organizations.

(2) PRIORITY.—In selecting grant recipients under this section, the Director shall give priority to partnerships that include one or more institutions of higher education that are among the 100 institutions receiving, over the 3-year period immediately preceding the awarding of grants, the highest amount of research funding from the Foundation and at least one of the following:

(A) A minority serving institution.

(B) A primarily undergraduate institution.

(C) A 2-year institution of higher education.

(c) PROGRAM.—Proposals funded under this section shall seek to—

(1) increase the economic or social impact of the most promising research at the institution or institutions of higher education that are members of the partnership through knowledge transfer or commercialization;

(2) increase the engagement of faculty and students across multiple disciplines and departments, including faculty and students in schools of business and other appropriate non-STEM fields and disciplines in knowledge transfer activities;

(3) enhance education and mentoring of students and faculty in innovation and entrepreneurship through networks, courses, and development of best practices and curricula;

(4) strengthen the culture of the institution or institutions of higher education to undertake and participate in activities related to innovation and leading to economic or social impact;

(5) broaden the participation of all types of institutions of higher education in activities to meet STEM workforce needs and promote innovation and knowledge transfer; and

(6) build lasting partnerships with local and regional businesses, local and State governments, and other relevant entities.

(d) ADDITIONAL CRITERIA.—In selecting grant recipients under this section, the Director shall also consider the extent to which the applicants are able to demonstrate evidence of institutional support for, and commitment to—

(1) achieving the goals of the program as described in subsection (c);

(2) expansion to an institution-wide program if the initial proposal is not for an institution-wide program; and

(3) sustaining any new innovation tools and resources generated from funding under this program.

(e) LIMITATION.—No funds provided under this section may be used to construct or renovate a building or structure.

SEC. 228. PRIZE AWARDS.

(a) SHORT TITLE.—This section may be cited as the ''Generating Extraordinary New Innovations in the United States Act of 2010''.

(b) IN GENERAL.—The Director shall carry out a pilot program to award innovation inducement cash prizes in any area of research supported by the Foundation. The Director may carry out a program of cash prizes only in conformity with this section.

(c) TOPICS.—In identifying topics for prize competitions under this section, the Director shall—

(1) consult widely both within and outside the Federal Government;

(2) give priority to high-risk, high-reward research challenges and to problems whose solution could improve the economic competitiveness of the United States; and

(3) give consideration to the extent to which the topics have the potential to raise public awareness about federally sponsored research.

(d) TYPES OF CONTESTS.—The Director shall consider all categories of innovation inducement prizes, including—

(1) contests in which the award is to the first team or individual who accomplishes a stated objective; and

(2) contests in which the winner is the team or individual who comes closest to achieving an objective within a specified time.

(e) ADVERTISING AND ANNOUNCEMENT.—

(1) ADVERTISING AND SOLICITATION OF COMPETITORS.—The Director shall widely advertise prize competitions to encourage broad participation, including by individuals, institutions of higher education, nonprofit organizations, and businesses.

(2) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Director shall announce each prize competition by publishing a notice in the Federal Register. This notice shall include the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize, including the method by which the prize winner or winners will be selected.

(3) TIME TO ANNOUNCEMENT.—The Director shall announce a prize competition within 18 months after receipt of appropriated funds.

(f) FUNDING.—

(1) FUNDING SOURCES.—Prizes under this section shall consist of Federal appropriated funds and any funds raised pursuant to donations authorized under section 11(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1870(f)) for specific prize competitions.

(2) ANNOUNCEMENT OF PRIZES.—The Director may not issue a notice as required by subsection (e)(2) until all of the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by another entity pursuant to paragraph (1).

(g) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

(1) shall have complied with all of the requirements under this section;

(2) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a United States citizen or national, or an alien lawfully admitted to the United States for permanent residence;

(3) shall not be a Federal entity, a Federal employee acting within the scope of his or her employment, or a person employed at a Federal laboratory acting within the scope of his or her employment; and

(4) shall not have utilized Federal funds to engage in research on the topic for which the prize is being awarded.

(h) AWARDS.—

(1) NUMBER OF COMPETITIONS.—The Director may announce up to 5 prize competitions through the end of fiscal year 2013.

(2) SIZE OF AWARD.—The Director may determine the amount of each prize award based on the prize topic, but no award shall be less than $1,000,000 or greater than $3,000,000.

(3) SELECTING WINNERS.—The Director may convene an expert panel to select a winner of a prize competition. If the panel is unable to select a winner, the Director shall determine the winner of the prize.

(4) PUBLIC OUTREACH.—The Director shall publicly award prizes utilizing the Foundation's existing public affairs and public outreach resources.

(i) ADMINISTERING THE COMPETITION.—The Director may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

(j) INTELLECTUAL PROPERTY.—The Federal Government shall not, by virtue of offering or awarding a prize under this section, be entitled to any intellectual property rights derived as a consequence of, or in direct relation to, the participation by a registered participant in a competition authorized by this section. This subsection shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this section.

(k) LIABILITY.—The Director may require a registered participant in a prize competition under this section to waive liability against the Federal Government for injuries and damages that result from participation in such competition.

(l) NONSUBSTITUTION.—Any programs created under this section shall not be considered a substitute for Federal research and development programs.

(m) REPORTING REQUIREMENT.—Not later than 5 years after the date of enactment of this Act, the National Science Board shall transmit to Congress a report containing the results of a review and assessment of the pilot program under this section, including—

(1) a description of the nature and status of all completed or ongoing prize competitions carried out under this section, including any scientific achievements, publications, intellectual property, or commercialized technology that resulted from such competitions;

(2) any recommendations regarding changes to, the termination of, or continuation of the pilot program;

(3) an analysis of whether the program is attracting contestants more diverse than the Foundation's traditional academic constituency;

(4) an analysis of whether public awareness of innovation or of the goal of the particular prize or prizes is enhanced;

(5) an analysis of whether the Foundation's public image or ability to increase public scientific literacy is enhanced through the use of innovation inducement prizes; and

(6) an analysis of the extent to which private funds are being used to support registered participants.

(n) EARLY TERMINATION OF CONTESTS.—The Director shall terminate a prize contest before any registered participant wins if the Director determines that an unregistered entity has produced an innovation that would otherwise have qualified for the prize award.

(o) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—

(A) AWARDS.—There are authorized to be appropriated to the Director for the period encompassing fiscal years 2011 through 2013 $12,000,000 for carrying out this section.

(B) ADMINISTRATION.—Of the amounts authorized in subparagraph (A), not more than 15 percent for each fiscal year shall be available for the administrative costs of carrying out this section.

(2) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this section shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes as authorized by law only after the expiration of 7 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this section permits obligation or payment of funds in violation of section 1341 of title 31 of the United States Code (commonly referred to as the Anti-Deficiency Act).

SEC. 229. COLLABORATION IN PLANNING FOR STEWARDSHIP OF LARGE-SCALE FACILITIES.

It is the sense of Congress that the Foundation should, in its planning for construction and stewardship of large facilities, coordinate and collaborate with other Federal agencies, including the Department of Energy's Office of Science, to ensure that joint investments may be made when practicable. In particular, the Foundation should ensure that it responds to recommendations by the National Academy of Sciences and working groups convened by the National Science and Technology Council regarding such facilities and opportunities for partnership with other agencies in the design and construction of such facilities. For facilities in which research in multiple disciplines will be possible, the Director should include multiple units within the Foundation during the planning process.

SEC. 230. GREEN CHEMISTRY BASIC RESEARCH.

The Director shall establish a Green Chemistry Basic Research program to award competitive, merit-based grants to support research into green and sustainable chemistry which will lead to clean, safe, and economical alternatives to traditional chemical products and practices. The research program shall provide sustained support for green chemistry research, education, and technology transfer through—

(1) merit-reviewed competitive grants to individual investigators and teams of investigators, including, to the extent practicable, young investigators, for research;

(2) grants to fund collaborative research partnerships among universities, industry, and nonprofit organizations;

(3) symposia, forums, and conferences to increase outreach, collaboration, and dissemination of green chemistry advances and practices; and

(4) education, training, and retraining of undergraduate and graduate students and professional chemists and chemical engineers, including through partnerships with industry, in green chemistry science and engineering.

Subtitle C—STEM Education and Workforce Training

SEC. 241. GRADUATE STUDENT SUPPORT.

(a) FINDING.—The Congress finds that—

(1) the Integrative Graduate Education and Research Traineeship program is an important program for training the next generation of scientists and engineers in team-based interdisciplinary research and problem solving, and for providing them with the many additional skills, such as communication skills, needed to thrive in diverse STEM careers; and

(2) the Integrative Graduate Education and Research Traineeship program is no less valuable to the preparation and support of graduate students than the Foundation's Graduate Research Fellowship program.

(b) EQUAL TREATMENT OF IGERT AND GRF.—Beginning in fiscal year 2011, the Director shall increase or, if necessary, decrease funding for the Foundation's Integrative Graduate Education and Research Traineeship program (or any program by which it is replaced) at least at the same rate as it increases or decreases funding for the Graduate Research Fellowship program.

(c) SUPPORT FOR GRADUATE STUDENT RESEARCH FROM THE RESEARCH ACCOUNT.—For each of the fiscal years 2011 through 2015, at least 50 percent of the total Foundation funds allocated to the Integrative Graduate Education and Research Traineeship program and the Graduate Research Fellowship program shall come from funds appropriated for Research and Related Activities.

(d) COST OF EDUCATION ALLOWANCE FOR GRF PROGRAM.—Section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1869) is amended—

(1) by inserting ''(a)'' before ''The Foundation is authorized''; and

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

''(b) The Director shall establish for each year the amount to be awarded for scholarships and fellowships under this section for that year. Each such scholarship and fellowship shall include a cost of education allowance of $12,000, subject to any restrictions on the use of cost of education allowance as determined by the Director.''.

SEC. 242. POSTDOCTORAL FELLOWSHIP IN STEM EDUCATION RESEARCH.

(a) IN GENERAL.—The Director shall establish postdoctoral fellowships in STEM education research to provide recent doctoral degree graduates in STEM fields with the necessary skills to assume leadership roles in STEM education research, program development, and evaluation in our Nation's diverse educational institutions.

(b) AWARDS.—

(1) DURATION.—Fellowships may be awarded under this section for a period of up to 24 months in duration, renewable for an additional 12 months. The Director shall establish criteria for eligibility for renewal of the fellowship.

(2) STIPEND.—The Director shall determine the amount of the award for a fellowship, which shall include a stipend and a research allowance, and may include an educational allowance.

(3) LOCATION.—A fellowship shall be awarded for research at any institution of higher education that offers degrees in fields supported by the Foundation, or at any institution or organization that the Director determines is eligible for education research grants from the Foundation.

(4) NUMBER OF AWARDS.—The Director may award up to 20 new fellowships per year.

(c) RESEARCH.—Fellowships under this section shall be awarded for research on STEM education at any educational level, including grades pre-K–12, undergraduate, graduate, and general public education, in both formal and informal settings. Research topics may include—

(1) learning processes and progressions;

(2) knowledge transfer, including curriculum development;

(3) uses of technology as teaching and learning tools;

(4) integrating STEM fields; and

(5) assessment of student learning and program evaluation.

(d) ELIGIBILITY.—To be eligible for a fellowship under this section, an individual must—

(1) be a United States citizen or national, or an alien lawfully admitted to the United States for permanent residence, at the time of application; and

(2) have received a doctoral degree in one of the STEM fields supported by the Foundation within 3 years prior to the fellowship application deadline.

(e) OUTREACH.—In carrying out the program under this section, the Director shall conduct outreach efforts to encourage applications from underrepresented groups.

SEC. 243. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

(a) MATCHING REQUIREMENT.—Section 10A(h)(1) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a(h)(1)) is amended to read as follows:

''(1) IN GENERAL.—An eligible entity receiving a grant under this section shall provide, from non-Federal sources, to carry out the activities supported by the grant—

''(A) in the case of grants in an amount of less than $1,500,000, an amount equal to at least 30 percent of the amount of the grant, at least one half of which shall be in cash; and

''(B) in the case of grants in an amount of $1,500,000 or more, an amount equal to at least 50 percent of the amount of the grant, at least one half of which shall be in cash.''.

(b) RETIRING STEM PROFESSIONALS.—Section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a) is amended in subsection (a)(2)(A) by inserting ''including retiring professionals in those fields,'' after ''mathematics professionals,''.

SEC. 244. INSTITUTIONS SERVING PERSONS WITH DISABILITIES.

For the purposes of the activities and programs supported by the Foundation, institutions of higher education chartered to serve large numbers of students with disabilities, including Gallaudet University, Landmark College, and the National Technical Institute for the Deaf, shall have a designation consistent with the designation for other institutions that serve populations underrepresented in STEM to ensure that institutions of higher education chartered to serve persons with disabilities can benefit from STEM bridge programs and from research partnerships with major research universities. Nothing in this section shall be construed to amend or otherwise affect any of the definitions for minority-serving institutions under title III or title V of the Higher Education Act of 1965.

SEC. 245. INSTITUTIONAL INTEGRATION.

(a) INNOVATION THROUGH INSTITUTIONAL INTEGRATION.—The Director shall award grants for the institutional integration of projects funded by the Foundation with a focus on education, or on broadening participation in STEM by underrepresented groups, for the purpose of increasing collaboration and coordination across funded projects and institutions and expanding the impact of such projects within and among institutions of higher education in an innovative and sustainable manner.

(b) PROGRAM ACTIVITIES.—The program under this section shall support integrative activities that involve the strategic and innovative combination of Foundation-funded projects and that provide for—

(1) additional opportunities to increase the recruitment, retention, and degree attainment of underrepresented groups in STEM disciplines;

(2) the inclusion of programming, practices, and policies that encourage the integration of education and research;

(3) seamless transitions from one educational level to another, including from a 2-year to a 4-year institution; and

(4) other activities that expand and deepen the impact of Foundation-funded projects with a focus on education, or on broadening participation in STEM by underrepresented groups, and enhance their sustainability.

(c) REVIEW CRITERIA.—In selecting recipients of grants under this section, the Director shall consider at a minimum—

(1) the extent to which the proposed project addresses the goals of project and program integration and adds value to the existing funded projects;

(2) the extent to which there is a proven record of success for the existing projects on which the proposed integration project is based; and

(3) the extent to which the proposed project addresses the modification of programming, practices, and policies necessary to achieve the purpose described in subsection (a).

(d) PRIORITY.—In selecting recipients of grants under this section, the Director shall give priority to proposals for which a senior institutional administrator, including a dean or other administrator of equal or higher rank, serves as the principal investigator.

SEC. 246. POSTDOCTORAL RESEARCH FELLOWSHIPS.

(a) IN GENERAL.—The Director shall establish a Foundation-wide postdoctoral research fellowship program, to award competitive, merit-based postdoctoral research fellowships in any field of research supported by the Foundation.

(b) DURATION AND AMOUNT.—Fellowships may be awarded under this section for a period of up to 3 years in duration. The Director shall determine the amount of the award for a fellowship, which shall include a stipend and a research allowance, and may include an educational allowance.

(c) ELIGIBILITY.—To be eligible to receive a fellowship under this section, an individual—

(1) must be a United States citizen or national, or an alien lawfully admitted to the United States for permanent residence, at the time of application;

(2) must have received a doctoral degree in any field of research supported by the Foundation within 3 years prior to the fellowship application deadline, or will complete a doctoral degree no more than 1 year after the application deadline; and

(3) may not have previously received funding as the principal investigator of a research grant from the Foundation, unless such funding was received as a graduate student.

(d) PRIORITY.—In evaluating applications for fellowships under this section, the Director shall give priority to applications that include—

(1) proposals for interdisciplinary research; or

(2) proposals for high-risk, high-reward research.

(e) ADDITIONAL CONSIDERATIONS.—

(1) IN GENERAL.—In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) and veterans.

(2) DEFINITION.—For purposes of this subsection, the term ''veteran'' means a person who—

(A) served on active duty (other than active duty for training) in the Armed Forces of the United States for a period of more than 180 consecutive days, and who was discharged or released therefrom under conditions other than dishonorable; or

(B) served on active duty (other than active duty for training) in the Armed Forces of the United States and was discharged or released from such service for a service-connected disability before serving 180 consecutive days.

For purposes of subparagraph (B), the term ''service-connected'' has the meaning given such term under section 101 of title 38, United States Code.

(f) NONSUBSTITUTION.—The fellowship program authorized under this section is not intended to replace or reduce support for postdoctoral research through existing programs at the Foundation.

(g) OUTREACH.—In carrying out the program under this section, the Director shall conduct outreach efforts to encourage applications from underrepresented groups.

SEC. 247. BROADENING PARTICIPATION TRAINING AND OUTREACH.

The Director shall provide education and training—

(1) to Foundation staff and grant proposal review panels on effective mechanisms and tools for broadening participation in STEM by underrepresented groups, including reviewer selection and mitigation of implicit bias in the review process; and

(2) to Foundation staff on related outreach approaches.

SEC. 248. TRANSFORMING UNDERGRADUATE EDUCATION IN STEM.

Section 17 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–6) is amended to read as follows:

''SEC. 17. TRANSFORMING UNDERGRADUATE EDUCATION IN STEM.

''(a) IN GENERAL.—The Director shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education (or to consortia thereof) to reform undergraduate STEM education for the purpose of increasing the number and quality of students studying toward and completing baccalaureate degrees in STEM and improving the STEM learning outcomes for all undergraduate students, including through—

''(1) development, implementation, and assessment of innovative, research-based approaches to transforming the teaching and learning of disciplinary or interdisciplinary STEM at the undergraduate level; and

''(2) expansion of successful STEM reform efforts beyond a single course or group of courses to achieve reform within an entire academic unit, or expansion of successful reform efforts beyond a single academic unit to other STEM academic units within an institution or to comparable academic units at other institutions.

''(b) USES OF FUNDS.—Activities supported by grants under this section may include—

''(1) creation of multidisciplinary or interdisciplinary courses or programs that formalize collaborations for the purpose of improved student instruction and research in STEM;

''(2) expansion of undergraduate STEM research opportunities to include interdisciplinary research opportunities and research opportunities in industry, at Federal labs, and at international research institutions or research sites;

''(3) implementation or expansion of bridge programs, including programs that address student transition from 2-year to 4-year institutions, and cohort, tutoring, or mentoring programs proven to enhance student recruitment or persistence to degree completion in STEM, including recruitment or persistence to degree completion of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b);

''(4) improvement of undergraduate STEM education for nonmajors, including education majors;

''(5) implementation of evidence-based, technology-driven reform efforts that directly impact undergraduate STEM instruction or research experiences;

''(6) development and implementation of faculty and graduate teaching assistant development programs focused on improved instruction, mentoring, assessment of student learning, and support of undergraduate STEM students;

''(7) support for graduate students and postdoctoral fellows to participate in instructional or assessment activities at primarily undergraduate institutions;

''(8) research on teaching and learning of STEM at the undergraduate level related to the proposed reform effort, including assessment and evaluation of the proposed reform activities, research on scalability and sustainability of approaches to reform, and development and implementation of longitudinal studies of students included in the proposed reform effort; and

''(9) support for initiatives that advance the integration of global challenges such as sustainability into disciplinary and interdisciplinary STEM education.

''(c) PARTNERSHIP.—An institution of higher education may partner with one or more

other nonprofit education or research organizations, including scientific and engineering societies, for the purposes of carrying out the activities authorized under this section.

''(d) SELECTION PROCESS.—

''(1) APPLICATIONS.—An institution of higher education seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

''(A) a description of the proposed reform effort;

''(B) a description of the research findings that will serve as the basis for the proposed reform effort or, in the case of applications that propose an expansion of a previously implemented reform effort, a description of the previously implemented reform effort, including indicators of success such as data on student recruitment, persistence to degree completion, and academic achievement;

''(C) evidence of institutional support for, and commitment to, the proposed reform effort, including long-term commitment to implement successful strategies from the current reform effort beyond the academic unit or units included in the grant proposal or to disseminate successful strategies to other institutions;

''(D) a description of existing or planned institutional policies and practices regarding faculty hiring, promotion, tenure, and teaching assignment that reward faculty contributions to undergraduate STEM education; and

''(E) a description of the plans for assessment and evaluation of the proposed reform activities, including evidence of participation by individuals with experience in assessment and evaluation of teaching and learning programs.

''(2) REVIEW OF APPLICATIONS.—In selecting grant recipients under this section, the Director shall consider at a minimum—

''(A) the likelihood of success in undertaking the proposed effort at the institution submitting the application, including the extent to which the faculty, staff, and administrators of the institution are committed to making the proposed institutional reform a priority of the participating academic unit or units;

''(B) the degree to which the proposed reform will contribute to change in institutional culture and policy such that a greater value is placed on faculty engagement in undergraduate education;

''(C) the likelihood that the institution will sustain or expand the reform beyond the period of the grant; and

''(D) the degree to which scholarly assessment and evaluation plans are included in the design of the reform effort, including the degree to which such assessment and evaluation contribute to the systematic accumulation of knowledge on STEM education.

''(3) PRIORITY.—For proposals that include an expansion of existing reform efforts beyond a single academic unit, the Director shall give priority to proposals for which a senior institutional administrator, including a dean or other administrator of equal or higher rank, serves as the principal investigator or a coprincipal investigator.

''(4) GRANT DISTRIBUTION.—The Director shall ensure, to the extent practicable, that grants awarded under this section are made to a variety of types of institutions of higher education.''.

SEC. 249. TWENTY-FIRST CENTURY GRADUATE EDUCATION.

(a) IN GENERAL.—The Director shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education to implement or expand research-based reforms in master's and doctoral level STEM education that emphasize preparation for diverse careers utilizing STEM degrees, including at diverse types of institutions of higher education, in industry, and at government agencies and research laboratories.

(b) USES OF FUNDS.—Activities supported by grants under this section may include—

(1) creation of multidisciplinary or interdisciplinary courses or programs for the purpose of improved student instruction and research in STEM;

(2) expansion of graduate STEM research opportunities to include interdisciplinary research opportunities and research opportunities in industry, at Federal laboratories, and at international research institutions or research sites;

(3) development and implementation of future faculty training programs focused on improved instruction, mentoring, assessment of student learning, and support of undergraduate STEM students;

(4) support and training for graduate students to participate in instructional activities beyond the traditional teaching assistantship, and especially as part of ongoing educational reform efforts, including at pre-K–12 schools, informal science education institutions, and primarily undergraduate institutions;

(5) creation, improvement, or expansion of innovative graduate programs such as science master's degree programs;

(6) development and implementation of seminars, workshops, and other professional development activities that increase the ability of graduate students to engage in innovation, technology transfer, and entrepreneurship;

(7) development and implementation of seminars, workshops, and other professional development activities that increase the ability of graduate students to effectively communicate their research findings to technical audiences outside of their own discipline and to nontechnical audiences;

(8) expansion of successful STEM reform efforts beyond a single academic unit to other STEM academic units within an institution or to comparable academic units at other institutions; and

(9) research on teaching and learning of STEM at the graduate level related to the proposed reform effort, including assessment and evaluation of the proposed reform activities and research on scalability and sustainability of approaches to reform.

(c) PARTNERSHIP.—An institution of higher education may partner with one or more other nonprofit education or research organizations, including scientific and engineering societies, for the purposes of carrying out the activities authorized under this section.

(d) SELECTION PROCESS.—

(1) APPLICATIONS.—An institution of higher education seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

(A) a description of the proposed reform effort;

(B) in the case of applications that propose an expansion of a previously implemented reform effort at the applicant's institution or at other institutions, a description of the previously implemented reform effort;

(C) evidence of institutional support for, and commitment to, the proposed reform effort, including long-term commitment to implement successful strategies from the current reform effort beyond the academic unit or units included in the grant proposal or to disseminate successful strategies to other institutions; and

(D) a description of the plans for assessment and evaluation of the grant proposed reform activities.

(2) REVIEW OF APPLICATIONS.—In selecting grant recipients under this section, the Director shall consider at a minimum—

(A) the likelihood of success in undertaking the proposed effort at the institution submitting the application, including the extent to which the faculty, staff, and administrators of the institution are committed to making the proposed institutional reform a priority of the participating academic unit or units;

(B) the degree to which the proposed reform will contribute to change in institutional culture and policy such that a greater value is placed on preparing graduate students for diverse careers utilizing STEM degrees;

(C) the likelihood that the institution will sustain or expand the reform beyond the period of the grant; and

(D) the degree to which scholarly assessment and evaluation plans are included in the design of the reform effort.

(e) REPEAL.—Section 7034 of the America COMPETES Act (42 U.S.C. 1862o–13) is repealed.

SEC. 250. UNDERGRADUATE BROADENING PARTICIPATION PROGRAM.

(a) UNDERGRADUATE BROADENING PARTICIPATION PROGRAM.—The Foundation shall continue to support the Historically Black Colleges and Universities Undergraduate Program, the Louis Stokes Alliances for Minority Participation program, and the Tribal Colleges and Universities Program as separate programs at least through September 30, 2011.

(b) PLAN.—Prior to any realignment or consolidation of the programs described in subsection (a), in addition to the Hispanic-Serving Institutions Undergraduate Program required by section 7033 of the America COMPETES Act (42 U.S.C. 1862o–12), the Director shall develop a plan clarifying the objectives and rationale for such changes. The plan shall include a description of how such changes would result in—

(1) meeting or strengthening the common goal of the separate programs to increase the number of individuals from underrepresented groups attaining undergraduate STEM degrees; and

(2) addressing the unique needs of the different types of minority serving institutions and underrepresented groups currently provided for by the separate programs.

(c) RECOMMENDATIONS.—In the development of the plan required under subsection (b), the Director shall at a minimum—

(1) consider the recommendations and findings of the National Academy of Sciences report required by section 7032 of the America COMPETES Act (Public Law 110–69); and

(2) solicit recommendations and feedback from a wide range of stakeholders, including representatives from minority serving institutions, other institutions of higher education, and other entities with expertise on effective mechanisms to increase the recruitment and retention of members of underrepresented groups in STEM fields, and the attainment of STEM degrees by underrepresented groups.

(d) APPROVAL BY CONGRESS.—The plan developed under this section shall be transmitted to Congress at least 3 months prior to the implementation of any realignment or consolidation of the programs described in subsection (a).

SEC. 251. GRAND CHALLENGES IN EDUCATION RESEARCH.

(a) IN GENERAL.—The Director and the Secretary of Education shall collaborate, in consultation with the Director of the National Institutes of Health, in—

(1) identifying, prioritizing, and developing strategies to address grand challenges in research and development on the teaching and learning of STEM at the pre-K–12 level, in formal and informal settings, for diverse learning populations, including individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b), and students in rural schools;

(2) carrying out research and development to address the grand challenges identified in paragraph (1); and

(3) ensuring the dissemination of the results of such research and development.

(b) STAKEHOLDER INPUT.—In identifying the grand challenges required in subsection (a), the Director and the Secretary shall—

(1) take into consideration critical research gaps identified in existing reports, including reports by the National Academies, on the teaching and learning of STEM at the pre-K–12 level in formal and informal settings; and

(2) solicit input from a wide range of stakeholders, including local and State education officials, STEM teachers, STEM education researchers, scientific and engineering societies, STEM faculty at institutions of higher education, informal STEM education providers, businesses with a large STEM workforce, and other stakeholders in the teaching and learning of STEM at the pre-K–12 level, and may enter into an arrangement with the National Research Council for these purposes.

(c) TOPICS TO CONSIDER.—In identifying the grand challenges required in subsection (a), the Director and the Secretary, in order to provide students with increased access to rigorous courses of study in STEM, increase the number of students who are prepared for advanced study and careers in STEM, and increase the effective teaching of STEM subjects, shall at a minimum consider the following topics:

(1) Research on scalability, sustainability, and replication of successful STEM activities, programs, and models, in formal and informal environments.

(2) Research that utilizes a systems approach to identifying challenges and opportunities to improve the teaching and learning of STEM, including development and evaluation of model systems that support improved teaching and learning of STEM across entire school districts and States, and encompassing and integrating the teaching and learning of STEM in formal and informal venues, and in K–12 schools and institutions of higher education.

(3) Research to understand what makes a STEM teacher effective and pre-service and in-service STEM teacher training and professional development effective, including development of tools and methodologies to measure STEM teacher effectiveness.

(4) Research and development on cyber-enabled tools and programs and television based tools and programs for learning and teaching STEM, including development of tools and methodologies for assessing cyber and television enabled teaching and learning.

(5) Research and development on STEM teaching and learning in informal environments, including development of tools and methodologies for assessing STEM teaching and learning in informal environments.

(6) Research and development on how integrating engineering with mathematics and science education may—

(A) improve student learning of mathematics and science;

(B) increase student interest and persistence in STEM; or

(C) improve student understanding of engineering design principles and of the built world.

(7) Research to understand what makes hands-on, inquiry-based classroom experiences effective, including development of tools and methodologies for assessing such experiences.

(d) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Director and the Secretary shall report back to Congress with a description of—

(1) the grand challenges identified pursuant to this section;

(2) the role of each agency in supporting research and development activities to address the grand challenges;

(3) the common metrics that will be used to assess progress toward meeting the grand challenges;

(4) plans for periodically updating the grand challenges;

(5) how the agencies will disseminate the results of research and development activities carried out under this section to STEM education practitioners, to other Federal agencies that support STEM programs and activities, and to non-Federal funders of STEM education; and

(6) how the agencies will support implementation of best practices identified by the research and development activities.

SEC. 252. RESEARCH EXPERIENCES FOR UNDERGRADUATES.

(a) RESEARCH SITES.—The Director shall award grants, on a merit-reviewed, competitive basis, to institutions of higher education, nonprofit organizations, or consortia of such institutions and organizations, for sites designated by the Director to provide research experiences for 6 or more undergraduate STEM students for sites designated at primarily undergraduate institutions of higher education and 10 or more undergraduate STEM students for all other sites, with consideration given to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b). The Director shall ensure that—

(1) at least half of the students participating in a program funded by a grant under this subsection at each site shall be recruited from institutions of higher education where research opportunities in STEM are limited, including 2-year institutions;

(2) the awards provide undergraduate research experiences in a wide range of STEM disciplines;

(3) the awards support a variety of projects, including independent investigator-led projects, interdisciplinary projects, and multi-institutional projects (including virtual projects);

(4) students participating in each program funded have mentors, including during the academic year to the extent practicable, to help connect the students' research experiences to the overall academic course of study and to help students achieve success in courses of study leading to a baccalaureate degree in a STEM field;

(5) mentors and students are supported with appropriate salary or stipends; and

(6) student participants are tracked, for employment and continued matriculation in STEM fields, through receipt of the undergraduate degree and for at least 3 years thereafter.

(b) INCLUSION OF UNDERGRADUATES IN STANDARD RESEARCH GRANTS.—The Director shall require that every recipient of a research grant from the Foundation proposing to include 1 or more students enrolled in certificate, associate, or baccalaureate degree programs in carrying out the research under the grant shall request support, including stipend support, for such undergraduate students as part of the research proposal itself rather than as a supplement to the research proposal, unless such undergraduate participation was not foreseeable at the time of the original proposal.

SEC. 253. LABORATORY SCIENCE PILOT PROGRAM.

Section 7026 of the America COMPETES Act (Public Law 110–69) is amended by striking subsections (d) and (e).

SEC. 254. STEM INDUSTRY INTERNSHIP PROGRAMS.

(a) IN GENERAL.—The Director may award grants, on a competitive, merit-reviewed basis, to institutions of higher education, or consortia thereof, to establish or expand partnerships with local or regional private sector entities, for the purpose of providing undergraduate students with integrated internship experiences that connect private sector internship experiences with the students' STEM coursework. Such partnerships may also include industry or professional associations.

(b) PRIORITY.—In awarding grants under this section, the Director shall give priority to institutions of higher education or consortia thereof that demonstrate significant outreach to and coordination with local or regional private sector entities in developing academic courses designed to provide students with the skills necessary for employment in local or regional companies.

(c) OUTREACH TO RURAL COMMUNITIES.—The Foundation shall conduct outreach to institutions of higher education and private sector entities in rural areas to encourage those entities to participate in partnerships under this section.

(d) COST-SHARE.—The Director shall require a 50 percent non-Federal cost-share from partnerships established or expanded under this section.

(e) RESTRICTION.—No Federal funds provided under this section may be used—

(1) for the purpose of providing stipends or compensation to students for private sector internships; or

(2) as payment or reimbursement to private sector entities, except for institutions of higher education.

(f) REPORT.—Not less than 3 years after the date of enactment of this Act, the Director shall submit a report to Congress on the number and total value of awards made under this section, the number of students affected by those awards, any evidence of the effect of those awards on workforce preparation and jobs placement for participating students, and an economic and ethnic breakdown of the participating students.

SEC. 255. TRIBAL COLLEGES AND UNIVERSITIES PROGRAM.

(a) IN GENERAL.—The Director shall continue to support a program to award grants on a competitive, merit-reviewed basis to tribal colleges and universities (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)), including institutions described in section 317 of such Act (20 U.S.C. 1059d), to enhance the quality of undergraduate STEM education at such institutions and to increase the retention and graduation rates of Native American students pursuing associate's or baccalaureate degrees in STEM.

(b) PROGRAM COMPONENTS.—Grants awarded under this section shall support—

(1) activities to improve courses and curriculum in STEM;

(2) faculty development;

(3) stipends for undergraduate students participating in research; and

(4) other activities consistent with subsection (a), as determined by the Director.

(c) INSTRUMENTATION.—Funding provided under this section may be used for instrumentation.

SEC. 256. CYBER-ENABLED LEARNING FOR NATIONAL CHALLENGES.

The Director shall, in consultation with appropriate Federal agencies, identify ways

to use cyber-enabled learning to create an innovative STEM workforce and to help retrain and retain our existing STEM workforce to address national challenges, including national security and competitiveness.

SEC. 257. SENSE OF CONGRESS.

It is the sense of Congress that retaining graduate-level talent trained at American universities in Science, Technology, Engineering, and Mathematics (STEM) fields is critical to enhancing the competitiveness of American businesses.

TITLE III—STEM EDUCATION

SEC. 301. COORDINATION OF FEDERAL STEM EDUCATION.

(a) SHORT TITLE.—This section may be cited as the ''STEM Education Coordination Act of 2010''.

(b) DEFINITION.—In this section, the term ''STEM'' means science, technology, engineering, and mathematics.

(c) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish a committee under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of STEM education, including at the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Education, and all other Federal agencies that have programs and activities in support of STEM education.

(d) RESPONSIBILITIES OF THE COMMITTEE.—The committee established under subsection (c) shall—

(1) coordinate the STEM education activities and programs of the Federal agencies;

(2) develop, implement through the participating agencies, and update once every 5 years a 5-year STEM education strategic plan, which shall—

(A) specify and prioritize annual and long-term objectives;

(B) specify the common metrics that will be used to assess progress toward achieving the objectives;

(C) describe the approaches that will be taken by each participating agency to assess the effectiveness of its STEM education programs and activities;

(D) with respect to subparagraph (A), describe the role of each agency in supporting programs and activities designed to achieve the objectives;

(E) describe the approaches that will be taken by each agency to increase the participation of underrepresented minority groups in STEM studies and careers both for programs specifically designed to broaden participation and for all programs in general, including by providing for programs and activities that increase participation by individuals in these groups at all institutions, and by increasing the engagement of Historically Black Colleges and Universities and minority-serving institutions in the STEM education and outreach activities supported by the agencies; and

(F) describe the approaches that will be taken by each participating agency to conduct outreach designed to promote widespread public understanding of career opportunities in the STEM fields specific to the workforce needs of each agency, including outreach to women, Latinos, African-Americans, Native Americans, and other students from groups underrepresented in STEM; and

(3) establish, periodically update, and maintain an inventory of federally sponsored STEM education programs and activities, including documentation of assessments of the effectiveness of such programs and activities and rates of participation by underrepresented minorities in such programs and activities; and

(4) establish and maintain a publically accessible online database of all federally sponsored STEM education programs and activities at all levels and for all audiences, including students, teachers, and the general public.

(e) RESPONSIBILITIES OF OSTP.—The Director of the Office of Science and Technology Policy shall encourage and monitor the efforts of the participating agencies to ensure that the strategic plan under subsection (d)(2) is developed and executed effectively and that the objectives of the strategic plan are met.

(f) REPORT.—The Director of the Office of Science and Technology Policy shall transmit a report annually to Congress at the time of the President's budget request describing the plan required under subsection (d)(2). The annual report shall include—

(1) a description of the STEM education programs and activities for the previous and current fiscal years, and the proposed programs and activities under the President's budget request, of each participating Federal agency;

(2) the levels of funding for each participating Federal agency for the programs and activities described under paragraph (1) for the previous fiscal year and under the President's budget request;

(3) except for the initial annual report, a description of the progress made in carrying out the implementation plan, including a description of the outcome of any program assessments completed in the previous year, and any changes made to that plan since the previous annual report; and

(4) a description of how the participating Federal agencies will disseminate information about federally supported resources for STEM education practitioners, including teacher professional development programs, to States and to STEM education practitioners, including to teachers and administrators in high-need schools, as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).

SEC. 302. ADVISORY COMMITTEE ON STEM EDUCATION.

(a) IN GENERAL.—The President shall establish or designate an advisory committee on science, technology, engineering, and mathematics (STEM) education.

(b) MEMBERSHIP.—The advisory committee established or designated by the President under subsection (a) shall be chaired by at least 2 members of the President's Council of Advisors on Science and Technology, with the remaining advisory committee membership consisting of non-Federal members who are specially qualified to provide the President with advice and information on STEM education. Membership of the advisory committee, at a minimum, shall include individuals from the following categories of individuals and organizations:

(1) Elementary school and secondary school administrator associations.

(2) STEM educator professional associations.

(3) Organizations that provide informal STEM education activities.

(4) Institutions of higher education.

(5) Scientific and engineering professional societies.

(6) Business and industry associations.

(7) Foundations that fund STEM education activities.

(c) RESPONSIBILITIES.—The responsibilities of the advisory committee shall include—

(1) soliciting input from teachers and administrators in both public and private schools, local educational agencies, States, and other public and private STEM education stakeholder groups for the purpose of informing the Federal agencies that support STEM education programs on the STEM education needs of States and school districts, including the unique needs of schools in rural areas;

(2) soliciting input from all STEM education, including through the interagency committee established under section 301, stakeholder groups regarding STEM education programs, including STEM education research programs, supported by Federal agencies;

(3) providing advice to the Federal agencies, including through the interagency committee established under section 301, that support STEM education programs on how their programs can be better aligned with the needs of States and school districts as identified in paragraph (1), consistent with the mission of each agency;

(4) offering guidance to the President on current STEM education activities, research findings, and best practices, with the purpose of increasing connectivity between public and private STEM education efforts;

(5) facilitating improved coordination between federally supported STEM education programs and activities and State level activities, including the efforts of P–16 and P–20 councils in the States; and

(6) providing advice to Federal agencies on how their STEM technical training and education programs can be better aligned with the workforce needs of States and regions.

(d) DEFINITIONS.—For purposes of this section:

(1) P-16.—The term ''P–16'' refers to a system of education that encompasses preschool through undergraduate level education.

(2) P-20.—The term ''P–20'' refers to a system of education that encompasses preschool through graduate level education.

SEC. 303. STEM EDUCATION AT THE DEPARTMENT OF ENERGY.

(a) DEFINITIONS.—Section 5002 of the America COMPETES Act (42 U.S.C. 16531) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

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

''(2) ENERGY SYSTEMS SCIENCE AND ENGINEERING.—The term 'energy systems science and engineering' means—

''(A) nuclear science and engineering, including—

''(i) nuclear engineering;

''(ii) nuclear chemistry;

''(iii) radiochemistry; and

''(iv) health physics;

''(B) hydrocarbon system science and engineering, including—

''(i) petroleum or reservoir engineering;

''(ii) environmental geoscience;

''(iii) petrophysics;

''(iv) geophysics;

''(v) geochemistry;

''(vi) petroleum geology;

''(vii) ocean engineering;

''(viii) environmental engineering; and

''(ix) carbon capture and sequestration science and engineering;

''(C) energy efficiency and renewable energy technology systems science and engineering, including with respect to—

''(i) solar technology systems;

''(ii) wind technology systems;

''(iii) buildings technology systems;

''(iv) transportation technology systems;

''(v) hydropower systems;

''(vi) marine and hydrokinetic technology systems;

''(vii) geothermal systems; and

''(viii) biomass technology systems; and

''(D) energy storage and distribution systems science and engineering, including with respect to—

''(i) energy storage; and

''(ii) energy delivery.''.

(b) SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION PROGRAMS.—Subpart B of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381g et seq.) is amended—

(1) in section 3170—

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

''(1) DIRECTOR.—The term 'Director' means the Director of STEM Education appointed or designated under section 3171(c)(1).'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following new paragraph:

''(2) ENERGY SYSTEMS SCIENCE AND ENGINEERING.—The term 'energy systems science and engineering' means—

''(A) nuclear science and engineering, including—

''(i) nuclear engineering;

''(ii) nuclear chemistry;

''(iii) radiochemistry; and

''(iv) health physics;

''(B) hydrocarbon system science and engineering, including—

''(i) petroleum or reservoir engineering;

''(ii) environmental geoscience;

''(iii) petrophysics;

''(iv) geophysics;

''(v) geochemistry;

''(vi) petroleum geology;

''(vii) ocean engineering;

''(viii) environmental engineering; and

''(ix) carbon capture and sequestration science and engineering;

''(C) energy efficiency and renewable energy technology systems science and engineering, including with respect to—

''(i) solar technology systems;

''(ii) wind technology systems;

''(iii) buildings technology systems;

''(iv) transportation technology systems;

''(v) hydropower systems;

''(vi) marine and hydrokinetic technology systems;

''(vii) geothermal systems; and

''(viii) biomass technology systems; and

''(D) energy storage and distribution systems science and engineering, including with respect to—

''(i) energy storage; and

''(ii) energy delivery.''; and

(D) by adding at the end the following new paragraph:

''(4) STEM.—The term 'STEM' means science, technology, engineering, and mathematics.'';

(2) by striking chapters 1, 2, 3, 4, and 6;

(3) by inserting after section 3170 the following new chapter:

''CHAPTER 1—STEM EDUCATION

''SEC. 3171. STEM EDUCATION.

''(a) IN GENERAL.—The Secretary of Energy shall develop, conduct, support, promote, and coordinate formal and informal educational activities that leverage the Department's unique content expertise and facilities to contribute to improving STEM education at all levels in the United States, and to enhance awareness and understanding of STEM, including energy sciences, in order to create a diverse skilled scientific and technical workforce essential to meeting the challenges facing the Department and the Nation in the 21st century.

''(b) PROGRAMS.—The Secretary shall carry out evidence-based programs designed to increase student interest and participation, including by women and underrepresented minority students, improve public literacy and support, and improve the teaching and learning of energy systems science and engineering and other STEM disciplines supported by the Department. Programs authorized under this subsection may include—

''(1) informal educational programming designed to excite and inspire students and the general public about energy systems science and engineering and other STEM disciplines supported by the Department, while strengthening their content knowledge in these fields;

''(2) teacher training and professional development opportunities for pre-service and in-service elementary and secondary teachers designed to increase the content knowledge of teachers in energy systems science and engineering and other STEM disciplines supported by the Department, including through hands-on research experiences;

''(3) research opportunities for secondary school students, including internships at the National Laboratories, that provide secondary school students with hands-on research experiences as well as exposure to working scientists;

''(4) research opportunities at the National Laboratories for undergraduate and graduate students pursuing degrees in energy systems science and engineering and other STEM disciplines supported by the Department;

''(5) competitive scholarships, fellowships, and traineeships for undergraduate and graduate students in energy systems science and engineering and other STEM disciplines supported by the Department;

''(6) competitive grants for institutions of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), including 2-year institutions of higher education, to establish or expand degree programs or courses in energy systems science and engineering; and

''(7) professional training for energy auditors, field technicians, and building contractors, in the areas of building energy retrofits and audits or related renewable energy technology installations.

''(c) ORGANIZATION OF STEM EDUCATION PROGRAMS.—

''(1) DIRECTOR OF STEM EDUCATION.—The Secretary shall appoint or designate a Director of STEM Education, who shall have the principal responsibility to oversee and coordinate all programs and activities of the Department in support of STEM education, including energy systems science and engineering education, across all functions of the Department.

''(2) QUALIFICATIONS.—The Director shall be an individual, who by reason of professional background and experience, is specially qualified to advise the Secretary on all matters pertaining to STEM education, including energy systems science and engineering education, at the Department.

''(3) DUTIES.—The Director shall—

''(A) oversee and coordinate all programs in support of STEM education, including energy systems science and engineering education, across all functions of the Department;

''(B) represent the Department as the principal interagency liaison for all STEM education programs, unless otherwise represented by the Secretary, the Under Secretary for Science, or the Under Secretary for Energy;

''(C) prepare the annual budget and advise the Under Secretary for Science and the Under Secretary for Energy on all budgetary issues for STEM education, including energy systems science and engineering education, relative to the programs of the Department;

''(D) establish, periodically update, and maintain a publicly accessible online inventory of STEM education programs and activities, including energy systems science and engineering education programs and activities;

''(E) develop, implement, and update the Department of Energy STEM education strategic plan, as required by subsection (d);

''(F) increase, to the maximum extent practicable, the participation and advancement of women and underrepresented minorities at every level of STEM education, including energy systems science and engineering education; and

''(G) perform such other matters relating to STEM education as are required by the Secretary, the Under Secretary for Science, or the Under Secretary for Energy.

''(d) DEPARTMENT OF ENERGY STEM EDUCATION STRATEGIC PLAN.—The Director of STEM education appointed or designated under subsection (c)(1) shall develop, implement, and update once every 3 years a 3-year STEM education strategic plan for the Department, which shall—

''(1) identify and prioritize annual and long-term STEM education goals and objectives for the Department that are aligned with the overall goals of the National Science and Technology Council Committee on STEM Education Strategic plan required under section 301(d)(2) of the STEM Education Coordination Act of 2010;

''(2) describe the role of each program or activity of the Department in contributing to the goals and objectives identified under paragraph (1);

''(3) specify the metrics that will be used to assess progress toward achieving those goals and objectives; and

''(4) describe the approaches that will be taken to assess the effectiveness of each STEM education program and activity supported by the Department.

''(e) OUTREACH TO STUDENTS FROM UNDERREPRESENTED GROUPS.—In carrying out a program authorized under this section, the Secretary shall give consideration to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b).

''(f) CONSULTATION AND PARTNERSHIP WITH OTHER AGENCIES.—In carrying out the programs and activities authorized under this section, the Secretary shall—

''(1) consult with the Secretary of Education and the Director of the National Science Foundation regarding activities designed to improve elementary and secondary STEM education; and

''(2) consult and partner with the Director of the National Science Foundation in carrying out programs under this section designed to build capacity in STEM education at the undergraduate and graduate level, including by supporting excellent proposals in energy systems science and engineering that are submitted for funding to the Foundation's Advanced Technological Education Program.''; and

(4) in section 3191—

(A) in subsection (a)—

(i) by striking ''web-based'' and inserting '', through a publicly available website,''; and

(ii) by inserting ''and project-based learning opportunities'' after ''laboratory experiments'';

(B) in subsection (b)(1), by inserting '', including energy systems science and engineering'' after ''the science of energy''; and

(C) by striking subsection (d).

(c) ENERGY APPLIED SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.—

(1) AMENDMENT.—Strike sections 5004 and 5005 of the America COMPETES Act (42 U.S.C. 16532 and 16533) and insert the following new section:

''SEC. 5004. ENERGY APPLIED SCIENCE TALENT EXPANSION PROGRAM FOR INSTITUTIONS OF HIGHER EDUCATION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to address the decline in the number of and resources available to energy systems science and engineering programs at institutions of higher education, including community colleges; and

''(2) to increase the number of graduates with degrees in energy systems science and engineering, an area of strategic importance to the economic competitiveness and energy security of the United States.

''(b) ESTABLISHMENT.—The Secretary shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education to implement or expand the energy systems science and engineering educational and technical training capabilities of the institution, and to provide merit-based financial support for master's and doctoral level students pursuing courses of study and research in energy systems sciences and engineering.

''(c) USE OF FUNDS.—An institution of higher education that receives a grant under this section may use the grant to—

''(1) provide traineeships, including stipends and cost of education allowances, to master's and doctoral students;

''(2) develop or expand multidisciplinary or interdisciplinary courses or programs;

''(3) recruit and retain new faculty;

''(4) develop or improve core and specialized course content;

''(5) encourage interdisciplinary and multidisciplinary research collaborations;

''(6) support outreach efforts to recruit students, including individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b); and

''(7) pursue opportunities for collaboration with industry and National Laboratories.

''(d) CRITERIA.—Criteria for awarding a grant under this section shall be based on—

''(1) the potential to attract new students to the program;

''(2) academic rigor; and

''(3) the ability to offer hands-on education and training opportunities for graduate students in the emerging areas of energy systems science and engineering.

''(e) PRIORITY.—The Secretary shall give priority to proposals that involve active partnerships with a National Laboratory or other energy systems science and engineering related entity, as determined by the Secretary.

''(f) DURATION AND AMOUNT.—

''(1) DURATION.—A grant under this section may be for up to 5 years in duration.

''(2) AMOUNT.—An institution of higher education that receives a grant under this section shall be eligible for up to $1,000,000 for each year of the grant period.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

''(1) $30,000,000 for fiscal year 2011;

''(2) $32,000,000 for fiscal year 2012;

''(3) $36,000,000 for fiscal year 2013;

''(4) $38,000,000 for fiscal year 2014; and

''(5) $40,000,000 for fiscal year 2015.''.

(2) CONFORMING AMENDMENT.—The table of contents for the America COMPETES Act is amended by striking the items relating to sections 5004 and 5005 and inserting the following:

Sec. 5004. Energy applied science talent expansion program for institutions of higher education.

(d) DEPARTMENT OF ENERGY EARLY CAREER AWARDS FOR SCIENCE, ENGINEERING, AND MATHEMATICS RESEARCHERS.—Section 5006 of the America COMPETES Act (42 U.S.C. 16534) is amended—

(1) in subsection (a), by striking ''Director of the Office'' and all that follows through ''shall carry'' and inserting ''Secretary shall carry'';

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting ''per year'' after ''$80,000''; and

(B) in subparagraph (B), by striking ''$125,000'' and inserting ''$175,000 per year'';

(3) in subsection (c)(1), by striking '', as determined by the Director'';

(4) in subsections (c)(2), (e), (f), and (g), by striking ''Director'' each place it appears and inserting ''Secretary'';

(5) in subsection (d), by striking ''merit-reviewed'' and inserting ''merit-based, peer reviewed''; and

(6) in subsection (h)—

(A) by striking '', acting through the Director,''; and

(B) by striking ''$25,000,000 for each of fiscal years 2008 through 2010'' and inserting ''such sums as are necessary''.

(e) PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.—Section 5009 of the America COMPETES Act (42 U.S.C. 16536) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''involving written and oral interviews, that will result in a wide distribution of awards throughout the United States,''; and

(B) in paragraph (2)(B)(iv), by striking ''verbal and'';

(2) in subsection (d)(1)(B)(i), by inserting ''partial or full'' before ''graduate tuition''; and

(3) by striking subsection (f).

(f) REPEAL.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is repealed.

SEC. 304. GREEN ENERGY EDUCATION.

(a) SHORT TITLE.—This section may be cited as the ''Green Energy Education Act of 2010''.

(b) DEFINITION.—For the purposes of this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(2) HIGH PERFORMANCE BUILDING.—The term ''high performance building'' has the meaning given that term in section 914(a) of the Energy Policy Act of 2005 (42 U.S.C. 16194(a)).

(c) GRADUATE TRAINING IN ENERGY RESEARCH AND DEVELOPMENT.—

(1) FUNDING.—In carrying out research, development, demonstration, and commercial application activities authorized for the Department of Energy, the Secretary may contribute funds to the National Science Foundation for the Integrative Graduate Education and Research Traineeship program to support projects that enable graduate education related to such activities.

(2) CONSULTATION.—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in paragraph (1).

(d) CURRICULUM DEVELOPMENT FOR HIGH PERFORMANCE BUILDING DESIGN.—

(1) FUNDING.—In carrying out advanced energy technology research, development, demonstration, and commercial application activities authorized for the Department of Energy related to high performance buildings, the Secretary may contribute funds to curriculum development activities at the National Science Foundation for the purpose of improving undergraduate or graduate interdisciplinary engineering and architecture education related to the design and construction of high performance buildings, including development of curricula, of laboratory activities, of training practicums, or of design projects. A primary goal of curriculum development activities supported under this subsection shall be to improve the ability of engineers, architects, landscape architects, and planners to work together on the incorporation of advanced energy technologies during the design and construction of high performance buildings.

(2) CONSULTATION.—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in paragraph (1).

(3) PRIORITY.—In awarding grants with respect to which the Secretary has contributed funds under this subsection, the Director shall give priority to applications from departments, programs, or centers of a school of engineering that are partnered with schools, departments, or programs of design, architecture, landscape architecture, and city, regional, or urban planning.

SEC. 305. SENSE OF CONGRESS.

It is the Sense of Congress that—

(1) in order to maintain our Nation's competitiveness, we must improve the quality of STEM education in the Nation;

(2) the incorporation of engineering education at the elementary and secondary levels has the potential to improve student learning and achievement in science and mathematics, and to increase the technological literacy of all students;

(3) formal and informal educational providers, including K–12 schools, should integrate engineering design principles into their curriculum; and

(4) exposing elementary and secondary students to engineering education can expand students' understanding of engineering and their awareness of career opportunities in these fields.

SEC. 306. SENSE OF CONGRESS.

For science, technology, engineering, and mathematics (STEM) education programs or activities authorized under this Act or amendments made by this Act, it is the sense of Congress that when more than 1 applicant is competing for the same grant and the applications from each applicant are considered equal in merit by the grant-awarding authority, the grant-awarding authority shall give additional consideration to any of the following:

(1) An applicant that has not previously received funding.

(2) An applicant that is an institution of higher education in a rural area.

SEC. 307. NATIONAL ACADEMY OF SCIENCES REPORT ON STRENGTHENING THE CAPACITY OF 2-YEAR INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE STEM OPPORTUNITIES.

Not later than 6 months after the date of enactment of this Act, the Office of Science and Technology Policy shall enter into a contract with the National Academy of Sciences to carry out a study evaluating the role of 2-year institutions of higher education as STEM educators, including in the preparation of students for direct entry into the STEM workforce and in preparation of students for transition into 4-year STEM degree programs, as well as the role of the Federal Government in helping 2-year institutions of higher education build their capacity to be effective STEM educators. At a minimum, the report shall include—

(1) an evaluation of the current capacity of 2-year institutions of higher education to be effective STEM educators, including in the preparation of students for direct entry into the STEM workforce and for transition into 4-year STEM degree programs;

(2) a description of existing challenges to expanding opportunities for 2-year institutions of higher education to provide and enhance STEM learning and provide STEM degrees that prepare students well for direct entry into the STEM workforce or for transition into 4-year degree programs;

(3) identification and description of Federal programs that have successfully strengthened the capacity of 2-year institutions of higher education to provide and enhance STEM opportunities;

(4) a recommendation or recommendations regarding how Federal agencies should set priorities for supporting STEM education at 2-year institutions of higher education;

(5) a recommendation or recommendations regarding ways Federal agencies can provide

increased opportunities for 2-year institutions of higher education to participate across their portfolios of STEM education and research programs, including—

(A) ways to engage 2-year institution of higher education faculty and students with research experiences;

(B) strategies for improving the curriculum and teaching of developmental mathematics given that many 2-year institutions of higher education provide remediation in mathematics and other STEM coursework; and

(C) enhancing the basic scientific laboratory infrastructure; and

(6) a recommendation or recommendations regarding the need for and appropriateness of new Federal programs in support of STEM education at 2-year institutions of higher education.

SEC. 308. ENCOURAGING FEDERAL SCIENTISTS AND ENGINEERS TO PARTICIPATE IN STEM EDUCATION.

Not later than 6 months after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, in consultation with the Department of Education, shall develop a policy to—

(1) increase volunteerism in STEM education activities by encouraging scientists and engineers from Federal science agencies conducting nonmilitary scientific research and development, including scientists and engineers of the federally funded research and development centers supported by those agencies, to volunteer in STEM education activities, and by providing administrative support for such scientists and engineers to engage in such volunteerism; and

(2) support increased communication and partnerships between scientists and engineers from Federal science agencies conducting nonmilitary scientific research and development, including scientists and engineers of the federally funded research and development centers supported by those agencies, and elementary and secondary schools and teachers through volunteerism in STEM education activities.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SEC. 401. SHORT TITLE.

This title may be cited as the ''National Institute of Standards and Technology Authorization Act of 2010''.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2011.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $991,100,000 for the National Institute of Standards and Technology for fiscal year 2011.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $620,000,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $125,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) $246,100,000 shall be authorized for industrial technology services activities, of which—

(i) $95,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) $141,100,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) $10,000,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(b) FISCAL YEAR 2012.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $992,400,000 for the National Institute of Standards and Technology for fiscal year 2012.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $657,200,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $85,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) $250,200,000 shall be authorized for industrial technology services activities, of which—

(i) $89,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) $150,900,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) $10,300,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(c) FISCAL YEAR 2013.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $1,079,809,000 for the National Institute of Standards and Technology for fiscal year 2013.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $696,700,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $122,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) $261,109,000 shall be authorized for industrial technology services activities, of which—

(i) $89,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) $161,500,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) $10,609,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(d) FISCAL YEAR 2014.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $1,126,227,000 for the National Institute of Standards and Technology for fiscal year 2014.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $738,500,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $124,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) $263,727,000 shall be authorized for industrial technology services activities, of which—

(i) $80,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) $172,800,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) $10,927,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(e) FISCAL YEAR 2015.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $1,191,955,000 for the National Institute of Standards and Technology for fiscal year 2015.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $782,800,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $133,000,000 shall be authorized for the construction and maintenance of facilities; and

(C) $276,155,000 shall be authorized for industrial technology services activities, of which—

(i) $80,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(ii) $184,900,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(iii) $11,255,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

SEC. 403. UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.

(a) ESTABLISHMENT.—Section 4 of the National Institute of Standards and Technology Act is amended to read as follows:

''SEC. 4. UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.

''(a) ESTABLISHMENT.—There shall be in the Department of Commerce an Under Secretary of Commerce for Standards and Technology (in this section referred to as the 'Under Secretary').

''(b) APPOINTMENT.—The Under Secretary shall be appointed by the President by and with the advice and consent of the Senate.

''(c) COMPENSATION.—The Under Secretary shall be compensated at the rate in effect for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(d) DUTIES.—The Under Secretary shall serve as the Director of the Institute and shall perform such duties as required of the Director by the Secretary under this Act or by law.

''(e) APPLICABILITY.—The individual serving as the Director of the Institute on the date of enactment of the National Institute of Standards and Technology Authorization Act of 2010 shall also serve as the Under Secretary until such time as a successor is appointed under subsection (b).''.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—

(A) LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting before the item ''Associate Attorney General'' the following:

''Under Secretary of Commerce for Standards and Technology, who also serves as Director of the National Institute of Standards and Technology.''.

(B) LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking ''Director, National Institute of Standards and Technology, Department of Commerce.''.

(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 5 of the National Institute of Standards and Technology Act (15 U.S.C. 274) is amended by striking the first, fifth, and sixth sentences.

SEC. 404. REORGANIZATION OF NIST LABORATORIES.

(a) ORGANIZATION.—The Director shall reorganize the scientific and technical research and services laboratory program into the following operational units:

(1) The Physical Measurement Laboratory, whose mission is to realize and disseminate the national standards for length, mass, time

and frequency, electricity, temperature, force, and radiation by activities including fundamental research in measurement science, the provision of measurement services and standards, and the provision of testing facilities resources for use by the Federal Government.

(2) The Information Technology Laboratory, whose mission is to develop and disseminate standards, measurements, and testing capabilities for interoperability, security, usability, and reliability of information technologies, including cyber security standards and guidelines for Federal agencies, United States industry, and the public, through fundamental and applied research in computer science, mathematics, and statistics.

(3) The Engineering Laboratory, whose mission is to develop and disseminate advanced manufacturing and construction technologies to the United States manufacturing and construction industries through activities including measurement science research, performance metrics, tools for engineering applications, and promotion of standards adoption.

(4) The Material Measurement Laboratory, whose mission is to serve as the national reference laboratory in biological, chemical, and material sciences and engineering through activities including fundamental research in the composition, structure, and properties of biological and environmental materials and processes, the development of certified reference materials and critically evaluated data, and other programs to assure measurement quality in materials and biotechnology fields.

(5) The Center for Nanoscale Science and Technology, a national shared-use facility for nanoscale fabrication and measurement, whose mission is to develop innovative nanoscale measurement and fabrication capabilities to support researchers from industry, institutions of higher education, the National Institute of Standards and Technology, and other Federal agencies in nanoscale technology from discovery to production.

(6) The NIST Center for Neutron Research, a national user facility, whose mission is to provide neutron-based measurement capabilities to researchers from industry, institutions of higher education, the National Institute of Standards and Technology, and other Federal agencies in support of materials research, nondestructive evaluation, neutron imaging, chemical analysis, neutron standards, dosimetry, and radiation metrology.

(b) ADDITIONAL DUTIES.—The Director may assign additional duties to the operational units listed in subsection (a) that are consistent with the missions of such units.

(c) REVISION.—

(1) IN GENERAL.—Subsequent to the reorganization required under subsection (a), the Director may revise the organization of the scientific and technical research and services laboratory program.

(2) REPORT TO CONGRESS.—Any revision to the organization of such program under paragraph (1) shall be submitted in a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 60 days before the effective date of such revision.

SEC. 405. FEDERAL GOVERNMENT STANDARDS AND CONFORMITY ASSESSMENT COORDINATION.

(a) COORDINATION.—Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) in paragraph (12), by striking ''and'' after the semicolon;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding after paragraph (13) the following:

''(14) to promote collaboration among Federal departments and agencies and private sector stakeholders in the development and implementation of standards and conformity assessment frameworks to address specific Federal Government policy goals; and

''(15) to convene Federal departments and agencies, as appropriate, to—

''(A) coordinate and determine Federal Government positions on specific policy issues related to the development of international technical standards and conformity assessment-related activities; and

''(B) coordinate Federal department and agency engagement in the development of international technical standards and conformity assessment-related activities.''.

(b) REPORT.—The Director, in consultation with appropriate Federal agencies, shall submit a report annually to Congress addressing the Federal Government's technical standards and conformity assessment-related activities. The report shall identify—

(1) current and anticipated international standards and conformity assessment-related issues that have the potential to impact the competitiveness and innovation capabilities of the United States;

(2) any action being taken by the Federal Government to address these issues and the Federal agency taking that action; and

(3) any action that the Director is taking or will take to ensure effective Federal Government engagement on technical standards and conformity assessment-related issues, as appropriate, where the Federal Government is not effectively engaged.

SEC. 406. MANUFACTURING EXTENSION PARTNERSHIP.

(a) COMMUNITY COLLEGE SUPPORT.—Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding after paragraph (5) the following:

''(6) providing to community colleges information about the job skills needed in small- and medium-sized manufacturing businesses in the regions they serve.''.

(b) INNOVATIVE SERVICES INITIATIVE.—Section 25 of such Act (15 U.S.C. 278k) is amended by adding at the end the following:

''(g) INNOVATIVE SERVICES INITIATIVE.—

''(1) ESTABLISHMENT.—The Director may establish, within the Centers program under this section, an innovative services initiative to assist small- and medium-sized manufacturers in—

''(A) reducing their energy usage and environmental waste to improve profitability; and

''(B) accelerating the domestic commercialization of new product technologies, including components for renewable energy systems.

''(2) MARKET DEMAND.—The Director may not undertake any activity to accelerate the domestic commercialization of a new product technology under this subsection unless an analysis of market demand for the new product technology has been conducted.''.

(c) REPORTS.—Section 25 of such Act (15 U.S.C. 278k) is further amended by adding after subsection (g), as added by subsection (b), the following:

''(h) REPORTS.—

''(1) IN GENERAL.—In submitting the 3-year programmatic planning document and annual updates under section 23, the Director shall include an assessment of the Director's governance of the program established under this section.

''(2) CRITERIA.—In conducting such assessment, the Director shall use the criteria established pursuant to the Malcolm Baldrige National Quality Award under section 17(d)(1)(C) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(d)(1)(C)).''.

(d) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM COST-SHARING.—Section 25(c) of such Act (15 U.S.C. 278k(c)) is amended by adding at the end the following:

''(7) Notwithstanding paragraphs (1), (3), and (5), for fiscal year 2011 through fiscal year 2015, the Secretary may not provide to a Center more than 50 percent of the costs incurred by such Center and may not require that a Center's cost share exceed 50 percent.

''(8) Not later than 4 years after the date of enactment of the National Institute of Standards and Technology Authorization Act of 2010, the Secretary shall submit to Congress a report on the cost share requirements under the program. The report shall—

''(A) discuss various cost share structures, including the cost share structure in place prior to such date of enactment and the cost share structure in place under paragraph (7), and the effect of such cost share structures on individual Centers and the overall program; and

''(B) include a recommendation for how best to structure the cost share requirement after fiscal year 2015 to provide for the long-term sustainability of the program.''.

(e) ADVISORY BOARD.—Section 25(e)(4) of such Act (15 U.S.C. 278k(e)(4)) is amended to read as follows:

''(4) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—

''(A) IN GENERAL.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

''(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the MEP Advisory Board.''.

(f) DEFINITIONS.—Section 25 of such Act (15 U.S.C. 278k) is further amended by adding after subsection (h), as added by subsection (c), the following:

''(i) DEFINITION.—In this section, the term 'community college' means an institution of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) at which the highest degree that is predominately awarded to students is an associate's degree.''.

(g) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—Section 25 of such Act (15 U.S.C. 278k) is further amended by adding after subsection (i), as added by subsection (f), the following:

''(j) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—The Director shall—

''(1) evaluate obstacles that are unique to small manufacturers that prevent such manufacturers from effectively competing in the global market;

''(2) implement a comprehensive plan to train the Centers to address such obstacles; and

''(3) facilitate improved communication between the Centers to assist such manufacturers in implementing appropriate, targeted solutions to such obstacles.''.

SEC. 407. EMERGENCY COMMUNICATION AND TRACKING TECHNOLOGIES RESEARCH INITIATIVE.

(a) ESTABLISHMENT.—The Director shall establish a research initiative to support the development of emergency communication and tracking technologies for use in locating trapped individuals in confined spaces, such as underground mines, and other shielded environments, such as high-rise buildings or collapsed structures, where conventional radio communication is limited.

(b) ACTIVITIES.—In order to carry out this section, the Director shall work with the private sector and appropriate Federal agencies to—

(1) perform a needs assessment to identify and evaluate the measurement, technical standards, and conformity assessment needs required to improve the operation and reliability of such emergency communication and tracking technologies;

(2) support the development of technical standards and conformance architecture to improve the operation and reliability of such emergency communication and tracking technologies; and

(3) incorporate and build upon existing reports and studies on improving emergency communications.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director shall submit to Congress and make publicly available a report describing the assessment performed under subsection (b)(1) and making recommendations about research priorities to address gaps in the measurement, technical standards, and conformity assessment needs identified by such assessment.

SEC. 408. TIP ADVISORY BOARD.

Section 28(k)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(k)(4)) is amended to read as follows:

''(4) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—

''(A) IN GENERAL.—In discharging its duties under this subsection, the TIP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

''(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the TIP Advisory Board.''.

SEC. 409. UNDERREPRESENTED MINORITIES.

(a) RESEARCH FELLOWSHIPS.—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended by adding at the end the following:

''(c) UNDERREPRESENTED MINORITIES.—In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.''.

(b) POSTDOCTORAL FELLOWSHIP PROGRAM.—Section 19 of such Act (15 U.S.C. 278g–2) is amended by adding at the end the following: ''In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.''.

(c) TEACHER DEVELOPMENT.—Section 19A(c) of such Act (15 U.S.C. 278g–2a(c)) is amended by adding at the end the following: ''The Director shall give special consideration to an application from a teacher from a high-need school, as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).''.

SEC. 410. CYBER SECURITY STANDARDS AND GUIDELINES.

Cyber security standards and guidelines developed by the National Institute of Standards and Technology for use by United States industry and the public shall be voluntary.

SEC. 411. NANOMATERIAL INITIATIVE.

The Director shall carry out a nanomaterial research initiative to—

(1) develop reference materials for nanomaterials and derived products to be used in benchmarking toxicity, calibrating instruments, and facilitating laboratory comparisons;

(2) assist in the development of international documentary standards relating to nanomaterials;

(3) develop instruments and measurement methods to determine the physical and chemical properties of nanomaterials; and

(4) gather and develop data to support the correlation of physical and chemical properties of nanomaterials to any environmental, safety, or other risks.

SEC. 412. DISASTER RESILIENT BUILDINGS AND INFRASTRUCTURE.

(a) ESTABLISHMENT.—The Director shall carry out a disaster resilient buildings and infrastructure program.

(b) REAL-SCALE STRUCTURES.—As part of the program, the Director shall—

(1) develop the capability to test real-scale structures under realistic fire and structural loading conditions; and

(2) assist in the validation of predictive models by developing a database on the performance of large-scale structures under realistic fire and structural loading conditions.

(c) DATABASE.—As part of the program, the Director shall develop a database on the performance of the built environment during natural and man-made hazard events.

SEC. 413. REPORT ON THE USE OF MODELING AND SIMULATION.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Director shall submit a report to Congress examining the use of high-performance computational modeling and simulation by small- and medium-sized manufacturers.

(b) SPECIFIC REQUIREMENTS.—Such report shall include the following:

(1) An assessment of the current utilization of high-performance computational modeling and simulation by small- and medium-sized manufacturers.

(2) An examination of any barriers or challenges to the use of high-performance computational modeling and simulation by small- and medium-sized manufacturers, including—

(A) access to high-performance computing facilities and resources;

(B) the availability of software and other applications tailored to meet the needs of such manufacturers;

(C) appropriate expertise and training; and

(D) the availability of tools and other methods to understand and manage the costs and risks associated with transitioning to the use of computational modeling and simulation.

(3) Recommendations for addressing any barriers or challenges identified in paragraph (2) and, if appropriate, suggestions for action that the Federal Government may take to foster the development and utilization of high-performance computing resources by small- and medium-sized manufacturers.

(c) CONSULTATION.—In carrying out this section, the Director shall consult with the Office of Science and Technology Policy and with other relevant Federal agencies.

SEC. 414. GREEN MANUFACTURING AND CONSTRUCTION.

The Director shall carry out a green manufacturing and construction initiative to—

(1) develop accurate sustainability metrics and practices for use in manufacturing;

(2) advance the development of standards and the creation of an information infrastructure to communicate sustainability information about suppliers; and

(3) improve energy performance, service life, and indoor air quality of new and retrofitted buildings through validated measurement data.

SEC. 415. MANUFACTURING RESEARCH.

(a) IN GENERAL.—The Director shall carry out a program to support transformational manufacturing research.

(b) ACTIVITIES.—As part of such program, the Director shall—

(1) develop and disseminate measurement tools and capabilities for new additive manufacturing and robotics technologies and methods;

(2) establish new techniques and methods to efficiently generate and assemble products integrating nanoscale materials and devices; and

(3) carry out other research with significant transformational potential for manufacturing.

SEC. 416. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Institute of Standards and Technology.

(2) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703).

TITLE V—INNOVATION

SEC. 501. OFFICE OF INNOVATION AND ENTREPRENEURSHIP.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new section:

''SEC. 24. OFFICE OF INNOVATION AND ENTREPRENEURSHIP.

''(a) IN GENERAL.—The Secretary shall establish an Office of Innovation and Entrepreneurship to foster innovation and the commercialization of new technologies, products, processes, and services with the goal of promoting productivity and economic growth in the United States.

''(b) DUTIES.—The Office of Innovation and Entrepreneurship shall be responsible for—

''(1) developing policies to accelerate innovation and advance the commercialization of research and development, including federally funded research and development;

''(2) identifying existing barriers to innovation and commercialization, including access to capital and other resources, and ways to overcome those barriers;

''(3) providing access to relevant data, research, and technical assistance on innovation and commercialization;

''(4) strengthening collaboration on and coordination of policies relating to innovation and commercialization, including those focused on the needs of small businesses and rural communities, within the Department of Commerce and between the Department of Commerce and other Federal agencies, as appropriate; and

''(5) any other duties as determined by the Secretary.

''(c) ADVISORY COMMITTEE.—The Secretary shall establish an Advisory Council on Innovation and Entrepreneurship to provide advice to the Secretary on carrying out subsection (b).''.

SEC. 502. FEDERAL LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGIES IN MANUFACTURING.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is further amended by adding after section 24, as added by section 501 of this title, the following new section:

''SEC. 25. FEDERAL LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGIES IN MANUFACTURING.

''(a) ESTABLISHMENT.—The Secretary shall establish a program to provide loan guarantees for obligations to small- or medium-sized manufacturers for the use or production of innovative technologies.

''(b) ELIGIBLE PROJECTS.—A loan guarantee may be made under such program only for a project that reequips, expands, or establishes a manufacturing facility in the United States to—

''(1) use an innovative technology or an innovative process in manufacturing; or

''(2) manufacture an innovative technology product or an integral component of such product.

''(c) ELIGIBLE BORROWER.—A loan guarantee may be made under such program only for a borrower who is a small- or medium-sized manufacturer, as determined by the Secretary under the criteria established pursuant to subsection (m).

''(d) LIMITATION ON AMOUNT.—A loan guarantee shall not exceed an amount equal to 80 percent of the obligation, as estimated at the time at which the loan guarantee is issued.

''(e) LIMITATIONS ON LOAN GUARANTEE.—No loan guarantee shall be made unless the Secretary determines that—

''(1) there is a reasonable prospect of repayment of the principal and interest on the obligation by the borrower;

''(2) the amount of the obligation (when combined with amounts available to the borrower from other sources) is sufficient to carry out the project;

''(3) the obligation is not subordinate to other financing;

''(4) the obligation bears interest at a rate that does not exceed a level that the Secretary determines appropriate, taking into account the prevailing rate of interest in the private sector for similar loans and risks; and

''(5) the term of an obligation requires full repayment over a period not to exceed the lesser of—

''(A) 30 years; or

''(B) 90 percent of the projected useful life, as determined by the Secretary, of the physical asset to be financed by the obligation.

''(f) DEFAULTS.—

''(1) PAYMENT BY SECRETARY.—

''(A) IN GENERAL.—If a borrower defaults (as defined in regulations promulgated by the Secretary and specified in the loan guarantee) on the obligation, the holder of the loan guarantee shall have the right to demand payment of the unpaid amount from the Secretary.

''(B) PAYMENT REQUIRED.—Within such period as may be specified in the loan guarantee or related agreements, the Secretary shall pay to the holder of the loan guarantee the unpaid interest on and unpaid principal of the obligation as to which the borrower has defaulted, unless the Secretary finds that there was no default by the borrower in the payment of interest or principal or that the default has been remedied.

''(C) FORBEARANCE.—Nothing in this subsection precludes any forbearance by the holder of the obligation for the benefit of the borrower which may be agreed upon by the parties to the obligation and approved by the Secretary.

''(2) SUBROGATION.—

''(A) IN GENERAL.—If the Secretary makes a payment under paragraph (1), the Secretary shall be subrogated to the rights, as specified in the loan guarantee, of the recipient of the payment or related agreements including, if appropriate, the authority (notwithstanding any other provision of law) to—

''(i) complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to such loan guarantee or related agreement; or

''(ii) permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project if the Secretary determines that such an agreement is in the public interest.

''(B) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a loan guarantee or related agreements, shall be superior to the rights of any other person with respect to the property.

''(3) NOTIFICATION.—If the borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.

''(g) PAYMENT OF PRINCIPAL AND INTEREST BY SECRETARY.—With respect to any obligation guaranteed under this section, the Secretary may enter into a contract to pay, and pay, holders of the obligation for and on behalf of the borrower from funds appropriated for that purpose the principal and interest payments that become due and payable on the unpaid balance of the obligation if the Secretary finds that—

''(1)(A) the borrower is unable to make the payments and is not in default;

''(B) it is in the public interest to permit the borrower to continue to pursue the project; and

''(C) the probable net benefit to the Federal Government in paying the principal and interest will be greater than that which would result in the event of a default;

''(2) the amount of the payment that the Secretary is authorized to pay shall be no greater than the amount of principal and interest that the borrower is obligated to pay under the obligation being guaranteed; and

''(3) the borrower agrees to reimburse the Secretary for the payment (including interest) on terms and conditions that are satisfactory to the Secretary.

''(h) TERMS AND CONDITIONS.—A loan guarantee under this section shall include such detailed terms and conditions as the Secretary determines appropriate to—

''(1) protect the interests of the United States in the case of default; and

''(2) have available all the patents and technology necessary for any person selected, including the Secretary, to complete and operate the project.

''(i) CONSULTATION.—In establishing the terms and conditions of a loan guarantee under this section, the Secretary shall consult with the Secretary of the Treasury.

''(j) FEES.—

''(1) IN GENERAL.—The Secretary shall charge and collect fees for loan guarantees in amounts the Secretary determines are sufficient to cover applicable administrative expenses.

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into the Treasury of the United States; and

''(B) remain available until expended, subject to such other conditions as are contained in annual appropriations Acts.

''(3) LIMITATION.—In charging and collecting fees under paragraph (1), the Secretary shall take into consideration the amount of the obligation.

''(k) RECORDS.—

''(1) IN GENERAL.—With respect to a loan guarantee under this section, the borrower, the lender, and any other appropriate party shall keep such records and other pertinent documents as the Secretary shall prescribe by regulation, including such records as the Secretary may require to facilitate an effective audit.

''(2) ACCESS.—The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access to records and other pertinent documents for the purpose of conducting an audit.

''(l) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all loan guarantees issued under this section with respect to principal and interest.

''(m) REGULATIONS.—The Secretary shall issue final regulations before making any loan guarantees under the program. Such regulations shall include—

''(1) criteria that the Secretary shall use to determine eligibility for loan guarantees under this section, including—

''(A) whether a borrower is a small- or medium-sized manufacturer; and

''(B) whether a borrower demonstrates that a market exists for the innovative technology product, or the integral component of such product, to be manufactured, as evidenced by written statements of interest from potential purchasers;

''(2) criteria that the Secretary shall use to determine the amount of any fees charged under subsection (j), including criteria related to the amount of the obligation;

''(3) policies and procedures for selecting and monitoring lenders and loan performance; and

''(4) any other policies, procedures, or information necessary to implement this section.

''(n) AUDIT.—

''(1) ANNUAL INDEPENDENT AUDITS.—The Secretary shall enter into an arrangement with an independent auditor for annual evaluations of the program under this section.

''(2) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall conduct a biennial review of the Secretary's execution of the program under this section.

''(3) REPORT.—The results of the independent audit under paragraph (1) and the Comptroller General's review under paragraph (2) shall be provided directly to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(o) REPORT TO CONGRESS.—Concurrent with the submission to Congress of the President's annual budget request in each year after the date of enactment of this section, the Secretary shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of all activities carried out under this section.

''(p) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other loan guarantee programs within the Federal Government.

''(q) MEP CENTERS.—The Secretary may use centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) to provide information about the program established under this section and to conduct outreach to potential borrowers, as appropriate.

''(r) MINIMIZING RISK.—The Secretary shall promulgate regulations and policies to carry out this section in accordance with Office of Management and Budget Circular No. A–129, entitled 'Policies for Federal Credit Programs and Non-Tax Receivables', as in effect on the date of enactment of this section.

''(s) SENSE OF CONGRESS.—It is the sense of Congress that no loan guarantee shall be made under this section unless the borrower agrees to use a federally-approved electronic employment eligibility verification system to verify the employment eligibility of—

''(1) all persons hired during the contract term by the borrower to perform employment duties within the United States; and

''(2) all persons assigned by the borrower to perform work within the United States on the project.

''(t) DEFINITIONS.—In this section:

''(1) COST.—The term 'cost' has the meaning given such term under section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

''(2) INNOVATIVE PROCESS.—The term 'innovative process' means a process that is significantly improved as compared to the process in general use in the commercial marketplace in the United States at the time the loan guarantee is issued.

''(3) INNOVATIVE TECHNOLOGY.—The term 'innovative technology' means a technology that is significantly improved as compared

to the technology in general use in the commercial marketplace in the United States at the time the loan guarantee is issued.

''(4) LOAN GUARANTEE.—The term 'loan guarantee' has the meaning given such term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a). The term includes a loan guarantee commitment (as defined in section 502 of such Act (2 U.S.C. 661a)).

''(5) OBLIGATION.—The term 'obligation' means the loan or other debt obligation that is guaranteed under this section.

''(6) PROGRAM.—The term 'program' means the loan guarantee program established in subsection (a).

''(u) AUTHORIZATION OF APPROPRIATIONS.—

''(1) COST OF LOAN GUARANTEES.—There are authorized to be appropriated $100,000,000 for each of fiscal years 2011 through 2015 to provide the cost of loan guarantees under this section.

''(2) PRINCIPAL AND INTEREST.—There are authorized to be appropriated such sums as are necessary to carry out subsection (g).''.

SEC. 503. REGIONAL INNOVATION PROGRAM.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is further amended by adding after section 25, as added by section 502 of this title, the following new section:

''SEC. 26. REGIONAL INNOVATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a regional innovation program to encourage and support the development of regional innovation strategies, including regional innovation clusters.

''(b) REGIONAL INNOVATION CLUSTER GRANTS.—

''(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary may award grants on a competitive basis to eligible recipients for activities relating to the formation and development of regional innovation clusters.

''(2) PERMISSIBLE ACTIVITIES.—Grants awarded under this subsection may be used for activities determined appropriate by the Secretary, including the following:

''(A) Feasibility studies.

''(B) Planning activities.

''(C) Technical assistance.

''(D) Developing or strengthening communication and collaboration between and among participants of a regional innovation cluster.

''(E) Attracting additional participants to a regional innovation cluster.

''(F) Facilitating market development of products and services developed by a regional innovation cluster, including through demonstration, deployment, technology transfer, and commercialization activities.

''(G) Developing relationships between a regional innovation cluster and entities or clusters in other regions.

''(H) Interacting with the public and State and local governments to meet the goals of the cluster.

''(3) ELIGIBLE RECIPIENT.—For purposes of this subsection, the term 'eligible recipient' means any of the following:

''(A) A State.

''(B) An Indian tribe.

''(C) A city or other political subdivision of a State.

''(D) An entity that—

''(i) is a nonprofit organization, an institution of higher education, a public-private partnership, a science park, a Federal laboratory, or an economic development organization or similar entity; and

''(ii) has an application that is supported by a State or a political subdivision of a State.

''(E) A consortium of any of the entities listed in subparagraphs (A) through (D).

''(4) APPLICATION.—

''(A) IN GENERAL.—An eligible recipient shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(B) COMPONENTS.—The application shall include, at a minimum, a description of the regional innovation cluster supported by the proposed activity, including a description of the following:

''(i) Whether the regional innovation cluster is supported by the private sector, State and local governments, and other relevant stakeholders.

''(ii) How the existing participants in the regional innovation cluster will encourage and solicit participation by all types of entities that might benefit from participation, including newly formed entities and those rival to existing participants.

''(iii) The extent to which the regional innovation cluster is likely to stimulate innovation and have a positive impact on regional economic growth and development.

''(iv) Whether the participants in the regional innovation cluster have access to, or contribute to, a well-trained workforce.

''(v) Whether the participants in the regional innovation cluster are capable of attracting additional funds from non-Federal sources.

''(vi) The likelihood that the participants in the regional innovation cluster will be able to sustain activities once grant funds under this subsection have been expended.

''(C) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications from regions that contain communities negatively impacted by trade.

''(5) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to an eligible recipient who agrees to collaborate with local workforce investment area boards.

''(6) COST SHARE.—The Secretary may not provide more than 50 percent of the total cost of any activity funded under this subsection.

''(7) USE AND APPLICATION OF RESEARCH AND INFORMATION PROGRAM.—To the maximum extent practicable, the Secretary shall ensure that activities funded under this subsection use and apply any relevant research, best practices, and metrics developed under the program established in subsection (c).

''(c) REGIONAL INNOVATION RESEARCH AND INFORMATION PROGRAM.—

''(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary shall establish a regional innovation research and information program to—

''(A) gather, analyze, and disseminate information on best practices for regional innovation strategies (including regional innovation clusters), including information relating to how innovation, productivity, and economic development can be maximized through such strategies;

''(B) provide technical assistance, including through the development of technical assistance guides, for the development and implementation of regional innovation strategies (including regional innovation clusters);

''(C) support the development of relevant metrics and measurement standards to evaluate regional innovation strategies (including regional innovation clusters), including the extent to which such strategies stimulate innovation, productivity, and economic development; and

''(D) collect and make available data on regional innovation cluster activity in the United States, including data on—

''(i) the size, specialization, and competitiveness of regional innovation clusters;

''(ii) the regional domestic product contribution, total jobs and earnings by key occupations, establishment size, nature of specialization, patents, Federal research and development spending, and other relevant information for regional innovation clusters; and

''(iii) supply chain product and service flows within and between regional innovation clusters.

''(2) RESEARCH GRANTS.—The Secretary may award research grants on a competitive basis to support and further the goals of the program established under this subsection.

''(3) DISSEMINATION OF INFORMATION.—Data and analysis compiled by the Secretary under the program established in this subsection shall be made available to other Federal agencies, State and local governments, and nonprofit and for-profit entities.

''(4) CLUSTER GRANT PROGRAM.—The Secretary shall incorporate data and analysis relating to any regional innovation cluster supported by a grant under subsection (b) into the program established under this subsection.

''(d) INTERAGENCY COORDINATION.—

''(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other programs at the Department of Commerce or other Federal agencies.

''(2) COLLABORATION.—

''(A) IN GENERAL.—The Secretary shall explore and pursue collaboration with other Federal agencies, including through multiagency funding opportunities, on regional innovation strategies.

''(B) SMALL BUSINESSES.—The Secretary shall ensure that such collaboration with Federal agencies prioritizes the needs and challenges of small businesses.

''(e) EVALUATION.—

''(1) IN GENERAL.—Not later than 4 years after the date of enactment of this section, the Secretary shall enter into a contract with an independent entity, such as the National Academy of Sciences, to conduct an evaluation of the program established under subsection (a).

''(2) REQUIREMENTS.—The evaluation shall include—

''(A) whether such program is achieving its goals;

''(B) any recommendations for how such program may be improved; and

''(C) a recommendation as to whether such program should be continued or terminated.

''(f) DEFINITIONS.—In this section:

''(1) REGIONAL INNOVATION CLUSTER.—The term 'regional innovation cluster' means a geographically bounded network of similar, synergistic, or complementary entities that—

''(A) are engaged in or with a particular industry sector;

''(B) have active channels for business transactions and communication;

''(C) share specialized infrastructure, labor markets, and services; and

''(D) leverage the region's unique competitive strengths to stimulate innovation and create jobs.

''(2) STATE.—The term 'State' means one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for each of fiscal years 2011 through 2015 to carry out this section, including such sums as are necessary to carry out the evaluation required under subsection (e).''.

SEC. 504. CLEAN ENERGY CONSORTIUM.

(a) PURPOSE.—The Secretary shall carry out a program to establish a Clean Energy Consortium to enhance the Nation's economic, environmental, and energy security by promoting commercial application of

clean energy technology and ensuring that the United States maintains a technological lead in the development and commercial application of state-of-the-art energy technologies. To achieve these purposes the program shall leverage the expertise and resources of the university and private research communities, industry, venture capital, national laboratories, and other participants in energy innovation to support collaborative, cross-disciplinary research and development in areas not being served by the private sector in order to develop and accelerate the commercial application of innovative clean energy technologies.

(b) DEFINITIONS.—For purposes of this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology that—

(A) produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean, and other renewable energy resources (as such term is defined in section 610 of the Public Utility Regulatory Policies Act of 1978);

(B) more efficiently transmits, distributes, or stores energy;

(C) enhances energy efficiency for buildings and industry, including combined heat and power;

(D) enables the development of a Smart Grid (as described in section 1301 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381)), including integration of renewable energy resources and distributed generation, demand response, demand side management, and systems analysis;

(E) produces an advanced or sustainable material with energy or energy efficiency applications; or

(F) improves energy efficiency for transportation, including electric vehicles.

(2) CLUSTER.—The term ''cluster'' means a network of entities directly involved in the research, development, finance, and commercial application of clean energy technologies whose geographic proximity facilitates utilization and sharing of skilled human resources, infrastructure, research facilities, educational and training institutions, venture capital, and input suppliers.

(3) CONSORTIUM.—The term ''Consortium'' means a Clean Energy Consortium established in accordance with this section.

(4) PROJECT.—The term ''project'' means an activity with respect to which a Consortium provides support under subsection (e).

(5) QUALIFYING ENTITY.—The term ''qualifying entity'' means each of the following:

(A) A research university.

(B) A State or Federal institution with a focus on the advancement of clean energy technologies.

(C) A nongovernmental organization with research or technology transfer expertise in clean energy technology development.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(7) TECHNOLOGY DEVELOPMENT FOCUS.—The term ''technology development focus'' means the unique clean energy technology or technologies in which a Consortium specializes.

(8) TRANSLATIONAL RESEARCH.—The term ''translational research'' means coordination of basic or applied research with technical applications to enable promising discoveries or inventions to achieve commercial application of energy technology.

(c) ROLE OF THE SECRETARY.—The Secretary shall—

(1) have ultimate responsibility for, and oversight of, all aspects of the program under this section;

(2) select a recipient of a grant for the establishment and operation of a Consortium through a competitive selection process;

(3) coordinate the innovation activities of the Consortium with those occurring through other Department of Energy entities, including the National Laboratories, the Advanced Research Projects Agency—Energy, Energy Innovation Hubs, and Energy Frontier Research Collaborations, and within industry, including by annually—

(A) issuing guidance regarding national energy research and development priorities and strategic objectives; and

(B) convening a conference of staff of the Department of Energy and representatives from such other entities to share research results, program plans, and opportunities for collaboration.

(d) ENTITIES ELIGIBLE FOR SUPPORT.—A consortium shall be eligible to receive support under this section if—

(1) it is composed of—

(A) 2 research universities with a combined annual research budget of $500,000,000; and

(B) 1 or more additional qualifying entities;

(2) its members have established a binding agreement that documents—

(A) the structure of the partnership agreement;

(B) a governance and management structure to enable cost-effective implementation of the program;

(C) a conflicts of interest policy consistent with subsection (e)(1)(B);

(D) an accounting structure that meets the requirements of the Department of Energy and can be audited under subsection (f)(4); and

(E) that it has an External Advisory Committee consistent with subsection (e)(3);

(3) it receives funding from States, consortium participants, or other non-Federal sources, to be used to support project awards pursuant to subsection (e);

(4) it is part of an existing cluster or demonstrates high potential to develop a new cluster; and

(5) it operates as a nonprofit organization.

(e) CLEAN ENERGY CONSORTIUM.—

(1) ROLE.—The Consortium shall support translational research activities leading to commercial application of clean energy technologies, in accordance with the purposes of this section, through issuance of awards to projects managed by qualifying entities and other entities meeting the Consortium's project criteria, including national laboratories. The Consortium shall—

(A) develop and make available to the public through the Department of Energy's Web site proposed plans, programs, project selection criteria, and terms for individual project awards under this subsection;

(B) establish conflict of interest procedures, consistent with those of the Department of Energy, to ensure that employees and designees for Consortium activities who are in decisionmaking capacities disclose all material conflicts of interest, including financial, organizational, and personal conflicts of interest;

(C) establish policies—

(i) to prevent resources provided to the Consortium from being used to displace private sector investment otherwise likely to occur, including investment from private sector entities that are members of the Consortium;

(ii) to facilitate the participation of private entities that invest in clean energy technologies to perform due diligence on award proposals, to participate in the award review process, and to provide guidance to projects supported by the Consortium; and

(iii) to facilitate the participation of parties with a demonstrated history of commercial application of clean energy technologies in the development of Consortium projects;

(D) oversee project solicitations, review proposed projects, and select projects for awards; and

(E) monitor project implementation.

(2) DISTRIBUTION OF AWARDS.—The Consortium, with prior approval of the Secretary, shall distribute awards under this subsection to support clean energy technology projects conducting translational research, provided that at least 50 percent of such support shall be provided to projects related to the Consortium's clean energy technology development focus. Upon approval by the Secretary, all remaining funds shall be available to support any clean energy technology projects conducting translational research.

(3) EXTERNAL ADVISORY COMMITTEE.—

(A) IN GENERAL.—The Consortium shall establish an External Advisory Committee, the members of which shall have extensive and relevant scientific, technical, industry, financial, or research management expertise. The External Advisory Committee shall review the Consortium's proposed plans, programs, project selection criteria, and projects and shall ensure that projects selected for awards meet the conflict of interest policies of the Consortium. External Advisory Committee members other than those representing Consortium members shall serve for no more than 3 years. All External Advisory Committee members shall comply with the Consortium's conflict of interest policies and procedures.

(B) MEMBERS.—The External Advisory Committee shall consist of—

(i) 5 members selected by the Consortium's research universities;

(ii) 2 members selected by the Consortium's other qualifying entities;

(iii) 2 members selected at large by other External Advisory Committee members to represent the entrepreneur and venture capital communities; and

(iv) 1 member appointed by the Secretary.

(4) CONFLICT OF INTEREST.—The Secretary may disqualify an application or revoke funds distributed to the Consortium if the Secretary discovers a failure to comply with conflict of interest procedures established under paragraph (1)(B).

(f) GRANT.—

(1) IN GENERAL.—The Secretary shall make a grant under this section in accordance with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353). The Secretary shall award the grant, on a competitive basis, to 1 regional Consortium, for a term of 3 years.

(2) AMOUNT.—A grant under this subsection shall be in an amount not greater than $10,000,000 per fiscal year over the 3 years of the term of the grant.

(3) USE.—The grant distributed under this section shall be used exclusively to support project awards pursuant to subsection (e)(1) and (2), provided that the Consortium may use not more than 10 percent of the amount of such grant for its administrative expenses related to making such awards. The grant made under this section shall not be used for construction of new buildings or facilities, and construction of new buildings or facilities shall not be considered as part of the non-Federal share of a cost sharing agreement under this section.

(4) AUDIT.—The Consortium shall conduct, in accordance with such requirements as the Secretary may prescribe, an annual audit to determine the extent to which a grant distributed to the Consortium under this subsection, and awards under subsection (e), have been utilized in a manner consistent with this section. The auditor shall transmit a report of the results of the audit to the Secretary and to the Government Accountability Office. The Secretary shall include such report in an annual report to Congress, along with a plan to remedy any deficiencies cited in the report. The Government Accountability Office may review such audits as appropriate and shall have full access to the books, records, and personnel of the Consortium to ensure that the grant distributed

to the Consortium under this subsection, and awards made under subsection (e), have been utilized in a manner consistent with this section.

(5) REVOCATION OF AWARDS.—The Secretary shall have authority to review awards made under this subsection and to revoke such awards if the Secretary determines that the Consortium has used the award in a manner not consistent with the requirements of this section.

TITLE VI—DEPARTMENT OF ENERGY

Subtitle A—Office of Science

SEC. 601. SHORT TITLE.

This subtitle may be cited as the ''Department of Energy Office of Science Authorization Act of 2010''.

SEC. 602. DEFINITIONS.

Except as otherwise provided, in this subtitle:

(1) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office of Science.

(3) OFFICE OF SCIENCE.—The term ''Office of Science'' means the Department of Energy Office of Science.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 603. MISSION OF THE OFFICE OF SCIENCE.

(a) MISSION.—The mission of the Office of Science shall be the delivery of scientific discoveries, capabilities, and major scientific tools to transform the understanding of nature and to advance the energy, economic, and national security of the United States.

(b) DUTIES.—In support of this mission, the Secretary shall carry out, through the Office of Science, programs on basic energy sciences, biological and environmental research, advanced scientific computing research, fusion energy sciences, high energy physics, and nuclear physics through activities focused on—

(1) Science for Discovery to unravel nature's mysteries through the study of subatomic particles, atoms, and molecules that make up the materials of our everyday world to DNA, proteins, cells, and entire biological systems;

(2) Science for National Need by—

(A) advancing a clean energy agenda through research on energy production, storage, transmission, efficiency, and use; and

(B) advancing our understanding of the Earth's climate through research in atmospheric and environmental sciences and climate change; and

(3) National Scientific User Facilities to deliver the 21st century tools of science, engineering, and technology and provide the Nation's researchers with the most advanced tools of modern science including accelerators, colliders, supercomputers, light sources and neutron sources, and facilities for studying the nanoworld.

(c) SUPPORTING ACTIVITIES.—The activities described in subsection (b) shall include providing for relevant facilities and infrastructure, analysis, coordination, and education and outreach activities.

(d) USER FACILITIES.—The Director shall carry out the construction, operation, and maintenance of user facilities to support the activities described in subsection (b). As practicable, these facilities shall serve the needs of the Department, industry, the academic community, and other relevant entities for the purposes of advancing the missions of the Department.

(e) OTHER AUTHORIZED ACTIVITIES.—In addition to the activities authorized under this subtitle, the Office of Science shall carry out such other activities it is authorized or required to carry out by law.

(f) COORDINATION AND JOINT ACTIVITIES.—The Department's Under Secretary for Science shall ensure the coordination of activities under this subtitle with the other activities of the Department, and shall support joint activities among the programs of the Department.

(g) DOMESTICALLY SOURCED HARDWARE.—

(1) PLAN.—The Director shall develop a plan to increase the percentage of domestically sourced hardware for planned and ongoing projects of the Office of Science. In developing this plan, the Director shall—

(A) give consideration to technologies that the United States does not currently have the capacity to manufacture and to procurement activities that can strengthen United States high-technology competitiveness broadly;

(B) seek opportunities to engage and partner with domestic manufacturers; and

(C) annually assess levels of domestically available goods relevant to planned and ongoing projects of the Office of Science.

(2) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with United States obligations under international agreements.

(3) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit the plan developed under this subsection to the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives, and shall transmit any appropriate updates to those committees.

(h) MERIT-REVIEWED STUDY.—As part of the President's annual budget request, the Secretary shall include a detailed summary of the degree to which current research activities are competitive and merit-reviewed, including a list of activities that would have been undertaken in the absence of Congressionally-directed projects and an analysis of the effects of increasing the proportion of competitive, merit-reviewed activities on the strategic objectives of the Office of Science.

SEC. 604. BASIC ENERGY SCIENCES PROGRAM.

(a) PROGRAM.—As part of the activities authorized under section 603, the Director shall carry out a program in basic energy sciences, including materials sciences and engineering, chemical sciences, physical biosciences, and geosciences, for the purpose of providing the scientific foundations for new energy technologies.

(b) BASIC ENERGY SCIENCES USER FACILITIES.—

(1) IN GENERAL.—The Director shall carry out a program for the construction, operation, and maintenance of national user facilities to support the program under this section. As practicable, these facilities shall serve the needs of the Department, industry, the academic community, and other relevant entities to create and examine new materials and chemical processes for the purposes of advancing new energy technologies and improving the competitiveness of the United States. These facilities shall include—

(A) x-ray light sources;

(B) neutron sources;

(C) electron beam microcharacterization centers;

(D) nanoscale science research centers; and

(E) other facilities the Director considers appropriate, consistent with section 603(d).

(2) FACILITY CONSTRUCTION AND UPGRADES.—Consistent with the Office of Science's project management practices, the Director shall support construction of—

(A) the National Synchrotron Light Source II;

(B) a Second Target Station at the Spallation Neutron Source; and

(C) an upgrade of the Advanced Photon Source to improve brightness and performance.

(c) ENERGY FRONTIER RESEARCH CENTERS.—

(1) IN GENERAL.—The Director shall carry out a grant program to provide awards, on a competitive, merit-reviewed basis, to multi-institutional collaborations or other appropriate entities to conduct fundamental and use-inspired energy research to accelerate scientific breakthroughs related to needs identified in—

(A) the Grand Challenges report of the Department's Basic Energy Sciences Advisory Committee;

(B) the Basic Energy Sciences Basic Research Needs workshop reports;

(C) energy-related Grand Challenges for Engineering, as described by the National Academy of Engineering; or

(D) other relevant reports identified by the Director.

(2) COLLABORATIONS.—A collaboration receiving a grant under this subsection may include multiple types of institutions and private sector entities.

(3) SELECTION AND DURATION.—

(A) IN GENERAL.—A collaboration under this subsection shall be selected for a period of 5 years.

(B) REAPPLICATION.—After the end of the period described in subparagraph (A), a grantee may reapply for selection for a second period of 5 years on a competitive, merit-reviewed basis.

(4) NO FUNDING FOR CONSTRUCTION.—No funding provided pursuant to this subsection may be used for the construction of new buildings or facilities.

(d) ACCELERATOR RESEARCH AND DEVELOPMENT.—The Director shall carry out research and development on advanced accelerator technologies relevant to the development of Basic Energy Sciences user facilities, in consultation with the Office of Science's High Energy Physics and Nuclear Physics programs.

SEC. 605. BIOLOGICAL AND ENVIRONMENTAL RESEARCH PROGRAM.

(a) IN GENERAL.—As part of the activities authorized under section 603, and coordinated with the activities authorized in section 604, the Director shall carry out a program of research, development, and demonstration in the areas of biological systems science and climate and environmental science to support the energy and environmental missions of the Department.

(b) BIOLOGICAL SYSTEMS SCIENCE ACTIVITIES.—

(1) ACTIVITIES.—As part of the activities authorized under subsection (a), the Director shall carry out research, development, and demonstration activities in fundamental, structural, computational, and systems biology to increase systems-level understanding of complex biological systems, which shall include activities to—

(A) accelerate breakthroughs and new knowledge that will enable cost-effective sustainable production of—

(i) biomass-based liquid transportation fuels, including hydrogen;

(ii) bioenergy; and

(iii) biobased products,

that support the energy and environmental missions of the Department;

(B) improve understanding of the global carbon cycle, including processes for removing carbon dioxide from the atmosphere, through photosynthesis and other biological processes, for sequestration and storage; and

(C) understand the biological mechanisms used to destroy, immobilize, or remove contaminants from subsurface environments.

(2) RESEARCH PLAN.—

(A) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall prepare and transmit to Congress a research plan describing how the activities authorized under this subsection will be undertaken.

(B) UTILIZATION OF EXISTING PLAN.—In developing the plan in subparagraph (A), the Director may utilize an existing research plan and update such plan to incorporate the activities identified in paragraph (1).

(C) UPDATES.—Not later than 3 years after the initial report under this paragraph, and at least once every 3 years thereafter, the Director shall update the research plan and transmit it to Congress.

(3) BIOENERGY RESEARCH CENTERS.—

(A) IN GENERAL.—In carrying out the activities under paragraph (1), the Director shall support at least 3 bioenergy research centers to accelerate basic biological research, development, demonstration, and commercial application of biomass-based liquid transportation fuels, bioenergy, and biobased products that support the energy and environmental missions of the Department and are produced from a variety of regionally diverse feedstocks.

(B) GEOGRAPHIC DISTRIBUTION.—The Director shall ensure that the bioenergy research centers under this paragraph are established in geographically diverse locations.

(C) SELECTION AND DURATION.—A center established under subparagraph (A) shall be selected on a competitive, merit-reviewed basis for a period of 5 years beginning on the date of establishment of that center. A center already in existence on the date of enactment of this Act may continue to receive support for a period of 5 years beginning on the date of establishment of that center.

(4) ENABLING SYNTHETIC BIOLOGY PLAN.—

(A) IN GENERAL.—The Secretary, in consultation with other relevant Federal agencies, the academic community, research-based nonprofit entities, and the private sector, shall develop a comprehensive plan for federally supported research and development activities that will support the energy and environmental missions of the Department and enable a competitive synthetic biology industry in the United States.

(B) PLAN.—The plan developed under subparagraph (A) shall assess the need to create a database for synthetic biology information, the need and process for developing standards for biological parts, components and systems, and the need for a federally funded facility that enables the discovery, design, development, production, and systematic use of parts, components, and systems created through synthetic biology. The plan shall describe the role of the Federal Government in meeting these needs.

(C) SUBMISSION TO CONGRESS.—The Secretary shall transmit the plan developed under subparagraph (A) to the Congress not later than 9 months after the date of enactment of this Act.

(5) COMPUTATIONAL BIOLOGY AND SYSTEMS BIOLOGY KNOWLEDGEBASE.—As part of the activities described in paragraph (1), the Director, in collaboration with the Advanced Scientific Computing Research program described in section 606, shall carry out research in computational biology, acquire or otherwise ensure the availability of hardware for biology-specific computation, and establish and maintain an open virtual database and information management system to centrally integrate systems biology data, analytical software, and computational modeling tools that will allow data sharing and free information exchange within the scientific community.

(6) PROHIBITION ON BIOMEDICAL AND HUMAN CELL AND HUMAN SUBJECT RESEARCH.—

(A) NO BIOMEDICAL RESEARCH.—In carrying out activities under subsection (b), the Secretary shall not conduct biomedical research.

(B) LIMITATIONS.—Nothing in subsection (b) shall authorize the Secretary to conduct any research or demonstrations—

(i) on human cells or human subjects; or

(ii) designed to have direct application with respect to human cells or human subjects.

(C) INFORMATION SHARING.—Nothing in this paragraph shall restrict the Department from sharing information, including research findings, research methodologies, models, or any other information, with any Federal agency.

(7) REPEAL.—Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is repealed.

(c) CLIMATE AND ENVIRONMENTAL SCIENCES ACTIVITIES.—

(1) IN GENERAL.—As part of the activities authorized under subsection (a), the Director shall carry out climate and environmental science research, which shall include activities to—

(A) understand, observe, and model the response of the Earth's atmosphere and biosphere, including oceans and the Great Lakes, to increased concentrations of greenhouse gas emissions, and any associated changes in climate;

(B) understand the processes for sequestration, destruction, immobilization, or removal of, and understand the movement of, contaminants and carbon in subsurface environments, including at facilities of the Department; and

(C) inform potential mitigation and adaptation options for increased concentrations of greenhouse gas emissions and any associated changes in climate.

(2) SUBSURFACE BIOGEOCHEMISTRY RESEARCH.—

(A) IN GENERAL.—As part of the activities described in paragraph (1), the Director shall carry out research to advance a fundamental understanding of coupled physical, chemical, and biological processes for controlling the movement of sequestered carbon and subsurface environmental contaminants, including field observations of subsurface microorganisms and field-scale subsurface research.

(B) COORDINATION.—

(i) DIRECTOR.—The Director shall carry out activities under this paragraph in accordance with priorities established by the Department's Under Secretary for Science to support and accelerate the decontamination of relevant facilities managed by the Department.

(ii) UNDER SECRETARY FOR SCIENCE.—The Department's Under Secretary for Science shall ensure the coordination of the activities of the Department, including activities under this paragraph, to support and accelerate the decontamination of relevant facilities managed by the Department.

(3) NEXT-GENERATION ECOSYSTEM-CLIMATE EXPERIMENT.—

(A) IN GENERAL.—As part of the activities described in paragraph (1), the Director, in collaboration with other relevant agencies that are participants in the United States Global Change Research Program, shall carry out the selection and development of a next-generation ecosystem-climate change experiment to understand the impact and feedbacks of increased temperature and elevated carbon levels on ecosystems.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit to the Congress a report containing—

(i) an identification of the location or locations that have been selected for the experiment described in subparagraph (A);

(ii) a description of the need for additional experiments; and

(iii) an associated research plan.

(4) AMERIFLUX NETWORK COORDINATION AND RESEARCH.—As part of the activities described in paragraph (1), the Director shall carry out research and coordinate the AmeriFlux Network to directly observe and understand the exchange of greenhouse gases, water vapor, and heat energy within terrestrial ecosystems and the response of those systems to climate change and other dynamic terrestrial landscape changes. The Director, in collaboration with other relevant Federal agencies, shall—

(A) identify opportunities to incorporate innovative and emerging observation technologies and practices into the existing Network;

(B) conduct research to determine the need for increased greenhouse gas observation Network facilities across North America to meet future mitigation and adaptation needs of the United States; and

(C) examine how the technologies and practices described in subparagraph (A), and increased coordination among scientific communities through the Network, have the potential to help characterize terrestrial baseline greenhouse gas emission sources and sinks in the United States and internationally.

(5) CLIMATE AND EARTH MODELING.—As part of the activities described in paragraph (1), the Director, in collaboration with the Advanced Scientific Computing Research program described in section 606, shall carry out research to develop, evaluate, and use high-resolution regional climate, global climate, Earth, and predictive models to inform decisions on reducing the impacts of changing climate.

(6) INTEGRATED ASSESSMENT RESEARCH.—As part of the activities described in paragraph (1), the Director shall carry out research into options for mitigation of and adaptation to climate change through multiscale models of the entire climate system. Such modeling shall include human processes and greenhouse gas emissions, land use, and interaction among human and Earth systems.

(7) COORDINATION.—The Director shall coordinate activities under this subsection with other Office of Science activities and with the United States Global Change Research Program.

(d) USER FACILITIES AND ANCILLARY EQUIPMENT.—

(1) IN GENERAL.—The Director shall carry out a program for the construction, operation, and maintenance of user facilities to support the program under this section. As practicable, these facilities shall serve the needs of the Department, industry, the academic community, and other relevant entities.

(2) INCLUDED FUNCTIONS.—User facilities described in paragraph (1) shall include facilities which carry out—

(A) genome sequencing and analysis of plants, microbes, and microbial communities using high throughput tools, technologies, and comparative analysis;

(B) molecular level research in biological, chemical, environmental, and subsurface sciences, including synthesis, dynamic properties, and interactions among natural and engineered materials; and

(C) measurement of cloud and aerosol properties used for examining atmospheric processes and evaluating climate model performance, including ground stations at various locations, mobile resources, and aerial vehicles.

SEC. 606. ADVANCED SCIENTIFIC COMPUTING RESEARCH PROGRAM.

(a) IN GENERAL.—As part of the activities authorized under section 603, the Director shall carry out a research, development, demonstration, and commercial application program to advance computational and networking capabilities to analyze, model, simulate, and predict complex phenomena relevant to the development of new energy technologies and the competitiveness of the United States.

(b) COORDINATION.—

(1) DIRECTOR.—The Director shall carry out activities under this section in accordance with priorities established by the Department's Under Secretary for Science to determine and meet the computational and networking research and facility needs of the Office of Science and all other relevant energy technology and energy efficiency programs within the Department.

(2) UNDER SECRETARY FOR SCIENCE.—The Department's Under Secretary for Science shall ensure the coordination of the activities of the Department, including activities under this section, to determine and meet the computational and networking research and facility needs of the Office of Science and all other relevant energy technology and energy efficiency programs within the Department.

(c) RESEARCH TO SUPPORT ENERGY APPLICATIONS.—As part of the activities authorized under subsection (a), the program shall support research in high-performance computing and networking relevant to energy applications, including both basic and applied energy research programs carried out by the Secretary.

(d) REPORTS.—

(1) ADVANCED COMPUTING FOR ENERGY APPLICATIONS.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Congress a plan to integrate and leverage the expertise and capabilities of the program described in subsection (a), as well as other relevant computational and networking research programs and resources supported by the Federal Government, to advance the missions of the Department's applied energy and energy efficiency programs, including the development of smart grid technologies.

(2) EXASCALE COMPUTING.—At least 18 months prior to the initiation of construction or installation of any exascale-class computing facility, the Secretary shall transmit a plan to the Congress detailing—

(A) the proposed facility's cost projections and capabilities to significantly accelerate the development of new energy technologies;

(B) technical risks and challenges that must be overcome to achieve successful completion and operation of the facility; and

(C) an assessment of the scientific and technological advances expected from such a facility relative to those expected from a comparable investment in expanded research and applications at terascale-class and petascale-class computing facilities.

(e) APPLIED MATHEMATICS AND SOFTWARE DEVELOPMENT FOR HIGH-END COMPUTING SYSTEMS.—The Director shall carry out activities to develop, test, and support mathematics, models, and algorithms for complex systems, as well as programming environments, tools, languages, and operating systems for high-end computing systems (as defined in section 2 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5541)).

(f) HIGH-END COMPUTING FACILITIES.—The Director shall—

(1) provide for sustained access by the public and private research community in the United States to high-end computing systems, including access to the National Energy Research Scientific Computing Center and to Leadership Systems (as defined in section 2 of the Department of Energy High-End Computing Revitalization Act of 2004 (15 U.S.C. 5541));

(2) provide technical support for users of such systems; and

(3) conduct research and development on next-generation computing architectures and platforms to support the missions of the Department.

(g) OUTREACH.—The Secretary shall conduct outreach programs and may form partnerships to increase the use of and access to high-performance computing modeling and simulation capabilities by industry, including manufacturers.

SEC. 607. FUSION ENERGY RESEARCH PROGRAM.

(a) PROGRAM.—As part of the activities authorized under section 603, the Director shall carry out a fusion energy sciences research and enabling technology development program to effectively address the scientific and engineering challenges to building a cost-competitive fusion power plant and a competitive fusion power industry in the United States. As part of this program, the Director shall carry out research activities to expand the fundamental understanding of plasmas and matter at very high temperatures and densities.

(b) ITER.—The Director shall coordinate and carry out the responsibilities of the United States with respect to the ITER international fusion project pursuant to the Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project.

(c) IDENTIFICATION OF PRIORITIES.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report on the Department's proposed research and development activities in magnetic fusion over the 10 years following the date of enactment of this Act under four realistic budget scenarios. The report shall—

(1) identify specific areas of fusion energy research and enabling technology development in which the United States can and should establish or solidify a lead in the global fusion energy development effort; and

(2) identify priorities for initiation of facility construction and facility decommissioning under each of those scenarios.

(d) FUSION MATERIALS RESEARCH AND DEVELOPMENT.—The Director, in coordination with the Assistant Secretary for Nuclear Energy of the Department, shall carry out research and development activities to identify, characterize, and create materials that can endure the neutron, plasma, and heat fluxes expected in a commercial fusion power plant. As part of the activities authorized under subsection (c), the Secretary shall—

(1) provide an assessment of the need for a facility or facilities that can examine and test potential fusion and next generation fission materials and other enabling technologies relevant to the development of commercial fusion power plants; and

(2) provide an assessment of whether a single new facility that substantially addresses magnetic fusion, inertial fusion, and next generation fission materials research needs is feasible, in conjunction with the expected capabilities of facilities operational as of the date of enactment of this Act.

(e) ENABLING TECHNOLOGY DEVELOPMENT.—The Secretary shall carry out activities to develop technologies necessary to enable the reliable, sustainable, safe, and economically competitive operation of a commercial fusion power plant.

(f) FUSION SIMULATION PROJECT.—In collaboration with the Office of Science's Advanced Scientific Computing Research program described in section 606, the Director shall carry out a computational project to advance the capability of fusion researchers to accurately simulate an entire fusion energy system.

(g) INERTIAL FUSION ENERGY RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary shall carry out a program of research and technology development in inertial fusion for energy applications, including ion beam and laser fusion. Not later than 180 days after the release of a report from the National Academies on inertial fusion energy research, the Secretary shall transmit to Congress a report describing the Department's plan to incorporate any relevant recommendations from the National Academies' report into this program.

SEC. 608. HIGH ENERGY PHYSICS PROGRAM.

(a) PROGRAM.—As part of the activities authorized under section 603, the Director shall carry out a research program on the elementary constituents of matter and energy and the nature of space and time.

(b) NEUTRINO RESEARCH.—As part of the program described in subsection (a), the Director shall carry out research activities on rare decay processes and the nature of the neutrino, which may—

(1) include collaborations with the National Science Foundation on relevant projects; and

(2) utilize components of existing accelerator facilities to produce neutrino beams of sufficient intensity to explore research priorities identified by the High Energy Physics Advisory Panel or the National Academy of Sciences.

(c) DARK ENERGY AND DARK MATTER RESEARCH.—As part of the program described in subsection (a), the Director shall carry out research activities on the nature of dark energy and dark matter. These activities shall be consistent with research priorities identified by the High Energy Physics Advisory Panel or the National Academy of Sciences, and may include—

(1) the development of space-based and land-based facilities and experiments; and

(2) collaborations with the National Aeronautics and Space Administration, the National Science Foundation, or international collaborations on relevant research projects.

(d) ACCELERATOR RESEARCH AND DEVELOPMENT.—The Director shall carry out research and development in advanced accelerator concepts and technologies to reduce the necessary scope and cost for the next generation of particle accelerators.

(e) INTERNATIONAL COLLABORATION.—The Director, as practicable and in coordination with other appropriate Federal agencies as necessary, shall ensure the access of United States researchers to the most advanced accelerator facilities and research capabilities in the world, including the Large Hadron Collider.

SEC. 609. NUCLEAR PHYSICS PROGRAM.

(a) PROGRAM.—As part of the activities authorized under section 603, the Director shall carry out a research program, and support relevant facilities, to discover and understand various forms of nuclear matter.

(b) FACILITY CONSTRUCTION AND UPGRADES.—Consistent with the Office of Science's project management practices, the Director shall carry out—

(1) an upgrade of the Continuous Electron Beam Accelerator Facility to a 12 gigaelectronvolt beam of electrons; and

(2) construction of the Facility for Rare Isotope Beams.

(c) ISOTOPE DEVELOPMENT AND PRODUCTION FOR RESEARCH APPLICATIONS.—The Director shall carry out a program for the production of isotopes, including the development of techniques to produce isotopes, that the Secretary determines are needed for research, excluding medical research. In making this determination, the Secretary shall consider any relevant recommendations made by Federal advisory committees, the National Academies, and interagency working groups in which the Department participates.

SEC. 610. SCIENCE LABORATORIES INFRASTRUCTURE PROGRAM.

(a) PROGRAM.—The Director shall carry out a program to improve the safety, efficiency, and mission readiness of infrastructure at Office of Science laboratories. The program shall include projects to—

(1) renovate or replace space that does not meet research needs;

(2) replace facilities that are no longer cost effective to renovate or operate;

(3) modernize utility systems to prevent failures and ensure efficiency;

(4) remove excess facilities to allow safe and efficient operations; and

(5) construct modern facilities to conduct advanced research in controlled environmental conditions.

(b) MINOR CONSTRUCTION PROJECTS.—

(1) AUTHORITY.—Using operation and maintenance funds or facilities and infrastructure funds authorized by law, the Secretary may carry out minor construction projects with respect to laboratories administered by the Office of Science.

(2) ANNUAL REPORT.—The Secretary shall submit to Congress, as part of the annual budget submission of the Department, a report on each exercise of the authority under subsection (a) during the preceding fiscal year. Each report shall include a summary of maintenance and infrastructure needs and associated funding requirements at each of the laboratories, including the amount of both planned and deferred infrastructure spending at each laboratory. Each report shall provide a brief description of each minor construction project covered by the report.

(3) COST VARIATION REPORTS.—If, at any time during the construction of any minor construction project, the estimated cost of the project is revised and the revised cost of the project exceeds the minor construction threshold, the Secretary shall immediately submit to Congress a report explaining the reasons for the cost variation.

(4) DEFINITIONS.—In this section—

(A) the term ''minor construction project'' means any plant project not specifically authorized by law for which the approved total estimated cost does not exceed the minor construction threshold; and

(B) the term ''minor construction threshold'' means $10,000,000, with such amount to be adjusted by the Secretary in accordance with the Engineering News-Record Construction Cost Index, or an appropriate alternative index as determined by the Secretary, once every five years after the date of enactment of this Act.

(5) NONAPPLICABILITY.—Sections 4703 and 4704 of the Atomic Energy Defense Act (50 U.S.C. 2743 and 2744) shall not apply to laboratories administered by the Office of Science.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary for the activities of the Office of Science—

(1) $5,247,000,000 for fiscal year 2011, of which—

(A) $1,875,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $667,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $466,000,000 shall be for Advanced Scientific Computing Research activities under section 606;

(2) $5,614,000,000 for fiscal year 2012, of which—

(A) $2,025,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $720,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $503,000,000 shall be for Advanced Scientific Computing Research activities under section 606;

(3) $6,007,000,000 for fiscal year 2013, of which—

(A) $2,187,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $778,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $544,000,000 shall be for Advanced Scientific Computing Research activities under section 606;

(4) $6,428,000,000 for fiscal year 2014, of which—

(A) $2,362,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $840,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $587,000,000 shall be for Advanced Scientific Computing Research activities under section 606; and

(5) $6,878,000,000 for fiscal year 2015, of which—

(A) $2,551,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $907,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $634,000,000 shall be for Advanced Scientific Computing Research activities under section 606.

Subtitle B—Advanced Research Projects Agency-Energy

SEC. 621. SHORT TITLE.

This subtitle may be cited as the ''ARPA-E Reauthorization Act of 2010''.

SEC. 622. ARPA-E AMENDMENTS.

Section 5012 of the America COMPETES Act (42 U.S.C. 16538) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A), by inserting ''and applied'' after ''advances in fundamental'';

(B) by striking ''and'' at the end of subparagraph (B);

(C) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

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

''(D) promoting the commercial application of advanced energy technologies.'';

(2) in subsection (e)(3), by amending subparagraph (C) to read as follows:

''(C) research and development of advanced manufacturing process and technologies for the domestic manufacturing of novel energy technologies; and'';

(3) in subsection (e)—

(A) by striking ''and'' at the end of paragraph (3)(D);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(5) pursuant to subsection (c)(2)(C)—

''(A) ensuring that applications for funding disclose the extent of current and prior efforts, including monetary investments as appropriate, in pursuit of the technology area for which funding is being requested;

''(B) adopting measures to ensure that, in making awards, program managers adhere to the objectives in subsection (c)(2)(C); and

''(C) providing as part of the annual report required by subsection (h)(1) a summary of the instances of and reasons for ARPA-E funding projects in technology areas already being undertaken by industry.'';

(4) by redesignating subsections (f) through (m) as subsections (g), (h), (i), (j), (l), (m), (n), and (o), respectively;

(5) by inserting after subsection (e) the following new subsection:

''(f) AWARDS.—In carrying out this section, the Director may initiate and execute awards in the form of grants, contracts, cooperative agreements, cash prizes, and other transactions. The Director shall make awards designed to overcome the long-term and high-risk barriers relating to the goals and means set forth in subsection (c) and facilitate submissions, where possible by small businesses and entrepreneurs, pursuant to announcements published not less frequently than annually, of funding opportunities for—

''(1) specific areas of technological innovation; and

''(2) broadly defined areas of science and technology,

to remain open for periods of one year.'';

(6) in subsection (g), as so redesignated by paragraph (4) of this section—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A) of this paragraph, the following new paragraph:

''(1) IN GENERAL.—The Director shall establish and maintain within ARPA-E a staff with sufficient qualifications and expertise to enable ARPA-E to carry out its responsibilities under this section in conjunction with the operations of the rest of the Department.'';

(C) in paragraph (2)(A), as so redesignated by subparagraph (A) of this paragraph—

(i) in the paragraph heading, by striking ''PROGRAM MANAGERS'' and inserting ''PROGRAM DIRECTORS'';

(ii) by striking ''program managers'' and inserting ''program directors''; and

(iii) by striking ''each of''.

(D) in paragraph (2)(B), as so redesignated by subparagraph (A) of this paragraph—

(i) by striking ''program manager'' and inserting ''program director'';

(ii) in clause (iv), by striking '', with advice under subsection (j) as appropriate,'';

(iii) by redesignating clauses (v) and (vi) as clauses (vi) and (viii), respectively;

(iv) by inserting after clause (iv) the following new clause:

''(v) identifying innovative cost-sharing arrangements for ARPA-E projects, including through use of the authority under section 988(b)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)(3));'';

(v) in clause (vi), as so redesignated by clause (iii) of this subparagraph, by striking ''; and'' and inserting a semicolon; and

(vi) by inserting after clause (vi), as so redesignated by clause (iii) of this subparagraph, the following new clause:

''(vii) identifying mechanisms for commercial application of successful energy technology development projects, including through establishment of partnerships between awardees and commercial entities; and'';

(E) in paragraph (2)(C), as so redesignated by subparagraph (A) of this paragraph, by inserting ''up to'' after ''shall be'';

(F) in paragraph (3)(B), as so redesignated by subparagraph (A) of this paragraph, by striking ''not less than 70, and not more than 120,'' and inserting ''not more than 120''; and

(G) by adding at the end the following new paragraph:

''(4) FELLOWSHIPS.—The Director is authorized to select exceptional early-career and senior scientific, legal, business, and technical personnel to serve as fellows to work at ARPA-E for terms not to exceed two years. Responsibilities of fellows may include—

''(A) supporting program directors in program creation, design, implementation, and management;

''(B) exploring technical fields for future ARPA-E program areas;

''(C) assisting the Director in the creation of the strategic vision for ARPA-E referred to in subsection (h)(2);

''(D) preparing energy technology and economic analyses; and

''(E) any other appropriate responsibilities identified by the Director.'';

(7) in subsection (h)(2), as so redesignated by paragraph (4) of this section—

(A) by striking ''2008'' and inserting ''2010''; and

(B) by striking ''2011'' and inserting ''2013'';

(8) by amending subsection (j), as so redesignated by paragraph (4) of this section, to read as follows:

''(j) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—The Director shall seek opportunities to partner with purchasing and procurement programs of Federal agencies to demonstrate energy technologies resulting from activities funded through ARPA-E.'';

(9) by inserting after such subsection (j) the following new subsection:

''(k) EVENTS.—

''(1) The Director is authorized to convene, organize, and sponsor events that further the objectives of ARPA-E, including events that assemble awardees, the most promising applicants for ARPA-E funding, and a broad range of ARPA-E stakeholders (which may include members of relevant scientific research and academic communities, government officials, financial institutions, private investors, entrepreneurs, and other private entities), for the purposes of—

''(A) demonstrating projects of ARPA-E awardees;

''(B) demonstrating projects of finalists for ARPA-E awards and other energy technology projects;

''(C) facilitating discussion of the commercial application of energy technologies developed under ARPA-E and other government-sponsored research and development programs; or

''(D) such other purposes as the Director considers appropriate.

''(2) Funding for activities described in paragraph (1) shall be provided as part of the technology transfer and outreach activities authorized under subsection (o)(4)(B).'';

(10) in subsection (m)(1), as so redesignated by paragraph (4) of this section, by striking ''4 years'' and inserting ''6 years'';

(11) in subsection (m)(2)(B), as so redesignated by paragraph (4) of this section, by inserting '', and how those lessons may apply to the operation of other programs within the Department of Energy'' after ''ARPA-E'';

(12) by amending subsection (o)(2), as so redesignated by paragraph (4) of this section, to read as follows:

''(2) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (4), there are authorized to be appropriated to the Director for deposit in the Fund, without fiscal year limitation—

''(A) $300,000,000 for fiscal year 2011;

''(B) $450,000,000 for fiscal year 2012;

''(C) $600,000,000 for fiscal year 2013;

''(D) $800,000,000 for fiscal year 2014; and

''(E) $1,000,000,000 for fiscal year 2015.'';

(13) in subsection (o), as so redesignated by paragraph (4) of this section, by—

(A) striking paragraph (4); and

(B) redesignating paragraph (5) as paragraph (4); and

(14) in subsection (o)(4)(B), as so redesignated by paragraphs (4) and (13)(B) of this subsection—

(A) by striking ''2.5 percent'' and inserting ''5 percent''; and

(B) by inserting '', consistent with the goal described in subsection (c)(2)(D) and within the responsibilities of program directors as specified in subsection (g)(2)(B)(vii)'' after ''outreach activities''.

Subtitle C—Energy Innovation Hubs

SEC. 631. SHORT TITLE.

This subtitle may be cited as the ''Energy Innovation Hubs Authorization Act of 2010''.

SEC. 632. ENERGY INNOVATION HUBS.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall carry out a program to enhance the Nation's economic, environmental, and energy security by making grants to consortia for establishing and operating Energy Innovation Hubs to conduct and support, whenever practicable at one centralized location, multidisciplinary, collaborative research, development, demonstration, and commercial application of advanced energy technologies in areas not being served by the private sector.

(2) TECHNOLOGY DEVELOPMENT FOCUS.—The Secretary shall designate for each Hub a unique advanced energy technology development focus.

(3) COORDINATION.—The Secretary shall ensure the coordination of, and avoid unnecessary duplication of, the activities of Hubs with those of other Department of Energy research entities, including the National Laboratories, the Advanced Research Projects Agency—Energy, and Energy Frontier Research Centers, and within industry. Such coordination shall include convening and consulting with representatives of staff of the Department of Energy, representatives from Hubs and the qualifying entities that are members of the consortia operating the Hubs, and representatives of such other entities as the Secretary considers appropriate, to share research results, program plans, and opportunities for collaboration.

(4) ADMINISTRATION.—The Secretary shall administer this section with respect to each Hub through the Department program office appropriate to administer the subject matter of the technology development focus assigned under paragraph (2) for the Hub.

(b) CONSORTIA.—

(1) ELIGIBILITY.—To be eligible to receive a grant under this section for the establishment and operation of a Hub, a consortium shall—

(A) be composed of no fewer than 2 qualifying entities;

(B) operate subject to a binding agreement entered into by its members that documents—

(i) the proposed partnership agreement, including the governance and management structure of the Hub;

(ii) measures to enable cost-effective implementation of the program under this section;

(iii) a proposed budget, including financial contributions from non-Federal sources;

(iv) conflict of interest procedures consistent with subsection (d)(3), all known material conflicts of interest, and corresponding mitigation plans;

(v) an accounting structure that enables the Secretary to ensure that the consortium has complied with the requirements of this section; and

(vi) an external advisory committee consistent with subsection (d)(2); and

(C) operate as a nonprofit organization.

(2) APPLICATION.—A consortium seeking to establish and operate a Hub under this section, acting through a prime applicant, shall transmit to the Secretary an application at such time, in such form, and accompanied by such information as the Secretary shall require, including a detailed description of the elements of the consortium agreement required under paragraph (1)(B). If the consortium members will not be located at one centralized location, such application shall include a communications plan that ensures close coordination and integration of the Hub's activities.

(c) SELECTION AND SCHEDULE.—The Secretary shall select consortia for grants for the establishment and operation of Hubs through competitive selection processes. In selecting consortia, the Secretary shall consider the information a consortium must disclose according to subsection (b), as well as any existing facilities a consortium will provide for Hub activities. Grants made to a Hub shall be for a period not to exceed 5 years, after which the grant may be renewed, subject to a competitive selection process.

(d) HUB OPERATIONS.—

(1) IN GENERAL.—Hubs shall conduct or provide for multidisciplinary, collaborative research, development, demonstration, and commercial application of advanced energy technologies within the technology development focus designated for the Hub by the Secretary under subsection (a)(2). Each Hub shall—

(A) encourage collaboration and communication among the member qualifying entities of the consortium and awardees by conducting activities whenever practicable at one centralized location;

(B) develop and publish on the Department of Energy's website proposed plans and programs;

(C) submit an annual report to the Secretary summarizing the Hub's activities, including detailing organizational expenditures, listing external advisory committee members, and describing each project undertaken by the Hub; and

(D) monitor project implementation and coordination.

(2) EXTERNAL ADVISORY COMMITTEE.—Each Hub shall establish an external advisory committee, the membership of which shall have sufficient expertise to advise and provide guidance on scientific, technical, industry, financial, and research management matters.

(3) CONFLICTS OF INTEREST.—

(A) PROCEDURES.—Hubs shall establish conflict of interest procedures, consistent with those of the Department of Energy, to ensure that employees and consortia designees for Hub activities who are in decisionmaking capacities disclose all material conflicts of interest, including financial, organizational, and personal conflicts of interest.

(B) DISQUALIFICATION AND REVOCATION.—The Secretary may disqualify an application or revoke funds distributed to a Hub if the Secretary discovers a failure to comply with conflict of interest procedures established under subparagraph (A).

(e) PROHIBITION ON CONSTRUCTION.—

(1) IN GENERAL.—No funds provided pursuant to this section may be used for construction of new buildings or facilities for Hubs. Construction of new buildings or facilities shall not be considered as part of the non-Federal share of a Hub cost-sharing agreement.

(2) TEST BED AND RENOVATION EXCEPTION.—Nothing in this subsection shall prohibit the use of funds provided pursuant to this section, or non-Federal cost share funds, for the construction of a test bed or renovations to existing buildings or facilities for the purposes of research if the Oversight Board determines that the test bed or renovations are limited to a scope and scale necessary for the research to be conducted.

(f) OVERSIGHT BOARD.—The Secretary shall establish and maintain within the Department an Oversight Board to oversee the progress of Hubs.

(g) PRIORITY CONSIDERATION.—The Secretary shall give priority consideration to applications in which 1 or more of the institutions under subsection (b)(1)(A) are 1890 Land Grant Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7061)), Predominantly Black Institutions (as defined in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e)), Tribal Colleges or Universities (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), or Hispanic Serving Institutions (as defined in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e)).

(h) DEFINITIONS.—For purposes of this section:

(1) ADVANCED ENERGY TECHNOLOGY.—The term ''advanced energy technology'' means an innovative technology—

(A) that produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean, or other renewable energy resources;

(B) that produces nuclear energy;

(C) for carbon capture and sequestration;

(D) that enables advanced vehicles, vehicle components, and related technologies that result in significant energy savings;

(E) that generates, transmits, distributes, utilizes, or stores energy more efficiently than conventional technologies, including through Smart Grid technologies; or

(F) that enhances the energy independence and security of the United States by enabling improved or expanded supply and production of domestic energy resources, including coal, oil, and natural gas.

(2) HUB.—The term ''Hub'' means an Energy Innovation Hub established in accordance with this section.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) QUALIFYING ENTITY.—The term ''qualifying entity'' means—

(A) an institution of higher education;

(B) an appropriate State or Federal entity, including the Department of Energy Federally Funded Research and Development Centers;

(C) a nongovernmental organization with expertise in advanced energy technology research, development, demonstration, or commercial application; or

(D) any other relevant entity the Secretary considers appropriate.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

(1) $110,000,000 for fiscal year 2011;

(2) $135,000,000 for fiscal year 2012;

(3) $195,000,000 for fiscal year 2013;

(4) $210,000,000 for fiscal year 2014; and

(5) $210,000,000 for fiscal year 2015.

Subtitle D—Cooperative Research and Development Fund

SEC. 641. SHORT TITLE.

This subtitle may be cited as the ''Cooperative Research and Development Fund Authorization Act of 2010''.

SEC. 642. COOPERATIVE RESEARCH AND DEVELOPMENT FUND.

(a) IN GENERAL.—The Secretary of Energy shall make funds available to Department of Energy National Laboratories for the Federal share of cooperative research and development agreements. The Secretary of Energy shall determine the apportionment of such funds to each Department of Energy National Laboratory and shall ensure that special consideration is given to small business firms and consortia involving small business firms in the selection process for which cooperative research and development agreements will receive such funds.

(b) REPORTING.—Each year the Secretary shall submit to Congress a report that describes how funds were expended under this subtitle.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section each fiscal year. No funds allocated for this section shall come from funds allocated for the Office of Science.

Subtitle E—Technology Transfer Database

SEC. 651. TECHNOLOGY TRANSFER DATABASE.

To support the commercial application of new energy technologies development by the Department of Energy, the Secretary of Energy may establish an online database of technologies, capabilities, and resources available to the public at the National Laboratories.

TITLE VII—MISCELLANEOUS

SEC. 701. SENSE OF CONGRESS.

It is the sense of Congress that, among the programs and activities authorized in this Act, those that correspond to the recommendations of the National Academy of Sciences' 2005 report entitled ''Rising Above the Gathering Storm'' remain critical to maintaining long-term United States economic competitiveness, and accordingly shall receive funding priority.

SEC. 702. PERSONS WITH DISABILITIES.

For the purposes of the activities and programs supported by this Act and the amendments made by this Act—

(1) institutions of higher education chartered to serve large numbers of students with disabilities, including Gallaudet University, Landmark College, and the National Technical Institute for the Deaf, and institutions of higher education offering science, technology, engineering, and mathematics research and education activities and programs that serve veterans with disabilities, shall receive special consideration in the review of any proposals by these institutions for funding under the research and education programs authorized in this Act to ensure that institutions of higher education chartered to or serving persons with disabilities benefit from such research and education activities and programs; and

(2) agencies with respect to which appropriations are authorized under this Act shall also conduct outreach to veterans with disabilities pursuing studies in science, technology, engineering, and mathematics to ensure that such veterans are aware of and benefit from the research and education activities and programs authorized by this Act.

SEC. 703. VETERANS AND SERVICE MEMBERS.

In awarding scholarships and fellowships under this Act, an institution of higher education shall give preference to applications from veterans and service members, including those who have received or will receive the Afghanistan Campaign Medal or the Iraq Campaign Medal as authorized by Public Law 108–234 (10 U.S.C. 1121 note; 118 Stat. 655) and Executive Order No. 13363.

SEC. 704. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 705. LIMITATION.

No funds authorized under this Act shall be used for the employment of, or shall be received by, any individual who has been convicted of, or pleaded guilty to, a crime of child molestation, rape, or any other form of sexual assault.

SEC. 706. PROHIBITION ON LOBBYING.

Nothing in this Act shall be construed to supercede section 1913 of title 18, United States Code.

SEC. 707. INFORMATION REQUESTS BY LABOR ORGANIZATIONS.

(a) ELIGIBILITY FOR FUNDS.—Notwithstanding any other provision of this Act, a public institution of higher education that employs employees who are represented by a labor organization and perform work on an activity or program supported by this Act or an amendment made by this Act shall be eligible to receive funding for facilities and administrative costs for any activity or program supported by this Act or the amendments made by this Act only if the institution maintains a policy that meets the requirements set forth in subsection (b).

(b) REQUIREMENTS.—A policy described under subsection (a) shall require that the institution provide, within 15 days of receipt of a request by a labor organization representing the employees of the institution described in subsection (a), any information which the labor organization has a lawful right to obtain under applicable labor laws. Such a policy shall provide that, on a case-by-case basis, such 15 days may be extended to a longer time period by mutual agreement of the labor organization and the institution.

(c) FAILURE TO COMPLY WITH POLICY.—

(1) COMPLAINT OF NONCOMPLIANCE.—In the case of an institution of higher education that does not provide information requested by a labor organization in compliance with the requirements of a policy described in subsections (a) and (b), the labor organization may file a complaint of noncompliance with the head of the agency overseeing any activity or program supported by this Act or the amendments made by this Act for which the institution is receiving funds.

(2) NOTIFICATION TO INSTITUTION.—Upon receiving such a complaint, the head of such agency shall notify the institution of the complaint and provide the institution an additional 30 days to provide the requested information to the labor organization or otherwise explain why the complaint of non-compliance is not valid.

(3) AGENCY ACTION.—If the information has not been provided by the institution at the conclusion of such 30 day period and the head of such agency determines the complaint to be valid, the head of such agency shall suspend payment of any funds for facilities and administrative costs that would otherwise be available to such institution for all activities and programs supported by this Act and the amendments made by this Act until such time as the requested information has been provided by the institution.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''institution of higher education'' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), except that such term does not include a private institution of higher education; and

(2) the term ''facilities and administrative costs'' means facilities and administrative (F&A) costs as defined in the Office of Management and Budget Revised Circular A–21 (Cost Principles for Educational Institutions, published in the Federal Register on May 10, 2004).

(e) EFFECTIVE DATE.—This section shall take effect on January 1, 2011.

SEC. 708. LIMITATION.

No funds authorized to be appropriated by this Act or the amendments made by this Act may be used to purchase gift items, knickknacks, souvenirs, trinkets, or other items without direct educational value.

SEC. 709. NO SALARIES FOR VIEWING PORNOGRAPHY.

None of the funds authorized under this Act may be used to pay the salary of any individual who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

SEC. 710. INELIGIBILITY FOR AWARDS OR GRANTS.

None of the funds authorized under this Act shall be available to make awards to or provide grants for an institution of higher education under this Act if that institution is prevented from receiving funds for contracts or grants for education under section 983 of title 10, United States Code.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HALL of Texas, moved to recommit the bill to the Committee on Science and Technology with instructions to report the bill back to the House forthwith with the following amendment:

Strike page 91, line 9, through page 98, line 4.

Strike page 163, line 3, through page 164, line 11.

Strike page 176, line 15, through page 187, line 13.

Strike page 187, line 14, through page 195, line 11.

Strike page 235, line 15, through page 244, line 1.

Page 245, lines 12 through 24, amend section 702 to read as follows:

SEC. 702. PERSONS WITH DISABILITIES.

For the purposes of the activities and programs supported by this Act and the amendments made by this Act—

(1) institutions of higher education chartered to serve large numbers of students with disabilities, including Gallaudet University, Landmark College, and the National Technical Institute for the Deaf, and institutions of higher education offering science, technology, engineering, and mathematics research and education activities and programs available to veterans with disabilities, shall receive special consideration and have a designation consistent with the designation for other institutions that serve populations underrepresented in STEM to ensure that institutions of higher education chartered to serve or serving persons with disabilities benefit from such research and education activities and programs; and

(2) agencies for which appropriations are authorized by this Act or the amendments made by this Act shall also conduct outreach to veterans with disabilities pursuing studies in science, technology, engineering, and mathematics to ensure that such veterans are aware of and benefit from the research and education activities and programs authorized by this Act.

At the end of the bill, insert the following new sections:

SEC. 704. NO SALARIES FOR VIEWING PORNOGRAPHY.

None of the funds authorized under this Act may be used to pay the salary of any individual who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

SEC. 705. INELIGIBILITY FOR AWARDS OR GRANTS.

None of the funds authorized under this Act shall be available to make awards to or provide grants for an institution of higher education under this Act if that institution is prevented from receiving funds for contracts or grants for education under section 983 of title 10, United States Code.

SEC. 706. ALTERNATIVE AUTHORIZATIONS.

Notwithstanding sections 212, 402, 611, and 622, in any year following a year in which there is a Federal budget deficit the authorization levels in those sections and the amendments made by those sections shall be in the amount specified as follows:

(1) ALTERNATIVE AUTHORIZATIONS FOR THE NATIONAL SCIENCE FOUNDATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the Foundation $6,872,510,400 for each of the fiscal years 2011 through 2013.

(B) SPECIFIC ALLOCATIONS.—Of the amount authorized under subparagraph (A) for each fiscal year—

(i) $5,563,920,400 shall be made available for research and related activities;

(ii) $872,760,000 shall be made available for education and human resources;

(iii) $117,290,000 shall be made available for major research equipment and facilities construction;

(iv) $300,000,000 shall be made available for agency operations and award management;

(v) $4,540,000 shall be made available for the Office of the National Science Board; and

(vi) $14,000,000 shall be made available for the Office of Inspector General.

(2) ALTERNATIVE AUTHORIZATIONS FOR THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(A) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $839,300,000 for the National Institute of Standards and Technology for each of the fiscal years 2011 through 2013.

(B) SPECIFIC ALLOCATIONS.—Of the amount authorized under subparagraph (A) for each fiscal year—

(i) $515,000,000 shall be authorized for scientific and technical research and services laboratory activities;

(ii) $120,000,000 shall be authorized for the construction and maintenance of facilities; and

(iii) $204,300,000 shall be authorized for industrial technology services activities, of which—

(I) $70,000,000 shall be authorized for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

(II) $124,700,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l); and

(III) $9,600,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(3) ALTERNATIVE AUTHORIZATIONS FOR THE OFFICE OF SCIENCE OF THE DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Secretary for the activities of the Office of Science $4,904,000,000 for each of the fiscal years 2011 through 2013, of which for each fiscal year—

(A) $1,637,000,000 shall be for Basic Energy Sciences activities under section 604;

(B) $604,000,000 shall be for Biological and Environmental Research activities under section 605; and

(C) $394,000,000 shall be for Advanced Scientific Computing Research activities under section 606.

(4) ALTERNATIVE AUTHORIZATIONS FOR ARPA–E.—No funds are authorized to be appropriated to the Director of ARPA–E for deposit into the Fund for fiscal years 2011 through 2013.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the nays had it.

Mr. HALL of Texas, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 292 / Nays 126

¶59.11 [Roll No. 270]

AYES—292

Aderholt	Foster	McNerney
Adler (NJ)	Foxx	Meek (FL)
Akin	Franks (AZ)	Mica
Alexander	Frelinghuysen	Miller (FL)
Altmire	Gallegly	Miller (MI)
Arcuri	Garamendi	Miller, Gary
Austria	Garrett (NJ)	Minnick
Baca	Gerlach	Mitchell
Bachmann	Giffords	Mollohan
Bachus	Gingrey (GA)	Moore (KS)
Barrow	Gohmert	Moran (KS)
Bartlett	Goodlatte	Murphy (NY)
Barton (TX)	Granger	Murphy, Patrick
Bean	Graves	Murphy, Tim
Biggert	Griffith	Myrick
Bilbray	Guthrie	Neal (MA)
Bilirakis	Gutierrez	Neugebauer
Bishop (GA)	Hall (TX)	Nunes
Bishop (NY)	Halvorson	Nye
Bishop (UT)	Hare	Olson
Blackburn	Harper	Owens
Blunt	Hastings (WA)	Pastor (AZ)
Boccieri	Heinrich	Paul
Boehner	Heller	Paulsen
Bonner	Hensarling	Pence
Bono Mack	Herger	Perriello
Boozman	Herseth Sandlin	Peters
Boren	Hill	Peterson
Boswell	Himes	Petri
Boucher	Hinojosa	Pitts
Boustany	Hodes	Platts
Boyd	Holden	Poe (TX)
Brady (PA)	Hunter	Pomeroy
Brady (TX)	Inglis	Posey
Braley (IA)	Israel	Price (GA)
Bright	Issa	Putnam
Broun (GA)	Jenkins	Radanovich
Brown (SC)	Johnson (IL)	Rahall
Brown-Waite, Ginny	Johnson, Sam	Rehberg
Buchanan	Jones	Reichert
Burgess	Jordan (OH)	Richardson
Burton (IN)	Kagen	Rodriguez
Buyer	Kanjorski	Roe (TN)
Calvert	Kaptur	Rogers (AL)
Camp	Kildee	Rogers (KY)
Campbell	Kilroy	Rogers (MI)
Cantor	Kind	Rohrabacher
Cao	King (IA)	Rooney
Capito	King (NY)	Ros-Lehtinen
Carnahan	Kingston	Roskam
Carney	Kirk	Ross
Carter	Kirkpatrick (AZ)	Royce
Cassidy	Kissell	Ruppersberger
Castle	Klein (FL)	Ryan (WI)
Chaffetz	Kline (MN)	Salazar
Chandler	Kosmas	Sanchez, Loretta
Childers	Kratovil	Scalise
Coble	Lamborn	Schauer
Coffman (CO)	Lance	Schiff
Conaway	Langevin	Schmidt
Connolly (VA)	Larsen (WA)	Schock
Costa	Latham	Schrader
Costello	LaTourette	Schwartz
Courtney	Latta	Sensenbrenner
Crenshaw	Lewis (CA)	Serrano
Crowley	Linder	Sessions
Cuellar	Lipinski	Sestak
Culberson	LoBiondo	Shadegg
Dahlkemper	Loebsack	Shea-Porter
Davis (CA)	Lucas	Shimkus
Davis (KY)	Luetkemeyer	Shuler
Davis (TN)	Lummis	Shuster
DeFazio	Lungren, Daniel E.	Simpson
Dent	Lynch	Skelton
Deutch	Mack	Smith (NE)
Diaz-Balart, L.	Maffei	Smith (NJ)
Diaz-Balart, M.	Maloney	Smith (TX)
Dicks	Manzullo	Smith (WA)
Doggett	Marchant	Souder
Donnelly (IN)	Markey (CO)	Space
Dreier	Marshall	Spratt
Driehaus	Matheson	Stearns
Duncan	McCarthy (CA)	Sullivan
Edwards (TX)	McCarthy (NY)	Sutton
Ellsworth	McCaul	Tanner
Emerson	McClintock	Taylor
Etheridge	McCotter	Terry
Fallin	McHenry	Thompson (PA)
Fattah	McIntyre	Thornberry
Flake	McKeon	Tiahrt
Fleming	McMahon	Tiberi
Forbes	McMorris Rodgers	Titus
Fortenberry		Tonko
		Turner

Upton
Visclosky
Walden
Walz
Weiner
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

NOES—126

Ackerman
Andrews
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Blumenauer
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Edwards (MD)
Ehlers
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Harman
Hastings (FL)
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kennedy
Kilpatrick (MI)
Kucinich
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Luján
Markey (MA)
Matsui
McCollum
McDermott
McGovern
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Perlmutter
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rangel
Reyes
Rothman (NJ)
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Scott (GA)
Scott (VA)
Sherman
Sires
Snyder
Speier
Stark
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wilson (OH)
Woolsey
Yarmuth

NOT VOTING—12

Barrett (SC)
Cole
Davis (AL)
Doyle
Higgins
Hoekstra
Lee (NY)
Melancon
Rush
Slaughter
Teague
Wamp

So the motion to recommit with instructions was agreed to.

A motion to reconsider the vote whereby said motion was agreeed to was, by unanimous consent, laid on the table.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 1(c) of rule XIX, announced that further proceedings on the bill were postponed.

¶59.12 H. RES. 1338—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1338) recognizing the significant accomplishments of AmeriCorps and encouraging all citizens to join in a national effort to raise awareness about the importance of national and community service.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 280 / Nays 128

¶59.13 [Roll No. 271]

YEAS—280

Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Bright
Brown, Corrine
Buchanan
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schauer
Schiff
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—128

Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Davis (KY)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Harper
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NJ)
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Westmoreland
Wilson (SC)
Wittman
Young (FL)

NOT VOTING—22

Barrett (SC)
Braley (IA)
Cole
Cuellar
Davis (AL)
Doyle
Gordon (TN)
Higgins
Hodes
Hoekstra
Lee (NY)
Moore (KS)
Nadler (NY)
Rangel
Rush
Salazar
Schakowsky
Schrader
Slaughter
Teague
Wamp
Waters

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶59.14 H. RES. 1337—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1337) expressing the sympathy and condolences of the House of Representatives to those people affected by the flooding in Tennessee, Kentucky, and Mississippi in May, 2010.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 402 Nays 0

¶59.15 [Roll No. 272]

YEAS—402

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

NOT VOTING—28

Barrett (SC)	Giffords	Rush
Berman	Higgins	Salazar
Braley (IA)	Hodes	Schakowsky
Cleaver	Hoekstra	Skelton
Clyburn	Lee (NY)	Slaughter
Cole	Moore (KS)	Teague
Cuellar	Nadler (NY)	Tierney
Davis (AL)	Posey	Wamp
Doyle	Quigley	
Eshoo	Rangel	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶59.16 HIT POLICY COMMITTEE

The SPEAKER pro tempore, Mr. KISSELL, pursuant to section 13101 of the Hitech Act (Public Law 111-5), and the order of the House of January 6, 2009, announced that the Speaker reappointed the following member to the Hit Policy Committee for a term of three years: Mr. Paul Egeram of Weston, Massachusetts.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶59.17 ORDER OF BUSINESS—JOINT MEETING TO RECEIVE HIS EXCELLENCY FELIPE CALDERON HINOJOSO

On motion of Mr. HOYER, by unanimous consent,

Ordered, That it may be in order at any time on Thursday, May 20, 2010, for the Speaker to declare a recess, subject to the Call of the Chair, for the purpose of receiving in joint meeting His Excellency Felipe Calderon Hinojosa, President of Mexico.

¶59.18 ADJOURNMENT OVER

On motion of Ms. SUTTON, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, May 14, 2010, at 11:30 a.m.; and further, when the House adjourns on Friday. May 14, 2010, it adjourn to meet at 12:30 p.m. on Tuesday May 18, 2010, for morning-hour debate.

¶59.19 BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE

The SPEAKER pro tempore, Mr. LUJAN, pursuant to section 301 of the Congressional Accountability Act of 1995 (2 United States Code 1381), as amended by Public Law 111-114, the Chair announced, on behalf of the Speaker and Minority Leader of the House of Representatives and the Majority and Minority Leaders of the United States Senate, their joint reappointment of the following individuals on May 13, 2010, each to a five-year term on the Board of Directors of the Office of Compliance: Mr. Robert L. Holzwarth of Illinois, and Ms. Barbara L. Camens of Washington, D.C., Chair.

¶59.20 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. RANGEL, for today after noon.

And then,

¶59.21 ADJOURNMENT

On motion of Mr. KING of Iowa, pursuant to the previous order of the House, at 4 o'clock and 25 minutes p.m., the House adjourned until 11:30 a.m. on Friday, May 14, 2010.

¶59.22 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REHBERG (for himself and Ms. HERSETH SANDLIN):

H.R. 5294. A bill to prevent Federal agencies from regulating greenhouse gas emissions for purposes of addressing climate change without express and specific statutory authority, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SULLIVAN (for himself, Mr. SCOTT of Georgia, and Mr. MCDERMOTT):

H.R. 5295. A bill to ensure that patients receive accurate health care information by prohibiting misleading and deceptive advertising or representation in the provision of health care services, and to require the identification of the license of health care professionals; to the Committee on Energy and Commerce.

By Mr. MCNERNEY (for himself, Mr. COSTA, and Mr. CARDOZA):

H.R. 5296. A bill to address the health and economic development impacts of nonattainment of federally mandated air quality standards in the San Joaquin Valley, California, by designating air quality empowerment zones; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mrs. MALONEY, Mr. GUTIERREZ, Mr. WATT, Mr. MOORE of Kansas, Mr. HINOJOSA, Mr. MEEKS

of New York, Mr. MILLER of North Carolina, Mr. SCOTT of Georgia, Mr. AL GREEN of Texas, Ms. BEAN, Ms. MOORE of Wisconsin, Mr. ELLISON, Mr. KLEIN of Florida, Mr. PERLMUTTER, Mr. PETERS, Mr. MAFFEI, and Mrs. DAHLKEMPER):

H.R. 5297. A bill to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes; to the Committee on Financial Services.

By Mr. TIAHRT (for himself, Mr. LARSEN of Washington, Mr. INSLEE, Mr. BLUNT, Mr. SMITH of Texas, Mr. MORAN of Kansas, Mrs. EMERSON, Mr. CLAY, Mr. LUETKEMEYER, Mr. CARNAHAN, Ms. JENKINS, Mrs. NAPOLITANO, Mr. MANZULLO, Mr. FOSTER, Mr. MCMAHON, Mr. LOEBSACK, Mr. WILSON of South Carolina, Mr. BROWN of South Carolina, Mr. DAVIS of Illinois, Mr. CALVERT, Ms. DELAURO, Mr. BACA, Mr. COSTELLO, Mr. HASTINGS of Washington, Mr. GERLACH, Mr. ROTHMAN of New Jersey, Mr. RUSH, Mr. LIPINSKI, and Mr. HARE):

H.R. 5298. A bill to require the Secretary of Defense to take illegal subsidization into account in evaluating proposals for contracts for major defense acquisition programs, and for other purposes; to the Committee on Armed Services.

By Mr. PENCE (for himself, Mrs. MCMORRIS RODGERS, Mr. LEWIS of California, Mr. HENSARLING, and Ms. GRANGER):

H.R. 5299. A bill to temporarily prohibit United States loans to the International Monetary Fund to be used to provide financing for any member state of the European Union; to the Committee on Financial Services.

By Mr. SCOTT of Virginia (for himself, Mr. LATOURETTE, Ms. LORETTA SANCHEZ of California, Mr. LOBIONDO, and Mrs. MILLER of Michigan):

H.R. 5300. A bill to provide safeguards with respect to the Federal Bureau of Investigation criminal background checks prepared for employment purposes, and for other purposes; to the Committee on the Judiciary.

By Mr. LOBIONDO (for himself, Mr. MICA, Mr. TAYLOR, Mr. JONES, Mr. COBLE, and Mr. YOUNG of Alaska):

H.R. 5301. A bill to extend the period during which the Administrator of the Environmental Protection Agency and States are prohibited from requiring a permit under section 402 of the Federal Water Pollution Control Act for certain discharges that are incidental to normal operation of vessels; to the Committee on Transportation and Infrastructure.

By Mr. PETERS (for himself, Mr. LEVIN, Mr. DINGELL, Mr. MAFFEI, Mr. SARBANES, Mr. REYES, Ms. NORTON, Mr. SCHAUER, Mr. PASCRELL, Mr. STUPAK, Ms. TSONGAS, Mr. WATT, Mr. TONKO, Mr. ETHERIDGE, Ms. LINDA T. SÁNCHEZ of California, Mr. ADLER of New Jersey, Mr. KANJORSKI, Mr. MOORE of Kansas, Mr. MICHAUD, Ms. SUTTON, Ms. BEAN, Mr. LIPINSKI, Ms. MOORE of Wisconsin, Mr. LOEBSACK, Mr. KILDEE, and Mr. MILLER of North Carolina):

H.R. 5302. A bill to establish the State Small Business Credit Initiative, and for other purposes; to the Committee on Financial Services.

By Mr. BISHOP of New York:

H.R. 5303. A bill to amend title 38, United States Code, to improve housing stipends for veterans receiving educational assistance under the Post-9/11 Veterans Educational Assistance Program; to the Committee on Veterans' Affairs.

By Mr. COHEN (for himself, Mr. GRIJALVA, Mr. PAYNE, and Mr. STARK):

H.R. 5304. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for improvements under the Edward Byrne Memorial Justice Assistance Grant Program to reduce racial and ethnic disparities in the criminal justice system; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself, Mr. LIPINSKI, Ms. FUDGE, Mr. ARCURI, and Mr. HARPER):

H.R. 5305. A bill to mandate the monthly formulation and publication of a consumer price index specifically for senior citizens to establish an accurate Social Security COLA for such citizens; to the Committee on Education and Labor.

By Mrs. EMERSON:

H.R. 5306. A bill to amend the Internal Revenue Code of 1986 to require employers to sign a statement on their income tax returns that they do not knowingly employ individuals in the United States who are not authorized to be employed in the United States; to the Committee on Ways and Means.

By Ms. GIFFORDS (for herself and Mr. HELLER):

H.R. 5307. A bill to amend the Tariff Act of 1930 to include ultralight aircraft under the definition of aircraft for purposes of the aviation smuggling provisions under that Act; to the Committee on Ways and Means.

By Ms. LEE of California (for herself, Mr. BISHOP of Georgia, Mr. MEEKS of New York, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Ms. RICHARDSON, Mrs. CHRISTENSEN, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Ms. MOORE of Wisconsin, Mr. TOWNS, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 5308. A bill to provide for the posthumous promotion of Charles Young to the grade of brigadier general in the United States Army; to the Committee on Armed Services.

By Mrs. MALONEY (for herself, Mr. OLVER, Ms. MOORE of Wisconsin, Ms. SUTTON, Mr. FARR, Mr. MOORE of Kansas, Mr. TIERNEY, Mr. INSLEE, Mrs. CAPPS, Ms. BALDWIN, Mr. FILNER, Ms. WASSERMAN SCHULTZ, and Mr. STARK):

H.R. 5309. A bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself and Mr. SESTAK):

H.R. 5310. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to reauthorize and improve the Brownfields revitalization program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself, Mr. BOUSTANY, and Mr. KANJORSKI):

H.R. 5311. A bill to amend the Internal Revenue Code of 1986 to make permanent the treatment of municipal bonds guaranteed by Federal home loan banks as tax exempt bonds; to the Committee on Ways and Means.

By Mr. SCHAUER (for himself, Mr. MICHAUD, Mr. RYAN of Ohio, Ms. KAPTUR, Mr. KILDEE, Mr. JONES, Mr. HARE, Ms. SUTTON, and Ms. SHEA-PORTER):

H.R. 5312. A bill to limit the total value of Chinese goods that may be procured by the United States Government during a calendar year to not more than the total value of United States goods procured by the Chinese Government if any during the preceding calendar year, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHOCK (for himself and Mr. PUTNAM):

H.R. 5313. A bill to direct the Secretary of the Interior to require offshore oil rigs to install acoustic control systems, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Nebraska (for himself and Mr. MARCHANT):

H.R. 5314. A bill to amend the Internal Revenue Code of 1986 to provide a 15-year recovery period for nonresidential real property in rural areas; to the Committee on Ways and Means.

By Mr. WELCH:

H.R. 5315. A bill to amend title 38, United States Code, to extend the period of time in which a member of the Armed Forces may transfer educational assistance under the Post-9/11 Educational Assistance Program to a dependent child; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska:

H.R. 5316. A bill to direct the Secretary of Labor to establish an office in Anchorage, Alaska, under the Office of Workers' Compensation Programs; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 5317. A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHRADER:

H.J. Res. 84. A joint resolution proposing an amendment to the Constitution of the United States giving Congress power to regulate campaign contributions for Federal elections; to the Committee on the Judiciary.

By Mrs. HALVORSON (for herself and Mr. FILNER):

H. Con. Res. 278. Concurrent resolution expressing the sense of Congress that a grateful Nation supports and salutes Sons and Daughters in Touch on its 20th Anniversary that is being held on Father's Day, 2010, at the Vietnam Veterans Memorial in Washington, the District of Columbia; to the Committee on Veterans' Affairs.

By Mr. FARR (for himself, Mr. MCDERMOTT, Mr. LEVIN, Mr. BLUMENAUER, Mr. THOMPSON of California, Ms. MATSUI, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Ms. LEE of California, Mr. GARAMENDI, Mr. MCNERNEY, Ms. SPEIER, Mr. STARK, Ms. ESHOO, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. CARDOZA, Mr. COSTA, Mrs. CAPPS, Mr. DREIER, Mr. WAXMAN, Mr. BECERRA, Ms. CHU, Ms. WATSON, Ms. WATERS, Ms. HARMAN, Ms. RICHARDSON, Ms. LINDA T. SÁNCHEZ of California, Mr. BACA, Mr. ROHRABACHER, Ms. LORETTA SANCHEZ of California, Mr. ISSA,

Mr. BILBRAY, Mr. FILNER, and Mrs. DAVIS of California):

H. Res. 1358. A resolution recognizing the contribution made by the James Martin Center for Nonproliferation Studies at the Monterey Institute of International Studies to combat the spread of weapons of mass destruction by training the next generation of nonproliferation specialists and disseminating timely information and analysis; to the Committee on Foreign Affairs.

By Mr. ACKERMAN (for himself and Mr. BURTON of Indiana):

H. Res. 1359. A resolution calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KRATOVIL:

H. Res. 1360. A resolution amending the Rules of the House of Representatives to guarantee reasonable time prior to the consideration of legislation; to the Committee on Rules.

By Mr. PRICE of North Carolina (for himself, Mr. BUTTERFIELD, Mr. ETHERIDGE, Mr. MCHENRY, Mr. COBLE, Ms. FUDGE, Mr. DAVIS of Illinois, Mr. SNYDER, Mr. SHULER, and Mr. WATT):

H. Res. 1361. A resolution recognizing North Carolina Central University on its 100th anniversary; to the Committee on Education and Labor.

¶59.23 MEMORIALS

Under clause 4 of rule XXII,

279. The SPEAKER presented a memorial of the House of Representatives of the State of Idaho, relative to House Concurrent Resolution No. 44 urging the Congress to implement suggestions in the Resolution; to the Committee on the Judiciary.

¶59.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 126: Mr. DUNCAN.
H.R. 207: Mr. HODES.
H.R. 208: Mr. PITTS, Mr. LOBIONDO, and Ms. NORTON.
H.R. 413: Mr. INSLEE and Mr. CARNEY.
H.R. 886: Mr. VAN HOLLEN.
H.R. 1021: Mr. COHEN and Mr. STEARNS.
H.R. 1093: Mr. BRADY of Pennsylvania.
H.R. 1175: Mr. LIPINSKI.
H.R. 1179: Mr. TERRY.
H.R. 1189: Mr. ROGERS of Alabama.
H.R. 1205: Mr. LARSEN of Washington and Mr. BARRETT of South Carolina.
H.R. 1410: Mr. CONYERS, Mr. BRALEY of Iowa, Mr. ISRAEL, Ms. KILPATRICK of Michigan, and Ms. KILROY.
H.R. 1547: Mr. INGLIS, Mr. COSTA, and Mr. CALVERT.
H.R. 1625: Mr. BRIGHT and Ms. HARMAN.
H.R. 1643: Ms. RICHARDSON and Mr. BOUCHER.
H.R. 1744: Mr. BOSWELL, Mr. WILSON of Ohio, Mr. CALVERT, and Mr. SPRATT.
H.R. 1826: Mr. DEUTCH.
H.R. 1864: Ms. PINGREE of Maine.
H.R. 1866: Mr. ELLISON.
H.R. 1874: Mr. HINCHEY.
H.R. 2067: Mr. PALLONE.
H.R. 2103: Mr. DOYLE, Mr. JOHNSON of Georgia, and Mr. VAN HOLLEN.
H.R. 2149: Ms. MATSUI.
H.R. 2222: Mr. PASCRELL.
H.R. 2267: Mr. MURPHY of New York.
H.R. 2363: Ms. WOOLSEY, Mr. MORAN of Virginia, and Ms. RICHARDSON.
H.R. 2378: Mr. ELLSWORTH and Mr. CALVERT.
H.R. 2381: Mr. MOORE of Kansas.
H.R. 2480: Ms. CASTOR of Florida.
H.R. 2483: Mr. LARSEN of Washington, Ms. RICHARDSON, Mr. HASTINGS of Florida, and Mr. BISHOP of Georgia.
H.R. 2485: Ms. NORTON.
H.R. 2546: Mr. RADANOVICH.
H.R. 2553: Mr. ROE of Tennessee.
H.R. 2555: Mr. BISHOP of Georgia and Ms. RICHARDSON.
H.R. 2561: Ms. KILPATRICK of Michigan.
H.R. 2601: Mr. BRALEY of Iowa, Mr. SPRATT, and Mr. BOUCHER.
H.R. 2736: Mr. KILDEE, Mr. FRANK of Massachusetts, and Ms. PINGREE of Maine.
H.R. 2746: Mr. POLIS, Mr. LATOURETTE, Mr. LOBIONDO, Mr. DAVIS of Alabama, and Mrs. MILLER of Michigan.
H.R. 2872: Mr. HOLT.
H.R. 2897: Mr. HEINRICH.
H.R. 3035: Mr. PALLONE and Mr. ELLSWORTH.
H.R. 3077: Mr. LEWIS of Georgia.
H.R. 3181: Ms. CLARKE.
H.R. 3257: Mr. SABLAN.
H.R. 3287: Mr. WALZ.
H.R. 3379: Mr. BLUMENAUER.
H.R. 3668: Mr. DEUTCH, Mr. HIGGINS, Ms. CASTOR of Florida, Mr. REYES, Mr. BACHUS, Mr. ADLER of New Jersey, Mr. GONZALEZ, Ms. HARMAN, Mr. BISHOP of Georgia, Mr. TURNER, Ms. HIRONO, and Mr. WHITFIELD.
H.R. 3675: Mr. HOLT.
H.R. 3712: Mr. GRAYSON.
H.R. 3724: Mr. DELAHUNT.
H.R. 3734: Mr. MCDERMOTT.
H.R. 3781: Mr. REHBERG.
H.R. 3790: Mr. EDWARDS of Texas, Mr. WALDEN, Ms. NORTON, Ms. BALDWIN, Mr. HARPER, and Mr. FILNER.
H.R. 3995: Ms. HIRONO.
H.R. 4055: Mr. PIERLUISI.
H.R. 4068: Mr. AKIN.
H.R. 4080: Mr. PIERLUISI.
H.R. 4115: Ms. SUTTON and Mr. GRAYSON.
H.R. 4142: Mr. SHERMAN.
H.R. 4148: Mr. BISHOP of New York.
H.R. 4191: Mr. BLUMENAUER.
H.R. 4278: Mr. STUPAK.
H.R. 4383: Mr. BURTON of Indiana and Mr. GRIJALVA.
H.R. 4393: Mr. CALVERT.
H.R. 4403: Mr. SABLAN.
H.R. 4427: Ms. PINGREE of Maine.
H.R. 4533: Mr. ISRAEL.
H.R. 4553: Mr. CARNEY.
H.R. 4554: Ms. ROYBAL-ALLARD.
H.R. 4671: Mr. EHLERS and Mr. HILL.
H.R. 4710: Mr. WU.
H.R. 4713: Mr. ELLISON.
H.R. 4728: Mr. GINGREY of Georgia, Mr. LAMBORN, and Mr. CALVERT.
H.R. 4733: Ms. PINGREE of Maine.
H.R. 4737: Mr. JACKSON of Illinois.
H.R. 4803: Mr. TERRY and Mr. SULLIVAN.
H.R. 4819: Mr. CONYERS.
H.R. 4830: Mr. STARK.
H.R. 4844: Mr. PETERSON.
H.R. 4868: Mr. WEINER.
H.R. 4871: Ms. BEAN.
H.R. 4879: Mr. LEVIN, Ms. SLAUGHTER, Mr. BERMAN, Mr. GRAYSON, Mr. WAXMAN, and Mr. HALL of New York.
H.R. 4883: Mr. LATTA.
H.R. 4888: Ms. BALDWIN.
H.R. 4889: Mr. BURGESS.
H.R. 4910: Mr. CALVERT.
H.R. 4914: Mr. GRAYSON.
H.R. 4923: Mr. YARMUTH and Mr. COHEN.
H.R. 4933: Mr. RUSH and Mr. MCGOVERN.
H.R. 4951: Mr. BOOZMAN and Mr. MARCHANT.
H.R. 4952: Mr. REICHERT.
H.R. 4959: Mr. SERRANO, Ms. NORTON, and Mr. ROTHMAN of New Jersey.
H.R. 5015: Ms. MCCOLLUM and Mr. LOEBSACK.
H.R. 5016: Mr. COFFMAN of Colorado, Mr. GALLEGLY, Mr. FLEMING, Mr. POSEY, Mr. GARRETT of New Jersey, Mr. ISSA, Mr. PITTS, Mr. CULBERSON, Mr. DANIEL E. LUNGREN of California, Mr. CHAFFETZ, Mr. FLAKE, Mr. MCCLINTOCK, Mr. LAMBORN, Mr. SMITH of Nebraska, Mr. HENSARLING, Mr. LATTA, Mr. OLSON, Mr. GINGREY of Georgia, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. YOUNG of Alaska, Mrs. MCMORRIS RODGERS, Mr. KING of Iowa, Mrs. LUMMIS, Mr. FORTENBERRY, Mr. PRICE of Georgia, Mr. NEUGEBAUER, Mr. HELLER, Mrs. BLACKBURN, Mr. POE of Texas, and Mr. HERGER.
H.R. 5029: Mr. BURTON of Indiana.
H.R. 5035: Mr. HOLDEN.
H.R. 5038: Mr. MCCLINTOCK.
H.R. 5044: Mr. GRAYSON, Mr. MCGOVERN, Mr. HEINRICH, and Mr. STARK.
H.R. 5049: Mr. SABLAN.
H.R. 5054: Mr. FLEMING.
H.R. 5092: Mr. BUYER, Ms. GIFFORDS, Ms. FALLIN, Mr. CONAWAY, Mr. CHAFFETZ, and Ms. CORRINE BROWN of Florida.
H.R. 5111: Mr. LEE of New York, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mrs. EMERSON, Mr. ALEXANDER, Mr. YOUNG of Florida, Mr. CALVERT, and Mr. BONNER.
H.R. 5117: Mr. RANGEL and Ms. ESHOO.
H.R. 5118: Mr. SULLIVAN.
H.R. 5120: Mr. FILNER, Ms. KILPATRICK of Michigan, Mr. HOLT, Mr. PASTOR of Arizona, and Mr. GRAYSON.
H.R. 5122: Mr. AL GREEN of Texas.
H.R. 5142: Ms. BEAN.
H.R. 5174: Mr. DENT and Mr. PASCRELL.
H.R. 5175: Ms. SPEIER, Mr. TIERNEY, Ms. SCHAKOWSKY, and Mr. INSLEE.
H.R. 5177: Mr. PLATTS and Mr. COURTNEY.
H.R. 5191: Mr. PAYNE.
H.R. 5198: Mr. SABLAN.
H.R. 5211: Mr. TONKO.
H.R. 5213: Ms. SPEIER and Ms. WATERS.
H.R. 5214: Ms. ESHOO, Ms. PINGREE of Maine, Mr. MCGOVERN, and Mr. BLUMENAUER.
H.R. 5222: Mr. BLUMENAUER.
H.R. 5225: Mr. WALZ.
H.R. 5226: Mr. YARMUTH, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. ARCURI, Mr. MCNERNEY, Mr. KUCINICH, Ms. KAPTUR, and Mr. BOCCIERI.
H.R. 5234: Mr. ROGERS of Alabama.
H.R. 5257: Mr. TERRY.
H.R. 5268: Mr. FARR, Mr. BLUMENAUER, and Mr. CONNOLLY of Virginia.
H.R. 5279: Mr. PASCRELL.
H. Con. Res. 16: Mr. CALVERT.
H. Con. Res. 245: Mr. PLATTS.
H. Con. Res. 265: Mr. PENCE, Mr. ISSA, Mr. BISHOP of Utah, and Mrs. BLACKBURN.
H. Con. Res. 266: Mr. CAPUANO and Mr. MCCOTTER.
H. Con. Res. 271: Mr. MARCHANT and Mr. BOOZMAN.
H. Con. Res. 274: Mr. TURNER and Mr. FLEMING.
H. Res. 173: Mr. ISRAEL, Mr. THOMPSON of Pennsylvania, Ms. MOORE of Wisconsin, and Mr. PERLMUTTER.
H. Res. 263: Mr. WOLF.
H. Res. 407: Mr. SNYDER and Mr. NEAL of Massachusetts.
H. Res. 510: Mr. LATOURETTE.
H. Res. 584: Mr. CALVERT.
H. Res. 762: Mr. HIGGINS, Mr. LARSON of Connecticut, Mr. KUCINICH, Mr. MURPHY of Connecticut, Mrs. MCCARTHY of New York, and Mr. MAFFEI.
H. Res. 913: Mr. LARSEN of Washington.
H. Res. 996: Mr. GORDON of Tennessee.
H. Res. 1026: Mr. CALVERT.
H. Res. 1052: Mr. ELLSWORTH, Mr. COURTNEY, Ms. BORDALLO, Mr. MILLER of Florida, and Mr. BISHOP of Utah.
H. Res. 1056: Mr. CALVERT.
H. Res. 1073: Mr. BUYER and Mr. CALVERT.
H. Res. 1110: Mrs. MCMORRIS RODGERS, Mr. WILSON of South Carolina, and Mr. TURNER.
H. Res. 1122: Mr. CLEAVER, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, and Mr. TERRY.
H. Res. 1152: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Ms. BORDALLO, Mr. ANDREWS, Mr. MOORE of Kansas, Mr. JACKSON of Illinois, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Mr. KAGEN, Mr. HARE, Ms. SUTTON, Ms. MCCOLLUM, Ms. DEGETTE, Mr. FATTAH,

Mr. ELLISON, Mr. GEORGE MILLER of California, Ms. WATERS, Mr. YOUNG of Alaska, Mrs. BIGGERT, Mr. PAYNE, Mr. COHEN, Mrs. EMERSON, Ms. LEE of California, Mr. WATT, Mr. SCOTT of Virginia, Ms. CLARKE, Mr. PETRI, Mr. MORAN of Virginia, and Mr. RANGEL.

H. Res. 1169: Mr. MILLER of Florida, Mr. BOYD, Ms. CASTOR of Florida, Mr. PUTNAM, Mr. BUCHANAN, Mr. POSEY, Mr. MEEK of Florida, Mr. DEUTCH, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KLEIN of Florida, Mr. HASTINGS of Florida, Mr. MARIO DIAZ-BALART of Florida, Mrs. CAPPS, Ms. CHU, Mr. HIMES, Ms. HIRONO, Mr. HODES, Mr. LUJÁN, Mr. ACKERMAN, Mr. RYAN of Ohio, and Mr. MATHESON.

H. Res. 1175: Mrs. MYRICK and Mr. CALVERT.

H. Res. 1207: Mr. LINDER and Mr. DICKS.

H. Res. 1219: Mr. LEWIS of California and Mr. GALLEGLY.

H. Res. 1264: Mr. PASCRELL.

H. Res. 1273: Mr. GALLEGLY and Mr. BOREN.

H. Res. 1275: Mr. HALL of New York, Mr. SIRES, and Mr. GARAMENDI.

H. Res. 1290: Mr. REYES and Mr. KIRK.

H. Res. 1291: Ms. NORTON.

H. Res. 1292: Mr. BLUNT, Mrs. EMERSON, Mr. BRADY of Texas, Mr. BISHOP of Utah, Mr. BOOZMAN, Mr. WILSON of South Carolina, Mr. FORBES, Mr. CONAWAY, Mr. SHIMKUS, Mr. MILLER of Florida, Mr. BLUMENAUER, Mr. DUNCAN, Mr. BROWN of South Carolina, Mr. CRENSHAW, Mr. LUCAS, Mr. GOODLATTE, Ms. JENKINS, Mr. MCINTYRE, Mr. SULLIVAN, Mr. SESSIONS, Mr. LATOURETTE, Mr. PLATTS, Mr. DENT, Mr. GERLACH, Mr. HASTINGS of Washington, Mr. SIMPSON, Mr. GRAVES, and Mr. REICHERT.

H. Res. 1302: Ms. ZOE LOFGREN of California.

H. Res. 1313: Mr. ADERHOLT, Mr. ROGERS of Alabama, Mr. BACHUS, Mr. LINDER, Mr. POSEY, Mr. MCCOTTER, and Mr. BONNER.

H. Res. 1319: Mr. TONKO.

H. Res. 1321: Mr. BLUMENAUER, Mr. LARSON of Connecticut, and Mrs. CHRISTENSEN.

H. Res. 1330: Mr. COHEN, Ms. CASTOR of Florida, Mr. MICHAUD, Ms. PINGREE of Maine, Mr. LANGEVIN, Mr. MCINTYRE, and Ms. MCCOLLUM.

H. Res. 1346: Mr. WITTMAN.

H. Res. 1350: Ms. HIRONO, Mr. LOEBSACK, Mr. KILDEE, Ms. BORDALLO, Ms. NORTON, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS of Maryland, Mr. PAYNE, Mr. ELLISON, Mr. MEEKS of New York, Mr. BACA, Mr. HINCHEY, Mr. JOHNSON of Georgia, Ms. RICHARDSON, Mr. ENGEL, Mr. FILNER, Mr. SABLAN, Mr. GARAMENDI, Mr. TONKO, Mr. FARR, Mr. DEUTCH, Mr. MCNERNEY, Ms. FUDGE, Ms. LINDA T. SÁNCHEZ of California, Ms. CLARKE, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Ms. LEE of California, Mr. DAVIS of Illinois, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Ms. JACKSON LEE of Texas, Ms. WOOLSEY, Ms. MCCOLLUM, Ms. MATSUI, Mr. MCDERMOTT, Ms. CHU, Mr. HONDA, Mr. GUTIERREZ, Mr. BECERRA, Mr. MEEK of Florida, Mr. MCGOVERN, Mr. BRALEY of Iowa, Mr. SIRES, Mr. CLEAVER, Mr. GRAYSON, Mr. CLAY, and Mr. RAHALL.

H. Res. 1352: Ms. LEE of California, Mr. MINNICK, Mr. MILLER of North Carolina, Mr. ROSS, Mr. TANNER, and Mr. SMITH of New Jersey.

H. Res. 1357: Mr. WAXMAN and Ms. RICHARDSON.

¶59.25 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 76: Mr. KILDEE.

FRIDAY, MAY 14, 2010 (60)

¶60.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. CAPPS, who laid before the House the following communication:

WASHINGTON, DC,
May 14, 2010.

I hereby appoint the Honorable LOIS CAPPS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶60.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. CAPPS, announced she had examined and approved the Journal of the proceedings of Thursday, May 13, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶60.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7490. A communication from the President of the United States, transmitting A Request For Budget Amendments For Fiscal Year 2010 proposals in the Fiscal Year 2011 Budget for the Department of Homeland Security; (H. Doc. No. 111—116); to the Committee on Appropriations and ordered to be printed.

7491. A letter from the Assistant Secretary, Department of Defense, transmitting the National Guard Youth Challenge Program Annual Report for Fiscal Year 2010; to the Committee on Armed Services.

7492. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's ''Major'' final rule—Energy Conservation Program: Energy Conservation Standards for Residential Water Heaters, Direct Heating Equipment, and Pool Heaters [Docket No.: EE-2006-BT-STD-0129] (RIN: 1904-AA90) received May 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7493. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Use of Ozone-Depleting Substances; Removal of Essential-Use Designation (Flunisolide, etc.) [Docket No.: FDA-2006-N-0304] (formerly Docket No. 2006N-0262) (RIN: 0910-AF92) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7494. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule—Early Retiree Reinsurance Program (RIN: 0991-AB64) received May 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7495. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Court's report on the activities of the Family Court during 2009, pursuant to Public Law 107-114; to the Committee on Oversight and Government Reform.

7496. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's ''Major'' final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 31 [Docket No.: 09225243-0170-03] (RIN: 0648-AX67) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7497. A letter from the Paralegal Specialist, Department of Defense, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211-Trent 700 Series Turbofan Engines [Docket No.: FAA-2005-19559; Directorate Identifier 2004-NE-03-AD; Amendment 30-16254; AD 2010-07-09] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7498. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Dallas-Fort Worth, TX [Docket No.: FAA-2009-0926; Airspace Docket No. 09-ASW-26] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7499. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule—Short-Term Lending Program (STLP) [Docket No.: OST-2008-0236] (RIN: 2105-AD50) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7500. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's report for fiscal year 2009 on the amount of acquisitions made from entities that manufacture articles, materials, or supplies outside of the United States, pursuant to Section 641 of the Consolidated Appropriations Act of 2005; to the Committee on Transportation and Infrastructure.

¶60.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mrs. CAPPS, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 2010.

Hon. NANCY PELOSI,
Speaker, Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, May 14, 2010 at 10:52 a.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with Burma first declared in Executive Order 13047 of May 20, 1997.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶60.5 NATIONAL EMERGENCY WITH RESPECT TO BURMA

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the Federal Register for publication, stating that the Burma emergency is to continue in effect beyond May 20, 2010.

The crisis between the United States and Burma arising from the actions

and policies of the Government of Burma, including its engaging in large-scale repression of the democratic opposition in Burma, that led to the declaration of a national emergency in Executive Order 13047 of May 20, 1997, as modified in scope and relied upon for additional steps taken in Executive Order 13310 of July 28, 2003, Executive Order 13448 of October 18, 2007, and Executive Order 13464 of April 30, 2008, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, *May 13, 2010*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–115).

¶60.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mrs. CAPPS, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 2010.

Hon. NANCY PELOSI,
The Speaker, Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 14, 2010 at 10:11 a.m.:

That the Senate passed S. 1132.

That the Senate passed with amendments H.R. 714.

That the Senate passed S. 2768.

Appointments:

Harry S. Truman Scholarship Foundation Board of Trustee.

Board of Directors of the Office of Compliance.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶60.7 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows;

S. 1132. An Act to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes; to the Committee on the Judiciary.

¶60.8 SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1067. An Act to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 3333. An Act to extend the statutory license for secondary transmissions under title 17, United States Code, and for other purposes.

¶60.9 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mrs. CAPPS, by unanimous consent, and pursuant to the special order of the House agreed to on May 13, 2010, at 11 o'clock and 36 minute a.m., declared the House adjourned until 12:30 p.m. on Tuesday, May 18, 2010.

¶60.10 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. GINGREY of Georgia (for himself, Mr. PENCE, Mr. BARTLETT, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Ms. GRANGER, Mr. HALL of Texas, Mrs. LUMMIS, Mr. MARCHANT, Mr. MCCLINTOCK, Mr. PITTS, and Mr. POSEY): introduced a bill (H.R. 5318) to amend the Internal Revenue Code of 1986 to waive the 10-percent penalty on early distributions from individual retirement plans for small business investments; which was referred to the Committee on Ways and Means.

¶60.11 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 878: Mr. WITTMAN.

H.R. 1250: Ms. PINGREE of Maine and Mr. MAFFEI.

H.R. 2198: Mr. SCHIFF.

H.R. 2277: Mr. WELCH.

H.R. 3408: Mr. SCHIFF, Mr. ENGEL, and Mr. ELLISON.

H.R. 3936: Mr. ROTHMAN of New Jersey.

H.R. 4070: Mr. MANZULLO.

H.R. 4940: Mr. SHUSTER and Mr. DONNELLY of Indiana.

H.R. 5175: Mr. ETHERIDGE.

H. Res. 1339: Mr. LANGEVIN.

TUESDAY, MAY 18, 2010 (61)

The House was called to order at 12:30 p.m. by the SPEAKER, when, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶61.1 RECESS—12:38 P.M.

The SPEAKER pro tempore, Mrs. CAPPS, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 38 minutes p.m., until 2 p.m.

¶61.2 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. BLUMENAUER, called the House to order.

¶61.3 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BLUMENAUER announced he had examined and approved the Journal of the proceedings of Friday, May 14, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶61.4 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7501. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1079] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7502. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1113] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7503. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-000; Internal Agency Docket No. FEMA-B-1090] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7504. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1081] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7505. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings [EPA-HQ-OPPT-2010-0173; FRL-8823-6] (RIN: 2070-AJ56) received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7506. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 07-10 informing of an intent to sign a Memorandum of Understanding with the Republic of Italy; to the Committee on Foreign Affairs.

7507. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-003, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7508. A letter from the Assistnat Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-009, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7509. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's fiscal year 2009 report on U.S. Government Assistance to and Cooperative Activities with Eurasia, pursuant to Public Law 102-511, section 104; to the Committee on Foreign Affairs.

7510. A letter from the Equal Employment Opportunity Director, Farm Credit System Insurance Corporation, transmitting the Corporation's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7511. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's annual report for Fiscal Year 2009 prepared in accordance with Section 203 of the Notification and Federal

Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7512. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's FY 2009 Annual Report pursuant to Section 203, Title II of the Notification and Federal Anti-discrimination and Retaliation (No FEAR) Act of 2002; to the Committee on Oversight and Government Reform.

7513. A letter from the Chairperson, National Council on Disability, transmitting the Council's report entitled, ''Government Performance and Results Act Annual Report to the President and Congress-Fiscal Year 2009''; to the Committee on Oversight and Government Reform.

7514. A letter from the Director, Peace Corps, transmitting a copy of the Peace Corp's Fiscal Year 2009 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Oversight and Government Reform.

7515. A letter from the Secretary, Department of Health and Human Services, transmitting annual report on the Indian Health Service Funding for contract support Costs of self-determination awards for Fiscal Year 2009, pursuant to Public Law 93-638, section 106(c); to the Committee on Natural Resources.

7516. A letter from the Chief, Strategic Support Section, C.J.I.S., Federal Bureau of Investigation, Department of Justice, transmitting the Department's final rule — FBI Criminal Justice Information Services Division User Fees [Docket No.: FBI 114] (RIN: 1110-AA26) received April 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7517. A letter from the Administrator, Department of Transportation, transmitting the Department's report for fiscal year 2009 on foreign aviation authorities to which the Administrator provided services in the preceding fiscal year, pursuant to Public Law 103-305, section 202; to the Committee on Transportation and Infrastructure.

7518. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes; and Model ERJ 190-100 STD, -100 LR, -100 IGW, -200 STD, -200 LR, and -200 IGW Airplanes [Docket No.: FAA-2009-1231; Directorate Identifier 2009-NM-212-AD; Amendment 39-16261; AD 2010-08-06] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7519. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No.: FAA-2010-0056; Directorate Identifier 2009-CE-051-AD; Amendment 39-16259; AD 2010-08-04] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7520. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2009-1068; Directorate Identifier 2009-NM-042-AD; Amendment 39-16258; AD 2010-08-03] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7521. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No.: FAA-2007-28377; Directorate Identifier 2007-NM-063-AD; Amendment 39-16257; AD 2010-08-02] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7522. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-243, -341, -342, and -343 Airplanes Equipped with Rolls-Royce Trent 700 Engines [Docket No.: FAA-2010-0391; Directorate Identifier 2010-NM-073-AD; Amendment 39-16263; AD 2010-08-08] (RIN: 2120-AA64) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7523. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule — National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision [FHWA Docket No.: FHWA-2007-28977] (RIN: 2125-AF22) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7524. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Direct Payment Subsidy Option for Certain Qualified Tax Credit Bonds and Build America Bonds [Notice 2010-35] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7525. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revision of Form 3115 received April 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7526. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Waiver of Disapproval of Nurse Aide Training Program in Certain Cases [CMS-2266-F] (RIN: 0938-AO82) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶61.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. BLUMENAUER, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 17, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 17, 2010 at 12:16 p.m.:

That the Senate passed with amendments H.R. 2711.

Appointments:

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶61.6 ENDANGERED FISH RECOVERY

Mrs. NAPOLITANO moved to suspend the rules and pass the bill (H.R. 2288) to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mrs. NAPOLITANO and Mr. MCCLINTOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶61.7 BUFFALO SOLDIERS

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 4491) to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Ms. BORDALLO and Mr. MCCLINTOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.8 EAST BAY REGIONAL PARK DISTRICT

Mr. George MILLER of California, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 211):

Whereas, November 6, 2009, will mark the 75th anniversary of the historic passage of a ballot measure to create the East Bay Regional Park District (referred to in this preamble as the ''District'') in California's San Francisco Bay Area by a convincing ''yes'' vote of a 2½ to 1 margin in 1934 during the height of the Depression;

Whereas with the help of the Civilian Conservation Corps, the Works Progress Administration, and private contractors, the District began putting people to work to establish the District's first 3 regional parks—Tilden, Temescal, and Sibley;

Whereas over the intervening 75 years, the District has grown to be the largest regional

park agency in the United States with nearly 100,000 acres of parklands spread across 65 regional parks and over 1,100 miles of trails in Alameda and Contra Costa Counties;

Whereas approximately 14,000,000 visitors a year from throughout the San Francisco Bay Area and beyond take advantage of the vast and diverse District parklands and trails;

Whereas the vision of the District is to preserve the priceless heritage of the region's natural and cultural resources, open space, parks, and trails for the future, and to set aside park areas for enjoyment and healthful recreation for current and future generations;

Whereas the mission of the District is to acquire, develop, manage, and maintain a high quality, diverse system of interconnected parklands that balances public usage and education programs with the protection and preservation of the East Bay's most spectacular natural and cultural resources;

Whereas an environmental ethic guides the District in all that it does;

Whereas in 1988, East Bay voters approved the passage of Measure AA, a $225,000,000 bond to provide 20 years of funding for regional and local park acquisition and development projects;

Whereas in 2008, under the strategic leadership of its Board of Directors and General Manager Pat O'Brien, East Bay voters approved passage of the historic Measure WW, a $500,000,000 renewal of the original Measure AA bond—the largest regional or local park bond ever passed in the United States; and

Whereas throughout 2009, the District's 75th Anniversary will be recognized through special events and programs: Now, therefore, be it

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

(1) recognizes the 75th anniversary of the establishment of the East Bay Regional Park District; and

(2) honors the board members, general managers, and East Bay Regional Park District staff who have dutifully fulfilled the mission of protecting open space and providing outdoor recreation opportunities for generations of families in the East Bay.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. George MILLER of California, and Mr. MCCLINTOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶61.9 HONORING FLOYD DOMINY

Mrs. NAPOLITANO moved to suspend the rules and agree to the following resolution (H. Res. 1327):

Whereas Floyd Dominy, a legendary Bureau of Reclamation Commissioner dedicated to building dams that would supply society with necessary water and emissions-free power for living and recreation, passed away on April 20, 2010, at the age of 100;

Whereas Floyd Dominy was born on a farm in Hastings, Nebraska, on December 24, 1909, and graduated from the University of Wyoming in 1933;

Whereas Floyd Dominy acquired critical war materials, helped resolve food shortages, and served in the U.S. Naval Reserve during World War II;

Whereas Floyd Dominy joined the Bureau of Reclamation in 1946 as a specialist responsible for procedures by which newly irrigated land on public land could be settled by returning war veterans;

Whereas Floyd Dominy later served as the Associate Commissioner of the Bureau of Reclamation before being sworn in as Commissioner upon appointment by President Dwight D. Eisenhower;

Whereas Floyd Dominy served in the same capacity under Presidents John F. Kennedy, Lyndon Johnson, and Richard Nixon;

Whereas upon his retirement in 1969, Floyd Dominy was and continues to be the longest serving Bureau of Reclamation Commissioner;

Whereas Floyd Dominy, during his tenure as the Commissioner of the Bureau of Reclamation, played a major role in the authorization and the construction of numerous Federal multi-purpose dams and water projects in the western United States, including Glen Canyon, Flaming Gorge, and Navajo Dams, the Central Arizona Project, San Luis Unit, and the Trinity Division of the Central Valley Project;

Whereas many of these projects that Floyd Dominy played such a role in creating and constructing continue to be vital to the Nation's food supply and renewable electricity generation and attract millions of recreationalists each year; and

Whereas Floyd Dominy was named one of the top ten ''Public Works Men of the Year'' in 1966 and was awarded for ''Outstanding Engineering Achievement in Heavy Construction'' in 1974: Now, therefore, be it

Resolved, That the House of Representatives honors the life and accomplishments of Floyd Dominy, former Bureau of Reclamation Commissioner, for his many contributions to the Nation's water and food supply, recreation, and the environment.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mrs. NAPOLITANO and Mr. MCCLINTOCK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. NAPOLITANO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶61.10 JUVENILE ACCOUNTABILITY

Mr. SCOTT of Virginia, moved to suspend the rules and pass the bill (H.R. 1514) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the juvenile accountability block grants program through fiscal year 2014.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. SCOTT of Virginia, and Mr. ROONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SCOTT of Virginia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, May 19, 2010.

¶61.11 MISSING CHILDRENS DAY

Mr. SCOTT of Virginia, moved to suspend the rules and agree to the following resolution (H. Res. 1325); as amended:

Whereas, May 25, 2010, will be the 28th National Missing Children's Day;

Whereas National Missing Children's Day honors the obligation of the United States to locate and recover missing children by prompting parents, guardians, and other trusted adult role models to make child safety an utmost priority;

Whereas in the United States nearly 800,000 children are reported missing a year, more than 58,000 children are abducted by nonfamily members, and more than 2,000 children are reported missing every day;

Whereas efforts of Congress to provide resources, training, and technical assistance have increased the capabilities of State and local law enforcement to find children and to return them home safely;

Whereas the 1979 disappearance of 6-year-old Etan Patz served as the impetus for the creation of National Missing Children's Day, first proclaimed in 1983; and

Whereas Etan's photograph was distributed throughout the United States and appeared in media globally, and the powerful image came to represent the anguish of thousands of searching families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes National Missing Children's Day and encourages all people in the United States to join together to plan events in communities across the United States to raise public awareness of law enforcement and the issue of missing children and the need to address the national problem of missing children;

(2) recognizes that one of the most important tools for law enforcement to use in the case of a missing child is an up-to-date, good quality photograph of the child and urges all parents and guardians to follow the important precaution of maintaining such a photograph;

(3) recognizes the vital role of law enforcement and the criminal justice system in preventing kidnappings and abduction of children while also leading efforts to locate missing children; and

(4) acknowledges that National Missing Children's Day should remind people in the United States not to forget the children who are still missing and not to waver in the efforts of law enforcement to reunite such children with their families.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. SCOTT of

Virginia, and Mr. ROONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SCOTT of Virginia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, May 19, 2010.

¶61.12 LENA MARY CALHOUN HORNE

Mr. CONYERS moved to suspend the rules and agree to the following resolution (H. Res. 1362):

Whereas Lena Mary Calhoun Horne was a trail-blazing performing artist whose life exemplified her commitment to social justice, peace, and civil rights;

Whereas Ms. Horne was born in Brooklyn, New York on June 30, 1917, and joined the chorus of the famed Cotton Club in Harlem at the age of 16 and debuted on Broadway one year later in the musical ''Dance With Your Gods'' (1934);

Whereas during the 1940s, Ms. Horne was one of the first African American women to perform with a white band ensemble, the first black performer to play the Copacabana nightclub, and among the first African Americans to sign a long-term Hollywood film studio contract, garnering her roles in a host of films, including ''Thousands Cheer'' (1943), ''Broadway Rhythm'' (1944), ''Two Girls and a Sailor'' (1944), ''Ziegfeld Follies'' (1946);

Whereas her rendition of the title song to the 1943 film ''Stormy Weather'' became a major hit and among her signature pieces, which also included ''Deed I Do'', ''As Long As I Live'', and Cole Porter's ''Just One of Those Things'';

Whereas Ms. Horne recorded prolifically into the 1990s and the record ''Lena Horne at the Waldorf-Astoria'' became the best-selling album by a female singer in RCA Victor's history;

Whereas Ms. Horne earned four Grammy Awards during the course of her career, including the Recording Academy's Lifetime Achievement Award in 1989, a National Association for the Advancement of Colored People Image Award in 1999, and a Kennedy Center Honor in 1984;

Whereas Ms. Horne appeared extensively on television, including specials with Harry Belafonte, Tony Bennett, numerous musical reviews and variety shows, and appearances on programs like ''Sesame Street'' and ''The Cosby Show'';

Whereas she was nominated for her first Tony Award in 1957 for her role in the musical ''Jamaica'', and her 1981 one-woman Broadway show, ''Lena Horne: The Lady and Her Music'', earned her a Tony Award, a Grammy Award, and ran for more than 300 performances;

Whereas despite Ms. Horne's pioneering contract with MGM studios, she was never featured in a leading role during the 1940s and 50s because her films had to be reedited for theaters in Southern States that proscribed films with black performers;

Whereas Ms. Horne was outspoken in her fight for racial equality;

Whereas during World War II, she used her own money to travel and entertain the troops;

Whereas while Ms. Horne performed at Army camps for the U.S.O., she became an outspoken critic of the treatment of African American servicemen and refused to sing before segregated audiences and at venues in which German Prisoners of War were seated in front of black soldiers;

Whereas during the late 1940s, Ms. Horne sued a number of restaurants and theaters for racial discrimination;

Whereas Ms. Horne was only two years old when her grandmother, suffragette, and civil rights activist Cora Calhoun enrolled her as a member of the National Association for the Advancement of Colored People, and she worked for years with the Delta Sigma Theta sorority and the Urban League;

Whereas she participated in numerous civil rights rallies and demonstrations—marching with Medgar Evers in Mississippi, performing at rallies throughout the Nation for the National Council of Negro Women, and taking part in the March on Washington in August 1963 at which the Rev. Martin Luther King, Jr., delivered his ''I Have a Dream'' speech;

Whereas her commitment to civil rights and political views may have resulted in her appearance on Hollywood ''blacklists'' during the 1950s;

Whereas Ms. Horne worked with Eleanor Roosevelt to pass antilynching legislation;

Whereas with her wide musical range and consummate professionalism, she rose beyond Hollywood's stereotypical portrayals of African American as maids, butlers, and African natives; and

Whereas her poise, grace, and courage paved the way for generations of women and African Americans: Now, therefore, be it

Resolved, That the House of Representatives celebrates the life and achievements of Lena Mary Calhoun Horne and honors her for her triumphs against racial discrimination and her steadfast commitment to the civil rights of all people.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. CONYERS and Mr. ROONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CONYERS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, May 19, 2010.

¶61.13 JUDICIARY ADMINISTRATIVE IMPROVEMENTS

Mr. JOHNSON of Georgia, moved to suspend the rules and pass the bill of the Senate (S. 1782) to provide improvements for the operations of the Federal courts, and for other purposes.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. JOHNSON of Georgia, and Mr. ROONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶61.14 CHATHAM COUNTY COURTHOUSE

Mr. JOHNSON of Georgia, moved to suspend the rules and agree to the following resolution (H. Res. 1364):

Whereas on March 5, 1881, the General Assembly of North Carolina approved legislation allowing the Board of Justices of Chatham County to replace the existing architecturally unsound Chatham County courthouse with a new facility and provided the county with construction bonds of up to $12,000;

Whereas Thomas B. Womack designed the plans for the Chatham County Courthouse, and J. Bynum and William Lord London of Pittsboro, North Carolina, were awarded the construction contract;

Whereas on September 1, 1881, members of Columbus Lodge 102 laid the cornerstone of the new courthouse in Pittsboro, and on July 4, 1882, the new courthouse was completed;

Whereas the Chatham County Courthouse is a three-story brick structure with a two-story classical portico topped by a distinguishing three-stage cupola;

Whereas county courthouses are focal points of justice and the rule of law in communities across the country, and the Chatham County Courthouse serves as the central landmark of Pittsboro and Chatham County;

Whereas the historic Chatham County Courthouse was partially destroyed by a tragic fire that broke out on March 25, 2010, at approximately 4:15 p.m;

Whereas firefighters, led by Chatham Country Fire Marshal Thomas Bender, courageously fought the blaze and protected surrounding buildings from damage;

Whereas government officials of the North Carolina Administrative Office of the Courts, Chatham County, and the town of Pittsboro have worked tirelessly to ensure the continuity of judicial operations in Chatham County and to develop a plan to restore the courthouse; and

Whereas the North Carolina court system, Chatham County, and the town of Pittsboro experienced a significant and tragic loss as a result of the March 25, 2010 fire: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses condolences to the North Carolina court system, Chatham County, and the town of Pittsboro for the tragic loss of the Chatham County Courthouse;

(2) commends the heroic actions of the Chatham County firefighters and first responders who worked tirelessly to combat the Courthouse fire, minimize the damage to the Courthouse and the historic materials contained therein, and protect the public;

(3) recognizes the community significance of the Courthouse as a cornerstone of justice and the rule of law in Chatham County; and

(4) recognizes the impact that more than a century of landmark court decisions has made on the judicial system of the Town of

Pittsboro, Chatham County, and North Carolina.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. JOHNSON of Georgia, and Mr. ROONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. JOHNSON of Georgia, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, May 19, 2010.

The point of no quorum was considered as withdrawn.

¶61.15 ENHANCED DNA COLLECTION

Mr. JOHNSON of Georgia, moved to suspend the rules and pass the bill (H.R. 4614) to amend part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for incentive payments under the Edward Byrne Memorial Justice Assistance Grant program for States to implement minimum and enhanced DNA collection processes; as amended.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. JOHNSON of Georgia, and Mr. ROONEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROONEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶61.16 MICHAEL C. ROTHBERG POST OFFICE

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 5099) to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the ''Michael C. Rothberg Post Office''.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. DAVIS of Illinois, and Mr. BROUN of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, May 19, 2010.

¶61.17 PHIL MICKELSON MASTERS CHAMPION

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 1256):

Whereas, on April 11, 2010, Phil Mickelson won the Masters golf tournament for the third time at the Augusta National Golf Course in Augusta, Georgia;

Whereas the Augusta National Golf Course was established in 1933;

Whereas the Masters was started by Clifford Roberts and Robert Tyre ''Bobby'' Jones, Jr., who designed the Augusta National Golf Course with course architect Alister MacKenzie;

Whereas the Augusta National Golf Course has hosted the Masters since 1934;

Whereas the Masters is one of the 4 major championships in professional golf;

Whereas past Masters champions include some of the greatest players in golf history, such as Walter Hagen, Ben Hogan, Arnold Palmer, Gary Player, Byron Nelson, Jack Nicklaus, Gene Sarazen, Sam Snead, Tom Watson, and Tiger Woods;

Whereas Phil Mickelson shot a final round 67 for a 72-hole total of 16 under par, 3 strokes better than any other competitor;

Whereas Phil Mickelson brings great pride and honor to his family and friends through the tremendous skill, patience, and determination he displayed in victory;

Whereas Phil Mickelson has won 4 major championships, including the Masters 3 times, and a total of 38 events on the PGA Tour; and

Whereas the Phil and Amy Mickelson Foundation, through involvement with Start Smart, the Mickelson ExxonMobil Teachers Academy, and other causes, have supported a variety of youth and family initiatives: Now, therefore, be it

Resolved, That the House of Representatives congratulates Phil Mickelson on the outstanding accomplishment of winning the 2010 Masters golf tournament.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. DAVIS of Illinois, and Mr. BROUN of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SALAZAR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, May 19, 2010.

¶61.18 TEACHER DAY

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 403); as amended:

Whereas the education of children in the United States is the foundation of the future success of the United States;

Whereas education is critical for the creation of an innovative workforce and for increasing the global competitiveness of the United States;

Whereas teachers help students cultivate the knowledge and principles necessary to be successful in life;

Whereas teachers are held to high expectations;

Whereas teachers help instill civic responsibility among students in the United States;

Whereas teachers deserve annual national recognition for their knowledge, selfless dedication to their profession, compassion, and sacrifice; and

Whereas the Tuesday of the first full week of May of each year is an appropriate day for the establishment of National Teacher Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Teacher Day; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies, programs, and activities.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. DAVIS of Illinois, and Mr. BROUN of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, May 19, 2010.

¶61.19 AMERICAN CRAFT BEER WEEK

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 1297):

Whereas American Craft Beer Week is annually celebrated in breweries, restaurants, and beer stores by craft brewers and home brewers nationwide;

Whereas in 2010, American Craft Beer Week is celebrated from May 17 to May 23;

Whereas craft brewers operate smaller breweries, each producing less than 2,000,000 barrels per year, and produce high-quality beers using traditional brewing techniques;

Whereas more than 1,500 craft breweries are in business across the United States;

Whereas in 2009, 110 new breweries opened, creating jobs and improving economies in communities across the United States;

Whereas in 2009, American craft breweries produced more than 9,000,000 barrels of beer, which was 500,000 more barrels than in 2008;

Whereas American craft brewers export more than 1,300,000 gallons of beer abroad and are creating new markets and new international opportunities each year;

Whereas American craft brewers employ nearly 100,000 full- and part-time workers and generate more than $3,000,000,000 in wages and benefits;

Whereas American craft brewers support American agriculture by purchasing barley, malt, and hops grown, processed, and distributed in the United States;

Whereas American craft brewers increase awareness of the differences in the flavor, aroma, color, alcohol content, body, and other complex variables of beer, as well as historic brewing traditions dating back to colonial America;

Whereas American craft brewers champion the message of responsible enjoyment to their customers and work with their communities to prevent alcohol abuse and underage drinking;

Whereas American craft brewers are frequently involved in local communities through philanthropy, volunteerism, and sponsorship of community events;

Whereas craft brewing harnesses the innovative spirit of the United States, creating new and unique styles of beers that consistently win international quality and taste awards; and

Whereas increased Federal and State support of craft brewing is important to fostering growth of an American industry that creates jobs, greatly benefits the economy, and brings international accolades to American small businesses: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of American Craft Beer Week, as founded by the Brewers Association;

(2) recognizes the significant contributions of craft brewers to the economy of the United States; and

(3) encourages beer-lovers of the United States to celebrate American Craft Beer Week through events at microbreweries, brewpubs, and beer stores across the United States to appreciate the accomplishments of craft brewers.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. DAVIS of Illinois, and Mr. BROUN of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶61.20 ROBERT KELLY SLATER

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 792); as amended:

Whereas Robert Kelly Slater was born on February 11, 1972, in Cocoa Beach, Florida;

Whereas Kelly Slater learned to surf in Cocoa Beach, Florida, with his brothers, Sean and Stephen;

Whereas Kelly Slater was a perennial amateur champion in the 1980s, winning 6 Eastern Surfing Association titles and 4 national titles;

Whereas, in 1992, at the age of 20, Kelly Slater was the youngest surfer to win the Association of Surfing Professionals World Championship;

Whereas, between 1992 and 2008, Kelly Slater was a 6-time winner of the Billabong Pipeline Masters, a competition held annually for the 45 top-ranked surfers by the Association of Surfing Professionals at the Banzai Pipeline in Oahu, Hawaii;

Whereas, between 1994 and 1998, Kelly Slater won 5 consecutive Association of Surfing Professionals titles;

Whereas, in 1995 and 1998, Kelly Slater won the Triple Crown of Surfing, the Reef Hawaiian Pro at Haleiwa Ali'i Beach Park, the O'Neill World Cup of Surfing at Sunset Beach, and the Billabong Pipeline Masters at the Banzai Pipeline;

Whereas Kelly Slater was inducted into the Surfers Hall of Fame in 2002;

Whereas, in 2002, Kelly Slater won the Quicksilver in Memory of Eddie Aikau at Waimea Bay in Oahu, Hawaii, a competition that occurs only when waves reach a minimum height of 20 feet;

Whereas Kelly Slater was the 1st surfer ever to be awarded 2 perfect scores in the final heat of the Billabong Tahiti Pro Contest under the Association of Surfing Professionals 2-wave scoring system;

Whereas Kelly Slater won an Association of Surfing Professionals World Title in 2005, 7 years after his previous win in 1998;

Whereas, in 2007, Kelly Slater started the Kelly Slater Foundation to raise awareness and financial support for socially and environmentally conscious charities;

Whereas, in 2008, at the age of 36, Kelly Slater was the oldest surfer to win an Association of Surfing Professionals World Championship;

Whereas, in 2010, Kelly Slater won the Rip Curl Pro Bell Championship, making him a 4-time winner of this 49-year-old international surfing championship held in Australia;

Whereas Kelly Slater has 39 World Championship Tour victories;

Whereas Kelly Slater holds 9 Association of Surfing Professionals World Championships, a record number; and

Whereas Kelly Slater is surfing's all-time leader in career event wins: Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors Robert Kelly Slater for winning the 2010 Rip Curl Pro Bell Championship and for his other outstanding achievements in the world of surfing.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. DAVIS of Illinois, and Mr. BROUN of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution recognizing and honoring Robert Kelly Slater for winning the 2010 Rip Curl Pro Bell Championship and for his other outstanding achievements in the world of surfing.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶61.21 RECESS—5 P.M.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock p.m., until approximately 6:30 p.m.

¶61.22 AFTER RECESS—6:33 P.M.

The SPEAKER pro tempore, Mr. HEINRICH, called the House to order.

¶61.23 H.R. 2288—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HEINRICH, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2288) to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 264 / Nays 122

¶61.24 [Roll No. 273]

YEAS—264

Ackerman	Cohen	Green, Al
Adler (NJ)	Connolly (VA)	Hall (NY)
Altmire	Conyers	Halvorson
Andrews	Cooper	Hare
Arcuri	Costello	Harman
Baca	Courtney	Hastings (FL)
Bachus	Crowley	Hastings (WA)
Baird	Cuellar	Heinrich
Baldwin	Cummings	Heller
Barrow	Dahlkemper	Herseth Sandlin
Bean	Davis (CA)	Higgins
Berkley	Davis (IL)	Hill
Berman	Davis (TN)	Himes
Berry	DeFazio	Hinojosa
Bishop (GA)	DeGette	Hirono
Bishop (NY)	Delahunt	Hodes
Bishop (UT)	DeLauro	Holt
Blumenauer	Dent	Honda
Boccieri	Deutch	Hoyer
Boren	Diaz-Balart, L.	Inslee
Boswell	Dingell	Israel
Boucher	Doggett	Jackson (IL)
Boyd	Donnelly (IN)	Johnson (GA)
Braley (IA)	Doyle	Johnson (IL)
Brown, Corrine	Driehaus	Johnson, E. B.
Buchanan	Edwards (MD)	Jones
Butterfield	Edwards (TX)	Kagen
Capito	Ehlers	Kanjorski
Capps	Ellison	Kaptur
Capuano	Ellsworth	Kennedy
Cardoza	Engel	Kildee
Carnahan	Eshoo	Kilpatrick (MI)
Carney	Etheridge	Kilroy
Carson (IN)	Farr	Kind
Castle	Fattah	Kirkpatrick (AZ)
Castor (FL)	Filner	Kissell
Chaffetz	Fortenberry	Klein (FL)
Chandler	Foster	Kosmas
Childers	Frank (MA)	Kratovil
Chu	Frelinghuysen	Kucinich
Clarke	Fudge	Lance
Clay	Garamendi	Langevin
Cleaver	Giffords	Larsen (WA)
Clyburn	Gonzalez	Larson (CT)
Coffman (CO)	Gordon (TN)	Latham

LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wu
Yarmuth

NAYS—122

Aderholt
Akin
Alexander
Austria
Bartlett
Barton (TX)
Biggert
Bilirakis
Blackburn
Boehner
Bonner
Bono Mack
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carter
Cassidy
Coble
Cole
Conaway
Crenshaw
Davis (KY)
Dreier
Duncan
Emerson
Fallin
Fleming
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hensarling
Herger
Hunter
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McClintock
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Owens
Paulsen
Pence
Petri
Pitts
Poe (TX)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Upton
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—44

Bachmann
Barrett (SC)
Becerra
Bilbray
Blunt
Boozman
Brady (PA)
Costa
Culberson
Davis (AL)
Diaz-Balart, M.
Dicks
Flake
Gerlach
Grayson
Green, Gene
Grijalva
Gutierrez
Hinchey
Hoekstra
Holden
Inglis
Jackson Lee (TX)
Kirk
Manzullo
McCaul
Melancon
Paul
Platts
Price (GA)
Putnam
Rahall
Rothman (NJ)
Rush
Sestak
Shuster
Sires
Souder
Thompson (CA)
Towns
Van Hollen
Wamp
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.25 H.R. 4614—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HEINRICH, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4614) to amend part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for incentive payments under the Edward Byrne Memorial Justice Assistance Grant program for States to implement minimum and enhanced DNA collection processes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 357 / Nays 32

¶61.26 [Roll No. 274]

YEAS—357

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

NAYS—32

Akin
Barton (TX)
Blackburn
Brady (TX)
Broun (GA)
Campbell
Coffman (CO)
Conaway
Duncan
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Harper
Hensarling
Hoekstra
Johnson, Sam
Jordan (OH)
Kingston
Lamborn
Lummis
Mack
Marchant
Miller (FL)
Neugebauer
Pence
Poe (TX)
Sensenbrenner
Shadegg
Thornberry
Westmoreland
Wilson (SC)

NOT VOTING—41

Bachmann
Barrett (SC)
Becerra
Bilbray
Blunt
Boozman
Boucher
Brady (PA)
Costa
Culberson
Davis (AL)
Diaz-Balart, M.
Dicks
Flake
Gerlach
Gordon (TN)
Grayson
Grijalva
Hinchey
Holden
Inglis
Jackson Lee (TX)
Johnson (GA)
Kirk
Manzullo
McCaul
Paul
Platts
Price (GA)
Putnam
Rahall
Rothman (NJ)
Rush
Sestak
Shuster

Sires
Souder
Thompson (CA)
Towns
Wamp
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶61.27 H. RES. 1327—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HEINRICH, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1327) honoring the life, achievements, and contributions of Floyd Dominy.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 390 Nays 0

¶61.28 [Roll No. 275]

YEAS—390

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

NOT VOTING—40

Bachmann
Barrett (SC)
Becerra
Bilbray
Bilirakis
Blunt
Boozman
Brady (PA)
Costa
Culberson
Davis (AL)
Diaz-Balart, M.
Dicks
Flake
Gerlach
Grayson
Grijalva
Hinchey
Holden
Inglis
Jackson Lee (TX)
Kirk
Manzullo
McCaul
Paul
Platts
Price (GA)
Putnam
Rahall
Rothman (NJ)
Rush
Sestak
Shuster
Sires
Souder
Stark
Thompson (CA)
Towns
Wamp
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶61.29 FIRST SPONSORS CHANGE—H.R. 1508

Mr. NADLER, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 1508) to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes (a bill originally introduced by the former Representative Wexler); for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7(b)(4) of rule XII.

¶61.30 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on May 13, 2010, she presented to the President of the United States, for his approval, the following bills:

H.R. 2802. An Act to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes.

H.R. 5160. An Act to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes.

H.R. 5148. An Act to amend title 39, United States Code, to clarify the instances in which the term ''census'' may appear on mailable matter.

H.R. 1121. An Act to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes.

H.R. 1442. An Act to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909.

¶61.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BILBRAY, for today and balance of the week;

To Mr. CULBERSON, for today; and

To Mr. KIRK, for today.

And then,

¶61.32 ADJOURNMENT

On motion of Mr. GOHMERT, at 11 o'clock and 29 minutes p.m., the House adjourned.

¶61.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 2288. A bill to amend Public Law 106–392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023; with an amendment (Rept. 111–481). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4491. A bill to authorize the

Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes (Rept. 111–482). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3511. A bill to authorize the Secretary of the Interior to establish and operate a visitor facility to fulfill the purposes of the Marianas Trench Marine National Monument, and for other purposes; with an amendment (Rept. 111–483). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4493. A bill to provide for the enhancement of visitor services, fish and wildlife research, and marine and coastal resource management on Guam related to the Marianas Trench Marine National Monument, and for other purposes; with an amendment (Rept. 111–484). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5128. A bill to designate the Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''; with amendments (Rept. 111–485). Referred to the House Calendar.

¶61.34 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 4842. A bill to authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes; with an amendment, Rept. 111–486, Part 1; referred to the Committee on Science and Technology for a period ending not later than June 18, 2010, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(o), rule X.

¶61.35 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SAM JOHNSON of Texas:

H.R. 5319. A bill to increase transparency regarding debt instruments of the United States held by foreign governments, to assess the risks to the United States of such holdings, and for other purposes; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself and Mr. MARKEY of Massachusetts):

H.R. 5320. A bill to amend the Safe Drinking Water Act to increase assistance for States, water systems, and disadvantaged communities; to encourage good financial and environmental management of water systems; to strengthen the Environmental Protection Agency's ability to enforce the requirements of the Act; to reduce lead in drinking water; to strengthen the endocrine disruptor screening program; and for other purposes; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia (for himself, Mrs. MCCARTHY of New York, Mr. SCOTT of Georgia, and Mr. LEWIS of Georgia):

H.R. 5321. A bill to prohibit certain individuals from possessing a firearm in an airport, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 5322. A bill to provide authority to the Director of the United States Patent and Trademark Office to set or adjust patent and trademark fees, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself, Mr. OLSON, Mr. BURTON of Indiana, Mr. CONAWAY, Mr. MARCHANT, Mr. MCCLINTOCK, Mr. ISSA, Mrs. BACHMANN, Mr. AKIN, Mr. BILBRAY, Mr. HERGER, Mr. FRANKS of Arizona, Mr. CULBERSON, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. HENSARLING, Mr. CHAFFETZ, Mr. LAMBORN, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. PRICE of Georgia, Mr. NEUGEBAUER, Mr. DANIEL E. LUNGREN of California, Mr. TIAHRT, Mr. FLEMING, Mrs. SCHMIDT, Mr. PITTS, Mr. LATTA, Mr. GINGREY of Georgia, Mr. SHADEGG, Mr. CARTER, Mr. JORDAN of Ohio, Mr. BURGESS, and Mr. YOUNG of Alaska):

H.R. 5323. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to limit the year-to-year increase in total Federal spending to increases in the Consumer Price Index and population; to the Committee on the Budget.

By Mrs. DAVIS of California (for herself, Mr. GEORGE MILLER of California, Mr. ANDREWS, Mr. COURTNEY, Mr. STARK, Ms. SUTTON, and Mr. WU):

H.R. 5324. A bill to provide for extension of COBRA continuation coverage until coverage is available otherwise under either an employment-based health plan or through an American Health Benefit Exchange under the Patient Protection and Affordable Care Act; to the Committee on Education and Labor, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee:

H.R. 5325. A bill to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes; to the Committee on Science and Technology, and in addition to the Committees on Education and Labor, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONAWAY:

H.R. 5326. A bill to repeal the National Organic Certification Cost-Share Program; to the Committee on Agriculture.

By Mr. NYE (for himself, Ms. GIFFORDS, Mr. MCMAHON, Mr. HIMES, Mr. ACKERMAN, Mr. BERMAN, Ms. KOSMAS, Mr. BISHOP of New York, Mr. TURNER, and Ms. ROS-LEHTINEN):

H.R. 5327. A bill to authorize assistance to Israel for the Iron Dome anti-missile defense system; to the Committee on Foreign Affairs.

By Mr. DOGGETT (for himself, Mr. MCDERMOTT, and Ms. DELAURO):

H.R. 5328. A bill to amend the Internal Revenue Code of 1986 to reduce international tax avoidance and restore a level playing field for American businesses; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 5329. A bill to modify the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by the Water Resources Development Act of 1996, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. JOHNSON of Georgia (for himself and Mr. CONYERS):

H.R. 5330. A bill to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act for a 5-year period ending June 22, 2015, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY:

H.R. 5331. A bill to revise the boundaries of John H. Chaffee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island; to the Committee on Natural Resources.

By Ms. KILROY (for herself, Mr. RYAN of Ohio, and Mr. MILLER of North Carolina):

H.R. 5332. A bill to amend the Small Business Act to establish a small business intermediary lending pilot program; to the Committee on Small Business.

By Mr. LATTA (for himself, Mr. WILSON of South Carolina, Mr. FOSTER, Mr. TURNER, Mr. ROGERS of Alabama, Mr. OWENS, Mr. LAMBORN, Mr. BISHOP of Georgia, Mrs. MCMORRIS RODGERS, Mr. CARTER, and Mr. RYAN of Ohio):

H.R. 5333. A bill to amend title 10, United States Code, to recognize the dependent children of members of the Armed Forces who are serving on active duty or who have served on active duty through the presentation of an official lapel button; to the Committee on Armed Services.

By Mr. LUJÁN (for himself and Mr. HEINRICH):

H.R. 5334. A bill to establish the Rio Grande del Norte National Conservation Area in the State of New Mexico, and for other purposes; to the Committee on Natural Resources.

By Mr. MARSHALL (for himself and Mr. CASTLE):

H.R. 5335. A bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible local educational agencies for the purpose of reducing the student-to-nurse ratio in public elementary and secondary schools; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself and Ms. HIRONO):

H.R. 5336. A bill to improve teacher quality, and for other purposes; to the Committee on Education and Labor.

By Mr. PETERS:

H.R. 5337. A bill to amend section 48 (relating to depiction of extreme animal cruelty) of title 18, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. TURNER (for himself, Mr. MARSHALL, Mr. SHUSTER, and Mr. THORNBERRY):

H.R. 5338. A bill to strengthen the United States commitment to transatlantic security by implementing the principles outlined in the Declaration on Alliance Security signed by the heads of state and governments of the North Atlantic Treaty Organization; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCMORRIS RODGERS (for herself and Mr. PENCE):

H. Con. Res. 279. Concurrent resolution disapproving of the participation of the United

States in the provision by the International Monetary Fund of a multibillion dollar funding package for the European Union, until the member states of the European Union comply with the economic requirements of membership in the European Union; to the Committee on Financial Services.

By Mr. CONYERS (for himself, Ms. CLARKE, Ms. WATSON, Ms. RICHARDSON, Mr. THOMPSON of Mississippi, Mr. COHEN, Mr. COOPER, Mrs. CHRISTENSEN, Ms. KILPATRICK of Michigan, Mr. JOHNSON of Georgia, Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. DAVIS of Illinois, Ms. NORTON, Mrs. LOWEY, Mr. NADLER of New York, Mrs. MALONEY, Ms. MOORE of Wisconsin, Mr. TOWNS, Mr. TONKO, Mr. SNYDER, Mr. WATT, Ms. FUDGE, Mr. SCOTT of Virginia, Mr. CLAY, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. SERRANO, Mrs. MCCARTHY of New York, and Ms. JACKSON LEE of Texas):

H. Res. 1362. A resolution celebrating the life and achievements of Lena Mary Calhoun Horne and honoring her for her triumphs against racial discrimination and her steadfast commitment to the civil rights of all people; to the Committee on Oversight and Government Reform.

By Mr. GEORGE MILLER of California:

H. Res. 1363. A resolution granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigation into underground coal mining safety; to the Committee on Rules.

By Mr. ETHERIDGE (for himself, Mr. PRICE of North Carolina, Mr. FILNER, Mr. OWENS, Mr. SHULER, Mrs. MYRICK, Mr. COOPER, Mr. MCINTYRE, Mr. BUTTERFIELD, Mr. JONES, Mr. CHANDLER, Mrs. MALONEY, Mr. COBLE, Mr. KISSELL, Ms. FOXX, Mr. WATT, Mr. MILLER of North Carolina, and Mr. MCHENRY):

H. Res. 1364. A resolution honoring the historic and community significance of the Chatham County Courthouse and expressing condolences to Chatham County and the town of Pittsboro for the fire damage sustained by the courthouse on March 25, 2010; to the Committee on the Judiciary.

By Mr. SHULER (for himself, Mr. HILL, Ms. MARKEY of Colorado, Mr. SIMPSON, Mr. DONNELLY of Indiana, Mr. ELLSWORTH, Mr. LARSEN of Washington, Mr. GRIFFITH, Mr. CONAWAY, Mr. TANNER, Mr. MINNICK, Mr. TAYLOR, Mr. RODRIGUEZ, Mr. CARTER, Mr. SALAZAR, Mr. MELANCON, Ms. HERSETH SANDLIN, Mr. JONES, Ms. GIFFORDS, Mr. ADERHOLT, Mr. KISSELL, Ms. JENKINS, Mr. MORAN of Kansas, Mr. BURTON of Indiana, Mr. ALEXANDER, Mrs. KIRKPATRICK of Arizona, Mr. AUSTRIA, Mr. SMITH of Washington, Mr. RAHALL, Mr. TIAHRT, Mr. WILSON of Ohio, Mr. TERRY, Mr. CHANDLER, Mr. MCHENRY, Mr. SAM JOHNSON of Texas, Mr. COBLE, Mrs. SCHMIDT, Mr. BOYD, Mr. BOUCHER, Mr. POE of Texas, Mr. BOCCIERI, Mr. PENCE, Mr. TURNER, Mr. CARDOZA, Mr. SPACE, Mr. CHILDERS, Mrs. MYRICK, Mr. MCCAUL, Mr. DAVIS of Tennessee, Mr. BISHOP of Utah, Mr. CARNEY, Mr. BOREN, Mr. RYAN of Ohio, Mr. POMEROY, Mr. SCALISE, Mr. COURTNEY, Mr. BACHUS, Mr. WILSON of South Carolina, Mr. SCHAUER, Mr. PERRIELLO, Mr. KRATOVIL, Mr. SCHOCK, Mr. HODES, Mr. MCINTYRE, Mrs. EMERSON, Mr. SHUSTER, Mr. BOOZMAN, Mr. BRIGHT, Mr. SMITH of Nebraska, Mr. REHBERG, Mrs. CAPITO, Mr. JOHNSON of Illinois, Mr. HUNTER, Mr. REICHERT, Ms. TITUS, Mr. KAGEN, Mr. LUETKEMEYER, Mr. ROSS, Mr. YOUNG of Alaska, Mr. BISHOP of Georgia, Mr. CUELLAR, Mr. LATTA, Mr. SKELTON, Mr. MURPHY of New York, Mr. PETERSON, Mr. TEAGUE, Mr. SOUDER, Ms. FOXX, Mr. ARCURI, Mr. MICHAUD, Mr. OBERSTAR, Mr. GRAVES, Mr. ETHERIDGE, Mr. BACA, Mr. BONNER, Mr. SESSIONS, Mr. STUPAK, Mr. MATHESON, Mr. NYE, Mr. LATHAM, Mr. SPRATT, Mr. WITTMAN, Mr. WALDEN, Mr. GOODLATTE, Mr. ALTMIRE, Mr. GALLEGLY, Mr. MARSHALL, Mr. CALVERT, Mr. GUTHRIE, Mr. COHEN, Mr. GORDON of Tennessee, Mr. COFFMAN of Colorado, Mr. WALZ, Mr. GARRETT of New Jersey, Mrs. BLACKBURN, Mr. MCCARTHY of California, Mr. UPTON, and Mr. FLAKE):

H. Res. 1365. A resolution commending the National Rifle Association for developing the Eddie Eagle GunSafe Program and teaching 23,000,000 children its lifesaving message; to the Committee on Education and Labor.

By Mr. HARE (for himself, Ms. NORTON, Ms. RICHARDSON, Mr. GARAMENDI, Mr. SCHAUER, Mr. HIGGINS, Mr. LARSEN of Washington, Mr. WU, Mr. FILNER, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. RUSH, Mr. COSTELLO, Mr. CUMMINGS, Mr. LIPINSKI, Mr. GRIJALVA, Mr. MANZULLO, Mr. BACHUS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DEFAZIO, and Mr. GARY G. MILLER of California):

H. Res. 1366. A resolution recognizing and honoring the freight rail industry; to the Committee on Transportation and Infrastructure.

By Ms. CLARKE (for herself, Mr. RANGEL, Ms. KILPATRICK of Michigan, Mr. MEEK of Florida, Ms. LORETTA SANCHEZ of California, Mr. PAYNE, Mr. MCMAHON, Mr. CONYERS, Mr. FILNER, Ms. WASSERMAN SCHULTZ, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE of California, and Mr. JOHNSON of Georgia):

H. Res. 1367. A resolution recognizing the significance of the Haitian flag to the people of Haiti and supporting the goals and ideals of Haitian Flag Day; to the Committee on Foreign Affairs.

By Mr. COURTNEY (for himself, Mr. NUNES, Mr. WELCH, Mr. WALZ, Mr. PETRI, Mr. ROONEY, Mr. TEAGUE, Mr. LEE of New York, Mr. BOSWELL, Mr. MAFFEI, Mr. CARNEY, Mr. MURPHY of New York, Mr. HINCHEY, Ms. PINGREE of Maine, Ms. MARKEY of Colorado, Mr. BOYD, Mr. MICHAUD, Mr. SHUSTER, Mr. PERRIELLO, Mrs. MCMORRIS RODGERS, Mr. CAMP, Ms. SHEA-PORTER, Mr. PETERSON, Mr. COSTA, Mr. HOLDEN, Mr. BRALEY of Iowa, Mr. KIND, Mr. OBEY, Ms. BALDWIN, Mrs. DAHLKEMPER, Mr. LUJÁN, Ms. HIRONO, Mr. OBERSTAR, Mr. RADANOVICH, Mr. SCOTT of Georgia, Mr. SIMPSON, Mr. MINNICK, Mr. RYAN of Wisconsin, Mr. THOMPSON of Pennsylvania, Mr. ARCURI, Mrs. KIRKPATRICK of Arizona, Mr. TONKO, Mr. HODES, Mr. LOEBSACK, Mr. GERLACH, Mr. LUETKEMEYER, Ms. MOORE of Wisconsin, Ms. MCCOLLUM, Mr. STUPAK, Mr. LARSEN of Washington, Mr. OWENS, Mr. BARTLETT, Mr. CARDOZA, Mr. OLVER, Mr. RODRIGUEZ, Mr. MCCARTHY of California, Mr. BOCCIERI, Mr. KAGEN, Mr. HIGGINS, Ms. DELAURO, Mr. SCALISE, Ms. JENKINS, Mr. BLUNT, and Ms. SLAUGHTER):

H. Res. 1368. A resolution supporting the goals of National Dairy Month; to the Committee on Agriculture.

By Ms. LEE of California (for herself, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. ENGEL, Mr. PAYNE, Mr. RANGEL, Mr. BURTON of Indiana, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. LEWIS of Georgia, Mr. PIERLUISI, Ms. RICHARDSON, Mr. RUSH, Mr. SERRANO, and Ms. WASSERMAN SCHULTZ):

H. Res. 1369. A resolution recognizing the significance of National Caribbean-American Heritage Month; to the Committee on Oversight and Government Reform.

By Mr. SERRANO (for himself and Mr. MEEKS of New York):

H. Res. 1370. A resolution finding that holding the 2011 Major League Baseball All-Star Game in Arizona is at odds with Major League Baseball's efforts to promote diversity and tolerance, and urging Major League Baseball to find a more suitable location for the Game; to the Committee on Energy and Commerce.

¶61.36 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

280. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 569 urging the President and the Congress to take immediate action to adopt meaningful health care system reform; to the Committee on Energy and Commerce.

281. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 551 urging the Congress to pass legislation that would provide financial assistance to those states with budget deficits; to the Committee on Oversight and Government Reform.

282. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 500 urging the federal government to provide FEMA funding to repair the Metro East levees; to the Committee on Transportation and Infrastructure.

¶61.37 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. SHEA-PORTER.

H.R. 43: Ms. ROS-LEHTINEN and Mr. HONDA.

H.R. 235: Mr. GARAMENDI and Mrs. EMERSON.

H.R. 413: Mr. WHITFIELD, Ms. RICHARDSON, and Mr. BILBRAY.

H.R. 442: Mr. CUELLAR.

H.R. 460: Mr. AL GREEN of Texas.

H.R. 476: Ms. HIRONO.

H.R. 678: Mr. INGLIS, Mr. BISHOP of New York, and Mr. RYAN of Ohio.

H.R. 745: Ms. LEE of California.

H.R. 832: Mrs. MALONEY.

H.R. 949: Mr. BLUMENAUER, Mr. MURPHY of Connecticut, and Ms. ROYBAL-ALLARD.

H.R. 995: Mr. LYNCH.

H.R. 1017: Mr. TIM MURPHY of Pennsylvania.

H.R. 1064: Mr. GARAMENDI.

H.R. 1079: Mr. THOMPSON of Pennsylvania.

H.R. 1191: Mr. BRADY of Pennsylvania.

H.R. 1240: Mr. HIMES.

H.R. 1407: Mr. GARAMENDI.

H.R. 1547: Mr. COFFMAN of Colorado and Mr. SCOTT of Virginia.

H.R. 1549: Mr. GRAYSON.

H.R. 1618: Mr. BISHOP of New York.

H.R. 1670: Mr. MATHESON.

H.R. 1718: Mr. COBLE and Mr. ALEXANDER.

H.R. 1770: Mr. WELCH.

H.R. 2030: Mr. STARK.

H.R. 2054: Mr. CAPUANO, Mr. TONKO, Mr. WALZ, Mr. BACA, Mr. MURPHY of Connecticut, Ms. BERKLEY, Mr. CROWLEY, Mr. CHANDLER, Mr. PIERLUISI, Mr. MATHESON, Mr. ALTMIRE, Mr. JOHNSON of Georgia, Ms. GIFFORDS, Mr. SABLAN, Ms. HARMAN, and Mrs. NAPOLITANO.

H.R. 2064: Mr. CASTLE.

H.R. 2067: Ms. LINDA T. SÁNCHEZ of California, Mr. ELLSWORTH, and Ms. VELÁZQUEZ.

H.R. 2110: Mr. HODES.

H.R. 2136: Mr. LOEBSACK and Mrs. CAPITO.

H.R. 2149: Mr. MICHAUD.

H.R. 2212: Ms. BEAN.

H.R. 2240: Mr. GRIJALVA.

H.R. 2254: Mrs. SCHMIDT.

H.R. 2279: Ms. CHU and Mr. LYNCH.

H.R. 2363: Mr. SERRANO.

H.R. 2378: Mr. ROSS and Mr. RAHALL.

H.R. 2381: Ms. JACKSON LEE of Texas, Ms. RICHARDSON, Mr. FILNER, Mr. LYNCH, and Ms. NORTON.

H.R. 2408: Mr. COURTNEY and Mr. CARNEY.

H.R. 2414: Mr. KENNEDY.

H.R. 2478: Mr. GONZALEZ.

H.R. 2483: Mr. SIRES, Mr. GARAMENDI, Mrs. CHRISTENSEN, and Ms. BERKLEY.

H.R. 2521: Ms. SCHWARTZ, Ms. RICHARDSON, Mr. HARE, and Mr. PASCRELL.

H.R. 2546: Mr. SPACE, Ms. FUDGE, and Mr. RYAN of Ohio.

H.R. 2574: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2578: Mr. COHEN.

H.R. 2624: Mr. HIMES.

H.R. 2807: Mr. JACKSON of Illinois and Mr. PASTOR of Arizona.

H.R. 2866: Mr. WALDEN.

H.R. 2906: Mr. WHITFIELD and Mr. ANDREWS.

H.R. 3164: Mr. HOLT.

H.R. 3202: Mr. ROTHMAN of New Jersey.

H.R. 3212: Mr. SARBANES.

H.R. 3286: Mr. JACKSON of Illinois and Mr. HARE.

H.R. 3381: Ms. SLAUGHTER.

H.R. 3408: Mr. CHANDLER, Mr. GUTIERREZ, Ms. KAPTUR, Mr. RUSH, Mr. CARSON of Indiana, Mr. LUJÁN, Mr. SPACE, Ms. DELAURO, Mr. RYAN of Ohio, Ms. MATSUI, Ms. WATERS, and Ms. LEE of California.

H.R. 3412: Mr. GOHMERT and Mr. GARRETT of New Jersey.

H.R. 3519: Mr. KINGSTON.

H.R. 3615: Mr. CALVERT.

H.R. 3734: Ms. DEGETTE.

H.R. 3749: Mr. PETRI, Mr. MARCHANT, and Mr. CALVERT.

H.R. 3764: Ms. DEGETTE.

H.R. 3790: Ms. MOORE of Wisconsin, Mr. FRANKS of Arizona, Mr. LYNCH, Mr. SMITH of Texas, and Mr. MINNICK.

H.R. 3924: Mr. MCCOTTER, Mr. SMITH of Texas, and Mr. BACHUS.

H.R. 3939: Ms. LEE of California.

H.R. 3974: Ms. WATSON and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 4021: Mr. CLEAVER.

H.R. 4114: Ms. ROYBAL-ALLARD.

H.R. 4181: Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. BACA, Ms. LEE of California, Mr. LUJÁN, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Mr. MEEKS of New York, Mr. MARSHALL, and Mr. HONDA.

H.R. 4183: Mrs. MALONEY.

H.R. 4233: Mr. THOMPSON of Pennsylvania.

H.R. 4237: Mr. HINCHEY.

H.R. 4269: Ms. ROYBAL-ALLARD and Mrs. NAPOLITANO.

H.R. 4316: Mr. MOORE of Kansas and Mr. SMITH of Washington.

H.R. 4324: Mr. VAN HOLLEN and Mr. LATHAM.

H.R. 4350: Mr. SNYDER, Mr. SPRATT, Mr. BRADY of Pennsylvania, Ms. KILPATRICK of Michigan, and Mr. CLEAVER.

H.R. 4356: Mr. ROTHMAN of New Jersey.

H.R. 4378: Ms. DEGETTE.

H.R. 4509: Mr. BROWN of South Carolina.

H.R. 4534: Mr. CLAY.

H.R. 4549: Ms. RICHARDSON.

H.R. 4553: Mr. RAHALL.

H.R. 4598: Mr. ELLSWORTH.

H.R. 4614: Mr. HOLDEN, Mr. WEINER, and Mr. CONNOLLY of Virginia.

H.R. 4662: Mr. ROTHMAN of New Jersey.

H.R. 4671: Mr. CLEAVER and Ms. DEGETTE.

H.R. 4677: Ms. HIRONO.

H.R. 4678: Mr. SPACE.

H.R. 4684: Mr. RAHALL, Ms. CORRINE BROWN of Florida, Mr. CONAWAY, Mr. SPRATT, and Mr. WITTMAN.

H.R. 4689: Ms. SUTTON, Mr. JACKSON of Illinois, Mr. LUETKEMEYER, Mr. ELLSWORTH, and Ms. ESHOO.

H.R. 4692: Ms. NORTON.

H.R. 4722: Mr. HARE and Mr. TONKO.

H.R. 4745: Mr. WOLF, Mr. FOSTER, and Mr. THOMPSON of Mississippi.

H.R. 4787: Mr. MICHAUD.

H.R. 4789: Mr. DOGGETT and Mr. ROTHMAN of New Jersey.

H.R. 4790: Ms. EDWARDS of Maryland and Mr. JACKSON of Illinois.

H.R. 4806: Ms. ZOE LOFGREN of California.

H.R. 4809: Mr. GARAMENDI.

H.R. 4812: Mr. MILLER of North Carolina.

H.R. 4850: Mr. ETHERIDGE, Ms. NORTON, and Mr. HASTINGS of Florida.

H.R. 4860: Mr. POLIS and Mr. INSLEE.

H.R. 4870: Mr. HIMES and Mr. ACKERMAN.

H.R. 4919: Mrs. LUMMIS.

H.R. 4925: Mr. YARMUTH and Mr. TOWNS.

H.R. 4926: Mr. GARAMENDI.

H.R. 4943: Mr. HERGER.

H.R. 4947: Ms. NORTON, Mr. CALVERT, and Mr. LATTA.

H.R. 4956: Mr. DELAHUNT, Mr. KIRK, and Mr. BUCHANAN.

H.R. 4959: Mr. GRAYSON and Ms. JACKSON LEE of Texas.

H.R. 4976: Mr. PASCRELL.

H.R. 4995: Mr. YOUNG of Alaska.

H.R. 5001: Mr. CONYERS and Ms. RICHARDSON.

H.R. 5012: Ms. CHU.

H.R. 5015: Ms. ESHOO and Mr. TIERNEY.

H.R. 5034: Mr. BRADY of Pennsylvania, Mr. CONNOLLY of Virginia, Mr. TEAGUE, Ms. RICHARDSON, Mr. ELLSWORTH, Mr. TAYLOR, Mr. SMITH of Texas, Ms. BERKLEY, and Mr. REHBERG.

H.R. 5040: Mr. LYNCH and Mr. BUTTERFIELD.

H.R. 5041: Mr. SCOTT of Virginia, Mr. HOLDEN, Ms. BALDWIN, and Ms. CHU.

H.R. 5049: Mr. DONNELLY of Indiana.

H.R. 5058: Mr. WELCH.

H.R. 5081: Ms. BERKLEY.

H.R. 5086: Mr. JONES.

H.R. 5089: Ms. PINGREE of Maine.

H.R. 5092: Mr. LOEBSACK, Mr. MCCARTHY of California, Mr. HIMES, Mr. ADERHOLT, Ms. WASSERMAN SCHULTZ, Ms. NORTON, Ms. EDWARDS of Maryland, Mr. NEAL of Massachusetts, Mr. VAN HOLLEN, Mr. HILL, Mr. MITCHELL, Mr. ARCURI, and Mr. BACA.

H.R. 5107: Mr. CUMMINGS and Ms. SUTTON.

H.R. 5114: Mr. STARK and Mr. SIRES.

H.R. 5141: Mr. THORNBERRY, Mr. WITTMAN, and Mr. LUETKEMEYER.

H.R. 5142: Ms. GIFFORDS, Mr. ETHERIDGE, and Ms. DELAURO.

H.R. 5143: Mr. LEWIS of Georgia.

H.R. 5156: Ms. DEGETTE and Ms. CHU.

H.R. 5174: Mr. ARCURI, Mr. LARSON of Connecticut, and Mr. RYAN of Ohio.

H.R. 5175: Mr. MEEK of Florida and Mr. ACKERMAN.

H.R. 5177: Mr. GOODLATTE.

H.R. 5200: Mr. HOLT.

H.R. 5202: Mr. SABLAN.

H.R. 5206: Mr. COURTNEY, Mr. CONNOLLY of Virginia, Mr. CUMMINGS, and Mr. HOLT.

H.R. 5207: Mr. HOLDEN.

H.R. 5211: Ms. NORTON, Mr. STARK, and Ms. CLARKE.

H.R. 5213: Mr. HONDA, Ms. EDWARDS of Maryland, Ms. LINDA T. SÁNCHEZ of California, Mr. MCDERMOTT, and Mr. GRIJALVA.

H.R. 5214: Mr. TONKO, Mr. MCDERMOTT, and Mr. WU.

H.R. 5216: Mrs. BACHMANN.

H.R. 5222: Mr. GRAYSON.

H.R. 5234: Mr. ROSS.

H.R. 5235: Mr. ROGERS of Alabama and Mr. LEE of New York.

H.R. 5248: Mr. BLUMENAUER.

H.R. 5257: Mr. SMITH of Texas and Mr. LAMBORN.

H.R. 5268: Mr. HASTINGS of Florida, Ms. VELÁZQUEZ, Mr. WELCH, Mr. GEORGE MILLER of California, Mr. HODES, and Ms. HIRONO.

H.R. 5298: Mr. COURTNEY, Mr. MURPHY of Connecticut, Mr. SHIMKUS, Mr. REICHERT, Mr. WILSON of Ohio, Mr. CARSON of Indiana, Mr. GRAVES, and Mr. DUNCAN.

H.R. 5299: Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. CARTER, Mr. CHAFFETZ, Mr. CULBERSON, Mr. DUNCAN, Mrs. EMERSON, Mr. FORTENBERRY, Mr. GARRETT of New Jersey, Mr. GRAVES, Mr. GRIFFITH, Ms. JENKINS, Mr. JONES, Mr. KING of Iowa, Mr. MCCLINTOCK, Mr. TIM MURPHY of Pennsylvania, Mr. ROHRABACHER, Mr. SIMPSON, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. WITTMAN, and Mr. HOEKSTRA.

H.R. 5300: Mr. FILNER, Mr. JOHNSON of Georgia, and Mr. MCCOTTER.

H.R. 5301: Ms. PINGREE of Maine and Mr. FRANK of Massachusetts.

H.R. 5302: Mr. JOHNSON of Georgia, Mr. DRIEHAUS, Mr. MEEKS of New York, Mr. HOLT, and Mr. HIMES.

H.R. 5308: Ms. JACKSON LEE of Texas.

H.R. 5318: Mr. KINGSTON and Mr. SENSENBRENNER.

H. J. Res. 61: Mr. VAN HOLLEN and Mr. AL GREEN of Texas.

H. Con. Res. 16: Mr. SCHOCK.

H. Con. Res. 226: Ms. KAPTUR.

H. Con. Res. 266: Mr. MARIO DIAZ-BALART of Florida and Mr. PAYNE.

H. Con. Res. 271: Mr. CHAFFETZ, Mr. SHIMKUS, Ms. JENKINS, Mr. BONNER, Mr. PENCE, Ms. FOXX, and Mr. ADERHOLT.

H. Con. Res. 273: Mr. BARTON of Texas, Mr. ROYCE, and Mr. CALVERT.

H. Con. Res. 275: Mr. COURTNEY and Mr. MEEK of Florida.

H. Res. 173: Mr. RODRIGUEZ, Ms. ESHOO, Mr. NADLER of New York, Mr. RUPPERSBERGER, Mr. DOYLE, Mr. ELLISON, Mr. HALL of Texas, Mr. INSLEE, Mr. ORTIZ, Mr. SPRATT, Mr. GRAYSON, Mr. KENNEDY, Mr. CAPUANO, Ms. JACKSON LEE of Texas, Ms. LEE of California, and Ms. CLARKE.

H. Res. 407: Mr. CAO, Mr. LEE of New York, Mr. SCOTT of Georgia, Ms. GINNY BROWN-WAITE of Florda, and Mr. BOREN.

H. Res. 633: Mr. GARAMENDI.

H. Res. 649: Mr. CUMMINGS.

H. Res. 767: Mr. HALL of New York.

H. Res. 992: Mr. MARIO DIAZ-BALART of Florida.

H. Res. 996: Mr. REYES.

H. Res. 1052: Mr. JONES.

H. Res. 1060: Mr. HENSARLING.

H. Res. 1110: Mr. MCKEON and Mr. COFFMAN of Colorado.

H. Res. 1162: Mr. FRANK of Massachusetts and Mr. COURTNEY.

H. Res. 1196: Mr. ADERHOLT.

H. Res. 1229: Mr. COURTNEY.

H. Res. 1283: Mr. HIMES.

H. Res. 1297: Mr. DAVIS of Illinois, Mr. DONNELLY of Indiana, and Mr. NEAL of Massachusetts.

H. Res. 1302: Mr. WILSON of South Carolina, Mr. GARRETT of New Jersey, Mr. BURGESS, Mr. MCINTYRE, Mr. BRALEY of Iowa, Mr. DOYLE, Mr. ROGERS of Michigan, Mr. SULLIVAN, Mr. CAPUANO, Ms. BERKLEY, Mr. PITTS, Mr. ROTHMAN of New Jersey, Mr. LATOURETTE, Mr. ROSS, Mr. ALEXANDER, and Mr. TERRY.

H. Res. 1319: Ms. HIRONO.

H. Res. 1321: Ms. CHU.

H. Res. 1322: Ms. FUDGE and Mr. SABLAN.

H. Res. 1325: Ms. ROS-LEHTINEN and Mr. GARY G. MILLER of California.

H. Res. 1326: Mr. CALVERT, Mr. BURGESS, and Mr. FRANKS of Arizona.

H. Res. 1339: Mr. SABLAN.

H. Res. 1343: Mr. BARROW, Mr. BROUN of Georgia, and Ms. NORTON.

H. Res. 1351: Mr. BACA, Ms. KILROY, Ms. HARMAN, Mr. FILNER, Ms. RICHARDSON, Mr. GEORGE MILLER of California, Mr. CLAY, and Mr. SHERMAN.

H. Res. 1353: Mr. SABLAN.

H. Res. 1361: Mrs. MYRICK, Mr. JONES, Mr. CONNOLLY of Virginia, Mr. MILLER of North Carolina, Mr. KISSELL, Mr. RUSH, Ms. CASTOR of Florida, Ms. CLARKE, Mr. TOWNS, Mr. DAVIS of Alabama, Mr. MEEKS of New York, Ms. FOXX, Mr. MCINTYRE, Mr. JOHNSON of Georgia, Mr. SCOTT of Virginia, Mr. MEEK of Florida, Ms. LEE of California, Mr. CLAY, and Mr. FATTAH.

¶61.38 PETITIONS

Under clause 3 of rule XII,

131. The SPEAKER presented a petition of City of Berkeley, California, relative to Resolution No. 64,671-N.S. urging the President to commit to prioritizing aid and relief over military intervention in Haiti; which was referred to the Committee on Foreign Affairs.

¶61.39 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. R. 5015: Mr. CARSON of Indiana.

WEDNESDAY, MAY 19, 2010 (62)

¶62.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. CUELLAR, who laid before the House the following communication:

WASHINGTON, DC,
May 19, 2010.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶62.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CUELLAR, announced he had examined and approved the Journal of the proceedings of Tuesday, May 18, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶62.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7527. A letter from the Chief, PRAB Office and Research and Analysis, Department of Agriculture, transmitting the Department's final rule — Supplemental Nutrition Assistance Program, Regulation Restructuring: Issuance Regulation Update and Reorganization To Reflect the End of Coupon Issuance Systems (RIN: 0584-AD48) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7528. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Direct and Counter-Cyclical Program and Average Corp Revenue Election Program, Disaster Assistance Programs, Marketing Assistance Loans and Loan Deficiency Payments Program, Supplemental Revenue Assistance Payments Program, and Payment Limitation and Payment Eligibility; Clarifying Amendments (RIN: 0560-AH84) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7529. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tebuconazole; Pesticide Tolerances [EPA-HQ-OPP-2009-0611; FRL-8821-4] received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7530. A letter from the Under Secretary, Department of Defense, transmitting the Department's report entitled ''Cost and Impact on Recruiting and Retention of Providing Thrift Savings Plan Matching Contributions''; to the Committee on Armed Services.

7531. A letter from the Under Secretary, Department of Defense, transmitting the annual report on the payment of incentive pay to members of precommissioning programs pursuing foreign language proficiency for Fiscal Year 2009; to the Committee on Armed Services.

7532. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8109] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7533. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1082] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7534. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1088] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7535. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1086] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7536. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Section 108 Community Development Loan Guarantee Program: Participation of States as Borrowers Pursuant to Section 222 of the Omnibus Appropriations Act, 2009 [Docket No.: 5326-F-02] (RIN: 2506-AC28) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7537. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Board of Directors of Federal Home Loan Bank System Office of Finance (RIN: 2590-AA30) received April 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7538. A letter from the Special Inspector General, Office of the Special Inspector General For The Troubled Asset Relief Program, transmitting the Office's quarterly report on the actions undertaken by the Department of the Treasury under the Troubled Asset Relief Program, the activities of SIGTARP, and SIGTARP'S recommendations with respect to operations of TARP, for the period ending March 31, 2010; to the Committee on Financial Services.

7539. A letter from the Chief, PRAB, Office of Research & Analysis, Department of Agriculture, transmitting the Department's final rule — Child and Adult Care Food Program: At-Risk Afterschool Meals in Eligible States [FNS-2007-0022] (RIN: 0584-AD15) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7540. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Report entitled ''Direct-to-Consumer Advertising's Ability to Communicate to Subsets of the General Population; Barriers to the Participation of Population Subsets in Clinical Drug Tests''; to the Committee on Energy and Commerce.

7541. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Volatile Organic Compound Automobile Refinishing Rules for Indiana [EPA-R05-OAR-2009-0513; FRL-9136-7] received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7542. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2009-0960; FRL-9137-8] received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7543. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Placer County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, San Joaquin Valley Unified Air Pollution Control District, and South Coast Air Quality Management District [EPA-R09-OAR-2010-0218; FRL-9135-3] received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7544. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Interstate Transport of Pollution [EPA-R06-OAR-2007-0993; FRL-9144-4] received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7545. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: The 2010 Critical Use Exemption from the Phaseout of Methyl Bromide [EPA-HQ-OAR-2009-0351; FRL-9144-5] (RIN: 2060-AP62) received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7546. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

7547. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Canada (Transmittal No. 01-10) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7548. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National

Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Foreign Affairs.

7549. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2009, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

7550. A letter from the Associate Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting the Administration's annual report for FY 2009 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

7551. A letter from the General Counsel, Trade and Development Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7552. A letter from the Chair, U.S. Election Assistance Commission, transmitting the Commissions's final rule — Change of Address received April 30, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

7553. A letter from the Acting Director, Office fo Financial Management, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period October 1, 2009 through March 31, 2010, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 111—106); to the Committee on House Administration and ordered to be printed.

7554. A letter from the Secretary, Department of the Interior, transmitting the Department's report entitled ''Preliminary Revised Program Outer Continental Shelf (OCS) Oil and Gas Leasing Programs (PRP) for 2007-2012''; to the Committee on Natural Resources.

7555. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting 2009 annual report on the management of debt collection activities by Federal agencies; to the Committee on the Judiciary.

7556. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Disaster Home Loans: FEMA Interaction (RIN: 3245-AF97) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

7557. A letter from the Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) April 2010 Quarterly Report; jointly to the Committees on Appropriations and Foreign Affairs.

7558. A letter from the Assistant Secretary for Insular Areas, Department of the Interior, transmitting a report entitled ''Report on the Alien Worker Population in the Commonwealth of the Northern Mariana Islands''; jointly to the Committees on the Judiciary and Natural Resources.

7559. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Innovation Research Program Policy Directive (RIN: 3244-AF61) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Small Business and Science and Technology.

¶62.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, without amendment, a bill of the House of the following title:

H.R. 5014. An Act to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 736. An Act to provide for improvements in the Federal hiring process, and for other purposes.

The message also announced that pursuant to Public Law 106–567, the Chair, on behalf of the Minority Leader, appoints the following individual to serve as a member of the Public Interest Declassification Board: William A. Burck of the District of Columbia.

¶62.5 AMERICA COMPETES

Mr. GORDON of Tennessee, moved to suspend the rules and pass the bill (H.R. 5325) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. GORDON of Tennessee, and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HALL of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶62.6 SPECIAL OLYMPICS SPORT AND EMPOWERMENT

Ms. FUDGE moved to suspend the rules and pass the bill (H.R. 5220) to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Ms. FUDGE and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.7 STEPHANIE TUBBS JONES FIRE SUPPRESSION PROGRAM

Ms. FUDGE moved to suspend the rules and pass the bill (H.R. 2136) to establish the Honorable Stephanie Tubbs Jones Fire Suppression Demonstration Incentive Program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Ms. FUDGE and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.8 EMPORIA STATE UNIVERSITY LADY HORNETS

Ms. FUDGE moved to suspend the rules and agree to the following resolution (H. Res. 1292); as amended:

Whereas the Emporia State University (ESU) Lady Hornet basketball team defeated the Fort Lewis Skyhawks by a score of 65 to 53 to win the 2010 NCAA Women's Division II National Championship in St. Joseph, Missouri, on March 26, 2010;

Whereas this is ESU's first ever women's national basketball championship and the first national championship in any sport since being crowned the 1984 NCAA NAIA Women's Softball National Champions;

Whereas the ESU coaching staff of head coach Brandon Schneider and assistant coaches Jory Collins and Kiel Unruh guided the Lady Hornets to a final record of 30 wins and only 5 losses;

Whereas the 2010 National Champions consisted of seniors Cassondra Boston, Jamie Augustyn, Lacy Corker, and Sophia Lenard, juniors Ashley Ferrell, Negesti Taylor, Kayla Krueger, Dava Logsdon, and Alli Volkens, sophomore Brittney Miller, and freshmen Rachel Hanf, Jocelyn Cummings, and Kelsey Newman;

Whereas ESU was led by the overall Most Outstanding Player of the tournament, Alli Volkens, who recorded 16 points, 15 rebounds, and five blocks in the championship game; and

Whereas the students, staff, alumni, and friends of Emporia State University along with the city of Emporia, Kansas, deserve

much credit for their support of the Lady Hornet basketball team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Emporia State University Lady Hornet basketball team for winning the 2010 NCAA Division II National Championship; and

(2) recognizes the achievements of all the team's players, coaches, and support staff.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. FUDGE and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FUDGE objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, May 20, 2010.

The point of no quorum was considered as withdrawn.

¶62.9 H.R. 1514—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1514) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the juvenile accountability block grants program through fiscal year 2014.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 364 / Nays 45

¶62.10 [Roll No. 276]

YEAS—364

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

NAYS—45

Akin
Bartlett
Brady (TX)
Broun (GA)
Burgess
Campbell
Carter
Chaffetz
Coffman (CO)
Conaway
Culberson
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Hensarling
Herger
Inglis
Issa
Jordan (OH)
Kingston
Lamborn
Lewis (CA)
Linder
Lummis
Manzullo
Marchant
McClintock
McKeon
Mica
Miller (FL)
Miller, Gary
Neugebauer
Nunes
Owens
Poe (TX)
Price (GA)
Radanovich
Rohrabacher
Royce
Shadegg
Thornberry
Westmoreland

NOT VOTING—21

Bachus
Barrett (SC)
Bilbray
Boozman
Costa
Davis (AL)
Diaz-Balart, M.
Ellison
Farr
Garamendi
Granger
Graves
Hinchey
Holden
Kirk
Mack
Paul
Putnam
Rogers (MI)
Souder
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.11 H.R. 5325—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5325) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 261 / Nays 148

¶62.12 [Roll No. 277]

YEAS—261

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)

Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NAYS—148

Aderholt
Akin
Alexander
Austria
Bachmann
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, L.
Dreier
Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Young (AK)
Young (FL)

NOT VOTING—22

Bachus
Barrett (SC)
Bilbray
Boozman
Costa
Davis (AL)
Diaz-Balart, M.
Farr
Garamendi
Granger
Graves
Hall (NY)
Hinchey
Holden
Kirk
Lynch
Mack
Paul
Pence
Putnam
Souder
Wamp

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill, was not passed.

¶62.13 H. RES. 1325—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1325) recognizing National Missing Children's Day; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 Nays 0

¶62.14 [Roll No. 278]

YEAS—410

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

NOT VOTING—20

Bachus
Barrett (SC)
Bilbray
Boozman
Costa
Davis (AL)
Diaz-Balart, M.
Farr
Garamendi
Granger
Graves
Hinchey
Holden
Kirk
Mack
Paul
Putnam
Souder
Velázquez
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶62.15 H. RES. 1362—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1362) celebrating the life and achievements of Lena Mary Calhoun Horne and honoring her for her triumphs against racial discrimination and her steadfast commitment to the civil rights of all people.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 Nays 1

¶62.16 [Roll No. 279]

YEAS—405

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

NAYS—1

Rohrabacher

NOT VOTING—24

Bachus	Garamendi	Marshall
Barrett (SC)	Gordon (TN)	Paul
Bilbray	Granger	Poe (TX)
Boozman	Graves	Putnam
Costa	Hinchey	Reyes
Davis (AL)	Holden	Souder
Diaz-Balart, M.	Kirk	Velázquez
Farr	Mack	Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶62.17 UNIVERSITY OF TEXAS MEN'S SWIMMING AND DIVING TEAM

Ms. FUDGE moved to suspend the rules and agree to the following resolution (H. Res. 1336):

Whereas, on March 28, 2010, the University of Texas Longhorns men's swimming and diving team won the 2010 NCAA Division I national championships with 500 points;

Whereas the University of Texas at Austin, located in Austin, Texas, was founded in 1883 and serves over 50,000 students today;

Whereas the University of Texas Longhorns have won more than 40 national championships, and University of Texas athletes have won 116 Olympic medals;

Whereas 2010 marked the 10th NCAA national championship for the University of Texas men's swimming and diving team;

Whereas head coach Eddie Reese led the team to excellence and became the first men's swimming and diving coach to win NCAA team titles in four separate decades; and

Whereas senior Dave Walters and sophomore Jimmy Feigen were named the 2010 Big 12 Co-Swimmers of the Year, and sophomore Drew Livingston was named the 2010 Big 12 Diver of the Year: Now, therefore, be it

Resolved, That the House of Representatives congratulates the University of Texas men's swimming and diving team for winning the 2010 NCAA Division I national championship.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. FUDGE and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FUDGE objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, May 20, 2010.

The point of no quorum was considered as withdrawn.

¶62.18 100TH ANNIVERSARY OF NORTH CAROLINA CENTRAL UNIVERSITY

Ms. FUDGE moved to suspend the rules and agree to the following resolution (H. Res. 1361); as amended:

Whereas North Carolina Central University (NCCU) in Durham, North Carolina, was chartered in 1909 as a private institution and opened to students on July 5, 1910;

Whereas the school was founded by Dr. James E. Shepard as the National Religious Training School and Chautauqua for the Colored Race with the purpose of developing African-American men and women into citizens of fine character and sound academic training;

Whereas the school's name was changed to the National Training School in 1915, following its sale and reorganization;

Whereas the school became a publicly supported institution in 1923 under the name of the Durham State Normal School, with funding from the North Carolina General Assembly;

Whereas the General Assembly rededicated the institution as the North Carolina College for Negroes in 1925, making it the Nation's first State-supported liberal arts college for African-American students;

Whereas the college saw significant expansion between 1927 and 1929 through additional funding from the General Assembly, a generous gift from B.N. Duke, and contributions from the citizens of Durham;

Whereas the college was accredited by the Southern Association of Colleges and Secondary schools as a class ''A'' institution in

1937, and gained membership in that association in 1957;

Whereas the college was authorized to offer graduate studies in 1939, which led to the establishment of the School of Law in 1940 and the School of Library Science in 1941;

Whereas the General Assembly changed the name of the institution to North Carolina College at Durham in 1947 and, finally, to North Carolina Central University in 1969;

Whereas NCCU became part of the consolidated University of North Carolina system, which includes all 16 of North Carolina's public institutions that grant baccalaureate degrees, in 1972;

Whereas the university was led by Dr. Shepard from its inception until his death on October 6, 1947, and was led subsequently by Dr. Alfonso Elder, Dr. Samuel P. Massie, Dr. Albert N. Whiting, Dr. LeRoy T. Walker, Dr. Tyronza R. Richmond, Julius L. Chambers, Dr. James H. Ammons, and Dr. Charlie Nelms;

Whereas NCCU currently offers bachelors degrees in more than 100 fields of study and awards graduate degrees in about 40 disciplines;

Whereas the U.S. News and World Report recently ranked NCCU the number-one Public Historically Black College and University (HBCU) in the country, the number-one HBCU in North Carolina, and one of the top ten HBCUs in the country overall;

Whereas the NCCU School of Law has been named the ''Best Value Law School'' in the Nation by National Jurist magazine for two consecutive years;

Whereas NCCU has a state-of-the-art biotechnology research institute that collaborates with pharmacy and biotechnology companies in the Research Triangle area of North Carolina and trains students to meet the State's biotechnology workforce needs;

Whereas the university is home to the ''Marching Sound Machine,'' an award-winning marching band that will be performing on New Year's Day 2011 in the Rose Parade, and the NCCU Jazz Ensemble, which recently performed in the Newport Jazz Festival;

Whereas NCCU sports teams have won 41 conference championships, three NCAA regional titles, and two national championships (1989 NCAA Division II men's basketball and 1972 NAIA men's outdoor track and field);

Whereas more than 50 student-athletes from NCCU have won individual NCAA and NAIA national championships;

Whereas student-athletes representing NCCU competed in every Olympic Games from 1956 to 1976 in track and field, capturing eight Olympic medals during that time period, including five gold medals;

Whereas NCCU was the first State university in North Carolina to establish community service as a requirement for graduation and has been recognized by the Carnegie Foundation as a ''community-engaged university'';

Whereas NCCU has graduated approximately 40,000 students in the century since its founding and now has the largest freshman class in its history, with an overall record enrollment of more than 8,500 students; and

Whereas NCCU and its home city of Durham, North Carolina, have long enjoyed a close and mutually beneficial relationship, with the University's total economic impact on Durham and the surrounding region estimated at more than $300,000,000 per year, and thousands of NCCU graduates have served Durham and its citizens as leaders, educators, professionals, entrepreneurs, and volunteers: Now, therefore, be it

Resolved, that the House of Representatives—

(1) honors the memory of Dr. James E. Shepard for his role in founding North Carolina Central University;

(2) celebrates the 100th anniversary of North Carolina Central University, recognizes the University's accomplishments over the past century, and encourages North Carolina's citizens to participate in activities marking this historic occasion; and

(3) directs the Clerk of the House of Representatives to make available five enrolled copies of this resolution to Dr. Charlie Nelms, the current Chancellor of North Carolina Central University.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. FUDGE and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FUDGE objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, May 20, 2010.

The point of no quorum was considered as withdrawn.

¶62.19 CHILDHOOD OBESITY AWARENESS MONTH

Mrs. CAPPS moved to suspend the rules and agree to the following resolution (H. Res. 996); as amended:

Whereas during the past four decades, obesity rates have soared among all age groups, increasing more than fourfold among children ages 6 to 11;

Whereas 31.8 percent or 23,000,000 children and teenagers ages 2 to 19 are obese or overweight, a statistic that health and medical experts consider an epidemic;

Whereas significant disparities exist among the obesity rates of children based on race and poverty; for example on average 38 percent of Mexican-American children and 34.9 percent of African-American children ages 2 to 19 are overweight or obese, compared with 30.7 percent of White children and 39.5 percent of low-income American Indian and Alaska Native children ages 2 to 5;

Whereas the financial implications of childhood obesity pose a financial threat to our economy and health care system, carrying up to $14,000,000,000 per year in direct health care cost, with people in the United States spending about 9 percent of their total medical costs on obesity-related illnesses;

Whereas obese young people have an 80 percent chance of being obese adults and are more likely than children of normal weight to become overweight or obese adults, and therefore more at risk for associated adult health problems, including heart disease, type 2 diabetes, sleep apnea, stroke, several types of cancer, and osteoarthritis;

Whereas in part due to the childhood obesity epidemic, 1 in 3 children (and nearly 1 in 2 minority children) born in the year 2000 will develop type 2 diabetes at some point in their lifetime if current trends continue;

Whereas some consequences of childhood and adolescent obesity are psychosocial and can hinder academic and social functioning and persist into adulthood;

Whereas participating in physical activity is important for children and teens as it may have beneficial effects not only on body weight, but also on blood pressure and bone strength;

Whereas proper nutrition is important for children before birth and through their life span as nutrition has beneficial effects for health and body weight, and is important in the prevention of various chronic diseases;

Whereas childhood obesity is preventable, yet does not appear to be declining;

Whereas public, community-based, and private sector organizations and individuals throughout the United States, including First Lady Michelle Obama, are working to decrease childhood obesity rates for people in the United States of all races through a range of efforts, including educational presentations, media campaigns, Web sites, policies, healthier food options, and greater opportunities for physical activity; and

Whereas America on the Move, American Beverage Association, American College of Sports Medicine, American Diabetes Association, American Dietetic Association, American Heart Association, American Medical Association, American Medical Group Association, American Sleep Apnea Association, American Society of Bariatric Physicians, American Society for Metabolic and Bariatric Surgery, American Society for Nutrition, American Society of Landscape Architects, Amerinet, BET Foundation, Black Leadership Forum, Black Women's Health Imperative, Campaign to End Obesity, Canyon Ranch Institute, Center for Science in the Public Interest, Children's Health Fund, Children's National Medical Center, Children Now, COSHAR Foundation, First Focus, Grocery Manufacturers Association, Healthcare Leadership Council, HealthCorps, Healthways, International, Health, Racquet, and Sportsclub Association, Medical Fitness Association, NAACP, National Association of Children's Hospitals, National Association of Chronic Disease Directors, National Association of School Nurses, National Association for Sport and Physical Education, National Black Nurses Association, National Collaboration for Youth, National Congress of Black Women, Inc., National Council of Urban Indian Health, National Family Caregivers Association, National Football League, National Football League Players Association, National Indian Health Board, National Latina Health Network, National League of Cities, National Medical Association, National Recreation and Park Association, Nemours, Obesity Action Coalition, Partnership to Fight Chronic Disease, Partnership for Prevention, PepsiCo, Richard Simmons' Ask America PE Crusade, Safe Routes to School National Partnership, ShapeUp America!, STOP Obesity Alliance, The Coca-Cola Company, The Obesity Society, Trust for America's Health, United Fresh Produce Association, United Way, University Hospitals Rainbow Babies & Children's Hospital, U.S. Conference of Mayors, U.S. Preventive Medicine, Inc., Voices for America's Children, YMCA of the USA, YWCA USA, and other organizations support the designation of September as National Childhood Obesity Awareness Month to educate the public about the need for increased education and proactive steps to prevent childhood obesity in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Childhood Obesity Awareness Month to raise public awareness and mobilize the country to address childhood obesity;

(2) recognizes the importance of preventing childhood obesity and decreasing its prevalence in the United States; and

(3) requests that the President encourage the Federal Government, States, tribes and

tribal organizations, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of promoting healthy eating and physical activity and increasing awareness of childhood obesity among individuals of all ages and walks of life.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mrs. CAPPS and Mr. PITTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. CAPPS objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, May 20, 2010.

The point of no quorum was considered as withdrawn.

¶62.20 AUTOMOBILE DEALERSHIPS

Mrs. CAPPS moved to suspend the rules and agree to the following resolution (H. Res. 713); as amended:

Whereas auto dealers have deep roots in local communities and have helped manufacturers with long-term customer relationships that create brand loyalty and maintain customer convenience;

Whereas dealerships across the country provide jobs, give direct investments to local economies, and supply tax revenue to State and local governments;

Whereas virtually all new cars and light trucks bought in the United States are sold through franchised dealers;

Whereas dealers are independently owned, and combined, represent the largest retail business in the United States, with approximately $693,000,000,000 in revenues in 2007;

Whereas auto dealers are significant employers in local communities across the country;

Whereas franchised dealers employ over 1,100,000 people, comprise nearly 20 percent of all retail sales in the United States, and, in total, pay billions annually in state and local taxes;

Whereas the Nation's 20,700 independent franchised new car dealerships comprise an industry that is largely privately held, with private ownership accounting for 92 percent of the market;

Whereas the franchised dealership system in the United States is the independent link between the manufacturer's assembly line and the consumer and its functions include, but are not limited, to the following—

(1) selling the product and providing information for consumers;

(2) holding vehicle and parts inventory;

(3) performing service and providing parts to fulfill manufacturer warranty obligations;

(4) handling product safety recalls;

(5) facilitating the exchange of used vehicles; and

(6) arranging financing for consumers;

Whereas some restructuring of dealer networks was in the public interest and necessary to increase the competitiveness of automobile manufacturers;

Whereas the economic downturn put thousands of jobs at risk, including those at automobile dealerships and automobile manufacturers; and

Whereas auto dealers will play a key role in any effort to revive the United States auto industry: Now, therefore, be it

Resolved, That—

(1) the House of Representatives recognizes the significant contributions of United States automobile dealerships; and

(2) it is the sense of the House of Representatives that automobile dealerships which have been successful and are being closed not of their own doing, but instead as a function of the auto market as a whole, should be given consideration to obtain a dealership franchise when the automobile market rebounds and stabilizes.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mrs. CAPPS and Mr. PITTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution recognizing the significant contributions of United States automobile dealerships, and expressing the sense of the House of Representatives that in the interest of equity, automobile dealers be given consideration to enter the automobile market once it rebounds and stabilizes.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶62.21 DISPLAY OF SERVICE FLAGS

Mr. MOORE of Kansas, moved to suspend the rules and pass the bill (H.R. 2546) to ensure that the right of an individual to display the Service flag on residential property not be abridged.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. MOORE of Kansas, and Ms. JENKINS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.22 ARMY FIVE STAR GENERALS

Mr. MOORE of Kansas, moved to suspend the rules and pass the bill (H.R. 1177) to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College; as amended.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. MOORE of Kansas, and Ms. JENKINS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MOORE of Kansas, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, May 20, 2010.

The point of no quorum was considered as withdrawn.

¶62.23 STEWART LEE UDALL DEPARTMENT OF THE INTERIOR BUILDING

Mr. TEAGUE moved to suspend the rules and pass the bill (H.R. 5128) to designate the Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''; as amended.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. TEAGUE and Mr. CAO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TEAGUE objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, May 20, 2010.

The point of no quorum was considered as withdrawn.

¶62.24 NATIONAL FOSTER CARE MONTH

Mr. MCDERMOTT moved to suspend the rules and agree to the following resolution (H. Res. 1339):

Whereas on average, the Nation's foster care system provides for nearly 500,000 children each day who are unable to live safely with their biological parents;

Whereas there is a shortage of foster parents and great need for their services, as there are fewer than 3 foster homes for every 10 children in care;

Whereas foster parents are the most front-line caregiver for children who cannot safely remain with their biological parents and provide physical care, emotional support, education advocacy, and are the largest single source of families providing permanent homes for kids leaving foster care to adoption;

Whereas 273,000 children entered the foster care system during fiscal year 2008 and an average of 123,000 children were waiting to be adopted every day;

Whereas almost 55,000 children were adopted out of foster care in fiscal year 2008, but the number of children ''aging out'' of the foster care system without finding a permanent family increased to an all-time high of nearly 30,000 in fiscal year 2008;

Whereas children ''aging out'' of foster care need and deserve a support system as they work to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas youth in foster care are much more likely to face educational instability with 65 percent of former foster children experiencing at least 7 school changes while in care;

Whereas an increased emphasis on prevention and reunification services is necessary to reduce the number of children that are forced to enter the foster care system;

Whereas Federal legislation over the past three decades, including the Adoption Assistance and Safe Families Act of 1980, the Adoption and Safe Families Act of 1997, and the Fostering Connections to Success and Increasing Adoptions Act of 2008, provided new investments and services to improve the outcomes of children in the foster care system;

Whereas foster children, like all children, deserve no less than a safe, loving, and permanent home; and

Whereas May would be an appropriate month to designate as National Foster Care Month to provide an opportunity to acknowledge the accomplishments of the child welfare workforce, foster parents, advocacy community, and mentors and the positive impact they have on children's lives: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Foster Care Month;

(2) honors the tireless efforts of those who work to improve outcomes for children in the child welfare system;

(3) acknowledges the exceptional alumni of the foster care system who serve as advocates and role models for youth who remain in care;

(4) recognizes the significant improvements to Federal, State, and local child welfare policy; and

(5) reaffirms the need to work through the title IV programs in the Social Security Act and other programs to support vulnerable families, invest in prevention and reunification services, promote adoption in cases where reunification is not in a child's best interest, adequately serve those children brought into the foster care system, and facilitate the successful transition into adulthood for children that ''age out'' of the foster care system.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. MCDERMOTT and Mr. LINDER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCDERMOTT objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, May 20, 2010.

The point of no quorum was considered as withdrawn.

¶62.25 OFFICE OF THE HIGH REPRESENTATIVE AND INTERNATIONAL CIVILIAN OFFICE

Mr. MCMAHON moved to suspend the rules and pass the bill (H.R. 5139) to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo; as amended.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. MCMAHON and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.26 QINGHAI PROVINCE OF CHINA EARTHQUAKE

Mr. MCMAHON moved to suspend the rules and agree to the following resolution (H. Res. 1324):

Whereas, on April 14, 2010, an earthquake measuring 6.9 on the Richter scale struck the Qinghai province of southwest China;

Whereas the China Earthquake Networks Administration confirmed the earthquake struck in Yushu County, a remote and mountainous area sparsely populated by farmers and herdsmen;

Whereas the population of Yushu County is overwhelmingly poor, with rural residents earning an average of $342 a year, largely from agriculture;

Whereas at least 18 aftershocks measuring more than 6.0 on the Richter scale followed the quake throughout the day in the seismically active zone;

Whereas over 2,000 people have been killed and over 10,000 injured, numbers that are feared to climb;

Whereas an unknown number of individuals remain buried in debris as soldiers work around the clock to dig them out by hand;

Whereas at least 40 people remain trapped under a collapsed office building that houses the local Departments of Commerce and Industry of the Peoples Republic of China and many children and young adults still lie beneath the rubble of collapsed primary and vocational schools;

Whereas officials expect the death toll will rise because rescue efforts are stymied by a lack of heavy equipment and the mountainous terrain;

Whereas medical supplies and tents are also in short supply;

Whereas China Central Television and the Red Cross Society of China estimate that 90 percent of homes and 70 percent of schools in the region have been destroyed;

Whereas the region that includes Yushu County is located on the Tibetan plateau, and many villages sit well above 16,000 feet, with freezing temperatures not uncommon in mid-April;

Whereas by the evening of April 14, 2010, temperatures in the county seat had already reached 27 degrees Fahrenheit;

Whereas thousands of Tibetan monks, many of whom traveled long distances from other Tibetan areas, have played a vital role in relief efforts, providing food and assistance, and tending to the basic and spiritual needs of the victims;

Whereas in order to prevent a flood, workers are racing to release water from a reservoir in the disaster area after discovering that a crack had formed in the dam due to the earthquake;

Whereas many survivors have already fled to the surrounding mountains, amid fears that a nearby dam could be ruptured by the aftershocks hitting the area;

Whereas news media reported that 700 paramilitary officers are already working in the quake zone and that more than 4,000 others will be sent to assist in search and rescue efforts;

Whereas the Civil Affairs Ministry said it would also send 5,000 tents and 100,000 coats and blankets; and

Whereas the international community is sending much needed supplies and supporting local Chinese relief efforts: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest condolences and sympathies for the loss of life and the physical and psychological damage caused by the earthquake of April 14, 2010;

(2) expresses solidarity with the people of the Qinghai province, Tibetan-Americans, Chinese-Americans, and all those who have lost loved ones or have otherwise been affected by the tragedy, including rescue and humanitarian workers;

(3) reaffirms the United States pledge, issued by Secretary of State Hillary Rodham Clinton, to stand ready to assist the people of China during this difficult period; and

(4) expresses support for the recovery and long-term reconstruction needs of the residents of the areas affected by the earthquake, including the restoration of monasteries and other Tibetan Buddhist sites that are integral to the preservation of Tibetan culture and religious traditions.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. MCMAHON and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCMAHON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, May 20, 2010.

The point of no quorum was considered as withdrawn.

¶62.27 CONSULATE IN THE KURDISTAN REGION OF IRAQ

Mr. MCMAHON moved to suspend the rules and agree to the following resolution (H. Res. 873); as amended:

Whereas 15 countries, including leading European nations, have diplomatic and consulate representation in Erbil, the capital of the Kurdistan Region of Iraq;

Whereas the United States Department of State modified its Travel Warning for Iraq this year to reflect the relative safety and security of the Kurdistan Region of Iraq;

Whereas the establishment of a United States Consulate in the Kurdistan Region of Iraq, as well as in other regions of Iraq, is consistent with current United States policy to normalize United States–Iraqi relations at the diplomatic, commercial, cultural, and educational levels as United States Armed Forces responsibly redeploy from Iraq in accordance with the Status of Forces Agreement between the United States and Iraq;

Whereas greater United States Government civilian representation throughout Iraq, including in the Kurdistan Region, will serve United States interests during this period of transition;

Whereas the establishment of a United States Consulate in the Kurdistan Region of Iraq will increase travel between the United States and Iraq and thus strengthen people-to-people exchanges between both sides;

Whereas currently, United States citizens either living in or visiting the Kurdistan Region of Iraq must travel to the United States Embassy in Baghdad, 200 miles away, to receive consular services;

Whereas the establishment of a United States Consulate in the Kurdistan Region of Iraq will be helpful both in attracting greater United States business and investment to the region and in ensuring that the region continues to serve as a ''gateway'' to United States business success in other parts of Iraq, as a number of United States Government agencies have advocated;

Whereas the establishment of a United States Consulate in the Kurdistan Region of Iraq will reaffirm United States support for the stability, prosperity, and democracy that the Kurdistan Region of Iraq has achieved;

Whereas the establishment of a United States Consulate in Iraq, including in the Kurdistan Region will facilitate more governmental and nongovernmental missions between the United States and the Iraq;

Whereas the Kurds of Iraq have been willing partners with the United States in the democratic transition in Iraq since 2003;

Whereas the United States and the Kurdistan Regional Government (KRG) have been full partners in the battle against terrorists who seek to undermine progress toward an Iraq that is prosperous, free, and federal;

Whereas the establishment of a United States Consulate in the Kurdistan Region and in other regions will play a helpful role in continuing to safeguard Iraq's territorial integrity from external aggression and support United States and Iraqi diplomatic initiatives that seek to prevent outside interference in Iraq's affairs;

Whereas the establishment of a United States Consulate in the Kurdistan Region of Iraq will also foster continued dialogue between the United States and the KRG; and

Whereas the establishment of a United States Consulate in the Kurdistan Region of Iraq will positively contribute to continued diplomatic initiatives between the KRG and Turkey: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls on the Department of State to establish a United States Consulate in the Kurdistan Region of Iraq, as well as in other appropriate regions of Iraq; and

(2) affirms that the establishment of a United States Consulate in the Kurdistan Region as well as in other regions of Iraq will be an important United States diplomatic step in supporting stability, prosperity, human rights, and democracy throughout Iraq.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. MCMAHON and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution calling for the establishment of a United States Consulate in the Kurdistan Region of Iraq along with similar efforts in other areas of Iraq.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶62.28 IRON DOME ANTI-MISSILE DEFENSE SYSTEM

Mr. MCMAHON moved to suspend the rules and pass the bill (H.R. 5327) to authorize assistance to Israel for the Iron Dome anti-missile defense system; as amended.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. MCMAHON and Mr. POE of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCMAHON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, May 20, 2010.

¶62.29 PROVIDING FOR INVESTIGATION INTO UNDERGROUND COAL MINING SAFETY

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 111–487) the resolution (H. Res. 1363) granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigation into underground coal mining safety.

When said resolution and report were referred to the House Calendar and ordered printed.

¶62.30 H.R. 5099—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5099) to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the ''Michael C. Rothberg Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 / Nays 1

¶62.31 [Roll No. 280]

YEAS—410

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

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

NAYS—1

Young (AK)

NOT VOTING—19

Bachus
Barrett (SC)
Bilbray
Boozman
Cantor
Costa
Davis (AL)
Diaz-Balart, M.
Garamendi
Graves
Hinchey
Holden
Kirk
Lynch
McCarthy (CA)
Paul
Putnam
Souder
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.32 H. RES. 403—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 403) expressing the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	405
Nays	2
Answered present	1

¶62.33 [Roll No. 281]

YEAS—405

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

NAYS—2

Flake
Young (AK)

ANSWERED ''PRESENT''—1

Bishop (UT)

NOT VOTING—22

Bachus
Barrett (SC)
Bilbray
Boozman
Cantor
Costa
Davis (AL)
Diaz-Balart, M.
Garamendi
Granger
Graves
Hinchey
Holden
Kirk
Lewis (CA)
McCaul
Meeks (NY)
Owens
Paul
Putnam
Souder
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶62.34 H. RES. 1292—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1292) congratulating the Emporia State University Lady Hornets women's basketball team for winning the 2010 NCAA Division II National Championship; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	407
Nays	1
Answered present	1

¶62.35 [Roll No. 282]

AYES—407

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

NOES—1

Young (AK)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—21

Bachus
Barrett (SC)
Bilbray
Boozman
Camp
Costa
Davis (AL)
Diaz-Balart, M.
Garamendi
Graves
Grijalva
Herger
Hinchey
Holden
Kirk
Paul
Putnam
Roe (TN)
Souder
Velázquez
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶62.36 H. RES. 1364—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1364) honoring the historic and community significance of the Chatham County Courthouse and expressing condolences to Chatham County and the town of Pittsboro for the fire damage sustained by the courthouse on March 25, 2010.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Florida, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	406
Nays	1

¶62.37 [Roll No. 283]

AYES—406

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boren
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)

Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—1

Young (AK)

NOT VOTING—23

Bachus
Barrett (SC)
Bilbray
Boozman
Boswell
Costa
Davis (AL)
Diaz-Balart, M.
Ellison
Garamendi
Gordon (TN)
Graves
Gutierrez
Hinchey
Holden
Kirk
Paul
Putnam
Rogers (MI)
Sarbanes
Souder
Velázquez
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶62.38 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 736. An Act to provide for improvements in the Federal hiring process, and for other purposes; to the Committee on Oversight and Government Reform.

¶62.39 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5014. An Act to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

¶62.40 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1782. An Act to provide improvements for the operations of the Federal courts, and for other purposes.

¶62.41 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BACHUS, for today and May 20; and

To Mr. KIRK, for today and balance of the week.

And then,

¶62.42 ADJOURNMENT

On motion of Mr. HONDA, at 9 o'clock and 4 minutes p.m., the House adjourned.

¶62.43 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 1363. Resolution granting the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives to the Committee on Education and Labor for purposes of its investigation into underground coal mining safety (Rept. 111–487). Referred to the House Calendar.

¶62.44 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself, Mr. ROHRABACHER, Mrs. MCMORRIS RODGERS, Mr. HERGER, Mr. BISHOP of Utah, Mr. CALVERT, and Mr. FRANKS of Arizona):

H.R. 5339. A bill to direct the Secretary of the Interior to sell certain Federal lands in Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, and Wyoming, previously identified as suitable for disposal, and for other purposes; to the Committee on Natural Resources.

By Mr. GARRETT of New Jersey:

H.R. 5340. A bill to allow a State to opt out of K-12 education grant programs and the requirements of those programs, to amend the Internal Revenue Code of 1986 to provide a credit to taxpayers in such a State, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself, Mr. STUPAK, Mr. HOEKSTRA, Mr. EHLERS, Mr. CAMP, Mr. KILDEE, Mr. UPTON, Mr. SCHAUER, Mr. PETERS, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. LEVIN, Ms. KILPATRICK of Michigan, and Mr. CONYERS):

H.R. 5341. A bill to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the ''Joyce Rogers Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. BISHOP of Utah (for himself, Mrs. MCMORRIS RODGERS, Mrs. LUMMIS, Mr. HERGER, Mr. YOUNG of Alaska, and Mr. CHAFFETZ):

H.R. 5342. A bill to prohibit the use of the National Environmental Policy Act of 1969 to document, predict, or mitigate the climate effects of specific Federal actions; to the Committee on Natural Resources.

By Ms. HERSETH SANDLIN (for herself and Mr. HODES):

H.R. 5343. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for advanced biofuel production property; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KRATOVIL:

H.R. 5344. A bill to authorize the Secretary of the Interior, through the Coastal Program of the United States Fish and Wildlife Service, to work with willing partners and provide support to efforts to assess, protect, restore, and enhance important coastal areas that provide fish and wildlife habitat on which Federal trust species depend; to the Committee on Natural Resources.

By Ms. SPEIER (for herself, Ms. ESHOO, and Mr. QUIGLEY):

H.R. 5345. A bill to amend title 49, United States Code, to require the Secretary of Transportation to promulgate rules requiring that motor vehicles of model year 2012 or later be equipped with event data recorders compatible with a universal data retrieval method and that the data in event data recorders on motor vehicles prior to model year 2012 be readable by the National Highway Traffic Safety Administration, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi:

H.R. 5346. A bill to enhance homeland security in the ports and waterways of the

United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KILROY (for herself and Mr. AL GREEN of Texas):

H. Con. Res. 280. Concurrent resolution expressing the sense of Congress that BP p.l.c. should reimburse all costs incurred by the Federal Government in assisting with cleanup efforts in the Deepwater Horizon oil spill incident in the Gulf of Mexico; to the Committee on Transportation and Infrastructure.

By Mr. MCCOTTER (for himself, Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. MCCAUL, Mr. INGLIS, and Mr. POLIS):

H. Res. 1371. A resolution condemning the selection of the Government of Iran to serve on the United Nations Commission on the Status of Women; to the Committee on Foreign Affairs.

By Mr. BROUN of Georgia (for himself, Mr. BARROW, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. PRICE of Georgia, Mr. WESTMORELAND, Ms. TITUS, Mr. THOMPSON of Pennsylvania, Mr. GINGREY of Georgia, Mr. SCOTT of Georgia, and Mr. LEWIS of Georgia):

H. Res. 1372. A resolution honoring the University of Georgia Graduate School on the occasion of its centennial; to the Committee on Education and Labor.

By Mr. ALTMIRE:

H. Res. 1373. A resolution expressing support for designation of the week beginning May 2, 2010, as ''National Physical Education and Sport Week''; to the Committee on Education and Labor.

By Mr. CASSIDY:

H. Res. 1374. A resolution providing that all revenue derived from the excise tax on oil production should continue to pay for the cleanup of, and the damages incurred by all individuals, businesses, States, municipalities, and natural resources negatively impacted by, the current oil spill in the Gulf of Mexico and any future spills; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOPER (for himself, Mr. TANNER, Mr. BOSWELL, Mrs. MALONEY, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. COHEN, Mrs. BLACKBURN, Ms. FUDGE, Ms. SHEA-PORTER, Mr. MELANCON, Ms. MARKEY of Colorado, Ms. BORDALLO, Ms. MATSUI, Ms. LEE of California, Ms. ESHOO, Ms. JENKINS, Mr. GORDON of Tennessee, Mr. ROE of Tennessee, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. BACA, Mrs. SCHMIDT, Mr. MOORE of Kansas, Mr. SCHIFF, Mr. HILL, and Mrs. MCMORRIS RODGERS):

H. Res. 1375. A resolution recognizing the 90th anniversary of the 19th Amendment; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H. Res. 1376. A resolution expressing the sense of the House of Representatives that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent; to the Committee on Foreign Affairs.

By Mr. HONDA (for himself and Ms. CHU):

H. Res. 1377. A resolution honoring the accomplishments of Norman Yoshio Mineta, and for other purposes; to the Committee on House Administration.

By Mr. LEWIS of California (for himself, Mr. MCKEON, Mr. CALVERT, and Mr. YOUNG of Alaska):

H. Res. 1378. A resolution condemning the theft from the Mojave National Preserve of the national Mojave Cross memorial honoring American soldiers who died in World War I; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself, Mr. COSTA, Mr. SMITH of New Jersey, and Mrs. MALONEY):

H. Res. 1379. A resolution expressing the sense of Congress with respect to domestic sex trafficking of minors; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶62.45 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Ms. NORTON and Mr. SALAZAR.
H.R. 82: Mr. MCCOTTER.
H.R. 275: Mrs. MCMORRIS RODGERS, Ms. HIRONO, and Mr. BUCHANAN.
H.R. 422: Mr. SENSENBRENNER.
H.R. 471: Mr. RAHALL.
H.R. 537: Mr. TERRY.
H.R. 571: Ms. KILPATRICK of Michigan.
H.R. 745: Mr. ELLSWORTH.
H.R. 891: Ms. NORTON.
H.R. 953: Mr. MCCAUL, Ms. RICHARDSON, and Mr. CARNAHAN.
H.R. 1036: Ms. NORTON and Mr. YOUNG of Alaska.
H.R. 1074: Mr. BOYD.
H.R. 1570: Mr. ELLSWORTH.
H.R. 1581: Ms. ESHOO.
H.R. 1618: Ms. HARMAN.
H.R. 1718: Mr. DUNCAN.
H.R. 1806: Mr. QUIGLEY, Mr. CLEAVER, and Mr. KANJORSKI.
H.R. 1844: Mr. DELAHUNT.
H.R. 2103: Ms. SCHWARTZ, Ms. GRANGER, and Mr. CUMMINGS.
H.R. 2132: Mr. COURTNEY.
H.R. 2142: Mr. NYE.
H.R. 2198: Mr. CALVERT.
H.R. 2273: Ms. LEE of California, Mr. MOORE of Kansas, and Ms. WOOLSEY.
H.R. 2275: Mr. SHERMAN.
H.R. 2324: Ms. CHU.
H.R. 2483: Mr. CAPUANO, Mr. TERRY, Mr. STARK, Mr. SMITH of New Jersey, and Mr. WEINER.
H.R. 2485: Mr. SCHAUER.
H.R. 2527: Mr. ELLSWORTH.
H.R. 2546: Mr. OWENS and Ms. SUTTON.
H.R. 2558: Mr. ELLISON.
H.R. 2570: Ms. NORTON.
H.R. 2575: Ms. WOOLSEY.
H.R. 2579: Ms. BORDALLO.
H.R. 2697: Mr. OWENS, Ms. GIFFORDS, Ms. LEE of California, Mr. LOBIONDO, and Mr. MORAN of Kansas.
H.R. 2849: Mr. LYNCH.
H.R. 2963: Mr. LOEBSACK.
H.R. 3077: Mr. KENNEDY, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. CUMMINGS, Ms. VELÁZQUEZ, Mr. CAPUANO, Mr. CROWLEY, and Mr. CONNOLLY of Virginia.
H.R. 3181: Mr. TONKO.
H.R. 3267: Mr. KAGEN.
H.R. 3421: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Mr. SERRANO, and Mr. PETERS.
H.R. 3441: Ms. NORTON.
H.R. 3464: Mr. LOBIONDO, Mr. DUNCAN, Mr. DONNELLY of Indiana, Mr. HILL, and Mr. LATTA.
H.R. 3526: Mr. HINCHEY.
H.R. 3595: Mr. CARTER.
H.R. 3729: Ms. CLARKE.
H.R. 3749: Mr. DUNCAN.
H.R. 3888: Ms. SPEIER.
H.R. 3924: Mr. BONNER.
H.R. 3990: Mr. JACKSON of Illinois.
H.R. 4000: Ms. JACKSON LEE of Texas.
H.R. 4090: Mr. HOLT.
H.R. 4109: Mr. PERRIELLO.
H.R. 4123: Mr. MURPHY of Connecticut, Mr. HONDA, Mr. PASTOR of Arizona, Ms. JACKSON-LEE of Texas, Mr. CONYERS, Mr. BACA, and Mr. CARNAHAN.
H.R. 4202: Mr. CHANDLER and Ms. CASTOR of Florida.
H.R. 4278: Mr. PERRIELLO.
H.R. 4309: Ms. BEAN.
H.R. 4325: Mr. BISHOP of New York and Mr. PALLONE.
H.R. 4351: Mr. RYAN of Ohio and Ms. WOOLSEY.
H.R. 4389: Mr. PLATTS.
H.R. 4509: Mr. HODES.
H.R. 4598: Mr. MOORE of Kansas.
H.R. 4638: Mr. BACA and Mr. FARR.
H.R. 4650: Ms. ZOE LOFGREN of California and Mr. DOYLE.
H.R. 4692: Mr. RAHALL.
H.R. 4709: Mr. HOLT.
H.R. 4732: Mr. ROHRABACHER.
H.R. 4733: Mr. HALL of New York.
H.R. 4785: Mr. PRICE of North Carolina, Mr. KRATOVIL, Mr. THOMPSON of Pennsylvania, and Mr. BLUMENAUER.
H.R. 4788: Mr. MARSHALL, Mr. TONKO, Mr. SHERMAN, Mr. HINCHEY, Ms. LINDA T. SÁNCHEZ of California, and Mr. BACA.
H.R. 4797: Ms. DEGETTE.
H.R. 4877: Ms. RICHARDSON and Mr. PASCRELL.
H.R. 4914: Ms. SCHAKOWSKY, Mr. WU, Mr. SCOTT of Virginia, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4920: Mr. PASCRELL.
H.R. 4925: Mr. GRIJALVA.
H.R. 4941: Ms. LORETTA SANCHEZ of California and Mr. OWENS.
H.R. 4973: Mr. ROSS.
H.R. 4993: Mr. OWENS and Mr. LATHAM.
H.R. 4999: Mr. BARRETT of South Carolina.
H.R. 5000: Mr. COURTNEY.
H.R. 5015: Ms. KILROY.
H.R. 5034: Mr. DEUTCH and Mrs. CAPITO.
H.R. 5044: Mr. LUJÁN, Mr. HILL, and Mr. HIMES.
H.R. 5078: Ms. BEAN and Mrs. MYRICK.
H.R. 5091: Mr. PAYNE and Mr. STARK.
H.R. 5092: Mr. WALDEN, Mr. COOPER, Mr. HONDA, Mr. JACKSON of Illinois, Mr. ENGEL, Ms. BEAN, Mrs. DAHLKEMPER, Mr. BAIRD, Mr. OWENS, Mrs. MCCARTHY of New York, Mr. LATHAM, Mr. STEARNS, Mr. TOWNS, Mr. VISCLOSKY, Ms. CLARKE, Mr. GRAYSON, and Mr. MAFFEI.
H.R. 5095: Mr. CALVERT.
H.R. 5113: Mr. BACA and Ms. NORTON.
H.R. 5121: Ms. CASTOR of Florida, Ms. JACKSON LEE of Texas, Mr. FILNER, and Ms. WASSERMAN SCHULTZ.
H.R. 5137: Ms. ZOE LOFGREN of California.
H.R. 5141: Mr. COFFMAN of Colorado, Mrs. MCMORRIS RODGERS, and Mr. POE of Texas.
H.R. 5162: Mr. BARRETT of South Carolina.

H.R. 5175: Mr. PRICE of North Carolina and Mr. HODES.
H.R. 5177: Mr. TERRY, Mr. OLSON, and Mr. YOUNG of Florida.
H.R. 5186: Mr. OLSON.
H.R. 5206: Mr. KAGEN.
H.R. 5207: Mr. ALEXANDER.
H.R. 5220: Ms. EDWARDS of Maryland and Mr. SABLAN.
H.R. 5241: Mr. COHEN, Mr. HOLT, Mrs. CHRISTENSEN, Mr. GRAYSON, Mr. MICHAUD, Ms. WASSERMAN SCHULTZ, Mr. CHANDLER, Ms. PINGREE of Maine, Mr. ROTHMAN of New Jersey, Mr. HONDA, Ms. SCHAKOWSKY, and Mr. GEORGE MILLER of California.
H.R. 5256: Mr. PASTOR of Arizona.
H.R. 5258: Mr. HERGER, Mr. INGLIS, and Ms. JENKINS.
H.R. 5260: Ms. MOORE of Wisconsin, Mr. COURTNEY, and Mr. TONKO.
H.R. 5268: Mr. CAPUANO, Ms. PINGREE of Maine, Mr. STARK, Ms. ESHOO, and Ms. ZOE LOFGREN of California.
H.R. 5270: Mr. SABLAN.
H.R. 5276: Mr. MORAN of Kansas, Mr. HALL of Texas, Mr. COFFMAN of Colorado, Mr. WAMP, Mr. HARPER, Mr. BURGESS, Mr. TIM MURPHY of Pennsylvania, Mr. MARIO DIAZ-BALART of Florida, and Mr. POSEY.
H.R. 5294: Mr. BOREN.
H.R. 5298: Ms. KILPATRICK of Michigan, Mr. PASTOR of Arizona, and Mr. YOUNG of Alaska.
H.R. 5299: Mr. BACHUS, Mr. CALVERT, Mr. BUCHANAN, Mr. LATTA, Mr. OLSON, Mr. MORAN of Kansas, and Mr. REHBERG.
H.R. 5318: Mr. DUNCAN, Mrs. MCMORRIS RODGERS, Mr. BUYER, and Mr. LATTA.
H.R. 5319: Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. GOHMERT, Mr. KING of Iowa, Mr. KINGSTON, Mr. GINGREY of Georgia, Mr. DAVIS of Kentucky, Mrs. BACHMANN, Mr. CHAFFETZ, Mrs. SCHMIDT, Mr. MARCHANT, Mr. LATTA, Mr. HERGER, Mr. DANIEL E. LUNGREN of California, and Mr. BISHOP of Utah.
H.R. 5327: Mr. MCKEON, Mr. CUELLAR, Mrs. MCCARTHY of New York, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. MITCHELL, Mr. SKELTON, Mr. FALEOMAVAEGA, Mr. MORAN of Virginia, Mrs. MALONEY, Mr. ISRAEL, Mr. POLIS, Mr. BURTON of Indiana, Mr. INGLIS, Mr. POE of Texas, and Mr. HENSARLING.
H.J. Res. 42: Mr. ELLSWORTH.
H. Con. Res. 198: Mr. CASTLE, Ms. SHEA-PORTER, Mr. WU, Ms. CLARKE, and Mr. KILDEE.
H. Con. Res. 266: Mr. GALLEGLY.
H. Con. Res. 270: Mr. STARK.
H. Con. Res. 274: Mr. HOEKSTRA and Mr. YOUNG of Alaska.
H. Con. Res. 279: Mrs. SCHMIDT.
H. Res. 173: Mr. PLATTS and Mr. SHERMAN.
H. Res. 584: Mr. ETHERIDGE and Mr. MCINTYRE.
H. Res. 873: Mr. GOODLATTE, Mr. HIMES, and Mr. VAN HOLLEN.
H. Res. 1053: Mrs. BLACKBURN.
H. Res. 1056: Mrs. BLACKBURN.
H. Res. 1073: Mr. COFFMAN of Colorado, Mr. HODES, Mr. COOPER, Mr. TANNER, and Mr. MURPHY of New York.
H. Res. 1106: Mr. REYES.
H. Res. 1211: Ms. EDWARDS of Maryland, Mr. HINOJOSA, Mr. GRIJALVA, and Mr. FILNER.
H. Res. 1241: Mr. ADERHOLT, Mr. BONNER, Mr. SMITH of Texas, and Mr. SHIMKUS.
H. Res. 1273: Mr. MCKEON.
H. Res. 1285: Mr. MITCHELL.
H. Res. 1302: Mr. MURPHY of New York, Mr. SESSIONS, Mr. GONZALEZ, and Mr. RUSH.
H. Res. 1313: Mr. COOPER, Mr. SHULER, Mr. HARPER, and Mr. BRIGHT.
H. Res. 1325: Mr. PUTNAM.
H. Res. 1330: Ms. WASSERMAN SCHULTZ and Mr. CONNOLLY of Virginia.
H. Res. 1331: Ms. ZOE LOFGREN of California.
H. Res. 1342: Ms. SUTTON, Mr. CONYERS, Mr. ELLISON, Ms. BALDWIN, Mr. PERLMUTTER, Mr. SABLAN, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. WAXMAN, Mrs. KIRKPATRICK of Arizona, Mr. KUCINICH, and Mr. MURPHY of New York.
H. Res. 1352: Mr. MCCAUL.
H. Res. 1355: Mr. STARK.
H. Res. 1357: Ms. ZOE LOFGREN of California, Ms. ESHOO, Mr. MARKEY of Massachusetts, Mr. FILNER, Mr. HONDA, Ms. MATSUI, Ms. KILROY, Mr. DANIEL E. LUNGREN of California, Mr. DREIER, Mr. ROYCE, and Mr. CARDOZA.
H. Res. 1369: Mr. BISHOP of Georgia, Ms. WATERS, Mr. CLEAVER, Ms. FUDGE, Mr. FATTAH, Mr. CLAY, Mr. THOMPSON of Mississippi, Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Mr. TOWNS, Mr. WATT, Ms. EDWARDS of Maryland, Mr. CONYERS, Ms. WATSON, Ms. NORTON, and Ms. EDDIE BERNICE JOHNSON of Texas.

THURSDAY, MAY 20, 2010 (63)

¶63.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, who laid before the House the following communication:

WASHINGTON, DC,
May 20, 2010.

I hereby appoint the Honorable LORETTA SANCHEZ to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶63.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced she had examined and approved the Journal of the proceedings of Wednesday, May 19, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶63.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7560. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Florida Avocado Crop Insurance Provisions (RIN: 0563-AC22) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7561. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations, Basic Provisions; and Various Crop Insurance Provisions (RIN: 0563-AB96) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7562. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — a-(p-Nonylphenol)-w-hydroxypoly(oxyeth lene) Sulfate and Phosphate Esters; Time-Limited Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0892; FRL-8826-3] received May 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7563. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — a-[p-(1,1,3,3-Tetramethylbutyl)phenyl]-w-hydroxypoly(oxyethylene); Time-Limited Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0890; FRL-8824-3] received May 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7564. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Prevention of Salmonella Enteritidis in Shell Eggs During Production, Storage, and Transportation; Change of Registration Date, Address, and Telephone Number; Technical Amendment [Docket No.: FDA-2000-N-0190] received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7565. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of California; Legal Authority [EPA-R09-OAR-2009-0269; FRL-9152-6] received May 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7566. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's ''Major'' final rule — Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule [EPA-HQ-OAR-2009-0517; FRL-9152-8] (RIN: 2060-AP86) received May 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7567. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7568. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7569. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7570. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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7591. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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7593. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7594. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7595. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7596. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7597. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7598. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7599. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7600. A letter from the Executive Analyst, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7601. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan [Docket No.: 100119028-0123-02] (RIN: 0648-AY31) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7602. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XV45) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7603. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XU72) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7604. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less than 60 feet (18.3m) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XV54) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7605. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area [Docket No.: 080521698-9067-02] (RIN: 0648-XV49) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7606. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XV61) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7607. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XV32) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7608. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollack in Statistical Area 630 in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XU73) recieved April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7609. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XV52) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7610. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Removal of Gear Restriction for the U.S./Canada Management Area [Docket No.: 080521698-9067-02] (RIN: 0648-XU84) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7611. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and

Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XV21) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7612. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Managememt Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XV66) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

¶63.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 920. An Act to amend section 11317 of title 40, United States Code, to improve the transparency of the status of information technology investments, to require greater accountability for cost overruns on Federal information technology investment projects, to improve the processes agencies implement to manage information technology investments, to reward excellence in information technology acquisition, and for other purposes.

¶63.5 RECESS FOR JOINT MEETING TO RECEIVE HIS EXCELLENCY FELIPE CALDERON HINOJOSA, PRESIDENT OF MEXICO—10:06 A.M.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 6 minutes a.m., subject to the call of the Chair.

¶63.6 AFTER RECESS—1:01 P.M.

The SPEAKER pro tempore, Mr. BLUMENAUER, called the House to order.

¶63.7 PROCEEDINGS DURING RECESS

On motion of Ms. MARKEY of Colorado, by unanimous consent, the proceedings had during the recess were ordered to be printed in the Record.

¶63.8 H.R. 5327—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5327) to authorize assistance to Israel for the Iron Dome anti-missile defense system; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 Nays 4

¶63.9 [Roll No. 284]

YEAS—410

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

NAYS—4

Conyers	Paul
Kucinich	Stark

NOT VOTING—16

Bachus	Garamendi	Kirk
Barrett (SC)	Gordon (TN)	Sánchez, Linda T.
Bilbray	Hoekstra	Schock
Bonner	Jackson Lee (TX)	Souder
Diaz-Balart, M.	Johnson (GA)	Wamp
Engel		

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.10 H. RES. 1256—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1256) congratulating Phil Mickelson on winning the 2010 Masters golf tournament.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 401 Nays ..... 0 Answered present 8

¶63.11 [Roll No. 285]

YEAS—401

Ackerman	Bachmann	Biggert
Aderholt	Baird	Bilirakis
Adler (NJ)	Baldwin	Bishop (GA)
Akin	Barrow	Bishop (NY)
Alexander	Bartlett	Bishop (UT)
Altmire	Barton (TX)	Blackburn
Andrews	Bean	Blumenauer
Arcuri	Becerra	Blunt
Austria	Berkley	Boccieri
Baca	Berman	Boehner

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

ANSWERED ''PRESENT''—8

Berry
Cassidy
Chaffetz
DeFazio
Lummis
Marshall
Oberstar
Rooney

NOT VOTING—21

Bachus
Barrett (SC)
Bilbray
Bonner
Diaz-Balart, M.
Edwards (TX)
Ehlers
Engel
Garamendi
Gordon (TN)
Green, Al
Hoekstra
Jackson Lee (TX)
Kirk
Markey (MA)
Sánchez, Linda T.
Schwartz
Souder
Wamp
Waxman
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶63.12 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 19, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from Mr. Chet Harhut, Commissioner, Bureau of Commissions, Elections, and Legislation, Pennsylvania Department of State, Commonwealth of Pennsylvania, indicating that, according to the unofficial returns of the Special Election held May 18, 2010, the Honorable Mark S. Critz was elected Representative to Congress for the Twelfth Congressional District, Commonwealth of Pennsylvania.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

Enclosure.

COMMONWEALTH OF PENNSYLVANIA,
BUREAU OF COMMISSIONS, ELECTIONS & LEGISLATION,
Harrisburg, PA, May 19, 2010.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Tuesday, May 18, 2010, for Representative in Congress from the Twelfth Congressional District of Pennsylvania, show that Mark S. Critz received 70,710 or 52.6% of the total number of votes cast for that office.

It would appear from these unofficial results that Mark S. Critz was elected as Representative in Congress from the Twelfth Congressional District of Pennsylvania.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by all counties involved, an official Certificate of Election will be prepared for transmittal as required by law.

CHET HARHUT,
Commissioner.

¶63.13 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Mr. KANJORSKI, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. Mark S. Critz, 12th District of the State of Pennsylvania, has not been received by the Clerk of the House of Representatives, Mr. CRITZ be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

Mr. CRITZ then presented himself at the bar of the House and took the oath of office prescribed by law.

¶63.14 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced under clause 5(d) of rule XX, that, in light of the administration of the oath to Representative CRITZ, the whole number of the House is adjusted to 432.

¶63.15 H. RES. 1336—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1336) congratulating the University of Texas men's swimming and diving team for winning the NCAA Division I national championship.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Florida, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	405
Nays	0
Answered present	7

¶63.16 [Roll No. 286]

AYES—405

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra

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

ANSWERED ''PRESENT''—7

Berry
Chaffetz
DeFazio
Lummis
Oberstar
Rooney
Westmoreland

NOT VOTING—19

Bachus
Barrett (SC)
Bilbray
Bonner
Diaz-Balart, M.
Engel
Garamendi
Gordon (TN)
Hinojosa
Hoekstra
Jackson Lee (TX)
Kirk
Ortiz
Reyes
Rush
Sánchez, Linda T.
Schwartz
Souder
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶63.17 H. RES. 1361—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1361) recognizing North Carolina Central University on its 100th anniversary; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of those present had voted in the affirmative.

Mr. DRIEHAUS demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 Nays 1

¶63.18 [Roll No. 287]

AYES—408

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall

Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—1

Young (AK)

NOT VOTING—22

Bachus
Barrett (SC)
Berry
Bilbray
Bilirakis
Bonner
Delahunt
Diaz-Balart, M.
Garamendi
Gordon (TN)
Hinojosa
Hoekstra
Jackson Lee (TX)
Kirk
Minnick
Nye
Ortiz
Reyes
Sánchez, Linda T.
Schwartz
Souder
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶63.19 UNDERGROUND COAL MINING SAFETY INVESTIGATION

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1363):

Resolved, That the Committee on Education and Labor is granted the authority provided under clause 4(c)(3) of rule X of the Rules of the House of Representatives in furtherance of the investigation by such committee into underground coal mine operator compliance with the Federal Mine Safety and Health Act of 1977, as amended, and into other related matters.

SEC. 2. (a) The chair of the Committee on Education and Labor shall transmit to the Committee on Rules, not later than 2 days following an adjournment sine die of the second session of the 111th Congress, or January 2, 2011, whichever occurs first, a report on the activities of the Committee on Education and Labor undertaken pursuant to this resolution. Such report shall indicate—

(1) the total number of depositions taken;

(2) the number of depositions taken pursuant to subpoenas; and

(3) the name of each deponent that the committee has publicly identified by name as a deponent.

(b) Upon receipt of the report described in subsection (a) by the Committee on Rules, the chair of the Committee on Rules shall submit such report for publication in the Congressional Record.

When said resolution was considered.

After debate,

Ms. SLAUGHTER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 240 / Nays 177

¶63.20 [Roll No. 288]

YEAS—240

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

NAYS—177

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

NOT VOTING—14

Bachus
Barrett (SC)
Bilbray
Bonner
Diaz-Balart, M.
Garamendi
Gordon (TN)
Hoekstra
Jackson Lee (TX)
Kirk
Sánchez, Linda T.
Schwartz
Souder
Wamp

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 Nays 1

¶63.21 [Roll No. 289]

YEAS—413

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

NAYS—1

Paul

NOT VOTING—17

Bachus
Barrett (SC)
Bilbray
Bonner
Davis (KY)
Diaz-Balart, M.
Garamendi
Gordon (TN)
Hoekstra
Jackson Lee (TX)
Kirk
Lynch
Rush
Sánchez, Linda T.
Schwartz
Souder
Wamp

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶63.22 H.R. 5128—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5128) to designate the Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

Mr. HEINRICH demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 Nays 1

¶63.23 [Roll No. 290]

AYES—409

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar

Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—1

Young (AK)

NOT VOTING—21

Bachus
Barrett (SC)
Bilbray
Bonner
Braley (IA)
Burgess
Davis (KY)
Diaz-Balart, M.
Garamendi
Gordon (TN)
Hinojosa
Hoekstra
Jackson Lee (TX)
Kirk
Miller (NC)
Moore (KS)
Moran (KS)
Sánchez, Linda T.
Schwartz
Souder
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the 'Stewart Lee Udall Department of the Interior Building'.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.24 H. RES. 996—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 996) expressing support for designation of September as National Childhood Obesity Awareness Month; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing support for the designation of September as National Childhood Obesity Awareness Month.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶63.25 H.R. 1177—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1177) to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.26 H. RES. 1339—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1339) expressing support for designation of May as National Foster Care Month and acknowledging the responsibility that Congress has to promote safety, well-being, improved outcomes, and permanency for the Nation's collective children.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶63.27 H. RES. 1324—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1324) expressing condolences and sympathies for the people of China following the tragic earthquake in the Qinghai province of the Peoples Republic of China on April 14, 2010.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶63.28 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns on Friday, May 21, 2010, it adjourn to meet on Monday, May 24, 2010, at 12:30 p.m. for morning-hour debate; and further, when the House adjourns on Monday, May 24, 2010, it adjourn to meet at 10:30 a.m. on Tuesday, May 25, 2010, for morning-hour debate.

¶63.29 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mr. KISSELL, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 18, 2020.

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

DEAR MADAM SPEAKER: This letter is to inform you that I have sent the enclosed letter to Governor Mitch Daniels of Indiana resigning my office as the United States Representative for the Third District of Indiana, effective Friday, May 21, 2010.

It has been an honor and a privilege to serve the people of Indiana.

Sincerely,

MARK E. SOUDER,
Member of Congress.

———

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 18, 2020.

Hon. MITCH DANIELS,
Governor,
State of Indiana.

I write to inform you that effective Friday, May 21, 2010, I resign from the office of the United States Representatives for the Third Congressional District of Indiana.

It has been an honor and privilege to serve the people of Indiana.

Sincerely,

MARK E. SOUDER,
Member of Congress.

¶63.30 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. KISSELL, laid before the House the following communication from Mr. JACKSON of Illinois:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 2010.

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

DEAR MADAM SPEAKER: I write to formally notify you that I have been served with a subpoena for testimony issued by the U.S. District Court for the Northern District of Illinois in a criminal case pending there.

While it is unclear at this time whether the testimony sought ''relates to the official functions of the House'' within the meaning of Rule VIII.1 of the Rules of the House of Representatives, I am electing to notify the House of the subpoena out of an abundance of caution.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JESSE L. JACKSON, Jr.,
Member of Congress.

¶63.31 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 920. An Act to amend section 11317 of title 40, United States Code, to improve the transparency of the status of information technology investments, to require greater accountability for cost overruns on Federal information technology investment projects, to improve the processes agencies implement to manage information technology investments, to reward excellence in information technology acquisition, and for other purposes; to the Committee on Oversight and Government Reform in addition to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶63.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. JACKSON LEE of Texas, for today and balance of the week.

And then,

¶63.33 ADJOURNMENT

On motion of Mr. KING of Iowa, at 6 o'clock and 40 minutes p.m., the House adjourned.

¶63.34 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONERS AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

MARK S. CRITZ, Pennsylvania, Twelfth.

¶63.35 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1017. A bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services; with an amendment (Rept. 111–488). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5145. A bill to amend title 38, United States Code, to improve the continuing professional education reimbursement provided to health professionals employed by the Department of Veterans Affairs (Rept. 111–489). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3885. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy (Rept. 111–490). Referred to the Committee of the Whole House on the state of the Union.

¶63.36 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. SLAUGHTER (for herself and Ms. HARMAN):

H.R. 5347. A bill to prevent and end the occurrence of sexual assaults involving members of the Armed Forces; to the Committee on Armed Services.

By Mrs. LUMMIS (for herself, Mr. SAM JOHNSON of Texas, Mr. HENSARLING, Mr. PENCE, Mr. POSEY, Mr. NEUGEBAUER, Mr. PITTS, Mr. HUNTER, Mr. FRANKS of Arizona, Mr. CAMPBELL, Mr. LUETKEMEYER, Mr. AKIN, Ms. FALLIN, and Mr. GINGREY of Georgia):

H.R. 5348. A bill to amend title 5, United States Code, to reduce the number of civil service positions within the executive branch, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. DELAHUNT (for himself and Mr. ROHRABACHER):

H.R. 5349. A bill to provide that Cambodia's debt to the United States may not be reduced or forgiven, and textile and apparel articles that are the product of Cambodia and imported into the United States may not be extended duty free treatment; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, Mrs. BACHMANN, Mr. PENCE, Mr. MACK, Mr. MANZULLO, Mr. ROYCE, and Mr. ROHRABACHER):

H.R. 5350. A bill to continue restrictions against and prohibit diplomatic recognition of the Government of North Korea, and for other purposes; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. MCKEON, Mr. HOEKSTRA, Mr. KING of New York, Mr. SMITH of Texas, Mr. PENCE, Mr. MCCOTTER, Mr. LAMBORN, and Mr. GARRETT of New Jersey):

H.R. 5351. A bill to safeguard the sovereignty and right to self-defense of the United States and its allies, to prohibit United States participation in the International Criminal Court, and for other purposes; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska:

H.R. 5352. A bill to require hydroelectric energy generated in Alaska to be considered as renewable energy for purposes of Federal programs and standards; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAYSON (for himself, Mr. KUCINICH, Ms. WOOLSEY, Mr. CONYERS, Ms. LEE of California, Mr. PAUL, and Mr. JONES):

H.R. 5353. A bill to reduce the $159.3 billion from the discretionary overseas contingency operations funds in the President's fiscal year 2011 budget for operations in Iraq, Afghanistan, and Pakistan (without preventing use of mandatory funds from the Department of Defense budget to execute the War on Terror), and amend the Internal Revenue Code of 1986 to provide individuals a ''War is Making You Poor'' tax credit against the savings attributable to the overseas contingency operations reduction; to the Committee on Armed Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mr. BURGESS, Ms. DEGETTE, Mr. CASTLE, Mr. GENE GREEN of Texas, Mr. KING of New York, Mrs. CAPPS, Mr. GONZALEZ, Ms. BALDWIN, Mr. RANGEL, Mr. HIGGINS, Mrs. MALONEY, Mr. ACKERMAN, Ms. CLARKE, Ms. LEE of California, Mr. SERRANO, and Mr. DOYLE):

H.R. 5354. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRIJALVA:

H.R. 5355. A bill to amend the Oil Pollution Act of 1990 to repeal the limitation of liability of a responsible party for a discharge or substantial threat of a discharge of oil from an offshore oil facility; to the Committee on Transportation and Infrastructure.

By Mr. BLUNT (for himself, Mr. MILLER of Florida, and Mr. BONNER):

H.R. 5356. A bill to amend the Oil Pollution Act of 1990 to increase the cap on liability

for economic damages resulting from an oil spill, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MITCHELL (for himself and Mr. ROHRABACHER):

H.R. 5357. A bill to provide for the deployment of additional National Guard troops along the international border between the United States and Mexico in support of the border control activities of the United States Customs and Border Protection of the Department of Homeland Security; to the Committee on Armed Services.

By Ms. CASTOR of Florida:

H.R. 5358. A bill to amend the Outer Continental Shelf Lands Act to prohibit oil and gas preleasing, leasing, and related activities in certain areas of the Outer Continental Shelf off the coast of Florida, and for other purposes; to the Committee on Natural Resources.

By Mr. HASTINGS of Florida (for himself, Mr. CAO, Mr. GRIJALVA, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Ms. WATSON, Mr. RUPPERSBERGER, Ms. CLARKE, Ms. CORRINE BROWN of Florida, Ms. FUDGE, Mr. MEEK of Florida, Ms. JACKSON LEE of Texas, Ms. KILPATRICK of Michigan, Mrs. CHRISTENSEN, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. ROHRABACHER, Mr. DAVIS of Alabama, Mr. MEEKS of New York, and Mr. CONYERS):

H.R. 5359. A bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement; to the Committee on Financial Services.

By Ms. HERSETH SANDLIN (for herself and Mr. BOOZMAN):

H.R. 5360. A bill to amend title 38, United States Code, to modify the standard of visual acuity required for eligibility for specially adapted housing assistance provided by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mrs. MALONEY (for herself, Mr. NADLER of New York, Ms. VELÁZQUEZ, and Mr. MEEKS of New York):

H.R. 5361. A bill to amend section 1333 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 to ensure that multifamily housing mortgage purchases by Fannie Mae and Freddie Mac that are credited toward fulfillment of such enterprises multifamily special affordable housing goal increase or preserve the number of dwelling units affordable to low-income families; to the Committee on Financial Services.

By Mr. SALAZAR:

H.R. 5362. A bill to provide for the release of water from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River, and for other purposes; to the Committee on Natural Resources.

By Mr. SCHRADER (for himself, Mr. ARCURI, Mr. BOREN, Mr. BOYD, Mr. CARDOZA, Mr. CHANDLER, Mr. CHILDERS, Mr. COOPER, Mr. COSTA, Mr. CUELLAR, Mr. DAVIS of Tennessee, Mr. ELLSWORTH, Ms. GIFFORDS, Ms. HARMAN, Ms. HERSETH SANDLIN, Mr. HILL, Mr. HOLDEN, Mr. KAGEN, Mr. KRATOVIL, Ms. MARKEY of Colorado, Mr. MATHESON, Mr. MCINTYRE, Mr. MELANCON, Mr. MICHAUD, Mr. MINNICK, Mr. MOORE of Kansas, Mr. MURPHY of New York, Mr. NYE, Mr. ROSS, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHULER, Mr. TANNER, and Mr. WILSON of Ohio):

H.R. 5363. A bill to make funds available to increase program integrity efforts and reduce wasteful government spending of taxpayer's dollars; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 5364. A bill to amend title XIX of the Social Security Act to require States to provide oral health services to aged, blind, or disabled individuals under the Medicaid Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TIAHRT (for himself, Mr. DUNCAN, and Mr. LAMBORN):

H.R. 5365. A bill to limit the relief available to persons who have been unconstitutionally prohibited from protesting at military and other funerals; to the Committee on the Judiciary.

By Mr. WELCH:

H.R. 5366. A bill to require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977; to the Committee on Oversight and Government Reform.

By Mr. MARKEY of Massachusetts (for himself and Mr. FORTENBERRY):

H.J. Res. 85. A joint resolution expressing the disfavor of the Congress regarding the proposed agreement for cooperation between the United States and the Russian Federation pursuant to the Atomic Energy Act of 1954; to the Committee on Foreign Affairs.

By Mr. BARRETT of South Carolina:

H. Res. 1380. A resolution applauding the State of Arizona for asserting its 10th amendment rights, protecting its citizens, and safeguarding its jobs, and calling upon the Administration to act immediately to enforce our Nation's immigration laws; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania (for himself, Ms. SCHWARTZ, Mr. KAGEN, Ms. RICHARDSON, Mr. HODES, Ms. BERKLEY, Mr. LEVIN, Mr. HOLT, Mr. CLAY, Mr. COHEN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. FATTAH, Ms. WASSERMAN SCHULTZ, Mr. ADLER of New Jersey, Mr. BURTON of Indiana, Mr. BERMAN, Mr. HASTINGS of Florida, Mr. ENGEL, Mr. ALTMIRE, Mr. SHUSTER, Mr. KIRK, Mr. CARNEY, Mr. PLATTS, Mr. HALL of New York, and Mr. QUIGLEY):

H. Res. 1381. A resolution recognizing the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the Nation dedicated exclusively to exploring and preserving the American Jewish experience; to the Committee on House Administration.

By Mr. FALEOMAVAEGA (for himself, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. MANZULLO, and Mr. BERMAN):

H. Res. 1382. A resolution expressing sympathy to the families of those killed by North Korea in the sinking of the Republic of Korea Ship Cheonan, and solidarity with the Republic of Korea in the aftermath of this tragic incident; to the Committee on Foreign Affairs.

By Mr. LUETKEMEYER (for himself, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, Mr. CLAY, and Mr. CLEAVER):

H. Res. 1383. A resolution honoring Dr. Larry Case on his retirement as National FFA Advisor; to the Committee on Agriculture.

By Mr. GARY G. MILLER of California (for himself, Mrs. MYRICK, and Mr. SMITH of Texas):

H. Res. 1384. A resolution expressing the sense of the House of Representatives that State and local governments, and State and local law enforcement personnel in the course of carrying out routine duties, have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States, for the purpose of assisting in the enforcement of the immigration laws of the United States; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON (for himself and Mr. MCKEON):

H. Res. 1385. A resolution recognizing and honoring the courage and sacrifice of the members of the Armed Forces and veterans, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶63.37 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

283. The SPEAKER presented a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 643 urging the Congress to allocate $2 billion of the next proposed economic stimulus to create an employment program throughout the year; to the Committee on Appropriations.

284. Also, a memorial of the Senate of the State of Idaho, relative to Senate Joint Resolution No. 103 urging the Congress to pass legisltaion to fully fund forty percent of the costs of IDEA; to the Committee on Education and Labor.

285. Also, a memorial of the House of Representatives of the State of Iowa, relative to House Resolution 117 urging the Congress to require more healthful options for students under the Richard B. Russell National School Lunch Act; to the Committee on Education and Labor.

286. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to Senate Resolution urging the Congress to adopt a more accurate measure and limitation on the passage of Federal mandates on state and local governments; to the Committee on Oversight and Government Reform.

287. Also, a memorial of the Senate of the State of Idaho, relative to Senate Joint Resolution No. 105 urging the Congress to undertake an immediate and thorough review of federal expenditures under the Equal Access to Justice Act; to the Committee on the Judiciary.

288. Also, a memorial of the Senate of the State of Idaho, relative to Senate Joint Resolution No. 106 urging the Congress to add a Twenty-Eighth Amendment to the Constitution of the United States; to the Committee on the Judiciary.

289. Also, a memorial of the Senate of the State of Kansas, relative to Senate Concurrent Resolution No. 1615 claiming sovereignty under the Tenth Amendment to the Constitiution of the United States; to the Committee on the Judiciary.

290. Also, a memorial of the Senate of the State of Idaho, relative to Senate Joint Resolution No. 104 urging the Congress to oppose federal legislation that interferes with a state's ability to direct the transport and processing of horses; jointly to the Committees on Energy and Commerce and Agriculture.

¶63.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. KILDEE.
H.R. 40: Ms. SCHAKOWSKY and Ms. JACKSON LEE of Texas.
H.R. 208: Mr. TAYLOR.
H.R. 275: Mr. RAHALL.
H.R. 303: Mr. JOHNSON of Illinois and Mr. ARCURI.
H.R. 305: Mr. CONNOLLY of Virginia.
H.R. 510: Mr. SMITH of Washington.
H.R. 622: Ms. RICHARDSON.
H.R. 673: Mr. CARNEY, Mr. HARE, Mr. ORTIZ, Ms. RICHARDSON, and Mr. MITCHELL.
H.R. 848: Mr. KENNEDY.
H.R. 873: Mr. ALTMIRE.
H.R. 949: Ms. LEE of California.
H.R. 988: Mr. BOREN and Mr. AKIN.
H.R. 1017: Mr. ROSKAM.
H.R. 1054: Mr. CALVERT, Mr. MILLER of Florida, and Mr. SIMPSON.
H.R. 1193: Mr. POLIS and Ms. SCHWARTZ.
H.R. 1250: Mr. TERRY.
H.R. 1255: Ms. SPEIER.
H.R. 1351: Mr. SCOTT of Georgia and Mr. LYNCH.
H.R. 1352: Mr. TIAHRT.
H.R. 1547: Mr. YOUNG of Alaska.
H.R. 1829: Mr. SALAZAR and Mr. HONDA.
H.R. 1961: Mr. ELLISON.
H.R. 2067: Ms. KILROY and Mr. MCDERMOTT.
H.R. 2109: Mr. LIPINSKI.
H.R. 2222: Ms. DEGETTE.
H.R. 2273: Mr. MEEK of Florida.
H.R. 2298: Mr. CLEAVER.
H.R. 2328: Mr. PASCRELL.
H.R. 2381: Ms. TITUS.
H.R. 2408: Mr. LARSON of Connecticut.
H.R. 2443: Ms. BALDWIN.
H.R. 2456: Ms. KILPATRICK of Michigan.
H.R. 2565: Mr. THOMPSON of Pennsylvania.
H.R. 2575: Ms. SCHWARTZ.
H.R. 2625: Mr. TOWNS.
H.R. 2845: Mr. MCCOTTER.
H.R. 2870: Mr. BISHOP of New York.
H.R. 2946: Mr. GARAMENDI.
H.R. 2962: Ms. SLAUGHTER, Mr. BRALEY of Iowa, and Mr. KAGEN.
H.R. 3240: Mr. CALVERT.
H.R. 3251: Mr. DUNCAN.
H.R. 3301: Mr. BOOZMAN.
H.R. 3333: Mr. ELLSWORTH.
H.R. 3408: Mr. BACA, Mr. WILSON of Ohio, and Ms. MOORE of Wisconsin.
H.R. 3441: Mr. PERLMUTTER.
H.R. 3636: Mr. GONZALEZ.
H.R. 3652: Mr. ALEXANDER, Mr. SHIMKUS, Mr. PASTOR of Arizona, Mr. WHITFIELD, Mr. MITCHELL, and Mr. HIGGINS.
H.R. 3666: Mr. BRALEY of Iowa.
H.R. 3668: Ms. MOORE of Wisconsin, Mr. LIPINSKI, Mr. SCOTT of Virginia, Mr. LANCE, Mr. UPTON, Mr. WITTMAN, Mr. RODRIGUEZ, Mr. JONES, Ms. ESHOO, Ms. BERKLEY, Mrs. HALVORSON, Mr. DOYLE, Mr. THOMPSON of Mississippi, Mrs. SCHMIDT, Ms. TITUS, Mr. MAFFEI, Ms. FUDGE, Mr. KISSELL, Mr. BOOZMAN, Ms. LORETTA SANCHEZ of California, Mr. CAO, Mr. DAVIS of Alabama, Mr. HASTINGS of Florida, Mr. MEEK of Florida, Mr. SPRATT, Mr. BILIRAKIS, Mr. MCCAUL, Ms. ROS-LEHTINEN, Mr. CRENSHAW, and Mr. MCMAHON.
H.R. 3715: Mr. LYNCH.
H.R. 3745: Mr. FRANK of Massachusetts.
H.R. 3974: Ms. VELÁZQUEZ, Ms. FUDGE, Mr. MCDERMOTT, and Mr. YOUNG of Florida.
H.R. 4037: Ms. PINGREE of Maine.
H.R. 4070: Mrs. EMERSON and Mr. AKIN.
H.R. 4072: Mr. LEE of New York.
H.R. 4085: Mr. LUJÁN.
H.R. 4136: Mr. HOLDEN.
H.R. 4150: Mr. HINOJOSA.
H.R. 4199: Mr. RAHALL.
H.R. 4233: Mr. DANIEL E. LUNGREN of California.
H.R. 4278: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4299: Mr. MCDERMOTT.
H.R. 4306: Mr. ELLSWORTH, Mr. BURTON of Indiana, and Mrs. BIGGERT.
H.R. 4310: Mr. SABLAN, Ms. MOORE of Wisconsin, Mr. CUMMINGS, Mr. HONDA, Mr. KENNEDY, Mr. HARE, and Ms. WATERS.
H.R. 4354: Ms. PINGREE of Maine.
H.R. 4386: Ms. KILPATRICK of Michigan.
H.R. 4410: Mr. CAMP, Mr. QUIGLEY, and Mr. ELLSWORTH.
H.R. 4525: Mr. TEAGUE.
H.R. 4530: Mr. MAFFEI.
H.R. 4544: Mrs. CHRISTENSEN.
H.R. 4549: Mr. HASTINGS of Florida.
H.R. 4684: Mr. JOHNSON of Georgia, Mr. LATTA, Mr. HOLT, Ms. WASSERMAN SCHULTZ, Ms. WATSON, and Mrs. NAPOLITANO.
H.R. 4710: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 4746: Mr. GARRETT of New Jersey.
H.R. 4806: Ms. DELAURO and Ms. PINGREE of Maine.
H.R. 4807: Mr. MITCHELL.
H.R. 4843: Mrs. NAPOLITANO.
H.R. 4870: Mr. SCHIFF.
H.R. 4903: Mr. FRANKS of Arizona.
H.R. 4943: Mr. LAMBORN and Mr. JONES.
H.R. 4961: Ms. SCHAKOWSKY.
H.R. 4972: Mr. TERRY and Mr. CULBERSON.
H.R. 4973: Mrs. CAPPS.
H.R. 5000: Mr. ARCURI and Mr. WU.
H.R. 5012: Mrs. EMERSON.
H.R. 5015: Mr. WHITFIELD, Mr. SARBANES, and Mr. PRICE of North Carolina.
H. R. 5029: Mr. FORBES, Mr. BROUN of Georgia, Mr. CALVERT, Mr. CARTER, Mrs. MCMORRIS RODGERS, and Mrs. MYRICK.
H.R. 5032: Mrs. LOWEY.
H.R. 5034: Mr. PETERS and Mr. FATTAH.
H.R. 5035: Ms. BORDALLO.
H.R. 5040: Mr. PETERSON and Mrs. MYRICK.
H.R. 5041: Ms. PINGREE of Maine, Mr. HOLT, Mr. ELLSWORTH, and Mr. WU.
H. R. 5065: Mr. CALVERT.
H.R. 5081: Mr. CARTER, Mr. OBERSTAR, Mr. WITTMAN, Mr. BONNER, and Mr. LATHAM.
H.R. 5091: Mr. PERLMUTTER.
H.R. 5092: Ms. ROYBAL-ALLARD, Mr. KLEIN of Florida, Ms. MCCOLLUM, Mr. PRICE of North Carolina, Mr. SCHRADER, Mr. SESSIONS, Mr. LUJÁN, Mr. REYES, Mr. BRIGHT, Mr. PALLONE, Mr. CAMP, Ms. ZOE LOFGREN of California, Mr. LEE of New York, Mr. ELLSWORTH, Mr. TIBERI, and Mr. TANNER.
H.R. 5111: Mr. ROHRABACHER, Mr. CARTER, Mr. HALL of Texas, Mr. CAO, and Mr. LUETKEMEYER.
H.R. 5115: Mr. OBERSTAR.
H.R. 5121: Ms. HIRONO and Mr. WEINER.
H.R. 5137: Mr. SERRANO, Mr. LEWIS of Georgia, Mr. PAYNE, Ms. WATERS, Mr. DICKS, Mr. WALZ, Ms. HARMAN, Mr. SHADEGG, Mr. JONES, Mr. REHBERG, Mr. ALEXANDER, Mr. ORTIZ, Mr. REYES, Mr. BOSWELL, Mr. OBERSTAR, Mr. SPACE, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Mr. LARSON of Connecticut, Mr. FATTAH, Ms. DEGETTE, Mr. VAN HOLLEN, Ms. KOSMAS, Ms. CASTOR of Florida, Mr. KLEIN of Florida, Ms. HIRONO, Ms. SUTTON, Mrs. HALVORSON, Ms. TITUS, Mr. HIMES, Mr. ADLER of New Jersey, Mr. CUELLAR, Mr. MEEKS of New York, Mr. PERLMUTTER, Mr. BISHOP of New York, Mr. STUPAK, Mr. HINCHEY, Mr. DRIEHAUS, and Mr. CHANDLER.
H.R. 5142: Mr. CARNAHAN and Mr. SALAZAR.
H.R. 5143: Mr. FILNER.
H.R. 5156: Mr. CONYERS.
H.R. 5162: Mr. ROGERS of Alabama.
H.R. 5175: Ms. CASTOR of Florida, Mr. MORAN of Virginia, Mrs. MCCARTHY of New York, and Mr. CARNAHAN.
H.R. 5177: Ms. HERSETH SANDLIN.
H.R. 5200: Ms. EDWARDS of Maryland.
H.R. 5213: Ms. WATSON and Mr. LARSEN of Washington.
H.R. 5214: Ms. SLAUGHTER, Mr. AL GREEN of Texas, Mr. MICHAUD, Ms. CORRINE BROWN of Florida, Mr. COHEN, Ms. LEE of California, and Mr. FILNER.
H.R. 5217: Mr. CHAFFETZ, Mr. BISHOP of Utah, and Mr. HERGER.
H.R. 5226: Mr. RYAN of Ohio.
H.R. 5234: Mr. WELCH.
H.R. 5258: Mr. QUIGLEY and Mr. CHAFFETZ.
H.R. 5268: Mr. DELAHUNT and Ms. BALDWIN.
H.R. 5294: Mr. BISHOP of Utah and Mrs. LUMMIS.
H.R. 5295: Mr. CALVERT.
H.R. 5297: Ms. NORTON.
H.R. 5298: Mr. WALZ.
H.R. 5312: Mr. HALL of New York, Mr. LIPINSKI, Mr. SHULER, and Mr. KISSELL.
H.R. 5319: Mr. PITTS.
H.R. 5322: Ms. ZOE LOFGREN of California and Mr. JOHNSON of Georgia.
H.R. 5324: Mr. ARCURI.
H.R. 5327: Mr. SMITH of New Jersey, Mr. BOOZMAN, Mr. DONNELLY of Indiana, Mrs. BACHMANN, Ms. JENKINS, Mrs. LUMMIS, Mr. KIRK, Mr. MORAN of Kansas, Mr. ALEXANDER, Mrs. MCMORRIS RODGERS, Mr. LANCE, Mr. ROE of Tennessee, Mr. CHAFFETZ, Mr. SCHOCK, Mr. GRIFFITH, Mr. HALL of New York, Mr. HOEKSTRA, Mr. TIAHRT, Mr. SCALISE, Mr. MCCOTTER, Mr. BILBRAY, Ms. FOXX, Mr. BROUN of Georgia, Mr. RYAN of Wisconsin, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. MCCLINTOCK, Mr. LEE of New York, and Mr. LOBIONDO.
H.J. Res. 14: Mr. INGLIS.
H. Con. Res. 226: Ms. SHEA-PORTER.
H. Con. Res. 252: Mr. PENCE.
H. Con. Res. 260: Mr. VAN HOLLEN, Mr. BOCCIERI, Mr. PAULSEN, Mr. DRIEHAUS, Ms. HERSETH SANDLIN, Mr. TURNER, Mr. HARE, Mr. WESTMORELAND, Mr. SPACE, Mr. RUSH, Mr. SULLIVAN, Mr. GOODLATTE, Mr. SIRES, and Mr. WITTMAN.
H. Con. Res. 267: Mr. LIPINSKI and Mr. YOUNG of Florida.
H. Con. Res. 271: Mr. MCHENRY.
H. Con. Res. 274: Mr. DAVIS of Kentucky.
H. Res. 111: Mr. ELLSWORTH and Mr. NEAL of Massachusetts.
H. Res. 536: Mr. OBERSTAR, Mr. FARR, Mr. CAPUANO, Mr. RYAN of Ohio, Mr. COSTA, and Mr. KILDEE.
H. Res. 764: Mr. BROUN of Georgia.
H. Res. 1073: Mr. HOLDEN, Mr. ADLER of New Jersey, Mr. FOSTER, Mr. SHULER, Mr. BRIGHT, Mr. PATRICK J. MURPHY of Pennsylvania, and Mrs. HALVORSON.
H. Res. 1207: Mr. BOUSTANY, Ms. GIFFORDS, Mr. ROGERS of Alabama, and Mr. PERLMUTTER.
H. Res. 1226: Mr. ENGEL and Mr. LAMBORN.
H. Res. 1275: Mr. WELCH, Mr. COURTNEY, Mr. WALZ, Mr. HARE, Mr. BRALEY of Iowa, Mr. CONNOLLY of Virginia, Ms. KAPTUR, Mr. KAGEN, Ms. SUTTON, Ms. CASTOR of Florida, Ms. TITUS, Ms. KOSMAS, Ms. TSONGAS, Mr. DOGGETT, Mr. KLEIN of Florida, and Mr. ANDREWS.
H. Res. 1285: Mr. MILLER of Florida.
H. Res. 1302: Mr. LANGEVIN, Mr. HINCHEY, and Mr. LUETKEMEYER.
H. Res. 1309: Mr. GRIJALVA.
H. Res. 1313: Mr. INGLIS, Mr. THOMPSON of Pennsylvania, Mrs. BACHMANN, Mr. CAO, Mr. BLUNT, Mr. OLSON, Mr. DAVIS of Alabama, Mr. GINGREY of Georgia, Mr. PITTS, Mrs. BLACKBURN, and Mr. TAYLOR.
H. Res. 1335: Mr. HINCHEY, Mr. MORAN of Virginia, and Mr. GONZALEZ.
H. Res. 1346: Mr. YOUNG of Florida, Mr. GINGREY of Georgia, Mr. REHBERG, Mr. ALEXANDER, Mr. GRIFFITH, Mr. ROGERS of Alabama, Mr. BROWN of South Carolina, and Mr. DUNCAN.
H. Res. 1351: Ms. ZOE LOFGREN of California and Mr. SHULER.
H. Res. 1365: Mr. COOPER and Mr. LAMBORN.
H. Res. 1366: Mr. SHULER.
H. Res. 1372: Mr. JOHNSON of Georgia, Mr. GUTHRIE, Mr. AKIN, Mr. MCCLINTOCK, Mr. BISHOP of Utah, Mrs. LUMMIS, Mr. KLINE of

Minnesota, Mr. HENSARLING, Mr. CASSIDY, Mr. FLEMING, Mr. SCALISE, Mr. BOUSTANY, Mr. GRIFFITH, Mr. ALEXANDER, Mr. LATTA, Mrs. SCHMIDT, Mr. CASTLE, Mrs. MYRICK, Mr. EHLERS, Mr. ROE of Tennessee, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. MCHENRY, Mr. JORDAN of Ohio, and Mr. BRADY of Texas.

H Res. 1374: Mr. CAO.

H. Res. 1378: Mr. BURTON of Indiana, Mr. ROGERS of Alabama, Mr. WILSON of South Carolina, and Mr. ADERHOLT.

FRIDAY, MAY 21, 2010 (64)

The House was called to order by the SPEAKER.

¶64.1 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DRIEHAUS, announced he had examined and approved the Journal of the proceedings of Thursday, May 20, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶64.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7613. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Noxious Weeds; Old World Climbing Fern and Maidenhair Creeper [Docket No.: APHIS-2008-0097] received May 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7614. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Service Contract Surveillance (DFARS Case 2008-D032) (RIN: 0750-AG49) received April 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7615. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, ''Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account'', for the period ending March 31, 2010, pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

7616. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Regulatory Reporting Requirements for the Indian Community Development Block Grant Program [Docket No.: FR-5232-F-02] (RIN: 2577-AC79) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7617. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Amendment of the Temporary Liquidity Guarantee Program To Extend the Transaction Account Guarantee Program With Opportunity To Opt Out (RIN: 3064-AD37) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7618. A letter from the Assistant Deputy Secretary for Safe and Drug-Free Schools, Department of Education, transmitting the Department's final rule — Emergency Management for Higher Education Grant Program received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7619. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7620. A letter from the Assistant General counsel for Regulatory Affairs, U.S. Consumer Product Safety Commission, transmitting the Commission's final rule — Civil Penalty Factors received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7621. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

7622. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report detailing the activities of U.S. mentors and trainers as they relate to the progress of current police training programs in Afghanistan, pursuant to Public Law 110-53; to the Committee on Foreign Affairs.

7623. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the Institution's audited financial statement for fiscal year 2009, pursuant to 20 U.S.C. 57; to the Committee on Oversight and Government Reform.

7624. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Update of Revised and Reaffirmed Documents Incorporated by Reference [Docket ID: MMS-2008-OMM-0044] (RIN: 1010-AD54) received April 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7625. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Hawaii Bottomfish and Seamount Groundfish Fisheries; Fishery Closure (RIN: 0648-XU60) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7626. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tax Treatment of Health Care Benefits Provided With Respect to Children Under Age 27 [Notice 2010-38] received April 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7627. A letter from the Secretary, Department of Transportation, transmitting report entitled ''Transportation's Role in Reducing U.S. Greenhouse Gas Emissions''; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

¶64.3 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Mr. DRIEHAUS, announced under clause 5(d) of rule XX, that, in light of the resignation of the gentleman from Indiana [Mr. SOUDER], the whole number of the House is adjusted to 431.

¶64.4 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. DRIEHAUS, by unanimous consent, and pursuant to the special order of the House agreed to on May 20, 2010, at 9 o'clock and 4 minutes a.m., declared the House adjourned until 12:30 p.m. on Monday, May 24, 2010.

¶64.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee on Armed Services. H.R. 5136. A bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; with amendments (Rept. 111–491). Referred to the Committee of the Whole House on the state of the Union.

¶64.6 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

291. The SPEAKER presented a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 109 memorializing the United States Congress to take such actions as are necessary to enact legislation that will result in meaningful reforms to the regulation of the financial services industry; to the Committee on Financial Services.

292. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 32 supporting efforts whether state, local or private, to utilize outreach methods to contact, counsel, and refer veterans and their family members; to the Committee on Veterans' Affairs.

¶64.7 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

132. The SPEAKER presented a petition of Kent City Council, Washington, relative to Resolution No. 1824 urging the Congress to appropriate sufficient funds to provide for interim and permanent repairs to the Howard Hanson Dam; to the Committee on Appropriations.

133. Also, a petition of American Bar Association, Illinois, relative to Resolution 107 urging the Congress to enact legislation that would provide more effective remedies, procedures and protections to those subjected to pay discrimination; jointly to the Committees on the Judiciary and Education and Labor.

134. Also, a petition of American Bar Association, Illinois, relative to Resolution 102A urging federal, state, territorial and local governments to increase the opportunities of youth involved with the juvenile or criminal justice systems; jointly to the Committees on the Judiciary and Education and Labor.

MONDAY, MAY 24, 2010 (65)

¶65.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. HIRONO, who laid before the House the following communication:

WASHINGTON, DC,
May 24, 2010.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶65.2 RECESS—12:31 P.M.

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 31 minutes p.m., until 2 p.m.

¶65.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, called the House to order.

¶65.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced she had examined and approved the Journal of the proceedings of Friday, May 21, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶65.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7628. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Defense Advanced Research Projects Agency, Army Case Number 06-04, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7629. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-08, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

7630. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-040, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7631. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-041, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7632. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the seventh quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110-181, section 1229; to the Committee on Foreign Affairs.

7633. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure [Docket No.: 040205043-4043-01] (RIN: 0648-XU96) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7634. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Black Sea Bass Recreational Fishery; Emergency Rule Correction and Extension [Docket No.: 0909101271-91272-01] (RIN: 0648-AY23) received April 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7635. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2010 Sector Operations Plans and Contracts, and Allocation of Northeast Multispecies Annual Catch Entitlements [Docket No.: 0912081429-0114-02] (RIN: 0648-XS55) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7636. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 44 [Docket No.: 0910051338-0151-02] (RIN: 0648-AY29) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7637. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 09101313653-0087-02] (RIN: 0648-XV62) received April 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

¶65.6 MENTAL HEALTH MONTH

Ms. MATSUI moved to suspend the rules and agree to the resolution (H. Res. 1258); as amended:

Whereas the mental health and well-being of people in the United States is a critical issue that affects not only quality of life, but also the health of communities, families, and economic stability;

Whereas the stigma associated with mental health continues to persist;

Whereas more than 57,000,000 people in the United States suffer from mental illness;

Whereas approximately 1 in 5 children and adolescents may have a diagnosable mental disorder;

Whereas more than a quarter of the members of the United States Armed Forces suffer from psychological or neurological injuries sustained from combat, including major depression and post-traumatic stress disorder;

Whereas more than half of all prison and jail inmates suffer from mental illness;

Whereas mental illness is the leading cause of disability in the Nation;

Whereas major mental illness costs businesses and the United States economy over $193,000,000,000 per year in lost earnings;

Whereas untreated mental illness is a leading cause of absenteeism and lost productivity in the workplace;

Whereas, in 2006, over 33,300 individuals died by suicide in the United States, nearly twice the rate of homicide;

Whereas suicide is the third leading cause of death among youth between the ages of 15 and 24;

Whereas, in 2006, individuals age 65 and older comprised only 12.4 percent of the population but accounted for 15.9 percent of all suicides;

Whereas 1 in 4 Latina adolescents report seriously contemplating suicide, a rate higher than any other demographic;

Whereas Native Americans currently rank as the top ethnicity for suicide rates nationwide;

Whereas studies report that people with serious mental illness die, on average, 25 years earlier than the general population; and

Whereas it would be appropriate to observe May 2010 as Mental Health Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of Mental Health Month in order to place emphasis on scientific facts and findings regarding mental health and to remove the stigma associated with mental illness;

(2) recognizes that mental well-being is as important as physical well-being for citizens, communities, businesses, and the economy in the United States;

(3) applauds the coalescing of national and community organizations in working to promote public awareness of mental health and providing critical information and support to the people and families affected by mental illness;

(4) supports the finding of the President's Commission on Mental Health that recovery from mental illness is a real possibility and steps can be taken to improve the lives of those living with mental illnesses, which will benefit American families, communities, schools, and workplaces; and

(5) encourages organizations and health practitioners to use Mental Health Month as an opportunity to promote mental well-being and awareness, ensure access to appropriate services, and support overall quality of life for those living with mental illness.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Ms. MATSUI and Mr. WILSON of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that two-thirds of the Members present had voted in the affirmative.

Ms. MATSUI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, May 25, 2010.

¶65.7 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶65.8 KOREAN SHIP CHEONAN

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the resolution (H. Res. 1382):

Whereas, on March 26, 2010, the Republic of Korea Ship (ROKS) Cheonan was sunk by an external explosion in the vicinity of Baengnyeong Island, Republic of Korea;

Whereas of the 104 members of the crew of the ROKS Cheonan, 46 were killed in this incident, including 6 lost at sea;

Whereas, on April 25, 2010, the Government of the Republic of Korea commenced a 5-day period of mourning for these 46 sailors;

Whereas, on May 20, 2010, the Government of the Republic of Korea released an international investigation report on the circumstances surrounding the sinking of the ROKS Cheonan;

Whereas the report, conducted by 74 experts, including 24 from the international community and 50 from the Republic of Korea, found conclusive evidence that the sinking of the ROKS Cheonan was the result of a torpedo attack made by North Korea, in

clear violation of the Korean War Armistice Agreement;

Whereas the alliance between the United States and the Republic of Korea has been a vital anchor for security and stability in Asia for more than 50 years; and

Whereas the United States and the Republic of Korea are bound together by the shared values of democracy and the rule of law: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its sympathy and condolences to the families and loved ones of the sailors of the Republic of Korea Ship (ROKS) Cheonan who were killed in action on March 26, 2010;

(2) stands in solidarity with the people and the Government of the Republic of Korea in the aftermath of this tragic incident;

(3) reaffirms its enduring commitment to the alliance between the Republic of Korea and the United States and to the security of the Republic of Korea;

(4) supports the findings and conclusions of the investigation report released by the Government of the Republic of Korea on May 20, 2010;

(5) condemns North Korea in the strongest terms for sinking the ROKS Cheonan;

(6) calls for an apology by North Korea for its hostile acts and a commitment by North Korea never to violate the Korean War Armistice Agreement again;

(7) urges the international community to provide all necessary support to the Republic of Korea as the Government of the Republic of Korea prepares to respond to the actions committed by North Korea, which led to sinking of the ROKS Cheonan;

(8) urges the international community to fully and faithfully implement all United Nations Security Council Resolutions pertaining to security on the Korean Peninsula, including United Nations Security Council Resolution 1695 (2006), United Nations Security Council Resolution 1718 (2006), and United Nations Security Council Resolution 1874 (2009); and

(9) further urges the United States, in coordination with its allies and partners, to take other appropriate actions in response to the sinking of the ROKS Cheonan and other hostile acts of North Korea.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Mr. FALEOMAVAEGA and Mr. ROYCE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FALEOMAVAEGA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, May 25, 2010.

The point of no quorum was considered as withdrawn.

¶65.9 MODULAR HOUSING

Mr. DONNELLY of Indiana, moved to suspend the rules and agree to the resolution (H. Res. 584):

Whereas manufactured and modular housing play a vital role in meeting the housing needs of the people of the United States and are an important source of quality, affordable housing, including both homeownership and rental housing;

Whereas the manufactured and modular housing industries in the United States have approximately $6,000,000,000 annually in sales and employ approximately 70,000 people in factories and retail centers alone;

Whereas 18,000,000 people in the United States, representing all segments of the population, including emerging demographics, live in manufactured or modular homes;

Whereas because they are important sources of affordable housing, manufactured and modular housing are a critical part of the solution to the ongoing crisis in the housing market in this Nation;

Whereas the factory production process provides manufactured and modular housing with technological advantages, value, and customization options for consumers seeking quality housing and sustainable homeownership;

Whereas manufactured homes are built to a national standard under the National Manufactured Housing Construction and Safety Standards Act of 1974, which governs construction, engineering, quality, safety, and systems performance;

Whereas that Act supports innovation, consumer safety, efficiency, and quality while preserving the affordability and customization of manufactured housing;

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

Whereas the laws of the United States, such as the Manufactured Housing Improvement Act of 2000, encourage manufactured housing homeownership and should continue to do so in the future;

Whereas June is designated as National Homeownership Month; and

Whereas the third week of June is recognized as Manufactured and Modular Housing Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of manufactured and modular housing in providing decent, sustainable, and affordable housing;

(2) recognizes the importance of manufactured and modular housing in contributing to homeownership in the United States;

(3) recognizes the importance of homeownership, including homeownership of manufactured and modular homes, in building strong communities and families; and

(4) recognizes and fully supports the goals and ideals of Manufactured and Modular Housing Week and National Homeownership Month.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Mr. DONNELLY of Indiana, and Mr. WILSON of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DONNELLY of Indiana, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, May 25, 2010.

The point of no quorum was considered as withdrawn.

¶65.10 HIV PREVENTION

Mr. DONNELLY of Indiana, moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 137):

Whereas adequate and secure housing for people with human immunodeficiency virus or acquired immunodeficiency syndrome (HIV/AIDS) is a challenge with global dimensions and adequate housing is one of the greatest unmet needs of persons in the United States with HIV/AIDS;

Whereas growing empirical evidence shows that the socioeconomic circumstances of individuals and groups and structural factors such as housing status are of equal importance, or even greater importance, to health status than medical care and personal health behaviors;

Whereas the link between poverty and disparities in HIV risk and health outcomes is well established, and new research findings demonstrate the direct relationship between inadequate housing and greater risk of HIV infection, poor health outcomes, and early death;

Whereas rates of HIV infection are 3 to 16 times higher among persons who are homeless or unstably housed, 70 percent of all persons living with HIV/AIDS report a lifetime experience of homelessness or housing instability, and the HIV/AIDS death rate is 7 to 9 times higher for homeless adults than for the general population;

Whereas poor living conditions, including overcrowding and homelessness, undermine safety, privacy, and efforts to promote self-respect, human dignity, and responsible sexual behavior;

Whereas homeless and unstably housed persons are 2 to 6 times more likely to use hard drugs, share needles, or exchange sex for money and housing than similar persons with stable housing, as the lack of stable housing directly impacts the ability of people living in poverty to reduce HIV risk behaviors;

Whereas in spite of the evidence indicating that adequate housing has a direct positive effect on HIV prevention, treatment, and health outcomes, the housing resources devoted to the national response to HIV/AIDS have been inadequate and housing has been largely ignored in policy discussions at the international level; and

Whereas the Congress recognized the housing needs of people with HIV/AIDS in enacting the Housing Opportunities for Persons with AIDS (HOPWA) program in 1990 as part of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625) and the HOPWA program currently serves 70,000 households: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) stable and affordable housing is an essential component of an effective strategy for HIV prevention, treatment, and care; and

(2) the United States should make a commitment to providing adequate funding for developing housing as a response to the AIDS pandemic.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Mr. DONNELLY of Indiana, and Mr. WILSON of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that

two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶65.11 ANTITRUST CRIMINAL PENALTY ENHANCEMENT AND REFORM

Mr. NADLER moved to suspend the rules and pass the bill (H.R. 5330) to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act for a 5-year period ending June 22, 2015, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Mr. NADLER and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. NADLER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶65.12 CHIROPRACTIC CARE FOR VETERANS

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 1017) to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services; as amended.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶65.13 SONS AND DAUGHTERS IN TOUCH

Mr. FILNER moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 278):

Whereas there is virtue in remembering and honoring the service and sacrifice of those who died or remain missing as a result of the war in Southeast Asia and the families and children they left behind;

Whereas an estimated 20,000 American children lost fathers in the war in Southeast Asia;

Whereas Father's Day is a fitting day to recognize the sacrifice and service of these fallen heroes and their families;

Whereas the Vietnam Veterans Memorial Wall in the Nation's capital symbolically and literally represents the men and women who gave their lives in the war in Southeast Asia;

Whereas Sons and Daughters in Touch (SDIT) is the only national organization formed specifically to bring together and support the children and families of these American heroes;

Whereas SDIT locates, unites, and supports sons, daughters, and other family members of those who died or remain missing as a result of the Vietnam War and promotes healing through various outreach and education efforts;

Whereas SDIT has held regular Father's Day gatherings for the past 20 years to bring together such sons, daughters, wives, and other family members in a spirit of honor, remembrance, and learning;

Whereas America's current military campaigns have produced a new generation of Gold Star sons and daughters who have lost parents in war;

Whereas Sons and Daughters in Touch is in a unique position to serve as an example to current and future generations of Gold Star families as they bear the painful burden resulting from the selfless sacrifices made by their fathers and mothers in wartime service to the Nation, and SDIT can also serve as a resilient example to all nations affected by war;

Whereas Sons and Daughters in Touch will celebrate its 20th anniversary, which is being held on Father's Day, 2010, at the Vietnam Veterans Memorial in Washington, the District of Columbia; and

Whereas there is triumph, comfort, and honor in healing: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that a grateful Nation supports and salutes Sons and Daughters in Touch on its 20th Anniversary that is being held at the Vietnam Veterans Memorial in Washington, the District of Columbia.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶65.14 DOG TRAINING THERAPY

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 3885) to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, May 25, 2010.

¶65.15 DEPARTMENT OF VETERANS AFFAIRS HEALTH PROFESSIONALS

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 5145) to amend title 38, United States Code, to improve the continuing professional education reimbursement provided to health professionals employed by the Department of Veterans Affairs; as amended.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, May 25, 2010.

¶65.16 MESSAGE FROM THE PRESIDENT—REDUCE UNNECESSARY SPENDING OF 2010

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Today, I am pleased to submit to the Congress the enclosed legislative proposal, the ''Reduce Unnecessary Spending Act of 2010,'' along with a section-by-section analysis of the legislation.

This proposal will be another important step in restoring fiscal discipline and making sure that Washington spends taxpayer dollars responsibly. It will provide a new tool to streamline Government programs and operations, cut wasteful Government spending, and enhance transparency and accountability to the American people. The legislation will create an expedited procedure to rescind unnecessary spending and to broadly scale back funding levels if warranted. The legislation would require the Congress to vote up or down on legislation proposed by the President to rescind funding. This new, enhanced rescission authority will not only empower the President and the Congress to eliminate unnecessary spending, but also discourage waste in the first place.

Now more than ever, it's critical that taxpayer dollars are not wasted on programs that are ineffective, duplicative, or out-dated. In a time when American families and small business owners are conscious of every dollar and make sure that they manage their budgets wisely, the Federal Government can do no less. The American people expect and demand that we spend their money with the same discipline. Allowing taxpayer dollars to be wasted is both an irresponsible use of taxpayer funds and an irresponsible abuse of the public trust.

Recently, the Congress has taken welcome steps to curb wasteful spending. In 2007, when I served in the Senate, a bipartisan group worked together to eliminate anonymous earmarks and brought new measures of transparency to the process so Americans can better follow how their tax dollars are being spent. Consequently, we have seen progress—with earmarks declining since these reforms were passed, including during this past fiscal year.

In addition, my Administration undertook a line-by-line review of the Budget, and put forward approximately $20 billion of terminations, reductions, and savings both for Fiscal Year 2010 and 2011. While recent administrations have seen between 15 to 20 percent of their proposed discretionary cuts approved by the Congress, for FY 2010, we worked with the Congress to enact 60 percent of proposed cuts.

Despite the progress we have made to reduce earmarks and other unnecessary spending, there is still more work to be done. The legislation I am sending to you today provides an important tool. The legislation allows the President to target spending policies that do not have a legitimate and worthy public purpose by providing the President with an additional authority to propose the elimination of wasteful or excessive funding. These proposals then receive expedited consideration in the Congress and a guaranteed up-or-down vote. This legislation would also allow the President to delay funding for these projects until the Congress has had the chance to consider the changes. In addition, this proposal has been crafted to preserve the constitutional balance of power between the President and the Congress.

Overall, the ''Reduce Unnecessary Spending Act of 2010'' provides a new way for the Congress and the President to manage taxpayer dollars wisely. That is why I urge the prompt and favorable consideration of this proposal, and look forward to working with the Congress on this matter in the coming weeks.

BARACK OBAMA.

THE WHITE HOUSE, *May 24, 2010*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on the Budget and the Committee on Rules and ordered to be printed (H. Doc. 111–117).

¶65.17 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 24, 2010 at 9:38 a.m.:

That the Senate passed without amendment H.R. 5139.

Appointments:

Congressional Oversight Panel.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.
By Robert F. Reeves, Deputy Clerk.

¶65.18 RECESS—3:43 P.M.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 43 minutes p.m., until approximately 6:30 p.m.

¶65.19 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. BRIGHT, called the House to order.

¶65.20 H. CON. RES. 278—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BRIGHT, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 278) expressing the sense of Congress that a grateful Nation supports and salutes Sons and Daughters in Touch on its 20th Anniversary that is being held on Father's Day, 2010, at the Vietnam Veterans Memorial in Washington, the District of Columbia.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 371 / Nays 0

¶65.21 [Roll No. 291]

YEAS—371

Ackerman	Doggett	Langevin
Aderholt	Donnelly (IN)	Larsen (WA)
Adler (NJ)	Doyle	Larson (CT)
Akin	Dreier	Latham
Altmire	Driehaus	LaTourette
Andrews	Duncan	Latta
Austria	Edwards (MD)	Lee (CA)
Baca	Edwards (TX)	Lee (NY)
Bachmann	Ehlers	Levin
Bachus	Ellison	Lewis (CA)
Baird	Ellsworth	Lewis (GA)
Baldwin	Emerson	Linder
Barrow	Engel	LoBiondo
Bartlett	Eshoo	Loebsack
Barton (TX)	Etheridge	Lofgren, Zoe
Bean	Farr	Lowey
Becerra	Fattah	Lucas
Berkley	Filner	Luetkemeyer
Berman	Flake	Luján
Biggert	Fleming	Lummis
Bilbray	Forbes	Lungren, Daniel E.
Bilirakis	Fortenberry	Lynch
Bishop (GA)	Foster	Mack
Bishop (UT)	Foxx	Maloney
Blackburn	Frank (MA)	Marchant
Boehner	Franks (AZ)	Markey (CO)
Bonner	Frelinghuysen	Markey (MA)
Boozman	Fudge	Marshall
Boren	Gallegly	Matsui
Boswell	Garamendi	McCarthy (CA)
Boustany	Garrett (NJ)	McCarthy (NY)
Boyd	Gerlach	McCaul
Brady (PA)	Giffords	McClintock
Brady (TX)	Gingrey (GA)	McCollum
Braley (IA)	Gohmert	McCotter
Bright	Gonzalez	McDermott
Broun (GA)	Goodlatte	McGovern
Brown (SC)	Gordon (TN)	McHenry
Brown, Corrine	Granger	McIntyre
Buchanan	Grayson	McKeon
Burgess	Green, Al	McMahon
Burton (IN)	Green, Gene	McMorris Rodgers
Butterfield	Grijalva	Meek (FL)
Buyer	Guthrie	Meeks (NY)
Calvert	Hall (TX)	Mica
Camp	Halvorson	Michaud
Campbell	Hare	Miller (FL)
Cantor	Harman	Miller (MI)
Capito	Harper	Miller (NC)
Capps	Hastings (FL)	Miller, Gary
Capuano	Hastings (WA)	Miller, George
Cardoza	Heinrich	Minnick
Carnahan	Heller	Mitchell
Carney	Hensarling	Moore (KS)
Carson (IN)	Herger	Moore (WI)
Carter	Herseth Sandlin	Moran (KS)
Castle	Hill	Moran (VA)
Castor (FL)	Himes	Murphy (CT)
Chaffetz	Hinchey	Murphy (NY)
Chandler	Hirono	Murphy, Tim
Chu	Holden	Myrick
Clarke	Holt	Nadler (NY)
Clay	Honda	Napolitano
Cleaver	Hoyer	Neal (MA)
Clyburn	Hunter	Neugebauer
Coble	Inslee	Nunes
Coffman (CO)	Israel	Nye
Cohen	Issa	Oberstar
Cole	Jackson (IL)	Obey
Conaway	Jenkins	Olson
Connolly (VA)	Johnson (GA)	Olver
Cooper	Johnson, E. B.	Owens
Costa	Johnson, Sam	Pallone
Costello	Jones	Pascrell
Courtney	Jordan (OH)	Pastor (AZ)
Crenshaw	Kagen	Paul
Critz	Kanjorski	Paulsen
Crowley	Kaptur	Pence
Cuellar	Kennedy	Perlmutter
Culberson	Kildee	Perriello
Cummings	Kilpatrick (MI)	Peters
Dahlkemper	Kilroy	Peterson
Davis (CA)	Kind	Petri
Davis (IL)	King (IA)	Pitts
Davis (KY)	King (NY)	Platts
Davis (TN)	Kingston	Poe (TX)
DeFazio	Kirkpatrick (AZ)	Polis (CO)
DeGette	Kissell	Pomeroy
DeLauro	Klein (FL)	Posey
Dent	Kline (MN)	Price (GA)
Deutch	Kosmas	Price (NC)
Diaz-Balart, M.	Kratovil	Putnam
Dicks	Kucinich	
Dingell	Lance	

Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Stark
Stearns
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—59

Alexander
Arcuri
Barrett (SC)
Berry
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bono Mack
Boucher
Brown-Waite, Ginny
Cao
Cassidy
Childers
Conyers
Davis (AL)
Delahunt
Diaz-Balart, L.
Fallin
Graves
Griffith
Gutierrez
Hall (NY)
Higgins
Hinojosa
Hodes
Hoekstra
Inglis
Jackson Lee (TX)
Johnson (IL)
Kirk
Lamborn
Lipinski
Maffei
Manzullo
Matheson
McNerney
Melancon
Mollohan
Murphy, Patrick
Ortiz
Payne
Pingree (ME)
Rohrabacher
Ros-Lehtinen
Ross
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Schiff
Simpson
Space
Spratt
Stupak
Taylor
Tiahrt
Towns
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶65.22 H.R. 1017—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BRIGHT, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1017) to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 365 / Nays 6

¶65.23 [Roll No. 292]

YEAS—365

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

NAYS—6

Campbell
Chaffetz
Flake
Issa
Johnson, Sam
Lummis

NOT VOTING—59

Alexander
Barrett (SC)
Berry
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bono Mack
Boswell
Brown-Waite, Ginny
Burgess
Cao
Cassidy
Childers
Conyers
Davis (AL)
Delahunt
Diaz-Balart, L.
Fallin
Graves
Griffith
Gutierrez
Hall (NY)
Higgins
Hinojosa
Hodes
Hoekstra
Inglis
Jackson Lee (TX)
Johnson (IL)
Kirk
Lamborn
Lipinski
Manzullo
Matheson
McNerney
Melancon
Mollohan
Moore (KS)
Murphy, Patrick
Ortiz
Payne
Pingree (ME)
Rohrabacher
Ros-Lehtinen
Ross
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Schiff
Simpson
Space
Spratt
Stupak
Taylor
Tiahrt
Towns
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶65.24 H.R. 5330—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BRIGHT, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5330) to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act for a 5-year period ending June 22, 2015, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BRIGHT, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Florida, demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported

by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 366 Nays 4

¶65.25 [Roll No. 293]

AYES—366

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

NOES—4

Broun (GA)	McClintock
Burgess	Paul

NOT VOTING—60

Alexander	Gutierrez	Ortiz
Barrett (SC)	Hall (NY)	Payne
Berry	Higgins	Pingree (ME)
Bishop (NY)	Hinojosa	Rohrabacher
Blumenauer	Hodes	Ros-Lehtinen
Blunt	Hoekstra	Ross
Boccieri	Inglis	Rush
Bono Mack	Jackson Lee (TX)	Ryan (OH)
Boswell		Ryan (WI)
Brown-Waite, Ginny	Johnson (IL)	Sánchez, Linda T.
	Kirk	
Cao	Lamborn	Schiff
Childers	Lipinski	Simpson
Conyers	Manzullo	Space
Davis (AL)	Matheson	Spratt
Davis (TN)	McMahon	Stupak
Delahunt	McNerney	Taylor
Diaz-Balart, L.	Melancon	Tiahrt
Fallin	Miller, George	Tonko
Graves	Mollohan	Towns
Griffith	Murphy, Patrick	Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶65.26 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on May 21, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 5014. An Act to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

¶65.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. RYAN of Wisconsin, for today and balance of the week; and

To Mr. MANZULLO, for today.

And then,

¶65.28 ADJOURNMENT

On motion of Ms. FUDGE, pursuant to the special order of the House agreed to on May 20, 2010, at 8 o'clock and 20 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, May 25, 2010.

¶65.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. NORTON:

H.R. 5367. A bill to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service; to the Committee on Oversight and Government Reform.

By Mr. LYNCH:

H.R. 5368. A bill to amend titles 5 and 39 of the United States Code to make Postal Inspectors eligible for availability pay for criminal investigators; to the Committee on Oversight and Government Reform.

By Mr. DONNELLY of Indiana (for himself and Mr. POSEY):

H.R. 5369. A bill to amend the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 to exempt manufactured and modular housing retailers from the requirements of such Act, and for other purposes; to the Committee on Financial Services.

By Mr. HELLER:

H.R. 5370. A bill to provide for the conveyance of certain public land in and around historic mining townsites located in the State of Nevada, and for other purposes; to the Committee on Natural Resources.

By Mr. LUETKEMEYER (for himself, Mr. CANTOR, Mr. DEUTCH, and Mr. CROWLEY):

H.R. 5371. A bill to direct the Secretary of the Army and the Secretary of the Navy to conduct a review of military service records of Jewish American veterans of World War I, including those previously awarded a military decoration, to determine whether any of the veterans should be posthumously awarded the Medal of Honor, and for other purposes; to the Committee on Armed Services.

By Mr. MEEK of Florida (for himself, Mr. POMEROY, and Mr. NUNES):

H.R. 5372. A bill to amend the Internal Revenue Code of 1986 to treat any business credit attributable to wind, solar, or biomass electricity production and investment in solar energy property as refundable to the extent the taxpayer makes new wind, solar, and other renewable energy investments; to the Committee on Ways and Means.

By Mr. FOSTER:

H. Res. 1386. A resolution amending the Rules of the House of Representatives to prohibit Members from negotiating for a job involving lobbying activities; to the Committee on Rules.

By Mr. FARR (for himself, Mr. HONDA, Mr. FATTAH, Mr. MORAN of Virginia,

Mr. KENNEDY, Ms. HIRONO, Ms. WATSON, Mr. THOMPSON of Mississippi, Ms. EDWARDS of Maryland, Ms. CHU, Ms. HARMAN, Ms. MATSUI, Mr. THOMPSON of California, Mr. STARK, Mr. FILNER, Ms. GIFFORDS, Mr. CARTER, Mr. UPTON, Mr. THORNBERRY, Mr. GALLEGLY, Mr. MCCLINTOCK, Mr. CALVERT, Mr. LEWIS of California, Mr. COLE, Mr. YOUNG of Alaska, Mr. FRELINGHUYSEN, Mr. YOUNG of Florida, Mr. KUCINICH, Mr. CAPUANO, Mr. TIERNEY, Mr. GEORGE MILLER of California, Mr. CARDOZA, Mr. PETERSON, Mrs. CAPPS, Mr. REYES, Mr. GARAMENDI, Mr. COSTA, Mr. SNYDER, Mr. HOLT, Mr. SHERMAN, and Mr. MCDERMOTT):

H. Res. 1387. A resolution recognizing the heroic contributions of Japanese-Americans who served in the Military Intelligence Service during and after World War II; to the Committee on Armed Services.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. ROONEY, Mr. OLSON, Mr. WILSON of South Carolina, Mr. POSEY, Ms. BORDALLO, Mr. CAO, Mr. EHLERS, Mr. MEEK of Florida, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. MACK, Mr. BOYD, Mr. JONES, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. KLEIN of Florida):

H. Res. 1388. A resolution supporting the goals and ideals of National Hurricane Preparedness Week; to the Committee on Science and Technology.

¶65.30 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

293. The SPEAKER presented a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Memorial 2002 urging the Congress to ensure that any federal Health Care Reform legislation has minimal fiscal impact on the states; to the Committee on Energy and Commerce.

294. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 256 urging Congress to enact H.R. 4542, the ''Stopping Criminal Trials for Guantanamo Terrorists Act of 2010''; to the Committee on the Judiciary.

¶65.31 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WAXMAN introduced A bill (H.R. 5373) for the relief of Allan Bolar Kelley; which was referred to the Committee on the Judiciary.

¶65.32 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 571: Mr. POE of Texas.
H.R. 673: Mr. GERLACH.
H.R. 745: Mr. HARE and Mr. SHUSTER.
H.R. 832: Mr. HONDA.
H.R. 886: Mr. DRIEHAUS.
H.R. 1024: Mr. DEUTCH.
H.R. 1030: Mr. HIMES.
H.R. 1074: Mr. MCCARTHY of California and Mr. SCHRADER.
H.R. 1193: Ms. SCHAKOWSKY.
H.R. 1210: Ms. FUDGE.
H.R. 1339: Mr. HEINRICH.
H.R. 1340: Ms. LEE of California.
H.R. 1347: Mr. GEORGE MILLER of California and Ms. WOOLSEY.
H.R. 1409: Mr. CRITZ.
H.R. 1596: Mr. TANNER, Mr. WEINER, and Mr. CAO.
H.R. 1646: Ms. SPEIER.
H.R. 1670: Mrs. MCCARTHY of New York.
H.R. 1791: Mr. POLIS.
H.R. 1866: Mr. NADLER of New York.
H.R. 2054: Ms. LINDA T. SÁNCHEZ of California, Ms. RICHARDSON, and Ms. NORTON.
H.R. 2067: Ms. EDWARDS of Maryland, Mr. BERMAN, Ms. MCCOLLUM, Mr. HONDA, Mr. PASCRELL, and Mrs. LOWEY.
H.R. 2149: Mr. CONNOLLY of Virginia.
H.R. 2296: Mr. MCCARTHY of California.
H.R. 2305: Ms. JENKINS.
H.R. 2363: Ms. JACKSON LEE of Texas.
H.R. 2382: Mr. HONDA.
H.R. 2401: Mr. ROTHMAN of New Jersey.
H.R. 2579: Ms. MCCOLLUM.
H.R. 2846: Mr. MICA.
H.R. 2866: Ms. SUTTON.
H.R. 2906: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3006: Ms. PINGREE of Maine.
H.R. 3035: Ms. NORTON.
H.R. 3156: Ms. CLARKE.
H.R. 3181: Ms. NORTON.
H.R. 3267: Mr. MCNERNEY.
H.R. 3286: Mr. ALTMIRE.
H.R. 3375: Mr. BRIGHT and Ms. HERSETH SANDLIN.
H.R. 3567: Ms. JACKSON LEE of Texas.
H.R. 3615: Mr. COFFMAN of Colorado.
H.R. 3721: Mr. WU.
H.R. 3749: Mrs. BIGGERT.
H.R. 3752: Mr. SMITH of Texas.
H.R. 3839: Mr. MICHAUD, Mr. GARAMENDI, and Mr. LUJÁN.
H.R. 3974: Ms. RICHARDSON.
H.R. 3995: Ms. SUTTON.
H.R. 4021: Mr. KUCINICH.
H.R. 4054: Ms. MARKEY of Colorado.
H.R. 4065: Mr. SPRATT and Ms. NORTON.
H.R. 4068: Mr. DONNELLY of Indiana.
H.R. 4114: Mr. HASTINGS of Florida and Mr. PASTOR of Arizona.
H.R. 4115: Mr. JOHNSON of Illinois.
H.R. 4190: Ms. RICHARDSON.
H.R. 4197: Mrs. DAVIS of California and Mr. BACHUS.
H.R. 4264: Ms. RICHARDSON and Mr. KUCINICH.
H.R. 4308: Mr. LEE of New York.
H.R. 4318: Ms. CASTOR of Florida and Mr. CONYERS.
H.R. 4351: Mr. WILSON of Ohio.
H.R. 4509: Ms. SCHWARTZ and Mr. FARR.
H.R. 4530: Mr. HIMES.
H.R. 4534: Ms. NORTON.
H.R. 4544: Mr. TOWNS, Ms. LEE of California, Ms. JACKSON LEE of Texas, and Ms. KILPATRICK of Michigan.
H.R. 4568: Mr. THORNBERRY.
H.R. 4599: Mr. WU.
H.R. 4601: Mr. OLVER.
H.R. 4671: Mr. KUCINICH, Mr. CASTLE, and Mr. DRIEHAUS.
H.R. 4678: Mr. DRIEHAUS.
H.R. 4684: Mr. AUSTRIA, Mr. CAO, Mr. ISSA, Mr. SCHIFF, and Mr. MCNERNEY.
H.R. 4689: Mr. CASTLE, Mr. ALTMIRE, and Mr. SNYDER.
H.R. 4713: Mr. DEFAZIO.
H.R. 4722: Mr. KUCINICH, Mr. TIERNEY, and Ms. ZOE LOFGREN of California.
H.R. 4733: Mr. ROTHMAN of New Jersey.
H.R. 4755: Ms. MOORE of Wisconsin.
H.R. 4788: Ms. TITUS, Ms. FUDGE, Mr. PERLMUTTER, and Mr. COSTA.
H.R. 4806: Mr. HONDA.
H.R. 4812: Mr. MOORE of Kansas.
H.R. 4830: Mr. HASTINGS of Florida.
H.R. 4832: Mr. LUJÁN.
H.R. 4836: Mr. SERRANO, Ms. RICHARDSON, Mr. KAGEN, Mr. COHEN, and Mr. CONNOLLY of Virginia.
H.R. 4844: Mr. THOMPSON of California and Mr. POE of Texas.
H.R. 4846: Ms. NORTON.
H.R. 4868: Ms. NORTON.
H.R. 4870: Mr. RUSH, Ms. LORETTA SANCHEZ of California, and Mr. ARCURI.
H.R. 4903: Mr. CHAFFETZ and Mr. STEARNS.
H.R. 4914: Mr. MCNERNEY.
H.R. 4921: Mr. DONNELLY of Indiana and Mr. ALTMIRE.
H.R. 4923: Mr. CHANDLER, Mr. ARCURI, and Mr. HOLT.
H.R. 4958: Ms. RICHARDSON.
H.R. 4959: Mr. HODES, Ms. LEE of California, and Mr. POLIS.
H.R. 5034: Mr. ADLER of New Jersey, Mr. OLSON, Mr. JORDAN of Ohio, and Mr. GINGREY of Georgia.
H.R. 5035: Mr. COURTNEY.
H.R. 5040: Mr. KAGEN.
H.R. 5092: Mr. CARNEY, Mr. DRIEHAUS, Mr. GONZALEZ, Mr. KRATOVIL, Mr. MILLER of North Carolina, Ms. TSONGAS, Mr. AKIN, Mr. CANTOR, Ms. TITUS, and Mr. HALL of Texas.
H.R. 5120: Mr. KAGEN, Mr. ISRAEL, Mr. LUJÁN, Mr. GARAMENDI, Mr. SCHIFF, and Mr. HINCHEY.
H.R. 5122: Mr. GARAMENDI.
H.R. 5141: Mr. KLINE of Minnesota, Mr. MCCOTTER, Mr. FORTENBERRY, and Mr. BACHUS.
H.R. 5143: Mr. JOHNSON of Georgia and Mr. SMITH of Texas.
H.R. 5159: Mr. GRIJALVA and Ms. NORTON.
H.R. 5175: Ms. CLARKE and Ms. MOORE of Wisconsin.
H.R. 5206: Ms. CORRINE BROWN of Florida and Mr. PERRIELLO.
H.R. 5207: Mr. PLATTS.
H.R. 5211: Ms. CORRINE BROWN of Florida.
H.R. 5213: Mr. INSLEE.
H.R. 5214: Mr. DINGELL, Ms. WATERS, Mrs. MALONEY, Mr. NADLER of New York, Mr. VAN HOLLEN, and Mr. FARR.
H.R. 5235: Mr. ROSS.
H.R. 5248: Ms. WATERS.
H.R. 5258: Mr. CAO.
H.R. 5268: Mr. MORAN of Virginia.
H.R. 5270: Mr. BARTLETT.
H.R. 5293: Mr. MCNERNEY and Mr. STARK.
H.R. 5297: Ms. CLARKE.
H.R. 5298: Ms. RICHARDSON and Mr. LYNCH.
H.R. 5299: Mr. FLAKE, Mr. LATHAM, Mr. ROGERS of Kentucky, and Ms. FOXX.
H.R. 5301: Mr. HASTINGS of Washington, Mr. DEFAZIO, and Mr. LARSEN of Washington.
H.R. 5302: Mrs. LOWEY.
H.R. 5319: Mr. LAMBORN.
H.R. 5323: Mr. CALVERT.
H.R. 5353: Mr. FILNER.
H.R. 5354: Mr. NADLER of New York and Mr. GORDON of Tennessee.
H.R. 5355: Mrs. MALONEY.
H.R. 5357: Mr. JONES.
H. Con. Res. 110: Mr. WU, Mr. HOLT, Mr. MARCHANT, and Mr. MANZULLO.
H. Con. Res. 226: Mr. PETRI.
H. Con. Res. 266: Mr. PETRI, Mrs. MYRICK, Mr. POE of Texas, and Mrs. CHRISTENSEN.
H. Con. Res. 271: Mr. CALVERT.
H. Con. Res. 273: Mr. MCCAUL and Mr. COBLE.
H. Res. 173: Ms. KOSMAS, Mr. COSTA, Mr. OLVER, Mr. CLEAVER, Mr. ENGEL, Mr FARR, Mr. LUJÁN, and Ms. LINDA T. SÁNCHEZ of California.
H. Res. 937: Mr. BURTON of Indiana, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SCHOCK, Mr. PENCE, Mr. MARIO DIAZ-BALART of Florida, Mr. ROYCE, and Mr. RYAN of Wisconsin.
H. Res. 1073: Mr. MINNICK and Mr. MELANCON.
H. Res. 1161: Mr. PETERS.
H. Res. 1219: Mr. DUNCAN, Ms. CASTOR of Florida, Mr. HALL of Texas, Ms. BERKLEY, Mr. BOSWELL, Mr. KENNEDY, Ms. BORDALLO, Mr. LATHAM, and Mr. COBLE.
H. Res. 1229: Mr. DENT.
H. Res. 1234: Mrs. MALONEY, Mr. OWENS, Mr. MCMAHON, Mr. RANGEL, Mrs. MCCARTHY of New York, Mr. ISRAEL, and Mr. MURPHY of New York.
H. Res. 1241: Mr. CARTER and Mr. POE of Texas.
H. Res. 1251: Mr. ROGERS of Alabama, Mr. SHUSTER, Ms. SHEA-PORTER, Mr. KISSELL,

Mr. WITTMAN, Mr. JONES, and Mr. WILSON of South Carolina.

H. Res. 1277: Ms. HARMAN.

H. Res. 1302: Mrs. BLACKBURN, Ms. SCHAKOWSKY, and Mr. TOWNS.

H. Res. 1318: Mr. ARCURI, Mr. LEE of New York, Mrs. MALONEY, Mr. OWENS, Mr. MCMAHON, Mr. RANGEL, Mr. MURPHY of New York, Mr. ISRAEL, and Mrs. MCCARTHY of New York.

H. Res. 1322: Mr. SIRES, Mr. WU, and Mr. HINCHEY.

H. Res. 1346: Mr. LUCAS, Mr. ROGERS of Michigan, Mr. AKIN, Mr. MILLER of Florida, and Mr. ADERHOLT.

H. Res. 1348: Mr. HODES.

H. Res. 1351: Mr. POLIS.

H. Res. 1366: Mr. KAGEN.

H. Res. 1370: Mr. FILNER.

H. Res. 1372: Mr. DAVIS of Kentucky and Mr. LINDER.

H. Res. 1378: Mr. SKELTON, Mrs. MYRICK, and Mr. PENCE.

H. Res. 1379: Mr. BURTON of Indiana, Mr. HASTINGS of Florida, Mr. MOORE of Kansas, Mr. SABLAN, Ms. SCHAKOWSKY, and Ms. TITUS.

H. Res. 1382: Ms. BORDALLO, Mr. GARRETT of New Jersey, Mr. TANNER, and Mr. POMEROY.

H. Res. 1384: Mr. KING of Iowa, Mr. CULBERSON, Mr. TIAHRT, Mr. BACHUS, Mr. BURTON of Indiana, and Mr. POE of Texas.

H. Res. 1385: Mr. TAYLOR, Mr. REYES, Mr. LARSEN of Washington, Ms. GIFFORDS, Mr. SHUSTER, Mr. NYE, Mr. WITTMAN, Mr. BRIGHT, Mr. SESTAK, Mr. JONES, Mr. COURTNEY, Mr. WILSON of South Carolina, Ms. BORDALLO, Mr. MILLER of Florida, Mr. ANDREWS, Mr. ELLSWORTH, Mr. SPRATT, Ms. TSONGAS, Mr. BOREN, Mr. COOPER, Mr. BRADY of Pennsylvania, Mr. SNYDER, Mr. SMITH of Washington, Mr. JOHNSON of Georgia, Mr. HEINRICH, Mr. BOSWELL, Mr. LOBIONDO, Mr. LOEBSACK, Ms. SHEA-PORTER, Mr. FORBES, Mr. ROONEY, Mr. AKIN, Mr. CRENSHAW, Mr. BARTLETT, Mr. BERMAN, Mr. DEUTCH, Mr. BOYD, Mr. MURPHY of New York, Mr. CHILDERS, Mr. SHULER, Mr. KRATOVIL, Mr. HOYER, Mr. COSTA, Mr. CARDOZA, Mr. TANNER, Ms. HERSETH SANDLIN, Mr. WALZ, Mr. BRALEY of Iowa, Mr. MEEK of Florida, Mr. GINGREY of Georgia, Mr. LARSON of Connecticut, Mr. OWENS, Mr. CONAWAY, Mr. LAMBORN, Mr. GARAMENDI, Mr. ORTIZ, Mr. CARNAHAN, Ms. PINGREE of Maine, Mrs. EMERSON, Mr. THORNBERRY, and Mr. KLINE of Minnesota.

¶65.33 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

135. The SPEAKER presented a petition of Sedgwick County, Kansas, relative to Resolution 66-2010 urging the Congress to select the Boeing NewGen Tanker; to the Committee on Armed Services.

136. Also, a petition of American Bar Association, Illinois, relative to Resolution 115 urging the Congress to re-authorize and fully fund the Violence Against Women Act; to the Committee on the Judiciary.

137. Also, a petition of American Bar Association, Illinois, relative to Resolution 111B supporting the Uniform Collateral Consequences of Conviction Act; to the Committee on the Judiciary.

TUESDAY, MAY 25, 2010 (66)

¶66.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. YARMUTH, who laid before the House the following communication:

WASHINGTON, DC,
May 25, 2010.

I hereby appoint the Honorable JOHN A. YARMUTH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶66.2 RECESS—10:40 A.M.

The SPEAKER pro tempore, Mr. YARMUTH, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 40 minutes a.m., until noon.

¶66.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. HASTINGS of Florida, called the House to order.

¶66.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HASTINGS of Florida, announced he had examined and approved the Journal of the proceedings of Monday, May 24, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶66.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7638. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Loan Policies and Operations; Loan Purchases from FDIC (RIN: 3052-AC62) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7639. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Federal Housing Administration: Continuation of FHA Reform; Strengthening Risk Management Through Responsible FHA-Approved Lenders [Docket No.: FR 5356-F-02] (RIN: 2502-AI81) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7640. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition to the List of Validated End-Users: Advanced Micro Devices China, Inc. [Docket No.: 100205080-0187-01] (RIN: 0694-AE87) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7641. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants: Threatened Status for the Puget Sound/Georgia Basin Distinct Population Segments of Yelloweye and Canary Rockfish and Endangered Status for the Puget Sound/Georgia Basin Distinct Population Segment of Bocacciio Rockfish [Docket No.: 080229341-0108-03] (RIN: 0648-XF89) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7642. A letter from the Rules Administrator, Federal Bureau of Prisons, transmitting the Bureau's final rule — Inmate Communication With News Media: Removal of Byline Regulations [BOP-1149-I] (RIN: 1120-AB49) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7643. A letter from the Interdiction Coordinator, Office of National Drug Control Policy, transmitting annual report to Congress; to the Committee on the Judiciary.

7644. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1883-DR for the State of Oklahoma; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

7645. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1884-DR for the State of California; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

7646. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1879-DR for the State of North Dakota; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

7647. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1880-DR for the State of Iowa; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7648. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1881-DR for the State of West Virginia; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

¶66.6 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4173. An Act to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

The message also announced that the Senate has passed bills of the following titles, in which the concurrence of the House is requested:

S. 707. An Act to enhance the Federal Telework Program.

S. 2868. An Act to provide increased access to the General Services Administration's Schedules Program by the American Red Cross and State and local governments.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4173) ''An Act to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes,'' requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that on May 25, 2010, appointed: Messrs. DODD, JOHNSON,REED,

SCHUMER, SHELBY, CRAPO, CORKER, and GREGG, to be the conferees on the part of the Senate, and from the Committee on Agriculture, Nutrition, and Forestry appointed: Mrs. LINCOLN, Messrs. LEAHY, HARKIN, and CHAMBLISS, to be conferees on the part of the Senate.

¶66.7 H.R. 5145—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5145) to amend title 38, United States Code, to improve the continuing professional education reimbursement provided to health professionals employed by the Department of Veterans Affairs; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 Nays 2

¶66.8 [Roll No. 294]

YEAS—413

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

NAYS—2

Campbell
Flake

NOT VOTING—15

Barrett (SC)
Blunt
Conyers
Davis (AL)
Fallin
Graves
Griffith
Hinojosa
Hoekstra
Jackson Lee (TX)
Kilpatrick (MI)
Manzullo
Ryan (WI)
Scott (GA)
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.9 H. RES. 1258—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1258) expressing support for designation of May 2010 as Mental Health Month; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 Nays 1

¶66.10 [Roll No. 295]

YEAS—414

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

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

NAYS—1

Paul

NOT VOTING—15

Barrett (SC)	Graves	Kilpatrick (MI)
Blunt	Griffith	Manzullo
Boucher	Hinojosa	Ryan (WI)
Conyers	Hoekstra	Wamp
Davis (AL)	Jackson Lee (TX)	
Fallin		

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶66.11 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 24, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Scott T. Nago, Chief Election Officer, Office of Elections, State of Hawaii, indicating that, according to the unofficial returns of the Special Election held May 22, 2010, the Honorable Charles Djou was elected Representative to Congress for the First Congressional District, State of Hawaii.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

By Robert F. Reeves, Deputy Clerk.

Enclosure.

STATE OF HAWAII,
OFFICE OF ELECTIONS,
Pearl City, HI, May 23, 2010.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Saturday, May 22, 2010 for Representative in Congress from the First Congressional District of Hawaii shows that Charles Djou (R) received the most votes of the total number cast for that office.

It would appear from the unofficial results that Charles Djou (R) was elected Representative from the First Congressional District of Hawaii. We are unaware of any election contests at this time.

As soon as the official results are certified, an official Certificate of Election will be transmitted as required by law.

Sincerely,

SCOTT T. NAGO,
Chief Election Officer.

U.S. REP DISTRICT SPECIAL VACANCY ELECTION—State of Hawaii—Statewide

May 22, 2010 SUMMARY REPORT

Congressional District 1	98 of 98
(R) Djou, Charles	(67,610, 39.4%)
(D) Hanabusa, Colleen	(52.802, 30.8%)
(D) Case, Ed	(47,391, 27.6%)
(D) Del Castillo, Rafael (Del)	(664, 0.4%)
(N) Strode, Kalaeloa	(491, 0.3%)
(N) Brewer, Jim	(273, 0.2%)
(D) Lee, Philmund (Phil)	(254, 0.1%)
(R) Collins, Charles (Googie)	(194, 0.1%)
(R) Amsterdam, C. Kaui Jochanan	(170, 0.1%)
(D) Browne, Vinny	(150, 0.1%)
(N) Tataii, Steve	(125, 0.1%)
(R) Crum, Douglas	(107, 0.1%)
(R) Giuffre, John (Raghu)	(82, 0.0%)
(N) Moseley, Karl F.	(80, 0.0%)
Blank Votes:	(135, (.1%)
Over Votes:	(889, (.5%)
REGISTRATION AND TURNOUT SPECIAL	
TOTAL REGISTRATION	(317, 337)
TOTAL TURNOUT	(171,417, 54.0%)
PRECINCT TURNOUT	(169,104, 53.3%)
ABSENTEE TURNOUT	(2,313, 0.7%)
OVERSEAS BALLOTS CAST	
OVERSEAS TURNOUT	(296, 0.0%)
1ST CONGRESSIONAL	(296)
2ND CONGRESSIONAL	(0)

¶66.12 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Ms. HIRONO, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. Charles D. Djou, first District of the State of Hawaii, has not been received by the Clerk of the House of Representatives, Mr. DJOU be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

Mr. DJOU then presented himself at the bar of the House and took the oath of office prescribed by law.

¶66.13 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced under clause 5(d) of rule XX, that, in light of the administration of the oath to Representative DJOU, the whole number of the House is adjusted to 432.

¶66.14 H. RES. 1382—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1382) expressing sympathy to the families of those killed by North Korea in the sinking of the Republic of Korea Ship Cheonan, and solidarity with the Republic of Korea in the aftermath of this tragic incident.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 3

¶66.15 [Roll No. 296]

AYES—411

Ackerman	Blumenauer	Cao
Aderholt	Boccieri	Capito
Adler (NJ)	Boehner	Capps
Akin	Bonner	Capuano
Alexander	Bono Mack	Cardoza
Altmire	Boozman	Carnahan
Andrews	Boren	Carney
Arcuri	Boswell	Carson (IN)
Austria	Boucher	Carter
Baca	Boustany	Cassidy
Bachmann	Boyd	Castle
Bachus	Brady (PA)	Castor (FL)
Baird	Brady (TX)	Chaffetz
Baldwin	Braley (IA)	Chandler
Barrow	Bright	Childers
Bartlett	Broun (GA)	Chu
Barton (TX)	Brown (SC)	Clarke
Bean	Brown, Corrine	Clay
Becerra	Brown-Waite, Ginny	Cleaver
Berkley		Clyburn
Berman	Buchanan	Coble
Berry	Burgess	Coffman (CO)
Biggert	Burton (IN)	Cohen
Bilbray	Butterfield	Cole
Bilirakis	Buyer	Conaway
Bishop (GA)	Calvert	Connolly (VA)
Bishop (NY)	Camp	Cooper
Bishop (UT)	Campbell	Costa
Blackburn	Cantor	Costello

Courtney
Crenshaw
Critz
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—3

Jones
Kucinich
Paul

NOT VOTING—17

Barrett (SC)
Blunt
Conyers
Crowley
Davis (AL)
Fallin
Graves
Griffith
Hinojosa
Hoekstra
Honda
Jackson Lee (TX)
Kilpatrick (MI)
Manzullo
Ryan (WI)
Wamp
Watson

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶66.16 H. RES. 584—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 584) recognizing the importance of manufactured and modular housing in the United States.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of those present had voted in the affirmative.

Mr. DRIEHAUS demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

It was decided in the affirmative .....

Yeas	408
Nays	4
Answered present	1

¶66.17 [Roll No. 297]

YEAS—408

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

Tsongas	Wasserman Schultz	Whitfield
Turner	Waters	Wilson (OH)
Upton	Watson	Wilson (SC)
Van Hollen	Watt	Wittman
Velázquez	Waxman	Wolf
Visclosky	Weiner	Woolsey
Walden	Welch	Wu
Walz	Westmoreland	Yarmuth
		Young (FL)

NAYS—4

Broun (GA)	Paul
Cao	Young (AK)

ANSWERED ''PRESENT''—1

Rogers (MI)

NOT VOTING—18

Barrett (SC)	Griffith	Kilpatrick (MI)
Blunt	Gutierrez	Lummis
Boyd	Hinojosa	Manzullo
Conyers	Hodes	Ryan (WI)
Davis (AL)	Hoekstra	Wamp
Fallin	Jackson Lee (TX)	
Graves		

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶66.18 FEDERAL EMPLOYEES WHO DIE IN THE LINE OF DUTY

Mr. LYNCH moved to suspend the rules and agree to the following amendments of the Senate to the bill (H.R. 2711) to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Special Agent Samuel Hicks Families of Fallen Heroes Act''.

SEC. 2. TRANSPORTATION AND MOVING EXPENSES FOR IMMEDIATE FAMILY OF CERTAIN DECEASED FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is amended by inserting after section 5724c the following:

''§ 5724d. Transportation and moving expenses for immediate family of certain deceased Federal employees

''(a) IN GENERAL.—Under regulations prescribed by the President, the head of the agency concerned (or a designee) may determine that a covered employee died as a result of personal injury sustained while in the performance of the employee's duty and authorize or approve the payment by the agency, from Government funds, of—

''(1) any qualified expense of the immediate family of the covered employee attributable to a change in their place of residence, if the place where the immediate family will reside following the death of the employee is—

''(A) different from the place where the immediate family resided at the time of the employee's death; and

''(B) within the United States; and

''(2) any expense of preparing and transporting the remains of the deceased to—

''(A) the place where the immediate family will reside following the death of the employee; or

''(B) such other place appropriate for interment as is determined by the agency head (or designee).

''(b) NO DUPLICATE PAYMENT OF EXPENSES.—No expenses may be paid under this section if those expenses are paid from Government funds under section 5742 or any other authority.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'covered employee' means—

''(A) a law enforcement officer, as defined in section 5541;

''(B) any employee in or under the Federal Bureau of Investigation who is not described in subparagraph (A); and

''(C) a customs and border protection officer, as defined in section 8331(31); and

''(2) the term 'qualified expense', as used with respect to an immediate family changing its place of residence, means the transportation expenses of the immediate family, the expenses of moving (including transporting, packing, crating, temporarily storing, draying, and unpacking) the household goods and personal effects of such immediate family, not in excess of 18,000 pounds net weight, and, when authorized or approved by the agency head (or designee), the transportation of 1 privately owned motor vehicle.''.

(b) NO RELEVANCE AS TO COMPENSATION CLAIMS.—No determination made under section 5724d of title 5, United States Code, shall be deemed relevant to or be considered in connection with any claim for compensation under chapter 81 of that title or under any other law under which compensation may be provided on account of death or personal injury, nor shall any determination made with respect to any such claim be deemed relevant to or be considered in connection with any request for payment of expenses under such section 5724d.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5724c the following:

''Sec. 5724d. Transportation and moving expenses for immediate family of certain deceased Federal employees.''.

Amend the title so as to read: ''An Act to amend title 5, United States Code, to provide for the transportation and moving expenses for the immediate family of certain Federal employees who die in the performance of their duties.''.

The SPEAKER pro tempore, Mr. CUMMINGS, recognized Mr. LYNCH and Mr. LUETKEMEYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendments of the Senate?

The SPEAKER pro tempore, Mr. CUMMINGS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶66.19 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, without amendment, bills of the House of the following titles:

H.R. 3250. An Act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''.

H.R. 3634. An Act to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the ''George Kell Post Office''.

H.R. 3892. An Act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office''.

H.R. 4017. An Act to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office''.

H.R. 4095. An Act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the ''Congresswoman Jan Meyers Post Office Building''.

H.R. 4139. An Act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the ''Sergeant Matthew L. Ingram Post Office''.

H.R. 4214. An Act to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office''.

H.R. 4238. An Act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the ''W.D. Farr Post Office Building''.

H.R. 4425. An Act to designate the facility of the United States Postal Service located at 2–116th Street in North Troy, New York, as the ''Martin G. 'Marty' Mahar Post Office''.

H.R. 4547. An Act to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith, U.S. Army Air Forces Post Office''.

H.R. 4628. An Act to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''.

The message also announced that the Senate has passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4840. An Act to designate the facility of the United States Postal Service located at 1979 Cleveland Avenue in Columbus, Ohio, as the ''Clarence D. Lumpkin Post Office''.

The message also announced that the Senate has passed bills of the following titles, in which the concurrence of the House is requested:

S. 2874. An Act to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the ''Roy Rondeno, Sr. Post Office Building''.

S. 3200. An Act to designate the facility of the United States Postal Service located at 23 Genesee Street in Hornell, New York, as the ''Zachary Smith Post Office Building''.

¶66.20 WILL KEITH KELLOGG

Mr. LYNCH moved to suspend the rules and agree to the resolution (H. Res. 1172):

Whereas Will Keith (W.K.) Kellogg, through his experimentation and entrepreneurship, revolutionized eating habits around the world; promoted healthy living for families and communities; patriotically assisted the United States during World War II; created the Kellogg Company, which has produced a wide variety of popular foods for more than 100 years and has developed memorable cultural icons; and formed the W.K.

Kellogg Foundation, which promotes a vision of healthy living around the world;

Whereas Will Keith (W.K.) Kellogg was born on April 7, 1860, and died at the age of 91 on October 6, 1951;

Whereas, April 7, 2010, will mark the celebration of the 150th anniversary of W.K. Kellogg's birth;

Whereas W.K. Kellogg and his brother Dr. John Harvey Kellogg developed the first breakfast cereal, Kellogg's Corn Flakes, in Battle Creek, Michigan, on April 1, 1906;

Whereas W.K. Kellogg strongly promoted healthy eating and fitness throughout his career;

Whereas the Kellogg Company has produced many nutritious foods for 104 years;

Whereas consumer awareness of nutrition has long been a major priority of the Kellogg Company;

Whereas innovative packing and nutrition labels developed by the Kellogg Company have gone on to become standard practice in the food industry;

Whereas breakfast cereals have revolutionized eating habits in the United States and around the world;

Whereas the Kellogg Company has created memorable characters that have become cultural icons, including ''Tony the Tiger'' and ''Snap, Crackle, and Pop'';

Whereas during the Great Depression, W.K. Kellogg pronounced his faith in the United States by announcing ''I'll invest my money in people'';

Whereas the production facilities of the Kellogg Company played a key role in assisting the engineering efforts of the United States Armed Forces during World War II;

Whereas families in the United States often sent food products from the Kellogg Company to soldiers serving in foreign countries;

Whereas for his contributions to the United States during World War II, W.K. Kellogg was awarded the Army-Navy ''E'' Flag for Excellence;

Whereas the Apollo 11 astronauts brought Kellogg's breakfast cereal into outer space in 1969, during their successful mission to the moon;

Whereas the Kellogg Company has maintained its social responsibility by supporting a number of different organizations, such as the United Negro College Fund, the Statue of Liberty-Ellis Island renewal project, and organizations that fought apartheid in South Africa;

Whereas the Kellogg Company has been working to combat obesity and is joining together with more than 40 of the Nation's largest retailers, nonprofit organizations, manufacturers, and trade associations to launch the Healthy Weight Commitment Foundation to promote healthy living in homes, schools, and workplaces;

Whereas the Kellogg Foundation was begun by W.K. Kellogg to bolster the health of children in Battle Creek, Michigan;

Whereas the W.K. Kellogg Foundation today promotes health, education, agriculture, and family economic security throughout the world;

Whereas the Kellogg Company manufactures its products in 18 countries and sells them to people in 180 different countries;

Whereas the Kellogg Company currently has production facilities in 14 States, including: California, Georgia, Illinois, Kansas, Kentucky, Michigan, Nebraska, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Utah, and Washington; and

Whereas W.K. Kellogg created a legacy of healthy living, patriotism, and entrepreneurism that endures to this day: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 150th anniversary of the birth of Will Keith Kellogg and his contributions to the citizens of the United States and the people of the world.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. LYNCH and Mr. LUETKEMEYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶66.21 COMMENDING LANCE MACKEY

Mr. LYNCH moved to suspend the rules and agree to the resolution (H. Res. 1189):

Whereas Lance Mackey was born and raised in Alaska and currently resides in Fairbanks, Alaska;

Whereas Lance Mackey comes from a long line of successful mushers, including his father Dick and his brother Rick, each of whom has won the Iditarod Trail Sled Dog Race;

Whereas Lance Mackey is married to his high school sweetheart Tonya, who is also a musher, and has three children: Amanda, Brittney, and Cain and one new grandchild, born on the seventh day of the nine-plus-day Iditarod Trail Sled Dog Race;

Whereas Lance Mackey and his family run the Comeback Kennel in Fairbanks, Alaska;

Whereas Lance Mackey was diagnosed with throat cancer in 2001, took a year off from sled-dog racing to recover from the disease, and is now cancer-free;

Whereas the Iditarod Trail Sled Dog Race, which has been called the ''Last Great Race on Earth'', is a grueling 1,150-mile sled dog race across Alaska's jagged mountain ranges, frozen rivers, dense forests, and windswept tundra;

Whereas running the Iditarod Trail Sled Dog Race is a year-long commitment to training and caring for one's sled dogs;

Whereas the Yukon Quest is an equally grueling 1,000-mile sled dog race from Fairbanks, Alaska, to Whitehorse, Yukon;

Whereas Lance Mackey is the only 4-time consecutive Iditarod Trail Sled Dog Race Champion, the only 4-time Yukon Quest Race Champion and the only man to win both the Yukon Quest and Iditarod Trail Sled Dog Races in the same year, which he did in both 2007 and 2008;

Whereas Lance Mackey, guided by his two lead dogs ''Maple'' and ''Rev'', mushed his team of Alaskan Huskies along the path of the 38th Iditarod Trail Sled Dog Race from its start in Anchorage to the finish line in Nome in just 8 days, 23 hours, 59 minutes, and 9 seconds;

Whereas both ''Maple'' and ''Rev'' exemplify all the essential qualities for good lead dogs, including intelligence, initiative, common sense, and the ability to find a trail in bad conditions;

Whereas Lance Mackey, who despite retiring ''Larry'', the lead dog with whom Mackey won his first three Iditarod Trail Sled Dog Races, was still able to convincingly win his 4th consecutive Iditarod;

Whereas the Iditarod Trail, a National Historic Trail, is staffed by thousands of volunteers who monitor and assist all competitors; and

Whereas each checkpoint along the Iditarod Trail has coordinators, health care professionals, and licensed veterinarians who carefully monitor the health and safety of all dogs and mushers: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends Lance Mackey on his record-breaking 4th consecutive Iditarod victory during the 2010 Iditarod Trail Sled Dog Race;

(2) applauds each and every musher who was courageous enough to compete in the 2010 Iditarod Trail Sled Dog Race; and

(3) expresses appreciation to all volunteers and staff who help make this great Alaskan race possible each and every year.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. LYNCH and Mr. LUETKEMEYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶66.22 ASIAN/PACIFIC AMERICAN HERITAGE MONTH

Mr. LYNCH moved to suspend the rules and agree to the resolution (H. Res. 1316); as amended:

Whereas the United States joins together each May to pay tribute to the contributions of generations of Asians and Pacific Islanders who have enriched the Nation's history;

Whereas the history of Asians and Pacific Islanders in the United States is inextricably tied to the story of the Nation;

Whereas the month of May was selected for Asian/Pacific American Heritage Month due to the following two historical events, first, May 7, 1843, when the first Japanese immigrants arrived in the United States, and second, May 10, 1869, when, with substantial contributions from Chinese immigrants, the first transcontinental railroad was completed;

Whereas today, according to the United States Census Bureau, the Asian American and Pacific Islander community is one of the fastest growing and most diverse populations in the United States, comprised of over 45 distinct ethnicities and over 28 language groups in the community;

Whereas the United States Census Bureau estimates that there are 15,200,000 United States residents who identify themselves as Asian alone or in combination with one or more other races, 1,000,000 United States residents who identify themselves as Native Hawaiian and other Pacific Islander alone or in combination with one or more other races, and projects that by 2050, there will be 40,600,000 United States residents identifying as Asian alone or in combination with one or more other races, to comprise 9 percent of the United States population;

Whereas section 102 of title 36, United States Code, officially designates May as

Asian/Pacific American Heritage Month, and requests the President to issue each year a proclamation calling on the people of the United States to observe this month with appropriate programs, ceremonies, and activities;

Whereas significant outreach efforts to the Asian American and Pacific Islander community have been made through the reestablishment of the White House Initiative on Asian Americans and Pacific Islanders to coordinate multiagency efforts to ensure more accurate data collection and access to services for this community;

Whereas the Presidential Cabinet includes a record three Asian Americans, including Energy Secretary Steven Chu, Commerce Secretary Gary Locke, and Veterans Affairs Secretary Eric Shinseki;

Whereas there has been a commitment to judicial diversity through the nomination of high caliber Asian Americans and other minority jurists at all levels of the Federal bench;

Whereas the civic engagement of Asian Americans and Pacific Islanders and community-based organizations has increased throughout the years;

Whereas the Congressional Asian Pacific American Caucus, a bipartisan, bicameral caucus of Members of Congress advocating on behalf of Asian Americans and Pacific Islanders, has reached a record 30 Members this year;

Whereas today, Asian American and Pacific Islander leaders serve in local and State legislatures across the Nation, in States as diverse as California, New York, Texas, Connecticut, Maryland, Ohio, and Iowa;

Whereas, even with these exceptional milestones crossed by the community, there remains much to be done to ensure that linguistically and culturally isolated Asian Americans and Pacific Islanders have access to resources and a voice in the United States Government;

Whereas learning from injustices faced by Asian American and Pacific Islander communities throughout United States history, such as the Chinese Exclusion Act, the Japanese American internment, unpunished hate crimes such as the murder of Vincent Chin, and other events, can help perfect the Nation;

Whereas Asian Americans and Pacific Islanders, such as civil rights activist Yuri Kochiyama, Medal of Honor recipient Herbert Pililaau, the first Asian American Congressman Dalip Singh Saund, the first Asian American Congresswoman Patsy Mink, the first Asian American member of a presidential cabinet Norman Y. Mineta, and others have made significant strides in the political and military realms; and

Whereas celebrating Asian/Pacific American Heritage Month provides the people of the United States with an opportunity to recognize the achievements, contributions, history, and address the challenges faced by Asian Americans and Pacific Islanders: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that Asian American and Pacific Islander communities enhance the rich diversity of the United States; and

(2) celebrates the contributions of Asian Americans and Pacific Islanders to the United States.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. LYNCH and Mr. LUETKEMEYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LYNCH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶66.23 MEMBERS OF THE ARMED FORCES AND VETERANS

Mr. SKELTON moved to suspend the rules and agree to the resolution (H. Res. 1385):

Whereas May is commonly known as National Military Appreciation Month;

Whereas during World War I, more than 4,700,000 Americans served in the military, more than 116,000 Americans lost their lives, and more than 204,000 Americans were wounded;

Whereas only one American World War I veteran, Frank Woodruff Buckles, survives today;

Whereas during World War II, more than 16,000,000 Americans served in the military, more than 405,000 Americans lost their lives, and more than 670,000 Americans were wounded, and today more than 74,000 Americans remain unaccounted for;

Whereas during the Korean War, more than 5,700,000 Americans served in the military, more than 36,000 Americans lost their lives, and more than 103,000 Americans were wounded, and today 8,026 Americans remain unaccounted for;

Whereas during the Vietnam War, more than 3,400,000 Americans served in the military, more than 58,000 Americans lost their lives, and more than 150,000 Americans were wounded, and today 1,720 Americans remain unaccounted for;

Whereas during the Persian Gulf War, more than 2,200,000 Americans served in the military, 383 Americans lost their lives, and 467 Americans were wounded;

Whereas since 2001, more than 1,000 Americans have lost their lives and more than 5,500 Americans have been wounded in Operation Enduring Freedom;

Whereas since 2003, more than 4,300 Americans have lost their lives and more than 31,000 Americans have been wounded in Operation Iraqi Freedom;

Whereas members of the Armed Forces answer the call to serve the United States, leaving their homes, their families, and American soil, in times of war and peace;

Whereas members of the Armed Forces respond to acts of aggression against the United States and its allies, protect and evacuate civilians, bring stability to areas experiencing political turmoil, and provide comfort and support in the wake of natural disasters;

Whereas members of the Armed Forces have served the United States in hundreds of deployments, large and small, since the earliest days of the United States; and

Whereas all Americans, and many hundreds of millions of people around the world, owe their freedom to the courage, service, and sacrifice of members of the Armed Forces and veterans: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the courage and sacrifice of the members of the Armed Forces and veterans and thanks such members and veterans for their service; and

(2) urges all Americans to recognize and honor the courage and sacrifice of the members of the Armed Forces and veterans and thank such members and veterans for their service.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. SKELTON and Mr. MCKEON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SKELTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶66.24 STUDENT FINANCIAL AID AWARENESS MONTH

Mr. BISHOP of New York, moved to suspend the rules and agree to the resolution (H. Res. 1353); as amended:

Whereas education is the key to a successful future for many people in the United States;

Whereas the ability of some students to attend an institution of higher education is conditional on the availability of student financial assistance;

Whereas the cost of higher education continues to rise for 4-year private colleges and universities, 4-year public colleges and universities, 2-year community colleges, and for profit institutions;

Whereas students and families across the United States are making important decisions about financing their education at an institution of higher education;

Whereas efforts to increase awareness about student financial aid options are necessary for students across the United States to receive all of the financial aid available to them;

Whereas increasing awareness about the Free Application for Federal Student Aid (FAFSA) ensures that more eligible students may benefit from Federal financial assistance;

Whereas students must complete and submit a new FAFSA each school year to be considered for all forms of Federal financial aid;

Whereas each year, about 16,000,000 students apply for financial aid by filling out the FAFSA;

Whereas increasing access to Federal financial aid helps reduce students' reliance on costly private loans; and

Whereas Student Financial Aid Awareness Month will help call attention to the critical role financial assistance plays in helping students attending an institution of higher education: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Student Financial Aid Awareness Month;

(2) encourages students and families across the United States to participate in activities being offered during Student Financial Aid Awareness Month; and

(3) recognizes the importance of educating students and families about Federal student financial aid.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. BISHOP of

New York, and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶66.25 ROLLINS COLLEGE 125TH ANNIVERSARY

Mr. BISHOP of New York, moved to suspend the rules and agree to the resolution (H. Res. 1169); as amended:

Whereas Rollins College is one of the oldest institutions of higher learning in Florida;

Whereas the motto of Rollins College is ''Fiat Lux'', meaning ''Let There Be Light'' and, indeed, there has been light at Rollins from the beginning;

Whereas Rollins is a comprehensive liberal arts college with an undergraduate Arts & Sciences program, the Crummer Graduate School of Business, and evening degree and community outreach programs offered through the Hamilton Holt School;

Whereas for the fifth consecutive year, Rollins College ranked No. 1 among 117 Southern master's-level universities, in the annual rankings of ''America's Best Colleges'' in U.S. News & World Report;

Whereas Rollins College is fortunate to count among its alumni a Nobel Prize winner and Rhodes Scholars;

Whereas Rollins College students frequently secure Fulbright, Truman, Goldwater, and Pickering Scholarships;

Whereas John Dewey, the distinguished philosopher and educator, served as Chairman of the 1931 Curriculum Conference held at Rollins College, inspiring higher education curricular reform that still redounds today;

Whereas Sinclair Lewis, when he accepted the Nobel Prize in Literature, named Rollins among the four colleges in the United States doing the most to encourage creative work in contemporary literature, a commitment that continues;

Whereas prominent figures such as Presidents Franklin D. Roosevelt and Harry S. Truman have visited Rollins College;

Whereas in 1949, Rollins College was the first institution of higher education in the South to present an honorary degree to an African-American, namely Mary McLeod Bethune;

Whereas Rollins College's Annie Russell Theatre, listed on the National Register of Historic Places, is reputed to be the oldest continuously operating theater in Florida;

Whereas the nondenominational Knowles Memorial Chapel, an architectural treasure at Rollins College, also is listed on the National Register of Historic Places, and is the site of regular religious services, as well as musical and choral performances;

Whereas the Cornell Fine Arts Museum at Rollins features six galleries, Florida's only print-study room, and a dynamic combination of permanent collection installations and traveling exhibitions that promote interdisciplinary learning;

Whereas Rollins has established the Winter Park Institute to create opportunities for nationally known scholars and artists to engage with the Winter Park and campus communities; and

Whereas Rollins College is committed to excellence not only in the classroom but also on the playing field, having won more than 20 national championships, and being a founder of intercollegiate rowing in the South, as well as intercollegiate soccer across Central Florida: Now, therefore, be it

Resolved, That the House of Representatives honors Rollins College on the joyous occasion of its 125th anniversary, recognizes its unwavering commitment to liberal arts education, and expresses its best wishes for continued success.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. BISHOP of New York, and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of New York, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶66.26 CENTENNIAL CELEBRATION OF WOMEN AT MARQUETTE UNIVERSITY

Mr. BISHOP of New York, moved to suspend the rules and agree to the resolution (H. Res. 1161):

Whereas Marquette University was founded in Milwaukee, Wisconsin, in 1881 as a Catholic, Jesuit educational institution;

Whereas Marquette University was created to educate first-generation and low-income students under the premise that all people should be able to pursue higher education;

Whereas Marquette University was the first Catholic university in the world to admit women to be educated alongside men in its regular undergraduate programs in 1909;

Whereas because of the courageous vision of its then-president, the Rev. James McCabe, S.J. Marquette University pioneered the inclusion of women;

Whereas today, 53 percent of Marquette University students, 7 of the 33 members of the board of trustees, and 12 of the 27 members of the university leadership council are women;

Whereas Marquette University is celebrating the 100th anniversary of the admission of women during the 2009–2010 academic year through an alumnae memory project, guest speakers and lectures, commemorative publications, and faculty, staff, student, and alumni events;

Whereas Marquette University continued to expand access to education in 1969 by creation of the Educational Opportunity Program, which enables low-income and first-generation students to enter and succeed in higher education;

Whereas Marquette University is celebrating the 40th anniversary of the Educational Opportunity Program, which now serves more than 500 high school and college students annually through 4 Federally funded TRIO programs;

Whereas the Educational Opportunity Program continues Marquette University's tradition of serving as a model of success for more than 1,200 colleges and universities with Federally funded TRIO programs;

Whereas Marquette University's continued focus on its 4 core values of excellence, faith, leadership, and service challenges students to integrate knowledge, faith, and real-life choices in ways that will shape their lives and those of others in order to better society;

Whereas Marquette University recognizes and cherishes the dignity of each individual regardless of age, culture, faith, ethnicity, race, gender, sexual orientation, language, disability, or social class; and

Whereas Marquette University continues to adhere to its tenet of asking who has yet to gain access to higher education and who needs support in succeeding once through the door: Now, therefore, be it

Resolved, That the House of Representatives honors the Centennial Celebration of Women at Marquette University and commends the largest independent institution in Wisconsin for continuing to fulfill its Catholic, Jesuit mission of offering premier higher educational opportunities to all students who have a desire to learn.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. BISHOP of New York, and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of New York, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶66.27 UNIVERSITY OF GEORGIA GRADUATE SCHOOL

Mr. BISHOP of New York, moved to suspend the rules and agree to the resolution (H. Res. 1372):

Whereas, on June 10, 1910, the University of Georgia organized its graduate education practices under the guidance of Professor Willis Henry Bocock, who became the first dean of the Graduate School;

Whereas the Graduate School has contributed to elevating and maintaining the University of Georgia as one of the preeminent public universities in the United States;

Whereas these contributions are a reflection of the great leadership of the Graduate School's first dean, Dr. Bocock, and those who succeeded him: R.P. Stephens, George H. Boyd, Gerald B. Huff, Thomas H. Whitehead, Hardy M. Edwards, Jr., John C. Dowling, Gordhan L. Patel, and the present dean, Maureen Grasso;

Whereas the Graduate School has grown from 7 students in 1910 to more than 7,000 today;

Whereas the Graduate School has awarded master's, specialist, and doctoral degrees to more than 73,000 individuals who occupy leadership roles in school systems, institutions of higher learning, business, government, and nonprofit organizations;

Whereas the Graduate School includes more than 350 fields of study and contributes to new knowledge and advancements in academic research; and

Whereas Graduate School graduates have made significant contributions to the economic development and competitiveness of the State of Georgia and the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the centennial of the founding and organization of the University of Georgia Graduate School; and

(2) expresses sincere appreciation to the students and administrators who contribute to the growth and success of the University of Georgia Graduate School.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. BISHOP of New York, and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of New York, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶66.28 NATIONAL ASTHMA AND ALLERGY AWARENESS MONTH

Ms. CASTOR of Florida, moved to suspend the rules and agree to the resolution (H. Res. 407); as amended:

Whereas allergies are among the most common diseases in the United States;

Whereas an estimated 50,000,000 or 1 in 5 Americans suffer from all types of allergies;

Whereas approximately 3,000,000 school-aged children have a food allergy and the number of American children with a peanut allergy doubled between 1997 and 2002;

Whereas the prevalence of allergies has increased since the early 1980s in the United States across all age, sex, and racial groups;

Whereas allergies are the most frequently reported chronic condition in children;

Whereas almost 4,000 people die each year from asthma-related causes, and asthma is a contributing factor in another 7,000 deaths every year;

Whereas allergic reactions can be severe enough to cause death;

Whereas it is estimated that the cost of allergies is nearly $7,000,000,000 each year;

Whereas an estimated 20,000,000 or 1 in 15 Americans suffer from asthma, and over 50 percent of asthma cases are ''allergic-asthma'';

Whereas, due to asthma, each day in America 40,000 people miss school or work, 30,000 people have an attack, 5,000 people visit the emergency room, 1,000 people are admitted to the hospital, and 11 people die;

Whereas asthma is the most common chronic condition among children, affecting more than 1 of every 20 children;

Whereas asthma is more common among children (8.9 percent) than adults (7.2 percent);

Whereas nearly 6,500,000 asthma sufferers are under the age of 18;

Whereas ethnic differences in asthma prevalence, morbidity, and mortality are highly correlated with poverty, urban air quality, indoor allergens, lack of patient education, and inadequate medical care;

Whereas asthma accounts for nearly 2,000,000 emergency room visits in the United States each year;

Whereas each year, asthma accounts for more than 10,000,000 outpatient visits and 500,000 hospitalizations;

Whereas 40 percent of all asthma hospitalizations are for children;

Whereas asthma is the third-ranking cause of hospitalization among children;

Whereas among children ages 5 to 17, asthma is a leading cause of school absences from a chronic illness;

Whereas asthma accounts for an annual loss of more than 12,800,000 school days per year, which is approximately 8 days for each student with asthma, and it is estimated that children with asthma spend nearly 8,000,000 days per year restricted to bed;

Whereas the annual cost of asthma is estimated to be nearly $18,000,000,000;

Whereas the Asthma and Allergy Foundation of America first declared ''National Asthma and Allergy Awareness Week'' 25 years ago in May 1984;

Whereas each year, the Asthma and Allergy Foundation of America declares May as ''National Asthma and Allergy Awareness Month''; and

Whereas the month of May 2010 would be an appropriate month to designate a ''National Asthma and Allergy Awareness Month'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''National Asthma and Allergy Awareness Month'';

(2) supports the designation of a ''National Asthma and Allergy Awareness Month'';

(3) encourages local communities to raise awareness surrounding the prevalence of asthma and allergies;

(4) encourages awareness about disparities in asthma cases based on race, ethnicity, and socioeconomic status;

(5) recognizes and salutes health care professionals that treat asthma- and allergy-related health issues each day; and

(6) recognizes and reaffirms the Nation's commitment to continued education surrounding asthma and allergy treatment and symptoms and to advancing care for both asthma and allergy conditions.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. CASTOR of Florida, and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Ms. CASTOR of Florida, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶66.29 NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY

The SPEAKER pro tempore, Mr. SERRANO, pursuant to section 106 of the Higher Education Opportunity Act (Public Law 110-315), and the order of the House of January 6, 2009, announced that the Speaker appointed the following members, on the part of the House, to the National Advisory Committee on Institutional Quality and Integrity for a term of six years: upon the recommendation of the Majority Leader: Dr. Carolyn Williams, Bronx, New York, Dr. William ''Brit'' Kirwan, Adelphi, Maryland, and Dr. Benjamin J. Allen, Cedar Falls, Iowa; upon the recommendation of the Minority Leader: Dr. Art Keiser, Parkland, Florida, Mr. Arthur Rothkopf, Washington, District of Columbia, and Dr. William Pepicello, Phoenix, Arizona.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶66.30 H.R. 3885—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3885) to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 403 / Nays 4

¶66.31 [Roll No. 298]

YEAS—403

Ackerman	Buyer	Diaz-Balart, M.
Aderholt	Calvert	Dicks
Adler (NJ)	Camp	Dingell
Akin	Cantor	Djou
Alexander	Cao	Doggett
Altmire	Capito	Donnelly (IN)
Andrews	Capps	Doyle
Arcuri	Capuano	Dreier
Austria	Carnahan	Driehaus
Baca	Carney	Duncan
Bachmann	Carson (IN)	Edwards (MD)
Bachus	Carter	Edwards (TX)
Baird	Cassidy	Ehlers
Baldwin	Castle	Ellison
Barrow	Castor (FL)	Ellsworth
Bartlett	Chaffetz	Emerson
Barton (TX)	Chandler	Engel
Bean	Childers	Eshoo
Becerra	Chu	Etheridge
Berkley	Clarke	Farr
Berman	Clay	Fattah
Berry	Cleaver	Filner
Biggert	Clyburn	Fleming
Bilbray	Coble	Forbes
Bilirakis	Coffman (CO)	Fortenberry
Bishop (GA)	Cohen	Foster
Bishop (NY)	Cole	Foxx
Blackburn	Conaway	Frank (MA)
Blumenauer	Connolly (VA)	Franks (AZ)
Boccieri	Cooper	Frelinghuysen
Boehner	Costa	Fudge
Bonner	Costello	Gallegly
Bono Mack	Courtney	Garamendi
Boozman	Crenshaw	Garrett (NJ)
Boren	Critz	Gerlach
Boswell	Crowley	Giffords
Boucher	Cuellar	Gingrey (GA)
Boustany	Culberson	Gohmert
Boyd	Cummings	Gonzalez
Brady (PA)	Dahlkemper	Goodlatte
Braley (IA)	Davis (CA)	Gordon (TN)
Bright	Davis (IL)	Granger
Broun (GA)	Davis (KY)	Grayson
Brown (SC)	Davis (TN)	Green, Al
Brown, Corrine	DeFazio	Green, Gene
Brown-Waite, Ginny	DeGette	Griffith
Buchanan	Delahunt	Grijalva
Burgess	DeLauro	Guthrie
Burton (IN)	Dent	Gutierrez
Butterfield	Deutch	Hall (NY)
	Diaz-Balart, L.	Hall (TX)

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

NAYS—4

Campbell
Flake
Issa
Shadegg

NOT VOTING—24

Barrett (SC)
Bishop (UT)
Blunt
Brady (TX)
Cardoza
Conyers
Davis (AL)
Fallin
Graves
Himes
Hoekstra
Jackson Lee (TX)
Kilpatrick (MI)
Langevin
Lewis (CA)
Manzullo
McCarthy (CA)
McGovern
Petri
Polis (CO)
Radanovich
Ruppersberger
Ryan (WI)
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.32 H.R. 2711—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the amendments of the Senate to the bill (H.R. 2711) to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties.

The question being put,

Will the House suspend the rules and agree to said amendments of the Senate?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 Nays 0

¶66.33 [Roll No. 299]

YEAS—416

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

NOT VOTING—15

Barrett (SC)
Blunt
Conyers
Davis (AL)
Fallin
Graves
Hoekstra
Jackson Lee (TX)
Kennedy
Kilpatrick (MI)
Manzullo
Petri
Radanovich
Ryan (WI)
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendments of the Senate were agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendments of the Senate were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶66.34 H. RES. 1189—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1189) commending Lance Mackey on winning a record 4th straight Iditarod Trail Sled Dog Race.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411; Nays ..... 0; Answered present 3

¶66.35 [Roll No. 300]

YEAS—411

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

ANSWERED ''PRESENT''—3

Chaffetz, DeFazio, Lummis

NOT VOTING—17

Barrett (SC), Blunt, Chu, Cleaver, Conyers, Davis (AL), Fallin, Graves, Hoekstra, Jackson Lee (TX), Kilpatrick (MI), Manzullo, Petri, Radanovich, Ryan (WI), Slaughter, Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶66.36 H. RES. 1172—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1172) recognizing the life and achievements of Will Keith Kellogg.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of those present had voted in the affirmative.

Mr. SCHAUER demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

It was decided in the affirmative ..... { Yeas ..... 410; Nays 0

¶66.37 [Roll No. 301]

AYES—410

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

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

NOT VOTING—21

Baird	Graves	Manzullo
Barrett (SC)	Green, Al	Mollohan
Blunt	Gutierrez	Petri
Chandler	Hoekstra	Radanovich
Clay	Jackson Lee (TX)	Ryan (WI)
Conyers		Wamp
Davis (AL)	Kilpatrick (MI)	
Fallin	Kirk	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶66.38 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII AND MOTIONS TO SUSPEND THE RULES

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 111–494) the resolution (H. Res. 1392) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶66.39 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2868. An Act to provide increased access to the General Services Administration's Schedules Program by the American Red Cross and State and local governments; to the Committee on Oversight and Government Reform.

¶66.40 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. KILPATRICK of Michigan, for today;

To Mr. PETRI, for today after 5:30 p.m. and May 26; and

To Mr. MANZULLO, for today.

And then,

¶66.41 ADJOURNMENT

On motion of Ms. GIFFORDS, at 10 o'clock and 53 minutes p.m., the House adjourned.

¶66.42 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONERS & DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

CHARLES DJOU, Hawaii, First.

¶66.43 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania. Committee on House Administration. H.R. 5175. A bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from taking expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes; with an amendment (Rept. 111–492, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN. Committee on Energy and Commerce. H.R. 5026. A bill to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States from cybersecurity and other threats and vulnerabilities, with amendments (Rept. 111–493). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Florida. Committee on Rules. House Resolution 1392. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules (Rept. 111–494). Referred to the House Calendar.

¶66.44 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 5175 referred to the Committee of the Whole House on the state of the Union.

¶66.45 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. GRANGER (for herself, Mr. THORNBERRY, Mr. BURTON of Indiana, Mr. CRENSHAW, Mr. CARTER, Mrs. MYRICK, Mr. KINGSTON, Mr. CULBERSON, Mr. WITTMAN, Mr. NEUGEBAUER, and Mr. OLSON):

H.R. 5374. A bill to provide for the reimbursement of attorney fees incurred by a member of the Armed Forces who retains private counsel in response to certain charges brought against the member under the Uniform Code of Military Justice and is acquitted or has the charges dismissed or withdrawn; to the Committee on Armed Services.

By Mr. OWENS (for himself and Mr. MCDERMOTT):

H.R. 5375. A bill to amend the Tariff Act of 1930 relating to de minimis entries; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself, Mr. KILDEE, Mr. HARE, Ms. FUDGE, Mr. TONKO, Ms. VELÁZQUEZ, Ms. RICHARDSON, and Mr. LARSON of Connecticut):

H.R. 5376. A bill to amend the Workforce Investment Act of 1998 to provide for the establishment of Youth Corps programs and provide for wider dissemination of the Youth Corps model; to the Committee on Education and Labor.

By Mr. SESSIONS:

H.R. 5377. A bill to require Amtrak to discontinue passenger rail service on certain long distance routes that operate at a loss; to the Committee on Transportation and Infrastructure.

By Mr. MCGOVERN:

H.R. 5378. A bill to make certain members of the royal families of the United Arab

Emirates ineligible for visas or admission to the United States and to revoke visas and other entry documents previously issued to such family members until Sheikh Issa bin Zayed al-Nahyan has been tried in accordance with international legal norms and human rights standards, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 5379. A bill to delist the polar bear as a threatened species under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Ms. HIRONO:

H.R. 5380. A bill to provide for the expansion of Hakalau Forest National Wildlife Refuge, Hawaii County, Hawaii; to the Committee on Natural Resources.

By Mr. WAXMAN (for himself, Mr. RUSH, Mr. DINGELL, Mr. STUPAK, and Mr. BRALEY of Iowa):

H.R. 5381. A bill to require motor vehicle safety standards relating to vehicle electronics and to reauthorize and provide greater transparency, accountability, and safety authority to the National Highway Traffic Safety Administration; to the Committee on Energy and Commerce.

By Mrs. BACHMANN (for herself and Mr. CANTOR):

H.R. 5382. A bill to provide for a temporary freeze on the pay of civilian employees of the Federal Government; to the Committee on Oversight and Government Reform.

By Mr. BAIRD:

H.R. 5383. A bill to match the boundaries of Lewis and Clark National Historic Park and Cape Disappointment and Fort Columbia State Parks in the State of Washington, and for other purposes; to the Committee on Natural Resources.

By Mr. CAPUANO (for himself, Mr. BACA, Ms. RICHARDSON, Mr. DOYLE, Ms. MOORE of Wisconsin, Mr. RUPPERSBERGER, Ms. LORETTA SANCHEZ of California, Ms. MCCOLLUM, Mr. BRADY of Pennsylvania, Mr. GRAYSON, Mr. BLUMENAUER, Mr. JACKSON of Illinois, Mr. SHULER, Ms. PINGREE of Maine, Ms. GIFFORDS, Ms. HARMAN, Mr. RODRIGUEZ, Mrs. MALONEY, Mrs. CHRISTENSEN, Mr. DEFAZIO, Mr. MCGOVERN, Mr. KAGEN, Mr. COHEN, Mr. GRIJALVA, Ms. NORTON, and Mr. STUPAK):

H.R. 5384. A bill to require air carriers to refund passenger baggage fees if such baggage is lost, delayed, or damaged, and require air carriers and ticket agents to include the actual cost of checked baggage when quoting an airfare; to the Committee on Transportation and Infrastructure.

By Mr. CARNEY (for himself and Mr. KIRK):

H.R. 5385. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a toll-free hotline to assist mental health professionals at institutions of higher learning, to provide training to mental health professionals at institutions of higher learning, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CROWLEY:

H.R. 5386. A bill to ban the sale, manufacture, distribution, and use in public facilities of drop-side cribs in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GUTIERREZ (for himself, Ms. MOORE of Wisconsin, and Mr. ELLISON):

H.R. 5387. A bill to amend the Consumer Credit Protection Act to provide for regulation of debt settlement services, and for other purposes; to the Committee on Financial Services.

By Mr. HEINRICH (for himself and Mr. LUJÁN):

H.R. 5388. A bill to expand the boundaries of the Cibola National Forest in the State of New Mexico; to the Committee on Natural Resources.

By Mr. HEINRICH:

H.R. 5389. A bill to amend title XVIII of the Social Security Act to provide for coverage of clinical pharmacist practitioner services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DRIEHAUS, Mrs. SCHMIDT, Mr. TURNER, Mr. JORDAN of Ohio, Mr. LATTA, Mr. WILSON of Ohio, Mr. AUSTRIA, Ms. KAPTUR, Ms. FUDGE, Mr. TIBERI, Ms. SUTTON, Mr. LATOURETTE, Ms. KILROY, Mr. BOCCIERI, Mr. RYAN of Ohio, and Mr. SPACE):

H.R. 5390. A bill to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the ''David John Donafee Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. HENSARLING (for himself, Mr. BACHUS, and Mr. GARRETT of New Jersey):

H.R. 5391. A bill to revise the requirements regarding congressional testimony for the Federal Housing Finance Oversight Board; to the Committee on Financial Services.

By Mr. KENNEDY (for himself and Mr. SULLIVAN):

H.R. 5392. A bill to establish a Council on Integration of Health Care Education, to provide for implementation of the recommendations of the Council, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KISSELL (for himself, Mr. JONES, Mr. SPRATT, Mr. COBLE, Mr. BOUCHER, Mr. HARE, Mr. SCHAUER, Mr. CARNEY, Mr. DUNCAN, Mr. MCHENRY, Mr. MICHAUD, Mr. ADERHOLT, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. ROGERS of Alabama, Mr. MCCOTTER, Ms. FOXX, Mr. INGLIS, Ms. SUTTON, Mrs. MYRICK, Mr. LIPINSKI, Ms. LINDA T. SÁNCHEZ of California, Ms. KAPTUR, and Mr. HOLDEN):

H.R. 5393. A bill to provide U.S. Customs and Border Protection with authority to more aggressively enforce trade laws relating to textile or apparel articles, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS of New York (for himself, Ms. CLARKE, Mr. CLAY, Ms. MOORE of Wisconsin, Mr. GUTIERREZ, Mr. RUSH, Mr. BUTTERFIELD, Ms. FUDGE, and Mr. WATT):

H.R. 5394. A bill to provide for the establishment of an American Enterprise Fund for Haiti and to ensure effective oversight of United States Government earthquake recovery and redevelopment activities in Haiti; to the Committee on Foreign Affairs.

By Mr. MICA (for himself, Mr. BILIRAKIS, Mr. BOYD, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Ms. CASTOR of Florida, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. GRAYSON, Mr. KLEIN of Florida, Ms. KOSMAS, Mr. MACK, Mr. MEEK of Florida, Mr. MILLER of Florida, Mr. POSEY, Mr. PUTNAM, Mr. ROONEY, Ms. ROS-LEHTINEN, Mr. STEARNS, Mr. YOUNG of Florida, Ms. WASSERMAN SCHULTZ, and Mr. HASTINGS of Florida):

H.R. 5395. A bill to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the ''Paula Hawkins Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. PASCRELL (for himself, Mr. LARSON of Connecticut, Mr. HERGER, Mr. HELLER, Ms. VELÁZQUEZ, Mr. NUNES, and Mr. GUTHRIE):

H.R. 5396. A bill to amend the Internal Revenue Code of 1986 to provide for the depreciation of certain roof systems; to the Committee on Ways and Means.

By Mr. PASCRELL (for himself, Ms. DELAURO, and Mr. ROHRABACHER):

H.R. 5397. A bill to amend the Immigration and Nationality Act to reform and reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 5398. A bill to amend the Internal Revenue Code of 1986 to allow the first-time homebuyer credit for the purchase of a principal residence to replace a principal residence damaged or destroyed in a federally declared disaster, and for other purposes; to the Committee on Ways and Means.

By Mr. SABLAN:

H.R. 5399. A bill to establish a National Remote Teacher Corps, and for other purposes; to the Committee on Education and Labor.

By Mr. WALZ (for himself and Mr. BOOZMAN):

H.R. 5400. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. CONYERS, Mr. COBLE, and Mr. SAM JOHNSON of Texas):

H.J. Res. 86. A joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINTYRE (for himself, Mr. PITTS, Mr. COLE, Mr. VAN HOLLEN, Mr. FORTENBERRY, Mr. THOMPSON of Pennsylvania, Mr. GOHMERT, Mr. KING of Iowa, Mr. WILSON of South Carolina, Mr. SHIMKUS, Mr. FRANKS of Arizona, Mr. HARPER, Mr. NEUGEBAUER, Mr. DONNELLY of Indiana, Mr. MOORE of Kansas, Mr. CHANDLER, Mr. HOLDEN, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. DAVIS of Tennessee, Mr. BISHOP of Utah, Mr. BROUN of Georgia, Mrs. BACHMANN, Mr. GARRETT of New Jersey, Mr. BOOZMAN, Mrs. MILLER of Michigan,

Mr. MITCHELL, Mr. ADERHOLT, Mr. FORBES, and Mrs. CAPITO):

H. Res. 1389. A resolution recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day; to the Committee on Education and Labor.

By Mr. BAIRD:

H. Res. 1390. A resolution expressing the sense of the House of Representatives that the United States should use its position of global leadership to improve and strengthen whale conservation efforts and to ensure that commercial, scientific, and other lethal whaling does not occur for any purpose other than aboriginal subsistence; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. CROWLEY, Mr. MCCOTTER, Mr. BERMAN, Mr. BURTON of Indiana, Mr. ACKERMAN, Mr. MORAN of Kansas, Mr. ENGEL, Mrs. MCMORRIS RODGERS, Ms. BERKLEY, Mr. WILSON of South Carolina, Mr. KLEIN of Florida, Mr. POE of Texas, Mr. COSTA, Mr. BLUNT, Mr. DEUTCH, Mr. FRANKS of Arizona, Mr. MCMAHON, Mr. MARIO DIAZ-BALART of Florida, Mr. TOWNS, Mr. KINGSTON, Mr. ROTHMAN of New Jersey, Mr. GARRETT of New Jersey, Mr. CARNAHAN, Mr. ROGERS of Alabama, Mr. SCHIFF, Mr. TIAHRT, Mrs. MALONEY, Mr. KIRK, Mr. GORDON of Tennessee, Mr. COBLE, Mr. SHULER, Mr. MARCHANT, Mr. CARNEY, Mr. MCCLINTOCK, Mr. COHEN, Mr. GRIFFITH, Mr. PETERS, and Mr. GARAMENDI):

H. Res. 1391. A resolution congratulating Israel for its accession to membership in the Organization for Economic Co-operation and Development; to the Committee on Foreign Affairs.

By Mr. CARDOZA (for himself and Mr. COSTA):

H. Res. 1393. A resolution welcoming the Portuguese ship Sagres to the United States; to the Committee on Foreign Affairs.

By Mr. CARNEY:

H. Res. 1394. A resolution recognizing and honoring the employees of the Department of Homeland Security who lost their lives in the line of duty in 2009 in protecting and securing our Nation; to the Committee on Homeland Security.

By Mr. KISSELL:

H. Res. 1395. A resolution urging the people of the United States to observe National Scots, Scots-Irish Heritage Month; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself, Mr. RANGEL, Mr. ELLISON, and Ms. WOOLSEY):

H. Res. 1396. A resolution expressing the sense of the House of Representatives regarding the importance of increasing the funding of Job Corps, AmeriCorps, and the Peace Corps; to the Committee on Education and Labor, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶66.46 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

295. The SPEAKER presented a memorial of the Senate of the State of Arizona, relative to Senate Concurrent Memorial 1002 urging the Congress to ensure that any Federal Health Care Reforms legislation has a minimal fiscal impact on the States; to the Committee on Energy and Commerce.

296. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to Resolution memorializing the Congress to support a peaceful unification of Ireland; to the Committee on Foreign Affairs.

297. Also, a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Resolution 2001 notifying the Congress of the intent to claim sovereignty under the Tenth Amendment; to the Committee on the Judiciary.

298. Also, a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Memorial 2008 urging the Congress of the United States to enact H.R. 1034 to designate the Honor and Remember Flag; to the Committee on the Judiciary.

¶66.47 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WAXMAN introduced A bill (H.R. 5401) for the relief of Allan Bolor Kelley; which was referred to the Committee on the Judiciary.

¶66.48 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. MCCARTHY of California and Mr. CUELLAR.

H.R. 211: Mr. CASTLE, Mr. OBERSTAR, Mr. BURTON of Indiana, and Mr. CONNOLLY of Virginia.

H.R. 333: Mr. FARR.

H.R. 442: Mr. MCCARTHY of California and Mr. SCHRADER.

H.R. 521: Mr. BOREN.

H.R. 564: Mrs. CAPPS.

H.R. 571: Mr. PETERSON.

H.R. 574: Mr. KAGEN.

H.R. 653: Ms. BALDWIN.

H.R. 734: Mr. LANGEVIN.

H.R. 896: Mr. MICA.

H.R. 953: Mr. LANCE and Ms. KAPTUR.

H.R. 1054: Mr. HERGER.

H.R. 1077: Mr. OLVER and Mr. ROTHMAN of New Jersey.

H.R. 1189: Ms. LEE of California, Mr. CUMMINGS, Ms. NORTON, and Ms. HERSETH SANDLIN.

H.R. 1240: Mr. THOMPSON of Pennsylvania.

H.R. 1359: Ms. ESHOO.

H.R. 1361: Mr. ELLISON.

H.R. 1428: Mrs. DAVIS of California.

H.R. 1521: Mr. GARY G. MILLER of California and Ms. BEAN.

H.R. 1523: Mr. KILDEE.

H.R. 1529: Mr. CLAY.

H.R. 1547: Mr. MACK and Mr. CASSIDY.

H.R. 1549: Mr. RANGEL.

H.R. 1587: Mr. KAGEN.

H.R. 1718: Mr. GOODLATTE.

H.R. 1751: Ms. LORETTA SANCHEZ of California.

H.R. 1770: Mr. FILNER and Mr. MATHESON.

H.R. 1806: Mr. BOUCHER.

H.R. 1826: Mr. MEEKS of New York.

H.R. 1895: Mr. ELLISON.

H.R. 1939: Mr. KAGEN.

H.R. 1972: Mr. MITCHELL and Mr. WHITFIELD.

H.R. 2057: Mr. KAGEN.

H.R. 2142: Mr. WELCH.

H.R. 2209: Mr. DEUTCH and Mr. KAGEN.

H.R. 2246: Mr. CONNOLLY of Virginia.

H.R. 2262: Ms. CHU.

H.R. 2296: Mr. LAMBORN.

H.R. 2378: Mr. GRIFFITH.

H.R. 2381: Mr. PETERSON.

H.R. 2443: Mr. CONNOLLY of Virginia.

H.R. 2455: Mr. KILDEE, Mr. THOMPSON of California, Mr. WU, Mr. ACKERMAN, and Mr. POLIS.

H.R. 2483: Mr. KILDEE.

H.R. 2531: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2565: Mr. MARSHALL.

H.R. 2578: Ms. NORTON.

H.R. 2746: Mr. CARSON of Indiana, Mr. TIBERI, Mr. DINGELL, Mr. SERRANO, Ms. CHU, and Ms. WATSON.

H.R. 2855: Mr. LUJÁN, Mr. TIERNEY, and Mr. CLAY.

H.R. 3024: Mr. GRAYSON and Mr. BRIGHT.

H.R. 3046: Mr. WITTMAN.

H.R. 3101: Mr. CONNOLLY of Virginia and Mrs. LOWEY.

H.R. 3108: Mr. LOEBSACK, Ms. RICHARDSON, and Mr. ELLSWORTH.

H.R. 3308: Ms. JENKINS.

H.R. 3355: Mr. KAGEN.

H.R. 3363: Mr. WOLF.

H.R. 3380: Mr. HASTINGS of Florida, Ms. RICHARDSON, Ms. FOXX, Mr. MCCLINTOCK, Mrs. CHRISTENSEN, Mr. KUCINICH, Mr. WEINER, Ms. LORETTA SANCHEZ of California, and Ms. ESHOO.

H.R. 3408: Mr. PASTOR of Arizona.

H.R. 3421: Ms. CORRINE BROWN of Florida, Ms. ROYBAL-ALLARD, Mr. JOHNSON of Georgia, Ms. SLAUGHTER and Mr. THOMPSON of Mississippi.

H.R. 3457: Ms. SPEIER.

H.R. 3554: Mr. MORAN of Virginia and Mr. COFFMAN of Colorado.

H.R. 3736: Mr. BACHUS.

H.R. 3764: Mr. CONNOLLY of Virginia.

H.R. 3813: Mr. SULLIVAN.

H.R. 3888: Ms. MOORE of Wisconsin and Mr. DEFAZIO.

H.R. 4085: Mr. GEORGE MILLER of California and Mr. HINCHEY.

H.R. 4128: Ms. EDWARDS of Maryland and Mr. INSLEE.

H.R. 4195: Mr. MOORE of Kansas.

H.R. 4241: Mr. MORAN of Kansas.

H.R. 4278: Mr. OLVER.

H.R. 4296: Mr. HARE.

H.R. 4302: Mr. NADLER of New York.

H.R. 4306: Mr. BOREN.

H.R. 4310: Mr. CLAY, Mr. HOLT, and Mr. MORAN of Virginia.

H.R. 4383: Ms. NORTON.

H.R. 4443: Ms. KILPATRICK of Michigan, Mr. ISRAEL, and Ms. CORRINE BROWN of Florida.

H.R. 4477: Mr. CONYERS and Mr. ARCURI.

H.R. 4530: Mr. RYAN of Ohio and Mr. MURPHY of Connecticut.

H.R. 4544: Mr. SABLAN.

H.R. 4555: Ms. HIRONO.

H.R. 4568: Mrs. NAPOLITANO.

H.R. 4645: Mr. CAPUANO and Mr. SPRATT.

H.R. 4674: Mr. BRALEY of Iowa.

H.R. 4690: Mr. KAGEN.

H.R. 4733: Mr. ELLISON and Mr. FILNER.

H.R. 4745: Mr. COBLE.

H.R. 4787: Mr. RUSH.

H.R. 4788: Mr. MITCHELL and Mr. LIPINSKI.

H.R. 4806: Mrs. CAPPS and Mr. OLVER.

H.R. 4818: Mrs. NAPOLITANO.

H.R. 4844: Mr. MICA.

H.R. 4846: Ms. BALDWIN.

H.R. 4850: Mr. FOSTER and Mr. MOORE of Kansas.

H.R. 4875: Mr. DENT.

H.R. 4888: Mr. FARR.

H.R. 4921: Mr. HIMES.

H.R. 4925: Mr. ROTHMAN of New Jersey, Mr. GONZALEZ, and Mr. GARAMENDI.

H.R. 4946: Mr. BISHOP of Utah.

H.R. 4958: Mr. STARK.

H.R. 4972: Mr. THORNBERRY.

H.R. 4980: Mr. ROYCE.

H.R. 4999: Mr. KLINE of Minnesota.

H.R. 5000: Mr. CONNOLLY of Virginia.

H.R. 5015: Mr. GEORGE MILLER of California.

H.R. 5028: Mr. JACKSON of Illinois, Ms. NORTON, Ms. JACKSON LEE of Texas, and Mr. ELLISON.

H.R. 5029: Mr. PENCE and Mrs. BLACKBURN.

H.R. 5040: Mr. SULLIVAN.

H.R. 5042: Ms. PINGREE of Maine.

H.R. 5044: Mr. YOUNG of Florida, Mr. TIERNEY, Mr. ARCURI, Mr. KISSELL, and Mr. BRIGHT.

H.R. 5058: Mr. KING of New York.
H.R. 5081: Mr. SHULER, Mr. CONNOLLY of Virginia, Mr. LEE of New York, and Mrs. LOWEY.
H.R. 5091: Mr. GUTIERREZ, Ms. LEE of California, Mr. ELLISON, Ms. WOOLSEY, Mr. COOPER, Mr. DELAHUNT, and Mr. YARMUTH.
H.R. 5092: Mr. MCMAHON, Mr. PERRIELLO, and Mr. HIGGINS.
H.R. 5093: Mr. MELANCON and Ms. NORTON.
H.R. 5111: Mr. THORNBERRY, Mr. GRAVES, Mr. SCHOCK, and Mr. SMITH of Nebraska.
H.R. 5112: Mr. CHANDLER.
H.R. 5142: Mr. PUTNAM, Ms. BALDWIN, and Mr. REICHERT.
H.R. 5156: Mr. THOMPSON of California.
H.R. 5175: Mr. THOMPSON of California, Mr. SHERMAN, Mr. LANGEVIN, and Ms. ESHOO.
H.R. 5177: Mr. POE of Texas and Mr. LUCAS.
H.R. 5206: Mr. MICHAUD.
H.R. 5211: Mr. CASTLE.
H.R. 5241: Mr. MORAN of Virginia and Ms. BALDWIN.
H.R. 5255: Mrs. MCCARTHY of New York.
H.R. 5268: Mr. MOORE of Kansas.
H.R. 5294: Mr. LAMBORN, Mr. CONAWAY, and Mr. COFFMAN of Colorado.
H.R. 5295: Mr. YOUNG of Florida.
H.R. 5298: Mr. OWENS, Mr. JONES, Mr. OLSON, Mr. KINGSTON, Mrs. MILLER of Michigan, Mr. DEFAZIO, Ms. KAPTUR, Mr. RAHALL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHOCK, Mr. GARAMENDI, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, and Mr. ROONEY.
H.R. 5324: Ms. SCHAKOWSKY, Mr. HARE, Mr. CONYERS, and Mr. HINCHEY.
H.R. 5339: Mr. FLAKE.
H.R. 5351: Mr. BURTON of Indiana, Mrs. MCMORRIS RODGERS, and Mr. OLSON.
H.R. 5355: Ms. DEGETTE, Mr. GRAYSON, Mr. GUTIERREZ, and Ms. WATSON.
H.R. 5357: Mr. ROYCE and Mr. MARCHANT.
H.R. 5371: Mr. KLEIN of Florida, Mr. ACKERMAN, Mr. BRADY of Pennsylvania, Mr. BLUNT, and Mr. CLAY.
H.J. Res. 1: Mr. DJOU.
H.J. Res. 14: Mr. MINNICK.
H.J. Res. 79: Mr. CALVERT.
H. Con. Res. 200: Mr. MARCHANT.
H. Con. Res. 266: Mr. COSTELLO and Mr. BISHOP of Georgia.
H. Con. Res. 267: Mr. MCCOTTER.
H. Con. Res. 276: Mr. MARCHANT.
H. Res. 173: Mr. KLEIN of Florida, Ms. EDWARDS of Maryland, and Mr. POE of Texas.
H. Res. 584: Mr. HARPER.
H. Res. 767: Mr. HASTINGS of Florida and Ms. KILROY.
H. Res. 1052: Ms. LORETTA SANCHEZ of California.
H. Res. 1073: Mr. BOSWELL, Mr. BISHOP of Georgia, Mr. MOORE of Kansas, Ms. LINDA T. SÁNCHEZ of California, Mr. PETERSON, Mr. CARDOZA, Mr. MATHESON, Mr. HARE, Mr. WILSON of Ohio, Mr. MICHAUD, Mr. CARTER, Mr. LOEBSACK, Mr. CARNEY, Mr. ALTMIRE, Mr. SALAZAR, Mr. MCINTYRE, Mr. SPACE, Mr. GRIFFITH, Mr. PETERS, and Mr. CHILDERS.
H. Res. 1219: Mr. FILNER, Mr. GARY G. MILLER of California, Mr. SCOTT of Virginia, and Mr. BOREN.
H. Res. 1226: Mrs. BONO MACK and Mr. OWENS.
H. Res. 1241: Mr. BISHOP of Utah.
H. Res. 1245: Mr. POE of Texas.
H. Res. 1302: Ms. SPEIER.
H. Res. 1330: Mr. KUCINICH, Ms. ZOE LOFGREN of California, Mr. MCNERNEY, and Ms. WATSON.
H. Res. 1347: Mr. ALEXANDER, Mr. CAO, Mr. BOUSTANY, Mr. FLEMING, Mr. CASSIDY, Mr. TAYLOR, Mr. PAUL, Mr. HARPER, Mr. BARROW, Mr. BOREN, Ms. CORRINE BROWN of Florida, Mrs. MALONEY, Ms. MARKEY of Colorado, Mr. STUPAK, Mr. TANNER, Ms. DEGETTE, Mr. DONNELLY of Indiana, Ms. LINDA T. SÁNCHEZ of California, Mrs. NAPOLITANO, Mr. HOLDEN, Mr. KENNEDY, Mr. FRANK of Massachusetts, Mr. HILL, Mr. BUTTERFIELD, Ms. MATSUI, Mr. STARK, Mr. SCHIFF, Mr. PALLONE, Ms. NORTON, Mr. ROSS, Mr. HOLT, Mr. SCALISE, Mr. CULBERSON, Mr. OLSON, Ms. ROS-LEHTINEN, Mr. SESSIONS, Mrs. BLACKBURN, Mr. SHIMKUS, Mr. MATHESON, Mr. MINNICK, Mr. COOPER, Mr. CARNEY, Mr. MOORE of Kansas, Mr. DAVIS of Tennessee, Mr. PETERSON, Mr. BRIGHT, Ms. BERKLEY, Mrs. DAHLKEMPER, Mr. RUSH, Mr. AL GREEN of Texas, Mr. DOYLE, Mr. SHULER, Mr. SALAZAR, and Mr. PITTS.
H. Res. 1350: Mr. FALEOMAVAEGA.
H. Res. 1351: Mr. MARKEY of Massachusetts, Mr. HONDA, Mr. CARDOZA, and Ms. MOORE of Wisconsin.
H. Res. 1359: Mr. KLEIN of Florida, Ms. BERKLEY, Mr. ENGEL, Mr. MCMAHON, Mr. SHULER, Ms. WASSERMAN SCHULTZ, Mr. SCHIFF, Mr. HASTINGS of Florida, Mr. DEUTCH, Mrs. MALONEY, Mr. LANCE, Mrs. CAPPS, Mr. GALLEGLY, Ms. SCHWARTZ, Mr. MURPHY of New York, Mr. WAXMAN, Mr. CARNEY, Mr. ISRAEL, Mr. PIERLUISI, Mr. PALLONE, Mr. COSTA, Mrs. KIRKPATRICK of Arizona, and Mr. ELLISON.
H. Res. 1365: Mr. GARY G. MILLER of California.
H. Res. 1366: Mr. CARNEY, Mr. TEAGUE, Mr. HOLDEN, and Mr. SIRES.
H. Res. 1368: Ms. WOOLSEY, Mr. MCGOVERN, Mr. KENNEDY, Mr. SESTAK, Mr. SKELTON, Mr. SPACE, Mr. NEUGEBAUER, and Mr. GARY G. MILLER of California.
H. Res. 1369: Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Ms. CASTOR of Florida, Mr. CLYBURN, Mr. COHEN, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Ms. MOORE of Wisconsin, Ms. LINDA T. SÁNCHEZ of California, Mr. SIRES, Ms. WOOLSEY, Mr. GONZALEZ, Mr. CUMMINGS, and Ms. JACKSON LEE of Texas.
H. Res. 1378: Mr. KINGSTON, Mr. ROGERS of Kentucky, Mr. LAMBORN, and Mr. BROUN of Georgia.
H. Res. 1385: Mr. HUNTER and Mr. MARSHALL.

¶66.49 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

138. The SPEAKER presented a petition of Board of Supervisors, San Francisco, California, relative to Resolution No. 102-10 urging the Environmental Protection Agency to perform the appropriate research and experimentation to determine the effects of nonionizing radiation on the health of adults and childern; to the Committee on Energy and Commerce.

WEDNESDAY, MAY 26, 2010 (67)

¶67.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. JACKSON of Illinois, who laid before the House the following communication:

WASHINGTON, DC,
May 26, 2010.

I hereby appoint the Honorable JESSE L. JACKSON, Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶67.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced he had examined and approved the Journal of the proceedings of Tuesday, May 25, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶67.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7649. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyprodinil; Pesticide Tolerances [EPA-HQ-OPP-2009-0551; FRL-8818-8] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7650. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Phosphate Ester, Tallowamine, Ethoxylated; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0165; FRL-8816-4] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7651. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirodiclofen; Pesticide Tolerances [EPA-HQ-OPP-2009-0139; FRL-8820-4] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7652. A letter from the Under Secretary, Department of Defense, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program, pursuant to 37 U.S.C. 355(h); to the Committee on Armed Services.

7653. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's annual report on material violations or suspected material violations of regulations relating to Treasury auctions and other Treasury securities offerings during the period January 1, 2009 through December 31, 2009, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

7654. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's ''Major'' final rule — Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8823-7] (RIN: 2070-AJ55) received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7655. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Minor Harmonizing Changes to the General Provisions [EPA-HQ-OAR-2008-0508; FRL-9143-5] (RIN: 2060-AQ15) received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7656. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation Number 1 [EPA-R08-OAR-2009-0790; FRL-9114-3] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7657. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the Discrete Emission Credit Banking and Trading Program [EPA-R09-OAR-2010-0148; FRL-9151-6] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7658. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the Emission Credit Banking and Trading Program [EPA-R06-OAR-2010-0147; FRL-9151-5] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7659. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Participation by Federal Candidates and Officeholders at Non-Federal Fundraising Events [Notice 2010-11] received May 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

7660. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Dumping; Designation of Ocean Dredged Material Disposal Sites offshore of the Sinuslaw River, Oregon [EPA-R10-OW-2010-0086; FRL-9143-2] received April 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7661. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1882-DR for the District of Columbia; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7662. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1886-DR for the State of South Dakota; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7663. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1887-DR for the State of South Dakota; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7664. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1885-DR for the State of Kansas; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

¶67.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, without amendment, a bill of the House of the following title:

H.R. 5128. An Act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''.

The message also announced that the Senate has agreed to, without amendment, a concurrent resolution of the following title:

H. Con. Res. 211. A concurrent resolution recognizing the 75th anniversary of the establishment of the East Bay Regional Park District in California, and for other purposes.

¶67.5 DEEPWATER HORIZON OFFWATER OIL PLATFORM

Ms. SPEIER moved to suspend the rules and agree to the resolution (H. Res. 1347):

Whereas 11 workers tragically died on the Deepwater Horizon offshore oil platform following an explosion on April 20, 2010;

Whereas the Nation is greatly indebted to offshore workers for the strenuous work they perform to provide the energy that drives our Nation every day;

Whereas the Nation has long recognized the importance of safety protections for offshore workers who labor in difficult and uncertain conditions;

Whereas these men were loving husbands, sons and brothers;

Whereas these workers should be remembered for their valor and contribution to our communities;

Whereas Coast Guard and local rescue crews worked tirelessly night and day in courageous rescue and recovery missions;

Whereas the families of the lost workers have endured a great loss; and

Whereas residents of the Gulf Coast and the Nation came together to support these families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the untimely and tragic loss of the 11 workers from the States of Louisiana, Mississippi, and Texas who died on the Deepwater Horizon offshore oil platform in the Gulf of Mexico off the coast of Louisiana;

(2) extends the deepest condolences of the Nation to the families of these men;

(3) recognizes all employees on the Deepwater Horizon for their hard work and sacrifice;

(4) commends the rescue crews for their valiant efforts to rescue these workers and others on the platform; and

(5) honors the many volunteers who provided support and comfort for the families of these people during this difficult time.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. SPEIER and Mr. CAO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. Jackson of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Ms. SPEIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶67.6 RV CENTENNIAL CELEBRATION MONTH

Ms. SPEIER moved to suspend the rules and agree to the resolution (H. Res. 1073):

Whereas 1910 marks the first year of mass-produced, manufactured, motorized campers and camping trailers;

Whereas 1 in 12 households in the United States owns a recreational vehicle, and over 30,000,000 recreational vehicle enthusiasts take part in this affordable and environmentally friendly form of vacationing;

Whereas recreational vehicle vacations allow families in the United States to build stronger relationships, explore the great outdoors, and take part in healthy activities;

Whereas this homegrown industry, including recreational vehicle manufacturers, suppliers, dealers, and campgrounds, employs hundreds of thousands of people in the Nation in good-paying jobs across all 50 States;

Whereas recreational vehicles offer the freedom, comfort, and flexibility to see all parts of the United States, from historic landmarks and national parks to local campgrounds and sporting events; and

Whereas the 100th anniversary of the introduction of the recreational vehicle into the United States marketplace will be celebrated June 7, 2010, at the RV/MH Hall of Fame and Museum in Elkhart, Indiana: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of RV Centennial Celebration Month to recognize and honor 100 years of enjoyment of recreational vehicles in the United States; and

(2) encourages the people of the United States to celebrate this anniversary by taking part in recreational vehicle vacations.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. SPEIER and Mr. CAO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶67.7 ISRAEL MEMBERSHIP IN ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

Ms. BERKLEY moved to suspend the rules and agree to the resolution (H. Res. 1391); as amended:

Whereas Israel first sent an observer delegation to the Organization for Economic Co-operation and Development (OECD) in 1994, and first began actively seeking to join the OECD in 2000, when it met the OECD's membership requirements relating to industrial and per-capita product criteria;

Whereas in May 2006, the OECD adopted in full the Report by the Working Party on the Implications of Future Enlargement on OECD Governance, stating that expanding membership is vital to the organization;

Whereas Israel has been the most active nonmember country in the OECD, is a member, observer, or ad hoc observer in dozens of working bodies, is party to various OECD declarations, and is already in compliance with multiple OECD standards;

Whereas Israel's tax burden, encompassing income and property taxes, customs duties, value-added taxes, and national insurance, is much lower than in most OECD member states;

Whereas the World Bank ranks Israel among the 30 countries in which it is easiest to do business, and ranks Israel as tied for fourth in ease of getting credit and tied for fifth in protection of investors;

Whereas in 2010, the World Economic Forum ranked Israel 27th out of 133 countries in its Growth Competitiveness Index, and in particular ranked Israel third in quality of scientific research institutions, fourth in utility patents, fifth in strength of investor protection, fifth in the Forum's legal

rights index, seventh in life expectancy, ninth in innovation, 15th in financial market sophistication, 15th in availability of the latest technologies, and 15th in judicial independence;

Whereas the World Economic Forum ranked Israel 28th out of 133 countries in its 2009–2010 Networked Readiness Index and 29th out of 121 in its 2009 Enabling Trade Index;

Whereas Israel has carried out far-reaching economic reforms in recent years with respect to taxes, labor, competition, capital markets, pension funds, energy, infrastructures, communications, transport, housing, and other fields, growing its private sector and streamlining its public sector;

Whereas Israel is a world leader in science and technology and is home to the most high-technology start-up companies, scientific publications, and research and development spending per capita;

Whereas membership in the OECD will likely strengthen the position of Israel in the global economy and within international financial institutions, solidify Israel's transition from an emerging market to an advanced economy, and encourage increased foreign direct investment in Israel;

Whereas Israel's accession to membership in the OECD will strengthen the OECD because of Israel's high living standards, free and stable markets, and commitment to democracy, human rights, and freedom;

Whereas Israel's economic and technological standing will likely benefit OECD member states in innovation, in research and development, and in the science and technology, including high-technology, sectors;

Whereas Israel is a strong ally and friend of the United States and supports the United States in international organizations more consistently than any other country;

Whereas, on November 8, 2005, the House of Representatives unanimously adopted H. Res. 38, and on May 3, 2007, the Senate by unanimous consent adopted S. Res. 188, in support of Israel's accession to membership in the OECD;

Whereas in May 2007, during the annual meeting of the OECD's ministerial council, OECD member states invited Israel to open talks for accession to membership in that organization;

Whereas the Secretary-General of the OECD, Angel Gurria, has supported Israel's candidacy for accession to OECD membership and worked to ensure that Israel's candidacy was not politicized, and was judged by objective economic and democratic standards;

Whereas the United States has supported Israel's candidacy for accession to OECD membership;

Whereas, on May 10, 2010, the 31 OECD member states unanimously agreed to invite Israel to become a member of that organization, with the OECD noting in a statement that ''Israel's scientific and technological policies have produced outstanding outcomes on a world scale.'';

Whereas, on May 10, 2010, Israeli Prime Minister Benjamin Netanyahu noted regarding Israel's accession to OECD membership that ''Israel's accession to the OECD has strategic importance for the process of positioning Israel's economy as a developed and advanced economy, as well as in attracting international investments . . . There is still work to be done. We have done a great deal. We are doing a great deal; and we will do a great deal . . . so that we can be on the list of leading countries, among the 15 most advanced countries in the world. This goal is possible and it won't take us too many years to accomplish.'';

Whereas Israel will be welcomed into the OECD during the annual meeting of that organization's ministerial council on May 27, 2010, and will fully accede to membership once it passes the requisite enacting legislation, a process that is likely to be completed within months; and

Whereas Israel continues to pursue further opportunities to accede to membership or enhance its participation, as the case may be, in international forums: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Israel for its accession to membership in the Organization for Economic Co-operation and Development (OECD);

(2) commends the 31 nations of the OECD, as well as OECD Secretary-General Angel Gurria, for recognizing Israel's economic success as well as its commitment to the principles of democratic government and market economy by unanimously electing Israel to OECD membership;

(3) recognizes the importance of the strong role played by the United States in Israel's successful bid for accession to membership in the OECD; and

(4) calls on responsible nations to support efforts by Israel to accede to membership or enhance its participation, as the case may be, in international forums.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. BERKLEY and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BERKLEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶67.8 RECESS—11:10 A.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 10 minutes a.m., subject to the call of the Chair.

¶67.9 AFTER RECESS—5:45 P.M.

The SPEAKER pro tempore, Ms. RICHARDSON, called the House to order.

¶67.10 H. RES. 1347—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1347) honoring the workers who perished on the Deepwater Horizon offshore oil platform in the Gulf of Mexico off the coast of Louisiana, extending condolences to their families, and recognizing the valiant efforts of emergency response workers at the disaster site.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 403 / Nays 0

¶67.11 [Roll No. 302]

YEAS—403

Ackerman	Dahlkemper	Jackson (IL)
Aderholt	Davis (CA)	Jenkins
Adler (NJ)	Davis (IL)	Johnson (GA)
Akin	Davis (KY)	Johnson (IL)
Alexander	Davis (TN)	Johnson, E. B.
Altmire	DeFazio	Johnson, Sam
Arcuri	DeGette	Jones
Austria	Delahunt	Jordan (OH)
Baca	DeLauro	Kagen
Bachmann	Dent	Kanjorski
Bachus	Deutch	Kaptur
Baird	Diaz-Balart, L.	Kennedy
Baldwin	Diaz-Balart, M.	Kildee
Barrow	Dicks	Kilroy
Bartlett	Dingell	Kind
Barton (TX)	Djou	King (IA)
Bean	Doggett	King (NY)
Berkley	Donnelly (IN)	Kingston
Berman	Doyle	Kirk
Berry	Dreier	Kirkpatrick (AZ)
Biggert	Driehaus	Kissell
Bilbray	Duncan	Klein (FL)
Bilirakis	Edwards (MD)	Kline (MN)
Bishop (GA)	Edwards (TX)	Kosmas
Bishop (NY)	Ehlers	Kratovil
Bishop (UT)	Ellison	Kucinich
Blackburn	Ellsworth	Lamborn
Blumenauer	Emerson	Lance
Blunt	Engel	Langevin
Boccieri	Eshoo	Larsen (WA)
Boehner	Etheridge	Latham
Bonner	Fallin	LaTourette
Bono Mack	Farr	Latta
Boozman	Fattah	Lee (CA)
Boswell	Filner	Lee (NY)
Boucher	Flake	Levin
Boustany	Fleming	Lewis (CA)
Boyd	Forbes	Lewis (GA)
Brady (PA)	Fortenberry	Lipinski
Brady (TX)	Foster	LoBiondo
Braley (IA)	Foxx	Loebsack
Bright	Frank (MA)	Lofgren, Zoe
Broun (GA)	Franks (AZ)	Lowey
Brown (SC)	Frelinghuysen	Lucas
Brown-Waite, Ginny	Fudge	Luetkemeyer
Buchanan	Gallegly	Luján
Burgess	Garamendi	Lummis
Burton (IN)	Garrett (NJ)	Lungren, Daniel E.
Butterfield	Gerlach	Lynch
Buyer	Giffords	Mack
Calvert	Gingrey (GA)	Maffei
Camp	Gonzalez	Manzullo
Campbell	Goodlatte	Marchant
Cantor	Gordon (TN)	Markey (CO)
Cao	Granger	Markey (MA)
Capito	Grayson	Marshall
Capps	Green, Al	Matheson
Capuano	Green, Gene	Matsui
Cardoza	Griffith	McCarthy (CA)
Carnahan	Guthrie	McCarthy (NY)
Carney	Gutierrez	McCaul
Carson (IN)	Hall (NY)	McCollum
Carter	Hall (TX)	McCotter
Castle	Halvorson	McDermott
Castor (FL)	Hare	McGovern
Chaffetz	Harman	McHenry
Chandler	Harper	McIntyre
Childers	Hastings (FL)	McKeon
Chu	Hastings (WA)	McMahon
Clarke	Heinrich	McMorris Rodgers
Clay	Heller	McNerney
Cleaver	Hensarling	Meek (FL)
Clyburn	Herger	Meeks (NY)
Coble	Herseth Sandlin	Melancon
Coffman (CO)	Higgins	Mica
Cohen	Hill	Michaud
Conaway	Himes	Miller (FL)
Connolly (VA)	Hinchey	Miller (MI)
Cooper	Hinojosa	Miller (NC)
Costa	Hodes	Miller, Gary
Costello	Holden	Miller, George
Courtney	Holt	Minnick
Crenshaw	Hoyer	Mitchell
Critz	Hunter	Mollohan
Crowley	Inglis	Moore (KS)
Cuellar	Inslee	Moore (WI)
Cummings	Israel	
	Issa	

Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—28

Andrews
Barrett (SC)
Becerra
Boren
Brown, Corrine
Cassidy
Cole
Conyers
Culberson
Davis (AL)
Gohmert
Graves
Grijalva
Hirono
Hoekstra
Honda
Jackson Lee (TX)
Kilpatrick (MI)
Larson (CT)
Linder
Maloney
McClintock
Petri
Radanovich
Ryan (WI)
Tiahrt
Tierney
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶67.12 H. RES. 1385—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1385) recognizing and honoring the courage and sacrifice of the members of the Armed Forces and veterans, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 Nays 0

¶67.13 [Roll No. 303]

YEAS—414

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

NOT VOTING—17

Andrews
Barrett (SC)
Becerra
Boren
Brown, Corrine
Conyers
Culberson
Davis (AL)
Graves
Hoekstra
Jackson Lee (TX)
Kilpatrick (MI)
Maloney
McClintock
Petri
Ryan (WI)
Tiahrt

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶67.14 H. RES. 1316—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1316) celebrating Asian/Pacific American Heritage Month; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of those present had voted in the affirmative.

Mr. TANNER demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 Nays 0

¶67.15 [Roll No. 304]

AYES—408

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

NOT VOTING—23

Andrews
Baird
Barrett (SC)
Becerra
Bilbray
Boren
Brown, Corrine
Brown-Waite, Ginny
Conyers
Cuellar
Davis (AL)
Flake
Graves
Gutierrez
Hoekstra
Jackson Lee (TX)
Kilpatrick (MI)
Maloney
McClintock
Petri
Price (GA)
Ryan (WI)
Speier

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶67.16 H. RES. 1169—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1169) honoring the 125th anniversary of Rollins College; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of those present had voted in the affirmative.

Mr. SCHAUER demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 371 Nays 36

¶67.17 [Roll No. 305]

AYES—371

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall

Rangel	Sessions	Thornberry
Rehberg	Sestak	Tiahrt
Reichert	Shea-Porter	Tiberi
Reyes	Sherman	Tierney
Richardson	Shimkus	Titus
Rodriguez	Shuler	Tonko
Roe (TN)	Shuster	Tsongas
Rogers (MI)	Simpson	Turner
Rooney	Sires	Upton
Ros-Lehtinen	Skelton	Van Hollen
Roskam	Slaughter	Velázquez
Ross	Smith (NE)	Visclosky
Rothman (NJ)	Smith (NJ)	Walden
Roybal-Allard	Smith (TX)	Walz
Royce	Smith (WA)	Wamp
Ruppersberger	Snyder	Wasserman Schultz
Rush	Space	Waters
Ryan (OH)	Speier	Watson
Salazar	Spratt	Watt
Sánchez, Linda T.	Stark	Waxman
	Stearns	Weiner
Sanchez, Loretta	Stupak	Welch
Sarbanes	Sullivan	Whitfield
Schakowsky	Sutton	Wilson (OH)
Schauer	Tanner	Wittman
Schiff	Taylor	Wolf
Schrader	Teague	Woolsey
Schwartz	Terry	Wu
Scott (GA)	Thompson (CA)	Yarmuth
Sensenbrenner	Thompson (MS)	Young (FL)
Serrano	Thompson (PA)	

NOES—36

Akin	Hall (TX)	McHenry
Boustany	Hensarling	Myrick
Broun (GA)	Herger	Neugebauer
Burton (IN)	Hunter	Rogers (KY)
Cao	Issa	Rohrabacher
Carter	Johnson (IL)	Scalise
Cassidy	Johnson, Sam	Schmidt
Coffman (CO)	King (IA)	Schock
Emerson	Kingston	Shadegg
Fleming	Lamborn	Westmoreland
Gingrey (GA)	Lee (NY)	Wilson (SC)
Granger	Luetkemeyer	Young (AK)

NOT VOTING—24

Andrews	Davis (AL)	Kilpatrick (MI)
Baird	Edwards (TX)	Maloney
Barrett (SC)	Ehlers	McClintock
Becerra	Frank (MA)	Petri
Boren	Graves	Rogers (AL)
Brown, Corrine	Gutierrez	Ryan (WI)
Brown-Waite, Ginny	Hoekstra	Scott (VA)
	Jackson Lee (TX)	Towns
Conyers		

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶67.18 PERMISSION TO FILE REPORT

On motion of Mr. MARSHALL, by unanimous consent, the Committee on Armed Services was granted permission to file a report on the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military strengths for such fiscal year, and for other purposes.

¶67.19 COMMITTEE ELECTION—MAJORITY

Ms. LOFGREN of California, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 1397):

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. Critz (to rank immediately after Mr. Garamendi).

(2) COMMITTEE ON SMALL BUSINESS.—Mr. Critz (to rank immediately after Mr. Nye).

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶67.20 PROVIDING FOR CONSIDERATION OF THE AMENDMENT OF THE SENATE TO H.R. 4213

Mr. PERLMUTTER, by direction of the Committee on Rules, reported (Rept. No. 111–497) the resolution (H. Res. 1403) providing for consideration of the amendment of the Senate to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶67.21 PROVIDING FOR CONSIDERATION OF H.R. 5136 AND WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. PERLMUTTER, by direction of the Committee on Rules, reported (Rept. No. 111–498) the resolution (H. Res. 1404) providing for consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶67.22 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5139. An Act to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

¶67.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. KILPATRICK of Michigan, for today; and

To Ms. JACKSON LEE of Texas, for today after 2:30 p.m.

And then,

¶67.24 ADJOURNMENT

On motion of Mr. PERLMUTTER, at 11 o'clock and 13 minutes p.m., the House adjourned.

¶67.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKELTON: Committee on Armed Services. Supplemental report on H.R. 5136. A bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. 111–491, Pt. 2).

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5114. A bill to extend the authorization for the national flood insurance program, to identify priorities essential to reform and ongoing stable functioning of the program, and for other purposes; with an amendment (Rept. 111–495). Referred to the Committee of the Whole House on the state of the Union.

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. Report of the Committee on Standards of Official Conduct (Rept. 111–496). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1403. Resolution providing for consideration of the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes (Rept. 111–497). Referred to the House Calendar.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1404. Resolution providing for consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules; and for other purposes (Rept. 111–498). Referred to the House Calendar.

¶67.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska:

H.R. 5402. A bill to amend the Alaska Native Claims Settlement Act to provide for equitable allotment of lands to Alaska Native veterans; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 5403. A bill to direct the Secretary of Defense to temporarily adjust the reimbursement rates for TRICARE claims in Alaska; to the Committee on Armed Services.

By Mr. YOUNG of Alaska:

H.R. 5404. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for a member or former member of a reserve component who is eligible for retired pay but for age and for dependents of the member who accompany the retiree; to the Committee on Armed Services.

By Mr. RADANOVICH:

H.R. 5405. A bill to provide for a visitor center for visitors to Yosemite National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of Washington (for himself and Ms. SHEA-PORTER):

H.R. 5406. A bill to establish the Corporate Subsidy Reform Commission to review and identify inequitable Federal subsidies and make recommendations for termination, modification, or retention of such subsidies, and to state the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period

to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington:

H.R. 5407. A bill to establish the Program Reform Commission to review and identify unnecessary Federal programs and make recommendations for termination, modification, or retention of such programs, and to express the sense of the Congress that the Congress should promptly consider legislation that would make the changes in law necessary to implement the recommendations; to the Committee on Oversight and Government Reform.

By Mr. GOODLATTE (for himself, Mr. SCHIFF, Mr. SMITH of Texas, and Mr. PUTNAM):

H.R. 5408. A bill to amend title 18, United States Code, to change the state of mind requirement for certain identity theft offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLER of North Carolina (for himself, Mr. BACA, and Mrs. MALONEY):

H.R. 5409. A bill to establish the Residential Construction Loan Guarantee Program to guarantee loans made to eligible home building companies for viable building projects; to the Committee on Financial Services.

By Mr. LIPINSKI:

H.R. 5410. A bill to amend the Federal Election Campaign Act of 1971 to prohibit corporations which are subject to certain criminal or civil sanctions from engaging in campaign-related activity under such Act, and for other purposes; to the Committee on House Administration.

By Ms. KOSMAS:

H.R. 5411. A bill to direct the Secretary of Commerce to establish an early-stage business investment and incubation grant program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BEAN (for herself, Mrs. DAHLKEMPER, Mr. PETERS, Mr. MURPHY of New York, Mr. QUIGLEY, Mr. BRIGHT, Ms. MARKEY of Colorado, Mr. MICHAUD, Mr. LIPINSKI, Mr. ELLSWORTH, Mr. POLIS, Mr. COOPER, Mr. KLEIN of Florida, Mr. MOORE of Kansas, Mr. HILL, Mr. WELCH, and Mrs. HALVORSON):

H.R. 5412. A bill to amend the Small Business Investment Act of 1958 to increase maximum loan amounts under the program in title V of that Act, to provide temporary authority for debt refinancing of commercial real estate, and for other purposes; to the Committee on Small Business.

By Mr. BACA (for himself, Mr. KILDEE, Mr. GRIJALVA, Mr. BOREN, Ms. RICHARDSON, Mr. HONDA, and Mr. LUJÁN):

H.R. 5413. A bill to authorize the Pechanga Band of Luiseno Mission Indians Water Rights Settlement, and for other purposes; to the Committee on Natural Resources.

By Mr. BROWN of South Carolina:

H.R. 5414. A bill to provide for the conveyance of a small parcel of National Forest System land in the Francis Marion National Forest in South Carolina, and for other purposes; to the Committee on Agriculture.

By Mr. HEINRICH (for himself, Mr. LUJÁN, and Mr. TEAGUE):

H.R. 5415. A bill to designate the Memorial of Perpetual Tears, which honors victims of driving while impaired, as the official National DWI Victims Memorial; to the Committee on Natural Resources.

By Mr. HELLER:

H.R. 5416. A bill to require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5417. A bill to amend titles XIX and XVIII of the Social Security Act, as amended by the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, with respect to payment of disproportionate share hospitals (DSH) under the Medicare and Medicaid programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCMAHON:

H.R. 5418. A bill to provide emergency operating funds for public transportation; to the Committee on Transportation and Infrastructure.

By Mr. NADLER of New York:

H.R. 5419. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. PERLMUTTER (for himself and Mr. COFFMAN of Colorado):

H.R. 5420. A bill to provide a tax credit for job training by successful companies, and for other purposes; to the Committee on Ways and Means.

By Mr. NEUGEBAUER (for himself, Mr. CHAFFETZ, Mr. BURGESS, Mr. BARTLETT, Mr. ISSA, Mr. BRADY of Texas, Mr. AKIN, Mr. MARCHANT, Mr. BROWN of South Carolina, Mr. POSEY, Mr. ROONEY, Mr. FLEMING, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. WILSON of South Carolina, and Mr. LAMBORN):

H.J. Res. 87. A joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. JORDAN of Ohio (for himself and Mr. PRICE of Georgia):

H. Con. Res. 281. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2011, revising the appropriate budgetary levels for fiscal year 2010, and setting forth the appropriate budgetary levels for fiscal years 2012 through 2020; to the Committee on the Budget.

By Ms. ZOE LOFGREN of California:

H. Res. 1397. A resolution electing a Member to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. ACKERMAN:

H. Res. 1398. A resolution recognizing the contributions of university and college immigrant assistance programs; to the Committee on Education and Labor.

By Mr. BERRY:

H. Res. 1399. A resolution honoring the lives, and mourning the loss, of Sergeant Brandon Paudert and Officer Bill Evans, members of the West Memphis Police Department; to the Committee on the Judiciary.

By Ms. LEE of California:

H. Res. 1400. A resolution supporting the goals and ideals of National Caribbean American HIV/AIDS Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself and Mr. KING of New York):

H. Res. 1401. A resolution expressing gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Virginia (for himself, Mr. MANZULLO, Mr. COBLE, Mr. ELLISON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TERRY, Mr. KIRK, Mr. WELCH, Ms. MCCOLLUM, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BOOZMAN, Mrs. MYRICK, Mr. ROTHMAN of New Jersey, Mr. REHBERG, Ms. SCHAKOWSKY, and Mr. MAFFEI):

H. Res. 1402. A resolution recognizing the 50th anniversary of the National Council for International Visitors, and expressing support for designation of February 16, 2011, as ''Citizen Diplomacy Day''; to the Committee on Foreign Affairs.

¶67.27 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

299. The SPEAKER presented a memorial of the Senate of the State of Kansas, relative to Senate Concurrent Resolution No. 1623 urging the United States Congress to require the Environmental Protection Agency to exclude air monitoring data from use in determinations for the area of Flint Hills; to the Committee on Energy and Commerce.

300. Also, a memorial of the House of Representatives of the State of Idaho, relative to House Concurrent Resolution No. 64 urging the Congress to amend the Tenth Amendment; to the Committee on the Judiciary.

¶67.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 147: Mr. SCHIFF and Ms. LORETTA SANCHEZ of California.

H.R. 272: Mr. BLUNT.

H.R. 413: Mr. SCHAUER.

H.R. 442: Mr. GINGREY of Georgia.

H.R. 460: Ms. TITUS.

H.R. 716: Ms. TITUS.

H.R. 1194: Mr. PAULSEN.

H.R. 1205: Mr. HASTINGS of Florida and Mr. WU.

H.R. 1826: Ms. VELÁZQUEZ.

H.R. 1844: Mr. BLUMENAUER.

H.R. 1884: Mr. SHULER, Mr. HALL of New York, and Mr. CONNOLLY of Virginia.

H.R. 1925: Mr. GRAYSON.

H.R. 2000: Mr. REHBERG.

H.R. 2030: Mr. SMITH of Washington.

H.R. 2103: Mr. SMITH of Washington and Ms. PINGREE of Maine.

H.R. 2159: Mr. HONDA, Mr. ROTHMAN of New Jersey, Mr. DEUTCH, and Mr. FILNER.

H.R. 2163: Mr. CONNOLLY of Virginia.

H.R. 2164: Mr. CONNOLLY of Virginia.

H.R. 2243: Mr. LUJÁN.

H.R. 2305: Mr. BARRETT of South Carolina.

H.R. 2378: Mr. HINCHEY.

H.R. 2381: Ms. PINGREE of Maine.

H.R. 2555: Ms. ESHOO.

H.R. 2733: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3077: Ms. PINGREE of Maine and Mr. WALZ.

H.R. 3332: Mr. KAGEN.

H.R. 3486: Mr. LARSEN of Washington.

H.R. 3502: Mr. CLEAVER and Mr. GARAMENDI.

H.R. 3786: Mr. SCHAUER.

H.R. 3924: Mr. GARY G. MILLER of California and Mr. COLE.

H.R. 4051: Mrs. DAHLKEMPER, Mr. ARCURI, and Mr. THORNBERRY.
H.R. 4072: Mr. HILL.
H.R. 4128: Ms. SCHAKOWSKY, Mr. KILDEE, and Mr. HOLT.
H.R. 4195: Mr. HOLT.
H.R. 4287: Mr. PERLMUTTER.
H.R. 4296: Mr. PLATTS.
H.R. 4376: Mr. FILNER, Ms. NORTON, and Ms. TSONGAS.
H.R. 4400: Ms. LORETTA SANCHEZ of California.
H.R. 4494: Mr. DUNCAN.
H.R. 4538: Mr. HONDA.
H.R. 4568: Mr. SIRES.
H.R. 4598: Mr. ARCURI.
H.R. 4684: Mr. OLSON, Mr. MILLER of Florida, Mr. ELLISON, Mr. HALL of Texas, Mr. STUPAK, Mr. GERLACH, Ms. NORTON, Mr. BOREN, Mr. FILNER, Mr. LAMBORN, Mr. CAPUANO, Mr. CLAY, Mr. PETERSON, Mr. POLIS, Mr. BRIGHT, and Ms. LEE of California.
H.R. 4751: Mr. HELLER.
H.R. 4796: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4914: Mrs. MALONEY, Ms. RICHARDSON, Mr. SIRES, and Mr. MORAN of Virginia.
H.R. 4947: Mr. BARROW.
H.R. 4959: Mr. RANGEL.
H.R. 4993: Ms. NORTON and Mr. MURPHY of Connecticut.
H.R. 5012: Mr. GRIJALVA.
H.R. 5029: Mr. COFFMAN of Colorado, Mr. PLATTS, Mr. GARRETT of New Jersey, Mr. MORAN of Kansas, and Mr. MCHENRY.
H.R. 5032: Mr. HIMES.
H.R. 5034: Mr. OBERSTAR.
H.R. 5079: Mr. GRIJALVA.
H.R. 5092: Mr. MURPHY of New York, Mr. MARIO DIAZ-BALART of Florida, Mr. DJOU, Mr. BOSWELL, Mr. POMEROY, Mr. HINOJOSA, Mr. THOMPSON of California, Mr. YARMUTH, Mr. MARKEY of Massachusetts, Mr. INSLEE, and MR. HEINRICH.
H.R. 5096: Mr. GRIJALVA.
H.R. 5126: Mrs. EMERSON.
H.R. 5137: Mr. ROTHMAN of New Jersey and Ms. NORTON.
H.R. 5142: Mr. DOYLE.
H.R. 5151: Mr. CASTLE.
H.R. 5157: Mr. MURPHY of New York.
H.R. 5214: Mr. GRAYSON, Mr. TIERNEY, Mr. SESTAK, Ms. MCCOLLUM, Mr. FRANK of Massachusetts, Mr. CONYERS, and Ms. DELAURO.
H.R. 5236: Mr. SIRES.
H.R. 5258: Mr. FLAKE and Mr. LOEBSACK.
H.R. 5260: Mr. MURPHY of Connecticut, Ms. WASSERMAN SCHULTZ, and Mrs. LOWEY.
H.R. 5263: Mr. BURTON of Indiana and Mr. GRIFFITH.
H.R. 5268: Mr. PERRIELLO.
H.R. 5289: Mr. GRIJALVA and Ms. SPEIER.
H.R. 5294: Mr. YOUNG of Alaska.
H.R. 5299: Mr. GOODLATTE, Mr. MCKEON, Mr. POE of Texas, Mr. FORBES, Mr. MCCOTTER, Mr. COBLE, and Mr. COFFMAN of Colorado.
H.R. 5306: Mr. YOUNG of Alaska.
H.R. 5339: Mr. CONAWAY, Mr. AKIN, Mr. BARTLETT, Mr. ISSA, Mrs. BACHMANN, Mr. NEUGEBAUER, Mr. WILSON of South Carolina, Mr. SHADEGG, Mr. GOHMERT, Mr. JORDAN of Ohio, Mr. FLEMING, Mr. ROONEY, Mr. POSEY, Mr. MARCHANT, Mr. BRADY of Texas, and Mr. DANIEL E. LUNGREN of California.
H.R. 5340: Mr. BISHOP of Utah, Mr. PAUL, Mr. LAMBORN, Mrs. MYRICK, Mr. AKIN, and Mr. POE of Texas.
H.R. 5348: Mr. LAMBORN.
H.R. 5351: Mr. ROGERS of Alabama, Mr. ALEXANDER, Mrs. BACHMANN, Mr. FRANKS of Arizona, Mr. BOOZMAN, Mr. MCCAUL, and Mr. WILSON of South Carolina.
H.R. 5353: Mr. MCGOVERN.
H.R. 5354: Mr. SPACE.
H.R. 5357: Mr. HALL of Texas, Ms. GIFFORDS, and Mr. CALVERT.
H.R. 5374: Mr. YOUNG of Florida, Mr. GINGREY of Georgia, Mr. SHUSTER, Mr. MANZULLO, Mr. MARCHANT, Mr. BRADY of Texas, Mr. DANIEL E. LUNGREN of California, Mr. ISSA, Mr. BARTLETT, Mr. PENCE, Mr. LAMBORN, Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. FLEMING, Mr. POSEY, and Mr. BROWN of South Carolina.
H.R. 5382: Mr. PENCE, Mr. BURGESS, Mr. NEUGEBAUER, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. BILBRAY, Mr. KING of Iowa, and Mr. ROONEY.
H.R. 5396: Ms. BERKLEY and Mr. PITTS.
H.R. 5400: Mr. FILNER, Mr. PERRIELLO, and Ms. SCHWARTZ.
H.J. Res. 76: Mr. JONES and Mr. WALDEN.
H. Con. Res. 261: Mr. KINGSTON.
H. Con. Res. 265: Mrs. LUMMIS.
H. Con. Res. 266: Ms. FOXX, Mr. PIERLUISI, Mrs. NAPOLITANO, Mr. NUNES, Mr. DAVIS of Tennessee, Mr. INGLIS, and Mr. CONYERS.
H. Con. Res. 267: Mr. LINCOLN DIAZ-BALART of Florida.
H. Con. Res. 273: Mr. PETERSON.
H. Con. Res. 274: Mrs. MCMORRIS RODGERS.
H. Res. 173: Mr. SHIMKUS.
H. Res. 536: Mr. DENT and Mr. FRANK of Massachusetts.
H. Res. 989: Mr. KUCINICH.
H. Res. 1052: Mr. OWENS.
H. Res. 1138: Mr. FRANK of Massachusetts.
H. Res. 1207: Mr. CAMP and Mr. COFFMAN of Colorado.
H. Res. 1209: Mr. DINGELL.
H. Res. 1217: Mr. BOREN, Mr. GARAMENDI, Mr. LAMBORN, and Mr. TANNER.
H. Res. 1251: Mr. ORTIZ, Mr. HUNTER, Mr. FORBES, Mr. MARSHALL, Mr. TEAGUE, and Mr. MILLER of Florida.
H. Res. 1322: Ms. LINDA T. SÁNCHEZ of California, Mrs. CAPPS, Mr. AL GREEN of Texas, Mr. STARK, and Mr. FILNER.
H. Res. 1343: Mrs. MALONEY.
H. Res. 1347: Ms. GIFFORDS, Ms. WOOLSEY, Mr. MARIO DIAZ-BALART of Florida, Mr. BACHUS, Mr. CUELLAR, Mr. THOMPSON of Pennsylvania, Mr. BRADY of Texas, Mr. HASTINGS of Washington, Mr. BOUCHER, Mr. INSLEE, Mr. GINGREY of Georgia, Ms. WATERS, Mr. GONZALEZ, Ms. BEAN, Mr. BILIRAKIS, and Ms. SPEIER.
H. Res. 1349: Mr. MEEKS of New York.
H. Res. 1366: Mr. MARIO DIAZ-BALART of Florida.
H. Res. 1370: Mr. BACA.
H. Res. 1371: Mrs. BACHMANN.
H. Res. 1374: Mr. BOUSTANY, Mr. ALEXANDER, and Mr. CHAFFETZ.
H. Res. 1385: Mr. SCALISE.
H. Res. 1391: Mr. MCHENRY, Mr. ROE of Tennessee, Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. TIBERI, Mr. HIMES, Mr. POLIS, Ms. WASSERMAN SCHULTZ, Ms. HARMAN, Mr. ALEXANDER, and Mr. KING of New York.
H. Res. 1396: Mr. HARE.

¶67.29 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

139. The SPEAKER presented a petition of City of Pembroke Pines, Florida, relative to Resolution No. 3262 supporting House Resolution 4812; to the Committee on Education and Labor.

140. Also, a petition of City of Lauderdale Lakes, Florida, relative to Resolution No. 2010-25 congratulating the President for passing the Health-Care Reform Legislation; jointly to the Committees on Energy and Commerce, Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, and Rules.

THURSDAY, MAY 27, 2010 (68)

The House was called to order by the SPEAKER.

¶68.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, May 26, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶68.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7665. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2009 Annual Report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

7666. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8127] received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7667. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7668. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report that no exceptions to the prohibition against favored treatment of a government securities broker or government securities dealer were granted by the Secretary during the period January 1, 2009, through December 31, 2009; to the Committee on Financial Services.

7669. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report on three modifications to the auction process in 2009 that are deemed significant, pursuant to Public Law 103-202, section 203; to the Committee on Financial Services.

7670. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; General Provisions [EPA-R05-OAR-2009-0290; FRL-9142-1] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7671. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Indiana; Redesignation of the Ohio and Indiana Portions of the Cincinnati-Hamilton Area to Attainment for Ozone [EPA-R09-OAR-2009-0928; EPA-R05-OAR-2010-0026; FRL-9147-3] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7672. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans, State of California, San Joaquin Valley Unified Air Pollution Control District, New Source Review [EPA-R09-OAR-2010-0062; FRL-9141-3] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7673. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Lake and Porter Counties to Attainment for Ozone [EPA-R05-OAR-2009-0512; FRL-9147-2] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7674. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Disapproval of State Implementation Plan Revisions, South Coast Air Quality Management District [EPA-R09-OAR-2009-0573; FRL-9146-5] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7675. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2010 [EPA-HQ-OAR-2009-0566; FRL-9147-8] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7676. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program [EPA-HQ-OAR-2005-0161; FRL-9147-6] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7677. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Alternative Affirmative Defense Requirements for Ultra-low Sulfur Diesel and Gasoline Benzene Technical Amendment [EPA-HQ-OAR-2007-1158; FRL-9147-4] (RIN: 2060-AO71) received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7678. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Yolo-Solano Air Quality Management District [EPA-R09-OAR-2010-0286; FRL-9138-6] received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7679. A letter from the Managing Associate General Counsel, Government Accountability Office, transmitting a report on the Major final rule ''Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco To Protect Children and Adolescents''; to the Committee on Energy and Commerce.

7680. A letter from the Director, Defense Security Cooperation Agency, transmitting a report submitted in accordance with Section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7681. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Italy (Transmittal No. 02-10) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7682. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report for 2009 on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307(a) of the Foreign Assistance Act, pursuant to Public Law 105-277, section 2809(c)(2); to the Committee on Foreign Affairs.

7683. A letter from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting the Department's Fiscal Year 2009 Annual Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002 Report; to the Committee on Oversight and Government Reform.

7684. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting the Department's annual report for Fiscal Year 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7685. A letter from the Assistant General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Employee Contribution Elections and Contribution Allocations; Methods of Withdrawing Funds from the Thrift Savings Plan [BILLING CODE 6760-01-P] received May 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7686. A letter from the Acting President, Overseas Private Investment Corporation, transmitting the Department's Fiscal Year 2009 Annual Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act of 2002 Report; to the Committee on Oversight and Government Reform.

7687. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reclassification of the Oregon Chub From Endangered to Threatened [Docket No.: FWS-R1-ES-2009-0005] (RIN: 1018-AW42) received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7688. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Revised Critical Habitat for Hine's Emerald Dragonfly (Somatochlora hineana) [Docket No.: FWS-R3-ES-2009-0017] (RIN: 1018-AW47) received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7689. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties, pursuant to Public Law 110-53, section 803 (121 Stat. 266, 360); to the Committee on the Judiciary.

7690. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's second quarter report for fiscal year 2010 from the Office of Security and Privacy, pursuant to Public Law 110-53, section 803; to the Committee on Homeland Security.

7691. A letter from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting the Department's annual report for Fiscal Year 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Homeland Security.

7692. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, ''Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) for Calendar Year 2009''; jointly to the Committees on Ways and Means and Energy and Commerce.

7693. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2009 and Federal Fiscal Year 2010 [CMS-2309-N] (RIN: 0938-AP90) received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶68.3 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶68.4 PROVIDING FOR CONSIDERATION OF H.R. 5136

Ms. PINGREE of Maine, by direction of the Committee on Rules, called up the following resolution (H. Res. 1404):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 4 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of or germane modifications of any such amendments. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chair

and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chair of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than 30 minutes after the chair of the Committee on Armed Services or his designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Armed Services or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 7. In the engrossment of H.R. 5136, the Clerk shall—

(a) add the text of H.R. 5013, as passed by the House, as new matter at the end of H.R. 5136;

(b) assign appropriate designations to provisions within the engrossment; and

(c) conform provisions for short titles within the engrossment.

SEC. 8. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of June 1, 2010.

SEC. 9. It shall be in order at any time through the calendar day of May 30, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

When said resolution was considered.

After debate,

On motion of Ms. PINGREE of Maine, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶68.5 ADJOURNMENT OF THE TWO HOUSES

Ms. PINGREE of Maine, submitted the following privileged concurrent resolution (H. Con. Res. 282):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, May 27, 2010, through Tuesday, June 1, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 8, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 27, 2010, through Tuesday, June 1, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 7, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 230 / Nays 187

¶68.6 [Roll No. 306]

YEAS—230

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

NAYS—187

Aderholt	Driehaus	Mack
Adler (NJ)	Duncan	Manzullo
Akin	Ellsworth	Marchant
Alexander	Emerson	Markey (CO)
Altmire	Fallin	McCarthy (CA)
Austria	Flake	McCaul
Bachmann	Fleming	McClintock
Bachus	Forbes	McCotter
Bartlett	Fortenberry	McHenry
Barton (TX)	Foxx	McKeon
Biggert	Franks (AZ)	McMahon
Bilbray	Frelinghuysen	McMorris Rodgers
Bilirakis	Gallegly	Mica
Bishop (NY)	Garrett (NJ)	Michaud
Bishop (UT)	Gerlach	Miller (FL)
Blackburn	Gingrey (GA)	Miller (MI)
Blunt	Goodlatte	Miller, Gary
Boehner	Granger	Minnick
Bonner	Griffith	Mitchell
Bono Mack	Guthrie	Moran (KS)
Boozman	Hall (TX)	Murphy, Tim
Boustany	Harper	Myrick
Brady (TX)	Hastings (WA)	Neugebauer
Bright	Hensarling	Nunes
Broun (GA)	Herger	Nye
Brown (SC)	Hunter	Obey
Buchanan	Inglis	Paulsen
Burgess	Issa	Pence
Burton (IN)	Jenkins	Perriello
Buyer	Johnson (GA)	Peters
Calvert	Johnson, Sam	Petri
Camp	Jordan (OH)	Pitts
Campbell	Kilroy	Platts
Cantor	King (IA)	Poe (TX)
Cao	King (NY)	Posey
Capito	Kingston	Price (GA)
Carney	Kirk	Putnam
Carter	Kline (MN)	Radanovich
Cassidy	Kosmas	Rehberg
Childers	Kratovil	Reichert
Coble	Lamborn	Roe (TN)
Coffman (CO)	Lance	Rogers (AL)
Cole	Latham	Rogers (KY)
Conaway	LaTourette	Rogers (MI)
Crenshaw	Latta	Rohrabacher
Culberson	Lee (NY)	Rooney
Dahlkemper	Lewis (CA)	Ros-Lehtinen
Dent	Linder	Roskam
Diaz-Balart, L.	LoBiondo	Royce
Diaz-Balart, M.	Lucas	Scalise
Djou	Luetkemeyer	Schauer
Donnelly (IN)	Lungren, Daniel E.	Schmidt
Dreier		

Schock
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—14

Barrett (SC)
Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Graves
Hoekstra
Lewis (GA)
Lynch
Moore (KS)
Pascrell
Rush
Ryan (WI)
Young (FL)

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by uanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶68.7 H. RES.1404—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to said resolution (H. Res. 1404) providing for consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules; and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 Nays 178

¶68.8 [Roll No. 307]

YEAS—241

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

NAYS—178

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

NOT VOTING—12

Barrett (SC)
Blackburn
Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Fortenberry
Graves
Hoekstra
Pascrell
Ryan (WI)
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶68.9 H. RES. 1161—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1161) honoring the Centennial Celebration of Women at Marquette University, the first Catholic university in the world to offer co-education as part of its regular undergraduate program.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of those present had voted in the affirmative.

Ms. FUDGE demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 380 Nays ..... 0 Answered present 36

¶68.10 [Roll No. 308]

AYES—380

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch

Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Olson
Ortiz
Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Wamp
Waters
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

ANSWERED ''PRESENT''—36

Baldwin
Blumenauer
Capuano
Delahunt
Eshoo
Farr
Giffords
Hall (NY)
Hare
Hodes
Honda
Kennedy
Kilroy
Kirkpatrick (AZ)
Kucinich
Lee (CA)
Lofgren, Zoe
McCollum
McDermott
McGovern
Miller, George
Nadler (NY)
Obey
Olver
Peters
Pingree (ME)
Sánchez, Linda T.
Sarbanes
Stark
Sutton
Tierney
Tsongas
Walz
Wasserman Schultz
Weiner
Woolsey

NOT VOTING—15

Arcuri
Barrett (SC)
Boren
Brown-Waite, Ginny
Buyer
Childers
Davis (AL)
Davis (KY)
Diaz-Balart, L.
Graves
Hoekstra
Melancon
Pascrell
Ryan (WI)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶68.11 H. RES. 1372—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1372) honoring the University of Georgia Graduate School on the occasion of its centennial.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of those present had voted in the affirmative.

Mr. MCGOVERN demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	412
Nays	0
Answered present	1

¶68.12 [Roll No. 309]

AYES—412

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

Thornberry	Visclosky	Welch
Tiahrt	Walden	Westmoreland
Tiberi	Walz	Whitfield
Titus	Wamp	Wilson (OH)
Tonko	Wasserman Schultz	Wilson (SC)
Towns	Waters	Wittman
Tsongas	Watson	Wolf
Turner	Watt	Woolsey
Upton	Waxman	Wu
Van Hollen	Weiner	Yarmuth
Velázquez		Young (AK)

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—18

Akin	Davis (KY)	Pascrell
Barrett (SC)	Diaz-Balart, L.	Ryan (WI)
Berman	Graves	Teague
Boren	Hoekstra	Tierney
Brown-Waite, Ginny	Johnson (GA)	Young (FL)
Davis (AL)	McCaul	
	Melancon	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶68.13 MESSAGE FROM THE PRESIDENT—NATIONAL SECURITY STRATEGY OF THE UNITED STATES

The SPEAKER pro tempore, Mr. ANDREWS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Consistent with section 108 of the National Security Act of 1947, as amended (50 U.S.C. 404a), I am transmitting the National Security Strategy of the United States.

BARACK OBAMA.

THE WHITE HOUSE. *May 27, 2010.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Armed Services.

¶68.14 DEFENSE AUTHORIZATION FY 2011

The SPEAKER pro tempore, Mr. ANDREWS, pursuant to House Resolution 1404 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The SPEAKER pro tempore, Mr. ANDREWS, by unanimous consent, designated Mr. PASTOR of Arizona, as Chairman of the Committee of the Whole; and after some time spent therein,

¶68.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 111-498, submitted by Mr. SKELTON:

Page 172, line 10, strike ''of an enlisted member of the Armed Forces'' and insert ''of a candidate''.

Page 172, beginning line 12, strike ''member,'' and insert ''candidate''.

Page 172, line 15, insert after ''(1)'' the following: ''is an enlisted member of the Armed Forces and''.

Page 404, line 6, strike ''or later''.

Page 437, strike line 19 and all that follows through page 438, line 14 (and redesignate subsequent sections accordingly).

Page 603, in the table above line 1, in the column titled ''Installation or Location'', strike ''Miami'' and insert ''North Fort Myers'', strike ''West Palm Beach'' and insert ''Tallahassee'', strike ''Kansas City'' and insert ''Belton'', strike ''Dallas'' and insert ''Denton'', and strike ''Virginia Beach'' and insert ''Fort Story''.

Page 670, lines 1 and 2, strike ''**NATIONAL SECURITY AGENCY**'' and insert ''**DEPARTMENT OF DEFENSE**'' (and conform the table of contents in section 2(b)).

Page 670, line 7, strike ''National Security Agency'' and insert ''Department of Defense''.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶68.16 [Roll No. 310]

AYES—421

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

NOT VOTING—16

Berkley	Deutch	Nadler (NY)
Boren	Graves	Pierluisi
Brown-Waite, Ginny	Gutierrez	Ryan (WI)
Davis (AL)	Herger	Sablan
Davis (KY)	Lowey	Schiff
	Melancon	

So the amendment was agreed to.

¶68.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 111-498, submitted by Mr. MARSHALL:

Page 122, after line 18, insert the following:

SEC. 359. SENSE OF CONGRESS REGARDING FIRE-RESISTANT UTILITY ENSEMBLES FOR NATIONAL GUARD PERSONNEL IN CIVIL AUTHORITY MISSIONS.

It is the sense of Congress that the Chief of the National Guard Bureau should issue fire-resistant utility ensembles to National Guard personnel who are engaged, or likely to become engaged, in defense support to civil authority missions that routinely involve serious fire hazards, such as wildfire recovery efforts.

It was decided in the affirmative ..... { Yeas ..... 423 Nays 0

¶68.18 [Roll No. 311]

AYES—423

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

NOT VOTING—14

Boren	Davis (KY)	Olver
Brown-Waite, Ginny	Deutch	Pierluisi
Cardoza	Graves	Ryan (WI)
Davis (AL)	Herger	Sablan
	Melancon	Shuster

So the amendment was agreed to.

¶68.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 13, printed in House Report 111-498, submitted by Mr. MCGOVERN:

Add at the end of subtitle F of title X, the following:

SEC. 1065. FINDINGS AND SENSE OF CONGRESS ON OBESITY AND FEDERAL CHILD NUTRITION PROGRAMS.

(a) FINDINGS.—Congress find the following:

(1) According to the April 2010 report, ''Too Fat to Fight'', more than 100 retired generals and admirals wrote that, ''[o]besity among children and young adults have increased so dramatically that they threaten not only the overall health of America but the future strength of our military.''

(2) Twenty-seven percent, over 9,000,000, 17-24-year-olds in the United States are too fat to serve in the military.

(3) Between 1995 and 2008, the military had 140,000 individuals who showed up at the centers for processing but failed their entrance physicals because they were too heavy.

(4) Being overweight is now the leading medical reason for rejection from military service.

(5) Between 1995 and 2008, the proportion of potential recruits who failed their physicals each year because they were overweight rose nearly 70 percent.

(6) The military annually discharges over 1,200 first-term enlistees before their contracts are up because of weight problems.

(7) The military must then recruit and train their replacements at a cost of $50,000 for each man or woman.

(8) Training replacements for those discharged because of weight problems adds up to more than $60,000,000 annually.

(10) Overweight adolescents are more likely to become overweight adults.

(11) Overweight adolescents and overweight adults are at risk of developing obesity-related, life-threatening diseases including cancer, type 2 diabetes, stroke, heart disease, arthritis, and breathing problems.

(12) According to the American Public Health Association, ''left unchecked, obesity will add nearly $344 billion to the nations annual health care costs by 2018 and account for more than 21 percent of health care spending''.

(13) Overweight and undernourished adolescents face academic challenges due to poor health behaviors, resulting in even greater risk to their future health and earing and the Nation's economic growth and worldwide competition.

(14) For decades military leaders have championed efforts to improve the nutrition of young people in America.

(15) During World War II, 40 percent of rejected recruits were turned away because of poor or under nutrition.

(16) The preamble to the Richard B. Russell National School Lunch Act (42 U.S.C. 1751) states ''It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants in aid and other means, in providing an adequate supply of food and other facilities for the establishment, maintenance, operation and expansion of nonprofit school lunch programs''.

(17) Over 17 million children were food insecure, or hungry, in 2008, according to data collected by the Department of Agriculture.

(18) The Federal Child Nutrition Programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) are proven to be effective in combating both hunger and obesity.

(19) President Obama has called for a historic investment in the Federal Child Nutrition Programs in order to respond to 2 of the greatest child health challenges of our time, hunger and poor nutrition.

(20) Two hundred twenty-one Members of Congress signed a letter to Speaker Pelosi in support of President Obama's budget request for the Federal Child Nutrition Programs.

(21) This same letter requested identification of possible offsets for the new investments in these important anti-hunger and nutrition programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) reducing domestic childhood obesity and hunger is a matter of national security;

(2) obesity and hunger will continue to negatively impact recruitment for Armed Forces without access to physical activity, healthy food, and proper nutrition;

(3) Congress should act to reduce childhood obesity and hunger;

(4) the Federal Child Nutrition Programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) should be funded at the President's request; and

(5) the increases in funding for such programs should be properly offset.

It was decided in the affirmative ..... { Yeas ..... 341 / Nays 85

¶68.20 [Roll No. 312]

AYES—341

Ackerman	DeLauro	Kirk
Aderholt	Dent	Kirkpatrick (AZ)
Adler (NJ)	Deutch	Kissell
Akin	Diaz-Balart, L.	Kosmas
Altmire	Diaz-Balart, M.	Kratovil
Andrews	Dicks	Kucinich
Arcuri	Dingell	Lance
Austria	Djou	Langevin
Baca	Doggett	Larsen (WA)
Baird	Donnelly (IN)	Larson (CT)
Baldwin	Doyle	Latham
Barrow	Dreier	LaTourette
Barton (TX)	Driehaus	Lee (CA)
Bean	Edwards (MD)	Lee (NY)
Becerra	Edwards (TX)	Levin
Berkley	Ehlers	Lewis (GA)
Berman	Ellison	Lipinski
Berry	Ellsworth	LoBiondo
Biggert	Emerson	Loebsack
Bilbray	Engel	Lofgren, Zoe
Bilirakis	Eshoo	Lowey
Bishop (GA)	Etheridge	Lucas
Bishop (NY)	Faleomavaega	Luetkemeyer
Blumenauer	Farr	Luján
Blunt	Fattah	Lynch
Boccieri	Filner	Maffei
Bonner	Fortenberry	Maloney
Bono Mack	Foster	Markey (CO)
Bordallo	Frank (MA)	Markey (MA)
Boswell	Frelinghuysen	Marshall
Boucher	Fudge	Matheson
Boustany	Garamendi	Matsui
Boyd	Gerlach	McCarthy (NY)
Brady (PA)	Giffords	McCaul
Braley (IA)	Gonzalez	McCollum
Bright	Gordon (TN)	McDermott
Brown (SC)	Grayson	McGovern
Brown, Corrine	Green, Al	McHenry
Buchanan	Green, Gene	McIntyre
Butterfield	Grijalva	McKeon
Buyer	Guthrie	McMahon
Camp	Gutierrez	McMorris Rodgers
Cantor	Hall (NY)	McNerney
Cao	Halvorson	Meek (FL)
Capito	Hare	Meeks (NY)
Capps	Harman	Michaud
Capuano	Harper	Miller (MI)
Cardoza	Hastings (FL)	Miller (NC)
Carnahan	Hastings (WA)	Miller, George
Carney	Heinrich	Minnick
Carson (IN)	Heller	Mitchell
Castle	Herseth Sandlin	Mollohan
Castor (FL)	Higgins	Moore (KS)
Chandler	Hill	Moore (WI)
Childers	Himes	Moran (VA)
Christensen	Hinchey	Murphy (CT)
Chu	Hinojosa	Murphy (NY)
Clarke	Hirono	Murphy, Patrick
Clay	Hodes	Murphy, Tim
Cleaver	Holden	Nadler (NY)
Clyburn	Holt	Napolitano
Coffman (CO)	Honda	Neal (MA)
Cohen	Hoyer	Norton
Cole	Inslee	Nye
Connolly (VA)	Israel	Oberstar
Conyers	Jackson (IL)	Obey
Cooper	Jackson Lee (TX)	Olson
Costa	Jenkins	Olver
Costello	Johnson (GA)	Ortiz
Courtney	Johnson (IL)	Owens
Crenshaw	Johnson, E. B.	Pallone
Critz	Jones	Pascrell
Crowley	Kagen	Pastor (AZ)
Cuellar	Kanjorski	Paulsen
Cummings	Kaptur	Payne
Dahlkemper	Kennedy	Perlmutter
Davis (CA)	Kildee	Perriello
Davis (IL)	Kilpatrick (MI)	Peters
Davis (TN)	Kilroy	Peterson
DeFazio	Kind	Petri
DeGette	King (NY)	Pingree (ME)
Delahunt	Kissell	Platts
Dent	Klein (FL)	Polis (CO)
Deutch	Kline (MN)	Pomeroy
Diaz-Balart, L.	Kosmas	Price (NC)
Diaz-Balart, M.	Kratovil	Putnam
Dicks	Kucinich	Quigley
Dingell	Lance	Radanovich
Djou	Langevin	Rahall
Doggett	Larsen (WA)	Rangel
Donnelly (IN)	Larson (CT)	Rehberg
Doyle	Latham	Reichert
Dreier	LaTourette	Reyes
Driehaus	Lee (CA)	Richardson
Edwards (MD)	Lee (NY)	Rodriguez
Edwards (TX)	Levin	Roe (TN)
Ehlers	Lewis (GA)	Rogers (AL)
Ellison	Lipinski	Rogers (KY)
Ellsworth	LoBiondo	Rogers (MI)
Emerson	Loebsack	Ros-Lehtinen
Engel	Lofgren, Zoe	Roskam
Eshoo	Lowey	Ross
Etheridge	Lucas	Rothman (NJ)
Faleomavaega	Luetkemeyer	Roybal-Allard
Farr	Luján	Ruppersberger
Fattah	Lynch	Rush
Filner	Maffei	Ryan (OH)
Fortenberry	Maloney	Salazar
Foster	Markey (CO)	Sánchez, Linda T.
Frank (MA)	Markey (MA)	Sanchez, Loretta
Frelinghuysen	Marshall	Sarbanes
Fudge	Matheson	Schakowsky
Garamendi	Matsui	Schauer
Gerlach	McCarthy (NY)	Schiff
Giffords	McCaul	Schock
Gonzalez	McCollum	Schrader
Gordon (TN)	McDermott	Schwartz
Grayson	McGovern	Scott (GA)
Green, Al	McHenry	Scott (VA)
Green, Gene	McIntyre	Sensenbrenner
Grijalva	McKeon	Serrano
Guthrie	McMahon	Sestak
Gutierrez	McMorris Rodgers	Shea-Porter
Hall (NY)	McNerney	Sherman
Halvorson	Meek (FL)	Shuler
Hare	Meeks (NY)	Shuster
Harman	Michaud	Simpson
Harper	Miller (MI)	Sires
Hastings (FL)	Miller (NC)	Skelton
Hastings (WA)	Miller, George	Slaughter
Heinrich	Minnick	Smith (NE)
Heller	Mitchell	Smith (NJ)
Herseth Sandlin	Mollohan	Smith (TX)
Higgins	Moore (KS)	Smith (WA)
Hill	Moore (WI)	Snyder
Himes	Moran (VA)	Space
Hinchey	Murphy (CT)	Speier
Hinojosa	Murphy (NY)	Spratt
Hirono	Murphy, Patrick	Stark
Hodes	Murphy, Tim	Stupak
Holden	Nadler (NY)	Sullivan
Holt	Napolitano	Sutton
Honda	Neal (MA)	Tanner
Hoyer	Norton	Taylor
Inslee	Nye	Teague
Israel	Oberstar	Thompson (CA)
Jackson (IL)	Obey	Thompson (MS)
Jackson Lee (TX)	Olson	Thompson (PA)
Jenkins	Olver	Tiberi
Johnson (GA)	Ortiz	Tierney
Johnson (IL)	Owens	Titus
Johnson, E. B.	Pallone	Tonko
Jones	Pascrell	Towns
Kagen	Pastor (AZ)	Tsongas
Kanjorski	Paulsen	Turner
Kaptur	Payne	Upton
Kennedy	Perlmutter	Van Hollen
Kildee	Perriello	Velázquez
Kilpatrick (MI)	Peters	Visclosky
Kilroy	Peterson	Walden
Kind	Petri	Walz
King (NY)	Pingree (ME)	Wamp
		Wasserman Schultz
		Waters
		Watson
		Watt
		Waxman
		Weiner
		Welch
		Whitfield
		Wilson (OH)
		Wilson (SC)
		Wittman
		Wolf
		Woolsey
		Wu
		Yarmuth
		Young (FL)

NOES—85

Alexander	Garrett (NJ)	McClintock
Bachmann	Gingrey (GA)	McCotter
Bachus	Gohmert	Mica
Barrett (SC)	Goodlatte	Miller (FL)
Bartlett	Granger	Miller, Gary
Bishop (UT)	Griffith	Moran (KS)
Blackburn	Hall (TX)	Myrick
Boehner	Hensarling	Neugebauer
Boozman	Herger	Nunes
Brady (TX)	Hoekstra	Paul
Broun (GA)	Hunter	Pence
Burgess	Inglis	Pitts
Burton (IN)	Issa	Poe (TX)
Calvert	Johnson, Sam	Posey
Campbell	Jordan (OH)	Price (GA)
Carter	King (IA)	Rohrabacher
Cassidy	Kingston	Rooney
Chaffetz	Kline (MN)	Royce
Coble	Lamborn	Scalise
Conaway	Latta	Sessions
Culberson	Lewis (CA)	Shadegg
Duncan	Linder	Shimkus
Fallin	Lummis	Stearns
Flake	Lungren, Daniel E.	Terry
Fleming	Mack	Thornberry
Forbes	Manzullo	Tiahrt
Foxx	Marchant	Westmoreland
Franks (AZ)	McCarthy (CA)	Young (AK)
Gallegly		

NOT VOTING—11

Boren	Davis (KY)	Pierluisi
Brown-Waite, Ginny	Graves	Ryan (WI)
Davis (AL)	Klein (FL)	Sablan
	Melancon	Schmidt

So the amendment was agreed to.

¶68.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 82, printed in House Report 111-498, submitted by Mr. INSLEE:

At the end of title VIII, add the following new section:

SEC. 839. CONSIDERATION OF UNFAIR COMPETITIVE ADVANTAGE IN EVALUATION OF OFFERS FOR KC–X AERIAL REFUELING AIRCRAFT PROGRAM.

(a) REQUIREMENT TO CONSIDER UNFAIR COMPETITIVE ADVANTAGE.—In awarding a contract for the KC–X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall, in evaluating any offers submitted to the Department of Defense in response to a solicitation for offers for such program, consider any unfair competitive advantage that an offeror may possess.

(b) REPORT.—Not later than 60 days after submission of offers in response to any such solicitation, the Secretary of Defense shall submit to the congressional defense committees a report on any unfair competitive advantage that any offeror may possess.

(c) REQUIREMENT TO TAKE FINDINGS INTO ACCOUNT IN AWARD OF CONTRACT.—In awarding a contract for the KC–X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall take into account the findings of the report submitted under subsection (b).

(d) UNFAIR COMPETITIVE ADVANTAGE.—In this section, the term ''unfair competitive advantage'', with respect to an offer for a contract, means a situation in which the cost of development, production, or manufacturing is not fully borne by the offeror for such contract.

It was decided in the affirmative ..... { Yeas ..... 410 / Nays 8

¶68.22 [Roll No. 313]

AYES—410

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

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

NOES—8

Brady (TX)
Campbell
Flake
Hensarling
Herger
McClintock
Paul
Shadegg

NOT VOTING—19

Bishop (UT)
Boren
Braley (IA)
Brown-Waite, Ginny
Conyers
Costa
Davis (AL)
Davis (KY)
DeFazio
Graves
Hastings (FL)
Marshall
Melancon
Moore (KS)
Pierluisi
Ryan (OH)
Ryan (WI)
Sablan
Wu

So the amendment was agreed to.

¶68.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 21, printed in House Report 111-498, submitted by Mr. GUTIERREZ:

At the end of title VIII, add the following new section:

SEC. 839. DEBARMENT OF BP AND ITS SUBSIDIARIES.

(a) CONTRACTS WITH BP AND ITS SUBSIDIARIES.—If the Secretary of Defense determines that BP or any of its subsidiaries performing any contract with the Department of Defense is no longer a responsible source (as defined in section 2302 of title 10, United States Code), the Secretary shall determine, not later than 90 days after making such determination, whether BP or its subsidiaries should be debarred from contracting with the Department of Defense.

(b) DEBAR.—In this section, the term ''debar'' has the meaning given that term by section 2393(c) of title 10, United States Code.

It was decided in the affirmative { Yeas ..... 372 / Nays 52

¶68.24 [Roll No. 314]

AYES—372

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

NOES—52

Akin
Alexander
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bishop (UT)
Boustany
Brady (TX)
Broun (GA)
Burton (IN)
Buyer
Campbell
Carter
Cassidy
Conaway
Culberson
Flake
Fleming
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Green, Gene
Griffith
Hall (TX)
Hensarling
Herger
Issa
Johnson, Sam
King (IA)
Lamborn
Linder
Marchant
Minnick
Neugebauer
Owens
Paul
Pence
Petri
Poe (TX)
Price (GA)
Rooney
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Sullivan
Thornberry
Visclosky
Westmoreland
Young (AK)

NOT VOTING—13

Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Graves
Hastings (FL)
Melancon
Pierluisi
Pingree (ME)
Rush
Ryan (WI)
Sablan
Sarbanes

So the amendment was agreed to.

¶68.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 42, printed in House Report 111-498, submitted by Ms. ESHOO:

At the end of subtitle C of title IX, add the following new section:

SEC. 923. AUDITS OF INTELLIGENCE COMMUNITY BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) AUDITS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''AUDITS OF INTELLIGENCE COMMUNITY BY GOVERNMENT ACCOUNTABILITY OFFICE

''SEC. 508. (a) IN GENERAL.—Except as provided in subsection (b), the Director of National Intelligence shall ensure that personnel of the Government Accountability Office designated by the Comptroller General are provided with access to all information

in the possession of an element of the intelligence community that the Comptroller General determines is necessary for such personnel to conduct an analysis, evaluation, or investigation of a program or activity of an element of the intelligence community that is requested by one of the congressional intelligence committees.

''(b) AUDITS OF PROGRAMS INVOLVING SOURCES AND METHODS.—(1) If the Director of National Intelligence determines that a portion of an analysis, evaluation, or investigation to be conducted by the Comptroller General that is requested by a committee of Congress with jurisdiction over the subject of such analysis, evaluation, or investigation involves a matter that is subject to the reporting requirements of section 503 or intelligence sources or methods, such portion may be redacted from such analysis, evaluation, or investigation and provided exclusively to the congressional intelligence committees.

''(2) If the Director of National Intelligence redacts a portion of an analysis, evaluation, or investigation under paragraph (1), the Director shall inform the committee of Congress that requested such analysis, evaluation, or investigation of the redaction.

''(c) NOTICE OF ANALYSIS, EVALUATION, OR INVESTIGATION AND PROCEDURES.—Not later than 15 days before initiating an analysis, evaluation, or investigation of an element of the intelligence community, the Comptroller General shall submit to the congressional intelligence committees a notice that includes—

''(1) a description of the analysis, evaluation, or investigation to occur and the purposes of such analysis, evaluation, or investigation;

''(2) the names of the personnel who will conduct such analysis, evaluation, or investigation and the level of security clearance possessed by such personnel; and

''(3) the procedures to be used in the course of such analysis, evaluation, or investigation for examining classified information, including a description of all facilities and materials that will be used.

''(d) DISCUSSION OF PROCEDURES.—(1) Prior to initiating an analysis, evaluation, or investigation of an element of the intelligence community, the Comptroller General, in consultation with the congressional intelligence committees, shall discuss with the Director of National Intelligence the procedures for conducting such analysis, evaluation, or investigation.

''(2) Not later than five days after the discussion referred to in paragraph (1), the Director of National Intelligence may submit to the Comptroller General a written comment suggesting any changes or modifications to the procedures referred to in paragraph (1).

''(e) CONFIDENTIALITY.—The Comptroller General shall maintain the same level of confidentiality for a record made available during the course of an analysis, evaluation, or investigation involving sources or methods as is required of the head of the element of the intelligence community from which such record is obtained. An officer or employee of the Government Accountability Office shall be subject to the same statutory penalties for unauthorized disclosure or use of a record as an officer or employee of the element of the intelligence community that provided the Comptroller General or such officer or employee of the Government Accountability Office with access to such record.

''(f) WORKPAPERS.—All workpapers of the Comptroller General and all records and property of any element of the intelligence community that the Comptroller General uses during the course of an analysis, evaluation, or investigation involving sources or methods shall remain in facilities provided by the element of the intelligence community providing such records and property.

''(g) PROVISION OF SUPPLIES.—The head of each element of the intelligence community that is a subject of an analysis, evaluation, or investigation by the Comptroller General involving sources or methods shall provide the Comptroller General with suitable and secure offices and furniture, telephones, and access to copying facilities, for purposes of such analysis, evaluation, or investigation.

''(h) PROCEDURES FOR PROTECTION OF INFORMATION.—The Comptroller General, in consultation with the congressional intelligence committees, shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General in the course of conducting an analysis, evaluation, or investigation involving sources and methods.

''(i) SUBMISSION OF NAMES OF PERSONNEL CONDUCTING ANALYSIS, EVALUATION, OR INVESTIGATION.—Prior to initiating an analysis, evaluation, or investigation involving sources and methods, the Comptroller General shall provide the Director of National Intelligence and the head of each element of the intelligence community that is a subject of such analysis, evaluation, or investigation with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, the head of such element shall make available records and information during the course of such analysis, evaluation, or investigation.

''(j) COOPERATION.—The head of each element of the intelligence community that is a subject of an analysis, evaluation, or investigation shall cooperate fully with the Comptroller General and provide timely responses to requests by the Comptroller General for documentation and information made pursuant to this section.

''(k) RULE OF CONSTRUCTION.—Except as provided in subsection (b), nothing in this section or any other provision of law shall be construed to restrict or limit the authority of the Comptroller General to audit, evaluate, or obtain access to the records of an element of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.''.

It was decided in the affirmative ..... { Yeas ..... 218 / Nays 210

¶68.26 [Roll No. 315]

AYES—218

Ackerman
Aderholt
Adler (NJ)
Andrews
Arcuri
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Christensen
Chu
Clarke
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dingell
Doggett
Doyle
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Engel
Eshoo
Faleomavaega
Farr
Fattah
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gordon (TN)
Grayson
Green, Al
Hall (NY)
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Pallone
Pascrell
Paul
Payne
Pelosi
Perlmutter
Peters
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Richardson
Rodriguez
Rohrabacher
Rothman (NJ)
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—210

Akin
Alexander
Altmire
Austria
Baca
Bachmann
Bachus
Barrett (SC)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Clay
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costello
Crenshaw
Culberson
Dahlkemper
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Djou
Donnelly (IN)
Dreier
Edwards (TX)
Ellsworth
Emerson
Etheridge
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Himes
Hinojosa
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Ortiz
Owens
Pastor (AZ)
Paulsen
Pence
Perriello
Peterson
Pitts
Poe (TX)

Posey	Scalise	Terry
Price (GA)	Schmidt	Thompson (PA)
Putnam	Schock	Thornberry
Radanovich	Sensenbrenner	Tiahrt
Rahall	Sessions	Tiberi
Rehberg	Shadegg	Turner
Reichert	Shimkus	Upton
Reyes	Shuster	Visclosky
Roe (TN)	Simpson	Walden
Rogers (AL)	Sires	Wamp
Rogers (KY)	Skelton	Watt
Rogers (MI)	Smith (NE)	Westmoreland
Rooney	Smith (NJ)	Whitfield
Ros-Lehtinen	Smith (TX)	Wilson (SC)
Roskam	Snyder	Wittman
Ross	Stearns	Wolf
Roybal-Allard	Sullivan	Young (AK)
Royce	Taylor	Young (FL)
Salazar	Teague	

NOT VOTING—10

Boren	Davis (KY)	Pierluisi
Brown-Waite, Ginny	Graves	Ryan (WI)
Davis (AL)	Hastings (FL)	Sablan
	Melancon	

So the amendment was agreed to.

¶68.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 80, printed in House Report 111-498, submitted by Ms. PINGREE of Maine:

Page 35, strike line 9 and all that follows through page 37, line 13, and insert the following:

(b) CERTIFICATIONS.—Not later than January 15, 2011—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify in writing to the congressional defense committees that—

(A) each of the 11 scheduled system development and demonstration aircraft planned in the schedule for delivery during 2010 has been delivered to the designated test location;

(B) the initial service release has been granted for the F135 engine designated for the short take-off and vertical landing variant;

(C) facility configuration and industrial tooling capability and capacity is sufficient to support production of at least 42 F–35 aircraft for fiscal year 2011;

(D) block 1.0 software has been released and is in flight test; and

(E) the Secretary of Defense has—

(i) determined that two F–35 aircraft from low-rate initial production 1 have met established criteria for acceptance; and

(ii) accepted such aircraft for delivery; and

(2) the Director of Operational Test and Evaluation shall certify in writing to the congressional defense committees that—

(A) the F–35C aircraft designated as CF–1 has effectively accomplished its first flight;

(B) the 394 F–35 aircraft test flights planned in the schedule to occur during 2010 have been completed with sufficient results;

(C) 95 percent of the 3,772 flight test points planned for completion in 2010 were accomplished; and

(D) the conventional take-off and land variant low observable signature flight test has been conducted and the results of such test have met or exceeded threshold key performance parameters.

Page 49, strike line 7 and all that follows through page 52, line 3, and insert the following (and redesignate section 214 as section 213):

SEC. 212. LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F–35 JOINT STRIKE FIGHTER PROGRAM.

(a) LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F–35 JOINT STRIKE FIGHTER PROGRAM.—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended for the development or procurement of an alternate propulsion system for the F–35 Joint Strike Fighter program until the Secretary of Defense submits to the congressional defense committees a certification in writing that the development and procurement of the alternate propulsion system—

(1) will—

(A) reduce the total life-cycle costs of the F–35 Joint Strike Fighter program; and

(B) improve the operational readiness of the fleet of F–35 Joint Strike Fighter aircraft; and

(2) will not—

(A) disrupt the F–35 Joint Strike Fighter program during the research, development, and procurement phases of the program; and

(B) result in the procurement of fewer F–35 Joint Strike Fighter aircraft during the lifecycle of the program.

(d) OFFSETS.—

(1) NAVY JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by $242,500,000, with the amount of the decrease to be derived from the amounts available for the Joint Strike Fighter (PE #0604800N) for F136 development.

(2) AIR FORCE JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby decreased by $242,500,000, with the amount of the decrease to be derived from the amounts available for the Joint Strike Fighter (PE #0604800F) for F136 development.

Page 286, strike line 17 and all that follows through page 288, line 23, and insert the following:

SEC. 802. DESIGNATION OF F135 ENGINE DEVELOPMENT AND PROCUREMENT PROGRAM AS MAJOR SUBPROGRAM.

(a) DESIGNATION AS MAJOR SUBPROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate the engine development and procurement program described in subsection (b) as a major subprogram of the F–35 Lightning II aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) DESCRIPTION.—For purposes of subsection (a), the engine development and procurement program is the F135 engine development and procurement program.

(c) ORIGINAL BASELINE.—For purposes of reporting requirements referred to in section 2430a(b) of title 10, United States Code, for the major subprogram designated under subsection (a), the Secretary shall use the Milestone B decision for the subprogram as the original baseline for the subprogram.

(d) ACTIONS FOLLOWING CRITICAL COST GROWTH.—

(1) IN GENERAL.—Subject to paragraph (2), to the extent that the Secretary elects to restructure the F–35 Lightning II aircraft major defense acquisition program subsequent to a reassessment and actions required by subsections (a) and (c) of section 2433a of title 10, United States Code, during fiscal year 2010, and also conducts such reassessment and actions with respect to the F135 engine development and procurement program (including related reporting based on the original baseline as defined in subsection (c)), the requirements of section 2433a of such title with respect to the major subprogram designated under subsection (a) shall be considered to be met with respect to the major subprogram.

(2) LIMITATION.—Actions taken in accordance with paragraph (1) shall be considered to meet the requirements of section 2433a of title 10, United States Code, with respect to the major subprogram designated under subsection (a) only to the extent that designation as a major subprogram would require the Secretary of Defense to conduct a reassessment and take actions pursuant to such section 2433a for such a subprogram upon enactment of this Act. The requirements of such section 2433a shall not be considered to be met with respect to such a subprogram in the event that additional programmatic changes, following the date of the enactment of this Act, cause the program acquisition unit cost or procurement unit cost of such a subprogram to increase by a percentage equal to or greater than the critical cost growth threshold (as defined in section 2433(a)(5) of such title) for the subprogram.

It was decided in the negative ..... { Yeas ..... 193; Nays ..... 231; Answered present 3

¶68.28 [Roll No. 316]

AYES—193

Altmire	Gohmert	Mitchell
Baird	Gonzalez	Moore (WI)
Baldwin	Gordon (TN)	Moran (KS)
Barrow	Granger	Murphy (CT)
Barton (TX)	Grayson	Murphy, Patrick
Bean	Green, Al	Nadler (NY)
Becerra	Green, Gene	Napolitano
Berkley	Griffith	Neal (MA)
Berman	Grijalva	Neugebauer
Berry	Hall (NY)	Oberstar
Bishop (GA)	Hare	Obey
Bishop (NY)	Harman	Olver
Blackburn	Heinrich	Ortiz
Blumenauer	Hensarling	Owens
Boustany	Herger	Pallone
Boyd	Herseth Sandlin	Pascrell
Brady (TX)	Himes	Pastor (AZ)
Braley (IA)	Hinchey	Paul
Broun (GA)	Hirono	Paulsen
Brown, Corrine	Hodes	Perlmutter
Buchanan	Hoekstra	Peterson
Burgess	Holden	Petri
Camp	Holt	Pingree (ME)
Campbell	Honda	Polis (CO)
Capito	Hoyer	Posey
Capps	Inslee	Quigley
Cardoza	Jackson (IL)	Rahall
Carnahan	Jackson Lee (TX)	Rehberg
Carney	Jenkins	Reyes
Cassidy	Johnson (GA)	Rodriguez
Castor (FL)	Johnson (IL)	Roe (TN)
Chaffetz	Johnson, E. B.	Rohrabacher
Christensen	Johnson, Sam	Rooney
Coffman (CO)	Jones	Ross
Cohen	Kagen	Rush
Cole	Kind	Salazar
Conyers	King (NY)	Sánchez, Linda T.
Cooper	Kirk	Schiff
Costa	Kirkpatrick (AZ)	Schrader
Courtney	Klein (FL)	Schwartz
Cuellar	Kosmas	Sensenbrenner
Cummings	Kratovil	Shadegg
Davis (IL)	Lance	Sherman
Davis (TN)	Larson (CT)	Speier
DeFazio	Lee (CA)	Stark
DeGette	Lee (NY)	Stearns
DeLauro	Lewis (GA)	Stupak
Dent	Linder	Sullivan
Deutch	Lofgren, Zoe	Tanner
Dicks	Lowey	Teague
Doggett	Luján	Thompson (CA)
Doyle	Mack	Thompson (PA)
Duncan	Maloney	Tiahrt
Edwards (MD)	Markey (CO)	Titus
Edwards (TX)	Matsui	Towns
Ellison	McClintock	Upton
Eshoo	McCollum	Van Hollen
Faleomavaega	McDermott	Walden
Farr	Meek (FL)	Walz
Fattah	Meeks (NY)	Wamp
Filner	Michaud	Watt
Flake	Miller (FL)	Waxman
Garrett (NJ)	Miller, George	Westmoreland
Giffords	Minnick	Wu
Gingrey (GA)		

NOES—231

Ackerman	Akin	Arcuri
Aderholt	Alexander	Austria
Adler (NJ)	Andrews	Baca

Bachmann
Bachus
Barrett (SC)
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boswell
Boucher
Brady (PA)
Bright
Brown (SC)
Burton (IN)
Butterfield
Buyer
Calvert
Cantor
Cao
Capuano
Carson (IN)
Carter
Castle
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Conaway
Connolly (VA)
Costello
Crenshaw
Critz
Crowley
Culberson
Dahlkemper
Davis (CA)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Djou
Donnelly (IN)
Dreier
Driehaus
Ehlers
Ellsworth
Emerson
Engel
Etheridge
Fallin
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Goodlatte
Guthrie
Gutierrez
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Higgins
Hill
Hinojosa
Hunter
Inglis
Israel
Issa
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
Kingston
Kissell
Kline (MN)
Kucinich
Lamborn
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Maffei
Manzullo
Marchant
Markey (MA)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Mica
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (VA)
Murphy (NY)
Murphy, Tim
Myrick
Norton
Nunes
Nye
Olson
Payne
Pence
Perriello
Peters
Pitts
Platts
Poe (TX)
Pomeroy
Price (GA)
Price (NC)
Putnam
Radanovich
Rangel
Reichert
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schmidt
Schock
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Sutton
Taylor
Terry
Thompson (MS)
Thornberry
Tiberi
Tierney
Tonko
Tsongas
Turner
Velázquez
Visclosky
Wasserman Schultz
Watson
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—3

Slaughter
Waters
Woolsey

NOT VOTING—10

Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Graves
Hastings (FL)
Melancon
Pierluisi
Ryan (WI)
Sablan

So the amendment was not agreed to.

¶68.29 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 79, printed in House Report 111-498 submitted by Mr. Patrick J. MURPHY of Pennsylvania:

At the end of subtitle D of title V, add the following new section:

SEC. 5___. DEPARTMENT OF DEFENSE POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) COMPREHENSIVE REVIEW ON THE IMPLEMENTATION OF A REPEAL OF 10 U.S.C. § 654.—

(1) IN GENERAL.—On March 2, 2010, the Secretary of Defense issued a memorandum directing the Comprehensive Review on the Implementation of a Repeal of 10 U.S.C. § 654 (section 654 of title 10, United States Code).

(2) OBJECTIVES AND SCOPE OF REVIEW.—The Terms of Reference accompanying the Secretary's memorandum established the following objectives and scope of the ordered review:

(A) Determine any impacts to military readiness, military effectiveness and unit cohesion, recruiting/retention, and family readiness that may result from repeal of the law and recommend any actions that should be taken in light of such impacts.

(B) Determine leadership, guidance, and training on standards of conduct and new policies.

(C) Determine appropriate changes to existing policies and regulations, including but not limited to issues regarding personnel management, leadership and training, facilities, investigations, and benefits.

(D) Recommend appropriate changes (if any) to the Uniform Code of Military Justice.

(E) Monitor and evaluate existing legislative proposals to repeal 10 U.S.C. § 654 and proposals that may be introduced in the Congress during the period of the review.

(F) Assure appropriate ways to monitor the workforce climate and military effectiveness that support successful follow-through on implementation.

(G) Evaluate the issues raised in ongoing litigation involving 10 U.S.C. § 654.

(b) EFFECTIVE DATE.—The amendments made by subsection (f) shall take effect 60 days after the date on which the last of the following occurs:

(1) The Secretary of Defense has received the report required by the memorandum of the Secretary referred to in subsection (a).

(2) The President transmits to the congressional defense committees a written certification, signed by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, stating each of the following:

(A) That the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff have considered the recommendations contained in the report and the report's proposed plan of action.

(B) That the Department of Defense has prepared the necessary policies and regulations to exercise the discretion provided by the amendments made by subsection (f).

(C) That the implementation of necessary policies and regulations pursuant to the discretion provided by the amendments made by subsection (f) is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

(c) NO IMMEDIATE EFFECT ON CURRENT POLICY.—Section 654 of title 10, United States Code, shall remain in effect until such time that all of the requirements and certifications required by subsection (b) are met. If these requirements and certifications are not met, section 654 of title 10, United States Code, shall remain in effect.

(d) BENEFITS.—Nothing in this section, or the amendments made by this section, shall be construed to require the furnishing of benefits in violation of section 7 of title 1, United States Code (relating to the definitions of ''marriage'' and ''spouse'' and referred to as the ''Defense of Marriage Act'').

(e) NO PRIVATE CAUSE OF ACTION.—Nothing in this section, or the amendments made by this section, shall be construed to create a private cause of action.

(f) TREATMENT OF 1993 POLICY.—

(1) TITLE 10.—Upon the effective date established by subsection (b), chapter 37 of title 10, United States Code, is amended—

(A) by striking section 654; and

(B) in the table of sections at the beginning of such chapter, by striking the item relating to section 654.

(2) CONFORMING AMENDMENT.—Upon the effective date established by subsection (b), section 571 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 654 note) is amended by striking subsections (b), (c), and (d).

It was decided in the affirmative ..... { Yeas ..... 234 / Nays 194

¶68.30 [Roll No. 317]

AYES—234

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

Weiner	Wilson (OH)	Wu
Welch	Woolsey	Yarmuth

NOES—194

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

NOT VOTING—10

Boren	Davis (KY)	Pierluisi
Brown-Waite, Ginny	Graves	Ryan (WI)
Davis (AL)	Hastings (FL)	Sablan
	Melancon	

So the amendment was agreed to.

¶68.31 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 47, printed in House Report 111-498, submitted by Mr. SARBANES:

At the end of title VIII, add the following new section:

SEC. 839. OFFICE OF FEDERAL PROCUREMENT POLICY ACT AMENDMENTS.

(a) SERVICE CONTRACT INVENTORY REQUIREMENT.—

(1) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 45. SERVICE CONTRACT INVENTORY REQUIREMENT.

''(a) SERVICE CONTRACT INVENTORY REQUIREMENT.—

''(1) GUIDANCE.—The Director of the Office of Management and Budget shall develop and disseminate guidance to aid executive agencies in establishing systems for the collection of information required to meet the requirements of this section and to ensure consistency of inventories across agencies.

''(2) REPORT.—The Director of the Office of Management and Budget shall submit a report to Congress on the status of efforts to enable executive agencies to prepare the inventories required under paragraph (3), including the development, as appropriate, of guidance, methodologies, and technical tools.

''(3) INVENTORY CONTENTS.—Not later than December 31, 2010, and annually thereafter, the head of each executive agency required to submit an inventory in accordance with the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note), other than the Department of Defense, shall submit to the Office of Management and Budget an annual inventory of service contracts awarded or extended through the exercise of an option or a task order, for or on behalf of such agency. For each service contract, the entry for an inventory under this section shall include, for the preceding fiscal year, the following:

''(A) A description of the services purchased by the executive agency and the role the services played in achieving agency objectives, regardless of whether such a purchase was made through a contract or task order.

''(B) The organizational component of the executive agency administering the contract, and the organizational component of the agency whose requirements are being met through contractor performance of the service.

''(C) The total dollar amount obligated for services under the contract and the funding source for the contract.

''(D) The total dollar amount invoiced for services under the contract.

''(E) The contract type and date of award.

''(F) The name of the contractor and place of performance.

''(G) The number and work location of contractor and subcontractor employees, expressed as full-time equivalents for direct labor, compensated under the contract, using direct labor hours and associated cost data collected from contractors.

''(H) Whether the contract is a personal services contract.

''(I) Whether the contract was awarded on a noncompetitive basis, regardless of date of award.

''(b) FORM.—Reports required under this section shall be submitted in unclassified form, but may include a classified annex.

''(c) PUBLICATION.—Not later than 30 days after the date on which the inventory under subsection (a)(3) is required to be submitted to the Office of Management and Budget, the head of each executive agency shall—

''(1) make the inventory available to the public; and

''(2) publish in the Federal Register a notice that the inventory is available to the public.

''(d) GOVERNMENT-WIDE INVENTORY REPORT.—Not later than 90 days after the deadline for submitting inventories under subsection (a)(3), and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress and make publicly available on the Office of Management and Budget website a report on the inventories submitted. The report shall identify whether each agency required to submit an inventory under subsection (a)(3) has met such requirement and summarize the information submitted by each executive agency required to have a Chief Financial Officer pursuant to section 901 of title 31, United States Code.

''(e) REVIEW AND PLANNING REQUIREMENTS.—Not later than 180 days after the deadline for submitting inventories under subsection (a)(3) for an executive agency, the head of the executive agency, or an official designated by the agency head shall—

''(1) review the contracts and information in the inventory;

''(2) ensure that—

''(A) each contract in the inventory that is a personal services contract has been entered into, and is being performed, in accordance with applicable laws and regulations;

''(B) the contracts do not include to the maximum extent practicable functions that are closely associated with inherently governmental functions;

''(C) the agency is not using contractor employees to perform inherently governmental functions;

''(D) the agency has specific safeguards and monitoring systems in place to ensure that work being performed by contractors has not changed or expanded during performance to become an inherently governmental function;

''(E) the agency is not using contractor employees to perform critical functions in such a way that could affect the ability of the agency to maintain control of its mission and operations; and

''(F) there are sufficient internal agency resources to manage and oversee contracts effectively;

''(3) identify contracts that have been poorly performed, as determined by a contracting officer, because of excessive costs or inferior quality; and

''(4) identify contracts that should be considered for conversion to—

''(A) performance by Federal employees of the executive agency in accordance with agency insourcing guidelines required under section 736 of the Financial Services and General Government Appropriations Act, 2009 (Public Law 111–8, division D) and section 46 of this Act; or

''(B) an alternative acquisition approach that would better enable the agency to efficiently utilize its assets and achieve its public mission.

''(f) REPORT ON ACTIONS TAKEN IN RESPONSE TO ANNUAL INVENTORY.—Not later than one year after submitting an annual inventory under subsection (a)(3), the head of each executive agency submitting such an inventory shall submit to the Office of Management and Budget a report summarizing the actions taken pursuant to subsection (e), including any actions taken to consider and convert functions from contractor to Federal employee performance. The report shall be included as an attachment to the next annual inventory and made publicly available in accordance with subsection (c).

''(g) SUBMISSION OF SERVICE CONTRACT INVENTORY BEFORE PUBLIC-PRIVATE COMPETITION.—Notwithstanding any other provision of law, beginning in fiscal year 2011, if an executive agency has not submitted to the Office of Management and Budget the inventory required under subsection (a)(3) for the prior fiscal year, the agency may not begin, plan for, or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation or directive until such time as the inventory is submitted for the prior fiscal year.

''(h) GAO REPORTS ON IMPLEMENTATION.—

''(1) REPORT ON GUIDANCE.—Not later than 120 days after submission of the report by the

Director of the Office of Management and Budget required under subsection (a)(2), the Comptroller General of the United States shall report on the guidance issued and actions taken by the Director. The report shall be submitted to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

''(2) REPORTS ON INVENTORIES.—

''(A) INITIAL INVENTORY.—Not later than September 30, 2011, the Comptroller General of the United States shall submit a report to the Committees named in the preceding paragraph on the initial implementation by executive agencies of the inventory requirement in subsection (a)(3) with respect to inventories required to be submitted by December 31, 2010.

''(B) SECOND INVENTORY.—Not later than September 30, 2012, the Comptroller General shall submit a report to the same Committees on annual inventories required to be submitted by December 31, 2011.

''(3) PERIODIC BRIEFINGS.—The Comptroller General shall provide periodic briefings, as may be requested by the Committees, on matters related to implementation of this section.

''(i) EXECUTIVE AGENCY DEFINED.—In this section, the term 'executive agency' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).''.

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of such Act is amended by adding at the end the following new item:

''Sec. 45. Service contract inventory requirement.''.

(3) REPEAL OF SUPERSEDED LAW.—Section 743(c) of the Financial Services and General Government Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3216) is amended by striking ''and annually thereafter,''.

(b) PROHIBITION AGAINST DIRECT CONVERSIONS.—

(1) IN GENERAL.—Section 43(a)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 439) is amended by striking ''10 or more''.

(2) GUIDANCE.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidance to all Federal agencies other than the Department of Defense to ensure that no function last performed by Federal employees is converted to contractor performance without complying with the requirements of section 43 of such Act, as amended by this section.

(c) GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.—

(1) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by subsection (a), is further amended by adding at the end the following new section:

''SEC. 46. GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.

''(a) GUIDELINES REQUIRED.—(1) The heads of executive agencies subject to the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note) shall devise and implement guidelines and procedures to ensure that consideration is given to using, on a regular basis, Federal employees to perform new functions and functions that are performed by contractors and could be performed by Federal employees.

''(2) The guidelines and procedures required under subparagraph (A) may not include any specific limitation or restriction on the number of functions or activities that may be converted to performance by Federal employees.

''(b) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—The guidelines and procedures required under paragraph (1) shall provide for special consideration to be given to using Federal employees to perform any function that—

''(1) is performed by a contractor and—

''(A) has been performed by Federal employees at any time during the previous 10 years;

''(B) is a function closely associated with the performance of an inherently governmental function;

''(C) has been performed pursuant to a contract awarded on a non-competitive basis; or

''(D) has been performed poorly, as determined by a contracting officer during the 5-year period preceding the date of such determination, because of excessive costs or inferior quality; or

''(2) is a new requirement, with particular emphasis given to a new requirement that is similar to a function previously performed by Federal employees or is a function closely associated with the performance of an inherently governmental function.

''(c) EXCLUSION OF CERTAIN FUNCTIONS FROM COMPETITIONS.—The head of an executive agency may not conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law or regulation before—

''(1) in the case of a new agency function, assigning the performance of the function to Federal employees;

''(2) in the case of any agency function described in paragraph (2), converting the function to performance by Federal employees; or

''(3) in the case of an agency function performed by Federal employees, expanding the scope of the function.

''(d) DEADLINE.—(1) The head of each executive agency shall implement the guidelines and procedures required under this subsection by not later than 120 days after the date of the enactment of this subsection.

''(2) Not later than 210 days after the date of the enactment of this subsection, the Government Accountability Office shall submit a report on the implementation of this subsection to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

''(e) DEFINITIONS.—In this subsection:

''(1) The term 'inherently governmental functions' has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

''(2) The term 'functions closely associated with inherently governmental functions' means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

''(f) APPLICABILITY.—This subsection shall not apply to the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of such Act, as amended by subsection (a), is further amended by adding at the end the following new item:

''Sec. 46. Guidelines on insourcing new and contracted out functions.''.

(3) REPEAL OF SUPERSEDED LAW.—Subsection (b) of section 739 of division D of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2030) is repealed.

(d) CONVERSION OF FUNCTIONS TO PERFORMANCE BY FEDERAL EMPLOYEES.—

(1) DECISION TO INSOURCE.—The Office of Management and Budget shall not establish any numerical goal, target, or quota for the conversion to performance by Federal employees of functions previously performed by contractors unless such goal, target, or quota is based on considered research and analysis.

(2) REPORTS.—

(A) REPORT TO CONGRESS.—The Office of Management and Budget shall submit to Congress a report on the aggregate results of the efforts of each Federal agency to convert functions from contractor performance to performance by Federal agency employees made during fiscal year 2010. Such report shall include—

(i) agency decisions for converting such functions to Federal employee performance;

(ii) the basis and rationale for the agency decisions;

(iii) the number of contractor employees whose functions were converted to performance by Federal employees.

(B) COMPTROLLER GENERAL REPORT.— Not later than 120 days after the submittal of the report under paragraph (1), the Comptroller General of the United States shall submit to the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report.

(3) DEPARTMENT OF DEFENSE.—Nothing in this subsection shall apply to the Department of Defense.

It was decided in the affirmative ..... { Yeas ..... 253 / Nays 172

¶68.32 [Roll No. 318]

AYES—253

Ackerman	Doyle	Langevin
Adler (NJ)	Edwards (MD)	Larsen (WA)
Altmire	Edwards (TX)	Larson (CT)
Andrews	Ellison	LaTourette
Arcuri	Ellsworth	Lee (CA)
Baca	Emerson	Levin
Baird	Engel	Lewis (GA)
Baldwin	Eshoo	Lipinski
Barrow	Etheridge	LoBiondo
Bean	Faleomavaega	Loebsack
Becerra	Farr	Lowey
Berkley	Fattah	Luján
Berman	Filner	Lynch
Berry	Foster	Maffei
Bishop (GA)	Frank (MA)	Maloney
Bishop (NY)	Fudge	Markey (CO)
Blumenauer	Garamendi	Markey (MA)
Boccieri	Giffords	Marshall
Bordallo	Gonzalez	Matheson
Boswell	Gordon (TN)	Matsui
Boucher	Grayson	McCarthy (NY)
Boyd	Green, Al	McCollum
Brady (PA)	Green, Gene	McDermott
Braley (IA)	Grijalva	McGovern
Brown, Corrine	Gutierrez	McIntyre
Butterfield	Hall (NY)	McMahon
Cao	Halvorson	McNerney
Capps	Hare	Meek (FL)
Capuano	Harman	Meeks (NY)
Cardoza	Heinrich	Michaud
Carnahan	Herseth Sandlin	Miller (NC)
Carney	Higgins	Miller, George
Carson (IN)	Hill	Mitchell
Cassidy	Himes	Mollohan
Castor (FL)	Hinchey	Moore (KS)
Chandler	Hinojosa	Moore (WI)
Childers	Hirono	Murphy (CT)
Christensen	Hodes	Murphy (NY)
Chu	Holden	Murphy, Patrick
Clarke	Holt	Murphy, Tim
Clay	Honda	Nadler (NY)
Cleaver	Hoyer	Napolitano
Clyburn	Inslee	Neal (MA)
Cohen	Israel	Norton
Conyers	Jackson (IL)	Nye
Costello	Jackson Lee (TX)	Oberstar
Courtney	Johnson (GA)	Obey
Crowley	Johnson, E. B.	Olver
Cuellar	Jones	Ortiz
Cummings	Kagen	Owens
Davis (CA)	Kanjorski	Pallone
Davis (IL)	Kaptur	Pascrell
Davis (TN)	Kennedy	Pastor (AZ)
DeFazio	Kildee	Payne
DeGette	Kilpatrick (MI)	Perlmutter
Delahunt	Kilroy	Perriello
DeLauro	Kind	Peters
Deutch	Kirkpatrick (AZ)	Peterson
Dicks	Kissell	Pingree (ME)
Dingell	Klein (FL)	Platts
Djou	Kratovil	Polis (CO)
Doggett	Kucinich	Pomeroy
Donnelly (IN)		Price (NC)

Quigley	Scott (VA)	Tierney
Rahall	Serrano	Titus
Rangel	Sestak	Tonko
Reyes	Shea-Porter	Towns
Richardson	Sherman	Tsongas
Rodriguez	Shuler	Van Hollen
Ross	Sires	Velázquez
Rothman (NJ)	Skelton	Visclosky
Roybal-Allard	Slaughter	Walz
Ruppersberger	Smith (NJ)	Wasserman Schultz
Rush	Smith (WA)	Waters
Ryan (OH)	Snyder	Watson
Salazar	Space	Watt
Sánchez, Linda T.	Speier	Waxman
Sanchez, Loretta	Spratt	Weiner
Sarbanes	Stark	Welch
Schakowsky	Stupak	Wilson (OH)
Schauer	Sutton	Woolsey
Schiff	Tanner	Wu
Schrader	Taylor	Yarmuth
Schwartz	Teague	
Scott (GA)	Thompson (CA)	
	Thompson (MS)	

NOES—172

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

NOT VOTING—12

Boren	Graves	Radanovich
Brown-Waite, Ginny	Hastings (FL)	Ryan (WI)
Davis (AL)	Linder	Sablan
Davis (KY)	Melancon	
	Pierluisi	

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. CAPUANO, assumed the Chair.

When Ms. MCCOLLUM, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶68.33 DEFENSE AUTHORIZATION FY 2011

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to House Resolution 1404 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mr. SCHRADER, Acting Chairman, assumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. CAPUANO, assumed the Chair.

When Mr. SCHRADER, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶68.34 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. DEUTCH, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 27, 2010.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the Committee on Armed Services, effective today, May 27, 2010.

Sincerely,

BILL SHUSTER,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶68.35 ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2711. An Act to amend title 5, United States Code, to provide for the transportation and moving expenses for the immediate family of certain Federal employees who die in the performance of their duties.

H.R. 3250. An Act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''.

H.R. 3634. An Act to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the ''George Kell Post Office''.

H.R. 3892. An Act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office''.

H.R. 4017. An Act to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office''.

H.R. 4095. An Act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the ''Congresswoman Jan Meyers Post Office Building''.

H.R. 4139. An Act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the ''Sergeant Matthew L. Ingram Post Office''.

H.R. 4214. An Act to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office''.

H.R. 4238. An Act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the ''W.D. Farr Post Office Building''.

H.R. 4425. An Act to designate the facility of the United States Postal Service located at 2–116th Street in North Troy, New York, as the ''Martin G. 'Marty' Mahar Post Office''.

H.R. 4547. An Act to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith, U.S. Army Air Forces Post Office''.

H.R. 4628. An Act to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''.

H.R. 5128. An Act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''.

¶68.36 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on May 27, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 5139. An Act to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

¶68.37 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. Ginny BROWN-WAITE of Florida, for today;

To Mr. HASTINGS of Florida, for today after 6 p.m. and balance of the week; and

To Mr. DAVIS of Kentucky, for today and balance of the week.

And then,

¶68.38 ADJOURNMENT

On motion of Mr. GOHMERT, at 11 o'clock and 53 minutes p.m., the House adjourned.

¶68.39 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5297. A bill to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes; with an amendment (Rept. 111–499). Referred to the Committee of the Whole House on the state of the Union.

¶68.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. BROUN of Georgia (for himself and Mr. SHADEGG):

H.R. 5421. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, repeal the 7.5 percent threshold on the deduction for medical expenses, provide for increased funding for high-risk pools, allow acquiring health insurance across State lines, and allow for the creation of association health plans; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, Rules, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER:

H.R. 5422. A bill to authorize the Secretary of Agriculture to make grants for the prevention of cruelty to animals to States that have enacted laws prohibiting the devocalization of dogs and cats for purposes of convenience; to the Committee on Agriculture.

By Mr. FOSTER (for himself, Mr. BARTLETT, and Mr. EHLERS):

H.R. 5423. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for an annual electric production cost report; to the Committee on Energy and Commerce.

By Mr. HERGER (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mrs. MCMORRIS RODGERS, Mr. SESSIONS, Mr. MCCARTHY of California, Mr. BLUNT, Mr. CAMP, Mr. BARTON of Texas, Mr. KLINE of Minnesota, Mr. SHIMKUS, Mr. PRICE of Georgia, Mr. BRADY of Texas, Mr. LINDER, Mr. TIBERI, Mr. DAVIS of Kentucky, Mr. REICHERT, Mr. BOUSTANY, Mr. HELLER, and Mr. ROSKAM):

H.R. 5424. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 and enact the Common Sense Health Care Reform and Affordability Act; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLEMING:

H.R. 5425. A bill to amend the Patient Protection and Affordable Care Act to permit a State to elect not to establish an American Health Benefit Exchange; to the Committee on Energy and Commerce.

By Mrs. MILLER of Michigan (for herself, Mr. LUCAS, Mr. GRAVES, Mr. CONAWAY, Mr. MORAN of Kansas, Mr. THOMPSON of Pennsylvania, Ms. JENKINS, Mr. HOEKSTRA, Mr. LUETKEMEYER, and Mr. NEUGEBAUER):

H.R. 5426. A bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Washington:

H.R. 5427. A bill to ensure public access to the summit of Rattlesnake Mountain in the Hanford Reach National Monument for educational, recreational, historical, scientific, cultural, and other purposes; to the Committee on Natural Resources.

By Mr. FILNER:

H.R. 5428. A bill to direct the Secretary of Veterans Affairs to educate certain staff of the Department of Veterans Affairs and to inform veterans about the Injured and Amputee Veterans Bill of Rights, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. HARMAN (for herself and Mr. DREIER):

H.R. 5429. A bill to provide a retroactive increase in deposit insurance for depositors in certain institutions; to the Committee on Financial Services.

By Mrs. MCCARTHY of New York (for herself, Mr. HINOJOSA, Mrs. DAVIS of California, and Mr. WU):

H.R. 5430. A bill to direct the Secretary of Agriculture to award grants to eligible entities for projects that leverage community resources and support student access to physical activity, nutrition education, and nutritious foods during the regular school calendar; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself and Mr. WU):

H.R. 5431. A bill to amend section 17 of the Richard B. Russell National School Lunch Act to promote health and wellness in child care, and for other purposes; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself, Mr. HINOJOSA, and Mr. WU):

H.R. 5432. A bill to authorize the Secretary of Agriculture to enter into an interagency agreement with the Corporation for National and Community Service to support a Nutrition Corps; to the Committee on Education and Labor, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself, Mr. SESSIONS, Mr. OLSON, Mr. SAM JOHNSON of Texas, and Mr. BURGESS):

H.R. 5433. A bill to repeal certain provisions of the Patient Protection and Affordable Care Act relating to the limitation on the Medicare exception to the prohibition on certain physician referrals for hospitals and to transparency reports and reporting of physician ownership or investment interests; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mr. GERLACH, Mrs. CAPPS, and Mr. YOUNG of Florida):

H.R. 5434. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture.

By Mr. BRALEY of Iowa:

H.R. 5435. A bill to amend the Internal Revenue Code of 1986 to extend certain renewable fuel, and energy, tax incentives, and to deny the deduction for income attributable to domestic production of oil, or primary products thereof; to the Committee on Ways and Means.

By Mr. BUCHANAN:

H.R. 5436. A bill to prohibit the Minerals Management Service from issuing permits or environmental or safety waivers for any deepwater drilling rig in the Gulf of Mexico until the discharge of oil from the last Deepwater Horizon well has stopped and a congressional committee has issued a report finding the cause of the explosion on and sinking of the Deepwater Horizon; to the Committee on Natural Resources.

By Mr. CROWLEY:

H.R. 5437. A bill to amend the Internal Revenue Code of 1986 to provide that the treatment of tenant-stockholders in cooperative housing corporations also shall apply to stockholders of corporations that only own the land on which the residences are located; to the Committee on Ways and Means.

By Mr. DONNELLY of Indiana (for himself and Mr. MCCOTTER):

H.R. 5438. A bill to amend title 23, United States Code, to direct the Administrator of the Environmental Protection Agency to publish annually a list of vehicles that satisfy requirements for certification as a low emission and energy-efficient vehicle, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FLAKE (for himself and Mr. FRANK of Massachusetts):

H.R. 5439. A bill to require that United States contributions to the fund established by the United States and Brazil to provide technical assistance and capacity building be offset by reductions in direct payments for cotton producers under the Farm Bill; to the Committee on Agriculture.

By Mr. KENNEDY (for himself and Ms. ESHOO):

H.R. 5440. A bill to secure the promise of personalized medicine for all Americans by expanding and accelerating genomics research and initiatives to improve the accuracy of disease diagnosis, increase the safety of drugs, and identify novel treatments, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Mr. CASTLE, and Mrs. CAPPS):

H.R. 5441. A bill to authorize assistance to aid in the prevention and treatment of obstetric fistula in foreign countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MARKEY of Massachusetts (for himself, Mrs. BIGGERT, Mr. MCNERNEY, and Ms. ESHOO):

H.R. 5442. A bill to establish programs to accelerate, provide incentives for, and examine the challenges and opportunities associated with the deployment of electric drive vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Science and Technology, Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NYE (for himself and Mr. GARAMENDI):

H.R. 5443. A bill to amend title 38, United States Code, to provide for the entitlement of surviving spouses of members of the Armed Forces who die while serving on active duty to educational assistance under the Post-9/11 Educational Assistance Program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAUL:

H.R. 5444. A bill to amend the Internal Revenue Code of 1986 to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 and to replace it with provisions reforming the health care system by putting patients back in charge of health care; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, House Administration, Ways and Means, Education and Labor, Natural Resources, the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PERLMUTTER (for himself and Mr. COFFMAN of Colorado):

H.R. 5445. A bill to establish a program for providing loan guarantees and interest rate subsidies for successful companies to establish and implement long-term United States growth plans, and for other purposes; to the Committee on Financial Services.

By Mr. POSEY (for himself, Mr. HASTINGS of Florida, Mr. YOUNG of Florida, Ms. CORRINE BROWN of Florida, Mr. PUTNAM, Ms. WASSERMAN SCHULTZ, Mr. STEARNS, Mr. BOYD, Mr. MICA, Mr. MEEK of Florida, Mr. MILLER of Florida, Ms. CASTOR of Florida, Mr. CRENSHAW, Mr. KLEIN of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Ms. KOSMAS, Ms. ROS-LEHTINEN, Mr. DEUTCH, Ms. GINNY BROWN-WAITE of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. ROONEY, Mr. BILIRAKIS, Mr. BUCHANAN, and Mr. MACK):

H.R. 5446. A bill to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the ''Harry T. and Harriette Moore Post Office''; to the Committee on Oversight and Government Reform.

By Mr. ROSS:

H.R. 5447. A bill to amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT (for himself, Mr. BISHOP of New York, Mrs. MCMORRIS RODGERS, and Mr. GEORGE MILLER of California):

H.R. 5448. A bill to amend section 466(b) of the Higher Education Act of 1965 to extend the deadline for the distribution of late collections for the Federal Perkins Loan program; to the Committee on Education and Labor.

By Ms. SUTTON (for herself, Mr. JONES, Mr. HARE, Mr. WALZ, Ms. KILROY, Mr. COURTNEY, and Mr. BOCCIERI):

H.R. 5449. A bill to amend section 310 of the Supplemental Appropriations Act, 2009 to extend the period of time during which claims for retroactive stop-loss special pay may be submitted; to the Committee on Armed Services.

By Ms. WATSON (for herself, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mr. CAMPBELL, Mrs. CAPPS, Mr. CARDOZA, Ms. CHU, Mr. COSTA, Mrs. DAVIS of California, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Mr. GARAMENDI, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HUNTER, Mr. ISSA, Ms. LEE of California, Mr. LEWIS of California, Mr. DANIEL E. LUNGREN of California, Mr. MCKEON, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCCLINTOCK, Mr. MCNERNEY, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mr. NUNES, Mr. RADANOVICH, Mr. ROHRABACHER, Mr. ROYCE, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, Ms. WOOLSEY, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Ms. ZOE LOFGREN of California, Mr. BACA, Mr. SHERMAN, and Mr. WAXMAN):

H.R. 5450. A bill to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the ''Tom Bradley Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska:

H.R. 5451. A bill to provide for the application of the Recreation and Public Purposes Act to the Connell Lake area of the Ketchikan Gateway Borough, Alaska, so that the Borough may obtain that land under the basic terms and conditions of that Act; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 5452. A bill to establish a Native American Economic Advisory Council, and for other purposes; to the Committee on Natural Resources.

By Ms. PINGREE of Maine:

H. Con. Res. 282. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. CARNEY (for himself, Mr. HOLDEN, Mr. SESTAK, Mr. PITTS, Mr. BRADY of Pennsylvania, Ms. SCHWARTZ, and Mr. DOYLE):

H. Con. Res. 283. Concurrent resolution honoring the 28th Infantry Division for serving and protecting the United States; to the Committee on Armed Services.

By Mr. RUSH (for himself, Mr. PAYNE, Mr. LEWIS of Georgia, Ms. CLARKE, Mr. RANGEL, Mr. FILNER, Mr. CLAY, Mrs. CHRISTENSEN, Mr. FATTAH, Ms. FUDGE, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. CLEAVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Ms. NORTON, Mr. GRIJALVA, Mr. BISHOP of Georgia, Mr. GARAMENDI, Mr. COHEN, Mr. MEEKS of New York, Ms. JACKSON LEE of Texas, Ms. DELAURO, Mr. REYES, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. SIRES, Mr. SALAZAR, Mr. BACA, Mrs. NAPOLITANO, Mr. TOWNS, Mr. RODRIGUEZ, Ms. EDWARDS of Maryland, Mr. TONKO, and Mr. GONZALEZ):

H. Res. 1405. A resolution congratulating the people of the 17 African nations that in 2010 are marking the 50th year of their national independence; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Washington (for himself and Mr. BISHOP of Utah):

H. Res. 1406. A resolution directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the potential designation of National Monuments; to the Committee on Natural Resources.

By Mrs. BIGGERT (for herself, Mr. CARNAHAN, Mr. KIRK, Mr. LOEBSACK, Mr. SCHOCK, Mr. EHLERS, Mr. BAIRD, and Ms. SCHWARTZ):

H. Res. 1407. A resolution supporting the goals and ideals of High-Performance Building Week; to the Committee on Science and Technology.

By Ms. BEAN (for herself, Mr. ALTMIRE, Mr. BURTON of Indiana, Mr. DELAHUNT, Mr. GALLEGLY, Mr. MCMAHON, Mr. JACKSON of Illinois, Mr. ROSKAM, Mr. FOSTER, Mr. QUIGLEY, Mr. SCHOCK, and Mr. POMEROY):

H. Res. 1408. A resolution congratulating the Republic of Serbia's application for European Union membership and recognizing Serbia's active efforts to integrate into Europe and the global community; to the Committee on Foreign Affairs.

By Mr. ROE of Tennessee (for himself and Mr. DUNCAN):

H. Res. 1409. A resolution expressing support for designation of June 20, 2010, as ''American Eagle Day'', and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Ms. SPEIER, Mr. CASTLE, Mr. SESTAK, Mr. JOHNSON of Georgia, Mr. PITTS, Mr. SHULER, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Ms. NORTON, Ms. ESHOO, Mr. MORAN of Virginia, Mrs. CAPPS, Mr. KUCINICH, Mr. WU, Mr. ROE of Tennessee, Mr. BARROW, Mrs. BIGGERT, Mr. KIRK, and Mr. DENT):

H. Res. 1410. A resolution expressing support for designation of May 2010 as National Brain Tumor Awareness Month; to the Committee on Energy and Commerce.

By Ms. SCHWARTZ:

H. Res. 1411. A resolution honoring the service and commitment of the 111th Fighter Wing, Pennsylvania Air National Guard; to the Committee on Armed Services.

By Mr. SMITH of New Jersey (for himself, Ms. GRANGER, and Mrs. MALONEY):

H. Res. 1412. A resolution congratulating the Government of South Africa upon its first two successful convictions for human trafficking; to the Committee on Foreign Affairs.

By Mr. TIAHRT:

H. Res. 1413. A resolution expressing the sense of the House of Representatives that the holding in Miranda v. Arizona may be interpreted to provide for the admissibility of a terrorist suspect's responses in an interrogation without administration of the Miranda warnings, to the extent that the interrogation is carried out to acquire information concerning other threats to public safety; to the Committee on the Judiciary.

¶68.41 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

301. The SPEAKER presented a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 125 memorializing the Congress to allow farmers the opportunity to purchase adequate sweet potato crop insurance; to the Committee on Agriculture.

302. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 127 memorializing the Congress to take such actions as are necessary to support passage of and fund the Agent Orange Equity Act of 2009, H.R. 2254; to the Committee on Veterans' Affairs.

303. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 101 commending the efforts of the United States Government to support the export of goods and services by the small businesses of Louisiana; jointly to the Committees on Small Business and Foreign Affairs.

¶68.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 270: Mr. CLAY.

H.R. 413: Mr. KANJORSKI, Ms. BEAN, and Mr. KENNEDY.

H.R. 442: Mr. WOLF.

H.R. 613: Mr. BILIRAKIS.

H.R. 1189: Mr. BISHOP of Georgia.

H.R. 1250: Mr. TIM MURPHY of Pennsylvania.

H.R. 1337: Mr. COHEN.

H.R. 1420: Mr. GARRETT of New Jersey.

H.R. 1686: Mr. COSTELLO.

H.R. 1691: Mr. DONNELLY of Indiana.

H.R. 1806: Mrs. MILLER of Michigan and Ms. LEE of California.

H.R. 2067: Mrs. NAPOLITANO and Mr. LANGEVIN.

H.R. 2160: Mr. MCINTYRE.

H.R. 2240: Mr. CALVERT.

H.R. 2324: Mr. DEUTCH.
H.R. 2363: Mr. BARTLETT.
H.R. 2417: Ms. WOOLSEY.
H.R. 2447: Mr. BUCHANAN.
H.R. 2642: Mr. MICHAUD.
H.R. 2727: Ms. ROS-LEHTINEN.
H.R. 2746: Mr. MCCOTTER and Mr. REHBERG.
H.R. 2766: Mr. KILDEE.
H.R. 2850: Mr. TIM MURPHY of Pennsylvania.
H.R. 2980: Mr. LUJÁN.
H.R. 3001: Mrs. DAVIS of California.
H.R. 3040: Mr. DELAHUNT and Mr. HILL.
H.R. 3147: Mr. LEWIS of Georgia.
H.R. 3202: Mr. PALLONE.
H.R. 3212: Mr. BOREN.
H.R. 3225: Mr. MINNICK.
H.R. 3301: Mr. PETRI, Mrs. EMERSON, Mr. CARNEY, and Mr. BURTON of Indiana.
H.R. 3421: Mr. YARMUTH and Mr. DAVIS of Illinois.
H.R. 3441: Mr. LIPINSKI.
H.R. 3564: Mr. MARKEY of Massachusetts and Mr. ENGEL.
H.R. 3577: Mr. ARCURI.
H.R. 3666: Mr. PAULSEN.
H.R. 3668: Ms. BORDALLO, Mr. HONDA, Mr. LATOURETTE, Ms. WOOLSEY, Mr. ETHERIDGE, Mr. DUNCAN, Mr. GORDON of Tennessee, Mr. THOMPSON of Pennsylvania, Mr. NUNES, Mr. DICKS, Mr. MCKEON, and Mr. BOUCHER.
H.R. 3734: Ms. WATSON.
H.R. 3936: Ms. GIFFORDS.
H.R. 3974: Mr. LANGEVIN and Mr. CLAY.
H.R. 3989: Mr. BOREN, Mr. YOUNG of Alaska, and Mr. GALLEGLY.
H.R. 4144: Mr. HELLER.
H.R. 4197: Mr. ROHRABACHER.
H.R. 4237: Mr. ACKERMAN.
H.R. 4264: Mr. HONDA.
H.R. 4278: Mr. COHEN and Mr. SALAZAR.
H.R. 4296: Mrs. MCCARTHY of New York.
H.R. 4306: Mr. MANZULLO.
H.R. 4347: Mr. YOUNG of Alaska and Mrs. NAPOLITANO.
H.R. 4352: Mr. NUNES.
H.R. 4371: Mr. SCHOCK.
H.R. 4375: Ms. WOOLSEY.
H.R. 4386: Mrs. MALONEY and Mr. BLUMENAUER.
H.R. 4420: Mr. ARCURI.
H.R. 4427: Mr. BOOZMAN.
H.R. 4489: Ms. LINDA T. SÃNCHEZ of California.
H.R. 4525: Mr. CONNOLLY of Virginia.
H.R. 4530: Ms. JACKSON LEE of Texas.
H.R. 4544: Mr. MURPHY of New York and Mr. SESTAK.
H.R. 4594: Ms. SHEA-PORTER, Mr. MCMAHON, Mr. MCDERMOTT, Mr. HOLDEN, Mr. FALEOMAVAEGA, and Mr. BARROW.
H.R. 4662: Mr. ELLISON, Ms. MCCOLLUM, Mr. KING of New York, Mr. RUPPERSBERGER, and Mr. BERMAN.
H.R. 4684: Ms. BEAN, Mr. FRANK of Massachusetts, Mr. LATHAM, Mr. LYNCH, Ms. SCHAKOWSKY, Mrs. CAPPS, Mr. GRIJALVA, Mr. DELAHUNT, and Mr. MARCHANT.
H.R. 4689: Mr. MARSHALL, Ms. JENKINS, Mr. RAHALL, and Ms. WOOLSEY.
H.R. 4717: Mr. MINNICK.
H.R. 4787: Ms. PINGREE of Maine.
H.R. 4790: Mr. PERLMUTTER.
H.R. 4804: Ms. TITUS.
H.R. 4818: Mr. COHEN.
H.R. 4879: Mr. HODES, Ms. BERKLEY, Mr. JOHNSON of Georgia, Mr. CROWLEY, Ms. PINGREE of Maine, Mr. BOUCHER, Mr. CONNOLLY of Virginia, Mr. SCHIFF, and Mr. SCOTT of Virginia.
H.R. 4914: Mr. RANGEL and Mr. BLUMENAUER.
H.R. 4939: Mrs. EMERSON.
H.R. 4940: Mrs. BIGGERT.
H.R. 4946: Mr. CHAFFETZ and Mr. MANZULLO.
H.R. 4961: Mr. HONDA.
H.R. 4985: Mr. LAMBORN and Mr. PITTS.
H.R. 5000: Mr. TEAGUE.
H.R. 5008: Mr. MOORE of Kansas.
H.R. 5016: Mr. WITTMAN, Mr. REHBERG, Mr. KLINE of Minnesota, Mr. MCCAUL, Mr. HOEKSTRA, Mr. HALL of Texas, Mrs. MYRICK, and Mr. COBLE.
H.R. 5028: Mr. COHEN.
H.R. 5032: Mrs. MCCARTHY of New York.
H.R. 5034: Mr. HOEKSTRA, Mrs. MILLER of Michigan, and Mr. SAM JOHNSON of Texas.
H.R. 5040: Ms. NORTON.
H.R. 5041: Mr. COHEN, Ms. LEE of California, Ms. CLARKE, and Mr. LARSON of Connecticut.
H.R. 5081: Mr. CLAY and Mr. HONDA.
H.R. 5092: Mr. CAO, Mr. ROSS, Mr. MCHENRY, Mr. BOEHNER, Mr. TURNER, and Mr. CARTER.
H.R. 5095: Mr. CAMPBELL.
H.R. 5107: Mr. GRIJALVA.
H.R. 5117: Mr. CONNOLLY of Virginia, Mr. GRIJALVA, Mr. YARMUTH, Mr. STARK, Mr. JOHNSON of Georgia, and Mrs. MALONEY.
H.R. 5121: Mr. FRANK of Massachusetts and Mr. KUCINICH.
H.R. 5141: Mr. THOMPSON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, and Mr. GALLEGLY.
H.R. 5155: Mr. FRANK of Massachusetts.
H.R. 5156: Mr. CLAY.
H.R. 5173: Mr. PLATTS.
H.R. 5177: Mr. CONAWAY.
H.R. 5191: Mr. MAFFEI and Ms. NORTON.
H.R. 5197: Ms. CHU and Mr. COHEN.
H.R. 5213: Mrs. NAPOLITANO and Ms. HIRONO.
H.R. 5258: Mr. FRANKS of Arizona and Mr. MCCLINTOCK.
H.R. 5259: Mr. MICHAUD.
H.R. 5268: Mr. CARNAHAN and Mr. DOGGETT.
H.R. 5270: Mr. PAUL.
H.R. 5283: Mr. SMITH of Texas and Mr. RANGEL.
H.R. 5294: Mrs. MCMORRIS RODGERS.
H.R. 5298: Mr. BOREN, Mr. TURNER, Mr. MICA, Ms. SHEA-PORTER, Ms. KILROY, Mr. PETERSON, Mr. HOLDEN, Mr. AL GREEN of Texas, Ms. HIRONO, Mr. MCCOTTER, and Mr. FATTAH.
H.R. 5300: Mr. MCNERNEY.
H.R. 5313: Mr. SKELTON.
H.R. 5318: Mr. WESTMORELAND.
H.R. 5340: Mr. SENSENBRENNER.
H.R. 5353: Mr. HASTINGS of Florida and Ms. SLAUGHTER.
H.R. 5355: Mrs. NAPOLITANO, Mr. POLIS, and Ms. HIRONO.
H.R. 5371: Mr. ROGERS of Alabama, Mr. ROTHMAN of New Jersey, Mr. MARCHANT, and Mr. MCGOVERN.
H.R. 5372: Ms. BERKLEY.
H.R. 5377: Mr. LAMBORN.
H.R. 5395: Mr. DEUTCH.
H.J. Res. 76: Mr. LUCAS.
H.J. Res. 86: Mr. BURTON of Indiana, Mr. CONAWAY, Mr. MCCAUL, Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. GARRETT of New Jersey, Mr. BRIGHT, Mrs. BACHMANN, Mr. CAPUANO, Mr. MCKEON, Ms. SPEIER, Mr. NUNES, Mr. THOMPSON of Pennsylvania, Mr. INGLIS, Mr. WESTMORELAND, Mr. FRANKS of Arizona, Mr. CARSON of Indiana, Ms. WATSON, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mr. ACKERMAN, Mr. REICHERT, Ms. LORETTA SANCHEZ of California, and Mr. REHBERG.
H. Con. Res. 20: Mr. GARAMENDI.
H. Con. Res. 198: Mr. SMITH of Texas, Ms. WATSON, and Mr. PRICE of North Carolina.
H. Con. Res. 204: Mr. PLATTS.
H. Con. Res. 259: Mr. DELAHUNT, Ms. GINNY BROWN-WAITE of Florida, Mr. BROWN of South Carolina, and Mr. MURPHY of Connecticut.
H. Con. Res. 266: Mrs. BACHMANN, Mr. KINGSTON, Mr. GARRETT of New Jersey, Mr. SMITH of New Jersey, Mr. CAMP, Mr. RUSH, Mr. WESTMORELAND, Mr. BISHOP of Utah, Mr. SENSENBRENNER, Mr. REHBERG, Mr. ROGERS of Alabama, and Mr. BURGESS.
H. Res. 173: Mr. CARNAHAN and Mr. PUTNAM.
H. Res. 440: Mr. GUTHRIE and Mr. MCCLINTOCK.
H. Res. 898: Mr. HOLT.
H. Res. 1219: Ms. NORTON.
H. Res. 1229: Mr. ETHERIDGE.
H. Res. 1241: Mr. MACK, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. SESSIONS.
H. Res. 1273: Mr. SULLIVAN.
H. Res. 1302: Mr. MORAN of Virginia and Mr. MAFFEI.
H. Res. 1319: Mr. WU and Mr. LOEBSACK.
H. Res. 1322: Ms. WATSON and Mr. BACA.
H. Res. 1326: Mr. ELLISON.
H. Res. 1355: Mr. MORAN of Virginia and Mr. WALZ.
H. Res. 1368: Mr. LANGEVIN, Mrs. MILLER of Michigan, Mr. CALVERT, and Mr. MCNERNEY.
H. Res. 1371: Ms. FOXX and Mrs. MILLER of Michigan.
H. Res. 1379: Mr. MORAN of Virginia, Mr. GALLEGLY, Mr. PETERSON, Mr. PAYNE, Mr. MANZULLO, and Mr. COHEN.
H. Res. 1389: Mr. COBLE, Mr. CALVERT, and Mr. LAMBORN.
H. Res. 1391: Mr. QUIGLEY, Mr. DANIEL E. LUNGREN of California, Mrs. MILLER of Michigan, Mr. MEEK of Florida, Ms. CORRINE BROWN of Florida, Mr. SCALISE, and Mr. LATTA.
H. Res. 1394: Mr. BILIRAKIS.
H. Res. 1398: Ms. CLARKE.
H. Res. 1401: Ms. MOORE of Wisconsin, Mr. SHULER, Ms. MCCOLLUM, Mr. REHBERG, Mr. CAPUANO, and Mr. ISRAEL.

FRIDAY, MAY 28, 2010 (69)

¶69.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. OBEY, who laid before the House the following communication:

WASHINGTON, DC.
May 28, 2010.

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

NANCY PELOSI,
Speaker of the House of Representatives.

¶69.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. OBEY, announced he had examined and approved the Journal of the proceedings of Thursday, May 27, 2010.

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

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. OBEY, announced that the yeas had it.

Ms. TSONGAS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OBEY, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶69.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7694. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clethodim; Pesticide Tolerances [EPA-HQ-OPP-2009-0307; FRL-8822-7]

received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7695. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluazinam; Pesticide Tolerances [EPA-HQ-OPP-2009-0032; FRL-8824-5] received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7696. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flutriafol; Pesticide Tolerances [EPA-HQ-OPP-2009-0184; FRL-8812-6] received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7697. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's ''Major'' final rule — Teacher Incentive Fund Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.385 and 84.374 [Docket ID: ED-2010-OESE-0001] (RIN: 1810-AB08) received May 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Determination to Approve Alternative Final Cover Request for the Lake County Montana Landfill [EPA-R08-RCRA-2009-0621; FRL-9149-7] received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7699. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Reformulated Gasoline and Diesel Fuels; California [EPA-R09-OAR-2009-0344; FRL-9112-7] received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7700. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 06-10 informing of an intent to sign a Memorandum of Understanding with Canada; to the Committee on Foreign Affairs.

7701. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-021, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7702. A letter from the Assistant Legal Advisor for Treaty Affiars, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

7703. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-409, ''Uniform Principal and Income Technical Amendments Act of 2010''; to the Committee on Oversight and Government Reform.

7704. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-408, ''Liquid PCP Possession Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7705. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-407, ''Residential Aid Discount Subsidy Stabilization Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7706. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-406, ''Corrections Information Council Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7707. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-405, ''Stimulus Accountability Act of 2010''; to the Committee on Oversight and Government Reform.

7708. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-404, ''Tenant Opportunity to Purchase Preservation Clarification Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7709. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-402, ''School Safe Passage Emergency Zone Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7710. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-401, ''Unemployment Compensation Reform Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7711. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-412, ''Predatory Pawnbroker Regulation and Community Notification Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

7712. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-411, ''Keep D.C. Working Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

7713. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-410, ''Closing of Public Streets Adjacent to Square 1048-S (S.O. 09-11792) Act of 2010''; to the Committee on Oversight and Government Reform.

7714. A letter from the EEO Programs Director, Federal Reserve System, transmitting the sixth annual report pursuant to Section 203(a) of the No Fear Act, Pub. L. 107-174, for fiscal year 2009; to the Committee on Oversight and Government Reform.

7715. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Jet Routes J-37 and J-55; Northeast United States [Docket No.: FAA-2010-0003; Airspace Docket No. 09-ANE-104] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7716. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Mountain City, TN [Docket No.: FAA-2009-0061; Airspace Docket No. 09-ASO-10] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7717. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Jackson, AL [Docket No.: FAA-2009-0937; Airspace Docket No. 09-ASO-27] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7718. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Establisment of Class E Airspace; Fort A.P. Hill, VA [Docket No.: FAA-2009-0739; Airspace Docket No. 09-AEA-14] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7719. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Liberty Aerospace Incorporated Model XL-2 Airplanes [Docket No.: FAA-2009-0329; Directorate Identifier 2009-CE-020-AD; Amendment 39-16264; AD 2009-08-05 R1] (RIN: 2120-AA64) received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7720. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Relief for U.S. Military and Civilian Personnel Who Are Assigned Outside the United States in Support of U.S. Armed Forces Operations [Docket No.: FAA-2009-0923; Special Federal Aviation Regulation No. 100-2] (RIN: 2120-AJ54) received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7721. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30716; Amdt. No. 3366] received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7722. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CJ610 Series Turbojet Engines and CF700 Series Turbofan Engines [Docket No.: FAA-2009-0502; Directorate Identifier 2009-NE-02-AD; Amendment 39-16273; AD 2010-09-08] (RIN: 2120-AA64) received May 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7723. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30717; Amdt. No. 3367], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7724. A letter from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's second fiscal year 2010 quarterly report on unobligated and unexpended appropriated funds; jointly to the Committees on Appropriations and Foreign Affairs.

¶69.4 PROVIDING FOR CONSIDERATION OF THE AMENDMENT OF THE SENATE TO H.R. 4213

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1403):

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

amendment printed in part B of the report of the Committee on Rules. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

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

When said resolution was considered.

After dabate,

Ms. SLAUGHTER submitted the following amendment:

Strike all after the resolving clause and insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

Ms. SLAUGHTER moved the previous question on the amendment and the resolution to their adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question on the amendment and the resolution?

The SPEAKER pro tempore, Mr. OBEY, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. OBEY, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶69.5 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OBEY, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Thursday, May 27, 2010.

The question being put,

Will the House agree to the Chair's approval of said Journal?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	230
Nays	182
Answered present	1

¶69.6 [Roll No. 319]

YEAS—230

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

NAYS—182

Adler (NJ)	Diaz-Balart, L.	Lamborn
Akin	Diaz-Balart, M.	Lance
Alexander	Djou	LaTourette
Altmire	Donnelly (IN)	Latta
Arcuri	Dreier	Lee (NY)
Austria	Driehaus	Linder
Bachmann	Duncan	LoBiondo
Bachus	Ehlers	Lucas
Barrett (SC)	Ellsworth	Luetkemeyer
Bartlett	Emerson	Lummis
Barton (TX)	Fallin	Lungren, Daniel E.
Biggert	Flake	Mack
Bilirakis	Fleming	Maloney
Blackburn	Forbes	Manzullo
Blunt	Foxx	Marchant
Boccieri	Franks (AZ)	Markey (CO)
Boehner	Frelinghuysen	McCarthy (CA)
Bonner	Gallegly	McCaul
Bono Mack	Garrett (NJ)	McCotter
Boozman	Gerlach	McHenry
Boustany	Giffords	McKeon
Brady (TX)	Gingrey (GA)	Mica
Broun (GA)	Granger	Miller (FL)
Brown (SC)	Griffith	Miller (MI)
Buchanan	Guthrie	Miller, Gary
Burgess	Hall (TX)	Minnick
Burton (IN)	Harper	Mitchell
Buyer	Hastings (WA)	Moran (KS)
Calvert	Hensarling	Murphy (NY)
Camp	Herger	Murphy, Tim
Campbell	Himes	Myrick
Cantor	Hoekstra	Neugebauer
Cao	Hunter	Nunes
Capito	Inglis	Nye
Cardoza	Issa	Olson
Carney	Jenkins	Owens
Carter	Johnson, Sam	Paul
Cassidy	Jordan (OH)	Pence
Childers	Kilroy	Peters
Coble	King (IA)	Peterson
Coffman (CO)	King (NY)	Petri
Conaway	Kingston	Pitts
Connolly (VA)	Kirkpatrick (AZ)	Platts
Costa	Kline (MN)	Poe (TX)
Crenshaw	Kosmas	Price (GA)
Culberson	Kratovil	

Putnam
Radanovich
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Salazar
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—18

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

So the Journal was approved.

¶69.7 H. RES. 1391—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OBEY, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1391) congratulating Israel for its accession to membership in the Organization for Economic Co-operation and development, as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 Nays 0

¶69.8 [Roll No. 320]

YEAS—418

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

NOT VOTING—13

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

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶69.9 H. RES. 1403—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. OBEY, pursuant to clause 8 of rule XX, announced the further unfinished business to be on ordering the previous question on the amendment and the resolution (H. Res. 1403) providing for consideration of the amendment of the Senate to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 Nays 182

¶69.10 [Roll No. 321]

YEAS—235

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick

Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

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

NOT VOTING—14

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

So the previous question on the amendment and the resolution was ordered.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. OBEY, announced that the yeas had it.

Mr. SESSIONS demanded a recorded vote on agreeing to said amendment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 215 / Nays 206

¶69.11 [Roll No. 322]

AYES—215

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

NOES—206

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

NOT VOTING—11

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

So the amendment was agreed to.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. OBEY, announced that the yeas had it.

Mr. SESSIONS demanded a recorded vote on agreeing to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 Nays 199

¶69.12 [Roll No. 323]

AYES—221

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

NOES—199

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

NOT VOTING—12

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

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Pursuant to section 3 of House Resolution 1403, H. Res. 1392 was laid on the table.

¶69.13 COMMITTEE ELECTION—MINORITY

Mr. PENCE, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 1415):

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

COMMITTEE ON ARMED SERVICES—Mr. Djou.

COMMITTEE ON THE BUDGET—Mr. Djou.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM—Mr. Shuster.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶69.14 TAX EXTENDERS

Mr. LEVIN, pursuant to House Resolution 1403, moved to take from the Speaker's table the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; together with the following amendment of the Senate thereto:

Strike all after the enacting clause and insert the following:

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

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

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

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

Sec. 608. Election for refundable low-income housing credit for 2010.
Sec. 609. Low-income housing grant election.
Sec. 610. Rollovers from elective deferral plans to Roth designated accounts.
Sec. 611. Modification of standards for windows, doors, and skylights with respect to the credit for nonbusiness energy property.
Sec. 612. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.
Sec. 613. Extension of special allowance for certain property.
Sec. 614. Application of bad checks penalty to electronic payments.
Sec. 615. Grants for energy efficient appliances in lieu of tax credit.
Sec. 616. Budgetary effects of legislation passed by the Senate.
Sec. 617. Senate spending disclosure.
Sec. 618. Allocation of geothermal receipts.
Sec. 619. Qualifying timber contract options.
Sec. 620. ARRA planning and reporting.
Sec. 621. GAO study.
Sec. 622. Extension and modification of section 45 credit for refined coal from steel industry fuel.
Sec. 623. Modifications to mine rescue team training credit and election to expense advanced mine safety equipment.
Sec. 624. Application of continuous levy to employment tax liability of certain Federal contractors.

TITLE VII—DETERMINATION OF BUDGETARY EFFECTS

Sec. 701. Determination of budgetary effects.

TITLE I—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

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

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

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

SEC. 102. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

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

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

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

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

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

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

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

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

SEC. 104. CREDIT FOR REFINED COAL FACILITIES.

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

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

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

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

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

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

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

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

SEC. 107. NEW ENERGY EFFICIENT HOME CREDIT.

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

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

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

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

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

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

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

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

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

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

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

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART II—LOW-INCOME HOUSING CREDITS

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

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

''(n) ELECTION FOR REFUNDABLE CREDITS.—

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

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

''(A) the sum of—

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

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

''(B) 10.

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

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

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

under this paragraph, except that such subsection (d) shall be applied by substituting 'January 1, 2012' for 'January 1, 2011'.''.

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

Subtitle C—Business Tax Relief

SEC. 131. RESEARCH CREDIT.

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

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

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

SEC. 132. INDIAN EMPLOYMENT TAX CREDIT.

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

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

SEC. 133. NEW MARKETS TAX CREDIT.

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

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

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

SEC. 134. RAILROAD TRACK MAINTENANCE CREDIT.

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

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

SEC. 135. MINE RESCUE TEAM TRAINING CREDIT.

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

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

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

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

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

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

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

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

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

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 144. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

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

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

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

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

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

SEC. 146. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 150. TIMBER REIT MODERNIZATION.

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

(b) EFFECTIVE DATE.—

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

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

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

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

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

SEC. 153. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 157. EMPOWERMENT ZONE TAX INCENTIVES.

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

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

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

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

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

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

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

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

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

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

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

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

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

(2) LIMITATION ON PERIOD OF GAINS.—

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

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

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

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

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

(e) EFFECTIVE DATES.—

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

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

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

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

SEC. 159. RENEWAL COMMUNITY TAX INCENTIVES.

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

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

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

(b) ZERO-PERCENT CAPITAL GAINS RATE.—

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

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

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

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

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

(c) COMMERCIAL REVITALIZATION DEDUCTION.—

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

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

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

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

(f) EFFECTIVE DATES.—

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

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

(3) COMMERCIAL REVITALIZATION DEDUCTION.—

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

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

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

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

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

SEC. 161. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

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

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

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

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

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

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

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

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

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

(d) EFFECTIVE DATES.—

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

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

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

SEC. 172. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

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

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

(c) EFFECTIVE DATE.—

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

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

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

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

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

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

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

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

SEC. 175. EXPENSING OF QUALIFIED DISASTER EXPENSES.

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

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

PART II—REGIONAL PROVISIONS

Subpart A—New York Liberty Zone

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

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

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

SEC. 182. TAX-EXEMPT BOND FINANCING.

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

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

Subpart B—GO Zone

SEC. 183. SPECIAL DEPRECIATION ALLOWANCE.

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

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

SEC. 184. INCREASE IN REHABILITATION CREDIT.

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

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

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

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''4-year'' and inserting ''5-year''.

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

Subpart C—Midwestern Disaster Areas

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

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

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

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

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

SEC. 192. EXCLUSION OF CANCELLATION OF MORTGAGE INDEBTEDNESS.

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

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

TITLE II—UNEMPLOYMENT INSURANCE, HEALTH, AND OTHER PROVISIONS

Subtitle A—Unemployment Insurance

SEC. 201. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle B—Health Provisions

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

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

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

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

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

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

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

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

''(C) 2010 TRANSITION PERIOD.—

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

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

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

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

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

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

SEC. 212. EXTENSION OF THERAPY CAPS EXCEPTIONS PROCESS.

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

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

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

(1) in subparagraph (F)—

(A) in clause (i)—

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

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

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

(B) in clause (ii)(II), by striking the period at the end and inserting ''; and'';

(C) by inserting after clause (ii)(II) the following new clause:

''(iii)(I) subject to subclause (II), with respect to items and services furnished on or after January 1, 2011, the accreditation requirement of clause (i) shall not apply to a pharmacy described in subparagraph (G); and

''(II) effective with respect to items and services furnished on or after the date of the enactment of this subparagraph, the Secretary may apply to pharmacies quality standards and an accreditation requirement established by the Secretary that are an alternative to the quality standards and accreditation requirement otherwise applicable under this paragraph if the Secretary determines such alternative quality standards and accreditation requirement are appropriate for pharmacies.''; and

(D) by adding at the end the following flush sentence:

''If determined appropriate by the Secretary, any alternative quality standards and accreditation requirement established under clause (iii)(II) may differ for categories of pharmacies established by the Secretary (such as pharmacies described in subparagraph (G)).''; and

(2) by adding at the end the following new subparagraph:

''(G) PHARMACY DESCRIBED.—A pharmacy described in this subparagraph is a pharmacy that meets each of the following criteria:

''(i) The total billings by the pharmacy for such items and services under this title are less than 5 percent of total pharmacy sales for a previous period (of not less than 24 months) specified by the Secretary.

''(ii) The pharmacy has been enrolled under section 1866(j) as a supplier of durable medical equipment, prosthetics, orthotics, and supplies, has been issued (which may include the renewal of) a provider number for at least 2 years, and for which a final adverse action (as defined in section 424.57(a) of title 42, Code of Federal Regulations) has not been imposed in the past 2 years.

''(iii) The pharmacy submits to the Secretary an attestation, in a form and manner, and at a time, specified by the Secretary, that the pharmacy meets the criteria described in clauses (i) and (ii).

''(iv) The pharmacy agrees to submit materials as requested by the Secretary, or during the course of an audit conducted on a random sample of pharmacies selected annually, to verify that the pharmacy meets the criteria described in clauses (i) and (ii). Materials submitted under the preceding sentence shall include a certification by an independent accountant on behalf of the pharmacy or the submission of tax returns filed by the pharmacy during the relevant periods, as requested by the Secretary.''.

(b) CONFORMING AMENDMENTS.—Section 1834(a)(20)(E) of the Social Security Act (42 U.S.C. 1395m(a)(20)(E)) is amended—

(1) in the first sentence, by striking ''The'' and inserting ''Except as provided in the third sentence, the''; and

(2) by adding at the end the following new sentences: ''Notwithstanding the preceding sentences, any alternative quality standards and accreditation requirement established under subparagraph (F)(iii)(II) shall be established through notice and comment rulemaking. The Secretary may implement by program instruction or otherwise subparagraph (G) after consultation with representatives of relevant parties. The specifications developed by the Secretary in order to implement subparagraph (G) shall be posted on the Internet website of the Centers for Medicare & Medicaid Services.''.

(c) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to this section.

(d) RULE OF CONSTRUCTION.—Nothing in the provisions of, or amendments made by, this section shall be construed as affecting the application of an accreditation requirement for pharmacies to qualify for bidding in a competitive acquisition area under section 1847 of the Social Security Act (42 U.S.C. 1395w–3).

(e) WAIVER OF 1-YEAR REENROLLMENT BAR.—In the case of a pharmacy described in subparagraph (G) of section 1834(a)(20) of the Social Security Act, as added by subsection (a), whose billing privileges were revoked prior to January 1, 2011, by reason of noncompliance with subparagraph (F)(i) of such section, the Secretary of Health and Human Services shall waive any reenrollment bar imposed pursuant to section 424.535(d) of title 42, Code of Federal Regulations (as in effect on the date of the enactment of this Act) for such pharmacy to reapply for such privileges.

SEC. 214. ENHANCED PAYMENT FOR MENTAL HEALTH SERVICES.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 215. EXTENSION OF AMBULANCE ADD-ONS.

(a) IN GENERAL.—Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''before January 1, 2010'' and inserting ''before January 1, 2011''; and

(B) in each of clauses (i) and (ii), by striking ''before January 1, 2010'' and inserting ''before January 1, 2011''.

(b) AIR AMBULANCE IMPROVEMENTS.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended by striking ''ending on December 31, 2009'' and inserting ''ending on December 31, 2010''.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended—

(1) in the first sentence, by striking ''2010'' and inserting ''2011''; and

(2) by adding at the end the following new sentence: ''For purposes of applying this subparagraph for ground ambulance services furnished on or after January 1, 2010, and before January 1, 2011, the Secretary shall use the percent increase that was applicable under this subparagraph to ground ambulance services furnished during 2009.''.

SEC. 216. EXTENSION OF GEOGRAPHIC FLOOR FOR WORK.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''before January 1, 2010'' and inserting ''before January 1, 2011''.

SEC. 217. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), and section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking ''and 2009'' and inserting ''2009, and 2010''.

SEC. 218. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

(a) IN GENERAL.—Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)) is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking ''2010''and inserting ''2011''; and

(B) in the second sentence, by striking ''or 2009'' and inserting '', 2009, or 2010''; and

(2) in subclause (III), by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) PERMITTING ALL SOLE COMMUNITY HOSPITALS TO BE ELIGIBLE FOR HOLD HARMLESS.—Section 1833(t)(7)(D)(i)(III) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)(III)) is amended by adding at the end the following new sentence: ''In the case of covered OPD services furnished on or after January 1, 2010, and before January 1, 2011, the preceding sentence shall be applied without regard to the 100-bed limitation.''.

SEC. 219. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–4(o)(1)(C)(ii)) is amended by striking ''setting (whether inpatient or outpatient)'' and inserting ''inpatient or emergency room setting''.

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking ''setting (whether inpatient or outpatient)'' and inserting ''inpatient or emergency room setting''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction or otherwise.

SEC. 220. EXTENSION OF REIMBURSEMENT FOR ALL MEDICARE PART B SERVICES FURNISHED BY CERTAIN INDIAN HOSPITALS AND CLINICS.

Section 1880(e)(1)(A) of the Social Security Act (42 U.S.C. 1395qq(e)(1)(A)) is amended by striking ''5-year period'' and inserting ''6-year period''.

SEC. 221. EXTENSION OF CERTAIN PAYMENT RULES FOR LONG-TERM CARE HOSPITAL SERVICES AND OF MORATORIUM ON THE ESTABLISHMENT OF CERTAIN HOSPITALS AND FACILITIES.

(a) EXTENSION OF CERTAIN PAYMENT RULES.—Section 114(c) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by section 4302(a) of the American Recovery and Reinvestment Act (Public Law 111–5), is amended by striking ''3-year period'' each place it appears and inserting ''4-year period''.

(b) EXTENSION OF MORATORIUM.—Section 114(d)(1) of such Act (42 U.S.C. 1395ww note), as amended by section 4302(b) of the American Recovery and Reinvestment Act (Public Law 111–5), in the matter preceding subparagraph (A), is amended by striking ''3-year period'' and inserting ''4-year period''.

SEC. 222. EXTENSION OF THE MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.

Section 1820(j) of the Social Security Act (42 U.S.C. 1395i–4(j)) is amended—

(1) by striking ''2010, and for'' and inserting ''2010, for''; and

(2) by inserting ''and for making grants to all States under subsection (g), such sums as may be necessary in fiscal year 2011, to remain available until expended'' before the period at the end.

SEC. 223. EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.

(a) IN GENERAL.—Subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) and section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

(b) SPECIAL RULE FOR FISCAL YEAR 2010.—For purposes of implementation of the amendment made by subsection (a), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2010, the Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on August 27, 2009 (74 Fed. Reg. 43754), and any subsequent corrections.

SEC. 224. TECHNICAL CORRECTION RELATED TO CRITICAL ACCESS HOSPITAL SERVICES.

(a) IN GENERAL.—Subsections (g)(2)(A) and (l)(8) of section 1834 of the Social Security Act (42 U.S.C. 1395m) are each amended by inserting ''101 percent of'' before ''the reasonable costs''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included

in the enactment of section 405(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2266).

SEC. 225. EXTENSION FOR SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS.

(a) IN GENERAL.—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)) is amended by striking ''2011'' and inserting ''2012''.

(b) TEMPORARY EXTENSION OF AUTHORITY TO OPERATE BUT NO SERVICE AREA EXPANSION FOR DUAL SPECIAL NEEDS PLANS THAT DO NOT MEET CERTAIN REQUIREMENTS.—Section 164(c)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 226. EXTENSION OF REASONABLE COST CONTRACTS.

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended, in the matter preceding subclause (I), by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

SEC. 227. EXTENSION OF PARTICULAR WAIVER POLICY FOR EMPLOYER GROUP PLANS.

For plan year 2011 and subsequent plan years, to the extent that the Secretary of Health and Human Services is applying the 2008 service area extension waiver policy (as modified in the April 11, 2008, Centers for Medicare & Medicaid Services' memorandum with the subject ''2009 Employer Group Waiver-Modification of the 2008 Service Area Extension Waiver Granted to Certain MA Local Coordinated Care Plans'') to Medicare Advantage coordinated care plans, the Secretary shall extend the application of such waiver policy to employers who contract directly with the Secretary as a Medicare Advantage private fee-for-service plan under section 1857(i)(2) of the Social Security Act (42 U.S.C. 1395w–27(i)(2)) and that had enrollment as of January 1, 2010.

SEC. 228. EXTENSION OF CONTINUING CARE RETIREMENT COMMUNITY PROGRAM.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to conduct the Erickson Advantage Continuing Care Retirement Community (CCRC) program under part C of title XVIII of the Social Security Act through December 31, 2011.

SEC. 229. FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note) is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Centers for Medicare & Medicaid Services Program Management Account—

''(i) for fiscal year 2009, of $7,500,000; and

''(ii) for fiscal year 2010, of $6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.''.

(b) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119 is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Administration on Aging—

''(i) for fiscal year 2009, of $7,500,000; and

''(ii) for fiscal year 2010, of $6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.''.

(c) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119 is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Administration on Aging—

''(i) for fiscal year 2009, of $5,000,000; and

''(ii) for fiscal year 2010, of $6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.''.

(d) ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119 is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Administration on Aging—

''(i) for fiscal year 2009, of $5,000,000; and

''(ii) for fiscal year 2010, of $2,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.''.

SEC. 230. FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501(c)(1)(A)(iii) of the Social Security Act (42 U.S.C. 701(c)(1)(A)(iii)) is amended by striking ''fiscal year 2009'' and inserting ''each of fiscal years 2009 through 2011''.

SEC. 231. IMPLEMENTATION FUNDING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to titles XVIII and XIX of the Social Security Act, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, $100,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

SEC. 232. EXTENSION OF ARRA INCREASE IN FMAP.

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(3), by striking ''first calendar quarter'' and inserting ''first 3 calendar quarters'';

(2) in subsection (c)—

(A) in paragraph (2)(B), by striking ''July 1, 2010'' and inserting ''January 1, 2011'';

(B) in paragraph (3)(B)(i), by striking ''July 1, 2010'' each place it appears and inserting ''January 1, 2011''; and

(C) in paragraph (4)(C)(ii), by striking ''the 3-consecutive-month period beginning with January 2010'' and inserting ''any 3-consecutive-month period that begins after December 2009 and ends before January 2011'';

(3) in subsection (g)—

(A) in paragraph (1), by striking ''September 30, 2011'' and inserting ''March 31, 2012'';

(B) in paragraph (2)—

(i) by inserting ''of such Act'' after ''1923''; and

(ii) by adding at the end the following new sentence: ''Voluntary contributions by a political subdivision to the non-Federal share of expenditures under the State Medicaid plan or to the non-Federal share of payments under section 1923 of the Social Security Act shall not be considered to be required contributions for purposes of this section.''; and

(C) by adding at the end the following:

''(3) CERTIFICATION BY CHIEF EXECUTIVE OFFICER.—No additional Federal funds shall be paid to a State as a result of this section with respect to a calendar quarter occurring during the period beginning on January 1, 2011, and ending on June 30, 2011, unless, not later than 45 days after the date of enactment of this paragraph, the chief executive officer of the State certifies that the State will request and use such additional Federal funds.''; and

(4) in subsection (h)(3), by striking ''December 31, 2010'' and inserting ''June 30, 2011''.

SEC. 233. EXTENSION OF GAINSHARING DEMONSTRATION.

(a) IN GENERAL.—Subsection (d)(3) of section 5007 of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended by inserting ''(or 21 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, in the case of a demonstration project in operation as of October 1, 2008)'' after ''December 31, 2009''.

(b) FUNDING.—

(1) IN GENERAL.—Subsection (f)(1) of such section is amended by inserting ''and for fiscal year 2010, $1,600,000,'' after ''$6,000,000,''.

(2) AVAILABILITY.—Subsection (f)(2) of such section is amended by striking ''2010'' and inserting ''2014 or until expended''.

(c) REPORTS.—

(1) QUALITY IMPROVEMENT AND SAVINGS.—Subsection (e)(3) of such section is amended by striking ''December 1, 2008'' and inserting ''18 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010''.

(2) FINAL REPORT.—Subsection (e)(4) of such section is amended by striking ''May 1, 2010'' and inserting ''42 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010''.

Subtitle C—Other Provisions

SEC. 241. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) is amended—

(1) by striking ''before March 31, 2010''; and

(2) by inserting ''for 2011'' after ''until updated poverty guidelines''.

SEC. 242. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 is amended by adding at the end the following new section:

''SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

''(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

SEC. 243. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (e), by striking ''2010'' and inserting ''2011''.

SEC. 244. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 1005 of Public Law 111–118, is further amended by striking ''by substituting'' and all that follows through the period at the end, and inserting ''by substituting December 31, 2010, for the date specified in each such section.''. The amendment made by this section shall be considered to have taken effect on February 28, 2010.

SEC. 245. EMERGENCY DISASTER ASSISTANCE.

(a) DEFINITIONS.—Except as otherwise provided in this section, in this section:

(1) DISASTER COUNTY.—

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) EXCLUSION.—The term ''disaster county'' does not include a contiguous county.

(2) ELIGIBLE AQUACULTURE PRODUCER.—The term ''eligible aquaculture producer'' means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) ELIGIBLE PRODUCER.—The term ''eligible producer'' means an agricultural producer in a disaster county.

(4) ELIGIBLE SPECIALTY CROP PRODUCER.—The term ''eligible specialty crop producer'' means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced crop losses in a disaster county due to drought, excessive rainfall, or a related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term ''qualifying natural disaster declaration'' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term ''specialty crop'' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than fruits and vegetables or crops intended for grazing) suffer at least a 5-percent crop loss due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 112.5 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

(2) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 calendar year, as determined by the Secretary.

(B) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(C) MAXIMUM GRANT.—The maximum amount of a grant made to a State for counties described in paragraph (1)(B) may not exceed $40,000,000.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 90 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(5) PROHIBITION.—An eligible specialty crop producer that receives assistance under this subsection shall be ineligible to receive assistance under subsection (b).

(6) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) COTTONSEED ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) GENERAL TERMS.—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109–234; 120 Stat. 477).

(3) DISTRIBUTION OF ASSISTANCE.—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) PAYMENT RATE.—The payment rate shall be equal to the quotient obtained by dividing—

(A) the sum of the county-eligible production, as determined under paragraph (5); by

(B) the total funds made available to carry out this subsection.

(5) COUNTY-ELIGIBLE PRODUCTION.—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first-handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) AQUACULTURE ASSISTANCE.—

(1) GRANT PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(B) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(C) PROVISION OF GRANTS.—

(i) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2008 calendar year, as determined by the Secretary.

(ii) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(D) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(i) use grant funds to assist eligible aquaculture producers;

(ii) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(iii) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(I) the manner in which the State provided assistance;

(II) the amounts of assistance provided per species of aquaculture; and

(III) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(2) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(3) REPORT TO CONGRESS.—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (1)(D)(iii).

(f) HAWAII TRANSPORTATION COOPERATIVE.—Notwithstanding any other provision of law, the Secretary shall use $21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) LIVESTOCK FORAGE DISASTER PROGRAM.—
(1) DEFINITION OF DISASTER COUNTY.—In this subsection:
(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.
(B) INCLUSION.—The term ''disaster county'' includes a contiguous county.
(2) PAYMENTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.
(3) CRITERIA.—
(A) IN GENERAL.—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).
(B) DROUGHT INTENSITY.—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).
(4) AMOUNT.—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).
(5) RELATION TO OTHER LAW.—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).
(h) EMERGENCY LOANS FOR POULTRY PRODUCERS.—
(1) DEFINITIONS.—In this subsection:
(A) ANNOUNCEMENT DATE.—The term ''announcement date'' means the date on which the Secretary announces the emergency loan program under this subsection.
(B) POULTRY INTEGRATOR.—The term ''poultry integrator'' means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.
(2) LOAN PROGRAM.—
(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.
(B) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.
(3) LOANS.—
(A) IN GENERAL.—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.
(B) ELIGIBILITY.—
(i) IN GENERAL.—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—
(I) the contract of the poultry producer described in subparagraph (A) was not continued; and
(II) no similar contract has been awarded subsequently to the poultry producer.
(ii) REQUIREMENT TO OFFER LOANS.—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.
(4) ADDITIONAL REQUIREMENTS.—
(A) IN GENERAL.—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender for the purchase, improvement, or operation of the poultry farm.
(B) CONVERSION OF THE LOAN.—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).
(i) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting ''(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)'' before the period at the end.
(j) ADMINISTRATION.—
(1) REGULATIONS.—
(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section and the amendment made by this section.
(B) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendment made by this section shall be made without regard to—
(i) the notice and comment provisions of section 553 of title 5, United States Code;
(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and
(iii) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').
(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.
(2) ADMINISTRATIVE COSTS.—Of the funds of the Commodity Credit Corporation, the Secretary may use up to $10,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.
(3) PROHIBITION.—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

SEC. 246. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration—Business Loans Program Account'', $560,000,000, to remain available through December 31, 2010, for the cost of—
(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this section, for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section; and
(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section,
Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.
(b) EXTENSION OF PROGRAMS.—
(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking ''September 30, 2010'' each place it appears and inserting ''December 31, 2010''.
(2) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''March 28, 2010'' and inserting ''December 31, 2010''.
(3) EFFECTIVE DATE FOR LOAN GUARANTEES.—The amendment made by paragraph (2) shall take effect on February 27, 2010.

TITLE III—PENSION FUNDING RELIEF

Subtitle A—Single Employer Plans

SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—
(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:
''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—
''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—
''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and
''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.
''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—
''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and
''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).
''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).
''(iv) ELECTION.—
''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.
''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or

termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan

year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

''SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

''(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an 'election year'), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to 'such Act' or 'such Code' shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

''(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

''(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

''(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

''(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

''(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

''(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

''(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

''(B) the increased unfunded new liability for such plan year, and

''(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(d) ELECTION.—

''(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

''(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

''(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

''(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term 'pre-effective date plan year' means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

''(3) INCREASED UNFUNDED NEW LIABILITY.—The term 'increased unfunded new liability' means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

''(4) OTHER DEFINITIONS.—The terms 'unfunded new liability' and 'current liability' shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.''.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking ''eligible cooperative plan'' wherever it appears in subsections (a) and (b) and inserting ''eligible cooperative plan or an eligible charity plan'', and

(2) by adding at the end the following new subsection:

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 303. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(I) such percentage, as determined without regard to this subparagraph, or

''(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term 'applicable provision' means—

''(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(II) paragraph (4).''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(i) such percentage, as determined without regard to this paragraph, or

''(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

''(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

''(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term 'applicable provision' means—

''(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(ii) subsection (e).''.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

''(I) such ratio, as determined without regard to this subsection, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

Subtitle B—Multiemployer Plans

SEC. 311. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period—

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the

Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

TITLE IV—OFFSET PROVISIONS

Subtitle A—Black Liquor

SEC. 401. EXCLUSION OF UNPROCESSED FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) is amended by adding at the end the following new clause:

''(iii) EXCLUSION OF UNPROCESSED FUELS.—The term 'cellulosic biofuel' shall not include any fuel if—

''(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment, or

''(II) the ash content of such fuel is more than 1 percent (determined by weight).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

SEC. 402. PROHIBITION ON ALTERNATIVE FUEL CREDIT AND ALTERNATIVE FUEL MIXTURE CREDIT FOR BLACK LIQUOR.

(a) IN GENERAL.—The last sentence of section 6426(d)(2) is amended by striking ''or biodiesel'' and inserting ''biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel sold or used after December 31, 2009.

Subtitle B—Homebuyer Credit

SEC. 411. TECHNICAL MODIFICATIONS TO HOMEBUYER CREDIT.

(a) EXPANDED DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36, as amended by the Worker, Homeownership, and Business Assistance Act of 2009, is amended—

(1) by striking ''or'' at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting a comma, and

(3) by adding at the end the following new paragraphs:

''(5) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (c)(6), the taxpayer fails to attach to the return of tax for such taxable year a copy of such property tax bills or other documentation as are required by the Secretary to demonstrate compliance with the requirements of subsection (c)(6), or

''(6) in the case of a taxpayer to whom such a credit would be allowed (but for this paragraph) by reason of subsection (h)(2), the taxpayer fails to attach to the return of tax for such taxable year a copy of the binding contract which meets the requirements of subsection (h)(2).''.

(b) MODIFICATION OF EFFECTIVE DATE OF DOCUMENTATION REQUIREMENTS.—Paragraph (2) of section 12(e) of the Worker, Homeownership, and Business Assistance Act of 2009 is amended by striking ''returns for taxable years ending after the date of the enactment of this Act'' and inserting ''returns filed after the date of the enactment of this Act''.

(c) EFFECTIVE DATES.—

(1) DOCUMENTATION REQUIREMENTS.—The amendments made by subsection (a) shall apply to purchases on or after the date of the enactment of this Act.

(2) EFFECTIVE DATE OF WORKER, HOMEOWNERSHIP, AND BUSINESS ASSISTANCE ACT.—The amendment made by subsection (b) shall apply to purchases of a principal residence on or after the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

Subtitle C—Economic Substance

SEC. 421. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; PENALTIES.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

''(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

''(1) APPLICATION OF DOCTRINE.—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

''(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

''(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

''(2) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—

''(A) IN GENERAL.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

''(B) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses shall be taken into account as expenses in determining pre-tax profit under subparagraph (A). The Secretary may issue regulations requiring foreign taxes to be treated as expenses in determining pre-tax profit in appropriate cases.

''(3) STATE AND LOCAL TAX BENEFITS.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

''(4) FINANCIAL ACCOUNTING BENEFITS.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if the origin of such financial accounting benefit is a reduction of Federal income tax.

''(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(C) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(D) DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

''(E) TRANSACTION.—The term 'transaction' includes a series of transactions.

''(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection.''.

(b) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

''(6) Any disallowance of claimed tax benefits by reason of a transaction lacking economic substance (within the meaning of section 7701(o)) or failing to meet the requirements of any similar rule of law.''.

(2) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Section 6662 is amended by adding at the end the following new subsection:

''(i) INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—

''(1) IN GENERAL.—In the case of any portion of an underpayment which is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.

''(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term 'nondisclosed noneconomic substance transaction' means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

''(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.''.

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended—

(A) by striking ''section 6662(h)'' and inserting ''subsections (h) or (i) of section 6662''; and

(B) by striking ''GROSS VALUATION MISSTATEMENT PENALTY'' in the heading and inserting ''CERTAIN INCREASED UNDERPAYMENT PENALTIES''.

(c) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.—

(1) REASONABLE CAUSE EXCEPTION FOR UNDERPAYMENTS.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking ''paragraph (2)'' in paragraph (4)(A), as so redesignated, and inserting ''paragraph (3)''; and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of an underpayment which is attributable to one or more transactions described in section 6662(b)(6).''.

(2) REASONABLE CAUSE EXCEPTION FOR REPORTABLE TRANSACTION UNDERSTATEMENTS.—Subsection (d) of section 6664 is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking ''paragraph (2)(C)'' in paragraph (4), as so redesignated, and inserting ''paragraph (3)(C)''; and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a reportable transaction understatement which is attributable to one or more transactions described in section 6662(b)(6).''.

(d) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

''(c) NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

(2) UNDERPAYMENTS.—The amendments made by subsections (b) and (c)(1) shall apply to underpayments attributable to transactions entered into after the date of the enactment of this Act.

(3) UNDERSTATEMENTS.—The amendments made by subsection (c)(2) shall apply to understatements attributable to transactions entered into after the date of the enactment of this Act.

(4) REFUNDS AND CREDITS.—The amendment made by subsection (d) shall apply to refunds and credits attributable to transactions entered into after the date of the enactment of this Act.

Subtitle D—Additional Provisions

SEC. 431. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(A) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(A)), as amended by section 1011(b) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended by striking ''$20,740,000,000'' and inserting ''$12,740,000,000''.

TITLE V—SATELLITE TELEVISION EXTENSION

SEC. 500. SHORT TITLE.

This title may be cited as the ''Satellite Television Extension and Localism Act of 2010''.

Subtitle A—Statutory Licenses

SEC. 501. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

SEC. 502. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.

(a) HEADING RENAMED.—

*(1) IN GENERAL.—The heading of section 119 is amended by striking ''**superstations and network stations for private home viewing**'' and inserting ''**distant television programming by satellite**''.*

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 119 and inserting the following:

''119. Limitations on exclusive rights: Secondary transmissions of distant television programming by satellite.''.

(b) UNSERVED HOUSEHOLD DEFINED.—

(1) IN GENERAL.—Section 119(d)(10) is amended—

(A) by striking subparagraph (A) and inserting the following:

''(A) cannot receive, through the use of an antenna, an over-the-air signal containing the primary stream, or, on or after the qualifying date, the multicast stream, originating in that household's local market and affiliated with that network of—

''(i) if the signal originates as an analog signal, Grade B intensity as defined by the Federal Communications Commission in section 73.683(a) of title 47, Code of Federal Regulations, as in effect on January 1, 1999; or

''(ii) if the signal originates as a digital signal, intensity defined in the values for the digital television noise-limited service contour, as defined in regulations issued by the Federal Communications Commission (section 73.622(e) of title 47, Code of Federal Regulations), as such regulations may be amended from time to time;'';

(B) in subparagraph (B)—

(i) by striking ''subsection (a)(14)'' and inserting ''subsection (a)(13),''; and

(ii) by striking ''Satellite Home Viewer Extension and Reauthorization Act of 2004'' and inserting ''Satellite Television Extension and Localism Act of 2010''; and

(C) in subparagraph (D), by striking ''(a)(12)'' and inserting ''(a)(11)''.

(2) QUALIFYING DATE DEFINED.—Section 119(d) is amended by adding at the end the following:

''(14) QUALIFYING DATE.—The term 'qualifying date', for purposes of paragraph (10)(A), means—

''(A) July 1, 2010, for multicast streams that exist on December 31, 2009; and

''(B) January 1, 2011, for all other multicast streams.''.

(c) FILING FEE.—Section 119(b)(1) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(2) in subparagraph (B), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) a filing fee, as determined by the Register of Copyrights pursuant to section 708(a).''.

(d) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—Section 119(b) is amended—

(1) by amending the subsection heading to read as follows: ''(b) DEPOSIT OF STATEMENTS AND FEES; VERIFICATION PROCEDURES.—'';

(2) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) a royalty fee payable to copyright owners pursuant to paragraph (4) for that 6-month period, computed by multiplying the total number of subscribers receiving each secondary transmission of a primary stream or multicast stream of each non-network station or network station during each calendar year month by the appropriate rate in effect under this subsection; and'';

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(4) by inserting after paragraph (1) the following:

''(2) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to permit interested parties to verify and audit the statements of account and royalty fees submitted by satellite carriers under this subsection.'';

(5) in paragraph (3), as redesignated, in the first sentence—

(A) by inserting ''(including the filing fee specified in paragraph (1)(C))'' after ''shall receive all fees''; and

(B) by striking ''paragraph (4)'' and inserting ''paragraph (5)'';

(6) in paragraph (4), as redesignated—

(A) by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(B) by striking ''paragraph (4)'' each place it appears and inserting ''paragraph (5)''; and

(7) in paragraph (5), as redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(e) ADJUSTMENT OF ROYALTY FEES.—Section 119(c) is amended as follows:

(1) Paragraph (1) is amended—

(A) in the heading for such paragraph, by striking ''ANALOG'';

(B) in subparagraph (A)—

(i) by striking ''primary analog transmissions'' and inserting ''primary transmissions''; and

(ii) by striking ''July 1, 2004'' and inserting ''July 1, 2009'';

(C) in subparagraph (B)—

(i) by striking ''January 2, 2005, the Librarian of Congress'' and inserting ''May 1, 2010, the Copyright Royalty Judges''; and

(ii) by striking ''primary analog transmission'' and inserting ''primary transmissions'';

(D) in subparagraph (C), by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(E) in subparagraph (D)—

(i) in clause (i)—

(I) by striking ''(i) Voluntary agreements'' and inserting the following:

''(i) VOLUNTARY AGREEMENTS; FILING.—Voluntary agreements''; and

(II) by striking ''that a parties'' and inserting ''that are parties''; and

(ii) in clause (ii)—

(I) by striking ''(ii)(I) Within'' and inserting the following:

''(ii) PROCEDURE FOR ADOPTION OF FEES.—

''(I) PUBLICATION OF NOTICE.—Within'';

(II) in subclause (I), by striking ''an arbitration proceeding pursuant to subparagraph (E)'' and inserting ''a proceeding under subparagraph (F)'';

(III) in subclause (II), by striking ''(II) Upon receiving a request under subclause (I), the Librarian of Congress'' and inserting the following:

''(II) PUBLIC NOTICE OF FEES.—Upon receiving a request under subclause (I), the Copyright Royalty Judges''; and

(IV) in subclause (III)—

(aa) by striking ''(III) The Librarian'' and inserting the following:

''(III) ADOPTION OF FEES.—The Copyright Royalty Judges'';

(bb) by striking ''an arbitration proceeding'' and inserting ''the proceeding under subparagraph (F)''; and

(cc) by striking ''the arbitration proceeding'' and inserting ''that proceeding'';

(F) in subparagraph (E)—

(i) by striking ''Copyright Office'' and inserting ''Copyright Royalty Judges''; and

(ii) by striking ''March 28, 2010'' and inserting ''December 31, 2014''; and

(G) in subparagraph (F)—

(i) in the heading, by striking ''COMPULSORY ARBITRATION'' and inserting ''COPYRIGHT ROYALTY JUDGES PROCEEDING'';

(ii) in clause (i)—

(I) in the heading, by striking ''PROCEEDINGS'' and inserting ''THE PROCEEDING'';

(II) in the matter preceding subclause (I)—

(aa) by striking ''May 1, 2005, the Librarian of Congress'' and inserting ''July 1, 2010, the Copyright Royalty Judges'';

(bb) by striking ''arbitration proceedings'' and inserting ''a proceeding'';

(cc) by striking ''fee to be paid'' and inserting ''fees to be paid'';

(dd) by striking ''primary analog transmission'' and inserting ''the primary transmissions''; and

(ee) by striking ''distributors'' and inserting ''distributors—'';

(III) in subclause (II)—

(aa) by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(bb) by striking ''arbitration''; and

(IV) by amending the last sentence to read as follows: ''Such proceeding shall be conducted under chapter 8.'';

(iii) in clause (ii), by amending the matter preceding subclause (I) to read as follows:

''(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—'';

(iv) by amending clause (iii) to read as follows:

''(iii) EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.—The obligation to pay the royalty fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010.''; and

(v) in clause (iv)—

(I) in the heading, by striking ''FEE'' and inserting ''FEES''; and

(II) by striking ''fee referred to in (iii)'' and inserting ''fees referred to in clause (iii)''.

(2) Paragraph (2) is amended to read as follows:

''(2) ANNUAL ROYALTY FEE ADJUSTMENT.—Effective January 1 of each year, the royalty fee

payable under subsection (b)(1)(B) for the secondary transmission of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) published by the Secretary of Labor before December 1 of the preceding year. Notification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.''.

(f) DEFINITIONS.—

(1) SUBSCRIBER.—Section 119(d)(8) is amended to read as follows:

''(8) SUBSCRIBER; SUBSCRIBE.—

''(A) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

''(B) SUBSCRIBE.—The term 'subscribe' means to elect to become a subscriber.''.

(2) LOCAL MARKET.—Section 119(d)(11) is amended to read as follows:

''(11) LOCAL MARKET.—The term 'local market' has the meaning given such term under section 122(j).''.

(3) LOW POWER TELEVISION STATION.—Section 119(d) is amended by striking paragraph (12) and redesignating paragraphs (13) and (14) as paragraphs (12) and (13), respectively.

(4) MULTICAST STREAM.—Section 119(d), as amended by paragraph (3), is further amended by adding at the end the following new paragraph:

''(14) MULTICAST STREAM.—The term 'multicast stream' means a digital stream containing programming and program-related material affiliated with a television network, other than the primary stream.''.

(5) PRIMARY STREAM.—Section 119(d), as amended by paragraph (4), is further amended by adding at the end the following new paragraph:

''(15) PRIMARY STREAM.—The term 'primary stream' means—

''(A) the single digital stream of programming as to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

''(B) if there is no stream described in subparagraph (A), then either—

''(i) the single digital stream of programming associated with the network last transmitted by the station as an analog signal; or

''(ii) if there is no stream described in clause (i), then the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by the television broadcast station for the longest period of time.''.

(6) CLERICAL AMENDMENT.—Section 119(d) is amended in paragraphs (1), (2), and (5) by striking ''which'' each place it appears and inserting ''that''.

(g) SUPERSTATION REDESIGNATED AS NON-NETWORK STATION.—Section 119 is amended—

(1) by striking ''superstation'' each place it appears in a heading and each place it appears in text and inserting ''non-network station''; and

(2) by striking ''superstations'' each place it appears in a heading and each place it appears in text and inserting ''non-network stations''.

(h) REMOVAL OF CERTAIN PROVISIONS.—

(1) REMOVAL OF PROVISIONS.—Section 119(a) is amended—

(A) in paragraph (2), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(B) by striking paragraph (3) and redesignating paragraphs (4) through (14) as paragraphs (3) through (13), respectively; and

(C) by striking paragraph (15) and redesignating paragraph (16) as paragraph (14).

(2) CONFORMING AMENDMENTS.—Section 119 is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''(5), (6), and (8)'' and inserting ''(4), (5), and (7)'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''subparagraphs (B) and (C) of this paragraph and paragraphs (5), (6), (7), and (8)'' and inserting ''subparagraph (B) of this paragraph and paragraphs (4), (5), (6), and (7)'';

(II) in subparagraph (B)(i), by striking the second sentence; and

(III) in subparagraph (C) (as redesignated), by striking clauses (i) and (ii) and inserting the following:

''(i) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to subparagraph (A) shall, not later than 90 days after commencing such secondary transmissions, submit to the network that owns or is affiliated with the network station a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

''(ii) MONTHLY LISTS.—After the submission of the initial lists under clause (i), the satellite carrier shall, not later than the 15th of each month, submit to the network a list, aggregated by designated market area, identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under this subparagraph.''; and

(iii) in subparagraph (E) of paragraph (3) (as redesignated)—

(I) by striking ''under paragraph (3) or''; and

(II) by striking ''paragraph (12)'' and inserting ''paragraph (11)''; and

(B) in subsection (b)(1), by striking the final sentence.

(i) MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—

(1) PREDICTIVE MODEL.—Section 119(a)(2)(B)(ii) is amended by adding at the end the following:

''(III) ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.—Notwithstanding subclause (I), in determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A) with respect to digital signals, a court shall rely on a predictive model set forth by the Federal Communications Commission pursuant to a rulemaking as provided in section 339(c)(3) of the Communications Act of 1934 (47 U.S.C. 339(c)(3)), as that model may be amended by the Commission over time under such section to increase the accuracy of that model. Until such time as the Commission sets forth such model, a court shall rely on the predictive model as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005).''.

(2) MODIFICATIONS TO STATUTORY LICENSE WHERE RETRANSMISSIONS INTO LOCAL MARKET AVAILABLE.—Section 119(a)(3) (as redesignated) is amended—

(A) by striking ''analog'' each place it appears in a heading and text;

(B) by striking subparagraphs (B), (C), and (D), and inserting the following:

''(B) RULES FOR LAWFUL SUBSCRIBERS AS OF DATE OF ENACTMENT OF 2010 ACT.—In the case of a subscriber of a satellite carrier who, on the day before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, was lawfully receiving the secondary transmission of the primary transmission of a network station under the statutory license under paragraph (2) (in this subparagraph referred to as the 'distant signal'), other than subscribers to whom subparagraph (A) applies, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber's household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, whether or not the subscriber elects to subscribe to receive the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

''(C) FUTURE APPLICABILITY.—

''(i) WHEN LOCAL SIGNAL AVAILABLE AT TIME OF SUBSCRIPTION.—The statutory license under paragraph (2) shall not apply to the secondary transmission by a satellite carrier of the primary transmission of a network station to a person who is not a subscriber lawfully receiving such secondary transmission as of the date of the enactment of the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the secondary transmission of the primary transmission of a local network station affiliated with the same network pursuant to the statutory license under section 122.

''(ii) WHEN LOCAL SIGNAL AVAILABLE AFTER SUBSCRIPTION.—In the case of a subscriber who lawfully subscribes to and receives the secondary transmission by a satellite carrier of the primary transmission of a network station under the statutory license under paragraph (2) (in this clause referred to as the 'distant signal') on or after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the statutory license under paragraph (2) shall apply to secondary transmissions by that satellite carrier to that subscriber of the distant signal of a station affiliated with the same television network, and the subscriber's household shall continue to be considered to be an unserved household with respect to such network, until such time as the subscriber elects to terminate such secondary transmissions, but only if such subscriber subscribes to the secondary transmission of the primary transmission of a local network station affiliated with the same network within 60 days after the satellite carrier makes available to the subscriber such secondary transmission of the primary transmission of such local network station.'';

(C) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively;

(D) in subparagraph (E) (as redesignated), by striking ''(C) or (D)'' and inserting ''(B) or (C)''; and

(E) in subparagraph (F) (as redesignated), by inserting ''9-digit'' before ''zip code''.

(3) STATUTORY DAMAGES FOR TERRITORIAL RESTRICTIONS.—Section 119(a)(6) (as redesignated) is amended—

(A) in subparagraph (A)(ii), by striking ''$5'' and inserting ''$250'';

(B) in subparagraph (B)—

(i) in clause (i), by striking ''$250,000 for each 6-month period'' and inserting ''$2,500,000 for each 3-month period''; and

(ii) in clause (ii), by striking ''$250,000'' and inserting ''$2,500,000''; and

(C) by adding at the end the following flush sentences:

''The court shall direct one half of any statutory damages ordered under clause (i) to be deposited with the Register of Copyrights for distribution to copyright owners pursuant to subsection (b). The Copyright Royalty Judges shall issue regulations establishing procedures for distributing such funds, on a proportional basis, to copyright owners whose works were included in the secondary transmissions that were the subject of the statutory damages.''.

(4) TECHNICAL AMENDMENT.—Section 119(a)(4) (as redesignated) is amended by striking ''and 509''.

(5) CLERICAL AMENDMENT.—Section 119(a)(2)(B)(iii)(II) is amended by striking ''In this clause'' and inserting ''In this clause,''.

(j) MORATORIUM EXTENSION.—Section 119(e) is amended by striking ''March 28, 2010'' and inserting ''December 31, 2014''.

(k) CLERICAL AMENDMENTS.—Section 119 is amended—

(1) by striking ''of the Code of Federal Regulations'' each place it appears and inserting '', Code of Federal Regulations''; and

(2) in subsection (d)(6), by striking ''or the Direct'' and inserting '', or the Direct''.

SEC. 503. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS IN LOCAL MARKETS.

(a) HEADING RENAMED.—

*(1) IN GENERAL.—The heading of section 122 is amended by striking ''**by satellite carriers within local markets**'' and inserting ''**of local television programming by satellite**''.*

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 122 and inserting the following:

''122. Limitations on exclusive rights: Secondary transmissions of local television programming by satellite.''.

(b) STATUTORY LICENSE.—Section 122(a) is amended to read as follows:

''(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—

''(1) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS WITHIN A LOCAL MARKET.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

''(A) the secondary transmission is made by a satellite carrier to the public;

''(B) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

''(C) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

''(i) each subscriber receiving the secondary transmission; or

''(ii) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

''(2) SIGNIFICANTLY VIEWED STATIONS.—

''(A) IN GENERAL.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a network station or a non-network station to a subscriber who resides outside the station's local market but within a community in which the signal has been determined by the Federal Communications Commission to be significantly viewed in such community, pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976, applicable to determining with respect to a cable system whether signals are significantly viewed in a community.

''(B) WAIVER.—A subscriber who is denied the secondary transmission of the primary transmission of a network station or a non-network station under subparagraph (A) may request a waiver from such denial by submitting a request, through the subscriber's satellite carrier, to the network station or non-network station in the local market affiliated with the same network or non-network where the subscriber is located. The network station or non-network station shall accept or reject the subscriber's request for a waiver within 30 days after receipt of the request. If the network station or non-network station fails to accept or reject the subscriber's request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

''(3) SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall be subject to statutory licensing under this paragraph if the secondary transmission is of the primary transmission of a television broadcast station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the transmission.

''(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

''(C) NO IMPACT ON OTHER SECONDARY TRANSMISSIONS OBLIGATIONS.—A satellite carrier that makes secondary transmissions of a primary transmission of a low power television station under a statutory license provided under this section is not required, by reason of such secondary transmissions, to make any other secondary transmissions.

''(4) SPECIAL EXCEPTIONS.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station to subscribers who receive secondary transmissions of primary transmissions under paragraph (1) shall, if the secondary transmission is made by a satellite carrier that complies with the requirements of paragraph (1), be subject to statutory licensing under this paragraph as follows:

''(A) STATES WITH SINGLE FULL-POWER NETWORK STATION.—In a State in which there is licensed by the Federal Communications Commission a single full-power station that was a network station on January 1, 1995, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmission of that station to any subscriber in a community that is located within that State and that is not within the first 50 television markets as listed in the regulations of the Commission as in effect on such date (47 C.F.R. 76.51).

''(B) STATES WITH ALL NETWORK STATIONS AND NON-NETWORK STATIONS IN SAME LOCAL MARKET.—In a State in which all network stations and non-network stations licensed by the Federal Communications Commission within that State as of January 1, 1995, are assigned to the same local market and that local market does not encompass all counties of that State, the statutory license provided under this paragraph shall apply to the secondary transmission by a satellite carrier of the primary transmissions of such station to all subscribers in the State who reside in a local market that is within the first 50 major television markets as listed in the regulations of the Commission as in effect on such date (section 76.51 of title 47, Code of Federal Regulations).

''(C) ADDITIONAL STATIONS.—In the case of that State in which are located 4 counties that—

''(i) on January 1, 2004, were in local markets principally comprised of counties in another State, and

''(ii) had a combined total of 41,340 television households, according to the U.S. Television Household Estimates by Nielsen Media Research for 2004,

the statutory license provided under this paragraph shall apply to secondary transmissions by a satellite carrier to subscribers in any such county of the primary transmissions of any network station located in that State, if the satellite carrier was making such secondary transmissions to any subscribers in that county on January 1, 2004.

''(D) CERTAIN ADDITIONAL STATIONS.—If 2 adjacent counties in a single State are in a local market comprised principally of counties located in another State, the statutory license provided for in this paragraph shall apply to the secondary transmission by a satellite carrier to subscribers in those 2 counties of the primary transmissions of any network station located in the capital of the State in which such 2 counties are located, if—

''(i) the 2 counties are located in a local market that is in the top 100 markets for the year 2003 according to Nielsen Media Research; and

''(ii) the total number of television households in the 2 counties combined did not exceed 10,000 for the year 2003 according to Nielsen Media Research.

''(E) NETWORKS OF NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS.—In the case of a system of three or more noncommercial educational broadcast stations licensed to a single State, public agency, or political, educational, or special purpose subdivision of a State, the statutory license provided for in this paragraph shall apply to the secondary transmission of the primary transmission of such system to any subscriber in any county or county equivalent within such State, if such subscriber is located in a designated market area that is not otherwise eligible to receive the secondary transmission of the primary transmission of a noncommercial educational broadcast station located within the State pursuant to paragraph (1).

''(5) APPLICABILITY OF ROYALTY RATES AND PROCEDURES.—The royalty rates and procedures under section 119(b) shall apply to the secondary transmissions to which the statutory license under paragraph (4) applies.''.

(c) REPORTING REQUIREMENTS.—Section 122(b) is amended—

(1) in paragraph (1), by striking ''station a list'' and all that follows through the end and inserting the following: ''station—

''(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a); and

''(B) a separate list, aggregated by designated market area (by name and address, including street or rural route number, city, State, and 9-digit zip code), which shall indicate those subscribers being served pursuant to paragraph (2) of subsection (a).''; and

(2) in paragraph (2), by striking ''network a list'' and all that follows through the end and inserting the following: ''network—

''(A) a list identifying (by name in alphabetical order and street address, including county and 9-digit zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection; and

''(B) a separate list, aggregated by designated market area (by name and street address, including street or rural route number, city, State, and 9-digit zip code), identifying those subscribers whose service pursuant to paragraph (2) of subsection (a) has been added or dropped since the last submission under this subsection.''.

(d) NO ROYALTY FEE FOR CERTAIN SECONDARY TRANSMISSIONS.—Section 122(c) is amended—

(1) in the heading, by inserting ''FOR CERTAIN SECONDARY TRANSMISSIONS'' after ''REQUIRED''; and

(2) by striking ''subsection (a)'' and inserting ''paragraphs (1), (2), and (3) of subsection (a)''.

(e) VIOLATIONS FOR TERRITORIAL RESTRICTIONS.—

(1) MODIFICATION TO STATUTORY DAMAGES.—Section 122(f) is amended—

(A) in paragraph (1)(B), by striking ''$5'' and inserting ''$250''; and

(B) in paragraph (2), by striking ''$250,000'' each place it appears and inserting ''$2,500,000''.

(2) CONFORMING AMENDMENTS FOR ADDITIONAL STATIONS.—Section 122 is amended—

(A) in subsection (f), by striking ''section 119 or'' each place it appears and inserting the following: ''section 119, subject to statutory licensing by reason of paragraph (2)(A), (3), or (4) of subsection (a), or subject to''; and

(B) in subsection (g), by striking ''section 119 or'' and inserting the following: ''section 119, paragraph (2)(A), (3), or (4) of subsection (a), or''.

(f) DEFINITIONS.—Section 122(j) is amended—

(1) in paragraph (1), by striking ''which contracts'' and inserting ''that contracts'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively;

(3) in paragraph (3)—

(A) by redesignating such paragraph as paragraph (4);

(B) in the heading of such paragraph, by inserting ''NON-NETWORK STATION;'' after ''NETWORK STATION;''; and

(C) by inserting '''non-network station','' after '''network station','';

(4) by inserting after paragraph (2) the following:

''(3) LOW POWER TELEVISION STATION.—The term 'low power television station' means a low power TV station as defined in section 74.701(f) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of this paragraph, the term 'low power television station' includes a low power television station that has been accorded primary status as a Class A television licensee under section 73.6001(a) of title 47, Code of Federal Regulations.'';

(5) by inserting after paragraph (4) (as redesignated) the following:

''(5) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—The term 'noncommercial educational broadcast station' means a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.''; and

(6) by amending paragraph (6) (as redesignated) to read as follows:

''(6) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.''.

SEC. 504. MODIFICATIONS TO CABLE SYSTEM SECONDARY TRANSMISSION RIGHTS UNDER SECTION 111.

(a) HEADING RENAMED.—

*(1) IN GENERAL.—The heading of section 111 is amended by inserting at the end the following: ''**of broadcast programming by cable**''.*

(2) TABLE OF CONTENTS.—The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

''111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.''.

(b) TECHNICAL AMENDMENT.—Section 111(a)(4) is amended by striking ''; or'' and inserting ''or section 122;''.

(c) STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''A cable system whose secondary'' and inserting the following: ''STATEMENT OF ACCOUNT AND ROYALTY FEES.—Subject to paragraph (5), a cable system whose secondary''; and

(ii) by striking ''by regulation—'' and inserting ''by regulation the following:'';

(B) in subparagraph (A)—

(i) by striking ''a statement of account'' and inserting ''A statement of account''; and

(ii) by striking ''; and'' and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D) and inserting the following:

''(B) Except in the case of a cable system whose royalty fee is specified in subparagraph (E) or (F), a total royalty fee payable to copyright owners pursuant to paragraph (3) for the period covered by the statement, computed on the basis of specified percentages of the gross receipts from subscribers to the cable service during such period for the basic service of providing secondary transmissions of primary broadcast transmitters, as follows:

''(i) 1.064 percent of such gross receipts for the privilege of further transmitting, beyond the local service area of such primary transmitter, any non-network programming of a primary transmitter in whole or in part, such amount to be applied against the fee, if any, payable pursuant to clauses (ii) through (iv);

''(ii) 1.064 percent of such gross receipts for the first distant signal equivalent;

''(iii) 0.701 percent of such gross receipts for each of the second, third, and fourth distant signal equivalents; and

''(iv) 0.330 percent of such gross receipts for the fifth distant signal equivalent and each distant signal equivalent thereafter.

''(C) In computing amounts under clauses (ii) through (iv) of subparagraph (B)—

''(i) any fraction of a distant signal equivalent shall be computed at its fractional value;

''(ii) in the case of any cable system located partly within and partly outside of the local service area of a primary transmitter, gross receipts shall be limited to those gross receipts derived from subscribers located outside of the local service area of such primary transmitter; and

''(iii) if a cable system provides a secondary transmission of a primary transmitter to some but not all communities served by that cable system—

''(I) the gross receipts and the distant signal equivalent values for such secondary transmission shall be derived solely on the basis of the subscribers in those communities where the cable system provides such secondary transmission; and

''(II) the total royalty fee for the period paid by such system shall not be less than the royalty fee calculated under subparagraph (B)(i) multiplied by the gross receipts from all subscribers to the system.

''(D) A cable system that, on a statement submitted before the date of the enactment of the Satellite Television Extension and Localism Act of 2010, computed its royalty fee consistent with the methodology under subparagraph (C)(iii), or that amends a statement filed before such date of enactment to compute the royalty fee due using such methodology, shall not be subject to an action for infringement, or eligible for any royalty refund or offset, arising out of its use of such methodology on such statement.

''(E) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are $263,800 or less—

''(i) gross receipts of the cable system for the purpose of this paragraph shall be computed by subtracting from such actual gross receipts the amount by which $263,800 exceeds such actual gross receipts, except that in no case shall a cable system's gross receipts be reduced to less than $10,400; and

''(ii) the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.

''(F) If the actual gross receipts paid by subscribers to a cable system for the period covered by the statement for the basic service of providing secondary transmissions of primary broadcast transmitters are more than $263,800 but less than $527,600, the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be—

''(i) 0.5 percent of any gross receipts up to $263,800, regardless of the number of distant signal equivalents, if any; and

''(ii) 1 percent of any gross receipts in excess of $263,800, but less than $527,600, regardless of the number of distant signal equivalents, if any.

''(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).'';

(2) in paragraph (2), in the first sentence—

(A) by striking ''The Register of Copyrights'' and inserting the following ''HANDLING OF FEES.—The Register of Copyrights''; and

(B) by inserting ''(including the filing fee specified in paragraph (1)(G))'' after ''shall receive all fees'';

(3) in paragraph (3)—

(A) by striking ''The royalty fees'' and inserting the following: ''DISTRIBUTION OF ROYALTY FEES TO COPYRIGHT OWNERS.—The royalty fees'';

(B) in subparagraph (A)—

(i) by striking ''any such'' and inserting ''Any such''; and

(ii) by striking ''; and'' and inserting a period;

(C) in subparagraph (B)—

(i) by striking ''any such'' and inserting ''Any such''; and

(ii) by striking the semicolon and inserting a period; and

(D) in subparagraph (C), by striking ''any such'' and inserting ''Any such'';

(4) in paragraph (4), by striking ''The royalty fees'' and inserting the following: ''PROCEDURES FOR ROYALTY FEE DISTRIBUTION.—The royalty fees''; and

(5) by adding at the end the following new paragraphs:

''(5) 3.75 PERCENT RATE AND SYNDICATED EXCLUSIVITY SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the '3.75 percent rate' and the 'syndicated exclusivity surcharge', respectively), as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010, as such rates may be adjusted, or such sections redesignated, thereafter by the Copyright Royalty Judges, shall not apply to the secondary transmission of a multicast stream.

''(6) VERIFICATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to provide for the confidential verification by copyright owners whose works were embodied in the secondary transmissions of primary transmissions pursuant to this section of the information reported on the semiannual statements of account filed under this subsection on or after January 1, 2010, in order that the auditor designated under subparagraph (A) is able to confirm the correctness of the calculations and royalty payments reported therein. The regulations shall—

''(A) establish procedures for the designation of a qualified independent auditor—

''(i) with exclusive authority to request verification of such a statement of account on behalf of all copyright owners whose works were the subject of secondary transmissions of primary transmissions by the cable system (that deposited the statement) during the accounting period covered by the statement; and

''(ii) who is not an officer, employee, or agent of any such copyright owner for any purpose other than such audit;

''(B) establish procedures for safeguarding all non-public financial and business information provided under this paragraph;

''(C)(i) require a consultation period for the independent auditor to review its conclusions with a designee of the cable system;

''(ii) establish a mechanism for the cable system to remedy any errors identified in the auditor's report and to cure any underpayment identified; and

''(iii) provide an opportunity to remedy any disputed facts or conclusions;

''(D) limit the frequency of requests for verification for a particular cable system and the number of audits that a multiple system operator can be required to undergo in a single year; and

''(E) permit requests for verification of a statement of account to be made only within 3 years after the last day of the year in which the statement of account is filed.

''(7) ACCEPTANCE OF ADDITIONAL DEPOSITS.—Any royalty fee payments received by the Copyright Office from cable systems for the secondary transmission of primary transmissions that are in addition to the payments calculated and deposited in accordance with this subsection shall be deemed to have been deposited for the particular accounting period for which they are received and shall be distributed as specified under this subsection.''.

(d) EFFECTIVE DATE OF NEW ROYALTY FEE RATES.—The royalty fee rates established in section 111(d)(1)(B) of title 17, United States Code, as amended by subsection (c)(1)(C) of this section, shall take effect commencing with the first accounting period occurring in 2010.

(e) DEFINITIONS.—Section 111(f) is amended—

(1) by striking the first undesignated paragraph and inserting the following:

''(1) PRIMARY TRANSMISSION.—A 'primary transmission' is a transmission made to the public by a transmitting facility whose signals are being received and further transmitted by a secondary transmission service, regardless of where or when the performance or display was first transmitted. In the case of a television broadcast station, the primary stream and any multicast streams transmitted by the station constitute primary transmissions.'';

(2) in the second undesignated paragraph—

(A) by striking ''A 'secondary transmission' '' and inserting the following:

''(2) SECONDARY TRANSMISSION.—A 'secondary transmission' ''; and

(B) by striking '' 'cable system' '' and inserting ''cable system'';

(3) in the third undesignated paragraph—

(A) by striking ''A 'cable system' '' and inserting the following:

''(3) CABLE SYSTEM.—A 'cable system' ''; and

(B) by striking ''Territory, Trust Territory, or Possession'' and inserting ''territory, trust territory, or possession of the United States'';

(4) in the fourth undesignated paragraph, in the first sentence—

(A) by striking ''The 'local service area of a primary transmitter', in the case of a television broadcast station, comprises the area in which such station is entitled to insist'' and inserting the following:

''(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The 'local service area of a primary transmitter', in the case of both the primary stream and any multicast streams transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted'';

(B) by striking ''76.59 of title 47 of the Code of Federal Regulations'' and inserting the following: ''76.59 of title 47, Code of Federal Regulations, or within the noise-limited contour as defined in 73.622(e)(1) of title 47, Code of Federal Regulations''; and

(C) by striking ''as defined by the rules and regulations of the Federal Communications Commission,'';

(5) by amending the fifth undesignated paragraph to read as follows:

''(5) DISTANT SIGNAL EQUIVALENT.—

''(A) IN GENERAL.—Except as provided under subparagraph (B), a 'distant signal equivalent'—

''(i) is the value assigned to the secondary transmission of any non-network television programming carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programming; and

''(ii) is computed by assigning a value of one to each primary stream and to each multicast stream (other than a simulcast) that is an independent station, and by assigning a value of one-quarter to each primary stream and to each multicast stream (other than a simulcast) that is a network station or a noncommercial educational station.

''(B) EXCEPTIONS.—The values for independent, network, and noncommercial educational stations specified in subparagraph (A) are subject to the following:

''(i) Where the rules and regulations of the Federal Communications Commission require a cable system to omit the further transmission of a particular program and such rules and regulations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, or where such rules and regulations in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to effect such omission and substitution of a nonlive program or to carry additional programs not transmitted by primary transmitters within whose local service area the cable system is located, no value shall be assigned for the substituted or additional program.

''(ii) Where the rules, regulations, or authorizations of the Federal Communications Commission in effect on the date of the enactment of the Copyright Act of 1976 permit a cable system, at its election, to omit the further transmission of a particular program and such rules, regulations, or authorizations also permit the substitution of another program embodying a performance or display of a work in place of the omitted transmission, the value assigned for the substituted or additional program shall be, in the case of a live program, the value of one full distant signal equivalent multiplied by a fraction that has as its numerator the number of days in the year in which such substitution occurs and as its denominator the number of days in the year.

''(iii) In the case of the secondary transmission of a primary transmitter that is a television broadcast station pursuant to the late-night or specialty programming rules of the Federal Communications Commission, or the secondary transmission of a primary transmitter that is a television broadcast station on a part-time basis where full-time carriage is not possible because the cable system lacks the activated channel capacity to retransmit on a full-time basis all signals that it is authorized to carry, the values for independent, network, and noncommercial educational stations set forth in subparagraph (A), as the case may be, shall be multiplied by a fraction that is equal to the ratio of the broadcast hours of such primary transmitter retransmitted by the cable system to the total broadcast hours of the primary transmitter.

''(iv) No value shall be assigned for the secondary transmission of the primary stream or any multicast streams of a primary transmitter that is a television broadcast station in any community that is within the local service area of the primary transmitter.'';

(6) by striking the sixth undesignated paragraph and inserting the following:

''(6) NETWORK STATION.—

''(A) TREATMENT OF PRIMARY STREAM.—The term 'network station' shall be applied to a primary stream of a television broadcast station that is owned or operated by, or affiliated with, one or more of the television networks in the United States providing nationwide transmissions, and that transmits a substantial part of the programming supplied by such networks for a substantial part of the primary stream's typical broadcast day.

''(B) TREATMENT OF MULTICAST STREAMS.—The term 'network station' shall be applied to a multicast stream on which a television broadcast station transmits all or substantially all of the programming of an interconnected program service that—

''(i) is owned or operated by, or affiliated with, one or more of the television networks described in subparagraph (A); and

''(ii) offers programming on a regular basis for 15 or more hours per week to at least 25 of the affiliated television licensees of the interconnected program service in 10 or more States.'';

(7) by striking the seventh undesignated paragraph and inserting the following:

''(7) INDEPENDENT STATION.—The term 'independent station' shall be applied to the primary stream or a multicast stream of a television broadcast station that is not a network station or a noncommercial educational station.'';

(8) by striking the eighth undesignated paragraph and inserting the following:

''(8) NONCOMMERCIAL EDUCATIONAL STATION.—The term 'noncommercial educational station' shall be applied to the primary stream or a multicast stream of a television broadcast station that is a noncommercial educational broadcast station as defined in section 397 of the Communications Act of 1934, as in effect on the date of the enactment of the Satellite Television Extension and Localism Act of 2010.''; and

(9) by adding at the end the following:

''(9) PRIMARY STREAM.—A 'primary stream' is—

''(A) the single digital stream of programming that, before June 12, 2009, was substantially duplicating the programming transmitted by the television broadcast station as an analog signal; or

''(B) if there is no stream described in subparagraph (A), then the single digital stream of programming transmitted by the television broadcast station for the longest period of time.

''(10) PRIMARY TRANSMITTER.—A 'primary transmitter' is a television or radio broadcast station licensed by the Federal Communications Commission, or by an appropriate governmental authority of Canada or Mexico, that makes primary transmissions to the public.

''(11) MULTICAST STREAM.—A 'multicast stream' is a digital stream of programming that is transmitted by a television broadcast station and is not the station's primary stream.

''(12) SIMULCAST.—A 'simulcast' is a multicast stream of a television broadcast station that duplicates the programming transmitted by the primary stream or another multicast stream of such station.

''(13) SUBSCRIBER; SUBSCRIBE.—

''(A) SUBSCRIBER.—The term 'subscriber' means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

''(B) SUBSCRIBE.—The term 'subscribe' means to elect to become a subscriber.''.

(f) TIMING OF SECTION 111 PROCEEDINGS.—Section 804(b)(1) is amended by striking ''2005'' each place it appears and inserting ''2015''.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking ''clause'' each place it appears and inserting ''paragraph'';

(B) in subsection (c)(1), by striking ''clauses'' and inserting ''paragraphs''; and

(C) in subsection (e)(1)(F), by striking ''subclause'' and inserting ''subparagraph''.

(2) CONFORMING AMENDMENT TO HYPHENATE NONNETWORK.—Section 111 is amended by striking ''nonnetwork'' each place it appears and inserting ''non-network''.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPH.—Section 111(e)(1) is amended by striking ''second paragraph of subsection (f)'' and inserting ''subsection (f)(2)''.

(4) REMOVAL OF SUPERFLUOUS ANDS.—Section 111(e) is amended—

(A) in paragraph (1)(A), by striking ''and'' at the end;

(B) in paragraph (1)(B), by striking ''and'' at the end;

(C) in paragraph (1)(C), by striking ''and'' at the end;

(D) in paragraph (1)(D), by striking ''and'' at the end; and

(E) in paragraph (2)(A), by striking ''and'' at the end.

(5) REMOVAL OF VARIANT FORMS REFERENCES.—Section 111 is amended—

(A) in subsection (e)(4), by striking '', *and each of its variant forms,''; and*

(B) in subsection (f), by striking ''and their variant forms''.

(6) CORRECTION TO TERRITORY REFERENCE.—Section 111(e)(2) is amended in the matter preceding subparagraph (A) by striking ''three territories'' and inserting ''five entities''.

(h) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distant signal equivalent value to the secondary transmission of the multicast stream of a primary transmitter, shall take effect on the date of the enactment of this Act.

(2) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BEFORE 2010 ACT.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(B) MULTICAST STREAMS SUBJECT TO PRE-EXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—In any case in which the secondary transmission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal equivalent value (referred to in paragraph (1)) shall not be assigned to secondary transmissions of such multicast stream beyond the local service area of its primary transmitter that are made on or before the date on which such written agreement expires.

(C) NO REFUNDS OR OFFSETS FOR PRIOR STATEMENTS OF ACCOUNT.—A cable system that has reported secondary transmissions of a multicast stream beyond the local service area of its primary transmitter on a statement of account deposited under section 111 of title 17, United States Code, before the date of the enactment of this Act shall not be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

(3) DEFINITIONS.—In this subsection, the terms ''cable system'', ''secondary transmission'', ''multicast stream'', and ''local service area of a primary transmitter'' have the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

SEC. 505. CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.

Section 119 is amended by adding at the end the following new subsection:

''(g) CERTAIN WAIVERS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

''(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court recognizes the entity against which the injunction was issued as a qualified carrier.

''(2) LIMITED TEMPORARY WAIVER.—

''(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction with respect to the statutory license provided under subsection (a)(2) to the extent necessary to allow such carrier to make secondary transmissions of primary transmissions made by a network station to unserved households located in short markets in which such carrier was not providing local service pursuant to the license under section 122 as of December 31, 2009.

''(B) EXPIRATION OF TEMPORARY WAIVER.—A temporary waiver of an injunction under subparagraph (A) shall expire after the end of the 120-day period beginning on the date such temporary waiver is issued unless extended for good cause by the court making the temporary waiver.

''(C) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE TO ALL DMAS.—

''(i) FAILURE TO ACT REASONABLY AND IN GOOD FAITH.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to act reasonably or has failed to make a good faith effort to provide local-into-local service to all DMAs, such failure—

''(I) is actionable as an act of infringement under section 501 and the court may in its discretion impose the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

''(II) shall result in the termination of the waiver issued under subparagraph (A).

''(ii) FAILURE TO PROVIDE LOCAL-INTO-LOCAL SERVICE.—If the court issuing a temporary waiver under subparagraph (A) determines that the satellite carrier that made the request for such waiver has failed to provide local-into-local service to all DMAs, but determines that the carrier acted reasonably and in good faith, the court may in its discretion impose financial penalties that reflect—

''(I) the degree of control the carrier had over the circumstances that resulted in the failure;

''(II) the quality of the carrier's efforts to remedy the failure; and

''(III) the severity and duration of any service interruption.

''(D) SINGLE TEMPORARY WAIVER AVAILABLE.—An entity may only receive one temporary waiver under this paragraph.

''(E) SHORT MARKET DEFINED.—For purposes of this paragraph, the term 'short market' means a local market in which programming of one or more of the four most widely viewed television networks nationwide as measured on the date of the enactment of this subsection is not offered on the primary stream transmitted by any local television broadcast station.

''(3) ESTABLISHMENT OF QUALIFIED CARRIER RECOGNITION.—

''(A) STATEMENT OF ELIGIBILITY.—An entity seeking to be recognized as a qualified carrier under this subsection shall file a statement of eligibility with the court that imposed the injunction. A statement of eligibility must include—

''(i) an affidavit that the entity is providing local-into-local service to all DMAs;

''(ii) a request for a waiver of the injunction; and

''(iii) a certification issued pursuant to section 342(a) of Communications Act of 1934.

''(B) GRANT OF RECOGNITION AS A QUALIFIED CARRIER.—Upon receipt of a statement of eligibility, the court shall recognize the entity as a qualified carrier and issue the waiver under paragraph (1).

''(C) VOLUNTARY TERMINATION.—At any time, an entity recognized as a qualified carrier may file a statement of voluntary termination with the court certifying that it no longer wishes to be recognized as a qualified carrier. Upon receipt of such statement, the court shall reinstate the injunction waived under paragraph (1).

''(D) LOSS OF RECOGNITION PREVENTS FUTURE RECOGNITION.—No entity may be recognized as a qualified carrier if such entity had previously been recognized as a qualified carrier and subsequently lost such recognition or voluntarily terminated such recognition under subparagraph (C).

''(4) QUALIFIED CARRIER OBLIGATIONS AND COMPLIANCE.—

''(A) CONTINUING OBLIGATIONS.—

''(i) IN GENERAL.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

''(ii) COOPERATION WITH GAO EXAMINATION.—An entity recognized as a qualified carrier shall fully cooperate with the Comptroller General in the examination required by subparagraph (B).

''(B) QUALIFIED CARRIER COMPLIANCE EXAMINATION.—

''(i) EXAMINATION AND REPORT.—The Comptroller General shall conduct an examination and publish a report concerning the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall address the qualified carrier's conduct during the period beginning on the date on which the qualified carrier is recognized as such under paragraph (3)(B) and ending on December 31, 2011.

''(ii) RECORDS OF QUALIFIED CARRIER.—Beginning on the date that is one year after the date on which the qualified carrier is recognized as such under paragraph (3)(B), but not later than October 1, 2011, the qualified carrier shall provide the Comptroller General with all records that the Comptroller General, in consultation with the Register of Copyrights, considers to be directly pertinent to the following requirements under this section:

''(I) Proper calculation and payment of royalties under the statutory license under this section.

''(II) Provision of service under this license to eligible subscribers only.

''(iii) SUBMISSION OF REPORT.—The Comptroller General shall file the report required by clause (i) not later than March 1, 2012, with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate.

''(iv) EVIDENCE OF INFRINGEMENT.—The Comptroller General shall include in the report a statement of whether the examination by the Comptroller General indicated that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement. The Comptroller General shall consult with the Register of Copyrights in preparing such statement.

''(v) SUBSEQUENT EXAMINATION.—If the report includes the Comptroller General's statement that there is substantial evidence that a copyright holder could bring a successful action under this section against the qualified carrier for infringement, the Comptroller General shall, not later than 6 months after the report under clause (i) is published, initiate another examination of the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section since the last report was filed under clause (iii). The Comptroller General shall file a report on such examination with the court referred to in paragraph (1) that issued the injunction, the Register of Copyrights, the Committees on the Judiciary and on Energy and Commerce of the House of Representatives, and the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate. The report shall include a statement described in clause (iv), prepared in consultation with the Register of Copyrights.

''(vi) COMPLIANCE.—Upon motion filed by an aggrieved copyright owner, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to cooperate with the examinations required by this subparagraph.

''(C) AFFIRMATION.—A qualified carrier shall file an affidavit with the district court and the Register of Copyrights 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

''(D) COMPLIANCE DETERMINATION.—Upon the motion of an aggrieved television broadcast station, the court recognizing an entity as a qualified carrier may make a determination of whether the entity is providing local-into-local service to all DMAs.

''(E) PLEADING REQUIREMENT.—In any motion brought under subparagraph (D), the party making such motion shall specify one or more designated market areas (as such term is defined in section 122(j)(2)(C)) for which the failure to provide service is being alleged, and, for each such designated market area, shall plead with particularity the circumstances of the alleged failure.

''(F) BURDEN OF PROOF.—In any proceeding to make a determination under subparagraph (D), and with respect to a designated market area for which failure to provide service is alleged, the entity recognized as a qualified carrier shall have the burden of proving that the entity provided local-into-local service with a good quality satellite signal to at least 90 percent of the households in such designated market area (based on the most recent census data released by the United States Census Bureau) at the time and place alleged.

''(5) FAILURE TO PROVIDE SERVICE.—

''(A) PENALTIES.—If the court recognizing an entity as a qualified carrier finds that such entity has willfully failed to provide local-into-local service to all DMAs, such finding shall result in the loss of recognition of the entity as a qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

''(i) treat such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

''(ii) impose a fine of not less than $250,000 and not more than $5,000,000.

''(B) EXCEPTION FOR NONWILLFUL VIOLATION.—If the court determines that the failure to provide local-into-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for noncompliance that reflect—

''(i) the degree of control the entity had over the circumstances that resulted in the failure;

''(ii) the quality of the entity's efforts to remedy the failure and restore service; and

''(iii) the severity and duration of any service interruption.

''(6) PENALTIES FOR VIOLATIONS OF LICENSE.—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive the transmission under this section shall reinstate the injunction waived under paragraph (1), and the court may order statutory damages of not more than $2,500,000.

''(7) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.—For purposes of this subsection:

''(A) IN GENERAL.—An entity provides 'local-into-local service to all DMAs' if the entity provides local service in all designated market areas (as such term is defined in section 122(j)(2)(C)) pursuant to the license under section 122.

''(B) HOUSEHOLD COVERAGE.—For purposes of subparagraph (A), an entity that makes available local-into-local service with a good quality satellite signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

''(C) GOOD QUALITY SATELLITE SIGNAL DEFINED.—The term 'good quality signal' has the meaning given such term under section 342(e)(2) of Communications Act of 1934.''.

SEC. 506. COPYRIGHT OFFICE FEES.

Section 708(a) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (9) the following:

''(10) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 119 or 122; and

''(11) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.''; and

(4) by adding at the end the following new sentence: ''Fees established under paragraphs (10) and (11) shall be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.''.

SEC. 507. TERMINATION OF LICENSE.

Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''March 28, 2010'' and inserting ''December 31, 2014''.

SEC. 508. CONSTRUCTION.

Nothing in section 111, 119, or 122 of title 17, United States Code, including the amendments made to such sections by this subtitle, shall be construed to affect the meaning of any terms under the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

Subtitle B—Communications Provisions

SEC. 521. REFERENCE.

Except as otherwise provided, whenever in this subtitle an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SEC. 522. EXTENSION OF AUTHORITY.

Section 325(b) is amended—

(1) in paragraph (2)(C), by striking ''March 28, 2010'' and inserting ''December 31, 2014''; and

(2) in paragraph (3)(C), by striking ''March 29, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''January 1, 2015''.

SEC. 523. SIGNIFICANTLY VIEWED STATIONS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 340(b) are amended to read as follows:

''(1) SERVICE LIMITED TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—This section shall apply only to retransmissions to subscribers of a satellite carrier who receive retransmissions of a signal from that satellite carrier pursuant to section 338.

''(2) SERVICE LIMITATIONS.—A satellite carrier may retransmit to a subscriber in high definition format the signal of a station determined by the Commission to be significantly viewed under subsection (a) only if such carrier also retransmits in high definition format the signal of a station located in the local market of such subscriber and affiliated with the same network whenever such format is available from such station.''.

(b) RULEMAKING REQUIRED.—Within 210 days after the date of the enactment of this Act, the Federal Communications Commission shall take all actions necessary to promulgate a rule to implement the amendments made by subsection (a).

SEC. 524. DIGITAL TELEVISION TRANSITION CONFORMING AMENDMENTS.

(a) SECTION 338.—Section 338 is amended—

(1) in subsection (a), by striking ''(3) EFFECTIVE DATE.—No satellite'' and all that follows through ''until January 1, 2002.''; and

(2) by amending subsection (g) to read as follows:

''(g) CARRIAGE OF LOCAL STATIONS ON A SINGLE RECEPTION ANTENNA.—

''(1) SINGLE RECEPTION ANTENNA.—Each satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such stations in such market so that a subscriber may receive such stations by means of a single reception antenna and associated equipment.

''(2) ADDITIONAL RECEPTION ANTENNA.—If the carrier retransmits the signals of local television broadcast stations in a local market in high definition format, the carrier shall retransmit such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment may be separate from the single reception antenna and associated equipment used to comply with paragraph (1).''.

(b) SECTION 339.—Section 339 is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking ''Such two network stations'' and all that follows through ''more than two network stations.''; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking ''TO ANALOG SIGNALS'';

(ii) in subparagraph (A)—

(I) in the heading for clause (i), by striking ''ANALOG'';

(II) in clause (i)—

(aa) by striking ''analog'' each place it appears; and

(bb) by striking ''October 1, 2004'' and inserting ''October 1, 2009'';

(III) in the heading for clause (ii), by striking ''ANALOG''; and

(IV) in clause (ii)—

(aa) by striking ''analog'' each place it appears; and

(bb) by striking ''2004'' and inserting ''2009'';

(iii) by amending subparagraph (B) to read as follows:

''(B) RULES FOR OTHER SUBSCRIBERS.—

''(i) IN GENERAL.—In the case of a subscriber of a satellite carrier who is eligible to receive the signal of a network station under this section (in this subparagraph referred to as a 'distant signal'), other than subscribers to whom subparagraph (A) applies, the following shall apply:

''(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber's satellite carrier, not later than March 1, 2005, submits to that television network the list and statement required by subparagraph (F)(i).

''(II) In a case in which the satellite carrier does not make available to that subscriber, on January 1, 2005, the signal of a local network station pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

''(aa) that subscriber seeks to subscribe to such distant signal before the date on which such carrier commences to carry pursuant to section 338 the signals of stations from the local market of such local network station; and

''(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

''(ii) SPECIAL CIRCUMSTANCES.—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Television Extension and Localism Act of 2010 may receive both such distant signal and the local signal of a network station affiliated with the same network until such subscriber chooses to no longer receive such distant signal from such carrier, whether or not such subscriber elects to subscribe to such local signal.'';

(iv) in subparagraph (C)—

(I) by striking ''analog'';

(II) in clause (i), by striking ''the Satellite Home Viewer Extension and Reauthorization Act of 2004; and'' and inserting the following:

''the Satellite Television Extension and Localism Act of 2010 and, at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier makes available to that person the signal of a local network station affiliated with the same television network pursuant to section 338 (and the retransmission of such signal by such carrier can reach such subscriber); or''; and

(III) by amending clause (ii) to read as follows:

''(ii) lawfully subscribes to and receives a distant signal on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, and, subsequent to such subscription, the satellite carrier makes available to that subscriber the signal of a local network station affiliated with the same network as the distant signal (and the retransmission of such signal by such carrier can reach such subscriber), unless such person subscribes to the signal of the local network station within 60 days after such signal is made available.'';

(v) in subparagraph (D)—

(I) in the heading, by striking ''DIGITAL'';

(II) by striking clauses (i), (iii) through (v), (vii) through (ix), and (xi);

(III) by redesignating clause (vi) as clause (i) and transferring such clause to appear before clause (ii);

(IV) by amending such clause (i) (as so redesignated) to read as follows:

''(i) ELIGIBILITY AND SIGNAL TESTING.—A subscriber of a satellite carrier shall be eligible to receive a distant signal of a network station affiliated with the same network under this section if, with respect to a local network station, such subscriber—

''(I) is a subscriber whose household is not predicted by the model specified in subsection (c)(3) to receive the signal intensity required under section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of title 47, Code of Federal Regulations, or a successor regulation;

''(II) is determined, based on a test conducted in accordance with section 73.686(d) of title 47, Code of Federal Regulations, or any successor regulation, not to be able to receive a signal that exceeds the signal intensity standard in section 73.622(e)(1) or, in the case of a low-power station or translator station transmitting an analog signal, section 73.683(a) of such title, or a successor regulation; or

''(III) is in an unserved household, as determined under section 119(d)(10)(A) of title 17, United States Code.'';

(V) in clause (ii)—

(aa) by striking ''DIGITAL'' in the heading;

(bb) by striking ''digital'' the first two places such term appears;

(cc) by striking ''Satellite Home Viewer Extension and Reauthorization Act of 2004'' and inserting ''Satellite Television Extension and Localism Act of 2010''; and

(dd) by striking '', whether or not such subscriber elects to subscribe to local digital signals'';

(VI) by inserting after clause (ii) the following new clause:

''(iii) TIME-SHIFTING PROHIBITED.—In a case in which the satellite carrier makes available to an eligible subscriber under this subparagraph the signal of a local network station pursuant to section 338, the carrier may only provide the distant signal of a station affiliated with the same network to that subscriber if, in the case of any local market in the 48 contiguous States of the United States, the distant signal is the secondary transmission of a station whose prime time network programming is generally broadcast simultaneously with, or later than, the prime time network programming of the affiliate of the same network in the local market.''; and

(VII) by redesignating clause (x) as clause (iv); and

(vi) in subparagraph (E), by striking ''distant analog signal or'' and all that follows through ''(B), or (D))'' and inserting ''distant signal'';

(2) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

''(3) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL AND ON-LOCATION TESTING REQUIRED.—

''(A) PREDICTIVE MODEL.—Within 210 days after the date of the enactment of the Satellite Television Extension and Localism Act of 2010, the Commission shall develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations, through the use of an antenna, to receive signals in accordance with the signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or a successor regulation, including to account for the continuing operation of translator stations and low power television stations. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Commission in CS Docket No. 98–201, as previously revised with respect to analog signals, and as recommended by the Commission with respect to digital signals in its Report to Congress in ET Docket No. 05–182, FCC 05–199 (released December 9, 2005). The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

''(B) ON-LOCATION TESTING.—The Commission shall issue an order completing its rulemaking proceeding in ET Docket No. 06–94 within 210 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010. In conducting such rulemaking, the Commission shall seek ways to minimize consumer burdens associated with on-location testing.'';

(B) by amending paragraph (4)(A) to read as follows:

''(A) IN GENERAL.—If a subscriber's request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber's satellite carrier a request for a test verifying the subscriber's inability to receive a signal of the signal intensity referenced in clause (i) of subsection (a)(2)(D), the satellite carrier and the network station or stations asserting that the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct the test referenced in such clause. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such clause demonstrate that the subscriber does not receive a signal that meets or exceeds the requisite signal intensity standard in such clause, the subscriber shall not be denied the retransmission of a signal of a network station under section 119(d)(10)(A) of title 17, United States Code.'';

(C) in paragraph (4)(B), by striking ''the signal intensity'' and all that follows through ''United States Code'' and inserting ''such requisite signal intensity standard''; and

(D) in paragraph (4)(E), by striking ''Grade B intensity''.

(c) SECTION 340.—Section 340(i) is amended by striking paragraph (4).

SEC. 525. APPLICATION PENDING COMPLETION OF RULEMAKINGS.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by section 523 and section 524 of this title, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 338, 339, and 340 of the Communications Act of 1934 as in effect on the day before the date of the enactment of this Act.

(b) TRANSLATOR STATIONS AND LOW POWER TELEVISION STATIONS.—Notwithstanding subsection (a), for purposes of determining whether a subscriber within the local market served by a translator station or a low power television station affiliated with a television network is eligible to receive distant signals under section 339 of the Communications Act of 1934, the rules and regulations of the Federal Communications Commission for determining such subscriber's eligibility as in effect on the day before the date of the enactment of this Act shall apply until the date on which the translator station or low power television station is licensed to broadcast a digital signal.

(c) DEFINITIONS.—As used in this subtitle:

(1) LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms ''local market'', ''low power television station'', ''satellite carrier'', ''subscriber'', and ''television broadcast station'' have the meanings given such terms in section 338(k) of the Communications Act of 1934.

(2) NETWORK STATION; TELEVISION NETWORK.—The terms ''network station'' and ''television network'' have the meanings given such terms in section 339(d) of such Act.

SEC. 526. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

Part I of title III is amended by adding at the end the following new section:

''SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

''(a) CERTIFICATION.—The Commission shall issue a certification for the purposes of section 119(g)(3)(A)(iii) of title 17, United States Code, if the Commission determines that—

''(1) a satellite carrier is providing local service pursuant to the statutory license under section 122 of such title in each designated market area; and

''(2) with respect to each designated market area in which such satellite carrier was not providing such local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010—

''(A) the satellite carrier's satellite beams are designed, and predicted by the satellite manufacturer's pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such designated market area based on the most recent census data released by the United States Census Bureau; and

''(B) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite's launch that precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

''(b) INFORMATION REQUIRED.—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

''(1) An affidavit stating that, to the best of the affiant's knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license provided for in section 122 of title 17, United States Code, and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Television Extension and Localism Act of 2010.

''(2) For each designated market area not listed in paragraph (1):

''(A) Identification of each such designated market area and the location of its local receive facility.

''(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

''(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests, showing that the contours of the carrier's satellite beams as designed and the geographic area that the carrier's satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

''(D) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant's knowledge, there have been no satellite or sub-system failures subsequent to the satellite's launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

''(E) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

''(c) CERTIFICATION ISSUANCE.—

''(1) PUBLIC COMMENT.—The Commission shall provide 30 days for public comment on a request for certification under this section.

''(2) DEADLINE FOR DECISION.—The Commission shall grant or deny a request for certification within 90 days after the date on which such request is filed.

''(d) SUBSEQUENT AFFIRMATION.—An entity granted qualified carrier status pursuant to section 119(g) of title 17, United States Code, shall file an affidavit with the Commission 30 months after such status was granted stating that, to the best of the affiant's knowledge, it is in compliance with the requirements for a qualified carrier.

''(e) DEFINITIONS.—For the purposes of this section:

''(1) DESIGNATED MARKET AREA.—The term 'designated market area' has the meaning given such term in section 122(j)(2)(C) of title 17, United States Code.

''(2) GOOD QUALITY SATELLITE SIGNAL.—

''(A) IN GENERAL.—The term ''good quality satellite signal'' means—

''(i) a satellite signal whose power level as designed shall achieve reception and demodulation of the signal at an availability level of at least 99.7 percent using—

''(I) models of satellite antennas normally used by the satellite carrier's subscribers; and

''(II) the same calculation methodology used by the satellite carrier to determine predicted signal availability in the top 100 designated market areas; and

''(ii) taking into account whether a signal is in standard definition format or high definition format, compression methodology, modulation, error correction, power level, and utilization of advances in technology that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable television broadcast station signal, a video signal transmitted by a satellite carrier such that—

''(I) the satellite carrier treats all television broadcast stations' signals the same with respect to statistical multiplexer prioritization; and

''(II) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

''(B) DETERMINATION.—For the purposes of subparagraph (A), the top 100 designated market areas shall be as determined by Nielsen Media Research and published in the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication as of the date of a satellite carrier's application for certification under this section.''.

SEC. 527. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION DIGITAL SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.

(a) IN GENERAL.—Section 338(a) is amended by adding at the end the following new paragraph:

''(5) NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

''(A) EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.—If, before the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of qualified noncommercial educational television stations located within that local market in accordance with the following schedule:

''(i) By December 31, 2010, in at least 50 percent of the markets in which such satellite carrier provides such secondary transmissions in high definition format.

''(ii) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition format.

''(B) NEW INITIATION OF SERVICE.—If, on or after the date of enactment of the Satellite Television Extension and Localism Act of 2010, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition format to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall carry the signals in high-definition format of all qualified noncommercial educational television stations located within that local market.''.

(b) DEFINITIONS.—Section 338(k) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

''(2) ELIGIBLE SATELLITE CARRIER.—The term 'eligible satellite carrier' means any satellite carrier that is not a party to a carriage contract that—

''(A) governs carriage of at least 30 qualified noncommercial educational television stations; and

''(B) is in force and effect within 60 days after the date of enactment of the Satellite Television Extension and Localism Act of 2010.'';

(3) by redesignating paragraphs (6) through (9) (as previously redesignated) as paragraphs (7) through (10), respectively; and

(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:

''(6) QUALIFIED NONCOMMERCIAL EDUCATIONAL TELEVISION STATION.—The term 'qualified noncommercial educational television station' means any full-power television broadcast station that—

''(A) under the rules and regulations of the Commission in effect on March 29, 1990, is licensed by the Commission as a noncommercial educational broadcast station and is owned and operated by a public agency, nonprofit foundation, nonprofit corporation, or nonprofit association; and

''(B) has as its licensee an entity that is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting, or any successor organization thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this title.''.

SEC. 528. SAVINGS CLAUSE REGARDING DEFINITIONS.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to affect—

(1) the meaning of the terms ''program related'' and ''primary video'' under the Communications Act of 1934; or

(2) the meaning of the term ''multicast'' in any regulations issued by the Federal Communications Commission.

SEC. 529. STATE PUBLIC AFFAIRS BROADCASTS.

Section 335(b) is amended—

(1) by inserting ''***STATE PUBLIC AFFAIRS,***'' after ''***EDUCATIONAL,***'' in the heading;

(2) by striking paragraph (1) and inserting the following:

''(1) CHANNEL CAPACITY REQUIRED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a provider of direct broadcast satellite service providing video programming, that the provider of such service reserve a portion of its channel capacity, equal to not less than 4 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.

''(B) REQUIREMENT FOR QUALIFIED SATELLITE PROVIDER.—The Commission shall require, as a condition of any provision, initial authorization, or authorization renewal for a qualified satellite provider of direct broadcast satellite service providing video programming, that such provider reserve a portion of its channel capacity, equal to not less than 3.5 percent nor more than 7 percent, exclusively for noncommercial programming of an educational or informational nature.'';

(3) in paragraph (5), by striking ''For purposes of the subsection—'' and inserting ''For purposes of this subsection:''; and

(4) by adding at the end of paragraph (5) the following:

''(C) The term 'qualified satellite provider' means any provider of direct broadcast satellite service that—

''(i) provides the retransmission of the State public affairs networks of at least 15 different States;

''(ii) offers the programming of State public affairs networks upon reasonable prices, terms, and conditions as determined by the Commission under paragraph (4); and

''(iii) does not delete any noncommercial programming of an educational or informational nature in connection with the carriage of a State public affairs network.

''(D) The term 'State public affairs network' means a non-commercial non-broadcast network or a noncommercial educational television station—

''(i) whose programming consists of information about State government deliberations and public policy events; and

''(ii) that is operated by—

''(I) a State government or subdivision thereof;

''(II) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code and that is governed by an independent board of directors; or

''(III) a cable system.''.

Subtitle C—Reports and Savings Provision

SEC. 531. DEFINITION.

In this subtitle, the term ''appropriate Congressional committees'' means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

SEC. 532. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.

Not later than 1 year after the date of the enactment of this Act, and after consultation with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission of a broadcast station that is authorized to license the same secondary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

SEC. 533. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.

(a) STUDY.—The Comptroller General shall conduct a study that analyzes and evaluates the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General deems appropriate, if Congress implemented a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the results of the study, including any recommendations for legislative or administrative actions.

SEC. 534. REPORT ON IN-STATE BROADCAST PROGRAMMING.

Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive the signals of local broadcast stations assigned to a community of license that is located in a different State;

(2) the extent to which consumers in each local market have access to in-state broadcast programming over the air or from a multichannel video programming distributor; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

SEC. 535. LOCAL NETWORK CHANNEL BROADCAST REPORTS.

(a) REQUIREMENT.—

(1) IN GENERAL.—On the 180th day after the date of the enactment of this Act, and on each succeeding anniversary of such 180th day, each satellite carrier shall submit an annual report to the Federal Communications Commission setting forth—

(A) each local market in which it—

(i) retransmits signals of 1 or more television broadcast stations with a community of license in that market;

(ii) has commenced providing such signals in the preceding 1-year period; and

(iii) has ceased to provide such signals in the preceding 1-year period; and

(B) detailed information regarding the use and potential use of satellite capacity for the retransmission of local signals in each local market.

(2) TERMINATION.—The requirement under paragraph (1) shall cease after each satellite carrier has submitted 5 reports under such paragraph.

(b) FCC STUDY; REPORT.—

(1) STUDY.—If no satellite carrier files a request for a certification under section 342 of the Communications Act of 1934 (as added by section 526 of this title) within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall initiate a study of—

(A) incentives that would induce a satellite carrier to provide the signals of 1 or more television broadcast stations licensed to provide signals in local markets in which the satellite carrier does not provide such signals; and

(B) the economic and satellite capacity conditions affecting delivery of local signals by satellite carriers to these markets.

(2) REPORT.—Within 1 year after the date of the initiation of the study under paragraph (1), the Federal Communications Commission shall submit a report to the appropriate Congressional committees containing its findings, conclusions, and recommendations.

(c) DEFINITIONS.—In this section—

(1) the terms ''local market'' and ''satellite carrier'' have the meaning given such terms in section 339(d) of the Communications Act of 1934 (47 U.S.C. 339(d)); and

(2) the term ''television broadcast station'' has the meaning given such term in section 325(b)(7) of such Act (47 U.S.C. 325(b)(7)).

SEC. 536. SAVINGS PROVISION REGARDING USE OF NEGOTIATED LICENSES.

(a) IN GENERAL.—Nothing in this title, title 17, United States Code, the Communications Act of 1934, regulations promulgated by the Register of Copyrights under this title or title 17, United States Code, or regulations promulgated by the Federal Communications Commission under this title or the Communications Act of 1934 shall be construed to prevent a multichannel video programming distributor from retransmitting a performance or display of a work pursuant to an authorization granted by the copyright owner or, if within the scope of its authorization, its licensee.

(b) LIMITATION.—Nothing in subsection (a) shall be construed to affect any obligation of a multichannel video programming distributor under section 325(b) of the Communications Act of 1934 to obtain the authority of a television broadcast station before retransmitting that station's signal.

SEC. 537. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.

(a) EFFECTIVE DATE.—Unless specifically provided otherwise, this title, and the amendments made by this title, shall take effect on February 27, 2010, and with the exception of the reference in subsection (b), all references to the date of enactment of this Act shall be deemed to refer to February 27, 2010, unless otherwise specified.

(b) NONINFRINGEMENT OF COPYRIGHT.—The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010, and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

Subtitle D—Severability

SEC. 541. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of such provision or amendment to any person or circumstance shall not be affected thereby.

TITLE VI—OTHER PROVISIONS

SEC. 601. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended—

(1) in subparagraph (A), by striking ''March 31, 2010'' and inserting ''September 30, 2010''; and

(2) in subparagraph (B), by striking ''April 1, 2010'' and inserting ''October 1, 2010''.

SEC. 602. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

''(g) ELECTION FOR CORPORATIONS WITH UNUSED CREDITS.—

''(1) IN GENERAL.—If a corporation elects to have this subsection apply, then notwithstanding any other provision of law, the limitation imposed by subsection (c) for any such taxable year shall be increased by the AMT credit adjustment amount.

''(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term 'AMT credit adjustment amount' means with respect to any taxable year beginning in 2010, the lesser of—

''(A) 50 percent of a corporation's minimum tax credit determined under subsection (b), or

''(B) 10 percent of new domestic investments made during such taxable year.

''(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term 'new domestic investments' means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

''(A) the original use of which commences with the taxpayer during the taxable year, and

''(B) which is placed in service in the United States by the taxpayer during such taxable year.

''(4) CREDIT REFUNDABLE.—For purposes of subsections (b) and (c) of section 6401, the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C of such part (and not to any other subpart).

''(5) ELECTION.—

''(A) IN GENERAL.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once effective, may be revoked only with the consent of the Secretary.

''(B) INTERIM ELECTIONS.—Until such time as the Secretary prescribes a manner for making an election under this subsection, a taxpayer is treated as having made a valid election by providing written notification to the Secretary and the Commissioner of Internal Revenue of such election.

''(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, any corporation's allocable share of any new domestic investments by a partnership more than 90 percent of the capital and profits interest in which is owned by such corporation (directly or indirectly) at all times during the taxable year in which an election under this subsection is in effect shall be considered new domestic investments of such corporation for such taxable year.

''(7) NO DOUBLE BENEFIT.—Notwithstanding clause (iii)(II) of section 172(b)(1)(H), any taxpayer which has previously made an election under such section shall be deemed to have revoked such election by the making of its first election under this subsection.

''(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including to prevent fraud and abuse under this subsection.

''(9) TERMINATION.—This subsection shall not apply to any taxable year that begins after December 31, 2010.''.

(b) QUICK REFUND OF REFUNDABLE CREDIT.—Section 6425 is amended by adding at the end the following new subsection:

''(e) ALLOWANCE OF AMT CREDIT ADJUSTMENT AMOUNT.—The amount of an adjustment under this section as determined under subsection (c)(2) for any taxable year may be increased to the extent of the corporation's AMT credit adjustment amount determined under section 53(g) for such taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 603. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 is amended by adding at the end the following new subsection:

''(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

''(1) IN GENERAL.—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real

estate shall be considered to be engaged in a trade or business of renting property.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) any individual, including any individual who is an active member of the uniformed services, if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

''(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

''(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2010.

SEC. 604. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

SEC. 605. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking ''$15'' and inserting ''$30''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking ''$75,000'' and inserting ''$250,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking ''$30'' and inserting ''$60''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721are each amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(2) by striking ''$25,000'' in subparagraph (B) and inserting ''$75,000'', and

(3) by striking ''$50,000'' in subparagraph (C) and inserting ''$200,000''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking ''$100'' and inserting ''$250''.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 606. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENTS.—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110–343; 122 Stat. 3913, 3919) are each amended by striking''January 1, 2011'' each place it appears and inserting ''January 1, 2012''.

SEC. 607. APPLICATION OF LEVY TO PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) is amended by striking ''goods or services'' and inserting ''property, goods, or services''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies approved after the date of the enactment of this Act.

SEC. 608. ELECTION FOR REFUNDABLE LOW-INCOME HOUSING CREDIT FOR 2010.

Subsection (n) of section 42, as added by section 121, is amended to read as follows:

''(n) ELECTION FOR REFUNDABLE CREDITS.—

''(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State's 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

''(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term '2010 low-income housing refundable credit election amount' means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

''(A) the sum of—

''(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any increase in the State housing credit ceiling for 2010 made by reason of section 1400N(c) (including as such section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and

''(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any increase in the State housing credit ceiling for 2010 made by reason of the application of such section 702(d)(2) and 704(b), multiplied by

''(B) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) shall be applied without regard to clause (i).

''(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

''(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

''(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting 'January 1, 2012' for 'January 1, 2011'.''.

SEC. 609. LOW-INCOME HOUSING GRANT ELECTION.

(a) CLARIFICATION OF ELIGIBILITY OF LOW-INCOME HOUSING CREDITS FOR LOW-INCOME HOUSING GRANT ELECTION.—Paragraph (1) of section 1602(b) of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) by inserting '', plus any increase in the State housing credit ceiling for 2009 attributable to any State housing credit ceiling returned in 2009 to the State by reason of section 1400N(c) of such Code (including as such section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008)'' after ''1986'' in subparagraph (A), and

(2) by inserting '', plus any increase in the State housing credit ceiling for 2009 attributable to any additional State housing credit ceiling made by reason of the application of such section 702(d)(2) and 704(b)'' after ''such section'' in subparagraph (B).

(b) APPLICATION OF ADDITIONAL HOUSING CREDIT AMOUNT FOR PURPOSES OF 2009 GRANT ELECTION.—Subsection (b) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009, as amended by subsection (a), is amended by adding at the end the following flush sentence:

''For purposes of paragraph (1)(B), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) of such Code shall be applied without regard to clause (i).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of section 1602 of the American Recovery and Reinvestment Tax Act of 2009.

SEC. 610. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO ROTH DESIGNATED ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

''(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

''(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

''(ii) section 72(t) shall not apply, and

''(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

''(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

''(C) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.''.

SEC. 611. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking ''unless'' and all that follows and inserting ''unless—

''(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

''(B) in the case of any component placed in service after the date of the enactment of the American Workers, State, and Business Relief Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

''(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 612. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 613. EXTENSION OF SPECIAL ALLOWANCE FOR CERTAIN PROPERTY.

(a) IN GENERAL.—Section 15345(d)(1)(D) of the Food Conservation and Energy Act of 2008 (Public Law 110–246) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CONFORMING AMENDMENT.—Section 15345(d)(1)(F) of such Act is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 15345 of the Food Conservation and Energy Act of 2008.

SEC. 614. APPLICATION OF BAD CHECKS PENALTY TO ELECTRONIC PAYMENTS.

(a) IN GENERAL.—Section 6657 is amended—

(1) by striking ''If any check or money order in payment of any amount'' and inserting ''If any instrument in payment, by any commercially acceptable means, of any amount'', and

(2) by striking ''such check'' each place it appears and inserting ''such instrument''.

(b) EFFECTIVE DATES.—The amendments made by this section shall apply to instruments tendered after the date of the enactment of this Act.

SEC. 615. GRANTS FOR ENERGY EFFICIENT APPLIANCES IN LIEU OF TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable.

SEC. 616. BUDGETARY EFFECTS OF LEGISLATION PASSED BY THE SENATE.

(a) ESTABLISHMENT OF WEB PAGE.—

(1) IN GENERAL.—Not later than 90 days after the enactment of this Act, the Secretary of the Senate shall establish on the official website of the United States Senate (www.senate.gov) a page entitled ''Information on the Budgetary Effects of Legislation Considered by the Senate'' which shall include—

(A) links to appropriate pages on the website of the Congressional Budget Office (www.cbo.gov) that contain cost estimates of legislation passed by the Senate; and

(B) as available, links to pages with any other information produced by the Congressional Budget Office that summarize or further explain the budgetary effects of legislation considered by the Senate.

(2) UPDATES.—The Secretary of the Senate shall update this page every 3 months.

(b) CBO REQUIREMENTS.—Nothing in this section shall be construed as imposing any new requirements on the Congressional Budget Office.

SEC. 617. SENATE SPENDING DISCLOSURE.

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (http://www.senate.gov/) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by CBO.

(3) The number of new government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

SEC. 618. ALLOCATION OF GEOTHERMAL RECEIPTS.

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

SEC. 619. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term ''qualifying contract'' means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term ''timber purchaser'' means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser's written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(d) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(e) NO SURRENDER OF CLAIMS.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

SEC. 620. ARRA PLANNING AND REPORTING.

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting ''PLANS AND'' after ''AGENCY'';

(B) by striking ''Not later than'' and inserting the following:

''(1) DEFINITION.—In this subsection, the term 'covered program' means a program for which funds are appropriated under this division—

''(A) in an amount that is—

''(i) more than $2,000,000,000; and

''(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

''(B) that did not exist before the date of enactment of this Act.

''(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

''(A) a description of the goals for the covered program using recovery funds;

''(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

''(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

''(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

''(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

''(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

''(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

''(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

''(3) REPORTS.—

''(A) IN GENERAL.—Not later than''; and

(C) by adding at the end the following:

''(B) REPORTS ON PLANS.—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

''(i) discusses the progress of the agency in implementing the plan;

''(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

''(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

''(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

''(v) discusses—

''(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

''(II) if the covered program has failed to meet the milestones, the reasons why; and

''(III) any changes in the milestones for the covered program, including the reasons for the change;

''(vi) discusses the performance of the covered program, including—

''(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

''(II) if the covered program has failed to meet the performance measures, the reasons why; and

''(III) any trends in information relating to the performance of the covered program; and

''(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.'';

(2) in subsection (f)—

(A) by striking ''Within 180 days'' and inserting the following:

''(1) IN GENERAL.—Within 180 days''; and

(B) by adding at the end the following:

''(2) PENALTIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States district court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than $250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

''(B) NOTIFICATION.—

''(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

''(ii) LIMITATION.—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

''(C) CONSIDERATIONS.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

''(i) the number of times the recipient has failed to provide the information required under subsection (c);

''(ii) the amount of recovery funds provided to the recipient;

''(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

''(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

''(D) APPLICABILITY.—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

''(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

''(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

''(4) PUBLIC LISTING.—

''(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

''(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for noncompliance.

''(5) REGULATIONS AND REPORTING.—

''(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

''(B) REPORTING.—

''(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include—

''(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

''(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

''(III) any other information determined appropriate by the Director.''; and

(3) by adding at the end the following:

''(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.''.

SEC. 621. GAO STUDY.

Not later than 180 days after the date of enactment of this Act, the Comptroller General shall report to Congress detailing—

(1) the pattern of job loss in the New England and Midwest States over the past 20 years;

(2) the role of the off-shoring of manufacturing jobs in overall job loss in the regions; and

(3) recommendations to attract industries and bring jobs to the region.

SEC. 622. EXTENSION AND MODIFICATION OF SECTION 45 CREDIT FOR REFINED COAL FROM STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

''(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.''.

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking ''(or any modification to a facility)'', and

(2) by striking ''2010'' and inserting ''2011''.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting '', a blend of coal and petroleum coke, or other coke feedstock'' after ''on coal''.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

''With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person's rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.''.

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

''(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.''.

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting ''(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))'' after ''service''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) CLARIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

SEC. 623. MODIFICATIONS TO MINE RESCUE TEAM TRAINING CREDIT AND ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

(a) MINE RESCUE TEAM TRAINING CREDIT ALLOWABLE AGAINST AMT.—Subparagraph (B) of section 38(c)(4) is amended—

(1) by redesignating clauses (vi), (vii), and (viii) as clauses (vii), (viii), and (ix), respectively, and

(2) by inserting after clause (v) the following new clause:

''(vi) the credit determined under section 45N,''.

(b) ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT ALLOWABLE AGAINST AMT.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

''(vii) SPECIAL RULE FOR ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.—Clause (i) shall not apply to amounts deductible under section 179E.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 624. APPLICATION OF CONTINUOUS LEVY TO EMPLOYMENT TAX LIABILITY OF CERTAIN FEDERAL CONTRACTORS.

(a) IN GENERAL.—Section 6330(h) is amended by inserting ''or if the person subject to the levy (or any predecessor thereof) is a Federal contractor that was identified as owing such employment taxes through the Federal Payment Levy Program'' before the period at the end of the first sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after December 31, 2010.

TITLE VII—DETERMINATION OF BUDGETARY EFFECTS

SEC. 701. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION.—Sections 201, 211, and 232 of this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)) and section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. In the House of Representatives, sections 201, 211, and 232 of this Act are designated as an emergency for purposes of pay-as-you-go principles.

Mr. LEVIN, pursuant to House Resolution 1403, moved to agree to the amendment of the Senate with the following amendment printed in Part A of House Report 111-497, as modified by the amendment printed in Part B of House Report 111-497, and the further amendment in section 2 of House Resolution 1403:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Jobs and Closing Tax Loopholes Act of 2010''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in titles I, II, and IV of this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—INFRASTRUCTURE INCENTIVES

SEC. 101. EXTENSION OF BUILD AMERICA BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 54AA(d)(1) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(b) EXTENSION OF PAYMENTS TO ISSUERS.—

(1) IN GENERAL.—Section 6431 is amended—

(A) by striking ''January 1, 2011'' in subsection (a) and inserting ''January 1, 2013''; and

(B) by striking ''January 1, 2011'' in subsection (f)(1)(B) and inserting ''a particular date''.

(2) CONFORMING AMENDMENTS.—Subsection (g) of section 54AA is amended—

(A) by striking ''January 1, 2011'' and inserting ''January 1, 2013''; and

(B) by striking ''QUALIFIED BONDS ISSUED BEFORE 2011'' in the heading and inserting ''CERTAIN QUALIFIED BONDS''.

(c) REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.—Subsection (b) of section 6431 is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) by striking ''35 percent'' and inserting ''the applicable percentage''; and

(3) by adding at the end the following new paragraph:

''(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means the percentage determined in accordance with the following table:

''In the case of a qualified bond issued during calendar year:	The applicable percentage is:
2009 or 2010	35 percent
2011	32 percent
2012	30 percent.''.

(d) CURRENT REFUNDINGS PERMITTED.—Subsection (g) of section 54AA is amended by adding at the end the following new paragraph:

''(3) TREATMENT OF CURRENT REFUNDING BONDS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified bond' includes any bond (or series of bonds) issued to refund a qualified bond if—

''(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

''(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

''(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

''(B) APPLICABLE PERCENTAGE.—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the lowest percentage specified in paragraph (2) of such section.

''(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).''.

(e) CLARIFICATION RELATED TO LEVEES AND FLOOD CONTROL PROJECTS.—Subparagraph (A) of section 54AA(g)(2) is amended by inserting ''(including capital expenditures for levees and other flood control projects)'' after ''capital expenditures''.

SEC. 102. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting ''(4), (5),'' after ''(2),''.

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking ''(4), (5), (6),'' and inserting ''(6)''.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

''(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 7871(c) is amended by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 103. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2012''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2012''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 104. EXTENSION AND ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY.

(a) EXTENSION OF RECOVERY ZONE BOND AUTHORITY.—Section 1400U–2(b)(1) and section 1400U–3(b)(1)(B) are each amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY BASED ON UNEMPLOYMENT.—Section 1400U–1 is amended by adding at the end the following new subsection:

''(c) ALLOCATION OF 2010 RECOVERY ZONE BOND LIMITATIONS BASED ON UNEMPLOYMENT.—

''(1) IN GENERAL.—The Secretary shall allocate the 2010 national recovery zone economic development bond limitation and the 2010 national recovery zone facility bond limitation among the States in the proportion that each such State's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

''(2) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under paragraph (1) for each State to the extent necessary to ensure that no State (prior to any reduction under paragraph (3)) receives less than 0.9 percent of the 2010 national recovery zone economic development bond limitation and 0.9 percent of the 2010 national recovery zone facility bond limitation.

''(3) ALLOCATIONS BY STATES.—

''(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities (as defined in subsection (a)(3)(B)) in such State in the proportion that each such county's or municipality's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all the counties and large municipalities (as so defined) in such State.

''(B) 2010 ALLOCATION REDUCED BY AMOUNT OF PREVIOUS ALLOCATION.—Each State shall reduce (but not below zero)—

''(i) the amount of the 2010 national recovery zone economic development bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone economic development bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof), and

''(ii) the amount of the 2010 national recovery zone facility bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone facility bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof).

''(C) WAIVER OF SUBALLOCATIONS.—A county or municipality may waive any portion of an allocation made under this paragraph. A county or municipality shall be treated as having waived any portion of an allocation made under this paragraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.

''(D) SPECIAL RULE FOR A MUNICIPALITY IN A COUNTY.—In the case of any large municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

''(4) 2009 UNEMPLOYMENT NUMBER.—For purposes of this subsection, the term '2009 unemployment number' means, with respect to any State, county or municipality, the number of individuals in such State, county, or municipality who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

''(5) 2010 NATIONAL LIMITATIONS.—

''(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—The 2010 national recovery zone economic development bond limitation is $10,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U–2 in the same manner as an allocation of national recovery zone economic development bond limitation.

''(B) RECOVERY ZONE FACILITY BONDS.—The 2010 national recovery zone facility bond limitation is $15,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U–3 in the same manner as an allocation of national recovery zone facility bond limitation.''.

(c) AUTHORITY OF STATE TO WAIVE CERTAIN 2009 ALLOCATIONS.—Subparagraph (A) of section 1400U–1(a)(3) is amended by adding at the end the following: ''A county or municipality shall be treated as having waived any portion of an allocation made under this subparagraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.''.

SEC. 105. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Patient Protection and Affordable Care Act, is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2012,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

SEC. 106. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 107. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking ''or 2010'' and inserting '', 2010, or 2011''.

(b) CONFORMING AMENDMENT.—Subparagraph (G) of section 265(b)(3) is amended by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

TITLE II—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

SEC. 201. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

SEC. 202. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 203. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended—

(1) by striking ''5-year period'' and inserting ''6-year period''; and

(2) by adding at the end the following: ''In the case of the last year of the 6-year period described in the preceding sentence, the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 80 percent of such credit determined without regard to this sentence.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

SEC. 204. EXTENSION AND MODIFICATION OF CREDIT FOR STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

''(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.''.

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking ''(or any modification to a facility)''; and

(2) by striking ''2010'' and inserting ''2011''.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting '', a blend of coal and petroleum coke, or other coke feedstock'' after ''on coal''.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

''With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person's rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.''.

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

''(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.''.

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting ''(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))'' after ''service''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) CLARIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

SEC. 205. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) IN GENERAL.—Paragraph (1) of section 45K(g) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 206. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 207. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) is amended by striking ''after December 31, 2009'' and all that follows and inserting ''after—

''(A) September 30, 2014, in the case of liquefied hydrogen,

''(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of paragraph (2), and

''(C) December 31, 2009, in any other case.''.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) is amended by striking ''after December 31, 2009'' and all that follows and inserting ''after—

''(A) September 30, 2014, in the case of liquefied hydrogen,

''(B) December 31, 2010, in the case of fuels described in subparagraph (A), (C), (F), or (G) of subsection (d)(2), and

''(C) December 31, 2009, in any other case.''.

(c) PAYMENT AUTHORITY.—

(1) IN GENERAL.—Paragraph (6) of section 6427(e) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) any alternative fuel or alternative fuel mixture (as so defined) involving fuel described in subparagraph (A), (C), (F), or (G) of section 6426(d)(2) sold or used after December 31, 2010.''.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 6427(e)(6) is amended by inserting ''or (E)'' after ''subparagraph (D)''.

(d) EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.—The last sentence of section 6426(d)(2) is amended by striking ''or biodiesel'' and inserting ''biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 208. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) MODIFICATION OF DEFINITION OF INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

''(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) or by declaratory order—

''(I) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

''(II) to be independent from market participants or to be an independent transmission company within the meaning of such Commission's rules applicable to independent transmission providers, and''.

(2) RELATED PERSONS.—Paragraph (4) of section 451(i) is amended by adding at the end the following flush sentence:

''For purposes of subparagraph (B)(i)(I), a person shall be treated as controlled by another person if such persons would be treated as a single employer under section 52.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to dispositions after December 31, 2009.

(2) MODIFICATIONS.—The amendments made by subsection (b) shall apply to dispositions after the date of the enactment of this Act.

SEC. 209. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 210. DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

SEC. 211. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking ''unless'' and all that follows and inserting ''unless—

''(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights,

Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

''(B) in the case of any component placed in service after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

''(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

SEC. 221. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2009'' and inserting ''2009, or 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 222. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1) is amended by striking ''or 2009'' and inserting ''2009, or 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 223. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 224. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 225. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

(c) TEMPORARY COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—In the case of any taxpayer for any taxable year beginning in 2010, no deduction shall be allowed under section 222 of the Internal Revenue Code of 1986 if—

(1) the taxpayer's net Federal income tax reduction which would be attributable to such deduction for such taxable year, is less than

(2) the credit which would be allowed to the taxpayer for such taxable year under section 25A of such Code (determined without regard to sections 25A(e) and 26 of such Code).

SEC. 226. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

SEC. 227. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

PART II—LOW-INCOME HOUSING CREDITS

SEC. 231. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) ELECTION FOR DIRECT PAYMENT OF CREDIT.—

''(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State's 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

''(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term '2010 low-income housing refundable credit election amount' means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

''(A) the sum of—

''(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), and

''(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, multiplied by

''(B) 10.

''(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

''(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

''(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting 'January 1, 2012' for 'January 1, 2011'.''.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''42(n),'' after ''36C,''.

Subtitle C—Business Tax Relief

SEC. 241. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 242. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 243. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (F) of section 45D(f)(1) is amended by inserting ''and 2010'' after ''2009''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking ''2014'' and inserting ''2015''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2009.

SEC. 244. RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

SEC. 245. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CREDIT ALLOWABLE AGAINST AMT.—Subparagraph (B) of section 38(c)(4), as amended by section 105, is amended—

(1) by redesignating clauses (vii) through (x) as clauses (viii) through (xi), respectively; and

(2) by inserting after clause (vi) the following new clause:

''(vii) the credit determined under section 45N,''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) ALLOWANCE AGAINST AMT.—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 246. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 247. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

(a) IN GENERAL.—Clause (vii) of section 168(e)(3)(B) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 248. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking ''if such building is

placed in service after December 31, 2008, and before January 1, 2010,''.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 249. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 250. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 251. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 252. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 253. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 254. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 255. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 256. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 257. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 4 taxable years'' and inserting ''first 5 taxable years''; and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 258. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 259. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.

(a) IN GENERAL.—Subparagraph (K) of section 512(b)(19) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

SEC. 260. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended by striking ''means'' and all that follows and inserting ''means December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking ''the first taxable year beginning after the date of the enactment of this subparagraph'' and inserting ''a taxable year beginning on or before the termination date''.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting ''in taxable years beginning'' after ''dispositions''.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting ''in a taxable year beginning'' after ''sale''.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting ''in a taxable year beginning'' after ''In the case of a sale''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 261. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 262. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 263. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 264. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 265. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 266. EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking ''December 31, 2009'' in subsection (d)(1)(A)(i) and inserting ''December 31, 2010''; and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking ''December 31, 2014'' and inserting ''December 31, 2015''; and

(2) by striking ''2014'' in the heading and inserting ''2015''.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

SEC. 267. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''December 31, 2009'' each place it appears and inserting ''December 31, 2010''.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking ''December 31, 2014'' and inserting ''December 31, 2015''; and

(ii) by striking ''2014'' in the heading and inserting ''2015''.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking ''December 31, 2014'' and inserting ''December 31, 2015''.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) HOMEBUYER CREDIT.—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

SEC. 268. RENEWAL COMMUNITY TAX INCENTIVES.

(a) IN GENERAL.—Subsection (b) of section 1400E is amended—

(1) by striking ''December 31, 2009'' in paragraphs (1)(A) and (3) and inserting ''December 31, 2010''; and

(2) by striking ''January 1, 2010'' in paragraph (3) and inserting ''January 1, 2011''.

(b) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(2) LIMITATION ON PERIOD OF GAINS.—Paragraph (2) of section 1400F(c) is amended—

(A) by striking ''December 31, 2014'' and inserting ''December 31, 2015''; and

(B) by striking ''2014'' in the heading and inserting ''2015''.

(3) CLERICAL AMENDMENT.—Subsection (d) of section 1400F is amended by striking ''and 'December 31, 2014' for 'December 31, 2014'''.

(c) COMMERCIAL REVITALIZATION DEDUCTION.—

(1) IN GENERAL.—Subsection (g) of section 1400I is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 1400I(d)(2) is amended by striking ''after 2001 and before 2010'' and inserting ''which begins after 2001 and before the date referred to in subsection (g)''.

(d) INCREASED EXPENSING UNDER SECTION 179.—Subparagraph (A) of section 1400J(b)(1) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(e) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) ACQUISITIONS.—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) COMMERCIAL REVITALIZATION DEDUCTION.—

(A) IN GENERAL.—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) CONFORMING AMENDMENT.—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

SEC. 269. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 270. PAYMENT TO AMERICAN SAMOA IN LIEU OF EXTENSION OF ECONOMIC DEVELOPMENT CREDIT.

The Secretary of the Treasury (or his designee) shall pay $18,000,000 to the Government of American Samoa for purposes of economic development. The payment made under the preceding sentence shall be treated for purposes of section 1324 of title 31, United States Code, as a refund of internal revenue collections to which such section applies.

SEC. 271. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

''(g) ELECTION FOR CORPORATIONS WITH NEW DOMESTIC INVESTMENTS.—

''(1) IN GENERAL.—If a corporation elects to have this subsection apply for its first taxable year beginning after December 31, 2009, the limitation imposed by subsection (c) for such taxable year shall be increased by the AMT credit adjustment amount.

''(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term 'AMT credit adjustment amount' means, the lesser of—

''(A) 50 percent of a corporation's minimum tax credit for its first taxable year beginning after December 31, 2009, determined under subsection (b), or

''(B) 10 percent of new domestic investments made during such taxable year.

''(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term 'new domestic investments' means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

''(A) the original use of which commences with the taxpayer during the taxable year, and

''(B) which is placed in service in the United States by the taxpayer during such taxable year.

''(4) CREDIT REFUNDABLE.—For purposes of subsection (b) of section 6401, the aggregate increase in the credits allowable under this part for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

''(5) ELECTION.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once made, may be revoked only with the consent of the Secretary. Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidance specifying such time and manner.

''(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, a corporation shall take into account its allocable share of any new domestic investments by a partnership for any taxable year if, and only if, more than 90 percent of the capital and profits interests in such partnership are owned by such corporation (directly or indirectly) at all times during such taxable year.

''(7) NO DOUBLE BENEFIT.—

''(A) IN GENERAL.—A corporation making an election under this subsection may not make an election under subparagraph (H) of section 172(b)(1).

''(B) SPECIAL RULES WITH RESPECT TO TAXPAYERS PREVIOUSLY ELECTING APPLICABLE NET OPERATING LOSSES.— In the case of a corporation which made an election under subparagraph (H) of section 172(b)(1) and elects the application of this subsection—

''(i) ELECTION OF APPLICABLE NET OPERATING LOSS TREATED AS REVOKED.—The election under such subparagraph (H) shall (notwithstanding clause (iii)(II) of such subparagraph) be treated as having been revoked by the taxpayer.

''(ii) COORDINATION WITH PROVISION FOR EXPEDITED REFUND.—The amount otherwise treated as a payment of estimated income tax under the last sentence of paragraph (4) shall be reduced (but not below zero) by the aggregate increase in unpaid tax liability determined under this chapter by reason of the revocation of the election under clause (i).

''(iii) APPLICATION OF STATUTE OF LIMITATIONS.—With respect to the revocation of an election under clause (i)—

''(I) the statutory period for the assessment of any deficiency attributable to such revocation shall not expire before the end of the 3-year period beginning on the date of the election to have this subsection apply, and

''(II) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

''(C) EXCEPTION FOR ELIGIBLE SMALL BUSINESSES.—Subparagraphs (A) and (B) shall not apply to an eligible small business as defined in section 172(b)(1)(H)(v)(II).

''(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to prevent fraud and abuse under this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting ''53(g),'' after ''53(e),''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''53(g),'' after ''53(e),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 272. STUDY OF EXTENDED TAX EXPENDITURES.

(a) FINDINGS.—Congress finds the following:

(1) Currently, the aggregate cost of Federal tax expenditures rivals, or even exceeds, the amount of total Federal discretionary spending.

(2) Given the escalating public debt, a critical examination of this use of taxpayer dollars is essential.

(3) Additionally, tax expenditures can complicate the Internal Revenue Code of 1986 for taxpayers and complicate tax administration for the Internal Revenue Service.

(4) To facilitate a better understanding of tax expenditures in the future, it is constructive for legislation extending these provisions to include a study of such provisions.

(b) REQUIREMENT TO REPORT.—Not later than November 30, 2010, the Chief of Staff of the Joint Committee on Taxation, in consultation with the Comptroller General of the United States, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on each tax expenditure (as defined in section 3(3) of the Congressional Budget Impoundment Control Act of 1974 (2 U.S.C. 622(3)) extended by this title.

(c) ROLLING SUBMISSION OF REPORTS.—The Chief of Staff of the Joint Committee on Taxation shall initially submit the reports for each such tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) in order of the tax expenditure incurring the least aggregate cost to the greatest aggregate cost (determined by reference to the cost estimate of this Act by the Joint Committee on Taxation). Thereafter, such reports may be submitted in such order as the Chief of Staff determines appropriate.

(d) CONTENTS OF REPORT.—Such reports shall contain the following:

(1) An explanation of the tax expenditure and any relevant economic, social, or other context under which it was first enacted.

(2) A description of the intended purpose of the tax expenditure.

(3) An analysis of the overall success of the tax expenditure in achieving such purpose, and evidence supporting such analysis.

(4) An analysis of the extent to which further extending the tax expenditure, or making it permanent, would contribute to achieving such purpose.

(5) A description of the direct and indirect beneficiaries of the tax expenditure, including identifying any unintended beneficiaries.

(6) An analysis of whether the tax expenditure is the most cost-effective method for achieving the purpose for which it was intended, and a description of any more cost-effective methods through which such purpose could be accomplished.

(7) A description of any unintended effects of the tax expenditure that are useful in understanding the tax expenditure's overall value.

(8) An analysis of how the tax expenditure could be modified to better achieve its original purpose.

(9) A brief description of any interactions (actual or potential) with other tax expenditures or direct spending programs in the same or related budget function worthy of further study.

(10) A description of any unavailable information the staff of the Joint Committee on Taxation may need to complete a more thorough examination and analysis of the tax expenditure, and what must be done to make such information available.

(e) MINIMUM ANALYSIS BY DEADLINE.—In the event the Chief of Staff of the Joint Committee on Taxation concludes it will not be feasible to complete all reports by the date specified in subsection (a), at a minimum, the reports for each tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) shall be completed by such date.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

SEC. 281. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking ''January 1, 2010'' in subparagraphs (A)(i) and (B)(i) and inserting ''January 1, 2011''.

(c) TECHNICAL AMENDMENT.—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) TECHNICAL AMENDMENT.—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

SEC. 282. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) $500 LIMITATION.—Paragraph (1) of section 165(h) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) $500 LIMITATION.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

SEC. 283. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) IN GENERAL.—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

SEC. 284. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

SEC. 285. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) IN GENERAL.—Subparagraph (A) of section 198A(b)(2) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

PART II—REGIONAL PROVISIONS

Subpart A—New York Liberty Zone

SEC. 291. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 1400L(b)(2) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 292. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone

SEC. 295. INCREASE IN REHABILITATION CREDIT.

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 296. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''4-year'' and inserting ''5-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

SEC. 297. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

TITLE III—PENSION PROVISIONS

Subtitle A—Pension Funding Relief

PART 1—SINGLE-EMPLOYER PLANS

SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) ERISA AMENDMENTS.—

(1) IN GENERAL.—Section 303(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)(2)) is amended by adding at the end the following subparagraphs:

''(D) SPECIAL RULE.—

''(i) IN GENERAL.—In the case of the shortfall amortization base of a plan for any applicable plan year, the shortfall amortization installments are the amounts described in clause (ii) or (iii), if made applicable by an election under clause (iv). In the absence of a timely election, such installments shall be determined without regard to this subparagraph.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments described in this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the applicable plan year, interest on the shortfall amortization base (determined by using the effective interest rate for the applicable plan year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the balance of such shortfall amortization base in level annual installments over such last 7 plan years (determined using the segment rates determined under subparagraph (C) of subsection (h)(2) for the applicable plan year, applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments described in this clause are the amounts under subparagraphs (A) and (B) determined by substituting '15 plan-year period' for '7-plan-year period'.

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor may, with respect to a plan, elect, with respect to any of not more than 2 applicable plan years, to determine shortfall amortization installments under this subparagraph. An election under either clause (ii) or clause (iii) may be made with respect to either of such applicable plan years.

''(II) ELIGIBILITY FOR ELECTION.—An election may be made to determine shortfall amortization installments under this subparagraph with respect to a plan only if, as of the date of the election—

''(aa) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

''(bb) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 of the Internal Revenue Code of 1986,

''(cc) there is no lien in favor of the plan under subsection (k) or under section 430(k) of such Code, and

''(dd) a distress termination has not been initiated for the plan under section 4041(c).

''(III) RULES RELATING TO ELECTION.—Such election shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary of the Treasury and shall be irrevocable, except under such limited circumstances, and subject to such conditions, as such Secretary may prescribe.

''(E) APPLICABLE PLAN YEAR.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'applicable plan year' means, subject to the election of the plan sponsor under subparagraph (D)(iv), each of not more than 2 of the plan years beginning in 2008, 2009, 2010, or 2011.

''(ii) SPECIAL RULE RELATING TO 2008.—A plan year may be elected as an applicable plan year pursuant to this subparagraph only if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after March 10, 2010.

''(F) INCREASES IN SHORTFALL AMORTIZATION INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR CERTAIN DIVIDENDS OR STOCK REDEMPTIONS.—

''(i) IN GENERAL.—If, with respect to an election for an applicable plan year under subparagraph (D), there is an installment acceleration amount with respect to a plan for any plan year in the restriction period (or if there is an installment acceleration amount carried forward to a plan year not in the restriction period), then the shortfall amortization installment otherwise determined and payable under this paragraph for such plan year shall be increased by such amount.

''(ii) BACK-END ADJUSTMENT TO AMORTIZATION SCHEDULE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an applicable plan year is required to be increased for any plan year under clause (i), subsequent shortfall amortization installments with respect to such base shall be reduced, in reverse order of the otherwise required installments beginning with the final scheduled installment, to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this subparagraph) to the present value of the remaining unamortized shortfall amortization base.

''(iii) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an applicable plan year, the sum of—

''(aa) the aggregate amount of excess employee compensation determined under clause (iv) for the plan year, plus

''(bb) the dividend and redemption amount determined under clause (v) for the plan year.

''(II) CUMULATIVE LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(aa) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under subparagraph (D) with respect to the shortfall amortization base with respect to an applicable year, determined without regard to subparagraph (D) and this subparagraph, over

''(bb) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of subparagraph (D) (and in the case of any preceding plan year, after application of this subparagraph).

''(III) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(aa) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to subclause (II)) exceeds the limitation under subclause (II), then, subject to item (bb), such excess shall be treated as an installment acceleration amount for the succeeding plan year.

''(bb) CAP TO APPLY.—If any amount treated as an installment acceleration amount under item (aa) or this item with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to subclause (II)) with respect to the plan year, exceeds the limitation under subclause (II), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(cc) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FORWARD.—No amount shall be carried forward under item (aa) or (bb) to a plan year which begins after the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under subparagraph (D)(iii)).

''(dd) ORDERING RULES.—For purposes of applying item (bb), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under subclause (II) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(iv) EXCESS EMPLOYEE COMPENSATION.—

''(I) IN GENERAL.—For purposes of this paragraph, the term 'excess employee compensation' means the sum of—

''(aa) with respect to any employee, for any plan year, the excess (if any) of—

''(AA) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(BB) $1,000,000, plus

''(bb) the amount of assets set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, during the calendar year by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor.

''(II) NO DOUBLE COUNTING.—No amount shall be taken into account under subclause (I) more than once.

''(III) EMPLOYEE; REMUNERATION.—For purposes of this clause, the term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of the Internal Revenue Code of 1986 for the taxable year ending during such calendar year, and the term 'remuneration' shall include earned income of such an individual.

''(IV) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—There shall not be taken into account under subclause (I)(aa) any remuneration consisting of nonqualified deferred compensation, restricted stock (or restricted stock units), stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(V) ONLY REMUNERATION FOR POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under subclause (I)(aa) only to the extent attributable to services performed by the employee for the plan sponsor after December 31, 2009.

''(VI) COMMISSIONS.—

''(aa) IN GENERAL.—There shall not be taken into account under subclause (I)(aa) any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(bb) SPECIFIED EMPLOYEES.—Item (aa) shall not apply in the case of any specified employee (within the meaning of section 409A(a)(2)(B)(i) of the Internal Revenue Code of 1986) or any employee who would be such a specified employee if the plan sponsor were a corporation described in such section.

''(VII) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under subclause (I)(aa)(BB) shall be increased by an amount equal to—

''(aa) such dollar amount, multiplied by

''(bb) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $20,000, such increase shall be rounded to the next lowest multiple of $20,000.

''(v) CERTAIN DIVIDENDS AND REDEMPTIONS.—

''(I) IN GENERAL.—The dividend and redemption amount determined under this clause for any plan year is the lesser of—

''(aa) the excess of—

''(AA) the sum of the dividends paid during the plan year by the plan sponsor, plus the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, over

''(BB) an amount equal to the average of adjusted annual net income of the plan sponsor for the last 5 fiscal years of the plan sponsor ending before such plan year, or

''(bb) the sum of—

''(AA) the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, plus

''(BB) the excess of dividends paid during the plan year by the plan sponsor over the dividend base amount.

''(II) DEFINITIONS.—

''(aa) ADJUSTED ANNUAL NET INCOME.—For purposes of subclause (I)(aa)(BB), the term 'adjusted annual net income' with respect to any fiscal year means annual net income, determined in accordance with generally accepted accounting principles (before after-tax gain or loss on any sale of assets), but without regard to any reduction by reason of depreciation or amortization, except that in no event shall adjusted annual net income for any fiscal year be less than zero.

''(bb) DIVIDEND BASE AMOUNT.—For purposes of this clause, the term 'dividend base amount' means, with respect to a plan year, an amount equal to the greater of—

''(AA) the median of the amounts of the dividends paid during each of the last 5 fiscal years of the plan sponsor ending before such plan year, or

''(BB) the amount of dividends paid during such plan year on preferred stock that was issued on or before May 21, 2010, or that is replacement stock for such preferred stock.

''(III) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of subclause (I) (other than for purposes of calculating the dividend base amount), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(IV) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under subclause (I).

''(V) EXCEPTION FOR STOCK DIVIDENDS.—Any distribution by the plan sponsor to its shareholders of stock issued by the plan sponsor shall not be taken into account under subclause (I).

''(VI) EXCEPTION FOR CERTAIN REDEMPTIONS.—The following shall not be taken into account under subclause (I):

''(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

''(AA) are made pursuant to a pension plan that is qualified under section 401 of the Internal Revenue Code of 1986 or a shareholder-approved program, or

''(BB) are made on account of an employee's termination of employment with the plan sponsor, or the death or disability of a shareholder.

''(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

''(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

''(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

''(vi) OTHER DEFINITIONS AND RULES.—For purposes of this subparagraph—

''(I) PLAN SPONSOR.—The term 'plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

''(II) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any applicable plan year with respect to which an election is made under subparagraph (D)—

''(aa) except as provided in item (bb), the 3-year period beginning with the applicable plan year (or, if later, the first plan year beginning after December 31, 2009), or

''(bb) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the applicable plan year, the 5-year period beginning with such plan year (or, if later, the first plan year beginning after December 31, 2009).

''(III) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under subparagraph (D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this subparagraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in clause (i) (determined without regard to this subparagraph).

''(G) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of subparagraphs (D) and (F) in any case where there is a merger or acquisition involving a plan sponsor making the election under subparagraph (D).

''(H) REGULATIONS AND GUIDANCE.—The Secretary of the Treasury may prescribe such regulations and other guidance of general applicability as such Secretary may determine necessary to achieve the purposes of subparagraphs (D) and (F).''.

(2) NOTICE REQUIREMENT.—Section 204 of such Act (29 U.S.C. 1054) is amended—

(A) by redesignating subsection (k) as subsection (l); and

(B) by inserting after subsection (j) the following new subsection:

''(k) NOTICE IN CONNECTION WITH SHORTFALL AMORTIZATION ELECTION.—

''(1) IN GENERAL.—Not later 30 days after the date of an election under clause (iv) of section 303(c)(2)(D) in connection with a single-employer plan, the plan administrator shall provide notice of such election in accordance with this subsection to each plan participant and beneficiary, each labor organization representing such participants and beneficiaries, and the Pension Benefit Guaranty Corporation.

''(2) MATTERS INCLUDED IN NOTICE.—Each notice provided pursuant to this subsection shall set forth—

''(A) a statement that recently enacted legislation permits employers to delay pension funding;

''(B) with respect to required contributions—

''(i) the amount of contributions that would have been required had the election not been made;

''(ii) the amount of the reduction in required contributions for the applicable plan year that occurs on account of the election; and

''(iii) the number of plan years to which such reduction will apply;

''(C) with respect to a plan's funding status as of the end of the plan year preceding the applicable plan year—

''(i) the liabilities determined under section 4010(d)(1)(A); and

''(ii) the market value of assets of the plan; and

''(D) with respect to installment acceleration amounts (as defined in section 303(c)(2)(F)(iii)(I))—

''(i) an explanation of section 303(c)(2)(F) (relating to increases in shortfall amortization installments in cases of excess compensation or certain dividends or stock redemptions); and

''(ii) a statement that increases in required contributions may occur in the event of future payments of excess employee compensation or certain share repurchasing or dividend activity and that subsequent notices of any such payments or activity will be provided in the annual funding notice provided pursuant to section 101(f).

''(3) OTHER REQUIREMENTS.—

''(A) FORM.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant. The Secretary of the Treasury shall prescribe a model notice that a plan administrator may use to satisfy the requirements of paragraph (1).

''(B) PROVISION TO DESIGNATED PERSONS.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

''(4) EFFECT OF EGREGIOUS FAILURE.—

''(A) IN GENERAL.—In the case of any egregious failure to meet any requirement of this subsection with respect to any election, such election shall be treated as having not been made.

''(B) EGREGIOUS FAILURE.—For purposes of subparagraph (A), there is an egregious failure to meet the requirements of this subsection if such failure is in the control of the plan sponsor and is—

''(i) an intentional failure (including any failure to promptly provide the required notice or information after the plan administrator discovers an unintentional failure to meet the requirements of this subsection),

''(ii) a failure to provide most of the participants and beneficiaries with most of the information they are entitled to receive under this subsection, or

''(iii) a failure which is determined to be egregious under regulations prescribed by the Secretary of the Treasury.

''(5) USE OF NEW TECHNOLOGIES.—The Secretary of the Treasury may, in consultation with the Secretary, by regulations or other guidance of general applicability, allow any notice under this subsection to be provided using new technologies.''.

(C) SUBSEQUENT SUPPLEMENTAL NOTICES.—Section 101(f)(2)(C) of such Act (29 U.S.C. 1021(f)(2)(C)) is amended—

(i) by striking ''and'' at the end of clause (i);

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following new clause:

''(ii) any excess employee compensation amounts and any dividends and redemptions amounts determined under section 303(c)(2)(F) for the preceding plan year with respect to the plan, and''.

(3) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS IN DETERMINING QUARTERLY CONTRIBUTIONS.—Section 303(j)(3) of such Act (29 U.S.C. 1083(j)(3)) is amended by adding at the end the following new subparagraph:

''(F) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(2)(F).''.

(4) CONFORMING AMENDMENT.—Section 303(c)(1) of such Act (29 U.S.C. 1083(c)(1)) is amended by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection''.

(b) IRC AMENDMENTS.—

(1) IN GENERAL.—Section 430(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following subparagraphs:

''(D) SPECIAL RULE.—

''(i) IN GENERAL.—In the case of the shortfall amortization base of a plan for any applicable plan year, the shortfall amortization installments are the amounts described in clause (ii) or (iii), if made applicable by an election under clause (iv). In the absence of a timely election, such installments shall be determined without regard to this subparagraph.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments described in this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the applicable plan year, interest on the shortfall amortization base (determined by using the effective interest rate for the applicable plan year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the balance of such shortfall amortization base in level annual installments over such last 7 plan years (determined using the segment rates determined under subparagraph (C) of subsection (h)(2) for the applicable plan year, applied under rules similar to the rules of subparagraph (B) of subsection (h)(2)).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments described in this clause are the amounts under subparagraphs (A) and (B) determined by substituting '15 plan-year period' for '7-plan-year period'.

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor may, with respect to a plan, elect, with respect to any of not more than 2 applicable plan years,

to determine shortfall amortization installments under this subparagraph. An election under either clause (ii) or clause (iii) may be made with respect to either of such applicable plan years.

''(II) ELIGIBILITY FOR ELECTION.—An election may be made to determine shortfall amortization installments under this subparagraph with respect to a plan only if, as of the date of the election—

''(aa) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

''(bb) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971,

''(cc) there is no lien in favor of the plan under subsection (k) or under section 303(k) of the Employee Retirement Income Security Act of 1974, and

''(dd) a distress termination has not been initiated for the plan under section 4041(c) of such Act.

''(III) RULES RELATING TO ELECTION.—Such election shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary and shall be irrevocable, except under such limited circumstances, and subject to such conditions, as the Secretary may prescribe.

''(E) APPLICABLE PLAN YEAR.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'applicable plan year' means, subject to the election of the plan sponsor under subparagraph (D)(iv), each of not more than 2 of the plan years beginning in 2008, 2009, 2010, or 2011.

''(ii) SPECIAL RULE RELATING TO 2008.—A plan year may be elected as an applicable plan year pursuant to this subparagraph only if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after March 10, 2010.

''(F) INCREASES IN SHORTFALL AMORTIZATION INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR CERTAIN DIVIDENDS OR STOCK REDEMPTIONS.—

''(i) IN GENERAL.—If, with respect to an election for an applicable plan year under subparagraph (D), there is an installment acceleration amount with respect to a plan for any plan year in the restriction period (or if there is an installment acceleration amount carried forward to a plan year not in the restriction period), then the shortfall amortization installment otherwise determined and payable under this paragraph for such plan year shall be increased by such amount.

''(ii) BACK-END ADJUSTMENT TO AMORTIZATION SCHEDULE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an applicable plan year is required to be increased for any plan year under clause (i), subsequent shortfall amortization installments with respect to such base shall be reduced, in reverse order of the otherwise required installments beginning with the final scheduled installment, to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this subparagraph) to the present value of the remaining unamortized shortfall amortization base.

''(iii) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an applicable plan year, the sum of—

''(aa) the aggregate amount of excess employee compensation determined under clause (iv) for the plan year, plus

''(bb) the dividend and redemption amount determined under clause (v) for the plan year.

''(II) CUMULATIVE LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(aa) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under subparagraph (D) with respect to the shortfall amortization base with respect to an applicable year, determined without regard to subparagraph (D) and this subparagraph, over

''(bb) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of subparagraph (D) (and in the case of any preceding plan year, after application of this subparagraph).

''(III) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(aa) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to subclause (II)) exceeds the limitation under subclause (II), then, subject to item (bb), such excess shall be treated as an installment acceleration amount for the succeeding plan year.

''(bb) CAP TO APPLY.—If any amount treated as an installment acceleration amount under item (aa) or this item with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to subclause (II)) with respect to the plan year, exceeds the limitation under subclause (II), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(cc) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FORWARD.—No amount shall be carried forward under item (aa) or (bb) to a plan year which begins after the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under subparagraph (D)(iii)).

''(dd) ORDERING RULES.—For purposes of applying item (bb), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under subclause (II) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(iv) EXCESS EMPLOYEE COMPENSATION.—

''(I) IN GENERAL.—For purposes of this paragraph, the term 'excess employee compensation' means the sum of—

''(aa) with respect to any employee, for any plan year, the excess (if any) of—

''(AA) the aggregate amount includible in income under chapter 1 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(BB) $1,000,000, plus

''(bb) the amount of assets set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, during the calendar year by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor.

''(II) NO DOUBLE COUNTING.—No amount shall be taken into account under subclause (I) more than once.

''(III) EMPLOYEE; REMUNERATION.—For purposes of this clause, the term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term 'remuneration' shall include earned income of such an individual.

''(IV) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—There shall not be taken into account under subclause (I) any remuneration consisting of nonqualified deferred compensation, restricted stock (or restricted stock units), stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(V) ONLY REMUNERATION FOR POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under subclause (I)(aa) only to the extent attributable to services performed by the employee for the plan sponsor after December 31, 2009.

''(VI) COMMISSIONS.—

''(aa) IN GENERAL.—There shall not be taken into account under subclause (I)(aa) any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(bb) SPECIFIED EMPLOYEES.—Item (aa) shall not apply in the case of any specified employee (within the meaning of section 409A(a)(2)(B)(i)) or any employee who would be such a specified employee if the plan sponsor were a corporation described in such section.

''(VII) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under subclause (I)(aa)(BB) shall be increased by an amount equal to—

''(aa) such dollar amount, multiplied by

''(bb) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $20,000, such increase shall be rounded to the next lowest multiple of $20,000.

''(v) CERTAIN DIVIDENDS AND REDEMPTIONS.—

''(I) IN GENERAL.—The dividend and redemption amount determined under this clause for any plan year is the lesser of—

''(aa) the excess of—

''(AA) the sum of the dividends paid during the plan year by the plan sponsor, plus the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, over

''(BB) an amount equal to the average of adjusted annual net income of the plan sponsor for the last 5 fiscal years of the plan sponsor ending before such plan year, or

''(bb) the sum of—

''(AA) the amounts paid for the redemption of stock of the plan sponsor redeemed during the plan year, plus

''(BB) the excess of dividends paid during the plan year by the plan sponsor over the dividend base amount.

''(II) DEFINITIONS.—

''(aa) ADJUSTED ANNUAL NET INCOME.—For purposes of subclause (I)(aa)(BB), the term 'adjusted annual net income' with respect to any fiscal year means annual net income, determined in accordance with generally accepted accounting principles (before after-tax gain or loss on any sale of assets), but without regard to any reduction by reason of depreciation or amortization, except that in no event shall adjusted annual net income for any fiscal year be less than zero.

''(bb) DIVIDEND BASE AMOUNT.—For purposes of this clause, the term 'dividend base amount' means, with respect to a plan year, an amount equal to the greater of—

''(AA) the median of the amounts of the dividends paid during each of the last 5 fiscal years of the plan sponsor ending before such plan year, or

''(BB) the amount of dividends paid during such plan year on preferred stock that was issued on or before May 21, 2010, or that is replacement stock for such preferred stock.

''(III) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of subclause (I) (other than for purposes of calculating the dividend base amount), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(IV) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under subclause (I).

''(V) EXCEPTION FOR STOCK DIVIDENDS.—Any distribution by the plan sponsor to its shareholders of stock issued by the plan sponsor shall not be taken into account under subclause (I).

''(VI) EXCEPTION FOR CERTAIN REDEMPTIONS.—The following shall not be taken into account under subclause (I):

''(aa) Redemptions of securities which, at the time of redemption, are not listed on an established securities market and—

''(AA) are made pursuant to a pension plan that is qualified under section 401 or a shareholder-approved program, or

''(BB) are made on account of an employee's termination of employment with the plan sponsor, or the death or disability of a shareholder.

''(bb) Redemptions of securities which are not, immediately after issuance, listed on an established securities market and are, or had previously been—

''(AA) held, directly or indirectly, by, or for the benefit of, the Federal Government or a Federal reserve bank, or

''(BB) held by a national government (or a government-related entity of such a government) or an employee benefit plan if such shares are substantially identical to shares described in subitem (AA).

''(vi) OTHER DEFINITIONS AND RULES.—For purposes of this subparagraph—

''(I) PLAN SPONSOR.—The term 'plan sponsor' includes any group of which the plan sponsor is a member and which is treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

''(II) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any applicable plan year with respect to which an election is made under subparagraph (D)—

''(aa) except as provided in item (bb), the 3-year period beginning with the applicable plan year (or, if later, the first plan year beginning after December 31, 2009), or

''(bb) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the applicable plan year, the 5-year period beginning with such plan year (or, if later, the first plan year beginning after December 31, 2009).

''(III) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under subparagraph (D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this subparagraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in clause (i) (determined without regard to this subparagraph).

''(G) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of subparagraphs (D) and (F) in any case where there is a merger or acquisition involving a plan sponsor making the election under subparagraph (D).

''(H) REGULATIONS AND GUIDANCE.—The Secretary may prescribe such regulations and other guidance of general applicability as the Secretary may determine necessary to achieve the purposes of subparagraphs (D) and (F).''.

(2) NOTICE REQUIREMENT.—

(A) IN GENERAL.—Section 4980F of such Code is amended—

(i) by striking ''subsection (e)'' each place it appears in subsection (a) and paragraphs (1) and (3) of subsection (c) and inserting ''subsections (e) and (f)'';

(ii) by striking ''subsection (e)'' in subsection (c)(2)(A) and inserting ''subsection (e), (f), or both, as the case may be''; and

(iii) by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) NOTICE IN CONNECTION WITH SHORTFALL AMORTIZATION ELECTION.—

''(1) IN GENERAL.—Not later 30 days after the date of an election under clause (iv) of section 430(c)(2)(D) in connection with a plan, the plan administrator shall provide notice of such election in accordance with this subsection to each plan participant and beneficiary, each labor organization representing such participants and beneficiaries, and the Pension Benefit Guaranty Corporation.

''(2) MATTERS INCLUDED IN NOTICE.—Each notice provided pursuant to this subsection shall set forth—

''(A) a statement that recently enacted legislation permits employers to delay pension funding;

''(B) with respect to required contributions—

''(i) the amount of contributions that would have been required had the election not been made;

''(ii) the amount of the reduction in required contributions for the applicable plan year that occurs on account of the election; and

''(iii) the number of plan years to which such reduction will apply;

''(C) with respect to a plan's funding status as of the end of the plan year preceding the applicable plan year—

''(i) the liabilities determined under section 4010(d)(1)(A) of the Employee Retirement Income Security Act of 1974; and

''(ii) the market value of assets of the plan; and

''(D) with respect to installment acceleration amounts (as defined in section 430(c)(2)(F)(iii)(I))—

''(i) an explanation of section 430(c)(2)(F) (relating to increases in shortfall amortization installments in cases of excess compensation or certain dividends or stock redemptions); and

''(ii) a statement that increases in required contributions may occur in the event of future payments of excess employee compensation or certain share repurchasing or dividend activity and that subsequent notices of any such payments or activity will be provided in the annual funding notice provided pursuant to section 101(f) of the Employee Retirement Income Security Act of 1974.

''(3) OTHER REQUIREMENTS.—

''(A) FORM.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations or other guidance of general applicability prescribed by the Secretary) to allow plan participants and beneficiaries to understand the effect of the election. The Secretary shall prescribe a model notice that a plan administrator may use to satisfy the requirements of paragraph (1).

''(B) PROVISION TO DESIGNATED PERSONS.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.''.

(B) CONFORMING AMENDMENT.—Subsection (g) of section 4980F of such Code is amended by inserting ''or (f)'' after ''subsection (e)''.

(3) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS IN DETERMINING QUARTERLY CONTRIBUTIONS.—Section 430(j)(3) of such Code is amended by adding at the end the following new subparagraph:

''(F) DISREGARD OF INSTALLMENT ACCELERATION AMOUNTS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(2)(F).''.

(4) CONFORMING AMENDMENT.—Paragraph (1) of section 430(c) of such Code is amended by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

''SEC. 107. APPLICATION OF FUNDING RELIEF TO PLANS WITH DELAYED EFFECTIVE DATE.

''(a) ALTERNATIVE ELECTIONS.—

''(1) IN GENERAL.—Subject to this section, a plan sponsor of a plan to which section 104, 105, or 106 of this Act applies may either elect the application of subsection (b) with respect to the plan for not more than 2 applicable plan years or elect the application of subsection (c) with respect to the plan for 1 applicable plan year.

''(2) ELIGIBILITY FOR ELECTIONS.—An election may be made by a plan sponsor under paragraph (1) with respect to a plan only if at the time of the election—

''(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

''(B) there are no accumulated funding deficiencies (as defined in section 302(a)(2) of the Employee Retirement Income Security Act of 1974 (as in effect immediately before the enactment of this Act) or in section 412(a) of the Internal Revenue Code of 1986 (as so in effect)) with respect to the plan,

''(C) there is no lien in favor of the plan under section 302(d) (as so in effect) or under section 412(n) of such Code (as so in effect), and

''(D) a distress termination has not been initiated for the plan under section 4041(c) of the Employee Retirement Income Security Act of 1974.

''(b) ALTERNATIVE ADDITIONAL FUNDING CHARGE.—If the plan sponsor elects the application of this subsection with respect to the plan, for purposes of applying section 302(d) of the Employee Retirement Income Security Act of 1974 (as in effect before the amendments made by this subtitle and subtitle B) and section 412(l) of the Internal Revenue Code of 1986 (as so in effect)—

''(1) the deficit reduction contribution under paragraph (2) of such section 302(d) and paragraph (2) of such section 412(l) for such plan for any applicable plan year, shall be zero, and

''(2) the additional funding charge under paragraph (1) of such section 302(d) and paragraph (1) of such section 412(l) for such plan for any applicable plan year shall be increased by an amount equal to the installment acceleration amount (as defined in sections 303(c)(2)(F)(iii)(I) of such Act (as

amended by the American Jobs and Closing Tax Loopholes Act of 2010) and 430(c)(2)(F)(iii)(I) of such Code (as so amended)) with respect to the plan sponsor for such plan year, determined by treating the later of such plan year or the first plan year beginning after December 31, 2009, as the restriction period.

''(c) APPLICATION OF 15-YEAR AMORTIZATION.—If the plan sponsor elects the application of this subsection with respect to the plan, for purposes of applying section 302(d) of such Act (as in effect before the amendments made by this subtitle and subtitle B) and section 412(l) of such Code (as so in effect)—

''(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in paragraph (4)(C) of such section 302(d) and paragraph (4)(C) of such section 412(l) for any pre-effective date plan year beginning with or after the applicable plan year shall be the ratio of—

''(A) the annual installments payable in each plan year if the increased unfunded new liability for such plan year were amortized in equal installments over the period beginning with such plan year and ending with the last plan year in the period of 15 plan years beginning with the applicable plan year, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

''(B) the increased unfunded new liability for such plan year,

''(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section, and

''(3) the additional funding charge with respect to the plan for a plan year shall be increased by an amount equal to the installment acceleration amount (as defined in section 303(c)(2)(F)(iii) of such Act (as amended by the American Jobs and Closing Tax Loopholes Act of 2010 and section 430(c)(2)(F)(iii) of such Code (as so amended)) with respect to the plan sponsor for such plan year, determined without regard to subclause (II) of such sections 303(c)(2)(F)(iii) and 430(c)(2)(F)(iii).

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) APPLICABLE PLAN YEAR.—

''(A) IN GENERAL.—The term 'applicable plan year' with respect to a plan means, subject to the election of the plan sponsor under subsection (a), a plan year beginning in 2009, 2010, or 2011.

''(B) ELECTION.—

''(i) IN GENERAL.—The election described in subsection (a) shall be made at such times, and in such form and manner, as shall be prescribed by the Secretary of the Treasury.

''(ii) REDUCTION IN YEARS WHICH MAY BE ELECTED.—The number of applicable plan years for which an election may be made under section 303(c)(2)(D) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) or section 430(c)(2)(D) of the Internal Revenue Code of 1986 (as so amended) shall be reduced by the number of applicable plan years for which an election under this section is made.

''(C) ALLOCATION OF INSTALLMENT ACCELERATION AMOUNT FOR MULTIPLE PLAN ELECTION.—In the case of an election under this section with respect to 2 or more plans by the same plan sponsor, the installment acceleration amount shall be apportioned ratably with respect to such plans in proportion to the deficit reduction contributions of the plans determined without regard to subsection (b)(1).

''(2) PLAN SPONSOR.—The term 'plan sponsor' shall have the meaning provided such term in section 303(c)(2)(F)(vi)(I) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and section 430(c)(2)(F)(vi)(I) of the Internal Revenue Code of 1986 (as so amended).

''(3) PRE-EFFECTIVE DATE PLAN YEAR.—The term 'pre-effective date plan year' means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

''(4) INCREASED UNFUNDED NEW LIABILITY.—The term 'increased unfunded new liability' means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act (as in effect before the amendments made by this subtitle and subtitle B) and section 412(c)(2) of such Code (as so in effect) equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act (as so in effect) and 412(l)(8)(B) of such Code (as so in effect)) of the plan for the second plan year preceding the first applicable plan year of such plan for which an election under this section is made.

''(5) OTHER DEFINITIONS.—The terms 'unfunded new liability' and 'current liability' shall have the meanings set forth in section 302(d) of such Act (as so in effect) and section 412(l) of such Code (as so in effect).

''(6) ADDITIONAL FUNDING CHARGE INCREASE NOT TO EXCEED RELIEF.—

''(A) ELECTION UNDER SUBSECTION (B).—In the case of an election under subsection (b), an increase resulting from the application of subsection (b)(2) in the additional funding charge with respect to a plan for a plan year shall not exceed the excess (if any) of—

''(i) the deficit reduction contribution under section 302(d)(2) of such Act (as so in effect) and section 412(l)(2) of such Code (as so in effect) for such plan year, determined as if the election had not been made, over

''(ii) the deficit reduction contribution under such sections for such plan (determined without regard to any increase under subsection (b)(2)).

''(B) ELECTION UNDER SUBSECTION (C).—An increase resulting from the application of subsection (c)(3) in the additional funding charge with respect to a plan for a plan year shall not exceed the excess (if any) of—

''(i) the sum of the deficit reduction contributions under section 302(d)(2) of such Act (as so in effect) and section 412(l)(2) of such Code (as so in effect) for such plan for such plan year and for all preceding plan years beginning with or after the applicable plan year, determined as if the election had not been made, over

''(ii) the sum of the deficit reduction contributions under such sections for such plan years (determined without regard to any increase under subsection (c)(3)).

''(e) NOTICE.—Not later 30 days after the date of an election under subsection (a) in connection with a plan, the plan administrator shall provide notice pursuant to, and subject to, rules similar to the rules of sections 204(k) of the Employee Retirement Income Security Act of 1974 (as amended by the American Jobs and Closing Tax Loopholes Act of 2010) and 4980F(f) of the Internal Revenue Code of 1986 (as so amended).''.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of such Act is amended—

(1) by striking ''eligible cooperative plan'' wherever it appears in subsections (a) and (b) and inserting ''eligible cooperative plan or an eligible charity plan''; and

(2) by adding at the end the following new subsection:

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if—

''(1) the plan is maintained by one or more employers employing employees who are accruing benefits based on service for the plan year,

''(2) such employees are employed in at least 20 States,

''(3) each such employee (other than a de minimis number of employees) is employed by an employer described in section 501(c)(3) of such Code and the primary exempt purpose of each such employer is to provide services with respect to children, and

''(4) the plan sponsor elects (at such time and in such form and manner as shall be prescribed by the Secretary of the Treasury) to be so treated.

Any election under this subsection may be revoked only with the consent of the Secretary of the Treasury.''.

(c) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out the purposes of the amendments made by this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to plan years beginning on or after January 1, 2009.

(2) ELIGIBLE CHARITY PLANS.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2009.

SEC. 303. SUSPENSION OF CERTAIN FUNDING LEVEL LIMITATIONS.

(a) LIMITATIONS ON BENEFIT ACCRUALS.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110–458; 122 Stat. 5118) is amended—

(1) by striking ''the first plan year beginning during the period beginning on October 1, 2008, and ending on September 30, 2009'' and inserting ''any plan year beginning during the period beginning on October 1, 2008, and ending on December 31, 2011'';

(2) by striking ''substituting'' and all that follows through ''for such plan year'' and inserting ''substituting for such percentage the plan's adjusted funding target attainment percentage for the last plan year ending before September 30, 2009,''; and

(3) by striking ''for the preceding plan year is greater'' and inserting ''for such last plan year is greater''.

(b) SOCIAL SECURITY LEVEL-INCOME OPTIONS.—

(1) ERISA AMENDMENT.—Section 206(g)(3)(E) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new sentence: ''For purposes of applying clause (i) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 204(b)(1)(G)).''.

(2) IRC AMENDMENT.—Section 436(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''For purposes of applying subparagraph (A) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 411(a)(9)).''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to annuity payments the annuity starting date for which occurs on or after January 1, 2011.

(B) PERMITTED APPLICATION.—A plan shall not be treated as failing to meet the requirements of sections 206(g) of the Employee Retirement Income Security Act of 1974 (as amended by this subsection) and section 436(d) of the Internal Revenue Code of 1986 (as so amended) if the plan sponsor elects to apply the amendments made by this subsection to payments the annuity starting date for which occurs on or after the date of the enactment of this Act and before January 1, 2011.

(c) APPLICATION OF CREDIT BALANCE WITH RESPECT TO LIMITATIONS ON SHUTDOWN BENEFITS AND UNPREDICTABLE CONTINGENT EVENT BENEFITS.—With respect to plan years beginning on or before December 31, 2011, in applying paragraph (5)(C) of subsection (g) of section 206 of the Employee Retirement Income Security Act of 1974 and subsection (f)(3) of section 436 of the Internal Revenue Code of 1986 in the case of unpredictable contingent events (within the meaning of section 206(g)(1)(C) of such Act and section 436(b)(3) of such Code) occurring on or after January 1, 2010, the references, in clause (i) of such paragraph (5)(C) and subparagraph (A) of such subsection (f)(3), to paragraph (1)(B) of such subsection (g) and subsection (b)(2) of such section 436 shall be disregarded.

SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN PLAN YEARS.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after June 30, 2009, and on or before December 31, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after June 30, 2007, and on or before June 30, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2008, and on or before December 31, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before July 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN PLAN YEARS.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after June 30, 2009, and on or before December 31, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after June 30, 2007, and on or before June 30, 2008, as determined under rules prescribed by the Secretary.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2008, and on or before December 31, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before July 1, 2007, as determined under rules prescribed by the Secretary.''.

SEC. 305. INFORMATION REPORTING.

(a) IN GENERAL.—Section 4010(b) of the Employee Retirement Security Act of 1974 (29 U.S.C. 1310(b)) is amended by striking paragraph (1) and inserting the following:

''(1) either of the following requirements are met:

''(A) the funding target attainment percentage (as defined in subsection (d)(2)(B)) at the end of the preceding plan year of a plan maintained by the contributing sponsor or any member of its controlled group is less than 80 percent; or

''(B) the aggregate unfunded vested benefits (as determined under section 4006(a)(3)(E)(iii)) of plans maintained by the contributing sponsor and the members of its controlled group exceed $75,000,000 (disregarding plans with no unfunded vested benefits);''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after 2009.

SEC. 306. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY.

(a) GENERAL RULES.—

(1) ROLLOVER OF AIRLINE PAYMENT AMOUNT.—If a qualified airline employee receives any airline payment amount and transfers any portion of such amount to a traditional IRA within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act), then such amount (to the extent so transferred) shall be treated as a rollover contribution described in section 402(c) of the Internal Revenue Code of 1986. A qualified airline employee making such a transfer may exclude from gross income the amount transferred, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier.

(2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER TO ROTH IRA.—A qualified airline employee who has contributed an airline payment amount to a Roth IRA that is treated as a qualified rollover contribution pursuant to section 125 of the Worker, Retiree, and Employer Recovery Act of 2008 may transfer to a traditional IRA, in a trustee-to-trustee transfer, all or any part of the contribution (together with any net income allocable to such contribution), and the transfer to the traditional IRA will be deemed to have been made at the time of the rollover to the Roth IRA, if such transfer is made within 180 days of the date of the enactment of this Act. A qualified airline employee making such a transfer may exclude from gross income the airline payment amount previously rolled over to the Roth IRA, to the extent an amount attributable to the previous rollover was transferred to a traditional IRA, in the taxable year in which the airline payment amount was paid to the qualified airline employee by the commercial passenger airline carrier. No amount so transferred to a traditional IRA may be treated as a qualified rollover contribution with respect to a Roth IRA within the 5-taxable year period beginning with the taxable year in which such transfer was made.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) (or, if later, April 15, 2011).

(b) TREATMENT OF AIRLINE PAYMENT AMOUNTS AND TRANSFERS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an airline payment amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is excluded from the qualified airline employee's gross income under subsection (a).

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AIRLINE PAYMENT AMOUNT.—

(A) IN GENERAL.—The term ''airline payment amount'' means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007; and

(ii) in respect of the qualified airline employee's interest in a bankruptcy claim against the carrier, any note of the carrier (or amount paid in lieu of a note being issued), or any other fixed obligation of the carrier to pay a lump sum amount.

The amount of such payment shall be determined without regard to any requirement to deduct and withhold tax from such payment under sections 3102(a) and 3402(a).

(B) EXCEPTION.—An airline payment amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term ''qualified airline employee'' means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code; and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) TRADITIONAL IRA.—The term ''traditional IRA'' means an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) which is not a Roth IRA.

(4) ROTH IRA.—The term ''Roth IRA'' has the meaning given such term by section 408A(b) of such Code.

(d) SURVIVING SPOUSE.—If a qualified airline employee died after receiving an airline payment amount, or if an airline payment amount was paid to the surviving spouse of a qualified airline employee in respect of the qualified airline employee, the surviving spouse of the qualified airline employee may take all actions permitted under section 125 of the Worker, Retiree and Employer Recovery Act of 2008, or under this section, to the same extent that the qualified airline employee could have done had the qualified airline employee survived.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to airline payment amounts paid before, on, or after such date.

PART 2—MULTIEMPLOYER PLANS

SEC. 311. OPTIONAL USE OF 30-YEAR AMORTIZATION PERIODS.

(a) ELECTIVE SPECIAL RELIEF RULES.—

(1) ERISA AMENDMENT.—Section 304(b) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new paragraph:

''(8) ELECTIVE SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—The plan sponsor of a multiemployer plan with respect to which the solvency test under subparagraph (B) is

met may elect to treat the portion of any experience loss or gain for a plan year that is attributable to the allocable portion of the net investment losses incurred in either or both of the first two plan years ending on or after June 30, 2008, as an experience loss separate from other experience losses or gains to be amortized in equal annual installments (until fully amortized) over the period—

''(I) beginning with the plan year for which the allocable portion is determined, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year following the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If an election is made under clause (i) for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the plan year for which the election under this subparagraph is made, such extension shall not result in such amortization period exceeding 30 years.

''(iii) DEFINITIONS AND RULES.—For purposes of this subparagraph—

''(I) NET INVESTMENT LOSSES.—

''(aa) IN GENERAL.—The net investment loss incurred by a plan in a plan year is equal to the excess of—

''(AA) the expected value of the assets as of the end of the plan year, over

''(BB) the market value of the assets as of the end of the plan year,

including any difference attributable to a criminally fraudulent investment arrangement.

''(bb) EXPECTED VALUE.—For purposes of item (aa), the expected value of the assets as of the end of a plan year is the excess of—

''(AA) the market value of the assets at the beginning of the plan year plus contributions made during the plan year, over

''(BB) disbursements made during the plan year.

The amounts described in subitems (AA) and (BB) shall be adjusted with interest at the valuation rate to the end of the plan year.

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

''(III) AMOUNT ATTRIBUTABLE TO ALLOCABLE PORTION OF NET INVESTMENT LOSS.—The amount attributable to the allocable portion of the net investment loss for a plan year shall be an amount equal to the allocable portion of net investment loss for the plan year under subclauses (IV) and (V), increased with interest at the valuation rate determined from the plan year after the plan year in which the net investment loss was incurred.

''(IV) ALLOCABLE PORTION OF NET INVESTMENT LOSSES.—Except as provided in subclause (V), the net investment loss incurred in a plan year shall be allocated among the 5 plan years following the plan year in which the investment loss is incurred in accordance with the following table:

''Plan year after the plan year in which the net investment loss was incurred	*Allocable portion of net investment loss*
1st	*½*
2nd	*0*
3rd	*⅙*
4th	*⅙*
5th	*⅙*

''(V) SPECIAL RULE FOR PLANS THAT ADOPT LONGER SMOOTHER PERIOD.—If a plan sponsor elects an extended smoothing period for its asset valuation method under subsection (c)(2)(B), then the allocable portion of net investment loss for the first two plan years following the plan year the investment loss is incurred is the same as determined under subclause (IV), but the remaining ½ of the net investment loss is allocated ratably over the period beginning with the third plan year following the plan year the net investment loss is incurred and ending with the last plan year in the extended smoothing period.

''(VI) SPECIAL RULE FOR OVERSTATEMENT OF LOSS.—If, for a plan year, there is an experience loss for the plan and the amount described in subclause (III) exceeds the total amount of the experience loss for the plan year, then the excess shall be treated as an experience gain.

''(VII) SPECIAL RULE IN YEARS FOR WHICH OVERALL EXPERIENCE IS GAIN.—If, for a plan year, there is no experience loss for the plan, then, in addition to amortization of net investment losses under clause (i), the amount described in subclause (III) shall be treated as an experience gain in addition to any other experience gain.

''(B) SOLVENCY TEST.—

''(i) IN GENERAL.—An election may be made under this paragraph if the election includes certification by the plan actuary in connection with the election that the plan is projected to have a funded percentage at the end of the first 15 plan years that is not less than 100 percent of the funded percentage for the plan year of the election.

''(ii) FUNDED PERCENTAGE.— For purposes of clause (i), the term 'funded percentage' has the meaning provided in section 305(i)(2), except that the value of the plan's assets referred to in section 305(i)(2)(A) shall be the market value of such assets.

''(iii) ACTUARIAL ASSUMPTIONS.—In making any certification under this subparagraph, the plan actuary shall use the same actuarial estimates, assumptions, and methods as those applicable for the most recent certification under section 305, except that the plan actuary may take into account benefit reductions and increases in contribution rates, under either funding improvement plans adopted under section 305(c) or under section 432(c) of the Internal Revenue Code of 1986 or rehabilitation plans adopted under section 305(e) or under section 432(e) of such Code, that the plan actuary reasonably anticipates will occur without regard to any change in status of the plan resulting from the election.

''(C) ADDITIONAL RESTRICTION ON BENEFIT INCREASES.—If an election is made under subparagraph (A), then, in addition to any other applicable restrictions on benefit increases, a plan amendment which is adopted on or after March 10, 2010, and which increases benefits may not go into effect during the period beginning on such date and ending with the second plan year beginning after such date unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the election to have this paragraph apply to the plan, and

''(II) the plan's funded percentage and projected credit balances for the first 3 plan years ending on or after such date are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(D) TIME, FORM, AND MANNER OF ELECTION.—An election under this paragraph shall be made not later than June 30, 2011, and shall be made in such form and manner as the Secretary of the Treasury may prescribe.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such election to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Pension Benefit Guaranty Corporation may prescribe.''.

(2) IRC AMENDMENT.—Section 431(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) ELECTIVE SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—The plan sponsor of a multiemployer plan with respect to which the solvency test under subparagraph (B) is met may elect to treat the portion of any experience loss or gain for a plan year that is attributable to the allocable portion of the net investment losses incurred in either or both of the first two plan years ending on or after June 30, 2008, as an experience loss separate from other experience losses and gains to be amortized in equal annual installments (until fully amortized) over the period—

''(I) beginning with the plan year for which the allocable portion is determined, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year following the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If an election is made under clause (i) for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the plan year for which the election under this subparagraph is made, such extension shall not result in such amortization period exceeding 30 years.

''(iii) DEFINITIONS AND RULES.—For purposes of this subparagraph—

''(I) NET INVESTMENT LOSSES.—

''(aa) IN GENERAL.—The net investment loss incurred by a plan in a plan year is equal to the excess of—

''(AA) the expected value of the assets as of the end of the plan year, over

''(BB) the market value of the assets as of the end of the plan year,

including any difference attributable to a criminally fraudulent investment arrangement.

''(bb) EXPECTED VALUE.—For purposes of item (aa), the expected value of the assets as of the end of a plan year is the excess of—

''(AA) the market value of the assets at the beginning of the plan year plus contributions made during the plan year, over

''(BB) disbursements made during the plan year.

The amounts described in subitems (AA) and (BB) shall be adjusted with interest at the valuation rate to the end of the plan year.

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

''(III) AMOUNT ATTRIBUTABLE TO ALLOCABLE PORTION OF NET INVESTMENT LOSS.—The amount attributable to the allocable portion of the net investment loss for a plan year shall be an amount equal to the allocable portion of net investment loss for the plan year under subclauses (IV) and (V), increased

with interest at the valuation rate determined from the plan year after the plan year in which the net investment loss was incurred.

''(IV) ALLOCABLE PORTION OF NET INVESTMENT LOSSES.—Except as provided in subclause (V), the net investment loss incurred in a plan years following the plan year in which the investment loss is incurred in accordance with the following table:

''Plan year after the plan year in which the net investment loss was incurred	*Allocable portion of net investment loss*
1st	*½*
2nd	*0*
3rd	*⅙*
4th	*⅙*
5th	*⅙*

''(V) SPECIAL RULE FOR PLANS THAT ADOPT LONGER SMOOTHER PERIOD.—If a plan sponsor elects an extended smoothing period for its asset valuation method under subsection (c)(2)(B), then the allocable portion of net investment loss for the first two plan years following the plan year the investment loss is incurred is the same as determined under subclause (IV), but the remaining ½ of the net investment loss is allocated ratably over the period beginning with the third plan year following the plan year the net investment loss is incurred and ending with the last plan year in the extended smoothing period.

''(VI) SPECIAL RULE FOR OVERSTATEMENT OF LOSS.—If, for a plan year, there is an experience loss for the plan and the amount described in subclause (III) exceeds the total amount of the experience loss for the plan year, then the excess shall be treated as an experience gain.

''(VII) SPECIAL RULE IN YEARS FOR WHICH OVERALL EXPERIENCE IS GAIN.—If, for a plan year, there is no experience loss for the plan, then, in addition to amortization of net investment losses under clause (i), the amount described in subclause (III) shall be treated as an experience gain in addition to any other experience gain.

''(B) SOLVENCY TEST.—

''(i) IN GENERAL.—An election may be made under this paragraph if the election includes certification by the plan actuary in connection with the election that the plan is projected to have a funded percentage at the end of the first 15 plan years that is not less than 100 percent of the funded percentage for the plan year of the election.

''(ii) FUNDED PERCENTAGE.— For purposes of clause (i), the term 'funded percentage' has the meaning provided in section 432(i)(2), except that the value of the plan's assets referred to in section 432(i)(2)(A) shall be the market value of such assets.

''(iii) ACTUARIAL ASSUMPTIONS.—In making any certification under this subparagraph, the plan actuary shall use the same actuarial estimates, assumptions, and methods as those applicable for the most recent certification under section 432, except that the plan actuary may take into account benefit reductions and increases in contribution rates, under either funding improvement plans adopted under section 432(c) or under section 305(c) of the Employee Retirement Income Security Act of 1974 or rehabilitation plans adopted under section 432(e) or under section 305(e) of such Act, that the plan actuary reasonably anticipates will occur without regard to any change in status of the plan resulting from the election.

''(C) ADDITIONAL RESTRICTION ON BENEFIT INCREASES.—If an election is made under subparagraph (A), then, in addition to any other applicable restrictions on benefit increases, a plan amendment which is adopted on or after March 10, 2010, and which increases benefits may not go into effect during the period beginning on such date and ending with the second plan year beginning after such date unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the election to have this paragraph apply to the plan, and

''(II) the plan's funded percentage and projected credit balances for the first 3 plan years ending on or after such date are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I or to comply with other applicable law.

''(D) TIME, FORM, AND MANNER OF ELECTION.—An election under this paragraph shall be made not later than June 30, 2011, and shall be made in such form and manner as the Secretary may prescribe.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such election to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Pension Benefit Guaranty Corporation may prescribe.''.

(b) ASSET SMOOTHING FOR MULTIEMPLOYER PLANS.—

(1) ERISA AMENDMENT.—Section 304(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(c)(2)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) EXTENDED ASSET SMOOTHING PERIOD FOR CERTAIN INVESTMENT LOSSES.—The Secretary of the Treasury shall not treat the asset valuation method of a multiemployer plan as unreasonable solely because such method spreads the difference between expected and actual returns for either or both of the first 2 plan years ending on or after June 30, 2008, over a period of not more than 10 years. Any change in valuation method to so spread such difference shall be treated as approved, but only if, in the case that the plan sponsor has made an election under subsection (b)(8), any resulting change in asset value is treated for purposes of amortization as a net experience loss or gain.''.

(2) IRC AMENDMENT.—Section 431(c)(2) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) EXTENDED ASSET SMOOTHING PERIOD FOR CERTAIN INVESTMENT LOSSES.—The Secretary shall not treat the asset valuation method of a multiemployer plan as unreasonable solely because such method spreads the difference between expected and actual returns for either or both of the first 2 plan years ending on or after June 30, 2008, over a period of not more than 10 years. Any change in valuation method to so spread such difference shall be treated as approved, but only if, in the case that the plan sponsor has made an election under subsection (b)(8), any resulting change in asset value is treated for purposes of amortization as a net experience loss or gain.''.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the first day of the first plan year beginning after June 30, 2008, except that any election a plan sponsor makes pursuant to this section or the amendments made thereby that affects the plan's funding standard account for any plan year beginning before October 1, 2009, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to that plan year.

(2) DEEMED APPROVAL FOR CERTAIN FUNDING METHOD CHANGES.—In the case of a multiemployer plan with respect to which an election has been made under section 304(b)(8) of the Employee Retirement Income Security Act of 1974 (as amended by this section) or section 431(b)(8) of the Internal Revenue Code of 1986 (as so amended)—

(A) any change in the plan's funding method for a plan year beginning on or after July 1, 2008, and on or before December 31, 2010, from a method that does not establish a base for experience gains and losses to one that does establish such a base shall be treated as approved by the Secretary of the Treasury; and

(B) any resulting funding method change base shall be treated for purposes of amortization as a net experience loss or gain.

SEC. 312. OPTIONAL LONGER RECOVERY PERIODS FOR MULTIEMPLOYER PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) ERISA AMENDMENTS.—

(1) FUNDING IMPROVEMENT PERIOD.—Section 305(c)(4) of the Employee Retirement Income Security Act of 1974 is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

''(C) ELECTION TO EXTEND PERIOD.—The plan sponsor of an endangered or seriously endangered plan may elect to extend the applicable funding improvement period by up to 5 years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary of the Treasury may prescribe.''.

(2) REHABILITATION PERIOD.—Section 305(e)(4) of such Act is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in last sentence of subparagraph (A), by striking ''subparagraph (B)'' each place it appears and inserting ''subparagraph (C)''; and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) ELECTION TO EXTEND PERIOD.—The plan sponsor of a plan in critical status may elect to extend the rehabilitation period by up to five years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary of the Treasury may prescribe.''.

(b) IRC AMENDMENTS.—

(1) FUNDING IMPROVEMENT PERIOD.—Section 432(c)(4) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

''(C) ELECTION TO EXTEND PERIOD.—The plan sponsor of an endangered or seriously endangered plan may elect to extend the applicable funding improvement period by up to 5 years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary may prescribe.''.

(2) REHABILITATION PERIOD.—Section 432(e)(4) of such Code is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) in last sentence of subparagraph (A), by striking ''subparagraph (B)'' each place it appears and inserting ''subparagraph (C)''; and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) ELECTION TO EXTEND PERIOD.—The plan sponsor of a plan in critical status may elect to extend the rehabilitation period by up to five years, reduced by any extension of the period previously elected pursuant to section 205 of the Worker, Retiree and Employer Relief Act of 2008. Such an election shall be made not later than June 30, 2011, and in such form and manner as the Secretary may prescribe.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funding improvement periods and rehabilitation periods in connection with funding improvement plans and rehabilitation plans adopted or updated on or after the date of the enactment of this Act.

SEC. 313. MODIFICATION OF CERTAIN AMORTIZATION EXTENSIONS UNDER PRIOR LAW.

(a) IN GENERAL.—In the case of an amortization extension that was granted to a multiemployer plan under the terms of section 304 of the Employee Retirement Income Security Act of 1974 (as in effect immediately prior to enactment of the Pension Protection Act of 2006) or section 412(e) of the Internal Revenue Code (as so in effect), the determination of whether any financial condition on the amortization extension is satisfied shall be made by assuming that for any plan year that contains some or all of the period beginning June 30, 2008, and ending October 31, 2008, the actual rate of return on the plan assets was equal to the interest rate used for purposes of charging or crediting the funding standard account in such plan year, unless the plan sponsor elects otherwise in such form and manner as shall be prescribed by the Secretary of Treasury.

(b) REVOCATION OF AMORTIZATION EXTENSIONS.—The plan sponsor of a multiemployer plan may, in such form and manner and after such notice as may be prescribed by the Secretary, revoke any amortization extension described in subsection (a), effective for plan years following the date of the revocation.

SEC. 314. ALTERNATIVE DEFAULT SCHEDULE FOR PLANS IN ENDANGERED OR CRITICAL STATUS.

(a) ERISA AMENDMENTS.—

(1) ENDANGERED STATUS.—Section 305(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1085(c)(7)) is amended by adding at the end the following new subparagraph:

''(D) ALTERNATIVE DEFAULT SCHEDULE.—

''(i) IN GENERAL.—A plan sponsor may, for purposes of this paragraph, designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (A).

''(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.''.

(2) CRITICAL STATUS.—Section 305(e)(3) of such Act (29 U.S.C. 1085(e)(3)) is amended by adding at the end the following new subparagraph:

''(D) ALTERNATIVE DEFAULT SCHEDULE.—

''(i) IN GENERAL.—A plan sponsor may, for purposes of subparagraph (C), designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (C)(i).

''(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.''.

(b) INTERNAL REVENUE CODE AMENDMENTS.—

(1) ENDANGERED STATUS.—Section 432(c)(7) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) ALTERNATIVE DEFAULT SCHEDULE.—

''(i) IN GENERAL.—A plan sponsor may, for purposes of this paragraph, designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (A).

''(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.''.

(2) CRITICAL STATUS.—Section 432(e)(3) of such Code is amended by adding at the end the following new subparagraph:

''(D) ALTERNATIVE DEFAULT SCHEDULE.—

''(i) IN GENERAL.—A plan sponsor may, for purposes of subparagraph (C), designate an alternative schedule of contribution rates and related benefit changes meeting the requirements of clause (ii) as the default schedule, in lieu of the default schedule referred to in subparagraph (C)(i).

''(ii) REQUIREMENTS.—An alternative schedule designated pursuant to clause (i) meets the requirements of this clause if such schedule has been adopted in collective bargaining agreements covering at least 75 percent of the active participants as of the date of the designation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to designations of default schedules by plan sponsors on or after the date of the enactment of this Act.

(d) CROSS-REFERENCE.—For sunset of the amendments made by this section, see section 221(c) of the Pension Protection Act of 2006.

SEC. 315. TRANSITION RULE FOR CERTIFICATIONS OF PLAN STATUS.

(a) IN GENERAL.—A plan actuary shall not be treated as failing to meet the requirements of section 305(b)(3)(A) of the Employee Retirement Income Security Act of 1974 and section 432(b)(3)(A) of the Internal Revenue Code of 1986 in connection with a certification required under such sections the deadline for which is after the date of the enactment of this Act if the plan actuary makes such certification at any time earlier than 75 days after the date of the enactment of this Act.

(b) REVISION OF PRIOR CERTIFICATION.—

(1) IN GENERAL.—If—

(A) a plan sponsor makes an election under section 304(b)(8) of the Employee Retirement Income Security Act of 1974 and section 431(b)(8) of the Internal Revenue Code of 1986, or under section 304(c)(2)(B) of such Act and section 432(c)(2)(B) such Code, with respect to a plan for a plan year beginning on or after October 1, 2009; and

(B) the plan actuary's certification of the plan status for such plan year (hereinafter in this subsection referred to as ''original certification'') did not take into account any election so made,

then the plan sponsor may direct the plan actuary to make a new certification with respect to the plan for the plan year which takes into account such election (hereinafter in this subsection referred to as ''new certification'') if the plan's status under section 305 of such Act and section 432 of such Code would change as a result of such election. Any such new certification shall be treated as the most recent certification referred to in section 304(b)(3)(B)(iii) of such Act and section 431(b)(8)(B)(iii) of such Code.

(2) DUE DATE FOR NEW CERTIFICATION.—Any such new certification shall be made pursuant to section 305(b)(3) of such Act and section 432(b)(3) of such Code; except that any such new certification shall be made not later than 75 days after the date of the enactment of this Act.

(3) NOTICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any such new certification shall be treated as the original certification for purposes of section 305(b)(3)(D) of such Act and section 432(b)(3)(D) of such Code.

(B) NOTICE ALREADY PROVIDED.—In any case in which notice has been provided under such sections with respect to the original certification, not later than 30 days after the new certification is made, the plan sponsor shall provide notice of any change in status under rules similar to the rules such sections.

(4) EFFECT OF CHANGE IN STATUS.—If a plan ceases to be in critical status pursuant to the new certification, then the plan shall, not later than 30 days after the due date described in paragraph (2), cease any restriction of benefit payments, and imposition of contribution surcharges, under section 305 of such Act and section 432 of such Code by reason of the original certification.

Subtitle B—Fee Disclosure

SEC. 321. SHORT TITLE OF SUBTITLE.

This subtitle may be cited as the ''Defined Contribution Fee Disclosure Act of 2010''.

SEC. 322. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) REQUIREMENTS RELATING TO SERVICE PROVIDERS AND PLAN ADMINISTRATORS OF INDIVIDUAL ACCOUNT PLANS.—

(1) IN GENERAL.—Part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended—

(A) by redesignating section 111 (29 U.S.C. 1031) as section 113; and

(B) by inserting after section 110 (29 U.S.C. 1030) the following new sections:

''SEC. 111. REQUIREMENT TO PROVIDE NOTICE OF PLAN FEE INFORMATION TO PLAN ADMINISTRATORS.

''(a) INITIAL STATEMENT OF SERVICES PROVIDED AND REVENUES RECEIVED.—

''(1) IN GENERAL.—In any case in which a service provider enters into a contract or arrangement to provide services to an individual account plan, the service provider shall, before entering into such contract or arrangement, provide to the plan administrator a single written statement which includes, with respect to the first plan year covered under such contract or arrangement, the following information:

''(A) A detailed description of the services which will be provided to the plan by the service provider, the amount of total expected annual revenue with respect to such services, the manner in which such revenue will be collected, and the extent to which such revenue varies between specific investment options.

''(B)(i) In the case of a service provider who is providing recordkeeping services with respect to any investment option, such information as is necessary for the plan administrator to satisfy the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and paragraphs (1) and (3) of section 112(a) with respect to such option, including specifying the method used by the service provider in disclosing or estimating expenses under subparagraphs (C)(iv) and (E) of section 105(a)(2).

''(ii) To the extent provided in regulations issued by the Secretary, clause (i) shall not

apply in the case of a service provider described in such clause if the service provider receives a written notification from the plan administrator that the information described in such clause in connection with the investment option is provided by another service provider pursuant to a contract or arrangement to provide services to the plan.

''(C) A statement indicating—

''(i) the identity of any investment options offered under the plan with respect to which the service provider provides substantial investment, trustee, custodial, or administrative services, and

''(ii) in the case of any investment option, whether the service provider expects to receive any component of total expected annual revenue described in paragraph (2)(A)(ii)(II) with respect to such option and the amount of any such component.

''(D) The portion of total expected annual revenue which is properly allocable to each of the following:

''(i) Administration and recordkeeping.

''(ii) Investment management.

''(iii) Other services or amounts not described in clause (i) or (ii).

''(2) DEFINITION OF TOTAL EXPECTED ANNUAL REVENUE.—For purposes of this section—

''(A) IN GENERAL.—The term 'total expected annual revenue' means, with respect to any plan year—

''(i) any amount expected to be received during such plan year from the plan (including amounts paid from participant accounts), any participant or beneficiary, or any plan sponsor in connection with the contract or arrangement referred to in paragraph (1), and

''(ii) any amount not taken into account under clause (i) which is expected to be received during such plan year by the service provider in connection with—

''(I) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by the service provider with respect to the plan, or

''(II) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by any other person with respect to the plan.

''(B) EXPRESSED AS DOLLAR AMOUNT OR PERCENTAGE OF ASSETS.—Total expected annual revenue and any amount indicated under paragraph (1)(C)(ii) may be expressed as a dollar amount or as a percentage of assets (or a combination thereof), as appropriate. To the extent that total expected annual revenue is expressed as a percentage of assets, such percentage shall be properly allocated among clauses (i), (ii), and (iii) of paragraph (1)(D).

''(C) PROVISION OF FEE SCHEDULE FOR CERTAIN PARTICIPANT INITIATED TRANSACTIONS.—In the case of amounts expected to be received from participants or beneficiaries under the plan (or from an account of a participant or beneficiary) as a fee or charge in connection with a transaction initiated by the participant (other than loads, commissions, brokerage fees, and other investment related transactions)—

''(i) such amounts shall not be taken into account in determining total expected annual revenue, and

''(ii) the service provider shall provide to the plan administrator, as part of the statement referred to in paragraph (1), a fee schedule which describes each such fee or charge, the amount thereof, and the manner in which such amount is collected.

''(D) ESTIMATIONS.—In determining under this subsection any amount which is expected to be received by the service provider, the service provider shall provide a reasonable estimate of such amount and shall indicate in the statement referred to in paragraph (1) whether such amount disclosed is an estimate. Any such estimate shall be based on reasonable assumptions specified in such statement.

''(3) ALLOCATION RULES.—The Secretary shall provide rules for defining total expected annual revenue and for the appropriate and consistent allocation of total expected annual revenue among clauses (i), (ii), and (iii) of paragraph (1)(D), except that the entire amount of such revenue shall be allocated among such clauses and no amount may be taken into account under more than one clause.

''(4) DISCLOSURE OF DIFFERENT PRICING OF INVESTMENT OPTIONS.—In the case of investment options with more than one share class or price level, the Secretary shall prescribe regulations for the disclosure of the different share classes or price levels available as part of the statement in paragraph (1). Such regulations shall provide guidance with respect to the disclosure of the basis for qualifying for such share classes or price levels, which may include amounts invested, number of participants, or other factors.

''(5) DISCLOSURE OF INVESTMENT TRANSACTION COSTS.—To the extent provided in regulations issued by the Secretary, a service provider shall separately disclose the transaction costs (including sales commissions) for each investment option for the preceding year or the plan's allocable share of such costs for the preceding year.

''(b) ANNUAL STATEMENTS.—With respect to each plan year after the plan year covered by the statement described in subsection (a), the service provider shall provide the plan administrator a single written statement which includes the information described in subsection (a) with respect to such subsequent plan year.

''(c) MATERIAL CHANGE STATEMENTS.—In the case of any event or other change during a plan year which causes the information included in any statement described in subsection (a) or (b) with respect to such plan year to become materially incorrect, the service provider shall provide the plan administrator a written statement providing the corrected information not later than 30 days after the service provider knows, or exercising reasonable diligence would have known, of such event or other change.

''(d) TIME AND MANNER OF PROVIDING STATEMENT AND OTHER MATERIALS.—The statement referred to in subsections (a)(1) and (b) shall be made at such time and in such manner as the Secretary may provide. Other materials required to be provided under this section shall be provided in such manner as the Secretary may provide. All information included in such statements and other materials shall be presented in a manner which is easily understood by the typical plan administrator.

''(e) EXCEPTION FOR SMALL SERVICE PROVIDERS.—The requirements of this section shall not apply with respect to any contract or arrangement for services provided with respect to an individual account plan for any plan year if—

''(1) the total annual revenue expected by the service provider to be received with respect to the plan for such plan year is less than $5,000, and

''(2) the service provider provides a written statement to the plan administrator that the total annual revenue expected by the service provider to be received with respect to the plan is less than $5,000.

Service providers who expect to receive de minimis annual revenue from the plan need not provide the written statement described in paragraph (2). The Secretary may by regulation or other guidance adjust the dollar amount specified in this subsection.

''(f) DEFINITION OF SERVICE PROVIDER.—For purposes of this section—

''(1) IN GENERAL.—The term 'service provider' includes any person providing administration, recordkeeping, consulting, investment management services, or investment advice to an individual account plan under a contract or arrangement.

''(2) CONTROLLED GROUPS TREATED AS ONE SERVICE PROVIDER.—All persons which would be treated as a single employer under subsection (b) or (c) of section 414 of the Internal Revenue Code of 1986 if section 1563(a)(1) of such Code were applied—

''(A) except as provided by subparagraph (B), by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears therein, or

''(B) for purposes of subsection (a)(1)(C)(i), by substituting 'at least 20 percent' for 'at least 80 percent' each place it appears therein,

shall be treated as one person for purposes of this section.

''SEC. 112. REQUIREMENT TO PROVIDE NOTICE TO PARTICIPANTS OF PLAN FEE INFORMATION.

''(a) DISCLOSURES TO PARTICIPANTS AND BENEFICIARIES.—

''(1) ADVANCE NOTICE OF AVAILABLE INVESTMENT OPTIONS.—

''(A) IN GENERAL.—The plan administrator of an applicable individual account plan shall provide to the participant or beneficiary notice of the investment options available under the plan before—

''(i) the earliest date provided for under the plan for the participant's initial investment of any contribution made on behalf of such participant, and

''(ii) the effective date of any change in the list of investment options available under the plan, unless such advance notice is impracticable, and in such case, as soon as is practicable.

''(B) INFORMATION INCLUDED IN NOTICE.—The notice required under subparagraph (A) shall—

''(i) set forth, with respect to each available investment option—

''(I) the name of the option,

''(II) a general description of the option's investment objectives and principal investment strategies, principal risk and return characteristics, and the name of the option's investment manager,

''(III) whether the investment option is designed to be a comprehensive, stand-alone investment for retirement that provides varying degrees of long-term appreciation and capital preservation through a mix of equity and fixed income exposures,

''(IV) the extent to which the investment option is actively managed or passively managed in relation to an index and the difference between active management and passive management,

''(V) where, and the manner in which, additional plan-specific, option-specific, and generally available investment information may be obtained, and

''(VI) a statement explaining that investment options should not be evaluated solely on the basis of the charges for each option but should also be based on consideration of other key factors, including the risk level of the option, the investment objectives of the option, historical returns of the option, and the participant's personal investment objectives,

''(ii) include a statement of the right under paragraph (2) of participants and beneficiaries to request, and a description of how a participant or beneficiary may request, a copy of the statements received by the plan administrator under section 111 with respect to the plan, and

''(iii) include the plan fee comparison chart described in subparagraph (C).

''(C) PLAN FEE COMPARISON CHART.—

''(i) IN GENERAL.—

''(I) IN GENERAL.—The notice provided under this paragraph shall include a plan fee

comparison chart consisting of a comparison of the service and investment charges that will or could be assessed against the account of the participant or beneficiary with respect to the plan year.

''(II) EXPRESSED AS DOLLAR AMOUNT OR FORMULA.—For purposes of this subparagraph, such charges shall be provided in the form of a dollar amount or as a formula (such as a percentage of assets), as appropriate.

''(ii) CATEGORIZATION OF CHARGES.—The plan fee comparison chart shall provide information in relation to the following categories of charges that will or could be assessed against the account of the participant or beneficiary:

''(I) ASSET-BASED CHARGES SPECIFIC TO INVESTMENT.—Charges that vary depending on the investment options selected by the participant or beneficiary, including the annual operating expenses of the investment option and investment-specific asset-based charges (such as loads, commissions, brokerage fees, exchange fees, redemption fees, and surrender charges). Except as provided by the Secretary in regulations under this section, the information relating to such charges shall include a statement noting any charges for 1 or more investment options which pay for services other than investment management.

''(II) RECURRING ASSET-BASED CHARGES NOT SPECIFIC TO INVESTMENT.—Charges that are assessed as a percentage of the total assets in the account of the participant or beneficiary, regardless of the investment option selected.

''(III) ADMINISTRATIVE AND TRANSACTION-BASED CHARGES.—Administration and transaction-based charges, including fees charged to participants to cover plan administration, compliance, and recordkeeping costs, plan loan origination fees, possible redemption fees, and possible surrender charges, that are not assessed as a percentage of the total assets in the account and are either automatically deducted each year or result from certain transactions engaged in by the participant or beneficiary.

''(IV) OTHER CHARGES.—Any other charges which may be deducted from participants' or beneficiaries' accounts and which are not described in subclauses (I), (II), and (III).

''(iii) FEES AND HISTORICAL RETURNS.—The plan fee comparison chart shall include—

''(I) the historical returns, net of fees and expenses, for the previous year, 5 years, and 10 years (or for the period since inception, if shorter) with respect to such investment option, and

''(II) the historical returns of an appropriate benchmark, index, or other point of comparison for each such period.

''(D) MODEL NOTICES.—The Secretary shall prescribe one or more model notices that may be used for purposes of satisfying the requirements of this paragraph, including model plan fee comparison charts.

''(E) ESTIMATIONS.—For purposes of providing the notice required under this paragraph, the plan administrator may provide a reasonable and representative estimate for any charges or percentages disclosed under subparagraph (B) or (C) and shall indicate whether the amount of any such charges or percentages disclosed is an estimate.

''(2) DISCLOSURE OF SERVICE PROVIDER STATEMENTS.—The plan administrator shall provide to any participant or beneficiary a copy of any statement received pursuant to section 111 within 30 days after receipt of a request for such a statement.

''(3) NOTICE OF MATERIAL CHANGES.—In the case of any event or other change which causes the information included in any notice described in paragraph (1) to become materially incorrect, the plan administrator shall provide participants and beneficiaries a written statement providing the corrected information not later than 30 days after the plan administrator knows, or exercising reasonable diligence would have known, of such event or other change.

''(4) TIME AND MANNER OF PROVIDING NOTICES AND DISCLOSURES.—

''(A) IN GENERAL.—The notices described in paragraph (1) shall be provided at such times and in such manner as the Secretary may provide. Other notices and materials required to be provided under this subsection shall be provided in such manner as the Secretary may provide.

''(B) MANNER OF PRESENTATION.—

''(i) IN GENERAL.—All information included in such notices or explanations shall be presented in a manner which is easily understood by the typical participant.

''(ii) GENERIC EXAMPLE OF OPERATING EXPENSES OF INVESTMENT OPTIONS.—The information described in paragraph (1)(C)(ii)(I) shall include a generic example describing the charges that would apply during an annual period with respect to a $10,000 investment in the investment option.

''(b) APPLICABLE INDIVIDUAL ACCOUNT PLAN.—For purposes of this section, the term 'applicable individual account plan' means the portion of any individual account plan which permits a participant or beneficiary to exercise control over assets in his or her account.

''(c) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

''(1) provide a later deadline for providing the notice of investment menu changes described in subsection (a)(3) in appropriate circumstances, and

''(2) provide guidelines, and a safe harbor, for the selection of an appropriate benchmark, index, or other point of comparison for an investment option under subsection (a)(1)(C)(iii)(II).''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 111 and inserting the following new items:

''*Sec. 111. Requirement to provide notice of plan fee information to plan administrators.*

''*Sec. 112. Requirement to provide notice to participants of plan fee information.*

''*Sec. 113. Repeal and effective date.*''.

(b) QUARTERLY BENEFIT STATEMENTS.—Section 105 of such Act (29 U.S.C. 1025) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (G);

(B) in subparagraph (B)(ii)—

(i) in subclause (II), by striking ''diversified, and'' and inserting ''diversified,'';

(ii) in subclause (III) by striking the period and inserting '', and''; and

(iii) by adding after subclause (III) the following new subclause:

''(IV) with respect to the portion of a participant's account for which the participant has the right to direct the investment of assets, the information described in subparagraph (C).''; and

(C) by inserting after subparagraph (B) the following new subparagraphs:

''(C) QUARTERLY BENEFIT STATEMENTS.—The plan administrator shall provide to each participant and beneficiary, at least once each calendar quarter, an explanation describing the investment options in which the participant's or beneficiary's account is invested as of the last day of the preceding quarter. Such explanation shall provide, to the extent applicable, the following for the preceding quarter:

''(i) As of the last day of the quarter, a statement of the different asset classes that the participant's or beneficiary's account is invested in and the percentage of the account allocated to each asset class.

''(ii) A statement of the starting and ending balance of the participant's or beneficiary's account for such quarter.

''(iii) A statement of the total contributions made to the participant's or beneficiary's account during the quarter and a separate statement of—

''(I) the amount of such contributions, and the total amount of any restorative payments, which were made by the employer during the quarter, and

''(II) the amount of such contributions which were made by the employee.

''(iv) A statement of the total fees and expenses which were directly deducted from the participant's or beneficiary's account during the quarter and an itemization of such fees and expenses.

''(v) A statement of the net returns for the year to date, expressed as a percentage, and a statement as to whether the net returns include amounts described in clause (iv).

''(vi) With respect to each investment option in which the participant or beneficiary was invested as of the last day of the quarter, the following:

''(I) A statement of the percentage of the participant's or beneficiary's account that is invested in such option as of the last day of such quarter.

''(II) A statement of the starting and ending balance of the participant's or beneficiary's account that is invested in such option for such quarter.

''(III) A statement of the annual operating expenses of the investment option.

''(IV) A statement of whether the disclosure described in clause (iv) includes the annual operating expenses of the investment options of the participant or beneficiary.

''(vii) The statement described in section 112(a)(1)(B)(i)(VI).

''(viii) A statement regarding how a participant or beneficiary may access the information required to be disclosed under section 112(a)(1).

''(D) MODEL EXPLANATIONS.—The Secretary shall prescribe one or more model explanations that may be used for purposes of satisfying the requirements of subparagraph (C).

''(E) DETERMINATION OF EXPENSES.—For purposes of subparagraph (C)(vi)(III)—

''(i) Expenses may be expressed as a dollar amount or as a percentage of assets (or a combination thereof).

''(ii) The plan administrator may provide disclosure of the expenses for the quarter or may provide a reasonable and representative estimate of such expenses and shall indicate any such estimate as being an estimate. Any such estimate shall be based on reasonable assumptions stated together with such estimate.

''(iii) To the extent that estimated expenses are expressed as a percentage of assets, the disclosure shall also include one of the following, stated in dollar amounts:

''(I) an estimate of the expenses for the quarter based on the amount invested in the option; or

''(II) an example describing the expenses that would apply during the quarter with respect to a hypothetical $10,000 investment in the option.

''(F) ANNUAL COMPLIANCE FOR SMALL PLANS.—A plan that has fewer than 100 participants and beneficiaries as of the first day of the plan year may provide the explanation described in subparagraph (C) on an annual rather than a quarterly basis.''.

(c) ASSISTANCE FROM THE DEPARTMENT OF LABOR.—Section 105 of such Act (29 U.S.C. 1025) is amended by adding at the end the following new subsections:

''(d) ASSISTANCE TO SMALL EMPLOYERS.—The Secretary shall make available to employers with 100 or fewer employees—

''(1) educational and compliance materials designed to assist such employers in selecting and monitoring service providers for individual account plans which permit a participant or beneficiary to exercise control over the assets in the account of the participant or beneficiary, investment options under such plans, and charges relating to such options, and

''(2) services designed to assist such employers in finding and understanding affordable investment options for such plans and in comparing the investment performance of, and charges for, such options on an ongoing basis against appropriate benchmarks or other appropriate measures.

''(e) ASSISTANCE TO PLAN SPONSORS AND PLAN PARTICIPANTS AND BENEFICIARIES.—The Secretary shall provide plan administrators and plan sponsors of individual account plans and participants and beneficiaries under such plans assistance with any questions or problems regarding compliance with the requirements of subparagraphs (B)(ii)(IV) and (C) of subsection (a)(2) and section 112.''.

(d) ENFORCEMENT.—

(1) PENALTIES.—Section 502 of such Act (29 U.S.C. 1132) is amended—

(A) in subsection (a)(6), by striking ''under paragraph (2)'' and all that follows through ''subsection (c)'' and inserting ''under paragraph (2), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of subsection (c)''; and

(B) in subsection (c), by redesignating the second paragraph (10) as paragraph (13), and by inserting after the first paragraph (10) the following new paragraphs:

''(11)(A) In the case of any failure by a service provider (as defined in section 111(f)(1)) to provide a statement in violation of section 111, the service provider may be assessed by the Secretary a civil penalty of up to $1,000 for each day in the noncompliance period.

''(B) For purposes of subparagraph (A), the noncompliance period with respect to the failure to provide any statement is the period beginning on the date that such statement was required to be provided and ending on the date that such statement is provided or the failure is otherwise corrected.

''(C)(i) The total amount of a penalty assessed under this paragraph on any service provider with respect to any individual account plan for any plan year shall not exceed an amount equal to the lesser of—

''(I) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(II) $1,000,000.

''(ii) No penalty shall be imposed by subparagraph (A) on any failure if—

''(I) the service provider subject to liability for the penalty under subparagraph (A) exercised reasonable diligence to meet the requirement with respect to which the failure relates, and

''(II) such service provider provides the information required under section 111 during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(iii) In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty under subparagraph (A) to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

''(D) The penalty imposed under this paragraph with respect to any failure shall be reduced by the amount of any tax imposed on such person with respect to such failure under section 4980J of the Internal Revenue Code of 1986.

''(12)(A) Any plan administrator with respect to a plan who fails or refuses to provide a notice, explanation, or statement to participants and beneficiaries in accordance with subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112 may be assessed by the Secretary a civil penalty of up to $110 for each day in the noncompliance period.

''(B) For purposes of subparagraph (A), the noncompliance period with respect to the failure to provide any notice, explanation, or statement referred to in subparagraph (B)(ii)(IV) or (C) of section 105(a)(2) or section 112 with respect to any participant or beneficiary is the period beginning on the date that such notice, explanation, or statement was required to be provided and ending on the date that such notice, explanation, or statement is provided or the failure is otherwise corrected.

''(C)(i) The total amount of penalty assessed under this paragraph with respect to any plan for any plan year shall not exceed an amount equal to the lesser of—

''(I) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(II) $500,000.

''(ii) No penalty shall be imposed under subparagraph (A) on any failure to meet the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112 if—

''(I) any person subject to liability for the penalty under subparagraph (A) exercised reasonable diligence to meet such requirements, and

''(II) such person provides the notice, explanation, or statement to which the failure relates during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(iii) In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary shall waive part or all of the penalty under subparagraph (A) to the extent that the payment of such penalty would be excessive or otherwise inequitable relative to the failure involved.

''(iv) The penalty imposed under this paragraph with respect to any failure shall be reduced by the amount of any tax imposed on such person with respect to such failure under section 4980K of the Internal Revenue Code of 1986.''.

(2) ENFORCEMENT COORDINATION AND REVIEW BY THE DEPARTMENT OF LABOR.—Section 502 of such Act (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

''(n) ENFORCEMENT COORDINATION OF CERTAIN DISCLOSURE REQUIREMENTS RELATING TO INDIVIDUAL ACCOUNT PLANS AND REVIEW BY THE DEPARTMENT OF LABOR.—

''(1) NOTIFICATION AND ACTION RELATING TO SERVICE PROVIDERS.—The Secretary shall notify the applicable regulatory authority in any case in which the Secretary determines that a service provider is engaged in a pattern or practice that precludes compliance by plan administrators with subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2) and section 112. The Secretary shall, in consultation with the applicable authority, take such timely enforcement action under this title as is necessary to assure that such pattern or practice ceases and desists and assess any appropriate penalties.

''(2) ANNUAL AUDIT OF REPRESENTATIVE SAMPLING OF INDIVIDUAL ACCOUNT PLANS.—The Secretary shall annually audit a representative sampling of individual account plans covered by this title to determine compliance with the requirements of subparagraphs (B)(ii)(IV) and (C) of section 105(a)(2), section 111, and section 112. The Secretary shall annually report the results of such audit and any related recommendations of the Secretary to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

(e) REVIEW AND REPORT TO THE CONGRESS BY SECRETARY OF LABOR RELATING TO REPORTING AND DISCLOSURE REQUIREMENTS.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor shall review the reporting and disclosure requirements of part 1 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 and related provisions of the Pension Protection Act of 2006.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of the Treasury, shall make such recommendations as the Secretary of Labor considers appropriate to the appropriate committees of the Congress to consolidate, simplify, standardize, and improve the applicable reporting and disclosure requirements so as to simplify reporting for employee pension benefit plans and ensure that needed understandable information is provided to participants and beneficiaries of such plans.

SEC. 323. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc. plans) is amended by adding at the end the following new sections:

''SEC. 4980J. FAILURE TO PROVIDE NOTICE OF PLAN FEE INFORMATION TO PLAN ADMINISTRATORS.

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—There is hereby imposed a tax on each failure of a service provider to meet the requirements of paragraph (2) with respect to any applicable defined contribution plan.

''(2) FAILURES DESCRIBED.—The failures described in this paragraph are—

''(A) any failure to provide an initial statement described in subsection (d),

''(B) any failure to provide an annual statement described in subsection (e), and

''(C) any failure to provide a material change statement described in subsection (f).

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure shall be $1,000 for each day in the noncompliance period.

''(2) NONCOMPLIANCE PERIOD.—For purposes of paragraph (1), the noncompliance period with respect to the failure to provide any statement is the period beginning on the date that such statement was required to be provided and ending on the date that such statement is provided or the failure is otherwise corrected.

''(c) LIMITATIONS.—

''(1) AGGREGATE LIMITATION.—The total amount of tax imposed by this section on any service provider with respect to any applicable defined contribution plan for any plan year shall not exceed an amount equal to the lesser of—

''(A) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(B) $1,000,000.

''(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

''(A) the service provider subject to liability for the tax under subsection (a) exercised reasonable diligence to meet the requirement with respect to which the failure relates, and

''(B) such service provider provides the information required under subsection (a) during the 30-day period beginning on the date such person knew, or exercising reasonable

diligence would have known, that such failure existed.

''(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

''(d) INITIAL STATEMENT OF SERVICES PROVIDED AND REVENUES RECEIVED.—

''(1) IN GENERAL.—Before entering into any contract or arrangement to provide services to an applicable defined contribution plan, the service provider shall provide to the plan administrator a single written statement which includes, with respect to the first plan year covered under such contract or arrangement, the following:

''(A) A detailed description of the services which will be provided to the plan by the service provider, the amount of total expected annual revenue with respect to such services, the manner in which such revenue will be collected, and the extent to which such revenue varies between specific investment options.

''(B)(i) In the case of a service provider who is providing recordkeeping services with respect to any investment option, such information as is necessary for the plan administrator to satisfy the requirements of paragraphs (1), (2) and (4) of section 4980K(e) with respect to such option, including specifying the method used by the service provider in disclosing or estimating expenses under subparagraphs (A)(iv) and (C) of such paragraph (2).

''(ii) To the extent provided in regulations issued by the Secretary of Labor, clause (i) shall not apply in the case of a service provider described in such clause if the service provider receives a written notification from the plan administrator that the information described in such clause in connection with the investment option is provided by another service provider pursuant to a contract or arrangement to provide services to the plan.

''(C) A statement indicating—

''(i) the identity of any investment options offered under the plan with respect to which the service provider provides substantial investment, trustee, custodial, or administrative services, and

''(ii) in the case of any investment option, whether the service provider expects to receive any component of total expected annual revenue described in paragraph (2)(A)(ii)(II) with respect to such option and the amount of any such component.

''(D) The portion of total expected annual revenue which is properly allocable to each of the following:

''(i) Administration and recordkeeping.

''(ii) Investment management.

''(iii) Other services or amounts not described in clause (i) or (ii).

''(2) DEFINITION OF TOTAL EXPECTED ANNUAL REVENUE.—For purposes of this section—

''(A) IN GENERAL.—The term 'total expected annual revenue' means, with respect to any plan year—

''(i) any amount expected to be received during such plan year from the plan (including amounts paid from participant accounts), any participant or beneficiary, or any plan sponsor in connection with the contract or arrangement referred to in paragraph (1), and

''(ii) any amount not taken into account under clause (i) which is expected to be received during such plan year by the service provider in connection with—

''(I) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by the service provider with respect to the plan, or

''(II) plan administration, recordkeeping, consulting, management, or investment or other service activities undertaken by any other person with respect to the plan.

''(B) EXPRESSED AS DOLLAR AMOUNT OR PERCENTAGE OF ASSETS.—Total expected annual revenue and any amount indicated under paragraph (1)(C)(ii) may be expressed as a dollar amount or as a percentage of assets (or a combination thereof), as appropriate. To the extent that total expected annual revenue is expressed as a percentage of assets, such percentage shall be properly allocated among clauses (i), (ii), and (iii) of paragraph (1)(D).

''(C) PROVISION OF FEE SCHEDULE FOR CERTAIN PARTICIPANT INITIATED TRANSACTIONS.—In the case of amounts expected to be received from participants or beneficiaries under the plan (or from the account of a participant or beneficiary) as a fee or charge in connection with a transaction initiated by the participant (other than loads, commissions, brokerage fees, and other investment related transactions)—

''(i) such amounts shall not be taken into account in determining total expected annual revenue, and

''(ii) the service provider shall provide to the plan administrator, as part of the statement referred to in paragraph (1), a fee schedule which describes each such fee or charge, the amount thereof, and the manner in which such amount is collected.

''(D) ESTIMATIONS.—In determining under this subsection any amount which is expected to be received by the service provider, the service provider shall provide a reasonable estimate of such amount and shall indicate in the statement referred to in paragraph (1) whether such amount disclosed is an estimate. Any such estimate shall be based on reasonable assumptions specified in such statement.

''(3) ALLOCATION RULES.—The Secretary of Labor shall provide rules for defining total expected annual revenue and for the appropriate and consistent allocation of total expected annual revenue among clauses (i), (ii), and (iii) of paragraph (1)(D), except that the entire amount of such revenue shall be allocated among such clauses and no amount may be taken into account under more than one clause.

''(4) DISCLOSURE OF DIFFERENT PRICING OF INVESTMENT OPTIONS.—In the case of investment options with more than one share class or price level, the Secretary of Labor shall prescribe regulations for the disclosure of the different share classes or price levels available as part of the statement in paragraph (1). Such regulations shall provide guidance with respect to the disclosure of the basis for qualifying for such share classes or price levels, which may include amounts invested, number of participants, or other factors.

''(5) DISCLOSURE OF INVESTMENT TRANSACTION COSTS.—To the extent provided in regulations issued by the Secretary of Labor, a service provider shall separately disclose the transaction costs (including sales commissions) for each investment option for the preceding year or the plan's allocable share of such costs for the preceding year.

''(e) ANNUAL STATEMENTS.—With respect to each plan year after the plan year covered by the statement described in subsection (d), the service provider shall provide the plan administrator a single written statement which includes the information described in subsection (d) with respect to such subsequent plan year.

''(f) MATERIAL CHANGE STATEMENTS.—In the case of any event or other change during a plan year which causes the information included in any statement described in subsection (d) or (e) with respect to such plan year to become materially incorrect, the service provider shall provide the plan administrator a written statement providing the corrected information not later than 30 days after the service provider knows, or exercising reasonable diligence would have known, of such event or other change.

''(g) TIME AND MANNER OF PROVIDING STATEMENT AND OTHER MATERIALS.—The statement referred to in subsections (d)(1) and (e) shall be made at such time and in such manner as the Secretary of Labor may provide. Other materials required to be provided under this section shall be provided in such manner as such Secretary may provide. All information included in such statements and other materials shall be presented in a manner which is easily understood by the typical plan administrator.

''(h) EXCEPTION FOR SMALL SERVICE PROVIDERS.—The requirements of this section shall not apply with respect to any contract or arrangement for services provided with respect to an individual account plan for any plan year if—

''(1) the total annual revenue expected by the service provider to be received with respect to the plan for such plan year is less than $5,000, and

''(2) the service provider provides a written statement to the plan administrator that the total annual revenue expected by the service provider to be received with respect to the plan is less than $5,000.

Service providers who expect to receive de minimis annual revenue from the plan need not provide the written statement described in paragraph (2). The Secretary of Labor may by regulation or other guidance adjust the dollar amount specified in this subsection.

''(i) DEFINITIONS.—For purposes of this section—

''(1) SERVICE PROVIDER.—

''(A) IN GENERAL.—The term 'service provider' includes any person providing administration, recordkeeping, consulting, investment management services, or investment advice to an applicable defined contribution plan under a contract or arrangement.

''(B) CONTROLLED GROUPS TREATED AS ONE SERVICE PROVIDER.—All persons which would be treated as a single employer under subsection (b) or (c) of section 414 if section 1563(a)(1) were applied—

''(i) except as provided by subparagraph (B), by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears therein, or

''(ii) for purposes of subsection (d)(1)(C)(i), by substituting 'at least 20 percent' for 'at least 80 percent' each place it appears therein,

shall be treated as one person for purposes of this section.

''(2) APPLICABLE DEFINED CONTRIBUTION PLAN.—The term 'applicable defined contribution plan' means any defined contribution plan described in clauses (iii) through (vi) of section 402(c)(8)(B).

''(3) PLAN ADMINISTRATOR.—The term 'plan administrator' has the meaning given such term by section 414(g).

''SEC. 4980K. FAILURE TO PROVIDE NOTICE TO PARTICIPANTS OF PLAN FEE INFORMATION.

''(a) IMPOSITION OF TAX.—

''(1) IN GENERAL.—There is hereby imposed a tax on each failure of a plan administrator of an applicable defined contribution plan to meet the requirements of paragraph (2) with respect to any participant or beneficiary.

''(2) FAILURES DESCRIBED.—The failures described in this paragraph are—

''(A) any failure to provide an advance notice of available investment options described in subsection (e)(1),

''(B) any failure to provide an account explanation described in subsection (e)(2),

''(C) any failure to provide a service provider statement referred to in subsection (e)(3), and

''(D) any failure to provide a notice of material change described in subsection (e)(4).

''(b) AMOUNT OF TAX.—

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any participant or beneficiary shall be $100 for each day in the noncompliance period.

''(2) NONCOMPLIANCE PERIOD.—For purposes of paragraph (1), the noncompliance period with respect to the failure to provide any notice, explanation, or statement referred to in subsection (a)(2) with respect to any participant or beneficiary is the period beginning on the date that such notice, explanation, or statement was required to be provided and ending on the date that such notice, explanation, or statement is provided or the failure is otherwise corrected.

''(c) LIMITATIONS ON AMOUNT OF TAX.—

''(1) AGGREGATE LIMITATION.—The total amount of tax imposed by this section with respect to any plan for any plan year shall not exceed an amount equal to the lesser of—

''(A) 10 percent of the assets of the plan, determined as of the first day of such plan year, or

''(B) $500,000.

''(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

''(A) any person subject to liability for the tax under subsection (a) exercised reasonable diligence to meet the requirements of subsection (e), and

''(B) such person provides the notice, explanation, or statement to which the failure relates during the 30-day period beginning on the date such person knew, or exercising reasonable diligence would have known, that such failure existed.

''(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary shall waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

''(d) LIABILITY FOR TAX.—The plan administrator shall be liable for the tax imposed by subsection (a).

''(e) DISCLOSURES TO PARTICIPANTS AND BENEFICIARIES.—

''(1) ADVANCE NOTICE OF AVAILABLE INVESTMENT OPTIONS.—

''(A) IN GENERAL.—The plan administrator of an applicable defined contribution plan shall provide to the participant or beneficiary notice of the investment options available under the plan before—

''(i) the earliest date provided for under the plan for the participant's initial investment of any contribution made on behalf of such participant, and

''(ii) the effective date of any change in the list of investment options available under the plan, unless such advance notice is impracticable, and in such case, as soon as is practicable.

''(B) INFORMATION INCLUDED IN NOTICE.—The notice required under subparagraph (A) shall—

''(i) set forth, with respect to each available investment option—

''(I) the name of the option,

''(II) a general description of the option's investment objectives and principal investment strategies, principal risk and return characteristics, and the name of the option's investment manager,

''(III) whether the investment option is designed to be a comprehensive, stand-alone investment for retirement that provides varying degrees of long-term appreciation and capital preservation through a mix of equity and fixed income exposures,

''(IV) the extent to which the investment option is actively managed or passively managed in relation to an index and the difference between active management and passive management,

''(V) where, and the manner in which, additional plan-specific, option-specific, and generally available investment information may be obtained, and

''(VI) a statement explaining that investment options should not be evaluated solely on the basis of the charges for each option but should also be based on consideration of other key factors, including the risk level of the option, the investment objectives of the option, historical returns of the option, and the participant's personal investment objectives,

''(ii) include a statement of the right under paragraph (3) of participants and beneficiaries to request, and a description of how participant or beneficiary may request, a copy of the statements received by the plan administrator under section 4980J with respect to the plan, and

''(iii) include the plan fee comparison chart described in subparagraph (C).

''(C) PLAN FEE COMPARISON CHART.—

''(i) IN GENERAL.—

''(I) IN GENERAL.—The notice provided under this paragraph shall include a plan fee comparison chart consisting of a comparison of the service and investment charges that will or could be assessed against the account of the participant or beneficiary with respect to the plan year.

''(II) EXPRESSED AS DOLLAR AMOUNT OR FORMULA.—For purposes of this subparagraph, such charges shall be provided in the form of a dollar amount or as a formula (such as a percentage of assets), as appropriate.

''(ii) CATEGORIZATION OF CHARGES.—The plan fee comparison chart shall provide information in relation to the following categories of charges that will or could be assessed against the account of the participant or beneficiary:

''(I) ASSET-BASED CHARGES SPECIFIC TO INVESTMENT.—Charges that vary depending on the investment options selected by the participant or beneficiary, including the annual operating expenses of the investment option and investment-specific asset-based charges (such as loads, commissions, brokerage fees, exchange fees, redemption fees, and surrender charges). Except as provided by the Secretary of Labor in regulations under this section, the information relating to such charges shall include a statement noting any charges for 1 or more investment options which pay for services other than investment management.

''(II) RECURRING ASSET-BASED CHARGES NOT SPECIFIC TO INVESTMENT.—Charges that are assessed as a percentage of the total assets in the account of the participant or beneficiary, regardless of the investment option selected.

''(III) ADMINISTRATIVE AND TRANSACTION-BASED CHARGES.—Administration and transaction-based charges, including fees charged to participants to cover plan administration, compliance, and recordkeeping costs, plan loan origination fees, possible redemption fees, and possible surrender charges, that are not assessed as a percentage of the total assets in the account and are either automatically deducted each year or result from certain transactions engaged in by the participant or beneficiary.

''(IV) OTHER CHARGES.—Any other charges which may be deducted from participants' or beneficiaries' accounts and which are not described in subclauses (I), (II), and (III).

''(iii) FEES AND HISTORICAL RETURNS.—The plan fee comparison chart shall include—

''(I) the historical returns, net of fees and expenses, for the previous year, 5 years, and 10 years (or for the period since inception, if shorter) with respect to such investment option, and

''(II) the historical returns of an appropriate benchmark, index, or other point of comparison for each such period.

''(D) MODEL NOTICES.—The Secretary of Labor shall prescribe one or more model notices that may be used for purposes of satisfying the requirements of this paragraph, including model plan fee comparison charts.

''(E) ESTIMATIONS.—For purposes of providing the notice required under this paragraph, the plan administrator may provide a reasonable and representative estimate for any charges or percentages disclosed under subparagraph (B) or (C) and shall indicate whether the amount of any such charges or percentages disclosed is an estimate.

''(2) QUARTERLY BENEFIT STATEMENT.—

''(A) REQUIREMENTS.—The plan administrator shall provide to each participant and beneficiary, at least once each calendar quarter, an explanation describing the investment options in which the participant's or beneficiary's account is invested as of the last day of the preceding quarter. Such explanation shall provide, to the extent applicable, the following for the preceding quarter:

''(i) As of the last day of the quarter, a statement of the different asset classes that the participant's or beneficiary's account is invested in and the percentage of the account allocated to each asset class.

''(ii) A statement of the starting and ending balance of the participant's or beneficiary's account for such quarter.

''(iii) A statement of the total contributions made to the participant's or beneficiary's account during the quarter and a separate statement of—

''(I) the amount of such contributions, and the total amount of any restorative payments, which were made by the employer during the quarter, and

''(II) the amount of such contributions which were made by the employee.

''(iv) A statement of the total fees and expenses which were directly deducted from the participant's or beneficiary's account during the quarter and an itemization of such fees and expenses.

''(v) A statement of the net returns for the year to date, expressed as a percentage, and a statement as to whether the net returns include amounts described in clause (iv).

''(vi) With respect to each investment option in which the participant or beneficiary was invested as of the last day of the quarter, the following:

''(I) A statement of the percentage of the participant's or beneficiary's account that is invested in such option as of the last day of such quarter.

''(II) A statement of the starting and ending balance of the participant's or beneficiary's account that is invested in such option for such quarter.

''(III) A statement of the annual operating expenses of the investment option.

''(IV) A statement of whether the disclosure described in clause (iv) includes the annual operating expenses of the investment options of the participant or beneficiary.

''(vii) The statement described in paragraph (1)(B)(i)(VI).

''(viii) A statement regarding how a participant or beneficiary may access the information required to be disclosed under paragraph (1).

''(B) MODEL EXPLANATIONS.—The Secretary of Labor shall prescribe one or more model explanations that may be used for purposes of satisfying the requirements of this paragraph.

''(C) DETERMINATION OF EXPENSES.—For purposes of subparagraph (A)(vi)(III)—

''(i) Expenses may be expressed as a dollar amount or as a percentage of assets (or a combination thereof).

''(ii) The plan administrator may provide disclosure of the expenses for the quarter or may provide a reasonable and representative estimate of such expenses and shall indicate any such estimate as being an estimate. Any such estimate shall be based on reasonable assumptions stated together with such estimate.

''(iii) To the extent that estimated expenses are expressed as a percentage of assets, the disclosure shall also include one of the following, stated in dollar amounts:

''(I) an estimate of the expenses for the quarter based on the amount invested in the option; or

''(II) an example describing the expenses that would apply during the quarter with respect to a hypothetical $10,000 investment in the option.

''(3) DISCLOSURE OF SERVICE PROVIDER STATEMENTS.—The plan administrator shall provide to any participant or beneficiary a copy of any statement received pursuant to section 4980J within 30 days after receipt of a request for such a statement.

''(4) NOTICE OF MATERIAL CHANGES.—In the case of any event or other change which causes the information included in any notice described in paragraph (1) to become materially incorrect, the plan administrator shall provide participants and beneficiaries a written statement providing the corrected information not later than 30 days after the plan administrator knows, or exercising reasonable diligence would have known, of such event or other change.

''(5) TIME AND MANNER OF PROVIDING NOTICES AND DISCLOSURES.—

''(A) IN GENERAL.—The notices described in paragraph (1) shall be provided at such times and in such manner as the Secretary of Labor may provide. Other notices and materials required to be provided under this subsection shall be provided in such manner as such Secretary may provide.

''(B) MANNER OF PRESENTATION.—

''(i) IN GENERAL.—All information included in such notices or explanations shall be presented in a manner which is easily understood by the typical participant.

''(ii) GENERIC EXAMPLE OF OPERATING EXPENSES OF INVESTMENT OPTIONS.—The information described in paragraphs (1)(C)(ii)(I) shall include a generic example describing the charges that would apply during an annual period with respect to a $10,000 investment in the investment option.

''(C) ANNUAL COMPLIANCE FOR SMALL PLANS.—A plan that has fewer than 100 participants and beneficiaries as of the first day of the plan year may provide the explanation described in paragraph (2) on an annual rather than a quarterly basis.

''(f) DEFINITIONS.—

''(1) APPLICABLE DEFINED CONTRIBUTION PLAN.—The term 'applicable defined contribution plan' means the portion of any defined contribution plan which—

''(A) permits a participant or beneficiary to exercise control over assets in his or her account, and

''(B) is described in clauses (iii) through (vi) of section 402(c)(8)(B).

''(2) PLAN ADMINISTRATOR.—The term 'plan administrator' has the meaning given such term by section 414(g).

''(g) REGULATIONS.—The Secretary of Labor shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

''(1) provide a later deadline for providing the notice of investment menu changes described in subsection (e)(4) in appropriate circumstances, and

''(2) provide guidelines, and a safe harbor, for the selection of an appropriate benchmark, index, or other point of comparison for an investment option under subsection (e)(1)(C)(iii)(II).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new items:

''*Sec. 4980J. Failure to provide notice of plan fee information to plan administrators.*

''*Sec. 4980K. Failure to provide notice to participants of plan fee information.*''.

SEC. 324. REGULATORY AUTHORITY AND COORDINATION.

(a) REGULATORY AUTHORITY.—The Secretary of Labor shall prescribe regulations or other guidance to the extent the Secretary determines necessary or appropriate to carry out the purposes of sections 105, 111, and 112 of the Employee Retirement Income Security Act of 1974 and sections 4980J and 4980K of the Internal Revenue Code of 1986, including regulations or other guidance which—

(1) provide safe harbor and simplified methods for making the allocations described in subsection (a)(1)(D) of such section 111 and subsection (d)(1)(D) of such section 4980J; and

(2) provide special rules for the application of such sections to—

(A) investments with a guaranteed rate of return;

(B) investments with an insurance component; and

(C) employer sponsored retirement plans funded through an individual retirement account.

(3) address notices with respect to investments provided through participant directed brokerage trading;

(4) address the disclosure of information that is not proprietary to the service provider; and

(5) provide rules to allow service providers to consolidate information to satisfy the requirements of such sections with respect to all such service providers.

(b) CERTAIN ELECTRONIC DISCLOSURES PERMITTED.—Any disclosure required under section 112 of the Employee Retirement Income Security Act of 1974 or section 4980K of the Internal Revenue Code of 1986 may be provided through an electronic medium under such rules as shall be prescribed under such section by the Secretary of Labor not later than 1 year after the date of the enactment of this Act. Such rules shall be similar to those applicable under the Internal Revenue Code of 1986 with respect to notices to participants in pension plans. Such Secretary shall regularly modify such rules as appropriate to take into account new developments, including new forms of electronic media, and to fairly take into consideration the interests of plan sponsors, service providers, and participants. The rules prescribed by such Secretary pursuant to this subsection shall provide for a method for the typical participant or beneficiary to obtain without undue burden any such disclosure in writing on paper in lieu of receipt through an electronic medium.

SEC. 325. EFFECTIVE DATE OF SUBTITLE.

(a) IN GENERAL.—The amendments made by this subtitle shall apply to plan years beginning after December 31, 2011.

(b) APPLICATION OF SERVICE PROVIDER DISCLOSURES TO EXISTING CONTRACTS AND ARRANGEMENTS.—For purposes of section 111 of the Employee Retirement Income Security Act of 1974 and section 4980J of the Internal Revenue Code of 1986, any contract or arrangement to provide services to a plan which is in effect on January 1, 2012, shall be treated as a new contract or arrangement entered into on such date.

(c) SPECIAL RULE FOR COMPLIANCE WITH SUBTITLE.—Until 12 months after final regulations are issued by the Secretary of Labor pursuant to the amendments made by this subtitle, a service provider or plan administrator shall be treated as having complied with such amendments if such service provider or plan administrator complies with a reasonable good faith interpretation of such amendments.

TITLE IV—REVENUE OFFSETS

Subtitle A—Foreign Provisions

SEC. 401. RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE.

(a) IN GENERAL.—Subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new section:

''SEC. 909. SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.

''(a) IN GENERAL.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

''(b) SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

''(1) for purposes of section 902 or 960, or

''(2) for purposes of determining earnings and profits under section 964(a),

before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

''(c) SPECIAL RULES.—For purposes of this section—

''(1) APPLICATION TO PARTNERSHIPS, ETC.—In the case of a partnership, subsections (a) and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

''(2) TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such subsection (other than for purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

''(d) DEFINITIONS.—For purposes of this section—

''(1) FOREIGN TAX CREDIT SPLITTING EVENT.—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

''(2) FOREIGN INCOME TAX.—The term 'foreign income tax' means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

''(3) RELATED INCOME.—The term 'related income' means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

''(4) COVERED PERSON.—The term 'covered person' means, with respect to any person who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the 'payor')—

''(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

''(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

''(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

''(D) any other person specified by the Secretary for purposes of this paragraph.

''(5) SECTION 902 CORPORATION.—The term 'section 902 corporation' means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

''(e) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

''(1) appropriate exceptions from the provisions of this section, and

''(2) for the proper application of this section with respect to hybrid instruments.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

''*Sec. 909. Suspension of taxes and credits until related income taken into account.*''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) foreign income taxes (as defined in section 909(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued after May 20, 2010; and

(2) foreign income taxes (as so defined) paid or accrued by a section 902 corporation (as so defined) on or before such date (and not deemed paid under section 902(a) or 960 of such Code on or before such date), but only for purposes of applying sections 902 and 960 with respect to periods after such date.

Section 909(b)(2) of the Internal Revenue Code of 1986, as added by this section, shall not apply to foreign income taxes described in paragraph (2).

SEC. 402. DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.—

''(1) IN GENERAL.—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

''(A) shall not be taken into account in determining the credit allowed under subsection (a), and

''(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

''(2) COVERED ASSET ACQUISITION.—For purposes of this section, the term 'covered asset acquisition' means—

''(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

''(B) any transaction which—

''(i) is treated as an acquisition of assets for purposes of this chapter, and

''(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

''(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

''(D) to the extent provided by the Secretary, any other similar transaction.

''(3) DISQUALIFIED PORTION.—For purposes of this section—

''(A) IN GENERAL.—The term 'disqualified portion' means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

''(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

''(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of the Secretary, such income shall be determined by dividing the amount of such foreign income tax by the highest marginal tax rate applicable to such income in the relevant jurisdiction).

''(B) ALLOCATION OF BASIS DIFFERENCE.—For purposes of subparagraph (A)(i)—

''(i) IN GENERAL.—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

''(ii) SPECIAL RULE FOR DISPOSITION OF ASSETS.—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

''(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

''(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

''(C) BASIS DIFFERENCE.—

''(i) IN GENERAL.—The term 'basis difference' means, with respect to any relevant foreign asset, the excess of—

''(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

''(II) the adjusted basis of such asset immediately before the covered asset acquisition.

''(ii) BUILT-IN LOSS ASSETS.—In the case of a relevant foreign asset with respect to which the amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

''(iii) SPECIAL RULE FOR SECTION 338 ELECTIONS.—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

''(4) RELEVANT FOREIGN ASSETS.—For purposes of this section, the term 'relevant foreign asset' means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

''(5) FOREIGN INCOME TAX.—For purposes of this section, the term 'foreign income tax' means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

''(6) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

''(7) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acquisitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after—

(A) May 20, 2010, if the transferor and the transferee are related; and

(B) the date of the enactment of this Act in any other case.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any covered asset acquisition (as so defined) with respect to which the transferor and the transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

SEC. 403. SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES.

(a) IN GENERAL.—Subsection (d) of section 904 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.—

''(A) IN GENERAL.—If—

''(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States,

''(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

''(iii) the taxpayer chooses the benefits of such treaty obligation,

subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

''(B) COORDINATION WITH OTHER PROVISIONS.—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

''(C) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 404. LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS.

(a) IN GENERAL.—Section 960 is amended by adding at the end the following new subsection:

''(c) LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.—

''(1) IN GENERAL.—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation,

the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in gross income were distributed as a series of distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

''(2) AUTHORITY TO PREVENT ABUSE.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation's foreign income taxes not deemed paid by reason of paragraph (1).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to acquisitions of United States property (as defined in section 956(c) of the Internal Revenue Code of 1986) after May 20, 2010.

SEC. 405. SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES.

(a) IN GENERAL.—Paragraph (5) of section 304(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.—In the case of any acquisition to which subsection (a) applies in which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would not—

''(i) be subject to tax under this chapter for the taxable year in which the dividends arise, or

''(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined in section 957 and without regard to section 953(c)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to acquisitions after May 20, 2010.

SEC. 406. MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOCATING INTEREST EXPENSE.

(a) IN GENERAL.—Subparagraph (A) of section 864(e)(5) is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

''(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

''(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 407. TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.

(a) IN GENERAL.—Paragraph (1) of section 861(a) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 871(i)(2) is amended to read as follows:

''(B) The active foreign business percentage of—

''(i) any dividend paid by an existing 80/20 company, and

''(ii) any interest paid by an existing 80/20 company.''.

(2) DEFINITIONS AND SPECIAL RULES.—Section 871 is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

''(l) RULES RELATING TO EXISTING 80/20 COMPANIES.—For purposes of this subsection and subsection (i)(2)(B)—

''(1) EXISTING 80/20 COMPANY.—

''(A) IN GENERAL.—The term 'existing 80/20 company' means any corporation if—

''(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the enactment of this subsection) for such corporation's last taxable year beginning before January 1, 2011,

''(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

''(iii) there has not been an addition of a substantial line of business with respect to such corporation after the date of the enactment of this subsection.

''(B) FOREIGN BUSINESS REQUIREMENTS.—

''(i) IN GENERAL.—A corporation meets the 80-percent foreign business requirements of this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

''(ii) ACTIVE FOREIGN BUSINESS INCOME.—For purposes of clause (i), the term 'active foreign business income' means gross income which—

''(I) is derived from sources outside the United States (as determined under this subchapter), and

''(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

''(iii) TESTING PERIOD.—For purposes of this subsection, the term 'testing period' means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

''(2) ACTIVE FOREIGN BUSINESS PERCENTAGE.—The term 'active foreign business percentage' means, with respect to any existing 80/20 company, the percentage which—

''(A) the active foreign business income of such company for the testing period, is of

''(B) the gross income of such company for the testing period from all sources.

''(3) AGGREGATION RULES.—For purposes of applying paragraph (1) (other than subparagraph (A)(i) thereof) and paragraph (2)—

''(A) IN GENERAL.—The corporation referred to in paragraph (1)(A) and all of such corporation's subsidiaries shall be treated as one corporation.

''(B) SUBSIDIARIES.—For purposes of subparagraph (A), the term 'subsidiary' means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting '50 percent' for '80 percent' each place it appears and without regard to section 1504(b)(3)).

''(4) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 861 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) is amended to read as follows:

''(9) TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.—In the case of any dividend treated as not from sources within the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.''.

(3) Subsection (c) of section 2104 is amended in the last sentence by striking ''or to a debt obligation of a domestic corporation'' and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

SEC. 408. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 is amended by adding at the end the following new paragraph:

''(9) GUARANTEES.—Amounts—

''(A) received from noncorporate residents or domestic corporations with respect to guarantees, and

''(B) paid by any foreign person with respect to guarantees if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.''.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ''; and'', and by adding at the end the following new paragraph:

''(9) amounts received with respect to guarantees other than those derived from sources within the United States as provided in section 861(a)(9).''.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) is amended by striking ''dividends or interest'' and inserting ''dividends, interest, or amounts with respect to guarantees''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

SEC. 409. LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS.

(a) IN GENERAL.—Paragraph (8) of section 6501(c) is amended—

(1) by striking ''In the case of any information'' and inserting the following:

''(A) IN GENERAL.—In the case of any information''; and

(2) by adding at the end the following:

''(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 513 of the Hiring Incentives to Restore Employment Act.

Subtitle B—Personal Service Income Earned in Pass-thru Entities

SEC. 411. PARTNERSHIP INTERESTS TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES.

(a) MODIFICATION TO ELECTION TO INCLUDE PARTNERSHIP INTEREST IN GROSS INCOME IN YEAR OF TRANSFER.—Subsection (c) of section 83 is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) PARTNERSHIP INTERESTS.—Except as provided by the Secretary, in the case of any transfer of an interest in a partnership in connection with the provision of services to (or for the benefit of) such partnership—

''(A) the fair market value of such interest shall be treated for purposes of this section as being equal to the amount of the distribution which the partner would receive if the partnership sold (at the time of the transfer) all of its assets at fair market value and distributed the proceeds of such sale (reduced by the liabilities of the partnership) to its partners in liquidation of the partnership, and

''(B) the person receiving such interest shall be treated as having made the election under subsection (b)(1) unless such person makes an election under this paragraph to have such subsection not apply.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 83(b) is amended by inserting ''or subsection (c)(4)(B)'' after ''paragraph (1)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interests in partnerships transferred after the date of the enactment of this Act.

SEC. 412. INCOME OF PARTNERS FOR PERFORMING INVESTMENT MANAGEMENT SERVICES TREATED AS ORDINARY INCOME RECEIVED FOR PERFORMANCE OF SERVICES.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 is amended by adding at the end the following new section:

''SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIP.

''(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

''(1) IN GENERAL.—Notwithstanding section 702(b)—

''(A) any net income with respect to such interest for any partnership taxable year shall be treated as ordinary income, and

''(B) any net loss with respect to such interest for such year, to the extent not disallowed under paragraph (2) for such year, shall be treated as an ordinary loss.

All items of income, gain, deduction, and loss which are taken into account in computing net income or net loss shall be treated as ordinary income or ordinary loss (as the case may be).

''(2) TREATMENT OF LOSSES.—

''(A) LIMITATION.—Any net loss with respect to such interest shall be allowed for any partnership taxable year only to the extent that such loss does not exceed the excess (if any) of—

''(i) the aggregate net income with respect to such interest for all prior partnership taxable years, over

''(ii) the aggregate net loss with respect to such interest not disallowed under this subparagraph for all prior partnership taxable years.

''(B) CARRYFORWARD.—Any net loss for any partnership taxable year which is not allowed by reason of subparagraph (A) shall be treated as an item of loss with respect to such partnership interest for the succeeding partnership taxable year.

''(C) BASIS ADJUSTMENT.—No adjustment to the basis of a partnership interest shall be made on account of any net loss which is not allowed by reason of subparagraph (A).

''(D) PRIOR PARTNERSHIP YEARS.—Any reference in this paragraph to prior partnership taxable years shall only include prior partnership taxable years to which this section applies.

''(3) NET INCOME AND LOSS.—For purposes of this section—

''(A) NET INCOME.—The term 'net income' means, with respect to any investment services partnership interest for any partnership taxable year, the excess (if any) of—

''(i) all items of income and gain taken into account by the holder of such interest under section 702 with respect to such interest for such year, over

''(ii) all items of deduction and loss so taken into account.

''(B) NET LOSS.—The term 'net loss' means, with respect to such interest for such year, the excess (if any) of the amount described in subparagraph (A)(ii) over the amount described in subparagraph (A)(i).

''(4) SPECIAL RULE FOR DIVIDENDS.—Any dividend taken into account in determining net income or net loss for purposes of paragraph (1) shall not be treated as qualified dividend income for purposes of section 1(h).

''(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

''(1) GAIN.—Any gain on the disposition of an investment services partnership interest shall be—

''(A) treated as ordinary income, and

''(B) recognized notwithstanding any other provision of this subtitle.

''(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

''(A) the aggregate net income with respect to such interest for all partnership taxable years to which this section applies, over

''(B) the aggregate net loss with respect to such interest allowed under subsection (a)(2) for all partnership taxable years to which this section applies.

''(3) EXCEPTION FOR THE DISPOSITION OF AN INTEREST IN A PUBLICLY TRADED PARTNERSHIP BY AN INDIVIDUAL.—Paragraphs (1) and (2) shall not apply in the case of the disposition by an individual of an investment services partnership interest which is an interest in a publicly traded partnership (as defined in section 7704) if neither such individual nor any member of such individual's family (within the meaning of section 318(a)(1)) has (at any time) provided any of the services described in subsection (c)(1) with respect to assets held (directly or indirectly) by such publicly traded partnership.

''(4) ELECTION WITH RESPECT TO CERTAIN EXCHANGES.—Paragraph (1)(B) shall not apply to the contribution of an investment services partnership interest to a partnership in exchange for an interest in such partnership if—

''(A) the taxpayer makes an irrevocable election to treat the partnership interest received in the exchange as an investment services partnership interest, and

''(B) the taxpayer agrees to comply with such reporting and recordkeeping requirements as the Secretary may prescribe.

''(5) DISPOSITION OF PORTION OF INTEREST.—In the case of any disposition of an investment services partnership interest, the amount of net loss which otherwise would have (but for subsection (a)(2)(C)) applied to reduce the basis of such interest shall be disregarded for purposes of this section for all succeeding partnership taxable years.

''(6) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner—

''(A) the excess (if any) of—

''(i) the fair market value of such property at the time of such distribution, over

''(ii) the adjusted basis of such property in the hands of the partnership,

shall be taken into account as an increase in such partner's distributive share of the taxable income of the partnership (except to the extent such excess is otherwise taken into account in determining the taxable income of the partnership),

''(B) such property shall be treated for purposes of subpart B of part II as money distributed to such partner in an amount equal to such fair market value, and

''(C) the basis of such property in the hands of such partner shall be such fair market value.

Subsection (b) of section 734 shall be applied without regard to the preceding sentence. In the case of a taxpayer which satisfies requirements similar to the requirements of subparagraphs (A) and (B) of paragraph (4), this paragraph and paragraph (1)(B) shall not apply to the distribution of a partnership interest if such distribution is in connection with a contribution (or deemed contribution) of any property of the partnership to which section 721 applies pursuant to a transaction described in paragraph (1)(B) or (2) of section 708(b).

''(7) APPLICATION OF SECTION 751.—In applying section 751, an investment services partnership interest shall be treated as an inventory item.

''(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

''(1) IN GENERAL.—The term 'investment services partnership interest' means any interest in a partnership which is held (directly or indirectly) by any person if it was reasonably expected (at the time that such person acquired such interest) that such person (or any person related to such person) would provide (directly or indirectly) a substantial quantity of any of the following services with respect to assets held (directly or indirectly) by the partnership:

''(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

''(B) Managing, acquiring, or disposing of any specified asset.

''(C) Arranging financing with respect to acquiring specified assets.

''(D) Any activity in support of any service described in subparagraphs (A) through (C).

''(2) SPECIFIED ASSET.—The term 'specified asset' means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate held for rental or investment, interests in partnerships, commodities (as defined in section 475(e)(2)), or options or derivative contracts with respect to any of the foregoing.

''(3) EXCEPTION FOR FAMILY FARMS.—The term 'specified asset' shall not include any farm used for farming purposes if such farm is held by a partnership all of the interests

in which are held (directly or indirectly) by members of the same family. Terms used in the preceding sentence which are also used in section 2032A shall have the same meaning as when used in such section.

''(4) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b).

''(d) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

''(1) IN GENERAL.—In the case of any portion of an investment services partnership interest which is a qualified capital interest, all items of income, gain, loss, and deduction which are allocated to such qualified capital interest shall not be taken into account under subsection (a) if—

''(A) allocations of items are made by the partnership to such qualified capital interest in the same manner as such allocations are made to other qualified capital interests held by partners who do not provide any services described in subsection (c)(1) and who are not related to the partner holding the qualified capital interest, and

''(B) the allocations made to such other interests are significant compared to the allocations made to such qualified capital interest.

''(2) AUTHORITY TO PROVIDE EXCEPTIONS TO ALLOCATION REQUIREMENTS.—To the extent provided by the Secretary in regulations or other guidance—

''(A) ALLOCATIONS TO PORTION OF QUALIFIED CAPITAL INTEREST.—Paragraph (1) may be applied separately with respect to a portion of a qualified capital interest.

''(B) NO OR INSIGNIFICANT ALLOCATIONS TO NONSERVICE PROVIDERS.—In any case in which the requirements of paragraph (1)(B) are not satisfied, items of income, gain, loss, and deduction shall not be taken into account under subsection (a) to the extent that such items are properly allocable under such regulations or other guidance to qualified capital interests.

''(C) ALLOCATIONS TO SERVICE PROVIDERS' QUALIFIED CAPITAL INTERESTS WHICH ARE LESS THAN OTHER ALLOCATIONS.—Allocations shall not be treated as failing to meet the requirement of paragraph (1)(A) merely because the allocations to the qualified capital interest represent a lower return than the allocations made to the other qualified capital interests referred to in such paragraph.

''(3) SPECIAL RULE FOR CHANGES IN SERVICES.—In the case of an interest in a partnership which is not an investment services partnership interest and which, by reason of a change in the services with respect to assets held (directly or indirectly) by the partnership, would (without regard to the reasonable expectation exception of subsection (c)(1)) have become such an interest—

''(A) notwithstanding subsection (c)(1), such interest shall be treated as an investment services partnership interest as of the time of such change, and

''(B) for purposes of this subsection, the qualified capital interest of the holder of such partnership interest immediately after such change shall not be less than the fair market value of such interest (determined immediately before such change).

''(4) SPECIAL RULE FOR TIERED PARTNERSHIPS.—Except as otherwise provided by the Secretary, in the case of tiered partnerships, all items which are allocated in a manner which meets the requirements of paragraph (1) to qualified capital interests in a lower-tier partnership shall retain such character to the extent allocated on the basis of qualified capital interests in any upper-tier partnership.

''(5) EXCEPTION FOR NO-SELF-CHARGED CARRY AND MANAGEMENT FEE PROVISIONS.—Except as otherwise provided by the Secretary, an interest shall not fail to be treated as satisfying the requirement of paragraph (1)(A) merely because the allocations made by the partnership to such interest do not reflect the cost of services described in subsection (c)(1) which are provided (directly or indirectly) to the partnership by the holder of such interest (or a related person).

''(6) SPECIAL RULE FOR DISPOSITIONS.—In the case of any investment services partnership interest any portion of which is a qualified capital interest, subsection (b) shall not apply to so much of any gain or loss as bears the same proportion to the entire amount of such gain or loss as—

''(A) the distributive share of gain or loss that would have been allocated to the qualified capital interest (consistent with the requirements of paragraph (1)) if the partnership had sold all of its assets at fair market value immediately before the disposition, bears to

''(B) the distributive share of gain or loss that would have been so allocated to the investment services partnership interest of which such qualified capital interest is a part.

''(7) QUALIFIED CAPITAL INTEREST.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified capital interest' means so much of a partner's interest in the capital of the partnership as is attributable to—

''(i) the fair market value of any money or other property contributed to the partnership in exchange for such interest (determined without regard to section 752(a)),

''(ii) any amounts which have been included in gross income under section 83 with respect to the transfer of such interest, and

''(iii) the excess (if any) of—

''(I) any items of income and gain taken into account under section 702 with respect to such interest, over

''(II) any items of deduction and loss so taken into account.

''(B) ADJUSTMENT TO QUALIFIED CAPITAL INTEREST.—

''(i) DISTRIBUTIONS AND LOSSES.—The qualified capital interest shall be reduced by distributions from the partnership with respect to such interest and by the excess (if any) of the amount described in subparagraph (A)(iii)(II) over the amount described in subparagraph (A)(iii)(I).

''(ii) SPECIAL RULE FOR CONTRIBUTIONS OF PROPERTY.—In the case of any contribution of property described in subparagraph (A)(i) with respect to which the fair market value of such property is not equal to the adjusted basis of such property immediately before such contribution, proper adjustments shall be made to the qualified capital interest to take into account such difference consistent with such regulations or other guidance as the Secretary may provide.

''(8) TREATMENT OF CERTAIN LOANS.—

''(A) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS QUALIFIED CAPITAL INTEREST OF SERVICE PROVIDING PARTNERS.—For purposes of this subsection, an investment services partnership interest shall not be treated as a qualified capital interest to the extent that such interest is acquired in connection with the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any other partner or the partnership (or any person related to any such other partner or the partnership).

''(B) REDUCTION IN ALLOCATIONS TO QUALIFIED CAPITAL INTERESTS FOR LOANS FROM NONSERVICE PROVIDING PARTNERS TO THE PARTNERSHIP.—For purposes of this subsection, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services described in subsection (c)(1) to the partnership (or any person related to such partner) shall be taken into account in determining the qualified capital interests of the partners in the partnership.

''(e) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

''(1) IN GENERAL.—If—

''(A) a person performs (directly or indirectly) investment management services for any entity,

''(B) such person holds (directly or indirectly) a disqualified interest with respect to such entity, and

''(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,

any income or gain with respect to such interest shall be treated as ordinary income. Rules similar to the rules of subsections (a)(4) and (d) shall apply for purposes of this subsection.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) DISQUALIFIED INTEREST.—

''(i) IN GENERAL.—The term 'disqualified interest' means, with respect to any entity—

''(I) any interest in such entity other than indebtedness,

''(II) convertible or contingent debt of such entity,

''(III) any option or other right to acquire property described in subclause (I) or (II), and

''(IV) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

''(ii) EXCEPTIONS.—Such term shall not include—

''(I) a partnership interest,

''(II) except as provided by the Secretary, any interest in a taxable corporation, and

''(III) except as provided by the Secretary, stock in an S corporation.

''(B) TAXABLE CORPORATION.—The term 'taxable corporation' means—

''(i) a domestic C corporation, or

''(ii) a foreign corporation substantially all of the income of which is—

''(I) effectively connected with the conduct of a trade or business in the United States, or

''(II) subject to a comprehensive foreign income tax (as defined in section 457A(d)(2)).

''(C) INVESTMENT MANAGEMENT SERVICES.—The term 'investment management services' means a substantial quantity of any of the services described in subsection (c)(1).

''(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance to—

''(1) provide modifications to the application of this section (including treating related persons as not related to one another) to the extent such modification is consistent with the purposes of this section,

''(2) prevent the avoidance of the purposes of this section, and

''(3) coordinate this section with the other provisions of this title.

''(g) SPECIAL RULES FOR INDIVIDUALS.—In the case of an individual—

''(1) IN GENERAL.—Subsection (a)(1) shall apply only to the applicable percentage of the net income or net loss referred to in such subsection.

''(2) DISPOSITIONS, ETC.—The amount which (but for this paragraph) would be treated as ordinary income by reason of subsection (b) or (e) shall be the applicable percentage of such amount.

''(3) PRO RATA ALLOCATION TO ITEMS.—For purposes of applying subsections (a) and (e) the aggregate amount treated as ordinary income for any such taxable year shall be allocated ratably among the items of income,

gain, loss, and deduction taken into account in determining such amount.

''(4) SPECIAL RULE FOR RECOGNITION OF GAIN.—Gain which (but for this section) would not be recognized shall be recognized by reason of subsection (b) only to the extent that such gain is treated as ordinary income after application of paragraph (2).

''(5) COORDINATION WITH LIMITATION ON LOSSES.—For purposes of applying paragraph (2) of subsection (a) with respect to any net loss for any taxable year—

''(A) such paragraph shall only apply with respect to the applicable percentage of such net loss for such taxable year,

''(B) in the case of a prior partnership taxable year referred to in clause (i) or (ii) of subparagraph (A) of such paragraph, only the applicable percentage (as in effect for such prior taxable year) of net income or net loss for such prior partnership taxable year shall be taken into account, and

''(C) any net loss carried forward to the succeeding partnership taxable year under subparagraph (B) of such paragraph shall—

''(i) be taken into account in such succeeding year without reduction under this subsection, and

''(ii) in lieu of being taken into account as an item of loss in such succeeding year, shall be taken into account—

''(I) as an increase in net loss or as a reduction in net income (including below zero), as the case may be, and

''(II) after any reduction in the amount of such net loss or net income under this subsection.

A rule similar to the rule of the preceding sentence shall apply for purposes of subsection (b)(2)(A).

''(6) COORDINATION WITH TREATMENT OF DIVIDENDS.—Subsection (a)(4) shall only apply to the applicable percentage of dividends described therein.

''(7) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means 75 percent (50 percent in the case of any taxable year beginning before January 1, 2013).

''(h) CROSS REFERENCE.—For 40 percent penalty on certain underpayments due to the avoidance of this section, see section 6662.''.

(b) TREATMENT FOR PURPOSES OF SECTION 7704.—Subsection (d) of section 7704 is amended by adding at the end the following new paragraph:

''(6) INCOME FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS NOT QUALIFIED.—

''(A) IN GENERAL.—Items of income and gain shall not be treated as qualifying income if such items are treated as ordinary income by reason of the application of section 710 (relating to special rules for partners providing investment management services to partnership). The preceding sentence shall not apply to any item described in paragraph (1)(E) (or so much of paragraph (1)(F) as relates to paragraph (1)(E)).

''(B) SPECIAL RULES FOR CERTAIN PARTNERSHIPS.—

''(i) CERTAIN PARTNERSHIPS OWNED BY REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

''(I) Such partnership is treated as publicly traded under this section solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

''(II) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

''(III) Such partnership meets the requirements of paragraphs (2), (3), and (4) of section 856(c).

''(ii) CERTAIN PARTNERSHIPS OWNING OTHER PUBLICLY TRADED PARTNERSHIPS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

''(I) Substantially all of the assets of such partnership consist of interests in one or more publicly traded partnerships (determined without regard to subsection (b)(2)).

''(II) Substantially all of the income of such partnership is ordinary income or section 1231 gain (as defined in section 1231(a)(3)).

''(C) TRANSITIONAL RULE.—Subparagraph (A) shall not apply to any taxable year of the partnership beginning before the date which is 10 years after the date of the enactment of this paragraph.''.

(c) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (7) the following new paragraph:

''(8) The application of subsection (e) of section 710 or the regulations prescribed under section 710(f) to prevent the avoidance of the purposes of section 710.''.

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 is amended by adding at the end the following new subsection:

''(k) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(8), subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.''.

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended by striking ''or (i)'' and inserting '', (i), or (k)''.

(3) SPECIAL RULES FOR APPLICATION OF REASONABLE CAUSE EXCEPTION.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(B) by striking ''paragraph (3)'' in paragraph (5)(A), as so redesignated, and inserting ''paragraph (4)''; and

(C) by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULE FOR UNDERPAYMENTS ATTRIBUTABLE TO INVESTMENT MANAGEMENT SERVICES.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any portion of an underpayment to which this section applies by reason of subsection (b)(8) unless—

''(i) the relevant facts affecting the tax treatment of the item are adequately disclosed,

''(ii) there is or was substantial authority for such treatment, and

''(iii) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

''(B) RULES RELATING TO REASONABLE BELIEF.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of subparagraph (A)(iii).''.

(d) INCOME AND LOSS FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS TAKEN INTO ACCOUNT IN DETERMINING NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) INTERNAL REVENUE CODE.—Section 1402(a) is amended by striking ''and'' at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting ''; and'', and by inserting after paragraph (17) the following new paragraph:

''(18) notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(1) with respect to any entity, any amount treated as ordinary income or ordinary loss of such individual under section 710 with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.''.

(2) SOCIAL SECURITY ACT.—Section 211(a) of the Social Security Act is amended by striking ''and'' at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ''; and'', and by inserting after paragraph (16) the following new paragraph:

''(17) Notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(1) of the Internal Revenue Code of 1986 with respect to any entity, any amount treated as ordinary income or ordinary loss of such individual under section 710 of such Code with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.''.

(e) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 is amended by inserting ''section 710(b)(4) (relating to distributions of partnership property),'' after ''to the extent otherwise provided by''.

(2) Section 741 is amended by inserting ''or section 710 (relating to special rules for partners providing investment management services to partnership)'' before the period at the end.

(3) The table of sections for part I of subchapter K of chapter 1 is amended by adding at the end the following new item:

''*Sec. 710. Special rules for partners providing investment management services to partnership.*''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after December 31, 2010.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes December 31, 2010, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—Section 710(b) of the Internal Revenue Code of 1986 (as added by this section) shall apply to dispositions and distributions after December 31, 2010.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(e) of such Code (as added by this section) shall take effect on December 31, 2010.

SEC. 413. EMPLOYMENT TAX TREATMENT OF PROFESSIONAL SERVICE BUSINESSES.

(a) IN GENERAL.—Section 1402 is amended by adding at the end the following new subsection:

''(m) SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.—

''(1) SHAREHOLDERS PROVIDING SERVICES TO DISQUALIFIED S CORPORATIONS.—

''(A) IN GENERAL.—In the case of any disqualified S corporation, each shareholder of such disqualified S corporation who provides substantial services with respect to the professional service business referred to in subparagraph (C) shall take into account such shareholder's pro rata share of all items of income or loss described in section 1366 which are attributable to such business in determining the shareholder's net earnings from self-employment.

''(B) TREATMENT OF FAMILY MEMBERS.—Except as otherwise provided by the Secretary,

the shareholder's pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such shareholder's family (within the meaning of section 318(a)(1)) who does not provide substantial services with respect to such professional service business.

''(C) DISQUALIFIED S CORPORATION.—For purposes of this subsection, the term 'disqualified S corporation' means—

''(i) any S corporation which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

''(ii) any other S corporation which is engaged in a professional service business if the principal asset of such business is the reputation and skill of 3 or fewer employees.

''(2) PARTNERS.—In the case of any partnership which is engaged in a professional service business, subsection (a)(13) shall not apply to any partner who provides substantial services with respect to such professional service business.

''(3) PROFESSIONAL SERVICE BUSINESS.—For purposes of this subsection, the term 'professional service business' means any trade or business if substantially all of the activities of such trade or business involve providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.

''(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations which prevent the avoidance of the purposes of this subsection through tiered entities or otherwise.

''(5) CROSS REFERENCE.—For employment tax treatment of wages paid to shareholders of S corporations, see subtitle C.''.

(b) CONFORMING AMENDMENT.—Section 211 of the Social Security Act is amended by adding at the end the following new subsection:

''(l) SPECIAL RULES FOR PROFESSIONAL SERVICE BUSINESSES.—

''(1) SHAREHOLDERS PROVIDING SERVICES TO DISQUALIFIED S CORPORATIONS.—

''(A) IN GENERAL.—In the case of any disqualified S corporation, each shareholder of such disqualified S corporation who provides substantial services with respect to the professional service business referred to in subparagraph (C) shall take into account such shareholder's pro rata share of all items of income or loss described in section 1366 of the Internal Revenue Code of 1986 which are attributable to such business in determining the shareholder's net earnings from self-employment.

''(B) TREATMENT OF FAMILY MEMBERS.—Except as otherwise provided by the Secretary of the Treasury, the shareholder's pro rata share of items referred to in subparagraph (A) shall be increased by the pro rata share of such items of each member of such shareholder's family (within the meaning of section 318(a)(1) of the Internal Revenue Code of 1986) who does not provide substantial services with respect to such professional service business.

''(C) DISQUALIFIED S CORPORATION.—For purposes of this subsection, the term 'disqualified S corporation' means—

''(i) any S corporation which is a partner in a partnership which is engaged in a professional service business if substantially all of the activities of such S corporation are performed in connection with such partnership, and

''(ii) any other S corporation which is engaged in a professional service business if the principal asset of such business is the reputation and skill of 3 or fewer employees.

''(2) PARTNERS.—In the case of any partnership which is engaged in a professional service business, subsection (a)(12) shall not apply to any partner who provides substantial services with respect to such professional service business.

''(3) PROFESSIONAL SERVICE BUSINESS.—For purposes of this subsection, the term 'professional service business' means any trade or business if substantially all of the activities of such trade or business involve providing services in the fields of health, law, lobbying, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, investment advice or management, or brokerage services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

Subtitle C—Corporate Provisions

SEC. 421. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.

(a) IN GENERAL.—Section 361 (relating to nonrecognition of gain or loss to corporations; treatment of distributions) is amended by adding at the end the following new subsection:

''(d) SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 355 DISTRIBUTIONS.—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355—

''(1) this section shall be applied by substituting 'stock other than nonqualified preferred stock (as defined in section 351(g)(2))' for 'stock or securities' in subsections (a) and (b)(1), and

''(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the amount of the liabilities assumed (within the meaning of section 357(c))).''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on March 15, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

SEC. 422. TAXATION OF BOOT RECEIVED IN REORGANIZATIONS.

(a) IN GENERAL.—Paragraph (2) of section 356(a) is amended—

(1) by striking ''If an exchange'' and inserting ''Except as otherwise provided by the Secretary—

''(A) IN GENERAL.—If an exchange'';

(2) by striking ''then there shall be'' and all that follows through ''February 28, 1913'' and inserting ''then the amount of other property or money shall be treated as a dividend to the extent of the earnings and profits of the corporation''; and

(3) by adding at the end the following new subparagraph:

''(B) CERTAIN REORGANIZATIONS.—In the case of a reorganization described in section 368(a)(1)(D) to which section 354(b)(1) applies or any other reorganization specified by the Secretary, in applying subparagraph (A)—

''(i) the earnings and profits of each corporation which is a party to the reorganization shall be taken into account, and

''(ii) the amount which is a dividend (and source thereof) shall be determined under rules similar to the rules of paragraphs (2) and (5) of section 304(b).''.

(b) EARNINGS AND PROFITS.—Paragraph (7) of section 312(n) is amended by adding at the end the following: ''A similar rule shall apply to an exchange to which section 356(a)(1) applies.''.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 356(a) is amended by striking ''then the gain'' and inserting ''then (except as provided in paragraph (2)) the gain''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange between unrelated persons pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described in a public announcement or filing with the Securities and Exchange Commission on or before such date.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

Subtitle D—Other Provisions

SEC. 431. MODIFICATIONS WITH RESPECT TO OIL SPILL LIABILITY TRUST FUND.

(a) EXTENSION OF APPLICATION OF OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Paragraph (2) of section 4611(f) is amended by striking ''December 31, 2017'' and inserting ''December 31, 2020''.

(b) INCREASE IN OIL SPILL LIABILITY TRUST FUND FINANCING RATE.—Subparagraph (B) of section 4611(c)(2) is amended to read as follows:

''(B) the Oil Spill Liability Trust Fund financing rate is 34 cents a barrel.''.

(c) INCREASE IN PER INCIDENT LIMITATIONS ON EXPENDITURES.—Subparagraph (A) of section 9509(c)(2) is amended—

(1) by striking ''$1,000,000,000'' in clause (i) and inserting ''$5,000,000,000'';

(2) by striking ''$500,000,000'' in clause (ii) and inserting ''$2,500,000,000''; and

(3) by striking ''$1,000,000,000 PER INCIDENT, ETC'' in the heading and inserting ''PER INCIDENT LIMITATIONS''.

(d) EFFECTIVE DATE.—

(1) EXTENSION OF FINANCING RATE.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) INCREASE IN FINANCING RATE.—The amendment made by subsection (b) shall apply to crude oil received and petroleum products entered during calendar quarters beginning more than 60 days after the date of the enactment of this Act.

SEC. 432. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 36 percentage points.

TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE

Subtitle A—Unemployment Insurance and Other Assistance

SEC. 501. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''June 2, 2010'' each place it appears and inserting ''November 30, 2010'';

(B) in the heading for subsection (b)(2), by striking ''JUNE 2, 2010'' and inserting ''NOVEMBER 30, 2010''; and

(C) in subsection (b)(3), by striking ''November 6, 2010'' and inserting ''April 30, 2011''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''June 2, 2010'' and inserting ''November 30, 2010'';

(B) in the heading for paragraph (2), by striking ''JUNE 2, 2010'' and inserting ''NOVEMBER 30, 2010''; and

(C) in paragraph (3), by striking ''December 7, 2010'' and inserting ''May 31, 2011''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''June 2, 2010'' each place it appears and inserting ''December 1, 2011''; and

(B) in subsection (c), by striking ''November 6, 2010'' and inserting ''May 1, 2011''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''November 6, 2010'' and inserting ''April 30, 2011''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking ''and'' at the end; and

(2) by inserting after subparagraph (E) the following:

''(F) the amendments made by section 501(a)(1) of the American Jobs and Closing Tax Loopholes Act of 2010; and''.

(c) CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before ''shall apply'' the following: ''(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111–157).

SEC. 502. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.

(a) CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR BENEFITS.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

''(g) COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—

''(1) If—

''(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

''(B) that benefit year has expired,

''(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

''(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either $100 or 25 percent less than the individual's weekly benefit amount in the benefit year referred to in subparagraph (A),

then the State shall determine eligibility for compensation as provided in paragraph (2).

''(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

''(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

''(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph(1)(A);

''(C) The State shall pay, if permitted by State law—

''(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

''(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

''(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

SEC. 503. EXTENSION OF THE EMERGENCY CONTINGENCY FUND.

(a) IN GENERAL.—Section 403(c) of the Social Security Act (42 U.S.C. 603(c)) is amended—

(1) in paragraph (2)(A), by inserting '', and for fiscal year 2011, $2,500,000,000'' before ''for payment'';

(2) by striking paragraph (2)(B) and inserting the following:

''(B) AVAILABILITY AND USE OF FUNDS.—

''(i) FISCAL YEARS 2009 AND 2010.—The amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2009 shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with paragraph (3), except that the amounts shall remain available through fiscal year 2011 to make grants and payments to States in accordance with paragraph (3)(C) to cover expenditures to subsidize employment positions held by individuals placed in the positions before fiscal year 2011.

''(ii) FISCAL YEAR 2011.—Subject to clause (iii), the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011 shall remain available through fiscal year 2012 and shall be used to make grants to States based on expenditures in fiscal year 2011 for benefits and services provided in fiscal year 2011 in accordance with the requirements of paragraph (3).

''(iii) RESERVATION OF FUNDS.—Of the amounts appropriated to the Emergency Fund under subparagraph (A) for fiscal year 2011, $500,000 shall be placed in reserve for use in fiscal year 2012, and shall be used to award grants for any expenditures described in this subsection incurred by States after September 30, 2011.'';

(3) in paragraph (2)(C), by striking ''2010'' and inserting ''2012'';

(4) in paragraph (3)—

(A) in clause (i) of each of subparagraphs (A), (B), and (C)—

(i) by striking ''year 2009 or 2010'' and inserting ''years 2009 through 2011'';

(ii) by striking ''and'' at the end of subclause (I);

(iii) by striking the period at the end of subclause (II) and inserting ''; and''; and

(iv) by adding at the end the following:

''(III) if the quarter is in fiscal year 2011, has provided the Secretary with such information as the Secretary may find necessary in order to make the determinations, or take any other action, described in paragraph (5)(C).''; and

(B) in subparagraph (C), by adding at the end the following:

''(iv) LIMITATION ON EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.—An expenditure for subsidized employment shall be taken into account under clause (ii) only if the expenditure is used to subsidize employment for—

''(I) a member of a needy family (without regard to whether the family is receiving assistance under the State program funded under this part); or

''(II) an individual who has exhausted (or, within 60 days, will exhaust) all rights to receive unemployment compensation under Federal and State law, and who is a member of a needy family.'';

(5) by striking paragraph (5) and inserting the following:

''(5) LIMITATIONS ON PAYMENTS; ADJUSTMENT AUTHORITY.—

''(A) FISCAL YEARS 2009 AND 2010.—The total amount payable to a single State under subsection (b) and this subsection for fiscal years 2009 and 2010 combined shall not exceed 50 percent of the annual State family assistance grant.

''(B) FISCAL YEAR 2011.—Subject to subparagraph (C), the total amount payable to a single State under subsection (b) and this subsection for fiscal year 2011 shall not exceed 30 percent of the annual State family assistance grant.

''(C) ADJUSTMENT AUTHORITY.—If the Secretary determines that the Emergency Fund is at risk of being depleted before September 30, 2011, or that funds are available to accommodate additional State requests under this subsection, the Secretary may, through program instructions issued without regard to the requirements of section 553 of title 5, United States Code—

''(i) specify priority criteria for awarding grants to States during fiscal year 2011; and

''(ii) adjust the percentage limitation applicable under subparagraph (B) with respect to the total amount payable to a single State for fiscal year 2011.''; and

(6) in paragraph (6), by inserting ''or for expenditures described in paragraph (3)(C)(iv)'' before the period.

(b) CONFORMING AMENDMENTS.—Section 2101 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) in subsection (a)(2)—

(A) by striking ''2010'' and inserting ''2011''; and

(B) by striking all that follows ''repealed'' and inserting a period; and

(2) in subsection (d)(1), by striking ''2010'' and inserting ''2011''.

(c) PROGRAM GUIDANCE.—The Secretary of Health and Human Services shall issue program guidance, without regard to the requirements of section 553 of title 5, United

States Code, which ensures that the funds provided under the amendments made by this section to a jurisdiction for subsidized employment do not support any subsidized employment position the annual salary of which is greater than, at State option—

(1) 200 percent of the poverty line (within the meaning of section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section 673(2)) for a family of 4; or

(2) the median wage in the jurisdiction.

Subtitle B—Health Provisions

SEC. 511. EXTENSION OF SECTION 508 RECLASSIFICATIONS.

(a) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), and sections 3137(a) and 10317 of Public Law 111–148, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

(b) APPLICATION.—For fiscal year 2011, the Secretary of Health and Human Services may implement the amendment made by subsection (a) by posting on the Internet website of the Centers for Medicare & Medicaid Services a list of the areas and the hospitals whose reclassifications will be extended pursuant to such amendment. Hospitals located in or reclassified to labor market areas that are affected by such extension may terminate or withdraw their reclassifications by following the procedures included in section 412.273 of title 42, Code of Federal Regulations, except that any request for such termination or withdrawal must be received by the Medicare Geographic Classification Review Board not later than the date that is 5 business days after the day of such posting on the Internet website of the Centers for Medicare & Medicaid Services or June 18, 2010, whichever date is later.

(c) CONFORMING AMENDMENT.—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173)), is amended by inserting ''in fiscal years 2008 and 2009'' after ''For purposes of implementation of this subsection''.

SEC. 512. REPEAL OF DELAY OF RUG-IV.

Effective as if included in the enactment of Public Law 111–148, section 10325 of such Act is repealed.

SEC. 513. LIMITATION ON REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 3122 of Public Law 111–148 is repealed and the provision of law amended by such section is restored as if such section had not been enacted.

SEC. 514. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of such title that involve reprocessing of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, $175,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

SEC. 515. MEDICAID AND CHIP TECHNICAL CORRECTIONS.

(a) REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.—Section 6502 of Public Law 111–148 is repealed and the provisions of law amended by such section are restored as if such section had never been enacted. Nothing in the previous sentence shall affect the execution or placement of the insertion made by section 6503 of such Act.

(b) INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.—Effective as if included in the enactment of Public Law 111–148, section 2001(a)(5)(B) of such Act is amended by striking all that follows ''is amended'' and inserting the following: ''by inserting after '100 percent' the following: '(or, beginning January 1, 2014, 133 percent)'.''.

(c) CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.—Section 601(b) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) is amended by adding at the end the following: ''The Secretary is not required under this subsection to calculate or publish a national or a State-specific error rate for fiscal year 2009 or fiscal year 2010.''.

(d) CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397jj(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking ''PER PERSON'' in the heading; and

(B) by striking ''each employee'' and inserting ''employees''; and

(2) in subparagraph (C), by striking '', on a case-by-case basis,''.

(e) ELECTRONIC HEALTH RECORDS.—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking ''reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)'' and inserting ''reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)''; and

(2) in paragraph (6)(B), by inserting before the period the following: ''and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost''.

(f) CORRECTIONS OF DESIGNATIONS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking ''and'' before ''(XVI) the medical'' and by striking ''(XVI) if'' and inserting ''(XVII) if''; and

(B) in subsection (ii)(2), by striking ''(XV)'' and inserting ''(XVI)''.

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111–148 as subparagraph (O).

SEC. 516. ADDITION OF INPATIENT DRUG DISCOUNT PROGRAM TO 340B DRUG DISCOUNT PROGRAM.

(a) ADDITION OF INPATIENT DRUG DISCOUNT.—Title III of the Public Health Service Act is amended by inserting after section 340B (42 U.S.C. 256b) the following:

''SEC. 340B–1. DISCOUNT INPATIENT DRUGS FOR INDIVIDUALS WITHOUT PRESCRIPTION DRUG COVERAGE.

''(a) REQUIREMENTS FOR AGREEMENTS WITH THE SECRETARY.—

''(1) IN GENERAL.—

''(A) AGREEMENT.—The Secretary shall enter into an agreement with each manufacturer of covered inpatient drugs under which the amount required to be paid (taking into account any rebate or discount, as provided by the Secretary) to the manufacturer for covered inpatient drugs (other than drugs described in paragraph (3)) purchased by a covered entity on or after January 1, 2011, does not exceed an amount equal to the average manufacturer price for the drug under title XIX of the Social Security Act in the preceding calendar quarter, reduced by the rebate percentage described in paragraph (2). For a covered inpatient drug that also is a covered outpatient drug under section 340B, the amount required to be paid under the preceding sentence shall be equal to the amount required to be paid under section 340B(a)(1) for such drug. The agreement with a manufacturer under this subparagraph may, at the discretion of the Secretary, be included in the agreement with the same manufacturer under section 340B.

''(B) CEILING PRICE.—Each such agreement shall require that the manufacturer furnish the Secretary with reports, on a quarterly basis, of the price for each covered inpatient drug subject to the agreement that, according to the manufacturer, represents the maximum price that covered entities may permissibly be required to pay for the drug (referred to in this section as the 'ceiling price'), and shall require that the manufacturer offer each covered entity covered inpatient drugs for purchase at or below the applicable ceiling price if such drug is made available to any other purchaser at any price.

''(C) ALLOCATION METHOD.—Each such agreement shall require that, if the supply of a covered inpatient drug is insufficient to meet demand, then the manufacturer may use an allocation method that is reported in writing to, and approved by, the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to the participation of an entity in the program under this section.

''(2) REBATE PERCENTAGE DEFINED.—

''(A) IN GENERAL.—For a covered inpatient drug purchased in a calendar quarter, the 'rebate percentage' is the amount (expressed as a percentage) equal to—

''(i) the average total rebate required under section 1927(c) of the Social Security Act (or the average total rebate that would be required if the drug were a covered outpatient drug under such section) with respect to the drug (for a unit of the dosage form and strength involved) during the preceding calendar quarter; divided by

''(ii) the average manufacturer price for such a unit of the drug during such quarter.

''(B) OVER THE COUNTER DRUGS.—

''(i) IN GENERAL.—For purposes of subparagraph (A), in the case of over the counter drugs, the 'rebate percentage' shall be determined as if the rebate required under section 1927(c) of the Social Security Act is based on the applicable percentage provided under section 1927(c)(3) of such Act.

''(ii) DEFINITION.—The term 'over the counter drug' means a drug that may be sold without a prescription and which is prescribed by a physician (or other persons authorized to prescribe such drug under State law).

''(3) DRUGS PROVIDED UNDER STATE MEDICAID PLANS.—Drugs described in this paragraph are drugs purchased by the entity for which payment is made by the State under the State plan for medical assistance under title XIX of the Social Security Act.

''(4) REQUIREMENTS FOR COVERED ENTITIES.—

''(A) PROHIBITING DUPLICATE DISCOUNTS OR REBATES.—

''(i) IN GENERAL.—A covered entity shall not request payment under title XIX of the Social Security Act for medical assistance described in section 1905(a)(12) of such Act with respect to a drug that is subject to an agreement under this section if the drug is

subject to the payment of a rebate to the State under section 1927 of such Act.

''(ii) ESTABLISHMENT OF MECHANISM.—The Secretary shall establish a mechanism to ensure that covered entities comply with clause (i). If the Secretary does not establish a mechanism under the previous sentence within 12 months of the enactment of this section, the requirements of section 1927(a)(5)(C) of the Social Security Act shall apply.

''(iii) PROHIBITING DISCLOSURE TO GROUP PURCHASING ORGANIZATIONS.—In the event that a covered entity is a member of a group purchasing organization, such entity shall not disclose the price or any other information pertaining to any purchases under this section directly or indirectly to such group purchasing organization.

''(B) PROHIBITING RESALE, DISPENSING, OR ADMINISTRATION OF DRUGS EXCEPT TO CERTAIN PATIENTS.—With respect to any covered inpatient drug that is subject to an agreement under this subsection, a covered entity shall not dispense, administer, resell, or otherwise transfer the covered inpatient drug to a person unless—

''(i) such person is a patient of the entity; and

''(ii) such person does not have health plan coverage (as defined in subsection (c)(3)) that provides prescription drug coverage in the inpatient setting with respect to such covered inpatient drug.

For purposes of clause (ii), a person shall be treated as having health plan coverage (as defined in subsection (c)(3)) with respect to a covered inpatient drug if benefits are not payable under such coverage with respect to such drug for reasons such as the application of a deductible or cost sharing or the use of utilization management.

''(C) AUDITING.—A covered entity shall permit the Secretary and the manufacturer of a covered inpatient drug that is subject to an agreement under this subsection with the entity (acting in accordance with procedures established by the Secretary relating to the number, duration, and scope of audits) to audit at the Secretary's or the manufacturer's expense the records of the entity that directly pertain to the entity's compliance with the requirements described in subparagraph (A) or (B) with respect to drugs of the manufacturer. The use or disclosure of information for performance of such an audit shall be treated as a use or disclosure required by law for purposes of section 164.512(a) of title 45, Code of Federal Regulations.

''(D) ADDITIONAL SANCTION FOR NONCOMPLIANCE.—If the Secretary finds, after notice and hearing, that a covered entity is in violation of a requirement described in subparagraph (A) or (B), the covered entity shall be liable to the manufacturer of the covered inpatient drug that is the subject of the violation in an amount equal to the reduction in the price of the drug (as described in subparagraph (A)) provided under the agreement between the Secretary and the manufacturer under this subsection.

''(E) MAINTENANCE OF RECORDS.—

''(i) IN GENERAL.—A covered entity shall establish and maintain an effective recordkeeping system to comply with this section and shall certify to the Secretary that such entity is in compliance with subparagraphs (A) and (B). The Secretary shall require that hospitals that purchase covered inpatient drugs for inpatient dispensing or administration under this subsection appropriately segregate inventory of such covered inpatient drugs, either physically or electronically, from drugs for outpatient use, as well as from drugs for inpatient dispensing or administration to individuals who have (for purposes of subparagraph (B)) health plan coverage described in clause (ii) of such subparagraph.

''(ii) CERTIFICATION OF NO THIRD-PARTY PAYER.—A covered entity shall maintain records that contain certification by the covered entity that no third party payment was received for any covered inpatient drug that is subject to an agreement under this subsection and that was dispensed to an inpatient.

''(5) TREATMENT OF DISTINCT UNITS OF HOSPITALS.—In the case of a covered entity that is a distinct part of a hospital, the distinct part of the hospital shall not be considered a covered entity under this subsection unless the hospital is otherwise a covered entity under this subsection.

''(6) NOTICE TO MANUFACTURERS.—The Secretary shall notify manufacturers of covered inpatient drugs and single State agencies under section 1902(a)(5) of the Social Security Act of the identities of covered entities under this subsection, and of entities that no longer meet the requirements of paragraph (4), by means of timely updates of the Internet website supported by the Department of Health and Human Services relating to this section.

''(7) NO PROHIBITION ON LARGER DISCOUNT.—Nothing in this subsection shall prohibit a manufacturer from charging a price for a drug that is lower than the maximum price that may be charged under paragraph (1).

''(b) COVERED ENTITY DEFINED.—In this section, the term 'covered entity' means an entity that meets the requirements described in subsection (a)(4) and is one of the following:

''(1) A subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act) that—

''(A) is owned or operated by a unit of State or local government, is a public or private non-profit corporation which is formally granted governmental powers by a unit of State or local government, or is a private nonprofit hospital which has a contract with a State or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the Social Security Act or eligible for assistance under the State plan for medical assistance under title XIX of such Act; and

''(B) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined using the methodology under section 1886(d)(5)(F) of the Social Security Act as in effect on the date of enactment of this section) greater than 20.20 percent or was described in section 1886(d)(5)(F)(i)(II) of such Act (as so in effect on the date of enactment of this section).

''(2) A children's hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

''(3) A free-standing cancer hospital excluded from the Medicare prospective payment system pursuant to section 1886(d)(1)(B)(v) of the Social Security Act that would meet the requirements of paragraph (1), including the disproportionate share adjustment percentage requirement under subparagraph (B) of such paragraph, if the hospital were a subsection (d) hospital as defined by section 1886(d)(1)(B) of the Social Security Act.

''(4) An entity that is a critical access hospital (as determined under section 1820(c)(2) of the Social Security Act), and that meets the requirements of paragraph (1)(A).

''(5) An entity that is a rural referral center, as defined by section 1886(d)(5)(C)(i) of the Social Security Act, or a sole community hospital, as defined by section 1886(d)(5)(C)(iii) of such Act, and that both meets the requirements of paragraph (1)(A) and has a disproportionate share adjustment percentage equal to or greater than 8 percent.

''(c) OTHER DEFINITIONS.—In this section:

''(1) AVERAGE MANUFACTURER PRICE.—

''(A) IN GENERAL.—The term 'average manufacturer price'—

''(i) has the meaning given such term in section 1927(k) of the Social Security Act, except that such term shall be applied under this section with respect to covered inpatient drugs in the same manner (as applicable) as such term is applied under such section 1927(k) with respect to covered outpatient drugs (as defined in such section); and

''(ii) with respect to a covered inpatient drug for which there is no average manufacturer price (as defined in clause (i)), shall be the amount determined under regulations promulgated by the Secretary under subparagraph (B).

''(B) RULEMAKING.—The Secretary shall by regulation, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, establish a method for determining the average manufacturer price for covered inpatient drugs for which there is no average manufacturer price (as defined in subparagraph (A)(i)). Regulations promulgated with respect to covered inpatient drugs under the preceding sentence shall provide for the application of methods for determining the average manufacturer price that are the same as the methods used to determine such price in calculating rebates required for such drugs under an agreement between a manufacturer and a State that satisfies the requirements of section 1927(b) of the Social Security Act, as applicable.

''(2) COVERED INPATIENT DRUG.—The term 'covered inpatient drug' means a drug—

''(A) that is described in section 1927(k)(2) of the Social Security Act;

''(B) that, notwithstanding paragraph (3)(A) of section 1927(k) of such Act, is used in connection with an inpatient service provided by a covered entity that is enrolled to participate in the drug discount program under this section; and

''(C) that is not purchased by the covered entity through or under contract with a group purchasing organization.

''(3) HEALTH PLAN COVERAGE.—The term 'health plan coverage' means—

''(A) health insurance coverage (as defined in section 2791, and including coverage under a State health benefits risk pool);

''(B) coverage under a group health plan (as defined in such section, and including coverage under a church plan, a governmental plan, or a collectively bargained plan);

''(C) coverage under a Federal health care program (as defined by section 1128B(f) of the Social Security Act); or

''(D) such other health benefits coverage as the Secretary recognizes for purposes of this section.

''(4) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in section 1927(k) of the Social Security Act.

''(d) PROGRAM INTEGRITY.—

''(1) MANUFACTURER COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by manufacturers with the requirements of this section in order to prevent overcharges and other violations of the discounted pricing requirements specified in this section.

''(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

''(i) The establishment of a process to enable the Secretary to verify the accuracy of ceiling prices calculated by manufacturers under subsection (a)(1) and charged to covered entities, which shall include the following:

''(I) Developing and publishing through an appropriate policy or regulatory issuance, precisely defined standards and methodology for the calculation of ceiling prices under such subsection.

''(II) Comparing regularly the ceiling prices calculated by the Secretary with the quarterly pricing data that is reported by manufacturers to the Secretary.

''(III) Conducting periodic monitoring of sales transactions by covered entities.

''(IV) Inquiring into any discrepancies between ceiling prices and manufacturer pricing data that may be identified and taking, or requiring manufacturers to take, corrective action in response to such discrepancies, including the issuance of refunds pursuant to the procedures set forth in clause (ii).

''(ii) The establishment of procedures for manufacturers to issue refunds to covered entities in the event that there is an overcharge by the manufacturers, including the following:

''(I) Providing the Secretary with an explanation of why and how the overcharge occurred, how the refunds will be calculated, and to whom the refunds will be issued.

''(II) Oversight by the Secretary to ensure that the refunds are issued accurately and within a reasonable period of time.

''(iii) The provision of access through the Internet website supported by the Department of Health and Human Services to the applicable ceiling prices for covered inpatient drugs as calculated and verified by the Secretary in accordance with this section, in a manner (such as through the use of password protection) that limits such access to covered entities and adequately assures security and protection of privileged pricing data from unauthorized re-disclosure.

''(iv) The development of a mechanism by which—

''(I) rebates, discounts, or other price concessions provided by manufacturers to other purchasers subsequent to the sale of covered inpatient drugs to covered entities are reported to the Secretary; and

''(II) appropriate credits and refunds are issued to covered entities if such discounts, rebates, or other price concessions have the effect of lowering the applicable ceiling price for the relevant quarter for the drugs involved.

''(v) Selective auditing of manufacturers and wholesalers to ensure the integrity of the drug discount program under this section.

''(vi) The establishment of a requirement that manufacturers and wholesalers use the identification system developed by the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

''(vii) The imposition of sanctions in the form of civil monetary penalties, which—

''(I) shall be assessed according to standards and procedures established in regulations to be promulgated by the Secretary not later than January 1, 2011;

''(II) shall not exceed $10,000 per single dosage form of a covered inpatient drug purchased by a covered entity where a manufacturer knowingly charges such covered entity a price for such drug that exceeds the ceiling price under subsection (a)(1); and

''(III) shall not exceed $100,000 for each instance where a manufacturer withholds or provides materially false information to the Secretary or to covered entities under this section or knowingly violates any provision of this section (other than subsection (a)(1)).

''(2) COVERED ENTITY COMPLIANCE.—

''(A) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall provide for improvements in compliance by covered entities with the requirements of this section in order to prevent diversion and violations of the duplicate discount provision and other requirements specified under subsection (a)(4).

''(B) IMPROVEMENTS.—The improvements described in subparagraph (A) shall include the following:

''(i) The development of procedures to enable and require covered entities to update at least annually the information on the Internet website supported by the Department of Health and Human Services relating to this section.

''(ii) The development of procedures for the Secretary to verify the accuracy of information regarding covered entities that is listed on the website described in clause (i).

''(iii) The development of more detailed guidance describing methodologies and options available to covered entities for billing covered inpatient drugs to State Medicaid agencies in a manner that avoids duplicate discounts pursuant to subsection (a)(4)(A).

''(iv) The establishment of a single, universal, and standardized identification system by which each covered entity site and each covered entity's purchasing status under sections 340B and this section can be identified by manufacturers, distributors, covered entities, and the Secretary for purposes of facilitating the ordering, purchasing, and delivery of covered inpatient drugs under this section, including the processing of chargebacks for such drugs.

''(v) The imposition of sanctions in the form of civil monetary penalties, which—

''(I) shall be assessed according to standards and procedures established in regulations promulgated by the Secretary; and

''(II) shall not exceed $10,000 for each instance where a covered entity knowingly violates subsection (a)(4)(B) or knowingly violates any other provision of this section.

''(vi) The termination of a covered entity's participation in the program under this section, for a period of time to be determined by the Secretary, in cases in which the Secretary determines, in accordance with standards and procedures established by regulation, that—

''(I) the violation by a covered entity of a requirement of this section was repeated and knowing; and

''(II) imposition of a monetary penalty would be insufficient to reasonably ensure compliance with the requirements of this section.

''(vii) The referral of matters, as appropriate, to the Food and Drug Administration, the Office of the Inspector General of the Department of Health and Human Services, or other Federal or State agencies.

''(3) ADMINISTRATIVE DISPUTE RESOLUTION PROCESS.—From amounts appropriated under subsection (f), the Secretary may establish and implement an administrative process for the resolution of the following:

''(A) Claims by covered entities that manufacturers have violated the terms of their agreement with the Secretary under subsection (a)(1).

''(B) Claims by manufacturers that covered entities have violated subsection (a)(4)(A) or (a)(4)(B).

''(e) AUDIT AND SANCTIONS.—

''(1) AUDIT.—From amounts appropriated under subsection (f), the Inspector General of the Department of Health and Human Services (referred to in this subsection as the 'Inspector General') shall audit covered entities under this section to verify compliance with criteria for eligibility and participation under this section, including the antidiversion prohibitions under subsection (a)(4)(B), and take enforcement action or provide information to the Secretary who shall take action to ensure program compliance, as appropriate. A covered entity shall provide to the Inspector General, upon request, records relevant to such audits.

''(2) REPORT.—For each audit conducted under paragraph (1), the Inspector General shall prepare and publish in a timely manner a report which shall include findings and recommendations regarding—

''(A) the appropriateness of covered entity eligibility determinations and, as applicable, certifications;

''(B) the effectiveness of antidiversion prohibitions; and

''(C) the effectiveness of restrictions on inpatient dispensing and administration.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2011 and each succeeding fiscal year.''.

(b) RULEMAKING.—Not later than January 1, 2011, the Secretary shall promulgate regulations implementing section 340B–1 of the Public Health Service Act (as added by subsection (a)).

(c) CONFORMING AMENDMENT TO SECTION 340B.—Paragraph (1) of section 340B(a) of the Public Health Service Act (42 U.S.C. 256b(a)) is amended by adding at the end the following: ''Such agreement shall further require that, if the supply of a covered outpatient drug is insufficient to meet demand, then the manufacturer may use an allocation method that is reported in writing to, and approved by, the Secretary and does not discriminate on the basis of the price paid by covered entities or on any other basis related to the participation of an entity in the program under this section. The agreement with a manufacturer under this paragraph may, at the discretion of the Secretary, be included in the agreement with the same manufacturer under section 340B–1.''.

(d) CONFORMING AMENDMENTS TO MEDICAID.—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the first sentence, by striking ''and paragraph (6)'' and inserting '', paragraph (6), and paragraph (8)''; and

(B) by adding at the end the following new paragraph:

''(8) LIMITATION ON PRICES OF DRUGS PURCHASED BY 340B–1-COVERED ENTITIES.—

''(A) AGREEMENT WITH SECRETARY.—A manufacturer meets the requirements of this paragraph if the manufacturer has entered into an agreement with the Secretary that meets the requirements of section 340B–1 of the Public Health Service Act with respect to covered inpatient drugs (as defined in such section) purchased by a 340B–1-covered entity on or after January 1, 2011.

''(B) 340B–1-COVERED ENTITY DEFINED.—In this subsection, the term '340B–1-covered entity' means an entity described in section 340B–1(b) of the Public Health Service Act.''; and

(2) in subsection (c)(1)(C)(i)(I)—

(A) by striking ''or'' before ''a covered entity''; and

(B) by inserting before the semicolon the following: '', or a covered entity for a covered inpatient drug (as such terms are defined in section 340B–1of the Public Health Service Act)''.

SEC. 517. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) DEFINITION OF COVERED OUTPATIENT DRUG.—

(1) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking ''covered entities described in subparagraph (M)''and inserting ''covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)) is amended by striking ''and a children's hospital'' and all that follows through the end of the subparagraph and inserting a period.

SEC. 518. CONFORMING AMENDMENT RELATED TO WAIVER OF COINSURANCE FOR PREVENTIVE SERVICES.

Effective as if included in section 10501(i)(2)(A) of Public Law 111–148, section 1833(a)(3)(A) of the Social Security Act (42 U.S.C. 13951(a)(3)(A)) is amended by striking ''section 1861(s)(10)(A)'' and inserting ''section 1861(ddd)(3)''.

SEC. 519. ESTABLISH A CMS–IRS DATA MATCH TO IDENTIFY FRAUDULENT PROVIDERS.

(a) AUTHORITY TO DISCLOSE RETURN INFORMATION CONCERNING OUTSTANDING TAX DEBTS FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(22) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

''(A) IN GENERAL.—The Secretary shall, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Department of Health and Human Services return information with respect to a taxpayer who has applied to enroll, or reenroll, as a provider of services or supplier under the Medicare program under title XVIII of the Social Security Act. Such return information shall be limited to—

''(i) the taxpayer identity information with respect to such taxpayer;

''(ii) the amount of the delinquent tax debt owed by that taxpayer; and

''(iii) the taxable year to which the delinquent tax debt pertains.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Health and Human Services for the purposes of, and to the extent necessary in, establishing the taxpayer's eligibility for enrollment or reenrollment in the Medicare program, or in any administrative or judicial proceeding relating to, or arising from, a denial of such enrollment or reenrollment, or in determining the level of enhanced oversight to be applied with respect to such taxpayer pursuant to section 1866(j)(3) of the Social Security Act.

''(C) DELINQUENT TAX DEBT.—For purposes of this paragraph, the term 'delinquent tax debt' means an outstanding debt under this title for which a notice of lien has been filed pursuant to section 6323, but the term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, or a debt with respect to which a collection due process hearing under section 6330 is requested, pending, or completed and no payment is required.''.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, as amended by sections 1414 and 3308 of Public Law 111–148, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking ''or (17)'' and inserting ''(17), or (22)'' each place it appears.

(b) SECRETARY'S AUTHORITY TO USE INFORMATION FROM THE DEPARTMENT OF TREASURY IN MEDICARE ENROLLMENTS AND REENROLLMENTS.—Section 1866(j)(2) of the Social Security Act (42 U.S.C. 1395cc(j)), as inserted by section 6401(a) of Public Law 111–148, is further amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) USE OF INFORMATION FROM THE DEPARTMENT OF TREASURY CONCERNING TAX DEBTS.—In reviewing the application of a provider of services or supplier to enroll or reenroll under the program under this title, the Secretary shall take into account the information supplied by the Secretary of the Treasury pursuant to section 6103(l)(22) of the Internal Revenue Code of 1986, in determining whether to deny such application or to apply enhanced oversight to such provider of services or supplier pursuant to paragraph (3) if the Secretary determines such provider of services or supplier owes such a debt.''.

(c) AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE SAME TAX IDENTIFICATION NUMBER FOR MEDICARE OBLIGATIONS.—Section 1866(j)(5) of the Social Security Act (42 U.S.C. 1395cc(j)(5)), as inserted by section 6401(a) of Public Law 111–148, is amended—

(1) in the paragraph heading, by striking ''PAST-DUE'' and inserting ''MEDICARE'';

(2) in subparagraph (A), by striking ''past-due obligations described in subparagraph (B)(ii) of an'' and inserting ''amount described in subparagraph (B)(ii) due from such''; and

(3) in subparagraph (B)(ii), by striking ''a past-due obligation'' and inserting ''an amount that is more than the amount required to be paid''.

SEC. 520. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.

Effective as if included in the enactment of Public Law 111–148, section 3110(a)(2) of such Act is amended to read as follows:

''(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to elections made after the date of the enactment of this Act.''.

SEC. 521. PHYSICIAN PAYMENT UPDATE.

(a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(1) in paragraph (10), in the heading, by striking ''PORTION'' and inserting ''THE FIRST 5 MONTHS ''; and

(2) by adding at the end the following new paragraphs:

''(11) UPDATE FOR THE LAST 7 MONTHS OF 2010.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on June 1, 2010, and ending on December 31, 2010, the update to the single conversion factor shall be 2.2 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2011 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2011 and subsequent years as if subparagraph (A) had never applied.

''(12) UPDATE FOR 2011.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), and (11)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2011, the update to the single conversion factor shall be 1.0 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraph (A) had never applied.''.

(b) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

SEC. 522. ADJUSTMENT TO MEDICARE PAYMENT LOCALITIES.

(a) IN GENERAL.—Section 1848(e) of the Social Security Act (42 U.S.C.1395w–4(e)) is amended by adding at the end the following new paragraph:

''(6) TRANSITION TO USE OF MSAS AS FEE SCHEDULE AREAS IN CALIFORNIA.—

''(A) IN GENERAL.—

''(i) REVISION.—Subject to clause (ii) and notwithstanding the previous provisions of this subsection, for services furnished on or after January 1, 2012, the Secretary shall revise the fee schedule areas used for payment under this section applicable to the State of California using the Metropolitan Statistical Area (MSA) iterative Geographic Adjustment Factor methodology as follows:

''(I) The Secretary shall configure the physician fee schedule areas using the Metropolitan Statistical Areas (each in this paragraph referred to as an 'MSA'), as defined by the Director of the Office of Management and Budget as of the date of the enactment of this paragraph, as the basis for the fee schedule areas.

''(II) For purposes of this clause, the Secretary shall treat all areas not included in an MSA as a single rest-of-State MSA and any reference in this paragraph to an MSA shall be deemed to include a reference to such rest-of-State MSA.

''(III) The Secretary shall list all MSAs within the State by Geographic Adjustment Factor described in paragraph (2) (in this paragraph referred to as a 'GAF') in descending order.

''(IV) In the first iteration, the Secretary shall compare the GAF of the highest cost MSA in the State to the weighted-average GAF of all the remaining MSAs in the State. If the ratio of the GAF of the highest cost MSA to the weighted-average of the GAF of remaining lower cost MSAs is 1.05 or greater, the highest cost MSA shall be a separate fee schedule area.

''(V) In the next iteration, the Secretary shall compare the GAF of the MSA with the second-highest GAF to the weighted-average GAF of the all the remaining MSAs (excluding MSAs that become separate fee schedule areas). If the ratio of the second-highest MSA's GAF to the weighted-average of the remaining lower cost MSAs is 1.05 or greater, the second-highest MSA shall be a separate fee schedule area.

''(VI) The iterative process shall continue until the ratio of the GAF of the MSA with highest remaining GAF to the weighted-average of the remaining MSAs with lower GAFs is less than 1.05, and the remaining group of MSAs with lower GAFs shall be treated as a single rest-of-State fee schedule area.

''(VII) For purposes of the iterative process described in this clause, if two MSAs have identical GAFs, they shall be combined.

''(ii) TRANSITION.—For services furnished on or after January 1, 2012, and before January 1, 2017, in the State of California, after

calculating the work, practice expense, and malpractice geographic indices that would otherwise be determined under clauses (i), (ii), and (iii) of paragraph (1)(A) for a fee schedule area determined under clause (i), if the index for a county within a fee schedule area is less than the index that would otherwise be in effect for such county, the Secretary shall instead apply the index that would otherwise be in effect for such county.

''(B) SUBSEQUENT REVISIONS.—After the transition described in subparagraph (A)(ii), not less than every 3 years the Secretary shall review and update the fee schedule areas using the methodology described in subparagraph (A)(i) and any updated MSAs as defined by the Director of the Office of Management and Budget. The Secretary shall review and make any changes pursuant to such reviews concurrent with the application of the periodic review of the adjustment factors required under paragraph (1)(C) for California.

''(C) REFERENCES TO FEE SCHEDULE AREAS.—Effective for services furnished on or after January 1, 2012, for the State of California, any reference in this section to a fee schedule area shall be deemed a reference to a fee schedule area established in accordance with this paragraph.''.

(b) CONFORMING AMENDMENT TO DEFINITION OF FEE SCHEDULE AREA.—Section 1848(j)(2) of the Social Security Act (42 U.S.C. 1395w(j)(2)) is amended by striking ''The term'' and inserting ''Except as provided in subsection (e)(6)(C), the term''.

SEC. 523. CLARIFICATION OF 3-DAY PAYMENT WINDOW.

(a) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) by adding at the end of subsection (a)(4) the following new sentence: ''In applying the first sentence of this paragraph, the term 'other services related to the admission' includes all services that are not diagnostic services (other than ambulance and maintenance renal dialysis services) for which payment may be made under this title that are provided by a hospital (or an entity wholly owned or operated by the hospital) to a patient—

''(A) on the date of the patient's inpatient admission; or

''(B) during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of such admission unless the hospital demonstrates (in a form and manner, and at a time, specified by the Secretary) that such services are not related (as determined by the Secretary) to such admission.''; and

(2) in subsection (d)(7)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period and inserting '', and''; and

(C) by adding at the end the following new subparagraph:

''(C) the determination of whether services provided prior to a patient's inpatient admission are related to the admission (as described in subsection (a)(4)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.

(c) NO REOPENING OF PREVIOUSLY BUNDLED CLAIMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services may not reopen a claim, adjust a claim, or make a payment pursuant to any request for payment under title XVIII of the Social Security Act, submitted by an entity (including a hospital or an entity wholly owned or operated by the hospital) for services described in paragraph (2) for purposes of treating, as unrelated to a patient's inpatient admission, services provided during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of the patient's inpatient admission.

(2) SERVICES DESCRIBED.—For purposes of paragraph (1), the services described in this paragraph are other services related to the admission (as described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as amended by subsection (a)) which were previously included on a claim or request for payment submitted under part A of title XVIII of such Act for which a reopening, adjustment, or request for payment under part B of such title, was not submitted prior to the date of the enactment of this Act.

(d) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of this section (and amendments made by this section) by program instruction or otherwise.

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as changing the policy described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as applied by the Secretary of Health and Human Services before the date of the enactment of this Act, with respect to diagnostic services.

TITLE VI—OTHER PROVISIONS

SEC. 601. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 7(a) of Public Law 111–157, is amended by striking ''by substituting'' and all that follows through the period at the end, and inserting ''by substituting December 31, 2010, for the date specified in each such section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on May 31, 2010.

SEC. 602. ALLOCATION OF GEOTHERMAL RECEIPTS.

Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

SEC. 603. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration—Business Loans Program Account'', $505,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section.

Such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF PROGRAMS.—

(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking ''September 30, 2010'' each place it appears and inserting ''December 31, 2010''.

(2) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''May 31, 2010'' and inserting ''December 31, 2010''.

(c) APPROPRIATION.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), $5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for ''Small Business Administration—Salaries and Expenses''.

SEC. 604. EMERGENCY AGRICULTURAL DISASTER ASSISTANCE.

(a) DEFINITIONS.—Except as otherwise provided in this section, in this section:

(1) DISASTER COUNTY.—

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) EXCLUSION.—The term ''disaster county'' does not include a contiguous county.

(2) ELIGIBLE AQUACULTURE PRODUCER.—The term ''eligible aquaculture producer'' means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) ELIGIBLE PRODUCER.—The term ''eligible producer'' means an agricultural producer in a disaster county.

(4) ELIGIBLE SPECIALTY CROP PRODUCER.—The term ''eligible specialty crop producer'' means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced specialty crop losses in a disaster county due to drought, excessive rainfall, or a related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term ''qualifying natural disaster declaration'' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term ''specialty crop'' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than specialty crops or crops intended for grazing) suffer at least a 5-percent crop loss on a farm due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received direct payments under section

1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 112.5 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

(2) NOTIFICATION.—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 calendar year, as determined by the Secretary.

(B) ADMINISTRATIVE COSTS.—State Secretary of Agriculture may not use more than five percent of the funds provided for costs associated with the administration of the grants provided in paragraph (1).

(C) ADMINISTRATION OF GRANTS.—State Secretary of Agriculture may enter into a contract with the Department of Agriculture to administer the grants provided in paragraph (1).

(D) TIMING.—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(E) MAXIMUM GRANT.—The maximum amount of a grant made to a State for counties described in paragraph (1)(B) may not exceed $40,000,000.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to issue payments to eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(D) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) COTTONSEED ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) GENERAL TERMS.—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109–234; 120 Stat. 477).

(3) DISTRIBUTION OF ASSISTANCE.—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) PAYMENT RATE.—The payment rate shall be equal to the quotient obtained by dividing—

(A) the total funds made available to carry out this subsection; by

(B) the sum of the county-eligible production, as determined under paragraph (5).

(5) COUNTY-ELIGIBLE PRODUCTION.—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) AQUACULTURE ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(2) NOTIFICATION.—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2009 calendar year, as determined by the Secretary.

(B) TIMING.—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible aquaculture producers;

(B) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided per species of aquaculture; and

(iii) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(5) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(6) REPORT TO CONGRESS.—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (4)(C).

(f) HAWAII TRANSPORTATION COOPERATIVE.—Notwithstanding any other provision of law, the Secretary shall use $21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) INCLUSION.—The term ''disaster county'' includes a contiguous county.

(2) PAYMENTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) CRITERIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) DROUGHT INTENSITY.—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) AMOUNT.—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C.

1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) RELATION TO OTHER LAW.—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(h) EMERGENCY LOANS FOR POULTRY PRODUCERS.—

(1) DEFINITIONS.—In this subsection:

(A) ANNOUNCEMENT DATE.—The term ''announcement date'' means the date on which the Secretary announces the emergency loan program under this subsection.

(B) POULTRY INTEGRATOR.—The term ''poultry integrator'' means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) LOAN PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) LOANS.—

(A) IN GENERAL.—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) REQUIREMENT TO OFFER LOANS.—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender for the purchase, improvement, or operation of the poultry farm.

(B) CONVERSION OF THE LOAN.—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting ''(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)'' before the period at the end.

(j) ADMINISTRATION.—

(1) REGULATIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section and the amendment made by this section.

(B) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendment made by this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) ADMINISTRATIVE COSTS.—Of the funds of the Commodity Credit Corporation, the Secretary may use up to $10,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) PROHIBITION.—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

SEC. 605. SUMMER EMPLOYMENT FOR YOUTH.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Department of Labor—Employment and Training Administration—Training and Employment Services'' for activities under the Workforce Investment Act of 1998 (''WIA''), $1,000,000,000 shall be available for obligation on the date of enactment of this Act for grants to States for youth activities, including summer employment for youth: *Provided*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed $1,000,000,000: *Provided further*, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting ''age 24'' for ''age 21'': *Provided further*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds: *Provided further*, That an amount that is not more than 1 percent of such amount may be used for the administration, management, and oversight of the programs, activities, and grants carried out with such funds, including the evaluation of the use of such funds: *Provided further*, That funds available under the preceding proviso, together with funds described in section 801(a) of division A of the American Recovery and reinvestment Act of 2009 (Public Law 111–5), and funds provided in such Act under the heading ''Department of Labor–Departmental Management–Salaries and Expenses'', shall remain available for obligation through September 30, 2011.

SEC. 606. HOUSING TRUST FUND.

(a) FUNDING.—There is hereby appropriated for the Housing Trust Fund established pursuant to section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568), $1,065,000,000, for use under such section: *Provided*, That of the total amount provided under this heading, $65,000,000 shall be available to the Secretary of Housing and Urban Development only for incremental project-based voucher assistance to be allocated to States to be used solely in conjunction with grant funds awarded under such section 1338, pursuant to the formula established under section 1338 and taking into account different per unit subsidy needs among states, as determined by the Secretary.

(b) AMENDMENTS.—Section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568) is amended—

(1) in subsection (c)—

(A) in paragraph (4)(A) by inserting after the period at the end the following: ''Notwithstanding any other provision of law, for the fiscal year following enactment of this sentence and thereafter, the Secretary may make such notice available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.'';

(B) in paragraph (5)(C), by striking ''(8)'' and inserting ''(9)''; and

(C) in paragraph (7)(A)—

(i) by striking ''section 1335(a)(2)(B)'' and inserting ''section 1335(a)(1)(B)''; and

(ii) by inserting ''the units funded under'' after ''75 percent of''; and

(2) by adding at the end the following new subsection:

''(k) ENVIRONMENTAL REVIEW.—For the purpose of environmental compliance review, funds awarded under this section shall be subject to section 288 of the HOME Investment Partnerships Act (12 U.S.C. 12838) and shall be treated as funds under the program established by such Act.''.

SEC. 607. THE INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.

(a) SHORT TITLE.—This section may be cited as the ''Individual Indian Money Account Litigation Settlement Act of 2010''.

(b) DEFINITIONS.—In this section:

(1) AMENDED COMPLAINT.—The term ''Amended Complaint'' means the Amended Complaint attached to the Settlement.

(2) LAND CONSOLIDATION PROGRAM.—The term ''Land Consolidation Program'' means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractional interests in trust or restricted land.

(3) LITIGATION.—The term ''Litigation'' means the case entitled Elouise Cobell et al. v. Ken Salazar et al., United States District Court, District of Columbia, Civil Action No. 96–1285 (JR).

(4) PLAINTIFF.—The term ''Plaintiff'' means a member of any class certified in the Litigation.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) SETTLEMENT.—The term ''Settlement'' means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation, as modified by the parties to the Litigation.

(7) TRUST ADMINISTRATION CLASS.—The term ''Trust Administration Class'' means the Trust Administration Class as defined in the Settlement.

(c) PURPOSE.—The purpose of this section is to authorize the Settlement.

(d) AUTHORIZATION.—The Settlement is authorized, ratified, and confirmed.

(e) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation of jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the

Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under subparagraph (A), the Trust Administration Class shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the ''Trust Land Consolidation Fund''.

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund $2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than $60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the ''Indian Education Scholarship Holding Fund''.

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) TREATMENT OF UNLOCATABLE PLAINTIFFS.—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(g) TAXATION AND OTHER BENEFITS.—

(1) INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code of 1986 that takes into account excludible income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) OTHER BENEFITS.—Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource.

SEC. 608. APPROPRIATION OF FUNDS FOR FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION.

(a) DEFINITIONS.—In this section:

(1) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the settlement agreement dated February 18, 2010 (including any modifications agreed to by the parties and approved by the court under that agreement) between certain plaintiffs, by and through their counsel, and the Secretary of Agriculture to resolve, fully and forever, the claims raised or that could have been raised in the cases consolidated in *In re Black Farmers Discrimination Litigation*, No. 08–511 (D.D.C.), including Pigford claims asserted under section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209).

(2) PIGFORD CLAIM.—The term ''Pigford claim'' has the meaning given that term in section 14012(a)(3) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2210).

(b) APPROPRIATION OF FUNDS.—There is hereby appropriated to the Secretary of Agriculture $1,150,000,000, to remain available until expended, to carry out the terms of the Settlement Agreement if the Settlement Agreement is approved by a court order that is or becomes final and nonappealable. The funds appropriated by this subsection are in addition to the $100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2212) and shall be available for obligation only after those Commodity Credit Corporation funds are fully obligated. If the Settlement Agreement is not approved as provided in this subsection, the $100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 shall be the sole funding available for Pigford claims.

(c) USE OF FUNDS.—The use of the funds appropriated by subsection (b) shall be subject to the express terms of the Settlement Agreement.

(d) TREATMENT OF REMAINING FUNDS.—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the Settlement Agreement, the Secretary of Agriculture shall return the unused funds to the Treasury and may not make the unused funds available for any purpose related to section 14012 of the Food, Conservation, and Energy Act of 2008, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08–511 (D.D.C.), or for any other purpose.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into the Settlement Agreement or any other settlement agreement. Nothing in this section shall be construed as creating the basis for a Pigford claim.

(f) CONFORMING AMENDMENTS.—Section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209) is amended—

(1) in subsection (c)(1)—

(A) by striking ''subsection (h)'' and inserting ''subsection (g)''; and

(B) by striking ''subsection (i)'' and inserting ''subsection (h)'';

(2) by striking subsection (e);

(3) in subsection (g), by striking ''subsection (f)'' and inserting ''subsection (e)'';

(4) in subsection (i)—

(A) by striking ''(1) IN GENERAL.—Of the funds'' and inserting ''Of the funds''; and

(B) by striking paragraph (2);

(5) by striking subsection (j); and

(6) by redesignating subsections (f), (g), (h), (i), and (k) as subsections (e), (f), (g), (h), and (i), respectively.

SEC. 609. EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION TO INCLUDE ALL CHAPTER 61 DISABILITY RETIREES REGARDLESS OF DISABILITY RATING PERCENTAGE OR YEARS OF SERVICE.

(a) PHASED EXPANSION CONCURRENT RECEIPT.—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

''(a) PAYMENT OF BOTH RETIRED PAY AND DISABILITY COMPENSATION.—

''(1) PAYMENT OF BOTH REQUIRED.—

''(A) IN GENERAL.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a qualifying service-connected disability (in this section referred to as a 'qualified retiree') is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

''(B) APPLICABILITY OF FULL CONCURRENT RECEIPT PHASE-IN REQUIREMENT.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c).

''(C) PHASE-IN EXCEPTION FOR 100 PERCENT DISABLED RETIREES.—The payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following qualified retirees:

''(i) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

''(ii) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

''(D) TEMPORARY PHASE-IN EXCEPTION FOR CERTAIN CHAPTER 61 DISABILITY RETIREES; TERMINATION.—Subject to subsection (b), during the period beginning on January 1, 2011, and ending on September 30, 2012, subsection (c) shall not apply to a qualified retiree described in subparagraph (B) or (C) of paragraph (2).

''(2) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section:

''(A) 50 PERCENT RATING THRESHOLD.—In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title, the term 'qualifying service-connected disability' means a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs. However, during the period specified in

paragraph (1)(D), members or former members receiving retired pay under chapter 61 with 20 years or more of creditable service computed under section 12732 of this title, but not otherwise entitled to retired pay under any other provision of this title, shall qualify in accordance with subparagraphs (B) and (C).

''(B) INCLUSION OF MEMBERS NOT OTHERWISE ENTITLED TO RETIRED PAY.—In the case of a member or former member receiving retired pay under chapter 61 of this title, but who is not otherwise entitled to retired pay under any other provision of this title, the term 'qualifying service-connected disability' means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

''(i) January 1, 2011, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent.

''(ii) January 1, 2012, rated 80 percent or 70 percent.

''(iii) January 1, 2013, rated 60 percent or 50 percent.

''(C) ELIMINATION OF RATING THRESHOLD.—In the case of a member or former member receiving retired pay under chapter 61 regardless of being otherwise eligible for retirement, the term 'qualifying service-connected disability' means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

''(i) January 1, 2014, rated 40 percent or 30 percent.

''(ii) January 1, 2015, any rating.

''(3) LIMITED DURATION.—Notwithstanding the effective date specified in each clause of subparagraphs (B) and (C) of paragraph (2), the clause—

''(A) shall apply only if the termination date specified in paragraph (1)(D) would occur during or after the calendar year specified in the clause; and

''(B) shall not apply beyond the termination date specified in paragraph (1)(D).''.

(b) CONFORMING AMENDMENT TO SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—Subsection (b) of such section is amended to read as follows:

''(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES WHEN ELIGIBILITY HAS BEEN ESTABLISHED FOR SUCH RETIREES.—

''(1) GENERAL REDUCTION RULE.—The retired pay of a member retired under chapter 61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the members retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

''(2) CHAPTER 61 RETIREES NOT OTHERWISE ENTITLED TO RETIRED PAY.—

''(A) BEFORE TERMINATION DATE.—If a member with a qualifying service-connected disability (as defined in subsection (a)(2)) is retired under chapter 61 of this title, but is not otherwise entitled to retired pay under any other provision of this title, and the termination date specified in subsection (a)(1)(D) has not occurred, the retired pay of the member is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

''(B) AFTER TERMINATION DATE.—Subsection (a) does not apply to a member described in subparagraph (A) if the termination date specified in subsection (a)(1)(D) has occurred.''.

(c) CONFORMING AMENDMENT TO FULL CONCURRENT RECEIPT PHASE-IN.—Subsection (c) of such section is amended by striking ''the second sentence of''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 1414. Concurrent receipt of retired pay and veterans' disability compensation''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

''1414. Concurrent receipt of retired pay and veterans' disability compensation.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

SEC. 610. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), as amended by section 6 of the Continuing Extension Act of 2010 (Public Law 111–157), is amended—

(1) by striking ''before May 31, 2010''; and

(2) by inserting ''for 2011'' after ''until updated poverty guidelines''.

SEC. 611. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

''(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

SEC. 612. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (e), by striking ''2010'' and inserting ''2011''.

SEC. 613. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term ''qualifying contract'' means a contract that has not been terminated by the Bureau of Land Management for the sale of timber on lands administered by the Bureau of Land Management that meets all of the following criteria:

(A) The contract was awarded during the period beginning on January 1, 2005, and ending on December 31, 2008.

(B) There is unharvested volume remaining for the contract.

(C) The contract is not a salvage sale.

(D) The Secretary determined there is not an urgent need to harvest under the contract due to deteriorating timber conditions that developed after the award of the contract.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of Bureau of Land Management.

(3) TIMBER PURCHASER.—The term ''timber purchaser'' means the party to the qualifying contract for the sale of timber from lands administered by the Bureau of Land Management.

(b) MARKET-RELATED CONTRACT EXTENSION OPTION.—Upon a timber purchaser's written request, the Secretary may make a one-time modification to the qualifying contract to add 3 years to the contract expiration date if the written request—

(1) is received by the Secretary not later than 90 days after the date of enactment of this Act; and

(2) contains a provision releasing the United States from all liability, including further consideration or compensation, resulting from the modification under this subsection of the term of a qualifying contract.

(c) REPORTING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report detailing a plan and timeline to promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(d) REGULATIONS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall promulgate new regulations authorizing the Bureau of Land Management to extend timber contracts due to changes in market conditions.

(e) NO SURRENDER OF CLAIMS.—This section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (b).

SEC. 614. EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED SURFACE TRANSPORTATION PROGRAMS.

(a) MODIFICATION OF ALLOCATION RULES.—Section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 80) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''1301, 1302,''; and

(ii) by striking ''1198, 1204,''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''1301, 1302,''; and

(ii) by striking ''1198, 1204,''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)''; and

(3) by adding at the end the following:

''(5) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAMS.—

''(A) REDISTRIBUTION AMONG STATES.—Notwithstanding sections 1301(m) and 1302(e) of SAFETEA–LU (119 Stat. 1202 and 1205), the Secretary shall apportion funds authorized to be appropriated under subsection (b) for the projects of national and regional significance program and the national corridor infrastructure improvement program among all States such that each State's share of the funds so apportioned is equal to the State's share for fiscal year 2009 of funds apportioned or allocated for the programs specified in section 105(a)(2) of title 23, United States Code.

''(B) DISTRIBUTION AMONG PROGRAMS.—Funds apportioned to a State pursuant to subparagraph (A) shall be—

''(i) made available to the State for the programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

''(I) the amount apportioned to the State for that program for fiscal year 2009; bears to

''(II) the amount apportioned to the State for fiscal year 2009 for all such programs; and

''(ii) administered in the same manner and with the same period of availability as funding is administered under programs identified in clause (i).''.

(b) EXPENDITURE AUTHORITY FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2010'' and inserting ''American Jobs and Closing Tax Loopholes Act of 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 78 et seq.) and shall be treated as being included in that Act at the time of the enactment of that Act.

(d) SAVINGS CLAUSE.—

(1) IN GENERAL.—For fiscal year 2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010, the amount of funds apportioned to each State under section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111–147) that is determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out the projects of national and regional significance program and national corridor infrastructure improvement program shall be the greater of—

(A) the amount that the State was authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program according to the provisions of that Act, as in effect on the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program pursuant to the provisions of that Act, as amended by the amendments made by this section.

(2) OBLIGATION AUTHORITY.—For fiscal year 2010, the amount of obligation authority distributed to each State shall be the greater of—

(A) the amount that the State was authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the date of enactment of this Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this subsection.

(4) INCREASE IN OBLIGATION LIMITATION.—The limitation under the heading ''Federal-aid Highways (Limitation on Obligations) (Highway Trust Fund)'' in Public Law 111–117 is increased by such sums as may be necessary to carry out this subsection.

(5) CONTRACT AUTHORITY.—Funds made available to carry out this subsection shall be available for obligation and administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(6) AMOUNTS.—The dollar amount specified in section 105(d)(1) of title 23, United States Code, the dollar amount specified in section 120(a)(4)(B) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117), and the dollar amount specified in section 120(b)(10) of such title shall each be increased as necessary to carry out this subsection.

SEC. 615. COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.

(a) IN GENERAL.—Section 278(a) of the Trade Act of 1974 (19 U.S.C. 2372(a)) is amended by adding at the end the following:

''(3) RULE OF CONSTRUCTION.—For purposes of this section, any reference to 'workers', 'workers eligible for training under section 236', or any other reference to workers under this section shall be deemed to include individuals who are, or are likely to become, eligible for unemployment compensation as defined in section 85(b) of the Internal Revenue Code of 1986, or who remain unemployed after exhausting all rights to such compensation.''.

(b) DEFINITION OF ELIGIBLE INSTITUTION.—Section 278(b)(1) of the Trade Act of 1974 (19 U.S.C. 2372(b)(1)) is amended—

(1) by striking ''section 102'' and inserting ''section 101(a)''; and

(2) by striking ''1002'' and inserting ''1001(a)''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 279 of the Trade Act of 1974 (19 U.S.C. 2372a) is amended—

(1) in subsection (a), by striking the last sentence; and

(2) by adding at the end the following:

''(c) ADMINISTRATIVE AND RELATED COSTS.—The Secretary may retain not more than 5 percent of the funds appropriated under subsection (b) for each fiscal year to administer, evaluate, and establish reporting systems for the Community College and Career Training Grant program under section 278.

''(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under subsection (b) shall be used to supplement and not supplant other Federal, State, and local public funds expended to support community college and career training programs.

''(e) AVAILABILITY.—Funds appropriated under subsection (b) shall remain available for the fiscal year for which the funds are appropriated and the subsequent fiscal year.''.

SEC. 616. EXTENSIONS OF DUTY SUSPENSIONS ON COTTON SHIRTING FABRICS AND RELATED PROVISIONS.

(a) EXTENSIONS.—Each of the following headings of the Harmonized Tariff Schedule of the United States is amended by striking the date in the effective date column and inserting ''12/31/2013'':

(1) Heading 9902.52.08 (relating to woven fabrics of cotton).

(2) Heading 9902.52.09 (relating to woven fabrics of cotton).

(3) Heading 9902.52.10 (relating to woven fabrics of cotton).

(4) Heading 9902.52.11 (relating to woven fabrics of cotton).

(5) Heading 9902.52.12 (relating to woven fabrics of cotton).

(6) Heading 9902.52.13 (relating to woven fabrics of cotton).

(7) Heading 9902.52.14 (relating to woven fabrics of cotton).

(8) Heading 9902.52.15 (relating to woven fabrics of cotton).

(9) Heading 9902.52.16 (relating to woven fabrics of cotton).

(10) Heading 9902.52.17 (relating to woven fabrics of cotton).

(11) Heading 9902.52.18 (relating to woven fabrics of cotton).

(12) Heading 9902.52.19 (relating to woven fabrics of cotton).

(13) Heading 9902.52.20 (relating to woven fabrics of cotton).

(14) Heading 9902.52.21 (relating to woven fabrics of cotton).

(15) Heading 9902.52.22 (relating to woven fabrics of cotton).

(16) Heading 9902.52.23 (relating to woven fabrics of cotton).

(17) Heading 9902.52.24 (relating to woven fabrics of cotton).

(18) Heading 9902.52.25 (relating to woven fabrics of cotton).

(19) Heading 9902.52.26 (relating to woven fabrics of cotton).

(20) Heading 9902.52.27 (relating to woven fabrics of cotton).

(21) Heading 9902.52.28 (relating to woven fabrics of cotton).

(22) Heading 9902.52.29 (relating to woven fabrics of cotton).

(23) Heading 9902.52.30 (relating to woven fabrics of cotton).

(24) Heading 9902.52.31 (relating to woven fabrics of cotton).

(b) EXTENSION OF DUTY REFUNDS AND PIMA COTTON TRUST FUND; MODIFICATION OF AFFIDAVIT REQUIREMENTS.—Section 407 of title IV of division C of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 3060) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''amounts determined by the Secretary'' and all that follows through ''5208.59.80'' and inserting ''amounts received in the general fund that are attributable to duties received since January 1, 2004, on articles classified under heading 5208''; and

(B) in paragraph (2), by striking ''October 1, 2008'' and inserting ''December 31, 2013'';

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting ''annually'' after ''provided''; and

(B) in paragraph (1), by inserting ''during the year in which the affidavit is filed and'' after ''imported cotton fabric''; and

(3) in subsection (f)—

(A) in the matter preceding paragraph (1), by inserting ''annually'' after ''provided''; and

(B) in paragraph (1), by inserting ''during the year in which the affidavit is filed and'' after ''United States''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply

with respect to affidavits filed on or after such date of enactment.

SEC. 617. MODIFICATION OF WOOL APPAREL MANUFACTURERS TRUST FUND.

(a) IN GENERAL.—Section 4002(c)(2)(A) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429; 118 Stat. 2600) is amended by striking ''chapter 51'' and inserting ''chapter 62''.

(b) FULL RESTORATION OF PAYMENT LEVELS IN FISCAL YEAR 2010.—

(1) TRANSFER OF AMOUNTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by the Secretary of the Treasury to be equivalent to amounts received in the general fund that are attributable to the duty received on articles classified under chapter 62 of the Harmonized Tariff Schedule of the United States, subject to the limitation in subparagraph (B).

(B) LIMITATION.—The Secretary of the Treasury shall not transfer more than the amount determined by the Secretary to be necessary for—

(i) U.S. Customs and Border Protection to make payments to eligible manufacturers under section 4002(c)(3) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amount of such payments, when added to any other payments made to eligible manufacturers under section 4002(c)(3) of such Act for calendar year 2010, equal the total amount of payments authorized to be provided to eligible manufacturers under section 4002(c)(3) of such Act for calendar year 2010; and

(ii) the Secretary of Commerce to provide grants to eligible manufacturers under section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004 so that the amounts of such grants, when added to any other grants made to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010, equal the total amount of grants authorized to be provided to eligible manufacturers under section 4002(c)(6) of such Act for calendar year 2010.

(2) PAYMENT OF AMOUNTS.—U.S. Customs and Border Protection shall make payments described in paragraph (1) to eligible manufacturers not later than 30 days after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund. The Secretary of Commerce shall promptly provide grants described in paragraph (1) to eligible manufacturers after such transfer of amounts from the general fund of the Treasury of the United States to the Wool Apparel Manufacturers Trust Fund.

(c) RULE OF CONSTRUCTION.—The amendment made by subsection (a) shall not be construed to affect the availability of amounts transferred to the Wool Apparel Manufacturers Trust Fund before the date of the enactment of this Act.

SEC. 618. DEPARTMENT OF COMMERCE STUDY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall report to Congress detailing—

(1) the pattern of job loss in the New England, Mid-Atlantic, and Midwest States over the past 20 years;

(2) the role of the off-shoring of manufacturing jobs in overall job loss in the regions; and

(3) recommendations to attract industries and bring jobs to the region.

SEC. 619. ARRA PLANNING AND REPORTING.

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting ''PLANS AND'' after ''AGENCY'';

(B) by striking ''Not later than'' and inserting the following:

''(1) DEFINITION.—In this subsection, the term 'covered program' means a program for which funds are appropriated under this division—

''(A) in an amount that is—

''(i) more than $2,000,000,000; and

''(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

''(B) that did not exist before the date of enactment of this Act.

''(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

''(A) a description of the goals for the covered program using recovery funds;

''(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

''(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

''(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

''(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

''(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

''(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

''(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

''(3) REPORTS.—

''(A) IN GENERAL.—Not later than''; and

(C) by adding at the end the following:

''(B) REPORTS ON PLANS.—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

''(i) discusses the progress of the agency in implementing the plan;

''(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

''(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

''(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

''(v) discusses—

''(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

''(II) if the covered program has failed to meet the milestones, the reasons why; and

''(III) any changes in the milestones for the covered program, including the reasons for the change;

''(vi) discusses the performance of the covered program, including—

''(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

''(II) if the covered program has failed to meet the performance measures, the reasons why; and

''(III) any trends in information relating to the performance of the covered program; and

''(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.'';

(2) in subsection (f)—

(A) by striking ''Within 180 days'' and inserting the following:

''(1) IN GENERAL.—Within 180 days''; and

(B) by adding at the end the following:

''(2) PENALTIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States district court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than $250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

''(B) NOTIFICATION.—

''(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

''(ii) LIMITATION.—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

''(C) CONSIDERATIONS.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

''(i) the number of times the recipient has failed to provide the information required under subsection (c);

''(ii) the amount of recovery funds provided to the recipient;

''(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

''(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

''(D) APPLICABILITY.—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

''(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

''(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

''(4) PUBLIC LISTING.—

''(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

''(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for noncompliance.

''(5) REGULATIONS AND REPORTING.—

''(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

''(B) REPORTING.—

''(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include—

''(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

''(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

''(III) any other information determined appropriate by the Director.''; and

(3) by adding at the end the following:

''(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.''.

TITLE VII—BUDGETARY PROVISIONS

SEC. 701. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) EMERGENCY DESIGNATIONS.—Sections 501, 511, and 516—

(1) are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g));

(2) in the House of Representatives, are designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, are designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Pending consideration of said motion,

The SPEAKER pro tempore, Mr. OBEY, spoke and said:

''The House amendment to the amendment of the Senate to the bill H.R. 4213 contains: an emergency designation for the purposes of pay-as-you-go principles and under clause 10(c) of rule XXI and an emergency designation pursuant to section 4(g)(1) of the Statutory Pay-As-You-Go Act of 2010.

''Accordingly, the Chair must put the question of consideration under clause 10(c)(3) of rule XXI and under section 47(g)(2) of the Statutory Pay-As-You-Go of 2010.''.

The question being put, viva voce,

Will the House now consider the motion to agree to the amendment of the Senate with an amendment?

The SPEAKER pro tempore, Mr. OBEY, announced that the yeas had it.

So, the House decided to consider said motion.

A motion to reconsider the vote whereby said question of consideration was agreed to was, by unanimous consent, laid on the table.

Accordingly,

When said motion was considered.

After debate,

Pursuant to House Resolution 1403, the previous question was considered as ordered.

Pursuant to House Resolution 1403, the question of agreeing to the motion was divided.

The first portion of the divided question was put, viva voce,

Will the House agree to the amendment of the Senate with an amendment, except section 523?

The SPEAKER pro tempore, Mr. OBEY, announced that the yeas had it.

Mr. CAMP demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 215 / Nays 204

¶69.15 [Roll No. 324]

YEAS—215

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doyle
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—204

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capuano
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Crenshaw
Culberson
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hoekstra
Hunter
Inglis
Inslee
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Salazar
Scalise
Schmidt
Schock
Sensenbrenner

Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Stark
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Graves
Hastings (FL)
Johnson (GA)
Jones
Latta
Melancon
Ryan (WI)
Shuler
Stupak

The first portion of the divided question was agreed to.

A motion to reconsider the vote whereby the first portion of the divided question was agreed to was, by unanimous consent, laid on the table.

The second portion of the divided question was put, viva voce,

Will the House agree to section 523 of the amendment of the House to the amendment of the Senate?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. LEVIN demanded a recorded vote on agreeing to the second portion of the divided question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 245 / Nays 171

¶69.16 [Roll No. 325]

AYES—245

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McGovern
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Dahlkemper
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harman
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McDermott
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf

NOT VOTING—16

Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Delahunt
Graves
Gutierrez
Hastings (FL)
Jones
Latta
Melancon
Ryan (WI)
Sanchez, Loretta
Serrano
Shuler
Stupak

The second portion of the divided question was agreed to.

A motion to reconsider the vote whereby the second portion of the divided question was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶69.17 AMERICA COMPETES

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 1(c) of rule XIX, announced that further proceedings were resumed on the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

Mr. GORDON of Tennessee, by direction of the Committee on Science and Technology, and pursuant to the instructions of the House in the motion to recommit, reported the bill back to the House with an amendment.

On motion of Mr. GORDON of Tennessee, demanded a division of the question on agreeing to the amendment to enable separate votes on that portion of the amendment proposing to insert a new section 704 and on that portion of the amendment proposing to insert a new section 705.

On motion of Mr. HALL of Texas, demanded that the amendment be further divided to put the question separately on adding sections 702 (relating to disabled veterans) and 705 (relating to military recruiters).

On motion of Mr. GORDON of Tennessee, demanded that the question on agreeing to the amendment be further divided among its nine separate parts.

The question of agreeing to the motion was divided.

The first portion of the divided question was put, viva voce,

Will the House agree to the first portion of the divided question, proposing to strike section 228?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. HALL of Texas, demanded a recorded vote on agreeing to the first portion of the divided question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 175 / Nays 243

¶69.18 [Roll No. 326]

AYES—175

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy

Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—243

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Delahunt
Graves
Hastings (FL)
Jones
Latta
Melancon
Ryan (WI)
Shuler
Stupak

The first portion of the divided question was not agreed to.

A motion to reconsider the vote whereby the first portion of the divided question was not agreed to was, by unanimous consent, laid on the table.

The second portion of the divided question was put, viva voce,

Will the House agree to the second portion of the divided question, proposing to strike sections 406(b) and (c)?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the nays had it.

Mr. HALL of Texas, demanded a recorded vote on agreeing to the second portion of the divided question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 163 / Nays 244

¶69.19 [Roll No. 327]

AYES—163

Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOES—244

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Neal (MA)
Nye
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano

Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Stark
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—24

Aderholt
Boren
Brown-Waite, Ginny
Costello
Davis (AL)
Davis (KY)
Delahunt
Graves
Hastings (FL)
Jones
LaTourette
Latta
Meeks (NY)
Melancon
Napolitano
Obey
Rush
Ryan (OH)
Ryan (WI)
Shuler
Spratt
Stupak
Waxman
Young (AK)

The second portion of the divided question was not agreed to.

A motion to reconsider the vote whereby the second portion of the divided question was not agreed to was, by unanimous consent, laid on the table.

The third portion of the divided question was put, viva voce,

Will the House agree to the third portion of the divided question, proposing to strike section 502?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the nays had it.

The third portion of the divided question was not agreed to.

A motion to reconsider the vote whereby the third portion of the divided question was not agreed to was, by unanimous consent, laid on the table.

The fourth portion of the divided question was put, viva voce,

Will the House agree to the fourth portion of the divided question, proposing to strike section 503?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the nays had it.

The fourth portion of the divided question was not agreed to.

A motion to reconsider the vote whereby the fourth portion of the divided question was not agreed to was, by unanimous consent, laid on the table.

The fifth portion of the divided question was put, viva voce,

Will the House agree to the fifth portion of the divided question, proposing to strike subtitle C of title VI?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the nays had it.

The fifth portion of the divided question was not agreed to.

A motion to reconsider the vote whereby the fifth portion of the divided question was not agreed to was, by unanimous consent, laid on the table.

The sixth portion of the divided question was put, viva voce,

Will the House agree to the sixth portion of the divided question, proposing to amend section 702?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the nays had it.

Mr. HALL of Texas, demanded a recorded vote on agreeing to the sixth portion of the divided question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 197 / Nays 215

¶69.20 [Roll No. 328]

AYES—197

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hodes
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—215

Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—19

Bean
Boren
Brown-Waite, Ginny
Clarke
Courtney
Davis (AL)
Davis (KY)
Delahunt
Graves
Hastings (FL)
Jones
Kilroy
Latta
Melancon
Murphy (NY)
Ruppersberger
Ryan (WI)
Shuler
Stupak

The sixth portion of the divided question was not agreed to.

A motion to reconsider the vote whereby the sixth portion of the divided question was not agreed to was, by unanimous consent, laid on the table.

The seventh portion of the divided question was put, viva voce,

Will the House agree to the seventh portion of the divided question, proposing to add a section 704?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. GORDON of Tennessee, demanded a recorded vote on agreeing to the seventh portion of the divided question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 Nays 0

¶69.21 [Roll No. 329]

AYES—409

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Alexander
Bachus
Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Delahunt
Graves
Hall (TX)
Hastings (FL)
Jones
Kaptur
King (IA)
Latta
Melancon
Mica
Obey
Ryan (WI)
Sessions
Shuler
Stupak
Waxman

The seventh portion of the divided question was agreed to.

A motion to reconsider the vote whereby the seventh portion of the divided question was agreed to was, by unanimous consent, laid on the table.

The eighth portion of the divided question was put, viva voce,

Will the House agree to the eighth portion of the divided question, proposing to add a section 705?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. HALL of Texas, demanded a recorded vote on agreeing to the eighth portion of the divided question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 348 Nays 68

¶69.22 [Roll No. 330]

AYES—348

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (TN)
DeFazio
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Etheridge
Fallin
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi

Titus
Tonko
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—68

Andrews
Baldwin
Becerra
Blumenauer
Capps
Capuano
Chu
Cohen
Conyers
Crowley
Davis (IL)
DeGette
DeLauro
Doyle
Edwards (MD)
Ellison
Eshoo
Farr
Filner
Frank (MA)
Garamendi
Hinchey
Holt
Honda
Johnson, E.B.
Kucinich
Lee (CA)
Lewis (GA)
Lofgren, Zoe
Markey (MA)
McDermott
McGovern
Meeks (NY)
Miller, George
Mollohan
Moore (WI)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Payne
Pingree (ME)
Polis (CO)
Price (NC)
Rangel
Roybal-Allard
Rush
Sánchez, Linda T.
Schakowsky
Scott (VA)
Serrano
Slaughter
Stark
Tierney
Towns
Tsongas
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Woolsey
Wu

NOT VOTING—15

Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Delahunt
Frelinghuysen
Graves
Hastings (FL)
Jones
Latta
Melancon
Rogers (AL)
Ryan (WI)
Shuler
Stupak

The eighth portion of the divided question was agreed to.

A motion to reconsider the vote whereby the eighth portion of the divided question was agreed to was, by unanimous consent, laid on the table.

The ninth portion of the divided question was put, viva voce,

Will the House agree to the ninth portion of the divided question, proposing to add a section 706?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. HALL of Texas, demanded a recorded vote on agreeing to the ninth portion of the divided question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 181 / Nays 234

¶69.23 [Roll No. 331]

AYES—181

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—234

Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Berkley
Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Delahunt
Farr
Graves
Hastings (FL)
Jones
Latta
McKeon
Melancon
Ryan (WI)
Shuler
Stupak

The ninth portion of the divided question was not agreed to.

A motion to reconsider the vote whereby the ninth portion of the divided question was not agreed to was, by unanimous consent, laid on the table.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. GORDON of Tennessee, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 262 / Nays 150

¶69.24 [Roll No. 332]

AYES—262

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)

Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McGovern
McIntyre
McMahon
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NOES—150

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Wilson (SC)
Wittman
Young (AK)
Young (FL)

NOT VOTING—20

Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Delahunt
Djou
Graves
Hastings (FL)
Jones
Latta
McDermott
McNerney
Melancon
Radanovich
Ryan (WI)
Serrano
Shuler
Smith (TX)
Stupak
Whitfield

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶69.25 DEFENSE AUTHORIZATION FY 2011

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to House Resolution 1404 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Mr. SERRANO, Acting Chairman, assumed the chair; and after some time spent therein,

¶69.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendments en bloc numbered 9, printed in House Report 111-498, submitted by Mr. SKELTON:

SEC. 599(a). TRANSFER OF TROOPS-TO-TEACHERS PROGRAM FROM DEPARTMENT OF EDUCATION TO DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—

(1) TRANSFER.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program in chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.), is transferred from the Secretary of Education to the Secretary of Defense.

(2) EFFECTIVE DATE.—The transfer under paragraph (1) shall take effect on the first day of the first month beginning more than 180 days after the date of the enactment of this Act, or on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program

''(a) DEFINITIONS.—In this section:

''(1) PROGRAM.—The term 'Program' means the Troops-to-Teachers Program authorized by this section.

''(2) MEMBER OF THE ARMED FORCES.—The term 'member of the armed forces' includes a former member of the armed forces.

''(3) CHARTER SCHOOL.—The term 'charter school' has the meaning given that term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

''(4) ADDITIONAL TERMS.—The terms 'elementary school', 'highly qualified teacher', 'local educational agency', 'secondary school', and 'state' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(b) PROGRAM AUTHORIZATION.—The Secretary may carry out a program (to be known as the 'Troops-to-Teachers Program')—

''(1) to assist eligible members of the armed forces described in subsection (d) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and

''(2) to facilitate the employment of such members—

''(A) by local educational agencies or public charter schools that the Secretary of Education identifies as—

''(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et. seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

''(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers; and

''(B) in elementary schools or secondary schools, or as vocational or technical teachers.

''(c) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The Secretary may provide placement assistance and referral services to members of the armed forces who meet the criteria described in subsection (d), including meeting the education qualification requirements under subsection (d)(3)(B). Such members shall not be eligible for financial assistance under paragraphs (3) and (4) of subsection (e).

''(d) ELIGIBILITY AND APPLICATION PROCESS.—

''(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

''(A) Any member who—

''(i) on or after October 1, 1999, becomes entitled to retired or retainer pay under this title or title 14;

''(ii) has an approved date of retirement that is within one year after the date on which the member submits an application to participate in the Program; or

''(iii) has been transferred to the Retired Reserve.

''(B) Any member who, on or after January 8, 2002—

''(i)(I) is separated or released from active duty after six or more years of continuous active duty immediately before the separation or release; or

''(II) has completed a total of at least ten years of active duty service, ten years of service computed under section 12732 of this title, or ten years of any combination of such service; and

''(ii) executes a reserve commitment agreement for a period of not less than three years under paragraph (5)(B).

''(C) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of this title.

''(2) SUBMISSION OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in subparagraph (B). An application shall be in such form and contain such information as the Secretary may require.

''(B) An application shall be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later than four years after the date on which the member is retired or separated or released from active duty, whichever applies to the member.

''(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND HONORABLE SERVICE REQUIREMENT.—(A) Subject to subparagraphs (B) and (C), the Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

''(B)(i) If a member of the armed forces is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

''(ii) If a member of the armed forces is applying for assistance for placement as a vocational or technical teacher, the Secretary shall require the member—

''(I) to have received the equivalent of one year of college from an accredited institution of higher education and have six or more years of military experience in a vocational or technical field; or

''(II) to otherwise meet the certification or licensing requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the Program.

''(C) A member of the armed forces is eligible to participate in the Program only if the member's last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned.

''(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary shall give priority to members who—

''(A) have educational or military experience in science, mathematics, special education, or vocational or technical subjects; and

''(B) agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

''(5) OTHER CONDITIONS ON SELECTION.—

''(A) The Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (e) with respect to the member.

''(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (e) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than three years (in addition to any other reserve commitment the member may have).

''(e) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

''(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (b) and receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

''(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher, and to become a highly qualified teacher; and

''(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than three school years with a high-need local educational agency or public charter school, as such terms are defined in section 2102 of the Elementary and Secondary Education Act (20 U.S.C. 6602), to begin the school year after obtaining that certification or licensing.

''(B) The Secretary may waive the three-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the three-year commitment.

''(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

''(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

''(B) is serving on active duty as a member of the armed forces;

''(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

''(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

''(E) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

''(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

''(3) STIPEND FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may pay to a participant in the Program selected under this section a stipend in an amount of not more than $5,000.

''(B) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

''(4) BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may, in lieu of paying a stipend under paragraph (3), pay a bonus of $10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than three school years in a high-need school.

''(B) The total number of bonuses that may be paid under subparagraph (A) in any fiscal year may not exceed 3,000.

''(C) For purposes of subparagraph (A), the term 'high-need school' means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

''(i) At least 50 percent of the students enrolled in the school were from low-income families (as described in subsection (b)(2)(A)(i)).

''(ii) The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et. seq.).

''(5) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et. seq.).

''(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

''(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under this subsection shall be required to repay the stipend or bonus under the following circumstances:

''(A) The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement under subsection (e)(1).

''(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the three years of required service in violation of the participation agreement.

''(C) The participant executed a written agreement with the Secretary concerned under subsection (d)(5)(B) to serve as a member of a reserve component of the armed forces for a period of three years and fails to complete the required term of service.

''(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the three years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

''(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary under this subsection.

''(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

''(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under this subsection (e) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

''(h) PARTICIPATION BY STATES.—

''(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

''(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers.

''(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed $5,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1154. Troops-to-Teachers Program.''.

(c) CONFORMING AMENDMENT.—Section 1142(b) (4)(C) of such title is amended by striking ''under sections 1152 and 1153 of this title and the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)'' and inserting ''under sections 1152, 1153, and 1154 of this title''.

(d) TERMINATION OF ORIGINAL PROGRAM.—

(1) TERMINATION.—

(A) Chapter A of subpart 1 of Part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

(B) The table of contents in section 2 of Part I of the Elementary and Secondary Education Act 1965 is amended by striking the items relating to chapter A of subpart 1 of Part C of said Act.

(2) EXISTING AGREEMENTS.—The repeal of such chapter shall not affect the validity or terms of any agreement entered into before the date of the enactment of this Act under chapter A of subpart 1 of Part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.), or to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before such repeal.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date of the transfer under subsection (a).

SEC. 599B. ENHANCEMENTS TO THE TROOPS TO TEACHERS PROGRAM.

(a) YEARS OF SERVICE REQUIREMENTS.—Subsection (d) of section 1154 title 10, United States Code, as added by section 599A, is amended—

(1) in paragraph (1)—

(A) by striking ''or'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(D) commencing on or after September 11, 2001, serves at least four years on active duty (as such term is defined in section 101(d)(1) of this title, except that such term does not include a period of service described in paragraphs (1) through (3) of section 3311(d) of title 38) in the Armed Forces (excluding service on active duty in entry level or skills training) and, after completion of such service, is discharged or released as follows:

''(i) A discharge from active duty in the armed forces with an honorable discharge.

''(ii) A release after service on active duty in the armed forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

''(iii) A release from active duty in the armed forces for further service in a reserve component of the armed forces after service on active duty characterized by the Secretary concerned as honorable service.''; and

(b) DEFINITION OF LOCAL EDUCATION AGENCY AND PUBLIC CHARTER SCHOOLS.—Such section is further amended as follows:

(1) Clause (i) of subsection (b)(2)(A) of such section is amended to read as follows:

''(i) receiving grants under part A of title I, a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021(3)), or public charter school;''.

(2) In subsection (e)(1)(A)(ii), by striking ''or public charter school receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C.6311 et seq.)'' and inserting ''receiving grants under part A of title I, a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021(3)) or public charter school''.

(c) TROOPS TO TEACHERS ADVISORY BOARD.—Such section is further amended by adding at the end the following new subsection:

''(f) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of section 1154 of this title, the Secretary of Education and the Secretary of Defense shall establish an advisory board composed of—

''(A) a representative from the Department of Defense;

''(B) a representative from the Department of Education;

''(C) representatives from 3 State offices that operate to recruit eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers; and

''(D) a representative from each of 3 veteran service organizations.

''(2) DUTIES.—The advisory board established under subsection (a) shall—

''(A) collect, consider, and disseminate feedback from participants and State offices described in subsection (a)(4) on—

''(i) the best practices for improving recruitment of eligible members of the Armed Forces in States, local educational agencies, and public charter schools under served by the Program;

''(ii) ensuring that high-need local educational agencies and public charter schools are aware of the Program and how to participate in it;

''(iii) coordinating the goals of the Program with other Federal, State, and local education needs and programs; and

''(iv) other activities that the advisory board deems necessary; and

''(B) not later than 1 year after the date of the enactment of section 1154 of this title, and annually thereafter, prepare and submit a report to the Committees on Health, Education, Labor, and Pensions and Armed Services of the Senate and the Committees on Education and Labor and Armed Services of the House of Representatives, which shall include—

''(i) information with respect to the activities of the advisory board;

''(ii) information with respect to the Program, including—

''(I) the number of participants in the Program;

''(II) the number of States participating in the Program;

''(III) local educational agencies and schools in where participants are employed;

''(IV) the grade levels at which participants teach;

''(V) the academic subjects taught by participants;

''(VI) rates of retention of participants by the local educational agencies and public charter schools employing participant;

''(VII) other demographic information as may be necessary to evaluate the effectiveness of the program; and

''(VIII) a review of the stipend and bonus available to participants under paragraphs (3) and (4)(A) of subsection (d); and

''(iii) recommendations for—

''(I) improvements to local, State, and Federal recruitment and retention efforts;

''(II) legislative or executive policy changes to improve the Program, enhance participant experience, and increase participation in the program; and

''(III) other changes necessary to ensure that the Program is meeting the purpose described in subsection (b).''.

At the end of title XII, add the following:

SEC. 1237. REPORT ON CERTAIN IRAQIS AFFILIATED WITH THE UNITED STATES.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Attorney General, the Secretary of Homeland Security, the Administrator of the United States Agency for International Development, and the heads of other appropriate Federal agencies (as determined by the Secretary of Defense), shall submit to the Congress a report containing the information described in subsection (b). In preparing such report, the Secretary of Defense shall use available information from organizations and entities closely associated with the United States mission in Iraq that have received United States Government funding through an official and documented contract, award, grant, or cooperative agreement.

(b) INFORMATION.—The information described in this subsection is the following:

(1) The number of Iraqis who were or are employed by the United States Government in Iraq or who are or were employed in Iraq by an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement.

(2) The number of Iraqis who have applied—

(A) for resettlement in the United States as a refugee under section 1243 of the Refugee Crisis in Iraq Act of 2007 (subtitle C of title XII of division A of Public Law 110–181; 122 Stat. 395 et seq.); or

(B) to enter the United States as a special immigrant under section 1244 of such Act.

(3) The status of each application described in paragraph (2).

(4) The estimated number of individuals described in paragraph (1) who have been injured or killed in Iraq.

(c) EXPEDITED PROCESSING.—The Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security shall develop a plan using the report submitted under subsection (a) to expedite the processing of the applications described in subsection (b)(2) in the case of Iraqis at risk as the United States withdraws from Iraq.

Page 260, after line 19, insert the following:

SEC. 674. EXCLUSION OF PERSONS CONVICTED OF COMMITTING CERTAIN SEX OFFENSES FROM RECEIVING CERTAIN BURIAL-RELATED BENEFITS AND FUNERAL HONORS.

(a) PROHIBITION AGAINST INTERMENT OR MEMORIALIZATION IN NATIONAL CEMETERY ADMINISTRATION, ARLINGTON NATIONAL CEMETERY, AND CERTAIN STATE VETERANS' CEMETERIES; PROHIBITION AGAINST PROVISION OF PRESIDENTIAL MEMORIAL CERTIFICATE, FLAG, AND HEADSTONE OR MARKER.—Section 2411(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(4) A person who is classified as a tier III sex offender under the Sex Offender Registration and Notification Act.''.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to terminate any benefit available to any person except those benefits specifically terminated by the amendment made by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to interments and memorializations that occur on or after the date of the enactment of this Act.

(d) CONSTITUTIONAL AUTHORITY.—The constitutional authority on which this section

rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in article I, section 8, clause 14 of the United States Constitution.

Page 266, after line 8, insert the following:

SEC. 706. SUICIDE AMONG MEMBERS OF THE INDIVIDUAL READY RESERVE AND INDIVIDUAL MOBILIZATION AUGMENTEES.

(a) FINDINGS.—Congress finds that a veteran who is a member of the Individual Ready Reserve (or who is an individual mobilization augmentee) and is not assigned to a unit that musters regularly and has an established support structure is less likely to be helped by existing suicide prevention programs carried out by the Secretary of Defense and the Secretary of Veterans Affairs.

(b) IN GENERAL.—

(1) SUICIDE PREVENTION.—Chapter 55 of title 10, United States Code, is amended by adding after section 1074l the following new section:

''§ 1074m Suicide prevention for members of the Individual Ready Reserve and individual mobilization augmentees

''(a) IN GENERAL.—The Secretary of Defense shall ensure that each covered member receives a telephone call described in subsection (b) not less than once every 90 days during the period in which—

''(1) the covered member is a member of the Individual Ready Reserve; or

''(2) the Secretary determines that the covered member is an individual mobilization augmentee.

''(b) COUNSELING CALL.—A telephone call described in this subsection is a call from properly trained personnel to determine the emotional, psychological, medical, and career needs and concerns of the covered member.

''(c) REFERRAL.—(1) The personnel making a telephone call described in subsection (b) shall refer a covered member identified as being at-risk of self-caused harm to the nearest military medical treatment facility or accredited TRICARE provider for immediate evaluation and treatment by a qualified mental health care provider.

''(2) If a covered member is referred under paragraph (1), the Secretary shall confirm that the member has received the evaluation and any necessary treatment.

''(d) REPORTS.—Not later than January 31 of each year, beginning in 2011, the Secretary shall submit to Congress a report on the number of covered members who have been referred for counseling or mental health treatment under this section, as well as the health and career status of such members.

''(e) COVERED MEMBER DEFINED.—In this section, the term 'covered member' means—

''(1) a member of the Individual Ready Reserve described in section 10144(b) of this title who has deployed to Afghanistan or Iraq in support of a contingency operation; or

''(2) a member of a reserve component who the Secretary determines is an individual mobilization augmentee who has deployed to Afghanistan or Iraq in support of a contingency operation.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074l the following new item:

''1074m. Suicide prevention for members of the Individual Ready Reserve and individual mobilization augmentees.''.

At the end of subtitle H of title V, add the following new section:

SEC. 5__. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO JEWISH AMERICAN WORLD WAR I VETERANS.

(a) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Navy shall review the service records of each Jewish American World War I veteran described in subsection (b) to determine whether that veteran should be posthumously awarded the Medal of Honor.

(b) COVERED JEWISH AMERICAN WAR VETERANS.—The Jewish American World War I veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American World War I veteran who was previously awarded the Distinguished Service Cross, the Navy Cross, or other military decoration for service during World War I.

(2) Any other Jewish American World War I veteran whose name is submitted to the Secretary concerned for such purpose by the Jewish War Veterans of the United States of America before the end of the one-year period beginning on the date of the enactment of this Act.

(c) CONSULTATIONS.—In carrying out the review under subsection (a), the Secretary concerned shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

(d) RECOMMENDATION BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American World War I veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor posthumously to that veteran.

(e) AUTHORITY TO AWARD MEDAL OF HONOR.—A Medal of Honor may be awarded posthumously to a Jewish American World War I veteran in accordance with a recommendation of the Secretary concerned under subsection (a).

(f) WAIVER OF TIME LIMITATIONS.—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or other military decoration has been awarded.

(g) DEFINITIONS.—In this section:

(1) The term ''Jewish American World War I veteran'' means any person who served in the Armed Forces during World War I and identified himself or herself as Jewish on his or her military personnel records.

(2) The term ''Secretary concerned'' means—

(A) the Secretary of the Army, in the case of the Army; and

(B) the Secretary of the Navy, in the case of the Navy and the Marine Corps.

(3) The term ''World War I'' means the period beginning on April 6, 1917, and ending on November 11, 1918.

Page 258, after line 12, insert the following:

SEC. 674. SCHOLARSHIP PROGRAM FOR VETERANS FOR PURSUIT OF GRADUATE AND POST-GRADUATE DEGREES IN BEHAVIORAL HEALTH SCIENCES.

(a) SCHOLARSHIP PROGRAM.—

(1) PROGRAM.—The Secretary of Veterans Affairs shall carry out a program to provide scholarships to qualifying veterans for pursuit of a graduate or post-graduate degree in behavioral health sciences.

(2) DESIGNATION.—The program carried out under this section shall be known as the ''Department of Veterans Affairs HONOR Scholarship Program'' (in this section referred to as the ''scholarship program'').

(b) QUALIFYING VETERANS.—For purposes of this section, a qualifying veteran is any veteran who—

(1) during service on active duty in the Armed Forces, participated for such period as the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall specify for purposes of the scholarship program in a theater of combat or during a contingency operation overseas;

(2) was retired, discharged, separated, or released from service in the Armed Forces on or after a date (not earlier than August 2, 1990) specified by the Secretary of Defense for purposes of the scholarship program;

(3) at the time of the submittal of an application to participate in the scholarship program, holds an undergraduate or graduate degree, as applicable, from an institution of higher education that qualifies the veteran for pursuit of a graduate or post-graduate degree in behavioral sciences; and

(4) meets such other qualifications as the Secretary of Veterans Affairs may establish for purposes of the scholarship program.

(c) APPLICATION.—Each qualifying veteran seeking to participate in the scholarship program shall submit to the Secretary of Veterans Affairs an application therefor setting forth such information as the Secretary shall specify for purposes of the scholarship program.

(d) AGREEMENT.—Each qualifying veteran selected by the Secretary of Veterans Affairs for participation in the scholarship program shall enter into an agreement with the Secretary regarding participation in the scholarship program. The agreement shall contain such terms and conditions as the Secretary shall specify for purposes of the scholarship program.

(e) SCHOLARSHIPS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall provide to each qualifying veteran who enters into an agreement under subsection (d) a scholarship for such number of academic years as the Secretary shall specify in the agreement for pursuit of a graduate or post-graduate degree in behavioral health sciences at an institution of higher education offering such degree that is approved by the Secretary for purposes of the scholarship program.

(2) ELEMENTS.—The scholarship provided a qualifying veteran for an academic year shall consist of payment of the following:

(A) Tuition of the qualifying veteran for pursuit of the graduate or post-graduate degree concerned in the academic year.

(B) Reasonable educational expenses of the qualifying veteran (including fees, books, and laboratory expenses) in pursuit of such degree in the academic year.

(C) A stipend in connection with the pursuit of such degree in the academic year in such amount as the Secretary shall specify in the agreement of the qualifying veteran under subsection (d).

(f) OBLIGATED SERVICE.—Each qualifying veteran who participates in the scholarship program shall, after completion of the graduate or post-graduate degree concerned and as jointly provided by the Secretary of Veterans Affairs and the Secretary of Defense in the agreement of such qualifying veteran under subsection (d), perform service as follows:

(1) Such service for the Department of Veterans Affairs in connection with the furnishing of mental health services to veterans, and for such period, as the Secretary of Veterans Affairs shall specify in the agreement.

(2) Such service for the Department of Defense in connection with the furnishing of mental health services to members of the Armed Forces, and for such period, as the

Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, specify in the agreement.

(3) Such combination of service described by paragraphs (1) and (2), and for such period, as the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, specify in the agreement.

(g) BREACH OF AGREEMENT.—Each qualifying veteran participating in the scholarship who fails to complete satisfactorily the terms of the agreement of such qualifying veteran under subsection (d), whether through failure to obtain the graduate or post-graduate degree concerned or failure to perform service required of the qualifying veteran under subsection (f), shall be liable to the United States in such form and manner as the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, specify in the agreement.

(h) CONTINGENCY OPERATION DEFINED.—In this section, the term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

At the end of title V, add the following new section:

SEC. 5___. SUPPORT FROM DEPARTMENT OF EDUCATION TO HELP COVER COSTS OF NEW STATE PROGRAMS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

Paragraph (2) of section 509(d) of title 32, United States Code, is amended to read as follows:

''(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense. Using funds available to the Department of Education, the Secretary of Education may provide assistance to cover the difference between the amount provided by the Department of Defense and the total costs of operating a new State program of the Program during the first three full fiscal years in which the new State program is in operation.''.

Page 266, after line 8, insert the following:

SEC. 706. PROVISION OF INFORMATION TO MEMBERS OF THE RESERVE COMPONENTS REGARDING HEALTH CARE BENEFITS.

(a) PROVISION OF INFORMATION.—The Secretary of Defense shall ensure that each member of a reserve component of the Armed Forces who is mobilized or demobilized is provided, together with the orders providing for such mobilization or demobilization, a clear and comprehensive statement of the medical care and treatment to which such member is entitled under Federal law by reason of being so mobilized or demobilized.

(b) FREQUENCY.—The statement required to be provided a member under subsection (a) upon a mobilization or demobilization shall be provided to the member each time the member is mobilized or demobilized, as the case may be.

(c) ELEMENTS.—The statement provided a member under subsection (a) shall include the following:

(1) A clear, comprehensive statement of the medical care and treatment to which the member is entitled under Federal law by reason of being mobilized or demobilized, as applicable, including—

(A) the nature and range of the care and treatment to which the member is entitled;

(B) the departments and agencies of the Federal Government that will provide such care and treatment;

(C) the period for which such care and treatment will be so provided; and

(D) the obligations, if any, of the member in connection with the receipt of such care and treatment.

(2) A clear, comprehensive statement of the health care insurance available under Federal law for the member's family, if any, by reason of the mobilization or demobilization of the member.

(3) A clear, comprehensive description of the mental health assessments available to the member before, during, and after deployment pursuant to section 708 of the national defense authorization act for fiscal year 2010 (public law 11184; 123 Stat. 2376; 10 U.S.C. 1074f note).

(4) Such other matters as the Secretary considers appropriate.

Page 219, after line 5, insert the following:

SEC. 599. STUDY OF TREATMENT OF MEMBERS OF THE RESERVE COMPONENTS.

(a) STUDY.—The Inspector General of the Department of Defense shall conduct a study of the treatment of members of the reserve components.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) An analysis of the treatment of members of the reserve components—

(A) at mobilization and demobilization sites of the Army, including warrior transition units and joint medical battalions; and

(B) during predeployment and postdeployment medical examinations under section 1074(f) of title 10, United States Code.

(2) An analysis of the quality of care, treatment, and information that members of the reserve components receive before, during, and after deployment.

(3) An analysis of patterns of treatment of members of the reserve components during the period following a deployment, including during medical examinations or other actions that could affect health care and disability benefits, as compared to the treatment of members of the regular components during such period.

(4) Identification of any improvements needed so that members of the reserve components and members of the regular components are treated equally.

(c) REPORT.—Not later than December 31, 2010, the Inspector General shall submit to the congressional defense committees a report on the study under subsection (a).

Page 296, line 5, add after ''Defense'' the following: '', beginning 90 days after the date of the enactment of this Act,''.

Page 296, lines 13 and 14, strike ''with actual knowledge, engages'' and insert ''when entering into a contract with the Department of Defense for goods and services, fails to certify to the contracting officer that the entity does not engage''.

Page 296, line 15, strike ''have been imposed'' and insert ''may be imposed''.

Page 296, strike line 17 and all that follows through page 297, line 22, and insert the following:

(b) REMEDIES.—

(1) IN GENERAL.—If the Secretary of Defense, in consultation with the Secretary of State, determines that an entity has submitted a false certification under subsection (a)(2), the Secretary of Defense may terminate a contract with such entity or debar or suspend such entity from eligibility for Department of Defense contracts for a period of not more than 3 years. Any such debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations.

(2) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) each entity that is debarred, suspended, or proposed for debarment or suspension by the Secretary on the basis of a determination of a false certification under paragraph (1).

(c) WAIVERS.—

(1) AUTHORITY.—The Secretary of Defense may on a case-by-case basis waive the requirement that an entity make a certification under subsection (a)(2) if the Secretary determines that it is in the interest of national security to do so.

(2) CONTENTS OF CERTIFICATION.—Upon issuing a waiver under paragraph (1) with respect to an entity, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification that identifies the entity involved, the nature of the contract, and the rationale for issuing the waiver.

Page 251, after line 18, insert the following:

SEC. 654. CONTINUED OPERATION OF COMMISSARY AND EXCHANGE STORES SERVING BRUNSWICK NAVAL AIR STATION, MAINE.

The Secretary of Defense shall provide for the continued operation of each commissary or exchange store serving Brunswick Naval Air Station, Maine, through September 30, 2011, and may not take any action to reduce or to terminate the sale of goods at such stores during fiscal year 2011.

Page 266, after line 8, insert the following:

SEC. 706. SUICIDE AMONG MEMBERS OF THE INDIVIDUAL READY RESERVE AND INDIVIDUAL MOBILIZATION AUGMENTEES.

(a) FINDINGS.—Congress finds that a veteran who is a member of the Individual Ready Reserve (or who is an individual mobilization augmentee) and is not assigned to a unit that musters regularly and has an established support structure is less likely to be helped by existing suicide prevention programs carried out by the Secretary of Defense and the Secretary of Veterans Affairs.

(b) IN GENERAL.—

(1) SUICIDE PREVENTION.—Chapter 55 of title 10, United States Code, is amended by adding after section 1074l the following new section:

''§ 1074m Suicide prevention for members of the Individual Ready Reserve and individual mobilization augmentees

''(a) IN GENERAL.—The Secretary of Defense shall ensure that each covered member receives a telephone call described in subsection (b) not less than once every 90 days during the period in which—

''(1) the covered member is a member of the Individual Ready Reserve; or

''(2) the Secretary determines that the covered member is an individual mobilization augmentee.

''(b) COUNSELING CALL.—A telephone call described in this subsection is a call from properly trained personnel to determine the emotional, psychological, medical, and career needs and concerns of the covered member.

''(c) REFERRAL.—(1) The personnel making a telephone call described in subsection (b) shall refer a covered member identified as being at-risk of self-caused harm to the nearest emergency room for immediate evaluation and treatment by a qualified mental health care provider.

''(2) If a covered member is referred under paragraph (1), the Secretary shall confirm that the member has received the evaluation and any necessary treatment.

''(d) REPORTS.—Not later than January 31 of each year, beginning in 2011, the Secretary shall submit to Congress a report on the

number of covered members who have been referred for counseling or mental health treatment under this section, as well as the health and career status of such members.

''(e) COVERED MEMBER DEFINED.—In this section, the term 'covered member' means—

''(1) a member of the Individual Ready Reserve described in section 10144(b) of this title who has deployed to Afghanistan or Iraq in support of a contingency operation; or

''(2) a member of a reserve component who the Secretary determines is an individual mobilization augmentee who has deployed to Afghanistan or Iraq in support of a contingency operation.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074l the following new item:

''1074m. Suicide prevention for members of the Individual Ready Reserve and individual mobilization augmentees.''.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 1

¶69.27 [Roll No. 333]

AYES—416

Ackerman	Castle	Franks (AZ)
Aderholt	Castor (FL)	Frelinghuysen
Adler (NJ)	Chaffetz	Fudge
Akin	Chandler	Gallegly
Alexander	Childers	Garamendi
Altmire	Chu	Garrett (NJ)
Andrews	Clarke	Gerlach
Arcuri	Clay	Giffords
Austria	Cleaver	Gingrey (GA)
Baca	Clyburn	Gohmert
Bachmann	Coble	Gonzalez
Bachus	Coffman (CO)	Goodlatte
Baird	Cole	Gordon (TN)
Baldwin	Conaway	Granger
Barrett (SC)	Connolly (VA)	Grayson
Barrow	Conyers	Green, Al
Bartlett	Cooper	Green, Gene
Bean	Costa	Griffith
Becerra	Costello	Grijalva
Berkley	Courtney	Guthrie
Berman	Crenshaw	Gutierrez
Berry	Critz	Hall (NY)
Biggert	Crowley	Hall (TX)
Bilbray	Cuellar	Halvorson
Bilirakis	Culberson	Hare
Bishop (GA)	Cummings	Harman
Bishop (NY)	Dahlkemper	Harper
Bishop (UT)	Davis (CA)	Hastings (WA)
Blackburn	Davis (IL)	Heinrich
Blumenauer	Davis (TN)	Heller
Blunt	DeFazio	Hensarling
Boccieri	DeGette	Herger
Boehner	DeLauro	Herseth Sandlin
Bonner	Dent	Higgins
Bono Mack	Deutch	Hill
Boozman	Diaz-Balart, L.	Himes
Boswell	Diaz-Balart, M.	Hinchey
Boucher	Dicks	Hinojosa
Boustany	Dingell	Hirono
Boyd	Djou	Hodes
Brady (PA)	Doggett	Hoekstra
Brady (TX)	Donnelly (IN)	Holden
Braley (IA)	Doyle	Holt
Bright	Dreier	Honda
Broun (GA)	Driehaus	Hoyer
Brown (SC)	Duncan	Hunter
Brown, Corrine	Edwards (MD)	Inglis
Buchanan	Edwards (TX)	Inslee
Burgess	Ehlers	Israel
Burton (IN)	Ellison	Issa
Butterfield	Ellsworth	Jackson (IL)
Buyer	Emerson	Jackson Lee (TX)
Calvert	Engel	
Camp	Eshoo	Jenkins
Campbell	Etheridge	Johnson (GA)
Cantor	Fallin	Johnson (IL)
Cao	Farr	Johnson, E. B.
Capito	Fattah	Johnson, Sam
Capps	Filner	Jordan (OH)
Capuano	Flake	Kagen
Cardoza	Fleming	Kanjorski
Carnahan	Forbes	Kaptur
Carney	Fortenberry	Kennedy
Carson (IN)	Foster	Kildee
Carter	Foxx	Kilpatrick (MI)
Cassidy	Frank (MA)	Kilroy
Kind	Moore (WI)	Schmidt
King (IA)	Moran (KS)	Schock
King (NY)	Moran (VA)	Schrader
Kingston	Murphy (CT)	Schwartz
Kirk	Murphy (NY)	Scott (GA)
Kirkpatrick (AZ)	Murphy, Patrick	Scott (VA)
Kissell	Murphy, Tim	Sensenbrenner
Klein (FL)	Nadler (NY)	Serrano
Kline (MN)	Napolitano	Sessions
Kosmas	Neal (MA)	Sestak
Kratovil	Neugebauer	Shadegg
Kucinich	Norton	Shea-Porter
Lamborn	Nunes	Sherman
Lance	Nye	Shimkus
Langevin	Oberstar	Shuster
Larsen (WA)	Obey	Simpson
Larson (CT)	Olson	Sires
Latham	Olver	Skelton
LaTourette	Ortiz	Slaughter
Lee (CA)	Owens	Smith (NE)
Lee (NY)	Pallone	Smith (NJ)
Levin	Pascrell	Smith (TX)
Lewis (CA)	Pastor (AZ)	Smith (WA)
Lewis (GA)	Paulsen	Snyder
Linder	Payne	Space
Lipinski	Pence	Speier
LoBiondo	Perlmutter	Spratt
Loebsack	Perriello	Stark
Lofgren, Zoe	Peters	Stearns
Lowey	Peterson	Sullivan
Lucas	Petri	Sutton
Luetkemeyer	Pierluisi	Tanner
Luján	Pingree (ME)	Taylor
Lummis	Pitts	Teague
Lungren, Daniel E.	Platts	Terry
	Poe (TX)	Thompson (CA)
Lynch	Polis (CO)	Thompson (MS)
Mack	Pomeroy	Thompson (PA)
Maffei	Posey	Thornberry
Maloney	Price (GA)	Tiahrt
Manzullo	Price (NC)	Tiberi
Marchant	Putnam	Tierney
Markey (CO)	Quigley	Titus
Markey (MA)	Radanovich	Tonko
Marshall	Rahall	Towns
Matheson	Rangel	Tsongas
Matsui	Rehberg	Turner
McCarthy (CA)	Reichert	Upton
McCarthy (NY)	Reyes	Van Hollen
McCaul	Richardson	Velázquez
McClintock	Rodriguez	Visclosky
McCollum	Roe (TN)	Walden
McCotter	Rogers (AL)	Walz
McDermott	Rogers (KY)	Wamp
McGovern	Rogers (MI)	Wasserman Schultz
McHenry	Rohrabacher	
McIntyre	Rooney	Waters
McKeon	Ros-Lehtinen	Watson
McMahon	Roskam	Watt
McMorris Rodgers	Ross	Waxman
	Rothman (NJ)	Weiner
McNerney	Roybal-Allard	Welch
Meek (FL)	Royce	Westmoreland
Meeks (NY)	Ruppersberger	Whitfield
Mica	Rush	Wilson (OH)
Michaud	Ryan (OH)	Wilson (SC)
Miller (FL)	Salazar	Wittman
Miller (MI)	Sánchez, Linda T.	Wolf
Miller (NC)		Woolsey
Miller, Gary	Sanchez, Loretta	Wu
Miller, George	Sarbanes	Yarmuth
Minnick	Scalise	Young (AK)
Mitchell	Schakowsky	Young (FL)
Mollohan	Schauer	
Moore (KS)	Schiff	

NOES—1

Paul

NOT VOTING—20

Barton (TX)	Davis (AL)	Latta
Bordallo	Davis (KY)	Melancon
Boren	Delahunt	Myrick
Brown-Waite, Ginny	Faleomavaega	Ryan (WI)
	Graves	Sablan
Christensen	Hastings (FL)	Shuler
Cohen	Jones	Stupak

So the amendments en bloc were agreed to.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, assumed the Chair.

When Mr. SERRANO, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

Pursuant to House Resolution 1404, the previous question was ordered.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2011''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into four divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Implementing Management for Performance and Related Reforms to Obtain Value in Every Acquisition Act.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. TREATMENT OF SUCCESSOR CONTINGENCY OPERATION TO OPERATION IRAQI FREEDOM.

Any law or regulation applicable to Operation Iraqi Freedom shall apply in the same manner and to the same extent to the successor contingency operation known as Operation New Dawn, except as specifically provided in this Act, any amendment made by this Act, or any other law enacted after the date of the enactment of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Army as follows:

(1) For aircraft, $5,986,361,000.

(2) For missiles, $1,631,463,000.

(3) For weapons and tracked combat vehicles, $1,616,245,000.

(4) For ammunition, $1,946,948,000.

(5) For other procurement, $9,398,728,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Navy as follows:

(1) For aircraft, $19,132,613,000.

(2) For weapons, including missiles and torpedoes, $3,350,894,000.

(3) For shipbuilding and conversion, $15,724,520,000.

(4) For other procurement, $6,450,208,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Marine Corps in the amount of $1,379,044,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement of ammunition for the Navy and the Marine Corps in the amount of $817,991,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Air Force as follows:

(1) For aircraft, $15,355,908,000.

(2) For ammunition, $672,420,000.

(3) For missiles, $5,470,772,000.

(4) For other procurement, $17,911,730,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2011 for Defense-wide procurement in the amount of $4,399,768,000.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF EARLY INFANTRY BRIGADE COMBAT TEAM INCREMENT ONE EQUIPMENT.

(a) LIMITATION ON PRODUCTION QUANTITIES.—Except as provided in subsection (c), the Secretary of Defense may not procure more than two brigade sets of early-infantry brigade combat team increment one equipment (in this section referred to as a ''brigade set'').

(b) APPLICABILITY TO LONG-LEAD PRODUCTION ITEMS.—The limitation in subsection (a) includes procurement of a long-lead item for an element of a brigade set beyond the two brigade sets authorized under such subsection.

(c) WAIVER.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the limitation in subsection (a) if—

(1) the Under Secretary submits to Congress written certification that—

(A) the initial operational test and evaluation of the brigade set has been completed;

(B) the Director of Operational Test and Evaluation has submitted to Congress a report describing the results of the initial operational test and evaluation (as described in section 2399(b) of title 10, United States Code) and the comparative test of the brigade set;

(C) all of the subsystems tested in the initial operational test and evaluation were tested in the intended production configuration; and

(D) all radios planned for fielding with the brigade set have received the appropriate National Security Agency approvals, as determined by the Under Secretary; and

(2) a period of 30 days has elapsed after the date on which the certification under paragraph (1) is received.

(d) EXCEPTION FOR MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.—The limitation in subsection (a) does not apply to the procurement of individual components of the brigade set if the procurement of such components is specifically intended to address an operational need statement requirement (as described in Army Regulation 71–9 or a successor regulation).

SEC. 112. REPORT ON ARMY BATTLEFIELD NETWORK PLANS AND PROGRAMS.

(a) REPORT REQUIRED.—Not later than March 1, 2011, the Secretary of the Army shall submit to the congressional defense committees a report on plans for fielding tactical communications network equipment. Such report shall include—

(1) an explanation of the current communications architecture of every level of the Army;

(2) an explanation of the future communications architecture of every level of the Army;

(3) the quantities and types of new equipment that the Secretary plans to procure in the 5-year period following the date on which the report is submitted in order to develop the architecture described in paragraph (2);

(4) a list of the equipment described in paragraph (3) that is included in the budget of the President for fiscal year 2012 (as submitted to Congress pursuant to section 1105 of title 31, United States Code); and

(5) for each item included in the list of equipment described in paragraph (3)—

(A) an updated average procurement unit cost for each year of the covered 5-year period; and

(B) the updated total Army acquisition objective.

(b) LIMITATION ON OBLIGATION OF FUNDS.—Except as provided in subsection (c), of the funds authorized to be appropriated by this or any other Act for fiscal year 2011 for procurement, Army, for tactical radios or tactical communications network equipment, not more than 50 percent may be obligated or expended until the date that is 15 days after the date on which the report is submitted under subsection (a).

(c) EXCEPTION FOR MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.—The limitation in subsection (b) does not apply to the procurement of tactical radio or tactical communications network equipment if the procurement of such equipment is specifically intended to address an operational need statement requirement (as described in Army Regulation 71–9 or a successor regulation).

(d) TACTICAL COMMUNICATIONS NETWORK EQUIPMENT DEFINED.—In this section, the term ''tactical communications network equipment'' means all electronic communications systems operated by a tactical unit (of brigade size or smaller) of the Army.

SEC. 113. LIMITATION ON USE OF FUNDS FOR LINE-HAUL TRACTORS.

(a) LIMITATION.—None of the funds authorized to be appropriated by section 101(5) for other procurement, Army, may be obligated or expended by the Secretary of the Army for line-haul tractors unless the source selection is made based on a full and open competition.

(b) WAIVER.—The Secretary of the Army may waive the limitation under subsection (a) if the Secretary certifies to the congressional defense committees by not later than 90 days after the date of the enactment of this Act that a sole source selection—

(1) is needed to fulfill mission requirements; or

(2) is more cost effective than a full and open competition.

Subtitle C—Navy Programs

SEC. 121. INCREMENTAL FUNDING FOR PROCUREMENT OF LARGE NAVAL VESSELS.

(a) INCREMENTAL FUNDING OF LARGE NAVAL VESSELS.—Except as provided in subsection (b), the Secretary of the Navy may use incremental funding for the procurement of a large naval vessel over a period not to exceed the number of years equal to three-fourths of the total period of planned ship construction of such vessel.

(b) LPD 26.—With respect to the vessel designated LPD 26, the Secretary may use incremental funding for the procurement of such vessel through fiscal year 2012 if the Secretary determines that such incremental funding—

(1) is in the best interest of the overall shipbuilding efforts of the Navy;

(2) is needed to provide the Secretary with the ability to facilitate changes to the shipbuilding industrial base of the Navy; and

(3) will provide the Secretary with the ability to award a contract for construction of the vessel that provides the best value to the United States.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) or (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after the fiscal year the vessel was authorized is subject to the availability of appropriations for that purpose for that later fiscal year.

(d) DEFINITIONS.—In this section:

(1) The term ''large naval vessel'' means a vessel—

(A) that is—

(i) an aircraft carrier designated a CVN;

(ii) an amphibious assault ship designated LPD, LHA, LHD, or LSD; or

(iii) an auxiliary vessel; and

(B) that has a light ship displacement of 17,000 tons or more.

(2) The term ''total period of planned ship construction'' means the period of years beginning on the date of the first authorization

of funding (not including funding requested for advance procurement) and ending on the date that is projected on the date of the first authorization of funding to be the delivery date of the vessel to the Navy.

SEC. 122. MULTIYEAR PROCUREMENT OF F/A–18E, F/A–18F, AND EA–18G AIRCRAFT.

(a) MULTIYEAR PROCUREMENT.—

(1) ADDITIONAL AUTHORITY.—Section 128 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2217) is amended by adding at the end the following new subsections:

''(e) UPDATED REPORT.—With respect to a multiyear contract entered into under subsection (a), the Secretary of Defense may submit to the congressional defense committees an update to the report under section 2306b(l)(4) of title 10, United States Code, by not later than September 1, 2010.

''(f) REQUIRED AUTHORITY.—Notwithstanding any other provision of law, with respect to a multiyear contract entered into under subsection (a), this section shall be deemed to meet the requirements under subsection (i)(3) and (l)(3) of section 2306b of title 10, United States Code.

''(g) EXCEPTION TO CERTAIN REQUIREMENT.—Section 8008(b) of the Department of Defense Appropriations Act, 1998 (Public Law 105–56; 10 U.S.C. 2306b note) shall not apply to a multiyear contract entered into under subsection (a).

''(h) USE OF FUNDS.—

''(1) PROCUREMENT.—In accordance with paragraph (2), the Secretary of Defense shall ensure that all funds authorized to be appropriated for the advance procurement or procurement of F/A–18E, F/A–18F, or EA–18G aircraft under this section are obligated or expended for such purpose.

''(2) USE OF EXCESS FUNDS.—The Secretary of Defense shall ensure that any excess funds are obligated or expended for the advance procurement or procurement of F/A–18E or F/A–18F aircraft under this section, regardless of whether such aircraft are in addition to the 515 F/A–18E and F/A–18F aircraft planned by the Secretary of the Navy.

''(3) EXCESS FUNDS DEFINED.—In this subsection, the term 'excess funds', with respect to funds available for the advance procurement or procurement of F/A–18E, F/A–18F, or EA–18G aircraft under this section, means the amount of funds that is equal to the difference of—

''(A) the sum of—

''(i) the funds authorized to be appropriated by this Act or otherwise available for fiscal year 2010 for the advance procurement and procurement of F/A–18E, F/A–18F, or EA–18G aircraft; and

''(ii) the funding levels for the advance procurement and procurement of such aircraft for fiscal years 2011 through 2013 proposed by the Secretary of Defense in the future-years defense program for fiscal year 2011 submitted under section 221 of title 10, United States Code; and

''(B) the funds required to execute the multiyear contracts for the advance procurement and procurement of such aircraft under this section.''.

(2) EXTENSION OF CERTIFICATION.—Paragraph (2) of subsection (a) of such section is amended by striking ''a reference to March'' and inserting ''a reference to September''.

(b) FULL FUNDING CERTIFICATION.—Paragraph (1) of section 8011 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 10 U.S.C. 2306b note) is amended by inserting after ''within 30 days of enactment of this Act'' the following: ''(or in the case of a multiyear contract for the procurement of F/A–18E, F/A–18F, or EA–18G aircraft, by the date that is not less than 30 days prior to the contract award)''.

SEC. 123. REPORT ON NAVAL FORCE STRUCTURE AND MISSILE DEFENSE.

(a) REPORT.—Not later than March 1, 2011, the Secretary of the Navy, in coordination with the Chief of Naval Operations, shall submit to the congressional defense committees a report on the requirements of the major combatant surface vessels with respect to missile defense.

(b) MATTERS INCLUDED.—The report shall include the following:

(1) An analysis of whether the requirement for sea-based missile defense can be accommodated by upgrading Aegis ships that exist as of the date of the report or by procuring additional combatant surface vessels.

(2) Whether such sea-based missile defense will require increasing the overall number of combatant surface vessels beyond the requirement of 88 cruisers and destroyers in the 313-ship fleet plan of the Navy.

(3) The number of Aegis ships needed by each combatant commander to fulfill ballistic missile defense requirements, including (in consultation with the Chairman of the Joints Chiefs of Staff) the number of such ships needed to support the phased, adaptive approach to ballistic missile defense in Europe.

(4) A discussion of the potential effect of ballistic missile defense operations on the ability of the Navy to meet surface fleet demands in each geographic area and for each mission set.

(5) An evaluation of how the Aegis ballistic missile defense program can succeed as part of a balanced fleet of adequate size and strength to meet the security needs of the United States.

(6) A description of both the shortfalls and the benefits of expected technological advancements in the sea-based missile defense program.

(7) A description of the anticipated plan for deployment of Aegis ballistic missile ships within the context of the fleet response plan.

Subtitle D—Air Force Programs

SEC. 131. PRESERVATION AND STORAGE OF UNIQUE TOOLING FOR F–22 FIGHTER AIRCRAFT.

Subsection (b) of section 133 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.2219) is amended by striking ''2010'' and inserting ''2011''.

Subtitle E—Joint and Multiservice Matters

SEC. 141. LIMITATION ON PROCUREMENT OF F–35 LIGHTNING II AIRCRAFT.

(a) LIMITATION.—Except as provided in subsection (c), of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for aircraft procurement, Air Force, and aircraft procurement, Navy, for F–35 Lightning II aircraft, not more than an amount necessary for the procurement of 30 such aircraft may be obligated or expended unless—

(1) the certifications under subsection (b) are received by the congressional defense committees on or before January 15, 2011; and

(2) a period of 15 days has elapsed after the date of such receipt.

(b) CERTIFICATIONS.—Not later than January 15, 2011—

(1) the Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify in writing to the congressional defense committees that—

(A) each of the 11 scheduled system development and demonstration aircraft planned in the schedule for delivery during 2010 has been delivered to the designated test location;

(B) the initial service release has been granted for the F135 engine designated for the short take-off and vertical landing variant;

(C) facility configuration and industrial tooling capability and capacity is sufficient to support production of at least 42 F–35 aircraft for fiscal year 2011;

(D) block 1.0 software has been released and is in flight test;

(E) the Secretary of Defense has—

(i) determined that two F–35 aircraft from low-rate initial production 1 have met established criteria for acceptance; and

(ii) accepted such aircraft for delivery; and

(F) advance procurement funds appropriated for the advance procurement of F136 engines for fiscal years 2009 and 2010 have either been obligated or the Secretary of Defense has submitted a reprogramming action to the congressional defense committees that would reprogram such funds to meet other F136 development requirements; and

(2) the Director of Operational Test and Evaluation shall certify in writing to the congressional defense committees that—

(A) the F–35C aircraft designated as CF–1 has effectively accomplished its first flight;

(B) the 394 F–35 aircraft test flights planned in the schedule to occur during 2010 have been completed with sufficient results;

(C) 95 percent of the 3,772 flight test points planned for completion in 2010 were accomplished;

(D) the conventional take-off and land variant low observable signature flight test has been conducted and the results of such test have met or exceeded threshold key performance parameters;

(E) six F136 engines have been made available for testing; and

(F) not less than 1,000 test hours have been completed in the F136 system development and demonstration program.

(c) WAIVER.—After January 15, 2011, the Secretary of Defense may waive the limitation in subsection (a) if each of the following occurs:

(1) The written certification described in subsection (b)(1) is submitted by the Under Secretary of Defense for Acquisition, Technology, and Logistics not later than January 15, 2011.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics certifies in writing to the congressional defense committees that the failure to fully achieve the milestones described in subsection (b)(2) will not—

(A) delay or otherwise negatively affect the F–35 aircraft test schedule for fiscal year 2011;

(B) impede production of 42 F–35 aircraft in such fiscal year; and

(C) otherwise increase risk to the F–35 aircraft program.

(3) A period of 30 days has elapsed after the date on which the certification under paragraph (2) is submitted to the congressional defense committees.

(d) SCHEDULE DEFINED.—In this section, the term ''schedule'' means the F–35 Lightning II program update schedule received by the congressional defense committees on March 15, 2010.

SEC. 142. LIMITATIONS ON BIOMETRIC SYSTEMS FUNDS.

(a) GENERAL LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for biometrics programs and operations, not more than 85 percent may be obligated or expended until—

(1) the Secretary of Defense submits to the congressional defense committees a report on the actions taken—

(A) to implement subparagraphs (A) through (F) of paragraph (16) of the National Security Presidential Directive dated June 5, 2008 (NSPD–59);

(B) to implement the recommendations of the Comptroller General of the United States

included in the report of the Comptroller General numbered GAO–08–1065 dated September 2008;

(C) to implement the recommendations of the Comptroller General included in the report of the Comptroller General numbered GAO–09–49 dated October 2008;

(D) to fully and completely characterize the current biometrics architecture and establish the objective architecture for the Department of Defense;

(E) to ensure that an official of the Office of the Secretary of Defense has the authority necessary to be responsible for ensuring that all funding for biometrics programs and operations is programmed, budgeted, and executed; and

(F) to ensure that an officer within the Office of the Joint Chiefs of Staff has the authority necessary to be responsible for ensuring the development and implementation of common and interoperable standards for the collection, storage, and use of biometrics data by all combatant commanders and their commands; and

(2) a period of 30 days has elapsed after the date on which the report is submitted under paragraph (1).

(b) SPECIFIC LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for biometrics programs and operations may be obligated or expended unless the Under Secretary of Defense for Acquisition, Technology, and Logistics (acting through the Director of Defense Biometrics) approves such obligation or expenditure in writing.

SEC. 143. COUNTER-IMPROVISED EXPLOSIVE DEVICE INITIATIVES DATABASE.

(a) COMPREHENSIVE DATABASE.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall develop and maintain a comprehensive database containing appropriate information for coordinating, tracking, and archiving each counter-improvised explosive device initiative within the Department of Defense. The database shall, at a minimum, ensure the visibility of each counter-improvised explosive device initiative.

(2) USE OF INFORMATION.—Using information contained in the database developed under paragraph (1), the Secretary, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall—

(A) identify and eliminate redundant counter-improvised explosive device initiatives;

(B) facilitate the transition of counter-improvised explosive device initiatives from funding under the Joint Improvised Explosive Device Defeat Fund to funding provided by the military departments; and

(C) notify the appropriate personnel and organizations prior to a counter-improvised explosive device initiative being funded through the Joint Improvised Explosive Device Defeat Fund.

(3) COORDINATION.—In carrying out paragraph (1), the Secretary shall ensure that the Secretary of each military department coordinates and collaborates on development of the database to ensure its interoperability, completeness, consistency, and effectiveness.

(b) METRICS.—The Secretary of Defense, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall—

(1) develop appropriate means to measure the effectiveness of counter-improvised explosive device initiatives; and

(2) prioritize the funding of such initiatives according to such means.

(c) ELIMINATION OF PRIOR NOTICE REQUIREMENT.—Subsection (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), is further amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

(d) COUNTER-IMPROVISED EXPLOSIVE DEVICE INITIATIVE DEFINED.—In this section, the term ''counter-improvised explosive device initiative'' means any project, program, or research activity funded by any component of the Department of Defense that is intended to assist or support efforts to counter, combat, or defeat the use of improvised explosive devices.

SEC. 144. STUDY ON LIGHTWEIGHT BODY ARMOR SOLUTIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into a contract with a federally funded research and development center to conduct a study to—

(1) assess the effectiveness of the processes used by the Secretary to identify and examine the requirements for lighter weight body armor systems; and

(2) determine ways in which the Secretary may more effectively address the research, development, and procurement requirements regarding reducing the weight of body armor.

(b) MATTERS COVERED.—The study conducted under subsection (a) shall include findings and recommendations regarding the following:

(1) The requirement for lighter weight body armor and personal protective equipment and the ability of the Secretary to meet such requirement.

(2) Innovative design ideas for more modular body armor that allow for scalable protection levels for various missions and threats.

(3) The need for research, development, and acquisition funding dedicated specifically for reducing the weight of body armor.

(4) The efficiency and effectiveness of current body armor funding procedures and processes.

(5) Industry concerns, capabilities, and willingness to invest in the development and production of lightweight body armor initiatives.

(6) Barriers preventing the development of lighter weight body armor (including such barriers with respect to technical, institutional, or financial problems).

(7) Changes to procedures or policy with respect to lightweight body armor.

(8) Other areas of concern not previously addressed by equipping boards, body armor producers, or program managers.

(c) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study conducted under subsection (a).

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,316,754,000.

(2) For the Navy, $17,978,646,000.

(3) For the Air Force, $27,269,902,000.

(4) For Defense-wide activities, $20,908,006,000, of which $194,910,000 is authorized for the Director of Operational Test and Evaluation.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. REPORT REQUIREMENTS FOR REPLACEMENT PROGRAM OF THE OHIO-CLASS BALLISTIC MISSILE SUBMARINE.

(a) FINDINGS.—Congress makes the following findings:

(1) The sea-based strategic deterrence provided by the ballistic missile submarine force of the Navy has been essential to the national security of the United States since the deployment of the first ballistic missile submarine, the USS George Washington SSBN 598, in 1960.

(2) Since 1960, a total of 59 submarines have served the United States to provide the sea-based strategic deterrence.

(3) As of the date of the enactment of this Act, the sea-based strategic deterrence is provided by the tremendous capability of the 14 ships of the Ohio-class submarine force, which have been the primary sea-based deterrent force for more than two decades.

(4) Ballistic missile submarines are the most survivable asset in the arsenal of the United States in the event of a surprise nuclear attack on the country because, being submerged for months at a time, these submarines are virtually undetectable to any adversary and therefore invulnerable to attack, thus providing the submarines with the ability to respond with significant force against any adversary who attacks the United States or its allies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) as Ohio-class submarines reach the end of their service life and are retired, the United States must maintain the robust sea-based strategic deterrent force that has the ability to remain undetected by potential adversaries and must have the capability to deliver a retaliatory strike of such magnitude that no rational actor would dare attack the United States;

(2) the Secretary of Defense should conduct a comprehensive analysis of the alternative capabilities to provide the sea-based strategic deterrence that includes consideration of different types and sizes of submarines, different types and sizes of missile systems, the number of submarines necessary to provide such deterrence, and the cost of each alternative; and

(3) prior to requesting more than $1,000,000,000 in research and development funding to develop a replacement for the Ohio-class ballistic missile submarine force in advance of a Milestone A decision, the Secretary of Defense should have made available to Congress the guidance issued by the Director of Cost Assessment and Performance Evaluation with respect to the analysis of alternative capabilities and the results of such analysis.

(c) LIMITATION.—

(1) REPORT.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for research and development for the Navy, not more than 50 percent may be obligated or expended to research or develop a submarine as a replacement for the Ohio-class ballistic missile submarine force unless—

(A) the Secretary of Defense submits to the congressional defense committees a report including—

(i) guidance issued by the Director of Cost Assessment and Performance Evaluation with respect to the analysis of alternative capabilities to provide the sea-based strategic deterrence currently provided by the Ohio-class ballistic missile submarine force and any other guidance relating to requirements for such alternatives intended to affect the analysis;

(ii) an analysis of the alternative capabilities considered by the Secretary to continue

the sea-based strategic deterrence currently provided by the Ohio-class ballistic missile submarine force, including—

(I) the cost estimates for each alternative capability;

(II) the operational challenges and benefits associated with each alternative capability; and

(III) the time needed to develop and deploy each alternative capability; and

(iii) detailed reasoning associated with the decision to replace the capability of sea-based deterrence provided by the Ohio-class ballistic missile submarine force with an alternative capability designed to carry the Trident II D5 missile; and

(B) a period of 30 days has elapsed after the date on which the report under subparagraph (A) is submitted.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 212. LIMITATION ON OBLIGATION OF FUNDS FOR F–35 LIGHTNING II AIRCRAFT PROGRAM.

Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for research, development, test, and evaluation for the F–35 Lightning II aircraft program, not more than 75 percent may be obligated until the date that is 15 days after the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees certification in writing that all funds made available for fiscal year 2011 for the continued development and procurement of a competitive propulsion system for the F–35 Lightning II aircraft have been obligated.

SEC. 213. INCLUSION IN ANNUAL BUDGET REQUEST AND FUTURE-YEARS DEFENSE PROGRAM OF SUFFICIENT AMOUNTS FOR CONTINUED DEVELOPMENT AND PROCUREMENT OF COMPETITIVE PROPULSION SYSTEM FOR F–35 LIGHTNING II AIRCRAFT.

(a) ANNUAL BUDGET.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 236. Budgeting for competitive propulsion system for F–35 Lightning II aircraft

''(a) ANNUAL BUDGET.—Effective for the budget for fiscal year 2012 and each fiscal year thereafter, the Secretary of Defense shall include in the defense budget materials a request for such amounts as are necessary for the full funding of the continued development and procurement of a competitive propulsion system for the F–35 Lightning II aircraft.

''(b) FUTURE-YEARS DEFENSE PROGRAM.—In each future-years defense program submitted to Congress under section 221 of this title, the Secretary of Defense shall ensure that the estimated expenditures and proposed appropriations for the F–35 Lightning II aircraft, for each fiscal year of the period covered by that program, include sufficient amounts for the full funding of the continued development and procurement of a competitive propulsion system for the F–35 Lightning II aircraft.

''(c) REQUIREMENT TO OBLIGATE AND EXPEND FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2011 or any fiscal year thereafter, for research, development, test, and evaluation and procurement for the F–35 Lightning II aircraft program, the Secretary of Defense shall ensure the obligation and expenditure in each such fiscal year of sufficient annual amounts for the continued development and procurement of two options for the propulsion system for the F–35 Lightning II aircraft in order to ensure the development and competitive production for the propulsion system for such aircraft.

''(d) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by at the end the following new item:

''236. Budgeting for competitive propulsion system for F–35 Lightning II aircraft.''.

(c) CONFORMING REPEAL.—Section 213 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is repealed.

SEC. 214. SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF JOINT LIGHT TACTICAL VEHICLE.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2012, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account of the Army and the Navy a separate, dedicated program element is assigned to the Joint Light Tactical Vehicle.

Subtitle C—Missile Defense Programs

SEC. 221. LIMITATION ON AVAILABILITY OF FUNDS FOR MISSILE DEFENSES IN EUROPE.

(a) LIMITATION ON CONSTRUCTION AND DEPLOYMENT OF SYSTEMS.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2011 or any fiscal year thereafter may be obligated or expended for site activation, construction, preparation of equipment for, or deployment of a medium-range or long-range missile defense system in Europe until—

(1) any nation agreeing to host such system has signed and ratified a missile defense basing agreement and a status of forces agreement; and

(2) a period of 45 days has elapsed following the date on which the Secretary of Defense submits to the congressional defense committees the report on the independent assessment of alternative missile defense systems in Europe required by section 235(c)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2235).

(b) LIMITATION ON PROCUREMENT OR DEPLOYMENT OF INTERCEPTORS.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2011 or any fiscal year thereafter may be obligated or expended for the procurement (other than initial long-lead procurement) or deployment of operational missiles of a medium-range or long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and that such missile defense system has the ability to accomplish the mission.

(c) CONFORMING REPEAL.—Section 234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–81; 123 Stat. 2234) is repealed.

SEC. 222. REPEAL OF PROHIBITION OF CERTAIN CONTRACTS BY MISSILE DEFENSE AGENCY WITH FOREIGN ENTITIES.

Section 222 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1055; 10 U.S.C. 2431 note) is repealed.

SEC. 223. PHASED, ADAPTIVE APPROACH TO MISSILE DEFENSE IN EUROPE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the new phased, adaptive approach to missile defense in Europe, announced by the President on September 17, 2009, should be supported by sound analysis, program plans, schedules, and technologies that are credible;

(2) the cost, performance, and risk of such approach to missile defense should be well understood; and

(3) Congress should have access to information regarding the analyses, plans, schedules, technologies, cost, performance, and risk of such approach to missile defense in order to conduct effective oversight.

(b) REPORT REQUIRED.—

(1) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the phased, adaptive approach to missile defense in Europe.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) A discussion of the analyses conducted by the Secretary of Defense preceding the announcement of the phased, adaptive Approach to missile defense in Europe on September 17, 2009, including—

(i) a description of any alternatives considered;

(ii) the criteria used to analyze each such alternative; and

(iii) the result of each analysis, including a description of the criteria used to judge each alternative.

(B) A discussion of any independent assessments or reviews of alternative approaches to missile defense in Europe considered by the Secretary in support of the announcement of the phased, adaptive approach to missile defense in Europe on September 17, 2009.

(C) A description of the architecture for each of the four phases of the phased, adaptive approach to missile defense in Europe, including—

(i) the composition, basing locations, and quantities of ballistic missile defense assets, including ships, batteries, interceptors, radars and other sensors, and command and control nodes;

(ii) program schedules and site-specific schedules with task activities, test plans, and knowledge and decision points;

(iii) technology maturity levels of missile defense assets and plans for retiring technical risks;

(iv) planned performance of missile defense assets and defended area coverage, including sensitivity analysis to various basing scenarios and varying threat capabilities (including simple and complex threats, liquid and solid-fueled ballistic missiles, and varying raid sizes);

(v) operational concepts and how such operational concepts effect force structure and inventory requirements;

(vi) total cost estimates and funding profiles, by year, for acquisition, fielding, and operations and support; and

(vii) acquisition strategies.

(3) GAO.—The Comptroller General of the United States shall submit to the congressional defense committees a report assessing the report under paragraph (1) pursuant to section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2431 note).

(c) LIMITATION ON FUNDS.—Of the amounts authorized to be appropriated by section

301(5) for operation and maintenance, Defense-wide, for the Office of the Secretary of Defense, not more than 95 percent of such amounts may be obligated or expended until the date on which the report required under subsection (b)(1) is submitted to the congressional defense committees.

SEC. 224. HOMELAND DEFENSE HEDGING POLICY.

(a) FINDINGS.—Congress finds the following:

(1) As noted by the Director of National Intelligence, testifying before the Senate Select Committee on Intelligence on February 2, 2010, ''the Iranian regime continues to flout UN Security Council restrictions on its nuclear program. . .we judge Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon. Iran already has the largest inventory of ballistic missiles in the Middle East and it continues to expand the scale, reach, and sophistication of its ballistic missile forces—many of which are inherently capable of carrying a nuclear payload.''.

(2) The Unclassified Report on Military Power of Iran, dated April 2010, states that, ''with sufficient foreign assistance, Iran could probably develop and test an intercontinental ballistic missile (ICBM) capable of reaching the United States by 2015. Iran could also have an intermediate-range ballistic missile (IRBM) capable of threatening Europe.''.

(3) Under phase 3 of the phased, adaptive approach for missile defense in Europe (scheduled for 2018), the United States plans to deploy the standard missile–3 block IIA interceptor at sea- and land-based sites in addition to existing missile defense systems to provide coverage for all NATO allies in Europe against medium- and intermediate-range ballistic missiles.

(4) Under phase 4 of the phased, adaptive approach for missile defense in Europe (scheduled for 2020), the United States plans to deploy the standard missile–3 block IIB interceptor to provide additional coverage of the United States against a potential intercontinental ballistic missile launched from the Middle East in the 2020 time frame.

(5) According to the February 2010 Ballistic Missile Defense Review, the United States will continue the development and assessment of a two-stage ground-based interceptor as part of a hedging strategy and, as further noted by the Under Secretary of Defense for Policy during testimony before the Committee on Armed Services of the House of Representatives on October 1, 2009, ''we keep the development of the two-stage [ground-based interceptor] on the books as a hedge in case things come earlier, in case there's any kind of technological challenge with the later models of the [standard missile–3].''.

(b) POLICY.—It shall be the policy of the United States to—

(1) field missile defense systems in Europe that—

(A) provide protection against medium- and intermediate-range ballistic missile threats consistent with NATO policy and the phased, adapted approach for missile defense announced on September 17, 2009; and

(B) have been confirmed to perform the assigned mission after successful, operationally realistic testing;

(2) field missile defenses to protect the territory of the United States pursuant to the National Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C. 2431 note) and to test those systems in an operationally realistic manner;

(3) ensure that the standard missile–3 block IIA interceptor planned for phase 3 of the phased, adaptive approach for missile defense is capable of addressing intermediate-range ballistic missiles launched from the Middle East and the standard missile–3 block IIB interceptor planned for phase 4 of such approach is capable of addressing intercontinental ballistic missiles launched from the Middle East; and

(4) continue the development and testing of the two-stage ground-based interceptor to maintain it—

(A) as a means of protection in the event that—

(i) the intermediate-range ballistic missile threat to NATO allies in Europe materializes before the availability of the standard missile–3 block IIA interceptor;

(ii) the intercontinental ballistic missile threat to the United States that cannot be countered with the existing ground-based missile defense system materializes before the availability of the standard missile–3 block IIB interceptor; or

(iii) technical challenges or schedule delays affect the standard missile–3 block IIA interceptor or the standard missile–3 block IIB interceptor; and

(B) as a complement to the missile defense capabilities deployed in Alaska and California for the defense of the United States.

SEC. 225. INDEPENDENT ASSESSMENT OF THE PLAN FOR DEFENSE OF THE HOMELAND AGAINST THE THREAT OF BALLISTIC MISSILES.

(a) FINDING.—Congress finds that section 2 of the National Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C. 2431 note) states that it is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate) with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense.

(b) ASSESSMENT.—The Secretary of Defense shall contract with an independent entity to conduct an assessment of the plans of the Secretary for defending the territory of the United States against the threat of attack by ballistic missiles, including electromagnetic pulse attacks, as such plans are described in the Ballistic Missile Defense Review submitted to Congress on February 1, 2010, and the report submitted to Congress under section 232 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2232).

(c) ELEMENTS.—The assessment required by subsection (b) shall include an assessment of the following:

(1) The ballistic missile threat, including electromagnetic pulse attacks, against which the homeland defense elements are intended to defend, including mobile or fixed threats that might arise from non-state actors and accidental or unauthorized launches.

(2) The military requirements for defending the territory of the United States against such missile threats.

(3) The capabilities of the missile defense elements available to defend the territory of the United States as of the date of the assessment.

(4) The planned capabilities of the homeland defense elements, if different from the capabilities under paragraph (3).

(5) The force structure and inventory levels necessary to achieve the planned capabilities of the elements described in paragraphs (3) and (4).

(6) The infrastructure necessary to achieve such capabilities, including the number and location of operational silos.

(7) The number of interceptor missiles necessary for operational assets, test assets (including developmental and operational test assets and aging and surveillance test assets), and spare missiles.

(d) REPORT.—

(1) IN GENERAL.—At or about the same time the budget of the President for fiscal year 2012 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the results of the assessment required by subsection (b).

(2) FORM.—The report shall be in unclassified form, but may include a classified annex.

SEC. 226. STUDY ON BALLISTIC MISSILE DEFENSE CAPABILITIES OF THE UNITED STATES.

(a) STUDY.—The Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, shall conduct a joint capabilities mix study on the ballistic missile defense capabilities of the United States.

(b) ELEMENTS.—The study under paragraph (1) shall include, at a minimum, the following:

(1) An assessment of the missile defense capability, force structure, and inventory sufficiency requirements of the combatant commanders based on the threat assessments and operational plans for each combatant command.

(2) A discussion of the infrastructure necessary to achieve the ballistic missile defense capabilities, force structure, and inventory assessed under paragraph (1).

(3) An analysis of mobile and fixed missile defense assets.

(c) REPORT.—

(1) IN GENERAL.—At or about the same time the budget of the President for fiscal year 2012 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the results of the study under subsection (a).

(2) FORM.—The report shall be in unclassified form, but may include a classified annex.

SEC. 227. REPORTS ON STANDARD MISSILE SYSTEM.

(a) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and each 180-day period thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the standard missile system, particularly with respect to standard missile–3 block IIA and standard missile–3 block IIB.

(b) MATTERS INCLUDED.—The reports under subsection (a) shall include the following:

(1) A detailed discussion of the modernization, capabilities, and limitations of the standard missile.

(2) A review of the standard missile's comparison capability against all expected threats.

(3) A report on the progress of complimentary systems, including, at a minimum, radar systems, delivery systems, and recapitalization of supporting software and hardware.

(4) Any industrial capacities that must be maintained to ensure adequate manufacturing of standard missile technology and production ratio.

Subtitle D—Reports

SEC. 231. REPORT ON ANALYSIS OF ALTERNATIVES AND PROGRAM REQUIREMENTS FOR THE GROUND COMBAT VEHICLE PROGRAM.

(a) REPORT REQUIRED.—Not later than January 15, 2011, the Secretary of the Army shall provide to the congressional defense committees a report on the Ground Combat Vehicle program of the Army. Such report shall include—

(1) the results of the analysis of alternatives conducted prior to milestone A, including any technical data; and

(2) an explanation of any plans to adjust the requirements of the Ground Combat Vehicle program during the technology development phase of such program.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) LIMITATION ON OBLIGATION OF FUNDS.—Of the funds authorized to be appropriated by this or any other Act for fiscal year 2011 for research, development, test, and evaluation, Army, for development of the Ground Combat Vehicle, not more than 50 percent may be obligated or expended until the date that is 30 days after the date on which the report is submitted under subsection (a).

SEC. 232. COST BENEFIT ANALYSIS OF FUTURE TANK-FIRED MUNITIONS.

(a) COST BENEFIT ANALYSIS REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall conduct a cost benefit analysis of future munitions to be fired from the M1 Abrams series main battle tank to determine the proper investment to be made in tank munitions, including beyond line of sight technology.

(2) ELEMENTS.—The cost benefit analysis under paragraph (1) shall include—

(A) the predicted operational performance of future tank-fired munitions, including those incorporating beyond line of sight technology, based on the relevant modeling and simulation of future combat scenarios of the Army, including a detailed analysis on the suitability of each munition to address the full spectrum of targets across the entire range of the tank (including close range, mid-range, long-range, and beyond line of sight);

(B) a detailed assessment of the projected costs to develop and field each tank-fired munition included in the analysis, including those incorporating beyond line of sight technology; and

(C) a comparative analysis of each tank-fired munition included in the analysis, including suitability to address known capability gaps and overmatch against known and projected threats.

(3) MUNITIONS INCLUDED.—In conducting the cost benefit analysis under paragraph (1), the Secretary shall include, at a minimum, the Mid-Range Munition, the Advanced Kinetic Energy round, and the Advanced Multipurpose Program.

(b) REPORT.—Not later than March 15, 2011, the Secretary shall submit to the congressional defense committees the cost benefit analysis under subsection (a).

SEC. 233. ANNUAL COMPTROLLER GENERAL REPORT ON THE VH–(XX) PRESIDENTIAL HELICOPTER ACQUISITION PROGRAM.

(a) ANNUAL GAO REVIEW.—During the period beginning on the date of the enactment of this Act and ending on March 1, 2018, the Comptroller General of the United States shall conduct an annual review of the VH–(XX) aircraft acquisition program.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than March 1 of each year beginning in 2011 and ending in 2018, the Comptroller General shall submit to the congressional defense committees a report on the review of the VH–(XX) aircraft acquisition program conducted under subsection (a).

(2) MATTERS TO BE INCLUDED.—Each report on the review of the VH–(XX) aircraft acquisition program shall include the following:

(A) The extent to which the program is meeting development and procurement cost, schedule, performance, and risk mitigation goals.

(B) With respect to meeting the desired initial operational capability and full operational capability dates for the VH–(XX) aircraft, the progress and results of—

(i) developmental and operational testing of the aircraft; and

(ii) plans for correcting deficiencies in aircraft performance, operational effectiveness, reliability, suitability, and safety.

(C) An assessment of VH–(XX) aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

(D) An assessment of the acquisition strategy of the VH–(XX) aircraft, including whether such strategy is in compliance with acquisition management best-practices and the acquisition policy and regulations of the Department of Defense.

(E) A risk assessment of the integrated master schedule and the test and evaluation master plan of the VH–(XX) aircraft as it relates to—

(i) the probability of success;

(ii) the funding required for such aircraft compared with the funding programmed; and

(iii) development and production concurrency.

(3) ADDITIONAL INFORMATION.—In submitting to the congressional defense committees the first report under paragraph (1) and a report following any changes made by the Secretary of the Navy to the baseline documentation of the VH–(XX) aircraft acquisition program, the Comptroller General shall include, with respect to such program, an assessment of the sufficiency and objectivity of—

(A) the analysis of alternatives;

(B) the initial capabilities document;

(C) the capabilities development document; and

(D) the systems requirement document.

SEC. 234. JOINT ASSESSMENT OF THE JOINT EFFECTS TARGETING SYSTEM.

(a) REVIEW.—Not later than March 1, 2011, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall form a joint assessment team to review the joint effects targeting system.

(b) REPORT.—Not later than 30 days after the date on which the review under subsection (a) is completed, the Under Secretary shall submit to the congressional defense committees a report on the review.

Subtitle E—Other Matters

SEC. 241. ESCALATION OF FORCE CAPABILITIES.

(a) NON-LETHAL DEMONSTRATION PROGRAM.—The Secretary of Defense, acting through the Director of Operational Test and Evaluation and in consultation with the Executive Agent for Non-lethal Weapons, shall carry out a program to operationally test and evaluate non-lethal weapons that provide counter-personnel escalation of force options to members of the Armed Forces deploying in support of a contingency operation.

(b) TECHNOLOGY TESTED.—Technologies evaluated under subsection (a) shall include crowd control, area denial, space clearing, and personnel incapacitation tools.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report that—

(1) evaluates operational and situational suitability for each non-lethal weapon tested;

(2) defines the tactics, techniques, and procedures approved for deployment of each non-lethal weapon by service;

(3) identifies deployment schemes for each type of non-lethal weapon by service; and

(4) details, by service, the number of units receiving pre-deployment training on each non-lethal weapon and the total number of units trained.

(d) PROCUREMENT LINE ITEM.—In the budget materials submitted to the President by the Secretary of Defense in connection with submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2012, and each subsequent fiscal year, the Secretary shall ensure that within each military department procurement account, a separate, dedicated procurement line item is designated for non-lethal weapons.

SEC. 242. PILOT PROGRAM TO INCLUDE TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF DEFENSE SYSTEMS.

(a) PILOT PROGRAM.—The Secretary of Defense shall carry out a pilot program to develop and incorporate technology protection features in a designated system during the research and development phase of such system.

(b) FUNDING.—Of the amounts authorized to be appropriated by this Act for research, development, test, and evaluation, Defense-wide, not more than $5,000,000 may be available to carry out this section.

(c) ANNUAL REPORTS.—Not later than December 31 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to the congressional defense committees a report on the pilot program established under this section, including a list of each designated system included in the program.

(d) TERMINATION.—The pilot program established under this section shall terminate on October 1, 2015.

(e) DEFINITIONS.—In this section:

(1) The term ''designated system'' means any system (including a major system, as defined in section 2302(5) of title 10, United States Code) that the Under Secretary of Defense for Acquisition, Technology, and Logistics designates as being included in the pilot program established under this section.

(2) The term ''technology protection features'' means the technical modifications necessary to protect critical program information, including anti-tamper technologies and other systems engineering activities intended to prevent or delay exploitation of critical technologies in a designated system.

SEC. 243. PILOT PROGRAM ON COLLABORATIVE ENERGY SECURITY.

(a) PILOT PROGRAM.—The Secretary of Defense, in coordination with the Secretary of Energy, shall carry out a collaborative energy security pilot program involving one or more partnerships between one military installation and one national laboratory, for the purpose of evaluating and validating secure, salable microgrid components and systems for deployment.

(b) SELECTION OF MILITARY INSTALLATION AND NATIONAL LABORATORY.—The Secretary of Defense and the Secretary of Energy shall jointly select a military installation and a national laboratory for the purpose of carrying out the pilot program under this section. In making such selections, the Secretaries shall consider each of the following:

(1) A commitment to participate made by a military installation being considered for selection.

(2) The findings and recommendations of relevant energy security assessments of military installations being considered for selection.

(3) The availability of renewable energy sources at a military installation being considered for selection.

(4) Potential synergies between the expertise and capabilities of a national laboratory being considered for selection and the infrastructure, interests, or other energy security needs of a military installation being considered for selection.

(5) The effects of any utility tariffs, surcharges, or other considerations on the feasibility of enabling any excess electricity generated on a military installation being considered for selection to be sold or otherwise made available to the local community near the installation.

(c) PROGRAM ELEMENTS.—The pilot program shall be carried out as follows:

(1) Under the pilot program, the Secretaries shall evaluate and validate the performance of new energy technologies that may be incorporated into operating environments.

(2) The pilot program shall involve collaboration with the Office of Electricity Delivery and Energy Reliability of the Department of Energy and other offices and agencies within the Department of Energy, as appropriate, and the Environmental Security Technical Certification Program of the Department of Defense.

(3) Under the pilot program, the Secretary of Defense shall investigate opportunities for any excess electricity created for the military installation to be sold or otherwise made available to the local community near the installation.

(4) The Secretary of Defense shall use the results of the pilot program as the basis for informing key performance parameters and validating energy components and designs that could be implemented in various military installations across the country and at forward operating bases.

(5) The pilot program shall support the effort of the Secretary of Defense to use the military as a test bed to demonstrate innovative energy technologies.

(d) IMPLEMENTATION AND DURATION.—The Secretary of Defense shall begin the pilot program under this section by not later than July 1, 2011. Such pilot program shall be not less than 3 years in duration.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than October 1, 2011, the Secretary of Defense shall submit to the appropriate congressional committees an initial report that provides an update on the implementation of the pilot program under this section, including an identification of the selected military installation and national laboratory partner and a description of technologies under evaluation.

(2) FINAL REPORT.—Not later than 90 days after completion of the pilot program under this section, the Secretary shall submit to the appropriate congressional committees a report on the pilot program, including any findings and recommendations of the Secretary.

(f) FUNDING.—

(1) DEPARTMENT OF DEFENSE.—Of the funds authorized to be appropriated by section 201 for fiscal year 2011 for research, development, test, and evaluation, Defense-wide, $5,000,000 is available to carry out this section.

(2) DEPARTMENT OF ENERGY.—Upon determination by the Secretary of Energy that the program under this section is relevant and consistent with the mission of the Department of Energy to lead the modernization of the electric grid, enhance the security and reliability of the energy infrastructure, and facilitate recovery from disruptions to energy supply, the Secretary may transfer funds made available for the Office of Electricity Delivery and Energy Reliability of the Department of Energy in order to carry out this section.

(g) DEFINITIONS.—For purposes of this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Science and Technology of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term ''microgrid'' means an integrated energy system consisting of interconnected loads and distributed energy resources (including generators, energy storage devices, and smart controls) that can operate with the utility grid or in an intentional islanding mode.

(3) The term ''national laboratory'' means—

(A) a national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)); or

(B) a national security laboratory (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).

SEC. 244. REPORT ON REGIONAL ADVANCED TECHNOLOGY CLUSTERS.

(a) REPORT.—Not later than March 1, 2011, the Secretary of Defense shall submit to the appropriate congressional committees a report on regional advanced technology clusters.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) An analysis of regional advanced technology clusters throughout the United States, including—

(A) an estimate of the amount of public and private funding activities within each cluster;

(B) an assessment of the technical competencies of each of these regional advanced technology clusters;

(C) a comparison of the technical competencies of each regional advanced technology clusters with the technology needs of the Department of Defense; and

(D) a review of current Department of Defense interaction, cooperation, or investment in regional advanced technology clusters.

(2) A strategic plan for encouraging the development of innovative, advanced technologies, such as robotics and autonomous systems, to address national security, homeland security, and first responder challenges by—

(A) enhancing regional advanced technology clusters that support the technology needs of the Department of Defense; and

(B) identifying and assisting the expansion of additional new regional advanced technology clusters to foster research and development into emerging, disruptive technologies identified through strategic planning documents of the Department of Defense.

(3) An identification of the resources needed to establish, sustain, or grow regional advanced technology clusters.

(4) An identification of mechanisms for collaborating and cost sharing with other state, local, and Federal agencies with respect to regional advanced technology clusters, including any legal impediments that may inhibit collaboration or cost sharing.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means the following:

(A) The Committees on Armed Services, Appropriations, and Small Business of the House of Representatives.

(B) The Committees on Armed Services, Appropriations, and Small Business and Entrepreneurship of the Senate.

(2) The term ''regional advanced technology cluster'' means geographic centers focused on building science and technology-based innovation capacity in areas of local and regional strength to foster economic growth and improve quality of life.

SEC. 245. SENSE OF CONGRESS AFFIRMING THE IMPORTANCE OF DEPARTMENT OF DEFENSE PARTICIPATION IN DEVELOPMENT OF NEXT GENERATION SEMICONDUCTOR TECHNOLOGIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The next generation of weapons systems, battlefield sensors, and intelligence platforms will need to be lighter, more agile, consume less power, and have greater computational power, which can only be achieved by decreasing the feature size of integrated circuits to the nanometer scale.

(2) There is a growing concern in the Department of Defense and the United States intelligence community over the offshore shift in development and production of high capacity semiconductors. Reliance on providers of semiconductors in the United States high tech industry will mitigate the security risks of such an offshore shift.

(3) The use of extreme-ultraviolet lithography (EUVL) is recognized in the semiconductor industry as critical to the development of the next generation of integrated circuits.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should establish research and development facilities to take the lead in producing the next generation of integrated circuits;

(2) the Department of Defense should support the establishment of a public-private partnership of defense laboratory scientists and engineers, university researchers, integrated circuit designers and fabricators, tool manufacturers, material and chemical suppliers, and metrology and inspection tool fabricators to develop extreme-ultraviolet lithography (EUVL) technologies on 300 micrometer and 450 micrometer wafers; and

(3) the targeted feature size of integrated circuits for EUVL development in the United States should be the 15 nanometer node.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $34,232,221,000.

(2) For the Navy, $37,976,443,000.

(3) For the Marine Corps, $5,568,340,000.

(4) For the Air Force, $36,684,588,000.

(5) For Defense-wide activities, $30,200,596,000.

(6) For the Army Reserve, $2,942,077,000.

(7) For the Naval Reserve, $1,374,764,000.

(8) For the Marine Corps Reserve, $287,234,000.

(9) For the Air Force Reserve, $3,311,827,000.

(10) For the Army National Guard, $6,628,525,000.

(11) For the Air National Guard, $5,980,139,000.

(12) For the United States Court of Appeals for the Armed Forces, $14,068,000.

(13) For the Acquisition Development Workforce Fund, $229,561,000.

(14) For Environmental Restoration, Army, $444,581,000.

(15) For Environmental Restoration, Navy, $304,867,000.

(16) For Environmental Restoration, Air Force, $502,653,000.

(17) For Environmental Restoration, Defense-wide, $10,744,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $296,546,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $108,032,000.

(20) For Cooperative Threat Reduction programs, $522,512,000.

Subtitle B—Energy and Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Hazardous Substance Superfund not more than $5,611,670.67 for fiscal year 2011.

(2) PURPOSE OF REIMBURSEMENT.—A payment made under paragraph (1) is to reimburse the Environmental Protection Agency for all costs the Agency has incurred through fiscal year 2011 relating to the response actions performed by the Department of Defense under the Defense Environmental Restoration Program at the Twin Cities Army Ammunition Plant, Minnesota.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in an interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Twin Cities Army Ammunition Plant that took effect in December 1987.

(b) SOURCE OF FUNDS.—A payment under subsection (a) shall be made using funds authorized to be appropriated for fiscal year 2011 to the Department of Defense for operation and maintenance for Environmental Restoration, Army.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amounts transferred under subsection (a) to pay costs incurred by the Agency at the Twin Cities Army Ammunition Plant.

SEC. 312. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH NAVAL AIR STATION, BRUNSWICK, MAINE.

(a) AUTHORITY TO TRANSFER FUNDS.—From amounts authorized to be appropriated for fiscal year 2011 for the Department of Defense Base Closure Account 2005, and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer an amount of not more than $153,000 to the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986.

(b) PURPOSE OF TRANSFER.—The purpose of a transfer made under subsection (a) is to satisfy a stipulated penalty assessed by the Environmental Protection Agency on June 12, 2008, against Naval Air Station, Brunswick, Maine, for the failure of the Navy to sample certain monitoring wells in a timely manner pursuant to a schedule included in the Federal facility agreement for Naval Air Station, Brunswick, which was entered into by the Secretary of the Navy and the Administrator of the Environmental Protection Agency on October 19, 1990.

(c) ACCEPTANCE OF PAYMENT.—If the Secretary of Defense makes a transfer authorized under subsection (a), the Administrator of the Environmental Protection Agency shall accept the amount transferred as payment in full of the penalty referred to in subsection (b).

SEC. 313. TESTING AND CERTIFICATION PLAN FOR OPERATIONAL USE OF AN AVIATION BIOFUEL DERIVED FROM MATERIALS THAT DO NOT COMPETE WITH FOOD STOCKS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a testing and certification plan for the operational use of a biofuel that—

(1) is derived from materials that do not compete with food stocks; and

(2) is suitable for use for military purposes as an aviation fuel or in an aviation-fuel blend.

SEC. 314. REPORT IDENTIFYING HYBRID OR ELECTRIC PROPULSION SYSTEMS AND OTHER FUEL-SAVING TECHNOLOGIES FOR INCORPORATION INTO TACTICAL MOTOR VEHICLES.

(a) IDENTIFICATION OF USABLE ALTERNATIVE TECHNOLOGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall submit to Congress a report identifying hybrid or electric propulsion systems and other vehicle technologies that reduce consumption of fossil fuels and are suitable for incorporation into the current fleet of tactical motor vehicles of each Armed Force under the jurisdiction of the Secretary. In identifying suitable alternative technologies, the Secretary shall consider the feasibility and cost of incorporating the technology, the design changes and amount of time required for incorporation, and the overall impact of incorporation on vehicle performance.

(b) HYBRID DEFINED.—In this section, the term ''hybrid'' refers to a propulsion system, including the engine and drive train, that draws energy from onboard sources of stored energy that involve—

(1) an internal combustion or heat engine using combustible fuel; and

(2) a rechargeable energy storage system.

SEC. 315. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended—

(1) by striking ''No Federal agency'' and inserting ''(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

''(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

''(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

''(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.''.

SEC. 316. INFORMATION SHARING RELATING TO INVESTIGATION OF EXPOSURE TO DRINKING WATER CONTAMINATION AT CAMP LEJEUNE, NORTH CAROLINA.

By not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide the Agency for Toxic Substances and Disease Registry with an electronic inventory of all existing documents, records, and electronic data pertaining to the CERCLA listed and RCRA listed contamination sites at Camp Lejeune and all existing documents, records, and electronic data pertaining to the contaminated drinking water at Camp Lejeune. If after the date of enactment of this Act, the Secretary of Defense generates new documents, records and electronic data, or comes into possession of existing documents, records or electronic data not previously included in the electronic inventory, the Secretary of the Navy shall provide the Agency for Toxic Substances and Disease Registry with an updated electronic inventory incorporating the newly located or generated documents, records and electronic data. The Secretary of the Navy shall ensure that Department of Defense personnel with appropriate experience and expertise, including in the area of environmental engineering and the conduct of water modeling, working in conjunction with the Agency for Toxic Substances and Disease Registry, are utilized to identify, compile, and submit existing and new documents, records, and electronic data in Navy and Marine Corps records and electronic libraries that would assist the Agency for Toxic Substances and Disease Registry in gathering data relating to the contamination and remediation of Camp Lejeune basewide drinking-water systems.

Subtitle C—Workplace and Depot Issues

SEC. 321. TECHNICAL AMENDMENTS TO REQUIREMENT FOR SERVICE CONTRACT INVENTORY.

Section 2330a(c)(1) of title 10, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting after the first sentence the following new sentence: ''The guidance for compiling the inventory shall be issued by the Under Secretary of Defense for Personnel and Readiness, as supported by the Under Secretary of Defense (Comptroller) and the Under Secretary of Defense for Acquisition, Technology, and Logistics.''; and

(2) by striking subparagraph (E) and inserting the following new subparagraph (E):

''(E) The number and work location of contractor employees, expressed as full-time equivalents for direct labor, using direct labor hours and associated cost data collected from contractors.''.

SEC. 322. REPEAL OF CONDITIONS ON EXPANSION OF FUNCTIONS PERFORMED UNDER PRIME VENDOR CONTRACTS FOR DEPOT-LEVEL MAINTENANCE AND REPAIR.

Section 346 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1979; 10 U.S.C. 2464 note) is repealed.

SEC. 323. PILOT PROGRAM ON BEST VALUE FOR CONTRACTS FOR PRIVATE SECURITY FUNCTIONS.

(a) PILOT PROGRAM AUTHORIZED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a pilot program under which the Secretary shall implement a best value procurement standard in entering into contracts for the provision of private security functions in Afghanistan and Iraq. In entering into a covered contract under the pilot program, in addition to taking into consideration the cost of the contract, the Secretary shall take into consideration each of the following:

(1) Past performance.

(2) Quality.

(3) Delivery.

(4) Management expertise.

(5) Technical approach.

(6) Experience of key personnel.

(7) Management structure.

(8) Risk.

(9) Such other matters as the Secretary determines are appropriate.

(b) JUSTIFICATION.—A covered contract under the pilot program may not be awarded unless the contracting officer for the contract justifies in writing the reason for the award of the contract.

(c) ANNUAL REPORT.—Not later than January 15 of each year the pilot program under this section is carried out, the Secretary of Defense shall submit to the congressional defense committees an unclassified report containing each of the following:

(1) A list of any covered contract awarded for private security functions in Afghanistan and Iraq under the pilot program.

(2) A description of the matters that the Secretary of Defense took into consideration, in addition to cost, in awarding each such contract.

(3) Any additional information or recommendations the Secretary considers appropriate to include with respect to the pilot program, the contracts awarded under the pilot program, or the considerations for evaluating such contracts.

(d) TERMINATION OF PROGRAM.—The authority of the Secretary of Defense to carry out a pilot program under this section terminates on September 30, 2013. The termination

of the authority shall not affect the validity of contracts that are awarded or modified during the period of the pilot program, without regard to whether the contracts are performed during the period.

(e) DISCRETIONARY IMPLEMENTATION AFTER SEPTEMBER 30, 2013.—After September 30, 2013, implementation of a best value procurement standard in entering into contracts for the provision of private security functions in Afghanistan and Iraq shall be at the discretion of the Secretary of Defense.

(f) DEFINITIONS.—In this section:

(1) The term ''best value'' means providing the best overall benefit to the Government in accordance with the tradeoff process described in section 15.101–1 of title 48 of the Code of Federal Regulations.

(2) The term ''covered contract'' means—

(A) a contract of the Department of Defense for the performance of services; or

(B) a task order or delivery order issued under such a contract.

(3) The term ''private security functions'' means guarding, by a contractor under a covered contract, of personnel, facilities, or property of a Federal agency, the contractor, a subcontractor of a contractor, or a third party.

SEC. 324. STANDARDS AND CERTIFICATION FOR PRIVATE SECURITY CONTRACTORS.

(a) THIRD-PARTY CERTIFICATION POLICY GUIDANCE.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall issue policy guidance requiring, as a condition for award of a covered contract for the provision of private security functions, that each contractor receive certification from a third party that the contractor adheres to specified operational and business practice standards. The guidance shall—

(1) establish criteria for defining standard practices for the performance of private security functions, which shall reflect input from industry representatives as well as the Inspector General of the Department of Defense;

(2) establish criteria for weapons training programs for contractors performing private security functions, including minimum requirements for weapons training programs of instruction and minimum qualifications for instructors for such programs; and

(3) identify organizations that can carry out the certifications.

(b) REGULATIONS REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense supplement to the Federal Acquisition Regulation to carry out the requirements of this section and the guidance issued under this section.

(c) DEFINITIONS.—In this section:

(1) The term ''covered contract'' means—

(A) a contract of the Department of Defense for the performance of services;

(B) a subcontract at any tier under such contract;

(C) a task order or delivery order issued under such a contract or subcontract.

(2) The term ''contractor'' means, with respect to a covered contract, the contractor or subcontractor carrying out the covered contract.

(3) The term ''private security functions'' means activities engaged in by a contractor under a covered contract as follows:

(A) Guarding of personnel, facilities, or property of a Federal agency, the contractor or subcontractor, or a third party.

(B) Any other activity for which personnel are required to carry weapons in the performance of their duties.

(d) EXCEPTION.—The requirements of this section shall not apply to contracts entered into by elements of the intelligence community in support of intelligence activities.

SEC. 325. PROHIBITION ON ESTABLISHING GOALS OR QUOTAS FOR CONVERSION OF FUNCTIONS TO PERFORMANCE BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) PROHIBITION.—The Secretary of Defense may not establish, apply, or enforce any numerical goal, target, or quota for the conversion of Department of Defense function to performance by Department of Defense civilian employees, unless such goal, target, or quota is based on considered research and analysis, as required by section 235, 2330a, or 2463 of title 10, United States Code.

(b) DECISIONS TO INSOURCE.—In deciding which functions should be converted to performance by Department of Defense civilian employees pursuant to section 2463 of title 10, United States Code, the Secretary of Defense shall use the costing methodology outlined in the Directive-Type Memorandum 09–007 (Estimating and Comparing the Full Costs of Civilian and Military Manpower and Contractor Support) or any successor guidance for the determination of costs when costs are the sole basis for the decision. The Secretary of a military department may issue supplemental guidance to assist in such decisions affecting functions of that military department.

(c) REPORTS.—

(1) REPORT TO CONGRESS.—Not later than December 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the decisions with respect to the conversion of functions to performance by Department of Defense civilian employees made during fiscal year 2010. Such report shall identify, for each such decision—

(A) the agency or service of the Department involved in the decision;

(B) the basis and rationale for the decision; and

(C) the number of contractor employees whose functions were converted to performance by Department of Defense civilian employees.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 120 days after the submittal of the report under paragraph (1), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of the report.

SEC. 326. TREATMENT OF EMPLOYER CONTRIBUTIONS TO HEALTH BENEFITS AND RETIREMENT PLANS FOR PURPOSES OF COST-COMPARISONS OF CONTRACTOR AND CIVILIAN EMPLOYEE PERFORMANCE OF DEPARTMENT OF DEFENSE FUNCTIONS.

Section 2463 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (f):

''(f) TREATMENT OF CONTRIBUTIONS TO HEALTH AND RETIREMENT PLANS.—For purposes of conducting a cost comparison to determine whether to convert a function from contractor performance to performance by Department of Defense civilian employee, the costs of employer contributions made by the Department of Defense or by a contractor towards employer-sponsored health benefits and retirement benefits plans shall not be considered unless, in the case of such contributions made by a contractor, the contractor does not receive an advantage for reducing costs for the Department of Defense by—

''(1) not making an employer-sponsored health insurance plan available to the contractor employees who perform the function under the contract;

''(2) offering to such employees an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Federal Government for health benefits for civilian employees under chapter 89 of title 5, United States Code; or

''(3) offering to such employees a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to Federal employees under chapter 84 of title 5, United States Code.''.

Subtitle D—Reports

SEC. 331. REVISION TO REPORTING REQUIREMENT RELATING TO OPERATION AND FINANCIAL SUPPORT FOR MILITARY MUSEUMS.

(a) CHANGE IN FREQUENCY OF REPORT.—Subsection (a) of section 489 of title 10, United States Code, is amended by striking ''As part of'' and all that follows through ''fiscal year—'' and inserting the following: ''As part of the budget materials submitted to Congress for every odd-numbered fiscal year, in connection with the submission of the budget for that fiscal year pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report on military museums. In each such report, the Secretary shall identify all military museums that, during the most recently completed two fiscal-year period—''

(b) REPEAL OF REQUIRED REPORT ELEMENT.—Subsection (b) of such section is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraph (6) as paragraph (5).

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 489. Department of Defense operation and financial support for military museums: biennial report''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 489 and inserting the following new item:

''489. Department of Defense operation and financial support for military museums: biennial report.''.

SEC. 332. ADDITIONAL REPORTING REQUIREMENTS RELATING TO CORROSION PREVENTION PROJECTS AND ACTIVITIES.

Section 2228(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''The'' and inserting ''For the fiscal year covered by the report and the preceding fiscal year, the''; and

(B) by adding at the end the following new subparagraph:

''(E) For the fiscal year covered by the report and the preceding fiscal year, the amount of funds requested in the budget for each project or activity described in subparagraph (E) compared to the funding requirements for the project or activity.'';

(2) in paragraph (2)(B), by inserting before the period at the end the following: '', including the annex to the report described in paragraph (3)''; and

(3) by adding at the end the following new paragraph:

''(3) Each report under this section shall include, in an annex to the report, a copy of the annual corrosion report most recently submitted by the corrosion control and prevention executive of each military department under section 903(b)(5) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4567; 10 U.S.C. 2228 note).''.

SEC. 333. MODIFICATION AND REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) MODIFICATION OF REPORT ON ARMY PROGRESS.—Section 323 of the John Warner

National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2146; 10 U.S.C. 229 note) is amended—

(1) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(2) in subsection (d), as so redesignated, by striking ''or (d)''.

(b) REPEAL OF REPORT ON DISPOSITION OF RESERVE EQUIPMENT.—Title III of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended by striking section 349.

(c) REPEAL OF REPORT ON READINESS OF GROUND FORCES.—Title III of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended by striking section 355.

SEC. 334. REPORT ON AIR SOVEREIGNTY ALERT MISSION.

(a) REPORT REQUIRED.—Not later than March 1, 2011, the Commander of the United States Northern Command and the North American Aerospace Defense Command (hereinafter in this section referred to as ''NORTHCOM'') shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report on the Air Sovereignty Alert (hereinafter in this section referred to as ''ASA'') Mission and Operation Noble Eagle (hereinafter in this section referred to as ''ONE'').

(b) CONSULTATION.—NORTHCOM shall consult with the Director of the National Guard Bureau who shall be authorized to review and provide independent analysis and comments on the report required under subsection (a).

(c) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) An evaluation of the current ASA mission and ONE.

(2) An evaluation of each of the following:

(A) The current ability to perform the mission with regards to training, equipment, funding, and military construction.

(B) Any current deficiencies in the mission.

(C) Any changes in threats which would allow for any change in number of ASA sites or force structure required to support the ASA mission.

(D) Future ability to perform the ASA mission with current and programmed equipment.

(E) Coverage of units with respect to—

(i) population centers covered;

(ii) targets of value covered, including symbolic (national monuments, sports venue, and centers of commerce), critical infrastructure (nuclear plants, dams, bridges, and telecommunication nodes) and national security (military bases and organs of government); and

(iii) an unclassified, notional area of responsibility conforming to the unclassified response time of unit represented graphically on a map and detailing total population covered and number of targets described in clause (ii).

(3) Status of implementation of the recommendations made in the Government Accountability Office Report entitled ''Actions Needed to Improve Management of Air Sovereignty Alert Operations to Protect U.S. Airspace'' (GAO–09–184).

(d) MEANS OF DELIVERY OF REPORT.—The report required by subsection (a) shall be unclassified, and NORTHCOM shall brief the Committees on Armed Services of the Senate and House of Representatives at the appropriate classification level.

SEC. 335. REPORT ON THE SEAD/DEAD MISSION REQUIREMENT FOR THE AIR FORCE.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report describing the feasibility and desirability of designating the Suppression of Enemy Air Defenses/Destruction of Enemy Air Defenses (hereinafter in this section referred to as ''SEAD/DEAD'') mission as a responsibility of the Air National Guard.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) An evaluation of the SEAD/DEAD mission, as in effect on the date of the enactment of this Act.

(2) An evaluation of the following with respect to the SEAD/DEAD mission:

(A) The current ability of the Air National Guard to perform the mission with regards to training, equipment, funding, and military construction.

(B) Any current deficiencies of the Air National Guard to perform the mission.

(C) The corrective actions and costs required to address any deficiencies described in subparagraph (B).

(D) The need for SEAD/DEAD ranges to be constructed on existing ranges operated, controlled, or used by Air National Guard units based on geographic considerations of proximity and utility.

(c) CONSULTATION.—The Secretary of the Air Force shall consult with the Director of the National Guard Bureau who shall be authorized to review and provide independent analysis and comments on the report required under subsection (a).

SEC. 336. REQUIREMENT TO UPDATE STUDY ON STRATEGIC SEAPORTS.

The Commander of the United States Transportation Command shall update the study entitled ''PORT LOOK 2008 Strategic Seaports Study''. In updating the study under this section, the commander shall consider the infrastructure in the vicinity of a strategic port, including bridges, roads, and rail, and any issues relating to the capacity and condition of such infrastructure.

SEC. 337. STUDY AND REPORT ON FEASIBILITY OF JOINT USAGE OF THE NASA SHUTTLE LOGISTICS DEPOT.

(a) STUDY.—The Secretary of Defense, in conjunction with the Administrator of the National Aeronautics and Space Administration, shall conduct a study of the feasibility of joint usage of the National Aeronautics and Space Administration Shuttle Logistics Depot in Cape Canaveral, Florida, to supplement requirements for products and services in support of reset initiatives, Advanced Technology Clusters, engineering and reverse engineering analysis, and development of innovative technology and processes to improve product procurement and reduce risk, cost, and cycle time of system delivery.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the committees on Armed Services of the Senate and House of Representatives a report on the study required under subsection (a).

Subtitle E—Limitations and Extensions of Authority

SEC. 341. PERMANENT AUTHORITY TO ACCEPT AND USE LANDING FEES CHARGED FOR USE OF DOMESTIC MILITARY AIRFIELDS BY CIVIL AIRCRAFT.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2697. Acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft

''(a) AUTHORITY.—The Secretary of a military department may impose landing fees for the use by civil aircraft of domestic military airfields under the jurisdiction of that Secretary and may use any fees received under this section as a source of funding for the operation and maintenance of airfields of that department.

''(b) UNIFORM LANDING FEES.—The Secretary of Defense shall prescribe the amount of the landing fees that may be imposed under this section. Such fees shall be uniform among the military departments.

''(c) USE OF PROCEEDS.—Amounts received for a fiscal year in payment of landing fees imposed under this section for the use of a military airfield shall be credited to the appropriation that is available for that fiscal year for the operation and maintenance of that military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for that military airfield for the same period and purposes as the appropriation is available.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2697. Acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.''.

SEC. 342. IMPROVEMENT AND EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) IMPROVEMENT.—

(1) IN GENERAL.—Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 10 U.S.C. 4551 note) is amended—

(A) in subsection (b), by striking paragraphs (3) and (4) and redesignating paragraphs (5) through (11) as paragraphs (3) through (9), respectively;

(B) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) PRIORITIZATION OF PROGRAM PURPOSES.—The Secretary of the Army shall—

(1) prioritize the purposes of the Arsenal Support Program Initiative under section 343(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; U.S.C. 4551 note), as amended by subsection (a)(1)(A); and

(2) issue guidance to the appropriate commands reflecting such priorities.

(c) EXTENSION.—

(1) IN GENERAL.—Such section, as amended by subsection (a)(1) of this section, is further amended—

(A) in subsection (a), by striking ''2010'' and inserting ''2012''; and

(B) in paragraph (1) of subsection (f), as redesignated by subsection (a)(1)(B) of this section, by striking ''2010'' and inserting ''2012''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the submittal of the report required under subsection (d).

(d) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the Arsenal Support Program Initiative that includes—

(1) the Secretary's determination with respect to the Army's highest priorities from among the purposes of the Arsenal Support Program Initiative under section 343(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; U.S.C. 4551 note), as amended by subsection (a)(1)(A), reflecting the Secretary's overall strategy to achieve desired results;

(2) performance goals for the Arsenal Support Program Initiative; and

(3) outcome-focused performance measures to assess the progress the Army has made toward addressing the purposes of the Arsenal Support Program Initiative.

SEC. 343. EXTENSION OF AUTHORITY TO REIMBURSE EXPENSES FOR CERTAIN NAVY MESS OPERATIONS.

Section 1014(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4585) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2012''.

SEC. 344. LIMITATION ON OBLIGATION OF FUNDS FOR THE ARMY HUMAN TERRAIN SYSTEM.

(a) LIMITATION.—Of the amounts authorized to be appropriated for the Human Terrain System (hereinafter in this section referred to as the ''HTS'') that are described in subsection (b), not more than 50 percent of the amounts remaining unobligated as of the date of enactment of this Act may be obligated until the Secretary of the Army submits to the congressional defense committees each of the following:

(1) The independent assessment of the HTS called for in the report of the Committee on Armed Services of the House of Representatives accompanying the National Defense Authorization Act for Fiscal Year 2010 (H. Rept. 111–166).

(2) A validation of all HTS requirements, including any prior joint urgent operations needs statements.

(3) A certification that policies, procedures, and guidance are in place to protect the integrity of social science researchers participating in HTS, including ethical guidelines and human studies research procedures.

(b) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—The amounts authorized to be appropriated described in this subsection are amounts authorized to be appropriated for fiscal year 2011, including such amounts authorized to be appropriated for oversees contingency operations, for—

(1) Operation and maintenance for HTS;

(2) Procurement for Mapping the Human Terrain hardware and software; and

(3) Research, development, test, and evaluation for Mapping the Human Terrain hardware and software.

SEC. 345. LIMITATION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF CLASSIFIED JUSTIFICATION MATERIAL.

Of the amounts authorized to be appropriated in this title for fiscal year 2011 for the Office of the Secretary of Defense for budget activity four, line 270, not more than 90 percent may be obligated until 15 days after the information cited in the classified annex accompanying this Act relating to the provision of classified justification material to Congress is provided to the congressional defense committees.

SEC. 346. LIMITATION ON RETIREMENT OF C–130 AIRCRAFT FROM AIR FORCE INVENTORY.

The Secretary of the Air Force may not take any action to retire any C–130 aircraft from the inventory of the Air Force until 30 days after the date on which the Secretary submits to the congressional defense committees a written agreement between the Director of the Air National Guard, the Commander of Air Force Reserve Command, and the Chief of Staff of the Air Force. The agreement shall specify the following:

(1) The number of and type of C–130 aircraft to be transferred, on a temporary basis, from the Air National Guard to the Air Force.

(2) The schedule by which any C–130 aircraft transferred to the Air Force will be returned to the Air National Guard.

(3) A description of the condition, including the estimated remaining service life, in which the C–130 aircraft will be returned to the Air National Guard following the period during which the aircraft are on loan to the Air Force.

(4) A description of the allocation of resources, including the designation of responsibility for funding aircraft operations and maintenance, in fiscal year 2011, and detailed description of budgetary responsibilities through the remaining period the aircraft are on loan to the Air Force.

(5) The designation of responsibility for funding depot maintenance requirements or modifications to the aircraft during the period the aircraft are on loan with the Air Force, or otherwise generated as a result of transfer.

(6) The locations from which the C–130 aircraft will be transferred.

(7) The manpower planning and certification that such a transfer will not result in manpower authorization reductions or resourcing at the Air National Guard facilities identified in paragraph (6).

(8) The manner by which Air National Guard personnel affected by the transfer will maintain their skills and proficiencies in order to preserve readiness at the affected units.

(9) Any other items the Director of the Air National Guard or the Commander of Air Force Reserve Command determine are necessary in order to ensure such a transfer will not negatively impact the ability of the Air National Guard and Air Force Reserve to accomplish their respective missions.

SEC. 347. COMMERCIAL SALE OF SMALL ARMS AMMUNITION IN EXCESS OF MILITARY REQUIREMENTS.

(a) COMMERCIAL SALE OF SMALL ARMS AMMUNITION.—Small arms ammunition and ammunition components in excess of military requirements, including fired cartridge cases, which is not otherwise prohibited from commercial sale or certified by the Secretary of Defense as unserviceable or unsafe, may not be demilitarized or destroyed and shall be made available for commercial sale.

(b) DEADLINE FOR GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to ensure compliance with subsection (a). Not later than 15 days after issuing such guidance, the Secretary shall submit to the congressional defense committees a letter of compliance providing notice of such guidance.

SEC. 348. LIMITATION ON AIR FORCE FISCAL YEAR 2011 FORCE STRUCTURE ANNOUNCEMENT IMPLEMENTATION.

None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 may be obligated or expended for the purpose of implementing the Air Force fiscal year 2011 Force Structure Announcement until 45 days after—

(1) the Secretary of the Air Force provides a detailed report to the Committees on Armed Services of the Senate and House of Representatives on the follow-on missions for bases affected by the 2010 Combat Air Forces restructure; and

(2) the Secretary of the Air Force certifies to the Committees on Armed Services of the Senate and House of Representatives that the Air Sovereignty Alert Mission will be fully resourced with required funding, personnel, and aircraft.

Subtitle F—Other Matters

SEC. 351. EXPEDITED PROCESSING OF BACKGROUND INVESTIGATIONS FOR CERTAIN INDIVIDUALS.

(a) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—Section 1564 of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) EXPEDITED PROCESS.—The Secretary of Defense may prescribe a process for expediting the completion of the background investigations necessary for granting security clearances for—

''(1) Department of Defense personnel and Department of Defense contractor personnel who are engaged in sensitive duties that are critical to the national security; and

''(2) any individual who submits an application for a position as an employee of the Department of Defense for which a security clearance is required who is a member of the armed forces who was retired or separated for physical disability pursuant to chapter 61 of this title.''; and

(2) by adding at the end the following new subsection:

''(f) USE OF APPROPRIATED FUNDS.—The Secretary of Defense may use funds authorized to be appropriated to the Department of Defense for operation and maintenance to conduct background investigations under this section for individuals described in subsection (a)(2).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a background investigation conducted after the date of the enactment of this Act.

SEC. 352. ADOPTION OF MILITARY WORKING DOGS BY FAMILY MEMBERS OF DECEASED OR SERIOUSLY WOUNDED MEMBERS OF THE ARMED FORCES WHO WERE HANDLERS OF THE DOGS.

Section 2583(c) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''Military animals''; and

(2) by adding at the end the following new paragraph:

''(2) For purposes of making a determination under subsection (a)(2), unusual or extraordinary circumstances may include situations in which the handler of a military working dog is a member of the armed forces who is killed in action, dies of wounds received in action, or is so seriously wounded in action that the member will (or most likely will) receive a medical discharge. If the Secretary of the military department concerned determines that an adoption is justified in such a situation, the military working dog shall be made available for adoption only by the immediate family of the member.''.

SEC. 353. REVISION TO AUTHORITIES RELATING TO TRANSPORTATION OF CIVILIAN PASSENGERS AND COMMERCIAL CARGOES BY DEPARTMENT OF DEFENSE WHEN SPACE UNAVAILABLE ON COMMERCIAL LINES.

(a) TRANSPORTATION ON DOD VEHICLES AND AIRCRAFT.—Subsection (a) of section 2649 of title 10, United States Code, is amended—

(1) by inserting ''AUTHORITY.—'' before ''Whenever''; and

(2) by inserting '', vehicles, or aircraft'' in the first sentence after ''vessels'' both places it appears.

(b) AMOUNTS CHARGED FOR TRANSPORTATION IN EMERGENCY, DISASTER, OR HUMANITARIAN RESPONSE CASES.—

(1) LIMITATION ON AMOUNTS CHARGED.—The second sentence of subsection (a) of such section is amended by inserting before the period the following: '', except that in the case of transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance, any amount charged for such transportation may not exceed the cost of providing the transportation''.

(2) CREDITING OF RECEIPTS.—Subsection (b) of such section is amended by striking ''Amounts'' and inserting ''CREDITING OF RECEIPTS.—Any amount received under this section with respect to transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance may be credited to the appropriation,

fund, or account used in incurring the obligation for which such amount is received. In all other cases, amounts''.

(c) TRANSPORTATION DURING CONTINGENCIES OR DISASTER RESPONSES.—Such section is further amended by adding at the end the following new subsection:

''(c) TRANSPORTATION OF ALLIED PERSONNEL DURING CONTINGENCIES OR DISASTER RESPONSES.—(1) During the 5-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, when space is available on vessels, vehicles, or aircraft operated by the Department of Defense and the Secretary of Defense determines that operations in the area of a contingency operation or disaster response would be facilitated if allied forces or civilians were to be transported using such vessels, vehicles, or aircraft, the Secretary may provide such transportation on a noninterference basis, without charge.

''(2) Not later than March 1 of each year following a year in which the Secretary provides transportation under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing, in detail, the transportation so provided during that year. Each such report shall include a description of each of the following:

''(A) How the authority under paragraph (1) was used during the year covered by the report.

''(B) The frequency with which such authority was used during that year.

''(C) The rationale of the Secretary for each such use of the authority.

''(D) The total cost of the transportation provided under paragraph (1) during that year.

''(E) The appropriation, fund, or account credited and the total amount received as a result of providing transportation under paragraph (1) during that year.''.

(d) CONFORMING AMENDMENT.—Section 2648 of such title is amended by inserting '', vehicles, or aircraft'' after ''vessels'' in the matter preceding paragraph (1).

(e) TECHNICAL AMENDMENTS.—

(1) The heading of section 2648 of such title is amended to read as follows:

''§ 2648. Persons and supplies: sea, land, and air transportation''.

(2) The heading of section 2649 of such title is amended to read as follows:

''§ 2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft''.

(f) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 157 of such title is amended by striking the items relating to sections 2648 and 2649 and inserting the following new items:

''2648. Persons and supplies: sea, land, and air transportation.

''2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft.''.

SEC. 354. TECHNICAL CORRECTION TO OBSOLETE REFERENCE RELATING TO USE OF FLEXIBLE HIRING AUTHORITY TO FACILITATE PERFORMANCE OF CERTAIN DEPARTMENT OF DEFENSE FUNCTIONS BY CIVILIAN EMPLOYEES.

Section 2463(d)(1) of title 10, United States Code, is amended by striking ''under the National Security Personnel System, as established''.

SEC. 355. INVENTORY AND STUDY OF BUDGET MODELING AND SIMULATION TOOLS.

(a) INVENTORY.—

(1) INVENTORY REQUIRED.—The Comptroller General of the United States shall perform an inventory of all modeling and simulation tools used by the Department of Defense to develop and analyze the Department's annual budget submission and to support decision making inside the budget process. In carrying out the inventory, the Comptroller General shall identify the purpose, scope, and levels of validation, verification, and accreditation of each such model and simulation.

(2) REPORT.—Not later than December 1, 2010, the Comptroller General shall submit to Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense a report on the inventory under paragraph (1) and the findings of the Comptroller General in carrying out the inventory.

(b) STUDY.—

(1) STUDY REQUIRED.—By not later than January 15, 2011, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center to carry out a study examining the requirements for and capabilities of modeling and simulation tools used by the Department of Defense to support the annual budget process. A contract entered into under this paragraph shall specify that in carrying out the study, the center shall—

(A) use the inventory performed by the Comptroller General under subsection (a) as a baseline;

(B) examine the efficacy and sufficiency of the modeling and simulation tools used by the Department of Defense to support the development, analysis, and decision-making associated with the construction and validation of requirements used as a basis for the annual budget process of the Department;

(C) examine the requirements and any capability gaps with respect to such modeling and simulation tools;

(D) provide recommendations as to how the Department should best address the requirements and fill the capabilities gaps identified under subparagraph (C);

(E) identify annual investment levels in modeling and simulation tools and certifications required to achieve a high degree of confidence in the relationship between the Department's mission effectiveness and the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for a fiscal year;

(F) examine the verification, validation, and accreditation requirements for each of the military services and provide recommendations with respect to establishing uniform standards for such requirements across all of the military services; and

(G) recommend improvements to enhance the confidence, efficacy, and sufficiency of the modeling and simulation tools used by the Department of Defense in the development of the annual budget.

(2) REPORT.—Not later than January 1, 2012, the chief executive officer of the center that carries out the study pursuant to a contract under paragraph (1) shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings of the study.

SEC. 356. SENSE OF CONGRESS REGARDING CONTINUED IMPORTANCE OF HIGH-ALTITUDE AVIATION TRAINING SITE, COLORADO.

(a) FINDINGS.—Congress makes the following findings:

(1) The High-Altitude Aviation Training Site in Gypsum, Colorado, is the only Department of Defense aviation school that provides an opportunity for rotor-wing military pilots to train in high-altitude, mountainous terrain, under full gross weight and power management operations.

(2) The High-Altitude Aviation Training Site is operated by the Colorado Army National Guard and is available to pilots of all branches of the Armed Forces and to pilots of allied countries.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the High-Altitude Army Aviation Training Site continues to be critically important to ensuring the readiness and capabilities of rotor-wing military pilots; and

(2) the Department of Defense should take all appropriate actions to prevent encroachment on the High-Altitude Army Aviation Training Site.

SEC. 357. DEPARTMENT OF DEFENSE STUDY ON SIMULATED TACTICAL FLIGHT TRAINING IN A SUSTAINED G ENVIRONMENT.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the effectiveness of simulated tactical flight training in a sustained g environment. In conducting the study, the Secretary shall include all relevant factors, including each of the following:

(1) Training effectiveness.

(2) Cost reductions.

(3) Safety.

(4) Research benefits.

(5) Carbon emissions reduction.

(6) Lifecycles of training aircraft.

(b) DEADLINE FOR COMPLETION.—The study required by subsection (a) shall be completed not later than 18 months after the date of the enactment of this Act.

(c) SUBMISSION TO CONGRESS.—Upon completion of the study required by subsection (a), the Secretary shall submit the results of the study to the congressional defense committees.

SEC. 358. STUDY OF EFFECTS OF NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS AND OPERATIONS.

(a) DESIGNATION OF DEPARTMENT ORGANIZATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall designate a single organization within the Department of Defense to—

(1) serve as the executive agent to carry out the study required by subsection (b);

(2) serve as a clearinghouse to review applications filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, and received by the Department of Defense from the Secretary of Transportation; and

(3) accelerate the development of planning tools to provide preliminary notice as to the acceptability to the Department of Defense of proposals included in an application submitted pursuant to such section.

(b) MILITARY INSTALLATIONS AND OPERATIONS IMPACT STUDY.—

(1) STUDY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a study to identify any areas where military installations and military operations, including the use of air navigation facilities, navigable airspace, military training routes, and air defense radars, could be affected by any proposed construction, alteration, establishment, or expansion of a structure described in section 44718 of title 49, United States Code.

(2) MILITARY MISSION IMPACT ZONES.—The Secretary of Defense shall publish a notice of the areas identified pursuant to the study under paragraph (1). Such areas shall be known as ''military mission impact zones''.

(c) EFFECT OF DEPARTMENT OF DEFENSE HAZARD ASSESSMENT.—A notice under subsection (a)(3) or (b)(2) shall not be considered to be a substitute for any assessment required by the Secretary of Transportation under section 44718 of title 49, United States Code.

(d) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit

the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(e) DEFINITIONS.—In this section:

(1) The term ''military training route'' means a training route developed as part of the Military Training Route Program, carried out jointly by the Federal Aviation Administration and the Secretary Defense, for use by the Armed Forces for the purpose of conducting low-altitude, high-speed military training.

(2) The term ''high value military training route'' means a military training route that is in the highest quartile of military training routes used by the Department of Defense with respect to frequency of use.

(3) The term ''military installation'' has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

(4) The term ''military operation'' means military navigable airspace, including high value military training routes, air defense radars, special use airspace, warning areas, and other military related systems.

SEC. 359. SENSE OF CONGRESS REGARDING FIRE-RESISTANT UTILITY ENSEMBLES FOR NATIONAL GUARD PERSONNEL IN CIVIL AUTHORITY MISSIONS.

It is the sense of Congress that the Chief of the National Guard Bureau should issue fire-resistant utility ensembles to National Guard personnel who are engaged, or likely to become engaged, in defense support to civil authority missions that routinely involve serious fire hazards, such as wildfire recovery efforts.

SEC. 360. AUTHORITY TO MAKE EXCESS NON-LETHAL SUPPLIES AVAILABLE FOR DOMESTIC EMERGENCY ASSISTANCE.

(a) DOMESTIC AUTHORITY.—Section 2557 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: ''In addition, the Secretary may make nonlethal excess supplies of the Department available to support domestic emergency assistance activities.''; and

(2) in subsection (b)—

(A) by inserting ''(1)'' before ''Excess''; and

(B) by adding at the end the following new paragraph:

''(2) Excess supplies made available under this section to support domestic emergency assistance activities shall be transferred to the Secretary of Homeland Security. The Secretary of Defense may provide assistance in the distribution of such supplies at the request of the Secretary of Homeland Security.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2557. Excess nonlethal supplies: availability for humanitarian relief, domestic emergency assistance, and homeless veterans assistance''.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 152 of such title is amended to read as follows:

''2557. Excess nonlethal supplies: availability for humanitarian relief, domestic emergency assistance, and homeless veterans assistance.''.

SEC. 361. RECOVERY OF MISSING DEPARTMENT OF DEFENSE PROPERTY.

(a) IN GENERAL.—Section 2789 of title 10, United States Code, is amended to read as follows:

''§ 2789. Recovery of Department of Defense property: unauthorized or improper disposition

''(a) PROHIBITIONS.—No member of the armed forces, civilian employee of the Government, employee or agent of a contractor, or any other person may sell, lend, pledge, barter, give, transfer, or otherwise dispose of any clothing, arms, articles, equipment, or any other military or Department of Defense property—

''(1) to any person not authorized to receive the property in accordance with applicable requirements established by the Department of Defense or a component thereof; or

''(2) in violation of applicable demilitarization regulations of the Department of Defense or a component thereof.

''(b) SEIZURE OF IMPROPERLY DISPOSED OF PROPERTY.—If a member of the armed forces, civilian employee of the Government, employee or agent of a contractor, or any other person has improperly disposed of military or Department of Defense property in violation of subsection (a), any civil or military officer of the United States or any State or local law enforcement official may seize the property, wherever found. Title to military or Department of Defense property disposed of in violation of subsection (a) remains with the United States. Possession of such property by a person who is neither a member of the armed forces nor an official of the United States is prima facie evidence that the property has been disposed of in violation of subsection (a).

''(c) DELIVERY OF SEIZED PROPERTY.—Any official who seizes property under subsection (b) and is not authorized to retain it for the United States shall immediately deliver the property to an authorized member of the armed forces or other authorized official of the Department of Defense or the Department of Justice.

''(d) RETROACTIVE ENFORCEMENT AUTHORIZED.—This section shall apply to any military or Department of Defense property which was the subject of unauthorized disposition any time after January 1, 2002. This section shall apply to significant military equipment which was the subject of unauthorized disposition at any time.

''(e) SEVERABILITY CLAUSE.—In the event that any portion of this section is held unenforceable, all other portions of this section shall remain in full force and effect.

''(f) DEFINITION.—In this section, the term 'significant military equipment' means defense articles on the United States Munitions List for which special export controls are warranted because of their capacity for substantial military utility or capability.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 165 of such title is amended to read as follows:

''2789. Recovery of Department of Defense property: unauthorized or improper disposition.''.

SEC. 362. AUTHORITY FOR PAYMENT OF FULL REPLACEMENT VALUE FOR LOSS OR DAMAGE TO HOUSEHOLD GOODS IN LIMITED CASES NOT COVERED BY CARRIER LIABILITY.

(a) CLAIMS AUTHORITY.—

(1) IN GENERAL.—Chapter 163 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2740. Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available

''The Secretary of Defense and the Secretaries of the military departments, in paying a claim under section 3721 of title 31 arising from loss or damage to household goods stored or transported at the expense of the Department of Defense, may pay the claim on the basis of full replacement value in any of the following cases in which reimbursement for the full replacement value for the loss or damage is not available directly from a carrier under section 2636a of this title:

''(1) A case in which—

''(A) the lost or damaged goods were stored or transported under a contract, tender, or solicitation in accordance with section 2636a of this title that requires the transportation service provider to settle claims on the basis of full replacement value; and

''(B) the loss or damage occurred under circumstances that exclude the transportation service provider from liability.

''(2) A case in which—

''(A) the loss or damage occurred while the lost or damaged goods were in the possession of an ocean carrier that was transporting, loading, or unloading the goods under a Department of Defense contract for ocean carriage; and

''(B) the land-based portions of the transportation were under contracts, in accordance with section 2636a of this title, that require the land carriers to settle claims on the basis of full replacement value.

''(3) A case in which—

''(A) the lost or damaged goods were transported or stored under a contract or solicitation that requires at least one of the transportation service providers or carriers that handled the shipment to settle claims on the basis of full replacement value pursuant to section 2636a of this title;

''(B) the lost or damaged goods have been in the custody of more than one independent contractor or transportation service provider; and

''(C) a claim submitted to the delivering transportation service provider or carrier is denied in whole or in part because the loss or damage occurred while the lost or damaged goods were in the custody of a prior transportation service provider or carrier or government entity.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2740. Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available.''.

(b) EFFECTIVE DATE.—Section 2740 of title 10, United States Code, as added by subsection (a), shall apply with respect to losses incurred after the date of the enactment of this Act.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2011, as follows:

(1) The Army, 569,400.

(2) The Navy, 328,700.

(3) The Marine Corps, 202,100.

(4) The Air Force, 332,200.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 547,400.

''(2) For the Navy, 324,300.

''(3) For the Marine Corps, 202,100.

''(4) For the Air Force, 332,200.''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2011, as follows:

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.
(3) The Navy Reserve, 65,500.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United States, 106,700.
(6) The Air Force Reserve, 71,200.
(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2011, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.
(2) The Army Reserve, 16,261.
(3) The Navy Reserve, 10,688.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 14,584.
(6) The Air Force Reserve, 2,992.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2011 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.
(2) For the Army National Guard of the United States, 27,210.
(3) For the Air Force Reserve, 10,720.
(4) For the Air National Guard of the United States, 22,394.

SEC. 414. FISCAL YEAR 2011 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2011, may not exceed the following:

(A) For the Army National Guard of the United States, 2,520.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2011, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2011, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

(c) CONFORMING AMENDMENT TO ANNUAL LIMITATION ON NON-DUAL STATUS TECHNICIANS FOR THE ARMY NATIONAL GUARD.—Section 10217(c)(2) of title 10, United States Code, is amended by striking ''1,950'' and inserting ''2,870''.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2011, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.
(2) The Army Reserve, 13,000.
(3) The Navy Reserve, 6,200.
(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2011 a total of $138,540,700,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2011.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

SEC. 501. AGE FOR HEALTH CARE PROFESSIONAL APPOINTMENTS AND MANDATORY RETIREMENTS.

(a) AGE FOR ORIGINAL APPOINTMENT AS A HEALTH PROFESSIONS OFFICER.—Section 532(d)(2) of title 10, United States Code, is amended by striking ''reserve''.

(b) ADDITIONAL CATEGORIES OF OFFICERS ELIGIBLE FOR DEFERRAL OF MANDATORY RETIREMENT FOR AGE.—Section 1251(b) of such title is amended—

(1) in paragraph (1), by striking ''the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.'' and inserting ''the officer—

''(A) will be performing duties consisting primarily of providing patient care or performing other clinical duties; or

''(B) is in a category of officers designated under subparagraph (D) of paragraph (2) whose duties will consist primarily of the duties described in clause (i), (ii), or (iii) of such subparagraph.''; and

(2) in paragraph (2)—

(A) by striking ''or'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(D) an officer in a category of officers designated by the Secretary concerned for the purposes of this paragraph as consisting of officers whose duties consist primarily of—

''(i) providing health care;

''(ii) performing other clinical care; or

''(iii) performing health-care related administrative duties.''.

SEC. 502. AUTHORITY FOR APPOINTMENT OF WARRANT OFFICERS IN THE GRADE OF W–1 BY COMMISSION AND STANDARDIZATION OF WARRANT OFFICER APPOINTING AUTHORITY.

(a) REGULAR OFFICERS.—

(1) AUTHORITY FOR APPOINTMENTS BY COMMISSION IN WARRANT OFFICER W–1 GRADE.—The first sentence of section 571(b) of title 10, United States Code, is amended by striking ''by the Secretary concerned'' and inserting '', except that, with respect to an armed force under the jurisdiction of the Secretary of a military department, the Secretary may provide by regulation that appointments in that grade shall be made by commission''.

(2) APPOINTING AUTHORITY.—The second sentence of section 571(b) of such title is amended by inserting before the period at the end the following: '', and appointments in the grade of regular warrant officer, W–1 (whether by warrant or commission), shall be made by the President, except that appointments in that grade in the Coast Guard shall be made by the Secretary of Homeland Security when it is not operating as a service in the Department of the Navy''.

(b) RESERVE OFFICERS.—Subsection (b) of section 12241 of such title is amended to read as follows:

''(b) Appointments in permanent reserve warrant officer grades shall be made in the same manner as is prescribed for regular warrant officer grades by section 571(b) of this title.''.

(c) PRESIDENTIAL FUNCTIONS.—Except as otherwise provided by the President by Executive order, the provisions of Executive Order No. 13384 (10 U.S.C. 531 note) relating to the functions of the President under the second sentence of section 571(b) of title 10, United States Code, shall apply in the same manner to the functions of the President under section 12241(b) of title 10, United States Code.

SEC. 503. NONDISCLOSURE OF INFORMATION FROM DISCUSSIONS, DELIBERATIONS, NOTES, AND RECORDS OF SPECIAL SELECTION BOARDS.

(a) NONDISCLOSURE OF BOARD PROCEEDINGS.—Section 613a of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) PROHIBITION ON DISCLOSURE.—The proceedings of a selection board convened under section 573, 611, or 628 of this title may not be disclosed to any person not a member of the board, except as authorized or required to process the report of the board. This prohibition is a statutory exemption from disclosure, as described in section 552(b)(3) of title 5.'';

(2) in subsection (b), by striking ''AND RECORDS'' and inserting ''NOTES, AND RECORDS''; and

(3) by adding at the end the following new subsection:

''(c) APPLICABILITY.—This section applies to all selection boards convened under section 573, 611, or 628 of this title, regardless of the date on which the board was convened.''.

(b) REPORTS OF BOARDS.—Section 628(c)(2) of such title is amended by striking ''sections 576(d) and 576(f)'' and inserting ''sections 576(d), 576(f), and 613a''.

(c) RESERVE BOARDS.—Section 14104 of such title is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) PROHIBITION ON DISCLOSURE.—The proceedings of a selection board convened under section 14101 or 14502 of this title may not be disclosed to any person not a member of the board, except as authorized or required to process the report of the board. This prohibition is a statutory exemption from disclosure, as described in section 552(b)(3) of title 5.'';

(2) in subsection (b), by striking ''AND RECORDS'' and inserting ''NOTES, AND RECORDS''; and

(3) by adding at the end the following new subsection:

''(c) APPLICABILITY.—This section applies to all selection boards convened under section 14101 or 14502 of this title, regardless of the date on which the board was convened.''.

SEC. 504. ADMINISTRATIVE REMOVAL OF OFFICERS FROM LIST OF OFFICERS RECOMMENDED FOR PROMOTION.

(a) ACTIVE-DUTY LIST.—Section 629 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) ADMINISTRATIVE REMOVAL.—If an officer on the active-duty list is discharged or dropped from the rolls, transferred to a retired status, or found to have been erroneously included in a zone of consideration, after having been recommended for promotion to a higher grade under this chapter, but before being promoted, the officer shall be administratively removed from the promotion list under regulations prescribed by the Secretary concerned.''.

(b) RESERVE ACTIVE-STATUS LIST.—Section 14310 of such title is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) ADMINISTRATIVE REMOVAL.—If an officer on the reserve active-status list is discharged or dropped from the rolls, transferred to a retired status, or found to have been erroneously included in a zone of consideration, after having been recommended for promotion to a higher grade under this chapter or after having been found qualified for Federal recognition in the higher grade under title 32, but before being promoted, the officer shall be administratively removed from the promotion list under regulations prescribed by the Secretary concerned.''.

SEC. 505. ELIGIBILITY OF OFFICERS TO SERVE ON BOARDS OF INQUIRY FOR SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE AND OTHER REASONS.

(a) ACTIVE DUTY.—Section 1187 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraphs (2) and (3) and inserting the following new paragraphs:

''(2) Each member of the board shall be senior in rank or grade to the officer being required to show cause for retention on active duty.

''(3) At least one member of the board—

''(A) shall be in or above the grade of major or lieutenant commander, if the grade of the officer being required to show cause for retention on active duty is below the grade of major or lieutenant commander; or

''(B) shall be in a grade above lieutenant colonel or commander, if the grade of the officer being required to show cause for retention on active duty is major or lieutenant commander or above.'';

(2) in subsection (b), by striking ''that officer—'' and all that follows through the period at the end and inserting ''that officer meets the grade requirements of subsection (a)(2).''; and

(3) by adding at the end the following new subsection:

''(e) REGULATIONS.—The Secretary of a military department may prescribe regulations limiting the eligibility of officers to serve on a board convened under this chapter to officers who, while otherwise qualified, are in the opinion of the Secretary best suited for that duty by reason of age, education, training, experience, length of service, or temperament.''.

(b) RESERVES.—Section 14906 of such title is amended—

(1) in subsection (a), by striking paragraphs (2) and (3) and inserting the following new paragraphs:

''(2) Each member of the board shall be senior in rank or grade to the officer being required to show cause for retention in an active status.

''(3) At least one member of the board—

''(A) shall be in or above the grade of major or lieutenant commander, if the grade of the officer being required to show cause for retention in an active status is below the grade of major or lieutenant commander; or

''(B) shall be in a grade above lieutenant colonel or commander, if the grade of the officer being required to show cause for retention in an active status is major or lieutenant commander or above.''; and

(2) by adding at the end the following new subsection:

''(c) REGULATIONS.—The Secretary of a military department may prescribe regulations limiting the eligibility of officers to serve on a board convened under this chapter to officers who, while otherwise qualified, are in the opinion of the Secretary best suited for that duty by reason of age, education, training, experience, length of service, or temperament.''.

SEC. 506. TEMPORARY AUTHORITY TO REDUCE MINIMUM LENGTH OF ACTIVE SERVICE AS A COMMISSIONED OFFICER REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.

(a) ARMY.—Section 3911(b)(2) of title 10, United States Code, is amended by striking ''January 6, 2006, and ending on December 31, 2008'' and inserting ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013''.

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2)(B) of such title is amended by striking ''January 6, 2006, and ending on December 31, 2008'' and inserting ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013''.

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by striking ''January 6, 2006, and ending on December 31, 2008'' and inserting ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013''.

Subtitle B—Reserve Component Management

SEC. 511. PRESEPARATION COUNSELING FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) REQUIREMENT; EXCEPTION.—Subsection (a)(1) of section 1142 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''Within'' and inserting ''(A) Within''; and

(B) by striking ''of each member'' and all that follows through the period at the end of the sentence and inserting the following: ''of—

''(i) each member of the armed forces whose discharge or release from active duty is anticipated as of a specific date; and

''(ii) each member of a reserve component not covered by clause (i) whose discharge or release from service is anticipated as of a specific date.''; and

(2) in the second sentence, by striking ''A notation of the provision of such counseling'' and inserting the following:

''(B) A notation of the provision of preseparation counseling''.

(b) CLARIFICATION OF COVERED MATTERS.—Subsection (b)(7) of such section is amended by striking ''from active duty''.

SEC. 512. MILITARY CORRECTION BOARD REMEDIES FOR NATIONAL GUARD MEMBERS.

Subsection (a) of section 1552 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''military record of the Secretary's department'' and inserting ''military record of an armed force, including reserve components thereof, under the jurisdiction of the Secretary''; and

(2) by adding at the end the following new paragraph:

''(5) In the case of a member of the National Guard, the authority to correct any military record of the member under this section extends only to records generated while the member was in Federal service and does not apply to matters related to State government policy and procedures related to its National Guard.''.

SEC. 513. REMOVAL OF STATUTORY DISTRIBUTION LIMITS ON NAVY RESERVE FLAG OFFICER ALLOCATION.

Section 12004(c) of title 10, United States Code, is amended—

(1) by striking paragraphs (2), (3), and (5); and

(2) by redesignating paragraph (4) as paragraph (2).

SEC. 514. ASSIGNMENT OF AIR FORCE RESERVE MILITARY TECHNICIANS (DUAL STATUS) TO POSITIONS OUTSIDE AIR FORCE RESERVE UNIT PROGRAM.

Section 10216(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Paragraph (1) does not apply to a military technician (dual status) who is employed by the Air Force Reserve in an area other than the Air Force Reserve unit program, except that not more than 50 of such technicians may be assigned outside of the unit program at the same time.''.

SEC. 515. TEMPORARY AUTHORITY FOR TEMPORARY EMPLOYMENT OF NON-DUAL STATUS MILITARY TECHNICIANS.

Section 10217 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(3) is hired as a temporary employee pursuant to the exception for temporary employment provided by subsection (d) and subject to the terms and conditions of such subsection.''; and

(2) by adding at the end the following new subsection:

''(d) EXCEPTION FOR TEMPORARY EMPLOYMENT.—(1) Notwithstanding section 10218 of this title, the Secretary of the Army or the Secretary of the Air Force may employ, for a period not to exceed 2 years, a person to fill a vacancy created by the mobilization of a military technician (dual status) occupying a position under section 10216 of this title.

''(2) The duration of the temporary employment of a person in a military technician position under this subsection may not exceed the shorter of the following:

''(A) The period of mobilization of the military technician (dual status) whose vacancy is being filled by the temporary employee.

''(B) Two years.

''(3) No persons may be hired under the authority of this subsection after the end of the 2-year period beginning on the date of the enactment of this subsection.''.

SEC. 516. REVISED STRUCTURE AND FUNCTIONS OF RESERVE FORCES POLICY BOARD.

(a) REVISED STRUCTURE AND FUNCTIONS.—Section 10301 of title 10, United States Code, is amended to read as follows:

''§ 10301. Reserve Forces Policy Board

''(a) FUNCTIONS.—As provided in section 175 of this title, there is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The Board shall serve as an independent adviser to the Secretary of Defense

to provide advice and recommendations to the Secretary on strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve components. The Board shall report directly to the Secretary to provide independent advice and recommendations to the Secretary on matters relating to the and reserve components.

''(b) MEMBERSHIP.—The Board consists of 20 members, appointed or designated as follows:

''(1) A civilian chairman appointed by the Secretary of Defense, who shall be a person who the Secretary determines has the knowledge of, and experience in, policy matters relevant to national security and reserve component matters required to carry out the duties of chairman.

''(2) Two reserve general officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Army, one of whom shall be a member of the Army National Guard of the United States and one of whom shall be a member of the Army Reserve.

''(3) Two reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy, one of whom shall be a Navy Reserve flag officer and one of whom shall be a Marine Corps Reserve general officer.

''(4) Two reserve general officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force, one of whom shall be a member of the Air National Guard of the United States and one of whom shall be a member of the Air Force Reserve.

''(5) One Coast Guard flag officer designated by the Secretary of Homeland Security when the Coast Guard is not operating as a service within the Department of the Navy, or designated by the Secretary of Defense, upon the recommendation of the Secretary of the Navy, when the Coast Guard is operating as a service in the Navy under section 3 of title 14.

''(6) Ten persons appointed or designated by the Secretary of Defense, each of whom shall be a United States citizen and have significant knowledge of and experience in policy matters relevant to national security and reserve component matters and shall be one of the following:

''(A) An individual not employed in any Federal or State department or agency.

''(B) An individual employed by a Federal or State department or agency.

''(C) An officer of a regular component on active duty, or an officer of a reserve component in an active status, who has served or is serving in a senior position on the Joint Staff, a combatant command headquarters staff, or a service headquarters staff.

''(7) A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general or flag officer recommended by the chairman and designated by the Secretary of Defense, who shall serve without vote—

''(A) as military adviser to the chairman;

''(B) as military executive officer of the Board; and

''(C) as supervisor of the Board operations and staff.

''(8) A senior enlisted member of a reserve component recommended by the chairman and appointed by the Secretary of Defense, who shall serve without vote as enlisted military adviser to the chairman.

''(c) INDEPENDENT ADVICE.—In the case of a member of the Board who is an officer or employee of the Department of Defense or a member of the armed forces, the advice provided in that member's capacity as a member of the Board shall be rendered independently of the Board member's other duties as an officer or employee of the Department of Defense or member of the armed forces.

''(d) MATTERS TO BE ACTED ON.—The Board shall act on those matters referred to it by the chairman and on any matter raised by a member of the Board.

''(e) STAFF.—The Board shall be supported by a staff consisting of one full-time officer from each of the reserve components listed in paragraphs (1) through (6) of section 10101 of this title who holds the grade of colonel, or in the case of the Navy the grade of captain, or who has been selected for promotion to that grade. These officers shall also serve as liaisons between their respective components and the Board. They shall perform their staff and liaison duties under the supervision of the military executive in an independent manner reflecting the independent nature of the Board.

''(f) RELATIONSHIP TO SERVICE RESERVE POLICY COMMITTEES AND BOARDS.—This section does not affect the committees and boards prescribed within the military departments by sections 10302 through 10305 of this title, and a member of such a committee or board may, if otherwise eligible, be a member of the Board.''.

(b) BOARD MEMBERSHIP TRANSITION PROVISION.—The members of the Reserve Forces Policy Board as of the date of the enactment of this Act shall continue to serve on the Board in accordance with their respective terms of service as of such date, and except to ensure that the positions of chairman and military executive of the Board continue to be filled, and to ensure that the reserve components listed in paragraphs (1) through (7) of section 10101 of title 10, United States Code, continue to have representation, no appointment or designation of a member of the Board may be made after such date until the number of voting members of the Board is fewer than 18. Once the number of voting members is fewer than 18, vacancies in the Board membership shall be filled in accordance with section 10301 of title 10, United States Code, as amended by subsection (a).

(c) REVISION TO ANNUAL REPORT REQUIREMENT.—Section 113(c)(2) of title 10, United States Code, is amended by striking ''the reserve programs of the Department of Defense and on any other matters'' and inserting ''any reserve component matter''.

SEC. 517. MERIT SYSTEMS PROTECTION BOARD AND JUDICIAL REMEDIES FOR NATIONAL GUARD TECHNICIANS.

(a) ELIMINATION OF RESTRICTED RIGHT OF APPEAL.—

(1) CURRENT RESTRICTION TO ADJUTANT GENERAL.—Subsection (f) of section 709 of title 32, United States Code, is amended by striking paragraph (4).

(2) STYLISTIC AND CONFORMING AMENDMENTS.—Such subsection is further amended—

(A) by striking the material preceding paragraph (1);

(B) by capitalizing the first word in paragraphs (1), (2), (3), and (5);

(C) by striking the semicolon at the end of paragraphs (1), (2), and (3) and inserting a period;

(D) by redesignating paragraph (5) as paragraph (4); and

(E) by adding at the end the following new paragraph:

''(5) This subsection shall be carried out under regulations prescribed by the Secretary concerned.''.

(b) APPLICATION OF CERTAIN TITLE 5 PROVISIONS.—Section 709(g) of title 32, United States Code, is amended by striking ''Sections 2108, 3502, 7511, and 7512'' and inserting ''Section 2108''.

(c) APPLICATION OF ADVERSE ACTIONS SUBCHAPTER.—Section 7511(b) of title 5, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.

Subtitle C—Joint Qualified Officers and Requirements

SEC. 521. TECHNICAL REVISIONS TO DEFINITION OF JOINT MATTERS FOR PURPOSES OF JOINT OFFICER MANAGEMENT.

Section 668(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''multiple'' in the matter preceding subparagraph (A) and inserting ''integrated''; and

(B) by striking ''and'' at the end of the subparagraph (D) and inserting ''or''; and

(2) by striking paragraph (2) and inserting the following new paragraph:

''(2) In the context of joint matters, the term 'integrated military forces' refers to military forces that are involved in the planning or execution (or both) of operations involving participants from—

''(A) more than one military department; or

''(B) a military department and one or more of the following:

''(i) Other departments and agencies of the United States.

''(ii) The military forces or agencies of other countries.

''(iii) Non-governmental persons or entities.''.

SEC. 522. CHANGES TO PROCESS INVOLVING PROMOTION BOARDS FOR JOINT QUALIFIED OFFICERS AND OFFICERS WITH JOINT STAFF EXPERIENCE.

(a) BOARD COMPOSITION.—Subsection (c) of section 612 of title 10, United States Code, is amended to read as follows:

''(c)(1) Each selection board convened under section 611(a) of this title that will consider an officer described in paragraph (2) shall include at least one officer designated by the Chairman of the Joint Chiefs of Staff who is a joint qualified officer.

''(2) Paragraph (1) applies with respect to an officer who—

''(A) is serving in, or has served in, a joint duty assignment;

''(B) is serving on, or has served on, the Joint Staff; or

''(C) is a joint qualified officer.

''(3) The Secretary of Defense may waive the requirement in paragraph (1) in the case of—

''(A) any selection board of the Marine Corps; or

''(B) any selection board that is considering officers in specialties identified in paragraph (2) or (3) of section 619a(b) of this title.''.

(b) INFORMATION FURNISHED TO SELECTION BOARDS.—Section 615 of such title is amended by striking ''in joint duty assignments of officers who are serving, or have served, in such assignments'' in subsections (b)(5) and (c) and inserting ''of officers who are serving on, or have served on, the Joint Staff or are joint qualified officers''.

(c) ACTION ON REPORT OF SELECTION BOARDS.—Section 618(b) of such title is amended—

(1) in paragraph (1), by striking ''are serving, or have served, in joint duty assignments'' and inserting ''are serving on, or have served on, the Joint Staff or are joint qualified officers'';

(2) in subparagraphs (A) and (B) of paragraph (2), by striking ''in joint duty assignments of officers who are serving, or have served, in such assignments'' and inserting ''of officers who are serving on, or have served on, the Joint Staff or are joint qualified officers''; and

(3) in paragraph (4), by striking ''in joint duty assignments'' and inserting ''who are serving on, or have served on, the Joint Staff or are joint qualified officers''.

SEC. 523. SECURE ELECTRONIC DELIVERY OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

Section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1168 note) is amended—

(1) by inserting ''(a) ELECTION TO FORWARD CERTIFICATE TO VA OFFICES—'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new subsection:

''(b) SECURE METHOD OF ELECTRONIC DELIVERY.—

''(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop and implement a secure electronic method of forwarding the DD Form 214 to the appropriate office specified in subsection (a)(2). The Secretary of Veterans Affairs shall ensure that the method permits such offices to access the forms electronically using current computer operating systems.

''(2) AUTHORITY TO CEASE DELIVERY.—In developing the secure electronic method of forwarding DD Forms 214, the Secretary of Veterans Affairs shall ensure that the information provided is not disclosed or used for unauthorized purposes and may cease forwarding the forms electronically to an office specified in subsection (a)(2) if demonstrated problems arise.''.

Subtitle D—General Service Authorities

SEC. 531. EXTENSION OF TEMPORARY AUTHORITY TO ORDER RETIRED MEMBERS OF THE ARMED FORCES TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS.

(a) EXTENSION OF AUTHORITY.—Section 688a(f) of title 10, United States Code, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

(b) REPORT REQUIRED.—Not later than April 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an assessment by the Secretary of the need to extend the authority provided by section 688a of title 10, United States Code, beyond December 31, 2012. The report shall include, at a minimum, the following:

(1) A list of the current types of high-demand, low-density capabilities (as defined in such section) for which the authority is being used to address operational requirements.

(2) For each high-demand, low-density capability included in the list under paragraph (1), the number of retired members of the Armed Forces who have served on active duty at any time during each of fiscal years 2007 through 2010 under the authority.

(3) A plan to increase the required active duty strength for the high-demand, low-density capabilities included in the list under paragraph (1) to eliminate the need to use the authority.

SEC. 532. CORRECTION OF MILITARY RECORDS.

(a) IMPROVED DOCUMENTATION OF CORRECTION BOARD DECISIONS.—Section 1552(a)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following new subparagraph:

''(B) In establishing correction procedures under subparagraph (A), the Secretary of a military department shall require that a board established under subsection (a)(1) present its findings and conclusions in an orderly and itemized fashion, with specific attention given to each issue presented by the claimant (or heir or representative) who requested the correction. This requirement applies to a request for correction received after the date of the enactment of this subparagraph, both during initial consideration of the request and upon subsequent consideration due to appeal or other circumstances.''.

(b) IMPROVED DOCUMENTATION OF REVIEW BOARD DECISIONS REGARDING DISCHARGE OR DISMISSAL.—Section 1553(b) of such title is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following new paragraph:

''(2) In establishing review procedures for use by a board established under this section, the Secretary of a military department shall require that the board present its findings and conclusions in an orderly and itemized fashion, with specific attention given to each issue presented by the person who requested the review. This requirement applies to a request for review received after the date of the enactment of this paragraph, both during initial consideration of the request and upon subsequent consideration due to appeal or other circumstances.''.

(c) BOARDS REVIEWING RETIREMENT OR SEPARATION WITHOUT PAY FOR PHYSICAL DISABILITY.—

(1) MEMBERS ELIGIBLE TO REQUEST REVIEW.—Subsection (a) of section 1554 of such title is amended—

(A) by striking ''an officer'' and inserting ''a member or former member of the uniformed services''; and

(B) by striking ''his case'' and inserting ''the member's case''.

(2) IMPROVED DOCUMENTATION OF BOARD DECISIONS.—Subsection (b) of such section is amended—

(A) by inserting ''(1)'' after ''(b)''; and

(B) by adding at the end the following new paragraph:

''(2) In establishing review procedures for use by a board established under this section, the Secretary of a military department shall require that the board present its findings and conclusions in an orderly and itemized fashion, with specific attention given to each issue presented by the person who requested the review. This requirement applies to a request for review received after the date of the enactment of this paragraph, both during initial consideration of the request and upon subsequent consideration due to appeal or other circumstances.''.

(d) LIMITATION ON REDUCTION IN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCY.—1559(a) of such title is amended by striking ''December 31, 2010'' and inserting ''December 31, 2013''.

SEC. 533. MODIFICATION OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214) TO SPECIFICALLY IDENTIFY A SPACE FOR INCLUSION OF E-MAIL ADDRESS.

The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a new Block, 19c., titled ''electronic mailing (e-mail) address after separation'' in order to permit a member of the Armed Forces to include an email address at which the member may be reached after the member's discharge or release.

SEC. 534. RECOGNITION OF ROLE OF FEMALE MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE REVIEW OF MILITARY OCCUPATIONAL SPECIALTIES AVAILABLE TO FEMALE MEMBERS.

(a) FINDINGS.—Congress make the following findings:

(1) Women are and have historically been an import part of all United States war efforts, voluntarily serving in every military conflict in United States history, including the Revolutionary War.

(2) Approximately 34,000 women served in the Armed Forces in World War I, approximately 400,000 served in World War II, approximately 120,000 served in the Korean War, over 7,000 served in the Vietnam War, and more than 41,000 served in the first Gulf War.

(3) Over 350,000 women serving in the Armed Forces make up approximate 15 percent of all active duty personnel, 15 percent of Reserves, and 17 percent of the National Guard.

(4) Over 225,349 women have served in Operation Iraqi Freedom or Operation Enduring Freedom as members of the Armed Forces.

(5) At least 120 female members of the Armed Forces have been killed in Iraq or Afghanistan, and, of the women killed, 66 were killed in combat.

(6) The nature of war has changed in Iraq and Afghanistan, and, despite the prohibition on female members of the Armed Forces serving in combat, so has the role of female members of the Armed Forces.

(b) OFFICIAL RECOGNITION.—Congress—

(1) honors women who have served, and women who are currently serving, as members of the Armed Forces; and

(2) encourages all people in the United States to recognize the service and achievements of female members of the Armed Forces and female veterans.

(c) REVIEWS REQUIRED.—

(1) REVIEWS; ELEMENTS.—The Secretary of Defense shall conduct a review of military occupational positions available to female members of the Armed Forces for the purpose of ensuring that female members have the maximum opportunity to compete and excel in the Armed Forces. The Secretary of Defense, in coordination with the Secretaries of the military departments, also shall review the collocation policy and other policies and regulations that restrict the service of female members to determine whether changes are needed, including legislative change, if necessary, to enhance the ability of women to serve in the Armed Forces.

(2) SUBMISSION OF RESULTS.—Not later than February 1, 2011, the Secretary of Defense shall submit to the congressional defense committee a report containing the results of the reviews.

SEC. 535. MATTERS COVERED BY PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES.

Section 1142(b) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''job placement counseling for the spouse'' and inserting ''inclusion of the spouse when counseling regarding the matters covered by paragraphs (9), (10), and (16) is provided, job placement counseling for the spouse, and the provision of information on survivor benefits available under the laws administered by the Secretary of Defense or the Secretary of Veterans Affairs'';

(2) in paragraph (9), by inserting before the period the following: '', including information on budgeting, saving, credit, loans, and taxes'';

(3) in paragraph (10), by striking ''and employment'' and inserting '', employment, and financial'';

(4) by striking paragraph (16) and inserting the following new paragraph:

''(16) Information on home loan services and housing assistance benefits available under the laws administered by the Secretary of Veterans Affairs and counseling on responsible borrowing practices.''; and

(5) in paragraph (17), by inserting before the period the following: '', and information regarding the means by which the member can receive additional counseling regarding the member's actual entitlement to such benefits and apply for such benefits''.

SEC. 536. DEPARTMENT OF DEFENSE POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) COMPREHENSIVE REVIEW ON THE IMPLEMENTATION OF A REPEAL OF 10 U.S.C. 654.—

(1) IN GENERAL.—On March 2, 2010, the Secretary of Defense issued a memorandum directing the Comprehensive Review on the Implementation of a Repeal of 10 U.S.C. 654 (section 654 of title 10, United States Code).

(2) OBJECTIVES AND SCOPE OF REVIEW.—The Terms of Reference accompanying the Secretary's memorandum established the following objectives and scope of the ordered review:

(A) Determine any impacts to military readiness, military effectiveness and unit cohesion, recruiting/retention, and family readiness that may result from repeal of the law and recommend any actions that should be taken in light of such impacts.

(B) Determine leadership, guidance, and training on standards of conduct and new policies.

(C) Determine appropriate changes to existing policies and regulations, including but not limited to issues regarding personnel management, leadership and training, facilities, investigations, and benefits.

(D) Recommend appropriate changes (if any) to the Uniform Code of Military Justice.

(E) Monitor and evaluate existing legislative proposals to repeal 10 U.S.C. 654 and proposals that may be introduced in the Congress during the period of the review.

(F) Assure appropriate ways to monitor the workforce climate and military effectiveness that support successful follow-through on implementation.

(G) Evaluate the issues raised in ongoing litigation involving 10 U.S.C. 654.

(b) EFFECTIVE DATE.—The amendments made by subsection (f) shall take effect 60 days after the date on which the last of the following occurs:

(1) The Secretary of Defense has received the report required by the memorandum of the Secretary referred to in subsection (a).

(2) The President transmits to the congressional defense committees a written certification, signed by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, stating each of the following:

(A) That the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff have considered the recommendations contained in the report and the report's proposed plan of action.

(B) That the Department of Defense has prepared the necessary policies and regulations to exercise the discretion provided by the amendments made by subsection (f).

(C) That the implementation of necessary policies and regulations pursuant to the discretion provided by the amendments made by subsection (f) is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention of the Armed Forces.

(c) NO IMMEDIATE EFFECT ON CURRENT POLICY.—Section 654 of title 10, United States Code, shall remain in effect until such time that all of the requirements and certifications required by subsection (b) are met. If these requirements and certifications are not met, section 654 of title 10, United States Code, shall remain in effect.

(d) BENEFITS.—Nothing in this section, or the amendments made by this section, shall be construed to require the furnishing of benefits in violation of section 7 of title 1, United States Code (relating to the definitions of ''marriage'' and ''spouse'' and referred to as the ''Defense of Marriage Act'').

(e) NO PRIVATE CAUSE OF ACTION.—Nothing in this section, or the amendments made by this section, shall be construed to create a private cause of action.

(f) TREATMENT OF 1993 POLICY.—

(1) TITLE 10.—Upon the effective date established by subsection (b), chapter 37 of title 10, United States Code, is amended—

(A) by striking section 654; and

(B) in the table of sections at the beginning of such chapter, by striking the item relating to section 654.

(2) CONFORMING AMENDMENT.—Upon the effective date established by subsection (b), section 571 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 654 note) is amended by striking subsections (b), (c), and (d).

Subtitle E—Military Justice and Legal Matters

SEC. 541. CONTINUATION OF WARRANT OFFICERS ON ACTIVE DUTY TO COMPLETE DISCIPLINARY ACTION.

Section 580 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) A warrant officer subject to discharge or retirement under this section, but against whom any action has been commenced with a view to trying the officer by court-martial, may be continued on active duty, without prejudice to such action, until the completion of such action.''.

SEC. 542. ENHANCED AUTHORITY TO PUNISH CONTEMPT IN MILITARY JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 848. Art. 48. Contempts

''(a) AUTHORITY TO PUNISH CONTEMPT.—A military judge detailed to a court-martial, a court of inquiry, the Court of Appeals for the Armed Forces, a Court of Criminal Appeals, a provost court, or a military commission (other than a military commission established under chapter 47A of this title) may punish for contempt any person who—

''(1) uses any menacing word, sign, or gesture in the presence of the military judge during the proceedings of the court-martial, court, or military commission;

''(2) disturbs the proceedings of the court-martial, court, or military commission by any riot or disorder; or

''(3) willfully disobeys its lawful writ, process, order, rule, decree, or command.

''(b) PUNISHMENT.—A person punished for contempt under this section may be confined for not more than 30 days, fined in an amount of not more than $1,000, or both.''.

(b) EFFECTIVE DATE.—Section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), as amended by subsection (a), shall apply with respect to acts of contempt committed after the date of the enactment of this Act.

SEC. 543. LIMITATIONS ON USE IN PERSONNEL ACTION OF INFORMATION CONTAINED IN CRIMINAL INVESTIGATIVE REPORT OR IN INDEX MAINTAINED FOR LAW ENFORCEMENT RETRIEVAL AND ANALYSIS.

(a) LIMITATIONS.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1034 the following new section:

''§ 1034a. Criminal investigative report or index maintained for law enforcement retrieval and analysis: limitations on use in personnel actions

''(a) PROHIBITION ON USE IN PERSONNEL ACTIONS.—Except as provided in subsection (b), information relating to the titling or indexing of a member of the armed forces contained in any criminal investigative report prepared by any entity of the Department of Defense or index maintained by any entity of the Department of Defense for the purpose of potential retrieval and analysis by Department law enforcement organizations may not be used in connection with any personnel action involving the member.

''(b) AUTHORIZED EXCEPTIONS.—The prohibition in subsection (a) does not preclude the use of information relating to the titling or indexing of a member—

''(1) in connection with law enforcement activities;

''(2) in a judicial or administrative action involving the member regarding the alleged offense referenced in the criminal investigative report or index; or

''(3) in a personnel action if—

''(A) the member has been adjudged guilty of the alleged offense referenced in the criminal investigative report or index by military non-judicial or judicial proceedings or by civilian judicial proceedings;

''(B) a record of the proceedings is presented in connection with the personnel action; and

''(C) the member is provided the opportunity to present additional information in response to the record of the proceedings.

''(c) DEFINITIONS.—In this section:

''(1) INDEXING.—The term 'indexing' refers to the procedure whereby a Department of Defense criminal investigative agency submits identifying information concerning subjects, victims, or incidentals of investigations for addition to the Defense Clearance and Investigations Index.

''(2) TITLING.—The term 'titling' refers to the process by which a Department of Defense criminal investigative agency places the name of a person in the title block of a criminal investigative report at a time when the agency has credible information that the person committed a criminal offense. The titling, however, does not connote any degree of guilt or innocence.

''(3) PERSONNEL ACTION.—The term 'personnel action', with respect to a member, means any recommendation, action, or decision impacting or affecting any aspect of the military service of the member.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1034 the following new item:

''1034a. Criminal investigative report or index maintained for law enforcement retrieval and analysis: limitations on use in personnel actions.''.

SEC. 544. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

''SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child.

''(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (c).

''(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

''(d) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

''(e) PREEMPTION.—In any case where State or Federal law applicable to a child custody proceeding under State or Federal law provides a higher standard of protection to the rights of the parent who is a servicemember than the rights provided under this section, the State or Federal court shall apply the State or Federal standard.

''(f) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

SEC. 545. IMPROVEMENTS TO DEPARTMENT OF DEFENSE DOMESTIC VIOLENCE PROGRAMS.

(a) IMMEDIATE ACTIONS REQUIRED.—

(1) ENTRY OF DATA INTO LAW ENFORCEMENT SYSTEMS.—The Secretary of Defense shall ensure that all command actions related to domestic violence incidents involving members of the Army, Navy, Air Force, or Marine Corps are entered into all Department of Defense law enforcement systems.

(2) ISSUANCE OF FAMILY ADVOCACY PROGRAM GUIDANCE.—The Secretary of Defense shall issue Department of Defense Family Advocacy Program guidance.

(b) IMPLEMENTATION OF OUTSTANDING COMPTROLLER GENERAL RECOMMENDATIONS.—Consistent with the recommendations contained in the report of the Comptroller General of the United States titled ''Status of Implementation of GAO's 2006 Recommendations on the Department of Defense's Domestic Violence Program'' (GAO–10–577R), the Secretary of Defense shall complete, not later than 1 year after the date of enactment of this Act, implementation of actions to address the following recommendations:

(1) DEFENSE INCIDENT-BASED REPORTING SYSTEM.—The Secretary of Defense shall develop a comprehensive management plan to address deficiencies in the data captured in the Defense Incident-Based Reporting System to ensure the system can provide an accurate count of the domestic violence incidents that are reported throughout the Department of Defense.

(2) ADEQUATE PERSONNEL.—The Secretary of Defense shall develop a plan to ensure that adequate personnel are available to implement recommendations made by the Defense Task Force on Domestic Violence.

(3) DOMESTIC VIOLENCE TRAINING DATA FOR CHAPLAINS.—The Secretary of Defense shall develop a plan to collect domestic violence training data for chaplains.

(4) OVERSIGHT FRAMEWORK.—The Secretary of Defense shall develop an oversight framework for Department of Defense domestic violence programs, to include oversight of implementation of recommendations made by the Defense Task Force on Domestic Violence, budgeting, and policy compliance.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the planned actions required under subsections (a) and (b).

SEC. 546. PUBLIC RELEASE OF RESTRICTED ANNEX OF DEPARTMENT OF DEFENSE REPORT OF THE INDEPENDENT REVIEW RELATED TO FORT HOOD PERTAINING TO OVERSIGHT OF THE ALLEGED PERPETRATOR OF THE ATTACK.

(a) RELEASE REQUIRED.—Not later than 10 days after the date of the enactment of this Act, the Secretary of Defense shall release publicly the restricted annex, described in subsection (b), that was part of the January 2010 Department of Defense Report of the Independent Review Related to Fort Hood and the attack there on November 5, 2009.

(b) MATERIAL SUBJECT TO RELEASE; EXCEPTION.—The restricted annex referred to in subsection (a) is the document described on page 9 of the January 2010 Department of Defense Report of the Independent Review Related to Fort Hood, which provided the detailed findings, recommendations, and complete supporting discussions of the Independent Review pertaining to the oversight of the alleged perpetrator of the November 2009 attack. No part of the restricted annex shall be exempted from public release, except—

(1) materials that the Secretary of Defense determines may imperil, if disclosed, any criminal investigation or prosecution related to the attack; and

(2) in accordance with section 1102 of title 10, United States Code, the memorandum summarizing the results of the medical quality assurance records relating to the care provided patients by the alleged perpetrator of the attack.

Subtitle F—Member Education and Training Opportunities and Administration

SEC. 551. REPAYMENT OF EDUCATION LOAN REPAYMENT BENEFITS.

(a) ENLISTED MEMBERS ON ACTIVE DUTY IN SPECIFIED MILITARY SPECIALTIES.—Section 2171 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(g) Except a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 16301 of this title, a member of the armed forces who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) of title 37.

''(h) The Secretary of Defense may prescribe, by regulations, procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member's death or disability.''.

(b) MEMBERS OF SELECTED RESERVE.—Section 16301 of such title is amended by adding at the end the following new subsections:

''(h) Except a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 2171 of this title, a member of the armed forces who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) of title 37.

''(i) The Secretary of Defense may prescribe, by regulations, procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member's death or disability.''.

SEC. 552. ACTIVE DUTY OBLIGATION FOR GRADUATES OF THE MILITARY SERVICE ACADEMIES PARTICIPATING IN THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) UNITED STATES MILITARY ACADEMY GRADUATES.—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the program.''.

(b) UNITED STATES NAVAL ACADEMY GRADUATES.—Section 6959(a) of such title is amended by adding at the end the following new paragraph:

''(4) That if an appointment described in paragraph (2) or (3) is tendered and the midshipman participates in the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title, the midshipman will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the program.''.

(c) UNITED STATES AIR FORCE ACADEMY GRADUATES.—Section 9348(a) of such title is amended by adding at the end the following new paragraph:

''(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in the program.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy beginning with the first class of candidates nominated for appointment to these military service academies after the date of the enactment of this Act.

SEC. 553. WAIVER OF MAXIMUM AGE LIMITATION ON ADMISSION TO SERVICE ACADEMIES FOR CERTAIN ENLISTED MEMBERS WHO SERVED DURING OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

(a) WAIVER AUTHORITY.—The Secretary of the military department concerned may waive the maximum age limitation specified in section 4346(a), 6958(a)(1), or 9346(a) of title 10, United States Code, for the admission of a candidate to the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy, if the candidate, otherwise satisfies the eligibility requirements for admission to that academy, and—

(1) is an enlisted member of the Armed Forces and, as a result of service on active duty in a theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom, was or is prevented from being admitted to that academy before the member

reached the maximum age specified in such sections; or

(2) possesses an exceptional overall record that the Secretary concerned determines sets the candidate apart from all other candidates.

(b) LIMITATION OF WAIVER.—

(1) MAXIMUM AGE.—A waiver may not be granted under subsection (a) to a member of the Armed Forces described in such subsection if the member would pass the member's twenty-sixth birthday by July 1 of the year in which the member would enter the military service academy.

(2) MAXIMUM NUMBER.—No more than five members of the Armed Forces may attend each of the military service academies at any one time pursuant to a waiver granted under subsection (a)(2).

(c) DURATION OF WAIVER AUTHORITY.—The authority to grant a waiver under subsection (a) expires on September 30, 2015.

SEC. 554. REPORT OF FEASIBILITY AND COST OF EXPANDING ENROLLMENT AUTHORITY OF COMMUNITY COLLEGE OF THE AIR FORCE TO INCLUDE ADDITIONAL MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report, prepared in consultation with the Secretary of the Air Force, evaluating the feasibility and cost of authorizing enlisted members of the Army, Navy, Marine Corps and Coast Guard to enroll in Community College of the Air Force programs offered under section 9315 of title 10, United States Code.

Subtitle G—Defense Dependents' Education

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2011 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2011 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. ENROLLMENT OF DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO RESIDE IN TEMPORARY HOUSING IN DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

Section 2164(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The Secretary may, at the discretion of the Secretary, permit dependents of members of the armed forces described in subparagraph (B) to enroll in an educational program provided by the Secretary pursuant to this subsection without regard to the requirement in paragraph (1) with respect to residence on a military installation.

''(B) Subparagraph (A) applies only if—

''(i) the dependents reside in temporary housing (regardless of whether the temporary housing is on Federal property) in lieu of permanent living quarters on a military installation; and

''(ii) the Secretary determines that the circumstances of such living arrangements justify extending the enrollment authority to include such dependents.

''(C) The Secretary shall prescribe regulations to ensure consistent application of this paragraph.''.

Subtitle H—Decorations, Awards, and Commemorations

SEC. 571. NOTIFICATION REQUIREMENT FOR DETERMINATION MADE IN RESPONSE TO REVIEW OF PROPOSAL FOR AWARD OF A MEDAL OF HONOR NOT PREVIOUSLY SUBMITTED IN TIMELY FASHION.

Section 1130(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following new paragraph:

''(2) If a determination under this section includes a favorable recommendation for the award of the Medal of Honor, submission of the detailed discussion of the rationale supporting the determination shall be made through the Secretary of Defense.''.

SEC. 572. DEPARTMENT OF DEFENSE RECOGNITION OF SPOUSES OF MEMBERS OF THE ARMED FORCES.

(a) ESTABLISHMENT AND PRESENTATION OF LAPEL BUTTONS.—Chapter 57 of title 10, United States Code, is amended by inserting after section 1126 the following new section:

''§ 1126a. Spouse of combat veteran lapel button: eligibility and presentation

''(a) DESIGN AND ELIGIBILITY.—A lapel button, to be known as the spouse-of-a-combat-veteran lapel button, shall be designed, as approved by the Secretary of Defense, to identify and recognize the spouse of a member of the armed forces who is serving or has served in a combat zone for a period of more than 30 days.

''(b) PRESENTATION.—The Secretary concerned may authorize the use of appropriated funds to procure spouse-of-a-combat-veteran lapel buttons and to provide for their presentation to eligible spouses of members.

''(c) EXCEPTION TO TIME PERIOD REQUIREMENT.—The 30-day periods specified in subsections (a) and (b) do not apply if the member is killed or wounded in the combat zone before the expiration the period.

''(d) LICENSE TO MANUFACTURE AND SELL LAPEL BUTTONS.—Section 901(c) of title 36 shall apply with respect to the spouse-of-a-combat-veteran lapel button authorized by this section.

''(e) COMBAT ZONE DEFINED.—In this section, the term 'combat zone' has the meaning given that term in section 112(c)(2) of the Internal Revenue Code of 1986.

''(f) REGULATIONS.—The Secretary of Defense shall issue such regulations as may be necessary to carry out this section. The Secretary shall ensure that the regulations are uniform for each armed force to the extent practicable.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1126 the following new item:

''1126a. Spouse-of-a-combat-veteran lapel button: eligibility and presentation.''.

(c) IMPLEMENTATION.—It is the sense of Congress that, as soon as practicable once the spouse-of-a-combat-veteran lapel button become available, the Secretary of Defense—

(1) should widely announce the availability of spouse-of-a-combat-veteran lapel buttons through military and public information channels; and

(2) should encourage commanders at all levels to conduct ceremonies recognizing the support provided by spouses of members of the Armed Forces and to use the ceremonies as an opportunity for members to present their spouses with a spouse-of-a-combat-veteran lapel button.

SEC. 573. DEPARTMENT OF DEFENSE RECOGNITION OF CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) ESTABLISHMENT AND PRESENTATION OF LAPEL BUTTONS.—Chapter 57 of title 10, United States Code, is amended by inserting after section 1126a, as added by section 572, the following new section:

''§ 1126b. Children of members commemorative lapel button: eligibility and presentation

''(a) DESIGN AND ELIGIBILITY.—A lapel button, to be known as the children of military service members commemorative lapel button, shall be designed, as approved by the Secretary of Defense, to identify and recognize an eligible child dependent of a member of the armed forces who serves on active duty for a period of more than 30 days.

''(b) PRESENTATION.—The Secretary concerned may authorize the use of appropriated funds to procure children of military service members commemorative lapel buttons and to provide for their presentation to eligible child dependents.

''(c) LICENSE TO MANUFACTURE AND SELL LAPEL BUTTONS.—Section 901(c) of title 36 shall apply with respect to the children of military service members commemorative lapel button authorized by this section.

''(d) ELIGIBLE CHILD DEPENDENT DEFINED.—In this section, the term 'eligible child dependent' means a dependent of a member of the armed forces described in subparagraph (D) or (I) of section 1072(2) of this title.

''(e) REGULATIONS.—The Secretary of Defense shall issue such regulations as may be necessary to carry out this section. The Secretary shall ensure that the regulations are uniform for each armed force to the extent practicable.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1126a the following new item:

''1126b. Children of members commemorative lapel button: eligibility and presentation.''.

(c) IMPLEMENTATION.—It is the sense of Congress that, as soon as practicable once the children of military service members commemorative lapel button become available, the Secretary of Defense—

(1) should widely announce the availability of children of military service members commemorative lapel buttons through military and public information channels; and

(2) should encourage commanders at all levels to conduct ceremonies recognizing the support provided by children of members of the Armed Forces and to use the ceremonies as an opportunity for members to present their children with a children of military service members commemorative lapel button.

SEC. 574. CLARIFICATION OF PERSONS ELIGIBLE FOR AWARD OF BRONZE STAR MEDAL.

(a) LIMITATION ON ELIGIBLE PERSONS.—Section 1133 of title 10, United States Code, is amended to read as follows:

''§ 1133. Bronze Star: limitation on persons eligible to receive

''The decoration known as the 'Bronze Star' may only be awarded to a member of a military force who—

''(1) at the time of the events for which the decoration is to be awarded, was serving in a

geographic area in which special pay is authorized under section 310 or paragraph (1) or (3) of section 351(a) of title 37; or

''(2) receives special pay under section 310 or paragraph (1) or (3) of section 351(a) of title 37 as a result of those events.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of such title is amended by striking the item relating to section 1133 and inserting the following new item:

''1133. Bronze Star: limitation on persons eligible to receive.''.

(c) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) applies to the award of the Bronze Star after October 30, 2000.

SEC. 575. AWARD OF VIETNAM SERVICE MEDAL TO VETERANS WHO PARTICIPATED IN MAYAGUEZ RESCUE OPERATION.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of any Armed Forces Expeditionary Medal awarded the individual for the individual's participation in the Mayaguez rescue operation.

(b) ELIGIBLE VETERAN.—For purposes of this section, the term ''eligible veteran'' means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations known as the Mayaguez rescue operation of May 12–15, 1975.

SEC. 576. AUTHORIZATION FOR AWARD OF MEDAL OF HONOR TO CERTAIN MEMBERS OF THE ARMY FOR ACTS OF VALOR DURING THE CIVIL WAR, KOREAN WAR, OR VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to the following former members of the Army for conspicuous acts of gallantry and intrepidity at the risk of their life and beyond the call of duty, as described in subsection (b):

(1) First Lieutenant Alonzo H. Cushing, Civil War.

(2) Private John A. Sipe, Civil War.

(3) Chaplain (Captain) Emil J. Kapaun, Korean War.

(4) Specialist Four Robert L. Towles, Vietnam War.

(b) ACTS OF VALOR DESCRIBED.—

(1) FIRST LIEUTENANT ALONZO H. CUSHING.—In the case of First Lieutenant Alonzo H. Cushing, the acts of valor referred to in subsection (a) are the actions of then First Lieutenant Alonzo H. Cushing while in command of Battery A, 4th United States Artillery, Army of the Potomac, at Gettysburg, Pennsylvania, on July 3, 1863, during the American Civil War.

(2) PRIVATE JOHN A. SIPE.—In the case of Private John A. Sipe, the acts of valor referred to in subsection (a) are the actions of then Private John A. Sipe of Company I of the 205th Regiment Pennsylvania Volunteers, part of the 2d Brigade, 3d Division, 9th Corps, Army of the Potomac, on March 25, 1865, during the American Civil War.

(3) CHAPLAIN EMIL J. KAPAUN.—In the case of Chaplain (Captain) Emil J. Kapaun, the acts of valor referred to in subsection (a) are the actions of Chaplain Emil J. Kapaun of 3d Battalion, 8th Cavalry Regiment, 1st Cavalry Division during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1952, during the Korean War.

(4) SPECIALIST FOUR ROBERT L. TOWLES.—In the case of Specialist Four Robert L. Towles, the acts of valor referred to in subsection (a) are the actions of then Specialist Four Robert L. Towles of Company D, 2d Battalion, 7th Cavalry, 1st Cavalry Division on November 17, 1965, during the Vietnam War for which he was originally awarded the Bronze Star with ''V'' Device.

SEC. 577. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JAY C. COPLEY FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of such title to former Captain Jay C. Copley of the United States Army for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Captain Jay C. Copley on May 5, 1968, as commander of Company C of the 1st Battalion, 50th Infantry, 173d Airborne Brigade during an engagement with a regimental-size enemy force in Bin Dinh Province, South Vietnam.

SEC. 578. PROGRAM TO COMMEMORATE 60TH ANNIVERSARY OF THE KOREAN WAR.

(a) COMMEMORATIVE PROGRAM AUTHORIZED.—The Secretary of Defense may establish and conduct a program to commemorate the 60th anniversary of the Korean War (in this section referred to as the ''commemorative program''). In conducting the commemorative program, the Secretary shall coordinate and support other programs and activities of the Federal Government, State and local governments, and other persons and organizations in commemoration of the Korean War.

(b) SCHEDULE.—If the Secretary of Defense establishes the commemorative program, the Secretary shall determine the schedule of major events and priority of efforts for the commemorative program to achieve the commemorative objectives specified in subsection (c). The Secretary may establish a committee to assist the Secretary in determining the schedule and conducting the commemorative program.

(c) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To thank and honor veterans of the Korean War, including members of the Armed Forces who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States.

(2) To thank and honor the families of veterans of the Korean War for their sacrifices and contributions, especially families who lost a loved one in the Korean War.

(3) To highlight the service of the Armed Forces during the Korean War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces.

(4) To pay tribute to the sacrifices and contributions made on the home front by the people of the United States during the Korean War.

(5) To provide the people of the United States with a clear understanding and appreciation of the lessons and history of the Korean War.

(6) To highlight the advances in technology, science, and medicine related to military research conducted during the Korean War.

(7) To recognize the contributions and sacrifices made by the allies of the United States during the Korean War.

(d) USE OF THE UNITED STATES OF AMERICA KOREAN WAR COMMEMORATION AND SYMBOLS.—Subsection (c) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918), as amended by section 1067 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2134) and section 1052 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 764), shall apply to the commemorative program.

(e) COMMEMORATIVE FUND.—

(1) ESTABLISHMENT OF NEW ACCOUNT.—If the Secretary of Defense establishes the commemorative program, the Secretary the Treasury shall establish in the Treasury of the United States an account to be known as the ''Department of Defense Korean War Commemoration Fund'' (in this section referred to as the ''Fund'').

(2) ADMINISTRATION AND USE OF FUND.—The Fund shall be available to, and administered by, the Secretary of Defense. The Secretary shall use the assets of the Fund only for the purpose of conducting the commemorative program and shall prescribe such regulations regarding the use of the Fund as the Secretary considers to be necessary.

(3) DEPOSITS.—There shall be deposited into the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the use by the Secretary of Defense of the exclusive rights described in subsection (c) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918).

(C) Donations made in support of the commemorative program by private and corporate donors.

(4) AVAILABILITY.—Subject to paragraph (5), amounts in the Fund shall remain available until expended.

(5) TREATMENT OF UNOBLIGATED FUNDS; TRANSFER.—If unobligated amounts remain in the Fund as of September 30, 2013, the Secretary of the Treasury shall transfer the amounts to the Department of Defense Vietnam War Commemorative Fund established pursuant to section 598(e) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 113 note). The transferred amounts shall be merged with, and available for the same purposes as, other amounts in the Department of Defense Vietnam War Commemorative Fund.

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) COMPENSATION FOR WORK-RELATED INJURY.—A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. The person shall also be considered a special governmental employee for purposes of standards of conduct and sections 202, 203, 205, 207, 208, and 209 of title 18, United States Code. A person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of voluntary services under this subsection.

(3) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(g) REPORT REQUIRED.—If the Secretary of Defense conducts the commemorative program, the Inspector General of the Department of Defense shall submit to Congress, not later than 60 days after the end of the commemorative program, a report containing an accounting of—

(1) all of the funds deposited into and expended from the Fund;

(2) any other funds expended under this section; and

(3) any unobligated funds remaining in the Fund as of September 30, 2013, that are transferred to the Department of Defense Vietnam War Commemorative Fund pursuant to subsection (e)(5).

(h) LIMITATION ON EXPENDITURES.—Using amounts appropriated to the Department of Defense, the Secretary of Defense may not expend more than $5,000,000 to carry out the commemorative program.

SEC. 579. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.

(a) ARMY.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3757. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Army shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Army served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Army shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3757. Combat Medevac Badge.''.

(b) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 6259. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Navy shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Navy or Marine Corps served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Navy shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''6259. Combat Medevac Badge.''.

(c) AIR FORCE.—

(1) IN GENERAL.—Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8757. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Air Force shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Air Force served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Air Force shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8757. Combat Medevac Badge.''.

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—In the case of persons who, while a member of the Armed Forces, served in combat as a pilot or crew member of a helicopter medical evacuation ambulance during the period beginning on June 25, 1950, and ending on the date of enactment of this Act, the Secretary of the military department concerned shall issue the Combat Medevac Badge—

(1) to each such person who is known to the Secretary before the date of enactment of this Act; and

(2) to each such person with respect to whom an application for the issuance of the badge is made to the Secretary after such date in such manner, and within such time period, as the Secretary may require.

SEC. 580. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.

(a) AUTHORITY TO AWARD.—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600–05–1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

SEC. 580A. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO JEWISH AMERICAN WORLD WAR I VETERANS.

(a) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Navy shall review the service records of each Jewish American World War I veteran described in subsection (b) to determine whether that veteran should be posthumously awarded the Medal of Honor.

(b) COVERED JEWISH AMERICAN WAR VETERANS.—The Jewish American World War I veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American World War I veteran who was previously awarded the Distinguished Service Cross, the Navy Cross, or other military decoration for service during World War I.

(2) Any other Jewish American World War I veteran whose name is submitted to the Secretary concerned for such purpose by the Jewish War Veterans of the United States of America before the end of the 1-year period beginning on the date of the enactment of this Act.

(c) CONSULTATIONS.—In carrying out the review under subsection (a), the Secretary concerned shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

(d) RECOMMENDATION BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American World War I veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor posthumously to that veteran.

(e) AUTHORITY TO AWARD MEDAL OF HONOR.—A Medal of Honor may be awarded posthumously to a Jewish American World War I veteran in accordance with a recommendation of the Secretary concerned under subsection (a).

(f) WAIVER OF TIME LIMITATIONS.—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or other military decoration has been awarded.

(g) DEFINITIONS.—In this section:

(1) The term ''Jewish American World War I veteran'' means any person who served in the Armed Forces during World War I and identified himself or herself as Jewish on his or her military personnel records.

(2) The term ''Secretary concerned'' means—

(A) the Secretary of the Army, in the case of the Army; and

(B) the Secretary of the Navy, in the case of the Navy and the Marine Corps.

(3) The term ''World War I'' means the period beginning on April 6, 1917, and ending on November 11, 1918.

Subtitle I—Military Family Readiness Matters

SEC. 581. APPOINTMENT OF ADDITIONAL MEMBER OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

(a) INCLUSION OF SPOUSE OF GENERAL OR FLAG OFFICER.—Subsection (b) of section 1781a of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph:

''(E) The spouse of a general or flag officer.''; and

(2) in paragraph (2), by striking ''subparagraphs (C) and (D)'' and inserting ''subparagraphs (C), (D), and (E)''.

(b) CLARIFICATION OF APPOINTMENT OPTIONS FOR EXISTING MEMBER.—Subparagraph (F) of subsection (b)(1) of such section, as redesignated by subsection (a)(1)(A), is amended to read as follows:

''(F) In addition to the representatives appointed under subparagraphs (B) and (C), the senior enlisted advisor, or the spouse of a senior enlisted member, from each of the Army, Navy, Marine Corps, and Air Force.''.

(c) APPOINTMENT BY SECRETARY OF DEFENSE.—Subsection (b) of such section is further amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking '', who shall be appointed by the Secretary of Defense'';

(B) in subparagraph (C), by striking '', who shall be appointed by the Secretary of Defense'' both places it appears; and

(C) in subparagraph (D), by striking ''by the Secretary of Defense''; and

(2) by adding at the end the following new paragraph:

''(3) The Secretary of Defense shall appoint the members of the Council required by subparagraphs (B) through (F) of paragraph (1).''.

SEC. 582. DIRECTOR OF THE OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

Subsection (c) of section 1781c of title 10, United States Code, is amended to read as follows:

''(c) DIRECTOR.—(1) The head of the Office shall be the Director of the Office of Community Support for Military Families With Special Needs, who shall be a member of the Senior Executive Service or a general officer or flag officer.

''(2) In the discharge of the responsibilities of the Office, the Director shall be subject to the supervision, direction, and control of the Under Secretary of Defense for Personnel and Readiness.''.

SEC. 583. PILOT PROGRAM OF PERSONALIZED CAREER DEVELOPMENT COUNSELING FOR MILITARY SPOUSES.

(a) PILOT PROGRAM REQUIRED.—Section 1784a of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) PERSONALIZED CAREER DEVELOPMENT COUNSELING.—

''(1) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program designed to provide personalized career development counseling to the spouses of members of the armed forces eligible for assistance under this section, including the development of strategies, step-by-step guidelines, and customizable milestones—

''(A) to promote a comprehensive, introspective review of personal skills, experience, goals, and requirements with a view to developing a personalized plan for career development;

''(B) to identify career options that are portable, personally rewarding, and compatible with personal strengths, skills, and experience;

''(C) to instruct and encourage the use of sound personal and professional management practices; and

''(D) to plan career attainment progression objectives and measure progress.

''(2) INCENTIVES TO FILL CRITICAL CIVILIAN SPECIALTIES.—In conducting the pilot program, the Secretary shall consider methods to provide incentives for program participants to fill critical civilian specialties needed in the Department of Defense, including the following:

''(A) Mental health and other health care.

''(B) Social work.

''(C) Family welfare.

''(D) Contract and acquisition management.

''(E) Personal financial management.

''(F) Day care services.

''(G) Education.

''(H) Military resale system.

''(I) Morale, welfare and recreation activities.

''(J) Law enforcement.

''(3) PROCESS REVIEWS.—The Secretary shall include in the pilot program a periodic review, to be conducted by counselors, of progress made by participants to determine if changes to personal career strategies may be necessary.

''(4) NUMBER OF PARTICIPANTS.—The Secretary of Defense shall enroll at least 75 military spouses in the pilot program, but not more than 150 military spouses.

''(5) GEOGRAPHIC COVERAGE OF PILOT PROGRAM.—The pilot program shall be conducted in at least three separate geographic areas, as determined by the Secretary of Defense.

''(6) COUNSELORS.—The Secretary of Defense may enter into contracts with career counselors to provide counseling services under the pilot program. There shall be at least one counselor in each of the geographic areas of the pilot program.

''(7) ANNUAL EVALUATION.—The Secretary of Defense shall conduct an annual evaluation of the pilot program to determine the following:

''(A) The effectiveness of the pilot program in improving the ability of participants to identify, develop, and obtain employment in portable career fields.

''(B) The self-reported levels of professional satisfaction of participants.

''(C) The quality of careers selected and pursued.

''(D) The rates of success—

''(i) as determined and evaluated by participants; and

''(ii) as determined by the Secretary.

''(8) ANNUAL REPORT.—

''(A) REPORT REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report containing—

''(i) the results of the most-recent annual evaluation conducted under paragraph (7); and

''(ii) the matters required by subparagraph (B).

''(B) CONTENTS.—Each report under this paragraph shall contain, at a minimum, the following:

''(i) The number of participants in the pilot program.

''(ii) Recommendations for adjustments to the pilot program.

''(iii) Recommendations for extending the pilot program or implementing a permanent comprehensive career development for military spouses.

''(C) TIME FOR SUBMISSION.—The first report under this subsection shall be submitted not later than 1 year after the date of the commencement of counseling services under the pilot program. Subsequent reports shall be submitted for each year of the pilot program, with the final report being submitted not later than 90 days after the termination of the pilot program.

''(9) TERMINATION.—The pilot program shall terminate at the end of the 3-year period beginning on the date on which the Secretary of Defense notifies the Committees on Armed Services of the Senate and the House of Representatives of the commencement of counseling services under the pilot program.''.

(b) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Committees on Armed Services of the Senate and the House of Representatives a plan to implement the pilot program under subsection (d) of section 1784a of title 10, United States Code, as added by subsection (a).

SEC. 584. MODIFICATION OF YELLOW RIBBON REINTEGRATION PROGRAM.

(a) OFFICE FOR REINTEGRATION PROGRAMS.—Subsection (d)(1) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended—

(1) by striking ''The Under'' and inserting the following:

''(A) IN GENERAL.—The Under''; and

(2) in the last sentence—

(A) by striking ''The office may also'' and inserting the following:

''(B) PARTNERSHIPS AND ACCESS.—The office may'';

(B) by inserting ''and the Department of Veterans Affairs'' after ''Administration''; and

(C) by adding at the end the following new sentence: ''Service and State-based programs may provide access to curriculum, training, and support for services to members and families from all components.''.

(b) CENTER FOR EXCELLENCE IN REINTEGRATION.—Subsection (d)(2) of such section is amended by adding at the end the following new sentence: ''The Center shall develop and implement a process for evaluating the effectiveness of the Yellow Ribbon Reintegration Program in supporting the health and well-being of members of the Armed Forces and their families throughout the deployment cycle described in subsection (g)''.

(c) STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—Subsection (f)(3) of such section is amended by inserting ''and community-based organizations'' after ''service providers''.

(d) OPERATION OF PROGRAM DURING DEPLOYMENT AND POST-DEPLOYMENT-RECONSTITUTION PHASES.—Subsection (g) of such section is amended—

(1) in paragraph (3), by inserting ''and to decrease the isolation of families during deployment'' after ''combat zone''; and

(2) in paragraph (5)(A), by inserting '', providing information on employment opportunities,'' after ''communities''.

(e) ADDITIONAL OUTREACH SERVICE.—Subsection (h) of such section, as amended by section 595(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 110–84; 123 Stat. 2338), is amended by adding at the end the following new paragraph:

''(15) Resiliency training to promote comprehensive programs for members of the Armed Forces to build mental and emotional resiliency for successfully meeting the demands of the deployment cycle.''.

SEC. 585. IMPORTANCE OF OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Office of Community Support for Military Families with Special Needs, as established pursuant to section 1781c of title 10, United States Code, as added by section 563 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2304), is the best structure—

(1) to determine what medical, educational, and other support services are required by military families with children who have a medical or educational special need; and

(2) to ensure that those services are made available to military families with special needs.

(b) SPECIFIC BUDGETING FOR OFFICE.—Effective with the Program Objective Memorandum to be issued for fiscal year 2012 and thereafter and containing recommended programming and resource allocations for the Department of Defense, the Secretary of Defense shall specifically address the Office of Community Support for Military Families with Special Needs to ensure that a separate line of funding is allocated to the Office.

SEC. 586. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) REPORT REQUIRED.—The Comptroller General of the United States shall prepare a report identifying—

(1) the progress made in implementing the Office of Community Support for Military Families with Special Needs, as established pursuant to section 1781c of title 10, United States Code, as added by section 563 of the

National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2304);

(2) the policies governing the operation of the Office; and

(3) any gaps that still exist in ensuring that members of the Armed Forces who have dependents with special needs receive the support and services they deserve.

(b) ELEMENTS OF REPORT.—In the report required by subsection (a), the Comptroller General shall specifically address the following:

(1) The implementation of the responsibilities and duties assigned to the Office of Community Support for Military Families With Special Needs pursuant to subsections (d), (e), and (f) of section 1781c of title 10, United States Code.

(2) The manner in which the Department of Defense and the military departments intend to ensure that feedback is provided to the Office of Community Support for Military Families With Special Needs to ensure that the services and policy put in place are appropriate.

(c) RECOMMENDATIONS.—The Comptroller General shall include in the report required by subsection (a) specific recommendations on the establishment, reporting requirements, internal monitoring, and oversight of the Office of Community Support for Military Families With Special Needs by the Under Secretary of Defense for Personnel and Readiness to ensure that the mission of the Office is being accomplished.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit the report required by subsection (a) to the congressional defense committees.

SEC. 587. COMPTROLLER GENERAL REPORT ON EXCEPTIONAL FAMILY MEMBER PROGRAM.

(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall conduct an assessment of the Exceptional Family Member Program of the Department of Defense to review the operation of the program in each of the Armed Forces, including program policies, best practices, execution, implementation and strategic planning, to determine program variances and to make recommendations to improve and standardize program effectiveness and support for members of the Armed Forces who have dependents with special needs.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the assessment and review under subsection (a).

SEC. 588. COMPTROLLER GENERAL REVIEW OF DEPARTMENT OF DEFENSE MILITARY SPOUSE EMPLOYMENT PROGRAMS.

(a) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall carry out a review of all Department of Defense spouse employment programs.

(b) ELEMENTS OF REVIEW.—At a minimum, the review shall address the following:

(1) The efficacy and effectiveness of Department of Defense spouse employment programs.

(2) All current Department of Defense programs that are in place to support military spouses or dependents for the purposes of employment assistance.

(3) The types of military spouse employment programs that have been considered or used in the past by the Department of Defense.

(4) The ways in which military spouse employment programs have changed in recent years.

(5) The benefits or programs that are specifically available to support military spouses of members of the Armed Forces serving in Operation Iraqi Freedom or Operation Enduring Freedom.

(6) The existing feedback mechanisms available for military spouses to express their views on the effectiveness and future direction of relevant Department of Defense programs and policies.

(7) The degree of oversight provided by the Office of Personnel and Management regarding military spouse preferences.

(c) SUBMISSION OF RESULTS.—Not later than March 1, 2011, the Comptroller General shall submit to the congressional defense committees a report containing—

(1) the results of the review;

(2) the assumptions upon which the review was based and the validity and completeness of such assumptions; and

(3) such recommendations as the Comptroller General considers necessary for improving Department of Defense spouse employment programs.

SEC. 589. REPORT ON DEPARTMENT OF DEFENSE MILITARY SPOUSE EDUCATION PROGRAMS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall carry out a review of all Department of Defense education programs designed to support spouses of members of the Armed Forces.

(b) ELEMENTS OF REVIEW.—At a minimum, the review shall evaluate the following:

(1) All current Department of Defense programs that are in place to advance military spouse education opportunities.

(2) The efficacy and effectiveness of Department of Defense spouse education programs.

(3) The effect that a lack military spouse education opportunities has on the ability to retain members of the Armed Forces.

(4) A comparison of the costs associated with providing military spouse education opportunities to retain members rather than recruiting or training new members.

(c) SUBMISSION OF RESULTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the results of the review; and

(2) such recommendations as the Secretary considers necessary for improving Department of Defense spouse education programs.

SEC. 590. ANNUAL LEAVE FOR FAMILY OF DEPLOYED MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Part III of title 38, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 44—ANNUAL LEAVE FOR FAMILY OF DEPLOYED MEMBERS OF THE UNIFORMED SERVICES

"§ 4401. Definitions

''In this chapter:

''(1) The terms 'benefit', 'rights and benefits', 'employee', 'employer', and 'uniformed services' have the meaning given such terms in section 4303 of this title.

''(2) The term 'contingency operation' has the same meaning given such term in section 101(a)(13) of title 10.

''(3) The term 'eligible employee' means an individual who is—

''(A) a family member of a member of a uniformed service;

''(B) an employee of the employer with respect to whom leave is requested under section 4402 of this title; and

''(C) not entitled to leave under section 102(a)(1)(E) of the Family Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)(E)).

''(4) The term 'family member' means an individual who is, with respect to another individual, one of the following:

''(A) The spouse of the other individual.

''(B) A son or daughter of the other individual.

''(C) A parent of the other individual.

''(5) The term 'reduced leave schedule' means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

''(6) The terms 'spouse', 'son or daughter', and 'parent' have the meaning given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

"§ 4402. Leave requirement

''(a) ENTITLEMENT TO LEAVE.—In any 12-month period, an eligible employee shall be entitled to two workweeks of leave for each family member of the eligible employee who, during such 12-month period—

''(1) is in the uniformed services; and

''(2)(A) receives notification of an impending call or order to active duty in support of a contingency operation; or

''(B) is deployed in connection with a contingency operation.

''(b) LEAVE TAKEN INTERMITTENTLY OR ON REDUCED LEAVE SCHEDULE.—(1) Leave under subsection (a) may be taken by an eligible employee intermittently or on a reduced leave schedule as the eligible employee considers appropriate.

''(2) The taking of leave intermittently or on a reduced leave schedule pursuant to this subsection shall not result in a reduction in the total amount of leave to which the eligible employee is entitled under subsection (a) beyond the amount of leave actually taken.

''(c) PAID LEAVE PERMITTED.—Leave granted under subsection (a) may consist of paid leave or unpaid leave as the employer of the eligible employee considers appropriate.

''(d) RELATIONSHIP TO PAID LEAVE.—(1) If an employer provides paid leave to an eligible employee for fewer than the total number of workweeks of leave that the eligible employee is entitled to under subsection (a), the additional amount of leave necessary to attain the total number of workweeks of leave required under subsection (a) may be provided without compensation.

''(2) An eligible employee may elect, and an employer may not require the eligible employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the eligible employee for leave provided under subsection (a) for any part of the total period of such leave the eligible employee is entitled to under such subsection.

''(e) NOTICE FOR LEAVE.—In any case in which an eligible employee chooses to use leave under subsection (a), the eligible employee shall provide such notice to the employer as is reasonable and practicable.

"§ 4403. Certification

''(a) IN GENERAL.—An employer may require that a request for leave under section 4402(a) of this title be supported by a certification of entitlement to such leave.

''(b) TIMELINESS OF CERTIFICATION.—An eligible employee shall provide, in a timely manner, a copy of the certification required by subsection (a) to the employer.

''(c) SUFFICIENT CERTIFICATION.—A copy of the notification, call, or order described in section 4402(a)(2) of this title shall be considered sufficient certification of entitlement to leave for purposes of providing certification under this section. The Secretary may prescribe such additional forms and manners of certification as the Secretary considers appropriate for purposes of providing certification under this section.

"§ 4404. Employment and benefits protection

''(a) IN GENERAL.—An eligible employee who takes leave under section 4402 of this title for the intended purpose of the leave shall be entitled, on return from such leave—

''(1) to be restored by the employer to the position of employment held by the eligible employee when the leave commenced; or

''(2) to be restored to an equivalent position with equivalent rights and benefits of employment.

''(b) LOSS OF BENEFITS.—The taking of leave under section 4402 of this title shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

''(c) LIMITATIONS.—Nothing in this section shall be construed to entitle any restored employee to—

''(1) the accrual of any seniority or employment benefits during any period of leave; or

''(2) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

"§ 4405. Prohibited acts

''(a) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this chapter.

''(b) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this chapter.

"§ 4406. Enforcement

''The provisions of subchapter III of chapter 43 of this title shall apply with respect to the provisions of this chapter as if such provisions were incorporated into and made part of this chapter.

"§ 4407. Miscellaneous provisions

''The provisions of subchapter IV of chapter 43 of this title shall apply with respect to the provisions of this chapter as if such provisions were incorporated into and made part of this chapter.''.

(b) CLERICAL AMENDMENTS.—The table of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 43 the following new item:

"44. Annual Leave for Family of Deployed Members of the Uniformed Services ..... 4401.".

SEC. 590A. CODIFICATION AND CONTINUATION OF JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.

(a) CODIFICATION AND CONTINUATION.—Chapter 88, of title 10, United States Code, is amended by inserting after section 1788 the following new section:

"§ 1788a. Joint Family Support Assistance Program

''(a) PROGRAM REQUIRED.—The Secretary of Defense shall continue to carry out the program known as the 'Joint Family Support Assistance Program' for the purpose of providing to families of members of the armed forces the following types of assistance:

''(1) Financial and material assistance.

''(2) Mobile support services.

''(3) Sponsorship of volunteers and family support professionals for the delivery of support services.

''(4) Coordination of family assistance programs and activities provided by Military OneSource, Military Family Life Consultants, counselors, the Department of Defense, other Federal agencies, State and local agencies, and non-profit entities.

''(5) Facilitation of discussion on military family assistance programs, activities, and initiatives between and among the organizations, agencies, and entities referred to in paragraph (4).

''(6) Non-medical counseling.

''(7) Such other assistance that the Secretary considers appropriate.

''(b) LOCATIONS.—The Secretary of Defense shall carry out the program in at least six areas of the United States selected by the Secretary. Up to three of the areas selected for the program shall be areas that are geographically isolated from military installations.

''(c) RESOURCES AND VOLUNTEERS.—The Secretary of Defense shall provide personnel and other resources of the Department of Defense necessary for the implementation and operation of the program and may accept and utilize the services of non-Government volunteers and non-profit entities under the program.

''(d) PROCEDURES.—The Secretary of Defense shall establish procedures for the operation of the program and for the provision of assistance to families of members of the Armed Forces under the program.

''(e) RELATION TO FAMILY SUPPORT CENTERS.—The program is not intended to operate in lieu of other family support centers, but is instead intended to augment the activities of the family support centers.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 1788a the following new item:

''1788a. Joint Family Support Assistance Program.''.

(c) REPEAL OF SUPERCEDED PROVISION.—Section 675 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 119 Stat. 2273; 10 U.S.C. 1781 note) is repealed.

Subtitle J—Other Matters

SEC. 591. ESTABLISHMENT OF JUNIOR RESERVE OFFICERS' TRAINING CORPS UNITS FOR STUDENTS IN GRADES ABOVE SIXTH GRADE.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) In addition to units of the Junior Reserve Officers' Training Corps established at public and private secondary educational institutions under subsection (a), the Secretary of each military department may carry out a pilot program to establish and support units at public and private educational institutions that are not secondary educational institutions to permit the enrollment of students in the Corps who, notwithstanding the limitation in subsection (b)(1), are in a grade above the sixth grade. Under the pilot program, the Secretary may authorize a course of military instruction of not less than two academic years' duration, notwithstanding subsection (b)(3).

''(2) Except as provided in paragraph (1), a unit of the Junior Reserve Officers' Training Corps established and supported under the pilot program must meet the requirements of this section.

''(3) The Secretary of the military department concerned shall conduct a review of the pilot program. The review shall include an evaluation of what impacts, if any, the pilot program may have on the operation of the Junior Reserve Officers' Training Corps in secondary educational institutions.''.

SEC. 592. INCREASE IN NUMBER OF PRIVATE SECTOR CIVILIANS AUTHORIZED FOR ADMISSION TO NATIONAL DEFENSE UNIVERSITY.

Section 2167(a) of title 10, United States Code, is amended by striking ''20 full-time student positions'' and inserting ''35 full-time student positions''.

SEC. 593. ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO ATTEND UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) ADMISSION AUTHORITY.—Chapter 901 of title 10, United States Code, is amended by inserting after section 9314 the following new section:

"§ 9314a. United States Air Force Institute of Technology: admission of defense industry civilians

''(a) ADMISSION AUTHORIZED.—(1) The Secretary of the Air Force may permit defense industry employees described in subsection (b) to receive instruction at the United States Air Force Institute of Technology in accordance with this section. Any such defense industry employee may be enrolled in, and may be provided instruction in, a program leading to a graduate degree in a defense focused curriculum related to aeronautics and astronautics, electrical and computer engineering, engineering physics, mathematics and statistics, operational sciences, or systems and engineering management.

''(2) No more than 125 defense industry employees may be enrolled at the United States Air Force Institute of Technology at any one time under the authority of paragraph (1).

''(3) Upon successful completion of the course of instruction at the United States Air Force Institute of Technology in which a defense industry employee is enrolled, the defense industry employee may be awarded an appropriate degree under section 9314 of this title.

''(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the United States Air Force Institute of Technology remains eligible for such instruction only so long at that person remains employed by the same firm.

''(c) ANNUAL DETERMINATION BY THE SECRETARY OF THE AIR FORCE.—Defense industry employees may receive instruction at the United States Air Force Institute of Technology during any academic year only if, before the start of that academic year, the Secretary of the Air Force, or the designee of the Secretary, determines that providing instruction to defense industry employees under this section during that year—

''(1) will further the military mission of the United States Air Force Institute of Technology; and

''(2) will be done on a space-available basis and not require an increase in the size of the faculty of the school, an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.

''(d) PROGRAM REQUIREMENTS.—The Secretary of the Air Force shall ensure that—

''(1) the curriculum in which defense industry employees may be enrolled under this section is not readily available through other schools and concentrates on the areas of focus specified in subsection (a)(1) that are conducted by military organizations and defense contractors working in close cooperation; and

''(2) the course offerings at the United States Air Force Institute of Technology continue to be determined solely by the needs of the Department of Defense.

''(e) TUITION.—(1) The United States Air Force Institute of Technology shall charge tuition for students enrolled under this section at a rate not less than the rate charged

for employees of the United States outside the Department of the Air Force.

''(2) Amounts received by the United States Air Force Institute of Technology for instruction of students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.

''(f) STANDARDS OF CONDUCT.—While receiving instruction at the United States Air Force Institute of Technology, defense industry employees enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9314 the following new item:

''9314a. United States Air Force Institute of Technology: admission of defense industry civilians.''.

SEC. 594. DATE FOR SUBMISSION OF ANNUAL REPORT ON DEPARTMENT OF DEFENSE STARBASE PROGRAM.

Section 2193b(g) of title 10, United States Code, is amended by striking ''90 days after the end of each fiscal year'' and inserting ''March 31 of each year''.

SEC. 595. EXTENSION OF DEADLINE FOR SUBMISSION OF FINAL REPORT OF MILITARY LEADERSHIP DIVERSITY COMMISSION.

Section 596(e)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4478) is amended by striking ''12 months'' and inserting ''18 months''.

SEC. 596. ENHANCED AUTHORITY FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE AND COAST GUARD CIVILIAN EMPLOYEES AND THEIR FAMILIES TO ACCEPT GIFTS FROM NON-FEDERAL ENTITIES.

(a) CODIFICATION AND EXPANSION OF EXISTING AUTHORITY TO COVER ADDITIONAL MEMBERS AND EMPLOYEES.—

(1) CODIFICATION AND EXPANSION.—Chapter 155 of title 10, United States Code, is amended by inserting after section 2601 the following new section:

''§ 2601a. Direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families

''(a) REGULATIONS GOVERNING ACCEPTANCE OF GIFTS.—(1) The Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) shall issue regulations to provide that, subject to such limitations as may be specified in such regulations, the following individuals may accept gifts from nonprofit organizations, private parties, and other sources outside the Department of Defense or the Department of Homeland Security:

''(A) A member of the armed forces described in subsection (c).

''(B) A civilian employee of the Department of Defense or Coast Guard described in subsection (d).

''(C) The family members of such a member or employee.

''(D) Survivors of such a member or employee who is killed.

''(2) The regulations required by this subsection shall apply uniformly to all elements of the Department of Defense and, to the maximum extent feasible, to the Coast Guard.

''(b) EXCEPTION TO GIFT BAN.—A member of the armed forces described in subsection (c) and a civilian employee described in subsection (d) may accept gifts as provided in the regulations issued under subsection (a) notwithstanding section 7353 of title 5.

''(c) COVERED MEMBERS.—This section applies to a member of the armed forces who, while performing active duty, full-time National Guard duty, or inactive-duty training on or after September 11, 2001, incurred an injury or illness—

''(1) as described in section 1413a(e)(2) of this title;

''(2) in an operation or area designated as a combat operation or a combat zone by the Secretary of Defense in accordance with the regulations issued under subsection (a); or

''(3) under other circumstances determined by the Secretary concerned to warrant treatment analogous to members covered by paragraph (1) or (2).

''(d) COVERED EMPLOYEES.—This section applies to a civilian employee of the Department of Defense or Coast Guard who, while an employee on or after September 11, 2001, incurred an injury or illness under a circumstance described in paragraph (1), (2), or (3) of subsection (c).

''(e) GIFTS FROM CERTAIN SOURCES PROHIBITED.—The regulations issued under subsection (a) may not authorize the acceptance of a gift from a foreign government or international organization or their agents.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2601 the following new item:

''2601a. Direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families.''.

(b) REPEAL OF SUPERCEDED PROVISION.—Section 8127 of the Department of Defense Appropriations Act, 2006 (division A of Public Law 109–148; 119 Stat. 2730; 10 U.S.C. 2601 note prec.) is repealed.

(c) APPLICATION OF EXISTING REGULATIONS.—Pending the issuance of the regulations required by subsection (a) of section 2601a of title 10, United States Code, as added by subsection (a), the regulations prescribed under section 8127 of the Department of Defense Appropriations Act, 2006 (division A of Public Law 109–148; 119 Stat. 2730; 10 U.S.C. 2601 note prec.) shall apply to the acceptance of gifts under such section 2601a.

(d) RETROACTIVE APPLICABILITY OF REGULATIONS.—The regulations issued under subsection (a) of section 2601a of title 10, United States Code, as added by subsection (a), shall, to the extent provided in such regulations, also apply to the acceptance of gifts during the period beginning on September 11, 2001, and ending on the date on which such regulations go into effect.

SEC. 597. REPORT ON PERFORMANCE AND IMPROVEMENTS OF TRANSITION ASSISTANCE PROGRAM.

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report on the Transition Assistance Program of the Department of Defense.

(b) ELEMENTS.—The report shall include the following:

(1) A statement and analysis of the rates of post-separation employment rates compared with the general population annually since September 11, 2001.

(2) A chronological summary of the evolution and development of the Transition Assistance Program since September 11, 2001.

(3) A description of efforts to transform the Transition Assistance Program from one of end-of-service transition to a life-cycle model, in which transition is considered throughout the career of a member of the Armed Forces.

(4) An analysis of current and future challenges members continue to face upon entering the civilian work force, including a survey of the following individuals and organizations to identify strengths and shortcomings in the Transition Assistance Program:

(A) A representational population of transitioning or recently separated members.

(B) Employers with a track record of employing retired or separating members.

(C) Veterans service organizations and advocacy groups.

(5) Any recommendations, including recommendations for legislative action, that the Secretary of Defense considers appropriate to improve the organization, policies, consistency of quality, and efficacy of the Transition Assistance Program.

(c) CONSULTATION.—The Secretary of Defense shall prepare the report in consultation with the Secretary of Labor.

(d) SUBMISSION OF REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit the report to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 598. SENSE OF CONGRESS REGARDING ASSISTING MEMBERS OF THE ARMED FORCES TO PARTICIPATE IN APPRENTICESHIP PROGRAMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Some members of the Armed Forces who are separated or released from active duty are having difficulty finding employment after their separation or release.

(2) Some members who have served for long periods on active duty have the additional difficulty of translating their military experience into skill sets for civilian employment.

(3) Apprenticeship programs bring immense value to the American workforce and to individuals who participate in such programs.

(4) Apprenticeship programs assist in the building of résumés and skills of participants and help connect participants with employers and job opportunities.

(5) Military units returning from deployment often operate at a reduced readiness status, which would allow members who are assigned to the unit, but who are in the process of being separated or released from active duty, to be available to participate in apprenticeship programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that commanders of units of the Armed Forces should make every effort to permit members of the Armed Forces who are assigned to the unit, but who are in the process of being separated or released from active duty, to participate in an apprenticeship program that is registered under the Act of Aug. 16, 1937 (commonly known as the National Apprenticeship Act; 29 U.S.C. 50 et seq.).

(c) ARMED FORCES DEFINED.—In this section, the term ''Armed Forces'' means the Army, Navy, Air Force, and Marine Corps.

SEC. 599. REPORT ON EXPANSION OF NUMBER OF HEIRLOOM CHEST AWARDED TO SURVIVING FAMILIES.

The Secretary of the Army shall submit to the congressional defense committees a report on the heirloom chest policy of the Army, including—

(1) a detailed explanation of such policy;

(2) the plans of the Secretary to continue the heirloom chest program; and

(3) an estimate of the procurement costs to expand the number of such chests to additional family members.

SEC. 600. INCREASE OF MAXIMUM AGE FOR CHILDREN ELIGIBLE FOR MEDICAL CARE UNDER CHAMPVA PROGRAM.

(a) INCREASE.—Section 1781(c) of title 38, United States Code, is amended—

(1) by striking ''twenty-three'' and inserting ''twenty-six''; and

(2) by striking ''twenty-third birthday'' and inserting ''twenty-sixth birthday''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to medical care provided on or after the date of the enactment of this Act.

SEC. 600A. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM FROM DEPARTMENT OF EDUCATION TO DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—

(1) TRANSFER.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program in chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.), is transferred from the Secretary of Education to the Secretary of Defense.

(2) EFFECTIVE DATE.—The transfer under paragraph (1) shall take effect on the first day of the first month beginning more than 180 days after the date of the enactment of this Act, or on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program

''(a) DEFINITIONS.—In this section:

''(1) PROGRAM.—The term 'Program' means the Troops-to-Teachers Program authorized by this section.

''(2) MEMBER OF THE ARMED FORCES.—The term 'member of the armed forces' includes a former member of the armed forces.

''(3) CHARTER SCHOOL.—The term 'charter school' has the meaning given that term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

''(4) ADDITIONAL TERMS.—The terms 'elementary school', 'highly qualified teacher', 'local educational agency', 'secondary school', and 'state' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(b) PROGRAM AUTHORIZATION.—The Secretary may carry out a program (to be known as the 'Troops-to-Teachers Program')—

''(1) to assist eligible members of the armed forces described in subsection (d) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and

''(2) to facilitate the employment of such members—

''(A) by local educational agencies or public charter schools that the Secretary of Education identifies as—

''(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

''(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers; and

''(B) in elementary schools or secondary schools, or as vocational or technical teachers.

''(c) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The Secretary may provide placement assistance and referral services to members of the armed forces who meet the criteria described in subsection (d), including meeting the education qualification requirements under subsection (d)(3)(B). Such members shall not be eligible for financial assistance under paragraphs (3) and (4) of subsection (e).

''(d) ELIGIBILITY AND APPLICATION PROCESS.—

''(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

''(A) Any member who—

''(i) on or after October 1, 1999, becomes entitled to retired or retainer pay under this title or title 14;

''(ii) has an approved date of retirement that is within one year after the date on which the member submits an application to participate in the Program; or

''(iii) has been transferred to the Retired Reserve.

''(B) Any member who, on or after January 8, 2002—

''(i)(I) is separated or released from active duty after six or more years of continuous active duty immediately before the separation or release; or

''(II) has completed a total of at least ten years of active duty service, ten years of service computed under section 12732 of this title, or ten years of any combination of such service; and

''(ii) executes a reserve commitment agreement for a period of not less than three years under paragraph (5)(B).

''(C) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of this title.

''(2) SUBMISSION OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in subparagraph (B). An application shall be in such form and contain such information as the Secretary may require.

''(B) An application shall be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later than four years after the date on which the member is retired or separated or released from active duty, whichever applies to the member.

''(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND HONORABLE SERVICE REQUIREMENT.—(A) Subject to subparagraphs (B) and (C), the Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

''(B)(i) If a member of the armed forces is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

''(ii) If a member of the armed forces is applying for assistance for placement as a vocational or technical teacher, the Secretary shall require the member—

''(I) to have received the equivalent of one year of college from an accredited institution of higher education and have six or more years of military experience in a vocational or technical field; or

''(II) to otherwise meet the certification or licensing requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the Program.

''(C) A member of the armed forces is eligible to participate in the Program only if the member's last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned.

''(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary shall give priority to members who—

''(A) have educational or military experience in science, mathematics, special education, or vocational or technical subjects; and

''(B) agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

''(5) OTHER CONDITIONS ON SELECTION.—

''(A) The Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (e) with respect to the member.

''(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (e) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than three years (in addition to any other reserve commitment the member may have).

''(e) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

''(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (b) and receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

''(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher, and to become a highly qualified teacher; and

''(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than three school years with a high-need local educational agency or public charter school, as such terms are defined in section 2102 of the Elementary and Secondary Education Act (20 U.S.C. 6602), to begin the school year after obtaining that certification or licensing.

''(B) The Secretary may waive the three-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the three-year commitment.

''(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

''(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

''(B) is serving on active duty as a member of the armed forces;

''(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

''(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

''(E) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

''(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

''(3) STIPEND FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may pay to a participant in the Program selected under this section a stipend in an amount of not more than $5,000.

''(B) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

''(4) BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may, in lieu of paying a stipend under paragraph (3), pay a bonus of $10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than three school years in a high-need school.

''(B) The total number of bonuses that may be paid under subparagraph (A) in any fiscal year may not exceed 3,000.

''(C) For purposes of subparagraph (A), the term 'high-need school' means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

''(i) At least 50 percent of the students enrolled in the school were from low-income families (as described in subsection (b)(2)(A)(i)).

''(ii) The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(5) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

''(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under this subsection shall be required to repay the stipend or bonus under the following circumstances:

''(A) The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement under subsection (e)(1).

''(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the three years of required service in violation of the participation agreement.

''(C) The participant executed a written agreement with the Secretary concerned under subsection (d)(5)(B) to serve as a member of a reserve component of the armed forces for a period of three years and fails to complete the required term of service.

''(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the three years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

''(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary under this subsection.

''(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

''(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under this subsection (e) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

''(h) PARTICIPATION BY STATES.—

''(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

''(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers.

''(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed $5,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1154. Troops-to-Teachers Program.''.

(c) CONFORMING AMENDMENT.—Section 1142(b)(4)(C) of such title is amended by striking ''under sections 1152 and 1153 of this title and the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)'' and inserting ''under sections 1152, 1153, and 1154 of this title''.

(d) TERMINATION OF ORIGINAL PROGRAM.—

(1) TERMINATION.—

(A) Chapter A of subpart 1 of part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

(B) The table of contents in section 2 of part I of the Elementary and Secondary Education Act of 1965 is amended by striking the items relating to chapter A of subpart 1 of part C of said Act.

(2) EXISTING AGREEMENTS.—The repeal of such chapter shall not affect the validity or terms of any agreement entered into before the date of the enactment of this Act under chapter A of subpart 1 of part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.), or to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before such repeal.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the effective date of the transfer under subsection (a).

SEC. 600B. ENHANCEMENTS TO THE TROOPS-TO-TEACHERS PROGRAM.

(a) YEARS OF SERVICE REQUIREMENTS.—Subsection (d) of section 1154 title 10, United States Code, as added by section 600A, is amended—

(1) in paragraph (1)—

(A) by striking ''or'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(D) commencing on or after September 11, 2001, serves at least four years on active duty (as such term is defined in section 101(d)(1) of this title, except that such term does not include a period of service described in paragraphs (1) through (3) of section 3311(d) of title 38) in the Armed Forces (excluding service on active duty in entry level or skills training) and, after completion of such service, is discharged or released as follows:

''(i) A discharge from active duty in the armed forces with an honorable discharge.

''(ii) A release after service on active duty in the armed forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

''(iii) A release from active duty in the armed forces for further service in a reserve component of the armed forces after service on active duty characterized by the Secretary concerned as honorable service.''.

(b) DEFINITION OF LOCAL EDUCATION AGENCY AND PUBLIC CHARTER SCHOOLS.—Such section is further amended as follows:

(1) Clause (i) of subsection (b)(2)(A) of such section is amended to read as follows:

''(i) receiving grants under part A of title I, a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021(3)), or public charter school;''.

(2) In subsection (e)(1)(A)(ii), by striking ''or public charter school receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.)'' and inserting ''receiving grants under part A of title I, a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021(3)) or public charter school''.

(c) TROOPS-TO-TEACHERS ADVISORY BOARD.—Such section is further amended by adding at the end the following new subsection:

''(f) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of section 1154 of this title, the Secretary of Education and the Secretary of Defense shall establish an advisory board composed of—

''(A) a representative from the Department of Defense;

''(B) a representative from the Department of Education;

''(C) representatives from 3 State offices that operate to recruit eligible members of the armed forces for participation in the Program and facilitating the employment of

participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers; and

''(D) a representative from each of 3 veteran service organizations.

''(2) DUTIES.—The advisory board established under subsection (a) shall—

''(A) collect, consider, and disseminate feedback from participants and State offices described in subsection (a)(4) on—

''(i) the best practices for improving recruitment of eligible members of the Armed Forces in States, local educational agencies, and public charter schools under served by the Program;

''(ii) ensuring that high-need local educational agencies and public charter schools are aware of the Program and how to participate in it;

''(iii) coordinating the goals of the Program with other Federal, State, and local education needs and programs; and

''(iv) other activities that the advisory board deems necessary; and

''(B) not later than 1 year after the date of the enactment of section 1154 of this title, and annually thereafter, prepare and submit a report to the Committees on Health, Education, Labor, and Pensions and Armed Services of the Senate and the Committees on Education and Labor and Armed Services of the House of Representatives, which shall include—

''(i) information with respect to the activities of the advisory board;

''(ii) information with respect to the Program, including—

''(I) the number of participants in the Program;

''(II) the number of States participating in the Program;

''(III) local educational agencies and schools in where participants are employed;

''(IV) the grade levels at which participants teach;

''(V) the academic subjects taught by participants;

''(VI) rates of retention of participants by the local educational agencies and public charter schools employing participant;

''(VII) other demographic information as may be necessary to evaluate the effectiveness of the program; and

''(VIII) a review of the stipend and bonus available to participants under paragraphs (3) and (4)(A) of subsection (d); and

''(iii) recommendations for—

''(I) improvements to local, State, and Federal recruitment and retention efforts;

''(II) legislative or executive policy changes to improve the Program, enhance participant experience, and increase participation in the program; and

''(III) other changes necessary to ensure that the Program is meeting the purpose described in subsection (b).''.

SEC. 600C. SUPPORT FROM DEPARTMENT OF EDUCATION TO HELP COVER COSTS OF NEW STATE PROGRAMS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

Paragraph (2) of section 509(d) of title 32, United States Code, is amended to read as follows:

''(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense. Using funds available to the Department of Education, the Secretary of Education may provide assistance to cover the difference between the amount provided by the Department of Defense and the total costs of operating a new State program of the Program during the first three full fiscal years in which the new State program is in operation.''.

SEC. 600D. STUDY OF TREATMENT OF MEMBERS OF THE RESERVE COMPONENTS.

(a) STUDY.—The Inspector General of the Department of Defense shall conduct a study of the treatment of members of the reserve components.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) An analysis of the treatment of members of the reserve components—

(A) at mobilization and demobilization sites of the Army, including warrior transition units and joint medical battalions; and

(B) during predeployment and postdeployment medical examinations under section 1074(f) of title 10, United States Code.

(2) An analysis of the quality of care, treatment, and information that members of the reserve components receive before, during, and after deployment.

(3) An analysis of patterns of treatment of members of the reserve components during the period following a deployment, including during medical examinations or other actions that could affect health care and disability benefits, as compared to the treatment of members of the regular components during such period.

(4) Identification of any improvements needed so that members of the reserve components and members of the regular components are treated equally.

(c) REPORT.—Not later than December 31, 2010, the Inspector General shall submit to the congressional defense committees a report on the study under subsection (a).

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2011 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2011 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2011, the rates of monthly basic pay for members of the uniformed services are increased by 1.9 percent.

SEC. 602. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEMBER COUPLES WHEN ONE OR BOTH MEMBERS ARE ON SEA DUTY.

(a) IN GENERAL.—Subparagraph (C) of section 403(f)(2) of title 37, United States Code, is amended to read as follows:

''(C) Notwithstanding section 421 of this title, a member of a uniformed service in a pay grade below pay grade E–6 who is assigned to sea duty and is married to another member of a uniformed service is entitled to a basic allowance for housing subject to the limitations of subsection (e).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2011.

SEC. 603. ALLOWANCES FOR PURCHASE OF REQUIRED UNIFORMS AND EQUIPMENT.

(a) INITIAL ALLOWANCE FOR OFFICERS.—Section 415 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(B) by inserting ''ALLOWANCE FOR OFFICERS IN THE ARMED FORCES.—(1)'' after ''(a)'';

(C) by striking ''$400'' and inserting ''$500''; and

(D) by adding at the end the following new paragraph:

''(2) The Secretary of a military department, with the approval of the Secretary of Defense, may increase the maximum amount of the allowance specified in paragraph (1) for officers of an armed force under the jurisdiction of the Secretary. The Secretary of Homeland Security, in the case of the Coast Guard when it is not operating as a service in the Navy, may increase the maximum amount of the allowance specified in paragraph (1) for officers of the Coast Guard.'';

(2) in subsection (b), by inserting ''EXCEPTION.—'' after ''(b)''; and

(3) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking ''An allowance of $250'' and inserting ''PUBLIC HEALTH SERVICE ALLOWANCE.—(1) An allowance of $300''; and

(C) by inserting ''(2)'' before ''An officer''.

(b) ADDITIONAL ALLOWANCES.—Section 416 of such title is amended—

(1) in subsection (a), by striking ''$200'' and inserting ''$250''; and

(2) in subsection (b)(1), by striking ''$400'' and inserting ''$500''.

SEC. 604. INCREASE IN AMOUNT OF FAMILY SEPARATION ALLOWANCE.

(a) INCREASE.—Section 427(a)(1) of title 37, United States Code, is amended by striking ''$250'' and inserting ''$285''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall take effect on October 1, 2010, and apply with respect to months beginning on or after that date.

SEC. 605. ONE-TIME SPECIAL COMPENSATION FOR TRANSITION OF ASSISTANTS PROVIDING AID AND ATTENDANCE CARE TO MEMBERS OF THE UNIFORMED SERVICES WITH CATASTROPHIC INJURIES OR ILLNESSES.

(a) TRANSITION COMPENSATION AUTHORIZED.—Section 439 of title 37, United States Code, is amended—

(1) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) ONE-TIME TRANSITIONAL COMPENSATION AUTHORIZED.—In addition to monthly special compensation payable under subsection (a), the Secretary concerned may pay to a member eligible for monthly special compensation a one-time payment of not more than $3,500 for the transition of assistants providing aid and attendance care to the member as described in subsection (b)(2).''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (c), by inserting ''OF MONTHLY COMPENSATION'' after ''AMOUNT'';

(2) in subsection (d), by inserting ''OF MONTHLY COMPENSATION'' after ''DURATION''; and

(3) in subsection (f), as redesignated by subsection (a)(1), by striking ''Monthly special compensation payable to a member under this section'' and inserting ''Special compensation paid to a member under subsection (a) or (e)''.

SEC. 606. EXPANSION OF DEFINITION OF SENIOR ENLISTED MEMBER TO INCLUDE SENIOR ENLISTED MEMBER SERVING WITHIN A COMBATANT COMMAND.

(a) BASIC PAY.—On and after January 1, 2011, for purposes of establishing the rates of monthly basic pay for members of the uniformed services, the senior enlisted member of the Armed Forces serving within a combatant command (as defined in section 161(c) of title 10, United States Code) shall be treated in the same manner as the Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Master Chief Petty Officer of the Coast Guard, and Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff.

(b) RATE OF BASIC PAY USED TO DETERMINE RETIRED PAY BASE.—Section 1406(i)(3)(B) of

title 10, United States Code, is amended by adding at the end the following new clause:

''(vii) Senior enlisted member serving within a combatant command (as defined in section 161(c) of this title).''.

(c) PAY DURING TERMINAL LEAVE AND WHILE HOSPITALIZED.—Section 210(c) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(7) The senior enlisted member serving within a combatant command (as defined in section 161(c) of title 10).''.

SEC. 607. INELIGIBILITY OF CERTAIN FEDERAL CIVILIAN EMPLOYEES FOR RESERVIST INCOME REPLACEMENT PAYMENTS ON ACCOUNT OF AVAILABILITY OF COMPARABLE BENEFITS UNDER ANOTHER PROGRAM.

(a) INELIGIBILITY FOR PAYMENTS.—Section 910(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(3) A member of a reserve component who is otherwise entitled to a payment under this section is not entitled to the payment for any month during which the member is also a civilian employee of the Federal Government entitled to—

''(A) a differential payment under section 5538 of title 5; or

''(B) a comparable benefit under an administratively established program for civilian employees absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services.''.

(b) EFFECTIVE DATE.—Subsection (b)(3) of section 910 of title 37, United States Code, as added by subsection (a), shall apply with respect to payments under such section for months beginning on or after the date of the enactment of this Act.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(j), relating to skill incentive pay or proficiency bonus.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of chapter 5 of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

SEC. 617. TREATMENT OF OFFICERS TRANSFERRING BETWEEN ARMED FORCES FOR RECEIPT OF AVIATION CAREER SPECIAL PAY.

Section 301b of title 37, United States Code, is amended—

(1) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

''(h) TREATMENT OF OFFICERS TRANSFERRING FROM ONE ARMED FORCE TO ANOTHER.—(1) An officer who transfers from one armed force to another armed force shall receive the same compensation under this section as other officers in that armed force with the same number of years of aviation service performing similar aviation duties in the same weapon system, notwithstanding any additional active duty service obligation incurred as a result of the transfer.

''(2) Until December 31, 2015, the Secretary concerned shall continue, regardless of the number of years of aviation service of an officer, to pay compensation under this section to an officer who transferred or transfers from one armed force to an armed force under the jurisdiction of the Secretary concerned until the officer receives the same number of years of benefits as officers in that armed force with the same number of years of aviation service performing similar aviation duties in the same weapon system. In calculating the years of benefits received, the Secretary concerned shall include any year during which the officer received compensation under this section before the transfer.

''(3) An officer may not receive compensation under paragraph (2) for any period during which the officer is not qualified for compensation under subsection (b).''.

SEC. 618. INCREASE IN MAXIMUM AMOUNT OF SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER OR FOR DUTY IN FOREIGN AREA DESIGNATED AS AN IMMINENT DANGER AREA.

(a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.—Section 310(b)(1) of title 37, United States Code, is amended by striking ''$225 a month'' and inserting ''$260 a month''.

(b) HAZARDOUS DUTY PAY.—Section 351(b)(3) of such title is amended by striking ''$250 per month'' and inserting ''$260 per month''.

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall take effect on October 1, 2010, and apply with respect to months beginning on or after that date.

SEC. 619. SPECIAL PAYMENT TO MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE KILLED OR WOUNDED IN ATTACKS DIRECTED AT MEMBERS OR EMPLOYEES OUTSIDE OF COMBAT ZONE, INCLUDING THOSE KILLED OR WOUNDED IN CERTAIN 2009 ATTACKS.

(a) TREATMENT OF MEMBERS AND CIVILIANS KILLED OR WOUNDED IN CERTAIN 2009 ATTACKS.—

(1) TREATMENT.—For purposes of all applicable Federal laws, regulations, and policies, a member of the Armed Forces or civilian employee of the Department of Defense who

was killed or wounded in an attack described in paragraph (2) shall be deemed as follows:

(A) In the case of a member, to have been killed or wounded in a combat zone as the result of an act of an enemy of the United States.

(B) In the case of a civilian employee of the Department of Defense, to have been killed or wounded as the result of an act of an enemy of the United States while serving with the Armed Forces in a contingency operation.

(2) ATTACKS DESCRIBED.—Paragraph (1) applies to—

(A) the attack that occurred at Fort Hood, Texas, on November 5, 2009; and

(B) the attack that occurred at a recruiting station in Little Rock, Arkansas, on June 1, 2009.

(3) EXCEPTION.—Paragraph (1) shall not apply to a member of the Armed Forces or a civilian employee of the Department of Defense whose death or wound as described in paragraph (1) is the result of the misconduct of the member or employee, as determined by the Secretary of Defense.

(b) NEW SPECIAL PAYMENT.—

(1) IN GENERAL.—Chapter 17 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 911. Special payment to members of the armed forces and civilian employees of the Department of Defense killed or wounded in attacks directed at members or employees outside of combat zone

''(a) SPECIAL PAYMENT REQUIRED.—The Secretary of Defense shall pay to a member of the armed forces or a civilian employee of the Department of Defense who is wounded in an attack under the circumstances described in subsection (b), or to an eligible survivor if the member or employee is killed in the attack or dies from wounds sustained in the attack, an amount of compensation equal to the amount determined in subsection (c) that would have accrued—

''(1) in the case of a member, on behalf of a member killed or wounded in a combat zone; and

''(2) in the case of an employee, on behalf of an employee killed or wounded while serving with the Armed Forces in a contingency operation.

''(b) COVERED ATTACKS.—

''(1) ATTACKS DESCRIBED.—Except as provided in paragraph (2), an attack covered by subsection (a) is any assault or battery resulting in bodily injury or death committed by an individual who the Secretary of Defense determines knowingly targeted—

''(A) a member of the armed forces on account of the military service of the member or the status of member as a member of the Armed Forces; or

''(B) a civilian employee of the Department of Defense on account of the employee's employment with the Department of Defense or affiliation with the Department of Defense.

''(2) GEOGRAPHIC EXCLUSION.—Subsection (a) does not apply to any attack that—

''(A) occurs in a combat zone; or

''(B) in the case of a civilian employee of the Department, occurs while the employee is serving with the armed forces in a contingency operation.

''(c) CALCULATION OF COMPENSATION AMOUNT.—The Secretary of Defense shall identify, in consultation with all relevant Federal agencies, including the Department of Veterans Affairs and the Internal Revenue Service, all Federal benefits provided to members of the armed forces and civilian employees of the Department of Defense killed or wounded in a combat zone, including special pays and the value of Federal tax advantages accruing because certain benefits are not subject to Federal income tax. The Secretary shall exclude from the calculation any Federal benefits provided regardless of the geographic location or circumstances of the death or injuries.

''(d) EXCLUSION OF CERTAIN INDIVIDUALS.—Subsection (a) shall not apply to a member of the armed forces or civilian employee of the Department of Defense whose death or wound as described in subsection (b) is the result of the misconduct of the member or employee, as determined by the Secretary of Defense.

''(e) DEFINITIONS.—In this section:

''(1) The term 'armed forces' means the Army, Navy, Air Force, and Marine Corps.

''(2) The term 'combat zone' means a combat operation or combat zone designated by the Secretary of Defense.

''(3) The term 'eligible survivor' refers to the persons eligible to receive a death gratuity payment under section 1477 of title 10. In the case of a deceased member or employee, the eligible survivor who will receive the payment under subsection (a) shall be determined as provided in such section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''911. Special payment to members of the armed forces and civilian employees of the Department of Defense killed or wounded in attacks directed at members or employees outside of combat zone.''.

(3) RETROACTIVE APPLICATION.—Section 911 of title 37, United States Code, as added by paragraph (1), shall apply to any attack described in subsection (b) of such section occurring on or after November 6, 2009.

(c) PURPLE HEART.—This section and the amendments made by this section shall not be construed to prohibit, authorize, or require the award of the Purple Heart to any member of the Armed Forces.

Subtitle C—Travel and Transportation Allowances

SEC. 631. EXTENSION OF AUTHORITY TO PROVIDE TRAVEL AND TRANSPORTATION ALLOWANCES FOR INACTIVE DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCES.

Section 408a(e) of title 37, United States Code, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR ATTENDANCE OF DESIGNATED PERSONS AT YELLOW RIBBON REINTEGRATION EVENTS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411k the following new section:

"§ 411l. Travel and transportation allowances: attendance of designated persons at Yellow Ribbon Reintegration events

''(a) ALLOWANCE TO FACILITATE ATTENDANCE.—Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (c) may be provided for a person designated pursuant to subsection (b) to attend an event conducted under the Yellow Ribbon Reintegration Program established pursuant to section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) if the Secretary concerned determines that the presence of the person may contribute to the purposes of the event.

''(b) COVERED PERSONS.—A member of the uniformed services who is eligible to attend a Yellow Ribbon Reintegration Program event may designate one or more persons, including another member of the uniformed services, for purposes of receiving travel and transportation described in subsection (c) to attend a Yellow Ribbon Reintegration Program event. The designation of a person for purposes of this section may be changed at any time.

''(c) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) for a person designated under subsection (b) is round-trip transportation between the home or place of business of the person and the location of the Yellow Ribbon Reintegration Program event.

''(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

''(3) The transportation authorized by subsection (a) may be provided by any of the following means:

''(A) Transportation in-kind.

''(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

''(C) Reimbursement for the commercial cost of transportation.

''(4) An allowance payable under this subsection may be paid in advance.

''(5) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 411k the following new item:

''411l. Travel and transportation allowances: attendance of designated persons at Yellow Ribbon Reintegration events.''.

(b) APPLICABILITY.—No reimbursement may be provided under section 411l of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before September 30, 2010.

SEC. 633. MILEAGE REIMBURSEMENT FOR USE OF PRIVATELY OWNED VEHICLES.

(a) USE OF SINGLE STANDARD MILEAGE RATE ESTABLISHED BY IRS.—Section 5704(a)(1) of title 5, United States Code, is amended by striking ''shall not exceed'' and inserting ''shall be equal to''.

(b) PRESCRIPTION OF MILEAGE REIMBURSEMENT RATES.—Section 5707(b) of such title is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

''(A) The Administrator of General Services shall conduct periodic investigations of the cost of travel and the operation of privately owned airplanes and privately owned motorcycles by employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year.''; and

(2) in paragraph (2)(A), by striking clause (i) and inserting the following new clause:

''(i) shall prescribe a mileage reimbursement rate for privately owned automobiles which equals, as provided in section 5704(a)(1) of this title, the single standard mileage rate established by the Internal Revenue Service, and''.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. ELIMINATION OF CAP ON RETIRED PAY MULTIPLIER FOR MEMBERS WITH GREATER THAN 30 YEARS OF SERVICE WHO RETIRE FOR DISABILITY.

(a) COMPUTATION OF RETIRED PAY.—The table in section 1401(a) of title 10, United States Code, is amended—

(1) in the column designated ''Column 2'', by inserting '', not to exceed 75%,'' after

''percentage of disability'' both places it appears; and

(2) by striking column 4.

(b) RECOMPUTATION OF RETIRED OR RETAINER PAY TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO FIRST BECAME MEMBERS BEFORE SEPTEMBER 8, 1980.—The table in section 1402(d) of such title is amended—

(1) in the column designated ''Column 2'', by inserting '', not to exceed 75%,'' after ''percentage of disability''; and

(2) by striking column 4.

(c) RECOMPUTATION OF RETIRED OR RETAINER PAY TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO FIRST BECAME MEMBERS AFTER SEPTEMBER 7, 1980.—The table in section 1402a(d) of such title is amended—

(1) in the column designated ''Column 2'', by inserting '', not to exceed 75 percent,'' after ''percentage of disability''; and

(2) by striking column 4.

(d) APPLICATION OF AMENDMENTS.—The tables in sections 1401(a), 1402(d), and 1402a(d) of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply to the computation or recomputation of retired or retainer pay for persons who first became entitled to retired or retainer pay under subtitle A of such title on or before the date of the enactment of this Act. The amendments made by this section shall apply only with respect to persons who first become entitled to retired or retainer pay under such subtitle after that date.

SEC. 642. EQUITY IN COMPUTATION OF DISABILITY RETIRED PAY FOR RESERVE COMPONENT MEMBERS WOUNDED IN ACTION.

Section 1208(b) of title 10, United States Code, is amended by adding at the end the following new sentence: ''However, in the case of such a member who is retired under this chapter, or whose name is placed on the temporary disability retired list under this chapter, because of a disability incurred after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, for which the member is awarded the Purple Heart, the member shall be credited, for the purposes of this chapter, with the number of years of service that would be counted if computing the member's years of service under section 12732 of this title.''.

SEC. 643. ELIMINATION OF THE AGE REQUIREMENT FOR HEALTH CARE BENEFITS FOR NON-REGULAR SERVICE RETIREES.

Section 1074(b) of title 10, United States Code, is amended—

(1) by striking ''(1)''; and

(2) by striking paragraph (2).

SEC. 644. CLARIFICATION OF EFFECT OF ORDERING RESERVE COMPONENT MEMBER TO ACTIVE DUTY TO RECEIVE AUTHORIZED MEDICAL CARE ON REDUCING ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

Section 12731(f)(2)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

''(iii) If a member described in subparagraph (A) is wounded or otherwise injured or becomes ill while serving on active duty pursuant to a call or order to active duty under a provision of law referred to in the first sentence of clause (i) or in clause (ii), and the member is then ordered to active duty under section 12301(h)(1) of this title to receive medical care for the wound injury, or illness, each day of active duty under that order for medical care shall be treated as a continuation of the original call or order to active duty for purposes of reducing the eligibility age of the member under this paragraph.''.

SEC. 645. SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR RECIPIENTS OF PRE-SURVIVOR BENEFIT PLAN ANNUITY AFFECTED BY REQUIRED OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

Section 644 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 1448 note) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) SPECIAL SURVIVOR INDEMNITY ALLOWANCE.—(1) The Secretary concerned shall pay a monthly special survivor indemnity allowance under this subsection to a qualified surviving spouse described in subsection (a) if—

''(A) the surviving spouse is entitled to dependency and indemnity compensation under section 1311(a) of title 38, United States Code; and

''(B) the amount of the annuity to which the surviving spouse is entitled under subsection (b) is affected by paragraph (2)(A) of such subsection.

''(2) Subject to paragraph (3), the amount of the special survivor indemnity allowance paid to surviving spouse under paragraph (1) for a month shall be equal to—

''(A) for months during fiscal year 2009, $50;

''(B) for months during fiscal year 2010, $60;

''(C) for months during fiscal year 2011, $70;

''(D) for months during fiscal year 2012, $80;

''(E) for months during fiscal year 2013, $90;

''(F) for months during fiscal year 2014, $150;

''(G) for months during fiscal year 2015, $200;

''(H) for months during fiscal year 2016, $275; and

''(I) for months during fiscal year 2017, $310.

''(3) The amount of the special survivor indemnity allowance paid to an eligible survivor under paragraph (1) for any month may not exceed the amount of the annuity for that month that is subject to offset under subsection (b)(2)(A).

''(4) A special survivor indemnity allowance paid under paragraph (1) does not constitute an annuity, and amounts so paid are not subject to adjustment under any other provision of law.

''(5) The special survivor indemnity allowance shall be paid under paragraph (1) from amounts in the Department of Defense Military Retirement Fund established under section 1461 of title 10, United States Code.

''(6) Subject to paragraph (7), this subsection shall only apply with respect to the month that began on October 1, 2008, and subsequent months through the month ending on September 30, 2017. As soon as practicable after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, the Secretary concerned shall pay, in a lump sum, the total amount of the special survivor indemnity allowances due under paragraph (1) to a qualified surviving spouse for months since October 1, 2008, through the month in which the first allowance is paid under paragraph (1) to the qualified surviving spouse.

''(7) Effective on October 1, 2017, the authority provided by this subsection shall terminate. No special survivor indemnity allowance may be paid to any person by reason of this subsection for any period before October 1, 2008, or beginning on or after October 1, 2017.''.

SEC. 646. PAYMENT DATE FOR RETIRED AND RETAINER PAY.

(a) SETTING PAYMENT DATE.—Section 1412 of title 10, United States Code, is amended—

(1) by striking ''Amounts'' and inserting ''(a) ROUNDING.—Amounts''; and

(2) by adding at the end the following new subsection:

''(b) PAYMENT DATE.—Amounts of retired pay and retainer pay due a retired member of the uniformed services shall be paid on the first day of each month beginning after the month in which the right to such pay accrues.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 1412. Administrative provisions''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 1412 and inserting the following new item:

''1412. Administrative provisions.''.

(c) EFFECTIVE DATE.—Subsection (b) of section 1412 of title 10, United States Code, as added by subsection (a), shall apply beginning with the first month that begins more than 30 days after the date of the enactment of this Act.

SEC. 647. SENSE OF CONGRESS CONCERNING AGE AND SERVICE REQUIREMENTS FOR RETIRED PAY FOR NON-REGULAR SERVICE.

It is the sense of Congress that—

(1) the amendments made to section 12731 of title 10, United States Code, by section 647 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 160) were intended to reduce the minimum age at which members of a reserve component of the Armed Forces would begin receiving retired pay according to time spent deployed, by three months for every 90-day period spent on active duty over the course of a career, rather than limiting qualifying time to such periods wholly served within the same fiscal year, as interpreted by the Department of Defense; and

(2) steps should be taken to correct this erroneous interpretation by the Department of Defense in order to ensure reserve component members receive the full retirement benefits intended to be provided by such section 12731.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 651. SHARED CONSTRUCTION COSTS FOR SHOPPING MALLS OR SIMILAR FACILITIES CONTAINING A COMMISSARY STORE AND ONE OR MORE NONAPPROPRIATED FUND INSTRUMENTALITY ACTIVITIES.

Section 2484(h)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C) and, in such subparagraph, by striking ''subparagraph (A)'' and inserting ''this paragraph'';

(2) in the first sentence of subparagraph (A), by inserting ''the Defense Commissary Agency or'' after ''may authorize'';

(3) by designating the second sentence of subparagraph (A) as subparagraph (B) and, in such subparagraph, by striking ''The Secretary may'' and inserting the following: ''If the construction contract is entered into by a nonappropriated fund instrumentality, the Secretary of Defense may''; and

(4) by adding at the end of subparagraph (B), as designated by paragraph (3), the following new sentence: ''If the construction contract is entered into by the Defense Commissary Agency, the Secretary may authorize the Defense Commissary Agency accept reimbursement from a nonappropriated fund instrumentality for the portion of the cost of the contract that is attributable to construction for nonappropriated fund instrumentality activities.''.

SEC. 652. ADDITION OF DEFINITION OF MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES FOR USE IN CONTRACTS TO PROVIDE SUCH SERVICES FOR MILITARY PERSONNEL SERVING IN COMBAT ZONES.

Section 885 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 265; 10 U.S.C. 2304 note) is amended by adding at the end the following new subsection:

''(c) MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES DEFINED.—In this section, the term 'morale, welfare, and recreation telephone services' means unofficial telephone calling center services supporting calling centers provided by the Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other nonappropriated fund instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.''.

SEC. 653. FEASIBILITY STUDY ON ESTABLISHMENT OF FULL EXCHANGE STORE IN THE NORTHERN MARIANA ISLANDS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to determine the feasibility of replacing the ''Shoppette'' of the Army and Air Force Exchange Service in the Northern Mariana Islands with a full-service exchange store. In conducting the study, the Secretary shall consider the welfare of members of the Armed Forces serving in the Northern Mariana Islands and dependents of members residing in the Northern Mariana Islands.

(b) SUBMISSION OF RESULTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

SEC. 654. CONTINUED OPERATION OF COMMISSARY AND EXCHANGE STORES SERVING BRUNSWICK NAVAL AIR STATION, MAINE.

The Secretary of Defense shall provide for the continued operation of each commissary or exchange store serving Brunswick Naval Air Station, Maine, through September 30, 2011, and may not take any action to reduce or to terminate the sale of goods at such stores during fiscal year 2011.

Subtitle F—Alternative Career Track Pilot Program

SEC. 661. PILOT PROGRAM TO EVALUATE ALTERNATIVE CAREER TRACK FOR COMMISSIONED OFFICERS TO FACILITATE AN INCREASED COMMITMENT TO ACADEMIC AND PROFESSIONAL EDUCATION AND CAREER-BROADENING ASSIGNMENTS.

(a) PROGRAM AUTHORIZED.—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

''§ 673. Alternative career track for commissioned officers pilot program

''(a) PROGRAM AUTHORIZED.—(1) Under regulations prescribed pursuant to subsection (g) and approved by the Secretary of Defense, the Secretary of a military department may establish a pilot program for an armed force under the jurisdiction of the Secretary under which an eligible commissioned officer, while on active duty—

''(A) participates in a separate career track characterized by expanded career opportunities extending over a longer career;

''(B) agrees to an additional active duty service obligation of at least five years to be served concurrently with other active duty service obligations; and

''(C) would be required to accept further active duty service obligations, as determined by the Secretary, to be served concurrently with other active duty service obligations, including the active duty service obligation accepted under subparagraph (B), in connection with the officer's entry into education programs, selection for career broadening assignments, acceptance of additional special and incentive pays, or selection for promotion.

''(2) The Secretary of the military department concerned may waive an active duty service obligation accepted under subparagraph (B) or (C) of paragraph (1) to facilitate the separation or retirement of a participant in the program.

''(3) The program shall be known as the 'Alternative Career Track Pilot Program' (in this section referred to as the 'program').

''(b) ELIGIBLE OFFICERS.—Commissioned officers with between 13 and 18 years of service are eligible to volunteer to participate in the program.

''(c) NUMBER OF PARTICIPANTS.—No more than 50 officers of each armed force may be selected per year to participate in the program.

''(d) ALTERNATIVE CAREER ELEMENTS OF PROGRAM.—(1) The Secretaries of the military departments may establish separate basic pay and special and incentive pay and promotion systems unique to the officers participating in the program, without regard to the requirements of this title, title 37, or administrative year group cohort designation.

''(2) The Secretaries of the military departments may establish separation and retirement policies for officers participating in the program without regard to grade and years of service requirements established under this title.

''(3) Participants serving in a grade below brigadier general or rear admiral (lower half) may serve in the grade without regard to the limits on the number of officers in the grade established under this title.

''(e) TREATMENT OF GENERAL AND FLAG OFFICER PARTICIPANTS.—(1) A participant serving in a grade above colonel, or captain in the Navy, but below lieutenant general or vice admiral, shall be—

''(A) counted for purposes of general officer and flag officer limits on grade and the total number serving as general officers and flag officers, if the participant is serving in a position requiring the assignment of a military officer; but

''(B) excluded from limits on grade and the total number serving as general officers and flag officers, if the participant is serving in a position not typically occupied by a military officer.

''(2) A participant serving in the grade of lieutenant general, vice admiral, general, or admiral shall be counted for purposes of general officer and flag officer limits on grade and the total number serving as general officers and flag officers.

''(f) RETURN TO STANDARD CAREER PATH; EFFECT.—(1) The Secretaries of the military departments retain the authority to involuntarily return an officer to the standard career path.

''(2) The Secretary of the military department concerned may return an officer to the standard career path at the request of the officer.

''(3) If the program is terminated pursuant to paragraph (4) or (5) of subsection (i), officers participating in the program at the time of the termination shall be returned to the standard career path with appropriate adjustments to their administrative record to ensure they are not penalized for participating in the pilot program.

''(4) An officer returned to the standard career path under paragraph (1), (2), or (3) shall retain the grade, date-of-rank, and basic pay level earned while a participant in the program but shall revert to the special and incentive pay authorities established in title 37 upon the expiration of the agreement between the Secretary and the officer providing any special and incentive pays under the program. Subsequent increases in the officer's rate of monthly basic pay shall conform to the annual percentage increases in basic pay rates provided in the basic pay table.

''(5) Services will adjust the participating officer's cohort year group to the appropriate year to ensure the officer remains competitive for all promotions and command opportunities in their standard career path.

''(g) ANNUAL REPORT.—(1) The Secretaries of the military departments, in cooperation with the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report containing the findings and recommendations of the Secretary of Defense and the Secretaries of the military departments concerning the progress of the program for each armed force.

''(2) The Secretary of a military department, with the consent of the Secretary of Defense, may include in the report for a year a recommendation that the program be made permanent for an armed force under the jurisdiction of that Secretary.

''(h) REGULATIONS.—The Secretary of each military department shall prescribe regulations to carry out the program. The regulations shall be subject to the approval of the Secretary of Defense.

''(i) COMMENCEMENT; DURATION.—(1) Before authorizing the commencement of the program for an armed force, the Secretary of the military department concerned, with the consent of the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the detailed program structure of the alternative career track, associated personnel and compensation policies, implementing instructions and regulations, and a summary of the specific provisions of this title and title 37 to be waived under the program. The authority to conduct the program for that armed force commences 120 days after the date of the submission of the report.

''(2) The Secretary of the military department concerned, with the consent of the Secretary of Defense, may authorize revision of the program structure, associated personnel and compensation policies, implementing instructions and regulations, or laws waived, as submitted by the Secretary under paragraph (1). The Secretary of the military department concerned, with the consent of the Secretary of Defense, shall submit the proposed revisions to the Committees on Armed Services of the Senate and House of Representatives. The revisions shall take effect 120 days after the date of their submission.

''(3) If the program for an armed force has not commenced before December 31, 2015, as provided in paragraph (1), the authority to commence the program for that armed force terminates.

''(4) No officer may be accepted to participate in the program after December 31, 2026.

''(5) The Secretary of the military department concerned, with the consent of the Secretary of Defense, may terminate the pilot program for an armed force before the date specified in paragraph (4). Not later than 90 days after terminating the pilot program, the Secretary of the military department concerned, in cooperation with the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the reasons for the termination.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

''673. Alternative career track for commissioned officers pilot program.''.

Subtitle G—Other Matters

SEC. 671. PARTICIPATION OF MEMBERS OF THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM IN ACTIVE DUTY HEALTH PROFESSION LOAN REPAYMENT PROGRAM.

Section 2173(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The person is enrolled in the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of this title for a number of years less than the number of years required to complete the normal length of the course of study required for the specific health profession.''.

SEC. 672. RETENTION OF ENLISTMENT, REENLISTMENT, AND STUDENT LOAN BENEFITS RECEIVED BY MILITARY TECHNICIANS (DUAL STATUS).

(a) TREATMENT OF ENLISTMENT, REENLISTMENT, AND STUDENT LOAN BENEFITS.—Section 10216 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) RETENTION OF BONUSES AND OTHER BENEFITS.—If an individual is first employed as a military technician (dual status) while the individual is already a member of a reserve component, the Secretary concerned may not—

''(1) require the individual to repay any enlistment, reenlistment, or affiliation bonus provided to the individual in connection with the individual's enlistment or reenlistment before such employment; or

''(2) terminate the individual's participation in an educational loan repayment program under chapter 1609 of this title if the individual began such participation before such employment.''.

(b) EFFECTIVE DATE.—Subsection (h) of section 10216 of title 10, United States Code, as added by subsection (a), shall apply only with respect to individuals who are first employed as a military technician (dual status), as described in subsection (a)(1) of such section 10216, more than 180 days after the date of the enactment of this Act.

SEC. 673. CANCELLATION OF LOANS OF MEMBERS OF THE ARMED FORCES MADE FROM STUDENT LOAN FUNDS.

Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended by adding at the end the following new paragraph:

''(8) For the purpose of this subsection, the term 'year of service' where applied to service by a member of the Armed Forces described in paragraph (2)(D) means a qualified tour of duty that—

''(A) is for 6 months or longer; or

''(B) was less than 6 months because the member was discharged or released from active duty in the Armed Forces for an injury or disability incurred in or aggravated by service in the Armed Forces.''.

SEC. 674. REPORT ON PROVISION OF ADDITIONAL INCENTIVES FOR RECRUITMENT AND RETENTION OF HEALTH CARE PROFESSIONALS FOR RESERVE COMPONENTS.

Not later than 90 days after the date of the enactment of this Act, the Surgeons General of the Army, Navy, and Air Force shall submit to Congress a report on their staffing needs for health care professionals in the active and reserve components of the Armed Forces. The report shall specifically identify the positions in most critical need for additional health care professionals, including the number of physicians needed and whether additional behavioral health professionals, such as psychologists and psychiatrists, are needed to treat members of the Armed Forces for the growing concerns of post traumatic stress disorder and traumatic brain injury. The report shall include recommendations for providing incentives for health care professionals with more than 20 years of clinical experience to join the active or reserve components, including whether changes in age or length of service requirements to qualify for partial retired pay for non-regular service could be used as a recruitment or retention incentives.

SEC. 675. FLEXIBLE COMMENCEMENT DATES FOR AVAILABILITY OF HOMEOWNER ASSISTANCE FOR MEMBERS OF THE ARMED FORCES PERMANENTLY REASSIGNED DURING MORTGAGE CRISIS.

(a) MODIFICATION OF REASSIGNMENT, PURCHASE, AND SALE DATES.—Subsection (a)(3) of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended—

(1) in subparagraph (C), by striking ''or an earlier end date designated by the Secretary'' and by inserting ''or an earlier start or end date designated by the Secretary under subsection (c)(3)(C) for a specific military base or installation'';

(2) in subparagraph (D), by inserting '', or a later purchase date designated by the Secretary under subsection (c)(3)(C) for a specific military base or installation'' after ''July 1, 2006''; and

(3) in subparagraph (E), by striking ''between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary'' and inserting ''between the purchase date in effect for the military base or installation under subparagraph (D) and the end date in effect for the military base or installation under subparagraph (D)''.

(b) MODIFICATION PROCESS.—Subsection (c)(3) of such section is amended by adding at the end the following new subparagraph:

''(C) MODIFICATION OF REASSIGNMENT, PURCHASE, AND SALE DATES.—In exercising the authority under subsection (a)(3) to designate different reassignment, purchase, and sale dates for a specific military base or installation, the Secretary of Defense shall consult with the Secretary of Housing and Urban Development and the Secretary of the Treasury regarding the condition of housing markets in the area of the base or installation so that the Secretary of Defense has the information needed to effectively assist members of the Armed Forces and their families.''.

SEC. 676. EXCLUSION OF PERSONS CONVICTED OF COMMITTING CERTAIN SEX OFFENSES FROM RECEIVING CERTAIN BURIAL-RELATED BENEFITS AND FUNERAL HONORS.

(a) PROHIBITION AGAINST INTERMENT OR MEMORIALIZATION IN NATIONAL CEMETERY ADMINISTRATION, ARLINGTON NATIONAL CEMETERY, AND CERTAIN STATE VETERANS' CEMETERIES; PROHIBITION AGAINST PROVISION OF PRESIDENTIAL MEMORIAL CERTIFICATE, FLAG, AND HEADSTONE OR MARKER.—Section 2411(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(4) A person who is classified as a tier III sex offender under the Sex Offender Registration and Notification Act.''.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to terminate any benefit available to any person except those benefits specifically terminated by the amendment made by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to interments and memorializations that occur on or after the date of the enactment of this Act.

(d) CONSTITUTIONAL AUTHORITY.—The constitutional authority on which this section rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in article I, section 8, clause 14 of the United States Constitution.

SEC. 677. SCHOLARSHIP PROGRAM FOR VETERANS FOR PURSUIT OF GRADUATE AND POST-GRADUATE DEGREES IN BEHAVIORAL HEALTH SCIENCES.

(a) SCHOLARSHIP PROGRAM.—

(1) PROGRAM.—The Secretary of Veterans Affairs shall carry out a program to provide scholarships to qualifying veterans for pursuit of a graduate or post-graduate degree in behavioral health sciences.

(2) DESIGNATION.—The program carried out under this section shall be known as the ''Department of Veterans Affairs HONOR Scholarship Program'' (in this section referred to as the ''scholarship program'').

(b) QUALIFYING VETERANS.—For purposes of this section, a qualifying veteran is any veteran who—

(1) during service on active duty in the Armed Forces, participated for such period as the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall specify for purposes of the scholarship program in a theater of combat or during a contingency operation overseas;

(2) was retired, discharged, separated, or released from service in the Armed Forces on or after a date (not earlier than August 2, 1990) specified by the Secretary of Defense for purposes of the scholarship program;

(3) at the time of the submittal of an application to participate in the scholarship program, holds an undergraduate or graduate degree, as applicable, from an institution of higher education that qualifies the veteran for pursuit of a graduate or post-graduate degree in behavioral sciences; and

(4) meets such other qualifications as the Secretary of Veterans Affairs may establish for purposes of the scholarship program.

(c) APPLICATION.—Each qualifying veteran seeking to participate in the scholarship program shall submit to the Secretary of Veterans Affairs an application therefor setting forth such information as the Secretary shall specify for purposes of the scholarship program.

(d) AGREEMENT.—Each qualifying veteran selected by the Secretary of Veterans Affairs for participation in the scholarship program shall enter into an agreement with the Secretary regarding participation in the scholarship program. The agreement shall contain such terms and conditions as the Secretary shall specify for purposes of the scholarship program.

(e) SCHOLARSHIPS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall provide to each qualifying veteran who enters into an agreement under subsection (d) a scholarship for such number of academic years as the Secretary shall specify in the agreement for pursuit of a graduate or post-graduate degree in behavioral health sciences at an institution of higher education offering such degree that is approved by the Secretary for purposes of the scholarship program.

(2) ELEMENTS.—The scholarship provided a qualifying veteran for an academic year shall consist of payment of the following:

(A) Tuition of the qualifying veteran for pursuit of the graduate or post-graduate degree concerned in the academic year.

(B) Reasonable educational expenses of the qualifying veteran (including fees, books, and laboratory expenses) in pursuit of such degree in the academic year.

(C) A stipend in connection with the pursuit of such degree in the academic year in such amount as the Secretary shall specify in the agreement of the qualifying veteran under subsection (d).

(f) OBLIGATED SERVICE.—Each qualifying veteran who participates in the scholarship

program shall, after completion of the graduate or post-graduate degree concerned and as jointly provided by the Secretary of Veterans Affairs and the Secretary of Defense in the agreement of such qualifying veteran under subsection (d), perform service as follows:

(1) Such service for the Department of Veterans Affairs in connection with the furnishing of mental health services to veterans, and for such period, as the Secretary of Veterans Affairs shall specify in the agreement.

(2) Such service for the Department of Defense in connection with the furnishing of mental health services to members of the Armed Forces, and for such period, as the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, specify in the agreement.

(3) Such combination of service described by paragraphs (1) and (2), and for such period, as the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, specify in the agreement.

(g) BREACH OF AGREEMENT.—Each qualifying veteran participating in the scholarship who fails to complete satisfactorily the terms of the agreement of such qualifying veteran under subsection (d), whether through failure to obtain the graduate or post-graduate degree concerned or failure to perform service required of the qualifying veteran under subsection (f), shall be liable to the United States in such form and manner as the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, specify in the agreement.

(h) CONTINGENCY OPERATION DEFINED.—In this section, the term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

SEC. 701. EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking ''September 30, 2009'' and inserting ''September 30, 2011''.

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

SEC. 702. EXTENSION OF DEPENDENT COVERAGE UNDER TRICARE.

(a) DEPENDENT COVERAGE.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1110b. TRICARE program: extension of dependent coverage

''(a) IN GENERAL.—In accordance with subsection (c), an individual described in subsection (b) shall be deemed to be a dependent (as described in section 1072(2)(D) of this title) for purposes of TRICARE coverage.

''(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

''(1) with respect to a member or former member of a uniformed service, is—

''(A) a child who has not attained the age of 26 and is not eligible to enroll in an eligible employer-sponsored plan (as defined in section 5000A(f)(2) of the Internal Revenue Code of 1986); or

''(B) a person who—

''(i) is placed in the legal custody of the member or former member as a result of an order of a court of competent jurisdiction in the United States (or possession of the United States) for a period of at least 12 consecutive months;

''(ii) has not attained the age of 26;

''(iii) is not eligible to enroll in an eligible employer-sponsored plan (as defined in section 5000A(f)(2) of the Internal Revenue Code of 1986);

''(iv) resides with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of disability or incapacitation or under such other circumstances as the administering Secretary may by regulation prescribe;

''(v) is not otherwise a dependent of a member or a former member under any subparagraph of section 1072(2) of this title; and

''(vi) is not the child of a dependent who is described in subparagraph (D) or (I) of section 1072(2) and is a covered beneficiary; and

''(2) meets other criteria specified in regulations prescribed by the Secretary.

''(c) PREMIUM.—(1) The Secretary shall prescribe by regulation a premium for TRICARE coverage provided pursuant to this section to an individual described in subsection (b).

''(2) The monthly amount of the premium in effect for a month for TRICARE coverage pursuant to this section shall be an amount not to exceed the cost of coverage that the Secretary determines on an appropriate actuarial basis.

''(3) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

''(4) Amounts collected as premiums under this paragraph shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

''(d) TRICARE COVERAGE DEFINED.—In this section, the term 'TRICARE coverage' means health care to which a dependent described in section 1072(2)(D) of this title is entitled under section 1076d, 1076e, 1079, 1086, or 1097 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1110a the following new item:

''1110b. TRICARE program: extension of dependent coverage.''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 1086(c) of title 10, United States Code, is amended by inserting after ''of this title'' the following: ''(or an individual described in section 1110b(b) who meets the requirements for a dependent under paragraph (1) or (2) of such section 1076(b))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 703. SURVIVOR DENTAL BENEFITS.

Paragraph (2) of section 1076a(k) of title 10, United States Code, is amended to read as follows:

''(2) Such term includes any such dependent of a member who dies—

''(A) while on active duty for a period of more than 30 days; or

''(B) while such member is a member of the Ready Reserve.''.

SEC. 704. AURAL SCREENINGS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Paragraph (2) of section 1074f(b) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) An aural screening, including an assessment of tinnitus.''.

(b) EFFECTIVE DATE.—Section 1074f(b)(2) of title 10, United States Code, as added by subsection (a) of this section, shall apply to members of the Armed Forces who are deployed or return from deployment on or after the date that is 30 days after the date of the enactment of this Act.

SEC. 705. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2010, and ending on September 30, 2011, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 706. SUICIDE AMONG MEMBERS OF THE INDIVIDUAL READY RESERVE AND INDIVIDUAL MOBILIZATION AUGMENTEES.

(a) FINDINGS.—Congress finds that a veteran who is a member of the Individual Ready Reserve (or who is an individual mobilization augmentee) and is not assigned to a unit that musters regularly and has an established support structure is less likely to be helped by existing suicide prevention programs carried out by the Secretary of Defense and the Secretary of Veterans Affairs.

(b) IN GENERAL.—

(1) SUICIDE PREVENTION.—Chapter 55 of title 10, United States Code, is amended by adding after section 1074l the following new section:

''§ 1074m. Suicide prevention for members of the Individual Ready Reserve and individual mobilization augmentees

''(a) IN GENERAL.—The Secretary of Defense shall ensure that each covered member receives a telephone call described in subsection (b) not less than once every 90 days during the period in which—

''(1) the covered member is a member of the Individual Ready Reserve; or

''(2) the Secretary determines that the covered member is an individual mobilization augmentee.

''(b) COUNSELING CALL.—A telephone call described in this subsection is a call from properly trained personnel to determine the emotional, psychological, medical, and career needs and concerns of the covered member.

''(c) REFERRAL.—(1) The personnel making a telephone call described in subsection (b) shall refer a covered member identified as being at-risk of self-caused harm to the nearest emergency room for immediate evaluation and treatment by a qualified mental health care provider.

''(2) If a covered member is referred under paragraph (1), the Secretary shall confirm that the member has received the evaluation and any necessary treatment.

''(d) REPORTS.—Not later than January 31 of each year, beginning in 2011, the Secretary shall submit to Congress a report on the number of covered members who have been referred for counseling or mental health treatment under this section, as well as the health and career status of such members.

''(e) COVERED MEMBER DEFINED.—In this section, the term 'covered member' means—

''(1) a member of the Individual Ready Reserve described in section 10144(b) of this title who has deployed to Afghanistan or Iraq in support of a contingency operation; or

''(2) a member of a reserve component who the Secretary determines is an individual mobilization augmentee who has deployed to Afghanistan or Iraq in support of a contingency operation.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074l the following new item:

''1074m. Suicide prevention for members of the Individual Ready Reserve and individual mobilization augmentees.''.

SEC. 707. PROVISION OF INFORMATION TO MEMBERS OF THE RESERVE COMPONENTS REGARDING HEALTH CARE BENEFITS.

(a) PROVISION OF INFORMATION.—The Secretary of Defense shall ensure that each member of a reserve component of the Armed Forces who is mobilized or demobilized is provided, together with the orders providing for such mobilization or demobilization, a clear and comprehensive statement of the medical care and treatment to which such member is entitled under Federal law by reason of being so mobilized or demobilized.

(b) FREQUENCY.—The statement required to be provided a member under subsection (a) upon a mobilization or demobilization shall be provided to the member each time the member is mobilized or demobilized, as the case may be.

(c) ELEMENTS.—The statement provided a member under subsection (a) shall include the following:

(1) A clear, comprehensive statement of the medical care and treatment to which the member is entitled under Federal law by reason of being mobilized or demobilized, as applicable, including—

(A) the nature and range of the care and treatment to which the member is entitled;

(B) the departments and agencies of the Federal Government that will provide such care and treatment;

(C) the period for which such care and treatment will be so provided; and

(D) the obligations, if any, of the member in connection with the receipt of such care and treatment.

(2) A clear, comprehensive statement of the health care insurance available under Federal law for the member's family, if any, by reason of the mobilization or demobilization of the member.

(3) A clear, comprehensive description of the mental health assessments available to the member before, during, and after deployment pursuant to section 708 of the national defense authorization act for fiscal year 2010 (Public Law 111–84; 123 Stat. 2376; 10 U.S.C. 1074f note).

(4) Such other matters as the Secretary considers appropriate.

Subtitle B—Health Care Administration

SEC. 711. ADMINISTRATION OF TRICARE.

Subsection (a) of section 1073 of title 10, United States Code, is amended—

(1) by striking ''Except'' and inserting ''(1) Except''; and

(2) by adding at the end the following new paragraph:

''(2) Except as otherwise provided in this chapter, the Secretary of Defense shall have sole responsibility for administering the TRICARE program and making any decision affecting such program.''.

SEC. 712. UPDATED TERMINOLOGY FOR THE ARMY MEDICAL SERVICE CORPS.

Paragraph (5) of section 3068 of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''Pharmacy, Supply, and Administration'' and inserting ''Administrative Health Services'';

(2) in subparagraph (C), by striking ''Sanitary Engineering'' and inserting ''Preventive Medicine Sciences''; and

(3) in subparagraph (D), by striking ''Optometry'' and inserting ''Clinical Health Sciences''.

SEC. 713. CLARIFICATION OF LICENSURE REQUIREMENTS APPLICABLE TO MILITARY HEALTH-CARE PROFESSIONALS WHO ARE MEMBERS OF THE NATIONAL GUARD PERFORMING DUTY WHILE IN TITLE 32 STATUS.

Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ''or (3)'' after ''paragraph (2)'';

(2) in paragraph (2), by inserting ''as being described in this paragraph'' after ''paragraph (1)''; and

(3) by adding at the end the following new paragraph:

''(3) A health-care professional referred to in paragraph (1) as being described in this paragraph is a member of the National Guard who—

''(A) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

''(B) is performing training or duty under title 32 in response to an actual or potential disaster.''.

SEC. 714. ANNUAL REPORT ON JOINT HEALTH CARE FACILITIES OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

(a) ANNUAL REPORTS.—Section 1073b of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON JOINT HEALTH CARE FACILITIES OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.—(1) At the same time that the budget of the President is submitted under section 1105(a) of title 31 for each fiscal year, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate congressional committees a report on joint facilities.

''(2) Each report under paragraph (1) shall include the following:

''(A) A list of each military medical treatment facility of the Department of Defense that the Secretary of Defense is considering as a potential joint facility.

''(B) A list of each medical facility of the Department of Veterans Affairs that the Secretary of Veterans Affairs is considering as a potential joint facility.

''(C) A list of each military medical treatment facility of the Department of Defense and medical facility of the Department of Veterans Affairs that has been established as a joint facility.

''(3)(A) Except as provided in subparagraph (B), no funds authorized to be appropriated or otherwise made available for fiscal year 2012 or any fiscal year thereafter for military medical treatment facilities of the Department of Defense may be obligated or expended to establish a joint facility unless both the military medical treatment facility of the Department of Defense and the medical facility of the Department of Veterans Affairs were included in a report under paragraph (1).

''(B) The Secretary of Defense may waive the limitation in subparagraph (A) with respect to establishing a joint facility not included in a report under paragraph (1) if—

''(i) the Secretary and the Secretary of Veterans Affairs jointly submit to the appropriate congressional committees—

''(I) written certification that the Secretaries began considering such joint facility after the most recent report under subsection (a) was submitted to the appropriate congressional committees; and

''(II) a report on such joint facility, including the location and the estimated cost; and

''(ii) a period of 30 days has elapsed after the date on which the certification and report under clause (i) are submitted to the appropriate congressional committees.

''(4) In this subsection:

''(A) The term 'appropriate congressional committees' means—

''(i) the congressional defense committees;

''(ii) the Committee on Veterans' Affairs of the House of Representatives; and

''(iii) the Committee on Veterans' Affairs of the Senate.

''(B) The term 'joint facility' means a military medical treatment facility of the Department of Defense and a medical facility of the Department of Veterans Affairs that are combined, operated jointly, or otherwise operated in such a manner that a facility of one department is operating in or with a facility of the other department.

''(C) The term 'medical facility', with respect to a facility of the Department of Veterans Affairs, has the meaning given that term in section 8101(3) of title 38.''.

(b) TITLE 38.—

(1) IN GENERAL.—Subchapter IV of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 8159. Limitation on establishment of joint facilities of the Department of Veterans Affairs and the Department of Defense

''(a) LIMITATION.—Except as provided in subsection (b), no funds authorized to be appropriated or otherwise made available for fiscal year 2012 or any fiscal year thereafter for medical facilities of the Department of Veterans Affairs may be obligated or expended to establish a joint facility unless both the medical facility of the Department of Veterans Affairs and the military medical treatment facility of the Department of Defense were included in a report submitted by the Secretary of Veterans Affairs and the Secretary of Defense to the appropriate congressional committees under section 1073b(c) of title 10.

''(b) WAIVER.—The Secretary of Veterans Affairs may waive the limitation in subsection (a) with respect to establishing a joint facility not included in a report under section 1073b(c) of title 10 if—

''(1) the Secretary and the Secretary of Defense jointly submit to the appropriate congressional committees—

''(A) written certification that the Secretaries began considering such joint facility after the most recent report under section 1073b(c) of title 10 was submitted to the appropriate congressional committees; and

''(B) a report on such joint facility, including the location and the estimated cost; and

''(2) a period of 30 days has elapsed after the date on which the certification and report under paragraph (1) are submitted to the appropriate congressional committees.

''(c) DEFINITIONS.—In this section:

''(1) The term 'appropriate congressional committees' means—

''(A) the congressional defense committees (as defined in section 101(a)(16) of title 10);

''(B) the Committee on Veterans' Affairs of the House of Representatives; and

''(C) the Committee on Veterans' Affairs of the Senate.

''(2) The term 'joint facility' means a military medical treatment facility of the Department of Defense and a medical facility of the Department of Veterans Affairs that are combined, operated jointly, or otherwise operated in such a manner that a facility of one department is operating in or with a facility of the other department.

''(3) The term 'medical facility' has the meaning given that term in section 8101(3) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8158 the following new item:

SEC. 715. IMPROVEMENTS TO OVERSIGHT OF MEDICAL TRAINING FOR MEDICAL CORPS OFFICERS.

(a) REVIEW OF TRAINING PROGRAMS FOR MEDICAL OFFICERS.—The Secretary of Defense shall conduct a review of training programs for medical officers (as defined in section 101(b)(14) of title 10, United States Code) to ensure that the academic and military performance of such officers has been completely documented in military personnel records. The programs reviewed shall include, at a minimum, the following:

(1) Programs at the Uniformed Services University of the Health Sciences that award a medical doctor degree.

(2) Selected residency programs at military medical treatment facilities, as determined by the Secretary, to include at least one program in each of the specialties of—

(A) anesthesiology;
(B) emergency medicine;
(C) family medicine;
(D) general surgery;
(E) neurology;
(F) obstetrics/gynecology;
(G) pathology;
(H) pediatrics; and
(I) psychiatry.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the findings of the review under subsection (a).

SEC. 716. STUDY ON REIMBURSEMENT FOR COSTS OF HEALTH CARE PROVIDED TO INELIGIBLE INDIVIDUALS.

(a) STUDY.—The Secretary of Defense shall conduct a study on the costs incurred by the United States on behalf of individuals—

(1) who are not covered beneficiaries; and

(2) who receive health care services from a health care provider under the TRICARE program.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study under subsection (a), including recommendations for legislative action that the Secretary considers appropriate to—

(1) prevent individuals who are not covered beneficiaries from receiving health care services from a health care provider under the TRICARE program; and

(2) recoup the costs of such health care from such individuals.

(c) DEFINITIONS.—In this section:

(1) The term ''covered beneficiary'' has the meaning given that term in section 1072(5) of title 10, United States Code.

(2) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of such title.

SEC. 717. LIMITATION ON TRANSFER OF FUNDS TO DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROJECT.

The Secretary of Defense may not transfer any funds authorized to be appropriated by this Act for fiscal year 2011 to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established in section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571) unless, before any such transfer—

(1) the Secretary submits to the congressional defense committees, the Committee on Veterans' Affairs of the House of Representatives, and the Committee on Veterans' Affairs of the Senate a report providing—

(A) notice of the proposed transfer; and

(B) the exact amount and source of funds to be transferred; and

(2) a period of 30 days has elapsed (excluding days of which either House of Congress is not in session) after the report is submitted under paragraph (1).

SEC. 718. ENTERPRISE RISK ASSESSMENT OF HEALTH INFORMATION TECHNOLOGY PROGRAMS.

(a) STUDY.—The Secretary of Defense shall conduct an enterprise risk assessment methodology study of all health information technology programs of the Department of Defense.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the results of the study required under subsection (a).

Subtitle C—Other Matters

SEC. 721. IMPROVING AURAL PROTECTION FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—In accordance with section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4506), the Secretary of Defense shall examine methods to improve the aural protection for members of the Armed Forces in combat.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the methods to improve aural protection examined under subsection (a).

SEC. 722. COMPREHENSIVE POLICY ON NEUROCOGNITIVE ASSESSMENT BY THE MILITARY HEALTH CARE SYSTEM.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than September 30, 2011, the Secretary of Defense shall develop and implement a comprehensive policy on pre- and post-deployment neurocognitive assessment.

(b) SCOPE OF POLICY.—The policy required by subsection (a) shall cover each of the following:

(1) Require the administration of the same pre-deployment and post-deployment neurocognitive assessments to all members of the military who are preparing to deploy or have returned from deployment.

(2) Require the standardization of testing procedures for neurocognitive assessments.

(3) Provide for follow-up neurocognitive assessments as needed to create a longitudinal neurocognitive assessment record for the ongoing care of members of the Armed Forces.

(4) Ensure the neurocognitive assessment results and reports be made available to members of the Armed Forces and veterans for their personal use in health management.

(c) UPDATES.—The Secretary shall revise the policy required by subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and on September 30 of each year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the policy required by subsection (a).

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A description of the policy implemented under subsection (b), and any revisions to such policy under subsection (d).

(B) A description of the performance measures used to determine the effectiveness of the policy in improving the use of neurocognitive assessments throughout the Department of Defense.

(e) COGNITIVE IMPAIRMENT SCREENINGS.—Until the comprehensive policy under subsection (a) is implemented, the Secretary shall use the same cognitive screening tool for pre-deployment and post-deployment screening to compare new data to previous baseline data for the purposes of detecting cognitive impairment (as described in section 1618(e)(6) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note)) for each member of the Armed Forces—

(1) who returns from a deployment in support of a contingency operation; and

(2) who completed a neurocognitive assessment prior to the implementation of a new pre-deployment and post-deployment screening tool.

(f) CONCLUSION OF STUDIES ON COGNITIVE ASSESSMENT TOOLS.—Not later than September 30, 2011, the Secretary of Defense shall complete any outstanding comparative studies on the effectiveness of various cognitive screening tools, including existing tools used for pre-deployment and post-deployment screenings, for the implementation of the comprehensive policy under subsection (a).

SEC. 723. NATIONAL CASUALTY CARE RESEARCH CENTER.

(a) DESIGNATION.—Not later than October 1, 2011, the Secretary of Defense may designate a center to be known as the ''National Casualty Care Research Center'' (in this section referred to as the ''Center''), which shall consist of the program known as the combat casualty care research program of the Army Medical Research and Materiel Command.

(b) DIRECTOR.—The Secretary, in consultation with the commanding general of the Army Medical Research and Materiel Command, shall appoint a director of the Center.

(c) ACTIVITIES OF THE CENTER.—In addition to other functions performed by the combat casualty care research program, the Center shall—

(1) provide a public-private partnership for funding clinical and experimental studies in combat injury;

(2) integrate laboratory and clinical research to hasten improvements in care to members of the Armed Forces who are injured;

(3) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Data Bank, are optimally used to establish research agendas and measure improvements in outcomes;

(4) fund the full range of injury research and evaluation, including—

(A) laboratory, translational, and clinical research;

(B) point of wounding and pre-hospital care;

(C) early resuscitative management;

(D) initial and definitive surgical care; and

(E) rehabilitation and reintegration into society; and

(5) coordinate the collaboration of civilian and military institutions conducting trauma research.

SEC. 724. REPORT ON FEASIBILITY OF STUDY ON BREAST CANCER AMONG FEMALE MEMBERS OF THE ARMED FORCES.

(a) REPORT.—Not later than March 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of conducting a case-control study described in subsection (b).

(b) CASE-CONTROL STUDY.—A case-control study described in this subsection is a case-control study on the incidence of breast cancer among covered members in order to determine whether covered members were at an elevated risk of having breast cancer, including the following:

(1) A determination of the number of covered members who have been diagnosed with breast cancer.

(2) A sample of covered members who have not been diagnosed with breast cancer who

could serve as an appropriate comparison group.

(3) A determination of demographic information and potential breast cancer risk factors regarding covered members who are included in the study, including—

(A) race;

(B) ethnicity;

(C) age;

(D) possible exposure to hazardous elements or chemical or biological agents (including any vaccines) and where such exposure occurred;

(E) known breast cancer risk factors, including familial, reproductive, and anthropometric parameters;

(F) the locations of duty stations that such member was assigned;

(G) the locations in which such member was deployed; and

(H) the geographic area of residence prior to deployment.

(4) An analysis of the clinical characteristics of breast cancer diagnosed in covered members (including the stage, grade, and other details of the cancer).

(5) Other information the Secretary considers appropriate.

(c) COVERED MEMBERS DEFINED.—In this section, the term ''covered members'' means female members of the Armed Forces (including members of the National Guard and reserve components) who served in Operation Enduring Freedom or Operation Iraqi Freedom.

SEC. 725. ASSESSMENT OF POST-TRAUMATIC STRESS DISORDER BY MILITARY OCCUPATION.

(a) ASSESSMENT.—The Secretary of Defense shall conduct an assessment of post-traumatic stress disorder incidence by military occupation, including identification of military occupations with a high incidence of such disorder.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment under subsection (a).

SEC. 726. VISITING NIH SENIOR NEUROSCIENCE FELLOWSHIP PROGRAM.

(a) AUTHORITY TO ESTABLISH.—The Secretary of Defense may establish a program to be known as the Visiting NIH Senior Neuroscience Fellowship Program at—

(1) the Defense Advanced Research Projects Agency; and

(2) the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury.

(b) ACTIVITIES OF THE PROGRAM.—In establishing the Visiting NIH Senior Neuroscience Fellowship Program under subsection (a), the Secretary shall require the program to—

(1) provide a partnership between the National Institutes of Health and the Defense Advanced Research Projects Agency to enable identification and funding of the broadest range of innovative, highest quality clinical and experimental neuroscience studies for the benefit of members of the Armed Forces;

(2) provide a partnership between the National Institutes of Health and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury that will enable identification and funding of clinical and experimental neuroscience studies for the benefit of members of the Armed Forces;

(3) use the results of the studies described in paragraph (1) and (2) to enhance the mission of the National Institutes of Health for the benefit of the public; and

(4) provide a military and civilian collaborative environment for neuroscience-based medical problem-solving in critical areas affecting both military and civilian life, particularly post-traumatic stress disorder.

(c) PERIOD OF FELLOWSHIP.—The period of any fellowship under the Program shall not last more than 2 years and shall not continue unless agreed upon by the parties concerned.

SEC. 727. PILOT PROGRAM ON PAYMENT FOR TREATMENT OF MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) PAYMENT PROCESS.—The Secretary of Defense and the Secretary of Veterans Affairs shall carry out a five-year pilot program under which each such Secretary shall establish a process through which each Secretary shall provide payment for treatments (including diagnostic testing) of traumatic brain injury or post-traumatic stress disorder received by members of the Armed Forces and veterans in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities. Such process shall provide that payment be made directly to the health care facility furnishing the treatment.

(b) CONDITIONS FOR PAYMENT.—The approval by a Secretary for payment for a treatment pursuant to subsection (a) shall be subject to the following conditions:

(1) Any drug or device used in the treatment must be approved or cleared by the Food and Drug Administration for any purpose.

(2) The treatment or study protocol used in treating the member or veteran must have been approved by an institutional review board operating in accordance with regulations issued by the Secretary of Health and Human Services.

(3) The approved treatment or study protocol (including any patient disclosure requirements) must be used by the health care provider delivering the treatment.

(4) The patient receiving the treatment or study protocol must demonstrate an improvement as a result of the treatment on one or more of the following:

(A) Standardized independent pre-treatment and post-treatment neuropsychological testing.

(B) Accepted survey instruments.

(C) Neurological imaging.

(D) Clinical examination.

(5) The patient receiving the treatment or study protocol must be receiving the treatment voluntarily.

(6) The patient receiving the treatment may not be a retired member of the uniformed services or of the Armed Forces who is entitled to benefits under part A, or eligible to enroll under part B, of title XVIII of the Social Security Act.

(c) ADDITIONAL RESTRICTIONS PROHIBITED.—Except as provided in this subsection (b), no restriction or condition for reimbursement may be placed on any health care provider that is operating lawfully under the laws of the State in which the provider is located with respect to the receipt of payment under this Act.

(d) PAYMENT DEADLINE.—The Secretary of Defense and the Secretary of Veterans Affairs shall make a payment for a treatment or study protocol pursuant to subsection (a) not later than 30 days after a member of the Armed Forces or veteran (or health care provider on behalf of such member or veteran) submits to the Secretary documentation regarding the treatment or study protocol. The Secretary of Defense and the Secretary of Veterans Affairs shall ensure that the documentation required under this subsection may not be an undue burden on the member of the Armed Forces or veteran or on the health care provider.

(e) PAYMENT SOURCE.—Subsection (c)(1) of section 1074 of title 10, United States Code, shall apply with respect to the payment by the Secretary of Defense for treatment or study protocols pursuant to subsection (a) of traumatic brain injury and post-traumatic stress disorder received by members of the Armed Forces.

(f) PAYMENT AMOUNT.—A payment under this Act shall be made at the equivalent Centers for Medicare and Medicaid Services reimbursement rate in effect for appropriate treatment codes for the State or territory in which the treatment or study protocol is received. If no such rate is in effect, payment shall be made at a fair market rate, as determined by the Secretary of Defense, in consultation with the Secretary of Health and Human Services, with respect to a patient who is a member of the Armed Forces or the Secretary of Veterans Affairs with respect to a patient who is a veteran.

(g) DATA COLLECTION AND AVAILABILITY.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretaries shall ensure that the database preserves confidentiality and be made available only—

(A) for third-party payer examination;

(B) to the appropriate congressional committees and employees of the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, and appropriate State agencies; and

(C) to the primary investigator of the institutional review board that approved the treatment or study protocol, in the case of data relating to a patient case involving the use of such treatment or study protocol.

(2) ENROLLMENT IN INSTITUTIONAL REVIEW BOARD STUDY.—In the case of a patient enrolled in a registered institutional review board study, results may be publically distributable in accordance with the regulations prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) and other regulations and practices in effect as of the date of the enactment of this Act.

(3) QUALIFIED INSTITUTIONAL REVIEW BOARDS.—The Secretary of Defense and the Secretary of Veterans Affairs shall each ensure that the Internet website of their respective departments includes a list of all civilian institutional review board studies that have received a payment under this Act.

(h) ASSISTANCE FOR MEMBERS TO OBTAIN TREATMENT.—

(1) ASSIGNMENT TO TEMPORARY DUTY.—The Secretary of a military department may assign a member of the Armed Forces under the jurisdiction of the Secretary to temporary duty or allow the member a permissive temporary duty in order to permit the member to receive treatment or study protocol for traumatic brain injury or post-traumatic stress disorder, for which payments shall be made under subsection (a), at a location beyond reasonable commuting distance of the member's permanent duty station.

(2) PAYMENT OF PER DIEM.—A member who is away from the member's permanent station may be paid a per diem in lieu of subsistence in an amount not more than the amount to which the member would be entitled if the member were performing travel in connection with a temporary duty assignment.

(3) GIFT RULE WAIVER.—Notwithstanding any rule of any department or agency with respect to ethics or the receipt of gifts, any assistance provided to a member of the Armed Forces with a service-connected injury or disability for travel, meals, or entertainment incidental to receiving treatment or study protocol under this Act, or for the provision of such treatment or study protocol, shall not be subject to or covered by any such rule.

(i) RETALIATION PROHIBITED.—No retaliation may be made against any member of the Armed Forces or veteran who receives treatment or study protocol as part of registered institutional review board study carried out by a civilian health care practitioner.

(j) TREATMENT OF UNIVERSITY AND NATIONALLY ACCREDITED INSTITUTIONAL REVIEW BOARDS.—For purposes of this Act, a university-affiliated or nationally accredited institutional review board shall be treated in the same manner as a Government institutional review board.

(k) MEMORANDA OF UNDERSTANDING.—The Secretary of Defense and the Secretary of Veterans Affairs shall seek to expeditiously enter into memoranda of understandings with civilian institutional review boards described in subsection (j) for the purpose of providing for members of the Armed Forces and veterans to receive treatment carried out by civilian health care practitioners under a treatment or study protocol approved by and under the oversight of civilian institutional review boards that would qualify for payment under this Act.

(l) OUTREACH REQUIRED.—

(1) OUTREACH TO VETERANS.—The Secretary of Veterans Affairs shall notify each veteran with a service-connected injury or disability of the opportunity to receive treatment or study protocol pursuant to this Act.

(2) OUTREACH TO MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall notify each member of the Armed Forces with a service-connected injury or disability of the opportunity to receive treatment or study protocol pursuant to this Act.

(m) REPORT TO CONGRESS.—Not later than 30 days after the last day of each fiscal year during which the Secretary of Defense and the Secretary of Veterans Affairs are authorized to make payments under this Act, the Secretaries shall jointly submit to Congress an annual report on the implementation of this Act. Such report shall include each of the following for that fiscal year:

(1) The number of individuals for whom the Secretary has provided payments under this Act.

(2) The condition for which each such individual receives treatment for which payment is provided under this Act and the success rate of each such treatment.

(3) Treatment methods that are used by entities receiving payment provided under this Act and the respective rate of success of each such method.

(4) The recommendations of the Secretaries with respect to the integration of treatment methods for which payment is provided under this Act into facilities of the Department of Defense and Department of Veterans Affairs.

(n) TERMINATION.—The authority to make a payment under this Act shall terminate on the date that is five years after the date of the enactment of this Act.

(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $10,000,000 for each fiscal year during which the Secretary of Veterans Affairs and the Secretary of Defense are authorized to make payments under this Act.

SEC. 728. POST-TRAUMATIC STRESS DISORDER COUNSELING FOR CIVILIAN VICTIMS OF THE FORT HOOD SHOOTING AND OTHER SIMILAR INCIDENTS.

The Secretary of Defense shall make available to each civilian victim of a shooting on a military installation in the United States, including the shooting at Fort Hood on November 5, 2009, extensive counseling for post-traumatic stress disorder.

SEC. 729. SENSE OF CONGRESS CONCERNING THE IMPLEMENTATION OF THE CONGRESSIONALLY-MANDATED RECOMMENDATIONS OF THE INSTITUTE OF MEDICINE STUDY.

(a) FINDINGS.—Congress finds the following:

(1) Section 717 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1073 note) directed the Secretary of Defense to enter into a contract with the Institute of Medicine of the National Academy of Sciences to conduct a study and make recommendations regarding the credentials, preparation, and training of licensed mental health counselors.

(2) In the study, the Institute of Medicine of the National Academy of Sciences recommends permitting counselors to practice independently under the TRICARE program.

(3) In addition, the Institute of Medicine of the National Academy of Sciences recommends that TRICARE implement a comprehensive quality management system for all of its mental health professionals.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should implement the requirements of subsection (a) of such section 717 by not later than December 31, 2010, because such implementation will increase the urgently needed mental health staff of the Department of Defense and ensure that members of the Armed Forces will receive timely and confidential post-deployment screenings with a mental health professional.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. DISCLOSURE TO LITIGATION SUPPORT CONTRACTORS.

(a) IN GENERAL.—Section 2320 of title 10, United States Code, is amended—

(1) in subsection (c)(2)—

(A) by inserting ''or covered litigation support contractor'' after ''covered Government support contractor''; and

(B) by inserting after ''oversight of'' the following: '', or preparation for litigation relating to,''; and

(2) by inserting after subsection (f) the following:

''(g) In this section, the term 'covered litigation support contractor' means a contractor (including an expert or technical consultant) under contract with the Department of Defense to provide litigation support, which contractor executes a contract with the Government agreeing to and acknowledging—

''(1) that proprietary or nonpublic technical data furnished will be accessed and used only for the purposes stated in that contract;

''(2) that the covered litigation support contractor will take all reasonable steps to protect the proprietary and nonpublic nature of the technical data furnished to the covered litigation support contractor; and

''(3) that such technical data provided to the covered litigation support contractor under the authority of this section shall not be used by the covered litigation support contractor to compete against the third party for Government or non-Government contracts.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 120 days after the date of the enactment of this Act.

SEC. 802. DESIGNATION OF F135 AND F136 ENGINE DEVELOPMENT AND PROCUREMENT PROGRAMS AS MAJOR SUBPROGRAMS.

(a) DESIGNATION AS MAJOR SUBPROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate each of the engine development and procurement programs described in subsection (b) as a major subprogram of the F–35 Lightning II aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) DESCRIPTION.—For purposes of subsection (a), the engine development and procurement programs are the following:

(1) The F135 engine development and procurement program.

(2) The F136 engine development and procurement program.

(c) ORIGINAL BASELINE.—For purposes of reporting requirements referred to in section 2430a(b) of title 10, United States Code, for the major subprograms designated under subsection (a), the Secretary shall use the Milestone B decision for each subprogram as the original baseline for the subprogram.

(d) ACTIONS FOLLOWING CRITICAL COST GROWTH.—

(1) IN GENERAL.—Subject to paragraph (2), to the extent that the Secretary elects to restructure the F–35 Lightning II aircraft major defense acquisition program subsequent to a reassessment and actions required by subsections (a) and (c) of section 2433a of title 10, United States Code, during fiscal year 2010, and also conducts such reassessment and actions with respect to the F135 and F136 engine development and procurement programs (including related reporting based on the original baseline as defined in subsection (c)), the requirements of section 2433a of such title with respect to a major subprogram designated under subsection (a) shall be considered to be met with respect to the major subprogram.

(2) LIMITATION.—Actions taken in accordance with paragraph (1) shall be considered to meet the requirements of section 2433a of title 10, United States Code, with respect to a major subprogram designated under subsection (a) only to the extent that designation as a major subprogram would require the Secretary of Defense to conduct a reassessment and take actions pursuant to such section 2433a for such a subprogram upon enactment of this Act. The requirements of such section 2433a shall not be considered to be met with respect to such a subprogram in the event that additional programmatic changes, following the date of the enactment of this Act, cause the program acquisition unit cost or procurement unit cost of such a subprogram to increase by a percentage equal to or greater than the critical cost growth threshold (as defined in section 2433(a)(5) of such title) for the subprogram.

SEC. 803. CONFORMING AMENDMENTS RELATING TO INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER VARIOUS ACQUISITION-RELATED REQUIREMENTS.

(a) CONFORMING AMENDMENTS TO SECTION 2366a.—Section 2366a of such title is amended—

(1) in subsections (a), (b)(1), and (b)(2)—

(A) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(B) by inserting ''or subprogram'' after ''program'' each place it appears (other than after ''major defense acquisition program'', after ''space program'', before ''requirements'', and before ''manager''); and

(2) in subsection (c)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) The term 'designated major subprogram' means a major subprogram of a major defense acquisition program as designated under section 2430a(a)(1) of this title.''.

(b) CONFORMING AMENDMENTS TO SECTION 2366b.—Section 2366b of such title is amended—

(1) in subsections (a), (b)(1), and (c)(1)—

(A) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(B) by inserting ''or subprogram'' after ''program'' each place it appears (other than after ''major defense acquisition program'', after ''future-years defense program'', and after ''space program''); and

(2) in subsection (g)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) The term 'designated major subprogram' means a major subprogram of a major defense acquisition program as designated under section 2430a(a)(1) of this title.''.

(c) CONFORMING AMENDMENTS TO SECTION 2399.—Subsection (a) of section 2399 of such title is amended to read as follows:

''(a) CONDITION FOR PROCEEDING BEYOND LOW-RATE INITIAL PRODUCTION.—(1) The Secretary of Defense shall provide that a covered major defense acquisition program or a covered designated major subprogram may not proceed beyond low-rate initial production until initial operational test and evaluation of the program or subprogram is completed.

''(2) In this subsection:

''(A) The term 'covered major defense acquisition program' means a major defense acquisition program that involves the acquisition of a weapon system that is a major system within the meaning of that term in section 2302(5) of this title.

''(B) The term 'covered designated major subprogram' means a major subprogram designated under section 2430a(a)(1) of this title that is a major subprogram of a covered major defense acquisition program.''.

(d) CONFORMING AMENDMENTS TO SECTION 2434.—Section 2434(a) of such title is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new paragraph:

''(2) The provisions of this section shall apply to any major subprogram of a major defense acquisition program (as designated under section 2430a(a)(1) of this title) in the same manner as those provisions apply to a major defense acquisition program, and any reference in this section to a program shall be treated as including such a subprogram.''.

SEC. 804. ENHANCEMENT OF DEPARTMENT OF DEFENSE AUTHORITY TO RESPOND TO COMBAT AND SAFETY EMERGENCIES THROUGH RAPID ACQUISITION AND DEPLOYMENT OF URGENTLY NEEDED SUPPLIES.

(a) REQUIREMENT TO ESTABLISH PROCEDURES.—Subsection (a) of section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended by striking ''items that are—'' and inserting ''supplies that are—''.

(b) ISSUES TO BE ADDRESSED.—Subsection (b) of such section is amended—

(1) in paragraph (1)(B), by striking ''items'' and inserting ''supplies''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''items'' and inserting ''supplies'';

(B) in subparagraph (A), by striking ''an item'' and inserting ''the supplies'';

(C) in subparagraph (B), by striking ''an item'' and inserting ''the supplies''; and

(D) in subparagraph (C), by inserting ''and utilization'' after ''deployment''.

(c) RESPONSE TO COMBAT EMERGENCIES.—Subsection (c) of such section is amended—

(1) by striking ''equipment'' each place it appears and inserting ''supplies'';

(2) by striking ''combat capability'' each place it appears;

(3) by inserting '', or could result,'' after ''that has resulted'' each place it appears;

(4) by striking ''fatalities'' each place it appears and inserting ''casualties'';

(5) in paragraphs (1) and (2)(A), by striking ''is'' each place it appears and inserting ''are'';

(6) in paragraph (3)—

(A) by striking ''The authority of this section may not be used to acquire equipment in an amount aggregating more than $100,000,000 during any fiscal year.''; and

(B) by inserting ''in an amount aggregating no more than $200,000,000'' after ''for that fiscal year'';

(7) in paragraph (4), by striking ''Each such notice'' and inserting ''For each such determination, the notice under the preceding sentence''; and

(8) in paragraph (5), by striking ''that equipment'' and inserting ''those supplies''.

(d) WAIVER OF CERTAIN STATUES AND REGULATIONS.—Subsection (d)(1) of such section is amended by striking ''equipment'' in subparagraphs (A), (B), and (C) and inserting ''supplies''.

(e) TESTING REQUIREMENT.—Subsection (e) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''an item'' in the matter preceding subparagraph (A) and inserting ''the supplies''; and

(B) in subparagraph (B), by striking ''of the item'' and all that follows through ''requirements document'' and inserting ''of the supplies in meeting the original requirements for the supplies (as stated in a statement of the urgent operational need'';

(2) in paragraph (2)—

(A) by striking ''an item'' and inserting ''supplies''; and

(B) by striking ''the item'' and inserting ''the supplies''; and

(3) in paragraph (3)—

(A) by striking ''If items'' and inserting ''If the supplies''; and

(B) by striking ''items'' each place it appears and inserting ''supplies''.

(f) LIMITATION.—Subsection (f) of such section is amended to read as follows:

''(f) LIMITATION.—In the case of supplies that are part of a major system for which a low-rate initial production quantity determination has been made pursuant to section 2400 of title 10, United States Code, the quantity of such supplies acquired using the procedures prescribed pursuant to this section may not exceed an amount consistent with complying with limitations on the quantity of articles approved for low-rate initial production for such system. Any such supplies shall be included in any relevant calculation of quantities for low-rate initial production for the system concerned.''.

SEC. 805. PROHIBITION ON CONTRACTS WITH ENTITIES ENGAGING IN COMMERCIAL ACTIVITY IN THE ENERGY SECTOR OF IRAN.

(a) PROHIBITION ON CONTRACTS.—

(1) PROHIBITION.—The Secretary of Defense, beginning 90 days after the date of the enactment of this Act, may not enter into any contract with—

(A) an entity that engages in commercial activity in the energy sector of Iran; or

(B) a successor entity to the entity described in subparagraph (A).

(2) DEFINITION.—For purposes of this subsection, an entity engages in commercial activity in the energy sector of Iran if the entity, when entering into a contract with the Department of Defense for goods and services, fails to certify to the contracting officer that the entity does not engage in an activity for which sanctions may be imposed under section 5(a) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note).

(b) REMEDIES.—

(1) IN GENERAL.—If the Secretary of Defense, in consultation with the Secretary of State, determines that an entity has submitted a false certification under subsection (a)(2), the Secretary of Defense may terminate a contract with such entity or debar or suspend such entity from eligibility for Department of Defense contracts for a period of not more than 3 years. Any such debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations.

(2) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) each entity that is debarred, suspended, or proposed for debarment or suspension by the Secretary on the basis of a determination of a false certification under paragraph (1).

(c) WAIVERS.—

(1) AUTHORITY.—The Secretary of Defense may on a case by-case basis waive the requirement that an entity make a certification under subsection (a)(2) if the Secretary determines that it is in the interest of national security to do so.

(2) CONTENTS OF CERTIFICATION.—Upon issuing a waiver under paragraph (1) with respect to an entity, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification that identifies the entity involved, the nature of the contract, and the rationale for issuing the waiver.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. EXTENSION OF AUTHORITY TO PROCURE CERTAIN FIBERS; LIMITATION ON SPECIFICATION.

(a) EXTENSION.—Section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 229; 10 U.S.C. 2533a note) is amended in subsection (f) by striking ''on the date that is five years after the date of the enactment of this Act'' and inserting ''on January 1, 2021''.

(b) PROHIBITION ON SPECIFICATION IN SOLICITATIONS.—No solicitation issued before January 1, 2021, by the Department of Defense may include a requirement that proposals submitted pursuant to such solicitation must include the use of fire resistant rayon fiber.

SEC. 812. SMALL ARMS PRODUCTION INDUSTRIAL BASE MATTERS.

Section 2473 of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''subsection (d)'' and inserting ''subsection (c)'';

(2) by striking subsection (c);

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(4) by adding at the end the following new subsection (e):

''(e) COMPETITIVE PROCEDURES.—If the Secretary determines under subsection (a) that the requirement to procure property or services described in subsection (b) for the Department of Defense from a firm in the small arms production industrial base is not necessary to preserve such industrial base, any such procurement shall be awarded through the use of competitive procedures that afford such industrial base a fair opportunity to be considered for such procurement.''.

SEC. 813. ADDITIONAL DEFINITION RELATING TO PRODUCTION OF SPECIALTY METALS WITHIN THE UNITED STATES.

Section 2533b(m) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(11) The term 'produced', as used in subsections (a) and (b), means melted, or processed in a manner that results in physical or chemical property changes that are the equivalent of melting. The term does not include finishing processes such as rolling, heat treatment, quenching, tempering, grinding, or shaving.''.

Subtitle C—Studies and Reports

SEC. 821. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR ACQUISITION AND FUNDING OF TECHNOLOGIES SUPPORTING NETWORK-CENTRIC OPERATIONS.

(a) STUDIES REQUIRED.—

(1) INDEPENDENT STUDY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent federally funded research and development center to carry out a comprehensive study of policies, procedures, organization, and regulatory constraints affecting the acquisition of technologies supporting network-centric operations. The contract shall be funded from amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2011 for operation and maintenance for Defense-wide activities.

(2) JOINT CHIEFS OF STAFF STUDY.—The Chairman of the Joint Chiefs of Staff shall carry out a comprehensive study of the same subjects covered by paragraph (1). The study shall be independent of the study required by paragraph (1) and shall be carried out in conjunction with the military departments and in coordination with the Secretary of Defense.

(b) MATTERS TO BE ADDRESSED.—Each study required by subsection (a) shall address the following matters:

(1) Development of a system for understanding the various foundational components that contribute to network-centric operations, such as data transport, processing, storage, data collection, and dissemination of information.

(2) Determining how acquisition and funding programs that are in place as of the date of the enactment of this Act relate to the system developed under paragraph (1).

(3) Development of acquisition and funding models using the system developed under paragraph (1), including—

(A) a model under which a joint entity independent of any military department (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric operations, and with authority to oversee the incorporation of such technologies into the acquisition programs of the military departments;

(B) a model under which an executive agent is established to manage and oversee the acquisition of technologies for network-centric operations, but would not have exclusive control of the funding for such programs;

(C) a model under which the acquisition and funding programs that are in place as of the date of the enactment of this Act are maintained; and

(D) any other model that the entity carrying out the study considers relevant.

(4) An analysis of each of the models developed under paragraph (3) with respect to potential benefits in—

(A) collecting, processing, and disseminating information;

(B) network commonality;

(C) common communications;

(D) interoperability;

(E) mission impact and success; and

(F) cost-effectiveness.

(5) An evaluation of each of the models developed under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that may impede the implementation of such model.

(c) REPORT REQUIRED.—Not later than September 30, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

(d) NETWORK-CENTRIC OPERATIONS DEFINED.—In this section, the term ''network-centric operations'' refers to the ability to exploit all human and technical elements of the Joint Force and mission partners through the full integration of collected information, awareness, knowledge, experience, and decisionmaking, enabled by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

SEC. 822. ANNUAL JOINT REPORT AND COMPTROLLER GENERAL REVIEW ON CONTRACTING IN IRAQ AND AFGHANISTAN.

The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 258; 10 U.S.C. 2302 note) is amended by adding at the end of subtitle F of title VIII the following new section (and conforming the table of sections for such subtitle at the beginning of title VIII and at the beginning of such Act accordingly):

''SEC. 865. ANNUAL JOINT REPORT AND COMPTROLLER GENERAL REVIEW ON CONTRACTING IN IRAQ AND AFGHANISTAN.

''(a) JOINT REPORT REQUIRED.—

''(1) IN GENERAL.—Every 12 months, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall submit to the relevant committees of Congress a joint report on contracts in Iraq or Afghanistan.

''(2) MATTERS COVERED.—A report under this subsection shall, at a minimum, cover—

''(A) any significant developments or issues with respect to contracts in Iraq and Afghanistan during the reporting period;

''(B) the plans of the departments and agency for strengthening interagency coordination of contracts in Iraq and Afghanistan or in future contingency operations, including plans related to the common databases identified under section 861(b)(4);

''(C) the desirability and feasibility of including in the common databases identified under section 861(b)(4) information about contracts subject to the regulations required by section 839 of the National Defense Authorization Act for Fiscal Year 2011 (providing for extending and applying the requirements of section 862 to additional areas designated or listed in that section 839); and

''(D) the penalties, if any, imposed by the departments and agency on contractors for failing to comply with requirements under section 861(e), including requirements to provide information for the common databases identified under section 861(b)(4).

''(3) REPORTING PERIOD.—A report under this subsection shall cover a period of not less than 12 months.

''(4) SUBMISSION OF REPORTS.—The Secretaries and the Administrator shall submit an initial report under this subsection not later than February 1, 2011, and shall submit an updated report by February 1 of every year thereafter until February 1, 2013. If the total annual amount of obligations for contracts in Iraq and Afghanistan combined is less than $250 million for the reporting period, for the departments and agency combined, the Secretaries and the Administrator may submit a letter documenting this in place of a report.

''(b) COMPTROLLER GENERAL REVIEW AND REPORT.—

''(1) IN GENERAL.—Within 180 days after submission of each annual joint report required under subsection (a), but in no case later than August 5 of each year until 2013, the Comptroller General shall review the joint report and interagency coordination of contracting in Iraq and Afghanistan and submit to the relevant committees of Congress a report on such review.

''(2) MATTERS COVERED.—A report under this subsection shall, at minimum—

''(A) review how the Department of Defense, the Department of State, and the United States Agency for International Development are using the data contained in the common databases identified under section 861(b)(4) in managing, overseeing, and coordinating contracting in Iraq and Afghanistan; and

''(B) assess the plans of the departments and agency for strengthening interagency coordination of contracts in Iraq and Afghanistan or in future contingency operations, particularly any plans related to the common databases identified under section 861(b)(4).

''(3) ACCESS TO DATABASES AND OTHER INFORMATION.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall provide to the Comptroller General full access to information on contracts in Iraq and Afghanistan for the purposes of the review carried out under this subsection, including the common databases identified under section 861(b)(4).''.

SEC. 823. EXTENSION OF COMPTROLLER GENERAL REVIEW AND REPORT ON CONTRACTING IN IRAQ AND AFGHANISTAN.

Section 863 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 258; 10 U.S.C. 2302 note) is amended by striking ''2010'' in subsection (a)(3) and inserting ''2011''.

SEC. 824. INTERIM REPORT ON REVIEW OF IMPACT OF COVERED SUBSIDIES ON ACQUISITION OF KC–45 AIRCRAFT.

(a) INTERIM REPORT.—The Secretary of Defense shall submit to the congressional defense committees an interim report on any review of a covered subsidy initiated pursuant to subsection (a) of section 886 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4561) not later than 60 days after the date of the initiation of the review.

(b) REPORT CONTENTS.—The report required by subsection (a) shall contain detailed findings relating to the impact of the covered subsidy that led to the initiation of the review on the source selection process for the KC–45 Aerial Refueling Aircraft Program or any successor to such program and whether the covered subsidy would provide an unfair competitive advantage to any bidder in the source selection process.

SEC. 825. REPORTS ON JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM.

(a) INDEPENDENT ANALYSES.—

(1) IN GENERAL.—A comprehensive analysis of the Joint Capabilities Integration and Development System shall be independently performed by each of the following:

(A) The Secretary of Defense.

(B) A federally funded research and development center selected by the Secretary of Defense.

(2) MATTERS COVERED.—Each such analysis shall—

(A) evaluate the entire Joint Capabilities Integration and Development System and the problems associated with it, with particular emphasis on the problems relating to the length of time and the costs involved in identifying, assessing, and validating joint military capability needs; and

(B) identify the best solutions to the problems evaluated under subparagraph (A) and develop recommendations to carry out those solutions.

(3) REPORTS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(A) a report by the Secretary on the analysis performed by the Secretary under paragraph (1), with particular emphasis on continuous process improvement; and

(B) a report by the federally funded research and development center selected under paragraph (1)(B) on the analysis performed by the center under paragraph (1), together with such comments as the Secretary considers necessary on the report.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense—

(A) shall develop and begin implementing a plan to address the problems with the Joint Capabilities Integration and Development System, taking into account the recommendations developed in the analyses required under subsection (a) and as part of a program to manage performance in establishing joint military requirements; and

(B) shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plan, including, at a minimum, a timeline, objectives, milestones, and projected resource requirements.

(2) REPORT FORMAT.—The report required under paragraph (1)(B) may be included as part of any report relating to a program to manage performance in establishing joint military requirements.

Subtitle D—Other Matters

SEC. 831. EXTENSION OF AUTHORITY FOR DEFENSE ACQUISITION CHALLENGE PROGRAM.

Section 2359b(k) of title 10, United States Code, is amended by striking ''2012'' and inserting ''2017''.

SEC. 832. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) COMPETITION REQUIREMENTS FOR TASK OR DELIVERY ORDERS UNDER ENERGY SAVINGS PERFORMANCE CONTRACTS.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by adding at the end the following:

''(c) TASK OR DELIVERY ORDERS.—(1) The head of a Federal agency may issue a task or delivery order under an energy savings performance contract by—

''(A) notifying all contractors that have received an award under such contract that the agency proposes to discuss energy savings performance services for some or all of its facilities and, following a reasonable period of time to provide a proposal in response to the notice, soliciting from such contractors the submission of expressions of interest in, and contractor qualifications for, performing site surveys or investigations and feasibility designs and studies, and including in the notice summary information concerning energy use for any facilities that the agency has specific interest in including in such task or delivery order;

''(B) reviewing all expressions of interest and qualifications submitted pursuant to the notice under subparagraph (A);

''(C) selecting two or more contractors (from among those reviewed under subparagraph (B)) to conduct discussions concerning the contractors' respective qualifications to implement potential energy conservation measures, including—

''(i) requesting references and specific detailed examples with respect to similar efforts and the resulting energy savings of such similar efforts; and

''(ii) requesting an explanation of how such similar efforts relate to the scope and content of the task or delivery order concerned;

''(D) selecting and authorizing—

''(i) more than one contractor (from among those selected under subparagraph (C)) to conduct site surveys, investigations, feasibility designs and studies or similar assessments for the energy savings performance contract services (or for discrete portions of such services), for the purpose of allowing each such contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures; or

''(ii) one contractor (from among those selected under subparagraph (C)) to conduct a site survey, investigation, a feasibility design and study or similar assessment for the purpose of allowing the contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures;

''(E) providing a debriefing to any contractor not selected under subparagraph (D);

''(F) negotiating a task or delivery order for energy savings performance contracting services with the contractor or contractors selected under subparagraph (D) based on the energy conservation measures identified; and

''(G) issuing a task or delivery order for energy savings performance contracting services to such contractor or contractors.

''(2) The issuance of a task or delivery order for energy savings performance contracting services pursuant to paragraph (1) is deemed to satisfy the task and delivery order competition requirements in section 2304c(d) of title 10, United States Code, and section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)).

''(3) The Secretary may issue guidance as necessary to agencies issuing task or delivery orders pursuant to paragraph (1).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) is inapplicable to task or delivery orders issued before the date of enactment of this Act.

SEC. 833. CONSIDERATION OF SUSTAINABLE PRACTICES IN PROCUREMENT OF PRODUCTS AND SERVICES.

(a) CONSIDERATION OF SUSTAINABLE PRACTICES.—

(1) IN GENERAL.—The Secretary of Defense shall develop and issue guidance directing the Secretary of each military department and the head of each defense agency to consider sustainable practices in the procurement of products and services. Such guidance shall ensure that strategies for acquiring products or services to meet departmental or agency performance requirements favor products or services described in paragraph (2) if such products or services can be acquired on a life cycle cost-neutral basis.

(2) PRODUCTS OR SERVICES.—A product or service described in this paragraph is a product or service that is energy-efficient, water-efficient, biobased, environmentally preferable, non-ozone-depleting, contains recycled content, is non-toxic, or is less toxic than alternative products or services.

(b) EXCEPTION.—Subsection (a) does not apply to the acquisition of weapon systems or components of weapon systems.

SEC. 834. DEFINITION OF MATERIALS CRITICAL TO NATIONAL SECURITY.

Section 187 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) DEFINITIONS.—In this section:

''(1) The term 'materials critical to national security' means materials—

''(A) upon which the production or sustainment of military equipment is dependent; and

''(B) the supply of which could be restricted by actions or events outside the control of the Government of the United States.

''(2) The term 'military equipment' means equipment used directly by the armed forces to carry out military operations.''.

SEC. 835. DETERMINATION OF STRATEGIC OR CRITICAL RARE EARTH MATERIALS FOR DEFENSE APPLICATIONS.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall undertake an assessment of the supply chain for rare earth materials and determine which, if any, rare earth materials are strategic materials and which rare earth materials are materials critical to national security. For the purposes of the assessment—

(1) the Secretary may consider the views of other Federal agencies, as appropriate;

(2) any study conducted by the Director, Industrial Policy during fiscal year 2010 may be considered as partial fulfillment of the requirements of this section;

(3) any study conducted by the Comptroller General of the United States during fiscal year 2010 may be considered as partial fulfillment of the requirements of this section; and

(4) the Secretary shall consider the sources of rare earth materials (both in terms of source nations and number of vendors) including rare earth elements, rare earth metals, rare earth magnets, and other components containing rare earths.

(b) PLAN.—In the event that the Secretary determines that a rare earth material is a strategic material or a material critical to national security, the Secretary shall develop a plan to ensure the long-term availability of such rare earth material, with a goal of establishing domestic sources of such material by December 31, 2015. In developing the plan, the Secretary shall consider all relevant components of the value-chain, including mining, processing, refining, and manufacturing. The plan shall include consideration of numerous options with respect to the material, including—

(1) an assessment of including the material in the National Defense Stockpile;

(2) in consultation with the United States Trade Representative, the identification of any trade practices known to the Secretary that limit the Secretary's ability to ensure the long-term availability of such material or the ability to meet the goal of establishing domestic sources of such material by December 31, 2015;

(3) an assessment of the availability of financing to industry, academic institutions, or not-for-profit entities to provide the capacity required to ensure the availability of the material and potential mechanisms to increase the availability of such financing;

(4) the benefits, if any, of Defense Production Act funding to support the establishment of a domestic rare earth manufacturing capability for military components;

(5) funding for research and development of any aspect of the rare earth supply-chain;

(6) any other risk mitigation method determined appropriate by the Secretary that is consistent with the goal of establishing domestic sources by December 31, 2015; and

(7) for components of the rare earth material supply-chain for which no other risk mitigation method, in accordance with paragraphs (1) through (6), will ensure the establishment of a domestic source by December 31, 2015, a specific plan to eliminate supply-chain vulnerability by the earliest date practicable.

(c) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act,

the Secretary of Defense shall submit to the congressional committees described in paragraph (2) a report containing the findings of the assessment under subsection (a) and the plan (if any) developed under subsection (b).

(2) CONGRESSIONAL COMMITTEES.—The congressional committees described in this paragraph are as follows:

(A) The congressional defense committees.

(B) The Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(C) The Committee on Finance and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(d) DEFINITIONS.—In this section:

(1) STRATEGIC MATERIAL.—The term ''strategic material'' means a material—

(A) which is essential for military equipment;

(B) which is unique in the function it performs; and

(C) for which there are no viable alternatives.

(2) MATERIALS CRITICAL TO NATIONAL SECURITY.—The term ''materials critical to national security'' has the meaning provided by section 187(e) of title 10, United States Code, as amended by section 827 of this Act.

SEC. 836. REVIEW OF NATIONAL SECURITY EXCEPTION TO COMPETITION.

(a) REVIEW REQUIRED.—The Secretary of Defense shall review the implementation by the Department of Defense of the national security exception to full and open competition provided in section 2304(c)(6) of title 10, United States Code.

(b) MATTERS REVIEWED.—The review of the implementation of the national security exception required by subsection (a) shall include—

(1) the pattern of usage of such exception by acquisition organizations within the Department to determine which organizations are commonly using the exception and the frequency of such usage;

(2) the range of items or services being acquired through the use of such exception;

(3) the process for reviewing and approving justifications involving such exception;

(4) whether the justifications for use of such exception typically meet the relevant requirements of the Federal Acquisition Regulation applicable to the use of such exception;

(5) issues associated with follow-on procurements for items or services acquired using such exception; and

(6) potential additional instances where such exception could be applied and any authorities available to the Department of Defense other than such exception that could be applied in such instances.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report on the review required by subsection (a), including a discussion of each of the matters specified in subsection (b). The report shall include any recommendations relating to the matters reviewed that the Secretary considers appropriate. The report shall be submitted in unclassified form but may include a classified annex.

(d) REGULATIONS.—

(1) REQUIREMENT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional committees described in paragraph (2) draft regulations on the implementation of the national security exception to full and open competition provided in section 2304(c)(6) of title 10, United States Code, taking into account the results of the review required by subsection (a).

(2) CONGRESSIONAL COMMITTEES.—The congressional committees described in this paragraph are the following:

(A) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(B) The Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

SEC. 837. INCLUSION OF BRIBERY IN DISCLOSURE REQUIREMENTS OF THE FEDERAL AWARDEE PERFORMANCE AND INTEGRITY INFORMATION SYSTEM.

(a) INCLUSION OF BRIBERY IN DISCLOSURE REQUIREMENTS.—Section 872(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4556) is amended by adding at the end the following new paragraph:

''(8) To the maximum extent practical, information similar to the information covered by paragraph (1) in connection with any law relating to bribery of a country which is a signatory of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, signed at Paris on December 17, 1997.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect not later than 90 days after the date of the enactment of this Act.

SEC. 838. REQUIREMENT FOR ENTITIES WITH FACILITY CLEARANCES THAT ARE NOT UNDER FOREIGN OWNERSHIP CONTROL OR INFLUENCE MITIGATION.

(a) REQUIREMENT.—The Secretary of Defense shall require the directors of a covered entity to establish a government security committee that shall ensure that the covered entity employs and maintains policies and procedures that meet requirements under the national industrial security program.

(b) COVERED ENTITY.—A covered entity under this section is an entity—

(1) to which the Department of Defense has granted a facility clearance;

(2) that is not subject to foreign ownership control or influence mitigation measures; and

(3) that is a corporation.

(c) DISCRETIONARY REQUIREMENT.—The Secretary of Defense may require that the requirement in subsection (a) apply to an entity that meets the elements described in paragraphs (1) and (2) of subsection (b) and is a limited liability company, sole proprietorship, nonprofit corporation, partnership, academic institution, or any other entity holding a facility clearance.

(d) GUIDANCE.—The Secretary of Defense shall develop implementing guidance for the requirement in subsection (a).

(e) GOVERNMENT SECURITY COMMITTEE.—For the purposes of this section, a government security committee is a subcommittee of a covered entity's board of directors, made up of resident United States citizens, that is responsible for ensuring that the covered entity complies with the requirements of the national industrial security program.

SEC. 839. REPORT RELATED TO MINORITY-OWNED, WOMEN-OWNED, AND DISADVANTAGED-OWNED SMALL BUSINESSES.

Not later than December 1, 2010, the Secretary of Defense shall provide to the Congressional Black Caucus a report that includes a list of minority-owned, women-owned, and disadvantaged-owned small businesses that receive contracts resulting from authorized funding to the Department of Defense. The list shall cover the 10 calendar years preceding the date of the enactment of this Act and shall include, for each listed business, the name of the business and the business owner and the amount of the contract award.

SEC. 840. DEFENSE INDUSTRIAL BASE PRIORITY FOR RARE EARTH NEODYMIUM IRON BORON MAGNETS.

(a) FINDINGS.—Congress finds the following:

(1) There is an urgent need to restore the United States capability to manufacture sintered neodymium iron boron magnets for use in defense applications and there is an urgent need to eliminate the domestic supply-chain vulnerability related to these key materials in the defense supply-chain.

(2) An April 14, 2010 report by the Government Accountability Office entitled ''Rare Earth Materials in the Defense Supply Chain'' demonstrates—

(A) the ''United States is not currently producing neodymium iron boron magnets,'' a key rare earth material;

(B) that future availability of neodymium is largely controlled by Chinese suppliers;

(C) that alternatives to rare earth materials could reduce the demand and dependence on rare earth materials in 10 to 15 years, but these materials might not meet current application requirements;

(D) where rare earth materials are used in defense systems, the materials are responsible for the functionality of the component and would be difficult to replace without losing performance;

(E) fin actuators used in precision-guided munitions are specifically designed around the capabilities of neodymium iron boron rare earth magnets, which are primarily available from Chinese suppliers;

(F) the DDG–51 Hybrid Electric Drive Ship Program uses permanent-magnet motors using neodymium magnets from China; and

(G) future generations of some defense system components, such as transmit and receive modules for radars, will continue to depend on rare earth materials.

(3) The United States has the technological capability to restore its neodymium iron boron manufacturing capability.

(4) Worldwide supplies or rare earth materials, including neodymium, are expected to tighten significantly within the next 3–5 years.

(5) A domestic effort to restore domestic sintered neodymium iron boron magnet manufacturing capability, including efforts to qualify those magnets for use in defense applications, will take between 3–5 years and should begin immediately to avoid future weapon system delivery disruption.

(b) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a plan to establish a domestic source of sintered neodymium iron boron magnets for use in the defense supply chain.

(c) SINTERED NEODYMIUM IRON BORON MAGNETS.—For the purposes of subsection (b), the capability to manufacture sintered neodymium iron boron magnets includes the alloying, pressing, and sintering of magnet materials. It does not include manufacturing magnets from standard shapes or imported blocks of neodymium. The Secretary's plan shall not allow the grinding or reprocessing of neodymium to be considered a ''domestic source of sintered neodymium iron boron magnets''.

SEC. 841. SENSE OF CONGRESS REGARDING COST SAVINGS THROUGH REDUCTIONS IN WASTE, FRAUD, AND ABUSE.

(a) FINDINGS.—Congress finds the following:

(1) The Secretary of Defense has undertaken meaningful efforts to eliminate waste, fraud, and abuse through contractor oversight and new policies and procedures aimed at increasing emphasis on ethics, governance, and fraud prevention.

(2) The Government Accountability Office report dated December 16, 2009, on the status

of 3,099 recommendations made to the Department of Defense by the Government Accountability Office between 2001 and 2008, indicates that the Department of Defense has implemented 1,871, or 61 percent, of the recommendations.

(3) The Government Accountability Office estimates that the implementation of these recommendations yielded the Federal Government a savings of $89 billion from 2001 through 2007, averaging $12.7 billion in annual financial benefit.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there is potential for additional and significant cost savings through further reductions by the Secretary of Defense in waste, fraud, and abuse, particularly with regard to contracting processes; and

(2) the Secretary of Defense should make implementation of the remaining Government Accountability Office recommendations an utmost priority of the Department of Defense.

SEC. 842. PROCUREMENT OF ARTICLES, MATERIALS, AND SUPPLIES FOR USE OUTSIDE THE UNITED STATES.

(a) REQUIREMENT.—In procuring articles, materials, or supplies for use outside of the United States, including procurements for military construction projects, the Department of Defense shall solicit bids from United States sources.

(b) EXCEPTION.—Subsection (a) shall not apply if the articles, materials, or supplies to be procured are—

(1) not mined, produced, or manufactured in the United States in sufficient and reasonably available quantities;

(2) needed on an urgent basis and not acquired on a regular basis; or

(3) perishable, or will otherwise degrade because of the time involved in shipping.

SEC. 843. ADDITIONAL INFORMATION ON WAIVERS UNDER BUY AMERICAN ACT BY DEPARTMENT OF DEFENSE REQUIRED TO BE INCLUDED IN ANNUAL REPORT.

Section 812 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2501 note) is amended in subsection (c)(2)(A) by striking clause (vi) and inserting the following:

''(v) An itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.), including—

''(I) an analysis of the domestic capacity to supply the articles, materials, or supplies; and

''(II) an analysis of the reasons for an increase or decrease in the number of waivers granted from fiscal year to fiscal year.''.

SEC. 844. REQUIREMENT TO INCLUDE EFFECTS ON DOMESTIC JOBS IN PERIODIC ASSESSMENTS OF DEFENSE CAPABILITY.

Section 2505(b)(4) of title 10, United States Code, is amended by inserting after ''title)'' the following: '', including the effects on domestic jobs,''.

SEC. 845. EXTENSION OF REGULATIONS ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS.

(a) EXTENSION OF REGULATIONS.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of State, shall issue regulations to extend and apply the requirements of section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note) to additional areas as designated under paragraph (2) and as listed in paragraph (3).

(2) ADDITIONAL AREAS DESIGNATED.—The Secretary of Defense shall designate as additional areas for purposes of this section any area—

(A) that is an area within a foreign country or an area covering all or part of more than one foreign country;

(B) that is not an area of combat operations as designated under subsection (c) of section 862 of such Act; and

(C) in which significant military operations, as designated by the Secretary, are being carried out by United States Armed Forces.

(3) ADDITIONAL AREAS LISTED.—In addition to any areas designated by the Secretary under paragraph (2), the following areas shall be considered additional areas listed in this paragraph for purposes of this section:

(A) The Horn of Africa region.

(B) Yemen.

(C) The Philippines.

(D) Haiti.

(b) EXTENSION TIMELINES.—The Secretary shall prescribe regulations applicable to the additional areas—

(1) designated under subsection (a)(2), not later than March 1, 2012; and

(2) listed in subsection (a)(3), not later than March 1, 2011.

(c) REPORT ON IMPLEMENTATION.—Not later than 90 days after the dates specified in subsection (b), the Secretary of Defense, in coordination with the Secretary of State, shall submit to Congress a report on the implementation of the regulations prescribed under this section. The report shall include—

(1) a complete list of additional areas designated by the Secretary under subsection (a)(2), and a detailed description of the criteria used to make the designation;

(2) the total number of contractors performing private security functions in each additional area designated under subsection (a)(2) or listed in subjection (a)(3); and

(3) an assessment of the long-term options for reducing the use of contractors for private security functions, including the use of Government personnel to provide such functions.

(d) PRIVATE SECURITY FUNCTIONS.—Notwithstanding section 864 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), as amended by section 813 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84), in this section, the term ''private security functions'' means activities engaged in by a contractor as follows:

(1) Guarding of personnel, facilities, or property of a Federal agency.

(2) Any other activity for which personnel are required to carry weapons in the performance of their duties.

SEC. 846. PROCUREMENT OF PHOTOVOLTAIC DEVICES.

(a) CONTRACT REQUIREMENT.—The Secretary of Defense shall ensure that each contract awarded by the Department of Defense that includes the procurement of photovoltaic devices, including contracts described in subsection (b), includes a provision requiring the photovoltaic devices to comply with the Buy American Act (41 U.S.C. 10a et seq.).

(b) CONTRACTS DESCRIBED.—The contracts described in this subsection include, but are not limited to, energy savings performance contracts, utility service contracts, land leases, and private housing contracts.

(c) DEFINITION OF PHOTOVOLTAIC DEVICES.—In this section, the term ''photovoltaic devices'' means devices that convert light directly into electricity through a solid-state, semiconductor process.

SEC. 847. REQUIREMENT FOR CONTRACTS IN IRAQ AND AFGHANISTAN TO USE EMPLOYEES AND NOT INDEPENDENT CONTRACTORS FOR PRIVATE SECURITY SERVICES.

(a) REQUIREMENT.—Any contract in Iraq or Afghanistan for the procurement of private security services shall contain a requirement that, in the case of any contractor using individuals who are United States citizens and required to have a United States security clearance to perform private security services under the contract, the contractor shall use employees and not independent contractors for the provision of such services.

(b) CONTRACT IN IRAQ OR AFGHANISTAN.—In this section, the term ''contract in Iraq or Afghanistan'' means a contract with the Department of Defense, the Department of State, or the United States Agency for International Development, a subcontract at any tier issued under such a contract, or a task order or delivery order at any tier issued under such a contract (including a contract, subcontract, or task order or delivery order issued by another Government agency for the Department of Defense, the Department of State, or the United States Agency for International Development), if the contract, subcontract, or task order or delivery order involves work performed in Iraq or Afghanistan for a period longer than 14 days.

(c) PRIVATE SECURITY SERVICES.—In this section, the term ''private security services'' means activities engaged in by a contractor under a contract in Iraq or Afghanistan and includes—

(1) guarding of personnel, facilities, or property of a Federal agency, the contractor or subcontractor, or a third party;

(2) any other activity for which personnel are required to carry weapons in the performance of their duties; and

(3) training in any activity covered by paragraph (1) or (2).

(d) WAIVER AUTHORITY.—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development may waive the requirement in subsection (a) with respect to a contract of the Department of Defense, the Department of State, or the United States Agency for International Development, respectively, if the Secretary concerned or the Administrator—

(1) determines in writing that a waiver is necessary in the interests of national security; and

(2) submits to Congress a notification of such waiver.

SEC. 848. CONSIDERATION OF UNFAIR COMPETITIVE ADVANTAGE IN EVALUATION OF OFFERS FOR KC–X AERIAL REFUELING AIRCRAFT PROGRAM.

(a) REQUIREMENT TO CONSIDER UNFAIR COMPETITIVE ADVANTAGE.—In awarding a contract for the KC–X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall, in evaluating any offers submitted to the Department of Defense in response to a solicitation for offers for such program, consider any unfair competitive advantage that an offeror may possess.

(b) REPORT.—Not later than 60 days after submission of offers in response to any such solicitation, the Secretary of Defense shall submit to the congressional defense committees a report on any unfair competitive advantage that any offeror may possess.

(c) REQUIREMENT TO TAKE FINDINGS INTO ACCOUNT IN AWARD OF CONTRACT.—In awarding a contract for the KC–X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall take into account the findings of the report submitted under subsection (b).

(d) UNFAIR COMPETITIVE ADVANTAGE.—In this section, the term ''unfair competitive advantage'', with respect to an offer for a contract, means a situation in which the cost of development, production, or manufacturing is not fully borne by the offeror for such contract.

SEC. 849. DEBARMENT OF BP AND ITS SUBSIDIARIES.

(a) CONTRACTS WITH BP AND ITS SUBSIDIARIES.—If the Secretary of Defense determines that BP or any of its subsidiaries performing any contract with the Department

of Defense is no longer a responsible source (as defined in section 2302 of title 10, United States Code), the Secretary shall determine, not later than 90 days after making such determination, whether BP or its subsidiaries should be debarred from contracting with the Department of Defense.

(b) DEBAR.—In this section, the term ''debar'' has the meaning given that term by section 2393(c) of title 10, United States Code.

SEC. 850. OFFICE OF FEDERAL PROCUREMENT POLICY ACT AMENDMENTS.

(a) SERVICE CONTRACT INVENTORY REQUIREMENT.—

(1) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 45. SERVICE CONTRACT INVENTORY REQUIREMENT.

''(a) SERVICE CONTRACT INVENTORY REQUIREMENT.—

''(1) GUIDANCE.—The Director of the Office of Management and Budget shall develop and disseminate guidance to aid executive agencies in establishing systems for the collection of information required to meet the requirements of this section and to ensure consistency of inventories across agencies.

''(2) REPORT.—The Director of the Office of Management and Budget shall submit a report to Congress on the status of efforts to enable executive agencies to prepare the inventories required under paragraph (3), including the development, as appropriate, of guidance, methodologies, and technical tools.

''(3) INVENTORY CONTENTS.—Not later than December 31, 2010, and annually thereafter, the head of each executive agency required to submit an inventory in accordance with the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note), other than the Department of Defense, shall submit to the Office of Management and Budget an annual inventory of service contracts awarded or extended through the exercise of an option or a task order, for or on behalf of such agency. For each service contract, the entry for an inventory under this section shall include, for the preceding fiscal year, the following:

''(A) A description of the services purchased by the executive agency and the role the services played in achieving agency objectives, regardless of whether such a purchase was made through a contract or task order.

''(B) The organizational component of the executive agency administering the contract, and the organizational component of the agency whose requirements are being met through contractor performance of the service.

''(C) The total dollar amount obligated for services under the contract and the funding source for the contract.

''(D) The total dollar amount invoiced for services under the contract.

''(E) The contract type and date of award.

''(F) The name of the contractor and place of performance.

''(G) The number and work location of contractor and subcontractor employees, expressed as full-time equivalents for direct labor, compensated under the contract, using direct labor hours and associated cost data collected from contractors.

''(H) Whether the contract is a personal services contract.

''(I) Whether the contract was awarded on a noncompetitive basis, regardless of date of award.

''(b) FORM.—Reports required under this section shall be submitted in unclassified form, but may include a classified annex.

''(c) PUBLICATION.—Not later than 30 days after the date on which the inventory under subsection (a)(3) is required to be submitted to the Office of Management and Budget, the head of each executive agency shall—

''(1) make the inventory available to the public; and

''(2) publish in the Federal Register a notice that the inventory is available to the public.

''(d) GOVERNMENT-WIDE INVENTORY REPORT.—Not later than 90 days after the deadline for submitting inventories under subsection (a)(3), and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress and make publicly available on the Office of Management and Budget website a report on the inventories submitted. The report shall identify whether each agency required to submit an inventory under subsection (a)(3) has met such requirement and summarize the information submitted by each executive agency required to have a Chief Financial Officer pursuant to section 901 of title 31, United States Code.

''(e) REVIEW AND PLANNING REQUIREMENTS.—Not later than 180 days after the deadline for submitting inventories under subsection (a)(3) for an executive agency, the head of the executive agency, or an official designated by the agency head shall—

''(1) review the contracts and information in the inventory;

''(2) ensure that—

''(A) each contract in the inventory that is a personal services contract has been entered into, and is being performed, in accordance with applicable laws and regulations;

''(B) the contracts do not include to the maximum extent practicable functions that are closely associated with inherently governmental functions;

''(C) the agency is not using contractor employees to perform inherently governmental functions;

''(D) the agency has specific safeguards and monitoring systems in place to ensure that work being performed by contractors has not changed or expanded during performance to become an inherently governmental function;

''(E) the agency is not using contractor employees to perform critical functions in such a way that could affect the ability of the agency to maintain control of its mission and operations; and

''(F) there are sufficient internal agency resources to manage and oversee contracts effectively;

''(3) identify contracts that have been poorly performed, as determined by a contracting officer, because of excessive costs or inferior quality; and

''(4) identify contracts that should be considered for conversion to—

''(A) performance by Federal employees of the executive agency in accordance with agency insourcing guidelines required under section 736 of the Financial Services and General Government Appropriations Act, 2009 (Public Law 111–8, division D) and section 46 of this Act; or

''(B) an alternative acquisition approach that would better enable the agency to efficiently utilize its assets and achieve its public mission.

''(f) REPORT ON ACTIONS TAKEN IN RESPONSE TO ANNUAL INVENTORY.—Not later than one year after submitting an annual inventory under subsection (a)(3), the head of each executive agency submitting such an inventory shall submit to the Office of Management and Budget a report summarizing the actions taken pursuant to subsection (e), including any actions taken to consider and convert functions from contractor to Federal employee performance. The report shall be included as an attachment to the next annual inventory and made publicly available in accordance with subsection (c).

''(g) SUBMISSION OF SERVICE CONTRACT INVENTORY BEFORE PUBLIC-PRIVATE COMPETITION.—Notwithstanding any other provision of law, beginning in fiscal year 2011, if an executive agency has not submitted to the Office of Management and Budget the inventory required under subsection (a)(3) for the prior fiscal year, the agency may not begin, plan for, or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation or directive until such time as the inventory is submitted for the prior fiscal year.

''(h) GAO REPORTS ON IMPLEMENTATION.—

''(1) REPORT ON GUIDANCE.—Not later than 120 days after submission of the report by the Director of the Office of Management and Budget required under subsection (a)(2), the Comptroller General of the United States shall report on the guidance issued and actions taken by the Director. The report shall be submitted to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

''(2) REPORTS ON INVENTORIES.—

''(A) INITIAL INVENTORY.—Not later than September 30, 2011, the Comptroller General of the United States shall submit a report to the Committees named in the preceding paragraph on the initial implementation by executive agencies of the inventory requirement in subsection (a)(3) with respect to inventories required to be submitted by December 31, 2010.

''(B) SECOND INVENTORY.—Not later than September 30, 2012, the Comptroller General shall submit a report to the same Committees on annual inventories required to be submitted by December 31, 2011.

''(3) PERIODIC BRIEFINGS.—The Comptroller General shall provide periodic briefings, as may be requested by the Committees, on matters related to implementation of this section.

''(i) EXECUTIVE AGENCY DEFINED.—In this section, the term 'executive agency' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).''.

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of such Act is amended by adding at the end the following new item:

''Sec. 45. Service contract inventory requirement.''.

(3) REPEAL OF SUPERSEDED LAW.—Section 743(c) of the Financial Services and General Government Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3216) is amended by striking ''and annually thereafter,''.

(b) PROHIBITION AGAINST DIRECT CONVERSIONS.—

(1) IN GENERAL.—Section 43(a)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 439) is amended by striking ''10 or more''.

(2) GUIDANCE.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue guidance to all Federal agencies other than the Department of Defense to ensure that no function last performed by Federal employees is converted to contractor performance without complying with the requirements of section 43 of such Act, as amended by this section.

(c) GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.—

(1) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by subsection (a), is further amended by adding at the end the following new section:

''SEC. 46. GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.

''(a) GUIDELINES REQUIRED.—(1) The heads of executive agencies subject to the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note) shall devise and implement guidelines and procedures to ensure that consideration is given to using, on a regular basis, Federal employees to perform new functions and functions that are performed by contractors and could be performed by Federal employees.

''(2) The guidelines and procedures required under subparagraph (A) may not include any specific limitation or restriction on the number of functions or activities that may be converted to performance by Federal employees.

''(b) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—The guidelines and procedures required under paragraph (1) shall provide for special consideration to be given to using Federal employees to perform any function that—

''(1) is performed by a contractor and—

''(A) has been performed by Federal employees at any time during the previous 10 years;

''(B) is a function closely associated with the performance of an inherently governmental function;

''(C) has been performed pursuant to a contract awarded on a non-competitive basis; or

''(D) has been performed poorly, as determined by a contracting officer during the 5-year period preceding the date of such determination, because of excessive costs or inferior quality; or

''(2) is a new requirement, with particular emphasis given to a new requirement that is similar to a function previously performed by Federal employees or is a function closely associated with the performance of an inherently governmental function.

''(c) EXCLUSION OF CERTAIN FUNCTIONS FROM COMPETITIONS.—The head of an executive agency may not conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law or regulation before—

''(1) in the case of a new agency function, assigning the performance of the function to Federal employees;

''(2) in the case of any agency function described in paragraph (2), converting the function to performance by Federal employees; or

''(3) in the case of an agency function performed by Federal employees, expanding the scope of the function.

''(d) DEADLINE.—(1) The head of each executive agency shall implement the guidelines and procedures required under this subsection by not later than 120 days after the date of the enactment of this subsection.

''(2) Not later than 210 days after the date of the enactment of this subsection, the Government Accountability Office shall submit a report on the implementation of this subsection to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

''(e) DEFINITIONS.—In this subsection:

''(1) The term 'inherently governmental functions' has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

''(2) The term 'functions closely associated with inherently governmental functions' means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

''(f) APPLICABILITY.—This subsection shall not apply to the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of such Act, as amended by subsection (a), is further amended by adding at the end the following new item:

''Sec. 46. Guidelines on insourcing new and contracted out functions.''.

(3) REPEAL OF SUPERSEDED LAW.—Subsection (b) of section 739 of division D of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2030) is repealed.

(d) CONVERSION OF FUNCTIONS TO PERFORMANCE BY FEDERAL EMPLOYEES.—

(1) DECISION TO INSOURCE.—The Office of Management and Budget shall not establish any numerical goal, target, or quota for the conversion to performance by Federal employees of functions previously performed by contractors unless such goal, target, or quota is based on considered research and analysis.

(2) REPORTS.—

(A) REPORT TO CONGRESS.—The Office of Management and Budget shall submit to Congress a report on the aggregate results of the efforts of each Federal agency to convert functions from contractor performance to performance by Federal agency employees made during fiscal year 2010. Such report shall include—

(i) agency decisions for converting such functions to Federal employee performance;

(ii) the basis and rationale for the agency decisions; and

(iii) the number of contractor employees whose functions were converted to performance by Federal employees.

(B) COMPTROLLER GENERAL REPORT.— Not later than 120 days after the submittal of the report under paragraph (1), the Comptroller General of the United States shall submit to the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report.

(3) DEPARTMENT OF DEFENSE.—Nothing in this subsection shall apply to the Department of Defense.

SEC. 851. REQUIREMENT TO JUSTIFY THE USE OF FACTORS OTHER THAN COST OR PRICE AS THE PREDOMINATE FACTORS IN EVALUATING COMPETITIVE PROPOSALS FOR DEFENSE PROCUREMENT CONTRACTS.

(a) REQUIREMENT.—Subparagraph (A) of section 2305(a)(2) of title 10, United States Code, is amended—

(1) by striking ''and'' at the end of clause (i); and

(2) by inserting after clause (ii) the following new clause:

''(iii) in the case of a solicitation in which factors other than cost or price when combined are more important than cost or price, the reasons why assigning at least equal importance to cost or price would not better serve the Government's interest; and''.

(b) REPORT.—Section 2305(a)(3) of such title is amended by adding at the end the following new subparagraph:

''(C) Not later than 180 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress, and post on a publicly available website of the Department of Defense, a report describing the solicitations for which a statement pursuant to paragraph (2)(A)(iii) was included.''.

SEC. 852. PENALTIES ON CONTRACTORS NOT PROVIDING INFORMATION TO DATABASES ON CONTRACTS IN IRAQ AND AFGHANISTAN.

Section 861 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note) is amended by adding at the end the following new subsection:

''(e) PENALTIES.—Any contract in Iraq or Afghanistan entered into or modified after September 1, 2011, shall include a clause requiring the imposition of a penalty, by the department or agency awarding the contract, on any contractor that does not comply with requirements under this section, including requirements in the memorandum of understanding required by subsection (a), to provide information for the common databases identified under subsection (b)(4), including updating the information required. The penalty shall consist of the withholding of award and incentive fees.''.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.—

(1) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

''CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(B) The heading of chapter 507 of such title is amended to read as follows:

''CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries

of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that officer as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 902. REALIGNMENT OF THE ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE SECRETARY OF DEFENSE TO CARRY OUT THE REDUCTION REQUIRED BY LAW IN THE NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.

(a) REDESIGNATION OF CERTAIN POSITIONS IN THE OFFICE OF THE SECRETARY OF DEFENSE.—Positions in the Office of the Secretary of Defense of the Department of Defense are hereby redesignated as Assistant Secretaries of Defense as follows:

(1) The Director of Defense Research and Engineering is redesignated as the Assistant Secretary of Defense for Research and Engineering.

(2) The Director of Operational Energy Plans and Programs is redesignated as the Assistant Secretary of Defense for Operational Energy Plans and Programs.

(3) The Director of Cost Assessment and Program Evaluation is redesignated as the Assistant Secretary of Defense for Cost Assessment and Program Evaluation.

(4) The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs is redesignated as the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

(b) AMENDMENTS TO CHAPTER 4 OF TITLE 10 RELATING TO REALIGNMENT.—Chapter 4 of title 10, United States Code, is amended as follows:

(1) REPEAL OF SEPARATE DEPUTY UNDER SECRETARY PROVISIONS.—The following sections are repealed: 133a, 134a, and 136a.

(2) COMPONENTS OF OSD.—Section 131(b) is amended to read as follows:

''(b) The Office of the Secretary of Defense is composed of the following:

''(1) The Deputy Secretary of Defense.

''(2) The Under Secretaries of Defense, as follows:

''(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(B) The Under Secretary of Defense for Policy.

''(C) The Under Secretary of Defense (Comptroller).

''(D) The Under Secretary of Defense for Personnel and Readiness.

''(E) The Under Secretary of Defense for Intelligence.

''(3) The Deputy Chief Management Officer of the Department of Defense.

''(4) The Principal Deputy Under Secretaries of Defense.

''(5) The Assistant Secretaries of Defense.

''(6) Other officers who are appointed by the President, by and with the advice and consent of the Senate, as follows:

''(A) The Director of Operational Test and Evaluation.

''(B) The General Counsel of the Department of Defense.

''(C) The Inspector General of the Department of Defense.

''(7) Other officials provided for by law, as follows:

''(A) The official designated under section 1501(a) of this title to have responsibility for Department of Defense matters relating to missing persons as set forth in section 1501 of this title.

''(B) The official designated under section 2228(a)(2) of this title to have responsibility for Department of Defense policy related to the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense and for directing the activities of the Office of Corrosion Policy and Oversight.

''(C) The officials designated under subsections (a) and (b) of section 2438(a) of this title to have responsibility, respectively, for developmental test and evaluation and for systems engineering.

''(D) The official designated under section 2438a(a) of this title to have responsibility for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs.

''(E) The Director of Small Business Programs, provided for under section 2508 of this title.

''(8) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.''.

(3) PRINCIPAL DEPUTY UNDER SECRETARIES OF DEFENSE.—Section 137a is amended—

(A) in subsections (a)(1), (b), and (d), by striking ''Deputy Under'' each place it appears and inserting ''Principal Deputy Under'';

(B) in subsection (a)(2), by striking ''(A) The'' and all that follows through ''(5) of subsection (c)'' and inserting ''The Principal Deputy Under Secretaries of Defense'';

(C) in subsection (c)—

(i) by striking ''One of the Deputy'' in paragraphs (1), (2), (3), (4), and (5) and inserting ''One of the Principal Deputy'';

(ii) by striking ''appointed'' and all that follows through ''this title'' in paragraphs (1), (2), and (3);

(iii) by striking ''shall be'' in paragraphs (4) and (5) and inserting ''is''; and

(iv) by adding at the end of paragraph (5) the following new sentence: ''Any individual nominated for appointment as the Principal Deputy Under Secretary of Defense for Intelligence shall have extensive intelligence expertise.''; and

(D) by adding at the end of subsection (d) the following new sentence: ''The Principal Deputy Under Secretaries take precedence among themselves in the order prescribed by the Secretary of Defense.''.

(4) ASSISTANT SECRETARIES OF DEFENSE.—Section 138 is amended—

(A) in subsection (a)—

(i) by striking ''12'' and inserting ''17''; and

(ii) by striking ''(A) The'' and all that follows through ''The other'' and inserting ''The'';

(B) in subsection (b)—

(i) by striking ''shall be'' in paragraphs (2), (3), (4), (5), and (6) and inserting ''is'';

(ii) by striking ''appointed pursuant to section 138a of this title'' in paragraph (7); and

(iii) by adding at the end the following new paragraphs:

''(8) One of the Assistant Secretaries is the Assistant Secretary of Defense for Research and Engineering. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Research and Engineering shall have the duties specified in section 138b of this title.

''(9) One of the Assistant Secretaries is the Assistant Secretary of Defense for Operational Energy Plans and Programs. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Operational Energy Plans and Programs shall have the duties specified in section 138c of this title.

''(10) One of the Assistant Secretaries is the Assistant Secretary of Defense for Cost Assessment and Program Evaluation. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Cost Assessment and Program Evaluation shall have the duties specified in section 138d of this title.

''(11) One of the Assistant Secretaries is the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall have the duties specified in section 138e of this title.''; and

(C) in subsection (d), by striking ''and the Director of Defense Research and Engineering'' and inserting ''the Deputy Chief Management Officer of the Department of Defense, and the Principal Deputy Under Secretaries of Defense''.

(5) ASSISTANT SECRETARY FOR LOGISTICS AND MATERIEL READINESS.—Section 138a(a) is amended—

(A) by striking ''There is a'' and inserting ''The''; and

(B) by striking '', appointed from civilian life by the President, by and with the advice and consent of the Senate. The Assistant Secretary''.

(6) ASSISTANT SECRETARY FOR RESEARCH AND ENGINEERING.—Section 139a is transferred so as to appear after section 138a, redesignated as section 138b, and amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(C) in subsection (a), as so redesignated, by striking ''Director of Defense'' and inserting ''Assistant Secretary of Defense for''; and

(D) in subsection (b), as so redesignated—

(i) in paragraph (1), by striking ''Director of Defense Research and Engineering, in consultation with the Director of Developmental Test and Evaluation'' and inserting ''Assistant Secretary of Defense for Research and Engineering, in consultation with the official designated under section 2438(a) of this title to have responsibility for developmental test and evaluation functions''; and

(ii) in paragraph (2), by striking ''Director'' and inserting ''Assistant Secretary''.

(7) ASSISTANT SECRETARY FOR OPERATIONAL ENERGY PLANS AND PROGRAMS.—Section 139b is transferred so as to appear after section 138b (as transferred and redesignated by paragraph (6)), redesignated as section 138c, and amended—

(A) in subsection (a), by striking ''There is a'' and all that follows through ''The Director'' and inserting ''The Assistant Secretary of Defense for Operational Energy Plans and Programs'';

(B) by striking ''Director'' each place it appears and inserting ''Assistant Secretary'';

(C) in subsection (d)(2)—

(i) by striking ''Not later than'' and all that follows through ''military departments'' and inserting ''The Secretary of each military department'';

(ii) by striking ''who will'' and inserting ''who shall''; and

(iii) by inserting ''so designated'' after ''The officials''; and

(D) in subsection (d)(4), by striking ''The initial'' and all that follows through ''updates to the strategy'' and inserting ''Updates to the strategy required by paragraph (1)''.

(8) ASSISTANT SECRETARY FOR COST ASSESSMENT AND PROGRAM EVALUATION.—Section 139c is transferred so as to appear after section 138c (as transferred and redesignated by paragraph (7)), redesignated as section 138d, and amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a) and in that subsection—

(i) striking ''Director of'' in paragraph (1) and inserting ''Assistant Secretary of Defense for''; and

(ii) striking ''Director'' each place it appears in paragraphs (1)(A), (1)(B), and (2) and inserting ''Assistant Secretary'';

(C) by striking subsection (c) and inserting the following:

''(b) RESPONSIBILITY FOR SPECIFIED FUNCTIONS.—There shall be within the office of the Assistant Secretary the following:

''(1) An official with primary responsibility for cost assessment.

''(2) An official with primary responsibility for program evaluation.''; and

(D) by redesignating subsection (d) as subsection (c) and in that subsection striking ''Director of'' in the matter preceding paragraph (1) and inserting ''Assistant Secretary of Defense for''.

(9) ASSISTANT SECRETARY FOR NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS.—Section 142 is transferred so as to appear after section 138d (as redesignated and transferred by paragraph (8)), redesignated as section 138e, and amended—

(A) by striking subsection (a);

(B) by striking ''(b) The Assistant to the Secretary'' and inserting ''The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs''; and

(C) by striking subsection (c).

(c) OTHER AMENDMENTS TO CHAPTER 4 OF TITLE 10.—Chapter 4 of title 10, United States Code, is further amended as follows:

(1) OFFICE OF THE SECRETARY OF DEFENSE.—Section 131(a) is amended by striking ''his'' and inserting ''the Secretary's''.

(2) DEPUTY SECRETARY.—Section 132 is amended by striking the second sentence of subsection (c).

(3) DEPUTY CHIEF MANAGEMENT OFFICER.—Such chapter is further amended by inserting after section 132 the following new section:

''§ 132a. Deputy Chief Management Officer

''(a) There is a Deputy Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(b) The Deputy Chief Management Officer assists the Deputy Secretary of Defense in the Deputy Secretary's capacity as Chief Management Officer of the Department of Defense under section 132(c) of this title.

''(c) The Deputy Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.''.

(4) UNDER SECRETARY OF DEFENSE (COMPTROLLER).—Section 135(c) is amended by striking ''clauses'' and inserting ''paragraphs''.

(d) REPEAL OF POSITION TITLES SPECIFIED BY LAW FOR STATUTORY POSITIONS RELATING TO DEVELOPMENTAL TEST AND EVALUATION AND SYSTEMS ENGINEERING.—

(1) TRANSFER OF SECTION FROM CHAPTER 4 TO PROGRAMMATIC CHAPTER.—Section 139d of title 10, United States Code, is transferred to chapter 144, inserted after section 2437, and redesignated as section 2438.

(2) DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—Subsection (a) of such section is amended—

(A) by striking ''(a) DIRECTOR OF'' and all that follows through paragraph (3) and inserting the following:

''(a) DEVELOPMENTAL TEST AND EVALUATION.—

''(1) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate, from among individuals with expertise in test and evaluation, an official to be responsible to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics for developmental test and evaluation in the Department of Defense.

''(2) SUPERVISION.—The official designated under paragraph (1) shall report directly to an official of the Department appointed from civilian life by the President, by and with the advice and consent of the Senate.'';

(B) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively;

(C) in paragraph (3), as so redesignated, by striking DIRECTOR OF SYSTEMS ENGINEERING'' and all that follows through ''Director of Systems Engineering'' and inserting ''SYSTEMS ENGINEERING.—The official designated under paragraph (1) shall closely coordinate with the official designated under subsection (b)'';

(D) in paragraph (4), as so redesignated, by striking ''Director'' in the matter preceding subparagraph (A) and inserting ''official designated under paragraph (1)'';

(E) in paragraph (5), as so redesignated—

(i) by striking ''Director has'' and inserting ''official designated under paragraph (1) has'';

(ii) by striking ''Director considers'' and inserting ''designated official considers''; and

(iii) by striking ''the Director's duties'' and inserting ''that official's duties''; and

(F) in paragraph (6), as so redesignated, by striking ''serving as the Director of Developmental Test and Evaluation'' and inserting ''official designated under paragraph (1)''.

(3) DIRECTOR OF SYSTEMS ENGINEERING.—Subsection (b) of such section is amended—

(A) by striking ''(b) DIRECTOR OF'' and all that follows through paragraph (3) and inserting the following:

''(b) SYSTEMS ENGINEERING.—

''(1) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate, from among individuals with expertise in systems engineering, an official to be responsible to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics for systems engineering and development planning in the Department of Defense.

''(2) SUPERVISION.—The official designated under paragraph (1) shall report directly to an official of the Department appointed from civilian life by the President, by and with the advice and consent of the Senate.'';

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(C) in paragraph (3), as so redesignated, by striking ''DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION'' and all that follows through ''Director of Developmental Test And Evaluation'' and inserting ''DEVELOPMENTAL TEST AND EVALUATION.—The official designated under paragraph (1) shall closely coordinate with the official designated under subsection (a)'';

(D) in paragraph (4), as so redesignated, by striking ''Director'' in the matter preceding subparagraph (A) and inserting ''official designated under paragraph (1)''; and

(E) in paragraph (5), as so redesignated—

(i) by striking ''Director shall'' and inserting ''official designated under paragraph (1) shall'';

(ii) by striking ''Director considers'' and inserting ''designated official considers''; and

(iii) by striking ''the Director's duties'' and inserting ''that official's duties''.

(4) JOINT ANNUAL REPORT.—Subsection (c) of such section is amended in the matter preceding paragraph (1)—

(A) by striking ''beginning in 2010,'';

(B) by striking ''Director of Developmental Test and Evaluation and the Director of Systems Engineering'' and inserting ''officials designated under subsections (a) and (b)'';

(C) by striking ''subsections (a) and (b)'' and inserting ''those subsections''; and

(D) by inserting ''such'' after ''Each''.

(5) JOINT GUIDANCE.—Subsection (d) of such section is amended in the matter preceding paragraph (1)—

(A) by striking ''Director of Developmental Test and Evaluation and the Director of Systems Engineering'' and inserting ''officials designated under subsections (a) and (b)''; and

(B) by striking ''section 103 of the Weapon Systems Acquisition Reform Act of 2009'' and inserting ''section 2438a of this title''.

(6) REPEAL OF REDUNDANT DEFINITION.—Subsection (e) of such section is repealed.

(e) CODIFICATION OF SECTION 103 OF WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009.—

(1) CODIFICATION.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2438 (as transferred and redesignated by subsection (d)), a new section 2438a consisting of—

(A) a section heading as follows:

''§ 2438a. Performance assessments and root cause analyses'';

and

(B) a text consisting of the text of section 103 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1715; 10 U.S.C. 2430 note), modified as specified in paragraph (2).

(2) TECHNICAL AMENDMENTS DUE TO CODIFICATION.—The modifications referred to in paragraph (1)(B) to the text specified in that paragraph are—

(A) in subsection (b)(2), by striking ''section 2433a(a)(1) of title 10, United States Code (as added by section 206(a) of this Act)'' and inserting ''section 2433a(a)(1) of this title'';

(B) in subsection (b)(5)—

(i) by striking ''section 2433a of title 10, United States Code (as so added)'' and inserting ''section 2433a of this title''; and

(ii) by striking ''prior to'' both places it appears and inserting ''before'';

(C) in subsection (d), by striking ''section 2433a of title 10, United States Code (as so added)'' and inserting ''section 2433a of this title''; and

(D) in subsection (f), by striking ''beginning in 2010,''.

(f) TRANSFER OF SECTION PROVIDING FOR DIRECTOR OF SMALL BUSINESS PROGRAMS.—Section 144 of title 10, United States Code, is transferred to chapter 148, inserted after section 2507, and redesignated as section 2508.

(g) REPEAL OF STATUTORY REQUIREMENT FOR OFFICE FOR MISSING PERSONNEL IN OSD.—Section 1501(a) of title 10, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: ''RESPONSIBILITY FOR MISSING PERSONNEL.—'';

(2) in paragraph (1)—

(A) by striking ''establish within the Office of the Secretary of Defense an office to have responsibility for Department of Defense policy'' in the first sentence and inserting ''designate within the Office of the Secretary of

Defense an official as the Deputy Assistant Secretary of Defense for Prisoner of War/Missing Personnel Affairs to have responsibility for Department of Defense matters'';

(B) by striking the second sentence;

(C) by striking ''of the office'' and inserting ''of the official designated under this paragraph'';

(D) by striking ''and'' at the end of subparagraph (A);

(E) by redesignating subparagraph (B) as subparagraph (C); and

(F) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) policy, control, and oversight of the program established under section 1509 of this title, as well as the accounting for missing persons (including locating, recovering, and identifying missing persons or their remains after hostilities have ceased); and'';

(3) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively;

(4) by inserting after paragraph (1) the following new paragraph (2):

''(2) The official designated under paragraph (1) shall also serve as the Director, Defense Prisoner of War/Missing Personnel Office, as established under paragraph (6)(A), exercising authority, direction, and control over that activity.''.

(5) in paragraph (3), as so redesignated—

(A) by striking ''of the office'' the first place it appears; and

(B) by striking ''head of the office'' and inserting ''official designated under paragraph (1) and (2)'';

(6) in paragraph (4), as so redesignated—

(A) by striking ''office'' and inserting ''designated official''; and

(B) by inserting after ''evasion)'' the following: ''and for personnel accounting (including locating, recovering, and identifying missing persons or their remains after hostilities have ceased)'';

(7) in paragraph (5), as so redesignated, by striking ''office'' and inserting ''designated official''; and

(8) in paragraph (6), as so redesignated—

(A) in subparagraph (A)—

(i) by inserting after ''(A)'' the following: ''The Secretary of Defense shall establish an activity to account for personnel who are missing or whose remains have not been recovered from the conflict in which they were lost. This activity shall be known as the Defense Prisoner of War/Missing Personnel Office.''; and

(ii) by striking ''office'' both places it appears and inserting ''activity'';

(B) in subparagraph (B)(i), by striking ''to the office'' and inserting ''activity'';

(C) in subparagraph (B)(ii)—

(i) by striking ''to the office'' and inserting ''activity''; and

(ii) by striking ''of the office'' and inserting ''of the activity''; and

(D) in subparagraph (C), by striking ''office'' and inserting ''activity''.

(h) REPEAL OF STATUTORY REQUIREMENT FOR DIRECTOR OF OFFICE FOR CORROSION POLICY AND OVERSIGHT IN OSD.—Section 2228 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the subsection heading and inserting the following: ''OFFICE OF CORROSION POLICY AND OVERSIGHT AND DESIGNATION OF RESPONSIBLE OFFICIAL'';

(B) by amending paragraph (2) to read as follows:

''(2) The Secretary of Defense shall designate, from among civilian employees of the Department of Defense with the qualifications described in paragraph (4), an official to be responsible to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense and for directing the activities of the Office of Corrosion Policy and Oversight.'';

(C) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(D) by inserting after paragraph (2) the following new paragraph (3):

''(3) The official designated under paragraph (2) shall report directly to the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.''.

(E) in paragraph (4), as so redesignated, by striking ''assigned to the position of Director'' and inserting ''designated under paragraph (2)''; and

(F) in paragraph (5), as so redesignated, by striking ''of Director'' and inserting ''held by the official designated under paragraph (2)'';

(2) in subsection (b)—

(A) by striking ''Director of Corrosion Policy and Oversight (in this section referred to as the 'Director')'' in paragraph (1) and inserting ''official designated under subsection (a)(2)''; and

(B) by striking ''Director'' in paragraphs (2), (3), (4), and (5) and inserting ''designated official'';

(3) in subsection (c), by striking ''ADDITIONAL AUTHORITIES'' and all that follows through ''authorized to—'' and inserting ''ADDITIONAL DUTIES.—The official designated under subsection (a) shall—''; and

(4) in subsection (e), by striking ''beginning with the budget for fiscal year 2009,''.

(i) REPEAL OF STATUTORY LIMITATION ON NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.—Section 906(a)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2426; 10 U.S.C. 137a note) is repealed.

(j) CONFORMING AMENDMENTS TO TITLE 10.—Title 10, United States Code, is amended as follows:

(1) The following sections are amended by striking ''Director of Cost Assessment and Program Evaluation'' and inserting ''Assistant Secretary of Defense for Cost Assessment and Program Evaluation'': sections 181(d), 2306b(i)(1)(B), 2366a(a)(4), 2366a(a)(5), 2366b(a)(1)(C), 2433a(a)(2), 2433a(b)(2)(C), 2434(b)(1)(A), and 2445c(f)(3).

(2) Section 179(c) is amended—

(A) by striking ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'' in paragraphs (2) and (3) and inserting ''Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs''; and

(B) by striking ''to the'' in paragraph (3).

(3) Section 2272 is amended by striking ''Director of Defense Research and Engineering'' each place it appears and inserting ''Assistant Secretary of Defense for Research and Engineering''.

(4) Section 2334 is amended—

(A) by striking ''Director of Cost Assessment and Program Evaluation'' each place it appears and inserting ''Assistant Secretary of Defense for Cost Assessment and Program Evaluation''; and

(B) by striking ''Director'' each place it appears (other than as specified in subparagraph (A)) and inserting ''Assistant Secretary''.

(5) Section 2365 is amended—

(A) in subsection (a), by striking ''Director of Defense Research and Engineering'' and inserting ''Assistant Secretary of Defense for Research and Engineering'';

(B) in subsection (d)(1), by striking ''Director'' and inserting ''Assistant Secretary'';

(C) in subsection (d)(2)—

(i) by striking ''Director of Defense Research and Engineering'' and inserting ''Assistant Secretary of Defense for Research and Engineering''; and

(ii) by striking ''Director may'' and inserting ''Assistant Secretary may''; and

(D) in subsection (e), by striking ''Director'' and inserting ''Assistant Secretary''.

(6) Sections 2350a(g)(3), 2366b(a)(3)(D), 2374a(a), and 2517(a) are amended by striking ''Director of Defense Research and Engineering'' and inserting ''Assistant Secretary of Defense for Research and Engineering''.

(7) Section 2902(b) is amended—

(A) in paragraph (1), by striking ''Deputy Under Secretary of Defense for Science and Technology'' and inserting ''official within the Office of the Assistant Secretary of Defense for Research and Engineering who is responsible for science and technology''; and

(B) in paragraph (3), by striking ''Deputy Under Secretary of Defense'' and inserting ''official within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics who is''.

(k) OTHER CONFORMING AMENDMENTS.—

(1) Section 214 of the National Defense Authorization Act of Fiscal Year 2008 (10 U.S.C. 2521 note) is amended by striking ''Director of Defense Research and Engineering'' and inserting ''Assistant Secretary of Defense for Research and Engineering''.

(2) Section 201(d) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 181 note) is amended—

(A) by striking ''The Director of Cost Assessment and Program Evaluation'' and inserting ''The Assistant Secretary of Defense for Cost Assessment and Program Evaluation''; and

(B) by striking ''the Director'' and inserting ''the Assistant Secretary''.

(l) SECTION HEADING AND CLERICAL AMENDMENTS.—

(1) SECTION HEADING AMENDMENTS.—Title 10, United States Code, is amended as follows:

(A) The heading of section 137a is amended to read as follows:

''§ 137a. Principal Deputy Under Secretaries of Defense''.

(B) The heading of section 138b, as transferred and redesignated by subsection (b)(6), is amended to read as follows:

''§ 138b. Assistant Secretary of Defense for Research and Engineering''.

(C) The heading of section 138c, as transferred and redesignated by subsection (b)(7), is amended to read as follows:

''§ 138c. Assistant Secretary of Defense for Operational Energy Plans and Programs''.

(D) The heading of section 138d, as transferred and redesignated by subsection (b)(8), is amended to read as follows:

''§ 138d. Assistant Secretary of Defense for Cost Assessment and Program Evaluation''.

(E) The heading of section 138e, as transferred and redesignated by subsection (b)(9), is amended to read as follows:

''§ 138e. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs''.

(F) The heading of section 2228 is amended to read as follows:

''§ 2228. Military equipment and infrastructure: prevention and mitigation of corrosion''.

(G) The heading of section 2438 is amended to read as follows:

''§ 2438. Developmental test and evaluation; systems engineering: designation of responsible officials; joint guidance''.

(2) CLERICAL AMENDMENTS.—Title 10, United States Code, is further amended as follows:

(A) The table of sections at the beginning of chapter 4 is amended—

(i) by inserting after the item relating to section 132 the following new item:

''132a. Deputy Chief Management Officer.'';

(ii) by striking the items relating to sections 133a, 134a, and 136a;

(iii) by amending the item relating to section 137a to read as follows:

''137a. Principal Deputy Under Secretaries of Defense.'';

(iv) by inserting after the item relating to section 138a the following new items:

''138b. Assistant Secretary of Defense for Research and Engineering.
''138c. Assistant Secretary of Defense for Operational Energy Plans and Programs.
''138d. Assistant Secretary of Defense for Cost Assessment and Program Evaluation.
''138e. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.'';

and

(v) by striking the items relating to sections 139a, 139b, 139c, 139d, 142, and 144.

(B) The item relating to section 2228 in the table of sections at the beginning of chapter 131 is amended to read as follows:

''2228. Military equipment and infrastructure: prevention and mitigation of corrosion.''.

(C) The table of sections at the beginning of chapter 144 is amended by inserting after the item relating to section 2437 the following new items:

''2438. Developmental test and evaluation; systems engineering: designation of responsible officials; joint guidance.
''2438a. Performance assessments and root cause analyses.''.

(D) The table of sections at the beginning of subchapter II of chapter 148 is amended by inserting after the item relating to section 2507 the following new item:

''2508. Director of Small Business Programs.''.

(m) EXECUTIVE SCHEDULE AMENDMENTS.—Chapter 53 of title 5, United States Code, is amended as follows:

(1) NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.—Section 5315 is amended by striking ''Assistant Secretaries of Defense (12)'' and inserting ''Assistant Secretaries of Defense (17)''.

(2) POSITIONS REDESIGNATED AS ASSISTANT SECRETARY POSITIONS.—

(A) Section 5315 is further amended—

(i) by striking ''Director of Cost Assessment and Program Evaluation, Department of Defense.''; and

(ii) by striking ''Director of Defense Research and Engineering.''.

(B) Section 5316 is amended by striking ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.''.

(3) AMENDMENTS TO DELETE REFERENCES TO POSITIONS IN SENIOR EXECUTIVE SERVICE.—Section 5316 is further amended—

(A) by striking ''Director, Defense Advanced Research Projects Agency, Department of Defense.'';

(B) by striking ''Deputy General Counsel, Department of Defense.'';

(C) by striking ''Deputy Under Secretaries of Defense for Research and Engineering, Department of Defense (4).''; and

(D) by striking ''Special Assistant to the Secretary of Defense.''.

(n) REFERENCES IN OTHER LAWS, ETC.—Any reference in any provision or law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States, to any of the offices of the Department of Defense redesignated by subsection (a) shall be treated as referring to that office as so redesignated.

(o) EFFECTIVE DATE.—The provisions of this section and the amendments made by this section shall take effect on January 1, 2011, or on such earlier date for any of such provisions as may be prescribed by the Secretary of Defense. If the Secretary prescribes an earlier date for any of those provisions or amendments, the Secretary shall notify Congress in writing in advance of such date.

SEC. 903. UNIFIED MEDICAL COMMAND.

(a) ASSISTANT SECRETARY OF DEFENSE.—Section 138(b) of title 10, United States Code, as amended by section 902, is further amended by adding at the end the following new paragraph:

''(12) One of the Assistant Secretaries is the Assistant Secretary of Defense for Health Affairs. In addition to any duties and powers prescribed under paragraph (1), the principal duty of the Assistant Secretary of Defense for Health Affairs is the overall supervision (including oversight of policy and resources) of all health affairs and medical activities of the Department of Defense. The Assistant Secretary of Defense for Health Affairs is the principal civilian adviser to the Secretary of Defense on health affairs and medical matters and, after the Secretary and Deputy Secretary, is the principal health affairs and medical official within the senior management of the Department of Defense.''.

(b) UNIFIED COMBATANT COMMAND.—

(1) IN GENERAL.—Chapter 6 of such title is amended by inserting after section 167a the following new section:

''§ 167b. Unified combatant command for medical operations

''(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, may establish under section 161 of this title a unified command for medical operations (hereinafter in this section referred to as the 'unified medical command'). The principal function of the command is to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of this title.

''(b) ASSIGNMENT OF FORCES.—In establishing the unified medical command under subsection (a), all active military medical treatment facilities, training organizations, and research entities of the armed forces shall be assigned to such unified command, unless otherwise directed by the Secretary of Defense.

''(c) GRADE OF COMMANDER.—The commander of the unified medical command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating his permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such command shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37. During the 5-year period beginning on the date on which the Secretary establishes the command under subsection (a), the commander of such command shall be exempt from the requirements of section 164(a)(1) of this title.

''(d) SUBORDINATE COMMANDS.—(1) The unified medical command shall have the following subordinate commands:

''(A) A command that includes all fixed military medical treatment facilities, including elements of the Department of Defense that are combined, operated jointly, or otherwise operated in such a manner that a medical facility of the Department of Defense is operating in or with a medical facility of another department or agency of the United States.

''(B) A command that includes all medical training, education, and research and development activities that have previously been unified or combined, including organizations that have been designated as a Department of Defense executive agent.

''(C) The Defense Health Agency established under subsection (f).

''(2) The commander of a subordinate command of the unified medical command shall hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The commander of such a subordinate command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such a subordinate command shall also be required to be a surgeon general of one of the military departments.

''(e) AUTHORITY OF COMBATANT COMMANDER.—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the unified medical command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to medical operations activities.

''(2) The commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to medical operations activities (whether or not relating to the unified medical command):

''(A) Developing programs and doctrine.

''(B) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

''(C) Exercising authority, direction, and control over the expenditure of funds—

''(i) for forces assigned to the unified medical command;

''(ii) for the forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

''(iii) for military construction funds of the Defense Health Program.

''(D) Training assigned forces.

''(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

''(F) Validating requirements.

''(G) Establishing priorities for requirements.

''(H) Ensuring the interoperability of equipment and forces.

''(I) Monitoring the promotions, assignments, retention, training, and professional military education of medical officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

''(3) The commander of such command shall be responsible for the Defense Health Program, including the Defense Health Program Account established under section 1100 of this title.

''(f) DEFENSE HEALTH AGENCY.—(1) In establishing the unified medical command under subsection (a), the Secretary shall also establish under section 191 of this title a defense agency for health care (in this section referred to as the 'Defense Health Agency'), and shall transfer to such agency the organization of the Department of Defense referred to as the TRICARE Management Activity and all functions of the TRICARE Program (as defined in section 1072(7)).

''(2) The director of the Defense Health Agency shall hold the rank of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent

grade. The director of such agency shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The director of such agency shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

''(g) REGULATIONS.—In establishing the unified medical command under subsection (a), the Secretary of Defense shall prescribe regulations for the activities of the unified medical command.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 167a the following new item:

''167b. Unified combatant command for medical operations.''.

(c) PLAN, NOTIFICATION, AND REPORT.—

(1) PLAN.—Not later than March 31, 2011, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan to establish the unified medical command authorized under section 167b of title 10, United States Code, as added by subsection (b), including any legislative actions the Secretary considers necessary to implement the plan.

(2) NOTIFICATION.—The Secretary shall submit to the congressional defense committees written notification of the decision of the Secretary to establish the unified medical command under such section 167b by not later than the date that is 30 days before establishing such command.

(3) REPORT.—Not later than 180 days after submitting the notification under paragraph (2), the Secretary shall submit to the congressional defense committees a report on—

(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.

Subtitle B—Space Activities

SEC. 911. INTEGRATED SPACE ARCHITECTURES.

The Secretary of Defense and the Director of National Intelligence shall jointly establish the capability to conduct integrated national security space architecture planning, development, coordination, and analysis that—

(1) encompasses defense and intelligence space plans, programs, budgets, and organizations;

(2) provides mid-term to long-term recommendations to guide space-related defense and intelligence acquisitions, requirements, and investment decisions;

(3) is independent of the space architecture planning, development, coordination, and analysis activities of each military department and each element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); and

(4) makes use of, to the maximum extent practicable, joint duty assignment positions (as defined in section 668).

Subtitle C—Intelligence-Related Matters

SEC. 921. FIVE-YEAR EXTENSION OF AUTHORITY FOR SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

The second sentence of section 431(a) of title 10, United States Code, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2015''.

SEC. 922. SPACE AND COUNTERSPACE INTELLIGENCE ANALYSIS.

(a) DESIGNATION OF LEAD INTEGRATOR.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Director of the Defense Intelligence Agency shall designate a lead integrator for foreign space and counterspace defense intelligence analysis.

(B) INITIAL DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the Director of the Defense Intelligence Agency shall designate an initial lead integrator under subparagraph (A).

(2) NOTICE.—Not later than 30 days after the date on which the Director of the Defense Intelligence Agency designates a lead integrator under paragraph (1)(A), or removes the designation of lead integrator from an individual or organization previously designated under paragraph (1)(A), the Director shall notify the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate of the designation of such lead integrator or the removal of such designation.

(b) AUTHORITY TO CONDUCT ORIGINAL ANALYSIS.—The Director of the Defense Intelligence Agency shall authorize a lead integrator designated under subsection (a)(1)(A) to conduct original intelligence analysis and production within the areas of responsibility of such lead integrator.

(c) DEFINITIONS.—In this section:

(1) LEAD INTEGRATOR.—The term ''lead integrator'' means, with respect to a particular subject matter, an individual or organization with primary responsibility for the review, coordination, and integration of defense intelligence analysis and production related to such subject matter to—

(A) ensure the development of coherent assessments and intelligence products; and

(B) manage and consolidate defense intelligence tasking.

(2) ORIGINAL INTELLIGENCE ANALYSIS.—The term ''original intelligence analysis'' means the development of knowledge and creation of intelligence materials based on raw data and intelligence reporting.

SEC. 923. AUDITS OF INTELLIGENCE COMMUNITY BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) AUDITS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''AUDITS OF INTELLIGENCE COMMUNITY BY GOVERNMENT ACCOUNTABILITY OFFICE

''SEC. 508. (a) IN GENERAL.—Except as provided in subsection (b), the Director of National Intelligence shall ensure that personnel of the Government Accountability Office designated by the Comptroller General are provided with access to all information in the possession of an element of the intelligence community that the Comptroller General determines is necessary for such personnel to conduct an analysis, evaluation, or investigation of a program or activity of an element of the intelligence community that is requested by one of the congressional intelligence committees.

''(b) AUDITS OF PROGRAMS INVOLVING SOURCES AND METHODS.—(1) If the Director of National Intelligence determines that a portion of an analysis, evaluation, or investigation to be conducted by the Comptroller General that is requested by a committee of Congress with jurisdiction over the subject of such analysis, evaluation, or investigation involves a matter that is subject to the reporting requirements of section 503 or intelligence sources or methods, such portion may be redacted from such analysis, evaluation, or investigation and provided exclusively to the congressional intelligence committees.

''(2) If the Director of National Intelligence redacts a portion of an analysis, evaluation, or investigation under paragraph (1), the Director shall inform the committee of Congress that requested such analysis, evaluation, or investigation of the redaction.

''(c) NOTICE OF ANALYSIS, EVALUATION, OR INVESTIGATION AND PROCEDURES.—Not later than 15 days before initiating an analysis, evaluation, or investigation of an element of the intelligence community, the Comptroller General shall submit to the congressional intelligence committees a notice that includes—

''(1) a description of the analysis, evaluation, or investigation to occur and the purposes of such analysis, evaluation, or investigation;

''(2) the names of the personnel who will conduct such analysis, evaluation, or investigation and the level of security clearance possessed by such personnel; and

''(3) the procedures to be used in the course of such analysis, evaluation, or investigation for examining classified information, including a description of all facilities and materials that will be used.

''(d) DISCUSSION OF PROCEDURES.—(1) Prior to initiating an analysis, evaluation, or investigation of an element of the intelligence community, the Comptroller General, in consultation with the congressional intelligence committees, shall discuss with the Director of National Intelligence the procedures for conducting such analysis, evaluation, or investigation.

''(2) Not later than five days after the discussion referred to in paragraph (1), the Director of National Intelligence may submit to the Comptroller General a written comment suggesting any changes or modifications to the procedures referred to in paragraph (1).

''(e) CONFIDENTIALITY.—The Comptroller General shall maintain the same level of confidentiality for a record made available during the course of an analysis, evaluation, or investigation involving sources or methods as is required of the head of the element of the intelligence community from which such record is obtained. An officer or employee of the Government Accountability Office shall be subject to the same statutory penalties for unauthorized disclosure or use of a record as an officer or employee of the element of the intelligence community that provided the Comptroller General or such officer or employee of the Government Accountability Office with access to such record.

''(f) WORKPAPERS.—All workpapers of the Comptroller General and all records and property of any element of the intelligence community that the Comptroller General uses during the course of an analysis, evaluation, or investigation involving sources or methods shall remain in facilities provided by the element of the intelligence community providing such records and property.

''(g) PROVISION OF SUPPLIES.—The head of each element of the intelligence community that is a subject of an analysis, evaluation, or investigation by the Comptroller General involving sources or methods shall provide the Comptroller General with suitable and secure offices and furniture, telephones, and access to copying facilities, for purposes of such analysis, evaluation, or investigation.

''(h) PROCEDURES FOR PROTECTION OF INFORMATION.—The Comptroller General, in consultation with the congressional intelligence committees, shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General in the course of conducting an analysis, evaluation, or investigation involving sources and methods.

''(i) SUBMISSION OF NAMES OF PERSONNEL CONDUCTING ANALYSIS, EVALUATION, OR INVESTIGATION.—Prior to initiating an analysis, evaluation, or investigation involving sources and methods, the Comptroller General shall provide the Director of National Intelligence and the head of each element of the intelligence community that is a subject of such analysis, evaluation, or investigation

with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, the head of such element shall make available records and information during the course of such analysis, evaluation, or investigation.

''(j) COOPERATION.—The head of each element of the intelligence community that is a subject of an analysis, evaluation, or investigation shall cooperate fully with the Comptroller General and provide timely responses to requests by the Comptroller General for documentation and information made pursuant to this section.

''(k) RULE OF CONSTRUCTION.—Except as provided in subsection (b), nothing in this section or any other provision of law shall be construed to restrict or limit the authority of the Comptroller General to audit, evaluate, or obtain access to the records of an element of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.''.

Subtitle D—Other Matters

SEC. 931. REVISIONS TO THE BOARD OF REGENTS FOR THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Subsection (b) of section 2113a of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) four persons, of which the chairmen and ranking members of the Committees on Armed Services of the Senate and House of Representatives may each appoint one person, respectively;''.

SEC. 932. INCREASED FLEXIBILITY FOR COMBATANT COMMANDER INITIATIVE FUND.

(a) IN GENERAL.—Section 166a(e)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) not more than $10,000,000 may be used for research, development, test and evaluation activities.''.

(b) APPLICABILITY.—The amendments made by this section shall not apply with respect to funds appropriated for a fiscal year before fiscal year 2011.

SEC. 933. TWO-YEAR EXTENSION OF AUTHORITIES RELATING TO TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL AT DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) EXTENSION OF WAIVER.—Paragraph (1) of section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4577; 10 U.S.C. 184 note) is amended by striking ''fiscal years 2009 and 2010'' and inserting ''fiscal years 2009 through 2012''.

(b) ANNUAL REPORT.—Paragraph (3) of such section is amended by striking ''in 2010 and 2011'' and inserting ''in each year through 2013''.

SEC. 934. ADDITIONAL REQUIREMENTS FOR QUADRENNIAL ROLES AND MISSIONS REVIEW IN 2011.

(a) ADDITIONAL ACTIVITIES CONSIDERED.—As part of the quadrennial roles and missions review conducted in 2011 pursuant to section 118b of title 10, United States Code, the Secretary of Defense shall give consideration to the following activities, giving particular attention to their role in counter-terrorism operations:

(1) Information operations.

(2) Strategic communications.

(3) Detention and interrogation.

(b) ADDITIONAL REPORT REQUIREMENT.—In the report required by section 118b(d) of such title for such review in 2011, the Secretary of Defense shall—

(1) provide clear guidance on the nature and extent of which core competencies are associated with the activities listed in subsection (a); and

(2) identify the elements of the Department of Defense that are responsible or should be responsible for providing such core competencies.

SEC. 935. CODIFICATION OF CONGRESSIONAL NOTIFICATION REQUIREMENT BEFORE PERMANENT RELOCATION OF ANY UNITED STATES MILITARY UNIT STATIONED OUTSIDE THE UNITED STATES.

(a) CODIFICATION AND RELATED REPORT.—Chapter 6 of title 10, United States Code, is amended by inserting after section 162 the following new section:

''§ 162a. Congressional notification before permanent relocation of military units stationed outside the United States

''(a) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the United States.

''(b) ELEMENTS OF NOTIFICATION.—The notification required by subsection (a) shall include a description of the following:

''(1) How relocation of the unit supports the United States national security strategy.

''(2) Whether the relocation of the unit will have an impact on any security commitments undertaken by the United States pursuant to any international security treaty, including the North Atlantic Treaty, the Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

''(3) How relocation of the unit addresses the current security environment in the affected geographic combatant command's area of responsibility, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

''(4) How relocation of the unit impacts the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States.

''(c) EXCEPTIONS.—Subsection (a) does not apply in the case of—

''(1) the relocation of a unit deployed to a combat zone; or

''(2) the relocation of a unit as the result of closure of an overseas installation at the request of the government of the host nation in the manner provided in the agreement between the United States and the host nation regarding the installation.

''(d) DEFINITIONS.—In this section:

''(1) COMBAT ZONE.—The term 'combat zone' has the meaning given that term in section 112(c)(2) of the Internal Revenue Code of 1986.

''(2) GEOGRAPHIC COMBATANT COMMAND.—The term 'geographic combatant command' means a combatant command with a geographic area of responsibility that does not include North America.

''(3) UNIT.—The term 'unit' has the meaning determined by the Secretary of Defense for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 162 the following new item:

''162a. Congressional notification before permanent relocation of military units stationed outside the United States.''.

(c) REPEAL OF SUPERCEDED NOTIFICATION REQUIREMENT.—Section 1063 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2469; 10 U.S.C. 113 note) is repealed.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2011 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN, IRAQ, AND HAITI FOR FISCAL YEAR 2010.

In addition to the amounts otherwise authorized to be appropriated by this division, the amounts authorized to be appropriated for fiscal year 2010 in title XV of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) are hereby increased, with respect to any such authorized amount, as follows:

(1) The amounts provided in sections 1502 through 1507 of such Act for the following procurement accounts are increased as follows:

(A) For aircraft procurement, Army, by $182,170,000.

(B) For weapons and tracked combat vehicles procurement, Army, by $3,000,000.

(C) For ammunition procurement, Army, by $17,055,000.

(D) For other procurement, Army, by $1,997,918,000.

(E) For the Joint Improvised Explosive Device Defeat Fund, by $400,000,000.

(F) For aircraft procurement, Navy, by $104,693,000.

(G) For other procurement, Navy, by $15,000,000.

(H) For procurement, Marine Corps, by $18,927,000.
(I) For aircraft procurement, Air Force, by $209,766,000.
(J) For ammunition procurement, Air Force, by $5,000,000.
(K) For other procurement, Air Force, by $576,895,000.
(L) For the Mine Resistant Ambush Protected Vehicle Fund, by $1,123,000,000.
(M) For defense-wide activities, by $189,276,000.
(2) The amounts provided in section 1508 of such Act for research, development, test, and evaluation are increased as follows:
(A) For the Army, by $61,962,000.
(B) For the Navy, by $5,360,000.
(C) For the Air Force, by $187,651,000.
(D) For defense-wide activities, by $22,138,000.
(3) The amounts provided in sections 1509, 1511, 1513, 1514, and 1515 of such Act for operation and maintenance are increased as follows:
(A) For the Army, by $11,700,965,000.
(B) For the Navy, by $2,428,702,000.
(C) For the Marine Corps, by $1,090,873,000.
(D) For the Air Force, by $3,845,047,000.
(E) For defense-wide activities, by $1,188,421,000.
(F) For the Army Reserve, by $67,399,000.
(G) For the Navy Reserve, by $61,842,000.
(H) For the Marine Corps Reserve, by $674,000.
(I) For the Air Force Reserve, by $95,819,000.
(J) For the Army National Guard, by $171,834,000.
(K) For the Air National Guard, by $161,281,000.
(L) For the Defense Health Program, by $33,367,000.
(M) For Drug Interdiction and Counterdrug Activities, Defense-wide, by $94,000,000.
(N) For the Afghanistan Security Forces Fund, by $2,604,000,000.
(O) For the Iraq Security Forces Fund, by $1,000,000,000.
(P) For Overseas Humanitarian, Disaster and Civic Aid, by $255,000,000.
(Q) For Overseas Contingency Operations Transfer Fund, by $350,000,000.
(R) For Working Capital Funds, by $974,967,000.
(4) The amount provided in section 1512 of such Act for military personnel accounts is increased by $1,895,761,000.

SEC. 1003. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

Subtitle B—Counter-Drug Activities

SEC. 1011. UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441), is further amended—

(1) in subsection (a), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (c), by striking ''2010'' and inserting ''2011''.

SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTERTERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as most recently amended by section 1012 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441), is further amended by striking ''2010'' and inserting ''2011''.

SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1013 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2442), is further amended by striking ''February 15, 2010'' and inserting ''February 15, 2011''.

SEC. 1014. SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (a)(2) section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1014(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2442), is further amended by striking ''2010'' and inserting ''2011''.

(b) MAXIMUM AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended by striking ''fiscal years 2009 and 2010'' and inserting ''fiscal years 2010 and 2011''.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. REQUIREMENTS FOR LONG-RANGE PLAN FOR CONSTRUCTION OF NAVAL VESSELS.

(a) IN GENERAL.—Section 231 of title 10, United States Code, is amended to read as follows:

''§ 231. Long-range plan for construction of naval vessels

''(a) QUADRENNIAL NAVAL VESSEL CONSTRUCTION PLAN.—At the same time that the budget of the President is submitted under section 1105(a) of title 31 during each year in which the Secretary of Defense submits a quadrennial defense review, the Secretary of the Navy shall submit to the congressional defense committees a long-range plan for the construction of combatant and support vessels for the Navy that supports the force structure recommendations of the quadrennial defense review.

''(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:

''(1) A detailed construction schedule of naval vessels for the 10-year period beginning on the date on which the plan is submitted, including a certification by the Secretary that the budget for the fiscal year in which the plan is submitted and the budget for the future-years defense program submitted under section 221 of this title are sufficient for funding such schedule.

''(2) A probable construction schedule for the 10-year period beginning on the date that is 10 years after the date on which the plan is submitted.

''(3) A notional construction schedule for the 10-year period beginning on the date that is 20 years after the date on which the plan is submitted.

''(4) The estimated levels of annual funding necessary to carry out the construction schedules under paragraphs (1), (2), and (3).

''(5) For the construction schedules under paragraphs (1) and (2)—

''(A) a determination by the Director of Cost Assessment and Program Evaluation of the level of funding necessary to execute such schedules; and

''(B) an evaluation by the Director of the potential risk associated with such schedules, including detailed effects on operational plans, missions, deployment schedules, and fulfillment of the requirements of the combatant commanders.

''(c) NAVAL COMPOSITION.—In submitting the plan under subsection (a), the Secretary shall ensure that such plan—

''(1) is in accordance with section 5062(b) of this title; and

''(2) phases the construction of new aircraft carriers during the periods covered by such plan in a manner that minimizes the total cost for procurement for such vessels.

''(d) ASSESSMENT WHEN BUDGET IS INSUFFICIENT.—If the budget for a fiscal year provides for funding of the construction of naval vessels at a level that is less than the level determined necessary by the Director of Cost Assessment and Program Evaluation under subsection (b)(5), the Secretary of the Navy shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the budget, including the risk associated with a reduced force structure that may result from funding naval vessel construction at such a level.

''(e) CBO EVALUATION.—Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the construction schedules and the estimated levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

''(f) CHANGES TO THE CONSTRUCTION PLAN.—In any year in which a quadrennial defense review is not submitted, the Secretary of the Navy may not modify the construction schedules submitted in the plan under subsection (a) unless—

''(1) the modification is an increase in planned ship construction;

''(2) the modification is a realignment of less than 1 year of construction start dates in the future-years defense plan submitted under section 221 of this title and the Secretary submits to the congressional defense committees a report on such modification, including—

''(A) the reasons for realignment;

''(B) any increased cost that will be incurred by the Navy because of the realignment; and

''(C) an assessment of the effects that the realignment will have on the shipbuilding industrial base, including the secondary supply base; or

''(3) the modification is a decrease in the number or type of combatant and support vessels of the Navy and the Secretary submits to the congressional defense committees a report on such modification, including—

''(A) an addendum to the most recent quadrennial defense review that fully explains and justifies the decrease with respect to the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a); and

''(B) a description of the additional reviews and analyses considered by the Secretary after the previous quadrennial defense review was submitted that justify the decrease.

''(g) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'quadrennial defense review' means the review of the defense programs and policies of the United States that is carried out every 4 years under section 118 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 231 and inserting the following new item:

''231. Long-range plan for construction of naval vessels.''.

SEC. 1022. REQUIREMENTS FOR THE DECOMMISSIONING OF NAVAL VESSELS.

(a) NOTICE OF DECOMMISSIONING.—The Secretary of the Navy may not decommission any battle force vessel of the active fleet of the Navy unless the Secretary provides to the congressional defense committees written notification of such decommissioning in accordance with established procedures.

(b) CONTENT OF NOTIFICATION.—Any notification provided under subsection (a) shall include each of the following:

(1) The reasons for the proposed decommissioning of the vessel.

(2) An analysis of the effect the decommissioning would be likely to have on the deployment schedules of other vessels in the same class as the vessel proposed to be decommissioned.

(3) A certification from the Chairman of the Joint Chiefs of Staff that the decommissioning of the vessel will not adversely affect the requirements of the combatant commanders to fulfill missions critical to national security.

(4) Any budgetary implications associated with retaining the vessel in commission, expressed for each applicable appropriation account.

SEC. 1023. REQUIREMENTS FOR THE SIZE OF THE NAVY BATTLE FORCE FLEET.

(a) LIMITATION ON DECOMMISSIONING.—Until the number of vessels in the battle force fleet of the Navy reaches 313 vessels, the Secretary of the Navy shall not decommission, in fiscal year 2011 or any subsequent fiscal year, more than two-thirds of the number of vessels slated for commissioning into the battle force fleet for that fiscal year.

(b) TREATMENT OF SUBMARINES.—For purposes of subsection (a), submarines of the battle force fleet slated for decommissioning for any fiscal year shall not count against the number of vessels the Secretary of the Navy is required to maintain for that fiscal year.

SEC. 1024. RETENTION AND STATUS OF CERTAIN NAVAL VESSELS.

The Secretary of the Navy shall retain the vessels the U.S.S. Nassau (LHA 4) and the U.S.S. Peleliu (LHA 5), in a commissioned and operational status, until the delivery to the Navy of the vessels the U.S.S. America (LHA 6) and the vessel designated as LHA 7, respectively.

SEC. 1025. EXPRESSING THE SENSE OF CONGRESS REGARDING THE NAMING OF A NAVAL COMBAT VESSEL AFTER FATHER VINCENT CAPODANNO.

(a) FINDINGS.—Congress makes the following findings:

(1) Father Vincent Capodanno was born on February 13, 1929, in Staten Island, New York.

(2) After attending Fordham University for a year, he entered the Maryknoll Missionary Seminary in upstate New York in 1949, and was ordained a Catholic priest in June 1957.

(3) Father Capodanno's first assignment as a missionary was working with aboriginal Taiwanese people in the mountains of Taiwan where he served in a parish and later in a school. After several years, Father Capodanno returned to the United States for leave and then was assigned to a Maryknoll school in Hong Kong.

(4) Father Vincent Capodanno volunteered as a Navy Chaplain and was commissioned a Lieutenant in the Chaplain Corps of the United States Naval Reserve in December 28, 1965.

(5) Father Vincent Capodanno selflessly extended his combat tour in Vietnam on the condition he was allowed to remain with the infantry.

(6) On September 4, 1967, during a fierce battle in the Thang Binh District of the Que-Son Valley in Vietnam, Father Capodanno went among the wounded and dying, giving last rites and caring for the injured. He was killed that day while taking care of his Marines.

(7) On January 7, 1969, Father Vincent Capodanno was awarded the Medal of Honor posthumously for comforting the wounded and dying during the Vietnam conflict. For his dedicated service, Father Capodanno was also awarded the Bronze Star, the Purple Heart, the Presidential Unit Citation, the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Gallantry Cross with Palm, and the Vietnam Campaign Medal.

(8) In his memory, the U.S.S. Capodanno was commissioned on September 17, 1973. It is the only Naval vessel to date to have received a Papal blessing by Pope John Paul II in Naples, Italy, on September 4, 1981.

(9) The U.S.S. Capodanno was decommissioned on July 30, 1993.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should name a combat vessel of the United States Navy the ''U.S.S. Father Vincent Capodanno'', in honor of Father Vincent Capodanno, a lieutenant in the Navy Chaplain Corps.

Subtitle D—Counterterrorism

SEC. 1031. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking ''2010'' and inserting ''2011''.

SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated by this Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 1033. CERTIFICATION REQUIREMENTS RELATING TO THE TRANSFER OF INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) LIMITATION.—The Secretary of Defense may not use any of the amounts authorized to be appropriated by this Act or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, to any other foreign country, or to any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

(b) CERTIFICATION.—The certification described in this subsection is a written certification made by the Secretary of Defense, with concurrence of the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

(6) has agreed to share any information with the United States that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c) PROHIBITION AND WAIVER IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—The Secretary of Defense may not use any amount authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody of the individual's country of origin, to any other foreign country, or to any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(2) WAIVER.—The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.

(d) DEFINITIONS.—For the purposes of this section:

(1) The term ''individual detained at Guantanamo'' means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the effective control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term ''foreign terrorist organization'' means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1034. PROHIBITION ON THE USE OF FUNDS TO MODIFY OR CONSTRUCT FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual described in

subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUALS DESCRIBED.—An individual described in this subsection is any individual who, as of October 1, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(d) REPORT ON USE OF FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM GUANTANAMO.—

(1) REPORT REQUIRED.—Not later than April 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report, in classified or unclassified form, on the merits, costs, and risks of using any proposed facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(2) ELEMENTS OF THE REPORT.—The report required in paragraph (1) shall include each of the following:

(A) A discussion of the merits associated with any such proposed facility that would justify—

(i) using the facility instead of the facility at United States Naval Station, Guantanamo Bay, Cuba; and

(ii) the proposed facility's contribution to effecting a comprehensive policy for continuing military detention operations.

(B) The rationale for selecting the specific site for any such proposed facility, including details for the processes and criteria used for identifying the merits described in subparagraph (A) and for selecting the proposed site over reasonable alternative sites.

(C) A discussion of any potential risks to any community in the vicinity of any such proposed facility, the measures that could be taken to mitigate such risks, and the likely cost to the Department of Defense of implementing such measures.

(D) A discussion of any necessary modifications to any such proposed facility to ensure that any detainee transferred from Guantanamo Bay to such facility could not come into contact with any other individual, including any other person detained at such facility, that is not approved for such contact by the Department of Defense, and an assessment of the likely costs of such modifications.

(E) A discussion of any support at the site of any such proposed facility that would likely be provided by the Department of Defense, including the types of support, the number of personnel required for each such type, and an estimate of the cost of such support.

(F) A discussion of any support, other than support provided at a proposed facility, that would likely be provided by the Department of Defense for the operation of any such proposed facility, including the types of possible support, the number of personnel required for each such type, and an estimate of the cost of such support.

(G) A discussion of the legal issues, in the judgment of the Secretary of Defense, that could be raised as a result of detaining or imprisoning any individual described in subsection (c) at any such proposed facility that could not be raised while such individual is detained or imprisoned at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1035. COMPREHENSIVE REVIEW OF FORCE PROTECTION POLICIES.

(a) COMPREHENSIVE REVIEW REQUIRED.—The Secretary of Defense shall conduct a comprehensive review of Department of Defense policies, regulations, instructions, and directives pertaining to force protection within the Department.

(b) MATTERS COVERED.—The review required under subsection (a) shall include an assessment of each of the following:

(1) Information sharing practices across the Department of Defense, and among the State, local, and Federal partners of the Department of Defense.

(2) Antiterrorism and force protection standards relating to standoff distances for buildings.

(3) Protective standards relating to chemical, biological, radiological, nuclear, and high explosives threats.

(4) Standards relating to access to Department bases.

(5) Standards for identity management within the Department, including such standards for identity cards and biometric identifications systems.

(6) Procedures for validating and approving individuals with regular or episodic access to military installations, including military personnel, civilian employees, contractors, family members of personnel, and other types of visitors.

(7) Procedures for sharing with appropriate Department of Defense officials—

(A) information from the intelligence or law enforcement community regarding possible contacts with terrorists or terrorist groups, criminal organizations, or other state and non-state foreign entities actively working to undermine the security interests of the United States; and

(B) personnel records or other derogatory information regarding potentially suspicious activities.

(8) Any legislative changes recommended for implementing the recommendations contained in the review.

(c) INTERIM REPORT.—Not later than March 1, 2011, the Secretary of Defense shall submit an interim report on the comprehensive report required under subsection (a).

(d) FINAL REPORT.—Not later than June 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a final report on the comprehensive review required under subsection (a). The final report shall include such findings and recommendations as the Secretary considers appropriate based on the review, including recommended actions to be taken to implement the specific recommendations in the final report. The final report shall be submitted in an unclassified format, but may include a classified annex.

SEC. 1036. FORT HOOD FOLLOW-ON REVIEW IMPLEMENTATION FUND.

(a) ESTABLISHMENT OF FUND.—Of the amounts authorized to be appropriated under section 301(5), the Secretary of Defense shall deposit $100,000,000 into a fund to be known as the ''Fort Hood Follow-on Review Implementation Fund''. Amounts deposited in the Fund shall be available to the Secretary to address the recommendations contained in the review known as the ''Fort Hood Follow-on Review''.

(b) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Amounts in the Fort Hood Follow-on Review Implementation Fund may be transferred to any of the following accounts and funds of the Department of Defense for the purpose of addressing any of the recommendations contained the Fort Hood Follow-on Review:

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Defense Health Program accounts.

(2) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon the Secretary's determination that all or part of the funds transferred from the Fort Hood Follow-on Review Implementation Fund under paragraph (1) are not necessary for the purpose for which such funds were transferred, such funds may be transferred back to the Fund.

(4) PRIOR NOTICE TO CONGRESSIONAL COMMITTEES.—

(A) OBLIGATIONS.—No amount may be obligated from the Fort Hood Follow-on Review Implementation Fund until 30 days after the date on which the Secretary of Defense notifies the congressional defense committees, in writing, of the details of the proposed obligation.

(B) TRANSFERS.—No amount may be transferred under paragraph (1) until 45 days after the date on which the Secretary of Defense notifies the congressional defense committees, in writing, of the details of the proposed transfer.

(5) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer to any account under paragraph (1) shall be deemed to increase the amount authorized to be appropriated for such account for fiscal year 2011 by an amount equal to the amount so transferred.

(c) QUARTERLY OBLIGATION AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each fiscal quarter of fiscal year 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the Fort Hood Follow-on Review Implementation Fund. Such reports shall include explanations of the monthly commitments, obligations, and expenditures of such Fund, expressed by line of action, for the fiscal quarter covered by the report.

SEC. 1037. INSPECTOR GENERAL INVESTIGATION OF THE CONDUCT AND PRACTICES OF LAWYERS REPRESENTING INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—The Inspector General of the Department of Defense shall conduct an investigation of the conduct and practices of lawyers described in subsection (c). In conducting such investigation, the Inspector General shall—

(1) identify any conduct or practice of such a lawyer that has—

(A) interfered with the operations of the Department of Defense at Naval Station, Guantanamo Bay, Cuba, relating to individuals described in subsection (d);

(B) violated any applicable policy of the Department;

(C) violated any law within the exclusive investigative jurisdiction of the Inspector General of the Department of Defense; or

(D) generated any material risk to a member of the Armed Forces of the United States;

(2) identify any actions taken by the Department to address any conduct or practice identified in paragraph (1); and

(3) determine whether any such conduct or practice undermines the operations of the Department relating to such individuals.

(b) LAWYERS DESCRIBED.—The lawyers described in this subsection are military and non-military lawyers—

(1) who represent individuals described in subsection (d) in proceedings relating to petitions for habeas corpus or in military commissions; and

(2) for whom there is reasonable suspicion that they have engaged in conduct or practices described in subsection (a)(1).

(c) INDIVIDUALS DESCRIBED.—An individual described in this subsection is any individual who is located, or who has been located at any time on or after September 11, 2001, at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is or was—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

(d) REPORT.—Not later than 90 days after the date of the completion of an investigation under subsection (a), the Inspector General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the results of such investigation.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the public disclosure of information that is—

(1) specifically prohibited from disclosure by any other provision of law;

(2) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security; or

(3) a part of an ongoing criminal investigation.

SEC. 1038. PROHIBITION ON USE OF FUNDS TO GIVE MIRANDA WARNINGS TO AL QAEDA TERRORISTS.

None of the funds authorized to be appropriated in this Act or otherwise made available to the Department of Defense shall be used in violation of section 1040 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2454; 10 U.S.C. 801 note).

Subtitle E—Studies and Reports

SEC. 1041. DEPARTMENT OF DEFENSE AEROSPACE-RELATED MISHAP SAFETY INVESTIGATION REPORTS.

(a) PROVISION OF BRIEFINGS.—Not later than 30 days after the submittal of a written request by the chairman and ranking member of any of the congressional defense committees, the Secretary of a military department shall provide to that committee a briefing on the privileged findings, causal factors, and recommendations contained in a specific Department of Defense aerospace-related mishap safety investigation report.

(b) BRIEFING ATTENDANCE.—A briefing provided under subsection (a) may be attended only by the following individuals:

(1) The chairman of the congressional defense committee for which the briefing is provided.

(2) The ranking member of that committee.

(3) The chairmen and ranking members of any subcommittees of that committee that the committee chairman and ranking member jointly designate as having jurisdiction over information contained in the briefing.

(4) Not more than four professional staff members designated jointly by the chairman and ranking member of the committee.

(c) AVAILABILITY OF REPORTS.—During a briefing provided under subsection (a), two copies of the privileged version of the mishap safety investigation report that is the subject of the briefing shall be made available for review by each of the individuals who attend the briefing pursuant to subsection (b). Each copy of the report shall be returned to the Department of Defense at the conclusion of the briefing.

(d) DEPARTMENT OF DEFENSE AEROSPACE-RELATED MISHAP REPORTING REQUIREMENT.—The chairperson who is appointed by the Secretary of a military department for the purpose of conducting an aerospace-related mishap safety board investigation, shall include as an addendum in the privileged safety report a discussion—

(1) comparing and contrasting all of the findings, causal factors, and recommendations contained in the non-privileged, publicly-released version of the aerospace-related mishap investigation report;

(2) describing how such findings, causal factors, and recommendations differ from the findings, causal factors, and recommendations contained in the privileged version of the safety report; and

(3) the rationale that justifies any such differences.

SEC. 1042. INTERAGENCY NATIONAL SECURITY KNOWLEDGE AND SKILLS.

(a) STUDY REQUIRED.—

(1) SELECTION OF INDEPENDENT STUDY ORGANIZATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall select and enter into an agreement with an appropriate independent, nonprofit organization to conduct a study of the matters described in subsection (b).

(2) QUALIFICATIONS OF ORGANIZATION SELECTED.—The organization selected shall be qualified on the basis of having performed related prior work in the fields of national security and human capital development, and on the basis of such other criteria as the Secretary of Defense may determine.

(b) MATTERS TO BE COVERED.—The study required by subsection (a) shall assess the current state of interagency national security knowledge and skills in Department of Defense civilian and military personnel, and make recommendations for strengthening such knowledge and skills. At minimum, the study shall include assessments and recommendations on—

(1) interagency national security training, education, and rotational assignment opportunities available to civilians and military personnel;

(2) integration of interagency national security education into the professional military education system;

(3) level of interagency national security knowledge and skills possessed by personnel currently serving in civilian executive and general or flag officer positions, as represented by the interagency education, training, and professional experiences they have undertaken;

(4) incentives that enable and encourage military and civilian personnel to undertake interagency assignment, education, and training opportunities, as well as disincentives and obstacles that discourage undertaking such opportunities; and

(5) any plans or current efforts to improve the interagency national security knowledge and skills of civilian and military personnel.

(c) REPORT.—Not later than December 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report containing the findings and recommendations from the study required by subsection (a).

(d) DEFINITION.—In this section, the term ''interagency national security knowledge and skills'' means an understanding of, and the ability to efficiently and expeditiously work within, the structures, mechanisms, and processes by which the departments, agencies, and elements of the Federal Government that have national security missions coordinate and integrate their policies, capabilities, budgets, expertise, and activities to accomplish such missions.

SEC. 1043. REPORT ON ESTABLISHING A NORTHEAST REGIONAL JOINT TRAINING CENTER.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the need for the establishment of a Northeast Regional Joint Training Center.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) A list of facilities in the Northeastern United States at which, as of the date of the enactment of this Act, the Department of Defense has deployed or has committed to deploying a joint training experimentation network.

(2) The extent to which such facilities have sufficient unused capacity and expertise to accommodate and fully utilize a permanent joint training experimentation node.

(3) A list of potential locations for the regional center discussed in the report.

(c) CONSIDERATIONS WITH RESPECT TO LOCATION.—In determining potential locations for the regional center of excellence to be discussed in the report required under subsection (a), the Secretary of Defense shall take into consideration Department of Defense facilities that have—

(1) a workforce of skilled personnel;

(2) live, virtual, and constructive training capabilities, and the ability to digitally connect them and the associated battle command structure at the tactical and operational levels;

(3) an extensive deployment history in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) a location in the Northeastern United States;

(5) an existing and permanent joint training and experimentation network node;

(6) the capacity or potential capacity to accommodate a target training audience of up to 4000 additional personnel; and

(7) the capability to accommodate the training of current and future Army and Air Force unmanned aircraft systems.

SEC. 1044. COMPTROLLER GENERAL REPORT ON PREVIOUSLY REQUESTED REPORTS.

(a) REPORT REQUIRED.—Not later than March 1, 2011, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report evaluating the sufficiency, adequacy, and conclusions of following reports:

(1) The report on Air Force fighter force shortfalls, as required by the report of the House of Representatives numbered 111–166, which accompanied the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(2) The report on procurement of 4.5 generation fighters, as required by section 131 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2218).

(3) The report on combat air forces restructuring, as required by the report of the House of Representatives numbered 111–288, which accompanied the conference report for the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(b) MATTERS COVERED BY REPORT.—The report required by subsection (a) shall examine the potential costs and benefits of each of the following:

(1) The service life extension program costs to sustain the legacy fighter fleet to meet inventory requirements with an emphasis on the service life extension program compared to other options such as procurement of 4.5 generation fighters.

(2) The Falcon Structural Augmentation Roadmap of F–16s, with emphasis on the cost-benefit of such effort and the effect of such efforts on the service life of the airframes.

(3) Any additional programs designed to extend the service life of legacy fighter aircraft.

(c) PROHIBITION.—No fighter aircraft may be retired from the Air Force or the Air National Guard inventory in fiscal year 2011 until 180 days after the receipt by the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of the report required under subsection (a).

SEC. 1045. REPORT ON NUCLEAR TRIAD.

(a) REPORT.—Not later than March 1, 2011, the Secretary of Defense, in consultation with the Administrator for Nuclear Security, shall submit to the congressional defense committees a report on the nuclear triad.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A detailed discussion of the modernization and sustainment plans for each component of the nuclear triad over the 20-year period beginning on the date of the report.

(2) The funding required for each platform of the nuclear triad with respect to operations and maintenance, modernization, and replacement.

(3) Any industrial capacities that the Secretary considers vital to ensure the viability of the nuclear triad.

(c) NUCLEAR TRIAD DEFINED.—In this section, the term ''nuclear triad'' means the nuclear deterrent capabilities of the United States composed of ballistic missile submarines, land-based missiles, and strategic bombers.

SEC. 1046. CYBERSECURITY STUDY AND REPORT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) cybersecurity is one of the most serious national security challenges facing the United States; and

(2) it is critical that the Department of Defense develop technological solutions that ensure the security and freedom of action of the Department while operating in the cyber domain.

(b) STUDY.—The Secretary of Defense shall conduct a study assessing—

(1) the current use of, and potential applications of, modeling and simulation tools to identify likely cybersecurity methodologies and vulnerabilities within the Department of Defense.

(2) the application of modeling and simulation technology to develop strategies and programs to deter hostile or malicious activity intended to compromise Department of Defense information systems.

(c) REPORT.—Not later than January 1, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report containing the results of the study conducted under subsection (b), including recommendations on possible options for increasing the use of simulation tools to further strengthen the cybersecurity environment of the Department of Defense.

(d) FORM.—The report required under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1047. STUDY ON COMMON ALIGNMENT OF WORLD REGIONS IN DEPARTMENTS AND AGENCIES WITH INTERNATIONAL RESPONSIBILITIES.

(a) STUDY REQUIRED.—The President shall commission a study to assess the need for and implications of a common alignment of world regions in the internal organization of departments and agencies of the Federal Government with international responsibilities.

(b) PARTICIPATING DEPARTMENTS AND AGENCIES.—The following departments and agencies, at a minimum, shall participate in the study:

(1) The Department of Defense, including the combatant commands.

(2) The Department of State.

(3) The United States Agency for International Development.

(4) The Department of Justice.

(5) The Department of Commerce.

(6) The Department of the Treasury.

(7) The intelligence community.

(8) Such other departments and agencies as the President considers appropriate.

(c) COOPERATION AND ACCESS.—The heads of the departments and agencies participating in the study shall provide full cooperation with, and access to appropriate information to, the team carrying out the study.

(d) MATTERS COVERED.—The study required under subsection (a) shall, at a minimum, assess—

(1) the problems resulting from different geographic boundaries within the various departments and agencies;

(2) potential obstacles to implementing a common alignment;

(3) the advantages and disadvantages of a common alignment; and

(4) impediments to interagency coordination because of differing regional authority levels.

(e) REPORT.—The President shall submit to Congress a report on the study required under subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 1048. REQUIRED REPORTS CONCERNING BOMBER MODERNIZATION, SUSTAINMENT, AND RECAPITALIZATION EFFORTS IN SUPPORT OF THE NATIONAL DEFENSE STRATEGY.

(a) AIR FORCE REPORT.—

(1) REPORT REQUIRED.—Not later than 360 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees, the Director of the Congressional Budget Office, and the Comptroller General of the United States a report that includes—

(A) a discussion of the cost, schedule, and performance of all currently planned efforts to modernize and keep viable the existing B–1, B–2, and B–52 bomber fleets and a discussion of the forecasted service-life and all sustainment challenges that the Secretary of the Air Force may confront in keeping those platforms viable until the retirement of such aircraft;

(B) a discussion, presented in a comparison and contrast type format, of the scope of the 2007 Next-Generation Long Range Strike Analysis of Alternatives guidance and subsequent Analysis of Alternatives report tasked by the Under Secretary of Defense for Acquisition, Technology, and Logistics in the September 11, 2006, Acquisition Decision Memorandum, as compared to the scope and directed guidance of the year 2010 Long Range Strike Study effort currently being conducted by the Under Secretary of Defense for Policy and the Office of the Secretary of Defense's Cost Assessment and Program Evaluation Office;

(C) a discussion of an objectivity and sufficiency review of the final report issued subsequent to the 2010 Long Range Strike study effort currently being conducted by the Under Secretary of Defense for Policy and the Office of the Secretary of Defense's Cost Assessment and Program Evaluation Office;

(D) a discussion of the progress of efforts to field a next generation long-range strike platform, including a review of—

(i) the next generation long-range strike requirements development and validation;

(ii) the threshold and objective key performance parameters;

(iii) the acquisition strategy, the acquisition oversight strategy, projected life-cycle costs, the cost-risk analysis, the technology readiness levels of planned capabilities; and

(iv) the development, testing, production and fielding timelines;

(E) a discussion of the costs, development, testing, fielding and operational employment challenges, capability gaps, limitations and shortfalls of the Secretary of Defense's plan to field a long-range, penetrating, survivable, persistent and enduring ''family of systems'' as compared to the development, testing, fielding and operational employment of a singular platform that encompasses all the required aforementioned characteristics; and

(F) a discussion of the planning efforts for developing and fielding a transformational long-range strike capability in the 2035 timeframe.

(2) PREPARATION OF REPORT.—The report under paragraph (1) shall be prepared by the Institute for Defense Analyses and submitted to the Secretary of the Air Force for submittal by the Secretary in accordance with that paragraph.

(b) COST ANALYSIS AND PROGRAM EVALUATION REPORT.—The Director of the Cost Analysis and Program Evaluation of the Office of the Secretary of Defense shall submit to the congressional defense committees, the Director of the Congressional Budget Office, and the Comptroller General of the United States a report that includes—

(1) the assumptions and estimated life-cycle costs of the Department's long-range, penetrating, survivable, persistent, and enduring ''family of systems'' platforms; and

(2) the assumptions and estimated life-cycle costs of the Next Generation Platform program, as planned and approved by the Secretary of Defense, prior to the cancellation of the program on April 6, 2009.

(c) CBO REPORT.—Not later than 360 days after the date of the enactment of this Act, the Congressional Budget Office shall submit to the congressional defense committees and to the Comptroller General of the United States a report that includes—

(1) a life-cycle-cost analysis of the costs of modernizing and sustaining the current fleet of B–1, B–2 and B–52 bombers to meet future long-range strike requirements compared to the costs of development, testing, fielding, and operational employment of a singular Next Generation Bomber platform to replace the existing fleet of B–1, B–2 and B–52 platforms;

(2) a life-cycle-cost analysis of the costs of the Secretary of Defense's plan to field a long-range, penetrating, survivable, persistent, and enduring ''family of systems'' compared to the costs of developing, testing, fielding and operational employment of a singular Next Generation Bomber platform;

(3) a life-cycle-cost analysis of the costs the Secretary of Defense's plan to field a long-range, penetrating, survivable, persistent and enduring ''family of systems'' compared to the costs of modernizing and sustaining the current fleet of B–1, B–2 and B–52 bombers to meet future long-range strike requirements; and

(4) the results of an objectivity and sufficiency review of the cost analysis described in subsection (b)(1).

(d) ACCESS TO PROGRAMMATIC INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of the Air Force shall provide prompt access to programmatic information requested by agency personnel for the purpose of producing a report required under this section, including any and all classified information pertaining to the Department's ''family of systems'' programs.

(2) PROMPT ACCESS DEFINED.—For purposes of paragraph (1), the term ''prompt access'' means access provided not later than 15 business days after receiving a request.

Subtitle F—Other Matters

SEC. 1051. NATIONAL DEFENSE PANEL.

Subsection (f) of section 118 of title 10, United States Code, is amended to read as follows:

''(f) NATIONAL DEFENSE PANEL.—

''(1) ESTABLISHMENT.—Not later than February 1 of a year in which a quadrennial defense review is conducted under this section, there shall be established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the 'Panel'). The Panel shall have the duties set forth in this subsection.

''(2) MEMBERSHIP.—The Panel shall be composed of ten members who are recognized experts in matters relating to the national security of the United States. Eight of the members shall be appointed as follows:

''(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

''(B) Two by the chairman of the Committee on Armed Services of the Senate.

''(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

''(D) Two by the ranking member of the Committee on Armed Services of the Senate.

''(3) CO-CHAIRS OF THE PANEL.—In addition to the members appointed under paragraph (2), the Secretary of Defense shall appoint two members, one from each of the major political parties, to serve as co-chairs of the panel.

''(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

''(5) DUTIES.—The Panel shall have the following duties with respect to a quadrennial defense review:

''(A) Not later than March 1 of a year in which the review is conducted, the Panel shall submit to the Secretary of Defense a report that sets the parameters and provide guidance to the Secretary on the conduct of the review. The report of the Panel under this subparagraph shall, at a minimum, include such guidance as is necessary to ensure that the review is conducted in a manner that provides for adequately addressing all elements listed in subsection (d).

''(B) While the review is being conducted, the Panel shall review the updates from the Secretary of Defense required under paragraph (8) on the conduct of the review.

''(C) The Panel shall—

''(i) review the Secretary of Defense's terms of reference and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the quadrennial defense review;

''(ii) conduct an assessment of the assumptions, strategy, findings, and risks of the report on the quadrennial defense review required in subsection (d), with particular attention paid to the risks described in that report;

''(iii) conduct an independent assessment of a variety of possible force structures of the armed forces, including the force structure identified in the report on the quadrennial defense review required in subsection (d);

''(iv) review the resource requirements identified pursuant to subsection (b)(3) and, to the extent practicable, make a general comparison to the resource requirements to support the forces contemplated under the force structures assessed under subparagraph (C); and

''(v) provide to Congress and the Secretary of Defense, through the report under paragraph (7), any recommendations it considers appropriate for their consideration.

''(6) FIRST MEETING.—If the Secretary of Defense has not made the Secretary's appointments to the Panel under paragraph (3) by February 1 of a year in which a quadrennial defense review is conducted under this section, the Panel shall convene for its first meeting with the remaining members.

''(7) REPORT.—Not later than 3 months after the date on which the report on a quadrennial defense review is submitted under subsection (d) to the congressional committees named in that subsection, the Panel established under paragraph (1) shall submit to those committees an assessment of the quadrennial defense review, including a description of the items addressed under paragraph (5) with respect to that quadrennial defense review.

''(8) UPDATES FROM SECRETARY OF DEFENSE.—The Secretary of Defense shall periodically, but not less often than every 30 days, brief the Panel on the progress of the conduct of a quadrennial defense review under subsection (a).

''(9) ADMINISTRATIVE PROVISIONS.—

''(A) The Panel may secure directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this subsection. The head of the department or agency concerned shall ensure that information requested by the Panel under this paragraph is promptly provided.

''(B) Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

''(C) The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

''(D) Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

''(10) TERMINATION.—The Panel for a quadrennial defense review shall terminate 45 days after the date on which the Panel submits its final report on the quadrennial defense review under paragraph (7).''.

SEC. 1052. QUADRENNIAL DEFENSE REVIEW.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the quadrennial defense review is a critical strategic document and should be based upon a process unconstrained by budgetary influences so that such influences do not determine or limit its outcome.

(b) RELATIONSHIP OF QUADRENNIAL DEFENSE REVIEW TO DEFENSE BUDGET.—Paragraph (4) of section 118(b) of title 10, United States Code, is amended to read as follows:

''(4) to make recommendations that will not be influenced, constrained, or informed by the budget submitted to Congress by the President pursuant to section 1105 of title 31.''.

SEC. 1053. SALE OF SURPLUS MILITARY EQUIPMENT TO STATE AND LOCAL HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCIES.

(a) STATE AND LOCAL AGENCIES TO WHICH SALES MAY BE MADE.—Section 2576 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''local law enforcement and firefighting'' and inserting ''local law enforcement, firefighting, homeland security, and emergency management''; and

(B) by striking ''carrying out law enforcement and firefighting activities'' and inserting ''carrying out law enforcement, firefighting, homeland security, and emergency management activities''; and

(2) in subsection (b), by striking ''law enforcement or firefighting'' both places it appears and inserting ''law enforcement, firefighting, homeland security, or emergency management''.

(b) TYPES OF EQUIPMENT THAT MAY BE SOLD.—Subsection (a) of such section, as amended by subsection (a) of this section, is further amended by striking ''and protective body armor'' and inserting ''personal protective equipment, and other appropriate equipment''.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2576. Surplus military equipment: sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies''.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 153 of such title is amended to read as follows:

''2576. Surplus military equipment: sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies.''.

SEC. 1054. DEPARTMENT OF DEFENSE RAPID INNOVATION PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary of Defense shall establish a program to accelerate the fielding of innovative technologies developed using Department of Defense research funding and the commercialization of such technologies. Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue guidelines for the operation of the program, including—

(1) criteria for an application for funding by a military department, defense agency, or the unified combatant command for special operations forces;

(2) the purposes for which such a department, agency, or command may apply for funds and appropriate requirements for technology development or commercialization to be supported using program funds;

(3) the priorities, if any, to be provided to field or commercialize technologies developed by certain types of Department of Defense research funding; and

(4) criteria for evaluation of an application for funding by a department, agency, or command.

(b) APPLICATIONS FOR FUNDING.—

(1) IN GENERAL.—Under the program, the Secretary shall, not less often than annually, solicit from the heads of the military departments, the defense agencies, and the unified combatant command for special operations forces applications for funding to be used to enter into contracts, cooperative agreements, or other transaction agreements entered into pursuant to section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1721; 10 U.S.C. 2371 note) with appropriate entities for the fielding or commercialization of technologies.

(2) TREATMENT PURSUANT TO CERTAIN CONGRESSIONAL RULES.—Nothing in this section shall be interpreted to require any official of the Department of Defense to provide funding under this section to any earmark as defined pursuant to House Rule XXI, clause 9, or any congressionally directed spending item as defined pursuant to Senate Rule XLIV, paragraph 5.

(c) FUNDING.—Subject to the availability of appropriations for such purpose, of the amounts authorized to be appropriated for research, development, test, and evaluation, defense-wide for each of fiscal years 2011 through 2015, not more than $500,000,000 may be used for any such fiscal year for the program established under subsection (a).

(d) TRANSFER AUTHORITY.—The Secretary may transfer funds available for the program to the research, development, test, and evaluation accounts of a military department, defense agency, or the unified combatant

command for special operations forces pursuant to an application, or any part of an application, that the Secretary determines would support the purposes of the program. The transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.

(e) DELEGATION OF MANAGEMENT OF PROGRAM.—The Secretary may delegate the management and operation of the program established under subsection (a) to the Assistant Secretary of Defense for Research and Engineering.

(f) REPORT.—Not later than 60 days after the last day of a fiscal year during which the Secretary carries out a program under this section, the Secretary shall submit a report to the congressional defense committees providing a detailed description of the operation of the program during such fiscal year.

(g) TERMINATION.—The authority to carry out a program under this section shall terminate on September 30, 2015. Any amounts made available for the program that remain available for obligation on the date the program terminates may be transferred under subsection (d) during the 180-day period beginning on the date of the termination of the program.

SEC. 1055. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 5, UNITED STATES CODE.—Subsection (l)(2)(B) of section 8344 of title 5, United States Code, as added by section 1122(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2505), is amended by striking ''5201 et seq.'' and inserting ''5211 et seq.''.

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 127d(d)(1) is amended by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(2) Section 132 is amended—

(A) by redesignating subsection (d), as added by section 2831(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2669), as subsection (e); and

(B) in such subsection, by striking ''Guam Executive Council'' and inserting ''Guam Oversight Council''.

(3)(A) Section 382 is amended by striking ''section 175 or 2332c'' in subsections (a), (b)(2)(C), and (d)(2)(A)(ii) and inserting ''section 175, 229, or 2332a''.

(B) The heading of such section is amended by striking ''**chemical or biological**''.

(C) The table of sections at the beginning of chapter 18 is amended by striking the item relating to section 382 and inserting the following new item:

''382. Emergency situations involving weapons of mass destruction.''.

(4) Section 1175a(j)(3) is amended by striking ''title 10'' and inserting ''this title''.

(5) Section 1781b(d) is amended by striking ''March 1, 2008, and each year thereafter'' and inserting ''March 1 each year''.

(6) Section 1781c(h)(1) is amended by striking ''180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter'' and inserting ''April 30 each year''.

(7) Section 2130a(b)(1) is amended by striking ''Training Program'' both places it appears and inserting ''Training Corps program''.

(8) Section 2222(a) is amended by striking ''Effective October 1, 2005, funds'' and inserting ''Funds''.

(9) The table of sections at the beginning of subchapter I of chapter 134, as amended by section 1031(a)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2448), is amended by transferring the item relating to section 2241a from the end of the table of sections to appear after the item relating to section 2241.

(10) Section 2362(e)(1) is amended by striking ''IV'' and inserting ''V''.

(11) Section 2533a(d) is amended in paragraphs (1) and (4) by striking ''(b)(1)(A), (b)(2), or (b)(3)'' and inserting ''(b)(1)(A) or (b)(2)''.

(12) Section 2642(a)(3) is amended by striking ''During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010'' and inserting ''During the period beginning on October 28, 2009, and ending on October 28, 2014''.

(13) Section 2667(e)(1)(A)(ii) is amended by striking ''sections 2668 and 2669'' and inserting ''section 2668''.

(14) Section 2684a(g)(1) is amended by striking ''March 1, 2007, and annually thereafter'' and inserting ''March 1 each year''.

(15) Section 2687a(a) is amended by striking ''31for'' and inserting ''31 for''.

(16) Section 2922d is amended by striking ''1 or more'' each place it appears and inserting ''one or more''.

(17) Section 10216 is amended by striking ''section 115(c)'' in subsections (b)(1), (c)(1), and (c)(2)(A) and inserting ''section 115(d)''.

(18) Section 10217(c)(1) is amended—

(A) by striking ''Effective October 1, 2007, the'' and inserting ''The''; and

(B) by striking ''after the preceding sentence takes effect''.

(19) Section 12203(a) is amended by striking ''above'' in the first sentence and inserting ''of''.

(c) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Effective as of October 28, 2009, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) is amended as follows:

(1) Section 325(d)(4) (123 Stat. 2254) is amended by striking ''section 236'' and inserting ''section 235''.

(2) Section 581(a)(1)(C) (123 Stat. 2326) is amended by striking ''subsection (f)'' and inserting ''subsection (g), as redesignated by section 582(b)(1)''.

(3) Section 584(a) (123 Stat. 2330) is amended by striking ''such Act'' and inserting ''the Uniformed and Overseas Citizens Absentee Voting Act''.

(4) Section 585(b)(1) (123 Stat. 2331) is amended by striking subparagraphs (A) and (B), and inserting the following new subparagraphs:

''(A) in paragraph (2), by striking 'section 102(4)' and inserting 'section 102(a)(4)'; and

''(B) by striking paragraph (4) and inserting the following new paragraph:

'' '(4) prescribe a suggested design for absentee ballot mailing envelopes;'; and''.

(5) Section 589 (123 Stat. 2334; 42 U.S.C. 1973ff–7) is amended—

(A) in subsection (a)(1)—

(i) by striking ''section 107(a)'' and inserting ''section 107(1)''; and

(ii) by striking ''1973ff et seq.'' and inserting ''1973ff–6(1)''; and

(B) in subsection (e)(1), by striking ''1977ff note'' and inserting ''1973ff note''.

(6) The undesignated section immediately following section 603 (123 Stat. 2350) is designated as section 604.

(7) Section 714(c) (123 Stat. 2382; 10 U.S.C. 1071 note) is amended—

(A) by striking ''feasability'' both places it appears and inserting ''feasibility''; and

(B) by striking ''specialities'' both places it appears and inserting ''specialties''.

(8) Section 813(a)(3) is amended by inserting ''order'' after ''task'' in the matter proposed to be struck.

(9) Section 921(b)(2) (123 Stat. 2432) is amended by inserting ''subchapter I of'' before ''chapter 21''.

(10) Section 1014(c) (123 Stat. 2442) is amended by striking ''in which the support'' and inserting ''in which support''.

(11) Section 1043(d) (123 Stat. 2457; 10 U.S.C. 2353 note) is amended by striking ''et 13 seq.'' and inserting ''et seq.''.

(12) Section 1055(f) (123 Stat. 2462) is amended by striking ''Combating'' and inserting ''Combatting''.

(13) Section 1063(d)(2) (123 Stat. 2470) is amended by striking ''For purposes of this section, the'' and inserting ''The''.

(14) Section 1080(b) (123 Stat. 2479; 10 U.S.C. 801 note) is amended—

(A) by striking ''title 14'' and inserting ''title XIV'';

(B) by striking ''title 10'' and inserting ''title X''; and

(C) by striking ''the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366)'' and inserting ''chapter 47A of title 10, United States Code''.

(15) Section 1111(b) (123 Stat. 2495; 10 U.S.C. 1580 note prec.) is amended by striking ''the Secretary'' in the first sentence and inserting ''the Secretary of Defense''.

(16) Section 1113(g)(1) (123 Stat. 2502; 5 U.S.C. 9902 note) is amended by inserting ''United States Code,'' after ''title 5,'' the first place it appears.

(17) Section 1121 (123 Stat. 2505) is amended—

(A) in subsection (a)—

(i) by striking ''Section 9902(h)'' and inserting ''Section 9902(g)''; and

(ii) by inserting ''as redesignated by section 1113(b)(1)(B),'' after ''Code,''; and

(B) in subsection (b), by striking ''section 9902(h)'' and inserting ''section 9902(g)''.

(18) Section 1261 (123 Stat. 2553; 22 U.S.C. 6201 note) is amended by inserting a space between the first short title and ''or''.

(19) Section 1306(b) (123 Stat. 2560) is amended by striking ''fiscal year'' and inserting ''Fiscal Year''.

(20) Subsection (b) of section 1803 (123 Stat. 2612) is amended to read as follows:

''(b) APPELLATE REVIEW UNDER DETAINEE TREATMENT ACT OF 2005.—

''(1) DEPARTMENT OF DEFENSE, EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO ADDRESS HURRICANES IN THE GULF OF MEXICO, AND PANDEMIC INFLUENZA ACT, 2006.—Section 1005(e) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 10 U.S.C. 801 note) is amended by striking paragraph (3).

''(2) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—Section 1405(e) of the Detainee Treatment Act of 2005 (Public Law 109–163; 10 U.S.C. 801 note) is amended by striking paragraph (3).''.

(21) Section 1916(b)(1)(B) (123 Stat. 2624) is amended by striking the comma after ''5941''.

(22) Section 2804(d)(2) (123 Stat. 2662) is amended by inserting ''subchapter III of'' before ''chapter 169''.

(23) Section 2835(f)(1) (123 Stat. 2677) is amended by striking ''publically-available'' and inserting ''publicly available''.

(24) Section 3503(b)(1) (123 Stat. 2719) is amended by striking the extra quotation marks.

(25) Section 3508(1) (123 Stat. 2721) is amended by striking ''headline'' and inserting ''heading''.

(d) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—

(1) Section 596(b)(1)(D) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 1071 note), as amended by section 594 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2337), is amended by striking ''or flag'' the second place it appears.

(2) Section 1111(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 143 note), as amended by section 1109 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2492), is amended—

(A) in the matter preceding paragraph (1), by striking ''secretary of a military department'' and inserting ''Secretary of a military department'';

(B) in paragraph (1)—

(i) by striking ''the the requirements'' and inserting ''the requirements''; and

(ii) by striking ''this title'' and inserting ''such title''; and

(C) in paragraph (2), by striking ''any any of the following'' and inserting ''any of the following''.

(e) WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009.—Effective as of May 22, 2009, and as if included therein as enacted, the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23) is amended as follows:

(1) Section 205(a)(1)(B) (123 Stat. 1724) is amended in the matter proposed to be inserted by striking ''paragraphs (1) and (2)'' and inserting ''paragraphs (1), (2), and (3)''.

(2) Section 205(c) (124 Stat. 1725) is amended by striking ''2433a(c)(3)'' and inserting ''2433a(c)(1)(C)''.

(f) TECHNICAL CORRECTION REGARDING SBIR EXTENSION.—Section 9(m)(2) of the Small Business Act (15 U.S.C. 638(m)(2)), as added by section 847(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2420), is amended by striking ''is authorized'' and inserting ''are authorized''.

(g) TECHNICAL CORRECTION REGARDING PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVES.—Section 9902(a)(2) of title 5, United States Code, as added by section 1113(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2499), is amended by striking ''chapters'' both places it appears and inserting ''chapter''.

(h) TECHNICAL CORRECTION REGARDING SMALL SHIPYARDS AND MARITIME COMMUNITIES ASSISTANCE PROGRAM.—Section 3506 of the National Defense Authorization Act for Fiscal Year 2006, as reinstated by the amendment made by section 1073(c)(14) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2475), is repealed.

(i) TECHNICAL CORRECTION REGARDING DOT MARITIME HERITAGE PROPERTY.—Section 6(a)(1)(C) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)(C)), as amended by section 3509 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2721), is amended by striking ''the date of enactment of the Maritime Administration Authorization Act of 2010'' and inserting ''October 28, 2009''.

(j) TECHNICAL CORRECTION REGARDING DOE NATIONAL SECURITY PROGRAMS.—The table of contents at the beginning of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 50 U.S.C. 2401 et seq.) is amended by striking the item relating to section 3255 and inserting the following new item:

''Sec. 3255. Biennial plan and budget assessment on the modernization and refurbishment of the nuclear security complex.''.

SEC. 1056. BUDGETING FOR THE SUSTAINMENT AND MODERNIZATION OF NUCLEAR DELIVERY SYSTEMS.

Consistent with the plan contained in the report submitted to Congress under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549), in the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2012, and each subsequent fiscal year, the Secretary shall ensure that a separate budget (including separate, dedicated line items and program elements) is included with respect to programs and platforms regarding the sustainment and modernization of nuclear delivery systems.

SEC. 1057. LIMITATION ON NUCLEAR FORCE REDUCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) As of September 30, 2009, the stockpile of nuclear weapons of the United States has been reduced by 84 percent from its maximum level in 1967 and by more than 75 percent from its level when the Berlin Wall fell in November, 1989.

(2) The number of non-strategic nuclear weapons of the United States has declined by approximately 90 percent from September 30, 1991, to September 30, 2009.

(3) In 2002, the United States announced plans to reduce its number of operationally deployed strategic nuclear warheads to between 1,700 and 2,200 by December 31, 2012.

(4) The United States plans to further reduce its stockpile of deployed strategic nuclear warheads to 1,550 during the next 7 years.

(5) The United States plans to further reduce its deployed ballistic missiles and heavy bombers to 700 and its deployed and non-deployed launchers and heavy bombers to 800 during the next 7 years.

(6) Beyond these plans for reductions, the Nuclear Posture Review of April 2010 stated that, ''the President has directed a review of potential future reductions in U.S. nuclear weapons below New START levels. Several factors will influence the magnitude and pace of such reductions.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) any reductions in the nuclear forces of the United States should be supported by a thorough assessment of the strategic environment, threat, and policy and the technical and operational implications of such reductions; and

(2) specific criteria are necessary to guide future decisions regarding further reductions in the nuclear forces of the United States.

(c) LIMITATION.—No action may be taken to implement the reduction of nuclear forces of the United States below the levels described in paragraphs (4) and (5) of subsection (a), unless—

(1) the Secretary of Defense and the Administrator for Nuclear Security jointly submit to the congressional defense committees a report on such reduction, including—

(A) the justification for such reduction;

(B) an assessment of the strategic environment, threat, and policy and the technical and operational implications of such reduction;

(C) written certification by the Secretary of Defense that—

(i) either—

(I) the strategic environment or the assessment of the threat has changed to allow for such reduction; or

(II) technical measures to provide a commensurate or better level of safety, security, and reliability as before such reduction have been implemented for the remaining nuclear forces of the United States;

(ii) such reduction preserves the nuclear deterrent capabilities of the ''nuclear triad'' (intercontinental ballistic missiles, ballistic missile submarines, and heavy bombers and dual-capable aircraft);

(iii) such reduction does not require a change in targeting strategy from counterforce targeting to countervalue targeting;

(iv) the remaining nuclear forces of the United States provide a sufficient means of protection against unforeseen technical challenges and geopolitical events; and

(v) such reduction is compensated by other measures (such as nuclear modernization, conventional forces, and missile defense) that together provide a commensurate or better deterrence capability and level of credibility as before such reduction; and

(D) written certification by the Administrator for Nuclear Security that—

(i) technical measures to provide a commensurate or better level of safety, security, and reliability as before such reduction have been implemented for the remaining nuclear forces of the United States;

(ii) the remaining nuclear forces of the United States provide a sufficient means of protection against unforeseen technical challenges and geopolitical events; and

(iii) measures to modernize the nuclear weapons complex have been implemented to provide a sufficiently responsive infrastructure to support the remaining nuclear forces of the United States; and

(2) a period of 180 days has elapsed after the date on which the report under paragraph (1) is submitted.

(d) DEFINITION.—In this section, the term ''nuclear forces of the United States'' includes—

(1) both active and inactive nuclear warheads in the nuclear weapons stockpile; and

(2) deployed and non-deployed delivery vehicles.

SEC. 1058. SENSE OF CONGRESS ON THE NUCLEAR POSTURE REVIEW.

It is the sense of Congress that the Nuclear Posture Review, released in April 2010 by the Secretary of Defense, weakens the national security of the United States by eliminating options to defend against a catastrophic nuclear, biological, chemical, or conventional attack against the United States.

SEC. 1059. STRATEGIC ASSESSMENT OF STRATEGIC CHALLENGES POSED BY POTENTIAL COMPETITORS.

The Secretary of Defense shall, in consultation with the Joint Chiefs of Staff and the commanders of the regional combatant commands, submit to the congressional defense committees, not later than March 15, 2011, a comprehensive strategic assessment of the current and future strategic challenges posed to the United States by potential competitors out through 2021, with particular attention paid to those challenges posed by the military modernization of the People's Republic of China, Iran, North Korea, and Russia.

SEC. 1060. ELECTRONIC ACCESS TO CERTAIN CLASSIFIED INFORMATION.

The Secretary of Defense shall provide to each committee of Congress an electronic communications link to classified information in the possession of the Department of Defense pertaining to a subject matter that is in the jurisdiction of such committee under the Rules of the House of Representatives or the Standing Rules of the Senate. Such electronic communications link shall be capable of supporting appropriate classified communications between the Department of Defense and each committee of Congress authorized to carry out such communications.

SEC. 1061. JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) expressed the sense of Congress (in section 1083(d)(4)) that the Secretary of State ''should work with the Government of Iraq

on a state-to-state basis to ensure compensation for any meritorious claims based on terrorist acts committed by the Saddam Hussein regime against individuals who were United States nationals or members of the United States Armed Forces at the time of those terrorist acts and whose claims cannot be addressed in courts in the United States due to the exercise of the waiver authority'' provided to the President under section 1083(d) of that Act.

(2) The House of Representatives in the 110th Congress unanimously adopted H.R. 5167, the Justice for Victims of Torture and Terrorism Act, which set forth an appropriate compromise of the claims described in paragraph (1).

(3) The National Defense Authorization Act for Fiscal Year 2010 (in section 1079) further expressed the sense of Congress that these claims of American victims of torture and hostage taking by Iraq ''should be resolved by a prompt and fair settlement negotiated between the Government of Iraq and the Government of the United States, taking note of the provisions of H.R. 5167 of the 110th Congress, which was adopted by the United States House of Representatives''.

(4) Pursuant to these congressional actions, the Secretary of State has diligently pursued these negotiations with the Government of Iraq. To date, however, more than 3 years after the enactment of the National Defense Authorization Act for Fiscal Year 2008, and nearly a year after the enactment of the National Defense Authorization Act for Fiscal Year 2010, there has been no resolution of these claims of injured Americans, despite the resolution by Iraq of claims of foreign corporations against the Saddam Hussein regime.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the claims of American victims of torture and hostage taking by the Government of Iraq during the regime of Saddam Hussein that are subject to Presidential Determination Number 2008–9 of January 28, 2008, which waived application of section 1083 of the National Defense Authorization Act for Fiscal Year 2008, should be resolved by a prompt and fair settlement negotiated between the Government of Iraq and the Government of the United States.

SEC. 1062. POLICY REGARDING APPROPRIATE USE OF DEPARTMENT OF DEFENSE RESOURCES.

(a) POLICY.—

(1) IN GENERAL.—Chapter 2 of Title 10, United States Code, is amended by inserting after section 113a the following new section:

''§ 113b. Use of Department of Defense resources

''(a) POLICY.—The Secretary of Defense shall ensure that all resources of the Department of Defense are used only for activities that—

''(1) fulfill a legitimate Government purpose;

''(2) comply with all applicable laws, regulations, and policies of the Department of Defense; and

''(3) contribute to the mission of the Department of Defense.

''(b) GUIDANCE.—The Secretary shall prescribe such guidance as is necessary to ensure compliance with the policy required under subsection (a) and to address any violations of the policy, including, as appropriate, any applicable legal remedies.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 113a the following new item:

''113b. Use of Department of Defense resources.''.

(b) PROHIBITION ON USE OF FUNDS.—None of the funds authorized to be appropriated in this Act or otherwise available to the Department of Defense may be used—

(1) for any activity that does not comply with the policy established under section 113b of title 10, United States Code, as added by subsection (a), including any improper activity involving—

(A) transportation or travel (including use of Government vehicles); or

(B) Department of Defense information technology resources; or

(2) to pay the salary of any employee who engages in an intentional violation of the policy established under such section.

SEC. 1063. EXECUTIVE AGENT FOR PREVENTING THE INTRODUCTION OF COUNTERFEIT MICROELECTRONICS INTO THE DEFENSE SUPPLY CHAIN.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to serve as the executive agent for preventing the introduction of counterfeit microelectronics into the defense supply chain.

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) SPECIFICATION.—The roles and responsibilities of the executive agent designated under subsection (a) shall include the following:

(A) Development and maintenance of a strategy and implementation plan that ensures that the Department of Defense has the ability to identify, mitigate, prevent, and eliminate counterfeit microelectronics from the defense supply chain.

(B) Development of recommendations for funding strategies necessary to meet the requirements of the strategy and implementation plan developed under subparagraph (A).

(C) Assessments of trends in counterfeit microelectronics, including—

(i) an analysis of recent incidents of discovery of counterfeit microelectronics in the defense supply chain, including incidents involving material and service providers;

(ii) a projection of future trends in counterfeit microelectronics;

(iii) the sufficiency of reporting mechanisms and metrics within the Department of Defense and each component of the Department of Defense;

(iv) the economic impact of identifying and remediating counterfeit microelectronics in the defense supply chain; and

(v) the impact of counterfeit microelectronics in the defense supply chain on defense readiness.

(D) Coordination of planning and activities with interagency and international partners.

(E) Development and participation in public-private partnerships to prevent the introduction of counterfeit microelectronics into the supply chain.

(F) Such other roles and responsibilities as the Secretary of Defense considers appropriate.

(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that each component of the Department of Defense provides the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) REQUIRED ACTIONS.—The Secretary of Defense shall submit to the congressional defense committees—

(1) not later than 180 days after the date of the enactment of this Act, a description of the roles, responsibilities, and authorities of the executive agent prescribed in accordance with subsection (b)(1);

(2) not later than 1 year after the date of the enactment of this Act, a strategy for how the Department of Defense will identify, mitigate, prevent, and eliminate counterfeit microelectronics within the defense supply chain; and

(3) not later than 18 months after the date of the enactment of this Act, an implementation plan for how the Department of Defense will execute the strategy submitted in accordance with paragraph (2).

(e) DEFINITIONS.—In this section:

(1) COUNTERFEIT MICROELECTRONIC.—The term ''counterfeit microelectronic'' means any type of integrated circuit or other microelectronic component that consists of—

(A) a substitute or unauthorized copy of a valid product from an original manufacturer;

(B) a product in which the materials used or the performance of the product has been changed without notice by a person other than the original manufacturer of the product; or

(C) a substandard component misrepresented by the supplier of such component.

(2) EXECUTIVE AGENT.—The term ''executive agent'' has the meaning given the term ''DoD Executive Agent'' in Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

SEC. 1064. SHARED INFORMATION REGARDING TRAINING EXERCISES.

The Secretary of Defense, acting through Joint Task Force North, may share with the Department of Homeland Security and the Department of Justice any data gathered during training exercises.

SEC. 1065. SENSE OF CONGRESS REGARDING PRESIDENTIAL LETTERS OF CONDOLENCE TO THE FAMILIES OF MEMBERS OF THE ARMED FORCES WHO HAVE DIED BY SUICIDE.

(a) FINDINGS.—Congress finds that—

(1) suicide is a growing problem in the Armed Forces that cannot be ignored;

(2) a record number of military suicides was reported in 2008, with 128 active-duty Army and 48 Marine deaths reported;

(3) the number of military suicides during 2009 is expected to equal or exceed the 2008 total;

(4) long-standing policy prevents President Obama from sending a condolence letter to the family of a member of the Armed Forces who has died by suicide;

(5) members of the Armed Forces sacrifice their physical, mental, and emotional well-being for the freedoms Americans hold dear;

(6) the military family also bears the cost of defending the United States, with military spouses and children sacrificing much and standing ready to provide unending support to their spouse or parent who is a member of the Armed Forces;

(7) the loss of a member of the Armed Forces to suicide directly and tragically affects military spouses and children, as well as the United States;

(8) much more needs to be done to protect and address the mental health needs of members of the Armed Forces, just as they serve to protect and defend the freedoms of the United States;

(9) a presidential letter of condolence is not only about the deceased because it also serves as a sign of respect for the grieving family and an acknowledgment of the family for their personal loss; and

(10) a lack of acknowledgment and condolence from the President only leaves these families with an emotional vacuum and a feeling that somehow their sacrifices have been less than the sacrifices of others.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the current policy that prohibits sending a presidential letter of condolence to the family of a member of the Armed Forces who has died by suicide only serves to perpetuate the stigma of mental illness that pervades the Armed Forces; and

(2) the President, as Commander-in-Chief, should overturn the policy and treat all military families equally.

SEC. 1066. FINDINGS AND SENSE OF CONGRESS ON OBESITY AND FEDERAL CHILD NUTRITION PROGRAMS.

(a) FINDINGS.—Congress find the following:

(1) According to the April 2010 report, ''Too Fat to Fight'', more than 100 retired generals and admirals wrote that, ''[o]besity among children and young adults have increased so dramatically that they threaten not only the overall health of America but the future strength of our military.''.

(2) Twenty-seven percent, over 9,000,000, 17–24-year-olds in the United States are too fat to serve in the military.

(3) Between 1995 and 2008, the military had 140,000 individuals who showed up at the centers for processing but failed their entrance physicals because they were too heavy.

(4) Being overweight is now the leading medical reason for rejection from military service.

(5) Between 1995 and 2008, the proportion of potential recruits who failed their physicals each year because they were overweight rose nearly 70 percent.

(6) The military annually discharges over 1,200 first-term enlistees before their contracts are up because of weight problems.

(7) The military must then recruit and train their replacements at a cost of $50,000 for each man or woman.

(8) Training replacements for those discharged because of weight problems adds up to more than $60,000,000 annually.

(9) Overweight adolescents are more likely to become overweight adults.

(10) Overweight adolescents and overweight adults are at risk of developing obesity-related, life-threatening diseases including cancer, type 2 diabetes, stroke, heart disease, arthritis, and breathing problems.

(11) According to the American Public Health Association, ''left unchecked, obesity will add nearly $344 billion to the nations annual health care costs by 2018 and account for more than 21 percent of health care spending''.

(12) Overweight and undernourished adolescents face academic challenges due to poor health behaviors, resulting in even greater risk to their future health and earing and the Nation's economic growth and worldwide competition.

(13) For decades military leaders have championed efforts to improve the nutrition of young people in America.

(14) During World War II, 40 percent of rejected recruits were turned away because of poor or under nutrition.

(15) The preamble to the Richard B. Russell National School Lunch Act (42 U.S.C. 1751) states ''It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants in aid and other means, in providing an adequate supply of food and other facilities for the establishment, maintenance, operation and expansion of nonprofit school lunch programs''.

(16) Over 17 million children were food insecure, or hungry, in 2008, according to data collected by the Department of Agriculture.

(17) The Federal Child Nutrition Programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) are proven to be effective in combating both hunger and obesity.

(18) President Obama has called for a historic investment in the Federal Child Nutrition Programs in order to respond to 2 of the greatest child health challenges of our time, hunger and poor nutrition.

(19) Two hundred twenty-one Members of Congress signed a letter to Speaker Pelosi in support of President Obama's budget request for the Federal Child Nutrition Programs.

(20) This same letter requested identification of possible offsets for the new investments in these important anti-hunger and nutrition programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) reducing domestic childhood obesity and hunger is a matter of national security;

(2) obesity and hunger will continue to negatively impact recruitment for Armed Forces without access to physical activity, healthy food, and proper nutrition;

(3) Congress should act to reduce childhood obesity and hunger;

(4) the Federal Child Nutrition Programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) should be funded at the President's request; and

(5) the increases in funding for such programs should be properly offset.

SEC. 1067. SENSE OF CONGRESS REGARDING RECREATIONAL HUNTING AND FISHING ON MILITARY INSTALLATIONS.

It is the sense of the Congress that—

(1) military installations that permit public access for recreational hunting and fishing should continue to permit such hunting and fishing where appropriate;

(2) permitting the public to access military installations for recreational hunting and fishing benefits local communities by conserving and promoting the outdoors and establishing positive relations between the civilian and defense sectors;

(3) any military installations that make recreational hunting and fishing permits available for purchase should provide a discounted rate for active and retired members of the Armed Forces and veterans with disabilities; and

(4) the Department of Defense, all of the service branches, and military installations that permit public access for recreational hunting and fishing should promote access to such installations by making the appropriate accommodations for members of the Armed Forces and veterans with disabilities.

SEC. 1068. SENSE OF CONGRESS ENCOURAGING THE PRESIDENT TO ORDER THE UNITED STATES FLAG TO BE FLOWN OVER UNITED STATES MILITARY AND CIVILIAN OUTPOSTS IN HAITI DURING EARTHQUAKE RELIEF EFFORTS.

(a) FINDINGS.—Congress finds the following:

(1) On January 12, 2010, the nation of Haiti was hit by a magnitude 7.0 earthquake, adversely affecting nearly 3,000,000 people.

(2) The United States has provided millions of dollars in humanitarian assistance to meet immediate needs on the ground and plans to give more over the next year.

(3) The Armed Forces have diligently worked to aid the people of Haiti during their time of need, providing humanitarian aid and logistical support.

(4) The Armed Forces, civilians, and charitable groups have led the charge in an effort to maintain civility and bring some small semblance of hope to the devastated nation.

(5) Members of the Armed Forces serve as the premier ambassadors of liberty, freedom, and goodwill when tasked with a humanitarian mission.

(6) The generosity of the people of the United States is known the world over and the United States flag is universally recognized as a symbol of that generosity.

(7) The United States has provided more aid to the nation of Haiti than all other nations combined.

(b) SENSE OF CONGRESS.—The Congress—

(1) commends the Armed Forces for their commitment to completing their humanitarian mission in Haiti; and

(2) encourages the President to order the United States flag to be flown over all military and civilian outposts in Haiti under United States jurisdiction.

SEC. 1069. STUDY ON OPTIMAL BALANCE OF MANNED AND UNMANNED AERIAL VEHICLE CAPABILITY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall commission a study by an independent, non-profit organization on the optimal balance between manned and unmanned aerial vehicle forces of the Armed Forces.

(2) SELECTION.—The independent, non-profit organization selected for the study under paragraph (1) shall be qualified on the basis of having performed work in the fields of national security and combat systems.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) With respect to each military department (but in particular the Air Force), an assessment of the feasibility and desirability of a more rapid transition from manned to unmanned vehicles for a range of operations, including combat operations.

(2) An evaluation of the current ability of each military department to resist attacks mounted by foreign militaries with significant investments in research and development and deployment of unmanned combat drones, including an assessment of each military department's ability to defend against—

(A) a large enemy force of unmanned aerial vehicles; and

(B) any other relevant unmanned scenario the Secretary determines appropriate.

(3) An analysis of—

(A) current and future capabilities of foreign militaries in developing and deploying unmanned systems; and

(B) vulnerabilities to drone systems revealed in past war games and other strategy materials.

(4) Conclusions on the matters described in paragraphs (1) through (3) and what the independent, non-profit organization conducting the study determines is the optimal balance of investment in development and deployment of manned versus unmanned platforms.

(c) REPORT.—Not later than December 1, 2011, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes the study under subsection (a).

(d) FORM.—

(1) STUDY.—The study under subsection (a) shall include a classified annex with respect to the matters described in subsection (b)(3).

(2) REPORT.—The report under subsection (c) may include a classified annex.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. AUTHORITY FOR THE DEPARTMENT OF DEFENSE TO APPROVE AN ALTERNATE METHOD OF PROCESSING EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS WITHIN ONE OR MORE COMPONENT ORGANIZATIONS UNDER SPECIFIED CIRCUMSTANCES.

(a) AUTHORITY.—The Secretary of Defense may implement within one or more of the component organizations of the Department

of Defense an alternate program for processing equal employment opportunity complaints.

(1) Complaints processed under the alternate program shall be subject to the procedural requirements established for the alternate program and shall not be subject to the procedural requirements of part 1614 of title 29 of the Code of Federal Regulations or other regulations, directives, or regulatory restrictions prescribed by the Equal Employment Opportunity Commission.

(2) The alternate program shall include procedures to reduce processing time and eliminate redundancy with respect to processes for the resolution of equal employment opportunity complaints, reinforce local management and chain-of-command accountability, and provide the parties involved with early opportunity for resolution.

(3) The Secretary may carry out the alternate program during a 5-year period beginning on the date of the enactment of this Act. Not later than 180 days before the expiration of such period, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate, a recommendation regarding whether the program should be extended for an additional period.

(4)(A) Participation in the alternate program shall be voluntary on the part of the complainant. Complainants who participate in the alternate program shall retain the right to appeal a final agency decision to the Equal Employment Opportunity Commission and to file suit in district court. The Equal Employment Opportunity Commission shall not reverse a final agency decision on the grounds that the agency did not comply with the regulatory requirements promulgated by the Commission.

(B) Subparagraph (A) shall apply to all cases filed with the Commission after the date of the enactment of this Act and under the alternate program established under this subsection.

(C) The Secretary shall consult with the Equal Employment Commission in the development of the alternate program.

(b) EVALUATION PLAN.—The Secretary of Defense shall develop an evaluation plan to accurately and reliably assess the results of each alternate program implemented under subsection (a), identifying the key features of the program, including—

(1) well-defined, clear, and measurable objectives;

(2) measures that are directly linked to the program objectives;

(3) criteria for determining the program performance;

(4) a way to isolate the effects of the alternate program;

(5) a data analysis plan for the evaluation design; and

(6) a detailed plan to ensure that data collection, entry, and storage are reliable and error-free.

(c) REPORTS.—The Comptroller General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, two reports on the alternate program.

(1) CONTENTS OF REPORTS.—Each report shall contain the following:

(A) A description of the processes tested by the alternate program.

(B) The results of the testing of such processes.

(C) Recommendations for changes to the processes for the resolution of equal employment opportunity complaints as a result of the alternate program.

(D) A comparison of the processes used, and results obtained, under the alternate program to traditional and alternative dispute resolution processes used in the Government or private industry.

(2) DATES OF SUBMISSION.—The first of such reports shall be submitted at the end of the 2-year period beginning on the date of the enactment of this Act. The second of such reports shall be submitted at the end of the 4-year period beginning on the date of the enactment of this Act.

SEC. 1102. CLARIFICATION OF AUTHORITIES AT PERSONNEL DEMONSTRATION LABORATORIES.

(a) CLARIFICATION OF APPLICABILITY OF DIRECT HIRE AUTHORITY.—Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4618; 10 U.S.C. 1580 note) is amended—

(1) in subsection (b), by striking ''identified'' and all that follows and inserting ''designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486) as a Department of Defense science and technology reinvention laboratory.''; and

(2) in subsection (c), by striking ''2 percent'' and inserting ''4 percent''.

(b) CLARIFICATION OF APPLICABILITY OF FULL IMPLEMENTATION REQUIREMENT.—Section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat 357; 10 U.S.C. 2358 note) is amended—

(1) in subsection (a), by striking ''that are exempted by'' and all that follows and inserting ''designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486) as Department of Defense science and technology reinvention laboratories.''; and

(2) in subsection (c), by striking ''as enumerated in'' and all that follows and inserting ''designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat 2486) as a Department of Defense science and technology reinvention laboratory.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as of October 28, 2009.

SEC. 1103. SPECIAL RULE RELATING TO CERTAIN OVERTIME PAY.

(a) IN GENERAL.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

''(6)(A) Notwithstanding paragraphs (1) and (2), for an employee who is described in subparagraph (B), and whose rate of basic pay exceeds the minimum rate for GS–10, the overtime hourly rate of pay is an amount equal to one and one–half times the hourly rate of basic pay of the employee, and all that amount is premium pay.

''(B) This paragraph applies in the case of an employee of the Department of the Navy—

''(i) who is performing work aboard or in support of the U.S.S. GEORGE WASHINGTON while that vessel is forward deployed in Japan; and

''(ii) as to whom the application of this paragraph is necessary (as determined under regulations prescribed by the Secretary of the Navy)—

''(I) in order to ensure equal treatment with employees performing similar work in the United States;

''(II) in order to secure the services of qualified employees; or

''(III) for such other reasons as may be set forth in such regulations.''.

(b) REPORTING REQUIREMENT.—Within 1 year after date of enactment of this Act, the Secretary of the Navy shall submit to the Secretary of Defense and the Director of the Office of Personnel Management a report that addresses the use of paragraph (6) of section 5542(a) of title 5, United States Code, as added by subsection (a), including associated costs.

SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Effective January 1, 2011, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as amended by section 1106(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2487), is amended by striking ''calendar years 2009 and 2010'' and inserting ''calendar years 2011 and 2012''.

SEC. 1105. WAIVER OF CERTAIN PAY LIMITATIONS.

Section 9903(d) of title 5, United States Code, is amended—

(1) by amending paragraph (2) to read as follows:

''(2) An employee appointed under this section is not eligible for any bonus, monetary award, or other monetary incentive for service, except for—

''(A) payments authorized under this section; and

''(B) in the case of an employee who is assigned in support of a contingency operation (as defined in section 101(a)(13) of title 10), allowances and any other payments authorized under chapter 59.''; and

(2) in paragraph (3), by adding at the end the following: ''In computing an employee's total annual compensation for purposes of the preceding sentence, any payment referred to in paragraph (2)(B) shall be excluded.''.

SEC. 1106. SERVICES OF POST-COMBAT CASE COORDINATORS.

(a) IN GENERAL.—Chapter 79 of title 5, United States Code, is amended by adding at the end the following:

''§ 7906. Services of post-combat case coordinators

''(a) DEFINITIONS.—For purposes of this section—

''(1) the terms 'employee', 'agency', 'injury', 'war-risk hazard', and 'hostile force or individual' have the meanings given those terms in section 8101; and

''(2) the term 'qualified employee' means an employee as described in subsection (b).

''(b) REQUIREMENT.—The head of each agency shall, in a manner consistent with the guidelines prescribed under subsection (c), provide for the assignment of a post-combat case coordinator in the case of any employee of such agency who suffers an injury or disability incurred, or an illness contracted, while in the performance of such employee's duties, as a result of a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual.

''(c) GUIDELINES.—The Office of Personnel Management shall, after such consultation as the Office considers appropriate, prescribe guidelines for the operation of this section. Under the guidelines, the responsibilities of a post-combat case coordinator shall include—

''(1) acting as the main point of contact for qualified employees seeking administrative guidance or assistance relating to benefits under chapter 81 or 89;

''(2) assisting qualified employees in the collection of documentation or other supporting evidence for the expeditious processing of claims under chapter 81 or 89;

''(3) assisting qualified employees in connection with the receipt of prescribed medical care and the coordination of benefits under chapter 81 or 89;

''(4) resolving problems relating to the receipt of benefits under chapter 81 or 89; and

''(5) ensuring that qualified employees are properly screened and receive appropriate treatment—

''(A) for post-traumatic stress disorder or other similar disorder stemming from combat trauma; or

''(B) for suicidal or homicidal thoughts or behaviors.

''(d) DURATION.—The services of a post-combat case coordinator shall remain available to a qualified employee until—

''(1) such employee accepts or declines a reasonable offer of employment in a position in the employee's agency for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level) before the occurrence or onset of the injury, disability, or illness (as referred to in subsection (a)), and which is within the employee's commuting area; or

''(2) such employee gives written notice, in such manner as the employing agency prescribes, that those services are no longer desired or necessary.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 79 of title 5, United States Code, is amended by adding after the item relating to section 7905 the following:

''7906. Services of post-combat case coordinators.''.

SEC. 1107. AUTHORITY TO WAIVE MAXIMUM AGE LIMIT FOR CERTAIN APPOINTMENTS.

Section 3307(e) of title 5, United States Code, is amended—

(1) by striking ''(e) The'' and inserting ''(e)(1) Except as provided in paragraph (2), the''; and

(2) by adding at the end the following:

''(2)(A) In the case of the conversion of an agency function from performance by a contractor to performance by an employee of the agency, the head of the agency may waive any maximum limit of age, determined or fixed for positions within such agency under paragraph (1), if necessary in order to promote the recruitment or appointment of experienced personnel.

''(B) For purposes of this paragraph—

''(i) the term 'agency' means the Department of Defense or a military department; and

''(ii) the term 'head of the agency' means the Secretary of Defense or the Secretary of a military department.''.

SEC. 1108. SENSE OF CONGRESS REGARDING WAIVER OF RECOVERY OF CERTAIN PAYMENTS MADE UNDER CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) CONGRESSIONAL FINDING.—Congress finds that employees and former employees of the Department of Defense described in subsection (c) provided a valuable service to such Department in response to the national emergency declared in the aftermath of the attacks of September 11, 2001.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) employees and former employees of the Department of Defense described in subsection (c) deserve to retain or to be repaid their voluntary separation incentive payment pursuant to section 9902 of title 5, United States Code;

(2) recovery of the amount of the payment referred to in section 9902 of title 5, United States Code, would be against equity and good conscience and contrary to the best interests of the United States;

(3) the Secretary of Defense should waive the requirement under subsection (f)(6)(B) of section 9902 of title 5, United States Code, for repayment to the Department of Defense of a voluntary separation incentive payment made under subsection (f)(1) of such section 9902 in the case of an employee or former employee of the Department of Defense described in subsection (c); and

(4) a person who has repaid to the United States all or part of the voluntary separation incentive payment for which repayment is waived under this section may receive a refund of the amount previously repaid to the United States.

(c) PERSONS COVERED.—Subsection (a) applies to any employee or former employee of the Department of Defense who—

(1) during the period beginning on April 1, 2004, and ending on May 1, 2008, received a voluntary separation incentive payment under section 9902(f)(1) of title 5, United States Code;

(2) was reappointed to a position in the Department of Defense during the period beginning on June 1, 2004, and ending on May 1, 2008; and

(3) received a written representation from an officer or employee of the Department of Defense, before accepting the reappointment referred to in paragraph (2), that recovery of the amount of the payment referred to in paragraph (1) would not be required or would be waived, and reasonably relied on that representation in accepting reappointment.

SEC. 1109. SUSPENSION OF DCIPS PAY AUTHORITY EXTENDED FOR A YEAR.

Section 1114(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 1601 note) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 1110. FEDERAL INTERNSHIP PROGRAMS.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 5, United States Code, is amended by inserting after section 3111 the following:

''§ 3111a. Federal internship programs

''(a) INTERNSHIP COORDINATOR.—The head of each agency operating an internship program shall appoint an individual within such agency to serve as an internship coordinator.

''(b) ONLINE INFORMATION.—

''(1) AGENCIES.—The head of each agency operating an internship program shall make publicly available on the Internet—

''(A) the name and contact information of the internship coordinator for such program; and

''(B) information regarding application procedures and deadlines for such internship program.

''(2) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management shall make publicly available on the Internet links to the websites where the information described in paragraph (1) is displayed.

''(c) CENTRALIZED DATABASE.—The Office shall establish and maintain a centralized electronic database that contains the names, contact information, and relevant skills of individuals who have completed or are nearing completion of an internship program and are currently seeking full-time Federal employment.

''(d) EXIT INTERVIEW REQUIREMENT.—The agency operating an internship program shall conduct an exit interview of each intern that completes such program.

''(e) REPORT.—

''(1) IN GENERAL.—The head of each agency operating an internship program shall annually submit to the Office a report assessing such internship program.

''(2) CONTENTS.—Each report required under paragraph (1) for an agency shall include, for the 1-year period ending on September 1 of the year in which the report is submitted—

''(A) the number of interns that participated in an internship program at such agency;

''(B) information regarding the demographic characteristics of interns at such agency, including educational background;

''(C) a description of the steps taken by such agency to increase the percentage of interns who are offered permanent Federal jobs and the percentage of interns who accept the offers of such jobs, and any barriers encountered;

''(D) a description of activities engaged in by such agency to recruit new interns, including locations and methods;

''(E) a description of the diversity of work roles offered within internship programs at such agency;

''(F) a description of the mentorship portion of such internship programs; and

''(G) a summary of exit interviews conducted by such agency upon completion of an internship program by an intern.

''(3) SUBMISSION.—Each report required under paragraph (1) shall be submitted to the Office between September 1 and September 30 of each year. Not later than December 30 of each year, the Office shall submit to Congress a report summarizing the information submitted to the Office in accordance with paragraph (1) for such year.

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'internship program' means—

''(A) a volunteer service program under section 3111(b); and

''(B) the Student Educational Employment Program established under section 213.3202 of title 5, Code of Federal Regulations, as in effect on January 1, 2009;

''(2) the term 'intern' means an individual serving in an internship program.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3111 the following:

''3111a. Federal internship programs.''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) IN GENERAL.—Section 1208(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as most recently amended by section 1202(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2511), is further amended by striking ''$40,000,000'' and inserting ''$50,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2010.

SEC. 1202. ADDITION OF ALLIED GOVERNMENT AGENCIES TO ENHANCED LOGISTICS INTEROPERABILITY AUTHORITY.

(a) ENHANCED INTEROPERABILITY AUTHORITY.—Subsection (a) of section 127d of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''Subject to'';

(2) by inserting ''of the United States'' after ''armed forces'';

(3) by striking the second sentence; and

(4) by adding at the end the following new paragraphs:

''(2) In addition to any logistic support, supplies, and services provided under paragraph (1), the Secretary may provide logistic support, supplies, and services to allied forces solely for the purpose of enhancing the interoperability of the logistical support systems of military forces participating in combined operations with the United States in order to facilitate such operations. Such logistic support, supplies, and services may also be provided under this paragraph to a nonmilitary logistics, security, or similar agency of an allied government if such provision would directly benefit the armed forces of the United States.

''(3) Provision of support, supplies, and services pursuant to paragraph (1) or (2) may be made only with the concurrence of the Secretary of State.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking ''subsection (a)'' in paragraphs (1) and (2) and inserting ''subsection (a)(1)''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Except as provided in paragraph (2), the'' and inserting ''The''; and

(ii) by striking ''this section'' and inserting ''subsection (a)(1)''; and

(B) in paragraph (2), by striking ''In addition'' and all that follows through ''fiscal year,'' and inserting ''The value of the logistic support, supplies, and services provided under subsection (a)(2) in any fiscal year may not''.

SEC. 1203. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) ANNUAL FUNDING LIMITATION.—Subsection (c)(1) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625), is further amended by striking ''$350,000,000'' and inserting ''$500,000,000''.

(b) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT MILITARY AND STABILITY OPERATIONS.—

(1) IN GENERAL.—Subsection (c)(5) of such section is amended—

(A) by striking ''and not more than'' and inserting ''not more than''; and

(B) by inserting after ''fiscal year 2011'' the following: '', and not more than $100,000,000 may be used during fiscal year 2012''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2010, and shall apply with respect to programs under subsection (a) of such section that begin on or after that date.

(c) TEMPORARY AUTHORITY TO BUILD THE CAPACITY OF YEMEN'S COUNTER-TERRORISM FORCES.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) TEMPORARY AUTHORITY TO BUILD THE CAPACITY OF YEMEN'S COUNTER-TERRORISM FORCES.—

''(1) AUTHORITY OF SECRETARY OF STATE.—

''(A) IN GENERAL.—Of the funds made available under subsection (c) for the authority of subsection (a) for fiscal year 2011, the Secretary of Defense shall transfer to the Secretary of State $75,000,000 of such funds for purposes of providing assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) to build the capacity of the counter-terrorism forces of the Yemeni Ministry of Interior.

''(B) CERTIFICATION.—The Secretary of Defense may transfer funds pursuant to subparagraph (A) only if, not later than July 31, 2011, the Secretary of State certifies to the Secretary of Defense and the congressional committees specified in subsection (e)(3) that the Secretary of State is able to effectively carry out the purpose of subparagraph (A).

''(C) AVAILABILITY OF FUNDS.—Amounts available under this paragraph for the authority of subparagraph (A) for fiscal year 2011 may be used to conduct or support a program or programs under that authority that begin in fiscal year 2011 but end in fiscal year 2012.

''(2) AUTHORITY OF SECRETARY OF DEFENSE.—If a certification described in paragraph (1)(B) is not made by July 31, 2011, the Secretary of Defense may, with the concurrence of the Secretary of State, use up to $75,000,000 of the funds made available under subsection (c) for the authority of subsection (a) for fiscal year 2011 to conduct or support a program or programs under the authority of subsection (a) to build the capacity of the counter-terrorism forces of the Yemeni Ministry of Interior.

''(3) CONGRESSIONAL NOTIFICATION.—

''(A) BY SECRETARY OF STATE.—The Secretary of State shall notify the congressional committees specified in subsection (e)(3) whenever the Secretary of State makes a certification under paragraph (1)(B) for purposes of exercising the authority of paragraph (1).

''(B) BY SECRETARY OF DEFENSE.—The Secretary of Defense shall notify the congressional committees specified in subsection (e)(3) whenever the Secretary of Defense exercises the authority of paragraph (2) to support or conduct a program or programs described in paragraph (2).

''(C) CONTENTS.—A notification under subparagraph (A) or (B) shall include a description of the program or programs to be conducted or supported under the authority of this subsection.''.

(d) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (h) of such section, as most recently amended by section 1206(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625) and redesignated by subsection (c) of this section, is further amended by—

(1) by striking ''September 30, 2011'' and inserting ''September 30, 2012''; and

(2) by striking ''fiscal years 2006 through 2011'' and inserting ''fiscal years 2006 through 2012''.

SEC. 1204. AIR FORCE SCHOLARSHIPS FOR PARTNERSHIP FOR PEACE NATIONS TO PARTICIPATE IN THE EURO-NATO JOINT JET PILOT TRAINING PROGRAM.

(a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—The Secretary of the Air Force shall establish and maintain a demonstration scholarship program to allow personnel of the air forces of countries that are signatories of the Partnership for Peace Framework Document to receive undergraduate pilot training and necessary related training through the Euro-NATO Joint Jet Pilot Training (ENJJPT) program. The Secretary of the Air Force shall establish the program pursuant to regulations prescribed by the Secretary of Defense in consultation with the Secretary of State.

(b) TRANSPORTATION, SUPPLIES, AND ALLOWANCE.—Under such conditions as the Secretary of the Air Force may prescribe, the Secretary may provide to a person receiving a scholarship under the scholarship program—

(1) transportation incident to the training received under the ENJJPT program;

(2) supplies and equipment to be used during the training;

(3) flight clothing and other special clothing required for the training;

(4) billeting, food, and health services; and

(5) a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances.

(c) RELATION TO EURO-NATO JOINT JET PILOT TRAINING PROGRAM.—

(1) ENJJPT STEERING COMMITTEE AUTHORITY.—Nothing in this section shall be construed or interpreted to supersede the authority of the ENJJPT Steering Committee under the ENJJPT Memorandum of Understanding. Pursuant to the ENJJPT Memorandum of Understanding, the ENJJPT Steering Committee may resolve to forbid any airman or airmen from a Partnership for Peace nation to participate in the Euro-NATO Joint Jet Pilot Training program under the authority of a scholarship under this section.

(2) NO REPRESENTATION.—Countries whose air force personnel receive scholarships under the scholarship program shall not have privilege of ENJJPT Steering Committee representation.

(d) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of the Air Force may not use the authority in subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or any other provision of law.

(e) COST-SHARING.—For purposes of ENJJPT cost-sharing, personnel of an air force of a foreign country who receive a scholarship under the scholarship program may be counted as United States pilots.

(f) PROGRESS REPORT.—Not later than February 1, 2015, the Secretary of the Air Force shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the status of the demonstration program, including the opinion of the Secretary and NATO allies on the benefits of the program and whether or not to permanently authorize the program or extend the program beyond fiscal year 2015. The report shall specify the following:

(1) The countries participating in the scholarship program.

(2) The total number of foreign pilots who received scholarships under the scholarship program.

(3) The amount expended on scholarships under the scholarship program.

(4) The source of funding for scholarships under the scholarship program.

(g) DURATION.—No scholarship may be awarded under the scholarship program after September 30, 2015.

(h) FUNDING SOURCE.—Amounts to award scholarships under the scholarship program shall be derived from amounts authorized to be appropriated for operation and maintenance for the Air Force.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1212. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEAR 2011.—During fiscal year 2011, from funds made available to the Department of Defense for operation and maintenance for such fiscal year—

(1) not to exceed $100,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders' Emergency Response Program in Iraq; and

(2) not to exceed $800,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders' Emergency Response Program in Afghanistan.

(b) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal-year quarter of fiscal year 2011, the Secretary of Defense shall submit to the congressional defense committees a report regarding the Commanders' Emergency Response Program.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) The allocation and use of funds under the Commanders' Emergency Response Program or any other provision of law making funding available for the Commanders' Emergency Response Program during the fiscal-year quarter.

(B) The dates of obligation and expenditure of such funds during the fiscal-year quarter.

(C) A description of each project for which amounts in excess of $500,000 were obligated or expended during the fiscal-year quarter.

(D) The dates of obligation and expenditure of funds under the Commanders' Emergency Response Program or any other provision of law making funding available for the Commanders' Emergency Response Program for each of fiscal years 2004 through 2010.

(3) MATTERS TO BE INCLUDED WITH RESPECT TO COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—The report required under paragraph (1) shall include the following with respect to the Commanders' Emergency Response Program in Iraq:

(A) A written statement by the Secretary of Defense, or the Deputy Secretary of Defense if the authority under subsection (f) is delegated to the Deputy Secretary of Defense, affirming that the certification required under subsection (f) was issued for each project for which amounts in excess of $1,000,000 were obligated or expended during the fiscal-year quarter.

(B) For each project listed in subparagraph (A), the following information:

(i) A description and justification for carrying out the project.

(ii) A description of the extent of involvement by the Government of Iraq in the project, including—

(I) the amount of funds provided by the Government of Iraq for the project; and

(II) a description of the plan for the transition of such project upon completion to the people of Iraq and for the sustainment of any completed facilities, including any commitments by the Government of Iraq to sustain projects requiring the support of the Government of Iraq for sustainment.

(iii) A description of the current status of the project, including, where appropriate, the projected completion date.

(C) A description of the status of transitioning activities to the Government of Iraq, including—

(i) the level of funding provided and expended by the Government of Iraq in programs designed to meet urgent humanitarian relief and reconstruction requirements that immediately assist the Iraqi people; and

(ii) a description of the progress made in transitioning the responsibility for the Sons of Iraq Program to the Government of Iraq.

(c) SUBMISSION OF GUIDANCE.—

(1) INITIAL SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the guidance issued by the Secretary to the Armed Forces concerning the allocation of funds through the Commanders' Emergency Response Program.

(2) MODIFICATIONS.—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary shall submit to the congressional defense committees a copy of the modification not later than 15 days after the date on which the Secretary makes the modification.

(d) WAIVER AUTHORITY.—For purposes of exercising the authority provided by this section or any other provision of law making funding available for the Commanders' Emergency Response Program, the Secretary of Defense may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(e) PROHIBITION ON CERTAIN PROJECTS UNDER COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—

(1) PROHIBITION.—Except as provided in paragraph (2), funds made available under this section for the Commanders' Emergency Response Program in Iraq may not be obligated or expended to carry out any project if the total amount of such funds made available for the purpose of carrying out the project exceeds $2,000,000.

(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply with respect to funds managed or controlled by the Department of Defense that were otherwise provided by another department or agency of the United States Government, the Government of Iraq, the government of a foreign country, a foundation or other charitable organization (including a foundation or charitable organization that is organized or operates under the laws of a foreign country), or any source in the private sector of the United States or a foreign country.

(3) WAIVER.—The Secretary of Defense may waive the prohibition contained in paragraph (1) if the Secretary—

(A) determines that such a waiver is required to meet urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people; and

(B) submits in writing, within 15 days of issuing such waiver, to the congressional defense committees a notification of the waiver, together with a discussion of—

(i) the unmet and urgent needs to be addressed by the project; and

(ii) any arrangements between the Government of the United States and the Government of Iraq regarding the provision of Iraqi funds for carrying out and sustaining the project.

(f) CERTIFICATION OF CERTAIN PROJECTS UNDER THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—

(1) CERTIFICATION.—Funds made available under this section for the Commanders' Emergency Response Program in Iraq may not be obligated or expended to carry out any project if the total amount of such funds made available for the purpose of carrying out the project exceeds $1,000,000 unless the Secretary of Defense certifies that the project addresses urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people.

(2) DELEGATION.—The Secretary may delegate the authority under paragraph (1) to the Deputy Secretary of Defense.

(g) DEFINITIONS.—In this section—

(1) the term ''Commanders' Emergency Response Program'' means—

(A) with respect to Iraq, the program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(B) with respect to Afghanistan, the program established for Afghanistan for purposes similar to the program established for Iraq, as described in subparagraph (A);

(2) the term ''Commanders' Emergency Response Program in Iraq'' means the program described in paragraph (1)(A); and

(3) the term ''Commanders' Emergency Response Program in Afghanistan'' means the program described in paragraph (1)(B).

SEC. 1213. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT TO CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2519), is further amended—

(1) in the matter preceding paragraph (1), by striking ''2010'' and inserting ''2011''; and

(2) by adding at the end the following:

''(3) Logistical and military support provided by that nation to confront the threat posed by al'Qaida, the Taliban, and other militant extremists in Pakistan.''.

(b) LIMITATION ON AMOUNT.—Subsection (d)(1) of such section is amended by striking ''2010'' and inserting ''2011''.

SEC. 1214. MODIFICATION OF REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ.

(a) REPORT REQUIRED.—Subsection (a) of section 1227 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2525; 50 U.S.C. 1541 note) is amended—

(1) by striking ''December 31, 2009'' and inserting ''December 31, 2010''; and

(2) by striking ''90 days thereafter'' and inserting ''180 days thereafter''.

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (5), by striking ''Multi-National Force–Iraq'' each place it occurs and inserting ''United States Forces–Iraq''; and

(2) by adding at the end the following:

''(6) An assessment of progress to transfer responsibility of programs, projects, and activities carried out in Iraq by the Department of Defense to other United States Government departments and agencies, international or nongovernmental entities, or the Government of Iraq. The assessment should include a description of the numbers and categories of programs, projects, and activities for which such other entities have taken responsibility or which have been discontinued by the Department of Defense. The assessment should also include a discussion of any difficulties or barriers in transitioning such programs, projects, and activities and what, if any, solutions have been developed to address such difficulties or barriers.

''(7) An assessment of progress toward the goal of establishing those minimum essential capabilities determined by the Secretary of Defense as necessary to allow the Government of Iraq to provide for its own internal and external defense, including a description of—

''(A) such capabilities both extant and remaining to be developed;

''(B) major military equipment necessary to achieve such capabilities;

''(C) the level and type of support provided by the United States to address shortfalls in such capabilities; and

''(D) the level of commitment, both financial and political, made by the Government of Iraq to develop such capabilities, including a discussion of resources used by the Government of Iraq to develop capabilities that the Secretary determines are not minimum essential capabilities for purposes of this paragraph.

''(8) An assessment of the anticipated level and type of support to be provided by United States special operations forces to the Government of Iraq and Iraqi special operations forces during the redeployment of United States conventional forces from Iraq. The assessment should include a listing of anticipated organic support, organic combat service support, and additional critical enabling asset requirements for United States special operations forces and Iraqi special operations forces, to include engineers, rotary aircraft, logisticians, communications assets, information support specialists, forensic analysts, and intelligence, surveillance, and reconnaissance assets needed through December 31, 2011.''.

(c) SECRETARY OF STATE COMMENTS.—Such section is further amended by striking subsection (c) and inserting the following:

''(c) SECRETARY OF STATE COMMENTS.—Prior to submitting the report required under subsection (a), the Secretary of Defense shall provide a copy of the report to the Secretary of State for review. At the request of the Secretary of State, the Secretary of Defense shall include an appendix to the report which contains any comments or additional information that the Secretary of State requests.''.

(d) FORM.—Subsection (d) of such section is amended by striking '', whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense,''.

(e) TERMINATION.—Such section is further amended by adding at the end the following:

''(f) TERMINATION.—The requirement to submit the report required under subsection (a) shall terminate on September 30, 2012.''.

(f) REPEAL OF OTHER REPORTING REQUIREMENTS.—The following provisions of law are hereby repealed:

(1) Section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465; 50 U.S.C. 1541 note) (as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 373)).

(2) Section 1225 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 375).

SEC. 1215. MODIFICATION OF REPORTS RELATING TO AFGHANISTAN.

(a) REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.—

(1) REPORT REQUIRED.—Subsection (a) of section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385), as amended by section 1236 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2535), is further amended by striking ''2011'' and inserting ''2012''.

(2) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (c) of such section is amended by adding at the end the following:

''(8) CONDITIONS NECESSARY FOR ACHIEVEMENT OF PROGRESS.—A discussion of the conditions and criteria that would need to exist in key districts and across Afghanistan to—

''(A) meet United States and coalition goals in Afghanistan and the region;

''(B) permit the transition of lead security responsibility in key districts to the Government of Afghanistan; and

''(C) permit the redeployment of United States Armed Forces and coalition forces from Afghanistan.''.

(3) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (d) of such section is amended by adding at the end the following:

''(3) CONDITIONS NECESSARY FOR ACHIEVEMENT OF PROGRESS.—With respect to each performance indicator and measure of progress specified in paragraph (2) (A) through (L), the report shall include a description of the conditions that would need to exist in Afghanistan for the Secretary of Defense to conclude that such indicator or measure of progress has been achieved.''.

(b) UNITED STATES PLAN FOR SUSTAINING THE AFGHANISTAN NATIONAL SECURITY FORCES.—Section 1231(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 390) is amended by striking ''2010'' and inserting ''2012''.

SEC. 1216. NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 1217. AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

(a) AUTHORITY.—If a certification described in subsection (b) is made in accordance with such subsection, the Secretary of Defense may utilize not more than $50,000,000 from funds made available to the Department of Defense for operations and maintenance for fiscal year 2011 to support in those areas of Afghanistan specified in the certification the reintegration into Afghan society of those individuals who—

(1) have ceased all support to the insurgency in Afghanistan;

(2) have agreed to live in accordance with the Constitution of Afghanistan;

(3) have renounced violence against the Government of Afghanistan and its international partners; and

(4) do not have material ties to al Qaeda or affiliated transnational terrorist organizations.

(b) CERTIFICATION.—A certification described in this subsection is a certification made by the Secretary of State, in coordination with the Administrator of United States Agency for International Development, to the appropriate congressional committees stating that it is necessary for the Department of Defense to carry out a program of reintegration in areas of Afghanistan that are specified by the Secretary of State in the certification. Such certification shall include—

(1) a statement that such program is necessary to support the goals of the United States in Afghanistan; and

(2) a certification that the Department of State and the United States Agency for International Development are unable to carry out a similar program of reintegration in the areas specified by the Secretary of State because of the security environment of such areas or for other reasons.

(c) SUBMISSION OF GUIDANCE.—

(1) INITIAL SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a copy of the guidance issued by the Secretary or the Secretary's designee concerning the allocation of funds utilizing the authority of subsection (a). Such guidance shall include—

(A) mechanisms for coordination with the Government of Afghanistan and other United States Government departments and agencies as appropriate;

(B) mechanisms to track the status of those individuals described in subsection (a); and

(C) metrics to monitor and evaluate the impact of funds used pursuant to subsection (a).

(2) MODIFICATIONS.—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a copy of the modification not later than 15 days after the date on which such modification is made.

(d) QUARTERLY REPORTS.—The Secretary of Defense shall submit to the appropriate congressional committees a report on activities carried out utilizing the authority of subsection (a).

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Affairs of the House of Representative and the Committee on Foreign Relations of the Senate.

(f) EXPIRATION.—The authority to utilize funds under subsection (a) shall expire at the close of December 31, 2011.

SEC. 1218. ONE-YEAR EXTENSION OF PAKISTAN COUNTERINSURGENCY FUND.

Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521) is amended by striking ''September 30, 2010'' both places it appears and inserting ''September 30, 2011''.

SEC. 1219. AUTHORITY TO USE FUNDS TO PROVIDE SUPPORT TO COALITION FORCES SUPPORTING MILITARY AND STABILITY OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUTHORITY.—Notwithstanding section 127d(c) of title 10, United States Code, up to $400,000,000 of the funds available to the Department of Defense by section 1509 of this Act may be used to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan.

(b) QUARTERLY REPORTS.—The Secretary of Defense shall submit quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 1220. REQUIREMENT TO PROVIDE UNITED STATES BRIGADE AND EQUIVALENT UNITS DEPLOYED TO AFGHANISTAN WITH THE COMMENSURATE LEVEL OF UNIT AND THEATER-WIDE COMBAT ENABLERS.

(a) STATEMENT OF POLICY.—It is the policy of the United States to provide each United States brigade and equivalent units deployed to Afghanistan with the commensurate level of unit and theater-wide combat enablers to—

(1) implement the United States strategy to disrupt, dismantle, and defeat al Qaeda, the Taliban, and their affiliated networks and eliminate their safe haven;

(2) achieve the military campaign plan;

(3) minimize the level risk to United States, coalition, and Afghan forces; and

(4) reduce the number of military and civilian casualties.

(b) REQUIREMENT.—In order to achieve the policy expressed in subsection (a), the Secretary of Defense shall provide each United States brigade and equivalent units deployed to Afghanistan with the commensurate level of unit and theater-wide combat enablers.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(1) a description of United States Forces–Afghanistan requests for forces for fiscal years 2008, 2009, and 2010;

(2) a description of the current troop-to-task analysis and resource requirements;

(3) the number of United States brigade and equivalent units deployed to Afghanistan;

(4) the number of United States unit and theater-wide combat enablers deployed to Afghanistan, including at a minimum, a breakdown of—

(A) Intelligence, Surveillance, and Reconnaissance (ISR);

(B) force protection, including force protection at each United States Forward Operating Base (FOB); and

(C) medical evacuation (MEDEVAC); and

(5) an assessment of the risk to United States, coalition, and Afghan forces based on a lack of combat enablers.

(d) COMBAT ENABLERS DEFINED.—In this section, the term ''combat enablers'' includes—

(1) Intelligence, Surveillance, and Reconnaissance (ISR);

(2) force protection, including force protection at each United States Forward Operating Base (FOB);

(3) medical evacuation (MEDEVAC); and

(4) any other combat enablers as determined by the Secretary of Defense.

SEC. 1221. LIMITATION ON AVAILABILITY OF FUNDS FOR ELECTIONS IN AFGHANISTAN.

(a) LIMITATION.—No funds authorized to be appropriated by this Act may be made available to support the holding of elections in Afghanistan unless and until the President submits a certification described in subsection (b) to the congressional officials specified in subsection (c).

(b) CERTIFICATION DESCRIBED.—A certification described in this subsection is certification in writing that contains a determination of the President of the following:

(1) The Afghanistan Independent Election Commission has the professional capacity, personnel, skills, independence, and legal authority to conduct and oversee free, fair, and honest elections.

(2) The Afghanistan Independent Election Commission, to the extent possible, has been purged of all members and staff who committed or were otherwise participants in any fraud of the 2009 presidential elections, including covering up the electoral fraud or otherwise were negligent in investigating allegations of electoral fraud.

(3) The Afghan Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by President Hamid Karzai.

(c) CONGRESSIONAL OFFICIALS SPECIFIED.—The congressional officials specified in this subsection are the following:

(1) The Speaker and minority leader of the House of Representatives.

(2) The majority leader and minority leader of the Senate.

(3) The Chairman and ranking member of the Committee on Armed Services and the Chairman and ranking member of the Committee on Foreign Affairs of the House of Representatives.

(4) The Chairman and ranking member of the Committee on Armed Services and the Chairman and ranking member of the Committee on Foreign Relations of the Senate.

SEC. 1222. RECOMMENDATIONS ON OVERSIGHT OF CONTRACTORS ENGAGED IN ACTIVITIES RELATING TO AFGHANISTAN.

(a) RECOMMENDATIONS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Special Inspector General for Afghanistan Reconstruction shall, in consultation with the Inspector General of the Department of Defense, the Inspector General of the United States Agency for International Development, and the Inspector General of the Department of State—

(1) issue recommendations on measures to increase oversight of contractors engaged in activities relating to Afghanistan that have a record of engaging in waste, fraud, or abuse;

(2) report on the status of efforts of the Department of Defense, the United States Agency for International Development, and the Department of State to implement existing recommendations regarding oversight of such contractors; and

(3) report on the extent to which military and security contractors or subcontractors engaged in activities relating to Afghanistan have been responsible for the deaths of Afghan civilians.

(b) ELEMENTS OF RECOMMENDATIONS.—The recommendations issued under subsection (a)(1) shall include—

(1) recommendations for reducing the reliance of the United States on—

(A) military and security contractors or subcontractors engaged in activities relating to Afghanistan that have been responsible responsible for the deaths of Afghan civilians; and

(B) Afghan militias or other armed groups that are not part of the Afghan National Security Forces; and

(2) recommendations for prohibiting the Department of Defense, the Department of State, or the United States Agency for International Development from entering into contracts with contractors engaged in activities relating to Afghanistan that have a record of engaging in waste, fraud, or abuse.

SEC. 1223. REPORT ON LONG-TERM COSTS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) FINDINGS.—Congress finds the following:

(1) The United States has been engaged in military operations in Afghanistan since October 2001 and in military operations in Iraq since March 2003.

(2) According to the Congressional Research Service, through fiscal year 2009, Congress has appropriated $944,000,000,000 for the Department of Defense, the Department of State, and for medical costs paid by the Department of Veterans Affairs. This amount includes $683,000,000,000 for Iraq and $227,000,000,000 for Afghanistan.

(3) Over 90 percent of Department of Defense funds for operations in Iraq and Afghanistan have been provided as emergency funds in supplemental or additional appropriations.

(4) The Congressional Budget Office and the Congressional Research Service have stated that future war costs are difficult to estimate because the Department of Defense provides little information on costs incurred to date, does not report outlays or actual expenditures for war because war and baseline funds are mixed in the same accounts, and because of a lack of information from the Department of Defense on many of the key factors that determine costs, including personnel levels or the pace of operations.

(5) Over 2 million United States troops have served in Iraq and Afghanistan since the beginning of the conflicts.

(6) Over 4,400 United States troops and Department of Defense civilian personnel have been killed in Operation Iraqi Freedom and over 1,060 United States troops and Department of Defense civilian personnel have been killed in Operation Enduring Freedom.

(7) Over 1,340 service members have suffered amputations as a result of their service in Iraq and Afghanistan.

(8) More than 243,685 Iraq and Afghanistan veterans have been treated for mental health conditions, more than 129,654 Iraq and Afghanistan veterans have been diagnosed with Post-Traumatic Stress Disorder, and approximately 30,000 have a confirmed Traumatic Brain Injury diagnosis.

(9) Approximately 46 percent of Iraq and Afghanistan veterans have sought treatment at Department of Veterans Affairs hospitals and clinics.

(10) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center identified Traumatic Brain Injury, Post-Traumatic Stress Disorder, increased survival of severe burns, and traumatic amputations as the four signature wounds of the current conflicts.

(11) The Independent Review Group report also states that the recovery process ''can take months or years and must accommodate recurring or delayed manifestations of symptoms, extended rehabilitation and all the life complications that emerge over time from such trauma''.

(b) REPORT REQUIREMENT; SCENARIOS.—Not later than the date on which the budget of the United States Government is submitted under section 1105(a) of title 31, United States Code, for fiscal year 2012, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of the Department of Veterans Affairs, shall submit a report to Congress containing an estimate of the long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom. The report shall contain estimates for the following scenarios:

(1) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is reduced from current levels to approximately 150,000 by the end of fiscal year 2011, 65,000 by the end of fiscal year 2012, and 30,000 by the end of fiscal year 2013, and remains at that level through fiscal year 2020.

(2) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is increased from current levels to approximately 235,000 by the end of fiscal year 2010, is reduced to 230,000 by the end of fiscal year 2011, is reduced to 195,000 by the end of fiscal year 2012, is reduced to 135,000 by the end of fiscal year 2013, is reduced to 80,000 by the end of fiscal year 2014, is reduced to 60,000 by the end of fiscal year 2015, and remains at that level through fiscal year 2020.

(3) An alternative scenario, defined by the President and based on current war and withdrawal plans, which takes into account expected troop levels and the expected length of time that troops will be deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom.

(c) SPECIAL CONSIDERATIONS.—The estimates required for each scenario shall make projections through at least fiscal year 2020, shall be adjusted appropriately for inflation, shall be based on historical trends, and to the maximum extent practicable shall take into account and specify the following:

(1) The total number of troops expected to be activated and deployed to Iraq and Afghanistan during the course of Operation Iraqi Freedom and Operation Enduring Freedom. This number shall include all troops deployed in the region in support of Operation Iraqi Freedom and Operation Enduring Freedom and activated reservists in the United States who are training, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation Iraqi Freedom and Operation Enduring Freedom. This number shall also break down activations and deployments of Active Duty, Reservists, and National Guard troops.

(2) The number of troops, including National Guard and Reserve troops, who have served and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been utilized and are expected to be utilized during the course of the conflicts in Iraq and Afghanistan.

(4) The number of veterans currently suffering and expected to suffer from Post-Traumatic Stress Disorder, Traumatic Brain Injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during Operation Iraqi Freedom and Operation Enduring Freedom.

(6) The current number of pending Department of Veterans Affairs claims from Iraq and Afghanistan veterans, and the total number of Iraq and Afghanistan veterans expected to seek disability compensation benefits from the Department of Veterans Affairs.

(7) The total number of troops who have been killed and wounded in Iraq and Afghanistan to date, including noncombat casualties, the total number of troops expected to suffer injuries in Iraq and Afghanistan, and the total number of troops expected to be killed in Iraq and Afghanistan, including noncombat casualties.

(8) Funding already appropriated for the Department of Defense, the Department of State, and the Department of Veterans Affairs for costs related to the wars in Iraq and Afghanistan. This shall include an account of the amount of funding from regular Department of Defense, Department of State, and Department of Veterans Affairs budgets that has gone and will go to Iraq and Afghanistan.

(9) Current and future operational expenditures, including funding for combat operations; deploying, transporting, feeding, and housing troops (including fuel costs); deployment of National Guard and Reserve troops; the equipping and training of Iraqi and Afghani forces; purchasing, upgrading, and repairing weapons, munitions and other equipment; and payments to other countries for logistical assistance.

(10) Past, current, and future cost of government contractors and private military security firms.

(11) Average annual cost for each troop and combat brigade deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of activating National Guard and Reserve forces and paying them on a full-time basis.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support United States troops in Iraq and Afghanistan.

(16) Current and future cost of providing healthcare for returning veterans. This estimate shall include the cost of mental health treatment for veterans suffering from Post-Traumatic Stress Disorder and Traumatic Brain Injury, and other mental problems as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom. This estimate shall also include the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom.

(17) Current and future cost of providing Department of Veterans Affairs disability benefits for lifetime of veterans.

(18) Current and future cost of providing survivors' benefits to survivors of service members.

(19) Cost of bringing troops and equipment home at the end of the wars, including cost of demobilizing troops, transporting troops home (including fuel costs), providing transition services from active duty to veteran status, transporting equipment, weapons, and munitions (including fuel costs), and an estimate of the value of equipment which will be left behind.

(20) Cost to restore the military and military equipment, including the National Guard and National Guard equipment, to full strength after the wars.

(21) Cost of the administration's plan to permanently increase the Army and Marine Corps by 92,000.

(22) Amount of money borrowed to pay for the wars in Iraq and Afghanistan, and the sources of that money.

(23) Interest on borrowed money, including interest for money already borrowed and anticipated interest payments on future borrowing for the war in Iraq and the war in Afghanistan to the extent all spending associated with the war in Iraq and the war in Afghanistan have been and will be financed with borrowed money.

Subtitle C—Other Matters

SEC. 1231. NATO SPECIAL OPERATIONS COORDINATION CENTER.

Section 1244(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2541) is amended—

(1) by striking ''fiscal year 2010'' and inserting ''fiscal year 2011''; and

(2) by striking ''$30,000,000'' and inserting ''$50,000,000''.

SEC. 1232. NATIONAL MILITARY STRATEGIC PLAN TO COUNTER IRAN.

(a) NATIONAL MILITARY STRATEGIC PLAN REQUIRED.—The Secretary of Defense shall develop a strategic plan, to be known as the ''National Military Strategic Plan to Counter Iran''. The strategic plan shall—

(1) outline the Department of Defense's strategic planning and provide strategic guidance for military activities and operations that support the United States policy objective of countering threats posed by Iran;

(2) identify the direct and indirect military contribution to this policy objective, and constitute the comprehensive military plan to counter threats posed by Iran;

(3) undertake a review of the intelligence in the possession of the Department of Defense to develop a list of gaps in intelligence that limit the ability of the Department of Defense to counter threats emanating from Iran that the Secretary considers to be critical;

(4) shall develop a plan to address those gaps identified in the review under paragraph (3); and

(5) undertake a review of the plans of the Department of Defense to counter threats to the United States, its forces, allies, and interests from Iran, including—

(A) plans for both conflict and peace;

(B) contributions of the Department of Defense to the efforts of other agencies of the United States Government to counter or address the threat emanating from Iran; and

(C) any gaps in the plans, capabilities and authorities of the Department.

(b) PLAN.—In addition to the plan required under subsection (a), the Secretary of Defense shall develop a plan to address those gaps identified in the review required in subsection (a)(5). The plan shall guide the planning and actions of the relevant combatant commands, the military departments, and combat support agencies that the Secretary of Defense determines have a role in countering threats posed by Iran.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than the date on which the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report identifying and justifying any resources, capabilities, legislative authorities, or changes to current law the Secretary believes are necessary to carry out the plan required under subsection (b) to address the gaps identified in the strategic plan required in subsection (a).

(2) FORM.—The report required in paragraph (1) shall be in unclassified form, but may include a classified annex.

SEC. 1233. REPORT ON DEPARTMENT OF DEFENSE'S PLANS TO REFORM THE EXPORT CONTROL SYSTEM.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the Department of Defense's plans to reform the Department's export control system.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) a description of the plans of the Department of Defense to implement Presidential Study Directive 8; and

(2) an assessment of the extent to which the plans to reform the export control system will—

(A) impact the Defense Technology Security Administration of the Department of Defense;

(B) affect the role of the Department of Defense with respect to export control policy; and

(C) ensure greater protection and monitoring of key defense items and technologies.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1234. REPORT ON UNITED STATES EFFORTS TO DEFEND AGAINST THREATS POSED BY THE ADVANCED ANTI-ACCESS CAPABILITIES OF POTENTIALLY HOSTILE FOREIGN COUNTRIES.

(a) CONGRESSIONAL FINDING.—Congress finds that the report of the 2010 Department of Defense Quadrennial Defense Review finds that ''Anti-access strategies seek to deny outside countries the ability to project power into a region, thereby allowing aggression or other destabilizing actions to be conducted by the anti-access power. Without dominant capabilities to project power, the integrity of U.S. alliances and security partnerships could be called into question, reducing U.S. security and influence and increasing the possibility of conflict.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in light of the finding in subsection (a), the Secretary of Defense should ensure that the United States has the appropriate authorities, capabilities, and force structure to defend against any threats posed by the advanced anti-access capabilities of potentially hostile foreign countries.

(c) REPORT.—Not later than April 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on United States efforts to defend against any threats posed by the advanced anti-access capabilities of potentially hostile foreign countries.

(d) MATTERS TO BE INCLUDED.—The report required under subsection (c) shall include the following:

(1) An assessment of any threats posed by the advanced anti-access capabilities of potentially hostile foreign countries, including an identification of the foreign countries with such capabilities, the nature of such capabilities, and the possible advances in such capabilities over the next 10 years.

(2) A description of any efforts by the Department of Defense since the release of the 2010 Quadrennial Defense Review to address the finding in subsection (a).

(3) A description of the authorities, capabilities, and force structure that the United States may require over the next 10 years to address the finding in subsection (a).

(e) FORM.—The report required under subsection (c) shall be submitted in unclassified form, but may contain a classified annex if necessary.

(f) MODIFICATION OF OTHER REPORTS.—

(1) CONCERNING THE PEOPLE'S REPUBLIC OF CHINA.—Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note), as most recently amended by section 1246 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2544), is further amended—

(A) by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively; and

(B) by inserting after paragraph (9) the following:

''(10) Developments in China's anti-access and area denial capabilities.''.

(2) CONCERNING IRAN.—Section 1245(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542) is amended by adding at the end the following:

''(5) A description and assessment of Iran's anti-access and area denial strategy and capabilities.''.

SEC. 1235. REPORT ON FORCE STRUCTURE CHANGES IN COMPOSITION AND CAPABILITIES AT MILITARY INSTALLATIONS IN EUROPE.

(a) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report evaluating potential changes in the composition and capabilities of units of the United States Armed Forces at military installations in European member nations of the North Atlantic Treaty Organization—

(1) to satisfy the commitments undertaken by United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);

(2) to address the current security environment in Europe, including United States participation in theater cooperation activities; and

(3) to contribute to peace and stability in Europe.

(b) MATTERS TO BE CONSIDERED.—As part of the report, the Secretary of Defense shall consider—

(1) the stationing of advisory and assist brigades at military installations in Europe;

(2) the expanded use of Joint Task Forces to train and build mutual capabilities with partner countries; and

(3) the stationing of units of the United States Armed Forces to support missile defense and cyber-security missions.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1236. SENSE OF CONGRESS ON MISSILE DEFENSE AND NEW START TREATY WITH RUSSIAN FEDERATION.

(a) FINDINGS.—Congress finds the following:

(1) The United States and the Russian Federation signed the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (commonly known as the ''New START Treaty'') on April 8, 2010.

(2) The preamble of the New START Treaty states, ''Recognizing the existence of the interrelationship between strategic offensive arms and strategic defensive arms, that this interrelationship will become more important as strategic nuclear arms are reduced, and that current strategic defensive arms do not undermine the viability and effectiveness of the strategic offensive arms of the Parties.''.

(3) Officials of the United States have stated that the New START Treaty does not constrain the missile defenses of the United States and according to the New START Treaty U.S. Congressional Briefing Book of April, 2010, released by the Department of State and the Department of Defense, ''The United States will continue to invest in improvements to both strategic and theater missile defenses, both qualitatively and quantitatively, as needed for our security and the security of our allies.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) as stated by officials of the United States, there would be no limitations on any phase of the phased, adaptive approach to missile defense in Europe resulting from ratification of the New START treaty between the United States and Russia, signed on 8 April 2010;

(2) the United States should deploy the phased, adaptive approach for missile defense in Europe to protect the United States, its deployed forces, and NATO allies, after appropriate testing and consistent with NATO policy; and

(3) the ground-based midcourse defense system in Alaska and California should be maintained, evolved, and appropriately tested because it is the only missile defense capability as of the date of the enactment of this Act that would protect the United States from the growing threat of a long-range ballistic missile attack.

SEC. 1237. REPORT ON THE STRATEGIC IMPLICATIONS OF THE SUCCESSFUL NEGOTIATION OF AN INCIDENTS AT SEA AGREEMENT BETWEEN THE UNITED STATES AND THE GOVERNMENT OF IRAN.

(a) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report evaluating naval security in the Persian Gulf and the Strait of Hormuz.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include an assessment of the strategic benefits of the successful negotiation of a multilateral or bilateral Incidents at Sea military-to-military agreement including the United States and the Government of Iran aimed at defusing tension and preventing accidental naval conflict in the Persian Gulf and the Strait of Hormuz. Such an assessment should consider and evaluate the effect that such an agreement might have on commercial, military, and other naval traffic in the region, as well as other United States regional strategic interests.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1238. REQUIREMENT TO MONITOR AND EVALUATE DEPARTMENT OF DEFENSE ACTIVITIES TO COUNTER VIOLENT EXTREMISM IN AFRICA.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall monitor and evaluate the impact of United States Africa Command (USAFRICOM) Combined Joint Task Force–Horn of Africa's (CJTF–HOA) activities to counter violent extremism in Africa, including civil affairs, psychological operations, humanitarian assistance, and operations to strengthen the capacity of partner nations.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the following:

(1) An evaluation of the impact of CJTF–HOA's activities described in subsection (a) to advance United States security objectives in the Horn of Africa, including the extent to which CJTF–HOA's activities—

(A) disrupt or deny terrorist networks;

(B) combat violent extremist ideology;

(C) are aligned with USAFRICOM's mission; and

(D) complement programs conducted by the United States Agency for International Development.

(2) USAFRICOM's efforts to monitor and evaluate the impact of CJTF–HOA's activities described in subsection (a), including—

(A) the means by which CJTF–HOA follows up on such activities to evaluate the effectiveness of such activities;

(B) USAFRICOM's specific assessments of CJTF–HOA's activities; and

(C) a description of plans by the Secretary of Defense to make permanent CJTF–HOA's presence in Djibouti.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1239. REPORT ON CERTAIN IRAQIS AFFILIATED WITH THE UNITED STATES.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Attorney General, the Secretary of Homeland Security, the Administrator of the United States Agency for International Development, and the heads of other appropriate Federal agencies (as determined by the Secretary of Defense), shall submit to the Congress a report containing the information described in subsection (b). In preparing such report, the Secretary of Defense shall use available information from organizations and entities closely associated with the United States mission in Iraq that have received United States Government funding through an official and documented contract, award, grant, or cooperative agreement.

(b) INFORMATION.—The information described in this subsection is the following:

(1) The number of Iraqis who were or are employed by the United States Government in Iraq or who are or were employed in Iraq by an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement.

(2) The number of Iraqis who have applied—

(A) for resettlement in the United States as a refugee under section 1243 of the Refugee Crisis in Iraq Act of 2007 (subtitle C of title XII of division A of Public Law 110–181; 122 Stat. 395 et seq.); or

(B) to enter the United States as a special immigrant under section 1244 of such Act.

(3) The status of each application described in paragraph (2).

(4) The estimated number of individuals described in paragraph (1) who have been injured or killed in Iraq.

(c) EXPEDITED PROCESSING.—The Secretary of Defense, the Secretary of State, and the

Secretary of Homeland Security shall develop a plan using the report submitted under subsection (a) to expedite the processing of the applications described in subsection (b)(2) in the case of Iraqis at risk as the United States withdraws from Iraq.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2011 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2011 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2011, 2012, and 2013.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $522,512,000 authorized to be appropriated to the Department of Defense for fiscal year 2011 in section 301(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $66,732,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,800,000.

(3) For nuclear weapons storage security in Russia, $9,614,000.

(4) For nuclear weapons transportation security in Russia, $45,000,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $79,821,000.

(6) For biological threat reduction in the former Soviet Union, $209,034,000.

(7) For chemical weapons destruction, $3,000,000.

(8) For defense and military contacts, $5,000,000.

(9) For Global Nuclear Lockdown, $74,471,000.

(10) For activities designated as Other Assessments/Administrative Costs, $23,040,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2011 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2011 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2011 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $160,965,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,273,571,000.

SEC. 1402. STUDY ON WORKING CAPITAL FUND CASH BALANCES.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center with appropriate expertise in revolving fund financial management to carry out a study to determine a sufficient operational level of cash that each revolving fund of the Department of Defense should maintain in order to sustain a single rate or price throughout the fiscal year.

(b) CONTENTS OF STUDY.—In carrying out a study pursuant to a contract entered into under subsection (a), the federally funded research and development center shall—

(1) qualitatively analyze the operational requirements and inherent risks associated with maintaining a specific level of cash within each revolving fund of the Department;

(2) for each such revolving fund, take into consideration any effects on appropriation accounts that have occurred due to changes made in the rates charged by the fund during a fiscal year;

(3) take into consideration direct input from the Secretary of Defense and officials of each of the military departments with leadership responsibility for financial management;

(4) examine the guidance provided and regulations prescribed by the Secretary of Defense and the Secretary of each of the military departments, as in effect on the date of the enactment of this Act, including such guidance with respect to programming and budgeting and the annual budget displays provided to Congress;

(5) examine the effects on appropriations accounts that have occurred due to congressional adjustments relating to excess cash balances in revolving funds;

(6) identify best business practices from the private sector relating to sufficient cash balance reserves;

(7) examine any relevant applicable laws, including the relevant body of work performed by the Government Accountability Office; and

(8) address—

(A) instances where the fiscal policy of the Department of Defense directly follows the law, as in effect on the date of the enactment of this Act, and instances where such policy is more restrictive with respect to the fiscal management of revolving funds than such law requires;

(B) instances where current Department fiscal policy restricts the capability of a revolving fund to achieve the most economical and efficient organization and operation of activities;

(C) fiscal policy adjustments required to comply with recommendations provided in the study, including proposed adjustments to—

(i) the Department of Defense Financial Management Regulation;

(ii) published service regulations and instructions; and

(iii) major command fiscal guidance; and

(D) such other matters as determined relevant by the center carrying out the study.

(c) AVAILABILITY OF INFORMATION.—The Secretary of Defense and the Secretary of each of the military departments shall make available to a federally funded research and development center carrying out a study pursuant to a contract entered into under subsection (a) all necessary and relevant information to allow the center to conduct the study in a quantitative and analytical manner.

(d) REPORT.—Any contract entered into under subsection (a) shall provide that not later than 9 months after the date on which the Secretary of Defense enters into the contract, the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense a final report on the study. The report shall include each of the following:

(1) A description of the revolving fund environment, as of the date of the conclusion of the study, and the anticipated future environment, together with the quantitative data used in conducting the assessment of such environments under the study.

(2) Recommended fiscal policy adjustments to support the initiatives identified in the study, including adjustments to—

(A) the Department of Defense Financial Management Regulation;

(B) published service regulations and instructions; and

(C) major command fiscal guidance.

(3) Recommendations with respect to any changes to any applicable law that would be appropriate to support the initiatives identified in the study.

(e) SUBMITTAL OF COMMENTS.—Not later than 90 days after the date of the submittal of the report under subsection (d), the Secretary of Defense and the Secretaries of each of the military departments shall submit to the Committees on Armed Services of the Senate and House of Representatives comments on the findings and recommendations contained in the report.

SEC. 1403. MODIFICATION OF CERTAIN WORKING CAPITAL FUND REQUIREMENTS.

Section 2208 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by striking ''or used'' and inserting ''used, or developed through continuous technology refreshment''; and

(2) in subsection (k)(2), by striking ''$100,000'' and inserting ''$250,000''.

SEC. 1404. REDUCTION OF UNOBLIGATED BALANCES WITHIN THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $77,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

SEC. 1405. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2011 for the National Defense Sealift Fund in the amount of $934,866,000.

SEC. 1406. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,467,307,000, of which—

(1) $1,067,364,000 is for Operation and Maintenance;

(2) $392,811,000 is for Research, Development, Test, and Evaluation; and

(3) $7,132,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1407. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,131,351,000.

SEC. 1408. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $283,354,000, of which—

(1) $282,354,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

SEC. 1409. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $30,991,952,000, of which—

(1) $29,947,792,000 is for Operation and Maintenance;

(2) $524,239,000 is for Research, Development, Test, and Evaluation; and

(3) $519,921,000 is for Procurement.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2011, the National Defense Stockpile Manager may obligate up to $41,181,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

Section 3402(b)(5) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 98d note), as most recently amended by section 1412(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 418), is amended by striking ''$710,000,000'' and inserting ''$730,000,000''.

Subtitle C—Other Matters

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2011 from the Armed Forces Retirement Home Trust Fund the sum of $71,200,000 for the operation of the Armed Forces Retirement Home.

SEC. 1422. PLAN FOR FUNDING FUEL INFRASTRUCTURE SUSTAINMENT, RESTORATION, AND MODERNIZATION REQUIREMENTS.

Not later than the date on which the President submits to Congress the budget for fiscal year 2012 pursuant to section 1105 of title 31, United States Code, the Director of the Defense Logistics Agency shall submit to the congressional defense committees a report on the fuel infrastructure of the Department of Defense. Such report shall include projections for fuel infrastructure sustainment, restoration, and modernization requirements, and a plan for funding such requirements.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2011 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $1,373,803,000.

(2) For missile procurement, $343,828,000.

(3) For weapons and tracked combat vehicles procurement, $687,500,000.

(4) For ammunition procurement, $652,491,000.

(5) For other procurement, $5,865,446,000.

SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2011 for the Joint Improvised Explosive Device Defeat Fund in the amount of $3,464,368,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a) and made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund.

(c) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2011, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $843,358,000.

(2) For weapons procurement, Navy, $93,425,000.

(3) For ammunition procurement, Navy and Marine Corps, $565,084,000.

(4) For other procurement, Navy, $480,735,000.

(5) For procurement, Marine Corps, $1,854,243,000.

SEC. 1505. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Air Force in amounts as follows:

(1) For aircraft procurement, $1,096,520,000.

(2) For ammunition procurement, $292,959,000.

(3) For missile procurement, $56,621,000.

(4) For other procurement, $3,087,481,000.

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the procurement account for Defense-wide activities in the amount of $1,376,046,000.

SEC. 1507. IRON DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.

Of the funds authorized to be appropriated by section 1506 for the procurement account for Defense-wide activities, the Secretary of Defense may provide up to $205,000,000 to the government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats.

SEC. 1508. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $700,000,000.

SEC. 1509. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $3,415,000,000.

SEC. 1510. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $112,734,000.

(2) For the Navy, $60,401,000.

(3) For the Air Force, $266,241,000.

(4) For Defense-wide activities, $657,240,000.

SEC. 1511. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $62,202,618,000.

(2) For the Navy, $8,946,634,000.

(3) For the Marine Corps, $4,136,522,000.

(4) For the Air Force, $13,487,283,000

(5) For Defense-wide activities, $9,426,358,000.

(6) For the Army Reserve, $286,950,000.

(7) For the Navy Reserve, $93,559,000.

(8) For the Marine Corps Reserve, $29,685,000.

(9) For the Air Force Reserve, $129,607,000.

(10) For the Army National Guard, $544,349,000.

(11) For the Air National Guard, $350,823,000.

(12) For the Afghanistan Security Forces Fund, $10,964,983,000.

(13) For the Iraq Security Forces Fund, $2,000,000,000.

(14) For the Overseas Contingency Operations Transfer Fund, $506,781,000.

SEC. 1512. LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

Funds appropriated pursuant to the authorization of appropriations for the Afghanistan Security Forces Fund in section 1511(12) shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428).

SEC. 1513. LIMITATIONS ON IRAQ SECURITY FORCES FUND.

(a) APPLICATION OF EXISTING LIMITATIONS.—Subject to subsection (b), funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2011 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426).

(b) COST-SHARE REQUIREMENT.—

(1) REQUIREMENT.—If funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2011 are used for the purchase of any item or service for Iraq Security Forces, the funds may not cover more than 80 percent of the cost of the item or service.

(2) EXCEPTION.—Paragraph (1) does not apply to any item that the Secretary of Defense determines—

(A) is an item of significant military equipment (as such term is defined in section 47(9) of the Arms Export Control Act (22 U.S.C. 2794(9))); or

(B) is included on the United States Munitions List, as designated pursuant to section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1514. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2011 to the Department of Defense for military personnel accounts in the total amount of $15,275,502,000.

SEC. 1515. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $485,384,000.

SEC. 1516. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,398,092,000 for operation and maintenance.

SEC. 1517. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $457,110,000.

SEC. 1518. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $10,529,000.

SEC. 1519. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1520. AVAILABILITY OF FUNDS FOR RAPID FORCE PROTECTION IN AFGHANISTAN.

(a) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by section 1511(5) for operation and maintenance for Defense-wide activities, the Secretary of Defense may obligate up to $200,000,000 during fiscal year 2011 to address urgent force protection requirements facing United States military forces in Afghanistan, as identified by the Commander of United States Forces–Afghanistan.

(b) USE OF RAPID ACQUISITION AUTHORITY.—To carry out this section, the Secretary of Defense shall utilize the rapid acquisition authority available to the Secretary.

(c) USE OF TRANSFER AUTHORITY.—To carry out this section, the Secretary of Defense may utilize the transfer authority provided by section 1522, subject to the limitation in subsection (a)(2) of such section on the total amount of authorizations that may be transferred.

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2011 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1523. REPORT ON MINE RESISTANT AMBUSH PROTECTED VEHICLES.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the procurement of mine resistant ambush protected vehicles.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) An evaluation of potential cost benefits and manufacturing efficiencies with respect to mine resistant ambush protected vehicles.

(2) An evaluation of the advisability and feasibility of sustained low-level production of mine resistant ambush protected vehicles across the industrial base as part of a long-term sustainment fleet integration strategy.

TITLE XVI—IMPROVED SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES

SEC. 1601. DEFINITION OF DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM AND OTHER DEFINITIONS.

(a) SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM DEFINED.—In this title, the term ''sexual assault prevention and response program'' refers to Department of Defense policies and programs, including policies and programs of a specific military department or Armed Force, that are intended to reduce the number of sexual assaults involving members of the Armed Forces and improve the response of the department to reports of sexual assaults involving members of the Armed Forces, whether members of the Armed Forces are the victim, alleged assailant, or both.

(b) OTHER DEFINITIONS.—In this title:

(1) The term ''Armed Forces'' means the Army, Navy, Air Force, and Marine Corps.

(2) The term ''department'' has the meaning given that term in section 101(a)(6) of title 10, United States Code.

(3) The term ''military installation'' has the meaning given that term by the Secretary concerned.

(4) The term ''Secretary concerned'' means—

(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy and the Marine Corps; and

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force.

Subtitle A—Immediate Actions to Improve Department of Defense Sexual Assault Prevention and Response Program

SEC. 1611. SPECIFIC BUDGETING FOR DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

Effective with the Program Objective Memorandum to be issued for fiscal year 2012 and thereafter and containing recommended programming and resource allocations for the Department of Defense, the Secretary of Defense shall specifically address the Department of Defense sexual assault prevention and response program to ensure that a separate line of funding is allocated to the program.

SEC. 1612. CONSISTENCY IN TERMINOLOGY, POSITION DESCRIPTIONS, PROGRAM STANDARDS, AND ORGANIZATIONAL STRUCTURES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall require the use of consistent terminology, position descriptions, minimum program standards, and organizational structures throughout the Armed Forces in implementing the Department of Defense sexual assault prevention and response program.

(b) RECOGNIZING OPERATIONAL DIFFERENCES.—In complying with subsection (a), the Secretary of Defense shall take into account the responsibilities of the Secretary concerned and operational needs of the Armed Force involved.

SEC. 1613. GUIDANCE FOR COMMANDERS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of each military department shall issue guidance to all military unit commanders that implementation of the Department of Defense sexual assault prevention and response program requires their leadership and is their responsibility.

SEC. 1614. COMMANDER CONSULTATION WITH VICTIMS OF SEXUAL ASSAULT.

Before making a decision regarding how to proceed under the Uniform Code of Military Justice in the case of an alleged sexual assault or other offense covered by section 920 of title 10, United States Code (article 120), the commanding officer shall offer to meet with the victim of the offense to determine the opinion of the victim regarding case disposition and provide that information to the convening authority.

SEC. 1615. OVERSIGHT AND EVALUATION.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall—

(1) issue standards to be used to assess and evaluate the effectiveness of the sexual assault prevention and response program of each Armed Force in reducing the number of sexual assaults involving members of the Armed Forces and in improving the response

of the department to reports of sexual assaults involving members of the Armed Forces, whether members of the Armed Forces are the victim, alleged assailant, or both; and

(2) develop measures to ensure that the Armed Forces comply with those standards.

SEC. 1616. SEXUAL ASSAULT REPORTING HOTLINE.

(a) AVAILABILITY OF HOTLINE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a universal hotline to facilitate the reporting of a sexual assault—

(1) by a member of the Armed Forces, whether serving in the United States or overseas, who is a victim of a sexual assault; or

(2) by any other person who is a victim of a sexual assault involving a member of the Armed Forces.

(b) PROMPT RESPONSE.—The Secretary of Defense shall ensure that a Sexual Assault Response Coordinator serving in the locality of the victim promptly responds to the reporting of a sexual assault using the hotline. The Secretary of Defense shall define appropriate localities for purposes of this subsection.

SEC. 1617. REVIEW OF APPLICATION OF SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM TO RESERVE COMPONENTS.

(a) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the application of the sexual assault prevention and response program for the reserve components.

(b) CONTENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The ability of members of the reserve components to access the services available under the sexual assault prevention and response program, including policies and programs of a specific military department or Armed Force.

(2) The quality of training provided to Sexual Assault Response Coordinators and Sexual Assault Victim Advocates in the reserve components.

(3) The degree to which the services available for regular and reserve members under the sexual assault prevention and response program are integrated.

(4) Such recommendations as the Secretary of Defense considers appropriate on how to improve the services available for reserve members under the sexual assault prevention and response program and their access to the services.

SEC. 1618. REVIEW OF EFFECTIVENESS OF REVISED UNIFORM CODE OF MILITARY JUSTICE OFFENSES REGARDING RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the effectiveness of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), as amended by section 552 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3256). The Secretary shall use a panel of military justice experts to conduct the review.

(b) SUBMISSION OF RESULTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit the results of the review to the congressional defense committees.

SEC. 1619. TRAINING AND EDUCATION PROGRAMS FOR SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING AND EDUCATION.—

(1) DEVELOPMENT OF CURRICULA.—Not later than 1 year after the date of the enactment of this Act, the Secretary of each military department shall develop curricula to provide sexual assault prevention and response training and education for members of the Armed Forces under the jurisdiction of the Secretary and civilian employees of the military department to strengthen individual knowledge, skills, and capacity to prevent and respond to sexual assault.

(2) SCOPE OF TRAINING AND EDUCATION.—The sexual assault prevention and response training and education shall encompass initial entry and accession programs, annual refresher training, professional military education, peer education, and specialized leadership training. Training shall be tailored for specific leadership levels and local area requirements.

(3) CONSISTENT TRAINING.—The Secretary of Defense shall ensure that the sexual assault prevention and response training provided to members of the Armed Forces and Department of Defense civilian employees is consistent throughout the military departments.

(b) INCLUSION IN PROFESSIONAL MILITARY EDUCATION.—The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module at each level of professional military education. The training shall be tailored to the new responsibilities and leadership requirements of members of the Armed Forces as they are promoted.

(c) INCLUSION IN FIRST RESPONDER TRAINING.—

(1) IN GENERAL.—The Secretary of Defense shall direct that managers of specialty skills associated with first responders described in paragraph (2) integrate sexual assault response training in initial and recurring training courses.

(2) COVERED FIRST RESPONDERS.—First responders referred to in paragraph (1) include firefighters, emergency medical technicians, law enforcement officers, military criminal investigators, healthcare personnel, judge advocates, and chaplains.

SEC. 1620. USE OF SEXUAL ASSAULT FORENSIC MEDICAL EXAMINERS.

Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall provide for the use of forensic medical examiners within the Department of Defense who are specially trained regarding the collection and preservation of evidence in cases involving sexual assault.

SEC. 1621. SEXUAL ASSAULT ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall establish a Sexual Assault Advisory Board, to be modeled after other Defense advisory boards, such as the Defense Business Board, the Defense Policy Board, or the Defense Science Board.

(b) PURPOSE.—The purpose of the Sexual Assault Advisory Board is—

(1) to advise the Secretary of Defense on the overall Department of Defense sexual assault prevention and response program and its comprehensive prevention strategy and on the effectiveness of the sexual assault prevention and response program of each Armed Force; and

(2) to make recommendations regarding changes and improvements to the sexual assault prevention and response program.

(c) RELATION TO SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.—The Sexual Assault Advisory Board is not intended to replace the organic capabilities that must reside in the Sexual Assault Prevention and Response Office, but to ensure that best practices from both the civilian and military community perspective are incorporated into the design, development, and performance of the sexual assault prevention and response program.

(d) ORGANIZATION AND MEMBERSHIP.—The Sexual Assault Advisory Board shall be chaired by the Undersecretary of Defense for Personnel and Readiness. The Sexual Assault Advisory Board shall include experts on criminal law and sexual assault prevention, response, and training who are not members of the Armed Forces or civilian employees of the Department of Defense and include representatives from other Federal agencies.

(e) FREQUENCY OF MEETINGS.—The Sexual Assault Advisory Board shall meet not less frequently than biannually.

SEC. 1622. DEPARTMENT OF DEFENSE SEXUAL ASSAULT ADVISORY COUNCIL.

(a) REORGANIZATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall reorganize the Sexual Assault Advisory Council and limit membership on the Sexual Assault Advisory Council to Department of Defense personnel.

(b) PURPOSE.—The purpose of the Sexual Assault Advisory Council is—

(1) to oversee the Department's overall sexual assault prevention and response Program and its comprehensive prevention strategy;

(2) to ensure accountability of the sexual assault prevention and response program of each Armed Force;

(3) to make recommendations regarding changes and improvements to the sexual assault prevention and response program; and

(4) to identify cross-cutting issues and solutions in the area of sexual assault.

(c) ORGANIZATION AND MEMBERSHIP.—The Sexual Assault Advisory Council shall be chaired by the Deputy Secretary of Defense or the designee of the Deputy Secretary. Members shall include, at a minimum, the following:

(1) Principals or deputies from every office within the Office of the Secretary of Defense with responsibilities involving the sexual assault prevention and response program.

(2) The Assistant Secretary of each of the military departments with responsibility for the sexual assault prevention and response program.

(3) The Vice Chief of Staff of the Army, the Vice Chief of Naval Operations, the Vice Chief of Staff of the Air Force, and the Assistant Commandant of the Marine Corps.

(4) A general or flag officer from the staff of each officer specified in paragraph (3) who has responsibility for the sexual assault prevention and response program.

(5) A general officer from the National Guard Bureau.

(d) FREQUENCY OF MEETINGS.—The Sexual Assault Advisory Council shall meet not less frequently than once each calendar-year quarter.

(e) SERVICE-LEVEL SEXUAL ASSAULT ADVISORY COUNCILS.—The Secretary of a military department shall establish a sexual assault advisory council, comparable to the Sexual Assault Advisory Council required by subsection (a), for each Armed Force under the jurisdiction of the Secretary.

SEC. 1623. SERVICE-LEVEL SEXUAL ASSAULT REVIEW BOARDS.

(a) ESTABLISHMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of a military department shall establish for each military installation or operational command under the jurisdiction of the Secretary a multi-disciplinary group to serve as a sexual assault review board.

(b) MEMBERSHIP.—The chair of a sexual assault review board shall be the senior commander, senior deputy commander, or chief of staff. Other members should include the Sexual Assault Response Coordinator, command legal representative or staff judge advocate, command chaplain, and representation of senior commanders or supervisors from the Military Criminal Investigative Organizations, military law enforcement, medical, alcohol and substance abuse office, and the safety office.

(c) RESPONSIBILITIES.—A sexual assault review board shall be responsible for, at a minimum, addressing safety issues, developing prevention strategies, analyzing response processes, community impact and overall trends, and identifying training issues. These functions should be flexible to accommodate the resources available at different installations and operational commands.

(d) FREQUENCY OF MEETINGS.—A sexual assault review board shall meet not less frequently than once each calendar-year quarter.

SEC. 1624. RENEWED EMPHASIS ON ACQUISITION OF CENTRALIZED DEPARTMENT OF DEFENSE SEXUAL ASSAULT DATABASE.

(a) NEW DEADLINE FOR ACQUISITION.—Notwithstanding subsection (c) of section 563 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4470), the Secretary of Defense shall complete implementation of the centralized sexual assault database required by subsection (a) of such section not later than September 30, 2011.

(b) ACQUISITION PROCESS.—To meet the deadline imposed by subsection (a), acquisition best practices associated with successfully acquiring and deploying information technology systems related to the database, such as economically justifying the proposed system solution and effectively developing and managing requirements, shall be completed as soon as possible.

Subtitle B—Sexual Assault Prevention Strategy and Annual Reporting Requirement

SEC. 1631. COMPREHENSIVE DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION STRATEGY.

(a) STRATEGY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy to reduce the number of sexual assaults involving members of the Armed Forces, whether members of the Armed Forces are the victim, alleged assailant, or both. All activities and programs of a specific military department or Armed Force related to preventing sexual assault must align with and support the overall comprehensive strategy.

(b) COORDINATION WITH OTHER REQUIREMENTS.—In developing the comprehensive strategy under subsection (a), the Secretary of Defense shall incorporate and build upon—

(1) the new requirements imposed by this subtitle;

(2) the policies and procedure developed under section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note); and

(3) the prevention and response plan developed under section 567(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2313).

(c) IMPLEMENTATION OF STRATEGY.—Not later than 6 months after the submission of the comprehensive strategy prepared under subsection (a), the Secretary of Defense shall complete implementation of the comprehensive strategy throughout the Department of Defense.

(d) SEXUAL ASSAULT PREVENTION EVALUATION PLAN.—

(1) PLAN REQUIRED.—The Secretary of Defense shall develop and implement an evaluation plan for assessing the effectiveness of the comprehensive strategy prepared under subsection (a) its intended outcomes at the Department of Defense and individual Armed Force levels.

(2) COMMANDER ROLE.—As a component of the evaluation plan, the commander of each military installation and the commander of each unified or specified combatant command shall assess the adequacy of measures undertaken at facilities under the authority of the commander to ensure the safest and most secure living and working environments with regard to preventing sexual assault.

(3) SUBMISSION OF RESULTS.—The results of assessments conducted under the evaluation plan shall be included in the annual report required by section 1632, beginning with the report required to be submitted in calendar year 2012.

SEC. 1632. ANNUAL REPORT ON SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES AND SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) ANNUAL REPORT ON SEXUAL ASSAULTS.—Not later than January 15 of each year, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed Forces under the jurisdiction of that Secretary during the preceding year. In the case of the Secretary of the Navy, separate reports shall be prepared for the Navy and for the Marine Corps.

(b) CONTENTS.—The report of a Secretary of a military department on an Armed Force under subsection (a) shall contain the following:

(1) The number of sexual assaults committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were founded.

(2) The number of sexual assaults committed by members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were founded. The information required by this paragraph shall not be combined with the information required by paragraph (1).

(3) A synopsis of each such founded case, organized by offense, and, for each such case, the disciplinary action taken in the case, including the type of disciplinary or administrative sanction imposed, if any.

(4) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by the report in response to incidents of sexual assault involving members of the Armed Force concerned.

(5) The number of founded sexual assault cases in which the victim is a deployed member of the Armed Forces and the assailant is a foreign national, and the policies, procedures, and processes implemented by the Secretary concerned to monitor the investigative process and disposition of such cases and to eliminate any gaps in investigating and adjudicating such cases.

(6) A description of the implementation during the year covered by the report of the tracking system implemented pursuant to section 596(a) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 113 note), including information collected on cases during that year in which care to a victim of rape or sexual assault was hindered by the lack of availability of a rape kit or other needed supplies or by the lack of timely access to appropriate laboratory testing resources.

(7) A description of the implementation during the year covered by the report of the accessibility plan implemented pursuant to section 596(b) of such Act, including a description of the steps taken during that year to provide that trained personnel, appropriate supplies, and transportation resources are accessible to deployed units in order to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit.

(8) A description of the required supply inventory, location, accessibility, and availability of supplies, trained personnel, and transportation resources needed, and in fact in place, in order to be able to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit.

(9) A plan for the actions that are to be taken in the year following the year covered by such report on reducing the number of sexual assaults involving members of the Armed Forces concerned and improving the response to sexual assaults involving members of the Armed Forces concerned.

(10) The results of the most recent biennial gender-relations survey of an adequate sample of members to evaluate and improve the sexual assault prevention and response program.

(c) VERIFICATION.—The Office of the Judge Advocate General of an Armed Force (or, in the case of the Marine Corps, the Office of the Staff Judge Advocate to the Commandant of the Marine Corps) shall verify the accuracy of the information required by paragraphs (1), (2), (3), and (5) of subsection (b), including courts-martial data.

(d) CONSISTENT DEFINITION OF FOUNDED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall establish a consistent definition of ''founded'' for purposes of paragraphs (1), (2), (3), and (5) of subsection (b) and require that military criminal investigative organizations only provide synopses for those cases for the preparation of reports under this section.

(e) ASSESSMENT COMPONENT.—Each report under subsection (a) shall include an assessment by the Secretary concerned of the implementation during the preceding fiscal year of the sexual assault prevention and response program in order to determine the effectiveness of the program during such fiscal year in providing an appropriate response to sexual assaults involving members of the Armed Forces.

(f) SUBMISSION TO CONGRESS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives each report prepared under subsection (a), together with the comments of the Secretary of Defense on the report. The Secretary of Defense shall submit each such report not later than March 15 of the year following the year covered by the report.

(g) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note) is amended by striking subsection (f).

Subtitle C—Amendments to Title 10

SEC. 1641. SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.

(a) APPOINTMENT OF DIRECTOR; DUTIES.—Chapter 4 of title 10, United States Code, as amended by section 902, is amended by inserting after section 139 the following new section:

''§ 139a. Director of Sexual Assault Prevention and Response Office

''(a) APPOINTMENT.—There is a Director of the Sexual Assault Prevention and Response Office who shall be a general or flag officer or an employee of the Department of Defense in a comparable Senior Executive Service position.

''(b) DUTIES.—The Director of the Sexual Assault Prevention and Response Office serves as the single point of authority, accountability, and oversight for the Department of Defense sexual assault prevention and response program and provides oversight to ensure that the military departments comply with the program.

''(c) ROLE OF INSPECTORS GENERAL.—The Inspector General of the Department of Defense, the Inspector General of the Army, the

Naval Inspector General, and the Inspector General of the Air Force shall include sexual assault prevention and response programs within the scope of their assessments. The Inspector General teams shall include at least one member with expertise and knowledge of sexual assault prevention and response policies related to a specific armed force.

''(d) DEFINITIONS.—In this section:

''(1) The term 'armed forces' means the Army, Navy, Air Force, and Marine Corps.

''(2) The term 'sexual assault prevention and response program' refers to Department of Defense policies and programs, including policies and programs of a specific military department or the that are intended to reduce the number of sexual assaults involving members of the armed forces and improve the response of the department to reports of sexual assaults involving members of the armed forces, whether members of the armed forces are the victim, alleged assailant, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 139 the following new item:

''139a. Director of Sexual Assault Prevention and Response Office.''.

SEC. 1642. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.

(a) ASSIGNMENT AND TRAINING.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1568. Sexual assault prevention and response: Sexual Assault Response Coordinators and Victim Advocates

''(a) ASSIGNMENT OF COORDINATORS.—(1) At least one full-time Sexual Assault Response Coordinator shall be assigned to each brigade or equivalent or higher unit level of the armed forces. The Secretary of the military department concerned may assign additional Sexual Assault Response Coordinators as necessary based on the demographics or needs of the unit. The additional Sexual Assault Response Coordinator may serve on a full-time or part-time basis at the discretion of the Secretary.

''(2) Effective October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Sexual Assault Response Coordinator. After that date, contractor employees may serve as a Sexual Assault Response Coordinator only on a temporary basis, as determined by the Secretary of Defense.

''(b) ASSIGNMENT OF VICTIM ADVOCATES.—(1) At least one full-time Sexual Assault Victim Advocate shall be assigned to each brigade or equivalent or higher unit level of the armed forces. The Secretary of the military department concerned may assign additional Victim Advocates as necessary based on the demographics or needs of the unit. The additional Victim Advocates may serve on a full-time or part-time basis at the discretion of the Secretary.

''(2) Only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Victim Advocate. Contractor employees may serve as a Victim Advocate only on a temporary basis, as determined by the Secretary of Defense.

''(c) DEPLOYABLE COORDINATORS AND VICTIM ADVOCATES.—(1) The Secretary of a military department shall assign members of the armed forces under the jurisdiction of the Secretary to serve as a deployable Sexual Assault Response Coordinator or Sexual Assault Victim Advocate when a Sexual Assault Response Coordinator assigned to a unit under subsection (a) or a Sexual Assault Victim Advocate assigned to a unit under subsection (b) is not deployed with the unit.

''(2) A deployable Sexual Assault Response Coordinator or deployable Sexual Assault Victim Advocate may serve on a full-time or part-time basis at the discretion of the Secretary.

''(d) TRAINING AND CERTIFICATION.—(1) As part of the sexual assault prevention and response program, the Secretary of Defense shall establish a professional and uniform training and certification program for Sexual Assault Response Coordinators assigned under subsection (a) and Sexual Assault Victim Advocates assigned under subsection (b). The program shall be structured and administered in a manner similar to the professional training available for Equal Opportunity Advisors through the Defense Equal Opportunity Management Institute.

''(2) Effective beginning 1 year after the date of the enactment of this section, before a member or civilian employee may be assigned to duty as a Sexual Assault Response Coordinator under subsection (a), the member or employee must have completed the training program required by paragraph (1) and obtained the certification.

''(3) A member or civilian employee assigned to duty as a Victim Advocate under subsection (b) may obtain certification under the training program required by paragraph (1). At a minimum, the Sexual Assault Response Coordinator to whom a Victim Advocate reports shall train the Victim Advocate using the same training materials used to train the Sexual Assault Response Coordinator under the program.

''(4) Deployable Sexual Assault Response Coordinators and deployable Sexual Assault Victim Advocates shall receive training from a designated Sexual Assault Response Coordinator or Sexual Assault Victim Advocate on their specific roles and responsibilities before assuming such responsibilities.

''(e) ACCESS TO COMMANDERS AND UNITS.—(1) The Secretaries of the military departments shall ensure that a Sexual Assault Response Coordinator, including a deployable Sexual Assault Response Coordinator assigned under subsection (c), has direct access to senior commanders and any other commander within the unit or geographical area of responsibility of the Sexual Assault Response Coordinator.

''(2) A Sexual Assault Response Coordinator may work with supporting medical staff, mental health staff, and chaplains to offer unit counseling options for commanders of units in which a sexual assault involving a member of the armed forces occurs.

''(f) SEXUAL ASSAULT RESPONSE TEAMS RESPONSIBLE FOR OVERSEEING UNRESTRICTED REPORTED CASES.—

''(1) RESPONSE TEAM PROTOCOL.—Not later than 1 year after the date of the enactment of this section, the Secretary of Defense shall develop and implement a protocol for the establishment and use of sexual assault response teams throughout the Department of Defense.

''(2) EMERGENCY RESPONSE.—A sexual assault response team shall be led by a Sexual Assault Response Coordinator and convene as soon as practicable after a reported sexual assault involving a member of the armed forces.

''(3) OTHER ELEMENTS.—At a minimum, the protocol for sexual assault response teams shall also provide for—

''(A) in addition to meetings required by paragraph (2), monthly meetings to review individual cases, facilitate timely victim updates, and ensure system coordination, accountability (to include tracking case adjudication), and victim access to quality services; and

''(B) depending on the resources available at different locations, membership drawn from the relevant military criminal investigator, medical personnel, chaplain, trial counsel, and Sexual Assault Victim Advocate.

''(4) COMMAND INVOLVEMENT.—Within the first 3 months of assuming a command, the commander shall attend a meeting of their command's sexual assault response team occurring after the commander's assumption of command. The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module as part of commanders pre-command courses.

''(g) PROHIBITION ON USE OF INSPECTOR GENERAL PERSONNEL.—Personnel of the Inspector General of the Department of Defense, the Inspector General of the Army, the Naval Inspector General, and the Inspector General of the Air Force may not perform Sexual Assault Response Coordinator duties.

''(h) DEFINITIONS.—In this section:

''(1) The term 'armed forces' means the Army, Navy, Air Force, and Marine Corps.

''(2) The term 'sexual assault prevention and response program' refers to Department of Defense policies and programs, including policies and programs of a specific military department or the that are intended to reduce the number of sexual assaults involving members of the armed forces and improve the response of the department to reports of sexual assaults involving members of the armed forces, whether members of the armed forces are the victim, alleged assailant, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1568. Sexual assault prevention and response: Sexual Assault Response Coordinators and Victim Advocates.''.

SEC. 1643. SEXUAL ASSAULT VICTIMS ACCESS TO LEGAL COUNSEL AND VICTIM ADVOCATE SERVICES.

(a) ACCESS.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044d the following new section:

''§ 1044e. Access to legal assistance and Victim Advocate services for victims of sexual assault

''(a) AVAILABILITY OF LEGAL ASSISTANCE AND VICTIM ADVOCATE SERVICES.—

''(1) MEMBERS.—A member of the armed forces or a dependent of a member of the armed forces who is the victim of a sexual assault is entitled to—

''(A) legal assistance provided by a military legal assistance counsel certified as competent to provide such duties pursuant to section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice); and

''(B) assistance provided by a qualified Sexual Assault Victim Advocate.

''(2) DEPENDENTS.—To the extent practicable, the Secretary of a military department shall make the assistance described in paragraph (1) available to dependent of a member of the armed forces who is the victim of a sexual assault and resides on or in the vicinity of a military installation. The Secretary concerned shall define the term 'vicinity' for purposes of this paragraph.

''(3) NOTICE OF AVAILABILITY OF ASSISTANCE; OPT OUT.—The member or dependent shall be informed of the availability of assistance under this subsection as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator or any other responsible member of the armed forces or Department of Defense civilian employee. The victim shall also be informed that the legal assistance and services of a Sexual Assault Response Coordinator and Sexual Assault Victim Advocate are optional and these services may be declined, in whole or in part, at any time.

''(4) NATURE OF REPORTING IMMATERIAL.—In the case of a member of the armed forces, access to legal assistance and Victim Advocate services is available regardless of whether the member elects unrestricted or restricted (confidential) reporting of the sexual assault.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to establish an attorney-client relationship.

''(b) RESTRICTED REPORTING OPTION.—

''(1) AVAILABILITY OF RESTRICTED REPORTING.—A member of the armed forces who is the victim of a sexual assault may confidentially disclose the details of the assault to an individual specified in paragraph (2) and receive medical treatment, legal assistance, or counseling, without triggering an official investigation of the allegations.

''(2) PERSONS COVERED BY RESTRICTED REPORTING.—Individuals covered by paragraph (1) are the following:

''(A) Military legal assistance counsel.

''(B) Sexual Assault Response Coordinator.

''(C) Sexual Assault Victim Advocate.

''(D) Healthcare personnel.

''(E) Chaplain.

''(3) IMPORTANCE OF CONTACTING SEXUAL ASSAULT RESPONSE COORDINATOR.—The Secretary of Defense shall ensure that all sexual assault prevention and response training emphasizes the importance of immediately contacting a Sexual Assault Response Coordinator after a sexual assault to ensure that the victim preserves the restricted reporting option and receives guidance on available services and victim care. A member's responsibility to report a sexual assault is satisfied by informing the Sexual Assault Response Coordinator, in addition to or in lieu of informing the member's commander or military law enforcement.

''(c) CLARIFICATION OF VICTIM OPTION TO PARTICIPATE IN INVESTIGATION.—The Secretary of Defense shall implement a Sexual Assault Response Coordinator-led process by which a member or dependent referred to in subsection (a) may decline to participate in the investigation of the sexual assault. The member or dependent, after consultation with a Sexual Assault Victim Advocate or Sexual Assault Response Coordinator, or both, may complete a form indicating a preference not to participate further in the investigative process.

''(d) DEFINITIONS.—In this section:

''(1) The term 'sexual assault' includes any of the offenses covered by section 920 of this title (article 120).

''(2) The term 'military legal assistance counsel' means—

''(A) a judge advocate (as defined in section 801(13) of this title (article 1(13) of the Uniform Code of Military Justice)); or

''(B) a civilian attorney serving as a legal assistance officer under the provisions of section 1044 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044d the following new item:

''1044e. Access to legal assistance and Victim Advocate services for victims of sexual assault.''.

(c) CONFORMING AMENDMENT REGARDING PROVISION OF LEGAL COUNSEL.—Section 1044(d)(3)(B) of such title is amended by striking ''sections 1044a, 1044b, 1044c, and 1044d'' and inserting ''sections 1044a through 1044e''.

SEC. 1644. NOTIFICATION OF COMMAND OF OUTCOME OF COURT-MARTIAL INVOLVING CHARGES OF SEXUAL ASSAULT.

Section 853 of title 10, United States Code (article 53 of the Uniform Code of Military Justice), is amended—

(1) by inserting ''(a) ANNOUNCEMENT TO PARTIES.—'' before ''A court-martial''; and

(2) by adding at the end the following new subsection:

''(b) DISSEMINATION OF RESULTS TO COMMAND IN CERTAIN CASES.—In the case of an alleged sexual assault or other offense covered by section 920 of this title (article 120), the trial counsel shall notify the servicing staff judge advocate at the military installation, who shall notify the convening authority and commanders, as appropriate. In consultation with the servicing staff judge advocate, the commanding officer shall notify members of the command of the outcome of the case.''.

SEC. 1645. COPY OF RECORD OF COURT-MARTIAL TO VICTIM OF SEXUAL ASSAULT INVOLVING A MEMBER OF THE ARMED FORCES.

Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(e) In the case of a general or special court-martial involving a sexual assault or other offense covered by section 920 of this title (article 120), a copy of the prepared record of the proceedings of the court-martial shall be given to the victim of the offence if the victim testified during the proceedings. The record of the proceedings shall be provided without charge and as soon as the record is authenticated. The victim shall be notified of the opportunity to receive the record of the proceedings.''.

SEC. 1646. MEDICAL CARE FOR VICTIMS OF SEXUAL ASSAULT.

(a) MEDICAL CARE AND RECORDS.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074l the following new section:

''§ 1074m. Medical care for members who are victims of sexual assault

''(a) MEDICAL CARE.—(1) The Secretary of Defense shall establish protocols for providing medical care to a member of the armed forces who is a victim of a sexual assault, including protocols with respect to the appropriate screening, prevention, and mitigation of diseases.

''(2) In establishing the protocols under paragraph (1), the Secretary shall take into consideration the sex of the member of the armed forces.

''(b) MEDICAL RECORDS.—The Secretary shall ensure that—

''(1) an accurate and complete medical record is made for each member of the armed forces who is a victim of a sexual assault with respect to the physical and mental condition of the member resulting from the assault; and

''(2) such record complies with the requirement for confidentiality in making a restricted report under section 1044e(b) of this title.

''(c) RESTRICTED REPORTING.—Nothing in this section shall be construed as affecting the right of a member of the armed forces to make a restricted report under section 1044e(b) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074l the following new item:

''1074m. Medical care for members who are victims of sexual assault.''.

SEC. 1647. PRIVILEGE AGAINST DISCLOSURE OF CERTAIN COMMUNICATIONS WITH SEXUAL ASSAULT VICTIM ADVOCATES.

(a) PRIVILEGE ESTABLISHED.—

(1) IN GENERAL.—Chapter 53 of title 10, United States Code is amended by inserting after section 1034a the following new section:

''§ 1034b. Privilege against disclosure of certain communications with Sexual Assault Victim Advocates

''A confidential communication between the victim of a sexual assault or other offense covered by section 920 of this title (article 120 of the Uniform Code of Military Justice) and a Sexual Assault Victim Advocate assigned under section 1568 of this title, including a deployable Sexual Assault Victim Advocate, shall be treated in the same manner as a confidential communication between a patient and a psychiatrist for purposes of any privilege which may attach to such a communication.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1034a the following new item:

''1034b. Privilege against disclosure of certain communications with Sexual Assault Victim Advocates.''.

(b) APPLICABILITY.—Section 1034b of title 10, United States Code, as added by subsection (a), applies to communications described in such section whether made before, on, or after the date of the enactment of this Act.

SEC. 1648. EXPEDITED CONSIDERATION AND PRIORITY FOR APPLICATION FOR CONSIDERATION OF A PERMANENT CHANGE OF STATION OR UNIT TRANSFER BASED ON HUMANITARIAN CONDITIONS FOR VICTIM OF SEXUAL ASSAULT.

(a) IN GENERAL.—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

''§ 673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault

''(a) EXPEDITED CONSIDERATION AND PRIORITY FOR APPROVAL.—To the maximum extent practicable, the Secretary concerned shall provide for the expedited consideration and approval of an application for consideration of a permanent change of station or unit transfer submitted by a member of the armed forces serving on active duty who was a victim of a sexual assault or other offense covered by section 920 of this title (article 120) so as to reduce the possibility of retaliation against the member for reporting the sexual assault.

''(b) REGULATIONS.— The Secretaries of the military departments shall issue regulations to carry out this section, within guidelines provided by the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

''673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault.''.

Subtitle D—Other Matters

SEC. 1661. RECRUITER SELECTION AND OVERSIGHT.

(a) SCREENING, TRAINING, AND OVERSIGHT OF RECRUITERS.—The Secretaries of the military departments shall ensure effective recruiter selection and oversight with regard to sexual assault prevention and response by ensuring that—

(1) recruiters are screened and trained under the sexual assault prevention and response program;

(2) sexual assault prevention and response program information is disseminated to recruiters and potential recruits for the Armed Forces; and

(3) oversight is in place to preclude the potential for sexual misconduct by recruiters.

(b) IMPROVED AWARENESS OF RECRUITS.—Commanders of recruiting organizations and Military Entrance Processing Stations shall ensure that sexual assault prevention and response awareness campaign materials are

available and posted in locations visible to potential and actual recruits for the Armed Forces.

SEC. 1662. AVAILABILITY OF SERVICES UNDER SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM FOR DEPENDENTS OF MEMBERS, MILITARY RETIREES, DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES, AND DEFENSE CONTRACTOR EMPLOYEES.

(a) NOTIFICATION OF EXTENT OF CURRENT SERVICES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall revise materials made available under the sexual assault prevention and response program to include information on the extent to which dependents of members of the Armed Forces, retired members, Department of Defense civilian employees, and employees of defense contractors are eligible for sexual assault prevention and response services under the sexual assault prevention and response program.

(b) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of extending all sexual assault prevention and response services available for a member of the Armed Forces who is the victim of a sexual assault to persons referred to in subsection (a).

SEC. 1663. APPLICATION OF SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM IN TRAINING ENVIRONMENTS.

The Secretaries of the military departments shall ensure that a member of the Armed Forces who is a victim of a sexual assault in a training environment is provided, to the maximum extent possible, with confidential access to victim support services and afforded time for recovery. The member should not be required to repeat training unless the time needed for support services and recovery significantly interferes with the progress of the member's training.

SEC. 1664. APPLICATION OF SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM IN REMOTE ENVIRONMENTS AND JOINT BASING SITUATIONS.

(a) REMOTE AND DEPLOYED ENVIRONMENTS.—The Secretary of Defense and the combatant commanders shall ensure that the sexual assault prevention and response program continues to operate even in remote environments in which members of the Armed Forces are deployed, including coalition operations.

(b) JOINT BASING.—The Secretary of Defense shall monitor the implementation of the sexual assault prevention and response program and military justice and jurisdiction issues at joint basing locations. Elements of the Armed Forces sharing a joint base location shall closely collaborate on sexual assault prevention and response issues to ensure consistency in approach and messages at the joint base location.

TITLE XVII—FEDERAL INFORMATION SECURITY

Subtitle A—Federal Information Security Amendments

SEC. 1701. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

''SUBCHAPTER II—INFORMATION SECURITY

''§ 3551. Purposes

''The purposes of this subchapter are to—

''(1) provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

''(2) recognize the highly networked nature of the current Federal computing environment and provide effective Governmentwide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities;

''(3) provide for development and maintenance of minimum controls required to protect Federal information and information infrastructure;

''(4) provide a mechanism for improved oversight of Federal agency information security programs;

''(5) acknowledge that commercially developed information security products offer advanced, dynamic, robust, and effective information security solutions, reflecting market solutions for the protection of critical information infrastructures important to the national defense and economic security of the Nation that are designed, built, and operated by the private sector; and

''(6) recognize that the selection of specific technical hardware and software information security solutions should be left to individual agencies from among commercially developed products.

''§ 3552. Definitions

''(a) SECTION 3502 DEFINITIONS.—Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

''(b) ADDITIONAL DEFINITIONS.—In this subchapter:

''(1) The term 'adequate security' means security that complies with the regulations promulgated under section 3554 and the standards promulgated under section 3558.

''(2) The term 'incident' means an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system, information infrastructure, or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

''(3) The term 'information infrastructure' means the underlying framework that information systems and assets rely on in processing, storing, or transmitting information electronically.

''(4) The term 'information security' means protecting information and information infrastructure from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

''(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

''(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

''(C) availability, which means ensuring timely and reliable access to and use of information; and

''(D) authentication, which means using digital credentials to assure the identity of users and validate access of such users.

''(5) The term 'information technology' has the meaning given that term in section 11101 of title 40.

''(6)(A) The term 'national security system' means any information infrastructure (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

''(i) the function, operation, or use of which—

''(I) involves intelligence activities;

''(II) involves cryptologic activities related to national security;

''(III) involves command and control of military forces;

''(IV) involves equipment that is an integral part of a weapon or weapons system; or

''(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

''(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

''(B) Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

''§ 3553. National Office for Cyberspace

''(a) ESTABLISHMENT.—There is established within the Executive Office of the President an office to be known as the National Office for Cyberspace.

''(b) DIRECTOR.—

''(1) IN GENERAL.—There shall be at the head of the Office a Director, who shall be appointed by the President by and with the advice and consent of the Senate. The Director of the National Office for Cyberspace shall administer all functions under this subchapter and collaborate to the extent practicable with the heads of appropriate agencies, the private sector, and international partners. The Office shall serve as the principal office for coordinating issues relating to achieving an assured, reliable, secure, and survivable information infrastructure and related capabilities for the Federal Government.

''(2) BASIC PAY.—The Director shall be paid at the rate of basic pay for level III of the Executive Schedule.

''(c) STAFF.—The Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

''(d) EXPERTS AND CONSULTANTS.—The Director may procure temporary and intermittent services under section 3109(b) of title 5.

''§ 3554. Federal Cybersecurity Practice Board

''(a) ESTABLISHMENT.—Within the National Office for Cyberspace, there shall be established a board to be known as the 'Federal Cybersecurity Practice Board' (in this section referred to as the 'Board').

''(b) MEMBERS.—The Board shall be chaired by the Director of the National Office for Cyberspace and consist of not more than 10 members, with at least one representative from—

''(1) the Office of Management and Budget;

''(2) civilian agencies;

''(3) the Department of Defense;

''(4) the Federal law enforcement community;

''(5) the Federal Chief Technology Office; and

''(6) such additional military and civilian agencies as the Director considers appropriate.

''(c) RESPONSIBILITIES.—

''(1) DEVELOPMENT OF POLICIES AND PROCEDURES.—Subject to the authority, direction, and control of the Director of the National Office for Cyberspace, the Board shall be responsible for developing and periodically updating information security policies and procedures relating to the matters described in paragraph (2). In developing such policies and procedures, the Board shall require that all matters addressed in the policies and procedures are consistent, to the maximum extent practicable and in accordance with applicable law, among the civilian, military, intelligence, and law enforcement communities.

''(2) SPECIFIC MATTERS COVERED IN POLICIES AND PROCEDURES.—

''(A) MINIMUM SECURITY CONTROLS.—The Board shall be responsible for developing and periodically updating information security

policies and procedures relating to minimum security controls for information technology, in order to—

''(i) provide Governmentwide protection of Government-networked computers against common attacks; and

''(ii) provide agencywide protection against threats, vulnerabilities, and other risks to the information infrastructure within individual agencies.

''(B) MEASURES OF EFFECTIVENESS.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to measurements needed to assess the effectiveness of the minimum security controls referred to in subparagraph (A). Such measurements shall include a risk scoring system to evaluate risk to information security both Governmentwide and within contractors of the Federal Government.

''(C) PRODUCTS AND SERVICES.—The Board shall be responsible for developing and periodically updating information security policies, procedures, and minimum security standards relating to criteria for products and services to be used in agency information systems and information infrastructure that will meet the minimum security controls referred to in subparagraph (A). In carrying out this subparagraph, the Board shall act in consultation with the Office of Management and Budget and the General Services Administration.

''(D) REMEDIES.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to methods for providing remedies for security deficiencies identified in agency information infrastructure.

''(3) ADDITIONAL CONSIDERATIONS.—The Board shall also consider—

''(A) opportunities to engage with the international community to set policies, principles, training, standards, or guidelines for information security;

''(B) opportunities to work with agencies and industry partners to increase information sharing and policy coordination efforts in order to reduce vulnerabilities in the national information infrastructure; and

''(C) options necessary to encourage and maintain accountability of any agency, or senior agency official, for efforts to secure the information infrastructure of such agency.

''(4) RELATIONSHIP TO OTHER STANDARDS.—The policies and procedures developed under paragraph (1) are supplemental to the standards promulgated by the Director of the National Office for Cyberspace under section 3558.

''(5) RECOMMENDATIONS FOR REGULATIONS.—The Board shall be responsible for making recommendations to the Director of the National Office for Cyberspace on regulations to carry out the policies and procedures developed by the Board under paragraph (1).

''(d) REGULATIONS.—The Director of the National Office for Cyberspace, in consultation with the Director of the Office of Management and the Administrator of General Services, shall promulgate and periodically update regulations to carry out the policies and procedures developed by the Board under subsection (c).

''(e) ANNUAL REPORT.—The Director of the National Office for Cyberspace shall provide to Congress a report containing a summary of agency progress in implementing the regulations promulgated under this section as part of the annual report to Congress required under section 3555(a)(8).

''(f) NO DISCLOSURE BY BOARD REQUIRED.—The Board is not required to disclose under section 552 of title 5 information submitted by agencies to the Board regarding threats, vulnerabilities, and risks.

''§ 3555. Authority and functions of the Director of the National Office for Cyberspace

''(a) IN GENERAL.—The Director of the National Office for Cyberspace shall oversee agency information security policies and practices, including—

''(1) developing and overseeing the implementation of policies, principles, standards, and guidelines on information security, including through ensuring timely agency adoption of and compliance with standards promulgated under section 3558;

''(2) requiring agencies, consistent with the standards promulgated under section 3558 and other requirements of this subchapter, to identify and provide information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

''(A) information collected or maintained by or on behalf of an agency; or

''(B) information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

''(3) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

''(4) overseeing agency compliance with the requirements of this subchapter, including through any authorized action under section 11303 of title 40, to enforce accountability for compliance with such requirements;

''(5) reviewing at least annually, and approving or disapproving, agency information security programs required under section 3556(b);

''(6) coordinating information security policies and procedures with related information resources management policies and procedures;

''(7) overseeing the operation of the Federal information security incident center required under section 3559;

''(8) reporting to Congress no later than March 1 of each year on agency compliance with the requirements of this subchapter, including—

''(A) a summary of the findings of audits required by section 3557;

''(B) an assessment of the development, promulgation, and adoption of, and compliance with, standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and promulgated under section 3558;

''(C) significant deficiencies in agency information security practices;

''(D) planned remedial action to address such deficiencies; and

''(E) a summary of, and the views of the Director of the National Office for Cyberspace on, the report prepared by the National Institute of Standards and Technology under section 20(d)(10) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3);

''(9) coordinating the defense of information infrastructure operated by agencies in the case of a large-scale attack on information infrastructure, as determined by the Director;

''(10) establishing a national strategy, in consultation with the Department of State, the United States Trade Representative, and the National Institute of Standards and Technology, to engage with the international community to set the policies, principles, standards, or guidelines for information security; and

''(11) coordinating information security training for Federal employees with the Office of Personnel Management.

''(b) NATIONAL SECURITY SYSTEMS.—Except for the authorities described in paragraphs (4) and (8) of subsection (a), the authorities of the Director of the National Office for Cyberspace under this section shall not apply to national security systems.

''(c) DEPARTMENT OF DEFENSE AND CENTRAL INTELLIGENCE AGENCY SYSTEMS.—(1) The authorities of the Director of the National Office for Cyberspace described in paragraphs (1) and (2) of subsection (a) shall be delegated to the Secretary of Defense in the case of systems described in paragraph (2) and to the Director of Central Intelligence in the case of systems described in paragraph (3).

''(2) The systems described in this paragraph are systems that are operated by the Department of Defense, a contractor of the Department of Defense, or another entity on behalf of the Department of Defense that processes any information the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on the mission of the Department of Defense.

''(3) The systems described in this paragraph are systems that are operated by the Central Intelligence Agency, a contractor of the Central Intelligence Agency, or another entity on behalf of the Central Intelligence Agency that processes any information the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on the mission of the Central Intelligence Agency.

''(d) BUDGET OVERSIGHT AND REPORTING.—(1) The head of each agency shall submit to the Director of the National Office for Cyberspace a budget each year for the following fiscal year relating to the protection of information infrastructure for such agency, by a date determined by the Director that is before the submission of such budget by the head of the agency to the Office of Management and Budget.

''(2) The Director shall review and offer a non-binding approval or disapproval of each agency's annual budget to each agency before the submission of such budget by the head of the agency to the Office of Management and Budget.

''(3) If the Director offers a non-binding disapproval of an agency's budget, the Director shall transmit recommendations to the head of such agency for strengthening its proposed budget with regard to the protection of such agency's information infrastructure.

''(4) Each budget submitted by the head of an agency pursuant to paragraph (1) shall include—

''(A) a review of any threats to information technology for such agency;

''(B) a plan to secure the information infrastructure for such agency based on threats to information technology, using the National Institute of Standards and Technology guidelines and recommendations;

''(C) a review of compliance by such agency with any previous year plan described in subparagraph (B); and

''(D) a report on the development of the credentialing process to enable secure authentication of identity and authorization for access to the information infrastructure of such agency.

''(5) The Director of the National Office for Cyberspace may recommend to the President monetary penalties or incentives necessary to encourage and maintain accountability of any agency, or senior agency official, for efforts to secure the information infrastructure of such agency.

"§ 3556. Agency responsibilities

''(a) IN GENERAL.—The head of each agency shall—

''(1) be responsible for—

''(A) providing information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

''(i) information collected or maintained by or on behalf of the agency; and

''(ii) information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

''(B) complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines, including—

''(i) the regulations promulgated under section 3554 and the information security standards promulgated under section 3558;

''(ii) information security standards and guidelines for national security systems issued in accordance with law and as directed by the President; and

''(iii) ensuring the standards implemented for information infrastructure and national security systems under the agency head are complementary and uniform, to the extent practicable; and

''(C) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

''(2) ensure that senior agency officials provide information security for the information and information infrastructure that support the operations and assets under their control, including through—

''(A) assessing the risk and magnitude of the harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information infrastructure;

''(B) determining the levels of information security appropriate to protect such information and information infrastructure in accordance with regulations promulgated under section 3554 and standards promulgated under section 3558, for information security classifications and related requirements;

''(C) implementing policies and procedures to cost effectively reduce risks to an acceptable level; and

''(D) continuously testing and evaluating information security controls and techniques to ensure that they are effectively implemented;

''(3) delegate to an agency official, designated as the 'Chief Information Security Officer', under the authority of the agency Chief Information Officer the responsibility to oversee agency information security and the authority to ensure and enforce compliance with the requirements imposed on the agency under this subchapter, including—

''(A) overseeing the establishment and maintenance of a security operations capability on an automated and continuous basis that can—

''(i) assess the state of compliance of all networks and systems with prescribed controls issued pursuant to section 3558 and report immediately any variance therefrom and, where appropriate and with the approval of the agency Chief Information Officer, shut down systems that are found to be non-compliant;

''(ii) detect, report, respond to, contain, and mitigate incidents that impair adequate security of the information and information infrastructure, in accordance with policy provided by the Director of the National Office for Cyberspace, in consultation with the Chief Information Officers Council, and guidance from the National Institute of Standards and Technology;

''(iii) collaborate with the National Office for Cyberspace and appropriate public and private sector security operations centers to address incidents that impact the security of information and information infrastructure that extend beyond the control of the agency; and

''(iv) not later than 24 hours after discovery of any incident described under subparagraph (A)(ii), unless otherwise directed by policy of the National Office for Cyberspace, provide notice to the appropriate security operations center, the National Cyber Investigative Joint Task Force, and the Inspector General of the agency;

''(B) developing, maintaining, and overseeing an agency wide information security program as required by subsection (b);

''(C) developing, maintaining, and overseeing information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3555 and 3558;

''(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

''(E) assisting senior agency officials concerning their responsibilities under paragraph (2);

''(4) ensure that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;

''(5) ensure that the Chief Information Security Officer, in coordination with other senior agency officials, reports biannually to the agency head on the effectiveness of the agency information security program, including progress of remedial actions; and

''(6) ensure that the Chief Information Security Officer possesses necessary qualifications, including education, professional certifications, training, experience, and the security clearance required to administer the functions described under this subchapter; and has information security duties as the primary duty of that official.

''(b) AGENCY PROGRAM.—Each agency shall develop, document, and implement an agencywide information security program, approved by the Director of the National Office for Cyberspace under section 3555(a)(5), to provide information security for the information and information infrastructure that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source, that includes—

''(1) continuous automated technical monitoring of information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency to assure conformance with regulations promulgated under section 3554 and standards promulgated under section 3558;

''(2) testing of the effectiveness of security controls that are commensurate with risk (as defined by the National Institute of Standards and Technology and the National Office for Cyberspace) for agency information infrastructure;

''(3) policies and procedures that—

''(A) mitigate and remediate, to the extent practicable, information security vulnerabilities based on the risk posed to the agency;

''(B) cost effectively reduce information security risks to an acceptable level;

''(C) ensure that information security is addressed throughout the life cycle of each agency information system and information infrastructure;

''(D) ensure compliance with—

''(i) the requirements of this subchapter;

''(ii) policies and procedures as may be prescribed by the Director of the National Office for Cyberspace, and information security standards promulgated under section 3558;

''(iii) minimally acceptable system configuration requirements, as determined by the Director of the National Office for Cyberspace; and

''(iv) any other applicable requirements, including—

''(I) standards and guidelines for national security systems issued in accordance with law and as directed by the President;

''(II) the policy of the Director of the National Office for Cyberspace;

''(III) the National Institute of Standards and Technology guidance; and

''(IV) the Chief Information Officers Council recommended approaches;

''(E) develop, maintain, and oversee information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3555 and 3558; and

''(F) ensure the oversight and training of personnel with significant responsibilities for information security with respect to such responsibilities;

''(4) ensuring that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;

''(5) to the extent practicable, automated and continuous technical monitoring for testing, and evaluation of the effectiveness and compliance of information security policies, procedures, and practices, including—

''(A) management, operational, and technical controls of every information infrastructure identified in the inventory required under section 3505(b); and

''(B) management, operational, and technical controls relied on for an evaluation under section 3556;

''(6) a process for planning, implementing, evaluating, and documenting remedial action to address any deficiencies in the information security policies, procedures, and practices of the agency;

''(7) to the extent practicable, continuous automated technical monitoring for detecting, reporting, and responding to security incidents, consistent with standards and guidelines issued by the Director of the National Office for Cyberspace, including—

''(A) mitigating risks associated with such incidents before substantial damage is done;

''(B) notifying and consulting with the appropriate security operations response center; and

''(C) notifying and consulting with, as appropriate—

''(i) law enforcement agencies and relevant Offices of Inspectors General;

''(ii) the National Office for Cyberspace; and

''(iii) any other agency or office, in accordance with law or as directed by the President; and

''(8) plans and procedures to ensure continuity of operations for information infrastructure that support the operations and assets of the agency.

''(c) AGENCY REPORTING.—Each agency shall—

''(1) submit an annual report on the adequacy and effectiveness of information security policies, procedures, and practices, and compliance with the requirements of this subchapter, including compliance with each requirement of subsection (b) to—

''(A) the National Office for Cyberspace;

''(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(C) the Committee on Oversight and Government Reform of the House of Representatives;

''(D) other appropriate authorization and appropriations committees of Congress; and

''(E) the Comptroller General;

''(2) address the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

''(A) annual agency budgets;

''(B) information resources management of this subchapter;

''(C) information technology management under this chapter;

''(D) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 and 2805 of title 39;

''(E) financial management under chapter 9 of title 31, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101–576) (and the amendments made by that Act);

''(F) financial management systems under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note); and

''(G) internal accounting and administrative controls under section 3512 of title 31; and

''(3) report any significant deficiency in a policy, procedure, or practice identified under paragraph (1) or (2)—

''(A) as a material weakness in reporting under section 3512 of title 31; and

''(B) if relating to financial management systems, as an instance of a lack of substantial compliance under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note).

''(d) PERFORMANCE PLAN.—(1) In addition to the requirements of subsection (c), each agency, in consultation with the National Office for Cyberspace, shall include as part of the performance plan required under section 1115 of title 31 a description of the resources, including budget, staffing, and training, that are necessary to implement the program required under subsection (b).

''(2) The description under paragraph (1) shall be based on the risk assessments required under subsection (a)(2).

''(e) PUBLIC NOTICE AND COMMENT.—Each agency shall provide the public with timely notice and opportunities for comment on proposed information security policies and procedures to the extent that such policies and procedures affect communication with the public.

''§ 3557. Annual independent audit

''(a) IN GENERAL.—(1) Each year each agency shall have performed an independent audit of the information security program and practices of that agency to determine the effectiveness of such program and practices.

''(2) Each audit under this section shall include—

''(A) testing of the effectiveness of the information infrastructure of the agency for automated, continuous monitoring of the state of compliance of its information infrastructure with regulations promulgated under section 3554 and standards promulgated under section 3558 in a representative subset of—

''(i) the information infrastructure used or operated by the agency; and

''(ii) the information infrastructure used, operated, or supported on behalf of the agency by a contractor of the agency, a subcontractor (at any tier) of such contractor, or any other entity;

''(B) an assessment (made on the basis of the results of the testing) of compliance with—

''(i) the requirements of this subchapter; and

''(ii) related information security policies, procedures, standards, and guidelines;

''(C) separate assessments, as appropriate, regarding information security relating to national security systems; and

''(D) a conclusion regarding whether the information security controls of the agency are effective, including an identification of any significant deficiencies in such controls.

''(3) Each audit under this section shall be performed in accordance with applicable generally accepted Government auditing standards.

''(b) INDEPENDENT AUDITOR.—Subject to subsection (c)—

''(1) for each agency with an Inspector General appointed under the Inspector General Act of 1978 or any other law, the annual audit required by this section shall be performed by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency; and

''(2) for each agency to which paragraph (1) does not apply, the head of the agency shall engage an independent external auditor to perform the audit.

''(c) NATIONAL SECURITY SYSTEMS.—For each agency operating or exercising control of a national security system, that portion of the audit required by this section directly relating to a national security system shall be performed—

''(1) only by an entity designated head; and

''(2) in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with all applicable laws.

''(d) EXISTING AUDITS.—The audit required by this section may be based in whole or in part on another audit relating to programs or practices of the applicable agency.

''(e) AGENCY REPORTING.—(1) Each year, not later than such date established by the Director of the National Office for Cyberspace, the head of each agency shall submit to the Director the results of the audit required under this section.

''(2) To the extent an audit required under this section directly relates to a national security system, the results of the audit submitted to the Director of the National Office for Cyberspace shall contain only a summary and assessment of that portion of the audit directly relating to a national security system.

''(f) PROTECTION OF INFORMATION.—Agencies and auditors shall take appropriate steps to ensure the protection of information which, if disclosed, may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws and regulations.

''(g) NATIONAL OFFICE FOR CYBERSPACE REPORTS TO CONGRESS.—(1) The Director of the National Office for Cyberspace shall summarize the results of the audits conducted under this section in the annual report to Congress required under section 3555(a)(8).

''(2) The Director's report to Congress under this subsection shall summarize information regarding information security relating to national security systems in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with all applicable laws.

''(3) Audits and any other descriptions of information infrastructure under the authority and control of the Director of Central Intelligence or of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense shall be made available to Congress only through the appropriate oversight committees of Congress, in accordance with applicable laws.

''(h) COMPTROLLER GENERAL.—The Comptroller General shall periodically evaluate and report to Congress on—

''(1) the adequacy and effectiveness of agency information security policies and practices; and

''(2) implementation of the requirements of this subchapter.

''(i) CONTRACTOR AUDITS.—Each year each contractor that operates, uses, or supports an information system or information infrastructure on behalf of an agency and each subcontractor of such contractor—

''(1) shall conduct an audit using an independent external auditor in accordance with subsection (a), including an assessment of compliance with the applicable requirements of this subchapter; and

''(2) shall submit the results of such audit to such agency not later than such date established by the Agency.

''§ 3558. Responsibilities for Federal information systems standards

''(a) REQUIREMENT TO PRESCRIBE STANDARDS.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Except as provided under paragraph (2), the Secretary of Commerce shall, on the basis of proposed standards developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)) and in consultation with the Secretary of Homeland Security, promulgate information security standards pertaining to Federal information systems.

''(B) REQUIRED STANDARDS.—Standards promulgated under subparagraph (A) shall include—

''(i) standards that provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

''(ii) such standards that are otherwise necessary to improve the efficiency of operation or security of Federal information systems.

''(C) REQUIRED STANDARDS BINDING.—Information security standards described under subparagraph (B) shall be compulsory and binding.

''(2) STANDARDS AND GUIDELINES FOR NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems, as defined under section 3552(b), shall be developed, promulgated, enforced, and overseen as otherwise authorized by law and as directed by the President.

''(b) APPLICATION OF MORE STRINGENT STANDARDS.—The head of an agency may employ standards for the cost-effective information security for all operations and assets within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce under this section, if such standards—

''(1) contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary; and

''(2) are otherwise consistent with policies and guidelines issued under section 3555.

''(c) REQUIREMENTS REGARDING DECISIONS BY THE SECRETARY.—

''(1) DEADLINE.—The decision regarding the promulgation of any standard by the Secretary of Commerce under subsection (b) shall occur not later than 6 months after the submission of the proposed standard to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

''(2) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3), shall be made after the public is given an opportunity to comment on the Secretary's proposed decision.

"§ 3559. Federal information security incident center

''(a) IN GENERAL.—The Director of the National Office for Cyberspace shall ensure the operation of a central Federal information security incident center to—

''(1) provide timely technical assistance to operators of agency information systems and information infrastructure regarding security incidents, including guidance on detecting and handling information security incidents;

''(2) compile and analyze information about incidents that threaten information security;

''(3) inform operators of agency information systems and information infrastructure about current and potential information security threats, and vulnerabilities; and

''(4) consult with the National Institute of Standards and Technology, agencies or offices operating or exercising control of national security systems (including the National Security Agency), and such other agencies or offices in accordance with law and as directed by the President regarding information security incidents and related matters.

''(b) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about information security incidents, threats, and vulnerabilities with the Federal information security incident center to the extent consistent with standards and guidelines for national security systems, issued in accordance with law and as directed by the President.

''(c) REVIEW AND APPROVAL.—In coordination with the Administrator for Electronic Government and Information Technology, the Director of the National Office for Cyberspace shall review and approve the policies, procedures, and guidance established in this subchapter to ensure that the incident center has the capability to effectively and efficiently detect, correlate, respond to, contain, mitigate, and remediate incidents that impair the adequate security of the information systems and information infrastructure of more than one agency. To the extent practicable, the capability shall be continuous and technically automated.

"§ 3560. National security systems

''The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

''(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system;

''(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President; and

''(3) complies with the requirements of this subchapter.''.

SEC. 1702. INFORMATION SECURITY ACQUISITION REQUIREMENTS.

(a) IN GENERAL.—Chapter 113 of title 40, United States Code, is amended by adding at the end of subchapter II the following new section:

"§ 11319. Information security acquisition requirements

''(a) PROHIBITION.—Notwithstanding any other provision of law, beginning one year after the date of the enactment of the Federal Information Security Amendments Act of 2010, no agency may enter into a contract, an order under a contract, or an interagency agreement for—

''(1) the collection, use, management, storage, or dissemination of information on behalf of the agency;

''(2) the use or operation of an information system or information infrastructure on behalf of the agency; or

''(3) information technology;

unless such contract, order, or agreement includes requirements to provide effective information security that supports the operations and assets under the control of the agency, in compliance with the policies, standards, and guidance developed under subsection (b), and otherwise ensures compliance with this section.

''(b) COORDINATION OF SECURE ACQUISITION POLICIES.—

''(1) IN GENERAL.—The Director, in consultation with the Director of the National Institute of Standards and Technology, the Director of the National Office for Cyberspace, and the Administrator of General Services, shall oversee the development and implementation of policies, standards, and guidance, including through revisions to the Federal Acquisition Regulation and the Department of Defense supplement to the Federal Acquisition Regulation, to cost effectively enhance agency information security, including—

''(A) minimum information security requirements for agency procurement of information technology products and services; and

''(B) approaches for evaluating and mitigating significant supply chain security risks associated with products or services to be acquired by agencies.

''(2) REPORT.—Not later than two years after the date of the enactment of the Federal Information Security Amendments Act of 2010, the Director shall submit to Congress a report describing—

''(A) actions taken to improve the information security associated with the procurement of products and services by the Federal Government; and

''(B) plans for overseeing and coordinating efforts of agencies to use best practice approaches for cost-effectively purchasing more secure products and services.

''(c) VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.—

''(1) REQUIREMENT FOR INITIAL VULNERABILITY ASSESSMENTS.—The Director shall require each agency to conduct an initial vulnerability assessment for any major system and its significant items of supply prior to the development of the system. The initial vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach to—

''(A) identify vulnerabilities;

''(B) define exploitation potential;

''(C) examine the system's potential effectiveness;

''(D) determine overall vulnerability; and

''(E) make recommendations for risk reduction.

''(2) SUBSEQUENT VULNERABILITY ASSESSMENTS.—

''(A) The Director shall require a subsequent vulnerability assessment of each major system and its significant items of supply within a program if the Director determines that circumstances warrant the issuance of an additional vulnerability assessment.

''(B) Upon the request of a congressional committee, the Director may require a subsequent vulnerability assessment of a particular major system and its significant items of supply within the program.

''(C) Any subsequent vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in subparagraphs (A) through (E) of paragraph (1).

''(3) CONGRESSIONAL OVERSIGHT.—The Director shall provide to the appropriate congressional committees a copy of each vulnerability assessment conducted under paragraph (1) or (2) not later than 10 days after the date of the completion of such assessment.

''(d) DEFINITIONS.—In this section:

''(1) ITEM OF SUPPLY.—The term 'item of supply'—

''(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including a spare part or replenishment part; and

''(B) does not include packaging or labeling associated with shipment or identification of an item.

''(2) VULNERABILITY ASSESSMENT.—The term 'vulnerability assessment' means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.

''(3) MAJOR SYSTEM.—The term 'major system' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).''.

SEC. 1703. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF SECTIONS IN TITLE 44.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the matter relating to subchapters II and III and inserting the following:

''SUBCHAPTER II—INFORMATION SECURITY

''3551. Purposes.
''3552. Definitions.
''3553. National Office for Cyberspace.
''3554. Federal Cybersecurity Practice Board.
''3555. Authority and functions of the Director of the National Office for Cyberspace.
''3556. Agency responsibilities.
''3557. Annual independent audit.
''3558. Responsibilities for Federal information systems standards.
''3559. Federal information security incident center.
''3560. National security systems.''.

(b) TABLE OF SECTIONS IN TITLE 40.—The table of sections for chapter 113 of title 40, United States Code, is amended by inserting after the item relating to section 11318 the following new item:

''Sec. 11319. Information security acquisition requirements.''.

(c) OTHER REFERENCES.—

(1) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(c)(1)(A)) is amended by striking ''section 3532(3)'' and inserting ''section 3552(b)''.

(2) Section 2222(j)(6) of title 10, United States Code, is amended by striking ''section 3542(b)(2))'' and inserting ''section 3552(b)''.

(3) Section 2223(c)(3) of title 10, United States Code, is amended, by striking ''section 3542(b)(2))'' and inserting ''section 3552(b)''.

(4) Section 2315 of title 10, United States Code, is amended by striking ''section 3542(b)(2))'' and inserting ''section 3552(b)''.

(5) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(A) in subsections (a)(2) and (e)(5), by striking ''section 3532(b)(2)'' and inserting ''section 3552(b)'';

(B) in subsection (e)(2), by striking ''section 3532(1)'' and inserting ''section 3552(b)''; and

(C) in subsections (c)(3) and (d)(1), by striking ''section 11331 of title 40'' and inserting ''section 3558 of title 44''.

(6) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking ''section 3534(b)'' and inserting ''section 3556(b)''.

(d) REPEAL.—

(1) Subchapter III of chapter 113 of title 40, United States Code, is repealed.

(2) The table of sections for chapter 113 of such title is amended by striking the matter relating to subchapter III.

(e) EXECUTIVE SCHEDULE PAY RATE.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Director of the National Office for Cyberspace.''.

(f) MEMBERSHIP ON THE NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) the Director of the National Office for Cyberspace;''.

SEC. 1704. EFFECTIVE DATE.

(a) IN GENERAL.—Unless otherwise specified in this section, this subtitle (including the amendments made by this subtitle) shall take effect 30 days after the date of enactment of this Act.

(b) NATIONAL OFFICE FOR CYBERSPACE.—Section 3553 of title 44, United States Code, as added by section 1701 of this division, shall take effect 180 days after the date of enactment of this Act.

(c) FEDERAL CYBERSECURITY PRACTICE BOARD.—Section 3554 of title 44, United States Code, as added by section 1701 of this division, shall take effect 1 year after the date of enactment of this Act.

Subtitle B—Federal Chief Technology Officer

SEC. 1711. OFFICE OF THE CHIEF TECHNOLOGY OFFICER.

(a) ESTABLISHMENT AND STAFF.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in the Executive Office of the President an Office of the Federal Chief Technology Officer (in this section referred to as the ''Office'').

(B) HEAD OF THE OFFICE.—

(i) FEDERAL CHIEF TECHNOLOGY OFFICER.—The President shall appoint a Federal Chief Technology Officer (in this section referred to as the ''Federal CTO'') who shall be the head of the Office.

(ii) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Federal Chief Technology Officer.''.

(2) STAFF OF THE OFFICE.—The President may appoint additional staff members to the Office.

(b) DUTIES OF THE OFFICE.—The functions of the Federal CTO are the following:

(1) Undertake fact-gathering, analysis, and assessment of the Federal Government's information technology infrastructures, information technology strategy, and use of information technology, and provide advice on such matters to the President, heads of Federal departments and agencies, and government chief information officers and chief technology officers.

(2) Lead an interagency effort, working with the chief technology and chief information officers of each of the Federal departments and agencies, to develop and implement a planning process to ensure that they use best-in-class technologies, share best practices, and improve the use of technology in support of Federal Government requirements.

(3) Advise the President on information technology considerations with regard to Federal budgets and with regard to general coordination of the research and development programs of the Federal Government for information technology-related matters.

(4) Promote technological innovation in the Federal Government, and encourage and oversee the adoption of robust cross-governmental architectures and standards-based information technologies, in support of effective operational and management policies, practices, and services across Federal departments and agencies and with the public and external entities.

(5) Establish cooperative public-private sector partnership initiatives to achieve knowledge of technologies available in the marketplace that can be used for improving governmental operations and information technology research and development activities.

(6) Gather timely and authoritative information concerning significant developments and trends in information technology, and in national priorities, both current and prospective, and analyze and interpret the information for the purpose of determining whether the developments and trends are likely to affect achievement of the priority goals of the Federal Government.

(7) Develop, review, revise, and recommend criteria for determining information technology activities warranting Federal support, and recommend Federal policies designed to advance the development and maintenance of effective and efficient information technology capabilities, including human resources, at all levels of government, academia, and industry, and the effective application of the capabilities to national needs.

(8) Any other functions and activities that the President may assign to the Federal CTO.

(c) POLICY PLANNING; ANALYSIS AND ADVICE.—The Office shall serve as a source of analysis and advice for the President and heads of Federal departments and agencies with respect to major policies, plans, and programs of the Federal Government in accordance with the functions described in subsection (b).

(d) COORDINATION OF THE OFFICE WITH OTHER ENTITIES.—

(1) FEDERAL CTO ON DOMESTIC POLICY COUNCIL.—The Federal CTO shall be a member of the Domestic Policy Council.

(2) FEDERAL CTO ON CYBER SECURITY PRACTICE BOARD.—The Federal CTO shall be a member of the Federal Cybersecurity Practice Board.

(3) OBTAIN INFORMATION FROM AGENCIES.—The Office may secure, directly from any department or agency of the United States, information necessary to enable the Federal CTO to carry out this section. On request of the Federal CTO, the head of the department or agency shall furnish the information to the Office, subject to any applicable limitations of Federal law.

(4) STAFF OF FEDERAL AGENCIES.—On request of the Federal CTO, to assist the Office in carrying out the duties of the Office, the head of any Federal department or agency may detail personnel, services, or facilities of the department or agency to the Office.

(e) ANNUAL REPORT.—

(1) PUBLICATION AND CONTENTS.—The Federal CTO shall publish, in the Federal Register and on a public Internet website of the Federal CTO, an annual report that includes the following:

(A) Information on programs to promote the development of technological innovations.

(B) Recommendations for the adoption of policies to encourage the generation of technological innovations.

(C) Information on the activities and accomplishments of the Office in the year covered by the report.

(2) SUBMISSION.—The Federal CTO shall submit each report under paragraph (1) to—

(A) the President;

(B) the Committee on Oversight and Government Reform of the House of Representatives;

(C) the Committee on Science and Technology of the House of Representatives; and

(D) the Committee on Commerce, Science, and Transportation of the Senate.

TITLE XVIII—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

SEC. 1801. SHORT TITLE.

This title may be cited as the ''Guam World War II Loyalty Recognition Act''.

SEC. 1802. RECOGNITION OF THE SUFFERING AND LOYALTY OF THE RESIDENTS OF GUAM.

(a) RECOGNITION OF THE SUFFERING OF THE RESIDENTS OF GUAM.—The United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

(b) RECOGNITION OF THE LOYALTY OF THE RESIDENTS OF GUAM.—The United States forever will be grateful to the residents of Guam for their steadfast loyalty to the United States of America, as demonstrated by the countless acts of courage they performed despite the threat of death or great bodily harm they faced at the hands of the Imperial Japanese military forces that occupied Guam during World War II.

SEC. 1803. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

(a) PAYMENTS FOR DEATH, PERSONAL INJURY, FORCED LABOR, FORCED MARCH, AND INTERNMENT.—Subject to the availability of appropriations authorized to be appropriated under section 1806(a), after receipt of certification pursuant to section 1804(b)(8) and in accordance with the provisions of this title, the Secretary of the Treasury shall make payments as follows:

(1) RESIDENTS INJURED.—The Secretary shall pay compensable Guam victims who are not deceased before any payments are made to individuals described in paragraphs (2) and (3) as follows:

(A) If the victim has suffered an injury described in subsection (c)(2)(A), $15,000.

(B) If the victim is not described in subparagraph (A) but has suffered an injury described in subsection (c)(2)(B), $12,000.

(C) If the victim is not described in subparagraph (A) or (B) but has suffered an injury described in subsection (c)(2)(C), $10,000.

(2) SURVIVORS OF RESIDENTS WHO DIED IN WAR.—In the case of a compensable Guam decedent, the Secretary shall pay $25,000 for distribution to eligible survivors of the decedent as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraph (1) and before payments are made under paragraph (3).

(3) SURVIVORS OF DECEASED INJURED RESIDENTS.—In the case of a compensable Guam victim who is deceased, the Secretary shall pay $7,000 for distribution to eligible survivors of the victim as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraphs (1) and (2).

(b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Payments under paragraph (2) or (3) of subsection (a) to eligible survivors of an individual who is a compensable Guam decedent or a compensable Guam victim who is deceased shall be made as follows:

(1) If there is living a spouse of the individual, but no child of the individual, all of the payment shall be made to such spouse.

(2) If there is living a spouse of the individual and one or more children of the individual, one-half of the payment shall be made to the spouse and the other half to the child (or to the children in equal shares).

(3) If there is no living spouse of the individual, but there are one or more children of the individual alive, all of the payment shall be made to such child (or to such children in equal shares).

(4) If there is no living spouse or child of the individual but there is a living parent (or parents) of the individual, all of the payment shall be made to the parents (or to the parents in equal shares).

(5) If there is no such living spouse, child, or parent, no payment shall be made.

(c) DEFINITIONS.—For purposes of this title:

(1) COMPENSABLE GUAM DECEDENT.—The term ''compensable Guam decedent'' means an individual determined under section 1804(a)(1) to have been a resident of Guam who died or was killed as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, and whose death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79–224) if a timely claim had been filed under the terms of such Act.

(2) COMPENSABLE GUAM VICTIM.—The term ''compensable Guam victim'' means an individual determined under section 1804(a)(1) to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(A) Rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis).

(B) Forced labor or a personal injury not under subparagraph (A) (such as disfigurement, scarring, or burns).

(C) Forced march, internment, or hiding to evade internment.

(3) DEFINITIONS OF SEVERE PERSONAL INJURIES AND PERSONAL INJURIES.—The Foreign Claims Settlement Commission shall promulgate regulations to specify injuries that constitute a severe personal injury or a personal injury for purposes of subparagraphs (A) and (B), respectively, of paragraph (2).

SEC. 1804. ADJUDICATION.

(a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION.—

(1) IN GENERAL.—The Foreign Claims Settlement Commission is authorized to adjudicate claims and determine eligibility for payments under section 1803.

(2) RULES AND REGULATIONS.—The chairman of the Foreign Claims Settlement Commission shall prescribe such rules and regulations as may be necessary to enable it to carry out its functions under this title. Such rules and regulations shall be published in the Federal Register.

(b) CLAIMS SUBMITTED FOR PAYMENTS.—

(1) SUBMITTAL OF CLAIM.—For purposes of subsection (a)(1) and subject to paragraph (2), the Foreign Claims Settlement Commission may not determine an individual is eligible for a payment under section 1803 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.

(2) FILING PERIOD FOR CLAIMS AND NOTICE.—All claims for a payment under section 1803 shall be filed within one year after the Foreign Claims Settlement Commission publishes public notice of the filing period in the Federal Register. The Foreign Claims Settlement Commission shall provide for the notice required under the previous sentence not later than 180 days after the date of the enactment of this title. In addition, the Commission shall cause to be publicized the public notice of the deadline for filing claims in newspaper, radio, and television media on Guam.

(3) ADJUDICATORY DECISIONS.—The decision of the Foreign Claims Settlement Commission on each claim shall be by majority vote, shall be in writing, and shall state the reasons for the approval or denial of the claim. If approved, the decision shall also state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(4) DEDUCTIONS IN PAYMENT.—The Foreign Claims Settlement Commission shall deduct, from potential payments, amounts previously paid under the Guam Meritorious Claims Act of 1945 (Public Law 79–224).

(5) INTEREST.—No interest shall be paid on payments awarded by the Foreign Claims Settlement Commission.

(6) REMUNERATION PROHIBITED.—No remuneration on account of representational services rendered on behalf of any claimant in connection with any claim filed with the Foreign Claims Settlement Commission under this title shall exceed one percent of the total amount paid pursuant to any payment certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be fined not more than $5,000 or imprisoned not more than 12 months, or both.

(7) APPEALS AND FINALITY.—Objections and appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

(8) CERTIFICATIONS FOR PAYMENT.—After a decision approving a claim becomes final, the chairman of the Foreign Claims Settlement Commission shall certify it to the Secretary of the Treasury for authorization of a payment under section 1803.

(9) TREATMENT OF AFFIDAVITS.—For purposes of section 1803 and subject to paragraph (2), the Foreign Claims Settlement Commission shall treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing eligibility of such individual for payment under such section as establishing a prima facie case of the individual's eligibility for such payment without the need for further documentation, except as the Commission may otherwise require. Such material facts shall include, with respect to a claim under paragraph (2) or (3) of section 1803(a), a detailed description of the injury or other circumstance supporting the claim involved, including the level of payment sought.

(10) RELEASE OF RELATED CLAIMS.—Acceptance of payment under section 1803 by an individual for a claim related to a compensable Guam decedent or a compensable Guam victim shall be in full satisfaction of all claims related to such decedent or victim, respectively, arising under the Guam Meritorious Claims Act of 1945 (Public Law 79–224), the implementing regulations issued by the United States Navy pursuant thereto, or this title.

SEC. 1805. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPATION OF GUAM DURING WORLD WAR II.

(a) ESTABLISHMENT.—Subject to section 1806(b) and in accordance with this section, the Secretary of the Interior shall establish a grants program under which the Secretary shall award grants for research, educational, and media activities that memorialize the events surrounding the occupation of Guam during World War II, honor the loyalty of the people of Guam during such occupation, or both, for purposes of appropriately illuminating and interpreting the causes and circumstances of such occupation and other similar occupations during a war.

(b) ELIGIBILITY.—The Secretary of the Interior may not award to a person a grant under subsection (a) unless such person submits an application to the Secretary for such grant, in such time, manner, and form and containing such information as the Secretary specifies.

SEC. 1806. AUTHORIZATION OF APPROPRIATIONS.

(a) GUAM WORLD WAR II CLAIMS PAYMENTS AND ADJUDICATION.—For purposes of carrying out sections 1803 and 1804, there are authorized to be appropriated $126,000,000, to remain available for obligation until September 30, 2013, to the Foreign Claims Settlement Commission. Not more than 5 percent of funds made available under this subsection shall be used for administrative costs.

(b) GUAM WORLD WAR II GRANTS PROGRAM.—For purposes of carrying out section 1805, there are authorized to be appropriated $5,000,000, to remain available for obligation until September 30, 2013.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2011''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER 3 YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2013; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2013; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2014 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2010; or

(2) the date of the enactment of this Act.

SEC. 2004. GENERAL REDUCTION ACROSS DIVISION.

(a) REDUCTION.—Of the amounts provided in the authorizations of appropriations in this division, the overall authorization of appropriations in this division is reduced by $441,096,000.

(b) REPORT ON APPLICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing how the reduction required by subsection (a) is applied.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction

projects for the installations or locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AK	Fort Wainwright	Urban Assault Course	3,350	3,350
AK	Fort Richardson	Multipurpose Machine Gun Range	12,200	12,200
AK	Fort Greely	Fire Station	26,000	26,000
AK	Fort Wainwright	Aviation Task Force Complex, Ph 2B (Company Ops Facility)	27,000	27,000
AK	Fort Richardson	Simulations Center	34,000	34,000
AK	Fort Richardson	Brigade Complex, Ph 1	67,038	67,038
AK	Fort Wainwright	Aviation Task Force Complex, Ph 2A (Hangar)	142,650	142,650
AL	Fort Rucker	Training Aids Center	4,650	4,650
AL	Fort Rucker	Aviation Component Maintenance Shop	29,000	29,000
AL	Fort Rucker	Aviation Maintenance Facility	36,000	36,000
CA	Presidio Monterey	Satellite Communications Facility	38,000	38,000
CA	Presidio Monterey	General Instruction Building	39,000	39,000
CA	Presidio Monterey	Advanced Individual Training Barracks	63,000	63,000
CO	Fort Carson	Automated Sniper Field Fire Range	3,650	3,650
CO	Fort Carson	Battalion Headquarters	6,700	6,700
CO	Fort Carson	Simulations Center	40,000	40,000
CO	Fort Carson	Brigade Complex	56,000	56,000
FL	Eglin AB	Chapel	6,900	6,900
FL	US Army Garrison Miami	Commissary	19,000	19,000
FL	Miami-Dade County	Command & Control Facility	41,000	41,000
GA	Fort Stewart	Modified Record Fire Range	3,750	3,750
GA	Fort Gordon	Training Aids Center	4,150	4,150
GA	Fort Stewart	Automated Infantry Platoon Battle Course	6,200	6,200
GA	Fort Stewart	Training Aids Center	7,000	7,000
GA	Fort Stewart	General Instruction Building	8,200	8,200
GA	Fort Stewart	Automated Multipurpose Machine Gun Range	9,100	9,100
GA	Fort Benning	Land Acquisition	12,200	12,200
GA	Fort Benning	Training Battalion Complex, Ph 2	14,600	14,600
GA	Fort Benning	Training Battalion Complex, Ph 2	14,600	14,600
GA	Fort Stewart	Battalion Complex	18,000	18,000
GA	Fort Stewart	Simulations Center	26,000	26,000
GA	Fort Benning	Museum Operations Support Building	32,000	32,000
GA	Fort Stewart	Aviation Unit Operations Complex	47,000	47,000
GA	Fort Benning	Trainee Barracks, Ph 2	51,000	51,000
GA	Fort Benning	Vehicle Maintenance Shop	53,000	53,000
HI	Fort Shafter	Flood Mitigation	23,000	23,000
HI	Schofield Barracks	Training Aids Center	24,000	24,000
HI	Tripler Army Medical Center	Barracks	28,000	28,000
HI	Fort Shafter	Command & Control Facility, Ph 1	58,000	58,000
HI	Schofield Barracks	Barracks	90,000	90,000
HI	Schofield Barracks	Barracks	98,000	98,000
KS	Fort Riley	Automated Infantry Squad Battle Course	4,100	4,100
KS	Fort Leavenworth	Vehicle Maintenance Shop	7,100	7,100
KS	Fort Riley	Known Distance Range	7,200	7,200
KS	Fort Riley	Automated Qualification/Training Range	14,800	14,800
KS	Fort Riley	Battalion Complex, Ph 1	31,000	31,000
KY	Fort Campbell	Automated Sniper Field Fire Range	1,500	1,500
KY	Fort Campbell	Urban Assault Course	3,300	3,300
KY	Fort Campbell	Rappelling Training Area	5,600	5,600
KY	Fort Knox	Access Corridor Improvements	6,000	6,000
KY	Fort Knox	Military Operation Urban Terrain Collective Training Facility	12,800	12,800
KY	Fort Campbell	Vehicle Maintenance Shop	15,500	15,500
KY	Fort Campbell	Company Operations Facilities	25,000	25,000
KY	Fort Campbell	Unit Operations Facilities	26,000	26,000
KY	Fort Campbell	Brigade Complex	67,000	67,000
LA	Fort Polk	Heavy Sniper Range	4,250	4,250
LA	Fort Polk	Land Acquisition	6,000	6,000
LA	Fort Polk	Land Acquisition	24,000	24,000
LA	Fort Polk	Barracks	29,000	29,000
MD	Fort Meade	Indoor Firing Range	7,600	7,600
MD	Aberdeen Proving Ground	Auto Tech Evaluate Facility, Ph 2	14,600	14,600
MD	Fort Meade	Wideband SATCOM Operations Center	25,000	25,000
MO	Fort Leonard Wood	General Instruction Building	7,000	7,000
MO	Fort Leonard Wood	Brigade Headquarters	12,200	12,200
MO	Fort Leonard Wood	Information Systems Facility	15,500	15,500
MO	Fort Leonard Wood	Training Barracks	19,000	19,000
MO	Fort Leonard Wood	Barracks	29,000	29,000
MO	Fort Leonard Wood	Transient Advanced Trainee Barracks, Ph 2	29,000	29,000
NC	Fort Bragg	Vehicle Maintenance Shop	7,500	7,500
NC	Fort Bragg	Dining Facility	11,200	11,200
NC	Fort Bragg	Company Operations Facilities	12,600	12,600
NC	Fort Bragg	Staging Area Complex	14,600	14,600
NC	Fort Bragg	Murchison Road Right of Way Acquisition	17,000	17,000
NC	Fort Bragg	Student Barracks	18,000	18,000
NC	Fort Bragg	Brigade Complex	25,000	25,000
NC	Fort Bragg	Vehicle Maintenance Shop	28,000	28,000
NC	Fort Bragg	Battalion Complex	33,000	33,000
NC	Fort Bragg	Brigade Complex	41,000	41,000
NC	Fort Bragg	Brigade Complex	50,000	50,000
NC	Fort Bragg	Command and Control Facility	53,000	53,000

Army: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
NM	White Sands	Barracks	29,000	29,000
NY	U.S. Military Academy	Urban Assault Course	1,700	1,700
NY	Fort Drum	Alert Holding Area Facility	6,700	6,700
NY	Fort Drum	Infantry Squad Battle Course	8,200	8,200
NY	Fort Drum	Aircraft Fuel Storage Complex	14,600	14,600
NY	Fort Drum	Aircraft Maintenance Hangar	16,500	16,500
NY	Fort Drum	Training Aids Center	18,500	18,500
NY	Fort Drum	Brigade Complex, Ph 1	55,000	55,000
NY	Fort Drum	Transient Training Barracks	55,000	55,000
NY	Fort Drum	Battalion Complex	61,000	61,000
NY	U.S. Military Academy	Science Facility, Ph 2	130,624	130,624
OK	McAlester	Igloo Storage, Depot Level	3,000	3,000
OK	Fort Sill	Museum Operations Support Building	12,800	12,800
OK	Fort Sill	General Purpose Storage Building	13,800	13,800
SC	Fort Jackson	Training Aids Center	17,000	17,000
SC	Fort Jackson	Trainee Barracks	28,000	28,000
SC	Fort Jackson	Trainee Barracks Complex, Ph 1	46,000	46,000
TX	Fort Bliss	Light Demolition Range	2,100	2,100
TX	Fort Hood	Live Fire Exercise Shoothouse	2,100	2,100
TX	Fort Hood	Urban Assault Course	2,450	2,450
TX	Fort Bliss	Urban Assault Course	2,800	2,800
TX	Fort Bliss	Squad Defense Range	3,000	3,000
TX	Fort Bliss	Live Fire Exercise Shoothouse	3,150	3,150
TX	Fort Hood	Convoy Live Fire	3,200	3,200
TX	Fort Bliss	Heavy Sniper Range	3,500	3,500
TX	Fort Hood	Company Operations Facilities	4,300	4,300
TX	Fort Sam Houston	Training Aids Center	6,200	6,200
TX	Fort Bliss	Automated Multipurpose Machine Gun Range	6,700	6,700
TX	Fort Bliss	Vehicle Bridge Overpass	8,700	8,700
TX	Corpus Christi NAS	Rotor Blade Processing Facility, Ph 2	13,400	13,400
TX	Fort Bliss	Indoor Swimming Pool	15,500	15,500
TX	Fort Bliss	Scout/Reconnaissance Crew Engagement Gunnery Complex	15,500	15,500
TX	Fort Sam Houston	Simulations Center	16,000	16,000
TX	Fort Bliss	Theater High Altitude Area Defense Battery Complex	17,500	17,500
TX	Fort Bliss	Company Operations Facilities	18,500	18,500
TX	Fort Bliss	Digital Multipurpose Training Range	22,000	22,000
TX	Fort Bliss	Transient Training Complex	31,000	31,000
TX	Fort Hood	Brigade Complex	38,000	38,000
TX	Fort Hood	Battalion Complex	40,000	40,000
TX	Fort Hood	Unmanned Aerial System Hangar	55,000	55,000
VA	Fort A.P. Hill	Known Distance Range	3,800	3,800
VA	Fort A.P. Hill	Light Demolition Range	4,100	4,100
VA	Fort Lee	Company Operations Facility	4,900	4,900
VA	Fort Lee	Training Aids Center	5,800	5,800
VA	Fort A.P. Hill	Indoor Firing Range	6,200	6,200
VA	Fort Lee	Automated Qualification Training Range	7,700	7,700
VA	Fort A.P. Hill	1200 Meter Range	14,500	14,500
VA	Fort Eustis	Warrior in Transition Complex	18,000	18,000
VA	Fort Lee	Museum Operations Support Building	30,000	30,000
VA	Fort A.P. Hill	Military Operation Urban Terrain Collective Training Facility	65,000	65,000
WA	Yakima	Sniper Field Fire Range	3,750	3,750
WA	Fort Lewis	Rappelling Training Area	5,300	5,300
WA	Fort Lewis	Regional Logistic Support Complex Warehouse	16,500	16,500
WA	Fort Lewis	Barracks Complex	40,000	40,000
WA	Fort Lewis	Barracks	47,000	47,000
WA	Fort Lewis	Regional Logistic Support Complex	63,000	63,000
ZU	Various	Training Barracks	190,000	190,000

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AF	Bagram AB	Joint Defense Operations Center	2,800	2,800
AF	Bagram AB	Entry Control Point	7,500	7,500
AF	Bagram AB	Eastside Electrical Distribution	10,400	10,400
AF	Bagram AB	Consolidated Community Support Area	14,800	14,800
AF	Bagram AB	Barracks	18,000	18,000
AF	Bagram AB	Army Aviation HQ Facilities	19,000	19,000
AF	Bagram AB	Eastside Utilities Infrastructure	29,000	29,000
GY	Wiesbaden AB	Command and Battle Center, Incr 2	0	59,500
GY	Wiesbaden AB	Construct New Access Control Point	5,100	5,100
GY	Sembach AB	Confinement Facility	9,100	9,100
GY	Ansbach	Physical Fitness Center	13,800	13,800
GY	Grafenwoehr	Barracks	17,500	17,500
GY	Ansbach	Vehicle Maintenance Shop	18,000	18,000
GY	Grafenwoehr	Barracks	19,000	19,000
GY	Grafenwoehr	Barracks	19,000	19,000

Army: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
GY	Grafenwoehr	Barracks	20,000	20,000
GY	Wiesbaden AB	Information Processing Center	30,400	30,400
GY	Rhine Ordnance Barracks	Barracks Complex	35,000	35,000
GY	Wiesbaden AB	Sensitive Compartmented Information Facility Inc 1	91,000	46,000
HO	Soto Cano AB	Barracks	20,400	20,400
IT	Vicenza	Brigade Complex - Barracks/Community, Incr 4	0	13,000
IT	Vicenza	Brigade Complex - Operations Support Facility, Incr 4	0	13,000
KR	Camp Walker	Electrical System Upgrade & Natural Gas System	19,500	19,500

(c) AUTHORIZATION OF APPROPRIATIONS.—
(1) INSIDE THE UNITED STATES.—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $3,456,462,000.
(2) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (b), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $459,800,000.
(3) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $26,450,000.
(4) HOST NATION SUPPORT AND CERTAIN SERVICES AND DESIGN.—For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $255,462,000.

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, and subject to the purpose and number of units, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army: Family Housing
(Amounts Are Specified In Thousands of Dollars)

Location	Installation or Location	Purpose of Project and Number of Units	Project Amount	Authorization of Appropriations
AK	Fort Wainwright	Family Housing Replacement Construction (110 units)	21,000	21,000
GY	Baumholder	Family Housing Replacement Construction (64 units)	34,329	34,329

(b) PLANNING AND DESIGN.—The Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,040,000.
(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may improve existing military family housing units in an amount not to exceed $35,000,000.
(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010—
(1) for construction and acquisition, planning and design, and improvement of military family housing and facilities authorized by subsections (a), (b), and (c) in the total amount of $92,369,000; and
(2) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), in the total amount of $518,140,000.

SEC. 2103. USE OF UNOBLIGATED ARMY MILITARY CONSTRUCTION FUNDS IN CONJUNCTION WITH FUNDS PROVIDED BY THE COMMONWEALTH OF VIRGINIA TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECT.

(a) FIRE STATION AT FORT BELVOIR, VIRGINIA.—Section 2836(d) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1314), as most recently amended by section 2849 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2486), is further amended—
(1) in paragraph (2), by inserting ''through a project for construction of an Army standard-design, two-company fire station at Fort Belvoir, Virginia,'' after ''Building 191''; and
(2) by adding at the end the following new paragraph:
''(3) The Secretary may use up to $3,900,000 of available, unobligated Army military construction funds appropriated for a fiscal year before fiscal year 2011, in conjunction with the funds provided under paragraph (1), for the project described in paragraph (2).''.
(b) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information, in accordance with section 2851(c) of title 10, United States Code, regarding the project described in the amendment made by subsection (a). If it becomes necessary to exceed the estimated project cost of $8,780,000, including $4,880,000 contributed by the Commonwealth of Virginia, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4661) is amended by striking ''Katterbach'' and inserting ''Grafenwoehr''.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2628) for Fort Riley, Kansas, for construction of a Brigade Complex at the installation, the Secretary of the Army may construct up to a 40,100 square-feet brigade headquarters consistent with the Army's construction guidelines for brigade headquarters.

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 504), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.
(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2008 Project Authorizations

State	Installation or Location	Project	Amount
Georgia	Fort Stewart	Unit Operations Facilities	$16,000,000
Hawaii	Schofield Barracks	Tactical Vehicle Wash Facility	$10,200,000
		Barracks Complex	$51,000,000
Louisiana	Fort Polk	Brigade Headquarters	$9,800,000
		Child Care Facility	$6,100,000
Missouri	Fort Leonard Wood	Multipurpose Machine Gun Range	$4,150,000
Oklahoma	Fort Sill	Multipurpose Machine Gun Range	$3,300,000

Army: Extension of 2008 Project Authorizations—Continued

State	Installation or Location	Project	Amount
Washington	Fort Lewis	Alternative Fuel Facility	$3,300,000

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Navy: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AL	Mobile	T-6 Outlying Landing Field	29,082	29,082
AZ	Yuma	Aircraft Maintenance Hangar	40,600	40,600
AZ	Yuma	Aircraft Maintenance Hangar	63,280	63,280
AZ	Yuma	Communications Infrastructure Upgrade	63,730	63,730
AZ	Yuma	Intermediate Maintenance Activity Facility	21,480	21,480
AZ	Yuma	Simulator Facility	36,060	36,060
AZ	Yuma	Utilities Infrastructure Upgrades	44,320	44,320
AZ	Yuma	Van Pad Complex Relocation	15,590	15,590
CA	Coronado NB	Maritime Expeditionary Security Group-One (MESG-1) Consolidated Boat Maintenance Facility	6,890	6,890
CA	Monterey NSA	International Academic Instruction Building	11,960	11,960
CA	Camp Pendleton	Bachelor Enlisted Quarters - 13 Area	42,864	42,864
CA	Camp Pendleton	Bachelor Enlisted Quarters - Las Flores	37,020	37,020
CA	Camp Pendleton	Center for Naval Aviation Technical Training/Fleet Replacement Squadron - Aviation Training and Bachelor Enlisted Quarters	66,110	66,110
CA	Camp Pendleton	Conveyance/Water Treatment	100,700	100,700
CA	Camp Pendleton	Marine Aviation Logistics Squadron-39 Maintenance Hangar Expansion	48,230	48,230
CA	Camp Pendleton	Marine Corps Energy Initiative	9,950	9,950
CA	Camp Pendleton	North Region Tert Treat Plant (Incremented)	0	30,000
CA	Camp Pendleton	Small Arms Magazine - Edson Range	3,760	3,760
CA	Camp Pendleton	Truck Company Operations Complex	53,490	53,490
CA	Coronado	Rotary Hangar	67,160	67,160
CA	Miramar	Aircraft Maintenance Hangar	90,490	90,490
CA	Miramar	Hangar 4	33,620	33,620
CA	Miramar	Parking Apron/ Taxiway Expansion	66,500	66,500
CA	San Diego	Bachelor Enlisted Quarters, Homeport Ashore	75,342	75,342
CA	San Diego	Berthing Pier 12 Replace & Dredging, Ph 1	108,414	108,414
CA	San Diego	Marine Corps Energy Initiative	9,950	9,950
CA	Twentynine Palms	Bachelor Enlisted Quarters & Parking Structure	53,158	53,158
FL	Panama City NSA	Purchase 9 Acres	5,960	5,960
FL	Blount Island	Consolidated Warehouse Facility	17,260	17,260
FL	Blount Island	Container Staging and Loading Lot	5,990	5,990
FL	Blount Island	Container Storage Lot	4,910	4,910
FL	Blount Island	Hardstand Extension	17,930	17,930
FL	Blount Island	Paint and Blast Facility	18,840	18,840
FL	Blount Island	Washrack Expansion	9,690	9,690
FL	Tampa	Joint Comms Support Element Vehicle Paint Facility	2,300	2,300
GA	Albany MCLB	Maintenance Center Test Firing Range	5,180	5,180
GA	Kings Bay	Security Enclave & Vehicle Barriers	45,004	45,004
GA	Kings Bay	Waterfront Emergency Power	15,660	15,660
HI	Camp Smith	Physical Fitness Center	29,960	29,960
HI	Kaneohe Bay	Bachelor Enlisted Quarters	90,530	90,530
HI	Kaneohe Bay	Waterfront Operations Facility	19,130	19,130
HI	Pearl Harbor	Center for Disaster Mgt/Humanitarian Assistance	9,140	9,140
HI	Pearl Harbor	Joint POW/MIA Accounting Command	99,328	99,328
MD	Patuxent River NAS	Atlantic Test Range Addition	10,160	10,160
MD	Indian Head	Agile Chemical Facility, Ph 2	34,238	34,238
MD	Patuxent River	Broad Area Maritime Surveillance & E Facility	42,211	42,211
ME	Portsmouth NSY	Structural Shops Addition, Ph 1	11,910	11,910
NC	Camp Lejeune	2nd Intel Battalion Maintenance/Ops Complex	90,270	90,270
NC	Camp Lejeune	Armory- II MEF - Wallace Creek	12,280	12,280
NC	Camp Lejeune	Bachelor Enlisted Quarters - Courthouse Bay	40,780	40,780
NC	Camp Lejeune	Bachelor Enlisted Quarters - Courthouse Bay	42,330	42,330
NC	Camp Lejeune	Bachelor Enlisted Quarters - French Creek	43,640	43,640
NC	Camp Lejeune	Bachelor Enlisted Quarters - Rifle Range	55,350	55,350
NC	Camp Lejeune	Bachelor Enlisted Quarters - Wallace Creek	51,660	51,660
NC	Camp Lejeune	Bachelor Enlisted Quarters - Wallace Creek North	46,290	46,290
NC	Camp Lejeune	Bachelor Enlisted Quarters - Camp Johnson	46,550	46,550
NC	Camp Lejeune	Explosive Ordnance Disposal Unit Addition - 2nd Marine Logistics Group	7,420	7,420
NC	Camp Lejeune	Hangar	73,010	73,010
NC	Camp Lejeune	Maintenance Hangar	74,260	74,260
NC	Camp Lejeune	Maintenance/Ops Complex - 2ND Air Naval Gunfire Liaison Company	36,100	36,100
NC	Camp Lejeune	Marine Corps Energy Initiative	9,950	9,950
NC	Camp Lejeune	Mess Hall - French Creek	25,960	25,960
NC	Camp Lejeune	Mess Hall Addition - Courthouse Bay	2,553	2,553
NC	Camp Lejeune	Motor Transportation/Communications Maintenance Facility	18,470	18,470
NC	Camp Lejeune	Utility Expansion - Hadnot Point	56,470	56,470

Navy: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
NC	Camp Lejeune	Utility Expansion - French Creek	56,050	56,050
NC	Cherry Point Marine Corps Air Station	Bachelor Enlisted Quarters	42,500	42,500
NC	Cherry Point Marine Corps Air Station	Mariners Bay Land Acquisition - Bogue	3,790	3,790
NC	Cherry Point Marine Corps Air Station	Missile Magazine	13,420	13,420
NC	Cherry Point Marine Corps Air Station	Station Infrastructure Upgrades	5,800	5,800
RI	Newport	Electromagnetic Facility	27,007	27,007
SC	Beaufort	Air Installation Compatible Use Zone Land Acquisition	21,190	21,190
SC	Beaufort	Aircraft Hangar	46,550	46,550
SC	Beaufort	Physical Fitness Center	15,430	15,430
SC	Beaufort	Training and Simulator Facility	46,240	46,240
TX	Kingsville NAS	Youth Center	2,610	2,610
VA	Norfolk	Pier 9 & 10 Upgrades for DDG 1000	2,400	2,400
VA	Norfolk	Pier 1 Upgrades to Berth USNS Comfort	10,035	10,035
VA	Portsmouth	Ship Repair Pier Replacement	0	100,000
VA	Quantico	Academic Facility Addition - Staff Non Commissioned Officer Academy	12,080	12,080
VA	Quantico	Bachelor Enlisted Quarters	37,810	37,810
VA	Quantico	Research Center Addition - MCU	37,920	37,920
VA	Quantico	Student Officer Quarters - The Basic School	55,822	55,822
WA	Kitsap NB	Charleston Gate ECP Improvements	6,150	6,150
WA	Bangor	Commander Submarine Development Squadron 5 Laboratory Expansion Ph1	16,170	16,170
WA	Bangor	Limited Area Emergency Power	15,810	15,810
WA	Bangor	Waterfront Restricted Area Emergency Power	24,913	24,913
WA	Bremerton	Limited Area Product/STRG Complex (incremented)	0	19,116

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Navy: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
BI	SW Asia	Navy Central Command Ammunition Magazines	89,280	89,280
BI	SW Asia	Operations and Support Facilities	60,002	60,002
BI	SW Asia	Waterfront Development, Ph 3	63,871	63,871
DJ	Camp Lemonier	Camp Lemonier HQ Facility	12,407	12,407
DJ	Camp Lemonier	General Warehouse	7,324	7,324
DJ	Camp Lemonier	Horn of Africa Joint Operations Center	28,076	28,076
DJ	Camp Lemonier	Pave External Roads	3,824	3,824
JA	Atsugi	MH-60R/S Trainer Facility	6,908	6,908
ML	Guam	Anderson AFB North Ramp Parking, Ph 1, Inc 2	0	93,588
ML	Guam	Anderson AFB North Ramp Utilities, Ph 1, Inc 2	0	79,350
ML	Guam	Apra Harbor Wharves Improvements, Ph 1	0	40,000
ML	Guam	Defense Access Roads Improvements	66,730	66,730
ML	Guam	Finegayan Site Prep and Utilities	147,210	147,210
SP	Rota	Air Traffic Control Tower	23,190	23,190

(c) AUTHORIZATION OF APPROPRIATIONS.—
(1) INSIDE THE UNITED STATES.—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $3,077,237,000.
(2) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (b), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $721,760,000.
(3) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $20,877,000.
(4) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $121,765,000. None of the funds appropriated pursuant to this authorization of appropriations may be used for architectural and engineering services and construction design of any military construction project necessary to establish a homeport for a nuclear-powered aircraft carrier at Naval Station Mayport, Florida.

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, and subject to the purpose and number of units, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Navy: Family Housing
(Amounts Are Specified In Thousands of Dollars)

Location	Installation or Location	Purpose of Project and Number of Units	Project Amount	Authorization of Appropriations
GB	Guantanamo Bay	Replace GTMO Housing	37,169	37,169

(b) PLANNING AND DESIGN.—The Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,255,000.

(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $146,020,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010—

(1) for construction and acquisition, planning and design, and improvement of military family housing and facilities authorized by subsections (a), (b), and (c) in the total amount of $186,444,000; and

(2) for support of military family housing (including the functions described in section

2833 of title 10, United States Code), in the total amount of $366,346,000.

SEC. 2203. TECHNICAL AMENDMENT TO REFLECT MULTI-INCREMENT FISCAL YEAR 2010 PROJECT.

Section 2204 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2634), is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(14) For the construction of the first increment of a tertiary water treatment plant at Marine Corps Base, Camp Pendleton, California, authorized by section 2201(a), $112,330,000.''; and

(2) in subsection (b), by adding at the end the following new paragraph:

''(7) $30,000,000 (the balance of the amount authorized under section 2201(a) for North Region Tertiary Treatment Plant, Camp Pendleton, California).''.

SEC. 2204. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2201(c) of that Act (122 Stat. 511), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2008 Project Authorization

Location	Installation or Location	Project	Amount
Worldwide	Unspecified	Host Nation Infrastructure	$2,700,000

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air Force: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AK	Eielson AFB	Repair Central Heat Plant & Power Plant Boilers	28,000	28,000
AK	Elmendorf AFB	Add/Alter Air Support Operations Squadron Training	4,749	4,749
AK	Elmendorf AFB	Construct Railhead Operations Facility	15,000	15,000
AK	Elmendorf AFB	F-22 Add/Alter Weapons Release Systems Shop	10,525	10,525
AL	Maxwell AFB	ADAL Air University Library	13,400	13,400
AZ	Davis-Monthan AFB	Aerospace Maintenance and Regeneration Group Hangar	25,000	25,000
AZ	Davis-Monthan AFB	HC-130 Aerospace Ground Equipment Maintenance Facility	4,600	4,600
AZ	Davis-Monthan AFB	HC-130J Aerial Cargo Facility	10,700	10,700
AZ	Davis-Monthan AFB	HC-130J Parts Store	8,200	8,200
AZ	Fort Huachuca	Total Force Integration-Predator Launch and Recovery Element Beddown	11,000	11,000
CA	Los Angeles AFB	Parking Garage, Ph 2	4,500	4,500
CO	Buckley AFB	Security Forces Operations Facility	12,160	12,160
CO	Peterson AFB	Rapid Attack Identification Detection Repair System Space Control Facility	24,800	24,800
CO	U.S. Air Force Academy	Const Center for Character & Leadership Development	27,600	27,600
DC	Bolling AFB	Joint Air Defense Operations Center	13,200	13,200
DE	Dover AFB	C-5M/C-17 Maintenance Training Facility, Ph 2	3,200	3,200
FL	Eglin AFB	F-35 Fuel Cell Maintenance Hangar	11,400	11,400
FL	Hurlburt Field	ADAL Special Operations School Facility	6,170	6,170
FL	Hurlburt Field	Add to Visiting Quarters (24 Rm)	4,500	4,500
FL	Hurlburt Field	Base Logistics Facility	24,000	24,000
FL	Patrick AFB	Air Force Technical Application Center	158,009	79,009
GA	Robins AFB	Warehouse	5,500	5,500
LA	Barksdale AFB	Weapons Load Crew Training Facility	18,140	18,140
MO	Whiteman AFB	Consolidated Air Ops Facility	23,500	23,500
NC	Pope AFB	Crash/Fire/Rescue Station	13,500	13,500
ND	Minot AFB	Control Tower/Base Operations Facility	18,770	18,770
NJ	McGuire AFB	Base Ops/Command Post Facility (TFI)	8,000	8,000
NJ	McGuire AFB	Dormitory (120 RM)	18,440	18,440
NM	Holloman AFB	Parallel Taxiway, Runway 07/25	8,000	8,000
NM	Kirtland AFB	Replace Fire Station	6,800	6,800
NM	Cannon AFB	Dormitory (96 rm)	14,000	14,000
NM	Cannon AFB	UAS Squadron Ops Facility	20,000	20,000
NM	Holloman AFB	UAS Add/Alter Maintenance Hangar	15,470	15,470
NM	Holloman AFB	UAS Maintenance Hangar	22,500	22,500
NM	Kirtland AFB	Aerial Delivery Facility Addition	3,800	3,800
NM	Kirtland AFB	Armament Shop	6,460	6,460
NM	Kirtland AFB	H/MC-130 Fuel System Maintenance Facility	14,142	14,142
NV	Creech AFB	UAS Airfield Fire/Crash Rescue Station	11,710	11,710
NV	Nellis AFB	F-35 Add/Alter 422 Test Evaluation Squadron Facility	7,870	7,870
NV	Nellis AFB	F-35 Add/Alter Flight Test Instrumentation Facility	1,900	1,900
NV	Nellis AFB	F-35 Flight Simulator Facility	13,110	13,110
NV	Nellis AFB	F-35 Maintenance Hangar	28,760	28,760
NY	Fort Drum	20th Air Support Operations Squadron Complex	20,440	20,440
OK	Tinker AFB	Upgrade Building 3001 Infrastructure, Ph 3	14,000	14,000
SC	Charleston AFB	Civil Engineer Complex (TFI) - Ph 1	15,000	15,000
TX	Laughlin AFB	Community Event Complex	10,500	10,500
TX	Dyess AFB	C-130J Add/Alter Flight Simulator Facility	4,080	4,080
TX	Ellington Field	Upgrade Unmanned Aerial Vehicle Maintenance Hangar	7,000	7,000
TX	Lackland AFB	Basic Military Training Satellite Classroom/Dining Facility No 2	32,000	32,000
TX	Lackland AFB	One-Company Fire Station	5,500	5,500
TX	Lackland AFB	Recruit Dormitory, Ph 3	67,980	67,980
TX	Lackland AFB	Recruit/Family Inprocessing & Info Center	21,800	21,800

Air Force: Military Construction Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
UT	Hill AFB	F-22 T-10 Engine Test Cell	2,800	2,800
VA	Langley AFB	F-22 Add/Alter Hangar Bay LO/CR Facility	8,800	8,800
WY	Camp Guernsey	Nuclear/Space Security Tactics Training Center	4,650	4,650

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air Force: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AF	Bagram AFB	Consolidated Rigging Facility	9,900	9,900
AF	Bagram AFB	Fighter Hangar	16,480	16,480
AF	Bagram AFB	MEDEVAC Ramp Expansion/Fire Station	16,580	16,580
BI	SW Asia	North Apron Expansion	45,000	45,000
GU	Andersen AFB	Combat Communications Operations Facility	9,200	9,200
GU	Andersen AFB	Commando Warrior Open Bay Student Barracks	11,800	11,800
GU	Andersen AFB	Guam Strike Ops Group & Tanker Task Force	9,100	9,100
GU	Andersen AFB	Guam Strike South Ramp Utilities, Ph 1	12,200	12,200
GU	Andersen AFB	Red Horse Headquarters/Engineering Facility	8,000	8,000
GY	Kapaun	Dormitory (128 RM)	19,600	19,600
GY	Ramstein AB	Unmanned Aerial System Satellite Communication Relay Pads & Facility	10,800	10,800
GY	Ramstein AFB	Construct C-130J Flight Simulator Facility	8,800	8,800
GY	Ramstein AFB	Deicing Fluid Storage & Dispensing Facility	2,754	2,754
GY	Vilseck	Air Support Operations Squadron Complex	12,900	12,900
IT	Aviano AFB	Air Support Operations Squadron Facility	10,200	10,200
IT	Aviano AFB	Dormitory (144 RM)	19,000	19,000
KR	Kunsan AFB	Construct Distributed Mission Training Flight Simulator Facility	7,500	7,500
QA	Al Udeid	Blatchford-Preston Complex Ph 2	62,300	62,300
UK	Royal Air Force Mildenhall	Extend Taxiway Alpha	15,000	15,000

(c) UNSPECIFIED WORLDWIDE.—The Secretary of the Air Force may acquire real property and carry out military construction projects at various unspecified installations or locations, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air Force: Unspecified Worldwide
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
ZU	Unspecified Worldwide Locations	F-35 Academic Training Center	54,150	54,150
ZU	Unspecified Worldwide Locations	F-35 Flight Simulator Facility	12,190	12,190
ZU	Various Worldwide Locations	F-35 Squadron Operations Facility	10,260	10,260

(d) AUTHORIZATION OF APPROPRIATIONS.—
(1) INSIDE THE UNITED STATES.—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $836,635,000.
(2) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (b), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $307,114,000.
(3) UNSPECIFIED WORLDWIDE.—For the military construction projects at unspecified worldwide locations authorized by subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $76,600,000.
(4) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $21,000,000.
(5) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $74,424,000.

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, and subject to the purpose and number of units, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air Force: Family Housing
(Amounts Are Specified In Thousands of Dollars)

Location	Installation or Location	Purpose of Project and Number of Units	Project Amount	Authorization of Appropriations
ZU	Various Worldwide locations	Classified Project	50	50

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,225,000.
(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $73,750,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010—
(1) for construction and acquisition, planning and design, and improvement of military family housing and facilities authorized by subsections (a), (b), and (c) in the total amount of $78,025,000; and
(2) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), in the total amount of $513,792,000.

SEC. 2303. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorization set forth in the table in subsection (b), as provided in section 2302 of that Act (120 Stat. 2455) and extended by section 2306 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2638), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2007 Project Authorization

State	Installation	Project	Amount
Idaho	Mountain Home Air Force Base	Replace Family Housing (457 units)	$107,800,000

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and carry out military construction projects for the Defense Agencies at installations or locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Defense Wide: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AZ	Marana	Special Operations Forces Parachute Training Facility	6,250	6,250
AZ	Yuma	Special Operations Forces Military Free Fall Simulator	8,977	8,977
CA	Point Loma Annex	Replace Storage Facility, Incr 3	0	20,000
CA	Point Mugu	Aircraft Direct Fueling Station	3,100	3,100
CO	Fort Carson	Special Operations Forces Tactical Unmanned Aerial Vehicle Hangar	3,717	3,717
DC	Bolling AFB	Replace Parking Structure, Ph 1	3,000	3,000
FL	Eglin AFB	Special Operations Forces Ground Support Battalion Detachment	6,030	6,030
GA	Augusta	National Security Agency/Central Security Service Georgia Training Facility	12,855	12,855
GA	Fort Benning	Dexter Elementary School Construct Gym	2,800	2,800
GA	Fort Benning	Special Operations Forces Company Support Facility	20,441	20,441
GA	Fort Benning	Special Operations Forces Military Working Dog Kennel Complex	3,624	3,624
GA	Fort Stewart	Health Clinic Addition/Alteration	35,100	35,100
GA	Hunter ANGS	Fuel Unload Facility	2,400	2,400
GA	Hunter Army Airfield	Special Operations Forces Tactical Equipment Maintenance Facility Expansion	3,318	3,318
HI	Hickam AFB	Alter Fuel Storage Tanks	8,500	8,500
HI	Pearl Harbor	Naval Special Warfare Group 3 Command and Operations Facility	28,804	28,804
ID	Mountain Home AFB	Replace Fuel Storage Tanks	27,500	27,500
IL	Scott Air Force Base	Field Command Facility Upgrade	1,388	1,388
KY	Fort Campbell	Special Operations Forces Battalion Ops Complex	38,095	38,095
MA	Hanscom AFB	Mental Health Clinic Addition	2,900	2,900
MD	Aberdeen Proving Ground	US Army Medical Research Institute of Infectious Diseases Replacement, Inc 3	0	105,000
MD	Andrews AFB	Replace Fuel Storage & Distribution Facility	14,000	14,000
MD	Bethesda Naval Hospital	National Naval Medical Center Parking Expansion	17,100	17,100
MD	Bethesda Naval Hospital	Transient Wounded Warrior Lodging	62,900	62,900
MD	Fort Detrick	Consolidated Logistics Facility	23,100	23,100
MD	Fort Detrick	Information Services Facility Expansion	4,300	4,300
MD	Fort Detrick	National Interagency Biodefense Campus Security Fencing And Equipment	2,700	2,700
MD	Fort Detrick	Supplemental Water Storage	3,700	3,700
MD	Fort Detrick	US Army Medical Research Institute of Infectious Diseases - Stage I, Inc 5	0	17,400
MD	Fort Detrick	Water Treatment Plant Repair & Supplement	11,900	11,900
MD	Fort Meade	North Campus Utility Plant	219,360	219,360
MS	Stennis Space Center	Special Operations Forces Land Acquisition, Ph 3	8,000	8,000
NC	Camp Lejeune	Tarawa Terrace I Elementary School Replace School	16,646	16,646
NC	Fort Bragg	McNair Elementary School - Replace School	23,086	23,086
NC	Fort Bragg	Murray Elementary School - Replace School	22,000	22,000
NC	Fort Bragg	Special Operations Forces Admin/Company Operations	10,347	10,347
NC	Fort Bragg	Special Operations Forces C4 Facility	41,000	41,000
NC	Fort Bragg	Special Operations Forces Joint Intelligence Brigade Facility	32,000	32,000
NC	Fort Bragg	Special Operations Forces Operational Communications Facility	11,000	11,000
NC	Fort Bragg	Special Operations Forces Operations Additions	15,795	15,795
NC	Fort Bragg	Special Operations Forces Operations Support Facility	13,465	13,465
NM	Cannon AFB	Special Operations Forces ADD/ALT Simulator Facility For MC-130	13,287	13,287
NM	Cannon AFB	Special Operations Forces Aircraft Parking Apron (MC-130j)	12,636	12,636
NM	Cannon AFB	Special Operations Forces C-130 Parking Apron Phase I	26,006	26,006
NM	Cannon AFB	Special Operations Forces Hangar/AMU (MC-130j)	24,622	24,622
NM	Cannon AFB	Special Operations Forces Operations And Training Complex	39,674	39,674
NM	White Sands	Health And Dental Clinics	22,900	22,900
NY	U.S. Military Academy	West Point MS Add/Alt	27,960	27,960
OH	Columbus	Replace Public Safety Facility	7,400	7,400
PA	Def Distribution Depot New Cumberland	Replace Headquarters Facility	96,000	96,000
TX	Fort Bliss	Hospital Replacement, Incr 2	0	147,100
TX	Lackland AFB	Ambulatory Care Center, Ph 2	162,500	162,500
UT	Camp Williams	Comprehensive National Cybersecurity Initiative Data Center Increment 2	0	398,358
VA	Craney Island	Replace Fuel Pier	58,000	58,000
VA	Fort Belvoir	Dental Clinic Replacement	6,300	6,300
VA	Pentagon	Pentagon Metro & Corridor 8 Screening Facility	6,473	6,473
VA	Pentagon	Power Plant Modernization, Ph 3	51,928	51,928
VA	Pentagon	Secure Access Lane-Remote Vehicle Screening	4,923	4,923

Defense Wide: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
VA	Quantico	New Consolidated Elementary School	47,355	47,355
WA	Fort Lewis	Special Operations Forces Military Working Dogs Kennel	4,700	4,700
WA	Fort Lewis	Preventive Medicine Facility	8,400	8,400
ZU	Unspecified Locations	General Reduction		-150,000

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and carry out military construction projects for the Defense Agencies at the installations or locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Defense Wide: Outside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
BE	Brussels	NATO Headquarters Facility	31,863	31,863
BE	Brussels	Replace Shape Middle School/High School	67,311	67,311
GU	Agana NAS	Hospital Replacement, Incr 2	0	70,000
GY	Katterbach	Health/Dental Clinic Replacement	37,100	37,100
GY	Panzer Kaserne	Replace Boeblingen High School	48,968	48,968
GY	Vilseck	Health Clinic Add/Alt	34,800	34,800
JA	Kadena AB	Install Fuel Filters-Separators	3,000	3,000
JA	Misawa AB	Hydrant Fuel System	31,000	31,000
KR	Camp Carroll	Health/Dental Clinic Replacement	19,500	19,500
PR	Fort Buchanan	Antilles Elementary School/Intermediate School - Replace School	58,708	58,708
QA	Al Udeid	Qatar Warehouse	1,961	1,961
UK	Menwith Hill Station	Menwith Hill Station PSC Construction - Generators 10 & 11	2,000	2,000
UK	Royal Air Force Alconbury	Alconbury Elementary School Replacement	30,308	30,308
UK	Royal Air Force Mildenhall	Replace Hydrant Fuel Distribution System	15,900	15,900

(c) AUTHORIZATION OF APPROPRIATIONS.—
(1) INSIDE THE UNITED STATES.—For military construction projects inside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $1,930,120,000.
(2) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (b), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $452,419,000.
(3) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $42,856,000.
(4) CONTINGENCY CONSTRUCTION.—For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $10,000,000.
(5) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $434,185,000.

SEC. 2402. FAMILY HOUSING.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010—
(1) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), in the total amount of $50,464,000; and
(2) for credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), in the total amount of $17,611,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for energy conservation projects under chapter 173 of title 10, United States Code, $130,000,000.
(b) AVAILABILITY OF FUNDS FOR RESERVE COMPONENT PROJECTS.—Of the amount authorized to be appropriated by subsection (a) for energy conservation projects, the Secretary of Defense shall reserve a portion of the amount for energy conservation projects for the reserve components in an amount that is not less than an amount that bears the same proportion to the total amount authorized to be appropriated as the total quantity of energy consumed by reserve facilities (as defined in section 18232(2) of title 10, United States Code) during fiscal year 2010 bears to the total quantity of energy consumed by all military installations (as defined in section 2687(e)(1) of such title) during that fiscal year, as determined by the Secretary.

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for military construction and land acquisition for chemical demilitarization in the total amount of $124,971,000, as follows:
(1) For the construction of phase 12 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $65,569,000.
(2) For the construction of phase 11 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $59,402,000.

SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), is amended—
(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$492,000,000'' in the amount column and inserting ''$746,000,000''; and
(2) by striking the amount identified as the total in the amount column and inserting ''$1,203,920,000''.
(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116

Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), is amended by striking ''$469,200,000'' and inserting ''$723,200,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $258,884,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army National Guard: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AR	Camp Robinson	Combined Support Maintenance Shop	30,000	30,000
AR	Fort Chaffee	Combined Arms Collective Training Facility	19,000	19,000
AR	Fort Chaffee	Live Fire Shoot House	2,500	2,500
AZ	Florence	Readiness Center	16,500	16,500
CA	Camp Roberts	Combined Arms Collective Training Facility	19,000	19,000
CO	Watkins	Parachute Maintenance Facility	3,569	3,569
CO	Colorado Springs	Readiness Center	20,000	20,000
CO	Fort Carson	Regional Training Institute	40,000	40,000
CO	Gypsum	High Altitude Army Aviation Training Site/ Army Aviation Support Facility	39,000	39,000
CO	Windsor	Readiness Center	7,500	7,500
CT	Windsor Locks	Readiness Center (Aviation)	41,000	41,000
DE	New Castle	Armed Forces Reserve Center (JFHQ)	27,000	27,000
GA	Cumming	Readiness Center	17,000	17,000
GA	Dobbins ARB	Readiness Center Add/Alt	10,400	10,400
HI	Kalaeloa	Combined Support Maintenance Shop	38,000	38,000
ID	Gowen Field	Barracks (Operational Readiness Training Complex) Ph1	17,500	17,500
ID	Mountain Home	Tactical Unmanned Aircraft System Facility	6,300	6,300
IL	Marseilles TA	Simulation Center	2,500	2,500
IL	Springfield	Combined Support Maintenance Shop Add/Alt	15,000	15,000
KS	Wichita	Field Maintenance Shop	24,000	24,000
KS	Wichita	Readiness Center	43,000	43,000
KY	Burlington	Readiness Center	19,500	19,500
LA	Fort Polk	Tactical Unmanned Aircraft System Facility	5,500	5,500
LA	Minden	Readiness Center	28,000	28,000
MA	Hanscom AFB	Armed Forces Reserve Center (JFHQ) Ph2	23,000	23,000
MD	St. Inigoes	Tactical Unmanned Aircraft System Facility	5,500	5,500
MI	Camp Grayling Range	Combined Arms Collective Training Facility	19,000	19,000
MN	Arden Hills	Field Maintenance Shop	29,000	29,000
MN	Camp Ripley	Infantry Squad Battle Course	4,300	4,300
MN	Camp Ripley	Tactical Unmanned Aircraft System Facility	4,450	4,450
NC	Morrisville	AASF 1 Fixed Wing Aircraft Hangar Annex	8,815	8,815
NC	High Point	Readiness Center Add/Alt	1,551	1,551
ND	Camp Grafton	Readiness Center Add/Alt	11,200	11,200
NE	Lincoln	Readiness Center Add/Alt	3,300	3,300
NE	Mead	Readiness Center	11,400	11,400
NH	Pembroke	Barracks Facility (Regional Training Institute)	15,000	15,000
NH	Pembroke	Classroom Facility (Regional Training Institute)	21,000	21,000
NM	Farmington	Readiness Center Add/Alt	8,500	8,500
NV	Las Vegas	CST Ready Building	8,771	8,771
NY	Ronkonkoma	Flightline Rehabilitation	2,780	2,780
OH	Camp Sherman	Maintenance Building Add/Alt	3,100	3,100
RI	Middletown	Readiness Center Add/Alt	3,646	3,646
RI	East Greenwich	United States Property & Fiscal Office	27,000	27,000
SD	Watertown	Readiness Center	25,000	25,000
TX	Camp Maxey	Combat Pistol/Military Pistol Qualification Course	2,500	2,500
TX	Camp Swift	Urban Assault Course	2,600	2,600
WA	Tacoma	Combined Support Maintenance Shop	25,000	25,000
WI	Wausau	Field Maintenance Shop	12,008	12,008
WI	Madison	Aircraft Parking	5,700	5,700
WV	Moorefield	Readiness Center	14,200	14,200
WV	Morgantown	Readiness Center	21,000	21,000
WY	Laramie	Field Maintenance Shop	14,400	14,400
ZU	Various	Various	60,000	60,000

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army National Guard: Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
GU	Barrigada	Combined Support Maint Shop Ph1	19,000	19,000
PR	Camp Santiago	Live Fire Shoot House	3,100	3,100

Army National Guard: Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
PR	Camp Santiago	Multipurpose Machine Gun Range	9,200	9,200
VI	St. Croix	Readiness Center (JFHQ)	25,000	25,000

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Army for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Army National Guard of the United States, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $1,019,902,000.

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Army Reserve: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
CA	Fairfield	Army Reserve Center	26,000	26,000
CA	Fort Hunter Liggett	Equipment Concentration Site Tactical Equipment Maint Facility	22,000	22,000
CA	Fort Hunter Liggett	Equipment Concentration Site Warehouse	15,000	15,000
CA	Fort Hunter Liggett	Grenade Launcher Range	1,400	1,400
CA	Fort Hunter Liggett	Hand Grenade Familiarization Range (Live)	1,400	1,400
CA	Fort Hunter Liggett	Light Demolition Range	2,700	2,700
CA	Fort Hunter Liggett	Tactical Vehicle Wash Rack	9,500	9,500
FL	North Fort Myers	Army Reserve Center/Land	13,800	13,800
FL	Orlando	Army Reserve Center/Land	10,200	10,200
FL	Tallahassee	Army Reserve Center/Land	10,400	10,400
GA	Macon	Army Reserve Center/Land	11,400	11,400
IA	Des Moines	Army Reserve Center	8,175	8,175
IL	Quincy	Army Reserve Center/Land	12,200	12,200
IN	Michigan City	Army Reserve Center/Land	15,500	15,500
MA	Devens Reserve Forces Training Area	Automated Record Fire Range	4,700	4,700
MO	Belton	Army Reserve Center	11,800	11,800
NJ	Fort Dix	Automated Multipurpose Machine Gun Range	9,800	9,800
NM	Las Cruces	Army Reserve Center/Land	11,400	11,400
NY	Binghamton	Army Reserve Center/Land	13,400	13,400
TX	Denton	Army Reserve Center/Land	12,600	12,600
TX	Rio Grande	Army Reserve Center/Land	6,100	6,100
TX	San Marcos	Army Reserve Center/Land	8,500	8,500
VA	Fort A.P. Hill	Army Reserve Center	15,500	15,500
VA	Roanoke	Army Reserve Center/Land	14,800	14,800
VA	Fort Story	Army Reserve Center	11,000	11,000
WI	Fort McCoy	AT/MOB Billeting Complex, Ph 1	9,800	9,800
WI	Fort McCoy	NCO Academy, Ph 2	10,000	10,000
ZU	Various	Various	30,000	30,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Army for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Army Reserve, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $358,331,000.

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Navy Reserve and Marine Corps Reserve: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
CA	Twentynine Palms	Tank Vehicle Maintenance Facility	5,991	5,991
LA	New Orleans	Joint Air Traffic Control Facility	16,281	16,281
VA	Williamsburg	Navy Ordnance Cargo Logistics Training Camp	21,346	21,346
WA	Yakima	Marine Corps Reserve Center	13,844	13,844
ZU	Various	Various	15,000	15,000
ZU	Various	Various	15,000	15,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Navy for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Navy Reserve and Marine Corps Reserve, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $91,557,000.

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air National Guard: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AL	Montgomery Regional Airport (ANG) Base	Fuel Cell And Corrosion Control Hangar	7,472	7,472
AZ	Davis Monthan AFB	Predator Foc-Active Duty Associate	4,650	4,650
CO	Buckely AFB	Taxiway Juliet and Lima	4,000	4,000
DE	New Castle County Airport	Joint Forces Operations Center-Ang Share	1,500	1,500
FL	Jacksonville IAP	Security Forces Training Facility	6,700	6,700
GA	Savannah/Hilton Head IAP	Relocate Air Supt Opers Sqdn (Asos) Fac	7,450	7,450
HI	Hickam AFB	F-22 Beddown Intrastructure Support	5,950	5,950
HI	Hickam AFB	F-22 Hangar, Squadron Operations And Amu	48,250	48,250
HI	Hickam AFB	F-22 Upgrade Munitions Complex	17,250	17,250
IA	Des Moines IAP	Corrosion Control Hangar	4,750	4,750
IL	Capital Map	CNAF Beddown - Upgrade Facilities	16,700	16,700
IN	Hulman Regional Airport	ASOS Beddown - Upgrade Facilities	4,100	4,100
MA	Barnes ANGB	Add to Aircraft Maintenance Hangar	6,000	6,000
MD	Martin State Airport	Replace Ops and Medical Training Facility	11,400	11,400
MN	Duluth	Load Crew Training and Weapon Release Shops	8,000	8,000
NC	Stanly County Airport	Upgrade Asos Facilities	2,000	2,000
NJ	Atlantic City IAP	Fuel Cell and Corrosion Control Hangar	8,500	8,500
NY	Stewart ANGB	Aircraft Conversion Facility	3,750	3,750
NY	Fort Drum	Reaper Infrastructure Support	2,500	2,500
NY	Stewart IAP	Base Defense Group Beddown	14,250	14,250
OH	Toledo Express Airport	Replace Security Forces Complex	7,300	7,300
PA	State College ANGS	Add to and Alter AOS Facility	4,100	4,100
SC	McEntire Joint National Guard Base	Replace Operations and Training	9,100	9,100
TN	Nashville IAP	Renovate Intel Squadron Facilities	5,500	5,500
ZU	Various	Various	50,000	50,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Air Force for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Air National Guard of the United States, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $292,371,000.

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for each project, set forth in the following table:

Air Force Reserve: Inside the United States
(Amounts Are Specified In Thousands of Dollars)

State	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
FL	Patrick AFB	Weapons Maintenance Facility	3,420	3,420
NY	Niagara ARS	C-130 Flightline Operations Facility, Ph 1	9,500	9,500
ZU	Various	Various	30,000	30,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Air Force for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Air Force Reserve, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the total amount of $47,332,000.

SEC. 2606. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorizations set forth in the table in subsection (b), as provided in sections 2601 and 2604 of that Act (122 Stat. 527, 528), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard: Extension of 2008 Project Authorizations

State	Installation or Location	Project	Amount
Pennsylvania	East Fallowfield Township	Readiness Center	$8,300,000
Vermont	Burlington	Security Improvements	$6,600,000

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Subtitle A—Authorizations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $360,474,000 as follows:

(1) For the Department of the Army, $73,600,000.

(2) For the Department of the Navy, $162,000,000.

(3) For the Department of the Air Force, $124,874,000.

SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $2,354,285,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $2,354,285,000, as follows:

(1) For the Department of the Army, $1,012,420,000.

(2) For the Department of the Navy, $342,146,000.

(3) For the Department of the Air Force, $127,255,000.

(4) For the Defense Agencies, $872,464,000.

Subtitle B—Other Matters

SEC. 2711. TRANSPORTATION PLAN FOR BRAC 133 PROJECT UNDER FORT BELVOIR, VIRGINIA, BRAC INITIATIVE.

(a) LIMITATION ON PROJECT IMPLEMENTATION.—The Secretary of the Army may not take beneficial occupancy of more than 1,000 parking spaces provided by the combination spaces provided by the BRAC 133 project and the lease of spaces in the immediate vicinity of the BRAC 133 project until both of the following occur:

(1) The Secretary submits to the congressional defense committees a viable transportation plan for the BRAC 133 project.

(2) The Secretary certifies to the congressional defense committees that construction has been completed to provide adequate ingress to and egress from the business park at which the BRAC 133 project is located.

(b) VIABILITY OF TRANSPORTATION PLAN.—To be considered a viable transportation plan under subsection (a)(1), the transportation plan must provide for the ingress and egress of all personnel to and from the BRAC 133 project site without further reducing the level of service at the following six intersections:

(1) The intersection of Beauregard Street and Mark Center Drive.

(2) The intersection of Beauregard Street and Seminary Road.

(3) The intersection of Seminary Road and Mark Center Drive.

(4) The intersection of Seminary Road and the northbound entrance-ramp to I–395.

(5) The intersection of Seminary Road and the northbound exit-ramp from I–395.

(6) The intersection of Seminary Road and the southbound exit-ramp from I–395.

(c) INSPECTOR GENERAL REPORT.—Not later than September 30, 2011, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report evaluating the sufficiency and coordination conducted in completing the requisite environmental studies associated with the site selection of the BRAC 133 project pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Inspector General shall give specific attention to the transportation determinations associated with the BRAC 133 project and review and provide comment on the Secretary of Army's transportation plan and adherence to the limitations imposed by subsection (a).

(d) DEFINITIONS.—In this section:

(1) BRAC 133 PROJECT.—The term ''BRAC 133 project'' refers to the proposed office complex to be developed at an established mixed-use business park in Alexandria, Virginia, to implement recommendation 133 of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) LEVEL OF SERVICE.—The term ''level of service'' has the meaning given that term in the most-recent Highway Capacity Manual of the Transportation Research Board.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. AVAILABILITY OF MILITARY CONSTRUCTION INFORMATION ON INTERNET.

(a) MODIFICATION OF INFORMATION REQUIRED TO BE PROVIDED.—Paragraph (2) of subsection (c) of section 2851 of title 10, United States Code, is amended—

(1) by striking subparagraph (F); and

(2) by redesignating subparagraphs (G) and (H) as subparagraphs (F) and (G), respectively.

(b) EXPANDED AVAILABILITY OF INFORMATION.—Such subsection is further amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in paragraph (1), by striking ''that, when activated by a person authorized under paragraph (3), will permit the person'' and inserting ''that will permit a person''; and

(2) in paragraph (3), as redesignated by subsection (b)(2)—

(A) by striking ''to the persons referred to in paragraph (3)'' and inserting ''on the Internet site required by such paragraph''; and

(B) by striking ''to such persons''.

SEC. 2802. AUTHORITY TO TRANSFER PROCEEDS FROM SALE OF MILITARY FAMILY HOUSING TO DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND.

(a) AUTHORITY TO TRANSFER PROCEEDS.—Section 2831 of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''There'' in the matter preceding paragraph (1) and inserting ''Except as authorized by subsection (e), there'';

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(3) in subsection (g) (as so redesignated), by striking ''subsection (e)'' both places it appears and inserting ''subsection (f)''; and

(4) by inserting after subsection (d) the following new subsection (e):

''(e) AUTHORITY TO TRANSFER FAMILY HOUSING PROCEEDS.—(1) The Secretary concerned may transfer proceeds of the handling and the disposal of family housing received under subsection (b)(3), less those expenses payable pursuant to section 572(a) of title 40, to the Department of Defense Family Housing Improvement Fund established under section 2883(a) of this title.

''(2) A transfer under paragraph (1) may be made only after the end of the 30-day period beginning on the date the Secretary concerned submits written notice of, and justification for, the transfer to the appropriate committees of Congress or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notice and justification is provided in an electronic medium pursuant to section 480 of this title.''.

(b) CONFORMING AMENDMENT TO DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND.—Section 2883(c)(1) of such title is amended by adding at the end the following new subparagraph:

''(H) Any amounts from the proceeds of the handling and disposal of family housing of a military department transferred to that Fund pursuant to section 2831(e) of this title.''.

SEC. 2803. ENHANCED AUTHORITY FOR PROVISION OF EXCESS CONTRIBUTIONS FOR NATO SECURITY INVESTMENT PROGRAM.

Section 2806 of title 10, United States Code, is amended—

(1) in subsection (c), by striking ''Secretary'' the first two places it appears and inserting ''Secretary of Defense''; and

(2) by adding at the end the following new subsection:

''(d) If the Secretary of Defense determines that construction of facilities described in subsection (a) is necessary to advance United States national security or national interest, the Secretary may include the pre-financing and initiation of construction services, which will be provided by the Department of Defense and are not otherwise authorized by law, as an element of the excess North Atlantic Treaty Organization Security Investment program contributions made under subsection (c).''.

SEC. 2804. DURATION OF AUTHORITY TO USE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND FOR CONSTRUCTION AND REPAIRS AT PENTAGON RESERVATION.

Section 2674(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''Monies'' and inserting ''Subject to paragraph (3), monies''; and

(2) by adding at the end the following new paragraph:

''(3) The authority of the Secretary to use monies from the Fund to support construction, repair, alteration, or related activities for the Pentagon Reservation expires on September 30, 2012.''.

SEC. 2805. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as added by section 2806 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2662), is amended—

(1) in paragraph (1), by striking ''September 30, 2010'' and inserting ''September 30, 2011''; and

(2) in paragraph (2), by striking ''fiscal year 2011'' and inserting ''fiscal year 2012''.

(b) AVAILABILITY OF AUTHORITY.—Subsection (a)(1) of such section is amended—

(1) by striking ''war,'' and inserting ''war or''; and

(2) by striking '', or a contingency operation''.

(c) WAIVER OF ADVANCE NOTIFICATION REQUIREMENT.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D); respectively;

(2) by striking ''Before using'' and inserting ''(1) Before using''; and

(3) by adding at the end the following new paragraph:

''(2) During fiscal year 2011, the Secretary of Defense may waive the prenotification requirements under paragraph (1) and section 2805(b) of title 10, United States Code, with regard to a construction project carried out under the authority of this section. In the case of any such waiver, the Secretary of Defense shall include in the next quarterly report submitted under subsection (d) the information otherwise required in advance by subparagraphs (A) through (D) of paragraph (1) with regard to the construction project.''.

(d) ANNUAL LIMITATION ON USE OF AUTHORITY IN AFGHANISTAN.—Subsection (c)(2) of such section is amended—

(1) by striking ''$300,000,000 in funds available for operation and maintenance for fiscal year 2010 may be used in Afghanistan upon completing the prenotification requirements under subsection (b)'' and inserting ''$100,000,000 in funds available for operation and maintenance for fiscal year 2011 may be used in Afghanistan subject to the notification requirements under subsection (b)''; and

(2) by striking ''$500,000,000'' and inserting ''$300,000,000''.

SEC. 2806. VETERANS TO WORK PILOT PROGRAM FOR MILITARY CONSTRUCTION PROJECTS.

(a) VETERANS TO WORK PROGRAM.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2856 the following new section:

''§ 2857. Veterans to Work Pilot Program

''(a) PILOT PROGRAM; PURPOSES.—(1) The Secretary of Defense shall establish the Veterans to Work pilot program to determine—

''(A) the maximum feasible extent to which apprentices who are also veterans may be employed to work on military construction projects designated under subsection (b); and

''(B) the feasibility of expanding the employment of apprentices who are also veterans to include military construction projects in addition to those projects designated under subsection (b).

''(2) The Secretary of Defense shall establish and conduct the pilot program in consultation with the Secretary of Labor and the Secretary of Veterans Affairs.

''(b) DESIGNATION OF MILITARY CONSTRUCTION PROJECTS FOR PILOT PROGRAM.—(1) For each of fiscal years 2011 through 2015, the Secretary of Defense shall designate for inclusion in the pilot program not less than 20 military construction projects (including unspecified minor military construction projects under section 2805(a) of this title) that will be conducted in that fiscal year.

''(2) In designating military construction projects under this subsection, the Secretary of Defense shall—

''(A) designate military construction projects that are located where there are veterans enrolled in qualified apprenticeship programs or veterans who could be enrolled in qualified apprenticeship programs in a cost-effective, timely, and feasible manner; and

''(B) ensure geographic diversity among the States in the military construction projects designated.

''(3) Unspecified minor military construction projects may not exceed 40 percent of the military construction projects designated under this subsection for a fiscal year.

''(c) CONTRACT PROVISIONS.—Any agreement that the Secretary of Defense enters into for a military construction project that is designated for inclusion in the pilot program shall ensure that—

''(1) to the maximum extent feasible, apprentices who are also veterans are employed on that military construction project; and

''(2) contractors participate in a qualified apprenticeship program.

''(d) REPORT.—(1) Not later than 150 days after the end of each fiscal year during which the pilot program is active, the Secretary of Defense shall submit to Congress a report that includes the following:

''(A) The progress of designated military construction projects and the role of apprentices who are also veterans in achieving that progress.

''(B) Any challenges, difficulties, or problems encountered in recruiting veterans to become apprentices.

''(C) Cost differentials in the designated military construction projects compared to similar projects completed contemporaneously, but not designated for the pilot program.

''(D) Evaluation of benefits derived from employing apprentices, including the following:

''(i) Workforce sustainability.

''(ii) Workforce skills enhancement.

''(iii) Increased short- and long-term cost-effectiveness.

''(iv) Improved veteran employment in sustainable wage fields.

''(E) Any other information the Secretary of Defense determines appropriate.

''(2) Not later than March 1, 2016, the Secretary of Defense shall submit to Congress a report that—

''(A) analyzes the pilot program in terms of its effect on the sustainability of a workforce to meet the military construction needs of the Armed Forces;

''(B) analyzes the effects of the pilot program on veteran employment in sustainable wage fields or professions; and

''(C) makes recommendations on the continuation, modification, or expansion of the pilot program on the basis of such factors as the Secretary of Defense determines appropriate, including the following:

''(i) Workforce sustainability.

''(ii) Cost-effectiveness.

''(iii) Community development.

''(3) The Secretary of Defense shall prepare the report required by paragraph (2) in consultation with the Secretary of Labor and the Secretary of Veterans Affairs.

''(e) DEFINITIONS.—In this section:

''(1) The term 'apprentice' means an individual who is employed pursuant to, and individually registered in, a qualified apprenticeship program.

''(2) The term 'pilot program' means the Veterans to Work pilot program established under subsection (a).

''(3)(A) Except as provided in subparagraph (B), the term 'qualified apprenticeship program' means an apprenticeship or other training program that qualifies as an employee welfare benefit plan, as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

''(B) If the Secretary of Labor determines that a qualified apprenticeship program (as defined in subparagraph (A)) for a craft or trade classification of workers that a prospective contractor or subcontractor intends to employ for a military construction project included in the pilot program is not operated in the locality of the project, the Secretary of Labor may expand the definition of qualified apprenticeship program to include another apprenticeship or training program, so long as the apprenticeship or training program is registered for Federal purposes with the Office of Apprenticeship of the Department of Labor or a State apprenticeship agency recognized by such Office.

''(4) The term 'State' means any of the States, the District of Columbia, or territories of Guam, Puerto Rico, the Northern Mariana Islands, and the United States Virgin Islands.

''(5) The term 'veteran' has the meaning given such term under section 101(2) of title 38.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2856 the following new item:

''2857. Veterans to Work Pilot Program.''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. NOTICE-AND-WAIT REQUIREMENTS APPLICABLE TO REAL PROPERTY TRANSACTIONS.

(a) EXCEPTION FOR LEASES UNDER BASE CLOSURE PROCESS.—Subsection (a)(1)(C) of section 2662 of title 10, United States Code, is amended by inserting after ''United States'' the following: ''(other than a lease or license entered into under section 2667(g) of this title)''.

(b) REPEAL OF ANNUAL REPORT ON MINOR REAL ESTATE TRANSACTIONS.—Subsection (b) of such section is repealed.

(c) GEOGRAPHIC SCOPE OF REQUIREMENTS.—Subsection (c) of such section is amended—

(1) by striking ''GEOGRAPHIC SCOPE; EXCEPTED'' and inserting ''EXCEPTED'';

(2) by striking the first sentence; and

(3) by striking ''It does not'' and inserting ''This section does not''.

(d) REPEAL OF NOTICE AND WAIT REQUIREMENT REGARDING GSA LEASES OF SPACE FOR DOD.—Subsection (e) of such section is repealed.

(e) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—Such section is further amended by inserting after subsection (a) the following new subsection:

''(b) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—(1) In the case of a proposed lease or license of real property owned by the United States covered by paragraph (1)(C) of subsection (a), the Secretary concerned shall comply with the notice-and-wait requirements of paragraph (3) of such subsection before—

''(A) issuing a contract solicitation or other lease offering with regard to the transaction; and

''(B) providing public notice regarding any meeting to discuss a proposed contract solicitation with regard to the transaction.

''(2) The report under paragraph (3) of subsection (a) shall include the following with regard to a proposed transaction covered by paragraph (1)(C) of such subsection:

''(A) A description of the proposed transaction, including the proposed duration of the lease or license.

''(B) A description of the authorities to be used in entering into the transaction.

''(C) A statement of the scored cost of the entire transaction, determined using the scoring criteria of the Office of Management and Budget.

''(D) A determination that the property involved in the transaction is not excess property, as required by section 2667(a)(3) of this title, including the basis for the determination.

''(E) A determination that the proposed transaction is directly compatible with the mission of the military installation or Defense Agency at which the property is located and a description of the anticipated long-term use of the property at the conclusion of the lease or license.

''(F) A description of the requirements or conditions within the contract solicitation or other lease offering for the person making the offer to address taxation issues, including payments-in-lieu-of taxes, and other development issues related to local municipalities.

''(G) If the proposed lease involves a project related to energy production, a certification by the Secretary of Defense that the project, as it will be specified in the contract solicitation or other lease offering, is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.

''(3) The Secretary concerned may not enter into the actual lease or license with respect to property for which the information required by paragraph (2) was submitted in a report under subsection (a)(3) unless the Secretary again complies with the notice-and-wait requirements of such subsection. The subsequent report shall include the following with regard to the proposed transaction:

''(A) A cross reference to the prior report that contained the information submitted under paragraph (2) with respect to the transaction.

''(B) A description of the differences between the information submitted under paragraph (2) and the information regarding the transaction being submitted in the subsequent report.

''(C) A description of the payment to be required in connection with the lease or license, including a description of any in-kind consideration that will be accepted.

''(D) A description of any community support facility or provision of community support services under the lease or license, regardless of whether the facility will be operated by a covered entity (as defined in section 2667(d) of this title) or the lessee or the services will be provided by a covered entity or the lessee.

''(E) A description of the competitive procedures used to select the lessee or, in the case of a lease involving the public benefit exception authorized by section 2667(h)(2) of this title, a description of the public benefit to be served by the lease.''.

(f) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''the Secretary submits'' in the matter preceding subparagraph (A) and inserting ''the Secretary concerned submits''; and

(B) in paragraph (3), by striking ''the Secretary of a military department or the Secretary of Defense'' and inserting ''the Secretary concerned'';

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively;

(3) in subsection (f), as so redesignated—

(A) in paragraph (1), by striking '', and the reporting requirement set forth in subsection (e) shall not apply with respect to a real property transaction otherwise covered by that subsection,'';

(B) in paragraph (3), by striking ''or (e), as the case may be''; and

(C) by striking paragraph (4); and

(4) by adding at the end the following new subsection:

''(g) SECRETARY CONCERNED DEFINED.—In this section, the term 'Secretary concerned' includes, with respect to Defense Agencies, the Secretary of Defense.''.

(g) CONFORMING AMENDMENTS TO LEASE OF NON-EXCESS PROPERTY AUTHORITY.—Section 2667 of such title is amended—

(1) in subsection (c), by striking paragraph (4);

(2) in subsection (d), by striking paragraph (6);

(3) in subsection (e)(1), by striking subparagraph (E); and

(4) in subsection (h)—

(A) by striking paragraphs (3) and (5); and

(B) by redesignating paragraph (4) as paragraph (3).

SEC. 2812. TREATMENT OF PROCEEDS GENERATED FROM LEASES OF NON-EXCESS PROPERTY INVOLVING MILITARY MUSEUMS.

Section 2667(e)(1) of title 10, United States Code, as amended by section 2811(g), is amended by inserting after subparagraph (D) the following new subparagraph (E):

''(E) If the proceeds deposited in the special account established for the Secretary concerned are derived from activities associated with a military museum described in section 489(a) of this title, the proceeds shall be available for activities described in subparagraph (C) only at that museum.''.

SEC. 2813. REPEAL OF EXPIRED AUTHORITY TO LEASE LAND FOR SPECIAL OPERATIONS ACTIVITIES.

(a) REPEAL.—Section 2680 of title 10, United States Code, is repealed.

(b) EFFECT OF REPEAL.—The amendment made by subsection (a) shall not affect the validity of any contract entered into under section 2680 of title 10, United States Code, on or before September 30, 2005.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2680.

SEC. 2814. FORMER NAVAL BOMBARDMENT AREA, CULEBRA ISLAND, PUERTO RICO.

(a) IN GENERAL.—Notwithstanding section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668), and paragraph 9 of the quitclaim deed relating to the island of Culebra in the Commonwealth of Puerto Rico, the Secretary of Defense—

(1) may provide for the removal of any unexploded ordnance and munitions scrap on that portion of Flamenco Beach located within the former bombardment area of the island; and

(2) shall conduct a study relating to the presence of unexploded ordnance in the former bombardment area transferred to the Commonwealth, with the exception of the area referred to in paragraph (1).

(b) CONTENTS OF STUDY.—The study required by subsection (a)(2) shall include the following:

(1) An estimate of the type and amount of unexploded ordnance.

(2) An estimate of the cost of removing unexploded ordnance.

(3) An examination of the impact of such removal on any endangered or threatened species and their habitat.

(4) An examination of current public access to the former bombardment area.

(5) An examination of any threats to public health or safety and the environment from unexploded ordnance.

(c) CONSULTATION WITH COMMONWEALTH.—In conducting the study under subsection (a)(2), the Secretary of Defense shall consult with the Commonwealth regarding the Commonwealth's planned future uses of the former bombardment area. The Secretary shall consider the Commonwealth's planned future uses in developing any conclusions or recommendations the Secretary may include in the study.

(d) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a)(2).

(e) DEFINITIONS.—In this section:

(1) The term ''quitclaim deed'' refers to the quitclaim deed from the United States to the Commonwealth of Puerto Rico, signed by the Secretary of the Interior on August 11, 1982, for that portion of Tract (1b) consisting of the former bombardment area on the island of Culebra, Puerto Rico.

(2) The term ''unexploded ordnance'' has the meaning given that term by section 101(e)(5) of title 10, United States Code.

SEC. 2815. CLARIFICATION OF AUTHORITY OF SECRETARY TO ASSIST WITH DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH THE ESTABLISHMENT OR EXPANSION OF A MILITARY INSTALLATION.

Section 2391(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following:

''If the proposed or actual establishment or expansion of a military installation would otherwise qualify a State or local government for assistance under this paragraph and is the result of base realignment and closure activities authorized by the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), the Secretary may make grants, conclude cooperative agreements, and supplement funds available under Federal programs administered by agencies other than the Department of Defense in order to assist the State or local government with development of the public infrastructure (including construction) required by the proposed or actual establishment or expansion.''; and

(2) in paragraph (5)(A), by striking ''in planning community adjustments and economic diversification'' and inserting ''as provided in paragraph (1)''.

Subtitle C—Provisions Related to Guam Realignment

SEC. 2821. SENSE OF CONGRESS REGARDING IMPORTANCE OF PROVIDING COMMUNITY ADJUSTMENT ASSISTANCE TO GOVERNMENT OF GUAM.

It is the Sense of Congress that—

(1) for national security reasons, the United States is required from time to time to construct major, new military installations despite the serious adverse impacts that the installations will have on the communities and the areas in which the installations are constructed; and

(2) neither the impacted local governments nor the communities in which the installations are constructed should be expected to bear the full cost of mitigating such adverse impacts.

SEC. 2822. DEPARTMENT OF DEFENSE ASSISTANCE FOR COMMUNITY ADJUSTMENTS RELATED TO REALIGNMENT OF MILITARY INSTALLATIONS AND RELOCATION OF MILITARY PERSONNEL ON GUAM.

(a) TEMPORARY ASSISTANCE AUTHORIZED.—

(1) ASSISTANCE TO GOVERNMENT OF GUAM.—The Secretary of Defense may assist the Government of Guam in meeting the costs of providing increased municipal services and facilities required as a result of the realignment of military installations and the relocation of military personnel on Guam (in this section referred to as the ''Guam realignment'') if the Secretary determines that an unfair and excessive financial burden will be incurred by the Government of Guam to provide the services and facilities in the absence of the Department of Defense assistance.

(2) MITIGATION OF IDENTIFIED IMPACTS.—The Secretary of Defense may take such actions as the Secretary considers to be appropriate to mitigate the significant impacts identified in the Record of Decision of the ''Guam and CNMI Military Relocation Environmental Impact Statement'' by providing increased municipal services and facilities to activities that directly support the Guam realignment.

(b) METHODS TO PROVIDE ASSISTANCE.—

(1) USE OF EXISTING PROGRAMS.—The Secretary of Defense shall carry out subsection (a) through existing Federal programs.

(2) TRANSFER AUTHORITY.—To the extent necessary to carry out subsection (a), the Secretary may transfer appropriated funds available to the Department of Defense or a military department for operation and maintenance to supplement funds made available to Guam under a Federal program. The transfer authority provided by this paragraph is in addition to the transfer authority provided by section 1001. Amounts so transferred shall be merged with and be available for the same purposes as the appropriation to which transferred.

(3) COST SHARE ASSISTANCE.—The Secretary may use appropriated amounts referred to in paragraph (2) to provide financial assistance to the Government of Guam to assist the Government of Guam to pay its share of the costs under Federal programs utilized by the Secretary under paragraph (1).

(c) LIMITATION ON PROVISION OF ASSISTANCE.—The total cost of the construction of facilities carried out utilizing the authority provided by subsection (a) may not exceed $500,000,000.

(d) SPECIAL CONSIDERATIONS.—In determining the amount of financial assistance to be made available under this section to the

Government of Guam for any community service or facility, the Secretary of Defense shall consult with the head of the department or agency of the Federal Government concerned with the type of service or facility for which financial assistance is being made available and shall take into consideration—

(1) the time lag between the initial impact of increased population on Guam and any increase in the local tax base that will result from such increased population;

(2) the possible temporary nature of the increased population and the long-range cost impact on the permanent residents of Guam; and

(3) such other pertinent factors as the Secretary of Defense considers appropriate.

(e) PROGRESS REPORTS REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended under the authority of this section during the preceding 6-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each project during such period.

(f) TERMINATION.—The authority to provide assistance under subsection (a) expires September 30, 2017. Amounts obligated before that date may be expended after that date.

SEC. 2823. EXTENSION OF TERM OF DEPUTY SECRETARY OF DEFENSE'S LEADERSHIP OF GUAM OVERSIGHT COUNCIL.

Subsection (d) of section 132 of title 10, United States Code, as added by section 2831(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2669), is amended by striking ''September 30, 2015'' and inserting ''September 30, 2020''.

SEC. 2824. UTILITY CONVEYANCES TO SUPPORT INTEGRATED WATER AND WASTEWATER TREATMENT SYSTEM ON GUAM.

(a) CONVEYANCE OF UTILITIES.—The Secretary of Defense may convey to the Guam Waterworks Authority (in this section referred to as the ''Authority'') all right, title, and interest of the United States in and to the water and wastewater treatment utility systems on Guam, including the Fena Reservoir, for the purpose of establishing an integrated water and wastewater treatment system on Guam.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the conveyance of the water and wastewater treatment utility systems on Guam, the Authority shall pay to the Secretary of Defense an amount equal to the fair market value of the utility infrastructure to be conveyed, as determined pursuant to an agreement between the Secretary and the Authority.

(2) DEFERRED PAYMENTS.—At the discretion of the Authority, the Authority may elect to pay the consideration determined under paragraph (1) in equal annual payments over a period of not more than 25 years, starting with the first year beginning after the date of the conveyance of the water and wastewater treatment utility systems to the Authority.

(3) ACCEPTANCE OF IN-KIND SERVICES.—The consideration required by paragraph (1) may be paid in cash or in-kind, as acceptable to the Secretary of Defense. The Secretary of Defense, in consultation with the Secretary of the Interior, shall consider the value of in-kind services provided by the Government of Guam pursuant to section 311 of the Compact of Free Association between the Government of the United States and the Government of the Federated States of Micronesia, approved by Congress in the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 117 Stat. 2781), section 311 of the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands, approved by Congress in such Act, and the Compact of Free Association between the Government of the United States and the Government of the Republic of Palau, approved by Congress in the Palau Compact of Free Association Act (Public Law 99–658; 100 Stat. 3672).

(c) CONDITION OF CONVEYANCE.—As a condition of the conveyance under subsection (a), the Secretary of Defense must obtain at least a 33 percent voting representation on the Guam Consolidated Commission on Utilities, including a proportional representation as chairperson of the Commission.

(d) IMPLEMENTATION REPORT.—

(1) REPORT REQUIRED.—If the Secretary of Defense determines to use the authority provided by subsection (a) to convey the water and wastewater treatment utility systems to the Authority, the Secretary shall submit to the congressional defense committees a report containing—

(A) a description of the actions needed to efficiently convey the water and wastewater treatment utility systems to the Authority; and

(B) an estimate of the cost of the conveyance.

(2) SUBMISSION.—The Secretary shall submit the report not later than 30 days after the date on which the Secretary makes the determination triggering the report requirement.

(e) NEW WATER SYSTEMS.—If the Secretary of Defense determines to use the authority provided by subsection (a) to convey the water and wastewater treatment utility systems to the Authority, the Secretary shall also enter into an agreement with the Authority, under which the Authority will manage and operate any water well or wastewater treatment plant that is constructed by the Secretary of a military department on Guam on or after the date of the enactment of this Act.

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary of Defense may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(g) TECHNICAL ASSISTANCE.—

(1) ASSISTANCE AUTHORIZED; REIMBURSEMENT.—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may provide technical assistance to the Secretary of Defense and the Authority regarding the development of plans for the design, construction, operation, and maintenance of integrated water and wastewater treatment utility systems on Guam.

(2) CONTRACTING AUTHORITY; CONDITION.—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may enter into memoranda of understanding, cooperative agreements, and other agreements with the Secretary of Defense to provide technical assistance as described in paragraph (1) under such terms and conditions as the Secretary of the Interior and the Secretary of Defense consider appropriate, except that costs incurred by the Secretary of the Interior to provide technical assistance under paragraph (1) shall be covered by the Secretary of Defense.

(3) REPORT AND OTHER ASSISTANCE.—Not later than 1 year after date of the enactment of this Act, the Secretary of the Interior and the Secretary of Defense shall submit to the congressional defense committees, the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate a report detailing the following:

(A) Any technical assistance provided under paragraph (1) and information pertaining to any memoranda of understanding, cooperative agreements, and other agreements entered into pursuant to paragraph (2).

(B) An assessment of water and wastewater systems on Guam, including cost estimates and budget authority, including authorities available under the Acts of June 17, 1902, and June 12, 1906 (popularly known as the Reclamation Act; 43 U.S.C. 391) and other authority available to the Secretary of the Interior, for financing the design, construction, operation, and maintenance of such systems.

(C) The needs related to water and wastewater infrastructure on Guam and the protection of water resources on Guam identified by the Authority.

SEC. 2825. REPORT ON TYPES OF FACILITIES REQUIRED TO SUPPORT GUAM REALIGNMENT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the congressional defense committees a report on the structural integrity of facilities required to support the realignment of military installations and the relocation of military personnel on Guam.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall contain the following elements:

(1) A threat assessment to the realigned forces, including natural and manmade threats.

(2) An evaluation of the types of facilities and the enhanced structural requirements required to deter the threat assessment specified in paragraph (1).

(3) An assessment of the costs associated with the enhanced structural requirements specified in paragraph (2).

SEC. 2826. REPORT ON CIVILIAN INFRASTRUCTURE NEEDS FOR GUAM.

(a) REPORT REQUIRED.—The Secretary of the Interior shall prepare a report—

(1) detailing the civilian infrastructure improvements needed on Guam to directly and indirectly support and sustain the realignment of military installations and the relocation of military personnel on Guam; and

(2) identifying, to the maximum extent practical, the potential funding sources for such improvements from other Federal departments and agencies and from existing authorities and funds within the Department of Defense.

(b) CONSULTATION.—The Secretary of the Interior shall prepare the report required by subsection (a) in consultation with the Secretary of Defense, the Government of Guam, and the Interagency Group on the Insular Areas established by Executive Order No. 13537.

(c) SUBMISSION.—The Secretary of the Interior shall submit the report required by subsection (a) to the congressional defense committees and the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act.

SEC. 2827. COMPTROLLER GENERAL REPORT ON PLANNED REPLACEMENT NAVAL HOSPITAL ON GUAM.

(a) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall review and assess the proposed replacement Naval Hospital on Guam to determine whether the size and scope of the hospital will be sufficient to support the current and projected military mission requirements and Department of Defense beneficiary population on Guam.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review and assessment under subsection (a).

Subtitle D—Energy Security

SEC. 2831. CONSIDERATION OF ENVIRONMENTALLY SUSTAINABLE PRACTICES IN DEPARTMENT ENERGY PERFORMANCE PLAN.

Section 2911(c) of title 10, United States Code, is amended—

(1) in paragraph (4), by inserting ''and hybrid-electric drive'' after ''alternative fuels'';

(2) by redesignating paragraph (9) as paragraph (11) and paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(3) by inserting after paragraph (4) the following new paragraph:

''(5) Opportunities for the high-performance construction, lease, operation, and maintenance of buildings.''; and

(4) by inserting after paragraph (9) (as redesignated by paragraph (2)) the following new paragraph:

''(10) The value of incorporating electric, hybrid-electric, and high efficiency vehicles into vehicle fleets.''.

SEC. 2832. PLAN AND IMPLEMENTATION GUIDELINES FOR ACHIEVING DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY TO MEET FACILITY ENERGY NEEDS.

(a) PLAN AND GUIDELINES REQUIRED.—Section 2911(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) The Secretary of Defense, in coordination with the Secretaries of the military departments, shall develop a plan and implementation guidelines for achieving the percentage goal specified in paragraph (1)(A).''.

(b) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the plan and implementation guidelines required by paragraph (2) of section 2911(e) of title 10, United States Code, as added by subsection (a).

SEC. 2833. INSULATION RETROFITTING ASSESSMENT FOR DEPARTMENT OF DEFENSE FACILITIES.

(a) SUBMISSION AND CONTENTS OF INSULATION RETROFITTING ASSESSMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an assessment containing an estimate of—

(1) the number of Department of Defense facilities described in subsection (b); and

(2) the overall cost savings and energy savings to the Department that would result from retrofitting those facilities with improved insulation.

(b) FACILITIES INCLUDED IN ASSESSMENT.—The assessment requirement in subsection (a) shall apply with respect to each Department of Defense facility the retrofitting of which (as described in such subsection) would result, over the remaining expected life of the facility, in an amount of cost savings that is at least twice the amount of the cost of the retrofitting.

Subtitle E—Land Conveyances

SEC. 2841. CONVEYANCE OF PERSONAL PROPERTY RELATED TO WASTE-TO-ENERGY POWER PLANT SERVING EIELSON AIR FORCE BASE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the Fairbanks North Star Borough, Alaska (in this section referred to as the ''Borough''), personal property acquired for the Eielson Air Force Base Alternate Energy Source Program to be used for a waste-to-energy power plant that would generate electricity through the burning of waste generated by the Borough, Eielson Air Force Base, and other Federal facilities or State or local government entities.

(b) CONSIDERATION.—As consideration for the conveyance of personal property under subsection (a), the Secretary shall require the Borough to offset Eielson Air Force Base waste disposal fees by the fair market value of the conveyed property.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. LAND CONVEYANCE, WHITTIER PETROLEUM, OIL, AND LUBRICANT TANK FARM, WHITTIER, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Whittier, Alaska (in this section referred to as the ''City''), all right, title, and interest of the United States in and to parcels of real property, including any improvements thereon, consisting of approximately 31 acres at the Whittier Petroleum, Oil, and Lubricant Tank Farm, Whittier, Alaska, for the purpose of permitting the City to use the property for local public activities.

(b) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), including easements or covenants to protect cultural or natural resources, as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. LAND CONVEYANCE, FORT KNOX, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Department of Veterans Affairs of the Commonwealth of Kentucky (in this section referred to as the ''Department'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 194 acres at Fort Knox, Kentucky, for the purpose of permitting the Department to establish and operate a State veterans home and future expansion of the adjacent State veterans cemetery for veterans and eligible family members of the Armed Forces.

(b) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—(1) The Department shall reimburse the Secretary for any costs incurred by the Secretary in making the conveyance under subsection (a), including costs related to environmental documentation and other administrative costs. This paragraph does not apply to costs associated with the environmental remediation of the property to be conveyed.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as other amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a), as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. LAND CONVEYANCE, NAVAL SUPPORT ACTIVITY (WEST BANK), NEW ORLEANS, LOUISIANA.

(a) CONVEYANCE AUTHORIZED.—Except as provided in subsection (b), the Secretary of the Navy may convey to the Algiers Development District all right, title, and interest of the United States in and to the real property comprising the Naval Support Activity (West Bank), New Orleans, Louisiana, including—

(1) any improvements and facilities on the real property; and

(2) available personal property on the real property.

(b) CERTAIN PROPERTY EXCLUDED.—The conveyance under subsection (a) may not include—

(1) the approximately 29-acre area known as the Secured Area of the real property described in such subsection, which shall remain subject to the Lease; and

(2) the Quarters A site, which is located at Sanctuary Drive, as determined by a survey satisfactory to the Secretary of the Navy.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(d) TIMING.—The authority provided in subsection (a) may only be exercised after—

(1) the Secretary of the Navy determines that the property described in subsection (a) is no longer needed by the Department of the Navy; and

(2) the Algiers Development District delivers the full consideration as required by Article 3 of the Lease.

(e) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall include a condition that expressly prohibits any use of the property that would interfere or otherwise restrict operations of the Department of the Navy in the Secured Area referred to in subsection (b), as determined by the Secretary of the Navy.

(f) SUBSEQUENT CONVEYANCE OF SECURED AREA.—If at any time the Secretary of the Navy determines and notifies the Algiers Development District that there is no longer a continuing requirement to occupy or otherwise control the Secured Area referred to in subsection (b) to support the mission of the Marine Forces Reserve or other comparable Marine Corps use, the Secretary may convey to the Algiers Development District the Secured Area and the any improvements situated thereon.

(g) SUBSEQUENT CONVEYANCE OF QUARTERS A.—If at any time the Secretary of the Navy determines that the Department of the Navy no longer has a continuing requirement for general officers quarters to be located on the Quarters A site referred to in subsection (b) or the Department of the Navy elects or offers to transfer, sell, lease, assign, gift or otherwise convey any or all of the Quarters A site or any improvements thereon to any third party, the Secretary may convey to the Algiers Development District the real property containing the Quarters A site.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance of property under this section, consistent with the Lease, as the Secretary considers appropriate to protect the interest of the United States.

(i) DEFINITIONS.—In this section:

(1) The term ''Algiers Development District'' means the Algiers Development District, a local political subdivision of the State of Louisiana.

(2) The term ''Lease'' means that certain Real Estate Lease for Naval Support Activity New Orleans, West Bank, New Orleans, Louisiana, Lease No. N47692–08–RP–08P30, by and between the United States, acting by and through the Department of the Navy, and the Algiers Development District dated September 30, 2008.

SEC. 2845. LAND CONVEYANCE, FORMER NAVY EXTREMELY LOW FREQUENCY COMMUNICATIONS PROJECT SITE, REPUBLIC, MICHIGAN.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to Humboldt Township in Marquette County, Michigan, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in Republic, Michigan, consisting of approximately seven acres and formerly used as an Extremely Low Frequency communications project site, for the purpose of permitting the Township to use the property for local public activities.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2846. LAND CONVEYANCE, MARINE FORCES RESERVE CENTER, WILMINGTON, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the North Carolina State Port Authority of Wilmington, North Carolina (in this section referred to as the ''Port Authority''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 3.03 acres and known as the Marine Forces Reserve Center in Wilmington, North Carolina, for the purpose of permitting the Port Authority to use the parcel for development of a port facility and for other public purposes.

(b) INCLUSION OF PERSONAL PROPERTY.—The Secretary of the Navy may include as part of the conveyance under subsection (a) personal property of the Navy at the Marine Forces Reserve Center that the Secretary of Transportation recommends is appropriate for the development or operation of the port facility and the Secretary of the Navy agrees is excess to the needs of the Navy.

(c) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary of the Navy may lease the property to the Port Authority.

(d) CONSIDERATION.—

(1) CONVEYANCE.—The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Navy determines that the Port Authority satisfies the criteria specified in section 554 of title 40, United States Code, and regulations prescribed to implement such section. If the Secretary determines that the Port Authority fails to qualify for a public benefit conveyance, but still desires to acquire the property, the Port Authority shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary.

(2) LEASE.—The Secretary of the Navy may accept as consideration for a lease of the property under subsection (c) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy and the Port Authority. The cost of such survey shall be borne by the Port Authority.

(f) ADDITIONAL TERMS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2851. REQUIREMENTS RELATED TO PROVIDING WORLD CLASS MILITARY MEDICAL FACILITIES.

(a) UNIFIED CONSTRUCTION STANDARD FOR MILITARY CONSTRUCTION AND REPAIRS TO MILITARY MEDICAL FACILITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish a unified construction standard for military construction and repairs for military medical facilities that provides a single standard of care. This standard shall also include a size standard for operating rooms and patient recovery rooms.

(b) INDEPENDENT REVIEW PANEL.—

(1) ESTABLISHMENT; PURPOSE.—The Secretary of Defense shall establish an independent advisory panel for the purpose of—

(A) advising the Secretary regarding whether the Comprehensive Master Plan for the National Capital Region Medical, dated April 2010, is adequate to fulfill statutory requirements, as required by section 2714 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2656), to ensure that the facilities and organizational structure described in the plan result in world class military medical facilities in the National Capital Region;

(B) monitoring the implementation and any subsequent modification of the master plan referred to in subparagraph (A); and

(C) making recommendations regarding any adjustments of the master plan referred to in subparagraph (A) needed to ensure the provision of world class military medical facilities and delivery system in the National Capital Region.

(2) MEMBERS.—

(A) APPOINTMENTS BY SECRETARY.—The panel shall be composed of such members as determined by the Secretary of Defense, except that the Secretary shall include as members—

(i) medical facility design experts;

(ii) military healthcare professionals;

(iii) representatives of premier health care facilities in the United States; and

(iv) former retired senior military officers with joint operational and budgetary experience.

(B) CONGRESSIONAL APPOINTMENTS.—The chairmen and ranking members of the Committees on the Armed Services of the Senate and House of Representatives may each designate one member of the panel.

(C) TERM.—Members of the panel may serve on the panel until the termination date specified in paragraph (7).

(D) COMPENSATION.—While performing duties on behalf of the panel, a member and any adviser referred to in paragraph (4) shall be reimbursed under Government travel regulations for necessary travel expenses.

(3) MEETINGS.—The panel shall meet not less than quarterly. The panel or its members may make other visits to military treatment facilities and military headquarters in connection with the duties of the panel.

(4) STAFF AND ADVISORS.—The Secretary of Defense shall provide necessary administrative staff support to the panel. The panel may call in advisers for consultation.

(5) REPORTS.—

(A) INITIAL REPORT.—Not later than 120 days after the first meeting of the panel, the panel shall submit to the Secretary of Defense a written report containing an assessment of the adequacy of the master plan referred to in paragraph (1)(A) and the recommendations of the panel to improve the plan.

(B) ADDITIONAL REPORTS.—Not later than February 28, 2011, and February 29, 2012, the panel shall submit to the Secretary of Defense a report on the findings and recommendations of the panel to address any deficiencies identified by the panel.

(6) ASSESSMENT OF RECOMMENDATIONS.—Not later than 30 days after the date of the submission of each report under paragraph (5), the Secretary of Defense shall submit to the congressional defense committees a report including—

(A) an assessment by the Secretary of the findings and recommendations of the panel; and

(B) the plans of the Secretary for addressing such findings and recommendations.

(7) TERMINATION.—The panel shall terminate on September 30, 2015.

(c) DEFINITIONS.—In this section:

(1) NATIONAL CAPITAL REGION.—The term ''National Capital Region'' has the meaning given the term in section 2674(f) of title 10, United States Code.

(2) WORLD CLASS MILITARY MEDICAL FACILITY.—The term ''world class military medical facility'' has the meaning given the term by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report titled ''Achieving World Class—An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital'' and published in May 2009, as required by section 2721 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4716).

SEC. 2852. NAMING OF ARMED FORCES RESERVE CENTER, MIDDLETOWN, CONNECTICUT.

The newly constructed Armed Forces Reserve Center in Middletown, Connecticut, shall be known and designated as the ''Major General Maurice Rose Armed Forces Reserve Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to such Armed Forces Reserve Center shall be deemed to be a reference to the Major General Maurice Rose Armed Forces Reserve Center.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Subtitle A—Fiscal Year 2010 Projects

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

Army: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AF	Various Locations	Operational Facilities	80,100	80,100
AF	Various Locations	Supporting Activities	62,900	62,900
AF	Various Locations	Utility Facilities	52,600	52,600

(b) AUTHORIZATION OF APPROPRIATIONS.—
(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of $195,600,000.
(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of $40,000,000.
(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of $6,696,000.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

Air Force: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AF	Various Locations	Operational Facilities	220,500	220,500
AF	Various Locations	Supply Facilities	24,550	24,550

(b) AUTHORIZATION OF APPROPRIATIONS.—
(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of $245,050,000.
(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of $15,000,000.
(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, in the total amount of $19,040,000.

Subtitle B—Fiscal Year 2011 Projects

SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

Army: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AF	Various Locations	Air Pollution Abatement	16,000	16,000
AF	Various Locations	Community Facilities	21,450	21,450
AF	Various Locations	Hospital and Medical Facilities	50,800	50,800
AF	Various Locations	Operational Facilities	69,600	69,600
AF	Various Locations	Supply Facilities	30,700	30,700
AF	Various Locations	Supporting Activities	199,800	199,800
AF	Various Locations	Troop Housing Facilities	283,000	283,000
AF	Various Locations	Utility Facilities	90,600	90,600

(b) AUTHORIZATION OF APPROPRIATIONS.—
(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $761,950,000.
(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $78,330,000.
(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $89,716,000.

SEC. 2912. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for various locations outside the United States, and subject to the purpose, total amount authorized, and authorization of appropriations specified for the projects, set forth in the following table:

Air Force: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
AF	Various Locations	Maintenance and Production Facilities	7,400	7,400
AF	Various Locations	Operational Facilities	203,000	203,000
AF	Various Locations	Supply Facilities	7,100	7,100

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $217,500,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $49,584,000.

(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $13,422,000.

SEC. 2913. AUTHORIZED DEFENSE WIDE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and carry out military construction projects for the Defense Agencies for a classified project at a classified location outside the United States, and subject to the total amount authorized and authorization of appropriations specified for the project, set forth in the following table:

Defense Wide: Military Construction Outside the United States
(Amounts Are Specified In Thousands of Dollars)

Overseas Location	Installation or Location	Purpose of Project	Project Amount	Authorization of Appropriations
XC	Classified Location	Classified Project	41,900	41,900

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $41,900,000.

(2) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design authorized by section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $4,600,000.

SEC. 2914. CONSTRUCTION AUTHORIZATION FOR DEPARTMENT OF DEFENSE FACILITIES IN A FOREIGN COUNTRY.

Of the amounts authorized to be appropriated by this subtitle, the Secretary of Defense may use not more than $46,500,000 to plan, design, and construct facilities in a foreign country for the Department of Defense.

Subtitle C—Other Matters

SEC. 2921. NOTIFICATION OF OBLIGATION OF FUNDS AND QUARTERLY REPORTS.

(a) NOTIFICATION OF OBLIGATION OF FUNDS.—

(1) NOTICE AND WAIT REQUIREMENT.—Before using appropriated funds to carry out a construction project outside the United States that is authorized by section 2901, 2902, 2911, or 2912 and has an estimated cost in excess of the amounts authorized for unspecified minor military construction projects under section 2805(c) of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a notice regarding the construction project. The project may be carried out only after the end of the 10-day period beginning on the date the notice is received by the committees or, if earlier, the end of the 7-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(2) CONTENTS OF NOTICE.—The notice for a construction project covered by subsection (a) shall include the following:

(A) Certification that the construction—

(i) is necessary to meet urgent military operational requirements of a temporary nature involving the use of the Armed Forces;

(ii) is carried out in support of a non-enduring mission; and

(iii) is the minimum construction necessary to meet temporary operational requirements.

(B) A description of the purpose for which appropriated funds are being obligated.

(C) All relevant documentation detailing the construction project.

(D) An estimate of the total amount obligated for the construction.

(b) QUARTERLY REPORTS.—

(1) REPORT REQUIRED.—Not later than 45 days after the end of each fiscal-year quarter during which appropriated funds are obligated or expended to carry out construction projects outside the United States that are authorized by section 2901, 2902, 2911, or 2912, the Secretary of Defense shall submit to the congressional defense committees a report on the worldwide obligation and expenditure during that quarter of appropriated funds for such construction projects.

(2) PROJECT AUTHORITY CONTINGENT ON SUBMISSION OF REPORTS.—The ability to use section 2901, 2902, 2911, or 2912 as authority during a fiscal year to obligate appropriated funds available to carry out construction projects outside the United States shall commence for that fiscal year only after the date on which the Secretary of Defense submits to the congressional defense committees all of the quarterly reports (if any) that were required under paragraph (1) for the preceding fiscal year.

(c) LIMITATION ON TRANSFER AUTHORITY.—If the Secretary of the Army or the Secretary of the Air Force determines that amounts appropriated pursuant to the authorization of appropriation in section 2901, 2902, 2911, or 2912 are required for any construction project that will cause obligations to exceed any of the category amounts specified in this title or for a construction project that is not within the scope of the category, the Secretary shall notify the congressional defense committees of this determination at least 14 days before obligating funds for the project.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $11,214,755,000, to be allocated as follows:

(1) For weapons activities, $7,008,835,000.

(2) For defense nuclear nonproliferation activities, $2,687,167,000.

(3) For naval reactors, $1,070,486,000.

(4) For the Office of the Administrator for Nuclear Security, $448,267,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) Project 11–D–801, reinvestment project phase 2, Los Alamos National Laboratory, Los Alamos, New Mexico, $23,300,000.

(2) Project 11–D–601, sanitary effluent reclamation facility expansion, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,588,039,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for other defense activities in carrying out programs necessary for national security in the amount of $878,209,000.

SEC. 3104. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for energy security and assurance programs necessary for national security in the amount of $6,188,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. EXTENSION OF AUTHORITY RELATING TO THE INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM OF THE DEPARTMENT OF ENERGY.

Section 3156(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2739; 50 U.S.C. 2343(b)(1)) is amended by striking ''January 1, 2013'' and inserting ''January 1, 2018''.

SEC. 3112. ENERGY PARKS INITIATIVE.

(a) IN GENERAL.—Subtitle B of title XLVIII of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2501 et seq.) is amended by adding at the end the following:

''SEC. 4815. ENERGY PARKS INITIATIVE.

''(a) IN GENERAL.—The Secretary of Energy may facilitate the development of energy parks described in subsection (b) on defense nuclear facility reuse property through the use of collaborative partnerships with State and local governments, the private sector, and community reuse organizations approved by the Secretary.

''(b) ENERGY PARKS.—An energy park described in this subsection is a facility (or group of facilities) developed for the purpose of—

''(1) promoting energy security, environmental sustainability, economic competitiveness, and energy sector jobs; and

''(2) encouraging pilot programs, demonstration projects, or commercial projects, at or near such facility, with respect to energy generation, energy efficiency, and advanced manufacturing technologies that will contribute to a stabilization of atmospheric greenhouse gas concentrations through the reduction, avoidance, or sequestration of energy-related emissions.

''(c) INFRASTRUCTURE.—In facilitating the development of an energy park under this section, the Secretary shall—

''(1) use existing infrastructure, facilities, workforces, and other assets in the vicinity of the energy park; and

''(2) ensure that such energy park does not interfere with the Secretary's other responsibilities at any defense nuclear facility.

''(d) REPORT.—Not later than December 31, 2011, the Secretary shall submit to the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives and the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate a report on steps taken to facilitate the development of energy parks under this section.

''(e) DEFINITIONS.—In this section:

''(1) The term 'defense nuclear facility' has the meaning given the term 'Department of Energy defense nuclear facility' in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

''(2) The term 'defense nuclear facility reuse property' means property that—

''(A) is located at a defense nuclear facility; and

''(B) the Secretary of Energy determines—

''(i) has been adequately remediated by the Secretary or was not in need of remediation; and

''(ii) is ready for use as an energy park.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314) is amended by inserting after the item relating to section 4814 the following new item:

''Sec. 4815. Energy parks initiative.''.

SEC. 3113. ESTABLISHMENT OF TECHNOLOGY TRANSFER CENTERS.

(a) TECHNOLOGY TRANSFER CENTERS.—

(1) IN GENERAL.—Section 4813 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2794) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) TECHNOLOGY TRANSFER CENTERS.—(1) Subject to the availability of appropriations provided for such purpose, the Administrator shall establish a technology transfer center described in paragraph (2) at each national security laboratory.

''(2) A technology transfer center described in this paragraph is a center to foster collaborative scientific research, technology development, and the appropriate transfer of research and technology to users in addition to the national security laboratories.

''(3) In establishing a technology transfer center under this subsection, the Administrator—

''(A) shall enter into cooperative research and development agreements with governmental, public, academic, or private entities; and

''(B) may enter into a contract with respect to constructing, purchasing, managing, or leasing buildings or other facilities.''.

(2) DEFINITION.—Subsection (c) of such section, as redesignated by paragraph (1)(A), is amended by adding at the end the following new paragraph:

''(5) The term 'national security laboratory' has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).''.

(3) SECTION HEADING.—The heading of such section is amended by inserting ''and technology transfer centers'' after ''partnerships''.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314) is amended by striking the item relating to section 4813 and inserting the following new item:

''Sec. 4813. Critical technology partnerships and technology transfer centers.''.

SEC. 3114. AIRCRAFT PROCUREMENT.

Of the amounts authorized to be appropriated under section 3101(a)(1) for fiscal year 2011 for weapons activities, the Secretary of Energy may procure not more than two aircraft.

SEC. 3115. ENHANCING PRIVATE-SECTOR EMPLOYMENT THROUGH TECHNOLOGY TRANSFER ACTIVITIES.

(a) IN GENERAL.—The Administrator for Nuclear Security shall encourage technology transfer activities at the national security laboratories (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)) that lead to the creation of new private-sector employment opportunities.

(b) REPORTS.—Not later than January 31 of each year, the Administrator shall submit to Congress a report detailing the number of new private-sector employment opportunities created as a result of the previous years' technology transfer activities at each national security laboratory.

Subtitle C—Reports

SEC. 3121. COMPTROLLER GENERAL REPORT ON NNSA BIENNIAL COMPLEX MODERNIZATION STRATEGY.

Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) GAO STUDY AND REPORTS.—(1) For each plan and assessment submitted under subsection (a), the Comptroller General of the United States shall conduct a study that includes the following:

''(A) An analysis of the plan under subsection (a)(1).

''(B) An analysis of the assessment under subsection (a)(2).

''(C) Whether both the budget for the fiscal year in which the plan and assessment are submitted and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex in accordance with the plan.

''(D) An analysis of any assessment submitted by the Administrator under subsection (c).

''(E) With respect to the facilities infrastructure recapitalization program—

''(i) whether such program achieved its mission of addressing deferred and backlogged maintenance;

''(ii) to what extent deferred and backlogged maintenance remains unaddressed;

''(iii) whether the expiration of such program's authorities has weakened or strengthened plans under subsection (a); and

''(iv) whether the reauthorization of such program would further the goal of modernizing and refurbishing the nuclear security complex.

''(2) Not later than 180 days after the date on which the Administrator submits the plan and assessment under subsection (a), the Comptroller General shall submit to the congressional defense committees a report on the study under paragraph (1), including—

''(A) the findings of the study under paragraph (1);

''(B) whether the plan and assessment submitted under subsection (a) support each element under subsection (b); and

''(C) the role of the United States Strategic Command in making an assessment under subsection (c).

''(3) Not later than 90 days after the date on which a budget is submitted to Congress during an even-numbered fiscal year, the Comptroller General shall submit to the congressional defense committees an update to the previous study under paragraph (1) taking into account the nuclear security budget materials included with such budget.''.

SEC. 3122. REPORT ON GRADED SECURITY PROTECTION POLICY.

(a) REPORT.—Not later than February 1, 2011, the Secretary of Energy shall submit to the congressional defense committees a report on the implementation of the graded security protection policy of the Department of Energy.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A comprehensive plan and schedule (including any benchmarks, milestones, or other deadlines) for implementing the graded security protection policy.

(2) An explanation of the current status of the graded security protection policy for each site with respect to the comprehensive plan under paragraph (1).

(3) An explanation of the Secretary's objective end-state for implementation of the graded security protection policy (such end-state shall include supporting justification and rationale to ensure that robust and adaptive security measures meet the graded security protection policy requirements).

(4) Identification of each site that has received an exception or waiver to the graded security protection policy, including the justification for each such exception or waiver.

(5) A schedule for ''force-on-force'' exercises that the Secretary considers necessary to maintain operational readiness.

(6) A description of a program that will provide proper training and equipping of personnel to a certifiable standard.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2011, $28,640,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $23,614,000 for fiscal year 2011 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2011.

Funds are hereby authorized to be appropriated for fiscal year 2011, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $100,020,000, of which—

(A) $63,120,000 shall remain available until expended for Academy operations;

(B) $6,000,000 shall remain available until expended for refunds to Academy midshipmen for improperly charged fees; and

(C) $30,900,000 shall remain available until expended for capital improvements at the Academy.

(2) For expenses necessary to support the State maritime academies, $15,007,000, of which—

(A) $2,000,000 shall remain available until expended for student incentive payments;

(B) $2,000,000 shall remain available until expended for direct payments to such academies; and

(C) $11,007,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $10,000,000.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $60,000,000, of which $3,688,000 shall remain available until expended for administrative expenses of the program.

SEC. 3502. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

Chapter 531 of title 46, United States Code, is amended—

(1) in section 53104(a), by striking ''2015'' and inserting ''2025'';

(2) in section 53106(a)(1)(C), by striking ''for each fiscal years 2012, 2013, 2014, and 2015'' and inserting ''for each of fiscal years 2012 though 2025''; and

(3) in section 53111(3), by striking ''2015'' and inserting ''2025''.

SEC. 3503. UNITED STATES MERCHANT MARINE ACADEMY NOMINATIONS OF RESIDENTS OF THE NORTHERN MARIANA ISLANDS.

Section 51302(b) of title 46, United States Code, is amended—

(1) in paragraph (3), by inserting ''the Northern Mariana Islands,'' after ''Guam,''; and

(2) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. 3504. ADMINISTRATIVE EXPENSES FOR PORT OF GUAM IMPROVEMENT ENTERPRISE PROGRAM.

Section 3512(c)(4) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (48 U.S.C. 1421r(c)(4)) is amended—

(1) by inserting '', and of other amounts appropriated or otherwise made available to the Maritime Administration for the purposes of the Program for fiscal year 2011 or thereafter,'' after ''for a fiscal year''; and

(2) by inserting ''under this section'' before the period at the end.

SEC. 3505. VESSEL LOAN GUARANTEES: PROCEDURES FOR TRADITIONAL AND NONTRADITIONAL APPLICATIONS.

(a) DEFINITIONS.—Section 53701 of title 46, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (16);

(2) by redesignating paragraphs (10) through (13) as paragraphs (11) through (14), respectively;

(3) by inserting after paragraph (8) the following new paragraph:

''(9) NONTRADITIONAL APPLICATION.—The term 'nontraditional application' means an application for a loan, guarantee, or commitment to guarantee under this chapter, that is not a traditional application, as determined by the Administrator.''; and

(4) by inserting after paragraph (14), as so redesignated, the following new paragraph:

''(15) TRADITIONAL APPLICATION.—The term 'traditional application' means an application for a loan, guarantee, or commitment to guarantee under this chapter that involves a market, technology, and financial structure of a type that has proven successful in previous applications and does not present an unreasonable risk to the United States, as determined by the Administrator.''.

(b) DEADLINE FOR DECISION ON APPLICATION; EXTENSION.—Section 53703(a) of title 46, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The Secretary or Administrator shall approve or deny an application for a loan guarantee under this chapter—

''(A) in the case of a traditional application, before the end of the 90-day period beginning on the date on which the signed application is received by the Secretary or Administrator; and

''(B) in the case of a nontraditional application, before the end of the 120-day period beginning on such date of receipt.''; and

(2) in paragraph (2), by striking ''the 270-day period in paragraph (1) to a date not later than 2 years'' and inserting ''the applicable period under paragraph (1) to a date that is not later than 1 year after the date on which the signed application was received by the Secretary or Administrator''.

(c) INDEPENDENT ANALYSIS.—Section 53708(d) of title 46, United States Code, is amended by striking ''an application'' and inserting ''a nontraditional application''.

(d) APPLICATION.—The amendments made by this section shall apply only to applications submitted after the date of enactment of this Act.

DIVISION D—IMPLEMENTING MANAGEMENT FOR PERFORMANCE AND RELATED REFORMS TO OBTAIN VALUE IN EVERY ACQUISITION ACT

SEC. 100A. SHORT TITLE.

This division may be cited as the ''Implementing Management for Performance and Related Reforms to Obtain Value in Every Acquisition Act of 2010''.

SEC. 100B. DEFINITION OF CONGRESSIONAL DEFENSE COMMITTEES.

In this division, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

TITLE I—DEFENSE ACQUISITION SYSTEM

SEC. 101. PERFORMANCE MANAGEMENT OF THE DEFENSE ACQUISITION SYSTEM.

(a) PERFORMANCE MANAGEMENT OF THE DEFENSE ACQUISITION SYSTEM.—

(1) IN GENERAL.—Part IV of title 10, United States Code, is amended by inserting after chapter 148 the following new chapter:

''CHAPTER 149—PERFORMANCE MANAGEMENT OF THE DEFENSE ACQUISITION SYSTEM

''§ 2545. Performance assessments of the defense acquisition system

''(a) PERFORMANCE ASSESSMENTS REQUIRED.—(1) The Secretary of Defense shall ensure that all elements of the defense acquisition system are subject to regular performance assessments—

''(A) to determine the extent to which such elements deliver appropriate value to the Department of Defense; and

''(B) to enable senior officials of the Department of Defense to manage the elements of the defense acquisition system to maximize their value to the Department.

''(2) The performance of each element of the defense acquisition system shall be assessed as needed, but not less often than annually.

''(3) The Secretary shall ensure that the performance assessments required by this subsection are appropriately tailored to reflect the diverse nature of defense acquisition so that the performance assessment of each element of the defense acquisition system accurately reflects the work performed by such element.

''(b) SYSTEMWIDE CATEGORIES.—(1) The Secretary of Defense shall establish categories of metrics for the defense acquisition system, including, at a minimum, categories relating to cost, quality, delivery, workforce, and policy implementation that apply to all elements of the defense acquisition system.

''(2) The Secretary of Defense shall issue guidance for service acquisition executives within the Department of Defense on the establishment of metrics, and goals and standards relating to such metrics, within the categories established by the Secretary under paragraph (1) to ensure that there is sufficient uniformity in performance assessments across the defense acquisition system so that elements of the defense acquisition system can be meaningfully compared.

''(c) METRICS, GOALS, AND STANDARDS.—(1) Each service acquisition executive of the Department of Defense shall establish metrics to be used in the performance assessments required by subsection (a) for each element of the defense acquisition system for which such executive is responsible within the categories established by the Secretary under

subsection (b). Such metrics shall be appropriately tailored pursuant to subsection (a)(3) and may include measures of—

''(A) cost, quality, and delivery;

''(B) contractor performance, including compliance with the Department of Defense policy regarding the participation of small business concerns owned and controlled by socially and economically disadvantaged individuals, veteran-owned small businesses, service-disabled, veteran-owned small businesses, and women-owned small businesses;

''(C) excessive use of contract bundling and availability of non-bundled contract vehicles;

''(D) workforce quality and program manager tenure (where applicable);

''(E) the quality of market research;

''(F) appropriate use of integrated testing;

''(G) appropriate consideration of long-term sustainment and energy efficiency; and

''(H) appropriate acquisition of technical data and other rights and assets necessary to support long-term sustainment.

''(2) Each service acquisition executive within the Department of Defense shall establish goals and standards (including, at a minimum, a threshold standard and an objective goal) for each metric established under paragraph (1) by the executive. In establishing the goals and standards for an element of the defense acquisition system, a service acquisition executive shall consult with the head of the element to the maximum extent practicable, but the service acquisition executive shall retain the final authority to determine the goals and standards established. The service acquisition executive shall update the goals and standards as necessary and appropriate consistent with the guidance issued under subsection (b)(2).

''(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall periodically review the metrics, goals, and standards established by service acquisition executives under this subsection to ensure that they are consistent with the guidance issued under subsection (b)(2).

''(d) RESPONSIBILITY FOR OVERSIGHT AND DIRECTION OF PERFORMANCE ASSESSMENTS.—(1) Performance assessments required by subsection (a) shall either be carried out by, or shall be subject to the oversight of, the Director of the Office of Performance Assessment and Root Cause Analysis. The authority and responsibility granted by this subsection is in addition to any other authority or responsibility granted to the Director of the Office of Performance Assessment and Root Cause Analysis by the Secretary of Defense or by any other provision of law. In the performance of duties pursuant to this section, the Director of the Office of Performance Assessment and Root Cause Analysis shall coordinate with the Deputy Chief Management Officer to ensure that performance assessments carried out pursuant to this section are consistent with the performance management initiatives of the Department of Defense.

''(2) A performance assessment may be carried out by an organization under the control of the service acquisition executive of a military department if—

''(A) the assessment fulfills the requirements of subsection (a);

''(B) the organization is approved to carry out the assessment by the Director of the Office of Performance Assessment and Root Cause Analysis; and

''(C) the assessment is subject to the oversight of the Director of the Office of Performance Assessment and Root Cause Analysis in accordance with paragraph (1).

''(e) RETENTION AND ACCESS TO RECORDS OF PERFORMANCE ASSESSMENTS WITHIN THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES.—The Secretary of Defense shall ensure that information from performance assessments of all elements of the defense acquisition system are retained electronically and that the Director of the Office of Performance Assessment and Root Cause Analysis—

''(1) promptly receives the results of all performance assessments conducted by an organization under the control of the service acquisition executive of a military department; and

''(2) has timely access to any records and data in the Department of Defense (including the records and data of each military department and Defense Agency and including classified and proprietary information) that the Director considers necessary to review in order to perform or oversee performance assessments pursuant to this section.

''(f) INCLUSION IN ANNUAL REPORT.—The Director of the Office of Performance Assessment and Root Cause Analysis shall include information on the activities undertaken by the Director under this section in the annual report of the Director required under section 103(f) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1716), including information on any performance assessment required by subsection (a) with significant findings. In addition, if a performance assessment uncovers particularly egregious problems, as identified by the Director, the Director shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such problems within 30 days after the problems are identified.

''(g) DEFINITIONS.—In this section:

''(1) The term 'defense acquisition system' means the acquisition workforce; the process by which the Department of Defense manages the acquisition of goods and services, including weapon systems, commodities, commercial and military unique services, and information technology; and the management structure for carrying out the acquisition function within the Department of Defense.

''(2) The term 'element of the defense acquisition system' means an organization that operates within the defense acquisition system and that focuses primarily on acquisition.

''(3) The term 'metric' means a specific measure that serves as a basis for comparison.

''(4) The term 'threshold performance standard' means the minimum acceptable level of performance in relation to a metric.

''(5) The term 'objective performance goal' means the most desired level of performance in relation to a metric.

''(6) The term 'Office of Performance Assessment and Root Cause Analysis' means the office reporting to the senior official designated by the Secretary of Defense under section 103(a) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23, 10 U.S.C. 2430 note).

''§ 2546. Audits of performance assessments

''(a) AUDITS REQUIRED.—The Secretary of Defense shall ensure that the performance assessments of the defense acquisition system required by section 2545 of this title are subject to periodic audits to determine the accuracy, reliability, and completeness of such assessments.

''(b) STANDARDS AND APPROACH.—In performing the audits required by subsection (a), the Secretary shall ensure that such audits—

''(1) comply with generally accepted government auditing standards issued by the Comptroller General;

''(2) use a risk-based approach to audit planning; and

''(3) appropriately account for issues associated with auditing assessments of activities occurring in a contingency operation.

''§ 2547. Use of performance assessments for managing performance

''(a) IN GENERAL.—The Secretary of Defense shall ensure that the results of performance assessments are used in the management of elements of the defense acquisition system through direct linkages between the results of a performance assessment and the following:

''(1) The size of the bonus pool available to the workforce of an element of the defense acquisition system.

''(2) Rates of promotion in the workforce of an element of the defense acquisition system.

''(3) Awards for acquisition excellence.

''(4) The scope of work assigned to an element of the defense acquisition system.

''(b) ADDITIONAL REQUIREMENTS.—The Secretary of Defense shall ensure that actions taken to manage the acquisition workforce pursuant to subsection (a) are undertaken in accordance with the requirements of subsections (c) and (d) of section 1701a of this title.

''§ 2548. Acquisition-related functions of the Chiefs of Staff of the armed forces

''(a) ASSISTANCE.—The Secretary of Defense shall ensure, notwithstanding section 3014(c)(1)(A), section 5014(c)(1)(A), and section 8014(c)(1)(A) of this title, that the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps assist the Secretary of the military department concerned in the performance of the following acquisition-related functions of such department:

''(1) The development of requirements relating to the defense acquisition system.

''(2) The development of measures to control requirements creep in the defense acquisition system.

''(3) The development of career paths in acquisition for military personnel (as required by section 1722a of this title).

''(4) The assignment and training of contracting officer representatives when such representatives are required to be members of the armed forces because of the nature of the contract concerned.

''(b) DEFINITIONS.—In this section:

''(1) The term 'requirements creep' means the addition of new technical or operational specifications after a requirements document is approved.

''(2) The term 'requirements document' means a document produced in the requirements process that is provided for an acquisition program to guide the subsequent development, production, and testing of the program and that—

''(A) justifies the need for a materiel approach, or an approach that is a combination of materiel and non-materiel, to satisfy one or more specific capability gaps;

''(B) details the information necessary to develop an increment of militarily useful, logistically supportable, and technically mature capability, including key performance parameters; or

''(C) identifies production attributes required for a single increment of a program.''.

(2) CLERICAL AMENDMENTS.—The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 148 the following new item:

''149. Performance Management of the Defense Acquisition System .. 2545''.

(b) PHASED IMPLEMENTATION OF PERFORMANCE ASSESSMENTS.—The Secretary of Defense shall implement the requirements of chapter 149 of title 10, United States Code, as added by subsection (a), in a phased manner while guidance is issued, and categories,

metrics, goals, and standards are established. Implementation shall begin with a cross section of elements of the defense acquisition system representative of the entire system and shall be completed for all elements not later than 2 years after the date of the enactment of this Act.

SEC. 102. MEANINGFUL CONSIDERATION BY JOINT REQUIREMENTS OVERSIGHT COUNCIL OF INPUT FROM CERTAIN OFFICIALS.

(a) ADVISORS TO THE JOINT REQUIREMENTS OVERSIGHT COUNCIL.—

(1) ADDITIONAL CIVILIAN ADVISORS.—Subsection (d)(1) of section 181 of title 10, United States Code, is amended by striking ''The Under Secretary'' and all that follows through ''and expertise.'' and inserting the following: ''The following officials of the Department of Defense shall serve as advisors to the Council on matters within their authority and expertise:

''(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(B) The Under Secretary of Defense (Comptroller).

''(C) The Under Secretary of Defense for Policy.

''(D) The Director of Cost Assessment and Program Evaluation.''.

(2) ROLE OF COMBATANT COMMANDERS AS MEMBERS OF THE JROC.—Paragraph (1) of subsection (c) of such section is amended—

(A) by striking ''and'' at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(F) when directed by the chairman, the commander of any combatant command (or, as directed by that commander, the deputy commander of that command) when matters related to the area of responsibility or functions of that command will be under consideration by the Council.''.

(b) AMENDMENT RELATED TO REPORT.—Paragraph (2) of section 105(c) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1718) is amended to read as follows:

''(2) MATTERS COVERED.—The report shall include, at a minimum, an assessment of—

''(A) the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements;

''(B) the extent to which the Council has meaningfully considered the input and expertise of the Under Secretary of Defense for Acquisition, Technology, and Logistics in its discussions;

''(C) the extent to which the Council has meaningfully considered the input and expertise of the Director of Cost Assessment and Program Evaluation in its discussions;

''(D) the quality and effectiveness of efforts to estimate the level of resources needed to fulfill joint military requirements; and

''(E) the extent to which the Council has considered trade-offs among cost, schedule, and performance objectives.''.

(c) ASSESSMENT OF INDEPENDENCE OF COST ESTIMATORS AND COST ANALYSTS REQUIRED IN NEXT ANNUAL REPORT ON COST ASSESSMENT ACTIVITIES.—In the next annual report prepared by the Director of Cost Assessment and Program Evaluation under section 2334(e) of title 10, United States Code, the Director shall include an assessment of whether and to what extent personnel responsible for cost estimates or cost analysis developed by a military department or defense agency for a major defense acquisition program are independent and whether their independence or lack thereof affects their ability to generate reliable cost estimates.

SEC. 103. PERFORMANCE MANAGEMENT FOR THE JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall ensure that the Department of Defense develops and implements a program to manage performance in establishing joint military requirements pursuant to section 181 of title 10, United States Code.

(b) LEADERS.—The Secretary of Defense shall designate an officer identified or designated as a joint qualified officer to serve as leader of a joint effort to develop the performance management program required by subsection (a). The Secretary shall also designate an officer from each Armed Force to serve as leader of the effort within the Armed Force concerned. Officers designated pursuant to this section shall have the seniority and authority necessary to oversee and direct all personnel engaged in establishing joint military requirements within the Joint Staff or within the Armed Force concerned.

(c) MATTERS COVERED.—The program developed pursuant to subsection (a) shall:

(1) Measure the following in relation to each joint military requirement:

(A) The time a requirements document takes to receive validation through the requirements process.

(B) The quality of cost information associated with the requirement and the extent to which cost information was considered during the requirements process.

(C) The extent to which the requirements process established a meaningful level of priority for the requirement.

(D) The extent to which the requirements process considered trade-offs between cost, schedule, and performance objectives.

(E) The quality of information on sustainment associated with the requirement and the extent to which sustainment information was considered during the requirements process.

(F) Such other matters as the Secretary shall determine appropriate.

(2) Achieve, to the maximum extent practicable, the following outcomes in the requirements process:

(A) Timeliness in delivering capability to the warfighter.

(B) Mechanisms for controlling requirements creep.

(C) Responsiveness to fact-of-life changes occurring after the approval of a requirements document, including changes to the threat environment, the emergence of new capabilities, or changes in the resources estimated to procure or sustain a capability.

(D) The development of the personnel skills, capacity, and training needed for an effective and efficient requirements process.

(E) Such other outcomes as the Secretary shall determine appropriate.

(d) IMPLEMENTATION.—The program required by subsection (a) shall be developed and initially implemented not later than 1 year after the date of the enactment of this Act and shall apply to requirements documents entering the requirements process after the date of initial implementation.

(e) INITIAL REPORT.—Not later than 90 days after the initial implementation of the program required by subsection (a), the Secretary shall submit to the congressional defense committees a report on the steps taken to develop and implement the performance management program for joint military requirements. The report shall address the measures specified in subsection (c)(1).

(f) FINAL REPORT.—Not later than 4 years after the initial implementation of the program required by subsection (a), the Secretary shall submit to the congressional defense committees a report on the effectiveness of the program for joint military requirements in achieving the outcomes specified in subsection (c)(2).

(g) DEFINITIONS.—In this section:

(1) REQUIREMENTS PROCESS.—The term ''requirements process'' means the Joint Capabilities Integration and Development System (JCIDS) process or any successor to such process established by the Chairman of the Joint Chiefs of Staff to support the statutory responsibility of the Joint Requirements Oversight Council in advising the Chairman and the Secretary of Defense in identifying, assessing, and validating joint military capability needs, with their associated operational performance criteria, in order to successfully execute missions.

(2) REQUIREMENTS DOCUMENT.—The term ''requirements document'' means a document produced in the requirements process that is provided for an acquisition program to guide the subsequent development, production, and testing of the program and that—

(A) justifies the need for a materiel approach, or an approach that is a combination of materiel and non-materiel, to satisfy one or more specific capability gaps;

(B) details the information necessary to develop an increment of militarily useful, logistically supportable, and technically mature capability, including key performance parameters; or

(C) identifies production attributes required for a single increment of a program.

(3) REQUIREMENTS CREEP.—The term ''requirements creep'' means the addition of new technical or operational specifications after a requirements document is approved.

(h) DISCRETIONARY IMPLEMENTATION AFTER 5 YEARS.—After the date that is 5 years after the initial implementation of the performance management program under this section, the requirement to implement a program under this section shall be at the discretion of the Secretary of Defense.

SEC. 104. REQUIREMENTS FOR THE ACQUISITION OF SERVICES.

(a) PROCESS REQUIRED.—The Secretary of Defense shall ensure that each military department establishes a process for identifying, assessing, and approving requirements for the acquisition of services, and that commanders of unified combatant commands and other officers identified or designated as joint qualified officers have an opportunity to participate in the process of each military department to provide input on joint requirements for the acquisition of services.

(b) GUIDANCE AND PLAN REQUIRED.—The Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps shall—

(1) issue and maintain guidance relating to each process established under subsection (a); and

(2) develop a plan to implement each process established under subsection (a).

(c) MATTERS REQUIRED IN GUIDANCE.—The guidance issued under subsection (b) shall establish, in relation to a process for identifying, assessing, and approving requirements for the acquisition of services, the following:

(1) Organization of such process.

(2) The level of command responsibility required for identifying and validating requirements for the acquisition of services in accordance with the categories established under section 2330(a)(1)(C) of title 10, United States Code.

(3) The composition of billets necessary to operate such process.

(4) The training required for personnel engaged in such process.

(5) The relationship between doctrine and such process.

(6) Methods of obtaining input on joint requirements for the acquisition of services.

(7) Procedures for coordinating with the acquisition process.

(8) Considerations relating to opportunities for strategic sourcing.

(d) MATTERS REQUIRED IN IMPLEMENTATION PLAN.—Each plan required under subsection (b) shall provide for initial implementation of a process for identifying, assessing, and approving requirements for the acquisition of services not later than 180 days after the date of the enactment of this Act and shall provide for full implementation of such process at the earliest date practicable.

(e) CONSISTENCY WITH JOINT GUIDANCE.—Whenever, at any time, guidance is issued by the Chairman of the Joint Chiefs of Staff relating to requirements for the acquisition of services, each process established under subsection (a) shall be revised in accordance with such joint guidance.

(f) DEFINITION.—The term ''requirements for the acquisition of services'' means objectives to be achieved through acquisitions primarily involving the procurement of services.

SEC. 105. JOINT EVALUATION TASK FORCES.

(a) TASK FORCES REQUIRED.—For each joint military requirement involving a materiel solution for which the Chairman of the Joint Requirements Oversight Council is the validation authority, the Chairman shall designate a commander of a unified combatant command to provide a joint evaluation task force to participate in such materiel solution. Such task force shall—

(1) come from a military unit or units designated by the combatant commander concerned;

(2) be selected based on the relevance of such materiel solution to the mission of the unit; and

(3) participate consistent with its operational obligations.

(b) RESPONSIBILITIES.—A task force provided pursuant to subsection (a) shall, for the materiel solution concerned—

(1) provide input to the analysis of alternatives;

(2) participate in testing (including limited user tests and prototype testing);

(3) provide input on a concept of operations and doctrine;

(4) provide end user feedback to the resource sponsor; and

(5) participate, through the combatant commander concerned, in any alteration of the requirement for such solution.

(c) ADMINISTRATIVE SUPPORT.—The resource sponsor for the joint military requirement shall provide administrative support to the joint evaluation task force for purposes of carrying out this section.

(d) DEFINITIONS.—In this section:

(1) RESOURCE SPONSOR.—The term ''resource sponsor'' means the organization responsible for all common documentation, periodic reporting, and funding actions required to support the capabilities development and acquisition process for the materiel solution.

(2) MATERIEL SOLUTION.—The term ''materiel solution'' means the development, acquisition, procurement, or fielding of a new item, or of a modification to an existing item, necessary to equip, operate, maintain, and support military activities.

SEC. 106. REVIEW OF DEFENSE ACQUISITION GUIDANCE.

(a) REVIEW OF GUIDANCE.—The Secretary of Defense shall review the acquisition guidance of the Department of Defense, including, at a minimum, the guidance contained in Department of Defense Instruction 5000.02 entitled ''Operation of the Defense Acquisition System''.

(b) MATTERS CONSIDERED.—The review performed under subsection (a) shall consider—

(1) the extent to which it is appropriate to apply guidance primarily relating to the acquisition of weapon systems to acquisitions not involving weapon systems (including the acquisition of commercial goods and commodities, commercial and military unique services, and information technology);

(2) whether long-term sustainment and energy efficiency of weapon systems is appropriately emphasized;

(3) whether appropriate mechanisms exist to communicate information relating to the mission needs of the Department of Defense to the industrial base in a way that allows the industrial base to make appropriate investments in infrastructure, capacity, and technology development to help meet such needs;

(4) the extent to which earned value management should be required on acquisitions not involving the acquisition of weapon systems and whether measures of quality and technical performance should be included in any earned value management system;

(5) the extent to which it is appropriate to apply processes primarily relating to the acquisition of weapon systems to the acquisition of information technology systems, consistent with the requirement to develop an alternative process for such systems contained in section 804 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2401; 10 U.S.C. 2225 note); and

(6) such other matters as the Secretary considers appropriate.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report detailing any changes in the acquisition guidance of the Department of Defense identified during the review required by subsection (a), and any actions taken, or planned to be taken, to implement such changes.

SEC. 107. REQUIREMENT TO INCLUDE REFERENCES TO SERVICES ACQUISITION THROUGHOUT THE FEDERAL ACQUISITION REGULATION.

(a) FINDINGS.—Congress finds the following:

(1) The acquisition of services can be extremely complex, and program management skills, tools, and processes need to be applied to services acquisitions.

(2) An emphasis on the concept of ''services'' throughout the Federal Acquisition Regulation would enhance and support the procurement and project management community in all aspects of the acquisition planning process, including requirements development, assessment of reasonableness, and post-award management and oversight.

(b) REQUIREMENT FOR CHANGES TO FAR.—The Federal Acquisition Regulation shall be revised to provide, throughout the Regulation, appropriate references to services acquisition that are in addition to references provided in part 37 (which relates specifically to services acquisition).

(c) DEADLINE.—This section shall be carried out within 270 days after the date of the enactment of this Act.

SEC. 108. PROCUREMENT OF MILITARY PURPOSE NONDEVELOPMENTAL ITEMS.

(a) IN GENERAL.—

(1) PROCUREMENT OF MILITARY PURPOSE NONDEVELOPMENTAL ITEMS.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Military purpose nondevelopmental items

''(a) DEFINITIONS.—In this section:

''(1) The term 'military purpose nondevelopmental item' means an item—

''(A) developed exclusively at private expense;

''(B) that meets a validated military requirement, as certified in writing by the responsible program manager;

''(C) for which delivery of an initial lot of production-representative items may be made within 9 months after contract award; and

''(D) for which the unit cost is less than $10,000,000.

''(2) The term 'item' has the meaning provided in section 2302(3) of this title.

''(b) REQUIREMENTS.—The Secretary of Defense shall ensure that, with respect to a contract for the acquisition of a military purpose nondevelopmental item, the following requirements apply:

''(1) The contract shall be awarded using competitive procedures in accordance with section 2304 of this title.

''(2) Certain contract clauses, as specified in regulations prescribed under subsection (c), shall be included in each such contract.

''(3) The type of contract used shall be a firm, fixed price type contract.

''(4) Nothing in the contract shall further restrict or otherwise affect the rights in technical data of the Government, the contractor, or any subcontractor of the contractor for items developed by the contractor or any such subcontractor exclusively at private expense, as prescribed in regulations implementing section 2320(a)(2)(B) of this title.

''(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall be included in regulations of the Department of Defense prescribed as part of the Federal Acquisition Regulation. At a minimum, the regulations shall include—

''(1) a list of contract clauses to be included in each contract for the acquisition of a military purpose nondevelopmental item;

''(2) definitions for the terms 'developed' and 'exclusively at private expense' that—

''(A) are consistent with the definitions developed for such terms in accordance with 2320(a)(3) of this title; and

''(B) also exclude an item developed in part or in whole with—

''(i) foreign government funding; or

''(ii) foreign or Federal Government loan financing at nonmarket rates; and

''(3) standards for evaluating the reasonableness of price for the military purpose nondevelopmental item, in lieu of certified cost or pricing data.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2410r. Military purpose nondevelopmental items.''.

(b) COST OR PRICING DATA EXCEPTION.—Section 2306a(b)(1) of title 10, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(D) for the acquisition of a military purpose nondevelopmental item, as defined in section 2410r of this title, if the contracting officer determines in writing that—

''(i) the contract, subcontract or modification will be a firm, fixed price type contract; and

''(ii) the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for the military purpose nondevelopmental item.''.

(c) EFFECTIVE DATE.—Section 2410r of title 10, United States Code, as added by subsection (a), and the amendment made by subsection (b), shall apply with respect to contracts entered into after the date that is 120

days after the date of the enactment of this Act.

TITLE II—DEFENSE ACQUISITION WORKFORCE

SEC. 201. ACQUISITION WORKFORCE EXCELLENCE.

(a) IN GENERAL.—

(1) ACQUISITION WORKFORCE EXCELLENCE.—Subchapter I of chapter 87 of title 10, United States Code, is amended by inserting after section 1701 the following new section:

''§ 1701a. Management for acquisition workforce excellence

''(a) PURPOSE.—The purpose of this chapter is to require the Department of Defense to develop and manage a highly skilled professional acquisition workforce—

''(1) in which excellence and contribution to mission is rewarded;

''(2) which has the technical expertise and business skills to ensure the Department receives the best value for the expenditure of public resources;

''(3) which serves as a model for performance management of employees of the Department; and

''(4) which is managed in a manner that complements and reinforces the performance management of the defense acquisition system pursuant to chapter 149 of this title.

''(b) PERFORMANCE MANAGEMENT.—In order to achieve the purpose set forth in subsection (a), the Secretary of Defense shall—

''(1) use the full authorities provided in subsections (a) through (d) of section 9902 of title 5, including flexibilities related to performance management and hiring and to training of managers;

''(2) require managers to develop performance plans for individual members of the acquisition workforce in order to give members an understanding of how their performance contributes to their organization's mission and the success of the defense acquisition system (as defined in section 2545 of this title);

''(3) to the extent appropriate, use the lessons learned from the acquisition demonstration project carried out under section 1762 of this title related to contribution-based compensation and appraisal, and how those lessons may be applied within the General Schedule system;

''(4) develop attractive career paths;

''(5) encourage continuing education and training;

''(6) develop appropriate procedures for warnings during performance evaluations and due process for members of the acquisition workforce who consistently fail to meet performance standards;

''(7) take full advantage of the Defense Civilian Leadership Program established under section 1112 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2496; 10 U.S.C. 1580 note prec.);

''(8) use the authorities for highly qualified experts under section 9903 of title 5, to hire experts who are skilled acquisition professionals to—

''(A) serve in leadership positions within the acquisition workforce to strengthen management and oversight;

''(B) provide mentors to advise individuals within the acquisition workforce on their career paths and opportunities to advance and excel within the acquisition workforce; and

''(C) assist with the design of education and training courses and the training of individuals in the acquisition workforce; and

''(9) use the authorities for expedited security clearance processing pursuant to section 1564 of this title.

''(c) NEGOTIATIONS.—Any action taken by the Secretary under this section, or to implement this section, shall be subject to the requirements of chapter 71 of title 5.

''(d) REGULATIONS.—Any rules or regulations prescribed pursuant to this section shall be deemed an agency rule or regulation under section 7117(a)(2) of title 5, and shall not be deemed a Government-wide rule or regulation under section 7117(a)(1) of such title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1701 the following new item:

''1701a. Management for acquisition workforce excellence.''.

(b) AUTHORITY TO APPOINT HIGHLY QUALIFIED EXPERTS ON PART-TIME BASIS.—Section 9903(b)(1) of title 5, United States Code, is amended by inserting '', on a full-time or part-time basis,'' after ''positions in the Department of Defense'' the first place it appears.

SEC. 202. AMENDMENTS TO THE ACQUISITION WORKFORCE DEMONSTRATION PROJECT.

(a) CODIFICATION INTO TITLE 10.—

(1) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1761 the following new section:

''§ 1762. Demonstration project relating to certain acquisition personnel management policies and procedures

''(a) COMMENCEMENT.—The Secretary of Defense is encouraged to carry out a demonstration project, the purpose of which is to determine the feasibility or desirability of one or more proposals for improving the personnel management policies or procedures that apply with respect to the acquisition workforce of the Department of Defense and supporting personnel assigned to work directly with the acquisition workforce.

''(b) TERMS AND CONDITIONS.—(1) Except as otherwise provided in this subsection, any demonstration project described in subsection (a) shall be subject to section 4703 of title 5 and all other provisions of such title that apply with respect to any demonstration project under such section.

''(2) Subject to paragraph (3), in applying section 4703 of title 5 with respect to a demonstration project described in subsection (a)—

''(A) '180 days' in subsection (b)(4) of such section shall be deemed to read '120 days';

''(B) '90 days' in subsection (b)(6) of such section shall be deemed to read '30 days'; and

''(C) subsection (d)(1) of such section shall be disregarded.

''(3) Paragraph (2) shall not apply with respect to a demonstration project unless—

''(A) for each organization or team participating in the demonstration project—

''(i) at least one-third of the workforce participating in the demonstration project consists of members of the acquisition workforce; and

''(ii) at least two-thirds of the workforce participating in the demonstration project consists of members of the acquisition workforce and supporting personnel assigned to work directly with the acquisition workforce; and

''(B) the demonstration project commences before October 1, 2007.

''(c) LIMITATION ON NUMBER OF PARTICIPANTS.—The total number of persons who may participate in the demonstration project under this section may not exceed 120,000.

''(d) EFFECT OF REORGANIZATIONS.—The applicability of paragraph (2) of subsection (b) to an organization or team shall not terminate by reason that the organization or team, after having satisfied the conditions in paragraph (3) of such subsection when it began to participate in a demonstration project under this section, ceases to meet one or both of the conditions set forth in subparagraph (A) of such paragraph (3) as a result of a reorganization, restructuring, realignment, consolidation, or other organizational change.

''(e) ASSESSMENT.—(1) The Secretary of Defense shall designate an independent organization to review the acquisition workforce demonstration project described in subsection (a).

''(2) Such assessment shall include:

''(A) A description of the workforce included in the project.

''(B) An explanation of the flexibilities used in the project to appoint individuals to the acquisition workforce and whether those appointments are based on competitive procedures and recognize veteran's preferences.

''(C) An explanation of the flexibilities used in the project to develop a performance appraisal system that recognizes excellence in performance and offers opportunities for improvement.

''(D) The steps taken to ensure that such system is fair and transparent for all employees in the project.

''(E) How the project allows the organization to better meet mission needs.

''(F) An analysis of how the flexibilities in subparagraphs (B) and (C) are used, and what barriers have been encountered that inhibit their use.

''(G) Whether there is a process for—

''(i) ensuring ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the performance appraisal period; and

''(ii) setting timetables for performance appraisals.

''(H) The project's impact on career progression.

''(I) The project's appropriateness or inappropriateness in light of the complexities of the workforce affected.

''(J) The project's sufficiency in terms of providing protections for diversity in promotion and retention of personnel.

''(K) The adequacy of the training, policy guidelines, and other preparations afforded in connection with using the project.

''(L) Whether there is a process for ensuring employee involvement in the development and improvement of the project.

''(3) The first such assessment under this subsection shall be completed not later than September 30, 2011, and subsequent assessments shall be completed every 2 years thereafter until the termination of the project. The Secretary shall submit to the covered congressional committees a copy of the assessment within 30 days after receipt by the Secretary of the assessment.

''(f) COVERED CONGRESSIONAL COMMITTEES.—In this section, the term 'covered congressional committees' means—

''(1) the Committees on Armed Services of the Senate and the House of Representatives;

''(2) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(3) the Committee on Oversight and Government Reform of the House of Representatives.

''(g) TERMINATION OF AUTHORITY.—The authority to conduct a demonstration program under this section shall terminate on September 30, 2017.

''(h) CONVERSION.—Within 6 months after the authority to conduct a demonstration project under this section is terminated as provided in subsection (g), employees in the project shall convert to the civilian personnel system created pursuant to section 9902 of title 5.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 87 of title 10, United States Code, is amended by inserting after the item relating to section 1761 the following new item:

''1762. Demonstration project relating to certain acquisition personnel management policies and procedures.''.

(b) CONFORMING REPEAL.—Section 4308 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 1701 note) is repealed.

SEC. 203. INCENTIVE PROGRAMS FOR CIVILIAN AND MILITARY PERSONNEL IN THE ACQUISITION WORKFORCE.

(a) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1762, as added by section 202, the following new section:

''§ 1763. Incentive programs for civilian and military personnel in the acquisition workforce

''(a) CIVILIAN ACQUISITION WORKFORCE INCENTIVES.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall provide for an enhanced system of incentives for the encouragement of excellence in the acquisition workforce by providing rewards for employees who contribute to achieving the agency's performance goals. The system of incentives shall include provisions that—

''(1) relate salary increases, bonuses, and awards to performance and contribution to the agency mission (including the extent to which the performance of personnel in such workforce contributes to achieving the goals and standards established for acquisition programs pursuant to section 2545 of this title);

''(2) provide for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel in such workforce contributes to achieving such goals and standards;

''(3) use the Department of Defense Civilian Workforce Incentive Fund established pursuant to section 9902(a) of title 5; and

''(4) provide opportunities for career broadening experiences for high performers.

''(b) MILITARY ACQUISITION WORKFORCE INCENTIVES.—The Secretaries of the military departments shall fully use and enhance incentive programs that reward individuals, through recognition certificates or cash awards, for suggestions of process improvements that contribute to improvements in efficiency and economy and a better way of doing business.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 87 of title 10, United States Code, is amended by inserting after the item relating to section 1762, as added by section 202, the following new item:

''1763. Incentive programs for civilian and military personnel in the acquisition workforce.''.

SEC. 204. CAREER DEVELOPMENT FOR CIVILIAN AND MILITARY PERSONNEL IN THE ACQUISITION WORKFORCE.

(a) CAREER PATHS.—

(1) AMENDMENT.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1722a the following new section:

''§ 1722b. Special requirements for civilian employees in the acquisition field

''(a) REQUIREMENT FOR POLICY AND GUIDANCE REGARDING CIVILIAN PERSONNEL IN ACQUISITION.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish policies and issue guidance to ensure the proper development, assignment, and employment of civilian members of the acquisition workforce to achieve the objectives specified in subsection (b).

''(b) OBJECTIVES.—Policies established and guidance issued pursuant to subsection (a) shall ensure, at a minimum, the following:

''(1) A career path in the acquisition field that attracts the highest quality civilian personnel, from either within or outside the Federal Government.

''(2) A deliberate workforce development strategy that increases attainment of key experiences that contribute to a highly qualified acquisition workforce.

''(3) Sufficient opportunities for promotion and advancement in the acquisition field.

''(4) A sufficient number of qualified, trained members eligible for and active in the acquisition field to ensure adequate capacity, capability, and effective succession for acquisition functions, including contingency contracting, of the Department of Defense.

''(5) A deliberate workforce development strategy that ensures diversity in promotion, advancement, and experiential opportunities commensurate with the general workforce outlined in this section.

''(c) INCLUSION OF INFORMATION IN ANNUAL REPORT.—The Secretary of Defense shall include in the report to Congress required under section 115b(d) of this title the following information related to the acquisition workforce for the period covered by the report (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, Marine Corps, Defense Agencies, and Office of the Secretary of Defense):

''(1) The total number of persons serving in the Acquisition Corps, set forth separately for members of the armed forces and civilian employees, by grade level and by functional specialty.

''(2) The total number of critical acquisition positions held, set forth separately for members of the armed forces and civilian employees, by grade level and by other appropriate categories (including by program manager, deputy program manager, and division head positions). For each such category, the report shall specify the number of civilians holding such positions compared to the total number of positions filled.

''(3) The number of employees to whom the requirements of subsections (b)(2)(A) and (b)(2)(B) of section 1732 of this title did not apply because of the exceptions provided in paragraphs (1) and (2) of section 1732(c) of this title, set forth separately by type of exception.

''(4) The number of program managers and deputy program managers who were reassigned after completion of a major milestone occurring closest in time to the date on which the person has served in the position for 4 years (as required under section 1734(b) of this title), and the proportion of those reassignments to the total number of reassignments of program managers and deputy program managers, set forth separately for program managers and deputy program managers. The Secretary also shall include the average length of assignment served by program managers and deputy program managers so reassigned.

''(5) The number of persons, excluding those reported under paragraph (4), in critical acquisition positions who were reassigned after a period of 3 years or longer (as required under section 1734(a) of this title), and the proportion of those reassignments to the total number of reassignments of persons, excluding those reported under paragraph (4), in critical acquisition positions.

''(6) The number of times a waiver authority was exercised under section 1724(d), 1732(d), 1734(d), or 1736(c) of this title or any other provision of this chapter (or other provision of law) which permits the waiver of any requirement relating to the acquisition workforce, and in the case of each such authority, the reasons for exercising the authority. The Secretary may present the information provided under this paragraph by category or grouping of types of waivers and reasons.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 87 of title 10, United States Code, is amended by inserting after the item relating to section 1722a the following new item:

''1722b. Special requirements for civilian employees in the acquisition field.''.

(b) CAREER EDUCATION AND TRAINING.—Chapter 87 of title 10, United States Code, is amended in section 1723 by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

''(b) CAREER PATH REQUIREMENTS.—For each career path, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish requirements for the completion of course work and related on-the-job training and demonstration of qualifications in the critical acquisition-related duties and tasks of the career path. The Secretary of Defense, acting through the Under Secretary, shall also—

''(1) encourage individuals in the acquisition workforce to maintain the currency of their acquisition knowledge and generally enhance their knowledge of related acquisition management disciplines through academic programs and other self-developmental activities; and

''(2) develop key work experiences, including the creation of a program sponsored by the Department of Defense that facilitates the periodic interaction between individuals in the acquisition workforce and the end user in such end user's environment to enhance the knowledge base of such workforce, for individuals in the acquisition workforce so that the individuals may gain in-depth knowledge and experience in the acquisition process and become seasoned, well-qualified members of the acquisition workforce.''.

SEC. 205. RECERTIFICATION AND TRAINING REQUIREMENTS.

(a) CONTINUING EDUCATION.—Section 1723 of title 10, United States Code, as amended by section 204, is further amended by amending subsection (a) to read as follows:

''(a) QUALIFICATION REQUIREMENTS.—(1) The Secretary of Defense shall establish education, training and experience requirements for each acquisition position, based on the level of complexity of duties carried out in the position. In establishing such requirements, the Secretary shall ensure the availability and sufficiency of training in all areas of acquisition, including additional training courses with an emphasis on services contracting, market research strategies (including assessments of local contracting capabilities), long-term sustainment strategies, information technology, and rapid acquisition.

''(2) In establishing such requirements for positions other than critical acquisition positions designated pursuant to section 1733 of this title, the Secretary may state the requirements by categories of positions.

''(3) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish requirements for continuing education and periodic renewal of an individual's certification. Any requirement for a certification renewal shall not require a renewal more often than once every 5 years.''.

(b) STANDARDS FOR TRAINING.—

(1) IN GENERAL.—Subchapter IV of Chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1748. Guidance and standards for acquisition workforce training

''(a) FULFILLMENT STANDARDS.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop fulfillment standards, and implement and maintain a program, for purposes of the training requirements of sections 1723, 1724, and 1735 of this title. Such fulfillment standards shall consist of criteria for determining whether an individual has demonstrated competence in the areas that would be taught in the training courses required under those sections. If an individual meets the appropriate fulfillment standard, the applicable training requirement is fulfilled.

''(b) GUIDANCE AND STANDARDS RELATING TO CONTRACTS FOR TRAINING.—The Secretary of Defense shall develop appropriate guidance and standards to ensure that the Department of Defense will continue, where appropriate and cost-effective, to enter into contracts for the training requirements of sections 1723, 1724, and 1735 of this title, while maintaining appropriate control over the content and quality of such training.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''1748. Guidance and standards for acquisition workforce training.''.

(3) DEADLINE FOR FULFILLMENT STANDARDS.—The fulfillment standards required under section 1748(a) of title 10, United States Code, as added by paragraph (1), shall be developed not later than 90 days after the date of the enactment of this Act.

(4) CONFORMING REPEAL.—Section 853 of Public Law 105–85 (111 Stat. 1851) is repealed.

SEC. 206. INFORMATION TECHNOLOGY ACQUISITION WORKFORCE.

(a) IN GENERAL.—

(1) INFORMATION TECHNOLOGY.—Subchapter II of chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1725. Information technology acquisition positions

''(a) PLAN REQUIRED.—The Secretary of Defense shall develop and carry out a plan to strengthen the part of the acquisition workforce that specializes in information technology. The plan shall include the following:

''(1) Defined targets for billets devoted to information technology acquisition.

''(2) Specific certification requirements for individuals in the acquisition workforce who specialize in information technology acquisition.

''(3) Defined career paths for individuals in the acquisition workforce who specialize in information technology acquisitions.

''(b) DEFINITIONS.—In this section:

''(1) The term 'information technology' has the meaning provided such term in section 11101 of title 40 and includes information technology incorporated into a major weapon system.

''(2) The term 'major weapon system' has the meaning provided such term in section 2379(f) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''1725. Information technology acquisition positions.''.

(b) DEADLINE.—The Secretary of Defense shall develop the plan required under section 1725 of title 10, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 207. DEFINITION OF ACQUISITION WORKFORCE.

Section 101(a) of title 10, United States Code, is amended by inserting after paragraph (17) the following new paragraph:

''(18) The term 'acquisition workforce' means the persons serving in acquisition positions within the Department of Defense, as designated pursuant to section 1721(a) of this title.''.

SEC. 208. DEFENSE ACQUISITION UNIVERSITY CURRICULUM REVIEW.

(a) CURRICULUM REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall lead a review of the curriculum offered by the Defense Acquisition University to ensure it adequately supports the training and education requirements of acquisition professionals, particularly in service contracting, long term sustainment strategies, information technology, and rapid acquisition. The review shall also involve the service acquisition executives of each military department.

(b) ANALYSIS OF FUNDING REQUIREMENTS FOR TRAINING.—Following the review conducted under subsection (a), the Secretary of Defense shall analyze the most recent future-years defense program to determine the amounts of estimated expenditures and proposed appropriations necessary to support the training requirements of the amendments made by section 205 of this Act, including any new training requirements determined after the review conducted under subsection (a). The Secretary shall identify any additional funding needed for such training requirements in the separate chapter on the defense acquisition workforce required in the next annual strategic workforce plan under 115b of title 10, United States Code.

(c) REQUIREMENT FOR ONGOING CURRICULUM DEVELOPMENT WITH CERTAIN SCHOOLS.—

(1) REQUIREMENT.—Section 1746 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) CURRICULUM DEVELOPMENT.—The President of the Defense Acquisition University shall work with the relevant professional schools and degree-granting institutions of the Department of Defense and military departments to ensure that best practices are used in curriculum development to support acquisition workforce positions.''.

(2) AMENDMENT TO SECTION HEADING.—(A) The heading of section 1746 of such title is amended to read as follows:

''§ 1746. Defense Acquisition University''.

(B) The item relating to section 1746 in the table of sections at the beginning of subchapter IV of chapter 87 of such title is amended to read as follows:

''1746. Defense Acquisition University.''.

SEC. 209. COST ESTIMATING INTERNSHIP AND SCHOLARSHIP PROGRAMS.

(a) PURPOSE.—The purpose of this section is to require the Department of Defense to develop internship and scholarship programs in cost estimating to underscore the importance of cost estimating, as a core acquisition function, to the acquisition process.

(b) REQUIREMENT.—The Secretary of Defense shall develop intern and scholarship programs in cost estimating for purposes of improving education and training in cost estimating and providing an opportunity to meet any certification requirements in cost estimating.

(c) IMPLEMENTATION.—Such programs shall be established not later than 270 days after the date of the enactment of this Act and shall be implemented for a 4-year period following establishment of the programs.

SEC. 210. PROHIBITION ON PERSONAL SERVICES CONTRACTS FOR SENIOR MENTORS.

(a) PROHIBITION.—The Secretary of Defense shall prohibit the award of a contract for personal services by any component of the Department of Defense for the purpose of obtaining the services of a senior mentor.

(b) INTERPRETATION.—Nothing in this section shall be interpreted to prohibit the employment of a senior mentor as a highly qualified expert pursuant to section 9903 of title 5, United States Code, subject to the pay and term limitations of that section. A senior mentor employed as a highly qualified expert shall be required to submit a financial disclosure report and comply with all conflict of interest laws and regulations applicable to other Federal employees with similar conditions of service.

(c) DEFINITIONS.—In this section:

(1) The term ''contract for personal services'' means a contract awarded under the authority of section 129b(a) of title 10, United States Code, or section 3109 of title 5, United States Code.

(2) The term ''component of the Department of Defense'' means a military department, a defense agency, a Department of Defense field activity, a unified combatant command, or the joint staff.

(3) The term ''senior mentor'' means any person—

(A)(i) who has served as a general or flag officer in the Armed Forces; or

(ii) who has served in a position at a level at or above the level of the senior executive service;

(B) has retired within the 10 years preceding the award of a contract; and

(C) who serves as a mentor, teacher, trainer, or advisor to government personnel on matters pertaining to the former official duties of such person.

TITLE III—FINANCIAL MANAGEMENT

SEC. 301. INCENTIVES FOR ACHIEVING AUDITABILITY.

(a) PREFERENTIAL TREATMENT AUTHORIZED.—The Under Secretary of Defense (Comptroller) shall ensure that any component of the Department of Defense that the Under Secretary determines has financial statements validated as ready for audit earlier than September 30, 2017, shall receive preferential treatment, as the Under Secretary determines appropriate—

(1) in financial matter matters, including—

(A) consistent with the need to fund urgent warfighter requirements and operational needs, priority in the release of appropriated funds to such component;

(B) relief from the frequency of financial reporting of such component in cases in which such reporting is not required by law;

(C) relief from departmental obligation and expenditure thresholds to the extent that such thresholds establish requirements more restrictive than those required by law; or

(D) such other measures as the Under Secretary considers appropriate; and

(2) in the availability of personnel management incentives, including—

(A) the size of the bonus pool available to the financial and business management workforce of the component;

(B) the rates of promotion within the financial and business management workforce of the component;

(C) awards for excellence in financial and business management; or

(D) the scope of work assigned to the financial and business management workforce of the component.

(b) INCLUSION OF INFORMATION IN REPORT.—The Under Secretary shall include information on any measure initiated pursuant to this section in the next semiannual report pursuant to section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note) after such measure is initiated.

(c) EXPIRATION.—This section shall expire on September 30, 2017.

(d) DEFINITION.—In this section, the term ''component of the Department of Defense'' means any organization within the Department of Defense that is required to submit an auditable financial statement to the Secretary of Defense.

SEC. 302. MEASURES REQUIRED AFTER FAILURE TO ACHIEVE AUDITABILITY.

(a) IN GENERAL.—The Secretary of Defense shall ensure that corrective measures are immediately taken to address the failure of a component of the Department of Defense to achieve a financial statement validated as ready for audit by September 30, 2017.

(b) MEASURES REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and issue guidance detailing measures to be taken in accordance with subsection (a). Such measures shall include—

(1) the development of a remediation plan to ensure the component can achieve a financial statement validated as ready for audit within 1 year;

(2) additional reporting requirements that may be necessary to mitigate financial risk to the component;

(3) delaying the release of appropriated funds to such component, consistent with the need to fund urgent warfighter requirements and operational needs, until such time as the Secretary is assured that the component will achieve a financial statement validated as ready for audit within 1 year;

(4) specific consequences for key personnel in order to ensure accountability within the leadership of the component; and

(5) such other measures as the Secretary considers appropriate.

(c) DEFINITION.—The term ''component'' of the Department of Defense means any organization within the Department of Defense that is required to submit an auditable financial statement to the Secretary of Defense.

SEC. 303. REVIEW OF OBLIGATION AND EXPENDITURE THRESHOLDS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Department of Defense program managers should be encouraged to place a higher priority on seeking the best value for the Government than on meeting arbitrary benchmarks for spending; and

(2) actions to carry out paragraph (1) should be supported by the Department's leadership at every level.

(b) POLICY REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense, in coordination with the Chief Management Officer of each military department, shall review and update as necessary all relevant policy and instruction regarding obligation and expenditure benchmarks to ensure that such guidance does not inadvertently prevent achieving the best value for the Government in the obligation and expenditure of funds.

(c) PROCESS REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Chief Management Officer, in coordination with the Chief Management Officer of each military department, the Director of the Office of Performance Assessment and Root Cause Analysis, the Under Secretary of Defense (Comptroller), and the Comptrollers of the military departments, shall conduct a comprehensive review of the use and value of obligation and expenditure benchmarks and propose new benchmarks or processes for tracking financial performance, including, as appropriate—

(1) increased reliance on individual obligation and expenditure plans for measuring program financial performance;

(2) mechanisms to improve funding stability and to increase the predictability of the release of funding for obligation and expenditure; and

(3) streamlined mechanisms for a program manager to submit an appeal for funding changes and to have such appeal evaluated promptly.

(d) TRAINING.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense (Comptroller) shall ensure that as part of the training required for program managers and business managers, an emphasis is placed on obligating and expending appropriated funds in a manner that achieves the best value for the Government and that the purpose and limitations of obligation and expenditure benchmarks are made clear.

SEC. 304. DISCLOSURE AND TRACEABILITY OF THE COST OF DEPARTMENT OF DEFENSE HEALTH CARE CONTRACTS.

(a) DISCLOSURE REQUIREMENT.—The Secretary of Defense shall require—

(1) an offeror that submits a bid or proposal in response to an invitation for bids or a request for proposals issued by a component of the Department of Defense for a health care contract to submit with the bid or proposal a disclosure of the additional cost, if any, contained in such bid or proposal associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152); and

(2) a contractor for a health care contract awarded following the date of the enactment of this Act to disclose on an annual basis the additional cost, if any, incurred for such contract associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(b) REPORT.—

(1) REQUIREMENT.—Not later than April 1, 2011, and each April 1st thereafter until April 1, 2016, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the additional cost to the Department of Defense associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(2) MATTERS COVERED.—The report required by paragraph (1) shall include—

(A) the projected costs of compliance for all health care contracts awarded during the preceding year, as disclosed in a bid or proposal in accordance with subsection (a)(1);

(B) for all other health care contracts, the incurred cost of compliance for the preceding year, as disclosed in accordance with subsection (a)(2); and

(C) any additional costs to the Department of Defense necessary to comply with such Acts.

(c) HEALTH CARE CONTRACT DEFINED.—In this section, the term ''health care contract'' means a contract in an amount greater than the simplified acquisition threshold for the acquisition of any of the following:

(1) Medical supplies.

(2) Health care services and administration, including the services of medical personnel.

(3) Durable medical equipment.

(4) Pharmaceuticals.

(5) Health care-related information technology.

TITLE IV—INDUSTRIAL BASE

SEC. 401. EXPANSION OF THE INDUSTRIAL BASE.

(a) PROGRAM TO EXPAND INDUSTRIAL BASE REQUIRED.—The Secretary of Defense shall establish a program to expand the industrial base of the Department of Defense to increase the Department's access to innovation and the benefits of competition. The program shall be limited to firms within the national technology and industrial base (as defined in section 2500(1) of title 10, United States Code).

(b) IDENTIFYING AND COMMUNICATING WITH NONTRADITIONAL SUPPLIERS.—The program established under subsection (a) shall use tools and resources available within the Federal Government and available from the private sector, to provide a capability for identifying and communicating with nontraditional suppliers, including commercial firms and firms of all business sizes, that are engaged in markets of importance to the Department of Defense.

(c) OUTREACH TO LOCAL FIRMS NEAR DEFENSE INSTALLATIONS.—The program established under subsection (a) shall include outreach, using procurement technical assistance centers, to notify firms of all business sizes in the vicinity of Department of Defense installations of opportunities to obtain contracts and subcontracts to perform work at such installations.

(d) INDUSTRIAL BASE REVIEW.—The program required by subsection (a) shall include a continuous effort to review the industrial base supporting the Department of Defense, including the identification of markets of importance to the Department of Defense.

(e) DEFINITION.—In this section:

(1) NONTRADITIONAL SUPPLIERS.—The term ''nontraditional suppliers'' means firms that have received contracts from the Department of Defense with a total value of not more than $100,000 in the previous 5 years.

(2) MARKETS OF IMPORTANCE TO THE DEPARTMENT OF DEFENSE.—The term ''markets of importance to the Department of Defense'' means industrial sectors in which the Department of Defense spends more than $500,000,000 annually.

(3) PROCUREMENT TECHNICAL ASSISTANCE CENTER.—The term ''procurement technical assistance center'' means a center operating under a cooperative agreement with the Defense Logistics Agency to provide procurement technical assistance pursuant to the authority provided in chapter 142 of title 10, United States Code.

SEC. 402. COMMERCIAL PRICING ANALYSIS.

Section 803(c) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 2306a note) is amended to read as follows:

''(c) COMMERCIAL PRICE TREND ANALYSIS.—

''(1) The Secretary of Defense shall develop and implement procedures that, to the maximum extent practicable, provide for the collection and analysis of information on price trends for categories of exempt commercial items described in paragraph (2).

''(2) A category of exempt commercial items referred to in paragraph (1) consists of exempt commercial items that are in a single Federal Supply Group or Federal Supply Class, are provided by a single contractor, or are otherwise logically grouped for the purpose of analyzing information on price trends.

''(3) The analysis of information on price trends under paragraph (1) shall include, in any category in which significant escalation in prices is identified, a more detailed examination of the causes of escalation for such prices within the category and whether such price escalation is consistent across the Department of Defense.

''(4) The head of a Department of Defense agency or the Secretary of a military department shall take appropriate action to address any unjustified escalation in prices being paid for items procured by that agency or military department as identified in an analysis conducted pursuant to paragraph (1).

''(5) Not later than April 1 of each of year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the analyses of price trends that were conducted for categories of exempt commercial items during the preceding fiscal year under the procedures prescribed pursuant to paragraph (1). The report shall include a description of the actions taken to identify and address any unjustified price escalation for the categories of items.

''(6) This subsection shall not be in effect on and after April 1, 2013.''.

SEC. 403. CONTRACTOR AND GRANTEE DISCLOSURE OF DELINQUENT FEDERAL TAX DEBTS.

(a) REQUIREMENT.—

(1) IN GENERAL.—Chapter 37 of title 31, United States Code, is amended by adding at the end of subchapter II the following new section:

''§ 3720F. Contractor and grantee disclosure of delinquent Federal tax debts

''(a) REQUIREMENT RELATING TO CONTRACTS.—The head of any executive agency that issues an invitation for bids or a request for proposals for a contract in an amount greater than the simplified acquisition threshold shall require each person that submits a bid or proposal to submit with the bid or proposal a form—

''(1) certifying that the person does not have a seriously delinquent tax debt; and

''(2) authorizing the Secretary of the Treasury to disclose to the head of the agency information strictly limited to verifying whether the person has a seriously delinquent tax debt.

''(b) REQUIREMENT RELATING TO GRANTS.—The head of any executive agency that offers a grant in excess of an amount equal to the simplified acquisition threshold may not award such grant to any person unless such person submits with the application for such grant a form—

''(1) certifying that the person does not have a seriously delinquent tax debt; and

''(2) authorizing the Secretary of the Treasury to disclose to the head of the executive agency information strictly limited to verifying whether the person has a seriously delinquent tax debt.

''(c) FORM FOR RELEASE OF INFORMATION.—The Secretary of the Treasury shall make available to all executive agencies a standard form for the certification and authorization described in subsections (a) and (b).

''(d) DEFINITIONS.—In this section:

''(1) CONTRACT.—The term 'contract' means a binding agreement entered into by an executive agency for the purpose of obtaining property or services, but does not include—

''(A) a contract for property or services that is intended to be entered into through the use of procedures other than competitive procedures by reason of section 2304(c)(2) of this title; or

''(B) a contract designated by the head of the agency as necessary to the national security of the United States.

''(2) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

''(3) PERSON.—The term 'person' includes—

''(A) an individual;

''(B) a partnership; and

''(C) a corporation.

''(4) SERIOUSLY DELINQUENT TAX DEBT.—The term 'seriously delinquent tax debt'—

''(A) means any Federal tax liability—

''(i) that exceeds $3,000;

''(ii) that has been assessed by the Secretary of the Treasury and not paid; and

''(iii) for which a notice of lien has been filed in public records; and

''(B) does not include any Federal tax liability—

''(i) being paid in a timely manner under an offer-in-compromise or installment agreement;

''(ii) with respect to which collection due process proceedings are not completed; or

''(iii) with respect to which collection due process proceedings are completed and no further payment is required.

''(5) SIMPLIFIED ACQUISITION THRESHOLD.—The term 'simplified acquisition threshold' has the meaning given that term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

''(e) REGULATIONS.—The Administrator for Federal Procurement Policy, in consultation with the Secretary of the Treasury, shall promulgate regulations that—

''(1) treat corporations and partnerships as having a seriously delinquent tax debt if such corporation or partnership is controlled (directly or indirectly) by persons who have a seriously delinquent tax debt;

''(2) provide for the proper application of subsections (a)(2) and (b)(2) in the case of corporations and partnerships; and

''(3) provide for the proper application of subsection (a) to first-tier subcontractors that are identified in a bid or proposal and are a significant part of a bid or proposal team.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of such title is amended by adding after the item relating to section 3720E the following new item:

''3720F. Contractor and grantee disclosure of delinquent Federal tax debts.''.

(b) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 90 days after the final promulgation of regulations under section 3720F(e) of title 31, United States Code, as added by subsection (a), the Federal Acquisition Regulation shall be revised to incorporate the requirements of section 3720F of such title.

SEC. 404. INDEPENDENCE OF CONTRACT AUDITS AND BUSINESS SYSTEM REVIEWS.

(a) DEFENSE CONTRACT AUDIT AGENCY GENERAL COUNSEL.—

(1) IN GENERAL.—Subchapter II of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 204. Defense Contract Audit Agency general counsel

''(a) GENERAL COUNSEL.—The Director of the Defense Contract Audit Agency shall appoint a General Counsel of the Defense Contract Audit Agency.

''(b) DUTIES.—(1) The General Counsel shall perform such functions as the Director may prescribe and shall serve at the discretion of the Director.

''(2) Notwithstanding section 140(b) of this title, the General Counsel shall be the chief legal officer of the Defense Contract Audit Agency.

''(3) The Defense Contract Audit Agency shall be the exclusive legal client of the General Counsel.

''(c) OFFICE OF THE GENERAL COUNSEL.—There is established an Office of the General Counsel within the Defense Contract Audit Agency. The Director may appoint to the Office to serve as staff of the General Counsel such legal counsel as the Director determines is appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by adding at the end the following new item:

''204. Defense Contract Audit Agency general counsel.''.

(b) CRITERIA FOR BUSINESS SYSTEM REVIEWS.—

(1) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by inserting after section 2222 the following new section:

''§ 2222a. Criteria for business system reviews

''(a) CRITERIA FOR BUSINESS SYSTEM REVIEWS.—The Secretary of Defense shall ensure that any contractor business system review carried out by a military department, a Defense Agency, or a Department of Defense Field Activity—

''(1) complies with generally accepted government auditing standards issued by the Comptroller General;

''(2) is performed by an audit team that does not engage in any other official activity (audit-related or otherwise) involving the contractor concerned;

''(3) is performed in a time and manner consistent with a documented assessment of risk to the Federal Government; and

''(4) involves testing on a representative sample of transactions sufficient to fully examine the integrity of the contractor business system concerned.

''(b) CONTRACTOR BUSINESS SYSTEM REVIEW DEFINED.—In this section, the term 'contractor business system review' means an audit of policies, procedures, and internal controls relating to accounting and management systems of a contractor.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by inserting after the item relating to section 2222 the following new item:

''2222a. Criteria for business system reviews.''.

(c) CONTRACT AUDIT GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance relating to contract audits carried out by a military department, a defense agency, or a Department of Defense field activity that are not contractor business system reviews, as described under section 2222a of title 10, United States Code, that—

(1) requires that such audits comply with generally accepted government auditing standards issued by the Comptroller General and are performed in a time and manner consistent with a documented assessment of risk to the Federal Government;

(2) establishes guidelines for discussions of the scope of the audit with the contractor concerned that ensure that such scope is not improperly influenced by the contractor;

(3) provides for withholding of contract payments when necessary to compel the submission of documentation from the contractor; and

(4) requires that the results of contract audits performed on behalf of an agency of the Department of Defense be shared with other Federal agencies upon request, without reimbursement.

(d) EFFECTIVE DATES.—

(1) SECTION 204.—Section 204 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

(2) SECTION 2222A.—Section 2222a of title 10, United States Code, as added by subsection (b), shall take effect 180 days after the date of the enactment of this Act.

SEC. 405. BLUE RIBBON PANEL ON ELIMINATING BARRIERS TO CONTRACTING WITH THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense shall establish a panel consisting of owners of large and small businesses that are not traditional defense suppliers, for purposes of creating a set of recommendations on eliminating barriers to contracting with the Department of Defense and its defense supply centers.

(b) MEMBERS.—The panel shall consist of nine members, of whom—

(1) three shall be appointed by the Secretary of the Army;

(2) three shall be appointed by the Secretary of the Navy; and

(3) three shall be appointed by the Secretary of the Air Force.

(c) APPOINTMENT DEADLINE.—Members shall be appointed to the panel not later than 180 days after the date of the enactment of this Act.

(d) DUTIES.—The panel shall be responsible for developing a set of recommendations on eliminating barriers to contracting with the Department of Defense and its defense supply centers.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the panel shall submit to Congress a report containing its recommendations.

SEC. 406. INCLUSION OF THE PROVIDERS OF SERVICES AND INFORMATION TECHNOLOGY IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) REVISED DEFINITIONS.—Section 2500 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''or maintenance'' and inserting ''integration, services, or information technology'';

(2) in paragraph (4), by striking ''or production'' and inserting ''production, integration, services, or information technology'';

(3) in paragraph (9)(A), by striking ''and manufacturing'' and inserting ''manufacturing, integration, services, and information technology''; and

(4) by adding at the end the following new paragraph:

''(15) The term 'integration' means the process of providing systems engineering and technical direction for a system for the purpose of achieving capabilities that satisfy program requirements.''.

(b) REVISED OBJECTIVES.—Section 2501(a) of such title is amended—

(1) in paragraph (1), by striking ''Supplying and equipping'' and inserting ''Supplying, equipping, and supporting'';

(2) in paragraph (2), by striking ''and logistics for'' and inserting ''logistics, and other activities in support of'';

(3) in paragraph (4), by striking ''and produce'' and inserting '', produce, and support''; and

(4) by redesignating paragraph (6) as paragraph (8) and inserting after paragraph (5) the following new paragraphs:

''(6) Providing for the generation of services capabilities that are not core functions of the armed forces and that are critical to military operations within the national technology and industrial base.

''(7) Providing for the development, production, and integration of information technology within the national technology and industrial base.''.

(c) REVISED ASSESSMENTS.—Section 2505(b)(4) of such title is amended by inserting after ''of this title)'' the following ''or major automated information systems (as defined in section 2445a of this title)''.

(d) REVISED POLICY GUIDANCE.—Section 2506(a) of such title is amended by striking ''budget allocation, weapons'' and inserting ''strategy, management, budget allocation,''.

SEC. 407. CONSTRUCTION OF ACT ON COMPETITION REQUIREMENTS FOR THE ACQUISITION OF SERVICES.

Nothing in this Act or the amendments made by this Act shall be construed to affect the competition requirements of section 2304 of title 10, United States Code, with respect to the acquisition of services.

SEC. 408. ACQUISITION SAVINGS PROGRAM.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall carry out a program to provide opportunities to provide cost-savings on nondevelopmental items.

(2) SAVINGS.—The program, to be known as the Acquisition Savings Program, shall provide any person or activity within or outside the Department of Defense with the opportunity to offer a proposal to provide savings in excess of 15 percent, to be known as an acquisition savings proposal, for covered contracts.

(3) SUNSET.—The program shall cease to be required on September 30, 2013.

(b) QUALIFYING ACQUISITION SAVINGS PROPOSALS.—A proposal shall qualify as an acquisition savings proposal for purposes of this section if it offers to supply a nondevelopmental item that is identical to, or equivalent to (under a performance specification or relevant commercial standard), an item being procured under a covered contract.

(c) REVIEW BY CONTRACTING OFFICER.—Each acquisition savings proposal shall be reviewed by the contracting officer for the covered contract concerned to determine if such proposal qualifies under this section and to calculate the savings provided by such proposal.

(d) ACTIONS UPON FAVORABLE REVIEW.—If the contracting officer for a covered contract determines after review of an acquisition savings proposal that the proposal would provide an identical or equivalent nondevelopmental item at a savings in excess of 15 percent, and that a contract award to the offeror of the proposal would not result in the violation of a minimum purchase agreement or otherwise cause a breach of contract for the covered contract, the contracting officer may make an award under the covered contract to the offeror of the acquisition savings proposal or otherwise award a contract for the nondevelopmental item concerned to such offeror.

(e) ACTIONS UPON UNFAVORABLE REVIEW.—If a contracting officer determines after review of an acquisition savings proposal that the proposal would not satisfy the requirements of this section, the contracting officer shall debrief the person or activity offering such proposal within 30 days after completion of the review.

(f) REPORT.—Not later than March 1, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report regarding the program, including the number of acquisition savings proposals submitted, the number favorably reviewed, the cumulative savings, and any further recommendations for the program.

(g) DEFINITIONS.—In this section:

(1) NONDEVELOPMENTAL ITEM.—The term ''nondevelopmental item'' has the meaning provided for such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) COVERED CONTRACT.—The term ''covered contract''—

(A) means an indefinite delivery indefinite quantity contract for property as defined in section 2304d(2) of title 10, United States Code; and

(B) does not include any contract awarded under an exception to competitive acquisition authorized by the Small Business Act (15 U.S.C. 631 et seq.)

(3) PERFORMANCE SPECIFICATION.—The term ''performance specification'' means a specification of required item functional characteristics.

(4) COMMERCIAL STANDARD.—The term ''commercial standard'' means a standard used in industry promulgated by an accredited standards organizations that is not a Federal entity.

SEC. 409. SENSE OF CONGRESS REGARDING COMPLIANCE WITH THE BERRY AMENDMENT, THE BUY AMERICAN ACT, AND LABOR STANDARDS OF THE UNITED STATES.

In order to create jobs, level the playing field for domestic manufacturers, and strengthen economic recovery, it is the sense of Congress that the Department of Defense should—

(1) ensure full contractor and subcontractor compliance with the Berry Amendment (10 U.S.C. 2533a) and the Buy American Act (41 U.S.C. 10a et seq.); and

(2) not procure products made by manufacturers in the United States that violate labor standards as defined under the laws of the United States.

SEC. 410. INDUSTRIAL BASE COUNCIL AND FUND.

(a) INDUSTRIAL BASE COUNCIL.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 188. Industrial Base Council

''(a) COUNCIL ESTABLISHED.—There is in the Department of Defense an Industrial Base Council.

''(b) MISSION.—The mission of the Industrial Base Council is to assist the Secretary in all matters pertaining to the industrial base of the Department of Defense, including matters pertaining to the national defense technology and industrial base included in chapter 148 of this title.

''(c) MEMBERSHIP.—The following officials of the Department of Defense shall be members of the Council:

''(1) The Chairman of the Council, who shall be the Under Secretary of Defense for Acquisition, Technology, and Logistics, the functions of which may be delegated by the Under Secretary only to the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Executive Director of the Council, who shall be an official from within the Office of the Under Secretary responsible for industrial base matters and who shall report directly to the Under Secretary or the Principal Deputy Under Secretary.

''(3) Officials from within the Office of the Secretary of Defense, as designated by the Secretary, with direct responsibility for matters pertaining to following areas:

''(A) Manufacturing.

''(B) Research and development.

''(C) Systems engineering and system integration.

''(D) Services.

''(E) Information Technology.

''(F) Sustainment and logistics.

''(4) The Director of the Defense Logistics Agency.

''(5) Officials from the military departments, as designated by the Secretary of each military department, with responsibility for industrial base matters relevant to the military department concerned.

''(d) DUTIES.—The Council shall assist the Secretary in the following:

''(1) Providing input on industrial base matters to strategy reviews, including quadrennial defense reviews performed pursuant to section 118 of this title.

''(2) Managing the industrial base.

''(3) Providing recommendations to the Secretary on budget matters pertaining to the industrial base.

''(4) Providing recommendations to the Secretary on supply chain management and supply chain vulnerability.

''(5) Providing input on industrial base matters to defense acquisition policy guidance.

''(6) Issuing and revising the Department of Defense technology and industrial base guidance required by section 2506 of this title.

''(7) Such other duties as are assigned by the Secretary.

''(e) REPORTING OF ACTIVITIES.—The Secretary shall include a section describing the activities of the Council in the annual report to Congress required by section 2505 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''188. Industrial Base Council.''.

(b) INDUSTRIAL BASE FUND.—

(1) IN GENERAL.—Chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2508. Industrial Base Fund

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish an Industrial Base Fund (in this section referred to as the 'Fund').

''(b) CONTROL OF FUND.—The Fund shall be under the control of the Industrial Base Council established pursuant to section 188 of this title.

''(c) AMOUNTS IN FUND.—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

''(d) USE OF FUND.—Subject to subsection (e), the Fund shall be used—

''(1) to support the monitoring and assessment of the industrial base required by this chapter;

''(2) to address critical issues in the industrial base relating to urgent operation needs;

''(3) to support efforts to expand the industrial base; and

''(4) to address supply chain vulnerabilities.

''(e) USE OF FUND SUBJECT TO APPROPRIATIONS.—The authority of the Secretary of Defense to use the Fund under this section in any fiscal year is subject to the availability of appropriations for that purpose.

''(f) EXPENDITURES.—The Secretary shall establish procedures for expending monies in the Fund in support of the uses identified in subsection (d), including the following:

''(1) Direct obligations from the Fund.

''(2) Transfers of monies from the Fund to relevant appropriations of the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2508. Industrial Base Fund.''.

TITLE V—OTHER MATTERS

SEC. 501. CLOTHING ALLOWANCE REQUIREMENT.

The Comptroller General shall conduct a study of the items purchased under section 418 of title 37, United States Code, to determine if there is sufficient domestic production of such items to adequately supply members of the Armed Forces and shall transmit the results of such study to the Secretary of Defense. Not later than 6 months after receiving the results of such study, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives an evaluation on whether such items under the study should be considered subject to section 2533a of title 10, United States Code (popularly known as the ''Berry Amendment'').

SEC. 502. REQUIREMENT THAT COST OR PRICE TO THE FEDERAL GOVERNMENT BE GIVEN AT LEAST EQUAL IMPORTANCE AS TECHNICAL OR OTHER CRITERIA IN EVALUATING COMPETITIVE PROPOSALS FOR DEFENSE CONTRACTS.

(a) REQUIREMENT.—Subparagraph (A) of section 2305(a)(3) of title 10, United States Code, is amended by striking ''proposals; and'' at the end of clause (ii) and all that follows through the end of the subparagraph and inserting the following: ''proposals and that must be assigned importance at least equal to all evaluation factors other than cost or price when combined.''.

(b) WAIVER.—Section 2305(a)(3) of such title is further amended by striking subparagraph (B) and inserting the following:

''(B) The requirement of subparagraph (A)(ii) relating to assigning at least equal importance to evaluation factors of cost or price may be waived by the head of the agency. The authority to issue a waiver under this subparagraph may not be delegated.''.

(c) REPORT.—Section 2305(a)(3) of such title is further amended by adding at the end the following new subparagraph:

''(C) Not later than 180 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress, and post on a publicly available website of the Department of Defense, a report containing a list of each waiver issued by the head of an agency under subparagraph (B) during the preceding fiscal year.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mrs. BACHMANN moved to recommit the bill to the Committee on Armed Services with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following new title:

TITLE____—PAY FREEZE

SEC. __01. PAY FREEZE.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of computing compensation for service performed during fiscal year 2011 and the first quarter of fiscal year 2012, the rate of salary or basic pay for any office or position within the civil service, as defined by section 2101 of title 5, United States Code, shall be deemed to be equal to the rate of salary or basic pay payable for such office or position as of September 30, 2010.

(b) CONGRESSIONAL PAY FREEZE.—Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (related to the Compensation of Members of Congress) during fiscal year 2011 and the first quarter of fiscal year 2012.

(c) RULE FOR NEW POSITIONS.—For purposes of subsection (a), the rate of salary or basic pay payable as of September 30, 2010, for any office or position which was not in existence on such date shall be deemed to be the rate of salary or basic pay payable to individuals in comparable offices or positions on such date.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to apply with respect to any office or position within the uniformed services, as defined by section 2101 of title 5, United States Code.

Pending consideration of said motion,

¶69.28 POINT OF ORDER

Mr. SKELTON made a point of order against consideration of the motion to recommit with instructions, and said:

''Mr. Speaker, I make a point of order against this motion as it is not germane, and I insist on that point of order.''.

Mrs. BACHMANN was recognized to speak to the point of order and said:

''Mr. Speaker, the motion to recommit proposes to add a new amendment to the bill freezing the rate of pay for ourselves, Members of Congress, and for the non-uniformed Federal employees. The amendment relies on the definition of civil service provided in title V of the United States Code which covers positions in the executive, the judicial, and the legislative branches.

''The bill before us contains numerous and repeated references to title V of the United States Code, yet the gentleman makes the point of order that this amendment is not germane to the bill.

''Mr. Speaker, the bill before us includes provisions, such as the recently adopted Sarbanes amendment, that affect the policies of all executive branch agencies, not just the Department of Defense. And on that basis, I believe that the Chair will find the provisions of the amendment limiting pay for civilian executive branch employees germane. I also believe that the bill is broad enough to cover judicial employees as well.

''So, Mr. Speaker, that then leaves the question of ourselves, our pay, and that of non-uniformed Federal employees, legislative branch employees. So, therefore, Mr. Speaker, I believe it would be improper for the Chair to use a point of order for the purpose of protecting the employees of the legislative branch and for the purpose of protecting and shielding us Members of Congress from the pay freeze herein being proposed. And it would otherwise be in order for employees of the executive branch.

''And so, Mr. Speaker, I ask the question: Do we really want to go on record saying that the rules of this House should not be used to shield our own Members of Congress' salaries and also those of the legislative salaries of the non-uniformed branch from being fiscally irresponsible?

''So, Mr. Speaker, I urge you not to sustain the point of order because when the average wage and benefit package of government workers is double that of private employees, then we should not use—

''We should not use the arcane rules to somehow exempt ourselves as a Member of Congress from our own pay increases and that of the non-uniformed Federal offices under the responsibility of tightening our belt.''.

Mr. SKELTON was further recognized and said:

''Mr. Speaker, I insist on my point of order. It is not germane.''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, sustained the point of order, and said:

''The gentleman from Missouri makes the point of order that the instructions proposed in the motion to recommit offered by the gentlewoman from Minnesota are not germane. The bill broaches a range of subject matters related to both national defense and to general operations of the Federal Government. This range of subject matters implicates the jurisdiction of several committees.

''The instructions proposed in the motion to recommit seek to prohibit certain future increases in pay for

Members of Congress and employees across the Federal Government. This prohibition, by addressing the legislative branch, involves the jurisdiction of the Committee on House Administration.

''One of the fundamental principles of germaneness is that an amendment must confine itself to matters within the jurisdiction of the committees with jurisdiction over the pending text. To the Chair's knowledge, the underlying bill is devoid of subject matter within the jurisdiction of the Committee on House Administration. Thus, the motion offered by the gentlewoman from Minnesota is not germane. The point of order is sustained. The motion is not in order.''.

Mrs. BACHMANN appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. SKELTON moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mrs. BACHMANN demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 227 / Nays 183

¶69.29 [Roll No. 334]

AYES—227

Ackerman	Courtney	Hinojosa
Adler (NJ)	Critz	Hirono
Altmire	Crowley	Holt
Andrews	Cuellar	Honda
Arcuri	Cummings	Hoyer
Baca	Davis (CA)	Inslee
Baird	Davis (IL)	Israel
Baldwin	Davis (TN)	Jackson (IL)
Barrow	DeLauro	Jackson Lee (TX)
Bean	Deutch	Johnson (GA)
Becerra	Dicks	Johnson, E. B.
Berkley	Dingell	Kagen
Berman	Doggett	Kanjorski
Berry	Donnelly (IN)	Kaptur
Bishop (GA)	Doyle	Kennedy
Bishop (NY)	Driehaus	Kildee
Blumenauer	Edwards (MD)	Kilpatrick (MI)
Boccieri	Edwards (TX)	Kilroy
Boswell	Ellison	Kind
Boucher	Ellsworth	Kissell
Boyd	Eshoo	Klein (FL)
Brady (PA)	Etheridge	Kratovil
Braley (IA)	Farr	Kucinich
Brown, Corrine	Fattah	Langevin
Butterfield	Filner	Larsen (WA)
Capps	Frank (MA)	Larson (CT)
Capuano	Fudge	Lee (CA)
Cardoza	Garamendi	Levin
Carnahan	Gonzalez	Lewis (GA)
Carney	Gordon (TN)	Lipinski
Carson (IN)	Grayson	Loebsack
Castor (FL)	Green, Al	Lofgren, Zoe
Chandler	Green, Gene	Lowey
Clarke	Grijalva	Luján
Clay	Hall (NY)	Lynch
Cleaver	Hare	Maffei
Clyburn	Harman	Maloney
Cohen	Heinrich	Markey (CO)
Connolly (VA)	Herseth Sandlin	Markey (MA)
Conyers	Higgins	Matheson
Cooper	Hill	Matsui
Costa	Himes	McCarthy (NY)
Costello	Hinchey	McCollum
McDermott	Polis (CO)	Slaughter
McGovern	Pomeroy	Smith (WA)
McMahon	Price (NC)	Snyder
McNerney	Quigley	Space
Meek (FL)	Rahall	Speier
Meeks (NY)	Rangel	Spratt
Michaud	Reyes	Stark
Miller (NC)	Richardson	Sutton
Miller, George	Rodriguez	Tanner
Mollohan	Ross	Thompson (CA)
Moore (KS)	Rothman (NJ)	Thompson (MS)
Moore (WI)	Roybal-Allard	Tierney
Moran (VA)	Ruppersberger	Tonko
Murphy (CT)	Rush	Towns
Murphy (NY)	Ryan (OH)	Tsongas
Murphy, Patrick	Salazar	Van Hollen
Nadler (NY)	Sánchez, Linda T.	Velázquez
Napolitano	Sanchez, Loretta	Visclosky
Neal (MA)	Sarbanes	Walz
Oberstar	Schakowsky	Wasserman Schultz
Obey	Schauer	Waters
Olver	Schiff	Watson
Ortiz	Schrader	Watt
Owens	Schwartz	Waxman
Pallone	Scott (GA)	Weiner
Pascrell	Scott (VA)	Welch
Pastor (AZ)	Serrano	Wilson (OH)
Payne	Sestak	Wolf
Perlmutter	Shadegg	Woolsey
Perriello	Shea-Porter	Wu
Peters	Sherman	Yarmuth
Peterson	Sires	Young (AK)
Pingree (ME)	Skelton	

NOES—183

Aderholt	Gallegly	Miller, Gary
Akin	Garrett (NJ)	Minnick
Alexander	Gerlach	Mitchell
Austria	Giffords	Moran (KS)
Bachmann	Gingrey (GA)	Murphy, Tim
Bachus	Gohmert	Myrick
Barrett (SC)	Goodlatte	Neugebauer
Bartlett	Granger	Nunes
Barton (TX)	Griffith	Nye
Biggert	Guthrie	Olson
Bilbray	Hall (TX)	Paul
Bilirakis	Halvorson	Paulsen
Blackburn	Harper	Pence
Blunt	Hastings (WA)	Petri
Boehner	Heller	Pitts
Bonner	Hensarling	Platts
Bono Mack	Herger	Poe (TX)
Boozman	Hodes	Posey
Boustany	Hoekstra	Price (GA)
Brady (TX)	Holden	Putnam
Bright	Hunter	Radanovich
Broun (GA)	Inglis	Rehberg
Brown (SC)	Issa	Reichert
Buchanan	Jenkins	Roe (TN)
Burgess	Johnson (IL)	Rogers (AL)
Burton (IN)	Johnson, Sam	Rogers (KY)
Buyer	Jordan (OH)	Rohrabacher
Calvert	King (IA)	Rooney
Camp	King (NY)	Ros-Lehtinen
Campbell	Kingston	Roskam
Cantor	Kirk	Royce
Cao	Kirkpatrick (AZ)	Scalise
Capito	Kline (MN)	Schmidt
Carter	Kosmas	Schock
Cassidy	Lamborn	Sensenbrenner
Castle	Lance	Sessions
Chaffetz	Latham	Shimkus
Childers	LaTourette	Shuster
Coble	Lee (NY)	Simpson
Coffman (CO)	Lewis (CA)	Smith (NE)
Cole	Linder	Smith (NJ)
Conaway	LoBiondo	Smith (TX)
Crenshaw	Lucas	Stearns
Culberson	Luetkemeyer	Sullivan
Dahlkemper	Lummis	Taylor
Dent	Lungren, Daniel E.	Teague
Diaz-Balart, L.	Mack	Terry
Diaz-Balart, M.	Manzullo	Thompson (PA)
Djou	Marchant	Thornberry
Dreier	Marshall	Tiahrt
Duncan	McCarthy (CA)	Tiberi
Ehlers	McCaul	Titus
Emerson	McClintock	Turner
Fallin	McCotter	Upton
Flake	McHenry	Walden
Fleming	McIntyre	Wamp
Forbes	McKeon	Westmoreland
Fortenberry	McMorris Rodgers	Whitfield
Foster	Miller (FL)	Wilson (SC)
Foxx	Miller (MI)	Wittman
Franks (AZ)		Young (FL)
Frelinghuysen		

NOT VOTING—21

Bishop (UT)	DeGette	Melancon
Boren	Delahunt	Mica
Brown-Waite, Ginny	Engel	Rogers (MI)
Chu	Graves	Ryan (WI)
Davis (AL)	Gutierrez	Shuler
Davis (KY)	Hastings (FL)	Stupak
DeFazio	Jones	
	Latta	

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Mr. FORBES moved to recommit the bill to the Committee on Armed Services with instructions to report the bill back to the House forthwith with the following amendment:

Strike section 1032 and insert the following:

SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated by this Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

In section 1037(a)(1)(C), strike ''within the exclusive investigative jurisdiction of the Inspector General of the Department of Defense'' and insert ''of the United States''.

In section 1037, strike subsection (b).

In section 1037(f), strike paragraph (2).

After debate,

By unanimous consent, the previous question was ordered.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. FORBES demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 282 / Nays 131

¶69.30 [Roll No. 335]

AYES—282

Aderholt	Bilirakis	Brown, Corrine
Adler (NJ)	Bishop (GA)	Buchanan
Akin	Bishop (NY)	Burgess
Alexander	Bishop (UT)	Burton (IN)
Altmire	Blackburn	Buyer
Andrews	Blunt	Calvert
Arcuri	Boccieri	Camp
Austria	Boehner	Campbell
Baca	Bonner	Cantor
Bachmann	Bono Mack	Cao
Bachus	Boozman	Capito
Barrett (SC)	Boswell	Cardoza
Barrow	Boucher	Carnahan
Bartlett	Boustany	Carney
Barton (TX)	Boyd	Carson (IN)
Bean	Brady (TX)	Carter
Berkley	Bright	Cassidy
Biggert	Broun (GA)	Castle
Bilbray	Brown (SC)	Castor (FL)

Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Cuellar
Culberson
Dahlkemper
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Grayson
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hodes
Hoekstra
Holden
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kanjorski
Kind
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Latham
LaTourette
Lee (NY)
Lewis (CA)
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens
Paulsen
Pence
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (OH)
Salazar
Scalise
Schauer
Schmidt
Schock
Schrader
Schwartz
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Turner
Upton
Visclosky
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—131

Baird
Baldwin
Becerra
Berry
Blumenauer
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Green, Al
Grijalva
Gutierrez
Hare
Harman
Heinrich
Himes
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Jackson Lee (TX)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kucinich
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Luján
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks (NY)
Michaud
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rangel
Rothman (NJ)
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Smith (WA)
Snyder
Speier
Stark
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NOT VOTING—18

Ackerman
Berman
Boren
Brown-Waite, Ginny
Davis (AL)
Davis (KY)
Delahunt
Graves
Hastings (FL)
Jones
King (NY)
Latta
Linder
Melancon
Ryan (WI)
Shuler
Slaughter
Stupak

So the motion to recommit with instructions was agreed to.

Mr. SKELTON, by direction of the Committee on Armed Services and pursuant to the foregoing order of the House reported the bill back to the House with said amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. SKELTON demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 229 / Nays 186

¶69.31 [Roll No. 336]

AYES—229

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Weiner
Wilson (OH)
Wu
Yarmuth

NOES—186

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Childers
Chu
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (TN)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Ellison
Emerson
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hirono
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Lee (CA)
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McDermott
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore (WI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Obey
Olson
Olver
Paul
Paulsen

Payne	Royce	Thornberry
Pence	Scalise	Tiahrt
Peterson	Schmidt	Tiberi
Petri	Schock	Turner
Pitts	Sensenbrenner	Upton
Platts	Sessions	Walden
Poe (TX)	Shadegg	Wamp
Posey	Shimkus	Watt
Price (GA)	Shuster	Waxman
Putnam	Simpson	Welch
Radanovich	Smith (NE)	Westmoreland
Rehberg	Smith (NJ)	Whitfield
Roe (TN)	Smith (TX)	Wilson (SC)
Rogers (AL)	Stark	Wittman
Rogers (KY)	Stearns	Wolf
Rogers (MI)	Sullivan	Woolsey
Rohrabacher	Taylor	Young (AK)
Rooney	Terry	Young (FL)
Roskam	Thompson (PA)	

NOT VOTING—17

Boren	Davis (KY)	Latta
Brown (SC)	Delahunt	Levin
Brown-Waite, Ginny	Graves	Melancon
Conyers	Hastings (FL)	Ryan (WI)
Davis (AL)	Jones	Shuler
	King (NY)	Stupak

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶69.32 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. SKELTON, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections, to include corrections in spelling, punctuation, section numbering, and cross referencing, and the insertion of appropriate headings.

¶69.33 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curts, one of its clerks, announced that the Senate has passed, without amendment, a bill of the House, and agreed to, without amendment, a concurrent resolution of the House of the following titles:

H.R. 5330. An Act to amend the Antritrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

H. Con. Res. 282. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a condition recess or adjournment of the Senate.

The message also announced that the Senate has passed, with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4899. An Act making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4899) ''An Act making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appointed: Messrs. INOUYE, BYRD, LEAHY, HARKIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Messrs. DURBIN, JOHNSON, Ms. LANDRIEU, Messrs. REED, LAUTENBERG, NELSON [NE], Messrs. PRYOR, TESTER, SPECTER, COCHRAN, BOND, MCCONNELL, SHELBY, GREGG, BENNETT, MRS. HUTCHISON, Messrs. BROWNBACK, ALEXANDER, MS. COLLINS, Mr. VOINOVICH, and Ms. MURKOWSKI to be the conferees on the part of the Senate.

¶69.34 H. RES. 407—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PERRIELLO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 407) expressing support for designation of May as ''National Asthma and Allergy Awareness Month;'' as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PERRIELLO, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶69.35 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. BORDALLO, for today;

To Mr. JONES, for today; and

To Mr. LATTA, for today after 11:35 a.m.

And then,

¶69.36 ADJOURNMENT

On motion of Mr. GOHMERT, pursuant to House Concurrent Resolution 282, at 5 o'clock and 59 minutes p.m., the House adjourned until 2 p.m. on Tuesday, June 8, 2010.

¶69.37 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 2889. A bill to modify the boundary of the Oregon Caves National Monument, and for other purposes; with an amendment (Rept. 111–500). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4438. A bill to authorize the Secretary of the Interior to enter into an agreement to lease space from a nonprofit group or other government entity for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes; with amendments (Rept. 111–501). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4349. A bill to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes; with an amendment (Rept. 111–502). Referred to the Committee of the Whole House on the state of the Union.

¶69.38 TIME LIMITATION ON REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 3376. Referral to the Committees on the Judiciary and Homeland Security extended for a period ending not later than August 6, 2010.

¶69.39 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committee on Ways and Means discharged from further consideration. H.R. 2989 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

¶69.40 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HELLER (for himself, Mr. CALVERT, Mr. LEWIS of California, Mr. MCCARTHY of California, Mr. MCKEON, Mr. WALDEN, Mrs. BONO MACK, Mr. CANTOR, Mr. CAMP, Mr. UPTON, Mr. BOUSTANY, Mr. DENT, Mr. THOMPSON of Pennsylvania, Mr. LATOURETTE, Mr. MANZULLO, Mr. ADERHOLT, Mr. GUTHRIE, Mr. BOEHNER, Mr. LOBIONDO, Mr. ROGERS of Michigan, Mr. TURNER, Mr. PAULSEN, Mrs. MILLER of Michigan, Mr. GERLACH, Mr. KIRK, Mr. SMITH of New Jersey, Mr. CASTLE, Mr. FLEMING, Mr. ROGERS of Alabama, Mr. BONNER, Mr. GRIFFITH, Mr. CASSIDY, Mr. BILIRAKIS, Mr. PITTS, Mr. REICHERT, Mr. BUCHANAN, Mr. LANCE, Mr. CONAWAY, Mr. CRENSHAW, Mr. WILSON of South Carolina, Mr. MCCOTTER, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. EHLERS, Mr. TIBERI, and Mr. KLINE of Minnesota):

H.R. 5453. A bill to provide a temporary extension of certain programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Appropriations, Education and Labor, Financial Services, the Budget, Small Business, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT (for himself, Mr. MINNICK, Ms. BEAN, Mr. BOYD, Mr. BRALEY of Iowa, Mr. CONNOLLY of Virginia, Mr. COOPER, Mr. CUELLAR, Mr. ELLSWORTH, Ms. GIFFORDS, Mr. LARSEN of Washington, Mr. MATHESON, Mr. MOORE of Kansas, Mr. MURPHY of New York, Mr. OWENS, Mr. PETERS, Mr. POMEROY, Mr. QUIGLEY, Mr. RUPPERSBERGER, Mr. SCHRADER, and Mr. WELCH) (all by request):

H.R. 5454. A bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHOCK (for himself and Mr. HARE):

H.R. 5455. A bill to authorize the Secretary of the Interior to conduct a special resource

study of the archeological site and surrounding land of the New Philadelphia town site in the state of Illinois, and for other purposes; to the Committee on Natural Resources.

By Ms. MCCOLLUM (for herself, Mr. SCOTT of Virginia, Mr. LATHAM, Mr. ELLISON, Mr. LUJÁN, Mr. KAGEN, Mr. GRIJALVA, Mr. PUTNAM, Mr. MICHAUD, Mr. AL GREEN of Texas, Ms. KAPTUR, Mr. CARNAHAN, Mr. MOORE of Kansas, Ms. PINGREE of Maine, Mr. BLUMENAUER, Mr. SHULER, Mr. KIND, Mr. LOEBSACK, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. COURTNEY, Mr. WALZ, Mr. HOLT, Mr. PERRIELLO, and Mr. MORAN of Virginia):

H.R. 5456. A bill to amend the Richard B. Russell National School Lunch Act to award competitive grants to assist eligible entities in implementing or expanding farm-to-school programs; to the Committee on Education and Labor, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CASTOR of Florida (for herself and Mr. MURPHY of Connecticut):

H.R. 5457. A bill to provide supplemental payments to nursing facilities serving Medicare and Medicaid patients and to amend title XIX of the Social Security Act to assure adequate Medicaid payment levels for services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADLER of New Jersey (for himself, Mr. PASCRELL, Mr. CUMMINGS, and Mr. ROTHMAN of New Jersey):

H.R. 5458. A bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require additional disclosures and protections for students and cosigners with respect to student loans, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself and Mr. WEINER):

H.R. 5459. A bill to increase the limits on liability under the Outer Continental Shelf Lands Act; to the Committee on Natural Resources.

By Ms. CHU:

H.R. 5460. A bill to amend the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965 to require the Secretary of Education to establish grant programs to help pregnant and parenting students stay in school, and for other purposes; to the Committee on Education and Labor.

By Mr. DAVIS of Illinois (for himself, Mr. KIRK, and Mr. BOREN):

H.R. 5461. A bill to amend title XVIII of the Social Security Act to cover screening computed tomography colonography as a colorectal cancer screening test under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. BURGESS, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mrs. CAPPS, Mrs. BLACKBURN, Ms. DEGETTE, Mr. COURTNEY, Ms. ESHOO, Mr. SARBANES, Mr. SESSIONS, Mr. GONZALEZ, Mr. RUSH, Mr. WEINER, Mrs. MCMORRIS RODGERS, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Ms. SUTTON, Mr. MARKEY of Massachusetts, Mr. MATHESON, Mr. BUTTERFIELD, Ms. NORTON, Mr. TERRY, and Ms. HARMAN):

H.R. 5462. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY:

H.R. 5463. A bill to rename the Homestead National Monument of America near Beatrice, Nebraska, as the Homestead National Historical Park; to the Committee on Natural Resources.

By Ms. GIFFORDS (for herself, Mr. BLUMENAUER, Mr. THOMPSON of California, Mr. POLIS, Mr. LUJÁN, Ms. HIRONO, Mr. GARAMENDI, Mr. WU, and Mrs. BONO MACK):

H.R. 5464. A bill to amend the Internal Revenue Code of 1986 to provide that solar electric property need not be located on the property with respect to which it is generating electricity in order to qualify for the residential energy efficient property credit; to the Committee on Ways and Means.

By Mr. HELLER (for himself, Ms. BERKLEY, and Ms. TITUS):

H.R. 5465. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year recovery period for computer-based gambling machines; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself and Mr. GENE GREEN of Texas):

H.R. 5466. A bill to amend titles V and XIX of the Public Health Service Act to revise and extend substance use disorder and mental health programs, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H.R. 5467. A bill to authorize the Secretary of Education to award contracts to nonprofit organizations with national experience that enter into partnerships with local educational agencies to turn around low-performing public high schools; to the Committee on Education and Labor.

By Mr. MCKEON:

H.R. 5468. A bill to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony; to the Committee on Natural Resources.

By Mrs. MCMORRIS RODGERS (for herself and Mr. BISHOP of Georgia):

H.R. 5469. A bill to increase the mileage reimbursement rate for members of the armed services during permanent change of station and to authorize the transportation of additional motor vehicles of members on change of permanent station to or from nonforeign areas outside the continental United States; to the Committee on Armed Services.

By Mr. PALLONE (for himself, Mr. BLUNT, and Ms. MATSUI):

H.R. 5470. A bill to exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

By Ms. PINGREE of Maine (for herself, Mrs. CAPPS, Mr. GENE GREEN of Texas, and Mr. WEINER):

H.R. 5471. A bill to amend the American Recovery and Reinvestment Act of 2009 to extend for 6 months the increase provided under that Act in the Medicaid Federal medical assistance percentage (FMAP); to the Committee on Energy and Commerce.

By Ms. RICHARDSON (for herself, Mr. JOHNSON of Georgia, and Ms. JACKSON LEE of Texas):

H.R. 5472. A bill to establish a grant program for stipends to assist in the cost of compensation paid by employers to certain recent college graduates and to provide funding for their further education in subjects relating to mathematics, science, engineering, and technology; to the Committee on Education and Labor.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 5473. A bill to amend the Internal Revenue Code of 1986 to exclude from personal holding company income dividends which are received from foreign affiliates and which are reinvested in the United States; to the Committee on Ways and Means.

By Mr. SCHAUER:

H.R. 5474. A bill to amend title XVIII of the Social Security Act with respect to reclassification of hospitals as rural referral centers under the Medicare Program; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Mr. SALAZAR, Mr. MCCARTHY of California, Mr. BLUMENAUER, Mr. CARDOZA, Mr. COSTA, Mr. FARR, Mr. MANZULLO, Mr. ELLSWORTH, Mrs. CAPPS, Mr. KRATOVIL, Mr. CUELLAR, Mr. KIND, Ms. ESHOO, Mr. RADANOVICH, Mr. CONAWAY, Mr. GARAMENDI, Mr. BERRY, Ms. MATSUI, Ms. HERSETH SANDLIN, Mr. SIMPSON, and Mr. MINNICK):

H.R. 5475. A bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax, and for other purposes; to the Committee on Ways and Means.

By Mr. WELCH (for himself, Mr. VAN HOLLEN, Mr. WEINER, Mr. ISRAEL, Mr. CARNAHAN, Ms. BEAN, Mr. MCNERNEY, and Mr. DEUTCH):

H.R. 5476. A bill to assist in the creation of new jobs by providing financial incentives for owners of commercial buildings and multifamily residential buildings to retrofit their buildings with energy efficient building equipment and materials, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YARMUTH (for himself, Mr. CHANDLER, and Ms. SHEA-PORTER):

H.R. 5477. A bill to amend the Elementary and Secondary Education Act of 1965 and the Workforce Investment Act of 1998 to award grants to prepare individuals for the 21st century workplace and to increase America's global competitiveness, and for other purposes; to the Committee on Education and Labor.

By Mr. RUSH (for himself, Ms. RICHARDSON, Mrs. NAPOLITANO, Mr. ANDREWS, Mr. CLYBURN, Ms. MOORE of Wisconsin, Mr. ELLISON, Mr. ENGEL, Mr. ACKERMAN, Mr. FOSTER, Mr. PERLMUTTER, Mr. HODES, Mr. DAVIS of Illinois, Mrs. HALVORSON, Mr. JACKSON of Illinois, Mr. TOWNS, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Ms. CLARKE, Ms. FUDGE, Mr. BUTTERFIELD, Mr. WATT, Ms. KILPATRICK of Michigan, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. CLAY, and Mr. KENNEDY):

H. Res. 1414. A resolution congratulating Urban Prep Charter Academy for Young Men-Englewood Campus, the Nation's first all-male charter high school, for achieving a 100 percent college acceptance rate for all 107 members of its first graduating class of 2010; to the Committee on Education and Labor.

By Mr. PENCE:

H. Res. 1415. A resolution electing minority members to certain standing committees; considered and agreed to.

By Ms. FUDGE (for herself, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr.

ELLISON, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATERS, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. CLARKE, Mr. WATT, Ms. JACKSON LEE of Texas, Ms. LEE of California, Mr. MEEKS of New York, Mr. CUMMINGS, Mr. JOHNSON of Georgia, and Mr. CARSON of Indiana):

H. Res. 1416. A resolution amending the Rules of the House of Representatives regarding the public disclosure by the Committee on Standards of Official Conduct of written reports and findings of the board of the Office of Congressional Ethics, and for other purposes; to the Committee on Rules, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, and Mr. COSTA):

H. Res. 1417. A resolution recognizing the importance of transatlantic relations between the United States and the European Union and recognizing the growing importance of the dialogue between Congress and the European Parliament; to the Committee on Foreign Affairs.

By Mr. CANTOR (for himself and Mr. ROSS):

H. Res. 1418. A resolution expressing support for increasing awareness of craniofacial anomalies; to the Committee on Energy and Commerce.

By Mr. DRIEHAUS:

H. Res. 1419. A resolution celebrating the 100th anniversary of the Ohio Fire Chiefs' Association and commending the Association on its century of service to the State of Ohio; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Ms. WASSERMAN SCHULTZ, Mr. STARK, and Mr. CONYERS):

H. Res. 1420. A resolution recognizing the Convention on International Trade in Endangered Species of Wild Fauna and Flora on its 35th anniversary; to the Committee on Foreign Affairs.

By Mr. POE of Texas (for himself, Mr. MCCAUL, Mr. OLSON, Mr. CULBERSON, Ms. GRANGER, and Mr. BRADY of Texas):

H. Res. 1421. A resolution recognizing the 40th anniversary of the Apollo 13 mission and the heroic actions of both the crew and those working at mission control in Houston, Texas, for bringing the three astronauts, Fred Haise, Jim Lovell, and Jack Swigert, home to Earth safely; to the Committee on Science and Technology.

By Mr. SENSENBRENNER:

H. Res. 1422. A resolution honoring the Department of Justice on the occasion of its 140th anniversary; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. CARNAHAN, Mr. WOLF, and Mr. BAIRD):

H. Res. 1423. A resolution observing the 15th anniversary of the Srebrenica genocide and expressing support for ''Srebrenica Remembrance Day'' in the United States; to the Committee on Foreign Affairs.

¶69.41 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. CORRINE BROWN of Florida.
H.R. 197: Mr. KIND and Mr. WOLF.
H.R. 442: Mr. KIND.
H.R. 540: Mr. THOMPSON of Pennsylvania.
H.R. 583: Ms. RICHARDSON.
H.R. 610: Ms. RICHARDSON.
H.R. 678: Mr. BLUMENAUER and Mr. PERLMUTTER.
H.R. 692: Mr. PLATTS.
H.R. 953: Mr. GORDON of Tennessee.
H.R. 1034: Mr. WALDEN.
H.R. 1074: Mr. KIND.
H.R. 1079: Mr. SCHOCK.
H.R. 1230: Mr. LOEBSACK.
H.R. 1277: Mr. CASSIDY and Ms. JENKINS.
H.R. 1314: Mr. KAGEN.
H.R. 1396: Ms. ZOE LOFGREN of California.
H.R. 1476: Mr. HASTINGS of Florida.
H.R. 1546: Mr. RYAN of Ohio.
H.R. 1587: Mr. LOEBSACK.
H.R. 1806: Ms. SUTTON.
H.R. 1966: Ms. SHEA-PORTER.
H.R. 2024: Mr. CONYERS.
H.R. 2103: Mr. UPTON and Mr. LARSEN of Washington.
H.R. 2275: Mr. TERRY, Ms. NORTON, and Mrs. MCCARTHY of New York.
H.R. 2287: Mr. REHBERG and Mrs. SCHMIDT.
H.R. 2850: Mr. RAHALL.
H.R. 2932: Ms. EDWARDS of Maryland.
H.R. 3012: Mr. OBEY.
H.R. 3043: Mr. ARCURI and Mr. BISHOP of Georgia.
H.R. 3044: Mr. RODRIGUEZ.
H.R. 3077: Mr. LARSEN of Washington.
H.R. 3212: Mr. OWENS.
H.R. 3271: Mr. QUIGLEY.
H.R. 3421: Mr. DRIEHAUS and Mr. POLIS.
H.R. 3488: Mr. ELLISON.
H.R. 3554: Ms. NORTON.
H.R. 3652: Ms. KAPTUR, Ms. SUTTON, Mr. LATOURETTE, Ms. GIFFORDS, Mr. AKIN, and Mr. LATTA.
H.R. 3721: Mr. SIRES.
H.R. 3765: Mr. JONES.
H.R. 3797: Mr. DUNCAN.
H.R. 3856: Mr. GRAYSON.
H.R. 3888: Ms. ROYBAL-ALLARD.
H.R. 4100: Mr. WAMP.
H.R. 4115: Mr. SERRANO.
H.R. 4123: Ms. ZOE LOFGREN of California.
H.R. 4278: Mr. SCHRADER and Mr. ROSS.
H.R. 4347: Mr. FALEOMAVAEGA.
H.R. 4405: Ms. ZOE LOFGREN of California and Ms. EDWARDS of Maryland.
H.R. 4420: Ms. WOOLSEY.
H.R. 4427: Ms. KOSMAS.
H.R. 4558: Mrs. MILLER of Michigan.
H.R. 4638: Mr. LOEBSACK.
H.R. 4662: Mr. PAULSEN and Mr. BOUCHER.
H.R. 4671: Mr. BOSWELL.
H.R. 4684: Mr. SMITH of New Jersey, Mr. ANDREWS, Mr. BACHUS, Mr. BECERRA, Ms. BERKLEY, Mr. BOSWELL, Mr. CALVERT, Mr. CANTOR, Mr. CHANDLER, Mr. CLYBURN, Mr. CONYERS, Mr. COURTNEY, Mr. CULBERSON, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DOGGETT, Mr. EDWARDS of Texas, Ms. EDWARDS of Maryland, Ms. ESHOO, Mr. DEUTCH, Mr. FALEOMAVAEGA, Mr. FARR, Mr. GARAMENDI, Mr. GONZALEZ, Mr. GOODLATTE, Mr. GRAYSON, Ms. HIRONO, Mr. HONDA, Mr. KAGEN, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. DANIEL E. LUNGREN of California, Mr. MANZULLO, Mr. GEORGE MILLER of California, Mr. OBERSTAR, Mr. PRICE of North Carolina, Mr. RODRIGUEZ, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Mr. SCHRADER, Mr. SHERMAN, Mr. SNYDER, Mr. SPACE, Mr. STARK, Mr. TAYLOR, Mr. THOMPSON of California, Mr. VAN HOLLEN, Ms. WATERS, Mr. WAXMAN, Mr. WELCH, and Ms. WOOLSEY.
H.R. 4698: Mr. CARNEY.
H.R. 4756: Ms. NORTON.
H.R. 4771: Mr. LEWIS of Georgia and Ms. JACKSON LEE of Texas.
H.R. 4772: Mr. SPACE.
H.R. 4785: Mr. DINGELL.
H.R. 4868: Ms. SPEIER and Ms. LEE of California.
H.R. 4870: Mr. DEUTCH.
H.R. 4881: Mr. BUCHANAN.
H.R. 4897: Ms. JACKSON LEE of Texas and Ms. CORRINE BROWN of Florida.
H.R. 4914: Mr. LYNCH, Mr. ROTHMAN of New Jersey, Ms. HIRONO, and Mr. ACKERMAN.
H.R. 4952: Mr. BISHOP of Utah.
H.R. 4959: Mr. BISHOP of Georgia and Ms. MOORE of Wisconsin.
H.R. 4972: Mr. LINDER, Mr. BROWN of South Carolina, Mr. LUETKEMEYER, Mr. HUNTER, Mr. GUTHRIE, Mr. CONAWAY, Mr. THOMPSON of Pennsylvania, Mr. LANCE, Mr. BOOZMAN, Mr. FLAKE, Mr. BILBRAY, Mrs. MYRICK, Mr. ALEXANDER, Mr. BARTLETT, Mr. MCCOTTER, Mr. COFFMAN of Colorado, Mr. PAUL, and Mr. ROHRABACHER.
H.R. 5015: Mr. TONKO.
H.R. 5029: Mr. FLAKE.
H.R. 5032: Mr. ROTHMAN of New Jersey.
H.R. 5049: Mr. PETERSON.
H.R. 5081: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5087: Mrs. BACHMANN.
H.R. 5090: Mr. COHEN.
H.R. 5092: Mr. WAMP, Mr. BOUCHER, Mr. NEUGEBAUER, Mr. GUTHRIE, Ms. MARKEY of Colorado, Mr. CARDOZA, Ms. DEGETTE, Mr. COSTA, Mr. GINGREY of Georgia, Mr. THOMPSON of Mississippi, and Mr. SAM JOHNSON of Texas.
H.R. 5111: Mr. PETERSON, Mr. COSTELLO, and Mr. DAVIS of Kentucky.
H.R. 5141: Mr. SMITH of Nebraska.
H.R. 5142: Mr. TONKO.
H.R. 5177: Mr. NEUGEBAUER.
H.R. 5198: Mr. POLIS.
H.R. 5211: Mr. FRANK of Massachusetts.
H.R. 5214: Mrs. NAPOLITANO, Ms. MATSUI, Mr. STARK, Mr. BERMAN, Mr. ELLISON, Mr. ELLSWORTH, Ms. NORTON, and Mr. SERRANO.
H.R. 5235: Mr. BACHUS and Mr. LOBIONDO.
H.R. 5268: Mr. LARSEN of Washington.
H.R. 5283: Mr. DANIEL E. LUNGREN of California, Mr. LATTA, Mr. SMITH of New Jersey, Mr. CAO, Mr. CASSIDY, Mr. YOUNG of Alaska, Mr. TERRY, Mr. COSTA, and Mr. JONES.
H.R. 5304: Ms. NORTON.
H.R. 5307: Mr. MITCHELL, Ms. HERSETH SANDLIN, and Mr. PASTOR of Arizona.
H.R. 5310: Mr. WELCH.
H.R. 5312: Ms. SPEIER.
H.R. 5351: Mr. BROUN of Georgia, Mr. LOBIONDO, and Mr. SESSIONS.
H.R. 5353: Mr. JACKSON of Illinois, Mr. CLAY, Mr. ELLISON, Ms. WATSON, Mr. GRIJALVA, Mr. STARK, Mr. NADLER of New York, and Mr. HINCHEY.
H.R. 5354: Mr. GRIJALVA.
H.R. 5371: Mr. TURNER.
H.R. 5382: Mr. COFFMAN of Colorado.
H.R. 5424: Mr. BACHUS, Mr. GINGREY of Georgia, Mr. GALLEGLY, Mr. LATTA, Mr. MCCAUL, Mr. HARPER, Mr. MANZULLO, Mr. HASTINGS of Washington, Mr. BURTON of Indiana, and Mr. UPTON.
H.R. 5425: Mr. JONES.
H.R. 5426: Mrs. MCMORRIS RODGERS.
H.R. 5430: Ms. CLARKE, Mr. TONKO, and Mrs. EMERSON.
H.R. 5431: Ms. CLARKE, Mr. TONKO, Ms. FUDGE, and Mrs. EMERSON.
H.R. 5432: Ms. CLARKE and Mr. TONKO.
H.J. Res. 47: Mr. DUNCAN.
H.J. Res. 77: Mr. ALEXANDER, Mr. PAUL, Mr. WALDEN, and Mr. JONES.
H.J. Res. 86: Mr. KINGSTON, Mr. GALLEGLY, and Mr. WOLF.
H.J. Res. 87: Mrs. MCMORRIS RODGERS.
H. Con. Res. 205: Mr. DONNELLY of Indiana.
H. Con. Res. 266: Ms. LORETTA SANCHEZ of California, Ms. ROS-LEHTINEN, Mr. HONDA, Mr. BURTON of Indiana, Mr. DUNCAN, and Mr. BARTON of Texas.
H. Con. Res. 280: Ms. HIRONO and Mr. GRAYSON.
H. Con. Res. 281: Mr. CHAFFETZ, Mr. FLEMING, Mr. ROONEY, Mr. FLAKE, Mr. AKIN, Mr. BARTLETT, Mrs. BACHMANN, Mr. LAMBORN,

Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. KING of Iowa, Mr. CAMPBELL, Mr. WILSON of South Carolina, and Mr. MCCLINTOCK.

H. Con. Res. 283: Mr. KANJORSKI.

H. Res. 173: Mr. KAGEN.

H. Res. 546: Mr. JACKSON of Illinois, Ms. CLARKE, and Mr. SCHAUER.

H. Res. 1138: Mr. SESTAK.

H. Res. 1217: Mr. ORTIZ.

H. Res. 1226: Mr. MCCARTHY of California and Mr. PAULSEN.

H. Res. 1251: Mr. LAMBORN, Mr. SCALISE, and Mr. ADERHOLT.

H. Res. 1313: Mr. POE of Texas.

H. Res. 1330: Mr. ROTHMAN of New Jersey and Ms. EDWARDS of Maryland.

H. Res. 1366: Mr. CARNAHAN.

H. Res. 1368: Mr. PATRICK J. MURPHY of Pennsylvania.

H. Res. 1369: Mr. HASTINGS of Florida, Mr. BACA, Mr. CARSON of Indiana, and Mr. SABLAN.

H. Res. 1370: Mr. NADLER of New York, Mr. HONDA, Mrs. CHRISTENSEN, Ms. EDWARDS of Maryland, Ms. WATERS, Mr. MCGOVERN, Mr. CUELLAR, Mr. TOWNS, Ms. LEE of California, Mr. SIRES, Mr. CROWLEY, Mr. REYES, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Ms. RICHARDSON, Mrs. NAPOLITANO, Ms. CLARKE, Ms. KILPATRICK of Michigan, Mr. WATT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ESHOO, Mr. CLAY, Mr. WAXMAN, and Mr. PIERLUISI.

H. Res. 1371: Mr. WOLF.

H. Res. 1375: Ms. CORRINE BROWN of Florida, Mr. BOREN, and Ms. NORTON.

H. Res. 1378: Mr. WOLF and Mr. BACA.

H. Res. 1379: Ms. NORTON and Mr. SNYDER.

H. Res. 1384: Mr. BOOZMAN and Mr. ROGERS of Kentucky.

H. Res. 1388: Mr. DEUTCH.

H. Res. 1389: Ms. RICHARDSON.

H. Res. 1396: Mr. LEWIS of Georgia.

H. Res. 1398: Mr. TOWNS, Mr. GENE GREEN of Texas, and Mr. POLIS.

H. Res. 1401: Mr. HARE, Ms. RICHARDSON, and Mr. GARAMENDI.

H. Res. 1411: Mr. BRADY of Pennsylvania, Mr. FATTAH, Mrs. DAHLKEMPER, Mr. ALTMIRE, Mr. THOMPSON of Pennsylvania, Mr. GERLACH, Mr. SESTAK, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SHUSTER, Mr. CARNEY, Mr. KANJORSKI, Mr. CRITZ, Mr. DOYLE, Mr. DENT, Mr. PITTS, Mr. HOLDEN, Mr. TIM MURPHY of Pennsylvania, and Mr. PLATTS.

TUESDAY, JUNE 8, 2010 (70)

¶70.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. LOFGREN of California, who laid before the House the following communication:

WASHINGTON, DC,
June 8, 2010.

I hereby appoint the Honorable ZOE LOFGREN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶70.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. LOFGREN of California, announced she had examined and approved the Journal of the proceedings of Friday, May 28, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶70.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7725. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Increased Assessment Rate [Doc. No.: AMS-FV-09-0089; FV10-932-1FR] received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7726. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Cotton Research and Promotion Program: Designation of Cotton-Producing States [Doc. #: AMS-CN-10-0027; CN-08-003] (RIN: 0581-AC84) received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7727. A letter from the Secretary, Department of the Air Force, Department of Defense, transmitting a report detailing an Average Procurement Unit Cost and a Program Acquisition Unit Cost breach for the C-130 AMP, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

7728. A letter from the President, Uniformed Services University of the Health Sciences, Department of Defense, transmitting the Department's Evaluation of the TRICARE Program Fiscal Year (FY) 2010 Report to Congress, pursuant to Public Law 104-106, section 717; to the Committee on Armed Services.

7729. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Restrictions on the Use of Mandatory Arbitration Agreements (DFARS Case 2010-D004) (RIN: 0750-AG70) received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7730. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Ground and Flight Risk Clause (DFARS Case 2007-D009) (RIN: 0750-AF72) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7731. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's 2009 annual report on the Activities of the Western Hemisphere Institute for Security Cooperation, pursuant to 10 U.S.C. 2166(i); to the Committee on Armed Services.

7732. A letter from the Under Secretary, Department of Defense, transmitting report on the potential effects of expanding the list of persons under section 10 U.S.C. 1482(c) for the disposition of the remains of those serving in the Armed Services; to the Committee on Armed Services.

7733. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Contract Authority for Advanced Component Development or Prototype Units (DFARS Case 2009-D034) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7734. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; New Designated Country-Taiwan [DFARS Case 2009-D010] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7735. A letter from the Under Secretary, Department of Defense, transmitting notification regarding authorizing the use of a multiyear procurement (MYP) contract for the 124 F/A-18E/F and EA-18G aircraft in Fiscal Years (FYs) 2010 through 2013; to the Committee on Armed Services.

7736. A letter from the Deputy Secretary, Department of Defnese, transmitting the Department's semiannual report to Congress from October 1, 2009 to March 31, 2010; to the Committee on Armed Services.

7737. A letter from the Director, Defense Research and Engineering, Department of Defense, transmitting the Department's annual report describing the activities of the DPA Title III Fund, pursuant to 50 U.S.C. 2094(f)(3) section 304(f)(3); to the Committee on Financial Services.

7738. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7739. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule—Affordable Housing Program Amendments: Federal Home Loan Bank Mortgage Refinancing Authority (RIN: 2590-AA04) received May 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7740. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research (NIDRR)—-Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—-Individual-Level Characteristics Related to Employment Among Individuals with Disabilities Catalog of Federal Domestic Assistance (CFDA) Number: 84.133B-1 received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7741. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research (NIDRR)—-Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Project (DRRP)—-Transition to Employment Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A-1 received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7742. A letter from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's Annual Report on Federal Government Energy Management and Conservation Programs during Fiscal Year 2007, pursuant to 42 U.S.C. 6361(c); to the Committee on Energy and Commerce.

7743. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''Report to Congress Related to Comprehensive Tuberculosis Elimination Act of 2008''; to the Committee on Energy and Commerce.

7744. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule—Medicaid Program; Premiums and Cost Sharing [CMS-2244-FC] (RIN: 0938-AP73) received May 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7745. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Center for Devices and Radiological Health; New Address Information [Docket No.: FDA-2010-N-0010] received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7746. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's

''Major'' final rule—Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 under the Patient Protection and Affordable Care Act [OCIIO–4150–IFC] (RIN: 0991–AB66) received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7747. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual Report on the Food and Drug Administration Advisory Committee Vacancies and Public Disclosures, pursuant to Section 712(e) of the Federal Food, Drug, and Cosmetic Act; to the Committee on Energy and Commerce.

7748. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's ''Major'' final rule—Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 Under the Patient Protection and Affordable Care Act [OCIIO–4150–IFC] (RIN: 1210–AB41) received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7749. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation [EPA-HQ-OAR–2003–0064; FRL–9150–5] (RIN: 2060–AP80) received May 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7750. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Televison Broadcast Stations. (Seaford, Delaware) [MB Docket No.: 09–230] received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7751. A letter from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NUHOMS HD System Revision 1 [NRC–2009–0538] (RIN: 3150–AI75) received May 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7752. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification that effective March 14, 2010, the 15% Danger Pay Allowance for USG civilian employees serving in Ciudad Juarez, Matamoros, Monterrey, Nogales, Nuevo Laredo, and Tijuana, Mexico has been established, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

7753. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Canada (Transmittal No. 03–10) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7754. A letter from the Acting Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10–19, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

7755. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Authorization for Validated End-User Applied Materials China, Ltd. [Docket No.: 100205081–0149–01] (RIN: 0694–AE86) received May 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7756. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 09–10 informing of an intent to sign a Memorandum of Understanding with the State of Israel; to the Committee on Foreign Affairs.

7757. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 06–10 informing of an intent to sign the Project Arrangement among with Italy, Spain and the United Kingdom; to the Committee on Foreign Affairs.

7758. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10–034, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7759. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10–007, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7760. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Secretary's determination that eight countries are not cooperating fully with U.S. antiterrorism efforts: Cuba, Eritrea, Iran, North Korea (DPRK), Syria, and Venezuela; to the Committee on Foreign Affairs.

7761. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10–047, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7762. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Foreign Affairs.

7763. A letter from the Secretary, Department of the Treasury, transmitting as required by section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Foreign Affairs.

7764. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''Audit of the Fleet Management Administration of the Department of Public Works'', pursuant to D.C. Code section 47–117(d); to the Committee on Oversight and Government Reform.

7765. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–414, ''Job Growth Incentive Act of 2010''; to the Committee on Oversight and Government Reform.

7766. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–415, ''Health Insurance for Dependents Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

7767. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–416, ''Old Naval Hospital Community Obligation Requirements Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7768. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–413, ''Master Public Facilities Plan Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7769. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–420, ''Adoption and Guardianship Subsidy Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7770. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–419, ''Third & H Streets, N.E., Economic Development Technical Clarification Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7771. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–418, ''Withholding of Tax on Lottery Winnings Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

7772. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–417, ''Medicaid Resource Maximization Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

7773. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–429, ''Legalization of Marijuana for Medical Treatment Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

7774. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18–428, ''Healthy Schools Act of 2010''; to the Committee on Oversight and Government Reform.

7775. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General of the Farm Credit Administration for the period October 1, 2009 through March 31, 2010; and the semiannual Management Report on the Status of Audits for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7776. A letter from the Inspector General, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General of the Farm Credit Administration for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7777. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's FY 2009 Annual Report pursuant to Section 203, Title II of the Notification and Federal Antidiscrimination and Retaliation (No FEAR) Act of 2002; to the Committee on Oversight and Government Reform.

7778. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Chicago, transmitting the 2009 management reports and statements on the system of internal controls of the Federal Home Loan Bank of Chicago, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7779. A letter from the Chairman, Federal Reserve System, transmitting the System's

Semiannual Report to Congress for the six-month period ending March 31, 2010, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

7780. A letter from the Vice President, Congressional and Public Affairs, Millennium Challenge Corporation, transmitting Fiscal year 2009 Annual Performance Report; to the Committee on Oversight and Government Reform.

7781. A letter from the Director, Office of Management and Budget, transmitting the Office's annual report for fiscal year 2009, in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107–174; to the Committee on Oversight and Government Reform.

7782. A letter from the Chair, Pension Benefit Guaranty Corporation, transmitting the 35th Annual Report of the Pension Benefit Guaranty Corporation; to the Committee on Oversight and Government Reform.

7783. A letter from the Senior Vice President, Diversity and Labor Relations, Tennessee Valley Authority, transmitting the Authority's annual report for Fiscal Year 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107–174; to the Committee on Oversight and Government Reform.

7784. A letter from the Acting Director, Fish and Wildlife Services, Department of the Interior, transmitting the 2008 annual report on reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Natural Resources.

7785. A letter from the Regulatory Affairs, Department of the Interior, transmitting the Department's final rule—Visitor Services (RIN: 1004–AD96) received May 18, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7786. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107–273, the ''21st Century Department of Justice Appropriations Authorization Act'', related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107–273, section 202(a)(1)(C); to the Committee on the Judiciary.

7787. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report entitled, ''Report of the Proceedings of the Judicial Conference of the United States'' for the September 2009 session and the June 2009 special session; to the Committee on the Judiciary.

7788. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's report on applications for orders authorizing or approving the interception of wire, oral, or electronic communications and the number of orders and extensions granted or denied during calendar year 2009, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

7789. A letter from the Congressional Medal of Honor Society of the United States of America, transmitting the Society's annual financial report for 2008 and 2009, pursuant to 36 U.S.C. 1101(19) and 1103; to the Committee on the Judiciary.

7790. A letter from the Chair, United States Sentencing Commission, transmitting the Commission's amendments to the federal sentencing guidelines, policy statements, and official commentary, together with the reasons for the amendments, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

7791. A letter from the Regulatory Ombudsman, Department of Transportation, transmitting the Department's ''Major'' final rule—Fees for the Unified Carrier Registration Plan and Agreement [Docket No.: FMCSA–2009–0231] (RIN: 2126–AB19) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7792. A letter from the Chairperson, National Commission on Children and Disasters, transmitting ad-hoc Progress Report; to the Committee on Transportation and Infrastructure.

7793. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting an extension of the Department's Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Pre-hispanic Cultures of the Republic of El Salvador, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

7794. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—Further Consolidation of CBP Drawback Centers [USCBP–2009–0035] (RIN: 1651–AA79) received May 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7795. A letter from the Chief, Publications and Regulations Branch, Department of the Treasury, transmitting the Service's final rule—Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010–40] received May 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7796. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Transitional Guidance for Taxpayers Claiming Relief Under the Military Spouses Residency Relief Act for Taxable Year 2009 [Notice 2010–30] received May 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7797. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Section 1274—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2010–12) received May 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7798. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Regulations under the Patient Protection and Affordable Care Act [TD 9482] received May 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7799. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue Paper Savings and Loan Industry Supervisory Goodwill UIL 597.13–00 [LMSB4–1109–042] received May 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7800. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Use of Delegation Order (DO) 4–25 on Appeals Settlement Position (ASP) for the I.R.C. Sec. 41 Research Credit—Intra-Group Receipts From Foreign Affiliates (IRM 4.46.56) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7801. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's quarterly report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects (dated April 15, 2010); jointly to the Committees on Armed Services and Appropriations.

7802. A letter from the Secretary, Federal Trade Commission, transmitting a report entitled ''Report on Emergency Technology For Use With ATMs''; jointly to the Committees on Financial Services and the Judiciary.

7803. A letter from the Secretary, Department of Energy, transmitting proposed legislation to eliminate the need for annual updates of the workforce restructuring plans for defense nuclear facilities; jointly to the Committees on Energy and Commerce and Armed Services.

7804. A letter from the Secretary Attorney General, Department of Health and Human Services Department of Justice, transmitting the twelfth Annual Report on the Health Care Fraud and Abuse Control (HCFAC) Program for Fiscal Year 2009; jointly to the Committees on Energy and Commerce and Ways and Means.

7805. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101–162, section 609(b); jointly to the Committees on Natural Resources and Appropriations.

7806. A letter from the Assistant Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807 50 U.S.C. 1862; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

7807. A letter from the Staff Director, Commission on Civil Rights, transmitting a report entitled ''Title IX Athletics Accommodating Interests and Abilities''; jointly to the Committees on the Judiciary and Education and Labor.

7808. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA–1889–DR for the State of New Jersey; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

7809. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA–1892–DR for the State of New Hampshire; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7810. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA–1893–DR for the State of West Virginia; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7811. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA–1891–DR for the State of Maine; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7812. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA–1890–DR for the District of Columbia; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7813. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the

Preliminary Damage Assessment information on FEMA–1888–DR for the State of Arizona; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

¶70.4 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Ms. LOFGREN of California, laid before the House the following communication from Sarah Gerber, Chamber Support Services, Office of the Sergeant at Arms:

OFFICE OF THE SERGEANT AT ARMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a trial subpoena issued by the Superior Court of the District of Columbia for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

SARAH GERBER,
Chamber Support Services.

¶70.5 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Ms. LOFGREN of California, announced that, pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on May 31, 2010:

H.R. 5330. An Act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

¶70.6 ORDER OF BUSINESS—TITLE AMENDMENT TO H.R. 5136

The SPEAKER pro tempore, Ms. LOFGREN of California, by unanimous consent, the title of H.R. 5136 was amended so as to read: ''An Act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

¶70.7 HOOVER POWER ALLOCATION

Mrs. NAPOLITANO moved to suspend the rules and pass the bill (H.R. 4349) to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. LOFGREN of California, recognized Mrs. NAPOLITANO and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. LOFGREN of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶70.8 BONNEVILLE UNIT CLEAN HYDROPOWER

Mrs. NAPOLITANO moved to suspend the rules and pass the bill (H.R. 2008) to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project; as amended.

The SPEAKER pro tempore, Ms. LOFGREN of California, recognized Mrs. NAPOLITANO and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. LOFGREN of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶70.9 HOH INDIAN TRIBE SAFE HOMELANDS

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1061) to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. LOFGREN of California, recognized Ms. BORDALLO and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. LOFGREN of California, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. LOFGREN of California, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶70.10 HONORING JACUES-YVES COUSTEAU

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 518); as amended:

Whereas Jacques-Yves Cousteau was born on June 11, 1910, in Saint-Andre-de-Cubzac, France, to Daniel and Elizabeth Cousteau;

Whereas Jacques-Yves Cousteau in 1930, after having made his preparatory studies at the College Stanislas in Paris, entered the Naval Academy in Brest and became an officer gunner;

Whereas after serving in the French Army during World War II, he was decorated with the Legion of Honor, France's highest honor;

Whereas in 1950, Jacques-Yves Cousteau founded the French Oceanographic Campaigns (COF), and he leased a ship called Calypso and equipped her as a mobile laboratory for field research and as a support base for diving and filming where he traversed the most interesting seas of the planet as well as big and small rivers;

Whereas from 1952 to 1953, Jacques-Yves Cousteau took the Calypso to the Red Sea and shot the first color footage ever taken at a depth of 150 feet, for a documentary titled ''The Silent World'';

Whereas ''The Silent World'' was filmed using ground-breaking skin-diving gear that Cousteau invented with engineer Emile Gagnan in 1943, freeing divers from heavy helmets and allowing them to be free and weightless as if in space;

Whereas in 1956, ''The Silent World'' won the top award at the Cannes Film Festival and the Academy Award for Best Documentary Feature in the United States;

Whereas in 1973, Jacques-Yves Cousteau created the Cousteau Society for the Protection of Ocean Life;

Whereas in 1977, Jacques-Yves Cousteau was awarded the United Nations International Environment prize for outstanding contributions in environmental advocacy;

Whereas in 1977, the ''Cousteau Odyssey'' series premiered on PBS, and seven years later, the ''Cousteau Amazon'' series made its television premiere;

Whereas in 1985, in honor of his achievements, Jacques-Yves Cousteau received the Grand Croix dans l'Ordre National du Mérite from the French government and the United States Presidential Medal of Freedom from President Ronald Reagan;

Whereas throughout all of his voyages, Jacques-Yves Cousteau produced over 120 films and authored or contributed to roughly 50 books; and

Whereas Jacques-Yves Cousteau passed away in Paris on June 25, 1997, after spending a lifetime of 87 years inventing, exploring, and storytelling: Now, therefore, be it

Resolved, That the House of Representatives honors the life, achievements, and distinguished career of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Ms. BORDALLO and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶70.11 RECESS—2:48 P.M.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 12(a) of

rule I, declared the House in recess at 2 o'clock and 48 minutes p.m., until approximately 6 p.m.

¶70.12 AFTER RECESS—6 P.M.

The SPEAKER pro tempore, Ms. ESHOO, called the House to order.

¶70.13 PROVIDING FOR CONSIDERATION OF H.R. 5072

Mr. PERLMUTTER, by direction of the Committee on Rules, reported (Rept. No. 111–503) the resolution (H. Res. 1424) providing for consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, and providing for consideration of motions to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶70.14 H.R. 1061—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. ESHOO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1061) to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 347 Nays 0

¶70.15 [Roll No. 337]

YEAS—347

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boccieri
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Camp
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Graves
Grayson
Green, Al
Green, Gene
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Honda
Hunter
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Larsen (WA)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tonko
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watt
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—84

Ackerman
Andrews
Barrett (SC)
Berkley
Berry
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Brady (TX)
Brown (SC)
Burgess
Calvert
Campbell
Cardoza
Carter
Clarke
Clyburn
Conyers
Costa
Doyle
Edwards (TX)
Fallin
Flake
Gerlach
Giffords
Gordon (TN)
Granger
Griffith
Grijalva
Gutierrez
Harman
Herger
Hodes
Hoekstra
Holt
Hoyer
Inglis
Issa
Kennedy
Kilpatrick (MI)
Kilroy
Langevin
Larson (CT)
LaTourette
Lewis (CA)
Lofgren, Zoe
Lowey
Mack
McDermott
McHenry
McMorris Rodgers
Miller, Gary
Miller, George
Mollohan
Nadler (NY)
Payne
Price (GA)
Price (NC)
Radanovich
Richardson
Rodriguez
Rohrabacher
Ryan (OH)
Schakowsky
Schwartz
Sires
Slaughter
Smith (WA)
Speier
Spratt
Stark
Stupak
Thompson (CA)
Tierney
Titus
Towns
Tsongas
Wamp
Waters
Watson
Waxman
Wilson (SC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶70.16 H. RES. 518—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 518) honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 354 Nays 0

¶70.17 [Roll No. 338]

YEAS—354

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Bean
Becerra
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boccieri
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Djou
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Holden
Holt
Honda
Hunter
Inslee

Israel	McMorris Rodgers	Ruppersberger
Jackson (IL)	McNerney	Rush
Jackson Lee (TX)	Meek (FL)	Ryan (OH)
Jenkins	Meeks (NY)	Ryan (WI)
Johnson (GA)	Melancon	Salazar
Johnson (IL)	Mica	Sánchez, Linda T.
Johnson, E. B.	Michaud	Sanchez, Loretta
Johnson, Sam	Miller (FL)	Sarbanes
Jones	Miller (MI)	Scalise
Jordan (OH)	Miller (NC)	Schauer
Kagen	Minnick	Schiff
Kanjorski	Mitchell	Schmidt
Kaptur	Moore (KS)	Schock
Kildee	Moore (WI)	Schrader
Kilroy	Moran (KS)	Schwartz
Kind	Moran (VA)	Scott (GA)
King (IA)	Murphy (CT)	Scott (VA)
King (NY)	Murphy (NY)	Sensenbrenner
Kingston	Murphy, Patrick	Serrano
Kirk	Murphy, Tim	Sessions
Kirkpatrick (AZ)	Myrick	Sestak
Kissell	Nadler (NY)	Shadegg
Klein (FL)	Napolitano	Shea-Porter
Kline (MN)	Neal (MA)	Sherman
Kosmas	Neugebauer	Shimkus
Kratovil	Nunes	Shuler
Kucinich	Nye	Shuster
Lamborn	Oberstar	Simpson
Lance	Obey	Skelton
Langevin	Olson	Slaughter
Larsen (WA)	Olver	Smith (NE)
Latham	Ortiz	Smith (NJ)
Latta	Owens	Smith (TX)
Lee (CA)	Pallone	Snyder
Lee (NY)	Pascrell	Space
Levin	Pastor (AZ)	Stearns
Lewis (GA)	Paul	Sullivan
Linder	Paulsen	Sutton
Lipinski	Pence	Tanner
LoBiondo	Perlmutter	Taylor
Loebsack	Perriello	Teague
Lowey	Peters	Terry
Lucas	Peterson	Thompson (MS)
Luetkemeyer	Petri	Thompson (PA)
Luján	Pingree (ME)	Thornberry
Lummis	Platts	Tiahrt
Lungren, Daniel E.	Poe (TX)	Tiberi
Lynch	Polis (CO)	Tonko
Maffei	Pomeroy	Turner
Maloney	Posey	Upton
Marchant	Price (GA)	Velázquez
Markey (CO)	Putnam	Visclosky
Markey (MA)	Quigley	Walden
Marshall	Rahall	Walz
Matheson	Rangel	Wasserman Schultz
Matsui	Rehberg	Watt
McCarthy (CA)	Reichert	Weiner
McCarthy (NY)	Reyes	Welch
McCaul	Roe (TN)	Whitfield
McClintock	Rogers (KY)	Wilson (OH)
McCollum	Rogers (MI)	Wittman
McCotter	Rooney	Wolf
McDermott	Ros-Lehtinen	Woolsey
McGovern	Roskam	Wu
McIntyre	Ross	Yarmuth
McKeon	Rothman (NJ)	Young (AK)
McMahon	Roybal-Allard	Young (FL)
	Royce	

NOT VOTING—77

Ackerman	Giffords	Price (NC)
Andrews	Gordon (TN)	Radanovich
Baird	Griffith	Richardson
Barrett (SC)	Grijalva	Rodriguez
Barton (TX)	Gutierrez	Rogers (AL)
Berkley	Harman	Rohrabacher
Berry	Hirono	Schakowsky
Blumenauer	Hodes	Sires
Blunt	Hoekstra	Smith (WA)
Boehner	Hoyer	Speier
Bonner	Inglis	Spratt
Bono Mack	Issa	Stark
Brady (TX)	Kennedy	Stupak
Brown (SC)	Kilpatrick (MI)	Thompson (CA)
Calvert	Larson (CT)	Tierney
Campbell	LaTourette	Titus
Carter	Lewis (CA)	Towns
Clyburn	Lofgren, Zoe	Tsongas
Conyers	Mack	Van Hollen
DeGette	Manzullo	Wamp
Dicks	McHenry	Waters
Doyle	Miller, Gary	Watson
Edwards (TX)	Miller, George	Waxman
Fallin	Mollohan	Westmoreland
Flake	Payne	Wilson (SC)
Gerlach	Pitts	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶70.18 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. MURPHY of Connecticut, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, June 8, 2010 at 3:08 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to Western Balkans first declared in Executive Order 13219 of June 26, 2001.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶70.19 NATIONAL EMERGENCY WITH RESPECT TO WESTERN BALKANS

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the Western Balkans emergency is to continue in effect beyond June 26, 2010.

The crisis constituted by the actions of the persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia, United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, or the Ohrid Framework Agreement of 2001 in Macedonia, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219, and to amendment of that order in Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *June 8, 2010.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–118).

¶70.20 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. MURPHY of Connecticut, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, June 8, 2010 at 3:08 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to Belarus first declared in Executive Order 13405 of June 16, 2006.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶70.21 NATIONAL EMERGENCY WITH RESPECT TO BELARUS

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2010.

Despite the release of internationally recognized political prisoners in the fall of 2008 and our continuing efforts to press for further reforms related to democracy, human rights, and the rule of law in Belarus, serious challenges remain. The actions and policies of certain members of the Government of Belarus and other persons to undermine Belarus democratic processes or institutions, to commit human rights abuses related to political repression, and to engage in public corruption pose a continuing unusual and extraordinary threat to the national security

and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared to deal with this threat and the related measures blocking the property of certain persons.

BARACK OBAMA.

THE WHITE HOUSE, *June 8, 2010*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–119).

¶70.22 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on May 28, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 5128. An Act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''.

Lorraine C. Miller, Clerk of the House, further reported that on June 1, 2010, she presented to the President of the United States, for his approval, the following bills:

H.R. 5530. An Act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

H.R. 3250. An Act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''.

H.R. 3634. An Act to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the ''George Kell Post Office''.

H.R. 3892. An Act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office''.

H.R. 4017. An Act to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office''.

H.R. 4095. An Act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the ''Congresswoman Jan Meyers Post Office Building''.

H.R. 4139. An Act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the ''Sergeant Matthew L. Ingram Post Office''.

H.R. 4214. An Act to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office''.

H.R. 4238. An Act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the ''W.D. Farr Post Office Building''.

H.R. 4425. An Act to designate the facility of the United States Postal Service located at 2–116th Street in North Troy, New York, as the ''Martin G. 'Marty' Mahar Post Office''.

H.R. 4547. An Act to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith, U.S. Army Air Forces Post Office''.

H.R. 4628. An Act to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''.

H.R. 2711. An Act to amend title 5, United States Code, to provide for the transportation and moving expenses for the immediate family of certain Federal employees who die in the performance of their duties.

¶70.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CARTER, for today;

To Ms. KILPATRICK of Michigan, for today and balance of the week; and

To Ms. RICHARDSON, for today.

And then,

¶70.24 ADJOURNMENT

On motion of Mr. GOHMERT, at 8 o'clock and 50 minutes p.m., the House adjourned.

¶70.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 1424. Resolution providing for consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, and providing for consideration of motions to suspend the rules (Rept. 111–503). Referred to the House Calendar.

¶70.26 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BLUMENAUER (for himself, Mr. BRADY of Texas, Mr. TANNER, Mr. SHUSTER, Mr. DEFAZIO, Mr. MCMAHON, Mr. WU, Mrs. DAHLKEMPER, Mr. PETRI, Mr. CARNEY, Mr. SCHRADER, Mr. THOMPSON of Pennsylvania, Mr. FILNER, Mr. SMITH of Texas, Mr. PAUL, Mr. MANZULLO, Mr. COSTELLO, Mr. GERLACH, Mr. GRIJALVA, Ms. GRANGER, Mr. TIM MURPHY of Pennsylvania, Mr. MORAN of Kansas, Mr. LATHAM, Mr. BERRY, Mr. WESTMORELAND, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. RODRIGUEZ, Ms. JENKINS, Mr. BOSWELL, Mr. LOEBSACK, Mr. HOLDEN, Mr. BACHUS, Mr. INGLIS, Mr. ROSS, Mr. MICA, Mr. CARTER, Mr. SPRATT, Ms. CORRINE BROWN of Florida, Mr. GRAVES, Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, Mr. OLSON, Mr. CARNAHAN, Mr. QUIGLEY, Mr. MCGOVERN, Mrs. BLACKBURN, Mr. DICKS, Mr. SNYDER, and Mr. RAHALL):

H.R. 5478. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to encourage the replacement of inefficient, outdated freight railcars with greener, more fuel efficient vehicles; to the Committee on Ways and Means.

By Mr. RAHALL (for himself and Mr. BOUCHER):

H.R. 5479. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide for use of excess funds available under that Act to provide for certain benefits, and for other purposes; to the Committee on Natural Resources.

By Mr. POLIS:

H.R. 5480. A bill to amend the Richard B. Russell National School Lunch Act to direct the Secretary to competitively award grants to, or enter into cooperative agreements with, Governors of States to carry out comprehensive and innovative strategies to end childhood hunger, including establishing public-private partnerships and alternative models for service delivery that promote the reduction or elimination of childhood hunger by 2015; to the Committee on Education and Labor.

By Mrs. CAPPS (for herself, Mr. MARKEY of Massachusetts, Mr. GEORGE MILLER of California, Mr. THOMPSON of California, Mr. GRIJALVA, Ms. MCCOLLUM, Mr. DEUTCH, Ms. BERKLEY, Mrs. MALONEY, Mr. SHERMAN, Ms. SPEIER, Mr. MICHAUD, Ms. MATSUI, Ms. HIRONO, and Ms. SUTTON):

H.R. 5481. A bill to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES (for himself and Mr. COBLE):

H.R. 5482. A bill to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; to the Committee on Natural Resources.

By Mrs. LOWEY:

H.R. 5483. A bill to award a congressional gold medal to the United States Cadet Nurse Corps; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TEAGUE:

H.R. 5484. A bill to direct the Secretary of Veterans Affairs to establish an annual award program to recognize businesses for their contributions to veterans' employment, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TONKO:

H.R. 5485. A bill to expand the National Domestic Preparedness Consortium to include the SUNY National Center for Security and Preparedness; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself and Mrs. MCMORRIS RODGERS):

H. Con. Res. 284. Concurrent resolution recognizing the work and importance of special education teachers; to the Committee on Education and Labor.

By Mr. DINGELL (for himself, Mr. SCHAUER, Mr. HOEKSTRA, Mr. PETERS, Mrs. MILLER of Michigan, Mr. UPTON, Mr. MCCOTTER, Ms. KILPATRICK of Michigan, Mr. CONYERS, Mr. ROGERS of Michigan, Mr. STUPAK, Mr. CAMP, Mr. LEVIN, Mr. KILDEE, and Mr. EHLERS):

H. Res. 1425. A resolution recognizing pitcher Armando Galarraga of the Detroit Tigers for pitching a near-perfect game, declaring that Galarraga pitched a perfect game, and urging Major League Baseball to overturn the mistaken safe call by the umpire that spoiled the perfect game; to the Committee on Oversight and Government Reform.

By Ms. MCCOLLUM (for herself and Mr. ELLISON):

H. Res. 1426. A resolution urging the Government of the Republic of Rwanda and President Paul Kagame to immediately release human rights lawyer Professor Peter Erlinder from jail and allow him to return to the United States; to the Committee on Foreign Affairs.

By Mr. WAXMAN (for himself, Ms. HARMAN, Ms. RICHARDSON, Mr. SCHIFF, Mr. BERMAN, Mrs. CAPPS, Ms. WATSON, Ms. MATSUI, Mr. SHERMAN, Mrs. NAPOLITANO, Mr. MURPHY of Connecticut, Mr. MATHESON, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Ms. ROYBAL-ALLARD, Mr. ELLSWORTH, Mr. VISCLOSKY, Mr. DONNELLY of Indiana, Mr. CAMPBELL, Ms. LORETTA SANCHEZ of California, Ms. ZOE LOFGREN of California, Mr. MCCLINTOCK, Mr. BUYER, Mr. SHULER, Mr. HILL, Ms. CHU, and Mr. DREIER):

H. Res. 1427. A resolution honoring the life of John Robert Wooden; to the Committee on Education and Labor.

¶70.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. HASTINGS of Florida.
H.R. 197: Mr. PRICE of Georgia.
H.R. 235: Mrs. KIRKPATRICK of Arizona.
H.R. 272: Mr. LAMBORN.
H.R. 333: Mrs. BACHMANN.
H.R. 450: Mr. DUNCAN.
H.R. 571: Mr. TONKO and Mr. MAFFEI.
H.R. 690: Mr. HOLT.
H.R. 731: Mr. YARMUTH.
H.R. 745: Mr. LYNCH and Mr. WILSON of South Carolina.
H.R. 891: Mr. RUPPERSBERGER.
H.R. 930: Mr. MARKEY of Massachusetts and Ms. HARMAN.
H.R. 1193: Mr. PASCRELL.
H.R. 1221: Mr. MELANCON.
H.R. 1240: Mr. COHEN.
H.R. 1255: Mr. PAYNE.
H.R. 1294: Mr. CASTLE.
H.R. 1326: Mr. RANGEL.
H.R. 1347: Mrs. MCCARTHY of New York and Ms. HIRONO.
H.R. 1351: Mrs. BLACKBURN.
H.R. 1526: Ms. TSONGAS.
H.R. 1557: Mr. WELCH.
H.R. 1806: Mr. WHITFIELD, Mr. MAFFEI, Mr. SCHRADER, Mr. FATTAH, and Mr. WU.
H.R. 1908: Mrs. LUMMIS.
H.R. 1912: Mr. PUTNAM.
H.R. 2035: Mr. CRITZ.
H.R. 2049: Ms. KOSMAS and Mr. SHADEGG.
H.R. 2067: Mr. CARNEY and Mr. LARSEN of Washington.
H.R. 2103: Mr. MAFFEI and Mr. LYNCH.
H.R. 2112: Ms. MOORE of Wisconsin.
H.R. 2142: Mr. MITCHELL.
H.R. 2149: Mr. FATTAH and Mr. CHANDLER.
H.R. 2161: Mr. CAPUANO.
H.R. 2240: Mr. ELLISON.
H.R. 2408: Ms. RICHARDSON.
H.R. 2483: Mr. VISCLOSKY and Ms. CHU.
H.R. 2624: Mr. GRIJALVA.
H.R. 2740: Mr. NADLER of New York.
H.R. 3025: Mr. ISRAEL.
H.R. 3077: Mr. MAFFEI.
H.R. 3140: Mr. PLATTS.
H.R. 3186: Mr. RYAN of Ohio.
H.R. 3202: Ms. HIRONO.
H.R. 3225: Mr. COHEN.
H.R. 3264: Mr. MORAN of Virginia.
H.R. 3349: Mr. MITCHELL.
H.R. 3375: Mr. MCCOTTER.
H.R. 3380: Mr. RODRIGUEZ.
H.R. 3415: Mr. REHBERG and Mr. ELLSWORTH.
H.R. 3464: Mr. HINCHEY.
H.R. 3517: Mr. CAPUANO.
H.R. 3564: Mr. GENE GREEN of Texas.
H.R. 3656: Mr. NYE.
H.R. 3712: Mr. MOORE of Kansas, Mr. HARE, Mr. PETERSON, Mr. OLVER, Mrs. MALONEY, Mr. CRITZ, and Mr. PAYNE.
H.R. 3734: Mrs. DAVIS of California.
H.R. 3745: Mr. TONKO.
H.R. 3781: Mr. GORDON of Tennessee.
H.R. 3790: Mr. FORTENBERRY and Mr. NYE.
H.R. 3910: Mr. INSLEE.
H.R. 3974: Mr. ROSS, Mr. VAN HOLLEN, and Mr. DAVIS of Illinois.
H.R. 4179: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4239: Mr. RYAN of Ohio.
H.R. 4278: Mr. GRAVES, Mr. TERRY, and Mr. TAYLOR.
H.R. 4296: Mr. JOHNSON of Georgia.
H.R. 4353: Mr. HELLER.
H.R. 4383: Ms. LEE of California.
H.R. 4544: Ms. RICHARDSON, Mr. CONYERS, and Ms. SUTTON.
H.R. 4598: Mr. HONDA.
H.R. 4599: Ms. BERKLEY and Mr. INSLEE.
H.R. 4645: Mr. HONDA and Ms. WOOLSEY.
H.R. 4671: Mr. BOUCHER and Mr. PUTNAM.
H.R. 4678: Mr. PAYNE.
H.R. 4687: Ms. LEE of California.
H.R. 4722: Mr. WAXMAN and Mr. GARAMENDI.
H.R. 4733: Mr. BISHOP of New York.
H.R. 4796: Mr. BACA, Mr. GENE GREEN of Texas, Mr. TERRY, and Mr. HOLDEN.
H.R. 4812: Ms. LORETTA SANCHEZ of California.
H.R. 4844: Mr. LYNCH and Mr. HOEKSTRA.
H.R. 4869: Mrs. MALONEY.
H.R. 4870: Mr. DOYLE.
H.R. 4871: Mr. WELCH.
H.R. 4886: Mr. BURTON of Indiana, Mr. ENGEL, Mr. CAO, and Mr. SCHOCK.
H.R. 4925: Mr. DOYLE and Mrs. MCCARTHY of New York.
H.R. 4926: Mr. EHLERS and Ms. FUDGE.
H.R. 4937: Mr. STARK.
H.R. 4951: Mr. BROUN of Georgia.
H.R. 4959: Mr. MAFFEI and Mr. JOHNSON of Georgia.
H.R. 4995: Mr. BROUN of Georgia and Mrs. MCMORRIS RODGERS.
H.R. 5012: Ms. RICHARDSON, Mr. MCGOVERN, and Mr. BACA.
H.R. 5015: Mr. MARKEY of Massachusetts.
H.R. 5029: Mr. WAMP.
H.R. 5034: Mr. LATTA, Mr. COLE, Ms. CASTOR of Florida, Mr. BOCCIERI, Mr. KING of New York, Mr. PETERSON, and Ms. KOSMAS.
H.R. 5041: Mr. CARNEY and Mr. CONYERS.
H.R. 5043: Mr. ACKERMAN.
H.R. 5049: Mr. GRAYSON.
H.R. 5054: Mr. BROUN of Georgia.
H.R. 5090: Mr. MARSHALL.
H.R. 5092: Mrs. HALVORSON, Mr. LARSON of Connecticut, Mr. WALZ, and Mr. MURPHY of Connecticut.
H.R. 5102: Mr. SESTAK.
H.R. 5141: Mr. BONNER and Mr. BROUN of Georgia.
H.R. 5142: Ms. LINDA T. SÁNCHEZ of California.
H.R. 5143: Mr. KENNEDY and Mr. MORAN of Virginia.
H.R. 5162: Mrs. MCMORRIS RODGERS and Mr. MICHAUD.
H.R. 5173: Mr. MARSHALL.
H.R. 5207: Mr. MELANCON.
H.R. 5211: Mr. GRIJALVA, Ms. CHU, and Mr. FILNER.
H.R. 5213: Mr. SABLAN.
H.R. 5214: Mr. MAFFEI, Mr. LEVIN, Mr. ROTHMAN of New Jersey, and Mr. SIRES.
H.R. 5234: Mr. JONES and Mr. BOYD.
H.R. 5235: Mr. HOLDEN.
H.R. 5268: Ms. ROYBAL-ALLARD, Mr. MAFFEI, and Mr. OLVER.
H.R. 5298: Ms. WATERS.
H.R. 5299: Mrs. CAPITO.
H.R. 5309: Mr. PRICE of North Carolina.
H.R. 5313: Mr. CASTLE.
H.R. 5318: Mr. JONES and Mr. PRICE of Georgia.
H.R. 5324: Mr. FRANK of Massachusetts.
H.R. 5355: Mr. RYAN of Ohio, Mr. BRALEY of Iowa, Mr. ACKERMAN, Ms. SCHAKOWSKY, and Mr. KILDEE.
H.R. 5361: Mr. ELLISON.
H.R. 5371: Mrs. MALONEY.
H.R. 5412: Mr. HOLDEN and Mr. LOEBSACK.
H.R. 5424: Mr. ROGERS of Kentucky, Mrs. BLACKBURN, Mr. DUNCAN, and Mr. CRENSHAW.
H.R. 5434: Mr. NADLER of New York, Mr. MORAN of Virginia, Mr. CASTLE, Mr. CONNOLLY of Virginia, Ms. HIRONO, Mr. COHEN, Mr. BROWN of South Carolina, Mrs. DAVIS of California, and Mr. PAYNE.
H.R. 5441: Ms. HIRONO and Mr. FARR.
H.R. 5443: Mr. ORTIZ.
H.R. 5449: Mr. CONYERS, Ms. RICHARDSON, and Ms. SHEA-PORTER.
H.R. 5453: Mr. TIM MURPHY of Pennsylvania, Mrs. LUMMIS, and Mr. DJOU.
H.R. 5459: Ms. BALDWIN and Ms. SUTTON.
H.R. 5462: Mr. WELCH.
H.R. 5477: Mr. CAPUANO.
H.J. Res. 37: Mr. GOODLATTE.
H.J. Res. 86: Mr. LAMBORN, Ms. SLAUGHTER, Mr. WILSON of South Carolina, Mr. MCGOVERN, Mr. PAYNE, Mr. MEEKS of New York, Mr. BISHOP of New York, Mr. KENNEDY, Mr. POMEROY, Mr. BOUSTANY, Mr. BOSWELL, Mr. ADERHOLT, Ms. CLARKE, and Mr. CUMMINGS.
H. Con. Res. 266: Mr. LAMBORN and Mr. BONNER.
H. Con. Res. 281: Mr. INGLIS, Mr. MCCAUL, Mr. PENCE, Mrs. MYRICK, Mr. WESTMORELAND, Mr. BLUNT, and Mrs. MCMORRIS RODGERS.
H. Res. 173: Ms. MARKEY of Colorado, Mr. STUPAK, Mr. RUSH, Ms. TSONGAS, Mr. HASTINGS of Florida, Mrs. MILLER of Michigan, Mr. CROWLEY, and Mr. KIRK.
H. Res. 518: Mr. FALEOMAVAEGA.
H. Res. 536: Mr. CARNEY.
H. Res. 546: Mr. MAFFEI, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. RYAN of Ohio, Mr. BOSWELL, Mrs. CHRISTENSEN, Mr. QUIGLEY, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Mr. RANGEL, Mr. LOEBSACK, Ms. ROYBAL-ALLARD, Mr. NADLER of New York, Mrs. HALVORSON, Mr. RUSH, and Ms. SCHAKOWSKY.
H. Res. 637: Mr. MCCLINTOCK, Mr. MCCARTHY of California, Mr. NUNES, Mr. CARTER, Mr. EHLERS, Mrs. BLACKBURN, and Mr. BROUN of Georgia.
H. Res. 989: Mr. MCDERMOTT.
H. Res. 1035: Mr. HOLDEN, Mr. ANDREWS, Mr. HALL of New York, Ms. ROYBAL-ALLARD, Ms. FUDGE, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. CARNEY, and Mr. TIM MURPHY of Pennsylvania.
H. Res. 1207: Mr. HINCHEY.
H. Res. 1219: Mr. GRAYSON, Mrs. MYRICK, Mr. PRICE of North Carolina, Mr. STUPAK, and Mr. HONDA.
H. Res. 1224: Mr. DOYLE.
H. Res. 1241: Mr. SENSENBRENNER and Mrs. MYRICK.
H. Res. 1275: Mr. FRANK of Massachusetts and Mr. GRAYSON.
H. Res. 1279: Mr. CARTER.
H. Res. 1302: Ms. ROYBAL-ALLARD.
H. Res. 1306: Ms. EDWARDS of Maryland.
H. Res. 1365: Mr. CAMPBELL.
H. Res. 1368: Mr. GORDON of Tennessee, Mr. FRANK of Massachusetts, and Mr. MURPHY of Connecticut.
H. Res. 1379: Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, and Ms. MOORE of Wisconsin.
H. Res. 1383: Mr. AKIN.
H. Res. 1398: Mr. CROWLEY and Mrs. MALONEY.
H. Res. 1401: Mr. COSTELLO, Mrs. MILLER of Michigan, Ms. WASSERMAN SCHULTZ, Mrs. CAPPS, Mr. SCOTT of Georgia, Ms. HIRONO, and Mr. LEWIS of Georgia.
H. Res. 1414: Mr. QUIGLEY, Mr. SHIMKUS, Mr. COSTELLO, Mr. SCHOCK, Ms. JACKSON-LEE of Texas, Mr. ROSKAM, Mr. LIPINSKI, and Mr. MEEKS of New York.

H. Res. 1420: Ms. LINDA T. SÁNCHEZ of California, Mrs. CHRISTENSEN, Mr. FARR, Mr. FALEOMAVAEGA, Mr. CONNOLLY of Virginia, Mr. DEUTCH, Ms. HIRONO, and Mr. GRIJALVA.

WEDNESDAY, JUNE 9, 2010 (71)

¶71.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PASTOR of Arizona, who laid before the House the following communication:

WASHINGTON, DC,
June 9, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶71.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced he had examined and approved the Journal of the proceedings of Tuesday, June 8, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶71.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7814. A letter from the Acting Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Microentrepreneur Assistance Program (RIN: 0570-AA71) received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7815. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerances [EPA-HQ-OPP-2009-0268; FRL-8826-4] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7816. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Diquat Dibromide; Pesticide Tolerances [EPA-HQ-OPP-2009-0920; FRL-8827-7] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7817. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerances [EPA-HQ-OPP-2009-0273; FRL-8825-3] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7818. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prothioconazole; Pesticide Tolerances [EPA-HQ-OPP-2009-0279; FRL-8828-6] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7819. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Letter Contract Definitization Schedule (DFARS Case 2007-D011) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7820. A letter from the Director, Defense procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements Thresholds (DFARS Case 2009-D040) (RIN: 0750-AG59) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7821. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Limitations on Procurements with Non-Defense Agencies (DFARS Case 2009-D027) (RIN: 0750-AG67) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7822. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General David A. Deptula, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7823. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Douglas E. Lute, United States Amry, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7824. A letter from the Under Secretary, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7825. A communication from the President of the United States, transmitting the National Security Strategy of the United States of America; to the Committee on Armed Services.

7826. A letter from the Officer Manager, Department of Health and Human Services, transmitting the Department's final rule — Public Health Service Act, Rural Physician Training Grant Program, Definition of ''Underserved Rural Community'' (RIN: 0906-AA86) received May 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7827. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Florida; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standards for the Jacksonville, Tampa Bay, and Southeast Florida Areas [EPA-R04-OAR-2009-0612-200914(a); FRL-9155-3] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7828. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision [EPA-R02-OAR-2010-0131; FRL-9146-4] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7829. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of State Implementation Plan Revisions; State of North Dakota; Air Pollution Control Rules, and Interstate Transport of Pollution for the 1997 PM2.5 and 8-hour Ozone NAAQS: ''Significant Contribution to Nonattainment'' and ''Interference with Prevention of Significant Deterioration'' Requirements [EPA-R08-OAR-2009-0282; FRL-9155-6] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7830. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Interstate Transport of Pollution Revisions for the 1997 8-hour Ozone NAAQS: ''Significant Contribution to Nonattainment'' Requirement [EPA-R08-OAR-2007-103 2; FRL-9155-5] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7831. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Transportation Conformity Regulations [EPA-R03-OAR-2010-0320; FRL-9156-2] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7832. A letter from the Chairman, National Committee on Vital and Health Statistics, transmitting the Ninth Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act (HIPAA), pursuant to Public Law 104-191, section 263 (110 Stat. 2033); to the Committee on Energy and Commerce.

7833. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-046, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7834. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-043 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7835. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-032, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7836. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting report pursuant to the U.S. Policy in Iraq Act, Section 1227(c) of the National Defense Authorization Act for Fiscal Year 2006 (P.L. 109-163) as amended by Section 1223 of the National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181) and Section 1213(c) of the National Defense Authorization Act of Fiscal Year 2009 (P.L. 110-417); to the Committee on Foreign Affairs.

7837. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period February 1, 2010 through March 31, 2010, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

7838. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of

June 21, 2000; to the Committee on Foreign Affairs.

7839. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''Auditor's Review of Environmental Standards Requirements Pursuant to the Compliance Unit Establishment Act of 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7840. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''Auditor's Review of Compliance with Certified Business Enterprises Requirements Pursuant to the Compliance Unit Establishment Act of 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7841. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2010 Annual Performance Plan; to the Committee on Oversight and Government Reform.

7842. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — NARA Facility Locations and Hours [FDMS Docket NARA-10-0002] (RIN: 3095-AB66) received May 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7843. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the South Carolina Advisory Committee; to the Committee on the Judiciary.

7844. A letter from the Director, Office of National Drug Control Policy, transmitting A report on the use of HIDTA funds to investigate and prosecute organizations and individuals trafficking in methamphetamine in the prior calendar year, pursuant to 120 Stat. 3523; to the Committee on the Judiciary.

7845. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30724; Amdt. No. 3373] received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7846. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30723; Amdt. No. 3372] received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7847. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawl of Federal Antidegradation Policy for all Waters of the United States within the Commonwealth of Pennsylvania [EPA-HQ-OW-2007-93; FRL-9156-5] (RIN: NA2040) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7848. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2010 Rates and to the Long-Term Care Hospital Prospective Payment System and Rate Year 2010 Rates: Final Fiscal Year 2010 Wage Indices and Payment Rates Implementing the Affordable Care Act [CMS-1406-N] (RIN: 0938-AQ03) received May 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

7849. A letter from the Director, Office of National Drug Control Policy, transmitting 2010 National Drug Control Strategy, pursuant to 21 U.S.C. 1504; jointly to the Committees on Armed Services, Education and Labor, Energy and Commerce, Foreign Affairs, Ways and Means, Homeland Security, the Judiciary, Natural Resources, Oversight and Government Reform, Small Business, Transportation and Infrastructure, and Veterans' Affairs.

¶71.4 ORDER OF BUSINESS— MODIFICATION TO H.R. 2008

On motion of Mr. INSLEE, by unanimous consent,

Ordered, That it may be in order in the engrossment of the bill (H.R. 2008) to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah project, the Clerk be directed to carry out the following modification:

At the end of the bill, add the following new section:

SEC. 8. LIMITATION ON THE USE OF FUNDS.

The authority under the provisions of section 301 of the Hoover Power Plant Act of 1984 (Public Law 98-381; 42 United States Code 1642a) shall not be used to fund any study or construction of transmission facilities developed as a result of this act.

¶71.5 PREVENT OCEAN ACIDIFICATION

Mr. INSLEE moved to suspend the rules and agree to the following resolution (H. Res. 989):

Whereas the world's oceans have absorbed more than a quarter of the carbon dioxide released into the atmosphere since the start of the Industrial Revolution;

Whereas the increased absorption of carbon dioxide by the world's oceans alters the form of nutrients and chemicals in the oceans and results in ocean acidification;

Whereas ocean acidification threatens carbonate-forming species such as coral, shellfish, and marine plankton, and may cause major ripple effects throughout marine ecosystems and food webs, ultimately affecting the largest marine organisms and many commercial fisheries;

Whereas ocean acidification will affect the growth, reproduction, disease resistance, and other biological and physiological processes of many marine organisms;

Whereas ocean acidification will be accelerated in Arctic waters because carbon dioxide is more soluble in colder waters and lower salinity diminishes the capacity of oceans to buffer against acidification;

Whereas over 60 percent of the United States population lives in coastal States and could be affected by changes to marine ecosystems;

Whereas coastal communities depend on revenue from the fishing and tourism industries, which rely on the health and stability of marine ecosystems;

Whereas commercial and recreational fisheries contribute more than $73,000,000,000 annually to the United States economy and support more than 2,000,000 jobs in the United States;

Whereas coastal tourism and recreation produce $70,000,000,000 in annual revenue in the United States;

Whereas coral ecosystems are a source of food for millions; protect coastlines from storms and erosion; provide habitat, spawning, and nursery grounds for economically important fish species; provide jobs and income to local economies from fishing, recreation, and tourism; are a source of new medicines; and are hotspots of marine biodiversity;

Whereas 500,000,000 people worldwide rely on reefs for food, income, and protection;

Whereas coral reefs support an estimated 25 percent of marine species globally and produce a net global economic benefit of about $30,000,000,000 per year;

Whereas if current trends in global emissions of carbon dioxide continue, corals could be functionally extinct by the middle to the end of this century; and

Whereas the Congress has recognized the need to address the impacts of ocean acidification by enacting the Federal Ocean Acidification Research and Monitoring Act of 2009 as part of Public Law 111–11: Now, therefore be it

Resolved, That it is the sense of the House of Representatives that the United States should adopt national policies and pursue international agreements to prevent ocean acidification, to study the impacts of ocean acidification, and to address the effects of ocean acidification on marine ecosystems and coastal economies.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. INSLEE and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CHAFFETZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶71.6 BULK-POWER SYSTEM AND ELECTRIC INFRASTRUCTURE

Mr. MARKEY of Massachusetts, moved to suspend the rules and pass the bill (H.R. 5026) to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States from cybersecurity and other threats and vulnerabilities; as amended.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. MARKEY of Massachusetts, and Mr. UPTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to

amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶71.7 WORLD OCEAN DAY

Ms. CHU moved to suspend the rules and agree to the following resolution (H. Res. 1330); as amended:

Whereas in 2008, the United Nations General Assembly decided that, as of 2009, June 8 would be designated by the United Nations as ''World Ocean Day'';

Whereas many countries have celebrated World Ocean Day following the United Nations Conference on Environment and Development, which was held in Rio de Janeiro, Brazil, in 1992;

Whereas World Ocean Day allows us the yearly opportunity to pay tribute to the ocean for what it provides;

Whereas we have an individual and collective duty, both nationally and internationally, to protect, conserve, maintain, and rebuild our ocean and its resources;

Whereas our present ocean stewardship is necessary to provide for current and future generations;

Whereas the world depends on the health of our ocean for a full range of ecological, economic, educational, scientific, social, cultural, nutritional, and recreational benefits;

Whereas the ocean is linked to adaptation to climate and other environmental change, foreign policy, and national and homeland security;

Whereas we must ensure accountability for our actions, and serve as a model country promoting balanced, productive, efficient, sustainable, and informed ocean, coastal, and Great Lakes use, management, and conservation within the global community; and

Whereas our ocean is in need of strong policies that support ecosystem-based management, coastal and marine spatial planning, informed science-based decision making and improved understanding, government coordination, regional ecosystem protection and restoration, enhanced water quality and sustainable practices on land, changing conditions in the Arctic as well as ocean, coastal, and Great Lakes observations and infrastructure: Now, therefore, be it

Resolved, That the House of Representatives recognizes World Ocean Day.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. CHU and Mr. TURNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Ms. CHU objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶71.8 PRESIDENT RONALD W. REAGAN POST OFFICE BUILDING

Ms. CHU moved to suspend the rules and pass the bill (H.R. 5278) to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building.''.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. CHU and Mr. TURNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Ms. CHU objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶71.9 STAFF SERGEANT FRANK T. CARVILL AND LANCE CORPORAL MICHAEL A. SCHWARZ POST OFFICE BUILDING

Ms. CHU moved to suspend the rules and pass the bill (H.R. 5133) to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building''.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. CHU and Mr. TURNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Ms. CHU objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶71.10 CONGRATULATING CLINTON COUNTY AND WILMINGTON, OHIO

Ms. CHU moved to suspend the rules and agree to the following resolution (H. Res. 1121):

Whereas Clinton County, originally known as the Virginia Military District because it had been set aside to reward the soldiers of the Revolutionary War, was established on February 19, 1810, 7 years after Ohio was admitted into the Union as the 17th State;

Whereas Clinton County was named after George Clinton, one of the Founding Fathers, and the fourth Vice President of the United States;

Whereas Clinton County was a station on the Underground Railroad prior to the Civil War, and a destination for thousands of persons escaping slavery and seeking freedom;

Whereas the county seat of Clinton County is located in Wilmington, a community founded in 1810 and settled by the Dutch, German, English, and Scotch-Irish pioneer stock, as well as by the Society of Friends (Quakers) who migrated to southwest Ohio from Virginia and North Carolina because of their opposition to slavery;

Whereas Clinton County is home to 2 outstanding institutions of higher learning that have prepared generations of students, past and present, for a successful future;

Whereas Southern State Community College is a 2-year institution serving a 5-county rural area where students seeking specific career training acquire the skills and knowledge they need to succeed in the workforce;

Whereas Wilmington College is a 4-year career-oriented liberal arts institution, founded by the Quakers in 1870, that is dedicated to the intellectual, emotional, physical, and spiritual development of its students;

Whereas Clinton County is home to Clinton Memorial Hospital, a community-based rural health facility that has been a leading provider of compassionate, accessible, quality health care to individuals and families in Clinton County and the surrounding region for almost 60 years;

Whereas Clinton County is home to the Murphy Theatre, a local historic treasure and community center that is located in the heart of downtown Wilmington;

Whereas the Murphy Theater was built in 1918 by Charles Webb Murphy, the owner of the Chicago Cubs, and it continues to host a wide range of events;

Whereas Clinton County is home to Cowan Lake State Park, a popular recreational haven that was once a stronghold of the Miami and Shawnee Indians;

Whereas the park offers families an opportunity to enjoy a variety of outdoor activities that include sailing, swimming, hiking, fishing, hunting, and camping;

Whereas Clinton County holds the distinction of being the birthplace of one of the Nation's favorite desserts, the banana split;

Whereas the banana split was invented at Hazard's Drug Store in Wilmington, in 1907;

Whereas each summer, the city of Wilmington hosts the annual Banana Split Festival, a 2-day weekend event celebrated on the second full weekend of June; and

Whereas Clinton County today is home to approximately 43,200 residents in an area that is known to be one of the best places in the United States to live and raise a family: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significant history of Clinton County and the county seat of Wilmington, Ohio;

(2) congratulates the citizens of Clinton County and Wilmington, Ohio, on the occasion of their bicentennial anniversaries; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Clinton County and the county seat of Wilmington, Ohio, for appropriate display.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. CHU and Mr. TURNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Ms. CHU objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, June 10, 2010.

The point of no quorum was considered as withdrawn.

¶71.11 NATIONAL MUSEUM OF AMERICAN JEWISH HISTORY

Mr. BRADY of Pennsylvania, moved to suspend the rules and agree to the following resolution (H. Res. 1381):

Whereas the National Museum of American Jewish History will illustrate how the freedom of America and its associated choices, challenges, and responsibilities fostered an environment in which Jewish Americans have made and continue to make extraordinary contributions in all facets of American life;

Whereas the mission of the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, is to connect Jews more closely to their heritage and to inspire in people of all backgrounds a greater appreciation for the diversity of the American experience and the freedoms to which all Americans aspire;

Whereas the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, was founded in 1976 by members of historic Congregation Mikveh Israel, itself established in 1740 and known as the ''Synagogue of the American Revolution'';

Whereas the National Museum of American Jewish History has attracted a broad audience to its public programs, while exploring American Jewish identity through lectures, panel discussions, authors' talks, films, children's activities, theater, and music;

Whereas the National Museum of American Jewish History is the repository of the largest collection of Jewish Americana in the world, with more than 25,000 objects; and

Whereas the National Museum of American Jewish History is currently building a 100,000-square-foot, 5-story, state-of-the-art museum on Independence Mall, standing just steps from the Liberty Bell and Independence Hall, to serve as a cornerstone of the American Jewish community and a source of national pride: Now, therefore, be it

Resolved, That the House of Representatives recognizes—

(1) the importance of the continuing study and preservation of the unique American Jewish experience; and

(2) the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the Nation dedicated exclusively to exploring and preserving the American Jewish experience and, as such, as the national museum of American Jewish history.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mr. BRADY of Pennsylvania, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶71.12 COMPILATION AND INTERNET POSTING OF COST ESTIMATES ON REPORTED LEGISLATION

Mr. BRADY of Pennsylvania, moved to suspend the rules and agree to the following resolution (H. Res. 1178); as amended:

Resolved,

SECTION 1. INTERNET POSTING OF CONGRESSIONAL BUDGET OFFICE COST ESTIMATES.

(a) INTERNET POSTING.—The Clerk of the House of Representatives shall ensure that cost estimates prepared by the Congressional Budget Office are available to the public by including a link to the official web site of the Congressional Budget Office on the official public Internet site of the Office of the Clerk.

(b) REGULATIONS.—The Clerk shall carry out this resolution in accordance with regulations promulgated by the Committee on House Administration.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mr. BRADY of Pennsylvania, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BRADY of Pennsylvania, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶71.13 HONORING THE LIFE OF JOHN ROBERT WOODEN

Ms. SHEA-PORTER moved to suspend the rules and agree to the following resolution (H. Res. 1427):

Whereas John Robert Wooden was born on October 14, 1910, in Hall, Indiana;

Whereas John Wooden began his basketball career at Martinsville High School and helped his team win the Indiana State high school basketball title in 1927;

Whereas John Wooden later became a three-time all-American star guard at Purdue University, helped lead Purdue to the National Championship in 1932, was named the 1932 national collegiate player of the year, and received the Big Ten medal for excellence in scholarship;

Whereas John Wooden served honorably as a lieutenant in the United States Navy during World War II;

Whereas John Wooden began his collegiate coaching career in 1946 at Indiana State Teachers College (now Indiana State University), where he fought racial inequality by refusing an invitation to the 1947 National Association of Intercollegiate Basketball because an African-American player on his team would not be allowed to participate;

Whereas John Wooden became head coach at the University of California Los Angeles (UCLA) in 1948 and quickly established a record of success with his student-athletes both on and off the court that is legendary and unmatched;

Whereas John Wooden led the UCLA Bruins to 10 National Collegiate Athletic Association (NCAA) championships (including 7 in a row), 19 conference championships, 12 final four appearances, four perfect seasons, and a record 88-game winning streak from 1971 to 1974;

Whereas John Wooden was the first person elected to the Naismith Memorial Basketball Hall of Fame as both a player and as a coach;

Whereas John Wooden was foremost an educator who always stressed the importance of team play while inspiring the development of individual talent and academic excellence;

Whereas John Wooden was the personification of teamwork and good sportsmanship, and his name is synonymous with integrity;

Whereas an annual award in John Wooden's name is given to the Nation's top college men's and women's basketball player;

Whereas John Wooden won the lifelong respect of his colleagues, players, and fans for the values he lived and espoused;

Whereas John Wooden's renowned Wooden Pyramid of Success, which stresses industriousness, friendship, loyalty, cooperation, enthusiasm, self-control, alertness, initiative, intentness, condition, skill, team spirit, poise, and confidence as the building blocks for competitive greatness, is one of the most widely recognized blueprints for excellence in any pursuit;

Whereas, on July 23, 2003, John Wooden received the Presidential Medal of Freedom, the Nation's highest civilian honor recognizing exceptional meritorious service;

Whereas, on December 20, 2003, the basketball floor at UCLA's Pauley Pavilion was dedicated as ''Nell and John Wooden Court''; and

Whereas John Wooden, whose death was preceded by his beloved wife Nell, is survived by his 2 children, Nancy and James, 7 grandchildren, and 13 great-grandchildren: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors John Wooden for his exceptional career as a coach, player, educator, and mentor, including his unrivaled achievements during his tenure at UCLA;

(2) pays tribute to his iconic legacy of leadership, and recognizes the respect and admiration he earned through his dedication to the betterment of others; and

(3) expresses condolences on his passing to his children, Nancy and James, his grandchildren, his great-grandchildren, and the countless players, fans, and admirers who mourn his passing.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. SHEA-PORTER and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶71.14 PROVIDING FOR CONSIDERATION OF H.R. 5072

Mr. PERLMUTTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1424):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Financial Services or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. It shall be in order at any time through the legislative day of June 11, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

When said resolution was considered.

After debate,

Mr. PERLMUTTER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 230 Nays 180

¶71.15 [Roll No. 339]

YEAS—230

Ackerman	Gonzalez	Oberstar
Adler (NJ)	Gordon (TN)	Obey
Altmire	Grayson	Olver
Andrews	Green, Al	Ortiz
Arcuri	Green, Gene	Owens
Baca	Grijalva	Pallone
Baird	Gutierrez	Pascrell
Baldwin	Hall (NY)	Pastor (AZ)
Barrow	Halvorson	Payne
Bean	Hare	Perlmutter
Becerra	Hastings (FL)	Perriello
Berman	Heinrich	Peters
Berry	Herseth Sandlin	Peterson
Bishop (GA)	Higgins	Pingree (ME)
Bishop (NY)	Himes	Polis (CO)
Blumenauer	Hinchey	Price (NC)
Boccieri	Hinojosa	Quigley
Boren	Hirono	Rahall
Boswell	Hodes	Rangel
Boucher	Holden	Reyes
Brady (PA)	Holt	Rodriguez
Braley (IA)	Honda	Ross
Brown, Corrine	Inslee	Rothman (NJ)
Butterfield	Israel	Roybal-Allard
Capps	Jackson (IL)	Ruppersberger
Capuano	Jackson Lee (TX)	Rush
Cardoza	Johnson, E. B.	Ryan (OH)
Carnahan	Kagen	Salazar
Carney	Kanjorski	Sánchez, Linda T.
Carson (IN)	Kaptur	Sanchez, Loretta
Castor (FL)	Kildee	Sarbanes
Chandler	Kilroy	Schakowsky
Childers	Kind	Schauer
Chu	Kissell	Schiff
Clarke	Klein (FL)	Schrader
Clay	Kosmas	Schwartz
Cleaver	Kucinich	Scott (VA)
Clyburn	Langevin	Serrano
Cohen	Larsen (WA)	Sestak
Connolly (VA)	Larson (CT)	Shea-Porter
Conyers	Lee (CA)	Sherman
Cooper	Levin	Shuler
Costa	Lewis (GA)	Sires
Costello	Lipinski	Skelton
Courtney	Loebsack	Slaughter
Critz	Lofgren, Zoe	Smith (WA)
Crowley	Lowey	Snyder
Cuellar	Luján	Space
Cummings	Lynch	Speier
Dahlkemper	Maffei	Spratt
Davis (AL)	Maloney	Stark
Davis (CA)	Markey (CO)	Stupak
Davis (IL)	Markey (MA)	Sutton
Davis (TN)	Marshall	Tanner
DeFazio	Matheson	Teague
DeGette	Matsui	Thompson (CA)
Delahunt	McCarthy (NY)	Thompson (MS)
DeLauro	McCollum	Tierney
Deutch	McDermott	Titus
Dicks	McGovern	Tonko
Dingell	McMahon	Towns
Doggett	McNerney	Tsongas
Donnelly (IN)	Meek (FL)	Van Hollen
Doyle	Meeks (NY)	Velázquez
Driehaus	Melancon	Visclosky
Edwards (MD)	Michaud	Walz
Edwards (TX)	Miller (NC)	Wasserman Schultz
Ellison	Mollohan	Waters
Engel	Moore (KS)	Watt
Eshoo	Moore (WI)	Waxman
Etheridge	Moran (VA)	Weiner
Farr	Murphy (CT)	Welch
Fattah	Murphy (NY)	Wilson (OH)
Filner	Murphy, Patrick	Woolsey
Foster	Nadler (NY)	Wu
Frank (MA)	Napolitano	
Fudge	Neal (MA)	
Garamendi		

NAYS—180

Aderholt	Garrett (NJ)	Moran (KS)
Akin	Gerlach	Murphy, Tim
Alexander	Giffords	Myrick
Austria	Gingrey (GA)	Neugebauer
Bachmann	Gohmert	Nunes
Bachus	Goodlatte	Nye
Bartlett	Granger	Olson
Barton (TX)	Graves	Paul
Biggert	Griffith	Paulsen
Bilbray	Guthrie	Pence
Bilirakis	Hall (TX)	Petri
Bishop (UT)	Harper	Pitts
Blackburn	Hastings (WA)	Platts
Blunt	Heller	Poe (TX)
Boehner	Hensarling	Posey
Bonner	Herger	Price (GA)
Bono Mack	Hill	Putnam
Boozman	Hunter	Radanovich
Boustany	Issa	Rehberg
Brady (TX)	Jenkins	Reichert
Bright	Johnson (IL)	Roe (TN)
Broun (GA)	Johnson, Sam	Rogers (AL)
Brown (SC)	Jones	Rogers (KY)
Brown-Waite, Ginny	Jordan (OH)	Rogers (MI)
Buchanan	King (IA)	Rohrabacher
Burgess	King (NY)	Rooney
Burton (IN)	Kingston	Ros-Lehtinen
Buyer	Kirk	Roskam
Camp	Kirkpatrick (AZ)	Royce
Cantor	Kline (MN)	Ryan (WI)
Cao	Kratovil	Scalise
Capito	Lamborn	Schmidt
Carter	Lance	Schock
Cassidy	Latham	Sensenbrenner
Castle	LaTourette	Sessions
Chaffetz	Latta	Shadegg
Coble	Lee (NY)	Shimkus
Coffman (CO)	Lewis (CA)	Shuster
Cole	Linder	Simpson
Conaway	LoBiondo	Smith (NE)
Crenshaw	Lucas	Smith (NJ)
Culberson	Luetkemeyer	Smith (TX)
Davis (KY)	Lummis	Stearns
Dent	Lungren, Daniel E.	Sullivan
Diaz-Balart, L.	Mack	Taylor
Diaz-Balart, M.	Manzullo	Terry
Djou	Marchant	Thompson (PA)
Dreier	McCarthy (CA)	Thornberry
Duncan	McCaul	Tiahrt
Ehlers	McClintock	Tiberi
Emerson	McCotter	Turner
Fallin	McIntyre	Upton
Flake	McKeon	Walden
Fleming	McMorris Rodgers	Wamp
Forbes	Mica	Westmoreland
Fortenberry	Miller (FL)	Whitfield
Foxx	Miller (MI)	Wilson (SC)
Franks (AZ)	Minnick	Wittman
Frelinghuysen	Mitchell	Wolf
Gallegly		Young (AK)
		Young (FL)

NOT VOTING—21

Barrett (SC)	Hoekstra	Miller, Gary
Berkley	Hoyer	Miller, George
Boyd	Inglis	Pomeroy
Calvert	Johnson (GA)	Richardson
Campbell	Kennedy	Scott (GA)
Ellsworth	Kilpatrick (MI)	Watson
Harman	McHenry	Yarmuth

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

Mr. SESSIONS demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 Nays 172

¶71.16 [Roll No. 340]

AYES—239

Ackerman	Altmire	Arcuri
Adler (NJ)	Andrews	Baca

Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu

NOES—172

Aderholt
Akin
Alexander
Austria
Bachmann
Bartlett
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Bachus
Barrett (SC)
Berkley
Bilirakis
Boyd
Calvert
Campbell
Ellsworth
Giffords
Harman
Hoekstra
Inglis
Kennedy
Kilpatrick (MI)
Lewis (GA)
McHenry
Miller, Gary
Richardson
Watson
Yarmuth

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶71.17 MOMENT OF SILENCE IN MEMORY OF MEMBERS OF THE UNITED STATES ARMED FORCES IN IRAQ AND AFGHANISTAN

The SPEAKER announced that all Members stand and observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and all who serve in our Armed Forces and their families.

¶71.18 H. RES. 989—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 989) expressing the sense of the House of Representatives that the United States should adopt national policies and pursue international agreements to prevent ocean acidification, to study the impacts of ocean acidification, and to address the effects the ocean acidification on marine ecosystems and coastal economies.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 241 / Nays 170

¶71.19 [Roll No. 341]

YEAS—241

Ackerman
Adler (NJ)
Alexander
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kildee
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reichert
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watt
Weiner
Welch
Wittman
Woolsey
Wu

NAYS—170

Aderholt
Akin
Altmire
Austria
Baca
Bachmann
Bachus
Bartlett
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Cantor

Cao
Capito
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Critz
Culberson
Davis (KY)
Dent
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Green, Gene
Griffith
Grijalva
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Holden
Hunter
Issa
Jenkins
Johnson, Sam
Jordan (OH)
Kanjorski
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Ortiz
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reyes
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Barrett (SC)
Barton (TX)
Berkley
Boyd
Calvert
Campbell
Dingell
Ellsworth
Harman
Hoekstra
Inglis
Kaptur
Kennedy
Kilpatrick (MI)
McHenry
Miller, Gary
Waters
Watson
Waxman
Yarmuth

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said resolution was not agreed to.

¶71.20 H. RES. 1178—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1178) directing the Clerk of the House of Representatives to compile the cost estimates prepared by the Congressional Budget Office which are included in reports filed by committees of the House on approved legislation and post such estimates on the official public Internet site of the Office of the Clerk; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 390 Nays 22

¶71.21 [Roll No. 342]

YEAS—390

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (FL)

NAYS—22

Bishop (UT)
Boehner
Brady (TX)
Broun (GA)
Carter
Chaffetz
Coble
Dreier
Flake
Harper
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lewis (CA)
Lungren, Daniel E.
Nunes
Petri
Sensenbrenner
Simpson
Westmoreland
Young (AK)

NOT VOTING—19

Bachus
Barrett (SC)
Berkley
Boyd
Calvert
Campbell
Ellsworth
Fattah
Gutierrez
Harman
Hoekstra
Inglis
Kennedy
Kilpatrick (MI)
McCollum
McHenry
Miller, Gary
Watson
Yarmuth

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution directing the Clerk of the House of Representatives to ensure that cost estimates prepared by the Congressional Budget Office are available to the public.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶71.22 WALL STREET REFORM AND CONSUMER PROTECTION

On motion of Mr. FRANK of Massachusetts, by direction of the Committee on Financial Services and pursuant to clause 1 of rule XXII, the bill (H.R. 4173) to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other

purposes; together with the amendments of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. FRANK of Massachusetts, it was,

Resolved, That the House disagree to the amendments of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶71.23 MOTION TO INSTRUCT CONFEREES—H.R. 4173

Mr. BACHUS moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H.R. 4173, be instructed as follows: (1) to disagree to the provisions contained in subtitle G of title I of the House bill; (2) to disagree to section 202 (relating to the commencement of orderly liquidation and the appointment of the Federal Deposit Insurance Corporation as receiver) and section 210 (relating to the powers and duties of the Federal Deposit Insurance Corporation as receiver) of title II of the Senate amendment; and (3) to not record their approval of the final conference agreement (within the meaning of clause 12(a)(4) of House rule XXII) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. BACHUS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 198 Nays 217

¶71.24 [Roll No. 343]

YEAS—198

Aderholt	Brady (TX)	Coffman (CO)
Akin	Bright	Cole
Alexander	Broun (GA)	Conaway
Austria	Brown (SC)	Connolly (VA)
Bachmann	Brown-Waite, Ginny	Courtney
Bachus	Buchanan	Crenshaw
Bartlett	Burgess	Culberson
Barton (TX)	Burton (IN)	Davis (KY)
Biggert	Buyer	Dent
Bilbray	Camp	Diaz-Balart, L.
Bilirakis	Cantor	Diaz-Balart, M.
Bishop (UT)	Cao	Djou
Blackburn	Capito	Dreier
Blunt	Carter	Duncan
Boehner	Cassidy	Edwards (TX)
Bonner	Castle	Ehlers
Bono Mack	Chaffetz	Emerson
Boozman	Childers	Fallin
Boucher	Coble	Flake
Boustany		Fleming
Forbes	Lucas	Rogers (AL)
Fortenberry	Luetkemeyer	Rogers (KY)
Foxx	Lummis	Rogers (MI)
Franks (AZ)	Lungren, Daniel E.	Rohrabacher
Frelinghuysen	Mack	Rooney
Gallegly	Manzullo	Ros-Lehtinen
Garrett (NJ)	Marchant	Roskam
Gerlach	Markey (CO)	Royce
Giffords	McCarthy (CA)	Ryan (OH)
Gingrey (GA)	McCaul	Ryan (WI)
Gohmert	McClintock	Scalise
Goodlatte	McCotter	Schauer
Granger	McIntyre	Schmidt
Graves	McKeon	Schock
Griffith	McMorris Rodgers	Schrader
Guthrie	McNerney	Sensenbrenner
Hall (TX)	Mica	Sessions
Halvorson	Miller (FL)	Shadegg
Harper	Miller (MI)	Shimkus
Hastings (WA)	Minnick	Shuster
Heinrich	Mitchell	Simpson
Heller	Moran (KS)	Skelton
Hensarling	Murphy, Tim	Smith (NE)
Herger	Myrick	Smith (NJ)
Hodes	Neugebauer	Smith (TX)
Hunter	Nunes	Space
Issa	Olson	Spratt
Jenkins	Owens	Stearns
Johnson (IL)	Paul	Sullivan
Johnson, Sam	Paulsen	Taylor
Jones	Pence	Teague
Jordan (OH)	Perriello	Terry
King (IA)	Peterson	Thompson (PA)
King (NY)	Petri	Thornberry
Kingston	Pitts	Tiahrt
Kirk	Platts	Tiberi
Kirkpatrick (AZ)	Poe (TX)	Turner
Kline (MN)	Posey	Upton
Lamborn	Price (GA)	Walden
Lance	Putnam	Wamp
Latham	Radanovich	Westmoreland
LaTourette	Rehberg	Whitfield
Latta	Reichert	Wilson (SC)
Lee (NY)	Rodriguez	Wittman
Lewis (CA)	Roe (TN)	Wolf
Linder		Young (AK)
LoBiondo		Young (FL)

NAYS—217

Ackerman	DeGette	Kanjorski
Adler (NJ)	Delahunt	Kaptur
Altmire	DeLauro	Kildee
Andrews	Deutch	Kilroy
Arcuri	Dicks	Kind
Baca	Dingell	Kissell
Baird	Doggett	Klein (FL)
Baldwin	Donnelly (IN)	Kratovil
Barrow	Doyle	Kucinich
Bean	Driehaus	Langevin
Becerra	Edwards (MD)	Larsen (WA)
Berman	Ellison	Larson (CT)
Berry	Ellsworth	Lee (CA)
Bishop (GA)	Engel	Levin
Bishop (NY)	Eshoo	Lewis (GA)
Blumenauer	Etheridge	Lipinski
Boccieri	Farr	Loebsack
Boren	Fattah	Lofgren, Zoe
Boswell	Filner	Lowey
Boyd	Foster	Luján
Brady (PA)	Frank (MA)	Lynch
Braley (IA)	Fudge	Maffei
Brown, Corrine	Garamendi	Maloney
Butterfield	Gonzalez	Markey (MA)
Capps	Gordon (TN)	Marshall
Capuano	Grayson	Matheson
Cardoza	Green, Al	Matsui
Carnahan	Green, Gene	McCarthy (NY)
Carney	Grijalva	McCollum
Carson (IN)	Gutierrez	McDermott
Castor (FL)	Hall (NY)	McGovern
Chandler	Hare	McMahon
Chu	Hastings (FL)	Meek (FL)
Clarke	Herseth Sandlin	Meeks (NY)
Clay	Hill	Melancon
Cleaver	Himes	Michaud
Clyburn	Hinchey	Miller (NC)
Cohen	Hinojosa	Miller, George
Conyers	Hirono	Mollohan
Cooper	Holden	Moore (KS)
Costa	Holt	Moore (WI)
Costello	Honda	Moran (VA)
Critz	Hoyer	Murphy (CT)
Crowley	Inslee	Murphy (NY)
Cuellar	Israel	Murphy, Patrick
Cummings	Jackson (IL)	Nadler (NY)
Dahlkemper	Jackson Lee (TX)	Napolitano
Davis (AL)	Johnson (GA)	Neal (MA)
Davis (CA)	Johnson, E. B.	Nye
Davis (IL)	Kagen	Oberstar
DeFazio		Obey
Olver	Sánchez, Linda T.	Thompson (CA)
Ortiz	Sanchez, Loretta	Thompson (MS)
Pallone	Sarbanes	Tierney
Pascrell	Schakowsky	Titus
Pastor (AZ)	Schiff	Tonko
Payne	Schwartz	Towns
Perlmutter	Scott (GA)	Tsongas
Peters	Scott (VA)	Van Hollen
Pingree (ME)	Serrano	Velázquez
Polis (CO)	Sestak	Visclosky
Pomeroy	Shea-Porter	Walz
Price (NC)	Sherman	Wasserman Schultz
Rahall	Shuler	Waters
Rangel	Sires	Watt
Reyes	Slaughter	Waxman
Richardson	Smith (WA)	Weiner
Ross	Snyder	Welch
Rothman (NJ)	Speier	Wilson (OH)
Roybal-Allard	Stark	Woolsey
Ruppersberger	Stupak	Wu
Rush	Sutton	Yarmuth
Salazar	Tanner	

NOT VOTING—16

Barrett (SC)	Higgins	McHenry
Berkley	Hoekstra	Miller, Gary
Calvert	Inglis	Quigley
Campbell	Kennedy	Watson
Davis (TN)	Kilpatrick (MI)	
Harman	Kosmas	

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶71.25 H. RES. 1330—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1330) recognizing June 8, 2010, as World Ocean Day; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

Mr. ANDREWS demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 369 Nays 44

¶71.26 [Roll No. 344]

AYES—369

Ackerman	Bishop (GA)	Butterfield
Aderholt	Bishop (NY)	Buyer
Adler (NJ)	Blumenauer	Camp
Altmire	Blunt	Cao
Andrews	Boccieri	Capito
Arcuri	Boehner	Capps
Austria	Bonner	Capuano
Baca	Bono Mack	Cardoza
Bachmann	Boozman	Carnahan
Bachus	Boren	Carney
Baird	Boswell	Carson (IN)
Baldwin	Boucher	Carter
Barrow	Boyd	Castle
Bartlett	Brady (PA)	Castor (FL)
Bean	Braley (IA)	Chandler
Becerra	Bright	Childers
Berman	Brown (SC)	Chu
Berry	Brown, Corrine	Clarke
Biggert	Brown-Waite, Ginny	Clay
Bilbray	Buchanan	Cleaver
Bilirakis		Clyburn

Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—44

Akin
Alexander
Barton (TX)
Bishop (UT)
Blackburn
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Cantor
Cassidy
Chaffetz
Coffman (CO)
Conaway
Davis (KY)
Duncan
Emerson
Fleming
Franks (AZ)
Garrett (NJ)
Hastings (WA)
Herger
Jenkins
Johnson, Sam
King (IA)
Lamborn
Linder
Luetkemeyer
Lummis
Moran (KS)
Neugebauer
Nunes
Paul
Poe (TX)
Price (GA)
Rehberg
Roe (TN)
Scalise
Shadegg
Shimkus
Tiahrt
Westmoreland
Young (AK)

NOT VOTING—18

Barrett (SC)
Berkley
Calvert
Campbell
Davis (TN)
Gohmert
Harman
Higgins
Hoekstra
Inglis
Johnson (GA)
Kennedy
Kilpatrick (MI)
McHenry
Meek (FL)
Miller, Gary
Quigley
Watson

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶71.27 H.R. 5278—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5278) to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building''.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

Mr. PERLMUTTER demanded a recorded vote on the motion to suspend the rules and pass said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 Nays 0

¶71.28 [Roll No. 345]

AYES—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader

Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Barrett (SC)
Berkley
Boehner
Calvert
Campbell
Harman
Higgins
Hoekstra
Inglis
Kennedy
Kilpatrick (MI)
McHenry
Miller, Gary
Quigley
Watson

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶71.29 H.R. 5133—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5133) to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building''.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

Mr. TONKO demanded a recorded vote on the motion to suspend the rules and pass said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays ..... 0 }

¶71.30 [Roll No. 346]

AYES—409

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Barrett (SC)
Boehner
Boswell
Calvert
Campbell
Davis (AL)
Ellsworth
Harman
Higgins
Hoekstra
Hoyer
Inglis
Kennedy
Kilpatrick (MI)
Kirk
McHenry
Miller, Gary
Pitts
Quigley
Smith (TX)
Sullivan
Watson

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶71.31 APPOINTMENT OF CONFEREES—H.R. 4173

The SPEAKER pro tempore, Mr. BRIGHT, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4173) to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes:

From the Committee on Financial Services, for consideration of the House bill and the amendment of the Senate, and modifications committed to conference: Messrs. FRANK of Massachusetts, KANJORSKI, Ms. WATERS, Mrs. MALONEY, Messrs. GUTIERREZ, WATT, MEEKS of New York, MOORE of Kansas, Ms. KILROY, Messrs. PETERS, BACHUS, ROYCE, Mrs. BIGGERT, Mrs. CAPITO, Messrs. HENSARLING, and GARRETT of New Jersey.

From the Committee on Agriculture, for consideration of subtitles A and B of title I, sections 1303, 1609, 1702, 1703, title III (except sections 3301 and 3302), sections 4205(c), 4804(b)(8)(B), 5008, and 7509 of the House bill, and section 102, subtitle A of title I, sections 406, 604(h), title VII, title VIII, sections 983, 989E,

1027(j), 1088(a)(8), 1098, and 1099 of the amendment of the Senate, and modifications committed to conference: Messrs. PETERSON, BOSWELL, and LUCAS.

From the Committee on Energy and Commerce, for consideration of sections 3009, 3102(a)(2), 4001, 4002, 4101–4114, 4201, 4202, 4204–4210, 4301–4311, 4314, 4401–4403, 4410, 4501–4509, 4601–4606, 4815, 4901, and that portion of section 8002(a)(3) which adds a new section 313(d) to title 31, United States Code, of the House bill, and that portion of section 502(a)(3) which adds a new section 313(d) to title 31, United States Code, sections 722(e), 1001, 1002, 1011–1018, 1021–1024, 1027–1029, 1031–1034, 1036, 1037, 1041, 1042, 1048, 1051–1058, 1061–1067, 1101, and 1105 of the amendment of the Senate, and modifications committed to conference: Messrs. WAXMAN, RUSH, and BARTON of Texas.

From the Committee on the Judiciary, for consideration of sections 1101(e)(2), 1103(e)(2), 1104(i)(5) and (i)(6), 1105(h) and (i), 1110(c) and (d), 1601, 1605, 1607, 1609, 1610, 1612(a), 3002(c)(3) and (c)(4), 3006, 3119, 3206, 4205(n), 4306(b), 4501–4509, 4603, 4804(b)(8)(A), 4901(c)(8)(D) and (e), 6003, 7203(a), 7205, 7207, 7209, 7210, 7213–7216, 7220, 7302, 7507, 7508, 9004, 9104, 9105, 9106(a), 9110(b), 9111, 9118, 9203(c), and 9403(b) of the House bill, and sections 112(b)(5)(B), 113(h), 153(f), 201, 202, 205, 208–210, 211(a) and (b), 316, 502(a)(3), 712(c), 718(b), 723(a)(3), 724(b), 725(c), 728, 731, 733, 735(b), 744, 748, 753, 763(a), (c) and (i), 764, 767, 809(f), 922, 924, 929B, 932, 991(b)(5), (c)(2)(G) and (c)(3)(H), 1023(c)(7) and (c)(8), 1024(c)(3)(B), 1027(e), 1042, 1044(a), 1046(a), 1047, 1051–1058, 1063, 1088(a)(7)(A), 1090, 1095, 1096, 1098, 1104, 1151(b), and 1156(c) of the amendment of the Senate, and modifications committed to conference: Messrs. CONYERS, BERMAN, and SMITH of Texas.

From the Committee on Oversight and Government Reform, for consideration of sections 1000A, 1007, 1101(e)(3), 1203(d), 1212, 1217, 1254(c), 1609(h)(8)(B), 1611(d), 3301, 3302, 3304, 4106(b)(2) and (g)(4)(D), 4604, 4801, 4802, 5004, 7203(a), 7409, and 8002(a)(3) of the House bill, and sections 111(g), (i) and (j), 152(d)(2), (g) and (k), 210(h)(8), 319, 322, 404, 502(a)(3), 723(a)(3), 748, 763(a), 809(g), 922(a), 988, 989B, 989C, 989D, 989E, 1013(a), 1022(c)(6), 1064, 1152, and 1159(a) and (b) of the amendment of the Senate, and modifications committed to conference: Messrs. TOWNS, CUMMINGS, and ISSA.

From the Committee on Small Business, for consideration of sections 1071 and 1104 of the amendment of the Senate, and modifications committed to conference: Ms. VELÁZQUEZ, Messrs. SHULER, and GRAVES.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶71.32 FHA MORTGAGE INSURANCE PROGRAM

The SPEAKER pro tempore, Mr. BRIGHT, pursuant to House Resolution 1424 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program.

The SPEAKER pro tempore, Mr. BRIGHT, by unanimous consent, designated Mrs. HALVORSON as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. SCHIFF, assumed the Chair.

When Mrs. HALVORSON, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶71.33 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶71.34 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 3473. An Act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

The message also announced that pursuant to Public Law 111–148, the Chair, on behalf of the Republican Leader, appointed the following individuals to serve as members of the Commission on Key National Indicators: Dr. Wade F. Horn of Maryland (for a term of 3 years); and Dr. Nichols N. Eberstadt of the District of Columbia (for a term of 2 years).

¶71.35 MESSAGE FROM THE PRESIDENT—EXPORT WAIVER WITH RESPECT TO CHINA

The SPEAKER pro tempore, Mr. MAFFEI, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) (the ''Act''), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions under section 902(a)(3) of the Act with respect to the issuance of permanent munitions export licenses for exports to the People's Republic of China insofar as such restrictions pertain to the LightScanner® 32 System used for gene mutation genotyping for individualized cancer treatment. License requirements remain in place for these exports and require review on a case-by-case basis by the United States Government.

BARACK OBAMA.

THE WHITE HOUSE, *June 9, 2010.*

By unanimous consent, the message was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–120).

And then,

¶71.36 ADJOURNMENT

On motion of Mr. LATOURETTE, at 9 o'clock and 33 minutes p.m., the House adjourned.

¶71.37 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEVIN:

H.R. 5486. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; to the Committee on Ways and Means.

By Mrs. NAPOLITANO:

H.R. 5487. A bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act; to the Committee on Natural Resources.

By Mr. BACA:

H.R. 5488. A bill to require each authorized public chartering agency to publish on the Internet the financial expenditures of each charter school that is authorized or approved by such agency and receives Department of Education funding; to the Committee on Education and Labor.

By Mr. BRIGHT:

H.R. 5489. A bill to amend section 14102(a)(1)(A) of title 40, United States Code, to provide that Bullock County, Alabama, is included in the definition of the Appalachian region for purposes of Appalachian regional development; to the Committee on Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 5490. A bill to amend the Internal Revenue Code of 1986 to allow a credit against excise taxes with respect to distilled spirits and wine for certain distilled spirits or wine produced from domestic agricultural waste or byproducts; to the Committee on Ways and Means.

By Mr. CARNEY (for himself and Mr. PLATTS):

H.R. 5491. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for taxpayers with long-term care needs; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. CLEAVER, Mr. JACKSON of Illinois, Ms. FUDGE, Mr. GUTIERREZ, Ms. MOORE of Wisconsin, Mr. PAYNE, Mr. RANGEL, Mr. WATT, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. DELAHUNT, and Mr. HASTINGS of Florida):

H.R. 5492. A bill to permit expungement of records of certain nonviolent criminal offenses, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 5493. A bill to provide for the furnishing of statues by the District of Columbia for display in Statuary Hall in the United States Capitol; to the Committee on House Administration.

By Ms. NORTON:

H.R. 5494. A bill to direct the Director of the National Park Service and the Secretary of the Interior to transfer certain properties to the District of Columbia; to the Committee on Natural Resources.

By Mr. PAYNE (for himself and Mr. CARNAHAN):

H.R. 5495. A bill to build capacity and provide support at the leadership level for successful school turnaround efforts; to the Committee on Education and Labor.

By Mr. WILSON of Ohio:

H.R. 5496. A bill to repeal the public telecommunications facilities assistance program; to the Committee on Energy and Commerce.

By Mr. WILSON of Ohio:

H.R. 5497. A bill to amend the Internal Revenue Code of 1986 to allow an individual to designate $3 on their income tax return to be used to reduce the public debt; to the Committee on Ways and Means.

By Ms. CLARKE (for herself, Mrs. MALONEY, Mr. NADLER of New York, Mr. MEEKS of New York, Mr. SERRANO, Mr. RANGEL, Mrs. MCCARTHY of New York, Mr. KING of New York, Mr. TONKO, Mr. TOWNS, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. VELÁZQUEZ, Ms. FUDGE, Mr. ISRAEL, Mr. COHEN, Mr. HALL of New York, Mr. WEINER, Mr. HINCHEY, Mr. ENGEL, Mr. MAFFEI, Mr. CROWLEY, Mr. BISHOP of Georgia, Mr. ACKERMAN, Mr. BRALEY of Iowa, and Mr. MCMAHON):

H. Res. 1428. A resolution recognizing Brooklyn Botanic Garden on its 100th anniversary as the preeminent horticultural attraction in the borough of Brooklyn and its longstanding commitment to environmental stewardship and education for the City of New York; to the Committee on Oversight and Government Reform.

By Mr. LATTA:

H. Res. 1429. A resolution celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day; to the Committee on Oversight and Government Reform.

¶71.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 191: Mr. YOUNG of Alaska.
H.R. 393: Mr. PLATTS.
H.R. 413: Mr. COLE.
H.R. 482: Mr. FRANK of Massachusetts.
H.R. 595: Mr. CRITZ.
H.R. 775: Mr. BLUNT, Ms. LEE of California, and Mr. TOWNS.
H.R. 847: Mr. LOBIONDO.
H.R. 881: Mr. AKIN, Mr. WITTMAN, and Mr. OLSON.
H.R. 932: Mr. CRITZ.
H.R. 988: Mrs. DAHLKEMPER and Mr. SALAZAR.
H.R. 1021: Mr. NYE.
H.R. 1036: Mr. PAULSEN.
H.R. 1074: Mr. CRITZ and Mr. PERRIELLO.
H.R. 1220: Mr. CRITZ.
H.R. 1255: Mr. SMITH of Texas, Mrs. BLACKBURN, and Mr. WEINER.
H.R. 1340: Mr. MORAN of Virginia.
H.R. 1351: Mr. CHANDLER.
H.R. 1362: Ms. MOORE of Wisconsin and Mr. NYE.
H.R. 1556: Mr. LARSON of Connecticut.
H.R. 1584: Mr. WALDEN and Ms. KOSMAS.
H.R. 1770: Mr. HOLDEN.
H.R. 1828: Mr. FRANK of Massachusetts.
H.R. 1844: Mr. HALL of Texas.
H.R. 1990: Mr. CRITZ.
H.R. 2000: Mr. POSEY.
H.R. 2067: Ms. FUDGE.
H.R. 2189: Mr. DJOU.
H.R. 2378: Mr. CRITZ.
H.R. 2455: Mr. HINCHEY, Mrs. MALONEY, and Ms. DELAURO.
H.R. 2480: Mrs. MILLER of Michigan.
H.R. 2515: Mr. PAYNE.
H.R. 2575: Mr. BARROW.
H.R. 2579: Mrs. MALONEY, Ms. MOORE of Wisconsin, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 2963: Mr. CRITZ.
H.R. 3012: Mr. CRITZ.
H.R. 3101: Ms. ESHOO.
H.R. 3168: Ms. DEGETTE.
H.R. 3189: Mr. HILL.
H. R. 3359: Mr. RODRIGUEZ, Ms. CLARKE, Mr. CLEAVER, Ms. HARMAN, Mr. SNYDER, Mr. MCDERMOTT, Mr. BACA, Mr. PALLONE, Mr. GUTIERREZ, Ms. EDWARDS of Maryland, Mr. FATTAH, Ms. JACKSON LEE of Texas, Mr. LARSON of Connecticut, Mrs. NAPOLITANO, Mr. JOHNSON of Georgia, and Mr. REYES.
H.R. 3470: Mr. CONYERS.
H.R. 3480: Mr. MORAN of Virginia.
H.R. 3519: Mrs. KIRKPATRICK of Arizona.
H.R. 3652: Mr. TURNER, Mr. ROGERS of Alabama, Mr. GORDON of Tennessee, Mr. SESSIONS, Mr. PETERSON, and Ms. WATERS.
H.R. 3716: Mr. TERRY.
H.R. 3764: Mr. SERRANO.
H.R. 3765: Mr. BACHUS.
H.R. 3790: Mr. SCHRADER and Mr. CRITZ.
H.R. 4038: Mrs. BLACKBURN.
H.R. 4191: Mr. KUCINICH.
H.R. 4195: Mr. SABLAN and Mr. CAPUANO.
H.R. 4278: Mr. LOBIONDO, Mr. MCCLINTOCK, and Mr. MINNICK.
H.R. 4335: Ms. BALDWIN and Mr. CONYERS.
H.R. 4347: Mr. SABLAN, Mr. COLE, Ms. RICHARDSON, and Mr. CLAY.
H.R. 4505: Mr. BROWN of South Carolina and Mr. RODRIGUEZ.
H.R. 4514: Mr. DAVIS of Illinois, Ms. SPEIER, Mr. BUTTERFIELD, and Mr. SABLAN.
H.R. 4533: Mr. CAPUANO, Mr. CONNOLLY of Virginia, and Mr. MEEK of Florida.
H.R. 4662: Mr. GRIJALVA.
H.R. 4684: Mr. ALTMIRE, Mrs. BLACKBURN, Mr. BOUCHER, Ms. MOORE of Wisconsin, Mr. GORDON of Tennessee, and Ms. HARMAN.
H.R. 4800: Mr. PAYNE.
H.R. 4806: Mr. SCHIFF.
H.R. 4813: Mr. ROGERS of Alabama.
H.R. 4832: Mr. JOHNSON of Georgia and Ms. LEE of California.
H.R. 4886: Ms. LORETTA SANCHEZ of California and Mr. MCGOVERN.
H.R. 4888: Ms. SPEIER and Ms. ESHOO.
H.R. 4914: Ms. WOOLSEY, Mr. HINCHEY, and Mr. STARK.
H.R. 4925: Ms. KOSMAS.
H.R. 4933: Mr. GRAYSON and Ms. SCHAKOWSKY.
H.R. 4943: Mr. GINGREY of Georgia.
H.R. 4947: Mr. PLATTS.
H.R. 4993: Mr. DENT.
H.R. 4996: Mrs. MYRICK.
H.R. 4999: Mr. BROUN of Georgia.
H.R. 5012: Mr. WEINER.
H.R. 5028: Mr. KUCINICH and Mr. WEINER.
H.R. 5029: Mr. OLSON.
H.R. 5090: Mr. KUCINICH and Mr. THOMPSON of Mississippi.
H.R. 5091: Ms. RICHARDSON.
H.R. 5092: Ms. KOSMAS and Mr. SABLAN.
H.R. 5121: Ms. DEGETTE.
H.R. 5141: Mr. UPTON and Mr. DJOU.
H.R. 5142: Ms. SHEA-PORTER.
H.R. 5156: Ms. GIFFORDS.
H.R. 5162: Mr. MILLER of Florida and Mrs. SCHMIDT.
H.R. 5200: Ms. RICHARDSON.
H.R. 5211: Mr. COURTNEY.
H.R. 5218: Mr. SARBANES.
H.R. 5226: Mr. LATOURETTE.
H.R. 5248: Mr. WEINER.
H.R. 5255: Mr. MCNERNEY.
H.R. 5260: Mr. ISRAEL and Mr. ACKERMAN.
H.R. 5268: Ms. DEGETTE and Mr. QUIGLEY.
H.R. 5300: Ms. SUTTON and Mr. CONYERS.
H.R. 5301: Mr. WALDEN.
H.R. 5304: Ms. LEE of California and Mr. SCOTT of Virginia.
H.R. 5307: Mr. NYE and Mr. LIPINSKI.
H.R. 5308: Ms. NORTON and Mr. MEEK of Florida.
H.R. 5312: Mrs. HALVORSON.
H.R. 5323: Mr. STEARNS.
H.R. 5340: Mr. HOEKSTRA, Mrs. BLACKBURN, and Mr. WESTMORELAND.
H.R. 5355: Mr. WEINER.
H.R. 5385: Mrs. MCMORRIS RODGERS, Mr. MCGOVERN, and Mr. SABLAN.
H.R. 5412: Mr. HODES.
H.R. 5426: Mr. UPTON.
H.R. 5434: Mr. MOORE of Kansas, Mr. GRIJALVA, and Mr. PLATTS.
H.R. 5439: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 5441: Mr. MOORE of Kansas.
H.R. 5449: Mr. FILNER, Mr. GRIJALVA, Mr. WEINER, and Mr. MCGOVERN.
H.R. 5476: Mr. GARAMENDI.
H.R. 5478: Ms. KILROY.
H. Con. Res. 18: Mr. SESSIONS.
H. Con. Res. 110: Mr. MARSHALL.
H. Con. Res. 122: Ms. SCHAKOWSKY.
H. Con. Res. 200: Mr. SESSIONS.
H. Con. Res. 219: Mr. SMITH of Nebraska.
H. Con. Res. 259: Mr. CAPUANO, Mrs. MCCARTHY of New York, Mr. OBERSTAR, and Mr. SIRES.
H. Con. Res. 275: Mr. PRICE of North Carolina, Ms. BALDWIN, Mr. COSTELLO, Mr. BACA, Ms. RICHARDSON, Mr. RODRIGUEZ, Mr. WAXMAN, Mr. COHEN, Mr. LEWIS of Georgia, and Mr. CASTLE.
H. Con. Res. 279: Mr. BARTLETT, Mr. LAMBORN, Mr. NEUGEBAUER, Mr. OLSON, Mrs. BLACKBURN, Mr. FLEMING, Mrs. BACHMANN, Mr. ISSA, and Mr. AKIN.
H. Con. Res. 280: Mr. GUTIERREZ.
H. Con. Res. 281: Mrs. BLACKBURN.
H. Con. Res. 283: Mr. ALTMIRE and Mr. CRITZ.
H. Res. 22: Mr. FALEOMAVAEGA.
H. Res. 173: Mr. DENT and Mr. PERRIELLO.
H. Res. 333: Mr. SERRANO and Mr. HINCHEY.
H. Res. 363: Mr. RUSH.
H. Res. 536: Mr. HIMES.
H. Res. 546: Mr. BUTTERFIELD, Mr. MEEK of Florida, Mr. KUCINICH, and Mr. HIMES.
H. Res. 771: Mr. FRANK of Massachusetts.
H. Res. 1226: Ms. BERKLEY and Mr. BURGESS.
H. Res. 1230: Mr. BROUN of Georgia.
H. Res. 1241: Mr. OLSON and Mr. BRADY of Texas.
H. Res. 1322: Mr. PETRI, Ms. NORTON, and Mr. PRICE of North Carolina.
H. Res. 1335: Mrs. MALONEY.
H. Res. 1381: Mr. MEEK of Florida, Mr. SESTAK, and Ms. MATSUI.
H. Res. 1393: Mr. FRANK of Massachusetts, Mr. FILNER, Ms. ZOE LOFGREN of California, and Ms. ROYBAL-ALLARD.
H. Res. 1394: Ms. RICHARDSON and Mr. PRICE of North Carolina.
H. Res. 1395: Mr. COBLE.
H. Res. 1396: Ms. NORTON.
H. Res. 1401: Mr. COURTNEY, Ms. CLARKE, Ms. MARKEY of Colorado, and Ms. SUTTON.
H. Res. 1406: Mr. YOUNG of Alaska, Mr. MCKEON, Mrs. MCMORRIS RODGERS, Mr. MCCLINTOCK, Mr. CASSIDY, and Mr. DUNCAN.
H. Res. 1412: Mr. ROTHMAN of New Jersey, Mr. MCCAUL, Ms. KILROY, Mr. POE of Texas, Mr. COHEN, Mrs. MYRICK, Ms. ROS-LEHTINEN, Mr. KIRK, Mr. REHBERG, Mr. CRENSHAW, Mr. JACKSON of Illinois, and Mrs. LOWEY.
H. Res. 1427: Mr. MCNERNEY, Mr. BECERRA, and Mr. COSTA.

THURSDAY, JUNE 10, 2010 (72)

The House was called to order by the SPEAKER.

¶72.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, June 9, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶72.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7850. A letter from the Director of Legislative Affairs, Natural Resources Conservation Service, Department of Agriculture, transmitting the Department's ''Major'' final rule — Conservation Stewardship Program (RIN: 0578-AA43) received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7851. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

7852. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Modification of Jet Route J-3; Spokane, WA [Docket No.: FAA-2010-0008; Airspace Docket No. 09-ANM-21] received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7853. A letter from the Secretary, Department of Commerce, transmitting letter of certification, pursuant to Public Law 105-261, section 1512; to the Committee on Foreign Affairs.

7854. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Foreign Affairs.

7855. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Ohio Advisory Committee; to the Committee on the Judiciary.

7856. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from the Canoga Avenue facility, Los Angeles County, California, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

7857. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30722; Amdt. No. 487] received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7858. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2010-0435; Directorate Identifier 2010-NM-084-AD; Amendment 39-16283; AD 2010-10-04] (RIN: 2120-AA64) received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7859. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Emmetsburg, IA [Docket No.: FAA-2009-1153; Airspace Docket No. 09-ACE-13] received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7860. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mapleton, IA [Docket No.: FAA-2009-1155; Airspace Docket No. 09-ACE-14] received Paralegal Specialist, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶72.3 OIL SPILL LIABILITY TRUST FUND

Mr. OBERSTAR moved to suspend the rules and pass the bill of the Senate (S. 3473) to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability trust fund for the Deepwater Horizon oil spill.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, recognized Mr. OBERSTAR and Mr. MICA, each for 20 minutes.

After debate,

By unanimous consent, the time for debate was extended by 10 minutes to be equally divided and controlled by Mr. OBERSTAR and Mr. MICA.

After further debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CUMMINGS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶72.4 FHA MORTGAGE INSURANCE PROGRAM

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, pursuant to House Resolution 1424 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program.

Mr. PASTOR of Arizona, Acting Chairman, assumed the chair; and after some time spent therein,

¶72.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 111-503, submitted by Ms. WATERS:

Page 9, line 19, after ''single family'' insert ''residences''.

Page 18, line 24, strike ''12-month'' and insert ''18-month''.

Page 14, after line 16, insert the following new section:

SEC. 13. AUTHORIZATION TO PARTICIPATE IN THE ORIGINATION OF FHA-INSURED LOANS.

(a) SINGLE FAMILY MORTGAGES.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) Have been made to a mortgagee approved by the Secretary or to a person or entity authorized by the Secretary under section 202(d)(1) to participate in the origination of the mortgage, and be held by a mortgagee approved by the Secretary as responsible and able to service the mortgage properly.''.

(b) HOME EQUITY CONVERSION MORTGAGES.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) have been originated by a mortgagee approved by, or by a person or entity authorized under section 202(d)(1) to participate in the origination by, the Secretary;''.

Page 14, line 17, strike ''**13**'' and insert ''**14**''.

Page 15, line 14, strike ''**14**'' and insert ''**15**''.

Strike line 23 on page 18 and all that follows through page 22, line 20, and insert the following:

SEC. 16. GAO REPORT ON FHA.

Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report on the single family mortgage insurance programs of the Secretary of Housing and Urban Development and the Mutual Mortgage Insurance Fund established under section 202(a) of the National Housing Act (12 U.S.C. 1708(a)) that—

(1) analyzes such Fund, the economic net worth, capital ratio, and unamortized insurance-in-force (as such terms are defined in section 205(f)(4) of such Act (12 U.S.C. 1711(f)(4))) of such Fund, the risks to the Fund, how the capital ratio of the Fund affects the mortgage insurance programs under the Fund and the broader housing market, the extent to which the housing markets are more dependent on mortgage insurance provided through the Fund since the financial crisis began in 2008, and the exposure of the taxpayers for obligations of the Fund;

(2) analyzes the methodology for determining the Fund's capital ratio under section 205(f) of such Act and examines alternative methods for assessing the Fund's financial condition and their potential impacts on the Fund's ability to meet the operational goals under section 202(a)(7) of such Act;

(3) analyzes the potential effects of the increases in the limits on the maximum principal obligation of mortgages made by the FHA Modernization Act of 2008 (title I of division B of Public Law 110–289), section 202 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620), section 1202 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 225), and section 166 of the Continuing Appropriations Resolution, 2010 (as added by section 104 of division B of Public Law 111–88; 123 Stat. 29723) on—

(A) the risks to and safety and soundness of the Fund;

(B) the impact on the affordability and availability of mortgage credit for borrowers for loans authorized under such higher loan limits;

(C) the private market for residential mortgage loans that are not insured by the Secretary of Housing and Urban Development; and

(D) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; and

(4) analyzes the impact on affordability to FHA borrowers, and the impact to the Fund, of seller concessions or contributions to a borrower purchasing a residence using a mortgage that is insured by the Secretary.

At the end of the bill, add the following new sections:

SEC. 17. INCREASED LOAN LIMITS FOR DESIGNATED COUNTIES.

(a) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') may increase the dollar amount limitations on the principal obligation of mortgages otherwise

determined under section 203(b)(2) of the National Housing Act for any county that is designated under this section.

(b) PROCEDURE.—

(1) FEDERAL REGISTER NOTICE.—Any designation of a county under this section shall be made only pursuant to application by the county for such designation, in accordance with procedures that the Secretary may establish. The Secretary may establish such procedures only by publication in the Federal Register not later than 60 days after the date of the enactment of this Act.

(2) FINAL DETERMINATION.—If the Secretary establishes procedures for applications under paragraph (1) and receives a completed application for designation under this section of a county in accordance with such procedures, the Secretary shall issue a final determination regarding such application for designation, based on the criteria under subsection (c), not later than 60 days after such receipt.

(c) DETERMINATION CRITERIA.—The Secretary may designate an applicant county under this section only if the county is located within a micropolitan area (as such term is defined by the Director of the Office of Management and Budget) and meets the following criteria:

(1) More than 70 percent of the border of the applicant county abuts two or more metropolitan statistical areas (as such term is defined by the Director of the Office of Management and Budget) for which each dollar amount limitation on the principal obligation of a mortgage that may be insured under section 203 of the National Housing Act, in effect at the time of such determination, is at least 40 percent greater than the dollar amount limitation for the same size residence for the applicant county. For purposes of such calculation, the dollar amount limitations of such abutting counties shall not include any increase attributable to the authority under this section.

(2) The applicant county has experienced significant population growth, as evidenced by an increase of 15 percent or more during the 10 years preceding the application, according to statistics of the United States Census Bureau or such other appropriate criteria as the Secretary shall establish.

(3) The dollar amount limitation on the principal obligation of a mortgage on housing in the applicant county that may be insured under section 203 of the National Housing Act, in effect at the time of such application, is the minimum such dollar amount limitation allowable under the matter that follows clause (ii) in section 203(b)(2)(A) of the National Housing Act.

(d) ESTABLISHMENT OF LOAN LIMITS.—For a county designated under this section, the Secretary may increase the maximum dollar amount limitations on the principal obligation of mortgages otherwise determined under section 203(b)(2) of the National Housing Act to such levels as are appropriate, taking into consideration the criteria established for such designation, but not to exceed the dollar amount limitations for the abutting metropolitan statistical area meeting the requirements of subsection (c)(1) that has the lowest such dollar amount limitations.

(e) EFFECTIVE DATE AND TERM OF DESIGNATION OF NEW COUNTYWIDE LOAN LIMITS.—A designation of a county under this section, and the maximum dollar amount limitations for such county pursuant to subsection (d), shall—

(1) take effect upon the expiration of the 60-day period that begins upon the final determination for the county referred to in subsection (b)(2); and

(2) remain in effect until the end of the calendar year in which such designation takes effect.

(f) LOAN LIMITS FOR SUCCEEDING YEARS.—With respect to each calendar year immediately following the calendar year in which a county is designated under this subsection, the Secretary may, notwithstanding any other provision of law, continue or adjust the dollar amount limitations in effect pursuant to this section for such designated county for such preceding year, as appropriate, consistent with the criteria under this section.

SEC. 18. IDENTIFICATION REQUIREMENTS FOR BORROWERS.

Section 203 of the National Housing Act (12 U.S.C. 1709), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(z) IDENTIFICATION REQUIREMENTS FOR BORROWERS.—No mortgage on a 1- to 4-family dwelling may be insured under this title unless the mortgagor under such mortgage—

''(1) provides a valid Social Security Number; and

''(2) is (A) a United States citizen, (B) a lawful permanent resident alien, or (C) a non-permanent resident alien who legally resides in and is authorized to work in the United States.

The Secretary shall establish policies under which mortgagees verify compliance with the requirements under this subsection.''.

It was decided in the affirmative { Yeas ..... 417 / Nays 3

¶72.6 [Roll No. 347]

AYES—417

Ackerman	Cao	Edwards (MD)
Aderholt	Capito	Edwards (TX)
Adler (NJ)	Capps	Ehlers
Akin	Capuano	Ellison
Alexander	Cardoza	Ellsworth
Altmire	Carnahan	Emerson
Andrews	Carney	Engel
Arcuri	Carson (IN)	Etheridge
Austria	Carter	Fallin
Baca	Cassidy	Farr
Bachmann	Castle	Fattah
Bachus	Castor (FL)	Filner
Baird	Chaffetz	Fleming
Baldwin	Chandler	Forbes
Barrow	Childers	Fortenberry
Bartlett	Christensen	Foster
Barton (TX)	Chu	Foxx
Bean	Clarke	Frank (MA)
Becerra	Clay	Franks (AZ)
Berkley	Cleaver	Frelinghuysen
Berman	Clyburn	Fudge
Berry	Coble	Gallegly
Biggert	Coffman (CO)	Garamendi
Bilbray	Cohen	Garrett (NJ)
Bilirakis	Cole	Gerlach
Bishop (GA)	Conaway	Giffords
Bishop (NY)	Connolly (VA)	Gingrey (GA)
Bishop (UT)	Conyers	Gohmert
Blackburn	Cooper	Gonzalez
Blumenauer	Costa	Goodlatte
Blunt	Costello	Gordon (TN)
Boccieri	Courtney	Granger
Boehner	Crenshaw	Graves
Bonner	Critz	Grayson
Bono Mack	Crowley	Green, Al
Boozman	Cuellar	Green, Gene
Bordallo	Culberson	Griffith
Boren	Cummings	Grijalva
Boswell	Dahlkemper	Guthrie
Boucher	Davis (AL)	Gutierrez
Boustany	Davis (KY)	Hall (NY)
Boyd	Davis (TN)	Hall (TX)
Brady (PA)	DeFazio	Halvorson
Brady (TX)	DeGette	Hare
Braley (IA)	Delahunt	Harper
Bright	DeLauro	Hastings (FL)
Brown (SC)	Dent	Hastings (WA)
Brown, Corrine	Deutch	Heinrich
Brown-Waite, Ginny	Diaz-Balart, L.	Heller
	Diaz-Balart, M.	Hensarling
Buchanan	Dicks	Herger
Burgess	Dingell	Herseth Sandlin
Burton (IN)	Djou	Higgins
Butterfield	Doggett	Hill
Buyer	Donnelly (IN)	Himes
Calvert	Doyle	Hinchey
Camp	Dreier	Hirono
Campbell	Driehaus	Hodes
Cantor	Duncan	Holden
Holt	Meek (FL)	Sánchez, Linda T.
Honda	Meeks (NY)	Sanchez, Loretta
Hoyer	Melancon	Sarbanes
Hunter	Mica	Scalise
Inslee	Michaud	Schakowsky
Israel	Miller (FL)	Schauer
Issa	Miller (MI)	Schiff
Jackson (IL)	Miller (NC)	Schmidt
Jackson Lee (TX)	Miller, Gary	Schock
	Miller, George	Schrader
Jenkins	Minnick	Schwartz
Johnson (IL)	Mitchell	Scott (GA)
Johnson, E. B.	Mollohan	Scott (VA)
Johnson, Sam	Moore (KS)	Sensenbrenner
Jones	Moore (WI)	Serrano
Jordan (OH)	Moran (KS)	Sessions
Kagen	Moran (VA)	Sestak
Kanjorski	Murphy (CT)	Shadegg
Kaptur	Murphy (NY)	Shea-Porter
Kildee	Murphy, Patrick	Sherman
Kilroy	Murphy, Tim	Shimkus
Kind	Myrick	Shuler
King (IA)	Nadler (NY)	Simpson
King (NY)	Napolitano	Sires
Kingston	Neal (MA)	Skelton
Kirk	Neugebauer	Slaughter
Kirkpatrick (AZ)	Norton	Smith (NE)
Kissell	Nunes	Smith (NJ)
Klein (FL)	Nye	Smith (TX)
Kline (MN)	Oberstar	Smith (WA)
Kosmas	Obey	Snyder
Kratovil	Olver	Space
Kucinich	Ortiz	Speier
Lamborn	Owens	Spratt
Lance	Pallone	Stark
Langevin	Pascrell	Stearns
Larsen (WA)	Pastor (AZ)	Stupak
Larson (CT)	Paulsen	Sullivan
Latham	Payne	Sutton
LaTourette	Pence	Tanner
Latta	Perlmutter	Taylor
Lee (CA)	Perriello	Teague
Lee (NY)	Peters	Terry
Levin	Peterson	Thompson (CA)
Lewis (CA)	Petri	Thompson (MS)
Linder	Pierluisi	Thompson (PA)
Lipinski	Pingree (ME)	Thornberry
LoBiondo	Pitts	Tiahrt
Loebsack	Platts	Tiberi
Lofgren, Zoe	Poe (TX)	Tierney
Lowey	Polis (CO)	Titus
Lucas	Pomeroy	Tonko
Luetkemeyer	Posey	Towns
Luján	Price (GA)	Tsongas
Lummis	Price (NC)	Turner
Lungren, Daniel E.	Quigley	Upton
	Radanovich	Van Hollen
Lynch	Rahall	Velázquez
Mack	Rangel	Visclosky
Maffei	Rehberg	Walden
Maloney	Reichert	Walz
Manzullo	Reyes	Wamp
Marchant	Richardson	Wasserman Schultz
Markey (CO)	Rodriguez	
Markey (MA)	Roe (TN)	Waters
Marshall	Rogers (AL)	Watson
Matheson	Rogers (KY)	Watt
Matsui	Rogers (MI)	Waxman
McCarthy (CA)	Rohrabacher	Weiner
McCarthy (NY)	Rooney	Welch
McCaul	Ros-Lehtinen	Westmoreland
McClintock	Roskam	Whitfield
McCollum	Ross	Wilson (OH)
McCotter	Rothman (NJ)	Wilson (SC)
McDermott	Roybal-Allard	Wittman
McGovern	Royce	Wolf
McIntyre	Ruppersberger	Woolsey
McKeon	Rush	Wu
McMahon	Ryan (OH)	Yarmuth
McMorris Rodgers	Ryan (WI)	Young (AK)
	Sablan	Young (FL)
McNerney	Salazar	

NOES—3

Broun (GA)	Flake	Paul

NOT VOTING—17

Barrett (SC)	Hinojosa	Lewis (GA)
Davis (CA)	Hoekstra	McHenry
Davis (IL)	Inglis	Olson
Eshoo	Johnson (GA)	Putnam
Faleomavaega	Kennedy	Shuster
Harman	Kilpatrick (MI)	

So the amendment was agreed to.

¶72.7 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE ARTHUR A. LINK

The Acting Chairman, Mr. CUELLAR, announced that all Members stand and observe a moment of silence in memory of the late Honorable Arthur A. Link.

¶72.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 111-503, submitted by Mr. GARRETT of New Jersey:

Page 3, after line 16, insert the following new section:

SEC. 3. DOWNPAYMENT REQUIREMENT OF 5 PERCENT AND PROHIBITION OF FINANCING OF CLOSING COSTS.

Section 203 of the National Housing Act (12 U.S.C. 1709) is amended—

(1) in subsection (b)(9)(A), by striking ''3.5 percent'' and inserting ''5.0 percent''; and

(2) in subsections (b)(2) and (k)(3)(A), by striking ''(including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve)'' each place such term appears and inserting ''(which may not include any initial service charges, appraisal, inspection, or other fees or closing costs as the Secretary shall prohibit)''.

It was decided in the negative { Yeas ..... 131 / Nays 289

¶72.9 [Roll No. 348]

AYES—131

Akin	Fortenberry	Myrick
Alexander	Foxx	Neugebauer
Austria	Franks (AZ)	Nunes
Bachmann	Garrett (NJ)	Olson
Bachus	Gingrey (GA)	Paul
Bartlett	Gohmert	Pence
Barton (TX)	Goodlatte	Petri
Bilirakis	Granger	Pitts
Bishop (UT)	Graves	Platts
Blackburn	Griffith	Poe (TX)
Blunt	Hall (TX)	Price (GA)
Boehner	Halvorson	Roe (TN)
Bonner	Harper	Rogers (AL)
Bono Mack	Hastings (WA)	Rogers (MI)
Boozman	Hensarling	Rohrabacher
Boustany	Herger	Rooney
Brady (TX)	Hunter	Ros-Lehtinen
Broun (GA)	Issa	Roskam
Brown (SC)	Jenkins	Royce
Burgess	Johnson (IL)	Ryan (WI)
Burton (IN)	Johnson, Sam	Scalise
Buyer	Jones	Schmidt
Camp	Jordan (OH)	Schock
Campbell	Kagen	Schrader
Cantor	King (NY)	Sensenbrenner
Carter	Kingston	Sessions
Cassidy	Kirk	Shadegg
Chaffetz	Lamborn	Shimkus
Coffman (CO)	Latta	Smith (NE)
Cole	Linder	Smith (TX)
Conaway	Lucas	Smith (WA)
Crenshaw	Luetkemeyer	Stearns
Culberson	Lummis	Sullivan
Davis (KY)	Mack	Thompson (PA)
Dent	Manzullo	Thornberry
Diaz-Balart, L.	McCaul	Tiahrt
Diaz-Balart, M.	McClintock	Tiberi
Doggett	McMorris Rodgers	Upton
Dreier	Mica	Walden
Duncan	Miller (FL)	Wamp
Emerson	Minnick	Westmoreland
Fallin	Mitchell	Whitfield
Flake	Moran (KS)	Wilson (SC)
Forbes		Wolf

NOES—289

Ackerman	Baird	Berry
Aderholt	Baldwin	Biggert
Adler (NJ)	Barrow	Bilbray
Altmire	Bean	Bishop (GA)
Andrews	Becerra	Bishop (NY)
Arcuri	Berkley	Boccieri
Baca	Berman	Bordallo
Boren	Hill	Ortiz
Boswell	Himes	Owens
Boucher	Hinchey	Pallone
Boyd	Hirono	Pascrell
Brady (PA)	Hodes	Pastor (AZ)
Braley (IA)	Holden	Paulsen
Bright	Holt	Payne
Brown, Corrine	Honda	Perlmutter
Brown-Waite, Ginny	Hoyer	Perriello
Buchanan	Inslee	Peters
Calvert	Israel	Peterson
Cao	Jackson (IL)	Pierluisi
Capito	Jackson Lee (TX)	Pingree (ME)
Capps	Johnson (GA)	Polis (CO)
Capuano	Johnson, E. B.	Pomeroy
Cardoza	Kanjorski	Posey
Carnahan	Kaptur	Price (NC)
Carney	Kennedy	Quigley
Carson (IN)	Kildee	Rahall
Castle	Kilroy	Rangel
Castor (FL)	Kind	Rehberg
Chandler	King (IA)	Reichert
Childers	Kirkpatrick (AZ)	Reyes
Christensen	Kissell	Richardson
Chu	Klein (FL)	Rodriguez
Clarke	Kline (MN)	Rogers (KY)
Clay	Kosmas	Ross
Cleaver	Kratovil	Rothman (NJ)
Clyburn	Kucinich	Roybal-Allard
Coble	Lance	Ruppersberger
Cohen	Langevin	Rush
Connolly (VA)	Larsen (WA)	Ryan (OH)
Conyers	Larson (CT)	Sablan
Cooper	Latham	Salazar
Costa	LaTourette	Sánchez, Linda T.
Costello	Lee (CA)	Sanchez, Loretta
Courtney	Lee (NY)	Sarbanes
Critz	Levin	Schakowsky
Crowley	Lewis (CA)	Schauer
Cuellar	Lewis (GA)	Schiff
Cummings	Lipinski	Schwartz
Dahlkemper	LoBiondo	Scott (GA)
Davis (AL)	Loebsack	Scott (VA)
Davis (TN)	Lofgren, Zoe	Serrano
DeFazio	Lowey	Sestak
DeGette	Luján	Shea-Porter
Delahunt	Lungren, Daniel E.	Sherman
DeLauro	Lynch	Shuler
Deutch	Maffei	Simpson
Dicks	Maloney	Sires
Dingell	Marchant	Skelton
Djou	Markey (CO)	Slaughter
Donnelly (IN)	Markey (MA)	Smith (NJ)
Doyle	Marshall	Snyder
Driehaus	Matheson	Space
Edwards (MD)	Matsui	Speier
Edwards (TX)	McCarthy (CA)	Stark
Ehlers	McCarthy (NY)	Stupak
Ellison	McCollum	Sutton
Ellsworth	McCotter	Tanner
Engel	McDermott	Taylor
Etheridge	McIntyre	Teague
Farr	McKeon	Terry
Fattah	McMahon	Thompson (CA)
Filner	McNerney	Thompson (MS)
Fleming	Meek (FL)	Tierney
Foster	Meeks (NY)	Titus
Frank (MA)	Melancon	Tonko
Frelinghuysen	Michaud	Towns
Fudge	Miller (MI)	Tsongas
Gallegly	Miller (NC)	Turner
Garamendi	Miller, Gary	Van Hollen
Gerlach	Miller, George	Velázquez
Giffords	Mollohan	Visclosky
Gonzalez	Moore (KS)	Walz
Gordon (TN)	Moore (WI)	Wasserman Schultz
Grayson	Moran (VA)	Waters
Green, Al	Murphy (CT)	Watson
Green, Gene	Murphy (NY)	Watt
Grijalva	Murphy, Patrick	Waxman
Guthrie	Murphy, Tim	Weiner
Gutierrez	Nadler (NY)	Welch
Hall (NY)	Napolitano	Wilson (OH)
Hare	Neal (MA)	Wittman
Harman	Norton	Woolsey
Hastings (FL)	Nye	Wu
Heinrich	Oberstar	Yarmuth
Heller	Obey	Young (AK)
Herseth Sandlin	Olver	Young (FL)
Higgins		

NOT VOTING—17

Barrett (SC)	Faleomavaega	McHenry
Blumenauer	Hinojosa	Putnam
Butterfield	Hoekstra	Radanovich
Davis (CA)	Inglis	Shuster
Davis (IL)	Kilpatrick (MI)	Spratt
Eshoo	McGovern	

So the amendment was not agreed to.

¶72.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 111-503, submitted by Mr. PRICE of Georgia:

At the end of the bill, add the following new section:

SEC. 16. LIMITING ON FHA SHARE OF MORTGAGE MARKET.

(a) 10 PERCENT LIMITATION.—Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by inserting after subsection (h) the following new subsection:

''(i) LIMITATION ON FHA MARKET SHARE.—Notwithstanding any other provision of law, the aggregate number of mortgages secured by one- to four-family dwellings that are insured under this title in fiscal year 2012 or any fiscal year thereafter may not exceed 10 percent of the aggregate number of mortgages on such dwellings originated in the United States (but not including mortgages insured under this title), as determined by the Secretary after consultation with appropriate Federal financial regulatory agencies, during the preceding fiscal year.''.

(b) PLAN.—Not later than the expiration of the 90-day period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Congress a plan setting forth a strategy and actions to be taken to ensure compliance with section 203(i) of the National Housing Act, as added by the amendment made by subsection (a) of this section.

It was decided in the negative { Yeas ..... 106 / Nays 316

¶72.11 [Roll No. 349]

AYES—106

Akin	Fortenberry	Myrick
Alexander	Foxx	Neugebauer
Austria	Franks (AZ)	Nunes
Bachmann	Garrett (NJ)	Olson
Bachus	Gingrey (GA)	Paul
Bartlett	Gohmert	Pence
Barton (TX)	Granger	Petri
Bilirakis	Graves	Pitts
Bishop (UT)	Griffith	Poe (TX)
Blackburn	Hall (TX)	Price (GA)
Boehner	Harper	Rangel
Bonner	Hastings (WA)	Roe (TN)
Boustany	Hensarling	Rogers (AL)
Brady (TX)	Herger	Rogers (MI)
Broun (GA)	Issa	Rooney
Burgess	Jenkins	Ros-Lehtinen
Burton (IN)	Johnson (IL)	Royce
Buyer	Johnson, Sam	Ryan (WI)
Camp	Jones	Scalise
Cantor	Jordan (OH)	Schock
Capito	King (IA)	Sensenbrenner
Carter	Kingston	Sessions
Cassidy	Lamborn	Shadegg
Castle	Latta	Shimkus
Chaffetz	Linder	Smith (NE)
Coffman (CO)	Luetkemeyer	Smith (TX)
Conaway	Lummis	Stearns
Crenshaw	Mack	Thompson (PA)
Culberson	Marchant	Thornberry
Davis (KY)	McCaul	Tiahrt
Diaz-Balart, L.	McClintock	Upton
Diaz-Balart, M.	McMorris Rodgers	Westmoreland
Dreier	Miller (FL)	Whitfield
Emerson	Moran (KS)	Wilson (SC)
Flake	Murphy, Tim	Young (AK)
Fleming		

NOES—316

Ackerman	Becerra	Bono Mack
Aderholt	Berkley	Boozman
Adler (NJ)	Berman	Bordallo
Altmire	Berry	Boren
Andrews	Biggert	Boswell
Arcuri	Bilbray	Boucher
Baca	Bishop (GA)	Boyd
Baird	Bishop (NY)	Brady (PA)
Baldwin	Blumenauer	Braley (IA)
Barrow	Blunt	Bright
Bean	Boccieri	Brown (SC)

Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Campbell
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Goodlatte
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rohrabacher
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—15

Barrett (SC)
Davis (CA)
Davis (IL)
Eshoo
Faleomavaega
Garamendi
Gordon (TN)
Hinojosa
Hoekstra
Inglis
Kilpatrick (MI)
Manzullo
McHenry
Putnam
Shuster

So the amendment was not agreed to.

¶72.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 9, printed in House Report 111-503, submitted by Mr. TURNER:

At the end of the bill, add the following new section:

SEC. 16. FHA MAXIMUM LOAN LIMITS FOR 2010.

Section 166 of the Continuing Appropriations Resolution, 2010 (as added by section 104 of Public Law 111–88; 123 Stat. 2972) is amended—

(1) in subsection (a), by striking ''For'' and inserting ''Except as provided in subsection (c), for'';

(2) in subsection (b), by inserting ''the lesser of the applicable amount under subsection (c) of this section or'' after ''but in no case to an amount that exceeds'' ; and

(3) by adding at the end the following new subsection:

''(c) ABSOLUTE CEILING LIMITS.—Notwithstanding any other provision of this section, the maximum dollar amount limitation on the principal obligation of a mortgage determined under this section for any area or subarea may not exceed, in the case of a one-family residence, $500,000, and in the case of a 2-, 3-, or 4-family residence, the percentage of such amount that bears the same ratio to such amount as the dollar amount limitation determined under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined under such section for a 1-family residence.''.

It was decided in the negative ..... { Yeas ..... 121 / Nays 301

¶72.13 [Roll No. 350]

AYES—121

Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Boustany
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Crenshaw
Davis (KY)
Davis (TN)
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Duncan
Emerson
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Goodlatte
Granger
Graves
Griffith
Harper
Hastings (WA)
Hensarling
Herger
Herseth Sandlin
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Lamborn
LaTourette
Latta
Linder
Loebsack
Luetkemeyer
Mack
Marchant
Marshall
McCaul
McClintock
McCotter
McMorris Rodgers
Melancon
Miller (FL)
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Stearns
Sullivan
Sutton
Teague
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Wilson (SC)
Young (AK)

NOES—301

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Campbell
Cao
Capps
Capuano
Cardoza
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Dicks
Dingell
Djou
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirk
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch

Westmoreland
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—15

Barrett (SC)
Carnahan
Davis (CA)
Davis (IL)
Eshoo
Garamendi
Gohmert
Hinojosa
Hoekstra
Inglis
Kilpatrick (MI)
McHenry
Putnam
Schrader
Shuster

So the amendment was not agreed to.

¶72.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 12, printed in House Report 111-503, submitted by Mr. EDWARDS of Texas:

At the end of the bill, add the following new section:

SEC. 16. REQUIRED CERTIFICATIONS.

Section 203 of the National Housing Act (12 U.S.C. 1709), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(z) REQUIRED CERTIFICATIONS.—Notwithstanding any other provision of law, the Secretary may not insure any mortgage secured by a one- to four-family dwelling unless the mortgagor under such mortgage certifies, under penalty of perjury, that the mortgagor has not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).''.

It was decided in the affirmative ..... { Yeas ..... 420 / Nays 4

¶72.15 [Roll No. 351]

AYES—420

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—4

Filner
Nadler (NY)
Paul
Scott (VA)

NOT VOTING—13

Barrett (SC)
Davis (CA)
Davis (IL)
Eshoo
Hinojosa
Hoekstra
Inglis
Kilpatrick (MI)
Lofgren, Zoe
McCarthy (NY)
McHenry
Putnam
Shuster

So the amendment was agreed to.

¶72.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 13, printed in House Report 111-503, submitted by Mr. MAFFEI:

At the end of the bill, add the following new section:

SEC. 16. PROHIBITION ON USE OF FUNDS FOR CERTAIN FEDERAL EMPLOYEES.

None of the funds authorized under this Act or any amendment made by this Act may be used to pay the salary of any individual engaged in activities related to title II of the National Housing Act who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays ..... 0 / Answered present 1

¶72.17 [Roll No. 352]

AYES—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich

Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Edwards (MD)

NOT VOTING—20

Barrett (SC)
Davis (CA)
Davis (IL)
Delahunt
Eshoo
Giffords
Gordon (TN)
Gutierrez
Hinojosa
Hoekstra
Inglis
Kilpatrick (MI)
Lofgren, Zoe
McHenry
Putnam
Sessions
Shuster
Smith (TX)
Stark
Wu

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. WEINER, assumed the Chair.

When Mr. CUELLAR, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''FHA Reform Act of 2010''.

SEC. 2. MORTGAGE INSURANCE PREMIUMS.

Subparagraph (B) of section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)(B)) is amended—

(1) in the matter preceding clause (i)—

(A) by striking ''shall'' and inserting ''may''; and

(B) by striking ''0.50 percent'' and inserting ''1.5 percent''; and

(2) in clause (ii), by striking ''shall be in an amount not exceeding 0.55 percent'' and inserting ''may be in an amount not exceeding 1.55 percent''.

SEC. 3. INDEMNIFICATION BY MORTGAGEES.

Section 202 of the National Housing Act (12 U.S.C. 1708) is amended by adding at the end the following new subsection:

''(i) INDEMNIFICATION BY MORTGAGEES.—

''(1) IN GENERAL.—If the Secretary determines that a mortgage executed by a mortgagee approved by the Secretary under the direct endorsement program or insured by a mortgagee pursuant to the delegation of authority under section 256 was not originated or underwritten in accordance with the requirements established by the Secretary, and the Secretary pays an insurance claim with respect to the mortgage within a reasonable period specified by the Secretary, the Secretary may require the mortgagee approved by the Secretary under the direct endorsement program or the mortgagee delegated authority under section 256 to indemnify the Secretary for the loss.

''(2) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation was involved in connection with the origination or underwriting, the Secretary may require the mortgagee approved by the Secretary under the direct endorsement program or the mortgagee delegated authority under section 256 to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

''(3) REQUIREMENTS AND PROCEDURES.—The Secretary shall issue regulations establishing appropriate requirements and procedures governing the indemnification of the Secretary by the mortgagee.''.

SEC. 4. DELEGATION OF INSURING AUTHORITY.

Section 256 of the National Housing Act (12 U.S.C. 1715z–21) is amended—

(1) by striking subsection (c);

(2) in subsection (e), by striking '', including'' and all that follows through ''by the mortgagee''; and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 5. AUTHORITY TO TERMINATE MORTGAGEE ORIGINATION AND UNDERWRITING APPROVAL.

Section 533 of the National Housing Act (12 U.S.C. 1735f–11) is amended—

(1) in the first sentence of subsection (b), by inserting ''or areas or on a nationwide basis'' after ''area'' each place such term appears; and

(2) in subsection (c), by striking ''(c)'' and all that follows through ''The Secretary'' in the first sentence of paragraph (2) and inserting the following:

''(c) TERMINATION OF MORTGAGEE ORIGINATION AND UNDERWRITING APPROVAL.—

''(1) TERMINATION AUTHORITY.—If the Secretary determines, under the comparison provided in subsection (b), that a mortgagee has a rate of early defaults and claims that is excessive, the Secretary may terminate the approval of the mortgagee to originate or underwrite single family mortgages for any area, or areas, or on a nationwide basis, notwithstanding section 202(c) of this Act.

''(2) PROCEDURE.—The Secretary''.

SEC. 6. DEPUTY ASSISTANT SECRETARY OF FHA FOR RISK MANAGEMENT AND REGULATORY AFFAIRS.

(a) ESTABLISHMENT OF POSITION.—Subsection (b) of section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533(b)) is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following new paragraph:

''(2) There shall be in the Department, within the Federal Housing Administration, a Deputy Assistant Secretary for Risk Management and Regulatory Affairs, who shall be appointed by the Secretary and shall be responsible to the Federal Housing Commissioner for all matters relating to managing and mitigating risk to the mortgage insurance funds of the Department and ensuring the performance of mortgages insured by the Department.''.

(b) TERMINATION.—Upon the appointment and confirmation of the initial Deputy Assistant Secretary for Risk Management and Regulatory Affairs pursuant to section 4(b)(2) of the Department of Housing and Urban Development Act, as amended by subsection (a) of this section, the position of chief risk officer within the Federal Housing Administration, filled by appointment by the Federal Housing Commissioner, is abolished.

SEC. 7. USE OF OUTSIDE CREDIT RISK ANALYSIS SOURCES.

Section 202 of the National Housing Act (12 U.S.C. 1708), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(j) USE OF OUTSIDE CREDIT RISK ANALYSIS SOURCES.—The Secretary may obtain the services of, and enter into contracts with, private and other entities outside of the Department in—

''(1) analyzing credit risk models and practices employed by the Department in connection with such mortgages;

''(2) evaluating underwriting standards applicable to such mortgages insured by the Department; and

''(3) analyzing the performance of lenders in complying with, and the Department in enforcing, such underwriting standards.''.

SEC. 8. REVIEW OF MORTGAGEE PERFORMANCE.

Section 533 of the National Housing Act (12 U.S.C. 1735f–11) is amended—

(1) in subsection (a), by inserting after the period at the end the following: ''For purposes of this subsection, the term 'early default' means a default that occurs within 24 months after a mortgage is originated or such alternative appropriate period as the Secretary shall establish.'';

(2) in subsection (b), by inserting after the period at the end of the first sentence the following: ''The Secretary shall also identify which mortgagees have had a significant or rapid increase, as determined by the Secretary, in the number or percentage of early defaults and claims on such mortgages, with respect to all mortgages originated by the mortgagee or mortgages on housing located in any particular geographic area or areas.''; and

(3) by adding at the end the following new subsections:

''(d) SUFFICIENT RESOURCES.—There is authorized to be appropriated to the Secretary

for each of fiscal years 2010 through 2014 the amount necessary to provide additional full-time equivalent positions for the Department, or for entering into such contracts as are necessary, to conduct reviews in accordance with the requirements of this section and to carry out other responsibilities relating to ensuring the safety and soundness of the Mutual Mortgage Insurance Fund.

''(e) REPORTING TO CONGRESS.—Not later than 90 days after the date of enactment of the FHA Reform Act of 2010 and not less often than annually thereafter, the Secretary shall make available to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate any information and conclusions pursuant to the reviews required under subsection (a). Such report shall not include detailed information on the performance of individual mortgages.''.

SEC. 9. USE OF NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.

(a) USE BY MORTGAGEES, OFFICERS, AND OWNERS; USE FOR INSURED MORTGAGES.—

(1) MORTGAGEES, OFFICERS, AND OWNERS.—Section 202 of the National Housing Act (12 U.S.C. 1708), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsections:

''(k) USE OF NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY FOR MORTGAGEES, OFFICERS, AND OWNERS.—The Secretary may require, as a condition for approval of a mortgagee by the Secretary to originate or underwrite mortgages on single family residences that are insured by the Secretary, that the mortgagee—

''(1) obtain and maintain a unique company identifier assigned by the Nationwide Mortgage Licensing System and Registry, as established by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators; and

''(2) obtain and maintain, as relates to any and all officers or owners of the mortgagee who are subject to the requirements of the S.A.F.E. Mortgage Licensing Act of 2008, or are otherwise required to register with the Nationwide Mortgage Licensing System and Registry, the unique identifier assigned by the Nationwide Mortgage Licensing System and Registry, as established by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.''.

(2) INSURED MORTGAGES.—Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by adding at the end the following new subsection:

''(y) USE OF NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY FOR INSURED LOANS.—The Secretary may require each mortgage insured under this section to include the unique identifier (as such term is defined in section 1503 of the S.A.F.E. Mortgage Licensing act of 2008 (12 U.S.C. 5102)) and any unique company identifier assigned by the Nationwide Mortgage Licensing System and Registry, as established by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.''.

(b) COORDINATION WITH STATE REGULATORY AGENCIES.—Section 202 of the National Housing Act (12 U.S.C. 1708), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(l) INFORMATION SHARING WITH STATE REGULATORY AGENCIES.—

''(1) JOINT PROTOCOL ON INFORMATION SHARING.—The Secretary shall, through consultation with State regulatory agencies, pursue protocols for information sharing, including the appropriate treatment of confidential or otherwise restricted information, regarding either actions described in subsection (c)(3) of this section or disciplinary or enforcement actions by a State regulatory agency or agencies against a mortgagee (as such term is defined in subsection (c)(7)).

''(2) COORDINATION.—To the greatest extent possible, the Secretary and appropriate State regulatory agencies shall coordinate disciplinary and enforcement actions involving mortgagees (as such term is defined in subsection (c)(7)).''.

SEC. 10. REPORTING OF MORTGAGEE ACTIONS TAKEN AGAINST OTHER MORTGAGEES.

Section 202 of the National Housing Act (12 U.S.C. 1708(e)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(m) NOTIFICATION OF MORTGAGEE ACTIONS.—The Secretary shall require each mortgagee, as a condition for approval by the Secretary to originate or underwrite mortgages on single family or multifamily housing that are insured by the Secretary, if such mortgagee engages in the purchase of mortgages insured by the Secretary and originated by other mortgagees or in the purchase of the servicing rights to such mortgages, and such mortgagee at any time takes action to terminate or discontinue such purchases from another mortgagee based on any determination, evidence, or report of fraud or material misrepresentation in connection with the origination of such mortgages, the mortgagee shall, not later than 15 days after taking such action, shall notify the Secretary of the action taken and the reasons for such action.''.

SEC. 11. ANNUAL ACTUARIAL STUDY AND QUARTERLY REPORTS ON MUTUAL MORTGAGE INSURANCE FUND.

Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended—

(1) in the second sentence of paragraph (4), by inserting before the period at the end the following: '', any changes to the current or projected safety and soundness of the Fund since the most recent report under this paragraph or paragraph (5), and any risks to the Fund''; and

(2) in paragraph (5)—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(F) any other factors that are likely to have an impact on the financial status of the Fund or cause any material changes to the current or projected safety and soundness of the Fund since the most recent report under paragraph (4).

The Secretary may include in the report under this paragraph any recommendations not made in the most recent report under paragraph (4) that may be needed to ensure that the Fund remains financially sound.''.

SEC. 12. REVIEW OF DOWNPAYMENT REQUIREMENTS.

Section 205 of the National Housing Act (12 U.S.C. 1711) is amended by adding at the end the following new subsection:

''(g) REVIEW OF DOWNPAYMENT REQUIREMENTS.—If, at any time when the capital ratio (as such term is defined in subsection (f)) of the Mutual Mortgage Insurance Fund does not comply with the requirement under subsection (f)(1), the Secretary establishes a cash investment requirement, for all mortgages or mortgagors or with respect to any group of mortgages or mortgagors, that exceeds the minimum percentage or amount required under section 203(b)(9), thereafter upon the capital ratio first complying with the requirement under subsection (f)(1) the Secretary shall review such cash investment requirement and, if the Secretary determines that such percentage or amount may be reduced while maintaining such compliance, the Secretary shall subsequently reduce such requirement by such percentage or amount as the Secretary considers appropriate.''.

SEC. 13. AUTHORIZATION TO PARTICIPATE IN THE ORIGINATION OF FHA-INSURED LOANS.

(a) SINGLE FAMILY MORTGAGES.—Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) Have been made to a mortgagee approved by the Secretary or to a person or entity authorized by the Secretary under section 202(d)(1) to participate in the origination of the mortgage, and be held by a mortgagee approved by the Secretary as responsible and able to service the mortgage properly.''.

(b) HOME EQUITY CONVERSION MORTGAGES.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) have been originated by a mortgagee approved by, or by a person or entity authorized under section 202(d)(1) to participate in the origination by, the Secretary;''.

SEC. 14. DEFAULT AND ORIGINATION INFORMATION BY LOAN SERVICER AND ORIGINATING DIRECT ENDORSEMENT LENDER.

(a) COLLECTION OF INFORMATION.—Paragraph (2) of section 540(b) of the National Housing Act (12 U.S.C. 1712 U.S.C. 1735f–18(b)(2)) is amended by adding at the end the following new subparagraph:

''(C) For each entity that services insured mortgages, data on the performance of mortgages originated during each calendar quarter occurring during the applicable collection period, disaggregated by the direct endorsement mortgagee from whom such entity acquired such servicing.''.

(b) APPLICABILITY.—Information described in subparagraph (C) of section 540(b)(2) of the National Housing Act, as added by subsection (a) of this section, shall first be made available under such section 540 for the applicable collection period (as such term is defined in such section) relating to the first calendar quarter ending after the expiration of the 12-month period that begins on the date of the enactment of this Act.

SEC. 15. THIRD PARTY SERVICER OUTREACH.

(a) AUTHORITY.—The Secretary of Housing and Urban Development may, to the extent any amounts for fiscal year 2010 or 2011 are made available in advance in appropriation Acts for reimbursements under this section, provide reimbursement to servicers of covered mortgages (as such term is defined in subsection (f)) for costs of obtaining the services of independent third parties meeting the requirements under subsection (b) of this section to make in-person contact with mortgagors under covered mortgages whose payments under such mortgages are 60 or more days past due, solely for the purposes of providing information to such mortgagors regarding—

(1) available counseling by housing counseling agencies approved by the Secretary;

(2) available mortgage loan modification, refinance, and assistance programs; and

(3) available counseling regarding financial management and credit risk.

(b) QUALIFIED INDEPENDENT THIRD PARTIES.—An independent third party meets the requirements of this subsection if the third party—

(1) is an entity, including a housing counseling agency approved by the Secretary, that meets standards, qualifications, and requirements (including regarding foreclosure

prevention training, quality monitoring, safeguarding of non-public information) established by the Secretary for purposes of this section for in-person contact about available mortgage loan modification, refinance, and assistance programs; and

(2) does not charge any fees or require other payments, directly or indirectly, from any mortgagor for making in-person contact and providing information and documents under this section.

(c) TREATMENT OF PERSONAL, NON-PUBLIC, AND CONFIDENTIAL INFORMATION.—An independent third party whose services are obtained using amounts made available for use under this section and the mortgage servicer obtaining such services shall not use, disclose, or distribute any personal, non-public, or confidential information about a mortgagor obtained during an in-person contact with the mortgagor, except for purposes of engaging in the process of modification or refinance of the covered mortgage.

(d) DATE OF CONTACT AND DISCLOSURES.—Each independent third party whose services are obtained by a mortgage servicer using amounts made available for use under this section shall—

(1) initiate in-person contact with a mortgagor not later than 10 days after the date upon which payments under the covered mortgage of the mortgagor become 60 days past due; and

(2) upon making in-person contact with a mortgagor, provide the mortgagor with a written document that discloses—

(A) the name of, and contact information for, the independent third party and the mortgage servicer;

(B) that the independent third party has contracted with the mortgage servicer to provide the in-person contact at no charge to the mortgagor;

(C) that the independent third party is an agent of the mortgage servicer;

(D) that the in-person contact with the mortgagor consists of providing information about available counseling by a housing counseling agency approved by the Secretary and available mortgage loan modification, refinance, and assistance programs;

(E) that the independent third party and the mortgage servicer are prohibited from the use, disclosure, or distribution of personal, non-public, and confidential information about the mortgagor, obtained during the in-person contact, except for purposes of engaging in the process of modification or refinance of the covered mortgage;

(F) any other information that the Secretary determines should be disclosed.

(e) PRIORITY.—In providing reimbursements under this section, the Secretary of Housing and Urban Development shall provide priority to independent third parties serving mortgagors under covered mortgages in areas experiencing a mortgage foreclosure rate and unemployment rate higher than the national average for the most recent 12-month period for which satisfactory data are available.

(f) DEFINITION OF COVERED MORTGAGE.—For purposes of this section, the term ''covered mortgage'' means a mortgage on a 1- to 4-family residence insured under the provisions of subsection (b) or (k) of section 203, section 234(c), or 251 of the National Housing Act (12 U.S.C. 1709, 1715y, 1715z–16).

SEC. 16. GAO REPORT ON FHA.

Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report on the single family mortgage insurance programs of the Secretary of Housing and Urban Development and the Mutual Mortgage Insurance Fund established under section 202(a) of the National Housing Act (12 U.S.C. 1708(a)) that—

(1) analyzes such Fund, the economic net worth, capital ratio, and unamortized insurance-in-force (as such terms are defined in section 205(f)(4) of such Act (12 U.S.C. 1711(f)(4))) of such Fund, the risks to the Fund, how the capital ratio of the Fund affects the mortgage insurance programs under the Fund and the broader housing market, the extent to which the housing markets are more dependent on mortgage insurance provided through the Fund since the financial crisis began in 2008, and the exposure of the taxpayers for obligations of the Fund;

(2) analyzes the methodology for determining the Fund's capital ratio under section 205(f) of such Act and examines alternative methods for assessing the Fund's financial condition and their potential impacts on the Fund's ability to meet the operational goals under section 202(a)(7) of such Act;

(3) analyzes the potential effects of the increases in the limits on the maximum principal obligation of mortgages made by the FHA Modernization Act of 2008 (title I of division B of Public Law 110–289), section 202 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620), section 1202 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 225), and section 166 of the Continuing Appropriations Resolution, 2010 (as added by section 104 of division B of Public Law 111–88; 123 Stat. 29723) on—

(A) the risks to and safety and soundness of the Fund;

(B) the impact on the affordability and availability of mortgage credit for borrowers for loans authorized under such higher loan limits;

(C) the private market for residential mortgage loans that are not insured by the Secretary of Housing and Urban Development; and

(D) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; and

(4) analyzes the impact on affordability to FHA borrowers, and the impact to the Fund, of seller concessions or contributions to a borrower purchasing a residence using a mortgage that is insured by the Secretary.

SEC. 17. AUTHORITY TO ESTABLISH HIGHER MINIMUM CASH INVESTMENT REQUIREMENT.

(a) AUTHORITY.—Paragraph (9) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended by adding at the end the following new subparagraph:

''(D) AUTHORITY TO ESTABLISH HIGHER MINIMUM REQUIREMENT.—The Secretary may establish a higher minimum cash investment requirement than the minimum requirement under subsection (a), for all mortgagors or a certain class or classes of mortgagors, which may be based on criteria related to borrowers' credit scores or other industry standards related to borrowers' financial soundness. In establishing such a higher minimum cash investment requirement, the Secretary shall take into consideration the findings of the most recent annual report to the Congress on minimum cash investments pursuant to section 16(b) of the FHA Reform Act of 2010.''.

(b) REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act and annually thereafter, the Secretary of Housing and Urban Development shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report detailing the implementation of the minimum cash investment requirements under section 203(b)(9) of the National Housing Act (12 U.S.C. 1709(b)(9)) and discussing and analyzing options for proposed changes to such requirements, including changes that would take into account borrowers' credit scores or other industry standards related to borrowers' financial soundness. Such report shall—

(1) analyze the impacts that any actual or proposed such changes are projected to have on—

(A) the financial soundness of the Mutual Mortgage Insurance Fund;

(B) the housing finance market of the United States; and

(C) the number of borrowers served by the Federal Housing Administration;

(2) explain the reasons for any actual or proposed such changes in the such requirements made since the last report under this subsection;

(3) evaluate the impact of any actual or proposed such changes in such requirements on the Mutual Mortgage Insurance Fund;

(4) evaluate the impacts of any actual or proposed such changes on potential mortgagors under mortgages on one- to four-family dwellings insured by the Secretary under the National Housing Act; and

(5) evaluate the impact of any actual or proposed such changes on the soundness of the housing market in the United States.

SEC. 18. MORTGAGE INSURANCE PREMIUM REFUNDS.

(a) AUTHORITY.—The Secretary of Housing and Urban Development shall, to the extent that amounts are made available pursuant to subsection (c), provide refunds of unearned premium charges paid at the time of insurance for mortgage insurance under title II of the National Housing Act (12 U.S.C. 1707 et seq.) to or on behalf of mortgagors under mortgages described in subsection (b).

(b) ELIGIBLE MORTGAGES.—A mortgage described in this section is a mortgage on a one- to four-family dwelling that—

(1) was insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(2) is otherwise eligible, under the last sentence of subparagraph (A) of section 203(c)(2) of such Act (12 U.S.C. 1709(c)(2)(A)), for a refund of all unearned premium charges paid on the mortgage pursuant to such subparagraph, except that the mortgage—

(A) was closed before December 8, 2004; and

(B) was endorsed on or after such date.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year such sums as may be necessary to provide refunds of unearned mortgage insurance premiums pursuant to this section.

SEC. 19. MAXIMUM MORTGAGE AMOUNT LIMITS FOR MULTIFAMILY HOUSING.

(a) ELEVATOR-TYPE STRUCTURES.—

(1) AMENDMENTS.—The National Housing Act is amended in each of the provisions specified in paragraph (2)—

(A) by inserting ''with sound standards of construction and design'' after ''elevator-type structures'' the first place such term appears; and

(B) by striking ''to not to exceed'' and all that follows through ''sound standards of construction and design'' each place such terms appear and inserting ''by not more than 50 percent of the amounts specified for each unit size''.

(2) PROVISIONS AMENDED.—The provisions of the National Housing Act specified in this paragraph are as follows:

(A) Subparagraph (A) of section 207(c)(3) (12 U.S.C. 1713(c)(3)(A)).

(B) Subparagraph (A) of section 213(b)(2) (12 U.S.C. 1715e(b)(2)(A)).

(C) Subclause (I) of section 220(d)(3)(B)(iii) (12 U.S.C. 1715k(d)(3)(B)(iii)(I)).

(D) In section 221(d) (12 U.S.C. 1715l(d))—

(i) subclause (I) of paragraph (3)(ii); and

(ii) subclause (I) of paragraph (4)(ii).

(E) Subparagraph (A) of section 231(c)(2) (12 U.S.C. 1715v(c)(2)(A)).

(F) Subparagraph (A) of section 234(e)(3) (12 U.S.C. 1715y(e)(3)(A)).

(b) EXTREMELY HIGH-COST AREAS.—Section 214 of the National Housing Act (12 U.S.C. 1715d) is amended—

(1) in the first sentence—

(A) by inserting '', or with respect to projects consisting of more than four dwelling units located in an extremely high-cost area as determined by the Secretary'' after ''or the Virgin Islands'' the first place such term appears;

(B) by inserting '', or to construct projects consisting of more than four dwelling units on property located in an extremely high-cost area as determined by the Secretary'' after ''or the Virgin Islands'' the second place such term appears; and

(C) by inserting '', or with respect to projects consisting of more than four dwelling units located in an extremely high-cost area as determined by the Secretary'' after ''or the Virgin Islands'' the third place such term appears;

(2) in the second sentence—

(A) by inserting '', or with respect to a project consisting of more than four dwelling units located in an extremely high-cost area as determined by the Secretary,'' after ''or the Virgin Islands'' the first place such term appears; and

(B) by inserting '', or in the case of a project consisting of more than four dwelling units in an extremely high-cost area as determined by the Secretary, in such extremely high-cost area,'' after ''or the Virgin Islands'' the second place such term appears; and

(3) in the section heading, by striking ''AND THE VIRGIN ISLANDS'' and inserting ''THE VIRGIN ISLANDS, AND EXTREMELY HIGH-COST AREAS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to mortgages insured under title II of the National Housing Act after September 30, 2010.

SEC. 20. SPECIAL FORBEARANCE FOR MORTGAGORS WITH CHINESE DRYWALL.

The provisions of Mortgagee Letter 2002–17 of the Secretary of Housing and Urban Development (regarding ''Special Forbearance: Program Changes and Updates'') relating to Type I Special Forbearance shall apply, until the conclusion of fiscal year 2011 and may not be revoked, annulled, repealed, or rescinded during such period, with respect to mortgagees of mortgages insured under title II of the National Housing Act that are secured by one- to four-family dwellings that have problem or damaging drywall products.

SEC. 21. INCREASED LOAN LIMITS FOR DESIGNATED COUNTIES.

(a) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') may increase the dollar amount limitations on the principal obligation of mortgages otherwise determined under section 203(b)(2) of the National Housing Act for any county that is designated under this section.

(b) PROCEDURE.—

(1) FEDERAL REGISTER NOTICE.—Any designation of a county under this section shall be made only pursuant to application by the county for such designation, in accordance with procedures that the Secretary may establish. The Secretary may establish such procedures only by publication in the Federal Register not later than 60 days after the date of the enactment of this Act.

(2) FINAL DETERMINATION.—If the Secretary establishes procedures for applications under paragraph (1) and receives a completed application for designation under this section of a county in accordance with such procedures, the Secretary shall issue a final determination regarding such application for designation, based on the criteria under subsection (c), not later than 60 days after such receipt.

(c) DETERMINATION CRITERIA.—The Secretary may designate an applicant county under this section only if the county is located within a micropolitan area (as such term is defined by the Director of the Office of Management and Budget) and meets the following criteria:

(1) More than 70 percent of the border of the applicant county abuts two or more metropolitan statistical areas (as such term is defined by the Director of the Office of Management and Budget) for which each dollar amount limitation on the principal obligation of a mortgage that may be insured under section 203 of the National Housing Act, in effect at the time of such determination, is at least 40 percent greater than the dollar amount limitation for the same size residence for the applicant county. For purposes of such calculation, the dollar amount limitations of such abutting counties shall not include any increase attributable to the authority under this section.

(2) The applicant county has experienced significant population growth, as evidenced by an increase of 15 percent or more during the 10 years preceding the application, according to statistics of the United States Census Bureau or such other appropriate criteria as the Secretary shall establish.

(3) The dollar amount limitation on the principal obligation of a mortgage on housing in the applicant county that may be insured under section 203 of the National Housing Act, in effect at the time of such application, is the minimum such dollar amount limitation allowable under the matter that follows clause (ii) in section 203(b)(2)(A) of the National Housing Act.

(d) ESTABLISHMENT OF LOAN LIMITS.—For a county designated under this section, the Secretary may increase the maximum dollar amount limitations on the principal obligation of mortgages otherwise determined under section 203(b)(2) of the National Housing Act to such levels as are appropriate, taking into consideration the criteria established for such designation, but not to exceed the dollar amount limitations for the abutting metropolitan statistical area meeting the requirements of subsection (c)(1) that has the lowest such dollar amount limitations.

(e) EFFECTIVE DATE AND TERM OF DESIGNATION OF NEW COUNTYWIDE LOAN LIMITS.—A designation of a county under this section, and the maximum dollar amount limitations for such county pursuant to subsection (d), shall—

(1) take effect upon the expiration of the 60-day period that begins upon the final determination for the county referred to in subsection (b)(2); and

(2) remain in effect until the end of the calendar year in which such designation takes effect.

(f) LOAN LIMITS FOR SUCCEEDING YEARS.—With respect to each calendar year immediately following the calendar year in which a county is designated under this subsection, the Secretary may, notwithstanding any other provision of law, continue or adjust the dollar amount limitations in effect pursuant to this section for such designated county for such preceding year, as appropriate, consistent with the criteria under this section.

SEC. 22. IDENTIFICATION REQUIREMENTS FOR BORROWERS.

Section 203 of the National Housing Act (12 U.S.C. 1709), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(z) IDENTIFICATION REQUIREMENTS FOR BORROWERS.—No mortgage on a 1- to 4-family dwelling may be insured under this title unless the mortgagor under such mortgage—

''(1) provides a valid Social Security Number; and

''(2) is (A) a United States citizen, (B) a lawful permanent resident alien, or (C) a non-permanent resident alien who legally resides in and is authorized to work in the United States.

The Secretary shall establish policies under which mortgagees verify compliance with the requirements under this subsection.''.

SEC. 23. REQUIRED CERTIFICATIONS.

Section 203 of the National Housing Act (12 U.S.C. 1709), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(z) REQUIRED CERTIFICATIONS.—Notwithstanding any other provision of law, the Secretary may not insure any mortgage secured by a one- to four-family dwelling unless the mortgagor under such mortgage certifies, under penalty of perjury, that the mortgagor has not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).''.

SEC. 24. PROHIBITION ON USE OF FUNDS FOR CERTAIN FEDERAL EMPLOYEES.

None of the funds authorized under this Act or any amendment made by this Act may be used to pay the salary of any individual engaged in activities related to title II of the National Housing Act who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

SEC. 25. PROHIBITION OF MORTGAGE INSURANCE FOR BORROWERS WITH STRATEGIC DEFAULTS.

Section 203 of the National Housing Act (12 U.S.C. 1709), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(z) PROHIBITION OF MORTGAGE INSURANCE FOR BORROWERS WITH STRATEGIC DEFAULTS.—

''(1) PROHIBITION.—The Secretary may not newly insure any mortgage under this title that is secured by a 1- to 4-family dwelling unless the mortgagee has determined, in accordance with such standards and requirements established by the Secretary, that the mortgagor under such mortgage has not previously engaged in any strategic default with respect to any residential mortgage loan.

''(2) STRATEGIC DEFAULT.—For purposes of this subsection, the term 'strategic default' means, with respect to a residential mortgage loan, an intentional default having such characteristics or under such circumstances as the Secretary shall, by regulation, provide.''.

SEC. 26. PROHIBITION ON TAXPAYER BAILOUT OF FHA PROGRAM.

Section 205 of the National Housing Act (12 U.S.C. 1711), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(h) TAXPAYER PROTECTION.—The Secretary shall use all available actions and methods authorized under law to ensure compliance with subsection (f)(2) and to protect the taxpayers of the United States from financial responsibility for any obligations of the Fund, including authority to increase insurance premiums charged under this title for mortgages that are obligations of the Fund, authority to establish more stringent underwriting standards for such mortgages, and authority to increase the amount of cash

or its equivalent required to be paid on account of the property subject to such a mortgage.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. LEE of New York, moved to recommit the bill to the Committee on Financial Services with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following new sections:

SEC. 16. PROHIBITION OF MORTGAGE INSURANCE FOR BORROWERS WITH STRATEGIC DEFAULTS.

Section 203 of the National Housing Act (12 U.S.C. 1709), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(z) PROHIBITION OF MORTGAGE INSURANCE FOR BORROWERS WITH STRATEGIC DEFAULTS.—

''(1) PROHIBITION.—The Secretary may not newly insure any mortgage under this title that is secured by a 1- to 4-family dwelling unless the mortgagee has determined, in accordance with such standards and requirements established by the Secretary, that the mortgagor under such mortgage has not previously engaged in any strategic default with respect to any residential mortgage loan.

''(2) STRATEGIC DEFAULT.—For purposes of this subsection, the term 'strategic default' means, with respect to a residential mortgage loan, an intentional default having such characteristics or under such circumstances as the Secretary shall, by regulation, provide.''.

SEC. 17. PROHIBITION ON TAXPAYER BAILOUT OF FHA PROGRAM.

Section 205 of the National Housing Act (12 U.S.C. 1711), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(h) TAXPAYER PROTECTION.—The Secretary shall use all available actions and methods authorized under law to ensure compliance with subsection (f)(2) and to protect the taxpayers of the United States from financial responsibility for any obligations of the Fund, including authority to increase insurance premiums charged under this title for mortgages that are obligations of the Fund, authority to establish more stringent underwriting standards for such mortgages, and authority to increase the amount of cash or its equivalent required to be paid on account of the property subject to such a mortgage.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

So the motion to recommit with instructions was agreed to.

Mr. FRANK of Massachusetts, by direction of the Committee on Financial Services and pursuant to the foregoing order of the House reported the bill back to the House with said amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. FRANK of Massachusetts, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 / Nays 4

¶72.18 [Roll No. 353]

AYES—406

Ackerman	Clarke	Grayson
Aderholt	Clay	Green, Al
Adler (NJ)	Cleaver	Green, Gene
Akin	Clyburn	Griffith
Alexander	Coble	Grijalva
Altmire	Coffman (CO)	Guthrie
Andrews	Cohen	Gutierrez
Arcuri	Cole	Hall (NY)
Austria	Conaway	Hall (TX)
Baca	Connolly (VA)	Halvorson
Bachmann	Conyers	Hare
Bachus	Cooper	Harman
Baird	Costello	Harper
Baldwin	Courtney	Hastings (FL)
Barrow	Crenshaw	Hastings (WA)
Bartlett	Critz	Heinrich
Barton (TX)	Crowley	Heller
Bean	Cuellar	Herger
Becerra	Culberson	Herseth Sandlin
Berkley	Cummings	Higgins
Berry	Dahlkemper	Hill
Biggert	Davis (AL)	Himes
Bilbray	Davis (KY)	Hinchey
Bilirakis	Davis (TN)	Hirono
Bishop (GA)	DeFazio	Hodes
Bishop (NY)	DeGette	Holden
Bishop (UT)	DeLauro	Holt
Blackburn	Dent	Hoyer
Blumenauer	Deutch	Hunter
Blunt	Diaz-Balart, L.	Inslee
Boccieri	Diaz-Balart, M.	Israel
Boehner	Dicks	Issa
Bonner	Dingell	Jackson (IL)
Bono Mack	Djou	Jackson Lee (TX)
Boozman	Doggett	Jenkins
Boren	Donnelly (IN)	Johnson (GA)
Boswell	Doyle	Johnson (IL)
Boucher	Dreier	Johnson, E. B.
Boustany	Driehaus	Johnson, Sam
Boyd	Duncan	Jones
Brady (PA)	Edwards (MD)	Jordan (OH)
Brady (TX)	Edwards (TX)	Kagen
Braley (IA)	Ehlers	Kanjorski
Bright	Ellison	Kaptur
Brown (SC)	Ellsworth	Kennedy
Brown, Corrine	Emerson	Kildee
Brown-Waite, Ginny	Engel	Kilroy
Buchanan	Etheridge	Kind
Burgess	Fallin	King (IA)
Burton (IN)	Farr	King (NY)
Butterfield	Fattah	Kingston
Buyer	Filner	Kirk
Calvert	Fleming	Kirkpatrick (AZ)
Camp	Forbes	Kissell
Campbell	Fortenberry	Klein (FL)
Cantor	Foster	Kline (MN)
Cao	Foxx	Kosmas
Capito	Frank (MA)	Kratovil
Capps	Franks (AZ)	Kucinich
Capuano	Frelinghuysen	Lamborn
Cardoza	Fudge	Lance
Carnahan	Gallegly	Langevin
Carney	Garamendi	Larsen (WA)
Carson (IN)	Garrett (NJ)	Larson (CT)
Carter	Gerlach	Latham
Cassidy	Giffords	LaTourette
Castle	Gingrey (GA)	Latta
Castor (FL)	Gohmert	Lee (CA)
Chaffetz	Gonzalez	Lee (NY)
Chandler	Goodlatte	Levin
Childers	Gordon (TN)	Lewis (CA)
Chu	Granger	Lewis (GA)
	Graves	
Linder	Olver	Shadegg
Lipinski	Ortiz	Shea-Porter
LoBiondo	Owens	Sherman
Loebsack	Pallone	Shimkus
Lofgren, Zoe	Pascrell	Shuler
Lowey	Pastor (AZ)	Simpson
Lucas	Paulsen	Sires
Luetkemeyer	Payne	Skelton
Luján	Pence	Slaughter
Lungren, Daniel E.	Perlmutter	Smith (NE)
Lynch	Perriello	Smith (NJ)
Mack	Peters	Smith (TX)
Maffei	Petri	Smith (WA)
Maloney	Pingree (ME)	Snyder
Manzullo	Pitts	Space
Marchant	Platts	Speier
Markey (CO)	Poe (TX)	Spratt
Markey (MA)	Polis (CO)	Stark
Matheson	Pomeroy	Stearns
Matsui	Posey	Stupak
McCarthy (CA)	Price (GA)	Sullivan
McCarthy (NY)	Price (NC)	Sutton
McCaul	Quigley	Tanner
McClintock	Radanovich	Taylor
McCollum	Rahall	Teague
McCotter	Rangel	Terry
McDermott	Rehberg	Thompson (CA)
McGovern	Reichert	Thompson (MS)
McIntyre	Reyes	Thompson (PA)
McKeon	Richardson	Thornberry
McMahon	Rodriguez	Tiahrt
McMorris Rodgers	Rogers (AL)	Tiberi
McNerney	Rogers (KY)	Tierney
Meek (FL)	Rogers (MI)	Titus
Meeks (NY)	Rohrabacher	Tonko
Melancon	Rooney	Towns
Mica	Ros-Lehtinen	Tsongas
Michaud	Roskam	Turner
Miller (FL)	Ross	Upton
Miller (MI)	Rothman (NJ)	Van Hollen
Miller (NC)	Roybal-Allard	Velázquez
Miller, Gary	Royce	Visclosky
Miller, George	Ruppersberger	Walden
Minnick	Rush	Walz
Mitchell	Ryan (OH)	Wamp
Mollohan	Ryan (WI)	Wasserman Schultz
Moore (KS)	Salazar	Waters
Moore (WI)	Sánchez, Linda T.	Watson
Moran (KS)	Sanchez, Loretta	Watt
Moran (VA)	Sarbanes	Waxman
Murphy (CT)	Scalise	Weiner
Murphy (NY)	Schakowsky	Westmoreland
Murphy, Patrick	Schauer	Whitfield
Murphy, Tim	Schiff	Wilson (OH)
Myrick	Schmidt	Wilson (SC)
Nadler (NY)	Schock	Wittman
Napolitano	Schrader	Wolf
Neal (MA)	Schwartz	Woolsey
Neugebauer	Scott (GA)	Wu
Nunes	Scott (VA)	Yarmuth
Nye	Sensenbrenner	Young (AK)
Oberstar	Serrano	Young (FL)
Olson	Sessions	
	Sestak	

NOES—4

Broun (GA)	Honda
Flake	Paul

NOT VOTING—21

Barrett (SC)	Hensarling	McHenry
Berman	Hinojosa	Obey
Costa	Hoekstra	Peterson
Davis (CA)	Inglis	Putnam
Davis (IL)	Kilpatrick (MI)	Roe (TN)
Delahunt	Lummis	Shuster
Eshoo	Marshall	Welch

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶72.19 S. 3473—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 3473) to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability trust fund for the Deepwater Horizon oil spill.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	410
Nays	0
Answered present	1

¶72.20 [Roll No. 354]

YEAS—410

Ackerman	Courtney	Hodes
Aderholt	Crenshaw	Holden
Adler (NJ)	Critz	Holt
Akin	Crowley	Honda
Alexander	Cuellar	Hoyer
Altmire	Culberson	Hunter
Andrews	Cummings	Inslee
Arcuri	Dahlkemper	Israel
Austria	Davis (AL)	Issa
Baca	Davis (KY)	Jackson (IL)
Bachus	Davis (TN)	Jackson Lee (TX)
Baird	DeFazio	Jenkins
Baldwin	DeGette	Johnson (GA)
Barrow	DeLauro	Johnson (IL)
Bartlett	Dent	Johnson, E. B.
Barton (TX)	Deutch	Johnson, Sam
Bean	Diaz-Balart, L.	Jones
Becerra	Diaz-Balart, M.	Jordan (OH)
Berkley	Dicks	Kagen
Berman	Dingell	Kanjorski
Berry	Djou	Kaptur
Biggert	Doggett	Kennedy
Bilbray	Donnelly (IN)	Kildee
Bilirakis	Doyle	Kilroy
Bishop (GA)	Dreier	Kind
Bishop (NY)	Driehaus	King (IA)
Bishop (UT)	Duncan	King (NY)
Blackburn	Edwards (MD)	Kingston
Blumenauer	Edwards (TX)	Kirk
Blunt	Ehlers	Kirkpatrick (AZ)
Boccieri	Ellison	Kissell
Boehner	Ellsworth	Klein (FL)
Bonner	Emerson	Kline (MN)
Bono Mack	Engel	Kosmas
Boozman	Etheridge	Kratovil
Boren	Fallin	Kucinich
Boswell	Farr	Lamborn
Boucher	Fattah	Lance
Boustany	Filner	Langevin
Boyd	Flake	Larsen (WA)
Brady (PA)	Fleming	Larson (CT)
Brady (TX)	Forbes	Latham
Braley (IA)	Fortenberry	LaTourette
Bright	Foster	Latta
Broun (GA)	Foxx	Lee (CA)
Brown (SC)	Frank (MA)	Lee (NY)
Brown, Corrine	Franks (AZ)	Levin
Brown-Waite, Ginny	Frelinghuysen	Lewis (CA)
Burgess	Fudge	Lewis (GA)
Burton (IN)	Gallegly	Lipinski
Butterfield	Garamendi	LoBiondo
Calvert	Garrett (NJ)	Loebsack
Camp	Gerlach	Lofgren, Zoe
Campbell	Giffords	Lowey
Cantor	Gingrey (GA)	Lucas
Cao	Gohmert	Luetkemeyer
Capito	Gonzalez	Luján
Capps	Goodlatte	Lummis
Capuano	Gordon (TN)	Lungren, Daniel E.
Cardoza	Granger	Lynch
Carnahan	Graves	Mack
Carney	Grayson	Maffei
Carson (IN)	Green, Al	Maloney
Carter	Green, Gene	Manzullo
Cassidy	Griffith	Marchant
Castle	Grijalva	Markey (CO)
Castor (FL)	Guthrie	Markey (MA)
Chaffetz	Gutierrez	Marshall
Chandler	Hall (NY)	Matheson
Childers	Hall (TX)	Matsui
Chu	Halvorson	McCarthy (CA)
Clarke	Hare	McCarthy (NY)
Clay	Harman	McCaul
Cleaver	Harper	McClintock
Clyburn	Hastings (FL)	McCollum
Coble	Hastings (WA)	McCotter
Coffman (CO)	Heinrich	McDermott
Cohen	Heller	McGovern
Cole	Hensarling	McIntyre
Conaway	Herger	McKeon
Connolly (VA)	Herseth Sandlin	McMahon
Conyers	Higgins	McMorris Rodgers
Cooper	Hill	McNerney
Costa	Himes	Meek (FL)
Costello	Hinchey	Meeks (NY)
	Hirono	Melancon
	Hodes	Mica
	Holden	Michaud
	Holt	Miller (FL)
	Honda	Miller (MI)
	Hoyer	Miller (NC)
	Hunter	Miller, George
	Inslee	Minnick
	Israel	Mitchell
	Issa	Mollohan
	Jackson (IL)	Moore (KS)
	Jackson Lee (TX)	Moore (WI)
	Jenkins	Moran (KS)
	Johnson (GA)	Moran (VA)
	Johnson (IL)	Murphy (CT)
	Johnson, E. B.	Murphy (NY)
	Johnson, Sam	Murphy, Patrick
	Jones	Murphy, Tim
	Jordan (OH)	Myrick
	Kagen	Nadler (NY)
	Kanjorski	Napolitano
	Kaptur	Neal (MA)
	Kennedy	Neugebauer
	Kildee	Nunes
	Kilroy	Nye
	Kind	Oberstar
	King (IA)	Olson
	King (NY)	Olver
	Kingston	Ortiz
	Kirk	Owens
	Kirkpatrick (AZ)	Pallone
	Kissell	Pascrell
	Klein (FL)	Pastor (AZ)
	Kline (MN)	Paul
	Kosmas	Paulsen
	Kratovil	Payne
	Kucinich	Pence
	Lamborn	Perlmutter
	Lance	Perriello
	Langevin	Peters
	Larsen (WA)	Peterson
	Larson (CT)	Petri
	Latham	Pingree (ME)
	LaTourette	Pitts
	Latta	Platts
	Lee (CA)	Poe (TX)
	Lee (NY)	Polis (CO)
	Levin	Pomeroy
	Lewis (CA)	Price (GA)
	Lewis (GA)	Price (NC)
	Lipinski	Quigley
	LoBiondo	Radanovich
	Loebsack	Rahall
	Lofgren, Zoe	Rangel
	Lowey	Rehberg
	Lucas	Reichert
	Luetkemeyer	Reyes
	Luján	Richardson
	Lummis	Rodriguez
	Lungren, Daniel E.	Roe (TN)
	Lynch	Rogers (AL)
	Mack	Rogers (KY)
	Maffei	Rogers (MI)
	Maloney	Rohrabacher
	Manzullo	Rooney
	Marchant	Ros-Lehtinen
	Markey (CO)	Roskam
	Markey (MA)	Ross
	Marshall	Rothman (NJ)
	Matheson	Roybal-Allard
	Matsui	Royce
	McCarthy (CA)	Ruppersberger
	McCarthy (NY)	Rush
	McCaul	Ryan (OH)
	McClintock	Ryan (WI)
	McCollum	Salazar
	McCotter	Sánchez, Linda T.
	McDermott	Sanchez, Loretta
	McGovern	Sarbanes
	McIntyre	Scalise
	McKeon	Schakowsky
	McMahon	Schauer
	McMorris Rodgers	Schiff
	McNerney	Schmidt
	Meek (FL)	Schock
	Meeks (NY)	Schrader
	Melancon	Schwartz
	Mica	Scott (GA)
	Michaud	Scott (VA)
	Miller (FL)	Sensenbrenner
	Miller (MI)	Serrano
	Miller (NC)	Sessions
	Miller, George	Sestak
	Minnick	Shadegg
	Mitchell	Sherman
	Mollohan	Shimkus
	Moore (KS)	Shuler
	Moore (WI)	Simpson
	Moran (KS)	Sires
	Moran (VA)	Skelton
	Murphy (CT)	Slaughter
	Murphy (NY)	Smith (NE)
	Murphy, Patrick	Smith (NJ)
	Murphy, Tim	Smith (TX)
	Myrick	Smith (WA)
	Nadler (NY)	Snyder
	Napolitano	Space
	Neal (MA)	Speier
	Neugebauer	Spratt
	Nunes	Stark
	Nye	Stearns
	Oberstar	Stupak
	Olson	Sullivan
	Olver	Sutton
	Ortiz	Tanner
	Owens	Taylor
	Pallone	Teague
	Pascrell	Terry
	Pastor (AZ)	Thompson (CA)
	Paul	Thompson (MS)
	Paulsen	Thompson (PA)
	Payne	Thornberry
	Pence	Tiahrt
	Perlmutter	Tiberi
	Perriello	Tierney
	Peters	Titus
	Peterson	Tonko
	Petri	Towns
	Pingree (ME)	Tsongas
	Pitts	Turner
	Platts	Upton
	Poe (TX)	Van Hollen
	Polis (CO)	Velázquez
	Pomeroy	Visclosky
	Price (GA)	Walden
	Price (NC)	Walz
	Quigley	Wamp
	Radanovich	Wasserman Schultz
	Rahall	Waters
	Rangel	Watson
	Rehberg	Watt
	Reichert	Weiner
	Reyes	Welch
	Richardson	Westmoreland
	Rodriguez	Whitfield
	Roe (TN)	Wilson (OH)
	Rogers (AL)	Wilson (SC)
	Rogers (KY)	Wittman
	Rogers (MI)	Wolf
	Rohrabacher	Woolsey
	Rooney	Wu
	Ros-Lehtinen	Yarmuth
	Roskam	Young (AK)
	Ross	Young (FL)
	Rothman (NJ)	
	Roybal-Allard	
	Royce	
	Ruppersberger	
	Rush	
	Ryan (OH)	
	Ryan (WI)	
	Salazar	
	Sánchez, Linda T.	
	Sanchez, Loretta	
	Sarbanes	
	Scalise	
	Schakowsky	
	Schauer	
	Schiff	
	Schmidt	
	Schock	
	Schrader	
	Schwartz	
	Scott (GA)	
	Scott (VA)	
	Sensenbrenner	
	Serrano	
	Sessions	
	Sestak	
	Shadegg	
	Sherman	
	Shimkus	
	Shuler	
	Simpson	
	Sires	
	Skelton	
	Slaughter	
	Smith (NE)	
	Smith (NJ)	
	Smith (TX)	
	Smith (WA)	
	Snyder	
	Space	
	Speier	
	Spratt	
	Stark	
	Stearns	
	Stupak	
	Sullivan	
	Sutton	
	Tanner	
	Taylor	
	Teague	
	Terry	
	Thompson (CA)	
	Thompson (MS)	
	Thompson (PA)	
	Thornberry	
	Tiahrt	
	Tiberi	
	Tierney	
	Titus	
	Tonko	
	Towns	
	Tsongas	
	Turner	
	Upton	
	Van Hollen	
	Velázquez	
	Visclosky	
	Walden	
	Walz	
	Wamp	
	Wasserman Schultz	
	Waters	
	Watson	
	Watt	
	Weiner	
	Welch	
	Westmoreland	
	Whitfield	
	Wilson (OH)	
	Wilson (SC)	
	Wittman	
	Wolf	
	Woolsey	
	Wu	
	Yarmuth	
	Young (AK)	
	Young (FL)	

ANSWERED ''PRESENT''—1

Shea-Porter

NOT VOTING—20

Bachmann	Eshoo	Miller, Gary
Barrett (SC)	Hinojosa	Obey
Buchanan	Hoekstra	Posey
Buyer	Inglis	Putnam
Davis (CA)	Kilpatrick (MI)	Shuster
Davis (IL)	Linder	Waxman
Delahunt	McHenry	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶72.21 CLERK TO CORRECT ENGROSSMENT—H.R. 5072

On motion of Ms. WATERS, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

¶72.22 H. RES. 1121—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BRIGHT, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1121) congratulating Clinton County and the county seat of Wilmington, Ohio, on the occasion of their bicentennial anniversaries.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BRIGHT, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶72.23 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, June 14, 2010, at 12:30 p.m. for morning-hour debate.

¶72.24 ORDER OF BUSINESS—MEETING RECESS

On motion of Mr. HOYER, by unanimous consent,

Ordered, That it may be in order on Tuesday, June 15, 2010, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in the Chamber former Members of Congress.

¶72.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DAVIS of Illinois, for today.

And then,

¶72.26 ADJOURNMENT

On motion of Mr. CONNOLLY of Virginia, pursuant to the previous order of the House, at 5 o'clock and 46 minutes p.m., the House adjourned until 12:30 p.m. on Monday, June 14, 2010.

¶72.27 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PASCRELL (for himself, Mr. KING of New York, Mr. THOMPSON of Mississippi, Ms. CLARKE, and Mr. DANIEL E. LUNGREN of California):

H.R. 5498. A bill to enhance homeland security by improving efforts to prevent, deter, prepare for, detect, attribute, respond to, and recover from an attack with a weapon of mass destruction, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, Agriculture, Transportation and Infrastructure, Foreign Affairs, and Intelligence (Permanent Select), for a period to

be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. YOUNG of Alaska, Mr. PETRI, Mr. COBLE, Mr. DUNCAN, Mr. EHLERS, Mrs. CAPITO, Mr. WESTMORELAND, Mrs. MILLER of Michigan, Mr. CAO, Mr. PUTNAM, Mr. GRAVES, Mr. SHUSTER, and Mr. FLEMING):

H.R. 5499. A bill to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOYLE:

H.R. 5500. A bill to establish the Steel Industry National Historic Site in the State of Pennsylvania; to the Committee on Natural Resources.

By Mr. KING of New York (for himself, Mr. PENCE, Mrs. MCMORRIS RODGERS, Mr. SMITH of Texas, Mr. MCKEON, Mr. SESSIONS, Mr. ROGERS of Alabama, Mr. GOHMERT, Mr. TIAHRT, Mr. FRANKS of Arizona, Mr. BUCHANAN, Mr. LATTA, Mr. CHAFFETZ, Mr. HUNTER, Mr. MILLER of Florida, Mr. CULBERSON, Mrs. BLACKBURN, Mrs. BACHMANN, Mr. ROSKAM, Mr. AUSTRIA, Mr. OLSON, Mr. BROUN of Georgia, Mr. POSEY, Mr. BILIRAKIS, Mr. CAMPBELL, Mrs. MILLER of Michigan, Mr. DANIEL E. LUNGREN of California, Mr. LEE of New York, Mr. CARTER, Mr. MCCLINTOCK, Mr. COBLE, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. LEWIS of California, Mr. CALVERT, Mr. GALLEGLY, Mr. TERRY, Mr. KIRK, and Mr. BISHOP of Utah):

H.R. 5501. A bill to prohibit United States participation on the United Nations Human Rights Council (UNHRC) and prohibit contributions to the United Nations for the purpose of paying for any United Nations investigation into the flotilla incident; to the Committee on Foreign Affairs.

By Mr. MAFFEI (for himself, Mrs. MALONEY, and Mrs. MCCARTHY of New York):

H.R. 5502. A bill to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009; to the Committee on Financial Services.

By Mr. CONYERS (for himself, Mr. MELANCON, Mr. NADLER of New York, Ms. JACKSON LEE of Texas, Ms. WATERS, Mr. COHEN, Mr. JOHNSON of Georgia, Ms. CHU, Mr. DEUTCH, Mr. WEINER, Ms. LINDA T. SÁNCHEZ of California, and Mr. BRALEY of Iowa):

H.R. 5503. A bill to revise laws regarding liability in certain civil actions arising from maritime incidents, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mrs. MCCARTHY of New York, Mr. PLATTS, Mr. POLIS, Mr. COURTNEY, Ms. CHU, Mr. LOEBSACK, Mr. MCGOVERN, Mr. SESTAK, Ms. TITUS, Mr. HOLT, Mr. TONKO, Ms. FUDGE, Mr. WU, Mr. HINOJOSA, Mrs. CAPPS, Mr. PIERLUISI, Mr. SABLAN, Mr. KILDEE, Mrs. DAVIS of California, Mr. PAYNE, Mr. GRIJALVA, Mr. KUCINICH, Mr. ANDREWS, Mr. HARE, Ms. CLARKE, Ms. HIRONO, Mr. BISHOP of New York, Ms. SHEA-PORTER, Ms. WOOLSEY, and Mr. SCOTT of Virginia):

H.R. 5504. A bill to reauthorize child nutrition programs, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 5505. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in designing and proposing nuclear energy used fuel alternatives; to the Committee on Science and Technology, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONNOLLY of Virginia (for himself and Mr. POLIS):

H.R. 5506. A bill to amend the Outer Continental Shelf Lands Act to require that treatment of the issuance of any exploration plans, development production plans, development operation coordination documents, and lease sales required under Federal law for offshore drilling activity on the outer Continental Shelf as a major Federal action significantly affecting the quality of the human environment for the purposes of the National Environmental Policy Act of 1969, and for other purposes; to the Committee on Natural Resources.

By Mr. HELLER:

H.R. 5507. A bill to require the Secretary of Defense to identify areas on military installations and certain other properties as acceptable, unacceptable, or unassessed regarding their suitability for placement of geothermal, wind, solar photovoltaic, or solar thermal trough systems, and for other purposes; to the Committee on Armed Services.

By Mr. HELLER:

H.R. 5508. A bill to provide for the development of solar pilot project areas on public land in Lincoln County, Nevada; to the Committee on Natural Resources.

By Mr. HOLDEN (for himself and Mr. GOODLATTE):

H.R. 5509. A bill to support efforts to reduce pollution of the Chesapeake Bay watershed and to verify that reductions in pollution have been achieved, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H.R. 5510. A bill to amend the Emergency Economic Stabilization Act of 2008 to allow amounts under the Troubled Assets Relief Program to be used to provide legal assistance to homeowners to avoid foreclosure; to the Committee on Financial Services.

By Mr. MARSHALL:

H.R. 5511. A bill to amend the Federal Deposit Insurance Act to codify the Transaction Account Guarantee Program of the Federal Deposit Insurance Corporation; to the Committee on Financial Services.

By Mr. PERRIELLO:

H.R. 5512. A bill to expand the boundary of Booker T. Washington National Monument, and for other purposes; to the Committee on Natural Resources.

By Ms. PINGREE of Maine:

H.R. 5513. A bill to amend the Outer Continental Shelf Lands Act to require payment of royalty on all oil and gas saved, removed, sold, or discharged under a lease under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. POSEY:

H.R. 5514. A bill to require State governments to submit fiscal accounting reports as a condition to the receipt of Federal financial assistance, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SENSENBRENNER:

H.R. 5515. A bill to amend the Federal Power Act to establish a regional transmission planning process, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H.R. 5516. A bill to amend title 38, United States Code, to provide for certain requirements relating to the immunization of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STEARNS:

H.R. 5517. A bill to amend title 13, United States Code, to require that the questionnaire used in a decennial census of population shall include an inquiry regarding an individual's status as a veteran, a spouse of a veteran, or a dependent of a veteran, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TITUS (for herself, Mr. HELLER, Mr. FRANKS of Arizona, Ms. GIFFORDS, and Ms. BERKLEY):

H.R. 5518. A bill to amend the Internal Revenue Code of 1986 to allow the energy investment tax credit and the credit for residential energy efficient property with respect to natural gas heat pumps; to the Committee on Ways and Means.

By Mrs. MCMORRIS RODGERS (for herself, Mr. REICHERT, Mr. SMITH of Washington, Mr. LARSEN of Washington, and Mr. HASTINGS of Washington):

H. Con. Res. 285. Concurrent resolution recognizing the important role that fathers play in the lives of their children and families and supporting the goals and ideals of designating 2010 as the Year of the Father; to the Committee on Education and Labor.

By Mr. BACA:

H. Res. 1430. A resolution honoring and saluting golf legend Juan Antonio ''Chi Chi'' Rodriguez for his commitment to Latino youth programs of the Congressional Hispanic Caucus Institute; to the Committee on Education and Labor.

By Mr. FILNER (for himself, Ms. JACKSON LEE of Texas, and Mr. ROHRABACHER):

H. Res. 1431. A resolution calling for an end to the violence, unlawful arrests, torture, and ill treatment perpetrated against Iranian citizens, as well as the unconditional release of all political prisoners in Iran; to the Committee on Foreign Affairs.

By Mr. HEINRICH:

H. Res. 1432. A resolution honoring the State of New Mexico on the passage of the Hispanic Education Act; to the Committee on Education and Labor.

By Mr. JONES (for himself, Ms. MARKEY of Colorado, Mr. WHITFIELD, and Mr. LOEBSACK):

H. Res. 1433. A resolution expressing support for designation of September 2010 as Blood Cancer Awareness Month; to the Committee on Energy and Commerce.

By Mr. GARY G. MILLER of California (for himself, Mr. CHILDERS, Mr. BACA, Mr. CASTLE, Mr. HINOJOSA, Mr. DAVIS of Kentucky, Mr. CALVERT, and Mr. GERLACH):

H. Res. 1434. A resolution recognizing National Homeownership Month and the importance of homeownership in the United

States; to the Committee on Financial Services.

¶72.28 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

304. The SPEAKER presented a memorial of the House of Representatives of the State of Florida, relative to House Memorial 227 urging the Congress to preserve the authority of the Governor to retain command and control of the Florida National Guard; to the Committee on Armed Services.

305. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial 944 requesting that the United States Congress direct that one of the retiring space shuttle orbiters be preserved and placed on permanent display at the Kennedy Space Center; to the Committee on Science and Technology.

¶72.29 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 179: Mr. GARAMENDI.
H.R. 197: Mr. CRITZ.
H.R. 213: Mr. HELLER.
H.R. 275: Mr. TERRY.
H.R. 442: Mr. PERRIELLO and Mr. CRITZ.
H.R. 510: Mr. POMEROY.
H.R. 564: Mr. POLIS.
H.R. 615: Mr. SIRES.
H.R. 758: Mr. KUCINICH.
H.R. 775: Mr. ROGERS of Michigan.
H.R. 816: Mr. CRITZ.
H.R. 881: Mr. MCCLINTOCK and Mr. SCHOCK.
H.R. 930: Mrs. BONO MACK.
H.R. 1034: Mr. SABLAN.
H.R. 1036: Ms. RICHARDSON.
H.R. 1132: Mr. CRITZ.
H.R. 1205: Mrs. DAVIS of California and Mr. NYE.
H.R. 1255: Mr. CALVERT and Mr. WESTMORELAND.
H.R. 1351: Mr. ROGERS of Kentucky, Mr. GARAMENDI, Mr. TERRY, and Mr. STARK.
H.R. 1587: Mr. CRITZ.
H.R. 1621: Mr. CALVERT.
H.R. 1625: Ms. ESHOO and Mr. MORAN of Virginia.
H.R. 1751: Mr. PIERLUISI.
H.R. 1829: Mrs. DAHLKEMPER.
H.R. 2057: Mr. STARK.
H.R. 2103: Mr. PERRIELLO.
H.R. 2105: Mr. RUPPERSBERGER.
H.R. 2106: Mr. RUPPERSBERGER.
H.R. 2176: Ms. RICHARDSON and Mr. COHEN.
H.R. 2275: Mr. ROTHMAN of New Jersey, Mr. MAFFEI, and Mr. BOUCHER.
H.R. 2287: Mr. UPTON.
H.R. 2296: Mr. DREIER and Mr. CRITZ.
H.R. 2298: Mr. HIGGINS.
H.R. 2328: Mr. BLUMENAUER.
H.R. 2363: Mr. GRAYSON.
H.R. 2425: Mr. MCCOTTER, Ms. SCHAKOWSKY, and Mr. GORDON of Tennessee.
H.R. 2443: Mr. SCHOCK.
H.R. 2492: Mr. HARE.
H.R. 2534: Ms. HERSETH SANDLIN.
H.R. 2575: Mr. COHEN.
H.R. 2625: Mr. HINCHEY.
H.R. 2782: Mr. DUNCAN.
H.R. 2906: Mr. BOREN.
H.R. 2979: Mr. KUCINICH and Mr. GRIJALVA.
H.R. 3100: Ms. DEGETTE.
H.R. 3116: Mr. SCHAUER.
H.R. 3151: Mr. TERRY and Mr. SMITH of Washington.
H.R. 3286: Mr. ARCURI.
H.R. 3301: Mr. OWENS, Mr. DONNELLY of Indiana, Mr. GRAVES, Mr. MARSHALL, and Ms. HERSETH SANDLIN.
H.R. 3355: Mr. TIM MURPHY of Pennsylvania and Mr. PRICE of North Carolina.
H.R. 3359: Mr. MOORE of Kansas, Mr. GONZALEZ, Mr. LUJÁN, Mr. CUELLAR, Mr. WAXMAN, Ms. DEGETTE, Mr. KIND, Mr. AL GREEN of Texas, Mr. NADLER of New York, Mr. CAPUANO, Mrs. CAPPS, Mr. TOWNS, Mr. ANDREWS, Mr. STARK, Mr. VAN HOLLEN, Ms. KOSMAS, Ms. KAPTUR, Mr. ROTHMAN of New Jersey, Mr. KANJORSKI, Mr. BRADY of Pennsylvania, Mr. WEINER, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. OBERSTAR, Ms. WATSON, Mr. JACKSON of Illinois, Mr. CARSON of Indiana, Mr. KENNEDY, Mr. GRAYSON, Mr. CUMMINGS, Mr. TONKO, Mr. SALAZAR, Mr. CARDOZA, Mr. SABLAN, and Mr. ORTIZ.
H.R. 3408: Mr. OBERSTAR and Mr. BOCCIERI.
H.R. 3457: Mr. ORTIZ.
H.R. 3668: Mr. GRAYSON, Ms. CHU, Mr. SHERMAN, Mr. YARMUTH, Mr. PUTNAM, Mr. CARNEY, Mr. BUTTERFIELD, Ms. SPEIER, and Mr. CHAFFETZ.
H.R. 3716: Mr. BOUCHER and Mr. GENE GREEN of Texas.
H.R. 3724: Mr. CARTER.
H.R. 3790: Mr. BERRY.
H.R. 3989: Mr. PRICE of North Carolina.
H.R. 3995: Mr. LIPINSKI and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 4099: Mr. POLIS.
H.R. 4128: Mr. WU and Ms. HIRONO.
H.R. 4195: Mr. MCNERNEY, Ms. RICHARDSON, and Mrs. MALONEY.
H.R. 4278: Mr. LUETKEMEYER.
H.R. 4302: Mr. ORTIZ.
H.R. 4329: Mr. CONNOLLY of Virginia.
H.R. 4343: Mr. PIERLUISI.
H.R. 4399: Mr. POLIS.
H.R. 4402: Mr. PIERLUISI.
H.R. 4555: Mr. COURTNEY and Mr. MURPHY of Connecticut.
H.R. 4568: Mr. TEAGUE.
H.R. 4594: Mr. BRALEY of Iowa, Mr. ACKERMAN, Mr. RAHALL, Mr. WAXMAN, and Mr. JOHNSON of Georgia.
H.R. 4682: Ms. LEE of California.
H.R. 4684: Mr. LUETKEMEYER, Mr. BLUNT, Ms. JENKINS, Mr. LEVIN, Mr. MCINTYRE, Mr. SHIMKUS, Mr. SMITH of Washington, and Mr. GALLEGLY.
H.R. 4709: Mr. COHEN.
H.R. 4751: Mr. RAHALL.
H.R. 4771: Mr. PAYNE, Mr. RANGEL, and Ms. HIRONO.
H.R. 4772: Mr. RYAN of Ohio.
H.R. 4785: Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, and Mr. MCINTYRE.
H.R. 4787: Mr. COLE and Mr. BLUMENAUER.
H.R. 4788: Mrs. NAPOLITANO and Mr. FOSTER.
H.R. 4796: Mr. COHEN.
H.R. 4879: Mr. COHEN, Ms. MATSUI, Mr. GEORGE MILLER of California, Mr. FATTAH, and Ms. HARMAN.
H.R. 4886: Mr. WALZ.
H.R. 4914: Mr. THOMPSON of California and Mr. SABLAN.
H.R. 4925: Ms. RICHARDSON and Mr. STARK.
H.R. 4926: Ms. CORRINE BROWN of Florida, Ms. ROS-LEHTINEN, Ms. CASTOR of Florida, Ms. RICHARDSON, Mr. BISHOP of Georgia, and Mr. MURPHY of Connecticut.
H.R. 4937: Mr. WU.
H.R. 4958: Ms. CHU.
H.R. 4959: Mr. PRICE of North Carolina and Mr. SMITH of Washington.
H.R. 4971: Mr. BLUMENAUER, Mr. CONYERS, Ms. WATERS, Ms. SLAUGHTER, Mr. CLYBURN, Mr. CAO, Mr. MCDERMOTT, Mr. BUTTERFIELD, Ms. JACKSON LEE of Texas, Ms. RICHARDSON, Mr. LEWIS of Georgia, and Mr. SCOTT of Virginia.
H.R. 4993: Ms. MOORE of Wisconsin.
H.R. 4995: Mr. MCCAUL.
H.R. 5012: Mr. COHEN.
H.R. 5034: Mr. BOYD and Mr. KLEIN of Florida.
H.R. 5066: Mr. BROUN of Georgia.
H.R. 5078: Mr. PETERS.
H.R. 5081: Mr. MEEK of Florida.
H.R. 5111: Mr. BROUN of Georgia, Mr. TIM MURPHY of Pennsylvania, Mr. POSEY, and Mr. SKELTON.
H.R. 5117: Mr. HONDA, Mr. ROTHMAN of New Jersey, Mr. LEWIS of Georgia, Mr. WU, Ms. CLARKE, and Mr. NADLER of New York.
H.R. 5126: Mr. BROUN of Georgia.
H.R. 5141: Mr. LATOURETTE and Mrs. CAPITO.
H.R. 5142: Mr. YARMUTH.
H.R. 5143: Mrs. CHRISTENSEN.
H.R. 5156: Mr. POLIS.
H.R. 5157: Mr. DAVIS of Tennessee.
H.R. 5159: Ms. WOOLSEY.
H.R. 5177: Mr. BURGESS.
H.R. 5191: Mr. HONDA.
H.R. 5192: Mr. COFFMAN of Colorado.
H.R. 5214: Mr. PERLMUTTER, Mr. POLIS, and Mr. COURTNEY.
H.R. 5258: Mr. MAFFEI.
H.R. 5289: Mr. ELLISON, Ms. NORTON, Ms. ZOE LOFGREN of California, and Mr. POLIS.
H.R. 5313: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5324: Mr. BERMAN and Mr. ELLISON.
H.R. 5355: Mr. HINCHEY and Mr. CARNAHAN.
H.R. 5358: Mr. HOLT.
H.R. 5400: Mr. NYE.
H.R. 5409: Mr. KISSELL.
H.R. 5412: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5425: Mr. LAMBORN, Mrs. MCMORRIS RODGERS, and Mr. KINGSTON.
H.R. 5426: Mr. SKELTON.
H.R. 5430: Mr. GRIJALVA.
H.R. 5431: Mr. KIND.
H.R. 5434: Mr. HALL of New York.
H.R. 5449: Ms. SCHAKOWSKY.
H.R. 5457: Mr. TOWNS and Mr. SPACE.
H.R. 5481: Ms. WOOLSEY, Ms. DELAURO, Mr. LANGEVIN, and Mr. INSLEE.
H.R. 5487: Ms. MCCOLLUM and Ms. RICHARDSON.
H. Con. Res. 40: Mr. CRITZ.
H. Con. Res. 200: Mr. ROSKAM.
H. Con. Res. 259: Mr. ACKERMAN.
H. Con. Res. 266: Mr. SIMPSON and Ms. SPEIER.
H. Con. Res. 281: Mr. GINGREY of Georgia, Mr. BROWN of South Carolina, Mr. BRADY of Texas, and Mr. MARCHANT.
H. Con. Res. 283: Mr. OWENS.
H. Res. 173: Mrs. DAHLKEMPER, Mr. CRITZ, Mr. LIPINSKI, and Mr. MITCHELL.
H. Res. 363: Mr. PAYNE.
H. Res. 536: Mr. ISRAEL.
H. Res. 546: Mr. HASTINGS of Florida and Mr. COOPER.
H. Res. 633: Mr. RUSH and Ms. RICHARDSON.
H. Res. 771: Mr. ROGERS of Alabama, Mr. CALVERT, Mr. RUSH, Mr. PLATTS, Mr. BARTLETT, Mr. AKIN, Ms. SCHWARTZ, Ms. BALDWIN, and Ms. TITUS.
H. Res. 953: Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. INGLIS, Mr. CAO, Mr. PITTS, Mr. ELLISON, and Mr. SHULER.
H. Res. 1035: Mr. TIERNEY.
H. Res. 1207: Mr. SABLAN, Mr. ORTIZ, Mr. BOSWELL, and Mr. BISHOP of Georgia.
H. Res. 1217: Mr. CARNEY.
H. Res. 1241: Mr. LEE of New York.
H. Res. 1302: Mr. SPACE.
H. Res. 1309: Mr. YOUNG of Florida.
H. Res. 1359: Mr. PETERS, Mr. HONDA, Mr. GRAYSON, Mr. ROTHMAN of New Jersey, Mr. POLIS, Mr. HOLT, Ms. SCHAKOWSKY, Ms. KILROY, Ms. HARMAN, Mr. MORAN of Virginia, Mr. INGLIS, and Mr. CONNOLLY of Virginia.
H. Res. 1374: Mr. SCHOCK.
H. Res. 1375: Ms. RICHARDSON, Ms. SUTTON, Mr. STARK, and Mr. GRIJALVA.
H. Res. 1379: Mr. POMEROY and Mr. DANIEL E. LUNGREN of California.
H. Res. 1390: Mr. MORAN of Virginia and Mr. STARK.
H. Res. 1393: Mr. KENNEDY and Mr. MCNERNEY.
H. Res. 1394: Mr. GALLEGLY and Mrs. MILLER of Michigan.

H. Res. 1398: Mr. STARK.
H. Res. 1401: Mr. TEAGUE and Ms. PINGREE of Maine.
H. Res. 1402: Mr. OBERSTAR, Mr. HARE, and Mr. LEE of New York.
H. Res. 1406: Mr. BROUN of Georgia and Mr. CHAFFETZ.
H. Res. 1407: Mr. LANCE, Mr. GERLACH, Mr. WAMP, Mrs. MYRICK, Ms. GINNY BROWN-WAITE of Florida, Mr. DENT, Mr. SHIMKUS, and Mr. CASTLE.
H. Res. 1414: Mr. GUTIERREZ.
H. Res. 1428: Ms. DELAURO.

¶72.30 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

141. The SPEAKER presented a petition of City of Miami Beach, Florida, relative to Resolution No. 2010-27379 urging the President and the Congress of the United States to Adopt the Military Readiness Enhancement Act of 2009 (H.R. 1283); to the Committee on Armed Services.

142. Also, a petition of City and County of Honolulu, Hawaii, relative to Resolution 10-56, CD1 urging the United States Congress to support a final version of the Native Hawaiian Government Reorganization Act; to the Committee on Natural Resources.

143. Also, a petition of American Bar Association, Illinois, relative to Resolution 102E urging federal, state, territorial, and local governments to expand as appropriate in light of security and safety concerns, initiatives that facilitate contact and communication between parents in correctional custody and their children; jointly to the Committees on the Judiciary, Education and Labor, and Ways and Means.

MONDAY, JUNE 14, 2010 (73)

¶73.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. HINOJOSA, who laid before the House the following communication:

WASHINGTON, DC,
June 14, 2010.

I hereby appoint the Honorable RUBÉN HINOJOSA to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶73.2 RECESS—12:31 P.M.

The SPEAKER pro tempore, Mr. HINOJOSA, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 31 minutes p.m., until 2 p.m.

¶73.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. TEAGUE, called the House to order.

¶73.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TEAGUE, announced he had examined and approved the Journal of the proceedings of Thursday, June 10, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶73.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7861. A letter from the Lead Regulatory Analyst, Department of Agriculture, transmitting the Department's final rule — Swine Contract Library (RIN: 0580-AB06) received May 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7862. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium 1,4-Dialkyl Sulfosuccinates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0739; FRL-8825-2] received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7863. A letter from the Director, Office of Management and Budget, transmitting a letter regarding the clean energy goals of the administration; to the Committee on Appropriations.

7864. A letter from the Chair, Federal Reserve System, transmitting the System's 96th Annual Report covering operations for calendar year 2009; to the Committee on Financial Services.

7865. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Web-Based Compliance and Certification Management System [Docket No.: EERE-2010-BT-CRT-0017] (RIN: 1904-AC10) received May 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7866. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Determination Concerning the Potential for Energy Conservation Standards for Non-Class A External Power Supplies [Docket No.: EERE-2009-BT-DET-0005] (RIN: 1904-AB80) received May 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7867. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Withdrawal of the Emission-Comparable Fuel Exclusion under RCRA [EPA-HQ-RCRA-2005-0017; FRL-9160-9] (RIN: 2050-AG57) received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7868. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's ''Major'' final rule — Primary National Ambient Air Quality Standard for Sulfur Dioxide [EPA-HQ-OAR-2007-0352; FRL-9160-4] (RIN: 2060-A048) received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7869. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 09-141 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7870. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-039, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7871. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-014, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7872. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period from October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7873. A letter from the Assistant Chief Counsel for General Law, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Incorporation of Special Permits into Regulations [Docket No.: PHMSA-2009-0289 (HM-233A)] (RIN: 2137-AE39) received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7874. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-1C, B2-203, B2K-3C, B4-103, B4-203, B4-2C Airplanes; Model A310 Series Airplanes; and Model A300 B4-601, B4-603, B4-605R, B4-620, B4-622, and B4-622R Airplanes [Docket No.: FAA-2009-0789; Directorate Identifier 2008-NM-185-AD; Amendment 39-16228; AD 2010-06-04] (RIN: 2120-AA64) received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7875. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives BAE SYSTEMS (Operations) Limited Model BAE 146-100A, -200A, and -300A Series Airplanes, and Model Avro 146-RJ70A, 146-RJ85A, and 146-RJ100A Airplanes [Docket No.: FAA-2009-1250; Directorate Identifier 2008-NM-169-AD; Amendment 39-16276; AD 2010-09-11] (RIN: 2120-AA64) received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7876. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DASSAULT AVIATION Model FALCON 900EX and MYSTERE-FALCON 900 Airplanes [Docket No.: 2000-NM-418-AD; Amendment 39-12964; AD 2002-23-20] (RIN: 2120-AA64) received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7877. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Sections 7701(a) and 7805 — Definition of Foreign Parternship [Notice 2010-41] received May 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7878. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — James R. Thompson v. United States Court of Federal Claims No. 06-211T received May 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7879. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tidewater Inc. and Subsidiaries and Tidewater Foreign Sales Corporation v. United States, 565 F. 3d 299 (5th Cir. 2009), aff'g No. 06-875, 2007 U.S. Dist. LEXIS 77147 (E.D. La. October 17, 2007) received May 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7880. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Qualified Nonpersonal Use Vehicles [TD 9483] (RIN: 1545-BH65) received May 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7881. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of Dividends received Deduction on Separate Accounts of Life Insurance Companies [LMSB-4-0510-015] received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7882. A letter from the Staff Director, Commission on Civil Rights, transmitting a report on ''Wiretapping and the War on Terror''; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

7883. A letter from the Secretary, Department of Labor, transmitting a legislative proposal entitled, ''Unemployment Compensation Program Integrity Act of 2010''; jointly to the Committees on Oversight and Government Reform, Ways and Means, and Education and Labor.

7884. A letter from the Principal Deputy General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2011; jointly to the Committees on Armed Services, the Judiciary, Oversight and Government Reform, the Budget, Financial Services, Small Business, Transportation and Infrastructure, Veterans' Affairs, Foreign Affairs, and Energy and Commerce.

7885. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2011; jointly to the Committees on Armed Services, Transportation and Infrastructure, Ways and Means, Energy and Commerce, Foreign Affairs, the Judiciary, Intelligence (Permanent Select), Oversight and Government Reform, and Education and Labor.

¶73.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. TEAGUE, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 11, 2010 at 10:19 a.m.:

That the Senate passed with an amendment H.R. 3360.

Appointments:

United States Commission on International Religious Freedom.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶73.7 SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. TEAGUE, announced that, pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill of the Senate on Friday, June 11, 2010:

S. 3473. An Act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

¶73.8 SUPPORTING DAIRY MONTH

Mr. BRIGHT moved to suspend the rules and agree to the following resolution (H. Res. 1368):

Whereas since 1939, June has been celebrated as National Dairy Month;

Whereas there are nearly 70,000 dairy farms throughout the United States, and approximately 99 percent of these farms are family owned;

Whereas the dairy industry in the United States produces more than 170 billion pounds of milk annually and contributes tens of billions of dollars to the economy;

Whereas dairy products are an important source of calcium and have been long recognized as an integral part of a healthy diet for both children and adults;

Whereas dairy farmers are significant contributors to efforts to preserve farmland and the rural character of communities across the country; and

Whereas the dairy industry has faced significant challenges recently due to high production costs and low retail prices, which has forced many farms to close: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of National Dairy Month;

(2) encourages States and local governments to observe National Dairy Month with appropriate activities and events that promote the dairy industry;

(3) recognizes the important role that the dairy industry has played in the economic and nutritional well-being of Americans;

(4) commends dairy farmers for their continued hard work and commitment to the United States economy and to the preservation of open space; and

(5) encourages all Americans to show their continued support for the dairy industry and dairy farmers.

The SPEAKER pro tempore, Mr. TEAGUE, recognized Mr. BRIGHT and Mr. NEUGEBAUER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TEAGUE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BRIGHT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TEAGUE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶73.9 SUPPORTING DR. LARRY CASE

Mr. BRIGHT moved to suspend the rules and agree to the following resolution (H. Res. 1383):

Whereas, on May 3, 2010, the U.S. Department of Education announced the retirement of National FFA Advisor Dr. Larry Case, effective January 1, 2011, after 26 years of service in that capacity;

Whereas a former FFA member from Stet, Missouri, Dr. Case earned his bachelor's degree in agricultural education, master's degree in vocational education, and doctor of education from the University of Missouri;

Whereas Dr. Case began his career in 1966 as a high school agricultural education instructor in Mendon, Missouri;

Whereas Dr. Case served as the Missouri director of agricultural education for seven years;

Whereas in 1984, Dr. Case left Missouri for Washington, DC, where he became the senior program specialist and coordinator for agricultural and rural education;

Whereas in addition to serving as the National FFA Advisor, Dr. Case served as the Chief Executive Officer and Chairman of the Board of Directors of the National FFA organization and Board President of the National FFA Foundation Board of Trustees;

Whereas in addition to helping form the National Council for Agricultural Education, Dr. Case also served as National Advisor to the National Young Farmer Educational Association, National Advisor and Chairman of the Board for the National Postsecondary Student Organization, and Chairman of the National Council for Vocational and Technical Education in Agriculture;

Whereas during his tenure, FFA saw tremendous growth in membership and educational innovation, and was able to personally congratulate more than 50,000 young FFA leaders; and

Whereas Dr. Case has provided agricultural education and the FFA with strong leadership and a strategic vision for the future, and agriculture owes him a debt of gratitude for his good work: Now, therefore, be it

Resolved, That the House of Representatives honors Dr. Larry Case on his retirement as National FFA Advisor.

The SPEAKER pro tempore, Mr. TEAGUE, recognized Mr. BRIGHT and Mr. NEUGEBAUER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TEAGUE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BRIGHT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TEAGUE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, June 15, 2010.

¶73.10 AMERICAN EAGLE DAY

Mr. HINOJOSA moved to suspend the rules and agree to the following resolution (H. Res. 1409):

Whereas, on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) the Office of the President;
(2) the Office of the Vice President;
(3) Congress;
(4) the Supreme Court;
(5) the Department of the Treasury;
(6) the Department of Defense;
(7) the Department of Justice;
(8) the Department of State;
(9) the Department of Commerce;
(10) the Department of Homeland Security;
(11) the Department of Veterans Affairs;
(12) the Department of Labor;
(13) the Department of Health and Human Services;
(14) the Department of Energy;
(15) the Department of Housing and Urban Development;
(16) the Central Intelligence Agency; and
(17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

(1) the spirit of freedom; and
(2) the democracy of the United States;
Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, commerce, literature, architecture, and culture of the United States;
Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;
Whereas the habitat of bald eagles exists only in North America;
Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;
Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));
Whereas caring and concerned individuals from the Federal, State, and private sectors banded together to save, and help ensure the recovery and protection of, bald eagles;
Whereas, on July 20, 1969, the first manned lunar landing occurred in the Apollo 11 Lunar Excursion Module, which was named ''Eagle'';
Whereas the ''Eagle'' played an integral role in achieving the goal of the United States of landing a man on the Moon and returning that man safely to Earth;
Whereas, in 1995, as a result of the efforts of those caring and concerned individuals, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));
Whereas, by 2007, the population of bald eagles that nested in the lower 48 States had increased to approximately 10,000 nesting pairs, an increase of approximately 2,500 percent from the preceding 40 years;
Whereas, in 2007, the population of bald eagles that nested in the State of Alaska was approximately 50,000 to 70,000;
Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));
Whereas bald eagles remain protected in accordance with—
(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the ''Bald Eagle Protection Act of 1940''); and
(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);
Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins under the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108–486; 118 Stat. 3934);
Whereas the sale of the limited edition bald eagle commemorative coins issued by the Secretary of the Treasury has raised approximately $7,800,000 for the nonprofit American Eagle Foundation of Pigeon Forge, Tennessee to support efforts to protect the bald eagle;
Whereas, if not for the vigilant conservation efforts of concerned Americans and the enactment of strict environmental protection laws (including regulations), the bald eagle would probably be extinct;
Whereas the American Eagle Foundation has brought substantial public attention to the cause of the protection and care of the bald eagle nationally;
Whereas November 4, 2010, marks the 25th anniversary of the American Eagle Foundation;
Whereas the dramatic recovery of the population of bald eagles—
(1) is an endangered species success story; and
(2) an inspirational example for other wildlife and natural resource conservation efforts around the world;
Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals;
Whereas June 20, 2010, would be an appropriate date to designate as ''American Eagle Day''; and
Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—
(1) the continued progress of the recovery of bald eagles; and
(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it
Resolved, That the House of Representatives—
(1) supports the designation of ''American Eagle Day'';
(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to generate critical funds for the protection of bald eagles; and
(3) encourages—
(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and
(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

The SPEAKER pro tempore, Mr. TEAGUE, recognized Mr. HINOJOSA and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. TEAGUE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HINOJOSA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TEAGUE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶73.11 GIFT CARD PROVISIONS

Mr. HINOJOSA moved to suspend the rules and pass the bill (H.R. 5502) to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009.

The SPEAKER pro tempore, Mr. TEAGUE, recognized Mr. HINOJOSA and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. TEAGUE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HINOJOSA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. TEAGUE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶73.12 RECESS—2:35 P.M.

The SPEAKER pro tempore, Mr. TEAGUE, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 35 minutes p.m., until approximately 6:30 p.m.

¶73.13 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. TONKO, called the House to order.

¶73.14 H. RES. 1368—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TONKO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1368) supporting the goals of National Dairy Month.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 359 / Nays 0

¶73.15 [Roll No. 355]

YEAS—359

Ackerman	Capps	Edwards (MD)
Aderholt	Capuano	Edwards (TX)
Adler (NJ)	Cardoza	Ehlers
Alexander	Carney	Ellison
Altmire	Carson (IN)	Ellsworth
Andrews	Cassidy	Emerson
Arcuri	Castle	Engel
Austria	Castor (FL)	Eshoo
Baca	Chaffetz	Etheridge
Bachmann	Chandler	Farr
Bachus	Childers	Filner
Baird	Chu	Flake
Baldwin	Clarke	Fleming
Barrow	Clay	Foster
Bartlett	Cleaver	Foxx
Barton (TX)	Clyburn	Frank (MA)
Bean	Coble	Franks (AZ)
Becerra	Coffman (CO)	Frelinghuysen
Berkley	Cohen	Fudge
Berman	Cole	Gallegly
Berry	Conaway	Garamendi
Biggert	Connolly (VA)	Giffords
Bilbray	Conyers	Gingrey (GA)
Bilirakis	Cooper	Gohmert
Bishop (GA)	Courtney	Gonzalez
Bishop (NY)	Crenshaw	Goodlatte
Bishop (UT)	Critz	Granger
Blackburn	Crowley	Graves (MO)
Blumenauer	Cuellar	Grayson
Blunt	Culberson	Green, Al
Boccieri	Cummings	Green, Gene
Boehner	Dahlkemper	Griffith
Bono Mack	Davis (CA)	Guthrie
Boren	Davis (KY)	Hall (NY)
Boswell	Davis (TN)	Hall (TX)
Boucher	DeFazio	Halvorson
Boustany	DeGette	Hare
Braley (IA)	DeLauro	Harman
Bright	Dent	Harper
Broun (GA)	Deutch	Hastings (FL)
Brown-Waite, Ginny	Diaz-Balart, M.	Hastings (WA)
Buchanan	Dicks	Heinrich
Burgess	Dingell	Heller
Burton (IN)	Djou	Hensarling
Buyer	Doggett	Herger
Calvert	Donnelly (IN)	Herseth Sandlin
Camp	Doyle	Higgins
Cantor	Dreier	Himes
Capito	Driehaus	Hinchey
	Duncan	Hinojosa

Hirono
Holt
Hoyer
Hunter
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Young (AK)

NOT VOTING—72

Akin
Barrett (SC)
Bonner
Boozman
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Butterfield
Campbell
Cao
Carnahan
Carter
Costa
Costello
Davis (AL)
Davis (IL)
Delahunt
Diaz-Balart, L.
Fallin
Fattah
Forbes
Fortenberry
Garrett (NJ)
Gerlach
Gordon (TN)
Grijalva
Gutierrez
Hill
Hodes
Hoekstra
Holden
Honda
Inglis
Inslee
Issa
Kilpatrick (MI)
Kirk
Lipinski
Luetkemeyer
Lynch
Maloney
Matheson
Melancon
Miller (FL)
Moran (KS)
Myrick
Napolitano
Nunes
Quigley
Radanovich
Rogers (KY)
Rogers (MI)
Rohrabacher
Salazar
Sanchez, Loretta
Shuler
Simpson
Sires
Skelton
Slaughter
Stark
Tanner
Taylor
Towns
Wamp
Waters
Weiner
Wilson (SC)
Yarmuth
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶73.16 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC., June 10, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from Mr. Wesley B. Tailor, Director of Elections, Office of the Secretary of State, State of Georgia, indicating that, according to the unofficial returns of the Special Election held June 8, 2010, the Honorable Tom Graves was elected Representative to Congress for the Ninth Congressional District, State of Georgia.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

Enclosure.

THE OFFICE OF SECRETARY OF STATE,
June 10, 2010.

LORRAINE C. MILLER,
Clerk, House of Representatives, H–154 U.S. Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election Runoff held on Tuesday, June 8, 2010, for U.S. Representative from the Ninth Congressional District of Georgia show that, as of today's date, Tom Graves received 22,684 votes or 56.5% of the total number of votes cast, and thus far counted, for that office.

It would appear from these unofficial results that Tom Graves was elected as the U.S. Representative from the Ninth Congressional District of Georgia.

At this time, we are not aware of any contest to this election. As soon as the official results are certified to this office by all counties involved, the official ''Certificate of Election'' will be prepared and forwarded to the Governor's Office for transmittal to you as required by Georgia law.

If we can assist you further, please let us know.

Sincerely,

WESLEY B. TAILOR.

¶73.17 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Mr. KINGSTON, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. Tom Graves, 9th District of the State of Georgia, has not been received by the Clerk of the House of Representatives, Mr. GRAVES be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

Mr. GRAVES then presented himself at the bar of the House and took the oath of office prescribed by law.

¶73.18 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced under clause 5(d) of rule XX, that, in light of the administration of the oath to Representative GRAVES, the whole number of the House is adjusted to 433.

¶73.19 H. RES. 1409—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TONKO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1409) expressing support for designation of June 20, 2010, as ''American Eagle Day'', and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 360 / Nays 0

¶73.20 [Roll No. 356]

YEAS—360

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boren
Boswell
Boucher
Boustany
Braley (IA)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Filner
Flake
Fleming
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Hoyer
Hunter
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil

Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Young (AK)

NOT VOTING—72

Baird
Barrett (SC)
Berman
Bonner
Boozman
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Butterfield
Campbell
Cao
Carter
Costello
Davis (AL)
Davis (IL)
Delahunt
Diaz-Balart, L.
Fallin
Fattah
Forbes
Fortenberry
Gerlach
Gohmert
Gordon (TN)
Grijalva
Gutierrez
Hill
Hodes
Hoekstra
Holden
Honda
Inglis
Inslee
Issa
Kilpatrick (MI)
Kirk
Lipinski
Lynch
Maloney
Matheson
Melancon
Miller (FL)
Moran (KS)
Myrick
Napolitano
Nunes
Quigley
Radanovich
Reyes
Rogers (KY)
Rohrabacher
Salazar
Sanchez, Loretta
Shuler
Simpson
Sires
Skelton
Slaughter
Speier
Stark
Tanner
Taylor
Towns
Walden
Wamp
Waters
Weiner
Wilson (SC)
Yarmuth
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶73.21 MOMENT OF SILENCE IN MEMORY OF THE FLOOD VICTIMS IN ARKANSAS

The SPEAKER pro tempore, Mr. TONKO, announced that all Members stand and observe a moment of silence in memory of the flood victims in Arkansas.

¶73.22 H.R. 5502—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TONKO, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5502) to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 357 / Nays 0

¶73.23 [Roll No. 357]

YEAS—357

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boren
Boswell
Boucher
Boustany
Braley (IA)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Filner
Flake
Fleming
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Hoyer
Hunter
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Young (AK)

NOT VOTING—75

Baird
Barrett (SC)
Berman
Bonner
Boozman
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Butterfield
Campbell
Cao
Capuano
Carter
Costello
Davis (AL)
Davis (IL)
Delahunt
Diaz-Balart, L.
Fallin
Fattah
Forbes
Fortenberry
Gerlach
Gohmert
Gordon (TN)
Grijalva
Gutierrez
Hill
Hodes
Hoekstra
Holden
Honda
Inglis
Inslee
Issa
Kilpatrick (MI)
Kirk
Linder
Lipinski
Lynch
Maloney
Matheson
Melancon
Miller (FL)
Moran (KS)
Moran (VA)
Myrick
Napolitano
Nunes
Quigley
Radanovich
Rogers (KY)
Rohrabacher
Salazar
Sanchez, Loretta
Sarbanes
Shuler
Simpson
Sires
Skelton
Slaughter
Stark
Sutton
Tanner
Taylor
Towns
Walden
Wamp
Waters
Weiner
Wilson (SC)
Yarmuth
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶73.24 PROVIDING FOR CONSIDERATION OF H.R. 5486 AND H.R. 5297

Ms. PINGREE of Maine, by direction of the Committee on Rules, reported (Rept. No. 111–506) the resolution (H. Res. 1436) providing for consideration of the bill (H.R. 5486) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; and providing for consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶73.25 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. TONKO, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC., June 14, 2010.

Hon. NANCY PELOSI,
The Speaker, H–232 U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, June 14, 2010 at 2:55 p.m., and said to contain a message from the President whereby he notifies the Congress that he has extended the national emergency with respect to North Korea beyond June 26, 2010, by notice filed earlier with the Federal Register.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶73.26 NATIONAL EMERGENCY WITH RESPECT TO NORTH KOREA

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13466 of June 26, 2008, is to continue in effect beyond June 26, 2010.

The existence and the risk of proliferation of weapons-usable fissile material on the Korean Peninsula constitute a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency and maintain certain restrictions with respect, to North Korea and North Korean nationals.

BARACK OBAMA.

THE WHITE HOUSE, *June 14, 2010.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111– 121).

¶73.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DAVIS of Illinois, for today;

To Mr. FATTAH, for today;

To Mr. GERLACH, for today;

To Mr. HILL, for today;

To Mr. HONDA, for today and until 5 p.m. on June 15;

To Mr. INSLEE, for today;

To Ms. KILPATRICK of Michigan, for today; and

To Mrs. NAPOLITANO, for today.

And then,

¶73.28 ADJOURNMENT

On motion of Mr. KING of Iowa, at 10 o'clock and 50 minutes p.m., the House adjourned.

¶73.29 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONERS & DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

TOM GRAVES, Georgia, Ninth.

¶73.30 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOWNS: Committee on Oversight and Government Reform. H.R. 2142. A bill to require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council; with amendments (Rept. 111–504). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 4451. A bill to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; with an amendment (Rept. 111–505). Referred to the Committee of the Whole House on the state of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1436. Resolution providing for consideration of the bill (H.R. 5486) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; and providing for consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes (Rept. 111–506). Referred to the House Calendar.

¶73.31 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CASSIDY (for himself, Mr. CAO, Mr. BOUSTANY, Mr. ALEXANDER, Mr. SCALISE, Mr. FLEMING, Mr. MELANCON, Mr. GRIFFITH, Mr. ROGERS of Alabama, Mr. SULLIVAN, Mr. COLE, Mr. BOREN, Mr. SHADEGG, Mr. PENCE, Mr. YOUNG of Alaska, Mr. CHAFFETZ, Mr. MARCHANT, Mr. CULBERSON, Mr. LUCAS, Mr. CUELLAR, Mr. GUTHRIE, Mr. MCCAUL, Mr. FRANKS of Arizona, Mrs. CAPITO, Mr. CONAWAY, Mr. HARPER, Mr. OLSON, Mr. HENSARLING, Mr. PRICE of Georgia, Mr. THOMPSON of Pennsylvania, Mr. POE of Texas, Mr. BURTON of Indiana, and Mr. HALL of Texas):

H.R. 5519. A bill to terminate the moratorium on deepwater drilling and to require the Secretary of the Interior to ensure the safety of deepwater drilling operations; to the Committee on Natural Resources.

By Mr. KAGEN (for himself, Mr. RUPPERSBERGER, Mr. HALL of New York, Mr. BOSWELL, Mr. HARE, Ms. SUTTON, Mr. DEUTCH, Ms. VELÁZQUEZ, Mr. JOHNSON of Georgia, Mr. CONNOLLY of Virginia, Mr. LOEBSACK, Mr. MCGOVERN, Mr. SCHAUER, Mr. SPRATT, Ms. CASTOR of Florida, Mr. BACA, Ms. CLARKE, Ms. LEE of California, and Mr. COHEN):

H.R. 5520. A bill to require immediate payment by BP p.l.c to the United States of an amount for use to compensate all affected persons for removal costs and damages arising from the explosion and sinking of the mobile offshore drilling unit Deepwater Horizon, to make that amount available to the Secretary of the Interior to pay such compensation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CASTLE (for himself, Mrs. DAHLKEMPER, and Mr. EHLERS):

H.R. 5521. A bill to extend credits related to the production of electricity from offshore wind, and for other purposes; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mr. CONNOLLY of Virginia, and Mr. WOLF):

H.R. 5522. A bill to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees; to the Committee on Oversight and Government Reform.

By Mr. EDWARDS of Texas (for himself, Mr. CARTER, Mr. AKIN, Mr.

BISHOP of Georgia, Mrs. BLACKBURN, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. CONAWAY, Mr. CRENSHAW, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. FARR, Mr. GONZALEZ, Ms. GRANGER, Mr. GRAVES of Missouri, Mr. SAM JOHNSON of Texas, Mr. KILDEE, Mr. KISSELL, Mr. KRATOVIL, Mr. LUETKEMEYER, Mr. MORAN of Virginia, Mr. OWENS, Mr. REYES, Ms. SHEA-PORTER, Mr. SMITH of Washington, Mr. SMITH of Texas, Mr. TAYLOR, Mr. TEAGUE, Mr. THOMPSON of Pennsylvania, Mr. WILSON of South Carolina, Mr. REICHERT, Ms. SCHWARTZ, Mr. ISRAEL, Mr. DAVIS of Tennessee, Mr. STUPAK, Mr. RYAN of Ohio, Mr. MCGOVERN, Mr. HINOJOSA, Mr. LUJÁN, Mr. MEEKS of New York, Mr. SCALISE, Mr. BUTTERFIELD, Mr. DONNELLY of Indiana, Mr. MURPHY of New York, Mr. MEEK of Florida, Mr. CRITZ, Mr. CARNEY, Mrs. KIRKPATRICK of Arizona, Mr. HARE, Ms. HIRONO, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. ORTIZ, Mr. SESSIONS, Mr. SHUSTER, Mr. WESTMORELAND, Mr. GRIFFITH, Mr. JONES, Mr. CAO, Mr. ROHRABACHER, Mr. FRELINGHUYSEN, Mr. SHIMKUS, Mr. COLE, Mr. BURTON of Indiana, Mr. LINDER, Mr. KINGSTON, Mr. BROUN of Georgia, Mr. FLEMING, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CALVERT, Mr. KING of New York, Mr. EHLERS, Mr. MCCAUL, Mr. KING of Iowa, Mr. PENCE, Mr. WALDEN, Mr. ROE of Tennessee, Mr. DAVIS of Kentucky, Mr. CULBERSON, Mr. BUYER, Ms. GINNY BROWN-WAITE of Florida, Mr. GOHMERT, Mrs. MYRICK, Mr. BILBRAY, Mr. ROGERS of Kentucky, Mr. TIAHRT, Mr. CAMP, Mr. ELLSWORTH, Ms. JENKINS, Mr. LOEBSACK, Ms. RICHARDSON, Mr. MCMAHON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARTON of Texas, Mr. BACHUS, Mr. MCCLINTOCK, Mr. BONNER, Mr. ROONEY, and Ms. NORTON):

H. Con. Res. 286. Concurrent resolution recognizing the 235th birthday of the United States Army; to the Committee on Armed Services.

By Mr. BOEHNER (for himself, Mr. KLINE of Minnesota, Mr. LUETKEMEYER, Mr. LEE of New York, Mr. JONES, Mr. KING of Iowa, Ms. ROS-LEHTINEN, Mr. ROONEY, Mrs. MYRICK, Mr. COBLE, Mr. GUTHRIE, Mr. SULLIVAN, Mr. POSEY, Mr. LATHAM, Mr. TERRY, Mr. ROE of Tennessee, Mr. AKIN, Mr. CONAWAY, Mr. HERGER, Mr. WILSON of South Carolina, Mr. OLSON, Mr. MCHENRY, Mr. PAULSEN, Mr. ROGERS of Michigan, Mr. BROWN of South Carolina, and Mr. BARTON of Texas):

H. Con. Res. 287. Concurrent resolution recognizing Associated Builders and Contractors on the occasion of the 60th anniversary of its founding and for the many vital contributions merit shop commercial, industrial, and infrastructure construction contractors make to the quality of life of the people of the United States; to the Committee on Oversight and Government Reform.

By Mr. CUMMINGS (for himself, Mr. GALLEGLY, Mr. HOLT, Mr. ISSA, Mr. CASTLE, Mr. TIM MURPHY of Pennsylvania, Mrs. CHRISTENSEN, Mr. COHEN, Ms. BORDALLO, Ms. CLARKE, Mr. BISHOP of Georgia, Mr. TANNER, Mr. HINCHEY, Mr. SCOTT of Georgia, Mr. SMITH of New Jersey, Ms. NORTON, Mr. LOBIONDO, Mr. MORAN of Virginia, Mr. FATTAH, Mr. SERRANO, Mr. NEAL of Massachusetts, Ms. LEE of California, Mr. HILL, Ms. FUDGE, Mr. LYNCH, Mr. CRITZ, Mr. HOLDEN, Mr. MCGOVERN, Mr. GRIJALVA, Ms. RICHARDSON, Mr. GORDON of Tennessee, Mr. BURTON of Indiana, Mrs. DAVIS of California, Mr. SIRES, Mr. HINOJOSA, Mr. THOMPSON of Mississippi, Mr. ELLISON, Mr. FILNER, Mr. JACKSON of Illinois, Mr. GONZALEZ, Mr. BUTTERFIELD, Mr. BRADY of Pennsylvania, Mr. BOSWELL, Mr. BISHOP of New York, Mr. ROE of Tennessee, Ms. CORRINE BROWN of Florida, Mr. CLAY, Mr. MCINTYRE, Ms. KILPATRICK of Michigan, Ms. BERKLEY, Mr. SCOTT of Virginia, Mr. FRELINGHUYSEN, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. HARE, Mr. GUTIERREZ, Mr. CLEAVER, Mr. SARBANES, and Mr. FRANK of Massachusetts):

H. Con. Res. 288. Concurrent resolution supporting National Men's Health Week; to the Committee on Oversight and Government Reform.

By Mr. DJOU (for himself and Mr. DREIER):

H. Res. 1435. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a free trade agreement with the Republic of the Philippines; to the Committee on Ways and Means.

By Mr. EDWARDS of Texas:

H. Res. 1437. A resolution congratulating the McLennan Community College Highlanders men's golf team for winning the 2010 NJCAA Division I Men's Golf Championship; to the Committee on Education and Labor.

By Mr. PAULSEN:

H. Res. 1438. A resolution promoting increased awareness and diagnosis of peripheral arterial disease (PAD) to address the high mortality rate of this treatable disease; to the Committee on Energy and Commerce.

By Mr. QUIGLEY (for himself, Mr. DAVIS of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. HARE, Mr. ROSKAM, Mrs. BIGGERT, Mr. MANZULLO, Mr. HIGGINS, Mr. MINNICK, Mr. SCHOCK, Mr. JOHNSON of Illinois, Mr. TERRY, Mr. JACKSON of Illinois, Mr. KIRK, Mr. FOSTER, Mr. SHIMKUS, Ms. BEAN, Ms. BALDWIN, Mrs. HALVORSON, Ms. SCHAKOWSKY, Mr. RUSH, and Mr. COSTELLO):

H. Res. 1439. A resolution congratulating the Chicago Blackhawks on winning the 2010 Stanley Cup Championship; to the Committee on Oversight and Government Reform.

By Mr. WEINER:

H. Res. 1440. A resolution recognizing and supporting Israel's right to defend itself; to the Committee on Foreign Affairs.

¶73.32 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

306. The SPEAKER presented a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Memorial 2009 uging the Congress to enact legislation that provides grant funding for states to conduct feasibility studies for the domestic production and research of medical isotopes; to the Committee on Energy and Commerce.

307. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 927 urging the Congress to pass the Social Security Fairness Act of 2009; to the Committee on Ways and Means.

308. Also, a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Memorial 2014 urging the Congress to support federal and state policy initiatives to spur a new wave of nuclear plant development; jointly to the Committees on Energy and Commerce, Ways and Means, and Science and Technology.

¶73.33 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 52: Mr. HONDA.
H.R. 211: Ms. LINDA T. SÁNCHEZ of California.
H.R. 235: Ms. SHEA-PORTER.
H.R. 248: Mr. HOLDEN.
H.R. 406: Ms. SPEIER and Mr. WALZ.
H.R. 503: Ms. BALDWIN.
H.R. 635: Ms. SUTTON.
H.R. 669: Mr. DEUTCH.
H.R. 707: Mr. Critz.
H.R. 948: Mr. RYAN of Ohio.
H.R. 1021: Mrs. BLACKBURN.
H.R. 1193: Mr. FRANK of Massachusetts, Mr. LOEBSACK, and Mr. PRICE of North Carolina.
H.R. 1210: Mrs. BLACKBURN.
H.R. 1230: Mr. COHEN.
H.R. 1240: Mr. LIPINSKI.
H.R. 1305: Mr. WALDEN.
H.R. 1324: Mr. THOMPSON of Mississippi.
H.R. 1351: Ms. EDWARDS of Maryland.
H.R. 1549: Ms. LORETTA SANCHEZ of California.
H.R. 1806: Mr. MCCOTTER.
H.R. 1826: Ms. CLARKE.
H.R. 1829: Ms. ROS-LEHTINEN.
H.R. 1927: Mr. DOGGETT.
H.R. 1956: Mr. COSTA.
H.R. 2246: Mr. BLUMENAUER.
H.R. 2626: Mr. WALDEN.
H.R. 2697: Ms. LORETTA SANCHEZ of California.
H.R. 2731: Mr. MICHAUD.
H.R. 2746: Mr. UPTON and Mr. KIRK.
H.R. 2811: Mr. DEUTCH.
H.R. 3164: Mr. CONNOLLY of Virginia.
H.R. 3212: Mr. JOHNSON of Georgia and Mr. LOEBSACK.
H.R. 3349: Mr. FALEOMAVAEGA.
H.R. 3408: Ms. CLARKE, Mr. PAYNE, Ms. HIRONO, and Mr. BOSWELL.
H.R. 3441: Mr. NYE.
H.R. 3464: Mrs. SCHMIDT.
H.R. 3491: Ms. CHU.
H.R. 3554: Mr. HARE.
H.R. 3625: Mr. KUCINICH.
H.R. 3716: Mr. PAUL.
H.R. 3839: Mr. MCCOTTER.
H.R. 3974: Ms. PINGREE of Maine.
H.R. 4051: Mr. CRITZ.
H.R. 4080: Mr. LEWIS of Georgia.
H.R. 4116: Mr. PERRIELLO, Mr. BISHOP of Georgia, Ms. CASTOR of Florida, Mr. MCDERMOTT, Mr. RYAN of Ohio, Mr. POE of Texas, and Mr. LUJÁN.
H.R. 4128: Ms. WATERS.
H.R. 4148: Mr. KUCINICH.
H.R. 4190: Mr. HODES.
H.R. 4195: Ms. HIRONO.
H.R. 4197: Mr. FRANK of Massachusetts.
H.R. 4296: Mr. PRICE of North Carolina.
H.R. 4322: Mr. PRICE of North Carolina and Mr. BISHOP of Georgia.
H.R. 4446: Mr. KUCINICH.
H.R. 4480: Mr. RYAN of Ohio, Ms. BERKLEY, and Mr. CASTLE.
H.R. 4530: Ms. TSONGAS.
H.R. 4544: Mr. PRICE of North Carolina and Mr. KUCINICH.
H.R. 4594: Mr. LANGEVIN.
H.R. 4638: Mr. FILNER.
H.R. 4671: Mr. POLIS and Mr. MOLLOHAN.
H.R. 4677: Mr. KUCINICH.
H.R. 4684: Mr. BAIRD, Ms. BALDWIN, Mr. BARROW, Mr. BILBRAY, Mr. CARDOZA, Mr. CARSON of Indiana, Mr. CHAFFETZ, Mr. COBLE, Mr. COOPER, Mr. MARIO DIAZ-BALART of Florida, Mr. DINGELL, Mr. ETHERIDGE, Mr. FRANKS of Arizona, Mr. HOYER, Mr. INSLEE, Mr. JORDAN of Ohio, Ms. KAPTUR, Mr. KILDEE, Mr. MINNICK, Mr. PASTOR of Arizona,

Mr. PENCE, Mr. RUSH, Mr. SENSENBRENNER, Ms. SPEIER, Mr. TIERNEY, Mr. YARMUTH, Mr. YOUNG of Alaska, Mr. HASTINGS of Florida, Mr. CUELLAR, Mr. COFFMAN of Colorado, Ms. HERSETH SANDLIN, Mrs. HALVORSON, Mr. GUTIERREZ, Mr. SMITH of Texas, Mr. BOYD, and Mr. BACA.

H.R. 4710: Ms. PINGREE of Maine.

H.R. 4745: Mr. LAMBORN, Mr. PETERSON, and Mr. PLATTS.

H.R. 4796: Mr. FRANK of Massachusetts.

H.R. 4830: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4844: Mrs. MILLER of Michigan.

H.R. 4886: Mr. TURNER and Ms. CHU.

H.R. 4910: Mr. CASSIDY.

H.R. 4912: Mr. FILNER.

H.R. 4923: Mr. HINCHEY, Mr. STUPAK, Mr. THOMPSON of California, and Mr. MCNERNEY.

H.R. 4925: Ms. SCHAKOWSKY.

H.R. 4926: Ms. SCHAKOWSKY, Ms. HIRONO, Mr. STUPAK, and Mr. GRIJALVA.

H.R. 4995: Mr. GARY G. MILLER of California.

H.R. 5012: Mr. SCHIFF, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. FRANK of Massachusetts, and Mr. CONYERS.

H.R. 5032: Mr. DEUTCH.

H.R. 5034: Mr. ROTHMAN of New Jersey, Mr. COURTNEY, and Mr. HEINRICH.

H.R. 5040: Ms. DEGETTE, Mr. ENGEL, Mr. COHEN, and Mr. BOUCHER.

H.R. 5041: Mr. OWENS and Ms. DEGETTE.

H.R. 5081: Mr. LINDER and Mr. WEINER.

H.R. 5092: Mr. SPRATT.

H.R. 5119: Mr. POLIS and Ms. DEGETTE.

H.R. 5141: Mr. CULBERSON, Mr. NUNES, Mr. REHBERG, Mr. BLUNT, and Mr. DAVIS of Kentucky.

H.R. 5156: Ms. SPEIER and Ms. HIRONO.

H.R. 5162: Ms. HERSETH SANDLIN, Ms. GINNY BROWN-WAITE of Florida, and Mr. JORDAN of Ohio.

H.R. 5173: Mr. BACHUS.

H.R. 5211: Mr. PIERLUISI, Mr. KUCINICH, and Ms. TITUS.

H.R. 5232: Ms. WASSERMAN SCHULTZ.

H.R. 5339: Mr. MCCLINTOCK.

H.R. 5340: Mr. MCCLINTOCK.

H.R. 5354: Mr. SCOTT of Georgia.

H.R. 5355: Ms. WATERS and Mr. FRANK of Massachusetts.

H.R. 5382: Mr. SHADEGG.

H.R. 5426: Mr. ROGERS of Michigan.

H.R. 5434: Mr. ROTHMAN of New Jersey, Mr. MARKEY of Massachusetts, Mr. GEORGE MILLER of California, Mr. HONDA, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 5441: Ms. MOORE of Wisconsin, Ms. SCHAKOWSKY, and Mr. MAFFEI.

H.R. 5470: Mr. SARBANES and Mr. MARCHANT.

H.R. 5478: Mr. BAIRD and Mr. ELLSWORTH.

H.R. 5480: Mr. CONYERS.

H.R. 5501: Mr. GARRETT of New Jersey, Mr. COFFMAN of Colorado, Mr. PRICE of Georgia, and Mr. CAO.

H.R. 5502: Mr. MCMAHON, Mr. MCCARTHY of California, Ms. JENKINS, and Mr. MEEKS of New York.

H.R. 5510: Mr. DRIEHAUS.

H.J. Res. 47: Mr. BISHOP of Georgia and Mr. PERRIELLO.

H.J. Res. 81: Ms. CLARKE, Mr. FATTAH, Ms. WATSON, and Mr. WATT.

H. Con. Res. 242: Mr. MEEK of Florida.

H. Con. Res. 266: Mr. GARAMENDI.

H. Con. Res. 281: Mr. NEUGEBAUER and Mr. GARRETT of New Jersey.

H. Con. Res. 284: Mr. BARROW, Mr. TIAHRT, Mr. SMITH of Texas, Mr. EHLERS, Ms. KILROY, Mr. LAMBORN, Mr. FORTENBERRY, Mr. GRAVES of Missouri, Mr. HARPER, Mr. COBLE, and Mr. KENNEDY.

H. Res. 111: Mr. CASTLE and Mr. CRITZ.

H. Res. 173: Mrs. KIRKPATRICK of Arizona, Mr. RANGEL, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 536: Mr. AKIN and Mr. HOLDEN.

H. Res. 764: Mr. JOHNSON of Georgia and Mr. COSTA.

H. Res. 820: Mr. MANZULLO.

H. Res. 913: Mr. FRANK of Massachusetts and Mr. MORAN of Virginia.

H. Res. 966: Mr. CALVERT.

H. Res. 1171: Mr. LIPINSKI.

H. Res. 1207: Mr. WILSON of South Carolina.

H. Res. 1219: Ms. MARKEY of Colorado.

H. Res. 1291: Mr. BOUCHER and Mr. MARSHALL.

H. Res. 1350: Mr. BURTON of Indiana and Mr. FLAKE.

H. Res. 1401: Mr. CARNEY, Mr. LOBIONDO, Mr. WEINER, Mr. MEEKS of New York, Mr. HOLDEN, Mr. FILNER, Mr. WU, Mr. DEFAZIO, Mr. KLEIN of Florida, Mr. CAO, and Mr. BOSWELL.

H. Res. 1406: Mr. LAMBORN, Mr. REHBERG, and Mr. FLEMING.

H. Res. 1412: Mr. SCHIFF and Mr. SCHOCK.

H. Res. 1417: Mr. GORDON of Tennessee.

H. Res. 1429: Mrs. MCMORRIS RODGERS, Mr. MCINTYRE, Mr. MANZULLO, Mr. THOMPSON of Pennsylvania, Mr. CALVERT, Mr. LANCE, Mr. LATOURETTE, Mr. CAO, Ms. GRANGER, Mr. POSEY, Mr. CONAWAY, Mrs. BACHMANN, Mr. LAMBORN, Mr. GUTHRIE, Mr. JORDAN of Ohio, Mr. CONNOLLY of Virginia, Mr. GRIFFITH, Mr. CHAFFETZ, Mr. MAFFEI, Mr. MCCAUL, Mr. ROE of Tennessee, Mr. TURNER, Mr. KLINE of Minnesota, Mr. BACHUS, Mr. PRICE of Georgia, Mr. SIMPSON, Ms. BORDALLO, Mr. BROUN of Georgia, Mrs. BLACKBURN, Mr. NEUGEBAUER, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mrs. HALVORSON, Mr. BUYER, and Mr. DUNCAN.

H. Res. 1430: Mr. SABLAN.

¶73.34 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

144. The SPEAKER presented a petition of American Bar Association, Illinois, relative to Resolution 102G urging the President and the Attorney General to assure that lawyers in the Department of Justice do not make decisions concerning investigations or proceedings based upon partisan political interests; to the Committee on the Judiciary.

145. Also, a petition of American Bar Association, Illinois, relative to Resolution 102D urging federal, state, local, and territorial courts to adopt a procedure whereby a criminal trial court shall conduct a conference with the parties to ensure that they are fully aware of their respective disclosure obligations; to the Committee on the Judiciary.

TUESDAY, JUNE 15, 2010 (74)

¶74.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Mrs. DAHLKEMPER, who laid before the House the following communication:

WASHINGTON, DC,
June 15, 2010.

I hereby appoint the Honorable KATHLEEN A. DAHLKEMPER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶74.2 RECESS—9:01 A.M.

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 1 minute a.m., until 10 a.m.

¶74.3 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Mr. CLYBURN, called the House to order.

¶74.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CLYBURN, announced he had examined and approved the Journal of the proceedings of Monday, June 14, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶74.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7886. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Tomatoes From Souss-Massa-Draa, Morocco; Technical Amendment [Docket No.: APHIS-2008-0017] (RIN: 0579-AC77) received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7887. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Coat Protein of Plum Pox Virus; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0763; FRL-8826-9] received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7888. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 09-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7889. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Capacity Building Program for Traditionally Underserved Populations—Technical Assistance for American Indian Vocational Rehabilitation Services Projects Catalog of Federal Domestic Assistance (CFDA) Number: 84.406 received May 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7890. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—Employer Practices Related to Employment Outcomes Among Individuals with Disabilities Catalog of Federal Domestic Assistance (CFDA) Number: 84.133B-3 received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7891. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Subchapter E—General Contracting Requirements, Subchapter F—Special Categories of Contracting, and Subchapter G—Contract Management (RIN: 1991-AB88) received May 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7892. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of Significant New Use Rule on a Certain Chemical Substance [EPA-HQ-OPPT-2009-0668; FRL-8819-3]

(RIN: 2070-AB27) received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7893. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Nonprocurement Debarment and Suspension [NRC-2010-0005] (RIN: 3150-AI76) received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7894. A letter from the Director, Defense Security Cooperation Agency, transmitting various reports in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7895. A letter from the Secretary, Department of Commerce, transmitting Periodic Report on the National Emergency Caused by the Lapse of the Export Administration Act of 1979 for August 26, 2009 — February 26, 2010; to the Committee on Foreign Affairs.

7896. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

7897. A letter from the Chief Executive Officer, Millennium Challenge Corporation, transmitting proposed amendments to the Millennium Challenge Act of 2003; to the Committee on Foreign Affairs.

7898. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the Corporation's semiannual report from the office of the Inspector General for the period October 1, 2010 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7899. A letter from the Principal Director, Office of Diversity Management and Equal Opportunity, Department of Defense, transmitting the Department's annual report for FY 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7900. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Teledyne Continental Motors (TCM) 240, 346, 360, 470, 520, and 550 Series and Rolls-Royce Motors, Ltd. (R-RM) IO-240-A Reciprocating Engines [Docket No.: FAA-2009-1156; Directorate Identifier 2009-NE-38-AD; Amendment 39-160309 AD 2010-11-04] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7901. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (ECF) Model AS332L1 and AS332L2 Helicopters [Docket No.: FAA-2010-0489; Directorate Identifier 2009-SW-78-AD; Amendment 39-16294; AD 2010-10-15] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7902. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters [Docket No.: FAA-2010-0419; Directorate Identifier 2009-SW-64-AD; Amendment 39-16293; AD 2010-10-14] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7903. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron (Bell) Model 205A, 205A-1, 205B, 212, 412, 412EP, and 412CF and Agusta S.p.A. (Agusta) Model AB412, AB412EP Helicopters [Docket No.: FAA-2009-0294; Directorate Identifier 2010-SW-032-AD; Amendment 39-16295; AD 2009-10-16] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7904. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 Turbofan Engines; Correction [Docket No.: FAA-2007-27687; Directorate Identifier 2000-NE-42-AD; Amendment 39-16144; AD 2009-26-09] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7905. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. CFM56-5B1/P, -5B2/P, -5B3/P, -5B3/P1, -5B4/P, -5B5/P, -5B6/P, -5B7/P, -5B8/P, -5B9/P, -5B1/2P, -5B2/2P, -5B3/2P, -5B3/2P1, -5B4/2P, -5B4/P1, -5B6/2P, -5B4/2P1, and -5B9/2P, Turbofan Engines [Docket No.: FAA-2008-1353; Directorate Identifier 2008-NE-46-AD; Amendment 39-16279; AD 2010-09-14] (RIN: 2120-AA64) received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7906. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC10-10F, DC-10-15, DC-10-30, DC-10-30F, (KC-10A and KDC-10) DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No.: FAA-2010-0032; Directorate Identifier 2009-NM-213-AD; Amendment 39-16277; AD 2010-09-12] (RIN: 2120-AA64) received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7907. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2011 inflation adjusted amounts for Health Savings Accounts (HSAs) as determined under Section 223 of the Internal Revenue Code [Rev. Proc. 2010-22] received May 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7908. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Phase-out of Credit for New Qualified Hybrid Motor Vehicles and New Advanced Lean Burn Technology Motor Vehicles [Notice 2010-42] received May 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7909. A letter from the Director, Office of Personnel Management, transmitting legislative proposal to amend chapter 55 of title 5, United States Code, to permit certain General Schedule (GS) Department of the Navy (Navy) employees to earn an overtime rate that exceeds the overtime hourly rate cap; jointly to the Committees on Oversight and Government Reform and Armed Services.

7910. A letter from the Secretary, Department of Transportation, transmitting results of a study required by Section 6206 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246); jointly to the Committees on Transportation and Infrastructure and Agriculture.

7911. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2011; jointly to the Committees on Armed Services, Oversight and Government Reform, Foreign Affairs, and the Judiciary.

¶74.6 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 1660. An Act to amend the Toxic Substance Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

¶74.7 RECESS FOR RECEPTION OF FORMER MEMBERS—10:04 A.M.

The SPEAKER pro tempore, Mr. CLYBURN, pursuant to the special order agreed to on June 10, 2010, declared the House in recess at 10 o'clock and 4 minutes a.m., subject to the call of the Chair.

¶74.8 AFTER RECESS—11:30 A.M.

The SPEAKER pro tempore, Mr. BLUMENAUER, called the House to order.

¶74.9 PROCEEDINGS DURING RECESS

On motion of Ms. BERKLEY, by unanimous consent, the proceedings had during the recess to receive former Members were ordered to be printed in the Record.

¶74.10 PROVIDING FOR CONSIDERATION OF H.R. 5486 AND H.R. 5297

Ms. PINGREE of Maine, by direction of the Committee on Rules, called up the following resolution (H. Res. 1436):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5486) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. (a) At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and amendments specified in this subsection and shall not exceed one hour, with 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a

substitute recommended by the Committee on Financial Services now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution modified by the amendment printed in part B of the report of the Committee on Rules. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part C of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(b) The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Financial Services or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

(c) In the engrossment of H.R. 5297, the Clerk is authorized to make technical and conforming changes to amendatory instructions.

SEC. 3. (a) In the engrossment of H.R. 5297, the Clerk shall—

(1) add the text of H.R. 5486, as passed by the House, as new matter at the end of H.R. 5297;

(2) conform the title of H.R. 5297 to reflect the addition to the engrossment of H.R. 5486;

(3) assign appropriate designations to provisions within the engrossment; and

(4) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 5486 to the engrossment of H.R. 5297, H.R. 5486 shall be laid on the table.

SEC. 4. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of June 18, 2010, providing for consideration or disposition of any Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SEC. 5. It shall be in order at any time through the legislative day of June 18, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

When said resolution was considered.

After debate,

On motion of Ms. PINGREE of Maine, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. DOYLE, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DOYLE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶74.11 FATHERS DAY

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 1389):

Whereas fathers factor significantly in the lives of children;

Whereas fathers play an important role in teaching their children life lessons and preparing them to succeed in school and in life;

Whereas children with involved fathers are more likely to do well in school, have a better sense of well-being, and have fewer behavioral problems;

Whereas supportive fathers promote the positive physical, social, emotional, moral, and mental development of children;

Whereas promoting responsible fatherhood can help increase the chances that children will grow up with two caring parents;

Whereas, when fathers are actively involved in the upbringing of children, the children demonstrate greater self-control and a greater ability to take initiative;

Whereas responsible fatherhood can help reduce child poverty;

Whereas responsible fatherhood strengthens families and communities; and

Whereas Father's Day is the third Sunday in June: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the millions of fathers who serve as a wonderful, caring parent for their children;

(2) calls on fathers across the United States to use Father's Day to reconnect and rededicate themselves to their children's lives, to spend Father's Day with their children, and to express their love and support for their children;

(3) urges men to understand the level of responsibility fathering a child requires, especially in the encouragement of the mental, moral, social, academic, emotional, physical, and spiritual development of children; and

(4) encourages active involvement of fathers in the rearing and development of their children, including the devotion of time, energy, and resources.

The SPEAKER pro tempore, Mr. DOYLE, recognized Ms. WOOLSEY and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DOYLE, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WOOLSEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DOYLE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶74.12 URBAN PREP CHARTER ACADEMY FOR YOUNG MEN—ENGLEWOOD CAMPUS

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 1414); as amended:

Whereas in a 2009 study by the Education Research Center found that in the 50 largest cities in the United States, which have significantly higher rates of poor and minority children, only 53 percent of students graduate on time;

Whereas African-American males are dropping out of high school in the Chicago Public School district, and in cities around the country, at a rate of over 50 percent and only one in 40 Black Chicago Public School males are graduating from college;

Whereas a University of Chicago study published in 2006 reported that only one in 40 African-American boys in Chicago Public Schools eventually graduate from a 4-year university;

Whereas a 2009 report by the American Council on Education found that only 28 percent of African-American males who have graduated from high school have gone on to enroll in college, compared to 41 percent of all students;

Whereas in 2002, a group of motivated African-American civic, business, and education leaders, organized by Tim King, determined to establish a new high school in Chicago focused on providing a strong college-preparatory high school option for boys in under-served African-American communities;

Whereas Urban Prep Academies is a nonprofit organization that operates a network of all-boys public schools including the Nation's first, and the State of Illinois only, charter high school for boys;

Whereas the mission of Urban Prep Academies is to provide a comprehensive, high-quality college-preparatory education to young men that results in graduates succeeding in college;

Whereas Urban Prep Charter Academy for Young Men—Englewood Campus was founded in 2002;

Whereas Urban Prep Charter Academy has a student population that is 100 percent African-American male and 85 percent low-income, has shattered stereotypes about the ability and willingness of African-American males to meet high expectations and serves as a national example that all students can succeed and achieve academically;

Whereas Urban Prep's extended school day, rigorous curriculum, and extracurricular ''arcs'', which includes the Academic Arc, Service Arc, Activity Arc, and Professional Arc, have been acknowledged as national models for other schools serving low-income communities by a variety of educational organizations and media outlets including the Chicago Public Schools, the American School Board Journal, the Urban School Improvement Network, the Illinois Policy Institute, Education Week, the Washington Post, and the Milwaukee Wisconsin Journal Sentinel;

Whereas Urban Prep Charter Academy for Young Men—Englewood Campus, achieving a 100 percent college acceptance rate for its June 12, 2010, first ever graduating class, will convene an Inaugural ''Signing Day'' event where each senior student will stand to publicly announce the college or university he has chosen to attend and commit to that school by signing the Urban Prep ''100 Percent to College'' board and the ''Credimus Book'';

Whereas to date, more than 80 colleges and universities have admitted Urban Prep seniors to their incoming freshmen classes and these seniors will receive nearly $4,000,000 in college scholarships and grants; and

Whereas Urban Prep has been recognized in the United States and internationally for its success in improving the academic, social, and emotional development of urban young men: Now, therefore, be it

Resolved, That the House of Representatives congratulates Principal Tim King and all of the students, teachers, administrators, and support personnel at Urban Prep Charter Academy for Young Men—Englewood Campus for achieving a 100 percent college acceptance rate for its first graduating class of 2010.

The SPEAKER pro tempore, Mr. DOYLE, recognized Ms. WOOLSEY and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. DOYLE, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WOOLSEY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. DOYLE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, June 16, 2010.

The point of no quorum was considered as withdrawn.

¶74.13 ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP'S 20TH ANNIVERSARY

Ms. WOOLSEY moved to suspend the rules and agree to the following resolution (H. Res. 1322):

Whereas the Albert Einstein Distinguished Educator Fellowship Program was established in 1990, and formalized by law in 1994;

Whereas Einstein Fellows are selected through a highly competitive process from among the best science, technology, engineering, and mathematics teachers in the field, and represent diverse geographic regions and communities;

Whereas the Albert Einstein Distinguished Educator Fellowship Program places these exceptional teachers in positions within Federal agencies and on Capitol Hill where they contribute to advancing the fields of education, science, technology, engineering, mathematics, and public policy;

Whereas the Department of Energy through its Office of Workforce Development for Teachers and Scientists, and the Triangle Coalition for Science and Technology Education have nurtured and grown the Einstein Fellowship Program;

Whereas over 190 Einstein Fellows have served professionally at the Department of Education, the Department of Energy, the National Aeronautics and Space Administration (NASA), the National Institutes of Health (NIH), the National Institute of Standards and Technology (NIST), the National Oceanic and Atmospheric Administration (NOAA), the National Science Foundation (NSF), the President's Office of Science and Technology Policy (OSTP), the U.S. Senate, and the U.S. House of Representatives;

Whereas the Einstein Fellowship Program fosters a spirit of cooperation between Federal agencies by placing a network of fellows at these different agencies;

Whereas Einstein Fellows provide practical perspectives on the application and impact of education policy;

Whereas Einstein Fellows have made invaluable contributions to the formulation of educational policy with their advice to Members of Congress and officials in Federal agencies, by developing legislation, and by creating innovative educational programs and interventions;

Whereas Einstein Fellows have experienced unique opportunities for professional growth and development, expanding their skills and knowledge;

Whereas Einstein Fellows learn valuable leadership skills to advance the fields of education, science, technology, engineering, mathematics, and public policy; and

Whereas the contributions of the Einstein Fellows during their service and later upon the continuation of their professional careers, serve as role models and examples of dedication and commitment for past, current, and future generations of educators and public servants: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significance of the 20th anniversary of the Albert Einstein Distinguished Educator Fellowship Program;

(2) recognizes the value of having current science, technology, engineering, and mathematics teachers directly engaged in the policymaking process;

(3) recognizes the sacrifices made by teachers who interrupt their careers to serve as Einstein Fellows;

(4) supports continuation of the Einstein Fellowship program;

(5) encourages Federal Agencies and congressional offices to host Einstein Fellows, and to leverage the expertise of former Einstein Fellows; and

(6) recognizes the contributions of Einstein Fellows, past, present, and future.

The SPEAKER pro tempore, Mr. DOYLE, recognized Ms. WOOLSEY and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DOYLE, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WOOLSEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DOYLE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶74.14 WORK-LIFE BALANCE AWARD

Ms. WOOLSEY moved to suspend the rules and pass the bill (H.R. 4855) to establish the Work-Life Balance Award for employers that have developed and implemented work-life balance policies; as amended.

The SPEAKER pro tempore, Mr. DOYLE, recognized Ms. WOOLSEY and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DOYLE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DOYLE, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶74.15 H. RES. 1383—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DOYLE, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1383) honoring Dr. Larry Case on his retirement as National FFA Advisor.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays 0

¶74.16 [Roll No. 358]

YEAS—409

Ackerman	Castle	Forbes
Aderholt	Castor (FL)	Fortenberry
Adler (NJ)	Chaffetz	Foster
Akin	Chandler	Foxx
Alexander	Childers	Frank (MA)
Altmire	Chu	Franks (AZ)
Andrews	Clarke	Frelinghuysen
Arcuri	Clay	Fudge
Austria	Cleaver	Gallegly
Baca	Clyburn	Garamendi
Bachmann	Coble	Garrett (NJ)
Bachus	Coffman (CO)	Gerlach
Baird	Cohen	Giffords
Baldwin	Cole	Gingrey (GA)
Barrow	Conaway	Gonzalez
Bartlett	Connolly (VA)	Goodlatte
Barton (TX)	Conyers	Gordon (TN)
Bean	Cooper	Granger
Becerra	Costa	Graves (GA)
Berkley	Costello	Graves (MO)
Berry	Courtney	Grayson
Biggert	Crenshaw	Green, Al
Bilbray	Critz	Green, Gene
Bishop (GA)	Crowley	Griffith
Bishop (NY)	Cuellar	Grijalva
Bishop (UT)	Culberson	Guthrie
Blackburn	Cummings	Gutierrez
Blumenauer	Dahlkemper	Hall (NY)
Blunt	Davis (AL)	Hall (TX)
Boccieri	Davis (CA)	Halvorson
Boehner	Davis (KY)	Hare
Bonner	Davis (TN)	Harman
Bono Mack	DeFazio	Harper
Boozman	DeGette	Hastings (FL)
Boren	Delahunt	Hastings (WA)
Boswell	DeLauro	Heinrich
Boucher	Dent	Heller
Boustany	Diaz-Balart, L.	Hensarling
Boyd	Diaz-Balart, M.	Herger
Brady (PA)	Dicks	Herseth Sandlin
Brady (TX)	Dingell	Higgins
Braley (IA)	Djou	Hill
Bright	Doggett	Himes
Broun (GA)	Donnelly (IN)	Hinchey
Buchanan	Doyle	Hinojosa
Burgess	Dreier	Hirono
Burton (IN)	Driehaus	Holden
Butterfield	Duncan	Holt
Calvert	Edwards (MD)	Hoyer
Camp	Edwards (TX)	Inslee
Campbell	Ehlers	Israel
Cao	Ellsworth	Issa
Capito	Emerson	Jackson (IL)
Capps	Engel	Jackson Lee (TX)
Capuano	Eshoo	Jenkins
Cardoza	Etheridge	Johnson (GA)
Carnahan	Farr	Johnson (IL)
Carney	Fattah	Johnson, E. B.
Carson (IN)	Filner	Johnson, Sam
Carter	Flake	Jones
Cassidy	Fleming	

Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Barrett (SC)
Berman
Bilirakis
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buyer
Cantor
Davis (IL)
Deutch
Ellison
Fallin
Gohmert
Hodes
Hoekstra
Honda
Hunter
Inglis
Lynch
Miller (FL)
Myrick
Pallone
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶74.17 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE FRANK EVANS

The SPEAKER pro tempore, Mr. DOYLE, announced that all Members stand and observe a moment of silence in memory of the late Honorable Frank Evans.

¶74.18 H. RES. 1436—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DOYLE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on agreeing to the resolution (H. Res. 1436) providing for consideration of the bill (H.R. 5486) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; and providing for consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 Nays 186

¶74.19 [Roll No. 359]

YEAS—228

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cao
Capito
Cardoza
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Barrett (SC)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buyer
Cantor
Davis (IL)
Deutch
Fallin
Gohmert
Hodes
Hoekstra

Honda
Inglis
Miller (FL)
Myrick
Pallone
Wamp

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶74.20 H.R. 4855—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DOYLE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4855) to establish the Work-Life Balance Award for employers that have developed and implemented work-life balance policies; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 249 / Nays 163

¶74.21 [Roll No. 360]

YEAS—249

Ackerman
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Buchanan
Butterfield
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHenry
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—163

Aderholt
Adler (NJ)
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cardoza
Carter
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Himes
Hunter
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McIntyre
McKeon
Melancon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Neugebauer
Nunes
Olson
Owens
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—20

Barrett (SC)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buyer
Cantor
Castor (FL)
Davis (IL)
Deutch
Fallin
Gohmert
Hodes
Hoekstra
Honda
Inglis
Miller (FL)
Myrick
Pallone
Rahall
Wamp

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶74.22 TAX INCENTIVES FOR SMALL BUSINESS JOB CREATION

Mr. LEVIN, pursuant to House Resolution 1436, called up for consideration the bill (H.R. 5486) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

When said bill was considered and read twice.

After debate,

Pursuant to House Resolution 1436, the previous question was ordered on the bill.

The bill was ordered to be engrossed and read a third time, was read a third time by title.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 1(c) of rule XIX, announced that further proceedings on the bill were postponed.

¶74.23 H. RES. 1389—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1389) recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 0

¶74.24 [Roll No. 361]

YEAS—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly

Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Barrett (SC)
Brown (SC)
Brown, Corrine
Cantor
Deutch
Fallin
Gohmert
Hodes
Hoekstra
Inglis
Linder
Lynch
Miller (FL)
Myrick
Pallone
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶74.25 TAX INCENTIVES FOR SMALL BUSINESS JOB CREATION

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 1(c) of rule XIX, announced that further proceedings were resumed on the bill (H.R. 5486) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Mr. CAMP moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

Subtitle C—Health Provisions

SEC. 541. REPEAL OF INDIVIDUAL HEALTH INSURANCE MANDATE.

Section 5000A is amended by adding at the end the following new subsection:

''(h) TERMINATION.—Subsections (a) and (b) shall not apply with respect to any month beginning after the date of the enactment of this subsection.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SERRANO, announced that the nays had it.

Mr. CAMP demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 187 / Nays 230

¶74.26 [Roll No. 362]

AYES—187

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Critz
Culberson
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Holden
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—230

Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boyd
Brady (PA)
Braley (IA)
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)

Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—15

Barrett (SC)
Brown (SC)
Brown, Corrine
Cantor
Deutch
Fallin
Gohmert
Hodes
Hoekstra
Inglis
Linder
Miller (FL)
Myrick
Pallone
Wamp

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. LEVIN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 247 Nays 170

¶74.27 [Roll No. 363]

AYES—247

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—170

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Neugebauer
Nunes
Olson
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Barrett (SC)
Brown (SC)
Brown, Corrine
Cantor
Deutch
Fallin
Gohmert
Hodes
Hoekstra
Inglis
Miller (FL)
Myrick
Pallone
Putnam
Wamp

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.28 H. RES. 1322—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1322) celebrating the 20th anniversary of the Albert Einstein Distinguished Educator Fellowship Program and recognizing the significant contributions of Albert Einstein Fellows.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 Nays 5

¶74.29 [Roll No. 364]

YEAS—405

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)

Johnson (IL)	Michaud	Scalise
Johnson, E. B.	Miller (MI)	Schakowsky
Johnson, Sam	Miller (NC)	Schauer
Jones	Miller, Gary	Schiff
Jordan (OH)	Miller, George	Schmidt
Kagen	Minnick	Schock
Kanjorski	Mitchell	Schrader
Kaptur	Mollohan	Schwartz
Kennedy	Moore (KS)	Scott (GA)
Kildee	Moore (WI)	Scott (VA)
Kilpatrick (MI)	Moran (KS)	Sensenbrenner
Kilroy	Moran (VA)	Serrano
Kind	Murphy (CT)	Sessions
King (IA)	Murphy (NY)	Sestak
King (NY)	Murphy, Patrick	Shadegg
Kirk	Murphy, Tim	Shea-Porter
Kirkpatrick (AZ)	Nadler (NY)	Sherman
Kissell	Napolitano	Shimkus
Klein (FL)	Neal (MA)	Shuler
Kline (MN)	Nunes	Shuster
Kosmas	Nye	Simpson
Kratovil	Oberstar	Sires
Kucinich	Obey	Skelton
Lamborn	Olson	Slaughter
Lance	Olver	Smith (NE)
Langevin	Ortiz	Smith (NJ)
Larsen (WA)	Owens	Smith (TX)
Larson (CT)	Pascrell	Smith (WA)
Latham	Pastor (AZ)	Snyder
LaTourette	Paul	Space
Latta	Paulsen	Speier
Lee (CA)	Payne	Spratt
Lee (NY)	Pence	Stark
Levin	Perlmutter	Stearns
Lewis (CA)	Perriello	Stupak
Lewis (GA)	Peters	Sullivan
Linder	Peterson	Sutton
Lipinski	Petri	Tanner
LoBiondo	Pingree (ME)	Taylor
Loebsack	Pitts	Teague
Lofgren, Zoe	Platts	Terry
Lowey	Poe (TX)	Thompson (CA)
Lucas	Polis (CO)	Thompson (MS)
Luetkemeyer	Pomeroy	Thompson (PA)
Luján	Posey	Thornberry
Lungren, Daniel E.	Price (GA)	Tiahrt
	Price (NC)	Tiberi
Lynch	Quigley	Tierney
Mack	Radanovich	Titus
Maffei	Rahall	Tonko
Maloney	Rangel	Towns
Manzullo	Rehberg	Tsongas
Marchant	Reichert	Turner
Markey (CO)	Reyes	Upton
Markey (MA)	Richardson	Van Hollen
Marshall	Rodriguez	Velázquez
Matheson	Roe (TN)	Visclosky
Matsui	Rogers (AL)	Walden
McCarthy (CA)	Rogers (KY)	Walz
McCarthy (NY)	Rogers (MI)	Wasserman Schultz
McCaul	Rohrabacher	
McClintock	Rooney	Watson
McCollum	Ros-Lehtinen	Watt
McCotter	Roskam	Waxman
McDermott	Ross	Weiner
McGovern	Rothman (NJ)	Welch
McHenry	Roybal-Allard	Westmoreland
McIntyre	Royce	Whitfield
McKeon	Ruppersberger	Wilson (OH)
McMahon	Rush	Wilson (SC)
McMorris Rodgers	Ryan (OH)	Wittman
	Ryan (WI)	Wolf
McNerney	Salazar	Woolsey
Meek (FL)	Sánchez, Linda T.	Wu
Meeks (NY)		Yarmuth
Melancon	Sanchez, Loretta	Young (AK)
Mica	Sarbanes	Young (FL)

NAYS—5

Campbell	Flake	Neugebauer
Conaway	Lummis	

NOT VOTING—22

Barrett (SC)	Deutch	Miller (FL)
Bilbray	Dicks	Myrick
Bishop (GA)	Fallin	Pallone
Boehner	Gohmert	Putnam
Brown (SC)	Hodes	Wamp
Brown, Corrine	Hoekstra	Waters
Cantor	Inglis	
Capps	Kingston	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶74.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. Corrine BROWN of Florida, for June 14 and today.

And then,

¶74.31 ADJOURNMENT

On motion of Mr. KING of Iowa, at 9 o'clock and 33 minutes p.m., the House adjourned.

¶74.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3993. A bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services; with an amendment (Rept. 111–507). Referred to the Committee of the Whole House on the state of the Union.

¶74.33 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REHBERG (for himself, Mr. BISHOP of Utah, and Mr. BROUN of Georgia):

H.R. 5523. A bill to protect the right of individuals to bear arms on Federal lands administered by the United States Forest Service and the Bureau of Land Management; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN:

H.R. 5524. A bill to amend the Tariff Act of 1930 to prohibit the importation into the United States of plastinated human remains from the People's Republic of China; to the Committee on Ways and Means.

By Mr. OLSON (for himself, Mr. PENCE, Mr. BARTON of Texas, Mr. MCCAUL, Mr. SMITH of Texas, Mr. BRADY of Texas, Mr. GOHMERT, Mr. POE of Texas, Mr. BOUSTANY, Mr. HARPER, Mr. NEUGEBAUER, Mr. MELANCON, Mr. PAUL, Mr. CUELLAR, Mr. CULBERSON, Mr. SHADEGG, and Mr. CASSIDY):

H.R. 5525. A bill to terminate the moratorium on deepwater drilling issued by the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. BLUMENAUER, and Mr. WU):

H.R. 5526. A bill to amend the Wild and Scenic Rivers Act to make technical corrections to the segment designations for the Chetco River, Oregon; to the Committee on Natural Resources.

By Mrs. CAPPS (for herself, Mr. LATOURETTE, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 5527. A bill to amend title XVIII of the Social Security Act to provide for patient protection by establishing safe nurse staffing levels at certain Medicare providers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY (for himself and Mr. BILIRAKIS):

H.R. 5528. A bill to enhance the integrity of the United States against the threat of terrorism; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER (for himself, Mr. KING of New York, Ms. GRANGER, Mrs. MCMORRIS RODGERS, Mr. MCCAUL, Mr. OLSON, Mr. CRITZ, Mr. WILSON of South Carolina, Mr. GOHMERT, and Mr. ROGERS of Kentucky):

H.R. 5529. A bill to amend the Internal Revenue Code of 1986 to exempt survivor benefit annuity plan payments from the individual alternative minimum tax; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 5530. A bill to require the Secretary of the Interior to ensure that the flags of the several States, the District of Columbia, and the territories of the United States encircle the Washington Monument; to the Committee on Natural Resources.

By Mr. HERGER:

H.R. 5531. A bill to amend the Endangered Species Act of 1973 to enable Federal agencies responsible for the preservation of threatened species and endangered species to rescue and relocate members of any of those species that would be taken in the course of certain reconstruction, maintenance, or repair of Federal or non-Federal manmade flood control levees; to the Committee on Natural Resources.

By Ms. ZOE LOFGREN of California:

H.R. 5532. A bill to amend the Immigration and Nationality Act with respect to adopted alien children; to the Committee on the Judiciary.

By Ms. MCCOLLUM:

H.R. 5533. A bill to strengthen the partnership between nonprofit organizations and the Federal Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and Labor, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS of New York (for himself, Ms. FUDGE, Ms. NORTON, Ms. KILPATRICK of Michigan, Ms. HERSETH SANDLIN, and Mr. TEAGUE):

H.R. 5534. A bill to authorize the Science, Engineering, Math, and Aerospace Academy Program in the National Aeronautics and Space Administration; to the Committee on Science and Technology.

By Mr. BERMAN (for himself and Ms. ROS-LEHTINEN) (both by request):

H.J. Res. 88. A joint resolution providing for the approval of the Congress of the proposed agreement for cooperation between the United States and Australia pursuant to the Atomic Energy Act of 1954; to the Committee on Foreign Affairs.

By Mr. CONAWAY:

H. Res. 1441. A resolution amending the Rules of the House of Representatives to curtail the growth of Government programs; to the Committee on Rules.

By Mr. DUNCAN:

H. Res. 1442. A resolution supporting the goals and ideals of United States Military History Month; to the Committee on Oversight and Government Reform.

By Mr. MEEKS of New York (for himself, Mr. SCOTT of Virginia, Mr.

SABLAN, Ms. JACKSON LEE of Texas, Mr. GRIJALVA, Ms. NORTON, Ms. RICHARDSON, Ms. CLARKE, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. GRAYSON, Mr. ISRAEL, Mr. BISHOP of New York, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mr. HINOJOSA, Mr. COHEN, Mr. KUCINICH, Mr. ELLISON, Mr. HASTINGS of Florida, Mr. ACKERMAN, Ms. EDWARDS of Maryland, Mr. ARCURI, Mr. DRIEHAUS, Ms. MOORE of Wisconsin, Mr. CROWLEY, Mr. SHULER, Mr. WU, Mr. LEWIS of Georgia, Mr. MOORE of Kansas, Mr. WEINER, Mr. MILLER of North Carolina, Mr. CARSON of Indiana, Mr. JOHNSON of Georgia, Mr. MCMAHON, Mr. WATT, Mr. BUTTERFIELD, Mr. CHANDLER, Mr. KLEIN of Florida, Mr. SIRES, and Mr. GUTIERREZ):

H. Res. 1443. A resolution recognizing the achievements of the Nation's high school graduating class of 2010, promoting the importance of encouraging intellectual growth, and rewarding academic excellence of all United States high school students; to the Committee on Education and Labor.

By Mr. PALLONE (for himself and Mr. SHIMKUS):

H. Res. 1444. A resolution recognizing the 60th anniversary of the National Institute of Diabetes and Digestive and Kidney Diseases; to the Committee on Energy and Commerce.

By Mr. ROONEY:

H. Res. 1445. A resolution expressing support for designation of July 17, 2010, as ''National Bladder Cancer Awareness Day''; to the Committee on Oversight and Government Reform.

¶74.34 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

309. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 220 memorializing Congress to reauthorize the funding for the TANF Emergency Fund program; to the Committee on Ways and Means.

310. Also, a memorial of the House of Representatives of the State of Arizona, relative to House Concurrent Memorial 2005 urging the Congress to reauthorize Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Energy and Commerce and Ways and Means.

¶74.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. MEEKS of New York.
H.R. 45: Mrs. CHRISTENSEN.
H.R. 197: Mr. GRAYSON.
H.R. 442: Ms. HERSETH SANDLIN and Mr. LARSEN of Washington.
H.R. 634: Mr. DONNELLY of Indiana and Mr. CAMP.
H.R. 708: Mr. TIM MURPHY of Pennsylvania.
H.R. 1034: Mrs. MCCARTHY of New York.
H.R. 1074: Mr. GRAYSON.
H.R. 1126: Ms. MOORE of Wisconsin and Mr. SIRES.
H.R. 1272: Mr. DJOU.
H.R. 1362: Mr. HEINRICH.
H.R. 1409: Mr. DEUTCH.
H.R. 1443: Mr. WATT.
H.R. 1751: Mr. CUELLAR and Mr. AL GREEN of Texas.
H.R. 1806: Mr. OLVER and Ms. KOSMAS.
H.R. 1990: Mr. RAHALL and Mr. THOMPSON of Pennsylvania.
H.R. 2103: Mr. HIMES.
H.R. 2189: Mr. AKIN.
H.R. 2240: Mr. CONYERS.
H.R. 2296: Mr. KIND.
H.R. 2381: Mrs. CHRISTENSEN and Mr. ROTHMAN of New Jersey.
H.R. 2412: Mr. DJOU.
H.R. 2413: Ms. ESHOO, Mr. PIERLUISI, Mr. MCNERNEY, and Ms. PINGREE of Maine.
H.R. 2455: Ms. ZOE LOFGREN of California, Ms. MCCOLLUM, Mr. LYNCH, and Mr. TIERNEY.
H.R. 2603: Mr. DJOU.
H.R. 2890: Ms. HIRONO.
H.R. 3024: Ms. MOORE of Wisconsin.
H.R. 3053: Mr. KUCINICH.
H.R. 3077: Mr. PRICE of North Carolina, Mr. CLEAVER, and Mr. CARNAHAN.
H.R. 3108: Mr. WEINER.
H.R. 3181: Mr. KUCINICH, Mr. WILSON of South Carolina, and Ms. FUDGE.
H.R. 3328: Mr. BUTTERFIELD.
H.R. 3359: Mr. LARSEN of Washington, Mr. CARNEY, Mr. BERRY, and Ms. NORTON.
H.R. 3421: Ms. BALDWIN.
H.R. 3670: Mr. PRICE of North Carolina.
H.R. 3924: Mr. CULBERSON and Mr. GARRETT of New Jersey.
H.R. 3943: Mr. CONNOLLY of Virginia.
H.R. 4024: Mr. DJOU.
H.R. 4037: Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. LOEBSACK, and Ms. RICHARDSON.
H.R. 4116: Mr. CLAY, Mr. SMITH of Washington, and Mr. NEAL of Massachusetts.
H.R. 4150: Mr. EDWARDS of Texas.
H.R. 4175: Mr. COHEN.
H.R. 4223: Mr. KIRK, Mr. FILNER, and Mr. LOEBSACK.
H.R. 4241: Mr. MINNICK.
H.R. 4278: Mr. PETERS.
H.R. 4306: Mr. ROONEY.
H.R. 4347: Mr. HONDA and Mr. LARSEN of Washington.
H.R. 4371: Ms. TITUS.
H.R. 4386: Mr. MAFFEI.
H.R. 4420: Mr. JONES.
H.R. 4443: Mr. EDWARDS of Texas.
H.R. 4477: Mr. DEFAZIO.
H.R. 4505: Mr. ROE of Tennessee.
H.R. 4645: Mr. ELLISON.
H.R. 4662: Mr. LOEBSACK, Mr. PRICE of North Carolina, and Ms. ZOE LOFGREN of California.
H.R. 4733: Mr. ROYCE and Mr. HINCHEY.
H.R. 4787: Mr. FRANK of Massachusetts.
H.R. 4788: Mr. BOSWELL, Mr. KILDEE, Mr. JOHNSON of Georgia, and Ms. NORTON.
H.R. 4836: Ms. NORTON.
H.R. 4888: Ms. WOOLSEY.
H.R. 4919: Mr. BROUN of Georgia.
H.R. 4925: Mr. RAHALL.
H.R. 4926: Mr. FILNER.
H.R. 4943: Mrs. MCMORRIS RODGERS and Mr. ROGERS of Kentucky.
H.R. 4947: Ms. BALDWIN.
H.R. 4958: Mr. CONYERS.
H.R. 4959: Ms. CASTOR of Florida.
H.R. 4993: Mr. PRICE of North Carolina.
H.R. 5000: Mr. GONZALEZ.
H.R. 5012: Ms. NORTON and Mr. LEWIS of Georgia.
H.R. 5016: Mr. SHUSTER, Mr. AKIN, Mrs. SCHMIDT, Mr. ROONEY, Mr. LUETKEMEYER, Ms. GRANGER, Mr. CALVERT, and Mr. BACHUS.
H.R. 5034: Mr. MINNICK.
H.R. 5037: Mr. FOSTER.
H.R. 5081: Mrs. MALONEY.
H.R. 5096: Ms. NORTON.
H.R. 5121: Mr. CONYERS.
H.R. 5141: Mr. EDWARDS of Texas and Mr. CALVERT.
H.R. 5143: Mr. HILL.
H.R. 5177: Mr. FORTENBERRY.
H.R. 5189: Mr. HALL of New York, Mr. FILNER, and Mr. MICA.
H.R. 5214: Mr. HONDA, Mr. ISRAEL, Mr. KILDEE, Mr. JOHNSON of Georgia, and Ms. GIFFORDS.
H.R. 5243: Mr. BURGESS.
H.R. 5255: Mr. COOPER.
H.R. 5268: Mr. MCNERNEY, Mr. OBERSTAR, and Mr. SIRES.
H.R. 5276: Mr. TURNER, Mr. MCCLINTOCK, and Mr. SCHOCK.
H.R. 5312: Mr. SHERMAN.
H.R. 5318: Mr. EDWARDS of Texas.
H.R. 5319: Mr. INGLIS.
H.R. 5324: Ms. ROYBAL-ALLARD.
H.R. 5354: Ms. NORTON.
H.R. 5371: Mr. CALVERT.
H.R. 5409: Mr. MCINTYRE and Mr. BISHOP of Georgia.
H.R. 5425: Mrs. BLACKBURN, Mr. OLSON, Mr. BARTLETT, Mr. BARTON of Texas, Mr. GOHMERT, Mr. BISHOP of Utah, Mrs. LUMMIS, Mr. ROONEY, Mr. LUETKEMEYER, Mr. POSEY, and Mr. PAUL.
H.R. 5429: Mr. WAXMAN, Mr. SCHIFF, Mr. BERMAN, Ms. RICHARDSON, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5430: Mr. KUCINICH.
H.R. 5431: Mr. KUCINICH.
H.R. 5434: Mr. LOBIONDO and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 5441: Mr. CONYERS.
H.R. 5447: Mr. BERRY.
H.R. 5462: Ms. MATSUI.
H.R. 5467: Mr. BISHOP of New York.
H.R. 5477: Mr. HINCHEY.
H.R. 5478: Mr. EDWARDS of Texas.
H.R. 5487: Mr. SALAZAR, Ms. NORTON, Mr. LUJÁN, Ms. BORDALLO, Mr. GARAMENDI, and Mr. OBERSTAR.
H.R. 5501: Mr. LAMBORN, Mr. ROONEY, Mr. DJOU, Mr. BOEHNER, Mr. ROE of Tennessee, Mr. SCHOCK, Mr. MANZULLO, Mr. AKIN, Mr. KINGSTON, Mr. MICA, Mr. REHBERG, Mr. ROYCE, Mr. FRELINGHUYSEN, Mr. KLINE of Minnesota, Mr. MCHENRY, Mrs. SCHMIDT, Mr. WESTMORELAND, Mr. LUETKEMEYER, Mr. HASTINGS of Washington, Mr. FLEMING, Mr. PLATTS, Mr. LATOURETTE, Mr. WALDEN, Ms. ROS-LEHTINEN, Mrs. BIGGERT, Mr. MCCOTTER, Mr. TIBERI, Mr. BILBRAY, Mr. GRAVES of Missouri, Mr. KING of Iowa, Mr. LANCE, Mr. POE of Texas, and Mr. GERLACH.
H.R. 5513: Mrs. MALONEY and Mr. HOLT.
H.R. 5515: Mr. PETRI.
H.R. 5519: Mr. DUNCAN, Mr. BROUN of Georgia, Ms. JENKINS, Mrs. LUMMIS, Mr. REHBERG, Mr. WESTMORELAND, Mr. GINGREY of Georgia, Mr. ROE of Tennessee, Mr. LUETKEMEYER, Mr. BISHOP of Utah, and Mr. SAM JOHNSON of Texas.
H.R. 5520: Mr. ROTHMAN of New Jersey, Mr. HINCHEY, Mr. BRALEY of Iowa, Mr. QUIGLEY Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. PASCRELL, Ms. WOOLSEY, Ms. HIRONO, Mr. KENNEDY, and Mr. ELLISON.
H.J. Res. 86: Mr. CAO, Mr. CUELLAR, Mr. PETERSON, Mr. ROYCE, Mr. DONNELLY of Indiana, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of New York, Mr. BERRY, Mr. LARSON of Connecticut, Mr. LARSEN of Washington, Mr. GORDON of Tennessee, Mr. OWENS, Mr. SHUSTER, Mr. KISSELL, Ms. SCHWARTZ, Mr. SKELTON, Mrs. DAHLKEMPER, Mr. SABLAN, Mr. MCMAHON, and Ms. KOSMAS.
H. Con. Res. 279: Mr. MCCLINTOCK and Mr. WITTMAN.
H. Con. Res. 284: Mr. NEUGEBAUER, Mr. BROUN of Georgia, Mr. WALDEN, Ms. NORTON, Mrs. MALONEY, Mr. BISHOP of Georgia, Ms. FUDGE, and Mr. ORTIZ.
H. Con. Res. 286: Mr. NUNES, Mr. MCHENRY, Mr. SPACE, Mr. DJOU, Mr. WOLF, Mr. GERLACH, Mr. MARSHALL, and Mr. GOODLATTE.
H. Res. 111: Mr. TOWNS.
H. Res. 173: Mr. POSEY, Mr. DONNELLY of Indiana, Mr. BISHOP of Utah, Mr. EDWARDS of Texas, and Mr. DEUTCH.
H. Res. 203: Mr. CRITZ.
H. Res. 252: Mr. HELLER.
H. Res. 308: Mr. RUSH, Ms. WATERS, Mr. TOWNS, Mr. ELLISON, Mr. FILNER, Ms. WASSERMAN SCHULTZ, Ms. RICHARDSON, and Ms. CLARKE.
H. Res. 771: Mr. AUSTRIA, Mr. SHULER, and Mr. HONDA.

H. Res. 1035: Mrs. MYRICK.
H. Res. 1219: Mr. CONYERS and Mr. ROHRABACHER.
H. Res. 1241: Mr. BUCHANAN, Mr. CONAWAY, Ms. FOXX, and Mr. LATOURETTE.
H. Res. 1350: Mr. WILSON of South Carolina, Mr. MANZULLO, and Mr. ISSA.
H. Res. 1393: Mr. MCGOVERN.
H. Res. 1394: Mr. PASCRELL and Mr. OLSON.
H. Res. 1395: Mr. MCINTYRE.
H. Res. 1401: Mr. WESTMORELAND, Ms. CORRINE BROWN of Florida, Mr. BISHOP of New York, Mr. HALL of New York, Mr. NADLER of New York, Mr. MCMAHON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. CUMMINGS, Mr. HASTINGS of Florida, Ms. BERKLEY, Mr. DEUTCH, Ms. ROS-LEHTINEN, Mr. WALZ, Mr. SIRES, Mr. ROONEY, Mr. CARNAHAN, Ms. ROYBAL-ALLARD, Mr. PERRIELLO, and Mr. LINCOLN DIAZ-BALART of Florida.
H. Res. 1405: Mr. HONDA and Ms. RICHARDSON.
H. Res. 1406: Mr. GALLEGLY, Mr. HERGER, and Mrs. LUMMIS.
H. Res. 1412: Mr. CARNAHAN and Mr. SCOTT of Virginia.
H. Res. 1419: Ms. FUDGE, Mr. Austria, Ms. KILROY, Ms. KAPTUR, Mr. RYAN of Ohio, Mrs. SCHMIDT, Mr. SPACE, and Mr. TIBERI.
H. Res. 1426: Ms. ZOE LOFGREN of California.
H. Res. 1429: Mrs. BIGGERT, Mr. AUSTRIA, Mr. WOLF, Mr. SKELTON, Mr. DJOU, Mr. AKIN, Mr. TIBERI, Mr. DANIEL E. LUNGREN of California, Mr. MCCOTTER, Mr. FORTENBERRY, Mr. JONES, Mr. SPRATT, Mr. ETHERIDGE, Mr. MCHENRY, Mr. GINGREY of Georgia, and Mr. BOUSTANY.
H. Res. 1439: Mr. MOORE of Kansas, Mr. FARR, Mr. CONNOLLY of Virginia, Mr. SHULER, Mr. BACA, Ms. WATSON, Mr. COHEN, Mr. BLUMENAUER, Ms. NORTON, Mr. POLIS, Ms. DEGETTE, Mr. MURPHY of New York, Mr. SNYDER, Ms. MOORE of Wisconsin, Ms. TITUS, Mr. PETERS, Mr. KAGEN, Mr. LUJÁN, Mr. PASCRELL, Mr. LEWIS of Georgia, Ms. Linda T. SÁNCHEZ OF CALIFORNIA, MR. PETERSON, Mr. WALZ, Mr. MCDERMOTT, Mr. ROTHMAN of New Jersey, Mr. BISHOP of New York, Mr. ELLSWORTH, Mr. CARSON of Indiana, and Mr. TEAGUE.

¶74.36 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

146. The SPEAKER presented a petition of American Bar Association, Illinois, relative to Recommendation 102C urging federal, state, territorial and local governments to undertake a comprehensive review of the misdemeanor provisions of their criminal laws; to the Committee on the Judiciary.

147. Also, a petition of American Bar Association, Illinois, relative to Recommendation 102B urging federal, state, territorial and local legislative bodies and agencies to support the development of simplified Miranda warning language for use with juvenile arrestees; to the Committee on the Judiciary.

148. Also, a petition of California State Lands Commission, California, relative to Resolution supporting the Lake Tahoe Restoration Act of 2010; jointly to the Committees on Transportation and Infrastructure, Natural Resources, and Agriculture.

WEDNESDAY, JUNE 16, 2010 (75)

¶75.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PASTOR of Arizona, who laid before the House the following communication:

WASHINGTON, DC,
June 16, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶75.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced he had examined and approved the Journal of the proceedings of Tuesday, June 15, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶75.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7912. A letter from the Secretary, American Battle Monuments Commission, transmitting report of a violation of the Antideficiency Act, as required by section 1341(a) of Title 31, United States Code in the Commission's Salaries and Expenses account and Trust Fund Account; to the Committee on Appropriations.

7913. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7914. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2010-0003] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7915. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1096] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7916. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-8129] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7917. A letter from the Secretary, Department of Health and Human Services, transmitting the thirtieth annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and Labor.

7918. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicaid Program; Final FY 2008, Revised Preliminary FY 2009, and Preliminary FY 2010 Disproportionate Share Hospital Allotments and Final FY 2008, Revised Preliminary FY 2009, and Preliminary FY 2010 Disproportionate Share Hospital Institutions for Mental Disease Limits [CMS-2300-N] (RIN: 0938-AP66) received June 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7919. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices and Communication Protocols for Public Utilities [Docket No.: RM05-5-017; Order No. 676-F] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7920. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-051, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7921. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-050, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7922. A communication from the President of the United States, transmitting a supplemental consolidated report, consistent with the War Powers Resolution, to keep Congress informed about deployments of U.S. Armed Forces equipped for combat, pursuant to Public Law 93–148; (H. Doc. No. 111–122); to the Committee on Foreign Affairs and ordered to be printed.

7923. A letter from the Administrator, Agency for International Development, transmitting the Agency's semiannual report from the office of the Inspector General for the period ending March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7924. A letter from the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting the Department's fiscal year 2009 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7925. A letter from the Assistant Attorney General, Department of Justice, transmitting the Semiannual Management Report to Congress for October 1, 2009 through March 31, 2010, and the Inspector General's Semiannual Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7926. A letter from the Director, Environmental Protection Agency, transmitting the Agency's annual report for FY 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7927. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7928. A letter from the Director, Office of Personnel Management, transmitting the Office's semiannual report from the office of the Inspector General for the period October 1, 2010 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7929. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

7930. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XV80) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7931. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Antarctic Marine Living Resources; Use of Centralized-Vessel Monitoring System and Importation of Toothfish; Re-export and Export of Toothfish; Applications for Krill Fishing; Regulatory Framework for Annual Conservation Measures [Docket No.: 0907141130-0112-02] (RIN: 0648-AX80) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7932. A letter from the Section Chief, NNCP, RMD, FBI, Department of Justice, transmitting the Department's final rule — FBI Records Management Division National Name Check Program Section User Fees [Docket No: FBI 118] (RIN: 1110-AA29) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7933. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3300-EM in the District of Columbia, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7934. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3299-EM in the State of Colorado, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7935. A letter from the Secretary, Department of Transportation, transmitting the regulatory status of each recommendation made by the NTSB to the Secretary that is on the Board's ''most wanted list'', pursuant to 49 U.S.C. 1135(d) Public Law 108-168, section 6; to the Committee on Transportation and Infrastructure.

7936. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Area Navigation Route Q-15; California [Docket No.: FAA-2010-0028; Airspace Docket No. 10-AWP-1] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7937. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Manila, AR [Docket No.: FAA-2009-1184; Airspace Docket No. 09-ASW-39] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7938. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mountain View, AR [Docket No.: FAA-2009-1181; Airspace Docket No. 09-ASW-36] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7939. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Batesville, AR [Docket No.: FAA-2009-1177; Airspace Docket No. 09-ASW-34] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7940. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marianna, AR [Docket No.: FAA-2009-1167; Airspace Docket No. 09-ASW-33] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7941. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Beatrice, NE [Docket No.: FAA-2009-0697; Airspace Docket No. 09-ACE-10] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7942. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment and Establishment of Restricted Areas and Other Special Use Airspace, Avon Park Air Force Range; FL [Docket No.: FAA-2008-1261; Airspace Docket No. 09-ASO-18] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7943. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Restricted Area R-2502A; Fort Irwin, CA [Docket No.: FAA-2010-0471; Airspace Docket No. 10-AWP-7] (RIN: 2120-AA66) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7944. A letter from the Chief Counsel, Department of the Treasury, transmitting the Department's final rule — Securities Held in Treasury Direct received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7945. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Diversification Requirements for Certain Defined Contribution Plans [TD 9484] (RIN: 1545-BH04) received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7946. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Twentieth Annual Report to Congress on health and safety activities; jointly to the Committees on Armed Services and Energy and Commerce.

¶75.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, without amendment, a bill of the House of the following title:

H.R. 3951. An Act to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the ''Roy Rondeno, Sr. Post Office Building''.

The message also announced that pursuant to Public Law 111–5, the Chair, on behalf of the Republican Leader, appoints the following individual to the Health Information Technology Policy Committee: Richard Chapman of Kentucky.

¶75.5 ORDER OF BUSINESS—FURTHER CONSIDERATION OF H.R. 5297

On motion of Ms. BEAN, by unanimous consent,

Ordered, That it may be in order during the consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes, the instruction in the amendment printed in Part B of House Report 111-506 relating to page 11, line 8, be considered to refer to section 4(d)(2)(A) of the matter proposed to be inserted by the amendment printed in Part A of such report, as amended by the amendment in part B of said report.

¶75.6 SMALL BUSINESS LENDING FUND

The SPEAKER pro tempore, Ms. TITUS, pursuant to House Resolution 1436 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes.

The SPEAKER pro tempore, Ms. TITUS, by unanimous consent, designated Mr. PASTOR of Arizona, as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Ms. CHU, assumed the Chair.

When Ms. NORTON, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶75.7 HYDROELECTRIC PROJECTS

Mr. MURPHY of Connecticut, moved to suspend the rules and pass the bill (H.R. 4451) to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; as amended.

The SPEAKER pro tempore, Ms. CHU, recognized Mr. MURPHY of Connecticut, and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MCGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶75.8 NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. COHEN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 242):

Whereas the National Association for the Advancement of Colored People (referred to in this resolution as the ''NAACP''), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the NAACP National Headquarters is located in Baltimore, Maryland;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's decision in Brown v. Board of Education, 347 U.S. 483 (1954);

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws that ensured Government protection for legal victories achieved;

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, whose resolved clause expresses that: (1) the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be criminal; (2) this conduct should be investigated thoroughly by Federal authorities; and (3) any criminal violations should be vigorously prosecuted;

Whereas in 2008, the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007, a law that puts additional Federal resources into solving the heinous crimes that occurred in the early days of the civil rights struggle that remain unsolved and bringing those who perpetrated such crimes to justice;

Whereas the NAACP has helped usher in the new millennium by charting a bold course, beginning with the appointment of the organization's youngest President and Chief Executive Officer, Benjamin Todd Jealous, and by outlining a strategic plan to confront 21st century challenges in the critical areas of health, education, housing, criminal justice, and environment; and

Whereas, on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of Bold Dreams, Big Victories with a historic address from the first African-American president of the United States, Barack Obama: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the 101st anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.

The SPEAKER pro tempore, Mr. MCGOVERN, recognized Mr. COHEN and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. MCGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COHEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MCGOVERN, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶75.9 HONORING THE DEPARTMENT OF JUSTICE

Mr. COHEN moved to suspend the rules and agree to the following resolution (H. Res. 1422):

Whereas the Department of Justice officially came into existence on July 1, 1870, through an Act of Congress establishing it as ''an executive department of the government of the United States'' with the Attorney General as its head;

Whereas pursuant to the Act, the Department was charged with providing the means for enforcing Federal laws, furnishing legal counsel in Federal cases, and construing the laws under which other Federal executive departments act;

Whereas there are currently 93 United States attorneys stationed throughout the United States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands, serving as the Nation's principal litigators and chief Federal law enforcement officials for their specific region, under the direction of the Attorney General;

Whereas the Department of Justice comprises 7 specialized divisions, including the Antitrust Division, Civil Division, Civil Rights Division, Criminal Division, Environment and Natural Resources Division, National Security Division and the Tax Division, also including the Federal Bureau of Investigation, the Bureau of Prisons, the United States Marshals Service, the U.S. Central Bureau-International Criminal Police Organization, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the Office of Justice Programs;

Whereas in 2006, the Department of Justice recognized the danger threatening the United States due to technology-assisted exploitation crimes targeting children, and responded by launching Project Safe Childhood, an effort which has resulted in record numbers of arrests and prosecutions of individuals who seek to commit sexual crimes against children;

Whereas in the past decade the Department of Justice has obtained approximately 1,300 convictions for financial crimes;

Whereas the Department of Justice responded to the significant increase in the number of firearms-related violent crimes in small geographic areas by creating the Violent Crime Impact Team (VCIT) initiative and since 2004 has arrested more than 14,100 gang members, drug dealers, felons in possession of firearms, and other violent criminals, including more than 2,800 identified as ''worst of the worst'' criminals;

Whereas the Department of Justice plays a key role in the fight against international drug trafficking;

Whereas in the past 8 years, the Department of Justice has disrupted 8, and dismantled 2, Priority Target Organizations (PTOs);

Whereas Operation FALCON (Federal and Local Cops Organized Nationally) is a series of nationwide fugitive apprehension operations coordinated by the Department of Justice, and has resulted in the collective capture of more than 55,896 dangerous fugitive felons since its inception in 2005;

Whereas since 2004, the Department of Justice has led the 2 largest multinational law enforcement efforts ever directed at online piracy, involving simultaneous efforts in 12 countries, more than 200 searches and arrests in more than 30 States, more than $100,000,000 in seized pirated works, and a total of 112 felony convictions to date; and

Whereas the Department of Justice's accomplishments are numerous and have played a significant part in securing the safety and security of the families and communities of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the Department of Justice on the occasion of its 140th anniversary;

(2) commends the men and women of the Department of Justice for their tireless commitment to pursuing justice, combating major domestic and international crimes, ensuring civil liberties, and protecting the people of the United States; and

(3) encourages the Department of Justice to continue its mission of pursuing the administration of justice for all people in the United States.

The SPEAKER pro tempore, Mr. MCGOVERN, recognized Mr. COHEN and Mr. SENSENBRENNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COHEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶75.10 EDUCATION WEEK

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 879); as amended:

Whereas the National Education Association has designated November 14 through November 20, 2010, as the 89th annual observance of American Education Week;

Whereas public schools are the backbone of the Nation's democracy, providing young people with the tools they need to maintain the Nation's precious values of freedom, civility, and equality;

Whereas by equipping young people in the United States with both practical skills and broader intellectual abilities, public schools give them hope for, and access to, a productive future;

Whereas people working in the field of public education, be they teachers, higher education faculty and staff, custodians, substitute educators, bus drivers, clerical workers, food service professionals, workers in skilled trades, health and student service workers, security guards, technical employees, or librarians, work tirelessly to serve children and communities throughout the Nation with care and professionalism; and

Whereas public schools are community linchpins, bringing together adults, children, educators, volunteers, business leaders, and elected officials in a common enterprise: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of American Education Week; and

(2) encourages the people of the United States to observe National Education Week by reflecting on the positive impact of all those who work together to educate children.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Ms. WATSON and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WATSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, June 17, 2010.

The point of no quorum was considered as withdrawn.

¶75.11 HOLLYWOOD WALK OF FAME 50TH ANNIVERSARY

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1357):

Whereas the Hollywood Walk of Fame is a tribute to those who have significantly contributed to the entertainment industry;

Whereas E.M. Stuart, who served as the volunteer president of the Hollywood Chamber of Commerce in 1953, is credited with creating the idea of the Hollywood Walk of Fame;

Whereas the Hollywood Walk of Fame was established to maintain the glory of a community whose name means glamour and excitement in the four corners of the world;

Whereas in January 1956 the plans for the Hollywood Walk of Fame were submitted to the Los Angeles City Council;

Whereas the Los Angeles City Council embraced the idea of the Hollywood Walk of Fame, and subsequently instructed the Board of Public Works to prepare the engineering specifications for the Hollywood Walk of Fame and to create the necessary assessment district to pay for the improvements associated with the Hollywood Walk of Fame;

Whereas the Hollywood Chamber of Commerce established the Hollywood Improvement Association to work with the City of Los Angeles in creating the Hollywood Walk of Fame;

Whereas, while the City of Los Angeles worked on the creation of the assessment district between May 1956 and the fall of 1957, the Hollywood Improvement Association worked on selecting the individuals to be honored by placement of a star in the Hollywood Walk of Fame;

Whereas four categories of stars were established to represent four aspects of the entertainment industry: motion picture, television, recording, and radio;

Whereas, on August 15, 1958, the Hollywood Chamber of Commerce and the City of Los Angeles unveiled eight stars on Hollywood Boulevard at Highland Avenue to demonstrate what the Hollywood Walk of Fame would look like;

Whereas these eight stars honored Olive Borden, Ronald Colman, Louise Fazenda, Preston Foster, Burt Lancaster, Edward Sedgwick, Ernest Torrence, and Joanne Woodward;

Whereas, on February 8, 1960, construction began on the Hollywood Walk of Fame;

Whereas, on March 28, 1960, the first star, awarded to Stanley Kramer, was laid in the Hollywood Walk of Fame;

Whereas, on November 23, 1960, the Hollywood Walk of Fame was dedicated in conjunction with the Hollywood Christmas Parade;

Whereas the Hollywood Walk of Fame was not completed until the spring of 1961, at which time it was accepted by the Board of Public Works and contained 1,558 stars;

Whereas, on May 18, 1962, the Los Angeles City Council approved an ordinance that specified that the Hollywood Chamber of Commerce should advise the City of Los Angeles in all matters pertaining to the addition of stars to the Hollywood Walk of Fame;

Whereas, by May 21, 1975, the date on which Carol Burnett was awarded a star, a total of 99 stars had been added to the original Hollywood Walk of Fame;

Whereas in 1978 the Cultural Heritage Board of the City of Los Angeles designated the Hollywood Walk of Fame as Los Angeles Historic-Cultural Monument Number 194;

Whereas in 1980 entertainer Johnny Grant was awarded a star in the Hollywood Walk of Fame;

Whereas after being awarded the star, Johnny Grant was so enthused about the honor that he involved himself in creating a memorable star ceremony for subsequent star recipients;

Whereas Johnny Grant was the chairman of the Walk of Fame Committee from 1980 until his death in January 2008;

Whereas it was through Johnny Grant's work that the Hollywood Walk of Fame turned into an international icon;

Whereas in 1984, under Johnny Grant's leadership, a fifth category of star, live theater, was added to allow individuals who excelled in all types of live performance to be considered for stars in the Hollywood Walk of Fame;

Whereas when constructed the Hollywood Walk of Fame was designed to accommodate 2,518 stars and by the 1990s space in the most popular areas was difficult to find;

Whereas Johnny Grant approved the creation of a second row of stars in the Hollywood Walk of Fame that would alternate with existing stars;

Whereas, on February 1, 1994, the Hollywood Walk of Fame was extended one block to the west from Sycamore Avenue to La Brea Avenue on Hollywood Boulevard;

Whereas, on February 1, 1994, Sophia Loren was honored with the 2,000th star in the Hollywood Walk of Fame;

Whereas the Hollywood Walk of Fame is a top visitor attraction in the City of Los Angeles; and

Whereas today an average of two stars are added to the Hollywood Walk of Fame each month: Now, therefore, be it

Resolved, That the House of Representatives commends and congratulates the Hollywood Walk of Fame on the occasion of its 50th anniversary.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Ms. WATSON and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WATSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, June 17, 2010.

The point of no quorum was considered as withdrawn.

¶75.12 SUPPORTING THE GOALS AND IDEALS OF FLAG DAY

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1429):

Whereas Flag Day is celebrated annually on June 14, the anniversary of the official adoption of the American flag by the Continental Congress in 1777;

Whereas, on June 14, 1777, in order to establish an official flag for the new Nation, the Continental Congress passed the first Flag Act, which stated, ''Resolved, That the flag of the United States be made of thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new Constellation'';

Whereas the second Flag Act, signed January 13, 1794, provided for 15 stripes and 15 stars after May 1795;

Whereas the Act of April 4, 1818, which provided for 13 stripes and one star for each State, to be added to the flag on July 4 following the admission of each new State, was signed by President James Monroe;

Whereas in an Executive order dated June 24, 1912, President William Howard Taft established the proportions of the flag and provided for arrangement of the stars in 6 horizontal rows of 8 each, a single point of each star to be upward;

Whereas in an Executive order dated January 3, 1959, President Dwight D. Eisenhower provided for the arrangement of the stars in 9 rows staggered horizontally and 11 rows of stars staggered vertically;

Whereas the first celebration of the American flag is believed to have been introduced by Bernard Cigrand, a Wisconsin school teacher, who arranged for his pupils at Stony Hill School in Waubeka to celebrate June 14 as ''Flag Birthday'' in 1885;

Whereas, on June 14, 1894, the Governor of New York ordered that the American flag be

displayed at all public buildings in the State, prompting many State and local governments to begin observing Flag Day;

Whereas President Woodrow Wilson proclaimed the first nationwide Flag Day in 1916;

Whereas in 1947, President Harry S. Truman signed legislation requesting National Flag Day be observed annually;

Whereas the United States flag is a symbol of our great Nation and its ideals;

Whereas in times of national crisis, Americans look to the United States flag as a symbol of hope, courage, and freedom;

Whereas the United States flag is universally honored;

Whereas the United States flag honors the men and women of the Armed Forces who have given their life in the defense of the United States;

Whereas the United States flag serves as a treasured symbol of the loss of loved ones to the countless families of those who died in defense of our Nation; and

Whereas June 14, 2010, is recognized as Flag Day: Now, therefore, be it

Resolved, That the House of Representatives celebrates the United States flag and supports the goals and ideals of Flag Day.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Ms. WATSON and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WATSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, June 17, 2010.

The point of no quorum was considered as withdrawn.

¶75.13 GOVERNMENT EFFICIENCY, EFFECTIVENESS, AND PERFORMANCE IMPROVEMENT

Ms. WATSON moved to suspend the rules and pass the bill (H.R. 2142) to require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council; as amended.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Ms. WATSON and Mr. CHAFFETZ, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶75.14 UNITED STATES-KOREA ALLIANCE

Mr. FALEOMAVAEGA moved to suspend the rules and pass the joint resolution (H.J. Res. 86) recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance; as amended.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. FALEOMAVAEGA and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution, as amended?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FALEOMAVAEGA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, June 17, 2010.

The point of no quorum was considered as withdrawn.

¶75.15 235TH BIRTHDAY OF UNITED STATES ARMY

Mr. ORTIZ moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 286):

Whereas, on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas the collective expression of the pursuit of personal freedom caused the authorization and organization of the United States Army, led to the adoption of the Declaration of Independence, and prompted the codification of the new Nation's basic principles and values in the Constitution;

Whereas for the past 235 years, the United States Army's central mission has been to fight and win wars;

Whereas the 183 campaign streamers from Lexington to Iraqi Surge carried on the Army flag are a testament to the valor, commitment, and sacrifice of the brave members of the United States Army;

Whereas members of the United States Army have won extraordinary distinction and respect for the Nation and its Army stemming from engagement around the globe;

Whereas in 2010, the United States will reflect on the contributions of members of the United States Army on the Korean peninsula in commemoration of the 60th anniversary of the Korean War;

Whereas the motto on the United States Army seal, ''This We'll Defend'', is the creed by which the members of the Army live and serve;

Whereas the United States Army is an all-volunteer force that is trained and ready to conduct full spectrum operations in an era of persistent conflict; and

Whereas no matter what the cause, location, or magnitude of future conflicts, the United States can rely on its well-trained, well-led, and highly motivated members of the United States Army to successfully carry out the missions entrusted to them: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) expresses its appreciation to the members of the United States Army for 235 years of dedicated service;

(2) honors the valor, commitment, and sacrifice that members of the United States Army, their families, and Army civilians have displayed throughout the history of the Army; and

(3) calls upon the President to issue a proclamation—

(A) recognizing the 235th birthday of the United States Army and the dedicated service of its members; and

(B) calling upon the people of the United States to observe the anniversary with appropriate ceremonies and activities.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. ORTIZ and Mr. DJOU, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. GARAMENDI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ORTIZ objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. GARAMENDI, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, June 17, 2010.

The point of no quorum was considered as withdrawn.

¶75.16 H. CON. RES. 242—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GARAMENDI, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 242) honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶75.17 [Roll No. 365]

YEAS—421

Ackerman	Bachmann	Berman
Aderholt	Bachus	Berry
Adler (NJ)	Baird	Biggert
Akin	Baldwin	Bilbray
Alexander	Barrow	Bilirakis
Altmire	Bartlett	Bishop (GA)
Andrews	Barton (TX)	Bishop (NY)
Arcuri	Bean	Blackburn
Austria	Becerra	Blumenauer
Baca	Berkley	Blunt

Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Barrett (SC)
Bishop (UT)
Brown (SC)
Davis (IL)
Himes
Hoekstra
Inglis
Jackson Lee (TX)
Johnson (GA)
Melancon
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶75.18 H. RES. 1422—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE of California, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1422) honoring the Department of Justice on the occasion of its 140th anniversary.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 Nays 3

¶75.19 [Roll No. 366]

YEAS—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader

Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—3

Johnson (IL)
Paul
Young (AK)

NOT VOTING—13

Barrett (SC)
Bishop (UT)
Brown (SC)
Cleaver
Davis (IL)
Ellsworth
Hoekstra
Inglis
Melancon
Moore (KS)
Simpson
Velázquez
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶75.20 H. RES. 1414—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE of California, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1414) congratulating Urban Prep Charter Academy for Young Men-Englewood Campus, the Nation's first all male charter high school, for achieving a 100 percent college acceptance rate for all 107 members of its first graduating class of 2010; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. LEE of California, announced that two-thirds of those present had voted in the affirmative.

Mr. ANDREWS demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 420 Nays 0

¶75.21 [Roll No. 367]

AYES—420

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Barrett (SC)
Bishop (UT)
Brown (SC)
Cassidy
Davis (IL)
Ellsworth
Hirono
Hoekstra
Inglis
Melancon
Olver
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶75.22 COMMITTEE ELECTION—MINORITY

Mr. PENCE, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 1447):

Resolved, That the following named members be, and they are hereby, elected to the following standing committees:

COMMITTEE ON AGRICULTURE—Mr. Rooney.

COMMITTEE ON HOMELAND SECURITY—Mr. Graves of Georgia.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE—Mr. Graves of Georgia.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶75.23 PROVIDING FOR CONSIDERATION OF H.R. 5297

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–508) the resolution (H. Res. 1448) providing for further consideration of (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶75.24 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3951. An Act to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the ''Roy Rondeno, Sr., Post Office Building.''

¶75.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DAVIS of Illinois, for today.

And then,

¶75.26 ADJOURNMENT

On motion of Mr. GOHMERT, at 8 o'clock and 50 minutes p.m., the House adjourned.

¶75.27 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 1448. Resolution providing for further consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes (Rept. 111–508). Referred to the House Calendar.

¶75.28 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

H.R. 5535. A bill to establish a pilot program for the expedited disposal of Federal real property; to the Committee on Oversight and Government Reform.

By Mr. FLAKE:

H.R. 5536. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 5537. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of emergency service volunteers as independent contractors; to the Committee on Ways and Means.

By Mr. LAMBORN (for himself, Mr. AKIN, Mrs. BACHMANN, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. CONAWAY, Mr. FLEMING, Mr. GOHMERT, Mr. JORDAN of Ohio, Mr. MANZULLO, Mr. NEUGEBAUER, and Mr. LINDER):

H.R. 5538. A bill to amend the Communications Act of 1934 to prohibit Federal funding for the Corporation for Public Broadcasting after fiscal year 2012; to the Committee on Energy and Commerce.

By Mr. CHAFFETZ (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. ISSA, Mr. BACHUS, Mr. HENSARLING, Mr. ROYCE, Mr. GOODLATTE, Mrs. BIGGERT, Mr. ROONEY, and Mrs. LUMMIS):

H.R. 5539. A bill to apply the Freedom of Information Act to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation during any period that such entities are in conservatorship or receivership; to the Committee on Financial Services.

By Mrs. BLACKBURN:

H.R. 5540. A bill to make 2 percent across-the-board rescissions in non-defense, non-homeland-security, and non-veterans-affairs discretionary spending for each of the fiscal years 2010 and 2011; to the Committee on Appropriations.

By Mrs. BLACKBURN:

H.R. 5541. A bill to make 1 percent across-the-board rescissions in non-defense, non-homeland-security, and non-veterans-affairs discretionary spending for each of the fiscal years 2010 and 2011; to the Committee on Appropriations.

By Mrs. BLACKBURN:

H.R. 5542. A bill to make 5 percent across-the-board rescissions in non-defense, non-homeland-security, and non-veterans-affairs discretionary spending for each of the fiscal years 2010 and 2011; to the Committee on Appropriations.

By Mr. FILNER:

H.R. 5543. A bill to amend title 38, United States Code, to repeal the prohibition on collective bargaining with respect to matters and questions regarding compensation of employees of the Department of Veterans Affairs other than rates of basic pay, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. NORTON:

H.R. 5544. A bill to promote the development of the Southwest waterfront in the District of Columbia; to the Committee on Oversight and Government Reform.

By Ms. NORTON:

H.R. 5545. A bill to deauthorize a portion of the project for navigation, Potomac River, Washington Channel, District of Columbia, under the jurisdiction of the Corps of Engineers; to the Committee on Transportation and Infrastructure.

By Mr. ROSKAM:

H.R. 5546. A bill to provide for the establishment of a fraud, waste, and abuse detection and mitigation program for the Medicare Program under title XVIII of the Social Security Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE:

H.R. 5547. A bill to terminate the authorities of the Trade and Development Agency; to the Committee on Foreign Affairs.

By Ms. HARMAN (for herself and Mr. KING of New York):

H.R. 5548. A bill to amend the Homeland Security Act of 2002 and other laws to enhance the security and resiliency of the cyber and communications infrastructure of the United States; to the Committee on Oversight and Government Reform, and in addition to the Committees on Homeland Security, Intelligence (Permanent Select), Armmed Services, the Judiciary, and Education and Labor for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY:

H.J. Res. 89. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MCNERNEY:

H. Res. 1446. A resolution recognizing the residents of the City of Tracy, California, on the occasion of the 100th anniversary of the city's incorporation, for their century of dedicated service to the United States; to the Committee on Veterans' Affairs.

By Mr. PENCE:

H. Res. 1447. A resolution electing certain minority members to certain standing committees; considered and agreed to.

By Mrs. MYRICK (for herself and Mrs. CAPPS):

H. Res. 1449. A resolution supporting the observance of Thyroid Cancer Awareness Month and recognizing and applauding the work of national and community thyroid cancer organizations; to the Committee on Energy and Commerce.

¶75.29 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. GRAVES of Georgia.

H.R. 43: Ms. RICHARDSON and Mr. ALEXANDER.

H.R. 482: Mrs. DAHLKEMPER.

H.R. 571: Mr. MURPHY of Connecticut.

H.R. 613: Mr. ROSS.

H.R. 673: Ms. HERSETH SANDLIN, Mr. COSTELLO, and Mr. HOLDEN.

H.R. 678: Ms. MOORE of Wisconsin, Mr. THOMPSON of Pennsylvania, and Mr. FRELINGHUYSEN.

H.R. 855: Mr. CAPUANO and Mr. CARSON of Indiana.

H.R. 949: Mr. MCNERNEY and Mr. MATHESON.

H.R. 950: Mr. MICHAUD.

H.R. 1021: Mr. HELLER.

H.R. 1023: Mr. HERGER.

H.R. 1032: Mr. WITTMAN and Mr. MELANCON.

H.R. 1079: Mr. OLVER.

H.R. 1392: Mr. WALDEN.

H.R. 1428: Mr. ARCURI.

H.R. 1657: Mr. DEFAZIO.

H.R. 1691: Mr. HEINRICH.

H.R. 1708: Ms. CHU.

H.R. 1751: Ms. EDWARDS of Maryland and Mr. SABLAN.

H.R. 1925: Mr. GARAMENDI, Mr. CROWLEY, and Mr. BISHOP of New York.

H.R. 2024: Mr. LEE of New York.

H.R. 2049: Mr. PITTS.

H.R. 2104: Ms. MATSUI.

H.R. 2112: Mr. CARSON of Indiana and Mr. YARMUTH.

H.R. 2138: Mr. PALLONE.

H.R. 2149: Mr. FILNER.

H.R. 2349: Mrs. DAHLKEMPER.

H.R. 2381: Mr. TONKO.

H.R. 2408: Mr. SIRES.

H.R. 2480: Mr. TIM MURPHY of Pennsylvania.

H.R. 2575: Mr. MURPHY of Connecticut.

H.R. 2866: Mr. CAPUANO.

H.R. 2906: Mr. MAFFEI and Mr. TIM MURPHY of Pennsylvania.

H.R. 2941: Mr. CHANDLER.

H.R. 3025: Mr. BISHOP of New York and Mr. HOLDEN.

H.R. 3174: Ms. FOXX.

H.R. 3564: Mr. FRANK of Massachusetts.

H.R. 3683: Mr. DJOU.

H.R. 3721: Mr. HINCHEY.

H.R. 3734: Mrs. CAPPS.

H.R. 3813: Mr. HOLDEN and Mr. CRITZ.

H.R. 3974: Mrs. MALONEY and Mr. CARNAHAN.

H.R. 4269: Mrs. MALONEY and Mr. CONNOLLY of Virginia.

H.R. 4278: Mr. BOOZMAN.

H.R. 4371: Mr. SCHRADER.

H.R. 4402: Mr. LUJAN.

H.R. 4514: Mr. CONNOLLY of Virginia, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. BISHOP of Georgia, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr.

LEWIS of Georgia, Ms. MOORE of Wisconsin, Mr. WATT, Mr. SCOTT of Georgia, Mr. RUSH, Mr. HASTINGS of Florida, Mr. CLYBURN, Mr. CLEAVER, Ms. RICHARDSON, and Ms. CLARKE.

H.R. 4524: Mr. MILLER of North Carolina.

H.R. 4534: Mr. MOORE of Kansas.

H.R. 4599: Mr. HIGGINS.

H.R. 4645: Mr. TAYLOR and Mrs. MALONEY.

H.R. 4662: Mr. MILLER of North Carolina.

H.R. 4684: Mr. LOEBSACK, Mr. WALDEN, Mr. SCHAUER, Ms. ZOE LOFGREN of California, Mr. HUNTER, Mr. ROONEY, Mr. PITTS, Mrs. BONO MACK, and Mr. CARNAHAN.

H.R. 4693: Mr. SNYDER.

H.R. 4737: Mr. HIMES.

H.R. 4890: Mr. ENGEL.

H.R. 4914: Mr. GARAMENDI, Mr. DEFAZIO, and Mr. HALL of New York.

H.R. 4925: Mr. HONDA.

H.R. 4962: Mr. BISHOP of New York.

H.R. 4999: Mr. COFFMAN of Colorado, Mr. FLAKE, Mr. BILIRAKIS, Mr. CRENSHAW, Mr. MCCARTHY of California, Mr. DENT, Mr. CULBERSON, Mr. REHBERG, Mr. ALEXANDER, Mr. GRIFFITH, Mr. BOUSTANY, Mr. FLEMING, Mr. PETRI, Mr. POE of Texas, Mr. BRADY of Texas, Mr. MACK, Mrs. BONO MACK, Mr. SIMPSON, and Mr. DANIEL E. LUNGREN of California.

H.R. 5044: Mr. DOGGETT.

H.R. 5113: Ms. BERKLEY.

H.R. 5115: Mr. KILDEE.

H.R. 5124: Mr. MORAN of Virginia.

H.R. 5126: Mr. DUNCAN, Mr. GOHMERT, and Mr. BOOZMAN.

H.R. 5141: Mr. WESTMORELAND and Mr. LEE of New York.

H.R. 5143: Mr. DEFAZIO.

H.R. 5162: Mr. PUTNAM, Mr. BOSWELL, Mr. GRAYSON, and Mr. REHBERG.

H.R. 5174: Mr. DOYLE and Mr. HIGGINS.

H.R. 5208: Mr. KING of Iowa.

H.R. 5210: Ms. NORTON.

H.R. 5214: Mr. ENGEL and Ms. TSONGAS.

H.R. 5234: Mr. COURTNEY.

H.R. 5244: Mr. HARE.

H.R. 5268: Mr. MCGOVERN and Mr. GUTIERREZ.

H.R. 5307: Mr. TANNER and Mr. VAN HOLLEN.

H.R. 5337: Mr. DEUTCH.

H.R. 5377: Mr. MARCHANT, Mr. MCCLINTOCK, Mrs. BACHMANN, Mr. HALL of Texas, and Mr. KINGSTON.

H.R. 5404: Mr. SABLAN.

H.R. 5423: Mr. GORDON of Tennessee.

H.R. 5425: Mr. GOODLATTE.

H.R. 5428: Mr. MCINTYRE.

H.R. 5429: Mr. GARAMENDI and Mr. STARK.

H.R. 5434: Mr. FILNER, Ms. LEE of California, Mr. HINCHEY, Mr. GALLEGLY, and Mr. HOLT.

H.R. 5475: Mr. REHBERG.

H.R. 5477: Mr. BRALEY of Iowa.

H.R. 5479: Mr. SABLAN.

H.R. 5501: Mr. GINGREY of Georgia, Mr. GRAVES of Georgia, Mr. CANTOR, and Mr. WOLF.

H.R. 5503: Mr. GUTIERREZ.

H.R. 5506: Mr. GRIJALVA and Mr. HOLT.

H.R. 5520: Mr. MICHAUD, Mrs. CAPPS, and Mr. KUCINICH.

H.R. 5523: Mr. LEWIS of California, Mr. ALEXANDER, Mr. DUNCAN, Mr. BOOZMAN, Mr. SHUSTER, and Mr. SHADEGG.

H.R. 5525: Mr. HENSARLING, Mr. HALL of Texas, Mr. PITTS, Mrs. BACHMANN, Mr. DANIEL E. LUNGREN of California, Mr. BURTON of Indiana, Mr. MARCHANT, Mr. SHIMKUS, Mr. MCCLINTOCK, Mr. BISHOP of Utah, Ms. FALLIN, and Mrs. BLACKBURN.

H. Con. Res. 16: Mr. PETRI.

H. Con. Res. 226: Ms. NORTON, Mr. RODRIGUEZ, and Mr. BLUNT.

H. Con. Res. 284: Mr. BURGESS, Mr. COURTNEY, Mr. GALLEGLY, Ms. MOORE of Wisconsin, Mr. CLAY, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. CHAFFETZ, Ms. FALLIN, Mr. HALL of Texas, Mr. KINGSTON, Mr. DANIEL E. LUNGREN of California, Mr. MCCLINTOCK, Mr. MARCHANT, Mr. PITTS, Mr. POSEY, Mrs. SCHMIDT, and Mr. SHIMKUS.

H. Con. Res. 286: Mr. BOSWELL, Mr. SMITH of Nebraska, Mr. TURNER, and Ms. HARMAN.

H. Con. Res. 287: Mr. NEUGEBAUER, Mr. BROUN of Georgia, Mr. HARPER, Mr. SESSIONS, and Mr. PENCE.

H. Con. Res. 288: Mr. BERRY.

H. Res. 308: Mr. MORAN of Virginia and Ms. NORTON.

H. Res. 762: Mr. NADLER of New York.

H. Res. 771: Mr. DONNELLY of Indiana and Ms. KILROY.

H. Res. 803: Mr. ELLSWORTH.

H. Res. 1110: Mr. HUNTER.

H. Res. 1207: Mr. CARNEY.

H. Res. 1219: Mr. ROYCE and Mrs. BONO MACK.

H. Res. 1226: Mr. WALDEN, Mr. ROGERS of Michigan, and Mrs. BLACKBURN.

H. Res. 1264: Mr. ROTHMAN of New Jersey.

H. Res. 1326: Ms. LORETTA SANCHEZ of California.

H. Res. 1350: Mr. FORTENBERRY.

H. Res. 1355: Mr. DOGGETT.

H. Res. 1379: Ms. BORDALLO.

H. Res. 1384: Mr. MARCHANT.

H. Res. 1398: Ms. NORTON.

H. Res. 1401: Mr. SCHAUER, Mr. ENGEL, Mrs. MALONEY, Ms. LEE of California, and Mr. GEORGE MILLER of California.

H. Res. 1402: Ms. SLAUGHTER.

H. Res. 1426: Mr. STARK.

H. Res. 1431: Ms. CHU, Mr. LATHAM, Mr. MCKEON, Mr. CLAY, and Mr. ISSA.

H. Res. 1433: Ms. SPEIER, Mr. FRANK of Massachusetts, and Ms. MOORE of Wisconsin.

H. Res. 1439: Mr. KIND, Mr. MORAN of Virginia, Ms. PINGREE of Maine, and Mr. CAPUANO.

THURSDAY, JUNE 17, 2010 (76)

The House was called to order by the SPEAKER.

¶76.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, June 16, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶76.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7947. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Tree Assistance Program (RIN: 0560-AH96) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7948. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Emerald Ash Borer; Addition of Quarantined Areas in Kentucky, Michigan, Minnesota, New York, Pennsylvania, West Virginia, and Wisconsin [Docket No.: APHIS-2009-0098] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7949. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Black Stem Rust; Additions of Rust-Resistant Varieties [Docket No.: APHIS-2010-0035] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7950. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Conservation Reserve Program; Transition Incentives Program (RIN: 0560-AH80) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7951. A letter from the President, Uniformed Services University of the Health Sciences, Department of Defense, transmitting a letter in response to Section 717 of the National Defense Authorization Act of Fiscal Year 2008 (Pub. L. 110-181); to the Committee on Armed Services.

7952. A letter from the Chairman, Federal Reserve System, transmitting Report to the Congress on Reductions of Consumer Credit Limits Based on Certain Information as to Experience or Transactions of the Consumer; to the Committee on Financial Services.

7953. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commissions's final rule — Amendment to Municipal Securities Disclosure[Release No. 34-62184A; File No. S7-15-09] (RIN: 3235-AJ66) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7954. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-045, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7955. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-052, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7956. A letter from the Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-054, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7957. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2009 to March 1, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7958. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-431, ''SOME, Inc., Technical Amendments Act of 2010''; to the Committee on Oversight and Government Reform.

7959. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-430, ''UNCF Tax Abatement and Relocation to the District Assistance Act of 2010''; to the Committee on Oversight and Government Reform.

7960. A letter from the Administrator, General Services Administration, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7961. A letter from the Chairman, Postal Service, transmitting the Semiannual Report of the Inspector General for the period of October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7962. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3286-EM in the State of Ohio, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7963. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Calcasieu River and Ship Channel, LA [Docket No.: USCG-2009-0317] (RIN: 1625-AA87) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7964. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Chester River, Chestertown, MD [Docket No.: USCG-2010-0081] (RIN: 1625-AA08) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7965. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Lake Havasu Grand Prix, Lake Havasu, AZ [Docket No.: USCG-2010-0116] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7966. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2010 Veterans Tribute Fireworks, Lake Charlevoix, Boyne City, MI [Docket No.: USCG-2010-0177] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7967. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Inland Navigation Rules [Docket No.: USCG-2009-0948] (RIN: 1625-AB43) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7968. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A, B, and C Helicopters [Docket No.: FAA-2006-24587; Directorate Identifier 2006-SW-05-AD; Amendment 39-16281; AD 2010-10-02] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7969. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes [Docket No.: FAA-2010-0476; Directorate Identifier 2010-NM-036-AD; Amendment 39-16298; AD 2010-10-19] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7970. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and Model ERJ 190 Airplanes [Docket No.: FAA-2009-0614; Directorate Identifier 2009-NM-045-AD; Amendment 39-16286; AD 2010-10-07] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7971. A letter from the Attorney — Advisor, Department of Transportation, transmitting the Department's final rule — Safety Zone; FRONTIER DISCOVERER, Outer Continental Shelf Drillship, Chukchi and Beaufort Sea, Alaska [Docket No.: USCG-2009-0955] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7972. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest and Inner Harbors, Baltimore, MD [Docket No.: USCG-2010-0133] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7973. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Safety Zone; Neuse River, New Bern, NC [Docket No.: USCG-2010-0256] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7974. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's ''Major'' final rule — Automatic Dependent Surveillance-Broadcast(ADS-B) Out Performance Requirements to Support Air Traffic Control (ATC)Service [Docket No.: FAA-2007-29305; Amdt. No. 91-314] (RIN: 2120-AI92) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7975. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1897-DR for the State of New Jersey; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7976. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1896-DR for the State of Delaware; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

¶76.3 PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5297

Mr. PERLMUTTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1448):

Resolved, That during further consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes, pursuant to House Resolution 1436, it shall be in order to consider the amendments printed in the report of the Committee on Rules accompanying this resolution as though they were the last two amendments printed in part C of House Report 111–506.

When said resolution was considered.

After debate,

Mr. PERLMUTTER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 / Nays 179

¶76.4 [Roll No. 368]

YEAS—241

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—179

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)

Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—12

Barrett (SC)
Brown (SC)
Childers
Gutierrez
Hoekstra
Inglis
Kirkpatrick (AZ)
Meek (FL)
Moore (WI)
Taylor
Wamp
Young (FL)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Ms. FOXX demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 237 Nays 179

¶76.5 [Roll No. 369]

AYES—237

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—179

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—16

Barrett (SC)
Brown (SC)
Capps
Childers
Hoekstra
Inglis
Johnson (GA)
King (IA)
Meek (FL)
Moore (WI)
Pomeroy
Roe (TN)
Sullivan
Velázquez
Wamp
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶76.6 H. RES. 1429—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1429) celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 418 Nays 0

¶76.7 [Roll No. 370]

YEAS—418

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)

Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)

NOT VOTING—14

Alexander
Barrett (SC)
Boucher
Brown (SC)
Childers
Hoekstra
Inglis
Meek (FL)
Moore (WI)
Schrader
Sullivan
Wamp
Wu
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶76.8 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 32. A joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

¶76.9 SMALL BUSINESS LENDING FUND

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to House Resolution 1436 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, and for other purposes.

Mr. CUELLAR, Acting Chairman, assumed the chair; and after some time spent therein,

¶76.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in Part C of House Report 111-506, submitted by Mr. ISRAEL:

Page 6, insert after line 25 the following:

(17) VETERAN-OWNED BUSINESS.—

(A) The term ''veteran-owned business'' means a business—

(i) more than 50 percent of the ownership or control of which is held by 1 or more veterans;

(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more veterans; and

(iii) a significant percentage of senior management positions of which are held by veterans.

(B) For purposes of this paragraph, the term ''veteran'' has the meaning given such term in section 101(2) of title 38, United States Code.

Page 18, line 6, strike ''MINORITY OUTREACH'' and insert the following: ''OUTREACH TO MINORITIES, WOMEN, AND VETERANS''.

Page 18, strike lines 15–16 and insert the following:

tions, and individuals that—

(A) represent or work within or are members of minority communities;

(B) represent or work with or are women; and

(C) represent or work with or are veterans.

Page 21, line 14, insert after ''minority-'' the following: '', veteran-,''.

Page 25, line 10, insert after ''**WOMEN-OWNED**'' the following: ''**, VETERAN-OWNED,**''.

Page 25, line 12, insert after ''women-owned businesses'' the following: '', veteran-owned businesses,''.

Page 25, line 14, insert after ''Program'' the following: ''(including determining the percentage of the total number of all businesses that receive assistance that such number represents)''.

Page 25, line 17, insert after ''minority-'' the following: '', veteran-,''.

It was decided in the affirmative ..... { Yeas ..... 420 / Nays 0

¶76.11 [Roll No. 371]

AYES—420

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee

Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Barrett (SC)
Barton (TX)
Boehner
Brown (SC)
Burgess
Buyer
Childers
Griffith
Hoekstra
Inglis
Meek (FL)
Moore (WI)
Obey
Olson
Payne
Ros-Lehtinen
Sullivan
Wamp

So the amendment was agreed to.

¶76.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 12, printed in Part C of House Report 111-506, submitted by Mr. CAO:

In section 6(6) of the bill, strike ''and'' at the end.

In section 6(7) of the bill, strike the period at the end and insert ''; and''.

In section 6 of the bill, add at the end the following:

(8) providing funding to eligible institutions that serve small businesses directly affected by the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit *Deepwater Horizon* and small businesses in communities that have suffered negative economic effects as a result of that discharge with particular consideration to States along the coast of the Gulf of Mexico.

It was decided in the affirmative .....

Yeas	414
Nays	0
Answered present	1

¶76.13 [Roll No. 372]

AYES—414

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Miller, Gary

NOT VOTING—23

Barrett (SC)
Bishop (GA)
Boccieri
Boehner
Brown (SC)
Childers
Cummings
Fortenberry
Gohmert
Griffith
Hoekstra
Inglis
Latham
LaTourette
Marshall
Meek (FL)
Moore (WI)
Pascrell
Ros-Lehtinen
Stark
Wamp
Woolsey
Wu

So the amendment was agreed to.

¶76.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in Part C of House Report 111-506, submitted by Mr. MILLER of North Carolina:

Page 6, after line 9, insert the following new clause:

(v) CONSTRUCTION, LAND DEVELOPMENT, AND OTHER LAND LOANS.—

(I) IN GENERAL.—Loans secured by real estate—

(aa) that are made to finance—

(AA) land development that is preparatory to erecting new structures, including improving land, laying sewers, and laying water pipes; or

(BB) the on-site construction of industrial, commercial, residential, or farm buildings;

(bb) that is vacant land, except land known to be used or usable for agricultural purposes, such as crop and livestock production;

(cc) the proceeds of which are to be used to acquire and improve developed or undeveloped property; or

(dd) that are made under title I or title X of the National Housing Act.

(II) CONSTRUCTION INDUSTRY REQUIREMENT.—Subclause (I) shall only apply to loans that are extended to small business concerns in the construction industry, as such term is defined by the Secretary in consultation with the Administrator of the Small Business Administration.

(III) CONSTRUCTION DEFINED.—For purposes of this clause, the term ''construction'' includes the construction of new structures, additions or alterations to existing structures, and the demolition of existing structures to make way for new structures.

It was decided in the affirmative ..... { Yeas ..... 418 / Nays 3

¶76.15 [Roll No. 373]

AYES—418

Ackerman	Chandler	Frelinghuysen
Aderholt	Christensen	Fudge
Adler (NJ)	Chu	Gallegly
Akin	Clarke	Garamendi
Alexander	Clay	Garrett (NJ)
Altmire	Clyburn	Gerlach
Andrews	Coble	Giffords
Arcuri	Coffman (CO)	Gingrey (GA)
Austria	Cohen	Gohmert
Baca	Cole	Gonzalez
Bachmann	Conaway	Goodlatte
Bachus	Connolly (VA)	Gordon (TN)
Baird	Conyers	Granger
Baldwin	Cooper	Graves (GA)
Barrow	Costa	Graves (MO)
Bartlett	Costello	Grayson
Barton (TX)	Courtney	Green, Al
Bean	Crenshaw	Green, Gene
Becerra	Critz	Grijalva
Berkley	Crowley	Guthrie
Berman	Cuellar	Hall (NY)
Berry	Culberson	Hall (TX)
Biggert	Cummings	Halvorson
Bilbray	Dahlkemper	Hare
Bilirakis	Davis (AL)	Harman
Bishop (GA)	Davis (CA)	Harper
Bishop (NY)	Davis (IL)	Hastings (FL)
Bishop (UT)	Davis (KY)	Hastings (WA)
Blackburn	Davis (TN)	Heinrich
Blumenauer	DeFazio	Heller
Blunt	DeGette	Hensarling
Boccieri	Delahunt	Herger
Bonner	DeLauro	Herseth Sandlin
Bono Mack	Dent	Higgins
Boozman	Deutch	Hill
Bordallo	Diaz-Balart, L.	Himes
Boren	Diaz-Balart, M.	Hinchey
Boswell	Dicks	Hinojosa
Boucher	Dingell	Hirono
Boustany	Djou	Hodes
Boyd	Doggett	Holden
Brady (PA)	Donnelly (IN)	Holt
Brady (TX)	Doyle	Honda
Braley (IA)	Dreier	Hoyer
Bright	Driehaus	Hunter
Broun (GA)	Duncan	Inslee
Brown, Corrine	Edwards (MD)	Israel
Buchanan	Edwards (TX)	Issa
Burgess	Ehlers	Jackson (IL)
Burton (IN)	Ellison	Jackson Lee (TX)
Butterfield	Ellsworth	Jenkins
Buyer	Emerson	Johnson (GA)
Calvert	Engel	Johnson (IL)
Camp	Eshoo	Johnson, E. B.
Cantor	Etheridge	Johnson, Sam
Cao	Faleomavaega	Jones
Capito	Fallin	Jordan (OH)
Capps	Farr	Kagen
Capuano	Fattah	Kanjorski
Cardoza	Filner	Kaptur
Carnahan	Fleming	Kennedy
Carney	Forbes	Kildee
Carson (IN)	Fortenberry	Kilpatrick (MI)
Carter	Foster	Kilroy
Cassidy	Foxx	Kind
Castle	Frank (MA)	King (IA)
Chaffetz	Franks (AZ)	King (NY)
Kingston	Murphy (NY)	Schock
Kirk	Murphy, Patrick	Schrader
Kirkpatrick (AZ)	Murphy, Tim	Schwartz
Kissell	Myrick	Scott (GA)
Klein (FL)	Nadler (NY)	Scott (VA)
Kline (MN)	Napolitano	Sensenbrenner
Kosmas	Neal (MA)	Serrano
Kratovil	Neugebauer	Sessions
Kucinich	Norton	Sestak
Lamborn	Nunes	Shadegg
Lance	Nye	Shea-Porter
Langevin	Oberstar	Sherman
Larsen (WA)	Obey	Shimkus
Larson (CT)	Olson	Shuler
Latham	Olver	Shuster
LaTourette	Ortiz	Simpson
Latta	Owens	Sires
Lee (CA)	Pallone	Skelton
Lee (NY)	Pascrell	Slaughter
Levin	Pastor (AZ)	Smith (NE)
Lewis (CA)	Paul	Smith (NJ)
Lewis (GA)	Paulsen	Smith (TX)
Lipinski	Payne	Smith (WA)
LoBiondo	Pence	Snyder
Loebsack	Perlmutter	Space
Lofgren, Zoe	Perriello	Speier
Lowey	Peters	Spratt
Lucas	Peterson	Stark
Luetkemeyer	Petri	Stearns
Luján	Pierluisi	Stupak
Lummis	Pingree (ME)	Sullivan
Lungren, Daniel E.	Pitts	Sutton
Lynch	Platts	Tanner
Mack	Poe (TX)	Taylor
Maffei	Polis (CO)	Teague
Maloney	Pomeroy	Terry
Manzullo	Posey	Thompson (CA)
Marchant	Price (GA)	Thompson (MS)
Markey (CO)	Price (NC)	Thompson (PA)
Markey (MA)	Putnam	Thornberry
Marshall	Quigley	Tiahrt
Matheson	Radanovich	Tiberi
Matsui	Rahall	Tierney
McCarthy (CA)	Rangel	Titus
McCarthy (NY)	Rehberg	Tonko
McCaul	Reichert	Towns
McCollum	Reyes	Tsongas
McCotter	Richardson	Turner
McDermott	Rodriguez	Upton
McGovern	Roe (TN)	Van Hollen
McHenry	Rogers (AL)	Velázquez
McIntyre	Rogers (KY)	Visclosky
McKeon	Rogers (MI)	Walden
McMahon	Rohrabacher	Walz
McMorris Rodgers	Rooney	Wasserman Schultz
McNerney	Ros-Lehtinen	Watson
Meeks (NY)	Roskam	Watt
Melancon	Ross	Waxman
Mica	Rothman (NJ)	Weiner
Michaud	Roybal-Allard	Welch
Miller (FL)	Royce	Westmoreland
Miller (MI)	Ruppersberger	Whitfield
Miller (NC)	Rush	Wilson (OH)
Miller, Gary	Ryan (OH)	Wilson (SC)
Miller, George	Ryan (WI)	Wittman
Minnick	Salazar	Wolf
Mitchell	Sánchez, Linda T.	Woolsey
Mollohan	Sanchez, Loretta	Wu
Moore (KS)	Sarbanes	Yarmuth
Moran (KS)	Scalise	Young (AK)
Moran (VA)	Schakowsky	Young (FL)
Murphy (CT)	Schauer	
Murphy (NY)	Schiff	
Murphy, Patrick	Schmidt	

NOES—3

Campbell	Flake	McClintock

NOT VOTING—17

Barrett (SC)	Childers	Linder
Boehner	Cleaver	Meek (FL)
Brown (SC)	Griffith	Moore (WI)
Brown-Waite, Ginny	Gutierrez	Sablan
Castor (FL)	Hoekstra	Wamp
	Inglis	Waters

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. SERRANO, assumed the Chair.

When Mr. CUELLAR, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

Pursuant to House Resolution 1436, the previous question was ordered.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Small Business Jobs and Credit Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—SMALL BUSINESS LENDING FUND

SEC. 101. PURPOSE.

The purpose of this title is to address the ongoing effects of the financial crisis on small businesses by providing temporary authority to the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses.

SEC. 102. DEFINITIONS.

For purposes of this title:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term ''appropriate Federal banking agency'' has the meaning given such term under section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

(3) BANK HOLDING COMPANY.—The term ''bank holding company'' has the meaning given such term under section 2(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(1)).

(4) CALL REPORT.—The term ''call report'' means—

(A) reports of Condition and Income submitted to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation;

(B) the Office of Thrift Supervision Thrift Financial Report;

(C) any report that is designated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the Office of Thrift Supervision, as applicable, as a successor to any report referred to in subparagraph (A) or (B);

(D) standard reports of Condition and Income submitted by Community Development Financial Institution loan funds to the Community Development Financial Institutions Fund; and

(E) with respect to an eligible institution for which no report exists that is described under subparagraph (A), (B), or (C), such other report or set of information as the Secretary, in consultation with the Administrator of the Small Business Administration, may prescribe.

(5) CDCI.—The term ''CDCI'' means the Community Development Capital Initiative created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(6) CDCI INVESTMENT.—The term ''CDCI investment'' means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CDCI that has not been repaid.

(7) CPP.—The term ''CPP'' means the Capital Purchase Program created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(8) CPP INVESTMENT.—The term ''CPP investment'' means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CPP that has not been repaid.

(9) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means—

(A) any insured depository institution, which—

(i) is not controlled by a bank holding company or savings and loan holding company that is also an eligible institution;

(ii) has total assets of equal to or less than $10,000,000,000, as reported in the call report as of the end of the fourth quarter of calendar year 2009; and

(iii) is not directly or indirectly controlled by any company or other entity that has total consolidated assets of more than $10,000,000,000, as so reported;

(B) any bank holding company which has total consolidated assets of equal to or less than $10,000,000,000;

(C) any savings and loan holding company which has total consolidated assets of equal to or less than $10,000,000,000;

(D) any community development financial institution loan fund which has total assets of equal to or less than $10,000,000,000; and

(E) any small business lending company that has total assets of equal to or less than $10,000,000,000.

(10) FUND.—The term ''Fund'' means the Small Business Lending Fund established by section 4(a)(1) of this title.

(11) INSURED DEPOSITORY INSTITUTION.—The term ''insured depository institution'' has the meaning given such term under section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)).

(12) PROGRAM.—The term ''Program'' means the Small Business Lending Fund Program authorized by section 4(a)(2) of this title.

(13) SAVINGS AND LOAN HOLDING COMPANY.—The term ''savings and loan holding company'' has the meaning given such term under section 10(a)(1)(D) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(D)).

(14) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(1 5) SMALL BUSINESS LENDING.—

(A) IN GENERAL.—The term ''small business lending'' means small business lending, as defined by and reported in an eligible institution's quarterly call report, where each loan comprising such lending is made to a small business and is one of the following types:

(i) Commercial and industrial loans.

(ii) Owner-occupied nonfarm, nonresidential real estate loans.

(iii) Loans to finance agricultural production and other loans to farmers.

(iv) Loans secured by farmland.

(v) Nonowner-occupied commercial real estate loans.

(vi) CONSTRUCTION, LAND DEVELOPMENT, AND OTHER LAND LOANS.—

(I) IN GENERAL.—Loans secured by real estate—

(aa) that are made to finance—

(AA) land development that is preparatory to erecting new structures, including improving land, laying sewers, and laying water pipes; or

(BB) the on-site construction of industrial, commercial, residential, or farm buildings;

(bb) that is vacant land, except land known to be used or usable for agricultural purposes, such as crop and livestock production;

(cc) the proceeds of which are to be used to acquire and improve developed or undeveloped property; or

(dd) that are made under title I or title X of the National Housing Act.

(II) CONSTRUCTION INDUSTRY REQUIREMENT.—Subclause (I) shall only apply to loans that are extended to small business concerns in the construction industry, as such term is defined by the Secretary in consultation with the Administrator of the Small Business Administration.

(III) CONSTRUCTION DEFINED.—For purposes of this clause, the term ''construction'' includes the construction of new structures, additions or alterations to existing structures, and the demolition of existing structures to make way for new structures.

(B) TREATMENT OF HOLDING COMPANIES.—In the case of eligible institutions that are bank holding companies or savings and loan holding companies having one or more insured depository institution subsidiaries, small business lending shall be measured based on the combined small business lending reported in the call report of the insured depository institution subsidiaries.

(16) MINORITY-OWNED AND WOMEN-OWNED BUSINESS.—The terms ''minority-owned business'' and ''women-owned business'' shall have the meaning given the terms ''minority-owned business'' and ''women's business'', respectively, under section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441A(r)(4)).

(17) CDFI; COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The terms ''CDFI'' and ''community development financial institution'' have the meaning given the term ''community development financial institution'' under the Riegle Community Development and Regulatory Improvement Act of 1994.

(18) CDLF; COMMUNITY DEVELOPMENT LOAN FUND.—The terms ''CDLF'' and ''community development loan fund'' mean any entity that—

(A) is certified by the Department of the Treasury as a community development financial institution loan fund;

(B) is exempt from taxation under the Internal Revenue Code of 1986; and

(C) has assets under $10,000,000,000 as of the fourth quarter of calendar year 2009.

(19) SMALL BUSINESS.—The term ''small business'' has the meaning given the term ''small business concern'' under section 3 of the Small Business Act (15 U.S.C. 632).

(20) SMALL BUSINESS LENDING COMPANY.—The term ''small business lending company'' has the meaning given such term under section 3(r)(1) of the Small Business Act (15 U.S.C. 632(r)(1)).

(21) VETERAN-OWNED BUSINESS.—

(A) The term ''veteran-owned business'' means a business—

(i) more than 50 percent of the ownership or control of which is held by 1 or more veterans;

(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more veterans; and

(iii) a significant percentage of senior management positions of which are held by veterans.

(B) For purposes of this paragraph, the term ''veteran'' has the meaning given such term in section 101(2) of title 38, United States Code.

SEC. 103. SMALL BUSINESS LENDING FUND.

(a) FUND AND PROGRAM.—

(1) FUND ESTABLISHED.—There is established in the Treasury of the United States a fund to be known as the ''Small Business Lending Fund'', which shall be administered by the Secretary.

(2) PROGRAMS AUTHORIZED.—The Secretary is authorized to establish the Small Business Lending Fund Program for using the Fund consistent with this title.

(b) USE OF FUND.—

(1) IN GENERAL.—Subject to paragraph (2), the Fund shall be available to the Secretary, without further appropriation or fiscal year limitation, for the costs of purchases (including commitments to purchase), and modifications of such purchases, of preferred stock and other financial instruments from eligible institutions on such terms and conditions as are determined by the Secretary in accordance with this title. For purposes of this paragraph and with respect to an eligible institution, the term ''other financial instruments'' shall include only debt instruments for which such eligible institution is fully liable or equity equivalent capital of the eligible institution. Such debt instruments may be subordinated to the claims of other creditors of the eligible institution.

(2) MAXIMUM PURCHASE LIMIT.—The aggregate amount of purchases (and commitments to purchase) made pursuant to paragraph (1) may not exceed $30,000,000,000.

(3) PROCEEDS USED TO PAY DOWN PUBLIC DEBT.—All funds received by the Secretary in connection with purchases made pursuant to paragraph (1), including interest payments, dividend payments, and proceeds from the sale of any financial instrument, shall be paid into the general fund of the Treasury for reduction of the public debt.

(4) LIMITATION ON PURCHASES FROM CDLFS.—

(A) IN GENERAL.—Not more than 1 percent of the value of purchases made by the Secretary in carrying out the Program may be used to make purchases from community development loan funds.

(B) ELIGIBILITY STANDARDS.—The Secretary, in consultation with the Community Development Financial Institutions Fund, shall develop eligibility criteria to determine the financial ability of a CDLF to participate in the Program and repay the investment. Such criteria may include net asset ratio to total assets, ratio of loan loss reserves to loans and leases 90 days or more delinquent (including loans sold with full recourse), positive net income measured on a 3-year rolling average, operating liquidity ratio, ratio of loans and leases 90 days or more delinquent (including loans sold with full recourse) to total equity plus loan loss reserves or any other measures deemed appropriate. In addition, CDLFs participating in the Program shall submit audited financial statements to the Secretary, have a clean audit opinion, and have at least three years of operating experience.

(c) CREDITS TO THE FUND.—There shall be credited to the Fund amounts made available pursuant to section 9, to the extent provided by appropriations Acts.

(d) TERMS.—

(1) APPLICATION.—

(A) INSTITUTIONS WITH ASSETS OF $1,000,000,000 OR LESS.—Eligible institutions having total assets equal to or less than $1,000,000,000, as reported in a call report as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(B) INSTITUTIONS WITH ASSETS OF MORE THAN $1,000,000,000 AND LESS THAN $10,000,000,000.—Eligible institutions having total assets of more than $1,000,000,000 but less than $10,000,000,000, as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(C) TREATMENT OF HOLDING COMPANIES.—In the case of an eligible institution that is a bank holding company or a savings and loan holding company having one or more insured depository institution subsidiaries, total assets shall be measured based on the combined total assets reported in the call report of the insured depository institution subsidiaries as of the end of the fourth quarter of calendar year 2009 and risk-weighted assets shall be measured based on the combined risk-weighted assets of the insured depository institution subsidiaries as reported in the call report immediately preceding the date of application.

(D) TREATMENT OF APPLICANTS THAT ARE INSTITUTIONS CONTROLLED BY HOLDING COMPANIES.—If an eligible institution that applies to receive a capital investment under the Program is under the control of a bank holding company or a savings and loan holding company, then the Secretary may use the Fund to purchase preferred stock or other financial instruments from the top-tier bank holding company or savings and loan holding company of such eligible institution, as applicable. For purposes of this paragraph, the term ''control'' with respect to a bank holding company shall have the same meaning as in section 2(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(2)). For purposes of this paragraph, the term ''control'' with respect to a savings and loan holding company shall have the same meaning as in 10(a)(2) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(2)).

(E) REQUIREMENT TO PROVIDE A SMALL BUSINESS LENDING PLAN.—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant shall deliver to the appropriate Federal banking agency and, for applicants that are State-chartered banks, to the appropriate State banking regulator, a small business lending plan describing how the applicant's business strategy and operating goals will allow it to address the needs of small businesses in the areas it serves, as well as a plan to provide linguistically and culturally appropriate outreach, where appropriate. This plan shall be confidential supervisory information.

(F) TREATMENT OF APPLICANTS THAT ARE COMMUNITY DEVELOPMENT LOAN FUNDS.—Eligible institutions that are community development loan funds may apply to receive a capital investment from the Fund in an amount not exceeding 10 percent of total assets, as reported in the call report immediately preceding the date of application.

(G) ELECTION TO INCLUDE OTHER NONFARM, NONRESIDENTIAL REAL ESTATE LOANS IN AMOUNT OF SMALL BUSINESS LENDING.—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant may notify the Secretary that it elects to have included in the determination of the amount of its small business lending, for purposes of the computations made under paragraph (4), the amount of lending reported as other nonfarm, nonresidential real estate loans in its quarterly call report, but for purposes of this subparagraph, other nonfarm, nonresidential real estate loans shall not include a loan having an original amount greater than $10,000,000. If an applicant makes the election under this subparagraph, the amount of lending reported as other nonfarm, nonresidential real estate loans shall be included in the determination of the amount of its small business lending for purposes of the computations made under paragraph (4).

(2) CONSULTATION WITH REGULATORS.—For each eligible institution that applies to receive a capital investment under the Program, the Secretary shall—

(A) consult with the appropriate Federal banking agency or, in the case of an eligible institution that is a non-depository community development financial institution, the Community Development Financial Institution Fund, for the eligible institution to determine whether the eligible institution may receive such capital investment;

(B) in the case of an eligible institution that is a State-chartered bank, consider any views received from the State banking regulator of the State of the eligible institution regarding the financial condition of the eligible institution; and

(C) in the case of a community development financial institution loan fund, consult with the Community Development Financial Institution Fund.

(3) INELIGIBILITY OF INSTITUTIONS ON FDIC PROBLEM BANK LIST.—

(A) IN GENERAL.—An eligible institution may not receive any capital investment under the Program if—

(i) such institution is on the FDIC problem bank list; or

(ii) such institution has been removed from the FDIC problem bank list for less than 90 days.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as limiting the discretion of the Secretary to deny the application of an eligible institution that is not on the FDIC problem bank list.

(C) FDIC PROBLEM BANK LIST DEFINED.—For purposes of this subparagraph, the term ''FDIC problem bank list'' means the list of institutions with a current rating of 4 or 5 under the Uniform Financial Institutions Rating System, or such other list designated by the Federal Deposit Insurance Corporation.

(4) INCENTIVES TO LEND.—

(A) REQUIREMENTS ON PREFERRED STOCK AND OTHER FINANCIAL INSTRUMENTS.—Any preferred stock or other financial instrument issued to Treasury by an eligible institution receiving a capital investment under the Program shall provide that—

(i) the rate at which dividends or interest are payable shall be 5 percent per annum initially;

(ii) within the first 2 years after the date of the capital investment under the Program, the rate may be adjusted based on the amount of an eligible institution's small business lending. Changes in the amount of small business lending shall be measured against the average amount of small business lending reported by the eligible institution in its call reports for the 4 full quarters immediately preceding the enactment of this title, minus adjustments from each quarterly balance in respect of—

(I) net loan charge offs with respect to small business lending; and

(II) gains realized by the eligible institution resulting from mergers, acquisitions or purchases of loans after origination and syndication; which adjustments shall be determined in accordance with guidance promulgated by the Secretary; and

(iii) during any calendar quarter during the initial 2-year period referred to in clause (ii), an institution's rate shall be adjusted to reflect the following schedule, based on that institution's change in the amount of small business lending relative to the baseline—

(I) if the amount of small business lending has increased by less than 2.5 percent, the dividend or interest rate shall be 5 percent;

(II) if the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the dividend or interest rate shall be 4 percent;

(III) if the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the dividend or interest rate shall be 3 percent;

(IV) if the amount of small business lending has increased by 7.5 percent or greater, and but by less than 10.0 percent, the dividend or interest rate shall be 2 percent; or

(V) if the amount of small business lending has increased by 10 percent or greater, the dividend or interest rate shall be 1 percent.

(B) BASIS OF INITIAL RATE.—The initial dividend or interest rate shall be based on call report data published in the quarter immediately preceding the date of the capital investment under the Program.

(C) TIMING OF RATE ADJUSTMENTS.—Any rate adjustment shall occur in the calendar quarter following the publication of call report data, such that the rate based on call report data from any one calendar quarter, which is published in the first following calendar quarter, shall be adjusted in that first following calendar quarter and payable in the second following quarter.

(D) RATE FOLLOWING INITIAL 2-YEAR PERIOD.—Generally, the rate based on call report data from the eighth calendar quarter after the date of the capital investment under the Program shall be payable until the expiration of the 4½-year period that begins on the date of the investment. In the case where the amount of small business lending has remained the same or decreased relative to the institution's baseline in the eighth quarter after the date of the capital investment under the Program, the rate shall be 7 percent until the expiration of the 4½-year period that begins on the date of the investment.

(E) RATE FOLLOWING INITIAL 4½-YEAR PERIOD.—The dividend or interest rate paid on any preferred stock or other financial instrument issued by an eligible institution that receives a capital investment under the Program shall increase to 9 percent at the end of the 4½-year period that begins on the date of the capital investment under the Program.

(F) LIMITATION ON RATE REDUCTIONS WITH RESPECT TO CERTAIN AMOUNT.—The reduction in the dividend or interest rate payable to Treasury by any eligible institution shall be limited such that the rate reduction shall not apply to a dollar amount of the investment made by Treasury that is greater than the dollar amount increase in the amount of small business lending realized under this program. The Secretary may issue guidelines that will apply to new capital investments limiting the amount of capital available to eligible institutions consistent with this limitation.

(G) RATE ADJUSTMENTS FOR S CORPORATION.—Before making a capital investment in an eligible institution that is an S corporation or a corporation organized on a mutual basis, the Secretary may adjust the dividend or interest rate on the financial instrument to be issued to the Secretary, from the dividend or interest rate that would apply under subparagraphs (A) through (F), to take into account any differential tax treatment of securities issued by such eligible institution. For purpose of this subparagraph, the term ''S corporation'' has the same meaning as in section 1361(a) of the Internal Revenue Code of 1986.

(H) REPAYMENT DEADLINE.—The capital investment received by an eligible institution under the Program shall be evidenced by preferred stock or other financial instrument that—

(i) includes, as a term and condition, that the capital investment will—

(I) be repaid not later than the end of the 10-year period beginning on the date of the capital investment under the Program; or

(II) at the end of such 10-year period, be subject to such additional terms as the Secretary shall prescribe, which shall include a requirement that the stock or instrument shall carry the highest dividend or interest rate payable; and

(ii) provides that the term and condition described under clause (i) shall not apply if the application of that term and condition would adversely affect the capital treatment of the stock or financial instrument under current or successor applicable capital provisions compared to a capital instrument with identical terms other than the term and condition described under clause (i).

(I) REQUIREMENTS ON FINANCIAL INSTRUMENTS ISSUED BY A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION LOAN FUND.—Any equity equivalent capital issued to the Treasury by a Community Development Financial Institution loan fund receiving a capital investment under the Program shall provide that the rate at which interest is payable shall be 2 percent per annum for 8 years. After 8 years, the rate at which interest is payable shall be 9 percent.

(J) INCENTIVES CONTINGENT ON AN INCREASE IN THE NUMBER OF LOANS MADE.—For any quarter during the first 4½-year period following the date on which an eligible institution receives a capital investment under the Program, other than the first such quarter, in which the institution's change in the amount of small business lending relative to the baseline is positive, if the number of loans made by the institution does not increase by 2.5 percent for each 2.5 percent increase of small business lending, then the rate at which dividends and interest shall be payable during the following quarter on preferred stock or other financial instruments issued to the Treasury by the eligible institution shall be—

(i) 5 percent, if such quarter is within the 2-year period following the date on which the eligible institution receives the capital investment under the Program; or

(ii) 7 percent, if such quarter is after such 2-year period.

(K) ALTERNATIVE COMPUTATION.—An eligible institution may choose to compute their small business lending amount by computing the amount of small business lending, as if the definition of such term did not require that the loans comprising such lending be made to small business. Any eligible institution choosing to compute their small business lending in this manner shall certify that all lending included by the institution for purposes of computing the increase in lending under this paragraph was made to small businesses.

(5) ADDITIONAL INCENTIVES TO REPAY.—The Secretary may, by regulation or guidance issued under section 104(8), establish repayment incentives in addition to the incentive in paragraph (4)(E) that will apply to new capital investments in a manner that the Secretary determines to be consistent with the purposes of this title.

(6) CAPITAL PURCHASE PROGRAM REFINANCE.—

(A) IN GENERAL.—The Secretary shall, in a manner that the Secretary determines to be consistent with the purposes of this title, issue regulations and other guidance to permit eligible institutions to refinance securities issued to Treasury under the CDCI and the CPP for securities to be issued under the Program.

(B) PROHIBITION ON PARTICIPATION BY NONPAYING CPP PARTICIPANTS.—Subparagraph (A) shall not apply to any eligible institution that has missed more than one dividend payment due under the CPP. For purposes of this subparagraph, a CPP dividend payment that is submitted within 60 days of the due date of such payment shall not be considered a missed dividend payment.

(7) OUTREACH TO MINORITIES, WOMEN, AND VETERANS.—The Secretary shall require eligible institutions receiving capital investments under the Program to provide linguistically and culturally appropriate outreach and advertising in the applicant pool describing the availability and application process of receiving loans from the eligible institution that are made possible by the Program through the use of print, radio, television or electronic media outlets which target organizations, trade associations, and individuals that—

(A) represent or work within or are members of minority communities;

(B) represent or work with or are women; and

(C) represent or work with or are veterans.

(8) ADDITIONAL TERMS.—The Secretary may, by regulation or guidance issued under section 5(9), make modifications that will apply to new capital investments in order to manage risks associated with the administration of the Fund in a manner consistent with the purposes of this title.

(9) MINIMUM UNDERWRITING STANDARDS.—The appropriate Federal banking agency for an eligible institution that receives funds under the Program shall within 60 days issue guidance regarding prudent underwriting standards that must be used for loans made by the eligible institution using such funds. In the case of a community development financial institution loan fund, the Community Development Financial Institutions Fund shall within 60 days issue regulations defining minimum underwriting standards that must be used for loans made by the eligible institution using such funds.

(10) REPORTING.—Each eligible institution receiving a capital investment under the Program shall issue a quarterly report to the Secretary detailing the percentage of new loans to small businesses the institution makes that are—

(A) guaranteed by the Small Business Administration;

(B) made to Small Business Investment Companies;

(C) other loans made to small business concerns (as defined under the Small Business Act), if the internal reporting of the concern distinguishes the size of businesses to which loans are made; and

(D) other loans made to entities that the internal reporting of the concern classifies as a small business.

(e) NOTIFICATION TO CUSTOMERS.—Any eligible institution receiving funds under the Program shall—

(1) disclose on every applicable loan transaction that the loan is being made possible by the Program; and

(2) if such institution has an established internet website, such institution shall make available on its internet website—

(A) the written reports made by the Secretary pursuant to paragraphs (1) and (2) of section 7; and

(B) a statement that the institution, as a participant in the Program, is seeking to make small business loans to qualified borrowers and may not discriminate on the basis of any factor prohibited under the Equal Credit Opportunity Act, including the race, color, religion, national origin, sex, marital status, or age.

SEC. 104. ADDITIONAL AUTHORITIES OF THE SECRETARY.

The Secretary may take such actions as the Secretary deems necessary to carry out the authorities in this title, including, without limitation, the following:

(1) The Secretary may use the services of any agency or instrumentality of the United States or component thereof on a reimbursable basis, and any such agency or instrumentality or component thereof is authorized to provide services as requested by the Secretary using all authorities vested in or delegated to that agency, instrumentality, or component.

(2) The Secretary may designate any bank, savings association, trust company, security broker or dealer, asset manager, or investment adviser as a financial agent of the Federal Government and such institution shall perform all such reasonable duties related to this title as financial agent of the Federal Government as may be required. The Secretary shall have authority to amend existing agreements with financial agents, entered into during the 2-year period before the date of enactment of this title, to perform reasonable duties related to this title.

(3) The Secretary may exercise any rights received in connection with any preferred stock or other financial instruments or assets purchased or acquired pursuant to the authorities granted under this title.

(4) Subject to section 4(b)(3), the Secretary may manage any assets purchased under this title, including revenues and portfolio risks therefrom.

(5) The Secretary may sell, dispose of, transfer, exchange or enter into securities loans, repurchase transactions, or other financial transactions in regard to, any preferred stock or other financial instrument or asset purchased or acquired under this title, upon terms and conditions and at a price determined by the Secretary.

(6) The Secretary may manage or prohibit conflicts of interest that may arise in connection with the administration and execution of the authorities provided under this title.

(7) The Secretary may establish and use vehicles, subject to supervision by the Secretary, to purchase, hold, and sell preferred stock or other financial instruments and issue obligations.

(8) The Secretary may, in consultation with the Administrator of the Small Business Administration, issue such regulations and other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this title.

SEC. 105. CONSIDERATIONS.

In exercising the authorities granted in this title, the Secretary shall take into consideration—

(1) increasing the availability of credit for small businesses;

(2) providing funding to minority-owned eligible institutions and other eligible institutions that serve small businesses that are minority-, veteran-, and women-owned and that also serve low- and moderate-income, minority, and other underserved or rural communities;

(3) protecting and increasing American jobs;

(4) increasing the opportunity for small business development in areas with high unemployment rates that exceed the national average;

(5) ensuring that all eligible institutions may apply to participate in the program established under this title, without discrimination based on geography;

(6) providing transparency with respect to use of funds provided under this title;

(7) minimizing the cost to taxpayers of exercising the authorities;

(8) promoting and engaging in financial education to would-be borrowers; and

(9) providing funding to eligible institutions that serve small businesses directly affected by the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon and small businesses in communities that have suffered negative economic effects as a result of that discharge with particular consideration to States along the coast of the Gulf of Mexico.

SEC. 106. REPORTS.

The Secretary shall provide to the appropriate committees of Congress—

(1) within 7 days of the end of each month commencing with the first month in which transactions are made under the Program, a written report describing all of the transactions made during the reporting period pursuant to the authorities granted under this title;

(2) after the end of March and the end of September, commencing September 30, 2010, a written report on all projected costs and liabilities, all operating expenses, including compensation for financial agents, and all transactions made by the Fund, which shall include participating institutions and amounts each institution has received under the Program; and

(3) within 7 days of the end of each month commencing with the first month in which transactions are made under the Program, a written report detailing how eligible institutions participating in the Program have used the funds such institutions received under the Program.

SEC. 107. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the Program through the Office of Small Business Lending Fund Program Oversight established under subsection (b).

(b) OFFICE OF SMALL BUSINESS LENDING FUND PROGRAM OVERSIGHT.—

(1) ESTABLISHMENT.—There is hereby established within the Office of the Inspector General of the Department of the Treasury a new office to be named the ''Office of Small Business Lending Fund Program Oversight'' to provide oversight of the Program.

(2) LEADERSHIP.—The Inspector General shall appoint a Special Deputy Inspector General for SBLF Program Oversight to lead the Office, with commensurate staff, who shall report directly to the Inspector General and who shall be responsible for the performance of all auditing and investigative activities relating to the Program.

(3) REPORTING.—

(A) IN GENERAL.—The Inspector General shall issue a report no less than two times a year to the Congress and the Secretary devoted to the oversight provided by the Office, including any recommendations for improvements to the Program.

(B) RECOMMENDATIONS.—With respect to any deficiencies identified in a report under subparagraph (A), the Secretary shall either—

(i) take actions to address such deficiencies; or

(ii) certify to the appropriate committees of Congress that no action is necessary or appropriate.

(4) COORDINATION.—The Inspector General, in maximizing the effectiveness of the Office, shall work with other Offices of Inspector General, as appropriate, to minimize duplication of effort and ensure comprehensive oversight of the Program.

(5) TERMINATION.—The Office shall terminate at the end of the 6-month period beginning on the date on which all capital investments are repaid under the Program or the date on which the Secretary determines that any remaining capital investments will not be repaid.

(6) DEFINITIONS.—For purposes of this subsection:

(A) OFFICE.—The term ''Office'' means the Office of Small Business Lending Fund Program Oversight established under paragraph (1).

(B) INSPECTOR GENERAL.—The term ''Inspector General'' means the Inspector General of the Department of the Treasury.

(c) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(d) REQUIRED CERTIFICATIONS.—

(1) ELIGIBLE INSTITUTION CERTIFICATION.—Each eligible institution that participate in the Program must certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) LOAN RECIPIENTS.—With respect to funds received by an eligible institution under the Program, any business receiving a loan from the eligible institution using such funds after the date of the enactment of this title shall certify to such eligible institution that the principals of such business have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(e) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this title may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

SEC. 108. CREDIT REFORM; FUNDING.

(a) CREDIT REFORM.—The cost of purchases of preferred stock and other financial instruments made as capital investments under this title shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(b) FUNDS MADE AVAILABLE.—There are hereby appropriated, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay the costs of $30,000,000,000 of capital investments in eligible institutions, including the costs of modifying such investments, and reasonable costs of administering the program of making, holding, managing, and selling the capital investments.

SEC. 109. TERMINATION AND CONTINUATION OF AUTHORITIES.

(a) TERMINATION OF INVESTMENT AUTHORITY.—The authority to make capital investments in eligible institutions, including

commitments to purchase preferred stock or other instruments, provided under this title shall terminate 1 year after the date of enactment of this title.

(b) CONTINUATION OF OTHER AUTHORITIES.—The authorities of the Secretary in section 104 shall not be limited by the termination date in subsection (a).

SEC. 110. PRESERVATION OF AUTHORITY.

Nothing in this title may be construed to limit the authority of the Secretary under any other provision of law.

SEC. 111. ASSURANCES.

(a) SMALL BUSINESS LENDING FUND SEPARATE FROM TARP.—The Small Business Lending Fund Program is established as separate and distinct from the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008. An institution shall not, by virtue of a capital investment under the Small Business Lending Fund Program, be considered a recipient of the Troubled Asset Relief Program.

(b) CHANGE IN LAW.—If, after a capital investment has been made in an eligible institution under the Program, there is a change in law that modifies the terms of the investment or program in a materially adverse respect for the eligible institution, the eligible institution may, after consultation with the appropriate Federal banking agency for the eligible institution, repay the investment without impediment.

SEC. 112. STUDY AND REPORT WITH RESPECT TO WOMEN-OWNED, VETERAN-OWNED, AND MINORITY-OWNED BUSINESSES.

(a) STUDY.—The Secretary shall conduct a study to determine the number of women-owned businesses, veteran-owned businesses, and minority-owned businesses that receive assistance as a result of the Program (including determining the percentage of the total number of all businesses that receive assistance that such number represents), including—

(1) efforts, including technical assistance and outreach that institutions have employed under the Program to provide loans to minority-, veteran-, and women-owned small businesses;

(2) loan applications received;

(3) loan applications approved; and

(4) and any other relevant data related to such transactions to promote the purposes of the Program as the Secretary may require.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted pursuant to subsection (a). To the extent possible, the Secretary shall disaggregate the results of such study by ethnic group and gender.

(c) INFORMATION PROVIDED TO THE SECRETARY.—Eligible institutions that participate in the Program shall provide the Secretary with such information as the Secretary may require to carry out the study required by this section.

SEC. 113. TEMPORARY AMORTIZATION AUTHORITY.

(a) PURPOSE.—The purpose this section is to address the ongoing effects of the financial crisis on small businesses by providing temporary authority to amortize losses or write-downs in order to increase the availability of credit for small businesses.

(b) IN GENERAL.—For purposes of capital calculation under the Financial Institutions Examination Council's Consolidated Reports of Condition, an eligible institution may choose to amortize any loss or write-down, on a quarterly straight line basis over a period determined under subsection (c), beginning with the month in which such loss or write-down occurs, resulting from the application of FASB Statement 114 or 144 to—

(1) other real estate owned (as defined under section 34.81 of title 12, Code of Federal Regulation), or

(2) an impared loan secured by real estate,

provided that the institution discloses the difference in the amount of the institution's capital, when calculated taking into account the temporary amortization, from the amount of the institution's capital when calculated without taking into account the temporary amortization on the Financial Institutions Examination Council's Consolidated Reports of Condition.

(c) AMORTIZATION REQUIREMENTS.—During the initial 2-year period referred to in section 4(d)(4), an eligible institution's amortization period shall be adjusted to reflect the following schedule based on the institution's change in the amount of small business lending relative to the baseline:

(1) If the amount of small business lending has increased by less than 2.5 percent, the amortization period shall be 6 years.

(2) If the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the amortization period shall be 7 years.

(3) If the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the amortization period shall be 8 years.

(4) If the amount of small business lending has increased by 7.5 percent or greater, but by less than 10.0 percent, the amortization period shall be 9 years.

(5) If the amount of small business lending has increased by 10 percent or greater, the amortization period shall be 10 years.

(d) MINIMUM UNDERWRITING STANDARDS.—The appropriate Federal banking agency for an eligible institution that chooses to amortize any loss or write-down as permitted under subsection (b) shall, within 60 days of the date of the enactment of this title, issue regulations defining minimum underwriting standards that must be used for loans made by the eligible institution.

(e) EFFECTIVE DATE.—The provisions of this section shall apply to loan origination that occurred on or after January 1, 2003, and before January 1, 2008.

SEC. 114. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Deposit Insurance Corporation and other bank regulators are sending mixed messages to banks regarding regulatory capital requirements and lending standards, which is a contributing cause of decreased small business lending and increased regulatory uncertainty at community banks.

TITLE II—STATE SMALL BUSINESS CREDIT INITIATIVE

SEC. 201. SHORT TITLE.

This title may be cited as the ''State Small Business Credit Initiative Act of 2010''.

SEC. 202. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term ''appropriate Federal banking agency''—

(A) has the same meaning as in section 3 of the Federal Deposit Insurance Act; and

(B) includes the National Credit Union Administration Board in the case of any credit union the deposits of which are insured in accordance with the Federal Credit Union Act.

(2) ENROLLED LOAN.—The term ''enrolled loan'' means a loan made by a financial institution lender that is enrolled by a participating State in an approved State capital access program in accordance with this title.

(3) FEDERAL CONTRIBUTION.—The term ''Federal contribution'' means the portion of the contribution made by a participating State to, or for the account of, an approved State program that is made with Federal funds allocated to the State by the Secretary under section 203.

(4) FINANCIAL INSTITUTION.—The term ''financial institution'' means any insured depository institution, insured credit union, or community development financial institution, as those terms are each defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994.

(5) PARTICIPATING STATE.—The term ''participating State'' means any State that has been approved for participation in the Program under section 204.

(6) PROGRAM.—The term ''Program'' means the State Small Business Credit Initiative established under this title.

(7) QUALIFYING LOAN OR SWAP FUNDING FACILITY.—The term ''qualifying loan or swap funding facility'' means a contractual arrangement between a participating State and a private financial entity under which—

(A) the participating State delivers funds to the entity as collateral;

(B) the entity provides funding from the arrangement back to the participating State; and

(C) the full amount of resulting funding from the arrangement, less any fees and other costs of the arrangement, is contributed to, or for the account of, an approved State program.

(8) RESERVE FUND.—The term ''reserve fund'' means a fund, established by a participating State, dedicated to a particular financial institution lender, for the purposes of—

(A) depositing all required premium charges paid by the financial institution lender and by each borrower receiving a loan under an approved State program from that financial institution lender;

(B) depositing contributions made by the participating State, including State contributions made with Federal contributions; and

(C) covering losses on enrolled loans by disbursing accumulated funds.

(9) STATE.—The term ''State'' means—

(A) a State of the United States;

(B) the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands;

(C) when designated by a State of the United States, a political subdivision of that State that the Secretary determines has the capacity to participate in the Program; and

(D) under the circumstances described in section 204(d), a municipality of a State of the United States to which the Secretary has given a special permission under section 204(d).

(10) STATE CAPITAL ACCESS PROGRAM.—The term ''State capital access program'' means a program of a State that—

(A) uses public resources to promote private access to credit; and

(B) meets the eligibility criteria in section 205(c).

(11) STATE OTHER CREDIT SUPPORT PROGRAM.—The term ''State other credit support program''—

(A) means a program of a State that—

(i) uses public resources to promote private access to credit;

(ii) is not a State capital access program; and

(iii) meets the eligibility criteria in section 206(c); and

(B) includes, collateral support programs, loan participation programs, State-run venture capital fund programs, and credit guarantee programs.

(12) STATE PROGRAM.—The term ''State program'' means a State capital access program or a State other credit support program.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

SEC. 203. FEDERAL FUNDS ALLOCATED TO STATES.

(a) PROGRAM ESTABLISHED; PURPOSE.—There is established the State Small Business Credit Initiative (hereinafter in this title referred to as the ''Program''), to be administered by the Secretary. Under the Program, the Secretary shall allocate Federal funds to participating States and make the allocated funds available to the participating States as provided in this section for the uses described in this section.

(b) ALLOCATION FORMULA.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this title, the Secretary shall allocate Federal funds to participating States so that each State is eligible to receive an amount equal to the average of the respective amounts that the State—

(A) would receive under the 2009 allocation, as determined under paragraph (2); and

(B) would receive under the 2010 allocation, as determined under paragraph (3).

(2) 2009 ALLOCATION FORMULA.—

(A) IN GENERAL.—The Secretary shall determine the 2009 allocation by allocating Federal funds among the States in the proportion that each such State's 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all States.

(B) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) 2008 STATE EMPLOYMENT DECLINE DEFINED.—For purposes of this paragraph and with respect to a State, the term ''2008 State employment decline'' means the excess (if any) of—

(i) the number of individuals employed in such State determined for December 2007; over

(ii) the number of individuals employed in such State determined for December 2008.

(3) 2010 ALLOCATION FORMULA.—

(A) IN GENERAL.—The Secretary shall determine the 2010 allocation by allocating Federal funds among the States in the proportion that each such State's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

(B) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) 2009 UNEMPLOYMENT NUMBER DEFINED.—For purposes of this paragraph and with respect to a State, the term ''2009 unemployment number'' means the number of individuals within such State who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

(c) AVAILABILITY OF ALLOCATED AMOUNT.—The amount allocated by the Secretary to each participating State under subsection (b) shall be made available to the State as follows:

(1) ALLOCATED AMOUNT GENERALLY TO BE AVAILABLE TO STATE IN ONE-THIRDS.—

(A) IN GENERAL.—The Secretary shall—

(i) apportion the participating State's allocated amount into one-thirds;

(ii) transfer to the participating State the first one-third when the Secretary approves the State for participation under section 204; and

(iii) transfer to the participating State each successive one-third when the State has certified to the Secretary that it has expended, transferred, or obligated 80 percent of the last transferred one-third for Federal contributions to, or for the account of, State programs.

(B) AUTHORITY TO WITHHOLD PENDING AUDIT.—The Secretary may withhold the transfer of any successive one-third pending results of a financial audit.

(C) TRANSFERS CONTINGENT ON INSPECTOR GENERAL AUDITS.—

(i) IN GENERAL.—Before a transfer to a participating State of the second one-third or the last one-third, the Inspector General of the Department of the Treasury shall carry out an audit of the participating State's use of amounts already received.

(ii) PENALTY FOR MISSTATEMENT.—Any participating State that is found to have intentionally misstated any report issued to the Secretary under the Program shall be ineligible to receive any additional funds under the Program. Funds that had been allocated or that would otherwise have been allocated to such participating State shall be paid into the general fund of the Treasury for reduction of the public debt.

(iii) MUNICIPALITIES.—For purposes of this subparagraph, the term ''participating State'' shall include a municipality given special permission to participate in the Program, pursuant to section 204(d).

(D) EXCEPTION.—

(i) IN GENERAL.—The Secretary may, in the Secretary's discretion, transfer the full amount of the participating State's allocated amount to the State in a single transfer if the participating State applies to the Secretary for approval to use the full amount of the allocation as collateral for a qualifying loan or swap funding facility.

(ii) RECOUPMENT TRIGGERED BY INTENTIONAL MISSTATEMENT.—If, in any audit of a report issued by a participating State that receives a single transfer pursuant to clause (i), the Secretary or the Inspector General of the Department of the Treasury determines that such State intentionally misstated information in such report, the participating State shall be required to fully repay all amounts received by the State under the Program, and such amounts shall be paid into the general fund of the Treasury for reduction of the public debt.

(2) TRANSFERRED AMOUNTS.—Each amount transferred to a participating State under this section shall remain available to the State until used by the State as permitted under paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—Each participating State may use funds transferred to it under this section only—

(A) for making Federal contributions to, or for the account of, an approved State program;

(B) as collateral for a qualifying loan or swap funding facility;

(C) in the case of the first one-third transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 5 percent of that first one-third; or

(D) in the case of each successive one-third transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 3 percent of that successive one-third.

(4) TERMINATION OF AVAILABILITY OF AMOUNTS NOT TRANSFERRED WITHIN 2 YEARS OF PARTICIPATION.—Any portion of a participating State's allocated amount that has not been transferred to the State under this section by the end of the 2-year period beginning on the date that the Secretary approves the State for participation may be deemed by the Secretary to be no longer allocated to the State and no longer available to the State and shall be returned to the General Fund of the Treasury.

(5) TRANSFERRED AMOUNTS NOT ASSISTANCE.—The amounts transferred to a participating State under this section shall not be considered ''assistance'' for purposes of subtitle V of title 31, United States Code.

(6) DEFINITIONS.—For purposes of this section—

(A) the term ''allocated amount'' means the total amount of Federal funds allocated by the Secretary under subsection (b) to the participating State; and

(B) the term ''one-third'' means—

(i) in the case of the first and second one-thirds, an amount equal to 33 percent of a participating State's allocated amount; and

(ii) in the case of the last one-third, an amount equal to 34 percent of a participating State's allocated amount.

SEC. 204. APPROVING STATES FOR PARTICIPATION.

(a) APPLICATION.—Any State may apply to the Secretary for approval to be a participating State under the Program and to be eligible for an allocation of Federal funds under the Program.

(b) GENERAL APPROVAL CRITERIA.—The Secretary shall approve a State to be a participating State, if—

(1) a specific department, agency, or political subdivision of the State has been designated to implement a State program and participate in the Program;

(2) all legal actions necessary to enable such designated department, agency, or political subdivision to implement a State program and participate in the Program have been accomplished;

(3) the State has filed an application with the Secretary for approval of a State capital access program under section 205 or approval as a State other credit support program under section 206, in each case within the time period provided in the respective section; and

(4) the State and the Secretary have executed an allocation agreement that—

(A) conforms to the requirements of this title;

(B) ensures that the State program complies with such national standards as are established by the Secretary under section 209(a)(2);

(C) sets forth internal control, compliance, and reporting requirements as established by the Secretary, and such other terms and conditions necessary to carry out the purposes of this title, including an agreement by the State to allow the Secretary to audit State programs;

(D) requires that the State program be fully positioned, within 90 days of the State's execution of the allocation agreement with the Secretary, to act on providing the kind of credit support that the State program was established to provide; and

(E) includes an agreement by the State to deliver to the Secretary, and update annually, a schedule describing how the State intends to apportion among its State programs the Federal funds allocated to the State.

(c) CONTRACTUAL ARRANGEMENTS FOR IMPLEMENTATION OF STATE PROGRAMS.—A State may be approved to be a participating State, and be eligible for an allocation of Federal funds under the Program, if the State has contractual arrangements for the implementation and administration of its State program with—

(1) an existing, approved State program administered by another State; or

(2) an authorized agent of, or entity supervised by, the State, including for-profit and not-for-profit entities.

(d) SPECIAL PERMISSION.—

(1) CIRCUMSTANCES WHEN A MUNICIPALITY MAY APPLY DIRECTLY.—If a State does not, within 60 days after the date of enactment of this title, file with the Secretary a notice of its intent to apply for approval by the Secretary of a State program or within 9 months after the date of enactment of this title, file

with the Secretary a complete application for approval of a State program, the Secretary may grant to municipalities of that State a special permission that will allow them to apply directly to the Secretary without the State for approval to be participating municipalities.

(2) TIMING REQUIREMENTS APPLICABLE TO MUNICIPALITIES APPLYING DIRECTLY.—To qualify for the special permission, a municipality of a State must, within 12 months after the date of enactment of this title, file with the Secretary a complete application for approval by the Secretary of a State program.

(3) NOTICES OF INTENT AND APPLICATIONS FROM MORE THAN 1 MUNICIPALITY.—A municipality of a State may combine with 1 or more other municipalities of that State to file a joint notice of intent to file and a joint application.

(4) APPROVAL CRITERIA.—The general approval criteria in paragraphs (2) and (4) shall apply.

(5) ALLOCATION TO MUNICIPALITIES.—

(A) IF MORE THAN 3.—If more than 3 municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to the 3 municipalities with the largest populations.

(B) IF 3 OR FEWER.—If 3 or fewer municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to each applicant municipality or combination of municipalities.

(6) APPORTIONMENT OF ALLOCATED AMOUNT AMONG PARTICIPATING MUNICIPALITIES.—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall apportion the full amount of the Federal funds that are allocated to that State to municipalities that are approved under this subsection in amounts proportionate to the population of those municipalities, based on the most recent available decennial census.

(7) APPROVING STATE PROGRAMS FOR MUNICIPALITIES.—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall take into account the additional considerations in section 206(d) in making the determination under section 205 or 206 that the State program or programs to be implemented by the participating municipalities, including a State capital access program, is eligible for Federal contributions to, or for the account of, the State program.

SEC. 205. APPROVING STATE CAPITAL ACCESS PROGRAMS.

(a) APPLICATION.—A participating State that establishes a new, or has an existing, State capital access program that meets the eligibility criteria in subsection (c) may apply to Secretary to have the State capital access program approved as eligible for Federal contributions to the reserve fund.

(b) APPROVAL.—The Secretary shall approve such State capital access program as eligible for Federal contributions to the reserve fund if—

(1) within 60 days after the date of enactment of this title, the State has filed with the Secretary a notice of intent to apply for approval by the Secretary of a State capital access program;

(2) within 9 months after the date of enactment of this title, the State has filed with the Secretary a complete application for approval by the Secretary of a capital access program;

(3) the State satisfies the requirements of subsections (a) and (b) of section 204; and

(4) the State capital access program meets the eligibility criteria in subsection (c).

(c) ELIGIBILITY CRITERIA FOR STATE CAPITAL ACCESS PROGRAMS.—For a State capital access program to be approved under this section, it must be a program of the State that—

(1) provides portfolio insurance for business loans based on a separate loan-loss reserve fund for each financial institution;

(2) requires insurance premiums to be paid by the financial institution lenders and by the business borrowers to the reserve fund to have their loans enrolled in the reserve fund;

(3) provides for contributions to be made by the State to the reserve fund in amounts at least equal to the sum of the amount of the insurance premium charges paid by the borrower and the financial institution to the reserve fund for any newly enrolled loan; and

(4) provides its portfolio insurance solely for loans that meet both the following requirements:

(A) The borrower has 500 employees or less at the time that the loan is enrolled in the Program.

(B) The loan amount does not exceed $5,000,000.

(d) FEDERAL CONTRIBUTIONS TO APPROVED STATE CAPITAL ACCESS PROGRAMS.—A State capital access program approved under this section will be eligible for receiving Federal contributions to the reserve fund in an amount equal to the sum of the amount of the insurance premium charges paid by the borrowers and by the financial institution to the reserve fund for loans that meet the requirements in subsection (c)(4). A participating State may use the Federal contribution to make its contribution to the reserve fund of an approved State capital access program.

(e) MINIMUM PROGRAM REQUIREMENTS FOR STATE CAPITAL ACCESS PROGRAMS.—The Secretary shall, by regulation or other guidance, prescribe Program requirements that meet the following minimum requirements:

(1) EXPERIENCE AND CAPACITY.—The participating State shall determine for each financial institution that participates in the State capital access program, after consultation with the appropriate Federal banking agency or, in the case of a financial institution that is a non depository community development financial institution, the Community Development Financial Institution Fund, that the financial institution has sufficient commercial lending experience and financial and managerial capacity to participate in the approved State capital access program. The determination by the State shall not be reviewable by the Secretary.

(2) INVESTMENT AUTHORITY.—Subject to applicable State law, the participating State may invest, or cause to be invested, funds held in a reserve fund by establishing a deposit account at the financial institution lender in the name of the participating State. In the event that funds in the reserve fund are not deposited in such an account, such funds shall be invested in a form that the participating State determines is safe and liquid.

(3) LOAN TERMS AND CONDITIONS TO BE DETERMINED BY AGREEMENT.—A loan to be filed for enrollment in an approved State capital access program may be made with such interest rate, fees, and other terms and conditions, and the loan may be enrolled in the approved State capital access program and claims may be filed and paid, as agreed upon by the financial institution lender and the borrower, consistent with applicable law.

(4) LENDER CAPITAL AT-RISK.—A loan to be filed for enrollment in the State capital access program must require the financial institution lender to have a meaningful amount of its own capital resources at risk in the loan.

(5) PREMIUM CHARGES MINIMUM AND MAXIMUM AMOUNTS.—The insurance premium charges payable to the reserve fund by the borrower and the financial institution lender shall be prescribed by the financial institution lender, within minimum and maximum limits that require that the sum of the insurance premium charges paid in connection with a loan by the borrower and the financial institution lender may not be less than 2 percent nor more than 7 percent of the amount of the loan enrolled in the approved State capital access program.

(6) STATE CONTRIBUTIONS.—In enrolling a loan in an approved State capital access program, the participating State may make a contribution to the reserve fund to supplement Federal contributions made under this Program.

(7) LOAN PURPOSE.—

(A) PARTICULAR LOAN PURPOSE REQUIREMENTS AND PROHIBITIONS.—In connection with the filing of a loan for enrollment in an approved State capital access program, the financial institution lender—

(i) shall obtain an assurance from each borrower that—

(I) the proceeds of the loan will be used for a business purpose;

(II) the loan will not be used to finance such business activities as the Secretary, by regulation, may proscribe as prohibited loan purposes for enrollment in an approved State capital access program; and

(III) the borrower is not—

(aa) an executive officer, director, or principal shareholder of the financial institution lender;

(bb) a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lender; or

(cc) a related interest of any such executive officer, director, principal shareholder, or member of the immediate family;

(ii) shall provide assurances to the participating State that the loan has not been made in order to place under the protection of the approved State capital access program prior debt that is not covered under the approved State capital access program and that is or was owed by the borrower to the financial institution lender or to an affiliate of the financial institution lender;

(iii) shall not allow the enrollment of a loan to a borrower that is a refinancing of a loan previously made to that borrower by the financial institution lender or an affiliate of the financial institution lender; and

(iv) may include additional restrictions on the eligibility of loans or borrowers that are not inconsistent with the provisions and purposes of this title, including compliance with all applicable Federal and State laws, regulations, ordinances, and Executive orders.

(B) DEFINITIONS.—For purposes of this subsection, the terms ''executive officer'', ''director'', ''principal shareholder'', ''immediate family'', and ''related interest'' refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.

(8) CAPITAL ACCESS FOR SMALL BUSINESSES IN UNDERSERVED COMMUNITIES.—At the time that a State applies to the Secretary to have the State capital access program approved as eligible for Federal contributions, the State shall deliver to the Secretary a report stating how the State plans to use the Federal contributions to the reserve fund to provide access to capital for small businesses in low- and moderate-income, minority, and other

underserved communities, including women- and minority-owned small businesses.

SEC. 206. APPROVING COLLATERAL SUPPORT AND OTHER INNOVATIVE CREDIT ACCESS AND GUARANTEE INITIATIVES FOR SMALL BUSINESSES AND MANUFACTURERS.

(a) APPLICATION.—A participating State that establishes a new, or has an existing, credit support program that meets the eligibility criteria in subsection (c) may apply to the Secretary to have the State other credit support program approved as eligible for Federal contributions to, or for the account of, the State program.

(b) APPROVAL.—The Secretary shall approve such State other credit support program as eligible for Federal contributions to, or for the account of, the program if—

(1) the Secretary determines that the State satisfies the requirements of paragraphs (1) through (3) of section 205(b);

(2) the Secretary determines that the State other credit support program meets the eligibility criteria in subsection (c);

(3) the Secretary determines the State other credit support program to be eligible based on the additional considerations in subsection (d); and

(4) within 9 months after the date of enactment of this title, the State has filed with Treasury a complete application for Treasury approval.

(c) ELIGIBILITY CRITERIA FOR STATE OTHER CREDIT SUPPORT PROGRAMS.—For a State other credit support program to be approved under this section, it must be a program of the State that—

(1) can demonstrate that, at a minimum, 1 dollar of public investment by the State program will cause and result in 1 dollar of new private credit;

(2) can demonstrate a reasonable expectation that, when considered with all other State programs of the State, such State programs together have the ability to use amounts of new Federal contributions to, or for the account of, all such programs in the State to cause and result in amounts of new small business lending at least 10 times the new Federal contribution amount;

(3) for those State other credit support programs that provide their credit support through 1 or more financial institution lenders, requires the financial institution lenders to have a meaningful amount of their own capital resources at risk in their small business lending; and

(4) uses Federal funds allocated under this title to extend credit support that—

(A) targets an average borrower size of 500 employees or less;

(B) does not extend credit support to borrowers that have more than 750 employees;

(C) targets support towards loans with an average principal amount of $5,000,000 or less; and

(D) does not extend credit support to loans that exceed a principal amount of $20,000,000.

(d) ADDITIONAL CONSIDERATIONS.—In making a determination that a State other credit support program is eligible for Federal contributions to, or for the account of, the State program, the Secretary shall take into account the following additional considerations:

(1) The anticipated benefits to the State, its businesses, and its residents to be derived from the Federal contributions to, or for the account of, the approved State other credit support program, including the extent to which resulting small business lending will expand economic opportunities.

(2) The operational capacity, skills, and experience of the management team of the State other credit support program.

(3) The capacity of the State other credit support program to manage increases in the volume of its small business lending.

(4) The internal accounting and administrative controls systems of the State other credit support program, and the extent to which they can provide reasonable assurance that funds of the State program are safeguarded against waste, loss, unauthorized use, or misappropriation.

(5) The soundness of the program design and implementation plan of the State other credit support program.

(e) FEDERAL CONTRIBUTIONS TO APPROVED STATE OTHER CREDIT SUPPORT PROGRAMS.—A State other credit support program approved under this section will be eligible for receiving Federal contributions to, or for the account of, the State program in an amount consistent with the schedule describing the apportionment of allocated Federal funds among State programs delivered by the State to the Secretary under the allocation agreement.

(f) MINIMUM PROGRAM REQUIREMENTS FOR STATE OTHER CREDIT SUPPORT PROGRAMS.—

(1) FUND TO PRESCRIBE.—The Secretary shall, by regulation or other guidance, prescribe Program requirements for approved State other credit support programs.

(2) CONSIDERATIONS FOR FUND.—In prescribing minimum Program requirements for approved State other credit support programs, the Secretary shall take into consideration, to the extent the Secretary determines applicable and appropriate, the minimum Program requirements for approved State capital access programs in section 205(e).

SEC. 207. REPORTS.

(a) QUARTERLY USE-OF-FUNDS REPORT.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each calendar quarter, beginning after the first full calendar quarter to occur after the date the Secretary approves a State for participation, the participating State shall submit to the Secretary a report on the use of Federal funding by the participating State during the previous calendar quarter.

(2) REPORT CONTENTS.—The report shall—

(A) indicate the total amount of Federal funding used by the participating State;

(B) include a certification by the participating State that—

(i) the information provided in accordance with subparagraph (A) is accurate;

(ii) funds continue to be available and legally committed to contributions by the State to, or for the account of, approved State programs, less any amount that has been contributed by the State to, or for the account of, approved State programs subsequent to the State being approved for participation in the Program; and

(iii) the participating State is implementing its approved State program or programs in accordance with this title and regulations issued pursuant to section 210.

(b) ANNUAL REPORT.—Not later than March 31 of each year, beginning March 31, 2011, each participating State shall submit to the Secretary an annual report that shall include the following information:

(1) The number of borrowers that received new loans originated under the approved State program or programs after the State program was approved as eligible for Federal contributions.

(2) The total amount of such new loans.

(3) Breakdowns by industry type, loan size, annual sales, and number of employees of the borrowers that received such new loans.

(4) The zip code of each borrower that received such a new loan.

(5) Such other data as the Secretary, in the Secretary's sole discretion, may require to carry out the purposes of the Program.

(c) FORM.—The reports and data filed pursuant to subsections (a) and (b) shall be in such form as the Secretary, in the Secretary's sole discretion, may require.

(d) TERMINATION OF REPORTING REQUIREMENTS.—The requirement to submit reports under subsections (a) and (b) shall terminate for a participating State with the submission of the completed reports due on the first March 31 to occur after 5 complete 12-month periods after the State is approved by the Secretary to be a participating State.

SEC. 208. REMEDIES FOR STATE PROGRAM TERMINATION OR FAILURES.

(a) REMEDIES.—

(1) IN GENERAL.—If any of the events listed in paragraph (2) occur, the Secretary, in the Secretary's discretion, may—

(A) reduce the amount of Federal funds allocated to the State under the Program; or

(B) terminate any further transfers of allocated amounts that have not yet been transferred to the State.

(2) CAUSAL EVENTS.—The events referred to in paragraph (1) are—

(A) termination by a participating State of its participation in the Program;

(B) failure on the part of a participating State to submit complete reports under section 207 on a timely basis; or

(C) noncompliance by the State with the terms of the allocation agreement between the Secretary and the State.

(b) DEALLOCATED AMOUNTS TO BE REALLOCATED.—If, after 13 months, any portion of the amount of Federal funds allocated to a participating State is deemed by the Secretary to be no longer allocated to the State after actions taken by the Secretary under subsection (a)(1), the Secretary shall reallocate that portion among the participating States, excluding the State whose allocated funds were deemed to be no longer allocated, as provided in section 203(b).

SEC. 209. IMPLEMENTATION AND ADMINISTRATION.

(a) GENERAL AUTHORITIES AND DUTIES.—The Secretary shall—

(1) consult with the Administrator of the Small Business Administration and the appropriate Federal banking agencies on the administration of the Program;

(2) establish minimum national standards for approved State programs;

(3) provide technical assistance to States for starting State programs and generally disseminate best practices;

(4) manage, administer, and perform necessary program integrity functions for the Program; and

(5) ensure adequate oversight of the approved State programs, including oversight of the cash flows, performance, and compliance of each approved State program.

(b) APPROPRIATIONS.—There is hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, $2,000,000,000 to carry out the Program, including to pay reasonable costs of administering the Program.

(c) TERMINATION OF SECRETARY'S PROGRAM ADMINISTRATION FUNCTIONS.—The authorities and duties of the Secretary to implement and administer the Program shall terminate at the end of the 7-year period beginning on the date of enactment of this title.

SEC. 210. REGULATIONS.

The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue such regulations and other guidance as the Secretary determines necessary or appropriate to implement this title including, but not limited to, to define terms, to establish compliance and reporting requirements, and such other terms and conditions necessary to carry out the purposes of this title.

SEC. 211. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the

Treasury shall conduct, supervise, and coordinate audits and investigations of the use of funds made available under the Program.

(b) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress, as such term is defined under section 3(1), containing the results of such audit.

(c) REQUIRED CERTIFICATION.—

(1) FINANCIAL INSTITUTIONS CERTIFICATION.—With respect to funds received by a participating State under the Program, any financial institution that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this title must certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) SEX OFFENSE CERTIFICATION.—With respect to funds received by a participating State under the Program, any private entity that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this title shall certify to the participating State that the principals of such entity have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(d) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this title may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

TITLE III—SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the ''Small Business Early-Stage Investment Program Act of 2010''.

SEC. 302. SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following:

''PART D—SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM

''SEC. 399A. ESTABLISHMENT OF PROGRAM.

''The Administrator shall establish and carry out an early-stage investment program (hereinafter referred to in this part as the 'program') to provide equity investment financing to support early-stage small businesses in accordance with this part.

''SEC. 399B. ADMINISTRATION OF PROGRAM.

''The program shall be administered by the Administrator acting through the Associate Administrator described under section 201.

''SEC. 399C. APPLICATIONS.

''(a) IN GENERAL.—Any existing or newly formed incorporated body, limited liability company, or limited partnership organized and chartered or otherwise existing under Federal or State law for the purpose of performing the functions and conducting the activities contemplated under the program and any manager of any small business investment company may submit to the Administrator an application to participate in the program.

''(b) REQUIREMENTS FOR APPLICATION.—An application to participate in the program shall include the following:

''(1) A business plan describing how the applicant intends to make successful venture capital investments in early-stage small businesses and direct capital to small business concerns in targeted industries or other business sectors.

''(2) Information regarding the relevant venture capital investment qualifications and backgrounds of the individuals responsible for the management of the applicant.

''(3) A description of the extent to which the applicant meets the selection criteria under section 399D.

''(c) APPLICATIONS FROM MANAGERS OF SMALL BUSINESS INVESTMENT COMPANIES.—The Administrator shall establish an abbreviated application process for applicants that are managers of small business investment companies that are licensed under section 301 and that are applying to participate in the program. Such abbreviated process shall incorporate a presumption that such managers satisfactorily meet the selection criteria under paragraphs (3) and (5) of section 399D(b).

''SEC. 399D. SELECTION OF PARTICIPATING INVESTMENT COMPANIES.

''(a) IN GENERAL.—Not later than 90 days after the date on which the Administrator receives an application from an applicant under section 399C, the Administrator shall make a determination to conditionally approve or disapprove such applicant to participate in the program and shall transmit such determination to the applicant in writing. A determination to conditionally approve an applicant shall identify all conditions necessary for a final approval and shall provide a period of not less than one year for satisfying such conditions.

''(b) SELECTION CRITERIA.—In making a determination under subsection (a), the Administrator shall consider each of the following:

''(1) The likelihood that the applicant will meet the goals specified in the business plan of the applicant.

''(2) The likelihood that the investments of the applicant will create or preserve jobs, both directly and indirectly.

''(3) The character and fitness of the management of the applicant.

''(4) The experience and background of the management of the applicant.

''(5) The extent to which the applicant will concentrate investment activities on early-stage small businesses.

''(6) The likelihood that the applicant will achieve profitability.

''(7) The experience of the management of the applicant with respect to establishing a profitable investment track record.

''(8) The extent to which the applicant will concentrate investment activities on small business concerns in targeted industries.

''(c) FINAL APPROVAL.—For each applicant provided a conditional approval under subsection (a), the Administrator shall provide final approval to participate in the program not later than 90 days after the date the applicant satisfies the conditions specified by the Administrator under such subsection or, in the case of applicants whose partnership or management agreements conform to models approved by the Administrator, the Administrator shall provide final approval to participate in the program not later than 30 days after the date the applicant satisfies the conditions specified under such subsection. If an applicant provided conditional approval under subsection (a) fails to satisfy the conditions specified by the Administrator in the time period designated under such subsection, the Administrator shall revoke the conditional approval.

''SEC. 399E. EQUITY FINANCINGS.

''(a) IN GENERAL.—The Administrator may make one or more equity financings to a participating investment company.

''(b) EQUITY FINANCING AMOUNTS.—

''(1) NON-FEDERAL CAPITAL.—An equity financing made to a participating investment company under the program may not be in an amount that exceeds the amount of the capital of such company that is not from a Federal source and that is available for investment on or before the date on which an equity financing is drawn upon. Such capital may include legally binding commitments with respect to capital for investment.

''(2) LIMITATION ON AGGREGATE AMOUNT.—The aggregate amount of all equity financings made to a participating investment company under the program may not exceed $100,000,000.

''(c) EQUITY FINANCING PROCESS.—In making an equity financing under the program, the Administrator shall commit an equity financing amount to a participating investment company and the amount of each such commitment shall remain available to be drawn upon by such company—

''(1) for new-named investments during the 5-year period beginning on the date on which each such commitment is first drawn upon; and

''(2) for follow-on investments and management fees during the 10-year period beginning on the date on which each such commitment is first drawn upon, with not more than 2 additional 1-year periods available at the discretion of the Administrator.

''(d) COMMITMENT OF FUNDS.—The Administrator shall make commitments for equity financings not later than 2 years after the date funds are appropriated for the program.

''SEC. 399F. INVESTMENTS IN EARLY-STAGE SMALL BUSINESSES.

''(a) IN GENERAL.—As a condition of receiving an equity financing under the program, a participating investment company shall make all of the investments of such company in small business concerns, of which at least 50 percent shall be early-stage small businesses.

''(b) EVALUATION OF COMPLIANCE.—With respect to an equity financing amount committed to a participating investment company under section 399E, the Administrator shall evaluate the compliance of such company with the requirements under this section if such company has drawn upon 50 percent of such commitment.

''SEC. 399G. PRO RATA INVESTMENT SHARES.

''Each investment made by a participating investment company under the program shall be treated as comprised of capital from equity financings under the program according to the ratio that capital from equity financings under the program bears to all capital available to such company for investment.

''SEC. 399H. EQUITY FINANCING INTEREST.

''(a) EQUITY FINANCING INTEREST.—

''(1) IN GENERAL.—As a condition of receiving an equity financing under the program, a participating investment company shall convey an equity financing interest to the Administrator in accordance with paragraph (2).

''(2) EFFECT OF CONVEYANCE.—The equity financing interest conveyed under paragraph (1) shall have all the rights and attributes of other investors attributable to their interests in the participating investment company, but shall not denote control or voting

rights to the Administrator. The equity financing interest shall entitle the Administrator to a pro rata portion of any distributions made by the participating investment company equal to the percentage of capital in the participating investment company that the equity financing comprises. The Administrator shall receive distributions from the participating investment company at the same times and in the same amounts as any other investor in the company with a similar interest. The investment company shall make allocations of income, gain, loss, deduction, and credit to the Administrator with respect to the equity financing interest as if the Administrator were an investor.

''(b) MANAGER PROFITS.—As a condition of receiving an equity financing under the program, the manager profits interest payable to the managers of a participating investment company under the program shall not exceed 20 percent of profits, exclusive of any profits that may accrue as a result of the capital contributions of any such managers with respect to such company. Any excess of this amount, less taxes payable thereon, shall be returned by the managers and paid to the investors and the Administrator in proportion to the capital contributions and equity financings paid in. No manager profits interest (other than a tax distribution) shall be paid prior to the repayment to the investors and the Administrator of all contributed capital and equity financings made.

''(c) DISTRIBUTION REQUIREMENTS.—As a condition of receiving an equity financing under the program, a participating investment company shall make all distributions to all investors in cash and shall make distributions within a reasonable time after exiting investments, including following a public offering or market sale of underlying investments.

''SEC. 399I. FUND.

''There is hereby created within the Treasury a separate fund for equity financings which shall be available to the Administrator subject to annual appropriations as a revolving fund to be used for the purposes of the program. All amounts received by the Administrator, including any moneys, property, or assets derived by the Administrator from operations in connection with the program, shall be deposited in the fund. All expenses and payments, excluding administrative expenses, pursuant to the operations of the Administrator under the program shall be paid from the fund.

''SEC. 399J. APPLICATION OF OTHER SECTIONS.

''To the extent not inconsistent with requirements under this part, the Administrator may apply sections 309, 311, 312, 313, and 314 to activities under this part and an officer, director, employee, agent, or other participant in a participating investment company shall be subject to the requirements under such sections.

''SEC. 399K. ANNUAL REPORTING.

''The Administrator shall report on the performance of the program in the annual performance report of the Administration.

''SEC. 399L. DEFINITIONS.

''In this part, the following definitions apply:

''(1) EARLY-STAGE SMALL BUSINESS.—The term 'early-stage small business' means a small business concern that—

''(A) is domiciled in a State; and

''(B) has not generated gross annual sales revenues exceeding $15,000,000 in any of the previous 3 years.

''(2) PARTICIPATING INVESTMENT COMPANY.—The term 'participating investment company' means an applicant approved under section 399D to participate in the program.

''(3) TARGETED INDUSTRIES.—The term 'targeted industries' means any of the following business sectors:

''(A) Agricultural technology.

''(B) Energy technology.

''(C) Environmental technology.

''(D) Life science.

''(E) Information technology.

''(F) Digital media.

''(G) Clean technology.

''(H) Defense technology.

''(I) Photonics technology.

''SEC. 399M. APPROPRIATION.

''From funds not otherwise appropriated, there is hereby appropriated $1,000,000,000 to carry out the program.

''SEC. 399N. CERTIFICATION.

''(a) IMMIGRATION CERTIFICATION.—

''(1) PARTICIPATING INVESTMENT COMPANIES.—Each participating investment company that receives an equity financing under this part after the date of the enactment of this part must, if applicable, certify that such company is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

''(2) EARLY-STAGE SMALL BUSINESSES.—Each early-stage small business that receives funds from a participating investment company that receives an equity financing under this part after the date of the enactment of this part must, if applicable, certify that such company is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

''(b) SEX OFFENDER CERTIFICATION.—

''(1) PARTICIPATING INVESTMENT COMPANIES.—Each participating investment company that receives an equity financing under this part after the date of the enactment of this part shall certify to the Administrator that the principals of such company have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

''(2) EARLY-STAGE SMALL BUSINESSES.—Each early-stage small business that receives funds from a participating investment company that receives an equity financing under this part after the date of the enactment of this part shall certify to the Administrator that the principals of such business have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

''(c) PORNOGRAPHY CERTIFICATION.—None of the funds made available under this part may be used to pay the salary of any individual engaged in activities related to the provisions of this part who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.''.

SEC. 303. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this title and the amendments made by this title.

SEC. 304. PROHIBITIONS ON EARMARKS.

None of the funds appropriated for the program established under part D of title III of the Small Business Investment Act of 1958, as added by this Act, may be used for a Congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

TITLE IV—MISCELLANEOUS

SEC. 401. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE V—TAX PROVISIONS

SEC. 500. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the ''Small Business Jobs Tax Relief Act of 2010''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Small Business Tax Incentives

PART 1—GENERAL PROVISIONS

SEC. 501. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 is amended by adding at the end the following new paragraph:

''(4) SPECIAL 100 PERCENT EXCLUSION.—In the case of qualified small business stock acquired after March 15, 2010, and before January 1, 2012—

''(A) paragraph (1) shall be applied by substituting '100 percent' for '50 percent',

''(B) paragraph (2) shall not apply, and

''(C) paragraph (7) of section 57(a) shall not apply.''.

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 1202(a) is amended—

(1) by striking ''after the date of the enactment of this paragraph and before January 1, 2011'' and inserting ''after February 17, 2009, and before March 16, 2010''; and

(2) by striking ''SPECIAL RULES FOR 2009 AND 2010'' in the heading and inserting ''SPECIAL 75 PERCENT EXCLUSION''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after March 15, 2010.

PART 2—LIMITATIONS AND REPORTING ON CERTAIN PENALTIES

SEC. 511. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE CERTAIN INFORMATION.

(a) IN GENERAL.—Subsection (b) of section 6707A is amended to read as follows:

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which

would have resulted from such transaction if such transaction were respected for Federal tax purposes).

''(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction for any taxable year shall not exceed—

''(A) in the case of a listed transaction, $200,000 ($100,000 in the case of a natural person), or

''(B) in the case of any other reportable transaction, $50,000 ($10,000 in the case of a natural person).

''(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any transaction for any taxable year shall not be less than $10,000 ($5,000 in the case of a natural person).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

SEC. 512. ANNUAL REPORTS ON PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

PART 3—OTHER PROVISIONS

SEC. 521. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES.

(a) IN GENERAL.—Subsection (b) of section 195 is amended by adding at the end the following new paragraph:

''(3) INCREASED LIMITATION FOR TAXABLE YEARS BEGINNING IN 2010 OR 2011.—In the case of any taxable year beginning in 2010 or 2011, paragraph (1)(A)(ii) shall be applied—

''(A) by substituting '$20,000' for '$5,000', and

''(B) by substituting '$75,000' for '$50,000'.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 522. NONRECOURSE SMALL BUSINESS INVESTMENT COMPANY LOANS FROM THE SMALL BUSINESS ADMINISTRATION TREATED AS AMOUNTS AT RISK.

(a) IN GENERAL.—Subparagraph (B) of section 465(b)(6) is amended to read as follows:

''(B) QUALIFIED NONRECOURSE FINANCING.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified nonrecourse financing' means any financing—

''(I) which is qualified real property financing or qualified SBIC financing,

''(II) except to the extent provided in regulations, with respect to which no person is personally liable for repayment, and

''(III) which is not convertible debt.

''(ii) QUALIFIED REAL PROPERTY FINANCING.—The term 'qualified real property financing' means any financing which—

''(I) is borrowed by the taxpayer with respect to the activity of holding real property,

''(II) is secured by real property used in such activity, and

''(III) is borrowed by the taxpayer from a qualified person or represents a loan from any Federal, State, or local government or instrumentality thereof, or is guaranteed by any Federal, State, or local government.

''(iii) QUALIFIED SBIC FINANCING.—The term 'qualified SBIC financing' means any financing which—

''(I) is borrowed by a small business investment company (within the meaning of section 301 of the Small Business Investment Act of 1958), and

''(II) is borrowed from, or guaranteed by, the Small Business Administration under the authority of section 303(b) of such Act.''.

(b) CONFORMING AMENDMENTS.—Subparagraph (A) of section 465(b)(6) is amended—

(1) by striking ''in the case of an activity of holding real property,''; and

(2) by striking ''which is secured by real property used in such activity''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to loans and guarantees made after the date of the enactment of this Act.

SEC. 523. BENEFITS UNDER THE SMALL BUSINESS BORROWER ASSISTANCE PROGRAM EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by adding at the end the following new section:

''SEC. 139F. BENEFITS UNDER THE SMALL BUSINESS BORROWER ASSISTANCE PROGRAM.

''(a) IN GENERAL.—Gross income shall not include any amount paid on behalf of a borrower by the Administrator of the Small Business Administration under the Small Business Borrower Assistance program established under section 402 of the Small Business Assistance Fund Act of 2010 (as in effect immediately after the date of the enactment of such Act).

''(b) DENIAL OF DOUBLE BENEFIT.—Notwithstanding any other provision of this subtitle, with respect to the person for whose benefit a payment described in subsection (a) is made—

''(1) INTEREST.—No deduction shall be allowed for interest to the extent the liability for such interest is covered by such payment.

''(2) PAYMENTS OF PRINCIPAL.—If any payment is applied to reduce the principal of the loan to which such payment relates—

''(A) ALLOCATION AMONG FINANCED EXPENDITURES.—Such payment shall be allocated pro rata among the expenditures financed with such loan.

''(B) CREDITS AND DEDUCTIBLE EXPENSES.—No deduction or credit shall be allowed for, or by reason of, any such expenditure to the extent of the amount of the payment allocated to such expenditure under subparagraph (A).

''(C) ADJUSTMENT OF BASIS.—The adjusted basis of any property acquired with such expenditure shall be reduced to the extent of the amount of the payment allocated to such expenditure under subparagraph (A).''.

(b) CLERICAL AMENDMENTS.—The table of sections for part III of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 139F. Benefits under the Small Business Borrower Assistance Program.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

Subtitle B—Revenue Provisions

SEC. 531. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) IN GENERAL.—Subsection (b) of section 2702 is amended—

(1) by redesignating paragraphs (1), (2) and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right;

(2) by striking ''For purposes of'' and inserting the following:

''(1) IN GENERAL.—For purposes of'';

(3) by striking ''paragraph (1) or (2)'' in paragraph (1)(C) (as so redesignated) and inserting ''subparagraph (A) or (B)''; and

(4) by adding at the end the following new paragraph:

''(2) ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

''(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

''(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

''(C) the remainder interest has a value greater than zero determined as of the time of the transfer.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

SEC. 532. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Clause (iii) of section 40(b)(6)(E) is amended—

(1) by striking ''or'' at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting '', or'',

(3) by adding at the end the following new subclause:

''(III) such fuel has an acid number greater than 25.'', and

(4) by striking ''UNPROCESSED'' in the heading and inserting ''CERTAIN''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 533. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 7.75 percentage points.

TITLE VI—PLAIN WRITING ACT

SEC. 601. SHORT TITLE.

This title may be cited as the ''Plain Writing Act of 2010''.

SEC. 602. PURPOSE.

The purpose of this title is to improve the effectiveness and accountability of Federal agencies to the public by promoting clear Government communication that the public can understand and use.

SEC. 603. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' means the Department of the Treasury and the Small Business Administration.

(2) COVERED DOCUMENT.—The term ''covered document''—

(A) means any document that—

(i) is relevant to obtaining any Federal Government benefit or service provided under title I, II, or III;

(ii) provides information about any Federal Government benefit or service provided under title I, II, or III; or

(iii) explains to the public how to comply with a requirement the Federal Government administers or enforces under title I, II, or III;

(B) includes (whether in paper or electronic form) a letter, publication, form, notice, or instruction; and

(C) does not include a regulation.

(3) PLAIN WRITING.—The term ''plain writing'' means writing that the intended audience can readily understand and use because that writing is clear, concise, well-organized, and follows other best practices of plain writing.

SEC. 604. RESPONSIBILITIES OF FEDERAL AGENCIES.

(a) PREPARATION FOR IMPLEMENTATION OF PLAIN WRITING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this title, the head of each agency shall—

(A) designate 1 or more senior officials within the agency to oversee the agency implementation of this title;

(B) communicate the requirements of this title to the employees of the agency;

(C) train employees of the agency in plain writing;

(D) establish a process for overseeing the ongoing compliance of the agency with the requirements of this title;

(E) create and maintain a plain writing section of the agency's website that is accessible from the homepage of the agency's website; and

(F) designate 1 or more agency points-of-contact to receive and respond to public input on—

(i) agency implementation of this title; and

(ii) the agency reports required under section 605.

(2) WEBSITE.—The plain writing section described under paragraph (1)(E) shall—

(A) inform the public of agency compliance with the requirements of this title; and

(B) provide a mechanism for the agency to receive and respond to public input on—

(i) agency implementation of this title; and

(ii) the agency reports required under section 605.

(b) REQUIREMENT TO USE PLAIN WRITING IN NEW DOCUMENTS.—Beginning not later than 1 year after the date of enactment of this title, each agency shall use plain writing in every covered document of the agency that the agency issues or substantially revises.

(c) GUIDANCE.—In carrying out the provisions of this title, agencies may follow the guidance of—

(1) the writing guidelines developed by the Plain Language Action and Information Network; or

(2) guidance provided by the head of the agency.

SEC. 605. REPORTS TO CONGRESS.

(a) INITIAL REPORT.—Not later than 9 months after the date of enactment of this title, the head of each agency shall publish on the plain writing section of the agency's website a report that describes the agency plan for compliance with the requirements of this title.

(b) ANNUAL COMPLIANCE REPORT.—Not later than 18 months after the date of enactment of this title, and annually thereafter, the head of each agency shall publish on the plain writing section of the agency's website a report on agency compliance with the requirements of this title.

TITLE VII—SENSE OF CONGRESS ON AGRICULTURE AND FARMING SMALL BUSINESS LOANS

SEC. 701. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) agriculture operations, farms, and rural communities should receive equal consideration through lending activities for small businesses in this Act, particularly small- and mid-size farms and agriculture operations; and

(2) attention should be given to ensuring there is adequate small business credit and financing availability under this Act in the agriculture and farming sectors.

TITLE VIII—SMALL BUSINESS BORROWER ASSISTANCE PROGRAM

SEC. 801. SHORT TITLE.

This title may be cited as the ''Small Business Assistance Fund Act of 2010''.

SEC. 802. SMALL BUSINESS BORROWER ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Administrator shall carry out a program to be called the ''Small Business Borrower Assistance Program'' to provide payments of principal and interest on qualifying small business loans.

(b) AUTOMATIC ENROLLMENT; COMMITMENT OF FUNDS.—

(1) IN GENERAL.—To the extent funds are available under the Program, each borrower that receives a qualifying small business loan after the date on which the Administrator issues regulations pursuant to subsection (e) shall be automatically enrolled in the Program, unless the borrower requests otherwise, and the Administrator shall commit an amount to each borrower equal to 6 percent of the principal disbursed amount of such borrower's qualifying small business loan.

(2) ONE YEAR WINDOW FOR PARTICIPATING IN PROGRAM.—Notwithstanding paragraph (1), a borrower may only be enrolled in the Program if the borrower is approved for a qualifying small business loan before the end of the 1-year period following the date on which the Administrator issues final regulations pursuant to subsection (e).

(3) TERMINATION OF PARTICIPATION IN CERTAIN CIRCUMSTANCES.—In any instance in which the Administrator determines that a borrower participating in the Program has committed fraud or made a material misrepresentation related to such participation, the Administrator may terminate such borrower's participation in the Program and ban such borrower from any future participation in the Program.

(c) DISBURSEMENT OF FUNDS.—

(1) IN GENERAL.—A borrower enrolled in the Program may submit a request for the payment of committed funds by a method to be developed by the Administrator.

(2) MULTIPLE DISBURSEMENTS PERMITTED.—A borrower enrolled in the Program may request multiple payments under paragraph (1), as long as the aggregate amount of such payments does not exceed the amount committed to such borrower under subsection (b).

(d) TERMS.—

(1) PAYMENTS ONLY TO LENDER OR SERVICER.—Payments made by the Administrator under the Program shall only be made to the lender or servicer of a qualifying small business loan to be applied against outstanding principal or interest, and may not be made to the borrower.

(2) PROGRAM PARTICIPATION ONLY PERMITTED DURING FIRST 2 YEARS.—

(A) IN GENERAL.—Payments made by the Administrator under the Program may only be made with respect to a payment of interest or principal due on a qualifying small business loan within the 2-year period following the date on which such loan is disbursed.

(B) UNEXPENDED COMMITTED FUNDS.—

(i) IN GENERAL.—With respect to any funds committed to a borrower enrolled in the Program that remain unexpended at the end of the 2-year period described under subparagraph (A), such funds shall be paid to the lender or servicer of the borrower's loan and applied to the principal of such loan.

(ii) EXCEPTION.—In any case in which the amount of committed funds that remain unexpended is greater than the remaining principal of a borrower's loan, the amount of any excess shall be returned to the Treasury.

(e) RULEMAKING.—Not later than 180 days after the date of the enactment of this section, the Administrator shall issue regulations necessary to carry out this section.

(f) CONTRACTING WITH AGENTS.—The Administrator may contract with one or more entities as necessary to carry out the provisions of the Program. The Secretary of the Treasury is authorized to designate financial institutions, including any bank, savings association, or trust company, as financial agents of the Federal Government to carry out the authorities of this section, and such institutions shall perform all such reasonable duties related to the Program as financial agents of the Federal Government as the Secretary may require. In engaging any such third parties to carry out the Program, the Administrator or the Secretary shall seek to involve small businesses in the provision of the core direct services required under the engagement.

(g) DEFINITIONS.—For purposes of this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) PROGRAM.—The term ''Program'' means the Small Business Borrower Assistance Program established under subsection (a).

(3) QUALIFYING SMALL BUSINESS LOAN.—The term ''qualifying small business loan'' means any loan, up to $300,000, made to a small business concern and guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), other than a loan made pursuant to section 7(a)(31) of such Act, a revolving credit line, or any other revolving loan.

(4) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Administrator $300,000,000 to carry out this section.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. NEUGEBAUER moved to recommit the bill to the Committee on Financial Services with instructions to report the bill back to the House forthwith with the following amendment:

At the end of section 4(b), add the following new paragraph:

(4) SECRETARY CERTIFICATION TO SIGTARP.—

(A) IN GENERAL.—Each time the Secretary makes a purchase (including a commitment to purchase) or a modification of a purchase under the Program, the Secretary shall certify to the SIGTARP that the Secretary is acting solely on the basis of economic fundamentals and not because of any political considerations.

(B) SIGTARP DEFINED.—For purposes of this paragraph, the term ''SIGTARP'' means the Special Inspector General for the Troubled Asset Relief Program, established under section 121 of the Emergency Economic Stabilization Act of 2008.

At the end of section 8, add the following new subsection:

(c) TARP SPECIAL INSPECTOR GENERAL OVERSIGHT.—Section 121(c)(1) of the Emergency Economic Stabilization Act of 2009 (12 U.S.C. 5231(c)(1)), is amended—

(1) by striking ''section 101, and'' and inserting ''section 101,''; and

(2) by inserting before ''including'' the following: ''and activities under section 4, 5, or 6 of the Small Business Lending Fund Act of 2010,''.

At the end of section 4(b), add the following new paragraph:

(4) SECRETARY CERTIFICATION TO SIGTARP.—

(A) IN GENERAL.—Each time the Secretary makes a purchase (including a commitment to purchase) or a modification of a purchase under the Program, the Secretary shall certify to the SIGTARP that the Secretary is acting solely on the basis of economic fundamentals and not because of any political considerations.

(B) SIGTARP DEFINED.—For purposes of this paragraph, the term ''SIGTARP'' means the Special Inspector General for the Troubled Asset Relief Program, established under section 121 of the Emergency Economic Stabilization Act of 2008.

At the end of section 8, add the following new subsection:

(c) TARP SPECIAL INSPECTOR GENERAL OVERSIGHT.—Section 121(c)(1) of the Emergency Economic Stabilization Act of 2009 (12 U.S.C. 5231(c)(1)), is amended—

(1) by striking ''section 101, and'' and inserting ''section 101,''; and

(2) by inserting before ''including'' the following: ''and activities under section 4, 5, or 6 of the Small Business Lending Fund Act of 2010,''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SERRANO announced that the nays had it.

Mr. NEUGEBAUER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 180 / Nays 237

¶76.16 [Roll No. 374]

AYES—180

Aderholt	Barton (TX)	Blunt
Akin	Biggert	Boehner
Alexander	Bilbray	Bonner
Austria	Bilirakis	Bono Mack
Bachmann	Bishop (UT)	Boozman
Bachus	Blackburn	Boustany
Bartlett	Blumenauer	Brady (TX)
Broun (GA)	Hastings (WA)	Nye
Brown-Waite, Ginny	Heller	Olson
Buchanan	Hensarling	Paul
Burgess	Herger	Paulsen
Burton (IN)	Herseth Sandlin	Pence
Buyer	Hunter	Petri
Calvert	Issa	Pitts
Camp	Jenkins	Platts
Campbell	Johnson (IL)	Poe (TX)
Cantor	Johnson, Sam	Posey
Cao	Jones	Price (GA)
Capito	Jordan (OH)	Putnam
Carter	King (IA)	Radanovich
Cassidy	King (NY)	Rehberg
Castle	Kingston	Reichert
Chaffetz	Kirk	Roe (TN)
Coble	Kline (MN)	Rogers (AL)
Coffman (CO)	Lamborn	Rogers (KY)
Cole	Lance	Rogers (MI)
Conaway	Latham	Rohrabacher
Crenshaw	LaTourette	Rooney
Culberson	Latta	Ros-Lehtinen
Davis (KY)	Lee (NY)	Roskam
Dent	Lewis (CA)	Royce
Diaz-Balart, L.	Linder	Ryan (WI)
Diaz-Balart, M.	LoBiondo	Scalise
Djou	Lucas	Schmidt
Doggett	Luetkemeyer	Schock
Dreier	Lummis	Sensenbrenner
Duncan	Lungren, Daniel E.	Sessions
Edwards (TX)	Mack	Shadegg
Ehlers	Manzullo	Shimkus
Emerson	Marchant	Shuster
Flake	McCarthy (CA)	Simpson
Fleming	McCaul	Smith (NE)
Forbes	McClintock	Smith (NJ)
Fortenberry	McCotter	Stearns
Foxx	McHenry	Sullivan
Franks (AZ)	McIntyre	Taylor
Frelinghuysen	McKeon	Terry
Gallegly	McMahon	Thompson (PA)
Garrett (NJ)	McMorris Rodgers	Thornberry
Gerlach	Mica	Tiahrt
Gingrey (GA)	Miller (FL)	Tiberi
Gohmert	Miller (MI)	Turner
Goodlatte	Miller, Gary	Upton
Granger	Mitchell	Walden
Graves (GA)	Moran (KS)	Westmoreland
Graves (MO)	Murphy, Tim	Whitfield
Griffith	Myrick	Wilson (SC)
Guthrie	Neugebauer	Wittman
Hall (TX)	Nunes	Wolf
Harper		Young (AK)
		Young (FL)

NOES—237

Ackerman	Courtney	Hastings (FL)
Adler (NJ)	Critz	Heinrich
Altmire	Crowley	Higgins
Andrews	Cuellar	Hill
Arcuri	Cummings	Hinchey
Baca	Dahlkemper	Hinojosa
Baird	Davis (AL)	Hirono
Baldwin	Davis (CA)	Hodes
Barrow	Davis (IL)	Holden
Bean	Davis (TN)	Holt
Becerra	DeFazio	Honda
Berkley	DeGette	Hoyer
Berman	Delahunt	Inslee
Berry	DeLauro	Israel
Bishop (GA)	Deutch	Jackson (IL)
Bishop (NY)	Dicks	Jackson Lee (TX)
Boccieri	Dingell	Johnson (GA)
Boren	Donnelly (IN)	Johnson, E. B.
Boswell	Doyle	Kagen
Boyd	Driehaus	Kanjorski
Brady (PA)	Edwards (MD)	Kaptur
Braley (IA)	Ellison	Kennedy
Bright	Ellsworth	Kildee
Brown, Corrine	Engel	Kilpatrick (MI)
Butterfield	Eshoo	Kilroy
Capps	Etheridge	Kind
Capuano	Farr	Kirkpatrick (AZ)
Cardoza	Fattah	Kissell
Carnahan	Filner	Klein (FL)
Carney	Foster	Kosmas
Carson (IN)	Frank (MA)	Kratovil
Castor (FL)	Fudge	Kucinich
Chandler	Garamendi	Langevin
Chu	Giffords	Larsen (WA)
Clarke	Gonzalez	Larson (CT)
Clay	Grayson	Lee (CA)
Cleaver	Green, Al	Levin
Clyburn	Green, Gene	Lewis (GA)
Cohen	Grijalva	Lipinski
Connolly (VA)	Gutierrez	Loebsack
Conyers	Hall (NY)	Lofgren, Zoe
Cooper	Halvorson	Lowey
Costa	Hare	Luján
Costello	Harman	Lynch
		Maffei
		Maloney
		Markey (CO)
		Markey (MA)
		Marshall
		Matheson
		Matsui
		McCarthy (NY)
		McCollum
		McDermott
		McGovern
		McNerney
		Meeks (NY)
		Melancon
		Michaud
		Miller (NC)
		Miller, George
		Minnick
		Mollohan
		Moore (KS)
		Murphy (CT)
		Murphy (NY)
		Murphy, Patrick
		Nadler (NY)
		Napolitano
		Neal (MA)
		Oberstar
		Obey
		Olver
		Ortiz
		Owens
		Pallone
		Pascrell
		Pastor (AZ)
		Payne
		Perlmutter
		Perriello
		Peters
		Peterson
		Pingree (ME)
		Polis (CO)
		Pomeroy
		Price (NC)
		Quigley
		Rahall
		Rangel
		Reyes
		Rodriguez
		Ross
		Rothman (NJ)
		Roybal-Allard
		Ruppersberger
		Rush
		Ryan (OH)
		Salazar
		Sánchez, Linda T.
		Sanchez, Loretta
		Sarbanes
		Schakowsky
		Schauer
		Schiff
		Schrader
		Schwartz
		Scott (GA)
		Scott (VA)
		Serrano
		Sestak
		Shea-Porter
		Sherman
		Shuler
		Sires
		Skelton
		Slaughter
		Smith (WA)
		Snyder
		Space
		Speier
		Spratt
		Stark
		Stupak
		Sutton
		Tanner
		Teague
		Thompson (CA)
		Thompson (MS)
		Tierney
		Titus
		Tonko
		Towns
		Tsongas
		Van Hollen
		Velázquez
		Visclosky
		Walz
		Wasserman Schultz
		Waters
		Watson
		Watt
		Waxman
		Weiner
		Welch
		Wilson (OH)
		Woolsey
		Wu
		Yarmuth

NOT VOTING—15

Barrett (SC)	Gordon (TN)	Moore (WI)
Boucher	Himes	Moran (VA)
Brown (SC)	Hoekstra	Richardson
Childers	Inglis	Smith (TX)
Fallin	Meek (FL)	Wamp

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. WESTMORELAND, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 241 / Nays 182

¶76.17 [Roll No. 375]

AYES—241

Ackerman	Castor (FL)	Ellison
Adler (NJ)	Chandler	Ellsworth
Altmire	Chu	Engel
Andrews	Clarke	Eshoo
Arcuri	Clay	Etheridge
Baca	Cleaver	Farr
Baird	Clyburn	Fattah
Baldwin	Cohen	Filner
Barrow	Connolly (VA)	Foster
Bean	Conyers	Frank (MA)
Becerra	Costa	Fudge
Berkley	Costello	Garamendi
Berman	Courtney	Giffords
Bishop (GA)	Critz	Gonzalez
Bishop (NY)	Crowley	Gordon (TN)
Blumenauer	Cuellar	Grayson
Boccieri	Cummings	Green, Al
Boren	Davis (AL)	Green, Gene
Boswell	Davis (CA)	Grijalva
Boucher	Davis (IL)	Gutierrez
Brady (PA)	Davis (TN)	Hall (NY)
Braley (IA)	DeFazio	Halvorson
Brown, Corrine	DeGette	Hare
Butterfield	Delahunt	Harman
Cao	DeLauro	Hastings (FL)
Capps	Deutch	Heinrich
Capuano	Dicks	Higgins
Cardoza	Dingell	Hill
Carnahan	Donnelly (IN)	Himes
Carney	Doyle	Hinchey
Carson (IN)	Driehaus	Hinojosa
Castle	Edwards (MD)	Hirono

Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—182

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Doggett
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Barrett (SC)
Barton (TX)
Brown (SC)
Childers
Hoekstra
Inglis
Meek (FL)
Moore (WI)
Wamp

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶76.18 H.J. RES. 86—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the joint resolution (H.J. Res. 86) recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶76.19 RECESS—4:09 P.M.

The SPEAKER pro tempore, Mr. KISSELL, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 9 minutes p.m., subject to the call of the Chair.

¶76.20 AFTER RECESS—7:28 P.M.

The SPEAKER pro tempore, Mrs. KIRKPATRICK of Arizona, called the House to order.

¶76.21 ADJOURNMENT OVER

On motion of Ms. MARKEY of Colorado, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, June 21, 2010, at 11:00 a.m.; and further, when the House adjourns on Monday, June 21, 2010, it adjourn to meet at 12:30 p.m. on Tuesday, June 22, 2010, for morning-hour debate.

¶76.22 H. RES. 879—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. KIRKPATRICK of Arizona, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 879) supporting the goals and ideals of American Education Week; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. KIRKPATRICK of Arizona, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶76.23 H. RES. 1357—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. KIRKPATRICK of Arizona, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1357) commending and congratulating the Hollywood Walk of Fame on the occasion of its 50th anniversary.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. KIRKPATRICK of Arizona, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶76.24 H. CON. RES. 286—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. KIRKPATRICK of Arizona, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 286) recognizing the 235th birthday of the United States Army.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. KIRKPATRICK of Arizona, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶76.25 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mrs. KIRKPATRICK of Arizona, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
Washington, DC, June 17, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Thursday, June 17, 2010 at 4:24 p.m., and said to contain a message from the President whereby he submits to the Congress a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to Russian Highly Enriched Uranium first declared in Executive Order 13159 of June 21, 2000.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶76.26 NUCLEAR PROLIFERATION WITH RESPECT TO THE TERRITORY OF THE RUSSIAN FEDERATION

The SPEAKER pro tempore, Mrs. KIRKPATRICK of Arizona, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the emergency declared in Executive Order 13159 of June 21, 2000, with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2010.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *June 17, 2010.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 111–123).

¶76.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. MOORE of Wisconsin, for today; and

To Mr. CHILDERS, for today.

And then,

¶76.28 ADJOURNMENT

On motion of Ms. MARKEY of Colorado, pursuant to the previous order of the House, at 7 o'clock and 33 minutes p.m., the House adjourned until 11 a.m. on Monday, June 21, 2010.

¶76.29 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DONNELLY of Indiana (for himself and Mr. HALL of New York):

H.R. 5549. A bill to amend title 38, United States Code, to provide for expedited procedures for the consideration of certain veterans claims, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. KIRKPATRICK of Arizona:

H.R. 5550. A bill to amend title 38, United States Code, to include a definition of ''loss of use'' for purposes of evaluating disabilities and providing adapted housing and automobiles under the laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. KOSMAS (for herself and Mr. DRIEHAUS):

H.R. 5551. A bill to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program; to the Committee on Financial Services.

By Mr. KIND (for himself, Mr. RYAN of Wisconsin, Mr. NEAL of Massachusetts, Mr. TANNER, Mr. POMEROY, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Ms. BERKLEY, Mr. ETHERIDGE, Mr. HELLER, Mr. HERGER, Mr. ALTMIRE, Mr. ARCURI, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BOSWELL, Mr. BOUCHER, Mr. CARDOZA, Mr. CARNEY, Mr. CHANDLER, Mr. CHILDERS, Mr. CRITZ, Mr. ELLSWORTH, Mr. GENE GREEN of Texas, Mr. HEINRICH, Ms. HERSETH SANDLIN, Mr. HILL, Mr. KAGEN, Mr. KRATOVIL, Mr. LARSEN of Washington, Mr. MATHESON, Ms. MARKEY of Colorado, Mr. MELANCON, Mr. MINNICK, Mr. MURPHY of New York, Mr. RODRIGUEZ, Mr. ROSS, Mr. SALAZAR, Mr. SHULER, Mr. SKELTON, Mr. SMITH of Washington, Mr. STUPAK, Mr. WALZ, Mr. WELCH, Mr. ALEXANDER, Mr. BARTLETT, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. COBLE, Mrs. EMERSON, Mr. GRIFFITH, Mr. PUTNAM, and Mr. YOUNG of Alaska):

H.R. 5552. A bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly and to provide for the assessment by the Secretary of the Treasury of certain criminal restitution; to the Committee on Ways and Means.

By Mr. CAO:

H.R. 5553. A bill to extend the National Flood Insurance Program until December 31, 2013; to the Committee on Financial Services.

By Mr. CASTLE (for himself, Mrs. BIGGERT, Ms. GINNY BROWN-WAITE of Florida, Mr. DENT, Mr. GERLACH, Mr. LANCE, Mr. LATOURETTE, and Mr. LEE of New York):

H.R. 5554. A bill to provide tax relief for, ease the regulatory burden on, and provide expanded access to credit to small businesses, and for other purposes; to the Committee on Small Business, and in addition to the Committees on Ways and Means, Appropriations, Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX (for herself, Ms. KAPTUR, Mr. MCGOVERN, Mr. JONES, Mr. CUELLAR, Mr. PASCRELL, Mr. PETERSON, Mr. KANJORSKI, Mr. COLE, Mr. SESTAK, Mr. KUCINICH, Ms. WATERS, Mr. AL GREEN of Texas, and Mr. LIPINSKI):

H.R. 5555. A bill to amend title 38, United States Code, to provide for eligibility for housing loans guaranteed by the Department of Veterans Affairs for the surviving spouses of certain totally-disabled veterans; to the Committee on Veterans' Affairs.

By Ms. DELAURO (for herself and Mr. COURTNEY):

H.R. 5556. A bill to support the establishment and operation of Teachers Professional Development Institutes; to the Committee on Education and Labor.

By Ms. GIFFORDS (for herself and Mr. LATHAM):

H.R. 5557. A bill to amend the Internal Revenue Code of 1986 to allow an increased credit against tax for tuition and related expenses of certain individuals age 55 and older; to the Committee on Ways and Means.

By Ms. GIFFORDS (for herself and Mr. LATHAM):

H.R. 5558. A bill to amend the Internal Revenue Code of 1986 to provide for the eligibility of older workers for the work opportunity credit, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. ARCURI, and Mr. MURPHY of New York):

H.R. 5559. A bill to revise the National Flood Insurance Program to more fairly treat homeowners who purchase insurance under the program; to the Committee on Financial Services.

By Mr. MOORE of Kansas (for himself, Ms. BERKLEY, Mr. BERMAN, Mr. CAO, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. LINCOLN DIAZ-BALART of Florida, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FRANK of Massachusetts, Ms. KILROY, Mr. LOBIONDO, Mrs. MCCARTHY of New York, Mr. MARKEY of Massachusetts, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Ms. RICHARDSON, Ms. SCHAKOWSKY, Mr. SPRATT, and Ms. WATERS):

H.R. 5560. A bill to amend the Public Health Service Act to improve quality of cancer care and quality of life for patients and survivors by coordinating development

and distribution of information about relieving pain, symptoms, side effects, and stress; increasing awareness of treatment and post-treatment health risks for survivors; enhancing research into symptom management and survivorship; increasing health care professional education and training; reducing health disparities in cancer treatment, symptom management, and survivorship care; and expanding and enhancing cancer registries; and for other purposes; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER:

H.R. 5561. A bill to establish a public education and awareness program relating to emergency contraception; to the Committee on Energy and Commerce.

By Ms. JACKSON LEE of Texas (for herself, Mr. DAVIS of Tennessee, Mr. HALL of Texas, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. MCCAUL, Mr. DENT, Mr. BOYD, Mr. HILL, Mr. MELANCON, Mr. MICHAUD, Mr. SPACE, Mr. ELLSWORTH, Mr. DONNELLY of Indiana, Mr. TANNER, Mr. ROSS, Mr. SHULER, Mr. SKELTON, Ms. HARMAN, Mr. SNYDER, Mr. KILDEE, Mr. DINGELL, Ms. WOOLSEY, Mr. WELCH, Mr. CONYERS, Mr. MCGOVERN, Mr. TIERNEY, Mr. CLAY, Mr. GUTIERREZ, Mr. TOWNS, Mr. SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. WATT, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mr. CARSON of Indiana, Ms. EDWARDS of Maryland, Ms. CLARKE, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Ms. LEE of California, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Mr. CLEAVER, Ms. WASSERMAN SCHULTZ, Mr. DOGGETT, Ms. CHU, Mr. HINCHEY, Mr. LYNCH, Mr. DOYLE, Mr. BILIRAKIS, Mr. JONES, Mr. PAUL, Mr. BARTLETT, Mr. COOPER, Mr. MOORE of Kansas, Mr. DRIEHAUS, Ms. TITUS, Mr. HASTINGS of Florida, Mr. WU, Ms. SUTTON, Mr. TONKO, and Mr. POE of Texas):

H.J. Res. 90. A joint resolution expressing support for designation of September 2010 as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable and long-standing contributions to the culture of the United States; to the Committee on Oversight and Government Reform.

By Mr. EDWARDS of Texas:

H. Res. 1450. A resolution congratulating the Texas A&M University Aggies for winning the men's and women's NCAA Division I Outdoor Track and Field Championship; to the Committee on Education and Labor.

By Mrs. BONO MACK (for herself and Mr. KENNEDY):

H. Res. 1451. A resolution expressing support for designation of June 26, 2010, as the International Day against Drug Abuse and Illicit Trafficking; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. BUTTERFIELD, Mr. BURGESS, Mrs. BLACKBURN, Mr. GRIJALVA, Mrs. MALONEY, Ms. SHEA-PORTER, Ms. WASSERMAN SCHULTZ, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. MOORE of Kansas, and Ms. NORTON):

H. Res. 1452. A resolution expressing support for the goals and ideals of National Infant Mortality Awareness Month 2010; to the Committee on Energy and Commerce.

By Mr. DRIEHAUS (for himself and Mr. CHAFFETZ):

H. Res. 1453. A resolution celebrating the 29th Congressional Art Competition and commending the winners of the Competition on achieving a high level of artistic scholastic aptitude; to the Committee on House Administration.

By Mrs. HALVORSON:

H. Res. 1454. A resolution supporting the goals and ideals of ''Chiari Malformation Awareness Month'' and ''Chiari Malformation Awareness Day'' in the United States; to the Committee on Oversight and Government Reform.

By Mr. SMITH of Texas (for himself and Mr. SENSENBRENNER):

H. Res. 1455. A resolution directing the Attorney General to transmit to the House of Representatives copies of certain communications relating to certain recommendations regarding administration appointments; to the Committee on the Judiciary.

¶76.30 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

311. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 19 memorializing the Congress to utilize the power of technology to boost American productivity and performance; to the Committee on Education and Labor.

312. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 239 urging the President of the United States to ensure that recreational fishing and boating are national priorities in the Interagency Ocean Policy Task Force's final report; jointly to the Committees on Natural Resources and Transportation and Infrastructure.

¶76.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. GARY G. MILLER of California.
H.R. 333: Mrs. EMERSON.
H.R. 442: Mr. GRAYSON and Mr. LUJÁN.
H.R. 571: Mr. DEUTCH.
H.R. 614: Mr. GRIFFITH and Mr. BOEHNER.
H.R. 1021: Ms. GINNY BROWN-WAITE of Florida and Mr. SCHOCK.
H.R. 1079: Mr. MICHAUD.
H.R. 1207: Mr. GRAVES of Georgia.
H.R. 1625: Mrs. MALONEY.
H.R. 1964: Ms. SCHAKOWSKY.
H.R. 2057: Mr. OLVER and Mr. COURTNEY.
H.R. 2067: Ms. WATSON.
H.R. 2204: Mr. LUETKEMEYER, Mr. YOUNG of Florida, Mr. COHEN, and Mr. ELLSWORTH.
H.R. 2262: Mr. CUELLAR.
H.R. 2296: Mr. LUJÁN and Mr. LARSEN of Washington.
H.R. 2381: Mr. RAHALL.
H.R. 2425: Mr. REHBERG.
H.R. 2483: Mr. DEUTCH.
H.R. 2766: Mr. MAFFEI.
H.R. 3227: Ms. NORTON.
H.R. 3336: Mr. CONNOLLY of Virginia.
H.R. 3359: Ms. BALDWIN.
H.R. 3412: Mr. LAMBORN.
H.R. 3470: Ms. NORTON.
H.R. 3652: Mr. ALTMIRE and Mr. THORNBERRY.
H.R. 3668: Mr. SCHAUER, Mr. KUCINICH, Mr. SALAZAR, and Mr. THOMPSON of California.
H.R. 3752: Mr. BOREN.
H.R. 3764: Mr. BRALEY of Iowa.
H.R. 3790: Ms. TSONGAS and Mr. HOEKSTRA.
H.R. 3839: Mr. MCINTYRE.
H.R. 4051: Mr. MCINTYRE.
H.R. 4116: Ms. NORTON.
H.R. 4123: Mr. MILLER of North Carolina.
H.R. 4296: Mr. LOEBSACK and Ms. LINDA T. SÁNCHEZ of California.
H.R. 4364: Mr. STARK.
H.R. 4405: Mr. RANGEL and Mr. OBERSTAR.
H.R. 4505: Mr. LAMBORN.
H.R. 4530: Ms. DELAURO, Mr. DEUTCH, Mr. CARSON of Indiana, and Mr. PLATTS.
H.R. 4538: Ms. TSONGAS.
H.R. 4594: Mr. SHERMAN, Mr. CLAY, and Mr. HONDA.
H.R. 4638: Mr. ETHERIDGE.
H.R. 4684: Mr. BERMAN, Mr. HOEKSTRA, Ms. GINNY BROWN-WAITE of Florida, Mr. PETRI, Mr. COLE, Mr. GRAVES of Missouri, Mr. FATTAH, Mr. CRITZ, Mr. BUTTERFIELD, Mr. ROE of Tennessee, and Mr. SESSIONS.
H.R. 4687: Ms. ESHOO.
H.R. 4733: Mr. PASCRELL.
H.R. 4785: Mr. CARNAHAN.
H.R. 4787: Mr. MOORE of Kansas.
H.R. 4790: Mr. POLIS of Colorado.
H.R. 4844: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4870: Mr. MOORE of Kansas.
H.R. 4908: Ms. BALDWIN.
H.R. 4993: Mr. FRANK of Massachusetts, Mr. TONKO, Mr. NEAL of Massachusetts, Mr. ARCURI, Mr. LANGEVIN, and Ms. KOSMAS.
H.R. 4995: Mr. MARCHANT and Mr. KLINE of Minnesota.
H.R. 5015: Mr. NEAL of Massachusetts and Mr. CUMMINGS.
H.R. 5032: Mr. OWENS.
H.R. 5083: Ms. NORTON.
H.R. 5089: Mr. TIERNEY.
H.R. 5090: Ms. ROYBAL-ALLARD.
H.R. 5141: Mrs. BONO MACK.
H.R. 5241: Mr. DEUTCH.
H.R. 5283: Ms. GINNY BROWN-WAITE of Florida and Mr. UPTON.
H.R. 5304: Ms. CHU.
H.R. 5336: Mr. SABLAN.
H.R. 5384: Mr. FOSTER, Mr. PRICE of North Carolina, and Mr. SABLAN.
H.R. 5400: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5409: Mr. PIERLUISI and Mr. PERRIELLO.
H.R. 5418: Mrs. MALONEY.
H.R. 5424: Mr. GOODLATTE.
H.R. 5426: Mr. GOODLATTE.
H.R. 5434: Mr. LANCE, Mr. STARK, and Mr. WHITFIELD.
H.R. 5443: Mr. MCNERNEY, Mr. MURPHY of New York, and Mr. BISHOP of New York.
H.R. 5462: Mr. SABLAN and Mr. MCNERNEY.
H.R. 5478: Mrs. CAPITO.
H.R. 5480: Mr. SABLAN.
H.R. 5481: Mr. SESTAK, Ms. CASTOR of Florida, Mr. OLVER, Mr. CARNAHAN, and Mr. HINCHEY.
H.R. 5492: Mr. STARK, Ms. RICHARDSON, and Mr. PIERLUISI.
H.R. 5503: Mr. HINCHEY.
H.R. 5509: Mr. CARNEY and Mr. CRITZ.
H.R. 5513: Mrs. CAPPS.
H.R. 5523: Mr. CARTER, Mr. SESSIONS, and Mr. CHAFFETZ.
H.R. 5539: Mr. QUIGLEY, Mr. FLAKE, Mr. LANCE, Mr. POSEY, and Mr. PAUL.
H.J. Res. 86: Mr. KING of New York, Mr. BISHOP of Georgia, Mr. TANNER, Mr. BARTON of Texas, Mr. FATTAH, Mr. TIM MURPHY of Pennsylvania, and Mr. ROTHMAN of New Jersey.
H. Con. Res. 224: Ms. GINNY BROWN-WAITE of Florida.
H. Con. Res. 259: Mr. PALLONE and Mr. COBLE.
H. Con. Res. 266: Mr. COBLE.
H. Con. Res. 275: Mr. RANGEL, Mr. WALZ, Mr. PETERS, Mr. GORDON of Tennessee, and Mr. MAFFEI.
H. Res. 173: Mr. STARK.
H. Res. 252: Mr. MICHAUD.
H. Res. 536: Ms. SCHWARTZ, Mr. BOUCHER, and Ms. DELAURO.
H. Res. 546: Ms. CASTOR of Florida.
H. Res. 771: Mrs. MALONEY, Ms. NORTON, and Ms. LORETTA SANCHEZ of California.
H. Res. 1056: Mr. BISHOP of Utah.
H. Res. 1207: Mr. POE of Texas.
H. Res. 1209: Mr. SENSENBRENNER.

H. Res. 1226: Mr. GONZALEZ.
H. Res. 1241: Mr. ROGERS of Kentucky.
H. Res. 1251: Mr. TAYLOR.
H. Res. 1309: Mr. LOEBSACK.
H. Res. 1343: Mr. FRANK of Massachusetts.
H. Res. 1348: Mr. GOODLATTE.
H. Res. 1386: Mr. HIMES.
H. Res. 1401: Mr. HODES, Ms. MATSUI, Ms. SPEIER, and Ms. WOOLSEY.
H. Res. 1412: Mr. MORAN of Virginia, Mr. SAM JOHNSON of Texas, Mr. HALL of Texas, Mr. HENSARLING, Mr. CULBERSON, Mr. BRADY of Texas, Mr. CONAWAY, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. MARCHANT, Mr. CARTER, Mr. MACK, Mr. ROGERS of Michigan, Mr. FORTENBERRY, Mr. PITTS, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. PENCE, Mr. BLUNT, and Mr. CONNOLLY of Virginia.
H. Res. 1420: Mr. KENNEDY, Mr. ROTHMAN of New Jersey, and Mr. THOMPSON of California.

¶76.32 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

149. The SPEAKER presented a petition of the City of Santa Ana, California, relative to Resolution No. 2010-09 opposing the State of Arizona SB 1070 and urging for comprehensive immigration reform; to the Committee on the Judiciary.

150. Also, a petition of Miami Beach, Florida, relative to Resolution No. 2010-27380 supporting the passage of the ''Uniting American Families Act''; to the Committee on the Judiciary.

151. Also, a petition of City of Auburn, Washington, relative to Resolution No. 4590 requesting the Congress to provide for immediate appropriation of 44 million dollars for interim grout work and related repairs to the Howard Hanson Dam; jointly to the Committees on Appropriations and Transportation and Infrastructure.

MONDAY, JUNE 21, 2010 (77)

¶77.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. CUELLAR, who laid before the House the following communication:

WASHINGTON, DC,
June 21, 2010.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶77.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CUELLLAR, announced he had examined and approved the Journal of the proceedings of Thursday, June 17, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶77.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7977. A letter from the Assistant Secretary, Department of Defense, transmitting the annual National Guard and Reserve Component Equipment Report for fiscal year (FY) 2011; to the Committee on Armed Services.

7978. A letter from the Senior Vice President & Chief Financial Officer, Federal Home Loan Bank of New York, transmitting the 2009 management report of the Federal Home Loan Bank of New York, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7979. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the Commission's audited Sixty-Ninth Financial Statement for the period of October 1, 2008 to September 30, 2009 pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

7980. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures [Docket No.: 100421192-0193-01] (RIN: 0648-AY78 and 0648-AY59) recieved June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7981. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; West Coast Salmon Fisheries; 2010 Management Measures [Docket No.: 100218107-0199-01] (RIN: 0648-AY60) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7982. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments; Pacific Halibut Fisheries [Docket No.: 0809121213-9221-02] (RIN: 0648-AY82) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7983. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Correction [Docket No.: 0911161406-0195-04] (RIN: 0648-AY37) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7984. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 0910131362-0081-02] (RIN: 0648-XW20) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7985. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program: Correction [Docket No.: 0911161406-0170-03] (RIN: 0648-AY37) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7986. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Emergency Fisheries Closure in the Gulf of Mexico Due to the Deepwater Horizon Oil Spill [Docket No.: 100501208-0208-01] (RIN: 0648-AY87) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7987. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Closure of the Eastern U.S./Canada Management Area [Docket No.: 080521698-9067-02] (RIN: 0648-XW04) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7988. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XV78) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7989. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No.: 0910131363-0087-02] (RIN: 0648-XV79) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7990. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Reduction of Winter I Commercial Possession Limit [Docket No.: 0908191244-91427-02] (RIN: 0648-XV77) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7991. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 0908191244-91427-02] (RIN: 0648-XV91) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7992. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XV80) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7993. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1894-DR for the State of Rhode Island; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7994. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1898-DR for the Commonwealth of Pennsylvania; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7995. A letter from the Adminstrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1899-DR for the State of New

York; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

7996. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1895-DR for the Commonwealth of Massachusetts; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

And then,

¶77.4 ADJOURNMENT

On motion of the Speaker pro tempore, Mr. CUELLAR, by unanimous consent, and pursuant to the special order of the House agreed to on June 17, 2010, at 11 o'clock and 3 minutes a.m., the House adjourned until 12:30 p.m. on Tuesday, June 22, 2010.

¶77.5 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

[The following action occurred on June 18, 2010]

H.R. 4842. Referral to the Committee on Science and Technology extended for a period ending not later than June 25, 2010.

¶77.6 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. RICHARDSON:

H.R. 5562. A bill to amend the Homeland Security Act of 2002 to prohibit requiring the use of a specified percentage of a grant under the Urban Area Security Initiative and State Homeland Security Grant Program for specific purposes, and for other purposes; to the Committee on Homeland Security.

By Ms. TITUS:

H.R. 5563. A bill to amend the Homeland Security Act of 2002 to require annual risk assessments for purposes of the State Homeland Security Grant Program, and to require that risk assessments conducted for purposes of the Urban Area Security Initiative be conducted jointly with appropriate eligible metropolitan area officials; to the Committee on Homeland Security.

By Mr. BERMAN (for himself and Mr. ROHRABACHER) (both by request):

H.J. Res. 91. A joint resolution providing for the approval of the Congress of the proposed agreement for cooperation between the United States and the Russian Federation pursuant to the Atomic Energy Act of 1954; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, and Mr. ROYCE):

H.J. Res. 92. A joint resolution providing for the disapproval of the Congress of the proposed agreement for cooperation between the United States and the Russian Federation pursuant to the Atomic Energy Act of 1954; to the Committee on Foreign Affairs.

By Mr. TURNER (for himself, Mr. AUSTRIA, Ms. FUDGE, Mr. JORDAN of Ohio, Mr. LATTA, Mrs. SCHMIDT, Mr. TIBERI, Mr. BOEHNER, Ms. SUTTON, Mr. WILSON of Ohio, Ms. KAPTUR, Mr. RYAN of Ohio, Ms. KILROY, Mr. LATOURETTE, Mr. DRIEHAUS, Mr. KUCINICH, Mr. SPACE, and Mr. BOCCIERI):

H. Res. 1456. A resolution congratulating the University of Dayton men's basketball team for winning the 2010 National Invitation Tournament basketball championship; to the Committee on Education and Labor.

¶77.7 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

313. The SPEAKER presented a memorial of the Senate of the State of Arizona, relative to Senate Concurrent Memorial 1003 urging the United States Congress to restructure the Federal Fuel Tax System; to the Committee on Ways and Means.

¶77.8 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. ELLISON.
H.R. 305: Mr. HOLT.
H.R. 571: Mr. SERRANO.
H.R. 1020: Mr. BERMAN.
H.R. 1255: Mr. ROGERS of Kentucky.
H.R. 1351: Mrs. NAPOLITANO.
H.R. 1352: Mr. MORAN of Kansas.
H.R. 1443: Mr. BISHOP of New York.
H.R. 1778: Mr. PRICE of North Carolina.
H.R. 1826: Mr. CROWLEY.
H.R. 2155: Mr. VISCLOSKY.
H.R. 2176: Mr. FRANK of Massachusetts and Mr. SIRES.
H.R. 3301: Mr. BLUNT and Ms. GINNY BROWN-WAITE of Florida.
H.R. 3924: Mr. LINDER.
H.R. 3936: Mr. CHANDLER.
H.R. 4116: Mr. MCINTYRE and Mr. SKELTON.
H.R. 4307: Mr. HEINRICH and Mr. LUJÁN.
H.R. 4356: Mrs. MALONEY.
H.R. 4722: Mr. PRICE of North Carolina and Ms. TSONGAS.
H.R. 4844: Mr. LIPINSKI.
H.R. 4995: Mr. PITTS.
H.R. 5012: Mr. SABLAN.
H.R. 5034: Mr. LIPINSKI and Mr. TIERNEY.
H.R. 5041: Mr. BOREN.
H.R. 5120: Mr. HEINRICH and Mr. BISHOP of New York.
H.R. 5143: Mr. ROTHMAN of New Jersey, Mr. QUIGLEY, and Mr. MOORE of Kansas.
H.R. 5234: Mr. VISCLOSKY.
H.R. 5268: Mr. GENE GREEN of Texas and Mrs. NAPOLITANO.
H.R. 5439: Mr. STARK and Mr. CHAFFETZ.
H.R. 5461: Mr. SABLAN.
H.R. 5481: Mr. HASTINGS of Florida.
H.R. 5527: Mr. BARTLETT and Mr. LANGEVIN.
H. Res. 308: Mr. LEWIS of Georgia.

¶77.9 PETITIONS

Under clause 3 of rule XII,

152. The SPEAKER presented a petition of City of Miami, Florida, relative to Resolution R–10–0187 denouncing Arizona Senate Bill 1070; which was referred to the Committee on the Judiciary.

TUESDAY, JUNE 22, 2010 (78)

¶78.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. CUELLAR, who laid before the House the following communication:

Washington, DC, June 22, 2010.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶78.2 RECESS—12:32 P.M.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 32 minutes p.m., until 2 p.m.

¶78.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. HINOJOSA, called the House to order.

¶78.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HINOJOSA, announced he had examined and approved the Journal of the proceedings of Monday, June 21, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶78.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

7997. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid polymer, with 1,3-butadiene and ethenylbenzene; Tolerance Exemption [EPA-HQ-OPP-2010-0033; FRL-8827-4] received June 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7998. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Farmer Mac Investments and Liquidity (RIN: 3052-AC56) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7999. A communication from the President of the United States, transmitting FY 2011 Budget Amendments for the Department of Energy; (H. Doc. No. 111—124); to the Committee on Appropriations and ordered to be printed.

8000. A communication from the President of the United States, transmitting FY 2011 Budget Amendments for the Departments of Agriculture, Commerce, Defense, Homeland Security, Housing and Urban Development, Labor, State and Other International Programs, Transportation, and the Treasury, as well as the Small Business Administration, District of Columbia, Institute of Museum and Library Services, Northern Boarder Regional Commission, and Southeast Crescent Regional Commission; (H. Doc. No. 111—125); to the Committee on Appropriations and ordered to be printed.

8001. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Finland-Public Interest Exception to the Buy American Act (DFARS Case 2009-D022) received May 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8002. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Evaluation Determinations [Docket ID: FEMA-2010-0003] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8003. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's report entitled, ''U.S. Government Foreign Credit Exposure as of December 31, 2008''; to the Committee on Financial Services.

8004. A letter from the Chairman and President, Export-Import Bank, transmitting a

report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8005. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Kingdom of Saudi Arabia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8006. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency [EPA-HQ-OA-2004-0002; FRL-9158-9] (RIN: 2090-AA37) received June 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8007. A letter from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Virginia Graeme Baker Pool and Spa Safety Act; Interpretation of Unblockable Drain received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8008. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standards; Withdrawal of Direct Final Rule [R05-OAR-2009-0731; FRL-9157-9] received June 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8009. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit Section 110 State Implementation Plans for Interstate Transport for the 2006 National Ambient Air Quality Standards for Fine Particulate Matter [EPA-HQ-OAR-2010-0409; FRL-9159-5] received June 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8010. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

8011. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

8012. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-011, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8013. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2009, through March 31, 2010; to the Committee on Oversight and Government Reform.

8014. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Equal Opportunity Recruitment Program Report for Fiscal Year 2009, pursuant to 5 U.S.C. 7201(e); to the Committee on Oversight and Government Reform.

8015. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the 35th Annual Report of the Pension Benefit Guaranty Corporation; to the Committee on Oversight and Government Reform.

8016. A letter from the Sr. VP and Chief Financial Officer, Potomac Electric Power Company, transmitting the Balance Sheet of Potomac Electric Power Company as of December 31, 2009, pursuant to D.C. Code Ann. 34-1113 (2001); to the Committee on Oversight and Government Reform.

8017. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas; Port of Portland Terminal 4, Willamette River, Portland, OR [Docket No.: USCG-2009-0370] (RIN: 1625-AA11) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8018. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Blasting Operations and Movement of Explosives, St. Marys River, Sault Saint Marie, MI [Docket No.: USCG-2010-0290] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8019. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; APBA National Tour, Parker, AZ [Docket No.: USCG-2009-1110] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8020. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BWRC Spring Classic, Parker, AZ [Docket No.: USCG-2009-1111] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8021. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model BAe 146 and Avro 146-RJ70A, 146-RJ85A, and 146-RJ100A Airplanes [Docket No.: FAA-2009-1254; Directorate Identifier 2009-NM-040-AD; Amendment 39-16292; AD 2010-10-13] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8022. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2009-1066; Directorate Identifier 2009-NM-028-AD; Amendment 39-16284; AD 2010-10-05] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8023. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus A318, A319, A320, A321 Series Airplanes [Docket No.: FAA-2010-0129; Directorate Identifier 2009-NM-245-AD; Amendment 39-16287; AD 2010-10-08] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8024. A letter from the General Counsel, Department of Commerce, transmitting a copy of a draft bill entitled, ''Public Works and Economic Development Improvements Act of 2010''; jointly to the Committees on Energy and Commerce, Transportation and Infrastructure, Financial Services, Education and Labor, Ways and Means, Oversight and Government Reform, and the Judiciary.

¶78.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. HINOJOSA, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 2010.

Hon. NANCY PELOSI,
The Speaker, Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 18, 2010 at 2:57 p.m.:

That the Senate agreed to S.J. Res. 33.

That the Senate passed with amendments H.R. 3962.

That the Senate agreed to without amendment H. Con. Res. 242.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶78.7 MEN'S HEALTH WEEK

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 288):

Whereas despite the advances in medical technology and research, men continue to live an average of more than 5 years less than women and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas between the ages of 45 and 54, men are 1½ times more likely than women to die of heart attacks;

Whereas men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men between the ages of 15 and 34, and when detected early, has a 96 percent survival rate;

Whereas the number of cases of colon cancer among men was almost 49,470 in 2010, and almost half of such men died from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men developing prostate cancer in 2010 will reach more than 217,730 and an estimated 32,050 of them will die from the disease;

Whereas African-American men in the United States have the highest incidence of prostate cancer in the world;

Whereas significant numbers of male-related health problems, such as prostate cancer, testicular cancer, infertility, and colon cancer, could be detected and treated if men's awareness of such problems was more pervasive;

Whereas more than half of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 4 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as Prostate Specific Antigen (PSA) exams and blood pressure and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increases in the survival rates to nearly 100 percent;

Whereas women are twice as likely as men to visit the doctor for annual examinations and preventive services;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress and first celebrated in 1994 and urges men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of all 50 States issue proclamations annually declaring Men's Health Week in their States;

Whereas since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Web site has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 14 through June 20, 2010, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the annual National Men's Health Week; and

(2) requests that the President of the United States issue a proclamation calling upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

The SPEAKER pro tempore, Mr. HINOJOSA, recognized Mr. DAVIS of Illinois, and Mr. SMITH of Nebraska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HINOJOSA, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HINOJOSA, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶78.8 JUNETEENTH INDEPENDENCE DAY

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 546):

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas, on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African-Americans who had been slaves in the Southwest celebrated June 19, commonly known as Juneteenth Independence Day, as the anniversary of their emancipation;

Whereas African-Americans from the Southwest continue the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas for more than 135 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

Whereas although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the House of Representatives recognizes the historical significance of Juneteenth Independence Day to the Nation;

(2) the House of Representatives supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(3) it is the sense of the House of Representatives that—

(A) history should be regarded as a means for understanding the past and more effectively facing the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

The SPEAKER pro tempore, Mr. HINOJOSA, recognized Mr. DAVIS of Illinois, and Mr. SMITH of Nebraska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HINOJOSA, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HINOJOSA, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶78.9 CARIBBEAN-AMERICAN HERITAGE MONTH

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 1369):

Whereas people of Caribbean heritage are found in every State of the Union;

Whereas emigration from the Caribbean region to the American Colonies began as early as 1619 with the arrival of indentured workers in Jamestown, Virginia;

Whereas during the 17th, 18th, and 19th centuries, a significant number of slaves from the Caribbean region were brought to the United States;

Whereas since 1820, millions of people have emigrated from the Caribbean region to the United States;

Whereas like the United States, the countries of the Caribbean faced obstacles of slavery and colonialism and struggled for independence;

Whereas also like the United States, the people of the Caribbean region have diverse racial, ethnic, cultural, and religious backgrounds;

Whereas the independence movements throughout the Caribbean during the 1960s and the consequential establishment of independent democratic countries in the Caribbean strengthened ties between the region and the United States;

Whereas Alexander Hamilton, a founding father of the United States and the first Secretary of the Treasury, was born in the Caribbean;

Whereas many influential Caribbean-Americans have contributed to the rich history of the United States, including Jean Baptiste Pointe du Sable, the pioneer settler of Chicago; Claude McKay, a poet of the Harlem Renaissance; James Weldon Johnson, the writer of the Black National Anthem; Celia Cruz, the world-renowned queen of Salsa music; and Shirley Chisholm, the first African-American Congresswoman and first African-American woman candidate for President;

Whereas the many influential Caribbean-Americans in the history of the United States also include Colin Powell, the first African-American Secretary of State; Sidney Poitier, the first African-American actor to receive the Academy Award for best actor in a leading role; Harry Belafonte, a musician, actor, and activist; Al Roker, a meteorologist and television personality; and Roberto Clemente, the first Latino inducted into the baseball hall of fame;

Whereas Caribbean-Americans have played an active role in the civil rights movement and other social and political movements in the United States;

Whereas Caribbean-Americans have contributed greatly to the fine arts, education, business, literature, journalism, sports, fashion, politics, government, the military, music, science, technology, and other fields in the United States;

Whereas Caribbean-Americans share their culture through festivals, carnivals, music, dance, film, and literature, which enrich the cultural landscape of the United States;

Whereas the countries of the Caribbean are important economic partners of the United States;

Whereas the countries of the Caribbean represent the United States' third border;

Whereas the people of the Caribbean region share the hopes and aspirations of the people of the United States for peace and prosperity throughout the Western Hemisphere and the rest of the world;

Whereas since the passage of H. Con. Res. 71 in the 109th Congress by both the Senate and the House of Representatives, a proclamation has been issued annually by the President declaring June National Caribbean-American Heritage Month; and

Whereas June is an appropriate month to establish a Caribbean-American Heritage Month: Now, therefore, be it

Resolved, That Congress—

(1) supports the goals and ideals of Caribbean-American Heritage Month;

(2) encourages the people of the United States to observe Caribbean-American Heritage Month with appropriate ceremonies, celebrations, and activities; and

(3) affirms that—

(A) the contributions of Caribbean-Americans are a significant part of the history, progress, and heritage of the United States; and

(B) the ethnic and racial diversity of the United States enriches and strengthens the Nation.

The SPEAKER pro tempore, Mr. HINOJOSA, recognized Mr. DAVIS of Illinois, and Mr. SMITH of Nebraska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HINOJOSA, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. HINOJOSA, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, June 23, 2010.

The point of no quorum was considered as withdrawn.

¶78.10 HIGH-PERFORMANCE BUILDING WEEK

Mr. CARNAHAN moved to suspend the rules and agree to the following resolution (H. Res. 1407):

Whereas the High-Performance Building Congressional Caucus Coalition has declared the week of June 13 through June 19, 2010, as ''High-Performance Building Week'';

Whereas the House of Representatives has recognized the importance of high-performance buildings through the inclusion of a definition of high-performance buildings in the Energy Independence and Security Act of 2007;

Whereas our homes, offices, schools, and other buildings consume 40 percent of the primary energy and 70 percent of the electricity in the United States annually;

Whereas buildings consume about 12 percent of the potable water in this country;

Whereas the construction of buildings and their related infrastructure consumes approximately 60 percent of all raw materials used in the United States economy;

Whereas buildings account for 39 percent of United States carbon dioxide emissions a year, approximately equaling the combined carbon emissions of Japan, France, and the United Kingdom;

Whereas Americans spend about 90 percent of their time indoors;

Whereas the value of all United States construction alone represents more than 13 percent of the Nation's Gross Domestic Product and the value of the Nation's structures is estimated at over $28 trillion;

Whereas poor indoor environmental quality is detrimental to the health of all Americans, especially our children and the elderly;

Whereas high-performance buildings promote higher student achievement by providing better lighting, a more comfortable indoor environment, and improved ventilation and indoor air quality;

Whereas high-performance residential and commercial building design and construction should effectively guard against natural and human-caused events and disasters, including fire, water, wind, noise, crime, and terrorism;

Whereas high-performance buildings, which address human, environmental, economic, and total societal impact, result from the application of the highest level of design, construction, operation, and maintenance principles—a paradigm change for the built environment;

Whereas nearly 7,500,000 Americans are employed in the design, construction, operation, and maintenance sectors and require education and training to achieve and maintain high performance; and

Whereas the United States should continue to improve the features of new buildings and adapt and maintain existing buildings to changing balances in our needs and responsibilities for health, safety, energy and water efficiency, and usability by all segments of society: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of High-Performance Building Week;

(2) recognizes and reaffirms our Nation's commitment to high-performance buildings by promoting awareness about their benefits and by promoting new education programs, supporting research, and expanding access to information;

(3) recognizes the unique role that the Department of Energy plays through the Office of Energy Efficiency and Renewable Energy's Building Technologies Program, which works closely with the building industry and manufacturers to conduct research and development on technologies and practices for building energy efficiency;

(4) recognizes the important role that the National Institute of Standards and Technology plays in developing the measurement science needed to develop, test, integrate, and demonstrate the new building technologies; and

(5) encourages further research and development of high-performance building standards, research, and development.

The SPEAKER pro tempore, Mr. HINOJOSA, recognized Mr. CARNAHAN and Mr. SMITH of Nebraska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HINOJOSA, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARNAHAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HINOJOSA, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶78.11 HURRICANE PREPAREDNESS WEEK

Mr. CARNAHAN moved to suspend the rules and agree to the following resolution (H. Res. 1388):

Whereas the Atlantic and central Pacific hurricane season begins June 1, 2010, and ends November 30, 2010, and the eastern Pacific hurricane season runs from May 15, 2010, through November 30, 2010;

Whereas an average of 11 tropical storms develop per year over the Atlantic Ocean, the Caribbean Sea, and the Gulf of Mexico, and an average of 6 of these storms become hurricanes;

Whereas in an average 3-year period, roughly 5 hurricanes strike the coastlines of the United States, sometimes resulting in multiple deaths, and 2 of these hurricanes are typically labeled ''major'' or ''intense'' category 3 hurricanes, as measured on the Saffir-Simpson Hurricane Scale;

Whereas millions of Americans face great risks from tropical storms and hurricanes, as 50 percent of Americans live along the coast and millions of tourists visit the oceans each year;

Whereas the 2009 Atlantic hurricane season included 9 named storms, including 3 hurricanes, 2 of which were category 3 or higher;

Whereas during a hurricane, homes, businesses, public buildings, and infrastructure may be damaged or destroyed by heavy rain, strong winds, and storm surge;

Whereas damage from a hurricane is usually substantial, as debris can break windows and doors, roads and bridges can be washed away, homes can be flooded, and destructive tornadoes can occur well away from the storm's center;

Whereas experts at the National Oceanic and Atmospheric Administration's National Hurricane Center and the National Weather Service agree that it is critical for all people to know if they live in an area prone to hurricanes, to figure out their home's vulnerability in the event of a storm surge, flooding, and heavy winds, and to develop a written family disaster plan based on this knowledge;

Whereas the National Hurricane Center recommends that people in areas prone to hurricanes prepare a personal evacuation plan that identifies ahead of time several options of places to go in the event of evacuation, the telephone numbers of these places, and a local road map;

Whereas the National Hurricane Center recommends that people in areas prone to hurricanes prepare a disaster supply kit before hurricane season begins that includes a first aid kit with essential medications, canned food, a can opener, at least 3 gallons of water per person per day for 3 to 7 days, protective clothing, rain gear, bedding or sleeping bags, a battery-powered radio, a flashlight, extra batteries, special items for infant, elderly, or disabled family members, and written instructions on how to turn off electricity, gas, and water in the event authorities advise these actions;

Whereas the National Hurricane Center recommends that citizens know that a ''hurricane watch'' means conditions are possible in the specified area, usually within 36 hours, and a ''hurricane warning'' means hurricane conditions are expected in the specified area, usually within 24 hours;

Whereas in the event of a hurricane warning, the National Hurricane Center recommends people listen to the advice of local officials, evacuate if told to do so, complete preparedness activities, stay indoors and away from windows, be alert for tornadoes, and be aware that the calm ''eye'' of the storm does not mean the storm is over;

Whereas in the 1970s, 1980s, and 1990s, inland flooding was responsible for more than

half the deaths associated with tropical storms and hurricanes in the United States;

Whereas the National Weather Service recommends that when a hurricane threatens the United States, people in potential flood zones evacuate if told to do so, keep abreast of road conditions through the news media, move to a safe area before access is cut off by flood water, develop a flood emergency action plan, and do not attempt to cross flowing water in an automobile, because as little as 6 inches of water may cause one to lose control of the vehicle;

Whereas the National Oceanic and Atmospheric Administration provides more detailed information about hurricanes and hurricane preparedness via its website, http://www.nhc.noaa.gov/HAW2/; and

Whereas National Hurricane Preparedness Week will be the week of May 23 through 29, 2010: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Hurricane Preparedness Week;

(2) encourages the staff of the National Oceanic and Atmospheric Administration, especially the National Weather Service and the National Hurricane Center, and other appropriate Federal agencies, to continue their outstanding work of educating people in the United States about hurricane preparedness; and

(3) urges the people of the United States to recognize such a week as an opportunity to learn more about the work of the National Hurricane Center in forecasting hurricanes and educating citizens about the potential risks of the storms.

The SPEAKER pro tempore, Mr. HINOJOSA, recognized Mr. CARNAHAN and Mr. SMITH of Nebraska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HINOJOSA, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARNAHAN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. HINOJOSA, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, June 23, 2010.

The point of no quorum was considered as withdrawn.

¶78.12 RECESS—2:58 P.M.

The SPEAKER pro tempore, Mr. HINOJOSA, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 58 minutes p.m., until approximately 6 p.m.

¶78.13 AFTER RECESS—6 P.M.

The SPEAKER pro tempore, Mr. CARNAHAN, called the House to order.

¶78.14 H. CON. RES. 288—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CARNAHAN, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 288) supporting National Men's Health Week.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 388 / Nays 0

¶78.15 [Roll No. 376]

YEAS—388

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fattah
Filner
Flake
Fleming
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Gordon (TN)
Granger
Graves (GA)
Grayson
Green, Al
Green, Gene
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Holden
Holt
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—44

Alexander
Barrett (SC)
Blunt
Brown (SC)
Butterfield
Buyer
Carter
Culberson
Davis (AL)
Fallin
Farr
Fortenberry
Goodlatte
Graves (MO)
Griffith
Grijalva
Himes
Hinchey
Hodes
Hoekstra
Honda
Inglis
Johnson, Sam
Jordan (OH)
Kirk
Lee (CA)
Loebsack
Lofgren, Zoe
Matheson
McCarthy (NY)
McNerney
Moran (VA)
Murphy, Patrick
Olson
Platts
Putnam
Rangel
Schrader
Sessions
Stark
Wamp
Wilson (SC)
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶78.16 H. RES. 546—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CARNAHAN, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 546) recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 390 Nays 0

¶78.17 [Roll No. 377]

YEAS—390

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fattah
Filner
Flake
Fleming
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Holden
Holt
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—42

Alexander
Barrett (SC)
Blunt
Brown (SC)
Butterfield
Buyer
Carter
Conyers
Culberson
Davis (AL)
Delahunt
Fallin
Farr
Fortenberry
Goodlatte
Gordon (TN)
Griffith
Grijalva
Himes
Hinchey
Hodes
Hoekstra
Honda
Inglis
Johnson, Sam
Jordan (OH)
Kirk
Lee (CA)
Loebsack
Lofgren, Zoe
Matheson
McCarthy (NY)
McNerney
Olson
Platts
Putnam
Schrader
Stark
Wamp
Wilson (SC)
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶78.18 H. RES. 1407—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1407) supporting the goals and ideals of High-Performance Building Week.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 371 Nays 20

¶78.19 [Roll No. 378]

YEAS—371

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fattah
Filner
Flake
Fleming
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Holden
Holt
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz

Scott (GA)	Speier	Turner
Scott (VA)	Spratt	Upton
Sensenbrenner	Stearns	Van Hollen
Serrano	Stupak	Velázquez
Sessions	Sullivan	Visclosky
Sestak	Sutton	Walden
Shea-Porter	Tanner	Walz
Sherman	Taylor	Wasserman Schultz
Shimkus	Teague	Waters
Shuler	Terry	Watson
Shuster	Thompson (CA)	Watt
Simpson	Thompson (MS)	Weiner
Sires	Thompson (PA)	Welch
Skelton	Thornberry	Whitfield
Slaughter	Tiahrt	Wilson (OH)
Smith (NE)	Tiberi	Wittman
Smith (NJ)	Tierney	Wolf
Smith (TX)	Titus	Wu
Smith (WA)	Tonko	Yarmuth
Snyder	Towns	
Space	Tsongas	

NAYS—20

Broun (GA)	Hall (TX)	Paul
Burgess	King (IA)	Poe (TX)
Flake	Kingston	Price (GA)
Foxx	Lamborn	Shadegg
Franks (AZ)	Mack	Westmoreland
Gingrey (GA)	McClintock	Young (AK)
Graves (GA)	Miller (FL)	

NOT VOTING—41

Alexander	Gordon (TN)	Matheson
Barrett (SC)	Griffith	McCarthy (NY)
Blunt	Grijalva	McNerney
Brown (SC)	Himes	Olson
Butterfield	Hodes	Platts
Buyer	Hoekstra	Putnam
Carter	Honda	Schrader
Conyers	Inglis	Stark
Culberson	Johnson, Sam	Wamp
Davis (AL)	Jordan (OH)	Waxman
Fallin	Kirk	Wilson (SC)
Farr	Lee (CA)	Woolsey
Fortenberry	Loebsack	Young (FL)
Goodlatte	Lofgren, Zoe	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶78.20 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on June 17, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 3951. An Act to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans Louisiana, as the ''Roy Rondeno, Sr. Post Office Building''.

¶78.21 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CULBERSON, for today; and

To Mr. PLATTS, for today and June 23.

And then,

¶78.22 ADJOURNMENT

On motion of Mr. GOHMERT, at 10 o'clock and 23 minutes p.m., the House adjourned.

¶78.23 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 4805. A bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes; with an amendment (Rept. 111–509, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

¶78.24 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committee on Financial Services discharged from further consideration. H.R. 4805 referred to the Committee of the Whole House on the state of the Union.

¶78.25 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCMAHON (for himself, Mr. CARNAHAN, Mrs. MALONEY, Mr. TOWNS, Mr. HIGGINS, Ms. MARKEY of Colorado, Ms. KOSMAS, Mr. BURTON of Indiana, Mr. SHULER, Mr. GARRETT of New Jersey, Mr. WILSON of South Carolina, Mr. HALL of New York, Mr. OWENS, Ms. FALLIN, Mr. MAFFEI, Mr. MURPHY of New York, Ms. LORETTA SANCHEZ of California, Mr. JOHNSON of Georgia, Mr. BACA, Mr. TONKO, and Mr. POSEY):

H.R. 5564. A bill to prevent wealthy and middle-income foreign states that do business, issue securities, or borrow money in the United States, and then fail to satisfy United States court judgments totaling $100,000,000 or more based on such activities, from inflicting further economic injuries in the United States, from undermining the integrity of United States courts, and from discouraging responsible lending to poor and developing nations by undermining the secondary and primary markets for sovereign debt; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 5565. A bill to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the ''Sergeant Chris Davis Post Office''; to the Committee on Oversight and Government Reform.

By Mr. GALLEGLY (for himself, Mr. PETERS, Mr. MORAN of Virginia, Mr. WHITFIELD, Mr. SMITH of Texas, Mr. DJOU, Mr. CASTLE, Mr. DENT, Mr. CAMPBELL, Mr. BARTLETT, Mr. BLUMENAUER, Mr. BLUNT, Mr. POMEROY, Mr. WOLF, Ms. KILROY, Mr. HARPER, Mr. RYAN of Ohio, Mr. JONES, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. HALL of New York, Mr. CRENSHAW, Ms. KOSMAS, Mr. GARY G. MILLER of California, Mr. ROYCE, Mr. SHADEGG, Mr. KENNEDY, Mr. CULBERSON, Mr. LOBIONDO, Mr. GONZALEZ, Mr. SHERMAN, Mr. BROWN of South Carolina, Mr. CAMP, Mr. BURTON of Indiana, Mr. CARNEY, Ms. JACKSON LEE of Texas, Ms. BERKLEY, Mr. DEFAZIO, Ms. SUTTON, Mr. KING of New York, Mr. COBLE, Mr. LATOURETTE, Mr. FORBES, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. FRELINGHUYSEN, Mr. LEWIS of California, Mr. CALVERT, Mr. MCKEON, Mr. CARTER, Ms. GRANGER, Mr. NEUGEBAUER, Mr. BILIRAKIS, Mr. COLE, Mr. WILSON of South Carolina, Mr. SIMPSON, Mr. BUCHANAN, Mr. MICA, Mr. MARIO DIAZ-BALART of Florida, Mr. HALL of Texas, Mr. STEARNS, Mr. FRANKS of Arizona, Mr. BILBRAY, Mr. RADANOVICH, Mr. PASCRELL, Ms. SPEIER, Mr. ROE of Tennessee, Mr. ROONEY, Mr. CHAFFETZ, Mr. PUTNAM, Mr. DUNCAN, Mrs. CAPITO, Mr. FILNER, Mr. UPTON, Mr. ROGERS of Michigan, Mrs. BIGGERT, Mrs. SCHMIDT, Mr. ADERHOLT, Mr. ALEXANDER, Mrs. EMERSON, Mr. GRIFFITH, Mr. SCHOCK, Mr. LATTA, Mr. COHEN, Mr. BACHUS, Mr. MILLER of Florida, Mr. HUNTER, Mr. KANJORSKI, Mr. EHLERS, Mr. RAHALL, Mr. HELLER, Mr. LATHAM, Mr. AKIN, Mr. LINDER, Mr. BOOZMAN, Mr. LEE of New York, Mr. WELCH, Mr. FARR, Mr. QUIGLEY, Mrs. BACHMANN, Mr. TERRY, Mr. ROGERS of Kentucky, Mr. KINGSTON, Ms. GINNY BROWN-WAITE of Florida, Mr. LUCAS, Mr. COFFMAN of Colorado, Mr. ENGEL, Mrs. MYRICK, Mr. HOEKSTRA, Mr. AUSTRIA, Mrs. LUMMIS, Mr. POSEY, Mrs. MCCARTHY of New York, Mr. HOLT, Mr. MARCHANT, Mr. CARDOZA, Mr. HINCHEY, Mr. LOEBSACK, Mr. ISRAEL, Mr. SHIMKUS, Mr. NADLER of New York, Mr. KISSELL, Mr. FORTENBERRY, Mr. LANCE, Ms. BORDALLO, Ms. FUDGE, Ms. DELAURO, Mr. CONNOLLY of Virginia, Mr. REICHERT, Mr. HASTINGS of Florida, Mr. SULLIVAN, Mr. CONYERS, Mr. CARNAHAN, Mrs. BLACKBURN, Mr. CARSON of Indiana, Mr. SERRANO, Mr. HOLDEN, Mr. SCHIFF, Mr. OLSON, Ms. ROS-LEHTINEN, Mr. TEAGUE, Mr. LANGEVIN, Mr. SHULER, Mr. MILLER of North Carolina, Mr. WEINER, Mr. WAMP, Mr. BONNER, Mr. TIBERI, Ms. WASSERMAN SCHULTZ, Mr. DEUTCH, Mr. CROWLEY, Mr. CLAY, Mr. HARE, Mrs. DAHLKEMPER, Mr. CLEAVER, Mrs. DAVIS of California, Mrs. BONO MACK, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. CAO, Mr. YOUNG of Florida, Ms. FALLIN, Ms. DEGETTE, Mr. TIAHRT, Mr. PIERLUISI, Mr. MAFFEI, Mr. MCCAUL, Mr. HONDA, Mr. GUTIERREZ, Mr. PRICE of North Carolina, Mr. KUCINICH, Mr. PAULSEN, Ms. CHU, Ms. LEE of California, Mr. PERRIELLO, Mr. RYAN of Wisconsin, Mr. GERLACH, Mr. LIPINSKI, Mr. GRIJALVA, Mr. VISCLOSKY, Mr. DANIEL E. LUNGREN of California, Mr. SESTAK, Mr. ROTHMAN of New Jersey, Mr. ANDREWS, Mrs. MILLER of Michigan, Mr. OBERSTAR, Ms. SHEA-PORTER, Mr. COSTELLO, Mr. LARSON of Connecticut, Mr. THOMPSON of California, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. GARAMENDI, Ms. HIRONO, Ms. MOORE of Wisconsin, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PAYNE, Ms. TITUS, Mr. TOWNS, Mr. VAN HOLLEN, Ms. WOOLSEY, Ms. RICHARDSON, Mr. JOHNSON of Georgia, Mr. CONAWAY, Mr. WALZ, Mr. GORDON of Tennessee, Mr. GUTHRIE, Ms. LINDA T. SÁNCHEZ of California, Ms. JENKINS, Mr. GOODLATTE, Ms. LORETTA SANCHEZ of California, Mr. SESSIONS, Mr. DELAHUNT, Mr. LEWIS of Georgia, Mr. WU, Mr. KIRK, Mrs. LOWEY, Mr. POLIS, Mr. CANTOR, Mrs. CAPPS, and Mr. INSLEE):

H.R. 5566. A bill to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes; to the Committee on the Judiciary.

By Mr. WU:

H.R. 5567. A bill to invest in urban universities and create innovation and economic prosperity for the United States, and for

other purposes; to the Committee on Education and Labor, and in addition to the Committees on Financial Services, Transportation and Infrastructure, Energy and Commerce, Science and Technology, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NYE (for himself, Mr. WILSON of Ohio, Mr. COOPER, Mr. MARSHALL, Mr. KRATOVIL, Mr. ALTMIRE, Mr. CHILDERS, Mr. DAVIS of Tennessee, Mr. MITCHELL, Ms. HERSETH SANDLIN, Mr. BARROW, Mr. SHULER, Mr. ROSS, Mr. TANNER, Mr. MICHAUD, Ms. MARKEY of Colorado, Mr. HILL, Mr. MATHESON, Mr. SCHIFF, Mr. GORDON of Tennessee, Mr. MINNICK, Mr. BOYD, Mr. CUELLAR, Mr. ELLSWORTH, Mr. BOREN, Mr. BRIGHT, Mr. MOORE of Kansas, Mr. DONNELLY of Indiana, Ms. HARMAN, and Mr. SCHRADER):

H.R. 5568. A bill to create a means to review and abolish Federal programs that are inefficient, duplicative, or in other ways wasteful of taxpayer funds; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mr. KANJORSKI, and Mr. JONES):

H.R. 5569. A bill to extend the National Flood Insurance Program until September 30, 2010; to the Committee on Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON:

H.R. 5570. A bill to provide that no funds are authorized to be appropriated to the Internal Revenue Service to expand its workforce in order to implement, enforce, or otherwise carry out either the Patient Protection and Affordable Care Act or the Health Care and Education Reconciliation Act of 2010; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 5571. A bill to amend chapter 2 of title I of the United States Code to establish the style for amending laws; to the Committee on the Judiciary.

By Mr. BUCHANAN (for himself and Mr. CRENSHAW):

H.R. 5572. A bill to reform the Minerals Management Service and offshore drilling for oil and gas, to repeal the limitation of liability of a responsible party for discharge of oil from an offshore facility, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY:

H.R. 5573. A bill to require the Inspector General of the Department of Homeland Security to biennially review and evaluate the grants management and oversight practices of the Federal Emergency Management Agency; to the Committee on Homeland Security.

By Mr. PETRI (for himself, Mr. BURTON of Indiana, Ms. NORTON, and Mr. FORBES):

H.R. 5574. A bill to establish the National Commission on Effective Marginal Tax Rates for Low-Income Families; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Veterans' Affairs, Financial Services, Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself, Mr. POE of Texas, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. KLEIN of Florida, and Mr. PENCE):

H. Res. 1457. A resolution expressing the sense of the House of Representatives on the one-year anniversary of the Government of Iran's fraudulent manipulation of Iranian elections, the Government of Iran's continued denial of human rights and democracy to the people of Iran, and the Government of Iran's continued pursuit of a nuclear weapons capability; to the Committee on Foreign Affairs.

By Mrs. CHRISTENSEN:

H. Res. 1458. A resolution expressing support for the goals and ideals of National Marine Awareness Day; to the Committee on Natural Resources.

By Mr. DJOU:

H. Res. 1459. A resolution recognizing the 50th Anniversary of the 50-star flag of the United States; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida (for himself, Mr. JOHNSON of Illinois, Mr. CARDOZA, Mr. BROWN of South Carolina, Mr. BLUMENAUER, Mr. BOSWELL, Mr. MICHAUD, Mr. HOLDEN, Mr. PUTNAM, and Ms. CORRINE BROWN of Florida):

H. Res. 1460. A resolution recognizing the important role pollinators play in supporting the ecosystem and supporting the goals and ideals of National Pollinator Week; to the Committee on Agriculture.

By Mr. LANGEVIN (for himself, Mr. PERLMUTTER, Mr. BOOZMAN, and Mr. REICHERT):

H. Res. 1461. A resolution supporting Olympic Day on June 23, 2010, and congratulating Team USA and World Fit participants; to the Committee on Oversight and Government Reform.

By Mr. MACK (for himself, Mr. ENGEL, Mr. BILBRAY, Ms. ROS-LEHTINEN, Mr. FORTENBERRY, Mr. BURTON of Indiana, Mr. PAYNE, and Ms. LEE of California):

H. Res. 1462. A resolution expressing support for the people of Guatemala, Honduras, and El Salvador as they persevere through the aftermath of Tropical Storm Agatha which swept across Central America causing deadly floods and mudslides; to the Committee on Foreign Affairs.

By Mr. PERRIELLO:

H. Res. 1463. A resolution supporting the goals and ideals of Railroad Retirement Day; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mrs. BACHMANN, Ms. BORDALLO, Mr. DJOU, Mr. FALEOMAVAEGA, Mr. GALLEGLY, Mr. INGLIS, Mr. MANZULLO, and Ms. WATSON):

H. Res. 1464. A resolution recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. ENGEL, Mr. MACK, Mr. MARIO DIAZ-BALART of Florida, Mr. BLUNT, Mr. SIRES, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mrs. BACHMANN, Mr. PAYNE, Mr. INGLIS, Mr. MEEKS of New York, Mr. WILSON of South Carolina, Mr. POE of Texas, Mr. FALEOMAVAEGA, Ms. BERKLEY, Mr. DREIER, Mr. SCHOCK, Mr. PIERLUISI, Ms. JACKSON LEE of Texas, and Mr. DANIEL E. LUNGREN of California):

H. Res. 1465. A resolution reaffirming the longstanding friendship and alliance between the United States and Colombia; to the Committee on Foreign Affairs.

By Mr. SENSENBRENNER:

H. Res. 1466. A resolution of inquiry requesting the President and directing the Secretary of Energy to provide certain documents to the House of Representatives relating to the Department of Energy's application to foreclose use of Yucca Mountain as a high level nuclear waste repository; to the Committee on Energy and Commerce.

¶78.26 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

314. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 160 memorializing the President, the Congress, and the Federal Communications Commission to refrain from regulating Internet Broadband Services; to the Committee on Energy and Commerce.

315. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Joint Resolution No. 761 urging the Congress to inclued Oak Ridge in any Draft Special Resource Study/Environmental Assessment on the Manhattan Project Sites and that a new national park unit be considered; to the Committee on Natural Resources.

316. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 6 memorializing the Congress to review the GPO and the WEP Social Security benefit reductions and enact the Social Security Fairness Act of 2009; to the Committee on Ways and Means.

317. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 43 memorializing the Congress to approve H.R. 5941; jointly to the Committees on Armed Services and Ways and Means.

318. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 285 memorializing the President, the Congress, and the Federal Communications Commission to refrain from regulating Internet Broadband Services; to the Committee on Energy and Commerce.

¶78.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 43: Mr. OWENS and Mr. MELANCON.

H.R. 197: Mr. LUJÁN.

H.R. 235: Mr. REHBERG and Mr. CRITZ.

H.R. 272: Mr. FORBES.

H.R. 275: Mr. DEUTCH.

H.R. 422: Mr. WU.

H.R. 503: Mr. DEUTCH.

H.R. 537: Mr. LARSEN of Washington.

H.R. 610: Mr. BOSWELL.

H.R. 645: Mr. DOYLE and Mr. TIM MURPHY of Pennsylvania.

H.R. 666: Mr. CALVERT.

H.R. 745: Mr. MCHENRY, Mr. NADLER of New York, Mr. HELLER, Ms. CORRINE BROWN of Florida, Mr. ARCURI, Ms. CLARKE, Mr. GARAMENDI, and Mr. SCOTT of Virginia.

H.R. 848: Mr. DEUTCH and Mr. ROONEY.

H.R. 949: Ms. BALDWIN.

H.R. 950: Ms. SCHAKOWSKY.

H.R. 1074: Mr. GARY G. MILLER of California, Mr. LUJÁN, and Mr. FORBES.

H.R. 1079: Mr. MILLER of North Carolina.
H.R. 1193: Mr. DEUTCH.
H.R. 1203: Mr. WILSON of Ohio.
H.R. 1230: Mr. ELLISON.
H.R. 1237: Ms. SUTTON.
H.R. 1250: Mr. AUSTRIA.
H.R. 1255: Mr. GRAVES of Missouri, Mr. HERGER, Mr. CARTER, and Mr. RODRIGUEZ.
H.R. 1362: Mr. DEUTCH.
H.R. 1402: Mr. TONKO.
H.R. 1458: Mr. BARROW.
H.R. 1460: Mr. RAHALL.
H.R. 1547: Mr. ROE of Tennessee.
H.R. 1806: Mr. SPACE, Mr. TONKO, Mr. MARIO DIAZ-BALART of Florida, Mr. MCNERNEY, and Mrs. CAPPS.
H.R. 1831: Mr. CRITZ.
H.R. 1990: Mr. WILSON of Ohio.
H.R. 2030: Mrs. MALONEY.
H.R. 2031: Mr. CARTER and Mrs. BLACKBURN.
H.R. 2138: Mr. LANGEVIN.
H.R. 2149: Mr. MELANCON.
H.R. 2159: Ms. ZOE LOFGREN of California and Ms. MATSUI.
H.R. 2220: Mr. GONZALEZ.
H.R. 2378: Mr. STARK, Mr. BUYER, and Mr. EDWARDS of Texas.
H.R. 2381: Mr. BACA.
H.R. 2401: Ms. ZOE LOFGREN of California.
H.R. 2408: Mr. LOBIONDO, Mr. FILNER, and Mr. LEE of New York.
H.R. 2483: Mr. HOLT.
H.R. 2575: Mr. HINCHEY.
H.R. 2817: Mrs. MALONEY.
H.R. 2870: Mr. TIM MURPHY of Pennsylvania.
H.R. 2906: Ms. MCCOLLUM.
H.R. 2941: Mr. HOEKSTRA.
H.R. 3043: Ms. BERKLEY, Mr. GARAMENDI, and Mr. MILLER of North Carolina.
H.R. 3048: Mr. OLVER.
H.R. 3101: Ms. MATSUI.
H.R. 3116: Mr. MCGOVERN.
H.R. 3149: Ms. BALDWIN.
H.R. 3212: Mr. GONZALEZ.
H.R. 3249: Ms. NORTON.
H.R. 3267: Mr. HASTINGS of Florida.
H.R. 3271: Ms. MATSUI.
H.R. 3302: Mr. BLUMENAUER.
H.R. 3328: Mr. FALEOMAVAEGA and Mr. MEEK of Florida.
H.R. 3408: Mr. PETERSON, Mr. FOSTER, and Mr. MELANCON.
H.R. 3519: Mr. PITTS and Mrs. DAHLKEMPER.
H.R. 3564: Mr. BLUMENAUER and Ms. MOORE of Wisconsin.
H.R. 3652: Mr. LOEBSACK, Mr. SCOTT of Georgia, and Mr. GUTIERREZ.
H.R. 3712: Ms. SUTTON, Mr. MORAN of Virginia, Mr. COLE, and Mrs. BLACKBURN.
H.R. 3721: Mrs. MALONEY.
H.R. 3729: Mr. GOHMERT, Mrs. DAHLKEMPER, and Ms. MOORE of Wisconsin.
H.R. 3753: Ms. NORTON.
H.R. 3790: Mr. DEUTCH and Mr. SHUSTER.
H.R. 3907: Mr. GRIJALVA, Mr. ISRAEL, Ms. SLAUGHTER, Mr. CONNOLLY of Virginia, Mr. MOORE of Kansas, Ms. LINDA T. SAÑCHEZ of California, Mr. HINCHEY, and Mr. HOLT.
H.R. 4051: Mr. DAVIS of Kentucky.
H.R. 4116: Ms. MCCOLLUM.
H.R. 4128: Mr. OBERSTAR.
H.R. 4144: Mr. QUIGLEY.
H.R. 4181: Ms. CLARKE, Ms. HIRONO, Mr. PAYNE, Mr. ORTIZ, Mr. POLIS, Ms. CHU, Ms. ROYBAL-ALLARD, Ms. JACKSON LEE of Texas, and Ms. FUDGE.
H.R. 4195: Ms. SLAUGHTER and Mr. HASTINGS of Florida.
H.R. 4197: Mr. FRANKS of Arizona.
H.R. 4278: Mr. CARNEY, Mr. PERLMUTTER, Mr. SMITH of New Jersey, and Mr. DOGGETT.
H.R. 4301: Mr. BOREN.
H.R. 4306: Ms. NORTON and Mr. BRIGHT.
H.R. 4353: Mr. ROHRABACHER.
H.R. 4373: Mr. MELANCON.
H.R. 4376: Mr. DEUTCH.
H.R. 4469: Mr. MILLER of Florida, Mr. AKIN, Mr. ORTIZ, Mr. BOEHNER, Mr. MCKEON, and Mr. BOSWELL.
H.R. 4480: Mr. CHILDERS, Mr. LEWIS of Georgia, and Mr. HARE.
H.R. 4505: Ms. KILPATRICK of Michigan and Mr. TEAGUE.
H.R. 4514: Mr. MEEKS of New York and Ms. LEE of California.
H.R. 4568: Mr. HERGER.
H.R. 4597: Mr. POLIS.
H.R. 4601: Ms. TITUS, Mr. DOGGETT, and Mr. WEINER.
H.R. 4638: Ms. ZOE LOFGREN of California.
H.R. 4662: Mr. BLUMENAUER.
H.R. 4671: Mr. LEWIS of Georgia and Ms. SPEIER.
H.R. 4677: Ms. HARMAN.
H.R. 4684: Mr. AKIN, Mr. BURTON of Indiana, Ms. CASTOR of Florida, Mrs. EMERSON, Ms. FOXX, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. HERGER, Ms. KOSMAS, Mr. MCHENRY, Mr. NEAL of Massachusetts, Mr. ORTIZ, Mr. ROSS, Mr. SALAZAR, Mr. SKELTON, Mr. TIAHRT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MOORE of Kansas, Mr. FRELINGHUYSEN, Mr. LIPINSKI, Mr. FLEMING, Mr. SCHOCK, Mr. BUYER, Mr. WAMP, Mrs. KIRKPATRICK of Arizona, Mr. RADANOVICH, Mrs. DAHLKEMPER, and Mr. TIM MURPHY of Pennsylvania.
H.R. 4690: Ms. LEE of California.
H.R. 4692: Mr. JONES and Mrs. HALVORSON.
H.R. 4693: Mr. HONDA and Mr. MORAN of Virginia.
H.R. 4700: Mr. BLUMENAUER.
H.R. 4751: Mr. QUIGLEY.
H.R. 4752: Mr. DEUTCH.
H.R. 4753: Mr. WHITFIELD.
H.R. 4755: Mr. LIPINSKI.
H.R. 4756: Mr. CAPUANO.
H.R. 4764: Mr. GINGREY of Georgia, Mr. COURTNEY, Mr. AL GREEN of Texas, Mr. REHBERG, and Mr. BURGESS.
H.R. 4788: Mr. GERLACH.
H.R. 4868: Mr. HARE.
H.R. 4886: Mr. HONDA and Mr. POE of Texas.
H.R. 4888: Mr. WU.
H.R. 4891: Mr. ENGEL.
H.R. 4903: Mr. SULLIVAN.
H.R. 4914: Mr. BUTTERFIELD, Ms. DELAURO, Ms. MATSUI, Mr. QUIGLEY, and Mr. ORTIZ.
H.R. 4920: Mr. GUTIERREZ.
H.R. 4933: Mr. PAYNE and Mr. LEWIS of Georgia.
H.R. 4943: Mr. DUNCAN.
H.R. 4959: Ms. HIRONO, Mr. OLVER, Mr. INSLEE, Mr. KENNEDY, and Ms. ZOE LOFGREN of California.
H.R. 4986: Ms. ROYBAL-ALLARD, Mr. SCHIFF, and Ms. HARMAN.
H.R. 4993: Mr. RAHALL, Mr. MOORE of Kansas, Ms. TITUS, and Mr. PITTS.
H.R. 5015: Ms. ZOE LOFGREN of California.
H.R. 5034: Ms. JENKINS.
H.R. 5040: Mr. MCNERNEY.
H.R. 5044: Ms. KOSMAS and Mr. LOEBSACK.
H.R. 5058: Mr. THOMPSON of Mississippi.
H.R. 5081: Mr. LIPINSKI, Mr. NADLER of New York, Mr. FORBES, and Ms. MCCOLLUM.
H.R. 5137: Mr. ENGEL, Mr. MICHAUD, Mr. BOUCHER, and Mr. STARK.
H.R. 5142: Mrs. BONO MACK and Mr. BLUMENAUER.
H.R. 5143: Ms. MOORE of Wisconsin and Ms. NORTON.
H.R. 5177: Mr. FORBES.
H.R. 5211: Mr. HODES.
H.R. 5235: Mr. MARSHALL and Mr. BOYD.
H.R. 5244: Mr. BLUNT.
H.R. 5258: Mr. HILL.
H.R. 5282: Ms. GINNY BROWN-WAITE of Florida and Mr. CLAY.
H.R. 5323: Mr. MCCOTTER.
H.R. 5324: Ms. KAPTUR, Mr. PAYNE, and Mr. TOWNS.
H.R. 5335: Mr. SABLAN.
H.R. 5350: Mr. POE of Texas.
H.R. 5357: Mr. ADERHOLT.
H.R. 5412: Mr. FILNER and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5418: Mr. JOHNSON of Georgia.
H.R. 5447: Mr. SNYDER.
H.R. 5460: Mr. CONYERS and Mr. HONDA.
H.R. 5462: Ms. CASTOR of Florida.
H.R. 5475: Mr. MCNERNEY.
H.R. 5497: Mr. BISHOP of Georgia, Mr. BRIGHT, Mrs. DAHLKEMPER, Mr. CHILDERS, Mr. HILL, Ms. LORETTA SANCHEZ of California, Mr. BOREN, Mr. MOORE of Kansas, Mr. LARSON of Connecticut, and Mr. NYE.
H.R. 5501: Mr. MARCHANT, Mr. BLUNT, Mr. MCCARTHY of California, Mr. HALL of Texas, Mr. HOEKSTRA, Mr. NUNES, Mr. SIMPSON, Mrs. MYRICK, Mr. BOOZMAN, and Mr. SCALISE.
H.R. 5503: Mr. QUIGLEY and Mr. CONNOLLY of Virginia.
H.R. 5513: Mr. BLUMENAUER.
H.R. 5519: Mr. LAMBORN, Mrs. BLACKBURN, and Ms. FALLIN.
H.R. 5523: Mr. TIAHRT, Mr. BURTON of Indiana, Mr. MCCAUL, and Mr. HELLER.
H.R. 5524: Mr. WOLF.
H.R. 5555: Mr. TERRY, Mr. WESTMORELAND, Mr. NUNES, Mr. DAVIS of Kentucky, Mr. KISSELL, Mr. GOHMERT, Mr. WAMP, Mr. BISHOP of Utah, and Mr. FRANKS of Arizona.
H.J. Res. 76: Mr. MCINTYRE.
H. Con. Res. 110: Mr. BERMAN, Mr. HINCHEY, and Mr. PETERS.
H. Con. Res. 226: Mr. HONDA, Mr. HUNTER, Mr. BARTLETT, Mr. GARAMENDI, and Mrs. BONO MACK.
H. Con. Res. 259: Ms. NORTON.
H. Con. Res. 266: Mr. BUYER and Mr. HEINRICH.
H. Con. Res. 288: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 111: Mr. LUETKEMEYER and Mr. RAHALL.
H. Res. 546: Mr. HINOJOSA and Mr. STARK.
H. Res. 771: Mr. MOORE of Kansas and Mr. PAULSEN.
H. Res. 1195: Mr. BOREN, Mr. CARNEY, Mr. DAVIS of Tennessee, Mr. HILL, Mr. MINNICK, Mr. TANNER, Mr. WU, and Mr. CUELLAR.
H. Res. 1196: Mr. TERRY.
H. Res. 1207: Mr. FORBES, Mr. DJOU, Mr. FLEMING, and Mr. OWENS.
H. Res. 1219: Mr. CAMPBELL, Mr. ELLISON, and Mr. FORBES.
H. Res. 1326: Mr. OBERSTAR, Mr. LANCE, and Mr. SCHOCK.
H. Res. 1355: Mr. FRANK of Massachusetts.
H. Res. 1365: Mr. BUYER, Mr. FLEMING, and Mr. LUJÁN.
H. Res. 1373: Mr. HOLDEN.
H. Res. 1384: Mr. ADERHOLT and Mr. GALLEGLY.
H. Res. 1388: Mr. HINOJOSA, Mr. BRADY of Texas, and Mr. PUTNAM.
H. Res. 1393: Mr. MOORE of Kansas, Ms. LORETTA SANCHEZ of California, Mr. BACA, Mrs. NAPOLITANO, Ms. HARMAN, Mr. MATHESON, Mrs. DAVIS of California, Mr. SHERMAN, Mr. TANNER, Ms. LEE of California, Mr. FARR, and Ms. GIFFORDS.
H. Res. 1401: Mr. MITCHELL, Mr. KANJORSKI, Mrs. KIRKPATRICK of Arizona, Mr. ROE of Tennessee, Mrs. HALVORSON, Mr. ACKERMAN, Mr. LIPINSKI, Mr. MARIO DIAZ-BALART of Florida, Mr. DANIEL E. LUNGREN of California, and Mr. MICHAUD.
H. Res. 1406: Ms. FOXX.
H. Res. 1420: Mr. ELLISON and Mr. PAYNE.
H. Res. 1431: Mr. COFFMAN of Colorado, Mr. HASTINGS of Florida, Ms. LORETTA SANCHEZ of California, Mr. TOWNS, Mr. RUSH, and Mr. POE of Texas.
H. Res. 1452: Mr. FARR, Mr. BISHOP of Georgia, Ms. LORETTA SANCHEZ of California, Mr. SABLAN, Ms. MOORE of Wisconsin, and Mr. BRADY of Pennsylvania.

WEDNESDAY, JUNE 23, 2010 (79)

¶79.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PASTOR

of Arizona, who laid before the House the following communication:

WASHINGTON, DC,
June 23, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶79.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced he had examined and approved the Journal of the proceedings of Tuesday, June 22, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶79.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

8025. A letter from the Under Secretary, Department of Defense, transmitting letter addressing the acquisition strategy, requirements, and cost estimates for the Army tactical ground network program, pursuant to Public Law 110-84 section 218; to the Committee on Armed Services.

8026. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's ''Major'' final rule — Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act (RIN: 1210-AB42) received June 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8027. A letter from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting annual report on Operations of the Office of Workers' Compensation Programs for Fiscal year 2008; to the Committee on Education and Labor.

8028. A letter from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting annual report on Operations of the Office of Workers' Compensation Programs for Fiscal year 2007; to the Committee on Education and Labor.

8029. A letter from the Deputy Director, OSHA Standards and Guidance, Department of Labor, transmitting the Department's final rule — Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards [Docket No.: OSHA-H054a-2006-0064] (RIN: 1218-AC43) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8030. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Interim Final Rules for Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan under the Patient Protection and Affordable Care Act (RIN: 0991-AB68) received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8031. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's ''Major'' final rule — Revision of Fee Schedules; Fee Recovery for FY 2010 [NRC-2009-0333] (RIN: 3150-AI70) received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8032. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of Changes from the 2009 Annual Review of the Entity List [Docket No.: 100311137-0138-01] (RIN: 0694-AE88) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8033. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Export Administration Regulations: Technical Corrections [Docket No.: 0907271167-91198-01] (RIN: 0694-AE69) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8034. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of infrasound sensors that have both military and civil applications, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8035. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-002, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8036. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's fiscal year 2009 annual report prepared in accordance with Section 203(a) of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

8037. A letter from the Chairman and President, Export-Import Bank, transmitting the semiannual report of the Inspector General for the period ending September 30, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

8038. A letter from the Director, Office of Personnel Management, transmitting the Office's Annual Privacy Activity Report to Congress for 2009, pursuant to Public Law 108-447, section 522; to the Committee on Oversight and Government Reform.

8039. A letter from the Chairman, Securities and Exchange Commission, transmitting the Semiannual Report of the Inspector General and a separate management report for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8040. A letter from the Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Justice Programs' Bureau of Justice Assistance for Fiscal Year 2008, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

8041. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report providing an estimate of the dollar amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of free clinic health professionals will be paid for 2011; to the Committee on the Judiciary.

8042. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; CSX Railroad, Trout River, mile 0.9, Jacksonville, FL [Docket No.: USCG-2009-0249] (RIN: 1625-AA09) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8043. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Lower Grand River, Iberville Parish, LA [Docket No.: USCG-2009-0686] (RIN: 1625-AA09) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8044. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Lake Champlain Bridge Construction Zone, NY and VT [Docket No.: USCG-2010-0176] (RIN: 1625-AA11) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8045. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Patuxent River, Solomons Island Harbor, MD [Docket No.: USCG-2010-0179] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8046. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Desert Storm, Lake Havasu, AZ [Docket No.: USCG-2009-0809] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8047. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; United Portuguese SES Centennial Festa, San Diego Bay, San Diego, CA [Docket No.: USCG-2010-0065] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8048. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Chehalis River, Aberdeen, WA, Schedule Change [Docket No.: USCG-2009-0959] (RIN: 1925-AA09) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8049. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Port of Coos Bay Railroad Bridge, Coos Bay, North Bend, OR [Docket No.: USCG-2009-0840] (RIN: 1625-AA09) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8050. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red River, MN [Docket No.: USCG-2010-0198] (RIN: 1625-AAOO) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8051. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BW PIONEER at Walker Ridge 249, Outer Continental Shelf FPSO, Gulf of Mexico [Docket No.: USCG-2009-0571] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8052. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Clarification of Parachute Packing Authorization [Docket No.: FAA-2007-28518, Amendment No. 65-54] (RIN: 2120-AJ08) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8053. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule — Security Zone; Potomac River, Washington Channel, Washington, DC [Docket No.: USCG-2010-0050] (RIN: 1625-AA87) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8054. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification of the determination that a continuation of a waiver currently in effect for the Republic of Belarus will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 111—126); to the Committee on Ways and Means and ordered to be printed.

8055. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — This revenue procedure provides guidance with respect to the United States and area median gross income figures that are to be used by issuers of qualified mortgage bonds (Rev. Proc. 2010-23) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8056. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — This revenue procedure modifies the inflation adjusted amounts in Rev. Proc. 2009-50, 2009-45 I.R.B. 617, that apply to taxpayers who elect to expense certain depreciable assets (Rev. Proc. 2010-24) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8057. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be part of the National Defense Authorization Act for Fiscal Year 2011; jointly to the Committees on Foreign Affairs and Oversight and Government Reform.

8058. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, ''Federal Civilian Employees in Zones of Armed Conflict Benefits Act of 2010''; jointly to the Committees on Foreign Affairs and Oversight and Government Reform.

8059. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft of proposed legislation entitled, ''Veterans Benefits Programs Improvement Act of 2010''; jointly to the Committees on Veterans' Affairs and Energy and Commerce.

8060. A letter from the Board Members, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

¶79.4 SMALL BUSINESS LENDING FUND PROGRAM

Ms. KOSMAS moved to suspend the rules and pass the bill (H.R. 5551) to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program; as amended.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. KOSMAS and Mr. NEUGEBAUER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Ms. KOSMAS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶79.5 HOMEOWNERSHIP MONTH

Ms. KOSMAS moved to suspend the rules and agree to the following resolution (H. Res. 1434):

Whereas the month of June is recognized as National Homeownership Month;

Whereas the people of the United States are one of the best-housed populations in the world;

Whereas owning a home is a fundamental part of the American dream and is the largest personal investment many families will ever make;

Whereas homeownership provides economic security for homeowners by aiding them in building wealth over time and strengthens communities through a greater stake among homeowners in local schools, civic organizations, and churches;

Whereas creating affordable homeownership opportunities requires the commitment and cooperation of the private, public, and nonprofit sectors, including the Federal Government and State and local governments;

Whereas homeownership can be sustained through appropriate homeownership education and informed borrowers; and

Whereas affordable homeownership will play a vital role in resolving the crisis in the United States housing market: Now, therefore, be it

Resolved, That the House of Representatives—

(1) fully supports the goals and ideals of National Homeownership Month;

(2) recognizes the importance of homeownership in building strong communities and families; and

(3) reaffirms the importance of homeownership in the Nation's economy and its central role in our national economic recovery.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. KOSMAS and Mr. Gary G. MILLER of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Ms. KOSMAS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶79.6 FLOOD INSURANCE PROGRAM

Ms. KOSMAS moved to suspend the rules and pass the bill (H.R. 5569) to extend the National Flood Insurance Program until September 30, 2010.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Ms. KOSMAS and Mr. Gary G. MILLER of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.7 CONGRESSIONAL AWARD PROGRAM REAUTHORIZATION

Mr. PAYNE moved to suspend the rules and pass the bill of the Senate (S. 2865) to reauthorize the Congressional Award Act (2 United States Code 801 et seq.), and for other purposes.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. PAYNE and Mrs. MCMORRIS RODGERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶79.8 YEAR OF THE FATHER

Mr. PAYNE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 285):

Whereas Father's Day was founded in 1910 by Mrs. John B. Dodd after attending a Mother's Day celebration in 1909 and believing that fathers should receive the same recognition;

Whereas Mrs. John B. Dodd, Sonora Smart Dodd, founded the day in celebration of her father, William Smart;

Whereas William Smart, a Civil War veteran, raised six children on his own after the death of his wife;

Whereas Spokane, Washington, recognized and hosted the first celebration of Father's Day on June 19, 1910;

Whereas in 1924, President Calvin Coolidge recognized Father's Day and urged States to follow suit;

Whereas in 1966, President Lyndon B. Johnson signed a proclamation calling for the third Sunday in June to be recognized as Father's Day and requested that flags be flown that day on all government buildings;

Whereas President Richard Nixon signed a proclamation in 1972 permanently observing Father's Day on the third Sunday in June;

Whereas Father's Day is celebrated in over 50 countries around the world;

Whereas there are an estimated 64.3 million fathers around the Nation today;

Whereas it is well documented that children involved with loving fathers are significantly more likely to have healthy self-esteems, exhibit empathy and prosocial behavior, avoid high risk behaviors, have reduced antisocial behavior and delinquency in boys,

have better peer relationships, and have higher occupational mobility relative to parents;

Whereas fathers who live with their children are more likely to have a close, enduring relationship with their children than those who do not; and

Whereas the 100th anniversary of Father's Day will be celebrated in Spokane, Washington, on June 20, 2010: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the important role that fathers play in the lives of their children and families; and

(2) supports the goals and ideals of the Year of the Father.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. PAYNE and Mrs. MCMORRIS RODGERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PAYNE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶79.9 BRAILLE LITERACY MONTH

Mr. PAYNE moved to suspend the rules and agree to the following resolution (H. Res. 1034); as amended:

Whereas since its invention by Louis Braille (1809–1852), the reading and writing code for the blind that bears his name has become the accepted method of reading and writing for the blind the world over;

Whereas the Braille code is used to represent not only the alphabets of most written languages, but is also used for mathematical and scientific notation and the reproduction of musical scores;

Whereas while technology has improved the lives of blind people by facilitating quick access to information, Braille literacy gives blind people the ability to read and to write and to do the two interactively;

Whereas despite its efficiency, versatility, and universal acceptance by the blind, the rate of Braille literacy in the United States has declined to the point where only 10 percent of blind children are learning the code;

Whereas Braille is an important tool in the independence, productivity, and success for blind people;

Whereas while 70 percent of the blind are unemployed, 85 percent of those who are employed know Braille;

Whereas the United States Congress officially recognized the importance of Braille by passing the Louis Braille Bicentennial-Braille Literacy Commemorative Coin Act authorizing the striking of a United States silver dollar marking the 200th anniversary of the birth of Louis Braille and emphasizing the connection between learning Braille and true independence and opportunity for the blind; and

Whereas the National Federation of the Blind, the Nation's oldest and largest organization of blind people and a leading advocate for Braille literacy in the United States, has launched a national ''Braille Readers are Leaders'' campaign to promote awareness of the importance of Braille and to increase the availability of competent Braille instruction and of Braille reading materials in this country: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the importance of Braille and the role that Braille plays in the lives of blind people;

(2) recognizes the 70th anniversary of the National Federation of the Blind; and

(3) supports the efforts of the National Federation of the Blind and other organizations to promote Braille literacy.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. PAYNE and Mrs. MCMORRIS RODGERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing support for the importance of Braille in the lives of blind people.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶79.10 PHYSICAL EDUCATION AND SPORT WEEK

Mr. PAYNE moved to suspend the rules and agree to the following resolution (H. Res. 1373):

Whereas the week beginning May 2, 2010, is observed as National Physical Education and Sport Week;

Whereas a decline in physical activity has contributed to an unprecedented epidemic of childhood obesity in the United States, which has more than tripled since 1980;

Whereas regular physical activity is necessary to support normal and healthy growth in children and is essential to their continued health and well-being;

Whereas, according to the Centers for Disease Control and Prevention, overweight adolescents have a 70 to 80 percent chance of becoming overweight adults, increasing their risk for chronic disease, disability, and death;

Whereas physical activity reduces the risk of heart disease, high blood pressure, diabetes, and certain types of cancers;

Whereas type 2 diabetes can no longer be referred to as ''late in life'' or ''adult onset'' diabetes because it occurs in children as young as 10 years old;

Whereas the Physical Activity Guidelines for Americans, published by the Department of Health and Human Services, recommend that children engage in at least 60 minutes of physical activity on most, and preferably all, days of the week;

Whereas, according to the Centers for Disease Control and Prevention, only 17 percent of high school students meet that goal of 60 minutes of physical activity a day;

Whereas children spend many of their waking hours at school and therefore need to be active during the school day to meet the recommendations of the Physical Activity Guidelines for Americans;

Whereas, according to the Centers for Disease Control and Prevention, 1 in 4 children in the United States does not attend any school physical education classes and fewer than 1 in 4 children in the United States engage in 20 minutes of vigorous physical activity each day;

Whereas teaching children about physical activity and sports not only ensures that they are physically active during the school day, but also educates them on how to be physically active and the importance of being physically active;

Whereas, according to a 2006 survey by the Department of Health and Human Services, 3.8 percent of elementary schools, 7.9 percent of middle schools, and 2.1 percent of high schools provide daily physical education classes or the equivalent for the entire school year, and 22 percent of schools do not require students to take any physical education classes at all;

Whereas, according to that survey, 13.7 percent of elementary schools, 15.2 percent of middle schools, and 3.0 percent of high schools provided physical education at least 3 days per week, or the equivalent thereof, for the entire school year for students in all grades in the school;

Whereas research shows that fit and active children are more likely to thrive academically;

Whereas increased time in physical education classes can improve children's attention and concentration and result in higher test scores;

Whereas participation in sports teams and physical activity clubs, which are often organized by schools and run outside the regular school day, can improve students' grade point averages, attachment to schools, educational aspirations, and the likelihood of graduating;

Whereas participation in sports and other physical activities also improves self-esteem and body image in children and adults;

Whereas children and youth who take part in physical activity and sports programs develop improved motor skills, healthy lifestyles, improved social skills, a sense of fair play, strong teamwork skills, and self-discipline and avoid risky behaviors;

Whereas the social and environmental factors affecting children are in the control of the adults and the communities in which children live, and therefore the Nation shares a collective responsibility in reversing the childhood obesity trend;

Whereas efforts to improve the fitness level of children who are not physically fit may also result in improvements in academic performance; and

Whereas the House of Representatives strongly supports efforts to increase physical activity and participation of youth in sports: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''National Physical Education and Sport Week'';

(2) recognizes the central role of physical education and sports in creating healthy lifestyles for all children and youth;

(3) encourages school districts to implement local wellness policies, as described in section 204 of the Child Nutrition and WIC Reauthorization Act of 2004 (42 U.S.C. 1751 note), that include ambitious goals for physical education, physical activity, and other activities addressing the childhood obesity epidemic and promoting child wellness; and

(4) encourages schools to offer physical education classes to students and to work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer months for all children and youth.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, recognized Mr. PAYNE and Mrs. MCMORRIS RODGERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PAYNE objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, June 24, 2010.

The point of no quorum was considered as withdrawn.

¶79.11 H.R. 5551—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5551) to require the Secretary of the Treasury to make a certification when making purchases under the Small Business Lending Fund Program; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 0

¶79.12 [Roll No. 379]

YEAS—411

Ackerman	Broun (GA)	Crowley
Aderholt	Brown, Corrine	Cuellar
Adler (NJ)	Brown-Waite, Ginny	Culberson
Akin	Buchanan	Cummings
Alexander	Burgess	Dahlkemper
Altmire	Burton (IN)	Davis (CA)
Andrews	Butterfield	Davis (IL)
Arcuri	Calvert	Davis (KY)
Austria	Camp	Davis (TN)
Baca	Campbell	DeFazio
Bachmann	Cantor	DeGette
Bachus	Cao	Delahunt
Baird	Capito	DeLauro
Baldwin	Capps	Dent
Barrow	Capuano	Deutch
Bartlett	Cardoza	Diaz-Balart, L.
Barton (TX)	Carnahan	Diaz-Balart, M.
Bean	Carney	Dicks
Becerra	Carson (IN)	Dingell
Berkley	Carter	Djou
Berman	Cassidy	Doggett
Berry	Castle	Donnelly (IN)
Biggert	Castor (FL)	Doyle
Bilbray	Chaffetz	Dreier
Bilirakis	Chandler	Driehaus
Bishop (GA)	Childers	Duncan
Bishop (NY)	Chu	Edwards (MD)
Bishop (UT)	Clarke	Edwards (TX)
Blackburn	Clay	Ehlers
Blumenauer	Cleaver	Ellison
Blunt	Clyburn	Ellsworth
Boccieri	Coble	Emerson
Boehner	Coffman (CO)	Engel
Bonner	Cohen	Eshoo
Bono Mack	Cole	Etheridge
Boozman	Conaway	Farr
Boren	Connolly (VA)	Fattah
Boswell	Conyers	Filner
Boucher	Cooper	Flake
Boustany	Costa	Fleming
Boyd	Costello	Forbes
Brady (PA)	Courtney	Fortenberry
Brady (TX)	Crenshaw	Foster
Braley (IA)	Critz	Foxx
Bright	Crowley	Frank (MA)
Franks (AZ)	Lucas	Rogers (KY)
Frelinghuysen	Luetkemeyer	Rogers (MI)
Fudge	Luján	Rohrabacher
Gallegly	Lummis	Rooney
Garrett (NJ)	Lungren, Daniel E.	Ros-Lehtinen
Gerlach	Lynch	Ross
Giffords	Mack	Rothman (NJ)
Gingrey (GA)	Maffei	Roybal-Allard
Gohmert	Maloney	Royce
Gonzalez	Manzullo	Ruppersberger
Goodlatte	Marchant	Ryan (OH)
Gordon (TN)	Markey (CO)	Ryan (WI)
Granger	Markey (MA)	Salazar
Graves (GA)	Marshall	Sánchez, Linda T.
Graves (MO)	Matsui	Sanchez, Loretta
Grayson	McCarthy (CA)	Sarbanes
Green, Al	McCarthy (NY)	Scalise
Green, Gene	McCaul	Schakowsky
Grijalva	McClintock	Schauer
Guthrie	McCollum	Schiff
Gutierrez	McCotter	Schmidt
Hall (NY)	McDermott	Schock
Hall (TX)	McGovern	Schrader
Halvorson	McHenry	Schwartz
Hare	McIntyre	Scott (GA)
Harman	McKeon	Scott (VA)
Harper	McMahon	Sensenbrenner
Hastings (FL)	McMorris Rodgers	Serrano
Hastings (WA)	McNerney	Sessions
Heinrich	Meek (FL)	Sestak
Heller	Melancon	Shadegg
Hensarling	Mica	Shea-Porter
Herger	Michaud	Sherman
Herseth Sandlin	Miller (FL)	Shimkus
Higgins	Miller (MI)	Shuler
Himes	Miller (NC)	Shuster
Hinchey	Miller, Gary	Simpson
Hinojosa	Miller, George	Sires
Hirono	Minnick	Skelton
Holden	Mitchell	Slaughter
Holt	Mollohan	Smith (NE)
Honda	Moore (KS)	Smith (NJ)
Hoyer	Moore (WI)	Smith (TX)
Hunter	Moran (KS)	Smith (WA)
Inslee	Moran (VA)	Snyder
Israel	Murphy (CT)	Space
Issa	Murphy (NY)	Speier
Jackson (IL)	Murphy, Patrick	Spratt
Jackson Lee (TX)	Murphy, Tim	Stark
Jenkins	Myrick	Stearns
Johnson (GA)	Nadler (NY)	Stupak
Johnson (IL)	Napolitano	Sullivan
Johnson, E. B.	Neal (MA)	Sutton
Johnson, Sam	Neugebauer	Tanner
Jones	Nunes	Taylor
Jordan (OH)	Nye	Teague
Kagen	Oberstar	Terry
Kanjorski	Obey	Thompson (CA)
Kaptur	Olson	Thompson (MS)
Kennedy	Olver	Thompson (PA)
Kildee	Ortiz	Thornberry
Kilpatrick (MI)	Owens	Tiahrt
Kilroy	Pallone	Tiberi
Kind	Pascrell	Tierney
King (IA)	Pastor (AZ)	Titus
King (NY)	Paul	Tonko
Kingston	Paulsen	Towns
Kirkpatrick (AZ)	Payne	Tsongas
Kissell	Pence	Turner
Klein (FL)	Perlmutter	Upton
Kline (MN)	Perriello	Van Hollen
Kosmas	Peters	Velázquez
Kratovil	Peterson	Visclosky
Kucinich	Petri	Walden
Lamborn	Pingree (ME)	Walz
Lance	Pitts	Wasserman Schultz
Langevin	Poe (TX)	Waters
Larsen (WA)	Polis (CO)	Watson
Larson (CT)	Pomeroy	Watt
Latham	Posey	Waxman
LaTourette	Price (NC)	Weiner
Latta	Quigley	Welch
Lee (CA)	Radanovich	Westmoreland
Lee (NY)	Rahall	Whitfield
Levin	Rangel	Wilson (OH)
Lewis (CA)	Rehberg	Wilson (SC)
Lewis (GA)	Reichert	Wittman
Linder	Reyes	Wolf
Lipinski	Richardson	Woolsey
LoBiondo	Rodriguez	Wu
Loebsack	Roe (TN)	Yarmuth
Lofgren, Zoe	Rogers (AL)	Young (AK)
Lowey		

NOT VOTING—21

Barrett (SC)	Fallin	Hodes
Brown (SC)	Garamendi	Hoekstra
Buyer	Griffith	Inglis
Davis (AL)	Hill	Kirk
Matheson	Price (GA)	Rush
Meeks (NY)	Putnam	Wamp
Platts	Roskam	Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.13 H. RES. 1434—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1434) recognizing National Homeownership Month and the importance of homeownership in the United States.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 / Nays 6

¶79.14 [Roll No. 380]

YEAS—405

Ackerman	Capito	Doyle
Aderholt	Capps	Dreier
Adler (NJ)	Capuano	Driehaus
Akin	Cardoza	Duncan
Alexander	Carnahan	Edwards (MD)
Altmire	Carney	Edwards (TX)
Andrews	Carson (IN)	Ehlers
Arcuri	Carter	Ellison
Austria	Cassidy	Ellsworth
Baca	Castle	Emerson
Bachmann	Castor (FL)	Engel
Bachus	Chaffetz	Eshoo
Baldwin	Chandler	Etheridge
Barrow	Childers	Farr
Bartlett	Chu	Fattah
Barton (TX)	Clarke	Filner
Bean	Clay	Fleming
Becerra	Cleaver	Forbes
Berkley	Clyburn	Fortenberry
Berman	Coble	Foster
Berry	Coffman (CO)	Foxx
Biggert	Cohen	Frank (MA)
Bilbray	Cole	Franks (AZ)
Bilirakis	Conaway	Frelinghuysen
Bishop (GA)	Connolly (VA)	Fudge
Bishop (NY)	Conyers	Gallegly
Bishop (UT)	Cooper	Garrett (NJ)
Blackburn	Costa	Gerlach
Blumenauer	Costello	Giffords
Blunt	Courtney	Gingrey (GA)
Boccieri	Crenshaw	Gohmert
Boehner	Critz	Gonzalez
Bonner	Crowley	Goodlatte
Bono Mack	Cuellar	Gordon (TN)
Boozman	Culberson	Granger
Boren	Cummings	Graves (MO)
Boswell	Dahlkemper	Grayson
Boucher	Davis (CA)	Green, Al
Boustany	Davis (IL)	Green, Gene
Boyd	Davis (KY)	Grijalva
Brady (PA)	Davis (TN)	Guthrie
Brady (TX)	DeFazio	Gutierrez
Braley (IA)	DeGette	Hall (NY)
Bright	Delahunt	Hall (TX)
Brown, Corrine	DeLauro	Halvorson
Buchanan	Dent	Hare
Burgess	Deutch	Harman
Burton (IN)	Diaz-Balart, L.	Harper
Butterfield	Diaz-Balart, M.	Hastings (FL)
Calvert	Dicks	Hastings (WA)
Camp	Dingell	Heinrich
Campbell	Djou	Heller
Cantor	Doggett	Hensarling
Cao	Donnelly (IN)	Herger

Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—6

Broun (GA)
Brown-Waite, Ginny
Flake
Graves (GA)
McClintock
Paul

NOT VOTING—21

Baird
Barrett (SC)
Brown (SC)
Buyer
Davis (AL)
Fallin
Garamendi
Griffith
Hill
Hodes
Hoekstra
Inglis
Johnson (GA)
Kirk
Matheson
McCarthy (CA)
Platts
Putnam
Schiff
Wamp
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶79.15 H. RES. 1369—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1369) recognizing the significance of National Caribbean-American Heritage Month.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of those present had voted in the affirmative.

Ms. MATSUI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 / Nays 0

¶79.16 [Roll No. 381]

YEAS—410

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—22

Baird
Barrett (SC)
Brown (SC)
Buyer
Davis (AL)
Dicks
Fallin
Griffith
Hodes
Hoekstra
Inglis
Kirk
Matheson
McCarthy (CA)
Olson
Olver
Platts
Putnam
Schiff
Tiahrt
Wamp
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶79.17 CALLING CARD CONSUMER PROTECTION

Ms. MATSUI moved to suspend the rules and pass the bill (H.R. 3993) to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services; as amended.

The SPEAKER pro tempore, Ms. McCOLLUM, recognized Ms. MATSUI and Mr. WHITFIELD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Ms. MATSUI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. McCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶79.18 COMPOSITE WOOD PRODUCTS

Ms. MATSUI moved to suspend the rules and pass the bill of the Senate (S. 1660) to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

The SPEAKER pro tempore, Ms. McCOLLUM, recognized Ms. MATSUI and Mr. RADANOVICH, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶79.19 WORLD REFUGEE DAY

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1350); as amended:

Whereas World Refugee Day was first observed on June 20, 2001;

Whereas tens of thousands of people around the world take time to recognize the challenges and applaud the contributions of forcibly displaced persons throughout the world;

Whereas the annual commemoration of World Refugee Day is marked by a variety of events in more than 100 countries, involving government officials, humanitarian workers and volunteers, celebrities, and the forcibly displaced;

Whereas refugees are people who have been forced to flee their countries due to a well-founded fear of persecution based on their political opinions, religious beliefs, race, nationality, or membership in a particular social group;

Whereas internally displaced persons are those who have fled their homes or been uprooted but remain within the borders of their country;

Whereas of the 42,000,000 displaced persons worldwide, the United Nations Refugee Agency assists over 25,000,000, including 10,000,000 refugees and more than 14,000,000 internally displaced persons;

Whereas these vulnerable individuals rely on the United States, other governments, the United Nations, and numerous nongovernmental relief agencies for the protection of their basic human rights;

Whereas Somali refugees have lived in camps in Kenya since the early 1990s;

Whereas Burmese refugees have lived in camps inside Thailand since the mid-1980s;

Whereas decades of violence in Afghanistan have produced almost 3,000,000 refugees;

Whereas decades of violence caused by extremist groups forced up to 400,000 Colombians to seek refuge in other countries and produced 3,000,000 internally displaced persons within Colombia;

Whereas more than 4,000,000 Iraqis are displaced within their country and in the region, including Chaldeans and other minorities;

Whereas more than 2,000,000 people have been displaced by conflict in the Democratic Republic of the Congo;

Whereas ongoing conflict and violence in Sudan have forced more than 1,000,000 people to become internally displaced within Sudan and another 250,000 to flee to Chad;

Whereas some 150,000 Sudanese have sought protection in other countries around the world;

Whereas North Korean refugees inside China face trafficking, sexual exploitation, and forcible repatriation back to North Korea where they are tortured, imprisoned, and severely punished;

Whereas 2010 marks the 30th anniversary of the Refugee Act of 1980, the cornerstone of the United States' system of refugee protection and assistance;

Whereas the United States continues to be the single largest refugee resettlement country in the world; and

Whereas the United States is the largest single donor to the Office of the United Nations High Commissioner for Refugees: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms the commitment of the United States to promote the safety, health, and well-being of the millions of refugees who flee war, famine, persecution, and torture in search of peace, nourishment, hope, and freedom;

(2) calls on the Department of State to continue to support the efforts of the United Nations High Commissioner for Refugees and to advance the work of nongovernmental organizations, especially those that also have expertise in resettlement, to protect refugees;

(3) calls on the United States Government to continue its international leadership role in response to those who have been displaced, including the most vulnerable populations who endure sexual violence, human trafficking, forced conscription, genocide, and exploitation;

(4) commends those who have risked their lives working individually and for the multitude of nongovernmental organizations, along with the United Nations High Commissioner for Refugees, who have provided life-saving assistance and helped protect those displaced by conflict around the world; and

(5) reaffirms the goals of World Refugee Day and reiterates the strong commitment to protect the millions of refugees who live without material, social, or legal protections.

The SPEAKER pro tempore, Ms. McCOLLUM, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶79.20 60TH ANNIVERSARY OF KOREAN WAR

Ms. WATSON moved to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 32) recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

The SPEAKER pro tempore, Ms. McCOLLUM, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Ms. McCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶79.21 50TH ANNIVERSARY JAPAN TREATY

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1464):

Whereas January 19, 2010, marked the 50th anniversary of the signing of the United States-Japan Treaty of Mutual Cooperation and Security which has played an indispensable role in ensuring the security and prosperity of both the United States and Japan, as well as in promoting regional peace and stability;

Whereas the United States-Japan Treaty of Mutual Cooperation and Security, a cornerstone of United States security interests in the Asia-Pacific region in general and of the United States-Japan alliance, specifically, entered into force on June 23, 1960;

Whereas the robust forward presence of the United States Armed Forces in Japan, including in Okinawa, provides the deterrence and capabilities necessary for the defense of Japan and for the maintenance of Asia-Pacific peace, prosperity, and regional stability;

Whereas the United States-Japan alliance has allowed the United States and Japan to become the world's two largest economies, with Japan occupying the position of the United States fourth-largest trading partner;

Whereas the United States-Japan alliance has encouraged Japan to play a larger role on the world stage and make important contributions to stability around the world;

Whereas the United States-Japan alliance is based upon shared values, democratic ideals, free markets, and a mutual respect for human rights, individual liberties, and the rule of law;

Whereas the hosting by Japan of approximately 36,000 members of the United States Armed Forces has been a source of stability for both Japan and the Asia-Pacific region;

Whereas, on May 1, 2006, the United States-Japan Roadmap for Realignment Implementation (hereinafter referred to as ''the Roadmap'') was approved in which Japan agreed to provide $6,090,000,000 including $2,800,000,000 in direct cash contributions, for projects to develop facilities and infrastructure on Guam for the relocation of approximately 8,000 III Marine Expeditionary Force (MEF) personnel and their approximately 9,000 dependents from Okinawa to Guam;

Whereas the Roadmap will lead to a new phase in alliance cooperation and reduce the burden on local communities, especially those on Okinawa, thereby providing the basis for enhanced public support for the United States-Japan alliance;

Whereas the Guam International Agreement, signed by Secretary of State Hillary Rodham Clinton and then-Japanese Foreign Minister Hirofumi Nakasone on February 17, 2009, reinforces the May 2006 Roadmap to realign the United States Armed Forces in Japan and strengthen the alliance;

Whereas, on May 28, 2010, the United States-Japan Security Consultative Committee (SCC) reconfirmed its commitment to the 2006 Roadmap and the February 17, 2009, Guam International Agreement for the realignment of the United States Armed Forces in Japan;

Whereas the United States-Japan security arrangements underpin cooperation on a wide range of global and regional issues as well as foster prosperity in the Asia-Pacific region;

Whereas Japan has contributed significantly to the stabilization of South Asia with a pledge in November 2009 to provide $5,000,000,000 in economic assistance to Afghanistan over the next 5 years, becoming the second largest international contributor to Afghanistan, and with a pledge in April 2009 to provide $1,000,000,000 to Pakistan over the next 2 years;

Whereas in 2010, Japan's Maritime Self Defense Force is sending a ship to Vietnam and Cambodia from May until July to participate in the United States Navy's Pacific Partnership, an annual medical aid mission aimed at enhancing Asia-Pacific countries' capabilities in disaster relief, extending medical support, and carrying out cultural exchanges;

Whereas the Government of Japan provided rapid and selfless humanitarian aid to the Republic of Haiti, including sending a Japan Self Defense Force unit to carry out disaster relief activities, specifically medical activities, with regard to the earthquake of January 2010;

Whereas North Korea's escalating missile and nuclear programs present a direct and imminent threat to Japan, including long-range missiles fired over northern Japan on August 31, 1998, and April 5, 2009;

Whereas Japan has been a staunch ally in United States diplomatic efforts to denuclearize North Korea, having moved forward United Nations Security Council Resolution 1718 during Japan's Presidency of the United Nations Security Council in October 2006; and

Whereas North Korea's abduction of innocent Japanese civilians during the 1970s and 1980s represents a continuing tragedy for the victims and their family members and must remain a major human rights concern of the United States Government: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Japan as an indispensable security partner of the United States in providing peace, prosperity, and stability to the Asia-Pacific region;

(2) recognizes that the broad support and understanding of the Japanese people are indispensable for the stationing of the United States Armed Forces in Japan, the core element of the United States-Japan security arrangements that protect both Japan and the Asia-Pacific region from external threats and instability;

(3) expresses its appreciation to the people of Japan, and especially on Okinawa, for their continued hosting of the United States Armed Forces;

(4) encourages Japan to continue its international engagement in humanitarian, development, and environmental issues; and

(5) anticipates another 50 years of unshakeable friendship and deepening cooperation under the auspices of the United States-Japan Treaty of Mutual Cooperation and Security.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WATSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, June 24, 2010.

The point of no quorum was considered as withdrawn.

¶79.22 FRIENDSHIP AND ALLIANCE WITH COLOMBIA

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1465):

Whereas nearly 15,000,000 Colombians participated in the first round of Colombia's presidential elections on May 30, 2010;

Whereas no candidate received an outright majority of the vote, thereby requiring a runoff election between Juan Manuel Santos and Antanas Mockus, the two candidates with the highest vote totals;

Whereas Juan Manuel Santos, of the National Unity Party, received 46.7 percent of the votes and Antanas Mockus, of the Green Party, received 21.5 percent of the votes;

Whereas in the second round on June 20, 2010, Juan Manuel Santos received 69 percent of the votes and was thereby declared President-elect of Colombia;

Whereas Colombia has overcome tremendous challenges to build their democracy; and

Whereas Colombia remains a vital ally and friend of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms the longstanding friendship and alliance between the United States and Colombia;

(2) recognizes Colombia's commitment to the democratic process as demonstrated by the free and fair nature of these multiparty, internationally recognized elections; and

(3) congratulates President-elect Juan Manuel Santos on his recent victory in Colombia's June 20, 2010, presidential election.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶79.23 ISRAELI SOLDIER GILAD SHALIT

Mr. ACKERMAN moved to suspend the rules and agree to the following resolution (H. Res. 1359); as amended:

Whereas Congress previously expressed its concern for missing Israeli soldiers in Public Law 106–89 (113 Stat. 1305; November 8, 1999), which required the Secretary of State to raise the status of missing Israeli soldiers with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas the House of Representatives passed H. Res. 107 on March 13, 2007, regarding Gilad Shalit and other Israeli soldiers attacked and captured by terrorists;

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas on June 25, 2006, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, the Foreign Terrorist Organization Hamas, together with allied terrorists, crossed into Israel to attack a military post, killing two soldiers and wounding and kidnapping a third, Gilad Shalit, in a blatantly extortionate effort to coerce the Government of Israel;

Whereas Hamas, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, has prevented access to Gilad Shalit by competent medical personnel and representatives of the International Committee of the Red Cross;

Whereas Hamas, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, has failed to provide Gilad Shalit the humane treatment to which all captives are entitled as a fundamental human right;

Whereas Hamas, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, has refused to provide Gilad Shalit with regular

contact with his family or any other party, or to allow his family to know where he is being held;

Whereas Hamas, contrary to international humanitarian standards and the most basic standards of humanitarian conduct, has compelled Gilad Shalit to appear in video and voice recordings intended to extort and coerce the Government of Israel;

Whereas Hamas, contrary to the most basic standards of humanitarian conduct, has staged plays and produced cartoons and animated movies that have mocked Shalit, his captivity, and his family, and have promised further kidnappings of Israeli soldiers; and

Whereas Gilad Shalit has been held in captivity by Hamas for almost 4 years: Now, therefore, be it

Resolved, That the House of Representatives—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit; and

(B) Hamas accede to international humanitarian standards and the most basic standards of humanitarian conduct by—

(i) allowing prompt access to Gilad Shalit by competent medical personnel and representatives of the International Committee of the Red Cross;

(ii) providing Gilad Shalit the humane treatment all captives are entitled to as a fundamental human right;

(iii) facilitating regular communication by Gilad Shalit with his family and allowing his family to know where he is being held; and

(iv) ceasing to compel Gilad Shalit to appear in video and voice recordings intended to extort and coerce the Government of Israel;

(2) expresses—

(A) its vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state within recognized and secure borders;

(B) its strong support and deep interest in achieving a resolution of the Israeli-Palestinian conflict through the creation of a democratic, viable, and independent Palestinian state living in peace alongside of the State of Israel;

(C) its ongoing concern and sympathy for the family of Gilad Shalit and the families of all other missing Israeli soldiers; and

(D) its full commitment to continue to seek the immediate and unconditional release of Gilad Shalit and other missing Israeli soldiers;

(3) recalls—

(A) the barbaric attack on and kidnapping of the bodies of Ehud Goldwasser and Eldad Regev on July 12, 2006, by the Iran-supported terrorist group Hezbollah; and

(B) the missing Israeli soldiers Zecharya Baumel, Zvi Feldman, and Yehuda Katz, missing since June 11, 1982, Ron Arad, who was captured on October 16, 1986, Guy Hever, last seen on August 17, 1997, and Majdy Halabi, last seen on May 24, 2005; and

(4) condemns—

(A) Hamas for the grossly immoral cross-border attack and kidnapping of Gilad Shalit; and

(B) Iran and Syria, the primary state sponsors and patrons of Hamas, for their ongoing support for international terrorism.

The SPEAKER pro tempore, Ms. MCCOLLUM, recognized Mr. ACKERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ACKERMAN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, June 24, 2010.

The point of no quorum was considered as withdrawn.

¶79.24 IRANIAN ELECTIONS

Mr. COSTA moved to suspend the rules and agree to the following resolution (H. Res. 1457):

Whereas Iran's authoritarian system of government violates numerous international norms and principles of democratic governance;

Whereas June 12, 2009, was the date scheduled for Iranian presidential elections, in which only candidates approved by the Government of Iran's Guardian Council were allowed to compete;

Whereas the ensuing announcement by Iranian authorities of an ''overwhelming victory'' for Mahmoud Ahmadinejad was made suspiciously early;

Whereas reported vote counts in the June 12, 2009, election were inconsistent with Iranian demographics and political trends, including provinces in which more votes were allegedly cast than the number of registered voters and vote counts that indicated unusual pro-Ahmadinejad voting patterns by traditionally anti-Ahmadinejad constituencies;

Whereas the Government of Iran's unrealistic vote count and fraudulent announcement of election results prompted millions of Iranians to rush into the streets in protest and prompted unprecedented public criticism by Iranians of the authoritarian rulers of the Government of Iran;

Whereas the Government of Iran, Iranian riot police, members of the Revolutionary Guard Corps, and Basij militias engaged in a brutal crackdown on the Iranian people in the aftermath of the disputed presidential election of June 12, 2009, killing, injuring, or imprisoning many Iranians, stifling freedom of speech, press, and assembly and violating fundamental human rights;

Whereas, on June 19, 2009, the House of Representatives overwhelmingly adopted H. Res. 560 which ''(1) expresses its support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law; (2) condemns the ongoing violence against demonstrators by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cellphones; and (3) affirms the universality of individual rights and the importance of democratic and fair elections'';

Whereas, on June 23, 2009, President Barack Obama denounced the Government of Iran's crackdown on the Iranian people, stating that ''The United States and the international community have been appalled and outraged by the threats, the beatings and imprisonments of the last few days'', that ''I strongly condemn these unjust actions, and I join with the American people in mourning each and every innocent life that is lost'', and that the United States must ''bear witness to the courage and dignity of the Iranian people, and to a remarkable opening within Iranian society'';

Whereas, on December 27, 2009, the Shiite Muslim holiday of Ashura was observed and at least eight Iranian civilians were killed and hundreds arrested in confrontations with the Iranian authorities;

Whereas the Government of Iran is violating its international and constitutional obligations to respect the human rights and fundamental freedoms of its citizens by—

(1) using arbitrary or unlawful killings, beatings, rape, torture, and cruel, inhuman, or degrading treatment or punishment, including flogging and amputations;

(2) carrying out an increasingly high rate of executions in the absence of internationally recognized safeguards, including public executions and executions of juvenile offenders;

(3) using stoning as a method of execution and maintaining a high number of persons in prison who continue to face sentences of execution by stoning;

(4) carrying out arrests, violent repression, and sentencing of women exercising their right to peaceful assembly, a campaign of intimidation against women defenders of human rights, and continuing discrimination against women and girls;

(5) permitting or carrying out increasing discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic, or other minority communities;

(6) imposing ongoing, systematic, and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including the continuing closures of media outlets, arrests of journalists, the censorship of expression and of the press in newspapers and online forums such as blogs and websites, as well as blockage or disruption of Internet-based communications and of mobile phone and text messaging networks; and

(7) imposing severe limitations and restrictions on freedom of religion and belief by carrying out arbitrary arrests, indefinite detentions, and lengthy jail sentences for those exercising their rights to freedom of religion or belief and by proposing a mandatory death sentence for apostasy, the abandoning of one's faith;

Whereas according to the Department of State's Country Reports on Human Rights Practices for 2009, Iran's ''poor human rights record degenerated during the year . . . the government severely limited citizens' right to change their government peacefully through free and fair elections . . . authorities held political prisoners and intensified a crackdown against women's rights reformers, ethnic minority rights activists, student activists, and religious minorities'';

Whereas hundreds of political prisoners remain imprisoned by the Government of Iran;

Whereas Ahmad Jannati, who heads the Government of Iran's powerful Guardian Council, has called for the execution of more dissidents and protestors, and a senior official of the Iranian ''judiciary'' has stated that the Government of Iran will soon execute further dissidents;

Whereas thousands of Iranian citizens have continued to peacefully and courageously assemble and protest against the Government of Iran's denial of human rights and democracy to the people of Iran;

Whereas article 21 of the Universal Declaration of Human Rights recognizes that ''(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives; (2) Everyone has the right of equal access to public service in his country; (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures'';

Whereas the United States supports the right of the citizens of Iran to freedom and

democratic governance, including the right to select their political leaders in free, democratic, and independent elections;

Whereas the Government of Iran is pursuing a nuclear weapons capability which, if obtained, would usher in a dangerous new era of instability in the Gulf and the Middle East, and allow the Government of Iran to act with impunity in the face of international pressure to cease its dangerous international behavior and its horrific human rights abuses;

Whereas Iran continues to enrich uranium and carry out other nuclear activities in violation of United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010);

Whereas Iran has failed to cooperate with International Atomic Energy Agency inspectors looking into the possible military nature of the Iranian nuclear program, including by denying inspectors access to facilities, people, and documents; and

Whereas according to the Department of State's Country Reports on Terrorism, Iran remains ''the most active state sponsor of terrorism'', continues to provide arms, financing, training, and other support to Hamas, Hezbollah, and other groups designated by the United States as foreign terrorist organizations, in addition to providing lethal support to violent militants in Iraq and Afghanistan: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its support for all Iranian citizens who courageously struggle for freedom, human rights, civil liberties, and the protection of the rule of law;

(2) condemns the ongoing violence and human rights abuses against the people of Iran by the Government of Iran and pro-government militias, as well as the ongoing government suppression of independent electronic communication through interference with the Internet and cell phones;

(3) condemns the Government of Iran's continued pursuit of a nuclear weapons capability and unconventional weapons and ballistic missile capabilities, and its use of its nuclear program to distract attention from its horrific abuses of the human rights of the Iranian people;

(4) urges the immediate release of all political prisoners detained by the Government of Iran and the immediate end of all harassment and violence against the people of Iran by the Government of Iran and pro-government militias;

(5) reaffirms the universality of individual human and political rights; and

(6) calls for freedom and democracy for the people of Iran, including fair, democratic, and independent elections in Iran.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. COSTA and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COSTA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, June 24, 2010.

The point of no quorum was considered as withdrawn.

¶79.25 DEEPWATER HORIZON OIL SPILL

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 5481) to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling; as amended.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. RAHALL and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RAHALL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶79.26 DESIGNATION OF NATIONAL MONUMENTS

Mr. RAHALL, by direction of the Committee on Natural Resources, submitted a report (Rept. No. 111-510) to accompany (H. Res. 1406) directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the potential designation of National Monuments, for filing under the rule; referred to the House Calendar and ordered printed.

¶79.27 RECESS—3:25 P.M.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 25 minutes p.m., subject to the call of the Chair.

¶79.28 AFTER RECESS—4:17 P.M.

The SPEAKER pro tempore, Ms. RICHARDSON, called the House to order.

¶79.29 H.R. 5481—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5481) to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	420
	Nays	1
	Answered present	2

¶79.30 [Roll No. 382]

YEAS—420

Ackerman	Crowley	Holt
Aderholt	Cuellar	Honda
Adler (NJ)	Culberson	Hoyer
Akin	Cummings	Hunter
Alexander	Dahlkemper	Inglis
Altmire	Davis (AL)	Inslee
Andrews	Davis (CA)	Israel
Arcuri	Davis (IL)	Issa
Austria	Davis (KY)	Jackson (IL)
Baca	Davis (TN)	Jackson Lee (TX)
Bachmann	DeFazio	Jenkins
Bachus	DeGette	Johnson (GA)
Baird	DeLauro	Johnson (IL)
Baldwin	Dent	Johnson, E. B.
Barrow	Deutch	Johnson, Sam
Bartlett	Diaz-Balart, L.	Jones
Barton (TX)	Diaz-Balart, M.	Jordan (OH)
Bean	Dicks	Kagen
Becerra	Dingell	Kanjorski
Berkley	Djou	Kaptur
Berman	Doggett	Kennedy
Berry	Donnelly (IN)	Kildee
Biggert	Doyle	Kilpatrick (MI)
Bilbray	Dreier	Kilroy
Bilirakis	Driehaus	Kind
Bishop (GA)	Duncan	King (IA)
Bishop (NY)	Edwards (MD)	King (NY)
Bishop (UT)	Edwards (TX)	Kingston
Blackburn	Ehlers	Kirkpatrick (AZ)
Blumenauer	Ellison	Kissell
Blunt	Ellsworth	Klein (FL)
Boccieri	Emerson	Kline (MN)
Boehner	Engel	Kosmas
Bonner	Eshoo	Kratovil
Bono Mack	Etheridge	Kucinich
Boozman	Fallin	Lamborn
Boren	Farr	Lance
Boswell	Fattah	Langevin
Boucher	Filner	Larsen (WA)
Boustany	Flake	Larson (CT)
Boyd	Fleming	Latham
Brady (PA)	Forbes	LaTourette
Brady (TX)	Fortenberry	Latta
Braley (IA)	Foster	Lee (CA)
Bright	Foxx	Lee (NY)
Broun (GA)	Frank (MA)	Levin
Brown, Corrine	Franks (AZ)	Lewis (CA)
Brown-Waite, Ginny	Frelinghuysen	Lewis (GA)
Buchanan	Fudge	Linder
Burgess	Gallegly	Lipinski
Burton (IN)	Garamendi	LoBiondo
Butterfield	Garrett (NJ)	Loebsack
Buyer	Gerlach	Lofgren, Zoe
Calvert	Giffords	Lowey
Camp	Gingrey (GA)	Lucas
Campbell	Gohmert	Luetkemeyer
Cantor	Gonzalez	Luján
Cao	Goodlatte	Lummis
Capito	Gordon (TN)	Lungren, Daniel E.
Capps	Granger	Lynch
Capuano	Graves (GA)	Mack
Cardoza	Graves (MO)	Maffei
Carnahan	Grayson	Maloney
Carney	Green, Al	Manzullo
Carson (IN)	Green, Gene	Marchant
Carter	Griffith	Markey (CO)
Cassidy	Grijalva	Markey (MA)
Castle	Guthrie	Marshall
Castor (FL)	Gutierrez	Matheson
Chaffetz	Hall (NY)	Matsui
Chandler	Hall (TX)	McCarthy (CA)
Childers	Halvorson	McCarthy (NY)
Chu	Hare	McCaul
Clarke	Harman	McClintock
Clay	Harper	McCollum
Cleaver	Hastings (FL)	McCotter
Clyburn	Hastings (WA)	McDermott
Coble	Heinrich	McGovern
Coffman (CO)	Heller	McHenry
Cohen	Hensarling	McIntyre
Cole	Herger	McKeon
Conaway	Herseth Sandlin	McMahon
Connolly (VA)	Higgins	McMorris Rodgers
Conyers	Hill	McNerney
Cooper	Himes	Meek (FL)
Costa	Hinchey	Meeks (NY)
Costello	Hinojosa	Melancon
Courtney	Hirono	Mica
Crenshaw	Hodes	
Critz	Hoekstra	
	Holden	

Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED ''PRESENT''—2

Miller, Gary
Nunes

NOT VOTING—9

Barrett (SC)
Brown (SC)
Delahunt
Kirk
Platts
Sestak
Smith (NJ)
Visclosky
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.31 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE THOMAS LUDLOW ASHLEY

The SPEAKER pro tempore, Ms. RICHARDSON, announced that all Members stand and observe a moment of silence in memory of the late Honorable Thomas Ludlow Ashley.

¶79.32 H.R. 3993—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3993) to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 381 / Nays 41

¶79.33 [Roll No. 383]

YEAS—381

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Gordon (TN)
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—41

Akin
Bishop (UT)
Broun (GA)
Burgess
Campbell
Cantor
Chaffetz
Coble
Conaway
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Goodlatte
Graves (GA)
Hensarling
Herger
Issa
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kingston
Lamborn
Mack
Marchant
McClintock
Miller (FL)
Neugebauer
Nunes
Paul
Petri
Poe (TX)
Price (GA)
Rohrabacher
Rooney
Royce
Schock
Sensenbrenner
Shadegg
Westmoreland
Young (AK)

NOT VOTING—10

Barrett (SC)
Brown (SC)
Castor (FL)
Delahunt
Kennedy
Langevin
Platts
Sestak
Visclosky
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.34 H. RES. 1388—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1388) supporting the goals and ideals of National Hurricane Preparedness Week.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 Nays 0

¶79.35 [Roll No. 384]

AYES—419

Ackerman	Coffman (CO)	Hall (NY)
Aderholt	Cohen	Hall (TX)
Adler (NJ)	Cole	Halvorson
Akin	Conaway	Hare
Alexander	Connolly (VA)	Harman
Altmire	Conyers	Harper
Andrews	Cooper	Hastings (FL)
Arcuri	Costa	Hastings (WA)
Austria	Costello	Heinrich
Baca	Courtney	Heller
Bachmann	Crenshaw	Hensarling
Bachus	Critz	Herger
Baird	Cuellar	Herseth Sandlin
Baldwin	Culberson	Higgins
Barrow	Cummings	Hill
Bartlett	Dahlkemper	Himes
Barton (TX)	Davis (AL)	Hinchey
Bean	Davis (CA)	Hinojosa
Becerra	Davis (IL)	Hirono
Berkley	Davis (KY)	Hodes
Berman	Davis (TN)	Hoekstra
Berry	DeFazio	Holden
Biggert	DeGette	Holt
Bilbray	DeLauro	Honda
Bilirakis	Dent	Hoyer
Bishop (GA)	Deutch	Hunter
Bishop (NY)	Diaz-Balart, L.	Inglis
Bishop (UT)	Diaz-Balart, M.	Inslee
Blackburn	Dicks	Israel
Blumenauer	Dingell	Issa
Blunt	Djou	Jackson (IL)
Boccieri	Doggett	Jackson Lee (TX)
Boehner	Donnelly (IN)	Jenkins
Bonner	Doyle	Johnson (GA)
Bono Mack	Dreier	Johnson (IL)
Boozman	Driehaus	Johnson, E. B.
Boren	Duncan	Johnson, Sam
Boswell	Edwards (MD)	Jones
Boucher	Edwards (TX)	Jordan (OH)
Boustany	Ellison	Kagen
Brady (PA)	Ellsworth	Kanjorski
Brady (TX)	Emerson	Kaptur
Braley (IA)	Engel	Kildee
Bright	Eshoo	Kilpatrick (MI)
Broun (GA)	Etheridge	Kilroy
Brown, Corrine	Fallin	Kind
Brown-Waite, Ginny	Farr	King (IA)
Buchanan	Fattah	King (NY)
Burgess	Filner	Kingston
Burton (IN)	Flake	Kirk
Butterfield	Fleming	Kirkpatrick (AZ)
Buyer	Forbes	Kissell
Calvert	Fortenberry	Klein (FL)
Camp	Foster	Kline (MN)
Campbell	Foxx	Kosmas
Cantor	Frank (MA)	Kratovil
Cao	Frelinghuysen	Kucinich
Capito	Fudge	Lamborn
Capps	Gallegly	Lance
Capuano	Garamendi	Langevin
Cardoza	Garrett (NJ)	Larsen (WA)
Carnahan	Gerlach	Larson (CT)
Carney	Giffords	Latham
Carson (IN)	Gingrey (GA)	LaTourette
Carter	Gohmert	Latta
Cassidy	Gonzalez	Lee (CA)
Castle	Goodlatte	Lee (NY)
Castor (FL)	Gordon (TN)	Levin
Chaffetz	Granger	Lewis (CA)
Chandler	Graves (GA)	Lewis (GA)
Childers	Graves (MO)	Linder
Chu	Grayson	Lipinski
Clarke	Green, Al	LoBiondo
Clay	Green, Gene	Loebsack
Cleaver	Griffith	Lofgren, Zoe
Clyburn	Grijalva	Lowey
Coble	Guthrie	Lucas
Coffman (CO)	Gutierrez	Luetkemeyer
Cohen	Hall (NY)	Luján
Cole	Hall (TX)	Lummis
Conaway	Halvorson	Lungren, Daniel E.
Connolly (VA)	Hare	Lynch
Conyers	Harman	Mack
Cooper	Harper	Maffei
Costa	Hastings (FL)	Maloney
Costello	Hastings (WA)	Manzullo
Courtney	Heinrich	Marchant
Crenshaw	Heller	Markey (CO)
Critz	Hensarling	Markey (MA)
Cuellar	Herger	Marshall
Culberson	Herseth Sandlin	Matheson
Cummings	Higgins	Matsui
Dahlkemper	Hill	McCarthy (CA)
Davis (AL)	Himes	McCarthy (NY)
Davis (CA)	Hinchey	McCaul
Davis (IL)	Hinojosa	McClintock
Davis (KY)	Hirono	McCollum
Davis (TN)	Hodes	McCotter
DeFazio	Hoekstra	McDermott
DeGette	Holden	McGovern
DeLauro	Holt	McHenry
Dent	Honda	McIntyre
Deutch	Hoyer	McKeon
Diaz-Balart, L.	Hunter	McMahon
Diaz-Balart, M.	Inglis	McMorris Rodgers
Dicks	Inslee	McNerney
Dingell	Israel	Meek (FL)
Djou	Issa	Meeks (NY)
Doggett	Jackson (IL)	Melancon
Donnelly (IN)	Jackson Lee (TX)	Mica
Doyle	Jenkins	Michaud
Dreier	Johnson (GA)	Miller (FL)
Driehaus	Johnson (IL)	Miller (MI)
Duncan	Johnson, E. B.	Miller (NC)
Edwards (MD)	Johnson, Sam	Miller, Gary
Edwards (TX)	Jones	Miller, George
Ellison	Jordan (OH)	Minnick
Ellsworth	Kagen	Mitchell
Emerson	Kanjorski	Mollohan
Engel	Kaptur	Moore (KS)
Eshoo	Kildee	Moore (WI)
Etheridge	Kilpatrick (MI)	Moran (KS)
Fallin	Kilroy	Moran (VA)
Farr	Kind	Murphy (CT)
Fattah	King (IA)	Murphy (NY)
Filner	King (NY)	Murphy, Patrick
Flake	Kingston	Murphy, Tim
Fleming	Kirk	Myrick
Forbes	Kirkpatrick (AZ)	Nadler (NY)
Fortenberry	Kissell	Napolitano
Foster	Klein (FL)	Neal (MA)
Foxx	Kline (MN)	Neugebauer
Frank (MA)	Kosmas	Nunes
Frelinghuysen	Kratovil	Nye
Fudge	Kucinich	Oberstar
Gallegly	Lamborn	Obey
Garamendi	Lance	Olson
Garrett (NJ)	Langevin	Olver
Gerlach	Larsen (WA)	Ortiz
Giffords	Larson (CT)	Owens
Gingrey (GA)	Latham	Pallone
Gohmert	LaTourette	Pascrell
Gonzalez	Latta	Pastor (AZ)
Goodlatte	Lee (CA)	Paul
Gordon (TN)	Lee (NY)	Paulsen
Granger	Levin	Payne
Graves (GA)	Lewis (CA)	Pence
Graves (MO)	Lewis (GA)	Perlmutter
Grayson	Linder	Perriello
Green, Al	Lipinski	Peters
Green, Gene	LoBiondo	Peterson
Griffith	Loebsack	Petri
Grijalva	Lofgren, Zoe	Pingree (ME)
Guthrie	Lowey	Pitts
Gutierrez	Lucas	Poe (TX)
Hall (NY)	Luetkemeyer	Polis (CO)
Hall (TX)	Luján	Pomeroy
Halvorson	Lummis	Posey
Hare	Lungren, Daniel E.	Price (GA)
Harman	Lynch	Price (NC)
Harper	Mack	Putnam
Hastings (FL)	Maffei	Quigley
Hastings (WA)	Maloney	Radanovich
Heinrich	Manzullo	Rahall
Heller	Marchant	Rangel
Hensarling	Markey (CO)	Rehberg
Herger	Markey (MA)	Reichert
Herseth Sandlin	Marshall	Reyes
Higgins	Matheson	Richardson
Hill	Matsui	Rodriguez
Himes	McCarthy (CA)	Roe (TN)
Hinchey	McCarthy (NY)	Rogers (AL)
Hinojosa	McCaul	Rogers (KY)
Hirono	McClintock	Rogers (MI)
Hodes	McCollum	Rohrabacher
Hoekstra	McCotter	Rooney
Holden	McDermott	Ros-Lehtinen
Holt	McGovern	Roskam
Honda	McHenry	Ross
Hoyer	McIntyre	Rothman (NJ)
Hunter	McKeon	Roybal-Allard
Inglis	McMahon	Royce
Inslee	McMorris Rodgers	Ruppersberger
Israel	McNerney	Rush
Issa	Meek (FL)	Ryan (OH)
Jackson (IL)	Meeks (NY)	Ryan (WI)
Jackson Lee (TX)	Melancon	Salazar
Jenkins	Mica	Sánchez, Linda T.
Johnson (GA)	Michaud	Sanchez, Loretta
Johnson (IL)	Miller (FL)	Sarbanes
Johnson, E. B.	Miller (MI)	Scalise
Johnson, Sam	Miller (NC)	Schakowsky
Jones	Miller, Gary	Schauer
Jordan (OH)	Miller, George	Schiff
Kagen	Minnick	Schmidt
Kanjorski	Mitchell	Schock
Kaptur	Mollohan	Schrader
Kildee	Moore (KS)	Schwartz
Kilpatrick (MI)	Moore (WI)	Scott (GA)
Kilroy	Moran (KS)	Scott (VA)
Kind	Moran (VA)	Sensenbrenner
King (IA)	Murphy (CT)	Serrano
King (NY)	Murphy (NY)	Sessions
Kingston	Murphy, Patrick	Shadegg
Kirk	Murphy, Tim	Shea-Porter
Kirkpatrick (AZ)	Myrick	Sherman
Kissell	Nadler (NY)	Shimkus
Klein (FL)	Napolitano	Shuler
Kline (MN)	Neal (MA)	Shuster
Kosmas	Neugebauer	Simpson
Kratovil	Nunes	Sires
Kucinich	Nye	Skelton
Lamborn	Oberstar	Slaughter
Lance	Obey	Smith (NE)
Langevin	Olson	Smith (NJ)
Larsen (WA)	Olver	Smith (TX)
Larson (CT)	Ortiz	Smith (WA)
Latham	Owens	Snyder
LaTourette	Pallone	Space
Latta	Pascrell	Speier
Lee (CA)	Pastor (AZ)	Spratt
Lee (NY)	Paul	Stark
Levin	Paulsen	Stearns
Lewis (CA)	Payne	Stupak
Lewis (GA)	Pence	Sullivan
Linder	Perlmutter	Sutton
Lipinski	Perriello	Tanner
LoBiondo	Peters	Taylor
Loebsack	Peterson	Teague
Lofgren, Zoe	Petri	Terry
Lowey	Pingree (ME)	Thompson (CA)
Lucas	Pitts	Thompson (MS)
Luetkemeyer	Poe (TX)	Thompson (PA)
Luján	Polis (CO)	Thornberry
Lummis	Pomeroy	Tiahrt
Lungren, Daniel E.	Posey	Tiberi
Lynch	Price (GA)	Tierney
Mack	Price (NC)	Titus
Maffei	Putnam	Tonko
Maloney	Quigley	Towns
Manzullo	Radanovich	Tsongas
Marchant	Rahall	Turner
Markey (CO)	Rangel	Upton
Markey (MA)	Rehberg	Van Hollen
Marshall	Reichert	Velázquez
Matheson	Reyes	Walden
Matsui	Richardson	Walz
McCarthy (CA)	Rodriguez	Wasserman Schultz
McCarthy (NY)	Roe (TN)	Waters
McCaul	Rogers (AL)	Watson
McClintock	Rogers (KY)	Watt
McCollum	Rogers (MI)	Waxman
McCotter	Rohrabacher	Weiner
McDermott	Rooney	Welch
McGovern	Ros-Lehtinen	Westmoreland
McHenry	Roskam	Whitfield
McIntyre	Ross	Wilson (OH)
McKeon	Rothman (NJ)	Wilson (SC)
McMahon	Roybal-Allard	Wittman
McMorris Rodgers	Royce	Wolf
McNerney	Ruppersberger	Wu
Meek (FL)	Rush	Yarmuth
Meeks (NY)	Ryan (OH)	Young (AK)
Melancon	Ryan (WI)	Young (FL)
Mica	Salazar	
Michaud	Sánchez, Linda T.	
Miller (FL)	Sanchez, Loretta	
Miller (MI)	Sarbanes	
Miller (NC)	Scalise	
Miller, Gary	Schakowsky	
Miller, George	Schauer	
Minnick	Schiff	
Mitchell	Schmidt	
Mollohan	Schock	
Moore (KS)	Schrader	
Moore (WI)	Schwartz	
Moran (KS)	Scott (GA)	
Moran (VA)	Scott (VA)	
Murphy (CT)	Sensenbrenner	
Murphy (NY)	Serrano	
Murphy, Patrick	Sessions	
Murphy, Tim	Shadegg	
Myrick	Shea-Porter	
Nadler (NY)	Sherman	
Napolitano	Shimkus	
Neal (MA)	Shuler	
Neugebauer	Shuster	
Nunes	Simpson	
Nye	Sires	
Oberstar	Skelton	
Obey	Slaughter	
Olson	Smith (NE)	
Olver	Smith (NJ)	
Ortiz	Smith (TX)	
Owens	Smith (WA)	
Pallone	Snyder	
Pascrell	Space	
Pastor (AZ)	Speier	
Paul	Spratt	
Paulsen	Stark	
Payne	Stearns	
Pence	Stupak	
Perlmutter	Sullivan	
Perriello	Sutton	
Peters	Tanner	
Peterson	Taylor	
Petri	Teague	
Pingree (ME)	Terry	
Pitts	Thompson (CA)	
Poe (TX)	Thompson (MS)	
Polis (CO)	Thompson (PA)	
Pomeroy	Thornberry	
Posey	Tiahrt	
Price (GA)	Tiberi	
Price (NC)	Tierney	
Putnam	Titus	
Quigley	Tonko	
Radanovich	Towns	
Rahall	Tsongas	
Rangel	Turner	
Rehberg	Upton	
Reichert	Van Hollen	
Reyes	Velázquez	
Richardson	Walden	
Rodriguez	Walz	
Roe (TN)	Wasserman Schultz	
Rogers (AL)	Waters	
Rogers (KY)	Watson	
Rogers (MI)	Watt	
Rohrabacher	Waxman	
Rooney	Weiner	
Ros-Lehtinen	Welch	
Roskam	Westmoreland	
Ross	Whitfield	
Rothman (NJ)	Wilson (OH)	
Roybal-Allard	Wilson (SC)	
Royce	Wittman	
Ruppersberger	Wolf	
Rush	Wu	
Ryan (OH)	Yarmuth	
Ryan (WI)	Young (AK)	
Salazar	Young (FL)	

NOT VOTING—13

Barrett (SC)	Ehlers	Visclosky
Boyd	Franks (AZ)	Wamp
Brown (SC)	Kennedy	Woolsey
Crowley	Platts	
Delahunt	Sestak	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶79.36 REQUEST FOR RETURN OF H.R. 5136

Mr. OWENS of New York, by unanimous consent, submitted the following resolution (H. Res. 1467):

Resolved, That the Clerk of the House of Representatives request the Senate to return to the House the bill (H.R. 5136) entitled ''An Act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶79.37 COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore, Mrs. DAHLKEMPER, pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 United States Code 6431), and the order of the House of January 6, 2009, announced that the Speaker appointed the following members, on the part of the House, to the Commission on International Religious Freedom: Ms. Elizabeth W. Prodromou, Boston, Massachusetts, for a two-year term ending May 14, 2012, to succeed herself; and upon the recommendation of the Minority Leader: Mr. Ted Van Der Meid, Rochester, New York, for a two-year term ending May 14, 2012, to succeed Ms. Nina Shea.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶79.38 PROVIDING FOR CONSIDERATION OF H.R. 5175

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 111–511) the resolution (H. Res. 1468) providing for consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶79.39 SUBMISSION OF CONFERENCE REPORT—H.R. 2194

Mr. BERMAN submitted a conference report (Rept. No. 111–512) on the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶79.40 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. YOUNG of Florida, for June 22 and today until 2 p.m.

And then,

¶79.41 ADJOURNMENT

On motion of Mr. KING of Iowa, at 8 o'clock and 25 minutes p.m., the House adjourned.

¶79.42 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. House Resolution 1406. Resolution directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the potential designation of National Monuments (Rept. 111–510). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 1468. Resolution providing for consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes (Rept. 111–511). Referred to the House Calendar.

Mr. BERMAN: Committee of Conference. Conference report on H.R. 2194. A bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran (Rept. 111–512). Ordered to be printed.

¶79.43 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. MALONEY (for herself, Mr. SMITH of New Jersey, Mr. BLUMENAUER, Mr. COHEN, Mr. POE of Texas, Ms. RICHARDSON, and Mr. WU):

H.R. 5575. A bill to establish a grant program to benefit domestic minor victims of sex trafficking, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REICHERT (for himself, Mr. GARY G. MILLER of California, and Mr. MATHESON):

H.R. 5576. A bill to provide construction, architectural, and engineering entities with qualified immunity from liability for negligence when providing services or equipment on a volunteer basis in response to a declared emergency or disaster; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. STARK, and Ms. WOOLSEY):

H.R. 5577. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. STARK, and Ms. WOOLSEY):

H.R. 5578. A bill to prohibit the open-air cultivation of genetically engineered pharmaceutical and industrial crops, to prohibit the use of common human food or animal feed as the host plant for a genetically engineered pharmaceutical or industrial chemical, to establish a tracking system to regulate the growing, handling, transportation, and disposal of pharmaceutical and industrial crops and their byproducts to prevent human, animal, and general environmental exposure to genetically engineered pharmaceutical and industrial crops and their byproducts, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. STARK, and Ms. WOOLSEY):

H.R. 5579. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, to assign liability for injury caused by genetically engineered organisms, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES (for himself, Mr. SIMPSON, Mr. BISHOP of Utah, Mr. MCCLINTOCK, Mr. MCKEON, Mr. HERGER, Mr. REHBERG, Mr. WALDEN, Mr. LAMBORN, and Mr. HUNTER):

H.R. 5580. A bill to amend the Act popularly known as the Antiquities Act of 1906 to require certain procedures for designating national monuments, and for other purposes; to the Committee on Natural Resources.

By Mr. KIND (for himself and Mr. HIGGINS):

H.R. 5581. A bill to amend the Internal Revenue Code of 1986 to make qualified biogas property eligible for the energy credit and to permit new clean renewable energy bonds to finance qualified biogas property; to the Committee on Ways and Means, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Mr. BROUN of Georgia, Mr. LUCAS, Mr. KLINE of Minnesota, Mr. SHIMKUS, Mr. CULBERSON, Mr. BURTON of Indiana, Mr. ROONEY, Mr. MARCHANT, Mr. POSEY, Mr. HERGER, Mrs. SCHMIDT, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. HALL of Texas, Mr. ROGERS of Michigan, Mr. BURGESS, Mr. GOHMERT, Mr. GINGREY of Georgia, and Mr. FLEMING):

H.R. 5582. A bill to authorize appropriations for the Department of Commerce and to prohibit Federal economic development funds to States that carry out public takings for private purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER:

H.R. 5583. A bill to require cell phone early termination fees to be pro-rated over the term of a subscriber's contract, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARTER:

H.R. 5584. A bill to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the ''Army Specialist Matthew Troy Morris Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. CARTER (for himself, Mr. CULBERSON, Mr. OLSON, Mr. DJOU, Mr. MCCAUL, Mr. SMITH of Texas, Mr. PUTNAM, Mr. SENSENBRENNER, Mr. ROONEY, Mr. FLEMING, Mr. BOYD, Mr. STEARNS, Mr. GOHMERT, and Mr. HARPER):

H.R. 5585. A bill to provide a statutory waiver of compliance with the Jones Act to foreign-flagged vessels assisting in responding to the Deepwater Horizon oil spill, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. GUTHRIE, and Mr. POLIS):

H.R. 5586. A bill to support high-achieving, educationally disadvantaged elementary school students in high-need local educational agencies, and for other purposes; to the Committee on Education and Labor.

By Mr. ROHRABACHER:

H.R. 5587. A bill to establish a United States Commission on Planetary Defense, and for other purposes; to the Committee on Science and Technology.

By Mr. SCHRADER (for himself, Ms. SCHAKOWSKY, Ms. MATSUI, and Mr. LARSON of Connecticut):

H.R. 5588. A bill to amend title XVIII of the Social Security Act to provide for additional opportunities to enroll under part B of the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON:

H.R. 5589. A bill to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; to the Committee on Foreign Affairs.

By Mr. CHAFFETZ (for himself and Mr. JORDAN of Ohio):

H.J. Res. 93. A joint resolution disapproving of the action of the District of Columbia Council in approving the Legalization of Marijuana for Medical Treatment Amendment Act of 2010; to the Committee on Oversight and Government Reform.

By Mr. OWENS:

H. Res. 1467. A resolution requesting return of official papers on H.R. 5136; considered and agreed to.

By Mr. CAMPBELL:

H. Res. 1469. A resolution providing that the House of Representatives should pass a budget resolution for a fiscal year before the House considers any appropriation bill for that year; to the Committee on Rules.

By Mr. DJOU (for himself and Ms. HIRONO):

H. Res. 1470. A resolution honoring the life, achievements, and distinguished career of Chief Justice William S. Richardson; to the Committee on the Judiciary.

By Mr. GINGREY of Georgia (for himself, Mr. KINGSTON, Mr. GRAVES of Georgia, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. BROUN of Georgia, Mr. NEUGEBAUER, Mr. PITTS, Mrs. SCHMIDT, Mr. MACK, and Mr. POSEY):

H. Res. 1471. A resolution expressing support for the private property rights protections guaranteed by the 5th Amendment to the Constitution on the 5th anniversary of the Supreme Court's decision of Kelo v. City of New London; to the Committee on the Judiciary.

¶79.44 MEMORIALS

Under clause 4 of rule XXII,

319. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 162 expressing dismay that the U.S. Supreme Court did not take up the Asian carp issue; jointly to the Committees on the Judiciary and Transportation and Infrastructure.

¶79.45 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Mr. GRAVES of Georgia.
H.R. 205: Mr. GRAVES of Georgia and Mr. DJOU.
H.R. 303: Mr. GINGREY of Georgia and Mr. LARSEN of Washington.
H.R. 333: Mr. MORAN of Virginia.
H.R. 482: Mr. RYAN of Ohio.
H.R. 614: Mr. CAMPBELL, Mr. GOHMERT, Mr. MICA, Mr. BUCHANAN, and Mr. GARY G. MILLER of California.
H.R. 634: Ms. JENKINS.
H.R. 745: Mr. BUCHANAN, Mr. WILSON of Ohio, Ms. CASTOR of Florida, Mrs. BONO MACK, Mr. RODRIGUEZ, Mr. THOMPSON of Pennsylvania, Mr. UPTON, Mr. HALL of Texas, and Mr. KING of New York.
H.R. 775: Mr. COLE, Mr. CRITZ, Mr. KING of New York, Mr. COOPER, Mr. BUTTERFIELD, Mr. MARKEY of Massachusetts, Ms. SUTTON, and Mr. GEORGE MILLER of California.
H.R. 881: Mr. BROWN of South Carolina.
H.R. 1021: Mr. HERGER.
H.R. 1036: Mrs. DAHLKEMPER, Mr. ELLISON, and Mr. MILLER of North Carolina.
H.R. 1161: Mr. CARNAHAN.
H.R. 1189: Mr. COSTELLO.
H.R. 1324: Mr. ADLER of New Jersey.
H.R. 1547: Mr. SPRATT.
H.R. 1708: Mr. DEUTCH.
H.R. 1740: Mr. CRITZ.
H.R. 1822: Mr. ALEXANDER, Mr. BONNER, Mr. JONES, Mr. GOHMERT, Mr. RADANOVICH, and Mr. CANTOR.
H.R. 1826: Mr. TOWNS.
H.R. 1874: Ms. BALDWIN.
H.R. 2000: Mr. PAYNE, Mr. LEWIS of Georgia, and Mr. LEWIS of California.
H.R. 2067: Mr. SCHAUER, Mr. SHERMAN, Ms. ZOE LOFGREN of California, and Mr. HODES.
H.R. 2109: Mr. SCOTT of Virginia, Mr. MELANCON, and Ms. FUDGE.
H.R. 2132: Mrs. DAVIS of California.
H.R. 2273: Mr. PETERSON.
H.R. 2324: Ms. NORTON.
H.R. 2328: Mr. VAN HOLLEN.
H.R. 2381: Mr. ELLISON.
H.R. 2417: Mr. BLUMENAUER.
H.R. 2565: Mr. PAULSEN.
H.R. 2697: Mr. KILDEE and Mr. HALL of New York.
H.R. 2807: Ms. SLAUGHTER.
H.R. 2882: Ms. ROYBAL-ALLARD.
H.R. 2900: Mr. GARY G. MILLER of California.
H.R. 3359: Mr. POLIS.
H.R. 3415: Mr. REYES.
H.R. 3441: Mr. CUMMINGS.
H.R. 3531: Mr. ELLISON.
H.R. 3586: Mr. WU.
H.R. 3720: Mr. GARAMENDI.
H.R. 3721: Mr. DAVIS of Illinois.
H.R. 3729: Mr. ELLSWORTH.
H.R. 3764: Mr. HONDA and Mr. CARNAHAN.
H.R. 4144: Mr. VAN HOLLEN.
H.R. 4148: Mr. BACA.
H.R. 4195: Ms. HERSETH SANDLIN and Mr. HEINRICH.
H.R. 4278: Mr. CHILDERS, Ms. GINNY BROWN-WAITE of Florida, Mr. ADLER of New Jersey, and Mr. SIRES.
H.R. 4296: Mr. HODES and Mr. VAN HOLLEN.
H.R. 4303: Mr. BOREN.
H.R. 4321: Mr. KENNEDY, Mr. MARKEY of Massachusetts, Mr. RODRIGUEZ, Mr. TONKO, and Ms. BALDWIN.
H.R. 4330: Mr. HEINRICH.
H.R. 4505: Ms. PINGREE of Maine and Mr. DJOU.
H.R. 4530: Mr. LARSON of Connecticut.
H.R. 4533: Ms. WATSON and Mrs. CAPPS.
H.R. 4544: Ms. BALDWIN.
H.R. 4645: Ms. BALDWIN, Mr. OBERSTAR, and Mr. JONES.
H.R. 4662: Mrs. DAHLKEMPER, Mr. BARROW, and Mr. CUMMINGS.
H.R. 4684: Mr. ELLSWORTH.
H.R. 4692: Mr. DAVIS of Illinois.
H.R. 4693: Mr. TEAGUE.
H.R. 4751: Mr. VAN HOLLEN.
H.R. 4755: Mr. HINCHEY.
H.R. 4788: Mr. HODES, Mr. BRADY of Pennsylvania, Mr. CARSON of Indiana, and Mr. DINGELL.
H.R. 4806: Mr. SABLAN and Mr. WU.
H.R. 4830: Mr. GARAMENDI and Mr. HINCHEY.
H.R. 4903: Mr. GRAVES of Georgia.
H.R. 4912: Mr. COHEN.
H.R. 4972: Mr. SMITH of Nebraska.
H.R. 4973: Mr. CASTLE.
H.R. 5015: Ms. TSONGAS.
H.R. 5029: Mr. REHBERG and Mrs. BONO MACK.
H.R. 5033: Ms. MOORE of Wisconsin, Mr. GRIJALVA, Ms. NORTON, Mrs. NAPOLITANO, Ms. CHU, Mr. LUJÁN, Mr. SERRANO, Mr. REYES, Mr. SABLAN, Mr. HINOJOSA, Mr. SIRES, Mr. GONZALEZ, and Mr. GUTIERREZ.
H.R. 5040: Mr. RODRIGUEZ.
H.R. 5041: Mr. VAN HOLLEN.
H.R. 5081: Mr. OLSON
H.R. 5087: Ms. ZOE LOFGREN of California.
H.R. 5095: Mr. BURTON of Indiana.
H.R. 5141: Ms. JENKINS and Mr. MILLER of Florida.
H.R. 5142: Mr. VAN HOLLEN and Mr. MEEK of Florida.
H.R. 5143: Ms. ESHOO.
H.R. 5162: Mr. BUCHANAN, Mr. CRITZ, and Mr. KLINE of Minnesota.
H.R. 5192: Mr. BISHOP of Utah.
H.R. 5214: Ms. BALDWIN, Mr. PETERS, Mr. ADLER of New Jersey, Ms. SHEA-PORTER, and Mr. WALZ.
H.R. 5235: Mr. WESTMORELAND.
H.R. 5328: Mr. STARK and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5358: Ms. WASSERMAN SCHULTZ, Mr. MEEK of Florida, Mr. DEUTCH, and Mr. GRAYSON.
H.R. 5421: Mr. LAMBORN.
H.R. 5425: Mr. NEUGEBAUER.
H.R. 5434: Mr. ACKERMAN, Mr. BLUMENAUER, Mrs. LOWEY, and Ms. BORDALLO.
H.R. 5449: Mr. MICHAUD, Mr. CUMMINGS, and Mr. COHEN.
H.R. 5458: Mr. ANDREWS.
H.R. 5481: Ms. LEE of California.
H.R. 5497: Mr. CHANDLER, Mr. MELANCON, Mr. ANDREWS, Mr. SHULER, Mr. KRATOVIL, Mr. DONNELLY of Indiana, Mr. DAVIS of Tennessee, and Mr. BOSWELL.
H.R. 5498: Ms. RICHARDSON, Mrs. MILLER of Michigan, Ms. JACKSON LEE of Texas, Mr. CARNEY, Ms. NORTON, and Mr. AL GREEN of Texas.
H.R. 5503: Mr. BERMAN.
H.R. 5510: Ms. FUDGE.
H.R. 5529: Mr. SIMPSON, Mr. MCCARTHY of California, Mr. GARY G. MILLER of California, Mr. MARIO DIAZ-BALART of Florida, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 5533: Mr. EHLERS, Mr. LOEBSACK, Mr. ELLISON, Mr. OBERSTAR, Mr. CAPUANO, and Mr. HOLT.
H.R. 5535: Mr. JONES.
H.R. 5539: Mr. FORBES, Mr. JORDAN of Ohio, and Mr. POE of Texas.
H.R. 5552: Mr. RAHALL, Mr. REHBERG, Mr. NYE, Mr. BOCCIERI, Mr. WILSON of Ohio, Ms. TITUS, Mr. MCMAHON, Mr. JONES, Mr. GORDON of Tennessee, Mrs. KIRKPATRICK of Arizona, Ms. DELAURO, Mr. MICHAUD, Mr. MOLLOHAN, Mr. GUTHRIE, Mr. SCHOCK, Mr. BURTON of Indiana, Mr. BOUSTANY, and Mr. PETRI.
H.R. 5566: Mr. MORAN of Kansas, Mr. GINGREY of Georgia, Mr. GRAVES of Missouri, Mr. MCCARTHY of California, Mr. SHUSTER, Mr. DAVIS of Kentucky, Mr. PETRI, Mr. PLATTS, Mr. BISHOP of New York, Mr. HILL, Mrs. HALVORSON, Mr. BARROW, Mr. DOYLE, and Ms. ESHOO.
H.R. 5569: Ms. GINNY BROWN-WAITE of Florida, Mr. HINOJOSA, Mr. HASTINGS of Florida, and Mr. COOPER.
H. Con. Res. 256: Mr. PETERSON.
H. Con. Res. 266: Mr. PETERSON and Mr. SHULER.
H. Con. Res. 267: Mr. TANNER.
H. Con. Res. 281: Mr. BURTON of Indiana, Mr. PITTS, Mr. GRAVES of Georgia, and Mr. TIAHRT.
H. Con. Res. 284: Mr. SAM JOHNSON of Texas, Mr. AUSTRIA, and Mr. CASSIDY.
H. Res. 22: Mr. CARNAHAN.
H. Res. 111: Mr. SERRANO, Mr. HINOJOSA, and Mrs. MCMORRIS RODGERS.
H. Res. 173: Mr. THOMPSON of California, Mr. PIERLUISI, and Ms. WATSON.
H. Res. 236: Mr. CALVERT.
H. Res. 363: Ms. SLAUGHTER and Ms. NORTON.
H. Res. 771: Mr. SCHOCK.
H. Res. 1019: Mr. HEINRICH.
H. Res. 1207: Mr. SMITH of Texas, Mr. KLINE of Minnesota, and Mr. KRATOVIL.
H. Res. 1217: Mr. KLINE of Minnesota, Mr. TURNER, Mr. TEAGUE, Mr. WILSON of South Carolina, Ms. BORDALLO, Mr. SMITH of Washington, Mr. HALL of New York, Mr. LARSEN of Washington, Mr. MCGOVERN, Mr. BARTLETT, and Mr. HUNTER.
H. Res. 1226: Mr. SULLIVAN and Mrs. CHRISTENSEN.
H. Res. 1291: Mr. MCINTYRE.
H. Res. 1326: Mr. MILLER of Florida.
H. Res. 1350: Ms. ROS-LEHTINEN.
H. Res. 1359: Mr. WOLF, Mr. WEINER, Mr. TOWNS, Mr. JOHNSON of Illinois, Mrs. MCCARTHY of New York, Mr. QUIGLEY, Mr. NADLER of New York, Mr. RUSH, Mr. GARRETT of New Jersey, Mr. HINCHEY, Mr. LEVIN, Mr. GRIFFITH, Mr. SARBANES, Mr. DRIEHAUS, Mr. HODES, Mr. COSTELLO, Mr. SIRES, Ms. RICHARDSON, Ms. JENKINS, Mrs. LOWEY, Mr. FILNER, Mrs. HALVORSON, Ms. GIFFORDS, Mr. LIPINSKI, Ms. LINDA T. SÁNCHEZ of California, Mr. POE of Texas, Mr. SESTAK, Mr. MARSHALL, Mrs. MCMORRIS RODGERS, Ms. ROS-LEHTINEN, Mr. MORAN of Kansas, Mr. KIRK, Mr. TIBERI, and Mr. SHIMKUS.
H. Res. 1370: Mr. ELLISON.
H. Res. 1393: Mr. ROHRABACHER.
H. Res. 1401: Mr. GERLACH, Mr. BUCHANAN, Mr. JOHNSON of Illinois, Mr. POE of Texas, Mr. CONNOLLY of Virginia, Mr. GUTHRIE, Ms. GIFFORDS, Mr. CHILDERS, and Mr. YOUNG of Alaska.
H. Res. 1411: Mrs. MCMORRIS RODGERS, Mr. MURPHY of New York, Mr. NEAL of Massachusetts, Mr. NYE, Mr. PASCRELL, Ms. PINGREE of Maine, Mr. PRICE of North Carolina, Ms. LORETTA SANCHEZ of California, Mr. SCHRADER, Ms. SHEA-PORTER, Mr. SIMPSON, Mr. SKELTON, Mr. SMITH of Washington, Mr. SNYDER, Mr. SPRATT, Mr. STARK, Mr. STUPAK, Ms. SUTTON, Mr. UPTON, Mr. TAYLOR, Ms. TSONGAS, Mr. WU, Mr. YARMUTH, Mr. ANDREWS, Mr. ARCURI, Mr. BARTLETT, Mrs. BONO MACK, Mr. BOREN, Mr. CAMP, Mr. CARDOZA, Mr. CASTLE, Ms. CHU, Mr. CROWLEY, Mr. CONAWAY, Mr. CONYERS, Mr. COOPER, Mr. COURTNEY, Mrs. DAVIS of California, Mr. DEFAZIO, Mrs. EMERSON, Ms. FALLIN, Mr. GARAMENDI, Ms. GIFFORDS, Mrs. HALVORSON, Mr. HARE, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HINCHEY, Mr. JOHNSON of Georgia, Mr. JONES, Mrs. KIRKPATRICK of Arizona, Mr. KISSELL, Mr. KRATOVIL, Mr. LAMBORN, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LOBIONDO, Mr. LOEBSACK, Mrs. LOWEY, Mr. MACK, Mr. MARSHALL, Mr. MATHESON, and Mr. MCINTYRE.
H. Res. 1412: Mr. HASTINGS of Florida and Mr. ISRAEL.
H. Res. 1420: Ms. LEE of California and Ms. MCCOLLUM.

H. Res. 1433: Mr. BACHUS, Mr. WU, Mr. SNYDER, and Ms. NORTON.

H. Res. 1450: Mr. GOHMERT and Mr. CULBERSON.

H. Res. 1454: Mr. MCGOVERN.

H. Res. 1457: Mr. WU, Mr. DEUTCH, Mr. HODES, Mr. TOWNS, Mr. WAXMAN, Ms. WASSERMAN SCHULTZ, Mr. MCGOVERN, Mr. CARNAHAN, Ms. SCHAKOWSKY, Mrs. KIRKPATRICK of Arizona, Mr. NYE, Mr. GARRETT of New Jersey, and Mr. CARDOZA.

H. Res. 1464: Mr. POE of Texas.

H. Res. 1465: Mr. HERGER, Mr. SMITH of New Jersey, Mr. BRADY of Texas, Mr. LAMBORN, Mr. CRENSHAW, Mr. BILIRAKIS, Mr. ROGERS of Michigan, Mr. THOMPSON of Pennsylvania, Mr. CONAWAY, Mr. RYAN of Wisconsin, Mr. REICHERT, and Mr. HASTINGS of Washington.

¶79.46 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

153. The SPEAKER presented a petition of the City and County of San Francisco, California, relative to Resolution No. 164–10 declaring April 24, 2010 as Armenian Genocide Commemoration Day in the City and County of San Francisco; to the Committee on Foreign Affairs.

154. Also, a petition of Council, District of Columbia, relative to Resolution 18–18 to approve, on an emergency basis, the transfer of jurisdiction over a portion of Fort Dupont Park; to the Committee on Natural Resources.

155. Also, a petition of Fish, Game, and Forestry Senate Committee, South Carolina, relative to Senate Concurrent Resolution S. 1386 memorializing the Congress to take any measure within its power to mitigate or overturn any Executive Order issued to implement recommendations by the Interagency Ocean Policy Task Force; jointly to the Committees on Natural Resources and Transportation and Infrastructure.

156. Also, a petition of American Bar Association, Illinois, relative to Recommendation 110 urging the Congress, state, territorial, tribal, and local governments to enact child welfare financing laws; jointly to the Committees on Ways and Means and Education and Labor.

THURSDAY, JUNE 24, 2010 (80)

The House was called to order by the SPEAKER.

¶80.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, June 23, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶80.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

8061. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Silver Nitrate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0663; FRL-8824-9] received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8062. A letter from the Under Secretary, Department of Defense, transmitting authorization of five officers to wear the authorized insignia of the grade of Rear Admiral; to the Committee on Armed Services.

8063. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to South Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to (88 Stat. 2335; 91 Stat. 1210; 92 Stat. 3724); to the Committee on Financial Services.

8064. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Determination of Attainment for the Coso Junction Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements [EPA-R09-OAR-2010-0172; FRL-9153-3] received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8065. A letter from the Director, Office of National Drug Control Policy, transmitting reports on the National Youth Anti-Drug Media Campaign for Fiscal Year 2009, pursuant to Public Law 109-469, section 203 and 503; to the Committee on Energy and Commerce.

8066. A letter from the Secretary, Department of Commerce, transmitting the annual report for FY 2009 of the Department's Bureau of Industry and Security (BIS); to the Committee on Foreign Affairs.

8067. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 10-11 informing of an intent to sign a Memorandum of Understanding with the Czech Republic; to the Committee on Foreign Affairs.

8068. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting determination related to Serbia under section 7072(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117); to the Committee on Foreign Affairs.

8069. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting report on the translating of the Department's human rights reports into principal languages and the distribution on post websites, pursuant to Public Law 110-53, section 2122(b); to the Committee on Foreign Affairs.

8070. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique'' and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement'', together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on Foreign Affairs.

8071. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting the 2009 management report and statements on system of internal controls of the Federal Home Loan Bank of San Francisco, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8072. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-444, ''Prohibition Against Human Trafficking Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

8073. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-435, ''Brookland Streetscape Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

8074. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-439, ''Solar Thermal Incentive Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

8075. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-437, ''Commission on Uniform State Laws Appointment Authorization Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

8076. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-436, ''Renewable Energy Incentive Program Fund Balance Rollover Temporary Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

8077. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-438, ''District of Columbia Public Schools Teacher Reinstatment Temporary Act of 2010''; to the Committee on Oversight and Government Reform.

8078. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-440, ''Senior Housing Modernization Grant Fund Act of 2010''; to the Committee on Oversight and Government Reform.

8079. A letter from the Secretary, Department of the Treasury, transmitting the Department's semiannual reports from the Office of the Treasury Inspector General and the Treasury Inspector General for Tax Administration, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8080. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8081. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures [Docket No.: 100217094-0195-02] (RIN: 0648-AY57) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8082. A letter from the Assistant Attorney General, Department of Justice, transmitting interim report on the feasibiliy of performing fingerprint-based criminal history background checks on individuals that participate in national service programs; to the Committee on the Judiciary.

8083. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Civil Penalty Inflation Adjustment for Commercial Space Adjudications [Docket No.: FAA-2009-1240; Amendment No. 406-6] (RIN: 2120-AJ63) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8084. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Extended Debris Removal in the Lake Champlain Bridge Construction Zone (between Vermont and New York), Crown Point, NY [Docket No. USCG-2010-0271] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8085. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Special Issuance of Airman Medical Certificates to Applicants Being Treated With Certain Antidepressant Medications; Re-Opening of Comment Period [Docket No.: FAA-2009-0773] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8086. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No.: FAA-2009-0714; Directorate Identifier 2009-NM-041-AD; Amendment 39-16290; AD 2010-1011] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8087. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate No. A00010WI Previously Held By Raytheon Aircraft Company) Model 390 Airplanes [Docket No.: FAA-2010-0158; Directorate Identifier 2010-CE-006-AD; Amendment 39-16289; AD 2010-10-10] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8088. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-9-30, DC-9-40, and DC-9-50 Series Airplanes [Docket No.: FAA-2009-0685; Directorate Identifier 2009-NM-113-AD; Amendment 39-16299; AD 2010-10-20] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8089. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S-92A Helicopters [Docket No.: FAA-2010-0060; Directorate Identifier 2010-SW-06-AD; Amendment 39-16282; AD 2010-10-03] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8090. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Claremore, OK [Docket No.: FAA-2009-0538; Airspace Docket No. 09-ASW-15] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8091. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Jet Route J-120; Alaska [Docket No.: FAA-2009-0007; Airspace Docket No. 09-AAL-20] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8092. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, and 1S1 Turboshaft Engines [Docket No.: FAA-2005-21242; Directorate Identifier 2005-NE-09-AD; Amendment 39-16288; AD 2010-10-09] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8093. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Marion, IL [Docket No.: FAA-2009-1154; Airspace Docket No. 09-AGL-35] received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8094. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-0972; Directorate Identifier 2009-NM-057-AD; Amendment 39-16300; AD 2010-10-21] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8095. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model BD-100-1A10 (Challenger 300) Airplanes [Docket No.: FAA-2010-0475; Directorate Identifier 2010-NM-083-AD; Amendment 39-16297; AD 2010-10-18] (RIN: 2120-AA64) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8096. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule — Safety Zone; St. Louis River, Tallas Island, Duluth, MN [Docket No.: USCG-2010-0124] (RIN: 1625-AA00) received June 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8097. A letter from the Director, Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications after June 30, 2010 (RIN: 2900-AN65) received June 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8098. A letter from the Director, Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications (RIN: 2900-AN50) received June 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8099. A letter from the Director, Office of Natinoal Drug Control Policy, transmitting update on the National Institute Justice (NIJ) field experiment of the Decide Your Time Program, pursuant to Public Law 109-469, section 1119; jointly to the Committees on Transportation and Infrastructure and the Budget.

8100. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the annual reports that appear on pages 119-145 of the March 2010 ''Treasury Bulletin'', pursuant to 26 U.S.C. 9602(a); jointly to the Committees on Ways and Means, Transportation and Infrastructure, Natural Resources, Agriculture, Education and Labor, and Energy and Commerce.

¶80.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 725. An Act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 1508. An Act to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

¶80.4 PROVIDING FOR CONSIDERATION OF H.R. 5175

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 1468):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on House Administration. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In the case of sundry further amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on House Administration or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. It shall be in order at any time through the legislative day of June 25, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 4. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of June 25, 2010, providing for consideration or disposition of a measure that includes a subject matter addressed by H.R. 4213.

When said resolution was considered.

After debate,

Mr. MCGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. BERKLEY, announced that the yeas had it.

Ms. FOXX demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 243 / Nays 181

¶80.5 [Roll No. 385]

YEAS—243

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Barrett (SC)
Blunt
Brown (SC)
Ellison
Hoekstra
Moore (WI)
Visclosky
Wamp

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Ms. FOXX demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 205

¶80.6 [Roll No. 386]

AYES—220

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth

NOES—205

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Baldwin
Barrow

Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Culberson
Dahlkemper
Davis (IL)
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hodes
Hunter
Inglis
Issa
Jackson (IL)
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (WI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Watt
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—8

Barrett (SC)
Blunt
Brown (SC)
Brown-Waite, Ginny
Crenshaw
Hoekstra
Visclosky
Wamp

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶80.7 H. CON. RES. 285—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 285) recognizing the important role that fathers play in the lives of their children and families and supporting the goals and ideals of designating 2010 as the Year of the Father.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 Nays 0

¶80.8 [Roll No. 387]

YEAS—423

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Barrett (SC)
Blunt
Brown (SC)
Dingell
Hoekstra
Lofgren, Zoe
Napolitano
Visclosky
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶80.9 H. RES. 1464—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1464) recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. HALVORSON, announced that two-thirds of those present had voted in the affirmative.

Mr. KUCINICH demanded a recorded vote on the motion to suspend the

rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶80.10 ORDER OF BUSINESS—CONSIDERATION OF H.R. 5175

On motion of Mr. BRADY of Pennsylvania, by unanimous consent,

Ordered, That during consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, pursuant to House Resolution 1468, the gentleman from Michigan [Mr. CONYERS], or his designee, may control 10 minutes of the general debate time allocated to the chair of the Committee on House Administration.

¶80.11 ELECTION DISCLOSURE

The SPEAKER pro tempore, Mrs. HALVORSON, pursuant to House Resolution 1468 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

The SPEAKER pro tempore, Mrs. HALVORSON, by unanimous consent, designated Mr. SALAZAR as Chairman of the Committee of the Whole; and after some time spent therein,

¶80.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in Part B of House Report 111-511, submitted by Mr. KING of Iowa:

Add at the end of title I the following new section:

SEC. 106. REMOVAL OF LIMITATIONS ON FEDERAL ELECTION CAMPAIGN CONTRIBUTIONS.

Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

''(9) The limitations established under this subsection shall not apply to contributions made during calendar years beginning after 2009.''.

It was decided in the negative { Yeas ..... 57 / Nays 369

¶80.13 [Roll No. 388]

AYES—57

Bartlett	Graves (GA)	Neugebauer
Bishop (UT)	Hall (TX)	Nunes
Blackburn	Hastings (WA)	Olson
Brady (TX)	Hensarling	Paul
Broun (GA)	Herger	Poe (TX)
Burton (IN)	Hunter	Price (GA)
Campbell	Issa	Rehberg
Cantor	Johnson, Sam	Rohrabacher
Carter	Jordan (OH)	Royce
Chaffetz	King (IA)	Sessions
Conaway	Kingston	Shadegg
Culberson	Lamborn	Shimkus
Dreier	Lummis	Smith (NE)
Ehlers	Lungren, Daniel E.	Thompson (PA)
Flake	Mack	Thornberry
Franks (AZ)	McCaul	Tiahrt
Garrett (NJ)	McClintock	Westmoreland
Gingrey (GA)	McHenry	Young (AK)
Goodlatte	Miller, Gary	
Granger		

NOES—369

Ackerman	Cohen	Hare
Aderholt	Cole	Harman
Adler (NJ)	Connolly (VA)	Harper
Akin	Conyers	Hastings (FL)
Alexander	Cooper	Heinrich
Altmire	Costa	Heller
Andrews	Costello	Herseth Sandlin
Arcuri	Courtney	Higgins
Austria	Crenshaw	Hill
Baca	Critz	Himes
Bachmann	Crowley	Hinchey
Bachus	Cuellar	Hinojosa
Baird	Cummings	Hirono
Baldwin	Dahlkemper	Hodes
Barrow	Davis (AL)	Holden
Barton (TX)	Davis (CA)	Holt
Bean	Davis (IL)	Honda
Becerra	Davis (KY)	Hoyer
Berkley	Davis (TN)	Inglis
Berman	DeFazio	Inslee
Berry	DeGette	Israel
Biggert	Delahunt	Jackson (IL)
Bilbray	DeLauro	Jackson Lee (TX)
Bilirakis	Dent	Jenkins
Bishop (GA)	Deutch	Johnson (GA)
Bishop (NY)	Diaz-Balart, L.	Johnson (IL)
Blumenauer	Diaz-Balart, M.	Johnson, E. B.
Boccieri	Dicks	Jones
Boehner	Dingell	Kagen
Bonner	Djou	Kanjorski
Bono Mack	Doggett	Kaptur
Boozman	Donnelly (IN)	Kennedy
Bordallo	Doyle	Kildee
Boren	Driehaus	Kilpatrick (MI)
Boswell	Duncan	Kilroy
Boucher	Edwards (MD)	Kind
Boustany	Edwards (TX)	King (NY)
Boyd	Ellison	Kirk
Brady (PA)	Ellsworth	Kirkpatrick (AZ)
Braley (IA)	Emerson	Kissell
Bright	Engel	Klein (FL)
Brown, Corrine	Eshoo	Kline (MN)
Brown-Waite, Ginny	Etheridge	Kosmas
Buchanan	Fallin	Kratovil
Burgess	Farr	Kucinich
Butterfield	Fattah	Lance
Buyer	Filner	Langevin
Calvert	Fleming	Larsen (WA)
Camp	Forbes	Larson (CT)
Cao	Fortenberry	Latham
Capito	Foster	LaTourette
Capps	Foxx	Latta
Capuano	Frank (MA)	Lee (CA)
Cardoza	Frelinghuysen	Lee (NY)
Carnahan	Fudge	Levin
Carney	Gallegly	Lewis (CA)
Carson (IN)	Garamendi	Lewis (GA)
Cassidy	Gerlach	Linder
Castle	Giffords	Lipinski
Castor (FL)	Gonzalez	LoBiondo
Chandler	Gordon (TN)	Loebsack
Childers	Graves (MO)	Lofgren, Zoe
Christensen	Grayson	Lowey
Chu	Green, Al	Lucas
Clarke	Green, Gene	Luetkemeyer
Clay	Griffith	Luján
Cleaver	Grijalva	Lynch
Clyburn	Guthrie	Maffei
Coble	Gutierrez	Maloney
Coffman (CO)	Hall (NY)	Manzullo
Marchant	Peters	Shuler
Markey (CO)	Peterson	Shuster
Markey (MA)	Petri	Simpson
Marshall	Pierluisi	Sires
Matheson	Pingree (ME)	Skelton
Matsui	Pitts	Slaughter
McCarthy (CA)	Platts	Smith (NJ)
McCarthy (NY)	Polis (CO)	Smith (TX)
McCollum	Pomeroy	Smith (WA)
McCotter	Posey	Snyder
McDermott	Price (NC)	Space
McGovern	Putnam	Speier
McIntyre	Quigley	Spratt
McKeon	Radanovich	Stark
McMahon	Rahall	Stearns
McMorris Rodgers	Rangel	Stupak
McNerney	Reichert	Sullivan
Meek (FL)	Reyes	Sutton
Meeks (NY)	Richardson	Tanner
Melancon	Rodriguez	Taylor
Mica	Roe (TN)	Teague
Michaud	Rogers (AL)	Terry
Miller (FL)	Rogers (KY)	Thompson (CA)
Miller (MI)	Rogers (MI)	Thompson (MS)
Miller (NC)	Rooney	Tiberi
Miller, George	Ros-Lehtinen	Tierney
Minnick	Roskam	Titus
Mitchell	Ross	Tonko
Mollohan	Roybal-Allard	Towns
Moore (KS)	Ruppersberger	Tsongas
Moran (KS)	Rush	Turner
Moran (VA)	Ryan (OH)	Upton
Murphy (CT)	Ryan (WI)	Van Hollen
Murphy (NY)	Sablan	Velázquez
Murphy, Patrick	Salazar	Walden
Murphy, Tim	Sánchez, Linda T.	Walz
Myrick	Sanchez, Loretta	Wasserman Schultz
Nadler (NY)	Sarbanes	Waters
Napolitano	Scalise	Watson
Neal (MA)	Schakowsky	Watt
Nye	Schauer	Waxman
Oberstar	Schiff	Weiner
Obey	Schmidt	Welch
Olver	Schock	Whitfield
Ortiz	Schrader	Wilson (OH)
Owens	Schwartz	Wilson (SC)
Pallone	Scott (GA)	Wittman
Pascrell	Scott (VA)	Wolf
Pastor (AZ)	Sensenbrenner	Woolsey
Paulsen	Serrano	Wu
Payne	Sestak	Yarmuth
Perlmutter	Shea-Porter	Young (FL)
Perriello	Sherman	

NOT VOTING—12

Barrett (SC)	Gohmert	Pence
Blunt	Hoekstra	Rothman (NJ)
Brown (SC)	Moore (WI)	Visclosky
Faleomavaega	Norton	Wamp

So the amendment was not agreed to.

¶80.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in part B of House Report 111-511, submitted by Mr. Patrick MURPHY of Pennsylvania:

In section 318(e) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill, strike paragraphs (2) and (3) and insert the following:

''(2) INDIVIDUAL DISCLOSURE STATEMENT DESCRIBED.—The individual disclosure statement described in this paragraph is the following: 'I am _____, of _____, _____, and I approve this message.', with—

''(A) the first blank filled in with the name of the applicable individual;

''(B) the second blank filled in with the local jurisdiction in which the applicable individual resides; and

''(C) the third blank filled in with the State in which the applicable individual resides.

''(3) ORGANIZATIONAL DISCLOSURE STATEMENT DESCRIBED.—The organizational disclosure statement described in this paragraph is the following: 'I am _____, the _____ of _____, located in

_____, _____, and _____ approves this message.', with—

''(A) the first blank to be filled in with the name of the applicable individual;

''(B) the second blank to be filled in with the title of the applicable individual;

''(C) the third blank to be filled in with the name of the organization or other person paying for the communication;

''(D) the fourth blank to be filled in with the local jurisdiction in which such organization's or person's principal office is located;

''(E) the fifth blank to be filled in with the State in which such organization's or person's principal office is located; and

''(F) the sixth blank to be filled in with the name of such organization or person.''.

In section 318(e)(4) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill, strike subparagraphs (A) and (B) and insert the following:

''(A) STATEMENT IF SIGNIFICANT FUNDER IS AN INDIVIDUAL.—If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is an individual, the significant funder disclosure statement described in this paragraph is the following: 'I am _____, of _____, _____. I helped to pay for this message, and I approve it.', with—

''(i) the first blank filled in with the name of the applicable individual;

''(ii) the second blank filled in with the local jurisdiction in which the applicable individual resides; and

''(iii) the third blank filled in with the State in which the applicable individual resides.

''(B) STATEMENT IF SIGNIFICANT FUNDER IS NOT AN INDIVIDUAL.—If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is not an individual, the significant funder disclosure statement described in this paragraph is the following: 'I am _____, the _____ of _____, located in _____, _____. _____ helped to pay for this message, and _____ approves it.', with—

''(i) the first blank to be filled in with the name of the applicable individual;

''(ii) the second blank to be filled in with the title of the applicable individual;

''(iii) the third blank to be filled in with the name of the significant funder of the communication;

''(iv) the fourth blank to be filled in with the local jurisdiction in which the significant funder's principal office is located;

''(v) the fifth blank to be filled in with the State in which the significant funder's principal office is located; and

''(vi) the sixth and seventh blank each to be filled in with the name of the significant funder of the communication.''.

In section 318(e)(5) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill—

(1) in subparagraph (A), strike ''provided;'' and insert ''provided and the local jurisdiction and State in which each such person lives (in the case of a person who is an individual) or is located (in the case of any other person);''; and

(2) in subparagraph (B), striking ''provided.'' and insert ''provided and the local jurisdiction and State in which each such person lives (in the case of a person who is an individual) or is located (in the case of any other person).''.

It was decided in the affirmative { Yeas ..... 274 / Nays 152

¶80.15 [Roll No. 389]

AYES—274

Ackerman	Grayson	Obey
Adler (NJ)	Green, Al	Olver
Altmire	Green, Gene	Ortiz
Andrews	Grijalva	Pallone
Arcuri	Gutierrez	Pascrell
Baca	Hall (NY)	Pastor (AZ)
Bachus	Halvorson	Paulsen
Baird	Hare	Payne
Baldwin	Harman	Perlmutter
Bean	Hastings (FL)	Perriello
Becerra	Heinrich	Peters
Berkley	Herseth Sandlin	Peterson
Berman	Higgins	Pierluisi
Berry	Hill	Pingree (ME)
Bishop (GA)	Himes	Platts
Bishop (NY)	Hinchey	Polis (CO)
Blumenauer	Hinojosa	Pomeroy
Boccieri	Hirono	Posey
Bonner	Hodes	Price (NC)
Bordallo	Holt	Quigley
Boren	Honda	Rahall
Boswell	Hoyer	Rangel
Boyd	Inglis	Reyes
Brady (PA)	Inslee	Richardson
Braley (IA)	Israel	Rodriguez
Brown, Corrine	Issa	Rooney
Buchanan	Jackson (IL)	Ross
Burgess	Jackson Lee (TX)	Roybal-Allard
Butterfield	Johnson (GA)	Ruppersberger
Cao	Johnson, E. B.	Rush
Capito	Jones	Ryan (OH)
Capps	Kagen	Sablan
Capuano	Kanjorski	Salazar
Cardoza	Kaptur	Sánchez, Linda T.
Carnahan	Kennedy	Sanchez, Loretta
Carney	Kildee	Sarbanes
Carson (IN)	Kilpatrick (MI)	Schakowsky
Castle	Kilroy	Schauer
Castor (FL)	Kind	Schiff
Chandler	Kingston	Schrader
Childers	Kirk	Schwartz
Christensen	Kirkpatrick (AZ)	Scott (GA)
Chu	Kissell	Scott (VA)
Clarke	Klein (FL)	Serrano
Clay	Kosmas	Sestak
Cleaver	Kucinich	Shea-Porter
Clyburn	Langevin	Sherman
Cohen	Larsen (WA)	Shimkus
Connolly (VA)	Larson (CT)	Shuler
Conyers	LaTourette	Sires
Cooper	Lee (CA)	Skelton
Costa	Levin	Slaughter
Costello	Lewis (GA)	Smith (NJ)
Courtney	Lipinski	Smith (WA)
Crowley	LoBiondo	Space
Cuellar	Loebsack	Speier
Cummings	Lofgren, Zoe	Spratt
Dahlkemper	Lowey	Stark
Davis (AL)	Luján	Stearns
Davis (CA)	Lynch	Stupak
Davis (IL)	Maffei	Sutton
Davis (TN)	Maloney	Tanner
DeFazio	Markey (CO)	Taylor
DeGette	Markey (MA)	Teague
Delahunt	Matheson	Thompson (CA)
DeLauro	Matsui	Thompson (MS)
Dent	McCarthy (NY)	Tiberi
Deutch	McCollum	Tierney
Dicks	McDermott	Titus
Dingell	McGovern	Tonko
Doggett	McIntyre	Towns
Donnelly (IN)	McMahon	Tsongas
Doyle	McNerney	Turner
Driehaus	Meek (FL)	Van Hollen
Edwards (MD)	Meeks (NY)	Velázquez
Edwards (TX)	Melancon	Walz
Ellison	Michaud	Wasserman Schultz
Ellsworth	Miller (NC)	Waters
Emerson	Miller, George	Watson
Engel	Mitchell	Watt
Eshoo	Mollohan	Waxman
Etheridge	Moore (KS)	Weiner
Farr	Moore (WI)	Welch
Fattah	Moran (VA)	Whitfield
Filner	Murphy (CT)	Wilson (OH)
Fortenberry	Murphy (NY)	Woolsey
Foster	Murphy, Patrick	Yarmuth
Frank (MA)	Murphy, Tim	Young (AK)
Fudge	Nadler (NY)	Young (FL)
Garamendi	Napolitano	
Gerlach	Neal (MA)	
Giffords	Oberstar	
Gonzalez		

NOES—152

Aderholt	Gallegly	Miller (MI)
Akin	Garrett (NJ)	Miller, Gary
Alexander	Gingrey (GA)	Minnick
Austria	Gohmert	Moran (KS)
Bachmann	Goodlatte	Myrick
Barrow	Granger	Neugebauer
Bartlett	Graves (GA)	Nunes
Barton (TX)	Graves (MO)	Nye
Biggert	Griffith	Olson
Bilbray	Guthrie	Owens
Bilirakis	Hall (TX)	Paul
Bishop (UT)	Harper	Petri
Blackburn	Hastings (WA)	Pitts
Bono Mack	Heller	Poe (TX)
Boozman	Hensarling	Price (GA)
Boucher	Herger	Putnam
Boustany	Holden	Radanovich
Brady (TX)	Hunter	Rehberg
Bright	Jenkins	Reichert
Broun (GA)	Johnson (IL)	Roe (TN)
Brown-Waite, Ginny	Johnson, Sam	Rogers (AL)
Burton (IN)	Jordan (OH)	Rogers (KY)
Buyer	King (IA)	Rogers (MI)
Calvert	King (NY)	Rohrabacher
Camp	Kline (MN)	Ros-Lehtinen
Campbell	Kratovil	Roskam
Cantor	Lamborn	Royce
Carter	Lance	Ryan (WI)
Cassidy	Latham	Scalise
Chaffetz	Latta	Schmidt
Coble	Lee (NY)	Schock
Coffman (CO)	Lewis (CA)	Sensenbrenner
Cole	Linder	Sessions
Conaway	Lucas	Shadegg
Crenshaw	Luetkemeyer	Shuster
Critz	Lummis	Simpson
Culberson	Lungren, Daniel E.	Smith (NE)
Davis (KY)	Mack	Smith (TX)
Diaz-Balart, L.	Manzullo	Snyder
Diaz-Balart, M.	Marchant	Sullivan
Djou	Marshall	Terry
Dreier	McCarthy (CA)	Thompson (PA)
Duncan	McCaul	Thornberry
Ehlers	McClintock	Tiahrt
Fallin	McCotter	Upton
Flake	McHenry	Walden
Fleming	McKeon	Westmoreland
Forbes	McMorris Rodgers	Wilson (SC)
Foxx	Mica	Wittman
Franks (AZ)	Miller (FL)	Wolf
Frelinghuysen		Wu

NOT VOTING—12

Barrett (SC)	Faleomavaega	Pence
Blunt	Gordon (TN)	Rothman (NJ)
Boehner	Hoekstra	Visclosky
Brown (SC)	Norton	Wamp

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. PASTOR of Arizona, assumed the Chair.

When Mr. SERRANO, Acting Chairman, reported the bill, as amended, back to the House with sundry further amendments adopted by the Committee.

Pursuant to House Resolution 1468, the previous question was ordered.

The question on agreeing to the amendments was put en gros.

Will the House agree to the amendments en gros?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

The following sundry amendments were agreed to:

Page 15, insert after line 15 the following:

(c) APPLICATION TO PERSONS HOLDING LEASES FOR DRILLING IN OUTER CONTINENTAL SHELF.—Section 317(a) of such Act (2 U.S.C. 441c(a)) is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) who enters into negotiations for a lease for exploration for, and development

and production of, oil and gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), during the period—

''(A) beginning on the later of the commencement of the negotiations or the date of the enactment of the Democracy is Strengthened by Casting Light on Spending in Elections Act; and

''(B) ending with the later of the termination of such negotiations or the termination of such lease;

directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use, to make any independent expenditure, or to disburse any funds for an electioneering communication; or''.

Page 15, line 16, strike ''(c)'' and insert ''(d)''.

Page 85, line 10, strike ''such report'' and insert ''such report, in a clear and conspicuous manner,''.

In section 318(e) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill, strike paragraphs (2) and (3) and insert the following:

''(2) INDIVIDUAL DISCLOSURE STATEMENT DESCRIBED.—The individual disclosure statement described in this paragraph is the following: 'I am _____, of _____, _____, and I approve this message.', with—

''(A) the first blank filled in with the name of the applicable individual;

''(B) the second blank filled in with the local jurisdiction in which the applicable individual resides; and

''(C) the third blank filled in with the State in which the applicable individual resides.

''(3) ORGANIZATIONAL DISCLOSURE STATEMENT DESCRIBED.—The organizational disclosure statement described in this paragraph is the following: 'I am _____, the _____ of _____, located in _____, _____, and _____ approves this message.', with—

''(A) the first blank to be filled in with the name of the applicable individual;

''(B) the second blank to be filled in with the title of the applicable individual;

''(C) the third blank to be filled in with the name of the organization or other person paying for the communication;

''(D) the fourth blank to be filled in with the local jurisdiction in which such organization's or person's principal office is located;

''(E) the fifth blank to be filled in with the State in which such organization's or person's principal office is located; and

''(F) the sixth blank to be filled in with the name of such organization or person.''.

In section 318(e)(4) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill, strike subparagraphs (A) and (B) and insert the following:

''(A) STATEMENT IF SIGNIFICANT FUNDER IS AN INDIVIDUAL.—If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is an individual, the significant funder disclosure statement described in this paragraph is the following: 'I am _____, of _____, _____. I helped to pay for this message, and I approve it.', with—

''(i) the first blank filled in with the name of the applicable individual;

''(ii) the second blank filled in with the local jurisdiction in which the applicable individual resides; and

''(iii) the third blank filled in with the State in which the applicable individual resides.

''(B) STATEMENT IF SIGNIFICANT FUNDER IS NOT AN INDIVIDUAL.—If the significant funder of a communication paid for in whole or in part with a payment which is treated as a disbursement by a covered organization for campaign-related activity under section 325 is not an individual, the significant funder disclosure statement described in this paragraph is the following: 'I am _____, the _____ of _____, located in _____, _____. _____ helped to pay for this message, and _____ approves it.', with—

''(i) the first blank to be filled in with the name of the applicable individual;

''(ii) the second blank to be filled in with the title of the applicable individual;

''(iii) the third blank to be filled in with the name of the significant funder of the communication;

''(iv) the fourth blank to be filled in with the local jurisdiction in which the significant funder's principal office is located;

''(v) the fifth blank to be filled in with the State in which the significant funder's principal office is located; and

''(vi) the sixth and seventh blank each to be filled in with the name of the significant funder of the communication.''.

In section 318(e)(5) of the Federal Election Campaign Act of 1971, as proposed to be added by section 214(b)(2) of the bill—

(1) in subparagraph (A), strike ''provided;'' and insert ''provided and the local jurisdiction and State in which each such person lives (in the case of a person who is an individual) or is located (in the case of any other person);''; and

(2) in subparagraph (B), striking ''provided.'' and insert ''provided and the local jurisdiction and State in which each such person lives (in the case of a person who is an individual) or is located (in the case of any other person).''.

In section 319(b)(3) of the Federal Election Campaign Act of 1971, as proposed to be added by section 102(a) of the bill, strike subparagraph (A) and insert the following:

''(A) in which a foreign national described in paragraph (1) or (2) directly or indirectly owns or controls—

''(i) 5 percent or more of the voting shares, if the foreign national is a foreign country, a foreign government official, or a corporation principally owned or controlled by a foreign country or foreign government official; or

''(ii) 20 percent or more of the voting shares, if the foreign national is not described in clause (i);

''(B) in which two or more foreign nationals described in paragraph (1) or (2), each of whom owns or controls at least 5 percent of the voting shares, directly or indirectly own or control 50 percent or more of the voting shares;''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. LUNGREN of California, moved to recommit the bill to the Committee on House Administration with instructions to report the bill back to the House forthwith with the following amendment:

Strike section 401 and insert the following:

SEC. 401. TREATMENT OF CERTAIN LOBBYISTS AS FOREIGN NATIONALS.

Section 319(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)), as amended by section 102(a), is further amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(4) any person who is a registered lobbyist under the Lobbying Disclosure Act of 1995 whose clients under such Act include—

''(A) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism; or

''(B) any other foreign national described in this subsection.''.

SEC. 402. PROHIBITING USE OF CAMPAIGN FUNDS FOR POLITICAL ROBOCALLS MADE TO INDIVIDUALS ON DO-NOT-CALL REGISTRY.

Section 318(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(f)), as added by section 214(b)(4), is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) COMPLIANCE WITH DO-NOT-CALL REGISTRY.—No contribution, independent expenditure, electioneering communication, or other donation of funds which is subject to the requirements of this Act may be used for a political robocall which is made to a telephone number which is registered on the national do-not-call registry implemented by the Federal Trade Commission.''.

SEC. 403. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act, including an action brought to challenge the constitutionality of granting an unfair advantage in representation in the House of Representatives to residents of the District of Columbia, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is raised (including but not limited to an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action

may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the nays had it.

Mr. LUNGREN of California, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 208 Nays 217

¶80.16 [Roll No. 390]

AYES—208

Aderholt	Djou	Latta
Akin	Donnelly (IN)	Lee (NY)
Alexander	Dreier	Lewis (CA)
Altmire	Duncan	Linder
Arcuri	Edwards (TX)	LoBiondo
Austria	Ehlers	Lucas
Bachmann	Ellsworth	Luetkemeyer
Bachus	Emerson	Lummis
Barrow	Fallin	Lungren, Daniel E.
Bartlett	Flake	Mack
Barton (TX)	Fleming	Maffei
Bean	Forbes	Manzullo
Biggert	Fortenberry	Marchant
Bilbray	Foster	Marshall
Bilirakis	Foxx	McCarthy (CA)
Bishop (UT)	Franks (AZ)	McCaul
Blackburn	Frelinghuysen	McClintock
Boccieri	Gallegly	McCotter
Boehner	Garrett (NJ)	McHenry
Bonner	Gerlach	McIntyre
Bono Mack	Giffords	McKeon
Boozman	Gingrey (GA)	McMorris Rodgers
Boren	Gohmert	McNerney
Boucher	Goodlatte	Mica
Boustany	Granger	Miller (FL)
Brady (TX)	Graves (GA)	Miller (MI)
Bright	Graves (MO)	Miller, Gary
Broun (GA)	Griffith	Minnick
Brown-Waite, Ginny	Guthrie	Mitchell
Buchanan	Hall (TX)	Moran (KS)
Burgess	Harper	Murphy, Tim
Burton (IN)	Hastings (WA)	Myrick
Buyer	Heller	Neugebauer
Calvert	Hensarling	Nunes
Camp	Herger	Nye
Campbell	Herseth Sandlin	Olson
Cantor	Hill	Paulsen
Cao	Hodes	Perriello
Capito	Hunter	Peterson
Carter	Inglis	Petri
Cassidy	Issa	Pitts
Castle	Jenkins	Platts
Chaffetz	Johnson (IL)	Poe (TX)
Chandler	Johnson, Sam	Posey
Childers	Jones	Price (GA)
Coble	Jordan (OH)	Putnam
Coffman (CO)	King (IA)	Radanovich
Cole	King (NY)	Rehberg
Conaway	Kingston	Reichert
Crenshaw	Kirk	Roe (TN)
Cuellar	Kirkpatrick (AZ)	Rogers (AL)
Culberson	Klein (FL)	Rogers (KY)
Davis (KY)	Kline (MN)	Rogers (MI)
Davis (TN)	Kratovil	Rohrabacher
Dent	Lamborn	Rooney
Diaz-Balart, L.	Lance	Ros-Lehtinen
Diaz-Balart, M.	Latham	Roskam
	LaTourette	Royce
		Ryan (WI)
		Scalise
		Schmidt
		Schock
		Sensenbrenner
		Sessions
		Shadegg
		Shimkus
		Shuler
		Shuster
		Simpson
		Smith (NE)
		Smith (NJ)
		Smith (TX)
		Space
		Stearns
		Sullivan
		Taylor
		Teague
		Terry
		Thompson (PA)
		Thornberry
		Tiahrt
		Tiberi
		Titus
		Turner
		Upton
		Walden
		Westmoreland
		Whitfield
		Wilson (SC)
		Wittman
		Wolf
		Young (AK)
		Young (FL)

NOES—217

Ackerman	Halvorson	Owens
Adler (NJ)	Hare	Pallone
Andrews	Harman	Pascrell
Baca	Hastings (FL)	Pastor (AZ)
Baird	Heinrich	Paul
Baldwin	Higgins	Payne
Becerra	Himes	Pelosi
Berkley	Hinchey	Perlmutter
Berman	Hinojosa	Peters
Berry	Hirono	Pingree (ME)
Bishop (GA)	Holden	Polis (CO)
Bishop (NY)	Holt	Pomeroy
Blumenauer	Honda	Price (NC)
Boswell	Hoyer	Quigley
Boyd	Inslee	Rahall
Brady (PA)	Israel	Rangel
Braley (IA)	Jackson (IL)	Reyes
Brown, Corrine	Jackson Lee (TX)	Richardson
Butterfield	Johnson (GA)	Rodriguez
Capps	Johnson, E. B.	Ross
Capuano	Kagen	Roybal-Allard
Cardoza	Kanjorski	Ruppersberger
Carnahan	Kaptur	Rush
Carney	Kennedy	Ryan (OH)
Carson (IN)	Kildee	Salazar
Castor (FL)	Kilpatrick (MI)	Sánchez, Linda T.
Chu	Kilroy	Sanchez, Loretta
Clarke	Kind	Sarbanes
Clay	Kissell	Schakowsky
Cleaver	Kosmas	Schauer
Clyburn	Kucinich	Schiff
Cohen	Langevin	Schrader
Connolly (VA)	Larsen (WA)	Schwartz
Conyers	Larson (CT)	Scott (GA)
Cooper	Lee (CA)	Scott (VA)
Costa	Levin	Serrano
Costello	Lewis (GA)	Sestak
Courtney	Lipinski	Shea-Porter
Critz	Loebsack	Sherman
Crowley	Lofgren, Zoe	Sires
Cummings	Lowey	Skelton
Dahlkemper	Luján	Slaughter
Davis (AL)	Lynch	Smith (WA)
Davis (CA)	Maloney	Snyder
Davis (IL)	Markey (CO)	Speier
DeFazio	Markey (MA)	Spratt
DeGette	Matheson	Stark
Delahunt	Matsui	Stupak
DeLauro	McCarthy (NY)	Sutton
Deutch	McCollum	Tanner
Dicks	McDermott	Thompson (CA)
Dingell	McGovern	Thompson (MS)
Doggett	McMahon	Tierney
Doyle	Meek (FL)	Tonko
Driehaus	Meeks (NY)	Towns
Edwards (MD)	Melancon	Tsongas
Ellison	Michaud	Van Hollen
Engel	Miller (NC)	Velázquez
Eshoo	Miller, George	Walz
Etheridge	Mollohan	Wasserman Schultz
Farr	Moore (KS)	Waters
Fattah	Moore (WI)	Watson
Filner	Moran (VA)	Watt
Frank (MA)	Murphy (CT)	Waxman
Fudge	Murphy (NY)	Weiner
Garamendi	Murphy, Patrick	Welch
Gonzalez	Nadler (NY)	Wilson (OH)
Gordon (TN)	Napolitano	Woolsey
Grayson	Neal (MA)	Wu
Green, Al	Oberstar	Yarmuth
Green, Gene	Obey	
Grijalva	Olver	
Gutierrez	Ortiz	
Hall (NY)		

NOT VOTING—8

Barrett (SC)	Hoekstra	Visclosky
Blunt	Pence	Wamp
Brown (SC)	Rothman (NJ)	

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. PASTOR of Arizona, announced that the yeas had it.

Mr. BARTON of Texas, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 219 Nays 206

¶80.17 [Roll No. 391]

AYES—219

Ackerman	Grijalva	Oberstar
Adler (NJ)	Gutierrez	Obey
Altmire	Hall (NY)	Olver
Andrews	Halvorson	Ortiz
Arcuri	Hare	Pallone
Baca	Harman	Pascrell
Baird	Heinrich	Pastor (AZ)
Baldwin	Higgins	Pelosi
Becerra	Himes	Perlmutter
Berkley	Hinchey	Perriello
Berman	Hinojosa	Peters
Berry	Hirono	Pingree (ME)
Bishop (NY)	Hodes	Polis (CO)
Blumenauer	Holt	Pomeroy
Boccieri	Honda	Price (NC)
Boswell	Hoyer	Quigley
Boucher	Inslee	Rahall
Brady (PA)	Israel	Rangel
Braley (IA)	Jackson (IL)	Reyes
Brown, Corrine	Jackson Lee (TX)	Richardson
Cao	Johnson (GA)	Rodriguez
Capps	Johnson, E. B.	Ross
Capuano	Kagen	Roybal-Allard
Cardoza	Kanjorski	Ruppersberger
Carnahan	Kaptur	Ryan (OH)
Carney	Kennedy	Salazar
Carson (IN)	Kildee	Sánchez, Linda T.
Castle	Kilroy	Sanchez, Loretta
Castor (FL)	Kind	Sarbanes
Chandler	Kirkpatrick (AZ)	Schakowsky
Chu	Kissell	Schauer
Clay	Klein (FL)	Schiff
Cleaver	Kosmas	Schrader
Clyburn	Kucinich	Schwartz
Cohen	Langevin	Scott (GA)
Connolly (VA)	Larsen (WA)	Scott (VA)
Conyers	Larson (CT)	Serrano
Cooper	Lee (CA)	Sestak
Costa	Levin	Shea-Porter
Costello	Lewis (GA)	Sherman
Courtney	Lipinski	Shuler
Crowley	Loebsack	Sires
Cuellar	Lofgren, Zoe	Skelton
Cummings	Lowey	Slaughter
Davis (AL)	Luján	Smith (WA)
Davis (CA)	Lynch	Snyder
DeFazio	Maffei	Space
DeGette	Maloney	Speier
Delahunt	Markey (CO)	Spratt
DeLauro	Markey (MA)	Stark
Deutch	Matheson	Stupak
Dicks	Matsui	Sutton
Dingell	McCollum	Tanner
Doggett	McDermott	Teague
Doyle	McGovern	Thompson (CA)
Driehaus	McMahon	Tierney
Edwards (TX)	McNerney	Titus
Ellison	Meek (FL)	Tonko
Ellsworth	Meeks (NY)	Towns
Engel	Melancon	Tsongas
Eshoo	Michaud	Van Hollen
Etheridge	Miller (NC)	Velázquez
Farr	Miller, George	Walz
Fattah	Mollohan	Wasserman Schultz
Filner	Moore (KS)	Watson
Foster	Moore (WI)	Waxman
Frank (MA)	Moran (VA)	Weiner
Garamendi	Murphy (CT)	Welch
Giffords	Murphy (NY)	Wilson (OH)
Gonzalez	Murphy, Patrick	Woolsey
Gordon (TN)	Nadler (NY)	Wu
Grayson	Napolitano	Yarmuth
Green, Al	Neal (MA)	
Green, Gene		

NOES—206

Aderholt	Bachmann	Barton (TX)
Akin	Bachus	Bean
Alexander	Barrow	Biggert
Austria	Bartlett	Bilbray

Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Childers
Clarke
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Critz
Culberson
Dahlkemper
Davis (IL)
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Edwards (MD)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Paulsen
Payne
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Waters
Watt
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Barrett (SC)
Blunt
Brown (SC)
Hoekstra
Pence
Rothman (NJ)
Visclosky
Wamp

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶80.18 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2194) ''An Act to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.''

¶80.19 H. RES. 1464—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1464) recognizing the 50th anniversary of the conclusion of the United States-Japan Treaty of Mutual Cooperation and Security and expressing appreciation to the Government of Japan and the Japanese people for enhancing peace, prosperity, and security in the Asia-Pacific region.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 2

¶80.20 [Roll No. 392]

AYES—412

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—2

Kucinich
Paul

NOT VOTING—18

Barrett (SC)
Blunt
Brown (SC)
Campbell
Dicks
Grayson
Herger
Hoekstra
Johnson, Sam
Pence
Rangel
Roskam
Rothman (NJ)
Sessions
Visclosky
Wamp
Waters
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶80.21 AFFORDABLE HEALTH CARE FOR AMERICA

Mr. LEVIN moved to suspend the rules and agree to the following amendments of the Senate to the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010''.

TITLE I—HEALTH PROVISIONS

SEC. 101. PHYSICIAN PAYMENT UPDATE.

(a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(1) in paragraph (10), in the heading, by striking ''PORTION'' and inserting ''JANUARY THROUGH MAY ''; and

(2) by adding at the end the following new paragraph:

''(11) UPDATE FOR JUNE THROUGH NOVEMBER OF 2010.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), and (10)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on June 1, 2010, and ending on November 30, 2010, the update to the single conversion factor shall be 2.2 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2010 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on December 1, 2010, and ending on December 31, 2010, and for 2011 and subsequent years as if subparagraph (A) had never applied.''.

(b) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

SEC. 102. CLARIFICATION OF 3-DAY PAYMENT WINDOW.

(a) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) by adding at the end of subsection (a)(4) the following new sentence: ''In applying the first sentence of this paragraph, the term 'other services related to the admission' includes all services that are not diagnostic services (other than ambulance and maintenance renal dialysis services) for which payment may be made under this title that are provided by a hospital (or an entity wholly owned or operated by the hospital) to a patient—

''(A) on the date of the patient's inpatient admission; or

''(B) during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of such admission unless the hospital demonstrates (in a form and manner, and at a time, specified by the Secretary) that such services are not related (as determined by the Secretary) to such admission.''; and

(2) in subsection (d)(7)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period and inserting '', and''; and

(C) by adding at the end the following new subparagraph:

''(C) the determination of whether services provided prior to a patient's inpatient admission are related to the admission (as described in subsection (a)(4)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after the date of the enactment of this Act.

(c) NO REOPENING OF PREVIOUSLY BUNDLED CLAIMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services may not reopen a claim, adjust a claim, or make a payment pursuant to any request for payment under title XVIII of the Social Security Act, submitted by an entity (including a hospital or an entity wholly owned or operated by the hospital) for services described in paragraph (2) for purposes of treating, as unrelated to a patient's inpatient admission, services provided during the 3 days (or, in the case of a hospital that is not a subsection (d) hospital, during the 1 day) immediately preceding the date of the patient's inpatient admission.

(2) SERVICES DESCRIBED.—For purposes of paragraph (1), the services described in this paragraph are other services related to the admission (as described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as amended by subsection (a)) which were previously included on a claim or request for payment submitted under part A of title XVIII of such Act for which a reopening, adjustment, or request for payment under part B of such title, was not submitted prior to the date of the enactment of this Act.

(d) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of this section (and amendments made by this section) by program instruction or otherwise.

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as changing the policy described in section 1886(a)(4) of the Social Security Act (42 U.S.C. 1395ww(a)(4)), as applied by the Secretary of Health and Human Services before the date of the enactment of this Act, with respect to diagnostic services.

SEC. 103. ESTABLISH A CMS–IRS DATA MATCH TO IDENTIFY FRAUDULENT PROVIDERS.

(a) AUTHORITY TO DISCLOSE RETURN INFORMATION CONCERNING OUTSTANDING TAX DEBTS FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(22) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

''(A) IN GENERAL.—The Secretary shall, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Department of Health and Human Services return information with respect to a taxpayer who has applied to enroll, or reenroll, as a provider of services or supplier under the Medicare program under title XVIII of the Social Security Act. Such return information shall be limited to—

''(i) the taxpayer identity information with respect to such taxpayer;

''(ii) the amount of the delinquent tax debt owed by that taxpayer; and

''(iii) the taxable year to which the delinquent tax debt pertains.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Health and Human Services for the purposes of, and to the extent necessary in, establishing the taxpayer's eligibility for enrollment or reenrollment in the Medicare program, or in any administrative or judicial proceeding relating to, or arising from, a denial of such enrollment or reenrollment, or in determining the level of enhanced oversight to be applied with respect to such taxpayer pursuant to section 1866(j)(3) of the Social Security Act.

''(C) DELINQUENT TAX DEBT.—For purposes of this paragraph, the term 'delinquent tax debt' means an outstanding debt under this title for which a notice of lien has been filed pursuant to section 6323, but the term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, or a debt with respect to which a collection due process hearing under section 6330 is requested, pending, or completed and no payment is required.''.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, as amended by sections 1414 and 3308 of Public Law 111–148, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking ''or (17)'' and inserting ''(17), or (22)'' each place it appears.

(b) SECRETARY'S AUTHORITY TO USE INFORMATION FROM THE DEPARTMENT OF TREASURY IN MEDICARE ENROLLMENTS AND REENROLLMENTS.—Section 1866(j)(2) of the Social Security Act (42 U.S.C. 1395cc(j)), as inserted by section 6401(a) of Public Law 111–148, is further amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) USE OF INFORMATION FROM THE DEPARTMENT OF TREASURY CONCERNING TAX DEBTS.—In reviewing the application of a provider of services or supplier to enroll or reenroll under the program under this title, the Secretary shall take into account the information supplied by the Secretary of the Treasury pursuant to section 6103(l)(22) of the Internal Revenue Code of 1986, in determining whether to deny such application or to apply enhanced oversight to such provider of services or supplier pursuant to paragraph (3) if the Secretary determines such provider of services or supplier owes such a debt.''.

(c) AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE SAME TAX IDENTIFICATION NUMBER FOR MEDICARE OBLIGATIONS.—Section 1866(j)(6) of the Social Security Act (42 U.S.C. 1395cc(j)(6)), as inserted by section 6401(a) of Public Law 111–148 and as redesignated by section 1304 of Public Law 111–152, is amended—

(1) in the paragraph heading, by striking ''PAST-DUE'' and inserting ''MEDICARE'';

(2) in subparagraph (A), by striking ''past-due obligations described in subparagraph (B)(ii) of an'' and inserting ''amount described in subparagraph (B)(ii) due from such''; and

(3) in subparagraph (B)(ii), by striking ''a past-due obligation'' and inserting ''an amount that is more than the amount required to be paid''.

TITLE II—PENSION FUNDING RELIEF

Subtitle A—Single Employer Plans

SEC. 201. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period

described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an

election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 202. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

''SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

''(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply for any eligible plan year (in this section referred to as an 'election year'), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to 'such Act' or 'such Code' shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

''(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

''(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

''(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

''(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

''(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

''(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

''(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

''(B) the increased unfunded new liability for such plan year, and

''(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(d) ELECTION.—

''(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

''(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

''(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

''(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term 'pre-effective date plan year' means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

''(3) INCREASED UNFUNDED NEW LIABILITY.—The term 'increased unfunded new liability' means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

''(4) OTHER DEFINITIONS.—The terms 'unfunded new liability' and 'current liability' shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.''.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking ''eligible cooperative plan'' wherever it appears in subsections (a) and (b) and inserting ''eligible cooperative plan or an eligible charity plan'', and

(2) by adding at the end the following new subsection:

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 203. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(I) such percentage, as determined without regard to this subparagraph, or

''(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term 'applicable provision' means—

''(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(II) paragraph (4).''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(i) such percentage, as determined without regard to this paragraph, or

''(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

''(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

''(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term 'applicable provision' means—

''(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(ii) subsection (e).''.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 204. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

''(I) such ratio, as determined without regard to this subsection, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

Subtitle B—Multiemployer Plans

SEC. 211. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have

sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

TITLE III—BUDGETARY PROVISIONS

SEC. 301. BUDGETARY PROVISIONS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Amend the title so as to read: ''An Act to provide a physician payment update, to provide pension funding relief, and for other purposes.''.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. LEVIN and Mr. HERGER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendments of the Senate?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SHIMKUS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶80.22 COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT

Mr. BERMAN moved to suspend the rules and agree to the following conference report (Rept. No. 111–512):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2194), to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The illicit nuclear activities of the Government of Iran, combined with its development of unconventional weapons and ballistic missiles and its support for international terrorism, represent a threat to the security of the United States, its strong ally Israel, and other allies of the United States around the world.

(2) The United States and other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.

(3) The International Atomic Energy Agency has repeatedly called attention to Iran's illicit nuclear activities and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of Iran to suspend those activities and comply with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'').

(4) The serious and urgent nature of the threat from Iran demands that the United States work together with its allies to do everything possible—diplomatically, politically, and economically—to prevent Iran from acquiring a nuclear weapons capability.

(5) The United States and its major European allies, including the United Kingdom, France, and Germany, have advocated that sanctions be strengthened should international diplomatic efforts fail to achieve verifiable suspension of Iran's uranium enrichment program and an end to its nuclear weapons program and other illicit nuclear activities.

(6) The Government of Iran continues to engage in serious, systematic, and ongoing violations of human rights, including suppression of freedom of expression and religious freedom, illegitimately prolonged detention, torture, and executions. Such violations have increased in the aftermath of the fraudulent presidential election in Iran on June 12, 2009.

(7) The Government of Iran has been unresponsive to President Obama's unprecedented and serious efforts at engagement, revealing that the Government of Iran is not interested in a diplomatic resolution, as made clear, for example, by the following:

(A) Iran's apparent rejection of the Tehran Research Reactor plan, generously offered by the United States and its partners, of potentially great benefit to the people of Iran, and endorsed by Iran's own negotiators in October 2009.

(B) Iran's ongoing clandestine nuclear program, as evidenced by its work on the secret uranium enrichment facility at Qom, its subsequent refusal to cooperate fully with inspectors from the International Atomic Energy Agency,

and its announcement that it would build 10 new uranium enrichment facilities.

(C) Iran's official notification to the International Atomic Energy Agency that it would enrich uranium to the 20 percent level, followed soon thereafter by its providing to that Agency a laboratory result showing that Iran had indeed enriched some uranium to 19.8 percent.

(D) A February 18, 2010, report by the International Atomic Energy Agency expressing ''concerns about the possible existence in Iran of past or current undisclosed activities related to the development of a nuclear payload for a missile. These alleged activities consist of a number of projects and sub-projects, covering nuclear and missile related aspects, run by military-related organizations.''.

(E) A May 31, 2010, report by the International Atomic Energy Agency expressing continuing strong concerns about Iran's lack of cooperation with the Agency's verification efforts and Iran's ongoing enrichment activities, which are contrary to the longstanding demands of the Agency and the United Nations Security Council.

(F) Iran's announcement in April 2010 that it had developed a new, faster generation of centrifuges for enriching uranium.

(G) Iran's ongoing arms exports to, and support for, terrorists in direct contravention of United Nations Security Council resolutions.

(H) Iran's July 31, 2009, arrest of 3 young citizens of the United States on spying charges.

(8) There is an increasing interest by State governments, local governments, educational institutions, and private institutions, business firms, and other investors to disassociate themselves from companies that conduct business activities in the energy sector of Iran, since such business activities may directly or indirectly support the efforts of the Government of Iran to achieve a nuclear weapons capability.

(9) Black market proliferation networks continue to flourish in the Middle East, allowing countries like Iran to gain access to sensitive dual-use technologies.

(10) Economic sanctions imposed pursuant to the provisions of this Act, the Iran Sanctions Act of 1996, as amended by this Act, and the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), and other authorities available to the United States to impose economic sanctions to prevent Iran from developing nuclear weapons, are necessary to protect the essential security interests of the United States.

SEC. 3. SENSE OF CONGRESS REGARDING THE NEED TO IMPOSE ADDITIONAL SANCTIONS WITH RESPECT TO IRAN.

It is the sense of Congress that—

(1) international diplomatic efforts to address Iran's illicit nuclear efforts and support for international terrorism are more likely to be effective if strong additional sanctions are imposed on the Government of Iran;

(2) the concerns of the United States regarding Iran are strictly the result of the actions of the Government of Iran;

(3) the revelation in September 2009 that Iran is developing a secret uranium enrichment site on a base of Iran's Revolutionary Guard Corps near Qom, which appears to have no civilian application, highlights the urgency that Iran—

(A) disclose the full nature of its nuclear program, including any other secret locations; and

(B) provide the International Atomic Energy Agency unfettered access to its facilities pursuant to Iran's legal obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the ''Nuclear Non-Proliferation Treaty'') and Iran's safeguards agreement with the International Atomic Energy Agency;

(4) because of the involvement of Iran's Revolutionary Guard Corps in Iran's nuclear program, international terrorism, and domestic human rights abuses, the President should impose the full range of applicable sanctions on—

(A) any individual or entity that is an agent, alias, front, instrumentality, representative, official, or affiliate of Iran's Revolutionary Guard Corps; and

(B) any individual or entity that has conducted any commercial transaction or financial transaction with an individual or entity described in subparagraph (A);

(5) additional measures should be adopted by the United States to prevent the diversion of sensitive dual-use technologies to Iran;

(6) the President should—

(A) continue to urge the Government of Iran to respect the internationally recognized human rights and religious freedoms of its citizens;

(B) identify the officials of the Government of Iran and other individuals who are responsible for continuing and severe violations of human rights and religious freedom in Iran; and

(C) take appropriate measures to respond to such violations, including by—

(i) prohibiting officials and other individuals the President identifies as being responsible for such violations from entry into the United States; and

(ii) freezing the assets of the officials and other individuals described in clause (i);

(7) additional funding should be provided to the Secretary of State to document, collect, and disseminate information about human rights abuses in Iran, including serious abuses that have taken place since the presidential election in Iran on June 12, 2009;

(8) with respect to nongovernmental organizations based in the United States—

(A) many of such organizations are essential to promoting human rights and humanitarian goals around the world;

(B) it is in the national interest of the United States to allow responsible nongovernmental organizations based in the United States to establish and carry out operations in Iran to promote civil society and foster humanitarian goodwill among the people of Iran; and

(C) the United States should ensure that the organizations described in subparagraph (B) are not unnecessarily hindered from working in Iran to provide humanitarian, human rights, and people-to-people assistance, as appropriate, to the people of Iran;

(9) the United States should not issue a license pursuant to an agreement for cooperation (as defined in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(b))) for the export of nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to such an agreement to a country that is providing similar nuclear material, facilities, components, or other goods, services, or technology to another country that is not in full compliance with its obligations under the Nuclear Non-Proliferation Treaty, including its obligations under the safeguards agreement between that country and the International Atomic Energy Agency, unless the President determines that the provision of such similar nuclear material, facilities, components, or other goods, services, or technology to such other country does not undermine the nonproliferation policies and objectives of the United States; and

(10) the people of the United States—

(A) have feelings of friendship for the people of Iran;

(B) regret that developments in recent decades have created impediments to that friendship; and

(C) hold the people of Iran, their culture, and their ancient and rich history in the highest esteem.

TITLE I—SANCTIONS

SEC. 101. DEFINITIONS.

In this title:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note), as amended by section 102 of this Act.

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(4) FAMILY MEMBER.—The term ''family member'' means, with respect to an individual, a spouse, child, parent, sibling, grandchild, or grandparent of the individual.

(5) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term ''Iranian diplomat or representative of another government or military or quasi-governmental institution of Iran'' means any of the Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran (as that term is defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note)).

(6) KNOWINGLY.—The term ''knowingly'', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(7) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(8) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(9) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(10) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen or resident of the United States or a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); and

(B) an entity that is organized under the laws of the United States or any State.

SEC. 102. EXPANSION OF SANCTIONS UNDER THE IRAN SANCTIONS ACT OF 1996.

(a) IN GENERAL.—Section 5 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) SANCTIONS WITH RESPECT TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN, PRODUCTION OF REFINED PETROLEUM PRODUCTS IN IRAN, AND EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN.—

''(1) DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN.—

''(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010—

''(i) makes an investment described in subparagraph (B) of $20,000,000 or more; or

''(ii) makes a combination of investments described in subparagraph (B) in a 12-month period if each such investment is of at least $5,000,000 and such investments equal or exceed $20,000,000 in the aggregate.

''(B) INVESTMENT DESCRIBED.—An investment described in this subparagraph is an investment that directly and significantly contributes to the enhancement of Iran's ability to develop petroleum resources.

''(2) PRODUCTION OF REFINED PETROLEUM PRODUCTS.—

''(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, sells, leases, or provides to Iran goods, services, technology, information, or support described in subparagraph (B)—

''(i) any of which has a fair market value of $1,000,000 or more; or

''(ii) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more.

''(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly facilitate the maintenance or expansion of Iran's domestic production of refined petroleum products, including any direct and significant assistance with respect to the construction, modernization, or repair of petroleum refineries.

''(3) EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN.—

''(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose 3 or more of the sanctions described in section 6(a) with respect to a person if the President determines that the person knowingly, on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010—

''(i) sells or provides to Iran refined petroleum products—

''(I) that have a fair market value of $1,000,000 or more; or

''(II) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more; or

''(ii) sells, leases, or provides to Iran goods, services, technology, information, or support described in subparagraph (B)—

''(I) any of which has a fair market value of $1,000,000 or more; or

''(II) that, during a 12-month period, have an aggregate fair market value of $5,000,000 or more.

''(B) GOODS, SERVICES, TECHNOLOGY, INFORMATION, OR SUPPORT DESCRIBED.—Goods, services, technology, information, or support described in this subparagraph are goods, services, technology, information, or support that could directly and significantly contribute to the enhancement of Iran's ability to import refined petroleum products, including—

''(i) except as provided in subparagraph (C), underwriting or entering into a contract to provide insurance or reinsurance for the sale, lease, or provision of such goods, services, technology, information, or support;

''(ii) financing or brokering such sale, lease, or provision; or

''(iii) providing ships or shipping services to deliver refined petroleum products to Iran.

''(C) EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under this paragraph with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for the sale, lease, or provision of goods, services, technology, information, or support described in subparagraph (B).'';

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right;

(B) by striking ''The President shall impose'' and inserting the following:

''(1) IN GENERAL.—The President shall impose''; and

(C) in paragraph (1), as redesignated by subparagraph (B) of this paragraph, by striking ''two or more'' and all that follows through ''of this Act'' and inserting ''3 or more of the sanctions described in section 6(a) if the President determines that a person has, on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010''; and

(D) by adding at the end the following:

''(2) ADDITIONAL MANDATORY SANCTIONS RELATING TO TRANSFER OF NUCLEAR TECHNOLOGY.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in any case in which a person is subject to sanctions under paragraph (1) because of an activity described in that paragraph that relates to the acquisition or development of nuclear weapons or related technology or of missiles or advanced conventional weapons that are designed or modified to deliver a nuclear weapon, no license may be issued for the export, and no approval may be given for the transfer or retransfer, directly or indirectly, to the country the government of which has primary jurisdiction over the person, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation between the United States and that government.

''(B) EXCEPTION.—The sanctions described in subparagraph (A) shall not apply with respect to a country the government of which has primary jurisdiction over a person that engages in an activity described in that subparagraph if the President determines and notifies the appropriate congressional committees that the government of the country—

''(i) does not know or have reason to know about the activity; or

''(ii) has taken, or is taking, all reasonable steps necessary to prevent a recurrence of the activity and to penalize the person for the activity.

''(C) INDIVIDUAL APPROVAL.—Notwithstanding subparagraph (A), the President may, on a case-by-case basis, approve the issuance of a license for the export, or approve the transfer or retransfer, of any nuclear material, facilities, components, or other goods, services, or technology that are or would be subject to an agreement for cooperation, to a person in a country to which subparagraph (A) applies (other than a person that is subject to the sanctions under paragraph (1)) if the President—

''(i) determines that such approval is vital to the national security interests of the United States; and

''(ii) not later than 15 days before issuing such license or approving such transfer or retransfer, submits to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate the justification for approving such license, transfer, or retransfer.

''(D) CONSTRUCTION.—The restrictions in subparagraph (A) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other related laws.

''(E) DEFINITION.—In this paragraph, the term 'agreement for cooperation' has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(b)).

''(F) APPLICABILITY.—The sanctions under subparagraph (A) shall apply only in a case in which a person is subject to sanctions under paragraph (1) because of an activity described in that paragraph in which the person engages on or after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.'';

(3) in subsection (c)—

(A) by striking ''(b)'' each place it appears and inserting ''(b)(1)''; and

(B) by striking paragraph (2) and inserting the following:

''(2) any person that—

''(A) is a successor entity to the person referred to in paragraph (1);

''(B) owns or controls the person referred to in paragraph (1), if the person that owns or controls the person referred to in paragraph (1) had actual knowledge or should have known that the person referred to in paragraph (1) engaged in the activities referred to in that paragraph; or

''(C) is owned or controlled by, or under common ownership or control with, the person referred to in paragraph (1), if the person owned or controlled by, or under common ownership or control with (as the case may be), the person referred to in paragraph (1) knowingly engaged in the activities referred to in that paragraph.''; and

(4) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking ''(b)'' and inserting ''(b)(1)''; and

(B) in paragraph (2), by striking ''section 301(b)(1) of that Act (19 U.S.C. 2511(b)(1))'' and inserting ''section 301(b) of that Act (19 U.S.C. 2511(b))''.

(b) DESCRIPTION OF SANCTIONS.—Section 6 of such Act is amended—

(1) by striking ''The sanctions to be imposed'' and inserting the following:

''(a) IN GENERAL.—The sanctions to be imposed'';

(2) in subsection (a), as redesignated by paragraph (1)—

(A) by redesignating paragraph (6) as paragraph (9); and

(B) by inserting after paragraph (5) the following:

''(6) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest.

''(7) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.

''(8) PROPERTY TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

''(A) acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States and with respect to which the sanctioned person has any interest;

''(B) dealing in or exercising any right, power, or privilege with respect to such property; or

''(C) conducting any transaction involving such property.''; and

(3) by adding at the end the following:

''(b) ADDITIONAL MEASURE RELATING TO GOVERNMENT CONTRACTS.—

''(1) MODIFICATION OF FEDERAL ACQUISITION REGULATION.—Not later than 90 days after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to require a certification from each person that is a prospective contractor that the person, and any person owned or controlled by the person, does not engage in any activity for which sanctions may be imposed under section 5.

''(2) REMEDIES.—

''(A) IN GENERAL.—If the head of an executive agency determines that a person has submitted a false certification under paragraph (1) on or after the date on which the revision of the Federal Acquisition Regulation required by this subsection becomes effective, the head of that executive agency shall terminate a contract with

such person or debar or suspend such person from eligibility for Federal contracts for a period of not more than 3 years. Any such debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations.

''(B) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) each person that is debarred, suspended, or proposed for debarment or suspension by the head of an executive agency on the basis of a determination of a false certification under subparagraph (A).

''(3) CLARIFICATION REGARDING CERTAIN PRODUCTS.—The remedies set forth in paragraph (2) shall not apply with respect to the procurement of eligible products, as defined in section 308(4) of the Trade Agreements Act of 1974 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b) of that Act (19 U.S.C. 2511(b)).

''(4) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under paragraph (1).

''(5) WAIVERS.—The President may on a case-by-case basis waive the requirement that a person make a certification under paragraph (1) if the President determines and certifies in writing to the appropriate congressional committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, that it is in the national interest of the United States to do so.

''(6) EXECUTIVE AGENCY DEFINED.—In this subsection, the term 'executive agency' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(7) APPLICABILITY.—The revisions to the Federal Acquisition Regulation required under paragraph (1) shall apply with respect to contracts for which solicitations are issued on or after the date that is 90 days after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.''.

(c) PRESIDENTIAL WAIVER.—Section 9 of such Act is amended—

(1) in subsection (a), by striking ''5(b)'' each place it appears and inserting ''5(b)(1)''; and

(2) in subsection (c)—

(A) by striking ''section 5(a) or (b)'' each place it appears and inserting ''section 5(a) or 5(b)(1)'';

(B) in paragraph (1), by striking ''important to the national interest'' and inserting ''necessary to the national interest''; and

(C) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) an estimate of the significance of the conduct of the person in contributing to the ability of Iran to, as the case may be—

''(i) develop petroleum resources, produce refined petroleum products, or import refined petroleum products; or

''(ii) acquire or develop—

''(I) chemical, biological, or nuclear weapons or related technologies; or

''(II) destabilizing numbers and types of advanced conventional weapons; and''.

(d) REPORTS ON GLOBAL TRADE RELATING TO IRAN.—Section 10 of such Act is amended by adding at the end the following:

''(d) REPORTS ON GLOBAL TRADE RELATING TO IRAN.—Not later than 90 days after the date of the enactment of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, and annually thereafter, the President shall submit to the appropriate congressional committees a report, with respect to the most recent 12-month period for which data are available, on the dollar value amount of trade, including in the energy sector, between Iran and each country maintaining membership in the Group of 20 Finance Ministers and Central Bank Governors.''.

(e) EXTENSION OF IRAN SANCTIONS ACT OF 1996.—Section 13(b) of such Act is amended by striking ''December 31, 2011'' and inserting ''December 31, 2016''.

(f) CLARIFICATION AND EXPANSION OF DEFINITIONS.—Section 14 of such Act is amended—

(1) in paragraph (2), by striking ''the Committee on Banking and Financial Services, and the Committee on International Relations'' and inserting ''the Committee on Financial Services, and the Committee on Foreign Affairs'';

(2) in paragraph (9), in the flush text following subparagraph (C), by striking ''The term 'investment' does not include'' and all that follows through ''technology.'';

(3) by redesignating paragraphs (12), (13), (14), (15), and (16) as paragraphs (13), (14), (15), (17), and (18), respectively;

(4) by inserting after paragraph (11) the following:

''(12) KNOWINGLY.—The term 'knowingly', with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.'';

(5) in paragraph (14), as redesignated by paragraph (3) of this subsection—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and moving such clauses, as so redesignated, 2 ems to the right;

(B) by striking ''The term 'person' means—'' and inserting the following:

''(A) IN GENERAL.—The term 'person' means—'';

(C) in subparagraph (A), as redesignated by this paragraph—

(i) in clause (ii), by inserting ''financial institution, insurer, underwriter, guarantor, and any other business organization,'' after ''trust,''; and

(ii) in clause (iii), by striking ''subparagraph (B)'' and inserting ''clause (ii)''; and

(D) by adding at the end the following:

''(B) APPLICATION TO GOVERNMENTAL ENTITIES.—The term 'person' does not include a government or governmental entity that is not operating as a business enterprise.'';

(6) in paragraph (15), as redesignated by paragraph (3) of this subsection, by striking ''petroleum and natural gas resources'' and inserting ''petroleum, refined petroleum products, oil or liquefied natural gas, natural gas resources, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas''; and

(7) by inserting after paragraph (15), as so redesignated, the following:

''(16) REFINED PETROLEUM PRODUCTS.—The term 'refined petroleum products' means diesel, gasoline, jet fuel (including naphtha-type and kerosene-type jet fuel), and aviation gasoline.''.

(g) WAIVER FOR CERTAIN PERSONS IN CERTAIN COUNTRIES; MANDATORY INVESTIGATIONS AND REPORTING; CONFORMING AMENDMENTS.—Section 4 of such Act is amended—

(1) in subsection (b)(2), by striking ''(in addition to that provided in subsection (d))'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''The President may'' and inserting the following:

''(A) GENERAL WAIVER.—The President may''; and

(ii) by adding at the end the following:

''(B) WAIVER WITH RESPECT TO PERSONS IN COUNTRIES THAT COOPERATE IN MULTILATERAL EFFORTS WITH RESPECT TO IRAN.—The President may, on a case by case basis, waive for a period of not more than 12 months the application of section 5(a) with respect to a person if the President, at least 30 days before the waiver is to take effect—

''(i) certifies to the appropriate congressional committees that—

''(I) the government with primary jurisdiction over the person is closely cooperating with the United States in multilateral efforts to prevent Iran from—

''(aa) acquiring or developing chemical, biological, or nuclear weapons or related technologies; or

''(bb) acquiring or developing destabilizing numbers and types of advanced conventional weapons; and

''(II) such a waiver is vital to the national security interests of the United States; and

''(ii) submits to the appropriate congressional committees a report identifying—

''(I) the person with respect to which the President waives the application of sanctions; and

''(II) the actions taken by the government described in clause (i)(I) to cooperate in multilateral efforts described in that clause.''; and

(B) by striking paragraph (2) and inserting the following:

''(2) SUBSEQUENT RENEWAL OF WAIVER.—At the conclusion of the period of a waiver under subparagraph (A) or (B) of paragraph (1), the President may renew the waiver—

''(A) if the President determines, in accordance with subparagraph (A) or (B) of that paragraph (as the case may be), that the waiver is appropriate; and

''(B)(i) in the case of a waiver under subparagraph (A) of paragraph (1), for subsequent periods of not more than six months each; and

''(ii) in the case of a waiver under subparagraph (B) of paragraph (1), for subsequent periods of not more than 12 months each.'';

(3) by striking subsection (d);

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(5) in subsection (e), as redesignated by paragraph (4) of this subsection—

(A) in paragraph (1)—

(i) by striking ''should initiate'' and inserting ''shall initiate''; and

(ii) by striking ''investment activity in Iran as'' and inserting ''an activity'';

(B) in paragraph (2)—

(i) by striking ''should determine'' and inserting ''shall (unless paragraph (3) applies) determine''; and

(ii) by striking ''investment activity in Iran as'' and inserting ''an activity''; and

(C) by adding at the end the following:

''(3) SPECIAL RULE.—The President need not initiate an investigation, and may terminate an investigation, under this subsection if the President certifies in writing to the appropriate congressional committees that—

''(A) the person whose activity was the basis for the investigation is no longer engaging in the activity or has taken significant verifiable steps toward stopping the activity; and

''(B) the President has received reliable assurances that the person will not knowingly engage in an activity described in section 5(a) in the future.''.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall—

(A) take effect on the date of the enactment of this Act; and

(B) except as provided in this subsection or section 6(b)(7) of the Iran Sanctions Act of 1996, as amended by subsection (b) of this section, apply with respect to an investment or activity described in subsection (a) or (b) of section 5 of the Iran Sanctions Act of 1996, as amended by this section, that is commenced on or after such date of enactment.

(2) APPLICABILITY TO ONGOING INVESTMENTS PROHIBITED UNDER PRIOR LAW.—A person that makes an investment described in section 5(a) of the Iran Sanctions Act of 1996, as in effect on

the day before the date of the enactment of this Act, that is commenced before such date of enactment and continues on or after such date of enactment, shall, except as provided in paragraph (4), be subject to the provisions of the Iran Sanctions Act of 1996, as in effect on the day before such date of enactment.

(3) APPLICABILITY TO ONGOING ACTIVITIES RELATING TO CHEMICAL, BIOLOGICAL, OR NUCLEAR WEAPONS OR RELATED TECHNOLOGIES.—A person that, before the date of the enactment of this Act, commenced an activity described in section 5(b) of the Iran Sanctions Act of 1996, as in effect on the day before such date of enactment, and continues the activity on or after such date of enactment, shall be subject to the provisions of the Iran Sanctions Act of 1996, as amended by this Act.

(4) APPLICABILITY OF MANDATORY INVESTIGATIONS TO INVESTMENTS.—The amendments made by subsection (g)(5) of this section shall apply on and after the date of the enactment of this Act—

(A) with respect to an investment described in section 5(a)(1) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, that is commenced on or after such date of enactment; and

(B) with respect to an investment described in section 5(a) of the Iran Sanctions Act of 1996, as in effect on the day before the date of the enactment of this Act, that is commenced before such date of enactment and continues on or after such date of enactment.

(5) APPLICABILITY OF MANDATORY INVESTIGATIONS TO ACTIVITIES RELATING TO PETROLEUM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by subsection (g)(5) of this section shall apply on and after the date that is 1 year after the date of the enactment of this Act with respect to an activity described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, that is commenced on or after the date that is 1 year after the date of the enactment of this Act or the date on which the President fails to submit a certification that is required under subparagraph (B) (whichever is applicable).

(B) SPECIAL RULE FOR DELAY OF EFFECTIVE DATE.—

(i) REPORTING REQUIREMENT.—Not later than 30 days before the date that is 1 year after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report describing—

(I) the diplomatic and other efforts of the President—

(aa) to dissuade foreign persons from engaging in activities described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section; and

(bb) to encourage other governments to dissuade persons over which those governments have jurisdiction from engaging in such activities;

(II) the successes and failures of the efforts described in subclause (I); and

(III) each investigation under section 4(e) of the Iran Sanctions Act of 1996, as amended by subsection (g)(5) of this section and as in effect pursuant to subparagraph (C) of this paragraph, or any other review of an activity described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, that is initiated or ongoing during the period beginning on the date of the enactment of this Act and ending on the date on which the President is required to submit the report.

(ii) CERTIFICATION.—If the President submits to the appropriate congressional committees, with the report required by clause (i), a certification that there was a substantial reduction in activities described in paragraphs (2) and (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, during the period described in clause (i)(III), the effective date provided for in subparagraph (A) shall be delayed for a 180-day period beginning after the date provided for in that subparagraph.

(iii) SUBSEQUENT REPORTS AND DELAYS.—The effective date provided for in subparagraph (A) shall be delayed for additional 180-day periods occurring after the end of the 180-day period provided for under clause (ii), if, not later than 30 days before the 180-day period preceding such additional 180-day period expires, the President submits to the appropriate congressional committees—

(I) a report containing the matters required in the report under clause (i) for the period beginning on the date on which the preceding report was required to be submitted under clause (i) or this clause (as the case may be) and ending on the date on which the President is required to submit the most recent report under this clause; and

(II) a certification that, during the period described in subclause (I), there was (as compared to the period for which the preceding report was submitted under this subparagraph) a progressive reduction in activities described in paragraphs (2) and (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section.

(iv) CONSEQUENCE OF FAILURE TO CERTIFY.—If the President does not make a certification at a time required by this subparagraph—

(I) the amendments made by subsection (g)(5) of this section shall apply on and after the date on which the certification was required to be submitted by this subparagraph, with respect to an activity described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, that—

(aa) is referenced in the most recent report required to be submitted under this subparagraph; or

(bb) is commenced on or after the date on which such most recent report is required to be submitted; and

(II) not later than 45 days after the date on which the certification was required to be submitted by this subparagraph, the President shall make a determination under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (as the case may be), as amended by subsection (a) of this section, with respect to relevant activities described in subclause (I)(aa).

(C) APPLICABILITY OF PERMISSIVE INVESTIGATIONS.—During the 1-year period beginning on the date of the enactment of this Act and during any 180-day period during which the effective date provided for in subparagraph (A) is delayed pursuant to subparagraph (B), section 4(e) of the Iran Sanctions Act of 1996, as amended by subsection (g)(5) of this section, shall be applied, with respect to an activity described in paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996, as amended by subsection (a) of this section, by substituting ''should'' for ''shall'' each place it appears.

(6) WAIVER AUTHORITY.—The amendments made by subsection (c) shall not be construed to affect any exercise of the authority under section 9(c) of the Iran Sanctions Act of 1996, as in effect on the day before the date of the enactment of this Act.

SEC. 103. ECONOMIC SANCTIONS RELATING TO IRAN.

(a) IN GENERAL.—Notwithstanding section 101 of the Iran Freedom Support Act (Public Law 109–293; 120 Stat. 1344), and in addition to any other sanction in effect, beginning on the date that is 90 days after the date of the enactment of this Act, the economic sanctions described in subsection (b) shall apply with respect to Iran.

(b) SANCTIONS.—The sanctions described in this subsection are the following:

(1) PROHIBITION ON IMPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no good or service of Iranian origin may be imported directly or indirectly into the United States.

(B) EXCEPTIONS.—The exceptions provided for in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), including the exception for information and informational materials, shall apply to the prohibition in subparagraph (A) of this paragraph to the same extent that such exceptions apply to the authority provided under section 203(a) of that Act.

(2) PROHIBITION ON EXPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no good, service, or technology of United States origin may be exported to Iran from the United States or by a United States person, wherever located.

(B) EXCEPTIONS.—

(i) PERSONAL COMMUNICATIONS; ARTICLES TO RELIEVE HUMAN SUFFERING; INFORMATION AND INFORMATIONAL MATERIALS; TRANSACTIONS INCIDENT TO TRAVEL.—The exceptions provided for in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), including the exception for information and informational materials, shall apply to the prohibition in subparagraph (A) of this paragraph to the same extent that such exceptions apply to the authority provided under section 203(a) of that Act.

(ii) FOOD; MEDICINE; HUMANITARIAN ASSISTANCE.—The prohibition in subparagraph (A) shall not apply to the exportation of—

(I) agricultural commodities, food, medicine, or medical devices; or

(II) articles exported to Iran to provide humanitarian assistance to the people of Iran.

(iii) INTERNET COMMUNICATIONS.—The prohibition in subparagraph (A) shall not apply to the exportation of—

(I) services incident to the exchange of personal communications over the Internet or software necessary to enable such services, as provided for in section 560.540 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling);

(II) hardware necessary to enable such services; or

(III) hardware, software, or technology necessary for access to the Internet.

(iv) GOODS, SERVICES, OR TECHNOLOGIES NECESSARY TO ENSURE THE SAFE OPERATION OF COMMERCIAL AIRCRAFT.—The prohibition in subparagraph (A) shall not apply to the exportation of goods, services, or technologies necessary to ensure the safe operation of commercial aircraft produced in the United States or commercial aircraft into which aircraft components produced in the United States are incorporated, if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations issued by the Secretary of the Treasury regarding the exportation of such goods, services, or technologies, if appropriate.

(v) GOODS, SERVICES, OR TECHNOLOGIES EXPORTED TO SUPPORT INTERNATIONAL ORGANIZATIONS.—The prohibition in subparagraph (A) shall not apply to the exportation of goods, services, or technologies that—

(I) are provided to the International Atomic Energy Agency and are necessary to support activities of that Agency in Iran; or

(II) are necessary to support activities, including the activities of nongovernmental organizations, relating to promoting democracy in Iran.

(vi) EXPORTS IN THE NATIONAL INTEREST.—The prohibition in subparagraph (A) shall not apply to the exportation of goods, services, or technologies if the President determines the exportation of such goods, services, or technologies to be in the national interest of the United States.

(3) FREEZING ASSETS.—

(A) IN GENERAL.—At such time as the President determines that a person in Iran, including an Iranian diplomat or representative of another government or military or quasi-governmental institution of Iran (including Iran's Revolutionary Guard Corps and its affiliates), satisfies the criteria for designation with respect to

the imposition of sanctions under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the President shall take such action as may be necessary to freeze, as soon as possible—

(i) the funds and other assets belonging to that person; and

(ii) any funds or other assets that person transfers, on or after the date on which the President determines the person satisfies such criteria, to any family member or associate acting for or on behalf of the person.

(B) REPORTS TO THE OFFICE OF FOREIGN ASSETS CONTROL.—The action described in subparagraph (A) includes requiring any United States financial institution that holds funds or assets of a person described in that subparagraph or funds or assets that person transfers to a family member or associate described in that subparagraph to report promptly to the Office of Foreign Assets Control information regarding such funds and assets.

(C) REPORTS TO CONGRESS.—Not later than 14 days after a decision is made to freeze the funds or assets of any person under subparagraph (A), the President shall report the name of the person to the appropriate congressional committees. Such a report may contain a classified annex.

(D) TERMINATION.—The President shall release assets or funds frozen under subparagraph (A) if the person to which the assets or funds belong or the person that transfers the assets or funds as described in subparagraph (A)(ii) (as the case may be) no longer satisfies the criteria for designation with respect to the imposition of sanctions under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(E) UNITED STATES FINANCIAL INSTITUTION DEFINED.—In this paragraph, the term ''United States financial institution'' means a financial institution (as defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note)) that is a United States person.

(c) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this section or regulations prescribed under this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(d) REGULATORY AUTHORITY.—

(1) IN GENERAL.—The President shall prescribe regulations to carry out this section, which may include regulatory exceptions to the sanctions described in subsection (b).

(2) APPLICABILITY OF CERTAIN REGULATIONS.—No exception to the prohibition under subsection (b)(1) may be made for the commercial importation of an Iranian origin good described in section 560.534(a) of title 31, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act), unless the President—

(A) prescribes a regulation providing for such an exception on or after the date of the enactment of this Act; and

(B) submits to the appropriate congressional committees—

(i) a certification in writing that the exception is in the national interest of the United States; and

(ii) a report describing the reasons for the exception.

SEC. 104. MANDATORY SANCTIONS WITH RESPECT TO FINANCIAL INSTITUTIONS THAT ENGAGE IN CERTAIN TRANSACTIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Financial Action Task Force is an intergovernmental body whose purpose is to develop and promote national and international policies to combat money laundering and terrorist financing.

(2) Thirty-three countries, plus the European Commission and the Cooperation Council for the Arab States of the Gulf, belong to the Financial Action Task Force. The member countries of the Financial Action Task Force include the United States, Canada, most countries in western Europe, Russia, the People's Republic of China, Japan, South Korea, Argentina, and Brazil.

(3) In 2008 the Financial Action Task Force extended its mandate to include addressing ''new and emerging threats such as proliferation financing'', meaning the financing of the proliferation of weapons of mass destruction, and published ''guidance papers'' for members to assist them in implementing various United Nations Security Council resolutions dealing with weapons of mass destruction, including United Nations Security Council Resolutions 1737 (2006) and 1803 (2008), which deal specifically with proliferation by Iran.

(4) The Financial Action Task Force has repeatedly called on members—

(A) to advise financial institutions in their jurisdictions to give special attention to business relationships and transactions with Iran, including Iranian companies and financial institutions;

(B) to apply effective countermeasures to protect their financial sectors from risks relating to money laundering and financing of terrorism that emanate from Iran;

(C) to protect against correspondent relationships being used by Iran and Iranian companies and financial institutions to bypass or evade countermeasures and risk-mitigation practices; and

(D) to take into account risks relating to money laundering and financing of terrorism when considering requests by Iranian financial institutions to open branches and subsidiaries in their jurisdictions.

(5) At a February 2010 meeting of the Financial Action Task Force, the Task Force called on members to apply countermeasures ''to protect the international financial system from the ongoing and substantial money laundering and terrorist financing (ML/TF) risks'' emanating from Iran.

(b) SENSE OF CONGRESS REGARDING THE IMPOSITION OF SANCTIONS ON THE CENTRAL BANK OF IRAN.—Congress—

(1) acknowledges the efforts of the United Nations Security Council to impose limitations on transactions involving Iranian financial institutions, including the Central Bank of Iran; and

(2) urges the President, in the strongest terms, to consider immediately using the authority of the President to impose sanctions on the Central Bank of Iran and any other Iranian financial institution engaged in proliferation activities or support of terrorist groups.

(c) PROHIBITIONS AND CONDITIONS WITH RESPECT TO CERTAIN ACCOUNTS HELD BY FOREIGN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by a foreign financial institution that the Secretary finds knowingly engages in an activity described in paragraph (2).

(2) ACTIVITIES DESCRIBED.—A foreign financial institution engages in an activity described in this paragraph if the foreign financial institution—

(A) facilitates the efforts of the Government of Iran (including efforts of Iran's Revolutionary Guard Corps or any of its agents or affiliates)—

(i) to acquire or develop weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) to provide support for organizations designated as foreign terrorist organizations under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) or support for acts of international terrorism (as defined in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note));

(B) facilitates the activities of a person subject to financial sanctions pursuant to United Nations Security Council Resolution 1737 (2006), 1747 (2007), 1803 (2008), or 1929 (2010), or any other resolution that is agreed to by the Security Council and imposes sanctions with respect to Iran;

(C) engages in money laundering to carry out an activity described in subparagraph (A) or (B);

(D) facilitates efforts by the Central Bank of Iran or any other Iranian financial institution to carry out an activity described in subparagraph (A) or (B); or

(E) facilitates a significant transaction or transactions or provides significant financial services for—

(i) Iran's Revolutionary Guard Corps or any of its agents or affiliates whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

(ii) a financial institution whose property or interests in property are blocked pursuant to that Act in connection with—

(I) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(II) Iran's support for international terrorism.

(3) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under paragraph (1) of this subsection to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(d) PENALTIES FOR DOMESTIC FINANCIAL INSTITUTIONS FOR ACTIONS OF PERSONS OWNED OR CONTROLLED BY SUCH FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to prohibit any person owned or controlled by a domestic financial institution from knowingly engaging in a transaction or transactions with or benefitting Iran's Revolutionary Guard Corps or any of its agents or affiliates whose property or interests in property are blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(2) PENALTIES.—The penalties provided for in section 206(b) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)) shall apply to a domestic financial institution to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act if—

(A) a person owned or controlled by the domestic financial institution violates, attempts to violate, conspires to violate, or causes a violation of regulations prescribed under paragraph (1) of this subsection; and

(B) the domestic financial institution knew or should have known that the person violated, attempted to violate, conspired to violate, or caused a violation of such regulations.

(e) REQUIREMENTS FOR FINANCIAL INSTITUTIONS MAINTAINING ACCOUNTS FOR FOREIGN FINANCIAL INSTITUTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall prescribe regulations to require a domestic financial institution maintaining a correspondent account or payable-through account in the United States for a foreign financial institution to do one or more of the following:

(A) Perform an audit of activities described in subsection (c)(2) that may be carried out by the foreign financial institution.

(B) Report to the Department of the Treasury with respect to transactions or other financial services provided with respect to any such activity.

(C) Certify, to the best of the knowledge of the domestic financial institution, that the foreign financial institution is not knowingly engaging in any such activity.

(D) Establish due diligence policies, procedures, and controls, such as the due diligence policies, procedures, and controls described in section 5318(i) of title 31, United States Code, reasonably designed to detect whether the Secretary of the Treasury has found the foreign financial institution to knowingly engage in any such activity.

(2) PENALTIES.—The penalties provided for in sections 5321(a) and 5322 of title 31, United States Code, shall apply to a person that violates a regulation prescribed under paragraph (1) of this subsection, in the same manner and to the same extent as such penalties would apply to any person that is otherwise subject to such section 5321(a) or 5322.

(f) WAIVER.—The Secretary of the Treasury may waive the application of a prohibition or condition imposed with respect to a foreign financial institution pursuant to subsection (c) or the imposition of a penalty under subsection (d) with respect to a domestic financial institution on and after the date that is 30 days after the Secretary—

(1) determines that such a waiver is necessary to the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(g) PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.—

(1) IN GENERAL.—If a finding under subsection (c)(1), a prohibition, condition, or penalty imposed as a result of any such finding, or a penalty imposed under subsection (d), is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the Secretary of the Treasury may submit such information to the court ex parte and in camera.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to confer or imply any right to judicial review of any finding under subsection (c)(1), any prohibition, condition, or penalty imposed as a result of any such finding, or any penalty imposed under subsection (d).

(h) CONSULTATIONS IN IMPLEMENTATION OF REGULATIONS.—In implementing this section and the regulations prescribed under this section, the Secretary of the Treasury—

(1) shall consult with the Secretary of State; and

(2) may, in the sole discretion of the Secretary of the Treasury, consult with such other agencies and departments and such other interested parties as the Secretary considers appropriate.

(i) DEFINITIONS.—

(1) IN GENERAL.—In this section:

(A) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given those terms in section 5318A of title 31, United States Code.

(B) AGENT.—The term ''agent'' includes an entity established by a person for purposes of conducting transactions on behalf of the person in order to conceal the identity of the person.

(C) FINANCIAL INSTITUTION.—The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

(D) FOREIGN FINANCIAL INSTITUTION; DOMESTIC FINANCIAL INSTITUTION.—The terms ''foreign financial institution'' and ''domestic financial institution'' shall have the meanings of those terms as determined by the Secretary of the Treasury.

(E) MONEY LAUNDERING.—The term ''money laundering'' means the movement of illicit cash or cash equivalent proceeds into, out of, or through a country, or into, out of, or through a financial institution.

(2) OTHER DEFINITIONS.—The Secretary of the Treasury may further define the terms used in this section in the regulations prescribed under this section.

SEC. 105. IMPOSITION OF SANCTIONS ON CERTAIN PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN HUMAN RIGHTS ABUSES COMMITTED AGAINST CITIZENS OF IRAN OR THEIR FAMILY MEMBERS AFTER THE JUNE 12, 2009, ELECTIONS IN IRAN.

(a) IN GENERAL.—The President shall impose sanctions described in subsection (c) with respect to each person on the list required by subsection (b).

(b) LIST OF PERSONS WHO ARE RESPONSIBLE FOR OR COMPLICIT IN CERTAIN HUMAN RIGHTS ABUSES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of persons who are officials of the Government of Iran or persons acting on behalf of that Government (including members of paramilitary organizations such as Ansar-e-Hezbollah and Basij-e Mostaz'afin), that the President determines, based on credible evidence, are responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members on or after June 12, 2009, regardless of whether such abuses occurred in Iran.

(2) UPDATES OF LIST.—The President shall submit to the appropriate congressional committees an updated list under paragraph (1)—

(A) not later than 270 days after the date of the enactment of this Act and every 180 days thereafter; and

(B) as new information becomes available.

(3) FORM OF REPORT; PUBLIC AVAILABILITY.—

(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

(4) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required by paragraph (1), the President shall consider credible data already obtained by other countries and nongovernmental organizations, including organizations in Iran, that monitor the human rights abuses of the Government of Iran.

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are ineligibility for a visa to enter the United States and sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), including blocking of property and restrictions or prohibitions on financial transactions and the exportation and importation of property, subject to such regulations as the President may prescribe, including regulatory exceptions to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, and other applicable international obligations.

(d) TERMINATION OF SANCTIONS.—The provisions of this section shall terminate on the date on which the President determines and certifies to the appropriate congressional committees that the Government of Iran has—

(1) unconditionally released all political prisoners, including the citizens of Iran detained in the aftermath of the June 12, 2009, presidential election in Iran;

(2) ceased its practices of violence, unlawful detention, torture, and abuse of citizens of Iran while engaging in peaceful political activity;

(3) conducted a transparent investigation into the killings, arrests, and abuse of peaceful political activists that occurred in the aftermath of the June 12, 2009, presidential election in Iran and prosecuted the individuals responsible for such killings, arrests, and abuse; and

(4) made public commitments to, and is making demonstrable progress toward—

(A) establishing an independent judiciary; and

(B) respecting the human rights and basic freedoms recognized in the Universal Declaration of Human Rights.

SEC. 106. PROHIBITION ON PROCUREMENT CONTRACTS WITH PERSONS THAT EXPORT SENSITIVE TECHNOLOGY TO IRAN.

(a) IN GENERAL.—Except as provided in subsection (b), and pursuant to such regulations as the President may prescribe, the head of an executive agency may not enter into or renew a contract, on or after the date that is 90 days after the date of the enactment of this Act, for the procurement of goods or services with a person that exports sensitive technology to Iran.

(b) AUTHORIZATION TO EXEMPT CERTAIN PRODUCTS.—The President is authorized to exempt from the prohibition under subsection (a) only eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b) of that Act (19 U.S.C. 2511(b)).

(c) SENSITIVE TECHNOLOGY DEFINED.—

(1) IN GENERAL.—The term ''sensitive technology'' means hardware, software, telecommunications equipment, or any other technology, that the President determines is to be used specifically—

(A) to restrict the free flow of unbiased information in Iran; or

(B) to disrupt, monitor, or otherwise restrict speech of the people of Iran.

(2) EXCEPTION.—The term ''sensitive technology'' does not include information or informational materials the exportation of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

(d) GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON EFFECT OF PROCUREMENT PROHIBITION.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives, a report assessing the extent to which executive agencies would have entered into or renewed contracts for the procurement of goods or services with persons that export sensitive technology to Iran if the prohibition under subsection (a) were not in effect.

SEC. 107. HARMONIZATION OF CRIMINAL PENALTIES FOR VIOLATIONS OF SANCTIONS.

(a) IN GENERAL.—

(1) VIOLATIONS OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS IMPOSING SANCTIONS.—Section 5(b) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(b)) is amended—

(A) by striking ''find not more than $10,000'' and inserting ''fined not more than $1,000,000''; and

(B) by striking ''ten years'' and all that follows and inserting ''20 years, or both.''.

(2) VIOLATIONS OF CONTROLS ON EXPORTS AND IMPORTS OF DEFENSE ARTICLES AND DEFENSE SERVICES.—Section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)) is amended by striking ''ten years'' and inserting ''20 years''.

(3) VIOLATIONS OF PROHIBITION ON TRANSACTIONS WITH COUNTRIES THAT SUPPORT ACTS OF INTERNATIONAL TERRORISM.—Section 40(j) of the Arms Export Control Act (22 U.S.C. 2780(j)) is amended by striking ''10 years'' and inserting ''20 years''.

(4) VIOLATIONS OF THE TRADING WITH THE ENEMY ACT.—Section 16(a) of the Trading with the enemy Act (50 U.S.C. App. 16(a)) is amended by striking ''if a natural person'' and all that follows and inserting ''if a natural person, be imprisoned for not more than 20 years, or both.''.

(b) STUDY BY UNITED STATES SENTENCING COMMISSION.—Not later than 1 year after the date of the enactment of this Act, the United States Sentencing Commission, pursuant to the authority under sections 994 and 995 of title 28, United States Code, and the responsibility of the United States Sentencing Commission to advise Congress on sentencing policy under section 995(a)(20) of title 28, United States Code, shall study and submit to Congress a report on the impact and advisability of imposing a mandatory minimum sentence for violations of—

(1) section 5(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(a));

(2) sections 38, 39, and 40 of the Arms Export Control Act (22 U.S.C. 2778, 2779, and 2780); and

(3) the Trading with the enemy Act (50 U.S.C. App. 1 et seq.).

SEC. 108. AUTHORITY TO IMPLEMENT UNITED NATIONS SECURITY COUNCIL RESOLUTIONS IMPOSING SANCTIONS WITH RESPECT TO IRAN.

In addition to any other authority of the President with respect to implementing resolutions of the United Nations Security Council, the President may prescribe such regulations as may be necessary to implement a resolution that is agreed to by the United Nations Security Council and imposes sanctions with respect to Iran.

SEC. 109. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.

(a) FINDINGS.—Congress finds the following:

(1) The work of the Office of Terrorism and Financial Intelligence of the Department of the Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Network, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.

(2) The Secretary of the Treasury has designated, including most recently on June 16, 2010, various Iranian individuals and banking, military, energy, and shipping entities as proliferators of weapons of mass destruction pursuant to Executive Order 13382 (50 U.S.C. 1701 note), thereby blocking transactions subject to the jurisdiction of the United States by those individuals and entities and their supporters.

(3) The Secretary of the Treasury has also identified an array of entities in the insurance, petroleum, and petrochemicals industries that the Secretary has determined to be owned or controlled by the Government of Iran and added those entities to the list contained in Appendix A to part 560 of title 31, Code of Federal Regulations (commonly known as the ''Iranian Transactions Regulations''), thereby prohibiting transactions between United States persons and those entities.

(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.—There are authorized to be appropriated to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence—

(1) $102,613,000 for fiscal year 2011; and

(2) such sums as may be necessary for each of the fiscal years 2012 and 2013.

(c) AUTHORIZATION OF APPROPRIATIONS FOR THE FINANCIAL CRIMES ENFORCEMENT NETWORK.—Section 310(d)(1) of title 31, United States Code, is amended by striking ''such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005'' and inserting ''$100,419,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 and 2013''.

(d) AUTHORIZATION OF APPROPRIATIONS FOR BUREAU OF INDUSTRY AND SECURITY OF THE DEPARTMENT OF COMMERCE.—There are authorized to be appropriated to the Secretary of Commerce for the Bureau of Industry and Security of the Department of Commerce—

(1) $113,000,000 for fiscal year 2011; and

(2) such sums as may be necessary for each of the fiscal years 2012 and 2013.

SEC. 110. REPORTS ON INVESTMENTS IN THE ENERGY SECTOR OF IRAN.

(a) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report—

(A) on investments in the energy sector of Iran that were made during the period described in paragraph (2); and

(B) that contains—

(i) an estimate of the volume of energy-related resources (other than refined petroleum), including ethanol, that Iran imported during the period described in paragraph (2); and

(ii) a list of all significant known energy-related joint ventures, investments, and partnerships located outside Iran that involve Iranian entities in partnership with entities from other countries, including an identification of the entities from other countries; and

(iii) an estimate of—

(I) the total value of each such joint venture, investment, and partnership; and

(II) the percentage of each such joint venture, investment, and partnership owned by an Iranian entity.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the period beginning on January 1, 2006, and ending on the date that is 60 days after the date of the enactment of this Act.

(b) UPDATED REPORTS.—Not later than 180 days after submitting the report required by subsection (a), and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report containing the matters required in the report under subsection (a)(1) for the 180-day period beginning on the date that is 30 days before the date on which the preceding report was required to be submitted by this section.

SEC. 111. REPORTS ON CERTAIN ACTIVITIES OF FOREIGN EXPORT CREDIT AGENCIES AND OF THE EXPORT-IMPORT BANK OF THE UNITED STATES.

(a) REPORT ON CERTAIN ACTIVITIES OF EXPORT CREDIT AGENCIES OF FOREIGN COUNTRIES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on any activity of an export credit agency of a foreign country that is an activity comparable to an activity described in subsection (a) or (b) of section 5 of the Iran Sanctions Act of 1996, as amended by section 102 of this Act.

(2) UPDATES.—The President shall update the report required by paragraph (1) as new information becomes available with respect to the activities of export credit agencies of foreign countries.

(b) REPORT ON CERTAIN FINANCING BY THE EXPORT-IMPORT BANK OF THE UNITED STATES.—Not later than 30 days (or, in extraordinary circumstances, not later than 15 days) before the Export-Import Bank of the United States approves cofinancing (including loans, guarantees, other credits, insurance, and reinsurance) in which an export credit agency of a foreign country identified in the report required by subsection (a) will participate, the President shall submit to the appropriate congressional committees a report identifying—

(1) the export credit agency of the foreign country; and

(2) the beneficiaries of the financing.

SEC. 112. SENSE OF CONGRESS REGARDING IRAN'S REVOLUTIONARY GUARD CORPS AND ITS AFFILIATES.

It is the sense of Congress that the United States should—

(1) persistently target Iran's Revolutionary Guard Corps and its affiliates with economic sanctions for its support for terrorism, its role in proliferation, and its oppressive activities against the people of Iran;

(2) identify, as soon as possible—

(A) any foreign individual or entity that is an agent, alias, front, instrumentality, official, or affiliate of Iran's Revolutionary Guard Corps;

(B) any individual or entity that—

(i) has provided material support to any individual or entity described in subparagraph (A); or

(ii) has conducted any financial or commercial transaction with any such individual or entity; and

(C) any foreign government that—

(i) provides material support to any such individual or entity; or

(ii) conducts any commercial transaction or financial transaction with any such individual or entity; and

(3) immediately impose sanctions, including travel restrictions, sanctions authorized pursuant to this Act or the Iran Sanctions Act of 1996, as amended by section 102 of this Act, and the full range of sanctions available to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), on the individuals, entities, and governments described in paragraph (2).

SEC. 113. SENSE OF CONGRESS REGARDING IRAN AND HEZBOLLAH.

It is the sense of Congress that the United States should—

(1) continue to counter support received by Hezbollah from the Government of Iran and other foreign governments in response to Hezbollah's terrorist activities and the threat Hezbollah poses to Israel, the democratic sovereignty of Lebanon, and the national security interests of the United States;

(2) impose the full range of sanctions available to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) on Hezbollah, affiliates and supporters of Hezbollah designated for the imposition of sanctions under that Act, and persons providing Hezbollah with commercial, financial, or other services;

(3) urge the European Union, individual countries in Europe, and other countries to classify Hezbollah as a terrorist organization to facilitate the disruption of Hezbollah's operations; and

(4) renew international efforts to disarm Hezbollah and disband its militias in Lebanon, as called for by United Nations Security Council Resolutions 1559 (2004) and 1701 (2006).

SEC. 114. SENSE OF CONGRESS REGARDING THE IMPOSITION OF MULTILATERAL SANCTIONS WITH RESPECT TO IRAN.

It is the sense of Congress that—

(1) in general, effective multilateral sanctions are preferable to unilateral sanctions in order to achieve desired results from countries such as Iran; and

(2) the President should continue to work with allies of the United States to impose such sanctions as may be necessary to prevent the Government of Iran from acquiring a nuclear weapons capability.

SEC. 115. REPORT ON PROVIDING COMPENSATION FOR VICTIMS OF INTERNATIONAL TERRORISM.

Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on equitable methods for providing compensation on a comprehensive basis to victims of acts of international terrorism who are citizens or residents of the United States or nationals of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

TITLE II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

SEC. 201. DEFINITIONS.

In this title:

(1) ENERGY SECTOR OF IRAN.—The term ''energy sector of Iran'' refers to activities to develop petroleum or natural gas resources or nuclear power in Iran.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that

term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) IRAN.—The term ''Iran'' includes the Government of Iran and any agency or instrumentality of Iran.

(4) PERSON.—The term ''person'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A) or (B).

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(6) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality of a State or locality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 202. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES THAT INVEST IN IRAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support the decision of any State or local government that for moral, prudential, or reputational reasons divests from, or prohibits the investment of assets of the State or local government in, a person that engages in investment activities in the energy sector of Iran, as long as Iran is subject to economic sanctions imposed by the United States.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran described in subsection (c).

(c) INVESTMENT ACTIVITIES DESCRIBED.—A person engages in investment activities in Iran described in this subsection if the person—

(1) has an investment of $20,000,000 or more in the energy sector of Iran, including in a person that provides oil or liquified natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquified natural gas, for the energy sector of Iran; or

(2) is a financial institution that extends $20,000,000 or more in credit to another person, for 45 days or more, if that person will use the credit for investment in the energy sector of Iran.

(d) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice to each person to which a measure is to be applied.

(2) TIMING.—The measure shall apply to a person not earlier than the date that is 90 days after the date on which written notice is provided to the person under paragraph (1).

(3) OPPORTUNITY FOR HEARING.—The State or local government shall provide an opportunity to comment in writing to each person to which a measure is to be applied. If the person demonstrates to the State or local government that the person does not engage in investment activities in Iran described in subsection (c), the measure shall not apply to the person.

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person engages in investment activities in Iran described in subsection (c).

(e) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

(f) NONPREEMPTION.—A measure of a State or local government authorized under subsection (b) or (i) is not preempted by any Federal law or regulation.

(g) DEFINITIONS.—In this section:

(1) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''assets'' refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term ''assets'' does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) INVESTMENT.—The ''investment'' includes—

(A) a commitment or contribution of funds or property;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) or subsection (i), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Except as provided in subsection (i), subsections (d) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

(i) AUTHORIZATION FOR PRIOR ENACTED MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of this section or any other provision of law, a State or local government may enforce a measure (without regard to the requirements of subsection (d), except as provided in paragraph (2)) adopted by the State or local government before the date of the enactment of this Act that provides for the divestment of assets of the State or local government from, or prohibits the investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran (determined without regard to subsection (c)) or other business activities in Iran that are identified in the measure.

(2) APPLICATION OF NOTICE REQUIREMENTS.—A measure described in paragraph (1) shall be subject to the requirements of paragraphs (1) and (2) and the first sentence of paragraph (3) of subsection (d) on and after the date that is 2 years after the date of the enactment of this Act.

SEC. 203. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

(a) IN GENERAL.—Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information available to the public—

''(A) conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007 (50 U.S.C. 1701 note); or

''(B) engage in investment activities in Iran described in section 202(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010.''.

(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any revisions the Commission determines to be necessary to the regulations requiring disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940 to include divestments of securities in accordance with paragraph (1)(B) of such section, as added by subsection (a) of this section.

SEC. 204. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines engages in investment activities in Iran described in section 202(c) of this Act, without breaching the responsibilities, obligations, or duties imposed upon the fiduciary by subparagraph (A) or (B) of section 404(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)(1)), if—

(1) the fiduciary makes such determination using credible information that is available to the public; and

(2) the fiduciary prudently determines that the result of such divestment or avoidance of investment would not be expected to provide the employee benefit plan with—

(A) a lower rate of return than alternative investments with commensurate degrees of risk; or

(B) a higher degree of risk than alternative investments with commensurate rates of return.

SEC. 205. TECHNICAL CORRECTIONS TO SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007.

(a) ERISA PLAN INVESTMENTS.—Section 5 of the Sudan Accountability and Divestment Act of 2007 (Public Law 110–174; 50 U.S.C. 1701 note) is amended—

(1) by striking ''section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104)'' and inserting ''subparagraph (A) or (B) of section 404(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)(1))''; and

(2) by striking paragraph (2) and inserting the following:

''(2) the fiduciary prudently determines that the result of such divestment or avoidance of investment would not be expected to provide the employee benefit plan with—

''(A) a lower rate of return than alternative investments with commensurate degrees of risk; or

''(B) a higher degree of risk than alternative investments with commensurate rates of return.''.

(b) SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.—

(1) IN GENERAL.—Section 13(c)(2)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(2)(A)) is amended to read as follows:

''(A) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to create, imply, diminish, change, or affect in any way whether or not a private right of action exists under subsection (a) or any other provision of this Act.''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply as if included in the

Sudan Accountability and Divestment Act of 2007 (Public Law 110–174; 50 U.S.C. 1701 note).

TITLE III—PREVENTION OF DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO IRAN

SEC. 301. DEFINITIONS.

In this title:

(1) ALLOW.—The term ''allow'', with respect to the diversion through a country of goods, services, or technologies, means the government of the country knows or has reason to know that the territory of the country is being used for such diversion.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) COMMERCE CONTROL LIST.—The term ''Commerce Control List'' means the list maintained pursuant to part 774 of the Export Administration Regulations (or any corresponding similar regulation or ruling).

(4) DIVERT; DIVERSION.—The terms ''divert'' and ''diversion'' refer to the transfer or release, directly or indirectly, of a good, service, or technology to an end-user or an intermediary that is not an authorized recipient of the good, service, or technology.

(5) END-USER.—The term ''end-user'', with respect to a good, service, or technology, means the person that receives and ultimately uses the good, service, or technology.

(6) EXPORT ADMINISTRATION REGULATIONS.—The term ''Export Administration Regulations'' means subchapter C of chapter VII of title 15, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(7) GOVERNMENT.—The term ''government'' includes any agency or instrumentality of a government.

(8) INTERMEDIARY.—The term ''intermediary'' means a person that receives a good, service, or technology while the good, service, or technology is in transit to the end-user of the good, service, or technology.

(9) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term ''International Traffic in Arms Regulations'' means subchapter M of chapter I of title 22, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(10) IRAN.—The term ''Iran'' includes the Government of Iran and any agency or instrumentality of Iran.

(11) IRANIAN END-USER.—The term ''Iranian end-user'' means an end-user that is the Government of Iran or a person in, or an agency or instrumentality of, Iran.

(12) IRANIAN INTERMEDIARY.—The term ''Iranian intermediary'' means an intermediary that is the Government of Iran or a person in, or an agency or instrumentality of, Iran.

(13) STATE SPONSOR OF TERRORISM.—The term ''state sponsor of terrorism'' means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(14) UNITED STATES MUNITIONS LIST.—The term ''United States Munitions List'' means the list maintained pursuant to part 121 of the International Traffic in Arms Regulations (or any corresponding similar regulation or ruling).

SEC. 302. IDENTIFICATION OF COUNTRIES OF CONCERN WITH RESPECT TO THE DIVERSION OF CERTAIN GOODS, SERVICES, AND TECHNOLOGIES TO OR THROUGH IRAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the President, the Secretary of Defense, the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the appropriate congressional committees a report that identifies each country the government of which the Director believes, based on all information available to the Director, is allowing the diversion through the country of goods, services, or technologies described in subsection (b) to Iranian end-users or Iranian intermediaries.

(b) GOODS, SERVICES, AND TECHNOLOGIES DESCRIBED.—Goods, services, or technologies described in this subsection are goods, services, or technologies—

(1) that—

(A) originated in the United States;

(B) would make a material contribution to Iran's—

(i) development of nuclear, chemical, or biological weapons;

(ii) ballistic missile or advanced conventional weapons capabilities; or

(iii) support for international terrorism; and

(C) are—

(i) items on the Commerce Control List or services related to those items; or

(ii) defense articles or defense services on the United States Munitions List; or

(2) that are prohibited for export to Iran under a resolution of the United Nations Security Council.

(c) UPDATES.—The Director of National Intelligence shall update the report required by subsection (a)—

(1) as new information becomes available; and

(2) not less frequently than annually.

(d) FORM.—The report required by subsection (a) and the updates required by subsection (c) may be submitted in classified form.

SEC. 303. DESTINATIONS OF DIVERSION CONCERN.

(a) DESIGNATION.—

(1) IN GENERAL.—The President shall designate a country as a Destination of Diversion Concern if the President determines that the government of the country allows substantial diversion of goods, services, or technologies described in section 302(b) through the country to Iranian end-users or Iranian intermediaries.

(2) DETERMINATION OF SUBSTANTIAL.—For purposes of paragraph (1), the President shall determine whether the government of a country allows substantial diversion of goods, services, or technologies described in section 302(b) through the country to Iranian end-users or Iranian intermediaries based on criteria that include—

(A) the volume of such goods, services, and technologies that are diverted through the country to such end-users or intermediaries;

(B) the inadequacy of the export controls of the country;

(C) the unwillingness or demonstrated inability of the government of the country to control the diversion of such goods, services, and technologies to such end-users or intermediaries; and

(D) the unwillingness or inability of the government of the country to cooperate with the United States in efforts to interdict the diversion of such goods, services, or technologies to such end-users or intermediaries.

(b) REPORT ON DESIGNATION.—Upon designating a country as a Destination of Diversion Concern under subsection (a), the President shall submit to the appropriate congressional committees a report—

(1) notifying those committees of the designation of the country; and

(2) containing a list of the goods, services, and technologies described in section 302(b) that the President determines are diverted through the country to Iranian end-users or Iranian intermediaries.

(c) LICENSING REQUIREMENT.—Not later than 45 days after submitting a report required by subsection (b) with respect to a country designated as a Destination of Diversion Concern under subsection (a), the President shall require a license under the Export Administration Regulations or the International Traffic in Arms Regulations (whichever is applicable) to export to that country a good, service, or technology on the list required under subsection (b)(2), with the presumption that any application for such a license will be denied.

(d) DELAY OF IMPOSITION OF LICENSING REQUIREMENT.—

(1) IN GENERAL.—The President may delay the imposition of the licensing requirement under subsection (c) with respect to a country designated as a Destination of Diversion Concern under subsection (a) for a 12-month period if the President—

(A) determines that the government of the country is taking steps—

(i) to institute an export control system or strengthen the export control system of the country;

(ii) to interdict the diversion of goods, services, or technologies described in section 302(b) through the country to Iranian end-users or Iranian intermediaries; and

(iii) to comply with and enforce United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1929 (2010), and any other resolution that is agreed to by the Security Council and imposes sanctions with respect to Iran;

(B) determines that it is appropriate to carry out government-to-government activities to strengthen the export control system of the country; and

(C) submits to the appropriate congressional committees a report describing the steps specified in subparagraph (A) being taken by the government of the country.

(2) ADDITIONAL 12-MONTH PERIODS.—The President may delay the imposition of the licensing requirement under subsection (c) with respect to a country designated as a Destination of Diversion Concern under subsection (a) for additional 12-month periods after the 12-month period referred to in paragraph (1) if the President, for each such 12-month period—

(A) makes the determinations described in subparagraphs (A) and (B) of paragraph (1) with respect to the country; and

(B) submits to the appropriate congressional committees an updated version of the report required by subparagraph (C) of paragraph (1).

(3) STRENGTHENING EXPORT CONTROL SYSTEMS.—If the President determines under paragraph (1)(B) that is it appropriate to carry out government-to-government activities to strengthen the export control system of a country designated as a Destination of Diversion Concern under subsection (a), the United States shall initiate government-to-government activities that may include—

(A) cooperation by agencies and departments of the United States with counterpart agencies and departments in the country—

(i) to develop or strengthen the export control system of the country;

(ii) to strengthen cooperation among agencies of the country and with the United States and facilitate enforcement of the export control system of the country; and

(iii) to promote information and data exchanges among agencies of the country and with the United States;

(B) training officials of the country to strengthen the export control systems of the country—

(i) to facilitate legitimate trade in goods, services, and technologies; and

(ii) to prevent terrorists and state sponsors of terrorism, including Iran, from obtaining nuclear, biological, and chemical weapons, defense

technologies, components for improvised explosive devices, and other defense articles; and

(C) encouraging the government of the country to participate in the Proliferation Security Initiative, such as by entering into a ship boarding agreement pursuant to the Initiative.

(e) TERMINATION OF DESIGNATION.—The designation of a country as a Destination of Diversion Concern under subsection (a) shall terminate on the date on which the President determines, and certifies to the appropriate congressional committees, that the country has adequately strengthened the export control system of the country to prevent the diversion of goods, services, and technologies described in section 302(b) to Iranian end-users or Iranian intermediaries.

(f) FORM OF REPORTS.—A report required by subsection (b) or (d) may be submitted in classified form.

SEC. 304. REPORT ON EXPANDING DIVERSION CONCERN SYSTEM TO ADDRESS THE DIVERSION OF UNITED STATES ORIGIN GOODS, SERVICES, AND TECHNOLOGIES TO CERTAIN COUNTRIES OTHER THAN IRAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that—

(1) identifies any country that the President determines is allowing the diversion, in violation of United States law, of items on the Commerce Control List or services related to those items, or defense articles or defense services on the United States Munitions List, that originated in the United States to another country if such other country—

(A) is seeking to obtain nuclear, biological, or chemical weapons, or ballistic missiles; or

(B) provides support for acts of international terrorism; and

(2) assesses the feasability and advisability of expanding the system established under section 303 for designating countries as Destinations of Diversion Concern to include countries identified under paragraph (1).

(b) FORM.—The report required by subsection (a) may be submitted in classified form.

SEC. 305. ENFORCEMENT AUTHORITY.

The Secretary of Commerce may designate any employee of the Office of Export Enforcement of the Department of Commerce to conduct activities specified in clauses (i), (ii), and (iii) of section 12(a)(3)(B) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(a)(3)(B)) when the employee is carrying out activities to enforce—

(1) the provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) the provisions of this title, or any other provision of law relating to export controls, with respect to which the Secretary of Commerce has enforcement responsibility; or

(3) any license, order, or regulation issued under—

(A) the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)); or

(B) a provision of law referred to in paragraph (2).

TITLE IV—GENERAL PROVISIONS

SEC. 401. GENERAL PROVISIONS.

(a) SUNSET.—The provisions of this Act (other than sections 105 and 305 and the amendments made by sections 102, 107, 109, and 205) shall terminate, and section 13(c)(1)(B) of the Investment Company Act of 1940, as added by section 203(a), shall cease to be effective, on the date that is 30 days after the date on which the President certifies to Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state sponsor of terrorism (as defined in section 301) under—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); and

(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

(b) PRESIDENTIAL WAIVERS.—

(1) IN GENERAL.—The President may waive the application of sanctions under section 103(b), the requirement to impose or maintain sanctions with respect to a person under section 105(a), the requirement to include a person on the list required by section 105(b), the application of the prohibition under section 106(a), or the imposition of the licensing requirement under section 303(c) with respect to a country designated as a Destination of Diversion Concern under section 303(a), if the President determines that such a waiver is in the national interest of the United States.

(2) REPORTS.—

(A) IN GENERAL.—If the President waives the application of a provision pursuant to paragraph (1), the President shall submit to the appropriate congressional committees a report describing the reasons for the waiver.

(B) SPECIAL RULE FOR REPORT ON WAIVING IMPOSITION OF LICENSING REQUIREMENT UNDER SECTION 303(c).—In any case in which the President waives, pursuant to paragraph (1), the imposition of the licensing requirement under section 303(c) with respect to a country designated as a Destination of Diversion Concern under section 303(a), the President shall include in the report required by subparagraph (A) of this paragraph an assessment of whether the government of the country is taking the steps described in subparagraph (A) of section 303(d)(1).

(c) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE AND THE DEPARTMENT OF THE TREASURY.—There are authorized to be appropriated to the Secretary of State and to the Secretary of the Treasury such sums as may be necessary to implement the provisions of, and amendments made by, titles I and III of this Act.

(2) AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF COMMERCE.—There are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary to carry out title III.

SEC. 402. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

And the Senate agree to the same.

From the Committee on Foreign Affairs, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HOWARD L. BERMAN,
GARY L. ACKERMAN,
BRAD SHERMAN,
JOSEPH CROWLEY,
DAVID SCOTT,
JIM COSTA,
RON KLEIN,
ILEANA ROS-LEHTINEN,
DAN BURTON,
EDWARD R. ROYCE,
MIKE PENCE,

From the Committee on Financial Services, for consideration of secs. 3 and 4 of the House bill, and secs. 101–103, 106, 203, and 401 of the Senate amendment, and modifications committed to conference:

BARNEY FRANK,
GREGORY W. MEEKS,
SCOTT GARRETT,

From the Committee on Ways and Means, for consideration of secs. 3 and 4 of the House bill, and secs. 101–103 and 401 of the Senate amendment, and modifications committed to conference:

SANDER M. LEVIN,
JOHN S. TANNER,
DAVE CAMP,

Managers on the Part of the House.

CHRISTOPHER J. DODD,
JOHN F. KERRY,
JOSEPH I. LIEBERMAN,
ROBERT MENENDEZ,
RICHARD C. SHELBY,
ROBERT F. BENNETT,
RICHARD G. LUGAR,

Managers on the Part of the Senate.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said conference report?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BERMAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶80.23 AMENDMENTS OF THE SENATE TO H.R. 3962—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the amendments of the Senate to the bill (H.R. 3962) to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.

The question being put,

Will the House suspend the rules and agree to the amendments of the Senate?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 1

¶80.24 [Roll No. 393]

YEAS—417

Ackerman	Bachmann	Berman
Aderholt	Bachus	Berry
Adler (NJ)	Baird	Biggert
Akin	Baldwin	Bilbray
Alexander	Barrow	Bilirakis
Altmire	Bartlett	Bishop (GA)
Andrews	Barton (TX)	Bishop (NY)
Arcuri	Bean	Bishop (UT)
Austria	Becerra	Blackburn
Baca	Berkley	Blumenauer

Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—1

Miller, George

NOT VOTING—14

Barrett (SC)
Blunt
Boehner
Brown (SC)
Campbell
Hinojosa
Hoekstra
Oberstar
Richardson
Rothman (NJ)
Teague
Visclosky
Wamp
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendments of the Senate were agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendments of the Senate were agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶80.25 CONFERENCE REPORT ON H.R. 2194—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CRITZ, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the conference report on the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

The question being put,

Will the House suspend the rules and agree to said conference report?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	408
Nays	8
Answered present	1

¶80.26 [Roll No. 394]

YEAS—408

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross

Roybal-Allard	Shuler	Titus
Royce	Shuster	Tonko
Ruppersberger	Simpson	Towns
Rush	Sires	Tsongas
Ryan (OH)	Skelton	Turner
Ryan (WI)	Slaughter	Upton
Salazar	Smith (NE)	Van Hollen
Sánchez, Linda T.	Smith (NJ)	Velázquez
	Smith (TX)	Walden
Sanchez, Loretta	Smith (WA)	Walz
Sarbanes	Snyder	Wasserman Schultz
Scalise	Space	
Schakowsky	Speier	Watson
Schauer	Spratt	Watt
Schiff	Stearns	Waxman
Schmidt	Stupak	Weiner
Schrader	Sullivan	Welch
Schwartz	Sutton	Westmoreland
Scott (GA)	Tanner	Whitfield
Scott (VA)	Taylor	Wilson (OH)
Sensenbrenner	Terry	Wilson (SC)
Serrano	Thompson (CA)	Wittman
Sessions	Thompson (MS)	Wolf
Sestak	Thompson (PA)	Wu
Shadegg	Thornberry	Yarmuth
Shea-Porter	Tiahrt	Young (FL)
Sherman	Tiberi	
Shimkus	Tierney	

NAYS—8

Baird	Conyers	Paul
Baldwin	Flake	Stark
Blumenauer	Kucinich	

ANSWERED ''PRESENT''—1

Waters

NOT VOTING—16

Barrett (SC)	Hoekstra	Visclosky
Blunt	McDermott	Wamp
Brown (SC)	Oberstar	Woolsey
Campbell	Rothman (NJ)	Young (AK)
Duncan	Schock	
Hinojosa	Teague	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said conference report was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶80.27 H. RES. 1373—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CRITZ, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1373) expressing support for designation of the week beginning May 2, 2010, as ''National Physical Education and Sport Week''.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CRITZ, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶80.28 H. RES. 1359—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CRITZ, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1359) calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CRITZ, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution calling for the immediate and unconditional release of Israeli soldier Gilad Shalit, who is held captive by Hamas, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶80.29 H. RES. 1457—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CRITZ, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1457) expressing the sense of the House of Representatives on the one-year anniversary of the Government of Iran's fraudulent manipulation of Iranian elections, the Government of Iran's continued denial of human rights and democracy to the people of Iran, and the Government of Iran's continued pursuit of a nuclear weapons capability.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CRITZ, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶80.30 ADJOURNMENT OVER

On motion of Mr. DEUTCH, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, June 25, 2010, at 4 p.m.; and further, when the House adjourns on Friday, June 25, 2010, it adjourn to meet at 12:30 p.m. on Monday, June 28, 2010, for morning-hour debate; and further, when the House adjourns on Monday, June 28, 2010, it adjourn to meet at 10:30 a.m. on Tuesday, June 29, 2010, for morning-hour debate.

¶80.31 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3962. An Act to provide a physician payment update, to provide pension funding relief, and for other purposes.

¶80.32 SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Speaker announced her signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1660. An Act to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 2865. An Act to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

S.J. Res. 32. A joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

And then,

¶80.33 ADJOURNMENT

On motion of Mr. GOHMERT, pursuant to the previous order of the House, at 9 o'clock and 25 minutes p.m., the House adjourned until 4 p.m. on Friday, June 25, 2010.

¶80.34 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KING of New York (for himself, Mr. DANIEL E. LUNGREN of California, Mr. ROGERS of Alabama, Mr. MCCAUL, Mr. DENT, Mr. BILIRAKIS, Mr. BROUN of Georgia, Mrs. MILLER of Michigan, Mr. OLSON, Mr. CAO, and Mr. AUSTRIA):

H.R. 5590. A bill to strengthen measures to protect the United States from terrorist attacks and to authorize appropriations for the Department of Homeland Security for fiscal year 2011, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Armed Services, Rules, the Judiciary, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCMORRIS RODGERS:

H.R. 5591. A bill to designate the facility of the Federal Aviation Administration located at Spokane International Airport in Spokane, Washington, as the ''Ray Daves Air Traffic Control Tower''; to the Committee on Transportation and Infrastructure.

By Mr. REHBERG:

H.R. 5592. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, and for other purposes; to the Committee on Natural Resources.

By Ms. SUTTON (for herself, Mr. GINGREY of Georgia, and Mr. GENE GREEN of Texas):

H.R. 5593. A bill to amend title XVIII of the Social Security Act to provide for timely access to post-mastectomy items under Medicare; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H.R. 5594. A bill to amend the Workforce Investment Act of 1998 to establish a technical school training subsidy program; to the Committee on Education and Labor.

By Mr. ELLISON:

H.R. 5595. A bill to amend section 214(b) of the Immigration and Nationality Act to create, for an alien seeking to enter the United States as a nonimmigrant to care for a relative with a serious health condition, an exemption from the presumption that the alien is an immigrant; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California (for herself, Ms. ESHOO, Mrs. CAPPS, Ms. MATSUI, Mr. WAXMAN, Mr. FARR, Mr. COSTA, Mr. HONDA, Mr. STARK, Ms. LEE of California, and Mr. SHERMAN):

H.R. 5596. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Ms. MATSUI (for herself, Mr. RUSH, Mr. BRALEY of Iowa, Mr. VAN HOLLEN, Mr. GERLACH, Mr. TERRY, Mr. BRADY of Texas, and Mr. PITTS):

H.R. 5597. A bill to establish a Medicare patient IVIG access demonstration project; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON (for himself and Mr. BOYD):

H.R. 5598. A bill to exclude from gross income compensation provided by BP, PLC for victims of the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon and the discharge of oil in the Gulf of Mexico caused by such explosion and sinking, and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself and Mr. GUTHRIE):

H.R. 5599. A bill to amend title 18, United States Code, to clarify the scope of the provision commonly referred to as the ''Wire Act'', and for other purposes; to the Committee on the Judiciary.

By Mr. POMEROY (for himself and Mr. SAM JOHNSON of Texas):

H.R. 5600. A bill to make permanent the exclusion from gross income for employer-provided educational assistance; to the Committee on Ways and Means.

By Mr. PUTNAM (for himself and Mr. MILLER of Florida):

H.R. 5601. A bill to provide relief to homeowners with mortgages insured by the FHA who are economically affected as a result of the discharge of oil in the Gulf of Mexico caused by the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon, and for other purposes; to the Committee on Financial Services.

By Mr. PUTNAM (for himself and Mr. BOUSTANY):

H.R. 5602. A bill to amend the Internal Revenue Code of 1986 to provide for distributions from retirement plans for losses as a result of the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon, the discharge of oil in the Gulf of Mexico caused by such explosion and sinking, or the effects of such discharge on the economy in the areas affected by such discharge; to the Committee on Ways and Means.

By Mr. SABLAN:

H.R. 5603. A bill to amend the Older Americans Act of 1965 to make available to Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands additional funds for community service senior opportunities; to the Committee on Education and Labor.

By Mr. CUMMINGS:

H. Con. Res. 289. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3360; to the Committee on Transportation and Infrastructure, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mrs. MCMORRIS RODGERS, Mr. INSLEE, Mr. BAIRD, Ms. RICHARDSON, Ms. WATSON, Mr. GARY G. MILLER of California, Ms. WOOLSEY, Mr. JOHNSON of Georgia, Mr. DINGELL, Mr. BOYD, Mr. NADLER of New York, Mr. CHANDLER, Ms. PINGREE of Maine, Mr. BERRY, Ms. DELAURO, Mr. COOPER, Mr. DOYLE, Mr. THOMPSON of California, Ms. CHU, Mr. ELLSWORTH, Mr. GORDON of Tennessee, Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Mr. STARK, Ms. MATSUI, Mrs. DAVIS of California, Mr. GARAMENDI, Mr. FARR, Mr. WAXMAN, Ms. BALDWIN, Mr. BISHOP of New York, Mr. PERLMUTTER, Ms. KAPTUR, Mr. KILDEE, Mr. CONNOLLY of Virginia, Ms. DEGETTE, Mr. DEFAZIO, Mr. TAYLOR, Ms. HIRONO, Ms. JACKSON LEE of Texas, Ms. SCHAKOWSKY, Mr. PAYNE, Mr. GRIJALVA, Mr. HINCHEY, Mr. KLEIN of Florida, Mr. ANDREWS, Ms. BERKLEY, Mr. PALLONE, Mr. GENE GREEN of Texas, Mr. SCOTT of Georgia, Mrs. CHRISTENSEN, Mr. GONZALEZ, Mr. CAPUANO, Mr. GOODLATTE, Mr. SHIMKUS, Mr. PENCE, Mr. BLUMENAUER, Mr. GEORGE MILLER of California, Mr. ENGEL, Mr. HIGGINS, Mr. DEUTCH, Mr. ACKERMAN, Mr. FRANKS of Arizona, Mr. OWENS, Ms. SUTTON, Mr. OLVER, Ms. SHEA-PORTER, Mr. HOLT, Mr. HONDA, Mr. CANTOR, Mr. BURTON of Indiana, Mr. COSTA, Mr. SKELTON, Mr. REYES, Mr. LEVIN, Mr. CROWLEY, Mr. ROYCE, Mr. FORTENBERRY, Ms. HARMAN, Mr. SIRES, Mr. BACA, Ms. GIFFORDS, Ms. SCHWARTZ, Mr. ISRAEL, Mr. MINNICK, Ms. CASTOR of Florida, Mr. WALZ, Ms. EDWARDS of Maryland, Ms. KILROY, Ms. MCCOLLUM, Mr. LANGEVIN, Mrs. DAHLKEMPER, and Ms. MOORE of Wisconsin):

H. Con. Res. 290. Concurrent resolution expressing support for designation of June 30 as ''National ESIGN Day''; to the Committee on Energy and Commerce.

By Mr. POLIS (for himself, Mr. GRIJALVA, Mr. HINOJOSA, Mr. HONDA, Mr. SARBANES, and Mr. YARMUTH):

H. Res. 1472. A resolution expressing support for designation of the week of September 13, 2010, as National Adult Education and Family Literacy Week; to the Committee on Education and Labor.

By Mr. REHBERG (for himself, Mr. EHLERS, Mr. BOYD, Mr. SIMPSON, and Mr. MINNICK):

H. Res. 1473. A resolution supporting backcountry airstrips and recreational aviation; to the Committee on Transportation and Infrastructure.

By Ms. RICHARDSON (for herself, Mr. CONYERS, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. RUSH, Ms. CORRINE BROWN of Florida, Mr. STARK, Ms. MOORE of Wisconsin, Mr. COHEN, Mr. MEEK of Florida, Ms. NORTON, Mr. WATT, and Mr. TOWNS):

H. Res. 1474. A resolution commending Harry Belafonte for receiving the Hubert H. Humphrey Civil and Human Rights Award from the Leadership Conference on Civil and Human Rights; to the Committee on the Judiciary.

By Mr. BUTTERFIELD (for himself, Mr. PRICE of North Carolina, Mr. SHULER, Mr. KISSELL, Mr. JONES, Mrs. MYRICK, Mr. COBLE, Mr. WATT, Mr. ETHERIDGE, Mr. CLAY, Mr. CARSON of Indiana, Ms. NORTON, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. BARROW, Mr. FATTAH, Mr. CARNAHAN, Ms. SHEA-PORTER, Ms. WATSON, Ms. SPEIER, Mr. HARE, Mr. BISHOP of Georgia, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. AL GREEN of Texas, Ms. JACKSON LEE of Texas, Mr. CLYBURN, Mr. CLEAVER, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK of Michigan, Ms. CLARKE, Ms. EDWARDS of Maryland, Mr. PAYNE, Mr. THOMPSON of Mississippi, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, Mr. RUSH, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, Mr. COURTNEY, Ms. SUTTON, Mr. ELLISON, Mr. MORAN of Virginia, Mr. CUMMINGS, Ms. SLAUGHTER, Mr. CONNOLLY of Virginia, Ms. DEGETTE, Mr. GONZALEZ, Mr. COHEN, Mr. MCHENRY, Mr. HILL, Mr. TAYLOR, Mr. OLVER, Mr. MCINTYRE, and Ms. FOXX):

H. Res. 1475. A resolution congratulates the town of Tarboro, North Carolina, on the occasion of its 250th anniversary; to the Committee on Oversight and Government Reform.

By Ms. CHU (for herself, Ms. BALDWIN, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CAPUANO, Mr. CARSON of Indiana, Mr. COHEN, Ms. DEGETTE, Ms. DELAURO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Ms. NORTON, Ms. LEE of California, Mr. LOEBSACK, Mrs. LOWEY, Mr. MAFFEI, Mrs. MALONEY, Mr. MCGOVERN, Mr. NADLER of New York, Ms. SCHAKOWSKY, Ms. SLAUGHTER, and Mr. WU):

H. Res. 1476. A resolution supporting and recognizing the achievements of the family planning services programs operating under title X of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. KILDEE:

H. Res. 1477. A resolution expressing support for the designation of May as Ehlers-Danlos Syndrome Awareness Month to increase the knowledge of this little-known, potentially fatal, genetic disease; to the Committee on Energy and Commerce.

By Ms. LEE of California:

H. Res. 1478. A resolution supporting the goals and ideals of National HIV Testing Day, and for other purposes; to the Committee on Energy and Commerce.

¶80.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. KILDEE.
H.R. 208: Mr. HOLDEN.
H.R. 235: Mr. DEUTCH.
H.R. 442: Mr. GRAVES of Georgia.
H.R. 460: Ms. BALDWIN.

H.R. 678: Mr. CHAFFETZ, Mr. TONKO, Mr. TIERNEY, Mr. LANGEVIN, and Mr. GONZALEZ.
H.R. 758: Mr. RUSH.
H.R. 840: Mr. ROTHMAN of New Jersey and Mr. ADLER of New Jersey.
H.R. 878: Mr. GRAVES of Georgia and Mr. REHBERG.
H.R. 1006: Mr. INSLEE.
H.R. 1023: Mr. LUETKEMEYER.
H.R. 1032: Mr. COHEN.
H.R. 1074: Mr. GRAVES of Georgia.
H.R. 1126: Mr. COURTNEY.
H.R. 1205: Mr. DEUTCH.
H.R. 1347: Mr. ETHERIDGE and Mr. COHEN.
H.R. 1351: Mr. WESTMORELAND.
H.R. 1362: Mr. BLUMENAUER.
H.R. 1476: Mr. MARSHALL.
H.R. 1625: Mr. LANGEVIN.
H.R. 1723: Mr. DEUTCH.
H.R. 1799: Mr. OWENS.
H.R. 1829: Mr. BOUCHER and Mr. ARCURI.
H.R. 1910: Mr. COHEN.
H.R. 2057: Mr. DAVIS of Illinois.
H.R. 2067: Ms. TITUS and Mr. ELLISON.
H.R. 2103: Mr. ETHERIDGE and Mr. PLATTS.
H.R. 2132: Mr. DEUTCH.
H.R. 2262: Mr. DEUTCH.
H.R. 2275: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. LOEBSACK, Mr. OBERSTAR, Mr. NADLER of New York, Mr. SCOTT of Virginia, Mr. KLEIN of Florida, Mr. NYE, Mr. HIMES, and Ms. JACKSON LEE of Texas.
H.R. 2296: Mr. GRAVES of Georgia.
H.R. 2350: Mr. MOORE of Kansas.
H.R. 2378: Mr. LUETKEMEYER.
H.R. 2408: Mr. HIMES and Mr. BOCCIERI.
H.R. 2425: Mr. COHEN, Mr. HIMES, and Mr. RAHALL.
H.R. 2565: Mr. EHLERS and Mr. HOLDEN.
H.R. 2625: Ms. MCCOLLUM.
H.R. 2740: Mr. PETERS.
H.R. 2746: Mr. DEUTCH.
H.R. 2866: Mrs. BLACKBURN.
H.R. 2906: Mr. SIRES and Mr. FILNER.
H.R. 2999: Mr. MCNERNEY.
H.R. 3001: Ms. MCCOLLUM.
H.R. 3012: Mr. OLVER.
H.R. 3035: Mr. COURTNEY.
H.R. 3101: Ms. CLARKE.
H.R. 3140: Mr. GRAVES of Georgia.
H.R. 3151: Mr. ELLSWORTH.
H.R. 3257: Mr. COHEN.
H.R. 3286: Mrs. MALONEY.
H.R. 3301: Mr. CONAWAY.
H.R. 3328: Mr. DAVIS of Alabama and Mr. SCOTT of Georgia.
H.R. 3408: Mr. TONKO.
H.R. 3464: Mr. LUETKEMEYER and Mr. CHAFFETZ.
H.R. 3486: Ms. KOSMAS.
H.R. 3488: Mr. BRALEY of Iowa, Mr. GORDON of Tennessee, Mr. MURPHY of Connecticut, Ms. SCHAKOWSKY, Ms. ESHOO, Mr. WEINER, Ms. HARMAN, and Ms. HIRONO.
H.R. 3491: Mr. COHEN.
H.R. 3524: Mr. HARPER.
H.R. 3525: Mr. VAN HOLLEN.
H.R. 3567: Mr. DEUTCH.
H.R. 3586: Mr. DELAHUNT and Mr. COURTNEY.
H.R. 3668: Ms. GIFFORDS, Mr. MCINTYRE, Mr. PERLMUTTER, Mr. BLUMENAUER, Mr. BRIGHT, and Mr. KRATOVIL.
H.R. 3710: Mr. BRADY of Pennsylvania, Mr. HASTINGS of Florida, Mr. WEINER, Ms. LINDA T. SÁNCHEZ of California, Mr. LYNCH, and Mr. CONNOLLY of Virginia.
H.R. 3721: Mr. LEWIS of Georgia.
H.R. 3729: Mr. SCHRADER, Mr. MCGOVERN, Ms. CHU, and Ms. WOOLSEY.
H.R. 3907: Mr. DEUTCH.
H.R. 3927: Mr. YARMUTH and Mr. COHEN.
H.R. 3936: Mr. FOSTER.
H.R. 4045: Mr. COHEN.
H.R. 4054: Mr. LOBIONDO.
H.R. 4115: Mr. KUCINICH and Mrs. MCCARTHY of New York.
H.R. 4116: Mr. KRATOVIL, Mr. HOLT, Mr. LATHAM, and Mr. DAVIS of Alabama.
H.R. 4132: Mr. BUCHANAN.
H.R. 4195: Mr. KILDEE.
H.R. 4241: Mrs. LOWEY.
H.R. 4306: Mr. BUCHANAN.
H.R. 4347: Mr. INSLEE.
H.R. 4371: Mr. MICHAUD.
H.R. 4376: Mr. BLUMENAUER.
H.R. 4386: Mr. ADLER of New Jersey and Ms. MATSUI.
H.R. 4402: Ms. PINGREE of Maine.
H.R. 4420: Ms. CHU.
H.R. 4427: Mr. TIM MURPHY of Pennsylvania and Mr. FILNER.
H.R. 4443: Mr. COHEN.
H.R. 4446: Mr. KENNEDY.
H.R. 4455: Mr. VAN HOLLEN.
H.R. 4525: Mr. ROGERS of Kentucky.
H.R. 4530: Mr. LOEBSACK.
H.R. 4544: Mr. COURTNEY, Ms. SCHWARTZ, and Mr. FRANK of Massachusetts.
H.R. 4599: Mr. HEINRICH and Mr. WELCH.
H.R. 4632: Mr. COHEN.
H.R. 4671: Ms. WOOLSEY.
H.R. 4677: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4684: Mr. PETERS.
H.R. 4689: Mr. PLATTS, Mrs. MALONEY, and Mr. BARROW.
H.R. 4692: Mr. DUNCAN.
H.R. 4693: Mr. CALVERT.
H.R. 4709: Mr. LOEBSACK and Mr. HINCHEY.
H.R. 4743: Mr. CONAWAY.
H.R. 4771: Mr. GORDON of Tennessee, Ms. RICHARDSON, Mr. HOLT, Mr. CLEAVER, and Mr. DOGGETT.
H.R. 4796: Mr. MCCARTHY of California and Mr. JOHNSON of Georgia.
H.R. 4879: Mr. CONYERS, Mr. BAIRD, Mr. MICHAUD, Ms. HIRONO, Mr. MURPHY of Connecticut, Mr. VAN HOLLEN, Mr. DOGGETT, Mr. OLVER, Ms. RICHARDSON, and Mr. BRALEY of Iowa.
H.R. 4883: Mr. GOODLATTE.
H.R. 4886: Mrs. MILLER of Michigan.
H.R. 4914: Mr. MARKEY of Massachusetts.
H.R. 4926: Mr. MARSHALL and Mr. BLUMENAUER.
H.R. 4947: Mr. BRIGHT.
H.R. 4951: Mr. MCCOTTER.
H.R. 4952: Mr. ALEXANDER.
H.R. 4959: Ms. WOOLSEY and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4972: Mr. GRAVES of Georgia.
H.R. 4985: Mr. BURTON of Indiana.
H.R. 4993: Mr. SALAZAR, Mr. ETHERIDGE, Mrs. NAPOLITANO, Mr. BOCCIERI, Mr. DOYLE, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 4999: Mr. GINGREY of Georgia, Mr. CHAFFETZ, and Mr. SMITH of Nebraska.
H.R. 5012: Mr. BERMAN and Mr. HOLDEN.
H.R. 5016: Mr. GOHMERT, Mr. MCCARTHY of California, Mr. DUNCAN, Mr. WAMP, and Mr. FORBES.
H.R. 5035: Mr. FILNER.
H.R. 5041: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 5090: Ms. PINGREE of Maine.
H.R. 5092: Ms. VELÁZQUEZ.
H.R. 5117: Mr. MCGOVERN, Mr. SIRES, Mr. PRICE of North Carolina, Mr. TOWNS, Mr. KUCINICH, Mr. SERRANO, Mr. ANDREWS, Mr. MCNERNEY, Mr. WEINER, Ms. NORTON, Ms. MOORE of Wisconsin, Mr. HIMES, Mr. PAYNE, Mr. MOORE of Kansas, Mr. RYAN of Ohio, Mr. KIND, Mr. CONYERS, Mr. HEINRICH, Ms. CASTOR of Florida, and Mr. FILNER.
H.R. 5120: Mr. COHEN.
H.R. 5141: Mr. FORBES.
H.R. 5142: Mrs. BIGGERT.
H.R. 5191: Ms. DELAURO.
H.R. 5211: Mr. COHEN.
H.R. 5234: Mr. HIMES, Mr. OWENS, and Mr. BISHOP of Georgia.
H.R. 5268: Mr. FRANK of Massachusetts and Mr. HOLT.
H.R. 5309: Mr. ADLER of New Jersey.
H.R. 5312: Ms. LINDA T. SÁNCHEZ of California, Mr. DEFAZIO, and Mr. WEINER.
H.R. 5313: Mr. CALVERT.
H.R. 5340: Mr. DUNCAN.
H.R. 5354: Mrs. BONO MACK.
H.R. 5412: Mr. HIMES.
H.R. 5424: Mr. SAM JOHNSON of Texas.
H.R. 5434: Ms. WOOLSEY, Mr. CARSON of Indiana, and Mr. BERMAN.
H.R. 5441: Mr. LATHAM.
H.R. 5449: Mr. SCHIFF.
H.R. 5455: Mr. DAVIS of Illinois.
H.R. 5457: Mr. KIND.
H.R. 5462: Mr. HINCHEY, Mr. HALL of Texas, and Mr. MURPHY of Connecticut.
H.R. 5497: Mr. WAXMAN, Mr. SCHRADER, Mr. DRIEHAUS, Mr. COOPER, Mr. MCNERNEY, Mr. ARCURI, and Mr. MORAN of Virginia.
H.R. 5498: Mr. DENT.
H.R. 5503: Ms. LORETTA SANCHEZ of California, Mr. MAFFEI, and Ms. MATSUI.
H.R. 5506: Mr. QUIGLEY.
H.R. 5523: Mr. HERGER.
H.R. 5533: Mr. PLATTS.
H.R. 5537: Mr. BURTON of Indiana and Mr. COURTNEY.
H.R. 5538: Mr. HERGER.
H.R. 5539: Mr. PLATTS.
H.R. 5552: Mr. CONAWAY, Mr. PETERSON, Mr. CASSIDY, and Mr. SHUSTER.
H.R. 5555: Mrs. LUMMIS, Mr. ROONEY, Ms. KOSMAS, and Mr. WILSON of South Carolina.
H.R. 5561: Ms. DEGETTE, Ms. BALDWIN, Ms. LEE of California, Ms. HIRONO, Mrs. DAVIS of California, Mr. MCGOVERN, Ms. HARMAN, Ms. RICHARDSON, Mr. MOORE of Kansas, and Mr. HINCHEY.
H.R. 5565: Mr. SAM JOHNSON of Texas, Mr. GOHMERT, Mr. THORNBERRY, Mr. CARTER, Mr. SMITH of Texas, Mr. BILBRAY, Mr. BURGESS, Mr. HALL of Texas, Ms. GRANGER, Mr. HENSARLING, Mr. POE of Texas, Mr. OLSON, Mr. MCCAUL, Mr. CONAWAY, Mr. BRADY of Texas, Mr. CULBERSON, Mr. MARCHANT, and Mr. SESSIONS.
H.R. 5566: Mr. WITTMAN.
H.R. 5580: Mr. CHAFFETZ.
H.R. 5588: Mr. KISSELL and Mr. HOLT.
H.J. Res. 1: Mr. GRAVES of Georgia.
H.J. Res. 61: Mr. ADLER of New Jersey.
H.J. Res. 79: Mr. TIM MURPHY of Pennsylvania.
H. Con. Res. 195: Mr. ROHRABACHER.
H. Con. Res. 226: Ms. BERKLEY, Mr. LUJÁN, Mr. SKELTON, Mr. LATHAM, and Ms. LORETTA SANCHEZ of California.
H. Con. Res. 245: Mr. OWENS and Mr. FRANK of Massachusetts.
H. Con. Res. 259: Mr. ARCURI.
H. Con. Res. 266: Mr. ORTIZ.
H. Con. Res. 273: Mr. GARY G. MILLER of California.
H. Con. Res. 275: Mr. GONZALEZ, Ms. HARMAN, Mr. NADLER of New York, and Ms. DEGETTE.
H. Con. Res. 284: Mr. MEEK of Florida.
H. Res. 93: Mr. SHERMAN.
H. Res. 173: Ms. DEGETTE and Ms. ROS-LEHTINEN.
H. Res. 363: Ms. CLARKE.
H. Res. 554: Mr. GRAVES of Georgia.
H. Res. 771: Mr. CONNOLLY of Virginia.
H. Res. 1195: Mr. MURPHY of New York.
H. Res. 1207: Mr. SAM JOHNSON of Texas, Mr. JORDAN of Ohio, Mr. PENCE, and Mr. SCHIFF.
H. Res. 1244: Mr. REYES, Mr. BECERRA, Mr. FILNER, Ms. SCHAKOWSKY, Mr. SALAZAR, Mr. GENE GREEN of Texas, Mrs. LOWEY, Mr. BERRY, Ms. ROYBAL-ALLARD, Mr. PRICE of North Carolina, Mr. FARR, Mr. RUPPERSBERGER, Mr. ORTIZ, Mr. HINOJOSA, Mr. SERRANO, Mr. PIERLUISI, Mr. GRIJALVA, Mr. SIRES, Mr. FRELINGHUYSEN, Mr. KUCINICH, Mr. SMITH of Texas, Mr. NADLER of New York, Mr. MORAN of Virginia, Ms. CLARKE, and Ms. SHEA-PORTER.
H. Res. 1264: Mr. DONNELLY of Indiana.
H. Res. 1296: Mr. HOLT, Ms. SCHWARTZ, Mr. FRANK of Massachusetts, Mr. CASTLE, Mr. EHLERS, and Mr. WU.
H. Res. 1321: Mr. CROWLEY, Ms. WATSON, Mr. TANNER, Mr. ACKERMAN, Mr. COSTA, Mr.

SHERMAN, Mr. ISSA, Mr. ROSS, Mr. ENGEL, Mr. CARNAHAN, Mr. BROWN of South Carolina, Mr. RANGEL, Ms. RICHARDSON, Mr. ROHRABACHER, Mr. LARSEN of Washington, Mr. CARSON of Indiana, Mr. FLAKE, Mr. ORTIZ, and Mr. COBLE.

H. Res. 1359: Mr. JACKSON of Illinois and Mr. ROSKAM.

H. Res. 1375: Mr. SIRES and Mr. MEEK of Florida.

H. Res. 1379: Mr. HONDA.

H. Res. 1401: Mr. SHUSTER, Mr. ELLSWORTH, Mr. ALTMIRE, Mr. COHEN, Mr. PAYNE, Mr. ROGERS of Michigan, Mr. DONNELLY of Indiana, Mr. MORAN of Kansas, Ms. KOSMAS, Mr. YARMUTH, Mr. LARSEN of Washington, Mr. PASCRELL, and Mr. THOMPSON of Pennsylvania.

H. Res. 1405: Mr. JONES, Mr. CASTLE, Mr. ROYCE, Mr. EHLERS, Mr. UPTON, Mr. MANZULLO, Mr. ROHRABACHER, Mr. CAO, Mr. BILBRAY, Mr. HENSARLING, Mr. BURGESS, and Ms. WOOLSEY.

H. Res. 1420: Mr. MORAN of Virginia, Ms. KILPATRICK of Michigan, Mr. JOHNSON of Georgia, Mr. MOORE of Kansas, and Mr. CARSON of Indiana.

H. Res. 1423: Mr. POMEROY.

H. Res. 1428: Mr. THOMPSON of Mississippi, Mr. GUTIERREZ, Mr. ARCURI, Mr. BOREN, Mr. BARROW, Mr. CONYERS, Mr. HIGGINS, Mr. QUIGLEY Ms. SLAUGHTER, Ms. KILPATRICK of Michigan, Mr. MURPHY of New York, Mr. OWENS, Mr. NYE, and Mr. MICHAUD.

H. Res. 1460: Ms. DELAURO.

H. Res. 1471: Mrs. LUMMIS, Mrs. BIGGERT, and Mr. SULLIVAN.

¶80.36 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5299: Mr. POE of Texas.

FRIDAY, JUNE 25, 2010 (81)

¶81.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. CUELLAR, who laid before the House the following communication:

WASHINGTON, DC,
June 25, 2010.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶81.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CUELLAR, announced he had examined and approved the Journal of the proceedings of Thursday, June 24, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶81.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

8101. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus thuringiensis eCry3.1Ab Protein in Corn; Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0609; FRL-8829-9] received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8102. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Management and Disposal; Standards for Pesticide Containers and Containment; Change to Labeling Compliance Date [EPA-HQ-OPP-2005-0327; FRL-8830-7] received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8103. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2009-0278; FRL-8829-2] received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8104. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Patient Protection and Affordable Care Act: Preexisting Condition Exclusions, Liftime and Annual Limits, Rescissions, and Patient Protections [OCIIO-9994-IFC] (RIN: 0991-AB69) received June 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8105. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Establishment of the Temporary Certification Program for Health Information Technology (RIN: 0991-AB59) received June 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8106. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonable Further Progress Plan, 2002 Base Year Emission Inventory, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Philadelphia 1997 8-Hour Moderate Ozone Nonattainment Area [EPA-R03-OAR-2009-0956; FRL-9160-3] received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8107. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Interstate Transport of Pollution [EPA-R06-OAR-2007-0993; FRL-9160-2] received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8108. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Nitrogen Oxide Emissions from Industrial Boilers and Process Heaters at Petroleum Refineries [EPA-R03-OAR-2010-0039; FRL-9158-3] received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8109. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonable Further Progress Plan, 2002 Base Year Emission Inventory, Contingency Measures, Reasonably Available Control Measures, and Transportation Conformity Budgets for the Baltimore 1997 8-Hour Moderate Ozone Nonattainment Area [EPA-R03-OAR-2009-0957; FRL-9158-4] received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8110. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Determination of Attainment of the 1997 Ozone Standard [EPA-R01-OAR-2009-0705; A-1-FRL-9157-4] received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8111. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Technical Corrections and Clarifications Rule [EPA-RCRA-2008-0678; FRL-9158-5] (RIN: 2050-AG52) received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8112. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Paints and Allied Products Manufacturing; Amendments [EPA-HQ-OAR-2008-0053; FRL-9158-1] (RIN: 2060-AN47) received June 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8113. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2010-0276; FRL-9139-7] received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8114. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Transportation Conformity Regulations [EPA-R03-OAR-2008-0871; FRL-9164-5] received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8115. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of the Clean Air Act, Section 112(1), Authority for Hazardous Air Pollutants: Air Emission Standards for Halogenated Solvent Cleaning Machines: State of Rhode Island Department of Environmental Management [EPA-R01-OAR-2010-0207; A-1-FRL-9163-2] received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8116. A letter from the Secretariat, United Nations Convention to Combat Desertification, transmitting Eighth Session of the United Nations Convention to Combat Desertification (UNCCD) Round Table; to the Committee on Foreign Affairs.

8117. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''Auditor's Review of Compliance with Living Wage Act and First Source Act Requirements Pursuant to the Compliance Unit Establishment Act of 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

8118. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

8119. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's 2008 Clean Watersheds Needs Survey, as required by Section 561(b)(1)(B) of the Clean Water Act; to the Committee on Transportation and Infrastructure.

8120. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the

Preliminary Damage Assessment information on FEMA-1902-DR for the State of Nebraska; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

8121. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1900-DR for the State of Minnesota; jointly to the Committees on Transportation and Infrastructure, Homeland Security, and Appropriations.

¶81.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CUELLAR, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, June 25, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 25, 2010 at 9:39 a.m.:

That the Senate returned papers to the House—H.R. 5136.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶81.5 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2194. An Act to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

And then,

¶81.6 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. CUELLAR, by unanimous consent, and pursuant to the special order of the House agreed to on June 24, 2010, at 4 o'clock and 3 minutes p.m., declared the House adjourned until 12:30 p.m. on Monday, June 28, 2010.

¶81.7 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the following action was taken by the Speaker:

The Committee on Science and Technology discharged from further consideration. H.R. 4842 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

¶81.8 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PERRIELLO (for himself and Mr. SCHAUER):

H.R. 5604. A bill to rescind amounts authorized for certain surface transportation programs; to the Committee on Transportation and Infrastructure.

By Mr. CRITZ:

H.R. 5605. A bill to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the ''George C. Marshall Post Office''; to the Committee on Oversight and Government Reform.

By Mr. CRITZ:

H.R. 5606. A bill to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the ''James M. 'Jimmy' Stewart Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MARKEY of Massachusetts:

H.R. 5607. A bill to provide for the establishment of a program to support the development, demonstration, and commercialization of innovative technologies to prevent, stop, or capture large-scale accidental discharges of oil or other hydrocarbons from offshore oil and gas drilling operations, including deepwater and ultra-deepwater operations, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY of Massachusetts:

H.R. 5608. A bill to amend the Federal Water Pollution Control Act and the Outer Continental Shelf Lands Act to improve oil spill response plans, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANCE (for himself, Mr. LEE of New York, Mr. MARKEY of Massachusetts, Mr. LANGEVIN, Ms. SHEA-PORTER, Mr. PERLMUTTER, Mr. DELAHUNT, Mr. LOBIONDO, Mr. REICHERT, and Mr. BOOZMAN):

H. Res. 1479. A resolution supporting the United States Paralympics, honoring the Paralympic athletes, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶81.9 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

320. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 36 expressing support for repeal of the ''don't ask, don't tell'' policy of the United States Armed Services; to the Committee on Armed Services.

321. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 57 memorializing the President, Congress, and the Federal Communications Commission to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934; to the Committee on Energy and Commerce.

322. Also, a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 41 memorializing the President, the Congress, and the Federal Communications Commission to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934; to the Committee on Energy and Commerce.

323. Also, a memorial of the House of Representatives of the State of Florida, relative to House Memorial 191 urging the Congress to encourage the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clery of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate; to the Committee on Foreign Affairs.

324. Also, a memorial of the Senate of the State of Florida, relative to Senate Concurrent Resolution 10 urging Congress to call a convention for the purpose of proposing amendments to the Constitution of the United States to provide for a balanced federal budget and limit the ability of Congress to dictate to states requirements for expenditure of federal funds; to the Committee on the Judiciary.

325. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 171 memorializing the Congress to enact the FAA Reauthorization Act of 2009 with language that treats all employees of the express carrier industry equally under the federal labor laws; jointly to the Committees on Transportation and Infrastructure and Science and Technology.

326. Also, a memorial of the Senate of the State of Florida, relative to Senate Memorial 1896 memorializing the Congress to support any commercial, civil, military, or academic endeavor, including job training and placement, which will enable the United States space program to maintain our nation's only human space flight workforce; jointly to the Committees on Science and Technology and Armed Services.

¶81.10 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 571: Mr. KILDEE.

H.R. 745: Mr. ETHERIDGE, Mr. SHADEGG, Mr. COOPER, and Mr. MARKEY of Massachusetts.

H.R. 1034: Mrs. KIRKPATRICK of Arizona.

H.R. 1255: Mr. CONAWAY.

H.R. 1868: Mr. GRAVES of Georgia.

H.R. 1894: Mr. MICHAUD.

H.R. 4021: Mr. COURTNEY.

H.R. 4116: Mr. SERRANO.

H.R. 4662: Mr. ARCURI.

H.R. 4693: Mr. PASTOR of Arizona.

H.R. 4785: Mr. TOWNS.

H.R. 4860: Ms. DEGETTE.

H.R. 5081: Mr. MEEKS of New York.

H.R. 5476: Mr. HODES.

H.R. 5525: Mr. CONAWAY.

H.R. 5582: Mrs. BLACKBURN, Mr. ALEXANDER, Mr. CONAWAY, and Mr. MCCAUL.

H. Con. Res. 259: Mr. PAYNE.

H. Con. Res. 266: Mr. MILLER of North Carolina.

¶81.11 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

157. The SPEAKER presented a petition of the City and County of San Francisco, California, relative to Resolution No. 198-10 encouraging the President and the Congress to pass a Comprehensive Immigration Reform Bill; to the Committee on the Judiciary.

158. Also, a petition of the Office of Management and Budget, White House, Washington, DC, relative to urging the Congress to act quickly in enacting the FY 2010 Supplemental request related to the Oil Spill Liability Trust Fund; jointly to the Committees on Transportation and Infrastructure and the Budget.

MONDAY, JUNE 28, 2010 (82)

¶82.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
June 28, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶82.2 RECESS—12:31 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 31 minutes p.m., until 2 p.m.

¶82.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. CUELLAR, called the House to order.

¶82.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CUELLAR, announced he had examined and approved the Journal of the proceedings of Friday, June 25, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶82.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

8122. A letter from the Principal Deputy, Department of Defense, transmitting letter providing notice that a commercial helicopter under contract with the Department was destroyed by hostile fire; to the Committee on Armed Services.

8123. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8124. A letter from the Director, office of Policy, Reports and Disclosures, Department of Labor, transmitting the Department's final rule — Notification of Employee Rights Under Federal Labor Laws (RIN: 1215-AB70; 1245-AA00) received June 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8125. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting the 2009 management report and statements on system of internal controls of the Federal Home Loan Bank of Atlanta, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8126. A letter from the First Vice President, Controller and Chief Accounting Officer, Federal Home Loan Bank of Boston, transmitting the 2009 management report and statements of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8127. A letter from the President, Federal Home Loan Bank of Cincinnati, transmitting the 2009 management report and statements on system of internal controls of the Federal Home Loan Bank of Cincinnati, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8128. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — 2010 Annual Determination for Sea Turtle Observer Requirements [Docket No.: 0906181067-0167-02] (RIN: 0648-XP96) received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8129. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fisheries; 2010 Atlantic Deep-Sea Red Crab Specifications [Docket No.: 100105009-0167-02] (RIN: 0648-AY51) received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8130. A letter from the Staff Director, Commission Civil Rights, transmitting notification that the Commission recently appointed members to the Colorado Advisory Committee; to the Committee on the Judiciary.

8131. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Louisiana Advisory Committee; to the Committee on the Judiciary.

8132. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Oregon Advisory Committee; to the Committee on the Judiciary.

8133. A letter from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting notification that a transfer of $100 milion from the Oil Spill Liability Trust Fund to the Emergency Fund has occurred; to the Committee on Transportation and Infrastructure.

8134. A letter from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Consultative Examination — Annual Onsite Review of Medical Providers [Docket No.: SSA-2006-0109] (RIN: 0960-AH17) received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8135. A letter from the Secretary, Department of Energy, transmitting the Department's report to Congress concerning the Mixed Oxide (MOX) Fuel Fabrication Facility being constructed at the Department's Savannah River Site near Aiken, South Carolina, pursuant to 50 U.S.C. 4306(a)(3); jointly to the Committees on Armed Services and Energy and Commerce.

8136. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a joint report that describes activities related to the Proliferation Security Initiative, including associated funding, that are planned to be carried out by the United States over the next three fiscal years; jointly to the Committees on Foreign Affairs and Armed Services.

¶82.6 NATIONAL COLLEGIATE CYBER DEFENSE COMPETITION

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 1244); as amended:

Whereas, on February 27, 2004, and Februray 28, 2004, a group of educators, students, and government and industry representatives gathered in San Antonio, Texas, to gauge the interest in and support for the establishment of regular cyber security exercises for postsecondary students;

Whereas stakeholders in the cyber security profession sought to create a cyber security exercise template for universities nationwide, and to encourage educational institutions to offer students practical experience in information assurance;

Whereas in an effort to develop a regular, national-level cyber security exercise, the Center for Infrastructure Assurance and Security at the University of Texas at San Antonio agreed to host the first Collegiate Cyber Defense Competition (CCDC) for the Southwestern region in April 2005;

Whereas the mission of the CCDC system is to provide institutions with an information assurance or computer security curriculum in a controlled, competitive environment to assess the student's depth of understanding and operational competency in managing the challenges inherent in protecting corporate network infrastructure and business information systems;

Whereas the CCDC has attracted participation from institutions of higher education from across the United States;

Whereas 2010 regional competition hosts include Southwest host Texas A&M University, North Central host Dakota State University, Northeast host University of Maine, Pacific Rim co-hosts University of Washington and Highline Community College, Midwest co-hosts Inver Hills Community College and Moraine Valley Community College, Mid-Atlantic host Community College of Baltimore County, Southeast host Kennesaw State University, and West Coast host California State Polytechnic University, Pomona;

Whereas 2010 regional competition winners include Towson University, DePaul University, Montana Tech of the University of Montana, Northeastern University, University of Washington, Texas A&M University, University of Louisville, and California State Polytechnic University, Pomona; and

Whereas the furtherance and development of cyber security academic programs in institutions of higher education will help meet the rapidly growing demand for cyber security specialists in the public and private sectors: Now, therefore, be it

Resolved, That the House of Representatives recognizes the National Collegiate Cyber Defense Competition for its now five-year effort to promote cyber security curriculum in institutions of higher learning.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Ms. HIRONO and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Ms. HIRONO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, June 29, 2010.

¶82.7 SPECIAL EDUCATION TEACHERS

Ms. HIRONO moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 284); as amended:

Whereas, in 1972, the United States Supreme Court ruled that children with disabilities have the same right to receive a quality education in the public schools as their nondisabled peers and, in 1975, the United States Congress passed Public Law 94–142 guaranteeing students with disabilities the right to a free appropriate public education;

Whereas, according to the Department of Education, approximately 6,600,000 children (roughly 13 percent of all school-aged children) receive special education services;

Whereas there are over 370,000 highly qualified special education teachers in the United States;

Whereas the work of special education teachers requires them to be able to interact and teach students with specific learning disabilities, hearing impairments, speech or language impairments, orthopedic impairments, visual impairments, autism, combined deafness and blindness, traumatic brain injury, and other health impairments;

Whereas special education teachers are dedicated, possess the ability to understand a diverse group of students' needs, and have the capacity to be innovative in their teaching methods for their unique group of students and understanding of the differences of the children in their care;

Whereas special education teachers must have the ability to interact and coordinate with a child's parents or legal guardians, social workers, school psychologists, occupational and physical therapists, and school administrators, as well as other educators to provide the best quality education for their students;

Whereas special education teachers help to develop an individualized education program for every special education student based on the student's needs and abilities; and

Whereas these unique individuals dedicate themselves so special education students are prepared for daily life after graduation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the amount of work it requires to be a special education teacher; and

(2) commends special education teachers for their sacrifice and dedication while providing the quality life skills to individuals with special needs.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Ms. HIRONO and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Ms. HIRONO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, June 29, 2010.

¶82.8 DISTRICT OF COLUMBIA NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

Ms. NORTON moved to suspend the rules and pass the bill (H.R. 3913) to direct the Mayor of the District of Columbia to establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Ms. NORTON and Mr. BILBRAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.9 CHICAGO BLACKHAWKS 2010 STANLEY CUP CHAMPIONSHIP

Ms. NORTON moved to suspend the rules and agree to the following resolution (H. Res. 1439):

Whereas the historic Chicago Blackhawks, as one of the ''Original Six'', have made countless contributions to sports;

Whereas the Blackhawks and the National Hockey League have demonstrated a commitment to promoting fitness and leadership skills for youth through support for youth hockey programs and community skating facilities;

Whereas with 101 straight home game sellouts, and an NHL leading regular-season average attendance of 21,356, the Blackhawks are the pride of their hometown, Chicago, Illinois;

Whereas in just 3 years, the Blackhawks organization of Rocky Wirtz, Joel Quenneville, John McDonough, Stan Bowman, Scotty Bowman, Jay Blunk, and Dale Tallon have revitalized a franchise and reminded Chicago that it has always been a hockey town;

Whereas the Chicago Blackhawks, through amazing offense, superb defense, and unmatched depth, dominated the regular season and won 52 games;

Whereas the Blackhawks defeated the Nashville Predators in 6 games, the Vancouver Canucks in 6 games, and swept the number 1 seeded San Jose Sharks to become the Western Conference Champions and advance to the Stanley Cup Final;

Whereas in the Stanley Cup Final series, the Blackhawks held off the aggressive play and talent of the Eastern Conference Champion Philadelphia Flyers, who deserve great credit, to win in overtime, and provide one of the most exciting final series in recent history; and

Whereas the innumerable contributions from every player, coach, and the entire Blackhawks family have ended the 49-year-long championship drought and brought the roar back to Madison Street and Lord Stanley's Cup to where it belongs, sweet home Chicago: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Chicago Blackhawks for their long distinguished history, countless contributions to sports, and their many successes as a franchise;

(2) congratulates the Blackhawks on an amazing season and for winning the 2010 Stanley Cup Championship;

(3) recognizes the players, coaches, and leadership of the Blackhawks organization; and

(4) joins with all people in the United States and hockey fans all over the world in celebrating the return of the Stanley Cup to Chicago, Illinois.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Ms. NORTON and Mr. BILBRAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Ms. NORTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, June 29, 2010.

¶82.10 UNITED STATES SECRET SERVICE UNIFORM DIVISION MODERNIZATION

Ms. NORTON moved to suspend the rules and pass the bill of the Senate (S. 1510) to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Ms. NORTON and Mr. BILBRAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

¶82.11 PAULA HAWKINS POST OFFICE BUILDING

Ms. NORTON moved to suspend the rules and pass the bill (H.R. 5395) to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the ''Paula Hawkins Post Office Building''.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Ms. NORTON and Mr. MICA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Ms. NORTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Tuesday, June 29, 2010.

¶82.12 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. CUELLAR, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, June 28, 2010.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 28, 2010 at 9:26 a.m.:

That the Senate passed S. 3104.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶82.13 RECESS—3:22 P.M.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 22 minutes p.m., subject to the call of the Chair.

¶82.14 AFTER RECESS—6:06 P.M.

The SPEAKER pro tempore, Mr. MURPHY of New York, called the House to order.

¶82.15 HOUR OF MEETING

On motion of Mr. OBEY, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 9:30 a.m. on Tuesday, June 29, 2010, for morning-hour debate, and 10:30 a.m. for legislative business.

¶82.16 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. MURPHY of New York, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 28, 2010.

Hon. NANCY PELOSI,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 28, 2010 at 5:50 p.m.:

That the Senate agreed to S. Res. 568.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶82.17 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on June 24, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 3962. An Act to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.

And then,

¶82.18 ADJOURNMENT

On motion of Ms. FUDGE, pursuant to the previous order of the House, at 7 o'clock and 27 minutes p.m., the House adjourned until 9:30 a.m. on Tuesday, June 29, 2010.

¶82.19 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 1554. A bill to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) National, and for other purposes; with an amendment (Rept. 111–513). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2340. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; with an amendment (Rept. 111–514). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4445. A bill to amend Public Law 95–232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico; with an amendment (Rept. 111–515). Referred to the Committee of the Whole House on the state of the Union.

¶82.20 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HALL of New York (for himself and Mr. MCMAHON):

H.R. 5609. A bill to amend the Federal Election Campaign Act of 1971 to prohibit any registered lobbyist whose clients include foreign governments which are found to be sponsors of international terrorism or include other foreign nationals from making contributions and other campaign-related disbursements in elections for public office; to the Committee on House Administration.

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, Mr. FILNER, and Mr. FARR):

H.R. 5610. A bill to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers; to the Committee on Education and Labor.

By Mr. LEVIN (for himself, Mr. OBERSTAR, Mr. MICA, Mr. COSTELLO, Mr. PETRI, Mr. CAMP, and Mr. LEWIS of Georgia):

H.R. 5611. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself, Mr. THOMPSON of California, Ms. BERKLEY, Ms. GIFFORDS, Mr. MCDERMOTT, and Mr. GARAMENDI):

H.R. 5612. A bill to amend the Internal Revenue Code of 1986 to temporarily increase the investment tax credit for geothermal energy property; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. ARCURI, Mr. DEFAZIO, Mr. FILNER, Mr. KAGEN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. TONKO, Mr. TIERNEY, and Mr. YARMUTH):

H.R. 5613. A bill to require that vessels used to engage in drilling for oil or gas in ocean waters that are subject to the jurisdiction of the United States must be documented under chapter 121 of title 46, United States Code; to the Committee on Transportation and Infrastructure.

By Mr. ADERHOLT (for himself, Mr. BACHUS, Mr. BISHOP of Utah, Mr. BONNER, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. DAVIS of Tennessee, Mr. GRIFFITH, Mr. HALL of Texas, Mr. LATTA, Mr. LATOURETTE, Mr. OLSON, Mr. POSEY, Mr. ROGERS of Alabama, and Mr. BRIGHT):

H.R. 5614. A bill to impose certain requirements on the expenditure of funds by the National Aeronautics and Space Administration for the Constellation program; to the Committee on Science and Technology.

By Mr. BILBRAY:

H.R. 5615. A bill to amend the Internal Revenue Code of 1986 to repeal the medical device tax, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself and Mr. LARSON of Connecticut):

H.R. 5616. A bill to authorize appropriations for the National Historical Publications and Records Commission through fiscal year 2015, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself, Mr. BLUMENAUER, Mr. SARBANES, Ms. SCHWARTZ, and Mr. THOMPSON of California):

H.R. 5617. A bill to amend the Internal Revenue Code of 1986 to provide for home energy conservation bonds; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself and Mr. LEVIN):

H.R. 5618. A bill to continue Federal unemployment programs; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 5619. A bill to amend the SAFE Port Act to provide for the eligibility of certain third party logistics providers for participation in the Customs-Trade Partnership Against Terrorism program; to the Committee on Homeland Security.

By Ms. ROS-LEHTINEN (for herself, Ms. WASSERMAN SCHULTZ, Mr. MARIO DIAZ-BALART of Florida, Mr. SIRES, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 5620. A bill to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to exclude from the United States aliens who contribute to the ability of Cuba to develop petroleum resources located off Cuba's coast and to provide for the imposition of sanctions and prohibition on facilitation of development of Cuba's petroleum resources, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. LEE of California, and Mr. PAUL):

H.R. 5621. A bill to amend the Water Resources Development Act of 1986 to authorize funds in the Harbor Maintenance Trust Fund to be used to pay up to 100 percent of the eligible costs of preparing Federal environmental impact statements for certain navigation projects, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON:

H. Res. 1480. A resolution commending the University of Southern California Trojan men's tennis team for its victory in the 2010 National Collegiate Athletic Association (NCAA) Men's Tennis Championship; to the Committee on Education and Labor.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H. Res. 1481. A resolution supporting the goals and ideals of ''National Save for Retirement Week'', including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy; to the Committee on Ways and Means.

By Mr. BILBRAY (for himself and Mrs. DAVIS of California):

H. Res. 1482. A resolution commemorating the 40th annual meeting of the Society for Neuroscience; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY of Georgia (for himself and Mr. SKELTON):

H. Res. 1483. A resolution recognizing the exemplary service and sacrifice of the soldiers of the 14th Armored Division of the United States Army, known as the Liberators, during World War II; to the Committee on Armed Services.

¶82.21 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

327. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 282 urging the Congress to propose a constitutional amendment to clarify the distinction between the rights of natural persons and the rights of corporations; to the Committee on the Judiciary.

328. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 30 urging the President and the Congress to pass S. 1337, The Filipino Veterans Family Reunification Act of 2009; to the Committee on the Judiciary.

329. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 1081 urging the Congress to pass H.R. 3410, the Taking Responsible Action for Community Safety Act; to the Committee on Transportation and Infrastructure.

330. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 82 urging the President and the Congress to expedite the processing of all claims for payment, and the distribution of checks to Filipino veterans under ARRA; to the Committee on Veterans' Affairs.

331. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 65 supporting congressional and state funding for broadband infrastructure in rural areas; jointly to the Committees on Agriculture and Energy and Commerce.

¶82.22 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 442: Ms. JENKINS and Mr. MORAN of Kansas.
H.R. 484: Mr. TIAHRT.
H.R. 571: Ms. FUDGE.
H.R. 697: Mr. MARKEY of Massachusetts and Ms. RICHARDSON.
H.R. 745: Mrs. DAVIS of California.
H.R. 1034: Mr. MAFFEI.
H.R. 1036: Mr. CAPUANO.
H.R. 1203: Mr. SHERMAN.
H.R. 1230: Ms. FUDGE.
H.R. 1240: Mr. GUTHRIE.
H.R. 2083: Mr. HOEKSTRA.
H.R. 2378: Ms. SCHAKOWSKY.
H.R. 2866: Mr. GARAMENDI, Mrs. EMERSON, and Mr. PAULEN.
H.R. 2870: Mr. YOUNG of Alaska and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3025: Mr. VAN HOLLEN.
H.R. 3286: Mr. PERLMUTTER and Mr. SABLAN.
H.R. 3408: Mr. SCHAUER, Mr. SESTAK, Mr. OWENS, Mr. CHILDERS, Mr. ELLSWORTH, Ms. CORRINE BROWN of Florida, Mr. PASCRELL, Ms. BALDWIN, and Mr. HILL.
H.R. 3487: Mr. COHEN.
H.R. 3508: Mr. DJOU.
H.R. 3729: Ms. GIFFORDS and Mr. WU.
H.R. 3790: Mr. ROSS.
H.R. 4051: Mr. FILNER.
H.R. 4128: Mr. ROTHMAN of New Jersey.
H.R. 4296: Mr. DOYLE.
H.R. 4308: Mr. FLAKE.
H.R. 4505: Mr. ISSA.
H.R. 4557: Mr. RYAN of Ohio, Mr. SCOTT of Georgia, and Mr. SIRES.
H.R. 4597: Ms. HIRONO and Mr. GRIJALVA.
H.R. 4693: Mr. HALL of New York.
H.R. 4883: Mrs. BLACKBURN.
H.R. 4894: Mr. DJOU.
H.R. 4943: Mr. SCALISE.
H.R. 5081: Mr. CARSON of Indiana and Mr. BRALEY of Iowa.
H.R. 5211: Mr. CARSON of Indiana.
H.R. 5234: Mr. BARROW and Mr. KINGSTON.
H.R. 5244: Mr. BOOZMAN.
H.R. 5258: Mr. DANIEL E. LUNGREN of California and Mr. ISSA.
H.R. 5268: Mr. ROTHMAN of New Jersey and Mr. SERRANO.
H.R. 5358: Mr. HASTINGS of Florida and Mrs. CAPPS.
H.R. 5359: Mr. BACA.
H.R. 5374: Mr. SMITH of Texas and Mr. BILBRAY.
H.R. 5426: Mrs. EMERSON and Mr. HILL.
H.R. 5434: Mr. COURTNEY and Mr. MCCOTTER.
H.R. 5457: Mr. LANGEVIN.
H.R. 5478: Mr. RUSH.
H.R. 5501: Mr. MORAN of Kansas.
H.R. 5503: Mr. BACA and Mr. THOMPSON of Mississippi.
H.R. 5523: Mr. MCCLINTOCK and Mrs. MCMORRIS RODGERS.
H.R. 5525: Mr. WESTMORELAND.
H.R. 5572: Mr. ORTIZ.
H.R. 5577: Ms. LEE of California.
H.R. 5578: Ms. LEE of California.
H.R. 5579: Ms. LEE of California.
H. Con. Res. 207: Mr. TIAHRT.
H. Con. Res. 284: Mr. SABLAN and Mr. CASTLE.
H. Con. Res. 287: Mr. MCCLINTOCK.
H. Res. 202: Mr. GORDON of Tennessee.
H. Res. 308: Ms. PINGREE of Maine.
H. Res. 510: Mr. BARTLETT and Mr. BURGESS.
H. Res. 937: Mr. PIERLUISI.
H. Res. 1207: Mr. GARAMENDI.
H. Res. 1244: Mr. POLIS of Colorado.
H. Res. 1279: Mr. CALVERT.
H. Res. 1365: Mr. EDWARDS of Texas.
H. Res. 1401: Mr. STARK, Mr. BERMAN, Mr. WOLF, Mr. PASTOR of Arizona, Mr. CRITZ, and Ms. SCHWARTZ.
H. Res. 1437: Mr. SMITH of Texas.
H. Res. 1450: Mr. SMITH of Texas.
H. Res. 1454: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 1460: Mrs. LUMMIS.

TUESDAY, JUNE 29, 2010 (83)

¶83.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9:30 a.m. by the SPEAKER pro tempore, Ms. EDWARDS of Maryland, who laid before the House the following communication:

WASHINGTON, DC,
June 29, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 6, 2009, Members were recognized for morning-hour debate.

¶83.2 RECESS—9:35 A.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to

clause 12(a) of rule I, declared the House in recess at 9 o'clock and 35 minutes a.m., until 10:30 a.m.

¶83.3 AFTER RECESS—10:30 A.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, called the House to order.

¶83.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced she had examined and approved the Journal of the proceedings of Monday, June 28, 2010.

Mr. MELANCON, pursuant to clause 1 of rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the yeas had it.

Mr. MELANCON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	219
Nays	175
Answered present	1

¶83.5 [Roll No. 395]

YEAS—219

Ackerman
Andrews
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Braley (IA)
Butterfield
Calvert
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Goodlatte
Gordon (TN)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Perlmutter
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Tanner
Teague
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Yarmuth

NAYS—175

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachus
Barrett (SC)
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Crenshaw
Critz
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Granger
Graves (GA)
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
Kilroy
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McCaul
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Pence
Perriello
Peters
Peterson
Petri
Pitts
Platts
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—37

Barton (TX)
Berkley
Boehner
Boswell
Brown, Corrine
Burton (IN)
Cao
Cohen
Costa
Culberson
Delahunt
Ellsworth
Engel
Fallin
Giffords
Griffith
Hodes
Hoekstra
Johnson (IL)
Kagen
Kirk
Langevin
Lipinski
Maffei
Moore (WI)
Moran (VA)
Oberstar
Payne
Poe (TX)
Putnam
Rush
Sutton
Taylor
Tiahrt
Wamp
Woolsey
Young (AK)

So the Journal was approved.

¶83.6 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

8137. A letter from the Director — National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule — Competitive and Noncompetitive Nonformula Federal Assistance Programs — Administrative Provisions and Subpart K for Biomass Research and Development Initiative (RIN: 0524-AA61) received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8138. A letter from the Under Secretary, Department of Defense, transmitting a certification on the review of the Advance Threat Infrared Countermeasures/Common Missile Warning System, pursuant to 10 U.S.C. 2433a; to the Committee on Armed Services.

8139. A letter from the Under Secretary, Department of Defense, transmitting a certification on the review of the DDG 1000 Zumwalt Class Destroyer Program, pursuant to 10 U.S.C. 2433a; to the Committee on Armed Services.

8140. A letter from the Under Secretary, Department of Defense, transmitting a certification on the review of the Wideband Global SATCOM (WGS) program, pursuant to 10 U.S.C. 2433a; to the Committee on Armed Services.

8141. A letter from the Under Secretary, Department of Defense, transmitting a certification on the review of the F-35 Joint Strike Fighter (JSF) program, pursuant to 10 U.S.C. 2433a; to the Committee on Armed Services.

8142. A letter from the Under Secretary, Department of Defense, transmitting a certification on the review of the Remote Minehunting System (RMS) program, pursuant to 10 U.S.C. 2433a; to the Committee on Armed Services.

8143. A letter from the Under Secretary, Department of Defense, transmitting a certification on the review of the Apache Block 111 (AB3) program, pursuant to 10 U.S.C. 2433a; to the Committee on Armed Services.

8144. A letter from the Assistant Secretary, Department of Defense, transmitting a quarterly report on withdrawals or diversions of equipment from Reserve component units for the period of January 1, 2010 through March 31, 2010, pursuant to Public Law 109-364, section 349; to the Committee on Armed Services.

8145. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition regulation Supplement; Multiyear Contract Authority for Electricity from Renewable Energy Sources (DFARS Case 2008-D006) received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8146. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2010-0003] [Internal Agency Docket No.: FEMA-8131] received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8147. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket

ID: FEMA-2010-0003] received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8148. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill ''To authorize United States participation in, and appropriations for the United States contribution to, the Global Agriculture and Food Security Program, a multi-donor trust fund administered by the World Bank''; to the Committee on Financial Services.

8149. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers (RERCs) Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.133E-1 and 84.133E-3 received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8150. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's final rule — Catalog of Federal Domestic Assistance (CFDA) Number: 84.215J received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8151. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Final Rule Relating to Time and Order of Issuance of Domestic Relations Orders (RIN: 1210-AB15) received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8152. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Weatherization Assistance for Low-Income Persons: Maintaining the Privacy of Applicants for and Recipients of Services [Docket No.: DOE-EERE-OT-2010-0004] (RIN: 1904-AC16) received June 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8153. A letter from the Office of Managing Director, AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule—Amendment of parts 1, 21, 73, 74, and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands [WT Docket No.: 03-66] received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8154. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Technical Amendment to Part 766 of the Export Administration Regulations [Docket No.: 100603238-0235-01] (RIN: 0694-AE93) received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8155. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting update to the letter sent on June 18, 2009 regarding the Pan Am 103 bombing; to the Committee on Foreign Affairs.

8156. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Iranian Transactions Regulations received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8157. A letter from the Secretary, Department of the Interior, transmitting the Department's semiannual report from the office of the Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8158. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''Auditor's Certification of the Department of Mental Health's FY 2008 Performance Accountability Report'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

8159. A letter from the Federal Co-Chair, Appalachian Regional Commsission, transmitting the Commission's semiannual report from the office of the Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

8160. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — General Services Administration Acquisition Regulation; GSAR Case 2008-G503, Rewrite of GASR Part 505, Publicizing Contract Actions [GSAR Amendment 2010-02; GSAR Case 2008-G503 (Change 45) Docket 2008-0007; Sequence 11] (RIN: 3090-AI71) received June 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8161. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Inspector General's semiannual report to Congress for the reporting period ending March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

8162. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

8163. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Long Term Care Insurance Program: Eligibility Changes (RIN: 3206-AL92) received June 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8164. A letter from the Program Manager, Department of Justice, transmitting the Department's final rule — Decision-Making Authority Regarding the Denial, Suspension, or Revocation of a Federal Firearms License, or Imposition of a Civil Fine [Docket No.: AFT 17F; AG Order No. 3160-2010 (2008R-10P)] received June 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8165. A letter from the Secretary, Department of Transportation, transmitting the Department's report of obligations and unobligated balances of funds provided for Federal-aid highway and safety construction programs for fiscal year 2008 as of September 30, 2008, pursuant to 23 U.S.C. 104(j); to the Committee on Transportation and Infrastructure.

8166. A letter from the U.S. House of Representatives, Clerk, transmitting annual compilation of financial disclosure statements of the members of the board of the Office of Congressional Ethics, pursuant to rule XXVI, clause 3, of the House Rules; (H. Doc. No. 111–127); to the Committee on Standards of Official Conduct and ordered to be printed.

8167. A letter from the U.S. House of Representatives, Clerk, transmitting the annual compilation of personal financial disclosure statements and amendments thereto required to be filed by Members of the House with the Clerk of the House of Representatives, pursuant to rule XXVI, clause 1, of the House Rules; (H. Doc. No. 111–128); to the Committee on Standards of Official Conduct and ordered to be printed.

8168. A letter from the Director, Regulations Policy and Management Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule—State Cemetery Grants (RIN: 2009-AM96) received June 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8169. A letter from the Director, Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty: Elimination of Redundant Regulations (RIN: 2900-AN71) received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8170. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Contributed Property [TD 9485] (RIN: 1545-BF28) received June 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8171. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Passive Activity Losses And Credits Limited (Rev. Rul. 2010-16) received June 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8172. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — New Markets Tax Credit (Rev. Rul. 2010-17) received June 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8173. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-47] received June 11, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8174. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Services's final rule — Qualifying Therapeutic Discovery Project Credit [Notice 2010-45] received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8175. A letter from the Chief, Publications and Regulations Branch, Social Security Administration, transmitting the Administration's final rule — Technical Amendment Language Change from ''Wholly'' to ''Fully'' [Docket No.: SSA-2009-0062] (RIN: 0960-AH16) received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8176. A letter from the Acting Director, Aquisition Policy and Legislation Branch, Department of Homeland Security, transmitting the Department's final rule — Revision of Department of Homeland Security Acquisition Regulation; Restrictions on Foreign Acquisition (HSAR Case 2009-004 [Docket No.: DHS-2009-0081] (RIN: 1601-AA57) received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

¶83.7 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 572

In the Senate of the United States, June 28, 2010.

Whereas the Honorable Robert C. Byrd served the people of his beloved state of West

Virginia for over 63 years, serving in the West Virginia House of Delegates, the West Virginia Senate, the United States House of Representatives, and the United States Senate;

Whereas the Honorable Robert C. Byrd is the only West Virginian to have served in both Houses of the West Virginia Legislature and in both Houses of the United States Congress;

Whereas the Honorable Robert C. Byrd has served for fifty-one years in the United States Senate and is the longest serving Senator in history, having been elected to nine full terms;

Whereas the Honorable Robert C. Byrd has cast more than 18,680 rollcall votes—more than any other Senator in American history;

Whereas the Honorable Robert C. Byrd has served in the Senate leadership as President pro tempore, Majority Leader, Majority Whip, Minority Leader, and Secretary of the Majority Conference;

Whereas the Honorable Robert C. Byrd has served on a Senate committee, the Committee on Appropriations, which he has chaired during five Congresses, longer than any other Senator;

Whereas the Honorable Robert C. Byrd is the first Senator to have authored a comprehensive history of the United States Senate;

Whereas the Honorable Robert C. Byrd has played an essential role in the development and enactment of an enormous body of national legislative initiatives and policy over many decades; and

Whereas his death has deprived his State and Nation of an outstanding lawmaker and public servant: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Robert C. Byrd, Senator from the State of West Virginia.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate has agreed to, with an amendment, in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 286. A concurrent resolution recognizing the 235th birthday of the United States Army.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 3249. An Act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program and for other purposes.

¶83.8 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE ROBERT C. BYRD

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that all Members stand and observe a moment of silence in memory of the late Honorable Robert C. Byrd.

¶83.9 H. RES. 1439—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1439) congratulating the Chicago Blackhawks on winning the 2020 Stanley Cup Championship.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	395
Nays	5
Answered present	1

¶83.10 [Roll No. 396]

YEAS—395

Ackerman	Costello	Herseth Sandlin
Aderholt	Courtney	Higgins
Akin	Crenshaw	Hill
Alexander	Critz	Himes
Altmire	Crowley	Hinchey
Arcuri	Cuellar	Hinojosa
Austria	Cummings	Hirono
Baca	Dahlkemper	Holden
Bachmann	Davis (AL)	Holt
Bachus	Davis (CA)	Honda
Baird	Davis (IL)	Hoyer
Baldwin	Davis (KY)	Hunter
Barrett (SC)	Davis (TN)	Inglis
Barrow	DeFazio	Inslee
Bartlett	DeGette	Israel
Barton (TX)	DeLauro	Issa
Bean	Dent	Jackson (IL)
Becerra	Deutch	Jackson Lee (TX)
Berman	Diaz-Balart, L.	Jenkins
Biggert	Diaz-Balart, M.	Johnson (GA)
Bilbray	Dicks	Johnson, E. B.
Bilirakis	Dingell	Johnson, Sam
Bishop (GA)	Djou	Jones
Bishop (NY)	Doggett	Jordan (OH)
Bishop (UT)	Donnelly (IN)	Kagen
Blackburn	Doyle	Kanjorski
Blumenauer	Dreier	Kaptur
Blunt	Driehaus	Kennedy
Boccieri	Duncan	Kildee
Bonner	Edwards (MD)	Kilpatrick (MI)
Bono Mack	Edwards (TX)	Kilroy
Boozman	Ehlers	Kind
Boren	Ellison	King (IA)
Boucher	Emerson	King (NY)
Boustany	Eshoo	Kingston
Boyd	Etheridge	Kirkpatrick (AZ)
Brady (PA)	Farr	Kissell
Brady (TX)	Fattah	Klein (FL)
Braley (IA)	Filner	Kline (MN)
Bright	Flake	Kosmas
Broun (GA)	Fleming	Kratovil
Brown (SC)	Forbes	Kucinich
Brown-Waite, Ginny	Fortenberry	Lamborn
Buchanan	Foster	Lance
Burgess	Foxx	Langevin
Butterfield	Frank (MA)	Larsen (WA)
Buyer	Franks (AZ)	Larson (CT)
Calvert	Frelinghuysen	Latham
Camp	Fudge	LaTourette
Campbell	Gallegly	Latta
Cantor	Garamendi	Lee (CA)
Capito	Garrett (NJ)	Lee (NY)
Capps	Gerlach	Levin
Capuano	Gohmert	Lewis (CA)
Cardoza	Gonzalez	Lewis (GA)
Carnahan	Goodlatte	Linder
Carney	Gordon (TN)	LoBiondo
Carson (IN)	Granger	Loebsack
Carter	Graves (GA)	Lofgren, Zoe
Cassidy	Graves (MO)	Lowey
Castle	Grayson	Lucas
Castor (FL)	Green, Al	Luetkemeyer
Chandler	Green, Gene	Luján
Childers	Grijalva	Lummis
Chu	Guthrie	Lungren, Daniel E.
Clarke	Gutierrez	Lynch
Clay	Hall (NY)	Mack
Cleaver	Hall (TX)	Maffei
Clyburn	Halvorson	Maloney
Coble	Hare	Manzullo
Coffman (CO)	Harman	Marchant
Cole	Harper	Markey (CO)
Conaway	Hastings (FL)	Markey (MA)
Connolly (VA)	Hastings (WA)	Marshall
Conyers	Heinrich	Matheson
Cooper	Heller	Matsui
Costa	Hensarling	McCarthy (CA)
	Herger	McCarthy (NY)
		McCaul
		McClintock
		McCollum
		McCotter
		McDermott
		McGovern
		McHenry
		McIntyre
		McKeon
		McMahon
		McMorris Rodgers
		McNerney
		Meek (FL)
		Meeks (NY)
		Melancon
		Mica
		Michaud
		Miller (FL)
		Miller (MI)
		Miller (NC)
		Miller, Gary
		Miller, George
		Minnick
		Mitchell
		Mollohan
		Moore (KS)
		Moran (KS)
		Murphy (CT)
		Murphy (NY)
		Murphy, Patrick
		Murphy, Tim
		Myrick
		Nadler (NY)
		Napolitano
		Neal (MA)
		Neugebauer
		Nunes
		Obey
		Olson
		Ortiz
		Owens
		Pallone
		Pascrell
		Pastor (AZ)
		Paul
		Paulsen
		Pence
		Perlmutter
		Perriello
		Peters
		Peterson
		Petri
		Pingree (ME)
		Pitts
		Platts
		Poe (TX)
		Polis (CO)
		Pomeroy
		Posey
		Price (GA)
		Price (NC)
		Quigley
		Radanovich
		Rahall
		Rangel
		Rehberg
		Reichert
		Reyes
		Richardson
		Rodriguez
		Roe (TN)
		Rogers (AL)
		Rogers (KY)
		Rogers (MI)
		Rohrabacher
		Ros-Lehtinen
		Roskam
		Ross
		Rothman (NJ)
		Roybal-Allard
		Royce
		Ruppersberger
		Ryan (OH)
		Ryan (WI)
		Salazar
		Sánchez, Linda T.
		Sanchez, Loretta
		Sarbanes
		Scalise
		Schakowsky
		Schauer
		Schiff
		Schmidt
		Schock
		Schrader
		Schwartz
		Scott (GA)
		Scott (VA)
		Sensenbrenner
		Serrano
		Sessions
		Sestak
		Shadegg
		Shea-Porter
		Sherman
		Shimkus
		Shuler
		Shuster
		Simpson
		Sires
		Skelton
		Slaughter
		Smith (NE)
		Smith (NJ)
		Smith (TX)
		Smith (WA)
		Snyder
		Space
		Speier
		Spratt
		Stark
		Stearns
		Stupak
		Sullivan
		Sutton
		Tanner
		Teague
		Terry
		Thompson (CA)
		Thompson (MS)
		Thompson (PA)
		Thornberry
		Tiahrt
		Tiberi
		Tierney
		Titus
		Tonko
		Towns
		Tsongas
		Turner
		Upton
		Van Hollen
		Velázquez
		Visclosky
		Walden
		Walz
		Wasserman Schultz
		Waters
		Watson
		Watt
		Waxman
		Weiner
		Welch
		Westmoreland
		Whitfield
		Wilson (OH)
		Wilson (SC)
		Wittman
		Wolf
		Wu
		Yarmuth
		Young (FL)

NAYS—5

Adler (NJ)	Berry	Rooney
Andrews	Nye	

ANSWERED ''PRESENT''—1

Chaffetz

NOT VOTING—31

Berkley	Fallin	Oberstar
Boehner	Giffords	Olver
Boswell	Gingrey (GA)	Payne
Brown, Corrine	Griffith	Putnam
Burton (IN)	Hodes	Rush
Cao	Hoekstra	Taylor
Cohen	Johnson (IL)	Wamp
Culberson	Kirk	Woolsey
Delahunt	Lipinski	Young (AK)
Ellsworth	Moore (WI)	
Engel	Moran (VA)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶83.11 MOTION TO ADJOURN

Mr. BROUN of Georgia, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that the nays had it.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and

nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 23 Nays 379

¶83.12 [Roll No. 397]

YEAS—23

Bartlett	Gohmert	Miller, George
Bishop (UT)	Graves (GA)	Olson
Broun (GA)	Heller	Paul
Chaffetz	Hunter	Posey
Flake	Johnson, Sam	Price (GA)
Foxx	King (IA)	Sanchez, Loretta
Garrett (NJ)	Lummis	Tiahrt
Gingrey (GA)	Maffei	

NAYS—379

Ackerman	Costa	Himes
Aderholt	Costello	Hinchey
Adler (NJ)	Courtney	Hinojosa
Akin	Crenshaw	Hirono
Alexander	Critz	Holden
Altmire	Crowley	Holt
Andrews	Cuellar	Honda
Arcuri	Culberson	Hoyer
Austria	Cummings	Inglis
Baca	Dahlkemper	Inslee
Bachmann	Davis (AL)	Israel
Bachus	Davis (CA)	Issa
Baird	Davis (IL)	Jackson (IL)
Baldwin	Davis (KY)	Jackson Lee (TX)
Barrett (SC)	Davis (TN)	Jenkins
Barrow	DeFazio	Johnson (GA)
Barton (TX)	DeGette	Johnson, E. B.
Bean	DeLauro	Jones
Becerra	Dent	Jordan (OH)
Berman	Deutch	Kagen
Berry	Diaz-Balart, L.	Kanjorski
Biggert	Diaz-Balart, M.	Kaptur
Bilbray	Dicks	Kennedy
Bilirakis	Dingell	Kildee
Bishop (GA)	Djou	Kilpatrick (MI)
Bishop (NY)	Doggett	Kilroy
Blackburn	Donnelly (IN)	Kind
Blumenauer	Doyle	King (NY)
Blunt	Dreier	Kingston
Boccieri	Driehaus	Kirkpatrick (AZ)
Boehner	Duncan	Kissell
Bonner	Edwards (MD)	Klein (FL)
Bono Mack	Edwards (TX)	Kline (MN)
Boozman	Ehlers	Kosmas
Boren	Ellison	Kratovil
Boucher	Emerson	Kucinich
Boustany	Eshoo	Lamborn
Boyd	Etheridge	Lance
Brady (PA)	Farr	Langevin
Brady (TX)	Fattah	Larsen (WA)
Braley (IA)	Filner	Larson (CT)
Bright	Fleming	Latham
Brown (SC)	Forbes	LaTourette
Brown-Waite, Ginny	Fortenberry	Latta
Buchanan	Foster	Lee (CA)
Burgess	Frank (MA)	Lee (NY)
Butterfield	Franks (AZ)	Levin
Buyer	Frelinghuysen	Lewis (CA)
Calvert	Fudge	Lewis (GA)
Camp	Gallegly	Linder
Campbell	Garamendi	LoBiondo
Cantor	Gerlach	Loebsack
Capito	Gonzalez	Lofgren, Zoe
Capps	Goodlatte	Lowey
Capuano	Gordon (TN)	Lucas
Cardoza	Granger	Luetkemeyer
Carnahan	Graves (MO)	Luján
Carney	Grayson	Lungren, Daniel E.
Carson (IN)	Green, Al	Lynch
Carter	Green, Gene	Mack
Cassidy	Grijalva	Maloney
Castle	Guthrie	Manzullo
Castor (FL)	Gutierrez	Marchant
Chandler	Hall (NY)	Markey (CO)
Childers	Hall (TX)	Markey (MA)
Chu	Halvorson	Marshall
Clarke	Hare	Matheson
Clay	Harman	Matsui
Clyburn	Harper	McCarthy (CA)
Coble	Hastings (FL)	McCarthy (NY)
Coffman (CO)	Hastings (WA)	McCaul
Cole	Heinrich	McClintock
Conaway	Hensarling	McCollum
Connolly (VA)	Herger	McCotter
Conyers	Herseth Sandlin	McDermott
Cooper	Higgins	McGovern
	Hill	McHenry
		McIntyre
		McKeon
		McMahon
		McMorris Rodgers
		McNerney
		Meek (FL)
		Meeks (NY)
		Melancon
		Mica
		Michaud
		Miller (FL)
		Miller (MI)
		Miller (NC)
		Miller, Gary
		Minnick
		Mitchell
		Mollohan
		Moore (KS)
		Moran (KS)
		Murphy (CT)
		Murphy (NY)
		Murphy, Patrick
		Murphy, Tim
		Myrick
		Nadler (NY)
		Napolitano
		Neal (MA)
		Neugebauer
		Nunes
		Nye
		Obey
		Olver
		Ortiz
		Owens
		Pallone
		Pascrell
		Pastor (AZ)
		Paulsen
		Pence
		Perlmutter
		Perriello
		Peters
		Peterson
		Petri
		Pingree (ME)
		Pitts
		Platts
		Poe (TX)
		Polis (CO)
		Pomeroy
		Price (NC)
		Quigley
		Radanovich
		Rahall
		Rehberg
		Reichert
		Reyes
		Richardson
		Rodriguez
		Roe (TN)
		Rogers (AL)
		Rogers (KY)
		Rogers (MI)
		Rohrabacher
		Rooney
		Ros-Lehtinen
		Roskam
		Ross
		Rothman (NJ)
		Roybal-Allard
		Royce
		Ruppersberger
		Ryan (OH)
		Ryan (WI)
		Salazar
		Sánchez, Linda T.
		Sarbanes
		Scalise
		Schakowsky
		Schauer
		Schiff
		Schmidt
		Schock
		Schrader
		Schwartz
		Scott (GA)
		Scott (VA)
		Sensenbrenner
		Serrano
		Sessions
		Sestak
		Shadegg
		Shea-Porter
		Sherman
		Shimkus
		Shuler
		Shuster
		Simpson
		Sires
		Skelton
		Slaughter
		Smith (NE)
		Smith (NJ)
		Smith (WA)
		Snyder
		Space
		Speier
		Spratt
		Stark
		Stearns
		Stupak
		Sullivan
		Sutton
		Tanner
		Teague
		Terry
		Thompson (CA)
		Thompson (MS)
		Thompson (PA)
		Thornberry
		Tiberi
		Tierney
		Titus
		Tonko
		Towns
		Tsongas
		Turner
		Upton
		Van Hollen
		Velázquez
		Visclosky
		Walden
		Walz
		Wasserman Schultz
		Waters
		Watson
		Watt
		Waxman
		Weiner
		Welch
		Westmoreland
		Whitfield
		Wilson (OH)
		Wilson (SC)
		Wittman
		Wolf
		Wu
		Yarmuth
		Young (FL)

NOT VOTING—30

Berkley	Fallin	Oberstar
Boswell	Giffords	Payne
Brown, Corrine	Griffith	Putnam
Burton (IN)	Hodes	Rangel
Cao	Hoekstra	Rush
Cleaver	Johnson (IL)	Smith (TX)
Cohen	Kirk	Taylor
Delahunt	Lipinski	Wamp
Ellsworth	Moore (WI)	Woolsey
Engel	Moran (VA)	Young (AK)

So the motion to adjourn was not agreed to.

¶83.13 NURSING HOME CARE TO PARENTS OF CHILDREN WHO DIED WHILE SERVING IN ARMED FORCES

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 4505) to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, June 30, 2010.

¶83.14 100TH ANNIVERSARY OF TRACY, CALIFORNIA'S INCORPORATION

Mr. FILNER moved to suspend the rules and agree to the following resolution (H. Res. 1446):

Whereas the City of Tracy is located in San Joaquin County, which is home to more than 42,000 veterans;

Whereas the Tracy area is home to the Defense Distribution Depot San Joaquin, which serves as a vital distribution center for materials and supplies for the United States Armed Forces;

Whereas the City of Tracy maintains a cherished memorial containing the names of the heroes from Tracy who made the ultimate sacrifice in service to the United States from World War I to the present;

Whereas Camp Tracy, located near the City of Tracy, played a role in intelligence operations that contributed to the war effort during World War II;

Whereas members of the United States Armed Forces from the City of Tracy served bravely, and many lost their lives, in the Korean War, Vietnam War, Persian Gulf War, and other military conflicts of the 20th century;

Whereas members of the United States Armed Forces from the City of Tracy have served with honor in the wars in Iraq and Afghanistan; and

Whereas the Tracy Press reported on November 11, 2008, that the City of Tracy has endured one of the Nation's highest per capita casualty rates in the war in Iraq: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its gratitude to the veterans of the City of Tracy, California, who have committed their lives to serving the United States; and

(2) expresses its gratitude to all of the residents of the City of Tracy, California, for their century-long commitment to serving the United States.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, June 30, 2010.

¶83.15 VETERANS OF HELICOPTER ATTACK LIGHT SQUADRON THREE

Mr. FILNER moved to suspend the rules and agree to the following resolution (H. Res. 1228); as amended:

Whereas Helicopter Attack Light Squadron Three (hereinafter in this resolution referred

to as ''HAL–3'') began its history as detachments of Navy Helicopter Combat Support Squadron One (HC–1) which began helicopter gunship operations in support of Navy ''Brown Water'', Special Operations, and Army units in the Mekong Delta of South Vietnam on September 19, 1966;

Whereas the detachments of HC–1 adopted the name ''Seawolves'';

Whereas HAL–3 was officially established on April 1, 1967, in Vung Tau, South Vietnam, and was the only active duty Navy helicopter gunship squadron in the history of Naval Aviation;

Whereas during the squadron's existence, the nearly 3,000 veterans of HAL–3 displayed extraordinary courage in support of United States military and political objectives in Vietnam;

Whereas 44 veterans of HAL–3 gave their lives in support of military operations in the Mekong Delta, Vietnam;

Whereas the extraordinary performance of the veterans of HAL–3 earned numerous unit citations including 6 Presidential Unit Citations, 7 Navy Unit Commendations, 1 Meritorious Unit Commendation, a Republic of Vietnam Meritorious Unit Commendation, and the Vietnam Service Medal;

Whereas the valor of the veterans of HAL–3 earned 5 Navy Crosses, 31 Silver Stars, 2 Legion of Merit Medals, 5 Navy and Marine Corps Medals, 219 Distinguished Flying Crosses, 156 Purple Hearts, 101 Bronze Stars, 142 Republic of Vietnam Gallantry Crosses, over 16,000 Air Medals, 439 Navy Commendation Medals, and 228 Navy Achievement Medals, making it possibly the most decorated Navy squadron during the Vietnam War;

Whereas the maintenance and administrative personnel of HAL–3 contributed greatly to the successes of the nine HAL–3 detachments operating throughout the Mekong Delta by providing the detachments with superb maintenance support and logistics;

Whereas HAL–3 flew over 130,000 hours of combat and logistical support;

Whereas HAL–3 inflicted several thousand casualties on enemy forces;

Whereas HAL–3 performed 1,530 medical evacuations;

Whereas HAL–3 delivered over 37,000 passengers and over 1,000,000 pounds of cargo; and

Whereas HAL–3 was disestablished in March 1972 at Binh Thuy, South Vietnam, as part of the Vietnamization program leaving behind it a combat and humanitarian record recognized as bringing great credit upon the United States Navy and its role in the Vietnam War: Now, therefore, be it

Resolved, that the House of Representatives—

(1) honors the service, courage, and sacrifice of the veterans of HAL–3;

(2) honors the families of HAL–3 veterans for their support;

(3) expresses its condolences to the families and comrades of those killed in action; and

(4) recognizes HAL–3 as a unique squadron in the history of naval aviation.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, June 30, 2010.

¶83.16 ALEJANDRO RENTERIA RUIZ DEPARTMENT OF VETERANS AFFAIRS CLINIC

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 4307) to name the Department of Veterans Affairs community-based outpatient clinic in Artesia, New Mexico, as the ''Alejandro Renteria Ruiz Department of Veterans Affairs Clinic''.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, June 30, 2010.

¶83.17 RESTORATION OF EMERGENCY UNEMPLOYMENT COMPENSATION

Mr. LEVIN moved to suspend the rules and pass the bill (H.R. 5618) to continue Federal unemployment programs.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. LEVIN and Mr. CAMP, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CAMP demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶83.18 CONSTITUTION OF THE VIRGIN ISLANDS

Mrs. CHRISTENSEN moved to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 33) to provide for the reconsideration and revision of the proposed Constitution and Federal Law.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mrs. CHRISTENSEN and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶83.19 MUSCOGEE (CREEK) NATION

Mr. BOREN moved to suspend the rules and pass the bill (H.R. 1554) to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. BOREN and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BOREN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, June 30, 2010.

¶83.20 INDIAN PUEBLOS IN NEW MEXICO

Mr. HEINRICH moved to suspend the rules and pass the bill (H.R. 4445) to amend Public Law 95-232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. HEINRICH and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HEINRICH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, June 30, 2010.

The point of no quorum was considered as withdrawn.

¶83.21 SALMON LAKE LAND SELECTION RESOLUTION

Mr. HEINRICH moved to suspend the rules and pass the bill (H.R. 2340) to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Claims Settlement Act; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. HEINRICH and Mr. HASTINGS of Washington, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HEINRICH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, June 30, 2010.

The point of no quorum was considered as withdrawn.

¶83.22 NATIONAL POLLINATOR WEEK

Mr. CARDOZA moved to suspend the rules and agree to the following resolution (H. Res. 1460):

Whereas bees, birds, butterflies, and other pollinators are vital to sustaining a healthy ecosystem;

Whereas pollinators are responsible for an estimated 1 out of every 3 bites of food that we eat;

Whereas diversity of pollinators is necessary for diversity of plant life and the security of our food supply;

Whereas a decline in pollinators would adversely impact animal species that eat pollinating plants;

Whereas colony collapse disorder has caused an alarming decline in the population of honey bees, one of the most important pollinators;

Whereas the United States Senate designated the last week of June as National Pollinator Week in 2006; and

Whereas the majority of States have recognized June 21–27, 2010, as National Pollinator Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of pollinators in agriculture and in maintaining our diverse ecosystem; and

(2) supports the goals and ideals of National Pollinator Week.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. CARDOZA and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARDOZA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Wednesday, June 30, 2010.

The point of no quorum was considered as withdrawn.

¶83.23 AIRPORT AND AIRWAY TRUST FUND

Mr. LEWIS of Georgia, moved to suspend the rules and pass the bill (H.R. 5611) extending the funding and expenditure authority of the Airport and Airway Trust Fund and extending the authorizations for the airport improvement program.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. LEWIS of Georgia, and Mr. DAVIS of Kentucky, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶83.24 FIREARMS EXCISE TAX IMPROVEMENT

Mr. KIND moved to suspend the rules and pass the bill (H.R. 5552) to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly and to provide for the assessment by the Secretary of the Treasury of certain criminal restitution; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. KIND and Mr. RYAN of Wisconsin, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KIND demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶83.25 HOMEBUYERS ASSISTANCE AND IMPROVEMENT

Mr. LEVIN moved to suspend the rules and pass the bill (H.R. 5623) to amend the Internal Revenue Code of 1986 to extend the homebuyer tax credit for the purchase of a principal residence before October 1, 2010, in the case of a written binding contract entered into with respect to such principal residence before May 1, 2010, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. LEVIN and Mr. DAVIS of Kentucky, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LEVIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶83.26 WEST VIRGINIA NATIONAL GUARD HEROIC EFFORTS

Mr. CRITZ moved to suspend the rules and agree to the following resolution (H. Res. 1153):

Whereas the West Virginia National Guard and local responders safely and successfully rescued 17 individuals from a downed military helicopter on a rugged, snow-covered mountain on the Pocahontas-Randolph county line;

Whereas, on February 18, 2010, the West Virginia Army National Guard HH–60 Blackhawk helicopter, gallantly piloted by Bluefield, West Virginia, native Major Kevin Hazuka, located the downed aircraft in extremely adverse weather conditions;

Whereas two West Virginia Army National Guard Flight Medics, SSG Nicole Hopkins and SPC Casey Dunfee, were lowered to the landing site to assess the situation and to provide assistance to the injured through the night while emergency response and rescue teams worked their way to the survivors;

Whereas a C–130 Hercules aircraft from the 130th Airlift Wing of the West Virginia Air National Guard orbited the crash site to facilitate communications;

Whereas Snowshoe Mountain Ski Resort provided two snowcats and personnel that were invaluable to the safe evacuation of the injured;

Whereas local West Virginia civilians generously donated the use of their snowmobiles that enabled first responders to reach the site;

Whereas a Shavers Fork Volunteer Fire and Rescue Unit went as far as they could with special equipment and snowmobiles along a railroad grade to where it was still about a 45-minute trek in 5 feet of snow, straight up the side of a mountain with an approximate 50-degree pitch;

Whereas Valley Head Fire Department, Northern Greenbrier EMS, Greenbrier County Ambulance, White Sulphur Springs EMS, Cass Rescue, and Greenbank National Radio Astronomy Observatory operations staff all provided direct critical support for the effort;

Whereas the Pocahontas County Emergency Management, West Virginia State Police, Pocohantas County Sheriff's Department, Pocohantas County 911, and the U.S.

Forest Service provided coordination and support efforts; and

Whereas the Bartow-Frank-Durbin Volunteer Fire and Rescue attempted an approach to the crash sight from the North side with support from State of West Virginia Departments of Natural Resources and Highways, neighboring Randolph and Tucker County Sheriff Departments and EMS units, Elkins, Harmon, and Huttonsville/Mill Creek Volunteer Fire Departments, and the American Red Cross: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the heroic efforts of the West Virginia National Guard and local first responders;

(2) recognizes the countless volunteers, families, and neighbors who assisted in rescuing the 17 individuals; and

(3) recognizes the courage, ability, incredible determination, and willingness of West Virginians to lend a neighborly hand.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. CRITZ and Mr. BARTLETT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶83.27 H.R. 5618—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5618) to continue Federal unemployment programs.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 261 / Nays 155

¶83.28 [Roll No. 398]

YEAS—261

Ackerman
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wu
Yarmuth
Young (FL)

NAYS—155

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bean
Berry
Biggert
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Djou
Donnelly (IN)
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Herseth Sandlin
Hill
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Pitts
Poe (TX)
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Westmoreland
Wilson (SC)
Wittman
Wolf

NOT VOTING—17

Bishop (UT)
Cao
Cummings
Engel
Griffith
Hoekstra
Kirk
McIntyre
Moore (WI)
Oberstar
Putnam
Rush
Schock
Taylor
Wamp
Woolsey
Young (AK)

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill was not passed.

¶83.29 H. RES. 1244—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1244) recognizing the National Collegiate Cyber Defense Competition for its now five-year effort to promote cyber security curriculum in institutions of higher learning; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 2

¶83.30 [Roll No. 399]

YEAS—412

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)

Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NAYS—2

Flake Paul

NOT VOTING—18

Cao Loebsack Schakowsky
Cummings Miller, George Schrader
Engel Moore (WI) Taylor
Griffith Oberstar Wamp
Hoekstra Peterson Woolsey
Kirk Putnam Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶83.31 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE MARVIN ESCH

The SPEAKER pro tempore, Mr. CUELLAR, announced that all Members stand and observe a moment of silence in memory of the late Honorable Marvin Esch.

¶83.32 H.R. 5552—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5552) to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly and to provide for the assessment by the Secretary of the Treasury of certain criminal restitution; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 6

¶83.33 [Roll No. 400]

YEAS—412

Ackerman Bono Mack Castor (FL)
Aderholt Boozman Chaffetz
Adler (NJ) Boren Chandler
Akin Boswell Childers
Alexander Boucher Chu
Altmire Boustany Clarke
Andrews Boyd Clay
Arcuri Brady (PA) Cleaver
Austria Brady (TX) Clyburn
Baca Braley (IA) Coble
Bachmann Bright Coffman (CO)
Bachus Broun (GA) Cohen
Baird Brown (SC) Cole
Baldwin Brown, Corrine Conaway
Barrett (SC) Brown-Waite, Ginny Connolly (VA)
Barrow Buchanan Cooper
Bartlett Burgess Costa
Barton (TX) Burton (IN) Costello
Bean Butterfield Courtney
Becerra Buyer Crenshaw
Berkley Calvert Critz
Berman Camp Crowley
Berry Campbell Cuellar
Biggert Cantor Culberson
Bilbray Capito Dahlkemper
Bilirakis Capps Davis (AL)
Bishop (GA) Capuano Davis (CA)
Bishop (NY) Cardoza Davis (IL)
Bishop (UT) Carnahan Davis (KY)
Blackburn Carney Davis (TN)
Blumenauer Carson (IN) DeFazio
Blunt Carter DeGette
Boccieri Cassidy Delahunt
Boehner Castle DeLauro
Bonner Dent
Deutch King (NY) Petri
Diaz-Balart, L. Kingston Pingree (ME)
Diaz-Balart, M. Kirkpatrick (AZ) Pitts
Dicks Kissell Platts
Dingell Klein (FL) Poe (TX)
Djou Kline (MN) Polis (CO)
Doggett Kosmas Pomeroy
Donnelly (IN) Kratovil Posey
Doyle Lamborn Price (GA)
Dreier Lance Price (NC)
Driehaus Langevin Quigley
Duncan Larsen (WA) Radanovich
Edwards (MD) Larson (CT) Rahall
Edwards (TX) Latham Rangel
Ehlers LaTourette Rehberg
Ellison Latta Reichert
Ellsworth Lee (CA) Reyes
Emerson Lee (NY) Richardson
Eshoo Levin Rodriguez
Etheridge Lewis (CA) Roe (TN)
Fallin Lewis (GA) Rogers (AL)
Fattah Linder Rogers (KY)
Filner Lipinski Rogers (MI)
Flake LoBiondo Rohrabacher
Fleming Loebsack Rooney
Forbes Lofgren, Zoe Ros-Lehtinen
Fortenberry Lowey Roskam
Foster Lucas Ross
Foxx Luetkemeyer Rothman (NJ)
Frank (MA) Luján Roybal-Allard
Franks (AZ) Lummis Royce
Frelinghuysen Lungren, Daniel E. Ruppersberger
Fudge Lynch Rush
Gallegly Mack Ryan (OH)
Garamendi Maffei Ryan (WI)
Garrett (NJ) Maloney Salazar
Gerlach Manzullo Sánchez, Linda T.
Giffords Marchant Sanchez, Loretta
Gingrey (GA) Markey (CO) Sarbanes
Gohmert Markey (MA) Scalise
Gonzalez Marshall Schakowsky
Goodlatte Matheson Schauer
Gordon (TN) Matsui Schiff
Granger McCarthy (CA) Schmidt
Graves (GA) McCarthy (NY) Schock
Graves (MO) McCaul Schrader
Grayson McClintock Schwartz
Green, Al McCollum Scott (GA)
Green, Gene McCotter Scott (VA)
Grijalva McDermott Sensenbrenner
Guthrie McGovern Serrano
Gutierrez McHenry Sessions
Hall (NY) McIntyre Sestak
Hall (TX) McKeon Shadegg
Halvorson McMahon Shea-Porter
Hare McMorris Rodgers Sherman
Harman McNerney Shimkus
Harper Meek (FL) Shuler
Hastings (FL) Meeks (NY) Shuster
Hastings (WA) Melancon Simpson
Heinrich Mica Sires
Heller Michaud Skelton
Hensarling Miller (FL) Smith (NE)
Herger Miller (MI) Smith (NJ)
Herseth Sandlin Miller (NC) Smith (TX)
Higgins Miller, Gary Smith (WA)
Hill Miller, George Snyder
Himes Minnick Space
Hinchey Mitchell Speier
Hinojosa Mollohan Spratt
Hirono Moore (KS) Stark
Hodes Moran (KS) Stearns
Holden Moran (VA) Stupak
Holt Murphy (CT) Sullivan
Honda Murphy (NY) Sutton
Hoyer Murphy, Patrick Tanner
Hunter Murphy, Tim Teague
Inglis Myrick Terry
Inslee Napolitano Thompson (CA)
Israel Neal (MA) Thompson (MS)
Issa Neugebauer Thompson (PA)
Jackson (IL) Nunes Thornberry
Jackson Lee (TX) Nye Tiahrt
Jenkins Obey Tiberi
Johnson (GA) Olson Tierney
Johnson (IL) Olver Titus
Johnson, E. B. Ortiz Tonko
Johnson, Sam Owens Towns
Jones Pallone Tsongas
Jordan (OH) Pascrell Turner
Kagen Pastor (AZ) Upton
Kanjorski Paulsen Van Hollen
Kaptur Payne Velázquez
Kennedy Pence Visclosky
Kildee Perlmutter Walden
Kilpatrick (MI) Perriello Walz
Kilroy Peters Wasserman Schultz
Kind Peterson Watson
King (IA)

Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NAYS—6

Conyers
Farr
Kucinich
Nadler (NY)
Paul
Waters

NOT VOTING—14

Cao
Cummings
Engel
Griffith
Hoekstra
Kirk
Moore (WI)
Oberstar
Putnam
Slaughter
Taylor
Wamp
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶83.34 H.R. 5623—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5623) to amend the Internal Revenue Code of 1986 to extend the homebuyer tax credit for the purchase of a principal residence before October 1, 2010, in the case of a written binding contract entered into with respect to such principal residence before May 1, 2010, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays 5

¶83.35 [Roll No. 401]

YEAS—409

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NAYS—5

Campbell
Flake
Hensarling
Linder
McClintock

NOT VOTING—18

Cao
Cummings
Engel
Griffith
Harman
Hoekstra
Kirk
Moore (WI)
Oberstar
Peterson
Putnam
Schwartz
Sessions
Taylor
Visclosky
Wamp
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶83.36 LATE HONORABLE ROBERT C. BYRD

Mr. RAHALL, submitted the following privileged resolution (H. Res. 1484):

Resolved, That the House has heard with profound sorrow of the death of the Honorable Robert C. Byrd, a Senator from the State of West Virginia.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

When said resolution was considered.

After debate,

By unanimous consent the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. DICKS, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶83.37 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. PERLMUTTER, by direction of the Committee on Rules, reported (Rept. No. 111–516) the resolution (H. Res. 1487) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶83.38 RECESS—7:55 P.M.

The SPEAKER pro tempore, Ms. KILROY, pursuant to clause 12(a) of rule I, declared the House in recess at 7 o'clock and 55 minutes p.m., subject to the call of the Chair.

¶83.39 AFTER RECESS—8:30 P.M.

The SPEAKER pro tempore, Ms. KILROY, called the House to order.

¶83.40 SUBMISSION OF CONFERENCE REPORT—H.R. 4173

Mr. FRANK of Massachusetts, submitted a conference report (Rept. No. 111–517) on the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶83.41 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 65. A concurrent resolution providing for the use of the catafalque situated in the Exhibition Hall of the Capitol Visitor Center in connection with memorial services to be conducted in the United States Senate Chamber for the Honorable Robert C. Byrd, late a Senator from the State of West Virginia.

¶83.42 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on June 28, 2010, she presented to the President of the United States, for his approval, the following bill:

H.R. 2194. An Act to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

¶83.43 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BURTON of Indiana, for today until noon.

And then,

¶83.44 ADJOURNMENT

On motion of Mr. FRANK of Massachusetts, pursuant to House Resolution 1484, at 8 o'clock and 31 minutes p.m., the House adjourned out of respect for the late Honorable Robert C. Byrd, until 10 a.m., Wednesday, June 30, 2010.

¶83.45 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 1487. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 111–516). Referred to the House Calendar.

Mr. FRANK of Massachusetts: Committee of Conference. Conference report on H.R. 4173. A bill to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes (Rept. 111–517). Ordered to be printed.

¶83.46 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCNERNEY (for himself, Mr. BISHOP of New York, and Mr. PETERS):

H.R. 5622. A bill to amend the Internal Revenue Code of 1986 to provide for the identification of corporate tax haven countries and increased penalties for tax evasion practices in haven countries that ship United States jobs overseas, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAHLKEMPER (for herself, Mr. KRATOVIL, Mr. CHILDERS, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. BERKLEY, Ms. TITUS, and Mr. COURTNEY):

H.R. 5623. A bill to amend the Internal Revenue Code of 1986 to extend the homebuyer tax credit for the purchase of a principal residence before October 1, 2010, in the case of a written binding contract entered into with respect to such principal residence before May 1, 2010, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, Homeland Security, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LUMMIS (for herself, Mr. BISHOP of Utah, Mr. BROUN of Georgia, Mr. ROHRABACHER, Mr. HELLER, Mr. SMITH of Nebraska, Mr. HERGER, Mr. DAVIS of Kentucky, Mr. POSEY, Mr. MARCHANT, Mr. BURTON of Indiana, Mr. CULBERSON, Mr. ROONEY, Mr. HALL of Texas, Mr. KLINE of Minnesota, Mr. FRANKS of Arizona, Mr. BILBRAY, Mr. SHADEGG, Mr. CHAFFETZ, Mr. FLAKE, Mr. CONAWAY, Mr. GALLEGLY, and Ms. FOXX):

H.R. 5624. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges under the United States Constitution have been deprived by final actions of Federal agencies or other government officials or entities acting under color of State law, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMP (for himself, Mr. UPTON, Mr. ROGERS of Michigan, Ms. KILPATRICK of Michigan, Mr. EHLERS, Mrs. MILLER of Michigan, Mr. DINGELL, Mr. KILDEE, Mr. LEVIN, Mr. HOEKSTRA, Mr. PETERS, Mr. MCCOTTER, Mr. STUPAK, and Mr. SCHAUER):

H.R. 5625. A bill to require the Secretary of the Army to study the feasibility of the hydrological separation of the Great Lakes and Mississippi River Basins; to the Committee on Transportation and Infrastructure.

By Mr. WAXMAN (for himself, Mr. MARKEY of Massachusetts, and Mr. STUPAK):

H.R. 5626. A bill to protect public health and safety and the environment by requiring the use of safe well control technologies and practices for the drilling of high-risk oil and gas wells in the United States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself, Mr. FILNER, Ms. NORTON, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CUMMINGS):

H.R. 5627. A bill to amend the Hiring Incentives to Restore Employment Act to assist small business concerns owned and controlled by veterans, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Mr. HARE, Mr. SCOTT of Virginia, Mr. HOLT, Mr. POLIS, Ms. WOOLSEY, Mr. GRIJALVA, Ms. SHEA-PORTER, Mr. KUCINICH, Mr. PAYNE, Mr. ANDREWS, Mr. HINOJOSA, Mrs. DAVIS of California, Ms. HIRONO, Mr. PASCRELL, Mr. CAPUANO, Mr. MURPHY of Connecticut, and Mr. SESTAK):

H.R. 5628. A bill to end the use of corporal punishment in schools, and for other purposes; to the Committee on Education and Labor.

By Mr. OBERSTAR (for himself, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DEFAZIO, Mr. NADLER of New York, Mr. LARSEN of Washington, Mr. CAPUANO, Mr. BISHOP of New York, and Ms. HIRONO):

H.R. 5629. A bill to ensure full recovery from responsible parties of damages for physical and economic injuries, adverse effects on the environment, and clean up of oil spill pollution, to improve the safety of vessels and pipelines supporting offshore oil drilling, to ensure that there are adequate response plans to prevent environmental damage from oil spills, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN:

H.R. 5630. A bill to amend title 38, United States Code, to provide for qualifications for vocational rehabilitation counselors and vocational rehabilitation employment coordinators employed by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. MEEK of Florida, and Mr. JOHNSON of Georgia):

H.R. 5631. A bill to establish the Gulf Coast Conservation Corps under the direction of the President in order to create jobs cleaning up the oil spill and restoring the Gulf of Mexico and surrounding areas, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself and Mr. SMITH of Nebraska):

H.R. 5632. A bill to improve choices for consumers for fuel, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HERSETH SANDLIN:

H.R. 5633. A bill to improve choices for consumers for vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. REICHERT, Mr. YOUNG of Florida, and Mr. HOLT):

H.R. 5634. A bill to amend the Outer Continental Shelf Lands Act to require that oil and gas drilling and production operations on the outer Continental Shelf must have in place the best available technology for blowout preventers and emergency shutoff equipment, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MAFFEI:

H.R. 5635. A bill to amend the Federal Water Pollution Control Act to direct the Administrator of the Environmental Protection Agency to carry out activities for the restoration, conservation, and management of Onondaga Lake, New York, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MATSUI (for herself and Mr. ENGEL):

H.R. 5636. A bill to establish Federally Qualified Behavioral Health Centers and to require Medicaid coverage for services provided by such Centers; to the Committee on Energy and Commerce.

By Mr. MURPHY of Connecticut (for himself, Mr. JONES, Ms. SUTTON, Mr. CRITZ, Mr. SCHAUER, Mr. RYAN of Ohio, Mr. LIPINSKI, and Mr. MANZULLO):

H.R. 5637. A bill to amend the Federal Property and Administrative Services Act of 1949 and title 10, United States Code, to allow contracting officers to consider information regarding domestic employment before awarding a Federal contract, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 5638. A bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 5639. A bill to amend the Internal Revenue Code of 1986 to exclude executive branch officers and employees from nonrecognition rules relating to the sale of property to comply with conflict-of-interest requirements; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 5640. A bill to establish a National Rape Kit Database; to the Committee on the Judiciary.

By Mr. ORTIZ (for himself, Mr. WILSON of South Carolina, and Mr. LINCOLN DIAZ-BALART of Florida):

H. Con. Res. 291. Concurrent resolution celebrating 130 years of United States-Romanian diplomatic relations, congratulating the Romanian people on their achievements as a great nation, and reaffirming the deep bonds of trust and values between the United States and Romania, a trusted and most valued ally; to the Committee on Foreign Affairs.

By Mr. RAHALL:

H. Res. 1484. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Robert C. Byrd, a Senator from the State of West Virginia; considered and agreed to.

By Mr. NEUGEBAUER:

H. Res. 1485. A resolution expressing support for designation of September 2010 as ''National Prostate Cancer Awareness Month''; to the Committee on Energy and Commerce.

By Mr. CLAY:

H. Res. 1486. A resolution expressing support for designation of June 11, 2011, as ''National Minority Golf Awareness Day''; to the Committee on Oversight and Government Reform.

By Mr. ISRAEL (for himself, Ms. DELAURO, Mr. BURTON of Indiana, and Mr. ISSA):

H. Res. 1488. A resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month; to the Committee on Oversight and Government Reform.

¶83.47 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 113: Mr. DJOU.
H.R. 116: Mr. BOUCHER.
H.R. 571: Mr. RYAN of Ohio, Mr. WOLF, and Mr. GINGREY of Georgia.
H.R. 636: Ms. FOXX.
H.R. 645: Mr. ALTMIRE.
H.R. 745: Ms. LINDA T. SÁNCHEZ of California, Ms. GIFFORDS, Ms. TITUS, Mr. YOUNG of Alaska, Ms. LORETTA SANCHEZ of California, Mr. ACKERMAN, Mr. TIM MURPHY of Pennsylvania, Mr. CHILDERS, Mrs. DAHLKEMPER, Mr. KENNEDY, Mr. MURPHY of Connecticut, Mr. BILBRAY, Mr. BURGESS, Ms. RICHARDSON, and Ms. MOORE of Wisconsin.
H.R. 1067: Mr. DEUTCH and Mr. OWENS.
H.R. 1079: Mr. FILNER.
H.R. 1240: Mr. CONNOLLY of Virginia.
H.R. 1362: Mr. GUTHRIE.
H.R. 1569: Ms. HIRONO and Ms. BERKLEY.
H.R. 1925: Mr. DEUTCH and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2000: Mr. GONZALEZ, Mr. TOWNS, Mr. RUSH, and Mr. SIRES.
H.R. 2031: Mr. REHBERG.
H.R. 2103: Mr. WEINER.
H.R. 2406: Mr. GRAVES of Georgia and Mr. HOEKSTRA.
H.R. 2429: Mr. OWENS.
H.R. 2443: Mr. GUTHRIE.
H.R. 2455: Mr. MICHAUD and Mr. MCMAHON.
H.R. 2480: Ms. PINGREE of Maine.
H.R. 2483: Mr. MCKEON.
H.R. 2553: Mr. ARCURI.
H.R. 2568: Mr. THOMPSON of Mississippi.
H.R. 2575: Mr. LOBIONDO.
H.R. 2697: Mr. BRIGHT.
H.R. 2855: Mr. BLUMENAUER.
H.R. 3006: Ms. BERKLEY.
H.R. 3069: Mr. PAUL.
H.R. 3077: Mr. DEUTCH.
H.R. 3108: Mr. BRALEY of Iowa.
H.R. 3212: Mr. CONNOLLY of Virginia.
H.R. 3345: Mr. CONNOLLY of Virginia.
H.R. 3359: Mr. BLUMENAUER.
H.R. 3441: Mr. COHEN.
H.R. 3488: Mr. MCNERNEY.
H.R. 3564: Ms. MCCOLLUM, Mr. CARSON of Indiana, and Mr. TIERNEY.
H.R. 3721: Mr. ELLISON.
H.R. 3729: Mr. REYES and Mr. COSTA.
H.R. 3745: Ms. WATSON.
H.R. 3781: Mr. CHILDERS.
H.R. 3786: Mr. JOHNSON of Georgia and Mr. KILDEE.
H.R. 3839: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 3994: Mr. DEUTCH and Mr. CASTLE.
H.R. 4037: Mr. BRADY of Pennsylvania.
H.R. 4116: Mr. LYNCH and Mr. CONNOLLY of Virginia.
H.R. 4175: Mr. ELLISON.
H.R. 4181: Mr. PIERLUISI, Mr. BERMAN, Mr. LEWIS of Georgia, Mrs. DAVIS of California, and Ms. BERKLEY.
H.R. 4197: Mr. BISHOP of Georgia, and Ms. LORETTA SANCHEZ of California.
H.R. 4210: Ms. MATSUI.
H.R. 4226: Mr. VAN HOLLEN.
H.R. 4278: Mr. QUIGLEY.
H.R. 4509: Mr. ARCURI.
H.R. 4544: Mr. CONNOLLY of Virginia.
H.R. 4596: Ms. SLAUGHTER, Mr. WEINER, Mr. PALLONE, Mr. COBLE, Mr. DEUTCH, Mr. SHERMAN, Mr. HALL of New York, and Ms. SCHWARTZ.
H.R. 4604: Mrs. MILLER of Michigan and Mr. ROGERS of Michigan.
H.R. 4638: Mr. HOLDEN, Ms. PINGREE of Maine, and Mr. CONNOLLY of Virginia.
H.R. 4642: Mr. GRIJALVA.
H.R. 4645: Ms. MCCOLLUM, Mr. TOWNS, and Mr. HILL.
H.R. 4662: Mr. CONNOLLY of Virginia.
H.R. 4676: Mr. SABLAN and Ms. WATSON.
H.R. 4692: Mr. BOCCIERI.
H.R. 4693: Mr. ISSA.
H.R. 4753: Mr. COSTELLO.
H.R. 4787: Mr. HONDA.
H.R. 4796: Mr. MCNERNEY, Ms. PINGREE of Maine, Mr. POSEY, Mr. COBLE, and Mr. MICHAUD.
H.R. 4812: Mr. BOCCIERI.
H.R. 4832: Mr. TEAGUE.
H.R. 4871: Mr. SCHIFF.
H.R. 4886: Mr. CONNOLLY of Virginia.
H.R. 4914: Mr. MCMAHON and Ms. ZOE LOFGREN of California.
H.R. 4947: Mr. CONNOLLY of Virginia.
H.R. 4958: Ms. BERKLEY.
H.R. 4959: Mr. GRIJALVA, Mr. ELLISON, and Mrs. NAPOLITANO.
H.R. 4972: Mr. ROYCE.
H.R. 4993: Ms. MATSUI, Mr. YARMUTH, Ms. KAPTUR, Mr. HARE, Ms. KILROY, Ms. BORDALLO, Mr. ALTMIRE, and Mr. SCHAUER.
H.R. 5001: Ms. PINGREE of Maine.
H.R. 5029: Mr. SCALISE.
H.R. 5040: Mrs. CAPPS and Ms. PINGREE of Maine.
H.R. 5044: Mr. FARR and Mr. PERLMUTTER.
H.R. 5081: Mr. GALLEGLY and Mr. BARRETT of South Carolina.
H.R. 5096: Mr. HINOJOSA.
H.R. 5111: Mr. ROSKAM and Mr. GERLACH.
H.R. 5141: Mr. MCKEON.
H.R. 5173: Mr. HOEKSTRA.
H.R. 5200: Ms. PINGREE of Maine.
H.R. 5211: Mr. ROSS.
H.R. 5234: Mr. FRANK of Massachusetts.
H.R. 5260: Mr. CONNOLLY of Virginia.
H.R. 5310: Ms. MOORE of Wisconsin.
H.R. 5324: Mr. LANGEVIN.
H.R. 5393: Mr. MILLER of North Carolina.
H.R. 5396: Mr. CARNAHAN.
H.R. 5418: Ms. MATSUI.
H.R. 5434: Mr. MCNERNEY, Mr. MCGOVERN, and Mr. FRANK of Massachusetts.
H.R. 5477: Mr. POLIS, Ms. MCCOLLUM, and Mr. BLUMENAUER.
H.R. 5497: Mr. CRITZ, Mr. TANNER, Mr. BOCCIERI, Mr. PETERSON, Mr. HOLDEN, Mr. CUELLAR, Mr. PATRICK J. MURPHY of Pennsylvania, and Ms. KOSMAS.
H.R. 5509: Mr. BRADY of Pennsylvania.
H.R. 5510: Mr. HASTINGS of Florida.
H.R. 5513: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 5523: Mr. BOREN.
H.R. 5525: Mr. THOMPSON of Pennsylvania.
H.R. 5540: Mr. BURTON of Indiana and Mr. HERGER.
H.R. 5541: Mr. BURTON of Indiana and Mr. HERGER.
H.R. 5542: Mr. BURTON of Indiana and Mr. HERGER.
H.R. 5552: Mr. COURTNEY, Mr. FLAKE, Mr. KING of Iowa, Mr. HOLDEN, Mr. MILLER of Florida, Mr. BERRY, Mr. DAVIS of Alabama, Mr. CALVERT, Ms. GIFFORDS, Mr. SCALISE, and Mr. LUETKEMEYER.
H.R. 5555: Mr. SAM JOHNSON of Texas, Ms. GINNY BROWN-WAITE of Florida, and Mr. ROGERS of Kentucky.
H.R. 5561: Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. CROWLEY, Ms. WATSON, Mr. INSLEE, Ms. CLARKE, Mr. QUIGLEY, Mr. GRIJALVA, Mr. FARR, Ms. SCHAKOWSKY, Mr.

PETERS, Ms. WASSERMAN SCHULTZ, Ms. MOORE of Wisconsin, and Mr. STARK.

H.R. 5562: Mr. THOMPSON of Mississippi.

H.R. 5566: Ms. HERSETH SANDLIN, Mr. THOMPSON of Mississippi, Ms. PINGREE of Maine, Mr. SPRATT, Mr. LEVIN, and Mr. HIMES.

H.R. 5580: Mr. MCCARTHY of California.

H.R. 5585: Mr. WILSON of South Carolina, Mr. CONAWAY, and Mr. MARCHANT.

H.R. 5596: Mr. FILNER and Ms. ROYBAL-ALLARD.

H.R. 5608: Mr. SENSENBRENNER.

H.R. 5612: Mr. MCNERNEY.

H.R. 5617: Mr. CONNOLLY of Virginia and Mr. STARK.

H.R. 5619: Ms. RICHARDSON.

H. Con. Res. 200: Mr. HINCHEY.

H. Con. Res. 259: Mr. MANZULLO.

H. Con. Res. 266: Mrs. MCCARTHY of New York, Ms. JACKSON LEE of Texas, Mr. KENNEDY, Mr. LUETKEMEYER, Mr. SULLIVAN, Mr. YOUNG of Alaska, and Mr. CARNEY.

H. Con. Res. 281: Mr. GOODLATTE, Mr. SAM JOHNSON of Texas, Mr. ROE of Tennessee, and Mr. WAMP.

H. Con. Res. 284: Mr. GONZALEZ.

H. Con. Res. 290: Mr. STUPAK, Mr. MARKEY of Massachusetts, Mr. TOWNS, Mr. BUTTERFIELD, and Mr. HALL of Texas.

H. Res. 762: Mr. MCGOVERN, Mr. COURTNEY, and Mr. STARK.

H. Res. 771: Mr. BOUCHER and Mr. ENGEL.

H. Res. 913: Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. CORRINE BROWN of Florida.

H. Res. 982: Mr. LAMBORN.

H. Res. 1226: Mr. BONNER and Mr. DINGELL.

H. Res. 1244: Ms. KILROY.

H. Res. 1245: Mr. COLE.

H. Res. 1321: Mr. SMITH of New Jersey and Mr. GALLEGLY.

H. Res. 1342: Mr. LIPINSKI.

H. Res. 1370: Mr. STARK.

H. Res. 1401: Mr. DENT, Mr. TIERNEY, Mr. GRAVES of Missouri, Mr. MCNERNEY, Mr. WITTMAN, and Ms. SLAUGHTER.

H. Res. 1420: Ms. JACKSON LEE of Texas, Mr. BLUMENAUER, and Mrs. NAPOLITANO.

H. Res. 1462: Mr. MCGOVERN, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. FARR, Mr. SIRES, Mr. TANNER, Mr. MEEKS of New York, Mr. ROHRABACHER, Mr. TOWNS, Mr. SCHOCK, Mr. GUTIERREZ, Mr. GALLEGLY, Mr. MARIO DIAZ-BALART of Florida, Mr. INGLIS, and Mr. BERMAN.

H. Res. 1473: Mr. GRAVES of Missouri, Mr. OLSON, and Mr. CHAFFETZ.

H. Res. 1483: Mr. GRAVES of Georgia, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. LINDER, Mr. KINGSTON, Mr. BROUN of Georgia, Mrs. BLACKBURN, Mr. CHAFFETZ, Mr. AKIN, Mr. COLE, Mr. SHIMKUS, Mr. CARNEY, Mr. BISHOP of Utah, Mr. SABLAN, Mr. OLVER, Mr. CAMPBELL, Mr. WILSON of South Carolina, Mr. ROGERS of Alabama, Mr. LOBIONDO, Mr. CRITZ, Mr. SULLIVAN, Mr. MCCARTHY of California, Mr. ELLSWORTH, Mr. MANZULLO, Mr. DOYLE, Mr. BLUNT, Ms. JENKINS, Mr. JONES, Mr. CARSON of Indiana, Mr. CALVERT, Mr. ROE of Tennessee, Mr. SPRATT, Mr. BURTON of Indiana, Mr. PAUL, Mr. BARTLETT, Mr. LOEBSACK, Mr. BOREN, Mr. ANDREWS, Mr. DAVIS of Tennessee, Mr. OLSON, Mr. WILSON of Ohio, Mr. COFFMAN of Colorado, Mr. THOMPSON of Pennsylvania, Mrs. LUMMIS, Mr. SAM JOHNSON of Texas, Mr. DJOU, Mr. CARNAHAN, Mr. COURTNEY, Mr. JOHNSON of Georgia, Mr. GENE GREEN of Texas, and Ms. SHEA-PORTER.

WEDNESDAY, JUNE 30, 2010 (84)

The House was called to order by the SPEAKER.

¶84.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, June 29, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶84.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

8177. A letter from the Under Secretary, Department of Defense, transmitting the Department's 2010 Report to Congress on Sustainable Ranges, pursuant to Section 366 of the National Defense Authorization Act for Fiscal Year 2003; to the Committee on Armed Services.

8178. A letter from the Assistant Secretary, Department of Defense, transmitting the National Guard Youth Challenge Program Annual Report for Fiscal Year 2009, pursuant to 32 U.S.C. 509(k); to the Committee on Armed Services.

8179. A letter from the Under Secretary, Department of Defense, transmitting authorization of 14 officers to wear the authorized insignia of the grade of major general and brigadier general, as appropriate; to the Committee on Armed Services.

8180. A letter from the Chair, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

8181. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Supension of Community Eligibility [Docket ID: FEMA-2010-0003] [Internal Agency Docket No. FEMA-8133] received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8182. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant Program Report and the Community Services Block Grant Performance Measurement Report for Fiscal Year 2007, pursuant to Section 680 of the Community Services Block Grant Act of 1981 as amended; to the Committee on Education and Labor.

8183. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Adoption of Amendment to the Class Exemption for the Release of Claims and Extensions of Credit in Connection With Litigation (PTE 2003-39) [Application No. D-11337] received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8184. A letter from the Administrator, U.S. Energy Information Administration, Department of Energy, transmitting the Administration's report entitled, ''Annual Energy Outlook 2010''; to the Committee on Energy and Commerce.

8185. A letter from the Secretary, Department of Health and Human Services, transmitting Report to Congress: Tobacco Prevention and Control Activities in the United States, 2005-2007, pursuant to Public Law 98-474, section 3(c); to the Committee on Energy and Commerce.

8186. A letter from the Division Chief, CPD, WCB, Federal Communications Commission, transmitting the Commission's final rule — Local Number Portability Porting Interval and Validation Requirements [WC Docket No.: 07-244] Telephone Number Portability [CC Docket No.: 95-116] received June 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8187. A letter from the Chair, Commission on International Religious Freedom, transmitting the Commission's 2010 Annual Report covering the period April 2009 through March 2010, pursuant to 22 U.S.C. 6412 Public Law 105-292 section 102; to the Committee on Foreign Affairs.

8188. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

8189. A letter from the President, Asia Foundation, transmitting the Foundation's 2009 Annual Report and Project List; to the Committee on Foreign Affairs.

8190. A letter from the Members, Broadcasting Board of Governors, transmitting the Board's semiannual report from the office of the Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8191. A letter from the Director, Environmental Protection Agency, transmitting the Agency's annual report for FY 2009 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

8192. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Aquisition Regulation; FAR Case 2009-025, Disclosure and Consistency of Cost Accounting Practices for Contracts Awarded to Foreign Concerns [FAC 2005-42; FAR Case 2009-025; Item IX; Docket 2010-0087, Sequence 1] (RIN: 9000-AL58) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8193. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-013, Nonavailable Articles [FAC 2005-42; FAR Case 2009-013; Item VIII; Docket 2009-0026; Sequence 1] (RIN: 9000-AL40) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8194. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-42; Small Entity Compliance Guide [Docket FAR 2010-0077, Sequence 4] received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8195. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-42; Introduction [Docket FAR 2010-0076, Sequence 4] received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8196. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-012, American Recovery and Reinvestment Act (the Recovery Act) of 2009—Whistleblower Protections [FAC 2005-42; FAR Case 2009-012; Item I; Docket 2009-0009, Sequence 1] (RIN: 9000-AL19) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8197. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2005-040, Electronic Subcontracting Reporting System (eSRS) [FAC 2005-42; FAR Case 2005-040; Item II; Docket 2008-0001, Sequence 26] (RIN: 9000-AK95) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8198. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-010, American Recovery and Reinvestment Act of 2009 (the Recovery Act) — Publicizing Contract Actions [FAC 2005-42; FAR Case 2009-010; Item III; Docket 2008-0010, Sequence 1] (RIN: 9000-AL24) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8199. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-003, Public Disclosure of Justification and Approval Documents for Noncompetitive Contracts — Section 844 of the National Defense Authorization Act for Fiscal Year 2008 [FAC 2005-42; FAR Case 2005-003; Item IV; Docket 2008-0001, Sequence 27] (RIN: 9000-AL13) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8200. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2008-007, Additional Requirements for Market Research [FAC 2005-42; FAR Case 2008-007; Item V; Docket 2010-0086, Sequence 1] (RIN: 9000-AL50) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8201. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-014, New Designated Country-Taiwan [FAC 2005-42; FAR Case 2009-014; Item VII; Docket 2009-0027, Sequence 1] (RIN: 9000-AL34) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8202. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-011, American Recovery and Reinvestment Act of 2009 (Recovery Act) — GAO/IG Access [FAC 2005-42; FAR Case 2009-011; Item VI; Docket 2009-0012, Sequence 1] (RIN: 9000-AL20) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8203. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8204. A letter from the Chairman, Pension Benefit Gauranty Corporation, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2009 through September 30, 2010, pursuant to Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

8205. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Reductions to Trip Limits for Five Groundfish Stocks [Docket No.: 0910051338-0151-02] (RIN: 0648-XW52) received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8206. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Revisions to Framework Adjustment 44 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements: Updated Annual Catch Limits for Sectors and the Common Pool for Fishing Year 2010 [Docket No.: 0910051338-0167-03] (RIN: 0648-AY29) received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8207. A letter from the Attorney General, Department of Justice, transmitting letter advising of the Department's decision not to petition the Supreme Court to review the case SpeechNow.org v. FEC, Nos. 08-5223 and 09-5342 (D.C. Cir), pursuant to 28 U.S.C. 530D; to the Committee on the Judiciary.

8208. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GA 8 Airvan (Pty) Ltd Models GA8 and GA8-TC320 Airplanes [Docket No.: FAA-2010-0463; Directorate Identifier 2010-CE-021-AD; Amendment 39-16280; AD 2010-10-01] (RIN: 2120-AA64) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8209. A letter from the General Counsel, National Mediation Board, transmitting the Board's final rule — Representation Election Procedure [Docket No.: C-6964] (RIN: 3140-ZA00) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8210. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Research Credit — Intra-Group Receipts from Foreign Affiliates (UIL NO.: 41.51-11) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8211. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Interest and Penalty Suspension Provisions Under Section 6404(g) of the Internal Revenue Code [TD 9488] (RIN: 1545-BE07) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8212. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Built-in Gains and Losses under Section 382(h) [TD 9487] (RIN: 1545-BG03) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8213. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments: Modification to the Regulations Under Section 382 Regarding the Treatment of Shareholders Who Are Not 5-Percent Shareholders [Notice 2010-49] received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8214. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 382(I)(3)(C) [Notice 2010-50] received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8215. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Indoor Tanning Services; Cosmetic Services; Excise Taxes [TD 9486] (RIN: 1545-BJ41) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8216. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Prevention of Over-Withholding and U.S. Tax Avoidance With Respect to Certain Substitute Divided Payments [Notice 2010-46] received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶84.3 CATAFALQUE TRANSFER TO UNITED STATES SENATE CHAMBER

On motion of Mr. BOCCIERI, by unanimous consent, the concurrent resolution of the Senate was taken from the Speaker's table (S. Con. Res. 65) providing for the use of the catafalque situated in the Exhibition Hall of the Capitol Visitor Center in connection with memorial services to be conducted in the United States Senate Chamber for the Honorable Robert C. Byrd, a late Senator from the State of West Virginia.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶84.4 H. CON. RES. 284—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 284) recognizing the work and importance of special education teachers; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶84.5 [Roll No. 402]

YEAS—415

Aderholt	Bilirakis	Brown-Waite, Ginny
Adler (NJ)	Bishop (GA)	Buchanan
Akin	Bishop (NY)	Burgess
Alexander	Bishop (UT)	Burton (IN)
Altmire	Blackburn	Butterfield
Andrews	Blumenauer	Buyer
Arcuri	Blunt	Calvert
Austria	Boccieri	Camp
Baca	Boehner	Campbell
Bachmann	Bonner	Cantor
Bachus	Bono Mack	Cao
Baird	Boozman	Capito
Baldwin	Boren	Capps
Barrett (SC)	Boswell	Capuano
Barrow	Boucher	Cardoza
Bartlett	Boustany	Carnahan
Barton (TX)	Boyd	Carney
Bean	Brady (PA)	Carson (IN)
Berkley	Braley (IA)	Carter
Berman	Bright	Cassidy
Berry	Broun (GA)	Castle
Biggert	Brown (SC)	Castor (FL)
Bilbray	Brown, Corrine	

Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—17

Ackerman
Becerra
Brady (TX)
Clay
Culberson
Ellsworth
Hoekstra
Johnson, E. B.
Luetkemeyer
Moore (WI)
Platts
Stark
Sutton
Taylor
Wamp
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶84.6 H.R. 5395—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5395) to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the ''Paula Hawkins Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 Nays 0

¶84.7 [Roll No. 403]

YEAS—409

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)

Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—23

Ackerman
Brady (TX)
Braley (IA)
Clay
Edwards (TX)
Ellsworth
Fudge
Gutierrez
Hastings (FL)
Hoekstra
Johnson, E. B.
LaTourette
Moran (KS)
Ortiz
Platts
Rangel
Shuster
Stark
Taylor
Wamp
Wasserman Schultz
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶84.8 H. RES. 1446—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1446) recognizing the residents of the City of Tracy, California, on the occasion of the 100th anniversary of the city's incorporation, for their century of dedicated service to the United States.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 Nays 0

¶84.9 [Roll No. 404]

YEAS—419

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—13

Brady (TX)
Burton (IN)
Clay
Ellsworth
Fudge
Hoekstra
Johnson, E. B.
Moran (KS)
Platts
Taylor
Wamp
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶84.10 H.R. 4307—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR of Arizona, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4307) to name the Department of Veterans Affairs community-based outpatient clinic in Artesia, New Mexico, as the ''Alejandro Renteria Ruiz Department of Veterans Affairs Clinic''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 Nays 0

¶84.11 [Roll No. 405]

YEAS—417

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert

Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—15

Brady (TX)
Clay
Ellsworth
Fudge
Hoekstra
Johnson, E. B.
Loebsack
Moran (KS)
Oberstar
Platts
Rooney
Taylor
Wamp
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶84.12 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 4173

Mr. MCGOVERN, by direction of the Committee on Rules, reported (Rept. No. 111–518) the resolution (H. Res. 1490) providing for consideration of the conference report to accompany the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶84.13 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 1487):

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of July 3, 2010, providing for consideration or disposition of any of the following:

(1) A conference report to accompany the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

(2) A measure that includes a subject matter addressed by H.R. 4213 or any amendment pertaining thereto.

SEC. 2. It shall be in order at any time through the legislative day of July 3, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

SEC. 3. It shall be in order without intervention of any point of order to consider concurrent resolutions providing for adjournment during the month of July.

When said resolution was considered.

After debate,

Mr. MCGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 243 / Nays 182

¶84.14 [Roll No. 406]

YEAS—243

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wu
Yarmuth

NAYS—182

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny

Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—7

Davis (AL)
Gohmert
Marchant
Taylor
Wamp
Woolsey
Young (AK)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. MCCOLLUM, announced that the yeas had it.

Mr. SESSIONS demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 237 Nays 189

¶84.15 [Roll No. 407]

AYES—237

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wu
Yarmuth

NOES—189

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—6

Davis (AL)
Gohmert
Taylor
Wamp
Woolsey
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶84.16 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the House of the following title:

H. Con. Res. 285. A concurrent resolution recognizing the important role that fathers play in the lives of their children and families and supporting the goals and ideals of designating 2010 as the Year of the Father.

The message also announced that the Senate has agreed to the following resolution:

S. Res. 574. A resolution relative to the memorial observances of the Honorable ROBERT C. BYRD, late a Senator from the State of West Virginia.

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, the Chair, on behalf of the President pro tempore, upon the recommendation of the Republican Leader, appoints the following individual to the United Commission on International Religious Freedom: Richard D. Land of Tennessee.

¶84.17 H.R. 4505—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4505) to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 420 Nays 0

¶84.18 [Roll No. 408]

YEAS—420

Ackerman	Dahlkemper	Jackson (IL)
Aderholt	Davis (CA)	Jackson Lee (TX)
Adler (NJ)	Davis (IL)	Jenkins
Akin	Davis (KY)	Johnson (GA)
Alexander	Davis (TN)	Johnson (IL)
Altmire	DeFazio	Johnson, E. B.
Andrews	DeGette	Johnson, Sam
Arcuri	Delahunt	Jones
Austria	DeLauro	Jordan (OH)
Baca	Dent	Kagen
Bachmann	Deutch	Kanjorski
Bachus	Diaz-Balart, L.	Kaptur
Baird	Diaz-Balart, M.	Kennedy
Baldwin	Dicks	Kildee
Barrow	Dingell	Kilpatrick (MI)
Bartlett	Djou	Kilroy
Barton (TX)	Doggett	Kind
Bean	Donnelly (IN)	King (IA)
Berkley	Doyle	King (NY)
Berman	Dreier	Kingston
Berry	Driehaus	Kirk
Biggert	Duncan	Kirkpatrick (AZ)
Bilbray	Edwards (MD)	Kissell
Bilirakis	Edwards (TX)	Klein (FL)
Bishop (GA)	Ehlers	Kline (MN)
Bishop (NY)	Ellison	Kosmas
Bishop (UT)	Ellsworth	Kratovil
Blackburn	Emerson	Kucinich
Blumenauer	Engel	Lamborn
Blunt	Eshoo	Lance
Boccieri	Etheridge	Langevin
Boehner	Fallin	Larsen (WA)
Bonner	Farr	Larson (CT)
Bono Mack	Fattah	Latham
Boozman	Filner	LaTourette
Boren	Flake	Latta
Boswell	Fleming	Lee (CA)
Boucher	Forbes	Lee (NY)
Boustany	Fortenberry	Levin
Boyd	Foster	Lewis (CA)
Brady (PA)	Foxx	Lewis (GA)
Brady (TX)	Frank (MA)	Linder
Braley (IA)	Franks (AZ)	Lipinski
Bright	Frelinghuysen	LoBiondo
Broun (GA)	Fudge	Loebsack
Brown (SC)	Gallegly	Lofgren, Zoe
Brown, Corrine	Garamendi	Lowey
Brown-Waite, Ginny	Garrett (NJ)	Lucas
Buchanan	Gerlach	Luetkemeyer
Burgess	Giffords	Luján
Burton (IN)	Gingrey (GA)	Lummis
Butterfield	Gonzalez	Lungren, Daniel E.
Buyer	Goodlatte	Lynch
Calvert	Gordon (TN)	Mack
Camp	Granger	Maffei
Campbell	Graves (GA)	Maloney
Cao	Graves (MO)	Manzullo
Capito	Grayson	Marchant
Capps	Green, Al	Markey (CO)
Capuano	Green, Gene	Markey (MA)
Cardoza	Griffith	Marshall
Carnahan	Grijalva	Matheson
Carney	Guthrie	Matsui
Carson (IN)	Gutierrez	McCarthy (CA)
Carter	Hall (NY)	McCarthy (NY)
Cassidy	Hall (TX)	McCaul
Castle	Halvorson	McClintock
Castor (FL)	Hare	McCollum
Chaffetz	Harman	McCotter
Chandler	Harper	McDermott
Childers	Hastings (FL)	McGovern
Chu	Hastings (WA)	McHenry
Clarke	Heinrich	McIntyre
Clay	Heller	McKeon
Cleaver	Hensarling	McMahon
Clyburn	Herger	McMorris Rodgers
Coble	Herseth Sandlin	McNerney
Coffman (CO)	Higgins	Meek (FL)
Cohen	Hill	Meeks (NY)
Cole	Himes	Melancon
Conaway	Hinchey	Mica
Connolly (VA)	Hinojosa	Michaud
Conyers	Hirono	Miller (FL)
Cooper	Hodes	Miller (MI)
Costa	Hoekstra	Miller (NC)
Costello	Holden	Miller, Gary
Courtney	Holt	Miller, George
Crenshaw	Honda	Minnick
Critz	Hoyer	Mitchell
Crowley	Hunter	Mollohan
Cuellar	Inglis	Moore (KS)
Culberson	Inslee	Moore (WI)
Cummings	Israel	Moran (KS)
	Issa	Moran (VA)
	Jackson (IL)	Murphy (CT)
	Jackson Lee (TX)	Murphy, Patrick
	Jenkins	Murphy, Tim
	Johnson (GA)	Myrick
	Johnson (IL)	Nadler (NY)
	Johnson, E. B.	Napolitano
	Johnson, Sam	Neal (MA)
	Jones	Neugebauer
	Jordan (OH)	Nunes
	Kagen	Nye
	Kanjorski	Oberstar
	Kaptur	Obey
	Kennedy	Olson
	Kildee	Olver
	Kilpatrick (MI)	Ortiz
	Kilroy	Owens
	Kind	Pallone
	King (IA)	Pascrell
	King (NY)	Pastor (AZ)
	Kingston	Paul
	Kirk	Paulsen
	Kirkpatrick (AZ)	Payne
	Kissell	Pence
	Klein (FL)	Perlmutter
	Kline (MN)	Perriello
	Kosmas	Peters
	Kratovil	Peterson
	Kucinich	Petri
	Lamborn	Pingree (ME)
	Lance	Pitts
	Langevin	Platts
	Larsen (WA)	Poe (TX)
	Larson (CT)	Polis (CO)
	Latham	Pomeroy
	LaTourette	Posey
	Latta	Price (GA)
	Lee (CA)	Price (NC)
	Lee (NY)	Putnam
	Levin	Quigley
	Lewis (CA)	Rahall
	Lewis (GA)	Rangel
	Linder	Rehberg
	Lipinski	Reichert
	LoBiondo	Reyes
	Loebsack	Richardson
	Lofgren, Zoe	Rodriguez
	Lowey	Roe (TN)
	Lucas	Rogers (AL)
	Luetkemeyer	Rogers (KY)
	Luján	Rogers (MI)
	Lummis	Rohrabacher
	Lungren, Daniel E.	Rooney
	Lynch	Ros-Lehtinen
	Mack	Roskam
	Maffei	Ross
	Maloney	Rothman (NJ)
	Manzullo	Roybal-Allard
	Marchant	Royce
	Markey (CO)	Ruppersberger
	Markey (MA)	Rush
	Marshall	Ryan (OH)
	Matheson	Ryan (WI)
	Matsui	Salazar
	McCarthy (CA)	Sánchez, Linda T.
	McCarthy (NY)	Sanchez, Loretta
	McCaul	Sarbanes
	McClintock	Scalise
	McCollum	Schakowsky
	McCotter	Schauer
	McDermott	Schiff
	McGovern	Schmidt
	McHenry	Schock
	McIntyre	Schrader
	McKeon	Schwartz
	McMahon	Scott (GA)
	McMorris Rodgers	Scott (VA)
	McNerney	Sensenbrenner
	Meek (FL)	Serrano
	Meeks (NY)	Sessions
	Melancon	Sestak
	Mica	Shadegg
	Michaud	Shea-Porter
	Miller (FL)	Sherman
	Miller (MI)	Shimkus
	Miller (NC)	Shuler
	Miller, Gary	Shuster
	Miller, George	Simpson
	Minnick	Sires
	Mitchell	Skelton
	Mollohan	Slaughter
	Moore (KS)	Smith (NE)
	Moore (WI)	Smith (NJ)
	Moran (KS)	Smith (TX)
	Moran (VA)	Smith (WA)
	Murphy (CT)	Snyder
	Murphy, Patrick	Space
	Murphy, Tim	Speier
	Myrick	Spratt
	Nadler (NY)	Stark
	Napolitano	Stearns
	Neal (MA)	Stupak
	Neugebauer	Sullivan
	Nunes	Sutton
	Nye	Tanner
	Oberstar	Teague
	Obey	Terry
	Olson	Thompson (CA)
	Olver	Thompson (MS)
	Ortiz	Thompson (PA)
	Owens	Thornberry
	Pallone	Tiahrt
	Pascrell	Tiberi
	Pastor (AZ)	Tierney
	Paul	Titus
	Paulsen	Tonko
	Payne	Towns
	Pence	Tsongas
	Perlmutter	Turner
	Perriello	Upton
	Peters	Van Hollen
	Peterson	Velázquez
	Petri	Visclosky
	Pingree (ME)	Walden
	Pitts	Walz
	Platts	Wasserman Schultz
	Poe (TX)	Waters
	Polis (CO)	Watson
	Pomeroy	Watt
	Posey	Waxman
	Price (GA)	Weiner
	Price (NC)	Welch
	Putnam	Westmoreland
	Quigley	Whitfield
	Rahall	Wilson (OH)
	Rangel	Wilson (SC)
	Rehberg	Wittman
	Reichert	Wolf
	Reyes	Wu
	Richardson	Yarmuth
	Rodriguez	Young (FL)

NOT VOTING—12

Barrett (SC)	Gohmert	Taylor
Becerra	Linder	Wamp
Cantor	Murphy (NY)	Woolsey
Davis (AL)	Radanovich	Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶84.19 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 4173

Mr. PERLMUTTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1490):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) two hours of debate; and (2) one motion to recommit if applicable.

When said resolution was considered.

After debate,

On motion of Mr. PERLMUTTER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶84.20 ADJOURNMENT OF THE TWO HOUSES

Mr. PERLMUTTER, submitted the following privileged concurrent resolution (H. Con. Res. 293):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, July 1, 2010, through Saturday, July 3, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, July 13, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Wednesday, June 30, 2010, through Sunday, July 4, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 12, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 222 Nays 186

¶84.21 [Roll No. 409]

YEAS—222

Ackerman	Berkley	Butterfield
Altmire	Berman	Capps
Andrews	Berry	Capuano
Baca	Blumenauer	Cardoza
Baird	Boren	Carnahan
Baldwin	Boswell	Carson (IN)
Barrow	Boucher	Castle
Bean	Brady (PA)	Castor (FL)
Becerra	Braley (IA)	Chaffetz

Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Garrett (NJ)
Gerlach
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lynch
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wu
Yarmuth

NAYS—186

Aderholt
Adler (NJ)
Akin
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Linder
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Paul
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—24

Alexander
Bishop (GA)
Bishop (UT)
Boyd
Brown, Corrine
Burton (IN)
Davis (TN)
DeLauro
Edwards (TX)
Emerson
Farr
Gohmert
Higgins
Hinchey
Kaptur
Kingston
Latham
Lewis (CA)
Obey
Rothman (NJ)
Taylor
Wamp
Woolsey
Young (AK)

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶84.22 H. RES. 1490—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to said resolution (H. Res. 1490) providing for consideration of the conference report to accompany the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 234 / Nays 189

¶84.23 [Roll No. 410]

YEAS—234

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wu
Yarmuth

NAYS—189

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Critz
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)

Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—9

Delahunt
Gohmert
Higgins
Inslee
Rothman (NJ)
Taylor
Wamp
Woolsey
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶84.24 H.R. 1554—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1554) to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) Nation, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 Nays 1

¶84.25 [Roll No. 411]

YEAS—421

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NAYS—1

Bright

NOT VOTING—10

Gohmert
Green, Gene
Higgins
Pingree (ME)
Rothman (NJ)
Rush
Taylor
Wamp
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶84.26 WALL STREET REFORM AND CONSUMER PROTECTION

Mr. FRANK of Massachusetts, pursuant to House Resolution 1490, called up the following conference report (Rept. No. 111–517):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4173), to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Dodd-Frank Wall Street Reform and Consumer Protection Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

As used in this Act, the following definitions shall apply, except as the context otherwise requires or as otherwise specifically provided in this Act:

(1) AFFILIATE.—The term ''affiliate'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(2) APPROPRIATE FEDERAL BANKING AGENCY.—On and after the transfer date, the term ''appropriate Federal banking agency'' has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), as amended by title III.

(3) BOARD OF GOVERNORS.—The term ''Board of Governors'' means the Board of Governors of the Federal Reserve System.

(4) BUREAU.—The term ''Bureau'' means the Bureau of Consumer Financial Protection established under title X.

(5) COMMISSION.—The term ''Commission'' means the Securities and Exchange Commission, except in the context of the Commodity Futures Trading Commission.

(6) COMMODITY FUTURES TERMS.—The terms ''futures commission merchant'', ''swap'', ''swap dealer'', ''swap execution facility'', ''derivatives clearing organization'', ''board of trade'', ''commodity trading advisor'', ''commodity pool'', and ''commodity pool operator'' have the same meanings as given the terms in section 1a of the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(7) CORPORATION.—The term ''Corporation'' means the Federal Deposit Insurance Corporation.

(8) COUNCIL.—The term ''Council'' means the Financial Stability Oversight Council established under title I.

(9) CREDIT UNION.—The term ''credit union'' means a Federal credit union, State credit union, or State-chartered credit union, as those terms are defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(10) FEDERAL BANKING AGENCY.—The term—

(A) ''Federal banking agency'' means, individually, the Board of Governors, the Office of the Comptroller of the Currency, and the Corporation; and

(B) ''Federal banking agencies'' means all of the agencies referred to in subparagraph (A), collectively.

(11) FUNCTIONALLY REGULATED SUBSIDIARY.—The term ''functionally regulated subsidiary'' has the same meaning as in section 5(c)(5) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)(5)).

(12) PRIMARY FINANCIAL REGULATORY AGENCY.—The term ''primary financial regulatory agency'' means—

(A) the appropriate Federal banking agency, with respect to institutions described in section 3(q) of the Federal Deposit Insurance Act, except to the extent that an institution is or the activities of an institution are otherwise described in subparagraph (B), (C), (D), or (E);

(B) the Securities and Exchange Commission, with respect to—

(i) any broker or dealer that is registered with the Commission under the Securities Exchange Act of 1934, with respect to the activities of the broker or dealer that require the broker or dealer to be registered under that Act;

(ii) any investment company that is registered with the Commission under the Investment Company Act of 1940, with respect to the activities of the investment company that require the investment company to be registered under that Act;

(iii) any investment adviser that is registered with the Commission under the Investment Advisers Act of 1940, with respect to the investment advisory activities of such company and activities that are incidental to such advisory activities;

(iv) any clearing agency registered with the Commission under the Securities Exchange Act of 1934, with respect to the activities of the clearing agency that require the agency to be registered under such Act;

(v) any nationally recognized statistical rating organization registered with the Commission under the Securities Exchange Act of 1934;

(vi) any transfer agent registered with the Commission under the Securities Exchange Act of 1934;

(vii) any exchange registered as a national securities exchange with the Commission under the Securities Exchange Act of 1934;

(viii) any national securities association registered with the Commission under the Securities Exchange Act of 1934;

(ix) any securities information processor registered with the Commission under the Securities Exchange Act of 1934;

(x) the Municipal Securities Rulemaking Board established under the Securities Exchange Act of 1934;

(xi) the Public Company Accounting Oversight Board established under the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7211 et seq.);

(xii) the Securities Investor Protection Corporation established under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.); and

(xiii) any security-based swap execution facility, security-based swap data repository, security-based swap dealer or major security-based swap participant registered with the Commission under the Securities Exchange Act of 1934, with respect to the security-based swap activities of the person that require such person to be registered under such Act;

(C) the Commodity Futures Trading Commission, with respect to—

(i) any futures commission merchant registered with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.), with respect to the activities of the futures commission merchant that require the futures commission merchant to be registered under that Act;

(ii) any commodity pool operator registered with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.), with respect to the activities of the commodity pool operator that require the commodity pool operator to be registered under that Act, or a commodity pool, as defined in that Act;

(iii) any commodity trading advisor or introducing broker registered with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.), with respect to the activities of the commodity trading advisor or introducing broker that require the commodity trading adviser or introducing broker to be registered under that Act;

(iv) any derivatives clearing organization registered with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.), with respect to the activities of the derivatives clearing organization that require the derivatives clearing organization to be registered under that Act;

(v) any board of trade designated as a contract market by the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(vi) any futures association registered with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(vii) any retail foreign exchange dealer registered with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.), with respect to the activities of the retail foreign exchange dealer that require the retail foreign exchange dealer to be registered under that Act;

(viii) any swap execution facility, swap data repository, swap dealer, or major swap participant registered with the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.) with respect to the swap activities of the person that require such person to be registered under that Act; and

(ix) any registered entity under the Commodity Exchange Act (7 U.S.C. 1 et seq.), with respect to the activities of the registered entity that require the registered entity to be registered under that Act;

(D) the State insurance authority of the State in which an insurance company is domiciled, with respect to the insurance activities and activities that are incidental to such insurance activities of an insurance company that is subject to supervision by the State insurance authority under State insurance law; and

(E) the Federal Housing Finance Agency, with respect to Federal Home Loan Banks or the Federal Home Loan Bank System, and with respect to the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

(13) PRUDENTIAL STANDARDS.—The term ''prudential standards'' means enhanced supervision and regulatory standards developed by the Board of Governors under section 165.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(15) SECURITIES TERMS.—The

(A) terms ''broker'', ''dealer'', ''issuer'', ''nationally recognized statistical rating organization'', ''security'', and ''securities laws'' have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c);

(B) term ''investment adviser'' has the same meaning as in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2); and

(C) term ''investment company'' has the same meaning as in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3).

(16) STATE.—The term ''State'' means any State, commonwealth, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, or the United States Virgin Islands.

(17) TRANSFER DATE.—The term ''transfer date'' means the date established under section 311.

(18) OTHER INCORPORATED DEFINITIONS.—

(A) FEDERAL DEPOSIT INSURANCE ACT.—The terms ''bank'', ''bank holding company'', ''control'', ''deposit'', ''depository institution'', ''Federal depository institution'', ''Federal savings association'', ''foreign bank'', ''including'', ''insured branch'', ''insured depository institution'', ''national member bank'', ''national nonmember bank'', ''savings association'', ''State bank'', ''State depository institution'', ''State member bank'', ''State nonmember bank'', ''State savings association'', and ''subsidiary'' have the same meanings as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(B) HOLDING COMPANIES.—The term—

(i) ''bank holding company'' has the same meaning as in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841);

(ii) ''financial holding company'' has the same meaning as in section 2(p) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(p)); and

(iii) ''savings and loan holding company'' has the same meaning as in section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a(a)).

SEC. 3. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 4. EFFECTIVE DATE.

Except as otherwise specifically provided in this Act or the amendments made by this Act, this Act and such amendments shall take effect 1 day after the date of enactment of this Act.

SEC. 5. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

SEC. 6. ANTITRUST SAVINGS CLAUSE.

Nothing in this Act, or any amendment made by this Act, shall be construed to modify, impair, or supersede the operation of any of the antitrust laws, unless otherwise specified. For purposes of this section, the term ''antitrust laws'' has the same meaning as in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act, to the extent that such section 5 applies to unfair methods of competition.

TITLE I—FINANCIAL STABILITY

SEC. 101. SHORT TITLE.

This title may be cited as the ''Financial Stability Act of 2010''.

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—For purposes of this title, unless the context otherwise requires, the following definitions shall apply:

(1) BANK HOLDING COMPANY.—The term ''bank holding company'' has the same meaning as in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841). A foreign bank or company that is treated as a bank holding company for purposes of the Bank Holding Company Act of 1956, pursuant to section 8(a) of the International Banking Act of 1978 (12 U.S.C.

3106(a)), shall be treated as a bank holding company for purposes of this title.

(2) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Council.

(3) MEMBER AGENCY.—The term ''member agency'' means an agency represented by a voting member of the Council.

(4) NONBANK FINANCIAL COMPANY DEFINITIONS.—

(A) FOREIGN NONBANK FINANCIAL COMPANY.—The term ''foreign nonbank financial company'' means a company (other than a company that is, or is treated in the United States as, a bank holding company) that is—

(i) incorporated or organized in a country other than the United States; and

(ii) predominantly engaged in, including through a branch in the United States, financial activities, as defined in paragraph (6).

(B) U.S. NONBANK FINANCIAL COMPANY.—The term ''U.S. nonbank financial company'' means a company (other than a bank holding company, a Farm Credit System institution chartered and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), or a national securities exchange (or parent thereof), clearing agency (or parent thereof, unless the parent is a bank holding company), security-based swap execution facility, or security-based swap data repository registered with the Commission, or a board of trade designated as a contract market (or parent thereof), or a derivatives clearing organization (or parent thereof, unless the parent is a bank holding company), swap execution facility or a swap data repository registered with the Commodity Futures Trading Commission), that is—

(i) incorporated or organized under the laws of the United States or any State; and

(ii) predominantly engaged in financial activities, as defined in paragraph (6).

(C) NONBANK FINANCIAL COMPANY.—The term ''nonbank financial company'' means a U.S. nonbank financial company and a foreign nonbank financial company.

(D) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD OF GOVERNORS.—The term ''nonbank financial company supervised by the Board of Governors'' means a nonbank financial company that the Council has determined under section 113 shall be supervised by the Board of Governors.

(5) OFFICE OF FINANCIAL RESEARCH.—The term ''Office of Financial Research'' means the office established under section 152.

(6) PREDOMINANTLY ENGAGED.—A company is ''predominantly engaged in financial activities'' if—

(A) the annual gross revenues derived by the company and all of its subsidiaries from activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) and, if applicable, from the ownership or control of one or more insured depository institutions, represents 85 percent or more of the consolidated annual gross revenues of the company; or

(B) the consolidated assets of the company and all of its subsidiaries related to activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956) and, if applicable, related to the ownership or control of one or more insured depository institutions, represents 85 percent or more of the consolidated assets of the company.

(7) SIGNIFICANT INSTITUTIONS.—The terms ''significant nonbank financial company'' and ''significant bank holding company'' have the meanings given those terms by rule of the Board of Governors, but in no instance shall the term ''significant nonbank financial company'' include those entities that are excluded under paragraph (4)(B).

(b) DEFINITIONAL CRITERIA.—The Board of Governors shall establish, by regulation, the requirements for determining if a company is predominantly engaged in financial activities, as defined in subsection (a)(6).

(c) FOREIGN NONBANK FINANCIAL COMPANIES.—For purposes of the application of subtitles A and C (other than section 113(b)) with respect to a foreign nonbank financial company, references in this title to ''company'' or ''subsidiary'' include only the United States activities and subsidiaries of such foreign company, except as otherwise provided.

Subtitle A—Financial Stability Oversight Council

SEC. 111. FINANCIAL STABILITY OVERSIGHT COUNCIL ESTABLISHED.

(a) ESTABLISHMENT.—Effective on the date of enactment of this Act, there is established the Financial Stability Oversight Council.

(b) MEMBERSHIP.—The Council shall consist of the following members:

(1) VOTING MEMBERS.—The voting members, who shall each have 1 vote on the Council shall be—

(A) the Secretary of the Treasury, who shall serve as Chairperson of the Council;

(B) the Chairman of the Board of Governors;

(C) the Comptroller of the Currency;

(D) the Director of the Bureau;

(E) the Chairman of the Commission;

(F) the Chairperson of the Corporation;

(G) the Chairperson of the Commodity Futures Trading Commission;

(H) the Director of the Federal Housing Finance Agency;

(I) the Chairman of the National Credit Union Administration Board; and

(J) an independent member appointed by the President, by and with the advice and consent of the Senate, having insurance expertise.

(2) NONVOTING MEMBERS.—The nonvoting members, who shall serve in an advisory capacity as a nonvoting member of the Council, shall be—

(A) the Director of the Office of Financial Research;

(B) the Director of the Federal Insurance Office;

(C) a State insurance commissioner, to be designated by a selection process determined by the State insurance commissioners;

(D) a State banking supervisor, to be designated by a selection process determined by the State banking supervisors; and

(E) a State securities commissioner (or an officer performing like functions), to be designated by a selection process determined by such State securities commissioners.

(3) NONVOTING MEMBER PARTICIPATION.—The nonvoting members of the Council shall not be excluded from any of the proceedings, meetings, discussions, or deliberations of the Council, except that the Chairperson may, upon an affirmative vote of the member agencies, exclude the nonvoting members from any of the proceedings, meetings, discussions, or deliberations of the Council when necessary to safeguard and promote the free exchange of confidential supervisory information.

(c) TERMS; VACANCY.—

(1) TERMS.—The independent member of the Council shall serve for a term of 6 years, and each nonvoting member described in subparagraphs (C), (D), and (E) of subsection (b)(2) shall serve for a term of 2 years.

(2) VACANCY.—Any vacancy on the Council shall be filled in the manner in which the original appointment was made.

(3) ACTING OFFICIALS MAY SERVE.—In the event of a vacancy in the office of the head of a member agency or department, and pending the appointment of a successor, or during the absence or disability of the head of a member agency or department, the acting head of the member agency or department shall serve as a member of the Council in the place of that agency or department head.

(d) TECHNICAL AND PROFESSIONAL ADVISORY COMMITTEES.—The Council may appoint such special advisory, technical, or professional committees as may be useful in carrying out the functions of the Council, including an advisory committee consisting of State regulators, and the members of such committees may be members of the Council, or other persons, or both.

(e) MEETINGS.—

(1) TIMING.—The Council shall meet at the call of the Chairperson or a majority of the members then serving, but not less frequently than quarterly.

(2) RULES FOR CONDUCTING BUSINESS.—The Council shall adopt such rules as may be necessary for the conduct of the business of the Council. Such rules shall be rules of agency organization, procedure, or practice for purposes of section 553 of title 5, United States Code.

(f) VOTING.—Unless otherwise specified, the Council shall make all decisions that it is authorized or required to make by a majority vote of the voting members then serving.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council, or to any special advisory, technical, or professional committee appointed by the Council, except that, if an advisory, technical, or professional committee has one or more members who are not employees of or affiliated with the United States Government, the Council shall publish a list of the names of the members of such committee.

(h) ASSISTANCE FROM FEDERAL AGENCIES.—Any department or agency of the United States may provide to the Council and any special advisory, technical, or professional committee appointed by the Council, such services, funds, facilities, staff, and other support services as the Council may determine advisable.

(i) COMPENSATION OF MEMBERS.—

(1) FEDERAL EMPLOYEE MEMBERS.—All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) COMPENSATION FOR NON-FEDERAL MEMBER.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Independent Member of the Financial Stability Oversight Council (1).''.

(j) DETAIL OF GOVERNMENT EMPLOYEES.—Any employee of the Federal Government may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. An employee of the Federal Government detailed to the Council shall report to and be subject to oversight by the Council during the assignment to the Council, and shall be compensated by the department or agency from which the employee was detailed.

SEC. 112. COUNCIL AUTHORITY.

(a) PURPOSES AND DUTIES OF THE COUNCIL.—

(1) IN GENERAL.—The purposes of the Council are—

(A) to identify risks to the financial stability of the United States that could arise from the material financial distress or failure, or ongoing activities, of large, interconnected bank holding companies or nonbank financial companies, or that could arise outside the financial services marketplace;

(B) to promote market discipline, by eliminating expectations on the part of shareholders, creditors, and counterparties of such companies that the Government will shield them from losses in the event of failure; and

(C) to respond to emerging threats to the stability of the United States financial system.

(2) DUTIES.—The Council shall, in accordance with this title—

(A) collect information from member agencies, other Federal and State financial regulatory agencies, the Federal Insurance Office and, if necessary to assess risks to the United States financial system, direct the Office of Financial Research to collect information from bank holding companies and nonbank financial companies;

(B) provide direction to, and request data and analyses from, the Office of Financial Research to support the work of the Council;

(C) monitor the financial services marketplace in order to identify potential threats to the financial stability of the United States;

(D) to monitor domestic and international financial regulatory proposals and developments, including insurance and accounting issues, and to advise Congress and make recommendations in such areas that will enhance the integrity, efficiency, competitiveness, and stability of the U.S. financial markets;

(E) facilitate information sharing and coordination among the member agencies and other Federal and State agencies regarding domestic financial services policy development, rulemaking, examinations, reporting requirements, and enforcement actions;

(F) recommend to the member agencies general supervisory priorities and principles reflecting the outcome of discussions among the member agencies;

(G) identify gaps in regulation that could pose risks to the financial stability of the United States;

(H) require supervision by the Board of Governors for nonbank financial companies that may pose risks to the financial stability of the United States in the event of their material financial distress or failure, or because of their activities pursuant to section 113;

(I) make recommendations to the Board of Governors concerning the establishment of heightened prudential standards for risk-based capital, leverage, liquidity, contingent capital, resolution plans and credit exposure reports, concentration limits, enhanced public disclosures, and overall risk management for nonbank financial companies and large, interconnected bank holding companies supervised by the Board of Governors;

(J) identify systemically important financial market utilities and payment, clearing, and settlement activities (as that term is defined in title VIII);

(K) make recommendations to primary financial regulatory agencies to apply new or heightened standards and safeguards for financial activities or practices that could create or increase risks of significant liquidity, credit, or other problems spreading among bank holding companies, nonbank financial companies, and United States financial markets;

(L) review and, as appropriate, may submit comments to the Commission and any standard-setting body with respect to an existing or proposed accounting principle, standard, or procedure;

(M) provide a forum for—

(i) discussion and analysis of emerging market developments and financial regulatory issues; and

(ii) resolution of jurisdictional disputes among the members of the Council; and

(N) annually report to and testify before Congress on—

(i) the activities of the Council;

(ii) significant financial market and regulatory developments, including insurance and accounting regulations and standards, along with an assessment of those developments on the stability of the financial system;

(iii) potential emerging threats to the financial stability of the United States;

(iv) all determinations made under section 113 or title VIII, and the basis for such determinations;

(v) all recommendations made under section 119 and the result of such recommendations; and

(vi) recommendations—

(I) to enhance the integrity, efficiency, competitiveness, and stability of United States financial markets;

(II) to promote market discipline; and

(III) to maintain investor confidence.

(b) STATEMENTS BY VOTING MEMBERS OF THE COUNCIL.—At the time at which each report is submitted under subsection (a), each voting member of the Council shall—

(1) if such member believes that the Council, the Government, and the private sector are taking all reasonable steps to ensure financial stability and to mitigate systemic risk that would negatively affect the economy, submit a signed statement to Congress stating such belief; or

(2) if such member does not believe that all reasonable steps described under paragraph (1) are being taken, submit a signed statement to Congress stating what actions such member believes need to be taken in order to ensure that all reasonable steps described under paragraph (1) are taken.

(c) TESTIMONY BY THE CHAIRPERSON.—The Chairperson shall appear before the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate at an annual hearing, after the report is submitted under subsection (a)—

(1) to discuss the efforts, activities, objectives, and plans of the Council; and

(2) to discuss and answer questions concerning such report.

(d) AUTHORITY TO OBTAIN INFORMATION.—

(1) IN GENERAL.—The Council may receive, and may request the submission of, any data or information from the Office of Financial Research, member agencies, and the Federal Insurance Office, as necessary—

(A) to monitor the financial services marketplace to identify potential risks to the financial stability of the United States; or

(B) to otherwise carry out any of the provisions of this title.

(2) SUBMISSIONS BY THE OFFICE AND MEMBER AGENCIES.—Notwithstanding any other provision of law, the Office of Financial Research, any member agency, and the Federal Insurance Office, are authorized to submit information to the Council.

(3) FINANCIAL DATA COLLECTION.—

(A) IN GENERAL.—The Council, acting through the Office of Financial Research, may require the submission of periodic and other reports from any nonbank financial company or bank holding company for the purpose of assessing the extent to which a financial activity or financial market in which the nonbank financial company or bank holding company participates, or the nonbank financial company or bank holding company itself, poses a threat to the financial stability of the United States.

(B) MITIGATION OF REPORT BURDEN.—Before requiring the submission of reports from any nonbank financial company or bank holding company that is regulated by a member agency or any primary financial regulatory agency, the Council, acting through the Office of Financial Research, shall coordinate with such agencies and shall, whenever possible, rely on information available from the Office of Financial Research or such agencies.

(C) MITIGATION IN CASE OF FOREIGN FINANCIAL COMPANIES.—Before requiring the submission of reports from a company that is a foreign nonbank financial company or foreign-based bank holding company, the Council shall, acting through the Office of Financial Research, to the extent appropriate, consult with the appropriate foreign regulator of such company and, whenever possible, rely on information already being collected by such foreign regulator, with English translation.

(4) BACK-UP EXAMINATION BY THE BOARD OF GOVERNORS.—If the Council is unable to determine whether the financial activities of a U.S. nonbank financial company pose a threat to the financial stability of the United States, based on information or reports obtained under paragraphs (1) and (3), discussions with management, and publicly available information, the Council may request the Board of Governors, and the Board of Governors is authorized, to conduct an examination of the U.S. nonbank financial company for the sole purpose of determining whether the nonbank financial company should be supervised by the Board of Governors for purposes of this title.

(5) CONFIDENTIALITY.—

(A) IN GENERAL.—The Council, the Office of Financial Research, and the other member agencies shall maintain the confidentiality of any data, information, and reports submitted under this title.

(B) RETENTION OF PRIVILEGE.—The submission of any nonpublicly available data or information under this subsection and subtitle B shall not constitute a waiver of, or otherwise affect, any privilege arising under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject.

(C) FREEDOM OF INFORMATION ACT.—Section 552 of title 5, United States Code, including the exceptions thereunder, shall apply to any data or information submitted under this subsection and subtitle B.

SEC. 113. AUTHORITY TO REQUIRE SUPERVISION AND REGULATION OF CERTAIN NONBANK FINANCIAL COMPANIES.

(a) U.S. NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—

(1) DETERMINATION.—The Council, on a nondelegable basis and by a vote of not fewer than ⅔ of the voting members then serving, including an affirmative vote by the Chairperson, may determine that a U.S. nonbank financial company shall be supervised by the Board of Governors and shall be subject to prudential standards, in accordance with this title, if the Council determines that material financial distress at the U.S. nonbank financial company, or the nature, scope, size, scale, concentration, interconnectedness, or mix of the activities of the U.S. nonbank financial company, could pose a threat to the financial stability of the United States.

(2) CONSIDERATIONS.—In making a determination under paragraph (1), the Council shall consider—

(A) the extent of the leverage of the company;

(B) the extent and nature of the off-balance-sheet exposures of the company;

(C) the extent and nature of the transactions and relationships of the company with other significant nonbank financial companies and significant bank holding companies;

(D) the importance of the company as a source of credit for households, businesses, and State and local governments and as a source of liquidity for the United States financial system;

(E) the importance of the company as a source of credit for low-income, minority, or underserved communities, and the impact that the failure of such company would have on the availability of credit in such communities;

(F) the extent to which assets are managed rather than owned by the company, and the extent to which ownership of assets under management is diffuse;

(G) the nature, scope, size, scale, concentration, interconnectedness, and mix of the activities of the company;

(H) the degree to which the company is already regulated by 1 or more primary financial regulatory agencies;

(I) the amount and nature of the financial assets of the company;

(J) the amount and types of the liabilities of the company, including the degree of reliance on short-term funding; and

(K) any other risk-related factors that the Council deems appropriate.

(b) FOREIGN NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—

(1) DETERMINATION.—The Council, on a nondelegable basis and by a vote of not fewer than ⅔ of the voting members then serving, including an affirmative vote by the Chairperson, may determine that a foreign nonbank financial company shall be supervised by the Board of Governors and shall be subject to prudential standards, in accordance with this title, if the Council determines that material financial distress at the foreign nonbank financial company, or the nature, scope, size, scale, concentration, interconnectedness, or mix of the activities of the foreign nonbank financial company, could pose a threat to the financial stability of the United States.

(2) CONSIDERATIONS.—In making a determination under paragraph (1), the Council shall consider—

(A) the extent of the leverage of the company;

(B) the extent and nature of the United States related off-balance-sheet exposures of the company;

(C) the extent and nature of the transactions and relationships of the company with other significant nonbank financial companies and significant bank holding companies;

(D) the importance of the company as a source of credit for United States households, businesses, and State and local governments and as a source of liquidity for the United States financial system;

(E) the importance of the company as a source of credit for low-income, minority, or underserved communities in the United States, and the impact that the failure of such company would have on the availability of credit in such communities;

(F) the extent to which assets are managed rather than owned by the company and the extent to which ownership of assets under management is diffuse;

(G) the nature, scope, size, scale, concentration, interconnectedness, and mix of the activities of the company;

(H) the extent to which the company is subject to prudential standards on a consolidated basis in its home country that are administered and enforced by a comparable foreign supervisory authority;

(I) the amount and nature of the United States financial assets of the company;

(J) the amount and nature of the liabilities of the company used to fund activities and operations in the United States, including the degree of reliance on short-term funding; and

(K) any other risk-related factors that the Council deems appropriate.

(c) ANTIEVASION.—

(1) DETERMINATIONS.—In order to avoid evasion of this title, the Council, on its own initiative or at the request of the Board of Governors, may determine, on a nondelegable basis and by a vote of not fewer than ⅔ of the voting members then serving, including an affirmative vote by the Chairperson, that—

(A) material financial distress related to, or the nature, scope, size, scale, concentration, interconnectedness, or mix of, the financial activities conducted directly or indirectly by a company incorporated or organized under the laws of the United States or any State or the financial activities in the United States of a company incorporated or organized in a country other than the United States would pose a threat to the financial stability of the United States, based on consideration of the factors in subsection (a)(2) or (b)(2), as applicable;

(B) the company is organized or operates in such a manner as to evade the application of this title; and

(C) such financial activities of the company shall be supervised by the Board of Governors and subject to prudential standards in accordance with this title, consistent with paragraph (3).

(2) REPORT.—Upon making a determination under paragraph (1), the Council shall submit a report to the appropriate committees of Congress detailing the reasons for making such determination.

(3) CONSOLIDATED SUPERVISION OF ONLY FINANCIAL ACTIVITIES; ESTABLISHMENT OF AN INTERMEDIATE HOLDING COMPANY.—

(A) ESTABLISHMENT OF AN INTERMEDIATE HOLDING COMPANY.—Upon a determination under paragraph (1), the company that is the subject of the determination may establish an intermediate holding company in which the financial activities of such company and its subsidiaries shall be conducted (other than the activities described in section 167(b)(2)) in compliance with any regulations or guidance provided by the Board of Governors. Such intermediate holding company shall be subject to the supervision of the Board of Governors and to prudential standards under this title as if the intermediate holding company were a nonbank financial company supervised by the Board of Governors.

(B) ACTION OF THE BOARD OF GOVERNORS.—To facilitate the supervision of the financial activities subject to the determination in paragraph (1), the Board of Governors may require a company to establish an intermediate holding company, as provided for in section 167, which would be subject to the supervision of the Board of Governors and to prudential standards under this title, as if the intermediate holding company were a nonbank financial company supervised by the Board of Governors.

(4) NOTICE AND OPPORTUNITY FOR HEARING AND FINAL DETERMINATION; JUDICIAL REVIEW.—Subsections (d) through (h) shall apply to determinations made by the Council pursuant to paragraph (1) in the same manner as such subsections apply to nonbank financial companies.

(5) COVERED FINANCIAL ACTIVITIES.—For purposes of this subsection, the term ''financial activities''—

(A) means activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956);

(B) includes the ownership or control of one or more insured depository institutions; and

(C) does not include internal financial activities conducted for the company or any affiliate thereof, including internal treasury, investment, and employee benefit functions.

(6) ONLY FINANCIAL ACTIVITIES SUBJECT TO PRUDENTIAL SUPERVISION.—Nonfinancial activities of the company shall not be subject to supervision by the Board of Governors and prudential standards of the Board. For purposes of this Act, the financial activities that are the subject of the determination in paragraph (1) shall be subject to the same requirements as a nonbank financial company supervised by the Board of Governors. Nothing in this paragraph shall prohibit or limit the authority of the Board of Governors to apply prudential standards under this title to the financial activities that are subject to the determination in paragraph (1).

(d) REEVALUATION AND RESCISSION.—The Council shall—

(1) not less frequently than annually, reevaluate each determination made under subsections (a) and (b) with respect to such nonbank financial company supervised by the Board of Governors; and

(2) rescind any such determination, if the Council, by a vote of not fewer than ⅔ of the voting members then serving, including an affirmative vote by the Chairperson, determines that the nonbank financial company no longer meets the standards under subsection (a) or (b), as applicable.

(e) NOTICE AND OPPORTUNITY FOR HEARING AND FINAL DETERMINATION.—

(1) IN GENERAL.—The Council shall provide to a nonbank financial company written notice of a proposed determination of the Council, including an explanation of the basis of the proposed determination of the Council, that a nonbank financial company shall be supervised by the Board of Governors and shall be subject to prudential standards in accordance with this title.

(2) HEARING.—Not later than 30 days after the date of receipt of any notice of a proposed determination under paragraph (1), the nonbank financial company may request, in writing, an opportunity for a written or oral hearing before the Council to contest the proposed determination. Upon receipt of a timely request, the Council shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such company may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(3) FINAL DETERMINATION.—Not later than 60 days after the date of a hearing under paragraph (2), the Council shall notify the nonbank financial company of the final determination of the Council, which shall contain a statement of the basis for the decision of the Council.

(4) NO HEARING REQUESTED.—If a nonbank financial company does not make a timely request for a hearing, the Council shall notify the nonbank financial company, in writing, of the final determination of the Council under subsection (a) or (b), as applicable, not later than 10 days after the date by which the company may request a hearing under paragraph (2).

(f) EMERGENCY EXCEPTION.—

(1) IN GENERAL.—The Council may waive or modify the requirements of subsection (e) with respect to a nonbank financial company, if the Council determines, by a vote of not fewer than ⅔ of the voting members then serving, including an affirmative vote by the Chairperson, that such waiver or modification is necessary or appropriate to prevent or mitigate threats posed by the nonbank financial company to the financial stability of the United States.

(2) NOTICE.—The Council shall provide notice of a waiver or modification under this subsection to the nonbank financial company concerned as soon as practicable, but not later than 24 hours after the waiver or modification is granted.

(3) INTERNATIONAL COORDINATION.—In making a determination under paragraph (1), the Council shall consult with the appropriate home country supervisor, if any, of the foreign nonbank financial company that is being considered for such a determination.

(4) OPPORTUNITY FOR HEARING.—The Council shall allow a nonbank financial company to request, in writing, an opportunity for a written or oral hearing before the Council to contest a waiver or modification under this subsection, not later than 10 days after the date of receipt of notice of the waiver or modification by the company. Upon receipt of a timely request, the Council shall fix a time (not later than 15 days after the date of receipt of the request) and place at which the nonbank financial company may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(5) NOTICE OF FINAL DETERMINATION.—Not later than 30 days after the date of any hearing under paragraph (4), the Council shall notify the subject nonbank financial company of the final determination of the Council under this subsection, which shall contain a statement of the basis for the decision of the Council.

(g) CONSULTATION.—The Council shall consult with the primary financial regulatory agency, if any, for each nonbank financial company or subsidiary of a nonbank financial company that is being considered for supervision by the Board of Governors under this section before the Council makes any final determination with respect to such nonbank financial company under subsection (a), (b), or (c).

(h) JUDICIAL REVIEW.—If the Council makes a final determination under this section with respect to a nonbank financial company, such nonbank financial company may, not later than 30 days after the date of receipt of the notice of final determination under subsection (d)(2), (e)(3), or (f)(5), bring an action in the United States district court for the judicial district in which the home office of such nonbank financial company is located, or in the United States District Court for the District of Columbia, for an order requiring that the final determination be rescinded, and the court shall, upon review, dismiss such action or direct the final determination to be rescinded. Review of such an action shall be limited to whether the final determination made under this section was arbitrary and capricious.

(i) INTERNATIONAL COORDINATION.—In exercising its duties under this title with respect to foreign nonbank financial companies, foreign-based bank holding companies, and cross-border activities and markets, the Council shall consult with appropriate foreign regulatory authorities, to the extent appropriate.

SEC. 114. REGISTRATION OF NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.

Not later than 180 days after the date of a final Council determination under section 113

that a nonbank financial company is to be supervised by the Board of Governors, such company shall register with the Board of Governors, on forms prescribed by the Board of Governors, which shall include such information as the Board of Governors, in consultation with the Council, may deem necessary or appropriate to carry out this title.

SEC. 115. ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS FOR NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS AND CERTAIN BANK HOLDING COMPANIES.

(a) IN GENERAL.—

(1) PURPOSE.—In order to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress, failure, or ongoing activities of large, interconnected financial institutions, the Council may make recommendations to the Board of Governors concerning the establishment and refinement of prudential standards and reporting and disclosure requirements applicable to nonbank financial companies supervised by the Board of Governors and large, interconnected bank holding companies, that—

(A) are more stringent than those applicable to other nonbank financial companies and bank holding companies that do not present similar risks to the financial stability of the United States; and

(B) increase in stringency, based on the considerations identified in subsection (b)(3).

(2) RECOMMENDED APPLICATION OF REQUIRED STANDARDS.—In making recommendations under this section, the Council may—

(A) differentiate among companies that are subject to heightened standards on an individual basis or by category, taking into consideration their capital structure, riskiness, complexity, financial activities (including the financial activities of their subsidiaries), size, and any other risk-related factors that the Council deems appropriate; or

(B) recommend an asset threshold that is higher than $50,000,000,000 for the application of any standard described in subsections (c) through (g).

(b) DEVELOPMENT OF PRUDENTIAL STANDARDS.—

(1) IN GENERAL.—The recommendations of the Council under subsection (a) may include—

(A) risk-based capital requirements;

(B) leverage limits;

(C) liquidity requirements;

(D) resolution plan and credit exposure report requirements;

(E) concentration limits;

(F) a contingent capital requirement;

(G) enhanced public disclosures;

(H) short-term debt limits; and

(I) overall risk management requirements.

(2) PRUDENTIAL STANDARDS FOR FOREIGN FINANCIAL COMPANIES.—In making recommendations concerning the standards set forth in paragraph (1) that would apply to foreign nonbank financial companies supervised by the Board of Governors or foreign-based bank holding companies, the Council shall—

(A) give due regard to the principle of national treatment and equality of competitive opportunity; and

(B) take into account the extent to which the foreign nonbank financial company or foreign-based bank holding company is subject on a consolidated basis to home country standards that are comparable to those applied to financial companies in the United States.

(3) CONSIDERATIONS.—In making recommendations concerning prudential standards under paragraph (1), the Council shall—

(A) take into account differences among nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), based on—

(i) the factors described in subsections (a) and (b) of section 113;

(ii) whether the company owns an insured depository institution;

(iii) nonfinancial activities and affiliations of the company; and

(iv) any other factors that the Council determines appropriate;

(B) to the extent possible, ensure that small changes in the factors listed in subsections (a) and (b) of section 113 would not result in sharp, discontinuous changes in the prudential standards established under section 165; and

(C) adapt its recommendations as appropriate in light of any predominant line of business of such company, including assets under management or other activities for which particular standards may not be appropriate.

(c) CONTINGENT CAPITAL.—

(1) STUDY REQUIRED.—The Council shall conduct a study of the feasibility, benefits, costs, and structure of a contingent capital requirement for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), which study shall include—

(A) an evaluation of the degree to which such requirement would enhance the safety and soundness of companies subject to the requirement, promote the financial stability of the United States, and reduce risks to United States taxpayers;

(B) an evaluation of the characteristics and amounts of contingent capital that should be required;

(C) an analysis of potential prudential standards that should be used to determine whether the contingent capital of a company would be converted to equity in times of financial stress;

(D) an evaluation of the costs to companies, the effects on the structure and operation of credit and other financial markets, and other economic effects of requiring contingent capital;

(E) an evaluation of the effects of such requirement on the international competitiveness of companies subject to the requirement and the prospects for international coordination in establishing such requirement; and

(F) recommendations for implementing regulations.

(2) REPORT.—The Council shall submit a report to Congress regarding the study required by paragraph (1) not later than 2 years after the date of enactment of this Act.

(3) RECOMMENDATIONS.—

(A) IN GENERAL.—Subsequent to submitting a report to Congress under paragraph (2), the Council may make recommendations to the Board of Governors to require any nonbank financial company supervised by the Board of Governors and any bank holding company described in subsection (a) to maintain a minimum amount of contingent capital that is convertible to equity in times of financial stress.

(B) FACTORS TO CONSIDER.—In making recommendations under this subsection, the Council shall consider—

(i) an appropriate transition period for implementation of a conversion under this subsection;

(ii) the factors described in subsection (b)(3);

(iii) capital requirements applicable to a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), and subsidiaries thereof;

(iv) results of the study required by paragraph (1); and

(v) any other factor that the Council deems appropriate.

(d) RESOLUTION PLAN AND CREDIT EXPOSURE REPORTS.—

(1) RESOLUTION PLAN.—The Council may make recommendations to the Board of Governors concerning the requirement that each nonbank financial company supervised by the Board of Governors and each bank holding company described in subsection (a) report periodically to the Council, the Board of Governors, and the Corporation, the plan of such company for rapid and orderly resolution in the event of material financial distress or failure.

(2) CREDIT EXPOSURE REPORT.—The Council may make recommendations to the Board of Governors concerning the advisability of requiring each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a) to report periodically to the Council, the Board of Governors, and the Corporation on—

(A) the nature and extent to which the company has credit exposure to other significant nonbank financial companies and significant bank holding companies; and

(B) the nature and extent to which other such significant nonbank financial companies and significant bank holding companies have credit exposure to that company.

(e) CONCENTRATION LIMITS.—In order to limit the risks that the failure of any individual company could pose to nonbank financial companies supervised by the Board of Governors or bank holding companies described in subsection (a), the Council may make recommendations to the Board of Governors to prescribe standards to limit such risks, as set forth in section 165.

(f) ENHANCED PUBLIC DISCLOSURES.—The Council may make recommendations to the Board of Governors to require periodic public disclosures by bank holding companies described in subsection (a) and by nonbank financial companies supervised by the Board of Governors, in order to support market evaluation of the risk profile, capital adequacy, and risk management capabilities thereof.

(g) SHORT-TERM DEBT LIMITS.—The Council may make recommendations to the Board of Governors to require short-term debt limits to mitigate the risks that an over-accumulation of such debt could pose to bank holding companies described in subsection (a), nonbank financial companies supervised by the Board of Governors, or the financial system.

SEC. 116. REPORTS.

(a) IN GENERAL.—Subject to subsection (b), the Council, acting through the Office of Financial Research, may require a bank holding company with total consolidated assets of $50,000,000,000 or greater or a nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, to submit certified reports to keep the Council informed as to—

(1) the financial condition of the company;

(2) systems for monitoring and controlling financial, operating, and other risks;

(3) transactions with any subsidiary that is a depository institution; and

(4) the extent to which the activities and operations of the company and any subsidiary thereof, could, under adverse circumstances, have the potential to disrupt financial markets or affect the overall financial stability of the United States.

(b) USE OF EXISTING REPORTS.—

(1) IN GENERAL.—For purposes of compliance with subsection (a), the Council, acting through the Office of Financial Research, shall, to the fullest extent possible, use—

(A) reports that a bank holding company, nonbank financial company supervised by the Board of Governors, or any functionally regulated subsidiary of such company has been required to provide to other Federal or State regulatory agencies or to a relevant foreign supervisory authority;

(B) information that is otherwise required to be reported publicly; and

(C) externally audited financial statements.

(2) AVAILABILITY.—Each bank holding company described in subsection (a) and nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, shall provide to the Council, at the request of the Council, copies of all reports referred to in paragraph (1).

(3) CONFIDENTIALITY.—The Council shall maintain the confidentiality of the reports obtained under subsection (a) and paragraph (1)(A) of this subsection.

SEC. 117. TREATMENT OF CERTAIN COMPANIES THAT CEASE TO BE BANK HOLDING COMPANIES.

(a) APPLICABILITY.—This section shall apply to—

(1) any entity that—

(A) was a bank holding company having total consolidated assets equal to or greater than $50,000,000,000 as of January 1, 2010; and

(B) received financial assistance under or participated in the Capital Purchase Program established under the Troubled Asset Relief Program authorized by the Emergency Economic Stabilization Act of 2008; and

(2) any successor entity (as defined by the Board of Governors, in consultation with the Council) to an entity described in paragraph (1).

(b) TREATMENT.—If an entity described in subsection (a) ceases to be a bank holding company at any time after January 1, 2010, then such entity shall be treated as a nonbank financial company supervised by the Board of Governors, as if the Council had made a determination under section 113 with respect to that entity.

(c) APPEAL.—

(1) REQUEST FOR HEARING.—An entity may request, in writing, an opportunity for a written or oral hearing before the Council to appeal its treatment as a nonbank financial company supervised by the Board of Governors in accordance with this section. Upon receipt of the request, the Council shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such entity may appear, personally or through counsel, to submit written materials (or, at the sole discretion of the Council, oral testimony and oral argument).

(2) DECISION.—

(A) PROPOSED DECISION.—A Council decision to grant an appeal under this subsection shall be made by a vote of not fewer than ⅔ of the voting members then serving, including an affirmative vote by the Chairperson. Not later than 60 days after the date of a hearing under paragraph (1), the Council shall submit a report to, and may testify before, the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the proposed decision of the Council regarding an appeal under paragraph (1), which report shall include a statement of the basis for the proposed decision of the Council.

(B) NOTICE OF FINAL DECISION.—The Council shall notify the subject entity of the final decision of the Council regarding an appeal under paragraph (1), which notice shall contain a statement of the basis for the final decision of the Council, not later than 60 days after the later of—

(i) the date of the submission of the report under subparagraph (A); or

(ii) if, not later than 1 year after the date of submission of the report under subparagraph (A), the Committee on Banking, Housing, and Urban Affairs of the Senate or the Committee on Financial Services of the House of Representatives holds one or more hearings regarding such report, the date of the last such hearing.

(C) CONSIDERATIONS.—In making a decision regarding an appeal under paragraph (1), the Council shall consider whether the company meets the standards under section 113(a) or 113(b), as applicable, and the definition of the term ''nonbank financial company'' under section 102. The decision of the Council shall be final, subject to the review under paragraph (3).

(3) REVIEW.—If the Council denies an appeal under this subsection, the Council shall, not less frequently than annually, review and reevaluate the decision.

SEC. 118. COUNCIL FUNDING.

Any expenses of the Council shall be treated as expenses of, and paid by, the Office of Financial Research.

SEC. 119. RESOLUTION OF SUPERVISORY JURISDICTIONAL DISPUTES AMONG MEMBER AGENCIES.

(a) REQUEST FOR COUNCIL RECOMMENDATION.—The Council shall seek to resolve a dispute among 2 or more member agencies, if—

(1) a member agency has a dispute with another member agency about the respective jurisdiction over a particular bank holding company, nonbank financial company, or financial activity or product (excluding matters for which another dispute mechanism specifically has been provided under title X);

(2) the Council determines that the disputing agencies cannot, after a demonstrated good faith effort, resolve the dispute without the intervention of the Council; and

(3) any of the member agencies involved in the dispute—

(A) provides all other disputants prior notice of the intent to request dispute resolution by the Council; and

(B) requests in writing, not earlier than 14 days after providing the notice described in subparagraph (A), that the Council seek to resolve the dispute.

(b) COUNCIL RECOMMENDATION.—The Council shall seek to resolve each dispute described in subsection (a)—

(1) within a reasonable time after receiving the dispute resolution request;

(2) after consideration of relevant information provided by each agency party to the dispute; and

(3) by agreeing with 1 of the disputants regarding the entirety of the matter, or by determining a compromise position.

(c) FORM OF RECOMMENDATION.—Any Council recommendation under this section shall—

(1) be in writing;

(2) include an explanation of the reasons therefor; and

(3) be approved by the affirmative vote of ⅔ of the voting members of the Council then serving.

(d) NONBINDING EFFECT.—Any recommendation made by the Council under subsection (c) shall not be binding on the Federal agencies that are parties to the dispute.

SEC. 120. ADDITIONAL STANDARDS APPLICABLE TO ACTIVITIES OR PRACTICES FOR FINANCIAL STABILITY PURPOSES.

(a) IN GENERAL.—The Council may provide for more stringent regulation of a financial activity by issuing recommendations to the primary financial regulatory agencies to apply new or heightened standards and safeguards, including standards enumerated in section 115, for a financial activity or practice conducted by bank holding companies or nonbank financial companies under their respective jurisdictions, if the Council determines that the conduct, scope, nature, size, scale, concentration, or interconnectedness of such activity or practice could create or increase the risk of significant liquidity, credit, or other problems spreading among bank holding companies and nonbank financial companies, financial markets of the United States, or low-income, minority, or underserved communities.

(b) PROCEDURE FOR RECOMMENDATIONS TO REGULATORS.—

(1) NOTICE AND OPPORTUNITY FOR COMMENT.—The Council shall consult with the primary financial regulatory agencies and provide notice to the public and opportunity for comment for any proposed recommendation that the primary financial regulatory agencies apply new or heightened standards and safeguards for a financial activity or practice.

(2) CRITERIA.—The new or heightened standards and safeguards for a financial activity or practice recommended under paragraph (1)—

(A) shall take costs to long-term economic growth into account; and

(B) may include prescribing the conduct of the activity or practice in specific ways (such as by limiting its scope, or applying particular capital or risk management requirements to the conduct of the activity) or prohibiting the activity or practice.

(c) IMPLEMENTATION OF RECOMMENDED STANDARDS.—

(1) ROLE OF PRIMARY FINANCIAL REGULATORY AGENCY.—

(A) IN GENERAL.—Each primary financial regulatory agency may impose, require reports regarding, examine for compliance with, and enforce standards in accordance with this section with respect to those entities for which it is the primary financial regulatory agency.

(B) RULE OF CONSTRUCTION.—The authority under this paragraph is in addition to, and does not limit, any other authority of a primary financial regulatory agency. Compliance by an entity with actions taken by a primary financial regulatory agency under this section shall be enforceable in accordance with the statutes governing the respective jurisdiction of the primary financial regulatory agency over the entity, as if the agency action were taken under those statutes.

(2) IMPOSITION OF STANDARDS.—The primary financial regulatory agency shall impose the standards recommended by the Council in accordance with subsection (a), or similar standards that the Council deems acceptable, or shall explain in writing to the Council, not later than 90 days after the date on which the Council issues the recommendation, why the agency has determined not to follow the recommendation of the Council.

(d) REPORT TO CONGRESS.—The Council shall report to Congress on—

(1) any recommendations issued by the Council under this section;

(2) the implementation of, or failure to implement, such recommendation on the part of a primary financial regulatory agency; and

(3) in any case in which no primary financial regulatory agency exists for the nonbank financial company conducting financial activities or practices referred to in subsection (a), recommendations for legislation that would prevent such activities or practices from threatening the stability of the financial system of the United States.

(e) EFFECT OF RESCISSION OF IDENTIFICATION.—

(1) NOTICE.—The Council may recommend to the relevant primary financial regulatory agency that a financial activity or practice no longer requires any standards or safeguards implemented under this section.

(2) DETERMINATION OF PRIMARY FINANCIAL REGULATORY AGENCY TO CONTINUE.—

(A) IN GENERAL.—Upon receipt of a recommendation under paragraph (1), a primary financial regulatory agency that has imposed standards under this section shall determine whether such standards should remain in effect.

(B) APPEAL PROCESS.—Each primary financial regulatory agency that has imposed standards under this section shall promulgate regulations to establish a procedure under which entities under its jurisdiction may appeal a determination by such agency under this paragraph that standards imposed under this section should remain in effect.

SEC. 121. MITIGATION OF RISKS TO FINANCIAL STABILITY.

(a) MITIGATORY ACTIONS.—If the Board of Governors determines that a bank holding company with total consolidated assets of $50,000,000,000 or more, or a nonbank financial company supervised by the Board of Governors, poses a grave threat to the financial stability of the United States, the Board of Governors, upon an affirmative vote of not fewer than ⅔ of the voting members of the Council then serving, shall—

(1) limit the ability of the company to merge with, acquire, consolidate with, or otherwise become affiliated with another company;

(2) restrict the ability of the company to offer a financial product or products;

(3) require the company to terminate one or more activities;

(4) impose conditions on the manner in which the company conducts 1 or more activities; or

(5) if the Board of Governors determines that the actions described in paragraphs (1) through (4) are inadequate to mitigate a threat to the financial stability of the United States in its recommendation, require the company to sell or otherwise transfer assets or off-balance-sheet items to unaffiliated entities.

(b) NOTICE AND HEARING.—

(1) IN GENERAL.—The Board of Governors, in consultation with the Council, shall provide to a company described in subsection (a) written notice that such company is being considered for mitigatory action pursuant to this section, including an explanation of the basis for, and description of, the proposed mitigatory action.

(2) HEARING.—Not later than 30 days after the date of receipt of notice under paragraph (1), the company may request, in writing, an opportunity for a written or oral hearing before the Board of Governors to contest the proposed mitigatory action. Upon receipt of a timely request, the Board of Governors shall fix a time (not later than 30 days after the date of receipt of the request) and place at which such company may appear, personally or through counsel, to submit written materials (or, at the discretion of the Board of Governors, in consultation with the Council, oral testimony and oral argument).

(3) DECISION.—Not later than 60 days after the date of a hearing under paragraph (2), or not later than 60 days after the provision of a notice under paragraph (1) if no hearing was held, the Board of Governors shall notify the company of the final decision of the Board of Governors, including the results of the vote of the Council, as described in subsection (a).

(c) FACTORS FOR CONSIDERATION.—The Board of Governors and the Council shall take into consideration the factors set forth in subsection (a) or (b) of section 113, as applicable, in making any determination under subsection (a).

(d) APPLICATION TO FOREIGN FINANCIAL COMPANIES.—The Board of Governors may prescribe regulations regarding the application of this section to foreign nonbank financial companies supervised by the Board of Governors and foreign-based bank holding companies—

(1) giving due regard to the principle of national treatment and equality of competitive opportunity; and

(2) taking into account the extent to which the foreign nonbank financial company or foreign-based bank holding company is subject on a consolidated basis to home country standards that are comparable to those applied to financial companies in the United States.

SEC. 122. GAO AUDIT OF COUNCIL.

(a) AUTHORITY TO AUDIT.—The Comptroller General of the United States may audit the activities of—

(1) the Council; and

(2) any person or entity acting on behalf of or under the authority of the Council, to the extent that such activities relate to work for the Council by such person or entity.

(b) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Comptroller General shall, upon request and at such reasonable time and in such reasonable form as the Comptroller General may request, have access to—

(A) any records or other information under the control of or used by the Council;

(B) any records or other information under the control of a person or entity acting on behalf of or under the authority of the Council, to the extent that such records or other information is relevant to an audit under subsection (a); and

(C) the officers, directors, employees, financial advisors, staff, working groups, and agents and representatives of the Council (as related to the activities on behalf of the Council of such agent or representative), at such reasonable times as the Comptroller General may request.

(2) COPIES.—The Comptroller General may make and retain copies of such books, accounts, and other records, access to which is granted under this section, as the Comptroller General considers appropriate.

SEC. 123. STUDY OF THE EFFECTS OF SIZE AND COMPLEXITY OF FINANCIAL INSTITUTIONS ON CAPITAL MARKET EFFICIENCY AND ECONOMIC GROWTH.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Chairperson of the Council shall carry out a study of the economic impact of possible financial services regulatory limitations intended to reduce systemic risk. Such study shall estimate the benefits and costs on the efficiency of capital markets, on the financial sector, and on national economic growth, of—

(A) explicit or implicit limits on the maximum size of banks, bank holding companies, and other large financial institutions;

(B) limits on the organizational complexity and diversification of large financial institutions;

(C) requirements for operational separation between business units of large financial institutions in order to expedite resolution in case of failure;

(D) limits on risk transfer between business units of large financial institutions;

(E) requirements to carry contingent capital or similar mechanisms;

(F) limits on commingling of commercial and financial activities by large financial institutions;

(G) segregation requirements between traditional financial activities and trading or other high-risk operations in large financial institutions; and

(H) other limitations on the activities or structure of large financial institutions that may be useful to limit systemic risk.

(2) RECOMMENDATIONS.—The study required by this section shall include recommendations for the optimal structure of any limits considered in subparagraphs (A) through (E), in order to maximize their effectiveness and minimize their economic impact.

(b) REPORT.—Not later than the end of the 180-day period beginning on the date of enactment of this title, and not later than every 5 years thereafter, the Chairperson shall issue a report to the Congress containing any findings and determinations made in carrying out the study required under subsection (a).

Subtitle B—Office of Financial Research

SEC. 151. DEFINITIONS.

For purposes of this subtitle—

(1) the terms ''Office'' and ''Director'' mean the Office of Financial Research established under this subtitle and the Director thereof, respectively;

(2) the term ''financial company'' has the same meaning as in title II, and includes an insured depository institution and an insurance company;

(3) the term ''Data Center'' means the data center established under section 154;

(4) the term ''Research and Analysis Center'' means the research and analysis center established under section 154;

(5) the term ''financial transaction data'' means the structure and legal description of a financial contract, with sufficient detail to describe the rights and obligations between counterparties and make possible an independent valuation;

(6) the term ''position data''—

(A) means data on financial assets or liabilities held on the balance sheet of a financial company, where positions are created or changed by the execution of a financial transaction; and

(B) includes information that identifies counterparties, the valuation by the financial company of the position, and information that makes possible an independent valuation of the position;

(7) the term ''financial contract'' means a legally binding agreement between 2 or more counterparties, describing rights and obligations relating to the future delivery of items of intrinsic or extrinsic value among the counterparties; and

(8) the term ''financial instrument'' means a financial contract in which the terms and conditions are publicly available, and the roles of one or more of the counterparties are assignable without the consent of any of the other counterparties (including common stock of a publicly traded company, government bonds, or exchange traded futures and options contracts).

SEC. 152. OFFICE OF FINANCIAL RESEARCH ESTABLISHED.

(a) ESTABLISHMENT.—There is established within the Department of the Treasury the Office of Financial Research.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) TERM OF SERVICE.—The Director shall serve for a term of 6 years, except that, in the event that a successor is not nominated and confirmed by the end of the term of service of a Director, the Director may continue to serve until such time as the next Director is appointed and confirmed.

(3) EXECUTIVE LEVEL.—The Director shall be compensated at Level III of the Executive Schedule.

(4) PROHIBITION ON DUAL SERVICE.—The individual serving in the position of Director may not, during such service, also serve as the head of any financial regulatory agency.

(5) RESPONSIBILITIES, DUTIES, AND AUTHORITY.—The Director shall have sole discretion in the manner in which the Director fulfills the responsibilities and duties and exercises the authorities described in this subtitle.

(c) BUDGET.—The Director, in consultation with the Chairperson, shall establish the annual budget of the Office.

(d) OFFICE PERSONNEL.—

(1) IN GENERAL.—The Director, in consultation with the Chairperson, may fix the number of, and appoint and direct, all employees of the Office.

(2) COMPENSATION.—The Director, in consultation with the Chairperson, shall fix, adjust, and administer the pay for all employees of the Office, without regard to chapter 51 or subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(3) COMPARABILITY.—Section 1206(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b(a)) is amended—

(A) by striking ''Finance Board,'' and inserting ''Finance Board, the Office of Financial Research, and the Bureau of Consumer Financial Protection''; and

(B) by striking ''and the Office of Thrift Supervision,''.

(4) SENIOR EXECUTIVES.—Section 3132(a)(1)(D) of title 5, United States Code, is amended by striking ''and the National Credit Union Administration;'' and inserting ''the National Credit Union Administration, the Bureau of Consumer Financial Protection, and the Office of Financial Research;''.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—Any department or agency of the United States may provide to the Office and any special advisory, technical, or professional committees appointed by the Office, such services, funds, facilities, staff, and other support services as the Office may determine advisable. Any Federal Government employee may be detailed to the Office without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for Level V of the Executive Schedule under section 5316 of such title.

(g) POST-EMPLOYMENT PROHIBITIONS.—The Secretary, with the concurrence of the Director of the Office of Government Ethics, shall issue regulations prohibiting the Director and any

employee of the Office who has had access to the transaction or position data maintained by the Data Center or other business confidential information about financial entities required to report to the Office from being employed by or providing advice or consulting services to a financial company, for a period of 1 year after last having had access in the course of official duties to such transaction or position data or business confidential information, regardless of whether that entity is required to report to the Office. For employees whose access to business confidential information was limited, the regulations may provide, on a case-by-case basis, for a shorter period of post-employment prohibition, provided that the shorter period does not compromise business confidential information.

(h) TECHNICAL AND PROFESSIONAL ADVISORY COMMITTEES.—The Office, in consultation with the Chairperson, may appoint such special advisory, technical, or professional committees as may be useful in carrying out the functions of the Office, and the members of such committees may be staff of the Office, or other persons, or both.

(i) FELLOWSHIP PROGRAM.—The Office, in consultation with the Chairperson, may establish and maintain an academic and professional fellowship program, under which qualified academics and professionals shall be invited to spend not longer than 2 years at the Office, to perform research and to provide advanced training for Office personnel.

(j) EXECUTIVE SCHEDULE COMPENSATION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Director of the Office of Financial Research.''.

SEC. 153. PURPOSE AND DUTIES OF THE OFFICE.

(a) PURPOSE AND DUTIES.—The purpose of the Office is to support the Council in fulfilling the purposes and duties of the Council, as set forth in subtitle A, and to support member agencies, by—

(1) collecting data on behalf of the Council, and providing such data to the Council and member agencies;

(2) standardizing the types and formats of data reported and collected;

(3) performing applied research and essential long-term research;

(4) developing tools for risk measurement and monitoring;

(5) performing other related services;

(6) making the results of the activities of the Office available to financial regulatory agencies; and

(7) assisting such member agencies in determining the types and formats of data authorized by this Act to be collected by such member agencies.

(b) ADMINISTRATIVE AUTHORITY.—The Office may—

(1) share data and information, including software developed by the Office, with the Council, member agencies, and the Bureau of Economic Analysis, which shared data, information, and software—

(A) shall be maintained with at least the same level of security as is used by the Office; and

(B) may not be shared with any individual or entity without the permission of the Council;

(2) sponsor and conduct research projects; and

(3) assist, on a reimbursable basis, with financial analyses undertaken at the request of other Federal agencies that are not member agencies.

(c) RULEMAKING AUTHORITY.—

(1) SCOPE.—The Office, in consultation with the Chairperson, shall issue rules, regulations, and orders only to the extent necessary to carry out the purposes and duties described in paragraphs (1), (2), and (7) of subsection (a).

(2) STANDARDIZATION.—Member agencies, in consultation with the Office, shall implement regulations promulgated by the Office under paragraph (1) to standardize the types and formats of data reported and collected on behalf of the Council, as described in subsection (a)(2). If a member agency fails to implement such regulations prior to the expiration of the 3-year period following the date of publication of final regulations, the Office, in consultation with the Chairperson, may implement such regulations with respect to the financial entities under the jurisdiction of the member agency. This paragraph shall not supersede or interfere with the independent authority of a member agency under other law to collect data, in such format and manner as the member agency requires.

(d) TESTIMONY.—

(1) IN GENERAL.—The Director of the Office shall report to and testify before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives annually on the activities of the Office, including the work of the Data Center and the Research and Analysis Center, and the assessment of the Office of significant financial market developments and potential emerging threats to the financial stability of the United States.

(2) NO PRIOR REVIEW.—No officer or agency of the United States shall have any authority to require the Director to submit the testimony required under paragraph (1) or other congressional testimony to any officer or agency of the United States for approval, comment, or review prior to the submission of such testimony. Any such testimony to Congress shall include a statement that the views expressed therein are those of the Director and do not necessarily represent the views of the President.

(e) ADDITIONAL REPORTS.—The Director may provide additional reports to Congress concerning the financial stability of the United States. The Director shall notify the Council of any such additional reports provided to Congress.

(f) SUBPOENA.—

(1) IN GENERAL.—The Director may require from a financial company, by subpoena, the production of the data requested under subsection (a)(1) and section 154(b)(1), but only upon a written finding by the Director that—

(A) such data is required to carry out the functions described under this subtitle; and

(B) the Office has coordinated with the relevant primary financial regulatory agency, as required under section 154(b)(1)(B)(ii).

(2) FORMAT.—Subpoenas under paragraph (1) shall bear the signature of the Director, and shall be served by any person or class of persons designated by the Director for that purpose.

(3) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena, the subpoena shall be enforceable by order of any appropriate district court of the United States. Any failure to obey the order of the court may be punished by the court as a contempt of court.

SEC. 154. ORGANIZATIONAL STRUCTURE; RESPONSIBILITIES OF PRIMARY PROGRAMMATIC UNITS.

(a) IN GENERAL.—There are established within the Office, to carry out the programmatic responsibilities of the Office—

(1) the Data Center; and

(2) the Research and Analysis Center.

(b) DATA CENTER.—

(1) GENERAL DUTIES.—

(A) DATA COLLECTION.—The Data Center, on behalf of the Council, shall collect, validate, and maintain all data necessary to carry out the duties of the Data Center, as described in this subtitle. The data assembled shall be obtained from member agencies, commercial data providers, publicly available data sources, and financial entities under subparagraph (B).

(B) AUTHORITY.—

(i) IN GENERAL.—The Office may, as determined by the Council or by the Director in consultation with the Council, require the submission of periodic and other reports from any financial company for the purpose of assessing the extent to which a financial activity or financial market in which the financial company participates, or the financial company itself, poses a threat to the financial stability of the United States.

(ii) MITIGATION OF REPORT BURDEN.—Before requiring the submission of a report from any financial company that is regulated by a member agency, any primary financial regulatory agency, a foreign supervisory authority, or the Office shall coordinate with such agencies or authority, and shall, whenever possible, rely on information available from such agencies or authority.

(iii) COLLECTION OF FINANCIAL TRANSACTION AND POSITION DATA.—The Office shall collect, on a schedule determined by the Director, in consultation with the Council, financial transaction data and position data from financial companies.

(C) RULEMAKING.—The Office shall promulgate regulations pursuant to subsections (a)(1), (a)(2), (a)(7), and (c)(1) of section 153 regarding the type and scope of the data to be collected by the Data Center under this paragraph.

(2) RESPONSIBILITIES.—

(A) PUBLICATION.—The Data Center shall prepare and publish, in a manner that is easily accessible to the public—

(i) a financial company reference database;

(ii) a financial instrument reference database; and

(iii) formats and standards for Office data, including standards for reporting financial transaction and position data to the Office.

(B) CONFIDENTIALITY.—The Data Center shall not publish any confidential data under subparagraph (A).

(3) INFORMATION SECURITY.—The Director shall ensure that data collected and maintained by the Data Center are kept secure and protected against unauthorized disclosure.

(4) CATALOG OF FINANCIAL ENTITIES AND INSTRUMENTS.—The Data Center shall maintain a catalog of the financial entities and instruments reported to the Office.

(5) AVAILABILITY TO THE COUNCIL AND MEMBER AGENCIES.—The Data Center shall make data collected and maintained by the Data Center available to the Council and member agencies, as necessary to support their regulatory responsibilities.

(6) OTHER AUTHORITY.—The Office shall, after consultation with the member agencies, provide certain data to financial industry participants and to the general public to increase market transparency and facilitate research on the financial system, to the extent that intellectual property rights are not violated, business confidential information is properly protected, and the sharing of such information poses no significant threats to the financial system of the United States.

(c) RESEARCH AND ANALYSIS CENTER.—

(1) GENERAL DUTIES.—The Research and Analysis Center, on behalf of the Council, shall develop and maintain independent analytical capabilities and computing resources—

(A) to develop and maintain metrics and reporting systems for risks to the financial stability of the United States;

(B) to monitor, investigate, and report on changes in systemwide risk levels and patterns to the Council and Congress;

(C) to conduct, coordinate, and sponsor research to support and improve regulation of financial entities and markets;

(D) to evaluate and report on stress tests or other stability-related evaluations of financial entities overseen by the member agencies;

(E) to maintain expertise in such areas as may be necessary to support specific requests for advice and assistance from financial regulators;

(F) to investigate disruptions and failures in the financial markets, report findings, and make recommendations to the Council based on those findings;

(G) to conduct studies and provide advice on the impact of policies related to systemic risk; and

(H) to promote best practices for financial risk management.

(d) REPORTING RESPONSIBILITIES.—

(1) REQUIRED REPORTS.—Not later than 2 years after the date of enactment of this Act, and not later than 120 days after the end of each fiscal year thereafter, the Office shall prepare and submit a report to Congress.

(2) CONTENT.—Each report required by this subsection shall assess the state of the United States financial system, including—

(A) an analysis of any threats to the financial stability of the United States;

(B) the status of the efforts of the Office in meeting the mission of the Office; and

(C) key findings from the research and analysis of the financial system by the Office.

SEC. 155. FUNDING.

(a) FINANCIAL RESEARCH FUND.—

(1) FUND ESTABLISHED.—There is established in the Treasury of the United States a separate fund to be known as the ''Financial Research Fund''.

(2) FUND RECEIPTS.—All amounts provided to the Office under subsection (c), and all assessments that the Office receives under subsection (d) shall be deposited into the Financial Research Fund.

(3) INVESTMENTS AUTHORIZED.—

(A) AMOUNTS IN FUND MAY BE INVESTED.—The Director may request the Secretary to invest the portion of the Financial Research Fund that is not, in the judgment of the Director, required to meet the needs of the Office.

(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Financial Research Fund, as determined by the Director.

(4) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Financial Research Fund shall be credited to and form a part of the Financial Research Fund.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds obtained by, transferred to, or credited to the Financial Research Fund shall be immediately available to the Office, and shall remain available until expended, to pay the expenses of the Office in carrying out the duties and responsibilities of the Office.

(2) FEES, ASSESSMENTS, AND OTHER FUNDS NOT GOVERNMENT FUNDS.—Funds obtained by, transferred to, or credited to the Financial Research Fund shall not be construed to be Government funds or appropriated moneys.

(3) AMOUNTS NOT SUBJECT TO APPORTIONMENT.—Notwithstanding any other provision of law, amounts in the Financial Research Fund shall not be subject to apportionment for purposes of chapter 15 of title 31, United States Code, or under any other authority, or for any other purpose.

(c) INTERIM FUNDING.—During the 2-year period following the date of enactment of this Act, the Board of Governors shall provide to the Office an amount sufficient to cover the expenses of the Office.

(d) PERMANENT SELF-FUNDING.—Beginning 2 years after the date of enactment of this Act, the Secretary shall establish, by regulation, and with the approval of the Council, an assessment schedule, including the assessment base and rates, applicable to bank holding companies with total consolidated assets of $50,000,000,000 or greater and nonbank financial companies supervised by the Board of Governors, that takes into account differences among such companies, based on the considerations for establishing the prudential standards under section 115, to collect assessments equal to the total expenses of the Office.

SEC. 156. TRANSITION OVERSIGHT.

(a) PURPOSE.—The purpose of this section is to ensure that the Office—

(1) has an orderly and organized startup;

(2) attracts and retains a qualified workforce; and

(3) establishes comprehensive employee training and benefits programs.

(b) REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Office shall submit an annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that includes the plans described in paragraph (2).

(2) PLANS.—The plans described in this paragraph are as follows:

(A) TRAINING AND WORKFORCE DEVELOPMENT PLAN.—The Office shall submit a training and workforce development plan that includes, to the extent practicable—

(i) identification of skill and technical expertise needs and actions taken to meet those requirements;

(ii) steps taken to foster innovation and creativity;

(iii) leadership development and succession planning; and

(iv) effective use of technology by employees.

(B) WORKPLACE FLEXIBILITY PLAN.—The Office shall submit a workforce flexibility plan that includes, to the extent practicable—

(i) telework;

(ii) flexible work schedules;

(iii) phased retirement;

(iv) reemployed annuitants;

(v) part-time work;

(vi) job sharing;

(vii) parental leave benefits and childcare assistance;

(viii) domestic partner benefits;

(ix) other workplace flexibilities; or

(x) any combination of the items described in clauses (i) through (ix).

(C) RECRUITMENT AND RETENTION PLAN.—The Office shall submit a recruitment and retention plan that includes, to the extent practicable, provisions relating to—

(i) the steps necessary to target highly qualified applicant pools with diverse backgrounds;

(ii) streamlined employment application processes;

(iii) the provision of timely notification of the status of employment applications to applicants; and

(iv) the collection of information to measure indicators of hiring effectiveness.

(c) EXPIRATION.—The reporting requirement under subsection (b) shall terminate 5 years after the date of enactment of this Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) a collective bargaining agreement, as that term is defined in section 7103(a)(8) of title 5, United States Code, that is in effect on the date of enactment of this Act; or

(2) the rights of employees under chapter 71 of title 5, United States Code.

Subtitle C—Additional Board of Governors Authority for Certain Nonbank Financial Companies and Bank Holding Companies

SEC. 161. REPORTS BY AND EXAMINATIONS OF NONBANK FINANCIAL COMPANIES BY THE BOARD OF GOVERNORS.

(a) REPORTS.—

(1) IN GENERAL.—The Board of Governors may require each nonbank financial company supervised by the Board of Governors, and any subsidiary thereof, to submit reports under oath, to keep the Board of Governors informed as to—

(A) the financial condition of the company or subsidiary, systems of the company or subsidiary for monitoring and controlling financial, operating, and other risks, and the extent to which the activities and operations of the company or subsidiary pose a threat to the financial stability of the United States; and

(B) compliance by the company or subsidiary with the requirements of this title.

(2) USE OF EXISTING REPORTS AND INFORMATION.—In carrying out subsection (a), the Board of Governors shall, to the fullest extent possible, use—

(A) reports and supervisory information that a nonbank financial company or subsidiary thereof has been required to provide to other Federal or State regulatory agencies;

(B) information otherwise obtainable from Federal or State regulatory agencies;

(C) information that is otherwise required to be reported publicly; and

(D) externally audited financial statements of such company or subsidiary.

(3) AVAILABILITY.—Upon the request of the Board of Governors, a nonbank financial company supervised by the Board of Governors, or a subsidiary thereof, shall promptly provide to the Board of Governors any information described in paragraph (2).

(b) EXAMINATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the Board of Governors may examine any nonbank financial company supervised by the Board of Governors and any subsidiary of such company, to inform the Board of Governors of—

(A) the nature of the operations and financial condition of the company and such subsidiary;

(B) the financial, operational, and other risks of the company or such subsidiary that may pose a threat to the safety and soundness of such company or subsidiary or to the financial stability of the United States;

(C) the systems for monitoring and controlling such risks; and

(D) compliance by the company or such subsidiary with the requirements of this title.

(2) USE OF EXAMINATION REPORTS AND INFORMATION.—For purposes of this subsection, the Board of Governors shall, to the fullest extent possible, rely on reports of examination of any subsidiary depository institution or functionally regulated subsidiary made by the primary financial regulatory agency for that subsidiary, and on information described in subsection (a)(2).

(c) COORDINATION WITH PRIMARY FINANCIAL REGULATORY AGENCY.—The Board of Governors shall—

(1) provide reasonable notice to, and consult with, the primary financial regulatory agency for any subsidiary before requiring a report or commencing an examination of such subsidiary under this section; and

(2) avoid duplication of examination activities, reporting requirements, and requests for information, to the fullest extent possible.

SEC. 162. ENFORCEMENT.

(a) IN GENERAL.—Except as provided in subsection (b), a nonbank financial company supervised by the Board of Governors and any subsidiaries of such company (other than any depository institution subsidiary) shall be subject to the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the same manner and to the same extent as if the company were a bank holding company, as provided in section 8(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)(3)).

(b) ENFORCEMENT AUTHORITY FOR FUNCTIONALLY REGULATED SUBSIDIARIES.—

(1) REFERRAL.—If the Board of Governors determines that a condition, practice, or activity of a depository institution subsidiary or functionally regulated subsidiary of a nonbank financial company supervised by the Board of Governors does not comply with the regulations or orders prescribed by the Board of Governors under this Act, or otherwise poses a threat to the financial stability of the United States, the Board of Governors may recommend, in writing, to the primary financial regulatory agency for the subsidiary that such agency initiate a supervisory action or enforcement proceeding. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

(2) BACK-UP AUTHORITY OF THE BOARD OF GOVERNORS.—If, during the 60-day period beginning on the date on which the primary financial regulatory agency receives a recommendation under paragraph (1), the primary financial regulatory agency does not take supervisory or enforcement action against a subsidiary that is acceptable to the Board of Governors, the Board of

Governors (upon a vote of its members) may take the recommended supervisory or enforcement action, as if the subsidiary were a bank holding company subject to supervision by the Board of Governors.

SEC. 163. ACQUISITIONS.

(a) ACQUISITIONS OF BANKS; TREATMENT AS A BANK HOLDING COMPANY.—For purposes of section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), a nonbank financial company supervised by the Board of Governors shall be deemed to be, and shall be treated as, a bank holding company.

(b) ACQUISITION OF NONBANK COMPANIES.—

(1) PRIOR NOTICE FOR LARGE ACQUISITIONS.—Notwithstanding section 4(k)(6)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)(6)(B)), a bank holding company with total consolidated assets equal to or greater than $50,000,000,000 or a nonbank financial company supervised by the Board of Governors shall not acquire direct or indirect ownership or control of any voting shares of any company (other than an insured depository institution) that is engaged in activities described in section 4(k) of the Bank Holding Company Act of 1956 having total consolidated assets of $10,000,000,000 or more, without providing written notice to the Board of Governors in advance of the transaction.

(2) EXEMPTIONS.—The prior notice requirement in paragraph (1) shall not apply with regard to the acquisition of shares that would qualify for the exemptions in section 4(c) or section 4(k)(4)(E) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c) and (k)(4)(E)).

(3) NOTICE PROCEDURES.—The notice procedures set forth in section 4(j)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)(1)), without regard to section 4(j)(3) of that Act, shall apply to an acquisition of any company (other than an insured depository institution) by a bank holding company with total consolidated assets equal to or greater than $50,000,000,000 or a nonbank financial company supervised by the Board of Governors, as described in paragraph (1), including any such company engaged in activities described in section 4(k) of that Act.

(4) STANDARDS FOR REVIEW.—In addition to the standards provided in section 4(j)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)(2)), the Board of Governors shall consider the extent to which the proposed acquisition would result in greater or more concentrated risks to global or United States financial stability or the United States economy.

(5) HART-SCOTT-RODINO FILING REQUIREMENT.—Solely for purposes of section 7A(c)(8) of the Clayton Act (15 U.S.C. 18a(c)(8)), the transactions subject to the requirements of paragraph (1) shall be treated as if Board of Governors approval is not required.

SEC. 164. PROHIBITION AGAINST MANAGEMENT INTERLOCKS BETWEEN CERTAIN FINANCIAL COMPANIES.

A nonbank financial company supervised by the Board of Governors shall be treated as a bank holding company for purposes of the Depository Institutions Management Interlocks Act (12 U.S.C. 3201 et seq.), except that the Board of Governors shall not exercise the authority provided in section 7 of that Act (12 U.S.C. 3207) to permit service by a management official of a nonbank financial company supervised by the Board of Governors as a management official of any bank holding company with total consolidated assets equal to or greater than $50,000,000,000, or other nonaffiliated nonbank financial company supervised by the Board of Governors (other than to provide a temporary exemption for interlocks resulting from a merger, acquisition, or consolidation).

SEC. 165. ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS FOR NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS AND CERTAIN BANK HOLDING COMPANIES.

(a) IN GENERAL.—

(1) PURPOSE.—In order to prevent or mitigate risks to the financial stability of the United States that could arise from the material financial distress or failure, or ongoing activities, of large, interconnected financial institutions, the Board of Governors shall, on its own or pursuant to recommendations by the Council under section 115, establish prudential standards for nonbank financial companies supervised by the Board of Governors and bank holding companies with total consolidated assets equal to or greater than $50,000,000,000 that—

(A) are more stringent than the standards and requirements applicable to nonbank financial companies and bank holding companies that do not present similar risks to the financial stability of the United States; and

(B) increase in stringency, based on the considerations identified in subsection (b)(3).

(2) TAILORED APPLICATION.—

(A) IN GENERAL.—In prescribing more stringent prudential standards under this section, the Board of Governors may, on its own or pursuant to a recommendation by the Council in accordance with section 115, differentiate among companies on an individual basis or by category, taking into consideration their capital structure, riskiness, complexity, financial activities (including the financial activities of their subsidiaries), size, and any other risk-related factors that the Board of Governors deems appropriate.

(B) ADJUSTMENT OF THRESHOLD FOR APPLICATION OF CERTAIN STANDARDS.—The Board of Governors may, pursuant to a recommendation by the Council in accordance with section 115, establish an asset threshold above $50,000,000,000 for the application of any standard established under subsections (c) through (g).

(b) DEVELOPMENT OF PRUDENTIAL STANDARDS.—

(1) IN GENERAL.—

(A) REQUIRED STANDARDS.—The Board of Governors shall establish prudential standards for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), that shall include—

(i) risk-based capital requirements and leverage limits, unless the Board of Governors, in consultation with the Council, determines that such requirements are not appropriate for a company subject to more stringent prudential standards because of the activities of such company (such as investment company activities or assets under management) or structure, in which case, the Board of Governors shall apply other standards that result in similarly stringent risk controls;

(ii) liquidity requirements;

(iii) overall risk management requirements;

(iv) resolution plan and credit exposure report requirements; and

(v) concentration limits.

(B) ADDITIONAL STANDARDS AUTHORIZED.—The Board of Governors may establish additional prudential standards for nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), that include—

(i) a contingent capital requirement;

(ii) enhanced public disclosures;

(iii) short-term debt limits; and

(iv) such other prudential standards as the Board or Governors, on its own or pursuant to a recommendation made by the Council in accordance with section 115, determines are appropriate.

(2) STANDARDS FOR FOREIGN FINANCIAL COMPANIES.—In applying the standards set forth in paragraph (1) to any foreign nonbank financial company supervised by the Board of Governors or foreign-based bank holding company, the Board of Governors shall—

(A) give due regard to the principle of national treatment and equality of competitive opportunity; and

(B) take into account the extent to which the foreign financial company is subject on a consolidated basis to home country standards that are comparable to those applied to financial companies in the United States.

(3) CONSIDERATIONS.—In prescribing prudential standards under paragraph (1), the Board of Governors shall—

(A) take into account differences among nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a), based on—

(i) the factors described in subsections (a) and (b) of section 113;

(ii) whether the company owns an insured depository institution;

(iii) nonfinancial activities and affiliations of the company; and

(iv) any other risk-related factors that the Board of Governors determines appropriate;

(B) to the extent possible, ensure that small changes in the factors listed in subsections (a) and (b) of section 113 would not result in sharp, discontinuous changes in the prudential standards established under paragraph (1) of this subsection;

(C) take into account any recommendations of the Council under section 115; and

(D) adapt the required standards as appropriate in light of any predominant line of business of such company, including assets under management or other activities for which particular standards may not be appropriate.

(4) CONSULTATION.—Before imposing prudential standards or any other requirements pursuant to this section, including notices of deficiencies in resolution plans and more stringent requirements or divestiture orders resulting from such notices, that are likely to have a significant impact on a functionally regulated subsidiary or depository institution subsidiary of a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), the Board of Governors shall consult with each Council member that primarily supervises any such subsidiary with respect to any such standard or requirement.

(5) REPORT.—The Board of Governors shall submit an annual report to Congress regarding the implementation of the prudential standards required pursuant to paragraph (1), including the use of such standards to mitigate risks to the financial stability of the United States.

(c) CONTINGENT CAPITAL.—

(1) IN GENERAL.—Subsequent to submission by the Council of a report to Congress under section 115(c), the Board of Governors may issue regulations that require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to maintain a minimum amount of contingent capital that is convertible to equity in times of financial stress.

(2) FACTORS TO CONSIDER.—In issuing regulations under this subsection, the Board of Governors shall consider—

(A) the results of the study undertaken by the Council, and any recommendations of the Council, under section 115(c);

(B) an appropriate transition period for implementation of contingent capital under this subsection;

(C) the factors described in subsection (b)(3)(A);

(D) capital requirements applicable to the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), and subsidiaries thereof; and

(E) any other factor that the Board of Governors deems appropriate.

(d) RESOLUTION PLAN AND CREDIT EXPOSURE REPORTS.—

(1) RESOLUTION PLAN.—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to report periodically to the Board of Governors, the Council, and the Corporation the plan of such company for rapid and orderly resolution in the event of material financial distress or failure, which shall include—

(A) information regarding the manner and extent to which any insured depository institution affiliated with the company is adequately protected from risks arising from the activities of any nonbank subsidiaries of the company;

(B) full descriptions of the ownership structure, assets, liabilities, and contractual obligations of the company;

(C) identification of the cross-guarantees tied to different securities, identification of major counterparties, and a process for determining to whom the collateral of the company is pledged; and

(D) any other information that the Board of Governors and the Corporation jointly require by rule or order.

(2) CREDIT EXPOSURE REPORT.—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors and bank holding companies described in subsection (a) to report periodically to the Board of Governors, the Council, and the Corporation on—

(A) the nature and extent to which the company has credit exposure to other significant nonbank financial companies and significant bank holding companies; and

(B) the nature and extent to which other significant nonbank financial companies and significant bank holding companies have credit exposure to that company.

(3) REVIEW.—The Board of Governors and the Corporation shall review the information provided in accordance with this subsection by each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a).

(4) NOTICE OF DEFICIENCIES.—If the Board of Governors and the Corporation jointly determine, based on their review under paragraph (3), that the resolution plan of a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) is not credible or would not facilitate an orderly resolution of the company under title 11, United States Code—

(A) the Board of Governors and the Corporation shall notify the company of the deficiencies in the resolution plan; and

(B) the company shall resubmit the resolution plan within a timeframe determined by the Board of Governors and the Corporation, with revisions demonstrating that the plan is credible and would result in an orderly resolution under title 11, United States Code, including any proposed changes in business operations and corporate structure to facilitate implementation of the plan.

(5) FAILURE TO RESUBMIT CREDIBLE PLAN.—

(A) IN GENERAL.—If a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) fails to timely resubmit the resolution plan as required under paragraph (4), with such revisions as are required under subparagraph (B), the Board of Governors and the Corporation may jointly impose more stringent capital, leverage, or liquidity requirements, or restrictions on the growth, activities, or operations of the company, or any subsidiary thereof, until such time as the company resubmits a plan that remedies the deficiencies.

(B) DIVESTITURE.—The Board of Governors and the Corporation, in consultation with the Council, may jointly direct a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), by order, to divest certain assets or operations identified by the Board of Governors and the Corporation, to facilitate an orderly resolution of such company under title 11, United States Code, in the event of the failure of such company, in any case in which—

(i) the Board of Governors and the Corporation have jointly imposed more stringent requirements on the company pursuant to subparagraph (A); and

(ii) the company has failed, within the 2-year period beginning on the date of the imposition of such requirements under subparagraph (A), to resubmit the resolution plan with such revisions as were required under paragraph (4)(B).

(6) NO LIMITING EFFECT.—A resolution plan submitted in accordance with this subsection shall not be binding on a bankruptcy court, a receiver appointed under title II, or any other authority that is authorized or required to resolve the nonbank financial company supervised by the Board, any bank holding company, or any subsidiary or affiliate of the foregoing.

(7) NO PRIVATE RIGHT OF ACTION.—No private right of action may be based on any resolution plan submitted in accordance with this subsection.

(8) RULES.—Not later than 18 months after the date of enactment of this Act, the Board of Governors and the Corporation shall jointly issue final rules implementing this subsection.

(e) CONCENTRATION LIMITS.—

(1) STANDARDS.—In order to limit the risks that the failure of any individual company could pose to a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), the Board of Governors, by regulation, shall prescribe standards that limit such risks.

(2) LIMITATION ON CREDIT EXPOSURE.—The regulations prescribed by the Board of Governors under paragraph (1) shall prohibit each nonbank financial company supervised by the Board of Governors and bank holding company described in subsection (a) from having credit exposure to any unaffiliated company that exceeds 25 percent of the capital stock and surplus (or such lower amount as the Board of Governors may determine by regulation to be necessary to mitigate risks to the financial stability of the United States) of the company.

(3) CREDIT EXPOSURE.—For purposes of paragraph (2), ''credit exposure'' to a company means—

(A) all extensions of credit to the company, including loans, deposits, and lines of credit;

(B) all repurchase agreements and reverse repurchase agreements with the company, and all securities borrowing and lending transactions with the company, to the extent that such transactions create credit exposure for the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a);

(C) all guarantees, acceptances, or letters of credit (including endorsement or standby letters of credit) issued on behalf of the company;

(D) all purchases of or investment in securities issued by the company;

(E) counterparty credit exposure to the company in connection with a derivative transaction between the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) and the company; and

(F) any other similar transactions that the Board of Governors, by regulation, determines to be a credit exposure for purposes of this section.

(4) ATTRIBUTION RULE.—For purposes of this subsection, any transaction by a nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a) with any person is a transaction with a company, to the extent that the proceeds of the transaction are used for the benefit of, or transferred to, that company.

(5) RULEMAKING.—The Board of Governors may issue such regulations and orders, including definitions consistent with this section, as may be necessary to administer and carry out this subsection.

(6) EXEMPTIONS.—This subsection shall not apply to any Federal home loan bank. The Board of Governors may, by regulation or order, exempt transactions, in whole or in part, from the definition of the term ''credit exposure'' for purposes of this subsection, if the Board of Governors finds that the exemption is in the public interest and is consistent with the purpose of this subsection.

(7) TRANSITION PERIOD.—

(A) IN GENERAL.—This subsection and any regulations and orders of the Board of Governors under this subsection shall not be effective until 3 years after the date of enactment of this Act.

(B) EXTENSION AUTHORIZED.—The Board of Governors may extend the period specified in subparagraph (A) for not longer than an additional 2 years.

(f) ENHANCED PUBLIC DISCLOSURES.—The Board of Governors may prescribe, by regulation, periodic public disclosures by nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a) in order to support market evaluation of the risk profile, capital adequacy, and risk management capabilities thereof.

(g) SHORT-TERM DEBT LIMITS.—

(1) IN GENERAL.—In order to mitigate the risks that an over-accumulation of short-term debt could pose to financial companies and to the stability of the United States financial system, the Board of Governors may, by regulation, prescribe a limit on the amount of short-term debt, including off-balance sheet exposures, that may be accumulated by any bank holding company described in subsection (a) and any nonbank financial company supervised by the Board of Governors.

(2) BASIS OF LIMIT.—Any limit prescribed under paragraph (1) shall be based on the short-term debt of the company described in paragraph (1) as a percentage of capital stock and surplus of the company or on such other measure as the Board of Governors considers appropriate.

(3) SHORT-TERM DEBT DEFINED.—For purposes of this subsection, the term ''short-term debt'' means such liabilities with short-dated maturity that the Board of Governors identifies, by regulation, except that such term does not include insured deposits.

(4) RULEMAKING AUTHORITY.—In addition to prescribing regulations under paragraphs (1) and (3), the Board of Governors may prescribe such regulations, including definitions consistent with this subsection, and issue such orders, as may be necessary to carry out this subsection.

(5) AUTHORITY TO ISSUE EXEMPTIONS AND ADJUSTMENTS.—Notwithstanding the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), the Board of Governors may, if it determines such action is necessary to ensure appropriate heightened prudential supervision, with respect to a company described in paragraph (1) that does not control an insured depository institution, issue to such company an exemption from or adjustment to the limit prescribed under paragraph (1).

(h) RISK COMMITTEE.—

(1) NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD OF GOVERNORS.—The Board of Governors shall require each nonbank financial company supervised by the Board of Governors that is a publicly traded company to establish a risk committee, as set forth in paragraph (3), not later than 1 year after the date of receipt of a notice of final determination under section 113(e)(3) with respect to such nonbank financial company supervised by the Board of Governors.

(2) CERTAIN BANK HOLDING COMPANIES.—

(A) MANDATORY REGULATIONS.—The Board of Governors shall issue regulations requiring each bank holding company that is a publicly traded company and that has total consolidated assets of not less than $10,000,000,000 to establish a risk committee, as set forth in paragraph (3).

(B) PERMISSIVE REGULATIONS.—The Board of Governors may require each bank holding company that is a publicly traded company and that has total consolidated assets of less than $10,000,000,000 to establish a risk committee, as set forth in paragraph (3), as determined necessary or appropriate by the Board of Governors to promote sound risk management practices.

(3) RISK COMMITTEE.—A risk committee required by this subsection shall—

(A) be responsible for the oversight of the enterprise-wide risk management practices of the nonbank financial company supervised by the Board of Governors or bank holding company described in subsection (a), as applicable;

(B) include such number of independent directors as the Board of Governors may determine appropriate, based on the nature of operations, size of assets, and other appropriate criteria related to the nonbank financial company supervised by the Board of Governors or a bank holding company described in subsection (a), as applicable; and

(C) include at least 1 risk management expert having experience in identifying, assessing, and managing risk exposures of large, complex firms.

(4) RULEMAKING.—The Board of Governors shall issue final rules to carry out this subsection, not later than 1 year after the transfer date, to take effect not later than 15 months after the transfer date.

(i) STRESS TESTS.—

(1) BY THE BOARD OF GOVERNORS.—

(A) ANNUAL TESTS REQUIRED.—The Board of Governors, in coordination with the appropriate primary financial regulatory agencies and the Federal Insurance Office, shall conduct annual analyses in which nonbank financial companies supervised by the Board of Governors and bank holding companies described in subsection (a) are subject to evaluation of whether such companies have the capital, on a total consolidated basis, necessary to absorb losses as a result of adverse economic conditions.

(B) TEST PARAMETERS AND CONSEQUENCES.—The Board of Governors—

(i) shall provide for at least 3 different sets of conditions under which the evaluation required by this subsection shall be conducted, including baseline, adverse, and severely adverse;

(ii) may require the tests described in subparagraph (A) at bank holding companies and nonbank financial companies, in addition to those for which annual tests are required under subparagraph (A);

(iii) may develop and apply such other analytic techniques as are necessary to identify, measure, and monitor risks to the financial stability of the United States;

(iv) shall require the companies described in subparagraph (A) to update their resolution plans required under subsection (d)(1), as the Board of Governors determines appropriate, based on the results of the analyses; and

(v) shall publish a summary of the results of the tests required under subparagraph (A) or clause (ii) of this subparagraph.

(2) BY THE COMPANY.—

(A) REQUIREMENT.—A nonbank financial company supervised by the Board of Governors and a bank holding company described in subsection (a) shall conduct semiannual stress tests. All other financial companies that have total consolidated assets of more than $10,000,000,000 and are regulated by a primary Federal financial regulatory agency shall conduct annual stress tests. The tests required under this subparagraph shall be conducted in accordance with the regulations prescribed under subparagraph (C).

(B) REPORT.—A company required to conduct stress tests under subparagraph (A) shall submit a report to the Board of Governors and to its primary financial regulatory agency at such time, in such form, and containing such information as the primary financial regulatory agency shall require.

(C) REGULATIONS.—Each Federal primary financial regulatory agency, in coordination with the Board of Governors and the Federal Insurance Office, shall issue consistent and comparable regulations to implement this paragraph that shall—

(i) define the term ''stress test'' for purposes of this paragraph;

(ii) establish methodologies for the conduct of stress tests required by this paragraph that shall provide for at least 3 different sets of conditions, including baseline, adverse, and severely adverse;

(iii) establish the form and content of the report required by subparagraph (B); and

(iv) require companies subject to this paragraph to publish a summary of the results of the required stress tests.

(j) LEVERAGE LIMITATION.—

(1) REQUIREMENT.—The Board of Governors shall require a bank holding company with total consolidated assets equal to or greater than $50,000,000,000 or a nonbank financial company supervised by the Board of Governors to maintain a debt to equity ratio of no more than 15 to 1, upon a determination by the Council that such company poses a grave threat to the financial stability of the United States and that the imposition of such requirement is necessary to mitigate the risk that such company poses to the financial stability of the United States. Nothing in this paragraph shall apply to a Federal home loan bank.

(2) CONSIDERATIONS.—In making a determination under this subsection, the Council shall consider the factors described in subsections (a) and (b) of section 113 and any other risk-related factors that the Council deems appropriate.

(3) REGULATIONS.—The Board of Governors shall promulgate regulations to establish procedures and timelines for complying with the requirements of this subsection.

(k) INCLUSION OF OFF-BALANCE-SHEET ACTIVITIES IN COMPUTING CAPITAL REQUIREMENTS.—

(1) IN GENERAL.—In the case of any bank holding company described in subsection (a) or nonbank financial company supervised by the Board of Governors, the computation of capital for purposes of meeting capital requirements shall take into account any off-balance-sheet activities of the company.

(2) EXEMPTIONS.—If the Board of Governors determines that an exemption from the requirement under paragraph (1) is appropriate, the Board of Governors may exempt a company, or any transaction or transactions engaged in by such company, from the requirements of paragraph (1).

(3) OFF-BALANCE-SHEET ACTIVITIES DEFINED.—For purposes of this subsection, the term ''off-balance-sheet activities'' means an existing liability of a company that is not currently a balance sheet liability, but may become one upon the happening of some future event, including the following transactions, to the extent that they may create a liability:

(A) Direct credit substitutes in which a bank substitutes its own credit for a third party, including standby letters of credit.

(B) Irrevocable letters of credit that guarantee repayment of commercial paper or tax-exempt securities.

(C) Risk participations in bankers' acceptances.

(D) Sale and repurchase agreements.

(E) Asset sales with recourse against the seller.

(F) Interest rate swaps.

(G) Credit swaps.

(H) Commodities contracts.

(I) Forward contracts.

(J) Securities contracts.

(K) Such other activities or transactions as the Board of Governors may, by rule, define.

SEC. 166. EARLY REMEDIATION REQUIREMENTS.

(a) IN GENERAL.—The Board of Governors, in consultation with the Council and the Corporation, shall prescribe regulations establishing requirements to provide for the early remediation of financial distress of a nonbank financial company supervised by the Board of Governors or a bank holding company described in section 165(a), except that nothing in this subsection authorizes the provision of financial assistance from the Federal Government.

(b) PURPOSE OF THE EARLY REMEDIATION REQUIREMENTS.—The purpose of the early remediation requirements under subsection (a) shall be to establish a series of specific remedial actions to be taken by a nonbank financial company supervised by the Board of Governors or a bank holding company described in section 165(a) that is experiencing increasing financial distress, in order to minimize the probability that the company will become insolvent and the potential harm of such insolvency to the financial stability of the United States.

(c) REMEDIATION REQUIREMENTS.—The regulations prescribed by the Board of Governors under subsection (a) shall—

(1) define measures of the financial condition of the company, including regulatory capital, liquidity measures, and other forward-looking indicators; and

(2) establish requirements that increase in stringency as the financial condition of the company declines, including—

(A) requirements in the initial stages of financial decline, including limits on capital distributions, acquisitions, and asset growth; and

(B) requirements at later stages of financial decline, including a capital restoration plan and capital-raising requirements, limits on transactions with affiliates, management changes, and asset sales.

SEC. 167. AFFILIATIONS.

(a) AFFILIATIONS.—Nothing in this subtitle shall be construed to require a nonbank financial company supervised by the Board of Governors, or a company that controls a nonbank financial company supervised by the Board of Governors, to conform the activities thereof to the requirements of section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843).

(b) REQUIREMENT.—

(1) IN GENERAL.—

(A) BOARD AUTHORITY.—If a nonbank financial company supervised by the Board of Governors conducts activities other than those that are determined to be financial in nature or incidental thereto under section 4(k) of the Bank Holding Company Act of 1956, the Board of Governors may require such company to establish and conduct all or a portion of such activities that are determined to be financial in nature or incidental thereto in or through an intermediate holding company established pursuant to regulation of the Board of Governors, not later than 90 days (or such longer period as the Board of Governors may deem appropriate) after the date on which the nonbank financial company supervised by the Board of Governors is notified of the determination of the Board of Governors under this section.

(B) NECESSARY ACTIONS.—Notwithstanding subparagraph (A), the Board of Governors shall require a nonbank financial company supervised by the Board of Governors to establish an intermediate holding company if the Board of Governors makes a determination that the establishment of such intermediate holding company is necessary to—

(i) appropriately supervise activities that are determined to be financial in nature or incidental thereto; or

(ii) to ensure that supervision by the Board of Governors does not extend to the commercial activities of such nonbank financial company.

(2) INTERNAL FINANCIAL ACTIVITIES.—For purposes of this subsection, activities that are determined to be financial in nature or incidental thereto under section 4(k) of the Bank Holding Company Act of 1956, as described in paragraph (1), shall not include internal financial activities, including internal treasury, investment, and employee benefit functions. With respect to any internal financial activity engaged in for the company or an affiliate and a non-affiliate of such company during the year prior to the date of enactment of this Act, such company (or an affiliate that is not an intermediate holding company or subsidiary of an intermediate holding company) may continue to engage in such activity, as long as not less than 2/3 of the assets or 2/3 of the revenues generated from the activity are from or attributable to such company or an affiliate, subject to review by the Board of

Governors, to determine whether engaging in such activity presents undue risk to such company or to the financial stability of the United States.

(3) SOURCE OF STRENGTH.—A company that directly or indirectly controls an intermediate holding company established under this section shall serve as a source of strength to its subsidiary intermediate holding company.

(4) PARENT COMPANY REPORTS.—The Board of Governors may, from time to time, require reports under oath from a company that controls an intermediate holding company, and from the appropriate officers or directors of such company, solely for purposes of ensuring compliance with the provisions of this section, including assessing the ability of the company to serve as a source of strength to its subsidiary intermediate holding company pursuant to paragraph (3) and enforcing such compliance.

(5) LIMITED PARENT COMPANY ENFORCEMENT.—

(A) IN GENERAL.—In addition to any other authority of the Board of Governors, the Board of Governors may enforce compliance with the provisions of this subsection that are applicable to any company described in paragraph (1) that controls an intermediate holding company under section 8 of the Federal Deposit Insurance Act, and such company shall be subject to such section (solely for such purposes) in the same manner and to the same extent as if such company were a bank holding company.

(B) APPLICATION OF OTHER ACT.—Any violation of this subsection by any company that controls an intermediate holding company may also be treated as a violation of the Federal Deposit Insurance Act for purposes of subparagraph (A).

(C) NO EFFECT ON OTHER AUTHORITY.—No provision of this paragraph shall be construed as limiting any authority of the Board of Governors or any other Federal agency under any other provision of law.

(c) REGULATIONS.—The Board of Governors—

(1) shall promulgate regulations to establish the criteria for determining whether to require a nonbank financial company supervised by the Board of Governors to establish an intermediate holding company under subsection (b); and

(2) may promulgate regulations to establish any restrictions or limitations on transactions between an intermediate holding company or a nonbank financial company supervised by the Board of Governors and its affiliates, as necessary to prevent unsafe and unsound practices in connection with transactions between such company, or any subsidiary thereof, and its parent company or affiliates that are not subsidiaries of such company, except that such regulations shall not restrict or limit any transaction in connection with the bona fide acquisition or lease by an unaffiliated person of assets, goods, or services.

SEC. 168. REGULATIONS.

The Board of Governors shall have authority to issue regulations to implement subtitles A and C and the amendments made thereunder. Except as otherwise specified in subtitle A or C, not later than 18 months after the effective date of this Act, the Board of Governors shall issue final regulations to implement subtitles A and C, and the amendments made thereunder.

SEC. 169. AVOIDING DUPLICATION.

The Board of Governors shall take any action that the Board of Governors deems appropriate to avoid imposing requirements under this subtitle that are duplicative of requirements applicable to bank holding companies and nonbank financial companies under other provisions of law.

SEC. 170. SAFE HARBOR.

(a) REGULATIONS.—The Board of Governors shall promulgate regulations on behalf of, and in consultation with, the Council setting forth the criteria for exempting certain types or classes of U.S. nonbank financial companies or foreign nonbank financial companies from supervision by the Board of Governors.

(b) CONSIDERATIONS.—In developing the criteria under subsection (a), the Board of Governors shall take into account the factors for consideration described in subsections (a) and (b) of section 113 in determining whether a U.S. nonbank financial company or foreign nonbank financial company shall be supervised by the Board of Governors.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require supervision by the Board of Governors of a U.S. nonbank financial company or foreign nonbank financial company, if such company does not meet the criteria for exemption established under subsection (a).

(d) REVISIONS.—

(1) IN GENERAL.—The Board of Governors shall, in consultation with the Council, review the regulations promulgated under subsection (a), not less frequently than every 5 years, and based upon the review, the Board of Governors may revise such regulations on behalf of, and in consultation with, the Council to update as necessary the criteria set forth in such regulations.

(2) TRANSITION PERIOD.—No revisions under paragraph (1) shall take effect before the end of the 2-year period after the date of publication of such revisions in final form.

(e) REPORT.—The Chairman of the Board of Governors and the Chairperson of the Council shall submit a joint report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 30 days after the date of the issuance in final form of regulations under subsection (a), or any subsequent revision to such regulations under subsection (d), as applicable. Such report shall include, at a minimum, the rationale for exemption and empirical evidence to support the criteria for exemption.

SEC. 171. LEVERAGE AND RISK-BASED CAPITAL REQUIREMENTS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) GENERALLY APPLICABLE LEVERAGE CAPITAL REQUIREMENTS.—The term ''generally applicable leverage capital requirements'' means—

(A) the minimum ratios of tier 1 capital to average total assets, as established by the appropriate Federal banking agencies to apply to insured depository institutions under the prompt corrective action regulations implementing section 38 of the Federal Deposit Insurance Act, regardless of total consolidated asset size or foreign financial exposure; and

(B) includes the regulatory capital components in the numerator of that capital requirement, average total assets in the denominator of that capital requirement, and the required ratio of the numerator to the denominator.

(2) GENERALLY APPLICABLE RISK-BASED CAPITAL REQUIREMENTS.—The term ''generally applicable risk-based capital requirements'' means—

(A) the risk-based capital requirements, as established by the appropriate Federal banking agencies to apply to insured depository institutions under the prompt corrective action regulations implementing section 38 of the Federal Deposit Insurance Act, regardless of total consolidated asset size or foreign financial exposure; and

(B) includes the regulatory capital components in the numerator of those capital requirements, the risk-weighted assets in the denominator of those capital requirements, and the required ratio of the numerator to the denominator.

(3) DEFINITION OF DEPOSITORY INSTITUTION HOLDING COMPANY.—The term ''depository institution holding company'' means a bank holding company or a savings and loan holding company (as those terms are defined in section 3 of the Federal Deposit Insurance Act) that is organized in the United States, including any bank or savings and loan holding company that is owned or controlled by a foreign organization, but does not include the foreign organization.

(b) MINIMUM CAPITAL REQUIREMENTS.—

(1) MINIMUM LEVERAGE CAPITAL REQUIREMENTS.—The appropriate Federal banking agencies shall establish minimum leverage capital requirements on a consolidated basis for insured depository institutions, depository institution holding companies, and nonbank financial companies supervised by the Board of Governors. The minimum leverage capital requirements established under this paragraph shall not be less than the generally applicable leverage capital requirements, which shall serve as a floor for any capital requirements that the agency may require, nor quantitatively lower than the generally applicable leverage capital requirements that were in effect for insured depository institutions as of the date of enactment of this Act.

(2) MINIMUM RISK-BASED CAPITAL REQUIREMENTS.—The appropriate Federal banking agencies shall establish minimum risk-based capital requirements on a consolidated basis for insured depository institutions, depository institution holding companies, and nonbank financial companies supervised by the Board of Governors. The minimum risk-based capital requirements established under this paragraph shall not be less than the generally applicable risk-based capital requirements, which shall serve as a floor for any capital requirements that the agency may require, nor quantitatively lower than the generally applicable risk-based capital requirements that were in effect for insured depository institutions as of the date of enactment of this Act.

(3) INVESTMENTS IN FINANCIAL SUBSIDIARIES.—For purposes of this section, investments in financial subsidiaries that insured depository institutions are required to deduct from regulatory capital under section 5136A of the Revised Statutes of the United States or section 46(a)(2) of the Federal Deposit Insurance Act need not be deducted from regulatory capital by depository institution holding companies or nonbank financial companies supervised by the Board of Governors, unless such capital deduction is required by the Board of Governors or the primary financial regulatory agency in the case of nonbank financial companies supervised by the Board of Governors.

(4) EFFECTIVE DATES AND PHASE-IN PERIODS.—

(A) DEBT OR EQUITY INSTRUMENTS ON OR AFTER MAY 19, 2010.—For debt or equity instruments issued on or after May 19, 2010, by depository institution holding companies or by nonbank financial companies supervised by the Board of Governors, this section shall be deemed to have become effective as of May 19, 2010.

(B) DEBT OR EQUITY INSTRUMENTS ISSUED BEFORE MAY 19, 2010.—For debt or equity instruments issued before May 19, 2010, by depository institution holding companies or by nonbank financial companies supervised by the Board of Governors, any regulatory capital deductions required under this section shall be phased in incrementally over a period of 3 years, with the phase-in period to begin on January 1, 2013, except as set forth in subparagraph (C).

(C) DEBT OR EQUITY INSTRUMENTS OF SMALLER INSTITUTIONS.—For debt or equity instruments issued before May 19, 2010, by depository institution holding companies with total consolidated assets of less than $15,000,000,000 as of December 31, 2009, and by organizations that were mutual holding companies on May 19, 2010, the capital deductions that would be required for other institutions under this section are not required as a result of this section.

(D) DEPOSITORY INSTITUTION HOLDING COMPANIES NOT PREVIOUSLY SUPERVISED BY THE BOARD OF GOVERNORS.—For any depository institution holding company that was not supervised by the Board of Governors as of May 19, 2010, the requirements of this section, except as set forth in subparagraphs (A) and (B), shall be effective 5 years after the date of enactment of this Act.

(E) CERTAIN BANK HOLDING COMPANY SUBSIDIARIES OF FOREIGN BANKING ORGANIZATIONS.—For bank holding company subsidiaries of foreign banking organizations that have relied on Supervision and Regulation Letter SR–01–1 issued

by the Board of Governors (as in effect on May 19, 2010), the requirements of this section, except as set forth in subparagraph (A), shall be effective 5 years after the date of enactment of this Act.

(5) EXCEPTIONS.—This section shall not apply to—

(A) debt or equity instruments issued to the United States or any agency or instrumentality thereof pursuant to the Emergency Economic Stabilization Act of 2008, and prior to October 4, 2010;

(B) any Federal home loan bank; or

(C) any small bank holding company that is subject to the Small Bank Holding Company Policy Statement of the Board of Governors, as in effect on May 19, 2010.

(6) STUDY AND REPORT ON SMALL INSTITUTION ACCESS TO CAPITAL.—

(A) STUDY REQUIRED.—The Comptroller General of the United States, after consultation with the Federal banking agencies, shall conduct a study of access to capital by smaller insured depository institutions.

(B) SCOPE.—For purposes of this study required by subparagraph (A), the term ''smaller insured depository institution'' means an insured depository institution with total consolidated assets of $5,000,000,000 or less.

(C) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report summarizing the results of the study conducted under subparagraph (A), together with any recommendations for legislative or regulatory action that would enhance the access to capital of smaller insured depository institutions, in a manner that is consistent with safe and sound banking operations.

(7) CAPITAL REQUIREMENTS TO ADDRESS ACTIVITIES THAT POSE RISKS TO THE FINANCIAL SYSTEM.—

(A) IN GENERAL.—Subject to the recommendations of the Council, in accordance with section 120, the Federal banking agencies shall develop capital requirements applicable to insured depository institutions, depository institution holding companies, and nonbank financial companies supervised by the Board of Governors that address the risks that the activities of such institutions pose, not only to the institution engaging in the activity, but to other public and private stakeholders in the event of adverse performance, disruption, or failure of the institution or the activity.

(B) CONTENT.—Such rules shall address, at a minimum, the risks arising from—

(i) significant volumes of activity in derivatives, securitized products purchased and sold, financial guarantees purchased and sold, securities borrowing and lending, and repurchase agreements and reverse repurchase agreements;

(ii) concentrations in assets for which the values presented in financial reports are based on models rather than historical cost or prices deriving from deep and liquid 2-way markets; and

(iii) concentrations in market share for any activity that would substantially disrupt financial markets if the institution is forced to unexpectedly cease the activity.

SEC. 172. EXAMINATION AND ENFORCEMENT ACTIONS FOR INSURANCE AND ORDERLY LIQUIDATION PURPOSES.

(a) EXAMINATIONS FOR INSURANCE AND RESOLUTION PURPOSES.—Section 10(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)(3)) is amended—

(1) by striking ''In addition'' and inserting the following:

''(A) IN GENERAL.—In addition''; and

(2) by striking ''whenever the board of directors determines'' and all that follows through the period and inserting the following: ''or nonbank financial company supervised by the Board of Governors or a bank holding company described in section 165(a) of the Financial Stability Act of 2010, whenever the Board of Directors determines that a special examination of any such depository institution is necessary to determine the condition of such depository institution for insurance purposes, or of such nonbank financial company supervised by the Board of Governors or bank holding company described in section 165(a) of the Financial Stability Act of 2010, for the purpose of implementing its authority to provide for orderly liquidation of any such company under title II of that Act, provided that such authority may not be used with respect to any such company that is in a generally sound condition.

''(B) LIMITATION.—Before conducting a special examination of a nonbank financial company supervised by the Board of Governors or a bank holding company described in section 165(a) of the Financial Stability Act of 2010, the Corporation shall review any available and acceptable resolution plan that the company has submitted in accordance with section 165(d) of that Act, consistent with the nonbinding effect of such plan, and available reports of examination, and shall coordinate to the maximum extent practicable with the Board of Governors, in order to minimize duplicative or conflicting examinations.''.

(b) ENFORCEMENT AUTHORITY.—Section 8(t) of the Federal Deposit Insurance Act (12 U.S.C. 1818(t)) is amended—

(1) in paragraph (1), by inserting '', any depository institution holding company,'' before ''or any institution-affiliated party'';

(2) in paragraph (2)—

(A) by striking ''or'' at the end of subparagraph (B);

(B) at the end of subparagraph (C), by striking the period and inserting ''or''; and

(C) by inserting at the end the following new subparagraph:

''(D) the conduct or threatened conduct (including any acts or omissions) of the depository institution holding company poses a risk to the Deposit Insurance Fund, provided that such authority may not be used with respect to a depository institution holding company that is in generally sound condition and whose conduct does not pose a foreseeable and material risk of loss to the Deposit Insurance Fund;''; and

(3) by adding at the end the following:

''(6) POWERS AND DUTIES WITH RESPECT TO DEPOSITORY INSTITUTION HOLDING COMPANIES.—For purposes of exercising the backup authority provided in this subsection—

''(A) the Corporation shall have the same powers with respect to a depository institution holding company and its affiliates as the appropriate Federal banking agency has with respect to the holding company and its affiliates; and

''(B) the holding company and its affiliates shall have the same duties and obligations with respect to the Corporation as the holding company and its affiliates have with respect to the appropriate Federal banking agency.''.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit or curtail the Corporation's current authority to examine or bring enforcement actions with respect to any insured depository institution or institution-affiliated party.

SEC. 173. ACCESS TO UNITED STATES FINANCIAL MARKET BY FOREIGN INSTITUTIONS.

(a) ESTABLISHMENT OF FOREIGN BANK OFFICES IN THE UNITED STATES.—Section 7(d)(3) of the International Banking Act of 1978 (12 U.S.C. 3105(d)(3)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end of and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(E) for a foreign bank that presents a risk to the stability of United States financial system, whether the home country of the foreign bank has adopted, or is making demonstrable progress toward adopting, an appropriate system of financial regulation for the financial system of such home country to mitigate such risk.''.

(b) TERMINATION OF FOREIGN BANK OFFICES IN THE UNITED STATES.—Section 7(e)(1) of the International Banking Act of 1978 (12 U.S.C. 3105(e)(1)) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end of and inserting ''; or''; and

(3) by inserting after subparagraph (B), the following new subparagraph:

''(C) for a foreign bank that presents a risk to the stability of the United States financial system, the home country of the foreign bank has not adopted, or made demonstrable progress toward adopting, an appropriate system of financial regulation to mitigate such risk.''.

(c) REGISTRATION OR SUCCESSION TO A UNITED STATES BROKER OR DEALER AND TERMINATION OF SUCH REGISTRATION.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following new subsections:

''(k) REGISTRATION OR SUCCESSION TO A UNITED STATES BROKER OR DEALER.—In determining whether to permit a foreign person or an affiliate of a foreign person to register as a United States broker or dealer, or succeed to the registration of a United States broker or dealer, the Commission may consider whether, for a foreign person, or an affiliate of a foreign person that presents a risk to the stability of the United States financial system, the home country of the foreign person has adopted, or made demonstrable progress toward adopting, an appropriate system of financial regulation to mitigate such risk.

''(l) TERMINATION OF A UNITED STATES BROKER OR DEALER.—For a foreign person or an affiliate of a foreign person that presents such a risk to the stability of the United States financial system, the Commission may determine to terminate the registration of such foreign person or an affiliate of such foreign person as a broker or dealer in the United States, if the Commission determines that the home country of the foreign person has not adopted, or made demonstrable progress toward adopting, an appropriate system of financial regulation to mitigate such risk.''.

SEC. 174. STUDIES AND REPORTS ON HOLDING COMPANY CAPITAL REQUIREMENTS.

(a) STUDY OF HYBRID CAPITAL INSTRUMENTS.—The Comptroller General of the United States, in consultation with the Board of Governors, the Comptroller of the Currency, and the Corporation, shall conduct a study of the use of hybrid capital instruments as a component of Tier 1 capital for banking institutions and bank holding companies. The study shall consider—

(1) the current use of hybrid capital instruments, such as trust preferred shares, as a component of Tier 1 capital;

(2) the differences between the components of capital permitted for insured depository institutions and those permitted for companies that control insured depository institutions;

(3) the benefits and risks of allowing such instruments to be used to comply with Tier 1 capital requirements;

(4) the economic impact of prohibiting the use of such capital instruments for Tier 1;

(5) a review of the consequences of disqualifying trust preferred instruments, and whether it could lead to the failure or undercapitalization of existing banking organizations;

(6) the international competitive implications prohibiting hybrid capital instruments for Tier 1;

(7) the impact on the cost and availability of credit in the United States from such a prohibition;

(8) the availability of capital for financial institutions with less than $10,000,000,000 in total assets; and

(9) any other relevant factors relating to the safety and soundness of our financial system

and potential economic impact of such a prohibition.

(b) STUDY OF FOREIGN BANK INTERMEDIATE HOLDING COMPANY CAPITAL REQUIREMENTS.—The Comptroller General of the United States, in consultation with the Secretary, the Board of Governors, the Comptroller of the Currency, and the Corporation, shall conduct a study of capital requirements applicable to United States intermediate holding companies of foreign banks that are bank holding companies or savings and loan holding companies. The study shall consider—

(1) current Board of Governors policy regarding the treatment of intermediate holding companies;

(2) the principle of national treatment and equality of competitive opportunity for foreign banks operating in the United States;

(3) the extent to which foreign banks are subject on a consolidated basis to home country capital standards comparable to United States capital standards;

(4) potential effects on United States banking organizations operating abroad of changes to United States policy regarding intermediate holding companies;

(5) the impact on the cost and availability of credit in the United States from a change in United States policy regarding intermediate holding companies; and

(6) any other relevant factors relating to the safety and soundness of our financial system and potential economic impact of such a prohibition.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives summarizing the results of the studies required under subsection (a). The reports shall include specific recommendations for legislative or regulatory action regarding the treatment of hybrid capital instruments, including trust preferred shares, and shall explain the basis for such recommendations.

SEC. 175. INTERNATIONAL POLICY COORDINATION.

(a) BY THE PRESIDENT.—The President, or a designee of the President, may coordinate through all available international policy channels, similar policies as those found in United States law relating to limiting the scope, nature, size, scale, concentration, and interconnectedness of financial companies, in order to protect financial stability and the global economy.

(b) BY THE COUNCIL.—The Chairperson of the Council, in consultation with the other members of the Council, shall regularly consult with the financial regulatory entities and other appropriate organizations of foreign governments or international organizations on matters relating to systemic risk to the international financial system.

(c) BY THE BOARD OF GOVERNORS AND THE SECRETARY.—The Board of Governors and the Secretary shall consult with their foreign counterparts and through appropriate multilateral organizations to encourage comprehensive and robust prudential supervision and regulation for all highly leveraged and interconnected financial companies.

SEC. 176. RULE OF CONSTRUCTION.

No regulation or standard imposed under this title may be construed in a manner that would lessen the stringency of the requirements of any applicable primary financial regulatory agency or any other Federal or State agency that are otherwise applicable. This title, and the rules and regulations or orders prescribed pursuant to this title, do not divest any such agency of any authority derived from any other applicable law.

TITLE II—ORDERLY LIQUIDATION AUTHORITY

SEC. 201. DEFINITIONS.

(a) IN GENERAL.—In this title, the following definitions shall apply:

(1) ADMINISTRATIVE EXPENSES OF THE RECEIVER.—The term ''administrative expenses of the receiver'' includes—

(A) the actual, necessary costs and expenses incurred by the Corporation as receiver for a covered financial company in liquidating a covered financial company; and

(B) any obligations that the Corporation as receiver for a covered financial company determines are necessary and appropriate to facilitate the smooth and orderly liquidation of the covered financial company.

(2) BANKRUPTCY CODE.—The term ''Bankruptcy Code'' means title 11, United States Code.

(3) BRIDGE FINANCIAL COMPANY.—The term ''bridge financial company'' means a new financial company organized by the Corporation in accordance with section 210(h) for the purpose of resolving a covered financial company.

(4) CLAIM.—The term ''claim'' means any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(5) COMPANY.—The term ''company'' has the same meaning as in section 2(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(b)), except that such term includes any company described in paragraph (11), the majority of the securities of which are owned by the United States or any State.

(6) COURT.—The term ''Court'' means the United States District Court for the District of Columbia, unless the context otherwise requires.

(7) COVERED BROKER OR DEALER.—The term ''covered broker or dealer'' means a covered financial company that is a broker or dealer that—

(A) is registered with the Commission under section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)); and

(B) is a member of SIPC.

(8) COVERED FINANCIAL COMPANY.—The term ''covered financial company''—

(A) means a financial company for which a determination has been made under section 203(b); and

(B) does not include an insured depository institution.

(9) COVERED SUBSIDIARY.—The term ''covered subsidiary'' means a subsidiary of a covered financial company, other than—

(A) an insured depository institution;

(B) an insurance company; or

(C) a covered broker or dealer.

(10) DEFINITIONS RELATING TO COVERED BROKERS AND DEALERS.—The terms ''customer'', ''customer name securities'', ''customer property'', and ''net equity'' in the context of a covered broker or dealer, have the same meanings as in section 16 of the Securities Investor Protection Act of 1970 (15 U.S.C. 78lll).

(11) FINANCIAL COMPANY.—The term ''financial company'' means any company that—

(A) is incorporated or organized under any provision of Federal law or the laws of any State;

(B) is—

(i) a bank holding company, as defined in section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a));

(ii) a nonbank financial company supervised by the Board of Governors;

(iii) any company that is predominantly engaged in activities that the Board of Governors has determined are financial in nature or incidental thereto for purposes of section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)) other than a company described in clause (i) or (ii); or

(iv) any subsidiary of any company described in any of clauses (i) through (iii) that is predominantly engaged in activities that the Board of Governors has determined are financial in nature or incidental thereto for purposes of section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)) (other than a subsidiary that is an insured depository institution or an insurance company); and

(C) is not a Farm Credit System institution chartered under and subject to the provisions of the Farm Credit Act of 1971, as amended (12 U.S.C. 2001 et seq.), a governmental entity, or a regulated entity, as defined under section 1303(20) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502(20)).

(12) FUND.—The term ''Fund'' means the Orderly Liquidation Fund established under section 210(n).

(13) INSURANCE COMPANY.—The term ''insurance company'' means any entity that is—

(A) engaged in the business of insurance;

(B) subject to regulation by a State insurance regulator; and

(C) covered by a State law that is designed to specifically deal with the rehabilitation, liquidation, or insolvency of an insurance company.

(14) NONBANK FINANCIAL COMPANY.—The term ''nonbank financial company'' has the same meaning as in section 102(a)(4)(C).

(15) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD OF GOVERNORS.—The term ''nonbank financial company supervised by the Board of Governors'' has the same meaning as in section 102(a)(4)(D).

(16) SIPC.—The term ''SIPC'' means the Securities Investor Protection Corporation.

(b) DEFINITIONAL CRITERIA.—For purpose of the definition of the term ''financial company'' under subsection (a)(11), no company shall be deemed to be predominantly engaged in activities that the Board of Governors has determined are financial in nature or incidental thereto for purposes of section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)), if the consolidated revenues of such company from such activities constitute less than 85 percent of the total consolidated revenues of such company, as the Corporation, in consultation with the Secretary, shall establish by regulation. In determining whether a company is a financial company under this title, the consolidated revenues derived from the ownership or control of a depository institution shall be included.

SEC. 202. JUDICIAL REVIEW.

(a) COMMENCEMENT OF ORDERLY LIQUIDATION.—

(1) PETITION TO DISTRICT COURT.—

(A) DISTRICT COURT REVIEW.—

(i) PETITION TO DISTRICT COURT.—Subsequent to a determination by the Secretary under section 203 that a financial company satisfies the criteria in section 203(b), the Secretary shall notify the Corporation and the covered financial company. If the board of directors (or body performing similar functions) of the covered financial company acquiesces or consents to the appointment of the Corporation as receiver, the Secretary shall appoint the Corporation as receiver. If the board of directors (or body performing similar functions) of the covered financial company does not acquiesce or consent to the appointment of the Corporation as receiver, the Secretary shall petition the United States District Court for the District of Columbia for an order authorizing the Secretary to appoint the Corporation as receiver.

(ii) FORM AND CONTENT OF ORDER.—The Secretary shall present all relevant findings and the recommendation made pursuant to section 203(a) to the Court. The petition shall be filed under seal.

(iii) DETERMINATION.—On a strictly confidential basis, and without any prior public disclosure, the Court, after notice to the covered financial company and a hearing in which the covered financial company may oppose the petition, shall determine whether the determination of the Secretary that the covered financial company is in default or in danger of default and

satisfies the definition of a financial company under section 201(a)(11) is arbitrary and capricious.

(iv) ISSUANCE OF ORDER.—If the Court determines that the determination of the Secretary that the covered financial company is in default or in danger of default and satisfies the definition of a financial company under section 201(a)(11)—

(I) is not arbitrary and capricious, the Court shall issue an order immediately authorizing the Secretary to appoint the Corporation as receiver of the covered financial company; or

(II) is arbitrary and capricious, the Court shall immediately provide to the Secretary a written statement of each reason supporting its determination, and afford the Secretary an immediate opportunity to amend and refile the petition under clause (i).

(v) PETITION GRANTED BY OPERATION OF LAW.—If the Court does not make a determination within 24 hours of receipt of the petition—

(I) the petition shall be granted by operation of law;

(II) the Secretary shall appoint the Corporation as receiver; and

(III) liquidation under this title shall automatically and without further notice or action be commenced and the Corporation may immediately take all actions authorized under this title.

(B) EFFECT OF DETERMINATION.—The determination of the Court under subparagraph (A) shall be final, and shall be subject to appeal only in accordance with paragraph (2). The decision shall not be subject to any stay or injunction pending appeal. Upon conclusion of its proceedings under subparagraph (A), the Court shall provide immediately for the record a written statement of each reason supporting the decision of the Court, and shall provide copies thereof to the Secretary and the covered financial company.

(C) CRIMINAL PENALTIES.—A person who recklessly discloses a determination of the Secretary under section 203(b) or a petition of the Secretary under subparagraph (A), or the pendency of court proceedings as provided for under subparagraph (A), shall be fined not more than $250,000, or imprisoned for not more than 5 years, or both.

(2) APPEAL OF DECISIONS OF THE DISTRICT COURT.—

(A) APPEAL TO COURT OF APPEALS.—

(i) IN GENERAL.—Subject to clause (ii), the United States Court of Appeals for the District of Columbia Circuit shall have jurisdiction of an appeal of a final decision of the Court filed by the Secretary or a covered financial company, through its board of directors, notwithstanding section 210(a)(1)(A)(i), not later than 30 days after the date on which the decision of the Court is rendered or deemed rendered under this subsection.

(ii) CONDITION OF JURISDICTION.—The Court of Appeals shall have jurisdiction of an appeal by a covered financial company only if the covered financial company did not acquiesce or consent to the appointment of a receiver by the Secretary under paragraph (1)(A).

(iii) EXPEDITION.—The Court of Appeals shall consider any appeal under this subparagraph on an expedited basis.

(iv) SCOPE OF REVIEW.—For an appeal taken under this subparagraph, review shall be limited to whether the determination of the Secretary that a covered financial company is in default or in danger of default and satisfies the definition of a financial company under section 201(a)(11) is arbitrary and capricious.

(B) APPEAL TO THE SUPREME COURT.—

(i) IN GENERAL.—A petition for a writ of certiorari to review a decision of the Court of Appeals under subparagraph (A) may be filed by the Secretary or the covered financial company, through its board of directors, notwithstanding section 210(a)(1)(A)(i), with the Supreme Court of the United States, not later than 30 days after the date of the final decision of the Court of Appeals, and the Supreme Court shall have discretionary jurisdiction to review such decision.

(ii) WRITTEN STATEMENT.—In the event of a petition under clause (i), the Court of Appeals shall immediately provide for the record a written statement of each reason for its decision.

(iii) EXPEDITION.—The Supreme Court shall consider any petition under this subparagraph on an expedited basis.

(iv) SCOPE OF REVIEW.—Review by the Supreme Court under this subparagraph shall be limited to whether the determination of the Secretary that the covered financial company is in default or in danger of default and satisfies the definition of a financial company under section 201(a)(11) is arbitrary and capricious.

(b) ESTABLISHMENT AND TRANSMITTAL OF RULES AND PROCEDURES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Court shall establish such rules and procedures as may be necessary to ensure the orderly conduct of proceedings, including rules and procedures to ensure that the 24-hour deadline is met and that the Secretary shall have an ongoing opportunity to amend and refile petitions under subsection (a)(1).

(2) PUBLICATION OF RULES.—The rules and procedures established under paragraph (1), and any modifications of such rules and procedures, shall be recorded and shall be transmitted to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Financial Services of the House of Representatives.

(c) PROVISIONS APPLICABLE TO FINANCIAL COMPANIES.—

(1) BANKRUPTCY CODE.—Except as provided in this subsection, the provisions of the Bankruptcy Code and rules issued thereunder or otherwise applicable insolvency law, and not the provisions of this title, shall apply to financial companies that are not covered financial companies for which the Corporation has been appointed as receiver.

(2) THIS TITLE.—The provisions of this title shall exclusively apply to and govern all matters re lating to covered financial companies for which the Corporation is appointed as receiver, and no provisions of the Bankruptcy Code or the rules issued thereunder shall apply in such cases, except as expressly provided in this title.

(d) TIME LIMIT ON RECEIVERSHIP AUTHORITY.—

(1) BASELINE PERIOD.—Any appointment of the Corporation as receiver under this section shall terminate at the end of the 3-year period beginning on the date on which such appointment is made.

(2) EXTENSION OF TIME LIMIT.—The time limit established in paragraph (1) may be extended by the Corporation for up to 1 additional year, if the Chairperson of the Corporation determines and certifies in writing to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that continuation of the receivership is necessary—

(A) to—

(i) maximize the net present value return from the sale or other disposition of the assets of the covered financial company; or

(ii) minimize the amount of loss realized upon the sale or other disposition of the assets of the covered financial company; and

(B) to protect the stability of the financial system of the United States.

(3) SECOND EXTENSION OF TIME LIMIT.—

(A) IN GENERAL.—The time limit under this subsection, as extended under paragraph (2), may be extended for up to 1 additional year, if the Chairperson of the Corporation, with the concurrence of the Secretary, submits the certifications described in paragraph (2).

(B) ADDITIONAL REPORT REQUIRED.—Not later than 30 days after the date of commencement of the extension under subparagraph (A), the Corporation shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the need for the extension and the specific plan of the Corporation to conclude the receivership before the end of the second extension.

(4) ONGOING LITIGATION.—The time limit under this subsection, as extended under paragraph (3), may be further extended solely for the purpose of completing ongoing litigation in which the Corporation as receiver is a party, provided that the appointment of the Corporation as receiver shall terminate not later than 90 days after the date of completion of such litigation, if—

(A) the Council determines that the Corporation used its best efforts to conclude the receivership in accordance with its plan before the end of the time limit described in paragraph (3);

(B) the Council determines that the completion of longer-term responsibilities in the form of ongoing litigation justifies the need for an extension; and

(C) the Corporation submits a report approved by the Council not later than 30 days after the date of the determinations by the Council under subparagraphs (A) and (B) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, describing—

(i) the ongoing litigation justifying the need for an extension; and

(ii) the specific plan of the Corporation to complete the litigation and conclude the receivership.

(5) REGULATIONS.—The Corporation may issue regulations governing the termination of receiverships under this title.

(6) NO LIABILITY.—The Corporation and the Deposit Insurance Fund shall not be liable for unresolved claims arising from the receivership after the termination of the receivership.

(e) STUDY OF BANKRUPTCY AND ORDERLY LIQUIDATION PROCESS FOR FINANCIAL COMPANIES.—

(1) STUDY.—

(A) IN GENERAL.—The Administrative Office of the United States Courts and the Comptroller General of the United States shall each monitor the activities of the Court, and each such Office shall conduct separate studies regarding the bankruptcy and orderly liquidation process for financial companies under the Bankruptcy Code.

(B) ISSUES TO BE STUDIED.—In conducting the study under subparagraph (A), the Administrative Office of the United States Courts and the Comptroller General of the United States each shall evaluate—

(i) the effectiveness of chapter 7 or chapter 11 of the Bankruptcy Code in facilitating the orderly liquidation or reorganization of financial companies;

(ii) ways to maximize the efficiency and effectiveness of the Court; and

(iii) ways to make the orderly liquidation process under the Bankruptcy Code for financial companies more effective.

(2) REPORTS.—Not later than 1 year after the date of enactment of this Act, in each successive year until the third year, and every fifth year after that date of enactment, the Administrative Office of the United States Courts and the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on the Judiciary of the Senate and the Committee on Financial Services and the Committee on the Judiciary of the House of Representatives separate reports summarizing the results of the studies conducted under paragraph (1).

(f) STUDY OF INTERNATIONAL COORDINATION RELATING TO BANKRUPTCY PROCESS FOR FINANCIAL COMPANIES.—

(1) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding international coordination relating to the orderly liquidation of financial companies under the Bankruptcy Code.

(B) ISSUES TO BE STUDIED.—In conducting the study under subparagraph (A), the Comptroller General of the United States shall evaluate, with respect to the bankruptcy process for financial companies—

(i) the extent to which international coordination currently exists;

(ii) current mechanisms and structures for facilitating international cooperation;

(iii) barriers to effective international coordination; and

(iv) ways to increase and make more effective international coordination.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on the Judiciary of the Senate and the Committee on Financial Services and the Committee on the Judiciary of the House of Representatives and the Secretary a report summarizing the results of the study conducted under paragraph (1).

(g) STUDY OF PROMPT CORRECTIVE ACTION IMPLEMENTATION BY THE APPROPRIATE FEDERAL AGENCIES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study regarding the implementation of prompt corrective action by the appropriate Federal banking agencies.

(2) ISSUES TO BE STUDIED.—In conducting the study under paragraph (1), the Comptroller General shall evaluate—

(A) the effectiveness of implementation of prompt corrective action by the appropriate Federal banking agencies and the resolution of insured depository institutions by the Corporation; and

(B) ways to make prompt corrective action a more effective tool to resolve the insured depository institutions at the least possible long-term cost to the Deposit Insurance Fund.

(3) REPORT TO COUNCIL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Council on the results of the study conducted under this subsection.

(4) COUNCIL REPORT OF ACTION.—Not later than 6 months after the date of receipt of the report from the Comptroller General under paragraph (3), the Council shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on actions taken in response to the report, including any recommendations made to the Federal primary financial regulatory agencies under section 120.

SEC. 203. SYSTEMIC RISK DETERMINATION.

(a) WRITTEN RECOMMENDATION AND DETERMINATION.—

(1) VOTE REQUIRED.—

(A) IN GENERAL.—On their own initiative, or at the request of the Secretary, the Corporation and the Board of Governors shall consider whether to make a written recommendation described in paragraph (2) with respect to whether the Secretary should appoint the Corporation as receiver for a financial company. Such recommendation shall be made upon a vote of not fewer than ⅔ of the members of the Board of Governors then serving and ⅔ of the members of the board of directors of the Corporation then serving.

(B) CASES INVOLVING BROKERS OR DEALERS.—In the case of a broker or dealer, or in which the largest United States subsidiary (as measured by total assets as of the end of the previous calendar quarter) of a financial company is a broker or dealer, the Commission and the Board of Governors, at the request of the Secretary, or on their own initiative, shall consider whether to make the written recommendation described in paragraph (2) with respect to the financial company. Subject to the requirements in paragraph (2), such recommendation shall be made upon a vote of not fewer than ⅔ of the members of the Board of Governors then serving and ⅔ of the members of the Commission then serving, and in consultation with the Corporation.

(C) CASES INVOLVING INSURANCE COMPANIES.—In the case of an insurance company, or in which the largest United States subsidiary (as measured by total assets as of the end of the previous calendar quarter) of a financial company is an insurance company, the Director of the Federal Insurance Office and the Board of Governors, at the request of the Secretary or on their own initiative, shall consider whether to make the written recommendation described in paragraph (2) with respect to the financial company. Subject to the requirements in paragraph (2), such recommendation shall be made upon a vote of not fewer than ⅔ of the Board of Governors then serving and the affirmative approval of the Director of the Federal Insurance Office, and in consultation with the Corporation.

(2) RECOMMENDATION REQUIRED.—Any written recommendation pursuant to paragraph (1) shall contain—

(A) an evaluation of whether the financial company is in default or in danger of default;

(B) a description of the effect that the default of the financial company would have on financial stability in the United States;

(C) a description of the effect that the default of the financial company would have on economic conditions or financial stability for low income, minority, or underserved communities;

(D) a recommendation regarding the nature and the extent of actions to be taken under this title regarding the financial company;

(E) an evaluation of the likelihood of a private sector alternative to prevent the default of the financial company;

(F) an evaluation of why a case under the Bankruptcy Code is not appropriate for the financial company;

(G) an evaluation of the effects on creditors, counterparties, and shareholders of the financial company and other market participants; and

(H) an evaluation of whether the company satisfies the definition of a financial company under section 201.

(b) DETERMINATION BY THE SECRETARY.—Notwithstanding any other provision of Federal or State law, the Secretary shall take action in accordance with section 202(a)(1)(A), if, upon the written recommendation under subsection (a), the Secretary (in consultation with the President) determines that—

(1) the financial company is in default or in danger of default;

(2) the failure of the financial company and its resolution under otherwise applicable Federal or State law would have serious adverse effects on financial stability in the United States;

(3) no viable private sector alternative is available to prevent the default of the financial company;

(4) any effect on the claims or interests of creditors, counterparties, and shareholders of the financial company and other market participants as a result of actions to be taken under this title is appropriate, given the impact that any action taken under this title would have on financial stability in the United States;

(5) any action under section 204 would avoid or mitigate such adverse effects, taking into consideration the effectiveness of the action in mitigating potential adverse effects on the financial system, the cost to the general fund of the Treasury, and the potential to increase excessive risk taking on the part of creditors, counterparties, and shareholders in the financial company;

(6) a Federal regulatory agency has ordered the financial company to convert all of its convertible debt instruments that are subject to the regulatory order; and

(7) the company satisfies the definition of a financial company under section 201.

(c) DOCUMENTATION AND REVIEW.—

(1) IN GENERAL.—The Secretary shall—

(A) document any determination under subsection (b);

(B) retain the documentation for review under paragraph (2); and

(C) notify the covered financial company and the Corporation of such determination.

(2) REPORT TO CONGRESS.—Not later than 24 hours after the date of appointment of the Corporation as receiver for a covered financial company, the Secretary shall provide written notice of the recommendations and determinations reached in accordance with subsections (a) and (b) to the Majority Leader and the Minority Leader of the Senate and the Speaker and the Minority Leader of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, which shall consist of a summary of the basis for the determination, including, to the extent available at the time of the determination—

(A) the size and financial condition of the covered financial company;

(B) the sources of capital and credit support that were available to the covered financial company;

(C) the operations of the covered financial company that could have had a significant impact on financial stability, markets, or both;

(D) identification of the banks and financial companies which may be able to provide the services offered by the covered financial company;

(E) any potential international ramifications of resolution of the covered financial company under other applicable insolvency law;

(F) an estimate of the potential effect of the resolution of the covered financial company under other applicable insolvency law on the financial stability of the United States;

(G) the potential effect of the appointment of a receiver by the Secretary on consumers;

(H) the potential effect of the appointment of a receiver by the Secretary on the financial system, financial markets, and banks and other financial companies; and

(I) whether resolution of the covered financial company under other applicable insolvency law would cause banks or other financial companies to experience severe liquidity distress.

(3) REPORTS TO CONGRESS AND THE PUBLIC.—

(A) IN GENERAL.—Not later than 60 days after the date of appointment of the Corporation as receiver for a covered financial company, the Corporation shall file a report with the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

(i) setting forth information on the financial condition of the covered financial company as of the date of the appointment, including a description of its assets and liabilities;

(ii) describing the plan of, and actions taken by, the Corporation to wind down the covered financial company;

(iii) explaining each instance in which the Corporation waived any applicable requirements of part 366 of title 12, Code of Federal Regulations (or any successor thereto) with respect to conflicts of interest by any person in the private sector who was retained to provide services to the Corporation in connection with such receivership;

(iv) describing the reasons for the provision of any funding to the receivership out of the Fund;

(v) setting forth the expected costs of the orderly liquidation of the covered financial company;

(vi) setting forth the identity of any claimant that is treated in a manner different from other similarly situated claimants under subsection (b)(4), (d)(4), or (h)(5)(E), the amount of any additional payment to such claimant under subsection (d)(4), and the reason for any such action; and

(vii) which report the Corporation shall publish on an online website maintained by the Corporation, subject to maintaining appropriate confidentiality.

(B) AMENDMENTS.—The Corporation shall, on a timely basis, not less frequently than quarterly, amend or revise and resubmit the reports prepared under this paragraph, as necessary.

(C) CONGRESSIONAL TESTIMONY.—The Corporation and the primary financial regulatory agency, if any, of the financial company for which the Corporation was appointed receiver under this title shall appear before Congress, if requested, not later than 30 days after the date on which the Corporation first files the reports required under subparagraph (A).

(4) DEFAULT OR IN DANGER OF DEFAULT.—For purposes of this title, a financial company shall be considered to be in default or in danger of default if, as determined in accordance with subsection (b)—

(A) a case has been, or likely will promptly be, commenced with respect to the financial company under the Bankruptcy Code;

(B) the financial company has incurred, or is likely to incur, losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the company to avoid such depletion;

(C) the assets of the financial company are, or are likely to be, less than its obligations to creditors and others; or

(D) the financial company is, or is likely to be, unable to pay its obligations (other than those subject to a bona fide dispute) in the normal course of business.

(5) GAO REVIEW.—The Comptroller General of the United States shall review and report to Congress on any determination under subsection (b), that results in the appointment of the Corporation as receiver, including—

(A) the basis for the determination;

(B) the purpose for which any action was taken pursuant thereto;

(C) the likely effect of the determination and such action on the incentives and conduct of financial companies and their creditors, counterparties, and shareholders; and

(D) the likely disruptive effect of the determination and such action on the reasonable expectations of creditors, counterparties, and shareholders, taking into account the impact any action under this title would have on financial stability in the United States, including whether the rights of such parties will be disrupted.

(d) CORPORATION POLICIES AND PROCEDURES.—As soon as is practicable after the date of enactment of this Act, the Corporation shall establish policies and procedures that are acceptable to the Secretary governing the use of funds available to the Corporation to carry out this title, including the terms and conditions for the provision and use of funds under sections 204(d), 210(h)(2)(G)(iv), and 210(h)(9).

(e) TREATMENT OF INSURANCE COMPANIES AND INSURANCE COMPANY SUBSIDIARIES.—

(1) IN GENERAL.—Notwithstanding subsection (b), if an insurance company is a covered financial company or a subsidiary or affiliate of a covered financial company, the liquidation or rehabilitation of such insurance company, and any subsidiary or affiliate of such company that is not excepted under paragraph (2), shall be conducted as provided under applicable State law.

(2) EXCEPTION FOR SUBSIDIARIES AND AFFILIATES.—The requirement of paragraph (1) shall not apply with respect to any subsidiary or affiliate of an insurance company that is not itself an insurance company.

(3) BACKUP AUTHORITY.—Notwithstanding paragraph (1), with respect to a covered financial company described in paragraph (1), if, after the end of the 60-day period beginning on the date on which a determination is made under section 202(a) with respect to such company, the appropriate regulatory agency has not filed the appropriate judicial action in the appropriate State court to place such company into orderly liquidation under the laws and requirements of the State, the Corporation shall have the authority to stand in the place of the appropriate regulatory agency and file the appropriate judicial action in the appropriate State court to place such company into orderly liquidation under the laws and requirements of the State.

SEC. 204. ORDERLY LIQUIDATION OF COVERED FINANCIAL COMPANIES.

(a) PURPOSE OF ORDERLY LIQUIDATION AUTHORITY.—It is the purpose of this title to provide the necessary authority to liquidate failing financial companies that pose a significant risk to the financial stability of the United States in a manner that mitigates such risk and minimizes moral hazard. The authority provided in this title shall be exercised in the manner that best fulfills such purpose, so that—

(1) creditors and shareholders will bear the losses of the financial company;

(2) management responsible for the condition of the financial company will not be retained; and

(3) the Corporation and other appropriate agencies will take all steps necessary and appropriate to assure that all parties, including management, directors, and third parties, having responsibility for the condition of the financial company bear losses consistent with their responsibility, including actions for damages, restitution, and recoupment of compensation and other gains not compatible with such responsibility.

(b) CORPORATION AS RECEIVER.—Upon the appointment of the Corporation under section 202, the Corporation shall act as the receiver for the covered financial company, with all of the rights and obligations set forth in this title.

(c) CONSULTATION.—The Corporation, as receiver—

(1) shall consult with the primary financial regulatory agency or agencies of the covered financial company and its covered subsidiaries for purposes of ensuring an orderly liquidation of the covered financial company;

(2) may consult with, or under subsection (a)(1)(B)(v) or (a)(1)(L) of section 210, acquire the services of, any outside experts, as appropriate to inform and aid the Corporation in the orderly liquidation process;

(3) shall consult with the primary financial regulatory agency or agencies of any subsidiaries of the covered financial company that are not covered subsidiaries, and coordinate with such regulators regarding the treatment of such solvent subsidiaries and the separate resolution of any such insolvent subsidiaries under other governmental authority, as appropriate; and

(4) shall consult with the Commission and the Securities Investor Protection Corporation in the case of any covered financial company for which the Corporation has been appointed as receiver that is a broker or dealer registered with the Commission under section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) and is a member of the Securities Investor Protection Corporation, for the purpose of determining whether to transfer to a bridge financial company organized by the Corporation as receiver, without consent of any customer, customer accounts of the covered financial company.

(d) FUNDING FOR ORDERLY LIQUIDATION.—Upon its appointment as receiver for a covered financial company, and thereafter as the Corporation may, in its discretion, determine to be necessary or appropriate, the Corporation may make available to the receivership, subject to the conditions set forth in section 206 and subject to the plan described in section 210(n)(9), funds for the orderly liquidation of the covered financial company. All funds provided by the Corporation under this subsection shall have a priority of claims under subparagraph (A) or (B) of section 210(b)(1), as applicable, including funds used for—

(1) making loans to, or purchasing any debt obligation of, the covered financial company or any covered subsidiary;

(2) purchasing or guaranteeing against loss the assets of the covered financial company or any covered subsidiary, directly or through an entity established by the Corporation for such purpose;

(3) assuming or guaranteeing the obligations of the covered financial company or any covered subsidiary to 1 or more third parties;

(4) taking a lien on any or all assets of the covered financial company or any covered subsidiary, including a first priority lien on all unencumbered assets of the covered financial company or any covered subsidiary to secure repayment of any transactions conducted under this subsection;

(5) selling or transferring all, or any part, of such acquired assets, liabilities, or obligations of the covered financial company or any covered subsidiary; and

(6) making payments pursuant to subsections (b)(4), (d)(4), and (h)(5)(E) of section 210.

SEC. 205. ORDERLY LIQUIDATION OF COVERED BROKERS AND DEALERS.

(a) APPOINTMENT OF SIPC AS TRUSTEE.—

(1) APPOINTMENT.—Upon the appointment of the Corporation as receiver for any covered broker or dealer, the Corporation shall appoint, without any need for court approval, the Securities Investor Protection Corporation to act as trustee for the liquidation under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) of the covered broker or dealer.

(2) ACTIONS BY SIPC.—

(A) FILING.—Upon appointment of SIPC under paragraph (1), SIPC shall promptly file with any Federal district court of competent jurisdiction specified in section 21 or 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78u, 78aa), an application for a protective decree under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) as to the covered broker or dealer. The Federal district court shall accept and approve the filing, including outside of normal business hours, and shall immediately issue the protective decree as to the covered broker or dealer.

(B) ADMINISTRATION BY SIPC.—Following entry of the protective decree, and except as otherwise provided in this section, the determination of claims and the liquidation of assets retained in the receivership of the covered broker or dealer and not transferred to the bridge financial company shall be administered under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) by SIPC, as trustee for the covered broker or dealer.

(C) DEFINITION OF FILING DATE.—For purposes of the liquidation proceeding, the term ''filing date'' means the date on which the Corporation is appointed as receiver of the covered broker or dealer.

(D) DETERMINATION OF CLAIMS.—As trustee for the covered broker or dealer, SIPC shall determine and satisfy, consistent with this title and with the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), all claims against the covered broker or dealer arising on or before the filing date.

(b) POWERS AND DUTIES OF SIPC.—

(1) IN GENERAL.—Except as provided in this section, upon its appointment as trustee for the liquidation of a covered broker or dealer, SIPC shall have all of the powers and duties provided by the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), including, without limitation, all rights of action against third parties, and shall conduct such liquidation in accordance with the terms of the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), except that SIPC shall have no powers or duties with respect to assets and liabilities transferred by the Corporation from the covered broker or dealer to any bridge financial company established in accordance with this title.

(2) LIMITATION OF POWERS.—The exercise by SIPC of powers and functions as trustee under subsection (a) shall not impair or impede the exercise of the powers and duties of the Corporation with regard to—

(A) any action, except as otherwise provided in this title—

(i) to make funds available under section 204(d);

(ii) to organize, establish, operate, or terminate any bridge financial company;

(iii) to transfer assets and liabilities;

(iv) to enforce or repudiate contracts; or

(v) to take any other action relating to such bridge financial company under section 210; or

(B) determining claims under subsection (e).

(3) PROTECTIVE DECREE.—SIPC and the Corporation, in consultation with the Commission, shall jointly determine the terms of the protective decree to be filed by SIPC with any court of competent jurisdiction under section 21 or 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78u, 78aa), as required by subsection (a).

(4) QUALIFIED FINANCIAL CONTRACTS.—Notwithstanding any provision of the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) to the contrary (including section 5(b)(2)(C) of that Act (15 U.S.C. 78eee(b)(2)(C))), the rights and obligations of any party to a qualified financial contract (as that term is defined in section 210(c)(8)) to which a covered broker or dealer for which the Corporation has been appointed receiver is a party shall be governed exclusively by section 210, including the limitations and restrictions contained in section 210(c)(10)(B).

(c) LIMITATION ON COURT ACTION.—Except as otherwise provided in this title, no court may take any action, including any action pursuant to the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) or the Bankruptcy Code, to restrain or affect the exercise of powers or functions of the Corporation as receiver for a covered broker or dealer and any claims against the Corporation as such receiver shall be determined in accordance with subsection (e) and such claims shall be limited to money damages.

(d) ACTIONS BY CORPORATION AS RECEIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of this title, no action taken by the Corporation as receiver with respect to a covered broker or dealer shall—

(A) adversely affect the rights of a customer to customer property or customer name securities;

(B) diminish the amount or timely payment of net equity claims of customers; or

(C) otherwise impair the recoveries provided to a customer under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.).

(2) NET PROCEEDS.—The net proceeds from any transfer, sale, or disposition of assets of the covered broker or dealer, or proceeds thereof by the Corporation as receiver for the covered broker or dealer shall be for the benefit of the estate of the covered broker or dealer, as provided in this title.

(e) CLAIMS AGAINST THE CORPORATION AS RECEIVER.—Any claim against the Corporation as receiver for a covered broker or dealer for assets transferred to a bridge financial company established with respect to such covered broker or dealer—

(1) shall be determined in accordance with section 210(a)(2); and

(2) may be reviewed by the appropriate district or territorial court of the United States in accordance with section 210(a)(5).

(f) SATISFACTION OF CUSTOMER CLAIMS.—

(1) OBLIGATIONS TO CUSTOMERS.—Notwithstanding any other provision of this title, all obligations of a covered broker or dealer or of any bridge financial company established with respect to such covered broker or dealer to a customer relating to, or net equity claims based upon, customer property or customer name securities shall be promptly discharged by SIPC, the Corporation, or the bridge financial company, as applicable, by the delivery of securities or the making of payments to or for the account of such customer, in a manner and in an amount at least as beneficial to the customer as would have been the case had the actual proceeds realized from the liquidation of the covered broker or dealer under this title been distributed in a proceeding under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) without the appointment of the Corporation as receiver and without any transfer of assets or liabilities to a bridge financial company, and with a filing date as of the date on which the Corporation is appointed as receiver.

(2) SATISFACTION OF CLAIMS BY SIPC.—SIPC, as trustee for a covered broker or dealer, shall satisfy customer claims in the manner and amount provided under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), as if the appointment of the Corporation as receiver had not occurred, and with a filing date as of the date on which the Corporation is appointed as receiver. The Corporation shall satisfy customer claims, to the extent that a customer would have received more securities or cash with respect to the allocation of customer property had the covered financial company been subject to a proceeding under the Securities Investor Protection Act (15 U.S.C. 78aaa et seq.) without the appointment of the Corporation as receiver, and with a filing date as of the date on which the Corporation is appointed as receiver.

(g) PRIORITIES.—

(1) CUSTOMER PROPERTY.—As trustee for a covered broker or dealer, SIPC shall allocate customer property and deliver customer name securities in accordance with section 8(c) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78fff–2(c)).

(2) OTHER CLAIMS.—All claims other than those described in paragraph (1) (including any unpaid claim by a customer for the allowed net equity claim of such customer from customer property) shall be paid in accordance with the priorities in section 210(b).

(h) RULEMAKING.—The Commission and the Corporation, after consultation with SIPC, shall jointly issue rules to implement this section.

SEC. 206. MANDATORY TERMS AND CONDITIONS FOR ALL ORDERLY LIQUIDATION ACTIONS.

In taking action under this title, the Corporation shall—

(1) determine that such action is necessary for purposes of the financial stability of the United States, and not for the purpose of preserving the covered financial company;

(2) ensure that the shareholders of a covered financial company do not receive payment until after all other claims and the Fund are fully paid;

(3) ensure that unsecured creditors bear losses in accordance with the priority of claim provisions in section 210;

(4) ensure that management responsible for the failed condition of the covered financial company is removed (if such management has not already been removed at the time at which the Corporation is appointed receiver);

(5) ensure that the members of the board of directors (or body performing similar functions) responsible for the failed condition of the covered financial company are removed, if such members have not already been removed at the time the Corporation is appointed as receiver; and

(6) not take an equity interest in or become a shareholder of any covered financial company or any covered subsidiary.

SEC. 207. DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF RECEIVER.

The members of the board of directors (or body performing similar functions) of a covered financial company shall not be liable to the shareholders or creditors thereof for acquiescing in or consenting in good faith to the appointment of the Corporation as receiver for the covered financial company under section 203.

SEC. 208. DISMISSAL AND EXCLUSION OF OTHER ACTIONS.

(a) IN GENERAL.—Effective as of the date of the appointment of the Corporation as receiver for the covered financial company under section 202 or the appointment of SIPC as trustee for a covered broker or dealer under section 205, as applicable, any case or proceeding commenced with respect to the covered financial company under the Bankruptcy Code or the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) shall be dismissed, upon notice to the bankruptcy court (with respect to a case commenced under the Bankruptcy Code), and upon notice to SIPC (with respect to a covered broker or dealer) and no such case or proceeding may be commenced with respect to a covered financial company at any time while the orderly liquidation is pending.

(b) REVESTING OF ASSETS.—Effective as of the date of appointment of the Corporation as receiver, the assets of a covered financial company shall, to the extent they have vested in any entity other than the covered financial company as a result of any case or proceeding commenced with respect to the covered financial company under the Bankruptcy Code, the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), or any similar provision of State liquidation or insolvency law applicable to the covered financial company, revest in the covered financial company.

(c) LIMITATION.—Notwithstanding subsections (a) and (b), any order entered or other relief granted by a bankruptcy court prior to the date of appointment of the Corporation as receiver shall continue with the same validity as if an orderly liquidation had not been commenced.

SEC. 209. RULEMAKING; NON-CONFLICTING LAW.

The Corporation shall, in consultation with the Council, prescribe such rules or regulations as the Corporation considers necessary or appropriate to implement this title, including rules and regulations with respect to the rights, interests, and priorities of creditors, counterparties, security entitlement holders, or other persons with respect to any covered financial company or any assets or other property of or held by such covered financial company, and address the potential for conflicts of interest between or among individual receiverships established under this title or under the Federal Deposit Insurance Act. To the extent possible, the Corporation shall seek to harmonize applicable rules and regulations promulgated under this section with the insolvency laws that would otherwise apply to a covered financial company.

SEC. 210. POWERS AND DUTIES OF THE CORPORATION.

(a) POWERS AND AUTHORITIES.—

(1) GENERAL POWERS.—

(A) SUCCESSOR TO COVERED FINANCIAL COMPANY.—The Corporation shall, upon appointment as receiver for a covered financial company under this title, succeed to—

(i) all rights, titles, powers, and privileges of the covered financial company and its assets, and of any stockholder, member, officer, or director of such company; and

(ii) title to the books, records, and assets of any previous receiver or other legal custodian of such covered financial company.

(B) OPERATION OF THE COVERED FINANCIAL COMPANY DURING THE PERIOD OF ORDERLY LIQUIDATION.—The Corporation, as receiver for a covered financial company, may—

(i) take over the assets of and operate the covered financial company with all of the powers of the members or shareholders, the directors, and the officers of the covered financial company, and conduct all business of the covered financial company;

(ii) collect all obligations and money owed to the covered financial company;

(iii) perform all functions of the covered financial company, in the name of the covered financial company;

(iv) manage the assets and property of the covered financial company, consistent with maximization of the value of the assets in the context of the orderly liquidation; and

(v) provide by contract for assistance in fulfilling any function, activity, action, or duty of the Corporation as receiver.

(C) FUNCTIONS OF COVERED FINANCIAL COMPANY OFFICERS, DIRECTORS, AND SHAREHOLDERS.—The Corporation may provide for the

exercise of any function by any member or stockholder, director, or officer of any covered financial company for which the Corporation has been appointed as receiver under this title.

(D) ADDITIONAL POWERS AS RECEIVER.—The Corporation shall, as receiver for a covered financial company, and subject to all legally enforceable and perfected security interests and all legally enforceable security entitlements in respect of assets held by the covered financial company, liquidate, and wind-up the affairs of a covered financial company, including taking steps to realize upon the assets of the covered financial company, in such manner as the Corporation deems appropriate, including through the sale of assets, the transfer of assets to a bridge financial company established under subsection (h), or the exercise of any other rights or privileges granted to the receiver under this section.

(E) ADDITIONAL POWERS WITH RESPECT TO FAILING SUBSIDIARIES OF A COVERED FINANCIAL COMPANY.—

(i) IN GENERAL.—In any case in which a receiver is appointed for a covered financial company under section 202, the Corporation may appoint itself as receiver of any covered subsidiary of the covered financial company that is organized under Federal law or the laws of any State, if the Corporation and the Secretary jointly determine that—

(I) the covered subsidiary is in default or in danger of default;

(II) such action would avoid or mitigate serious adverse effects on the financial stability or economic conditions of the United States; and

(III) such action would facilitate the orderly liquidation of the covered financial company.

(ii) TREATMENT AS COVERED FINANCIAL COMPANY.—If the Corporation is appointed as receiver of a covered subsidiary of a covered financial company under clause (i), the covered subsidiary shall thereafter be considered a covered financial company under this title, and the Corporation shall thereafter have all the powers and rights with respect to that covered subsidiary as it has with respect to a covered financial company under this title.

(F) ORGANIZATION OF BRIDGE COMPANIES.—The Corporation, as receiver for a covered financial company, may organize a bridge financial company under subsection (h).

(G) MERGER; TRANSFER OF ASSETS AND LIABILITIES.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), the Corporation, as receiver for a covered financial company, may—

(I) merge the covered financial company with another company; or

(II) transfer any asset or liability of the covered financial company (including any assets and liabilities held by the covered financial company for security entitlement holders, any customer property, or any assets and liabilities associated with any trust or custody business) without obtaining any approval, assignment, or consent with respect to such transfer.

(ii) FEDERAL AGENCY APPROVAL; ANTITRUST REVIEW.—With respect to a transaction described in clause (i)(I) that requires approval by a Federal agency—

(I) the transaction may not be consummated before the 5th calendar day after the date of approval by the Federal agency responsible for such approval;

(II) if, in connection with any such approval, a report on competitive factors is required, the Federal agency responsible for such approval shall promptly notify the Attorney General of the United States of the proposed transaction, and the Attorney General shall provide the required report not later than 10 days after the date of the request; and

(III) if notification under section 7A of the Clayton Act is required with respect to such transaction, then the required waiting period shall end on the 15th day after the date on which the Attorney General and the Federal Trade Commission receive such notification, unless the waiting period is terminated earlier under subsection (b)(2) of such section 7A, or is extended pursuant to subsection (e)(2) of such section 7A.

(iii) SETOFF.—Subject to the other provisions of this title, any transferee of assets from a receiver, including a bridge financial company, shall be subject to such claims or rights as would prevail over the rights of such transferee in such assets under applicable noninsolvency law.

(H) PAYMENT OF VALID OBLIGATIONS.—The Corporation, as receiver for a covered financial company, shall, to the extent that funds are available, pay all valid obligations of the covered financial company that are due and payable at the time of the appointment of the Corporation as receiver, in accordance with the prescriptions and limitations of this title.

(I) APPLICABLE NONINSOLVENCY LAW.—Except as may otherwise be provided in this title, the applicable noninsolvency law shall be determined by the noninsolvency choice of law rules otherwise applicable to the claims, rights, titles, persons, or entities at issue.

(J) SUBPOENA AUTHORITY.—

(i) IN GENERAL.—The Corporation, as receiver for a covered financial company, may, for purposes of carrying out any power, authority, or duty with respect to the covered financial company (including determining any claim against the covered financial company and determining and realizing upon any asset of any person in the course of collecting money due the covered financial company), exercise any power established under section 8(n) of the Federal Deposit Insurance Act, as if the Corporation were the appropriate Federal banking agency for the covered financial company, and the covered financial company were an insured depository institution.

(ii) RULE OF CONSTRUCTION.—This subparagraph may not be construed as limiting any rights that the Corporation, in any capacity, might otherwise have to exercise any powers described in clause (i) or under any other provision of law.

(K) INCIDENTAL POWERS.—The Corporation, as receiver for a covered financial company, may exercise all powers and authorities specifically granted to receivers under this title, and such incidental powers as shall be necessary to carry out such powers under this title.

(L) UTILIZATION OF PRIVATE SECTOR.—In carrying out its responsibilities in the management and disposition of assets from the covered financial company, the Corporation, as receiver for a covered financial company, may utilize the services of private persons, including real estate and loan portfolio asset management, property management, auction marketing, legal, and brokerage services, if such services are available in the private sector, and the Corporation determines that utilization of such services is practicable, efficient, and cost effective.

(M) SHAREHOLDERS AND CREDITORS OF COVERED FINANCIAL COMPANY.—Notwithstanding any other provision of law, the Corporation, as receiver for a covered financial company, shall succeed by operation of law to the rights, titles, powers, and privileges described in subparagraph (A), and shall terminate all rights and claims that the stockholders and creditors of the covered financial company may have against the assets of the covered financial company or the Corporation arising out of their status as stockholders or creditors, except for their right to payment, resolution, or other satisfaction of their claims, as permitted under this section. The Corporation shall ensure that shareholders and unsecured creditors bear losses, consistent with the priority of claims provisions under this section.

(N) COORDINATION WITH FOREIGN FINANCIAL AUTHORITIES.—The Corporation, as receiver for a covered financial company, shall coordinate, to the maximum extent possible, with the appropriate foreign financial authorities regarding the orderly liquidation of any covered financial company that has assets or operations in a country other than the United States.

(O) RESTRICTION ON TRANSFERS.—

(i) SELECTION OF ACCOUNTS FOR TRANSFER.—If the Corporation establishes one or more bridge financial companies with respect to a covered broker or dealer, the Corporation shall transfer to one of such bridge financial companies, all customer accounts of the covered broker or dealer, and all associated customer name securities and customer property, unless the Corporation, after consulting with the Commission and SIPC, determines that—

(I) the customer accounts, customer name securities, and customer property are likely to be promptly transferred to another broker or dealer that is registered with the Commission under section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 73o(b)) and is a member of SIPC; or

(II) the transfer of the accounts to a bridge financial company would materially interfere with the ability of the Corporation to avoid or mitigate serious adverse effects on financial stability or economic conditions in the United States.

(ii) TRANSFER OF PROPERTY.—SIPC, as trustee for the liquidation of the covered broker or dealer, and the Commission shall provide any and all reasonable assistance necessary to complete such transfers by the Corporation.

(iii) CUSTOMER CONSENT AND COURT APPROVAL NOT REQUIRED.—Neither customer consent nor court approval shall be required to transfer any customer accounts or associated customer name securities or customer property to a bridge financial company in accordance with this section.

(iv) NOTIFICATION OF SIPC AND SHARING OF INFORMATION.—The Corporation shall identify to SIPC the customer accounts and associated customer name securities and customer property transferred to the bridge financial company. The Corporation and SIPC shall cooperate in the sharing of any information necessary for each entity to discharge its obligations under this title and under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) including by providing access to the books and records of the covered financial company and any bridge financial company established in accordance with this title.

(2) DETERMINATION OF CLAIMS.—

(A) IN GENERAL.—The Corporation, as receiver for a covered financial company, shall report on claims, as set forth in section 203(c)(3). Subject to paragraph (4) of this subsection, the Corporation, as receiver for a covered financial company, shall determine claims in accordance with the requirements of this subsection and regulations prescribed under section 209.

(B) NOTICE REQUIREMENTS.—The Corporation, as receiver for a covered financial company, in any case involving the liquidation or winding up of the affairs of a covered financial company, shall—

(i) promptly publish a notice to the creditors of the covered financial company to present their claims, together with proof, to the receiver by a date specified in the notice, which shall be not earlier than 90 days after the date of publication of such notice; and

(ii) republish such notice 1 month and 2 months, respectively, after the date of publication under clause (i).

(C) MAILING REQUIRED.—The Corporation as receiver shall mail a notice similar to the notice published under clause (i) or (ii) of subparagraph (B), at the time of such publication, to any creditor shown on the books and records of the covered financial company—

(i) at the last address of the creditor appearing in such books;

(ii) in any claim filed by the claimant; or

(iii) upon discovery of the name and address of a claimant not appearing on the books and records of the covered financial company, not later than 30 days after the date of the discovery of such name and address.

(3) PROCEDURES FOR RESOLUTION OF CLAIMS.—
(A) DECISION PERIOD.—
(i) IN GENERAL.—Prior to the 180th day after the date on which a claim against a covered financial company is filed with the Corporation as receiver, or such later date as may be agreed as provided in clause (ii), the Corporation shall notify the claimant whether it allows or disallows the claim, in accordance with subparagraphs (B), (C), and (D).
(ii) EXTENSION OF TIME.—By written agreement executed not later than 180 days after the date on which a claim against a covered financial company is filed with the Corporation, the period described in clause (i) may be extended by written agreement between the claimant and the Corporation. Failure to notify the claimant of any disallowance within the time period set forth in clause (i), as it may be extended by agreement under this clause, shall be deemed to be a disallowance of such claim, and the claimant may file or continue an action in court, as provided in paragraph (4).
(iii) MAILING OF NOTICE SUFFICIENT.—The requirements of clause (i) shall be deemed to be satisfied if the notice of any decision with respect to any claim is mailed to the last address of the claimant which appears—
(I) on the books, records, or both of the covered financial company;
(II) in the claim filed by the claimant; or
(III) in documents submitted in proof of the claim.
(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If the Corporation as receiver disallows any claim filed under clause (i), the notice to the claimant shall contain—
(I) a statement of each reason for the disallowance; and
(II) the procedures required to file or continue an action in court, as provided in paragraph (4).
(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received by the receiver on or before the date specified in the notice under paragraph (2)(B)(i), which is proved to the satisfaction of the receiver.
(C) DISALLOWANCE OF CLAIMS FILED AFTER END OF FILING PERIOD.—
(i) IN GENERAL.—Except as provided in clause (ii), claims filed after the date specified in the notice published under paragraph (2)(B)(i) shall be disallowed, and such disallowance shall be final.
(ii) CERTAIN EXCEPTIONS.—Clause (i) shall not apply with respect to any claim filed by a claimant after the date specified in the notice published under paragraph (2)(B)(i), and such claim may be considered by the receiver under subparagraph (B), if—
(I) the claimant did not receive notice of the appointment of the receiver in time to file such claim before such date; and
(II) such claim is filed in time to permit payment of such claim.
(D) AUTHORITY TO DISALLOW CLAIMS.—
(i) IN GENERAL.—The Corporation may disallow any portion of any claim by a creditor or claim of a security, preference, setoff, or priority which is not proved to the satisfaction of the Corporation.
(ii) PAYMENTS TO UNDERSECURED CREDITORS.—In the case of a claim against a covered financial company that is secured by any property or other asset of such covered financial company, the receiver—
(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim; and
(II) may not make any payment with respect to such unsecured portion of the claim, other than in connection with the disposition of all claims of unsecured creditors of the covered financial company.
(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to—
(I) any extension of credit from any Federal reserve bank, or the Corporation, to any covered financial company; or
(II) subject to clause (ii), any legally enforceable and perfected security interest in the assets of the covered financial company securing any such extension of credit.
(E) LEGAL EFFECT OF FILING.—
(i) STATUTE OF LIMITATIONS TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.
(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (8), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of appointment of the receiver for the covered financial company.
(4) JUDICIAL DETERMINATION OF CLAIMS.—
(A) IN GENERAL.—Subject to subparagraph (B), a claimant may file suit on a claim (or continue an action commenced before the date of appointment of the Corporation as receiver) in the district or territorial court of the United States for the district within which the principal place of business of the covered financial company is located (and such court shall have jurisdiction to hear such claim).
(B) TIMING.—A claim under subparagraph (A) may be filed before the end of the 60-day period beginning on the earlier of—
(i) the end of the period described in paragraph (3)(A)(i) (or, if extended by agreement of the Corporation and the claimant, the period described in paragraph (3)(A)(ii)) with respect to any claim against a covered financial company for which the Corporation is receiver; or
(ii) the date of any notice of disallowance of such claim pursuant to paragraph (3)(A)(i).
(C) STATUTE OF LIMITATIONS.—If any claimant fails to file suit on such claim (or to continue an action on such claim commenced before the date of appointment of the Corporation as receiver) prior to the end of the 60-day period described in subparagraph (B), the claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver) as of the end of such period, such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.
(5) EXPEDITED DETERMINATION OF CLAIMS.—
(A) PROCEDURE REQUIRED.—The Corporation shall establish a procedure for expedited relief outside of the claims process established under paragraph (3), for any claimant that alleges—
(i) having a legally valid and enforceable or perfected security interest in property of a covered financial company or control of any legally valid and enforceable security entitlement in respect of any asset held by the covered financial company for which the Corporation has been appointed receiver; and
(ii) that irreparable injury will occur if the claims procedure established under paragraph (3) is followed.
(B) DETERMINATION PERIOD.—Prior to the end of the 90-day period beginning on the date on which a claim is filed in accordance with the procedures established pursuant to subparagraph (A), the Corporation shall—
(i) determine—
(I) whether to allow or disallow such claim, or any portion thereof; or
(II) whether such claim should be determined pursuant to the procedures established pursuant to paragraph (3);
(ii) notify the claimant of the determination; and
(iii) if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining a judicial determination.
(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file suit (or continue a suit filed before the date of appointment of the Corporation as receiver seeking a determination of the rights of the claimant with respect to such security interest (or such security entitlement) after the earlier of—
(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or
(ii) the date on which the Corporation denies the claim or a portion thereof.
(D) STATUTE OF LIMITATIONS.—If an action described in subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed in accordance with subparagraph (C), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.
(E) LEGAL EFFECT OF FILING.—
(i) STATUTE OF LIMITATIONS TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.
(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (8), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the appointment of the Corporation as receiver for the covered financial company.
(6) AGREEMENTS AGAINST INTEREST OF THE RECEIVER.—No agreement that tends to diminish or defeat the interest of the Corporation as receiver in any asset acquired by the receiver under this section shall be valid against the receiver, unless such agreement—
(A) is in writing;
(B) was executed by an authorized officer or representative of the covered financial company, or confirmed in the ordinary course of business by the covered financial company; and
(C) has been, since the time of its execution, an official record of the company or the party claiming under the agreement provides documentation, acceptable to the receiver, of such agreement and its authorized execution or confirmation by the covered financial company.
(7) PAYMENT OF CLAIMS.—
(A) IN GENERAL.—Subject to subparagraph (B), the Corporation as receiver may, in its discretion and to the extent that funds are available, pay creditor claims, in such manner and amounts as are authorized under this section, which are—
(i) allowed by the receiver;
(ii) approved by the receiver pursuant to a final determination pursuant to paragraph (3) or (5), as applicable; or
(iii) determined by the final judgment of a court of competent jurisdiction.
(B) LIMITATION.—A creditor shall, in no event, receive less than the amount that the creditor is entitled to receive under paragraphs (2) and (3) of subsection (d), as applicable.
(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The Corporation as receiver may, in its sole discretion, and to the extent otherwise permitted by this section, pay dividends on proven claims at any time, and no liability shall attach to the Corporation as receiver, by reason of any such payment or for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.
(D) RULEMAKING BY THE CORPORATION.—The Corporation may prescribe such rules, including definitions of terms, as the Corporation deems appropriate to establish an interest rate for or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estate of a covered financial company, except that no such interest shall be paid until the Corporation as receiver has satisfied the principal amount of all creditor claims.
(8) SUSPENSION OF LEGAL ACTIONS.—
(A) IN GENERAL.—After the appointment of the Corporation as receiver for a covered financial company, the Corporation may request a stay in any judicial action or proceeding in which such covered financial company is or becomes a party, for a period of not to exceed 90 days.
(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by the Corporation pursuant to subparagraph (A), the court shall grant such stay as to all parties.

(9) ADDITIONAL RIGHTS AND DUTIES.—

(A) PRIOR FINAL ADJUDICATION.—The Corporation shall abide by any final, non-appealable judgment of any court of competent jurisdiction that was rendered before the appointment of the Corporation as receiver.

(B) RIGHTS AND REMEDIES OF RECEIVER.—In the event of any appealable judgment, the Corporation as receiver shall—

(i) have all the rights and remedies available to the covered financial company (before the date of appointment of the Corporation as receiver under section 202) and the Corporation, including removal to Federal court and all appellate rights; and

(ii) not be required to post any bond in order to pursue such remedies.

(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may be issued by any court upon assets in the possession of the Corporation as receiver for a covered financial company.

(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this title, no court shall have jurisdiction over—

(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets of any covered financial company for which the Corporation has been appointed receiver, including any assets which the Corporation may acquire from itself as such receiver; or

(ii) any claim relating to any act or omission of such covered financial company or the Corporation as receiver.

(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as receiver in connection with any covered financial company for which the Corporation is acting as receiver under this section, the Corporation shall, to the greatest extent practicable, conduct its operations in a manner that—

(i) maximizes the net present value return from the sale or disposition of such assets;

(ii) minimizes the amount of any loss realized in the resolution of cases;

(iii) mitigates the potential for serious adverse effects to the financial system;

(iv) ensures timely and adequate competition and fair and consistent treatment of offerors; and

(v) prohibits discrimination on the basis of race, sex, or ethnic group in the solicitation and consideration of offers.

(10) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY RECEIVER.—

(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Corporation as receiver for a covered financial company shall be—

(i) in the case of any contract claim, the longer of—

(I) the 6-year period beginning on the date on which the claim accrues; or

(II) the period applicable under State law; and

(ii) in the case of any tort claim, the longer of—

(I) the 3-year period beginning on the date on which the claim accrues; or

(II) the period applicable under State law.

(B) DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in subparagraph (A) shall be the later of—

(i) the date of the appointment of the Corporation as receiver under this title; or

(ii) the date on which the cause of action accrues.

(C) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

(i) IN GENERAL.—In the case of any tort claim described in clause (ii) for which the applicable statute of limitations under State law has expired not more than 5 years before the date of appointment of the Corporation as receiver for a covered financial company, the Corporation may bring an action as receiver on such claim without regard to the expiration of the statute of limitations.

(ii) CLAIMS DESCRIBED.—A tort claim referred to in clause (i) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the covered financial company.

(11) AVOIDABLE TRANSFERS.—

(A) FRAUDULENT TRANSFERS.—The Corporation, as receiver for any covered financial company, may avoid a transfer of any interest of the covered financial company in property, or any obligation incurred by the covered financial company, that was made or incurred at or within 2 years before the date on which the Corporation was appointed receiver, if—

(i) the covered financial company voluntarily or involuntarily—

(I) made such transfer or incurred such obligation with actual intent to hinder, delay, or defraud any entity to which the covered financial company was or became, on or after the date on which such transfer was made or such obligation was incurred, indebted; or

(II) received less than a reasonably equivalent value in exchange for such transferor obligation; and

(ii) the covered financial company voluntarily or involuntarily—

(I) was insolvent on the date that such transfer was made or such obligation was incurred, or became insolvent as a result of such transfer or obligation;

(II) was engaged in business or a transaction, or was about to engage in business or a transaction, for which any property remaining with the covered financial company was an unreasonably small capital;

(III) intended to incur, or believed that the covered financial company would incur, debts that would be beyond the ability of the covered financial company to pay as such debts matured; or

(IV) made such transfer to or for the benefit of an insider, or incurred such obligation to or for the benefit of an insider, under an employment contract and not in the ordinary course of business.

(B) PREFERENTIAL TRANSFERS.—The Corporation as receiver for any covered financial company may avoid a transfer of an interest of the covered financial company in property—

(i) to or for the benefit of a creditor;

(ii) for or on account of an antecedent debt that was owed by the covered financial company before the transfer was made;

(iii) that was made while the covered financial company was insolvent;

(iv) that was made—

(I) 90 days or less before the date on which the Corporation was appointed receiver; or

(II) more than 90 days, but less than 1 year before the date on which the Corporation was appointed receiver, if such creditor at the time of the transfer was an insider; and

(v) that enables the creditor to receive more than the creditor would receive if—

(I) the covered financial company had been liquidated under chapter 7 of the Bankruptcy Code;

(II) the transfer had not been made; and

(III) the creditor received payment of such debt to the extent provided by the provisions of chapter 7 of the Bankruptcy Code.

(C) POST-RECEIVERSHIP TRANSACTIONS.—The Corporation as receiver for any covered financial company may avoid a transfer of property of the receivership that occurred after the Corporation was appointed receiver that was not authorized under this title by the Corporation as receiver.

(D) RIGHT OF RECOVERY.—To the extent that a transfer is avoided under subparagraph (A), (B), or (C), the Corporation may recover, for the benefit of the covered financial company, the property transferred or, if a court so orders, the value of such property (at the time of such transfer) from—

(i) the initial transferee of such transfer or the person for whose benefit such transfer was made; or

(ii) any immediate or mediate transferee of any such initial transferee.

(E) RIGHTS OF TRANSFEREE OR OBLIGEE.—The Corporation may not recover under subparagraph (D)(ii) from—

(i) any transferee that takes for value, including in satisfaction of or to secure a present or antecedent debt, in good faith, and without knowledge of the voidability of the transfer avoided; or

(ii) any immediate or mediate good faith transferee of such transferee.

(F) DEFENSES.—Subject to the other provisions of this title—

(i) a transferee or obligee from which the Corporation seeks to recover a transfer or to avoid an obligation under subparagraph (A), (B), (C), or (D) shall have the same defenses available to a transferee or obligee from which a trustee seeks to recover a transfer or avoid an obligation under sections 547, 548, and 549 of the Bankruptcy Code; and

(ii) the authority of the Corporation to recover a transfer or avoid an obligation shall be subject to subsections (b) and (c) of section 546, section 547(c), and section 548(c) of the Bankruptcy Code.

(G) RIGHTS UNDER THIS SECTION.—The rights of the Corporation as receiver under this section shall be superior to any rights of a trustee or any other party (other than a Federal agency) under the Bankruptcy Code.

(H) RULES OF CONSTRUCTION; DEFINITIONS.—For purposes of—

(i) subparagraphs (A) and (B)—

(I) the term ''insider'' has the same meaning as in section 101(31) of the Bankruptcy Code;

(II) a transfer is made when such transfer is so perfected that a bona fide purchaser from the covered financial company against whom applicable law permits such transfer to be perfected cannot acquire an interest in the property transferred that is superior to the interest in such property of the transferee, but if such transfer is not so perfected before the date on which the Corporation is appointed as receiver for the covered financial company, such transfer is made immediately before the date of such appointment; and

(III) the term ''value'' means property, or satisfaction or securing of a present or antecedent debt of the covered financial company, but does not include an unperformed promise to furnish support to the covered financial company; and

(ii) subparagraph (B)—

(I) the covered financial company is presumed to have been insolvent on and during the 90-day period immediately preceding the date of appointment of the Corporation as receiver; and

(II) the term ''insolvent'' has the same meaning as in section 101(32) of the Bankruptcy Code.

(12) SETOFF.—

(A) GENERALLY.—Except as otherwise provided in this title, any right of a creditor to offset a mutual debt owed by the creditor to any covered financial company that arose before the Corporation was appointed as receiver for the covered financial company against a claim of such creditor may be asserted if enforceable under applicable noninsolvency law, except to the extent that—

(i) the claim of the creditor against the covered financial company is disallowed;

(ii) the claim was transferred, by an entity other than the covered financial company, to the creditor—

(I) after the Corporation was appointed as receiver of the covered financial company; or

(II)(aa) after the 90-day period preceding the date on which the Corporation was appointed as receiver for the covered financial company; and

(bb) while the covered financial company was insolvent (except for a setoff in connection with a qualified financial contract); or

(iii) the debt owed to the covered financial company was incurred by the covered financial company—

(I) after the 90-day period preceding the date on which the Corporation was appointed as receiver for the covered financial company;

(II) while the covered financial company was insolvent; and

(III) for the purpose of obtaining a right of setoff against the covered financial company (except for a setoff in connection with a qualified financial contract).

(B) INSUFFICIENCY.—

(i) IN GENERAL.—Except with respect to a setoff in connection with a qualified financial contract, if a creditor offsets a mutual debt owed to the covered financial company against a claim of the covered financial company on or within the 90-day period preceding the date on which the Corporation is appointed as receiver for the covered financial company, the Corporation may recover from the creditor the amount so offset, to the extent that any insufficiency on the date of such setoff is less than the insufficiency on the later of—

(I) the date that is 90 days before the date on which the Corporation is appointed as receiver for the covered financial company; or

(II) the first day on which there is an insufficiency during the 90-day period preceding the date on which the Corporation is appointed as receiver for the covered financial company.

(ii) DEFINITION OF INSUFFICIENCY.—In this subparagraph, the term ''insufficiency'' means the amount, if any, by which a claim against the covered financial company exceeds a mutual debt owed to the covered financial company by the holder of such claim.

(C) INSOLVENCY.—The term ''insolvent'' has the same meaning as in section 101(32) of the Bankruptcy Code.

(D) PRESUMPTION OF INSOLVENCY.—For purposes of this paragraph, the covered financial company is presumed to have been insolvent on and during the 90-day period preceding the date of appointment of the Corporation as receiver.

(E) LIMITATION.—Nothing in this paragraph (12) shall be the basis for any right of setoff where no such right exists under applicable noninsolvency law.

(F) PRIORITY CLAIM.—Except as otherwise provided in this title, the Corporation as receiver for the covered financial company may sell or transfer any assets free and clear of the setoff rights of any party, except that such party shall be entitled to a claim, subordinate to the claims payable under subparagraphs (A), (B), (C), and (D) of subsection (b)(1), but senior to all other unsecured liabilities defined in subsection (b)(1)(E), in an amount equal to the value of such setoff rights.

(13) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (14), any court of competent jurisdiction may, at the request of the Corporation as receiver for a covered financial company, issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the Corporation under the control of the court and appointing a trustee to hold such assets.

(14) STANDARDS.—

(A) SHOWING.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (13), without regard to the requirement that the applicant show that the injury, loss, or damage is irreparable and immediate.

(B) STATE PROCEEDING.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of the State provide substantially similar protections of the right of the parties to due process as provided under Rule 65 (as modified with respect to such proceeding by subparagraph (A)), the relief sought by the Corporation pursuant to paragraph (14) may be requested under the laws of such State.

(15) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE CORPORATION AS RECEIVER.—Notwithstanding any other provision of this title, any final and nonappealable judgment for monetary damages entered against the Corporation as receiver for a covered financial company for the breach of an agreement executed or approved by the Corporation after the date of its appointment shall be paid as an administrative expense of the receiver. Nothing in this paragraph shall be construed to limit the power of a receiver to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

(16) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

(A) IN GENERAL.—The Corporation as receiver for a covered financial company shall, consistent with the accounting and reporting practices and procedures established by the Corporation, maintain a full accounting of each receivership or other disposition of any covered financial company.

(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each receivership to which the Corporation is appointed, the Corporation shall make an annual accounting or report, as appropriate, available to the Secretary and the Comptroller General of the United States.

(C) AVAILABILITY OF REPORTS.—Any report prepared pursuant to subparagraph (B) and section 203(c)(3) shall be made available to the public by the Corporation.

(D) RECORDKEEPING REQUIREMENT.—

(i) IN GENERAL.—The Corporation shall prescribe such regulations and establish such retention schedules as are necessary to maintain the documents and records of the Corporation generated in exercising the authorities of this title and the records of a covered financial company for which the Corporation is appointed receiver, with due regard for—

(I) the avoidance of duplicative record retention; and

(II) the expected evidentiary needs of the Corporation as receiver for a covered financial company and the public regarding the records of covered financial companies.

(ii) RETENTION OF RECORDS.—Unless otherwise required by applicable Federal law or court order, the Corporation may not, at any time, destroy any records that are subject to clause (i).

(iii) RECORDS DEFINED.—As used in this subparagraph, the terms ''records'' and ''records of a covered financial company'' mean any document, book, paper, map, photograph, microfiche, microfilm, computer or electronically-created record generated or maintained by the covered financial company in the course of and necessary to its transaction of business.

(b) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

(1) IN GENERAL.—Unsecured claims against a covered financial company, or the Corporation as receiver for such covered financial company under this section, that are proven to the satisfaction of the receiver shall have priority in the following order:

(A) Administrative expenses of the receiver.

(B) Any amounts owed to the United States, unless the United States agrees or consents otherwise.

(C) Wages, salaries, or commissions, including vacation, severance, and sick leave pay earned by an individual (other than an individual described in subparagraph (G)), but only to the extent of $11,725 for each individual (as indexed for inflation, by regulation of the Corporation) earned not later than 180 days before the date of appointment of the Corporation as receiver.

(D) Contributions owed to employee benefit plans arising from services rendered not later than 180 days before the date of appointment of the Corporation as receiver, to the extent of the number of employees covered by each such plan, multiplied by $11,725 (as indexed for inflation, by regulation of the Corporation), less the aggregate amount paid to such employees under subparagraph (C), plus the aggregate amount paid by the receivership on behalf of such employees to any other employee benefit plan.

(E) Any other general or senior liability of the covered financial company (which is not a liability described under subparagraph (F), (G), or (H)).

(F) Any obligation subordinated to general creditors (which is not an obligation described under subparagraph (G) or (H)).

(G) Any wages, salaries, or commissions, including vacation, severance, and sick leave pay earned, owed to senior executives and directors of the covered financial company.

(H) Any obligation to shareholders, members, general partners, limited partners, or other persons, with interests in the equity of the covered financial company arising as a result of their status as shareholders, members, general partners, limited partners, or other persons with interests in the equity of the covered financial company.

(2) POST-RECEIVERSHIP FINANCING PRIORITY.—In the event that the Corporation, as receiver for a covered financial company, is unable to obtain unsecured credit for the covered financial company from commercial sources, the Corporation as receiver may obtain credit or incur debt on the part of the covered financial company, which shall have priority over any or all administrative expenses of the receiver under paragraph (1)(A).

(3) CLAIMS OF THE UNITED STATES.—Unsecured claims of the United States shall, at a minimum, have a higher priority than liabilities of the covered financial company that count as regulatory capital.

(4) CREDITORS SIMILARLY SITUATED.—All claimants of a covered financial company that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the Corporation may take any action (including making payments, subject to subsection (o)(1)(D)(i)) that does not comply with this subsection, if—

(A) the Corporation determines that such action is necessary—

(i) to maximize the value of the assets of the covered financial company;

(ii) to initiate and continue operations essential to implementation of the receivership or any bridge financial company;

(iii) to maximize the present value return from the sale or other disposition of the assets of the covered financial company; or

(iv) to minimize the amount of any loss realized upon the sale or other disposition of the assets of the covered financial company; and

(B) all claimants that are similarly situated under paragraph (1) receive not less than the amount provided in paragraphs (2) and (3) of subsection (d).

(5) SECURED CLAIMS UNAFFECTED.—This section shall not affect secured claims or security entitlements in respect of assets or property held by the covered financial company, except to the extent that the security is insufficient to satisfy the claim, and then only with regard to the difference between the claim and the amount realized from the security.

(6) PRIORITY OF EXPENSES AND UNSECURED CLAIMS IN THE ORDERLY LIQUIDATION OF SIPC MEMBER.—Where the Corporation is appointed as receiver for a covered broker or dealer, unsecured claims against such covered broker or dealer, or the Corporation as receiver for such covered broker or dealer under this section, that are proven to the satisfaction of the receiver under section 205(e), shall have the priority prescribed in paragraph (1), except that—

(A) SIPC shall be entitled to recover administrative expenses incurred in performing its responsibilities under section 205 on an equal basis with the Corporation, in accordance with paragraph (1)(A);

(B) the Corporation shall be entitled to recover any amounts paid to customers or to SIPC pursuant to section 205(f), in accordance with paragraph (1)(B);

(C) SIPC shall be entitled to recover any amounts paid out of the SIPC Fund to meet its obligations under section 205 and under the Securities Investor Protection Act of 1970 (15

U.S.C. 78aaa et seq.), which claim shall be subordinate to the claims payable under subparagraphs (A) and (B) of paragraph (1), but senior to all other claims; and

(D) the Corporation may, after paying any proven claims to customers under section 205 and the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), and as provided above, pay dividends on other proven claims, in its discretion, and to the extent that funds are available, in accordance with the priorities set forth in paragraph (1).

(c) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF RECEIVER.—

(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights that a receiver may have, the Corporation as receiver for any covered financial company may disaffirm or repudiate any contract or lease—

(A) to which the covered financial company is a party;

(B) the performance of which the Corporation as receiver, in the discretion of the Corporation, determines to be burdensome; and

(C) the disaffirmance or repudiation of which the Corporation as receiver determines, in the discretion of the Corporation, will promote the orderly administration of the affairs of the covered financial company.

(2) TIMING OF REPUDIATION.—The Corporation, as receiver for any covered financial company, shall determine whether or not to exercise the rights of repudiation under this section within a reasonable period of time.

(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

(A) IN GENERAL.—Except as provided in paragraphs (4), (5), and (6) and in subparagraphs (C), (D), and (E) of this paragraph, the liability of the Corporation as receiver for a covered financial company for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

(i) limited to actual direct compensatory damages; and

(ii) determined as of—

(I) the date of the appointment of the Corporation as receiver; or

(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term ''actual direct compensatory damages'' does not include—

(i) punitive or exemplary damages;

(ii) damages for lost profits or opportunity; or

(iii) damages for pain and suffering.

(C) MEASURE OF DAMAGES FOR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

(ii) paid in accordance with this paragraph and subsection (d), except as otherwise specifically provided in this subsection.

(D) MEASURE OF DAMAGES FOR REPUDIATION OR DISAFFIRMANCE OF DEBT OBLIGATION.—In the case of any debt for borrowed money or evidenced by a security, actual direct compensatory damages shall be no less than the amount lent plus accrued interest plus any accreted original issue discount as of the date the Corporation was appointed receiver of the covered financial company and, to the extent that an allowed secured claim is secured by property the value of which is greater than the amount of such claim and any accrued interest through the date of repudiation or disaffirmance, such accrued interest pursuant to paragraph (1).

(E) MEASURE OF DAMAGES FOR REPUDIATION OR DISAFFIRMANCE OF CONTINGENT OBLIGATION.—In the case of any contingent obligation of a covered financial company consisting of any obligation under a guarantee, letter of credit, loan commitment, or similar credit obligation, the Corporation may, by rule or regulation, prescribe that actual direct compensatory damages shall be no less than the estimated value of the claim as of the date the Corporation was appointed receiver of the covered financial company, as such value is measured based on the likelihood that such contingent claim would become fixed and the probable magnitude thereof.

(4) LEASES UNDER WHICH THE COVERED FINANCIAL COMPANY IS THE LESSEE.—

(A) IN GENERAL.—If the Corporation as receiver disaffirms or repudiates a lease under which the covered financial company is the lessee, the receiver shall not be liable for any damages (other than damages determined pursuant to subparagraph (B)) for the disaffirmance or repudiation of such lease.

(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which subparagraph (A) would otherwise apply shall—

(i) be entitled to the contractual rent accruing before the later of the date on which—

(I) the notice of disaffirmance or repudiation is mailed; or

(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment which shall be paid in accordance with this paragraph and subsection (d).

(5) LEASES UNDER WHICH THE COVERED FINANCIAL COMPANY IS THE LESSOR.—

(A) IN GENERAL.—If the Corporation as receiver for a covered financial company repudiates an unexpired written lease of real property of the covered financial company under which the covered financial company is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

(i) treat the lease as terminated by such repudiation; or

(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described in subparagraph (A) remains in possession of a leasehold interest pursuant to clause (ii) of subparagraph (A)—

(i) the lessee—

(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, any damages which accrue after such date due to the nonperformance of any obligation of the covered financial company under the lease after such date; and

(ii) the Corporation as receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II).

(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

(A) IN GENERAL.—If the receiver repudiates any contract (which meets the requirements of subsection (a)(6)) for the sale of real property, and the purchaser of such real property under such contract is in possession and is not, as of the date of such repudiation, in default, such purchaser may either—

(i) treat the contract as terminated by such repudiation; or

(ii) remain in possession of such real property.

(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described in subparagraph (A) remains in possession of such property pursuant to clause (ii) of subparagraph (A)—

(i) the purchaser—

(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the covered financial company under the contract; and

(ii) the Corporation as receiver shall—

(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II);

(II) deliver title to the purchaser in accordance with the provisions of the contract; and

(III) have no obligation under the contract other than the performance required under subclause (II).

(C) ASSIGNMENT AND SALE ALLOWED.—

(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the Corporation as receiver to assign the contract described in subparagraph (A) and sell the property, subject to the contract and the provisions of this paragraph.

(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described in clause (i) is consummated, the Corporation as receiver shall have no further liability under the contract described in subparagraph (A) or with respect to the real property which was the subject of such contract.

(7) PROVISIONS APPLICABLE TO SERVICE CONTRACTS.—

(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any covered financial company for which the Corporation has been appointed receiver, any claim of such person for services performed before the date of appointment shall be—

(i) a claim to be paid in accordance with subsections (a), (b), and (d); and

(ii) deemed to have arisen as of the date on which the receiver was appointed.

(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described in subparagraph (A), the Corporation as receiver accepts performance by the other person before making any determination to exercise the right of repudiation of such contract under this section—

(i) the other party shall be paid under the terms of the contract for the services performed; and

(ii) the amount of such payment shall be treated as an administrative expense of the receivership.

(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by the Corporation as receiver for services referred to in subparagraph (B) in connection with a contract described in subparagraph (B) shall not affect the right of the Corporation as receiver to repudiate such contract under this section at any time after such performance.

(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to subsection (a)(8) and paragraphs (9) and (10) of this subsection, and notwithstanding any other provision of this section, any other provision of Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

(i) any right that such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a covered financial company which arises upon the date of appointment of the Corporation as receiver for such covered financial company or at any time after such appointment;

(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i); or

(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts or agreements described in clause (i), including any master agreement for such contracts or agreements.

(B) APPLICABILITY OF OTHER PROVISIONS.—Subsection (a)(8) shall apply in the case of any judicial action or proceeding brought against the Corporation as receiver referred to in subparagraph (A), or the subject covered financial company, by any party to a contract or agreement described in subparagraph (A)(i) with such covered financial company.

(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

(i) IN GENERAL.—Notwithstanding subsection (a)(11), (a)(12), or (c)(12), section 5242 of the Revised Statutes of the United States, or any other provision of Federal or State law relating to the avoidance of preferential or fraudulent transfers, the Corporation, whether acting as the Corporation or as receiver for a covered financial company, may not avoid any transfer of money or other property in connection with any qualified financial contract with a covered financial company.

(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a covered financial company if the transferee had actual intent to hinder, delay, or defraud such company, the creditors of such company, or the Corporation as receiver appointed for such company.

(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—For purposes of this subsection, the following definitions shall apply:

(i) QUALIFIED FINANCIAL CONTRACT.—The term ''qualified financial contract'' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Corporation determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

(ii) SECURITIES CONTRACT.—The term ''securities contract''—

(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option (whether or not such repurchase or reverse repurchase transaction is a ''repurchase agreement'', as defined in clause (v));

(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

(III) means any option entered into on a national securities exchange relating to foreign currencies;

(IV) means the guarantee (including by novation) by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit or mortgage loans or interests therein (including any interest therein or based on the value thereof) or an option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option (whether or not such settlement is in connection with any agreement or transaction referred to in subclauses (I) through (XII) (other than subclause (II)));

(V) means any margin loan;

(VI) means any extension of credit for the clearance or settlement of securities transactions;

(VII) means any loan transaction coupled with a securities collar transaction, any prepaid securities forward transaction, or any total return swap transaction coupled with a securities sale transaction;

(VIII) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

(IX) means any combination of the agreements or transactions referred to in this clause;

(X) means any option to enter into any agreement or transaction referred to in this clause;

(XI) means a master agreement that provides for an agreement or transaction referred to in any of subclauses (I) through (X), other than subclause (II), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in any of subclauses (I) through (X), other than subclause (II); and

(XII) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

(iii) COMMODITY CONTRACT.—The term ''commodity contract'' means—

(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

(II) with respect to a foreign futures commission merchant, a foreign future;

(III) with respect to a leverage transaction merchant, a leverage transaction;

(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

(V) with respect to a commodity options dealer, a commodity option;

(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

(VII) any combination of the agreements or transactions referred to in this clause;

(VIII) any option to enter into any agreement or transaction referred to in this clause;

(IX) a master agreement that provides for an agreement or transaction referred to in any of subclauses (I) through (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in any of subclauses (I) through (VIII); or

(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

(iv) FORWARD CONTRACT.—The term ''forward contract'' means—

(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date that is more than 2 days after the date on which the contract is entered into, including a repurchase or reverse repurchase transaction (whether or not such repurchase or reverse repurchase transaction is a ''repurchase agreement'', as defined in clause (v)), consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

(IV) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

(v) REPURCHASE AGREEMENT.—The term ''repurchase agreement'' (which definition also applies to a reverse repurchase agreement)—

(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage related securities (as such term is defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (which, for purposes of this clause, means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development, as determined by regulation or order adopted by the Board of Governors), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

(II) does not include any repurchase obligation under a participation in a commercial mortgage loan, unless the Corporation determines, by regulation, resolution, or order to include any such participation within the meaning of such term;

(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

(vi) SWAP AGREEMENT.—The term ''swap agreement'' means—

(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange, precious metals, or other commodity agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; weather swap, option, future, or forward agreement; an emissions swap, option, future, or forward agreement; or an inflation swap, option, future, or forward agreement;

(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap or other derivatives markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, option, or spot transaction on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

(III) any combination of agreements or transactions referred to in this clause;

(IV) any option to enter into any agreement or transaction referred to in this clause;

(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

(VI) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in any of subclauses (I) through (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such clause.

(vii) DEFINITIONS RELATING TO DEFAULT.—When used in this paragraph and paragraphs (9) and (10)—

(I) the term ''default'' means, with respect to a covered financial company, any adjudication or other official decision by any court of competent jurisdiction, or other public authority pursuant to which the Corporation has been appointed receiver; and

(II) the term ''in danger of default'' means a covered financial company with respect to which the Corporation or appropriate State authority has determined that—

(aa) in the opinion of the Corporation or such authority—

(AA) the covered financial company is not likely to be able to pay its obligations in the normal course of business; and

(BB) there is no reasonable prospect that the covered financial company will be able to pay such obligations without Federal assistance; or

(bb) in the opinion of the Corporation or such authority—

(AA) the covered financial company has incurred or is likely to incur losses that will deplete all or substantially all of its capital; and

(BB) there is no reasonable prospect that the capital will be replenished without Federal assistance.

(viii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any of clauses (i) through (vi) (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contact. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

(ix) TRANSFER.—The term ''transfer'' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the equity of redemption of the covered financial company.

(x) PERSON.—The term ''person'' includes any governmental entity in addition to any entity included in the definition of such term in section 1, title 1, United States Code.

(E) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract or to disaffirm or repudiate any such contract in accordance with this subsection.

(F) WALKAWAY CLAUSES NOT EFFECTIVE.—

(i) IN GENERAL.—Notwithstanding the provisions of subparagraph (A) of this paragraph and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a covered financial company in default.

(ii) LIMITED SUSPENSION OF CERTAIN OBLIGATIONS.—In the case of a qualified financial contract referred to in clause (i), any payment or delivery obligations otherwise due from a party pursuant to the qualified financial contract shall be suspended from the time at which the Corporation is appointed as receiver until the earlier of—

(I) the time at which such party receives notice that such contract has been transferred pursuant to paragraph (10)(A); or

(II) 5:00 p.m. (eastern time) on the business day following the date of the appointment of the Corporation as receiver.

(iii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term ''walkaway clause'' means any provision in a qualified financial contract that suspends, conditions, or extinguishes a payment obligation of a party, in whole or in part, or does not create a payment obligation of a party that would otherwise exist, solely because of the status of such party as a nondefaulting party in connection with the insolvency of a covered financial company that is a party to the contract or the appointment of or the exercise of rights or powers by the Corporation as receiver for such covered financial company, and not as a result of the exercise by a party of any right to offset, setoff, or net obligations that exist under the contract, any other contract between those parties, or applicable law.

(G) CERTAIN OBLIGATIONS TO CLEARING ORGANIZATIONS.—In the event that the Corporation has been appointed as receiver for a covered financial company which is a party to any qualified financial contract cleared by or subject to the rules of a clearing organization (as defined in paragraph (9)(D)), the receiver shall use its best efforts to meet all margin, collateral, and settlement obligations of the covered financial company that arise under qualified financial contracts (other than any margin, collateral, or settlement obligation that is not enforceable against the receiver under paragraph (8)(F)(i) or paragraph (10)(B)), as required by the rules of the clearing organization when due. Notwithstanding any other provision of this title, if the receiver fails to satisfy any such margin, collateral, or settlement obligations under the rules of the clearing organization, the clearing organization shall have the immediate right to exercise, and shall not be stayed from exercising, all of its rights and remedies under its rules and applicable law with respect to any qualified financial contract of the covered financial company, including, without limitation, the right to liquidate all positions and collateral of such covered financial company under the company's qualified financial contracts, and suspend or cease to act for such covered financial company, all in accordance with the rules of the clearing organization.

(H) RECORDKEEPING.—

(i) JOINT RULEMAKING.—The Federal primary financial regulatory agencies shall jointly prescribe regulations requiring that financial companies maintain such records with respect to qualified financial contracts (including market valuations) that the Federal primary financial regulatory agencies determine to be necessary or appropriate in order to assist the Corporation as receiver for a covered financial company in being able to exercise its rights and fulfill its obligations under this paragraph or paragraph (9) or (10).

(ii) TIME FRAME.—The Federal primary financial regulatory agencies shall prescribe joint final or interim final regulations not later than 24 months after the date of enactment of this Act.

(iii) BACK-UP RULEMAKING AUTHORITY.—If the Federal primary financial regulatory agencies do not prescribe joint final or interim final regulations within the time frame in clause (ii), the Chairperson of the Council shall prescribe, in consultation with the Corporation, the regulations required by clause (i).

(iv) CATEGORIZATION AND TIERING.—The joint regulations prescribed under clause (i) shall, as appropriate, differentiate among financial companies by taking into consideration their size, risk, complexity, leverage, frequency and dollar amount of qualified financial contracts, interconnectedness to the financial system, and any other factors deemed appropriate.

(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

(A) IN GENERAL.—In making any transfer of assets or liabilities of a covered financial company in default, which includes any qualified financial contract, the Corporation as receiver for such covered financial company shall either—

(i) transfer to one financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

(I) all qualified financial contracts between any person or any affiliate of such person and the covered financial company in default;

(II) all claims of such person or any affiliate of such person against such covered financial company under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such company);

(III) all claims of such covered financial company against such person or any affiliate of such person under any such contract; and

(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect

to such person and any affiliate of such person).

(B) TRANSFER TO FOREIGN BANK, FINANCIAL INSTITUTION, OR BRANCH OR AGENCY THEREOF.—In transferring any qualified financial contracts and related claims and property under subparagraph (A)(i), the Corporation as receiver for the covered financial company shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that the Corporation as receiver for a financial institution transfers any qualified financial contract and related claims, property, or credit enhancement pursuant to subparagraph (A)(i) and such contract is cleared by or subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

(D) DEFINITIONS.—For purposes of this paragraph—

(i) the term ''financial institution'' means a broker or dealer, a depository institution, a futures commission merchant, a bridge financial company, or any other institution determined by the Corporation, by regulation, to be a financial institution; and

(ii) the term ''clearing organization'' has the same meaning as in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991.

(10) NOTIFICATION OF TRANSFER.—

(A) IN GENERAL.—

(i) NOTICE.—The Corporation shall provide notice in accordance with clause (ii), if—

(I) the Corporation as receiver for a covered financial company in default or in danger of default transfers any assets or liabilities of the covered financial company; and

(II) the transfer includes any qualified financial contract.

(ii) TIMING.—The Corporation as receiver for a covered financial company shall notify any person who is a party to any contract described in clause (i) of such transfer not later than 5:00 p.m. (eastern time) on the business day following the date of the appointment of the Corporation as receiver.

(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a covered financial company may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) solely by reason of or incidental to the appointment under this section of the Corporation as receiver for the covered financial company (or the insolvency or financial condition of the covered financial company for which the Corporation has been appointed as receiver)—

(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment; or

(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

(ii) NOTICE.—For purposes of this paragraph, the Corporation as receiver for a covered financial company shall be deemed to have notified a person who is a party to a qualified financial contract with such covered financial company, if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

(C) TREATMENT OF BRIDGE FINANCIAL COMPANY.—For purposes of paragraph (9), a bridge financial company shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed, or which is otherwise the subject of a bankruptcy or insolvency proceeding.

(D) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term ''business day'' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of the Corporation as receiver with respect to any qualified financial contract to which a covered financial company is a party, the Corporation shall either—

(A) disaffirm or repudiate all qualified financial contracts between—

(i) any person or any affiliate of such person; and

(ii) the covered financial company in default; or

(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

(12) CERTAIN SECURITY AND CUSTOMER INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any—

(A) legally enforceable or perfected security interest in any of the assets of any covered financial company, except in accordance with subsection (a)(11); or

(B) legally enforceable interest in customer property, security entitlements in respect of assets or property held by the covered financial company for any security entitlement holder.

(13) AUTHORITY TO ENFORCE CONTRACTS.—

(A) IN GENERAL.—The Corporation, as receiver for a covered financial company, may enforce any contract, other than a liability insurance contract of a director or officer, a financial institution bond entered into by the covered financial company, notwithstanding any provision of the contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency, the appointment of or the exercise of rights or powers by the Corporation as receiver, the filing of the petition pursuant to section 202(a)(1), or the issuance of the recommendations or determination, or any actions or events occurring in connection therewith or as a result thereof, pursuant to section 203.

(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the Corporation as receiver to enforce or recover under a liability insurance contract of a director or officer or financial institution bond under other applicable law.

(C) CONSENT REQUIREMENT AND IPSO FACTO CLAUSES.—

(i) IN GENERAL.—Except as otherwise provided by this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which the covered financial company is a party (and no provision in any such contract providing for such default, termination, or acceleration shall be enforceable), or to obtain possession of or exercise control over any property of the covered financial company or affect any contractual rights of the covered financial company, without the consent of the Corporation as receiver for the covered financial company during the 90 day period beginning from the appointment of the Corporation as receiver.

(ii) EXCEPTIONS.—No provision of this subparagraph shall apply to a director or officer liability insurance contract or a financial institution bond, to the rights of parties to certain qualified financial contracts pursuant to paragraph (8), or to the rights of parties to netting contracts pursuant to subtitle A of title IV of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.), or shall be construed as permitting the Corporation as receiver to fail to comply with otherwise enforceable provisions of such contract.

(D) CONTRACTS TO EXTEND CREDIT.—Notwithstanding any other provision in this title, if the Corporation as receiver enforces any contract to extend credit to the covered financial company or bridge financial company, any valid and enforceable obligation to repay such debt shall be paid by the Corporation as receiver, as an administrative expense of the receivership.

(14) EXCEPTION FOR FEDERAL RESERVE BANKS AND CORPORATION SECURITY INTEREST.—No provision of this subsection shall apply with respect to—

(A) any extension of credit from any Federal reserve bank or the Corporation to any covered financial company; or

(B) any security interest in the assets of the covered financial company securing any such extension of credit.

(15) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

(16) ENFORCEMENT OF CONTRACTS GUARANTEED BY THE COVERED FINANCIAL COMPANY.—

(A) IN GENERAL.—The Corporation, as receiver for a covered financial company or as receiver for a subsidiary of a covered financial company (including an insured depository institution) shall have the power to enforce contracts of subsidiaries or affiliates of the covered financial company, the obligations under which are guaranteed or otherwise supported by or linked to the covered financial company, notwithstanding any contractual right to cause the termination, liquidation, or acceleration of such contracts based solely on the insolvency, financial condition, or receivership of the covered financial company, if—

(i) such guaranty or other support and all related assets and liabilities are transferred to and assumed by a bridge financial company or a third party (other than a third party for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed, or which is otherwise the subject of a bankruptcy or insolvency proceeding) within the same period of time as the Corporation is entitled to transfer the qualified financial contracts of such covered financial company; or

(ii) the Corporation, as receiver, otherwise provides adequate protection with respect to such obligations.

(B) RULE OF CONSTRUCTION.—For purposes of this paragraph, a bridge financial company shall not be considered to be a third party for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed, or which is otherwise the subject of a bankruptcy or insolvency proceeding.

(d) VALUATION OF CLAIMS IN DEFAULT.—

(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method utilized by the Corporation for a covered financial company, including transactions authorized under subsection (h), this subsection shall govern the rights of the creditors of any such covered financial company.

(2) MAXIMUM LIABILITY.—The maximum liability of the Corporation, acting as receiver for a covered financial company or in any other capacity, to any person having a claim against the Corporation as receiver or the covered financial company for which the Corporation is appointed

shall equal the amount that such claimant would have received if—

(A) the Corporation had not been appointed receiver with respect to the covered financial company; and

(B) the covered financial company had been liquidated under chapter 7 of the Bankruptcy Code, or any similar provision of State insolvency law applicable to the covered financial company.

(3) SPECIAL PROVISION FOR ORDERLY LIQUIDATION BY SIPC.—The maximum liability of the Corporation, acting as receiver or in its corporate capacity for any covered broker or dealer to any customer of such covered broker or dealer, with respect to customer property of such customer, shall be—

(A) equal to the amount that such customer would have received with respect to such customer property in a case initiated by SIPC under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.); and

(B) determined as of the close of business on the date on which the Corporation is appointed as receiver.

(4) ADDITIONAL PAYMENTS AUTHORIZED.—

(A) IN GENERAL.—Subject to subsection (o)(1)(D)(i), the Corporation, with the approval of the Secretary, may make additional payments or credit additional amounts to or with respect to or for the account of any claimant or category of claimants of the covered financial company, if the Corporation determines that such payments or credits are necessary or appropriate to minimize losses to the Corporation as receiver from the orderly liquidation of the covered financial company under this section.

(B) LIMITATIONS.—

(i) PROHIBITION.—The Corporation shall not make any payments or credit amounts to any claimant or category of claimants that would result in any claimant receiving more than the face value amount of any claim that is proven to the satisfaction of the Corporation.

(ii) NO OBLIGATION.—Notwithstanding any other provision of Federal or State law, or the Constitution of any State, the Corporation shall not be obligated, as a result of having made any payment under subparagraph (A) or credited any amount described in subparagraph (A) to or with respect to, or for the account, of any claimant or category of claimants, to make payments to any other claimant or category of claimants.

(C) MANNER OF PAYMENT.—The Corporation may make payments or credit amounts under subparagraph (A) directly to the claimants or may make such payments or credit such amounts to a company other than a covered financial company or a bridge financial company established with respect thereto in order to induce such other company to accept liability for such claims.

(e) LIMITATION ON COURT ACTION.—Except as provided in this title, no court may take any action to restrain or affect the exercise of powers or functions of the receiver hereunder, and any remedy against the Corporation or receiver shall be limited to money damages determined in accordance with this title.

(f) LIABILITY OF DIRECTORS AND OFFICERS.—

(1) IN GENERAL.—A director or officer of a covered financial company may be held personally liable for monetary damages in any civil action described in paragraph (2) by, on behalf of, or at the request or direction of the Corporation, which action is prosecuted wholly or partially for the benefit of the Corporation—

(A) acting as receiver for such covered financial company;

(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by the Corporation as receiver; or

(C) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed in whole or in part by a covered financial company or its affiliate in connection with assistance provided under this title.

(2) ACTIONS COVERED.—Paragraph (1) shall apply with respect to actions for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care (than gross negligence) including intentional tortious conduct, as such terms are defined and determined under applicable State law.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall impair or affect any right of the Corporation under other applicable law.

(g) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, or appraiser of a covered financial company, or any other party employed by or providing services to a covered financial company, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the covered financial company shall include principal losses and appropriate interest.

(h) BRIDGE FINANCIAL COMPANIES.—

(1) ORGANIZATION.—

(A) PURPOSE.—The Corporation, as receiver for one or more covered financial companies or in anticipation of being appointed receiver for one or more covered financial companies, may organize one or more bridge financial companies in accordance with this subsection.

(B) AUTHORITIES.—Upon the creation of a bridge financial company under subparagraph (A) with respect to a covered financial company, such bridge financial company may—

(i) assume such liabilities (including liabilities associated with any trust or custody business, but excluding any liabilities that count as regulatory capital) of such covered financial company as the Corporation may, in its discretion, determine to be appropriate;

(ii) purchase such assets (including assets associated with any trust or custody business) of such covered financial company as the Corporation may, in its discretion, determine to be appropriate; and

(iii) perform any other temporary function which the Corporation may, in its discretion, prescribe in accordance with this section.

(2) CHARTER AND ESTABLISHMENT.—

(A) ESTABLISHMENT.—Except as provided in subparagraph (H), where the covered financial company is a covered broker or dealer, the Corporation, as receiver for a covered financial company, may grant a Federal charter to and approve articles of association for one or more bridge financial company or companies, with respect to such covered financial company which shall, by operation of law and immediately upon issuance of its charter and approval of its articles of association, be established and operate in accordance with, and subject to, such charter, articles, and this section.

(B) MANAGEMENT.—Upon its establishment, a bridge financial company shall be under the management of a board of directors appointed by the Corporation.

(C) ARTICLES OF ASSOCIATION.—The articles of association and organization certificate of a bridge financial company shall have such terms as the Corporation may provide, and shall be executed by such representatives as the Corporation may designate.

(D) TERMS OF CHARTER; RIGHTS AND PRIVILEGES.—Subject to and in accordance with the provisions of this subsection, the Corporation shall—

(i) establish the terms of the charter of a bridge financial company and the rights, powers, authorities, and privileges of a bridge financial company granted by the charter or as an incident thereto; and

(ii) provide for, and establish the terms and conditions governing, the management (including the bylaws and the number of directors of the board of directors) and operations of the bridge financial company.

(E) TRANSFER OF RIGHTS AND PRIVILEGES OF COVERED FINANCIAL COMPANY.—

(i) IN GENERAL.—Notwithstanding any other provision of Federal or State law, the Corporation may provide for a bridge financial company to succeed to and assume any rights, powers, authorities, or privileges of the covered financial company with respect to which the bridge financial company was established and, upon such determination by the Corporation, the bridge financial company shall immediately and by operation of law succeed to and assume such rights, powers, authorities, and privileges.

(ii) EFFECTIVE WITHOUT APPROVAL.—Any succession to or assumption by a bridge financial company of rights, powers, authorities, or privileges of a covered financial company under clause (i) or otherwise shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

(F) CORPORATE GOVERNANCE AND ELECTION AND DESIGNATION OF BODY OF LAW.—To the extent permitted by the Corporation and consistent with this section and any rules, regulations, or directives issued by the Corporation under this section, a bridge financial company may elect to follow the corporate governance practices and procedures that are applicable to a corporation incorporated under the general corporation law of the State of Delaware, or the State of incorporation or organization of the covered financial company with respect to which the bridge financial company was established, as such law may be amended from time to time.

(G) CAPITAL.—

(i) CAPITAL NOT REQUIRED.—Notwithstanding any other provision of Federal or State law, a bridge financial company may, if permitted by the Corporation, operate without any capital or surplus, or with such capital or surplus as the Corporation may in its discretion determine to be appropriate.

(ii) NO CONTRIBUTION BY THE CORPORATION REQUIRED.—The Corporation is not required to pay capital into a bridge financial company or to issue any capital stock on behalf of a bridge financial company established under this subsection.

(iii) AUTHORITY.—If the Corporation determines that such action is advisable, the Corporation may cause capital stock or other securities of a bridge financial company established with respect to a covered financial company to be issued and offered for sale in such amounts and on such terms and conditions as the Corporation may, in its discretion, determine.

(iv) OPERATING FUNDS IN LIEU OF CAPITAL AND IMPLEMENTATION PLAN.—Upon the organization of a bridge financial company, and thereafter as the Corporation may, in its discretion, determine to be necessary or advisable, the Corporation may make available to the bridge financial company, subject to the plan described in subsection (n)(9), funds for the operation of the bridge financial company in lieu of capital.

(H) BRIDGE BROKERS OR DEALERS.—

(i) IN GENERAL.—The Corporation, as receiver for a covered broker or dealer, may approve articles of association for one or more bridge financial companies with respect to such covered broker or dealer, which bridge financial company or companies shall, by operation of law and immediately upon approval of its articles of association—

(I) be established and deemed registered with the Commission under the Securities Exchange Act of 1934 and a member of SIPC;

(II) operate in accordance with such articles and this section; and

(III) succeed to any and all registrations and memberships of the covered financial company with or in any self-regulatory organizations.

(ii) OTHER REQUIREMENTS.—Except as provided in clause (i), and notwithstanding any other provision of this section, the bridge financial company shall be subject to the Federal securities laws and all requirements with respect to being a member of a self-regulatory organization, unless exempted from any such requirements by the Commission, as is necessary or appropriate in the public interest or for the protection of investors.

(iii) TREATMENT OF CUSTOMERS.—Except as otherwise provided by this title, any customer of

the covered broker or dealer whose account is transferred to a bridge financial company shall have all the rights, privileges, and protections under section 205(f) and under the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.), that such customer would have had if the account were not transferred from the covered financial company under this subparagraph.

(iv) OPERATION OF BRIDGE BROKERS OR DEALERS.—Notwithstanding any other provision of this title, the Corporation shall not operate any bridge financial company created by the Corporation under this title with respect to a covered broker or dealer in such a manner as to adversely affect the ability of customers to promptly access their customer property in accordance with applicable law.

(3) INTERESTS IN AND ASSETS AND OBLIGATIONS OF COVERED FINANCIAL COMPANY.—Notwithstanding paragraph (1) or (2) or any other provision of law—

(A) a bridge financial company shall assume, acquire, or succeed to the assets or liabilities of a covered financial company (including the assets or liabilities associated with any trust or custody business) only to the extent that such assets or liabilities are transferred by the Corporation to the bridge financial company in accordance with, and subject to the restrictions set forth in, paragraph (1)(B); and

(B) a bridge financial company shall not assume, acquire, or succeed to any obligation that a covered financial company for which the Corporation has been appointed receiver may have to any shareholder, member, general partner, limited partner, or other person with an interest in the equity of the covered financial company that arises as a result of the status of that person having an equity claim in the covered financial company.

(4) BRIDGE FINANCIAL COMPANY TREATED AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A bridge financial company shall be treated as a covered financial company in default at such times and for such purposes as the Corporation may, in its discretion, determine.

(5) TRANSFER OF ASSETS AND LIABILITIES.—

(A) AUTHORITY OF CORPORATION.—The Corporation, as receiver for a covered financial company, may transfer any assets and liabilities of a covered financial company (including any assets or liabilities associated with any trust or custody business) to one or more bridge financial companies, in accordance with and subject to the restrictions of paragraph (1).

(B) SUBSEQUENT TRANSFERS.—At any time after the establishment of a bridge financial company with respect to a covered financial company, the Corporation, as receiver, may transfer any assets and liabilities of such covered financial company as the Corporation may, in its discretion, determine to be appropriate in accordance with and subject to the restrictions of paragraph (1).

(C) TREATMENT OF TRUST OR CUSTODY BUSINESS.—For purposes of this paragraph, the trust or custody business, including fiduciary appointments, held by any covered financial company is included among its assets and liabilities.

(D) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities, including those associated with any trust or custody business of a covered financial company, to a bridge financial company shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

(E) EQUITABLE TREATMENT OF SIMILARLY SITUATED CREDITORS.—The Corporation shall treat all creditors of a covered financial company that are similarly situated under subsection (b)(1), in a similar manner in exercising the authority of the Corporation under this subsection to transfer any assets or liabilities of the covered financial company to one or more bridge financial companies established with respect to such covered financial company, except that the Corporation may take any action (including making payments, subject to subsection (o)(1)(D)(i)) that does not comply with this subparagraph, if—

(i) the Corporation determines that such action is necessary—

(I) to maximize the value of the assets of the covered financial company;

(II) to maximize the present value return from the sale or other disposition of the assets of the covered financial company; or

(III) to minimize the amount of any loss realized upon the sale or other disposition of the assets of the covered financial company; and

(ii) all creditors that are similarly situated under subsection (b)(1) receive not less than the amount provided under paragraphs (2) and (3) of subsection (d).

(F) LIMITATION ON TRANSFER OF LIABILITIES.—Notwithstanding any other provision of law, the aggregate amount of liabilities of a covered financial company that are transferred to, or assumed by, a bridge financial company from a covered financial company may not exceed the aggregate amount of the assets of the covered financial company that are transferred to, or purchased by, the bridge financial company from the covered financial company.

(6) STAY OF JUDICIAL ACTION.—Any judicial action to which a bridge financial company becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a covered financial company shall be stayed from further proceedings for a period of not longer than 45 days (or such longer period as may be agreed to upon the consent of all parties) at the request of the bridge financial company.

(7) AGREEMENTS AGAINST INTEREST OF THE BRIDGE FINANCIAL COMPANY.—No agreement that tends to diminish or defeat the interest of the bridge financial company in any asset of a covered financial company acquired by the bridge financial company shall be valid against the bridge financial company, unless such agreement—

(A) is in writing;

(B) was executed by an authorized officer or representative of the covered financial company or confirmed in the ordinary course of business by the covered financial company; and

(C) has been on the official record of the company, since the time of its execution, or with which, the party claiming under the agreement provides documentation of such agreement and its authorized execution or confirmation by the covered financial company that is acceptable to the receiver.

(8) NO FEDERAL STATUS.—

(A) AGENCY STATUS.—A bridge financial company is not an agency, establishment, or instrumentality of the United States.

(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), directors, officers, employees, or agents of a bridge financial company are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Corporation or of any Federal instrumentality who serves at the request of the Corporation as a representative for purposes of paragraph (1)(B), director, officer, employee, or agent of a bridge financial company shall not—

(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

(ii) receive any salary or benefits for service in any such capacity with respect to a bridge financial company in addition to such salary or benefits as are obtained through employment with the Corporation or such Federal instrumentality.

(9) FUNDING AUTHORIZED.—The Corporation may, subject to the plan described in subsection (n)(9), provide funding to facilitate any transaction described in subparagraph (A), (B), (C), or (D) of paragraph (13) with respect to any bridge financial company, or facilitate the acquisition by a bridge financial company of any assets, or the assumption of any liabilities, of a covered financial company for which the Corporation has been appointed receiver.

(10) EXEMPT TAX STATUS.—Notwithstanding any other provision of Federal or State law, a bridge financial company, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

(11) FEDERAL AGENCY APPROVAL; ANTITRUST REVIEW.—If a transaction involving the merger or sale of a bridge financial company requires approval by a Federal agency, the transaction may not be consummated before the 5th calendar day after the date of approval by the Federal agency responsible for such approval with respect thereto. If, in connection with any such approval a report on competitive factors from the Attorney General is required, the Federal agency responsible for such approval shall promptly notify the Attorney General of the proposed transaction and the Attorney General shall provide the required report within 10 days of the request. If a notification is required under section 7A of the Clayton Act with respect to such transaction, the required waiting period shall end on the 15th day after the date on which the Attorney General and the Federal Trade Commission receive such notification, unless the waiting period is terminated earlier under section 7A(b)(2) of the Clayton Act, or extended under section 7A(e)(2) of that Act.

(12) DURATION OF BRIDGE FINANCIAL COMPANY.—Subject to paragraphs (13) and (14), the status of a bridge financial company as such shall terminate at the end of the 2-year period following the date on which it was granted a charter. The Corporation may, in its discretion, extend the status of the bridge financial company as such for no more than 3 additional 1-year periods.

(13) TERMINATION OF BRIDGE FINANCIAL COMPANY STATUS.—The status of any bridge financial company as such shall terminate upon the earliest of—

(A) the date of the merger or consolidation of the bridge financial company with a company that is not a bridge financial company;

(B) at the election of the Corporation, the sale of a majority of the capital stock of the bridge financial company to a company other than the Corporation and other than another bridge financial company;

(C) the sale of 80 percent, or more, of the capital stock of the bridge financial company to a person other than the Corporation and other than another bridge financial company;

(D) at the election of the Corporation, either the assumption of all or substantially all of the liabilities of the bridge financial company by a company that is not a bridge financial company, or the acquisition of all or substantially all of the assets of the bridge financial company by a company that is not a bridge financial company, or other entity as permitted under applicable law; and

(E) the expiration of the period provided in paragraph (12), or the earlier dissolution of the bridge financial company, as provided in paragraph (15).

(14) EFFECT OF TERMINATION EVENTS.—

(A) MERGER OR CONSOLIDATION.—A merger or consolidation, described in paragraph (13)(A) shall be conducted in accordance with, and shall have the effect provided in, the provisions of applicable law. For the purpose of effecting such a merger or consolidation, the bridge financial company shall be treated as a corporation organized under the laws of the State of Delaware (unless the law of another State has been selected by the bridge financial company in accordance with paragraph (2)(F)), and the Corporation shall be treated as the sole shareholder thereof, notwithstanding any other provision of State or Federal law.

(B) CHARTER CONVERSION.—Following the sale of a majority of the capital stock of the bridge financial company, as provided in paragraph

(13)(B), the Corporation may amend the charter of the bridge financial company to reflect the termination of the status of the bridge financial company as such, whereupon the company shall have all of the rights, powers, and privileges under its constituent documents and applicable Federal or State law. In connection therewith, the Corporation may take such steps as may be necessary or convenient to reincorporate the bridge financial company under the laws of a State and, notwithstanding any provisions of Federal or State law, such State-chartered corporation shall be deemed to succeed by operation of law to such rights, titles, powers, and interests of the bridge financial company as the Corporation may provide, with the same effect as if the bridge financial company had merged with the State-chartered corporation under provisions of the corporate laws of such State.

(C) SALE OF STOCK.—Following the sale of 80 percent or more of the capital stock of a bridge financial company, as provided in paragraph (13)(C), the company shall have all of the rights, powers, and privileges under its constituent documents and applicable Federal or State law. In connection therewith, the Corporation may take such steps as may be necessary or convenient to reincorporate the bridge financial company under the laws of a State and, notwithstanding any provisions of Federal or State law, the State-chartered corporation shall be deemed to succeed by operation of law to such rights, titles, powers and interests of the bridge financial company as the Corporation may provide, with the same effect as if the bridge financial company had merged with the State-chartered corporation under provisions of the corporate laws of such State.

(D) ASSUMPTION OF LIABILITIES AND SALE OF ASSETS.—Following the assumption of all or substantially all of the liabilities of the bridge financial company, or the sale of all or substantially all of the assets of the bridge financial company, as provided in paragraph (13)(D), at the election of the Corporation, the bridge financial company may retain its status as such for the period provided in paragraph (12) or may be dissolved at the election of the Corporation.

(E) AMENDMENTS TO CHARTER.—Following the consummation of a transaction described in subparagraph (A), (B), (C), or (D) of paragraph (13), the charter of the resulting company shall be amended to reflect the termination of bridge financial company status, if appropriate.

(15) DISSOLUTION OF BRIDGE FINANCIAL COMPANY.—

(A) IN GENERAL.—Notwithstanding any other provision of Federal or State law, if the status of a bridge financial company as such has not previously been terminated by the occurrence of an event specified in subparagraph (A), (B), (C), or (D) of paragraph (13)—

(i) the Corporation may, in its discretion, dissolve the bridge financial company in accordance with this paragraph at any time; and

(ii) the Corporation shall promptly commence dissolution proceedings in accordance with this paragraph upon the expiration of the 2-year period following the date on which the bridge financial company was chartered, or any extension thereof, as provided in paragraph (12).

(B) PROCEDURES.—The Corporation shall remain the receiver for a bridge financial company for the purpose of dissolving the bridge financial company. The Corporation as receiver for a bridge financial company shall wind up the affairs of the bridge financial company in conformity with the provisions of law relating to the liquidation of covered financial companies under this title. With respect to any such bridge financial company, the Corporation as receiver shall have all the rights, powers, and privileges and shall perform the duties related to the exercise of such rights, powers, or privileges granted by law to the Corporation as receiver for a covered financial company under this title and, notwithstanding any other provision of law, in the exercise of such rights, powers, and privileges, the Corporation shall not be subject to the direction or supervision of any State agency or other Federal agency.

(16) AUTHORITY TO OBTAIN CREDIT.—

(A) IN GENERAL.—A bridge financial company may obtain unsecured credit and issue unsecured debt.

(B) INABILITY TO OBTAIN CREDIT.—If a bridge financial company is unable to obtain unsecured credit or issue unsecured debt, the Corporation may authorize the obtaining of credit or the issuance of debt by the bridge financial company—

(i) with priority over any or all of the obligations of the bridge financial company;

(ii) secured by a lien on property of the bridge financial company that is not otherwise subject to a lien; or

(iii) secured by a junior lien on property of the bridge financial company that is subject to a lien.

(C) LIMITATIONS.—

(i) IN GENERAL.—The Corporation, after notice and a hearing, may authorize the obtaining of credit or the issuance of debt by a bridge financial company that is secured by a senior or equal lien on property of the bridge financial company that is subject to a lien, only if—

(I) the bridge financial company is unable to otherwise obtain such credit or issue such debt; and

(II) there is adequate protection of the interest of the holder of the lien on the property with respect to which such senior or equal lien is proposed to be granted.

(ii) HEARING.—The hearing required pursuant to this subparagraph shall be before a court of the United States, which shall have jurisdiction to conduct such hearing and to authorize a bridge financial company to obtain secured credit under clause (i).

(D) BURDEN OF PROOF.—In any hearing under this paragraph, the Corporation has the burden of proof on the issue of adequate protection.

(E) QUALIFIED FINANCIAL CONTRACTS.—No credit or debt obtained or issued by a bridge financial company may contain terms that impair the rights of a counterparty to a qualified financial contract upon a default by the bridge financial company, other than the priority of such counterparty's unsecured claim (after the exercise of rights) relative to the priority of the bridge financial company's obligations in respect of such credit or debt, unless such counterparty consents in writing to any such impairment.

(17) EFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this subsection to obtain credit or issue debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so issued, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the issuance of such debt, or the granting of such priority or lien, were stayed pending appeal.

(i) SHARING RECORDS.—If the Corporation has been appointed as receiver for a covered financial company, other Federal regulators shall make all records relating to the covered financial company available to the Corporation, which may be used by the Corporation in any manner that the Corporation determines to be appropriate.

(j) EXPEDITED PROCEDURES FOR CERTAIN CLAIMS.—

(1) TIME FOR FILING NOTICE OF APPEAL.—The notice of appeal of any order, whether interlocutory or final, entered in any case brought by the Corporation against a director, officer, employee, agent, attorney, accountant, or appraiser of the covered financial company, or any other person employed by or providing services to a covered financial company, shall be filed not later than 30 days after the date of entry of the order. The hearing of the appeal shall be held not later than 120 days after the date of the notice of appeal. The appeal shall be decided not later than 180 days after the date of the notice of appeal.

(2) SCHEDULING.—The court shall expedite the consideration of any case brought by the Corporation against a director, officer, employee, agent, attorney, accountant, or appraiser of a covered financial company or any other person employed by or providing services to a covered financial company. As far as practicable, the court shall give such case priority on its docket.

(3) JUDICIAL DISCRETION.—The court may modify the schedule and limitations stated in paragraphs (1) and (2) in a particular case, based on a specific finding that the ends of justice that would be served by making such a modification would outweigh the best interest of the public in having the case resolved expeditiously.

(k) FOREIGN INVESTIGATIONS.—The Corporation, as receiver for any covered financial company, and for purposes of carrying out any power, authority, or duty with respect to a covered financial company—

(1) may request the assistance of any foreign financial authority and provide assistance to any foreign financial authority in accordance with section 8(v) of the Federal Deposit Insurance Act, as if the covered financial company were an insured depository institution, the Corporation were the appropriate Federal banking agency for the company, and any foreign financial authority were the foreign banking authority; and

(2) may maintain an office to coordinate foreign investigations or investigations on behalf of foreign financial authorities.

(l) PROHIBITION ON ENTERING SECRECY AGREEMENTS AND PROTECTIVE ORDERS.—The Corporation may not enter into any agreement or approve any protective order which prohibits the Corporation from disclosing the terms of any settlement of an administrative or other action for damages or restitution brought by the Corporation in its capacity as receiver for a covered financial company.

(m) LIQUIDATION OF CERTAIN COVERED FINANCIAL COMPANIES OR BRIDGE FINANCIAL COMPANIES.—

(1) IN GENERAL.—Except as specifically provided in this section, and notwithstanding any other provision of law, the Corporation, in connection with the liquidation of any covered financial company or bridge financial company with respect to which the Corporation has been appointed as receiver, shall—

(A) in the case of any covered financial company or bridge financial company that is a stockbroker, but is not a member of the Securities Investor Protection Corporation, apply the provisions of subchapter III of chapter 7 of the Bankruptcy Code, in respect of the distribution to any customer of all customer name security and customer property and member property, as if such covered financial company or bridge financial company were a debtor for purposes of such subchapter; or

(B) in the case of any covered financial company or bridge financial company that is a commodity broker, apply the provisions of subchapter IV of chapter 7 the Bankruptcy Code, in respect of the distribution to any customer of all customer property and member property, as if such covered financial company or bridge financial company were a debtor for purposes of such subchapter.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the terms ''customer'', ''customer name security'', and ''customer property and member property'' have the same meanings as in sections 741 and 761 of title 11, United States Code; and

(B) the terms ''commodity broker'' and ''stockbroker'' have the same meanings as in section 101 of the Bankruptcy Code.

(n) ORDERLY LIQUIDATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate fund to be known as the ''Orderly Liquidation

Fund'', which shall be available to the Corporation to carry out the authorities contained in this title, for the cost of actions authorized by this title, including the orderly liquidation of covered financial companies, payment of administrative expenses, the payment of principal and interest by the Corporation on obligations issued under paragraph (5), and the exercise of the authorities of the Corporation under this title.

(2) PROCEEDS.—Amounts received by the Corporation, including assessments received under subsection (o), proceeds of obligations issued under paragraph (5), interest and other earnings from investments, and repayments to the Corporation by covered financial companies, shall be deposited into the Fund.

(3) MANAGEMENT.—The Corporation shall manage the Fund in accordance with this subsection and the policies and procedures established under section 203(d).

(4) INVESTMENTS.—At the request of the Corporation, the Secretary may invest such portion of amounts held in the Fund that are not, in the judgment of the Corporation, required to meet the current needs of the Corporation, in obligations of the United States having suitable maturities, as determined by the Corporation. The interest on and the proceeds from the sale or redemption of such obligations shall be credited to the Fund.

(5) AUTHORITY TO ISSUE OBLIGATIONS.—

(A) CORPORATION AUTHORIZED TO ISSUE OBLIGATIONS.—Upon appointment by the Secretary of the Corporation as receiver for a covered financial company, the Corporation is authorized to issue obligations to the Secretary.

(B) SECRETARY AUTHORIZED TO PURCHASE OBLIGATIONS.—The Secretary may, under such terms and conditions as the Secretary may require, purchase or agree to purchase any obligations issued under subparagraph (A), and for such purpose, the Secretary is authorized to use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under chapter 31 of title 31, United States Code, are extended to include such purchases.

(C) INTEREST RATE.—Each purchase of obligations by the Secretary under this paragraph shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity, plus an interest rate surcharge to be determined by the Secretary, which shall be greater than the difference between—

(i) the current average rate on an index of corporate obligations of comparable maturity; and

(ii) the current average rate on outstanding marketable obligations of the United States of comparable maturity.

(D) SECRETARY AUTHORIZED TO SELL OBLIGATIONS.—The Secretary may sell, upon such terms and conditions as the Secretary shall determine, any of the obligations acquired under this paragraph.

(E) PUBLIC DEBT TRANSACTIONS.—All purchases and sales by the Secretary of such obligations under this paragraph shall be treated as public debt transactions of the United States, and the proceeds from the sale of any obligations acquired by the Secretary under this paragraph shall be deposited into the Treasury of the United States as miscellaneous receipts.

(6) MAXIMUM OBLIGATION LIMITATION.—The Corporation may not, in connection with the orderly liquidation of a covered financial company, issue or incur any obligation, if, after issuing or incurring the obligation, the aggregate amount of such obligations outstanding under this subsection for each covered financial company would exceed—

(A) an amount that is equal to 10 percent of the total consolidated assets of the covered financial company, based on the most recent financial statement available, during the 30-day period immediately following the date of appointment of the Corporation as receiver (or a shorter time period if the Corporation has calculated the amount described under subparagraph (B)); and

(B) the amount that is equal to 90 percent of the fair value of the total consolidated assets of each covered financial company that are available for repayment, after the time period described in subparagraph (A).

(7) RULEMAKING.—The Corporation and the Secretary shall jointly, in consultation with the Council, prescribe regulations governing the calculation of the maximum obligation limitation defined in this paragraph.

(8) RULE OF CONSTRUCTION.—

(A) IN GENERAL.—Nothing in this section shall be construed to affect the authority of the Corporation under subsection (a) or (b) of section 14 or section 15(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1824, 1825(c)(5)), the management of the Deposit Insurance Fund by the Corporation, or the resolution of insured depository institutions, provided that—

(i) the authorities of the Corporation contained in this title shall not be used to assist the Deposit Insurance Fund or to assist any financial company under applicable law other than this Act;

(ii) the authorities of the Corporation relating to the Deposit Insurance Fund, or any other responsibilities of the Corporation under applicable law other than this title, shall not be used to assist a covered financial company pursuant to this title; and

(iii) the Deposit Insurance Fund may not be used in any manner to otherwise circumvent the purposes of this title.

(B) VALUATION.—For purposes of determining the amount of obligations under this subsection—

(i) the Corporation shall include as an obligation any contingent liability of the Corporation pursuant to this title; and

(ii) the Corporation shall value any contingent liability at its expected cost to the Corporation.

(9) ORDERLY LIQUIDATION AND REPAYMENT PLANS.—

(A) ORDERLY LIQUIDATION PLAN.—Amounts in the Fund shall be available to the Corporation with regard to a covered financial company for which the Corporation is appointed receiver after the Corporation has developed an orderly liquidation plan that is acceptable to the Secretary with regard to such covered financial company, including the provision and use of funds, including taking any actions specified under section 204(d) and subsection (h)(2)(G)(iv) and (h)(9) of this section, and payments to third parties. The orderly liquidation plan shall take into account actions to avoid or mitigate potential adverse effects on low income, minority, or underserved communities affected by the failure of the covered financial company, and shall provide for coordination with the primary financial regulatory agencies, as appropriate, to ensure that such actions are taken. The Corporation may, at any time, amend any orderly liquidation plan approved by the Secretary with the concurrence of the Secretary.

(B) MANDATORY REPAYMENT PLAN.—

(i) IN GENERAL.—No amount authorized under paragraph (6)(B) may be provided by the Secretary to the Corporation under paragraph (5), unless an agreement is in effect between the Secretary and the Corporation that—

(I) provides a specific plan and schedule to achieve the repayment of the outstanding amount of any borrowing under paragraph (5); and

(II) demonstrates that income to the Corporation from the liquidated assets of the covered financial company and assessments under subsection (o) will be sufficient to amortize the outstanding balance within the period established in the repayment schedule and pay the interest accruing on such balance within the time provided in subsection (o)(1)(B).

(ii) CONSULTATION WITH AND REPORT TO CONGRESS.—The Secretary and the Corporation shall—

(I) consult with the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the terms of any repayment schedule agreement; and

(II) submit a copy of the repayment schedule agreement to the Committees described in subclause (I) before the end of the 30-day period beginning on the date on which any amount is provided by the Secretary to the Corporation under paragraph (5).

(10) IMPLEMENTATION EXPENSES.—

(A) IN GENERAL.—Reasonable implementation expenses of the Corporation incurred after the date of enactment of this Act shall be treated as expenses of the Council.

(B) REQUESTS FOR REIMBURSEMENT.—The Corporation shall periodically submit a request for reimbursement for implementation expenses to the Chairperson of the Council, who shall arrange for prompt reimbursement to the Corporation of reasonable implementation expenses.

(C) DEFINITION.—As used in this paragraph, the term ''implementation expenses''—

(i) means costs incurred by the Corporation beginning on the date of enactment of this Act, as part of its efforts to implement this title that do not relate to a particular covered financial company; and

(ii) includes the costs incurred in connection with the development of policies, procedures, rules, and regulations and other planning activities of the Corporation consistent with carrying out this title.

(o) ASSESSMENTS.—

(1) RISK-BASED ASSESSMENTS.—

(A) ELIGIBLE FINANCIAL COMPANIES DEFINED.—For purposes of this subsection, the term ''eligible financial company'' means any bank holding company with total consolidated assets equal to or greater than $50,000,000,000 and any nonbank financial company supervised by the Board of Governors.

(B) ASSESSMENTS.—The Corporation shall charge one or more risk-based assessments in accordance with the provisions of subparagraph (D), if such assessments are necessary to pay in full the obligations issued by the Corporation to the Secretary under this title within 60 months of the date of issuance of such obligations.

(C) EXTENSIONS AUTHORIZED.—The Corporation may, with the approval of the Secretary, extend the time period under subparagraph (B), if the Corporation determines that an extension is necessary to avoid a serious adverse effect on the financial system of the United States.

(D) APPLICATION OF ASSESSMENTS.—To meet the requirements of subparagraph (B), the Corporation shall—

(i) impose assessments, as soon as practicable, on any claimant that received additional payments or amounts from the Corporation pursuant to subsection (b)(4), (d)(4), or (h)(5)(E), except for payments or amounts necessary to initiate and continue operations essential to implementation of the receivership or any bridge financial company, to recover on a cumulative basis, the entire difference between—

(I) the aggregate value the claimant received from the Corporation on a claim pursuant to this title (including pursuant to subsection (b)(4), (d)(4), and (h)(5)(E)), as of the date on which such value was received; and

(II) the value the claimant was entitled to receive from the Corporation on such claim solely from the proceeds of the liquidation of the covered financial company under this title; and

(ii) if the amounts to be recovered on a cumulative basis under clause (i) are insufficient to meet the requirements of subparagraph (B), after taking into account the considerations set forth in paragraph (4), impose assessments on—

(I) eligible financial companies; and

(II) financial companies with total consolidated assets equal to or greater than $50,000,000,000 that are not eligible financial companies.

(E) PROVISION OF FINANCING.—Payments or amounts necessary to initiate and continue operations essential to implementation of the receivership or any bridge financial company described in subparagraph (D)(i) shall not include the provision of financing, as defined by rule of the Corporation, to third parties.

(2) GRADUATED ASSESSMENT RATE.—The Corporation shall impose assessments on a graduated basis, with financial companies having greater assets and risk being assessed at a higher rate.

(3) NOTIFICATION AND PAYMENT.—The Corporation shall notify each financial company of that company's assessment under this subsection. Any financial company subject to assessment under this subsection shall pay such assessment in accordance with the regulations prescribed pursuant to paragraph (6).

(4) RISK-BASED ASSESSMENT CONSIDERATIONS.—In imposing assessments under paragraph (1)(D)(ii), the Corporation shall use a risk matrix. The Council shall make a recommendation to the Corporation on the risk matrix to be used in imposing such assessments, and the Corporation shall take into account any such recommendation in the establishment of the risk matrix to be used to impose such assessments. In recommending or establishing such risk matrix, the Council and the Corporation, respectively, shall take into account—

(A) economic conditions generally affecting financial companies so as to allow assessments to increase during more favorable economic conditions and to decrease during less favorable economic conditions;

(B) any assessments imposed on a financial company or an affiliate of a financial company that—

(i) is an insured depository institution, assessed pursuant to section 7 or 13(c)(4)(G) of the Federal Deposit Insurance Act;

(ii) is a member of the Securities Investor Protection Corporation, assessed pursuant to section 4 of the Securities Investor Protection Act of 1970 (15 U.S.C. 78ddd);

(iii) is an insured credit union, assessed pursuant to section 202(c)(1)(A)(i) of the Federal Credit Union Act (12 U.S.C. 1782(c)(1)(A)(i)); or

(iv) is an insurance company, assessed pursuant to applicable State law to cover (or reimburse payments made to cover) the costs of the rehabilitation, liquidation, or other State insolvency proceeding with respect to 1 or more insurance companies;

(C) the risks presented by the financial company to the financial system and the extent to which the financial company has benefitted, or likely would benefit, from the orderly liquidation of a financial company under this title, including—

(i) the amount, different categories, and concentrations of assets of the financial company and its affiliates, including both on-balance sheet and off-balance sheet assets;

(ii) the activities of the financial company and its affiliates;

(iii) the relevant market share of the financial company and its affiliates;

(iv) the extent to which the financial company is leveraged;

(v) the potential exposure to sudden calls on liquidity precipitated by economic distress;

(vi) the amount, maturity, volatility, and stability of the company's financial obligations to, and relationship with, other financial companies;

(vii) the amount, maturity, volatility, and stability of the liabilities of the company, including the degree of reliance on short-term funding, taking into consideration existing systems for measuring a company's risk-based capital;

(viii) the stability and variety of the company's sources of funding;

(ix) the company's importance as a source of credit for households, businesses, and State and local governments and as a source of liquidity for the financial system;

(x) the extent to which assets are simply managed and not owned by the financial company and the extent to which ownership of assets under management is diffuse; and

(xi) the amount, different categories, and concentrations of liabilities, both insured and uninsured, contingent and noncontingent, including both on-balance sheet and off-balance sheet liabilities, of the financial company and its affiliates;

(D) any risks presented by the financial company during the 10-year period immediately prior to the appointment of the Corporation as receiver for the covered financial company that contributed to the failure of the covered financial company; and

(E) such other risk-related factors as the Corporation, or the Council, as applicable, may determine to be appropriate.

(5) COLLECTION OF INFORMATION.—The Corporation may impose on covered financial companies such collection of information requirements as the Corporation deems necessary to carry out this subsection after the appointment of the Corporation as receiver under this title.

(6) RULEMAKING.—

(A) IN GENERAL.—The Corporation shall prescribe regulations to carry out this subsection. The Corporation shall consult with the Secretary in the development and finalization of such regulations.

(B) EQUITABLE TREATMENT.—The regulations prescribed under subparagraph (A) shall take into account the differences in risks posed to the financial stability of the United States by financial companies, the differences in the liability structures of financial companies, and the different bases for other assessments that such financial companies may be required to pay, to ensure that assessed financial companies are treated equitably and that assessments under this subsection reflect such differences.

(p) UNENFORCEABILITY OF CERTAIN AGREEMENTS.—

(1) IN GENERAL.—No provision described in paragraph (2) shall be enforceable against or impose any liability on any person, as such enforcement or liability shall be contrary to public policy.

(2) PROHIBITED PROVISIONS.—A provision described in this paragraph is any term contained in any existing or future standstill, confidentiality, or other agreement that, directly or indirectly—

(A) affects, restricts, or limits the ability of any person to offer to acquire or acquire;

(B) prohibits any person from offering to acquire or acquiring; or

(C) prohibits any person from using any previously disclosed information in connection with any such offer to acquire or acquisition of,

all or part of any covered financial company, including any liabilities, assets, or interest therein, in connection with any transaction in which the Corporation exercises its authority under this title.

(q) OTHER EXEMPTIONS.—

(1) IN GENERAL.—When acting as a receiver under this title—

(A) the Corporation, including its franchise, its capital, reserves and surplus, and its income, shall be exempt from all taxation imposed by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, such value, and the tax thereon, shall be determined as of the period for which such tax is imposed;

(B) no property of the Corporation shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Corporation, nor shall any involuntary lien attach to the property of the Corporation; and

(C) the Corporation shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due; and

(D) the Corporation shall be exempt from all prosecution by the United States or any State, county, municipality, or local authority for any criminal offense arising under Federal, State, county, municipal, or local law, which was allegedly committed by the covered financial company, or persons acting on behalf of the covered financial company, prior to the appointment of the Corporation as receiver.

(2) LIMITATION.—Paragraph (1) shall not apply with respect to any tax imposed (or other amount arising) under the Internal Revenue Code of 1986.

(r) CERTAIN SALES OF ASSETS PROHIBITED.—

(1) PERSONS WHO ENGAGED IN IMPROPER CONDUCT WITH, OR CAUSED LOSSES TO, COVERED FINANCIAL COMPANIES.—The Corporation shall prescribe regulations which, at a minimum, shall prohibit the sale of assets of a covered financial company by the Corporation to—

(A) any person who—

(i) has defaulted, or was a member of a partnership or an officer or director of a corporation that has defaulted, on 1 or more obligations, the aggregate amount of which exceeds $1,000,000, to such covered financial company;

(ii) has been found to have engaged in fraudulent activity in connection with any obligation referred to in clause (i); and

(iii) proposes to purchase any such asset in whole or in part through the use of the proceeds of a loan or advance of credit from the Corporation or from any covered financial company;

(B) any person who participated, as an officer or director of such covered financial company or of any affiliate of such company, in a material way in any transaction that resulted in a substantial loss to such covered financial company; or

(C) any person who has demonstrated a pattern or practice of defalcation regarding obligations to such covered financial company.

(2) CONVICTED DEBTORS.—Except as provided in paragraph (3), a person may not purchase any asset of such institution from the receiver, if that person—

(A) has been convicted of an offense under section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1341, 1343, or 1344 of title 18, United States Code, or of conspiring to commit such an offense, affecting any covered financial company; and

(B) is in default on any loan or other extension of credit from such covered financial company which, if not paid, will cause substantial loss to the Fund or the Corporation.

(3) SETTLEMENT OF CLAIMS.—Paragraphs (1) and (2) shall not apply to the sale or transfer by the Corporation of any asset of any covered financial company to any person, if the sale or transfer of the asset resolves or settles, or is part of the resolution or settlement, of 1 or more claims that have been, or could have been, asserted by the Corporation against the person.

(4) DEFINITION OF DEFAULT.—For purposes of this subsection, the term ''default'' means a failure to comply with the terms of a loan or other obligation to such an extent that the property securing the obligation is foreclosed upon.

(s) RECOUPMENT OF COMPENSATION FROM SENIOR EXECUTIVES AND DIRECTORS.—

(1) IN GENERAL.—The Corporation, as receiver of a covered financial company, may recover from any current or former senior executive or director substantially responsible for the failed condition of the covered financial company any compensation received during the 2-year period preceding the date on which the Corporation was appointed as the receiver of the covered financial company, except that, in the case of fraud, no time limit shall apply.

(2) COST CONSIDERATIONS.—In seeking to recover any such compensation, the Corporation shall weigh the financial and deterrent benefits of such recovery against the cost of executing the recovery.

(3) RULEMAKING.—The Corporation shall promulgate regulations to implement the requirements of this subsection, including defining the term ''compensation'' to mean any financial remuneration, including salary, bonuses, incentives, benefits, severance, deferred compensation, or golden parachute benefits, and any profits realized from the sale of the securities of the covered financial company.

SEC. 211. MISCELLANEOUS PROVISIONS.

(a) CLARIFICATION OF PROHIBITION REGARDING CONCEALMENT OF ASSETS FROM RECEIVER OR LIQUIDATING AGENT.—Section 1032(1) of title 18, United States Code, is amended by inserting ''the Federal Deposit Insurance Corporation acting as receiver for a covered financial company, in accordance with title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act,'' before ''or the National Credit''.

*(b) CONFORMING AMENDMENT.—Section 1032 of title 18, United States Code, is amended in the section heading, by striking ''**of financial institution**''.*

(c) FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.—Section 403(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403(a)) is amended by inserting ''section 210(c) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617(d)),'' after ''section 11(e) of the Federal Deposit Insurance Act,''.

(d) FDIC INSPECTOR GENERAL REVIEWS.—

(1) SCOPE.—The Inspector General of the Corporation shall conduct, supervise, and coordinate audits and investigations of the liquidation of any covered financial company by the Corporation as receiver under this title, including collecting and summarizing—

(A) a description of actions taken by the Corporation as receiver;

(B) a description of any material sales, transfers, mergers, obligations, purchases, and other material transactions entered into by the Corporation;

(C) an evaluation of the adequacy of the policies and procedures of the Corporation under section 203(d) and orderly liquidation plan under section 210(n)(14);

(D) an evaluation of the utilization by the Corporation of the private sector in carrying out its functions, including the adequacy of any conflict-of-interest reviews; and

(E) an evaluation of the overall performance of the Corporation in liquidating the covered financial company, including administrative costs, timeliness of liquidation process, and impact on the financial system.

(2) FREQUENCY.—Not later than 6 months after the date of appointment of the Corporation as receiver under this title and every 6 months thereafter, the Inspector General of the Corporation shall conduct the audit and investigation described in paragraph (1).

(3) REPORTS AND TESTIMONY.—The Inspector General of the Corporation shall include in the semiannual reports required by section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.), a summary of the findings and evaluations under paragraph (1), and shall appear before the appropriate committees of Congress, if requested, to present each such report.

(4) FUNDING.—

(A) INITIAL FUNDING.—The expenses of the Inspector General of the Corporation in carrying out this subsection shall be considered administrative expenses of the receivership.

(B) ADDITIONAL FUNDING.—If the maximum amount available to the Corporation as receiver under this title is insufficient to enable the Inspector General of the Corporation to carry out the duties under this subsection, the Corporation shall pay such additional amounts from assessments imposed under section 210.

(5) TERMINATION OF RESPONSIBILITIES.—The duties and responsibilities of the Inspector General of the Corporation under this subsection shall terminate 1 year after the date of termination of the receivership under this title.

(e) TREASURY INSPECTOR GENERAL REVIEWS.—

(1) SCOPE.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of actions taken by the Secretary related to the liquidation of any covered financial company under this title, including collecting and summarizing—

(A) a description of actions taken by the Secretary under this title;

(B) an analysis of the approval by the Secretary of the policies and procedures of the Corporation under section 203 and acceptance of the orderly liquidation plan of the Corporation under section 210; and

(C) an assessment of the terms and conditions underlying the purchase by the Secretary of obligations of the Corporation under section 210.

(2) FREQUENCY.—Not later than 6 months after the date of appointment of the Corporation as receiver under this title and every 6 months thereafter, the Inspector General of the Department of the Treasury shall conduct the audit and investigation described in paragraph (1).

(3) REPORTS AND TESTIMONY.—The Inspector General of the Department of the Treasury shall include in the semiannual reports required by section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.), a summary of the findings and assessments under paragraph (1), and shall appear before the appropriate committees of Congress, if requested, to present each such report.

(4) TERMINATION OF RESPONSIBILITIES.—The duties and responsibilities of the Inspector General of the Department of the Treasury under this subsection shall terminate 1 year after the date on which the obligations purchased by the Secretary from the Corporation under section 210 are fully redeemed.

(f) PRIMARY FINANCIAL REGULATORY AGENCY INSPECTOR GENERAL REVIEWS.—

(1) SCOPE.—Upon the appointment of the Corporation as receiver for a covered financial company supervised by a Federal primary financial regulatory agency or the Board of Governors under section 165, the Inspector General of the agency or the Board of Governors shall make a written report reviewing the supervision by the agency or the Board of Governors of the covered financial company, which shall—

(A) evaluate the effectiveness of the agency or the Board of Governors in carrying out its supervisory responsibilities with respect to the covered financial company;

(B) identify any acts or omissions on the part of agency or Board of Governors officials that contributed to the covered financial company being in default or in danger of default;

(C) identify any actions that could have been taken by the agency or the Board of Governors that would have prevented the company from being in default or in danger of default; and

(D) recommend appropriate administrative or legislative action.

(2) REPORTS AND TESTIMONY.—Not later than 1 year after the date of appointment of the Corporation as receiver under this title, the Inspector General of the Federal primary financial regulatory agency or the Board of Governors shall provide the report required by paragraph (1) to such agency or the Board of Governors, and along with such agency or the Board of Governors, as applicable, shall appear before the appropriate committees of Congress, if requested, to present the report required by paragraph (1). Not later than 90 days after the date of receipt of the report required by paragraph (1), such agency or the Board of Governors, as applicable, shall provide a written report to Congress describing any actions taken in response to the recommendations in the report, and if no such actions were taken, describing the reasons why no actions were taken.

SEC. 212. PROHIBITION OF CIRCUMVENTION AND PREVENTION OF CONFLICTS OF INTEREST.

(a) NO OTHER FUNDING.—Funds for the orderly liquidation of any covered financial company under this title shall only be provided as specified under this title.

(b) LIMIT ON GOVERNMENTAL ACTIONS.—No governmental entity may take any action to circumvent the purposes of this title.

(c) CONFLICT OF INTEREST.—In the event that the Corporation is appointed receiver for more than 1 covered financial company or is appointed receiver for a covered financial company and receiver for any insured depository institution that is an affiliate of such covered financial company, the Corporation shall take appropriate action, as necessary to avoid any conflicts of interest that may arise in connection with multiple receiverships.

SEC. 213. BAN ON CERTAIN ACTIVITIES BY SENIOR EXECUTIVES AND DIRECTORS.

(a) PROHIBITION AUTHORITY.—The Board of Governors or, if the covered financial company was not supervised by the Board of Governors, the Corporation, may exercise the authority provided by this section.

(b) AUTHORITY TO ISSUE ORDER.—The appropriate agency described in subsection (a) may take any action authorized by subsection (c), if the agency determines that—

(1) a senior executive or a director of the covered financial company, prior to the appointment of the Corporation as receiver, has, directly or indirectly—

(A) violated—

(i) any law or regulation;

(ii) any cease-and-desist order which has become final;

(iii) any condition imposed in writing by a Federal agency in connection with any action on any application, notice, or request by such company or senior executive; or

(iv) any written agreement between such company and such agency;

(B) engaged or participated in any unsafe or unsound practice in connection with any financial company; or

(C) committed or engaged in any act, omission, or practice which constitutes a breach of the fiduciary duty of such senior executive or director;

(2) by reason of the violation, practice, or breach described in any subparagraph of paragraph (1), such senior executive or director has received financial gain or other benefit by reason of such violation, practice, or breach and such violation, practice, or breach contributed to the failure of the company; and

(3) such violation, practice, or breach—

(A) involves personal dishonesty on the part of such senior executive or director; or

(B) demonstrates willful or continuing disregard by such senior executive or director for the safety or soundness of such company.

(c) AUTHORIZED ACTIONS.—

(1) IN GENERAL.—The appropriate agency for a financial company, as described in subsection (a), may serve upon a senior executive or director described in subsection (b) a written notice of the intention of the agency to prohibit any further participation by such person, in any manner, in the conduct of the affairs of any financial company for a period of time determined by the appropriate agency to be commensurate with such violation, practice, or breach, provided such period shall be not less than 2 years.

(2) PROCEDURES.—The due process requirements and other procedures under section 8(e) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)) shall apply to actions under this section as if the covered financial company were an insured depository institution and the senior executive or director were an institution-affiliated party, as those terms are defined in that Act.

(d) REGULATIONS.—The Corporation and the Board of Governors, in consultation with the Council, shall jointly prescribe rules or regulations to administer and carry out this section, including rules, regulations, or guidelines to further define the term senior executive for the purposes of this section.

SEC. 214. PROHIBITION ON TAXPAYER FUNDING.

(a) LIQUIDATION REQUIRED.—All financial companies put into receivership under this title

shall be liquidated. No taxpayer funds shall be used to prevent the liquidation of any financial company under this title.

(b) RECOVERY OF FUNDS.—All funds expended in the liquidation of a financial company under this title shall be recovered from the disposition of assets of such financial company, or shall be the responsibility of the financial sector, through assessments.

(c) NO LOSSES TO TAXPAYERS.—Taxpayers shall bear no losses from the exercise of any authority under this title.

SEC. 215. STUDY ON SECURED CREDITOR HAIRCUTS.

(a) STUDY REQUIRED.—The Council shall conduct a study evaluating the importance of maximizing United States taxpayer protections and promoting market discipline with respect to the treatment of fully secured creditors in the utilization of the orderly liquidation authority authorized by this Act. In carrying out such study, the Council shall—

(1) not be prejudicial to current or past laws or regulations with respect to secured creditor treatment in a resolution process;

(2) study the similarities and differences between the resolution mechanisms authorized by the Bankruptcy Code, the Federal Deposit Insurance Corporation Improvement Act of 1991, and the orderly liquidation authority authorized by this Act;

(3) determine how various secured creditors are treated in such resolution mechanisms and examine how a haircut (of various degrees) on secured creditors could improve market discipline and protect taxpayers;

(4) compare the benefits and dynamics of prudent lending practices by depository institutions in secured loans for consumers and small businesses to the lending practices of secured creditors to large, interconnected financial firms;

(5) consider whether credit differs according to different types of collateral and different terms and timing of the extension of credit; and

(6) include an examination of stakeholders who were unsecured or under-collateralized and seek collateral when a firm is failing, and the impact that such behavior has on financial stability and an orderly resolution that protects taxpayers if the firm fails.

(b) REPORT.—Not later than the end of the 1-year period beginning on the date of enactment of this Act, the Council shall issue a report to the Congress containing all findings and conclusions made by the Council in carrying out the study required under subsection (a).

SEC. 216. STUDY ON BANKRUPTCY PROCESS FOR FINANCIAL AND NONBANK FINANCIAL INSTITUTIONS.

(a) STUDY.—

(1) IN GENERAL.—Upon enactment of this Act, the Board of Governors, in consultation with the Administrative Office of the United States Courts, shall conduct a study regarding the resolution of financial companies under the Bankruptcy Code, under chapter 7 or 11 thereof .

(2) ISSUES TO BE STUDIED.—Issues to be studied under this section include—

(A) the effectiveness of chapter 7 and chapter 11 of the Bankruptcy Code in facilitating the orderly resolution or reorganization of systemic financial companies;

(B) whether a special financial resolution court or panel of special masters or judges should be established to oversee cases involving financial companies to provide for the resolution of such companies under the Bankruptcy Code, in a manner that minimizes adverse impacts on financial markets without creating moral hazard;

(C) whether amendments to the Bankruptcy Code should be adopted to enhance the ability of the Code to resolve financial companies in a manner that minimizes adverse impacts on financial markets without creating moral hazard;

(D) whether amendments should be made to the Bankruptcy Code, the Federal Deposit Insurance Act, and other insolvency laws to address the manner in which qualified financial contracts of financial companies are treated; and

(E) the implications, challenges, and benefits to creating a new chapter or subchapter of the Bankruptcy Code to deal with financial companies.

(b) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, and in each successive year until the fifth year after the date of enactment of this Act, the Administrative Office of the United States courts shall submit to the Committees on Banking, Housing, and Urban Affairs and the Judiciary of the Senate and the Committees on Financial Services and the Judiciary of the House of Representatives a report summarizing the results of the study conducted under subsection (a).

SEC. 217. STUDY ON INTERNATIONAL COORDINATION RELATING TO BANKRUPTCY PROCESS FOR NONBANK FINANCIAL INSTITUTIONS.

(a) STUDY.—

(1) IN GENERAL.—The Board of Governors, in consultation with the Administrative Office of the United States Courts, shall conduct a study regarding international coordination relating to the resolution of systemic financial companies under the United States Bankruptcy Code and applicable foreign law.

(2) ISSUES TO BE STUDIED.—With respect to the bankruptcy process for financial companies, issues to be studied under this section include—

(A) the extent to which international coordination currently exists;

(B) current mechanisms and structures for facilitating international cooperation;

(C) barriers to effective international coordination; and

(D) ways to increase and make more effective international coordination of the resolution of financial companies, so as to minimize the impact on the financial system without creating moral hazard.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Administrative office of the United States Courts shall submit to the Committees on Banking, Housing, and Urban Affairs and the Judiciary of the Senate and the Committees on Financial Services and the Judiciary of the House of Representatives a report summarizing the results of the study conducted under subsection (a).

TITLE III—TRANSFER OF POWERS TO THE COMPTROLLER OF THE CURRENCY, THE CORPORATION, AND THE BOARD OF GOVERNORS

SEC. 300. SHORT TITLE.

This title may be cited as the ''Enhancing Financial Institution Safety and Soundness Act of 2010''.

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to provide for the safe and sound operation of the banking system of the United States;

(2) to preserve and protect the dual system of Federal and State-chartered depository institutions;

(3) to ensure the fair and appropriate supervision of each depository institution, regardless of the size or type of charter of the depository institution; and

(4) to streamline and rationalize the supervision of depository institutions and the holding companies of depository institutions.

SEC. 302. DEFINITION.

In this title, the term ''transferred employee'' means, as the context requires, an employee transferred to the Office of the Comptroller of the Currency or the Corporation under section 322.

Subtitle A—Transfer of Powers and Duties

SEC. 311. TRANSFER DATE.

(a) TRANSFER DATE.—Except as provided in subsection (b), the term ''transfer date'' means the date that is 1 year after the date of enactment of this Act.

(b) EXTENSION PERMITTED.—

(1) NOTICE REQUIRED.—The Secretary, in consultation with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Chairman of the Board of Governors, and the Chairperson of the Corporation, may extend the period under subsection (a) and designate a transfer date that is not later than 18 months after the date of enactment of this Act, if the Secretary transmits to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

(A) a written determination that commencement of the orderly process to implement this title is not feasible by the date that is 1 year after the date of enactment of this Act;

(B) an explanation of why an extension is necessary to commence the process of orderly implementation of this title;

(C) the transfer date designated under this subsection; and

(D) a description of the steps that will be taken to initiate the process of an orderly and timely implementation of this title within the extended time period.

(2) PUBLICATION OF NOTICE.—Not later than 270 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register notice of any transfer date designated under paragraph (1).

SEC. 312. POWERS AND DUTIES TRANSFERRED.

(a) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the transfer date.

(b) FUNCTIONS OF THE OFFICE OF THRIFT SUPERVISION.—

(1) SAVINGS AND LOAN HOLDING COMPANY FUNCTIONS TRANSFERRED.—

(A) TRANSFER OF FUNCTIONS.—There are transferred to the Board of Governors all functions of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision (including the authority to issue orders) relating to—

(i) the supervision of—

(I) any savings and loan holding company; and

(II) any subsidiary (other than a depository institution) of a savings and loan holding company; and

(ii) all rulemaking authority of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision relating to savings and loan holding companies.

(B) POWERS, AUTHORITIES, RIGHTS, AND DUTIES.—The Board of Governors shall succeed to all powers, authorities, rights, and duties that were vested in the Office of Thrift Supervision and the Director of the Office of Thrift Supervision on the day before the transfer date relating to the functions and authority transferred under subparagraph (A).

(2) ALL OTHER FUNCTIONS TRANSFERRED.—

(A) BOARD OF GOVERNORS.—All rulemaking authority of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision under section 11 of the Home Owners' Loan Act (12 U.S.C. 1468) relating to transactions with affiliates and extensions of credit to executive officers, directors, and principal shareholders and under section 5(q) of such Act relating to tying arrangements is transferred to the Board of Governors.

(B) COMPTROLLER OF THE CURRENCY.—Except as provided in paragraph (1) and subparagraph (A)—

(i) there are transferred to the Office of the Comptroller of the Currency and the Comptroller of the Currency—

(I) all functions of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision, respectively, relating to Federal savings associations; and

(II) all rulemaking authority of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision, respectively, relating to savings associations; and

(ii) the Office of the Comptroller of the Currency and the Comptroller of the Currency shall succeed to all powers, authorities, rights, and duties that were vested in the Office of Thrift Supervision and the Director of the Office of Thrift Supervision, respectively, on the day before the transfer date relating to the functions and authority transferred under clause (i).

(C) CORPORATION.—Except as provided in paragraph (1) and subparagraphs (A) and (B)—

(i) all functions of the Office of Thrift Supervision and the Director of the Office of Thrift Supervision relating to State savings associations are transferred to the Corporation; and

(ii) the Corporation shall succeed to all powers, authorities, rights, and duties that were vested in the Office of Thrift Supervision and the Director of the Office of Thrift Supervision on the day before the transfer date relating to the functions transferred under clause (i).

(c) CONFORMING AMENDMENTS.—Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) is amended—

(1) in subsection (q), by striking paragraphs (1) through (4) and inserting the following:

''(1) the Office of the Comptroller of the Currency, in the case of—

''(A) any national banking association;

''(B) any Federal branch or agency of a foreign bank; and

''(C) any Federal savings association;

''(2) the Federal Deposit Insurance Corporation, in the case of—

''(A) any State nonmember insured bank;

''(B) any foreign bank having an insured branch; and

''(C) any State savings association;

''(3) the Board of Governors of the Federal Reserve System, in the case of—

''(A) any State member bank;

''(B) any branch or agency of a foreign bank with respect to any provision of the Federal Reserve Act which is made applicable under the International Banking Act of 1978;

''(C) any foreign bank which does not operate an insured branch;

''(D) any agency or commercial lending company other than a Federal agency;

''(E) supervisory or regulatory proceedings arising from the authority given to the Board of Governors under section 7(c)(1) of the International Banking Act of 1978, including such proceedings under the Financial Institutions Supervisory Act of 1966;

''(F) any bank holding company and any subsidiary (other than a depository institution) of a bank holding company; and

''(G) any savings and loan holding company and any subsidiary (other than a depository institution) of a savings and loan holding company.''; and

(2) in paragraphs (1) and (3) of subsection (u), by striking ''(other than a bank holding company'' and inserting ''(other than a bank holding company or savings and loan holding company''.

(d) CONSUMER PROTECTION.—Nothing in this section may be construed to limit or otherwise affect the transfer of powers under title X.

SEC. 313. ABOLISHMENT.

Effective 90 days after the transfer date, the Office of Thrift Supervision and the position of Director of the Office of Thrift Supervision are abolished.

SEC. 314. AMENDMENTS TO THE REVISED STATUTES.

(a) AMENDMENT TO SECTION 324.—Section 324 of the Revised Statutes of the United States (12 U.S.C. 1) is amended to read as follows:

''SEC. 324. COMPTROLLER OF THE CURRENCY.

''(a) OFFICE OF THE COMPTROLLER OF THE CURRENCY ESTABLISHED.—There is established in the Department of the Treasury a bureau to be known as the 'Office of the Comptroller of the Currency' which is charged with assuring the safety and soundness of, and compliance with laws and regulations, fair access to financial services, and fair treatment of customers by, the institutions and other persons subject to its jurisdiction.

''(b) COMPTROLLER OF THE CURRENCY.—

''(1) IN GENERAL.—The chief officer of the Office of the Comptroller of the Currency shall be known as the Comptroller of the Currency. The Comptroller of the Currency shall perform the duties of the Comptroller of the Currency under the general direction of the Secretary of the Treasury. The Secretary of the Treasury may not delay or prevent the issuance of any rule or the promulgation of any regulation by the Comptroller of the Currency, and may not intervene in any matter or proceeding before the Comptroller of the Currency (including agency enforcement actions), unless otherwise specifically provided by law.

''(2) ADDITIONAL AUTHORITY.—The Comptroller of the Currency shall have the same authority with respect to functions transferred to the Comptroller of the Currency under the Enhancing Financial Institution Safety and Soundness Act of 2010 as was vested in the Director of the Office of Thrift Supervision on the transfer date, as defined in section 311 of that Act.''.

(b) SUPERVISION OF FEDERAL SAVINGS ASSOCIATIONS.—Chapter 9 of title VII of the Revised Statutes of the United States (12 U.S.C. 1 et seq.) is amended by inserting after section 327A (12 U.S.C. 4a) the following:

''SEC. 327B. DEPUTY COMPTROLLER FOR THE SUPERVISION AND EXAMINATION OF FEDERAL SAVINGS ASSOCIATIONS.

''The Comptroller of the Currency shall designate a Deputy Comptroller, who shall be responsible for the supervision and examination of Federal savings associations.''.

(c) AMENDMENT TO SECTION 329.—Section 329 of the Revised Statutes of the United States (12 U.S.C. 11) is amended by inserting before the period at the end the following: ''or any Federal savings association''.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the transfer date.

SEC. 315. FEDERAL INFORMATION POLICY.

Section 3502(5) of title 44, United States Code, is amended by inserting ''Office of the Comptroller of the Currency,'' after ''the Securities and Exchange Commission,''.

SEC. 316. SAVINGS PROVISIONS.

(a) OFFICE OF THRIFT SUPERVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Sections 312(b) and 313 shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Thrift Supervision, the Office of Thrift Supervision, or any other person, that existed on the day before the transfer date.

(2) CONTINUATION OF SUITS.—This title shall not abate any action or proceeding commenced by or against the Director of the Office of Thrift Supervision or the Office of Thrift Supervision before the transfer date, except that—

(A) for any action or proceeding arising out of a function of the Office of Thrift Supervision or the Director of the Office of Thrift Supervision transferred to the Board of Governors by this title, the Board of Governors shall be substituted for the Office of Thrift Supervision or the Director of the Office of Thrift Supervision as a party to the action or proceeding on and after the transfer date;

(B) for any action or proceeding arising out of a function of the Office of Thrift Supervision or the Director of the Office of Thrift Supervision transferred to the Office of the Comptroller of the Currency or the Comptroller of the Currency by this title, the Office of the Comptroller of the Currency or the Comptroller of the Currency shall be substituted for the Office of Thrift Supervision or the Director of the Office of Thrift Supervision, as the case may be, as a party to the action or proceeding on and after the transfer date; and

(C) for any action or proceeding arising out of a function of the Office of Thrift Supervision or the Director of the Office of Thrift Supervision transferred to the Corporation by this title, the Corporation shall be substituted for the Office of Thrift Supervision or the Director of the Office of Thrift Supervision as a party to the action or proceeding on and after the transfer date.

(b) CONTINUATION OF EXISTING OTS ORDERS, RESOLUTIONS, DETERMINATIONS, AGREEMENTS, REGULATIONS, ETC.—All orders, resolutions, determinations, agreements, and regulations, interpretative rules, other interpretations, guidelines, procedures, and other advisory materials, that have been issued, made, prescribed, or allowed to become effective by the Office of Thrift Supervision or the Director of the Office of Thrift Supervision, or by a court of competent jurisdiction, in the performance of functions that are transferred by this title and that are in effect on the day before the transfer date, shall continue in effect according to the terms of such orders, resolutions, determinations, agreements, and regulations, interpretative rules, other interpretations, guidelines, procedures, and other advisory materials, and shall be enforceable by or against—

(1) the Board of Governors, in the case of a function of the Office of Thrift Supervision or the Director of the Office of Thrift Supervision transferred to the Board of Governors, until modified, terminated, set aside, or superseded in accordance with applicable law by the Board of Governors, by any court of competent jurisdiction, or by operation of law;

(2) the Office of the Comptroller of the Currency or the Comptroller of the Currency, in the case of a function of the Office of Thrift Supervision or the Director of the Office of Thrift Supervision transferred to the Office of the Comptroller of the Currency or the Comptroller of the Currency, respectively, until modified, terminated, set aside, or superseded in accordance with applicable law by the Office of the Comptroller of the Currency or the Comptroller of the Currency, by any court of competent jurisdiction, or by operation of law; and

(3) the Corporation, in the case of a function of the Office of Thrift Supervision or the Director of the Office of Thrift Supervision transferred to the Corporation, until modified, terminated, set aside, or superseded in accordance with applicable law by the Corporation, by any court of competent jurisdiction, or by operation of law.

(c) IDENTIFICATION OF REGULATIONS CONTINUED.—

(1) BY THE BOARD OF GOVERNORS.—Not later than the transfer date, the Board of Governors shall—

(A) identify the regulations continued under subsection (b) that will be enforced by the Board of Governors; and

(B) publish a list of the regulations identified under subparagraph (A) in the Federal Register.

(2) BY OFFICE OF THE COMPTROLLER OF THE CURRENCY.—Not later than the transfer date, the Office of the Comptroller of the Currency shall—

(A) after consultation with the Corporation, identify the regulations continued under subsection (b) that will be enforced by the Office of the Comptroller of the Currency; and

(B) publish a list of the regulations identified under subparagraph (A) in the Federal Register.

(3) BY THE CORPORATION.—Not later than the transfer date, the Corporation shall—

(A) after consultation with the Office of the Comptroller of the Currency, identify the regulations continued under subsection (b) that will be enforced by the Corporation; and

(B) publish a list of the regulations identified under subparagraph (A) in the Federal Register.

(d) STATUS OF REGULATIONS PROPOSED OR NOT YET EFFECTIVE.—

(1) PROPOSED REGULATIONS.—Any proposed regulation of the Office of Thrift Supervision, which the Office of Thrift Supervision in performing functions transferred by this title, has proposed before the transfer date but has not

published as a final regulation before such date, shall be deemed to be a proposed regulation of the Office of the Comptroller of the Currency or the Board of Governors, as appropriate, according to the terms of the proposed regulation.

(2) REGULATIONS NOT YET EFFECTIVE.—Any interim or final regulation of the Office of Thrift Supervision, which the Office of Thrift Supervision, in performing functions transferred by this title, has published before the transfer date but which has not become effective before that date, shall become effective as a regulation of the Office of the Comptroller of the Currency or the Board of Governors, as appropriate, according to the terms of the interim or final regulation, unless modified, terminated, set aside, or superseded in accordance with applicable law by the Office of the Comptroller of the Currency or the Board of Governors, as appropriate, by any court of competent jurisdiction, or by operation of law.

SEC. 317. REFERENCES IN FEDERAL LAW TO FEDERAL BANKING AGENCIES.

On and after the transfer date, any reference in Federal law to the Director of the Office of Thrift Supervision or the Office of Thrift Supervision, in connection with any function of the Director of the Office of Thrift Supervision or the Office of Thrift Supervision transferred under section 312(b) or any other provision of this subtitle, shall be deemed to be a reference to the Comptroller of the Currency, the Office of the Comptroller of the Currency, the Chairperson of the Corporation, the Corporation, the Chairman of the Board of Governors, or the Board of Governors, as appropriate and consistent with the amendments made in subtitle E.

SEC. 318. FUNDING.

(a) COMPENSATION OF EXAMINERS.—Section 5240 of the Revised Statutes of the United States (12 U.S.C. 481 et seq.) is amended—

(1) in the second undesignated paragraph (12 U.S.C. 481), in the fourth sentence, by striking ''without regard to the provisions of other laws applicable to officers or employees of the United States'' and inserting the following: ''set and adjusted subject to chapter 71 of title 5, United States Code, and without regard to the provisions of other laws applicable to officers or employees of the United States''; and

(2) in the third undesignated paragraph (12 U.S.C. 482), in the first sentence, by striking ''shall fix'' and inserting ''shall, subject to chapter 71 of title 5, United States Code, fix''.

(b) FUNDING OF OFFICE OF THE COMPTROLLER OF THE CURRENCY.—Chapter 4 of title LXII of the Revised Statutes is amended by inserting after section 5240 (12 U.S.C. 481, 482) the following:

''SEC. 5240A. The Comptroller of the Currency may collect an assessment, fee, or other charge from any entity described in section 3(q)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)(1)), as the Comptroller determines is necessary or appropriate to carry out the responsibilities of the Office of the Comptroller of the Currency. In establishing the amount of an assessment, fee, or charge collected from an entity under this section, the Comptroller of the Currency may take into account the nature and scope of the activities of the entity, the amount and type of assets that the entity holds, the financial and managerial condition of the entity, and any other factor, as the Comptroller of the Currency determines is appropriate. Funds derived from any assessment, fee, or charge collected or payment made pursuant to this section may be deposited by the Comptroller of the Currency in accordance with the provisions of section 5234. Such funds shall not be construed to be Government funds or appropriated monies, and shall not be subject to apportionment for purposes of chapter 15 of title 31, United States Code, or any other provision of law. The authority of the Comptroller of the Currency under this section shall be in addition to the authority under section 5240.

''The Comptroller of the Currency shall have sole authority to determine the manner in which the obligations of the Office of the Comptroller of the Currency shall be incurred and its disbursements and expenses allowed and paid, in accordance with this section, except as provided in chapter 71 of title 5, United States Code (with respect to compensation).''.

(c) FUNDING OF BOARD OF GOVERNORS.—Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by adding at the end the following:

''(s) ASSESSMENTS, FEES, AND OTHER CHARGES FOR CERTAIN COMPANIES.—

''(1) IN GENERAL.—The Board shall collect a total amount of assessments, fees, or other charges from the companies described in paragraph (2) that is equal to the total expenses the Board estimates are necessary or appropriate to carry out the supervisory and regulatory responsibilities of the Board with respect to such companies.

''(2) COMPANIES.—The companies described in this paragraph are—

''(A) all bank holding companies having total consolidated assets of $50,000,000,000 or more;

''(B) all savings and loan holding companies having total consolidated assets of $50,000,000,000 or more; and

''(C) all nonbank financial companies supervised by the Board under section 113 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.''.

(d) CORPORATION EXAMINATION FEES.—Section 10(e) of the Federal Deposit Insurance Act (12 U.S.C. 1820(e)) is amended by striking paragraph (1) and inserting the following:

''(1) REGULAR AND SPECIAL EXAMINATIONS OF DEPOSITORY INSTITUTIONS.—The cost of conducting any regular examination or special examination of any depository institution under subsection (b)(2), (b)(3), or (d) or of any entity described in section 3(q)(2) may be assessed by the Corporation against the institution or entity to meet the expenses of the Corporation in carrying out such examinations.''.

(e) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the transfer date.

SEC. 319. CONTRACTING AND LEASING AUTHORITY.

Notwithstanding the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or any other provision of law (except the full and open competition requirements of the Competition in Contracting Act), the Office of the Comptroller of the Currency may—

(1) enter into and perform contracts, execute instruments, and acquire real property (or property interest) as the Comptroller deems necessary to carry out the duties and responsibilities of the Office of the Comptroller of the Currency; and

(2) hold, maintain, sell, lease, or otherwise dispose of the property (or property interest) acquired under paragraph (1).

Subtitle B—Transitional Provisions

SEC. 321. INTERIM USE OF FUNDS, PERSONNEL, AND PROPERTY OF THE OFFICE OF THRIFT SUPERVISION.

(a) IN GENERAL.—Before the transfer date, the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors shall—

(1) consult and cooperate with the Office of Thrift Supervision to facilitate the orderly transfer of functions to the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors in accordance with this title;

(2) determine jointly, from time to time—

(A) the amount of funds necessary to pay any expenses associated with the transfer of functions (including expenses for personnel, property, and administrative services) during the period beginning on the date of enactment of this Act and ending on the transfer date;

(B) which personnel are appropriate to facilitate the orderly transfer of functions by this title; and

(C) what property and administrative services are necessary to support the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors during the period beginning on the date of enactment of this Act and ending on the transfer date; and

(3) take such actions as may be necessary to provide for the orderly implementation of this title.

(b) AGENCY CONSULTATION.—When requested jointly by the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors to do so before the transfer date, the Office of Thrift Supervision shall—

(1) pay to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, from funds obtained by the Office of Thrift Supervision through assessments, fees, or other charges that the Office of Thrift Supervision is authorized by law to impose, such amounts as the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly determine to be necessary under subsection (a);

(2) detail to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, such personnel as the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly determine to be appropriate under subsection (a); and

(3) make available to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, such property and provide to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, as applicable, such administrative services as the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly determine to be necessary under subsection (a).

(c) NOTICE REQUIRED.—The Office of the Comptroller of the Currency, the Corporation, and the Board of Governors shall jointly give the Office of Thrift Supervision reasonable prior notice of any request that the Office of the Comptroller of the Currency, the Corporation, and the Board of Governors jointly intend to make under subsection (b).

SEC. 322. TRANSFER OF EMPLOYEES.

(a) IN GENERAL.—

(1) OFFICE OF THRIFT SUPERVISION EMPLOYEES.—

(A) IN GENERAL.—Except as provided in section 1064, all employees of the Office of Thrift Supervision shall be transferred to the Office of the Comptroller of the Currency or the Corporation for employment in accordance with this section.

(B) ALLOCATING EMPLOYEES FOR TRANSFER TO RECEIVING AGENCIES.—The Director of the Office of Thrift Supervision, the Comptroller of the Currency, and the Chairperson of the Corporation shall—

(i) jointly determine the number of employees of the Office of Thrift Supervision necessary to perform or support the functions that are transferred to the Office of the Comptroller of the Currency or the Corporation by this title; and

(ii) consistent with the determination under clause (i), jointly identify employees of the Office of Thrift Supervision for transfer to the Office of the Comptroller of the Currency or the Corporation.

(2) EMPLOYEES TRANSFERRED; SERVICE PERIODS CREDITED.—For purposes of this section, periods of service with a Federal home loan bank, a joint office of Federal home loan banks, or a Federal reserve bank shall be credited as periods of service with a Federal agency.

(3) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE TRANSFERRED.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any appointment authority of the Office of Thrift Supervision under Federal law that relates to the functions transferred under section 312, including the regulations of the Office of Personnel Management, for filling

the positions of employees in the excepted service shall be transferred to the Comptroller of the Currency or the Chairperson of the Corporation, as appropriate.

(B) DECLINING TRANSFERS ALLOWED.—The Comptroller of the Currency or the Chairperson of the Corporation may decline to accept a transfer of authority under subparagraph (A) (and the employees appointed under that authority) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character.

(4) ADDITIONAL APPOINTMENT AUTHORITY.—Notwithstanding any other provision of law, the Office of the Comptroller of the Currency and the Corporation may appoint transferred employees to positions in the Office of the Comptroller of the Currency or the Corporation, respectively.

(b) TIMING OF TRANSFERS AND POSITION ASSIGNMENTS.—Each employee to be transferred under subsection (a)(1) shall—

(1) be transferred not later than 90 days after the transfer date; and

(2) receive notice of the position assignment of the employee not later than 120 days after the effective date of the transfer of the employee.

(c) TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the transfer of employees under this subtitle shall be deemed a transfer of functions for the purpose of section 3503 of title 5, United States Code.

(2) PRIORITY.—If any provision of this subtitle conflicts with any protection provided to a transferred employee under section 3503 of title 5, United States Code, the provisions of this subtitle shall control.

(d) EMPLOYEE STATUS AND ELIGIBILITY.—The transfer of functions and employees under this subtitle, and the abolishment of the Office of Thrift Supervision under section 313, shall not affect the status of the transferred employees as employees of an agency of the United States under any provision of law.

(e) EQUAL STATUS AND TENURE POSITIONS.—

(1) STATUS AND TENURE.—Each transferred employee from the Office of Thrift Supervision shall be placed in a position at the Office of the Comptroller of the Currency or the Corporation with the same status and tenure as the transferred employee held on the day before the date on which the employee was transferred.

(2) FUNCTIONS.—To the extent practicable, each transferred employee shall be placed in a position at the Office of the Comptroller of the Currency or the Corporation, as applicable, responsible for the same functions and duties as the transferred employee had on the day before the date on which the employee was transferred, in accordance with the expertise and preferences of the transferred employee.

(f) NO ADDITIONAL CERTIFICATION REQUIREMENTS.—An examiner who is a transferred employee shall not be subject to any additional certification requirements before being placed in a comparable position at the Office of the Comptroller of the Currency or the Corporation, if the examiner carries out examinations of the same type of institutions as an employee of the Office of the Comptroller of the Currency or the Corporation as the employee was responsible for carrying out before the date on which the employee was transferred.

(g) PERSONNEL ACTIONS LIMITED.—

(1) PROTECTION.—

(A) IN GENERAL.—Except as provided in paragraph (2), each affected employee shall not, during the 30-month period beginning on the transfer date, be involuntarily separated, or involuntarily reassigned outside his or her locality pay area.

(B) AFFECTED EMPLOYEES.—For purposes of this paragraph, the term ''affected employee'' means—

(i) an employee transferred from the Office of Thrift Supervision holding a permanent position on the day before the transfer date; and

(ii) an employee of the Office of the Comptroller of the Currency or the Corporation holding a permanent position on the day before the transfer date.

(2) EXCEPTIONS.—Paragraph (1) does not limit the right of the Office of the Comptroller of the Currency or the Corporation to—

(A) separate an employee for cause or for unacceptable performance;

(B) terminate an appointment to a position excepted from the competitive service because of its confidential policy-making, policy-determining, or policy-advocating character; or

(C) reassign an employee outside such employee's locality pay area when the Office of the Comptroller of the Currency or the Corporation determines that the reassignment is necessary for the efficient operation of the agency.

(h) PAY.—

(1) 30-MONTH PROTECTION.—Except as provided in paragraph (2), during the 30-month period beginning on the date on which the employee was transferred under this subtitle, a transferred employee shall be paid at a rate that is not less than the basic rate of pay, including any geographic differential, that the transferred employee received during the pay period immediately preceding the date on which the employee was transferred. Notwithstanding the preceding sentence, if the employee was receiving a higher rate of basic pay on a temporary basis (because of a temporary assignment, temporary promotion, or other temporary action) immediately before the transfer, the Agency may reduce the rate of basic pay on the date the rate would have been reduced but for the transfer, and the protected rate for the remainder of the 30-month period will be the reduced rate that would have applied but for the transfer.

(2) EXCEPTIONS.—The Comptroller of the Currency or the Corporation may reduce the rate of basic pay of a transferred employee—

(A) for cause, including for unacceptable performance; or

(B) with the consent of the transferred employee.

(3) PROTECTION ONLY WHILE EMPLOYED.—This subsection shall apply to a transferred employee only during the period that the transferred employee remains employed by Office of the Comptroller of the Currency or the Corporation.

(4) PAY INCREASES PERMITTED.—Nothing in this subsection shall limit the authority of the Comptroller of the Currency or the Chairperson of the Corporation to increase the pay of a transferred employee.

(i) BENEFITS.—

(1) RETIREMENT BENEFITS FOR TRANSFERRED EMPLOYEES.—

(A) IN GENERAL.—

(i) CONTINUATION OF EXISTING RETIREMENT PLAN.—Each transferred employee shall remain enrolled in the retirement plan of the transferred employee, for as long as the transferred employee is employed by the Office of the Comptroller of the Currency or the Corporation.

(ii) EMPLOYER'S CONTRIBUTION.—The Comptroller of the Currency or the Chairperson of the Corporation, as appropriate, shall pay any employer contributions to the existing retirement plan of each transferred employee, as required under each such existing retirement plan.

(B) DEFINITION.—In this paragraph, the term ''existing retirement plan'' means, with respect to a transferred employee, the retirement plan (including the Financial Institutions Retirement Fund), and any associated thrift savings plan, of the agency from which the employee was transferred in which the employee was enrolled on the day before the date on which the employee was transferred.

(2) BENEFITS OTHER THAN RETIREMENT BENEFITS.—

(A) DURING FIRST YEAR.—

(i) EXISTING PLANS CONTINUE.—During the 1-year period following the transfer date, each transferred employee may retain membership in any employee benefit program (other than a retirement benefit program) of the agency from which the employee was transferred under this title, including any dental, vision, long term care, or life insurance program to which the employee belonged on the day before the transfer date.

(ii) EMPLOYER'S CONTRIBUTION.—The Office of the Comptroller of the Currency or the Corporation, as appropriate, shall pay any employer cost required to extend coverage in the benefit program to the transferred employee as required under that program or negotiated agreements.

(B) DENTAL, VISION, OR LIFE INSURANCE AFTER FIRST YEAR.—If, after the 1-year period beginning on the transfer date, the Office of the Comptroller of the Currency or the Corporation determines that the Office of the Comptroller of the Currency or the Corporation, as the case may be, will not continue to participate in any dental, vision, or life insurance program of an agency from which an employee was transferred, a transferred employee who is a member of the program may, before the decision takes effect and without regard to any regularly scheduled open season, elect to enroll in—

(i) the enhanced dental benefits program established under chapter 89A of title 5, United States Code;

(ii) the enhanced vision benefits established under chapter 89B of title 5, United States Code; and

(iii) the Federal Employees' Group Life Insurance Program established under chapter 87 of title 5, United States Code, without regard to any requirement of insurability.

(C) LONG TERM CARE INSURANCE AFTER 1ST YEAR.—If, after the 1-year period beginning on the transfer date, the Office of the Comptroller of the Currency or the Corporation determines that the Office of the Comptroller of the Currency or the Corporation, as appropriate, will not continue to participate in any long term care insurance program of an agency from which an employee transferred, a transferred employee who is a member of such a program may, before the decision takes effect, elect to apply for coverage under the Federal Long Term Care Insurance Program established under chapter 90 of title 5, United States Code, under the underwriting requirements applicable to a new active workforce member, as described in part 875 of title 5, Code of Federal Regulations (or any successor thereto).

(D) CONTRIBUTION OF TRANSFERRED EMPLOYEE.—

(i) IN GENERAL.—Subject to clause (ii), a transferred employee who is enrolled in a plan under the Federal Employees Health Benefits Program shall pay any employee contribution required under the plan.

(ii) COST DIFFERENTIAL.—The Office of the Comptroller of the Currency or the Corporation, as applicable, shall pay any difference in cost between the employee contribution required under the plan provided to transferred employees by the agency from which the employee transferred on the date of enactment of this Act and the plan provided by the Office of the Comptroller of the Currency or the Corporation, as the case may be, under this section.

(iii) FUNDS TRANSFER.—The Office of the Comptroller of the Currency or the Corporation, as the case may be, shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Comptroller of the Currency or the Chairperson of the Corporation, as the case may be, and the Office of Management and Budget, to be necessary to reimburse the Fund for the cost to the Fund of providing any benefits under this subparagraph that are not otherwise paid for by a transferred employee under clause (i).

(E) SPECIAL PROVISIONS TO ENSURE CONTINUATION OF LIFE INSURANCE BENEFITS.—

(i) IN GENERAL.—An annuitant, as defined in section 8901 of title 5, United States Code, who is enrolled in a life insurance plan administered by an agency from which employees are transferred under this title on the day before the

transfer date shall be eligible for coverage by a life insurance plan under sections 8706(b), 8714a, 8714b, or 8714c of title 5, United States Code, or by a life insurance plan established by the Office of the Comptroller of the Currency or the Corporation, as applicable, without regard to any regularly scheduled open season or any requirement of insurability.

(ii) CONTRIBUTION OF TRANSFERRED EMPLOYEE.—

(I) IN GENERAL.—Subject to subclause (II), a transferred employee enrolled in a life insurance plan under this subparagraph shall pay any employee contribution required by the plan.

(II) COST DIFFERENTIAL.—The Office of the Comptroller of the Currency or the Corporation, as the case may be, shall pay any difference in cost between the benefits provided by the agency from which the employee transferred on the date of enactment of this Act and the benefits provided under this section.

(III) FUNDS TRANSFER.—The Office of the Comptroller of the Currency or the Corporation, as the case may be, shall transfer to the Federal Employees' Group Life Insurance Fund established under section 8714 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Comptroller of the Currency or the Chairperson of the Corporation, as the case may be, and the Office of Management and Budget, to be necessary to reimburse the Federal Employees' Group Life Insurance Fund for the cost to the Federal Employees' Group Life Insurance Fund of providing benefits under this subparagraph not otherwise paid for by a transferred employee under subclause (I).

(IV) CREDIT FOR TIME ENROLLED IN OTHER PLANS.—For any transferred employee, enrollment in a life insurance plan administered by the agency from which the employee transferred, immediately before enrollment in a life insurance plan under chapter 87 of title 5, United States Code, shall be considered as enrollment in a life insurance plan under that chapter for purposes of section 8706(b)(1)(A) of title 5, United States Code.

(j) INCORPORATION INTO AGENCY PAY SYSTEM.—Not later than 30 months after the transfer date, the Comptroller of the Currency and the Chairperson of the Corporation shall place each transferred employee into the established pay system and structure of the appropriate employing agency.

(k) EQUITABLE TREATMENT.—In administering the provisions of this section, the Comptroller of the Currency and the Chairperson of the Corporation—

(1) may not take any action that would unfairly disadvantage a transferred employee relative to any other employee of the Office of the Comptroller of the Currency or the Corporation on the basis of prior employment by the Office of Thrift Supervision;

(2) may take such action as is appropriate in an individual case to ensure that a transferred employee receives equitable treatment, with respect to the status, tenure, pay, benefits (other than benefits under programs administered by the Office of Personnel Management), and accrued leave or vacation time for prior periods of service with any Federal agency of the transferred employee;

(3) shall, jointly with the Director of the Office of Thrift Supervision, develop and adopt procedures and safeguards designed to ensure that the requirements of this subsection are met; and

(4) shall conduct a study detailing the position assignments of all employees transferred pursuant to subsection (a), describing the procedures and safeguards adopted pursuant to paragraph (3), and demonstrating that the requirements of this subsection have been met; and shall, not later than 365 days after the transfer date, submit a copy of such study to Congress.

(l) REORGANIZATION.—

(1) IN GENERAL.—If the Comptroller of the Currency or the Chairperson of the Corporation determines, during the 2-year period beginning 1 year after the transfer date, that a reorganization of the staff of the Office of the Comptroller of the Currency or the Corporation, respectively, is required, the reorganization shall be deemed a ''major reorganization'' for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(2) SERVICE CREDIT.—For purposes of this subsection, periods of service with a Federal home loan bank or a joint office of Federal home loan banks shall be credited as periods of service with a Federal agency.

SEC. 323. PROPERTY TRANSFERRED.

(a) PROPERTY DEFINED.—For purposes of this section, the term ''property'' includes all real property (including leaseholds) and all personal property, including computers, furniture, fixtures, equipment, books, accounts, records, reports, files, memoranda, paper, reports of examination, work papers, and correspondence related to such reports, and any other information or materials.

(b) PROPERTY OF THE OFFICE OF THRIFT SUPERVISION.—

(1) IN GENERAL.—No later than 90 days after the transfer date, all property of the Office of Thrift Supervision (other than property described under paragraph (b)(2)) that the Comptroller of the Currency and the Chairperson of the Corporation jointly determine is used, on the day before the transfer date, to perform or support the functions of the Office of Thrift Supervision transferred to the Office of the Comptroller of the Currency or the Corporation under this title, shall be transferred to the Office of the Comptroller of the Currency or the Corporation in a manner consistent with the transfer of employees under this subtitle.

(2) PERSONAL PROPERTY.—All books, accounts, records, reports, files, memoranda, papers, documents, reports of examination, work papers, and correspondence of the Office of Thrift Supervision that the Comptroller of the Currency, the Chairperson of the Corporation, and the Chairman of the Board of Governors jointly determine is used, on the day before the transfer date, to perform or support the functions of the Office of Thrift Supervision transferred to the Board of Governors under this title shall be transferred to the Board of Governors in a manner consistent with the purposes of this title.

(c) CONTRACTS RELATED TO PROPERTY TRANSFERRED.—Each contract, agreement, lease, license, permit, and similar arrangement relating to property transferred to the Office of the Comptroller of the Currency or the Corporation by this section shall be transferred to the Office of the Comptroller of the Currency or the Corporation, as appropriate, together with the property to which it relates.

(d) PRESERVATION OF PROPERTY.—Property identified for transfer under this section shall not be altered, destroyed, or deleted before transfer under this section.

SEC. 324. FUNDS TRANSFERRED.

The funds that, on the day before the transfer date, the Director of the Office of Thrift Supervision (in consultation with the Comptroller of the Currency, the Chairperson of the Corporation, and the Chairman of the Board of Governors) determines are not necessary to dispose of the affairs of the Office of Thrift Supervision under section 325 and are available to the Office of Thrift Supervision to pay the expenses of the Office of Thrift Supervision—

(1) relating to the functions of the Office of Thrift Supervision transferred under section 312(b)(2)(B), shall be transferred to the Office of the Comptroller of the Currency on the transfer date;

(2) relating to the functions of the Office of Thrift Supervision transferred under section 312(b)(2)(C), shall be transferred to the Corporation on the transfer date; and

(3) relating to the functions of the Office of Thrift Supervision transferred under section 312(b)(1)(A), shall be transferred to the Board of Governors on the transfer date.

SEC. 325. DISPOSITION OF AFFAIRS.

(a) AUTHORITY OF DIRECTOR.—During the 90-day period beginning on the transfer date, the Director of the Office of Thrift Supervision—

(1) shall, solely for the purpose of winding up the affairs of the Office of Thrift Supervision relating to any function transferred to the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors under this title—

(A) manage the employees of the Office of Thrift Supervision who have not yet been transferred and provide for the payment of the compensation and benefits of the employees that accrue before the date on which the employees are transferred under this title; and

(B) manage any property of the Office of Thrift Supervision, until the date on which the property is transferred under section 323; and

(2) may take any other action necessary to wind up the affairs of the Office of Thrift Supervision.

(b) STATUS OF DIRECTOR.—

(1) IN GENERAL.—Notwithstanding the transfer of functions under this subtitle, during the 90-day period beginning on the transfer date, the Director of the Office of Thrift Supervision shall retain and may exercise any authority vested in the Director of the Office of Thrift Supervision on the day before the transfer date, only to the extent necessary—

(A) to wind up the Office of Thrift Supervision; and

(B) to carry out the transfer under this subtitle during such 90-day period.

(2) OTHER PROVISIONS.—For purposes of paragraph (1), the Director of the Office of Thrift Supervision shall, during the 90-day period beginning on the transfer date, continue to be—

(A) treated as an officer of the United States; and

(B) entitled to receive compensation at the same annual rate of basic pay that the Director of the Office of Thrift Supervision received on the day before the transfer date.

SEC. 326. CONTINUATION OF SERVICES.

Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, that was, before the transfer date, providing support services to the Office of Thrift Supervision in connection with functions transferred to the Office of the Comptroller of the Currency, the Corporation or the Board of Governors under this title, shall—

(1) continue to provide such services, subject to reimbursement by the Office of the Comptroller of the Currency, the Corporation, or the Board of Governors, until the transfer of functions under this title is complete; and

(2) consult with the Comptroller of the Currency, the Chairperson of the Corporation, or the Chairman of the Board of Governors, as appropriate, to coordinate and facilitate a prompt and orderly transition.

SEC. 327. IMPLEMENTATION PLAN AND REPORTS.

(a) PLAN SUBMISSION.—Within 180 days of the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Board of Governors, the Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision, shall jointly submit a plan to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Inspectors General of the Department of the Treasury, the Corporation, and the Board of Governors detailing the steps the Board of Governors, the Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision will take to implement the provisions of sections 301 through 326, and the provisions of the amendments made by such sections.

(b) INSPECTORS GENERAL REVIEW OF THE PLAN.—Within 60 days of receiving the plan required under subsection (a), the Inspectors General of the Department of the Treasury, the Corporation, and the Board of Governors shall jointly provide a written report to the Board of Governors, the Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision and shall submit a copy to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives detailing whether the plan conforms with the provisions of sections 301 through 326, and the provisions of the amendments made by such sections, including—

(1) whether the plan sufficiently takes into consideration the orderly transfer of personnel;

(2) whether the plan describes procedures and safeguards to ensure that the Office of Thrift Supervision employees are not unfairly disadvantaged relative to employees of the Office of the Comptroller of the Currency and the Corporation;

(3) whether the plan sufficiently takes into consideration the orderly transfer of authority and responsibilities;

(4) whether the plan sufficiently takes into consideration the effective transfer of funds;

(5) whether the plan sufficiently takes in consideration the orderly transfer of property; and

(6) any additional recommendations for an orderly and effective process.

(c) IMPLEMENTATION REPORTS.—Not later than 6 months after the date on which the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives receives the report required under subsection (b), and every 6 months thereafter until all aspects of the plan have been implemented, the Inspectors General of the Department of the Treasury, the Corporation, and the Board of Governors shall jointly provide a written report on the status of the implementation of the plan to the Board of Governors, the Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision and shall submit a copy to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

Subtitle C—Federal Deposit Insurance Corporation

SEC. 331. DEPOSIT INSURANCE REFORMS.

(a) SIZE DISTINCTIONS.—Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(1) by striking subparagraph (D); and

(2) by redesignating subparagraph (C) as subparagraph (D).

(b) ASSESSMENT BASE.—The Corporation shall amend the regulations issued by the Corporation under section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) to define the term ''assessment base'' with respect to an insured depository institution for purposes of that section 7(b)(2), as an amount equal to—

(1) the average consolidated total assets of the insured depository institution during the assessment period; minus

(2) the sum of—

(A) the average tangible equity of the insured depository institution during the assessment period; and

(B) in the case of an insured depository institution that is a custodial bank (as defined by the Corporation, based on factors including the percentage of total revenues generated by custodial businesses and the level of assets under custody) or a banker's bank (as that term is used in section 5136 of the Revised Statutes (12 U.S.C. 24)), an amount that the Corporation determines is necessary to establish assessments consistent with the definition under section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) for a custodial bank or a banker's bank.

SEC. 332. ELIMINATION OF PROCYCLICAL ASSESSMENTS.

Section 7(e) of the Federal Deposit Insurance Act is amended—

(1) in paragraph (2)—

(A) by amending subparagraph (B) to read as follows:

''(B) LIMITATION.—The Board of Directors may, in its sole discretion, suspend or limit the declaration of payment of dividends under subparagraph (A).'';

(B) by amending subparagraph (C) to read as follows:

''(C) NOTICE AND OPPORTUNITY FOR COMMENT.—The Corporation shall prescribe, by regulation, after notice and opportunity for comment, the method for the declaration, calculation, distribution, and payment of dividends under this paragraph''; and

(C) by striking subparagraphs (D) through (G); and

(2) in paragraph (4)(A) by striking ''paragraphs (2)(D) and'' and inserting ''paragraphs (2) and''.

SEC. 333. ENHANCED ACCESS TO INFORMATION FOR DEPOSIT INSURANCE PURPOSES.

(a) Section 7(a)(2)(B) of the Federal Deposit Insurance Act is amended by striking ''agreement'' and inserting ''consultation''.

(b) Section 7(b)(1)(E) of the Federal Deposit Insurance Act is amended—

(1) in clause (i), by striking ''such as'' and inserting ''including''; and

(2) in clause (iii), by striking ''Corporation'' and inserting ''Corporation, except as provided in section 7(a)(2)(B)''.

SEC. 334. TRANSITION RESERVE RATIO REQUIREMENTS TO REFLECT NEW ASSESSMENT BASE.

(a) Section 7(b)(3)(B) of the Federal Deposit Insurance Act is amended to read as follows:

''(B) MINIMUM RESERVE RATIO.—The reserve ratio designated by the Board of Directors for any year may not be less than 1.35 percent of estimated insured deposits, or the comparable percentage of the assessment base set forth in paragraph (2)(C).''.

(b) Section 3(y)(3) of the Federal Deposit Insurance Act is amended by inserting '', or such comparable percentage of the assessment base set forth in section 7(b)(2)(C)'' before the period.

(c) For a period of not less than 5 years after the date of the enactment of this title, the Federal Deposit Insurance Corporation shall make available to the public the reserve ratio and the designated reserve ratio using both estimated insured deposits and the assessment base under section 7(b)(2)(C) of the Federal Deposit Insurance Act.

(d) RESERVE RATIO.—Notwithstanding the timing requirements of section 7(b)(3)(E)(ii) of the Federal Deposit Insurance Act, the Corporation shall take such steps as may be necessary for the reserve ratio of the Deposit Insurance Fund to reach 1.35 percent of estimated insured deposits by September 30, 2020.

(e) OFFSET.—In setting the assessments necessary to meet the requirements of subsection (d), the Corporation shall offset the effect of subsection (d) on insured depository institutions with total consolidated assets of less than $10,000,000,000.

SEC. 335. PERMANENT INCREASE IN DEPOSIT AND SHARE INSURANCE.

(a) PERMANENT INCREASE IN DEPOSIT INSURANCE.—Section 11(a)(1)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(E)) is amended—

(1) by striking ''$100,000'' and inserting ''$250,000''; and

(2) by adding at the end the following new sentences: ''Notwithstanding any other provision of law, the increase in the standard maximum deposit insurance amount to $250,000 shall apply to depositors in any institution for which the Corporation was appointed as receiver or conservator on or after January 1, 2008, and before October 3, 2008. The Corporation shall take such actions as are necessary to carry out the requirements of this section with respect to such depositors, without regard to any time limitations under this Act. In implementing this and the preceding 2 sentences, any payment on a deposit claim made by the Corporation as receiver or conservator to a depositor above the standard maximum deposit insurance amount in effect at the time of the appointment of the Corporation as receiver or conservator shall be deemed to be part of the net amount due to the depositor under subparagraph (B).''

(b) PERMANENT INCREASE IN SHARE INSURANCE.—Section 207(k)(5) of the Federal Credit Union Act (12 U.S.C. 1787(k)(5)) is amended by striking ''$100,000'' and inserting ''$250,000''.

SEC. 336. MANAGEMENT OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.

(a) IN GENERAL.—Section 2 of the Federal Deposit Insurance Act (12 U.S.C. 1812) is amended—

(1) in subsection (a)(1)(B), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Director of the Consumer Financial Protection Bureau'';

(2) by amending subsection (d)(2) to read as follows:

''(2) ACTING OFFICIALS MAY SERVE.—In the event of a vacancy in the office of the Comptroller of the Currency or the office of Director of the Consumer Financial Protection Bureau and pending the appointment of a successor, or during the absence or disability of the Comptroller of the Currency or the Director of the Consumer Financial Protection Bureau, the acting Comptroller of the Currency or the acting Director of the Consumer Financial Protection Bureau, as the case may be, shall be a member of the Board of Directors in the place of the Comptroller or Director.''; and

(3) in subsection (f)(2), by striking ''Office of Thrift Supervision'' and inserting ''Consumer Financial Protection Bureau''.

(b) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the transfer date.

Subtitle D—Other Matters

SEC. 341. BRANCHING.

Notwithstanding the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or any other provision of Federal or State law, a savings association that becomes a bank may—

(1) continue to operate any branch or agency that the savings association operated immediately before the savings association became a bank; and

(2) establish, acquire, and operate additional branches and agencies at any location within any State in which the savings association operated a branch immediately before the savings association became a bank, if the law of the State in which the branch is located, or is to be located, would permit establishment of the branch if the bank were a State bank chartered by such State.

SEC. 342. OFFICE OF MINORITY AND WOMEN INCLUSION.

(a) OFFICE OF MINORITY AND WOMEN INCLUSION.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 6 months after the date of enactment of this Act, each agency shall establish an Office of Minority and Women Inclusion that shall be responsible for all matters of the agency relating to diversity in management, employment, and business activities.

(B) BUREAU.—The Bureau shall establish an Office of Minority and Women Inclusion not later than 6 months after the designated transfer date established under section 1062.

(2) TRANSFER OF RESPONSIBILITIES.—Each agency that, on the day before the date of enactment of this Act, assigned the responsibilities described in paragraph (1) (or comparable responsibilities) to another office of the agency

shall ensure that such responsibilities are transferred to the Office.

(3) DUTIES WITH RESPECT TO CIVIL RIGHTS LAWS.—The responsibilities described in paragraph (1) do not include enforcement of statutes, regulations, or executive orders pertaining to civil rights, except each Director shall coordinate with the agency administrator, or the designee of the agency administrator, regarding the design and implementation of any remedies resulting from violations of such statutes, regulations, or executive orders.

(b) DIRECTOR.—

(1) IN GENERAL.—The Director of each Office shall be appointed by, and shall report to, the agency administrator. The position of Director shall be a career reserved position in the Senior Executive Service, as that position is defined in section 3132 of title 5, United States Code, or an equivalent designation.

(2) DUTIES.—Each Director shall develop standards for—

(A) equal employment opportunity and the racial, ethnic, and gender diversity of the workforce and senior management of the agency;

(B) increased participation of minority-owned and women-owned businesses in the programs and contracts of the agency, including standards for coordinating technical assistance to such businesses; and

(C) assessing the diversity policies and practices of entities regulated by the agency.

(3) OTHER DUTIES.—Each Director shall advise the agency administrator on the impact of the policies and regulations of the agency on minority-owned and women-owned businesses.

(4) RULE OF CONSTRUCTION.—Nothing in paragraph (2)(C) may be construed to mandate any requirement on or otherwise affect the lending policies and practices of any regulated entity, or to require any specific action based on the findings of the assessment.

(c) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITIES.—

(1) IN GENERAL.—The Director of each Office shall develop and implement standards and procedures to ensure, to the maximum extent possible, the fair inclusion and utilization of minorities, women, and minority-owned and women-owned businesses in all business and activities of the agency at all levels, including in procurement, insurance, and all types of contracts.

(2) CONTRACTS.—The procedures established by each agency for review and evaluation of contract proposals and for hiring service providers shall include, to the extent consistent with applicable law, a component that gives consideration to the diversity of the applicant. Such procedure shall include a written statement, in a form and with such content as the Director shall prescribe, that a contractor shall ensure, to the maximum extent possible, the fair inclusion of women and minorities in the workforce of the contractor and, as applicable, subcontractors.

(3) TERMINATION.—

(A) DETERMINATION.—The standards and procedures developed and implemented under this subsection shall include a procedure for the Director to make a determination whether an agency contractor, and, as applicable, a subcontractor has failed to make a good faith effort to include minorities and women in their workforce.

(B) EFFECT OF DETERMINATION.—

(i) RECOMMENDATION TO AGENCY ADMINISTRATOR.—Upon a determination described in subparagraph (A), the Director shall make a recommendation to the agency administrator that the contract be terminated.

(ii) ACTION BY AGENCY ADMINISTRATOR.—Upon receipt of a recommendation under clause (i), the agency administrator may—

(I) terminate the contract;

(II) make a referral to the Office of Federal Contract Compliance Programs of the Department of Labor; or

(III) take other appropriate action.

(d) APPLICABILITY.—This section shall apply to all contracts of an agency for services of any kind, including the services of financial institutions, investment banking firms, mortgage banking firms, asset management firms, brokers, dealers, financial services entities, underwriters, accountants, investment consultants, and providers of legal services. The contracts referred to in this subsection include all contracts for all business and activities of an agency, at all levels, including contracts for the issuance or guarantee of any debt, equity, or security, the sale of assets, the management of the assets of the agency, the making of equity investments by the agency, and the implementation by the agency of programs to address economic recovery.

(e) REPORTS.—Each Office shall submit to Congress an annual report regarding the actions taken by the agency and the Office pursuant to this section, which shall include—

(1) a statement of the total amounts paid by the agency to contractors since the previous report;

(2) the percentage of the amounts described in paragraph (1) that were paid to contractors described in subsection (c)(1);

(3) the successes achieved and challenges faced by the agency in operating minority and women outreach programs;

(4) the challenges the agency may face in hiring qualified minority and women employees and contracting with qualified minority-owned and women-owned businesses; and

(5) any other information, findings, conclusions, and recommendations for legislative or agency action, as the Director determines appropriate.

(f) DIVERSITY IN AGENCY WORKFORCE.—Each agency shall take affirmative steps to seek diversity in the workforce of the agency at all levels of the agency in a manner consistent with applicable law. Such steps shall include—

(1) recruiting at historically black colleges and universities, Hispanic-serving institutions, women's colleges, and colleges that typically serve majority minority populations;

(2) sponsoring and recruiting at job fairs in urban communities;

(3) placing employment advertisements in newspapers and magazines oriented toward minorities and women;

(4) partnering with organizations that are focused on developing opportunities for minorities and women to place talented young minorities and women in industry internships, summer employment, and full-time positions;

(5) where feasible, partnering with inner-city high schools, girls' high schools, and high schools with majority minority populations to establish or enhance financial literacy programs and provide mentoring; and

(6) any other mass media communications that the Office determines necessary.

(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) AGENCY.—The term ''agency'' means—

(A) the Departmental Offices of the Department of the Treasury;

(B) the Corporation;

(C) the Federal Housing Finance Agency;

(D) each of the Federal reserve banks;

(E) the Board;

(F) the National Credit Union Administration;

(G) the Office of the Comptroller of the Currency;

(H) the Commission; and

(I) the Bureau.

(2) AGENCY ADMINISTRATOR.—The term ''agency administrator'' means the head of an agency.

(3) MINORITY.—The term ''minority'' has the same meaning as in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note).

(4) MINORITY-OWNED BUSINESS.—The term ''minority-owned business'' has the same meaning as in section 21A(r)(4)(A) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)(A)), as in effect on the day before the transfer date.

(5) OFFICE.—The term ''Office'' means the Office of Minority and Women Inclusion established by an agency under subsection (a).

(6) WOMEN-OWNED BUSINESS.—The term ''women-owned business'' has the meaning given the term ''women's business'' in section 21A(r)(4)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)(B)), as in effect on the day before the transfer date.

SEC. 343. INSURANCE OF TRANSACTION ACCOUNTS.

(a) BANKS AND SAVINGS ASSOCIATIONS.—

(1) AMENDMENTS.—Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(A) in subparagraph (B)—

(i) by striking ''The net amount'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), the net amount''; and

(ii) by adding at the end the following new clauses:

''(ii) INSURANCE FOR NONINTEREST-BEARING TRANSACTION ACCOUNTS.—Notwithstanding clause (i), the Corporation shall fully insure the net amount that any depositor at an insured depository institution maintains in a noninterest-bearing transaction account. Such amount shall not be taken into account when computing the net amount due to such depositor under clause (i).

''(iii) NONINTEREST-BEARING TRANSACTION ACCOUNT DEFINED.—For purposes of this subparagraph, the term 'noninterest-bearing transaction account' means a deposit or account maintained at an insured depository institution—

''(I) with respect to which interest is neither accrued nor paid;

''(II) on which the depositor or account holder is permitted to make withdrawals by negotiable or transferable instrument, payment orders of withdrawal, telephone or other electronic media transfers, or other similar items for the purpose of making payments or transfers to third parties or others; and

''(III) on which the insured depository institution does not reserve the right to require advance notice of an intended withdrawal.''; and

(B) in subparagraph (C), by striking ''subparagraph (B)'' and inserting ''subparagraph (B)(i)''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on December 31, 2010.

(3) PROSPECTIVE REPEAL.—Effective January 1, 2013, section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)), as amended by paragraph (1), is amended—

(A) in subparagraph (B)—

(i) by striking ''DEPOSIT.—'' and all that follows through ''clause (ii), the net amount'' and insert ''DEPOSIT.—The net amount''; and

(ii) by striking clauses (ii) and (iii); and

(B) in subparagraph (C), by striking ''subparagraph (B)(i)'' and inserting ''subparagraph (B)''.

(b) CREDIT UNIONS.—

(1) AMENDMENTS.—Section 207(k)(1) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking ''Subject to the provisions of paragraph (2), the net amount'' and inserting the following:

''(i) NET AMOUNT OF INSURANCE PAYABLE.—Subject to clause (ii) and the provisions of paragraph (2), the net amount''; and

(ii) by adding at the end the following new clauses:

''(ii) INSURANCE FOR NONINTEREST-BEARING TRANSACTION ACCOUNTS.—Notwithstanding clause (i), the Board shall fully insure the net amount that any member or depositor at an insured credit union maintains in a noninterest-bearing transaction account. Such amount shall not be taken into account when computing the net amount due to such member or depositor under clause (i).

''(iii) NONINTEREST-BEARING TRANSACTION ACCOUNT DEFINED.—For purposes of this subparagraph, the term 'noninterest-bearing transaction

account' means an account or deposit maintained at an insured credit union—

''(I) with respect to which interest is neither accrued nor paid;

''(II) on which the account holder or depositor is permitted to make withdrawals by negotiable or transferable instrument, payment orders of withdrawal, telephone or other electronic media transfers, or other similar items for the purpose of making payments or transfers to third parties or others; and

''(III) on which the insured credit union does not reserve the right to require advance notice of an intended withdrawal.''; and

(B) in subparagraph (B), by striking ''subparagraph (A)'' and inserting ''subparagraph (A)(i)''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect upon the date of the enactment of this Act.

(3) PROSPECTIVE REPEAL.—Effective January 1, 2013, section 207(k)(1) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)), as amended by paragraph (1), is amended—

(A) in subparagraph (A)—

(i) by striking ''(i) NET AMOUNT OF INSURANCE PAYABLE.—'' and all that follows through ''paragraph (2), the net amount'' and inserting ''Subject to the provisions of paragraph (2), the net amount''; and

(ii) by striking clauses (ii) and (iii); and

(B) in subparagraph (B), by striking ''subparagraph (A)(i)'' and inserting ''subparagraph (A)''.

Subtitle E—Technical and Conforming Amendments

SEC. 351. EFFECTIVE DATE.

Except as provided in section 364(a), the amendments made by this subtitle shall take effect on the transfer date.

SEC. 352. BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.

Section 256(h) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(h)) is amended—

(1) in paragraph (4), by striking subparagraphs (C) and (G); and

(2) by redesignating subparagraphs (D), (E), (F), and (H) as subparagraphs (C), (D), (E), and (F), respectively.

SEC. 353. BANK ENTERPRISE ACT OF 1991.

Section 232(a) of the Bank Enterprise Act of 1991 (12 U.S.C. 1834(a)) is amended—

(1) in the subsection heading, by striking ''BY FEDERAL RESERVE BOARD'';

(2) in paragraph (1)—

(A) by striking ''The Board of Governors of the Federal Reserve System,'' and inserting ''The Comptroller of the Currency''; and

(B) by striking ''section 7(b)(2)(H)'' and inserting ''section 7(b)(2)(E)'';

(3) in paragraph (2)(A), by striking ''Board'' and inserting ''Comptroller''; and

(4) in paragraph (3)—

(A) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively; and

(B) by inserting before subparagraph (B) the following:

''(A) COMPTROLLER.—The term 'Comptroller' means the Comptroller of the Currency.''.

SEC. 354. BANK HOLDING COMPANY ACT OF 1956.

The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended—

(1) in section 2(j)(3) (12 U.S.C. 1841(j)(3)), strike ''Director of the Office of Thrift Supervision'' and inserting ''appropriate Federal banking agency'';

(2) in section 4 (12 U.S.C. 1843)—

(A) in subsection (i)—

(i) in paragraph (4)—

(I) in subparagraph (A)—

(aa) in the subparagraph heading, by striking ''TO DIRECTOR''; and

(bb) by striking ''Board'' and all that follows through the end of the subparagraph and inserting ''Board shall solicit comments and recommendations from—

''(i) the Comptroller of the Currency, with respect to the acquisition of a Federal savings association; and

''(ii) the Federal Deposit Insurance Corporation, with respect to the acquisition of a State savings association.''.

(II) in subparagraph (B), by striking ''Director'' each place that term appears and inserting ''Comptroller of the Currency or the Federal Deposit Insurance Corporation, as applicable,'';

(ii) in paragraph (5)—

(I) in subparagraph (B), by striking ''Director with'' and inserting ''Comptroller of the Currency or the Federal Deposit Insurance Corporation, as applicable, with''; and

(II) by striking ''Director'' each place that term appears and inserting ''Comptroller of the Currency or the Federal Deposit Insurance Corporation'';

(iii) in paragraph (6), by striking ''Director'' and inserting ''Comptroller of the Currency or the Federal Deposit Insurance Corporation, as applicable,''; and

(iv) by striking paragraph (7); and

(3) in section 5(f) (12 U.S.C. 1844(f))—

(A) by striking ''subpena'' each place that term appears and inserting ''subpoena'';

(B) by striking ''subpenas'' each place that term appears and inserting ''subpoenas''; and

(C) by striking ''subpenaed'' and inserting ''subpoenaed''.

SEC. 355. BANK HOLDING COMPANY ACT AMENDMENTS OF 1970.

Section 106(b)(1) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(1)) is amended in the undesignated matter following subparagraph (E) by inserting ''issue such regulations as are necessary to carry out this section, and, in consultation with the Comptroller of the Currency and the Federal Deposit Insurance Company, may'' after ''The Board may''.

SEC. 356. BANK PROTECTION ACT OF 1968.

The Bank Protection Act of 1968 (12 U.S.C. 1881 et seq.) is amended—

(1) in section 2 (12 U.S.C. 1881), by striking ''the term'' and all that follows through the end of the section and inserting ''the term 'Federal supervisory agency' means the appropriate Federal banking agency, as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).'';

(2) in section 3 (12 U.S.C. 1882), by striking ''and loan'' each place that term appears; and

(3) in section 5 (12 U.S.C. 1884), by striking ''and loan''.

SEC. 357. BANK SERVICE COMPANY ACT.

The Bank Service Company Act (12 U.S.C. 1861 et seq.) is amended—

(1) in section 1(b)(4) (12 U.S.C. 1861(b)(4))—

(A) by inserting after ''an insured bank,'' the following: ''a savings association,'';

(B) by striking ''Director of the Office of Thrift Supervision'' and inserting ''appropriate Federal banking agency''; and

(C) by striking '', the Federal Savings and Loan Insurance Corporation,'';

(2) in section 1(b)(5), by striking ''term 'insured depository institution' has the same meaning as in section 3(c)'' and inserting ''terms 'depository institution' and 'savings association' have the same meanings as in section 3''; and

(3) in section 7(c)(2) (12 U.S.C. 1867(c)(2)), by inserting ''each'' after ''notify''.

SEC. 358. COMMUNITY REINVESTMENT ACT OF 1977.

The Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.) is amended—

(1) in section 803 (12 U.S.C. 2902)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''and Federal savings associations (the deposits of which are insured by the Federal Deposit Insurance Corporation)'' after ''banks'';

(ii) in subparagraph (B), by striking ''and bank holding companies'' and inserting '', bank holding companies, and savings and loan holding companies''; and

(iii) in subparagraph (C), by striking ''; and'' and inserting '', and State savings associations (the deposits of which are insured by the Federal Deposit Insurance Corporation).''; and

(B) by striking paragraph (2) (relating to the Office of Thrift Supervision), as added by section 744(q) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Public Law 101–73; 103 Stat. 440); and

(2) in section 806 (12 U.S.C. 2905), by inserting '', except that the Comptroller of the Currency shall prescribe regulations applicable to savings associations and the Board of Governors shall prescribe regulations applicable to insured State member banks, bank holding companies and savings and loan holding companies,'' after ''supervisory agency''.

SEC. 359. CRIME CONTROL ACT OF 1990.

The Crime Control Act of 1990 is amended—

(1) in section 2539(c)(2) (28 U.S.C. 509 note)—

(A) by striking subparagraphs (C) and (D); and

(B) by redesignating subparagraphs (E) through (H) as subparagraphs (C) through (G), respectively; and

(2) in section 2554(b)(2) (Public Law 101–647; 104 Stat. 4890)—

(A) in subparagraph (A), by striking '', the Director of the Office of Thrift Supervision,'' and inserting ''the Comptroller of the Currency''; and

(B) in subparagraph (B), by striking '', the Director'' and all that follows through ''Trust Corporation'' and inserting ''or the Federal Deposit Insurance Corporation''.

SEC. 360. DEPOSITORY INSTITUTION MANAGEMENT INTERLOCKS ACT.

The Depository Institution Management Interlocks Act (12 U.S.C. 3201 et seq.) is amended—

(1) in section 207 (12 U.S.C. 3206)—

(A) in paragraph (1), by inserting before the comma at the end the following: ''and Federal savings associations (the deposits of which are insured by the Federal Deposit Insurance Corporation)'';

(B) in paragraph (2), by striking '', and bank holding companies'' and inserting '', bank holding companies, and savings and loan holding companies'';

(C) in paragraph (3), by striking ''Corporation,'' and inserting ''Corporation and State savings associations (the deposits of which are insured by the Federal Deposit Insurance Corporation),'';

(D) by striking paragraph (4);

(E) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(F) in paragraph (5), as so redesignated, by striking ''through (5)'' and inserting ''through (4)'';

(2) in section 209 (12 U.S.C. 3207)—

(A) in paragraph (1), by inserting before the comma at the end the following: ''and Federal savings associations (the deposits of which are insured by the Federal Deposit Insurance Corporation)'';

(B) in paragraph (2), by striking '', and bank holding companies'' and inserting '', bank holding companies, and savings and loan holding companies'';

(C) in paragraph (3), by striking ''Corporation,'' and inserting ''Corporation and State savings associations (the deposits of which are insured by the Federal Deposit Insurance Corporation),'';

(D) by striking paragraph (4); and

(E) by redesignating paragraph (5) as paragraph (4); and

(3) in section 210(a) (12 U.S.C. 3208(a))—

(A) by striking ''his'' and inserting ''the''; and

(B) by inserting ''of the Attorney General'' after ''enforcement functions''.

SEC. 361. EMERGENCY HOMEOWNERS' RELIEF ACT.

Section 110 of the Emergency Homeowners' Relief Act (12 U.S.C. 2709) is amended in the second sentence, by striking ''Home Loan Bank

Board, the Federal Savings and Loan Insurance Corporation'' and inserting ''Housing Finance Agency''.

SEC. 362. FEDERAL CREDIT UNION ACT.

The Federal Credit Union Act (12 U.S.C. 1751 et seq.) is amended—

(1) in section 107(8) (12 U.S.C. 1757(8)), by striking ''or the Federal Savings and Loan Insurance Corporation'';

(2) in section 205 (12 U.S.C. 1785)—

(A) in subsection (b)(2)(G)(i), by striking ''the Office of Thrift Supervision and''; and

(B) in subsection (i)(1), by striking ''or the Federal Savings and Loan Insurance Corporation''; and

(3) in section 206(g)(7) (12 U.S.C. 1786(g)(7))—

(A) in subparagraph (A)—

(i) in clause (ii), by striking ''(b)(8)'' and inserting ''(b)(9)'';

(ii) in clause (v)—

(I) by striking ''depository'' and inserting ''financial''; and

(II) by adding ''and'' at the end;

(iii) in clause (vi)—

(I) by striking ''Board'' and inserting ''Agency''; and

(II) by striking ''; and'' and inserting a period; and

(iv) by striking clause (vii); and

(B) in subparagraph (D)—

(i) in clause (iii), by adding ''and'' at the end;

(ii) in clause (iv)—

(I) by striking ''Board'' and inserting ''Agency''; and

(II) by striking ''and'' at the end; and

(iii) by striking clause (v).

SEC. 363. FEDERAL DEPOSIT INSURANCE ACT.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 3 (12 U.S.C. 1813)—

(A) in subsection (b)(1)(C), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency'';

(B) in subsection (l)(5), in the matter preceding subparagraph (A), by striking ''Director of the Office of Thrift Supervision,''; and

(C) in subsection (z), by striking ''the Director of the Office of Thrift Supervision,'';

(2) in section 7 (12 U.S.C. 1817)—

(A) in subsection (a)—

(i) in paragraph (2)—

(I) in subparagraph (A)—

(aa) in the first sentence, by striking ''the Director of the Office of Thrift Supervision,'';

(bb) in the second sentence—

(AA) by striking ''the Director of the Office of Thrift Supervision,'' and inserting ''to''; and

(BB) by inserting ''to'' before ''any Federal home''; and

(cc) by striking ''Finance Board'' each place that term appears and inserting ''Finance Agency''; and

(II) in subparagraph (B), by striking ''the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Director of the Office of Thrift Supervision,'' and inserting ''the Comptroller of the Currency and the Board of Governors of the Federal Reserve System,'';

(ii) in paragraph (3), in the first sentence, by striking ''Comptroller of the Currency, the Chairman of the Board of Governors of the Federal Reserve System, and the Director of the Office of Thrift Supervision.'' and inserting ''Comptroller of the Currency, and the Chairman of the Board of Governors of the Federal Reserve System.'';

(iii) in paragraph (6), by striking ''section 232(a)(3)(C)'' and inserting ''section 232(a)(3)(D)''; and

(iv) in paragraph (7), by striking '', the Director of the Office of Thrift Supervision,''; and

(B) in subsection (n)—

(i) in the heading, by striking ''DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION'' and inserting ''COMPTROLLER OF THE CURRENCY'';

(ii) in the first sentence—

(I) by striking ''the Director of the Office of Thrift Supervision'' and inserting ''the Comptroller of the Currency''; and

(II) by inserting ''Federal'' before ''savings associations'';

(iii) in the third sentence, by striking '', the Financing Corporation, and the Resolution Funding Corporation''; and

(iv) by striking ''the Director'' each place that term appears and inserting ''the Comptroller'';

(3) in section 8 (12 U.S.C. 1818)—

(A) in subsection (a)(8)(B)(ii), in the last sentence, by striking ''Director of the Office of Thrift Supervision'' each place that term appears and inserting ''Comptroller of the Currency'';

(B) in subsection (b)(3)—

(i) by inserting ''any savings and loan holding company and any subsidiary (other than a depository institution) of a savings and loan holding company (as such terms are defined in section 10 of Home Owners' Loan Act)), any noninsured State member bank'' after ''Bank Holding Company Act of 1956,''; and

(ii) by inserting ''or against a savings and loan holding company or any subsidiary thereof (other than a depository institution or a subsidiary of such depository institution)'' before the period at the end;

(C) by striking paragraph (9) of subsection (b) and inserting the following new paragraph:

''(9) [Repealed]''.

(D) in subsection (e)(7)—

(i) in subparagraph (A)—

(I) in clause (v), by inserting ''and'' after the semicolon;

(II) in clause (vi)—

(aa) by striking ''Board'' and inserting ''Agency''; and

(bb) by striking ''; and'' and inserting a period; and

(III) by striking clause (vii); and

(ii) in subparagraph (D)—

(I) in clause (iii), by inserting ''and'' after the semicolon;

(II) in clause (iv)—

(aa) by striking ''Board'' and inserting ''Agency''; and

(bb) by striking ''; and'' and inserting a period; and

(III) by striking clause (v);

(E) in subsection (j)—

(i) in paragraph (2), by striking '', or as a savings association under subsection (b)(9) of this section'';

(ii) in paragraph (3), by inserting ''or'' after the semicolon;

(iii) in paragraph (4), by striking ''; or'' and inserting a comma; and

(iv) by striking paragraph (5);

(F) in subsection (o), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency''; and

(G) in subsection (w)(3)(A), by striking ''and the Office of Thrift Supervision'';

(4) in section 10 (12 U.S.C. 1820)—

(A) in subsection (d)(5), by striking ''or the Resolution Trust Corporation'' each place that term appears; and

(B) in subsection (k)(5)(B)—

(i) in clause (ii), by inserting ''and'' after the semicolon;

(ii) in clause (iii), by striking ''; and'' and inserting a period; and

(iii) by striking clause (iv);

(5) in section 11 (12 U.S.C. 1821)—

(A) in subsection (c)—

(i) in paragraph (2)(A)(ii), by striking ''(other than section 21A of the Federal Home Loan Bank Act)'';

(ii) in paragraph (4), by striking ''Except as otherwise provided in section 21A of the Federal Home Loan Bank Act and notwithstanding'' and inserting ''Notwithstanding'';

(iii) in paragraph (6)—

(I) in the heading, by striking ''DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION'' and inserting ''COMPTROLLER OF THE CURRENCY'';

(II) in subparagraph (A)—

(aa) by striking ''or the Resolution Trust Corporation''; and

(bb) by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency''; and

(III) by amending subparagraph (B) to read as follows:

''(B) RECEIVER.—The Corporation may, at the discretion of the Comptroller of the Currency, be appointed receiver and the Corporation may accept any such appointment.'';

(iv) in paragraph (12)(A), by striking ''or the Resolution Trust Corporation'';

(B) in subsection (d)—

(i) in paragraph (17)(A), by striking ''or the Director of the Office of Thrift Supervision''; and

(ii) in paragraph (18)(B), by striking ''or the Director of the Office of Thrift Supervision'';

(C) in subsection (m)—

(i) in paragraph (9), by striking ''or the Director of the Office of Thrift Supervision, as appropriate'';

(ii) in paragraph (16), by striking ''or the Director of the Office of Thrift Supervision, as appropriate'' each place that term appears; and

(iii) in paragraph (18), by striking ''or the Director of the Office of Thrift Supervision, as appropriate'' each place that term appears;

(D) in subsection (n)—

(i) in paragraph (1)(A)—

(I) by striking '', or the Director of the Office of Thrift Supervision, with respect to'' and inserting ''or''; and

(II) by striking ''applicable,,'' and inserting ''applicable,'';

(ii) in paragraph (2)(A), by striking ''or the Director of the Office of Thrift Supervision'';

(iii) in paragraph (4)(D), by striking ''and the Director of the Office of Thrift Supervision, as appropriate,'';

(iv) in paragraph (4)(G), by striking ''and the Director of the Office of Thrift Supervision, as appropriate,''; and

(v) in paragraph (12)(B)—

(I) by inserting ''as'' after ''shall appoint the Corporation'';

(II) by striking ''or the Director of the Office of Thrift Supervision, as appropriate,'' each place such term appears;

(E) in subsection (p)—

(i) in paragraph (2)(B), by striking ''the Corporation, the FSLIC Resolution Fund, or the Resolution Trust Corporation,'' and inserting ''or the Corporation,''; and

(ii) in paragraph (3)(B), by striking '', the FSLIC Resolution Fund, the Resolution Trust Corporation,''; and

(F) in subsection (r), by striking ''and the Resolution Trust Corporation'';

(6) in section 13(k)(1)(A)(iv) (12 U.S.C. 1823(k)(1)(A)(iv)), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency'';

(7) in section 18 (12 U.S.C. 1828)—

(A) in subsection (c)(2)—

(i) in subparagraph (A), by inserting ''or a Federal savings association'' before the semicolon;

(ii) in subparagraph (B), by adding ''and'' at the end;

(iii) in subparagraph (C), by striking ''(except'' and all that follows through ''; and'' and inserting ''or a State savings association.''; and

(iv) by striking subparagraph (D);

(B) in subsection (g)(1), by striking ''the Director of the Office of Thrift Supervision'' and inserting ''the Comptroller of the Currency'';

(C) in subsection (i)(2)(C), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Corporation''; and

(D) in subsection (m)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''and the Director of the Office of Thrift Supervision'' and inserting ''or the Comptroller of the Currency, as appropriate,''; and

(II) in subparagraph (B), by striking ''and orders of the Director of the Office of Thrift Supervision'' and inserting ''of the Comptroller of the Currency and orders of the Corporation and the Comptroller of the Currency'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency, as appropriate,''; and

(II) in subparagraph (B)—

(aa) in the matter before clause (i), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Corporation or the Comptroller of the Currency, as appropriate,''; and

(bb) in the matter following clause (ii)—

(AA) in the first sentence, by striking ''Director of the Office of Thrift Supervision'' and inserting ''Office of the Comptroller of the Currency, as appropriate,''; and

(BB) by striking the second sentence and inserting the following: ''The Corporation or the Comptroller of the Currency, as appropriate, may take any other corrective measures with respect to the subsidiary, including the authority to require the subsidiary to terminate the activities or operations posing such risks, as the Corporation or the Comptroller of the Currency, respectively, may deem appropriate.''; and

(iii) in paragraph (3)—

(I) in subparagraph (A), in the second sentence—

(aa) by inserting '', in the case of a Federal savings association,'' before ''consult with''; and

(bb) by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency''; and

(II) in subparagraph (B)—

(aa) in the subparagraph heading, by striking ''DIRECTOR'' and inserting ''COMPTROLLER OF THE CURRENCY'';

(bb) by striking ''Office of Thrift Supervision'' and inserting ''Comptroller of the Currency'';

(cc) by inserting a comma after ''soundness''; and

(dd) by inserting ''as to Federal savings associations'' after ''compliance'';

(8) in section 19(e) (12 U.S.C. 1829(e))—

(A) in paragraph (1), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Board of Governors of the Federal Reserve System''; and

(B) in paragraph (2), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Board of Governors of the Federal Reserve System'';

(9) in section 28 (12 U.S.C. 1831e)—

(A) in subsection (e)—

(i) in paragraph (2)—

(I) in subparagraph (A)(ii), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency or the Corporation, as appropriate'';

(II) in subparagraph (C), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency or the Corporation, as appropriate,''; and

(III) in subparagraph (F), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency or the Corporation, as appropriate''; and

(ii) in paragraph (3)—

(I) in subparagraph (A), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency or the Corporation, as appropriate''; and

(II) in subparagraph (B), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency or the Corporation, as appropriate,''; and

(B) in subsection (h)(2), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency, of the Corporation,''; and

(10) in section 33(e) (12 U.S.C. 1831j(e)), by striking ''Federal Housing Finance Board, the Comptroller of the Currency, and the Director of the Office of Thrift Supervision'' and inserting ''Federal Housing Finance Agency and the Comptroller of the Currency''.

SEC. 364. FEDERAL HOME LOAN BANK ACT.

(a) REPEAL OF SECTION 18(c).—Effective 90 days after the transfer date, section 18(c) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)) is repealed.

(b) REPEAL OF SECTION 21A.—Section 21A of the Federal Home Loan Bank Act (12 U.S.C. 1441a) is repealed.

SEC. 365. FEDERAL HOUSING ENTERPRISES FINANCIAL SAFETY AND SOUNDNESS ACT OF 1992.

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) in section 1315(b) (12 U.S.C. 4515(b)), by striking ''the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision.'' and inserting ''and the Federal Deposit Insurance Corporation.''; and

(2) in section 1317(c) (12 U.S.C. 4517(c)), by striking ''the Federal Deposit Insurance Corporation, or the Director of the Office of Thrift Supervision'' and inserting ''or the Federal Deposit Insurance Corporation''.

SEC. 366. FEDERAL RESERVE ACT.

The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended—

(1) in section 11(a)(2) (12 U.S.C. 248(a)(2))—

(A) by inserting ''State savings associations that are insured depository institutions (as defined in section 3 of the Federal Deposit Insurance Act),'' after ''case of insured'';

(B) by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency'';

(C) by inserting ''Federal'' before ''savings association which''; and

(D) by striking ''savings and loan association'' and inserting ''savings association''; and

(2) in section 19(b) (12 U.S.C. 461(b))—

(A) in paragraph (1)(F), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency''; and

(B) in paragraph (4)(B), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency''.

SEC. 367. FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 is amended—

(1) in section 203 (12 U.S.C. 1812 note), by striking subsection (b);

(2) in section 302(1) (12 U.S.C. 1467a note), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency'';

(3) in section 305(12 U.S.C. 1464 note), by striking subsection (b);

(4) in section 308 (12 U.S.C. 1463 note)—

(A) in subsection (a), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Chairman of the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Chairman of the National Credit Union Administration,''; and

(B) by adding at the end the following new subsection:

''(c) REPORTS.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Chairman of the National Credit Union Administration, and the Chairperson of Board of Directors of the Federal Deposit Insurance Corporation shall each submit an annual report to the Congress containing a description of actions taken to carry out this section.'';

(5) in section 402 (12 U.S.C. 1437 note)—

(A) in subsection (a), by striking ''Director of the Office of Thrift Supervision'' and inserting ''Comptroller of the Currency'';

(B) by striking subsection (b);

(C) in subsection (e)—

(i) in paragraph (1), by striking ''Office of Thrift Supervision'' and inserting ''Comptroller of the Currency''; and

(ii) in each of paragraphs (2), (3), and (4), by striking ''Director of the Office of Thrift Supervision'' each place that term appears and inserting ''Comptroller of the Currency''; and

(D) by striking ''Federal Housing Finance Board'' each place that term appears and inserting ''Federal Housing Finance Agency'';

(6) in section 1103(a) (12 U.S.C. 3332(a)), by striking ''and the Resolution Trust Corporation'';

(7) in section 1205(b) (12 U.S.C. 1818 note)—

(A) in paragraph (1)—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively; and

(B) in paragraph (2), by striking ''paragraph (1)(F)'' and inserting ''paragraph (1)(E)'';

(8) in section 1206 (12 U.S.C. 1833b)—

(A) by striking ''Board, the Oversight Board of the Resolution Trust Corporation'' and inserting ''Agency, and''; and

(B) by striking '', and the Office of Thrift Supervision'';

(9) in section 1216 (12 U.S.C. 1833e)—

(A) in subsection (a)—

(i) in paragraph (3), by adding ''and'' at the end;

(ii) in paragraph (4), by striking the semicolon at the end and inserting a period;

(iii) by striking paragraphs (2), (5), and (6); and

(iv) by redesignating paragraphs (3) and (4), as paragraphs (2) and (3), respectively;

(B) in subsection (c)—

(i) by striking ''the Director of the Office of Thrift Supervision,'' and inserting ''and''; and

(ii) by striking ''the Thrift Depositor Protection Oversight Board of the Resolution Trust Corporation, and the Resolution Trust Corporation''; and

(C) in subsection (d)—

(i) by striking paragraphs (3), (5), and (6); and

(ii) by redesignating paragraphs (4), (7), and (8) as paragraphs (3), (4), and (5), respectively.

SEC. 368. FLOOD DISASTER PROTECTION ACT OF 1973.

Section 3(a)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003(a)(5)) is amended by striking '', the Office of Thrift Supervision''.

SEC. 369. HOME OWNERS' LOAN ACT.

The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended—

(1) in section 1 (12 U.S.C. 1461), by striking the table of contents;

(2) in section 2 (12 U.S.C. 1462), as amended by this Act—

(A) by striking paragraphs (1) and (3);

(B) by redesignating paragraph (2) as paragraph (1);

(C) by redesignating paragraphs (4) through (9) as paragraphs (2) through (7), respectively; and

(D) by adding at the end the following:

''(8) BOARD.—The term 'Board', other than in the context of the Board of Directors of the Corporation, means the Board of Governors of the Federal Reserve System.

''(9) COMPTROLLER.—The term 'Comptroller' means the Comptroller of the Currency.'';

(3) in section 3 (12 U.S.C. 1462a)—

(A) by striking the section heading and inserting the following:

''SEC. 3. ADMINISTRATIVE PROVISIONS.'';

(B) by striking subsections (a), (b), (c), (d), (g), (h), (i), and (j);

(C) by redesignating subsections (e) and (f) as subsections (a) and (b), respectively;

(D) in subsection (a), as so redesignated—

(i) in the heading by striking ''OF THE DIRECTOR''; and

(ii) in the matter preceding paragraph (1), by striking ''The Director'' and inserting ''In accordance with subtitle A of title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the appropriate Federal banking agency''; and

(E) in subsection (b), as so redesignated, by striking ''Director'' and inserting ''appropriate Federal banking agency'';

(4) in section 4 (12 U.S.C. 1463)—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''FEDERAL'';

(ii) by striking paragraphs (1) and (2) and inserting the following:

''(1) EXAMINATION AND SAFE AND SOUND OPERATION.—

''(A) FEDERAL SAVINGS ASSOCIATIONS.—The Comptroller shall provide for the examination and safe and sound operation of Federal savings associations.

''(B) STATE SAVINGS ASSOCIATIONS.—The Corporation shall provide for the examination and safe and sound operation of State savings associations.

''(2) REGULATIONS FOR SAVINGS ASSOCIATIONS.—The Comptroller may prescribe regulations with respect to savings associations, as the Comptroller determines to be appropriate to carry out the purposes of this Act.''; and

(iii) in paragraph (3), by striking ''Director'' each place that term appears and inserting ''Comptroller and the Corporation'';

(B) in subsection (b)—

(i) in paragraph (2)—

(I) in subparagraph (A), by adding ''and'' at the end;

(II) in subparagraph (B), by striking ''; and'' and inserting a period; and

(III) by striking subparagraph (C); and

(ii) by striking ''Director'' each place that term appears and inserting ''Comptroller'';

(C) in subsection (c)—

(i) by striking ''All regulations and policies of the Director'' and inserting ''The regulations of the Comptroller and the policies of the Comptroller and the Corporation''; and

(ii) by striking ''of the Currency'';

(D) in subsection (e)(5), by striking ''Director'' and inserting ''Comptroller'';

(E) in subsection (f), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency''; and

(F) in subsection (h), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(5) in section 5 (12 U.S.C. 1464)—

(A) in subsection (a), by striking ''Director'', each place such term appears and inserting ''Comptroller of the Currency'';

(B) in subsection (b), by striking ''Director'', each place such term appears and inserting ''Comptroller of the Currency'';

(C) in subsection (c)—

(i) in paragraph (5)—

(I) in subparagraph (A), by striking ''Director'' and inserting ''appropriate Federal banking agency''; and

(II) in subparagraph (B)—

(aa) by striking ''The Director'' and inserting ''The appropriate Federal banking agency''; and

(bb) by striking ''the Director'' and inserting ''the appropriate Federal banking agency'';

(D) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) in the first sentence, by striking ''Director'' and inserting ''appropriate Federal banking agency'';

(bb) in the second sentence—

(AA) by striking ''Director's own name and through the Director's own attorneys'' and inserting ''name of the appropriate Federal banking agency and through the attorneys of the appropriate Federal banking agency''; and

(BB) by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency''; and

(cc) in the third sentence, by striking ''Director'' each place that term appears and inserting ''Comptroller'';

(II) in subparagraph (B)—

(aa) in clauses (i) through (iv), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(III) in clause (v)—

(aa) in the matter preceding subclause (I), by striking ''Director'' and inserting ''appropriate Federal banking agency'';

(bb) in subclause (II), by striking ''subpenas'' and inserting ''subpoenas''; and

(cc) in the matter following subclause (II), by striking ''subpena'' and inserting ''subpoena'';

(IV) in clause (vi)—

(aa) in the first sentence, by striking ''Director'' and inserting ''appropriate Federal banking agency''; and

(bb) in the second sentence, by striking ''Director'' and inserting ''Comptroller'';

(V) in clause (vii)—

(aa) in the first sentence, by striking ''subpena'' and inserting ''subpoena'';

(bb) in the second sentence, by striking ''subpenaed'' and inserting ''subpoenaed''; and

(cc) in the third sentence, by striking ''Director'' and inserting ''appropriate Federal banking agency'';

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) by striking ''Director of the Office of Thrift Supervision'' and inserting ''appropriate Federal banking agency'';

(bb) by striking ''any insured savings association'' and inserting ''an insured savings association''; and

(cc) by striking ''Director determines, in the Director's discretion'' and inserting ''appropriate Federal banking agency determines, in the discretion of the appropriate Federal banking agency'';

(II) in subparagraph (B), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(III) in subparagraphs (C) and (D), by striking ''Director'' and inserting ''appropriate Federal banking agency'';

(IV) in subparagraph (E)—

(aa) in clause (ii)—

(AA) in the clause heading, by striking ''OR RTC''; and

(BB) by striking ''or the Resolution Trust Corporation, as appropriate,'' each place that term appears; and

(bb) by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency''; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by striking ''Director'' each place that term appears and inserting ''Comptroller''; and

(II) in subparagraph (B)—

(aa) in the subparagraph heading, by striking ''OR RTC'';

(bb) by striking ''Corporation or the Resolution Trust''; and

(cc) by striking ''Director'' and inserting ''Comptroller'';

(iv) in paragraph (4), by striking ''Director'' and inserting ''appropriate Federal banking agency'';

(v) in paragraph (6)—

(I) in subparagraph (A), by striking ''Director'' and inserting ''Comptroller''; and

(II) in subparagraphs (B) and (C), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(vi) in paragraph (7)—

(I) in subparagraphs (A), (B), and (D), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(II) in subparagraph (C), by striking ''Director'' and inserting ''Federal Deposit Insurance Corporation or the Comptroller, as appropriate,''; and

(III) by striking subparagraph (E) and inserting the following:

''(E) ADMINISTRATION BY THE COMPTROLLER AND THE CORPORATION.—The Comptroller may issue such regulations, and the appropriate Federal banking agency may issue such orders, including those issued pursuant to section 8 of the Federal Deposit Insurance Act, as may be necessary to administer and carry out this paragraph and to prevent evasion of this paragraph.'';

(E) in subsection (e)(2), strike ''Director'' and insert ''Comptroller'';

(F) in subsection (i)—

(i) by striking ''Director'', each place such term appears, and inserting ''Comptroller'';

(ii) in paragraph (2), in the heading, by striking ''DIRECTOR'' and inserting ''COMPTROLLER'';

(iii) in paragraph (5)(A), by striking ''of the Currency''; and

(iv) except as provided in clauses (i) through (iii), by striking ''Director'' each place such term appears and inserting ''Comptroller'';

(G) in subsection (o)—

(i) in paragraph (1), by striking ''Director'' and inserting ''Comptroller''; and

(ii) in paragraph (2)(B), by striking ''Director's determination'' and inserting ''determination of the Comptroller'';

(H) in subsections (m), (n), (o), and (p), by striking ''Director'', each place such term appears, and inserting ''Comptroller'';

(I) in subsection (q)—

(i) in paragraph (6), by striking ''of Governors of the Federal Reserve System'';

(ii) by striking ''Director'' each place that term appears and inserting ''Board''; and

(iii) by inserting ''in consultation with the Comptroller and the Corporation,'' before ''considers'';

(J) in subsection (r)(3), by striking ''Director'' and inserting ''Comptroller of the Currency'';

(K) in subsection (s)—

(i) in paragraph (1), strike ''Director'' and insert ''Comptroller of the Currency'';

(ii) in paragraph (2), strike ''Director'' and insert ''Comptroller of the Currency'';

(iii) in paragraph (3), by striking ''Director's discretion, the Director'' and inserting ''discretion of the appropriate Federal banking agency, the appropriate Federal banking agency,'';

(iv) in paragraph (4), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency''; and

(v) in paragraph (5)—

(I) by striking ''Director'', each place such term appears, and inserting ''appropriate Federal banking agency''; and

(II) by striking ''Director's approval'' and inserting ''approval of the appropriate Federal banking agency'';

(L) in subsection (t)—

(i) in paragraph (1), by striking subparagraph (D);

(ii) by striking paragraph (3) and inserting the following:

''(3) [Repealed].'';

(iii) in paragraph (5)—

(I) in subparagraph (B), by striking ''Corporation, in its sole discretion'' and inserting ''appropriate Federal banking agency, in the sole discretion of the appropriate Federal banking agency''; and

(II) by striking subparagraph (D);

(iv) in paragraph (6)—

(I) by striking subparagraph (A) and inserting the following:

''(A) [Reserved].'';

(II) in subparagraph (B), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(III) in subparagraph (C)—

(aa) in clause (i), by striking ''Director's prior approval'' and inserting ''prior approval of the appropriate Federal banking agency'';

(bb) in clause (ii), by striking ''Director's discretion'' and inserting ''discretion of the appropriate Federal banking agency''; and

(cc) by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(IV) in subparagraph (E), by striking ''Director shall'' and inserting ''appropriate Federal banking agency may''; and

(V) in subparagraph (F), by striking ''Director'' and all that follows through the end of the subparagraph and inserting ''appropriate Federal banking agency under this Act or any other provision of law.'';

(v) in paragraph (7), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(vi) by striking paragraph (8) and inserting the following:

''(8) [Repealed].'';

(vii) in paragraph (9)—

(I) in subparagraph (A), by striking ''Director'' and inserting ''Comptroller'';

(II) in subparagraph (C), by striking ''of the Currency''; and

(III) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(viii) except as provided in clauses (i) through (vii), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(M) in subsection (u), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(N) in subsection (v)—

(i) in paragraph (2), by striking ''Director's determinations'' and inserting ''determinations of the appropriate Federal banking agency''; and

(ii) by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(O) in subsection (w)(1)—

(i) in subparagraph (A)(II), by striking ''Director's intention'' and inserting ''intention of the Comptroller''; and

(ii) in subparagraph (B), by striking ''Director's intention'' and inserting ''intention of the Comptroller''; and

(P) except as provided in subparagraphs (A) through (J), by striking ''Director'' each place that term appears and inserting ''Comptroller'';

(6) in section 8 (12 U.S.C. 1466a), by striking ''Director'' each place that term appears and inserting ''Comptroller'';

(7) in section 9 (12 U.S.C. 1467)—

(A) in subsection (a), by striking ''assessed by the Director'' and all that follows through the end of the subsection and inserting the following: ''assessed by—

''(1) the Comptroller, against each such Federal savings association, as the Comptroller deems necessary or appropriate; and

''(2) the Corporation, against each such State savings association, as the Corporation deems necessary or appropriate.'';

(B) in subsection (b), by striking ''Director'', each place such term appears, and inserting ''Comptroller or Corporation, as appropriate'';

(C) in subsection (e)—

(i) by striking ''Only the Director'' and inserting ''The Comptroller''; and

(ii) by striking ''Director's designee'' and inserting ''designee of the Comptroller'';

(D) by striking subsection (f) and inserting the following:

''(f) [Reserved].'';

(E) in subsection (g)—

(i) in paragraph (1), by striking ''Director'' and inserting ''appropriate Federal banking agency''; and

(ii) in paragraph (2), by striking ''Director, or the Corporation, as the case may be,'' and inserting ''appropriate Federal banking agency for the savings association'';

(F) in subsection (i), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(G) in subsection (j), by striking ''Director's sole discretion'' and inserting ''sole discretion of the appropriate Federal banking agency'';

(H) in subsection (k), by striking ''Director may assess against institutions for which the Director is the appropriate Federal banking agency, as defined in section 3 of the Federal Deposit Insurance Act,'' and inserting ''appropriate Federal banking agency may assess against an institution''; and

(I) except as provided in subparagraphs (A) through (G), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(8) in section 10 (12 U.S.C. 1467a)—

(A) in subsection (a)(1), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(B) in subsection (b)—

(i) in paragraph (2), by striking ''and the regional office of the Director of the district in which its principal office is located,''; and

(ii) in paragraph (6), by striking ''Director's own motion or application'' and inserting ''motion or application of the Board'';

(C) in subsection (c)—

(i) in paragraph (2)(F), by striking ''of Governors of the Federal Reserve System'';

(ii) in paragraph (4)(B), in the subparagraph heading, by striking ''BY DIRECTOR'';

(iii) in paragraph (6)(D), in the subparagraph heading, by striking ''BY DIRECTOR''; and

(iv) in paragraph (9)(E), by inserting ''(in consultation with the appropriate Federal banking agency)'' after ''including a determination'';

(D) in subsection (g)(5)(B), by striking ''the Director's discretion'' and inserting ''the discretion of the Board'';

(E) in subsection (l), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(F) in subsection (m), by striking ''Director'' and inserting ''appropriate Federal banking agency'';

(G) in subsection (p)—

(i) in paragraph (1)—

(I) by striking ''Director determines'' the 1st place such term appears and inserting ''Board or the appropriate Federal banking agency for the savings association determines'';

(II) by striking ''Director may'' and inserting ''Board may''; and

(III) by striking ''Director determines'' the 2nd place such term appears and inserting ''Board, in consultation with the appropriate Federal banking agency for the savings association determines''; and

(ii) in paragraph (2), by striking ''Director'', each place such term appears, and inserting ''Board'';

(H) in subsection (q), by striking ''Director'', each place such term appears, and inserting ''Board'';

(I) in subsection (r), by striking ''Director'', each place such term appears, and inserting ''Board or appropriate Federal banking agency'';

(J) in subsection (s)—

(i) in paragraph (2)—

(I) in subparagraph (B)(ii), by striking ''Director's judgment'' and inserting ''judgment of the appropriate Federal banking agency for the savings association''; and

(II) by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency for the savings association''; and

(ii) in paragraph (4), by striking ''Director'' and inserting ''Comptroller''; and

(K) except as provided in subparagraphs (A) through (J), by striking ''Director'' each place that term appears and inserting ''Board'';

(9) in section 11 (12 U.S.C. 1468), by striking ''Director'' each place that term appears and inserting ''appropriate Federal banking agency'';

(10) in section 12 (12 U.S.C. 1468a), by striking ''the Director'' and inserting ''a Federal banking agency''; and

(11) in section 13 (12 U.S.C. 1468a) is amended by striking ''Director'' and inserting ''a Federal banking agency''.

SEC. 370. HOUSING ACT OF 1948.

Section 502(c) of the Housing Act of 1948 (12 U.S.C. 1701c(c)) is amended—

(1) in the matter preceding paragraph (1), by striking ''and the Director of the Office of Thrift Supervision'' and inserting '', the Comptroller of the Currency, and the Federal Deposit Insurance Corporation''; and

(2) in paragraph (3), by striking ''Board'' and inserting ''Agency''.

SEC. 371. HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.

Section 543 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3798) is amended—

(1) in subsection (c)(1)—

(A) by striking subparagraphs (D) through (F); and

(B) by redesignating subparagraphs (G) and (H) as subparagraphs (D) and (E), respectively; and

(2) in subsection (f)—

(A) in paragraph (2), by striking ''the Office of Thrift Supervision,'' each place that term appears; and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''the Office of Thrift Supervision,''; and

(ii) in subparagraph (D), by striking ''Office of Thrift Supervision,''.

SEC. 372. HOUSING AND URBAN-RURAL RECOVERY ACT OF 1983.

Section 469 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701p–1) is amended in the first sentence, by striking ''Federal Home Loan Bank Board'' and inserting ''Federal Housing Finance Agency''.

SEC. 373. NATIONAL HOUSING ACT.

Section 202(f) of the National Housing Act (12 U.S.C. 1708(f)) is amended—

(1) by striking paragraph (5) and inserting the following:

''(5) if the mortgagee is a national bank, a subsidiary or affiliate of such bank, a Federal savings association or a subsidiary or affiliate of a savings association, the Comptroller of the Currency;'';

(2) in paragraph (6), by adding ''and'' at the end;

(3) in paragraph (7)—

(A) by inserting ''or State savings association'' after ''State bank''; and

(B) by striking ''; and'' and inserting a period; and

(4) by striking paragraph (8).

SEC. 374. NEIGHBORHOOD REINVESTMENT CORPORATION ACT.

Section 606(c)(3) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8105(c)(3)) is amended by striking ''Federal Home Loan Bank Board'' and inserting ''Federal Housing Finance Agency''.

SEC. 375. PUBLIC LAW 93–100.

Section 5(d) of Public Law 93–100 (12 U.S.C. 1470(a)) is amended—

(1) in paragraph (1), by striking ''Federal Savings and Loan Insurance Corporation with respect to insured institutions, the Board of Governors of the Federal Reserve System with respect to State member insured banks, and the Federal Deposit Insurance Corporation with respect to State nonmember insured banks'' and inserting ''appropriate Federal banking agency, with respect to the institutions subject to the jurisdiction of each such agency,''; and

(2) in paragraph (2), by striking ''supervisory'' and inserting ''banking''.

SEC. 376. SECURITIES EXCHANGE ACT OF 1934.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in section 3(a)(34) (15 U.S.C. 78c(a)(34))—

(A) in subparagraph (A)—

(i) in clause (i), by striking ''or a subsidiary or a department or division of any such bank'' and inserting ''a subsidiary or a department or division of any such bank, a Federal savings association (as defined in section 3(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(2))), the deposits of which are insured by the Federal Deposit Insurance Corporation, or a subsidiary or department or division of any such Federal savings association'';

(ii) in clause (ii), by striking ''or a subsidiary or a department or division of such subsidiary'' and inserting ''a subsidiary or a department or division of such subsidiary, or a savings and loan holding company'';

(iii) in clause (iii), by striking ''or a subsidiary or department or division thereof;'' and inserting ''a subsidiary or department or division of any such bank, a State savings association (as defined in section 3(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(3))), the deposits of which are insured by the Federal Deposit Insurance Corporation, or a subsidiary or a department or division of any such State savings association; and'';

(iv) by striking clause (iv); and

(v) by redesignating clause (v) as clause (iv);

(B) in subparagraph (B)—

(i) in clause (i), by striking ''or a subsidiary of any such bank'' and inserting ''a subsidiary of any such bank, a Federal savings association (as defined in section 3(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(2))), the deposits of which are insured by the Federal Deposit Insurance Corporation, or a subsidiary of any such Federal savings association'';

(ii) in clause (ii), by striking ''or a subsidiary of a bank holding company which is a bank other than a bank specified in clause (i), (iii), or (iv) of this subparagraph'' and inserting ''a subsidiary of a bank holding company that is a bank other than a bank specified in clause (i) or (iii) of this subparagraph, or a savings and loan holding company'';

(iii) in clause (iii), by striking ''or a subsidiary thereof;'' and inserting ''a subsidiary of any such bank, a State savings association (as defined in section 3(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(3))), the deposits of which are insured by the Federal Deposit Insurance Corporation, or a subsidiary of any such State savings association; and'';

(iv) by striking clause (iv); and

(v) by redesignating clause (v) as clause (iv);

(C) in subparagraph (C)—

(i) in clause (i), by striking ''bank'' and inserting ''bank or a Federal savings association (as defined in section 3(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(2))), the deposits of which are insured by the Federal Deposit Insurance Corporation'';

(ii) in clause (ii), by striking ''or a subsidiary of a bank holding company which is a bank other than a bank specified in clause (i), (iii), or (iv) of this subparagraph'' and inserting ''a subsidiary of a bank holding company that is a bank other than a bank specified in clause (i) or (iii) of this subparagraph, or a savings and loan holding company'';

(iii) in clause (iii), by striking ''System)'' and inserting, ''System) or a State savings association (as defined in section 3(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(3))), the deposits of which are insured by the Federal Deposit Insurance Corporation; and'';

(iv) by striking clause (iv); and

(v) by redesignating clause (v) as clause (iv);

(D) in subparagraph (D)—

(i) in clause (i), by inserting after ''bank'' the following: ''or a Federal savings association (as defined in section 3(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(2))), the deposits of which are insured by the Federal Deposit Insurance Corporation'';

(ii) in clause (ii), by adding ''and'' at the end;

(iii) by striking clause (iii);

(iv) by redesignating clause (iv) as clause (iii); and

(v) in clause (iii), as so redesignated, by inserting after ''bank'' the following: ''or a State savings association (as defined in section 3(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(3))), the deposits of which are insured by the Federal Deposit Insurance Corporation'';

(E) in subparagraph (F)—

(i) in clause (i), by inserting after ''bank'' the following: ''or a Federal savings association (as defined in section 3(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(2))), the deposits of which are insured by the Federal Deposit Insurance Corporation'';

(ii) by striking clause (ii);

(iii) by redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively; and

(iv) in clause (iii), as so redesignated, by inserting before the semicolon the following: ''or a State savings association (as defined in section 3(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(3))), the deposits of which are insured by the Federal Deposit Insurance Corporation'';

(F) in subparagraph (G)—

(i) in clause (i), by inserting after ''national bank'' the following: '', a Federal savings association (as defined in section 3(b)(2) of the Federal Deposit Insurance Act), the deposits of which are insured by the Federal Deposit Insurance Corporation,'';

(ii) in clause (iii)—

(I) by inserting after ''bank)'' the following: '', a State savings association (as defined in section 3(b)(3) of the Federal Deposit Insurance Act), the deposits of which are insured by the Federal Deposit Insurance Corporation,''; and

(II) by adding ''and'' at the end;

(iii) by striking clause (iv); and

(iv) by redesignating clause (v) as clause (iv); and

(G) in the undesignated matter following subparagraph (H), by striking '', and the term 'District of Columbia savings and loan association' means any association subject to examination and supervision by the Office of Thrift Supervision under section 8 of the Home Owners' Loan Act of 1933'';

(2) in section 12(i) (15 U.S.C. 78l(i))—

(A) in paragraph (1), by inserting after ''national banks'' the following: ''and Federal savings associations, the accounts of which are insured by the Federal Deposit Insurance Corporation'';

(B) by striking ''(3)'' and all that follows through ''vested in the Office of Thrift Supervision'' and inserting ''and (3) with respect to all other insured banks and State savings associations, the accounts of which are insured by the Federal Deposit Insurance Corporation, are vested in the Federal Deposit Insurance Corporation''; and

(C) in the second sentence, by striking ''the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision'' and inserting ''and the Federal Deposit Insurance Corporation'';

(3) in section 15C(g)(1) (15 U.S.C. 78o–5(g)(1)), by striking ''the Director of the Office of Thrift Supervision, the Federal Savings and Loan Insurance Corporation,''; and

(4) in section 23(b)(1) (15 U.S.C. 78w(b)(1)), by striking '', other than the Office of Thrift Supervision,''.

SEC. 377. TITLE 18, UNITED STATES CODE.

Title 18, United States Code, is amended—

(1) in section 212(c)(2)—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D) through (H) as subparagraphs (C) through (G), respectively;

(2) in section 657, by striking ''Office of Thrift Supervision, the Resolution Trust Corporation,'';

(3) in section 981(a)(1)(D)—

(A) by striking ''Resolution Trust Corporation,''; and

(B) by striking ''or the Office of Thrift Supervision'';

(4) in section 982(a)(3)—

(A) by striking ''Resolution Trust Corporation,''; and

(B) by striking ''or the Office of Thrift Supervision'';

(5) in section 1006—

(A) by striking ''Office of Thrift Supervision,''; and

(B) by striking ''the Resolution Trust Corporation,'';

(6) in section 1014—

(A) by striking ''the Office of Thrift Supervision''; and

(B) by striking ''the Resolution Trust Corporation,''; and

(7) in section 1032(1)—

(A) by striking ''the Resolution Trust Corporation,''; and

(B) by striking ''or the Director of the Office of Thrift Supervision''.

SEC. 378. TITLE 31, UNITED STATES CODE.

Title 31, United States Code, is amended—

(1) in section 321—

(A) in subsection (c)—

(i) in paragraph (1), by adding ''and'' at the end;

(ii) in paragraph (2), by striking ''; and'' and inserting a period; and

(iii) by striking paragraph (3); and

(B) by striking subsection (e); and

(2) in section 714(a), by striking ''the Office of the Comptroller of the Currency, and the Office of Thrift Supervision.'' and inserting ''and the Office of the Comptroller of the Currency.''.

TITLE IV—REGULATION OF ADVISERS TO HEDGE FUNDS AND OTHERS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Private Fund Investment Advisers Registration Act of 2010''.

SEC. 402. DEFINITIONS.

(a) INVESTMENT ADVISERS ACT OF 1940 DEFINITIONS.—Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)) is amended by adding at the end the following:

''(29) The term 'private fund' means an issuer that would be an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3), but for section 3(c)(1) or 3(c)(7) of that Act.

''(30) The term 'foreign private adviser' means any investment adviser who—

''(A) has no place of business in the United States;

''(B) has, in total, fewer than 15 clients and investors in the United States in private funds advised by the investment adviser;

''(C) has aggregate assets under management attributable to clients in the United States and investors in the United States in private funds advised by the investment adviser of less than $25,000,000, or such higher amount as the Commission may, by rule, deem appropriate in accordance with the purposes of this title; and

''(D) neither—

''(i) holds itself out generally to the public in the United States as an investment adviser; nor

''(ii) acts as—

''(I) an investment adviser to any investment company registered under the Investment Company Act of 1940; or

''(II) a company that has elected to be a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a–53), and has not withdrawn its election.''.

(b) OTHER DEFINITIONS.—As used in this title, the terms ''investment adviser'' and ''private fund'' have the same meanings as in section 202 of the Investment Advisers Act of 1940, as amended by this title.

SEC. 403. ELIMINATION OF PRIVATE ADVISER EXEMPTION; LIMITED EXEMPTION FOR FOREIGN PRIVATE ADVISERS; LIMITED INTRASTATE EXEMPTION.

Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(b)) is amended—

(1) in paragraph (1), by inserting '', other than an investment adviser who acts as an investment adviser to any private fund,'' before ''all of whose'';

(2) by striking paragraph (3) and inserting the following:

''(3) any investment adviser that is a foreign private adviser;''; and

(3) in paragraph (5), by striking ''or'' at the end;

(4) in paragraph (6)—

(A) by striking ''any investment adviser'' and inserting ''(A) any investment adviser'';

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(C) in clause (ii) (as so redesignated), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(B) any investment adviser that is registered with the Commodity Futures Trading Commission as a commodity trading advisor and advises a private fund, provided that, if after the date of enactment of the Private Fund Investment Advisers Registration Act of 2010, the business of the advisor should become predominately the provision of securities-related advice, then such adviser shall register with the Commission.''.

(5) by adding at the end the following:

''(7) any investment adviser, other than any entity that has elected to be regulated or is regulated as a business development company pursuant to section 54 of the Investment Company

Act of 1940 (15 U.S.C. 80a–54), who solely advises—

''(A) small business investment companies that are licensees under the Small Business Investment Act of 1958;

''(B) entities that have received from the Small Business Administration notice to proceed to qualify for a license as a small business investment company under the Small Business Investment Act of 1958, which notice or license has not been revoked; or

''(C) applicants that are affiliated with 1 or more licensed small business investment companies described in subparagraph (A) and that have applied for another license under the Small Business Investment Act of 1958, which application remains pending.''.

SEC. 404. COLLECTION OF SYSTEMIC RISK DATA; REPORTS; EXAMINATIONS; DISCLOSURES.

Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

''(b) RECORDS AND REPORTS OF PRIVATE FUNDS.—

''(1) IN GENERAL.—The Commission may require any investment adviser registered under this title—

''(A) to maintain such records of, and file with the Commission such reports regarding, private funds advised by the investment adviser, as necessary and appropriate in the public interest and for the protection of investors, or for the assessment of systemic risk by the Financial Stability Oversight Council (in this subsection referred to as the 'Council'); and

''(B) to provide or make available to the Council those reports or records or the information contained therein.

''(2) TREATMENT OF RECORDS.—The records and reports of any private fund to which an investment adviser registered under this title provides investment advice shall be deemed to be the records and reports of the investment adviser.

''(3) REQUIRED INFORMATION.—The records and reports required to be maintained by an investment adviser and subject to inspection by the Commission under this subsection shall include, for each private fund advised by the investment adviser, a description of—

''(A) the amount of assets under management and use of leverage, including off-balance-sheet leverage;

''(B) counterparty credit risk exposure;

''(C) trading and investment positions;

''(D) valuation policies and practices of the fund;

''(E) types of assets held;

''(F) side arrangements or side letters, whereby certain investors in a fund obtain more favorable rights or entitlements than other investors;

''(G) trading practices; and

''(H) such other information as the Commission, in consultation with the Council, determines is necessary and appropriate in the public interest and for the protection of investors or for the assessment of systemic risk, which may include the establishment of different reporting requirements for different classes of fund advisers, based on the type or size of private fund being advised.

''(4) MAINTENANCE OF RECORDS.—An investment adviser registered under this title shall maintain such records of private funds advised by the investment adviser for such period or periods as the Commission, by rule, may prescribe as necessary and appropriate in the public interest and for the protection of investors, or for the assessment of systemic risk.

''(5) FILING OF RECORDS.—The Commission shall issue rules requiring each investment adviser to a private fund to file reports containing such information as the Commission deems necessary and appropriate in the public interest and for the protection of investors or for the assessment of systemic risk.

''(6) EXAMINATION OF RECORDS.—

''(A) PERIODIC AND SPECIAL EXAMINATIONS.—The Commission—

''(i) shall conduct periodic inspections of the records of private funds maintained by an investment adviser registered under this title in accordance with a schedule established by the Commission; and

''(ii) may conduct at any time and from time to time such additional, special, and other examinations as the Commission may prescribe as necessary and appropriate in the public interest and for the protection of investors, or for the assessment of systemic risk.

''(B) AVAILABILITY OF RECORDS.—An investment adviser registered under this title shall make available to the Commission any copies or extracts from such records as may be prepared without undue effort, expense, or delay, as the Commission or its representatives may reasonably request.

''(7) INFORMATION SHARING.—

''(A) IN GENERAL.—The Commission shall make available to the Council copies of all reports, documents, records, and information filed with or provided to the Commission by an investment adviser under this subsection as the Council may consider necessary for the purpose of assessing the systemic risk posed by a private fund.

''(B) CONFIDENTIALITY.—The Council shall maintain the confidentiality of information received under this paragraph in all such reports, documents, records, and information, in a manner consistent with the level of confidentiality established for the Commission pursuant to paragraph (8). The Council shall be exempt from section 552 of title 5, United States Code, with respect to any information in any report, document, record, or information made available, to the Council under this subsection.''.

''(8) COMMISSION CONFIDENTIALITY OF REPORTS.—Notwithstanding any other provision of law, the Commission may not be compelled to disclose any report or information contained therein required to be filed with the Commission under this subsection, except that nothing in this subsection authorizes the Commission—

''(A) to withhold information from Congress, upon an agreement of confidentiality; or

''(B) prevent the Commission from complying with—

''(i) a request for information from any other Federal department or agency or any self-regulatory organization requesting the report or information for purposes within the scope of its jurisdiction; or

''(ii) an order of a court of the United States in an action brought by the United States or the Commission.

''(9) OTHER RECIPIENTS CONFIDENTIALITY.—Any department, agency, or self-regulatory organization that receives reports or information from the Commission under this subsection shall maintain the confidentiality of such reports, documents, records, and information in a manner consistent with the level of confidentiality established for the Commission under paragraph (8).

''(10) PUBLIC INFORMATION EXCEPTION.—

''(A) IN GENERAL.—The Commission, the Council, and any other department, agency, or self-regulatory organization that receives information, reports, documents, records, or information from the Commission under this subsection, shall be exempt from the provisions of section 552 of title 5, United States Code, with respect to any such report, document, record, or information. Any proprietary information of an investment adviser ascertained by the Commission from any report required to be filed with the Commission pursuant to this subsection shall be subject to the same limitations on public disclosure as any facts ascertained during an examination, as provided by section 210(b) of this title.

''(B) PROPRIETARY INFORMATION.—For purposes of this paragraph, proprietary information includes sensitive, non-public information regarding—

''(i) the investment or trading strategies of the investment adviser;

''(ii) analytical or research methodologies;

''(iii) trading data;

''(iv) computer hardware or software containing intellectual property; and

''(v) any additional information that the Commission determines to be proprietary.

''(11) ANNUAL REPORT TO CONGRESS.—The Commission shall report annually to Congress on how the Commission has used the data collected pursuant to this subsection to monitor the markets for the protection of investors and the integrity of the markets.''.

SEC. 405. DISCLOSURE PROVISION AMENDMENT.

Section 210(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–10(c)) is amended by inserting before the period at the end the following: ''or for purposes of assessment of potential systemic risk''.

SEC. 406. CLARIFICATION OF RULEMAKING AUTHORITY.

Section 211 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–11) is amended—

(1) in subsection (a), by inserting before the period at the end of the first sentence the following: '', including rules and regulations defining technical, trade, and other terms used in this title, except that the Commission may not define the term 'client' for purposes of paragraphs (1) and (2) of section 206 to include an investor in a private fund managed by an investment adviser, if such private fund has entered into an advisory contract with such adviser''; and

(2) by adding at the end the following:

''(e) DISCLOSURE RULES ON PRIVATE FUNDS.—The Commission and the Commodity Futures Trading Commission shall, after consultation with the Council but not later than 12 months after the date of enactment of the Private Fund Investment Advisers Registration Act of 2010, jointly promulgate rules to establish the form and content of the reports required to be filed with the Commission under subsection 204(b) and with the Commodity Futures Trading Commission by investment advisers that are registered both under this title and the Commodity Exchange Act (7 U.S.C. 1a et seq.).''.

SEC. 407. EXEMPTION OF AND REPORTING BY VENTURE CAPITAL FUND ADVISERS.

Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3) is amended by adding at the end the following:

''(l) EXEMPTION OF VENTURE CAPITAL FUND ADVISERS.—No investment adviser that acts as an investment adviser solely to 1 or more venture capital funds shall be subject to the registration requirements of this title with respect to the provision of investment advice relating to a venture capital fund. Not later than 1 year after the date of enactment of this subsection, the Commission shall issue final rules to define the term 'venture capital fund' for purposes of this subsection. The Commission shall require such advisers to maintain such records and provide to the Commission such annual or other reports as the Commission determines necessary or appropriate in the public interest or for the protection of investors.''.

SEC. 408. EXEMPTION OF AND REPORTING BY CERTAIN PRIVATE FUND ADVISERS.

Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3) is amended by adding at the end the following:

''(m) EXEMPTION OF AND REPORTING BY CERTAIN PRIVATE FUND ADVISERS.—

''(1) IN GENERAL.—The Commission shall provide an exemption from the registration requirements under this section to any investment adviser of private funds, if each of such investment adviser acts solely as an adviser to private funds and has assets under management in the United States of less than $150,000,000.

''(2) REPORTING.—The Commission shall require investment advisers exempted by reason of

this subsection to maintain such records and provide to the Commission such annual or other reports as the Commission determines necessary or appropriate in the public interest or for the protection of investors.

''(n) REGISTRATION AND EXAMINATION OF MID-SIZED PRIVATE FUND ADVISERS.—In prescribing regulations to carry out the requirements of this section with respect to investment advisers acting as investment advisers to mid-sized private funds, the Commission shall take into account the size, governance, and investment strategy of such funds to determine whether they pose systemic risk, and shall provide for registration and examination procedures with respect to the investment advisers of such funds which reflect the level of systemic risk posed by such funds.''.

SEC. 409. FAMILY OFFICES.

(a) IN GENERAL.—Section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11)) is amended by striking ''or (G)'' and inserting the following: ''; (G) any family office, as defined by rule, regulation, or order of the Commission, in accordance with the purposes of this title; or (H)''.

(b) RULEMAKING.—The rules, regulations, or orders issued by the Commission pursuant to section 202(a)(11)(G) of the Investment Advisers Act of 1940, as added by this section, regarding the definition of the term ''family office'' shall provide for an exemption that—

(1) is consistent with the previous exemptive policy of the Commission, as reflected in exemptive orders for family offices in effect on the date of enactment of this Act, and the grandfathering provisions in paragraph (3);

(2) recognizes the range of organizational, management, and employment structures and arrangements employed by family offices; and

(3) does not exclude any person who was not registered or required to be registered under the Investment Advisers Act of 1940 on January 1, 2010 from the definition of the term ''family office'', solely because such person provides investment advice to, and was engaged before January 1, 2010 in providing investment advice to—

(A) natural persons who, at the time of their applicable investment, are officers, directors, or employees of the family office who—

(i) have invested with the family office before January 1, 2010; and

(ii) are accredited investors, as defined in Regulation D of the Commission (or any successor thereto) under the Securities Act of 1933, or, as the Commission may prescribe by rule, the successors-in-interest thereto;

(B) any company owned exclusively and controlled by members of the family of the family office, or as the Commission may prescribe by rule;

(C) any investment adviser registered under the Investment Adviser Act of 1940 that provides investment advice to the family office and who identifies investment opportunities to the family office, and invests in such transactions on substantially the same terms as the family office invests, but does not invest in other funds advised by the family office, and whose assets as to which the family office directly or indirectly provides investment advice represent, in the aggregate, not more than 5 percent of the value of the total assets as to which the family office provides investment advice.

(c) ANTIFRAUD AUTHORITY.—A family office that would not be a family office, but for subsection (b)(3), shall be deemed to be an investment adviser for the purposes of paragraphs (1), (2) and (4) of section 206 of the Investment Advisers Act of 1940.

SEC. 410. STATE AND FEDERAL RESPONSIBILITIES; ASSET THRESHOLD FOR FEDERAL REGISTRATION OF INVESTMENT ADVISERS.

Section 203A(a) of the of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2) TREATMENT OF MID-SIZED INVESTMENT ADVISERS.—

''(A) IN GENERAL.—No investment adviser described in subparagraph (B) shall register under section 203, unless the investment adviser is an adviser to an investment company registered under the Investment Company Act of 1940, or a company which has elected to be a business development company pursuant to section 54 of the Investment Company Act of 1940, and has not withdrawn the election, except that, if by effect of this paragraph an investment adviser would be required to register with 15 or more States, then the adviser may register under section 203.

''(B) COVERED PERSONS.—An investment adviser described in this subparagraph is an investment adviser that—

''(i) is required to be registered as an investment adviser with the securities commissioner (or any agency or office performing like functions) of the State in which it maintains its principal office and place of business and, if registered, would be subject to examination as an investment adviser by any such commissioner, agency, or office; and

''(ii) has assets under management between—

''(I) the amount specified under subparagraph (A) of paragraph (1), as such amount may have been adjusted by the Commission pursuant to that subparagraph; and

''(II) $100,000,000, or such higher amount as the Commission may, by rule, deem appropriate in accordance with the purposes of this title.''.

SEC. 411. CUSTODY OF CLIENT ASSETS.

The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by adding at the end the following new section:

''SEC. 223. CUSTODY OF CLIENT ACCOUNTS.

''An investment adviser registered under this title shall take such steps to safeguard client assets over which such adviser has custody, including, without limitation, verification of such assets by an independent public accountant, as the Commission may, by rule, prescribe.''.

SEC. 412. COMPTROLLER GENERAL STUDY ON CUSTODY RULE COSTS.

The Comptroller General of the United States shall—

(1) conduct a study of—

(A) the compliance costs associated with the current Securities and Exchange Commission rules 204–2 (17 C.F.R. Parts 275.204–2) and rule 206(4)–2 (17 C.F.R. 275.206(4)–2) under the Investment Advisers Act of 1940 regarding custody of funds or securities of clients by investment advisers; and

(B) the additional costs if subsection (b)(6) of rule 206(4)–2 (17 C.F.R. 275.206(4)–2(b)(6)) relating to operational independence were eliminated; and

(2) submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of such study, not later than 3 years after the date of enactment of this Act.

SEC. 413. ADJUSTING THE ACCREDITED INVESTOR STANDARD.

(a) IN GENERAL.—The Commission shall adjust any net worth standard for an accredited investor, as set forth in the rules of the Commission under the Securities Act of 1933, so that the individual net worth of any natural person, or joint net worth with the spouse of that person, at the time of purchase, is more than $1,000,000 (as such amount is adjusted periodically by rule of the Commission), excluding the value of the primary residence of such natural person, except that during the 4-year period that begins on the date of enactment of this Act, any net worth standard shall be $1,000,000, excluding the value of the primary residence of such natural person.

(b) REVIEW AND ADJUSTMENT.—

(1) INITIAL REVIEW AND ADJUSTMENT.—

(A) INITIAL REVIEW.—The Commission may undertake a review of the definition of the term ''accredited investor'', as such term applies to natural persons, to determine whether the requirements of the definition, excluding the requirement relating to the net worth standard described in subsection (a), should be adjusted or modified for the protection of investors, in the public interest, and in light of the economy.

(B) ADJUSTMENT OR MODIFICATION.—Upon completion of a review under subparagraph (A), the Commission may, by notice and comment rulemaking, make such adjustments to the definition of the term ''accredited investor'', excluding adjusting or modifying the requirement relating to the net worth standard described in subsection (a), as such term applies to natural persons, as the Commission may deem appropriate for the protection of investors, in the public interest, and in light of the economy.

(2) SUBSEQUENT REVIEWS AND ADJUSTMENT.—

(A) SUBSEQUENT REVIEWS.—Not earlier than 4 years after the date of enactment of this Act, and not less frequently than once every 4 years thereafter, the Commission shall undertake a review of the definition, in its entirety, of the term ''accredited investor'', as defined in section 230.215 of title 17, Code of Federal Regulations, or any successor thereto, as such term applies to natural persons, to determine whether the requirements of the definition should be adjusted or modified for the protection of investors, in the public interest, and in light of the economy.

(B) ADJUSTMENT OR MODIFICATION.—Upon completion of a review under subparagraph (A), the Commission may, by notice and comment rulemaking, make such adjustments to the definition of the term ''accredited investor'', as defined in section 230.215 of title 17, Code of Federal Regulations, or any successor thereto, as such term applies to natural persons, as the Commission may deem appropriate for the protection of investors, in the public interest, and in light of the economy.

SEC. 414. RULE OF CONSTRUCTION RELATING TO THE COMMODITIES EXCHANGE ACT.

The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is further amended by adding at the end the following new section:

''SEC. 224. RULE OF CONSTRUCTION RELATING TO THE COMMODITIES EXCHANGE ACT.

''Nothing in this title shall relieve any person of any obligation or duty, or affect the availability of any right or remedy available to the Commodity Futures Trading Commission or any private party, arising under the Commodity Exchange Act (7 U.S.C. 1 et seq.) governing commodity pools, commodity pool operators, or commodity trading advisors.''.

SEC. 415. GAO STUDY AND REPORT ON ACCREDITED INVESTORS.

The Comptroller General of the United States shall conduct a study on the appropriate criteria for determining the financial thresholds or other criteria needed to qualify for accredited investor status and eligibility to invest in private funds, and shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of such study not later than 3 years after the date of enactment of this Act.

SEC. 416. GAO STUDY ON SELF-REGULATORY ORGANIZATION FOR PRIVATE FUNDS.

The Comptroller General of the United States shall—

(1) conduct a study of the feasibility of forming a self-regulatory organization to oversee private funds; and

(2) submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of such study, not later than 1 year after the date of enactment of this Act.

SEC. 417. COMMISSION STUDY AND REPORT ON SHORT SELLING.

(a) STUDIES.—The Division of Risk, Strategy, and Financial Innovation of the Commission shall conduct—

(1) a study, taking into account current scholarship, on the state of short selling on national securities exchanges and in the over-the-counter markets, with particular attention to the impact of recent rule changes and the incidence of—

(A) the failure to deliver shares sold short; or

(B) delivery of shares on the fourth day following the short sale transaction; and

(2) a study of—

(A) the feasibility, benefits, and costs of requiring reporting publicly, in real time short sale positions of publicly listed securities, or, in the alternative, reporting such short positions in real time only to the Commission and the Financial Industry Regulatory Authority; and

(B) the feasibility, benefits, and costs of conducting a voluntary pilot program in which public companies will agree to have all trades of their shares marked ''short'', ''market maker short'', ''buy'', ''buy-to-cover'', or ''long'', and reported in real time through the Consolidated Tape.

(b) REPORTS.—The Commission shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

(1) on the results of the study required under subsection (a)(1), including recommendations for market improvements, not later than 2 years after the date of enactment of this Act; and

(2) on the results of the study required under subsection (a)(2), not later than 1 year after the date of enactment of this Act.

SEC. 418. QUALIFIED CLIENT STANDARD.

Section 205(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5(e)) is amended by adding at the end the following: ''With respect to any factor used in any rule or regulation by the Commission in making a determination under this subsection, if the Commission uses a dollar amount test in connection with such factor, such as a net asset threshold, the Commission shall, by order, not later than 1 year after the date of enactment of the Private Fund Investment Advisers Registration Act of 2010, and every 5 years thereafter, adjust for the effects of inflation on such test. Any such adjustment that is not a multiple of $100,000 shall be rounded to the nearest multiple of $100,000.''.

SEC. 419. TRANSITION PERIOD.

Except as otherwise provided in this title, this title and the amendments made by this title shall become effective 1 year after the date of enactment of this Act, except that any investment adviser may, at the discretion of the investment adviser, register with the Commission under the Investment Advisers Act of 1940 during that 1-year period, subject to the rules of the Commission.

TITLE V—INSURANCE

Subtitle A—Federal Insurance Office

SEC. 501. SHORT TITLE.

This subtitle may be cited as the ''Federal Insurance Office Act of 2010''.

SEC. 502. FEDERAL INSURANCE OFFICE.

(a) ESTABLISHMENT OF OFFICE.—Subchapter I of chapter 3 of subtitle I of title 31, United States Code, is amended—

(1) by redesignating section 312 as section 315;

(2) by redesignating section 313 as section 312; and

(3) by inserting after section 312 (as so redesignated) the following new sections:

''SEC. 313. FEDERAL INSURANCE OFFICE.

''(a) ESTABLISHMENT.—There is established within the Department of the Treasury the Federal Insurance Office.

''(b) LEADERSHIP.—The Office shall be headed by a Director, who shall be appointed by the Secretary of the Treasury. The position of Director shall be a career reserved position in the Senior Executive Service, as that position is defined under section 3132 of title 5, United States Code.

''(c) FUNCTIONS.—

''(1) AUTHORITY PURSUANT TO DIRECTION OF SECRETARY.—The Office, pursuant to the direction of the Secretary, shall have the authority—

''(A) to monitor all aspects of the insurance industry, including identifying issues or gaps in the regulation of insurers that could contribute to a systemic crisis in the insurance industry or the United States financial system;

''(B) to monitor the extent to which traditionally underserved communities and consumers, minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)), and low- and moderate-income persons have access to affordable insurance products regarding all lines of insurance, except health insurance;

''(C) to recommend to the Financial Stability Oversight Council that it designate an insurer, including the affiliates of such insurer, as an entity subject to regulation as a nonbank financial company supervised by the Board of Governors pursuant to title I of the Dodd-Frank Wall Street Reform and Consumer Protection Act;

''(D) to assist the Secretary in administering the Terrorism Insurance Program established in the Department of the Treasury under the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note);

''(E) to coordinate Federal efforts and develop Federal policy on prudential aspects of international insurance matters, including representing the United States, as appropriate, in the International Association of Insurance Supervisors (or a successor entity) and assisting the Secretary in negotiating covered agreements (as such term is defined in subsection (r));

''(F) to determine, in accordance with subsection (f), whether State insurance measures are preempted by covered agreements;

''(G) to consult with the States (including State insurance regulators) regarding insurance matters of national importance and prudential insurance matters of international importance; and

''(H) to perform such other related duties and authorities as may be assigned to the Office by the Secretary.

''(2) ADVISORY FUNCTIONS.—The Office shall advise the Secretary on major domestic and prudential international insurance policy issues.

''(3) ADVISORY CAPACITY ON COUNCIL.—The Director shall serve in an advisory capacity on the Financial Stability Oversight Council established under the Financial Stability Act of 2010.

''(d) SCOPE.—The authority of the Office shall extend to all lines of insurance except—

''(1) health insurance, as determined by the Secretary in coordination with the Secretary of Health and Human Services based on section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91);

''(2) long-term care insurance, except long-term care insurance that is included with life or annuity insurance components, as determined by the Secretary in coordination with the Secretary of Health and Human Services, and in the case of long-term care insurance that is included with such components, the Secretary shall coordinate with the Secretary of Health and Human Services in performing the functions of the Office; and

''(3) crop insurance, as established by the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

''(e) GATHERING OF INFORMATION.—

''(1) IN GENERAL.—In carrying out the functions required under subsection (c), the Office may—

''(A) receive and collect data and information on and from the insurance industry and insurers;

''(B) enter into information-sharing agreements;

''(C) analyze and disseminate data and information; and

''(D) issue reports regarding all lines of insurance except health insurance.

''(2) COLLECTION OF INFORMATION FROM INSURERS AND AFFILIATES.—

''(A) IN GENERAL.—Except as provided in paragraph (3), the Office may require an insurer, or any affiliate of an insurer, to submit such data or information as the Office may reasonably require in carrying out the functions described under subsection (c).

''(B) RULE OF CONSTRUCTION.—Notwithstanding any other provision of this section, for purposes of subparagraph (A), the term 'insurer' means any entity that writes insurance or reinsures risks and issues contracts or policies in 1 or more States.

''(3) EXCEPTION FOR SMALL INSURERS.—Paragraph (2) shall not apply with respect to any insurer or affiliate thereof that meets a minimum size threshold that the Office may establish, whether by order or rule.

''(4) ADVANCE COORDINATION.—Before collecting any data or information under paragraph (2) from an insurer, or affiliate of an insurer, the Office shall coordinate with each relevant Federal agency and State insurance regulator (or other relevant Federal or State regulatory agency, if any, in the case of an affiliate of an insurer) and any publicly available sources to determine if the information to be collected is available from, and may be obtained in a timely manner by, such Federal agency or State insurance regulator, individually or collectively, other regulatory agency, or publicly available sources. If the Director determines that such data or information is available, and may be obtained in a timely manner, from such an agency, regulator, regulatory agency, or source, the Director shall obtain the data or information from such agency, regulator, regulatory agency, or source. If the Director determines that such data or information is not so available, the Director may collect such data or information from an insurer (or affiliate) only if the Director complies with the requirements of subchapter I of chapter 35 of title 44, United States Code (relating to Federal information policy; commonly known as the Paperwork Reduction Act), in collecting such data or information. Notwithstanding any other provision of law, each such relevant Federal agency and State insurance regulator or other Federal or State regulatory agency is authorized to provide to the Office such data or information.

''(5) CONFIDENTIALITY.—

''(A) RETENTION OF PRIVILEGE.—The submission of any nonpublicly available data and information to the Office under this subsection shall not constitute a waiver of, or otherwise affect, any privilege arising under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject.

''(B) CONTINUED APPLICATION OF PRIOR CONFIDENTIALITY AGREEMENTS.—Any requirement under Federal or State law to the extent otherwise applicable, or any requirement pursuant to a written agreement in effect between the original source of any nonpublicly available data or information and the source of such data or information to the Office, regarding the privacy or confidentiality of any data or information in the possession of the source to the Office, shall continue to apply to such data or information after the data or information has been provided pursuant to this subsection to the Office.

''(C) INFORMATION-SHARING AGREEMENT.—Any data or information obtained by the Office may be made available to State insurance regulators, individually or collectively, through an information-sharing agreement that—

''(i) shall comply with applicable Federal law; and

''(ii) shall not constitute a waiver of, or otherwise affect, any privilege under Federal or State law (including the rules of any Federal or State court) to which the data or information is otherwise subject.

''(D) AGENCY DISCLOSURE REQUIREMENTS.—Section 552 of title 5, United States Code, shall apply to any data or information submitted to the Office by an insurer or an affiliate of an insurer.

''(6) SUBPOENAS AND ENFORCEMENT.—The Director shall have the power to require by subpoena the production of the data or information requested under paragraph (2), but only upon a written finding by the Director that such data or information is required to carry out the functions described under subsection (c) and that the Office has coordinated with such regulator or agency as required under paragraph (4). Subpoenas shall bear the signature of the Director and shall be served by any person or class of persons designated by the Director for that purpose. In the case of contumacy or failure to obey a subpoena, the subpoena shall be enforceable by order of any appropriate district court of the United States. Any failure to obey the order of the court may be punished by the court as a contempt of court.

''(f) PREEMPTION OF STATE INSURANCE MEASURES.—

''(1) STANDARD.—A State insurance measure shall be preempted pursuant to this section or section 314 if, and only to the extent that the Director determines, in accordance with this subsection, that the measure—

''(A) results in less favorable treatment of a non-United States insurer domiciled in a foreign jurisdiction that is subject to a covered agreement than a United States insurer domiciled, licensed, or otherwise admitted in that State; and

''(B) is inconsistent with a covered agreement.

''(2) DETERMINATION.—

''(A) NOTICE OF POTENTIAL INCONSISTENCY.—Before making any determination under paragraph (1), the Director shall—

''(i) notify and consult with the appropriate State regarding any potential inconsistency or preemption;

''(ii) notify and consult with the United States Trade Representative regarding any potential inconsistency or preemption;

''(iii) cause to be published in the Federal Register notice of the issue regarding the potential inconsistency or preemption, including a description of each State insurance measure at issue and any applicable covered agreement;

''(iv) provide interested parties a reasonable opportunity to submit written comments to the Office; and

''(v) consider any comments received.

''(B) SCOPE OF REVIEW.—For purposes of this subsection, any determination of the Director regarding State insurance measures, and any preemption under paragraph (1) as a result of such determination, shall be limited to the subject matter contained within the covered agreement involved and shall achieve a level of protection for insurance or reinsurance consumers that is substantially equivalent to the level of protection achieved under State insurance or reinsurance regulation.

''(C) NOTICE OF DETERMINATION OF INCONSISTENCY.—Upon making any determination under paragraph (1), the Director shall—

''(i) notify the appropriate State of the determination and the extent of the inconsistency;

''(ii) establish a reasonable period of time, which shall not be less than 30 days, before the determination shall become effective; and

''(iii) notify the Committees on Financial Services and Ways and Means of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Finance of the Senate.

''(3) NOTICE OF EFFECTIVENESS.—Upon the conclusion of the period referred to in paragraph (2)(C)(ii), if the basis for such determination still exists, the determination shall become effective and the Director shall—

''(A) cause to be published a notice in the Federal Register that the preemption has become effective, as well as the effective date; and

''(B) notify the appropriate State.

''(4) LIMITATION.—No State may enforce a State insurance measure to the extent that such measure has been preempted under this subsection.

''(g) APPLICABILITY OF ADMINISTRATIVE PROCEDURES ACT.—Determinations of inconsistency made pursuant to subsection (f)(2) shall be subject to the applicable provisions of subchapter II of chapter 5 of title 5, United States Code (relating to administrative procedure), and chapter 7 of such title (relating to judicial review), except that in any action for judicial review of a determination of inconsistency, the court shall determine the matter de novo.

''(h) REGULATIONS, POLICIES, AND PROCEDURES.—The Secretary may issue orders, regulations, policies, and procedures to implement this section.

''(i) CONSULTATION.—The Director shall consult with State insurance regulators, individually or collectively, to the extent the Director determines appropriate, in carrying out the functions of the Office.

''(j) SAVINGS PROVISIONS.—Nothing in this section shall—

''(1) preempt—

''(A) any State insurance measure that governs any insurer's rates, premiums, underwriting, or sales practices;

''(B) any State coverage requirements for insurance;

''(C) the application of the antitrust laws of any State to the business of insurance; or

''(D) any State insurance measure governing the capital or solvency of an insurer, except to the extent that such State insurance measure results in less favorable treatment of a non-United State insurer than a United States insurer;

''(2) be construed to alter, amend, or limit any provision of the Consumer Financial Protection Agency Act of 2010; or

''(3) affect the preemption of any State insurance measure otherwise inconsistent with and preempted by Federal law.

''(k) RETENTION OF EXISTING STATE REGULATORY AUTHORITY.—Nothing in this section or section 314 shall be construed to establish or provide the Office or the Department of the Treasury with general supervisory or regulatory authority over the business of insurance.

''(l) RETENTION OF AUTHORITY OF FEDERAL FINANCIAL REGULATORY AGENCIES.—Nothing in this section or section 314 shall be construed to limit the authority of any Federal financial regulatory agency, including the authority to develop and coordinate policy, negotiate, and enter into agreements with foreign governments, authorities, regulators, and multinational regulatory committees and to preempt State measures to affect uniformity with international regulatory agreements.

''(m) RETENTION OF AUTHORITY OF UNITED STATES TRADE REPRESENTATIVE.—Nothing in this section or section 314 shall be construed to affect the authority of the Office of the United States Trade Representative pursuant to section 141 of the Trade Act of 1974 (19 U.S.C. 2171) or any other provision of law, including authority over the development and coordination of United States international trade policy and the administration of the United States trade agreements program.

''(n) ANNUAL REPORTS TO CONGRESS.—

''(1) SECTION 313(f) REPORTS.—Beginning September 30, 2011, the Director shall submit a report on or before September 30 of each calendar year to the President and to the Committees on Financial Services and Ways and Means of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Finance of the Senate on any actions taken by the Office pursuant to subsection (f) (regarding preemption of inconsistent State insurance measures).

''(2) INSURANCE INDUSTRY.—Beginning September 30, 2011, the Director shall submit a report on or before September 30 of each calendar year to the President and to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the insurance industry and any other information as deemed relevant by the Director or requested by such Committees.

''(o) REPORTS ON U.S. AND GLOBAL REINSURANCE MARKET.—The Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

''(1) a report received not later than September 30, 2012, describing the breadth and scope of the global reinsurance market and the critical role such market plays in supporting insurance in the United States; and

''(2) a report received not later than January 1, 2013, and updated not later than January 1, 2015, describing the impact of part II of the Nonadmitted and Reinsurance Reform Act of 2010 on the ability of State regulators to access reinsurance information for regulated companies in their jurisdictions.

''(p) STUDY AND REPORT ON REGULATION OF INSURANCE.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Director shall conduct a study and submit a report to Congress on how to modernize and improve the system of insurance regulation in the United States.

''(2) CONSIDERATIONS.—The study and report required under paragraph (1) shall be based on and guided by the following considerations:

''(A) Systemic risk regulation with respect to insurance.

''(B) Capital standards and the relationship between capital allocation and liabilities, including standards relating to liquidity and duration risk.

''(C) Consumer protection for insurance products and practices, including gaps in State regulation.

''(D) The degree of national uniformity of State insurance regulation.

''(E) The regulation of insurance companies and affiliates on a consolidated basis.

''(F) International coordination of insurance regulation.

''(3) ADDITIONAL FACTORS.—The study and report required under paragraph (1) shall also examine the following factors:

''(A) The costs and benefits of potential Federal regulation of insurance across various lines of insurance (except health insurance).

''(B) The feasibility of regulating only certain lines of insurance at the Federal level, while leaving other lines of insurance to be regulated at the State level.

''(C) The ability of any potential Federal regulation or Federal regulators to eliminate or minimize regulatory arbitrage.

''(D) The impact that developments in the regulation of insurance in foreign jurisdictions might have on the potential Federal regulation of insurance.

''(E) The ability of any potential Federal regulation or Federal regulator to provide robust consumer protection for policyholders.

''(F) The potential consequences of subjecting insurance companies to a Federal resolution authority, including the effects of any Federal resolution authority—

''(i) on the operation of State insurance guaranty fund systems, including the loss of guaranty fund coverage if an insurance company is subject to a Federal resolution authority;

''(ii) on policyholder protection, including the loss of the priority status of policyholder claims over other unsecured general creditor claims;

''(iii) in the case of life insurance companies, on the loss of the special status of separate account assets and separate account liabilities; and

''(iv) on the international competitiveness of insurance companies.

''(G) Such other factors as the Director determines necessary or appropriate, consistent with the principles set forth in paragraph (2).

''(4) REQUIRED RECOMMENDATIONS.—The study and report required under paragraph (1)

shall also contain any legislative, administrative, or regulatory recommendations, as the Director determines appropriate, to carry out or effectuate the findings set forth in such report.

''(5) CONSULTATION.—With respect to the study and report required under paragraph (1), the Director shall consult with the State insurance regulators, consumer organizations, representatives of the insurance industry and policyholders, and other organizations and experts, as appropriate.

''(q) USE OF EXISTING RESOURCES.—To carry out this section, the Office may employ personnel, facilities, and any other resource of the Department of the Treasury available to the Secretary and the Secretary shall dedicate specific personnel to the Office.

''(r) DEFINITIONS.—In this section and section 314, the following definitions shall apply:

''(1) AFFILIATE.—The term 'affiliate' means, with respect to an insurer, any person who controls, is controlled by, or is under common control with the insurer.

''(2) COVERED AGREEMENT.—The term 'covered agreement' means a written bilateral or multilateral agreement regarding prudential measures with respect to the business of insurance or reinsurance that—

''(A) is entered into between the United States and one or more foreign governments, authorities, or regulatory entities; and

''(B) relates to the recognition of prudential measures with respect to the business of insurance or reinsurance that achieves a level of protection for insurance or reinsurance consumers that is substantially equivalent to the level of protection achieved under State insurance or reinsurance regulation.

''(3) INSURER.—The term 'insurer' means any person engaged in the business of insurance, including reinsurance.

''(4) FEDERAL FINANCIAL REGULATORY AGENCY.—The term 'Federal financial regulatory agency' means the Department of the Treasury, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Deposit Insurance Corporation, the Federal Housing Finance Agency, or the National Credit Union Administration.

''(5) NON-UNITED STATES INSURER.—The term 'non-United States insurer' means an insurer that is organized under the laws of a jurisdiction other than a State, but does not include any United States branch of such an insurer.

''(6) OFFICE.—The term 'Office' means the Federal Insurance Office established by this section.

''(7) STATE INSURANCE MEASURE.—The term 'State insurance measure' means any State law, regulation, administrative ruling, bulletin, guideline, or practice relating to or affecting prudential measures applicable to insurance or reinsurance.

''(8) STATE INSURANCE REGULATOR.—The term 'State insurance regulator' means any State regulatory authority responsible for the supervision of insurers.

''(9) SUBSTANTIALLY EQUIVALENT TO THE LEVEL OF PROTECTION ACHIEVED.—The term 'substantially equivalent to the level of protection achieved' means the prudential measures of a foreign government, authority, or regulatory entity achieve a similar outcome in consumer protection as the outcome achieved under State insurance or reinsurance regulation.

''(10) UNITED STATES INSURER.—The term 'United States insurer' means—

''(A) an insurer that is organized under the laws of a State; or

''(B) a United States branch of a non-United States insurer.

''(s) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Office for each fiscal year such sums as may be necessary.

''SEC. 314. COVERED AGREEMENTS.

''(a) AUTHORITY.—The Secretary and the United States Trade Representative are authorized, jointly, to negotiate and enter into covered agreements on behalf of the United States.

''(b) REQUIREMENTS FOR CONSULTATION WITH CONGRESS.—

''(1) IN GENERAL.—Before initiating negotiations to enter into a covered agreement under subsection (a), during such negotiations, and before entering into any such agreement, the Secretary and the United States Trade Representative shall jointly consult with the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate.

''(2) SCOPE.—The consultation described in paragraph (1) shall include consultation with respect to—

''(A) the nature of the agreement;

''(B) how and to what extent the agreement will achieve the applicable purposes, policies, priorities, and objectives of section 313 and this section; and

''(C) the implementation of the agreement, including the general effect of the agreement on existing State laws.

''(c) SUBMISSION AND LAYOVER PROVISIONS.—A covered agreement under subsection (a) may enter into force with respect to the United States only if—

''(1) the Secretary and the United States Trade Representative jointly submit to the congressional committees specified in subsection (b)(1), on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement; and

''(2) a period of 90 calendar days beginning on the date on which the copy of the final legal text of the agreement is submitted to the congressional committees under paragraph (1) has expired.''.

(b) DUTIES OF SECRETARY.—Section 321(a) of title 31, United States Code, is amended—

(1) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (8)(C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) advise the President on major domestic and international prudential policy issues in connection with all lines of insurance except health insurance.''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 3 of title 31, United States Code, is amended by striking the item relating to section 312 and inserting the following new items:

''Sec. 312. Terrorism and financial intelligence.
''Sec. 313. Federal Insurance Office.
''Sec. 314. Covered agreements.
''Sec. 315. Continuing in office.''.

Subtitle B—State-Based Insurance Reform

SEC. 511. SHORT TITLE.

This subtitle may be cited as the ''Nonadmitted and Reinsurance Reform Act of 2010''.

SEC. 512. EFFECTIVE DATE.

Except as otherwise specifically provided in this subtitle, this subtitle shall take effect upon the expiration of the 12-month period beginning on the date of the enactment of this subtitle.

PART I—NONADMITTED INSURANCE

SEC. 521. REPORTING, PAYMENT, AND ALLOCATION OF PREMIUM TAXES.

(a) HOME STATE'S EXCLUSIVE AUTHORITY.—No State other than the home State of an insured may require any premium tax payment for nonadmitted insurance.

(b) ALLOCATION OF NONADMITTED PREMIUM TAXES.—

(1) IN GENERAL.—The States may enter into a compact or otherwise establish procedures to allocate among the States the premium taxes paid to an insured's home State described in subsection (a).

(2) EFFECTIVE DATE.—Except as expressly otherwise provided in such compact or other procedures, any such compact or other procedures—

(A) if adopted on or before the expiration of the 330-day period that begins on the date of the enactment of this subtitle, shall apply to any premium taxes that, on or after such date of enactment, are required to be paid to any State that is subject to such compact or procedures; and

(B) if adopted after the expiration of such 330-day period, shall apply to any premium taxes that, on or after January 1 of the first calendar year that begins after the expiration of such 330-day period, are required to be paid to any State that is subject to such compact or procedures.

(3) REPORT.—Upon the expiration of the 330-day period referred to in paragraph (2), the NAIC may submit a report to the Committee on Financial Services and the Committee on the Judiciary of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate identifying and describing any compact or other procedures for allocation among the States of premium taxes that have been adopted during such period by any States.

(4) NATIONWIDE SYSTEM.—The Congress intends that each State adopt nationwide uniform requirements, forms, and procedures, such as an interstate compact, that provide for the reporting, payment, collection, and allocation of premium taxes for nonadmitted insurance consistent with this section.

(c) ALLOCATION BASED ON TAX ALLOCATION REPORT.—To facilitate the payment of premium taxes among the States, an insured's home State may require surplus lines brokers and insureds who have independently procured insurance to annually file tax allocation reports with the insured's home State detailing the portion of the nonadmitted insurance policy premium or premiums attributable to properties, risks, or exposures located in each State. The filing of a nonadmitted insurance tax allocation report and the payment of tax may be made by a person authorized by the insured to act as its agent.

SEC. 522. REGULATION OF NONADMITTED INSURANCE BY INSURED'S HOME STATE.

(a) HOME STATE AUTHORITY.—Except as otherwise provided in this section, the placement of nonadmitted insurance shall be subject to the statutory and regulatory requirements solely of the insured's home State.

(b) BROKER LICENSING.—No State other than an insured's home State may require a surplus lines broker to be licensed in order to sell, solicit, or negotiate nonadmitted insurance with respect to such insured.

(c) ENFORCEMENT PROVISION.—With respect to section 521 and subsections (a) and (b) of this section, any law, regulation, provision, or action of any State that applies or purports to apply to nonadmitted insurance sold to, solicited by, or negotiated with an insured whose home State is another State shall be preempted with respect to such application.

(d) WORKERS' COMPENSATION EXCEPTION.—This section may not be construed to preempt any State law, rule, or regulation that restricts the placement of workers' compensation insurance or excess insurance for self-funded workers' compensation plans with a nonadmitted insurer.

SEC. 523. PARTICIPATION IN NATIONAL PRODUCER DATABASE.

After the expiration of the 2-year period beginning on the date of the enactment of this subtitle, a State may not collect any fees relating to licensing of an individual or entity as a surplus lines broker in the State unless the State has in effect at such time laws or regulations that provide for participation by the State in the national insurance producer database of the NAIC, or any other equivalent uniform national database, for the licensure of surplus lines brokers and the renewal of such licenses.

SEC. 524. UNIFORM STANDARDS FOR SURPLUS LINES ELIGIBILITY.

A State may not—

(1) impose eligibility requirements on, or otherwise establish eligibility criteria for, nonadmitted insurers domiciled in a United States jurisdiction, except in conformance with such requirements and criteria in sections 5A(2) and 5C(2)(a) of the Non-Admitted Insurance Model Act, unless the State has adopted nationwide uniform requirements, forms, and procedures developed in accordance with section 521(b) of this subtitle that include alternative nationwide uniform eligibility requirements; or

(2) prohibit a surplus lines broker from placing nonadmitted insurance with, or procuring nonadmitted insurance from, a nonadmitted insurer domiciled outside the United States that is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the NAIC.

SEC. 525. STREAMLINED APPLICATION FOR COMMERCIAL PURCHASERS.

A surplus lines broker seeking to procure or place nonadmitted insurance in a State for an exempt commercial purchaser shall not be required to satisfy any State requirement to make a due diligence search to determine whether the full amount or type of insurance sought by such exempt commercial purchaser can be obtained from admitted insurers if—

(1) the broker procuring or placing the surplus lines insurance has disclosed to the exempt commercial purchaser that such insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight; and

(2) the exempt commercial purchaser has subsequently requested in writing the broker to procure or place such insurance from a nonadmitted insurer.

SEC. 526. GAO STUDY OF NONADMITTED INSURANCE MARKET.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the nonadmitted insurance market to determine the effect of the enactment of this part on the size and market share of the nonadmitted insurance market for providing coverage typically provided by the admitted insurance market.

(b) CONTENTS.—The study shall determine and analyze—

(1) the change in the size and market share of the nonadmitted insurance market and in the number of insurance companies and insurance holding companies providing such business in the 18-month period that begins upon the effective date of this subtitle;

(2) the extent to which insurance coverage typically provided by the admitted insurance market has shifted to the nonadmitted insurance market;

(3) the consequences of any change in the size and market share of the nonadmitted insurance market, including differences in the price and availability of coverage available in both the admitted and nonadmitted insurance markets;

(4) the extent to which insurance companies and insurance holding companies that provide both admitted and nonadmitted insurance have experienced shifts in the volume of business between admitted and nonadmitted insurance; and

(5) the extent to which there has been a change in the number of individuals who have nonadmitted insurance policies, the type of coverage provided under such policies, and whether such coverage is available in the admitted insurance market.

(c) CONSULTATION WITH NAIC.—In conducting the study under this section, the Comptroller General shall consult with the NAIC.

(d) REPORT.—The Comptroller General shall complete the study under this section and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the findings of the study not later than 30 months after the effective date of this subtitle.

SEC. 527. DEFINITIONS.

For purposes of this part, the following definitions shall apply:

(1) ADMITTED INSURER.—The term ''admitted insurer'' means, with respect to a State, an insurer licensed to engage in the business of insurance in such State.

(2) AFFILIATE.—The term ''affiliate'' means, with respect to an insured, any entity that controls, is controlled by, or is under common control with the insured.

(3) AFFILIATED GROUP.—The term ''affiliated group'' means any group of entities that are all affiliated.

(4) CONTROL.—An entity has ''control'' over another entity if—

(A) the entity directly or indirectly or acting through 1 or more other persons owns, controls, or has the power to vote 25 percent or more of any class of voting securities of the other entity; or

(B) the entity controls in any manner the election of a majority of the directors or trustees of the other entity.

(5) EXEMPT COMMERCIAL PURCHASER.—The term ''exempt commercial purchaser'' means any person purchasing commercial insurance that, at the time of placement, meets the following requirements:

(A) The person employs or retains a qualified risk manager to negotiate insurance coverage.

(B) The person has paid aggregate nationwide commercial property and casualty insurance premiums in excess of $100,000 in the immediately preceding 12 months.

(C)(i) The person meets at least 1 of the following criteria:

(I) The person possesses a net worth in excess of $20,000,000, as such amount is adjusted pursuant to clause (ii).

(II) The person generates annual revenues in excess of $50,000,000, as such amount is adjusted pursuant to clause (ii).

(III) The person employs more than 500 full-time or full-time equivalent employees per individual insured or is a member of an affiliated group employing more than 1,000 employees in the aggregate.

(IV) The person is a not-for-profit organization or public entity generating annual budgeted expenditures of at least $30,000,000, as such amount is adjusted pursuant to clause (ii).

(V) The person is a municipality with a population in excess of 50,000 persons.

(ii) Effective on the fifth January 1 occurring after the date of the enactment of this subtitle and each fifth January 1 occurring thereafter, the amounts in subclauses (I), (II), and (IV) of clause (i) shall be adjusted to reflect the percentage change for such 5-year period in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(6) HOME STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''home State'' means, with respect to an insured—

(i) the State in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence; or

(ii) if 100 percent of the insured risk is located out of the State referred to in clause (i), the State to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

(B) AFFILIATED GROUPS.—If more than 1 insured from an affiliated group are named insureds on a single nonadmitted insurance contract, the term ''home State'' means the home State, as determined pursuant to subparagraph (A), of the member of the affiliated group that has the largest percentage of premium attributed to it under such insurance contract.

(7) INDEPENDENTLY PROCURED INSURANCE.—The term ''independently procured insurance'' means insurance procured directly by an insured from a nonadmitted insurer.

(8) NAIC.—The term ''NAIC'' means the National Association of Insurance Commissioners or any successor entity.

(9) NONADMITTED INSURANCE.—The term ''nonadmitted insurance'' means any property and casualty insurance permitted to be placed directly or through a surplus lines broker with a nonadmitted insurer eligible to accept such insurance.

(10) NON-ADMITTED INSURANCE MODEL ACT.—The term ''Non-Admitted Insurance Model Act'' means the provisions of the Non-Admitted Insurance Model Act, as adopted by the NAIC on August 3, 1994, and amended on September 30, 1996, December 6, 1997, October 2, 1999, and June 8, 2002.

(11) NONADMITTED INSURER.—The term ''nonadmitted insurer''—

(A) means, with respect to a State, an insurer not licensed to engage in the business of insurance in such State; but

(B) does not include a risk retention group, as that term is defined in section 2(a)(4) of the Liability Risk Retention Act of 1986 (15 U.S.C. 3901(a)(4)).

(12) PREMIUM TAX.—The term ''premium tax'' means, with respect to surplus lines or independently procured insurance coverage, any tax, fee, assessment, or other charge imposed by a government entity directly or indirectly based on any payment made as consideration for an insurance contract for such insurance, including premium deposits, assessments, registration fees, and any other compensation given in consideration for a contract of insurance.

(13) QUALIFIED RISK MANAGER.—The term ''qualified risk manager'' means, with respect to a policyholder of commercial insurance, a person who meets all of the following requirements:

(A) The person is an employee of, or third-party consultant retained by, the commercial policyholder.

(B) The person provides skilled services in loss prevention, loss reduction, or risk and insurance coverage analysis, and purchase of insurance.

(C) The person—

(i)(I) has a bachelor's degree or higher from an accredited college or university in risk management, business administration, finance, economics, or any other field determined by a State insurance commissioner or other State regulatory official or entity to demonstrate minimum competence in risk management; and

(II)(aa) has 3 years of experience in risk financing, claims administration, loss prevention, risk and insurance analysis, or purchasing commercial lines of insurance; or

(bb) has—

(AA) a designation as a Chartered Property and Casualty Underwriter (in this subparagraph referred to as ''CPCU'') issued by the American Institute for CPCU/Insurance Institute of America;

(BB) a designation as an Associate in Risk Management (ARM) issued by the American Institute for CPCU/Insurance Institute of America;

(CC) a designation as Certified Risk Manager (CRM) issued by the National Alliance for Insurance Education & Research;

(DD) a designation as a RIMS Fellow (RF) issued by the Global Risk Management Institute; or

(EE) any other designation, certification, or license determined by a State insurance commissioner or other State insurance regulatory official or entity to demonstrate minimum competency in risk management;

(ii)(I) has at least 7 years of experience in risk financing, claims administration, loss prevention, risk and insurance coverage analysis, or purchasing commercial lines of insurance; and

(II) has any 1 of the designations specified in subitems (AA) through (EE) of clause (i)(II)(bb);

(iii) has at least 10 years of experience in risk financing, claims administration, loss prevention, risk and insurance coverage analysis, or purchasing commercial lines of insurance; or

(iv) has a graduate degree from an accredited college or university in risk management, business administration, finance, economics, or any other field determined by a State insurance commissioner or other State regulatory official or entity to demonstrate minimum competence in risk management.

(14) REINSURANCE.—The term ''reinsurance'' means the assumption by an insurer of all or part of a risk undertaken originally by another insurer.

(15) SURPLUS LINES BROKER.—The term ''surplus lines broker'' means an individual, firm, or corporation which is licensed in a State to sell, solicit, or negotiate insurance on properties, risks, or exposures located or to be performed in a State with nonadmitted insurers.

(16) STATE.—The term ''State'' includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.

PART II—REINSURANCE

SEC. 531. REGULATION OF CREDIT FOR REINSURANCE AND REINSURANCE AGREEMENTS.

(a) CREDIT FOR REINSURANCE.—If the State of domicile of a ceding insurer is an NAIC-accredited State, or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, and recognizes credit for reinsurance for the insurer's ceded risk, then no other State may deny such credit for reinsurance.

(b) ADDITIONAL PREEMPTION OF EXTRATERRITORIAL APPLICATION OF STATE LAW.—In addition to the application of subsection (a), all laws, regulations, provisions, or other actions of a State that is not the domiciliary State of the ceding insurer, except those with respect to taxes and assessments on insurance companies or insurance income, are preempted to the extent that they—

(1) restrict or eliminate the rights of the ceding insurer or the assuming insurer to resolve disputes pursuant to contractual arbitration to the extent such contractual provision is not inconsistent with the provisions of title 9, United States Code;

(2) require that a certain State's law shall govern the reinsurance contract, disputes arising from the reinsurance contract, or requirements of the reinsurance contract;

(3) attempt to enforce a reinsurance contract on terms different than those set forth in the reinsurance contract, to the extent that the terms are not inconsistent with this part; or

(4) otherwise apply the laws of the State to reinsurance agreements of ceding insurers not domiciled in that State.

SEC. 532. REGULATION OF REINSURER SOLVENCY.

(a) DOMICILIARY STATE REGULATION.—If the State of domicile of a reinsurer is an NAIC-accredited State or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, such State shall be solely responsible for regulating the financial solvency of the reinsurer.

(b) NONDOMICILIARY STATES.—

(1) LIMITATION ON FINANCIAL INFORMATION REQUIREMENTS.—If the State of domicile of a reinsurer is an NAIC-accredited State or has financial solvency requirements substantially similar to the requirements necessary for NAIC accreditation, no other State may require the reinsurer to provide any additional financial information other than the information the reinsurer is required to file with its domiciliary State.

(2) RECEIPT OF INFORMATION.—No provision of this section shall be construed as preventing or prohibiting a State that is not the State of domicile of a reinsurer from receiving a copy of any financial statement filed with its domiciliary State.

SEC. 533. DEFINITIONS.

For purposes of this part, the following definitions shall apply:

(1) CEDING INSURER.—The term ''ceding insurer'' means an insurer that purchases reinsurance.

(2) DOMICILIARY STATE.—The terms ''State of domicile'' and ''domiciliary State'' mean, with respect to an insurer or reinsurer, the State in which the insurer or reinsurer is incorporated or entered through, and licensed.

(3) NAIC.—The term ''NAIC'' means the National Association of Insurance Commissioners or any successor entity.

(4) REINSURANCE.—The term ''reinsurance'' means the assumption by an insurer of all or part of a risk undertaken originally by another insurer.

(5) REINSURER.—

(A) IN GENERAL.—The term ''reinsurer'' means an insurer to the extent that the insurer—

(i) is principally engaged in the business of reinsurance;

(ii) does not conduct significant amounts of direct insurance as a percentage of its net premiums; and

(iii) is not engaged in an ongoing basis in the business of soliciting direct insurance.

(B) DETERMINATION.—A determination of whether an insurer is a reinsurer shall be made under the laws of the State of domicile in accordance with this paragraph.

(6) STATE.—The term ''State'' includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa.

PART III—RULE OF CONSTRUCTION

SEC. 541. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to modify, impair, or supersede the application of the antitrust laws. Any implied or actual conflict between this subtitle and any amendments to this subtitle and the antitrust laws shall be resolved in favor of the operation of the antitrust laws.

SEC. 542. SEVERABILITY.

If any section or subsection of this subtitle, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this subtitle, and the application of the provision to any other person or circumstance, shall not be affected.

TITLE VI—IMPROVEMENTS TO REGULATION OF BANK AND SAVINGS ASSOCIATION HOLDING COMPANIES AND DEPOSITORY INSTITUTIONS

SEC. 601. SHORT TITLE.

This title may be cited as the ''Bank and Savings Association Holding Company and Depository Institution Regulatory Improvements Act of 2010''.

SEC. 602. DEFINITION.

For purposes of this title, a company is a ''commercial firm'' if the annual gross revenues derived by the company and all of its affiliates from activities that are financial in nature (as defined in section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k))) and, if applicable, from the ownership or control of one or more insured depository institutions, represent less than 15 percent of the consolidated annual gross revenues of the company.

SEC. 603. MORATORIUM AND STUDY ON TREATMENT OF CREDIT CARD BANKS, INDUSTRIAL LOAN COMPANIES, AND CERTAIN OTHER COMPANIES UNDER THE BANK HOLDING COMPANY ACT OF 1956.

(a) MORATORIUM.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''credit card bank'' means an institution described in section 2(c)(2)(F) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(F));

(B) the term ''industrial bank'' means an institution described in section 2(c)(2)(H) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(H)); and

(C) the term ''trust bank'' means an institution described in section 2(c)(2)(D) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(D)).

(2) MORATORIUM ON PROVISION OF DEPOSIT INSURANCE.—The Corporation may not approve an application for deposit insurance under section 5 of the Federal Deposit Insurance Act (12 U.S.C. 1815) that is received after November 23, 2009, for an industrial bank, a credit card bank, or a trust bank that is directly or indirectly owned or controlled by a commercial firm.

(3) CHANGE IN CONTROL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the appropriate Federal banking agency shall disapprove a change in control, as provided in section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)), of an industrial bank, a credit card bank, or a trust bank if the change in control would result in direct or indirect control of the industrial bank, credit card bank, or trust bank by a commercial firm.

(B) EXCEPTIONS.—Subparagraph (A) shall not apply to a change in control of an industrial bank, credit card bank, or trust bank—

(i) that—

(I) is in danger of default, as determined by the appropriate Federal banking agency;

(II) results from the merger or whole acquisition of a commercial firm that directly or indirectly controls the industrial bank, credit card bank, or trust bank in a bona fide merger with or acquisition by another commercial firm, as determined by the appropriate Federal banking agency; or

(III) results from an acquisition of voting shares of a publicly traded company that controls an industrial bank, credit card bank, or trust bank, if, after the acquisition, the acquiring shareholder (or group of shareholders acting in concert) holds less than 25 percent of any class of the voting shares of the company; and

(ii) that has obtained all regulatory approvals otherwise required for such change of control under any applicable Federal or State law, including section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)).

(4) SUNSET.—This subsection shall cease to have effect 3 years after the date of enactment of this Act.

(b) GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF EXCEPTIONS UNDER THE BANK HOLDING COMPANY ACT OF 1956.—

(1) STUDY REQUIRED.—The Comptroller General of the United States shall carry out a study to determine whether it is necessary, in order to strengthen the safety and soundness of institutions or the stability of the financial system, to eliminate the exceptions under section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) for institutions described in—

(A) section 2(a)(5)(E) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)(5)(E));

(B) section 2(a)(5)(F) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)(5)(F));

(C) section 2(c)(2)(D) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(D));

(D) section 2(c)(2)(F) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(F));

(E) section 2(c)(2)(H) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(H)); and

(F) section 2(c)(2)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(B)).

(2) CONTENT OF STUDY.—

(A) IN GENERAL.—The study required under paragraph (1), with respect to the institutions referenced in each of subparagraphs (A) through (E) of paragraph (1), shall, to the extent feasible be based on information provided to the Comptroller General by the appropriate Federal or State regulator, and shall—

(i) identify the types and number of institutions excepted from section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) under each of the subparagraphs described in subparagraphs (A) through (E) of paragraph (1);

(ii) generally describe the size and geographic locations of the institutions described in clause (i);

(iii) determine the extent to which the institutions described in clause (i) are held by holding companies that are commercial firms;

(iv) determine whether the institutions described in clause (i) have any affiliates that are commercial firms;

(v) identify the Federal banking agency responsible for the supervision of the institutions

described in clause (i) on and after the transfer date;

(vi) determine the adequacy of the Federal bank regulatory framework applicable to each category of institution described in clause (i), including any restrictions (including limitations on affiliate transactions or cross-marketing) that apply to transactions between an institution, the holding company of the institution, and any other affiliate of the institution; and

(vii) evaluate the potential consequences of subjecting the institutions described in clause (i) to the requirements of the Bank Holding Company Act of 1956, including with respect to the availability and allocation of credit, the stability of the financial system and the economy, the safe and sound operation of each category of institution, and the impact on the types of activities in which such institutions, and the holding companies of such institutions, may engage.

(B) SAVINGS ASSOCIATIONS.—With respect to institutions described in paragraph (1)(F), the study required under paragraph (1) shall—

(i) determine the adequacy of the Federal bank regulatory framework applicable to such institutions, including any restrictions (including limitations on affiliate transactions or cross-marketing) that apply to transactions between an institution, the holding company of the institution, and any other affiliate of the institution; and

(ii) evaluate the potential consequences of subjecting the institutions described in paragraph (1)(F) to the requirements of the Bank Holding Company Act of 1956, including with respect to the availability and allocation of credit, the stability of the financial system and the economy, the safe and sound operation of such institutions, and the impact on the types of activities in which such institutions, and the holding companies of such institutions, may engage.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the study required under paragraph (1).

SEC. 604. REPORTS AND EXAMINATIONS OF HOLDING COMPANIES; REGULATION OF FUNCTIONALLY REGULATED SUBSIDIARIES.

(a) REPORTS BY BANK HOLDING COMPANIES.—Sections 5(c)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)(1)) is amended—

(1) by striking subclause (A)(ii) and inserting the following:

''(ii) compliance by the bank holding company or subsidiary with—

''(I) this Act;

''(II) Federal laws that the Board has specific jurisdiction to enforce against the company or subsidiary; and

''(III) other than in the case of an insured depository institution or functionally regulated subsidiary, any other applicable provision of Federal law.'';

(2) by striking subparagraph (B) and inserting the following:

''(B) USE OF EXISTING REPORTS AND OTHER SUPERVISORY INFORMATION.—The Board shall, to the fullest extent possible, use—

''(i) reports and other supervisory information that the bank holding company or any subsidiary thereof has been required to provide to other Federal or State regulatory agencies;

''(ii) externally audited financial statements of the bank holding company or subsidiary;

''(iii) information otherwise available from Federal or State regulatory agencies; and

''(iv) information that is otherwise required to be reported publicly.''; and

(3) by adding at the end the following:

''(C) AVAILABILITY.—Upon the request of the Board, the bank holding company or a subsidiary of the bank holding company shall promptly provide to the Board any information described in clauses (i) through (iii) of subparagraph (B).''.

(b) EXAMINATIONS OF BANK HOLDING COMPANIES.—Section 5(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)(2)) is amended to read as follows:

''(2) EXAMINATIONS.—

''(A) IN GENERAL.—Subject to subtitle B of the Consumer Financial Protection Act of 2010, the Board may make examinations of a bank holding company and each subsidiary of a bank holding company in order to—

''(i) inform the Board of—

''(I) the nature of the operations and financial condition of the bank holding company and the subsidiary;

''(II) the financial, operational, and other risks within the bank holding company system that may pose a threat to—

''(aa) the safety and soundness of the bank holding company or of any depository institution subsidiary of the bank holding company; or

''(bb) the stability of the financial system of the United States; and

''(III) the systems of the bank holding company for monitoring and controlling the risks described in subclause (II); and

''(ii) monitor the compliance of the bank holding company and the subsidiary with—

''(I) this Act;

''(II) Federal laws that the Board has specific jurisdiction to enforce against the company or subsidiary; and

''(III) other than in the case of an insured depository institution or functionally regulated subsidiary, any other applicable provisions of Federal law.

''(B) USE OF REPORTS TO REDUCE EXAMINATIONS.—For purposes of this paragraph, the Board shall, to the fullest extent possible, rely on—

''(i) examination reports made by other Federal or State regulatory agencies relating to a bank holding company and any subsidiary of a bank holding company; and

''(ii) the reports and other information required under paragraph (1).

''(C) COORDINATION WITH OTHER REGULATORS.—The Board shall—

''(i) provide reasonable notice to, and consult with, the appropriate Federal banking agency, the Securities and Exchange Commission, the Commodity Futures Trading Commission, or State regulatory agency, as appropriate, for a subsidiary that is a depository institution or a functionally regulated subsidiary of a bank holding company before commencing an examination of the subsidiary under this section; and

''(ii) to the fullest extent possible, avoid duplication of examination activities, reporting requirements, and requests for information.''.

(c) AUTHORITY TO REGULATE FUNCTIONALLY REGULATED SUBSIDIARIES OF BANK HOLDING COMPANIES.—The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended—

(1) in section 5(c)(5)(B) (12 U.S.C. 1844(c)(5)(B)), by striking clause (v) and inserting the following:

''(v) an entity that is subject to regulation by, or registration with, the Commodity Futures Trading Commission, with respect to activities conducted as a futures commission merchant, commodity trading adviser, commodity pool, commodity pool operator, swap execution facility, swap data repository, swap dealer, major swap participant, and activities that are incidental to such commodities and swaps activities.''; and

(2) by striking section 10A (12 U.S.C. 1848a).

(d) ACQUISITIONS OF BANKS.—Section 3(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)) is amended by adding at the end the following:

''(7) FINANCIAL STABILITY.—In every case, the Board shall take into consideration the extent to which a proposed acquisition, merger, or consolidation would result in greater or more concentrated risks to the stability of the United States banking or financial system.''.

(e) ACQUISITIONS OF NONBANKS.—

(1) NOTICE PROCEDURES.—Section 4(j)(2)(A) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)(2)(A)) is amended by striking ''or unsound banking practices'' and inserting ''unsound banking practices, or risk to the stability of the United States banking or financial system''.

(2) ACTIVITIES THAT ARE FINANCIAL IN NATURE.—Section 4(k)(6)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)(6)(B)) is amended to read as follows:

''(B) APPROVAL NOT REQUIRED FOR CERTAIN FINANCIAL ACTIVITIES.—

''(i) IN GENERAL.—Except as provided in subsection (j) with regard to the acquisition of a savings association and clause (ii), a financial holding company may commence any activity, or acquire any company, pursuant to paragraph (4) or any regulation prescribed or order issued under paragraph (5), without prior approval of the Board.

''(ii) EXCEPTION.—A financial holding company may not acquire a company, without the prior approval of the Board, in a transaction in which the total consolidated assets to be acquired by the financial holding company exceed $10,000,000,000.

''(iii) HART-SCOTT-RODINO FILING REQUIREMENT.—Solely for purposes of section 7A(c)(8) of the Clayton Act (15 U.S.C. 18a(c)(8)), the transactions subject to the requirements of this paragraph shall be treated as if the approval of the Board is not required.''.

(f) BANK MERGER ACT TRANSACTIONS.—Section 18(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(5)) is amended, in the matter immediately following subparagraph (B), by striking ''and the convenience and needs of the community to be served'' and inserting ''the convenience and needs of the community to be served, and the risk to the stability of the United States banking or financial system''.

(g) REPORTS BY SAVINGS AND LOAN HOLDING COMPANIES.—Section 10(b)(2) of the Home Owners' Loan Act (12 U.S.C. 1467a(b)(2) is amended—

(1) by striking ''Each savings'' and inserting the following:

''(A) IN GENERAL.—Each savings''; and

(2) by adding at the end the following:

''(B) USE OF EXISTING REPORTS AND OTHER SUPERVISORY INFORMATION.—The Board shall, to the fullest extent possible, use—

''(i) reports and other supervisory information that the savings and loan holding company or any subsidiary thereof has been required to provide to other Federal or State regulatory agencies;

''(ii) externally audited financial statements of the savings and loan holding company or subsidiary;

''(iii) information that is otherwise available from Federal or State regulatory agencies; and

''(iv) information that is otherwise required to be reported publicly.

''(C) AVAILABILITY.—Upon the request of the Board, a savings and loan holding company or a subsidiary of a savings and loan holding company shall promptly provide to the Board any information described in clauses (i) through (iii) of subparagraph (B).''.

(h) EXAMINATION OF SAVINGS AND LOAN HOLDING COMPANIES.—

(1) DEFINITIONS.—Section 2 of the Home Owners' Loan Act (12 U.S.C. 1462) is amended by adding at the end the following:

''(10) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

''(11) FUNCTIONALLY REGULATED SUBSIDIARY.—The term 'functionally regulated subsidiary' has the same meaning as in section 5(c)(5) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)(5)).''.

(2) EXAMINATION.—Section 10(b) of the Home Owners' Loan Act (12 U.S.C. 1467a(b)) is amended by striking paragraph (4) and inserting the following:

''(4) EXAMINATIONS.—

''(A) IN GENERAL.—Subject to subtitle B of the Consumer Financial Protection Act of 2010, the Board may make examinations of a savings and loan holding company and each subsidiary of a savings and loan holding company system, in order to—

''(i) inform the Board of—

''(I) the nature of the operations and financial condition of the savings and loan holding company and the subsidiary;

''(II) the financial, operational, and other risks within the savings and loan holding company system that may pose a threat to—

''(aa) the safety and soundness of the savings and loan holding company or of any depository institution subsidiary of the savings and loan holding company; or

''(bb) the stability of the financial system of the United States; and

''(III) the systems of the savings and loan holding company for monitoring and controlling the risks described in subclause (II); and

''(ii) monitor the compliance of the savings and loan holding company and the subsidiary with—

''(I) this Act;

''(II) Federal laws that the Board has specific jurisdiction to enforce against the company or subsidiary; and

''(III) other than in the case of an insured depository institution or functionally regulated subsidiary, any other applicable provisions of Federal law.

''(B) USE OF REPORTS TO REDUCE EXAMINATIONS.—For purposes of this subsection, the Board shall, to the fullest extent possible, rely on—

''(i) the examination reports made by other Federal or State regulatory agencies relating to a savings and loan holding company and any subsidiary; and

''(ii) the reports and other information required under paragraph (2).

''(C) COORDINATION WITH OTHER REGULATORS.—The Board shall—

''(i) provide reasonable notice to, and consult with, the appropriate Federal banking agency, the Securities and Exchange Commission, the Commodity Futures Trading Commission, or State regulatory agency, as appropriate, for a subsidiary that is a depository institution or a functionally regulated subsidiary of a savings and loan holding company before commencing an examination of the subsidiary under this section; and

''(ii) to the fullest extent possible, avoid duplication of examination activities, reporting requirements, and requests for information.''.

(i) DEFINITION OF THE TERM ''SAVINGS AND LOAN HOLDING COMPANY''.—Section 10(a)(1)(D)(ii) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(D)(ii)) is amended to read as follows:

''(ii) EXCLUSION.—The term 'savings and loan holding company' does not include—

''(I) a bank holding company that is registered under, and subject to, the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), or to any company directly or indirectly controlled by such company (other than a savings association);

''(II) a company that controls a savings association that functions solely in a trust or fiduciary capacity as described in section 2(c)(2)(D) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(D)); or

''(III) a company described in subsection (c)(9)(C) solely by virtue of such company's control of an intermediate holding company established pursuant to section 10A.''.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

SEC. 605. ASSURING CONSISTENT OVERSIGHT OF PERMISSIBLE ACTIVITIES OF DEPOSITORY INSTITUTION SUBSIDIARIES OF HOLDING COMPANIES.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 25 the following new section:

''SEC. 26. ASSURING CONSISTENT OVERSIGHT OF SUBSIDIARIES OF HOLDING COMPANIES.

''(a) DEFINITIONS.—For purposes of this section:

''(1) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

''(2) FUNCTIONALLY REGULATED SUBSIDIARY.—The term 'functionally regulated subsidiary' has the same meaning as in section 5(c)(5) of the Bank Holding Company Act.

''(3) LEAD INSURED DEPOSITORY INSTITUTION.—The term 'lead insured depository institution' has the same meaning as in section 2(o)(8) of the Bank Holding Company Act.

''(b) EXAMINATION REQUIREMENTS.—Subject to subtitle B of the Consumer Financial Protection Act of 2010, the Board shall examine the activities of a nondepository institution subsidiary (other than a functionally regulated subsidiary or a subsidiary of a depository institution) of a depository institution holding company that are permissible for the insured depository institution subsidiaries of the depository institution holding company in the same manner, subject to the same standards, and with the same frequency as would be required if such activities were conducted in the lead insured depository institution of the depository institution holding company.

''(c) STATE COORDINATION.—

''(1) CONSULTATION AND COORDINATION.—If a nondepository institution subsidiary is supervised by a State bank supervisor or other State regulatory authority, the Board, in conducting the examinations required in subsection (b), shall consult and coordinate with such State regulator.

''(2) ALTERNATING EXAMINATIONS PERMITTED.—The examinations required under subsection (b) may be conducted in joint or alternating manner with a State regulator, if the Board determines that an examination of a nondepository institution subsidiary conducted by the State carries out the purposes of this section.

''(d) APPROPRIATE FEDERAL BANKING AGENCY BACKUP EXAMINATION AUTHORITY.—

''(1) IN GENERAL.—In the event that the Board does not conduct examinations required under subsection (b) in the same manner, subject to the same standards, and with the same frequency as would be required if such activities were conducted by the lead insured depository institution subsidiary of the depository institution holding company, the appropriate Federal banking agency for the lead insured depository institution may recommend in writing (which shall include a written explanation of the concerns giving rise to the recommendation) that the Board perform the examination required under subsection (b).

''(2) EXAMINATION BY AN APPROPRIATE FEDERAL BANKING AGENCY.—If the Board does not, before the end of the 60-day period beginning on the date on which the Board receives a recommendation under paragraph (1), begin an examination as required under subsection (b) or provide a written explanation or plan to the appropriate Federal banking agency making such recommendation responding to the concerns raised by the appropriate Federal banking agency for the lead insured depository institution, the appropriate Federal banking agency for the lead insured depository institution may, subject to the Consumer Financial Protection Act of 2010, examine the activities that are permissible for a depository institution subsidiary conducted by such nondepository institution subsidiary (other than a functionally regulated subsidiary or a subsidiary of a depository institution) of the depository institution holding company as if the nondepository institution subsidiary were an insured depository institution for which the appropriate Federal banking agency of the lead insured depository institution was the appropriate Federal banking agency, to determine whether the activities—

''(A) pose a material threat to the safety and soundness of any insured depository institution subsidiary of the depository institution holding company;

''(B) are conducted in accordance with applicable Federal law; and

''(C) are subject to appropriate systems for monitoring and controlling the financial, operating, and other material risks of the activities that may pose a material threat to the safety and soundness of the insured depository institution subsidiaries of the holding company.

''(3) AGENCY COORDINATION WITH THE BOARD.—An appropriate Federal banking agency that conducts an examination pursuant to paragraph (2) shall coordinate examination of the activities of nondepository institution subsidiaries described in subsection (b) with the Board in a manner that—

''(A) avoids duplication;

''(B) shares information relevant to the supervision of the depository institution holding company;

''(C) achieves the objectives of subsection (b); and

''(D) ensures that the depository institution holding company and the subsidiaries of the depository institution holding company are not subject to conflicting supervisory demands by such agency and the Board.

''(4) FEE PERMITTED FOR EXAMINATION COSTS.—An appropriate Federal banking agency that conducts an examination or enforcement action pursuant to this section may collect an assessment, fee, or such other charge from the subsidiary as the appropriate Federal banking agency determines necessary or appropriate to carry out the responsibilities of the appropriate Federal banking agency in connection with such examination.

''(e) REFERRALS FOR ENFORCEMENT BY APPROPRIATE FEDERAL BANKING AGENCY.—

''(1) RECOMMENDATION OF ENFORCEMENT ACTION.—The appropriate Federal banking agency for the lead insured depository institution, based upon its examination of a nondepository institution subsidiary conducted pursuant to subsection (d), or other relevant information, may submit to the Board, in writing, a recommendation that the Board take enforcement action against such nondepository institution subsidiary, together with an explanation of the concerns giving rise to the recommendation, if the appropriate Federal banking agency determines (by a vote of its members, if applicable) that the activities of the nondepository institution subsidiary pose a material threat to the safety and soundness of any insured depository institution subsidiary of the depository institution holding company.

''(2) BACK-UP AUTHORITY OF THE APPROPRIATE FEDERAL BANKING AGENCY.—If, within the 60-day period beginning on the date on which the Board receives a recommendation under paragraph (1), the Board does not take enforcement action against the nondepository institution subsidiary or provide a plan for supervisory or enforcement action that is acceptable to the appropriate Federal banking agency that made the recommendation pursuant to paragraph (1), such agency may take the recommended enforcement action against the nondepository institution subsidiary, in the same manner as if the nondepository institution subsidiary were an insured depository institution for which the agency was the appropriate Federal banking agency.

''(f) COORDINATION AMONG APPROPRIATE FEDERAL BANKING AGENCIES.—Each Federal banking agency, prior to or when exercising authority under subsection (d) or (e) shall—

''(1) provide reasonable notice to, and consult with, the appropriate Federal banking agency or State bank supervisor (or other State regulatory agency) of the nondepository institution subsidiary of a depository institution holding company that is described in subsection (d) before commencing any examination of the subsidiary;

''(2) to the fullest extent possible—

''(A) rely on the examinations, inspections, and reports of the appropriate Federal banking agency or the State bank supervisor (or other State regulatory agency) of the subsidiary;

''(B) avoid duplication of examination activities, reporting requirements, and requests for information; and

''(C) ensure that the depository institution holding company and the subsidiaries of the depository institution holding company are not subject to conflicting supervisory demands by the appropriate Federal banking agencies.

''(g) RULE OF CONSTRUCTION.—No provision of this section shall be construed as limiting any authority of the Board, the Corporation, or the Comptroller of the Currency under any other provision of law.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the transfer date.

SEC. 606. REQUIREMENTS FOR FINANCIAL HOLDING COMPANIES TO REMAIN WELL CAPITALIZED AND WELL MANAGED.

(a) AMENDMENT.—Section 4(l)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(l)(1)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) by redesignating subparagraph (C) as subparagraph (D);

(3) by inserting after subparagraph (B) the following:

''(C) the bank holding company is well capitalized and well managed; and''; and

(4) in subparagraph (D)(ii), as so redesignated, by striking ''subparagraphs (A) and (B)'' and inserting ''subparagraphs (A), (B), and (C)''.

(b) HOME OWNERS' LOAN ACT AMENDMENT.—Section 10(c)(2) of the Home Owners' Loan Act (12 U.S.C. 1467a(c)(2)) is amended by adding at the end the following new subparagraph:

''(H) Any activity that is permissible for a financial holding company (as such term is defined under section 2(p) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(p)) to conduct under section 4(k) of the Bank Holding Company Act of 1956 if—

''(i) the savings and loan holding company meets all of the criteria to qualify as a financial holding company, and complies with all of the requirements applicable to a financial holding company, under sections 4(l) and 4(m) of the Bank Holding Company Act and section 804(c) of the Community Reinvestment Act of 1977 (12 U.S.C. 2903(c)) as if the savings and loan holding company was a bank holding company; and

''(ii) the savings and loan holding company conducts the activity in accordance with the same terms, conditions, and requirements that apply to the conduct of such activity by a bank holding company under the Bank Holding Company Act of 1956 and the Board's regulations and interpretations under such Act.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

SEC. 607. STANDARDS FOR INTERSTATE ACQUISITIONS.

(a) ACQUISITION OF BANKS.—Section 3(d)(1)(A) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(d)(1)(A)) is amended by striking ''adequately capitalized and adequately managed'' and inserting ''well capitalized and well managed''.

(b) INTERSTATE BANK MERGERS.—Section 44(b)(4)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(b)(4)(B)) is amended by striking ''will continue to be adequately capitalized and adequately managed'' and inserting ''will be well capitalized and well managed''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

SEC. 608. ENHANCING EXISTING RESTRICTIONS ON BANK TRANSACTIONS WITH AFFILIATES.

(a) AFFILIATE TRANSACTIONS.—Section 23A of the Federal Reserve Act (12 U.S.C. 371c) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following:

''(D) any investment fund with respect to which a member bank or affiliate thereof is an investment adviser; and''; and

(B) in paragraph (7)—

(i) in subparagraph (A), by inserting before the semicolon at the end the following: '', including a purchase of assets subject to an agreement to repurchase'';

(ii) in subparagraph (C), by striking '', including assets subject to an agreement to repurchase,'';

(iii) in subparagraph (D)—

(I) by inserting ''or other debt obligations'' after ''acceptance of securities''; and

(II) by striking ''or'' at the end; and

(iv) by adding at the end the following:

''(F) a transaction with an affiliate that involves the borrowing or lending of securities, to the extent that the transaction causes a member bank or a subsidiary to have credit exposure to the affiliate; or

''(G) a derivative transaction, as defined in paragraph (3) of section 5200(b) of the Revised Statutes of the United States (12 U.S.C. 84(b)), with an affiliate, to the extent that the transaction causes a member bank or a subsidiary to have credit exposure to the affiliate;'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''subsidiary'' and all that follows through ''time of the transaction'' and inserting ''subsidiary, and any credit exposure of a member bank or a subsidiary to an affiliate resulting from a securities borrowing or lending transaction, or a derivative transaction, shall be secured at all times''; and

(ii) in each of subparagraphs (A) through (D), by striking ''or letter of credit'' and inserting ''letter of credit, or credit exposure'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(D) in paragraph (2), as so redesignated, by inserting before the period at the end '', or credit exposure to an affiliate resulting from a securities borrowing or lending transaction, or derivative transaction''; and

(E) in paragraph (3), as so redesignated—

(i) by inserting ''or other debt obligations'' after ''securities''; and

(ii) by striking ''or guarantee'' and all that follows through ''behalf of,'' and inserting ''guarantee, acceptance, or letter of credit issued on behalf of, or credit exposure from a securities borrowing or lending transaction, or derivative transaction to,'';

(3) in subsection (d)(4), in the matter preceding subparagraph (A), by striking ''or issuing'' and all that follows through ''behalf of,'' and inserting ''issuing a guarantee, acceptance, or letter of credit on behalf of, or having credit exposure resulting from a securities borrowing or lending transaction, or derivative transaction to,''; and

(4) in subsection (f)—

(A) in paragraph (2)—

(i) by striking ''or order'';

(ii) by striking ''if it finds'' and all that follows through the end of the paragraph and inserting the following: ''if—

''(i) the Board finds the exemption to be in the public interest and consistent with the purposes of this section, and notifies the Federal Deposit Insurance Corporation of such finding; and

''(ii) before the end of the 60-day period beginning on the date on which the Federal Deposit Insurance Corporation receives notice of the finding under clause (i), the Federal Deposit Insurance Corporation does not object, in writing, to the finding, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.'';

(iii) by striking the Board and inserting the following:

''(A) IN GENERAL.—The Board''; and

(iv) by adding at the end the following:

''(B) ADDITIONAL EXEMPTIONS.—

''(i) NATIONAL BANKS.—The Comptroller of the Currency may, by order, exempt a transaction of a national bank from the requirements of this section if—

''(I) the Board and the Office of the Comptroller of the Currency jointly find the exemption to be in the public interest and consistent with the purposes of this section and notify the Federal Deposit Insurance Corporation of such finding; and

''(II) before the end of the 60-day period beginning on the date on which the Federal Deposit Insurance Corporation receives notice of the finding under subclause (I), the Federal Deposit Insurance Corporation does not object, in writing, to the finding, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.

''(ii) STATE BANKS.—The Federal Deposit Insurance Corporation may, by order, exempt a transaction of a State nonmember bank, and the Board may, by order, exempt a transaction of a State member bank, from the requirements of this section if—

''(I) the Board and the Federal Deposit Insurance Corporation jointly find that the exemption is in the public interest and consistent with the purposes of this section; and

''(II) the Federal Deposit Insurance Corporation finds that the exemption does not present an unacceptable risk to the Deposit Insurance Fund.''; and

(B) by adding at the end the following:

''(4) AMOUNTS OF COVERED TRANSACTIONS.—The Board may issue such regulations or interpretations as the Board determines are necessary or appropriate with respect to the manner in which a netting agreement may be taken into account in determining the amount of a covered transaction between a member bank or a subsidiary and an affiliate, including the extent to which netting agreements between a member bank or a subsidiary and an affiliate may be taken into account in determining whether a covered transaction is fully secured for purposes of subsection (d)(4). An interpretation under this paragraph with respect to a specific member bank, subsidiary, or affiliate shall be issued jointly with the appropriate Federal banking agency for such member bank, subsidiary, or affiliate.''.

(b) TRANSACTIONS WITH AFFILIATES.—Section 23B(e) of the Federal Reserve Act (12 U.S.C. 371c–1(e)) is amended—

(1) by striking the undesignated matter following subparagraph (B);

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the clause margins accordingly;

(3) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the subparagraph margins accordingly;

(4) by striking ''The Board'' and inserting the following:

''(1) IN GENERAL.—The Board'';

(5) in paragraph (1)(B), as so redesignated—

(A) in the matter preceding clause (i), by inserting before ''regulations'' the following: ''subject to paragraph (2), if the Board finds that an exemption or exclusion is in the public interest and is consistent with the purposes of this section, and notifies the Federal Deposit Insurance Corporation of such finding,''; and

(B) in clause (ii), by striking the comma at the end and inserting a period; and

(6) by adding at the end the following:

''(2) EXCEPTION.—The Board may grant an exemption or exclusion under this subsection only if, during the 60-day period beginning on the date of receipt of notice of the finding from the Board under paragraph (1)(B), the Federal Deposit Insurance Corporation does not object, in writing, to such exemption or exclusion, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.''.

(c) HOME OWNERS' LOAN ACT.—Section 11 of the Home Owners' Loan Act (12 U.S.C. 1468) is amended by adding at the end the following:

''(d) EXEMPTIONS.—

''(1) FEDERAL SAVINGS ASSOCIATIONS.—The Comptroller of the Currency may, by order, exempt a transaction of a Federal savings association from the requirements of this section if—

''(A) the Board and the Office of the Comptroller of the Currency jointly find the exemption to be in the public interest and consistent with the purposes of this section and notify the Federal Deposit Insurance Corporation of such finding; and

''(B) before the end of the 60-day period beginning on the date on which the Federal Deposit Insurance Corporation receives notice of the finding under subparagraph (A), the Federal Deposit Insurance Corporation does not object, in writing, to the finding, based on a determination that the exemption presents an unacceptable risk to the Deposit Insurance Fund.

''(2) STATE SAVINGS ASSOCIATION.—The Federal Deposit Insurance Corporation may, by order, exempt a transaction of a State savings association from the requirements of this section if the Board and the Federal Deposit Insurance Corporation jointly find that—

''(A) the exemption is in the public interest and consistent with the purposes of this section; and

''(B) the exemption does not present an unacceptable risk to the Deposit Insurance Fund.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the transfer date.

SEC. 609. ELIMINATING EXCEPTIONS FOR TRANSACTIONS WITH FINANCIAL SUBSIDIARIES.

(a) AMENDMENT.—Section 23A(e) of the Federal Reserve Act (12 U.S.C. 371c(e)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(b) PROSPECTIVE APPLICATION OF AMENDMENT.—The amendments made by this section shall apply with respect to any covered transaction between a bank and a subsidiary of the bank, as those terms are defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c), that is entered into on or after the date of enactment of this Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the transfer date.

SEC. 610. LENDING LIMITS APPLICABLE TO CREDIT EXPOSURE ON DERIVATIVE TRANSACTIONS, REPURCHASE AGREEMENTS, REVERSE REPURCHASE AGREEMENTS, AND SECURITIES LENDING AND BORROWING TRANSACTIONS.

(a) NATIONAL BANKS.—Section 5200(b) of the Revised Statutes of the United States (12 U.S.C. 84(b)) is amended—

(1) in paragraph (1), by striking ''shall include'' and all that follows through the end of the paragraph and inserting the following: ''shall include—

''(A) all direct or indirect advances of funds to a person made on the basis of any obligation of that person to repay the funds or repayable from specific property pledged by or on behalf of the person;

''(B) to the extent specified by the Comptroller of the Currency, any liability of a national banking association to advance funds to or on behalf of a person pursuant to a contractual commitment; and

''(C) any credit exposure to a person arising from a derivative transaction, repurchase agreement, reverse repurchase agreement, securities lending transaction, or securities borrowing transaction between the national banking association and the person;'';

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the term 'derivative transaction' includes any transaction that is a contract, agreement, swap, warrant, note, or option that is based, in whole or in part, on the value of, any interest in, or any quantitative measure or the occurrence of any event relating to, one or more commodities, securities, currencies, interest or other rates, indices, or other assets.''.

(b) SAVINGS ASSOCIATIONS.—Section 5(u)(3) of the Home Owners' Loan Act (12 U.S.C. 1464(u)(3)) is amended by striking ''Director'' each place that term appears and inserting ''Comptroller of the Currency''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the transfer date.

SEC. 611. CONSISTENT TREATMENT OF DERIVATIVE TRANSACTIONS IN LENDING LIMITS.

(a) AMENDMENT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

''(y) STATE LENDING LIMIT TREATMENT OF DERIVATIVES TRANSACTIONS.—An insured State bank may engage in a derivative transaction, as defined in section 5200(b)(3) of the Revised Statutes of the United States (12 U.S.C. 84(b)(3)), only if the law with respect to lending limits of the State in which the insured State bank is chartered takes into consideration credit exposure to derivative transactions.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 18 months after the transfer date.

SEC. 612. RESTRICTION ON CONVERSIONS OF TROUBLED BANKS.

(a) CONVERSION OF A NATIONAL BANKING ASSOCIATION.—The Act entitled ''An Act to provide for the conversion of national banking associations into and their merger or consolidation with State banks, and for other purposes.'' (12 U.S.C. 214 et seq.) is amended by adding at the end the following:

''SEC. 10. PROHIBITION ON CONVERSION.

''A national banking association may not convert to a State bank or State savings association during any period in which the national banking association is subject to a cease and desist order (or other formal enforcement order) issued by, or a memorandum of understanding entered into with, the Comptroller of the Currency with respect to a significant supervisory matter.''.

(b) CONVERSION OF A STATE BANK OR SAVINGS ASSOCIATION.—Section 5154 of the Revised Statutes of the United States (12 U.S.C. 35) is amended by adding at the end the following: ''The Comptroller of the Currency may not approve the conversion of a State bank or State savings association to a national banking association or Federal savings association during any period in which the State bank or State savings association is subject to a cease and desist order (or other formal enforcement order) issued by, or a memorandum of understanding entered into with, a State bank supervisor or the appropriate Federal banking agency with respect to a significant supervisory matter or a final enforcement action by a State Attorney General.''.

(c) CONVERSION OF A FEDERAL SAVINGS ASSOCIATION.—Section 5(i) of the Home Owners' Loan Act (12 U.S.C. 1464(i)) is amended by adding at the end the following:

''(6) LIMITATION ON CERTAIN CONVERSIONS BY FEDERAL SAVINGS ASSOCIATIONS.—A Federal savings association may not convert to a State bank or State savings association during any period in which the Federal savings association is subject to a cease and desist order (or other formal enforcement order) issued by, or a memorandum of understanding entered into with, the Office of Thrift Supervision or the Comptroller of the Currency with respect to a significant supervisory matter.''.

(d) EXCEPTION.—The prohibition on the approval of conversions under the amendments made by subsections (a), (b), and (c) shall not apply, if—

(1) the Federal banking agency that would be the appropriate Federal banking agency after the proposed conversion gives the appropriate Federal banking agency or State bank supervisor that issued the cease and desist order (or other formal enforcement order) or memorandum of understanding, as appropriate, written notice of the proposed conversion including a plan to address the significant supervisory matter in a manner that is consistent with the safe and sound operation of the institution;

(2) within 30 days of receipt of the written notice required under paragraph (1), the appropriate Federal banking agency or State bank supervisor that issued the cease and desist order (or other formal enforcement order) or memorandum of understanding, as appropriate, does not object to the conversion or the plan to address the significant supervisory matter;

(3) after conversion of the insured depository institution, the appropriate Federal banking agency after the conversion implements such plan; and

(4) in the case of a final enforcement action by a State Attorney General, approval of the conversion is conditioned on compliance by the insured depository institution with the terms of such final enforcement action.

(e) NOTIFICATION OF PENDING ENFORCEMENT ACTIONS.—

(1) COPY OF CONVERSION APPLICATION.—At the time an insured depository institution files a conversion application, the insured depository institution shall transmit a copy of the conversion application to—

(A) the appropriate Federal banking agency for the insured depository institution; and

(B) the Federal banking agency that would be the appropriate Federal banking agency of the insured depository institution after the proposed conversion.

(2) NOTIFICATION AND ACCESS TO INFORMATION.—Upon receipt of a copy of the application described in paragraph (1), the appropriate Federal banking agency for the insured depository institution proposing the conversion shall—

(A) notify the Federal banking agency that would be the appropriate Federal banking agency for the institution after the proposed conversion in writing of any ongoing supervisory or investigative proceedings that the appropriate Federal banking agency for the institution proposing to convert believes is likely to result, in the near term and absent the proposed conversion, in a cease and desist order (or other formal enforcement order) or memorandum of understanding with respect to a significant supervisory matter; and

(B) provide the Federal banking agency that would be the appropriate Federal banking agency for the institution after the proposed conversion access to all investigative and supervisory information relating to the proceedings described in subparagraph (A).

SEC. 613. DE NOVO BRANCHING INTO STATES.

(a) NATIONAL BANKS.—Section 5155(g)(1)(A) of the Revised Statutes of the United States (12 U.S.C. 36(g)(1)(A)) is amended to read as follows:

''(A) the law of the State in which the branch is located, or is to be located, would permit establishment of the branch, if the national bank were a State bank chartered by such State; and''.

(b) STATE INSURED BANKS.—Section 18(d)(4)(A)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)(4)(A)(i)) is amended to read as follows:

''(i) the law of the State in which the branch is located, or is to be located, would permit establishment of the branch, if the bank were a State bank chartered by such State; and''.

SEC. 614. LENDING LIMITS TO INSIDERS.

(a) EXTENSIONS OF CREDIT.—Section 22(h)(9)(D)(i) of the Federal Reserve Act (12 U.S.C. 375b(9)(D)(i)) is amended—

(1) by striking the period at the end and inserting ''; or'';

(2) by striking ''a person'' and inserting ''the person'';

(3) by striking ''extends credit by making'' and inserting the following: ''extends credit to a person by—

''(I) making''; and

(4) by adding at the end the following:

''(II) having credit exposure to the person arising from a derivative transaction (as defined in section 5200(b) of the Revised Statutes of the United States (12 U.S.C. 84(b))), repurchase agreement, reverse repurchase agreement, securities lending transaction, or securities borrowing transaction between the member bank and the person.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the transfer date.

SEC. 615. LIMITATIONS ON PURCHASES OF ASSETS FROM INSIDERS.

(a) AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

''(z) GENERAL PROHIBITION ON SALE OF ASSETS.—

''(1) IN GENERAL.—An insured depository institution may not purchase an asset from, or sell an asset to, an executive officer, director, or principal shareholder of the insured depository institution, or any related interest of such person (as such terms are defined in section 22(h) of Federal Reserve Act), unless—

''(A) the transaction is on market terms; and

''(B) if the transaction represents more than 10 percent of the capital stock and surplus of the insured depository institution, the transaction has been approved in advance by a majority of the members of the board of directors of the insured depository institution who do not have an interest in the transaction.

''(2) RULEMAKING.—The Board of Governors of the Federal Reserve System may issue such rules as may be necessary to define terms and to carry out the purposes this subsection. Before proposing or adopting a rule under this paragraph, the Board of Governors of the Federal Reserve System shall consult with the Comptroller of the Currency and the Corporation as to the terms of the rule.''.

(b) AMENDMENTS TO THE FEDERAL RESERVE ACT.—Section 22(d) of the Federal Reserve Act (12 U.S.C. 375) is amended to read as follows:

''(d) [Reserved]''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

SEC. 616. REGULATIONS REGARDING CAPITAL LEVELS.

(a) CAPITAL LEVELS OF BANK HOLDING COMPANIES.—Section 5(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(b)) is amended—

(1) by inserting after ''orders'' the following: '', including regulations and orders relating to the capital requirements for bank holding companies,''; and

(2) by adding at the end the following: ''In establishing capital regulations pursuant to this subsection, the Board shall seek to make such requirements countercyclical, so that the amount of capital required to be maintained by a company increases in times of economic expansion and decreases in times of economic contraction, consistent with the safety and soundness of the company.''.

(b) CAPITAL LEVELS OF SAVINGS AND LOAN HOLDING COMPANIES.—Section 10(g)(1) of the Home Owners' Loan Act (12 U.S.C. 1467a(g)(1)) is amended—

(1) by inserting after ''orders'' the following: '', including regulations and orders relating to capital requirements for savings and loan holding companies,''; and

(2) by inserting at the end the following: ''In establishing capital regulations pursuant to this subsection, the appropriate Federal banking agency shall seek to make such requirements countercyclical so that the amount of capital required to be maintained by a company increases in times of economic expansion and decreases in times of economic contraction, consistent with the safety and soundness of the company.''.

(c) CAPITAL LEVELS OF INSURED DEPOSITORY INSTITUTIONS.—Section 908(a)(1) of the International Lending Supervision Act of 1983 (12 U.S.C. 3907(a)(1)) is amended by adding at the end the following: ''Each appropriate Federal banking agency shall seek to make the capital standards required under this section or other provisions of Federal law for insured depository institutions countercyclical so that the amount of capital required to be maintained by an insured depository institution increases in times of economic expansion and decreases in times of economic contraction, consistent with the safety and soundness of the insured depository institution.''

(d) SOURCE OF STRENGTH.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 38 (12 U.S.C. 1831o) the following:

''SEC. 38A. SOURCE OF STRENGTH.

''(a) HOLDING COMPANIES.—The appropriate Federal banking agency for a bank holding company or savings and loan holding company shall require the bank holding company or savings and loan holding company to serve as a source of financial strength for any subsidiary of the bank holding company or savings and loan holding company that is a depository institution.

''(b) OTHER COMPANIES.—If an insured depository institution is not the subsidiary of a bank holding company or savings and loan holding company, the appropriate Federal banking agency for the insured depository institution shall require any company that directly or indirectly controls the insured depository institution to serve as a source of financial strength for such institution.

''(c) REPORTS.—The appropriate Federal banking agency for an insured depository institution described in subsection (b) may, from time to time, require the company, or a company that directly or indirectly controls the insured depository institution, to submit a report, under oath, for the purposes of—

''(1) assessing the ability of such company to comply with the requirement under subsection (b); and

''(2) enforcing the compliance of such company with the requirement under subsection (b).

''(d) RULES.—Not later than 1 year after the transfer date, as defined in section 311 of the Enhancing Financial Institution Safety and Soundness Act of 2010, the appropriate Federal banking agencies shall jointly issue final rules to carry out this section.

''(e) DEFINITION.—In this section, the term 'source of financial strength' means the ability of a company that directly or indirectly owns or controls an insured depository institution to provide financial assistance to such insured depository institution in the event of the financial distress of the insured depository institution.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

SEC. 617. ELIMINATION OF ELECTIVE INVESTMENT BANK HOLDING COMPANY FRAMEWORK.

(a) AMENDMENT.—Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended—

(1) by striking subsection (i); and

(2) by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

SEC. 618. SECURITIES HOLDING COMPANIES.

(a) DEFINITIONS.—In this section—

(1) the term ''associated person of a securities holding company'' means a person directly or indirectly controlling, controlled by, or under common control with, a securities holding company;

(2) the term ''foreign bank'' has the same meaning as in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7));

(3) the term ''insured bank'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(4) the term ''securities holding company''—

(A) means—

(i) a person (other than a natural person) that owns or controls 1 or more brokers or dealers registered with the Commission; and

(ii) the associated persons of a person described in clause (i); and

(B) does not include a person that is—

(i) a nonbank financial company supervised by the Board under title I;

(ii) an insured bank (other than an institution described in subparagraphs (D), (F), or (H) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)) or a savings association;

(iii) an affiliate of an insured bank (other than an institution described in subparagraphs (D), (F), or (H) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)) or an affiliate of a savings association;

(iv) a foreign bank, foreign company, or company that is described in section 8(a) of the International Banking Act of 1978 (12 U.S.C. 3106(a));

(v) a foreign bank that controls, directly or indirectly, a corporation chartered under section 25A of the Federal Reserve Act (12 U.S.C. 611 et seq.); or

(vi) subject to comprehensive consolidated supervision by a foreign regulator;

(5) the term ''supervised securities holding company'' means a securities holding company that is supervised by the Board of Governors under this section; and

(6) the terms ''affiliate'', ''bank'', ''bank holding company'', ''company'', ''control'', ''savings association'', and ''subsidiary'' have the same meanings as in section 2 of the Bank Holding Company Act of 1956.

(b) SUPERVISION OF A SECURITIES HOLDING COMPANY NOT HAVING A BANK OR SAVINGS ASSOCIATION AFFILIATE.—

(1) IN GENERAL.—A securities holding company that is required by a foreign regulator or provision of foreign law to be subject to comprehensive consolidated supervision may register with the Board of Governors under paragraph (2) to become a supervised securities holding company. Any securities holding company filing such a registration shall be supervised in accordance with this section, and shall comply with the rules and orders prescribed by the Board of Governors applicable to supervised securities holding companies.

(2) REGISTRATION AS A SUPERVISED SECURITIES HOLDING COMPANY.—

(A) REGISTRATION.—A securities holding company that elects to be subject to comprehensive consolidated supervision shall register by filing with the Board of Governors such information and documents as the Board of Governors, by regulation, may prescribe as necessary or appropriate in furtherance of the purposes of this section.

(B) EFFECTIVE DATE.—A securities holding company that registers under subparagraph (A) shall be deemed to be a supervised securities holding company, effective on the date that is 45 days after the date of receipt of the registration information and documents under subparagraph (A) by the Board of Governors, or within such shorter period as the Board of Governors, by rule or order, may determine.

(c) SUPERVISION OF SECURITIES HOLDING COMPANIES.—

(1) RECORDKEEPING AND REPORTING.—

(A) RECORDKEEPING AND REPORTING REQUIRED.—Each supervised securities holding company and each affiliate of a supervised securities holding company shall make and keep for periods determined by the Board of Governors such records, furnish copies of such

records, and make such reports, as the Board of Governors determines to be necessary or appropriate to carry out this section, to prevent evasions thereof, and to monitor compliance by the supervised securities holding company or affiliate with applicable provisions of law.

(B) FORM AND CONTENTS.—

(i) IN GENERAL.—Any record or report required to be made, furnished, or kept under this paragraph shall—

(I) be prepared in such form and according to such specifications (including certification by a registered public accounting firm), as the Board of Governors may require; and

(II) be provided promptly to the Board of Governors at any time, upon request by the Board of Governors.

(ii) CONTENTS.—Records and reports required to be made, furnished, or kept under this paragraph may include—

(I) a balance sheet or income statement of the supervised securities holding company or an affiliate of a supervised securities holding company;

(II) an assessment of the consolidated capital and liquidity of the supervised securities holding company;

(III) a report by an independent auditor attesting to the compliance of the supervised securities holding company with the internal risk management and internal control objectives of the supervised securities holding company; and

(IV) a report concerning the extent to which the supervised securities holding company or affiliate has complied with the provisions of this section and any regulations prescribed and orders issued under this section.

(2) USE OF EXISTING REPORTS.—

(A) IN GENERAL.—The Board of Governors shall, to the fullest extent possible, accept reports in fulfillment of the requirements of this paragraph that a supervised securities holding company or an affiliate of a supervised securities holding company has been required to provide to another regulatory agency or a self-regulatory organization.

(B) AVAILABILITY.—A supervised securities holding company or an affiliate of a supervised securities holding company shall promptly provide to the Board of Governors, at the request of the Board of Governors, any report described in subparagraph (A), as permitted by law.

(3) EXAMINATION AUTHORITY.—

(A) FOCUS OF EXAMINATION AUTHORITY.—The Board of Governors may make examinations of any supervised securities holding company and any affiliate of a supervised securities holding company to carry out this subsection, to prevent evasions thereof, and to monitor compliance by the supervised securities holding company or affiliate with applicable provisions of law.

(B) DEFERENCE TO OTHER EXAMINATIONS.—For purposes of this subparagraph, the Board of Governors shall, to the fullest extent possible, use the reports of examination made by other appropriate Federal or State regulatory authorities with respect to any functionally regulated subsidiary or any institution described in subparagraph (D), (F), or (H) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)).

(d) CAPITAL AND RISK MANAGEMENT.—

(1) IN GENERAL.—The Board of Governors shall, by regulation or order, prescribe capital adequacy and other risk management standards for supervised securities holding companies that are appropriate to protect the safety and soundness of the supervised securities holding companies and address the risks posed to financial stability by supervised securities holding companies.

(2) DIFFERENTIATION.—In imposing standards under this subsection, the Board of Governors may differentiate among supervised securities holding companies on an individual basis, or by category, taking into consideration the requirements under paragraph (3).

(3) CONTENT.—Any standards imposed on a supervised securities holding company under this subsection shall take into account—

(A) the differences among types of business activities carried out by the supervised securities holding company;

(B) the amount and nature of the financial assets of the supervised securities holding company;

(C) the amount and nature of the liabilities of the supervised securities holding company, including the degree of reliance on short-term funding;

(D) the extent and nature of the off-balance sheet exposures of the supervised securities holding company;

(E) the extent and nature of the transactions and relationships of the supervised securities holding company with other financial companies;

(F) the importance of the supervised securities holding company as a source of credit for households, businesses, and State and local governments, and as a source of liquidity for the financial system; and

(G) the nature, scope, and mix of the activities of the supervised securities holding company.

(4) NOTICE.—A capital requirement imposed under this subsection may not take effect earlier than 180 days after the date on which a supervised securities holding company is provided notice of the capital requirement.

(e) OTHER PROVISIONS OF LAW APPLICABLE TO SUPERVISED SECURITIES HOLDING COMPANIES.—

(1) FEDERAL DEPOSIT INSURANCE ACT.—Subsections (b), (c) through (s), and (u) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) shall apply to any supervised securities holding company, and to any subsidiary (other than a bank or an institution described in subparagraph (D), (F), or (H) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2))) of a supervised securities holding company, in the same manner as such subsections apply to a bank holding company for which the Board of Governors is the appropriate Federal banking agency. For purposes of applying such subsections to a supervised securities holding company or a subsidiary (other than a bank or an institution described in subparagraph (D), (F), or (H) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2))) of a supervised securities holding company, the Board of Governors shall be deemed the appropriate Federal banking agency for the supervised securities holding company or subsidiary.

(2) BANK HOLDING COMPANY ACT OF 1956.—Except as the Board of Governors may otherwise provide by regulation or order, a supervised securities holding company shall be subject to the provisions of the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) in the same manner and to the same extent a bank holding company is subject to such provisions, except that a supervised securities holding company may not, by reason of this paragraph, be deemed to be a bank holding company for purposes of section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843).

SEC. 619. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

''SEC. 13. PROHIBITIONS ON PROPRIETARY TRADING AND CERTAIN RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.

''(a) IN GENERAL.—

''(1) PROHIBITION.—Unless otherwise provided in this section, a banking entity shall not—

''(A) engage in proprietary trading; or

''(B) acquire or retain any equity, partnership, or other ownership interest in or sponsor a hedge fund or a private equity fund.

''(2) NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD.—Any nonbank financial company supervised by the Board that engages in proprietary trading or takes or retains any equity, partnership, or other ownership interest in or sponsors a hedge fund or a private equity fund shall be subject, by rule, as provided in subsection (b)(2), to additional capital requirements for and additional quantitative limits with regards to such proprietary trading and taking or retaining any equity, partnership, or other ownership interest in or sponsorship of a hedge fund or a private equity fund, except that permitted activities as described in subsection (d) shall not be subject to the additional capital and additional quantitative limits except as provided in subsection (d)(3), as if the nonbank financial company supervised by the Board were a banking entity.

''(b) STUDY AND RULEMAKING.—

''(1) STUDY.—Not later than 6 months after the date of enactment of this section, the Financial Stability Oversight Council shall study and make recommendations on implementing the provisions of this section so as to—

''(A) promote and enhance the safety and soundness of banking entities;

''(B) protect taxpayers and consumers and enhance financial stability by minimizing the risk that insured depository institutions and the affiliates of insured depository institutions will engage in unsafe and unsound activities;

''(C) limit the inappropriate transfer of Federal subsidies from institutions that benefit from deposit insurance and liquidity facilities of the Federal Government to unregulated entities;

''(D) reduce conflicts of interest between the self-interest of banking entities and nonbank financial companies supervised by the Board, and the interests of the customers of such entities and companies;

''(E) limit activities that have caused undue risk or loss in banking entities and nonbank financial companies supervised by the Board, or that might reasonably be expected to create undue risk or loss in such banking entities and nonbank financial companies supervised by the Board;

''(F) appropriately accommodate the business of insurance within an insurance company, subject to regulation in accordance with the relevant insurance company investment laws, while protecting the safety and soundness of any banking entity with which such insurance company is affiliated and of the United States financial system; and

''(G) appropriately time the divestiture of illiquid assets that are affected by the implementation of the prohibitions under subsection (a).

''(2) RULEMAKING.—

''(A) IN GENERAL.—Unless otherwise provided in this section, not later than 9 months after the completion of the study under paragraph (1), the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, shall consider the findings of the study under paragraph (1) and adopt rules to carry out this section, as provided in subparagraph (B).

''(B) COORDINATED RULEMAKING.—

''(i) REGULATORY AUTHORITY.—The regulations issued under this paragraph shall be issued by—

''(I) the appropriate Federal banking agencies, jointly, with respect to insured depository institutions;

''(II) the Board, with respect to any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act, any nonbank financial company supervised by the Board, and any subsidiary of any of the foregoing (other than a subsidiary for which an agency described in subclause (I), (III), or (IV) is the primary financial regulatory agency);

''(III) the Commodity Futures Trading Commission, with respect to any entity for which the Commodity Futures Trading Commission is the primary financial regulatory agency, as defined in section 2 of the Dodd-Frank Wall Street Reform and Consumer Protection Act; and

''(IV) the Securities and Exchange Commission, with respect to any entity for which the

Securities and Exchange Commission is the primary financial regulatory agency, as defined in section 2 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

''(ii) COORDINATION, CONSISTENCY, AND COMPARABILITY.—In developing and issuing regulations pursuant to this section, the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall consult and coordinate with each other, as appropriate, for the purposes of assuring, to the extent possible, that such regulations are comparable and provide for consistent application and implementation of the applicable provisions of this section to avoid providing advantages or imposing disadvantages to the companies affected by this subsection and to protect the safety and soundness of banking entities and nonbank financial companies supervised by the Board.

''(iii) COUNCIL ROLE.—The Chairperson of the Financial Stability Oversight Council shall be responsible for coordination of the regulations issued under this section.

''(c) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), this section shall take effect on the earlier of—

''(A) 12 months after the date of the issuance of final rules under subsection (b); or

''(B) 2 years after the date of enactment of this section.

''(2) CONFORMANCE PERIOD FOR DIVESTITURE.—A banking entity or nonbank financial company supervised by the Board shall bring its activities and investments into compliance with the requirements of this section not later than 2 years after the date on which the requirements become effective pursuant to this section or 2 years after the date on which the entity or company becomes a nonbank financial company supervised by the Board. The Board may, by rule or order, extend this two-year period for not more than one year at a time, if, in the judgment of the Board, such an extension is consistent with the purposes of this section and would not be detrimental to the public interest. The extensions made by the Board under the preceding sentence may not exceed an aggregate of 3 years.

''(3) EXTENDED TRANSITION FOR ILLIQUID FUNDS.—

''(A) APPLICATION.—The Board may, upon the application of a banking entity, extend the period during which the banking entity, to the extent necessary to fulfill a contractual obligation that was in effect on May 1, 2010, may take or retain its equity, partnership, or other ownership interest in, or otherwise provide additional capital to, an illiquid fund.

''(B) TIME LIMIT ON APPROVAL.—The Board may grant 1 extension under subparagraph (A), which may not exceed 5 years.

''(4) DIVESTITURE REQUIRED.—Except as otherwise provided in subsection (d)(1)(G), a banking entity may not engage in any activity prohibited under subsection (a)(1)(B) after the earlier of—

''(A) the date on which the contractual obligation to invest in the illiquid fund terminates; and

''(B) the date on which any extensions granted by the Board under paragraph (3) expire.

''(5) ADDITIONAL CAPITAL DURING TRANSITION PERIOD.—Notwithstanding paragraph (2), on the date on which the rules are issued under subsection (b)(2), the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue rules, as provided in subsection (b)(2), to impose additional capital requirements, and any other restrictions, as appropriate, on any equity, partnership, or ownership interest in or sponsorship of a hedge fund or private equity fund by a banking entity.

''(6) SPECIAL RULEMAKING.—Not later than 6 months after the date of enactment of this section, the Board shall issues rules to implement paragraphs (2) and (3).

''(d) PERMITTED ACTIVITIES.—

''(1) IN GENERAL.—Notwithstanding the restrictions under subsection (a), to the extent permitted by any other provision of Federal or State law, and subject to the limitations under paragraph (2) and any restrictions or limitations that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission, may determine, the following activities (in this section referred to as 'permitted activities') are permitted:

''(A) The purchase, sale, acquisition, or disposition of obligations of the United States or any agency thereof, obligations, participations, or other instruments of or issued by the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, a Federal Home Loan Bank, the Federal Agricultural Mortgage Corporation, or a Farm Credit System institution chartered under and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), and obligations of any State or of any political subdivision thereof.

''(B) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) in connection with underwriting or market-making-related activities, to the extent that any such activities permitted by this subparagraph are designed not to exceed the reasonably expected near term demands of clients, customers, or counterparties.

''(C) Risk-mitigating hedging activities in connection with and related to individual or aggregated positions, contracts, or other holdings of a banking entity that are designed to reduce the specific risks to the banking entity in connection with and related to such positions, contracts, or other holdings.

''(D) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) on behalf of customers.

''(E) Investments in one or more small business investment companies, as defined in section 102 of the Small Business Investment Act of 1958 (15 U.S.C. 662), investments designed primarily to promote the public welfare, of the type permitted under paragraph (11) of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24), or investments that are qualified rehabilitation expenditures with respect to a qualified rehabilitated building or certified historic structure, as such terms are defined in section 47 of the Internal Revenue Code of 1986 or a similar State historic tax credit program.

''(F) The purchase, sale, acquisition, or disposition of securities and other instruments described in subsection (h)(4) by a regulated insurance company directly engaged in the business of insurance for the general account of the company and by any affiliate of such regulated insurance company, provided that such activities by any affiliate are solely for the general account of the regulated insurance company, if—

''(i) the purchase, sale, acquisition, or disposition is conducted in compliance with, and subject to, the insurance company investment laws, regulations, and written guidance of the State or jurisdiction in which each such insurance company is domiciled; and

''(ii) the appropriate Federal banking agencies, after consultation with the Financial Stability Oversight Council and the relevant insurance commissioners of the States and territories of the United States, have not jointly determined, after notice and comment, that a particular law, regulation, or written guidance described in clause (i) is insufficient to protect the safety and soundness of the banking entity, or of the financial stability of the United States.

''(G) Organizing and offering a private equity or hedge fund, including serving as a general partner, managing member, or trustee of the fund and in any manner selecting or controlling (or having employees, officers, directors, or agents who constitute) a majority of the directors, trustees, or management of the fund, including any necessary expenses for the foregoing, only if—

''(i) the banking entity provides bona fide trust, fiduciary, or investment advisory services;

''(ii) the fund is organized and offered only in connection with the provision of bona fide trust, fiduciary, or investment advisory services and only to persons that are customers of such services of the banking entity;

''(iii) the banking entity does not acquire or retain an equity interest, partnership interest, or other ownership interest in the funds except for a de minimis investment subject to and in compliance with paragraph (4);

''(iv) the banking entity complies with the restrictions under paragraphs (1) and (2) of subparagraph (f);

''(v) the banking entity does not, directly or indirectly, guarantee, assume, or otherwise insure the obligations or performance of the hedge fund or private equity fund or of any hedge fund or private equity fund in which such hedge fund or private equity fund invests;

''(vi) the banking entity does not share with the hedge fund or private equity fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name;

''(vii) no director or employee of the banking entity takes or retains an equity interest, partnership interest, or other ownership interest in the hedge fund or private equity fund, except for any director or employee of the banking entity who is directly engaged in providing investment advisory or other services to the hedge fund or private equity fund; and

''(viii) the banking entity discloses to prospective and actual investors in the fund, in writing, that any losses in such hedge fund or private equity fund are borne solely by investors in the fund and not by the banking entity, and otherwise complies with any additional rules of the appropriate Federal banking agencies, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as provided in subsection (b)(2), designed to ensure that losses in such hedge fund or private equity fund are borne solely by investors in the fund and not by the banking entity.

''(H) Proprietary trading conducted by a banking entity pursuant to paragraph (9) or (13) of section 4(c), provided that the trading occurs solely outside of the United States and that the banking entity is not directly or indirectly controlled by a banking entity that is organized under the laws of the United States or of one or more States.

''(I) The acquisition or retention of any equity, partnership, or other ownership interest in, or the sponsorship of, a hedge fund or a private equity fund by a banking entity pursuant to paragraph (9) or (13) of section 4(c) solely outside of the United States, provided that no ownership interest in such hedge fund or private equity fund is offered for sale or sold to a resident of the United States and that the banking entity is not directly or indirectly controlled by a banking entity that is organized under the laws of the United States or of one or more States.

''(J) Such other activity as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission determine, by rule, as provided in subsection (b)(2), would promote and protect the safety and soundness of the banking entity and the financial stability of the United States.

''(2) LIMITATION ON PERMITTED ACTIVITIES.—

''(A) IN GENERAL.—No transaction, class of transactions, or activity may be deemed a permitted activity under paragraph (1) if the transaction, class of transactions, or activity—

''(i) would involve or result in a material conflict of interest (as such term shall be defined by rule as provided in subsection (b)(2)) between the banking entity and its clients, customers, or counterparties;

''(ii) would result, directly or indirectly, in a material exposure by the banking entity to high-risk assets or high-risk trading strategies (as

such terms shall be defined by rule as provided in subsection (b)(2));

''(iii) would pose a threat to the safety and soundness of such banking entity; or

''(iv) would pose a threat to the financial stability of the United States.

''(B) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations to implement subparagraph (A), as part of the regulations issued under subsection (b)(2).

''(3) CAPITAL AND QUANTITATIVE LIMITATIONS.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall, as provided in subsection (b)(2), adopt rules imposing additional capital requirements and quantitative limitations, including diversification requirements, regarding the activities permitted under this section if the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission determine that additional capital and quantitative limitations are appropriate to protect the safety and soundness of banking entities engaged in such activities.

''(4) DE MINIMIS INVESTMENT.—

''(A) IN GENERAL.—A banking entity may make and retain an investment in a hedge fund or private equity fund that the banking entity organizes and offers, subject to the limitations and restrictions in subparagraph (B) for the purposes of—

''(i) establishing the fund and providing the fund with sufficient initial equity for investment to permit the fund to attract unaffiliated investors; or

''(ii) making a de minimis investment.

''(B) LIMITATIONS AND RESTRICTIONS ON INVESTMENTS.—

''(i) REQUIREMENT TO SEEK OTHER INVESTORS.—A banking entity shall actively seek unaffiliated investors to reduce or dilute the investment of the banking entity to the amount permitted under clause (ii).

''(ii) LIMITATIONS ON SIZE OF INVESTMENTS.—Notwithstanding any other provision of law, investments by a banking entity in a hedge fund or private equity fund shall—

''(I) not later than 1 year after the date of establishment of the fund, be reduced through redemption, sale, or dilution to an amount that is not more than 3 percent of the total ownership interests of the fund;

''(II) be immaterial to the banking entity, as defined, by rule, pursuant to subsection (b)(2), but in no case may the aggregate of all of the interests of the banking entity in all such funds exceed 3 percent of the Tier 1 capital of the banking entity.

''(iii) CAPITAL.—For purposes of determining compliance with applicable capital standards under paragraph (3), the aggregate amount of the outstanding investments by a banking entity under this paragraph, including retained earnings, shall be deducted from the assets and tangible equity of the banking entity, and the amount of the deduction shall increase commensurate with the leverage of the hedge fund or private equity fund.

''(C) EXTENSION.—Upon an application by a banking entity, the Board may extend the period of time to meet the requirements under subparagraph (B)(ii)(I) for 2 additional years, if the Board finds that an extension would be consistent with safety and soundness and in the public interest.

''(e) ANTI-EVASION.—

''(1) RULEMAKING.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall issue regulations, as part of the rulemaking provided for in subsection (b)(2), regarding internal controls and recordkeeping, in order to insure compliance with this section.

''(2) TERMINATION OF ACTIVITIES OR INVESTMENT.—Notwithstanding any other provision of law, whenever an appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, has reasonable cause to believe that a banking entity or nonbank financial company supervised by the Board under the respective agency's jurisdiction has made an investment or engaged in an activity in a manner that functions as an evasion of the requirements of this section (including through an abuse of any permitted activity) or otherwise violates the restrictions under this section, the appropriate Federal banking agency, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as appropriate, shall order, after due notice and opportunity for hearing, the banking entity or nonbank financial company supervised by the Board to terminate the activity and, as relevant, dispose of the investment. Nothing in this paragraph shall be construed to limit the inherent authority of any Federal agency or State regulatory authority to further restrict any investments or activities under otherwise applicable provisions of law.

''(f) LIMITATIONS ON RELATIONSHIPS WITH HEDGE FUNDS AND PRIVATE EQUITY FUNDS.—

''(1) IN GENERAL.—No banking entity that serves, directly or indirectly, as the investment manager, investment adviser, or sponsor to a hedge fund or private equity fund, or that organizes and offers a hedge fund or private equity fund pursuant to paragraph (d)(1)(G), and no affiliate of such entity, may enter into a transaction with the fund, or with any other hedge fund or private equity fund that is controlled by such fund, that would be a covered transaction, as defined in section 23A of the Federal Reserve Act (12 U.S.C. 371c), with the hedge fund or private equity fund, as if such banking entity and the affiliate thereof were a member bank and the hedge fund or private equity fund were an affiliate thereof.

''(2) TREATMENT AS MEMBER BANK.—A banking entity that serves, directly or indirectly, as the investment manager, investment adviser, or sponsor to a hedge fund or private equity fund, or that organizes and offers a hedge fund or private equity fund pursuant to paragraph (d)(1)(G), shall be subject to section 23B of the Federal Reserve Act (12 U.S.C. 371c–1), as if such banking entity were a member bank and such hedge fund or private equity fund were an affiliate thereof.

''(3) PERMITTED SERVICES.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), the Board may permit a banking entity to enter into any prime brokerage transaction with any hedge fund or private equity fund in which a hedge fund or private equity fund managed, sponsored, or advised by such banking entity has taken an equity, partnership, or other ownership interest, if—

''(i) the banking entity is in compliance with each of the limitations set forth in subsection (d)(1)(G) with regard to a hedge fund or private equity fund organized and offered by such banking entity;

''(ii) the chief executive officer (or equivalent officer) of the banking entity certifies in writing annually (with a duty to update the certification if the information in the certification materially changes) that the conditions specified in subsection (d)(1)(g)(v) are satisfied; and

''(iii) the Board has determined that such transaction is consistent with the safe and sound operation and condition of the banking entity.

''(B) TREATMENT OF PRIME BROKERAGE TRANSACTIONS.—For purposes of subparagraph (A), a prime brokerage transaction described in subparagraph (A) shall be subject to section 23B of the Federal Reserve Act (12 U.S.C. 371c-1) as if the counterparty were an affiliate of the banking entity.

''(4) APPLICATION TO NONBANK FINANCIAL COMPANIES SUPERVISED BY THE BOARD.—The appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission shall adopt rules, as provided in subsection (b)(2), imposing additional capital charges or other restrictions for nonbank financial companies supervised by the Board to address the risks to and conflicts of interest of banking entities described in paragraphs (1), (2), and (3) of this subsection.

''(g) RULES OF CONSTRUCTION.—

''(1) LIMITATION ON CONTRARY AUTHORITY.—Except as provided in this section, notwithstanding any other provision of law, the prohibitions and restrictions under this section shall apply to activities of a banking entity or nonbank financial company supervised by the Board, even if such activities are authorized for a banking entity or nonbank financial company supervised by the Board.

''(2) SALE OR SECURITIZATION OF LOANS.—Nothing in this section shall be construed to limit or restrict the ability of a banking entity or nonbank financial company supervised by the Board to sell or securitize loans in a manner otherwise permitted by law.

''(3) AUTHORITY OF FEDERAL AGENCIES AND STATE REGULATORY AUTHORITIES.—Nothing in this section shall be construed to limit the inherent authority of any Federal agency or State regulatory authority under otherwise applicable provisions of law.

''(h) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) BANKING ENTITY.—The term 'banking entity' means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), any company that controls an insured depository institution, or that is treated as a bank holding company for purposes of section 8 of the International Banking Act of 1978, and any affiliate or subsidiary of any such entity. For purposes of this paragraph, the term 'insured depository institution' does not include an institution that functions solely in a trust or fiduciary capacity, if—

''(A) all or substantially all of the deposits of such institution are in trust funds and are received in a bona fide fiduciary capacity;

''(B) no deposits of such institution which are insured by the Federal Deposit Insurance Corporation are offered or marketed by or through an affiliate of such institution;

''(C) such institution does not accept demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties or others or make commercial loans; and

''(D) such institution does not—

''(i) obtain payment or payment related services from any Federal Reserve bank, including any service referred to in section 11A of the Federal Reserve Act (12 U.S.C. 248a); or

''(ii) exercise discount or borrowing privileges pursuant to section 19(b)(7) of the Federal Reserve Act (12 U.S.C. 461(b)(7)).

''(2) HEDGE FUND; PRIVATE EQUITY FUND.—The terms 'hedge fund' and 'private equity fund' mean an issuer that would be an investment company, as defined in the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.), but for section 3(c)(1) or 3(c)(7) of that Act, or such similar funds as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may, by rule, as provided in subsection (b)(2), determine.

''(3) NONBANK FINANCIAL COMPANY SUPERVISED BY THE BOARD.—The term 'nonbank financial company supervised by the Board' means a nonbank financial company supervised by the Board of Governors, as defined in section 102 of the Financial Stability Act of 2010.

''(4) PROPRIETARY TRADING.—The term 'proprietary trading', when used with respect to a banking entity or nonbank financial company supervised by the Board, means engaging as a principal for the trading account of the banking entity or nonbank financial company supervised by the Board in any transaction to purchase or sell, or otherwise acquire or dispose of, any security, any derivative, any contract of sale of a commodity for future delivery, any option on

any such security, derivative, or contract, or any other security or financial instrument that the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may, by rule as provided in subsection (b)(2), determine.

''(5) SPONSOR.—The term to 'sponsor' a fund means—

''(A) to serve as a general partner, managing member, or trustee of a fund;

''(B) in any manner to select or to control (or to have employees, officers, or directors, or agents who constitute) a majority of the directors, trustees, or management of a fund; or

''(C) to share with a fund, for corporate, marketing, promotional, or other purposes, the same name or a variation of the same name.

''(6) TRADING ACCOUNT.—The term 'trading account' means any account used for acquiring or taking positions in the securities and instruments described in paragraph (4) principally for the purpose of selling in the near term (or otherwise with the intent to resell in order to profit from short-term price movements), and any such other accounts as the appropriate Federal banking agencies, the Securities and Exchange Commission, and the Commodity Futures Trading Commission may, by rule as provided in subsection (b)(2), determine.

''(7) ILLIQUID FUND.—

''(A) IN GENERAL.—The term 'illiquid fund' means a hedge fund or private equity fund that—

''(i) as of May 1, 2010, was principally invested in, or was invested and contractually committed to principally invest in, illiquid assets, such as portfolio companies, real estate investments, and venture capital investments; and

''(ii) makes all investments pursuant to, and consistent with, an investment strategy to principally invest in illiquid assets. In issuing rules regarding this subparagraph, the Board shall take into consideration the terms of investment for the hedge fund or private equity fund, including contractual obligations, the ability of the fund to divest of assets held by the fund, and any other factors that the Board determines are appropriate.

''(B) HEDGE FUND.—For the purposes of this paragraph, the term 'hedge fund' means any fund identified under subsection (h)(2), and does not include a private equity fund, as such term is used in section 203(m) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(m)).''.

SEC. 620. STUDY OF BANK INVESTMENT ACTIVITIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the appropriate Federal banking agencies shall jointly review and prepare a report on the activities that a banking entity, as such term is defined in the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), may engage in under Federal and State law, including activities authorized by statute and by order, interpretation and guidance.

(2) CONTENT.—In carrying out the study under paragraph (1), the appropriate Federal banking agencies shall review and consider—

(A) the type of activities or investments;

(B) any financial, operational, managerial, or reputation risks associated with or presented as a result of the banking entity engaged in the activity or making the investment; and

(C) risk mitigation activities undertaken by the banking entity with regard to the risks.

(b) REPORT AND RECOMMENDATIONS TO THE COUNCIL AND TO CONGRESS.—The appropriate Federal banking agencies shall submit to the Council, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate the study conducted pursuant to subsection (a) no later than 2 months after its completion. In addition to the information described in subsection (a), the report shall include recommendations regarding—

(1) whether each activity or investment has or could have a negative effect on the safety and soundness of the banking entity or the United States financial system;

(2) the appropriateness of the conduct of each activity or type of investment by banking entities; and

(3) additional restrictions as may be necessary to address risks to safety and soundness arising from the activities or types of investments described in subsection (a).

SEC. 621. CONFLICTS OF INTEREST.

(a) IN GENERAL.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 27A the following:

''SEC. 27B. CONFLICTS OF INTEREST RELATING TO CERTAIN SECURITIZATIONS.

''(a) IN GENERAL.—An underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, of an asset-backed security (as such term is defined in section 3 of the Securities and Exchange Act of 1934 (15 U.S.C. 78c), which for the purposes of this section shall include a synthetic asset-backed security), shall not, at any time for a period ending on the date that is one year after the date of the first closing of the sale of the asset-backed security, engage in any transaction that would involve or result in any material conflict of interest with respect to any investor in a transaction arising out of such activity.

''(b) RULEMAKING.—Not later than 270 days after the date of enactment of this section, the Commission shall issue rules for the purpose of implementing subsection (a).

''(c) EXCEPTION.—The prohibitions of subsection (a) shall not apply to—

''(1) risk-mitigating hedging activities in connection with positions or holdings arising out of the underwriting, placement, initial purchase, or sponsorship of an asset-backed security, provided that such activities are designed to reduce the specific risks to the underwriter, placement agent, initial purchaser, or sponsor associated with positions or holdings arising out of such underwriting, placement, initial purchase, or sponsorship; or

''(2) purchases or sales of asset-backed securities made pursuant to and consistent with—

''(A) commitments of the underwriter, placement agent, initial purchaser, or sponsor, or any affiliate or subsidiary of any such entity, to provide liquidity for the asset-backed security, or

''(B) bona fide market-making in the asset backed security.

''(d) RULE OF CONSTRUCTION.—This subsection shall not otherwise limit the application of section 15G of the Securities Exchange Act of 1934.''.

(b) EFFECTIVE DATE.—Section 27B of the Securities Act of 1933, as added by this section, shall take effect on the effective date of final rules issued by the Commission under subsection (b) of such section 27B, except that subsections (b) and (d) of such section 27B shall take effect on the date of enactment of this Act.

SEC. 622. CONCENTRATION LIMITS ON LARGE FINANCIAL FIRMS.

The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by adding at the end the following:

''SEC. 14. CONCENTRATION LIMITS ON LARGE FINANCIAL FIRMS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Council' means the Financial Stability Oversight Council;

''(2) the term 'financial company' means—

''(A) an insured depository institution;

''(B) a bank holding company;

''(C) a savings and loan holding company;

''(D) a company that controls an insured depository institution;

''(E) a nonbank financial company supervised by the Board under title I of the Dodd-Frank Wall Street Reform and Consumer Protection Act; and

''(F) a foreign bank or company that is treated as a bank holding company for purposes of this Act; and

''(3) the term 'liabilities' means—

''(A) with respect to a United States financial company—

''(i) the total risk-weighted assets of the financial company, as determined under the risk-based capital rules applicable to bank holding companies, as adjusted to reflect exposures that are deducted from regulatory capital; less

''(ii) the total regulatory capital of the financial company under the risk-based capital rules applicable to bank holding companies;

''(B) with respect to a foreign-based financial company—

''(i) the total risk-weighted assets of the United States operations of the financial company, as determined under the applicable risk-based capital rules, as adjusted to reflect exposures that are deducted from regulatory capital; less

''(ii) the total regulatory capital of the United States operations of the financial company, as determined under the applicable risk-based capital rules; and

''(C) with respect to an insurance company or other nonbank financial company supervised by the Board, such assets of the company as the Board shall specify by rule, in order to provide for consistent and equitable treatment of such companies.

''(b) CONCENTRATION LIMIT.—Subject to the recommendations by the Council under subsection (e), a financial company may not merge or consolidate with, acquire all or substantially all of the assets of, or otherwise acquire control of, another company, if the total consolidated liabilities of the acquiring financial company upon consummation of the transaction would exceed 10 percent of the aggregate consolidated liabilities of all financial companies at the end of the calendar year preceding the transaction.

''(c) EXCEPTION TO CONCENTRATION LIMIT.—With the prior written consent of the Board, the concentration limit under subsection (b) shall not apply to an acquisition—

''(1) of a bank in default or in danger of default;

''(2) with respect to which assistance is provided by the Federal Deposit Insurance Corporation under section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)); or

''(3) that would result only in a de minimis increase in the liabilities of the financial company.

''(d) RULEMAKING AND GUIDANCE.—The Board shall issue regulations implementing this section in accordance with the recommendations of the Council under subsection (e), including the definition of terms, as necessary. The Board may issue interpretations or guidance regarding the application of this section to an individual financial company or to financial companies in general.

''(e) COUNCIL STUDY AND RULEMAKING.—

''(1) STUDY AND RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this section, the Council shall—

''(A) complete a study of the extent to which the concentration limit under this section would affect financial stability, moral hazard in the financial system, the efficiency and competitiveness of United States financial firms and financial markets, and the cost and availability of credit and other financial services to households and businesses in the United States; and

''(B) make recommendations regarding any modifications to the concentration limit that the Council determines would more effectively implement this section.

''(2) RULEMAKING.—Not later than 9 months after the date of completion of the study under paragraph (1), and notwithstanding subsections (b) and (d), the Board shall issue final regulations implementing this section, which shall reflect any recommendations by the Council under paragraph (1)(B).''.

SEC. 623. INTERSTATE MERGER TRANSACTIONS.

(a) INTERSTATE MERGER TRANSACTIONS.—Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended by adding at the end the following:

''(13)(A) Except as provided in subparagraph (B), the responsible agency may not approve an application for an interstate merger transaction if the resulting insured depository institution (including all insured depository institutions which are affiliates of the resulting insured depository institution), upon consummation of the transaction, would control more than 10 percent of the total amount of deposits of insured depository institutions in the United States.

''(B) Subparagraph (A) shall not apply to an interstate merger transaction that involves 1 or more insured depository institutions in default or in danger of default, or with respect to which the Corporation provides assistance under section 13.

''(C) In this paragraph—

''(i) the term 'interstate merger transaction' means a merger transaction involving 2 or more insured depository institutions that have different home States and that are not affiliates; and

''(ii) the term 'home State' means—

''(I) with respect to a national bank, the State in which the main office of the bank is located;

''(II) with respect to a State bank or State savings association, the State by which the State bank or State savings association is chartered; and

''(III) with respect to a Federal savings association, the State in which the home office (as defined by the regulations of the Director of the Office of Thrift Supervision, or, on and after the transfer date, the Comptroller of the Currency) of the Federal savings association is located.''.

(b) ACQUISITIONS BY BANK HOLDING COMPANIES.—

(1) IN GENERAL.—Section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) is amended—

(A) in subsection (i), by adding at the end the following:

''(8) INTERSTATE ACQUISITIONS.—

''(A) IN GENERAL.—The Board may not approve an application by a bank holding company to acquire an insured depository institution under subsection (c)(8) or any other provision of this Act if—

''(i) the home State of such insured depository institution is a State other than the home State of the bank holding company; and

''(ii) the applicant (including all insured depository institutions which are affiliates of the applicant) controls, or upon consummation of the transaction would control, more than 10 percent of the total amount of deposits of insured depository institutions in the United States.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to an acquisition that involves an insured depository institution in default or in danger of default, or with respect to which the Federal Deposit Insurance Corporation provides assistance under section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823).''; and

(B) in subsection (k)(6)(B), by striking ''savings association'' and inserting ''insured depository institution''.

(2) DEFINITIONS.—Section 2(o)(4) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(o)(4)) is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C)(ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(D) with respect to a State savings association, the State by which the savings association is chartered; and

''(E) with respect to a Federal savings association, the State in which the home office (as defined by the regulations of the Director of the Office of Thrift Supervision, or, on and after the transfer date, the Comptroller of the Currency) of the Federal savings association is located.''.

(c) ACQUISITIONS BY SAVINGS AND LOAN HOLDING COMPANIES.—Section 10(e)(2) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)(2)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C), by striking ''or'' at the end;

(B) in subparagraph (D), by striking the period at the end and inserting '', or''; and

(C) by adding at the end the following:

''(E) in the case of an application by a savings and loan holding company to acquire an insured depository institution, if—

''(i) the home State of the insured depository institution is a State other than the home State of the savings and loan holding company;

''(ii) the applicant (including all insured depository institutions which are affiliates of the applicant) controls, or upon consummation of the transaction would control, more than 10 percent of the total amount of deposits of insured depository institutions in the United States; and

''(iii) the acquisition does not involve an insured depository institution in default or in danger of default, or with respect to which the Federal Deposit Insurance Corporation provides assistance under section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823).''; and

(2) by adding at the end the following:

''(7) DEFINITIONS.—For purposes of paragraph (2)(E)—

''(A) the terms 'default', 'in danger of default', and 'insured depository institution' have the same meanings as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

''(B) the term 'home State' means—

''(i) with respect to a national bank, the State in which the main office of the bank is located;

''(ii) with respect to a State bank or State savings association, the State by which the savings association is chartered;

''(iii) with respect to a Federal savings association, the State in which the home office (as defined by the regulations of the Director of the Office of Thrift Supervision, or, on and after the transfer date, the Comptroller of the Currency) of the Federal savings association is located; and

''(iv) with respect to a savings and loan holding company, the State in which the amount of total deposits of all insured depository institution subsidiaries of such company was the greatest on the date on which the company became a savings and loan holding company.''.

SEC. 624. QUALIFIED THRIFT LENDERS.

Section 10(m)(3) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(3)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—A savings association that fails to become or remain a qualified thrift lender shall immediately be subject to the restrictions under subparagraph (B).''; and

(2) in subparagraph (B)(i), by striking subclause (III) and inserting the following:

''(III) DIVIDENDS.—The savings association may not pay dividends, except for dividends that—

''(aa) would be permissible for a national bank;

''(bb) are necessary to meet obligations of a company that controls such savings association; and

''(cc) are specifically approved by the Comptroller of the Currency and the Board after a written request submitted to the Comptroller of the Currency and the Board by the savings association not later than 30 days before the date of the proposed payment.

''(IV) REGULATORY AUTHORITY.—A savings association that fails to become or remain a qualified thrift lender shall be deemed to have violated section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) and subject to actions authorized by section 5(d) of the Home Owners' Loan Act (12 U.S.C. 1464(d)).''.

SEC. 625. TREATMENT OF DIVIDENDS BY CERTAIN MUTUAL HOLDING COMPANIES.

(a) IN GENERAL.—Section 10(o) of the Home Owners' Loan Act (12 U.S.C. 1467a(o) is amended by adding at the end the following:

''(11) DIVIDENDS.—

''(A) DECLARATION OF DIVIDENDS.—

''(i) ADVANCE NOTICE REQUIRED.—Each subsidiary of a mutual holding company that is a savings association shall give the appropriate Federal banking agency and the Board notice not later than 30 days before the date of a proposed declaration by the board of directors of the savings association of any dividend on the guaranty, permanent, or other nonwithdrawable stock of the savings association.

''(ii) INVALID DIVIDENDS.—Any dividend described in clause (i) that is declared without giving notice to the appropriate Federal banking agency and the Board under clause (i), or that is declared during the 30-day period preceding the date of a proposed declaration for which notice is given to the appropriate Federal banking agency and the Board under clause (i), shall be invalid and shall confer no rights or benefits upon the holder of any such stock.

''(B) WAIVER OF DIVIDENDS.—A mutual holding company may waive the right to receive any dividend declared by a subsidiary of the mutual holding company, if—

''(i) no insider of the mutual holding company, associate of an insider, or tax-qualified or non-tax-qualified employee stock benefit plan of the mutual holding company holds any share of the stock in the class of stock to which the waiver would apply; or

''(ii) the mutual holding company gives written notice to the Board of the intent of the mutual holding company to waive the right to receive dividends, not later than 30 days before the date of the proposed date of payment of the dividend, and the Board does not object to the waiver.

''(C) RESOLUTION INCLUDED IN WAIVER NOTICE.—A notice of a waiver under subparagraph (B) shall include a copy of the resolution of the board of directors of the mutual holding company, in such form and substance as the Board may determine, together with any supporting materials relied upon by the board of directors of the mutual holding company, concluding that the proposed dividend waiver is consistent with the fiduciary duties of the board of directors to the mutual members of the mutual holding company.

''(D) STANDARDS FOR WAIVER OF DIVIDEND.—The Board may not object to a waiver of dividends under subparagraph (B) if—

''(i) the waiver would not be detrimental to the safe and sound operation of the savings association;

''(ii) the board of directors of the mutual holding company expressly determines that a waiver of the dividend by the mutual holding company is consistent with the fiduciary duties of the board of directors to the mutual members of the mutual holding company; and

''(iii) the mutual holding company has, prior to December 1, 2009—

''(I) reorganized into a mutual holding company under subsection (o);

''(II) issued minority stock either from its mid-tier stock holding company or its subsidiary stock savings association; and

''(III) waived dividends it had a right to receive from the subsidiary stock savings association.

''(E) VALUATION.—

''(i) IN GENERAL.—The appropriate Federal banking agency shall consider waived dividends in determining an appropriate exchange ratio in the event of a full conversion to stock form.

''(ii) EXCEPTION.—In the case of a savings association that has reorganized into a mutual holding company, has issued minority stock from a mid-tier stock holding company or a subsidiary stock savings association of the mutual holding company, and has waived dividends it had a right to receive from a subsidiary savings association before December 1, 2009, the appropriate Federal banking agency shall not consider waived dividends in determining an appropriate exchange ratio in the event of a full conversion to stock form.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the transfer date.

SEC. 626. INTERMEDIATE HOLDING COMPANIES.

The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by inserting after section 10 (12 U.S.C. 1467a) the following new section:

"SEC. 10A. INTERMEDIATE HOLDING COMPANIES.

''(a) DEFINITION.—For purposes of this section:

''(1) FINANCIAL ACTIVITIES.—The term 'financial activities' means activities described in clauses (i) and (ii) of section 10(c)(9)(A).

''(2) GRANDFATHERED UNITARY SAVINGS AND LOAN HOLDING COMPANY.—The term 'grandfathered unitary savings and loan holding company' means a company described in section 10(c)(9)(C).

''(3) INTERNAL FINANCIAL ACTIVITIES.—The term 'internal financial activities' includes—

''(A) internal financial activities conducted by a grandfathered savings and loan holding company or any affiliate; and

''(B) internal treasury, investment, and employee benefit functions.

''(b) REQUIREMENT.—

''(1) IN GENERAL.—

''(A) ACTIVITIES OTHER THAN FINANCIAL ACTIVITIES.—If a grandfathered unitary savings and loan holding company conducts activities other than financial activities, the Board may require such company to establish and conduct all or a portion of such financial activities in or through an intermediate holding company, which shall be a savings and loan holding company, established pursuant to regulations of the Board, not later than 90 days (or such longer period as the Board may deem appropriate) after the transfer date.

''(B) OTHER ACTIVITIES.—Notwithstanding subparagraph (A), the Board shall require a grandfathered unitary savings and loan holding company to establish an intermediate holding company if the Board makes a determination that the establishment of such intermediate holding company is necessary—

''(i) to appropriately supervise activities that are determined to be financial activities; or

''(ii) to ensure that supervision by the Board does not extend to the activities of such company that are not financial activities.

''(2) INTERNAL FINANCIAL ACTIVITIES.—

''(A) TREATMENT OF INTERNAL FINANCIAL ACTIVITIES.—For purposes of this subsection, the internal financial activities of a grandfathered unitary savings and loan holding company shall not be required to be placed in an intermediate holding company.

''(B) GRANDFATHERED ACTIVITIES.—A grandfathered unitary savings and loan holding company may continue to engage in an internal financial activity, subject to review by the Board to determine whether engaging in such activity presents undue risk to the grandfathered unitary savings and loan holding company or to the financial stability of the United States, if—

''(i) the grandfathered unitary savings and loan holding company engaged in the activity during the year before the date of enactment of this section; and

''(ii) at least ⅔ of the assets or ⅔ of the revenues generated from the activity are from or attributable to the grandfathered unitary savings and loan holding company.

''(3) SOURCE OF STRENGTH.—A grandfathered unitary savings and loan holding company that directly or indirectly controls an intermediate holding company established under this section shall serve as a source of strength to its subsidiary intermediate holding company.

''(4) PARENT COMPANY REPORTS.—The Board, may from time to time, examine and require reports under oath from a grandfathered unitary savings and loan holding company that controls an intermediate holding company, and from the appropriate officers or directors of such company, solely for purposes of ensuring compliance with the provisions of this section, including assessing the ability of the company to serve as a source of strength to its subsidiary intermediate holding company as required under paragraph (3) and enforcing compliance with such requirement.

''(5) LIMITED PARENT COMPANY ENFORCEMENT.—

''(A) IN GENERAL.—In addition to any other authority of the Board, the Board may enforce compliance with the provisions of this subsection that are applicable to any company described in paragraph (1)(A) that controls an intermediate holding company under section 8 of the Federal Deposit Insurance Act, and a company described in paragraph (1)(A) shall be subject to such section (solely for purposes of this subparagraph) in the same manner and to the same extent as if the company described in paragraph (1)(A) were a savings and loan holding company.

''(B) APPLICATION OF OTHER ACT.—Any violation of this subsection by a grandfathered unitary savings and loan holding company that controls an intermediate holding company may also be treated as a violation of the Federal Deposit Insurance Act for purposes of subparagraph (A).

''(C) NO EFFECT ON OTHER AUTHORITY.—No provision of this paragraph shall be construed as limiting any authority of the Board or any other Federal agency under any other provision of law.

''(c) REGULATIONS.—The Board—

''(1) shall promulgate regulations to establish the criteria for determining whether to require a grandfathered unitary savings and loan holding company to establish an intermediate holding company under subsection (b); and

''(2) may promulgate regulations to establish any restrictions or limitations on transactions between an intermediate holding company or a parent of such company and its affiliates, as necessary to prevent unsafe and unsound practices in connection with transactions between the intermediate holding company, or any subsidiary thereof, and its parent company or affiliates that are not subsidiaries of the intermediate holding company, except that such regulations shall not restrict or limit any transaction in connection with the bona fide acquisition or lease by an unaffiliated person of assets, goods, or services.

''(d) RULES OF CONSTRUCTION.—

''(1) ACTIVITIES.—Nothing in this section shall be construed to require a grandfathered unitary savings and loan holding company to conform its activities to permissible activities.

''(2) PERMISSIBLE CORPORATE REORGANIZATION.—The formation of an intermediate holding company as required in subsection (b) shall be presumed to be a permissible corporate reorganization as described in section 10(c)(9)(D).''.

SEC. 627. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED.

(a) REPEAL OF PROHIBITION ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended to read as follows:

''(i) [Repealed]''.

(2) HOME OWNERS' LOAN ACT.—The first sentence of section 5(b)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking ''savings association may not—'' and all that follows through ''(ii) permit any'' and inserting ''savings association may not permit any''.

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

''(g) [Repealed]''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 1 year after the date of the enactment of this Act.

SEC. 628. CREDIT CARD BANK SMALL BUSINESS LENDING.

Section 2(c)(2)(F)(v) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)(F)(v)) is amended by inserting before the period the following: '', other than credit card loans that are made to businesses that meet the criteria for a small business concern to be eligible for business loans under regulations established by the Small Business Administration under part 121 of title 13, Code of Federal Regulations''.

TITLE VII—WALL STREET TRANSPARENCY AND ACCOUNTABILITY

SEC. 701. SHORT TITLE.

This title may be cited as the ''Wall Street Transparency and Accountability Act of 2010''.

Subtitle A—Regulation of Over-the-Counter Swaps Markets

PART I—REGULATORY AUTHORITY

SEC. 711. DEFINITIONS.

In this subtitle, the terms ''prudential regulator'', ''swap'', ''swap dealer'', ''major swap participant'', ''swap data repository'', ''associated person of a swap dealer or major swap participant'', ''eligible contract participant'', ''swap execution facility'', ''security-based swap'', ''security-based swap dealer'', ''major security-based swap participant'', and ''associated person of a security-based swap dealer or major security-based swap participant'' have the meanings given the terms in section 1a of the Commodity Exchange Act (7 U.S.C. 1a), including any modification of the meanings under section 721(b) of this Act.

SEC. 712. REVIEW OF REGULATORY AUTHORITY.

(a) CONSULTATION.—

(1) COMMODITY FUTURES TRADING COMMISSION.—Before commencing any rulemaking or issuing an order regarding swaps, swap dealers, major swap participants, swap data repositories, derivative clearing organizations with regard to swaps, persons associated with a swap dealer or major swap participant, eligible contract participants, or swap execution facilities pursuant to this subtitle, the Commodity Futures Trading Commission shall consult and coordinate to the extent possible with the Securities and Exchange Commission and the prudential regulators for the purposes of assuring regulatory consistency and comparability, to the extent possible.

(2) SECURITIES AND EXCHANGE COMMISSION.—Before commencing any rulemaking or issuing an order regarding security-based swaps, security-based swap dealers, major security-based swap participants, security-based swap data repositories, clearing agencies with regard to security-based swaps, persons associated with a security-based swap dealer or major security-based swap participant, eligible contract participants with regard to security-based swaps, or security-based swap execution facilities pursuant to subtitle B, the Securities and Exchange Commission shall consult and coordinate to the extent possible with the Commodity Futures Trading Commission and the prudential regulators for the purposes of assuring regulatory consistency and comparability, to the extent possible.

(3) PROCEDURES AND DEADLINE.—Such regulations shall be prescribed in accordance with applicable requirements of title 5, United States Code, and shall be issued in final form not later than 360 days after the date of enactment of this Act.

(4) APPLICABILITY.—The requirements of paragraphs (1) and (2) shall not apply to an order issued—

(A) in connection with or arising from a violation or potential violation of any provision of the Commodity Exchange Act (7 U.S.C. 1 et seq.);

(B) in connection with or arising from a violation or potential violation of any provision of the securities laws; or

(C) in any proceeding that is conducted on the record in accordance with sections 556 and 557 of title 5, United States Code.

(5) EFFECT.—Nothing in this subsection authorizes any consultation or procedure for consultation that is not consistent with the requirements of subchapter II of chapter 5, and chapter

7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(6) RULES; ORDERS.—In developing and promulgating rules or orders pursuant to this subsection, each Commission shall consider the views of the prudential regulators.

(7) TREATMENT OF SIMILAR PRODUCTS AND ENTITIES.—

(A) IN GENERAL.—In adopting rules and orders under this subsection, the Commodity Futures Trading Commission and the Securities and Exchange Commission shall treat functionally or economically similar products or entities described in paragraphs (1) and (2) in a similar manner.

(B) EFFECT.—Nothing in this subtitle requires the Commodity Futures Trading Commission or the Securities and Exchange Commission to adopt joint rules or orders that treat functionally or economically similar products or entities described in paragraphs (1) and (2) in an identical manner.

(8) MIXED SWAPS.—The Commodity Futures Trading Commission and the Securities and Exchange Commission, after consultation with the Board of Governors, shall jointly prescribe such regulations regarding mixed swaps, as described in section 1a(47)(D) of the Commodity Exchange Act (7 U.S.C. 1a(47)(D)) and in section 3(a)(68)(D) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(68)(D)), as may be necessary to carry out the purposes of this title.

(b) LIMITATION.—

(1) COMMODITY FUTURES TRADING COMMISSION.—Nothing in this title, unless specifically provided, confers jurisdiction on the Commodity Futures Trading Commission to issue a rule, regulation, or order providing for oversight or regulation of—

(A) security-based swaps; or

(B) with regard to its activities or functions concerning security-based swaps—

(i) security-based swap dealers;

(ii) major security-based swap participants;

(iii) security-based swap data repositories;

(iv) associated persons of a security-based swap dealer or major security-based swap participant;

(v) eligible contract participants with respect to security-based swaps; or

(vi) swap execution facilities with respect to security-based swaps.

(2) SECURITIES AND EXCHANGE COMMISSION.—Nothing in this title, unless specifically provided, confers jurisdiction on the Securities and Exchange Commission or State securities regulators to issue a rule, regulation, or order providing for oversight or regulation of—

(A) swaps; or

(B) with regard to its activities or functions concerning swaps—

(i) swap dealers;

(ii) major swap participants;

(iii) swap data repositories;

(iv) persons associated with a swap dealer or major swap participant;

(v) eligible contract participants with respect to swaps; or

(vi) swap execution facilities with respect to swaps.

(3) PROHIBITION ON CERTAIN FUTURES ASSOCIATIONS AND NATIONAL SECURITIES ASSOCIATIONS.—

(A) FUTURES ASSOCIATIONS.—Notwithstanding any other provision of law (including regulations), unless otherwise authorized by this title, no futures association registered under section 17 of the Commodity Exchange Act (7 U.S.C. 21) may issue a rule, regulation, or order for the oversight or regulation of, or otherwise assert jurisdiction over, for any purpose, any security-based swap, except that this subparagraph shall not limit the authority of a registered futures association to examine for compliance with, and enforce, its rules on capital adequacy.

(B) NATIONAL SECURITIES ASSOCIATIONS.—Notwithstanding any other provision of law (including regulations), unless otherwise authorized by this title, no national securities association registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) may issue a rule, regulation, or order for the oversight or regulation of, or otherwise assert jurisdiction over, for any purpose, any swap, except that this subparagraph shall not limit the authority of a national securities association to examine for compliance with, and enforce, its rules on capital adequacy.

(c) OBJECTION TO COMMISSION REGULATION.—

(1) FILING OF PETITION FOR REVIEW.—

(A) IN GENERAL.—If either Commission referred to in this section determines that a final rule, regulation, or order of the other Commission conflicts with subsection (a)(7) or (b), then the complaining Commission may obtain review of the final rule, regulation, or order in the United States Court of Appeals for the District of Columbia Circuit by filing in the court, not later than 60 days after the date of publication of the final rule, regulation, or order, a written petition requesting that the rule, regulation, or order be set aside.

(B) EXPEDITED PROCEEDING.—A proceeding described in subparagraph (A) shall be expedited by the United States Court of Appeals for the District of Columbia Circuit.

(2) TRANSMITTAL OF PETITION AND RECORD.—

(A) IN GENERAL.—A copy of a petition described in paragraph (1) shall be transmitted not later than 1 business day after the date of filing by the complaining Commission to the Secretary of the responding Commission.

(B) DUTY OF RESPONDING COMMISSION.—On receipt of the copy of a petition described in paragraph (1), the responding Commission shall file with the United States Court of Appeals for the District of Columbia Circuit—

(i) a copy of the rule, regulation, or order under review (including any documents referred to therein); and

(ii) any other materials prescribed by the United States Court of Appeals for the District of Columbia Circuit.

(3) STANDARD OF REVIEW.—The United States Court of Appeals for the District of Columbia Circuit shall—

(A) give deference to the views of neither Commission; and

(B) determine to affirm or set aside a rule, regulation, or order of the responding Commission under this subsection, based on the determination of the court as to whether the rule, regulation, or order is in conflict with subsection (a)(7) or (b), as applicable.

(4) JUDICIAL STAY.—The filing of a petition by the complaining Commission pursuant to paragraph (1) shall operate as a stay of the rule, regulation, or order until the date on which the determination of the United States Court of Appeals for the District of Columbia Circuit is final (including any appeal of the determination).

(d) JOINT RULEMAKING.—

(1) IN GENERAL.—Notwithstanding any other provision of this title and subsections (b) and (c), the Commodity Futures Trading Commission and the Securities and Exchange Commission, in consultation with the Board of Governors, shall further define the terms ''swap'', ''security-based swap'', ''swap dealer'', ''security-based swap dealer'', ''major swap participant'', ''major security-based swap participant'', ''eligible contract participant'', and ''security-based swap agreement'' in section 1a(47)(A)(v) of the Commodity Exchange Act (7 U.S.C. 1a(47)(A)(v)) and section 3(a)(78) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(78)).

(2) AUTHORITY OF THE COMMISSIONS.—

(A) IN GENERAL.—Notwithstanding any other provision of this title, the Commodity Futures Trading Commission and the Securities and Exchange Commission, in consultation with the Board of Governors, shall jointly adopt such other rules regarding such definitions as the Commodity Futures Trading Commission and the Securities and Exchange Commission determine are necessary and appropriate, in the public interest, and for the protection of investors.

(B) TRADE REPOSITORY RECORDKEEPING.—Notwithstanding any other provision of this title, the Commodity Futures Trading Commission and the Securities and Exchange Commission, in consultation with the Board of Governors, shall engage in joint rulemaking to jointly adopt a rule or rules governing the books and records that are required to be kept and maintained regarding security-based swap agreements by persons that are registered as swap data repositories under the Commodity Exchange Act, including uniform rules that specify the data elements that shall be collected and maintained by each repository.

(C) BOOKS AND RECORDS.—Notwithstanding any other provision of this title, the Commodity Futures Trading Commission and the Securities and Exchange Commission, in consultation with the Board of Governors, shall engage in joint rulemaking to jointly adopt a rule or rules governing books and records regarding security-based swap agreements, including daily trading records, for swap dealers, major swap participants, security-based swap dealers, and security-based swap participants.

(D) COMPARABLE RULES.—Rules and regulations prescribed jointly under this title by the Commodity Futures Trading Commission and the Securities and Exchange Commission shall be comparable to the maximum extent possible, taking into consideration differences in instruments and in the applicable statutory requirements.

(E) TRACKING UNCLEARED TRANSACTIONS.—Any rules prescribed under subparagraph (A) shall require the maintenance of records of all activities relating to security-based swap agreement transactions defined under subparagraph (A) that are not cleared.

(F) SHARING OF INFORMATION.—The Commodity Futures Trading Commission shall make available to the Securities and Exchange Commission information relating to security-based swap agreement transactions defined in subparagraph (A) that are not cleared.

(3) FINANCIAL STABILITY OVERSIGHT COUNCIL.—In the event that the Commodity Futures Trading Commission and the Securities and Exchange Commission fail to jointly prescribe rules pursuant to paragraph (1) or (2) in a timely manner, at the request of either Commission, the Financial Stability Oversight Council shall resolve the dispute—

(A) within a reasonable time after receiving the request;

(B) after consideration of relevant information provided by each Commission; and

(C) by agreeing with 1 of the Commissions regarding the entirety of the matter or by determining a compromise position.

(4) JOINT INTERPRETATION.—Any interpretation of, or guidance by either Commission regarding, a provision of this title, shall be effective only if issued jointly by the Commodity Futures Trading Commission and the Securities and Exchange Commission, after consultation with the Board of Governors, if this title requires the Commodity Futures Trading Commission and the Securities and Exchange Commission to issue joint regulations to implement the provision.

(e) GLOBAL RULEMAKING TIMEFRAME.—Unless otherwise provided in this title, or an amendment made by this title, the Commodity Futures Trading Commission or the Securities and Exchange Commission, or both, shall individually, and not jointly, promulgate rules and regulations required of each Commission under this title or an amendment made by this title not later than 360 days after the date of enactment of this Act.

(f) RULES AND REGISTRATION BEFORE FINAL EFFECTIVE DATES.—Beginning on the date of enactment of this Act and notwithstanding the effective date of any provision of this Act, the Commodity Futures Trading Commission and the Securities and Exchange Commission may, in order to prepare for the effective dates of the provisions of this Act—

(1) promulgate rules, regulations, or orders permitted or required by this Act;

(2) conduct studies and prepare reports and recommendations required by this Act;

(3) register persons under the provisions of this Act; and

(4) exempt persons, agreements, contracts, or transactions from provisions of this Act, under the terms contained in this Act,

provided, however, that no action by the Commodity Futures Trading Commission or the Securities and Exchange Commission described in paragraphs (1) through (4) shall become effective prior to the effective date applicable to such action under the provisions of this Act.

SEC. 713. PORTFOLIO MARGINING CONFORMING CHANGES.

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 15(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(3)) is amended by adding at the end the following:

''(C) Notwithstanding any provision of sections 2(a)(1)(C)(i) or 4d(a)(2) of the Commodity Exchange Act and the rules and regulations thereunder, and pursuant to an exemption granted by the Commission under section 36 of this title or pursuant to a rule or regulation, cash and securities may be held by a broker or dealer registered pursuant to subsection (b)(1) and also registered as a futures commission merchant pursuant to section 4f(a)(1) of the Commodity Exchange Act, in a portfolio margining account carried as a futures account subject to section 4d of the Commodity Exchange Act and the rules and regulations thereunder, pursuant to a portfolio margining program approved by the Commodity Futures Trading Commission, and subject to subchapter IV of chapter 7 of title 11 of the United States Code and the rules and regulations thereunder. The Commission shall consult with the Commodity Futures Trading Commission to adopt rules to ensure that such transactions and accounts are subject to comparable requirements to the extent practicable for similar products.''.

(b) COMMODITY EXCHANGE ACT.—Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended by adding at the end the following:

''(h) Notwithstanding subsection (a)(2) or the rules and regulations thereunder, and pursuant to an exemption granted by the Commission under section 4(c) of this Act or pursuant to a rule or regulation, a futures commission merchant that is registered pursuant to section 4f(a)(1) of this Act and also registered as a broker or dealer pursuant to section 15(b)(1) of the Securities Exchange Act of 1934 may, pursuant to a portfolio margining program approved by the Securities and Exchange Commission pursuant to section 19(b) of the Securities Exchange Act of 1934, hold in a portfolio margining account carried as a securities account subject to section 15(c)(3) of the Securities Exchange Act of 1934 and the rules and regulations thereunder, a contract for the purchase or sale of a commodity for future delivery or an option on such a contract, and any money, securities or other property received from a customer to margin, guarantee or secure such a contract, or accruing to a customer as the result of such a contract. The Commission shall consult with the Securities and Exchange Commission to adopt rules to ensure that such transactions and accounts are subject to comparable requirements to the extent practical for similar products.''.

(c) DUTY OF COMMODITY FUTURES TRADING COMMISSION.—Section 20 of the Commodity Exchange Act (7 U.S.C. 24) is amended by adding at the end the following:

''(c) The Commission shall exercise its authority to ensure that securities held in a portfolio margining account carried as a futures account are customer property and the owners of those accounts are customers for the purposes of subchapter IV of chapter 7 of title 11 of the United States Code.''.

SEC. 714. ABUSIVE SWAPS.

The Commodity Futures Trading Commission or the Securities and Exchange Commission, or both, individually may, by rule or order—

(1) collect information as may be necessary concerning the markets for any types of—

(A) swap (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)); or

(B) security-based swap (as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a)); and

(2) issue a report with respect to any types of swaps or security-based swaps that the Commodity Futures Trading Commission or the Securities and Exchange Commission determines to be detrimental to—

(A) the stability of a financial market; or

(B) participants in a financial market.

SEC. 715. AUTHORITY TO PROHIBIT PARTICIPATION IN SWAP ACTIVITIES.

Except as provided in section 4 of the Commodity Exchange Act (7 U.S.C. 6), if the Commodity Futures Trading Commission or the Securities and Exchange Commission determines that the regulation of swaps or security-based swaps markets in a foreign country undermines the stability of the United States financial system, either Commission, in consultation with the Secretary of the Treasury, may prohibit an entity domiciled in the foreign country from participating in the United States in any swap or security-based swap activities.

SEC. 716. PROHIBITION AGAINST FEDERAL GOVERNMENT BAILOUTS OF SWAPS ENTITIES.

(a) PROHIBITION ON FEDERAL ASSISTANCE.—Notwithstanding any other provision of law (including regulations), no Federal assistance may be provided to any swaps entity with respect to any swap, security-based swap, or other activity of the swaps entity.

(b) DEFINITIONS.—In this section:

(1) FEDERAL ASSISTANCE.—The term ''Federal assistance'' means the use of any advances from any Federal Reserve credit facility or discount window that is not part of a program or facility with broad-based eligibility under section 13(3)(A) of the Federal Reserve Act, Federal Deposit Insurance Corporation insurance or guarantees for the purpose of—

(A) making any loan to, or purchasing any stock, equity interest, or debt obligation of, any swaps entity;

(B) purchasing the assets of any swaps entity;

(C) guaranteeing any loan or debt issuance of any swaps entity; or

(D) entering into any assistance arrangement (including tax breaks), loss sharing, or profit sharing with any swaps entity.

(2) SWAPS ENTITY.—

(A) IN GENERAL.—The term ''swaps entity'' means any swap dealer, security-based swap dealer, major swap participant, major security-based swap participant, that is registered under—

(i) the Commodity Exchange Act (7 U.S.C. 1 et seq.); or

(ii) the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

(B) EXCLUSION.—The term ''swaps entity'' does not include any major swap participant or major security-based swap participant that is an insured depository institution.

(c) AFFILIATES OF INSURED DEPOSITORY INSTITUTIONS.—The prohibition on Federal assistance contained in subsection (a) does not apply to and shall not prevent an insured depository institution from having or establishing an affiliate which is a swaps entity, as long as such insured depository institution is part of a bank holding company, or savings and loan holding company, that is supervised by the Federal Reserve and such swaps entity affiliate complies with sections 23A and 23B of the Federal Reserve Act and such other requirements as the Commodity Futures Trading Commission or the Securities Exchange Commission, as appropriate, and the Board of Governors of the Federal Reserve System, may determine to be necessary and appropriate.

(d) ONLY BONA FIDE HEDGING AND TRADITIONAL BANK ACTIVITIES PERMITTED.—The prohibition in subsection (a) shall apply to any insured depository institution unless the insured depository institution limits its swap or security-based swap activities to:

(1) Hedging and other similar risk mitigating activities directly related to the insured depository institution's activities.

(2) Acting as a swaps entity for swaps or security-based swaps involving rates or reference assets that are permissible for investment by a national bank under the paragraph designated as ''Seventh.'' of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24), other than as described in paragraph (3).

(3) LIMITATION ON CREDIT DEFAULT SWAPS.—Acting as a swaps entity for credit default swaps, including swaps or security-based swaps referencing the credit risk of asset-backed securities as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77)) (as amended by this Act) shall not be considered a bank permissible activity for purposes of subsection (d)(2) unless such swaps or security-based swaps are cleared by a derivatives clearing organization (as such term is defined in section la of the Commodity Exchange Act (7 U.S.C. la)) or a clearing agency (as such term is defined in section 3 of the Securities Exchange Act (15 U.S.C. 78c)) that is registered, or exempt from registration, as a derivatives clearing organization under the Commodity Exchange Act or as a clearing agency under the Securities Exchange Act, respectively.

(e) EXISTING SWAPS AND SECURITY-BASED SWAPS.—The prohibition in subsection (a) shall only apply to swaps or security-based swaps entered into by an insured depository institution after the end of the transition period described in subsection (f).

(f) TRANSITION PERIOD.—To the extent an insured depository institution qualifies as a ''swaps entity'' and would be subject to the Federal assistance prohibition in subsection (a), the appropriate Federal banking agency, after consulting with and considering the views of the Commodity Futures Trading Commission or the Securities Exchange Commission, as appropriate, shall permit the insured depository institution up to 24 months to divest the swaps entity or cease the activities that require registration as a swaps entity. In establishing the appropriate transition period to effect such divestiture or cessation of activities, which may include making the swaps entity an affiliate of the insured depository institution, the appropriate Federal banking agency shall take into account and make written findings regarding the potential impact of such divestiture or cessation of activities on the insured depository institution's (1) mortgage lending, (2) small business lending, (3) job creation, and (4) capital formation versus the potential negative impact on insured depositors and the Deposit Insurance Fund of the Federal Deposit Insurance Corporation. The appropriate Federal banking agency may consider such other factors as may be appropriate. The appropriate Federal banking agency may place such conditions on the insured depository institution's divestiture or ceasing of activities of the swaps entity as it deems necessary and appropriate. The transition period under this subsection may be extended by the appropriate Federal banking agency, after consultation with the Commodity Futures Trading Commission and the Securities and Exchange Commission, for a period of up to 1 additional year.

(g) EXCLUDED ENTITIES.—For purposes of this section, the term ''swaps entity'' shall not include any insured depository institution under the Federal Deposit Insurance Act or a covered financial company under title II which is in a conservatorship, receivership, or a bridge bank operated by the Federal Deposit Insurance Corporation.

(h) EFFECTIVE DATE.—The prohibition in subsection (a) shall be effective 2 years following the date on which this Act is effective.

(i) LIQUIDATION REQUIRED.—

(1) IN GENERAL.—

(A) FDIC INSURED INSTITUTIONS.—All swaps entities that are FDIC insured institutions that are put into receivership or declared insolvent as a result of swap or security-based swap activity of the swaps entities shall be subject to the termination or transfer of that swap or security-based swap activity in accordance with applicable law prescribing the treatment of those contracts. No taxpayer funds shall be used to prevent the receivership of any swap entity resulting from swap or security-based swap activity of the swaps entity.

(B) INSTITUTIONS THAT POSE A SYSTEMIC RISK AND ARE SUBJECT TO HEIGHTENED PRUDENTIAL SUPERVISION AS REGULATED UNDER SECTION 113.—All swaps entities that are institutions that pose a systemic risk and are subject to heightened prudential supervision as regulated under section 113, that are put into receivership or declared insolvent as a result of swap or security-based swap activity of the swaps entities shall be subject to the termination or transfer of that swap or security-based swap activity in accordance with applicable law prescribing the treatment of those contracts. No taxpayer funds shall be used to prevent the receivership of any swap entity resulting from swap or security-based swap activity of the swaps entity.

(C) NON-FDIC INSURED, NON-SYSTEMICALLY SIGNIFICANT INSTITUTIONS NOT SUBJECT TO HEIGHTENED PRUDENTIAL SUPERVISION AS REGULATED UNDER SECTION 113.—No taxpayer resources shall be used for the orderly liquidation of any swaps entities that are non-FDIC insured, non-systemically significant institutions not subject to heightened prudential supervision as regulated under section 113.

(2) RECOVERY OF FUNDS.—All funds expended on the termination or transfer of the swap or security-based swap activity of the swaps entity shall be recovered in accordance with applicable law from the disposition of assets of such swap entity or through assessments, including on the financial sector as provided under applicable law.

(3) NO LOSSES TO TAXPAYERS.—Taxpayers shall bear no losses from the exercise of any authority under this title.

(j) PROHIBITION ON UNREGULATED COMBINATION OF SWAPS ENTITIES AND BANKING.—At no time following adoption of the rules in subsection (k) may a bank or bank holding company be permitted to be or become a swap entity unless it conducts its swap or security-based swap activity in compliance with such minimum standards set by its prudential regulator as are reasonably calculated to permit the swaps entity to conduct its swap or security-based swap activities in a safe and sound manner and mitigate systemic risk.

(k) RULES.—In prescribing rules, the prudential regulator for a swaps entity shall consider the following factors:

(1) The expertise and managerial strength of the swaps entity, including systems for effective oversight.

(2) The financial strength of the swaps entity.

(3) Systems for identifying, measuring and controlling risks arising from the swaps entity's operations.

(4) Systems for identifying, measuring and controlling the swaps entity's participation in existing markets.

(5) Systems for controlling the swaps entity's participation or entry into in new markets and products.

(l) AUTHORITY OF THE FINANCIAL STABILITY OVERSIGHT COUNCIL.—The Financial Stability Oversight Council may determine that, when other provisions established by this Act are insufficient to effectively mitigate systemic risk and protect taxpayers, that swaps entities may no longer access Federal assistance with respect to any swap, security-based swap, or other activity of the swaps entity. Any such determination by the Financial Stability Oversight Council of a prohibition of federal assistance shall be made on an institution-by-institution basis, and shall require the vote of not fewer than two-thirds of the members of the Financial Stability Oversight Council, which must include the vote by the Chairman of the Council, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairperson of the Federal Deposit Insurance Corporation. Notice and hearing requirements for such determinations shall be consistent with the standards provided in title I.

(m) BAN ON PROPRIETARY TRADING IN DERIVATIVES.—An insured depository institution shall comply with the prohibition on proprietary trading in derivatives as required by section 619 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

SEC. 717. NEW PRODUCT APPROVAL CFTC—SEC PROCESS.

(a) AMENDMENTS TO THE COMMODITY EXCHANGE ACT.—Section 2(a)(1)(C) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(C)) is amended—

(1) in clause (i) by striking ''This'' and inserting ''(I) Except as provided in subclause (II), this''; and

(2) by adding at the end of clause (i) the following:

''(II) This Act shall apply to and the Commission shall have jurisdiction with respect to accounts, agreements, and transactions involving, and may permit the listing for trading pursuant to section 5c(c) of, a put, call, or other option on 1 or more securities (as defined in section 2(a)(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934 on the date of enactment of the Futures Trading Act of 1982), including any group or index of such securities, or any interest therein or based on the value thereof, that is exempted by the Securities and Exchange Commission pursuant to section 36(a)(1) of the Securities Exchange Act of 1934 with the condition that the Commission exercise concurrent jurisdiction over such put, call, or other option; provided, however, that nothing in this paragraph shall be construed to affect the jurisdiction and authority of the Securities and Exchange Commission over such put, call, or other option.''.

(b) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 is amended by adding the following section after section 3A (15 U.S.C. 78c–1):

''SEC. 3B. SECURITIES-RELATED DERIVATIVES.

''(a) Any agreement, contract, or transaction (or class thereof) that is exempted by the Commodity Futures Trading Commission pursuant to section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) with the condition that the Commission exercise concurrent jurisdiction over such agreement, contract, or transaction (or class thereof) shall be deemed a security for purposes of the securities laws.

''(b) With respect to any agreement, contract, or transaction (or class thereof) that is exempted by the Commodity Futures Trading Commission pursuant to section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) with the condition that the Commission exercise concurrent jurisdiction over such agreement, contract, or transaction (or class thereof), references in the securities laws to the 'purchase' or 'sale' of a security shall be deemed to include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under such agreement, contract, or transaction, as the context may require.''.

(c) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by adding at the end the following:

''(10) Notwithstanding paragraph (2), the time period within which the Commission is required by order to approve a proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved is stayed pending a determination by the Commission upon the request of the Commodity Futures Trading Commission or its Chairman that the Commission issue a determination as to whether a product that is the subject of such proposed rule change is a security pursuant to section 718 of the Wall Street Transparency and Accountability Act of 2010.''.

(d) AMENDMENT TO COMMODITY EXCHANGE ACT.—Section 5c(c)(1) of the Commodity Exchange Act (7 U.S.C. 7a–2(c)(1)) is amended—

(1) by striking ''Subject to paragraph (2)'' and inserting the following:

''(A) ELECTION.—Subject to paragraph (2)''; and

(2) by adding at the end the following:

''(B) CERTIFICATION.—The certification of a product pursuant to this paragraph shall be stayed pending a determination by the Commission upon the request of the Securities and Exchange Commission or its Chairman that the Commission issue a determination as to whether the product that is the subject of such certification is a contract of sale of a commodity for future delivery, an option on such a contract, or an option on a commodity pursuant to section 718 of the Wall Street Transparency and Accountability Act of 2010.''.

SEC. 718. DETERMINING STATUS OF NOVEL DERIVATIVE PRODUCTS.

(a) PROCESS FOR DETERMINING THE STATUS OF A NOVEL DERIVATIVE PRODUCT.—

(1) NOTICE.—

(A) IN GENERAL.—Any person filing a proposal to list or trade a novel derivative product that may have elements of both securities and contracts of sale of a commodity for future delivery (or options on such contracts or options on commodities) may concurrently provide notice and furnish a copy of such filing with the Securities and Exchange Commission and the Commodity Futures Trading Commission. Any such notice shall state that notice has been made with both Commissions.

(B) NOTIFICATION.—If no concurrent notice is made pursuant to subparagraph (A), within 5 business days after determining that a proposal that seeks to list or trade a novel derivative product may have elements of both securities and contracts of sale of a commodity for future delivery (or options on such contracts or options on commodities), the Securities and Exchange Commission or the Commodity Futures Trading Commission, as applicable, shall notify the other Commission and provide a copy of such filing to the other Commission.

(2) REQUEST FOR DETERMINATION.—

(A) IN GENERAL.—No later than 21 days after receipt of a notice under paragraph (1), or upon its own initiative if no such notice is received, the Commodity Futures Trading Commission may request that the Securities and Exchange Commission issue a determination as to whether a product is a security, as defined in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)).

(B) REQUEST.—No later than 21 days after receipt of a notice under paragraph (1), or upon its own initiative if no such notice is received, the Securities and Exchange Commission may request that the Commodity Futures Trading Commission issue a determination as to whether a product is a contract of sale of a commodity for future delivery, an option on such a contract, or an option on a commodity subject to the Commodity Futures Trading Commission's exclusive jurisdiction under section 2(a)(1)(A) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)(A)).

(C) REQUIREMENT RELATING TO REQUEST.—A request under subparagraph (A) or (B) shall be made by submitting such request, in writing, to the Securities and Exchange Commission or the Commodity Futures Trading Commission, as applicable.

(D) EFFECT.—Nothing in this paragraph shall be construed to prevent—

(i) the Commodity Futures Trading Commission from requesting that the Securities and Exchange Commission grant an exemption pursuant to section 36(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78mm(a)(1)) with

respect to a product that is the subject of a filing under paragraph (1); or

(ii) the Securities and Exchange Commission from requesting that the Commodity Futures Trading Commission grant an exemption pursuant to section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) with respect to a product that is the subject of a filing under paragraph (1),

Provided, however, that nothing in this subparagraph shall be construed to require the Commodity Futures Trading Commission or the Securities and Exchange Commission to issue an exemption requested pursuant to this subparagraph; provided further, That an order granting or denying an exemption described in this subparagraph and issued under paragraph (3)(B) shall not be subject to judicial review pursuant to subsection (b).

(E) WITHDRAWAL OF REQUEST.—A request under subparagraph (A) or (B) may be withdrawn by the Commission making the request at any time prior to a determination being made pursuant to paragraph (3) for any reason by providing written notice to the head of the other Commission.

(3) DETERMINATION.—Notwithstanding any other provision of law, no later than 120 days after the date of receipt of a request—

(A) under subparagraph (A) or (B) of paragraph (2), unless such request has been withdrawn pursuant to paragraph (2)(E), the Securities and Exchange Commission or the Commodity Futures Trading Commission, as applicable, shall, by order, issue the determination requested in subparagraph (A) or (B) of paragraph (2), as applicable, and the reasons therefor; or

(B) under paragraph (2)(D), unless such request has been withdrawn, the Securities and Exchange Commission or the Commodity Futures Trading Commission, as applicable, shall grant an exemption or provide reasons for not granting such exemption, provided that any decision by the Securities and Exchange Commission not to grant such exemption shall not be reviewable under section 25 of the Securities Exchange Act of 1934 (15 U.S.C. 78y).

(b) JUDICIAL RESOLUTION.—

(1) IN GENERAL.—The Commodity Futures Trading Commission or the Securities and Exchange Commission may petition the United States Court of Appeals for the District of Columbia Circuit for review of a final order of the other Commission issued pursuant to subsection (a)(3)(A), with respect to a novel derivative product that may have elements of both securities and contracts of sale of a commodity for future delivery (or options on such contracts or options on commodities) that it believes affects its statutory jurisdiction within 60 days after the date of entry of such order, a written petition requesting a review of the order. Any such proceeding shall be expedited by the Court of Appeals.

(2) TRANSMITTAL OF PETITION AND RECORD.—A copy of a petition described in paragraph (1) shall be transmitted not later than 1 business day after filing by the complaining Commission to the responding Commission. On receipt of the petition, the responding Commission shall file with the court a copy of the order under review and any documents referred to therein, and any other materials prescribed by the court.

(3) STANDARD OF REVIEW.—The court, in considering a petition filed pursuant to paragraph (1), shall give no deference to, or presumption in favor of, the views of either Commission.

(4) JUDICIAL STAY.—The filing of a petition by the complaining Commission pursuant to paragraph (1) shall operate as a stay of the order, until the date on which the determination of the court is final (including any appeal of the determination).

SEC. 719. STUDIES.

(a) STUDY ON EFFECTS OF POSITION LIMITS ON TRADING ON EXCHANGES IN THE UNITED STATES.—

(1) STUDY.—The Commodity Futures Trading Commission, in consultation with each entity that is a designated contract market under the Commodity Exchange Act, shall conduct a study of the effects (if any) of the position limits imposed pursuant to the other provisions of this title on excessive speculation and on the movement of transactions from exchanges in the United States to trading venues outside the United States.

(2) REPORT TO THE CONGRESS.—Within 12 months after the imposition of position limits pursuant to the other provisions of this title, the Commodity Futures Trading Commission, in consultation with each entity that is a designated contract market under the Commodity Exchange Act, shall submit to the Congress a report on the matters described in paragraph (1).

(3) REQUIRED HEARING.—Within 30 legislative days after the submission to the Congress of the report described in paragraph (2), the Committee on Agriculture of the House of Representatives shall hold a hearing examining the findings of the report.

(4) BIENNIAL REPORTING.—In addition to the study required in paragraph (1), the Chairman of the Commodity Futures Trading Commission shall prepare and submit to the Congress biennial reports on the growth or decline of the derivatives markets in the United States and abroad, which shall include assessments of the causes of any such growth or decline, the effectiveness of regulatory regimes in managing systemic risk, a comparison of the costs of compliance at the time of the report for market participants subject to regulation by the United States with the costs of compliance in December 2008 for the market participants, and the quality of the available data. In preparing the report, the Chairman shall solicit the views of, consult with, and address the concerns raised by, market participants, regulators, legislators, and other interested parties.

(b) STUDY ON FEASIBILITY OF REQUIRING USE OF STANDARDIZED ALGORITHMIC DESCRIPTIONS FOR FINANCIAL DERIVATIVES.—

(1) IN GENERAL.—The Securities and Exchange Commission and the Commodity Futures Trading Commission shall conduct a joint study of the feasibility of requiring the derivatives industry to adopt standardized computer-readable algorithmic descriptions which may be used to describe complex and standardized financial derivatives.

(2) GOALS.—The algorithmic descriptions defined in the study shall be designed to facilitate computerized analysis of individual derivative contracts and to calculate net exposures to complex derivatives. The algorithmic descriptions shall be optimized for simultaneous use by—

(A) commercial users and traders of derivatives;

(B) derivative clearing houses, exchanges and electronic trading platforms;

(C) trade repositories and regulator investigations of market activities; and

(D) systemic risk regulators.

The study will also examine the extent to which the algorithmic description, together with standardized and extensible legal definitions, may serve as the binding legal definition of derivative contracts. The study will examine the logistics of possible implementations of standardized algorithmic descriptions for derivatives contracts. The study shall be limited to electronic formats for exchange of derivative contract descriptions and will not contemplate disclosure of proprietary valuation models.

(3) INTERNATIONAL COORDINATION.—In conducting the study, the Securities and Exchange Commission and the Commodity Futures Trading Commission shall coordinate the study with international financial institutions and regulators as appropriate and practical.

(4) REPORT.—Within 8 months after the date of the enactment of this Act, the Securities and Exchange Commission and the Commodity Futures Trading Commission shall jointly submit to the Committees on Agriculture and on Financial Services of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry and on Banking, Housing, and Urban Affairs of the Senate a written report which contains the results of the study required by paragraphs (1) through (3).

(c) INTERNATIONAL SWAP REGULATION.—

(1) IN GENERAL.—The Commodity Futures Trading Commission and the Securities and Exchange Commission shall jointly conduct a study—

(A) relating to—

(i) swap regulation in the United States, Asia, and Europe; and

(ii) clearing house and clearing agency regulation in the United States, Asia, and Europe; and

(B) that identifies areas of regulation that are similar in the United States, Asia and Europe and other areas of regulation that could be harmonized

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Commodity Futures Trading Commission and the Securities and Exchange Commission shall submit to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Agriculture and the Committee on Financial Services of the House of Representatives a report that includes a description of the results of the study under subsection (a), including—

(A) identification of the major exchanges and their regulator in each geographic area for the trading of swaps and security-based swaps including a listing of the major contracts and their trading volumes and notional values as well as identification of the major swap dealers participating in such markets;

(B) identification of the major clearing houses and clearing agencies and their regulator in each geographic area for the clearing of swaps and security-based swaps, including a listing of the major contracts and the clearing volumes and notional values as well as identification of the major clearing members of such clearing houses and clearing agencies in such markets;

(C) a description of the comparative methods of clearing swaps in the United States, Asia, and Europe; and

(D) a description of the various systems used for establishing margin on individual swaps, security-based swaps, and swap portfolios.

(d) STABLE VALUE CONTRACTS.—

(1) DETERMINATION.—

(A) STATUS.—Not later than 15 months after the date of the enactment of this Act, the Securities and Exchange Commission and the Commodity Futures Trading Commission shall, jointly, conduct a study to determine whether stable value contracts fall within the definition of a swap. In making the determination required under this subparagraph, the Commissions jointly shall consult with the Department of Labor, the Department of the Treasury, and the State entities that regulate the issuers of stable value contracts.

(B) REGULATIONS.—If the Commissions determine that stable value contracts fall within the definition of a swap, the Commissions jointly shall determine if an exemption for stable value contracts from the definition of swap is appropriate and in the public interest. The Commissions shall issue regulations implementing the determinations required under this paragraph. Until the effective date of such regulations, and notwithstanding any other provision of this title, the requirements of this title shall not apply to stable value contracts.

(C) LEGAL CERTAINTY.—Stable value contracts in effect prior to the effective date of the regulations described in subparagraph (B) shall not be considered swaps.

(2) DEFINITION.—For purposes of this subsection, the term ''stable value contract'' means any contract, agreement, or transaction that provides a crediting interest rate and guaranty or financial assurance of liquidity at contract or

book value prior to maturity offered by a bank, insurance company, or other State or federally regulated financial institution for the benefit of any individual or commingled fund available as an investment in an employee benefit plan (as defined in section 3(3) of the Employee Retirement Income Security Act of 1974, including plans described in section 3(32) of such Act) subject to participant direction, an eligible deferred compensation plan (as defined in section 457(b) of the Internal Revenue Code of 1986) that is maintained by an eligible employer described in section 457(e)(1)(A) of such Code, an arrangement described in section 403(b) of such Code, or a qualified tuition program (as defined in section 529 of such Code).

SEC. 720. MEMORANDUM.

(a)(1) The Commodity Futures Trading Commission and the Federal Energy Regulatory Commission shall, not later than 180 days after the date of the enactment of this Act, negotiate a memorandum of understanding to establish procedures for—

(A) applying their respective authorities in a manner so as to ensure effective and efficient regulation in the public interest;

(B) resolving conflicts concerning overlapping jurisdiction between the 2 agencies; and

(C) avoiding, to the extent possible, conflicting or duplicative regulation.

(2) Such memorandum and any subsequent amendments to the memorandum shall be promptly submitted to the appropriate committees of Congress.

(b) The Commodity Futures Trading Commission and the Federal Energy Regulatory Commission shall, not later than 180 days after the date of the enactment of this section, negotiate a memorandum of understanding to share information that may be requested where either Commission is conducting an investigation into potential manipulation, fraud, or market power abuse in markets subject to such Commission's regulation or oversight. Shared information shall remain subject to the same restrictions on disclosure applicable to the Commission initially holding the information.

PART II—REGULATION OF SWAP MARKETS

SEC. 721. DEFINITIONS.

(a) IN GENERAL.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (2), (3) and (4), (5) through (17), (18) through (23), (24) through (28), (29), (30), (31) through (33), and (34) as paragraphs (6), (8) and (9), (11) through (23), (26) through (31), (34) through (38), (40), (41), (44) through (46), and (51), respectively;

(2) by inserting after paragraph (1) the following:

''(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency'—

''(A) has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

''(B) means the Board in the case of a noninsured State bank; and

''(C) is the Farm Credit Administration for farm credit system institutions.

''(3) ASSOCIATED PERSON OF A SECURITY-BASED SWAP DEALER OR MAJOR SECURITY-BASED SWAP PARTICIPANT.—The term 'associated person of a security-based swap dealer or major security-based swap participant' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

''(4) ASSOCIATED PERSON OF A SWAP DEALER OR MAJOR SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'associated person of a swap dealer or major swap participant' means a person who is associated with a swap dealer or major swap participant as a partner, officer, employee, or agent (or any person occupying a similar status or performing similar functions), in any capacity that involves—

''(i) the solicitation or acceptance of swaps; or

''(ii) the supervision of any person or persons so engaged.

''(B) EXCLUSION.—Other than for purposes of section 4s(b)(6), the term 'associated person of a swap dealer or major swap participant' does not include any person associated with a swap dealer or major swap participant the functions of which are solely clerical or ministerial.

''(5) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.'';

(3) by inserting after paragraph (6) (as redesignated by paragraph (1)) the following:

''(7) CLEARED SWAP.—The term 'cleared swap' means any swap that is, directly or indirectly, submitted to and cleared by a derivatives clearing organization registered with the Commission.'';

(4) in paragraph (9) (as redesignated by paragraph (1)), by striking ''except onions'' and all that follows through the period at the end and inserting the following: ''except onions (as provided by the first section of Public Law 85–839 (7 U.S.C. 13–1)) and motion picture box office receipts (or any index, measure, value, or data related to such receipts), and all services, rights, and interests (except motion picture box office receipts, or any index, measure, value or data related to such receipts) in which contracts for future delivery are presently or in the future dealt in.'';

(5) by inserting after paragraph (9) (as redesignated by paragraph (1)) the following:

''(10) COMMODITY POOL.—

''(A) IN GENERAL.—The term 'commodity pool' means any investment trust, syndicate, or similar form of enterprise operated for the purpose of trading in commodity interests, including any—

''(i) commodity for future delivery, security futures product, or swap;

''(ii) agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

''(iii) commodity option authorized under section 4c; or

''(iv) leverage transaction authorized under section 19.

''(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term 'commodity pool' any investment trust, syndicate, or similar form of enterprise if the Commission determines that the rule or regulation will effectuate the purposes of this Act.'';

(6) by striking paragraph (11) (as redesignated by paragraph (1)) and inserting the following:

''(11) COMMODITY POOL OPERATOR.—

''(A) IN GENERAL.—The term 'commodity pool operator' means any person—

''(i) engaged in a business that is of the nature of a commodity pool, investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities, or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in commodity interests, including any—

''(I) commodity for future delivery, security futures product, or swap;

''(II) agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

''(III) commodity option authorized under section 4c; or

''(IV) leverage transaction authorized under section 19; or

''(ii) who is registered with the Commission as a commodity pool operator.

''(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term 'commodity pool operator' any person engaged in a business that is of the nature of a commodity pool, investment trust, syndicate, or similar form of enterprise if the Commission determines that the rule or regulation will effectuate the purposes of this Act.'';

(7) in paragraph (12) (as redesignated by paragraph (1)), in subparagraph (A)—

(A) in clause (i)—

(i) in subclause (I), by striking ''made or to be made on or subject to the rules of a contract market or derivatives transaction execution facility'' and inserting '', security futures product, or swap'';

(ii) by redesignating subclauses (II) and (III) as subclauses (III) and (IV);

(iii) by inserting after subclause (I) the following:

''(II) any agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i)''; and

(iv) in subclause (IV) (as so redesignated), by striking ''or'';

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(iii) is registered with the Commission as a commodity trading advisor; or

''(iv) the Commission, by rule or regulation, may include if the Commission determines that the rule or regulation will effectuate the purposes of this Act.'';

(8) in paragraph (17) (as redesignated by paragraph (1)), in subparagraph (A), in the matter preceding clause (i), by striking ''paragraph (12)(A)'' and inserting ''paragraph (18)(A)'';

(9) in paragraph (18) (as redesignated by paragraph (1))—

(A) in subparagraph (A)—

(i) in the matter following clause (vii)(III)—

(I) by striking ''section 1a (11)(A)'' and inserting ''paragraph (17)(A)''; and

(II) by striking ''$25,000,000'' and inserting ''$50,000,000''; and

(ii) in clause (xi), in the matter preceding subclause (I), by striking ''total assets in an amount'' and inserting ''amounts invested on a discretionary basis, the aggregate of which is'';

(10) by striking paragraph (22) (as redesignated by paragraph (1)) and inserting the following:

''(22) FLOOR BROKER.—

''(A) IN GENERAL.—The term 'floor broker' means any person—

''(i) who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, shall purchase or sell for any other person—

''(I) any commodity for future delivery, security futures product, or swap; or

''(II) any commodity option authorized under section 4c; or

''(ii) who is registered with the Commission as a floor broker.

''(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term 'floor broker' any person in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged who trades for any other person if the Commission determines that the rule or regulation will effectuate the purposes of this Act.'';

(11) by striking paragraph (23) (as redesignated by paragraph (1)) and inserting the following:

''(23) FLOOR TRADER.—

''(A) IN GENERAL.—The term 'floor trader' means any person—

''(i) who, in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged, purchases, or sells solely for such person's own account—

''(I) any commodity for future delivery, security futures product, or swap; or

''(II) any commodity option authorized under section 4c; or

''(ii) who is registered with the Commission as a floor trader.

''(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term 'floor trader' any person in or surrounding any pit, ring, post, or other place provided by a contract market for the meeting of persons similarly engaged who trades solely for such person's own account if the Commission determines that the rule or regulation will effectuate the purposes of this Act.'';

(12) by inserting after paragraph (23) (as redesignated by paragraph (1)) the following:

''(24) FOREIGN EXCHANGE FORWARD.—The term 'foreign exchange forward' means a transaction that solely involves the exchange of 2 different currencies on a specific future date at a fixed rate agreed upon on the inception of the contract covering the exchange.

''(25) FOREIGN EXCHANGE SWAP.—The term 'foreign exchange swap' means a transaction that solely involves—

''(A) an exchange of 2 different currencies on a specific date at a fixed rate that is agreed upon on the inception of the contract covering the exchange; and

''(B) a reverse exchange of the 2 currencies described in subparagraph (A) at a later date and at a fixed rate that is agreed upon on the inception of the contract covering the exchange.'';

(13) by striking paragraph (28) (as redesignated by paragraph (1)) and inserting the following:

''(28) FUTURES COMMISSION MERCHANT.—

''(A) IN GENERAL.—The term 'futures commission merchant' means an individual, association, partnership, corporation, or trust—

''(i) that—

''(I) is—

''(aa) engaged in soliciting or in accepting orders for—

''(AA) the purchase or sale of a commodity for future delivery;

''(BB) a security futures product;

''(CC) a swap;

''(DD) any agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

''(EE) any commodity option authorized under section 4c; or

''(FF) any leverage transaction authorized under section 19; or

''(bb) acting as a counterparty in any agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i); and

''(II) in or in connection with the activities described in items (aa) or (bb) of subclause (I), accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom; or

''(ii) that is registered with the Commission as a futures commission merchant.

''(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term 'futures commission merchant' any person who engages in soliciting or accepting orders for, or acting as a counterparty in, any agreement, contract, or transaction subject to this Act, and who accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom, if the Commission determines that the rule or regulation will effectuate the purposes of this Act.'';

(14) in paragraph (30) (as redesignated by paragraph (1)), in subparagraph (B), by striking ''state'' and inserting ''State'';

(15) by striking paragraph (31) (as redesignated by paragraph (1)) and inserting the following:

''(31) INTRODUCING BROKER.—

''(A) IN GENERAL.—The term 'introducing broker' means any person (except an individual who elects to be and is registered as an associated person of a futures commission merchant)—

''(i) who—

''(I) is engaged in soliciting or in accepting orders for—

''(aa) the purchase or sale of any commodity for future delivery, security futures product, or swap;

''(bb) any agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

''(cc) any commodity option authorized under section 4c; or

''(dd) any leverage transaction authorized under section 19; and

''(II) does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom; or

''(ii) who is registered with the Commission as an introducing broker.

''(B) FURTHER DEFINITION.—The Commission, by rule or regulation, may include within, or exclude from, the term 'introducing broker' any person who engages in soliciting or accepting orders for any agreement, contract, or transaction subject to this Act, and who does not accept any money, securities, or property (or extend credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom, if the Commission determines that the rule or regulation will effectuate the purposes of this Act.'';

(16) by inserting after paragraph (31) (as redesignated by paragraph (1)) the following:

''(32) MAJOR SECURITY-BASED SWAP PARTICIPANT.—The term 'major security-based swap participant' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

''(33) MAJOR SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'major swap participant' means any person who is not a swap dealer, and—

''(i) maintains a substantial position in swaps for any of the major swap categories as determined by the Commission, excluding—

''(I) positions held for hedging or mitigating commercial risk; and

''(II) positions maintained by any employee benefit plan (or any contract held by such a plan) as defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) for the primary purpose of hedging or mitigating any risk directly associated with the operation of the plan;

''(ii) whose outstanding swaps create substantial counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets; or

''(iii)(I) is a financial entity that is highly leveraged relative to the amount of capital it holds and that is not subject to capital requirements established by an appropriate Federal banking agency; and

''(II) maintains a substantial position in outstanding swaps in any major swap category as determined by the Commission.

''(B) DEFINITION OF SUBSTANTIAL POSITION.—For purposes of subparagraph (A), the Commission shall define by rule or regulation the term 'substantial position' at the threshold that the Commission determines to be prudent for the effective monitoring, management, and oversight of entities that are systemically important or can significantly impact the financial system of the United States. In setting the definition under this subparagraph, the Commission shall consider the person's relative position in uncleared as opposed to cleared swaps and may take into consideration the value and quality of collateral held against counterparty exposures.

''(C) SCOPE OF DESIGNATION.—For purposes of subparagraph (A), a person may be designated as a major swap participant for 1 or more categories of swaps without being classified as a major swap participant for all classes of swaps.

''(D) EXCLUSIONS.—The definition under this paragraph shall not include an entity whose primary business is providing financing, and uses derivatives for the purpose of hedging underlying commercial risks related to interest rate and foreign currency exposures, 90 percent or more of which arise from financing that facilitates the purchase or lease of products, 90 percent or more of which are manufactured by the parent company or another subsidiary of the parent company.'';

(17) by inserting after paragraph (38) (as redesignated by paragraph (1)) the following:

''(39) PRUDENTIAL REGULATOR.—The term 'prudential regulator' means—

''(A) the Board in the case of a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant that is—

''(i) a State-chartered bank that is a member of the Federal Reserve System;

''(ii) a State-chartered branch or agency of a foreign bank;

''(iii) any foreign bank which does not operate an insured branch;

''(iv) any organization operating under section 25A of the Federal Reserve Act or having an agreement with the Board under section 225 of the Federal Reserve Act;

''(v) any bank holding company (as defined in section 2 of the Bank Holding Company Act of 1965 (12 U.S.C. 1841)), any foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(b)(7)) that is treated as a bank holding company under section 8(a) of the International Banking Act of 1978 (12 U.S.C. 3106(a)), and any subsidiary of such a company or foreign bank (other than a subsidiary that is described in subparagraph (A) or (B) or that is required to be registered with the Commission as a swap dealer or major swap participant under this Act or with the Securities and Exchange Commission as a security-based swap dealer or major security-based swap participant);

''(vi) after the transfer date (as defined in section 311 of the Dodd-Frank Wall Street Reform and Consumer Protection Act), any savings and loan holding company (as defined in section 10 of the Home Owners' Loan Act (12 U.S.C. 1467a)) and any subsidiary of such company (other than a subsidiary that is described in subparagraph (A) or (B) or that is required to be registered as a swap dealer or major swap participant with the Commission under this Act or with the Securities and Exchange Commission as a security-based swap dealer or major security-based swap participant); or

''(vii) any organization operating under section 25A of the Federal Reserve Act (12U.S.C. 611 et seq.) or having an agreement with the Board under section 25 of the Federal Reserve Act (12 U.S.C. 601 et seq.);

''(B) the Office of the Comptroller of the Currency in the case of a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant that is—

''(i) a national bank;

''(ii) a federally chartered branch or agency of a foreign bank; or

''(iii) any Federal savings association;

''(C) the Federal Deposit Insurance Corporation in the case of a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant that is—

''(i) a State-chartered bank that is not a member of the Federal Reserve System; or

''(ii) any State savings association;

''(D) the Farm Credit Administration, in the case of a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant that is an institution chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); and

''(E) the Federal Housing Finance Agency in the case of a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant that is a regulated entity (as such term is defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992).'';

(18) in paragraph (40) (as redesignated by paragraph (1))—

(A) by striking subparagraph (B);

(B) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (F), respectively;

(C) in subparagraph (C) (as so redesignated), by striking ''and''; and

(D) by inserting after subparagraph (C) (as so redesignated) the following:

''(D) a swap execution facility registered under section 5h;

''(E) a swap data repository registered under section 21; and'';

(19) by inserting after paragraph (41) (as redesignated by paragraph (1)) the following:

''(42) SECURITY-BASED SWAP.—The term 'security-based swap' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

''(43) SECURITY-BASED SWAP DEALER.—The term 'security-based swap dealer' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).'';

(20) in paragraph (46) (as redesignated by paragraph (1)), by striking ''subject to section 2(h)(7)'' and inserting ''subject to section 2(h)(5)'';

(21) by inserting after paragraph (46) (as redesignated by paragraph (1)) the following:

''(47) SWAP.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'swap' means any agreement, contract, or transaction—

''(i) that is a put, call, cap, floor, collar, or similar option of any kind that is for the purchase or sale, or based on the value, of 1 or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind;

''(ii) that provides for any purchase, sale, payment, or delivery (other than a dividend on an equity security) that is dependent on the occurrence, nonoccurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence;

''(iii) that provides on an executory basis for the exchange, on a fixed or contingent basis, of 1 or more payments based on the value or level of 1 or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind, or any interest therein or based on the value thereof, and that transfers, as between the parties to the transaction, in whole or in part, the financial risk associated with a future change in any such value or level without also conveying a current or future direct or indirect ownership interest in an asset (including any enterprise or investment pool) or liability that incorporates the financial risk so transferred, including any agreement, contract, or transaction commonly known as—

''(I) an interest rate swap;

''(II) a rate floor;

''(III) a rate cap;

''(IV) a rate collar;

''(V) a cross-currency rate swap;

''(VI) a basis swap;

''(VII) a currency swap;

''(VIII) a foreign exchange swap;

''(IX) a total return swap;

''(X) an equity index swap;

''(XI) an equity swap;

''(XII) a debt index swap;

''(XIII) a debt swap;

''(XIV) a credit spread;

''(XV) a credit default swap;

''(XVI) a credit swap;

''(XVII) a weather swap;

''(XVIII) an energy swap;

''(XIX) a metal swap;

''(XX) an agricultural swap;

''(XXI) an emissions swap; and

''(XXII) a commodity swap;

''(iv) that is an agreement, contract, or transaction that is, or in the future becomes, commonly known to the trade as a swap;

''(v) including any security-based swap agreement which meets the definition of 'swap agreement' as defined in section 206A of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note) of which a material term is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein; or

''(vi) that is any combination or permutation of, or option on, any agreement, contract, or transaction described in any of clauses (i) through (v).

''(B) EXCLUSIONS.—The term 'swap' does not include—

''(i) any contract of sale of a commodity for future delivery (or option on such a contract), leverage contract authorized under section 19, security futures product, or agreement, contract, or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i);

''(ii) any sale of a nonfinancial commodity or security for deferred shipment or delivery, so long as the transaction is intended to be physically settled;

''(iii) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof, that is subject to—

''(I) the Securities Act of 1933 (15 U.S.C. 77a et seq.); and

''(II) the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

''(iv) any put, call, straddle, option, or privilege relating to a foreign currency entered into on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a));

''(v) any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities on a fixed basis that is subject to—

''(I) the Securities Act of 1933 (15 U.S.C. 77a et seq.); and

''(II) the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

''(vi) any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities on a contingent basis that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), unless the agreement, contract, or transaction predicates the purchase or sale on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to the agreement, contract, or transaction;

''(vii) any note, bond, or evidence of indebtedness that is a security, as defined in section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1));

''(viii) any agreement, contract, or transaction that is—

''(I) based on a security; and

''(II) entered into directly or through an underwriter (as defined in section 2(a)(11) of the Securities Act of 1933 (15 U.S.C. 77b(a)(11)) by the issuer of such security for the purposes of raising capital, unless the agreement, contract, or transaction is entered into to manage a risk associated with capital raising;

''(ix) any agreement, contract, or transaction a counterparty of which is a Federal Reserve bank, the Federal Government, or a Federal agency that is expressly backed by the full faith and credit of the United States; and

''(x) any security-based swap, other than a security-based swap as described in subparagraph (D).

''(C) RULE OF CONSTRUCTION REGARDING MASTER AGREEMENTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'swap' includes a master agreement that provides for an agreement, contract, or transaction that is a swap under subparagraph (A), together with each supplement to any master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a swap pursuant to subparagraph (A).

''(ii) EXCEPTION.—For purposes of clause (i), the master agreement shall be considered to be a swap only with respect to each agreement, contract, or transaction covered by the master agreement that is a swap pursuant to subparagraph (A).

''(D) MIXED SWAP.—The term 'security-based swap' includes any agreement, contract, or transaction that is as described in section 3(a)(68)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(68)(A)) and also is based on the value of 1 or more interest or other rates, currencies, commodities, instruments of indebtedness, indices, quantitative measures, other financial or economic interest or property of any kind (other than a single security or a narrow-based security index), or the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence (other than an event described in subparagraph (A)(iii)).

''(E) TREATMENT OF FOREIGN EXCHANGE SWAPS AND FORWARDS.—

''(i) IN GENERAL.—Foreign exchange swaps and foreign exchange forwards shall be considered swaps under this paragraph unless the Secretary makes a written determination under section 1b that either foreign exchange swaps or foreign exchange forwards or both—

''(I) should be not be regulated as swaps under this Act; and

''(II) are not structured to evade the Dodd-Frank Wall Street Reform and Consumer Protection Act in violation of any rule promulgated by the Commission pursuant to section 721(c) of that Act.

''(ii) CONGRESSIONAL NOTICE; EFFECTIVENESS.—The Secretary shall submit any written determination under clause (i) to the appropriate committees of Congress, including the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. Any such written determination by the Secretary shall not be effective until it is submitted to the appropriate committees of Congress.

''(iii) REPORTING.—Notwithstanding a written determination by the Secretary under clause (i), all foreign exchange swaps and foreign exchange forwards shall be reported to either a swap data repository, or, if there is no swap data repository that would accept such swaps or forwards, to the Commission pursuant to section 4r within such time period as the Commission may by rule or regulation prescribe.

''(iv) BUSINESS STANDARDS.—Notwithstanding a written determination by the Secretary pursuant to clause (i), any party to a foreign exchange swap or forward that is a swap dealer or major swap participant shall conform to the business conduct standards contained in section 4s(h).

''(v) SECRETARY.—For purposes of this subparagraph, the term 'Secretary' means the Secretary of the Treasury.

''(F) EXCEPTION FOR CERTAIN FOREIGN EXCHANGE SWAPS AND FORWARDS.—

''(i) REGISTERED ENTITIES.—Any foreign exchange swap and any foreign exchange forward that is listed and traded on or subject to the rules of a designated contract market or a swap execution facility, or that is cleared by a derivatives clearing organization, shall not be exempt from any provision of this Act or amendments made by the Wall Street Transparency and Accountability Act of 2010 prohibiting fraud or manipulation.

''(ii) RETAIL TRANSACTIONS.—Nothing in subparagraph (E) shall affect, or be construed to affect, the applicability of this Act or the jurisdiction of the Commission with respect to agreements, contracts, or transactions in foreign currency pursuant to section 2(c)(2).

''(48) SWAP DATA REPOSITORY.—The term 'swap data repository' means any person that collects and maintains information or records with respect to transactions or positions in, or the terms and conditions of, swaps entered into by third parties for the purpose of providing a centralized recordkeeping facility for swaps.

''(49) SWAP DEALER.—

''(A) IN GENERAL.—The term 'swap dealer' means any person who—

''(i) holds itself out as a dealer in swaps;

''(ii) makes a market in swaps;

''(iii) regularly enters into swaps with counterparties as an ordinary course of business for its own account; or

''(iv) engages in any activity causing the person to be commonly known in the trade as a dealer or market maker in swaps,

provided however, in no event shall an insured depository institution be considered to be a swap dealer to the extent it offers to enter into a swap with a customer in connection with originating a loan with that customer.

''(B) INCLUSION.—A person may be designated as a swap dealer for a single type or single class or category of swap or activities and considered not to be a swap dealer for other types, classes, or categories of swaps or activities.

''(C) EXCEPTION.—The term 'swap dealer' does not include a person that enters into swaps for such person's own account, either individually or in a fiduciary capacity, but not as a part of a regular business.

''(D) DE MINIMIS EXCEPTION.—The Commission shall exempt from designation as a swap dealer an entity that engages in a de minimis quantity of swap dealing in connection with transactions with or on behalf of its customers. The Commission shall promulgate regulations to establish factors with respect to the making of this determination to exempt.

''(50) SWAP EXECUTION FACILITY.—The term 'swap execution facility' means a trading system or platform in which multiple participants have the ability to execute or trade swaps by accepting bids and offers made by multiple participants in the facility or system, through any means of interstate commerce, including any trading facility, that—

''(A) facilitates the execution of swaps between persons; and

''(B) is not a designated contract market.''.

(22) in paragraph (51) (as redesignated by paragraph (1)), in subparagraph (A)(i), by striking ''partipants'' and inserting ''participants''.

(b) AUTHORITY TO DEFINE TERMS.—The Commodity Futures Trading Commission may adopt a rule to define—

(1) the term ''commercial risk''; and

(2) any other term included in an amendment to the Commodity Exchange Act (7 U.S.C. 1 et seq.) made by this subtitle.

(c) MODIFICATION OF DEFINITIONS.—To include transactions and entities that have been structured to evade this subtitle (or an amendment made by this subtitle), the Commodity Futures Trading Commission shall adopt a rule to further define the terms ''swap'', ''swap dealer'', ''major swap participant'', and ''eligible contract participant''.

(d) EXEMPTIONS.—Section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) is amended by striking ''except that'' and all that follows through the period at the end and inserting the following: ''except that—

''(A) unless the Commission is expressly authorized by any provision described in this subparagraph to grant exemptions, with respect to amendments made by subtitle A of the Wall Street Transparency and Accountability Act of 2010—

''(i) with respect to—

''(I) paragraphs (2), (3), (4), (5), and (7), paragraph (18)(A)(vii)(III), paragraphs (23), (24), (31), (32), (38), (39), (41), (42), (46), (47), (48), and (49) of section 1a, and sections 2(a)(13), 2(c)(1)(D), 4a(a), 4a(b), 4d(c), 4d(d), 4r, 4s, 5b(a), 5b(b), 5(d), 5(g), 5(h), 5b(c), 5b(i), 8e, and 21; and

''(II) section 206(e) of the Gramm-Leach-Bliley Act (Public Law 106–102; 15 U.S.C. 78c note); and

''(ii) in sections 721(c) and 742 of the Dodd-Frank Wall Street Reform and Consumer Protection Act; and

''(B) the Commission and the Securities and Exchange Commission may by rule, regulation, or order jointly exclude any agreement, contract, or transaction from section 2(a)(1)(D)) if the Commissions determine that the exemption would be consistent with the public interest.''.

(e) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)) is amended—

(A) in item (cc)—

(i) in subitem (AA), by striking ''section 1a(20)'' and inserting ''section 1a''; and

(ii) in subitem (BB), by striking ''section 1a(20)'' and inserting ''section 1a''; and

(B) in item (dd), by striking ''section 1a(12)(A)(ii)'' and inserting ''section 1a(18)(A)(ii)''.

(2) Section 4m(3) of the Commodity Exchange Act (7 U.S.C. 6m(3)) is amended by striking ''section 1a(6)'' and inserting ''section 1a''.

(3) Section 4q(a)(1) of the Commodity Exchange Act (7 U.S.C. 6o–1(a)(1)) is amended by striking ''section 1a(4)'' and inserting ''section 1a(9)''.

(4) Section 5(e)(1) of the Commodity Exchange Act (7 U.S.C. 7(e)(1)) is amended by striking ''section 1a(4)'' and inserting ''section 1a(9)''.

(5) Section 5a(b)(2)(F) of the Commodity Exchange Act (7 U.S.C. 7a(b)(2)(F)) is amended by striking ''section 1a(4)'' and inserting ''section 1a(9)''.

(6) Section 5b(a) of the Commodity Exchange Act (7 U.S.C. 7a–1(a)) is amended, in the matter preceding paragraph (1), by striking ''section 1a(9)'' and inserting ''section 1a''.

(7) Section 5c(c)(2)(B) of the Commodity Exchange Act (7 U.S.C. 7a–2(c)(2)(B)) is amended by striking ''section 1a(4)'' and inserting ''section 1a(9)''.

(8) Section 6(g)(5)(B)(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(g)(5)(B)(i)) is amended—

(A) in subclause (I), by striking ''section 1a(12)(B)(ii)'' and inserting ''section 1a(18)(B)(ii)''; and

(B) in subclause (II), by striking ''section 1a(12)'' and inserting ''section 1a(18)''.

(9) Section 402 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27 et seq.) is amended—

(A) in subsection (a)(7), by striking ''section 1a(20)'' and inserting ''section 1a'';

(B) in subsection (b)(2), by striking ''section 1a(12)'' and inserting ''section 1a''; and

(C) in subsection (c), by striking ''section 1a(4)'' and inserting ''section 1a''.

(10) The first section of Public Law 85–839 (7 U.S.C. 13–1) is amended in subsection (a), in the first sentence, by inserting ''motion picture box office receipts (or any index, measure, value, or data related to such receipts) or'' after ''sale of''.

(f) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, the amendments made by subsection (a)(4) shall take effect on June 1, 2010.

SEC. 722. JURISDICTION.

(a) EXCLUSIVE JURISDICTION.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended—

(1) in subparagraph (A), in the first sentence—

(A) by inserting ''the Wall Street Transparency and Accountability Act of 2010 (including an amendment made by that Act) and'' after ''otherwise provided in'';

(B) by striking ''(C) and (D)'' and inserting ''(C), (D), and (I)'';

(C) by striking ''(c) through (i) of this section'' and inserting ''(c) and (f)'';

(D) by striking ''contracts of sale'' and inserting ''swaps or contracts of sale''; and

(E) by striking ''or derivatives transaction execution facility registered pursuant to section 5 or 5a'' and inserting ''pursuant to section 5 or a swap execution facility pursuant to section 5h''; and

(2) by adding at the end the following:

''(G)(i) Nothing in this paragraph shall limit the jurisdiction conferred on the Securities and Exchange Commission by the Wall Street Transparency and Accountability Act of 2010 with regard to security-based swap agreements as defined pursuant to section 3(a)(78) of the Securities Exchange Act of 1934, and security-based swaps.

''(ii) In addition to the authority of the Securities and Exchange Commission described in clause (i), nothing in this subparagraph shall limit or affect any statutory authority of the Commission with respect to an agreement, contract, or transaction described in clause (i).

''(H) Notwithstanding any other provision of law, the Wall Street Transparency and Accountability Act of 2010 shall not apply to, and the Commodity Futures Trading Commission shall have no jurisdiction under such Act (or any amendments to the Commodity Exchange Act made by such Act) with respect to, any security other than a security-based swap.''.

(b) REGULATION OF SWAPS UNDER FEDERAL AND STATE LAW.—Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended by adding at the end the following:

''(h) REGULATION OF SWAPS AS INSURANCE UNDER STATE LAW.—A swap—

''(1) shall not be considered to be insurance; and

''(2) may not be regulated as an insurance contract under the law of any State.''.

(c) AGREEMENTS, CONTRACTS, AND TRANSACTIONS TRADED ON AN ORGANIZED EXCHANGE.—Section 2(c)(2)(A) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(A)) is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following: ''(ii) a swap; or''.

(d) APPLICABILITY.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) (as amended by section 723(a)(3)) is amended by adding at the end the following:

''(i) APPLICABILITY.—The provisions of this Act relating to swaps that were enacted by the Wall Street Transparency and Accountability Act of 2010 (including any rule prescribed or regulation promulgated under that Act), shall not apply to activities outside the United States unless those activities—

''(1) have a direct and significant connection with activities in, or effect on, commerce of the United States; or

''(2) contravene such rules or regulations as the Commission may prescribe or promulgate as are necessary or appropriate to prevent the evasion of any provision of this Act that was enacted by the Wall Street Transparency and Accountability Act of 2010.''.

(e) FEDERAL ENERGY REGULATORY COMMISSION.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended by adding at the end the following:

''(I)(i) Nothing in this Act shall limit or affect any statutory authority of the Federal Energy Regulatory Commission or a State regulatory authority (as defined in section 3(21) of the Federal Power Act (16 U.S.C. 796(21)) with respect to an agreement, contract, or transaction that is entered into pursuant to a tariff or rate schedule approved by the Federal Energy Regulatory Commission or a State regulatory authority and is—

''(I) not executed, traded, or cleared on a registered entity or trading facility; or

''(II) executed, traded, or cleared on a registered entity or trading facility owned or operated by a regional transmission organization or independent system operator.

''(ii) In addition to the authority of the Federal Energy Regulatory Commission or a State regulatory authority described in clause (i), nothing in this subparagraph shall limit or affect—

''(I) any statutory authority of the Commission with respect to an agreement, contract, or transaction described in clause (i); or

''(II) the jurisdiction of the Commission under subparagraph (A) with respect to an agreement, contract, or transaction that is executed, traded, or cleared on a registered entity or trading facility that is not owned or operated by a regional transmission organization or independent system operator (as defined by sections 3(27) and (28) of the Federal Power Act (16 U.S.C. 796(27), 796(28)).''.

(f) PUBLIC INTEREST WAIVER.—Section 4(c) of the Commodity Exchange Act (7 U.S.C. 6(c)) (as amended by section 721(d)) is amended by adding at the end the following:

''(6) If the Commission determines that the exemption would be consistent with the public interest and the purposes of this Act, the Commission shall, in accordance with paragraphs (1) and (2), exempt from the requirements of this Act an agreement, contract, or transaction that is entered into—

''(A) pursuant to a tariff or rate schedule approved or permitted to take effect by the Federal Energy Regulatory Commission;

''(B) pursuant to a tariff or rate schedule establishing rates or charges for, or protocols governing, the sale of electric energy approved or permitted to take effect by the regulatory authority of the State or municipality having jurisdiction to regulate rates and charges for the sale of electric energy within the State or municipality; or

''(C) between entities described in section 201(f) of the Federal Power Act (16 U.S.C. 824(f)).''.

(g) AUTHORITY OF FERC.—Nothing in the Wall Street Transparency and Accountability Act of 2010 or the amendments to the Commodity Exchange Act made by such Act shall limit or affect any statutory enforcement authority of the Federal Energy Regulatory Commission pursuant to section 222 of the Federal Power Act and section 4A of the Natural Gas Act that existed prior to the date of enactment of the Wall Street Transparency and Accountability Act of 2010.

(h) DETERMINATION.—The Commodity Exchange Act is amended by inserting after section 1a (7 U.S.C. 1a) the following:

''SEC. 1b. REQUIREMENTS OF SECRETARY OF THE TREASURY REGARDING EXEMPTION OF FOREIGN EXCHANGE SWAPS AND FOREIGN EXCHANGE FORWARDS FROM DEFINITION OF THE TERM 'SWAP'.

''(a) REQUIRED CONSIDERATIONS.—In determining whether to exempt foreign exchange swaps and foreign exchange forwards from the definition of the term 'swap', the Secretary of the Treasury (referred to in this section as the 'Secretary') shall consider—

''(1) whether the required trading and clearing of foreign exchange swaps and foreign exchange forwards would create systemic risk, lower transparency, or threaten the financial stability of the United States;

''(2) whether foreign exchange swaps and foreign exchange forwards are already subject to a regulatory scheme that is materially comparable to that established by this Act for other classes of swaps;

''(3) the extent to which bank regulators of participants in the foreign exchange market provide adequate supervision, including capital and margin requirements;

''(4) the extent of adequate payment and settlement systems; and

''(5) the use of a potential exemption of foreign exchange swaps and foreign exchange forwards to evade otherwise applicable regulatory requirements.

''(b) DETERMINATION.—If the Secretary makes a determination to exempt foreign exchange swaps and foreign exchange forwards from the definition of the term 'swap', the Secretary shall submit to the appropriate committees of Congress a determination that contains—

''(1) an explanation regarding why foreign exchange swaps and foreign exchange forwards are qualitatively different from other classes of swaps in a way that would make the foreign exchange swaps and foreign exchange forwards ill-suited for regulation as swaps; and

''(2) an identification of the objective differences of foreign exchange swaps and foreign exchange forwards with respect to standard swaps that warrant an exempted status.

''(c) EFFECT OF DETERMINATION.—A determination by the Secretary under subsection (b) shall not exempt any foreign exchange swaps and foreign exchange forwards traded on a designated contract market or swap execution facility from any applicable antifraud and antimanipulation provision under this title.''.

SEC. 723. CLEARING.

(a) CLEARING REQUIREMENT.—

(1) IN GENERAL.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(A) by striking subsections (d), (e), (g), and (h); and

(B) by redesignating subsection (i) as subsection (g).

(2) SWAPS; LIMITATION ON PARTICIPATION.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) (as amended by paragraph (1)) is amended by inserting after subsection (c) the following:

''(d) SWAPS.—Nothing in this Act (other than subparagraphs (A), (B), (C), (D), (G), and (H) of subsection (a)(1), subsections (f) and (g), sections 1a, 2(a)(13), 2(c)(2)(A)(ii), 2(e), 2(h), 4(c), 4a, 4b, and 4b–1, subsections (a), (b), and (g) of section 4c, sections 4d, 4e, 4f, 4g, 4h, 4i, 4j, 4k, 4l, 4m, 4n, 4o, 4p, 4r, 4s, 4t, 5, 5b, 5c, 5e, and 5h, subsections (c) and (d) of section 6, sections 6c, 6d, 8, 8a, and 9, subsections (e)(2), (f), and (h) of section 12, subsections (a) and (b) of section 13, sections 17, 20, 21, and 22(a)(4), and any other provision of this Act that is applicable to registered entities or Commission registrants) governs or applies to a swap.

''(e) LIMITATION ON PARTICIPATION.—It shall be unlawful for any person, other than an eligible contract participant, to enter into a swap unless the swap is entered into on, or subject to the rules of, a board of trade designated as a contract market under section 5.''.

(3) MANDATORY CLEARING OF SWAPS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by inserting after subsection (g) (as redesignated by paragraph (1)(B)) the following:

''(h) CLEARING REQUIREMENT.—

''(1) IN GENERAL.—

''(A) STANDARD FOR CLEARING.—It shall be unlawful for any person to engage in a swap unless that person submits such swap for clearing to a derivatives clearing organization that is registered under this Act or a derivatives clearing organization that is exempt from registration under this Act if the swap is required to be cleared.

''(B) OPEN ACCESS.—The rules of a derivatives clearing organization described in subparagraph (A) shall—

''(i) prescribe that all swaps (but not contracts of sale of a commodity for future delivery or options on such contracts) submitted to the derivatives clearing organization with the same terms and conditions are economically equivalent within the derivatives clearing organization and may be offset with each other within the derivatives clearing organization; and

''(ii) provide for non-discriminatory clearing of a swap (but not a contract of sale of a commodity for future delivery or option on such contract) executed bilaterally or on or through the rules of an unaffiliated designated contract market or swap execution facility.

''(2) COMMISSION REVIEW.—

''(A) COMMISSION-INITIATED REVIEW.—

''(i) The Commission on an ongoing basis shall review each swap, or any group, category, type, or class of swaps to make a determination as to whether the swap or group, category, type, or class of swaps should be required to be cleared.

''(ii) The Commission shall provide at least a 30-day public comment period regarding any determination made under clause (i).

''(B) SWAP SUBMISSIONS.—

''(i) A derivatives clearing organization shall submit to the Commission each swap, or any group, category, type, or class of swaps that it plans to accept for clearing, and provide notice to its members (in a manner to be determined by the Commission) of the submission.

''(ii) Any swap or group, category, type, or class of swaps listed for clearing by a derivative clearing organization as of the date of enactment of this subsection shall be considered submitted to the Commission.

''(iii) The Commission shall—

''(I) make available to the public submissions received under clauses (i) and (ii);

''(II) review each submission made under clauses (i) and (ii), and determine whether the swap, or group, category, type, or class of swaps described in the submission is required to be cleared; and

''(III) provide at least a 30-day public comment period regarding its determination as to whether the clearing requirement under paragraph (1)(A) shall apply to the submission.

''(C) DEADLINE.—The Commission shall make its determination under subparagraph (B)(iii) not later than 90 days after receiving a submission made under subparagraphs (B)(i) and (B)(ii), unless the submitting derivatives clearing organization agrees to an extension for the time limitation established under this subparagraph.

''(D) DETERMINATION.—

''(i) In reviewing a submission made under subparagraph (B), the Commission shall review whether the submission is consistent with section 5b(c)(2).

''(ii) In reviewing a swap, group of swaps, or class of swaps pursuant to subparagraph (A) or a submission made under subparagraph (B), the Commission shall take into account the following factors:

''(I) The existence of significant outstanding notional exposures, trading liquidity, and adequate pricing data.

''(II) The availability of rule framework, capacity, operational expertise and resources, and credit support infrastructure to clear the contract on terms that are consistent with the material terms and trading conventions on which the contract is then traded.

''(III) The effect on the mitigation of systemic risk, taking into account the size of the market for such contract and the resources of the derivatives clearing organization available to clear the contract.

''(IV) The effect on competition, including appropriate fees and charges applied to clearing.

''(V) The existence of reasonable legal certainty in the event of the insolvency of the relevant derivatives clearing organization or 1 or more of its clearing members with regard to the treatment of customer and swap counterparty positions, funds, and property.

''(iii) In making a determination under subparagraph (A) or (B)(iii) that the clearing requirement shall apply, the Commission may require such terms and conditions to the requirement as the Commission determines to be appropriate.

''(E) RULES.—Not later than 1 year after the date of the enactment of this subsection, the Commission shall adopt rules for a derivatives clearing organization's submission for review, pursuant to this paragraph, of a swap, or a group, category, type, or class of swaps, that it seeks to accept for clearing. Nothing in this subparagraph limits the Commission from making a determination under subparagraph (B)(iii) for swaps described in subparagraph (B)(ii).

''(3) STAY OF CLEARING REQUIREMENT.—

''(A) IN GENERAL.—After making a determination pursuant to paragraph (2)(B), the Commission, on application of a counterparty to a swap or on its own initiative, may stay the clearing requirement of paragraph (1) until the Commission completes a review of the terms of the swap (or the group, category, type, or class of swaps) and the clearing arrangement.

''(B) DEADLINE.—The Commission shall complete a review undertaken pursuant to subparagraph (A) not later than 90 days after issuance of the stay, unless the derivatives clearing organization that clears the swap, or group, category, type, or class of swaps agrees to an extension of the time limitation established under this subparagraph.

''(C) DETERMINATION.—Upon completion of the review undertaken pursuant to subparagraph (A), the Commission may—

''(i) determine, unconditionally or subject to such terms and conditions as the Commission determines to be appropriate, that the swap, or group, category, type, or class of swaps must be

cleared pursuant to this subsection if it finds that such clearing is consistent with paragraph (2)(D); or

''(ii) determine that the clearing requirement of paragraph (1) shall not apply to the swap, or group, category, type, or class of swaps.

''(D) RULES.—Not later than 1 year after the date of the enactment of the Wall Street Transparency and Accountability Act of 2010, the Commission shall adopt rules for reviewing, pursuant to this paragraph, a derivatives clearing organization's clearing of a swap, or a group, category, type, or class of swaps, that it has accepted for clearing.

''(4) PREVENTION OF EVASION.—

''(A) IN GENERAL.—The Commission shall prescribe rules under this subsection (and issue interpretations of rules prescribed under this subsection) as determined by the Commission to be necessary to prevent evasions of the mandatory clearing requirements under this Act.

''(B) DUTY OF COMMISSION TO INVESTIGATE AND TAKE CERTAIN ACTIONS.—To the extent the Commission finds that a particular swap, group, category, type, or class of swaps would otherwise be subject to mandatory clearing but no derivatives clearing organization has listed the swap, group, category, type, or class of swaps for clearing, the Commission shall—

''(i) investigate the relevant facts and circumstances;

''(ii) within 30 days issue a public report containing the results of the investigation; and

''(iii) take such actions as the Commission determines to be necessary and in the public interest, which may include requiring the retaining of adequate margin or capital by parties to the swap, group, category, type, or class of swaps.

''(C) EFFECT ON AUTHORITY.—Nothing in this paragraph—

''(i) authorizes the Commission to adopt rules requiring a derivatives clearing organization to list for clearing a swap, group, category, type, or class of swaps if the clearing of the swap, group, category, type, or class of swaps would threaten the financial integrity of the derivatives clearing organization; and

''(ii) affects the authority of the Commission to enforce the open access provisions of paragraph (1)(B) with respect to a swap, group, category, type, or class of swaps that is listed for clearing by a derivatives clearing organization.

''(5) REPORTING TRANSITION RULES.—Rules adopted by the Commission under this section shall provide for the reporting of data, as follows:

''(A) Swaps entered into before the date of the enactment of this subsection shall be reported to a registered swap data repository or the Commission no later than 180 days after the effective date of this subsection.

''(B) Swaps entered into on or after such date of enactment shall be reported to a registered swap data repository or the Commission no later than the later of—

''(i) 90 days after such effective date; or

''(ii) such other time after entering into the swap as the Commission may prescribe by rule or regulation.

''(6) CLEARING TRANSITION RULES.—

''(A) Swaps entered into before the date of the enactment of this subsection are exempt from the clearing requirements of this subsection if reported pursuant to paragraph (5)(A).

''(B) Swaps entered into before application of the clearing requirement pursuant to this subsection are exempt from the clearing requirements of this subsection if reported pursuant to paragraph (5)(B).

''(7) EXCEPTIONS.—

''(A) IN GENERAL.—The requirements of paragraph (1)(A) shall not apply to a swap if 1 of the counterparties to the swap—

''(i) is not a financial entity;

''(ii) is using swaps to hedge or mitigate commercial risk; and

''(iii) notifies the Commission, in a manner set forth by the Commission, how it generally meets its financial obligations associated with entering into non-cleared swaps.

''(B) OPTION TO CLEAR.—The application of the clearing exception in subparagraph (A) is solely at the discretion of the counterparty to the swap that meets the conditions of clauses (i) through (iii) of subparagraph (A).

''(C) FINANCIAL ENTITY DEFINITION.—

''(i) IN GENERAL.—For the purposes of this paragraph, the term 'financial entity' means—

''(I) a swap dealer;

''(II) a security-based swap dealer;

''(III) a major swap participant;

''(IV) a major security-based swap participant;

''(V) a commodity pool;

''(VI) a private fund as defined in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80-b-2(a));

''(VII) an employee benefit plan as defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002);

''(VIII) a person predominantly engaged in activities that are in the business of banking, or in activities that are financial in nature, as defined in section 4(k) of the Bank Holding Company Act of 1956.

''(ii) EXCLUSION.—The Commission shall consider whether to exempt small banks, savings associations, farm credit system institutions, and credit unions, including—

''(I) depository institutions with total assets of $10,000,000,000 or less;

''(II) farm credit system institutions with total assets of $10,000,000,000 or less; or

''(III) credit unions with total assets of $10,000,000,000 or less.

''(iii) LIMITATION.—Such definition shall not include an entity whose primary business is providing financing, and uses derivatives for the purpose of hedging underlying commercial risks related to interest rate and foreign currency exposures, 90 percent or more of which arise from financing that facilitates the purchase or lease of products, 90 percent or more of which are manufactured by the parent company or another subsidiary of the parent company.

''(D) TREATMENT OF AFFILIATES.—

''(i) IN GENERAL.—An affiliate of a person that qualifies for an exception under subparagraph (A) (including affiliate entities predominantly engaged in providing financing for the purchase of the merchandise or manufactured goods of the person) may qualify for the exception only if the affiliate, acting on behalf of the person and as an agent, uses the swap to hedge or mitigate the commercial risk of the person or other affiliate of the person that is not a financial entity.

''(ii) PROHIBITION RELATING TO CERTAIN AFFILIATES.—The exception in clause (i) shall not apply if the affiliate is—

''(I) a swap dealer;

''(II) a security-based swap dealer;

''(III) a major swap participant;

''(IV) a major security-based swap participant;

''(V) an issuer that would be an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3), but for paragraph (1) or (7) of subsection (c) of that Act (15 U.S.C. 80a–3(c));

''(VI) a commodity pool; or

''(VII) a bank holding company with over $50,000,000,000 in consolidated assets.

''(iii) TRANSITION RULE FOR AFFILIATES.—An affiliate, subsidiary, or a wholly owned entity of a person that qualifies for an exception under subparagraph (A) and is predominantly engaged in providing financing for the purchase or lease of merchandise or manufactured goods of the person shall be exempt from the margin requirement described in section 4s(e) and the clearing requirement described in paragraph (1) with regard to swaps entered into to mitigate the risk of the financing activities for not less than a 2-year period beginning on the date of enactment of this clause.

''(E) ELECTION OF COUNTERPARTY.—

''(i) SWAPS REQUIRED TO BE CLEARED.—With respect to any swap that is subject to the mandatory clearing requirement under this subsection and entered into by a swap dealer or a major swap participant with a counterparty that is not a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant, the counterparty shall have the sole right to select the derivatives clearing organization at which the swap will be cleared.

''(ii) SWAPS NOT REQUIRED TO BE CLEARED.—With respect to any swap that is not subject to the mandatory clearing requirement under this subsection and entered into by a swap dealer or a major swap participant with a counterparty that is not a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant, the counterparty—

''(I) may elect to require clearing of the swap; and

''(II) shall have the sole right to select the derivatives clearing organization at which the swap will be cleared.

''(F) ABUSE OF EXCEPTION.—The Commission may prescribe such rules or issue interpretations of the rules as the Commission determines to be necessary to prevent abuse of the exceptions described in this paragraph. The Commission may also request information from those persons claiming the clearing exception as necessary to prevent abuse of the exceptions described in this paragraph.

''(8) TRADE EXECUTION.—

''(A) IN GENERAL.—With respect to transactions involving swaps subject to the clearing requirement of paragraph (1), counterparties shall—

''(i) execute the transaction on a board of trade designated as a contract market under section 5; or

''(ii) execute the transaction on a swap execution facility registered under 5h or a swap execution facility that is exempt from registration under section 5h(f) of this Act.

''(B) EXCEPTION.—The requirements of clauses (i) and (ii) of subparagraph (A) shall not apply if no board of trade or swap execution facility makes the swap available to trade or for swap transactions subject to the clearing exception under paragraph (7).''.

(b) COMMODITY EXCHANGE ACT.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

''(j) COMMITTEE APPROVAL BY BOARD.—Exemptions from the requirements of subsection (h)(1) to clear a swap and subsection (h)(8) to execute a swap through a board of trade or swap execution facility shall be available to a counterparty that is an issuer of securities that are registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o) only if an appropriate committee of the issuer's board or governing body has reviewed and approved its decision to enter into swaps that are subject to such exemptions.''.

(c) GRANDFATHER PROVISIONS.—

(1) LEGAL CERTAINTY FOR CERTAIN TRANSACTIONS IN EXEMPT COMMODITIES.—Not later than 60 days after the date of enactment of this Act, a person may submit to the Commodity Futures Trading Commission a petition to remain subject to section 2(h) of the Commodity Exchange Act (7 U.S.C. 2(h)) (as in effect on the day before the date of enactment of this Act).

(2) CONSIDERATION; AUTHORITY OF COMMODITY FUTURES TRADING COMMISSION.—The Commodity Futures Trading Commission—

(A) shall consider any petition submitted under subparagraph (A) in a prompt manner; and

(B) may allow a person to continue operating subject to section 2(h) of the Commodity Exchange Act (7 U.S.C. 2(h)) (as in effect on the day before the date of enactment of this Act) for not longer than a 1-year period.

(3) AGRICULTURAL SWAPS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no person shall offer to enter

into, enter into, or confirm the execution of, any swap in an agricultural commodity (as defined by the Commodity Futures Trading Commission).

(B) EXCEPTION.—Notwithstanding subparagraph (A), a person may offer to enter into, enter into, or confirm the execution of, any swap in an agricultural commodity pursuant to section 4(c) of the Commodity Exchange Act (7 U.S.C. 6(c)) or any rule, regulation, or order issued thereunder (including any rule, regulation, or order in effect as of the date of enactment of this Act) by the Commodity Futures Trading Commission to allow swaps under such terms and conditions as the Commission shall prescribe.

(4) REQUIRED REPORTING.—If the exception described in section 2(h)(8)(B) of the Commodity Exchange Act applies, the counterparties shall comply with any recordkeeping and transaction reporting requirements that may be prescribed by the Commission with respect to swaps subject to section 2(h)(8)(B) of the Commodity Exchange Act.

SEC. 724. SWAPS; SEGREGATION AND BANKRUPTCY TREATMENT.

(a) SEGREGATION REQUIREMENTS FOR CLEARED SWAPS.—Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) (as amended by section 732) is amended by adding at the end the following:

''(f) SWAPS.—

''(1) REGISTRATION REQUIREMENT.—It shall be unlawful for any person to accept any money, securities, or property (or to extend any credit in lieu of money, securities, or property) from, for, or on behalf of a swaps customer to margin, guarantee, or secure a swap cleared by or through a derivatives clearing organization (including money, securities, or property accruing to the customer as the result of such a swap), unless the person shall have registered under this Act with the Commission as a futures commission merchant, and the registration shall not have expired nor been suspended nor revoked.

''(2) CLEARED SWAPS.—

''(A) SEGREGATION REQUIRED.—A futures commission merchant shall treat and deal with all money, securities, and property of any swaps customer received to margin, guarantee, or secure a swap cleared by or though a derivatives clearing organization (including money, securities, or property accruing to the swaps customer as the result of such a swap) as belonging to the swaps customer.

''(B) COMMINGLING PROHIBITED.—Money, securities, and property of a swaps customer described in subparagraph (A) shall be separately accounted for and shall not be commingled with the funds of the futures commission merchant or be used to margin, secure, or guarantee any trades or contracts of any swaps customer or person other than the person for whom the same are held.

''(3) EXCEPTIONS.—

''(A) USE OF FUNDS.—

''(i) IN GENERAL.—Notwithstanding paragraph (2), money, securities, and property of swap customers of a futures commission merchant described in paragraph (2) may, for convenience, be commingled and deposited in the same account or accounts with any bank or trust company or with a derivatives clearing organization.

''(ii) WITHDRAWAL.—Notwithstanding paragraph (2), such share of the money, securities, and property described in clause (i) as in the normal course of business shall be necessary to margin, guarantee, secure, transfer, adjust, or settle a cleared swap with a derivatives clearing organization, or with any member of the derivatives clearing organization, may be withdrawn and applied to such purposes, including the payment of commissions, brokerage, interest, taxes, storage, and other charges, lawfully accruing in connection with the cleared swap.

''(B) COMMISSION ACTION.—Notwithstanding paragraph (2), in accordance with such terms and conditions as the Commission may prescribe by rule, regulation, or order, any money, securities, or property of the swaps customers of a futures commission merchant described in paragraph (2) may be commingled and deposited in customer accounts with any other money, securities, or property received by the futures commission merchant and required by the Commission to be separately accounted for and treated and dealt with as belonging to the swaps customer of the futures commission merchant.

''(4) PERMITTED INVESTMENTS.—Money described in paragraph (2) may be invested in obligations of the United States, in general obligations of any State or of any political subdivision of a State, and in obligations fully guaranteed as to principal and interest by the United States, or in any other investment that the Commission may by rule or regulation prescribe, and such investments shall be made in accordance with such rules and regulations and subject to such conditions as the Commission may prescribe.

''(5) COMMODITY CONTRACT.—A swap cleared by or through a derivatives clearing organization shall be considered to be a commodity contract as such term is defined in section 761 of title 11, United States Code, with regard to all money, securities, and property of any swaps customer received by a futures commission merchant or a derivatives clearing organization to margin, guarantee, or secure the swap (including money, securities, or property accruing to the customer as the result of the swap).

''(6) PROHIBITION.—It shall be unlawful for any person, including any derivatives clearing organization and any depository institution, that has received any money, securities, or property for deposit in a separate account or accounts as provided in paragraph (2) to hold, dispose of, or use any such money, securities, or property as belonging to the depositing futures commission merchant or any person other than the swaps customer of the futures commission merchant.''.

(b) BANKRUPTCY TREATMENT OF CLEARED SWAPS.—Section 761 of title 11, United States Code, is amended—

(1) in paragraph (4), by striking subparagraph (F) and inserting the following:

''(F)(i) any other contract, option, agreement, or transaction that is similar to a contract, option, agreement, or transaction referred to in this paragraph; and

''(ii) with respect to a futures commission merchant or a clearing organization, any other contract, option, agreement, or transaction, in each case, that is cleared by a clearing organization;''; and

(2) in paragraph (9)(A)(i), by striking ''the commodity futures account'' and inserting ''a commodity contract account''.

(c) SEGREGATION REQUIREMENTS FOR UNCLEARED SWAPS.—Section 4s of the Commodity Exchange Act (as added by section 731) is amended by adding at the end the following:

''(l) SEGREGATION REQUIREMENTS.—

''(1) SEGREGATION OF ASSETS HELD AS COLLATERAL IN UNCLEARED SWAP TRANSACTIONS.—

''(A) NOTIFICATION.—A swap dealer or major swap participant shall be required to notify the counterparty of the swap dealer or major swap participant at the beginning of a swap transaction that the counterparty has the right to require segregation of the funds or other property supplied to margin, guarantee, or secure the obligations of the counterparty.

''(B) SEGREGATION AND MAINTENANCE OF FUNDS.—At the request of a counterparty to a swap that provides funds or other property to a swap dealer or major swap participant to margin, guarantee, or secure the obligations of the counterparty, the swap dealer or major swap participant shall—

''(i) segregate the funds or other property for the benefit of the counterparty; and

''(ii) in accordance with such rules and regulations as the Commission may promulgate, maintain the funds or other property in a segregated account separate from the assets and other interests of the swap dealer or major swap participant.

''(2) APPLICABILITY.—The requirements described in paragraph (1) shall—

''(A) apply only to a swap between a counterparty and a swap dealer or major swap participant that is not submitted for clearing to a derivatives clearing organization; and

''(B)(i) not apply to variation margin payments; or

''(ii) not preclude any commercial arrangement regarding—

''(I) the investment of segregated funds or other property that may only be invested in such investments as the Commission may permit by rule or regulation; and

''(II) the related allocation of gains and losses resulting from any investment of the segregated funds or other property.

''(3) USE OF INDEPENDENT THIRD-PARTY CUSTODIANS.—The segregated account described in paragraph (1) shall be—

''(A) carried by an independent third-party custodian; and

''(B) designated as a segregated account for and on behalf of the counterparty.

''(4) REPORTING REQUIREMENT.—If the counterparty does not choose to require segregation of the funds or other property supplied to margin, guarantee, or secure the obligations of the counterparty, the swap dealer or major swap participant shall report to the counterparty of the swap dealer or major swap participant on a quarterly basis that the back office procedures of the swap dealer or major swap participant relating to margin and collateral requirements are in compliance with the agreement of the counterparties.''.

SEC. 725. DERIVATIVES CLEARING ORGANIZATIONS.

(a) REGISTRATION REQUIREMENT.—Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) is amended by striking subsections (a) and (b) and inserting the following:

''(a) REGISTRATION REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for a derivatives clearing organization, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a derivatives clearing organization with respect to—

''(A) a contract of sale of a commodity for future delivery (or an option on the contract of sale) or option on a commodity, in each case, unless the contract or option is—

''(i) excluded from this Act by subsection (a)(1)(C)(i), (c), or (f) of section 2; or

''(ii) a security futures product cleared by a clearing agency registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.); or

''(B) a swap.

''(2) EXCEPTION.—Paragraph (1) shall not apply to a derivatives clearing organization that is registered with the Commission.

''(b) VOLUNTARY REGISTRATION.—A person that clears 1 or more agreements, contracts, or transactions that are not required to be cleared under this Act may register with the Commission as a derivatives clearing organization.''.

(b) REGISTRATION FOR DEPOSITORY INSTITUTIONS AND CLEARING AGENCIES; EXEMPTIONS; COMPLIANCE OFFICER; ANNUAL REPORTS.—Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) is amended by adding at the end the following:

''(g) EXISTING DEPOSITORY INSTITUTIONS AND CLEARING AGENCIES.—

''(1) IN GENERAL.—A depository institution or clearing agency registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) that is required to be registered as a derivatives clearing organization under this section is deemed to be registered under this section to the extent that, before the date of enactment of this subsection—

''(A) the depository institution cleared swaps as a multilateral clearing organization; or

''(B) the clearing agency cleared swaps.

''(2) CONVERSION OF DEPOSITORY INSTITUTIONS.—A depository institution to which this subsection applies may, by the vote of the shareholders owning not less than 51 percent of the voting interests of the depository institution, be converted into a State corporation, partnership, limited liability company, or similar legal form pursuant to a plan of conversion, if the conversion is not in contravention of applicable State law.

''(3) SHARING OF INFORMATION.—The Securities and Exchange Commission shall make available to the Commission, upon request, all information determined to be relevant by the Securities and Exchange Commission regarding a clearing agency deemed to be registered with the Commission under paragraph (1).

''(h) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a derivatives clearing organization from registration under this section for the clearing of swaps if the Commission determines that the derivatives clearing organization is subject to comparable, comprehensive supervision and regulation by the Securities and Exchange Commission or the appropriate government authorities in the home country of the organization. Such conditions may include, but are not limited to, requiring that the derivatives clearing organization be available for inspection by the Commission and make available all information requested by the Commission.

''(i) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(1) IN GENERAL.—Each derivatives clearing organization shall designate an individual to serve as a chief compliance officer.

''(2) DUTIES.—The chief compliance officer shall—

''(A) report directly to the board or to the senior officer of the derivatives clearing organization;

''(B) review the compliance of the derivatives clearing organization with respect to the core principles described in subsection (c)(2);

''(C) in consultation with the board of the derivatives clearing organization, a body performing a function similar to the board of the derivatives clearing organization, or the senior officer of the derivatives clearing organization, resolve any conflicts of interest that may arise;

''(D) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

''(E) ensure compliance with this Act (including regulations) relating to agreements, contracts, or transactions, including each rule prescribed by the Commission under this section;

''(F) establish procedures for the remediation of noncompliance issues identified by the compliance officer through any—

''(i) compliance office review;

''(ii) look-back;

''(iii) internal or external audit finding;

''(iv) self-reported error; or

''(v) validated complaint; and

''(G) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(3) ANNUAL REPORTS.—

''(A) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(i) the compliance of the derivatives clearing organization of the compliance officer with respect to this Act (including regulations); and

''(ii) each policy and procedure of the derivatives clearing organization of the compliance officer (including the code of ethics and conflict of interest policies of the derivatives clearing organization).

''(B) REQUIREMENTS.—A compliance report under subparagraph (A) shall—

''(i) accompany each appropriate financial report of the derivatives clearing organization that is required to be furnished to the Commission pursuant to this section; and

''(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.''.

(c) CORE PRINCIPLES FOR DERIVATIVES CLEARING ORGANIZATIONS.—Section 5b(c) of the Commodity Exchange Act (7 U.S.C. 7a–1(c)) is amended by striking paragraph (2) and inserting the following:

''(2) CORE PRINCIPLES FOR DERIVATIVES CLEARING ORGANIZATIONS.—

''(A) COMPLIANCE.—

''(i) IN GENERAL.—To be registered and to maintain registration as a derivatives clearing organization, a derivatives clearing organization shall comply with each core principle described in this paragraph and any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(ii) DISCRETION OF DERIVATIVES CLEARING ORGANIZATION.—Subject to any rule or regulation prescribed by the Commission, a derivatives clearing organization shall have reasonable discretion in establishing the manner by which the derivatives clearing organization complies with each core principle described in this paragraph.

''(B) FINANCIAL RESOURCES.—

''(i) IN GENERAL.—Each derivatives clearing organization shall have adequate financial, operational, and managerial resources, as determined by the Commission, to discharge each responsibility of the derivatives clearing organization.

''(ii) MINIMUM AMOUNT OF FINANCIAL RESOURCES.—Each derivatives clearing organization shall possess financial resources that, at a minimum, exceed the total amount that would—

''(I) enable the organization to meet its financial obligations to its members and participants notwithstanding a default by the member or participant creating the largest financial exposure for that organization in extreme but plausible market conditions; and

''(II) enable the derivatives clearing organization to cover the operating costs of the derivatives clearing organization for a period of 1 year (as calculated on a rolling basis).

''(C) PARTICIPANT AND PRODUCT ELIGIBILITY.—

''(i) IN GENERAL.—Each derivatives clearing organization shall establish—

''(I) appropriate admission and continuing eligibility standards (including sufficient financial resources and operational capacity to meet obligations arising from participation in the derivatives clearing organization) for members of, and participants in, the derivatives clearing organization; and

''(II) appropriate standards for determining the eligibility of agreements, contracts, or transactions submitted to the derivatives clearing organization for clearing.

''(ii) REQUIRED PROCEDURES.—Each derivatives clearing organization shall establish and implement procedures to verify, on an ongoing basis, the compliance of each participation and membership requirement of the derivatives clearing organization.

''(iii) REQUIREMENTS.—The participation and membership requirements of each derivatives clearing organization shall—

''(I) be objective;

''(II) be publicly disclosed; and

''(III) permit fair and open access.

''(D) RISK MANAGEMENT.—

''(i) IN GENERAL.—Each derivatives clearing organization shall ensure that the derivatives clearing organization possesses the ability to manage the risks associated with discharging the responsibilities of the derivatives clearing organization through the use of appropriate tools and procedures.

''(ii) MEASUREMENT OF CREDIT EXPOSURE.—Each derivatives clearing organization shall—

''(I) not less than once during each business day of the derivatives clearing organization, measure the credit exposures of the derivatives clearing organization to each member and participant of the derivatives clearing organization; and

''(II) monitor each exposure described in subclause (I) periodically during the business day of the derivatives clearing organization.

''(iii) LIMITATION OF EXPOSURE TO POTENTIAL LOSSES FROM DEFAULTS.—Each derivatives clearing organization, through margin requirements and other risk control mechanisms, shall limit the exposure of the derivatives clearing organization to potential losses from defaults by members and participants of the derivatives clearing organization to ensure that—

''(I) the operations of the derivatives clearing organization would not be disrupted; and

''(II) nondefaulting members or participants would not be exposed to losses that nondefaulting members or participants cannot anticipate or control.

''(iv) MARGIN REQUIREMENTS.—The margin required from each member and participant of a derivatives clearing organization shall be sufficient to cover potential exposures in normal market conditions.

''(v) REQUIREMENTS REGARDING MODELS AND PARAMETERS.—Each model and parameter used in setting margin requirements under clause (iv) shall be—

''(I) risk-based; and

''(II) reviewed on a regular basis.

''(E) SETTLEMENT PROCEDURES.—Each derivatives clearing organization shall—

''(i) complete money settlements on a timely basis (but not less frequently than once each business day);

''(ii) employ money settlement arrangements to eliminate or strictly limit the exposure of the derivatives clearing organization to settlement bank risks (including credit and liquidity risks from the use of banks to effect money settlements);

''(iii) ensure that money settlements are final when effected;

''(iv) maintain an accurate record of the flow of funds associated with each money settlement;

''(v) possess the ability to comply with each term and condition of any permitted netting or offset arrangement with any other clearing organization;

''(vi) regarding physical settlements, establish rules that clearly state each obligation of the derivatives clearing organization with respect to physical deliveries; and

''(vii) ensure that each risk arising from an obligation described in clause (vi) is identified and managed.

''(F) TREATMENT OF FUNDS.—

''(i) REQUIRED STANDARDS AND PROCEDURES.—Each derivatives clearing organization shall establish standards and procedures that are designed to protect and ensure the safety of member and participant funds and assets.

''(ii) HOLDING OF FUNDS AND ASSETS.—Each derivatives clearing organization shall hold member and participant funds and assets in a manner by which to minimize the risk of loss or of delay in the access by the derivatives clearing organization to the assets and funds.

''(iii) PERMISSIBLE INVESTMENTS.—Funds and assets invested by a derivatives clearing organization shall be held in instruments with minimal credit, market, and liquidity risks.

''(G) DEFAULT RULES AND PROCEDURES.—

''(i) IN GENERAL.—Each derivatives clearing organization shall have rules and procedures designed to allow for the efficient, fair, and safe management of events during which members or participants—

''(I) become insolvent; or

''(II) otherwise default on the obligations of the members or participants to the derivatives clearing organization.

''(ii) DEFAULT PROCEDURES.—Each derivatives clearing organization shall—

''(I) clearly state the default procedures of the derivatives clearing organization;

''(II) make publicly available the default rules of the derivatives clearing organization; and

''(III) ensure that the derivatives clearing organization may take timely action—

''(aa) to contain losses and liquidity pressures; and

''(bb) to continue meeting each obligation of the derivatives clearing organization.

''(H) RULE ENFORCEMENT.—Each derivatives clearing organization shall—

''(i) maintain adequate arrangements and resources for—

''(I) the effective monitoring and enforcement of compliance with the rules of the derivatives clearing organization; and

''(II) the resolution of disputes;

''(ii) have the authority and ability to discipline, limit, suspend, or terminate the activities of a member or participant due to a violation by the member or participant of any rule of the derivatives clearing organization; and

''(iii) report to the Commission regarding rule enforcement activities and sanctions imposed against members and participants as provided in clause (ii).

''(I) SYSTEM SAFEGUARDS.—Each derivatives clearing organization shall—

''(i) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk through the development of appropriate controls and procedures, and automated systems, that are reliable, secure, and have adequate scalable capacity;

''(ii) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allows for—

''(I) the timely recovery and resumption of operations of the derivatives clearing organization; and

''(II) the fulfillment of each obligation and responsibility of the derivatives clearing organization; and

''(iii) periodically conduct tests to verify that the backup resources of the derivatives clearing organization are sufficient to ensure daily processing, clearing, and settlement.

''(J) REPORTING.—Each derivatives clearing organization shall provide to the Commission all information that the Commission determines to be necessary to conduct oversight of the derivatives clearing organization.

''(K) RECORDKEEPING.—Each derivatives clearing organization shall maintain records of all activities related to the business of the derivatives clearing organization as a derivatives clearing organization—

''(i) in a form and manner that is acceptable to the Commission; and

''(ii) for a period of not less than 5 years.

''(L) PUBLIC INFORMATION.—

''(i) IN GENERAL.—Each derivatives clearing organization shall provide to market participants sufficient information to enable the market participants to identify and evaluate accurately the risks and costs associated with using the services of the derivatives clearing organization.

''(ii) AVAILABILITY OF INFORMATION.—Each derivatives clearing organization shall make information concerning the rules and operating and default procedures governing the clearing and settlement systems of the derivatives clearing organization available to market participants.

''(iii) PUBLIC DISCLOSURE.—Each derivatives clearing organization shall disclose publicly and to the Commission information concerning—

''(I) the terms and conditions of each contract, agreement, and transaction cleared and settled by the derivatives clearing organization;

''(II) each clearing and other fee that the derivatives clearing organization charges the members and participants of the derivatives clearing organization;

''(III) the margin-setting methodology, and the size and composition, of the financial resource package of the derivatives clearing organization;

''(IV) daily settlement prices, volume, and open interest for each contract settled or cleared by the derivatives clearing organization; and

''(V) any other matter relevant to participation in the settlement and clearing activities of the derivatives clearing organization.

''(M) INFORMATION-SHARING.—Each derivatives clearing organization shall—

''(i) enter into, and abide by the terms of, each appropriate and applicable domestic and international information-sharing agreement; and

''(ii) use relevant information obtained from each agreement described in clause (i) in carrying out the risk management program of the derivatives clearing organization.

''(N) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, a derivatives clearing organization shall not—

''(i) adopt any rule or take any action that results in any unreasonable restraint of trade; or

''(ii) impose any material anticompetitive burden.

''(O) GOVERNANCE FITNESS STANDARDS.—

''(i) GOVERNANCE ARRANGEMENTS.—Each derivatives clearing organization shall establish governance arrangements that are transparent—

''(I) to fulfill public interest requirements; and

''(II) to permit the consideration of the views of owners and participants.

''(ii) FITNESS STANDARDS.—Each derivatives clearing organization shall establish and enforce appropriate fitness standards for—

''(I) directors;

''(II) members of any disciplinary committee;

''(III) members of the derivatives clearing organization;

''(IV) any other individual or entity with direct access to the settlement or clearing activities of the derivatives clearing organization; and

''(V) any party affiliated with any individual or entity described in this clause.

''(P) CONFLICTS OF INTEREST.—Each derivatives clearing organization shall—

''(i) establish and enforce rules to minimize conflicts of interest in the decision-making process of the derivatives clearing organization; and

''(ii) establish a process for resolving conflicts of interest described in clause (i).

''(Q) COMPOSITION OF GOVERNING BOARDS.—Each derivatives clearing organization shall ensure that the composition of the governing board or committee of the derivatives clearing organization includes market participants.

''(R) LEGAL RISK.—Each derivatives clearing organization shall have a well-founded, transparent, and enforceable legal framework for each aspect of the activities of the derivatives clearing organization.''.

(d) CONFLICTS OF INTEREST.—The Commodity Futures Trading Commission shall adopt rules mitigating conflicts of interest in connection with the conduct of business by a swap dealer or a major swap participant with a derivatives clearing organization, board of trade, or a swap execution facility that clears or trades swaps in which the swap dealer or major swap participant has a material debt or material equity investment.

(e) REPORTING REQUIREMENTS.—Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) (as amended by subsection (b)) is amended by adding at the end the following:

''(k) REPORTING REQUIREMENTS.—

''(1) DUTY OF DERIVATIVES CLEARING ORGANIZATIONS.—Each derivatives clearing organization that clears swaps shall provide to the Commission all information that is determined by the Commission to be necessary to perform each responsibility of the Commission under this Act.

''(2) DATA COLLECTION AND MAINTENANCE REQUIREMENTS.—The Commission shall adopt data collection and maintenance requirements for swaps cleared by derivatives clearing organizations that are comparable to the corresponding requirements for—

''(A) swaps data reported to swap data repositories; and

''(B) swaps traded on swap execution facilities.

''(3) REPORTS ON SECURITY-BASED SWAP AGREEMENTS TO BE SHARED WITH THE SECURITIES AND EXCHANGE COMMISSION.—

''(A) IN GENERAL.—A derivatives clearing organization that clears security-based swap agreements (as defined in section 1a(47)(A)(v)) shall, upon request, open to inspection and examination to the Securities and Exchange Commission all books and records relating to such security-based swap agreements, consistent with the confidentiality and disclosure requirements of section 8.

''(B) JURISDICTION.—Nothing in this paragraph shall affect the exclusive jurisdiction of the Commission to prescribe recordkeeping and reporting requirements for a derivatives clearing organization that is registered with the Commission.

''(4) INFORMATION SHARING.—Subject to section 8, and upon request, the Commission shall share information collected under paragraph (2) with—

''(A) the Board;

''(B) the Securities and Exchange Commission;

''(C) each appropriate prudential regulator;

''(D) the Financial Stability Oversight Council;

''(E) the Department of Justice; and

''(F) any other person that the Commission determines to be appropriate, including—

''(i) foreign financial supervisors (including foreign futures authorities);

''(ii) foreign central banks; and

''(iii) foreign ministries.

''(5) CONFIDENTIALITY AND INDEMNIFICATION AGREEMENT.—Before the Commission may share information with any entity described in paragraph (4)—

''(A) the Commission shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 8 relating to the information on swap transactions that is provided; and

''(B) each entity shall agree to indemnify the Commission for any expenses arising from litigation relating to the information provided under section 8.

''(6) PUBLIC INFORMATION.—Each derivatives clearing organization that clears swaps shall provide to the Commission (including any designee of the Commission) information under paragraph (2) in such form and at such frequency as is required by the Commission to comply with the public reporting requirements contained in section 2(a)(13).''.

(f) PUBLIC DISCLOSURE.—Section 8(e) of the Commodity Exchange Act (7 U.S.C. 12(e)) is amended in the last sentence—

(1) by inserting '', central bank and ministries,'' after ''department'' each place it appears; and

(2) by striking ''. is a party.'' and inserting '', is a party.''.

(g) LEGAL CERTAINTY FOR IDENTIFIED BANKING PRODUCTS.—

(1) REPEALS.—The Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27 et seq.) is amended—

(A) by striking sections 404 and 407 (7 U.S.C. 27b, 27e);

(B) in section 402 (7 U.S.C. 27), by striking subsection (d); and

(C) in section 408 (7 U.S.C. 27f)—

(i) in subsection (c)—

(I) by striking ''in the case'' and all that follows through ''a hybrid'' and inserting ''in the case of a hybrid'';

(II) by striking ''; or'' and inserting a period; and

(III) by striking paragraph (2);

(ii) by striking subsection (b); and

(iii) by redesignating subsection (c) as subsection (b).

(2) LEGAL CERTAINTY FOR BANK PRODUCTS ACT OF 2000.—Section 403 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27a) is amended to read as follows:

''SEC. 403. EXCLUSION OF IDENTIFIED BANKING PRODUCT.

''(a) EXCLUSION.—Except as provided in subsection (b) or (c)—

''(1) the Commodity Exchange Act (7 U.S.C. 1 et seq.) shall not apply to, and the Commodity

Futures Trading Commission shall not exercise regulatory authority under the Commodity Exchange Act (7 U.S.C. 1 et seq.) with respect to, an identified banking product; and

''(2) the definitions of 'security-based swap' in section 3(a)(68) of the Securities Exchange Act of 1934 and 'security-based swap agreement' in section 1a(47)(A)(v) of the Commodity Exchange Act and section 3(a)(78) of the Securities Exchange Act of 1934 do not include any identified bank product.

''(b) EXCEPTION.—An appropriate Federal banking agency may except an identified banking product of a bank under its regulatory jurisdiction from the exclusion in subsection (a) if the agency determines, in consultation with the Commodity Futures Trading Commission and the Securities and Exchange Commission, that the product—

''(1) would meet the definition of a 'swap' under section 1a(47) of the Commodity Exchange Act (7 U.S.C. 1a) or a 'security-based swap' under that section 3(a)(68) of the Securities Exchange Act of 1934; and

''(2) has become known to the trade as a swap or security-based swap, or otherwise has been structured as an identified banking product for the purpose of evading the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), the Securities Act of 1933 (15 U.S.C. 77a et seq.), or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

''(c) EXCEPTION.—The exclusions in subsection (a) shall not apply to an identified bank product that—

''(1) is a product of a bank that is not under the regulatory jurisdiction of an appropriate Federal banking agency;

''(2) meets the definition of swap in section 1a(47) of the Commodity Exchange Act or security-based swap in section 3(a)(68) of the Securities Exchange Act of 1934; and

''(3) has become known to the trade as a swap or security-based swap, or otherwise has been structured as an identified banking product for the purpose of evading the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), the Securities Act of 1933 (15 U.S.C. 77a et seq.), or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).''.

(h) REDUCING CLEARING SYSTEMIC RISK.—Section 5b(f)(1) of the Commodity Exchange Act (7 U.S.C. 7a-1(F)(i)) is amended by adding at the end the following: ''In order to minimize systemic risk, under no circumstances shall a derivatives clearing organization be compelled to accept the counterparty credit risk of another clearing organization.''.

SEC. 726. RULEMAKING ON CONFLICT OF INTEREST.

(a) IN GENERAL.—In order to mitigate conflicts of interest, not later than 180 days after the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the Commodity Futures Trading Commission shall adopt rules which may include numerical limits on the control of, or the voting rights with respect to, any derivatives clearing organization that clears swaps, or swap execution facility or board of trade designated as a contract market that posts swaps or makes swaps available for trading, by a bank holding company (as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841)) with total consolidated assets of $50,000,000,000 or more, a nonbank financial company (as defined in section 102) supervised by the Board, an affiliate of such a bank holding company or nonbank financial company, a swap dealer, major swap participant, or associated person of a swap dealer or major swap participant.

(b) PURPOSES.—The Commission shall adopt rules if it determines, after the review described in subsection (a), that such rules are necessary or appropriate to improve the governance of, or to mitigate systemic risk, promote competition, or mitigate conflicts of interest in connection with a swap dealer or major swap participant's conduct of business with, a derivatives clearing organization, contract market, or swap execution facility that clears or posts swaps or makes swaps available for trading and in which such swap dealer or major swap participant has a material debt or equity investment.

(c) CONSIDERATIONS.—In adopting rules pursuant to this section, the Commodity Futures Trading Commission shall consider any conflicts of interest arising from the amount of equity owned by a single investor, the ability to vote, cause the vote of, or withhold votes entitled to be cast on any matters by the holders of the ownership interest, and the governance arrangements of any derivatives clearing organization that clears swaps, or swap execution facility or board of trade designated as a contract market that posts swaps or makes swaps available for trading.

SEC. 727. PUBLIC REPORTING OF SWAP TRANSACTION DATA.

Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2(a)) is amended by adding at the end the following:

''(13) PUBLIC AVAILABILITY OF SWAP TRANSACTION DATA.—

''(A) DEFINITION OF REAL-TIME PUBLIC REPORTING.—In this paragraph, the term 'real-time public reporting' means to report data relating to a swap transaction, including price and volume, as soon as technologically practicable after the time at which the swap transaction has been executed.

''(B) PURPOSE.—The purpose of this section is to authorize the Commission to make swap transaction and pricing data available to the public in such form and at such times as the Commission determines appropriate to enhance price discovery.

''(C) GENERAL RULE.—The Commission is authorized and required to provide by rule for the public availability of swap transaction and pricing data as follows:

''(i) With respect to those swaps that are subject to the mandatory clearing requirement described in subsection (h)(1) (including those swaps that are excepted from the requirement pursuant to subsection (h)(7)), the Commission shall require real-time public reporting for such transactions.

''(ii) With respect to those swaps that are not subject to the mandatory clearing requirement described in subsection (h)(1), but are cleared at a registered derivatives clearing organization, the Commission shall require real-time public reporting for such transactions.

''(iii) With respect to swaps that are not cleared at a registered derivatives clearing organization and which are reported to a swap data repository or the Commission under subsection (h)(6), the Commission shall require real-time public reporting for such transactions, in a manner that does not disclose the business transactions and market positions of any person.

''(iv) With respect to swaps that are determined to be required to be cleared under subsection (h)(2) but are not cleared, the Commission shall require real-time public reporting for such transactions.

''(D) REGISTERED ENTITIES AND PUBLIC REPORTING.—The Commission may require registered entities to publicly disseminate the swap transaction and pricing data required to be reported under this paragraph.

''(E) RULEMAKING REQUIRED.—With respect to the rule providing for the public availability of transaction and pricing data for swaps described in clauses (i) and (ii) of subparagraph (C), the rule promulgated by the Commission shall contain provisions—

''(i) to ensure such information does not identify the participants;

''(ii) to specify the criteria for determining what constitutes a large notional swap transaction (block trade) for particular markets and contracts;

''(iii) to specify the appropriate time delay for reporting large notional swap transactions (block trades) to the public; and

''(iv) that take into account whether the public disclosure will materially reduce market liquidity.

''(F) TIMELINESS OF REPORTING.—Parties to a swap (including agents of the parties to a swap) shall be responsible for reporting swap transaction information to the appropriate registered entity in a timely manner as may be prescribed by the Commission.

''(G) REPORTING OF SWAPS TO REGISTERED SWAP DATA REPOSITORIES.—Each swap (whether cleared or uncleared) shall be reported to a registered swap data repository.

''(14) SEMIANNUAL AND ANNUAL PUBLIC REPORTING OF AGGREGATE SWAP DATA.—

''(A) IN GENERAL.—In accordance with subparagraph (B), the Commission shall issue a written report on a semiannual and annual basis to make available to the public information relating to—

''(i) the trading and clearing in the major swap categories; and

''(ii) the market participants and developments in new products.

''(B) USE; CONSULTATION.—In preparing a report under subparagraph (A), the Commission shall—

''(i) use information from swap data repositories and derivatives clearing organizations; and

''(ii) consult with the Office of the Comptroller of the Currency, the Bank for International Settlements, and such other regulatory bodies as may be necessary.

''(C) AUTHORITY OF THE COMMISSION.—The Commission may, by rule, regulation, or order, delegate the public reporting responsibilities of the Commission under this paragraph in accordance with such terms and conditions as the Commission determines to be appropriate and in the public interest.''.

SEC. 728. SWAP DATA REPOSITORIES.

The Commodity Exchange Act is amended by inserting after section 20 (7 U.S.C. 24) the following:

''SEC. 21. SWAP DATA REPOSITORIES.

''(a) REGISTRATION REQUIREMENT.—

''(1) REQUIREMENT; AUTHORITY OF DERIVATIVES CLEARING ORGANIZATION.—

''(A) IN GENERAL.—It shall be unlawful for any person, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a swap data repository.

''(B) REGISTRATION OF DERIVATIVES CLEARING ORGANIZATIONS.—A derivatives clearing organization may register as a swap data repository.

''(2) INSPECTION AND EXAMINATION.—Each registered swap data repository shall be subject to inspection and examination by any representative of the Commission.

''(3) COMPLIANCE WITH CORE PRINCIPLES.—

''(A) IN GENERAL.—To be registered, and maintain registration, as a swap data repository, the swap data repository shall comply with—

''(i) the requirements and core principles described in this section; and

''(ii) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(B) REASONABLE DISCRETION OF SWAP DATA REPOSITORY.—Unless otherwise determined by the Commission by rule or regulation, a swap data repository described in subparagraph (A) shall have reasonable discretion in establishing the manner in which the swap data repository complies with the core principles described in this section.

''(b) STANDARD SETTING.—

''(1) DATA IDENTIFICATION.—

''(A) IN GENERAL.—In accordance with subparagraph (B), the Commission shall prescribe standards that specify the data elements for each swap that shall be collected and maintained by each registered swap data repository.

''(B) REQUIREMENT.—In carrying out subparagraph (A), the Commission shall prescribe

consistent data element standards applicable to registered entities and reporting counterparties.

''(2) DATA COLLECTION AND MAINTENANCE.—The Commission shall prescribe data collection and data maintenance standards for swap data repositories.

''(3) COMPARABILITY.—The standards prescribed by the Commission under this subsection shall be comparable to the data standards imposed by the Commission on derivatives clearing organizations in connection with their clearing of swaps.

''(c) DUTIES.—A swap data repository shall—

''(1) accept data prescribed by the Commission for each swap under subsection (b);

''(2) confirm with both counterparties to the swap the accuracy of the data that was submitted;

''(3) maintain the data described in paragraph (1) in such form, in such manner, and for such period as may be required by the Commission;

''(4)(A) provide direct electronic access to the Commission (or any designee of the Commission, including another registered entity); and

''(B) provide the information described in paragraph (1) in such form and at such frequency as the Commission may require to comply with the public reporting requirements contained in section 2(a)(13);

''(5) at the direction of the Commission, establish automated systems for monitoring, screening, and analyzing swap data, including compliance and frequency of end user clearing exemption claims by individual and affiliated entities;

''(6) maintain the privacy of any and all swap transaction information that the swap data repository receives from a swap dealer, counterparty, or any other registered entity; and

''(7) on a confidential basis pursuant to section 8, upon request, and after notifying the Commission of the request, make available all data obtained by the swap data repository, including individual counterparty trade and position data, to—

''(A) each appropriate prudential regulator;

''(B) the Financial Stability Oversight Council;

''(C) the Securities and Exchange Commission;

''(D) the Department of Justice; and

''(E) any other person that the Commission determines to be appropriate, including—

''(i) foreign financial supervisors (including foreign futures authorities);

''(ii) foreign central banks; and

''(iii) foreign ministries; and

''(8) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allows for the timely recovery and resumption of operations and the fulfillment of the responsibilities and obligations of the organization.

''(d) CONFIDENTIALITY AND INDEMNIFICATION AGREEMENT.—Before the swap data repository may share information with any entity described in subsection (c)(7)—

''(1) the swap data repository shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 8 relating to the information on swap transactions that is provided; and

''(2) each entity shall agree to indemnify the swap data repository and the Commission for any expenses arising from litigation relating to the information provided under section 8.

''(e) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(1) IN GENERAL.—Each swap data repository shall designate an individual to serve as a chief compliance officer.

''(2) DUTIES.—The chief compliance officer shall—

''(A) report directly to the board or to the senior officer of the swap data repository;

''(B) review the compliance of the swap data repository with respect to the requirements and core principles described in this section;

''(C) in consultation with the board of the swap data repository, a body performing a function similar to the board of the swap data repository, or the senior officer of the swap data repository, resolve any conflicts of interest that may arise;

''(D) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

''(E) ensure compliance with this Act (including regulations) relating to agreements, contracts, or transactions, including each rule prescribed by the Commission under this section;

''(F) establish procedures for the remediation of noncompliance issues identified by the chief compliance officer through any—

''(i) compliance office review;

''(ii) look-back;

''(iii) internal or external audit finding;

''(iv) self-reported error; or

''(v) validated complaint; and

''(G) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(3) ANNUAL REPORTS.—

''(A) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(i) the compliance of the swap data repository of the chief compliance officer with respect to this Act (including regulations); and

''(ii) each policy and procedure of the swap data repository of the chief compliance officer (including the code of ethics and conflict of interest policies of the swap data repository).

''(B) REQUIREMENTS.—A compliance report under subparagraph (A) shall—

''(i) accompany each appropriate financial report of the swap data repository that is required to be furnished to the Commission pursuant to this section; and

''(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.

''(f) CORE PRINCIPLES APPLICABLE TO SWAP DATA REPOSITORIES.—

''(1) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, a swap data repository shall not—

''(A) adopt any rule or take any action that results in any unreasonable restraint of trade; or

''(B) impose any material anticompetitive burden on the trading, clearing, or reporting of transactions.

''(2) GOVERNANCE ARRANGEMENTS.—Each swap data repository shall establish governance arrangements that are transparent—

''(A) to fulfill public interest requirements; and

''(B) to support the objectives of the Federal Government, owners, and participants.

''(3) CONFLICTS OF INTEREST.—Each swap data repository shall—

''(A) establish and enforce rules to minimize conflicts of interest in the decision-making process of the swap data repository; and

''(B) establish a process for resolving conflicts of interest described in subparagraph (A).

''(4) ADDITIONAL DUTIES DEVELOPED BY COMMISSION.—

''(A) IN GENERAL.—The Commission may develop 1 or more additional duties applicable to swap data repositories.

''(B) CONSIDERATION OF EVOLVING STANDARDS.—In developing additional duties under subparagraph (A), the Commission may take into consideration any evolving standard of the United States or the international community.

''(C) ADDITIONAL DUTIES FOR COMMISSION DESIGNEES.—The Commission shall establish additional duties for any registrant described in section 1a(48) in order to minimize conflicts of interest, protect data, ensure compliance, and guarantee the safety and security of the swap data repository.

''(g) REQUIRED REGISTRATION FOR SWAP DATA REPOSITORIES.—Any person that is required to be registered as a swap data repository under this section shall register with the Commission regardless of whether that person is also licensed as a bank or registered with the Securities and Exchange Commission as a swap data repository.

''(h) RULES.—The Commission shall adopt rules governing persons that are registered under this section.''.

SEC. 729. REPORTING AND RECORDKEEPING.

The Commodity Exchange Act is amended by inserting after section 4q (7 U.S.C. 6o–1) the following:

''SEC. 4r. REPORTING AND RECORDKEEPING FOR UNCLEARED SWAPS.

''(a) REQUIRED REPORTING OF SWAPS NOT ACCEPTED BY ANY DERIVATIVES CLEARING ORGANIZATION.—

''(1) IN GENERAL.—Each swap that is not accepted for clearing by any derivatives clearing organization shall be reported to—

''(A) a swap data repository described in section 21; or

''(B) in the case in which there is no swap data repository that would accept the swap, to the Commission pursuant to this section within such time period as the Commission may by rule or regulation prescribe.

''(2) TRANSITION RULE FOR PREENACTMENT SWAPS.—

''(A) SWAPS ENTERED INTO BEFORE THE DATE OF ENACTMENT OF THE WALL STREET TRANSPARENCY AND ACCOUNTABILITY ACT OF 2010.—Each swap entered into before the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the terms of which have not expired as of the date of enactment of that Act, shall be reported to a registered swap data repository or the Commission by a date that is not later than—

''(i) 30 days after issuance of the interim final rule; or

''(ii) such other period as the Commission determines to be appropriate.

''(B) COMMISSION RULEMAKING.—The Commission shall promulgate an interim final rule within 90 days of the date of enactment of this section providing for the reporting of each swap entered into before the date of enactment as referenced in subparagraph (A).

''(C) EFFECTIVE DATE.—The reporting provisions described in this section shall be effective upon the enactment of this section.

''(3) REPORTING OBLIGATIONS.—

''(A) SWAPS IN WHICH ONLY 1 COUNTERPARTY IS A SWAP DEALER OR MAJOR SWAP PARTICIPANT.—With respect to a swap in which only 1 counterparty is a swap dealer or major swap participant, the swap dealer or major swap participant shall report the swap as required under paragraphs (1) and (2).

''(B) SWAPS IN WHICH 1 COUNTERPARTY IS A SWAP DEALER AND THE OTHER A MAJOR SWAP PARTICIPANT.—With respect to a swap in which 1 counterparty is a swap dealer and the other a major swap participant, the swap dealer shall report the swap as required under paragraphs (1) and (2).

''(C) OTHER SWAPS.—With respect to any other swap not described in subparagraph (A) or (B), the counterparties to the swap shall select a counterparty to report the swap as required under paragraphs (1) and (2).

''(b) DUTIES OF CERTAIN INDIVIDUALS.—Any individual or entity that enters into a swap shall meet each requirement described in subsection (c) if the individual or entity did not—

''(1) clear the swap in accordance with section 2(h)(1); or

''(2) have the data regarding the swap accepted by a swap data repository in accordance with rules (including timeframes) adopted by the Commission under section 21.

''(c) REQUIREMENTS.—An individual or entity described in subsection (b) shall—

''(1) upon written request from the Commission, provide reports regarding the swaps held by the individual or entity to the Commission in such form and in such manner as the Commission may request; and

''(2) maintain books and records pertaining to the swaps held by the individual or entity in such form, in such manner, and for such period as the Commission may require, which shall be open to inspection by—

''(A) any representative of the Commission;

''(B) an appropriate prudential regulator;

''(C) the Securities and Exchange Commission;

''(D) the Financial Stability Oversight Council; and

''(E) the Department of Justice.

''(d) IDENTICAL DATA.—In prescribing rules under this section, the Commission shall require individuals and entities described in subsection (b) to submit to the Commission a report that contains data that is not less comprehensive than the data required to be collected by swap data repositories under section 21.''.

SEC. 730. LARGE SWAP TRADER REPORTING.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by adding after section 4s (as added by section 731) the following:

''SEC. 4t. LARGE SWAP TRADER REPORTING.

''(a) PROHIBITION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to enter into any swap that the Commission determines to perform a significant price discovery function with respect to registered entities if—

''(A) the person directly or indirectly enters into the swap during any 1 day in an amount equal to or in excess of such amount as shall be established periodically by the Commission; and

''(B) the person directly or indirectly has or obtains a position in the swap equal to or in excess of such amount as shall be established periodically by the Commission.

''(2) EXCEPTION.—Paragraph (1) shall not apply if—

''(A) the person files or causes to be filed with the properly designated officer of the Commission such reports regarding any transactions or positions described in subparagraphs (A) and (B) of paragraph (1) as the Commission may require by rule or regulation; and

''(B) in accordance with the rules and regulations of the Commission, the person keeps books and records of all such swaps and any transactions and positions in any related commodity traded on or subject to the rules of any designated contract market or swap execution facility, and of cash or spot transactions in, inventories of, and purchase and sale commitments of, such a commodity.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Books and records described in subsection (a)(2)(B) shall—

''(A) show such complete details concerning all transactions and positions as the Commission may prescribe by rule or regulation;

''(B) be open at all times to inspection and examination by any representative of the Commission; and

''(C) be open at all times to inspection and examination by the Securities and Exchange Commission, to the extent such books and records relate to transactions in swaps (as that term is defined in section 1a(47)(A)(v)), and consistent with the confidentiality and disclosure requirements of section 8.

''(2) JURISDICTION.—Nothing in paragraph (1) shall affect the exclusive jurisdiction of the Commission to prescribe recordkeeping and reporting requirements for large swap traders under this section.

''(c) APPLICABILITY.—For purposes of this section, the swaps, futures, and cash or spot transactions and positions of any person shall include the swaps, futures, and cash or spot transactions and positions of any persons directly or indirectly controlled by the person.

''(d) SIGNIFICANT PRICE DISCOVERY FUNCTION.—In making a determination as to whether a swap performs or affects a significant price discovery function with respect to registered entities, the Commission shall consider the factors described in section 4a(a)(3).''.

SEC. 731. REGISTRATION AND REGULATION OF SWAP DEALERS AND MAJOR SWAP PARTICIPANTS.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 4r (as added by section 729) the following:

''SEC. 4s. REGISTRATION AND REGULATION OF SWAP DEALERS AND MAJOR SWAP PARTICIPANTS.

''(a) REGISTRATION.—

''(1) SWAP DEALERS.—It shall be unlawful for any person to act as a swap dealer unless the person is registered as a swap dealer with the Commission.

''(2) MAJOR SWAP PARTICIPANTS.—It shall be unlawful for any person to act as a major swap participant unless the person is registered as a major swap participant with the Commission.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A person shall register as a swap dealer or major swap participant by filing a registration application with the Commission.

''(2) CONTENTS.—

''(A) IN GENERAL.—The application shall be made in such form and manner as prescribed by the Commission, and shall contain such information, as the Commission considers necessary concerning the business in which the applicant is or will be engaged.

''(B) CONTINUAL REPORTING.—A person that is registered as a swap dealer or major swap participant shall continue to submit to the Commission reports that contain such information pertaining to the business of the person as the Commission may require.

''(3) EXPIRATION.—Each registration under this section shall expire at such time as the Commission may prescribe by rule or regulation.

''(4) RULES.—Except as provided in subsections (d) and (e), the Commission may prescribe rules applicable to swap dealers and major swap participants, including rules that limit the activities of swap dealers and major swap participants.

''(5) TRANSITION.—Rules under this section shall provide for the registration of swap dealers and major swap participants not later than 1 year after the date of enactment of the Wall Street Transparency and Accountability Act of 2010.

''(6) STATUTORY DISQUALIFICATION.—Except to the extent otherwise specifically provided by rule, regulation, or order, it shall be unlawful for a swap dealer or a major swap participant to permit any person associated with a swap dealer or a major swap participant who is subject to a statutory disqualification to effect or be involved in effecting swaps on behalf of the swap dealer or major swap participant, if the swap dealer or major swap participant knew, or in the exercise of reasonable care should have known, of the statutory disqualification.

''(c) DUAL REGISTRATION.—

''(1) SWAP DEALER.—Any person that is required to be registered as a swap dealer under this section shall register with the Commission regardless of whether the person also is a depository institution or is registered with the Securities and Exchange Commission as a security-based swap dealer.

''(2) MAJOR SWAP PARTICIPANT.—Any person that is required to be registered as a major swap participant under this section shall register with the Commission regardless of whether the person also is a depository institution or is registered with the Securities and Exchange Commission as a major security-based swap participant.

''(d) RULEMAKINGS.—

''(1) IN GENERAL.—The Commission shall adopt rules for persons that are registered as swap dealers or major swap participants under this section.

''(2) EXCEPTION FOR PRUDENTIAL REQUIREMENTS.—

''(A) IN GENERAL.—The Commission may not prescribe rules imposing prudential requirements on swap dealers or major swap participants for which there is a prudential regulator.

''(B) APPLICABILITY.—Subparagraph (A) does not limit the authority of the Commission to prescribe rules as directed under this section.

''(e) CAPITAL AND MARGIN REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE BANKS.—Each registered swap dealer and major swap participant for which there is a prudential regulator shall meet such minimum capital requirements and minimum initial and variation margin requirements as the prudential regulator shall by rule or regulation prescribe under paragraph (2)(A).

''(B) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE NOT BANKS.—Each registered swap dealer and major swap participant for which there is not a prudential regulator shall meet such minimum capital requirements and minimum initial and variation margin requirements as the Commission shall by rule or regulation prescribe under paragraph (2)(B).

''(2) RULES.—

''(A) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE BANKS.—The prudential regulators, in consultation with the Commission and the Securities and Exchange Commission, shall jointly adopt rules for swap dealers and major swap participants, with respect to their activities as a swap dealer or major swap participant, for which there is a prudential regulator imposing—

''(i) capital requirements; and

''(ii) both initial and variation margin requirements on all swaps that are not cleared by a registered derivatives clearing organization.

''(B) SWAP DEALERS AND MAJOR SWAP PARTICIPANTS THAT ARE NOT BANKS.—The Commission shall adopt rules for swap dealers and major swap participants, with respect to their activities as a swap dealer or major swap participant, for which there is not a prudential regulator imposing—

''(i) capital requirements; and

''(ii) both initial and variation margin requirements on all swaps that are not cleared by a registered derivatives clearing organization.

''(C) CAPITAL.—In setting capital requirements for a person that is designated as a swap dealer or a major swap participant for a single type or single class or category of swap or activities, the prudential regulator and the Commission shall take into account the risks associated with other types of swaps or classes of swaps or categories of swaps engaged in and the other activities conducted by that person that are not otherwise subject to regulation applicable to that person by virtue of the status of the person as a swap dealer or a major swap participant.

''(3) STANDARDS FOR CAPITAL AND MARGIN.—

''(A) IN GENERAL.—To offset the greater risk to the swap dealer or major swap participant and the financial system arising from the use of swaps that are not cleared, the requirements imposed under paragraph (2) shall—

''(i) help ensure the safety and soundness of the swap dealer or major swap participant; and

''(ii) be appropriate for the risk associated with the non-cleared swaps held as a swap dealer or major swap participant.

''(B) RULE OF CONSTRUCTION.—

''(i) IN GENERAL.—Nothing in this section shall limit, or be construed to limit, the authority—

''(I) of the Commission to set financial responsibility rules for a futures commission merchant or introducing broker registered pursuant to section 4f(a) (except for section 4f(a)(3)) in accordance with section 4f(b); or

''(II) of the Securities and Exchange Commission to set financial responsibility rules for a broker or dealer registered pursuant to section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) (except for section 15(b)(11) of that Act (15 U.S.C. 78o(b)(11)) in accordance with section 15(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(3)).

''(ii) FUTURES COMMISSION MERCHANTS AND OTHER DEALERS.—A futures commission merchant, introducing broker, broker, or dealer shall maintain sufficient capital to comply with the stricter of any applicable capital requirements to which such futures commission merchant, introducing broker, broker, or dealer is

subject to under this Act or the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).

''(C) MARGIN REQUIREMENTS.—In prescribing margin requirements under this subsection, the prudential regulator with respect to swap dealers and major swap participants for which it is the prudential regulator and the Commission with respect to swap dealers and major swap participants for which there is no prudential regulator shall permit the use of noncash collateral, as the regulator or the Commission determines to be consistent with—

''(i) preserving the financial integrity of markets trading swaps; and

''(ii) preserving the stability of the United States financial system.

''(D) COMPARABILITY OF CAPITAL AND MARGIN REQUIREMENTS.—

''(i) IN GENERAL.—The prudential regulators, the Commission, and the Securities and Exchange Commission shall periodically (but not less frequently than annually) consult on minimum capital requirements and minimum initial and variation margin requirements.

''(ii) COMPARABILITY.—The entities described in clause (i) shall, to the maximum extent practicable, establish and maintain comparable minimum capital requirements and minimum initial and variation margin requirements, including the use of non cash collateral, for—

''(I) swap dealers; and

''(II) major swap participants.

''(f) REPORTING AND RECORDKEEPING.—

''(1) IN GENERAL.—Each registered swap dealer and major swap participant—

''(A) shall make such reports as are required by the Commission by rule or regulation regarding the transactions and positions and financial condition of the registered swap dealer or major swap participant;

''(B)(i) for which there is a prudential regulator, shall keep books and records of all activities related to the business as a swap dealer or major swap participant in such form and manner and for such period as may be prescribed by the Commission by rule or regulation; and

''(ii) for which there is no prudential regulator, shall keep books and records in such form and manner and for such period as may be prescribed by the Commission by rule or regulation;

''(C) shall keep books and records described in subparagraph (B) open to inspection and examination by any representative of the Commission; and

''(D) shall keep any such books and records relating to swaps defined in section 1a(47)(A)(v) open to inspection and examination by the Securities and Exchange Commission.

''(2) RULES.—The Commission shall adopt rules governing reporting and recordkeeping for swap dealers and major swap participants.

''(g) DAILY TRADING RECORDS.—

''(1) IN GENERAL.—Each registered swap dealer and major swap participant shall maintain daily trading records of the swaps of the registered swap dealer and major swap participant and all related records (including related cash or forward transactions) and recorded communications, including electronic mail, instant messages, and recordings of telephone calls, for such period as may be required by the Commission by rule or regulation.

''(2) INFORMATION REQUIREMENTS.—The daily trading records shall include such information as the Commission shall require by rule or regulation.

''(3) COUNTERPARTY RECORDS.—Each registered swap dealer and major swap participant shall maintain daily trading records for each counterparty in a manner and form that is identifiable with each swap transaction.

''(4) AUDIT TRAIL.—Each registered swap dealer and major swap participant shall maintain a complete audit trail for conducting comprehensive and accurate trade reconstructions.

''(5) RULES.—The Commission shall adopt rules governing daily trading records for swap dealers and major swap participants.

''(h) BUSINESS CONDUCT STANDARDS.—

''(1) IN GENERAL.—Each registered swap dealer and major swap participant shall conform with such business conduct standards as prescribed in paragraph (3) and as may be prescribed by the Commission by rule or regulation that relate to—

''(A) fraud, manipulation, and other abusive practices involving swaps (including swaps that are offered but not entered into);

''(B) diligent supervision of the business of the registered swap dealer and major swap participant;

''(C) adherence to all applicable position limits; and

''(D) such other matters as the Commission determines to be appropriate.

''(2) RESPONSIBILITIES WITH RESPECT TO SPECIAL ENTITIES.—

''(A) ADVISING SPECIAL ENTITIES.—A swap dealer or major swap participant that acts as an advisor to a special entity regarding a swap shall comply with the requirements of subparagraph (4) with respect to such Special Entity.

''(B) ENTERING OF SWAPS WITH RESPECT TO SPECIAL ENTITIES.—A swap dealer that enters into or offers to enter into swap with a Special Entity shall comply with the requirements of subparagraph (5) with respect to such Special Entity.

''(C) SPECIAL ENTITY DEFINED.—For purposes of this subsection, the term 'special entity' means—

''(i) a Federal agency;

''(ii) a State, State agency, city, county, municipality, or other political subdivision of a State;

''(iii) any employee benefit plan, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002);

''(iv) any governmental plan, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002); or

''(v) any endowment, including an endowment that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986.

''(3) BUSINESS CONDUCT REQUIREMENTS.—Business conduct requirements adopted by the Commission shall—

''(A) establish a duty for a swap dealer or major swap participant to verify that any counterparty meets the eligibility standards for an eligible contract participant;

''(B) require disclosure by the swap dealer or major swap participant to any counterparty to the transaction (other than a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant) of—

''(i) information about the material risks and characteristics of the swap;

''(ii) any material incentives or conflicts of interest that the swap dealer or major swap participant may have in connection with the swap; and

''(iii)(I) for cleared swaps, upon the request of the counterparty, receipt of the daily mark of the transaction from the appropriate derivatives clearing organization; and

''(II) for uncleared swaps, receipt of the daily mark of the transaction from the swap dealer or the major swap participant;

''(C) establish a duty for a swap dealer or major swap participant to communicate in a fair and balanced manner based on principles of fair dealing and good faith; and

''(D) establish such other standards and requirements as the Commission may determine are appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this Act.

''(4) SPECIAL REQUIREMENTS FOR SWAP DEALERS ACTING AS ADVISORS.—

''(A) IN GENERAL.—It shall be unlawful for a swap dealer or major swap participant—

''(i) to employ any device, scheme, or artifice to defraud any Special Entity or prospective customer who is a Special Entity;

''(ii) to engage in any transaction, practice, or course of business that operates as a fraud or deceit on any Special Entity or prospective customer who is a Special Entity; or

''(iii) to engage in any act, practice, or course of business that is fraudulent, deceptive or manipulative.

''(B) DUTY.—Any swap dealer that acts as an advisor to a Special Entity shall have a duty to act in the best interests of the Special Entity.

''(C) REASONABLE EFFORTS.—Any swap dealer that acts as an advisor to a Special Entity shall make reasonable efforts to obtain such information as is necessary to make a reasonable determination that any swap recommended by the swap dealer is in the best interests of the Special Entity, including information relating to—

''(i) the financial status of the Special Entity;

''(ii) the tax status of the Special Entity;

''(iii) the investment or financing objectives of the Special Entity; and

''(iv) any other information that the Commission may prescribe by rule or regulation.

''(5) SPECIAL REQUIREMENTS FOR SWAP DEALERS AS COUNTERPARTIES TO SPECIAL ENTITIES.—

''(A) Any swap dealer or major swap participant that offers to enter or enters into a swap with a Special Entity shall—

''(i) comply with any duty established by the Commission for a swap dealer or major swap participant, with respect to a counterparty that is an eligible contract participant within the meaning of subclause (I) or (II) of clause (vii) of section 1a(18) of this Act, that requires the swap dealer or major swap participant to have a reasonable basis to believe that the counterparty that is a Special Entity has an independent representative that—

''(I) has sufficient knowledge to evaluate the transaction and risks;

''(II) is not subject to a statutory disqualification;

''(III) is independent of the swap dealer or major swap participant;

''(IV) undertakes a duty to act in the best interests of the counterparty it represents;

''(V) makes appropriate disclosures;

''(VI) will provide written representations to the Special Entity regarding fair pricing and the appropriateness of the transaction; and

''(VII) in the case of employee benefit plans subject to the Employee Retirement Income Security act of 1974, is a fiduciary as defined in section 3 of that Act (29 U.S.C. 1002); and

''(ii) before the initiation of the transaction, disclose to the Special Entity in writing the capacity in which the swap dealer is acting; and

''(B) the Commission may establish such other standards and requirements as the Commission may determine are appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this Act.

''(6) RULES.—The Commission shall prescribe rules under this subsection governing business conduct standards for swap dealers and major swap participants.

''(7) APPLICABILITY.—This section shall not apply with respect to a transaction that is—

''(A) initiated by a Special Entity on an exchange or swap execution facility; and

''(B) one in which the swap dealer or major swap participant does not know the identity of the counterparty to the transaction.

''(i) DOCUMENTATION STANDARDS.—

''(1) IN GENERAL.—Each registered swap dealer and major swap participant shall conform with such standards as may be prescribed by the Commission by rule or regulation that relate to timely and accurate confirmation, processing, netting, documentation, and valuation of all swaps.

''(2) RULES.—The Commission shall adopt rules governing documentation standards for swap dealers and major swap participants.

''(j) DUTIES.—Each registered swap dealer and major swap participant at all times shall comply with the following requirements:

''(1) MONITORING OF TRADING.—The swap dealer or major swap participant shall monitor its trading in swaps to prevent violations of applicable position limits.

''(2) RISK MANAGEMENT PROCEDURES.—The swap dealer or major swap participant shall establish robust and professional risk management systems adequate for managing the day-to-day business of the swap dealer or major swap participant.

''(3) DISCLOSURE OF GENERAL INFORMATION.—The swap dealer or major swap participant shall disclose to the Commission and to the prudential regulator for the swap dealer or major swap participant, as applicable, information concerning—

''(A) terms and conditions of its swaps;

''(B) swap trading operations, mechanisms, and practices;

''(C) financial integrity protections relating to swaps; and

''(D) other information relevant to its trading in swaps.

''(4) ABILITY TO OBTAIN INFORMATION.—The swap dealer or major swap participant shall—

''(A) establish and enforce internal systems and procedures to obtain any necessary information to perform any of the functions described in this section; and

''(B) provide the information to the Commission and to the prudential regulator for the swap dealer or major swap participant, as applicable, on request.

''(5) CONFLICTS OF INTEREST.—The swap dealer and major swap participant shall implement conflict-of-interest systems and procedures that—

''(A) establish structural and institutional safeguards to ensure that the activities of any person within the firm relating to research or analysis of the price or market for any commodity or swap or acting in a role of providing clearing activities or making determinations as to accepting clearing customers are separated by appropriate informational partitions within the firm from the review, pressure, or oversight of persons whose involvement in pricing, trading, or clearing activities might potentially bias their judgment or supervision and contravene the core principles of open access and the business conduct standards described in this Act; and

''(B) address such other issues as the Commission determines to be appropriate.

''(6) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, a swap dealer or major swap participant shall not—

''(A) adopt any process or take any action that results in any unreasonable restraint of trade; or

''(B) impose any material anticompetitive burden on trading or clearing.

''(7) RULES.—The Commission shall prescribe rules under this subsection governing duties of swap dealers and major swap participants.

''(k) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(1) IN GENERAL.—Each swap dealer and major swap participant shall designate an individual to serve as a chief compliance officer.

''(2) DUTIES.—The chief compliance officer shall—

''(A) report directly to the board or to the senior officer of the swap dealer or major swap participant;

''(B) review the compliance of the swap dealer or major swap participant with respect to the swap dealer and major swap participant requirements described in this section;

''(C) in consultation with the board of directors, a body performing a function similar to the board, or the senior officer of the organization, resolve any conflicts of interest that may arise;

''(D) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

''(E) ensure compliance with this Act (including regulations) relating to swaps, including each rule prescribed by the Commission under this section;

''(F) establish procedures for the remediation of noncompliance issues identified by the chief compliance officer through any—

''(i) compliance office review;

''(ii) look-back;

''(iii) internal or external audit finding;

''(iv) self-reported error; or

''(v) validated complaint; and

''(G) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(3) ANNUAL REPORTS.—

''(A) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(i) the compliance of the swap dealer or major swap participant with respect to this Act (including regulations); and

''(ii) each policy and procedure of the swap dealer or major swap participant of the chief compliance officer (including the code of ethics and conflict of interest policies).

''(B) REQUIREMENTS.—A compliance report under subparagraph (A) shall—

''(i) accompany each appropriate financial report of the swap dealer or major swap participant that is required to be furnished to the Commission pursuant to this section; and

''(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.''.

SEC. 732. CONFLICTS OF INTEREST.

Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

''(c) CONFLICTS OF INTEREST.—The Commission shall require that futures commission merchants and introducing brokers implement conflict-of-interest systems and procedures that—

''(1) establish structural and institutional safeguards to ensure that the activities of any person within the firm relating to research or analysis of the price or market for any commodity are separated by appropriate informational partitions within the firm from the review, pressure, or oversight of persons whose involvement in trading or clearing activities might potentially bias the judgment or supervision of the persons; and

''(2) address such other issues as the Commission determines to be appropriate.

''(d) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—Each futures commission merchant shall designate an individual to serve as its Chief Compliance Officer and perform such duties and responsibilities as shall be set forth in regulations to be adopted by the Commission or rules to be adopted by a futures association registered under section 17.''.

SEC. 733. SWAP EXECUTION FACILITIES.

The Commodity Exchange Act is amended by inserting after section 5g (7 U.S.C. 7b–2) the following:

''SEC. 5h. SWAP EXECUTION FACILITIES.

''(a) REGISTRATION.—

''(1) IN GENERAL.—No person may operate a facility for the trading or processing of swaps unless the facility is registered as a swap execution facility or as a designated contract market under this section.

''(2) DUAL REGISTRATION.—Any person that is registered as a swap execution facility under this section shall register with the Commission regardless of whether the person also is registered with the Securities and Exchange Commission as a swap execution facility.

''(b) TRADING AND TRADE PROCESSING.—

''(1) IN GENERAL.—Except as specified in paragraph (2), a swap execution facility that is registered under subsection (a) may—

''(A) make available for trading any swap; and

''(B) facilitate trade processing of any swap.

''(2) AGRICULTURAL SWAPS.—A swap execution facility may not list for trading or confirm the execution of any swap in an agricultural commodity (as defined by the Commission) except pursuant to a rule or regulation of the Commission allowing the swap under such terms and conditions as the Commission shall prescribe.

''(c) IDENTIFICATION OF FACILITY USED TO TRADE SWAPS BY CONTRACT MARKETS.—A board of trade that operates a contract market shall, to the extent that the board of trade also operates a swap execution facility and uses the same electronic trade execution system for listing and executing trades of swaps on or through the contract market and the swap execution facility, identify whether the electronic trading of such swaps is taking place on or through the contract market or the swap execution facility.

''(d) RULE-WRITING.—

''(1) The Securities and Exchange Commission and Commodity Futures Trading Commission may promulgate rules defining the universe of swaps that can be executed on a swap execution facility. These rules shall take into account the price and nonprice requirements of the counterparties to a swap and the goal of this section as set forth in subsection (e).

''(2) For all swaps that are not required to be executed through a swap execution facility as defined in paragraph (1), such trades may be executed through any other available means of interstate commerce.

''(3) The Securities and Exchange Commission and Commodity Futures Trading Commission shall update these rules as necessary to account for technological and other innovation.

''(e) RULE OF CONSTRUCTION.—The goal of this section is to promote the trading of swaps on swap execution facilities and to promote pretrade price transparency in the swaps market.

''(f) CORE PRINCIPLES FOR SWAP EXECUTION FACILITIES.—

''(1) COMPLIANCE WITH CORE PRINCIPLES.—

''(A) IN GENERAL.—To be registered, and maintain registration, as a swap execution facility, the swap execution facility shall comply with—

''(i) the core principles described in this subsection; and

''(ii) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(B) REASONABLE DISCRETION OF SWAP EXECUTION FACILITY.—Unless otherwise determined by the Commission by rule or regulation, a swap execution facility described in subparagraph (A) shall have reasonable discretion in establishing the manner in which the swap execution facility complies with the core principles described in this subsection.

''(2) COMPLIANCE WITH RULES.—A swap execution facility shall—

''(A) establish and enforce compliance with any rule of the swap execution facility, including—

''(i) the terms and conditions of the swaps traded or processed on or through the swap execution facility; and

''(ii) any limitation on access to the swap execution facility;

''(B) establish and enforce trading, trade processing, and participation rules that will deter abuses and have the capacity to detect, investigate, and enforce those rules, including means—

''(i) to provide market participants with impartial access to the market; and

''(ii) to capture information that may be used in establishing whether rule violations have occurred;

''(C) establish rules governing the operation of the facility, including rules specifying trading procedures to be used in entering and executing orders traded or posted on the facility, including block trades; and

''(D) provide by its rules that when a swap dealer or major swap participant enters into or facilitates a swap that is subject to the mandatory clearing requirement of section 2(h), the swap dealer or major swap participant shall be responsible for compliance with the mandatory trading requirement under section 2(h)(8).

''(3) SWAPS NOT READILY SUSCEPTIBLE TO MANIPULATION.—The swap execution facility shall permit trading only in swaps that are not readily susceptible to manipulation.

''(4) MONITORING OF TRADING AND TRADE PROCESSING.—The swap execution facility shall—

''(A) establish and enforce rules or terms and conditions defining, or specifications detailing—

''(i) trading procedures to be used in entering and executing orders traded on or through the facilities of the swap execution facility; and

''(ii) procedures for trade processing of swaps on or through the facilities of the swap execution facility; and

''(B) monitor trading in swaps to prevent manipulation, price distortion, and disruptions of the delivery or cash settlement process through surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

''(5) ABILITY TO OBTAIN INFORMATION.—The swap execution facility shall—

''(A) establish and enforce rules that will allow the facility to obtain any necessary information to perform any of the functions described in this section;

''(B) provide the information to the Commission on request; and

''(C) have the capacity to carry out such international information-sharing agreements as the Commission may require.

''(6) POSITION LIMITS OR ACCOUNTABILITY.—

''(A) IN GENERAL.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, a swap execution facility that is a trading facility shall adopt for each of the contracts of the facility, as is necessary and appropriate, position limitations or position accountability for speculators.

''(B) POSITION LIMITS.—For any contract that is subject to a position limitation established by the Commission pursuant to section 4a(a), the swap execution facility shall—

''(i) set its position limitation at a level no higher than the Commission limitation; and

''(ii) monitor positions established on or through the swap execution facility for compliance with the limit set by the Commission and the limit, if any, set by the swap execution facility.

''(7) FINANCIAL INTEGRITY OF TRANSACTIONS.—The swap execution facility shall establish and enforce rules and procedures for ensuring the financial integrity of swaps entered on or through the facilities of the swap execution facility, including the clearance and settlement of the swaps pursuant to section 2(h)(1).

''(8) EMERGENCY AUTHORITY.—The swap execution facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, as is necessary and appropriate, including the authority to liquidate or transfer open positions in any swap or to suspend or curtail trading in a swap.

''(9) TIMELY PUBLICATION OF TRADING INFORMATION.—

''(A) IN GENERAL.—The swap execution facility shall make public timely information on price, trading volume, and other trading data on swaps to the extent prescribed by the Commission.

''(B) CAPACITY OF SWAP EXECUTION FACILITY.—The swap execution facility shall be required to have the capacity to electronically capture and transmit trade information with respect to transactions executed on the facility.

''(10) RECORDKEEPING AND REPORTING.—

''(A) IN GENERAL.—A swap execution facility shall—

''(i) maintain records of all activities relating to the business of the facility, including a complete audit trail, in a form and manner acceptable to the Commission for a period of 5 years;

''(ii) report to the Commission, in a form and manner acceptable to the Commission, such information as the Commission determines to be necessary or appropriate for the Commission to perform the duties of the Commission under this Act; and

''(iii) shall keep any such records relating to swaps defined in section 1a(47)(A)(v) open to inspection and examination by the Securities and Exchange Commission.''

''(B) REQUIREMENTS.—The Commission shall adopt data collection and reporting requirements for swap execution facilities that are comparable to corresponding requirements for derivatives clearing organizations and swap data repositories.

''(11) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the swap execution facility shall not—

''(A) adopt any rules or taking any actions that result in any unreasonable restraint of trade; or

''(B) impose any material anticompetitive burden on trading or clearing.

''(12) CONFLICTS OF INTEREST.—The swap execution facility shall—

''(A) establish and enforce rules to minimize conflicts of interest in its decision-making process; and

''(B) establish a process for resolving the conflicts of interest.

''(13) FINANCIAL RESOURCES.—

''(A) IN GENERAL.—The swap execution facility shall have adequate financial, operational, and managerial resources to discharge each responsibility of the swap execution facility.

''(B) DETERMINATION OF RESOURCE ADEQUACY.—The financial resources of a swap execution facility shall be considered to be adequate if the value of the financial resources exceeds the total amount that would enable the swap execution facility to cover the operating costs of the swap execution facility for a 1-year period, as calculated on a rolling basis.

''(14) SYSTEM SAFEGUARDS.—The swap execution facility shall—

''(A) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk, through the development of appropriate controls and procedures, and automated systems, that—

''(i) are reliable and secure; and

''(ii) have adequate scalable capacity;

''(B) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allow for—

''(i) the timely recovery and resumption of operations; and

''(ii) the fulfillment of the responsibilities and obligations of the swap execution facility; and

''(C) periodically conduct tests to verify that the backup resources of the swap execution facility are sufficient to ensure continued—

''(i) order processing and trade matching;

''(ii) price reporting;

''(iii) market surveillance and

''(iv) maintenance of a comprehensive and accurate audit trail.

''(15) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(A) IN GENERAL.—Each swap execution facility shall designate an individual to serve as a chief compliance officer.

''(B) DUTIES.—The chief compliance officer shall—

''(i) report directly to the board or to the senior officer of the facility;

''(ii) review compliance with the core principles in this subsection;

''(iii) in consultation with the board of the facility, a body performing a function similar to that of a board, or the senior officer of the facility, resolve any conflicts of interest that may arise;

''(iv) be responsible for establishing and administering the policies and procedures required to be established pursuant to this section;

''(v) ensure compliance with this Act and the rules and regulations issued under this Act, including rules prescribed by the Commission pursuant to this section; and

''(vi) establish procedures for the remediation of noncompliance issues found during compliance office reviews, look backs, internal or external audit findings, self-reported errors, or through validated complaints.

''(C) REQUIREMENTS FOR PROCEDURES.—In establishing procedures under subparagraph (B)(vi), the chief compliance officer shall design the procedures to establish the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(D) ANNUAL REPORTS.—

''(i) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(I) the compliance of the swap execution facility with this Act; and

''(II) the policies and procedures, including the code of ethics and conflict of interest policies, of the swap execution facility.

''(ii) REQUIREMENTS.—The chief compliance officer shall—

''(I) submit each report described in clause (i) with the appropriate financial report of the swap execution facility that is required to be submitted to the Commission pursuant to this section; and

''(II) include in the report a certification that, under penalty of law, the report is accurate and complete.

''(g) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a swap execution facility from registration under this section if the Commission finds that the facility is subject to comparable, comprehensive supervision and regulation on a consolidated basis by the Securities and Exchange Commission, a prudential regulator, or the appropriate governmental authorities in the home country of the facility.

''(h) RULES.—The Commission shall prescribe rules governing the regulation of alternative swap execution facilities under this section.''.

SEC. 734. DERIVATIVES TRANSACTION EXECUTION FACILITIES AND EXEMPT BOARDS OF TRADE.

(a) IN GENERAL.—Sections 5a and 5d of the Commodity Exchange Act (7 U.S.C. 7a, 7a–3) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(A) in subsection (a)(1)(A), in the first sentence, by striking ''or 5a''; and

(B) in paragraph (2) of subsection (g) (as redesignated by section 723(a)(1)(B)), by striking ''section 5a of this Act'' and all that follows through ''5d of this Act'' and inserting ''section 5b of this Act''.

(2) Section 6(g)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(g)(1)(A)) is amended—

(A) by striking ''that—'' and all that follows through ''(i) has been designated'' and inserting ''that has been designated'';

(B) by striking ''; or'' and inserting ''; and'' and

(C) by striking clause (ii).

(c) ABILITY TO PETITION COMMISSION.—

(1) IN GENERAL.—Prior to the final effective dates in this title, a person may petition the Commodity Futures Trading Commission to remain subject to the provisions of section 5d of the Commodity Exchange Act, as such provisions existed prior to the effective date of this subtitle.

(2) CONSIDERATION OF PETITION.—The Commodity Futures Trading Commission shall consider any petition submitted under paragraph (1) in a prompt manner and may allow a person to continue operating subject to the provisions of section 5d of the Commodity Exchange Act for up to 1 year after the effective date of this subtitle.

SEC. 735. DESIGNATED CONTRACT MARKETS.

(a) CRITERIA FOR DESIGNATION.—Section 5 of the Commodity Exchange Act (7 U.S.C. 7) is amended by striking subsection (b).

(b) CORE PRINCIPLES FOR CONTRACT MARKETS.—Section 5 of the Commodity Exchange Act (7 U.S.C. 7) is amended by striking subsection (d) and inserting the following:

''(d) CORE PRINCIPLES FOR CONTRACT MARKETS.—

''(1) DESIGNATION AS CONTRACT MARKET.—

''(A) IN GENERAL.—To be designated, and maintain a designation, as a contract market, a board of trade shall comply with—

''(i) any core principle described in this subsection; and

''(ii) any requirement that the Commission may impose by rule or regulation pursuant to section 8a(5).

''(B) REASONABLE DISCRETION OF CONTRACT MARKET.—Unless otherwise determined by the Commission by rule or regulation, a board of trade described in subparagraph (A) shall have reasonable discretion in establishing the manner in which the board of trade complies with the core principles described in this subsection.

''(2) COMPLIANCE WITH RULES.—

''(A) IN GENERAL.—The board of trade shall establish, monitor, and enforce compliance with the rules of the contract market, including—

''(i) access requirements;

''(ii) the terms and conditions of any contracts to be traded on the contract market; and

''(iii) rules prohibiting abusive trade practices on the contract market.

''(B) CAPACITY OF CONTRACT MARKET.—The board of trade shall have the capacity to detect, investigate, and apply appropriate sanctions to any person that violates any rule of the contract market.

''(C) REQUIREMENT OF RULES.—The rules of the contract market shall provide the board of trade with the ability and authority to obtain any necessary information to perform any function described in this subsection, including the capacity to carry out such international information-sharing agreements as the Commission may require.

''(3) CONTRACTS NOT READILY SUBJECT TO MANIPULATION.—The board of trade shall list on the contract market only contracts that are not readily susceptible to manipulation.

''(4) PREVENTION OF MARKET DISRUPTION.—The board of trade shall have the capacity and responsibility to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process through market surveillance, compliance, and enforcement practices and procedures, including—

''(A) methods for conducting real-time monitoring of trading; and

''(B) comprehensive and accurate trade reconstructions.

''(5) POSITION LIMITATIONS OR ACCOUNTABILITY.—

''(A) IN GENERAL.—To reduce the potential threat of market manipulation or congestion (especially during trading in the delivery month), the board of trade shall adopt for each contract of the board of trade, as is necessary and appropriate, position limitations or position accountability for speculators.

''(B) MAXIMUM ALLOWABLE POSITION LIMITATION.—For any contract that is subject to a position limitation established by the Commission pursuant to section 4a(a), the board of trade shall set the position limitation of the board of trade at a level not higher than the position limitation established by the Commission.

''(6) EMERGENCY AUTHORITY.—The board of trade, in consultation or cooperation with the Commission, shall adopt rules to provide for the exercise of emergency authority, as is necessary and appropriate, including the authority—

''(A) to liquidate or transfer open positions in any contract;

''(B) to suspend or curtail trading in any contract; and

''(C) to require market participants in any contract to meet special margin requirements.

''(7) AVAILABILITY OF GENERAL INFORMATION.—The board of trade shall make available to market authorities, market participants, and the public accurate information concerning—

''(A) the terms and conditions of the contracts of the contract market; and

''(B)(i) the rules, regulations, and mechanisms for executing transactions on or through the facilities of the contract market; and

''(ii) the rules and specifications describing the operation of the contract market's—

''(I) electronic matching platform; or

''(II) trade execution facility.

''(8) DAILY PUBLICATION OF TRADING INFORMATION.—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for actively traded contracts on the contract market.

''(9) EXECUTION OF TRANSACTIONS.—

''(A) IN GENERAL.—The board of trade shall provide a competitive, open, and efficient market and mechanism for executing transactions that protects the price discovery process of trading in the centralized market of the board of trade.

''(B) RULES.—The rules of the board of trade may authorize, for bona fide business purposes—

''(i) transfer trades or office trades;

''(ii) an exchange of—

''(I) futures in connection with a cash commodity transaction;

''(II) futures for cash commodities; or

''(III) futures for swaps; or

''(iii) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the contract market or a derivatives clearing organization.

''(10) TRADE INFORMATION.—The board of trade shall maintain rules and procedures to provide for the recording and safe storage of all identifying trade information in a manner that enables the contract market to use the information—

''(A) to assist in the prevention of customer and market abuses; and

''(B) to provide evidence of any violations of the rules of the contract market.

''(11) FINANCIAL INTEGRITY OF TRANSACTIONS.—The board of trade shall establish and enforce—

''(A) rules and procedures for ensuring the financial integrity of transactions entered into on or through the facilities of the contract market (including the clearance and settlement of the transactions with a derivatives clearing organization); and

''(B) rules to ensure—

''(i) the financial integrity of any—

''(I) futures commission merchant; and

''(II) introducing broker; and

''(ii) the protection of customer funds.

''(12) PROTECTION OF MARKETS AND MARKET PARTICIPANTS.—The board of trade shall establish and enforce rules—

''(A) to protect markets and market participants from abusive practices committed by any party, including abusive practices committed by a party acting as an agent for a participant; and

''(B) to promote fair and equitable trading on the contract market.

''(13) DISCIPLINARY PROCEDURES.—The board of trade shall establish and enforce disciplinary procedures that authorize the board of trade to discipline, suspend, or expel members or market participants that violate the rules of the board of trade, or similar methods for performing the same functions, including delegation of the functions to third parties.

''(14) DISPUTE RESOLUTION.—The board of trade shall establish and enforce rules regarding, and provide facilities for alternative dispute resolution as appropriate for, market participants and any market intermediaries.

''(15) GOVERNANCE FITNESS STANDARDS.—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members of the contract market, and any other person with direct access to the facility (including any party affiliated with any person described in this paragraph).

''(16) CONFLICTS OF INTEREST.—The board of trade shall establish and enforce rules—

''(A) to minimize conflicts of interest in the decision-making process of the contract market; and

''(B) to establish a process for resolving conflicts of interest described in subparagraph (A).

''(17) COMPOSITION OF GOVERNING BOARDS OF CONTRACT MARKETS.—The governance arrangements of the board of trade shall be designed to permit consideration of the views of market participants.

''(18) RECORDKEEPING.—The board of trade shall maintain records of all activities relating to the business of the contract market—

''(A) in a form and manner that is acceptable to the Commission; and

''(B) for a period of at least 5 years.

''(19) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall not—

''(A) adopt any rule or taking any action that results in any unreasonable restraint of trade; or

''(B) impose any material anticompetitive burden on trading on the contract market.

''(20) SYSTEM SAFEGUARDS.—The board of trade shall—

''(A) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk, through the development of appropriate controls and procedures, and the development of automated systems, that are reliable, secure, and have adequate scalable capacity;

''(B) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allow for the timely recovery and resumption of operations and the fulfillment of the responsibilities and obligations of the board of trade; and

''(C) periodically conduct tests to verify that backup resources are sufficient to ensure continued order processing and trade matching, price reporting, market surveillance, and maintenance of a comprehensive and accurate audit trail.

''(21) FINANCIAL RESOURCES.—

''(A) IN GENERAL.—The board of trade shall have adequate financial, operational, and managerial resources to discharge each responsibility of the board of trade.

''(B) DETERMINATION OF ADEQUACY.—The financial resources of the board of trade shall be considered to be adequate if the value of the financial resources exceeds the total amount that would enable the contract market to cover the operating costs of the contract market for a 1-year period, as calculated on a rolling basis.

''(22) DIVERSITY OF BOARD OF DIRECTORS.—The board of trade, if a publicly traded company, shall endeavor to recruit individuals to serve on the board of directors and the other decision-making bodies (as determined by the Commission) of the board of trade from among, and to have the composition of the bodies reflect, a broad and culturally diverse pool of qualified candidates.

''(23) SECURITIES AND EXCHANGE COMMISSION.—The board of trade shall keep any such records relating to swaps defined in section 1a(47)(A)(v) open to inspection and examination by the Securities and Exchange Commission.''.

SEC. 736. MARGIN.

Section 8a(7) of the Commodity Exchange Act (7 U.S.C. 12a(7)) is amended—

(1) in subparagraph (C), by striking '', excepting the setting of levels of margin'';

(2) by redesignating subparagraphs (D) through (F) as subparagraphs (E) through (G), respectively; and

(3) by inserting after subparagraph (C) the following:

''(D) margin requirements, provided that the rules, regulations, or orders shall—

''(i) be limited to protecting the financial integrity of the derivatives clearing organization;

''(ii) be designed for risk management purposes to protect the financial integrity of transactions; and

''(iii) not set specific margin amounts;''.

SEC. 737. POSITION LIMITS.

(a) AGGREGATE POSITION LIMITS.—Section 4a(a) of the Commodity Exchange Act (7 U.S.C. 6a(a)) is amended—

(1) by inserting after ''(a)'' the following:

''(1) IN GENERAL.—'';

(2) in the first sentence, by striking ''on electronic trading facilities with respect to a significant price discovery contract'' and inserting ''swaps that perform or affect a significant price discovery function with respect to registered entities'';

(3) in the second sentence—

(A) by inserting '', including any group or class of traders,'' after ''held by any person''; and

(B) by striking ''on an electronic trading facility with respect to a significant price discovery contract,'' and inserting ''swaps traded on or subject to the rules of a designated contract market or a swap execution facility, or swaps not traded on or subject to the rules of a designated contract market or a swap execution facility that performs a significant price discovery function with respect to a registered entity,''; and

(4) by adding at the end the following:

''(2) ESTABLISHMENT OF LIMITATIONS.—

''(A) IN GENERAL.—In accordance with the standards set forth in paragraph (1) of this subsection and consistent with the good faith exception cited in subsection (b)(2), with respect to physical commodities other than excluded commodities as defined by the Commission, the Commission shall by rule, regulation, or order establish limits on the amount of positions, as appropriate, other than bona fide hedge positions, that may be held by any person with respect to contracts of sale for future delivery or with respect to options on the contracts or commodities traded on or subject to the rules of a designated contract market.

''(B) TIMING.—

''(i) EXEMPT COMMODITIES.—For exempt commodities, the limits required under subparagraph (A) shall be established within 180 days after the date of the enactment of this paragraph.

''(ii) AGRICULTURAL COMMODITIES.—For agricultural commodities, the limits required under subparagraph (A) shall be established within 270 days after the date of the enactment of this paragraph.

''(C) GOAL.—In establishing the limits required under subparagraph (A), the Commission shall strive to ensure that trading on foreign boards of trade in the same commodity will be subject to comparable limits and that any limits to be imposed by the Commission will not cause price discovery in the commodity to shift to trading on the foreign boards of trade.

''(3) SPECIFIC LIMITATIONS.—In establishing the limits required in paragraph (2), the Commission, as appropriate, shall set limits—

''(A) on the number of positions that may be held by any person for the spot month, each other month, and the aggregate number of positions that may be held by any person for all months; and

''(B) to the maximum extent practicable, in its discretion—

''(i) to diminish, eliminate, or prevent excessive speculation as described under this section;

''(ii) to deter and prevent market manipulation, squeezes, and corners;

''(iii) to ensure sufficient market liquidity for bona fide hedgers; and

''(iv) to ensure that the price discovery function of the underlying market is not disrupted.

''(4) SIGNIFICANT PRICE DISCOVERY FUNCTION.—In making a determination whether a swap performs or affects a significant price discovery function with respect to regulated markets, the Commission shall consider, as appropriate:

''(A) PRICE LINKAGE.—The extent to which the swap uses or otherwise relies on a daily or final settlement price, or other major price parameter, of another contract traded on a regulated market based upon the same underlying commodity, to value a position, transfer or convert a position, financially settle a position, or close out a position.

''(B) ARBITRAGE.—The extent to which the price for the swap is sufficiently related to the price of another contract traded on a regulated market based upon the same underlying commodity so as to permit market participants to effectively arbitrage between the markets by simultaneously maintaining positions or executing trades in the swaps on a frequent and recurring basis.

''(C) MATERIAL PRICE REFERENCE.—The extent to which, on a frequent and recurring basis, bids, offers, or transactions in a contract traded on a regulated market are directly based on, or are determined by referencing, the price generated by the swap.

''(D) MATERIAL LIQUIDITY.—The extent to which the volume of swaps being traded in the commodity is sufficient to have a material effect on another contract traded on a regulated market.

''(E) OTHER MATERIAL FACTORS.—Such other material factors as the Commission specifies by rule or regulation as relevant to determine whether a swap serves a significant price discovery function with respect to a regulated market.

''(5) ECONOMICALLY EQUIVALENT CONTRACTS.—

''(A) Notwithstanding any other provision of this section, the Commission shall establish limits on the amount of positions, including aggregate position limits, as appropriate, other than bona fide hedge positions, that may be held by any person with respect to swaps that are economically equivalent to contracts of sale for future delivery or to options on the contracts or commodities traded on or subject to the rules of a designated contract market subject to paragraph (2).

''(B) In establishing limits pursuant to subparagraph (A), the Commission shall—

''(i) develop the limits concurrently with limits established under paragraph (2), and the limits shall have similar requirements as under paragraph (3)(B); and

''(ii) establish the limits simultaneously with limits established under paragraph (2).

''(6) AGGREGATE POSITION LIMITS.—The Commission shall, by rule or regulation, establish limits (including related hedge exemption provisions) on the aggregate number or amount of positions in contracts based upon the same underlying commodity (as defined by the Commission) that may be held by any person, including any group or class of traders, for each month across—

''(A) contracts listed by designated contract markets;

''(B) with respect to an agreement contract, or transaction that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, contracts traded on a foreign board of trade that provides members or other participants located in the United States with direct access to its electronic trading and order matching system; and

''(C) swap contracts that perform or affect a significant price discovery function with respect to regulated entities.

''(7) EXEMPTIONS.—The Commission, by rule, regulation, or order, may exempt, conditionally or unconditionally, any person or class of persons, any swap or class of swaps, any contract of sale of a commodity for future delivery or class of such contracts, any option or class of options, or any transaction or class of transactions from any requirement it may establish under this section with respect to position limits.''.

(b) CONFORMING AMENDMENTS.—Section 4a(b) of the Commodity Exchange Act (7 U.S.C. 6a(b)) is amended—

(1) in paragraph (1), by striking ''or derivatives transaction execution facility or facilities or electronic trading facility'' and inserting ''or swap execution facility or facilities''; and

(2) in paragraph (2), by striking ''or derivatives transaction execution facility or facilities or electronic trading facility'' and inserting ''or swap execution facility''.

(c) BONA FIDE HEDGING TRANSACTION.—Section 4a(c) of the Commodity Exchange Act is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following:

''(2) For the purposes of implementation of subsection (a)(2) for contracts of sale for future delivery or options on the contracts or commodities, the Commission shall define what constitutes a bona fide hedging transaction or position as a transaction or position that—

''(A)(i) represents a substitute for transactions made or to be made or positions taken or to be taken at a later time in a physical marketing channel;

''(ii) is economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise; and

''(iii) arises from the potential change in the value of—

''(I) assets that a person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising;

''(II) liabilities that a person owns or anticipates incurring; or

''(III) services that a person provides, purchases, or anticipates providing or purchasing; or

''(B) reduces risks attendant to a position resulting from a swap that—

''(i) was executed opposite a counterparty for which the transaction would qualify as a bona fide hedging transaction pursuant to subparagraph (A); or

''(ii) meets the requirements of subparagraph (A).''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on the date of the enactment of this section.

SEC. 738. FOREIGN BOARDS OF TRADE.

(a) IN GENERAL.—Section 4(b) of the Commodity Exchange Act (7 U.S.C. 6(b)) is amended—

(1) in the first sentence, by striking ''The Commission'' and inserting the following:

''(2) PERSONS LOCATED IN THE UNITED STATES.—

''(A) IN GENERAL.—The Commission'';

(2) in the second sentence, by striking ''Such rules and regulations'' and inserting the following:

''(B) DIFFERENT REQUIREMENTS.—Rules and regulations described in subparagraph (A)'';

(3) in the third sentence—

(A) by striking ''No rule or regulation'' and inserting the following:

''(C) PROHIBITION.—Except as provided in paragraphs (1) and (2), no rule or regulation'';

(B) by striking ''that (1) requires'' and inserting the following: ''that—

''(i) requires''; and

(C) by striking ''market, or (2) governs'' and inserting the following: ''market; or

''(ii) governs''; and

(4) by inserting before paragraph (2) (as designated by paragraph (1)) the following:

''(1) FOREIGN BOARDS OF TRADE.—

''(A) REGISTRATION.—The Commission may adopt rules and regulations requiring registration with the Commission for a foreign board of trade that provides the members of the foreign board of trade or other participants located in the United States with direct access to the electronic trading and order matching system of the foreign board of trade, including rules and regulations prescribing procedures and requirements

applicable to the registration of such foreign boards of trade. For purposes of this paragraph, 'direct access' refers to an explicit grant of authority by a foreign board of trade to an identified member or other participant located in the United States to enter trades directly into the trade matching system of the foreign board of trade. In adopting such rules and regulations, the commission shall consider—

''(i) whether any such foreign board of trade is subject to comparable, comprehensive supervision and regulation by the appropriate governmental authorities in the foreign board of trade's home country; and

''(ii) any previous commission findings that the foreign board of trade is subject to comparable comprehensive supervision and regulation by the appropriate government authorities in the foreign board of trade's home country.

''(B) LINKED CONTRACTS.—The Commission may not permit a foreign board of trade to provide to the members of the foreign board of trade or other participants located in the United States direct access to the electronic trading and order-matching system of the foreign board of trade with respect to an agreement, contract, or transaction that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, unless the Commission determines that—

''(i) the foreign board of trade makes public daily trading information regarding the agreement, contract, or transaction that is comparable to the daily trading information published by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(ii) the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade)—

''(I) adopts position limits (including related hedge exemption provisions) for the agreement, contract, or transaction that are comparable to the position limits (including related hedge exemption provisions) adopted by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles;

''(II) has the authority to require or direct market participants to limit, reduce, or liquidate any position the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade) determines to be necessary to prevent or reduce the threat of price manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process;

''(III) agrees to promptly notify the Commission, with regard to the agreement, contract, or transaction that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, of any change regarding—

''(aa) the information that the foreign board of trade will make publicly available;

''(bb) the position limits that the foreign board of trade or foreign futures authority will adopt and enforce;

''(cc) the position reductions required to prevent manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process; and

''(dd) any other area of interest expressed by the Commission to the foreign board of trade or foreign futures authority;

''(IV) provides information to the Commission regarding large trader positions in the agreement, contract, or transaction that is comparable to the large trader position information collected by the Commission for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(V) provides the Commission such information as is necessary to publish reports on aggregate trader positions for the agreement, contract, or transaction traded on the foreign board of trade that are comparable to such reports on aggregate trader positions for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles.

''(C) EXISTING FOREIGN BOARDS OF TRADE.—Subparagraphs (A) and (B) shall not be effective with respect to any foreign board of trade to which, prior to the date of enactment of this paragraph, the Commission granted direct access permission until the date that is 180 days after that date of enactment.''.

(b) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''or by subsection (e)'' after ''Unless exempted by the Commission pursuant to subsection (c)''; and

(2) by adding at the end the following:

''(e) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—

''(1) IN GENERAL.—A person registered with the Commission, or exempt from registration by the Commission, under this Act may not be found to have violated subsection (a) with respect to a transaction in, or in connection with, a contract of sale of a commodity for future delivery if the person—

''(A) has reason to believe that the transaction and the contract is made on or subject to the rules of a foreign board of trade that is—

''(i) legally organized under the laws of a foreign country;

''(ii) authorized to act as a board of trade by a foreign futures authority; and

''(iii) subject to regulation by the foreign futures authority; and

''(B) has not been determined by the Commission to be operating in violation of subsection (a).

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as implying or creating any presumption that a board of trade, exchange, or market is located outside the United States, or its territories or possessions, for purposes of subsection (a).''.

(c) CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.—Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)) (as amended by section 739) is amended by adding at the end the following:

''(6) CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.—A contract of sale of a commodity for future delivery traded or executed on or through the facilities of a board of trade, exchange, or market located outside the United States for purposes of section 4(a) shall not be void, voidable, or unenforceable, and a party to such a contract shall not be entitled to rescind or recover any payment made with respect to the contract, based on the failure of the foreign board of trade to comply with any provision of this Act.''.

SEC. 739. LEGAL CERTAINTY FOR SWAPS.

Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)) is amended by striking paragraph (4) and inserting the following:

''(4) CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.—

''(A) IN GENERAL.—No hybrid instrument sold to any investor shall be void, voidable, or unenforceable, and no party to a hybrid instrument shall be entitled to rescind, or recover any payment made with respect to, the hybrid instrument under this section or any other provision of Federal or State law, based solely on the failure of the hybrid instrument to comply with the terms or conditions of section 2(f) or regulations of the Commission.

''(B) SWAPS.—No agreement, contract, or transaction between eligible contract participants or persons reasonably believed to be eligible contract participants shall be void, voidable, or unenforceable, and no party to such agreement, contract, or transaction shall be entitled to rescind, or recover any payment made with respect to, the agreement, contract, or transaction under this section or any other provision of Federal or State law, based solely on the failure of the agreement, contract, or transaction—

''(i) to meet the definition of a swap under section 1a; or

''(ii) to be cleared in accordance with section 2(h)(1).

''(5) LEGAL CERTAINTY FOR LONG-TERM SWAPS ENTERED INTO BEFORE THE DATE OF ENACTMENT OF THE WALL STREET TRANSPARENCY AND ACCOUNTABILITY ACT OF 2010.—

''(A) EFFECT ON SWAPS.—Unless specifically reserved in the applicable swap, neither the enactment of the Wall Street Transparency and Accountability Act of 2010, nor any requirement under that Act or an amendment made by that Act, shall constitute a termination event, force majeure, illegality, increased costs, regulatory change, or similar event under a swap (including any related credit support arrangement) that would permit a party to terminate, renegotiate, modify, amend, or supplement 1 or more transactions under the swap.

''(B) POSITION LIMITS.—Any position limit established under the Wall Street Transparency and Accountability Act of 2010 shall not apply to a position acquired in good faith prior to the effective date of any rule, regulation, or order under the Act that establishes the position limit; provided, however, that such positions shall be attributed to the trader if the trader's position is increased after the effective date of such position limit rule, regulation, or order.''.

SEC. 740. MULTILATERAL CLEARING ORGANIZATIONS.

Sections 408 and 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4421, 4422) are repealed.

SEC. 741. ENFORCEMENT.

(a) ENFORCEMENT AUTHORITY.—The Commodity Exchange Act is amended by inserting after section 4b (7 U.S.C. 6b) the following:

''SEC. 4b–1. ENFORCEMENT AUTHORITY.

''(a) COMMODITY FUTURES TRADING COMMISSION.—Except as provided in subsections (b), (c), and (d), the Commission shall have exclusive authority to enforce the provisions of subtitle A of the Wall Street Transparency and Accountability Act of 2010 with respect to any person.

''(b) PRUDENTIAL REGULATORS.—The prudential regulators shall have exclusive authority to enforce the provisions of section 4s(e) with respect to swap dealers or major swap participants for which they are the prudential regulator.

''(c) REFERRALS.—

''(1) PRUDENTIAL REGULATORS.—If the prudential regulator for a swap dealer or major swap participant has cause to believe that the swap dealer or major swap participant, or any affiliate or division of the swap dealer or major swap participant, may have engaged in conduct that constitutes a violation of the nonprudential requirements of this Act (including section 4s or rules adopted by the Commission under that section), the prudential regulator may promptly notify the Commission in a written report that includes—

''(A) a request that the Commission initiate an enforcement proceeding under this Act; and

''(B) an explanation of the facts and circumstances that led to the preparation of the written report.

''(2) COMMISSION.—If the Commission has cause to believe that a swap dealer or major swap participant that has a prudential regulator may have engaged in conduct that constitutes a violation of any prudential requirement of section 4s or rules adopted by the Commission under that section, the Commission may notify the prudential regulator of the conduct in a written report that includes—

''(A) a request that the prudential regulator initiate an enforcement proceeding under this Act or any other Federal law (including regulations); and

''(B) an explanation of the concerns of the Commission, and a description of the facts and

circumstances, that led to the preparation of the written report.

''(d) BACKSTOP ENFORCEMENT AUTHORITY.—

''(1) INITIATION OF ENFORCEMENT PROCEEDING BY PRUDENTIAL REGULATOR.—If the Commission does not initiate an enforcement proceeding before the end of the 90-day period beginning on the date on which the Commission receives a written report under subsection (c)(1), the prudential regulator may initiate an enforcement proceeding.

''(2) INITIATION OF ENFORCEMENT PROCEEDING BY COMMISSION.—If the prudential regulator does not initiate an enforcement proceeding before the end of the 90-day period beginning on the date on which the prudential regulator receives a written report under subsection (c)(2), the Commission may initiate an enforcement proceeding.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended—

(A) in subsection (a)(2), by striking ''or other agreement, contract, or transaction subject to paragraphs (1) and (2) of section 5a(g),'' and inserting ''or swap,'';

(B) in subsection (b), by striking ''or other agreement, contract or transaction subject to paragraphs (1) and (2) of section 5a(g),'' and inserting ''or swap,''; and

(C) by adding at the end the following:

''(e) It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any registered entity, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery (or option on such a contract), or any swap, on a group or index of securities (or any interest therein or based on the value thereof)—

''(1) to employ any device, scheme, or artifice to defraud;

''(2) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or

''(3) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.''.

(2) Section 4c(a)(1) of the Commodity Exchange Act (7 U.S.C. 6c(a)(1)) is amended by inserting ''or swap'' before ''if the transaction is used or may be used''.

(3) Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9) is amended in the first sentence by inserting ''or of any swap,'' before ''or has willfully made''.

(4) Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended in the first sentence, in the matter preceding the proviso, by inserting ''or of any swap,'' before ''or otherwise is violating''.

(5) Section 6c(a) of the Commodity Exchange Act (7 U.S.C. 13a–1(a)) is amended in the matter preceding the proviso by inserting ''or any swap'' after ''commodity for future delivery''.

(6) Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by inserting ''or of any swap,'' before ''or to corner''; and

(ii) in paragraph (4), by inserting ''swap data repository,'' before ''or futures association'' and

(B) in subsection (e)(1)—

(i) by inserting ''swap data repository,'' before ''or registered futures association''; and

(ii) by inserting '', or swaps,'' before ''on the basis''.

(7) Section 9(a) of the Commodity Exchange Act (7 U.S.C. 13(a)) is amended by adding at the end the following:

''(6) Any person to abuse the end user clearing exemption under section 2(h)(4), as determined by the Commission.''.

(8) Section 2(c)(2)(B) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)) is amended—

(A) by striking ''(dd),'' each place it appears;

(B) in clause (iii), by inserting '', and accounts or pooled investment vehicles described in clause (vi),'' before ''shall be subject to''; and

(C) by adding at the end the following:

''(vi) This Act applies to, and the Commission shall have jurisdiction over, an account or pooled investment vehicle that is offered for the purpose of trading, or that trades, any agreement, contract, or transaction in foreign currency described in clause (i).''.

(9) Section 2(c)(2)(C) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(C)) is amended—

(A) by striking ''(dd),'' each place it appears;

(B) in clause (ii)(I), by inserting '', and accounts or pooled investment vehicles described in clause (vii),'' before ''shall be subject to''; and

(C) by adding at the end the following:

''(vii) This Act applies to, and the Commission shall have jurisdiction over, an account or pooled investment vehicle that is offered for the purpose of trading, or that trades, any agreement, contract, or transaction in foreign currency described in clause (i).''.

(10) Section 1a(19)(A)(iv)(II) of the Commodity Exchange Act (7 U.S.C. 1a(19)(A)(iv)(II)) (as redesignated by section 721(a)(1)) is amended by inserting before the semicolon at the end the following: ''provided, however, that for purposes of section 2(c)(2)(B)(vi) and section 2(c)(2)(C)(vii), the term 'eligible contract participant' shall not include a commodity pool in which any participant is not otherwise an eligible contract participant''.

(11) Section 6(e) of the Commodity Exchange Act (7 U.S.C. 9a) is amended by adding at the end the following:

''(4) Any designated clearing organization that knowingly or recklessly evades or participates in or facilitates an evasion of the requirements of section 2(h) shall be liable for a civil money penalty in twice the amount otherwise available for a violation of section 2(h).

''(5) Any swap dealer or major swap participant that knowingly or recklessly evades or participates in or facilitates an evasion of the requirements of section 2(h) shall be liable for a civil money penalty in twice the amount otherwise available for a violation of section 2(h).''.

(c) SAVINGS CLAUSE.—Notwithstanding any other provision of this title, nothing in this subtitle shall be construed as divesting any appropriate Federal banking agency of any authority it may have to establish or enforce, with respect to a person for which such agency is the appropriate Federal banking agency, prudential or other standards pursuant to authority granted by Federal law other than this title.

SEC. 742. RETAIL COMMODITY TRANSACTIONS.

(a) IN GENERAL.—Section 2(c) of the Commodity Exchange Act (7 U.S.C. 2(c)) is amended—

(1) in paragraph (1), by striking ''5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B))'' and inserting '', 5b, or 12(e)(2)(B))''; and

(2) in paragraph (2), by adding at the end the following:

''(D) RETAIL COMMODITY TRANSACTIONS.—

''(i) APPLICABILITY.—Except as provided in clause (ii), this subparagraph shall apply to any agreement, contract, or transaction in any commodity that is—

''(I) entered into with, or offered to (even if not entered into with), a person that is not an eligible contract participant or eligible commercial entity; and

''(II) entered into, or offered (even if not entered into), on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis.

''(ii) EXCEPTIONS.—This subparagraph shall not apply to—

''(I) an agreement, contract, or transaction described in paragraph (1) or subparagraphs (A), (B), or (C), including any agreement, contract, or transaction specifically excluded from subparagraph (A), (B), or (C);

''(II) any security;

''(III) a contract of sale that—

''(aa) results in actual delivery within 28 days or such other longer period as the Commission may determine by rule or regulation based upon the typical commercial practice in cash or spot markets for the commodity involved; or

''(bb) creates an enforceable obligation to deliver between a seller and a buyer that have the ability to deliver and accept delivery, respectively, in connection with the line of business of the seller and buyer; or

''(IV) an agreement, contract, or transaction that is listed on a national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(V) an identified banking product, as defined in section 402(b) of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C.27 (b)).

''(iii) ENFORCEMENT.—Sections 4(a), 4(b), and 4b apply to any agreement, contract, or transaction described in clause (i), as if the agreement, contract, or transaction was a contract of sale of a commodity for future delivery.

''(iv) ELIGIBLE COMMERCIAL ENTITY.—For purposes of this subparagraph, an agricultural producer, packer, or handler shall be considered to be an eligible commercial entity for any agreement, contract, or transaction for a commodity in connection with the line of business of the agricultural producer, packer, or handler.''.

(b) GRAMM-LEACH-BLILEY ACT.—Section 206(a) of the Gramm-Leach-Bliley Act (Public Law 106–102; 15 U.S.C. 78c note) is amended, in the matter preceding paragraph (1), by striking ''For purposes of'' and inserting ''Except as provided in subsection (e), for purposes of''.

(c) CONFORMING AMENDMENTS RELATING TO RETAIL FOREIGN EXCHANGE TRANSACTIONS.—

(1) Section 2(c)(2)(B)(i)(II) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)) is amended—

(A) in item (aa), by inserting ''United States'' before ''financial institution'';

(B) by striking items (dd) and (ff);

(C) by redesignating items (ee) and (gg) as items (dd) and (ff), respectively; and

(D) in item (dd) (as so redesignated), by striking the semicolon and inserting ''; or''.

(2) Section 2(c)(2) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)) (as amended by subsection (a)(2)) is amended by adding at the end the following:

''(E) PROHIBITION.—

''(i) DEFINITION OF FEDERAL REGULATORY AGENCY.—In this subparagraph, the term 'Federal regulatory agency' means—

''(I) the Commission;

''(II) the Securities and Exchange Commission;

''(III) an appropriate Federal banking agency;

''(IV) the National Credit Union Association; and

''(V) the Farm Credit Administration.

''(ii) PROHIBITION.—

''(I) IN GENERAL.—Except as provided in subclause (II), a person described in subparagraph (B)(i)(II) for which there is a Federal regulatory agency shall not offer to, or enter into with, a person that is not an eligible contract participant, any agreement, contract, or transaction in foreign currency described in subparagraph (B)(i)(I) except pursuant to a rule or regulation of a Federal regulatory agency allowing the agreement, contract, or transaction under such terms and conditions as the Federal regulatory agency shall prescribe.

''(II) EFFECTIVE DATE.—With regard to persons described in subparagraph (B)(i)(II) for which a Federal regulatory agency has issued a proposed rule concerning agreements, contracts, or transactions in foreign currency described in subparagraph (B)(i)(I) prior to the date of enactment of this subclause, subclause (I) shall take effect 90 days after the date of enactment of this subclause.

''(iii) REQUIREMENTS OF RULES AND REGULATIONS.—

''(I) IN GENERAL.—The rules and regulations described in clause (ii) shall prescribe appropriate requirements with respect to—

''(aa) disclosure;

''(bb) recordkeeping;

''(cc) capital and margin;

''(dd) reporting;

''(ee) business conduct;

''(ff) documentation; and

''(gg) such other standards or requirements as the Federal regulatory agency shall determine to be necessary.

''(II) TREATMENT.—The rules or regulations described in clause (ii) shall treat all agreements, contracts, and transactions in foreign currency described in subparagraph (B)(i)(I), and all agreements, contracts, and transactions in foreign currency that are functionally or economically similar to agreements, contracts, or transactions described in subparagraph (B)(i)(I), similarly.''.

SEC. 743. OTHER AUTHORITY.

Unless otherwise provided by the amendments made by this subtitle, the amendments made by this subtitle do not divest any appropriate Federal banking agency, the Commodity Futures Trading Commission, the Securities and Exchange Commission, or other Federal or State agency of any authority derived from any other applicable law.

SEC. 744. RESTITUTION REMEDIES.

Section 6c(d) of the Commodity Exchange Act (7 U.S.C. 13a–1(d)) is amended by adding at the end the following:

''(3) EQUITABLE REMEDIES.—In any action brought under this section, the Commission may seek, and the court may impose, on a proper showing, on any person found in the action to have committed any violation, equitable remedies including—

''(A) restitution to persons who have sustained losses proximately caused by such violation (in the amount of such losses); and

''(B) disgorgement of gains received in connection with such violation.''.

SEC. 745. ENHANCED COMPLIANCE BY REGISTERED ENTITIES.

(a) EFFECT OF INTERPRETATION.—Section 5c(a) of the Commodity Exchange Act (7 U.S.C. 7a–2(a)) is amended by striking paragraph (2) and inserting the following:

''(2) EFFECT OF INTERPRETATION.—An interpretation issued under paragraph (1) may provide the exclusive means for complying with each section described in paragraph (1).''.

(b) NEW CONTRACTS, NEW RULES, AND RULE AMENDMENTS.—Section 5c of the Commodity Exchange Act (7 U.S.C. 7a–2) is amended by striking subsection (c) and inserting the following:

''(c) NEW CONTRACTS, NEW RULES, AND RULE AMENDMENTS.—

''(1) IN GENERAL.—A registered entity may elect to list for trading or accept for clearing any new contract, or other instrument, or may elect to approve and implement any new rule or rule amendment, by providing to the Commission (and the Secretary of the Treasury, in the case of a contract of sale of a government security for future delivery (or option on such a contract) or a rule or rule amendment specifically related to such a contract) a written certification that the new contract or instrument or clearing of the new contract or instrument, new rule, or rule amendment complies with this Act (including regulations under this Act).

''(2) RULE REVIEW.—The new rule or rule amendment described in paragraph (1) shall become effective, pursuant to the certification of the registered entity and notice of such certification to its members (in a manner to be determined by the Commission), on the date that is 10 business days after the date on which the Commission receives the certification (or such shorter period as determined by the Commission by rule or regulation) unless the Commission notifies the registered entity within such time that it is staying the certification because there exist novel or complex issues that require additional time to analyze, an inadequate explanation by the submitting registered entity, or a potential inconsistency with this Act (including regulations under this Act).

''(3) STAY OF CERTIFICATION FOR RULES.—

''(A) A notification by the Commission pursuant to paragraph (2) shall stay the certification of the new rule or rule amendment for up to an additional 90 days from the date of the notification.

''(B) A rule or rule amendment subject to a stay pursuant to subparagraph (A) shall become effective, pursuant to the certification of the registered entity, at the expiration of the period described in subparagraph (A) unless the Commission—

''(i) withdraws the stay prior to that time; or

''(ii) notifies the registered entity during such period that it objects to the proposed certification on the grounds that it is inconsistent with this Act (including regulations under this Act).

''(C) The Commission shall provide a not less than 30-day public comment period, within the 90-day period in which the stay is in effect as described in subparagraph (A), whenever the Commission reviews a rule or rule amendment pursuant to a notification by the Commission under this paragraph.

''(4) PRIOR APPROVAL.—

''(A) IN GENERAL.—A registered entity may request that the Commission grant prior approval to any new contract or other instrument, new rule, or rule amendment.

''(B) PRIOR APPROVAL REQUIRED.—Notwithstanding any other provision of this section, a designated contract market shall submit to the Commission for prior approval each rule amendment that materially changes the terms and conditions, as determined by the Commission, in any contract of sale for future delivery of a commodity specifically enumerated in section 1a(10) (or any option thereon) traded through its facilities if the rule amendment applies to contracts and delivery months which have already been listed for trading and have open interest.

''(C) DEADLINE.—If prior approval is requested under subparagraph (A), the Commission shall take final action on the request not later than 90 days after submission of the request, unless the person submitting the request agrees to an extension of the time limitation established under this subparagraph.

''(5) APPROVAL.—

''(A) RULES.—The Commission shall approve a new rule, or rule amendment, of a registered entity unless the Commission finds that the new rule, or rule amendment, is inconsistent with this subtitle (including regulations).

''(B) CONTRACTS AND INSTRUMENTS.—The Commission shall approve a new contract or other instrument unless the Commission finds that the new contract or other instrument would violate this Act (including regulations).

''(C) SPECIAL RULE FOR REVIEW AND APPROVAL OF EVENT CONTRACTS AND SWAPS CONTRACTS.—

''(i) EVENT CONTRACTS.—In connection with the listing of agreements, contracts, transactions, or swaps in excluded commodities that are based upon the occurrence, extent of an occurrence, or contingency (other than a change in the price, rate, value, or levels of a commodity described in section 1a(2)(i)), by a designated contract market or swap execution facility, the Commission may determine that such agreements, contracts, or transactions are contrary to the public interest if the agreements, contracts, or transactions involve—

''(I) activity that is unlawful under any Federal or State law;

''(II) terrorism;

''(III) assassination;

''(IV) war;

''(V) gaming; or

''(VI) other similar activity determined by the Commission, by rule or regulation, to be contrary to the public interest.

''(ii) PROHIBITION.—No agreement, contract, or transaction determined by the Commission to be contrary to the public interest under clause (i) may be listed or made available for clearing or trading on or through a registered entity.

''(iii) SWAPS CONTRACTS.—

''(I) IN GENERAL.—In connection with the listing of a swap for clearing by a derivatives clearing organization, the Commission shall determine, upon request or on its own motion, the initial eligibility, or the continuing qualification, of a derivatives clearing organization to clear such a swap under those criteria, conditions, or rules that the Commission, in its discretion, determines.

''(II) REQUIREMENTS.—Any such criteria, conditions, or rules shall consider—

''(aa) the financial integrity of the derivatives clearing organization; and

''(bb) any other factors which the Commission determines may be appropriate.

''(iv) DEADLINE.—The Commission shall take final action under clauses (i) and (ii) in not later than 90 days from the commencement of its review unless the party seeking to offer the contract or swap agrees to an extension of this time limitation.''.

(c) VIOLATION OF CORE PRINCIPLES.—Section 5c of the Commodity Exchange Act (7 U.S.C. 7a–2) is amended by striking subsection (d).

SEC. 746. INSIDER TRADING.

Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) is amended by adding at the end the following:

''(3) CONTRACT OF SALE.—It shall be unlawful for any employee or agent of any department or agency of the Federal Government who, by virtue of the employment or position of the employee or agent, acquires information that may affect or tend to affect the price of any commodity in interstate commerce, or for future delivery, or any swap, and which information has not been disseminated by the department or agency of the Federal Government holding or creating the information in a manner which makes it generally available to the trading public, or disclosed in a criminal, civil, or administrative hearing, or in a congressional, administrative, or Government Accountability Office report, hearing, audit, or investigation, to use the information in his personal capacity and for personal gain to enter into, or offer to enter into—

''(A) a contract of sale of a commodity for future delivery (or option on such a contract);

''(B) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(C) a swap.''

(4) NONPUBLIC INFORMATION.—

(A) IMPARTING OF NONPUBLIC INFORMATION.—It shall be unlawful for any employee or agent of any department or agency of the Federal government who, by virtue of the employment or position of the employee or agent, acquires information that may affect or tend to affect the price of any commodity in interstate commerce, or for future delivery, or any swap, and which information has not been disseminated by the department or agency of the Federal Government holding or creating the information in a manner which makes it generally available to the trading public, or disclosed in a criminal, civil, or administrative hearing, or in a congressional, administrative, or Government Accountability Office report, hearing, audit, or investigation, to use the information in his personal capacity and for personal gain to enter into, or offer to enter into—

''(i) a contract of sale of a commodity for future delivery (or option on such a contract);

''(ii) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(iii) a swap.

''(B) KNOWING USE.—It shall be unlawful for any person who receives information imparted by any employee or agent of any department or

agency of the Federal Government as described in subparagraph (A) to knowingly use such information to enter into, or offer to enter into—

''(i) a contract of sale of a commodity for future delivery (or option on such a contract);

''(ii) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(iii) a swap.

''(C) THEFT OF NONPUBLIC INFORMATION.—It shall be unlawful for any person to steal, convert, or misappropriate, by any means whatsoever, information held or created by any department or agency of the Federal Government that may affect or tend to affect the price of any commodity in interstate commerce, or for future delivery, or any swap, where such person knows, or acts in reckless disregard of the fact, that such information has not been disseminated by the department or agency of the Federal Government holding or creating the information in a manner which makes it generally available to the trading public, or disclosed in a criminal, civil, or administrative hearing, or in a congressional, administrative, or Government Accountability Office report, hearing, audit, or investigation, and to use such information, or to impart such information with the intent to assist another person, directly or indirectly, to use such information to enter into, or offer to enter into—

''(i) a contract of sale of a commodity for future delivery (or option on such a contract);

''(ii) an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)); or

''(iii) a swap, provided, however, that nothing in this subparagraph shall preclude a person that has provided information concerning, or generated by, the person, its operations or activities, to any employee or agent of any department or agency of the Federal Government, voluntarily or as required by law, from using such information to enter into, or offer to enter into, a contract of sale, option, or swap described in clauses (i), (ii), or (iii).''.

SEC. 747. ANTIDISRUPTIVE PRACTICES AUTHORITY.

Section 4c(a) of the Commodity Exchange Act (7 U.S.C. 6c(a)) (as amended by section 746) is amended by adding at the end the following:

''(5) DISRUPTIVE PRACTICES.—It shall be unlawful for any person to engage in any trading, practice, or conduct on or subject to the rules of a registered entity that—

''(A) violates bids or offers;

''(B) demonstrates intentional or reckless disregard for the orderly execution of transactions during the closing period; or

''(C) is, is of the character of, or is commonly known to the trade as, 'spoofing' (bidding or offering with the intent to cancel the bid or offer before execution).

''(6) RULEMAKING AUTHORITY.—The Commission may make and promulgate such rules and regulations as, in the judgment of the Commission, are reasonably necessary to prohibit the trading practices described in paragraph (5) and any other trading practice that is disruptive of fair and equitable trading.

''(7) USE OF SWAPS TO DEFRAUD.—It shall be unlawful for any person to enter into a swap knowing, or acting in reckless disregard of the fact, that its counterparty will use the swap as part of a device, scheme, or artifice to defraud any third party.''.

SEC. 748. COMMODITY WHISTLEBLOWER INCENTIVES AND PROTECTION.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by adding at the end the following:

''SEC. 23. COMMODITY WHISTLEBLOWER INCENTIVES AND PROTECTION.

''(a) DEFINITIONS.—In this section:

''(1) COVERED JUDICIAL OR ADMINISTRATIVE ACTION.—The term 'covered judicial or administrative action' means any judicial or administrative action brought by the Commission under this Act that results in monetary sanctions exceeding $1,000,000.

''(2) FUND.—The term 'Fund' means the Commodity Futures Trading Commission Customer Protection Fund established under subsection (g).

''(3) MONETARY SANCTIONS.—The term 'monetary sanctions', when used with respect to any judicial or administrative action means—

''(A) any monies, including penalties, disgorgement, restitution, and interest ordered to be paid; and

''(B) any monies deposited into a disgorgement fund or other fund pursuant to section 308(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7246(b)), as a result of such action or any settlement of such action.

''(4) ORIGINAL INFORMATION.—The term 'original information' means information that—

''(A) is derived from the independent knowledge or analysis of a whistleblower;

''(B) is not known to the Commission from any other source, unless the whistleblower is the original source of the information; and

''(C) is not exclusively derived from an allegation made in a judicial or administrative hearing, in a governmental report, hearing, audit, or investigation, or from the news media, unless the whistleblower is a source of the information.

''(5) RELATED ACTION.—The term 'related action', when used with respect to any judicial or administrative action brought by the Commission under this Act, means any judicial or administrative action brought by an entity described in subclauses (I) through (VI) of subsection (h)(2)(C) that is based upon the original information provided by a whistleblower pursuant to subsection (a) that led to the successful enforcement of the Commission action.

''(6) SUCCESSFUL RESOLUTION.—The term 'successful resolution', when used with respect to any judicial or administrative action brought by the Commission under this Act, includes any settlement of such action.

''(7) WHISTLEBLOWER.—The term 'whistleblower' means any individual, or 2 or more individuals acting jointly, who provides information relating to a violation of this Act to the Commission, in a manner established by rule or regulation by the Commission.

''(b) AWARDS.—

''(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Commission, under regulations prescribed by the Commission and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily provided original information to the Commission that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to—

''(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

''(B) not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

''(2) PAYMENT OF AWARDS.—Any amount paid under paragraph (1) shall be paid from the Fund.

''(c) DETERMINATION OF AMOUNT OF AWARD; DENIAL OF AWARD.—

''(1) DETERMINATION OF AMOUNT OF AWARD.—

''(A) DISCRETION.—The determination of the amount of an award made under subsection (b) shall be in the discretion of the Commission.

''(B) CRITERIA.—In determining the amount of an award made under subsection (b), the Commission—

''(i) shall take into consideration—

''(I) the significance of the information provided by the whistleblower to the success of the covered judicial or administrative action;

''(II) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in a covered judicial or administrative action;

''(III) the programmatic interest of the Commission in deterring violations of the Act (including regulations under the Act) by making awards to whistleblowers who provide information that leads to the successful enforcement of such laws; and

''(IV) such additional relevant factors as the Commission may establish by rule or regulation; and

''(ii) shall not take into consideration the balance of the Fund.

''(2) DENIAL OF AWARD.—No award under subsection (b) shall be made—

''(A) to any whistleblower who is, or was at the time the whistleblower acquired the original information submitted to the Commission, a member, officer, or employee of—

''(i) a appropriate regulatory agency;

''(ii) the Department of Justice;

''(iii) a registered entity;

''(iv) a registered futures association;

''(v) a self-regulatory organization as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); or

''(vi) a law enforcement organization;

''(B) to any whistleblower who is convicted of a criminal violation related to the judicial or administrative action for which the whistleblower otherwise could receive an award under this section;

''(C) to any whistleblower who submits information to the Commission that is based on the facts underlying the covered action submitted previously by another whistleblower;

''(D) to any whistleblower who fails to submit information to the Commission in such form as the Commission may, by rule or regulation, require.

''(d) REPRESENTATION.—

''(1) PERMITTED REPRESENTATION.—Any whistleblower who makes a claim for an award under subsection (b) may be represented by counsel.

''(2) REQUIRED REPRESENTATION.—

''(A) IN GENERAL.—Any whistleblower who anonymously makes a claim for an award under subsection (b) shall be represented by counsel if the whistleblower submits the information upon which the claim is based.

''(B) DISCLOSURE OF IDENTITY.—Prior to the payment of an award, a whistleblower shall disclose the identity of the whistleblower and provide such other information as the Commission may require, directly or through counsel for the whistleblower.

''(e) NO CONTRACT NECESSARY.—No contract with the Commission is necessary for any whistleblower to receive an award under subsection (b), unless otherwise required by the Commission, by rule or regulation.

''(f) APPEALS.—

''(1) IN GENERAL.—Any determination made under this section, including whether, to whom, or in what amount to make awards, shall be in the discretion of the Commission.

''(2) APPEALS.—Any determination described in paragraph (1) may be appealed to the appropriate court of appeals of the United States not more than 30 days after the determination is issued by the Commission.

''(3) REVIEW.—The court shall review the determination made by the Commission in accordance with section 7064 of title 5, United States Code.

''(g) COMMODITY FUTURES TRADING COMMISSION CUSTOMER PROTECTION FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the 'Commodity Futures Trading Commission Customer Protection Fund'.

''(2) USE OF FUND.—The Fund shall be available to the Commission, without further appropriation or fiscal year limitation, for—

''(A) the payment of awards to whistleblowers as provided in subsection (a); and

''(B) the funding of customer education initiatives designed to help customers protect themselves against fraud or other violations of this Act, or the rules and regulations thereunder.

''(3) DEPOSITS AND CREDITS.—There shall be deposited into or credited to the Fund:

''(A) MONETARY SANCTIONS.—Any monetary sanctions collected by the Commission in any covered judicial or administrative action that is not otherwise distributed to victims of a violation of this Act or the rules and regulations thereunder underlying such action, unless the balance of the Fund at the time the monetary judgment is collected exceeds $100,000,000.

''(B) ADDITIONAL AMOUNTS.—If the amounts deposited into or credited to the Fund under subparagraph (A) are not sufficient to satisfy an award made under subsection (b), there shall be deposited into or credited to the Fund an amount equal to the unsatisfied portion of the award from any monetary sanction collected by the Commission in any judicial or administrative action brought by the Commission under this Act that is based on information provided by a whistleblower.

''(C) INVESTMENT INCOME.—All income from investments made under paragraph (4).

''(4) INVESTMENTS.—

''(A) AMOUNTS IN FUND MAY BE INVESTED.—The Commission may request the Secretary of the Treasury to invest the portion of the Fund that is not, in the Commission's judgment, required to meet the current needs of the Fund.

''(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary of the Treasury in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Fund as determined by the Commission.

''(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

''(5) REPORTS TO CONGRESS.—Not later than October 30 of each year, the Commission shall transmit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Agriculture of the House of Representatives a report on—

''(A) the Commission's whistleblower award program under this section, including a description of the number of awards granted and the types of cases in which awards were granted during the preceding fiscal year;

''(B) customer education initiatives described in paragraph (2)(B) that were funded by the Fund during the preceding fiscal year;

''(C) the balance of the Fund at the beginning of the preceding fiscal year;

''(D) the amounts deposited into or credited to the Fund during the preceding fiscal year;

''(E) the amount of earnings on investments of amounts in the Fund during the preceding fiscal year;

''(F) the amount paid from the Fund during the preceding fiscal year to whistleblowers pursuant to subsection (b);

''(G) the amount paid from the Fund during the preceding fiscal year for customer education initiatives described in paragraph (2)(B);

''(H) the balance of the Fund at the end of the preceding fiscal year; and

''(I) a complete set of audited financial statements, including a balance sheet, income statement, and cash flow analysis.

''(h) PROTECTION OF WHISTLEBLOWERS.—

''(1) PROHIBITION AGAINST RETALIATION.—

''(A) IN GENERAL.—No employer may discharge, demote, suspend, threaten, harass, directly or indirectly, or in any other manner discriminate against, a whistleblower in the terms and conditions of employment because of any lawful act done by the whistleblower—

''(i) in providing information to the Commission in accordance with subsection (b); or

''(ii) in assisting in any investigation or judicial or administrative action of the Commission based upon or related to such information.

''(B) ENFORCEMENT.—

''(i) CAUSE OF ACTION.—An individual who alleges discharge or other discrimination in violation of subparagraph (A) may bring an action under this subsection in the appropriate district court of the United States for the relief provided in subparagraph (C), unless the individual who is alleging discharge or other discrimination in violation of subparagraph (A) is an employee of the Federal Government, in which case the individual shall only bring an action under section 1221 of title 5, United States Code.

''(ii) SUBPOENAS.—A subpoena requiring the attendance of a witness at a trial or hearing conducted under this subsection may be served at any place in the United States.

''(iii) STATUTE OF LIMITATIONS.—An action under this subsection may not be brought more than 2 years after the date on which the violation reported in subparagraph (A) is committed.

''(C) RELIEF.—Relief for an individual prevailing in an action brought under subparagraph (B) shall include—

''(i) reinstatement with the same seniority status that the individual would have had, but for the discrimination;

''(ii) the amount of back pay otherwise owed to the individual, with interest; and

''(iii) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

''(2) CONFIDENTIALITY.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the Commission, and any officer or employee of the Commission, shall not disclose any information, including information provided by a whistleblower to the Commission, which could reasonably be expected to reveal the identity of a whistleblower, except in accordance with the provisions of section 552a of title 5, United States Code, unless and until required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission or any entity described in subparagraph (C). For purposes of section 552 of title 5, United States Code, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.

''(B) EFFECT.—Nothing in this paragraph is intended to limit the ability of the Attorney General to present such evidence to a grand jury or to share such evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

''(C) AVAILABILITY TO GOVERNMENT AGENCIES.—

''(i) IN GENERAL.—Without the loss of its status as confidential in the hands of the Commission, all information referred to in subparagraph (A) may, in the discretion of the Commission, when determined by the Commission to be necessary or appropriate to accomplish the purposes of this Act and protect customers and in accordance with clause (ii), be made available to—

''(I) the Department of Justice;

''(II) an appropriate department or agency of the Federal Government, acting within the scope of its jurisdiction;

''(III) a registered entity, registered futures association, or self-regulatory organization as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a));

''(IV) a State attorney general in connection with any criminal investigation;

''(V) an appropriate department or agency of any State, acting within the scope of its jurisdiction; and

''(VI) a foreign futures authority.

''(ii) MAINTENANCE OF INFORMATION.—Each of the entities, agencies, or persons described in clause (i) shall maintain information described in that clause as confidential, in accordance with the requirements in subparagraph (A).

''(iii) STUDY ON IMPACT OF FOIA EXEMPTION ON COMMODITY FUTURES TRADING COMMISSION.—

''(I) STUDY.—The Inspector General of the Commission shall conduct a study—

''(aa) on whether the exemption under section 552(b)(3) of title 5, United States Code (known as the Freedom of Information Act) established in paragraph (2)(A) aids whistleblowers in disclosing information to the Commission;

''(bb) on what impact the exemption has had on the public's ability to access information about the Commission's regulation of commodity futures and option markets; and

''(cc) to make any recommendations on whether the Commission should continue to use the exemption.

''(II) REPORT.—Not later than 30 months after the date of enactment of this clause, the Inspector General shall—

''(aa) submit a report on the findings of the study required under this clause to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives; and

''(bb) make the report available to the public through publication of a report on the website of the Commission.

''(3) RIGHTS RETAINED.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any whistleblower under any Federal or State law, or under any collective bargaining agreement.

''(i) RULEMAKING AUTHORITY.—The Commission shall have the authority to issue such rules and regulations as may be necessary or appropriate to implement the provisions of this section consistent with the purposes of this section.

''(j) IMPLEMENTING RULES.—The Commission shall issue final rules or regulations implementing the provisions of this section not later than 270 days after the date of enactment of the Wall Street Transparency and Accountability Act of 2010.

''(k) ORIGINAL INFORMATION.—Information submitted to the Commission by a whistleblower in accordance with rules or regulations implementing this section shall not lose its status as original information solely because the whistleblower submitted such information prior to the effective date of such rules or regulations, provided such information was submitted after the date of enactment of the Wall Street Transparency and Accountability Act of 2010.

''(l) AWARDS.—A whistleblower may receive an award pursuant to this section regardless of whether any violation of a provision of this Act, or a rule or regulation thereunder, underlying the judicial or administrative action upon which the award is based occurred prior to the date of enactment of the Wall Street Transparency and Accountability Act of 2010.

''(m) PROVISION OF FALSE INFORMATION.—A whistleblower who knowingly and willfully makes any false, fictitious, or fraudulent statement or representation, or who makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall not be entitled to an award under this section and shall be subject to prosecution under section 1001 of title 18, United States Code.

''(n) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

''(1) WAIVER OF RIGHTS AND REMEDIES.—The rights and remedies provided for in this section may not be waived by any agreement, policy form, or condition of employment including by a predispute arbitration agreement.

''(2) PREDISPUTE ARBITRATION AGREEMENTS.—No predispute arbitration agreement shall be valid or enforceable, if the agreement requires arbitration of a dispute arising under this section.''.

SEC. 749. CONFORMING AMENDMENTS.

(a) Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) (as amended by section 724) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''engage as'' and inserting ''be a''; and

(ii) by striking ''or introducing broker'' and all that follows through ''or derivatives transaction execution facility'';

(B) in paragraph (1), by striking ''or introducing broker''; and

(C) in paragraph (2), by striking ''if a futures commission merchant,''; and

(2) by adding at the end the following:

''(g) It shall be unlawful for any person to be an introducing broker unless such person shall have registered under this Act with the Commission as an introducing broker and such registration shall not have expired nor been suspended nor revoked.''.

(b) Section 4m(3) of the Commodity Exchange Act (7 U.S.C. 6m(3)) is amended—

(1) by striking ''(3) Subsection (1) of this section'' and inserting the following:

''(3) EXCEPTION.—

''(A) IN GENERAL.—Paragraph (1)''; and

(2) by striking ''to any investment trust'' and all that follows through the period at the end and inserting the following: ''to any commodity pool that is engaged primarily in trading commodity interests.

''(B) ENGAGED PRIMARILY.—For purposes of subparagraph (A), a commodity trading advisor or a commodity pool shall be considered to be 'engaged primarily' in the business of being a commodity trading advisor or commodity pool if it is or holds itself out to the public as being engaged primarily, or proposes to engage primarily, in the business of advising on commodity interests or investing, reinvesting, owning, holding, or trading in commodity interests, respectively.

''(C) COMMODITY INTERESTS.—For purposes of this paragraph, commodity interests shall include contracts of sale of a commodity for future delivery, options on such contracts, security futures, swaps, leverage contracts, foreign exchange, spot and forward contracts on physical commodities, and any monies held in an account used for trading commodity interests.''.

(c) Section 5c of the Commodity Exchange Act (7 U.S.C. 7a–2) is amended—

(1) in subsection (a)(1)—

(A) by striking '', 5a(d),''; and

(B) by striking ''and section (2)(h)(7) with respect to significant price discovery contracts,''; and

(2) in subsection (f)(1), by striking ''section 4d(c) of this Act'' and inserting ''section 4d(e)''.

(d) Section 5e of the Commodity Exchange Act (7 U.S.C. 7b) is amended by striking ''or revocation of the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract,''.

(e) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended in the first sentence by striking '', or to revoke the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract,''.

(f) Section 12(e)(2)(B) of the Commodity Exchange Act (7 U.S.C. 16(e)(2)(B)) is amended—

(1) by striking ''section 2(c), 2(d), 2(f), or 2(g) of this Act'' and inserting ''section 2(c) or 2(f) of this Act''; and

(2) by striking ''2(h) or''.

(g) Section 17(r)(1) of the Commodity Exchange Act (7 U.S.C. 21(r)(1)) is amended by striking ''section 4d(c) of this Act'' and inserting ''section 4d(e)''.

(h) Section 22 of the Commodity Exchange Act is amended—

(1) in subsection (a)(1)(B), by—

(A) inserting ''or any swap'' after ''commodity)''; and

(B) inserting ''or any swap'' after ''such contract'';

(2) in subsection (a)(1)(C), by adding at the end the following:

''(iv) a swap; or''; and

(3) in subsection (b)(1)(A), by striking ''section 2(h)(7) or sections 5 through 5c'' and inserting ''section 5, 5b, 5c, 5h, or 21''.

(i) Section 408(2)(C) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4421(2)(C)) is amended—

(1) by striking ''section 2(c), 2(d), 2(f), or (2)(g) of such Act'' and inserting ''section 2(c), 2(f), or 2(i) of that Act''; and

(2) by striking ''2(h) or''.

SEC. 750. STUDY ON OVERSIGHT OF CARBON MARKETS.

(a) INTERAGENCY WORKING GROUP.—There is established to carry out this section an interagency working group (referred to in this section as the ''interagency group'') composed of the following members or designees:

(1) The Chairman of the Commodity Futures Trading Commission (referred to in this section as the ''Commission''), who shall serve as Chairman of the interagency group.

(2) The Secretary of Agriculture.

(3) The Secretary of the Treasury.

(4) The Chairman of the Securities and Exchange Commission.

(5) The Administrator of the Environmental Protection Agency.

(6) The Chairman of the Federal Energy Regulatory Commission.

(7) The Commissioner of the Federal Trade Commission.

(8) The Administrator of the Energy Information Administration.

(b) ADMINISTRATIVE SUPPORT.—The Commission shall provide the interagency group such administrative support services as are necessary to enable the interagency group to carry out the functions of the interagency group under this section.

(c) CONSULTATION.—In carrying out this section, the interagency group shall consult with representatives of exchanges, clearinghouses, self-regulatory bodies, major carbon market participants, consumers, and the general public, as the interagency group determines to be appropriate.

(d) STUDY.—The interagency group shall conduct a study on the oversight of existing and prospective carbon markets to ensure an efficient, secure, and transparent carbon market, including oversight of spot markets and derivative markets.

(e) REPORT.—Not later than 180 days after the date of enactment of this Act, the interagency group shall submit to Congress a report on the results of the study conducted under subsection (b), including recommendations for the oversight of existing and prospective carbon markets to ensure an efficient, secure, and transparent carbon market, including oversight of spot markets and derivative markets.

SEC. 751. ENERGY AND ENVIRONMENTAL MARKETS ADVISORY COMMITTEE.

Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2(a)) (as amended by section 727) is amended by adding at the end the following:

''(15) ENERGY AND ENVIRONMENTAL MARKETS ADVISORY COMMITTEE.—

''(A) ESTABLISHMENT.—

''(i) IN GENERAL.—An Energy and Environmental Markets Advisory Committee is hereby established.

''(ii) MEMBERSHIP.—The Committee shall have 9 members.

''(iii) ACTIVITIES.—The Committee's objectives and scope of activities shall be—

''(I) to conduct public meetings;

''(II) to submit reports and recommendations to the Commission (including dissenting or minority views, if any); and

''(III) otherwise to serve as a vehicle for discussion and communication on matters of concern to exchanges, firms, end users, and regulators regarding energy and environmental markets and their regulation by the Commission.

''(B) REQUIREMENTS.—

''(i) IN GENERAL.—The Committee shall hold public meetings at such intervals as are necessary to carry out the functions of the Committee, but not less frequently than 2 times per year.

''(ii) MEMBERS.—Members shall be appointed to 3-year terms, but may be removed for cause by vote of the Commission.

''(C) APPOINTMENT.—The Commission shall appoint members with a wide diversity of opinion and who represent a broad spectrum of interests, including hedgers and consumers.

''(D) REIMBURSEMENT.—Members shall be entitled to per diem and travel expense reimbursement by the Commission.

''(E) FACA.—The Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).''.

SEC. 752. INTERNATIONAL HARMONIZATION.

(a) In order to promote effective and consistent global regulation of swaps and security-based swaps, the Commodity Futures Trading Commission, the Securities and Exchange Commission, and the prudential regulators (as that term is defined in section 1a(39) of the Commodity Exchange Act), as appropriate, shall consult and coordinate with foreign regulatory authorities on the establishment of consistent international standards with respect to the regulation (including fees) of swaps, security-based swaps, swap entities, and security-based swap entities and may agree to such information-sharing arrangements as may be deemed to be necessary or appropriate in the public interest or for the protection of investors, swap counterparties, and security-based swap counterparties.

(b) In order to promote effective and consistent global regulation of contracts of sale of a commodity for future delivery and options on such contracts, the Commodity Futures Trading Commission shall consult and coordinate with foreign regulatory authorities on the establishment of consistent international standards with respect to the regulation of contracts of sale of a commodity for future delivery and options on such contracts, and may agree to such information-sharing arrangements as may be deemed necessary or appropriate in the public interest for the protection of users of contracts of sale of a commodity for future delivery.

SEC. 753. ANTI-MANIPULATION AUTHORITY.

(a) PROHIBITION REGARDING MANIPULATION AND FALSE INFORMATION.—Subsection (c) of section 6 of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended to read as follows:

''(c) PROHIBITION REGARDING MANIPULATION AND FALSE INFORMATION.—

''(1) PROHIBITION AGAINST MANIPULATION.—It shall be unlawful for any person, directly or indirectly, to use or employ, or attempt to use or employ, in connection with any swap, or a contract of sale of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission shall promulgate by not later than 1 year after the date of enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act, provided no rule or regulation promulgated by the Commission shall require any person to disclose to another person nonpublic information that may be material to the market price, rate, or level of the commodity transaction, except as necessary to make any statement made to the other person in or in connection with the transaction not misleading in any material respect.

''(A) SPECIAL PROVISION FOR MANIPULATION BY FALSE REPORTING.—Unlawful manipulation for purposes of this paragraph shall include, but not be limited to, delivering, or causing to be delivered for transmission through the mails or interstate commerce, by any means of communication whatsoever, a false or misleading or inaccurate report concerning crop or market information or conditions that affect or tend to affect the price of any commodity in interstate commerce, knowing, or acting in reckless disregard of the fact that such report is false, misleading or inaccurate.

''(B) EFFECT ON OTHER LAW.—Nothing in this paragraph shall affect, or be construed to affect, the applicability of section 9(a)(2).

''(C) GOOD FAITH MISTAKES.—Mistakenly transmitting, in good faith, false or misleading or inaccurate information to a price reporting service would not be sufficient to violate subsection (c)(1)(A).

''(2) PROHIBITION REGARDING FALSE INFORMATION.—It shall be unlawful for any person to

make any false or misleading statement of a material fact to the Commission, including in any registration application or any report filed with the Commission under this Act, or any other information relating to a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, or to omit to state in any such statement any material fact that is necessary to make any statement of a material fact made not misleading in any material respect, if the person knew, or reasonably should have known, the statement to be false or misleading.

''(3) OTHER MANIPULATION.—In addition to the prohibition in paragraph (1), it shall be unlawful for any person, directly or indirectly, to manipulate or attempt to manipulate the price of any swap, or of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity.

''(4) ENFORCEMENT.—

''(A) AUTHORITY OF COMMISSION.—If the Commission has reason to believe that any person (other than a registered entity) is violating or has violated this subsection, or any other provision of this Act (including any rule, regulation, or order of the Commission promulgated in accordance with this subsection or any other provision of this Act), the Commission may serve upon the person a complaint.

''(B) CONTENTS OF COMPLAINT.—A complaint under subparagraph (A) shall—

''(i) contain a description of the charges against the person that is the subject of the complaint; and

''(ii) have attached or contain a notice of hearing that specifies the date and location of the hearing regarding the complaint.

''(C) HEARING.—A hearing described in subparagraph (B)(ii)—

''(i) shall be held not later than 3 days after service of the complaint described in subparagraph (A);

''(ii) shall require the person to show cause regarding why—

''(I) an order should not be made—

''(aa) to prohibit the person from trading on, or subject to the rules of, any registered entity; and

''(bb) to direct all registered entities to refuse all privileges to the person until further notice of the Commission; and

''(II) the registration of the person, if registered with the Commission in any capacity, should not be suspended or revoked; and

''(iii) may be held before—

''(I) the Commission; or

''(II) an administrative law judge designated by the Commission, under which the administrative law judge shall ensure that all evidence is recorded in written form and submitted to the Commission.

''(5) SUBPOENA.—For the purpose of securing effective enforcement of the provisions of this Act, for the purpose of any investigation or proceeding under this Act, and for the purpose of any action taken under section 12(f), any member of the Commission or any Administrative Law Judge or other officer designated by the Commission (except as provided in paragraph (7)) may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records that the Commission deems relevant or material to the inquiry.

''(6) WITNESSES.—The attendance of witnesses and the production of any such records may be required from any place in the United States, any State, or any foreign country or jurisdiction at any designated place of hearing.

''(7) SERVICE.—A subpoena issued under this section may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States in such manner as the Federal Rules of Civil Procedure prescribe for service of process in a foreign country, except that a subpoena to be served on a person who is not to be found within the territorial jurisdiction of any court of the United States may be issued only on the prior approval of the Commission.

''(8) REFUSAL TO OBEY.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction in which the investigation or proceeding is conducted, or where such person resides or transacts business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. Such court may issue an order requiring such person to appear before the Commission or member or Administrative Law Judge or other officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question.

''(9) FAILURE TO OBEY.—Any failure to obey such order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in the judicial district wherein such person is an inhabitant or transacts business or wherever such person may be found.

''(10) EVIDENCE.—On the receipt of evidence under paragraph (4)(C)(iii), the Commission may—

''(A) prohibit the person that is the subject of the hearing from trading on, or subject to the rules of, any registered entity and require all registered entities to refuse the person all privileges on the registered entities for such period as the Commission may require in the order;

''(B) if the person is registered with the Commission in any capacity, suspend, for a period not to exceed 180 days, or revoke, the registration of the person;

''(C) assess such person—

''(i) a civil penalty of not more than an amount equal to the greater of—

''(I) $140,000; or

''(II) triple the monetary gain to such person for each such violation; or

''(ii) in any case of manipulation or attempted manipulation in violation of this subsection or section 9(a)(2), a civil penalty of not more than an amount equal to the greater of—

''(I) $1,000,000; or

''(II) triple the monetary gain to the person for each such violation; and

''(D) require restitution to customers of damages proximately caused by violations of the person.

''(11) ORDERS.—

''(A) NOTICE.—The Commission shall provide to a person described in paragraph (10) and the appropriate governing board of the registered entity notice of the order described in paragraph (10) by—

''(i) registered mail;

''(ii) certified mail; or

''(iii) personal delivery.

''(B) REVIEW.—

''(i) IN GENERAL.—A person described in paragraph (10) may obtain a review of the order or such other equitable relief as determined to be appropriate by a court described in clause (ii).

''(ii) PETITION.—To obtain a review or other relief under clause (i), a person may, not later than 15 days after notice is given to the person under clause (i), file a written petition to set aside the order with the United States Court of Appeals—

''(I) for the circuit in which the petitioner carries out the business of the petitioner; or

''(II) in the case of an order denying registration, the circuit in which the principal place of business of the petitioner is located, as listed on the application for registration of the petitioner.

''(C) PROCEDURE.—

''(i) DUTY OF CLERK OF APPROPRIATE COURT.—The clerk of the appropriate court under subparagraph (B)(ii) shall transmit to the Commission a copy of a petition filed under subparagraph (B)(ii).

''(ii) DUTY OF COMMISSION.—In accordance with section 2112 of title 28, United States Code, the Commission shall file in the appropriate court described in subparagraph (B)(ii) the record theretofore made.

''(iii) JURISDICTION OF APPROPRIATE COURT.—Upon the filing of a petition under subparagraph (B)(ii), the appropriate court described in subparagraph (B)(ii) may affirm, set aside, or modify the order of the Commission.''.

(b) CEASE AND DESIST ORDERS, FINES.—Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended to read as follows:

''(d) If any person (other than a registered entity), is violating or has violated subsection (c) or any other provisions of this Act or of the rules, regulations, or orders of the Commission thereunder, the Commission may, upon notice and hearing, and subject to appeal as in other cases provided for in subsection (c), make and enter an order directing that such person shall cease and desist therefrom and, if such person thereafter and after the lapse of the period allowed for appeal of such order or after the affirmance of such order, shall knowingly fail or refuse to obey or comply with such order, such person, upon conviction thereof, shall be fined not more than the higher of $140,000 or triple the monetary gain to such person, or imprisoned for not more than 1 year, or both, except that if such knowing failure or refusal to obey or comply with such order involves any offense within subsection (a) or (b) of section 9, such person, upon conviction thereof, shall be subject to the penalties of said subsection (a) or (b): Provided, That any such cease and desist order under this subsection against any respondent in any case of manipulation shall be issued only in conjunction with an order issued against such respondent under subsection (c).''.

(c) MANIPULATIONS; PRIVATE RIGHTS OF ACTION.—Section 22(a)(1) of the Commodity Exchange Act (7 U.S.C. 25(a)(1)) is amended by striking subparagraph (D) and inserting the following:

''(D) who purchased or sold a contract referred to in subparagraph (B) hereof or swap if the violation constitutes—

''(i) the use or employment of, or an attempt to use or employ, in connection with a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative device or contrivance in contravention of such rules and regulations as the Commission shall promulgate by not later than 1 year after the date of enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act; or

''(ii) a manipulation of the price of any such contract or swap or the price of the commodity underlying such contract or swap.''.

(d) EFFECTIVE DATE.—

(1) The amendments made by this section shall take effect on the date on which the final rule promulgated by the Commodity Futures Trading Commission pursuant to this Act takes effect.

(2) Paragraph (1) shall not preclude the Commission from undertaking prior to the effective date any rulemaking necessary to implement the amendments contained in this section.

SEC. 754. EFFECTIVE DATE.

Unless otherwise provided in this title, the provisions of this subtitle shall take effect on the later of 360 days after the date of the enactment of this subtitle or, to the extent a provision of this subtitle requires a rulemaking, not less than 60 days after publication of the final rule or regulation implementing such provision of this subtitle.

Subtitle B—Regulation of Security-Based Swap Markets

SEC. 761. DEFINITIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934.

(a) DEFINITIONS.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in subparagraphs (A) and (B) of paragraph (5), by inserting ''(not including security-based swaps, other than security-based swaps with or for persons that are not eligible contract

participants)'' after ''securities'' each place that term appears;

(2) in paragraph (10), by inserting ''security-based swap,'' after ''security future,'';

(3) in paragraph (13), by adding at the end the following: ''For security-based swaps, such terms include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.'';

(4) in paragraph (14), by adding at the end the following: ''For security-based swaps, such terms include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.'';

(5) in paragraph (39)—

(A) in subparagraph (B)(i)—

(i) in subclause (I), by striking ''or government securities dealer'' and inserting ''government securities dealer, security-based swap dealer, or major security-based swap participant''; and

(ii) in subclause (II), by inserting ''security-based swap dealer, major security-based swap participant,'' after ''government securities dealer,'';

(B) in subparagraph (C), by striking ''or government securities dealer'' and inserting ''government securities dealer, security-based swap dealer, or major security-based swap participant''; and

(C) in subparagraph (D), by inserting ''security-based swap dealer, major security-based swap participant,'' after ''government securities dealer,''; and

(6) by adding at the end the following:

''(65) ELIGIBLE CONTRACT PARTICIPANT.—The term 'eligible contract participant' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(66) MAJOR SWAP PARTICIPANT.—The term 'major swap participant' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(67) MAJOR SECURITY-BASED SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'major security-based swap participant' means any person—

''(i) who is not a security-based swap dealer; and

''(ii)(I) who maintains a substantial position in security-based swaps for any of the major security-based swap categories, as such categories are determined by the Commission, excluding both positions held for hedging or mitigating commercial risk and positions maintained by any employee benefit plan (or any contract held by such a plan) as defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) for the primary purpose of hedging or mitigating any risk directly associated with the operation of the plan;

''(II) whose outstanding security-based swaps create substantial counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets; or

''(III) that is a financial entity that—

''(aa) is highly leveraged relative to the amount of capital such entity holds and that is not subject to capital requirements established by an appropriate Federal banking agency; and

''(bb) maintains a substantial position in outstanding security-based swaps in any major security-based swap category, as such categories are determined by the Commission.

''(B) DEFINITION OF SUBSTANTIAL POSITION.—For purposes of subparagraph (A), the Commission shall define, by rule or regulation, the term 'substantial position' at the threshold that the Commission determines to be prudent for the effective monitoring, management, and oversight of entities that are systemically important or can significantly impact the financial system of the United States. In setting the definition under this subparagraph, the Commission shall consider the person's relative position in uncleared as opposed to cleared security-based swaps and may take into consideration the value and quality of collateral held against counterparty exposures.

''(C) SCOPE OF DESIGNATION.—For purposes of subparagraph (A), a person may be designated as a major security-based swap participant for 1 or more categories of security-based swaps without being classified as a major security-based swap participant for all classes of security-based swaps.

''(68) SECURITY-BASED SWAP.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'security-based swap' means any agreement, contract, or transaction that—

''(i) is a swap, as that term is defined under section 1a of the Commodity Exchange Act (without regard to paragraph (47)(B)(x) of such section); and

''(ii) is based on—

''(I) an index that is a narrow-based security index, including any interest therein or on the value thereof;

''(II) a single security or loan, including any interest therein or on the value thereof; or

''(III) the occurrence, nonoccurrence, or extent of the occurrence of an event relating to a single issuer of a security or the issuers of securities in a narrow-based security index, provided that such event directly affects the financial statements, financial condition, or financial obligations of the issuer.

''(B) RULE OF CONSTRUCTION REGARDING MASTER AGREEMENTS.—The term 'security-based swap' shall be construed to include a master agreement that provides for an agreement, contract, or transaction that is a security-based swap pursuant to subparagraph (A), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a security-based swap pursuant to subparagraph (A), except that the master agreement shall be considered to be a security-based swap only with respect to each agreement, contract, or transaction under the master agreement that is a security-based swap pursuant to subparagraph (A).

''(C) EXCLUSIONS.—The term 'security-based swap' does not include any agreement, contract, or transaction that meets the definition of a security-based swap only because such agreement, contract, or transaction references, is based upon, or settles through the transfer, delivery, or receipt of an exempted security under paragraph (12), as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in paragraph (29) as in effect on the date of enactment of the Futures Trading Act of 1982), unless such agreement, contract, or transaction is of the character of, or is commonly known in the trade as, a put, call, or other option.

''(D) MIXED SWAP.—The term 'security-based swap' includes any agreement, contract, or transaction that is as described in subparagraph (A) and also is based on the value of 1 or more interest or other rates, currencies, commodities, instruments of indebtedness, indices, quantitative measures, other financial or economic interest or property of any kind (other than a single security or a narrow-based security index), or the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence (other than an event described in subparagraph (A)(ii)(III)).

''(E) RULE OF CONSTRUCTION REGARDING USE OF THE TERM INDEX.—The term 'index' means an index or group of securities, including any interest therein or based on the value thereof.

''(69) SWAP.—The term 'swap' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(70) PERSON ASSOCIATED WITH A SECURITY-BASED SWAP DEALER OR MAJOR SECURITY-BASED SWAP PARTICIPANT.—

''(A) IN GENERAL.—The term 'person associated with a security-based swap dealer or major security-based swap participant' or 'associated person of a security-based swap dealer or major security-based swap participant' means—

''(i) any partner, officer, director, or branch manager of such security-based swap dealer or major security-based swap participant (or any person occupying a similar status or performing similar functions);

''(ii) any person directly or indirectly controlling, controlled by, or under common control with such security-based swap dealer or major security-based swap participant; or

''(iii) any employee of such security-based swap dealer or major security-based swap participant.

''(B) EXCLUSION.—Other than for purposes of section 15F(l)(2), the term 'person associated with a security-based swap dealer or major security-based swap participant' or 'associated person of a security-based swap dealer or major security-based swap participant' does not include any person associated with a security-based swap dealer or major security-based swap participant whose functions are solely clerical or ministerial.

''(71) SECURITY-BASED SWAP DEALER.—

''(A) IN GENERAL.—The term 'security-based swap dealer' means any person who—

''(i) holds themself out as a dealer in security-based swaps;

''(ii) makes a market in security-based swaps;

''(iii) regularly enters into security-based swaps with counterparties as an ordinary course of business for its own account; or

''(iv) engages in any activity causing it to be commonly known in the trade as a dealer or market maker in security-based swaps.

''(B) DESIGNATION BY TYPE OR CLASS.—A person may be designated as a security-based swap dealer for a single type or single class or category of security-based swap or activities and considered not to be a security-based swap dealer for other types, classes, or categories of security-based swaps or activities.

''(C) EXCEPTION.—The term 'security-based swap dealer' does not include a person that enters into security-based swaps for such person's own account, either individually or in a fiduciary capacity, but not as a part of regular business.

''(D) DE MINIMIS EXCEPTION.—The Commission shall exempt from designation as a security-based swap dealer an entity that engages in a de minimis quantity of security-based swap dealing in connection with transactions with or on behalf of its customers. The Commission shall promulgate regulations to establish factors with respect to the making of any determination to exempt.

''(72) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

''(73) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

''(74) PRUDENTIAL REGULATOR.—The term 'prudential regulator' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(75) SECURITY-BASED SWAP DATA REPOSITORY.—The term 'security-based swap data repository' means any person that collects and maintains information or records with respect to transactions or positions in, or the terms and conditions of, security-based swaps entered into by third parties for the purpose of providing a centralized recordkeeping facility for security-based swaps.

''(76) SWAP DEALER.—The term 'swap dealer' has the same meaning as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(77) SECURITY-BASED SWAP EXECUTION FACILITY.—The term 'security-based swap execution

facility' means a trading system or platform in which multiple participants have the ability to execute or trade security-based swaps by accepting bids and offers made by multiple participants in the facility or system, through any means of interstate commerce, including any trading facility, that—

''(A) facilitates the execution of security-based swaps between persons; and

''(B) is not a national securities exchange.

''(78) SECURITY-BASED SWAP AGREEMENT.—

''(A) IN GENERAL.—For purposes of sections 9, 10, 16, 20, and 21A of this Act, and section 17 of the Securities Act of 1933 (15 U.S.C. 77q), the term 'security-based swap agreement' means a swap agreement as defined in section 206A of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note) of which a material term is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein.

''(B) EXCLUSIONS.—The term 'security-based swap agreement' does not include any security-based swap.''.

(b) AUTHORITY TO FURTHER DEFINE TERMS.—The Securities and Exchange Commission may, by rule, further define—

(1) the term ''commercial risk'';

(2) any other term included in an amendment to the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) made by this subtitle; and

(3) the terms ''security-based swap'', ''security-based swap dealer'', ''major security-based swap participant'', and ''eligible contract participant'', with regard to security-based swaps (as such terms are defined in the amendments made by subsection (a)) for the purpose of including transactions and entities that have been structured to evade this subtitle or the amendments made by this subtitle.

SEC. 762. REPEAL OF PROHIBITION ON REGULATION OF SECURITY-BASED SWAP AGREEMENTS.

(a) REPEAL.—Sections 206B and 206C of the Gramm-Leach-Bliley Act (Public Law 106–102; 15 U.S.C. 78c note) are repealed.

(b) CONFORMING AMENDMENTS TO GRAMM-LEACH-BLILEY.—Section 206A(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note) is amended in the material preceding paragraph (1), by striking ''Except as'' and all that follows through ''that—'' and inserting the following: ''Except as provided in subsection (b), as used in this section, the term 'swap agreement' means any agreement, contract, or transaction that—''.

(c) CONFORMING AMENDMENTS TO THE SECURITIES ACT OF 1933.—

(1) Section 2A of the Securities Act of 1933 (15 U.S.C. 77b–1) is amended—

(A) by striking subsection (a) and reserving that subsection; and

(B) by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'' each place that such term appears and inserting ''(as defined in section 3(a)(78) of the Securities Exchange Act of 1934)''.

(2) Section 17 of the Securities Act of 1933 (15 U.S.C. 77q) is amended—

(A) in subsection (a)—

(i) by inserting ''(including security-based swaps)'' after ''securities''; and

(ii) by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'' and inserting ''(as defined in section 3(a)(78) of the Securities Exchange Act)''; and

(B) in subsection (d), by striking ''206B of the Gramm-Leach-Bliley Act'' and inserting ''3(a)(78) of the Securities Exchange Act of 1934''.

(d) CONFORMING AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in section 3A (15 U.S.C. 78c–1)—

(A) by striking subsection (a) and reserving that subsection; and

(B) by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'' each place that the term appears;

(2) in section 9 (15 U.S.C. 78i)—

(A) in subsection (a), by striking paragraphs (2) through (5) and inserting the following:

''(2) To effect, alone or with 1 or more other persons, a series of transactions in any security registered on a national securities exchange, any security not so registered, or in connection with any security-based swap or security-based swap agreement with respect to such security creating actual or apparent active trading in such security, or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others.

''(3) If a dealer, broker, security-based swap dealer, major security-based swap participant, or other person selling or offering for sale or purchasing or offering to purchase the security, a security-based swap, or a security-based swap agreement with respect to such security, to induce the purchase or sale of any security registered on a national securities exchange, any security not so registered, any security-based swap, or any security-based swap agreement with respect to such security by the circulation or dissemination in the ordinary course of business of information to the effect that the price of any such security will or is likely to rise or fall because of market operations of any 1 or more persons conducted for the purpose of raising or depressing the price of such security.

''(4) If a dealer, broker, security-based swap dealer, major security-based swap participant, or other person selling or offering for sale or purchasing or offering to purchase the security, a security-based swap, or security-based swap agreement with respect to such security, to make, regarding any security registered on a national securities exchange, any security not so registered, any security-based swap, or any security-based swap agreement with respect to such security, for the purpose of inducing the purchase or sale of such security, such security-based swap, or such security-based swap agreement any statement which was at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, and which that person knew or had reasonable ground to believe was so false or misleading.

''(5) For a consideration, received directly or indirectly from a broker, dealer, security-based swap dealer, major security-based swap participant, or other person selling or offering for sale or purchasing or offering to purchase the security, a security-based swap, or security-based swap agreement with respect to such security, to induce the purchase of any security registered on a national securities exchange, any security not so registered, any security-based swap, or any security-based swap agreement with respect to such security by the circulation or dissemination of information to the effect that the price of any such security will or is likely to rise or fall because of the market operations of any 1 or more persons conducted for the purpose of raising or depressing the price of such security.''; and

(B) in subsection (i), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'';

(3) in section 10 (15 U.S.C. 78j)—

(A) in subsection (b), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act),'' each place that term appears; and

(B) in the matter following subsection (b), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act), in each place that such terms appear'';

(4) in section 15 (15 U.S.C. 78o)—

(A) in subsection (c)(1)(A), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act),'';

(B) in subparagraphs (B) and (C) of subsection (c)(1), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'' each place that term appears;

(C) by redesignating subsection (i), as added by section 303(f) of the Commodity Futures Modernization Act of 2000 (Public Law 106–554; 114 Stat. 2763A–455)), as subsection (j); and

(D) in subsection (j), as redesignated by subparagraph (C), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'';

(5) in section 16 (15 U.S.C. 78p)—

(A) in subsection (a)(2)(C), by striking ''(as defined in section 206(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note))'';

(B) in subsection (a)(3)(B), by inserting ''or security-based swaps'' after ''security-based swap agreement'';

(C) in the first sentence of subsection (b), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'';

(D) in the third sentence of subsection (b), by striking ''(as defined in section 206B of the Gramm-Leach Bliley Act)'' and inserting ''or a security-based swap''; and

(E) in subsection (g), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'';

(6) in section 20 (15 U.S.C. 78t),

(A) in subsection (d), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)''; and

(B) in subsection (f), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)''; and

(7) in section 21A (15 U.S.C. 78u–1)—

(A) in subsection (a)(1), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)''; and

(B) in subsection (g), by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)''.

SEC. 763. AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.

(a) CLEARING FOR SECURITY-BASED SWAPS.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 3B (as added by section 717 of this Act):

''SEC. 3C. CLEARING FOR SECURITY-BASED SWAPS.

''(a) IN GENERAL.—

''(1) STANDARD FOR CLEARING.—It shall be unlawful for any person to engage in a security-based swap unless that person submits such security-based swap for clearing to a clearing agency that is registered under this Act or a clearing agency that is exempt from registration under this Act if the security-based swap is required to be cleared.

''(2) OPEN ACCESS.—The rules of a clearing agency described in paragraph (1) shall—

''(A) prescribe that all security-based swaps submitted to the clearing agency with the same terms and conditions are economically equivalent within the clearing agency and may be offset with each other within the clearing agency; and

''(B) provide for non-discriminatory clearing of a security-based swap executed bilaterally or on or through the rules of an unaffiliated national securities exchange or security-based swap execution facility.

''(b) COMMISSION REVIEW.—

''(1) COMMISSION-INITIATED REVIEW.—

''(A) The Commission on an ongoing basis shall review each security-based swap, or any group, category, type, or class of security-based swaps to make a determination that such security-based swap, or group, category, type, or class of security-based swaps should be required to be cleared.

''(B) The Commission shall provide at least a 30-day public comment period regarding any determination under subparagraph (A).

''(2) SWAP SUBMISSIONS.—

''(A) A clearing agency shall submit to the Commission each security-based swap, or any group, category, type, or class of security-based swaps that it plans to accept for clearing and provide notice to its members (in a manner to be determined by the Commission) of such submission.

''(B) Any security-based swap or group, category, type, or class of security-based swaps listed for clearing by a clearing agency as of the date of enactment of this subsection shall be considered submitted to the Commission.

''(C) The Commission shall—

''(i) make available to the public any submission received under subparagraphs (A) and (B);

''(ii) review each submission made under subparagraphs (A) and (B), and determine whether the security-based swap, or group, category, type, or class of security-based swaps, described in the submission is required to be cleared; and

''(iii) provide at least a 30-day public comment period regarding its determination whether the clearing requirement under subsection (a)(1) shall apply to the submission.

''(3) DEADLINE.—The Commission shall make its determination under paragraph (2)(C) not later than 90 days after receiving a submission made under paragraphs (2)(A) and (2)(B), unless the submitting clearing agency agrees to an extension for the time limitation established under this paragraph.

''(4) DETERMINATION.—

''(A) In reviewing a submission made under paragraph (2), the Commission shall review whether the submission is consistent with section 17A.

''(B) In reviewing a security-based swap, group of security-based swaps or class of security-based swaps pursuant to paragraph (1) or a submission made under paragraph (2), the Commission shall take into account the following factors:

''(i) The existence of significant outstanding notional exposures, trading liquidity and adequate pricing data.

''(ii) The availability of rule framework, capacity, operational expertise and resources, and credit support infrastructure to clear the contract on terms that are consistent with the material terms and trading conventions on which the contract is then traded.

''(iii) The effect on the mitigation of systemic risk, taking into account the size of the market for such contract and the resources of the clearing agency available to clear the contract.

''(iv) The effect on competition, including appropriate fees and charges applied to clearing.

''(v) The existence of reasonable legal certainty in the event of the insolvency of the relevant clearing agency or 1 or more of its clearing members with regard to the treatment of customer and security-based swap counterparty positions, funds, and property.

''(C) In making a determination under subsection (b)(1) or paragraph (2)(C) that the clearing requirement shall apply, the Commission may require such terms and conditions to the requirement as the Commission determines to be appropriate.

''(5) RULES.—Not later than 1 year after the date of the enactment of this section, the Commission shall adopt rules for a clearing agency's submission for review, pursuant to this subsection, of a security-based swap, or a group, category, type, or class of security-based swaps, that it seeks to accept for clearing. Nothing in this paragraph limits the Commission from making a determination under paragraph (2)(C) for security-based swaps described in paragraph (2)(B).

''(c) STAY OF CLEARING REQUIREMENT.—

''(1) IN GENERAL.—After making a determination pursuant to subsection (b)(2), the Commission, on application of a counterparty to a security-based swap or on its own initiative, may stay the clearing requirement of subsection (a)(1) until the Commission completes a review of the terms of the security-based swap (or the group, category, type, or class of security-based swaps) and the clearing arrangement.

''(2) DEADLINE.—The Commission shall complete a review undertaken pursuant to paragraph (1) not later than 90 days after issuance of the stay, unless the clearing agency that clears the security-based swap, or group, category, type, or class of security-based swaps, agrees to an extension of the time limitation established under this paragraph.

''(3) DETERMINATION.—Upon completion of the review undertaken pursuant to paragraph (1), the Commission may—

''(A) determine, unconditionally or subject to such terms and conditions as the Commission determines to be appropriate, that the security-based swap, or group, category, type, or class of security-based swaps, must be cleared pursuant to this subsection if it finds that such clearing is consistent with subsection (b)(4); or

''(B) determine that the clearing requirement of subsection (a)(1) shall not apply to the security-based swap, or group, category, type, or class of security-based swaps.

''(4) RULES.—Not later than 1 year after the date of the enactment of this section, the Commission shall adopt rules for reviewing, pursuant to this subsection, a clearing agency's clearing of a security-based swap, or a group, category, type, or class of security-based swaps, that it has accepted for clearing.

''(d) PREVENTION OF EVASION.—

''(1) IN GENERAL.—The Commission shall prescribe rules under this section (and issue interpretations of rules prescribed under this section), as determined by the Commission to be necessary to prevent evasions of the mandatory clearing requirements under this Act.

''(2) DUTY OF COMMISSION TO INVESTIGATE AND TAKE CERTAIN ACTIONS.—To the extent the Commission finds that a particular security-based swap or any group, category, type, or class of security-based swaps that would otherwise be subject to mandatory clearing but no clearing agency has listed the security-based swap or the group, category, type, or class of security-based swaps for clearing, the Commission shall—

''(A) investigate the relevant facts and circumstances;

''(B) within 30 days issue a public report containing the results of the investigation; and

''(C) take such actions as the Commission determines to be necessary and in the public interest, which may include requiring the retaining of adequate margin or capital by parties to the security-based swap or the group, category, type, or class of security-based swaps.

''(3) EFFECT ON AUTHORITY.—Nothing in this subsection—

''(A) authorizes the Commission to adopt rules requiring a clearing agency to list for clearing a security-based swap or any group, category, type, or class of security-based swaps if the clearing of the security-based swap or the group, category, type, or class of security-based swaps would threaten the financial integrity of the clearing agency; and

''(B) affects the authority of the Commission to enforce the open access provisions of subsection (a)(2) with respect to a security-based swap or the group, category, type, or class of security-based swaps that is listed for clearing by a clearing agency.

''(e) REPORTING TRANSITION RULES.—Rules adopted by the Commission under this section shall provide for the reporting of data, as follows:

''(1) Security-based swaps entered into before the date of the enactment of this section shall be reported to a registered security-based swap data repository or the Commission no later than 180 days after the effective date of this section.

''(2) Security-based swaps entered into on or after such date of enactment shall be reported to a registered security-based swap data repository or the Commission no later than the later of—

''(A) 90 days after such effective date; or

''(B) such other time after entering into the security-based swap as the Commission may prescribe by rule or regulation.

''(f) CLEARING TRANSITION RULES.—

''(1) Security-based swaps entered into before the date of the enactment of this section are exempt from the clearing requirements of this subsection if reported pursuant to subsection (e)(1).

''(2) Security-based swaps entered into before application of the clearing requirement pursuant to this section are exempt from the clearing requirements of this section if reported pursuant to subsection (e)(2).

''(g) EXCEPTIONS.—

''(1) IN GENERAL.—The requirements of subsection (a)(1) shall not apply to a security-based swap if 1 of the counterparties to the security-based swap—

''(A) is not a financial entity;

''(B) is using security-based swaps to hedge or mitigate commercial risk; and

''(C) notifies the Commission, in a manner set forth by the Commission, how it generally meets its financial obligations associated with entering into non-cleared security-based swaps.

''(2) OPTION TO CLEAR.—The application of the clearing exception in paragraph (1) is solely at the discretion of the counterparty to the security-based swap that meets the conditions of subparagraphs (A) through (C) of paragraph (1).

''(3) FINANCIAL ENTITY DEFINITION.—

''(A) IN GENERAL.—For the purposes of this subsection, the term 'financial entity' means—

''(i) a swap dealer;

''(ii) a security-based swap dealer;

''(iii) a major swap participant;

''(iv) a major security-based swap participant;

''(v) a commodity pool as defined in section 1a(10) of the Commodity Exchange Act;

''(vi) a private fund as defined in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80–b–2(a));

''(vii) an employee benefit plan as defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002);

''(viii) a person predominantly engaged in activities that are in the business of banking or financial in nature, as defined in section 4(k) of the Bank Holding Company Act of 1956.

''(B) EXCLUSION.—The Commission shall consider whether to exempt small banks, savings associations, farm credit system institutions, and credit unions, including—

''(i) depository institutions with total assets of $10,000,000,000 or less;

''(ii) farm credit system institutions with total assets of $10,000,000,000 or less; or

''(iii) credit unions with total assets of $10,000,000,000 or less.

''(4) TREATMENT OF AFFILIATES.—

''(A) IN GENERAL.—An affiliate of a person that qualifies for an exception under this subsection (including affiliate entities predominantly engaged in providing financing for the purchase of the merchandise or manufactured goods of the person) may qualify for the exception only if the affiliate, acting on behalf of the person and as an agent, uses the security-based swap to hedge or mitigate the commercial risk of the person or other affiliate of the person that is not a financial entity.

''(B) PROHIBITION RELATING TO CERTAIN AFFILIATES.—The exception in subparagraph (A) shall not apply if the affiliate is—

''(i) a swap dealer;

''(ii) a security-based swap dealer;

''(iii) a major swap participant;

''(iv) a major security-based swap participant;

''(v) an issuer that would be an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3), but for paragraph (1) or (7) of subsection (c) of that Act (15 U.S.C. 80a–3(c));

''(vi) a commodity pool; or

''(vii) a bank holding company with over $50,000,000,000 in consolidated assets.

''(C) TRANSITION RULE FOR AFFILIATES.—An affiliate, subsidiary, or a wholly owned entity of a person that qualifies for an exception under subparagraph (A) and is predominantly engaged in providing financing for the purchase or lease of merchandise or manufactured goods of the person shall be exempt from the margin requirement described in section 15F(e) and the clearing requirement described in subsection (a) with regard to security-based swaps entered into to mitigate the risk of the financing activities for not less than a 2-year period beginning on the date of enactment of this subparagraph.

''(5) ELECTION OF COUNTERPARTY.—

''(A) SECURITY-BASED SWAPS REQUIRED TO BE CLEARED.—With respect to any security-based swap that is subject to the mandatory clearing

requirement under subsection (a) and entered into by a security-based swap dealer or a major security-based swap participant with a counterparty that is not a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant, the counterparty shall have the sole right to select the clearing agency at which the security-based swap will be cleared.

''(B) SECURITY-BASED SWAPS NOT REQUIRED TO BE CLEARED.—With respect to any security-based swap that is not subject to the mandatory clearing requirement under subsection (a) and entered into by a security-based swap dealer or a major security-based swap participant with a counterparty that is not a swap dealer, major swap participant, security-based swap dealer, or major security-based swap participant, the counterparty—

''(i) may elect to require clearing of the security-based swap; and

''(ii) shall have the sole right to select the clearing agency at which the security-based swap will be cleared.

''(6) ABUSE OF EXCEPTION.—The Commission may prescribe such rules or issue interpretations of the rules as the Commission determines to be necessary to prevent abuse of the exceptions described in this subsection. The Commission may also request information from those persons claiming the clearing exception as necessary to prevent abuse of the exceptions described in this subsection.

''(h) TRADE EXECUTION.—

''(1) IN GENERAL.—With respect to transactions involving security-based swaps subject to the clearing requirement of subsection (a)(1), counterparties shall—

''(A) execute the transaction on an exchange; or

''(B) execute the transaction on a security-based swap execution facility registered under section 3D or a security-based swap execution facility that is exempt from registration under section 3D(e).

''(2) EXCEPTION.—The requirements of subparagraphs (A) and (B) of paragraph (1) shall not apply if no exchange or security-based swap execution facility makes the security-based swap available to trade or for security-based swap transactions subject to the clearing exception under subsection (g).

''(i) BOARD APPROVAL.—Exemptions from the requirements of this section to clear a security-based swap or execute a security-based swap through a national securities exchange or security-based swap execution facility shall be available to a counterparty that is an issuer of securities that are registered under section 12 or that is required to file reports pursuant to section 15(d), only if an appropriate committee of the issuer's board or governing body has reviewed and approved the issuer's decision to enter into security-based swaps that are subject to such exemptions.

''(j) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(1) IN GENERAL.—Each registered clearing agency shall designate an individual to serve as a chief compliance officer.

''(2) DUTIES.—The chief compliance officer shall—

''(A) report directly to the board or to the senior officer of the clearing agency;

''(B) in consultation with its board, a body performing a function similar thereto, or the senior officer of the registered clearing agency, resolve any conflicts of interest that may arise;

''(C) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

''(D) ensure compliance with this title (including regulations issued under this title) relating to agreements, contracts, or transactions, including each rule prescribed by the Commission under this section;

''(E) establish procedures for the remediation of noncompliance issues identified by the compliance officer through any—

''(i) compliance office review;

''(ii) look-back;

''(iii) internal or external audit finding;

''(iv) self-reported error; or

''(v) validated complaint; and

''(F) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(3) ANNUAL REPORTS.—

''(A) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(i) the compliance of the registered clearing agency or security-based swap execution facility of the compliance officer with respect to this title (including regulations under this title); and

''(ii) each policy and procedure of the registered clearing agency of the compliance officer (including the code of ethics and conflict of interest policies of the registered clearing agency).

''(B) REQUIREMENTS.—A compliance report under subparagraph (A) shall—

''(i) accompany each appropriate financial report of the registered clearing agency that is required to be furnished to the Commission pursuant to this section; and

''(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.''.

(b) CLEARING AGENCY REQUIREMENTS.—Section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1) is amended by adding at the end the following:

''(g) REGISTRATION REQUIREMENT.—It shall be unlawful for a clearing agency, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a clearing agency with respect to a security-based swap.

''(h) VOLUNTARY REGISTRATION.—A person that clears agreements, contracts, or transactions that are not required to be cleared under this title may register with the Commission as a clearing agency.

''(i) STANDARDS FOR CLEARING AGENCIES CLEARING SECURITY-BASED SWAP TRANSACTIONS.—To be registered and to maintain registration as a clearing agency that clears security-based swap transactions, a clearing agency shall comply with such standards as the Commission may establish by rule. In establishing any such standards, and in the exercise of its oversight of such a clearing agency pursuant to this title, the Commission may conform such standards or oversight to reflect evolving United States and international standards. Except where the Commission determines otherwise by rule or regulation, a clearing agency shall have reasonable discretion in establishing the manner in which it complies with any such standards.

''(j) RULES.—The Commission shall adopt rules governing persons that are registered as clearing agencies for security-based swaps under this title.

''(k) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a clearing agency from registration under this section for the clearing of security-based swaps if the Commission determines that the clearing agency is subject to comparable, comprehensive supervision and regulation by the Commodity Futures Trading Commission or the appropriate government authorities in the home country of the agency. Such conditions may include, but are not limited to, requiring that the clearing agency be available for inspection by the Commission and make available all information requested by the Commission.

''(l) EXISTING DEPOSITORY INSTITUTIONS AND DERIVATIVE CLEARING ORGANIZATIONS.—

''(1) IN GENERAL.—A depository institution or derivative clearing organization registered with the Commodity Futures Trading Commission under the Commodity Exchange Act that is required to be registered as a clearing agency under this section is deemed to be registered under this section solely for the purpose of clearing security-based swaps to the extent that, before the date of enactment of this subsection—

''(A) the depository institution cleared swaps as a multilateral clearing organization; or

''(B) the derivative clearing organization cleared swaps pursuant to an exemption from registration as a clearing agency.

''(2) CONVERSION OF DEPOSITORY INSTITUTIONS.—A depository institution to which this subsection applies may, by the vote of the shareholders owning not less than 51 percent of the voting interests of the depository institution, be converted into a State corporation, partnership, limited liability company, or similar legal form pursuant to a plan of conversion, if the conversion is not in contravention of applicable State law.

''(3) SHARING OF INFORMATION.—The Commodity Futures Trading Commission shall make available to the Commission, upon request, all information determined to be relevant by the Commodity Futures Trading Commission regarding a derivatives clearing organization deemed to be registered with the Commission under paragraph (1).

''(m) MODIFICATION OF CORE PRINCIPLES.—The Commission may conform the core principles established in this section to reflect evolving United States and international standards.''.

(c) SECURITY-BASED SWAP EXECUTION FACILITIES.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 3C (as added by subsection (a) of this section) the following:

''SEC. 3D. SECURITY-BASED SWAP EXECUTION FACILITIES.

''(a) REGISTRATION.—

''(1) IN GENERAL.—No person may operate a facility for the trading or processing of security-based swaps, unless the facility is registered as a security-based swap execution facility or as a national securities exchange under this section.

''(2) DUAL REGISTRATION.—Any person that is registered as a security-based swap execution facility under this section shall register with the Commission regardless of whether the person also is registered with the Commodity Futures Trading Commission as a swap execution facility.

''(b) TRADING AND TRADE PROCESSING.—A security-based swap execution facility that is registered under subsection (a) may—

''(1) make available for trading any security-based swap; and

''(2) facilitate trade processing of any security-based swap.

''(c) IDENTIFICATION OF FACILITY USED TO TRADE SECURITY-BASED SWAPS BY NATIONAL SECURITIES EXCHANGES.—A national securities exchange shall, to the extent that the exchange also operates a security-based swap execution facility and uses the same electronic trade execution system for listing and executing trades of security-based swaps on or through the exchange and the facility, identify whether electronic trading of such security-based swaps is taking place on or through the national securities exchange or the security-based swap execution facility.

''(d) CORE PRINCIPLES FOR SECURITY-BASED SWAP EXECUTION FACILITIES.—

''(1) COMPLIANCE WITH CORE PRINCIPLES.—

''(A) IN GENERAL.—To be registered, and maintain registration, as a security-based swap execution facility, the security-based swap execution facility shall comply with—

''(i) the core principles described in this subsection; and

''(ii) any requirement that the Commission may impose by rule or regulation.

''(B) REASONABLE DISCRETION OF SECURITY-BASED SWAP EXECUTION FACILITY.—Unless otherwise determined by the Commission, by rule or regulation, a security-based swap execution facility described in subparagraph (A) shall have reasonable discretion in establishing the manner

in which it complies with the core principles described in this subsection.

''(2) COMPLIANCE WITH RULES.—A security-based swap execution facility shall—

''(A) establish and enforce compliance with any rule established by such security-based swap execution facility, including—

''(i) the terms and conditions of the security-based swaps traded or processed on or through the facility; and

''(ii) any limitation on access to the facility;

''(B) establish and enforce trading, trade processing, and participation rules that will deter abuses and have the capacity to detect, investigate, and enforce those rules, including means—

''(i) to provide market participants with impartial access to the market; and

''(ii) to capture information that may be used in establishing whether rule violations have occurred; and

''(C) establish rules governing the operation of the facility, including rules specifying trading procedures to be used in entering and executing orders traded or posted on the facility, including block trades.

''(3) SECURITY-BASED SWAPS NOT READILY SUSCEPTIBLE TO MANIPULATION.—The security-based swap execution facility shall permit trading only in security-based swaps that are not readily susceptible to manipulation.

''(4) MONITORING OF TRADING AND TRADE PROCESSING.—The security-based swap execution facility shall—

''(A) establish and enforce rules or terms and conditions defining, or specifications detailing—

''(i) trading procedures to be used in entering and executing orders traded on or through the facilities of the security-based swap execution facility; and

''(ii) procedures for trade processing of security-based swaps on or through the facilities of the security-based swap execution facility; and

''(B) monitor trading in security-based swaps to prevent manipulation, price distortion, and disruptions of the delivery or cash settlement process through surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

''(5) ABILITY TO OBTAIN INFORMATION.—The security-based swap execution facility shall—

''(A) establish and enforce rules that will allow the facility to obtain any necessary information to perform any of the functions described in this subsection;

''(B) provide the information to the Commission on request; and

''(C) have the capacity to carry out such international information-sharing agreements as the Commission may require.

''(6) FINANCIAL INTEGRITY OF TRANSACTIONS.—The security-based swap execution facility shall establish and enforce rules and procedures for ensuring the financial integrity of security-based swaps entered on or through the facilities of the security-based swap execution facility, including the clearance and settlement of security-based swaps pursuant to section 3C(a)(1).

''(7) EMERGENCY AUTHORITY.—The security-based swap execution facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, as is necessary and appropriate, including the authority to liquidate or transfer open positions in any security-based swap or to suspend or curtail trading in a security-based swap.

''(8) TIMELY PUBLICATION OF TRADING INFORMATION.—

''(A) IN GENERAL.—The security-based swap execution facility shall make public timely information on price, trading volume, and other trading data on security-based swaps to the extent prescribed by the Commission.

''(B) CAPACITY OF SECURITY-BASED SWAP EXECUTION FACILITY.—The security-based swap execution facility shall be required to have the capacity to electronically capture and transmit and disseminate trade information with respect to transactions executed on or through the facility.

''(9) RECORDKEEPING AND REPORTING.—

''(A) IN GENERAL.—A security-based swap execution facility shall—

''(i) maintain records of all activities relating to the business of the facility, including a complete audit trail, in a form and manner acceptable to the Commission for a period of 5 years; and

''(ii) report to the Commission, in a form and manner acceptable to the Commission, such information as the Commission determines to be necessary or appropriate for the Commission to perform the duties of the Commission under this title.

''(B) REQUIREMENTS.—The Commission shall adopt data collection and reporting requirements for security-based swap execution facilities that are comparable to corresponding requirements for clearing agencies and security-based swap data repositories.

''(10) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this title, the security-based swap execution facility shall not—

''(A) adopt any rules or taking any actions that result in any unreasonable restraint of trade; or

''(B) impose any material anticompetitive burden on trading or clearing.

''(11) CONFLICTS OF INTEREST.—The security-based swap execution facility shall—

''(A) establish and enforce rules to minimize conflicts of interest in its decision-making process; and

''(B) establish a process for resolving the conflicts of interest.

''(12) FINANCIAL RESOURCES.—

''(A) IN GENERAL.—The security-based swap execution facility shall have adequate financial, operational, and managerial resources to discharge each responsibility of the security-based swap execution facility, as determined by the Commission.

''(B) DETERMINATION OF RESOURCE ADEQUACY.—The financial resources of a security-based swap execution facility shall be considered to be adequate if the value of the financial resources—

''(i) enables the organization to meet its financial obligations to its members and participants notwithstanding a default by the member or participant creating the largest financial exposure for that organization in extreme but plausible market conditions; and

''(ii) exceeds the total amount that would enable the security-based swap execution facility to cover the operating costs of the security-based swap execution facility for a 1-year period, as calculated on a rolling basis.

''(13) SYSTEM SAFEGUARDS.—The security-based swap execution facility shall—

''(A) establish and maintain a program of risk analysis and oversight to identify and minimize sources of operational risk, through the development of appropriate controls and procedures, and automated systems, that—

''(i) are reliable and secure; and

''(ii) have adequate scalable capacity;

''(B) establish and maintain emergency procedures, backup facilities, and a plan for disaster recovery that allow for—

''(i) the timely recovery and resumption of operations; and

''(ii) the fulfillment of the responsibilities and obligations of the security-based swap execution facility; and

''(C) periodically conduct tests to verify that the backup resources of the security-based swap execution facility are sufficient to ensure continued—

''(i) order processing and trade matching;

''(ii) price reporting;

''(iii) market surveillance; and

''(iv) maintenance of a comprehensive and accurate audit trail.

''(14) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(A) IN GENERAL.—Each security-based swap execution facility shall designate an individual to serve as a chief compliance officer.

''(B) DUTIES.—The chief compliance officer shall—

''(i) report directly to the board or to the senior officer of the facility;

''(ii) review compliance with the core principles in this subsection;

''(iii) in consultation with the board of the facility, a body performing a function similar to that of a board, or the senior officer of the facility, resolve any conflicts of interest that may arise;

''(iv) be responsible for establishing and administering the policies and procedures required to be established pursuant to this section;

''(v) ensure compliance with this title and the rules and regulations issued under this title, including rules prescribed by the Commission pursuant to this section;

''(vi) establish procedures for the remediation of noncompliance issues found during—

''(I) compliance office reviews;

''(II) look backs;

''(III) internal or external audit findings;

''(IV) self-reported errors; or

''(V) through validated complaints; and

''(vii) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(C) ANNUAL REPORTS.—

''(i) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(I) the compliance of the security-based swap execution facility with this title; and

''(II) the policies and procedures, including the code of ethics and conflict of interest policies, of the security-based security-based swap execution facility.

''(ii) REQUIREMENTS.—The chief compliance officer shall—

''(I) submit each report described in clause (i) with the appropriate financial report of the security-based swap execution facility that is required to be submitted to the Commission pursuant to this section; and

''(II) include in the report a certification that, under penalty of law, the report is accurate and complete.

''(e) EXEMPTIONS.—The Commission may exempt, conditionally or unconditionally, a security-based swap execution facility from registration under this section if the Commission finds that the facility is subject to comparable, comprehensive supervision and regulation on a consolidated basis by the Commodity Futures Trading Commission.

''(f) RULES.—The Commission shall prescribe rules governing the regulation of security-based swap execution facilities under this section.''.

(d) SEGREGATION OF ASSETS HELD AS COLLATERAL IN SECURITY-BASED SWAP TRANSACTIONS.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 3D (as added by subsection (b)) the following:

''SEC. 3E. SEGREGATION OF ASSETS HELD AS COLLATERAL IN SECURITY-BASED SWAP TRANSACTIONS.

''(a) REGISTRATION REQUIREMENT.—It shall be unlawful for any person to accept any money, securities, or property (or to extend any credit in lieu of money, securities, or property) from, for, or on behalf of a security-based swaps customer to margin, guarantee, or secure a security-based swap cleared by or through a clearing agency (including money, securities, or property accruing to the customer as the result of such a security-based swap), unless the person shall have registered under this title with the Commission as a broker, dealer, or security-based swap dealer, and the registration shall not have expired nor been suspended nor revoked.

''(b) CLEARED SECURITY-BASED SWAPS.—

''(1) SEGREGATION REQUIRED.—A broker, dealer, or security-based swap dealer shall treat and deal with all money, securities, and property of any security-based swaps customer received to margin, guarantee, or secure a security-based swap cleared by or though a clearing agency (including money, securities, or property accruing to the security-based swaps customer as the result of such a security-based swap) as belonging to the security-based swaps customer.

''(2) COMMINGLING PROHIBITED.—Money, securities, and property of a security-based swaps customer described in paragraph (1) shall be separately accounted for and shall not be commingled with the funds of the broker, dealer, or security-based swap dealer or be used to margin, secure, or guarantee any trades or contracts of any security-based swaps customer or person other than the person for whom the same are held.

''(c) EXCEPTIONS.—

''(1) USE OF FUNDS.—

''(A) IN GENERAL.—Notwithstanding subsection (b), money, securities, and property of a security-based swaps customer of a broker, dealer, or security-based swap dealer described in subsection (b) may, for convenience, be commingled and deposited in the same 1 or more accounts with any bank or trust company or with a clearing agency.

''(B) WITHDRAWAL.—Notwithstanding subsection (b), such share of the money, securities, and property described in subparagraph (A) as in the normal course of business shall be necessary to margin, guarantee, secure, transfer, adjust, or settle a cleared security-based swap with a clearing agency, or with any member of the clearing agency, may be withdrawn and applied to such purposes, including the payment of commissions, brokerage, interest, taxes, storage, and other charges, lawfully accruing in connection with the cleared security-based swap.

''(2) COMMISSION ACTION.—Notwithstanding subsection (b), in accordance with such terms and conditions as the Commission may prescribe by rule, regulation, or order, any money, securities, or property of the security-based swaps customer of a broker, dealer, or security-based swap dealer described in subsection (b) may be commingled and deposited as provided in this section with any other money, securities, or property received by the broker, dealer, or security-based swap dealer and required by the Commission to be separately accounted for and treated and dealt with as belonging to the security-based swaps customer of the broker, dealer, or security-based swap dealer.

''(d) PERMITTED INVESTMENTS.—Money described in subsection (b) may be invested in obligations of the United States, in general obligations of any State or of any political subdivision of a State, and in obligations fully guaranteed as to principal and interest by the United States, or in any other investment that the Commission may by rule or regulation prescribe, and such investments shall be made in accordance with such rules and regulations and subject to such conditions as the Commission may prescribe.

''(e) PROHIBITION.—It shall be unlawful for any person, including any clearing agency and any depository institution, that has received any money, securities, or property for deposit in a separate account or accounts as provided in subsection (b) to hold, dispose of, or use any such money, securities, or property as belonging to the depositing broker, dealer, or security-based swap dealer or any person other than the swaps customer of the broker, dealer, or security-based swap dealer.

''(f) SEGREGATION REQUIREMENTS FOR UNCLEARED SECURITY-BASED SWAPS.—

''(1) SEGREGATION OF ASSETS HELD AS COLLATERAL IN UNCLEARED SECURITY-BASED SWAP TRANSACTIONS.—

''(A) NOTIFICATION.—A security-based swap dealer or major security-based swap participant shall be required to notify the counterparty of the security-based swap dealer or major security-based swap participant at the beginning of a security-based swap transaction that the counterparty has the right to require segregation of the funds of other property supplied to margin, guarantee, or secure the obligations of the counterparty.

''(B) SEGREGATION AND MAINTENANCE OF FUNDS.—At the request of a counterparty to a security-based swap that provides funds or other property to a security-based swap dealer or major security-based swap participant to margin, guarantee, or secure the obligations of the counterparty, the security-based swap dealer or major security-based swap participant shall—

''(i) segregate the funds or other property for the benefit of the counterparty; and

''(ii) in accordance with such rules and regulations as the Commission may promulgate, maintain the funds or other property in a segregated account separate from the assets and other interests of the security-based swap dealer or major security-based swap participant.

''(2) APPLICABILITY.—The requirements described in paragraph (1) shall—

''(A) apply only to a security-based swap between a counterparty and a security-based swap dealer or major security-based swap participant that is not submitted for clearing to a clearing agency; and

''(B)(i) not apply to variation margin payments; or

''(ii) not preclude any commercial arrangement regarding—

''(I) the investment of segregated funds or other property that may only be invested in such investments as the Commission may permit by rule or regulation; and

''(II) the related allocation of gains and losses resulting from any investment of the segregated funds or other property.

''(3) USE OF INDEPENDENT THIRD-PARTY CUSTODIANS.—The segregated account described in paragraph (1) shall be—

''(A) carried by an independent third-party custodian; and

''(B) designated as a segregated account for and on behalf of the counterparty.

''(4) REPORTING REQUIREMENT.—If the counterparty does not choose to require segregation of the funds or other property supplied to margin, guarantee, or secure the obligations of the counterparty, the security-based swap dealer or major security-based swap participant shall report to the counterparty of the security-based swap dealer or major security-based swap participant on a quarterly basis that the back office procedures of the security-based swap dealer or major security-based swap participant relating to margin and collateral requirements are in compliance with the agreement of the counterparties.

''(g) BANKRUPTCY.—A security-based swap, as defined in section 3(a)(68) shall be considered to be a security as such term is used in section 101(53A)(B) and subchapter III of title 11, United States Code. An account that holds a security-based swap, other than a portfolio margining account referred to in section 15(c)(3)(C) shall be considered to be a securities account, as that term is defined in section 741 of title 11, United States Code. The definitions of the terms 'purchase' and 'sale' in section 3(a)(13) and (14) shall be applied to the terms 'purchase' and 'sale', as used in section 741 of title 11, United States Code. The term 'customer', as defined in section 741 of title 11, United States Code, excludes any person, to the extent that such person has a claim based on any open repurchase agreement, open reverse repurchase agreement, stock borrowed agreement, non-cleared option, or non-cleared security-based swap except to the extent of any margin delivered to or by the customer with respect to which there is a customer protection requirement under section 15(c)(3) or a segregation requirement.''.

(e) TRADING IN SECURITY-BASED SWAPS.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding at the end the following:

''(l) SECURITY-BASED SWAPS.—It shall be unlawful for any person to effect a transaction in a security-based swap with or for a person that is not an eligible contract participant, unless such transaction is effected on a national securities exchange registered pursuant to subsection (b).''.

(f) ADDITIONS OF SECURITY-BASED SWAPS TO CERTAIN ENFORCEMENT PROVISIONS.—Section 9(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(b)) is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) any transaction in connection with any security whereby any party to such transaction acquires—

''(A) any put, call, straddle, or other option or privilege of buying the security from or selling the security to another without being bound to do so;

''(B) any security futures product on the security; or

''(C) any security-based swap involving the security or the issuer of the security;

''(2) any transaction in connection with any security with relation to which such person has, directly or indirectly, any interest in any—

''(A) such put, call, straddle, option, or privilege;

''(B) such security futures product; or

''(C) such security-based swap; or

''(3) any transaction in any security for the account of any person who such person has reason to believe has, and who actually has, directly or indirectly, any interest in any—

''(A) such put, call, straddle, option, or privilege;

''(B) such security futures product with relation to such security; or

''(C) any security-based swap involving such security or the issuer of such security.''.

(g) RULEMAKING AUTHORITY TO PREVENT FRAUD, MANIPULATION AND DECEPTIVE CONDUCT IN SECURITY-BASED SWAPS.—Section 9 of the Securities Exchange Act of 1934 (15 U.S.C. 78i) is amended by adding at the end the following:

''(j) It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange, to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security-based swap, in connection with which such person engages in any fraudulent, deceptive, or manipulative act or practice, makes any fictitious quotation, or engages in any transaction, practice, or course of business which operates as a fraud or deceit upon any person. The Commission shall, for the purposes of this subsection, by rules and regulations define, and prescribe means reasonably designed to prevent, such transactions, acts, practices, and courses of business as are fraudulent, deceptive, or manipulative, and such quotations as are fictitious.''.

(h) POSITION LIMITS AND POSITION ACCOUNTABILITY FOR SECURITY-BASED SWAPS.—The Securities Exchange Act of 1934 is amended by inserting after section 10A (15 U.S.C. 78j–1) the following:

''SEC. 10B. POSITION LIMITS AND POSITION ACCOUNTABILITY FOR SECURITY-BASED SWAPS AND LARGE TRADER REPORTING.

''(a) POSITION LIMITS.—As a means reasonably designed to prevent fraud and manipulation, the Commission shall, by rule or regulation, as necessary or appropriate in the public interest or for the protection of investors, establish limits (including related hedge exemption provisions) on the size of positions in any security-based swap that may be held by any person. In establishing such limits, the Commission may require any person to aggregate positions in—

''(1) any security-based swap and any security or loan or group of securities or loans on

which such security-based swap is based, which such security-based swap references, or to which such security-based swap is related as described in paragraph (68) of section 3(a), and any other instrument relating to such security or loan or group or index of securities or loans; or

''(2) any security-based swap and—

''(A) any security or group or index of securities, the price, yield, value, or volatility of which, or of which any interest therein, is the basis for a material term of such security-based swap as described in paragraph (68) of section 3(a); and

''(B) any other instrument relating to the same security or group or index of securities described under subparagraph (A).

''(b) EXEMPTIONS.—The Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any person or class of persons, any security-based swap or class of security-based swaps, or any transaction or class of transactions from any requirement the Commission may establish under this section with respect to position limits.

''(c) SRO RULES.—

''(1) IN GENERAL.—As a means reasonably designed to prevent fraud or manipulation, the Commission, by rule, regulation, or order, as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, may direct a self-regulatory organization—

''(A) to adopt rules regarding the size of positions in any security-based swap that may be held by—

''(i) any member of such self-regulatory organization; or

''(ii) any person for whom a member of such self-regulatory organization effects transactions in such security-based swap; and

''(B) to adopt rules reasonably designed to ensure compliance with requirements prescribed by the Commission under this subsection.

''(2) REQUIREMENT TO AGGREGATE POSITIONS.—In establishing the limits under paragraph (1), the self-regulatory organization may require such member or person to aggregate positions in—

''(A) any security-based swap and any security or loan or group or narrow-based security index of securities or loans on which such security-based swap is based, which such security-based swap references, or to which such security-based swap is related as described in section 3(a)(68), and any other instrument relating to such security or loan or group or narrow-based security index of securities or loans; or

''(B)(i) any security-based swap; and

''(ii) any security-based swap and any other instrument relating to the same security or group or narrow-based security index of securities.

''(d) LARGE TRADER REPORTING.—The Commission, by rule or regulation, may require any person that effects transactions for such person's own account or the account of others in any securities-based swap or uncleared security-based swap and any security or loan or group or narrow-based security index of securities or loans as set forth in paragraphs (1) and (2) of subsection (a) under this section to report such information as the Commission may prescribe regarding any position or positions in any security-based swap or uncleared security-based swap and any security or loan or group or narrow-based security index of securities or loans and any other instrument relating to such security or loan or group or narrow-based security index of securities or loans as set forth in paragraphs (1) and (2) of subsection (a) under this section.''.

(i) PUBLIC REPORTING AND REPOSITORIES FOR SECURITY-BASED SWAPS.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

''(m) PUBLIC AVAILABILITY OF SECURITY-BASED SWAP TRANSACTION DATA.—

''(1) IN GENERAL.—

''(A) DEFINITION OF REAL-TIME PUBLIC REPORTING.—In this paragraph, the term 'real-time public reporting' means to report data relating to a security-based swap transaction, including price and volume, as soon as technologically practicable after the time at which the security-based swap transaction has been executed.

''(B) PURPOSE.—The purpose of this subsection is to authorize the Commission to make security-based swap transaction and pricing data available to the public in such form and at such times as the Commission determines appropriate to enhance price discovery.

''(C) GENERAL RULE.—The Commission is authorized to provide by rule for the public availability of security-based swap transaction, volume, and pricing data as follows:

''(i) With respect to those security-based swaps that are subject to the mandatory clearing requirement described in section 3C(a)(1) (including those security-based swaps that are excepted from the requirement pursuant to section 3C(g)), the Commission shall require real-time public reporting for such transactions.

''(ii) With respect to those security-based swaps that are not subject to the mandatory clearing requirement described in section 3C(a)(1), but are cleared at a registered clearing agency, the Commission shall require real-time public reporting for such transactions.

''(iii) With respect to security-based swaps that are not cleared at a registered clearing agency and which are reported to a security-based swap data repository or the Commission under section 3C(a)(6), the Commission shall require real-time public reporting for such transactions, in a manner that does not disclose the business transactions and market positions of any person.

''(iv) With respect to security-based swaps that are determined to be required to be cleared under section 3C(b) but are not cleared, the Commission shall require real-time public reporting for such transactions.

''(D) REGISTERED ENTITIES AND PUBLIC REPORTING.—The Commission may require registered entities to publicly disseminate the security-based swap transaction and pricing data required to be reported under this paragraph.

''(E) RULEMAKING REQUIRED.—With respect to the rule providing for the public availability of transaction and pricing data for security-based swaps described in clauses (i) and (ii) of subparagraph (C), the rule promulgated by the Commission shall contain provisions—

''(i) to ensure such information does not identify the participants;

''(ii) to specify the criteria for determining what constitutes a large notional security-based swap transaction (block trade) for particular markets and contracts;

''(iii) to specify the appropriate time delay for reporting large notional security-based swap transactions (block trades) to the public; and

''(iv) that take into account whether the public disclosure will materially reduce market liquidity.

''(F) TIMELINESS OF REPORTING.—Parties to a security-based swap (including agents of the parties to a security-based swap) shall be responsible for reporting security-based swap transaction information to the appropriate registered entity in a timely manner as may be prescribed by the Commission.

''(G) REPORTING OF SWAPS TO REGISTERED SECURITY-BASED SWAP DATA REPOSITORIES.—Each security-based swap (whether cleared or uncleared) shall be reported to a registered security-based swap data repository.

''(H) REGISTRATION OF CLEARING AGENCIES.—A clearing agency may register as a security-based swap data repository.

''(2) SEMIANNUAL AND ANNUAL PUBLIC REPORTING OF AGGREGATE SECURITY-BASED SWAP DATA.—

''(A) IN GENERAL.—In accordance with subparagraph (B), the Commission shall issue a written report on a semiannual and annual basis to make available to the public information relating to—

''(i) the trading and clearing in the major security-based swap categories; and

''(ii) the market participants and developments in new products.

''(B) USE; CONSULTATION.—In preparing a report under subparagraph (A), the Commission shall—

''(i) use information from security-based swap data repositories and clearing agencies; and

''(ii) consult with the Office of the Comptroller of the Currency, the Bank for International Settlements, and such other regulatory bodies as may be necessary.

''(C) AUTHORITY OF COMMISSION.—The Commission may, by rule, regulation, or order, delegate the public reporting responsibilities of the Commission under this paragraph in accordance with such terms and conditions as the Commission determines to be appropriate and in the public interest.

''(n) SECURITY-BASED SWAP DATA REPOSITORIES.—

''(1) REGISTRATION REQUIREMENT.—It shall be unlawful for any person, unless registered with the Commission, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a security-based swap data repository.

''(2) INSPECTION AND EXAMINATION.—Each registered security-based swap data repository shall be subject to inspection and examination by any representative of the Commission.

''(3) COMPLIANCE WITH CORE PRINCIPLES.—

''(A) IN GENERAL.—To be registered, and maintain registration, as a security-based swap data repository, the security-based swap data repository shall comply with—

''(i) the requirements and core principles described in this subsection; and

''(ii) any requirement that the Commission may impose by rule or regulation.

''(B) REASONABLE DISCRETION OF SECURITY-BASED SWAP DATA REPOSITORY.—Unless otherwise determined by the Commission, by rule or regulation, a security-based swap data repository described in subparagraph (A) shall have reasonable discretion in establishing the manner in which the security-based swap data repository complies with the core principles described in this subsection.

''(4) STANDARD SETTING.—

''(A) DATA IDENTIFICATION.—

''(i) IN GENERAL.—In accordance with clause (ii), the Commission shall prescribe standards that specify the data elements for each security-based swap that shall be collected and maintained by each registered security-based swap data repository.

''(ii) REQUIREMENT.—In carrying out clause (i), the Commission shall prescribe consistent data element standards applicable to registered entities and reporting counterparties.

''(B) DATA COLLECTION AND MAINTENANCE.—The Commission shall prescribe data collection and data maintenance standards for security-based swap data repositories.

''(C) COMPARABILITY.—The standards prescribed by the Commission under this subsection shall be comparable to the data standards imposed by the Commission on clearing agencies in connection with their clearing of security-based swaps.

''(5) DUTIES.—A security-based swap data repository shall—

''(A) accept data prescribed by the Commission for each security-based swap under subsection (b);

''(B) confirm with both counterparties to the security-based swap the accuracy of the data that was submitted;

''(C) maintain the data described in subparagraph (A) in such form, in such manner, and for such period as may be required by the Commission;

''(D)(i) provide direct electronic access to the Commission (or any designee of the Commission, including another registered entity); and

''(ii) provide the information described in subparagraph (A) in such form and at such frequency as the Commission may require to comply with the public reporting requirements set forth in subsection (m);

''(E) at the direction of the Commission, establish automated systems for monitoring, screening, and analyzing security-based swap data;

''(F) maintain the privacy of any and all security-based swap transaction information that the security-based swap data repository receives from a security-based swap dealer, counterparty, or any other registered entity; and

''(G) on a confidential basis pursuant to section 24, upon request, and after notifying the Commission of the request, make available all data obtained by the security-based swap data repository, including individual counterparty trade and position data, to—

''(i) each appropriate prudential regulator;

''(ii) the Financial Stability Oversight Council;

''(iii) the Commodity Futures Trading Commission;

''(iv) the Department of Justice; and

''(v) any other person that the Commission determines to be appropriate, including—

''(I) foreign financial supervisors (including foreign futures authorities);

''(II) foreign central banks; and

''(III) foreign ministries.

''(H) CONFIDENTIALITY AND INDEMNIFICATION AGREEMENT.—Before the security-based swap data repository may share information with any entity described in subparagraph (G)—

''(i) the security-based swap data repository shall receive a written agreement from each entity stating that the entity shall abide by the confidentiality requirements described in section 24 relating to the information on security-based swap transactions that is provided; and

''(ii) each entity shall agree to indemnify the security-based swap data repository and the Commission for any expenses arising from litigation relating to the information provided under section 24.

''(6) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(A) IN GENERAL.—Each security-based swap data repository shall designate an individual to serve as a chief compliance officer.

''(B) DUTIES.—The chief compliance officer shall—

''(i) report directly to the board or to the senior officer of the security-based swap data repository;

''(ii) review the compliance of the security-based swap data repository with respect to the requirements and core principles described in this subsection;

''(iii) in consultation with the board of the security-based swap data repository, a body performing a function similar to the board of the security-based swap data repository, or the senior officer of the security-based swap data repository, resolve any conflicts of interest that may arise;

''(iv) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

''(v) ensure compliance with this title (including regulations) relating to agreements, contracts, or transactions, including each rule prescribed by the Commission under this section;

''(vi) establish procedures for the remediation of noncompliance issues identified by the chief compliance officer through any—

''(I) compliance office review;

''(II) look-back;

''(III) internal or external audit finding;

''(IV) self-reported error; or

''(V) validated complaint; and

''(vii) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(C) ANNUAL REPORTS.—

''(i) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(I) the compliance of the security-based swap data repository of the chief compliance officer with respect to this title (including regulations); and

''(II) each policy and procedure of the security-based swap data repository of the chief compliance officer (including the code of ethics and conflict of interest policies of the security-based swap data repository).

''(ii) REQUIREMENTS.—A compliance report under clause (i) shall—

''(I) accompany each appropriate financial report of the security-based swap data repository that is required to be furnished to the Commission pursuant to this section; and

''(II) include a certification that, under penalty of law, the compliance report is accurate and complete.

''(7) CORE PRINCIPLES APPLICABLE TO SECURITY-BASED SWAP DATA REPOSITORIES.—

''(A) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this title, the swap data repository shall not—

''(i) adopt any rule or take any action that results in any unreasonable restraint of trade; or

''(ii) impose any material anticompetitive burden on the trading, clearing, or reporting of transactions.

''(B) GOVERNANCE ARRANGEMENTS.—Each security-based swap data repository shall establish governance arrangements that are transparent—

''(i) to fulfill public interest requirements; and

''(ii) to support the objectives of the Federal Government, owners, and participants.

''(C) CONFLICTS OF INTEREST.—Each security-based swap data repository shall—

''(i) establish and enforce rules to minimize conflicts of interest in the decision-making process of the security-based swap data repository; and

''(ii) establish a process for resolving any conflicts of interest described in clause (i).

''(D) ADDITIONAL DUTIES DEVELOPED BY COMMISSION.—

''(i) IN GENERAL.—The Commission may develop 1 or more additional duties applicable to security-based swap data repositories.

''(ii) CONSIDERATION OF EVOLVING STANDARDS.—In developing additional duties under subparagraph (A), the Commission may take into consideration any evolving standard of the United States or the international community.

''(iii) ADDITIONAL DUTIES FOR COMMISSION DESIGNEES.—The Commission shall establish additional duties for any registrant described in section 13(m)(2)(C) in order to minimize conflicts of interest, protect data, ensure compliance, and guarantee the safety and security of the security-based swap data repository.

''(8) REQUIRED REGISTRATION FOR SECURITY-BASED SWAP DATA REPOSITORIES.—Any person that is required to be registered as a security-based swap data repository under this subsection shall register with the Commission, regardless of whether that person is also licensed under the Commodity Exchange Act as a swap data repository.

''(9) RULES.—The Commission shall adopt rules governing persons that are registered under this subsection.''.

SEC. 764. REGISTRATION AND REGULATION OF SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS.

(a) IN GENERAL.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 15E (15 U.S.C. 78o–7) the following:

''SEC. 15F. REGISTRATION AND REGULATION OF SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS.

''(a) REGISTRATION.—

''(1) SECURITY-BASED SWAP DEALERS.—It shall be unlawful for any person to act as a security-based swap dealer unless the person is registered as a security-based swap dealer with the Commission.

''(2) MAJOR SECURITY-BASED SWAP PARTICIPANTS.—It shall be unlawful for any person to act as a major security-based swap participant unless the person is registered as a major security-based swap participant with the Commission.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A person shall register as a security-based swap dealer or major security-based swap participant by filing a registration application with the Commission.

''(2) CONTENTS.—

''(A) IN GENERAL.—The application shall be made in such form and manner as prescribed by the Commission, and shall contain such information, as the Commission considers necessary concerning the business in which the applicant is or will be engaged.

''(B) CONTINUAL REPORTING.—A person that is registered as a security-based swap dealer or major security-based swap participant shall continue to submit to the Commission reports that contain such information pertaining to the business of the person as the Commission may require.

''(3) EXPIRATION.—Each registration under this section shall expire at such time as the Commission may prescribe by rule or regulation.

''(4) RULES.—Except as provided in subsections (d) and (e), the Commission may prescribe rules applicable to security-based swap dealers and major security-based swap participants, including rules that limit the activities of non-bank security-based swap dealers and major security-based swap participants.

''(5) TRANSITION.—Not later than 1 year after the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the Commission shall issue rules under this section to provide for the registration of security-based swap dealers and major security-based swap participants.

''(6) STATUTORY DISQUALIFICATION.—Except to the extent otherwise specifically provided by rule, regulation, or order of the Commission, it shall be unlawful for a security-based swap dealer or a major security-based swap participant to permit any person associated with a security-based swap dealer or a major security-based swap participant who is subject to a statutory disqualification to effect or be involved in effecting security-based swaps on behalf of the security-based swap dealer or major security-based swap participant, if the security-based swap dealer or major security-based swap participant knew, or in the exercise of reasonable care should have known, of the statutory disqualification.

''(c) DUAL REGISTRATION.—

''(1) SECURITY-BASED SWAP DEALER.—Any person that is required to be registered as a security-based swap dealer under this section shall register with the Commission, regardless of whether the person also is registered with the Commodity Futures Trading Commission as a swap dealer.

''(2) MAJOR SECURITY-BASED SWAP PARTICIPANT.—Any person that is required to be registered as a major security-based swap participant under this section shall register with the Commission, regardless of whether the person also is registered with the Commodity Futures Trading Commission as a major swap participant.

''(d) RULEMAKING.—

''(1) IN GENERAL.—The Commission shall adopt rules for persons that are registered as security-based swap dealers or major security-based swap participants under this section.

''(2) EXCEPTION FOR PRUDENTIAL REQUIREMENTS.—

''(A) IN GENERAL.—The Commission may not prescribe rules imposing prudential requirements on security-based swap dealers or major security-based swap participants for which there is a prudential regulator.

''(B) APPLICABILITY.—Subparagraph (A) does not limit the authority of the Commission to prescribe rules as directed under this section.

''(e) CAPITAL AND MARGIN REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE BANKS.—Each registered security-based swap dealer and major security-based swap participant for which there is not a prudential regulator shall meet such minimum capital requirements and minimum initial and variation margin requirements as the prudential regulator shall by rule or regulation prescribe under paragraph (2)(A).

''(B) SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE NOT BANKS.—Each registered security-based swap dealer and major security-based swap participant for which there is not a prudential regulator shall meet such minimum capital requirements and minimum initial and variation margin requirements as the Commission shall by rule or regulation prescribe under paragraph (2)(B).

''(2) RULES.—

''(A) SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE BANKS.—The prudential regulators, in consultation with the Commission and the Commodity Futures Trading Commission, shall adopt rules for security-based swap dealers and major security-based swap participants, with respect to their activities as a swap dealer or major swap participant, for which there is a prudential regulator imposing—

''(i) capital requirements; and

''(ii) both initial and variation margin requirements on all security-based swaps that are not cleared by a registered clearing agency.

''(B) SECURITY-BASED SWAP DEALERS AND MAJOR SECURITY-BASED SWAP PARTICIPANTS THAT ARE NOT BANKS.—The Commission shall adopt rules for security-based swap dealers and major security-based swap participants, with respect to their activities as a swap dealer or major swap participant, for which there is not a prudential regulator imposing—

''(i) capital requirements; and

''(ii) both initial and variation margin requirements on all swaps that are not cleared by a registered clearing agency.

''(C) CAPITAL.—In setting capital requirements for a person that is designated as a security-based swap dealer or a major security-based swap participant for a single type or single class or category of security-based swap or activities, the prudential regulator and the Commission shall take into account the risks associated with other types of security-based swaps or classes of security-based swaps or categories of security-based swaps engaged in and the other activities conducted by that person that are not otherwise subject to regulation applicable to that person by virtue of the status of the person.

''(3) STANDARDS FOR CAPITAL AND MARGIN.—

''(A) IN GENERAL.—To offset the greater risk to the security-based swap dealer or major security-based swap participant and the financial system arising from the use of security-based swaps that are not cleared, the requirements imposed under paragraph (2) shall—

''(i) help ensure the safety and soundness of the security-based swap dealer or major security-based swap participant; and

''(ii) be appropriate for the risk associated with the non-cleared security-based swaps held as a security-based swap dealer or major security-based swap participant.

''(B) RULE OF CONSTRUCTION.—

''(i) IN GENERAL.—Nothing in this section shall limit, or be construed to limit, the authority—

''(I) of the Commission to set financial responsibility rules for a broker or dealer registered pursuant to section 15(b) (except for section 15(b)(11) thereof) in accordance with section 15(c)(3); or

''(II) of the Commodity Futures Trading Commission to set financial responsibility rules for a futures commission merchant or introducing broker registered pursuant to section 4f(a) of the Commodity Exchange Act (except for section 4f(a)(3) thereof) in accordance with section 4f(b) of the Commodity Exchange Act.

''(ii) FUTURES COMMISSION MERCHANTS AND OTHER DEALERS.—A futures commission merchant, introducing broker, broker, or dealer shall maintain sufficient capital to comply with the stricter of any applicable capital requirements to which such futures commission merchant, introducing broker, broker, or dealer is subject to under this title or the Commodity Exchange Act.

''(C) MARGIN REQUIREMENTS.—In prescribing margin requirements under this subsection, the prudential regulator with respect to security-based swap dealers and major security-based swap participants that are depository institutions, and the Commission with respect to security-based swap dealers and major security-based swap participants that are not depository institutions shall permit the use of noncash collateral, as the regulator or the Commission determines to be consistent with—

''(i) preserving the financial integrity of markets trading security-based swaps; and

''(ii) preserving the stability of the United States financial system.

''(D) COMPARABILITY OF CAPITAL AND MARGIN REQUIREMENTS.—

''(i) IN GENERAL.—The prudential regulators, the Commission, and the Securities and Exchange Commission shall periodically (but not less frequently than annually) consult on minimum capital requirements and minimum initial and variation margin requirements.

''(ii) COMPARABILITY.—The entities described in clause (i) shall, to the maximum extent practicable, establish and maintain comparable minimum capital requirements and minimum initial and variation margin requirements, including the use of noncash collateral, for—

''(I) security-based swap dealers; and

''(II) major security-based swap participants.

''(f) REPORTING AND RECORDKEEPING.—

''(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant—

''(A) shall make such reports as are required by the Commission, by rule or regulation, regarding the transactions and positions and financial condition of the registered security-based swap dealer or major security-based swap participant;

''(B)(i) for which there is a prudential regulator, shall keep books and records of all activities related to the business as a security-based swap dealer or major security-based swap participant in such form and manner and for such period as may be prescribed by the Commission by rule or regulation; and

''(ii) for which there is no prudential regulator, shall keep books and records in such form and manner and for such period as may be prescribed by the Commission by rule or regulation; and

''(C) shall keep books and records described in subparagraph (B) open to inspection and examination by any representative of the Commission.

''(2) RULES.—The Commission shall adopt rules governing reporting and recordkeeping for security-based swap dealers and major security-based swap participants.

''(g) DAILY TRADING RECORDS.—

''(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant shall maintain daily trading records of the security-based swaps of the registered security-based swap dealer and major security-based swap participant and all related records (including related cash or forward transactions) and recorded communications, including electronic mail, instant messages, and recordings of telephone calls, for such period as may be required by the Commission by rule or regulation.

''(2) INFORMATION REQUIREMENTS.—The daily trading records shall include such information as the Commission shall require by rule or regulation.

''(3) COUNTERPARTY RECORDS.—Each registered security-based swap dealer and major security-based swap participant shall maintain daily trading records for each counterparty in a manner and form that is identifiable with each security-based swap transaction.

''(4) AUDIT TRAIL.—Each registered security-based swap dealer and major security-based swap participant shall maintain a complete audit trail for conducting comprehensive and accurate trade reconstructions.

''(5) RULES.—The Commission shall adopt rules governing daily trading records for security-based swap dealers and major security-based swap participants.

''(h) BUSINESS CONDUCT STANDARDS.—

''(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant shall conform with such business conduct standards as prescribed in paragraph (3) and as may be prescribed by the Commission by rule or regulation that relate to—

''(A) fraud, manipulation, and other abusive practices involving security-based swaps (including security-based swaps that are offered but not entered into);

''(B) diligent supervision of the business of the registered security-based swap dealer and major security-based swap participant;

''(C) adherence to all applicable position limits; and

''(D) such other matters as the Commission determines to be appropriate.

''(2) RESPONSIBILITIES WITH RESPECT TO SPECIAL ENTITIES.—

''(A) ADVISING SPECIAL ENTITIES.—A security-based swap dealer or major security-based swap participant that acts as an advisor to special entity regarding a security-based swap shall comply with the requirements of paragraph (4) with respect to such special entity.

''(B) ENTERING OF SECURITY-BASED SWAPS WITH RESPECT TO SPECIAL ENTITIES.—A security-based swap dealer that enters into or offers to enter into security-based swap with a special entity shall comply with the requirements of paragraph (5) with respect to such special entity.

''(C) SPECIAL ENTITY DEFINED.—For purposes of this subsection, the term 'special entity' means—

''(i) a Federal agency;

''(ii) a State, State agency, city, county, municipality, or other political subdivision of a State or;

''(iii) any employee benefit plan, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002);

''(iv) any governmental plan, as defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002); or

''(v) any endowment, including an endowment that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986.

''(3) BUSINESS CONDUCT REQUIREMENTS.—Business conduct requirements adopted by the Commission shall—

''(A) establish a duty for a security-based swap dealer or major security-based swap participant to verify that any counterparty meets the eligibility standards for an eligible contract participant;

''(B) require disclosure by the security-based swap dealer or major security-based swap participant to any counterparty to the transaction (other than a security-based swap dealer, major security-based swap participant, security-based swap dealer, or major security-based swap participant) of—

''(i) information about the material risks and characteristics of the security-based swap;

''(ii) any material incentives or conflicts of interest that the security-based swap dealer or major security-based swap participant may have in connection with the security-based swap; and

''(iii)(I) for cleared security-based swaps, upon the request of the counterparty, receipt of

the daily mark of the transaction from the appropriate derivatives clearing organization; and

''(II) for uncleared security-based swaps, receipt of the daily mark of the transaction from the security-based swap dealer or the major security-based swap participant;

''(C) establish a duty for a security-based swap dealer or major security-based swap participant to communicate in a fair and balanced manner based on principles of fair dealing and good faith; and

''(D) establish such other standards and requirements as the Commission may determine are appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this Act.

''(4) SPECIAL REQUIREMENTS FOR SECURITY-BASED SWAP DEALERS ACTING AS ADVISORS.—

''(A) IN GENERAL.—It shall be unlawful for a security-based swap dealer or major security-based swap participant—

''(i) to employ any device, scheme, or artifice to defraud any special entity or prospective customer who is a special entity;

''(ii) to engage in any transaction, practice, or course of business that operates as a fraud or deceit on any special entity or prospective customer who is a special entity; or

''(iii) to engage in any act, practice, or course of business that is fraudulent, deceptive, or manipulative.

''(B) DUTY.—Any security-based swap dealer that acts as an advisor to a special entity shall have a duty to act in the best interests of the special entity.

''(C) REASONABLE EFFORTS.—Any security-based swap dealer that acts as an advisor to a special entity shall make reasonable efforts to obtain such information as is necessary to make a reasonable determination that any security-based swap recommended by the security-based swap dealer is in the best interests of the special entity, including information relating to—

''(i) the financial status of the special entity;

''(ii) the tax status of the special entity;

''(iii) the investment or financing objectives of the special entity; and

''(iv) any other information that the Commission may prescribe by rule or regulation.

''(5) SPECIAL REQUIREMENTS FOR SECURITY-BASED SWAP DEALERS AS COUNTERPARTIES TO SPECIAL ENTITIES.—

''(A) IN GENERAL.—Any security-based swap dealer or major security-based swap participant that offers to or enters into a security-based swap with a special entity shall—

''(i) comply with any duty established by the Commission for a security-based swap dealer or major security-based swap participant, with respect to a counterparty that is an eligible contract participant within the meaning of subclause (I) or (II) of clause (vii) of section 1a(18) of the Commodity Exchange Act, that requires the security-based swap dealer or major security-based swap participant to have a reasonable basis to believe that the counterparty that is a special entity has an independent representative that—

''(I) has sufficient knowledge to evaluate the transaction and risks;

''(II) is not subject to a statutory disqualification;

''(III) is independent of the security-based swap dealer or major security-based swap participant;

''(IV) undertakes a duty to act in the best interests of the counterparty it represents;

''(V) makes appropriate disclosures;

''(VI) will provide written representations to the special entity regarding fair pricing and the appropriateness of the transaction; and

''(VII) in the case of employee benefit plans subject to the Employee Retirement Income Security act of 1974, is a fiduciary as defined in section 3 of that Act (29 U.S.C. 1002); and

''(ii) before the initiation of the transaction, disclose to the special entity in writing the capacity in which the security-based swap dealer is acting.

''(B) COMMISSION AUTHORITY.—The Commission may establish such other standards and requirements under this paragraph as the Commission may determine are appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this Act.

''(6) RULES.—The Commission shall prescribe rules under this subsection governing business conduct standards for security-based swap dealers and major security-based swap participants.

''(7) APPLICABILITY.—This subsection shall not apply with respect to a transaction that is—

''(A) initiated by a special entity on an exchange or security-based swaps execution facility; and

''(B) the security-based swap dealer or major security-based swap participant does not know the identity of the counterparty to the transaction.''

''(i) DOCUMENTATION STANDARDS.—

''(1) IN GENERAL.—Each registered security-based swap dealer and major security-based swap participant shall conform with such standards as may be prescribed by the Commission, by rule or regulation, that relate to timely and accurate confirmation, processing, netting, documentation, and valuation of all security-based swaps.

''(2) RULES.—The Commission shall adopt rules governing documentation standards for security-based swap dealers and major security-based swap participants.

''(j) DUTIES.—Each registered security-based swap dealer and major security-based swap participant shall, at all times, comply with the following requirements:

''(1) MONITORING OF TRADING.—The security-based swap dealer or major security-based swap participant shall monitor its trading in security-based swaps to prevent violations of applicable position limits.

''(2) RISK MANAGEMENT PROCEDURES.—The security-based swap dealer or major security-based swap participant shall establish robust and professional risk management systems adequate for managing the day-to-day business of the security-based swap dealer or major security-based swap participant.

''(3) DISCLOSURE OF GENERAL INFORMATION.—The security-based swap dealer or major security-based swap participant shall disclose to the Commission and to the prudential regulator for the security-based swap dealer or major security-based swap participant, as applicable, information concerning—

''(A) terms and conditions of its security-based swaps;

''(B) security-based swap trading operations, mechanisms, and practices;

''(C) financial integrity protections relating to security-based swaps; and

''(D) other information relevant to its trading in security-based swaps.

''(4) ABILITY TO OBTAIN INFORMATION.—The security-based swap dealer or major security-based swap participant shall—

''(A) establish and enforce internal systems and procedures to obtain any necessary information to perform any of the functions described in this section; and

''(B) provide the information to the Commission and to the prudential regulator for the security-based swap dealer or major security-based swap participant, as applicable, on request.

''(5) CONFLICTS OF INTEREST.—The security-based swap dealer and major security-based swap participant shall implement conflict-of-interest systems and procedures that—

''(A) establish structural and institutional safeguards to ensure that the activities of any person within the firm relating to research or analysis of the price or market for any security-based swap or acting in a role of providing clearing activities or making determinations as to accepting clearing customers are separated by appropriate informational partitions within the firm from the review, pressure, or oversight of persons whose involvement in pricing, trading, or clearing activities might potentially bias their judgment or supervision and contravene the core principles of open access and the business conduct standards described in this title; and

''(B) address such other issues as the Commission determines to be appropriate.

''(6) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this title, the security-based swap dealer or major security-based swap participant shall not—

''(A) adopt any process or take any action that results in any unreasonable restraint of trade; or

''(B) impose any material anticompetitive burden on trading or clearing.

''(7) RULES.—The Commission shall prescribe rules under this subsection governing duties of security-based swap dealers and major security-based swap participants.

''(k) DESIGNATION OF CHIEF COMPLIANCE OFFICER.—

''(1) IN GENERAL.—Each security-based swap dealer and major security-based swap participant shall designate an individual to serve as a chief compliance officer.

''(2) DUTIES.—The chief compliance officer shall—

''(A) report directly to the board or to the senior officer of the security-based swap dealer or major security-based swap participant;

''(B) review the compliance of the security-based swap dealer or major security-based swap participant with respect to the security-based swap dealer and major security-based swap participant requirements described in this section;

''(C) in consultation with the board of directors, a body performing a function similar to the board, or the senior officer of the organization, resolve any conflicts of interest that may arise;

''(D) be responsible for administering each policy and procedure that is required to be established pursuant to this section;

''(E) ensure compliance with this title (including regulations) relating to security-based swaps, including each rule prescribed by the Commission under this section;

''(F) establish procedures for the remediation of noncompliance issues identified by the chief compliance officer through any—

''(i) compliance office review;

''(ii) look-back;

''(iii) internal or external audit finding;

''(iv) self-reported error; or

''(v) validated complaint; and

''(G) establish and follow appropriate procedures for the handling, management response, remediation, retesting, and closing of noncompliance issues.

''(3) ANNUAL REPORTS.—

''(A) IN GENERAL.—In accordance with rules prescribed by the Commission, the chief compliance officer shall annually prepare and sign a report that contains a description of—

''(i) the compliance of the security-based swap dealer or major swap participant with respect to this title (including regulations); and

''(ii) each policy and procedure of the security-based swap dealer or major security-based swap participant of the chief compliance officer (including the code of ethics and conflict of interest policies).

''(B) REQUIREMENTS.—A compliance report under subparagraph (A) shall—

''(i) accompany each appropriate financial report of the security-based swap dealer or major security-based swap participant that is required to be furnished to the Commission pursuant to this section; and

''(ii) include a certification that, under penalty of law, the compliance report is accurate and complete.

''(l) ENFORCEMENT AND ADMINISTRATIVE PROCEEDING AUTHORITY.—

''(1) PRIMARY ENFORCEMENT AUTHORITY.—

''(A) SECURITIES AND EXCHANGE COMMISSION.—Except as provided in subparagraph (B), (C), or (D), the Commission shall have primary

authority to enforce subtitle B, and the amendments made by subtitle B of the Wall Street Transparency and Accountability Act of 2010, with respect to any person.

''(B) PRUDENTIAL REGULATORS.—The prudential regulators shall have exclusive authority to enforce the provisions of subsection (e) and other prudential requirements of this title (including risk management standards), with respect to security-based swap dealers or major security-based swap participants for which they are the prudential regulator.

''(C) REFERRAL.—

''(i) VIOLATIONS OF NONPRUDENTIAL REQUIREMENTS.—If the appropriate Federal banking agency for security-based swap dealers or major security-based swap participants that are depository institutions has cause to believe that such security-based swap dealer or major security-based swap participant may have engaged in conduct that constitutes a violation of the nonprudential requirements of this section or rules adopted by the Commission thereunder, the agency may recommend in writing to the Commission that the Commission initiate an enforcement proceeding as authorized under this title. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

''(ii) VIOLATIONS OF PRUDENTIAL REQUIREMENTS.—If the Commission has cause to believe that a securities-based swap dealer or major securities-based swap participant that has a prudential regulator may have engaged in conduct that constitute a violation of the prudential requirements of subsection (e) or rules adopted thereunder, the Commission may recommend in writing to the prudential regulator that the prudential regulator initiate an enforcement proceeding as authorized under this title. The recommendation shall be accompanied by a written explanation of the concerns giving rise to the recommendation.

''(D) BACKSTOP ENFORCEMENT AUTHORITY.—

''(i) INITIATION OF ENFORCEMENT PROCEEDING BY PRUDENTIAL REGULATOR.—If the Commission does not initiate an enforcement proceeding before the end of the 90-day period beginning on the date on which the Commission receives a written report under subsection (C)(i), the prudential regulator may initiate an enforcement proceeding.

''(ii) INITIATION OF ENFORCEMENT PROCEEDING BY COMMISSION.—If the prudential regulator does not initiate an enforcement proceeding before the end of the 90-day period beginning on the date on which the prudential regulator receives a written report under subsection (C)(ii), the Commission may initiate an enforcement proceeding.

''(2) CENSURE, DENIAL, SUSPENSION; NOTICE AND HEARING.—The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, or revoke the registration of any security-based swap dealer or major security-based swap participant that has registered with the Commission pursuant to subsection (b) if the Commission finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, or revocation is in the public interest and that such security-based swap dealer or major security-based swap participant, or any person associated with such security-based swap dealer or major security-based swap participant effecting or involved in effecting transactions in security-based swaps on behalf of such security-based swap dealer or major security-based swap participant, whether prior or subsequent to becoming so associated—

''(A) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b);

''(B) has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within 10 years of the commencement of the proceedings under this subsection;

''(C) is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4);

''(D) is subject to an order or a final order specified in subparagraph (F) or (H), respectively, of such paragraph (4); or

''(E) has been found by a foreign financial regulatory authority to have committed or omitted any act, or violated any foreign statute or regulation, enumerated in subparagraph (G) of such paragraph (4).

''(3) ASSOCIATED PERSONS.—With respect to any person who is associated, who is seeking to become associated, or, at the time of the alleged misconduct, who was associated or was seeking to become associated with a security-based swap dealer or major security-based swap participant for the purpose of effecting or being involved in effecting security-based swaps on behalf of such security-based swap dealer or major security-based swap participant, the Commission, by order, shall censure, place limitations on the activities or functions of such person, or suspend for a period not exceeding 12 months, or bar such person from being associated with a security-based swap dealer or major security-based swap participant, if the Commission finds, on the record after notice and opportunity for a hearing, that such censure, placing of limitations, suspension, or bar is in the public interest and that such person—

''(A) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b);

''(B) has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within 10 years of the commencement of the proceedings under this subsection;

''(C) is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4);

''(D) is subject to an order or a final order specified in subparagraph (F) or (H), respectively, of such paragraph (4); or

''(E) has been found by a foreign financial regulatory authority to have committed or omitted any act, or violated any foreign statute or regulation, enumerated in subparagraph (G) of such paragraph (4).

''(4) UNLAWFUL CONDUCT.—It shall be unlawful—

''(A) for any person as to whom an order under paragraph (3) is in effect, without the consent of the Commission, willfully to become, or to be, associated with a security-based swap dealer or major security-based swap participant in contravention of such order; or

''(B) for any security-based swap dealer or major security-based swap participant to permit such a person, without the consent of the Commission, to become or remain a person associated with the security-based swap dealer or major security-based swap participant in contravention of such order, if such security-based swap dealer or major security-based swap participant knew, or in the exercise of reasonable care should have known, of such order.''.

(b) SAVINGS CLAUSE.—Notwithstanding any other provision of this title, nothing in this subtitle shall be construed as divesting any appropriate Federal banking agency of any authority it may have to establish or enforce, with respect to a person for which such agency is the appropriate Federal banking agency, prudential or other standards pursuant to authority by Federal law other than this title.

SEC. 765. RULEMAKING ON CONFLICT OF INTEREST.

(a) IN GENERAL.—In order to mitigate conflicts of interest, not later than 180 days after the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the Securities and Exchange Commission shall adopt rules which may include numerical limits on the control of, or the voting rights with respect to, any clearing agency that clears security-based swaps, or on the control of any security-based swap execution facility or national securities exchange that posts or makes available for trading security-based swaps, by a bank holding company (as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841)) with total consolidated assets of $50,000,000,000 or more, a nonbank financial company (as defined in section 102) supervised by the Board of Governors of the Federal Reserve System, affiliate of such a bank holding company or nonbank financial company, a security-based swap dealer, major security-based swap participant, or person associated with a security-based swap dealer or major security-based swap participant.

(b) PURPOSES.—The Securities and Exchange Commission shall adopt rules if the Commission determines, after the review described in subsection (a), that such rules are necessary or appropriate to improve the governance of, or to mitigate systemic risk, promote competition, or mitigate conflicts of interest in connection with a security-based swap dealer or major security-based swap participant's conduct of business with, a clearing agency, national securities exchange, or security-based swap execution facility that clears, posts, or makes available for trading security-based swaps and in which such security-based swap dealer or major security-based swap participant has a material debt or equity investment.

(c) CONSIDERATIONS.—In adopting rules pursuant to this section, the Securities and Exchange Commission shall consider any conflicts of interest arising from the amount of equity owned by a single investor, the ability to vote, cause the vote of, or withhold votes entitled to be cast on any matters by the holders of the ownership interest, and the governance arrangements of any derivatives clearing organization that clears swaps, or swap execution facility or board of trade designated as a contract market that posts swaps or makes swaps available for trading.

SEC. 766. REPORTING AND RECORDKEEPING.

(a) IN GENERAL.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 13 the following:

''SEC. 13A. REPORTING AND RECORDKEEPING FOR CERTAIN SECURITY-BASED SWAPS.

''(a) REQUIRED REPORTING OF SECURITY-BASED SWAPS NOT ACCEPTED BY ANY CLEARING AGENCY OR DERIVATIVES CLEARING ORGANIZATION.—

''(1) IN GENERAL.—Each security-based swap that is not accepted for clearing by any clearing agency or derivatives clearing organization shall be reported to—

''(A) a security-based swap data repository described in section 13(n); or

''(B) in the case in which there is no security-based swap data repository that would accept the security-based swap, to the Commission pursuant to this section within such time period as the Commission may by rule or regulation prescribe.

''(2) TRANSITION RULE FOR PREENACTMENT SECURITY-BASED SWAPS.—

''(A) SECURITY-BASED SWAPS ENTERED INTO BEFORE THE DATE OF ENACTMENT OF THE WALL STREET TRANSPARENCY AND ACCOUNTABILITY ACT OF 2010.—Each security-based swap entered into before the date of enactment of the Wall Street Transparency and Accountability Act of 2010, the terms of which have not expired as of the date of enactment of that Act, shall be reported to a registered security-based swap data repository or the Commission by a date that is not later than—

''(i) 30 days after issuance of the interim final rule; or

''(ii) such other period as the Commission determines to be appropriate.

''(B) COMMISSION RULEMAKING.—The Commission shall promulgate an interim final rule within 90 days of the date of enactment of this section providing for the reporting of each security-based swap entered into before the date of enactment as referenced in subparagraph (A).

''(C) EFFECTIVE DATE.—The reporting provisions described in this section shall be effective upon the date of the enactment of this section.

''(3) REPORTING OBLIGATIONS.—

''(A) SECURITY-BASED SWAPS IN WHICH ONLY 1 COUNTERPARTY IS A SECURITY-BASED SWAP DEALER OR MAJOR SECURITY-BASED SWAP PARTICIPANT.—With respect to a security-based swap in which only 1 counterparty is a security-based swap dealer or major security-based swap participant, the security-based swap dealer or major security-based swap participant shall report the security-based swap as required under paragraphs (1) and (2).

''(B) SECURITY-BASED SWAPS IN WHICH 1 COUNTERPARTY IS A SECURITY-BASED SWAP DEALER AND THE OTHER A MAJOR SECURITY-BASED SWAP PARTICIPANT.—With respect to a security-based swap in which 1 counterparty is a security-based swap dealer and the other a major security-based swap participant, the security-based swap dealer shall report the security-based swap as required under paragraphs (1) and (2).

''(C) OTHER SECURITY-BASED SWAPS.—With respect to any other security-based swap not described in subparagraph (A) or (B), the counterparties to the security-based swap shall select a counterparty to report the security-based swap as required under paragraphs (1) and (2).

''(b) DUTIES OF CERTAIN INDIVIDUALS.—Any individual or entity that enters into a security-based swap shall meet each requirement described in subsection (c) if the individual or entity did not—

''(1) clear the security-based swap in accordance with section 3C(a)(1); or

''(2) have the data regarding the security-based swap accepted by a security-based swap data repository in accordance with rules (including timeframes) adopted by the Commission under this title.

''(c) REQUIREMENTS.—An individual or entity described in subsection (b) shall—

''(1) upon written request from the Commission, provide reports regarding the security-based swaps held by the individual or entity to the Commission in such form and in such manner as the Commission may request; and

''(2) maintain books and records pertaining to the security-based swaps held by the individual or entity in such form, in such manner, and for such period as the Commission may require, which shall be open to inspection by—

''(A) any representative of the Commission;

''(B) an appropriate prudential regulator;

''(C) the Commodity Futures Trading Commission;

''(D) the Financial Stability Oversight Council; and

''(E) the Department of Justice.

''(d) IDENTICAL DATA.—In prescribing rules under this section, the Commission shall require individuals and entities described in subsection (b) to submit to the Commission a report that contains data that is not less comprehensive than the data required to be collected by security-based swap data repositories under this title.''.

(b) BENEFICIAL OWNERSHIP REPORTING.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended—

(1) in subsection (d)(1), by inserting ''or otherwise becomes or is deemed to become a beneficial owner of any of the foregoing upon the purchase or sale of a security-based swap that the Commission may define by rule, and'' after ''Alaska Native Claims Settlement Act,''; and

(2) in subsection (g)(1), by inserting ''or otherwise becomes or is deemed to become a beneficial owner of any security of a class described in subsection (d)(1) upon the purchase or sale of a security-based swap that the Commission may define by rule'' after ''subsection (d)(1) of this section''.

(c) REPORTS BY INSTITUTIONAL INVESTMENT MANAGERS.—Section 13(f)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(f)(1)) is amended by inserting ''or otherwise becomes or is deemed to become a beneficial owner of any security of a class described in subsection (d)(1) upon the purchase or sale of a security-based swap that the Commission may define by rule,'' after ''subsection (d)(1) of this section''.

(d) ADMINISTRATIVE PROCEEDING AUTHORITY.—Section 15(b)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(4)) is amended—

(1) in subparagraph (C), by inserting ''security-based swap dealer, major security-based swap participant,'' after ''government securities dealer,''; and

(2) in subparagraph (F), by striking ''broker or dealer'' and inserting ''broker, dealer, security-based swap dealer, or a major security-based swap participant''.

(e) SECURITY-BASED SWAP BENEFICIAL OWNERSHIP.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

''(o) BENEFICIAL OWNERSHIP.—For purposes of this section and section 16, a person shall be deemed to acquire beneficial ownership of an equity security based on the purchase or sale of a security-based swap, only to the extent that the Commission, by rule, determines after consultation with the prudential regulators and the Secretary of the Treasury, that the purchase or sale of the security-based swap, or class of security-based swap, provides incidents of ownership comparable to direct ownership of the equity security, and that it is necessary to achieve the purposes of this section that the purchase or sale of the security-based swaps, or class of security-based swap, be deemed the acquisition of beneficial ownership of the equity security.''.

SEC. 767. STATE GAMING AND BUCKET SHOP LAWS.

Section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)) is amended to read as follows:

''(a) LIMITATION ON JUDGMENTS.—

''(1) IN GENERAL.—No person permitted to maintain a suit for damages under the provisions of this title shall recover, through satisfaction of judgment in 1 or more actions, a total amount in excess of the actual damages to that person on account of the act complained of. Except as otherwise specifically provided in this title, nothing in this title shall affect the jurisdiction of the securities commission (or any agency or officer performing like functions) of any State over any security or any person insofar as it does not conflict with the provisions of this title or the rules and regulations under this title.

''(2) RULE OF CONSTRUCTION.—Except as provided in subsection (f), the rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.

''(3) STATE BUCKET SHOP LAWS.—No State law which prohibits or regulates the making or promoting of wagering or gaming contracts, or the operation of 'bucket shops' or other similar or related activities, shall invalidate—

''(A) any put, call, straddle, option, privilege, or other security subject to this title (except any security that has a pari-mutuel payout or otherwise is determined by the Commission, acting by rule, regulation, or order, to be appropriately subject to such laws), or apply to any activity which is incidental or related to the offer, purchase, sale, exercise, settlement, or closeout of any such security;

''(B) any security-based swap between eligible contract participants; or

''(C) any security-based swap effected on a national securities exchange registered pursuant to section 6(b).

''(4) OTHER STATE PROVISIONS.—No provision of State law regarding the offer, sale, or distribution of securities shall apply to any transaction in a security-based swap or a security futures product, except that this paragraph may not be construed as limiting any State antifraud law of general applicability. A security-based swap may not be regulated as an insurance contract under any provision of State law.''.

SEC. 768. AMENDMENTS TO THE SECURITIES ACT OF 1933; TREATMENT OF SECURITY-BASED SWAPS.

(a) DEFINITIONS.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended—

(1) in paragraph (1), by inserting ''security-based swap,'' after ''security future,'';

(2) in paragraph (3), by adding at the end the following: ''Any offer or sale of a security-based swap by or on behalf of the issuer of the securities upon which such security-based swap is based or is referenced, an affiliate of the issuer, or an underwriter, shall constitute a contract for sale of, sale of, offer for sale, or offer to sell such securities.''; and

(3) by adding at the end the following:

''(17) The terms 'swap' and 'security-based swap' have the same meanings as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).

''(18) The terms 'purchase' or 'sale' of a security-based swap shall be deemed to mean the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.''.

(b) REGISTRATION OF SECURITY-BASED SWAPS.—Section 5 of the Securities Act of 1933 (15 U.S.C. 77e) is amended by adding at the end the following:

''(d) Notwithstanding the provisions of section 3 or 4, unless a registration statement meeting the requirements of section 10(a) is in effect as to a security-based swap, it shall be unlawful for any person, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell, offer to buy or purchase or sell a security-based swap to any person who is not an eligible contract participant as defined in section 1a(18) of the Commodity Exchange Act (7 U.S.C. 1a(18)).''.

SEC. 769. DEFINITIONS UNDER THE INVESTMENT COMPANY ACT OF 1940.

Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2) is amended by adding at the end the following:

''(54) The terms 'commodity pool', 'commodity pool operator', 'commodity trading advisor', 'major swap participant', 'swap', 'swap dealer', and 'swap execution facility' have the same meanings as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).''.

SEC. 770. DEFINITIONS UNDER THE INVESTMENT ADVISERS ACT OF 1940.

Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2) is amended by adding at the end the following:

''(29) The terms 'commodity pool', 'commodity pool operator', 'commodity trading advisor', 'major swap participant', 'swap', 'swap dealer', and 'swap execution facility' have the same meanings as in section 1a of the Commodity Exchange Act (7 U.S.C. 1a).''.

SEC. 771. OTHER AUTHORITY.

Unless otherwise provided by its terms, this subtitle does not divest any appropriate Federal banking agency, the Securities and Exchange Commission, the Commodity Futures Trading Commission, or any other Federal or State agency, of any authority derived from any other provision of applicable law.

SEC. 772. JURISDICTION.

(a) IN GENERAL.—Section 36 of the Securities Exchange Act of 1934 (15 U.S.C. 78mm) is amended by adding at the end the following:

''(c) DERIVATIVES.—Unless the Commission is expressly authorized by any provision described in this subsection to grant exemptions, the Commission shall not grant exemptions, with respect to amendments made by subtitle B of the Wall Street Transparency and Accountability Act of 2010, with respect to paragraphs (65), (66), (68), (69), (70), (71), (72), (73), (74), (75), (76), and (79) of section 3(a), and sections 10B(a), 10B(b), 10B(c), 13A, 15F, 17A(g), 17A(h), 17A(i), 17A(j), 17A(k), and 17A(l); provided that the Commission shall have exemptive authority under this

title with respect to security-based swaps as to the same matters that the Commodity Futures Trading Commission has under the Wall Street Transparency and Accountability Act of 2010 with respect to swaps, including under section 4(c) of the Commodity Exchange Act.''.

(b) RULE OF CONSTRUCTION.—Section 30 of the Securities Exchange Act of 1934 (15 U.S.C. 78dd) is amended by adding at the end the following:

''(c) RULE OF CONSTRUCTION.—No provision of this title that was added by the Wall Street Transparency and Accountability Act of 2010, or any rule or regulation thereunder, shall apply to any person insofar as such person transacts a business in security-based swaps without the jurisdiction of the United States, unless such person transacts such business in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate to prevent the evasion of any provision of this title that was added by the Wall Street Transparency and Accountability Act of 2010. This subsection shall not be construed to limit the jurisdiction of the Commission under any provision of this title, as in effect prior to the date of enactment of the Wall Street Transparency and Accountability Act of 2010.''.

SEC. 773. CIVIL PENALTIES.

Section 21B of the Securities Exchange Act of 1934 (15 U.S.C. 78p-2) is amended by adding at the end the following:

''(f) SECURITY-BASED SWAPS.—

''(1) CLEARING AGENCY.—Any clearing agency that knowingly or recklessly evades or participates in or facilitates an evasion of the requirements of section 3C shall be liable for a civil money penalty in twice the amount otherwise available for a violation of section 3C.

''(2) SECURITY-BASED SWAP DEALER OR MAJOR SECURITY-BASED SWAP PARTICIPANT.—Any security-based swap dealer or major security-based swap participant that knowingly or recklessly evades or participates in or facilitates an evasion of the requirements of section 3C shall be liable for a civil money penalty in twice the amount otherwise available for a violation of section 3C.''.

SEC. 774. EFFECTIVE DATE.

Unless otherwise provided, the provisions of this subtitle shall take effect on the later of 360 days after the date of the enactment of this subtitle or, to the extent a provision of this subtitle requires a rulemaking, not less than 60 days after publication of the final rule or regulation implementing such provision of this subtitle.

TITLE VIII—PAYMENT, CLEARING, AND SETTLEMENT SUPERVISION

SEC. 801. SHORT TITLE.

This title may be cited as the ''Payment, Clearing, and Settlement Supervision Act of 2010''.

SEC. 802. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The proper functioning of the financial markets is dependent upon safe and efficient arrangements for the clearing and settlement of payment, securities, and other financial transactions.

(2) Financial market utilities that conduct or support multilateral payment, clearing, or settlement activities may reduce risks for their participants and the broader financial system, but such utilities may also concentrate and create new risks and thus must be well designed and operated in a safe and sound manner.

(3) Payment, clearing, and settlement activities conducted by financial institutions also present important risks to the participating financial institutions and to the financial system.

(4) Enhancements to the regulation and supervision of systemically important financial market utilities and the conduct of systemically important payment, clearing, and settlement activities by financial institutions are necessary—

(A) to provide consistency;

(B) to promote robust risk management and safety and soundness;

(C) to reduce systemic risks; and

(D) to support the stability of the broader financial system.

(b) PURPOSE.—The purpose of this title is to mitigate systemic risk in the financial system and promote financial stability by—

(1) authorizing the Board of Governors to promote uniform standards for the—

(A) management of risks by systemically important financial market utilities; and

(B) conduct of systemically important payment, clearing, and settlement activities by financial institutions;

(2) providing the Board of Governors an enhanced role in the supervision of risk management standards for systemically important financial market utilities;

(3) strengthening the liquidity of systemically important financial market utilities; and

(4) providing the Board of Governors an enhanced role in the supervision of risk management standards for systemically important payment, clearing, and settlement activities by financial institutions.

SEC. 803. DEFINITIONS.

In this title, the following definitions shall apply:

(1) APPROPRIATE FINANCIAL REGULATOR.—The term ''appropriate financial regulator'' means—

(A) the primary financial regulatory agency, as defined in section 2 of this Act;

(B) the National Credit Union Administration, with respect to any insured credit union under the Federal Credit Union Act (12 U.S.C. 1751 et seq.); and

(C) the Board of Governors, with respect to organizations operating under section 25A of the Federal Reserve Act (12 U.S.C. 611), and any other financial institution engaged in a designated activity.

(2) DESIGNATED ACTIVITY.—The term ''designated activity'' means a payment, clearing, or settlement activity that the Council has designated as systemically important under section 804.

(3) DESIGNATED CLEARING ENTITY.—The term ''designated clearing entity'' means a designated financial market utility that is a derivatives clearing organization registered under section 5b of the Commodity Exchange Act (7 U.S.C. 7a-1) or a clearing agency registered with the Securities and Exchange Commission under section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q-1).

(4) DESIGNATED FINANCIAL MARKET UTILITY.—The term ''designated financial market utility'' means a financial market utility that the Council has designated as systemically important under section 804.

(5) FINANCIAL INSTITUTION.—

(A) IN GENERAL.—The term ''financial institution'' means—

(i) a depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(ii) a branch or agency of a foreign bank, as defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101);

(iii) an organization operating under section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601–604a and 611 through 631);

(iv) a credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

(v) a broker or dealer, as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c);

(vi) an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3);

(vii) an insurance company, as defined in section 2 of the Investment Company Act of 1940 (15 U.S.C. 80a–2);

(viii) an investment adviser, as defined in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2);

(ix) a futures commission merchant, commodity trading advisor, or commodity pool operator, as defined in section 1a of the Commodity Exchange Act (7 U.S.C. 1a); and

(x) any company engaged in activities that are financial in nature or incidental to a financial activity, as described in section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

(B) EXCLUSIONS.—The term ''financial institution'' does not include designated contract markets, registered futures associations, swap data repositories, and swap execution facilities registered under the Commodity Exchange Act (7 U.S.C. 1 et seq.), or national securities exchanges, national securities associations, alternative trading systems, securities information processors solely with respect to the activities of the entity as a securities information processor, security-based swap data repositories, and swap execution facilities registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), or designated clearing entities, provided that the exclusions in this subparagraph apply only with respect to the activities that require the entity to be so registered.

(6) FINANCIAL MARKET UTILITY.—

(A) INCLUSION.—The term ''financial market utility'' means any person that manages or operates a multilateral system for the purpose of transferring, clearing, or settling payments, securities, or other financial transactions among financial institutions or between financial institutions and the person.

(B) EXCLUSIONS.—The term ''financial market utility'' does not include—

(i) designated contract markets, registered futures associations, swap data repositories, and swap execution facilities registered under the Commodity Exchange Act (7 U.S.C. 1 et seq.), or national securities exchanges, national securities associations, alternative trading systems, security-based swap data repositories, and swap execution facilities registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), solely by reason of their providing facilities for comparison of data respecting the terms of settlement of securities or futures transactions effected on such exchange or by means of any electronic system operated or controlled by such entities, provided that the exclusions in this clause apply only with respect to the activities that require the entity to be so registered; and

(ii) any broker, dealer, transfer agent, or investment company, or any futures commission merchant, introducing broker, commodity trading advisor, or commodity pool operator, solely by reason of functions performed by such institution as part of brokerage, dealing, transfer agency, or investment company activities, or solely by reason of acting on behalf of a financial market utility or a participant therein in connection with the furnishing by the financial market utility of services to its participants or the use of services of the financial market utility by its participants, provided that services performed by such institution do not constitute critical risk management or processing functions of the financial market utility.

(7) PAYMENT, CLEARING, OR SETTLEMENT ACTIVITY.—

(A) IN GENERAL.—The term ''payment, clearing, or settlement activity'' means an activity carried out by 1 or more financial institutions to facilitate the completion of financial transactions, but shall not include any offer or sale of a security under the Securities Act of 1933 (15 U.S.C. 77a et seq.), or any quotation, order entry, negotiation, or other pre-trade activity or execution activity.

(B) FINANCIAL TRANSACTION.—For the purposes of subparagraph (A), the term ''financial transaction'' includes—

(i) funds transfers;

(ii) securities contracts;

(iii) contracts of sale of a commodity for future delivery;

(iv) forward contracts;

(v) repurchase agreements;

(vi) swaps;

(vii) security-based swaps;

(viii) swap agreements;

(ix) security-based swap agreements;

(x) foreign exchange contracts;

(xi) financial derivatives contracts; and

(xii) any similar transaction that the Council determines to be a financial transaction for purposes of this title.

(C) INCLUDED ACTIVITIES.—When conducted with respect to a financial transaction, payment, clearing, and settlement activities may include—

(i) the calculation and communication of unsettled financial transactions between counterparties;

(ii) the netting of transactions;

(iii) provision and maintenance of trade, contract, or instrument information;

(iv) the management of risks and activities associated with continuing financial transactions;

(v) transmittal and storage of payment instructions;

(vi) the movement of funds;

(vii) the final settlement of financial transactions; and

(viii) other similar functions that the Council may determine.

(D) EXCLUSION.—Payment, clearing, and settlement activities shall not include public reporting of swap transaction data under section 727 or 763(i) of the Wall Street Transparency and Accountability Act of 2010.

(8) SUPERVISORY AGENCY.—

(A) IN GENERAL.—The term ''Supervisory Agency'' means the Federal agency that has primary jurisdiction over a designated financial market utility under Federal banking, securities, or commodity futures laws, as follows:

(i) The Securities and Exchange Commission, with respect to a designated financial market utility that is a clearing agency registered with the Securities and Exchange Commission.

(ii) The Commodity Futures Trading Commission, with respect to a designated financial market utility that is a derivatives clearing organization registered with the Commodity Futures Trading Commission.

(iii) The appropriate Federal banking agency, with respect to a designated financial market utility that is an institution described in section 3(q) of the Federal Deposit Insurance Act.

(iv) The Board of Governors, with respect to a designated financial market utility that is otherwise not subject to the jurisdiction of any agency listed in clauses (i), (ii), and (iii).

(B) MULTIPLE AGENCY JURISDICTION.—If a designated financial market utility is subject to the jurisdictional supervision of more than 1 agency listed in subparagraph (A), then such agencies should agree on 1 agency to act as the Supervisory Agency, and if such agencies cannot agree on which agency has primary jurisdiction, the Council shall decide which agency is the Supervisory Agency for purposes of this title.

(9) SYSTEMICALLY IMPORTANT AND SYSTEMIC IMPORTANCE.—The terms ''systemically important'' and ''systemic importance'' mean a situation where the failure of or a disruption to the functioning of a financial market utility or the conduct of a payment, clearing, or settlement activity could create, or increase, the risk of significant liquidity or credit problems spreading among financial institutions or markets and thereby threaten the stability of the financial system of the United States.

SEC. 804. DESIGNATION OF SYSTEMIC IMPORTANCE.

(a) DESIGNATION.—

(1) FINANCIAL STABILITY OVERSIGHT COUNCIL.—The Council, on a nondelegable basis and by a vote of not fewer than ⅔ of members then serving, including an affirmative vote by the Chairperson of the Council, shall designate those financial market utilities or payment, clearing, or settlement activities that the Council determines are, or are likely to become, systemically important.

(2) CONSIDERATIONS.—In determining whether a financial market utility or payment, clearing, or settlement activity is, or is likely to become, systemically important, the Council shall take into consideration the following:

(A) The aggregate monetary value of transactions processed by the financial market utility or carried out through the payment, clearing, or settlement activity.

(B) The aggregate exposure of the financial market utility or a financial institution engaged in payment, clearing, or settlement activities to its counterparties.

(C) The relationship, interdependencies, or other interactions of the financial market utility or payment, clearing, or settlement activity with other financial market utilities or payment, clearing, or settlement activities.

(D) The effect that the failure of or a disruption to the financial market utility or payment, clearing, or settlement activity would have on critical markets, financial institutions, or the broader financial system.

(E) Any other factors that the Council deems appropriate.

(b) RESCISSION OF DESIGNATION.—

(1) IN GENERAL.—The Council, on a nondelegable basis and by a vote of not fewer than ⅔ of members then serving, including an affirmative vote by the Chairperson of the Council, shall rescind a designation of systemic importance for a designated financial market utility or designated activity if the Council determines that the utility or activity no longer meets the standards for systemic importance.

(2) EFFECT OF RESCISSION.—Upon rescission, the financial market utility or financial institutions conducting the activity will no longer be subject to the provisions of this title or any rules or orders prescribed under this title.

(c) CONSULTATION AND NOTICE AND OPPORTUNITY FOR HEARING.—

(1) CONSULTATION.—Before making any determination under subsection (a) or (b), the Council shall consult with the relevant Supervisory Agency and the Board of Governors.

(2) ADVANCE NOTICE AND OPPORTUNITY FOR HEARING.—

(A) IN GENERAL.—Before making any determination under subsection (a) or (b), the Council shall provide the financial market utility or, in the case of a payment, clearing, or settlement activity, financial institutions with advance notice of the proposed determination of the Council.

(B) NOTICE IN FEDERAL REGISTER.—The Council shall provide such advance notice to financial institutions by publishing a notice in the Federal Register.

(C) REQUESTS FOR HEARING.—Within 30 days from the date of any notice of the proposed determination of the Council, the financial market utility or, in the case of a payment, clearing, or settlement activity, a financial institution engaged in the designated activity may request, in writing, an opportunity for a written or oral hearing before the Council to demonstrate that the proposed designation or rescission of designation is not supported by substantial evidence.

(D) WRITTEN SUBMISSIONS.—Upon receipt of a timely request, the Council shall fix a time, not more than 30 days after receipt of the request, unless extended at the request of the financial market utility or financial institution, and place at which the financial market utility or financial institution may appear, personally or through counsel, to submit written materials, or, at the sole discretion of the Council, oral testimony or oral argument.

(3) EMERGENCY EXCEPTION.—

(A) WAIVER OR MODIFICATION BY VOTE OF THE COUNCIL.—The Council may waive or modify the requirements of paragraph (2) if the Council determines, by an affirmative vote of not fewer than ⅔ of members then serving, including an affirmative vote by the Chairperson of the Council, that the waiver or modification is necessary to prevent or mitigate an immediate threat to the financial system posed by the financial market utility or the payment, clearing, or settlement activity.

(B) NOTICE OF WAIVER OR MODIFICATION.—The Council shall provide notice of the waiver or modification to the financial market utility concerned or, in the case of a payment, clearing, or settlement activity, to financial institutions, as soon as practicable, which shall be no later than 24 hours after the waiver or modification in the case of a financial market utility and 3 business days in the case of financial institutions. The Council shall provide the notice to financial institutions by posting a notice on the website of the Council and by publishing a notice in the Federal Register.

(d) NOTIFICATION OF FINAL DETERMINATION.—

(1) AFTER HEARING.—Within 60 days of any hearing under subsection (c)(2), the Council shall notify the financial market utility or financial institutions of the final determination of the Council in writing, which shall include findings of fact upon which the determination of the Council is based.

(2) WHEN NO HEARING REQUESTED.—If the Council does not receive a timely request for a hearing under subsection (c)(2), the Council shall notify the financial market utility or financial institutions of the final determination of the Council in writing not later than 30 days after the expiration of the date by which a financial market utility or a financial institution could have requested a hearing. All notices to financial institutions under this subsection shall be published in the Federal Register.

(e) EXTENSION OF TIME PERIODS.—The Council may extend the time periods established in subsections (c) and (d) as the Council determines to be necessary or appropriate.

SEC. 805. STANDARDS FOR SYSTEMICALLY IMPORTANT FINANCIAL MARKET UTILITIES AND PAYMENT, CLEARING, OR SETTLEMENT ACTIVITIES.

(a) AUTHORITY TO PRESCRIBE STANDARDS.—

(1) BOARD OF GOVERNORS.—Except as provided in paragraph (2), the Board of Governors, by rule or order, and in consultation with the Council and the Supervisory Agencies, shall prescribe risk management standards, taking into consideration relevant international standards and existing prudential requirements, governing—

(A) the operations related to the payment, clearing, and settlement activities of designated financial market utilities; and

(B) the conduct of designated activities by financial institutions.

(2) SPECIAL PROCEDURES FOR DESIGNATED CLEARING ENTITIES AND DESIGNATED ACTIVITIES OF CERTAIN FINANCIAL INSTITUTIONS.—

(A) CFTC AND COMMISSION.—The Commodity Futures Trading Commission and the Commission may each prescribe regulations, in consultation with the Council and the Board of Governors, containing risk management standards, taking into consideration relevant international standards and existing prudential requirements, for those designated clearing entities and financial institutions engaged in designated activities for which each is the Supervisory Agency or the appropriate financial regulator, governing—

(i) the operations related to payment, clearing, and settlement activities of such designated clearing entities; and

(ii) the conduct of designated activities by such financial institutions.

(B) REVIEW AND DETERMINATION.—The Board of Governors may determine that existing prudential requirements of the Commodity Futures Trading Commission, the Commission, or both (including requirements prescribed pursuant to subparagraph (A)) with respect to designated clearing entities and financial institutions engaged in designated activities for which the Commission or the Commodity Futures Trading Commission is the Supervisory Agency or the appropriate financial regulator are insufficient to prevent or mitigate significant liquidity, credit, operational, or other risks to the financial markets or to the financial stability of the United States.

(C) WRITTEN DETERMINATION.—Any determination by the Board of Governors under subparagraph (B) shall be provided in writing to

the Commodity Futures Trading Commission or the Commission, as applicable, and the Council, and shall explain why existing prudential requirements, considered as a whole, are insufficient to ensure that the operations and activities of the designated clearing entities or the activities of financial institutions described in subparagraph (B) will not pose significant liquidity, credit, operational, or other risks to the financial markets or to the financial stability of the United States. The Board of Governors' determination shall contain a detailed analysis supporting its findings and identify the specific prudential requirements that are insufficient.

(D) CFTC AND COMMISSION RESPONSE.—The Commodity Futures Trading Commission or the Commission, as applicable, shall within 60 days either object to the Board of Governors' determination with a detailed analysis as to why existing prudential requirements are sufficient, or submit an explanation to the Council and the Board of Governors describing the actions to be taken in response to the Board of Governors' determination.

(E) AUTHORIZATION.—Upon an affirmative vote by not fewer than ⅔ of members then serving on the Council, the Council shall either find that the response submitted under subparagraph (D) is sufficient, or require the Commodity Futures Trading Commission, or the Commission, as applicable, to prescribe such risk management standards as the Council determines is necessary to address the specific prudential requirements that are determined to be insufficient.''

(b) OBJECTIVES AND PRINCIPLES.—The objectives and principles for the risk management standards prescribed under subsection (a) shall be to—

(1) promote robust risk management;

(2) promote safety and soundness;

(3) reduce systemic risks; and

(4) support the stability of the broader financial system.

(c) SCOPE.—The standards prescribed under subsection (a) may address areas such as—

(1) risk management policies and procedures;

(2) margin and collateral requirements;

(3) participant or counterparty default policies and procedures;

(4) the ability to complete timely clearing and settlement of financial transactions;

(5) capital and financial resource requirements for designated financial market utilities; and

(6) other areas that are necessary to achieve the objectives and principles in subsection (b).

(d) LIMITATION ON SCOPE.—Except as provided in subsections (e) and (f) of section 807, nothing in this title shall be construed to permit the Council or the Board of Governors to take any action or exercise any authority granted to the Commodity Futures Trading Commission under section 2(h) of the Commodity Exchange Act or the Securities and Exchange Commission under section 3C(a) of the Securities Exchange Act of 1934, including—

(1) the approval of, disapproval of, or stay of the clearing requirement for any group, category, type, or class of swaps that a designated clearing entity may accept for clearing;

(2) the determination that any group, category, type, or class of swaps shall be subject to the mandatory clearing requirement of section 2(h)(1) of the Commodity Exchange Act or section 3C(a)(1) of the Securities Exchange Act of 1934;

(3) the determination that any person is exempt from the mandatory clearing requirement of section 2(h)(1) of the Commodity Exchange Act or section 3C(a)(1) of the Securities Exchange Act of 1934; or

(4) any authority granted to the Commodity Futures Trading Commission or the Securities and Exchange Commission with respect to transaction reporting or trade execution.

(e) THRESHOLD LEVEL.—The standards prescribed under subsection (a) governing the conduct of designated activities by financial institutions shall, where appropriate, establish a threshold as to the level or significance of engagement in the activity at which a financial institution will become subject to the standards with respect to that activity.

(f) COMPLIANCE REQUIRED.—Designated financial market utilities and financial institutions subject to the standards prescribed under subsection (a) for a designated activity shall conduct their operations in compliance with the applicable risk management standards.

SEC. 806. OPERATIONS OF DESIGNATED FINANCIAL MARKET UTILITIES.

(a) FEDERAL RESERVE ACCOUNT AND SERVICES.—The Board of Governors may authorize a Federal Reserve Bank to establish and maintain an account for a designated financial market utility and provide the services listed in section 11A(b) of the Federal Reserve Act (12 U.S.C. 248a(b)) and deposit accounts under the first undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 342) to the designated financial market utility that the Federal Reserve Bank is authorized under the Federal Reserve Act to provide to a depository institution, subject to any applicable rules, orders, standards, or guidelines prescribed by the Board of Governors.

(b) ADVANCES.—The Board of Governors may authorize a Federal Reserve bank under section 10B of the Federal Reserve Act (12 U.S.C. 347b) to provide to a designated financial market utility discount and borrowing privileges only in unusual or exigent circumstances, upon the affirmative vote of a majority of the Board of Governors then serving (or such other number in accordance with the provisions of section 11(r)(2) of the Federal Reserve Act (12 U.S.C. 248(r)(2)) after consultation with the Secretary, and upon a showing by the designated financial market utility that it is unable to secure adequate credit accommodations from other banking institutions. All such discounts and borrowing privileges shall be subject to such other limitations, restrictions, and regulations as the Board of Governors may prescribe. Access to discount and borrowing privileges under section 10B of the Federal Reserve Act as authorized in this section does not require a designated financial market utility to be or become a bank or bank holding company.

(c) EARNINGS ON FEDERAL RESERVE BALANCES.—A Federal Reserve Bank may pay earnings on balances maintained by or on behalf of a designated financial market utility in the same manner and to the same extent as the Federal Reserve Bank may pay earnings to a depository institution under the Federal Reserve Act, subject to any applicable rules, orders, standards, or guidelines prescribed by the Board of Governors.

(d) RESERVE REQUIREMENTS.—The Board of Governors may exempt a designated financial market utility from, or modify any, reserve requirements under section 19 of the Federal Reserve Act (12 U.S.C. 461) applicable to a designated financial market utility.

(e) CHANGES TO RULES, PROCEDURES, OR OPERATIONS.—

(1) ADVANCE NOTICE.—

(A) ADVANCE NOTICE OF PROPOSED CHANGES REQUIRED.—A designated financial market utility shall provide notice 60 days in advance notice to its Supervisory Agency of any proposed change to its rules, procedures, or operations that could, as defined in rules of each Supervisory Agency, materially affect, the nature or level of risks presented by the designated financial market utility.

(B) TERMS AND STANDARDS PRESCRIBED BY THE SUPERVISORY AGENCIES.—Each Supervisory Agency, in consultation with the Board of Governors, shall prescribe regulations that define and describe the standards for determining when notice is required to be provided under subparagraph (A).

(C) CONTENTS OF NOTICE.—The notice of a proposed change shall describe—

(i) the nature of the change and expected effects on risks to the designated financial market utility, its participants, or the market; and

(ii) how the designated financial market utility plans to manage any identified risks.

(D) ADDITIONAL INFORMATION.—The Supervisory Agency may require a designated financial market utility to provide any information necessary to assess the effect the proposed change would have on the nature or level of risks associated with the designated financial market utility's payment, clearing, or settlement activities and the sufficiency of any proposed risk management techniques.

(E) NOTICE OF OBJECTION.—The Supervisory Agency shall notify the designated financial market utility of any objection regarding the proposed change within 60 days from the later of—

(i) the date that the notice of the proposed change is received; or

(ii) the date any further information requested for consideration of the notice is received.

(F) CHANGE NOT ALLOWED IF OBJECTION.—A designated financial market utility shall not implement a change to which the Supervisory Agency has an objection.

(G) CHANGE ALLOWED IF NO OBJECTION WITHIN 60 DAYS.—A designated financial market utility may implement a change if it has not received an objection to the proposed change within 60 days of the later of—

(i) the date that the Supervisory Agency receives the notice of proposed change; or

(ii) the date the Supervisory Agency receives any further information it requests for consideration of the notice.

(H) REVIEW EXTENSION FOR NOVEL OR COMPLEX ISSUES.—The Supervisory Agency may, during the 60-day review period, extend the review period for an additional 60 days for proposed changes that raise novel or complex issues, subject to the Supervisory Agency providing the designated financial market utility with prompt written notice of the extension. Any extension under this subparagraph will extend the time periods under subparagraphs (E) and (G).

(I) CHANGE ALLOWED EARLIER IF NOTIFIED OF NO OBJECTION.—A designated financial market utility may implement a change in less than 60 days from the date of receipt of the notice of proposed change by the Supervisory Agency, or the date the Supervisory Agency receives any further information it requested, if the Supervisory Agency notifies the designated financial market utility in writing that it does not object to the proposed change and authorizes the designated financial market utility to implement the change on an earlier date, subject to any conditions imposed by the Supervisory Agency.

(2) EMERGENCY CHANGES.—

(A) IN GENERAL.—A designated financial market utility may implement a change that would otherwise require advance notice under this subsection if it determines that—

(i) an emergency exists; and

(ii) immediate implementation of the change is necessary for the designated financial market utility to continue to provide its services in a safe and sound manner.

(B) NOTICE REQUIRED WITHIN 24 HOURS.—The designated financial market utility shall provide notice of any such emergency change to its Supervisory Agency, as soon as practicable, which shall be no later than 24 hours after implementation of the change.

(C) CONTENTS OF EMERGENCY NOTICE.—In addition to the information required for changes requiring advance notice, the notice of an emergency change shall describe—

(i) the nature of the emergency; and

(ii) the reason the change was necessary for the designated financial market utility to continue to provide its services in a safe and sound manner.

(D) MODIFICATION OR RESCISSION OF CHANGE MAY BE REQUIRED.—The Supervisory Agency may require modification or rescission of the

change if it finds that the change is not consistent with the purposes of this Act or any applicable rules, orders, or standards prescribed under section 805(a).

(3) COPYING THE BOARD OF GOVERNORS.—The Supervisory Agency shall provide the Board of Governors concurrently with a complete copy of any notice, request, or other information it issues, submits, or receives under this subsection.

(4) CONSULTATION WITH BOARD OF GOVERNORS.—Before taking any action on, or completing its review of, a change proposed by a designated financial market utility, the Supervisory Agency shall consult with the Board of Governors.

SEC. 807. EXAMINATION OF AND ENFORCEMENT ACTIONS AGAINST DESIGNATED FINANCIAL MARKET UTILITIES.

(a) EXAMINATION.—Notwithstanding any other provision of law and subject to subsection (d), the Supervisory Agency shall conduct examinations of a designated financial market utility at least once annually in order to determine the following:

(1) The nature of the operations of, and the risks borne by, the designated financial market utility.

(2) The financial and operational risks presented by the designated financial market utility to financial institutions, critical markets, or the broader financial system.

(3) The resources and capabilities of the designated financial market utility to monitor and control such risks.

(4) The safety and soundness of the designated financial market utility.

(5) The designated financial market utility's compliance with—

(A) this title; and

(B) the rules and orders prescribed under this title.

(b) SERVICE PROVIDERS.—Whenever a service integral to the operation of a designated financial market utility is performed for the designated financial market utility by another entity, whether an affiliate or non-affiliate and whether on or off the premises of the designated financial market utility, the Supervisory Agency may examine whether the provision of that service is in compliance with applicable law, rules, orders, and standards to the same extent as if the designated financial market utility were performing the service on its own premises.

(c) ENFORCEMENT.—For purposes of enforcing the provisions of this title, a designated financial market utility shall be subject to, and the appropriate Supervisory Agency shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the designated financial market utility was an insured depository institution and the Supervisory Agency was the appropriate Federal banking agency for such insured depository institution.

(d) BOARD OF GOVERNORS INVOLVEMENT IN EXAMINATIONS.—

(1) BOARD OF GOVERNORS CONSULTATION ON EXAMINATION PLANNING.—The Supervisory Agency shall consult annually with the Board of Governors regarding the scope and methodology of any examination conducted under subsections (a) and (b). The Supervisory Agency shall lead all examinations conducted under subsections (a) and (b)

(2) BOARD OF GOVERNORS PARTICIPATION IN EXAMINATION.—The Board of Governors may, in its discretion, participate in any examination led by a Supervisory Agency and conducted under subsections (a) and (b).

(e) BOARD OF GOVERNORS ENFORCEMENT RECOMMENDATIONS.—

(1) RECOMMENDATION.—The Board of Governors may, after consulting with the Council and the Supervisory Agency, at any time recommend to the Supervisory Agency that such agency take enforcement action against a designated financial market utility in order to prevent or mitigate significant liquidity, credit, operational, or other risks to the financial markets or to the financial stability of the United States. Any such recommendation for enforcement action shall provide a detailed analysis supporting the recommendation of the Board of Governors.

(2) CONSIDERATION.—The Supervisory Agency shall consider the recommendation of the Board of Governors and submit a response to the Board of Governors within 60 days.

(3) BINDING ARBITRATION.—If the Supervisory Agency rejects, in whole or in part, the recommendation of the Board of Governors, the Board of Governors may refer the recommendation to the Council for a binding decision on whether an enforcement action is warranted.

(4) ENFORCEMENT ACTION.—Upon an affirmative vote by a majority of the Council in favor of the Board of Governors' recommendation under paragraph (3), the Council may require the Supervisory Agency to—

(A) exercise the enforcement authority referenced in subsection (c); and

(B) take enforcement action against the designated financial market utility.

(f) EMERGENCY ENFORCEMENT ACTIONS BY THE BOARD OF GOVERNORS.—

(1) IMMINENT RISK OF SUBSTANTIAL HARM.—The Board of Governors may, after consulting with the Supervisory Agency and upon an affirmative vote by a majority the Council, take enforcement action against a designated financial market utility if the Board of Governors has reasonable cause to conclude that—

(A) either—

(i) an action engaged in, or contemplated by, a designated financial market utility (including any change proposed by the designated financial market utility to its rules, procedures, or operations that would otherwise be subject to section 806(e)) poses an imminent risk of substantial harm to financial institutions, critical markets, or the broader financial system of the United States; or

(ii) the condition of a designated financial market utility poses an imminent risk of substantial harm to financial institutions, critical markets, or the broader financial system; and

(B) the imminent risk of substantial harm precludes the Board of Governors' use of the procedures in subsection (e).

(2) ENFORCEMENT AUTHORITY.—For purposes of taking enforcement action under paragraph (1), a designated financial market utility shall be subject to, and the Board of Governors shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the designated financial market utility was an insured depository institution and the Board of Governors was the appropriate Federal banking agency for such insured depository institution.

SEC. 808. EXAMINATION OF AND ENFORCEMENT ACTIONS AGAINST FINANCIAL INSTITUTIONS SUBJECT TO STANDARDS FOR DESIGNATED ACTIVITIES.

(a) EXAMINATION.—The appropriate financial regulator is authorized to examine a financial institution subject to the standards prescribed under section 805(a) for a designated activity in order to determine the following:

(1) The nature and scope of the designated activities engaged in by the financial institution.

(2) The financial and operational risks the designated activities engaged in by the financial institution may pose to the safety and soundness of the financial institution.

(3) The financial and operational risks the designated activities engaged in by the financial institution may pose to other financial institutions, critical markets, or the broader financial system.

(4) The resources available to and the capabilities of the financial institution to monitor and control the risks described in paragraphs (2) and (3).

(5) The financial institution's compliance with this title and the rules and orders prescribed under section 805(a).

(b) ENFORCEMENT.—For purposes of enforcing the provisions of this title, and the rules and orders prescribed under this section, a financial institution subject to the standards prescribed under section 805(a) for a designated activity shall be subject to, and the appropriate financial regulator shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the financial institution was an insured depository institution and the appropriate financial regulator was the appropriate Federal banking agency for such insured depository institution.

(c) TECHNICAL ASSISTANCE.—The Board of Governors shall consult with and provide such technical assistance as may be required by the appropriate financial regulators to ensure that the rules and orders prescribed under this title are interpreted and applied in as consistent and uniform a manner as practicable.

(d) DELEGATION.—

(1) EXAMINATION.—

(A) REQUEST TO BOARD OF GOVERNORS.—The appropriate financial regulator may request the Board of Governors to conduct or participate in an examination of a financial institution subject to the standards prescribed under section 805(a) for a designated activity in order to assess the compliance of such financial institution with—

(i) this title; or

(ii) the rules or orders prescribed under this title.

(B) EXAMINATION BY BOARD OF GOVERNORS.—Upon receipt of an appropriate written request, the Board of Governors will conduct the examination under such terms and conditions to which the Board of Governors and the appropriate financial regulator mutually agree.

(2) ENFORCEMENT.—

(A) REQUEST TO BOARD OF GOVERNORS.—The appropriate financial regulator may request the Board of Governors to enforce this title or the rules or orders prescribed under this title against a financial institution that is subject to the standards prescribed under section 805(a) for a designated activity.

(B) ENFORCEMENT BY BOARD OF GOVERNORS.—Upon receipt of an appropriate written request, the Board of Governors shall determine whether an enforcement action is warranted, and, if so, it shall enforce compliance with this title or the rules or orders prescribed under this title and, if so, the financial institution shall be subject to, and the Board of Governors shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the financial institution was an insured depository institution and the Board of Governors was the appropriate Federal banking agency for such insured depository institution.

(e) BACK-UP AUTHORITY OF THE BOARD OF GOVERNORS.—

(1) EXAMINATION AND ENFORCEMENT.—Notwithstanding any other provision of law, the Board of Governors may—

(A) conduct an examination of the type described in subsection (a) of any financial institution that is subject to the standards prescribed under section 805(a) for a designated activity; and

(B) enforce the provisions of this title or any rules or orders prescribed under this title against any financial institution that is subject to the standards prescribed under section 805(a) for a designated activity.

(2) LIMITATIONS.—

(A) EXAMINATION.—The Board of Governors may exercise the authority described in paragraph (1)(A) only if the Board of Governors has—

(i) reasonable cause to believe that a financial institution is not in compliance with this title or the rules or orders prescribed under this title with respect to a designated activity;

(ii) notified, in writing, the appropriate financial regulator and the Council of its belief under

clause (i) with supporting documentation included;

(iii) requested the appropriate financial regulator to conduct a prompt examination of the financial institution;

(iv) either—

(I) not been afforded a reasonable opportunity to participate in an examination of the financial institution by the appropriate financial regulator within 30 days after the date of the Board's notification under clause (ii); or

(II) reasonable cause to believe that the financial institution's noncompliance with this title or the rules or orders prescribed under this title poses a substantial risk to other financial institutions, critical markets, or the broader financial system, subject to the Board of Governors affording the appropriate financial regulator a reasonable opportunity to participate in the examination; and

(v) obtained the approval of the Council upon an affirmative vote by a majority of the Council.

(B) ENFORCEMENT.—The Board of Governors may exercise the authority described in paragraph (1)(B) only if the Board of Governors has—

(i) reasonable cause to believe that a financial institution is not in compliance with this title or the rules or orders prescribed under this title with respect to a designated activity;

(ii) notified, in writing, the appropriate financial regulator and the Council of its belief under clause (i) with supporting documentation included and with a recommendation that the appropriate financial regulator take 1 or more specific enforcement actions against the financial institution;

(iii) either—

(I) not been notified, in writing, by the appropriate financial regulator of the commencement of an enforcement action recommended by the Board of Governors against the financial institution within 60 days from the date of the notification under clause (ii); or

(II) reasonable cause to believe that the financial institution's noncompliance with this title or the rules or orders prescribed under this title poses significant liquidity, credit, operational, or other risks to the financial markets or to the financial stability of the United States, subject to the Board of Governors notifying the appropriate financial regulator of the Board's enforcement action; and

(iv) obtained the approval of the Council upon an affirmative vote by a majority of the Council.

(3) ENFORCEMENT PROVISIONS.—For purposes of taking enforcement action under paragraph (1), the financial institution shall be subject to, and the Board of Governors shall have authority under the provisions of subsections (b) through (n) of section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) in the same manner and to the same extent as if the financial institution was an insured depository institution and the Board of Governors was the appropriate Federal banking agency for such insured depository institution.

SEC. 809. REQUESTS FOR INFORMATION, REPORTS, OR RECORDS.

(a) INFORMATION TO ASSESS SYSTEMIC IMPORTANCE.—

(1) FINANCIAL MARKET UTILITIES.—The Council is authorized to require any financial market utility to submit such information as the Council may require for the sole purpose of assessing whether that financial market utility is systemically important, but only if the Council has reasonable cause to believe that the financial market utility meets the standards for systemic importance set forth in section 804.

(2) FINANCIAL INSTITUTIONS ENGAGED IN PAYMENT, CLEARING, OR SETTLEMENT ACTIVITIES.—The Council is authorized to require any financial institution to submit such information as the Council may require for the sole purpose of assessing whether any payment, clearing, or settlement activity engaged in or supported by a financial institution is systemically important, but only if the Council has reasonable cause to believe that the activity meets the standards for systemic importance set forth in section 804.

(b) REPORTING AFTER DESIGNATION.—

(1) DESIGNATED FINANCIAL MARKET UTILITIES.—The Board of Governors and the Council may each require a designated financial market utility to submit reports or data to the Board of Governors and the Council in such frequency and form as deemed necessary by the Board of Governors or the Council in order to assess the safety and soundness of the utility and the systemic risk that the utility's operations pose to the financial system.

(2) FINANCIAL INSTITUTIONS SUBJECT TO STANDARDS FOR DESIGNATED ACTIVITIES.—The Board of Governors and the Council may each require 1 or more financial institutions subject to the standards prescribed under section 805(a) for a designated activity to submit, in such frequency and form as deemed necessary by the Board of Governors or the Council, reports and data to the Board of Governors and the Council solely with respect to the conduct of the designated activity and solely to assess whether—

(A) the rules, orders, or standards prescribed under section 805(a) with respect to the designated activity appropriately address the risks to the financial system presented by such activity; and

(B) the financial institutions are in compliance with this title and the rules and orders prescribed under section 805(a) with respect to the designated activity.

(3) LIMITATION.—The Board of Governors may, upon an affirmative vote by a majority of the Council, prescribe regulations under this section that impose a recordkeeping or reporting requirement on designated clearing entities or financial institutions engaged in designated activities that are subject to standards that have been prescribed under section 805(a)(2).

(c) COORDINATION WITH APPROPRIATE FEDERAL SUPERVISORY AGENCY.—

(1) ADVANCE COORDINATION.—Before requesting any material information from, or imposing reporting or recordkeeping requirements on, any financial market utility or any financial institution engaged in a payment, clearing, or settlement activity, the Board of Governors or the Council shall coordinate with the Supervisory Agency for a financial market utility or the appropriate financial regulator for a financial institution to determine if the information is available from or may be obtained by the agency in the form, format, or detail required by the Board of Governors or the Council.

(2) SUPERVISORY REPORTS.—Notwithstanding any other provision of law, the Supervisory Agency, the appropriate financial regulator, and the Board of Governors are authorized to disclose to each other and the Council copies of its examination reports or similar reports regarding any financial market utility or any financial institution engaged in payment, clearing, or settlement activities.

(d) TIMING OF RESPONSE FROM APPROPRIATE FEDERAL SUPERVISORY AGENCY.—If the information, report, records, or data requested by the Board of Governors or the Council under subsection (c)(1) are not provided in full by the Supervisory Agency or the appropriate financial regulator in less than 15 days after the date on which the material is requested, the Board of Governors or the Council may request the information or impose recordkeeping or reporting requirements directly on such persons as provided in subsections (a) and (b) with notice to the agency.

(e) SHARING OF INFORMATION.—

(1) MATERIAL CONCERNS.—Notwithstanding any other provision of law, the Board of Governors, the Council, the appropriate financial regulator, and any Supervisory Agency are authorized to—

(A) promptly notify each other of material concerns about a designated financial market utility or any financial institution engaged in designated activities; and

(B) share appropriate reports, information, or data relating to such concerns.

(2) OTHER INFORMATION.—Notwithstanding any other provision of law, the Board of Governors, the Council, the appropriate financial regulator, or any Supervisory Agency may, under such terms and conditions as it deems appropriate, provide confidential supervisory information and other information obtained under this title to each other, and to the Secretary, Federal Reserve Banks, State financial institution supervisory agencies, foreign financial supervisors, foreign central banks, and foreign finance ministries, subject to reasonable assurances of confidentiality, provided, however, that no person or entity receiving information pursuant to this section may disseminate such information to entities or persons other than those listed in this paragraph without complying with applicable law, including section 8 of the Commodity Exchange Act (7 U.S.C. 12).

(f) PRIVILEGE MAINTAINED.—The Board of Governors, the Council, the appropriate financial regulator, and any Supervisory Agency providing reports or data under this section shall not be deemed to have waived any privilege applicable to those reports or data, or any portion thereof, by providing the reports or data to the other party or by permitting the reports or data, or any copies thereof, to be used by the other party.

(g) DISCLOSURE EXEMPTION.—Information obtained by the Board of Governors, the Supervisory Agencies, or the Council under this section and any materials prepared by the Board of Governors, the Supervisory Agencies, or the Council regarding their assessment of the systemic importance of financial market utilities or any payment, clearing, or settlement activities engaged in by financial institutions, and in connection with their supervision of designated financial market utilities and designated activities, shall be confidential supervisory information exempt from disclosure under section 552 of title 5, United States Code. For purposes of such section 552, this subsection shall be considered a statute described in subsection (b)(3) of such section 552.

SEC. 810. RULEMAKING.

The Board of Governors, the Supervisory Agencies, and the Council are authorized to prescribe such rules and issue such orders as may be necessary to administer and carry out their respective authorities and duties granted under this title and prevent evasions thereof.

SEC. 811. OTHER AUTHORITY.

Unless otherwise provided by its terms, this title does not divest any appropriate financial regulator, any Supervisory Agency, or any other Federal or State agency, of any authority derived from any other applicable law, except that any standards prescribed by the Board of Governors under section 805 shall supersede any less stringent requirements established under other authority to the extent of any conflict.

SEC. 812. CONSULTATION.

(a) CFTC.—The Commodity Futures Trading Commission shall consult with the Board of Governors—

(1) prior to exercising its authorities under sections 2(h)(2)(C), 2(h)(3)(A), 2(h)(3)(C), 2(h)(4)(A), and 2(h)(4)(B) of the Commodity Exchange Act, as amended by the Wall Street Transparency and Accountability Act of 2010;

(2) with respect to any rule or rule amendment of a derivatives clearing organization for which a stay of certification has been issued under section 745(b)(3) of the Wall Street Transparency and Accountability Act of 2010; and

(3) prior to exercising its rulemaking authorities under section 728 of the Wall Street Transparency and Accountability Act of 2010.

(b) SEC.—The Commission shall consult with the Board of Governors—

(1) prior to exercising its authorities under sections 3C(a)(2)(C), 3C(a)(3)(A), 3C(a)(3)(C), 3C(a)(4)(A), and 3C(a)(4)(B) of the Securities Exchange Act of 1934, as amended by the Wall

Street Transparency and Accountability Act of 2010;

(2) with respect to any proposed rule change of a clearing agency for which an extension of the time for review has been designated under section 19(b)(2) of the Securities Exchange Act of 1934; and

(3) prior to exercising its rulemaking authorities under section 13(n) of the Securities Exchange Act of 1934, as added by section 763(i) of the Wall Street Transparency and Accountability Act of 2010.

SEC. 813. COMMON FRAMEWORK FOR DESIGNATED CLEARING ENTITY RISK MANAGEMENT.

The Commodity Futures Trading Commission and the Commission shall coordinate with the Board of Governors to jointly develop risk management supervision programs for designated clearing entities. Not later than 1 year after the date of enactment of this Act, the Commodity Futures Trading Commission, the Commission, and the Board of Governors shall submit a joint report to the Committee on Banking, Housing, and Urban Affairs and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committee on Financial Services and the Committee on Agriculture of the House of Representatives recommendations for—

(1) improving consistency in the designated clearing entity oversight programs of the Commission and the Commodity Futures Trading Commission;

(2) promoting robust risk management by designated clearing entities;

(3) promoting robust risk management oversight by regulators of designated clearing entities; and

(4) improving regulators' ability to monitor the potential effects of designated clearing entity risk management on the stability of the financial system of the United States.

SEC. 814. EFFECTIVE DATE.

This title is effective as of the date of enactment of this Act.

TITLE IX—INVESTOR PROTECTIONS AND IMPROVEMENTS TO THE REGULATION OF SECURITIES

SEC. 901. SHORT TITLE.

This title may be cited as the ''Investor Protection and Securities Reform Act of 2010''.

Subtitle A—Increasing Investor Protection

SEC. 911. INVESTOR ADVISORY COMMITTEE ESTABLISHED.

Title I of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following:

''SEC. 39. INVESTOR ADVISORY COMMITTEE.

''(a) ESTABLISHMENT AND PURPOSE.—

''(1) ESTABLISHMENT.—There is established within the Commission the Investor Advisory Committee (referred to in this section as the 'Committee').

''(2) PURPOSE.—The Committee shall—

''(A) advise and consult with the Commission on—

''(i) regulatory priorities of the Commission;

''(ii) issues relating to the regulation of securities products, trading strategies, and fee structures, and the effectiveness of disclosure;

''(iii) initiatives to protect investor interest; and

''(iv) initiatives to promote investor confidence and the integrity of the securities marketplace; and

''(B) submit to the Commission such findings and recommendations as the Committee determines are appropriate, including recommendations for proposed legislative changes.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The members of the Committee shall be—

''(A) the Investor Advocate;

''(B) a representative of State securities commissions;

''(C) a representative of the interests of senior citizens; and

''(D) not fewer than 10, and not more than 20, members appointed by the Commission, from among individuals who—

''(i) represent the interests of individual equity and debt investors, including investors in mutual funds;

''(ii) represent the interests of institutional investors, including the interests of pension funds and registered investment companies;

''(iii) are knowledgeable about investment issues and decisions; and

''(iv) have reputations of integrity.

''(2) TERM.—Each member of the Committee appointed under paragraph (1)(B) shall serve for a term of 4 years.

''(3) MEMBERS NOT COMMISSION EMPLOYEES.—Members appointed under paragraph (1)(B) shall not be deemed to be employees or agents of the Commission solely because of membership on the Committee.

''(c) CHAIRMAN; VICE CHAIRMAN; SECRETARY; ASSISTANT SECRETARY.—

''(1) IN GENERAL.—The members of the Committee shall elect, from among the members of the Committee—

''(A) a chairman, who may not be employed by an issuer;

''(B) a vice chairman, who may not be employed by an issuer;

''(C) a secretary; and

''(D) an assistant secretary.

''(2) TERM.—Each member elected under paragraph (1) shall serve for a term of 3 years in the capacity for which the member was elected under paragraph (1).

''(d) MEETINGS.—

''(1) FREQUENCY OF MEETINGS.—The Committee shall meet—

''(A) not less frequently than twice annually, at the call of the chairman of the Committee; and

''(B) from time to time, at the call of the Commission.

''(2) NOTICE.—The chairman of the Committee shall give the members of the Committee written notice of each meeting, not later than 2 weeks before the date of the meeting.

''(e) COMPENSATION AND TRAVEL EXPENSES.—Each member of the Committee who is not a full-time employee of the United States shall—

''(1) be entitled to receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Committee; and

''(2) while away from the home or regular place of business of the member in the performance of services for the Committee, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

''(f) STAFF.—The Commission shall make available to the Committee such staff as the chairman of the Committee determines are necessary to carry out this section.

''(g) REVIEW BY COMMISSION.—The Commission shall—

''(1) review the findings and recommendations of the Committee; and

''(2) each time the Committee submits a finding or recommendation to the Commission, promptly issue a public statement—

''(A) assessing the finding or recommendation of the Committee; and

''(B) disclosing the action, if any, the Commission intends to take with respect to the finding or recommendation.

''(h) COMMITTEE FINDINGS.—Nothing in this section shall require the Commission to agree to or act upon any finding or recommendation of the Committee.

''(i) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Committee and its activities.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission such sums as are necessary to carry out this section.''.

SEC. 912. CLARIFICATION OF AUTHORITY OF THE COMMISSION TO ENGAGE IN INVESTOR TESTING.

Section 19 of the Securities Act of 1933 (15 U.S.C. 77s) is amended by adding at the end the following:

''(e) EVALUATION OF RULES OR PROGRAMS.—For the purpose of evaluating any rule or program of the Commission issued or carried out under any provision of the securities laws, as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), and the purposes of considering, proposing, adopting, or engaging in any such rule or program or developing new rules or programs, the Commission may—

''(1) gather information from and communicate with investors or other members of the public;

''(2) engage in such temporary investor testing programs as the Commission determines are in the public interest or would protect investors; and

''(3) consult with academics and consultants, as necessary to carry out this subsection.

''(f) RULE OF CONSTRUCTION.—For purposes of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), any action taken under subsection (e) shall not be construed to be a collection of information.''.

SEC. 913. STUDY AND RULEMAKING REGARDING OBLIGATIONS OF BROKERS, DEALERS, AND INVESTMENT ADVISERS.

(a) DEFINITION.—For purposes of this section, the term ''retail customer'' means a natural person, or the legal representative of such natural person, who—

(1) receives personalized investment advice about securities from a broker or dealer or investment adviser; and

(2) uses such advice primarily for personal, family, or household purposes.

(b) STUDY.—The Commission shall conduct a study to evaluate—

(1) the effectiveness of existing legal or regulatory standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers for providing personalized investment advice and recommendations about securities to retail customers imposed by the Commission and a national securities association, and other Federal and State legal or regulatory standards; and

(2) whether there are legal or regulatory gaps, shortcomings, or overlaps in legal or regulatory standards in the protection of retail customers relating to the standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers for providing personalized investment advice about securities to retail customers that should be addressed by rule or statute.

(c) CONSIDERATIONS.—In conducting the study required under subsection (b), the Commission shall consider—

(1) the effectiveness of existing legal or regulatory standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers for providing personalized investment advice and recommendations about securities to retail customers imposed by the Commission and a national securities association, and other Federal and State legal or regulatory standards;

(2) whether there are legal or regulatory gaps, shortcomings, or overlaps in legal or regulatory standards in the protection of retail customers relating to the standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers for providing personalized investment advice about securities to retail customers that should be addressed by rule or statute;

(3) whether retail customers understand that there are different standards of care applicable to brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers in the provision of personalized investment advice about securities to retail customers;

(4) whether the existence of different standards of care applicable to brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers is a source of confusion for retail customers regarding the quality of personalized investment advice that retail customers receive;

(5) the regulatory, examination, and enforcement resources devoted to, and activities of, the Commission, the States, and a national securities association to enforce the standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers when providing personalized investment advice and recommendations about securities to retail customers, including—

(A) the effectiveness of the examinations of brokers, dealers, and investment advisers in determining compliance with regulations;

(B) the frequency of the examinations; and

(C) the length of time of the examinations;

(6) the substantive differences in the regulation of brokers, dealers, and investment advisers, when providing personalized investment advice and recommendations about securities to retail customers;

(7) the specific instances related to the provision of personalized investment advice about securities in which—

(A) the regulation and oversight of investment advisers provide greater protection to retail customers than the regulation and oversight of brokers and dealers; and

(B) the regulation and oversight of brokers and dealers provide greater protection to retail customers than the regulation and oversight of investment advisers;

(8) the existing legal or regulatory standards of State securities regulators and other regulators intended to protect retail customers;

(9) the potential impact on retail customers, including the potential impact on access of retail customers to the range of products and services offered by brokers and dealers, of imposing upon brokers, dealers, and persons associated with brokers or dealers—

(A) the standard of care applied under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) for providing personalized investment advice about securities to retail customers of investment advisers, as interpreted by the Commission and the courts; and

(B) other requirements of the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.);

(10) the potential impact of eliminating the broker and dealer exclusion from the definition of ''investment adviser'' under section 202(a)(11)(C) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11)(C)), in terms of—

(A) the impact and potential benefits and harm to retail customers that could result from such a change, including any potential impact on access to personalized investment advice and recommendations about securities to retail customers or the availability of such advice and recommendations;

(B) the number of additional entities and individuals that would be required to register under, or become subject to, the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.), and the additional requirements to which brokers, dealers, and persons associated with brokers and dealers would become subject, including—

(i) any potential additional associated person licensing, registration, and examination requirements; and

(ii) the additional costs, if any, to the additional entities and individuals; and

(C) the impact on Commission and State resources to—

(i) conduct examinations of registered investment advisers and the representatives of registered investment advisers, including the impact on the examination cycle; and

(ii) enforce the standard of care and other applicable requirements imposed under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.);

(11) the varying level of services provided by brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers to retail customers and the varying scope and terms of retail customer relationships of brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers with such retail customers;

(12) the potential impact upon retail customers that could result from potential changes in the regulatory requirements or legal standards of care affecting brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers relating to their obligations to retail customers regarding the provision of investment advice, including any potential impact on—

(A) protection from fraud;

(B) access to personalized investment advice, and recommendations about securities to retail customers; or

(C) the availability of such advice and recommendations;

(13) the potential additional costs and expenses to—

(A) retail customers regarding and the potential impact on the profitability of their investment decisions; and

(B) brokers, dealers, and investment advisers resulting from potential changes in the regulatory requirements or legal standards affecting brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers relating to their obligations, including duty of care, to retail customers; and

(14) any other consideration that the Commission considers necessary and appropriate in determining whether to conduct a rulemaking under subsection (f).

(d) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commission shall submit a report on the study required under subsection (b) to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

(2) CONTENT REQUIREMENTS.—The report required under paragraph (1) shall describe the findings, conclusions, and recommendations of the Commission from the study required under subsection (b), including—

(A) a description of the considerations, analysis, and public and industry input that the Commission considered, as required under subsection (b), to make such findings, conclusions, and policy recommendations; and

(B) an analysis of whether any identified legal or regulatory gaps, shortcomings, or overlap in legal or regulatory standards in the protection of retail customers relating to the standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers for providing personalized investment advice about securities to retail customers.

(e) PUBLIC COMMENT.—The Commission shall seek and consider public input, comments, and data in order to prepare the report required under subsection (d).

(f) RULEMAKING.—The Commission may commence a rulemaking, as necessary or appropriate in the public interest and for the protection of retail customers (and such other customers as the Commission may by rule provide), to address the legal or regulatory standards of care for brokers, dealers, investment advisers, persons associated with brokers or dealers, and persons associated with investment advisers for providing personalized investment advice about securities to such retail customers. The Commission shall consider the findings conclusions, and recommendations of the study required under subsection (b).

(g) AUTHORITY TO ESTABLISH A FIDUCIARY DUTY FOR BROKERS AND DEALERS.—

(1) SECURITIES EXCHANGE ACT OF 1934.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following:

''(k) STANDARD OF CONDUCT.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act or the Investment Advisers Act of 1940, the Commission may promulgate rules to provide that, with respect to a broker or dealer, when providing personalized investment advice about securities to a retail customer (and such other customers as the Commission may by rule provide), the standard of conduct for such broker or dealer with respect to such customer shall be the same as the standard of conduct applicable to an investment adviser under section 211 of the Investment Advisers Act of 1940. The receipt of compensation based on commission or other standard compensation for the sale of securities shall not, in and of itself, be considered a violation of such standard applied to a broker or dealer. Nothing in this section shall require a broker or dealer or registered representative to have a continuing duty of care or loyalty to the customer after providing personalized investment advice about securities.

''(2) DISCLOSURE OF RANGE OF PRODUCTS OFFERED.—Where a broker or dealer sells only proprietary or other limited range of products, as determined by the Commission, the Commission may by rule require that such broker or dealer provide notice to each retail customer and obtain the consent or acknowledgment of the customer. The sale of only proprietary or other limited range of products by a broker or dealer shall not, in and of itself, be considered a violation of the standard set forth in paragraph (1).

''(l) OTHER MATTERS.—The Commission shall—

''(1) facilitate the provision of simple and clear disclosures to investors regarding the terms of their relationships with brokers, dealers, and investment advisers, including any material conflicts of interest; and

''(2) examine and, where appropriate, promulgate rules prohibiting or restricting certain sales practices, conflicts of interest, and compensation schemes for brokers, dealers, and investment advisers that the Commission deems contrary to the public interest and the protection of investors.''.

(2) INVESTMENT ADVISERS ACT OF 1940.—Section 211 of the Investment Advisers Act of 1940, is further amended by adding at the end the following new subsections:

''(g) STANDARD OF CONDUCT.—

''(1) IN GENERAL.—The Commission may promulgate rules to provide that the standard of conduct for all brokers, dealers, and investment advisers, when providing personalized investment advice about securities to retail customers (and such other customers as the Commission may by rule provide), shall be to act in the best interest of the customer without regard to the financial or other interest of the broker, dealer, or investment adviser providing the advice. In accordance with such rules, any material conflicts of interest shall be disclosed and may be consented to by the customer. Such rules shall provide that such standard of conduct shall be no less stringent than the standard applicable to investment advisers under section 206(1) and (2) of this Act when providing personalized investment advice about securities, except the Commission shall not ascribe a meaning to the term 'customer' that would include an investor in a private fund managed by an investment adviser, where such private fund has entered into an advisory contract with such adviser. The receipt of compensation based on commission or fees shall not, in and of itself, be considered a violation of

such standard applied to a broker, dealer, or investment adviser.

''(2) RETAIL CUSTOMER DEFINED.—For purposes of this subsection, the term 'retail customer' means a natural person, or the legal representative of such natural person, who—

''(A) receives personalized investment advice about securities from a broker, dealer, or investment adviser; and

''(B) uses such advice primarily for personal, family, or household purposes.

''(h) OTHER MATTERS.—The Commission shall—

''(1) facilitate the provision of simple and clear disclosures to investors regarding the terms of their relationships with brokers, dealers, and investment advisers, including any material conflicts of interest; and

''(2) examine and, where appropriate, promulgate rules prohibiting or restricting certain sales practices, conflicts of interest, and compensation schemes for brokers, dealers, and investment advisers that the Commission deems contrary to the public interest and the protection of investors.''.

(h) HARMONIZATION OF ENFORCEMENT.—

(1) SECURITIES EXCHANGE ACT OF 1934.—Section 15 of the Securities Exchange Act of 1934, as amended by subsection (g)(1), is further amended by adding at the end the following new subsection:

''(m) HARMONIZATION OF ENFORCEMENT.—The enforcement authority of the Commission with respect to violations of the standard of conduct applicable to a broker or dealer providing personalized investment advice about securities to a retail customer shall include—

''(1) the enforcement authority of the Commission with respect to such violations provided under this Act; and

''(2) the enforcement authority of the Commission with respect to violations of the standard of conduct applicable to an investment adviser under the Investment Advisers Act of 1940, including the authority to impose sanctions for such violations, and

the Commission shall seek to prosecute and sanction violators of the standard of conduct applicable to a broker or dealer providing personalized investment advice about securities to a retail customer under this Act to same extent as the Commission prosecutes and sanctions violators of the standard of conduct applicable to an investment advisor under the Investment Advisers Act of 1940.''.

(2) INVESTMENT ADVISERS ACT OF 1940.—Section 211 of the Investment Advisers Act of 1940, as amended by subsection (g)(2), is further amended by adding at the end the following new subsection:

''(i) HARMONIZATION OF ENFORCEMENT.—The enforcement authority of the Commission with respect to violations of the standard of conduct applicable to an investment adviser shall include—

''(1) the enforcement authority of the Commission with respect to such violations provided under this Act; and

''(2) the enforcement authority of the Commission with respect to violations of the standard of conduct applicable to a broker or dealer providing personalized investment advice about securities to a retail customer under the Securities Exchange Act of 1934, including the authority to impose sanctions for such violations, and

the Commission shall seek to prosecute and sanction violators of the standard of conduct applicable to an investment adviser under this Act to same extent as the Commission prosecutes and sanctions violators of the standard of conduct applicable to a broker or dealer providing personalized investment advice about securities to a retail customer under the Securities Exchange Act of 1934.''.

SEC. 914. STUDY ON ENHANCING INVESTMENT ADVISER EXAMINATIONS.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Commission shall review and analyze the need for enhanced examination and enforcement resources for investment advisers.

(2) AREAS OF CONSIDERATION.—The study required by this subsection shall examine—

(A) the number and frequency of examinations of investment advisers by the Commission over the 5 years preceding the date of the enactment of this subtitle;

(B) the extent to which having Congress authorize the Commission to designate one or more self-regulatory organizations to augment the Commission's efforts in overseeing investment advisers would improve the frequency of examinations of investment advisers; and

(C) current and potential approaches to examining the investment advisory activities of dually registered broker-dealers and investment advisers or affiliated broker-dealers and investment advisers.

(b) REPORT REQUIRED.—The Commission shall report its findings to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, not later than 180 days after the date of enactment of this subtitle, and shall use such findings to revise its rules and regulations, as necessary. The report shall include a discussion of regulatory or legislative steps that are recommended or that may be necessary to address concerns identified in the study.

SEC. 915. OFFICE OF THE INVESTOR ADVOCATE.

Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end the following:

''(g) OFFICE OF THE INVESTOR ADVOCATE.—

''(1) OFFICE ESTABLISHED.—There is established within the Commission the Office of the Investor Advocate (in this subsection referred to as the 'Office').

''(2) INVESTOR ADVOCATE.—

''(A) IN GENERAL.—The head of the Office shall be the Investor Advocate, who shall—

''(i) report directly to the Chairman; and

''(ii) be appointed by the Chairman, in consultation with the Commission, from among individuals having experience in advocating for the interests of investors in securities and investor protection issues, from the perspective of investors.

''(B) COMPENSATION.—The annual rate of pay for the Investor Advocate shall be equal to the highest rate of annual pay for other senior executives who report to the Chairman of the Commission.

''(C) LIMITATION ON SERVICE.—An individual who serves as the Investor Advocate may not be employed by the Commission—

''(i) during the 2-year period ending on the date of appointment as Investor Advocate; or

''(ii) during the 5-year period beginning on the date on which the person ceases to serve as the Investor Advocate.

''(3) STAFF OF OFFICE.—The Investor Advocate, after consultation with the Chairman of the Commission, may retain or employ independent counsel, research staff, and service staff, as the Investor Advocate deems necessary to carry out the functions, powers, and duties of the Office.

''(4) FUNCTIONS OF THE INVESTOR ADVOCATE.—The Investor Advocate shall—

''(A) assist retail investors in resolving significant problems such investors may have with the Commission or with self-regulatory organizations;

''(B) identify areas in which investors would benefit from changes in the regulations of the Commission or the rules of self-regulatory organizations;

''(C) identify problems that investors have with financial service providers and investment products;

''(D) analyze the potential impact on investors of—

''(i) proposed regulations of the Commission; and

''(ii) proposed rules of self-regulatory organizations registered under this title; and

''(E) to the extent practicable, propose to the Commission changes in the regulations or orders of the Commission and to Congress any legislative, administrative, or personnel changes that may be appropriate to mitigate problems identified under this paragraph and to promote the interests of investors.

''(5) ACCESS TO DOCUMENTS.—The Commission shall ensure that the Investor Advocate has full access to the documents of the Commission and any self-regulatory organization, as necessary to carry out the functions of the Office.

''(6) ANNUAL REPORTS.—

''(A) REPORT ON OBJECTIVES.—

''(i) IN GENERAL.—Not later than June 30 of each year after 2010, the Investor Advocate shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the objectives of the Investor Advocate for the following fiscal year.

''(ii) CONTENTS.—Each report required under clause (i) shall contain full and substantive analysis and explanation.

''(B) REPORT ON ACTIVITIES.—

''(i) IN GENERAL.—Not later than December 31 of each year after 2010, the Investor Advocate shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the activities of the Investor Advocate during the immediately preceding fiscal year.

''(ii) CONTENTS.—Each report required under clause (i) shall include—

''(I) appropriate statistical information and full and substantive analysis;

''(II) information on steps that the Investor Advocate has taken during the reporting period to improve investor services and the responsiveness of the Commission and self-regulatory organizations to investor concerns;

''(III) a summary of the most serious problems encountered by investors during the reporting period;

''(IV) an inventory of the items described in subclause (III) that includes—

''(aa) identification of any action taken by the Commission or the self-regulatory organization and the result of such action;

''(bb) the length of time that each item has remained on such inventory; and

''(cc) for items on which no action has been taken, the reasons for inaction, and an identification of any official who is responsible for such action;

''(V) recommendations for such administrative and legislative actions as may be appropriate to resolve problems encountered by investors; and

''(VI) any other information, as determined appropriate by the Investor Advocate.

''(iii) INDEPENDENCE.—Each report required under this paragraph shall be provided directly to the Committees listed in clause (i) without any prior review or comment from the Commission, any commissioner, any other officer or employee of the Commission, or the Office of Management and Budget.

''(iv) CONFIDENTIALITY.—No report required under clause (i) may contain confidential information.

''(7) REGULATIONS.—The Commission shall, by regulation, establish procedures requiring a formal response to all recommendations submitted to the Commission by the Investor Advocate, not later than 3 months after the date of such submission.''.

SEC. 916. STREAMLINING OF FILING PROCEDURES FOR SELF-REGULATORY ORGANIZATIONS.

(a) FILING PROCEDURES.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by striking paragraph (2) (including the undesignated matter immediately following subparagraph (B)) and inserting the following:

''(2) APPROVAL PROCESS.—

''(A) APPROVAL PROCESS ESTABLISHED.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than 45 days after the date

of publication of a proposed rule change under paragraph (1), the Commission shall—

''(I) by order, approve or disapprove the proposed rule change; or

''(II) institute proceedings under subparagraph (B) to determine whether the proposed rule change should be disapproved.

''(ii) EXTENSION OF TIME PERIOD.—The Commission may extend the period established under clause (i) by not more than an additional 45 days, if—

''(I) the Commission determines that a longer period is appropriate and publishes the reasons for such determination; or

''(II) the self-regulatory organization that filed the proposed rule change consents to the longer period.

''(B) PROCEEDINGS.—

''(i) NOTICE AND HEARING.—If the Commission does not approve or disapprove a proposed rule change under subparagraph (A), the Commission shall provide to the self-regulatory organization that filed the proposed rule change—

''(I) notice of the grounds for disapproval under consideration; and

''(II) opportunity for hearing, to be concluded not later than 180 days after the date of publication of notice of the filing of the proposed rule change.

''(ii) ORDER OF APPROVAL OR DISAPPROVAL.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than 180 days after the date of publication under paragraph (1), the Commission shall issue an order approving or disapproving the proposed rule change.

''(II) EXTENSION OF TIME PERIOD.—The Commission may extend the period for issuance under clause (I) by not more than 60 days, if—

''(aa) the Commission determines that a longer period is appropriate and publishes the reasons for such determination; or

''(bb) the self-regulatory organization that filed the proposed rule change consents to the longer period.

''(C) STANDARDS FOR APPROVAL AND DISAPPROVAL.—

''(i) APPROVAL.—The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of this title and the rules and regulations issued under this title that are applicable to such organization.

''(ii) DISAPPROVAL.—The Commission shall disapprove a proposed rule change of a self-regulatory organization if it does not make a finding described in clause (i).

''(iii) TIME FOR APPROVAL.—The Commission may not approve a proposed rule change earlier than 30 days after the date of publication under paragraph (1), unless the Commission finds good cause for so doing and publishes the reason for the finding.

''(D) RESULT OF FAILURE TO INSTITUTE OR CONCLUDE PROCEEDINGS.—A proposed rule change shall be deemed to have been approved by the Commission, if—

''(i) the Commission does not approve or disapprove the proposed rule change or begin proceedings under subparagraph (B) within the period described in subparagraph (A); or

''(ii) the Commission does not issue an order approving or disapproving the proposed rule change under subparagraph (B) within the period described in subparagraph (B)(ii).

''(E) PUBLICATION DATE BASED ON FEDERAL REGISTER PUBLISHING.—For purposes of this paragraph, if, after filing a proposed rule change with the Commission pursuant to paragraph (1), a self-regulatory organization publishes a notice of the filing of such proposed rule change, together with the substantive terms of such proposed rule change, on a publicly accessible website, the Commission shall thereafter send the notice to the Federal Register for publication thereof under paragraph (1) within 15 days of the date on which such website publication is made. If the Commission fails to send the notice for publication thereof within such 15 day period, then the date of publication shall be deemed to be the date on which such website publication was made.

''(F) RULEMAKING.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Investor Protection and Securities Reform Act of 2010, after consultation with other regulatory agencies, the Commission shall promulgate rules setting forth the procedural requirements of the proceedings required under this paragraph.

''(ii) NOTICE AND COMMENT NOT REQUIRED.—The rules promulgated by the Commission under clause (i) are not required to include republication of proposed rule changes or solicitation of public comment.''.

(b) CLARIFICATION OF FILING DATE.—

(1) RULE OF CONSTRUCTION.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by adding at the end the following:

''(10) RULE OF CONSTRUCTION RELATING TO FILING DATE OF PROPOSED RULE CHANGES.—

''(A) IN GENERAL.—For purposes of this subsection, the date of filing of a proposed rule change shall be deemed to be the date on which the Commission receives the proposed rule change.

''(B) EXCEPTION.—A proposed rule change has not been received by the Commission for purposes of subparagraph (A) if, not later than 7 business days after the date of receipt by the Commission, the Commission notifies the self-regulatory organization that such proposed rule change does not comply with the rules of the Commission relating to the required form of a proposed rule change, except that if the Commission determines that the proposed rule change is unusually lengthy and is complex or raises novel regulatory issues, the Commission shall inform the self-regulatory organization of such determination not later than 7 business days after the date of receipt by the Commission and, for the purposes of subparagraph (A), a proposed rule change has not been received by the Commission, if, not later than 21 days after the date of receipt by the Commission, the Commission notifies the self-regulatory organization that such proposed rule change does not comply with the rules of the Commission relating to the required form of a proposed rule change.''.

(2) PUBLICATION.—Section 19(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(1)) is amended by striking ''upon'' and inserting ''as soon as practicable after the date of''.

(c) EFFECTIVE DATE OF PROPOSED RULES.—Section 19(b)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking ''may take effect'' and inserting ''shall take effect''; and

(B) by inserting ''on any person, whether or not the person is a member of the self-regulatory organization'' after ''charge imposed by the self-regulatory organization''; and

(2) in subparagraph (C)—

(A) by amending the second sentence to read as follows: ''At any time within the 60-day period beginning on the date of filing of such a proposed rule change in accordance with the provisions of paragraph (1), the Commission summarily may temporarily suspend the change in the rules of the self-regulatory organization made thereby, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.'';

(B) by inserting after the second sentence the following: ''If the Commission takes such action, the Commission shall institute proceedings under paragraph (2)(B) to determine whether the proposed rule should be approved or disapproved.''; and

(C) in the third sentence, by striking ''the preceding sentence'' and inserting ''this subparagraph''.

(d) CONFORMING CHANGE.—Section 19(b)(4)(D) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(4)(D)) is amended to read as follows:

''(D)(i) The Commission shall order the temporary suspension of any change in the rules of a clearing agency made by a proposed rule change that has taken effect under paragraph (3), if the appropriate regulatory agency for the clearing agency notifies the Commission not later than 30 days after the date on which the proposed rule change was filed of—

''(I) the determination by the appropriate regulatory agency that the rules of such clearing agency, as so changed, may be inconsistent with the safeguarding of securities or funds in the custody or control of such clearing agency or for which it is responsible; and

''(II) the reasons for the determination described in subclause (I).

''(ii) If the Commission takes action under clause (i), the Commission shall institute proceedings under paragraph (2)(B) to determine if the proposed rule change should be approved or disapproved.''.

SEC. 917. STUDY REGARDING FINANCIAL LITERACY AMONG INVESTORS.

(a) IN GENERAL.—The Commission shall conduct a study to identify—

(1) the existing level of financial literacy among retail investors, including subgroups of investors identified by the Commission;

(2) methods to improve the timing, content, and format of disclosures to investors with respect to financial intermediaries, investment products, and investment services;

(3) the most useful and understandable relevant information that retail investors need to make informed financial decisions before engaging a financial intermediary or purchasing an investment product or service that is typically sold to retail investors, including shares of open-end companies, as that term is defined in section 5 of the Investment Company Act of 1940 (15 U.S.C. 80a–5) that are registered under section 8 of that Act;

(4) methods to increase the transparency of expenses and conflicts of interests in transactions involving investment services and products, including shares of open-end companies described in paragraph (3);

(5) the most effective existing private and public efforts to educate investors; and

(6) in consultation with the Financial Literacy and Education Commission, a strategy (including, to the extent practicable, measurable goals and objectives) to increase the financial literacy of investors in order to bring about a positive change in investor behavior.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit a report on the study required under subsection (a) to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Financial Services of the House of Representatives.

SEC. 918. STUDY REGARDING MUTUAL FUND ADVERTISING.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on mutual fund advertising to identify—

(1) existing and proposed regulatory requirements for open-end investment company advertisements;

(2) current marketing practices for the sale of open-end investment company shares, including the use of past performance data, funds that have merged, and incubator funds;

(3) the impact of such advertising on consumers; and

(4) recommendations to improve investor protections in mutual fund advertising and additional information necessary to ensure that investors can make informed financial decisions when purchasing shares.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit

a report on the results of the study conducted under subsection (a) to—

(1) the Committee on Banking, Housing, and Urban Affairs of the United States Senate; and

(2) the Committee on Financial Services of the House of Representatives.

SEC. 919. CLARIFICATION OF COMMISSION AUTHORITY TO REQUIRE INVESTOR DISCLOSURES BEFORE PURCHASE OF INVESTMENT PRODUCTS AND SERVICES.

Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following:

''(n) DISCLOSURES TO RETAIL INVESTORS.—

''(1) IN GENERAL.—Notwithstanding any other provision of the securities laws, the Commission may issue rules designating documents or information that shall be provided by a broker or dealer to a retail investor before the purchase of an investment product or service by the retail investor.

''(2) CONSIDERATIONS.—In developing any rules under paragraph (1), the Commission shall consider whether the rules will promote investor protection, efficiency, competition, and capital formation.

''(3) FORM AND CONTENTS OF DOCUMENTS AND INFORMATION.—Any documents or information designated under a rule promulgated under paragraph (1) shall—

''(A) be in a summary format; and

''(B) contain clear and concise information about—

''(i) investment objectives, strategies, costs, and risks; and

''(ii) any compensation or other financial incentive received by a broker, dealer, or other intermediary in connection with the purchase of retail investment products.''.

SEC. 919A. STUDY ON CONFLICTS OF INTEREST.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study—

(1) to identify and examine potential conflicts of interest that exist between the staffs of the investment banking and equity and fixed income securities analyst functions within the same firm; and

(2) to make recommendations to Congress designed to protect investors in light of such conflicts.

(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Comptroller General shall—

(1) consider—

(A) the potential for investor harm resulting from conflicts, including consideration of the forms of misconduct engaged in by the several securities firms and individuals that entered into the Global Analyst Research Settlements in 2003 (also known as the ''Global Settlement'');

(B) the nature and benefits of the undertakings to which those firms agreed in enforcement proceedings, including firewalls between research and investment banking, separate reporting lines, dedicated legal and compliance staffs, allocation of budget, physical separation, compensation, employee performance evaluations, coverage decisions, limitations on soliciting investment banking business, disclosures, transparency, and other measures;

(C) whether any such undertakings should be codified and applied permanently to securities firms, or whether the Commission should adopt rules applying any such undertakings to securities firms; and

(D) whether to recommend regulatory or legislative measures designed to mitigate possible adverse consequences to investors arising from the conflicts of interest or to enhance investor protection or confidence in the integrity of the securities markets; and

(2) consult with State attorneys general, State securities officials, the Commission, the Financial Industry Regulatory Authority (''FINRA''), NYSE Regulation, investor advocates, brokers, dealers, retail investors, institutional investors, and academics.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study required by this section to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 18 months after the date of enactment of this Act.

SEC. 919B. STUDY ON IMPROVED INVESTOR ACCESS TO INFORMATION ON INVESTMENT ADVISERS AND BROKER-DEALERS.

(a) STUDY.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Commission shall complete a study, including recommendations, of ways to improve the access of investors to registration information (including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information) about registered and previously registered investment advisers, associated persons of investment advisers, brokers and dealers and their associated persons on the existing Central Registration Depository and Investment Adviser Registration Depository systems, as well as identify additional information that should be made publicly available.

(2) CONTENTS.—The study required by subsection (a) shall include an analysis of the advantages and disadvantages of further centralizing access to the information contained in the 2 systems, including—

(A) identification of those data pertinent to investors; and

(B) the identification of the method and format for displaying and publishing such data to enhance accessibility by and utility to investors.

(b) IMPLEMENTATION.—Not later than 18 months after the date of completion of the study required by subsection (a), the Commission shall implement any recommendations of the study.

SEC. 919C. STUDY ON FINANCIAL PLANNERS AND THE USE OF FINANCIAL DESIGNATIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to evaluate—

(1) the effectiveness of State and Federal regulations to protect investors and other consumers from individuals who hold themselves out as financial planners through the use of misleading titles, designations, or marketing materials;

(2) current State and Federal oversight structure and regulations for financial planners; and

(3) legal or regulatory gaps in the regulation of financial planners and other individuals who provide or offer to provide financial planning services to consumers.

(b) CONSIDERATIONS.—In conducting the study required under subsection (a), the Comptroller General shall consider—

(1) the role of financial planners in providing advice regarding the management of financial resources, including investment planning, income tax planning, education planning, retirement planning, estate planning, and risk management;

(2) whether current regulations at the State and Federal level provide adequate ethical and professional standards for financial planners;

(3) the possible risk posed to investors and other consumers by individuals who hold themselves out as financial planners or as otherwise providing financial planning services in connection with the sale of financial products, including insurance and securities;

(4) the possible risk posed to investors and other consumers by individuals who otherwise use titles, designations, or marketing materials in a misleading way in connection with the delivery of financial advice;

(6) the ability of investors and other consumers to understand licensing requirements and standards of care that apply to individuals who hold themselves out as financial planners or as otherwise providing financial planning services;

(7) the possible benefits to investors and other consumers of regulation and professional oversight of financial planners; and

(8) any other consideration that the Comptroller General deems necessary or appropriate to effectively execute the study required under subsection (a).

(c) RECOMMENDATIONS.—In providing recommendations for the appropriate regulation of financial planners and other individuals who provide or offer to provide financial planning services, in order to protect investors and other consumers of financial planning services, the Comptroller General shall consider—

(1) the appropriate structure for regulation of financial planners and individuals providing financial planning services; and

(2) the appropriate scope of the regulations needed to protect investors and other consumers, including but not limited to the need to establish competency standards, practice standards, ethical guidelines, disciplinary authority, and transparency to investors and other consumers.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report on the study required under subsection (a) to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Special Committee on Aging of the Senate; and

(C) the Committee on Financial Services of the House of Representatives.

(2) CONTENT REQUIREMENTS.—The report required under paragraph (1) shall describe the findings and determinations made by the Comptroller General in carrying out the study required under subsection (a), including a description of the considerations, analysis, and government, public, industry, nonprofit and consumer input that the Comptroller General considered to make such findings, conclusions, and legislative, regulatory, or other recommendations.

SEC. 919D. OMBUDSMAN.

Section 4(g) of the Securities Exchange Act of 1934, as added by section 914, is amended by adding at the end the following:

''(8) OMBUDSMAN.—

''(A) APPOINTMENT.—Not later than 180 days after the date on which the first Investor Advocate is appointed under paragraph (2)(A)(i), the Investor Advocate shall appoint an Ombudsman, who shall report directly to the Investor Advocate.

''(B) DUTIES.—The Ombudsman appointed under subparagraph (A) shall—

''(i) act as a liaison between the Commission and any retail investor in resolving problems that retail investors may have with the Commission or with self-regulatory organizations;

''(ii) review and make recommendations regarding policies and procedures to encourage persons to present questions to the Investor Advocate regarding compliance with the securities laws; and

''(iii) establish safeguards to maintain the confidentiality of communications between the persons described in clause (ii) and the Ombudsman.

''(C) LIMITATION.—In carrying out the duties of the Ombudsman under subparagraph (B), the Ombudsman shall utilize personnel of the Commission to the extent practicable. Nothing in this paragraph shall be construed as replacing, altering, or diminishing the activities of any ombudsman or similar office of any other agency.

''(D) REPORT.—The Ombudsman shall submit a semiannual report to the Investor Advocate that describes the activities and evaluates the effectiveness of the Ombudsman during the preceding year. The Investor Advocate shall include the reports required under this section in the reports required to be submitted by the Inspector Advocate under paragraph (6).''.

Subtitle B—Increasing Regulatory Enforcement and Remedies

SEC. 921. AUTHORITY TO RESTRICT MANDATORY PRE-DISPUTE ARBITRATION.

(a) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 15 of the Securities Exchange

Act of 1934 (15 U.S.C. 78o), as amended by this title, is further amended by adding at the end the following new subsection:

''(o) AUTHORITY TO RESTRICT MANDATORY PRE-DISPUTE ARBITRATION.—The Commission, by rule, may prohibit, or impose conditions or limitations on the use of, agreements that require customers or clients of any broker, dealer, or municipal securities dealer to arbitrate any future dispute between them arising under the Federal securities laws, the rules and regulations thereunder, or the rules of a self-regulatory organization if it finds that such prohibition, imposition of conditions, or limitations are in the public interest and for the protection of investors.''.

(b) AMENDMENT TO INVESTMENT ADVISERS ACT OF 1940.—Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5) is amended by adding at the end the following new subsection:

''(f) AUTHORITY TO RESTRICT MANDATORY PRE-DISPUTE ARBITRATION.—The Commission, by rule, may prohibit, or impose conditions or limitations on the use of, agreements that require customers or clients of any investment adviser to arbitrate any future dispute between them arising under the Federal securities laws, the rules and regulations thereunder, or the rules of a self-regulatory organization if it finds that such prohibition, imposition of conditions, or limitations are in the public interest and for the protection of investors.''.

SEC. 922. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 21E the following:

''SEC. 21F. SECURITIES WHISTLEBLOWER INCENTIVES AND PROTECTION.

''(a) DEFINITIONS.—In this section the following definitions shall apply:

''(1) COVERED JUDICIAL OR ADMINISTRATIVE ACTION.—The term 'covered judicial or administrative action' means any judicial or administrative action brought by the Commission under the securities laws that results in monetary sanctions exceeding $1,000,000.

''(2) FUND.—The term 'Fund' means the Securities and Exchange Commission Investor Protection Fund.

''(3) ORIGINAL INFORMATION.—The term 'original information' means information that—

''(A) is derived from the independent knowledge or analysis of a whistleblower;

''(B) is not known to the Commission from any other source, unless the whistleblower is the original source of the information; and

''(C) is not exclusively derived from an allegation made in a judicial or administrative hearing, in a governmental report, hearing, audit, or investigation, or from the news media, unless the whistleblower is a source of the information.

''(4) MONETARY SANCTIONS.—The term 'monetary sanctions', when used with respect to any judicial or administrative action, means—

''(A) any monies, including penalties, disgorgement, and interest, ordered to be paid; and

''(B) any monies deposited into a disgorgement fund or other fund pursuant to section 308(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7246(b)), as a result of such action or any settlement of such action.

''(5) RELATED ACTION.—The term 'related action', when used with respect to any judicial or administrative action brought by the Commission under the securities laws, means any judicial or administrative action brought by an entity described in subclauses (I) through (IV) of subsection (h)(2)(D)(i) that is based upon the original information provided by a whistleblower pursuant to subsection (a) that led to the successful enforcement of the Commission action.

''(6) WHISTLEBLOWER.—The term 'whistleblower' means any individual who provides, or 2 or more individuals acting jointly who provide, information relating to a violation of the securities laws to the Commission, in a manner established, by rule or regulation, by the Commission.

''(b) AWARDS.—

''(1) IN GENERAL.—In any covered judicial or administrative action, or related action, the Commission, under regulations prescribed by the Commission and subject to subsection (c), shall pay an award or awards to 1 or more whistleblowers who voluntarily provided original information to the Commission that led to the successful enforcement of the covered judicial or administrative action, or related action, in an aggregate amount equal to—

''(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

''(B) not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

''(2) PAYMENT OF AWARDS.—Any amount paid under paragraph (1) shall be paid from the Fund.

''(c) DETERMINATION OF AMOUNT OF AWARD; DENIAL OF AWARD.—

''(1) DETERMINATION OF AMOUNT OF AWARD.—

''(A) DISCRETION.—The determination of the amount of an award made under subsection (b) shall be in the discretion of the Commission.

''(B) CRITERIA.—In determining the amount of an award made under subsection (b), the Commission—

''(i) shall take into consideration—

''(I) the significance of the information provided by the whistleblower to the success of the covered judicial or administrative action;

''(II) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in a covered judicial or administrative action;

''(III) the programmatic interest of the Commission in deterring violations of the securities laws by making awards to whistleblowers who provide information that lead to the successful enforcement of such laws; and

''(IV) such additional relevant factors as the Commission may establish by rule or regulation; and

''(ii) shall not take into consideration the balance of the Fund.

''(2) DENIAL OF AWARD.—No award under subsection (b) shall be made—

''(A) to any whistleblower who is, or was at the time the whistleblower acquired the original information submitted to the Commission, a member, officer, or employee of—

''(i) an appropriate regulatory agency;

''(ii) the Department of Justice;

''(iii) a self-regulatory organization;

''(iv) the Public Company Accounting Oversight Board; or

''(v) a law enforcement organization;

''(B) to any whistleblower who is convicted of a criminal violation related to the judicial or administrative action for which the whistleblower otherwise could receive an award under this section;

''(C) to any whistleblower who gains the information through the performance of an audit of financial statements required under the securities laws and for whom such submission would be contrary to the requirements of section 10A of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1); or

''(D) to any whistleblower who fails to submit information to the Commission in such form as the Commission may, by rule, require.

''(d) REPRESENTATION.—

''(1) PERMITTED REPRESENTATION.—Any whistleblower who makes a claim for an award under subsection (b) may be represented by counsel.

''(2) REQUIRED REPRESENTATION.—

''(A) IN GENERAL.—Any whistleblower who anonymously makes a claim for an award under subsection (b) shall be represented by counsel if the whistleblower anonymously submits the information upon which the claim is based.

''(B) DISCLOSURE OF IDENTITY.—Prior to the payment of an award, a whistleblower shall disclose the identity of the whistleblower and provide such other information as the Commission may require, directly or through counsel for the whistleblower.

''(e) NO CONTRACT NECESSARY.—No contract with the Commission is necessary for any whistleblower to receive an award under subsection (b), unless otherwise required by the Commission by rule or regulation.

''(f) APPEALS.—Any determination made under this section, including whether, to whom, or in what amount to make awards, shall be in the discretion of the Commission. Any such determination, except the determination of the amount of an award if the award was made in accordance with subsection (b), may be appealed to the appropriate court of appeals of the United States not more than 30 days after the determination is issued by the Commission. The court shall review the determination made by the Commission in accordance with section 706 of title 5, United States Code.

''(g) INVESTOR PROTECTION FUND.—

''(1) FUND ESTABLISHED.—There is established in the Treasury of the United States a fund to be known as the 'Securities and Exchange Commission Investor Protection Fund'.

''(2) USE OF FUND.—The Fund shall be available to the Commission, without further appropriation or fiscal year limitation, for—

''(A) paying awards to whistleblowers as provided in subsection (b); and

''(B) funding the activities of the Inspector General of the Commission under section 4(i).

''(3) DEPOSITS AND CREDITS.—

''(A) IN GENERAL.—There shall be deposited into or credited to the Fund an amount equal to—

''(i) any monetary sanction collected by the Commission in any judicial or administrative action brought by the Commission under the securities laws that is not added to a disgorgement fund or other fund under section 308 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7246) or otherwise distributed to victims of a violation of the securities laws, or the rules and regulations thereunder, underlying such action, unless the balance of the Fund at the time the monetary sanction is collected exceeds $300,000,000;

''(ii) any monetary sanction added to a disgorgement fund or other fund under section 308 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7246) that is not distributed to the victims for whom the Fund was established, unless the balance of the disgorgement fund at the time the determination is made not to distribute the monetary sanction to such victims exceeds $200,000,000; and

''(iii) all income from investments made under paragraph (4).

''(B) ADDITIONAL AMOUNTS.—If the amounts deposited into or credited to the Fund under subparagraph (A) are not sufficient to satisfy an award made under subsection (b), there shall be deposited into or credited to the Fund an amount equal to the unsatisfied portion of the award from any monetary sanction collected by the Commission in the covered judicial or administrative action on which the award is based.

''(4) INVESTMENTS.—

''(A) AMOUNTS IN FUND MAY BE INVESTED.—The Commission may request the Secretary of the Treasury to invest the portion of the Fund that is not, in the discretion of the Commission, required to meet the current needs of the Fund.

''(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary of the Treasury in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Fund as determined by the Commission on the record.

''(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to the Fund.

''(5) REPORTS TO CONGRESS.—Not later than October 30 of each fiscal year beginning after

the date of enactment of this subsection, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a report on—

''(A) the whistleblower award program, established under this section, including—

''(i) a description of the number of awards granted; and

''(ii) the types of cases in which awards were granted during the preceding fiscal year;

''(B) the balance of the Fund at the beginning of the preceding fiscal year;

''(C) the amounts deposited into or credited to the Fund during the preceding fiscal year;

''(D) the amount of earnings on investments made under paragraph (4) during the preceding fiscal year;

''(E) the amount paid from the Fund during the preceding fiscal year to whistleblowers pursuant to subsection (b);

''(F) the balance of the Fund at the end of the preceding fiscal year; and

''(G) a complete set of audited financial statements, including—

''(i) a balance sheet;

''(ii) income statement; and

''(iii) cash flow analysis.

''(h) PROTECTION OF WHISTLEBLOWERS.—

''(1) PROHIBITION AGAINST RETALIATION.—

''(A) IN GENERAL.—No employer may discharge, demote, suspend, threaten, harass, directly or indirectly, or in any other manner discriminate against, a whistleblower in the terms and conditions of employment because of any lawful act done by the whistleblower—

''(i) in providing information to the Commission in accordance with this section;

''(ii) in initiating, testifying in, or assisting in any investigation or judicial or administrative action of the Commission based upon or related to such information; or

''(iii) in making disclosures that are required or protected under the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), including section 10A(m) of such Act (15 U.S.C. 78f(m)), section 1513(e) of title 18, United States Code, and any other law, rule, or regulation subject to the jurisdiction of the Commission.

''(B) ENFORCEMENT.—

''(i) CAUSE OF ACTION.—An individual who alleges discharge or other discrimination in violation of subparagraph (A) may bring an action under this subsection in the appropriate district court of the United States for the relief provided in subparagraph (C).

''(ii) SUBPOENAS.—A subpoena requiring the attendance of a witness at a trial or hearing conducted under this section may be served at any place in the United States.

''(iii) STATUTE OF LIMITATIONS.—

''(I) IN GENERAL.—An action under this subsection may not be brought—

''(aa) more than 6 years after the date on which the violation of subparagraph (A) occurred; or

''(bb) more than 3 years after the date when facts material to the right of action are known or reasonably should have been known by the employee alleging a violation of subparagraph (A).

''(II) REQUIRED ACTION WITHIN 10 YEARS.—Notwithstanding subclause (I), an action under this subsection may not in any circumstance be brought more than 10 years after the date on which the violation occurs.

''(C) RELIEF.—Relief for an individual prevailing in an action brought under subparagraph (B) shall include—

''(i) reinstatement with the same seniority status that the individual would have had, but for the discrimination;

''(ii) 2 times the amount of back pay otherwise owed to the individual, with interest; and

''(iii) compensation for litigation costs, expert witness fees, and reasonable attorneys' fees.

''(2) CONFIDENTIALITY.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the Commission and any officer or employee of the Commission shall not disclose any information, including information provided by a whistleblower to the Commission, which could reasonably be expected to reveal the identity of a whistleblower, except in accordance with the provisions of section 552a of title 5, United States Code, unless and until required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission or any entity described in subparagraph (C). For purposes of section 552 of title 5, United States Code, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section.

''(B) EXEMPTED STATUTE.—For purposes of section 552 of title 5, United States Code, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.

''(C) RULE OF CONSTRUCTION.—Nothing in this section is intended to limit, or shall be construed to limit, the ability of the Attorney General to present such evidence to a grand jury or to share such evidence with potential witnesses or defendants in the course of an ongoing criminal investigation.

''(D) AVAILABILITY TO GOVERNMENT AGENCIES.—

''(i) IN GENERAL.—Without the loss of its status as confidential in the hands of the Commission, all information referred to in subparagraph (A) may, in the discretion of the Commission, when determined by the Commission to be necessary to accomplish the purposes of this Act and to protect investors, be made available to—

''(I) the Attorney General of the United States;

''(II) an appropriate regulatory authority;

''(III) a self-regulatory organization;

''(IV) a State attorney general in connection with any criminal investigation;

''(V) any appropriate State regulatory authority;

''(VI) the Public Company Accounting Oversight Board;

''(VII) a foreign securities authority; and

''(VIII) a foreign law enforcement authority.

''(ii) CONFIDENTIALITY.—

''(I) IN GENERAL.—Each of the entities described in subclauses (I) through (VI) of clause (i) shall maintain such information as confidential in accordance with the requirements established under subparagraph (A).

''(II) FOREIGN AUTHORITIES.—Each of the entities described in subclauses (VII) and (VIII) of clause (i) shall maintain such information in accordance with such assurances of confidentiality as the Commission determines appropriate.

''(3) RIGHTS RETAINED.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any whistleblower under any Federal or State law, or under any collective bargaining agreement.

''(i) PROVISION OF FALSE INFORMATION.—A whistleblower shall not be entitled to an award under this section if the whistleblower—

''(1) knowingly and willfully makes any false, fictitious, or fraudulent statement or representation; or

''(2) uses any false writing or document knowing the writing or document contains any false, fictitious, or fraudulent statement or entry.

''(j) RULEMAKING AUTHORITY.—The Commission shall have the authority to issue such rules and regulations as may be necessary or appropriate to implement the provisions of this section consistent with the purposes of this section.''.

(b) PROTECTION FOR EMPLOYEES OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.—Section 1514A(a) of title 18, United States Code, is amended—

(1) by inserting ''or nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c),'' after ''78o(d)),''; and

(2) by inserting ''or nationally recognized statistical rating organization'' after ''such company''.

(c) SECTION 1514A OF TITLE 18, UNITED STATES CODE.—

(1) STATUTE OF LIMITATIONS; JURY TRIAL.—Section 1514A(b)(2) of title 18, United States Code, is amended—

(A) in subparagraph (D)—

(i) by striking ''90'' and inserting ''180''; and

(ii) by striking the period at the end and inserting '', or after the date on which the employee became aware of the violation.''; and

(B) by adding at the end the following:

''(E) JURY TRIAL.—A party to an action brought under paragraph (1)(B) shall be entitled to trial by jury.''.

(2) PRIVATE SECURITIES LITIGATION WITNESSES; NONENFORCEABILITY; INFORMATION.—Section 1514A of title 18, United States Code, is amended by adding at the end the following:

''(e) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

''(1) WAIVER OF RIGHTS AND REMEDIES.—The rights and remedies provided for in this section may not be waived by any agreement, policy form, or condition of employment, including by a predispute arbitration agreement.

''(2) PREDISPUTE ARBITRATION AGREEMENTS.—No predispute arbitration agreement shall be valid or enforceable, if the agreement requires arbitration of a dispute arising under this section.''.

(d) STUDY OF WHISTLEBLOWER PROTECTION PROGRAM.—

(1) STUDY.—The Inspector General of the Commission shall conduct a study of the whistleblower protections established under the amendments made by this section, including—

(A) whether the final rules and regulation issued under the amendments made by this section have made the whistleblower protection program (referred to in this subsection as the ''program'') clearly defined and user-friendly;

(B) whether the program is promoted on the website of the Commission and has been widely publicized;

(C) whether the Commission is prompt in—

(i) responding to—

(I) information provided by whistleblowers; and

(II) applications for awards filed by whistleblowers;

(ii) updating whistleblowers about the status of their applications; and

(iii) otherwise communicating with the interested parties;

(D) whether the minimum and maximum reward levels are adequate to entice whistleblowers to come forward with information and whether the reward levels are so high as to encourage illegitimate whistleblower claims;

(E) whether the appeals process has been unduly burdensome for the Commission;

(F) whether the funding mechanism for the Investor Protection Fund is adequate;

(G) whether, in the interest of protecting investors and identifying and preventing fraud, it would be useful for Congress to consider empowering whistleblowers or other individuals, who have already attempted to pursue the case through the Commission, to have a private right of action to bring suit based on the facts of the same case, on behalf of the Government and themselves, against persons who have committee securities fraud;

(H)(i) whether the exemption under section 552(b)(3) of title 5 (known as the Freedom of Information Act) established in section 21F(h)(2)(A) of the Securities Exchange Act of 1934, as added by this Act, aids whistleblowers in disclosing information to the Commission;

(ii) what impact the exemption described in clause (i) has had on the ability of the public to access information about the regulation and enforcement by the Commission of securities; and

(iii) any recommendations on whether the exemption described in clause (i) should remain in effect; and

(I) such other matters as the Inspector General deems appropriate.

(2) REPORT.—Not later than 30 months after the date of enactment of this Act, the Inspector General shall—

(A) submit a report on the findings of the study required under paragraph (1) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House; and

(B) make the report described in subparagraph (A) available to the public through publication of the report on the website of the Commission.

SEC. 923. CONFORMING AMENDMENTS FOR WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—

(1) SECURITIES ACT OF 1933.—Section 20(d)(3)(A) of the Securities Act of 1933 (15 U.S.C. 77t(d)(3)(A)) is amended by inserting ''and section 21F of the Securities Exchange Act of 1934'' after ''the Sarbanes-Oxley Act of 2002''.

(2) INVESTMENT COMPANY ACT OF 1940.—Section 42(e)(3)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)(3)(A)) is amended by inserting ''and section 21F of the Securities Exchange Act of 1934'' after ''the Sarbanes-Oxley Act of 2002''.

(3) INVESTMENT ADVISERS ACT OF 1940.—Section 209(e)(3)(A) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9(e)(3)(A)) is amended by inserting ''and section 21F of the Securities Exchange Act of 1934'' after ''the Sarbanes-Oxley Act of 2002''.

(b) SECURITIES EXCHANGE ACT.—

(1) SECTION 21.—Section 21(d)(3)(C)(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(C)(i)) is amended by inserting ''and section 21F of this title'' after ''the Sarbanes-Oxley Act of 2002''.

(2) SECTION 21A.—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1) is amended—

(A) in subsection (d)(1) by—

(i) striking ''(subject to subsection (e))''; and

(ii) inserting ''and section 21F of this title'' after ''the Sarbanes-Oxley Act of 2002'';

(B) by striking subsection (e); and

(C) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 924. IMPLEMENTATION AND TRANSITION PROVISIONS FOR WHISTLEBLOWER PROTECTION.

(a) IMPLEMENTING RULES.—The Commission shall issue final regulations implementing the provisions of section 21F of the Securities Exchange Act of 1934, as added by this subtitle, not later than 270 days after the date of enactment of this Act.

(b) ORIGINAL INFORMATION.—Information provided to the Commission in writing by a whistleblower shall not lose the status of original information (as defined in section 21F(a)(3) of the Securities Exchange Act of 1934, as added by this subtitle) solely because the whistleblower provided the information prior to the effective date of the regulations, if the information is provided by the whistleblower after the date of enactment of this subtitle.

(c) AWARDS.—A whistleblower may receive an award pursuant to section 21F of the Securities Exchange Act of 1934, as added by this subtitle, regardless of whether any violation of a provision of the securities laws, or a rule or regulation thereunder, underlying the judicial or administrative action upon which the award is based, occurred prior to the date of enactment of this subtitle.

(d) ADMINISTRATION AND ENFORCEMENT.—The Securities and Exchange Commission shall establish a separate office within the Commission to administer and enforce the provisions of section 21F of the Securities Exchange Act of 1934 (as add by section 922(a)). Such office shall report annually to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on its activities, whistleblower complaints, and the response of the Commission to such complaints.

SEC. 925. COLLATERAL BARS.

(a) SECURITIES EXCHANGE ACT OF 1934.—

(1) SECTION 15.—Section 15(b)(6)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(6)(A)) is amended by striking ''12 months, or bar such person from being associated with a broker or dealer,'' and inserting ''12 months, or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization,''.

(2) SECTION 15B.—Section 15B(c)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)(4)) is amended by striking ''twelve months or bar any such person from being associated with a municipal securities dealer,'' and inserting ''12 months or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization,''.

(3) SECTION 17A.—Section 17A(c)(4)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(c)(4)(C)) is amended by striking ''twelve months or bar any such person from being associated with the transfer agent,'' and inserting ''12 months or bar any such person from being associated with any transfer agent, broker, dealer, investment adviser, municipal securities dealer, municipal advisor, or nationally recognized statistical rating organization,''.

(b) INVESTMENT ADVISERS ACT OF 1940.—Section 203(f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(f)) is amended by striking ''twelve months or bar any such person from being associated with an investment adviser,'' and inserting ''12 months or bar any such person from being associated with an investment adviser, broker, dealer, municipal securities dealer, municipal advisor, transfer agent, or nationally recognized statistical rating organization,''.

SEC. 926. DISQUALIFYING FELONS AND OTHER "BAD ACTORS" FROM REGULATION D OFFERINGS.

Not later than 1 year after the date of enactment of this Act, the Commission shall issue rules for the disqualification of offerings and sales of securities made under section 230.506 of title 17, Code of Federal Regulations, that—

(1) are substantially similar to the provisions of section 230.262 of title 17, Code of Federal Regulations, or any successor thereto; and

(2) disqualify any offering or sale of securities by a person that—

(A) is subject to a final order of a State securities commission (or an agency or officer of a State performing like functions), a State authority that supervises or examines banks, savings associations, or credit unions, a State insurance commission (or an agency or officer of a State performing like functions), an appropriate Federal banking agency, or the National Credit Union Administration, that—

(i) bars the person from—

(I) association with an entity regulated by such commission, authority, agency, or officer;

(II) engaging in the business of securities, insurance, or banking; or

(III) engaging in savings association or credit union activities; or

(ii) constitutes a final order based on a violation of any law or regulation that prohibits fraudulent, manipulative, or deceptive conduct within the 10-year period ending on the date of the filing of the offer or sale; or

(B) has been convicted of any felony or misdemeanor in connection with the purchase or sale of any security or involving the making of any false filing with the Commission.

SEC. 927. EQUAL TREATMENT OF SELF-REGULATORY ORGANIZATION RULES.

Section 29(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78cc(a)) is amended by striking ''an exchange required thereby'' and inserting ''a self-regulatory organization,''.

SEC. 928. CLARIFICATION THAT SECTION 205 OF THE INVESTMENT ADVISERS ACT OF 1940 DOES NOT APPLY TO STATE-REGISTERED ADVISERS.

Section 205(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5(a)) is amended, in the matter preceding paragraph (1)—

(1) by striking '', unless exempt from registration pursuant to section 203(b),'' and inserting ''registered or required to be registered with the Commission'';

(2) by striking ''make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to''; and

(3) by striking ''to'' after ''in any way''.

SEC. 929. UNLAWFUL MARGIN LENDING.

Section 7(c)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(c)(1)(A)) is amended by striking ''; and'' and inserting ''; or''.

SEC. 929A. PROTECTION FOR EMPLOYEES OF SUBSIDIARIES AND AFFILIATES OF PUBLICLY TRADED COMPANIES.

Section 1514A of title 18, United States Code, is amended by inserting ''including any subsidiary or affiliate whose financial information is included in the consolidated financial statements of such company'' after ''the Securities Exchange Act of 1934 (15 U.S.C. 78o(d))''.

SEC. 929B. FAIR FUND AMENDMENTS.

Section 308 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7246(a)) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) CIVIL PENALTIES TO BE USED FOR THE RELIEF OF VICTIMS.—If, in any judicial or administrative action brought by the Commission under the securities laws, the Commission obtains a civil penalty against any person for a violation of such laws, or such person agrees, in settlement of any such action, to such civil penalty, the amount of such civil penalty shall, on the motion or at the direction of the Commission, be added to and become part of a disgorgement fund or other fund established for the benefit of the victims of such violation.'';

(2) in subsection (b)—

(A) by striking ''for a disgorgement fund described in subsection (a)'' and inserting ''for a disgorgement fund or other fund described in subsection (a)''; and

(B) by striking ''in the disgorgement fund'' and inserting ''in such fund''; and

(3) by striking subsection (e).

SEC. 929C. INCREASING THE BORROWING LIMIT ON TREASURY LOANS.

Section 4(h) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78ddd(h)) is amended in the first sentence, by striking ''$1,000,000,000'' and inserting ''$2,500,000,000''.

SEC. 929D. LOST AND STOLEN SECURITIES.

Section 17(f)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(f)(1)) is amended—

(1) in subparagraph (A), by striking ''missing, lost, counterfeit, or stolen securities'' and inserting ''securities that are missing, lost, counterfeit, stolen, or cancelled''; and

(2) in subparagraph (B), by striking ''or stolen'' and inserting ''stolen, cancelled, or reported in such other manner as the Commission, by rule, may prescribe''.

SEC. 929E. NATIONWIDE SERVICE OF SUBPOENAS.

(a) SECURITIES ACT OF 1933.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by inserting after the second sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, a subpoena issued to compel the attendance of a witness or the production of documents or tangible things (or both) at a hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure shall not apply to a subpoena issued under the preceding sentence.''.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended by inserting after the third sentence the following: ''In any action

or proceeding instituted by the Commission under this title in a United States district court for any judicial district, a subpoena issued to compel the attendance of a witness or the production of documents or tangible things (or both) at a hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure shall not apply to a subpoena issued under the preceding sentence.''.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a–43) is amended by inserting after the fourth sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, a subpoena issued to compel the attendance of a witness or the production of documents or tangible things (or both) at a hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure shall not apply to a subpoena issued under the preceding sentence.''.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–14) is amended by inserting after the third sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, a subpoena issued to compel the attendance of a witness or the production of documents or tangible things (or both) at a hearing or trial may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure shall not apply to a subpoena issued under the preceding sentence.''.

SEC. 929F. FORMERLY ASSOCIATED PERSONS.

(a) MEMBER OR EMPLOYEE OF THE MUNICIPAL SECURITIES RULEMAKING BOARD.—Section 15B(c)(8) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)(8)) is amended by striking ''any member or employee'' and inserting ''any person who is, or at the time of the alleged violation or abuse was, a member or employee''.

(b) PERSON ASSOCIATED WITH A GOVERNMENT SECURITIES BROKER OR DEALER.—Section 15C(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(c)) is amended—

(1) in paragraph (1)(C), by striking ''any person associated, or seeking to become associated,'' and inserting ''any person who is, or at the time of the alleged misconduct was, associated or seeking to become associated''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''; and

(B) in subparagraph (B), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''.

(c) PERSON ASSOCIATED WITH A MEMBER OF A NATIONAL SECURITIES EXCHANGE OR REGISTERED SECURITIES ASSOCIATION.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended, in the first sentence, by inserting '', or, as to any act or practice, or omission to act, while associated with a member, formerly associated'' after ''member or a person associated''.

(d) PARTICIPANT OF A REGISTERED CLEARING AGENCY.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended, in the first sentence, by inserting ''or, as to any act or practice, or omission to act, while a participant, was a participant,'' after ''in which such person is a participant,''.

(e) OFFICER OR DIRECTOR OF A SELF-REGULATORY ORGANIZATION.—Section 19(h)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(h)(4)) is amended—

(1) by striking ''any officer or director'' and inserting ''any person who is, or at the time of the alleged misconduct was, an officer or director''; and

(2) by striking ''such officer or director'' and inserting ''such person''.

(f) OFFICER OR DIRECTOR OF AN INVESTMENT COMPANY.—Section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–35(a)) is amended—

(1) by striking ''a person serving or acting'' and inserting ''a person who is, or at the time of the alleged misconduct was, serving or acting''; and

(2) by striking ''such person so serves or acts'' and inserting ''such person so serves or acts, or at the time of the alleged misconduct, so served or acted''.

(g) PERSON ASSOCIATED WITH A PUBLIC ACCOUNTING FIRM.—

(1) SARBANES-OXLEY ACT OF 2002 AMENDMENT.—Section 2(a)(9) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(9)) is amended by adding at the end the following:

''(C) INVESTIGATIVE AND ENFORCEMENT AUTHORITY.—For purposes of sections 3(c), 101(c), 105, and 107(c) and the rules of the Board and Commission issued thereunder, except to the extent specifically excepted by such rules, the terms defined in subparagraph (A) shall include any person associated, seeking to become associated, or formerly associated with a public accounting firm, except that—

''(i) the authority to conduct an investigation of such person under section 105(b) shall apply only with respect to any act or practice, or omission to act, by the person while such person was associated or seeking to become associated with a registered public accounting firm; and

''(ii) the authority to commence a disciplinary proceeding under section 105(c)(1), or impose sanctions under section 105(c)(4), against such person shall apply only with respect to—

''(I) conduct occurring while such person was associated or seeking to become associated with a registered public accounting firm; or

''(II) non-cooperation, as described in section 105(b)(3), with respect to a demand in a Board investigation for testimony, documents, or other information relating to a period when such person was associated or seeking to become associated with a registered public accounting firm.''.

(2) SECURITIES EXCHANGE ACT OF 1934 AMENDMENT.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by striking ''or a person associated with such a firm'' and inserting '', a person associated with such a firm, or, as to any act, practice, or omission to act, while associated with such firm, a person formerly associated with such a firm''.

(h) SUPERVISORY PERSONNEL OF AN AUDIT FIRM.—Section 105(c)(6) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(c)(6)) is amended—

(1) in subparagraph (A), by striking ''the supervisory personnel'' and inserting ''any person who is, or at the time of the alleged failure reasonably to supervise was, a supervisory person''; and

(2) in subparagraph (B)—

(A) by striking ''No associated person'' and inserting ''No current or former supervisory person''; and

(B) by striking ''any other person'' and inserting ''any associated person''.

(i) MEMBER OF THE PUBLIC COMPANY ACCOUNTING OVERSIGHT BOARD.—Section 107(d)(3) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7217(d)(3)) is amended by striking ''any member'' and inserting ''any person who is, or at the time of the alleged misconduct was, a member''.

SEC. 929G. STREAMLINED HIRING AUTHORITY FOR MARKET SPECIALISTS.

(a) APPOINTMENT AUTHORITY.—Section 3114 of title 5, United States Code, is amended by striking the section heading and all that follows through the end of subsection (a) and inserting the following:

''§ 3114. Appointment of candidates to certain positions in the competitive service by the Securities and Exchange Commission

''(a) APPLICABILITY.—This section applies with respect to any position of accountant, economist, and securities compliance examiner at the Commission that is in the competitive service, and any position at the Commission in the competitive service that requires specialized knowledge of financial and capital market formation or regulation, financial market structures or surveillance, or information technology.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by striking the item relating to section 3114 and inserting the following:

''3114. Appointment of candidates to positions in the competitive service by the Securities and Exchange Commission.''.

(c) PAY AUTHORITY.—The Commission may set the rate of pay for experts and consultants appointed under the authority of section 3109 of title 5, United States Code, in the same manner in which it sets the rate of pay for employees of the Commission.

SEC. 929H. SIPC REFORMS.

(a) INCREASING THE CASH LIMIT OF PROTECTION.—Section 9 of the Securities Investor Protection Act of 1970 (15 U.S.C. 78fff–3) is amended—

(1) in subsection (a)(1), by striking ''$100,000 for each such customer'' and inserting ''the standard maximum cash advance amount for each such customer, as determined in accordance with subsection (d)''; and

(2) by adding the following new subsections:

''(d) STANDARD MAXIMUM CASH ADVANCE AMOUNT DEFINED.—For purposes of this section, the term 'standard maximum cash advance amount' means $250,000, as such amount may be adjusted after December 31, 2010, as provided under subsection (e).

''(e) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—Not later than January 1, 2011, and every 5 years thereafter, and subject to the approval of the Commission as provided under section 3(e)(2), the Board of Directors of SIPC shall determine whether an inflation adjustment to the standard maximum cash advance amount is appropriate. If the Board of Directors of SIPC determines such an adjustment is appropriate, then the standard maximum cash advance amount shall be an amount equal to—

''(A) $250,000 multiplied by—

''(B) the ratio of the annual value of the Personal Consumption Expenditures Chain-Type Price Index (or any successor index thereto), published by the Department of Commerce, for the calendar year preceding the year in which such determination is made, to the published annual value of such index for the calendar year preceding the year in which this subsection was enacted.

The index values used in calculations under this paragraph shall be, as of the date of the calculation, the values most recently published by the Department of Commerce.

''(2) ROUNDING.—If the standard maximum cash advance amount determined under paragraph (1) for any period is not a multiple of $10,000, the amount so determined shall be rounded down to the nearest $10,000.

''(3) PUBLICATION AND REPORT TO THE CONGRESS.—Not later than April 5 of any calendar year in which a determination is required to be made under paragraph (1)—

''(A) the Commission shall publish in the Federal Register the standard maximum cash advance amount; and

''(B) the Board of Directors of SIPC shall submit a report to the Congress stating the standard maximum cash advance amount.

''(4) IMPLEMENTATION PERIOD.—Any adjustment to the standard maximum cash advance amount shall take effect on January 1 of the year immediately succeeding the calendar year in which such adjustment is made.

''(5) INFLATION ADJUSTMENT CONSIDERATIONS.—In making any determination under

paragraph (1) to increase the standard maximum cash advance amount, the Board of Directors of SIPC shall consider—

''(A) the overall state of the fund and the economic conditions affecting members of SIPC;

''(B) the potential problems affecting members of SIPC; and

''(C) such other factors as the Board of Directors of SIPC may determine appropriate.''.

(b) LIQUIDATION OF A CARRYING BROKER-DEALER.—Section 5(a)(3) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(a)(3)) is amended—

(1) by striking the undesignated matter immediately following subparagraph (B);

(2) in subparagraph (A), by striking ''any member of SIPC'' and inserting ''the member'';

(3) in subparagraph (B), by striking the comma at the end and inserting a period;

(4) by striking ''If SIPC'' and inserting the following:

''(A) IN GENERAL.—SIPC may, upon notice to a member of SIPC, file an application for a protective decree with any court of competent jurisdiction specified in section 21(e) or 27 of the Securities Exchange Act of 1934, except that no such application shall be filed with respect to a member, the only customers of which are persons whose claims could not be satisfied by SIPC advances pursuant to section 9, if SIPC''; and

(5) by adding at the end the following:

''(B) CONSENT REQUIRED.—No member of SIPC that has a customer may enter into an insolvency, receivership, or bankruptcy proceeding, under Federal or State law, without the specific consent of SIPC, except as provided in title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act.''.

SEC. 929I. PROTECTING CONFIDENTIALITY OF MATERIALS SUBMITTED TO THE COMMISSION.

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x) is amended—

(1) in subsection (d), by striking ''subsection (e)'' and inserting ''subsection (f)'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) RECORDS OBTAINED FROM REGISTERED PERSONS.—

''(1) IN GENERAL.—Except as provided in subsection (f), the Commission shall not be compelled to disclose records or information obtained pursuant to section 17(b), or records or information based upon or derived from such records or information, if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments, or other regulatory and oversight activities.

''(2) TREATMENT OF INFORMATION.—For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. Collection of information pursuant to section 17 shall be an administrative action involving an agency against specific individuals or agencies pursuant to section 3518(c)(1) of title 44, United States Code.''.

(b) INVESTMENT COMPANY ACT OF 1940.—Section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a-30) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) LIMITATIONS ON DISCLOSURE BY COMMISSION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any records or information provided to the Commission under this section, or records or information based upon or derived from such records or information, if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments, or other regulatory and oversight activities. Nothing in this subsection authorizes the Commission to withhold information from the Congress or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of jurisdiction of that department or agency, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this section shall be considered a statute described in subsection (b)(3)(B) of such section 552. Collection of information pursuant to section 31 shall be an administrative action involving an agency against specific individuals or agencies pursuant to section 3518(c)(1) of title 44, United States Code.'';

(2) by striking subsection (d); and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(c) INVESTMENT ADVISERS ACT OF 1940.—Section 210 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-10) is amended by adding at the end the following:

''(d) LIMITATIONS ON DISCLOSURE BY THE COMMISSION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any records or information provided to the Commission under section 204, or records or information based upon or derived from such records or information, if such records or information have been obtained by the Commission for use in furtherance of the purposes of this title, including surveillance, risk assessments, or other regulatory and oversight activities. Nothing in this subsection authorizes the Commission to withhold information from the Congress or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of jurisdiction of that department or agency, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. Collection of information pursuant to section 204 shall be an administrative action involving an agency against specific individuals or agencies pursuant to section 3518(c)(1) of title 44, United States Code.''.

SEC. 929J. EXPANSION OF AUDIT INFORMATION TO BE PRODUCED AND EXCHANGED.

Section 106 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7216) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) PRODUCTION OF DOCUMENTS.—

''(1) PRODUCTION BY FOREIGN FIRMS.—If a foreign public accounting firm performs material services upon which a registered public accounting firm relies in the conduct of an audit or interim review, issues an audit report, performs audit work, or conducts interim reviews, the foreign public accounting firm shall—

''(A) produce the audit work papers of the foreign public accounting firm and all other documents of the firm related to any such audit work or interim review to the Commission or the Board, upon request of the Commission or the Board; and

''(B) be subject to the jurisdiction of the courts of the United States for purposes of enforcement of any request for such documents.

''(2) OTHER PRODUCTION.—Any registered public accounting firm that relies, in whole or in part, on the work of a foreign public accounting firm in issuing an audit report, performing audit work, or conducting an interim review, shall—

''(A) produce the audit work papers of the foreign public accounting firm and all other documents related to any such work in response to a request for production by the Commission or the Board; and

''(B) secure the agreement of any foreign public accounting firm to such production, as a condition of the reliance by the registered public accounting firm on the work of that foreign public accounting firm.'';

(2) by redesignating subsection (d) as subsection (g); and

(3) by inserting after subsection (c) the following:

''(d) SERVICE OF REQUESTS OR PROCESS.—

''(1) IN GENERAL.—Any foreign public accounting firm that performs work for a domestic registered public accounting firm shall furnish to the domestic registered public accounting firm a written irrevocable consent and power of attorney that designates the domestic registered public accounting firm as an agent upon whom may be served any request by the Commission or the Board under this section or upon whom may be served any process, pleadings, or other papers in any action brought to enforce this section.

''(2) SPECIFIC AUDIT WORK.—Any foreign public accounting firm that performs material services upon which a registered public accounting firm relies in the conduct of an audit or interim review, issues an audit report, performs audit work, or, performs interim reviews, shall designate to the Commission or the Board an agent in the United States upon whom may be served any request by the Commission or the Board under this section or upon whom may be served any process, pleading, or other papers in any action brought to enforce this section.

''(e) SANCTIONS.—A willful refusal to comply, in whole in or in part, with any request by the Commission or the Board under this section, shall be deemed a violation of this Act.

''(f) OTHER MEANS OF SATISFYING PRODUCTION OBLIGATIONS.—Notwithstanding any other provisions of this section, the staff of the Commission or the Board may allow a foreign public accounting firm that is subject to this section to meet production obligations under this section through alternate means, such as through foreign counterparts of the Commission or the Board.''.

SEC. 929K. SHARING PRIVILEGED INFORMATION WITH OTHER AUTHORITIES.

Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x) is amended—

(1) in subsection (d), as amended by subsection (d)(1)(A), by striking ''subsection (f)'' and inserting ''subsection (g)'';

(2) in subsection (e), as added by subsection (d)(1)(C), by striking ''subsection (f)'' and inserting ''subsection (g)'';

(3) by redesignating subsection (f) as subsection (g); and

(4) by inserting after subsection (e) the following:

''(f) SHARING PRIVILEGED INFORMATION WITH OTHER AUTHORITIES.—

''(1) PRIVILEGED INFORMATION PROVIDED BY THE COMMISSION.—The Commission shall not be deemed to have waived any privilege applicable to any information by transferring that information to or permitting that information to be used by—

''(A) any agency (as defined in section 6 of title 18, United States Code);

''(B) the Public Company Accounting Oversight Board;

''(C) any self-regulatory organization;

''(D) any foreign securities authority;

''(E) any foreign law enforcement authority; or

''(F) any State securities or law enforcement authority.

''(2) NONDISCLOSURE OF PRIVILEGED INFORMATION PROVIDED TO THE COMMISSION.—The Commission shall not be compelled to disclose privileged information obtained from any foreign securities authority, or foreign law enforcement authority, if the authority has in good faith determined and represented to the Commission that the information is privileged.

''(3) NONWAIVER OF PRIVILEGED INFORMATION PROVIDED TO THE COMMISSION.—

''(A) IN GENERAL.—Federal agencies, State securities and law enforcement authorities, self-regulatory organizations, and the Public Company Accounting Oversight Board shall not be

deemed to have waived any privilege applicable to any information by transferring that information to or permitting that information to be used by the Commission.

''(B) EXCEPTION.—The provisions of subparagraph (A) shall not apply to a self-regulatory organization or the Public Company Accounting Oversight Board with respect to information used by the Commission in an action against such organization.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'privilege' includes any work-product privilege, attorney-client privilege, governmental privilege, or other privilege recognized under Federal, State, or foreign law;

''(B) the term 'foreign law enforcement authority' means any foreign authority that is empowered under foreign law to detect, investigate or prosecute potential violations of law; and

''(C) the term 'State securities or law enforcement authority' means the authority of any State or territory that is empowered under State or territory law to detect, investigate, or prosecute potential violations of law.''.

SEC. 929L. ENHANCED APPLICATION OF ANTI-FRAUD PROVISIONS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in section 9—

(A) by striking ''registered on a national securities exchange'' each place that term appears and inserting ''other than a government security'';

(B) in subsection (b), by striking ''by use of any facility of a national securities exchange,''; and

(C) in subsection (c), by inserting after ''unlawful for any'' the following: ''broker, dealer, or'';

(2) in section 10(a)(1), by striking ''registered on a national securities exchange'' and inserting ''other than a government security''; and

(3) in section 15(c)(1)(A), by striking ''otherwise than on a national securities exchange of which it is a member''.

SEC. 929M. AIDING AND ABETTING AUTHORITY UNDER THE SECURITIES ACT AND THE INVESTMENT COMPANY ACT.

(a) UNDER THE SECURITIES ACT OF 1933.—Section 15 of the Securities Act of 1933 (15 U.S.C. 77o) is amended—

(1) by striking ''Every person who'' and inserting ''(a) CONTROLLING PERSONS.—Every person who''; and

(2) by adding at the end the following:

''(b) PROSECUTION OF PERSONS WHO AID AND ABET VIOLATIONS.—For purposes of any action brought by the Commission under subparagraph (b) or (d) of section 20, any person that knowingly or recklessly provides substantial assistance to another person in violation of a provision of this Act, or of any rule or regulation issued under this Act, shall be deemed to be in violation of such provision to the same extent as the person to whom such assistance is provided.''.

(b) UNDER THE INVESTMENT COMPANY ACT OF 1940.—Section 48 of the Investment Company Act of 1940 (15 U.S.C. 80a–48) is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

''(b) For purposes of any action brought by the Commission under subsection (d) or (e) of section 42, any person that knowingly or recklessly provides substantial assistance to another person in violation of a provision of this Act, or of any rule or regulation issued under this Act, shall be deemed to be in violation of such provision to the same extent as the person to whom such assistance is provided.''.

SEC. 929N. AUTHORITY TO IMPOSE PENALTIES FOR AIDING AND ABETTING VIOLATIONS OF THE INVESTMENT ADVISERS ACT.

Section 209 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9) is amended by inserting at the end the following new subsection:

''(f) AIDING AND ABETTING.—For purposes of any action brought by the Commission under subsection (e), any person that knowingly or recklessly has aided, abetted, counseled, commanded, induced, or procured a violation of any provision of this Act, or of any rule, regulation, or order hereunder, shall be deemed to be in violation of such provision, rule, regulation, or order to the same extent as the person that committed such violation.''.

SEC. 929O. AIDING AND ABETTING STANDARD OF KNOWLEDGE SATISFIED BY RECKLESSNESS.

Section 20(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(e)) is amended by inserting ''or recklessly'' after ''knowingly''.

SEC. 929P. STRENGTHENING ENFORCEMENT BY THE COMMISSION.

(a) AUTHORITY TO IMPOSE CIVIL PENALTIES IN CEASE AND DESIST PROCEEDINGS.—

(1) UNDER THE SECURITIES ACT OF 1933.—Section 8A of the Securities Act of 1933 (15 U.S.C. 77h–1) is amended by adding at the end the following new subsection:

''(g) AUTHORITY TO IMPOSE MONEY PENALTIES.—

''(1) GROUNDS.—In any cease-and-desist proceeding under subsection (a), the Commission may impose a civil penalty on a person if the Commission finds, on the record, after notice and opportunity for hearing, that—

''(A) such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder; and

''(B) such penalty is in the public interest.

''(2) MAXIMUM AMOUNT OF PENALTY.—

''(A) FIRST TIER.—The maximum amount of a penalty for each act or omission described in paragraph (1) shall be $7,500 for a natural person or $75,000 for any other person.

''(B) SECOND TIER.—Notwithstanding subparagraph (A), the maximum amount of penalty for each such act or omission shall be $75,000 for a natural person or $375,000 for any other person, if the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement.

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the maximum amount of penalty for each such act or omission shall be $150,000 for a natural person or $725,000 for any other person, if—

''(i) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(ii) such act or omission directly or indirectly resulted in—

''(I) substantial losses or created a significant risk of substantial losses to other persons; or

''(II) substantial pecuniary gain to the person who committed the act or omission.

''(3) EVIDENCE CONCERNING ABILITY TO PAY.—In any proceeding in which the Commission may impose a penalty under this section, a respondent may present evidence of the ability of the respondent to pay such penalty. The Commission may, in its discretion, consider such evidence in determining whether such penalty is in the public interest. Such evidence may relate to the extent of the ability of the respondent to continue in business and the collectability of a penalty, taking into account any other claims of the United States or third parties upon the assets of the respondent and the amount of the assets of the respondent.''.

(2) UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 21B(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(a)) is amended—

(A) by striking the matter following paragraph (4);

(B) in the matter preceding paragraph (1), by inserting after ''opportunity for hearing,'' the following: ''that such penalty is in the public interest and'';

(C) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and adjusting the margins accordingly;

(D) by striking ''In any proceeding'' and inserting the following:

''(1) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(2) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted under section 21C against any person, the Commission may impose a civil penalty, if the Commission finds, on the record after notice and opportunity for hearing, that such person—

''(A) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(B) is or was a cause of the violation of any provision of this title, or any rule or regulation issued under this title.''.

(3) UNDER THE INVESTMENT COMPANY ACT OF 1940.—Section 9(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(1)) is amended—

(A) by striking the matter following subparagraph (C);

(B) in the matter preceding subparagraph (A), by inserting after ''opportunity for hearing,'' the following: ''that such penalty is in the public interest, and'';

(C) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and adjusting the margins accordingly;

(D) by striking ''In any proceeding'' and inserting the following:

''(A) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (f) against any person, the Commission may impose a civil penalty if the Commission finds, on the record, after notice and opportunity for hearing, that such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation issued under this title.''.

(4) UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Section 203(i)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(1)) is amended—

(A) by striking the matter following subparagraph (D);

(B) in the matter preceding subparagraph (A), by inserting after ''opportunity for hearing,'' the following: ''that such penalty is in the public interest and'';

(C) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(D) by striking ''In any proceeding'' and inserting the following:

''(A) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following new subparagraph:

''(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (k) against any person, the Commission may impose a civil penalty if the Commission finds, on the record, after notice and opportunity for hearing, that such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation issued under this title; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation issued under this title.''.

(b) EXTRATERRITORIAL JURISDICTION OF THE ANTIFRAUD PROVISIONS OF THE FEDERAL SECURITIES LAWS.—

(1) UNDER THE SECURITIES ACT OF 1933.—Section 22 of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by adding at the end the following new subsection:

''(c) EXTRATERRITORIAL JURISDICTION.—The district courts of the United States and the United States courts of any Territory shall have jurisdiction of an action or proceeding brought or instituted by the Commission or the United

States alleging a violation of section 17(a) involving—

''(1) conduct within the United States that constitutes significant steps in furtherance of the violation, even if the securities transaction occurs outside the United States and involves only foreign investors; or

''(2) conduct occurring outside the United States that has a foreseeable substantial effect within the United States.''.

(2) UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended—

(A) by striking ''The district'' and inserting the following:

''(a) IN GENERAL.—The district''; and

(B) by adding at the end the following new subsection:

''(b) EXTRATERRITORIAL JURISDICTION.—The district courts of the United States and the United States courts of any Territory shall have jurisdiction of an action or proceeding brought or instituted by the Commission or the United States alleging a violation of the antifraud provisions of this title involving—

''(1) conduct within the United States that constitutes significant steps in furtherance of the violation, even if the securities transaction occurs outside the United States and involves only foreign investors; or

''(2) conduct occurring outside the United States that has a foreseeable substantial effect within the United States.''.

(3) UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–14) is amended—

(A) by striking ''The district'' and inserting the following:

''(a) IN GENERAL.—The district''; and

(B) by adding at the end the following new subsection:

''(b) EXTRATERRITORIAL JURISDICTION.—The district courts of the United States and the United States courts of any Territory shall have jurisdiction of an action or proceeding brought or instituted by the Commission or the United States alleging a violation of section 206 involving—

''(1) conduct within the United States that constitutes significant steps in furtherance of the violation, even if the violation is committed by a foreign adviser and involves only foreign investors; or

''(2) conduct occurring outside the United States that has a foreseeable substantial effect within the United States.''.

(c) CONTROL PERSON LIABILITY UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 20(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(a)) is amended by inserting after ''controlled person is liable'' the following: ''(including to the Commission in any action brought under paragraph (1) or (3) of section 21(d))''.

SEC. 929Q. REVISION TO RECORDKEEPING RULE.

(a) INVESTMENT COMPANY ACT OF 1940 AMENDMENTS.—Section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a–30) is amended—

(1) in subsection (a)(1), by adding at the end the following: ''Each person having custody or use of the securities, deposits, or credits of a registered investment company shall maintain and preserve all records that relate to the custody or use by such person of the securities, deposits, or credits of the registered investment company for such period or periods as the Commission, by rule or regulation, may prescribe, as necessary or appropriate in the public interest or for the protection of investors.''; and

(2) in subsection (b), by adding at the end the following:

''(4) RECORDS OF PERSONS WITH CUSTODY OR USE.—

''(A) IN GENERAL.—Records of persons having custody or use of the securities, deposits, or credits of a registered investment company that relate to such custody or use, are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations and other information and document requests by representatives of the Commission, as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

''(B) CERTAIN PERSONS SUBJECT TO OTHER REGULATION.—Any person that is subject to regulation and examination by a Federal financial institution regulatory agency (as such term is defined under section 212(c)(2) of title 18, United States Code) may satisfy any examination request, information request, or document request described under subparagraph (A), by providing to the Commission a detailed listing, in writing, of the securities, deposits, or credits of the registered investment company within the custody or use of such person.''.

(b) INVESTMENT ADVISERS ACT OF 1940 AMENDMENT.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended by adding at the end the following new subsection:

''(d) RECORDS OF PERSONS WITH CUSTODY OR USE.—

''(1) IN GENERAL.—Records of persons having custody or use of the securities, deposits, or credits of a client, that relate to such custody or use, are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations and other information and document requests by representatives of the Commission, as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

''(2) CERTAIN PERSONS SUBJECT TO OTHER REGULATION.—Any person that is subject to regulation and examination by a Federal financial institution regulatory agency (as such term is defined under section 212(c)(2) of title 18, United States Code) may satisfy any examination request, information request, or document request described under paragraph (1), by providing the Commission with a detailed listing, in writing, of the securities, deposits, or credits of the client within the custody or use of such person.''.

SEC. 929R. BENEFICIAL OWNERSHIP AND SHORT-SWING PROFIT REPORTING.

(a) BENEFICIAL OWNERSHIP REPORTING.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended—

(1) in subsection (d)(1)—

(A) by inserting after ''within ten days after such acquisition'' the following: ''or within such shorter time as the Commission may establish by rule''; and

(B) by striking ''send to the issuer of the security at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and'';

(2) in subsection (d)(2)—

(A) by striking ''in the statements to the issuer and the exchange, and''; and

(B) by striking ''shall be transmitted to the issuer and the exchange and'';

(3) in subsection (g)(1), by striking ''shall send to the issuer of the security and''; and

(4) in subsection (g)(2)—

(A) by striking ''sent to the issuer and''; and

(B) by striking ''shall be transmitted to the issuer and''.

(b) SHORT-SWING PROFIT REPORTING.—Section 16(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(a)) is amended—

(1) in paragraph (1), by striking ''(and, if such security is registered on a national securities exchange, also with the exchange)''; and

(2) in paragraph (2)(B), by inserting after ''officer'' the following: '', or within such shorter time as the Commission may establish by rule''.

SEC. 929S. FINGERPRINTING.

Section 17(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(f)(2)) is amended—

(1) in the first sentence, by striking ''and registered clearing agency,'' and inserting ''registered clearing agency, registered securities information processor, national securities exchange, and national securities association''; and

(2) in the second sentence, by striking ''or clearing agency,'' and inserting ''clearing agency, securities information processor, national securities exchange, or national securities association,''.

SEC. 929T. EQUAL TREATMENT OF SELF-REGULATORY ORGANIZATION RULES.

Section 29(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78cc(a)) is amended by striking ''an exchange required thereby'' and inserting ''a self-regulatory organization,''.

SEC. 929U. DEADLINE FOR COMPLETING EXAMINATIONS, INSPECTIONS AND ENFORCEMENT ACTIONS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 4D the following new section:

''SEC. 4E. DEADLINE FOR COMPLETING ENFORCEMENT INVESTIGATIONS AND COMPLIANCE EXAMINATIONS AND INSPECTIONS.

''(a) ENFORCEMENT INVESTIGATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date on which Commission staff provide a written Wells notification to any person, the Commission staff shall either file an action against such person or provide notice to the Director of the Division of Enforcement of its intent to not file an action.

''(2) EXCEPTIONS FOR CERTAIN COMPLEX ACTIONS.—Notwithstanding paragraph (1), if the Director of the Division of Enforcement of the Commission or the Director's designee determines that a particular enforcement investigation is sufficiently complex such that a determination regarding the filing of an action against a person cannot be completed within the deadline specified in paragraph (1), the Director of the Division of Enforcement of the Commission or the Director's designee may, after providing notice to the Chairman of the Commission, extend such deadline as needed for one additional 180-day period. If after the additional 180-day period the Director of the Division of Enforcement of the Commission or the Director's designee determines that a particular enforcement investigation is sufficiently complex such that a determination regarding the filing of an action against a person cannot be completed within the additional 180-day period, the Director of the Division of Enforcement of the Commission or the Director's designee may, after providing notice to and receiving approval of the Commission, extend such deadline as needed for one or more additional successive 180-day periods.

''(b) COMPLIANCE EXAMINATIONS AND INSPECTIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date on which Commission staff completes the on-site portion of its compliance examination or inspection or receives all records requested from the entity being examined or inspected, whichever is later, Commission staff shall provide the entity being examined or inspected with written notification indicating either that the examination or inspection has concluded, has concluded without findings, or that the staff requests the entity undertake corrective action.

''(2) EXCEPTION FOR CERTAIN COMPLEX ACTIONS.—Notwithstanding paragraph (1), if the head of any division or office within the Commission responsible for compliance examinations and inspections or his designee determines that a particular compliance examination or inspection is sufficiently complex such that a determination regarding concluding the examination or inspection, or regarding the staff requests the entity undertake corrective action, cannot be completed within the deadline specified in paragraph (1), the head of any division or office within the Commission responsible for compliance examinations and inspections or his designee may, after providing notice to the Chairman of the Commission, extend such deadline as needed for one additional 180-day period.''.

SEC. 929V. SECURITY INVESTOR PROTECTION ACT AMENDMENTS.

(a) INCREASING THE MINIMUM ASSESSMENT PAID BY SIPC MEMBERS.—Section 4(d)(1)(C) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78ddd(d)(1)(C)) is amended by striking ''$150 per annum'' and inserting the following: ''0.02 percent of the gross revenues from the securities business of such member of SIPC''.

(b) INCREASING THE FINE FOR PROHIBITED ACTS UNDER SIPA.—Section 14(c) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78jjj(c)) is amended—

(1) in paragraph (1), by striking ''$50,000'' and inserting ''$250,000''; and

(2) in paragraph (2), by striking ''$50,000'' and inserting ''$250,000''.

(c) PENALTY FOR MISREPRESENTATION OF SIPC MEMBERSHIP OR PROTECTION.—Section 14 of the Securities Investor Protection Act of 1970 (15 U.S.C. 78jjj) is amended by adding at the end the following new subsection:

''(d) MISREPRESENTATION OF SIPC MEMBERSHIP OR PROTECTION.—

''(1) IN GENERAL.—Any person who falsely represents by any means (including, without limitation, through the Internet or any other medium of mass communication), with actual knowledge of the falsity of the representation and with an intent to deceive or cause injury to another, that such person, or another person, is a member of SIPC or that any person or account is protected or is eligible for protection under this Act or by SIPC, shall be liable for any damages caused thereby and shall be fined not more than $250,000 or imprisoned for not more than 5 years.

''(2) INJUNCTIONS.—Any court having jurisdiction of a civil action arising under this Act may grant temporary injunctions and final injunctions on such terms as the court deems reasonable to prevent or restrain any violation of paragraph (1). Any such injunction may be served anywhere in the United States on the person enjoined, shall be operative throughout the United States, and shall be enforceable, by proceedings in contempt or otherwise, by any United States court having jurisdiction over that person. The clerk of the court granting the injunction shall, when requested by any other court in which enforcement of the injunction is sought, transmit promptly to the other court a certified copy of all papers in the case on file in such clerk's office.''.

SEC. 929W. NOTICE TO MISSING SECURITY HOLDERS.

Section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1) is amended by adding at the end the following new subsection:

''(g) DUE DILIGENCE FOR THE DELIVERY OF DIVIDENDS, INTEREST, AND OTHER VALUABLE PROPERTY RIGHTS.—

''(1) REVISION OF RULES REQUIRED.—The Commission shall revise its regulations in section 240.17Ad–17 of title 17, Code of Federal Regulations, as in effect on December 8, 1997, to extend the application of such section to brokers and dealers and to provide for the following:

''(A) A requirement that the paying agent provide a single written notification to each missing security holder that the missing security holder has been sent a check that has not yet been negotiated. The written notification may be sent along with a check or other mailing subsequently sent to the missing security holder but must be provided no later than 7 months after the sending of the not yet negotiated check.

''(B) An exclusion for paying agents from the notification requirements when the value of the not yet negotiated check is less than $25.

''(C) A provision clarifying that the requirements described in subparagraph (A) shall have no effect on State escheatment laws.

''(D) For purposes of such revised regulations—

''(i) a security holder shall be considered a 'missing security holder' if a check is sent to the security holder and the check is not negotiated before the earlier of the paying agent sending the next regularly scheduled check or the elapsing of 6 months after the sending of the not yet negotiated check; and

''(ii) the term 'paying agent' includes any issuer, transfer agent, broker, dealer, investment adviser, indenture trustee, custodian, or any other person that accepts payments from the issuer of a security and distributes the payments to the holders of the security.

''(2) RULEMAKING.—The Commission shall adopt such rules, regulations, and orders necessary to implement this subsection no later than 1 year after the date of enactment of this subsection. In proposing such rules, the Commission shall seek to minimize disruptions to current systems used by or on behalf of paying agents to process payment to account holders and avoid requiring multiple paying agents to send written notification to a missing security holder regarding the same not yet negotiated check.''.

SEC. 929X. SHORT SALE REFORMS.

(a) SHORT SALE DISCLOSURE.—Section 13(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(f)) is amended by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively, and inserting after paragraph (1) the following:

''(2) The Commission shall prescribe rules providing for the public disclosure of the name of the issuer and the title, class, CUSIP number, aggregate amount of the number of short sales of each security, and any additional information determined by the Commission following the end of the reporting period. At a minimum, such public disclosure shall occur every month.''.

(b) SHORT SELLING ENFORCEMENT.—Section 9 of the Securities Exchange Act of 1934 (15 U.S.C. 78i) is amended—

(1) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (e), (f), (g), (h), (i), and (j), respectively; and

(2) inserting after subsection (c), the following new subsection:

''(d) TRANSACTIONS RELATING TO SHORT SALES OF SECURITIES.—It shall be unlawful for any person, directly or indirectly, by the use of the mails or any means or instrumentality of interstate commerce, or of any facility of any national securities exchange, or for any member of a national securities exchange to effect, alone or with one or more other persons, a manipulative short sale of any security. The Commission shall issue such other rules as are necessary or appropriate to ensure that the appropriate enforcement options and remedies are available for violations of this subsection in the public interest or for the protection of investors.''.

(c) INVESTOR NOTIFICATION.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended—

(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively; and

(2) inserting after subsection (d) the following new subsection:

''(e) NOTICES TO CUSTOMERS REGARDING SECURITIES LENDING.—Every registered broker or dealer shall provide notice to its customers that they may elect not to allow their fully paid securities to be used in connection with short sales. If a broker or dealer uses a customer's securities in connection with short sales, the broker or dealer shall provide notice to its customer that the broker or dealer may receive compensation in connection with lending the customer's securities. The Commission, by rule, as it deems necessary or appropriate in the public interest and for the protection of investors, may prescribe the form, content, time, and manner of delivery of any notice required under this paragraph.''.

SEC. 929Y. STUDY ON EXTRATERRITORIAL PRIVATE RIGHTS OF ACTION.

(a) IN GENERAL.—The Securities and Exchange Commission of the United States shall solicit public comment and thereafter conduct a study to determine the extent to which private rights of action under the antifraud provisions of the Securities and Exchange Act of 1934 (15 U.S.C. 78u-4) should be extended to cover—

(1) conduct within the United States that constitutes a significant step in the furtherance of the violation, even if the securities transaction occurs outside the United States and involves only foreign investors; and

(2) conduct occurring outside the United States that has a foreseeable substantial effect within the United States.

(b) CONTENTS.—The study shall consider and analyze, among other things—

(1) the scope of such a private right of action, including whether it should extend to all private actors or whether it should be more limited to extend just to institutional investors or otherwise;

(2) what implications such a private right of action would have on international comity;

(3) the economic costs and benefits of extending a private right of action for transnational securities frauds; and

(4) whether a narrower extraterritorial standard should be adopted.

(c) REPORT.—A report of the study shall be submitted and recommendations made to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House not later than 18 months after the date of enactment of this Act.

SEC. 929Z. GAO STUDY ON SECURITIES LITIGATION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the impact of authorizing a private right of action against any person who aids or abets another person in violation of the securities laws. To the extent feasible, this study shall include—

(1) a review of the role of secondary actors in companies issuance of securities;

(2) the courts interpretation of the scope of liability for secondary actors under Federal securities laws after January 14, 2008; and

(3) the types of lawsuits decided under the Private Securities Litigation Act of 1995.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the findings of the study required under subsection (a).

Subtitle C—Improvements to the Regulation of Credit Rating Agencies

SEC. 931. FINDINGS.

Congress finds the following:

(1) Because of the systemic importance of credit ratings and the reliance placed on credit ratings by individual and institutional investors and financial regulators, the activities and performances of credit rating agencies, including nationally recognized statistical rating organizations, are matters of national public interest, as credit rating agencies are central to capital formation, investor confidence, and the efficient performance of the United States economy.

(2) Credit rating agencies, including nationally recognized statistical rating organizations, play a critical ''gatekeeper'' role in the debt market that is functionally similar to that of securities analysts, who evaluate the quality of securities in the equity market, and auditors, who review the financial statements of firms. Such role justifies a similar level of public oversight and accountability.

(3) Because credit rating agencies perform evaluative and analytical services on behalf of clients, much as other financial ''gatekeepers'' do, the activities of credit rating agencies are fundamentally commercial in character and should be subject to the same standards of liability and oversight as apply to auditors, securities analysts, and investment bankers.

(4) In certain activities, particularly in advising arrangers of structured financial products on potential ratings of such products, credit rating agencies face conflicts of interest that need to be carefully monitored and that therefore should be addressed explicitly in legislation in

order to give clearer authority to the Securities and Exchange Commission.

(5) In the recent financial crisis, the ratings on structured financial products have proven to be inaccurate. This inaccuracy contributed significantly to the mismanagement of risks by financial institutions and investors, which in turn adversely impacted the health of the economy in the United States and around the world. Such inaccuracy necessitates increased accountability on the part of credit rating agencies.

SEC. 932. ENHANCED REGULATION, ACCOUNTABILITY, AND TRANSPARENCY OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.

(a) IN GENERAL.—Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking ''furnished'' and inserting ''filed'' and by striking ''furnishing'' and inserting ''filing'';

(B) in paragraph (1)(B), by striking ''furnishing'' and inserting ''filing''; and

(C) in the first sentence of paragraph (2), by striking ''furnish to'' and inserting ''file with'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in the second sentence, by inserting ''any other provision of this section, or'' after ''Notwithstanding''; and

(ii) by inserting after the period at the end the following: ''Nothing in this paragraph may be construed to afford a defense against any action or proceeding brought by the Commission to enforce the antifraud provisions of the securities laws.''; and

(B) by adding at the end the following:

''(3) INTERNAL CONTROLS OVER PROCESSES FOR DETERMINING CREDIT RATINGS.—

''(A) IN GENERAL.—Each nationally recognized statistical rating organization shall establish, maintain, enforce, and document an effective internal control structure governing the implementation of and adherence to policies, procedures, and methodologies for determining credit ratings, taking into consideration such factors as the Commission may prescribe, by rule.

''(B) ATTESTATION REQUIREMENT.—The Commission shall prescribe rules requiring each nationally recognized statistical rating organization to submit to the Commission an annual internal controls report, which shall contain—

''(i) a description of the responsibility of the management of the nationally recognized statistical rating organization in establishing and maintaining an effective internal control structure under subparagraph (A);

''(ii) an assessment of the effectiveness of the internal control structure of the nationally recognized statistical rating organization; and

''(iii) the attestation of the chief executive officer, or equivalent individual, of the nationally recognized statistical rating organization.'';

(3) in subsection (d)—

(A) by inserting after ''or revoke the registration of any nationally recognized statistical rating organization'' the following: '', or with respect to any person who is associated with, who is seeking to become associated with, or, at the time of the alleged misconduct, who was associated or was seeking to become associated with a nationally recognized statistical rating organization, the Commission, by order, shall censure, place limitations on the activities or functions of such person, suspend for a period not exceeding 1 year, or bar such person from being associated with a nationally recognized statistical rating organization,'';

(B) by inserting ''bar'' after ''placing of limitations, suspension,'';

(C) in paragraph (2), by striking ''furnished to'' and inserting ''filed with'';

(D) in paragraph (2), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the clause margins accordingly;

(E) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and adjusting the subparagraph margins accordingly;

(F) in the matter preceding subparagraph (A), as so redesignated, by striking ''The Commission'' and inserting the following:

''(1) IN GENERAL.—The Commission'';

(G) in subparagraph (D), as so redesignated—

(i) by striking ''furnish'' and inserting ''file''; and

(ii) by striking ''or'' at the end.

(H) in subparagraph (E), as so redesignated, by striking the period at the end and inserting a semicolon; and

(I) by adding at the end the following:

''(F) has failed reasonably to supervise, with a view to preventing a violation of the securities laws, an individual who commits such a violation, if the individual is subject to the supervision of that person.

''(2) SUSPENSION OR REVOCATION FOR PARTICULAR CLASS OF SECURITIES.—

''(A) IN GENERAL.—The Commission may temporarily suspend or permanently revoke the registration of a nationally recognized statistical rating organization with respect to a particular class or subclass of securities, if the Commission finds, on the record after notice and opportunity for hearing, that the nationally recognized statistical rating organization does not have adequate financial and managerial resources to consistently produce credit ratings with integrity.

''(B) CONSIDERATIONS.—In making any determination under subparagraph (A), the Commission shall consider—

''(i) whether the nationally recognized statistical rating organization has failed over a sustained period of time, as determined by the Commission, to produce ratings that are accurate for that class or subclass of securities; and

''(ii) such other factors as the Commission may determine.'';

(4) in subsection (h), by adding at the end the following:

''(3) SEPARATION OF RATINGS FROM SALES AND MARKETING.—

''(A) RULES REQUIRED.—The Commission shall issue rules to prevent the sales and marketing considerations of a nationally recognized statistical rating organization from influencing the production of ratings by the nationally recognized statistical rating organization.

''(B) CONTENTS OF RULES.—The rules issued under subparagraph (A) shall provide for—

''(i) exceptions for small nationally recognized statistical rating organizations with respect to which the Commission determines that the separation of the production of ratings and sales and marketing activities is not appropriate; and

''(ii) suspension or revocation of the registration of a nationally recognized statistical rating organization, if the Commission finds, on the record, after notice and opportunity for a hearing, that—

''(I) the nationally recognized statistical rating organization has committed a violation of a rule issued under this subsection; and

''(II) the violation of a rule issued under this subsection affected a rating.

''(4) LOOK-BACK REQUIREMENT.—

''(A) REVIEW BY THE NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATION.—Each nationally recognized statistical rating organization shall establish, maintain, and enforce policies and procedures reasonably designed to ensure that, in any case in which an employee of a person subject to a credit rating of the nationally recognized statistical rating organization or the issuer, underwriter, or sponsor of a security or money market instrument subject to a credit rating of the nationally recognized statistical rating organization was employed by the nationally recognized statistical rating organization and participated in any capacity in determining credit ratings for the person or the securities or money market instruments during the 1-year period preceding the date an action was taken with respect to the credit rating, the nationally recognized statistical rating organization shall—

''(i) conduct a review to determine whether any conflicts of interest of the employee influenced the credit rating; and

''(ii) take action to revise the rating if appropriate, in accordance with such rules as the Commission shall prescribe.

''(B) REVIEW BY COMMISSION.—

''(i) IN GENERAL.—The Commission shall conduct periodic reviews of the policies described in subparagraph (A) and the implementation of the policies at each nationally recognized statistical rating organization to ensure they are reasonably designed and implemented to most effectively eliminate conflicts of interest.

''(ii) TIMING OF REVIEWS.—The Commission shall review the code of ethics and conflict of interest policy of each nationally recognized statistical rating organization—

''(I) not less frequently than annually; and

''(II) whenever such policies are materially modified or amended.

''(5) REPORT TO COMMISSION ON CERTAIN EMPLOYMENT TRANSITIONS.—

''(A) REPORT REQUIRED.—Each nationally recognized statistical rating organization shall report to the Commission any case such organization knows or can reasonably be expected to know where a person associated with such organization within the previous 5 years obtains employment with any obligor, issuer, underwriter, or sponsor of a security or money market instrument for which the organization issued a credit rating during the 12-month period prior to such employment, if such employee—

''(i) was a senior officer of such organization;

''(ii) participated in any capacity in determining credit ratings for such obligor, issuer, underwriter, or sponsor; or

''(iii) supervised an employee described in clause (ii).

''(B) PUBLIC DISCLOSURE.—Upon receiving such a report, the Commission shall make such information publicly available.'';

(5) in subsection (j)—

(A) by striking ''Each'' and inserting the following:

''(1) IN GENERAL.—Each''; and

(B) by adding at the end the following:

''(2) LIMITATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an individual designated under paragraph (1) may not, while serving in the designated capacity—

''(i) perform credit ratings;

''(ii) participate in the development of ratings methodologies or models;

''(iii) perform marketing or sales functions; or

''(iv) participate in establishing compensation levels, other than for employees working for that individual.

''(B) EXCEPTION.—The Commission may exempt a small nationally recognized statistical rating organization from the limitations under this paragraph, if the Commission finds that compliance with such limitations would impose an unreasonable burden on the nationally recognized statistical rating organization.

''(3) OTHER DUTIES.—Each individual designated under paragraph (1) shall establish procedures for the receipt, retention, and treatment of—

''(A) complaints regarding credit ratings, models, methodologies, and compliance with the securities laws and the policies and procedures developed under this section; and

''(B) confidential, anonymous complaints by employees or users of credit ratings.

''(4) COMPENSATION.—The compensation of each compliance officer appointed under paragraph (1) shall not be linked to the financial performance of the nationally recognized statistical rating organization and shall be arranged so as to ensure the independence of the officer's judgment.

''(5) ANNUAL REPORTS REQUIRED.—

''(A) ANNUAL REPORTS REQUIRED.—Each individual designated under paragraph (1) shall submit to the nationally recognized statistical rating organization an annual report on the

compliance of the nationally recognized statistical rating organization with the securities laws and the policies and procedures of the nationally recognized statistical rating organization that includes—

''(i) a description of any material changes to the code of ethics and conflict of interest policies of the nationally recognized statistical rating organization; and

''(ii) a certification that the report is accurate and complete.

''(B) SUBMISSION OF REPORTS TO THE COMMISSION.—Each nationally recognized statistical rating organization shall file the reports required under subparagraph (A) together with the financial report that is required to be submitted to the Commission under this section.'';

(6) in subsection (k), by striking ''furnish to'' and inserting ''file with'';

(7) in subsection (l)(2)(A)(i), by striking ''furnished'' and inserting ''filed''; and

(8) by striking subsection (p) and inserting the following:

''(p) REGULATION OF NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.—

''(1) ESTABLISHMENT OF OFFICE OF CREDIT RATINGS.—

''(A) OFFICE ESTABLISHED.—The Commission shall establish within the Commission an Office of Credit Ratings (referred to in this subsection as the 'Office') to administer the rules of the Commission—

''(i) with respect to the practices of nationally recognized statistical rating organizations in determining ratings, for the protection of users of credit ratings and in the public interest;

''(ii) to promote accuracy in credit ratings issued by nationally recognized statistical rating organizations; and

''(iii) to ensure that such ratings are not unduly influenced by conflicts of interest.

''(B) DIRECTOR OF THE OFFICE.—The head of the Office shall be the Director, who shall report to the Chairman.

''(2) STAFFING.—The Office established under this subsection shall be staffed sufficiently to carry out fully the requirements of this section. The staff shall include persons with knowledge of and expertise in corporate, municipal, and structured debt finance.

''(3) COMMISSION EXAMINATIONS.—

''(A) ANNUAL EXAMINATIONS REQUIRED.—The Office shall conduct an examination of each nationally recognized statistical rating organization at least annually.

''(B) CONDUCT OF EXAMINATIONS.—Each examination under subparagraph (A) shall include a review of—

''(i) whether the nationally recognized statistical rating organization conducts business in accordance with the policies, procedures, and rating methodologies of the nationally recognized statistical rating organization;

''(ii) the management of conflicts of interest by the nationally recognized statistical rating organization;

''(iii) implementation of ethics policies by the nationally recognized statistical rating organization;

''(iv) the internal supervisory controls of the nationally recognized statistical rating organization;

''(v) the governance of the nationally recognized statistical rating organization;

''(vi) the activities of the individual designated by the nationally recognized statistical rating organization under subsection (j)(1);

''(vii) the processing of complaints by the nationally recognized statistical rating organization; and

''(viii) the policies of the nationally recognized statistical rating organization governing the post-employment activities of former staff of the nationally recognized statistical rating organization.

''(C) INSPECTION REPORTS.—The Commission shall make available to the public, in an easily understandable format, an annual report summarizing—

''(i) the essential findings of all examinations conducted under subparagraph (A), as deemed appropriate by the Commission;

''(ii) the responses by the nationally recognized statistical rating organizations to any material regulatory deficiencies identified by the Commission under clause (i); and

''(iii) whether the nationally recognized statistical rating organizations have appropriately addressed the recommendations of the Commission contained in previous reports under this subparagraph.

''(4) RULEMAKING AUTHORITY.—The Commission shall—

''(A) establish, by rule, fines, and other penalties applicable to any nationally recognized statistical rating organization that violates the requirements of this section and the rules thereunder; and

''(B) issue such rules as may be necessary to carry out this section.

''(q) TRANSPARENCY OF RATINGS PERFORMANCE.—

''(1) RULEMAKING REQUIRED.—The Commission shall, by rule, require that each nationally recognized statistical rating organization publicly disclose information on the initial credit ratings determined by the nationally recognized statistical rating organization for each type of obligor, security, and money market instrument, and any subsequent changes to such credit ratings, for the purpose of allowing users of credit ratings to evaluate the accuracy of ratings and compare the performance of ratings by different nationally recognized statistical rating organizations.

''(2) CONTENT.—The rules of the Commission under this subsection shall require, at a minimum, disclosures that—

''(A) are comparable among nationally recognized statistical rating organizations, to allow users of credit ratings to compare the performance of credit ratings across nationally recognized statistical rating organizations;

''(B) are clear and informative for investors having a wide range of sophistication who use or might use credit ratings;

''(C) include performance information over a range of years and for a variety of types of credit ratings, including for credit ratings withdrawn by the nationally recognized statistical rating organization;

''(D) are published and made freely available by the nationally recognized statistical rating organization, on an easily accessible portion of its website, and in writing, when requested;

''(E) are appropriate to the business model of a nationally recognized statistical rating organization; and

''(F) each nationally recognized statistical rating organization include an attestation with any credit rating it issues affirming that no part of the rating was influenced by any other business activities, that the rating was based solely on the merits of the instruments being rated, and that such rating was an independent evaluation of the risks and merits of the instrument.

''(r) CREDIT RATINGS METHODOLOGIES.—The Commission shall prescribe rules, for the protection of investors and in the public interest, with respect to the procedures and methodologies, including qualitative and quantitative data and models, used by nationally recognized statistical rating organizations that require each nationally recognized statistical rating organization—

''(1) to ensure that credit ratings are determined using procedures and methodologies, including qualitative and quantitative data and models, that are—

''(A) approved by the board of the nationally recognized statistical rating organization, a body performing a function similar to that of a board; and

''(B) in accordance with the policies and procedures of the nationally recognized statistical rating organization for the development and modification of credit rating procedures and methodologies;

''(2) to ensure that when material changes to credit rating procedures and methodologies (including changes to qualitative and quantitative data and models) are made, that—

''(A) the changes are applied consistently to all credit ratings to which the changed procedures and methodologies apply;

''(B) to the extent that changes are made to credit rating surveillance procedures and methodologies, the changes are applied to then-current credit ratings by the nationally recognized statistical rating organization within a reasonable time period determined by the Commission, by rule; and

''(C) the nationally recognized statistical rating organization publicly discloses the reason for the change; and

''(3) to notify users of credit ratings—

''(A) of the version of a procedure or methodology, including the qualitative methodology or quantitative inputs, used with respect to a particular credit rating;

''(B) when a material change is made to a procedure or methodology, including to a qualitative model or quantitative inputs;

''(C) when a significant error is identified in a procedure or methodology, including a qualitative or quantitative model, that may result in credit rating actions; and

''(D) of the likelihood of a material change described in subparagraph (B) resulting in a change in current credit ratings.

''(s) TRANSPARENCY OF CREDIT RATING METHODOLOGIES AND INFORMATION REVIEWED.—

''(1) FORM FOR DISCLOSURES.—The Commission shall require, by rule, each nationally recognized statistical rating organization to prescribe a form to accompany the publication of each credit rating that discloses—

''(A) information relating to—

''(i) the assumptions underlying the credit rating procedures and methodologies;

''(ii) the data that was relied on to determine the credit rating; and

''(iii) if applicable, how the nationally recognized statistical rating organization used servicer or remittance reports, and with what frequency, to conduct surveillance of the credit rating; and

''(B) information that can be used by investors and other users of credit ratings to better understand credit ratings in each class of credit rating issued by the nationally recognized statistical rating organization.

''(2) FORMAT.—The form developed under paragraph (1) shall—

''(A) be easy to use and helpful for users of credit ratings to understand the information contained in the report;

''(B) require the nationally recognized statistical rating organization to provide the content described in paragraph (3)(B) in a manner that is directly comparable across types of securities; and

''(C) be made readily available to users of credit ratings, in electronic or paper form, as the Commission may, by rule, determine.

''(3) CONTENT OF FORM.—

''(A) QUALITATIVE CONTENT.—Each nationally recognized statistical rating organization shall disclose on the form developed under paragraph (1)—

''(i) the credit ratings produced by the nationally recognized statistical rating organization;

''(ii) the main assumptions and principles used in constructing procedures and methodologies, including qualitative methodologies and quantitative inputs and assumptions about the correlation of defaults across underlying assets used in rating structured products;

''(iii) the potential limitations of the credit ratings, and the types of risks excluded from the credit ratings that the nationally recognized statistical rating organization does not comment on, including liquidity, market, and other risks;

''(iv) information on the uncertainty of the credit rating, including—

''(I) information on the reliability, accuracy, and quality of the data relied on in determining the credit rating; and

''(II) a statement relating to the extent to which data essential to the determination of the

credit rating were reliable or limited, including—

''(aa) any limits on the scope of historical data; and

''(bb) any limits in accessibility to certain documents or other types of information that would have better informed the credit rating;

''(v) whether and to what extent third party due diligence services have been used by the nationally recognized statistical rating organization, a description of the information that such third party reviewed in conducting due diligence services, and a description of the findings or conclusions of such third party;

''(vi) a description of the data about any obligor, issuer, security, or money market instrument that were relied upon for the purpose of determining the credit rating;

''(vii) a statement containing an overall assessment of the quality of information available and considered in producing a rating for an obligor, security, or money market instrument, in relation to the quality of information available to the nationally recognized statistical rating organization in rating similar issuances;

''(viii) information relating to conflicts of interest of the nationally recognized statistical rating organization; and

''(ix) such additional information as the Commission may require.

''(B) QUANTITATIVE CONTENT.—Each nationally recognized statistical rating organization shall disclose on the form developed under this subsection—

''(i) an explanation or measure of the potential volatility of the credit rating, including—

''(I) any factors that might lead to a change in the credit ratings; and

''(II) the magnitude of the change that a user can expect under different market conditions;

''(ii) information on the content of the rating, including—

''(I) the historical performance of the rating; and

''(II) the expected probability of default and the expected loss in the event of default;

''(iii) information on the sensitivity of the rating to assumptions made by the nationally recognized statistical rating organization, including—

''(I) 5 assumptions made in the ratings process that, without accounting for any other factor, would have the greatest impact on a rating if the assumptions were proven false or inaccurate; and

''(II) an analysis, using specific examples, of how each of the 5 assumptions identified under subclause (I) impacts a rating;

''(iv) such additional information as may be required by the Commission.

''(4) DUE DILIGENCE SERVICES FOR ASSET-BACKED SECURITIES.—

''(A) FINDINGS.—The issuer or underwriter of any asset-backed security shall make publicly available the findings and conclusions of any third-party due diligence report obtained by the issuer or underwriter.

''(B) CERTIFICATION REQUIRED.—In any case in which third-party due diligence services are employed by a nationally recognized statistical rating organization, an issuer, or an underwriter, the person providing the due diligence services shall provide to any nationally recognized statistical rating organization that produces a rating to which such services relate, written certification, as provided in subparagraph (C).

''(C) FORMAT AND CONTENT.—The Commission shall establish the appropriate format and content for the written certifications required under subparagraph (B), to ensure that providers of due diligence services have conducted a thorough review of data, documentation, and other relevant information necessary for a nationally recognized statistical rating organization to provide an accurate rating.

''(D) DISCLOSURE OF CERTIFICATION.—The Commission shall adopt rules requiring a nationally recognized statistical rating organization, at the time at which the nationally recognized statistical rating organization produces a rating, to disclose the certification described in subparagraph (B) to the public in a manner that allows the public to determine the adequacy and level of due diligence services provided by a third party.

''(t) CORPORATE GOVERNANCE, ORGANIZATION, AND MANAGEMENT OF CONFLICTS OF INTEREST.—

''(1) BOARD OF DIRECTORS.—Each nationally recognized statistical rating organization shall have a board of directors.

''(2) INDEPENDENT DIRECTORS.—

''(A) IN GENERAL.—At least ½ of the board of directors, but not fewer than 2 of the members thereof, shall be independent of the nationally recognized statistical rating agency. A portion of the independent directors shall include users of ratings from a nationally recognized statistical rating organization.

''(B) INDEPENDENCE DETERMINATION.—In order to be considered independent for purposes of this subsection, a member of the board of directors of a nationally recognized statistical rating organization—

''(i) may not, other than in his or her capacity as a member of the board of directors or any committee thereof—

''(I) accept any consulting, advisory, or other compensatory fee from the nationally recognized statistical rating organization; or

''(II) be a person associated with the nationally recognized statistical rating organization or with any affiliated company thereof; and

''(ii) shall be disqualified from any deliberation involving a specific rating in which the independent board member has a financial interest in the outcome of the rating.

''(C) COMPENSATION AND TERM.—The compensation of the independent members of the board of directors of a nationally recognized statistical rating organization shall not be linked to the business performance of the nationally recognized statistical rating organization, and shall be arranged so as to ensure the independence of their judgment. The term of office of the independent directors shall be for a pre-agreed fixed period, not to exceed 5 years, and shall not be renewable.

''(3) DUTIES OF BOARD OF DIRECTORS.—In addition to the overall responsibilities of the board of directors, the board shall oversee—

''(A) the establishment, maintenance, and enforcement of policies and procedures for determining credit ratings;

''(B) the establishment, maintenance, and enforcement of policies and procedures to address, manage, and disclose any conflicts of interest;

''(C) the effectiveness of the internal control system with respect to policies and procedures for determining credit ratings; and

''(D) the compensation and promotion policies and practices of the nationally recognized statistical rating organization.

''(4) TREATMENT OF NRSRO SUBSIDIARIES.—If a nationally recognized statistical rating organization is a subsidiary of a parent entity, the board of the directors of the parent entity may satisfy the requirements of this subsection by assigning to a committee of such board of directors the duties under paragraph (3), if—

''(A) at least ½ of the members of the committee (including the chairperson of the committee) are independent, as defined in this section; and

''(B) at least 1 member of the committee is a user of ratings from a nationally recognized statistical rating organization.

''(5) EXCEPTION AUTHORITY.—If the Commission finds that compliance with the provisions of this subsection present an unreasonable burden on a small nationally recognized statistical rating organization, the Commission may permit the nationally recognized statistical rating organization to delegate such responsibilities to a committee that includes at least one individual who is a user of ratings of a nationally recognized statistical rating organization.''.

(b) CONFORMING AMENDMENT.—Section 3(a)(62) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(62)) is amended by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

SEC. 933. STATE OF MIND IN PRIVATE ACTIONS.

(a) ACCOUNTABILITY.—Section 15E(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7(m)) is amended to read as follows:

''(m) ACCOUNTABILITY.—

''(1) IN GENERAL.—The enforcement and penalty provisions of this title shall apply to statements made by a credit rating agency in the same manner and to the same extent as such provisions apply to statements made by a registered public accounting firm or a securities analyst under the securities laws, and such statements shall not be deemed forward-looking statements for the purposes of section 21E.

''(2) RULEMAKING.—The Commission shall issue such rules as may be necessary to carry out this subsection.''.

(b) STATE OF MIND.—Section 21D(b)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–4(b)(2)) is amended—

(1) by striking ''In any'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), in any''; and

(2) by adding at the end the following:

''(B) EXCEPTION.—In the case of an action for money damages brought against a credit rating agency or a controlling person under this title, it shall be sufficient, for purposes of pleading any required state of mind in relation to such action, that the complaint state with particularity facts giving rise to a strong inference that the credit rating agency knowingly or recklessly failed—

''(i) to conduct a reasonable investigation of the rated security with respect to the factual elements relied upon by its own methodology for evaluating credit risk; or

''(ii) to obtain reasonable verification of such factual elements (which verification may be based on a sampling technique that does not amount to an audit) from other sources that the credit rating agency considered to be competent and that were independent of the issuer and underwriter.''.

SEC. 934. REFERRING TIPS TO LAW ENFORCEMENT OR REGULATORY AUTHORITIES.

Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7), as amended by this subtitle, is amended by adding at the end the following:

''(u) DUTY TO REPORT TIPS ALLEGING MATERIAL VIOLATIONS OF LAW.—

''(1) DUTY TO REPORT.—Each nationally recognized statistical rating organization shall refer to the appropriate law enforcement or regulatory authorities any information that the nationally recognized statistical rating organization receives from a third party and finds credible that alleges that an issuer of securities rated by the nationally recognized statistical rating organization has committed or is committing a material violation of law that has not been adjudicated by a Federal or State court.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed to require a nationally recognized statistical rating organization to verify the accuracy of the information described in paragraph (1).''.

SEC. 935. CONSIDERATION OF INFORMATION FROM SOURCES OTHER THAN THE ISSUER IN RATING DECISIONS.

Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7), as amended by this subtitle, is amended by adding at the end the following:

''(v) INFORMATION FROM SOURCES OTHER THAN THE ISSUER.—In producing a credit rating, a nationally recognized statistical rating organization shall consider information about an issuer that the nationally recognized statistical rating organization has, or receives from a source other than the issuer or underwriter,

that the nationally recognized statistical rating organization finds credible and potentially significant to a rating decision.''.

SEC. 936. QUALIFICATION STANDARDS FOR CREDIT RATING ANALYSTS.

Not later than 1 year after the date of enactment of this Act, the Commission shall issue rules that are reasonably designed to ensure that any person employed by a nationally recognized statistical rating organization to perform credit ratings—

(1) meets standards of training, experience, and competence necessary to produce accurate ratings for the categories of issuers whose securities the person rates; and

(2) is tested for knowledge of the credit rating process.

SEC. 937. TIMING OF REGULATIONS.

Unless otherwise specifically provided in this subtitle, the Commission shall issue final regulations, as required by this subtitle and the amendments made by this subtitle, not later than 1 year after the date of enactment of this Act.

SEC. 938. UNIVERSAL RATINGS SYMBOLS.

(a) RULEMAKING.—The Commission shall require, by rule, each nationally recognized statistical rating organization to establish, maintain, and enforce written policies and procedures that—

(1) assess the probability that an issuer of a security or money market instrument will default, fail to make timely payments, or otherwise not make payments to investors in accordance with the terms of the security or money market instrument;

(2) clearly define and disclose the meaning of any symbol used by the nationally recognized statistical rating organization to denote a credit rating; and

(3) apply any symbol described in paragraph (2) in a manner that is consistent for all types of securities and money market instruments for which the symbol is used.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall prohibit a nationally recognized statistical rating organization from using distinct sets of symbols to denote credit ratings for different types of securities or money market instruments.

SEC. 939. REMOVAL OF STATUTORY REFERENCES TO CREDIT RATINGS.

(a) FEDERAL DEPOSIT INSURANCE ACT.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 7(b)(1)(E)(i), by striking ''credit rating entities, and other private economic'' and insert ''private economic, credit,'';

(2) in section 28(d)—

(A) in the subsection heading, by striking ''NOT OF INVESTMENT GRADE'';

(B) in paragraph (1), by striking ''not of investment grade'' and inserting ''that does not meet standards of credit-worthiness as established by the Corporation'';

(C) in paragraph (2), by striking ''not of investment grade'';

(D) by striking paragraph (3);

(E) by redesignating paragraph (4) as paragraph (3); and

(F) in paragraph (3), as so redesignated—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(iii) in subparagraph (B), as so redesignated, by striking ''not of investment grade'' and inserting ''that does not meet standards of credit-worthiness as established by the Corporation''; and

(3) in section 28(e)—

(A) in the subsection heading, by striking ''NOT OF INVESTMENT GRADE'';

(B) in paragraph (1), by striking ''not of investment grade'' and inserting ''that does not meet standards of credit-worthiness as established by the Corporation''; and

(C) in paragraphs (2) and (3), by striking ''not of investment grade'' each place that it appears and inserting ''that does not meet standards of credit-worthiness established by the Corporation''.

(b) FEDERAL HOUSING ENTERPRISES FINANCIAL SAFETY AND SOUNDNESS ACT OF 1992.—Section 1319 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4519) is amended by striking ''that is a nationally recognized statistical rating organization, as such term is defined in section 3(a) of the Securities Exchange Act of 1934,''.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 6(a)(5)(A)(iv)(I) Investment Company Act of 1940 (15 U.S.C. 80a–6(a)(5)(A)(iv)(I)) is amended by striking ''is rated investment grade by not less than 1 nationally recognized statistical rating organization'' and inserting ''meets such standards of credit-worthiness as the Commission shall adopt''.

(d) REVISED STATUTES.—Section 5136A of title LXII of the Revised Statutes of the United States (12 U.S.C. 24a) is amended—

(1) in subsection (a)(2)(E), by striking ''any applicable rating'' and inserting ''standards of credit-worthiness established by the Comptroller of the Currency'';

(2) in the heading for subsection (a)(3) by striking ''RATING OR COMPARABLE REQUIREMENT'' and inserting ''REQUIREMENT'';

(3) subsection (a)(3), by amending subparagraph (A) to read as follows:

''(A) IN GENERAL.—A national bank meets the requirements of this paragraph if the bank is one of the 100 largest insured banks and has not fewer than 1 issue of outstanding debt that meets standards of credit-worthiness or other criteria as the Secretary of the Treasury and the Board of Governors of the Federal Reserve System may jointly establish.''.

(4) in the heading for subsection (f), by striking ''MAINTAIN PUBLIC RATING OR'' and inserting ''MEET STANDARDS OF CREDIT-WORTHINESS''; and

(5) in subsection (f)(1), by striking ''any applicable rating'' and inserting ''standards of credit-worthiness established by the Comptroller of the Currency''.

(e) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a) Securities Exchange Act of 1934 (15 U.S.C. 78a(3)(a)) is amended—

(1) in paragraph (41), by striking ''is rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization'' and inserting ''meets standards of credit-worthiness as established by the Commission''; and

(2) in paragraph (53)(A), by striking ''is rated in 1 of the 4 highest rating categories by at least 1 nationally recognized statistical rating organization'' and inserting ''meets standards of credit-worthiness as established by the Commission''.

(f) WORLD BANK DISCUSSIONS.—Section 3(a)(6) of the amendment in the nature of a substitute to the text of H.R. 4645, as ordered reported from the Committee on Banking, Finance and Urban Affairs on September 22, 1988, as enacted into law by section 555 of Public Law 100–461, (22 U.S.C. 286hh(a)(6)), is amended by striking ''credit rating'' and inserting ''credit-worthiness''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

(h) STUDY AND REPORT.—

(1) IN GENERAL.—Commission shall undertake a study on the feasability and desirability of—

(A) standardizing credit ratings terminology, so that all credit rating agencies issue credit ratings using identical terms;

(B) standardizing the market stress conditions under which ratings are evaluated;

(C) requiring a quantitative correspondence between credit ratings and a range of default probabilities and loss expectations under standardized conditions of economic stress; and

(D) standardizing credit rating terminology across asset classes, so that named ratings correspond to a standard range of default probabilities and expected losses independent of asset class and issuing entity.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report containing the findings of the study under paragraph (1) and the recommendations, if any, of the Commission with respect to the study.

SEC. 939A. REVIEW OF RELIANCE ON RATINGS.

(a) AGENCY REVIEW.—Not later than 1 year after the date of the enactment of this subtitle, each Federal agency shall, to the extent applicable, review—

(1) any regulation issued by such agency that requires the use of an assessment of the credit-worthiness of a security or money market instrument; and

(2) any references to or requirements in such regulations regarding credit ratings.

(b) MODIFICATIONS REQUIRED.—Each such agency shall modify any such regulations identified by the review conducted under subsection (a) to remove any reference to or requirement of reliance on credit ratings and to substitute in such regulations such standard of credit-worthiness as each respective agency shall determine as appropriate for such regulations. In making such determination, such agencies shall seek to establish, to the extent feasible, uniform standards of credit-worthiness for use by each such agency, taking into account the entities regulated by each such agency and the purposes for which such entities would rely on such standards of credit-worthiness.

(c) REPORT.—Upon conclusion of the review required under subsection (a), each Federal agency shall transmit a report to Congress containing a description of any modification of any regulation such agency made pursuant to subsection (b).

SEC. 939B. ELIMINATION OF EXEMPTION FROM FAIR DISCLOSURE RULE.

Not later than 90 days after the date of enactment of this subtitle, the Securities Exchange Commission shall revise Regulation FD (17 C.F.R. 243.100) to remove from such regulation the exemption for entities whose primary business is the issuance of credit ratings (17 C.F.R. 243.100(b)(2)(iii)).

SEC. 939C. SECURITIES AND EXCHANGE COMMISSION STUDY ON STRENGTHENING CREDIT RATING AGENCY INDEPENDENCE.

(a) STUDY.—The Commission shall conduct a study of—

(1) the independence of nationally recognized statistical rating organizations; and

(2) how the independence of nationally recognized statistical rating organizations affects the ratings issued by the nationally recognized statistical rating organizations.

(b) SUBJECTS FOR EVALUATION.—In conducting the study under subsection (a), the Commission shall evaluate—

(1) the management of conflicts of interest raised by a nationally recognized statistical rating organization providing other services, including risk management advisory services, ancillary assistance, or consulting services;

(2) the potential impact of rules prohibiting a nationally recognized statistical rating organization that provides a rating to an issuer from providing other services to the issuer; and

(3) any other issue relating to nationally recognized statistical rating organizations, as the Chairman of the Commission determines is appropriate.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Chairman of the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under subsection (a), including recommendations, if any, for improving the integrity of ratings issued by nationally recognized statistical rating organizations.

SEC. 939D. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ALTERNATIVE BUSINESS MODELS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on alternative means for compensating nationally recognized statistical rating organizations in order to create incentives for nationally recognized statistical rating organizations to provide more accurate credit ratings, including any statutory changes that would be required to facilitate the use of an alternative means of compensation.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under subsection (a), including recommendations, if any, for providing incentives to credit rating agencies to improve the credit rating process.

SEC. 939E. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON THE CREATION OF AN INDEPENDENT PROFESSIONAL ANALYST ORGANIZATION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility and merits of creating an independent professional organization for rating analysts employed by nationally recognized statistical rating organizations that would be responsible for—

(1) establishing independent standards for governing the profession of rating analysts;

(2) establishing a code of ethical conduct; and

(3) overseeing the profession of rating analysts.

(b) REPORT.—Not later than 1 year after the date of publication of the rules issued by the Commission pursuant to section 936, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study conducted under subsection (a).

SEC. 939F. STUDY AND RULEMAKING ON ASSIGNED CREDIT RATINGS.

(a) DEFINITION.—In this section, the term ''structured finance product'' means an asset-backed security, as defined in section 3(a)(77) of the Securities Exchange Act of 1934, as added by section 941, and any structured product based on an asset-backed security, as determined by the Commission, by rule.

(b) STUDY.—The Commission shall carry out a study of—

(1) the credit rating process for structured finance products and the conflicts of interest associated with the issuer-pay and the subscriber-pay models;

(2) the feasibility of establishing a system in which a public or private utility or a self-regulatory organization assigns nationally recognized statistical rating organizations to determine the credit ratings of structured finance products, including—

(A) an assessment of potential mechanisms for determining fees for the nationally recognized statistical rating organizations;

(B) appropriate methods for paying fees to the nationally recognized statistical rating organizations;

(C) the extent to which the creation of such a system would be viewed as the creation of moral hazard by the Federal Government; and

(D) any constitutional or other issues concerning the establishment of such a system;

(3) the range of metrics that could be used to determine the accuracy of credit ratings; and

(4) alternative means for compensating nationally recognized statistical rating organizations that would create incentives for accurate credit ratings.

(c) REPORT AND RECOMMENDATION.—Not later than 24 months after the date of enactment of this Act, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains—

(1) the findings of the study required under subsection (b); and

(2) any recommendations for regulatory or statutory changes that the Commission determines should be made to implement the findings of the study required under subsection (b).

(d) RULEMAKING.—

(1) RULEMAKING.—After submission of the report under subsection (c), the Commission shall, by rule, as the Commission determines is necessary or appropriate in the public interest or for the protection of investors, establish a system for the assignment of nationally recognized statistical rating organizations to determine the initial credit ratings of structured finance products, in a manner that prevents the issuer, sponsor, or underwriter of the structured finance product from selecting the nationally recognized statistical rating organization that will determine the initial credit ratings and monitor such credit ratings. In issuing any rule under this paragraph, the Commission shall give thorough consideration to the provisions of section 15E(w) of the Securities Exchange Act of 1934, as that provision would have been added by section 939D of H.R. 4173 (111th Congress), as passed by the Senate on May 20, 2010, and shall implement the system described in such section 939D unless the Commission determines that an alternative system would better serve the public interest and the protection of investors.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit or suspend any other rulemaking authority of the Commission.

SEC. 939G. EFFECT OF RULE 436(G).

Rule 436(g), promulgated by the Securities and Exchange Commission under the Securities Act of 1933, shall have no force or effect.

SEC. 939H. SENSE OF CONGRESS.

It is the sense of Congress that the Securities and Exchange Commission should exercise the rulemaking authority of the Commission under section 15E(h)(2)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–7(h)(2)(B)) to prevent improper conflicts of interest arising from employees of nationally recognized statistical rating organizations providing services to issuers of securities that are unrelated to the issuance of credit ratings, including consulting, advisory, and other services.

Subtitle D—Improvements to the Asset-Backed Securitization Process

SEC. 941. REGULATION OF CREDIT RISK RETENTION.

(a) DEFINITION OF ASSET-BACKED SECURITY.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following:

''(77) ASSET-BACKED SECURITY.—The term 'asset-backed security'—

''(A) means a fixed-income or other security collateralized by any type of self-liquidating financial asset (including a loan, a lease, a mortgage, or a secured or unsecured receivable) that allows the holder of the security to receive payments that depend primarily on cash flow from the asset, including—

''(i) a collateralized mortgage obligation;

''(ii) a collateralized debt obligation;

''(iii) a collateralized bond obligation;

''(iv) a collateralized debt obligation of asset-backed securities;

''(v) a collateralized debt obligation of collateralized debt obligations; and

''(vi) a security that the Commission, by rule, determines to be an asset-backed security for purposes of this section; and

''(B) does not include a security issued by a finance subsidiary held by the parent company or a company controlled by the parent company, if none of the securities issued by the finance subsidiary are held by an entity that is not controlled by the parent company.''.

(b) CREDIT RISK RETENTION.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 15F, as added by this Act, the following:

''SEC. 15G. CREDIT RISK RETENTION.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Federal banking agencies' means the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation;

''(2) the term 'insured depository institution' has the same meaning as in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c));

''(3) the term 'securitizer' means—

''(A) an issuer of an asset-backed security; or

''(B) a person who organizes and initiates an asset-backed securities transaction by selling or transferring assets, either directly or indirectly, including through an affiliate, to the issuer; and

''(4) the term 'originator' means a person who—

''(A) through the extension of credit or otherwise, creates a financial asset that collateralizes an asset-backed security; and

''(B) sells an asset directly or indirectly to a securitizer.

''(b) REGULATIONS REQUIRED.—

''(1) IN GENERAL.—Not later than 270 days after the date of enactment of this section, the Federal banking agencies and the Commission shall jointly prescribe regulations to require any securitizer to retain an economic interest in a portion of the credit risk for any asset that the securitizer, through the issuance of an asset-backed security, transfers, sells, or conveys to a third party.

''(2) RESIDENTIAL MORTGAGES.—Not later than 270 days after the date of the enactment of this section, the Federal banking agencies, the Commission, the Secretary of Housing and Urban Development, and the Federal Housing Finance Agency, shall jointly prescribe regulations to require any securitizer to retain an economic interest in a portion of the credit risk for any residential mortgage asset that the securitizer, through the issuance of an asset-backed security, transfers, sells, or conveys to a third party.

''(c) STANDARDS FOR REGULATIONS.—

''(1) STANDARDS.—The regulations prescribed under subsection (b) shall—

''(A) prohibit a securitizer from directly or indirectly hedging or otherwise transferring the credit risk that the securitizer is required to retain with respect to an asset;

''(B) require a securitizer to retain—

''(i) not less than 5 percent of the credit risk for any asset—

''(I) that is not a qualified residential mortgage that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer; or

''(II) that is a qualified residential mortgage that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer, if 1 or more of the assets that collateralize the asset-backed security are not qualified residential mortgages; or

''(ii) less than 5 percent of the credit risk for an asset that is not a qualified residential mortgage that is transferred, sold, or conveyed through the issuance of an asset-backed security by the securitizer, if the originator of the asset meets the underwriting standards prescribed under paragraph (2)(B);

''(C) specify—

''(i) the permissible forms of risk retention for purposes of this section;

''(ii) the minimum duration of the risk retention required under this section; and

''(iii) that a securitizer is not required to retain any part of the credit risk for an asset that is transferred, sold or conveyed through the issuance of an asset-backed security by the securitizer, if all of the assets that collateralize the asset-backed security are qualified residential mortgages;

''(D) apply, regardless of whether the securitizer is an insured depository institution;

''(E) with respect to a commercial mortgage, specify the permissible types, forms, and amounts of risk retention that would meet the requirements of subparagraph (B), which in the determination of the Federal banking agencies and the Commission may include—

''(i) retention of a specified amount or percentage of the total credit risk of the asset;

''(ii) retention of the first-loss position by a third-party purchaser that specifically negotiates for the purchase of such first loss position, holds adequate financial resources to back losses, provides due diligence on all individual assets in the pool before the issuance of the asset-backed securities, and meets the same standards for risk retention as the Federal banking agencies and the Commission require of the securitizer;

''(iii) a determination by the Federal banking agencies and the Commission that the underwriting standards and controls for the asset are adequate; and

''(iv) provision of adequate representations and warranties and related enforcement mechanisms; and

''(F) establish appropriate standards for retention of an economic interest with respect to collateralized debt obligations, securities collateralized by collateralized debt obligations, and similar instruments collateralized by other asset-backed securities; and

''(G) provide for—

''(i) a total or partial exemption of any securitization, as may be appropriate in the public interest and for the protection of investors;

''(ii) a total or partial exemption for the securitization of an asset issued or guaranteed by the United States, or an agency of the United States, as the Federal banking agencies and the Commission jointly determine appropriate in the public interest and for the protection of investors, except that, for purposes of this clause, the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are not agencies of the United States;

''(iii) a total or partial exemption for any asset-backed security that is a security issued or guaranteed by any State of the United States, or by any political subdivision of a State or territory, or by any public instrumentality of a State or territory that is exempt from the registration requirements of the Securities Act of 1933 by reason of section 3(a)(2) of that Act (15 U.S.C. 77c(a)(2)), or a security defined as a qualified scholarship funding bond in section 150(d)(2) of the Internal Revenue Code of 1986, as may be appropriate in the public interest and for the protection of investors; and

''(iv) the allocation of risk retention obligations between a securitizer and an originator in the case of a securitizer that purchases assets from an originator, as the Federal banking agencies and the Commission jointly determine appropriate.

''(2) ASSET CLASSES.—

''(A) ASSET CLASSES.—The regulations prescribed under subsection (b) shall establish asset classes with separate rules for securitizers of different classes of assets, including residential mortgages, commercial mortgages, commercial loans, auto loans, and any other class of assets that the Federal banking agencies and the Commission deem appropriate.

''(B) CONTENTS.—For each asset class established under subparagraph (A), the regulations prescribed under subsection (b) shall include underwriting standards established by the Federal banking agencies that specify the terms, conditions, and characteristics of a loan within the asset class that indicate a low credit risk with respect to the loan.

''(d) ORIGINATORS.—In determining how to allocate risk retention obligations between a securitizer and an originator under subsection (c)(1)(E)(iv), the Federal banking agencies and the Commission shall—

''(1) reduce the percentage of risk retention obligations required of the securitizer by the percentage of risk retention obligations required of the originator; and

''(2) consider—

''(A) whether the assets sold to the securitizer have terms, conditions, and characteristics that reflect low credit risk;

''(B) whether the form or volume of transactions in securitization markets creates incentives for imprudent origination of the type of loan or asset to be sold to the securitizer; and

''(C) the potential impact of the risk retention obligations on the access of consumers and businesses to credit on reasonable terms, which may not include the transfer of credit risk to a third party.

''(e) EXEMPTIONS, EXCEPTIONS, AND ADJUSTMENTS.—

''(1) IN GENERAL.—The Federal banking agencies and the Commission may jointly adopt or issue exemptions, exceptions, or adjustments to the rules issued under this section, including exemptions, exceptions, or adjustments for classes of institutions or assets relating to the risk retention requirement and the prohibition on hedging under subsection (c)(1).

''(2) APPLICABLE STANDARDS.—Any exemption, exception, or adjustment adopted or issued by the Federal banking agencies and the Commission under this paragraph shall—

''(A) help ensure high quality underwriting standards for the securitizers and originators of assets that are securitized or available for securitization; and

''(B) encourage appropriate risk management practices by the securitizers and originators of assets, improve the access of consumers and businesses to credit on reasonable terms, or otherwise be in the public interest and for the protection of investors.

''(3) CERTAIN INSTITUTIONS AND PROGRAMS EXEMPT.—

''(A) FARM CREDIT SYSTEM INSTITUTIONS.—Notwithstanding any other provision of this section, the requirements of this section shall not apply to any loan or other financial asset made, insured, guaranteed, or purchased by any institution that is subject to the supervision of the Farm Credit Administration, including the Federal Agricultural Mortgage Corporation.

''(B) OTHER FEDERAL PROGRAMS.—This section shall not apply to any residential, multifamily, or health care facility mortgage loan asset, or securitization based directly or indirectly on such an asset, which is insured or guaranteed by the United States or an agency of the United States. For purposes of this subsection, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal home loan banks shall not be considered an agency of the United States.

''(4) EXEMPTION FOR QUALIFIED RESIDENTIAL MORTGAGES.—

''(A) IN GENERAL.—The Federal banking agencies, the Commission, the Secretary of Housing and Urban Development, and the Director of the Federal Housing Finance Agency shall jointly issue regulations to exempt qualified residential mortgages from the risk retention requirements of this subsection.

''(B) QUALIFIED RESIDENTIAL MORTGAGE.—The Federal banking agencies, the Commission, the Secretary of Housing and Urban Development, and the Director of the Federal Housing Finance Agency shall jointly define the term 'qualified residential mortgage' for purposes of this subsection, taking into consideration underwriting and product features that historical loan performance data indicate result in a lower risk of default, such as—

''(i) documentation and verification of the financial resources relied upon to qualify the mortgagor;

''(ii) standards with respect to—

''(I) the residual income of the mortgagor after all monthly obligations;

''(II) the ratio of the housing payments of the mortgagor to the monthly income of the mortgagor;

''(III) the ratio of total monthly installment payments of the mortgagor to the income of the mortgagor;

''(iii) mitigating the potential for payment shock on adjustable rate mortgages through product features and underwriting standards;

''(iv) mortgage guarantee insurance or other types of insurance or credit enhancement obtained at the time of origination, to the extent such insurance or credit enhancement reduces the risk of default; and

''(v) prohibiting or restricting the use of balloon payments, negative amortization, prepayment penalties, interest-only payments, and other features that have been demonstrated to exhibit a higher risk of borrower default.

''(C) LIMITATION ON DEFINITION.—The Federal banking agencies, the Commission, the Secretary of Housing and Urban Development, and the Director of the Federal Housing Finance Agency in defining the term 'qualified residential mortgage', as required by subparagraph (B), shall define that term to be no broader than the definition 'qualified mortgage' as the term is defined under section 129C(c)(2) of the Truth in Lending Act, as amended by the Consumer Financial Protection Act of 2010, and regulations adopted thereunder.

''(5) CONDITION FOR QUALIFIED RESIDENTIAL MORTGAGE EXEMPTION.—The regulations issued under paragraph (4) shall provide that an asset-backed security that is collateralized by tranches of other asset-backed securities shall not be exempt from the risk retention requirements of this subsection.

''(6) CERTIFICATION.—The Commission shall require an issuer to certify, for each issuance of an asset-backed security collateralized exclusively by qualified residential mortgages, that the issuer has evaluated the effectiveness of the internal supervisory controls of the issuer with respect to the process for ensuring that all assets that collateralize the asset-backed security are qualified residential mortgages.

''(f) ENFORCEMENT.—The regulations issued under this section shall be enforced by—

''(1) the appropriate Federal banking agency, with respect to any securitizer that is an insured depository institution; and

''(2) the Commission, with respect to any securitizer that is not an insured depository institution.

''(g) AUTHORITY OF COMMISSION.—The authority of the Commission under this section shall be in addition to the authority of the Commission to otherwise enforce the securities laws.

''(h) AUTHORITY TO COORDINATE ON RULEMAKING.—The Chairperson of the Financial Stability Oversight Council shall coordinate all joint rulemaking required under this section.

''(i) EFFECTIVE DATE OF REGULATIONS.—The regulations issued under this section shall become effective—

''(1) with respect to securitizers and originators of asset-backed securities backed by residential mortgages, 1 year after the date on which final rules under this section are published in the Federal Register; and

''(2) with respect to securitizers and originators of all other classes of asset-backed securities, 2 years after the date on which final rules under this section are published in the Federal Register.''.

(c) STUDY ON RISK RETENTION.—

(1) STUDY.—The Board of Governors of the Federal Reserve System, in coordination and consultation with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Chairperson of the Federal Deposit Insurance Corporation, and the Securities and Exchange Commission shall conduct a study of the combined impact on each individual class of asset-backed security established under section 15G(c)(2) of the Securities Exchange Act of 1934, as added by subsection (b), of—

(A) the new credit risk retention requirements contained in the amendment made by subsection (b), including the effect credit risk retention requirements have on increasing the market for Federally subsidized loans; and

(B) the Financial Accounting Statements 166 and 167 issued by the Financial Accounting Standards Board.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall submit to Congress a report on the study conducted under paragraph (1). Such report shall include statutory and regulatory recommendations for eliminating any negative impacts on the continued viability of the asset-backed securitization markets and on the availability of credit for new lending identified by the study conducted under paragraph (1).

SEC. 942. DISCLOSURES AND REPORTING FOR ASSET-BACKED SECURITIES.

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)) is amended—

(1) by striking ''(d) Each'' and inserting the following:

''(d) SUPPLEMENTARY AND PERIODIC INFORMATION.—

''(1) IN GENERAL.—Each'';

(2) in the third sentence, by inserting after ''securities of each class'' the following: '', other than any class of asset-backed securities,''; and

(3) by adding at the end the following:

''(2) ASSET-BACKED SECURITIES.—

''(A) SUSPENSION OF DUTY TO FILE.—The Commission may, by rule or regulation, provide for the suspension or termination of the duty to file under this subsection for any class of asset-backed security, on such terms and conditions and for such period or periods as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

''(B) CLASSIFICATION OF ISSUERS.—The Commission may, for purposes of this subsection, classify issuers and prescribe requirements appropriate for each class of issuers of asset-backed securities.''.

(b) SECURITIES ACT OF 1933.—Section 7 of the Securities Act of 1933 (15 U.S.C. 77g) is amended by adding at the end the following:

''(c) DISCLOSURE REQUIREMENTS.—

''(1) IN GENERAL.—The Commission shall adopt regulations under this subsection requiring each issuer of an asset-backed security to disclose, for each tranche or class of security, information regarding the assets backing that security.

''(2) CONTENT OF REGULATIONS.—In adopting regulations under this subsection, the Commission shall—

''(A) set standards for the format of the data provided by issuers of an asset-backed security, which shall, to the extent feasible, facilitate comparison of such data across securities in similar types of asset classes; and

''(B) require issuers of asset-backed securities, at a minimum, to disclose asset-level or loan-level data, if such data are necessary for investors to independently perform due diligence, including—

''(i) data having unique identifiers relating to loan brokers or originators;

''(ii) the nature and extent of the compensation of the broker or originator of the assets backing the security; and

''(iii) the amount of risk retention by the originator and the securitizer of such assets.''.

SEC. 943. REPRESENTATIONS AND WARRANTIES IN ASSET-BACKED OFFERINGS.

Not later than 180 days after the date of enactment of this Act, the Securities and Exchange Commission shall prescribe regulations on the use of representations and warranties in the market for asset-backed securities (as that term is defined in section 3(a)(77) of the Securities Exchange Act of 1934, as added by this subtitle) that—

(1) require each national recognized statistical rating organization to include in any report accompanying a credit rating a description of—

(A) the representations, warranties, and enforcement mechanisms available to investors; and

(B) how they differ from the representations, warranties, and enforcement mechanisms in issuances of similar securities; and

(2) require any securitizer (as that term is defined in section 15G(a) of the Securities Exchange Act of 1934, as added by this subtitle) to disclose fulfilled and unfulfilled repurchase requests across all trusts aggregated by the securitizer, so that investors may identify asset originators with clear underwriting deficiencies.

SEC. 944. EXEMPTED TRANSACTIONS UNDER THE SECURITIES ACT OF 1933.

(a) EXEMPTION ELIMINATED.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended—

(1) by striking paragraph (5); and

(2) by striking ''(6) transactions'' and inserting the following:

''(5) transactions''.

(b) CONFORMING AMENDMENT.—Section 3(a)(4)(B)(vii)(I) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4)(B)(vii)(I)) is amended by striking ''4(6)'' and inserting ''4(5)''.

SEC. 945. DUE DILIGENCE ANALYSIS AND DISCLOSURE IN ASSET-BACKED SECURITIES ISSUES.

Section 7 of the Securities Act of 1933 (15 U.S.C. 77g), as amended by this subtitle, is amended by adding at the end the following:

''(d) REGISTRATION STATEMENT FOR ASSET-BACKED SECURITIES.—Not later than 180 days after the date of enactment of this subsection, the Commission shall issue rules relating to the registration statement required to be filed by any issuer of an asset-backed security (as that term is defined in section 3(a)(77) of the Securities Exchange Act of 1934) that require any issuer of an asset-backed security—

''(1) to perform a review of the assets underlying the asset-backed security; and

''(2) to disclose the nature of the review under paragraph (1).''.

SEC. 946. STUDY ON THE MACROECONOMIC EFFECTS OF RISK RETENTION REQUIREMENTS.

(a) STUDY REQUIRED.—The Chairman of the Financial Services Oversight Council shall carry out a study on the macroeconomic effects of the risk retention requirements under this subtitle, and the amendments made by this subtitle, with emphasis placed on potential beneficial effects with respect to stabilizing the real estate market. Such study shall include—

(1) an analysis of the effects of risk retention on real estate asset price bubbles, including a retrospective estimate of what fraction of real estate losses may have been averted had such requirements been in force in recent years;

(2) an analysis of the feasibility of minimizing real estate price bubbles by proactively adjusting the percentage of risk retention that must be borne by creditors and securitizers of real estate debt, as a function of regional or national market conditions;

(3) a comparable analysis for proactively adjusting mortgage origination requirements;

(4) an assessment of whether such proactive adjustments should be made by an independent regulator, or in a formulaic and transparent manner;

(5) an assessment of whether such adjustments should take place independently or in concert with monetary policy; and

(6) recommendations for implementation and enabling legislation.

(b) REPORT.—Not later than the end of the 180-day period beginning on the date of the enactment of this title, the Chairman of the Financial Services Oversight Council shall issue a report to the Congress containing any findings and determinations made in carrying out the study required under subsection (a).

Subtitle E—Accountability and Executive Compensation

SEC. 951. SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION DISCLOSURES.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 14 (15 U.S.C. 78n) the following:

''SEC. 14A. SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.

''(a) SEPARATE RESOLUTION REQUIRED.—

''(1) IN GENERAL.—Not less frequently than once every 3 years, a proxy or consent or authorization for an annual or other meeting of the shareholders for which the proxy solicitation rules of the Commission require compensation disclosure shall include a separate resolution subject to shareholder vote to approve the compensation of executives, as disclosed pursuant to section 229.402 of title 17, Code of Federal Regulations, or any successor thereto.

''(2) FREQUENCY OF VOTE.—Not less frequently than once every 6 years, a proxy or consent or authorization for an annual or other meeting of the shareholders for which the proxy solicitation rules of the Commission require compensation disclosure shall include a separate resolution subject to shareholder vote to determine whether votes on the resolutions required under paragraph (1) will occur every 1, 2, or 3 years.

''(3) EFFECTIVE DATE.—The proxy or consent or authorization for the first annual or other meeting of the shareholders occurring after the end of the 6-month period beginning on the date of enactment of this section shall include—

''(A) the resolution described in paragraph (1); and

''(B) a separate resolution subject to shareholder vote to determine whether votes on the resolutions required under paragraph (1) will occur every 1, 2, or 3 years.

''(b) SHAREHOLDER APPROVAL OF GOLDEN PARACHUTE COMPENSATION.—

''(1) DISCLOSURE.—In any proxy or consent solicitation material (the solicitation of which is subject to the rules of the Commission pursuant to subsection (a)) for a meeting of the shareholders occurring after the end of the 6-month period beginning on the date of enactment of this section, at which shareholders are asked to approve an acquisition, merger, consolidation, or proposed sale or other disposition of all or substantially all the assets of an issuer, the person making such solicitation shall disclose in the proxy or consent solicitation material, in a clear and simple form in accordance with regulations to be promulgated by the Commission, any agreements or understandings that such person has with any named executive officers of such issuer (or of the acquiring issuer, if such issuer is not the acquiring issuer) concerning any type of compensation (whether present, deferred, or contingent) that is based on or otherwise relates to the acquisition, merger, consolidation, sale, or other disposition of all or substantially all of the assets of the issuer and the aggregate total of all such compensation that may (and the conditions upon which it may) be paid or become payable to or on behalf of such executive officer.

''(2) SHAREHOLDER APPROVAL.—Any proxy or consent or authorization relating to the proxy or consent solicitation material containing the disclosure required by paragraph (1) shall include a separate resolution subject to shareholder vote to approve such agreements or understandings and compensation as disclosed, unless such agreements or understandings have been subject to a shareholder vote under subsection (a).

''(c) RULE OF CONSTRUCTION.—The shareholder vote referred to in subsections (a) and (b) shall not be binding on the issuer or the board of directors of an issuer, and may not be construed—

''(1) as overruling a decision by such issuer or board of directors;

''(2) to create or imply any change to the fiduciary duties of such issuer or board of directors;

''(3) to create or imply any additional fiduciary duties for such issuer or board of directors; or

''(4) to restrict or limit the ability of shareholders to make proposals for inclusion in proxy materials related to executive compensation.

''(d) DISCLOSURE OF VOTES.—Every institutional investment manager subject to section 13(f) shall report at least annually how it voted on any shareholder vote pursuant to subsections (a) and (b), unless such vote is otherwise required to be reported publicly by rule or regulation of the Commission.

''(e) EXEMPTION.—The Commission may, by rule or order, exempt an issuer or class of issuers from the requirement under subsection (a) or (b). In determining whether to make an exemption under this subsection, the Commission shall take into account, among other considerations, whether the requirements under subsections (a) and (b) disproportionately burdens small issuers.''.

SEC. 952. COMPENSATION COMMITTEE INDEPENDENCE.

(a) IN GENERAL.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended by inserting after section 10B, as added by section 753, the following:

''SEC. 10C. COMPENSATION COMMITTEES.

''(a) INDEPENDENCE OF COMPENSATION COMMITTEES.—

''(1) LISTING STANDARDS.—The Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any equity security of an issuer, other than an issuer that is a controlled company, limited partnership, company in bankruptcy proceedings, open-ended management investment company that is registered under the Investment Company Act of 1940, or a foreign private issuer that provides annual disclosures to shareholders of the reasons that the foreign private issuer does not have an independent compensation committee, that does not comply with the requirements of this subsection.

''(2) INDEPENDENCE OF COMPENSATION COMMITTEES.—The rules of the Commission under paragraph (1) shall require that each member of the compensation committee of the board of directors of an issuer be—

''(A) a member of the board of directors of the issuer; and

''(B) independent.

''(3) INDEPENDENCE.—The rules of the Commission under paragraph (1) shall require that, in determining the definition of the term 'independence' for purposes of paragraph (2), the national securities exchanges and the national securities associations shall consider relevant factors, including—

''(A) the source of compensation of a member of the board of directors of an issuer, including any consulting, advisory, or other compensatory fee paid by the issuer to such member of the board of directors; and

''(B) whether a member of the board of directors of an issuer is affiliated with the issuer, a subsidiary of the issuer, or an affiliate of a subsidiary of the issuer.

''(4) EXEMPTION AUTHORITY.—The rules of the Commission under paragraph (1) shall permit a national securities exchange or a national securities association to exempt a particular relationship from the requirements of paragraph (2), with respect to the members of a compensation committee, as the national securities exchange or national securities association determines is appropriate, taking into consideration the size of an issuer and any other relevant factors.

''(b) INDEPENDENCE OF COMPENSATION CONSULTANTS AND OTHER COMPENSATION COMMITTEE ADVISERS.—

''(1) IN GENERAL.—The compensation committee of an issuer may only select a compensation consultant, legal counsel, or other adviser to the compensation committee after taking into consideration the factors identified by the Commission under paragraph (2).

''(2) RULES.—The Commission shall identify factors that affect the independence of a compensation consultant, legal counsel, or other adviser to a compensation committee of an issuer. Such factors shall be competitively neutral among categories of consultants, legal counsel, or other advisers and preserve the ability of compensation committees to retain the services of members of any such category, and shall include—

''(A) the provision of other services to the issuer by the person that employs the compensation consultant, legal counsel, or other adviser;

''(B) the amount of fees received from the issuer by the person that employs the compensation consultant, legal counsel, or other adviser, as a percentage of the total revenue of the person that employs the compensation consultant, legal counsel, or other adviser;

''(C) the policies and procedures of the person that employs the compensation consultant, legal counsel, or other adviser that are designed to prevent conflicts of interest;

''(D) any business or personal relationship of the compensation consultant, legal counsel, or other adviser with a member of the compensation committee; and

''(E) any stock of the issuer owned by the compensation consultant, legal counsel, or other adviser.

''(c) COMPENSATION COMMITTEE AUTHORITY RELATING TO COMPENSATION CONSULTANTS.—

''(1) AUTHORITY TO RETAIN COMPENSATION CONSULTANT.—

''(A) IN GENERAL.—The compensation committee of an issuer, in its capacity as a committee of the board of directors, may, in its sole discretion, retain or obtain the advice of a compensation consultant.

''(B) DIRECT RESPONSIBILITY OF COMPENSATION COMMITTEE.—The compensation committee of an issuer shall be directly responsible for the appointment, compensation, and oversight of the work of a compensation consultant.

''(C) RULE OF CONSTRUCTION.—This paragraph may not be construed—

''(i) to require the compensation committee to implement or act consistently with the advice or recommendations of the compensation consultant; or

''(ii) to affect the ability or obligation of a compensation committee to exercise its own judgment in fulfillment of the duties of the compensation committee.

''(2) DISCLOSURE.—In any proxy or consent solicitation material for an annual meeting of the shareholders (or a special meeting in lieu of the annual meeting) occurring on or after the date that is 1 year after the date of enactment of this section, each issuer shall disclose in the proxy or consent material, in accordance with regulations of the Commission, whether—

''(A) the compensation committee of the issuer retained or obtained the advice of a compensation consultant; and

''(B) the work of the compensation consultant has raised any conflict of interest and, if so, the nature of the conflict and how the conflict is being addressed.

''(d) AUTHORITY TO ENGAGE INDEPENDENT LEGAL COUNSEL AND OTHER ADVISERS.—

''(1) IN GENERAL.—The compensation committee of an issuer, in its capacity as a committee of the board of directors, may, in its sole discretion, retain and obtain the advice of independent legal counsel and other advisers.

''(2) DIRECT RESPONSIBILITY OF COMPENSATION COMMITTEE.—The compensation committee of an issuer shall be directly responsible for the appointment, compensation, and oversight of the work of independent legal counsel and other advisers.

''(3) RULE OF CONSTRUCTION.—This subsection may not be construed—

''(A) to require a compensation committee to implement or act consistently with the advice or recommendations of independent legal counsel or other advisers under this subsection; or

''(B) to affect the ability or obligation of a compensation committee to exercise its own judgment in fulfillment of the duties of the compensation committee.

''(e) COMPENSATION OF COMPENSATION CONSULTANTS, INDEPENDENT LEGAL COUNSEL, AND OTHER ADVISERS.—Each issuer shall provide for appropriate funding, as determined by the compensation committee in its capacity as a committee of the board of directors, for payment of reasonable compensation—

''(1) to a compensation consultant; and

''(2) to independent legal counsel or any other adviser to the compensation committee.

''(f) COMMISSION RULES.—

''(1) IN GENERAL.—Not later than 360 days after the date of enactment of this section, the Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any security of an issuer that is not in compliance with the requirements of this section.

''(2) OPPORTUNITY TO CURE DEFECTS.—The rules of the Commission under paragraph (1) shall provide for appropriate procedures for an issuer to have a reasonable opportunity to cure any defects that would be the basis for the prohibition under paragraph (1), before the imposition of such prohibition.

''(3) EXEMPTION AUTHORITY.—

''(A) IN GENERAL.—The rules of the Commission under paragraph (1) shall permit a national securities exchange or a national securities association to exempt a category of issuers from the requirements under this section, as the national securities exchange or the national securities association determines is appropriate.

''(B) CONSIDERATIONS.—In determining appropriate exemptions under subparagraph (A), the national securities exchange or the national securities association shall take into account the potential impact of the requirements of this section on smaller reporting issuers.

''(g) CONTROLLED COMPANY EXEMPTION.—

''(1) IN GENERAL.—This section shall not apply to any controlled company.

''(2) DEFINITION.—For purposes of this section, the term 'controlled company' means an issuer—

''(A) that is listed on a national securities exchange or by a national securities association; and

''(B) that holds an election for the board of directors of the issuer in which more than 50 percent of the voting power is held by an individual, a group, or another issuer.''.

(b) STUDY AND REPORT.—

(1) STUDY.—The Securities and Exchange Commission shall conduct a study and review of the use of compensation consultants and the effects of such use.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit a report to Congress on the results of the study and review required by this subsection.

SEC. 953. EXECUTIVE COMPENSATION DISCLOSURES.

(a) DISCLOSURE OF PAY VERSUS PERFORMANCE.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n), as amended by this title, is amended by adding at the end the following:

''(i) DISCLOSURE OF PAY VERSUS PERFORMANCE.—The Commission shall, by rule, require each issuer to disclose in any proxy or consent solicitation material for an annual meeting of the shareholders of the issuer a clear description of any compensation required to be disclosed by the issuer under section 229.402 of title 17, Code of Federal Regulations (or any successor thereto), including information that shows the relationship between executive compensation actually paid and the financial performance of the issuer, taking into account any change in the value of the shares of stock and dividends of the issuer and any distributions. The disclosure under this subsection may include a graphic representation of the information required to be disclosed.''.

(b) ADDITIONAL DISCLOSURE REQUIREMENTS.—

(1) IN GENERAL.—The Commission shall amend section 229.402 of title 17, Code of Federal Regulations, to require each issuer to disclose in any filing of the issuer described in section 229.10(a) of title 17, Code of Federal Regulations (or any successor thereto)—

(A) the median of the annual total compensation of all employees of the issuer, except the chief executive officer (or any equivalent position) of the issuer;

(B) the annual total compensation of the chief executive officer (or any equivalent position) of the issuer; and

(C) the ratio of the amount described in subparagraph (A) to the amount described in subparagraph (B).

(2) TOTAL COMPENSATION.—For purposes of this subsection, the total compensation of an employee of an issuer shall be determined in accordance with section 229.402(c)(2)(x) of title 17, Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

SEC. 954. RECOVERY OF ERRONEOUSLY AWARDED COMPENSATION.

The Securities Exchange Act of 1934 is amended by inserting after section 10C, as added by section 952, the following:

"SEC. 10D. RECOVERY OF ERRONEOUSLY AWARDED COMPENSATION POLICY.

''(a) LISTING STANDARDS.—The Commission shall, by rule, direct the national securities exchanges and national securities associations to prohibit the listing of any security of an issuer that does not comply with the requirements of this section.

''(b) RECOVERY OF FUNDS.—The rules of the Commission under subsection (a) shall require each issuer to develop and implement a policy providing—

''(1) for disclosure of the policy of the issuer on incentive-based compensation that is based on financial information required to be reported under the securities laws; and

''(2) that, in the event that the issuer is required to prepare an accounting restatement due to the material noncompliance of the issuer with any financial reporting requirement under the securities laws, the issuer will recover from any current or former executive officer of the issuer who received incentive-based compensation (including stock options awarded as compensation) during the 3-year period preceding the date on which the issuer is required to prepare an accounting restatement, based on the erroneous data, in excess of what would have been paid to the executive officer under the accounting restatement.''.

SEC. 955. DISCLOSURE REGARDING EMPLOYEE AND DIRECTOR HEDGING.

Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n), as amended by this title, is amended by adding at the end the following:

''(j) DISCLOSURE OF HEDGING BY EMPLOYEES AND DIRECTORS.—The Commission shall, by rule, require each issuer to disclose in any proxy or consent solicitation material for an annual meeting of the shareholders of the issuer whether any employee or member of the board of directors of the issuer, or any designee of such employee or member, is permitted to purchase financial instruments (including prepaid variable forward contracts, equity swaps, collars, and exchange funds) that are designed to hedge or offset any decrease in the market value of equity securities—

''(1) granted to the employee or member of the board of directors by the issuer as part of the compensation of the employee or member of the board of directors; or

''(2) held, directly or indirectly, by the employee or member of the board of directors.''.

SEC. 956. ENHANCED COMPENSATION STRUCTURE REPORTING.

(a) ENHANCED DISCLOSURE AND REPORTING OF COMPENSATION ARRANGEMENTS.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this title, the appropriate Federal regulators jointly shall prescribe regulations or guidelines to require each covered financial institution to disclose to the appropriate Federal regulator the structures of all incentive-based compensation arrangements offered by such covered financial institutions sufficient to determine whether the compensation structure—

(A) provides an executive officer, employee, director, or principal shareholder of the covered financial institution with excessive compensation, fees, or benefits; or

(B) could lead to material financial loss to the covered financial institution.

(2) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as requiring the reporting of the actual compensation of particular individuals. Nothing in this section shall be construed to require a covered financial institution that does not have an incentive-based payment arrangement to make the disclosures required under this subsection.

(b) PROHIBITION ON CERTAIN COMPENSATION ARRANGEMENTS.—Not later than 9 months after the date of enactment of this title, the appropriate Federal regulators shall jointly prescribe regulations or guidelines that prohibit any types of incentive-based payment arrangement, or any feature of any such arrangement, that the regulators determine encourages inappropriate risks by covered financial institutions—

(1) by providing an executive officer, employee, director, or principal shareholder of the covered financial institution with excessive compensation, fees, or benefits; or

(2) that could lead to material financial loss to the covered financial institution.

(c) STANDARDS.—The appropriate Federal regulators shall—

(1) ensure that any standards for compensation established under subsections (a) or (b) are comparable to the standards established under section of the Federal Deposit Insurance Act (12 U.S.C. 2 1831p–1) for insured depository institutions; and

(2) in establishing such standards under such subsections, take into consideration the compensation standards described in section 39(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831p–9 1(c)).

(d) ENFORCEMENT.—The provisions of this section and the regulations issued under this section shall be enforced under section 505 of the Gramm-Leach-Bliley Act and, for purposes of such section, a violation of this section or such regulations shall be treated as a violation of subtitle A of title V of such Act.

(e) DEFINITIONS.—As used in this section—

(1) the term ''appropriate Federal regulator'' means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, the National Credit Union Administration Board, the Securities and Exchange Commission, the Federal Housing Finance Agency; and

(2) the term ''covered financial institution'' means—

(A) a depository institution or depository institution holding company, as such terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(B) a broker-dealer registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o);

(C) a credit union, as described in section 19(b)(1)(A)(iv) of the Federal Reserve Act;

(D) an investment advisor, as such term is defined in section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11));

(E) the Federal National Mortgage Association;

(F) the Federal Home Loan Mortgage Corporation; and

(G) any other financial institution that the appropriate Federal regulators, jointly, by rule, determine should be treated as a covered financial institution for purposes of this section.

(f) EXEMPTION FOR CERTAIN FINANCIAL INSTITUTIONS.—The requirements of this section shall not apply to covered financial institutions with assets of less than $1,000,000,000.

SEC. 957. VOTING BY BROKERS.

Section 6(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended—

(1) in paragraph (9)—

(A) in subparagraph (A), by redesignating clauses (i) through (v) as subclauses (I) through (V), respectively, and adjusting the margins accordingly;

(B) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(C) by inserting ''(A)'' after ''(9)''; and

(D) in the matter immediately following clause (iv), as so redesignated, by striking ''As used'' and inserting the following:

''(B) As used''.

(2) by adding at the end the following:

''(10)(A) The rules of the exchange prohibit any member that is not the beneficial owner of a security registered under section 12 from granting a proxy to vote the security in connection with a shareholder vote described in subparagraph (B), unless the beneficial owner of the security has instructed the member to vote the proxy in accordance with the voting instructions of the beneficial owner.

''(B) A shareholder vote described in this subparagraph is a shareholder vote with respect to the election of a member of the board of directors of an issuer, executive compensation, or any other significant matter, as determined by the Commission, by rule, and does not include a vote with respect to the uncontested election of a member of the board of directors of any investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80b–1 et seq.).

''(C) Nothing in this paragraph shall be construed to prohibit a national securities exchange from prohibiting a member that is not the beneficial owner of a security registered under section 12 from granting a proxy to vote the security in connection with a shareholder vote not described in subparagraph (A).''.

Subtitle F—Improvements to the Management of the Securities and Exchange Commission

SEC. 961. REPORT AND CERTIFICATION OF INTERNAL SUPERVISORY CONTROLS.

(a) ANNUAL REPORTS AND CERTIFICATION.—Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the conduct by the Commission of examinations of registered entities, enforcement investigations, and review of corporate financial securities filings.

(b) CONTENTS OF REPORTS.—Each report under subsection (a) shall contain—

(1) an assessment, as of the end of the most recent fiscal year, of the effectiveness of—

(A) the internal supervisory controls of the Commission; and

(B) the procedures of the Commission applicable to the staff of the Commission who perform examinations of registered entities, enforcement investigations, and reviews of corporate financial securities filings;

(2) a certification that the Commission has adequate internal supervisory controls to carry out the duties of the Commission described in paragraph (1)(B); and

(3) a summary by the Comptroller General of the United States of the review carried out under subsection (d).

(c) CERTIFICATION.—

(1) SIGNATURE.—The certification under subsection (b)(2) shall be signed by the Director of the Division of Enforcement, the Director of the Division of Corporation Finance, and the Director of the Office of Compliance Inspections and Examinations (or the head of any successor division or office).

(2) CONTENT OF CERTIFICATION.—Each individual described in paragraph (1) shall certify that the individual—

(A) is directly responsible for establishing and maintaining the internal supervisory controls of the Division or Office of which the individual is the head;

(B) is knowledgeable about the internal supervisory controls of the Division or Office of which the individual is the head;

(C) has evaluated the effectiveness of the internal supervisory controls during the 90-day period ending on the final day of the fiscal year to which the report relates; and

(D) has disclosed to the Commission any significant deficiencies in the design or operation

of internal supervisory controls that could adversely affect the ability of the Division or Office to consistently conduct inspections, or investigations, or reviews of filings with professional competence and integrity.

(d) NEW DIRECTOR OR ACTING DIRECTOR.—Notwithstanding subsection (a), if the Director of the Division of Enforcement, the Director of the Division of Corporate Finance, or the Director of the Office of Compliance Inspections and Examinations has served as Director of the Division or Office for less than 90 days on the date on which a report is required to be submitted under subsection (a), the Commission may submit the report on the date on which the Director has served as Director for 90 days. If there is no Director of the Division of Enforcement, the Division of Corporate Finance, or the Office of Compliance Inspections and Examinations, on the date on which a report is required to be submitted under subsection (a), the Acting Director of the Division or Office may make the certification required under subsection (c).

(e) REVIEW BY THE COMPTROLLER GENERAL.—

(1) REPORT.—The Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains a review of the adequacy and effectiveness of the internal supervisory control structure and procedures described in subsection (b)(1), not less frequently than once every 3 years, at a time to coincide with the publication of the reports of the Commission under this section.

(2) AUTHORITY TO HIRE EXPERTS.—The Comptroller General of the United States may hire independent consultants with specialized expertise in any area relevant to the duties of the Comptroller General described in this section, in order to assist the Comptroller General in carrying out such duties.

SEC. 962. TRIENNIAL REPORT ON PERSONNEL MANAGEMENT.

(a) TRIENNIAL REPORT REQUIRED.—Once every 3 years, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the quality of personnel management by the Commission.

(b) CONTENTS OF REPORT.—Each report under subsection (a) shall include—

(1) an evaluation of—

(A) the effectiveness of supervisors in using the skills, talents, and motivation of the employees of the Commission to achieve the goals of the Commission;

(B) the criteria for promoting employees of the Commission to supervisory positions;

(C) the fairness of the application of the promotion criteria to the decisions of the Commission;

(D) the competence of the professional staff of the Commission;

(E) the efficiency of communication between the units of the Commission regarding the work of the Commission (including communication between divisions and between subunits of a division) and the efforts by the Commission to promote such communication;

(F) the turnover within subunits of the Commission, including the consideration of supervisors whose subordinates have an unusually high rate of turnover;

(G) whether there are excessive numbers of low-level, mid-level, or senior-level managers;

(H) any initiatives of the Commission that increase the competence of the staff of the Commission;

(I) the actions taken by the Commission regarding employees of the Commission who have failed to perform their duties and circumstances under which the Commission has issued to employees a notice of termination; and

(J) such other factors relating to the management of the Commission as the Comptroller General determines are appropriate;

(2) an evaluation of any improvements made with respect to the areas described in paragraph (1) since the date of submission of the previous report; and

(3) recommendations for how the Commission can use the human resources of the Commission more effectively and efficiently to carry out the mission of the Commission.

(c) CONSULTATION.—In preparing the report under subsection (a), the Comptroller General shall consult with current employees of the Commission, retired employees and other former employees of the Commission, the Inspector General of the Commission, persons that have business before the Commission, any union representing the employees of the Commission, private management consultants, academics, and any other source that the Comptroller General deems appropriate.

(d) REPORT BY COMMISSION.—Not later than 90 days after the date on which the Comptroller General submits each report under subsection (a), the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report describing the actions taken by the Commission in response to the recommendations contained in the report under subsection (a).

(e) REIMBURSEMENTS FOR COST OF REPORTS.—

(1) REIMBURSEMENTS REQUIRED.—The Commission shall reimburse the Government Accountability Office for the full cost of making the reports under this section, as billed therefor by the Comptroller General.

(2) CREDITING AND USE OF REIMBURSEMENTS.—Such reimbursements shall—

(A) be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received; and

(B) remain available until expended.

(f) AUTHORITY TO HIRE EXPERTS.—The Comptroller General of the United States may hire independent consultants with specialized expertise in any area relevant to the duties of the Comptroller General described in this section, in order to assist the Comptroller General in carrying out such duties.

SEC. 963. ANNUAL FINANCIAL CONTROLS AUDIT.

(a) REPORTS OF COMMISSION.—

(1) ANNUAL REPORTS REQUIRED.—Not later than 6 months after the end of each fiscal year, the Commission shall publish and submit to Congress a report that—

(A) describes the responsibility of the management of the Commission for establishing and maintaining an adequate internal control structure and procedures for financial reporting; and

(B) contains an assessment of the effectiveness of the internal control structure and procedures for financial reporting of the Commission during that fiscal year.

(2) ATTESTATION.—The reports required under paragraph (1) shall be attested to by the Chairman and chief financial officer of the Commission.

(b) REPORT BY COMPTROLLER GENERAL.—

(1) REPORT REQUIRED.—Not later than 6 months after the end of the first fiscal year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that assesses—

(A) the effectiveness of the internal control structure and procedures of the Commission for financial reporting; and

(B) the assessment of the Commission under subsection (a)(1)(B).

(2) ATTESTATION.—The Comptroller General shall attest to, and report on, the assessment made by the Commission under subsection (a).

(c) REIMBURSEMENTS FOR COST OF REPORTS.—

(1) REIMBURSEMENTS REQUIRED.—The Commission shall reimburse the Government Accountability Office for the full cost of making the reports under subsection (b), as billed therefor by the Comptroller General.

(2) CREDITING AND USE OF REIMBURSEMENTS.—Such reimbursements shall—

(A) be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received; and

(B) remain available until expended.

SEC. 964. REPORT ON OVERSIGHT OF NATIONAL SECURITIES ASSOCIATIONS.

(a) REPORT REQUIRED.—Not later than 2 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that includes an evaluation of the oversight by the Commission of national securities associations registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) with respect to—

(1) the governance of such national securities associations, including the identification and management of conflicts of interest by such national securities associations, together with an analysis of the impact of any conflicts of interest on the regulatory enforcement or rulemaking by such national securities associations;

(2) the examinations carried out by the national securities associations, including the expertise of the examiners;

(3) the executive compensation practices of such national securities associations;

(4) the arbitration services provided by the national securities associations;

(5) the review performed by national securities associations of advertising by the members of the national securities associations;

(6) the cooperation with and assistance to State securities administrators by the national securities associations to promote investor protection;

(7) how the funding of national securities associations is used to support the mission of the national securities associations, including—

(A) the methods of funding;

(B) the sufficiency of funds;

(C) how funds are invested by the national securities association pending use; and

(D) the impact of the methods, sufficiency, and investment of funds on regulatory enforcement by the national securities associations;

(8) the policies regarding the employment of former employees of national securities associations by regulated entities;

(9) the ongoing effectiveness of the rules of the national securities associations in achieving the goals of the rules;

(10) the transparency of governance and activities of the national securities associations; and

(11) any other issue that has an impact, as determined by the Comptroller General, on the effectiveness of such national securities associations in performing their mission and in dealing fairly with investors and members;

(b) REIMBURSEMENTS FOR COST OF REPORTS.—

(1) REIMBURSEMENTS REQUIRED.—The Commission shall reimburse the Government Accountability Office for the full cost of making the reports under subsection (a), as billed therefor by the Comptroller General.

(2) CREDITING AND USE OF REIMBURSEMENTS.—Such reimbursements shall—

(A) be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received; and

(B) remain available until expended.

SEC. 965. COMPLIANCE EXAMINERS.

Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end the following:

''(h) EXAMINERS.—

''(1) DIVISION OF TRADING AND MARKETS.—The Division of Trading and Markets of the Commission, or any successor organizational unit, shall have a staff of examiners who shall—

''(A) perform compliance inspections and examinations of entities under the jurisdiction of that Division; and

''(B) report to the Director of that Division.

''(2) DIVISION OF INVESTMENT MANAGEMENT.—The Division of Investment Management of the Commission, or any successor organizational unit, shall have a staff of examiners who shall—

''(A) perform compliance inspections and examinations of entities under the jurisdiction of that Division; and

''(B) report to the Director of that Division.''.

SEC. 966. SUGGESTION PROGRAM FOR EMPLOYEES OF THE COMMISSION.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 4C (15 U.S.C. 78d–3) the following:

''SEC. 4D. ADDITIONAL DUTIES OF INSPECTOR GENERAL.

''(a) SUGGESTION SUBMISSIONS BY COMMISSION EMPLOYEES.—

''(1) HOTLINE ESTABLISHED.—The Inspector General of the Commission shall establish and maintain a telephone hotline or other electronic means for the receipt of—

''(A) suggestions by employees of the Commission for improvements in the work efficiency, effectiveness, and productivity, and the use of the resources, of the Commission; and

''(B) allegations by employees of the Commission of waste, abuse, misconduct, or mismanagement within the Commission.

''(2) CONFIDENTIALITY.—The Inspector General shall maintain as confidential—

''(A) the identity of any individual who provides information by the means established under paragraph (1), unless the individual requests otherwise, in writing; and

''(B) at the request of any such individual, any specific information provided by the individual.

''(b) CONSIDERATION OF REPORTS.—The Inspector General shall consider any suggestions or allegations received by the means established under subsection (a)(1), and shall recommend appropriate action in relation to such suggestions or allegations.

''(c) RECOGNITION.—The Inspector General may recognize any employee who makes a suggestion under subsection (a)(1) (or by other means) that would or does—

''(1) increase the work efficiency, effectiveness, or productivity of the Commission; or

''(2) reduce waste, abuse, misconduct, or mismanagement within the Commission.

''(d) REPORT.—The Inspector General of the Commission shall submit to Congress an annual report containing a description of—

''(1) the nature, number, and potential benefits of any suggestions received under subsection (a);

''(2) the nature, number, and seriousness of any allegations received under subsection (a);

''(3) any recommendations made or actions taken by the Inspector General in response to substantiated allegations received under subsection (a); and

''(4) any action the Commission has taken in response to suggestions or allegations received under subsection (a).

''(e) FUNDING.—The activities of the Inspector General under this subsection shall be funded by the Securities and Exchange Commission Investor Protection Fund established under section 21F.''.

SEC. 967. COMMISSION ORGANIZATIONAL STUDY AND REFORM.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than the end of the 90-day period beginning on the date of the enactment of this subtitle, the Securities and Exchange Commission (hereinafter in this section referred to as the ''SEC'') shall hire an independent consultant of high caliber and with expertise in organizational restructuring and the operations of capital markets to examine the internal operations, structure, funding, and the need for comprehensive reform of the SEC, as well as the SEC's relationship with and the reliance on self-regulatory organizations and other entities relevant to the regulation of securities and the protection of securities investors that are under the SEC's oversight.

(2) SPECIFIC AREAS FOR STUDY.—The study required under paragraph (1) shall, at a minimum, include the study of—

(A) the possible elimination of unnecessary or redundant units at the SEC;

(B) improving communications between SEC offices and divisions;

(C) the need to put in place a clear chain-of-command structure, particularly for enforcement examinations and compliance inspections;

(D) the effect of high-frequency trading and other technological advances on the market and what the SEC requires to monitor the effect of such trading and advances on the market;

(E) the SEC's hiring authorities, workplace policies, and personal practices, including—

(i) whether there is a need to further streamline hiring authorities for those who are not lawyers, accountants, compliance examiners, or economists;

(ii) whether there is a need for further pay reforms;

(iii) the diversity of skill sets of SEC employees and whether the present skill set diversity efficiently and effectively fosters the SEC's mission of investor protection; and

(iv) the application of civil service laws by the SEC;

(F) whether the SEC's oversight and reliance on self-regulatory organizations promotes efficient and effective governance for the securities markets; and

(G) whether adjusting the SEC's reliance on self-regulatory organizations is necessary to promote more efficient and effective governance for the securities markets.

(b) CONSULTANT REPORT.—Not later than the end of the 150-day period after being retained, the independent consultant hired pursuant to subsection (a)(1) shall issue a report to the SEC and the Congress containing—

(1) a detailed description of any findings and conclusions made while carrying out the study required under subsection (a)(1); and

(2) recommendations for legislative, regulatory, or administrative action that the consultant determines appropriate to enable the SEC and other entities on which the consultant reports to perform their statutorily or otherwise mandated missions.

(c) SEC REPORT.—Not later than the end of the 6-month period beginning on the date the consultant issues the report under subsection (b), and every 6-months thereafter during the 2-year period following the date on which the consultant issues such report, the SEC shall issue a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the SEC's implementation of the regulatory and administrative recommendations contained in the consultant's report.

SEC. 968. STUDY ON SEC REVOLVING DOOR.

(a) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—The Comptroller General of the United States shall conduct a study that will—

(1) review the number of employees who leave the Securities and Exchange Commission to work for financial institutions regulated by such Commission;

(2) determine how many employees who leave the Securities and Exchange Commission worked on cases that involved financial institutions regulated by such Commission;

(3) review the length of time employees work for the Securities and Exchange Commission before leaving to be employed by financial institutions regulated by such Commission;

(4) review existing internal controls and make recommendations on strengthening such controls to ensure that employees of the Securities and Exchange Commission who are later employed by financial institutions did not assist such institutions in violating any rules or regulations of the Commission during the course of their employment with such Commission;

(5) determine if greater post-employment restrictions are necessary to prevent employees of the Securities and Exchange Commission from being employed by financial institutions after employment with such Commission;

(6) determine if the volume of employees of the Securities and Exchange Commission who are later employed by financial institutions has led to inefficiencies in enforcement;

(7) determine if employees of the Securities and Exchange Commission who are later employed by financial institutions assisted such institutions in circumventing Federal rules and regulations while employed by such Commission;

(8) review any information that may address the volume of employees of the Securities and Exchange Commission who are later employed by financial institutions, and make recommendations to Congress; and

(9) review other additional issues as may be raised during the course of the study conducted under this subsection.

(b) REPORT.—Not later than 1 year after the date of the enactment of this subtitle, the Comptroller General of the United States shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study required by subsection (a).

Subtitle G—Strengthening Corporate Governance

SEC. 971. PROXY ACCESS.

(a) PROXY ACCESS.—Section 14(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) The rules and regulations prescribed by the Commission under paragraph (1) may include—

''(A) a requirement that a solicitation of proxy, consent, or authorization by (or on behalf of) an issuer include a nominee submitted by a shareholder to serve on the board of directors of the issuer; and

''(B) a requirement that an issuer follow a certain procedure in relation to a solicitation described in subparagraph (A).''.

(b) REGULATIONS.—The Commission may issue rules permitting the use by a shareholder of proxy solicitation materials supplied by an issuer of securities for the purpose of nominating individuals to membership on the board of directors of the issuer, under such terms and conditions as the Commission determines are in the interests of shareholders and for the protection of investors.

(c) EXEMPTIONS.—The Commission may, by rule or order, exempt an issuer or class of issuers from the requirement made by this section or an amendment made by this section. In determining whether to make an exemption under this subsection, the Commission shall take into account, among other considerations, whether the requirement in the amendment made by subsection (a) disproportionately burdens small issuers.

SEC. 972. DISCLOSURES REGARDING CHAIRMAN AND CEO STRUCTURES.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 14A, as added by this title, the following:

''SEC. 14B. CORPORATE GOVERNANCE.

''Not later than 180 days after the date of enactment of this subsection, the Commission shall issue rules that require an issuer to disclose in the annual proxy sent to investors the reasons why the issuer has chosen—

''(1) the same person to serve as chairman of the board of directors and chief executive officer (or in equivalent positions); or

''(2) different individuals to serve as chairman of the board of directors and chief executive officer (or in equivalent positions of the issuer).''.

Subtitle H—Municipal Securities

SEC. 975. REGULATION OF MUNICIPAL SECURITIES AND CHANGES TO THE BOARD OF THE MSRB.

(a) REGISTRATION OF MUNICIPAL SECURITIES DEALERS AND MUNICIPAL ADVISORS.—Section 15B(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(a)) is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''(1)''; and

(B) by adding at the end the following:

''(B) It shall be unlawful for a municipal advisor to provide advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities, or to undertake a solicitation of a municipal entity or obligated person, unless the municipal advisor is registered in accordance with this subsection.'';

(2) in paragraph (2), by inserting ''or municipal advisor'' after ''municipal securities dealer'' each place that term appears;

(3) in paragraph (3), by inserting ''or municipal advisor'' after ''municipal securities dealer'' each place that term appears;

(4) in paragraph (4), by striking ''dealer, or municipal securities dealer or class of brokers, dealers, or municipal securities dealers'' and inserting ''dealer, municipal securities dealer, or municipal advisor, or class of brokers, dealers, municipal securities dealers, or municipal advisors''; and

(5) by adding at the end the following:

''(5) No municipal advisor shall make use of the mails or any means or instrumentality of interstate commerce to provide advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products, the issuance of municipal securities, or to undertake a solicitation of a municipal entity or obligated person, in connection with which such municipal advisor engages in any fraudulent, deceptive, or manipulative act or practice.''.

(b) MUNICIPAL SECURITIES RULEMAKING BOARD.—Section 15B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(b)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''Not later than'' and all that follows through ''appointed by the Commission'' and inserting ''The Municipal Securities Rulemaking Board shall be composed of 15 members, or such other number of members as specified by rules of the Board pursuant to paragraph (2)(B),'';

(B) by striking the second sentence and inserting the following: ''The members of the Board shall serve as members for a term of 3 years or for such other terms as specified by rules of the Board pursuant to paragraph (2)(B), and shall consist of (A) 8 individuals who are independent of any municipal securities broker, municipal securities dealer, or municipal advisor, at least 1 of whom shall be representative of institutional or retail investors in municipal securities, at least 1 of whom shall be representative of municipal entities, and at least 1 of whom shall be a member of the public with knowledge of or experience in the municipal industry (which members are hereinafter referred to as 'public representatives'); and (B) 7 individuals who are associated with a broker, dealer, municipal securities dealer, or municipal advisor, including at least 1 individual who is associated with and representative of brokers, dealers, or municipal securities dealers that are not banks or subsidiaries or departments or divisions of banks (which members are hereinafter referred to as 'broker-dealer representatives'), at least 1 individual who is associated with and representative of municipal securities dealers which are banks or subsidiaries or departments or divisions of banks (which members are hereinafter referred to as 'bank representatives'), and at least 1 individual who is associated with a municipal advisor (which members are hereinafter referred to as 'advisor representatives' and, together with the broker-dealer representatives and the bank representatives, are referred to as 'regulated representatives'). Each member of the board shall be knowledgeable of matters related to the municipal securities markets.''; and

(C) in the third sentence, by striking ''initial'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting before the period at the end of the first sentence the following: ''and advice provided to or on behalf of municipal entities or obligated persons by brokers, dealers, municipal securities dealers, and municipal advisors with respect to municipal financial products, the issuance of municipal securities, and solicitations of municipal entities or obligated persons undertaken by brokers, dealers, municipal securities dealers, and municipal advisors''; and

(ii) by striking the second sentence;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by inserting '', and no broker, dealer, municipal securities dealer, or municipal advisor shall provide advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities,'' after ''sale of, any municipal security''; and

(II) by inserting ''and municipal entities or obligated persons'' after ''protection of investors'';

(ii) in clause (i), by striking ''municipal securities brokers and municipal securities dealers'' each place that term appears and inserting ''municipal securities brokers, municipal securities dealers, and municipal advisors'';

(iii) in clause (ii), by adding ''and'' at the end;

(iv) in clause (iii), by striking ''; and'' and inserting a period; and

(v) by striking clause (iv);

(C) by amending subparagraph (B) to read as follows:

''(B) establish fair procedures for the nomination and election of members of the Board and assure fair representation in such nominations and elections of public representatives, broker dealer representatives, bank representatives, and advisor representatives. Such rules—

''(i) shall provide that the number of public representatives of the Board shall at all times exceed the total number of regulated representatives and that the membership shall at all times be as evenly divided in number as possible between public representatives and regulated representatives;

''(ii) shall specify the length or lengths of terms members shall serve;

''(iii) may increase the number of members which shall constitute the whole Board, provided that such number is an odd number; and

''(iv) shall establish requirements regarding the independence of public representatives.''.

(D) in subparagraph (C)—

(i) by inserting ''and municipal financial products'' after ''municipal securities'' the first two times that term appears;

(ii) by inserting '', municipal entities, obligated persons,'' before ''and the public interest'';

(iii) by striking ''between'' and inserting ''among'';

(iv) by striking ''issuers, municipal securities brokers, or municipal securities dealers, to fix'' and inserting ''municipal entities, obligated persons, municipal securities brokers, municipal securities dealers, or municipal advisors, to fix''; and

(v) by striking ''brokers or municipal securities dealers, to regulate'' and inserting ''brokers, municipal securities dealers, or municipal advisors, to regulate'';

(E) in subparagraph (D)—

(i) by inserting ''and advice concerning municipal financial products'' after ''transactions in municipal securities'';

(ii) by striking ''That no'' and inserting ''that no'';

(iii) by inserting ''municipal advisor,'' before ''or person associated''; and

(iv) by striking ''a municipal securities broker or municipal securities dealer may be compelled'' and inserting ''a municipal securities broker, municipal securities dealer, or municipal advisor may be compelled'';

(F) in subparagraph (E)—

(i) by striking ''municipal securities brokers and municipal securities dealers'' and inserting ''municipal securities brokers, municipal securities dealers, and municipal advisors''; and

(ii) by striking ''municipal securities broker or municipal securities dealer'' and inserting ''municipal securities broker, municipal securities dealer, or municipal advisor'';

(G) in subparagraph (G), by striking ''municipal securities brokers and municipal securities dealers'' and inserting ''municipal securities brokers, municipal securities dealers, and municipal advisors'';

(H) in subparagraph (J)—

(i) by striking ''municipal securities broker and each municipal securities dealer'' and inserting ''municipal securities broker, municipal securities dealer, and municipal advisor''; and

(ii) by striking the period at the end of the second sentence and inserting '', which may include charges for failure to submit to the Board, or to any information system operated by the Board, within the prescribed timeframes, any items of information or documents required to be submitted under any rule issued by the Board.'';

(I) in subparagraph (K)—

(i) by inserting ''broker, dealer, or'' before ''municipal securities dealer'' each place that term appears; and

(ii) by striking ''municipal securities investment portfolio'' and inserting ''related account of a broker, dealer, or municipal securities dealer''; and

(J) by adding at the end the following:

''(L) with respect to municipal advisors—

''(i) prescribe means reasonably designed to prevent acts, practices, and courses of business as are not consistent with a municipal advisor's fiduciary duty to its clients;

''(ii) provide continuing education requirements for municipal advisors;

''(iii) provide professional standards; and

''(iv) not impose a regulatory burden on small municipal advisors that is not necessary or appropriate in the public interest and for the protection of investors, municipal entities, and obligated persons, provided that there is robust protection of investors against fraud.'';

(3) by redesignating paragraph (3) as paragraph (7); and

(4) by inserting after paragraph (2) the following:

''(3) The Board, in conjunction with or on behalf of any Federal financial regulator or self-regulatory organization, may—

''(A) establish information systems; and

''(B) assess such reasonable fees and charges for the submission of information to, or the receipt of information from, such systems from any persons which systems may be developed for the purposes of serving as a repository of information from municipal market participants or otherwise in furtherance of the purposes of the Board, a Federal financial regulator, or a self-regulatory organization, except that the Board—

''(i) may not charge a fee to municipal entities or obligated persons to submit documents or other information to the Board or charge a fee to any person to obtain, directly from the Internet site of the Board, documents or information submitted by municipal entities, obligated persons, brokers, dealers, municipal securities dealers, or municipal advisors, including documents submitted under the rules of the Board or the Commission; and

''(ii) shall not be prohibited from charging commercially reasonable fees for automated subscription-based feeds or similar services, or for charging for other data or document-based services customized upon request of any person,

made available to commercial enterprises, municipal securities market professionals, or the general public, whether delivered through the Internet or any other means, that contain all or part of the documents or information, subject to approval of the fees by the Commission under section 19(b).

''(4) The Board may provide guidance and assistance in the enforcement of, and examination for, compliance with the rules of the Board to the Commission, a registered securities association under section 15A, or any other appropriate regulatory agency, as applicable.

''(5) The Board, the Commission, and a registered securities association under section 15A, or the designees of the Board, the Commission, or such association, shall meet not less frequently than 2 times a year—

''(A) to describe the work of the Board, the Commission, and the registered securities association involving the regulation of municipal securities; and

''(B) to share information about—

''(i) the interpretation of the Board, the Commission, and the registered securities association of Board rules; and

''(ii) examination and enforcement of compliance with Board rules.''.

(c) DISCIPLINE OF BROKERS, DEALERS, MUNICIPAL SECURITIES DEALERS AND MUNICIPAL ADVISORS; FIDUCIARY DUTY OF MUNICIPAL ADVISORS.—Section 15B(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)) is amended—

(1) in paragraph (1), by inserting '', and no broker, dealer, municipal securities dealer, or municipal advisor shall make use of the mails or any means or instrumentality of interstate commerce to provide advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products, the issuance of municipal securities, or to undertake a solicitation of a municipal entity or obligated person,'' after ''any municipal security'';

(2) by adding at the end of paragraph (1) the following: ''A municipal advisor and any person associated with such municipal advisor shall be deemed to have a fiduciary duty to any municipal entity for whom such municipal advisor acts as a municipal advisor, and no municipal advisor may engage in any act, practice, or course of business which is not consistent with a municipal advisor's fiduciary duty or that is in contravention of any rule of the Board.'';

(3) in paragraph (2), by inserting ''or municipal advisor'' after ''municipal securities dealer'' each place that term appears;

(4) in paragraph (3)—

(A) by inserting ''or municipal entities or obligated person'' after ''protection of investors'' each place that term appears; and

(B) by inserting ''or municipal advisor'' after ''municipal securities dealer'' each place that term appears;

(5) in paragraph (4), by inserting ''or municipal advisor'' after ''municipal securities dealer or obligated person'' each place that term appears;

(6) in paragraph (6)(B), by inserting ''or municipal entities or obligated person'' after ''protection of investors'';

(7) in paragraph (7)—

(A) in subparagraph (A)—

(i) in clause (i), by striking ''; and'' and inserting a semicolon;

(ii) in clause (ii), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(iii) the Commission, or its designee, in the case of municipal advisors.''.

(B) in subparagraph (B), by inserting ''or municipal entities or obligated person'' after ''protection of investors''; and

(8) by adding at the end the following:

''(9)(A) Fines collected by the Commission for violations of the rules of the Board shall be equally divided between the Commission and the Board.

''(B) Fines collected by a registered securities association under section 15A(7) with respect to violations of the rules of the Board shall be accounted for by such registered securities association separately from other fines collected under section 15A(7) and shall be allocated between such registered securities association and the Board, and such allocation shall require the registered securities association to pay to the Board ⅓ of all fines collected by the registered securities association reasonably allocable to violations of the rules of the Board, or such other portion of such fines as may be directed by the Commission upon agreement between the registered securities association and the Board.''.

(d) ISSUANCE OF MUNICIPAL SECURITIES.—Section 15B(d)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(d)) is amended—

(1) by striking ''through a municipal securities broker or municipal securities dealer or otherwise'' and inserting ''through a municipal securities broker, municipal securities dealer, municipal advisor, or otherwise''; and

(2) by inserting ''or municipal advisors'' before ''to furnish''.

(e) DEFINITIONS.—Section 15B of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4) is amended by adding at the end the following:

''(e) DEFINITIONS.—For purposes of this section—

''(1) the term 'Board' means the Municipal Securities Rulemaking Board established under subsection (b)(1);

''(2) the term 'guaranteed investment contract' includes any investment that has specified withdrawal or reinvestment provisions and a specifically negotiated or bid interest rate, and also includes any agreement to supply investments on 2 or more future dates, such as a forward supply contract;

''(3) the term 'investment strategies' includes plans or programs for the investment of the proceeds of municipal securities that are not municipal derivatives, guaranteed investment contracts, and the recommendation of and brokerage of municipal escrow investments;

''(4) the term 'municipal advisor'—

''(A) means a person (who is not a municipal entity or an employee of a municipal entity) that—

''(i) provides advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, and other similar matters concerning such financial products or issues; or

''(ii) undertakes a solicitation of a municipal entity;

''(B) includes financial advisors, guaranteed investment contract brokers, third-party marketers, placement agents, solicitors, finders, and swap advisors, if such persons are described in any of clauses (i) through (iii) of subparagraph (A); and

''(C) does not include a broker, dealer, or municipal securities dealer serving as an underwriter (as defined in section 2(a)(11) of the Securities Act of 1933) (15 U.S.C. 77b(a)(11)), any investment adviser registered under the Investment Advisers Act of 1940, or persons associated with such investment advisers who are providing investment advice, any commodity trading advisor registered under the Commodity Exchange Act or persons associated with a commodity trading advisor who are providing advice related to swaps, attorneys offering legal advice or providing services that are of a traditional legal nature, or engineers providing engineering advice;

''(5) the term 'municipal financial product' means municipal derivatives, guaranteed investment contracts, and investment strategies;

''(6) the term 'rules of the Board' means the rules proposed and adopted by the Board under subsection (b)(2);

''(7) the term 'person associated with a municipal advisor' or 'associated person of an advisor' means—

''(A) any partner, officer, director, or branch manager of such municipal advisor (or any person occupying a similar status or performing similar functions);

''(B) any other employee of such municipal advisor who is engaged in the management, direction, supervision, or performance of any activities relating to the provision of advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities; and

''(C) any person directly or indirectly controlling, controlled by, or under common control with such municipal advisor;

''(8) the term 'municipal entity' means any State, political subdivision of a State, or municipal corporate instrumentality of a State, including—

''(A) any agency, authority, or instrumentality of the State, political subdivision, or municipal corporate instrumentality;

''(B) any plan, program, or pool of assets sponsored or established by the State, political subdivision, or municipal corporate instrumentality or any agency, authority, or instrumentality thereof; and

''(C) any other issuer of municipal securities;

''(9) the term 'solicitation of a municipal entity or obligated person' means a direct or indirect communication with a municipal entity or obligated person made by a person, for direct or indirect compensation, on behalf of a broker, dealer, municipal securities dealer, municipal advisor, or investment adviser (as defined in section 202 of the Investment Advisers Act of 1940) that does not control, is not controlled by, or is not under common control with the person undertaking such solicitation for the purpose of obtaining or retaining an engagement by a municipal entity or obligated person of a broker, dealer, municipal securities dealer, or municipal advisor for or in connection with municipal financial products, the issuance of municipal securities, or of an investment adviser to provide investment advisory services to or on behalf of a municipal entity; and

''(10) the term 'obligated person' means any person, including an issuer of municipal securities, who is either generally or through an enterprise, fund, or account of such person, committed by contract or other arrangement to support the payment of all or part of the obligations on the municipal securities to be sold in an offering of municipal securities.''.

(f) REGISTERED SECURITIES ASSOCIATION.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(b)) is amended by adding at the end the following:

''(15) The rules of the association provide that the association shall—

''(A) request guidance from the Municipal Securities Rulemaking Board in interpretation of the rules of the Municipal Securities Rulemaking Board; and

''(B) provide information to the Municipal Securities Rulemaking Board about the enforcement actions and examinations of the association under section 15B(b)(2)(E), so that the Municipal Securities Rulemaking Board may—

''(i) assist in such enforcement actions and examinations; and

''(ii) evaluate the ongoing effectiveness of the rules of the Board.''.

(g) REGISTRATION AND REGULATION OF BROKERS AND DEALERS.—Section 15 of the Securities Exchange Act of 1934 is amended—

(1) in subsection (b)(4), by inserting ''municipal advisor,'' after ''municipal securities dealer'' each place that term appears; and

(2) in subsection (c), by inserting ''broker, dealer, or'' before ''municipal securities dealer'' each place that term appears.

(h) ACCOUNTS AND RECORDS, REPORTS, EXAMINATIONS OF EXCHANGES, MEMBERS, AND OTHERS.—Section 17(a)(1) of the Securities Exchange Act of 1934 is amended by inserting ''municipal advisor,'' after ''municipal securities dealer''.

(i) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on October 1, 2010.

SEC. 976. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF INCREASED DISCLOSURE TO INVESTORS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study and review of the disclosure required to be made by issuers of municipal securities.

(b) SUBJECTS FOR EVALUATION.—In conducting the study under subsection (a), the Comptroller General of the United States shall—

(1) broadly describe—

(A) the size of the municipal securities markets and the issuers and investors; and

(B) the disclosures provided by issuers to investors;

(2) compare the amount, frequency, and quality of disclosures that issuers of municipal securities are required by law to provide for the benefit of municipal securities holders, including the amount of and frequency of disclosures actually provided by issuers of municipal securities, with the amount of and frequency of disclosures that issuers of corporate securities provide for the benefit of corporate securities holders, taking into account the differences between issuers of municipal securities and issuers of corporate securities;

(3) evaluate the costs and benefits to various types of issuers of municipal securities of requiring issuers of municipal bonds to provide additional financial disclosures for the benefit of investors;

(4) evaluate the potential benefit to investors from additional financial disclosures by issuers of municipal bonds; and

(5) make recommendations relating to disclosure requirements for municipal issuers, including the advisability of the repeal or retention of section 15B(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(d)) (commonly known as the ''Tower Amendment'').

(c) REPORT.—Not later than 24 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the results of the study conducted under subsection (a), including recommendations for how to improve disclosure by issuers of municipal securities.

SEC. 977. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON THE MUNICIPAL SECURITIES MARKETS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the municipal securities markets.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, with copies to the Special Committee on Aging of the Senate and the Commission, on the results of the study conducted under subsection (a), including—

(1) an analysis of the mechanisms for trading, quality of trade executions, market transparency, trade reporting, price discovery, settlement clearing, and credit enhancements;

(2) the needs of the markets and investors and the impact of recent innovations;

(3) recommendations for how to improve the transparency, efficiency, fairness, and liquidity of trading in the municipal securities markets, including with reference to items listed in paragraph (1); and

(4) potential uses of derivatives in the municipal securities markets.

(c) RESPONSES.—Not later than 180 days after receipt of the report required under subsection (b), the Commission shall submit a response to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, with a copy to the Special Committee on Aging of the Senate, stating the actions the Commission has taken in response to the recommendations contained in such report.

SEC. 978. FUNDING FOR GOVERNMENTAL ACCOUNTING STANDARDS BOARD.

(a) AMENDMENT TO THE SECURITIES ACT OF 1933.—Section 19 of the Securities Act of 1933 (15 U.S.C. 77s), as amended by section 912, is further amended by adding at the end the following:

''(g) FUNDING FOR THE GASB.—

''(1) IN GENERAL.—The Commission may, subject to the limitations imposed by section 15B of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4), require a national securities association registered under the Securities Exchange Act of 1934 to establish—

''(A) a reasonable annual accounting support fee to adequately fund the annual budget of the Governmental Accounting Standards Board (referred to in this subsection as the 'GASB'); and

''(B) rules and procedures, in consultation with the principal organizations representing State governors, legislators, local elected officials, and State and local finance officers, to provide for the equitable allocation, assessment, and collection of the accounting support fee established under subparagraph (A) from the members of the association, and the remittance of all such accounting support fees to the Financial Accounting Foundation.

''(2) ANNUAL BUDGET.—For purposes of this subsection, the annual budget of the GASB is the annual budget reviewed and approved according to the internal procedures of the Financial Accounting Foundation.

''(3) USE OF FUNDS.—Any fees or funds collected under this subsection shall be used to support the efforts of the GASB to establish standards of financial accounting and reporting recognized as generally accepted accounting principles applicable to State and local governments of the United States.

''(4) LIMITATION ON FEE.—The annual accounting support fees collected under this subsection for a fiscal year shall not exceed the recoverable annual budgeted expenses of the GASB (which may include operating expenses, capital, and accrued items).

''(5) RULES OF CONSTRUCTION.—

''(A) FEES NOT PUBLIC MONIES.—Accounting support fees collected under this subsection and other receipts of the GASB shall not be considered public monies of the United States.

''(B) LIMITATION ON AUTHORITY OF THE COMMISSION.—Nothing in this subsection shall be construed to—

''(i) provide the Commission or any national securities association direct or indirect oversight of the budget or technical agenda of the GASB; or

''(ii) affect the setting of generally accepted accounting principles by the GASB.

''(C) NONINTERFERENCE WITH STATES.—Nothing in this subsection shall be construed to impair or limit the authority of a State or local government to establish accounting and financial reporting standards.''

(b) STUDY OF FUNDING FOR GOVERNMENTAL ACCOUNTING STANDARDS BOARD.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study that evaluates—

(A) the role and importance of the Governmental Accounting Standards Board in the municipal securities markets; and

(B) the manner and the level at which the Governmental Accounting Standards Board has been funded.

(2) CONSULTATION.—In conducting the study required under paragraph (1), the Comptroller General shall consult with the principal organizations representing State governors, legislators, local elected officials, and State and local finance officers.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the study required under paragraph (1).

SEC. 979. COMMISSION OFFICE OF MUNICIPAL SECURITIES.

(a) IN GENERAL.—There shall be in the Commission an Office of Municipal Securities, which shall—

(1) administer the rules of the Commission with respect to the practices of municipal securities brokers and dealers, municipal securities advisors, municipal securities investors, and municipal securities issuers; and

(2) coordinate with the Municipal Securities Rulemaking Board for rulemaking and enforcement actions as required by law.

(b) DIRECTOR OF THE OFFICE.—The head of the Office of Municipal Securities shall be the Director, who shall report to the Chairman.

(c) STAFFING.—

(1) IN GENERAL.—The Office of Municipal Securities shall be staffed sufficiently to carry out the requirements of this section.

(2) REQUIREMENT.—The staff of the Office of Municipal Securities shall include individuals with knowledge of and expertise in municipal finance.

Subtitle I—Public Company Accounting Oversight Board, Portfolio Margining, and Other Matters

SEC. 981. AUTHORITY TO SHARE CERTAIN INFORMATION WITH FOREIGN AUTHORITIES.

(a) DEFINITION.—Section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)) is amended by adding at the end the following:

''(17) FOREIGN AUDITOR OVERSIGHT AUTHORITY.—The term 'foreign auditor oversight authority' means any governmental body or other entity empowered by a foreign government to conduct inspections of public accounting firms or otherwise to administer or enforce laws related to the regulation of public accounting firms.''.

(b) AVAILABILITY TO SHARE INFORMATION.—Section 105(b)(5) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)) is amended by adding at the end the following:

''(C) AVAILABILITY TO FOREIGN OVERSIGHT AUTHORITIES.—Without the loss of its status as confidential and privileged in the hands of the Board, all information referred to in subparagraph (A) that relates to a public accounting firm that a foreign government has empowered a foreign auditor oversight authority to inspect or otherwise enforce laws with respect to, may, at the discretion of the Board, be made available to the foreign auditor oversight authority, if—

''(i) the Board finds that it is necessary to accomplish the purposes of this Act or to protect investors;

''(ii) the foreign auditor oversight authority provides—

''(I) such assurances of confidentiality as the Board may request;

''(II) a description of the applicable information systems and controls of the foreign auditor oversight authority; and

''(III) a description of the laws and regulations of the foreign government of the foreign auditor oversight authority that are relevant to information access; and

''(iii) the Board determines that it is appropriate to share such information.''.

(c) CONFORMING AMENDMENT.—Section 105(b)(5)(A) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)(A)) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

SEC. 982. OVERSIGHT OF BROKERS AND DEALERS.

(a) DEFINITIONS.—

(1) DEFINITIONS AMENDED.—Title I of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.) is amended by adding at the end the following new section:

''SEC. 110. DEFINITIONS.

''For the purposes of this title, the following definitions shall apply:

''(1) AUDIT.—The term 'audit' means an examination of the financial statements, reports, documents, procedures, controls, or notices of any issuer, broker, or dealer by an independent public accounting firm in accordance with the rules of the Board or the Commission, for the purpose of expressing an opinion on the financial statements or providing an audit report.

''(2) AUDIT REPORT.—The term 'audit report' means a document, report, notice, or other record—

''(A) prepared following an audit performed for purposes of compliance by an issuer, broker, or dealer with the requirements of the securities laws; and

''(B) in which a public accounting firm either—

''(i) sets forth the opinion of that firm regarding a financial statement, report, notice, or other document, procedures, or controls; or

''(ii) asserts that no such opinion can be expressed.

''(3) BROKER.—The term 'broker' means a broker (as such term is defined in section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4))) that is required to file a balance sheet, income statement, or other financial statement under section 17(e)(1)(A) of such Act (15 U.S.C. 78q(e)(1)(A)), where such balance sheet, income statement, or financial statement is required to be certified by a registered public accounting firm.

''(4) DEALER.—The term 'dealer' means a dealer (as such term is defined in section 3(a)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(5))) that is required to file a balance sheet, income statement, or other financial statement under section 17(e)(1)(A) of such Act (15 U.S.C. 78q(e)(1)(A)), where such balance sheet, income statement, or financial statement is required to be certified by a registered public accounting firm.

''(5) PROFESSIONAL STANDARDS.—The term 'professional standards' means—

''(A) accounting principles that are—

''(i) established by the standard setting body described in section 19(b) of the Securities Act of 1933, as amended by this Act, or prescribed by the Commission under section 19(a) of that Act (15 U.S.C. 17a(s)) or section 13(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78a(m)); and

''(ii) relevant to audit reports for particular issuers, brokers, or dealers, or dealt with in the quality control system of a particular registered public accounting firm; and

''(B) auditing standards, standards for attestation engagements, quality control policies and procedures, ethical and competency standards, and independence standards (including rules implementing title II) that the Board or the Commission determines—

''(i) relate to the preparation or issuance of audit reports for issuers, brokers, or dealers; and

''(ii) are established or adopted by the Board under section 103(a), or are promulgated as rules of the Commission.

''(6) SELF-REGULATORY ORGANIZATION.—The term 'self-regulatory organization' has the same meaning as in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).''.

(2) CONFORMING AMENDMENT.—Section 2(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)) is amended in the matter preceding paragraph (1), by striking ''In this'' and inserting ''Except as otherwise specifically provided in this Act, in this''.

(b) ESTABLISHMENT AND ADMINISTRATION OF THE PUBLIC COMPANY ACCOUNTING OVERSIGHT BOARD.—Section 101 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7211) is amended—

(1) by striking ''issuers'' each place that term appears and inserting ''issuers, brokers, and dealers''; and

(2) in subsection (a)—

(A) by striking ''public companies'' and inserting ''companies''; and

(B) by striking ''for companies the securities of which are sold to, and held by and for, public investors''.

(c) REGISTRATION WITH THE BOARD.—Section 102 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7212) is amended—

(1) in subsection (a)—

(A) by striking ''Beginning 180'' and all that follows through ''101(d), it'' and inserting ''It''; and

(B) by striking ''issuer'' and inserting ''issuer, broker, or dealer'';

(2) in subsection (b)—

(A) in paragraph (2)(A), by striking ''issuers'' and inserting ''issuers, brokers, and dealers''; and

(B) by striking ''issuer'' each place that term appears and inserting ''issuer, broker, or dealer''.

(d) AUDITING AND INDEPENDENCE.—Section 103(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7213(a)) is amended—

(1) in paragraph (1), by striking ''and such ethics standards'' and inserting ''such ethics standards, and such independence standards'';

(2) in paragraph (2)(A)(iii), by striking ''describe in each audit report'' and inserting ''in each audit report for an issuer, describe''; and

(3) in paragraph (2)(B)(i), by striking ''issuers'' and inserting ''issuers, brokers, and dealers''.

(e) INSPECTIONS OF REGISTERED PUBLIC ACCOUNTING FIRMS.—

(1) AMENDMENTS.—Section 104(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214(a)) is amended—

(A) by striking ''The Board shall'' and inserting the following:

''(1) INSPECTIONS GENERALLY.—The Board shall''; and

(B) by adding at the end the following:

''(2) INSPECTIONS OF AUDIT REPORTS FOR BROKERS AND DEALERS.—

''(A) The Board may, by rule, conduct and require a program of inspection in accordance with paragraph (1), on a basis to be determined by the Board, of registered public accounting firms that provide one or more audit reports for a broker or dealer. The Board, in establishing such a program, may allow for differentiation among classes of brokers and dealers, as appropriate.

''(B) If the Board determines to establish a program of inspection pursuant to subparagraph (A), the Board shall consider in establishing any inspection schedules whether differing schedules would be appropriate with respect to registered public accounting firms that issue audit reports only for one or more brokers or dealers that do not receive, handle, or hold customer securities or cash or are not a member of the Securities Investor Protection Corporation.

''(C) Any rules of the Board pursuant to this paragraph shall be subject to prior approval by the Commission pursuant to section 107(b) before the rules become effective, including an opportunity for public notice and comment.

''(D) Notwithstanding anything to the contrary in section 102 of this Act, a public accounting firm shall not be required to register with the Board if the public accounting firm is exempt from the inspection program which may be established by the Board under subparagraph (A).''.

(2) CONFORMING AMENDMENT.—Section 17(e)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(e)(1)(A)) is amended by striking ''registered public accounting firm'' and inserting ''independent public accounting firm, or by a registered public accounting firm if the firm is required to be registered under the Sarbanes-Oxley Act of 2002,''.

(f) INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS.—Section 105(c)(7)(B) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(c)(7)(B)) is amended—

(1) in the subparagraph heading, by inserting '', BROKER, OR DEALER'' after ''ISSUER'';

(2) by striking ''any issuer'' each place that term appears and inserting ''any issuer, broker, or dealer''; and

(3) by striking ''an issuer under this subsection'' and inserting ''a registered public accounting firm under this subsection''.

(g) FOREIGN PUBLIC ACCOUNTING FIRMS.—Section 106(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7216(a)) is amended—

(1) in paragraph (1), by striking ''issuer'' and inserting ''issuer, broker, or dealer''; and

(2) in paragraph (2), by striking ''issuers'' and inserting ''issuers, brokers, or dealers''.

(h) FUNDING.—Section 109 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7219) is amended—

(1) in subsection (c)(2), by striking ''subsection (i)'' and inserting ''subsection (j)'';

(2) in subsection (d)—

(A) in paragraph (2), by striking ''allowing for differentiation among classes of issuers, as appropriate'' and inserting ''and among brokers and dealers, in accordance with subsection (h), and allowing for differentiation among classes of issuers, brokers and dealers, as appropriate''; and

(B) by adding at the end the following:

''(3) BROKERS AND DEALERS.—The Board shall begin the allocation, assessment, and collection of fees under paragraph (2) with respect to brokers and dealers with the payment of support fees to fund the first full fiscal year beginning after the date of enactment of the Investor Protection and Securities Reform Act of 2010.'';

(3) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

(4) by inserting after subsection (g) the following:

''(h) ALLOCATION OF ACCOUNTING SUPPORT FEES AMONG BROKERS AND DEALERS.—

''(1) OBLIGATION TO PAY.—Each broker or dealer shall pay to the Board the annual accounting support fee allocated to such broker or dealer under this section.

''(2) ALLOCATION.—Any amount due from a broker or dealer (or from a particular class of brokers and dealers) under this section shall be allocated among brokers and dealers and payable by the broker or dealer (or the brokers and dealers in the particular class, as applicable).

''(3) PROPORTIONALITY.—The amount due from a broker or dealer shall be in proportion to the net capital of the broker or dealer (before or after any adjustments), compared to the total net capital of all brokers and dealers (before or after any adjustments), in accordance with rules issued by the Board.''.

(i) REFERRAL OF INVESTIGATIONS TO A SELF-REGULATORY ORGANIZATION.—Section 105(b)(4)(B) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(4)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(2) by inserting after clause (i) the following:

''(ii) to a self-regulatory organization, in the case of an investigation that concerns an audit report for a broker or dealer that is under the jurisdiction of such self-regulatory organization;''.

(j) USE OF DOCUMENTS RELATED TO AN INSPECTION OR INVESTIGATION.—Section 105(b)(5)(B)(ii) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)(B)(ii)) is amended—

(1) in subclause (III), by striking ''and'' at the end;

(2) in subclause (IV), by striking the comma and inserting ''; and''; and

(3) by inserting after subclause (IV) the following:

''(V) a self-regulatory organization, with respect to an audit report for a broker or dealer that is under the jurisdiction of such self-regulatory organization,''.

SEC. 983. PORTFOLIO MARGINING.

(a) ADVANCES.—Section 9(a)(1) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78fff3(a)(1)) is amended by inserting ''or options on commodity futures contracts'' after ''claim for securities''.

(b) DEFINITIONS.—Section 16 of the Securities Investor Protection Act of 1970 (15 U.S.C. 78lll) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) CUSTOMER.—

''(A) IN GENERAL.—The term 'customer' of a debtor means any person (including any person with whom the debtor deals as principal or agent) who has a claim on account of securities

received, acquired, or held by the debtor in the ordinary course of its business as a broker or dealer from or for the securities accounts of such person for safekeeping, with a view to sale, to cover consummated sales, pursuant to purchases, as collateral, security, or for purposes of effecting transfer.

''(B) INCLUDED PERSONS.—The term 'customer' includes—

''(i) any person who has deposited cash with the debtor for the purpose of purchasing securities;

''(ii) any person who has a claim against the debtor for cash, securities, futures contracts, or options on futures contracts received, acquired, or held in a portfolio margining account carried as a securities account pursuant to a portfolio margining program approved by the Commission; and

''(iii) any person who has a claim against the debtor arising out of sales or conversions of such securities.

''(C) EXCLUDED PERSONS.—The term 'customer' does not include any person, to the extent that—

''(i) the claim of such person arises out of transactions with a foreign subsidiary of a member of SIPC; or

''(ii) such person has a claim for cash or securities which by contract, agreement, or understanding, or by operation of law, is part of the capital of the debtor, or is subordinated to the claims of any or all creditors of the debtor, notwithstanding that some ground exists for declaring such contract, agreement, or understanding void or voidable in a suit between the claimant and the debtor.'';

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) in the case of a portfolio margining account of a customer that is carried as a securities account pursuant to a portfolio margining program approved by the Commission, a futures contract or an option on a futures contract received, acquired, or held by or for the account of a debtor from or for such portfolio margining account, and the proceeds thereof; and'';

(3) in paragraph (9), in the matter following subparagraph (L), by inserting after ''Such term'' the following: ''includes revenues earned by a broker or dealer in connection with a transaction in the portfolio margining account of a customer carried as securities accounts pursuant to a portfolio margining program approved by the Commission. Such term''; and

(4) in paragraph (11)—

(A) in subparagraph (A)—

(i) by striking ''filing date, all'' and all that follows through the end of the subparagraph and inserting the following: ''filing date—

''(i) all securities positions of such customer (other than customer name securities reclaimed by such customer); and

''(ii) all positions in futures contracts and options on futures contracts held in a portfolio margining account carried as a securities account pursuant to a portfolio margining program approved by the Commission, including all property collateralizing such positions, to the extent that such property is not otherwise included herein; minus''; and

(B) in the matter following subparagraph (C), by striking ''In determining'' and inserting the following: ''A claim for a commodity futures contract received, acquired, or held in a portfolio margining account pursuant to a portfolio margining program approved by the Commission or a claim for a security futures contract, shall be deemed to be a claim with respect to such contract as of the filing date, and such claim shall be treated as a claim for cash. In determining''.

SEC. 984. LOAN OR BORROWING OF SECURITIES.

(a) RULEMAKING AUTHORITY.—Section 10 of the Securities Exchange Act of 1934 (15 U.S.C. 78j) is amended by adding at the end the following:

''(c)(1) To effect, accept, or facilitate a transaction involving the loan or borrowing of securities in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

''(2) Nothing in paragraph (1) may be construed to limit the authority of the appropriate Federal banking agency (as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))), the National Credit Union Administration, or any other Federal department or agency having a responsibility under Federal law to prescribe rules or regulations restricting transactions involving the loan or borrowing of securities in order to protect the safety and soundness of a financial institution or to protect the financial system from systemic risk.''.

(b) RULEMAKING REQUIRED.—Not later than 2 years after the date of enactment of this Act, the Commission shall promulgate rules that are designed to increase the transparency of information available to brokers, dealers, and investors, with respect to the loan or borrowing of securities.

SEC. 985. TECHNICAL CORRECTIONS TO FEDERAL SECURITIES LAWS.

(a) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended—

(1) in section 3(a)(4) (15 U.S.C. 77c(a)(4)), by striking ''individual;'' and inserting ''individual,'';

(2) in section 18 (15 U.S.C. 77r)—

(A) in subsection (b)(1)(C), by striking ''is a security'' and inserting ''a security''; and

(B) in subsection (c)(2)(B)(i), by striking ''State, or'' and inserting ''State or'';

(3) in section 19(d)(6)(A) (15 U.S.C. 77s(d)(6)(A)), by striking ''in paragraph (1) of (3)'' and inserting ''in paragraph (1) or (3)''; and

(4) in section 27A(c)(1)(B)(ii) (15 U.S.C. 77z–2(c)(1)(B)(ii)), by striking ''business entity;'' and inserting ''business entity,''.

(b) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(1) in section 2 (15 U.S.C. 78b), by striking ''affected'' and inserting ''effected'';

(2) in section 3 (15 U.S.C. 78c)—

(A) in subsection (a)(55)(A), by striking ''section 3(a)(12) of the Securities Exchange Act of 1934'' and inserting ''section 3(a)(12) of this title''; and

(B) in subsection (g), by striking ''company, account person, or entity'' and inserting ''company, account, person, or entity'';

(3) in section 10A(i)(1)(B) (15 U.S.C. 78j–1(i)(1)(B))—

(A) in the subparagraph heading, by striking ''MINIMUS'' and inserting ''MINIMIS''; and

(B) in clause (i), by striking ''nonaudit'' and inserting ''non-audit'';

(4) in section 13(b)(1) (15 U.S.C. 78m(b)(1)), by striking ''earning statement'' and inserting ''earnings statement'';

(5) in section 15 (15 U.S.C. 78o)—

(A) in subsection (b)(1)—

(i) in subparagraph (B), by striking ''The order granting'' and all that follows through ''from such membership.''; and

(ii) in the undesignated matter immediately following subparagraph (B), by inserting after the first sentence the following: ''The order granting registration shall not be effective until such broker or dealer has become a member of a registered securities association, or until such broker or dealer has become a member of a national securities exchange, if such broker or dealer effects transactions solely on that exchange, unless the Commission has exempted such broker or dealer, by rule or order, from such membership.'';

(6) in section 15C(a)(2) (15 U.S.C. 78o–5(a)(2))—

(A) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and adjusting the subparagraph margins accordingly;

(B) in subparagraph (B), as so redesignated, by striking ''The order granting'' and all that follows through ''from such membership.''; and

(C) in the matter following subparagraph (B), as so redesignated, by inserting after the first sentence the following: ''The order granting registration shall not be effective until such government securities broker or government securities dealer has become a member of a national securities exchange registered under section 6 of this title, or a securities association registered under section 15A of this title, unless the Commission has exempted such government securities broker or government securities dealer, by rule or order, from such membership.'';

(7) in section 17(b)(1)(B) (15 U.S.C. 78q(b)(1)(B)), by striking ''15A(k) gives'' and inserting ''15A(k), give''; and

(8) in section 21C(c)(2) (15 U.S.C. 78u–3(c)(2)), by striking ''paragraph (1) subsection'' and inserting ''Paragraph (1)''.

(c) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 304(b) (15 U.S.C. 77ddd(b)), by striking ''section 2 of such Act'' and inserting ''section 2(a) of such Act''; and

(2) in section 317(a)(1) (15 U.S.C. 77qqq(a)(1)), by striking '', in the'' and inserting ''in the''.

(d) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended—

(1) in section 2(a)(19) (15 U.S.C. 80a–2(a)(19)), in the matter following subparagraph (B)(vii)—

(A) by striking ''clause (vi)'' each place that term appears and inserting ''clause (vii)''; and

(B) in each of subparagraphs (A)(vi) and (B)(vi), by adding ''and'' at the end of subclause (III);

(2) in section 9(b)(4)(B) (15 U.S.C. 80a–9(b)(4)(B)), by adding ''or'' after the semicolon at the end;

(3) in section 12(d)(1)(J) (15 U.S.C. 80a–12(d)(1)(J)), by striking ''any provision of this subsection'' and inserting ''any provision of this paragraph'';

(4) in section 17(f) (15 U.S.C. 80a–17(f))—

(A) in paragraph (4), by striking ''No such member'' and inserting ''No member of a national securities exchange''; and

(B) in paragraph (6), by striking ''company may serve'' and inserting ''company, may serve''; and

(5) in section 61(a)(3)(B)(iii) (15 U.S.C. 80a–60(a)(3)(B)(iii))—

(A) by striking ''paragraph (1) of section 205'' and inserting ''section 205(a)(1)''; and

(B) by striking ''clause (A) or (B) of that section'' and inserting ''paragraph (1) or (2) of section 205(b)''.

(e) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended—

(1) in section 203 (15 U.S.C. 80b–3)—

(A) in subsection (c)(1)(A), by striking ''principal business office and'' and inserting ''principal office, principal place of business, and''; and

(B) in subsection (k)(4)(B), in the matter following clause (ii), by striking ''principal place of business'' and inserting ''principal office or place of business'';

(2) in section 206(3) (15 U.S.C. 80b–6(3)), by adding ''or'' after the semicolon at the end;

(3) in section 213(a) (15 U.S.C. 80b–13(a)), by striking ''principal place of business'' and inserting ''principal office or place of business''; and

(4) in section 222 (15 U.S.C. 80b–18a), by striking ''principal place of business'' each place that term appears and inserting ''principal office and place of business''.

SEC. 986. CONFORMING AMENDMENTS RELATING TO REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

(a) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended—

(1) in section 3(a)(47) (15 U.S.C. 78c(a)(47)), by striking ''the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.),'';

(2) in section 12(k) (15 U.S.C. 78l(k)), by amending paragraph (7) to read as follows:

''(7) DEFINITION.—For purposes of this subsection, the term 'emergency' means—

''(A) a major market disturbance characterized by or constituting—

''(i) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets; or

''(ii) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof; or

''(B) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

''(i) the functioning of securities markets, investment companies, or any other significant portion or segment of the securities markets; or

''(ii) the transmission or processing of securities transactions.''; and

(3) in section 21(h)(2) (15 U.S.C. 78u(h)(2)), by striking ''section 18(c) of the Public Utility Holding Company Act of 1935,''.

(b) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 303 (15 U.S.C. 77ccc), by striking paragraph (17) and inserting the following:

''(17) The terms 'Securities Act of 1933' and 'Securities Exchange Act of 1934' shall be deemed to refer, respectively, to such Acts, as amended, whether amended prior to or after the enactment of this title.'';

(2) in section 308 (15 U.S.C. 77hhh), by striking ''Securities Act of 1933, the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935'' each place that term appears and inserting ''Securities Act of 1933 or the Securities Exchange Act of 1934'';

(3) in section 310 (15 U.S.C. 77jjj), by striking subsection (c);

(4) in section 311 (15 U.S.C. 77kkk), by striking subsection (c);

(5) in section 323(b) (15 U.S.C. 77www(b)), by striking ''Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935'' and inserting ''Securities Act of 1933 or the Securities Exchange Act of 1934''; and

(6) in section 326 (15 U.S.C. 77zzz), by striking ''Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935,'' and inserting ''Securities Act of 1933 or the Securities Exchange Act of 1934''.

(c) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended—

(1) in section 2(a)(44) (15 U.S.C. 80a–2(a)(44)), by striking '' 'Public Utility Holding Company Act of 1935','';

(2) in section 3(c) (15 U.S.C. 80a–3(c)), by striking paragraph (8) and inserting the following:

''(8) [Repealed]'';

(3) in section 38(b) (15 U.S.C. 80a–37(b)), by striking ''the Public Utility Holding Company Act of 1935,''; and

(4) in section 50 (15 U.S.C. 80a–49), by striking ''the Public Utility Holding Company Act of 1935,''.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 202(a)(21) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(21)) is amended by striking '' 'Public Utility Holding Company Act of 1935',''.

SEC. 987. AMENDMENT TO DEFINITION OF MATERIAL LOSS AND NONMATERIAL LOSSES TO THE DEPOSIT INSURANCE FUND FOR PURPOSES OF INSPECTOR GENERAL REVIEWS.

(a) IN GENERAL.—Section 38(k) of the Federal Deposit Insurance Act (U.S.C. 1831o(k)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) MATERIAL LOSS DEFINED.—The term 'material loss' means any estimated loss in excess of—

''(i) $200,000,000, if the loss occurs during the period beginning on January 1, 2010, and ending on December 31, 2011;

''(ii) $150,000,000, if the loss occurs during the period beginning on January 1, 2012, and ending on December 31, 2013; and

''(iii) $50,000,000, if the loss occurs on or after January 1, 2014, provided that if the inspector general of a Federal banking agency certifies to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that the number of projected failures of depository institutions that would require material loss reviews for the following 12 months will be greater than 30 and would hinder the effectiveness of its oversight functions, then the definition of 'material loss' shall be $75,000,000 for a duration of 1 year from the date of the certification.'';

(2) in paragraph (4)(A) by striking ''the report'' and inserting ''any report on losses required under this subsection,'';

(3) by striking paragraph (6);

(4) by redesignating paragraph (5) as paragraph (6); and

(5) by inserting after paragraph (4) the following:

''(5) LOSSES THAT ARE NOT MATERIAL.—

''(A) SEMIANNUAL REPORT.—For the 6-month period ending on March 31, 2010, and each 6-month period thereafter, the Inspector General of each Federal banking agency shall—

''(i) identify losses that the Inspector General estimates have been incurred by the Deposit Insurance Fund during that 6-month period, with respect to the insured depository institutions supervised by the Federal banking agency;

''(ii) for each loss incurred by the Deposit Insurance Fund that is not a material loss, determine—

''(I) the grounds identified by the Federal banking agency or State bank supervisor for appointing the Corporation as receiver under section 11(c)(5); and

''(II) whether any unusual circumstances exist that might warrant an in-depth review of the loss; and

''(iii) prepare and submit a written report to the appropriate Federal banking agency and to Congress on the results of any determination by the Inspector General, including—

''(I) an identification of any loss that warrants an in-depth review, together with the reasons why such review is warranted, or, if the Inspector General determines that no review is warranted, an explanation of such determination; and

''(II) for each loss identified under subclause (I) that warrants an in-depth review, the date by which such review, and a report on such review prepared in a manner consistent with reports under paragraph (1)(A), will be completed and submitted to the Federal banking agency and Congress.

''(B) DEADLINE FOR SEMIANNUAL REPORT.—The Inspector General of each Federal banking agency shall—

''(i) submit each report required under paragraph (A) expeditiously, and not later than 90 days after the end of the 6-month period covered by the report; and

''(ii) provide a copy of the report required under paragraph (A) to any Member of Congress, upon request.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The heading for subsection (k) of section 38 of the Federal Deposit Insurance Act (U.S.C. 1831o(k)) is amended to read as follows:

''(k) REVIEWS REQUIRED WHEN DEPOSIT INSURANCE FUND INCURS LOSSES.—''.

SEC. 988. AMENDMENT TO DEFINITION OF MATERIAL LOSS AND NONMATERIAL LOSSES TO THE NATIONAL CREDIT UNION SHARE INSURANCE FUND FOR PURPOSES OF INSPECTOR GENERAL REVIEWS.

(a) IN GENERAL.—Section 216(j) of the Federal Credit Union Act (12 U.S.C. 1790d(j)) is amended to read as follows:

''(j) REVIEWS REQUIRED WHEN SHARE INSURANCE FUND EXPERIENCES LOSSES.—

''(1) IN GENERAL.—If the Fund incurs a material loss with respect to an insured credit union, the Inspector General of the Board shall—

''(A) submit to the Board a written report reviewing the supervision of the credit union by the Administration (including the implementation of this section by the Administration), which shall include—

''(i) a description of the reasons why the problems of the credit union resulted in a material loss to the Fund; and

''(ii) recommendations for preventing any such loss in the future; and

''(B) submit a copy of the report under subparagraph (A) to—

''(i) the Comptroller General of the United States;

''(ii) the Corporation;

''(iii) in the case of a report relating to a State credit union, the appropriate State supervisor; and

''(iv) to any Member of Congress, upon request.

''(2) MATERIAL LOSS DEFINED.—For purposes of determining whether the Fund has incurred a material loss with respect to an insured credit union, a loss is material if it exceeds the sum of—

''(A) $25,000,000; and

''(B) an amount equal to 10 percent of the total assets of the credit union on the date on which the Board initiated assistance under section 208 or was appointed liquidating agent.

''(3) PUBLIC DISCLOSURE REQUIRED.—

''(A) IN GENERAL.—The Board shall disclose a report under this subsection, upon request under section 552 of title 5, United States Code, without excising—

''(i) any portion under section 552(b)(5) of title 5, United States Code; or

''(ii) any information about the insured credit union (other than trade secrets) under section 552(b)(8) of title 5, United States Code.

''(B) RULE OF CONSTRUCTION.—Subparagraph (A) may not be construed as requiring the agency to disclose the name of any customer of the insured credit union (other than an institution-affiliated party), or information from which the identity of such customer could reasonably be ascertained.

''(4) LOSSES THAT ARE NOT MATERIAL.—

''(A) SEMIANNUAL REPORT.—For the 6-month period ending on March 31, 2010, and each 6-month period thereafter, the Inspector General of the Board shall—

''(i) identify any losses that the Inspector General estimates were incurred by the Fund during such 6-month period, with respect to insured credit unions;

''(ii) for each loss to the Fund that is not a material loss, determine—

''(I) the grounds identified by the Board or the State official having jurisdiction over a State credit union for appointing the Board as the liquidating agent for any Federal or State credit union; and

''(II) whether any unusual circumstances exist that might warrant an in-depth review of the loss; and

''(iii) prepare and submit a written report to the Board and to Congress on the results of the determinations of the Inspector General that includes—

''(I) an identification of any loss that warrants an in-depth review, and the reasons such review is warranted, or if the Inspector General determines that no review is warranted, an explanation of such determination; and

''(II) for each loss identified in subclause (I) that warrants an in-depth review, the date by which such review, and a report on the review prepared in a manner consistent with reports under paragraph (1)(A), will be completed.

''(B) DEADLINE FOR SEMIANNUAL REPORT.—The Inspector General of the Board shall—

''(i) submit each report required under subparagraph (A) expeditiously, and not later than 90 days after the end of the 6-month period covered by the report; and

''(ii) provide a copy of the report required under subparagraph (A) to any Member of Congress, upon request.

''(5) GAO REVIEW.—The Comptroller General of the United States shall, under such conditions as the Comptroller General determines to be appropriate—

''(A) review each report made under paragraph (1), including the extent to which the Inspector General of the Board complied with the requirements under section 8L of the Inspector General Act of 1978 (5 U.S.C. App.) with respect to each such report; and

''(B) recommend improvements to the supervision of insured credit unions (including improvements relating to the implementation of this section).''.

SEC. 989. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON PROPRIETARY TRADING.

(a) DEFINITIONS.—In this section—

(1) the term ''covered entity'' means—

(A) an insured depository institution, an affiliate of an insured depository institution, a bank holding company, a financial holding company, or a subsidiary of a bank holding company or a financial holding company, as those terms are defined in the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.); and

(B) any other entity, as the Comptroller General of the United States may determine; and

(2) the term ''proprietary trading'' means the act of a covered entity investing as a principal in securities, commodities, derivatives, hedge funds, private equity firms, or such other financial products or entities as the Comptroller General may determine.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the risks and conflicts associated with proprietary trading by and within covered entities, including an evaluation of—

(A) whether proprietary trading presents a material systemic risk to the stability of the United States financial system, and if so, the costs and benefits of options for mitigating such systemic risk;

(B) whether proprietary trading presents material risks to the safety and soundness of the covered entities that engage in such activities, and if so, the costs and benefits of options for mitigating such risks;

(C) whether proprietary trading presents material conflicts of interest between covered entities that engage in proprietary trading and the clients of the institutions who use the firm to execute trades or who rely on the firm to manage assets, and if so, the costs and benefits of options for mitigating such conflicts of interest;

(D) whether adequate disclosure regarding the risks and conflicts of proprietary trading is provided to the depositors, trading and asset management clients, and investors of covered entities that engage in proprietary trading, and if not, the costs and benefits of options for the improvement of such disclosure; and

(E) whether the banking, securities, and commodities regulators of institutions that engage in proprietary trading have in place adequate systems and controls to monitor and contain any risks and conflicts of interest related to proprietary trading, and if not, the costs and benefits of options for the improvement of such systems and controls.

(2) CONSIDERATIONS.—In carrying out the study required under paragraph (1), the Comptroller General shall consider—

(A) current practice relating to proprietary trading;

(B) the advisability of a complete ban on proprietary trading;

(C) limitations on the scope of activities that covered entities may engage in with respect to proprietary trading;

(D) the advisability of additional capital requirements for covered entities that engage in proprietary trading;

(E) enhanced restrictions on transactions between affiliates related to proprietary trading;

(F) enhanced accounting disclosures relating to proprietary trading;

(G) enhanced public disclosure relating to proprietary trading; and

(H) any other options the Comptroller General deems appropriate.

(c) REPORT TO CONGRESS.—Not later than 15 months after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study conducted under subsection (b).

(d) ACCESS BY COMPTROLLER GENERAL.—For purposes of conducting the study required under subsection (b), the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by a covered entity that engages in proprietary trading, and to the officers, directors, employees, independent public accountants, financial advisors, staff, and agents and representatives of a covered entity (as related to the activities of the agent or representative on behalf of the covered entity), at such reasonable times as the Comptroller General may request. The Comptroller General may make and retain copies of books, records, accounts, and other records, as the Comptroller General deems appropriate.

(e) CONFIDENTIALITY OF REPORTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Comptroller General may not disclose information regarding—

(A) any proprietary trading activity of a covered entity, unless such information is disclosed at a level of generality that does not reveal the investment or trading position or strategy of the covered entity for any specific security, commodity, derivative, or other investment or financial product; or

(B) any individual interviewed by the Comptroller General for purposes of the study under subsection (b), unless such information is disclosed at a level of generality that does not reveal—

(i) the name of or identifying details relating to such individual; or

(ii) in the case of an individual who is an employee of a third party that provides professional services to a covered entity believed to be engaged in proprietary trading, the name of or any identifying details relating to such third party.

(2) EXCEPTIONS.—The Comptroller General may disclose the information described in paragraph (1)—

(A) to a department, agency, or official of the Federal Government, for official use, upon request;

(B) to a committee of Congress, upon request; and

(C) to a court, upon an order of such court.

SEC. 989A. SENIOR INVESTOR PROTECTIONS.

(a) DEFINITIONS.—As used in this section—

(1) the term ''eligible entity'' means—

(A) a securities commission (or any agency or office performing like functions) of a State that the Office determines has adopted rules on the appropriate use of designations in the offer or sale of securities or the provision of investment advice that meet or exceed the minimum requirements of the NASAA Model Rule on the Use of Senior-Specific Certifications and Professional Designations (or any successor thereto);

(B) the insurance commission (or any agency or office performing like functions) of any State that the Office determines has—

(i) adopted rules on the appropriate use of designations in the sale of insurance products that, to the extent practicable, conform to the minimum requirements of the National Association of Insurance Commissioners Model Regulation on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities (or any successor thereto); and

(ii) adopted rules with respect to fiduciary or suitability requirements in the sale of annuities that meet or exceed the minimum requirements established by the Suitability in Annuity Transactions Model Regulation of the National Association of Insurance Commissioners (or any successor thereto); or

(C) a consumer protection agency of any State, if—

(i) the securities commission (or any agency or office performing like functions) of the State is eligible under subparagraph (A); or

(ii) the insurance commission (or any agency or office performing like functions) of the State is eligible under subparagraph (B);

(2) the term ''financial product'' means a security, an insurance product (including an insurance product that pays a return, whether fixed or variable), a bank product, and a loan product;

(3) the term ''misleading designation''—

(A) means a certification, professional designation, or other purported credential that indicates or implies that a salesperson or adviser has special certification or training in advising or servicing seniors; and

(B) does not include a certification, professional designation, license, or other credential that—

(i) was issued by or obtained from an academic institution having regional accreditation;

(ii) meets the standards for certifications and professional designations outlined by the NASAA Model Rule on the Use of Senior-Specific Certifications and Professional Designations (or any successor thereto) or by the Model Regulations on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities, adopted by the National Association of Insurance Commissioners (or any successor thereto); or

(iii) was issued by or obtained from a State;

(4) the term ''misleading or fraudulent marketing'' means the use of a misleading designation by a person that sells to or advises a senior in connection with the sale of a financial product;

(5) the term ''NASAA'' means the North American Securities Administrators Association;

(6) the term ''Office'' means the Office of Financial Literacy of the Bureau;

(7) the term ''senior'' means any individual who has attained the age of 62 years or older; and

(8) the term ''State'' has the same meaning as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(b) GRANTS TO STATES FOR ENHANCED PROTECTION OF SENIORS FROM BEING MISLED BY FALSE DESIGNATIONS.—The Office shall establish a program under which the Office may make grants to States or eligible entities—

(1) to hire staff to identify, investigate, and prosecute (through civil, administrative, or criminal enforcement actions) cases involving misleading or fraudulent marketing;

(2) to fund technology, equipment, and training for regulators, prosecutors, and law enforcement officers, in order to identify salespersons and advisers who target seniors through the use of misleading designations;

(3) to fund technology, equipment, and training for prosecutors to increase the successful prosecution of salespersons and advisers who target seniors with the use of misleading designations;

(4) to provide educational materials and training to regulators on the appropriateness of the use of designations by salespersons and advisers in connection with the sale and marketing of financial products;

(5) to provide educational materials and training to seniors to increase awareness and understanding of misleading or fraudulent marketing;

(6) to develop comprehensive plans to combat misleading or fraudulent marketing of financial products to seniors; and

(7) to enhance provisions of State law to provide protection for seniors against misleading or fraudulent marketing.

(c) APPLICATIONS.—A State or eligible entity desiring a grant under this section shall submit an application to the Office, in such form and in such a manner as the Office may determine, that includes—

(1) a proposal for activities to protect seniors from misleading or fraudulent marketing that are proposed to be funded using a grant under this section, including—

(A) an identification of the scope of the problem of misleading or fraudulent marketing in the State;

(B) a description of how the proposed activities would—

(i) protect seniors from misleading or fraudulent marketing in the sale of financial products, including by proactively identifying victims of misleading and fraudulent marketing who are seniors;

(ii) assist in the investigation and prosecution of those using misleading or fraudulent marketing; and

(iii) discourage and reduce cases of misleading or fraudulent marketing; and

(C) a description of how the proposed activities would be coordinated with other State efforts; and

(2) any other information, as the Office determines is appropriate.

(d) PERFORMANCE OBJECTIVES AND REPORTING REQUIREMENTS.—The Office may establish such performance objectives and reporting requirements for States and eligible entities receiving a grant under this section as the Office determines are necessary to carry out and assess the effectiveness of the program under this section.

(e) MAXIMUM AMOUNT.—The amount of a grant under this section may not exceed—

(1) $500,000 for each of 3 consecutive fiscal years, if the recipient is a State, or an eligible entity of a State, that has adopted rules—

(A) on the appropriate use of designations in the offer or sale of securities or investment advice that meet or exceed the minimum requirements of the NASAA Model Rule on the Use of Senior-Specific Certifications and Professional Designations (or any successor thereto);

(B) on the appropriate use of designations in the sale of insurance products that, to the extent practicable, conform to the minimum requirements of the National Association of Insurance Commissioners Model Regulation on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities (or any successor thereto); and

(C) with respect to fiduciary or suitability requirements in the sale of annuities that meet or exceed the minimum requirements established by the Suitability in Annuity Transactions Model Regulation of the National Association of Insurance Commissioners (or any successor thereto); and

(2) $100,000 for each of 3 consecutive fiscal years, if the recipient is a State, or an eligible entity of a State, that has adopted—

(A) rules on the appropriate use of designations in the offer or sale of securities or investment advice that meet or exceed the minimum requirements of the NASAA Model Rule on the Use of Senior-Specific Certifications and Professional Designations (or any successor thereto); or

(B) rules—

(i) on the appropriate use of designations in the sale of insurance products that, to the extent practicable, conform to the minimum requirements of the National Association of Insurance Commissioners Model Regulation on the Use of Senior-Specific Certifications and Professional Designations in the Sale of Life Insurance and Annuities (or any successor thereto); and

(ii) with respect to fiduciary or suitability requirements in the sale of annuities that meet or exceed the minimum requirements established by the Suitability in Annuity Transactions Model Regulation of the National Association of Insurance Commissioners (or any successor thereto).

(f) SUBGRANTS.—A State or eligible entity that receives a grant under this section may make a subgrant, as the State or eligible entity determines is necessary to carry out the activities funded using a grant under this section.

(g) REAPPLICATION.—A State or eligible entity that receives a grant under this section may reapply for a grant under this section, notwithstanding the limitations on grant amounts under subsection (e).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $8,000,000 for each of fiscal years 2011 through 2015.

SEC. 989B. DESIGNATED FEDERAL ENTITY INSPECTORS GENERAL INDEPENDENCE.

Section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)(4)—

(A) in the matter preceding subparagraph (A), by inserting ''the board or commission of the designated Federal entity, or in the event the designated Federal entity does not have a board or commission,'' after ''means'';

(B) in subparagraph (A), by striking ''and'' after the semicolon; and

(C) by adding after subparagraph (B) the following:

''(C) with respect to the Federal Labor Relations Authority, such term means the members of the Authority (described under section 7104 of title 5, United States Code);

''(D) with respect to the National Archives and Records Administration, such term means the Archivist of the United States;

''(E) with respect to the National Credit Union Administration, such term means the National Credit Union Administration Board (described under section 102 of the Federal Credit Union Act (12 U.S.C. 1752a);

''(F) with respect to the National Endowment of the Arts, such term means the National Council on the Arts;

''(G) with respect to the National Endowment for the Humanities, such term means the National Council on the Humanities; and

''(H) with respect to the Peace Corps, such term means the Director of the Peace Corps;''; and

(2) in subsection (h), by inserting ''if the designated Federal entity is not a board or commission, include'' after ''designated Federal entities and''.

SEC. 989C. STRENGTHENING INSPECTOR GENERAL ACCOUNTABILITY.

Section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (12), by striking ''and'' after the semicolon;

(2) in paragraph (13), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(14)(A) an appendix containing the results of any peer review conducted by another Office of Inspector General during the reporting period; or

''(B) if no peer review was conducted within that reporting period, a statement identifying the date of the last peer review conducted by another Office of Inspector General;

''(15) a list of any outstanding recommendations from any peer review conducted by another Office of Inspector General that have not been fully implemented, including a statement describing the status of the implementation and why implementation is not complete; and

''(16) a list of any peer reviews conducted by the Inspector General of another Office of the Inspector General during the reporting period, including a list of any outstanding recommendations made from any previous peer review (including any peer review conducted before the reporting period) that remain outstanding or have not been fully implemented.''.

SEC. 989D. REMOVAL OF INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.

Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating the sentences following ''(e)'' as paragraph (2); and

(2) by striking ''(e)'' and inserting the following:

''(e)(1) In the case of a designated Federal entity for which a board or commission is the head of the designated Federal entity, a removal under this subsection may only be made upon the written concurrence of a ⅔ majority of the board or commission.''.

SEC. 989E. ADDITIONAL OVERSIGHT OF FINANCIAL REGULATORY SYSTEM.

(a) COUNCIL OF INSPECTORS GENERAL ON FINANCIAL OVERSIGHT.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established a Council of Inspectors General on Financial Oversight (in this section referred to as the ''Council of Inspectors General'') chaired by the Inspector General of the Department of the Treasury and composed of the inspectors general of the following:

(A) The Board of Governors of the Federal Reserve System.

(B) The Commodity Futures Trading Commission.

(C) The Department of Housing and Urban Development.

(D) The Department of the Treasury.

(E) The Federal Deposit Insurance Corporation.

(F) The Federal Housing Finance Agency.

(G) The National Credit Union Administration.

(H) The Securities and Exchange Commission.

(I) The Troubled Asset Relief Program (until the termination of the authority of the Special Inspector General for such program under section 121(k) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(k))).

(2) DUTIES.—

(A) MEETINGS.—The Council of Inspectors General shall meet not less than once each quarter, or more frequently if the chair considers it appropriate, to facilitate the sharing of information among inspectors general and to discuss the ongoing work of each inspector general who is a member of the Council of Inspectors General, with a focus on concerns that may apply to the broader financial sector and ways to improve financial oversight.

(B) ANNUAL REPORT.—Each year the Council of Inspectors General shall submit to the Council and to Congress a report including—

(i) for each inspector general who is a member of the Council of Inspectors General, a section within the exclusive editorial control of such inspector general that highlights the concerns and recommendations of such inspector general in such inspector general's ongoing and completed work, with a focus on issues that may apply to the broader financial sector; and

(ii) a summary of the general observations of the Council of Inspectors General based on the views expressed by each inspector general as required by clause (i), with a focus on measures that should be taken to improve financial oversight.

(3) WORKING GROUPS TO EVALUATE COUNCIL.—

(A) CONVENING A WORKING GROUP.—The Council of Inspectors General may, by majority vote, convene a Council of Inspectors General Working Group to evaluate the effectiveness and internal operations of the Council.

(B) PERSONNEL AND RESOURCES.—The inspectors general who are members of the Council of Inspectors General may detail staff and resources to a Council of Inspectors General Working Group established under this paragraph to enable it to carry out its duties.

(C) REPORTS.—A Council of Inspectors General Working Group established under this paragraph shall submit regular reports to the Council and to Congress on its evaluations pursuant to this paragraph.

(b) RESPONSE TO REPORT BY COUNCIL.—The Council shall respond to the concerns raised in the report of the Council of Inspectors General under subsection (a)(2)(B) for such year.

SEC. 989F. GAO STUDY OF PERSON TO PERSON LENDING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of person to person lending to determine the optimal Federal regulatory structure.

(2) CONSULTATION.—In conducting the study required under paragraph (1), the Comptroller General shall consult with Federal banking agencies, the Commission, consumer groups, outside experts, and the person to person lending industry.

(3) CONTENT OF STUDY.—The study required under paragraph (1) shall include an examination of—

(A) the regulatory structure as it exists on the date of enactment of this Act, as determined by the Commission, with particular attention to—

(i) the application of the Securities Act of 1933 to person to person lending platforms;

(ii) the posting of consumer loan information on the EDGAR database of the Commission; and

(iii) the treatment of privately held person to person lending platforms as public companies;

(B) the State and other Federal regulators responsible for the oversight and regulation of person to person lending markets;

(C) any Federal, State, or local government or private studies of person to person lending completed or in progress on the date of enactment of this Act;

(D) consumer privacy and data protections, minimum credit standards, anti-money laundering and risk management in the regulatory structure as it exists on the date of enactment of this Act, and whether additional or alternative safeguards are needed; and

(E) the uses of person to person lending.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study required under subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) CONTENT OF REPORT.—The report required under paragraph (1) shall include alternative regulatory options, including—

(A) the involvement of other Federal agencies; and

(B) alternative approaches by the Commission and recommendations on whether the alternative approaches are effective.

SEC. 989G. EXEMPTION FOR NONACCELERATED FILERS.

(a) EXEMPTION.—Section 404 of the Sarbanes-Oxley Act of 2002 is amended by adding at the end the following:

''(c) EXEMPTION FOR SMALLER ISSUERS.—Subsection (b) shall not apply with respect to any audit report prepared for an issuer that is neither a 'large accelerated filer' nor an 'accelerated filer' as those terms are defined in Rule 12b–2 of the Commission (17 C.F.R. 240.12b–2).''.

(b) STUDY.—The Securities and Exchange Commission shall conduct a study to determine how the Commission could reduce the burden of complying with section 404(b) of the Sarbanes-Oxley Act of 2002 for companies whose market capitalization is between $75,000,000 and $250,000,000 for the relevant reporting period while maintaining investor protections for such companies. The study shall also consider whether any such methods of reducing the compliance burden or a complete exemption for such companies from compliance with such section would encourage companies to list on exchanges in the United States in their initial public offerings. Not later than 9 months after the date of the enactment of this subtitle, the Commission shall transmit a report of such study to Congress.

SEC. 989H. CORRECTIVE RESPONSES BY HEADS OF CERTAIN ESTABLISHMENTS TO DEFICIENCIES IDENTIFIED BY INSPECTORS GENERAL.

The Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Commodity Futures Trading Commission, the Chairman of the National Credit Union Administration, the Director of the Pension Benefit Guaranty Corporation, and the Chairman of the Securities and Exchange Commission shall each—

(1) take action to address deficiencies identified by a report or investigation of the Inspector General of the establishment concerned; or

(2) certify to both Houses of Congress that no action is necessary or appropriate in connection with a deficiency described in paragraph (1).

SEC. 989I. GAO STUDY REGARDING EXEMPTION FOR SMALLER ISSUERS.

(a) STUDY REGARDING EXEMPTION FOR SMALLER ISSUERS.—The Comptroller General of the United States shall carry out a study on the impact of the amendments made by this Act to section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262(b)), which shall include an analysis of—

(1) whether issuers that are exempt from such section 404(b) have fewer or more restatements of published accounting statements than issuers that are required to comply with such section 404(b);

(2) the cost of capital for issuers that are exempt from such section 404(b) compared to the cost of capital for issuers that are required to comply with such section 404(b);

(3) whether there is any difference in the confidence of investors in the integrity of financial statements of issuers that comply with such section 404(b) and issuers that are exempt from compliance with such section 404(b);

(4) whether issuers that do not receive the attestation for internal controls required under such section 404(b) should be required to disclose the lack of such attestation to investors; and

(5) the costs and benefits to issuers that are exempt from such section 404(b) that voluntarily have obtained the attestation of an independent auditor.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study required under subsection (a).

SEC. 989J. FURTHER PROMOTING THE ADOPTION OF THE NAIC MODEL REGULATIONS THAT ENHANCE PROTECTION OF SENIORS AND OTHER CONSUMERS.

(a) IN GENERAL.—The Commission shall treat as exempt securities described under section 3(a)(8) of the Securities Act of 1933 (15 U.S.C. 77c(a)(8)) any insurance or endowment policy or annuity contract or optional annuity contract—

(1) the value of which does not vary according to the performance of a separate account;

(2) that—

(A) satisfies standard nonforfeiture laws or similar requirements of the applicable State at the time of issue; or

(B) in the absence of applicable standard nonforfeiture laws or requirements, satisfies the Model Standard Nonforfeiture Law for Life Insurance or Model Standard Nonforfeiture Law for Individual Deferred Annuities, or any successor model law, as published by the National Association of Insurance Commissioners; and

(3) that is issued—

(A) on and after June 16, 2013, in a State, or issued by an insurance company that is domiciled in a State, that—

(i) adopts rules that govern suitability requirements in the sale of an insurance or endowment policy or annuity contract or optional annuity contract, which shall substantially meet or exceed the minimum requirements established by the Suitability in Annuity Transactions Model Regulation adopted by the National Association of Insurance Commissioners in March 2010; and

(ii) adopts rules that substantially meet or exceed the minimum requirements of any successor modifications to the model regulations described in subparagraph (A) within 5 years of the adoption by the Association of any further successors thereto; or

(B) by an insurance company that adopts and implements practices on a nationwide basis for the sale of any insurance or endowment policy or annuity contract or optional annuity contract that meet or exceed the minimum requirements established by the National Association of Insurance Commissioners Suitability in Annuity Transactions Model Regulation (Model 275), and any successor thereto, and is therefore subject to examination by the State of domicile of the insurance company, or by any other State where the insurance company conducts sales of such products, for the purpose of monitoring compliance under this section.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect whether any insurance or endowment policy or annuity contract or optional annuity contract that is not described in this section is or is not an exempt security under section 3(a)(8) of the Securities Act of 1933 (15 U.S.C. 77c(a)(8)).

Subtitle J—Securities and Exchange Commission Match Funding

SEC. 991. SECURITIES AND EXCHANGE COMMISSION MATCH FUNDING.

(a) MATCH FUNDING AUTHORITY.—

(1) AMENDMENTS.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended—

(A) by striking subsection (a) and inserting the following:

''(a) RECOVERY OF COSTS OF ANNUAL APPROPRIATION.—The Commission shall, in accordance with this section, collect transaction fees and assessments that are designed to recover the costs to the Government of the annual appropriation to the Commission by Congress.'';

(B) in subsection (e)(2), by striking ''September 30'' and inserting ''September 25'';

(C) in subsection (g), by striking ''April 30 of the fiscal year preceding the fiscal year to which such rate applies'' and inserting ''30 days after the date on which an Act making a regular appropriation to the Commission for such fiscal year is enacted'';

(D) by striking subsection (j) and inserting the following:

''(j) ADJUSTMENTS TO FEE RATES.—

''(1) ANNUAL ADJUSTMENT.—Subject to subsections (i)(1)(B) and (k), for each fiscal year, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including assessments collected under subsection (d) of this section) that are equal to the regular appropriation to the Commission by Congress for such fiscal year.

''(2) MID-YEAR ADJUSTMENT.—Subject to subsections (i)(1)(B) and (k), for each fiscal year, the Commission shall determine, by March 1 of such fiscal year, whether, based on the actual aggregate dollar volume of sales during the first 5 months of such fiscal year, the baseline estimate of the aggregate dollar volume of sales used under paragraph (1) for such fiscal year is reasonably likely to be 10 percent (or more) greater or less than the actual aggregate dollar volume of sales for such fiscal year. If the Commission so determines, the Commission shall by order, no later than March 1, adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the revised estimate of the

aggregate dollar amount of sales for the remainder of such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including fees collected during such five-month period and assessments collected under subsection (d) of this section) that are equal to the regular appropriation to the Commission by Congress for such fiscal year. In making such revised estimate, the Commission shall, after consultation with the Congressional Budget Office and the Office of Management and Budget, use the same methodology required by subsection (l).

''(3) REVIEW.—In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (1) or (2) and published under subsection (g) shall not be subject to judicial review.

''(4) EFFECTIVE DATE.—

''(A) ANNUAL ADJUSTMENT.—Subject to subsections (i)(1)(B) and (k), an adjusted rate prescribed under paragraph (1) shall take effect on the later of—

''(i) the first day of the fiscal year to which such rate applies; or

''(ii) 60 days after the date on which an Act making a regular appropriation to the Commission for such fiscal year is enacted.

''(B) MID-YEAR ADJUSTMENT.—An adjusted rate prescribed under paragraph (2) shall take effect on April 1 of the fiscal year to which such rate applies.'';

(E) in subsection (k), by striking ''30 days'' and inserting ''60 days''; and

(F) in subsection (l), by striking ''DEFINITIONS.—'' and all that follows through ''SALES.—The baseline'' and inserting ''BASELINE ESTIMATE OF THE AGGREGATE DOLLAR AMOUNT OF SALES.—The baseline''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the later of—

(A) October 1, 2011; or

(B) the date of enactment of an Act making a regular appropriation to the Commission for fiscal year 2012.

(b) AMENDMENTS TO REGISTRATION FEE PROVISIONS.—

(1) SECTION 6(b) OF THE SECURITIES ACT OF 1933.—Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended—

(A) by striking ''offsetting'' each place that term appears and inserting ''fee'';

(B) by striking paragraphs (1), (3), (4), (6), (8), and (9);

(C) by redesignating paragraph (2) as paragraph (1);

(D) by redesignating paragraph (5) as paragraph (2);

(E) by redesignating paragraph (7) as paragraph (3);

(F) by redesignating paragraph (10) as paragraph (5);

(G) by redesignating paragraph (11) as paragraph (6);

(H) in paragraph (1), as so redesignated, by striking ''paragraph (5) or (6).'' and inserting ''paragraph (2).'';

(I) in paragraph (2), as so redesignated—

(i) by striking ''of the fiscal years 2003 through 2011'' and inserting ''fiscal year''; and

(ii) by striking ''paragraph (2)'' and inserting ''paragraph (1)'';

(J) by inserting after paragraph (3), as so redesignated, the following:

''(4) REVIEW AND EFFECTIVE DATE.—In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (2) and published under paragraph (5) shall not be subject to judicial review. An adjusted rate prescribed under paragraph (2) shall take effect on the first day of the fiscal year to which such rate applies.'';

(K) in paragraph (5), as redesignated, by striking ''April 30'' and inserting ''August 31'';

(L) in paragraph (6), as so redesignated—

(i) by striking ''of the fiscal years 2002 through 2011'' and inserting ''fiscal year''; and

(ii) by inserting at the end of the table in subparagraph (A) the following:

''2012	*$425,000,000*
2013	*$455,000,000*
2014	*$485,000,000*
2015	*$515,000,000*
2016	*$550,000,000*
2017	*$585,000,000*
2018	*$620,000,000*
2019	*$660,000,000*
2020	*$705,000,000*
2021 and each fiscal year thereafter.	*An amount that is equal to the target fee collection amount for the prior fiscal year, adjusted by the rate of inflation.''.*

(2) SECTION 13(e) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 13(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)) is amended—

(A) in paragraph (3), by striking ''paragraphs (5) and (6)'' and inserting ''paragraph (4)'';

(B) by striking paragraphs (4), (5), and (6);

(C) by inserting after paragraph (3) the following:

''(4) ANNUAL ADJUSTMENT.—For each fiscal year, the Commission shall by order adjust the rate required by paragraph (3) for such fiscal year to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for such fiscal year.

''(5) FEE COLLECTIONS.—Fees collected pursuant to this subsection for fiscal year 2012 and each fiscal year thereafter shall be deposited and credited as general revenue of the Treasury and shall not be available for obligation.

''(6) EFFECTIVE DATE; PUBLICATION.—In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (4) shall be published and take effect in accordance with section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)).''; and

(D) by striking paragraphs (8), (9), and (10).

(3) SECTION 14(g) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 14(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(g)) is amended—

(A) in paragraph (1), by striking ''paragraphs (5) and (6)'' each time that term appears and inserting ''paragraph (4)'';

(B) in paragraph (3), by striking ''paragraphs (5) and (6)'' and inserting ''paragraph (4)'';

(C) by striking paragraphs (4), (5), and (6);

(D) by inserting after paragraph (3) the following:

''(4) ANNUAL ADJUSTMENT.—For each fiscal year, the Commission shall by order adjust the rate required by paragraphs (1) and (3) for such fiscal year to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) for such fiscal year.

''(5) FEE COLLECTION.—Fees collected pursuant to this subsection for fiscal year 2012 and each fiscal year thereafter shall be deposited and credited as general revenue of the Treasury and shall not be available for obligation.

''(6) REVIEW; EFFECTIVE DATE; PUBLICATION.—In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (4) shall be published and take effect in accordance with section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)).'';

(E) by striking paragraphs (8), (9), and (10); and

(F) by redesignating paragraph (11) as paragraph (8).

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2011, except that for fiscal year 2012, the Commission shall publish the rate established under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), as amended by this Act, on August 31, 2011.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 35 of the Securities Exchange Act of 1934 (15 U.S.C. 78kk) is amended to read as follows:

''SEC. 35. AUTHORIZATION OF APPROPRIATIONS.

''In addition to any other funds authorized to be appropriated to the Commission, there are authorized to be appropriated to carry out the functions, powers, and duties of the Commission—

''(1) for fiscal year 2011, $1,300,000,000;

''(2) for fiscal year 2012, $1,500,000,000;

''(3) for fiscal year 2013, $1,750,000,000;

''(4) for fiscal year 2014, $2,000,000,000; and

''(5) for fiscal year 2015, $2,250,000,000.''.

(d) TRANSMITTAL OF BUDGET REQUESTS.—

(1) AMENDMENT.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended by adding at the end the following:

''(m) TRANSMITTAL OF COMMISSION BUDGET REQUESTS.—

''(1) BUDGET REQUIRED.—For fiscal year 2012, and each fiscal year thereafter, the Commission shall prepare and submit a budget to the President. Whenever the Commission submits a budget estimate or request to the President or the Office of Management and Budget, the Commission shall concurrently transmit copies of the estimate or request to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

''(2) SUBMISSION TO CONGRESS.—The President shall submit each budget submitted under paragraph (1) to Congress, in unaltered form, together with the annual budget for the Administration submitted by the President.

''(3) CONTENTS.—The Commission shall include in each budget submitted under paragraph (1)—

''(A) an itemization of the amount of funds necessary to carry out the functions of the Commission.

''(B) an amount to be designated as contingency funding to be used by the Commission to address unanticipated needs; and

''(C) a designation of any activities of the Commission for which multi-year budget authority would be suitable.''.

(2) BUDGET OF THE PRESIDENT.—For fiscal year 2012, and each fiscal year thereafter, the annual budget for the Administration submitted by the President to Congress shall reflect the amendments made by this section.

(e) SECURITIES AND EXCHANGE COMMISSION RESERVE FUND.—

(1) AMENDMENT.—Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d), as amended by this Act, is amended by adding at the end the following:

''(i) SECURITIES AND EXCHANGE COMMISSION RESERVE FUND.—

''(1) RESERVE FUND ESTABLISHED.—There is established in the Treasury of the United States a separate fund, to be known as the 'Securities and Exchange Commission Reserve Fund' (referred to in this subsection as the 'Reserve Fund').

''(2) RESERVE FUND AMOUNTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any registration fees collected by the Commission under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) or section 24(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(f)) shall be deposited into the Reserve Fund.

''(B) LIMITATIONS.—For any 1 fiscal year—

''(i) the amount deposited in the Fund may not exceed $50,000,000; and

''(ii) the balance in the Fund may not exceed $100,000,000.

''(C) EXCESS FEES.—Any amounts in excess of the limitations described in subparagraph (B) that the Commission collects from registration fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) or section 24(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(f)) shall be deposited in the General Fund of the Treasury of the United States and shall not be available for obligation by the Commission.

''(3) USE OF AMOUNTS IN RESERVE FUND.—The Commission may obligate amounts in the Reserve Fund, not to exceed a total of $100,000,000 in any 1 fiscal year, as the Commission determines is necessary to carry out the functions of the Commission. Any amounts in the reserve fund shall remain available until expended. Not later than 10 days after the date on which the Commission obligates amounts under this paragraph, the Commission shall notify Congress of the date, amount, and purpose of the obligation.

''(4) RULE OF CONSTRUCTION.—Amounts collected and deposited in the Reserve Fund shall not be construed to be Government funds or appropriated monies and shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on October 1, 2011.

TITLE X—BUREAU OF CONSUMER FINANCIAL PROTECTION

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Consumer Financial Protection Act of 2010''.

SEC. 1002. DEFINITIONS.

Except as otherwise provided in this title, for purposes of this title, the following definitions shall apply:

(1) AFFILIATE.—The term ''affiliate'' means any person that controls, is controlled by, or is under common control with another person.

(2) BUREAU.—The term ''Bureau'' means the Bureau of Consumer Financial Protection.

(3) BUSINESS OF INSURANCE.—The term ''business of insurance'' means the writing of insurance or the reinsuring of risks by an insurer, including all acts necessary to such writing or reinsuring and the activities relating to the writing of insurance or the reinsuring of risks conducted by persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons.

(4) CONSUMER.—The term ''consumer'' means an individual or an agent, trustee, or representative acting on behalf of an individual.

(5) CONSUMER FINANCIAL PRODUCT OR SERVICE.—The term ''consumer financial product or service'' means any financial product or service that is described in one or more categories under—

(A) paragraph (15) and is offered or provided for use by consumers primarily for personal, family, or household purposes; or

(B) clause (i), (iii), (ix), or (x) of paragraph (15)(A), and is delivered, offered, or provided in connection with a consumer financial product or service referred to in subparagraph (A).

(6) COVERED PERSON.—The term ''covered person'' means—

(A) any person that engages in offering or providing a consumer financial product or service; and

(B) any affiliate of a person described in subparagraph (A) if such affiliate acts as a service provider to such person.

(7) CREDIT.—The term ''credit'' means the right granted by a person to a consumer to defer payment of a debt, incur debt and defer its payment, or purchase property or services and defer payment for such purchase.

(8) DEPOSIT-TAKING ACTIVITY.—The term ''deposit-taking activity'' means—

(A) the acceptance of deposits, maintenance of deposit accounts, or the provision of services related to the acceptance of deposits or the maintenance of deposit accounts;

(B) the acceptance of funds, the provision of other services related to the acceptance of funds, or the maintenance of member share accounts by a credit union; or

(C) the receipt of funds or the equivalent thereof, as the Bureau may determine by rule or order, received or held by a covered person (or an agent for a covered person) for the purpose of facilitating a payment or transferring funds or value of funds between a consumer and a third party.

(9) DESIGNATED TRANSFER DATE.—The term ''designated transfer date'' means the date established under section 1062.

(10) DIRECTOR.—The term ''Director'' means the Director of the Bureau.

(11) ELECTRONIC CONDUIT SERVICES.—The term ''electronic conduit services''—

(A) means the provision, by a person, of electronic data transmission, routing, intermediate or transient storage, or connections to a telecommunications system or network; and

(B) does not include a person that provides electronic conduit services if, when providing such services, the person—

(i) selects or modifies the content of the electronic data;

(ii) transmits, routes, stores, or provides connections for electronic data, including financial data, in a manner that such financial data is differentiated from other types of data of the same form that such person transmits, routes, or stores, or with respect to which, provides connections; or

(iii) is a payee, payor, correspondent, or similar party to a payment transaction with a consumer.

(12) ENUMERATED CONSUMER LAWS.—Except as otherwise specifically provided in section 1029, subtitle G or subtitle H, the term ''enumerated consumer laws'' means—

(A) the Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.);

(B) the Consumer Leasing Act of 1976 (15 U.S.C. 1667 et seq.);

(C) the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), except with respect to section 920 of that Act;

(D) the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.);

(E) the Fair Credit Billing Act (15 U.S.C. 1666 et seq.);

(F) the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), except with respect to sections 615(e) and 628 of that Act (15 U.S.C. 1681m(e), 1681w);

(G) the Home Owners Protection Act of 1998 (12 U.S.C. 4901 et seq.);

(H) the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.);

(I) subsections (b) through (f) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t(c)–(f));

(J) sections 502 through 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802–6809) except for section 505 as it applies to section 501(b);

(K) the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.);

(L) the Home Ownership and Equity Protection Act of 1994 (15 U.S.C. 1601 note);

(M) the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.);

(N) the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.);

(O) the Truth in Lending Act (15 U.S.C. 1601 et seq.);

(P) the Truth in Savings Act (12 U.S.C. 4301 et seq.);

(Q) section 626 of the Omnibus Appropriations Act, 2009 (Public Law 111–8); and

(R) the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701).

(13) FAIR LENDING.—The term ''fair lending'' means fair, equitable, and nondiscriminatory access to credit for consumers.

(14) FEDERAL CONSUMER FINANCIAL LAW.—The term ''Federal consumer financial law'' means the provisions of this title, the enumerated consumer laws, the laws for which authorities are transferred under subtitles F and H, and any rule or order prescribed by the Bureau under this title, an enumerated consumer law, or pursuant to the authorities transferred under subtitles F and H. The term does not include the Federal Trade Commission Act.

(15) FINANCIAL PRODUCT OR SERVICE.—

(A) IN GENERAL.—The term ''financial product or service'' means—

(i) extending credit and servicing loans, including acquiring, purchasing, selling, brokering, or other extensions of credit (other than solely extending commercial credit to a person who originates consumer credit transactions);

(ii) extending or brokering leases of personal or real property that are the functional equivalent of purchase finance arrangements, if—

(I) the lease is on a non-operating basis;

(II) the initial term of the lease is at least 90 days; and

(III) in the case of a lease involving real property, at the inception of the initial lease, the transaction is intended to result in ownership of the leased property to be transferred to the lessee, subject to standards prescribed by the Bureau;

(iii) providing real estate settlement services, except such services excluded under subparagraph (C), or performing appraisals of real estate or personal property;

(iv) engaging in deposit-taking activities, transmitting or exchanging funds, or otherwise acting as a custodian of funds or any financial instrument for use by or on behalf of a consumer;

(v) selling, providing, or issuing stored value or payment instruments, except that, in the case of a sale of, or transaction to reload, stored value, only if the seller exercises substantial control over the terms or conditions of the stored value provided to the consumer where, for purposes of this clause—

(I) a seller shall not be found to exercise substantial control over the terms or conditions of the stored value if the seller is not a party to the contract with the consumer for the stored value product, and another person is principally responsible for establishing the terms or conditions of the stored value; and

(II) advertising the nonfinancial goods or services of the seller on the stored value card or device is not in itself an exercise of substantial control over the terms or conditions;

(vi) providing check cashing, check collection, or check guaranty services;

(vii) providing payments or other financial data processing products or services to a consumer by any technological means, including processing or storing financial or banking data for any payment instrument, or through any payments systems or network used for processing payments data, including payments made through an online banking system or mobile telecommunications network, except that a person shall not be deemed to be a covered person with respect to financial data processing solely because the person—

(I) is a merchant, retailer, or seller of any nonfinancial good or service who engages in financial data processing by transmitting or storing payments data about a consumer exclusively for purpose of initiating payments instructions by the consumer to pay such person for the purchase of, or to complete a commercial transaction for, such nonfinancial good or service sold directly by such person to the consumer; or

(II) provides access to a host server to a person for purposes of enabling that person to establish and maintain a website;

(viii) providing financial advisory services (other than services relating to securities provided by a person regulated by the Commission or a person regulated by a State securities Commission, but only to the extent that such person acts in a regulated capacity) to consumers on individual financial matters or relating to proprietary financial products or services (other than by publishing any bona fide newspaper,

news magazine, or business or financial publication of general and regular circulation, including publishing market data, news, or data analytics or investment information or recommendations that are not tailored to the individual needs of a particular consumer), including—

(I) providing credit counseling to any consumer; and

(II) providing services to assist a consumer with debt management or debt settlement, modifying the terms of any extension of credit, or avoiding foreclosure;

(ix) collecting, analyzing, maintaining, or providing consumer report information or other account information, including information relating to the credit history of consumers, used or expected to be used in connection with any decision regarding the offering or provision of a consumer financial product or service, except to the extent that—

(I) a person—

(aa) collects, analyzes, or maintains information that relates solely to the transactions between a consumer and such person;

(bb) provides the information described in item (aa) to an affiliate of such person; or

(cc) provides information that is used or expected to be used solely in any decision regarding the offering or provision of a product or service that is not a consumer financial product or service, including a decision for employment, government licensing, or a residential lease or tenancy involving a consumer; and

(II) the information described in subclause (I)(aa) is not used by such person or affiliate in connection with any decision regarding the offering or provision of a consumer financial product or service to the consumer, other than credit described in section 1027(a)(2)(A);

(x) collecting debt related to any consumer financial product or service; and

(xi) such other financial product or service as may be defined by the Bureau, by regulation, for purposes of this title, if the Bureau finds that such financial product or service is—

(I) entered into or conducted as a subterfuge or with a purpose to evade any Federal consumer financial law; or

(II) permissible for a bank or for a financial holding company to offer or to provide under any provision of a Federal law or regulation applicable to a bank or a financial holding company, and has, or likely will have, a material impact on consumers.

(B) RULE OF CONSTRUCTION.—

(i) IN GENERAL.—For purposes of subparagraph (A)(xi)(II), and subject to clause (ii) of this subparagraph, the following activities provided to a covered person shall not, for purposes of this title, be considered incidental or complementary to a financial activity permissible for a financial holding company to engage in under any provision of a Federal law or regulation applicable to a financial holding company:

(I) Providing information products or services to a covered person for identity authentication.

(II) Providing information products or services for fraud or identify theft detection, prevention, or investigation.

(III) Providing document retrieval or delivery services.

(IV) Providing public records information retrieval.

(V) Providing information products or services for anti-money laundering activities.

(ii) LIMITATION.—Nothing in clause (i) may be construed as modifying or limiting the authority of the Bureau to exercise any—

(I) examination or enforcement powers authority under this title with respect to a covered person or service provider engaging in an activity described in subparagraph (A)(ix); or

(II) powers authorized by this title to prescribe rules, issue orders, or take other actions under any enumerated consumer law or law for which the authorities are transferred under subtitle F or H.

(C) EXCLUSIONS.—The term ''financial product or service'' does not include—

(i) the business of insurance; or

(ii) electronic conduit services.

(16) FOREIGN EXCHANGE.—The term ''foreign exchange'' means the exchange, for compensation, of currency of the United States or of a foreign government for currency of another government.

(17) INSURED CREDIT UNION.—The term ''insured credit union'' has the same meaning as in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(18) PAYMENT INSTRUMENT.—The term ''payment instrument'' means a check, draft, warrant, money order, traveler's check, electronic instrument, or other instrument, payment of funds, or monetary value (other than currency).

(19) PERSON.—The term ''person'' means an individual, partnership, company, corporation, association (incorporated or unincorporated), trust, estate, cooperative organization, or other entity.

(20) PERSON REGULATED BY THE COMMODITY FUTURES TRADING COMMISSION.—The term ''person regulated by the Commodity Futures Trading Commission'' means any person that is registered, or required by statute or regulation to be registered, with the Commodity Futures Trading Commission, but only to the extent that the activities of such person are subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act.

(21) PERSON REGULATED BY THE COMMISSION.—The term ''person regulated by the Commission'' means a person who is—

(A) a broker or dealer that is required to be registered under the Securities Exchange Act of 1934;

(B) an investment adviser that is registered under the Investment Advisers Act of 1940;

(C) an investment company that is required to be registered under the Investment Company Act of 1940, and any company that has elected to be regulated as a business development company under that Act;

(D) a national securities exchange that is required to be registered under the Securities Exchange Act of 1934;

(E) a transfer agent that is required to be registered under the Securities Exchange Act of 1934;

(F) a clearing corporation that is required to be registered under the Securities Exchange Act of 1934;

(G) any self-regulatory organization that is required to be registered with the Commission;

(H) any nationally recognized statistical rating organization that is required to be registered with the Commission;

(I) any securities information processor that is required to be registered with the Commission;

(J) any municipal securities dealer that is required to be registered with the Commission;

(K) any other person that is required to be registered with the Commission under the Securities Exchange Act of 1934; and

(L) any employee, agent, or contractor acting on behalf of, registered with, or providing services to, any person described in any of subparagraphs (A) through (K), but only to the extent that any person described in any of subparagraphs (A) through (K), or the employee, agent, or contractor of such person, acts in a regulated capacity.

(22) PERSON REGULATED BY A STATE INSURANCE REGULATOR.—The term ''person regulated by a State insurance regulator'' means any person that is engaged in the business of insurance and subject to regulation by any State insurance regulator, but only to the extent that such person acts in such capacity.

(23) PERSON THAT PERFORMS INCOME TAX PREPARATION ACTIVITIES FOR CONSUMERS.—The term ''person that performs income tax preparation activities for consumers'' means—

(A) any tax return preparer (as defined in section 7701(a)(36) of the Internal Revenue Code of 1986), regardless of whether compensated, but only to the extent that the person acts in such capacity;

(B) any person regulated by the Secretary under section 330 of title 31, United States Code, but only to the extent that the person acts in such capacity; and

(C) any authorized IRS e-file Providers (as defined for purposes of section 7216 of the Internal Revenue Code of 1986), but only to the extent that the person acts in such capacity.

(24) PRUDENTIAL REGULATOR.—The term ''prudential regulator'' means—

(A) in the case of an insured depository institution or depository institution holding company (as defined in section 3 of the Federal Deposit Insurance Act), or subsidiary of such institution or company, the appropriate Federal banking agency, as that term is defined in section 3 of the Federal Deposit Insurance Act; and

(B) in the case of an insured credit union, the National Credit Union Administration.

(25) RELATED PERSON.—The term ''related person''—

(A) shall apply only with respect to a covered person that is not a bank holding company (as that term is defined in section 2 of the Bank Holding Company Act of 1956), credit union, or depository institution;

(B) shall be deemed to mean a covered person for all purposes of any provision of Federal consumer financial law; and

(C) means—

(i) any director, officer, or employee charged with managerial responsibility for, or controlling shareholder of, or agent for, such covered person;

(ii) any shareholder, consultant, joint venture partner, or other person, as determined by the Bureau (by rule or on a case-by-case basis) who materially participates in the conduct of the affairs of such covered person; and

(iii) any independent contractor (including any attorney, appraiser, or accountant) who knowingly or recklessly participates in any—

(I) violation of any provision of law or regulation; or

(II) breach of a fiduciary duty.

(26) SERVICE PROVIDER.—

(A) IN GENERAL.—The term ''service provider'' means any person that provides a material service to a covered person in connection with the offering or provision by such covered person of a consumer financial product or service, including a person that—

(i) participates in designing, operating, or maintaining the consumer financial product or service; or

(ii) processes transactions relating to the consumer financial product or service (other than unknowingly or incidentally transmitting or processing financial data in a manner that such data is undifferentiated from other types of data of the same form as the person transmits or processes).

(B) EXCEPTIONS.—The term ''service provider'' does not include a person solely by virtue of such person offering or providing to a covered person—

(i) a support service of a type provided to businesses generally or a similar ministerial service; or

(ii) time or space for an advertisement for a consumer financial product or service through print, newspaper, or electronic media.

(C) RULE OF CONSTRUCTION.—A person that is a service provider shall be deemed to be a covered person to the extent that such person engages in the offering or provision of its own consumer financial product or service.

(27) STATE.—The term ''State'' means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, or the United States Virgin Islands or any federally recognized Indian tribe, as defined by the Secretary of the Interior under section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1(a)).

(28) STORED VALUE.—

(A) IN GENERAL.—The term ''stored value'' means funds or monetary value represented in

any electronic format, whether or not specially encrypted, and stored or capable of storage on electronic media in such a way as to be retrievable and transferred electronically, and includes a prepaid debit card or product, or any other similar product, regardless of whether the amount of the funds or monetary value may be increased or reloaded.

(B) EXCLUSION.—Notwithstanding subparagraph (A), the term ''stored value'' does not include a special purpose card or certificate, which shall be defined for purposes of this paragraph as funds or monetary value represented in any electronic format, whether or not specially encrypted, that is—

(i) issued by a merchant, retailer, or other seller of nonfinancial goods or services;

(ii) redeemable only for transactions with the merchant, retailer, or seller of nonfinancial goods or services or with an affiliate of such person, which affiliate itself is a merchant, retailer, or seller of nonfinancial goods or services;

(iii) issued in a specified amount that, except in the case of a card or product used solely for telephone services, may not be increased or reloaded;

(iv) purchased on a prepaid basis in exchange for payment; and

(v) honored upon presentation to such merchant, retailer, or seller of nonfinancial goods or services or an affiliate of such person, which affiliate itself is a merchant, retailer, or seller of nonfinancial goods or services, only for any nonfinancial goods or services.

(29) TRANSMITTING OR EXCHANGING FUNDS.—The term ''transmitting or exchanging funds'' means receiving currency, monetary value, or payment instruments from a consumer for the purpose of exchanging or transmitting the same by any means, including transmission by wire, facsimile, electronic transfer, courier, the Internet, or through bill payment services or through other businesses that facilitate third-party transfers within the United States or to or from the United States.

Subtitle A—Bureau of Consumer Financial Protection

SEC. 1011. ESTABLISHMENT OF THE BUREAU OF CONSUMER FINANCIAL PROTECTION.

(a) BUREAU ESTABLISHED.—There is established in the Federal Reserve System, an independent bureau to be known as the ''Bureau of Consumer Financial Protection'', which shall regulate the offering and provision of consumer financial products or services under the Federal consumer financial laws. The Bureau shall be considered an Executive agency, as defined in section 105 of title 5, United States Code. Except as otherwise provided expressly by law, all Federal laws dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Bureau.

(b) DIRECTOR AND DEPUTY DIRECTOR.—

(1) IN GENERAL.—There is established the position of the Director, who shall serve as the head of the Bureau.

(2) APPOINTMENT.—Subject to paragraph (3), the Director shall be appointed by the President, by and with the advice and consent of the Senate.

(3) QUALIFICATION.—The President shall nominate the Director from among individuals who are citizens of the United States.

(4) COMPENSATION.—The Director shall be compensated at the rate prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(5) DEPUTY DIRECTOR.—There is established the position of Deputy Director, who shall—

(A) be appointed by the Director; and

(B) serve as acting Director in the absence or unavailability of the Director.

(c) TERM.—

(1) IN GENERAL.—The Director shall serve for a term of 5 years.

(2) EXPIRATION OF TERM.—An individual may serve as Director after the expiration of the term for which appointed, until a successor has been appointed and qualified.

(3) REMOVAL FOR CAUSE.—The President may remove the Director for inefficiency, neglect of duty, or malfeasance in office.

(d) SERVICE RESTRICTION.—No Director or Deputy Director may hold any office, position, or employment in any Federal reserve bank, Federal home loan bank, covered person, or service provider during the period of service of such person as Director or Deputy Director.

(e) OFFICES.—The principal office of the Bureau shall be in the District of Columbia. The Director may establish regional offices of the Bureau, including in cities in which the Federal reserve banks, or branches of such banks, are located, in order to carry out the responsibilities assigned to the Bureau under the Federal consumer financial laws.

SEC. 1012. EXECUTIVE AND ADMINISTRATIVE POWERS.

(a) POWERS OF THE BUREAU.—The Bureau is authorized to establish the general policies of the Bureau with respect to all executive and administrative functions, including—

(1) the establishment of rules for conducting the general business of the Bureau, in a manner not inconsistent with this title;

(2) to bind the Bureau and enter into contracts;

(3) directing the establishment and maintenance of divisions or other offices within the Bureau, in order to carry out the responsibilities under the Federal consumer financial laws, and to satisfy the requirements of other applicable law;

(4) to coordinate and oversee the operation of all administrative, enforcement, and research activities of the Bureau;

(5) to adopt and use a seal;

(6) to determine the character of and the necessity for the obligations and expenditures of the Bureau;

(7) the appointment and supervision of personnel employed by the Bureau;

(8) the distribution of business among personnel appointed and supervised by the Director and among administrative units of the Bureau;

(9) the use and expenditure of funds;

(10) implementing the Federal consumer financial laws through rules, orders, guidance, interpretations, statements of policy, examinations, and enforcement actions; and

(11) performing such other functions as may be authorized or required by law.

(b) DELEGATION OF AUTHORITY.—The Director of the Bureau may delegate to any duly authorized employee, representative, or agent any power vested in the Bureau by law.

(c) AUTONOMY OF THE BUREAU.—

(1) COORDINATION WITH THE BOARD OF GOVERNORS.—Notwithstanding any other provision of law applicable to the supervision or examination of persons with respect to Federal consumer financial laws, the Board of Governors may delegate to the Bureau the authorities to examine persons subject to the jurisdiction of the Board of Governors for compliance with the Federal consumer financial laws.

(2) AUTONOMY.—Notwithstanding the authorities granted to the Board of Governors under the Federal Reserve Act, the Board of Governors may not—

(A) intervene in any matter or proceeding before the Director, including examinations or enforcement actions, unless otherwise specifically provided by law;

(B) appoint, direct, or remove any officer or employee of the Bureau; or

(C) merge or consolidate the Bureau, or any of the functions or responsibilities of the Bureau, with any division or office of the Board of Governors or the Federal reserve banks.

(3) RULES AND ORDERS.—No rule or order of the Bureau shall be subject to approval or review by the Board of Governors. The Board of Governors may not delay or prevent the issuance of any rule or order of the Bureau.

(4) RECOMMENDATIONS AND TESTIMONY.—No officer or agency of the United States shall have any authority to require the Director or any other officer of the Bureau to submit legislative recommendations, or testimony or comments on legislation, to any officer or agency of the United States for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to the Congress, if such recommendations, testimony, or comments to the Congress include a statement indicating that the views expressed therein are those of the Director or such officer, and do not necessarily reflect the views of the Board of Governors or the President.

(5) CLARIFICATION OF AUTONOMY OF THE BUREAU IN LEGAL PROCEEDINGS.—The Bureau shall not be liable under any provision of law for any action or inaction of the Board of Governors, and the Board of Governors shall not be liable under any provision of law for any action or inaction of the Bureau.

SEC. 1013. ADMINISTRATION.

(a) PERSONNEL.—

(1) APPOINTMENT.—

(A) IN GENERAL.—The Director may fix the number of, and appoint and direct, all employees of the Bureau, in accordance with the applicable provisions of title 5, United States Code.

(B) EMPLOYEES OF THE BUREAU.—The Director is authorized to employ attorneys, compliance examiners, compliance supervision analysts, economists, statisticians, and other employees as may be deemed necessary to conduct the business of the Bureau. Unless otherwise provided expressly by law, any individual appointed under this section shall be an employee as defined in section 2105 of title 5, United States Code, and subject to the provisions of such title and other laws generally applicable to the employees of an Executive agency.

(C) WAIVER AUTHORITY.—

(i) IN GENERAL.—In making any appointment under subparagraph (A), the Director may waive the requirements of chapter 33 of title 5, United States Code, and the regulations implementing such chapter, to the extent necessary to appoint employees on terms and conditions that are consistent with those set forth in section 11(1) of the Federal Reserve Act (12 U.S.C. 248(1)), while providing for—

(I) fair, credible, and transparent methods of establishing qualification requirements for, recruitment for, and appointments to positions;

(II) fair and open competition and equitable treatment in the consideration and selection of individuals to positions;

(III) fair, credible, and transparent methods of assigning, reassigning, detailing, transferring, and promoting employees.

(ii) VETERANS PREFERENCES.—In implementing this subparagraph, the Director shall comply with the provisions of section 2302(b)(11), regarding veterans' preference requirements, in a manner consistent with that in which such provisions are applied under chapter 33 of title 5, United States Code. The authority under this subparagraph to waive the requirements of that chapter 33 shall expire 5 years after the date of enactment of this Act.

(2) COMPENSATION.—Notwithstanding any otherwise applicable provision of title 5, United States Code, concerning compensation, including the provisions of chapter 51 and chapter 53, the following provisions shall apply with respect to employees of the Bureau:

(A) The rates of basic pay for all employees of the Bureau may be set and adjusted by the Director.

(B) The Director shall at all times provide compensation (including benefits) to each class of employees that, at a minimum, are comparable to the compensation and benefits then being provided by the Board of Governors for the corresponding class of employees.

(C) All such employees shall be compensated (including benefits) on terms and conditions

that are consistent with the terms and conditions set forth in section 11(l) of the Federal Reserve Act (12 U.S.C. 248(l)).

(3) BUREAU PARTICIPATION IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN AND FEDERAL RESERVE SYSTEM THRIFT PLAN.—

(A) EMPLOYEE ELECTION.—Employees appointed to the Bureau may elect to participate in either—

(i) both the Federal Reserve System Retirement Plan and the Federal Reserve System Thrift Plan, under the same terms on which such participation is offered to employees of the Board of Governors who participate in such plans and under the terms and conditions specified under section 1064(i)(1)(C); or

(ii) the Civil Service Retirement System under chapter 83 of title 5, United States Code, or the Federal Employees Retirement System under chapter 84 of title 5, United States Code, if previously covered under one of those Federal employee retirement systems.

(B) ELECTION PERIOD.—Bureau employees shall make an election under this paragraph not later than 1 year after the date of appointment by, or transfer under subtitle F to, the Bureau. Participation in, and benefit accruals under, any other retirement plan established or maintained by the Federal Government shall end not later than the date on which participation in, and benefit accruals under, the Federal Reserve System Retirement Plan and Federal Reserve System Thrift Plan begin.

(C) EMPLOYER CONTRIBUTION.—The Bureau shall pay an employer contribution to the Federal Reserve System Retirement Plan, in the amount established as an employer contribution under the Federal Employees Retirement System, as established under chapter 84 of title 5, United States Code, for each Bureau employee who elects to participate in the Federal Reserve System Retirement Plan. The Bureau shall pay an employer contribution to the Federal Reserve System Thrift Plan for each Bureau employee who elects to participate in such plan, as required under the terms of such plan.

(D) CONTROLLED GROUP STATUS.—The Bureau is the same employer as the Federal Reserve System (as comprised of the Board of Governors and each of the 12 Federal reserve banks prior to the date of enactment of this Act) for purposes of subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986, (26 U.S.C. 414).

(4) LABOR-MANAGEMENT RELATIONS.—Chapter 71 of title 5, United States Code, shall apply to the Bureau and the employees of the Bureau.

(5) AGENCY OMBUDSMAN.—

(A) ESTABLISHMENT REQUIRED.—Not later than 180 days after the designated transfer date, the Bureau shall appoint an ombudsman.

(B) DUTIES OF OMBUDSMAN.—The ombudsman appointed in accordance with subparagraph (A) shall—

(i) act as a liaison between the Bureau and any affected person with respect to any problem that such party may have in dealing with the Bureau, resulting from the regulatory activities of the Bureau; and

(ii) assure that safeguards exist to encourage complainants to come forward and preserve confidentiality.

(b) SPECIFIC FUNCTIONAL UNITS.—

(1) RESEARCH.—The Director shall establish a unit whose functions shall include researching, analyzing, and reporting on—

(A) developments in markets for consumer financial products or services, including market areas of alternative consumer financial products or services with high growth rates and areas of risk to consumers;

(B) access to fair and affordable credit for traditionally underserved communities;

(C) consumer awareness, understanding, and use of disclosures and communications regarding consumer financial products or services;

(D) consumer awareness and understanding of costs, risks, and benefits of consumer financial products or services;

(E) consumer behavior with respect to consumer financial products or services, including performance on mortgage loans; and

(F) experiences of traditionally underserved consumers, including un-banked and underbanked consumers.

(2) COMMUNITY AFFAIRS.—The Director shall establish a unit whose functions shall include providing information, guidance, and technical assistance regarding the offering and provision of consumer financial products or services to traditionally underserved consumers and communities.

(3) COLLECTING AND TRACKING COMPLAINTS.—

(A) IN GENERAL.—The Director shall establish a unit whose functions shall include establishing a single, toll-free telephone number, a website, and a database or utilizing an existing database to facilitate the centralized collection of, monitoring of, and response to consumer complaints regarding consumer financial products or services. The Director shall coordinate with the Federal Trade Commission or other Federal agencies to route complaints to such agencies, where appropriate.

(B) ROUTING CALLS TO STATES.—To the extent practicable, State agencies may receive appropriate complaints from the systems established under subparagraph (A), if—

(i) the State agency system has the functional capacity to receive calls or electronic reports routed by the Bureau systems;

(ii) the State agency has satisfied any conditions of participation in the system that the Bureau may establish, including treatment of personally identifiable information and sharing of information on complaint resolution or related compliance procedures and resources; and

(iii) participation by the State agency includes measures necessary to provide for protection of personally identifiable information that conform to the standards for protection of the confidentiality of personally identifiable information and for data integrity and security that apply to the Federal agencies described in subparagraph (D).

(C) REPORTS TO THE CONGRESS.—The Director shall present an annual report to Congress not later than March 31 of each year on the complaints received by the Bureau in the prior year regarding consumer financial products and services. Such report shall include information and analysis about complaint numbers, complaint types, and, where applicable, information about resolution of complaints.

(D) DATA SHARING REQUIRED.—To facilitate preparation of the reports required under subparagraph (C), supervision and enforcement activities, and monitoring of the market for consumer financial products and services, the Bureau shall share consumer complaint information with prudential regulators, the Federal Trade Commission, other Federal agencies, and State agencies, subject to the standards applicable to Federal agencies for protection of the confidentiality of personally identifiable information and for data security and integrity. The prudential regulators, the Federal Trade Commission, and other Federal agencies shall share data relating to consumer complaints regarding consumer financial products and services with the Bureau, subject to the standards applicable to Federal agencies for protection of confidentiality of personally identifiable information and for data security and integrity.

(c) OFFICE OF FAIR LENDING AND EQUAL OPPORTUNITY.—

(1) ESTABLISHMENT.—The Director shall establish within the Bureau the Office of Fair Lending and Equal Opportunity.

(2) FUNCTIONS.—The Office of Fair Lending and Equal Opportunity shall have such powers and duties as the Director may delegate to the Office, including—

(A) providing oversight and enforcement of Federal laws intended to ensure the fair, equitable, and nondiscriminatory access to credit for both individuals and communities that are enforced by the Bureau, including the Equal Credit Opportunity Act and the Home Mortgage Disclosure Act;

(B) coordinating fair lending efforts of the Bureau with other Federal agencies and State regulators, as appropriate, to promote consistent, efficient, and effective enforcement of Federal fair lending laws;

(C) working with private industry, fair lending, civil rights, consumer and community advocates on the promotion of fair lending compliance and education; and

(D) providing annual reports to Congress on the efforts of the Bureau to fulfill its fair lending mandate.

(3) ADMINISTRATION OF OFFICE.—There is established the position of Assistant Director of the Bureau for Fair Lending and Equal Opportunity, who—

(A) shall be appointed by the Director; and

(B) shall carry out such duties as the Director may delegate to such Assistant Director.

(d) OFFICE OF FINANCIAL EDUCATION.—

(1) ESTABLISHMENT.—The Director shall establish an Office of Financial Education, which shall be responsible for developing and implementing initiatives intended to educate and empower consumers to make better informed financial decisions.

(2) OTHER DUTIES.—The Office of Financial Education shall develop and implement a strategy to improve the financial literacy of consumers that includes measurable goals and objectives, in consultation with the Financial Literacy and Education Commission, consistent with the National Strategy for Financial Literacy, through activities including providing opportunities for consumers to access—

(A) financial counseling, including community-based financial counseling, where practicable;

(B) information to assist with the evaluation of credit products and the understanding of credit histories and scores;

(C) savings, borrowing, and other services found at mainstream financial institutions;

(D) activities intended to—

(i) prepare the consumer for educational expenses and the submission of financial aid applications, and other major purchases;

(ii) reduce debt; and

(iii) improve the financial situation of the consumer;

(E) assistance in developing long-term savings strategies; and

(F) wealth building and financial services during the preparation process to claim earned income tax credits and Federal benefits.

(3) COORDINATION.—The Office of Financial Education shall coordinate with other units within the Bureau in carrying out its functions, including—

(A) working with the Community Affairs Office to implement the strategy to improve financial literacy of consumers; and

(B) working with the research unit established by the Director to conduct research related to consumer financial education and counseling.

(4) REPORT.—Not later than 24 months after the designated transfer date, and annually thereafter, the Director shall submit a report on its financial literacy activities and strategy to improve financial literacy of consumers to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Financial Services of the House of Representatives.

(5) MEMBERSHIP IN FINANCIAL LITERACY AND EDUCATION COMMISSION.—Section 513(c)(1) of the Financial Literacy and Education Improvement Act (20 U.S.C. 9702(c)(1)) is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) the Director of the Bureau of Consumer Financial Protection; and''.

(6) CONFORMING AMENDMENT.—Section 513(d) of the Financial Literacy and Education Improvement Act (20 U.S.C. 9702(d)) is amended by

adding at the end the following: ''The Director of the Bureau of Consumer Financial Protection shall serve as the Vice Chairman.''.

(7) STUDY AND REPORT ON FINANCIAL LITERACY PROGRAM.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify—

(i) the feasibility of certification of persons providing the programs or performing the activities described in paragraph (2), including recognizing outstanding programs, and developing guidelines and resources for community-based practitioners, including—

(I) a potential certification process and standards for certification;

(II) appropriate certifying entities;

(III) resources required for funding such a process; and

(IV) a cost-benefit analysis of such certification;

(ii) technological resources intended to collect, analyze, evaluate, or promote financial literacy and counseling programs;

(iii) effective methods, tools, and strategies intended to educate and empower consumers about personal finance management; and

(iv) recommendations intended to encourage the development of programs that effectively improve financial education outcomes and empower consumers to make better informed financial decisions based on findings.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report on the results of the study conducted under this paragraph to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(e) OFFICE OF SERVICE MEMBER AFFAIRS.—

(1) IN GENERAL.—The Director shall establish an Office of Service Member Affairs, which shall be responsible for developing and implementing initiatives for service members and their families intended to—

(A) educate and empower service members and their families to make better informed decisions regarding consumer financial products and services;

(B) coordinate with the unit of the Bureau established under subsection (b)(3), in order to monitor complaints by service members and their families and responses to those complaints by the Bureau or other appropriate Federal or State agency; and

(C) coordinate efforts among Federal and State agencies, as appropriate, regarding consumer protection measures relating to consumer financial products and services offered to, or used by, service members and their families.

(2) COORDINATION.—

(A) REGIONAL SERVICES.—The Director is authorized to assign employees of the Bureau as may be deemed necessary to conduct the business of the Office of Service Member Affairs, including by establishing and maintaining the functions of the Office in regional offices of the Bureau located near military bases, military treatment facilities, or other similar military facilities.

(B) AGREEMENTS.—The Director is authorized to enter into memoranda of understanding and similar agreements with the Department of Defense, including any branch or agency as authorized by the department, in order to carry out the business of the Office of Service Member Affairs.

(3) DEFINITION.—As used in this subsection, the term ''service member'' means any member of the United States Armed Forces and any member of the National Guard or Reserves.

(f) TIMING.—The Office of Fair Lending and Equal Opportunity, the Office of Financial Education, and the Office of Service Member Affairs shall each be established not later than 1 year after the designated transfer date.

(g) OFFICE OF FINANCIAL PROTECTION FOR OLDER AMERICANS.—

(1) ESTABLISHMENT.—Before the end of the 180-day period beginning on the designated transfer date, the Director shall establish the Office of Financial Protection for Older Americans, the functions of which shall include activities designed to facilitate the financial literacy of individuals who have attained the age of 62 years or more (in this subsection, referred to as ''seniors'') on protection from unfair, deceptive, and abusive practices and on current and future financial choices, including through the dissemination of materials to seniors on such topics.

(2) ASSISTANT DIRECTOR.—The Office of Financial Protection for Older Americans (in this subsection referred to as the ''Office'') shall be headed by an assistant director.

(3) DUTIES.—The Office shall—

(A) develop goals for programs that provide seniors financial literacy and counseling, including programs that—

(i) help seniors recognize warning signs of unfair, deceptive, or abusive practices, protect themselves from such practices;

(ii) provide one-on-one financial counseling on issues including long-term savings and later-life economic security; and

(iii) provide personal consumer credit advocacy to respond to consumer problems caused by unfair, deceptive, or abusive practices;

(B) monitor certifications or designations of financial advisors who advise seniors and alert the Commission and State regulators of certifications or designations that are identified as unfair, deceptive, or abusive;

(C) not later than 18 months after the date of the establishment of the Office, submit to Congress and the Commission any legislative and regulatory recommendations on the best practices for—

(i) disseminating information regarding the legitimacy of certifications of financial advisers who advise seniors;

(ii) methods in which a senior can identify the financial advisor most appropriate for the senior's needs; and

(iii) methods in which a senior can verify a financial advisor's credentials;

(D) conduct research to identify best practices and effective methods, tools, technology and strategies to educate and counsel seniors about personal finance management with a focus on—

(i) protecting themselves from unfair, deceptive, and abusive practices;

(ii) long-term savings; and

(iii) planning for retirement and long-term care;

(E) coordinate consumer protection efforts of seniors with other Federal agencies and State regulators, as appropriate, to promote consistent, effective, and efficient enforcement; and

(F) work with community organizations, nonprofit organizations, and other entities that are involved with educating or assisting seniors (including the National Education and Resource Center on Women and Retirement Planning).

SEC. 1014. CONSUMER ADVISORY BOARD.

(a) ESTABLISHMENT REQUIRED.—The Director shall establish a Consumer Advisory Board to advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws, and to provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.

(b) MEMBERSHIP.—In appointing the members of the Consumer Advisory Board, the Director shall seek to assemble experts in consumer protection, financial services, community development, fair lending and civil rights, and consumer financial products or services and representatives of depository institutions that primarily serve underserved communities, and representatives of communities that have been significantly impacted by higher-priced mortgage loans, and seek representation of the interests of covered persons and consumers, without regard to party affiliation. Not fewer than 6 members shall be appointed upon the recommendation of the regional Federal Reserve Bank Presidents, on a rotating basis.

(c) MEETINGS.—The Consumer Advisory Board shall meet from time to time at the call of the Director, but, at a minimum, shall meet at least twice in each year.

(d) COMPENSATION AND TRAVEL EXPENSES.—Members of the Consumer Advisory Board who are not full-time employees of the United States shall—

(1) be entitled to receive compensation at a rate fixed by the Director while attending meetings of the Consumer Advisory Board, including travel time; and

(2) be allowed travel expenses, including transportation and subsistence, while away from their homes or regular places of business.

SEC. 1015. COORDINATION.

The Bureau shall coordinate with the Commission, the Commodity Futures Trading Commission, the Federal Trade Commission, and other Federal agencies and State regulators, as appropriate, to promote consistent regulatory treatment of consumer financial and investment products and services.

SEC. 1016. APPEARANCES BEFORE AND REPORTS TO CONGRESS.

(a) APPEARANCES BEFORE CONGRESS.—The Director of the Bureau shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services and the Committee on Energy and Commerce of the House of Representatives at semi-annual hearings regarding the reports required under subsection (b).

(b) REPORTS REQUIRED.—The Bureau shall, concurrent with each semi-annual hearing referred to in subsection (a), prepare and submit to the President and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services and the Committee on Energy and Commerce of the House of Representatives, a report, beginning with the session following the designated transfer date. The Bureau may also submit such report to the Committee on Commerce, Science, and Transportation of the Senate.

(c) CONTENTS.—The reports required by subsection (b) shall include—

(1) a discussion of the significant problems faced by consumers in shopping for or obtaining consumer financial products or services;

(2) a justification of the budget request of the previous year;

(3) a list of the significant rules and orders adopted by the Bureau, as well as other significant initiatives conducted by the Bureau, during the preceding year and the plan of the Bureau for rules, orders, or other initiatives to be undertaken during the upcoming period;

(4) an analysis of complaints about consumer financial products or services that the Bureau has received and collected in its central database on complaints during the preceding year;

(5) a list, with a brief statement of the issues, of the public supervisory and enforcement actions to which the Bureau was a party during the preceding year;

(6) the actions taken regarding rules, orders, and supervisory actions with respect to covered persons which are not credit unions or depository institutions;

(7) an assessment of significant actions by State attorneys general or State regulators relating to Federal consumer financial law;

(8) an analysis of the efforts of the Bureau to fulfill the fair lending mission of the Bureau; and

(9) an analysis of the efforts of the Bureau to increase workforce and contracting diversity consistent with the procedures established by the Office of Minority and Women Inclusion.

SEC. 1017. FUNDING; PENALTIES AND FINES.

(a) TRANSFER OF FUNDS FROM BOARD OF GOVERNORS.—

(1) IN GENERAL.—Each year (or quarter of such year), beginning on the designated transfer

date, and each quarter thereafter, the Board of Governors shall transfer to the Bureau from the combined earnings of the Federal Reserve System, the amount determined by the Director to be reasonably necessary to carry out the authorities of the Bureau under Federal consumer financial law, taking into account such other sums made available to the Bureau from the preceding year (or quarter of such year).

(2) FUNDING CAP.—

(A) IN GENERAL.—Notwithstanding paragraph (1), and in accordance with this paragraph, the amount that shall be transferred to the Bureau in each fiscal year shall not exceed a fixed percentage of the total operating expenses of the Federal Reserve System, as reported in the Annual Report, 2009, of the Board of Governors, equal to—

(i) 10 percent of such expenses in fiscal year 2011;

(ii) 11 percent of such expenses in fiscal year 2012; and

(iii) 12 percent of such expenses in fiscal year 2013, and in each year thereafter.

(B) ADJUSTMENT OF AMOUNT.—The dollar amount referred to in subparagraph (A)(iii) shall be adjusted annually, using the percent increase, if any, in the employment cost index for total compensation for State and local government workers published by the Federal Government, or the successor index thereto, for the 12-month period ending on September 30 of the year preceding the transfer.

(C) REVIEWABILITY.—Notwithstanding any other provision in this title, the funds derived from the Federal Reserve System pursuant to this subsection shall not be subject to review by the Committees on Appropriations of the House of Representatives and the Senate.

(3) TRANSITION PERIOD.—Beginning on the date of enactment of this Act and until the designated transfer date, the Board of Governors shall transfer to the Bureau the amount estimated by the Secretary needed to carry out the authorities granted to the Bureau under Federal consumer financial law, from the date of enactment of this Act until the designated transfer date.

(4) BUDGET AND FINANCIAL MANAGEMENT.—

(A) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the financial operating plans and forecasts of the Director, as prepared by the Director in the ordinary course of the operations of the Bureau, and copies of the quarterly reports of the financial condition and results of operations of the Bureau, as prepared by the Director in the ordinary course of the operations of the Bureau.

(B) FINANCIAL STATEMENTS.—The Bureau shall prepare annually a statement of—

(i) assets and liabilities and surplus or deficit;

(ii) income and expenses; and

(iii) sources and application of funds.

(C) FINANCIAL MANAGEMENT SYSTEMS.—The Bureau shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements and applicable Federal accounting standards.

(D) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General of the United States an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Bureau, using the standards established in section 3512(c) of title 31, United States Code.

(E) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any report, plan, forecast, or other information referred to in subparagraph (A) or any jurisdiction or oversight over the affairs or operations of the Bureau.

(F) FINANCIAL STATEMENTS.—The financial statements of the Bureau shall not be consolidated with the financial statements of either the Board of Governors or the Federal Reserve System.

(5) AUDIT OF THE BUREAU.—

(A) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Bureau in accordance with the United States generally accepted government auditing standards, as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Bureau are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Bureau pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Bureau shall remain in possession and custody of the Bureau. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General, and the right of access of the Comptroller General to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

(B) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Bureau, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Bureau at the time submitted to the Congress.

(C) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Bureau shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.

(b) CONSUMER FINANCIAL PROTECTION FUND.—

(1) SEPARATE FUND IN FEDERAL RESERVE ESTABLISHED.—There is established in the Federal Reserve a separate fund, to be known as the ''Bureau of Consumer Financial Protection Fund'' (referred to in this section as the ''Bureau Fund''). The Bureau Fund shall be maintained and established at a Federal reserve bank, in accordance with such requirements as the Board of Governors may impose.

(2) FUND RECEIPTS.—All amounts transferred to the Bureau under subsection (a) shall be deposited into the Bureau Fund.

(3) INVESTMENT AUTHORITY.—

(A) AMOUNTS IN BUREAU FUND MAY BE INVESTED.—The Bureau may request the Board of Governors to direct the investment of the portion of the Bureau Fund that is not, in the judgment of the Bureau, required to meet the current needs of the Bureau.

(B) ELIGIBLE INVESTMENTS.—Investments authorized by this paragraph shall be made in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Bureau Fund, as determined by the Bureau.

(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Bureau Fund shall be credited to the Bureau Fund.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Funds obtained by, transferred to, or credited to the Bureau Fund shall be immediately available to the Bureau and under the control of the Director, and shall remain available until expended, to pay the expenses of the Bureau in carrying out its duties and responsibilities. The compensation of the Director and other employees of the Bureau and all other expenses thereof may be paid from, obtained by, transferred to, or credited to the Bureau Fund under this section.

(2) FUNDS THAT ARE NOT GOVERNMENT FUNDS.—Funds obtained by or transferred to the Bureau Fund shall not be construed to be Government funds or appropriated monies.

(3) AMOUNTS NOT SUBJECT TO APPORTIONMENT.—Notwithstanding any other provision of law, amounts in the Bureau Fund and in the Civil Penalty Fund established under subsection (d) shall not be subject to apportionment for purposes of chapter 15 of title 31, United States Code, or under any other authority.

(d) PENALTIES AND FINES.—

(1) ESTABLISHMENT OF VICTIMS RELIEF FUND.—There is established in the Federal Reserve a separate fund, to be known as the ''Consumer Financial Civil Penalty Fund'' (referred to in this section as the ''Civil Penalty Fund''). The Civil Penalty Fund shall be maintained and established at a Federal reserve bank, in accordance with such requirements as the Board of Governors may impose. If the Bureau obtains a civil penalty against any person in any judicial or administrative action under Federal consumer financial laws, the Bureau shall deposit into the Civil Penalty Fund, the amount of the penalty collected.

(2) PAYMENT TO VICTIMS.—Amounts in the Civil Penalty Fund shall be available to the Bureau, without fiscal year limitation, for payments to the victims of activities for which civil penalties have been imposed under the Federal consumer financial laws. To the extent that such victims cannot be located or such payments are otherwise not practicable, the Bureau may use such funds for the purpose of consumer education and financial literacy programs.

(e) AUTHORIZATION OF APPROPRIATIONS; ANNUAL REPORT.—

(1) DETERMINATION REGARDING NEED FOR APPROPRIATED FUNDS.—

(A) IN GENERAL.—The Director is authorized to determine that sums available to the Bureau under this section will not be sufficient to carry out the authorities of the Bureau under Federal consumer financial law for the upcoming year.

(B) REPORT REQUIRED.—When making a determination under subparagraph (A), the Director shall prepare a report regarding the funding of the Bureau, including the assets and liabilities of the Bureau, and the extent to which the funding needs of the Bureau are anticipated to exceed the level of the amount set forth in subsection (a)(2). The Director shall submit the report to the President and to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) AUTHORIZATION OF APPROPRIATIONS.—If the Director makes the determination and submits the report pursuant to paragraph (1), there are hereby authorized to be appropriated to the Bureau, for the purposes of carrying out the authorities granted in Federal consumer financial

law, $200,000,000 for each of fiscal years 2010, 2011, 2012, 2013, and 2014.

(3) APPORTIONMENT.—Notwithstanding any other provision of law, the amounts in paragraph (2) shall be subject to apportionment under section 1517 of title 31, United States Code, and restrictions that generally apply to the use of appropriated funds in title 31, United States Code, and other laws.

(4) ANNUAL REPORT.—The Director shall prepare and submit a report, on an annual basis, to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives regarding the financial operating plans and forecasts of the Director, the financial condition and results of operations of the Bureau, and the sources and application of funds of the Bureau, including any funds appropriated in accordance with this subsection.

SEC. 1018. EFFECTIVE DATE.

This subtitle shall become effective on the date of enactment of this Act.

Subtitle B—General Powers of the Bureau

SEC. 1021. PURPOSE, OBJECTIVES, AND FUNCTIONS.

(a) PURPOSE.—The Bureau shall seek to implement and, where applicable, enforce Federal consumer financial law consistently for the purpose of ensuring that all consumers have access to markets for consumer financial products and services and that markets for consumer financial products and services are fair, transparent, and competitive.

(b) OBJECTIVES.—The Bureau is authorized to exercise its authorities under Federal consumer financial law for the purposes of ensuring that, with respect to consumer financial products and services—

(1) consumers are provided with timely and understandable information to make responsible decisions about financial transactions;

(2) consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination;

(3) outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens;

(4) Federal consumer financial law is enforced consistently, without regard to the status of a person as a depository institution, in order to promote fair competition; and

(5) markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.

(c) FUNCTIONS.—The primary functions of the Bureau are—

(1) conducting financial education programs;

(2) collecting, investigating, and responding to consumer complaints;

(3) collecting, researching, monitoring, and publishing information relevant to the functioning of markets for consumer financial products and services to identify risks to consumers and the proper functioning of such markets;

(4) subject to sections 1024 through 1026, supervising covered persons for compliance with Federal consumer financial law, and taking appropriate enforcement action to address violations of Federal consumer financial law;

(5) issuing rules, orders, and guidance implementing Federal consumer financial law; and

(6) performing such support activities as may be necessary or useful to facilitate the other functions of the Bureau.

SEC. 1022. RULEMAKING AUTHORITY.

(a) IN GENERAL.—The Bureau is authorized to exercise its authorities under Federal consumer financial law to administer, enforce, and otherwise implement the provisions of Federal consumer financial law.

(b) RULEMAKING, ORDERS, AND GUIDANCE.—

(1) GENERAL AUTHORITY.—The Director may prescribe rules and issue orders and guidance, as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws, and to prevent evasions thereof.

(2) STANDARDS FOR RULEMAKING.—In prescribing a rule under the Federal consumer financial laws—

(A) the Bureau shall consider—

(i) the potential benefits and costs to consumers and covered persons, including the potential reduction of access by consumers to consumer financial products or services resulting from such rule; and

(ii) the impact of proposed rules on covered persons, as described in section 1026, and the impact on consumers in rural areas;

(B) the Bureau shall consult with the appropriate prudential regulators or other Federal agencies prior to proposing a rule and during the comment process regarding consistency with prudential, market, or systemic objectives administered by such agencies; and

(C) if, during the consultation process described in subparagraph (B), a prudential regulator provides the Bureau with a written objection to the proposed rule of the Bureau or a portion thereof, the Bureau shall include in the adopting release a description of the objection and the basis for the Bureau decision, if any, regarding such objection, except that nothing in this clause shall be construed as altering or limiting the procedures under section 1023 that may apply to any rule prescribed by the Bureau.

(3) EXEMPTIONS.—

(A) IN GENERAL.—The Bureau, by rule, may conditionally or unconditionally exempt any class of covered persons, service providers, or consumer financial products or services, from any provision of this title, or from any rule issued under this title, as the Bureau determines necessary or appropriate to carry out the purposes and objectives of this title, taking into consideration the factors in subparagraph (B).

(B) FACTORS.—In issuing an exemption, as permitted under subparagraph (A), the Bureau shall, as appropriate, take into consideration—

(i) the total assets of the class of covered persons;

(ii) the volume of transactions involving consumer financial products or services in which the class of covered persons engages; and

(iii) existing provisions of law which are applicable to the consumer financial product or service and the extent to which such provisions provide consumers with adequate protections.

(4) EXCLUSIVE RULEMAKING AUTHORITY.—

(A) IN GENERAL.—Notwithstanding any other provisions of Federal law and except as provided in section 1061(b)(5), to the extent that a provision of Federal consumer financial law authorizes the Bureau and another Federal agency to issue regulations under that provision of law for purposes of assuring compliance with Federal consumer financial law and any regulations thereunder, the Bureau shall have the exclusive authority to prescribe rules subject to those provisions of law.

(B) DEFERENCE.—Notwithstanding any power granted to any Federal agency or to the Council under this title, and subject to section 1061(b)(5)(E), the deference that a court affords to the Bureau with respect to a determination by the Bureau regarding the meaning or interpretation of any provision of a Federal consumer financial law shall be applied as if the Bureau were the only agency authorized to apply, enforce, interpret, or administer the provisions of such Federal consumer financial law.

(c) MONITORING.—

(1) IN GENERAL.—In order to support its rulemaking and other functions, the Bureau shall monitor for risks to consumers in the offering or provision of consumer financial products or services, including developments in markets for such products or services.

(2) CONSIDERATIONS.—In allocating its resources to perform the monitoring required by this section, the Bureau may consider, among other factors—

(A) likely risks and costs to consumers associated with buying or using a type of consumer financial product or service;

(B) understanding by consumers of the risks of a type of consumer financial product or service;

(C) the legal protections applicable to the offering or provision of a consumer financial product or service, including the extent to which the law is likely to adequately protect consumers;

(D) rates of growth in the offering or provision of a consumer financial product or service;

(E) the extent, if any, to which the risks of a consumer financial product or service may disproportionately affect traditionally underserved consumers; or

(F) the types, number, and other pertinent characteristics of covered persons that offer or provide the consumer financial product or service.

(3) SIGNIFICANT FINDINGS.—

(A) IN GENERAL.—The Bureau shall publish not fewer than 1 report of significant findings of its monitoring required by this subsection in each calendar year, beginning with the first calendar year that begins at least 1 year after the designated transfer date.

(B) CONFIDENTIAL INFORMATION.—The Bureau may make public such information obtained by the Bureau under this section as is in the public interest, through aggregated reports or other appropriate formats designed to protect confidential information in accordance with paragraphs (4), (6), (8), and (9).

(4) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—In conducting any monitoring or assessment required by this section, the Bureau shall have the authority to gather information from time to time regarding the organization, business conduct, markets, and activities of covered persons and service providers.

(B) METHODOLOGY.—In order to gather information described in subparagraph (A), the Bureau may—

(i) gather and compile information from a variety of sources, including examination reports concerning covered persons or service providers, consumer complaints, voluntary surveys and voluntary interviews of consumers, surveys and interviews with covered persons and service providers, and review of available databases; and

(ii) require covered persons and service providers participating in consumer financial services markets to file with the Bureau, under oath or otherwise, in such form and within such reasonable period of time as the Bureau may prescribe by rule or order, annual or special reports, or answers in writing to specific questions, furnishing information described in paragraph (4), as necessary for the Bureau to fulfill the monitoring, assessment, and reporting responsibilities imposed by Congress.

(C) LIMITATION.—The Bureau may not use its authorities under this paragraph to obtain records from covered persons and service providers participating in consumer financial services markets for purposes of gathering or analyzing the personally identifiable financial information of consumers.

(5) LIMITED INFORMATION GATHERING.—In order to assess whether a nondepository is a covered person, as defined in section 1002, the Bureau may require such nondepository to file with the Bureau, under oath or otherwise, in such form and within such reasonable period of time as the Bureau may prescribe by rule or order, annual or special reports, or answers in writing to specific questions.

(6) CONFIDENTIALITY RULES.—

(A) RULEMAKING.—The Bureau shall prescribe rules regarding the confidential treatment of information obtained from persons in connection with the exercise of its authorities under Federal consumer financial law.

(B) ACCESS BY THE BUREAU TO REPORTS OF OTHER REGULATORS.—

(i) EXAMINATION AND FINANCIAL CONDITION REPORTS.—Upon providing reasonable assurances of confidentiality, the Bureau shall have access to any report of examination or financial condition made by a prudential regulator or

other Federal agency having jurisdiction over a covered person or service provider, and to all revisions made to any such report.

(ii) PROVISION OF OTHER REPORTS TO THE BUREAU.—In addition to the reports described in clause (i), a prudential regulator or other Federal agency having jurisdiction over a covered person or service provider may, in its discretion, furnish to the Bureau any other report or other confidential supervisory information concerning any insured depository institution, credit union, or other entity examined by such agency under authority of any provision of Federal law.

(C) ACCESS BY OTHER REGULATORS TO REPORTS OF THE BUREAU.—

(i) EXAMINATION REPORTS.—Upon providing reasonable assurances of confidentiality, a prudential regulator, a State regulator, or any other Federal agency having jurisdiction over a covered person or service provider shall have access to any report of examination made by the Bureau with respect to such person, and to all revisions made to any such report.

(ii) PROVISION OF OTHER REPORTS TO OTHER REGULATORS.—In addition to the reports described in clause (i), the Bureau may, in its discretion, furnish to a prudential regulator or other agency having jurisdiction over a covered person or service provider any other report or other confidential supervisory information concerning such person examined by the Bureau under the authority of any other provision of Federal law.

(7) REGISTRATION.—

(A) IN GENERAL.—The Bureau may prescribe rules regarding registration requirements applicable to a covered person, other than an insured depository institution, insured credit union, or related person.

(B) REGISTRATION INFORMATION.—Subject to rules prescribed by the Bureau, the Bureau may publicly disclose registration information to facilitate the ability of consumers to identify covered persons that are registered with the Bureau.

(C) CONSULTATION WITH STATE AGENCIES.—In developing and implementing registration requirements under this paragraph, the Bureau shall consult with State agencies regarding requirements or systems (including coordinated or combined systems for registration), where appropriate.

(8) PRIVACY CONSIDERATIONS.—In collecting information from any person, publicly releasing information held by the Bureau, or requiring covered persons to publicly report information, the Bureau shall take steps to ensure that proprietary, personal, or confidential consumer information that is protected from public disclosure under section 552(b) or 552a of title 5, United States Code, or any other provision of law, is not made public under this title.

(9) CONSUMER PRIVACY.—

(A) IN GENERAL.—The Bureau may not obtain from a covered person or service provider any personally identifiable financial information about a consumer from the financial records of the covered person or service provider, except—

(i) if the financial records are reasonably described in a request by the Bureau and the consumer provides written permission for the disclosure of such information by the covered person or service provider to the Bureau; or

(ii) as may be specifically permitted or required under other applicable provisions of law and in accordance with the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.).

(B) TREATMENT OF COVERED PERSON OR SERVICE PROVIDER.—With respect to the application of any provision of the Right to Financial Privacy Act of 1978, to a disclosure by a covered person or service provider subject to this subsection, the covered person or service provider shall be treated as if it were a ''financial institution'', as defined in section 1101 of that Act (12 U.S.C. 3401).

(d) ASSESSMENT OF SIGNIFICANT RULES.—

(1) IN GENERAL.—The Bureau shall conduct an assessment of each significant rule or order adopted by the Bureau under Federal consumer financial law. The assessment shall address, among other relevant factors, the effectiveness of the rule or order in meeting the purposes and objectives of this title and the specific goals stated by the Bureau. The assessment shall reflect available evidence and any data that the Bureau reasonably may collect.

(2) REPORTS.—The Bureau shall publish a report of its assessment under this subsection not later than 5 years after the effective date of the subject rule or order.

(3) PUBLIC COMMENT REQUIRED.—Before publishing a report of its assessment, the Bureau shall invite public comment on recommendations for modifying, expanding, or eliminating the newly adopted significant rule or order.

SEC. 1023. REVIEW OF BUREAU REGULATIONS.

(a) REVIEW OF BUREAU REGULATIONS.—On the petition of a member agency of the Council, the Council may set aside a final regulation prescribed by the Bureau, or any provision thereof, if the Council decides, in accordance with subsection (c), that the regulation or provision would put the safety and soundness of the United States banking system or the stability of the financial system of the United States at risk.

(b) PETITION.—

(1) PROCEDURE.—An agency represented by a member of the Council may petition the Council, in writing, and in accordance with rules prescribed pursuant to subsection (f), to stay the effectiveness of, or set aside, a regulation if the member agency filing the petition—

(A) has in good faith attempted to work with the Bureau to resolve concerns regarding the effect of the rule on the safety and soundness of the United States banking system or the stability of the financial system of the United States; and

(B) files the petition with the Council not later than 10 days after the date on which the regulation has been published in the Federal Register.

(2) PUBLICATION.—Any petition filed with the Council under this section shall be published in the Federal Register and transmitted contemporaneously with filing to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(c) STAYS AND SET ASIDES.—

(1) STAY.—

(A) IN GENERAL.—Upon the request of any member agency, the Chairperson of the Council may stay the effectiveness of a regulation for the purpose of allowing appropriate consideration of the petition by the Council.

(B) EXPIRATION.—A stay issued under this paragraph shall expire on the earlier of—

(i) 90 days after the date of filing of the petition under subsection (b); or

(ii) the date on which the Council makes a decision under paragraph (3).

(2) NO ADVERSE INFERENCE.—After the expiration of any stay imposed under this section, no inference shall be drawn regarding the validity or enforceability of a regulation which was the subject of the petition.

(3) VOTE.—

(A) IN GENERAL.—The decision to issue a stay of, or set aside, any regulation under this section shall be made only with the affirmative vote in accordance with subparagraph (B) of ⅔ of the members of the Council then serving.

(B) AUTHORIZATION TO VOTE.—A member of the Council may vote to stay the effectiveness of, or set aside, a final regulation prescribed by the Bureau only if the agency or department represented by that member has—

(i) considered any relevant information provided by the agency submitting the petition and by the Bureau; and

(ii) made an official determination, at a public meeting where applicable, that the regulation which is the subject of the petition would put the safety and soundness of the United States banking system or the stability of the financial system of the United States at risk.

(4) DECISIONS TO SET ASIDE.—

(A) EFFECT OF DECISION.—A decision by the Council to set aside a regulation prescribed by the Bureau, or provision thereof, shall render such regulation, or provision thereof, unenforceable.

(B) TIMELY ACTION REQUIRED.—The Council may not issue a decision to set aside a regulation, or provision thereof, which is the subject of a petition under this section after the expiration of the later of—

(i) 45 days following the date of filing of the petition, unless a stay is issued under paragraph (1); or

(ii) the expiration of a stay issued by the Council under this section.

(C) SEPARATE AUTHORITY.—The issuance of a stay under this section does not affect the authority of the Council to set aside a regulation.

(5) DISMISSAL DUE TO INACTION.—A petition under this section shall be deemed dismissed if the Council has not issued a decision to set aside a regulation, or provision thereof, within the period for timely action under paragraph (4)(B).

(6) PUBLICATION OF DECISION.—Any decision under this subsection to issue a stay of, or set aside, a regulation or provision thereof shall be published by the Council in the Federal Register as soon as practicable after the decision is made, with an explanation of the reasons for the decision.

(7) RULEMAKING PROCEDURES INAPPLICABLE.—The notice and comment procedures under section 553 of title 5, United States Code, shall not apply to any decision under this section of the Council to issue a stay of, or set aside, a regulation.

(8) JUDICIAL REVIEW OF DECISIONS BY THE COUNCIL.—A decision by the Council to set aside a regulation prescribed by the Bureau, or provision thereof, shall be subject to review under chapter 7 of title 5, United States Code.

(d) APPLICATION OF OTHER LAW.—Nothing in this section shall be construed as altering, limiting, or restricting the application of any other provision of law, except as otherwise specifically provided in this section, including chapter 5 and chapter 7 of title 5, United States Code, to a regulation which is the subject of a petition filed under this section.

(e) SAVINGS CLAUSE.—Nothing in this section shall be construed as limiting or restricting the Bureau from engaging in a rulemaking in accordance with applicable law.

(f) IMPLEMENTING RULES.—The Council shall prescribe procedural rules to implement this section.

SEC. 1024. SUPERVISION OF NONDEPOSITORY COVERED PERSONS.

(a) SCOPE OF COVERAGE.—

(1) APPLICABILITY.—Notwithstanding any other provision of this title, and except as provided in paragraph (3), this section shall apply to any covered person who—

(A) offers or provides origination, brokerage, or servicing of loans secured by real estate for use by consumers primarily for personal, family, or household purposes, or loan modification or foreclosure relief services in connection with such loans;

(B) is a larger participant of a market for other consumer financial products or services, as defined by rule in accordance with paragraph (2);

(C) the Bureau has reasonable cause to determine, by order, after notice to the covered person and a reasonable opportunity for such covered person to respond, based on complaints collected through the system under section 1013(b)(3) or information from other sources, that such covered person is engaging, or has engaged, in conduct that poses risks to consumers with regard to the offering or provision of consumer financial products or services;

(D) offers or provides to a consumer any private education loan, as defined in section 140 of the Truth in Lending Act (15 U.S.C. 1650), notwithstanding section 1027(a)(2)(A) and subject to section 1027(a)(2)(C); or

(E) offers or provides to a consumer a payday loan.

(2) RULEMAKING TO DEFINE COVERED PERSONS SUBJECT TO THIS SECTION.—The Bureau shall consult with the Federal Trade Commission prior to issuing a rule, in accordance with paragraph (1)(B), to define covered persons subject to this section. The Bureau shall issue its initial rule not later than 1 year after the designated transfer date.

(3) RULES OF CONSTRUCTION.—

(A) CERTAIN PERSONS EXCLUDED.—This section shall not apply to persons described in section 1025(a) or 1026(a).

(B) ACTIVITY LEVELS.—For purposes of computing activity levels under paragraph (1) or rules issued thereunder, activities of affiliated companies (other than insured depository institutions or insured credit unions) shall be aggregated.

(b) SUPERVISION.—

(1) IN GENERAL.—The Bureau shall require reports and conduct examinations on a periodic basis of persons described in subsection (a)(1) for purposes of—

(A) assessing compliance with the requirements of Federal consumer financial law;

(B) obtaining information about the activities and compliance systems or procedures of such person; and

(C) detecting and assessing risks to consumers and to markets for consumer financial products and services.

(2) RISK-BASED SUPERVISION PROGRAM.—The Bureau shall exercise its authority under paragraph (1) in a manner designed to ensure that such exercise, with respect to persons described in subsection (a)(1), is based on the assessment by the Bureau of the risks posed to consumers in the relevant product markets and geographic markets, and taking into consideration, as applicable—

(A) the asset size of the covered person;

(B) the volume of transactions involving consumer financial products or services in which the covered person engages;

(C) the risks to consumers created by the provision of such consumer financial products or services;

(D) the extent to which such institutions are subject to oversight by State authorities for consumer protection; and

(E) any other factors that the Bureau determines to be relevant to a class of covered persons.

(3) COORDINATION.—To minimize regulatory burden, the Bureau shall coordinate its supervisory activities with the supervisory activities conducted by prudential regulators and the State bank regulatory authorities, including establishing their respective schedules for examining persons described in subsection (a)(1) and requirements regarding reports to be submitted by such persons.

(4) USE OF EXISTING REPORTS.—The Bureau shall, to the fullest extent possible, use—

(A) reports pertaining to persons described in subsection (a)(1) that have been provided or required to have been provided to a Federal or State agency; and

(B) information that has been reported publicly.

(5) PRESERVATION OF AUTHORITY.—Nothing in this title may be construed as limiting the authority of the Director to require reports from persons described in subsection (a)(1), as permitted under paragraph (1), regarding information owned or under the control of such person, regardless of whether such information is maintained, stored, or processed by another person.

(6) REPORTS OF TAX LAW NONCOMPLIANCE.—The Bureau shall provide the Commissioner of Internal Revenue with any report of examination or related information identifying possible tax law noncompliance.

(7) REGISTRATION, RECORDKEEPING AND OTHER REQUIREMENTS FOR CERTAIN PERSONS.—

(A) IN GENERAL.—The Bureau shall prescribe rules to facilitate supervision of persons described in subsection (a)(1) and assessment and detection of risks to consumers.

(B) RECORDKEEPING.—The Bureau may require a person described in subsection (a)(1), to generate, provide, or retain records for the purposes of facilitating supervision of such persons and assessing and detecting risks to consumers.

(C) REQUIREMENTS CONCERNING OBLIGATIONS.—The Bureau may prescribe rules regarding a person described in subsection (a)(1), to ensure that such persons are legitimate entities and are able to perform their obligations to consumers. Such requirements may include background checks for principals, officers, directors, or key personnel and bonding or other appropriate financial requirements.

(D) CONSULTATION WITH STATE AGENCIES.—In developing and implementing requirements under this paragraph, the Bureau shall consult with State agencies regarding requirements or systems (including coordinated or combined systems for registration), where appropriate.

(c) ENFORCEMENT AUTHORITY.—

(1) THE BUREAU TO HAVE ENFORCEMENT AUTHORITY.—Except as provided in paragraph (3) and section 1061, with respect to any person described in subsection (a)(1), to the extent that Federal law authorizes the Bureau and another Federal agency to enforce Federal consumer financial law, the Bureau shall have exclusive authority to enforce that Federal consumer financial law.

(2) REFERRAL.—Any Federal agency authorized to enforce a Federal consumer financial law described in paragraph (1) may recommend in writing to the Bureau that the Bureau initiate an enforcement proceeding, as the Bureau is authorized by that Federal law or by this title.

(3) COORDINATION WITH THE FEDERAL TRADE COMMISSION.—

(A) IN GENERAL.—The Bureau and the Federal Trade Commission shall negotiate an agreement for coordinating with respect to enforcement actions by each agency regarding the offering or provision of consumer financial products or services by any covered person that is described in subsection (a)(1), or service providers thereto. The agreement shall include procedures for notice to the other agency, where feasible, prior to initiating a civil action to enforce any Federal law regarding the offering or provision of consumer financial products or services.

(B) CIVIL ACTIONS.—Whenever a civil action has been filed by, or on behalf of, the Bureau or the Federal Trade Commission for any violation of any provision of Federal law described in subparagraph (A), or any regulation prescribed under such provision of law—

(i) the other agency may not, during the pendency of that action, institute a civil action under such provision of law against any defendant named in the complaint in such pending action for any violation alleged in the complaint; and

(ii) the Bureau or the Federal Trade Commission may intervene as a party in any such action brought by the other agency, and, upon intervening—

(I) be heard on all matters arising in such enforcement action; and

(II) file petitions for appeal in such actions.

(C) AGREEMENT TERMS.—The terms of any agreement negotiated under subparagraph (A) may modify or supersede the provisions of subparagraph (B).

(D) DEADLINE.—The agencies shall reach the agreement required under subparagraph (A) not later than 6 months after the designated transfer date.

(d) EXCLUSIVE RULEMAKING AND EXAMINATION AUTHORITY.—Notwithstanding any other provision of Federal law and except as provided in section 1061, to the extent that Federal law authorizes the Bureau and another Federal agency to issue regulations or guidance, conduct examinations, or require reports from a person described in subsection (a)(1) under such law for purposes of assuring compliance with Federal consumer financial law and any regulations thereunder, the Bureau shall have the exclusive authority to prescribe rules, issue guidance, conduct examinations, require reports, or issue exemptions with regard to a person described in subsection (a)(1), subject to those provisions of law.

(e) SERVICE PROVIDERS.—A service provider to a person described in subsection (a)(1) shall be subject to the authority of the Bureau under this section, to the same extent as if such service provider were engaged in a service relationship with a bank, and the Bureau were an appropriate Federal banking agency under section 7(c) of the Bank Service Company Act (12 U.S.C. 1867(c)). In conducting any examination or requiring any report from a service provider subject to this subsection, the Bureau shall coordinate with the appropriate prudential regulator, as applicable.

(f) PRESERVATION OF FARM CREDIT ADMINISTRATION AUTHORITY.—No provision of this title may be construed as modifying, limiting, or otherwise affecting the authority of the Farm Credit Administration.

SEC. 1025. SUPERVISION OF VERY LARGE BANKS, SAVINGS ASSOCIATIONS, AND CREDIT UNIONS.

(a) SCOPE OF COVERAGE.—This section shall apply to any covered person that is—

(1) an insured depository institution with total assets of more than $10,000,000,000 and any affiliate thereof; or

(2) an insured credit union with total assets of more than $10,000,000,000 and any affiliate thereof.

(b) SUPERVISION.—

(1) IN GENERAL.—The Bureau shall have exclusive authority to require reports and conduct examinations on a periodic basis of persons described in subsection (a) for purposes of—

(A) assessing compliance with the requirements of Federal consumer financial laws;

(B) obtaining information about the activities subject to such laws and the associated compliance systems or procedures of such persons; and

(C) detecting and assessing associated risks to consumers and to markets for consumer financial products and services.

(2) COORDINATION.—To minimize regulatory burden, the Bureau shall coordinate its supervisory activities with the supervisory activities conducted by prudential regulators and the State bank regulatory authorities, including consultation regarding their respective schedules for examining such persons described in subsection (a) and requirements regarding reports to be submitted by such persons.

(3) USE OF EXISTING REPORTS.—The Bureau shall, to the fullest extent possible, use—

(A) reports pertaining to a person described in subsection (a) that have been provided or required to have been provided to a Federal or State agency; and

(B) information that has been reported publicly.

(4) PRESERVATION OF AUTHORITY.—Nothing in this title may be construed as limiting the authority of the Director to require reports from a person described in subsection (a), as permitted under paragraph (1), regarding information owned or under the control of such person, regardless of whether such information is maintained, stored, or processed by another person.

(5) REPORTS OF TAX LAW NONCOMPLIANCE.—The Bureau shall provide the Commissioner of Internal Revenue with any report of examination or related information identifying possible tax law noncompliance.

(c) PRIMARY ENFORCEMENT AUTHORITY.—

(1) THE BUREAU TO HAVE PRIMARY ENFORCEMENT AUTHORITY.—To the extent that the Bureau and another Federal agency are authorized to enforce a Federal consumer financial law, the Bureau shall have primary authority to enforce that Federal consumer financial law with respect to any person described in subsection (a).

(2) REFERRAL.—Any Federal agency, other than the Federal Trade Commission, that is authorized to enforce a Federal consumer financial

law may recommend, in writing, to the Bureau that the Bureau initiate an enforcement proceeding with respect to a person described in subsection (a), as the Bureau is authorized to do by that Federal consumer financial law.

(3) BACKUP ENFORCEMENT AUTHORITY OF OTHER FEDERAL AGENCY.—If the Bureau does not, before the end of the 120-day period beginning on the date on which the Bureau receives a recommendation under paragraph (2), initiate an enforcement proceeding, the other agency referred to in paragraph (2) may initiate an enforcement proceeding, including performing follow up supervisory and support functions incidental thereto, to assure compliance with such proceeding.

(d) SERVICE PROVIDERS.—A service provider to a person described in subsection (a) shall be subject to the authority of the Bureau under this section, to the same extent as if the Bureau were an appropriate Federal banking agency under section 7(c) of the Bank Service Company Act 12 U.S.C. 1867(c). In conducting any examination or requiring any report from a service provider subject to this subsection, the Bureau shall coordinate with the appropriate prudential regulator.

(e) SIMULTANEOUS AND COORDINATED SUPERVISORY ACTION.—

(1) EXAMINATIONS.—A prudential regulator and the Bureau shall, with respect to each insured depository institution, insured credit union, or other covered person described in subsection (a) that is supervised by the prudential regulator and the Bureau, respectively—

(A) coordinate the scheduling of examinations of the insured depository institution, insured credit union, or other covered person described in subsection (a);

(B) conduct simultaneous examinations of each insured depository institution or insured credit union, unless such institution requests examinations to be conducted separately;

(C) share each draft report of examination with the other agency and permit the receiving agency a reasonable opportunity (which shall not be less than a period of 30 days after the date of receipt) to comment on the draft report before such report is made final; and

(D) prior to issuing a final report of examination or taking supervisory action, take into consideration concerns, if any, raised in the comments made by the other agency.

(2) COORDINATION WITH STATE BANK SUPERVISORS.—The Bureau shall pursue arrangements and agreements with State bank supervisors to coordinate examinations, consistent with paragraph (1).

(3) AVOIDANCE OF CONFLICT IN SUPERVISION.—

(A) REQUEST.—If the proposed supervisory determinations of the Bureau and a prudential regulator (in this section referred to collectively as the ''agencies'') are conflicting, an insured depository institution, insured credit union, or other covered person described in subsection (a) may request the agencies to coordinate and present a joint statement of coordinated supervisory action.

(B) JOINT STATEMENT.—The agencies shall provide a joint statement under subparagraph (A), not later than 30 days after the date of receipt of the request of the insured depository institution, credit union, or covered person described in subsection (a).

(4) APPEALS TO GOVERNING PANEL.—

(A) IN GENERAL.—If the agencies do not resolve the conflict or issue a joint statement required by subparagraph (B), or if either of the agencies takes or attempts to take any supervisory action relating to the request for the joint statement without the consent of the other agency, an insured depository institution, insured credit union, or other covered person described in subsection (a) may institute an appeal to a governing panel, as provided in this subsection, not later than 30 days after the expiration of the period during which a joint statement is required to be filed under paragraph (3)(B).

(B) COMPOSITION OF GOVERNING PANEL.—The governing panel for an appeal under this paragraph shall be composed of—

(i) a representative from the Bureau and a representative of the prudential regulator, both of whom—

(I) have not participated in the material supervisory determinations under appeal; and

(II) do not directly or indirectly report to the person who participated materially in the supervisory determinations under appeal; and

(ii) one individual representative, to be determined on a rotating basis, from among the Board of Governors, the Corporation, the National Credit Union Administration, and the Office of the Comptroller of the Currency, other than any agency involved in the subject dispute.

(C) CONDUCT OF APPEAL.—In an appeal under this paragraph—

(i) the insured depository institution, insured credit union, or other covered person described in subsection (a)—

(I) shall include in its appeal all the facts and legal arguments pertaining to the matter; and

(II) may, through counsel, employees, or representatives, appear before the governing panel in person or by telephone; and

(ii) the governing panel—

(I) may request the insured depository institution, insured credit union, or other covered person described in subsection (a), the Bureau, or the prudential regulator to produce additional information relevant to the appeal; and

(II) by a majority vote of its members, shall provide a final determination, in writing, not later than 30 days after the date of filing of an informationally complete appeal, or such longer period as the panel and the insured depository institution, insured credit union, or other covered person described in subsection (a) may jointly agree.

(D) PUBLIC AVAILABILITY OF DETERMINATIONS.—A governing panel shall publish all information contained in a determination by the governing panel, with appropriate redactions of information that would be subject to an exemption from disclosure under section 552 of title 5, United States Code.

(E) PROHIBITION AGAINST RETALIATION.—The Bureau and the prudential regulators shall prescribe rules to provide safeguards from retaliation against the insured depository institution, insured credit union, or other covered person described in subsection (a) instituting an appeal under this paragraph, as well as their officers and employees.

(F) LIMITATION.—The process provided in this paragraph shall not apply to a determination by a prudential regulator to appoint a conservator or receiver for an insured depository institution or a liquidating agent for an insured credit union, as the case may be, or a decision to take action pursuant to section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o) or section 212 of the Federal Credit Union Act (112 U.S.C. 1790a), as applicable.

(G) EFFECT ON OTHER AUTHORITY.—Nothing in this section shall modify or limit the authority of the Bureau to interpret, or take enforcement action under, any Federal consumer financial law, or the authority of a prudential regulator to interpret or take enforcement action under any other provision of Federal law for safety and soundness purposes.

SEC. 1026. OTHER BANKS, SAVINGS ASSOCIATIONS, AND CREDIT UNIONS.

(a) SCOPE OF COVERAGE.—This section shall apply to any covered person that is—

(1) an insured depository institution with total assets of $10,000,000,000 or less; or

(2) an insured credit union with total assets of $10,000,000,000 or less.

(b) REPORTS.—The Director may require reports from a person described in subsection (a), as necessary to support the role of the Bureau in implementing Federal consumer financial law, to support its examination activities under subsection (c), and to assess and detect risks to consumers and consumer financial markets.

(1) USE OF EXISTING REPORTS.—The Bureau shall, to the fullest extent possible, use—

(A) reports pertaining to a person described in subsection (a) that have been provided or required to have been provided to a Federal or State agency; and

(B) information that has been reported publicly.

(2) PRESERVATION OF AUTHORITY.—Nothing in this subsection may be construed as limiting the authority of the Director from requiring from a person described in subsection (a), as permitted under paragraph (1), information owned or under the control of such person, regardless of whether such information is maintained, stored, or processed by another person.

(3) REPORTS OF TAX LAW NONCOMPLIANCE.—The Bureau shall provide the Commissioner of Internal Revenue with any report of examination or related information identifying possible tax law noncompliance.

(c) EXAMINATIONS.—

(1) IN GENERAL.—The Bureau may, at its discretion, include examiners on a sampling basis of the examinations performed by the prudential regulator to assess compliance with the requirements of Federal consumer financial law of persons described in subsection (a).

(2) AGENCY COORDINATION.—The prudential regulator shall—

(A) provide all reports, records, and documentation related to the examination process for any institution included in the sample referred to in paragraph (1) to the Bureau on a timely and continual basis;

(B) involve such Bureau examiner in the entire examination process for such person; and

(C) consider input of the Bureau concerning the scope of an examination, conduct of the examination, the contents of the examination report, the designation of matters requiring attention, and examination ratings.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Except for requiring reports under subsection (b), the prudential regulator is authorized to enforce the requirements of Federal consumer financial laws and, with respect to a covered person described in subsection (a), shall have exclusive authority (relative to the Bureau) to enforce such laws.

(2) COORDINATION WITH PRUDENTIAL REGULATOR.—

(A) REFERRAL.—When the Bureau has reason to believe that a person described in subsection (a) has engaged in a material violation of a Federal consumer financial law, the Bureau shall notify the prudential regulator in writing and recommend appropriate action to respond.

(B) RESPONSE.—Upon receiving a recommendation under subparagraph (A), the prudential regulator shall provide a written response to the Bureau not later than 60 days thereafter.

(e) SERVICE PROVIDERS.—A service provider to a substantial number of persons described in subsection (a) shall be subject to the authority of the Bureau under section 1025 to the same extent as if the Bureau were an appropriate Federal bank agency under section 7(c) of the Bank Service Company Act (12 U.S.C. 1867(c)). When conducting any examination or requiring any report from a service provider subject to this subsection, the Bureau shall coordinate with the appropriate prudential regulator.

SEC. 1027. LIMITATIONS ON AUTHORITIES OF THE BUREAU; PRESERVATION OF AUTHORITIES.

(a) EXCLUSION FOR MERCHANTS, RETAILERS, AND OTHER SELLERS OF NONFINANCIAL GOODS OR SERVICES.—

(1) SALE OR BROKERAGE OF NONFINANCIAL GOOD OR SERVICE.—The Bureau may not exercise any rulemaking, supervisory, enforcement or other authority under this title with respect to a person who is a merchant, retailer, or seller of any nonfinancial good or service and is engaged in the sale or brokerage of such nonfinancial good or service, except to the extent

that such person is engaged in offering or providing any consumer financial product or service, or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(2) OFFERING OR PROVISION OF CERTAIN CONSUMER FINANCIAL PRODUCTS OR SERVICES IN CONNECTION WITH THE SALE OR BROKERAGE OF NONFINANCIAL GOOD OR SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), and subject to subparagraph (C), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority under this title with respect to a merchant, retailer, or seller of nonfinancial goods or services, but only to the extent that such person—

(i) extends credit directly to a consumer, in a case in which the good or service being provided is not itself a consumer financial product or service (other than credit described in this subparagraph), exclusively for the purpose of enabling that consumer to purchase such nonfinancial good or service directly from the merchant, retailer, or seller;

(ii) directly, or through an agreement with another person, collects debt arising from credit extended as described in clause (i); or

(iii) sells or conveys debt described in clause (i) that is delinquent or otherwise in default.

(B) APPLICABILITY.—Subparagraph (A) does not apply to any credit transaction or collection of debt, other than as described in subparagraph (C)(i), arising from a transaction described in subparagraph (A)—

(i) in which the merchant, retailer, or seller of nonfinancial goods or services assigns, sells or otherwise conveys to another person such debt owed by the consumer (except for a sale of debt that is delinquent or otherwise in default, as described in subparagraph (A)(iii));

(ii) in which the credit extended significantly exceeds the market value of the nonfinancial good or service provided, or the Bureau otherwise finds that the sale of the nonfinancial good or service is done as a subterfuge, so as to evade or circumvent the provisions of this title; or

(iii) in which the merchant, retailer, or seller of nonfinancial goods or services regularly extends credit and the credit is subject to a finance charge.

(C) LIMITATIONS.—

(i) IN GENERAL.—Notwithstanding subparagraph (B), subparagraph (A) shall apply with respect to a merchant, retailer, or seller of nonfinancial goods or services that is not engaged significantly in offering or providing consumer financial products or services.

(ii) EXCEPTION.—Subparagraph (A) and clause (i) of this subparagraph do not apply to any merchant, retailer, or seller of nonfinancial goods or services—

(I) if such merchant, retailer, or seller of nonfinancial goods or services is engaged in a transaction described in subparagraph (B)(i) or (B)(ii); or

(II) to the extent that such merchant, retailer, or seller is subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H, but the Bureau may exercise such authority only with respect to that law.

(D) RULES.—

(i) AUTHORITY OF OTHER AGENCIES.—No provision of this title shall be construed as modifying, limiting, or superseding the supervisory or enforcement authority of the Federal Trade Commission or any other agency (other than the Bureau) with respect to credit extended, or the collection of debt arising from such extension, directly by a merchant or retailer to a consumer exclusively for the purpose of enabling that consumer to purchase nonfinancial goods or services directly from the merchant or retailer.

(ii) SMALL BUSINESSES.—A merchant, retailer, or seller of nonfinancial goods or services that would otherwise be subject to the authority of the Bureau solely by virtue of the application of subparagraph (B)(iii) shall be deemed not to be engaged significantly in offering or providing consumer financial products or services under subparagraph (C)(i), if such person—

(I) only extends credit for the sale of nonfinancial goods or services, as described in subparagraph (A)(i);

(II) retains such credit on its own accounts (except to sell or convey such debt that is delinquent or otherwise in default); and

(III) meets the relevant industry size threshold to be a small business concern, based on annual receipts, pursuant to section 3 of the Small Business Act (15 U.S.C. 632) and the implementing rules thereunder.

(iii) INITIAL YEAR.—A merchant, retailer, or seller of nonfinancial goods or services shall be deemed to meet the relevant industry size threshold described in clause (ii)(III) during the first year of operations of that business concern if, during that year, the receipts of that business concern reasonably are expected to meet that size threshold.

(iv) OTHER STANDARDS FOR SMALL BUSINESS.—With respect to a merchant, retailer, or seller of nonfinancial goods or services that is a classified on a basis other than annual receipts for the purposes of section 3 of the Small Business Act (15 U.S.C. 632) and the implementing rules thereunder, such merchant, retailer, or seller shall be deemed to meet the relevant industry size threshold described in clause (ii)(III) if such merchant, retailer, or seller meets the relevant industry size threshold to be a small business concern based on the number of employees, or other such applicable measure, established under that Act.

(E) EXCEPTION FROM STATE ENFORCEMENT.—To the extent that the Bureau may not exercise authority under this subsection with respect to a merchant, retailer, or seller of nonfinancial goods or services, no action by a State attorney general or State regulator with respect to a claim made under this title may be brought under subsection 1042(a), with respect to an activity described in any of clauses (i) through (iii) of subparagraph (A) by such merchant, retailer, or seller of nonfinancial goods or services.

(b) EXCLUSION FOR REAL ESTATE BROKERAGE ACTIVITIES.—

(1) REAL ESTATE BROKERAGE ACTIVITIES EXCLUDED.—Without limiting subsection (a), and except as permitted in paragraph (2), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority under this title with respect to a person that is licensed or registered as a real estate broker or real estate agent, in accordance with State law, to the extent that such person—

(A) acts as a real estate agent or broker for a buyer, seller, lessor, or lessee of real property;

(B) brings together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(C) negotiates, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with the provision of financing with respect to any such transaction); or

(D) offers to engage in any activity, or act in any capacity, described in subparagraph (A), (B), or (C).

(2) DESCRIPTION OF ACTIVITIES.—The Bureau may exercise rulemaking, supervisory, enforcement, or other authority under this title with respect to a person described in paragraph (1) when such person is—

(A) engaged in an activity of offering or providing any consumer financial product or service, except that the Bureau may exercise such authority only with respect to that activity; or

(B) otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H, but the Bureau may exercise such authority only with respect to that law.

(c) EXCLUSION FOR MANUFACTURED HOME RETAILERS AND MODULAR HOME RETAILERS.—

(1) IN GENERAL.—The Director may not exercise any rulemaking, supervisory, enforcement, or other authority over a person to the extent that—

(A) such person is not described in paragraph (2); and

(B) such person—

(i) acts as an agent or broker for a buyer or seller of a manufactured home or a modular home;

(ii) facilitates the purchase by a consumer of a manufactured home or modular home, by negotiating the purchase price or terms of the sales contract (other than providing financing with respect to such transaction); or

(iii) offers to engage in any activity described in clause (i) or (ii).

(2) DESCRIPTION OF ACTIVITIES.—A person is described in this paragraph to the extent that such person is engaged in the offering or provision of any consumer financial product or service or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) MANUFACTURED HOME.—The term ''manufactured home'' has the same meaning as in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5402).

(B) MODULAR HOME.—The term ''modular home'' means a house built in a factory in 2 or more modules that meet the State or local building codes where the house will be located, and where such modules are transported to the building site, installed on foundations, and completed.

(d) EXCLUSION FOR ACCOUNTANTS AND TAX PREPARERS.—

(1) IN GENERAL.—Except as permitted in paragraph (2), the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority over—

(A) any person that is a certified public accountant, permitted to practice as a certified public accounting firm, or certified or licensed for such purpose by a State, or any individual who is employed by or holds an ownership interest with respect to a person described in this subparagraph, when such person is performing or offering to perform—

(i) customary and usual accounting activities, including the provision of accounting, tax, advisory, or other services that are subject to the regulatory authority of a State board of accountancy or a Federal authority; or

(ii) other services that are incidental to such customary and usual accounting activities, to the extent that such incidental services are not offered or provided—

(I) by the person separate and apart from such customary and usual accounting activities; or

(II) to consumers who are not receiving such customary and usual accounting activities; or

(B) any person, other than a person described in subparagraph (A) that performs income tax preparation activities for consumers.

(2) DESCRIPTION OF ACTIVITIES.—

(A) IN GENERAL.—Paragraph (1) shall not apply to any person described in paragraph (1)(A) or (1)(B) to the extent that such person is engaged in any activity which is not a customary and usual accounting activity described in paragraph (1)(A) or incidental thereto but which is the offering or provision of any consumer financial product or service, except to the extent that a person described in paragraph (1)(A) is engaged in an activity which is a customary and usual accounting activity described in paragraph (1)(A), or incidental thereto.

(B) NOT A CUSTOMARY AND USUAL ACCOUNTING ACTIVITY.—For purposes of this subsection, extending or brokering credit is not a customary and usual accounting activity, or incidental thereto.

(C) RULE OF CONSTRUCTION.—For purposes of subparagraphs (A) and (B), a person described in paragraph (1)(A) shall not be deemed to be extending credit, if such person is only extending credit directly to a consumer, exclusively for

the purpose of enabling such consumer to purchase services described in clause (i) or (ii) of paragraph (1)(A) directly from such person, and such credit is—

(i) not subject to a finance charge; and

(ii) not payable by written agreement in more than 4 installments.

(D) OTHER LIMITATIONS.—Paragraph (1) does not apply to any person described in paragraph (1)(A) or (1)(B) that is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(e) EXCLUSION FOR PRACTICE OF LAW.—

(1) IN GENERAL.—Except as provided under paragraph (2), the Bureau may not exercise any supervisory or enforcement authority with respect to an activity engaged in by an attorney as part of the practice of law under the laws of a State in which the attorney is licensed to practice law.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed so as to limit the exercise by the Bureau of any supervisory, enforcement, or other authority regarding the offering or provision of a consumer financial product or service described in any subparagraph of section 1002(5)—

(A) that is not offered or provided as part of, or incidental to, the practice of law, occurring exclusively within the scope of the attorney-client relationship; or

(B) that is otherwise offered or provided by the attorney in question with respect to any consumer who is not receiving legal advice or services from the attorney in connection with such financial product or service.

(3) EXISTING AUTHORITY.—Paragraph (1) shall not be construed so as to limit the authority of the Bureau with respect to any attorney, to the extent that such attorney is otherwise subject to any of the enumerated consumer laws or the authorities transferred under subtitle F or H.

(f) EXCLUSION FOR PERSONS REGULATED BY A STATE INSURANCE REGULATOR.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of any State insurance regulator to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by a State insurance regulator. Except as provided in paragraph (2), the Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by a State insurance regulator.

(2) DESCRIPTION OF ACTIVITIES.—Paragraph (1) does not apply to any person described in such paragraph to the extent that such person is engaged in the offering or provision of any consumer financial product or service or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(3) STATE INSURANCE AUTHORITY UNDER GRAMM-LEACH-BLILEY.—Notwithstanding paragraph (2), the Bureau shall not exercise any authorities that are granted a State insurance authority under section 505(a)(6) of the Gramm-Leach-Bliley Act with respect to a person regulated by a State insurance authority.

(g) EXCLUSION FOR EMPLOYEE BENEFIT AND COMPENSATION PLANS AND CERTAIN OTHER ARRANGEMENTS UNDER THE INTERNAL REVENUE CODE OF 1986.—

(1) PRESERVATION OF AUTHORITY OF OTHER AGENCIES.—No provision of this title shall be construed as altering, amending, or affecting the authority of the Secretary of the Treasury, the Secretary of Labor, or the Commissioner of Internal Revenue to adopt regulations, initiate enforcement proceedings, or take any actions with respect to any specified plan or arrangement.

(2) ACTIVITIES NOT CONSTITUTING THE OFFERING OR PROVISION OF ANY CONSUMER FINANCIAL PRODUCT OR SERVICE.—For purposes of this title, a person shall not be treated as having engaged in the offering or provision of any consumer financial product or service solely because such person is—

(A) a specified plan or arrangement;

(B) engaged in the activity of establishing or maintaining, for the benefit of employees of such person (or for members of an employee organization), any specified plan or arrangement; or

(C) engaged in the activity of establishing or maintaining a qualified tuition program under section 529(b)(1) of the Internal Revenue Code of 1986 offered by a State or other prepaid tuition program offered by a State.

(3) LIMITATION ON BUREAU AUTHORITY.—

(A) IN GENERAL.—Except as provided under subparagraphs (B) and (C), the Bureau may not exercise any rulemaking or enforcement authority with respect to products or services that relate to any specified plan or arrangement.

(B) BUREAU ACTION PURSUANT TO AGENCY REQUEST.—

(i) AGENCY REQUEST.—The Secretary and the Secretary of Labor may jointly issue a written request to the Bureau regarding implementation of appropriate consumer protection standards under this title with respect to the provision of services relating to any specified plan or arrangement.

(ii) AGENCY RESPONSE.—In response to a request by the Bureau, the Secretary and the Secretary of Labor shall jointly issue a written response, not later than 90 days after receipt of such request, to grant or deny the request of the Bureau regarding implementation of appropriate consumer protection standards under this title with respect to the provision of services relating to any specified plan or arrangement.

(iii) SCOPE OF BUREAU ACTION.—Subject to a request or response pursuant to clause (i) or clause (ii) by the agencies made under this subparagraph, the Bureau may exercise rulemaking authority, and may act to enforce a rule prescribed pursuant to such request or response, in accordance with the provisions of this title. A request or response made by the Secretary and the Secretary of Labor under this subparagraph shall describe the basis for, and scope of, appropriate consumer protection standards to be implemented under this title with respect to the provision of services relating to any specified plan or arrangement.

(C) DESCRIPTION OF PRODUCTS OR SERVICES.—To the extent that a person engaged in providing products or services relating to any specified plan or arrangement is subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H, subparagraph (A) shall not apply with respect to that law.

(4) SPECIFIED PLAN OR ARRANGEMENT.—For purposes of this subsection, the term ''specified plan or arrangement'' means any plan, account, or arrangement described in section 220, 223, 401(a), 403(a), 403(b), 408, 408A, 529, or 530 of the Internal Revenue Code of 1986, or any employee benefit or compensation plan or arrangement, including a plan that is subject to title I of the Employee Retirement Income Security Act of 1974, or any prepaid tuition program offered by a State.

(h) PERSONS REGULATED BY A STATE SECURITIES COMMISSION.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of any securities commission (or any agency or office performing like functions) of any State to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by any securities commission (or any agency or office performing like functions) of any State. Except as permitted in paragraph (2) and subsection (f), the Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by any securities commission (or any agency or office performing like functions) of any State, but only to the extent that the person acts in such regulated capacity.

(2) DESCRIPTION OF ACTIVITIES.—Paragraph (1) shall not apply to any person to the extent such person is engaged in the offering or provision of any consumer financial product or service, or is otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(i) EXCLUSION FOR PERSONS REGULATED BY THE COMMISSION.—

(1) IN GENERAL.—No provision of this title may be construed as altering, amending, or affecting the authority of the Commission to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by the Commission. The Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by the Commission.

(2) CONSULTATION AND COORDINATION.—Notwithstanding paragraph (1), the Commission shall consult and coordinate, where feasible, with the Bureau with respect to any rule (including any advance notice of proposed rulemaking) regarding an investment product or service that is the same type of product as, or that competes directly with, a consumer financial product or service that is subject to the jurisdiction of the Bureau under this title or under any other law. In carrying out this paragraph, the agencies shall negotiate an agreement to establish procedures for such coordination, including procedures for providing advance notice to the Bureau when the Commission is initiating a rulemaking.

(j) EXCLUSION FOR PERSONS REGULATED BY THE COMMODITY FUTURES TRADING COMMISSION.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of the Commodity Futures Trading Commission to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by the Commodity Futures Trading Commission. The Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by the Commodity Futures Trading Commission.

(2) CONSULTATION AND COORDINATION.—Notwithstanding paragraph (1), the Commodity Futures Trading Commission shall consult and coordinate with the Bureau with respect to any rule (including any advance notice of proposed rulemaking) regarding a product or service that is the same type of product as, or that competes directly with, a consumer financial product or service that is subject to the jurisdiction of the Bureau under this title or under any other law.

(k) EXCLUSION FOR PERSONS REGULATED BY THE FARM CREDIT ADMINISTRATION.—

(1) IN GENERAL.—No provision of this title shall be construed as altering, amending, or affecting the authority of the Farm Credit Administration to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by the Farm Credit Administration. The Bureau shall have no authority to exercise any power to enforce this title with respect to a person regulated by the Farm Credit Administration.

(2) DEFINITION.—For purposes of this subsection, the term ''person regulated by the Farm Credit Administration'' means any Farm Credit System institution that is chartered and subject to the provisions of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(l) EXCLUSION FOR ACTIVITIES RELATING TO CHARITABLE CONTRIBUTIONS.—

(1) IN GENERAL.—The Director and the Bureau may not exercise any rulemaking, supervisory, enforcement, or other authority, including authority to order penalties, over any activities related to the solicitation or making of voluntary contributions to a tax-exempt organization as recognized by the Internal Revenue Service, by any agent, volunteer, or representative of such organizations to the extent the organization, agent, volunteer, or representative thereof is soliciting or providing advice, information, education, or instruction to any donor or potential donor relating to a contribution to the organization.

(2) LIMITATION.—The exclusion in paragraph (1) does not apply to other activities not described in paragraph (1) that are the offering or provision of any consumer financial product or service, or are otherwise subject to any enumerated consumer law or any law for which authorities are transferred under subtitle F or H.

(m) INSURANCE.—The Bureau may not define as a financial product or service, by regulation or otherwise, engaging in the business of insurance.

(n) LIMITED AUTHORITY OF THE BUREAU.—Notwithstanding subsections (a) through (h) and (l), a person subject to or described in one or more of such provisions—

(1) may be a service provider; and

(2) may be subject to requests from, or requirements imposed by, the Bureau regarding information in order to carry out the responsibilities and functions of the Bureau and in accordance with section 1022, 1052, or 1053.

(o) NO AUTHORITY TO IMPOSE USURY LIMIT.—No provision of this title shall be construed as conferring authority on the Bureau to establish a usury limit applicable to an extension of credit offered or made by a covered person to a consumer, unless explicitly authorized by law.

(p) ATTORNEY GENERAL.—No provision of this title, including section 1024(c)(1), shall affect the authorities of the Attorney General under otherwise applicable provisions of law.

(q) SECRETARY OF THE TREASURY.—No provision of this title shall affect the authorities of the Secretary, including with respect to prescribing rules, initiating enforcement proceedings, or taking other actions with respect to a person that performs income tax preparation activities for consumers.

(r) DEPOSIT INSURANCE AND SHARE INSURANCE.—Nothing in this title shall affect the authority of the Corporation under the Federal Deposit Insurance Act or the National Credit Union Administration Board under the Federal Credit Union Act as to matters related to deposit insurance and share insurance, respectively.

(s) FAIR HOUSING ACT.—No provision of this title shall be construed as affecting any authority arising under the Fair Housing Act.

SEC. 1028. AUTHORITY TO RESTRICT MANDATORY PRE-DISPUTE ARBITRATION.

(a) STUDY AND REPORT.—The Bureau shall conduct a study of, and shall provide a report to Congress concerning, the use of agreements providing for arbitration of any future dispute between covered persons and consumers in connection with the offering or providing of consumer financial products or services.

(b) FURTHER AUTHORITY.—The Bureau, by regulation, may prohibit or impose conditions or limitations on the use of an agreement between a covered person and a consumer for a consumer financial product or service providing for arbitration of any future dispute between the parties, if the Bureau finds that such a prohibition or imposition of conditions or limitations is in the public interest and for the protection of consumers. The findings in such rule shall be consistent with the study conducted under subsection (a).

(c) LIMITATION.—The authority described in subsection (b) may not be construed to prohibit or restrict a consumer from entering into a voluntary arbitration agreement with a covered person after a dispute has arisen.

(d) EFFECTIVE DATE.—Notwithstanding any other provision of law, any regulation prescribed by the Bureau under subsection (b) shall apply, consistent with the terms of the regulation, to any agreement between a consumer and a covered person entered into after the end of the 180-day period beginning on the effective date of the regulation, as established by the Bureau.

SEC. 1029. EXCLUSION FOR AUTO DEALERS.

(a) SALE, SERVICING, AND LEASING OF MOTOR VEHICLES EXCLUDED.—Except as permitted in subsection (b), the Bureau may not exercise any rulemaking, supervisory, enforcement or any other authority, including any authority to order assessments, over a motor vehicle dealer that is predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.

(b) CERTAIN FUNCTIONS EXCEPTED.—Subsection (a) shall not apply to any person, to the extent that such person—

(1) provides consumers with any services related to residential or commercial mortgages or self-financing transactions involving real property;

(2) operates a line of business—

(A) that involves the extension of retail credit or retail leases involving motor vehicles; and

(B) in which—

(i) the extension of retail credit or retail leases are provided directly to consumers; and

(ii) the contract governing such extension of retail credit or retail leases is not routinely assigned to an unaffiliated third party finance or leasing source; or

(3) offers or provides a consumer financial product or service not involving or related to the sale, financing, leasing, rental, repair, refurbishment, maintenance, or other servicing of motor vehicles, motor vehicle parts, or any related or ancillary product or service.

(c) PRESERVATION OF AUTHORITIES OF OTHER AGENCIES.—Except as provided in subsections (b) and (d), nothing in this title, including subtitle F, shall be construed as modifying, limiting, or superseding the operation of any provision of Federal law, or otherwise affecting the authority of the Board of Governors, the Federal Trade Commission, or any other Federal agency, with respect to a person described in subsection (a).

(d) FEDERAL TRADE COMMISSION AUTHORITY.—Notwithstanding section 18 of the Federal Trade Commission Act, the Federal Trade Commission is authorized to prescribe rules under sections 5 and 18(a)(1)(B) of the Federal Trade Commission Act. in accordance with section 553 of title 5, United States Code, with respect to a person described in subsection (a).

(e) COORDINATION WITH OFFICE OF SERVICE MEMBER AFFAIRS.—The Board of Governors and the Federal Trade Commission shall coordinate with the Office of Service Member Affairs, to ensure that—

(1) service members and their families are educated and empowered to make better informed decisions regarding consumer financial products and services offered by motor vehicle dealers, with a focus on motor vehicle dealers in the proximity of military installations; and

(2) complaints by service members and their families concerning such motor vehicle dealers are effectively monitored and responded to, and where appropriate, enforcement action is pursued by the authorized agencies.

(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) MOTOR VEHICLE.—The term ''motor vehicle'' means—

(A) any self-propelled vehicle designed for transporting persons or property on a street, highway, or other road;

(B) recreational boats and marine equipment;

(C) motorcycles;

(D) motor homes, recreational vehicle trailers, and slide-in campers, as those terms are defined in sections 571.3 and 575.103 (d) of title 49, Code of Federal Regulations, or any successor thereto; and

(E) other vehicles that are titled and sold through dealers.

(2) MOTOR VEHICLE DEALER.—The term ''motor vehicle dealer'' means any person or resident in the United States, or any territory of the United States, who—

(A) is licensed by a State, a territory of the United States, or the District of Columbia to engage in the sale of motor vehicles; and

(B) takes title to, holds an ownership in, or takes physical custody of motor vehicles.

SEC. 1029A. EFFECTIVE DATE.

This subtitle shall become effective on the designated transfer date, except that sections 1022, 1024, and 1025(e) shall become effective on the date of enactment of this Act.

Subtitle C—Specific Bureau Authorities

SEC. 1031. PROHIBITING UNFAIR, DECEPTIVE, OR ABUSIVE ACTS OR PRACTICES.

(a) IN GENERAL.—The Bureau may take any action authorized under subtitle E to prevent a covered person or service provider from committing or engaging in an unfair, deceptive, or abusive act or practice under Federal law in connection with any transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service.

(b) RULEMAKING.—The Bureau may prescribe rules applicable to a covered person or service provider identifying as unlawful unfair, deceptive, or abusive acts or practices in connection with any transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service. Rules under this section may include requirements for the purpose of preventing such acts or practices.

(c) UNFAIRNESS.—

(1) IN GENERAL.—The Bureau shall have no authority under this section to declare an act or practice in connection with a transaction with a consumer for a consumer financial product or service, or the offering of a consumer financial product or service, to be unlawful on the grounds that such act or practice is unfair, unless the Bureau has a reasonable basis to conclude that—

(A) the act or practice causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers; and

(B) such substantial injury is not outweighed by countervailing benefits to consumers or to competition.

(2) CONSIDERATION OF PUBLIC POLICIES.—In determining whether an act or practice is unfair, the Bureau may consider established public policies as evidence to be considered with all other evidence. Such public policy considerations may not serve as a primary basis for such determination.

(d) ABUSIVE.—The Bureau shall have no authority under this section to declare an act or practice abusive in connection with the provision of a consumer financial product or service, unless the act or practice—

(1) materially interferes with the ability of a consumer to understand a term or condition of a consumer financial product or service; or

(2) takes unreasonable advantage of—

(A) a lack of understanding on the part of the consumer of the material risks, costs, or conditions of the product or service;

(B) the inability of the consumer to protect the interests of the consumer in selecting or using a consumer financial product or service; or

(C) the reasonable reliance by the consumer on a covered person to act in the interests of the consumer.

(e) CONSULTATION.—In prescribing rules under this section, the Bureau shall consult with the Federal banking agencies, or other Federal agencies, as appropriate, concerning the consistency of the proposed rule with prudential, market, or systemic objectives administered by such agencies.

(f) CONSIDERATION OF SEASONAL INCOME.—The rules of the Bureau under this section shall provide, with respect to an extension of credit secured by residential real estate or a dwelling, if documented income of the borrower, including income from a small business, is a repayment source for an extension of credit secured by residential real estate or a dwelling, the creditor may consider the seasonality and irregularity of such income in the underwriting of and scheduling of payments for such credit.

SEC. 1032. DISCLOSURES.

(a) IN GENERAL.—The Bureau may prescribe rules to ensure that the features of any consumer financial product or service, both initially

and over the term of the product or service, are fully, accurately, and effectively disclosed to consumers in a manner that permits consumers to understand the costs, benefits, and risks associated with the product or service, in light of the facts and circumstances.

(b) MODEL DISCLOSURES.—

(1) IN GENERAL.—Any final rule prescribed by the Bureau under this section requiring disclosures may include a model form that may be used at the option of the covered person for provision of the required disclosures.

(2) FORMAT.—A model form issued pursuant to paragraph (1) shall contain a clear and conspicuous disclosure that, at a minimum—

(A) uses plain language comprehensible to consumers;

(B) contains a clear format and design, such as an easily readable type font; and

(C) succinctly explains the information that must be communicated to the consumer.

(3) CONSUMER TESTING.—Any model form issued pursuant to this subsection shall be validated through consumer testing.

(c) BASIS FOR RULEMAKING.—In prescribing rules under this section, the Bureau shall consider available evidence about consumer awareness, understanding of, and responses to disclosures or communications about the risks, costs, and benefits of consumer financial products or services.

(d) SAFE HARBOR.—Any covered person that uses a model form included with a rule issued under this section shall be deemed to be in compliance with the disclosure requirements of this section with respect to such model form.

(e) TRIAL DISCLOSURE PROGRAMS.—

(1) IN GENERAL.—The Bureau may permit a covered person to conduct a trial program that is limited in time and scope, subject to specified standards and procedures, for the purpose of providing trial disclosures to consumers that are designed to improve upon any model form issued pursuant to subsection (b)(1), or any other model form issued to implement an enumerated statute, as applicable.

(2) SAFE HARBOR.—The standards and procedures issued by the Bureau shall be designed to encourage covered persons to conduct trial disclosure programs. For the purposes of administering this subsection, the Bureau may establish a limited period during which a covered person conducting a trial disclosure program shall be deemed to be in compliance with, or may be exempted from, a requirement of a rule or an enumerated consumer law.

(3) PUBLIC DISCLOSURE.—The rules of the Bureau shall provide for public disclosure of trial disclosure programs, which public disclosure may be limited, to the extent necessary to encourage covered persons to conduct effective trials.

(f) COMBINED MORTGAGE LOAN DISCLOSURE.—Not later than 1 year after the designated transfer date, the Bureau shall propose for public comment rules and model disclosures that combine the disclosures required under the Truth in Lending Act and sections 4 and 5 of the Real Estate Settlement Procedures Act of 1974, into a single, integrated disclosure for mortgage loan transactions covered by those laws, unless the Bureau determines that any proposal issued by the Board of Governors and the Secretary of Housing and Urban Development carries out the same purpose.

SEC. 1033. CONSUMER RIGHTS TO ACCESS INFORMATION.

(a) IN GENERAL.—Subject to rules prescribed by the Bureau, a covered person shall make available to a consumer, upon request, information in the control or possession of the covered person concerning the consumer financial product or service that the consumer obtained from such covered person, including information relating to any transaction, series of transactions, or to the account including costs, charges and usage data. The information shall be made available in an electronic form usable by consumers.

(b) EXCEPTIONS.—A covered person may not be required by this section to make available to the consumer—

(1) any confidential commercial information, including an algorithm used to derive credit scores or other risk scores or predictors;

(2) any information collected by the covered person for the purpose of preventing fraud or money laundering, or detecting, or making any report regarding other unlawful or potentially unlawful conduct;

(3) any information required to be kept confidential by any other provision of law; or

(4) any information that the covered person cannot retrieve in the ordinary course of its business with respect to that information.

(c) NO DUTY TO MAINTAIN RECORDS.—Nothing in this section shall be construed to impose any duty on a covered person to maintain or keep any information about a consumer.

(d) STANDARDIZED FORMATS FOR DATA.—The Bureau, by rule, shall prescribe standards applicable to covered persons to promote the development and use of standardized formats for information, including through the use of machine readable files, to be made available to consumers under this section.

(e) CONSULTATION.—The Bureau shall, when prescribing any rule under this section, consult with the Federal banking agencies and the Federal Trade Commission to ensure, to the extent appropriate, that the rules—

(1) impose substantively similar requirements on covered persons;

(2) take into account conditions under which covered persons do business both in the United States and in other countries; and

(3) do not require or promote the use of any particular technology in order to develop systems for compliance.

SEC. 1034. RESPONSE TO CONSUMER COMPLAINTS AND INQUIRIES.

(a) TIMELY REGULATOR RESPONSE TO CONSUMERS.—The Bureau shall establish, in consultation with the appropriate Federal regulatory agencies, reasonable procedures to provide a timely response to consumers, in writing where appropriate, to complaints against, or inquiries concerning, a covered person, including—

(1) steps that have been taken by the regulator in response to the complaint or inquiry of the consumer;

(2) any responses received by the regulator from the covered person; and

(3) any follow-up actions or planned follow-up actions by the regulator in response to the complaint or inquiry of the consumer.

(b) TIMELY RESPONSE TO REGULATOR BY COVERED PERSON.—A covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025 shall provide a timely response, in writing where appropriate, to the Bureau, the prudential regulators, and any other agency having jurisdiction over such covered person concerning a consumer complaint or inquiry, including—

(1) steps that have been taken by the covered person to respond to the complaint or inquiry of the consumer;

(2) responses received by the covered person from the consumer; and

(3) follow-up actions or planned follow-up actions by the covered person to respond to the complaint or inquiry of the consumer.

(c) PROVISION OF INFORMATION TO CONSUMERS.—

(1) IN GENERAL.—A covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025 shall, in a timely manner, comply with a consumer request for information in the control or possession of such covered person concerning the consumer financial product or service that the consumer obtained from such covered person, including supporting written documentation, concerning the account of the consumer.

(2) EXCEPTIONS.—A covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025, a prudential regulator, and any other agency having jurisdiction over a covered person subject to supervision and primary enforcement by the Bureau pursuant to section 1025 may not be required by this section to make available to the consumer—

(A) any confidential commercial information, including an algorithm used to derive credit scores or other risk scores or predictors;

(B) any information collected by the covered person for the purpose of preventing fraud or money laundering, or detecting or making any report regarding other unlawful or potentially unlawful conduct;

(C) any information required to be kept confidential by any other provision of law; or

(D) any nonpublic or confidential information, including confidential supervisory information.

(d) AGREEMENTS WITH OTHER AGENCIES.—The Bureau shall enter into a memorandum of understanding with any affected Federal regulatory agency regarding procedures by which any covered person, and the prudential regulators, and any other agency having jurisdiction over a covered person, including the Secretary of the Department of Housing and Urban Development and the Secretary of Education, shall comply with this section.

SEC. 1035. PRIVATE EDUCATION LOAN OMBUDSMAN.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Director, shall designate a Private Education Loan Ombudsman (in this section referred to as the ''Ombudsman'') within the Bureau, to provide timely assistance to borrowers of private education loans.

(b) PUBLIC INFORMATION.—The Secretary and the Director shall disseminate information about the availability and functions of the Ombudsman to borrowers and potential borrowers, as well as institutions of higher education, lenders, guaranty agencies, loan servicers, and other participants in private education student loan programs.

(c) FUNCTIONS OF OMBUDSMAN.—The Ombudsman designated under this subsection shall—

(1) in accordance with regulations of the Director, receive, review, and attempt to resolve informally complaints from borrowers of loans described in subsection (a), including, as appropriate, attempts to resolve such complaints in collaboration with the Department of Education and with institutions of higher education, lenders, guaranty agencies, loan servicers, and other participants in private education loan programs;

(2) not later than 90 days after the designated transfer date, establish a memorandum of understanding with the student loan ombudsman established under section 141(f) of the Higher Education Act of 1965 (20 U.S.C. 1018(f)), to ensure coordination in providing assistance to and serving borrowers seeking to resolve complaints related to their private education or Federal student loans;

(3) compile and analyze data on borrower complaints regarding private education loans; and

(4) make appropriate recommendations to the Director, the Secretary, the Secretary of Education, the Committee on Banking, Housing, and Urban Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Financial Services and the Committee on Education and Labor of the House of Representatives.

(d) ANNUAL REPORTS.—

(1) IN GENERAL.—The Ombudsman shall prepare an annual report that describes the activities, and evaluates the effectiveness of the Ombudsman during the preceding year.

(2) SUBMISSION.—The report required by paragraph (1) shall be submitted on the same date annually to the Secretary, the Secretary of Education, the Committee on Banking, Housing, and Urban Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Financial Services

and the Committee on Education and Labor of the House of Representatives.

(e) DEFINITIONS.—For purposes of this section, the terms ''private education loan'' and ''institution of higher education'' have the same meanings as in section 140 of the Truth in Lending Act (15 U.S.C. 1650).

SEC. 1036. PROHIBITED ACTS.

(a) IN GENERAL.—It shall be unlawful for—

(1) any covered person or service provider—

(A) to offer or provide to a consumer any financial product or service not in conformity with Federal consumer financial law, or otherwise commit any act or omission in violation of a Federal consumer financial law; or

(B) to engage in any unfair, deceptive, or abusive act or practice;

(2) any covered person or service provider to fail or refuse, as required by Federal consumer financial law, or any rule or order issued by the Bureau thereunder—

(A) to permit access to or copying of records;

(B) to establish or maintain records; or

(C) to make reports or provide information to the Bureau; or

(3) any person to knowingly or recklessly provide substantial assistance to a covered person or service provider in violation of the provisions of section 1031, or any rule or order issued thereunder, and notwithstanding any provision of this title, the provider of such substantial assistance shall be deemed to be in violation of that section to the same extent as the person to whom such assistance is provided.

(b) EXCEPTION.—No person shall be held to have violated subsection (a)(1) solely by virtue of providing or selling time or space to a covered person or service provider placing an advertisement.

SEC. 1037. EFFECTIVE DATE.

This subtitle shall take effect on the designated transfer date.

Subtitle D—Preservation of State Law

SEC. 1041. RELATION TO STATE LAW.

(a) IN GENERAL.—

(1) RULE OF CONSTRUCTION.—This title, other than sections 1044 through 1048, may not be construed as annulling, altering, or affecting, or exempting any person subject to the provisions of this title from complying with, the statutes, regulations, orders, or interpretations in effect in any State, except to the extent that any such provision of law is inconsistent with the provisions of this title, and then only to the extent of the inconsistency.

(2) GREATER PROTECTION UNDER STATE LAW.—For purposes of this subsection, a statute, regulation, order, or interpretation in effect in any State is not inconsistent with the provisions of this title if the protection that such statute, regulation, order, or interpretation affords to consumers is greater than the protection provided under this title. A determination regarding whether a statute, regulation, order, or interpretation in effect in any State is inconsistent with the provisions of this title may be made by the Bureau on its own motion or in response to a nonfrivolous petition initiated by any interested person.

(b) RELATION TO OTHER PROVISIONS OF ENUMERATED CONSUMER LAWS THAT RELATE TO STATE LAW.—No provision of this title, except as provided in section 1083, shall be construed as modifying, limiting, or superseding the operation of any provision of an enumerated consumer law that relates to the application of a law in effect in any State with respect to such Federal law.

(c) ADDITIONAL CONSUMER PROTECTION REGULATIONS IN RESPONSE TO STATE ACTION.—

(1) NOTICE OF PROPOSED RULE REQUIRED.—The Bureau shall issue a notice of proposed rulemaking whenever a majority of the States has enacted a resolution in support of the establishment or modification of a consumer protection regulation by the Bureau.

(2) BUREAU CONSIDERATIONS REQUIRED FOR ISSUANCE OF FINAL REGULATION.—Before prescribing a final regulation based upon a notice issued pursuant to paragraph (1), the Bureau shall take into account whether—

(A) the proposed regulation would afford greater protection to consumers than any existing regulation;

(B) the intended benefits of the proposed regulation for consumers would outweigh any increased costs or inconveniences for consumers, and would not discriminate unfairly against any category or class of consumers; and

(C) a Federal banking agency has advised that the proposed regulation is likely to present an unacceptable safety and soundness risk to insured depository institutions.

(3) EXPLANATION OF CONSIDERATIONS.—The Bureau—

(A) shall include a discussion of the considerations required in paragraph (2) in the Federal Register notice of a final regulation prescribed pursuant to this subsection; and

(B) whenever the Bureau determines not to prescribe a final regulation, shall publish an explanation of such determination in the Federal Register, and provide a copy of such explanation to each State that enacted a resolution in support of the proposed regulation, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

(4) RESERVATION OF AUTHORITY.—No provision of this subsection shall be construed as limiting or restricting the authority of the Bureau to enhance consumer protection standards established pursuant to this title in response to its own motion or in response to a request by any other interested person.

(5) RULE OF CONSTRUCTION.—No provision of this subsection shall be construed as exempting the Bureau from complying with subchapter II of chapter 5 of title 5, United States Code.

(6) DEFINITION.—For purposes of this subsection, the term ''consumer protection regulation'' means a regulation that the Bureau is authorized to prescribe under the Federal consumer financial laws.

SEC. 1042. PRESERVATION OF ENFORCEMENT POWERS OF STATES.

(a) IN GENERAL.—

(1) ACTION BY STATE.—Except as provided in paragraph (2), the attorney general (or the equivalent thereof) of any State may bring a civil action in the name of such State in any district court of the United States in that State or in State court that is located in that State and that has jurisdiction over the defendant, to enforce provisions of this title or regulations issued under this title, and to secure remedies under provisions of this title or remedies otherwise provided under other law. A State regulator may bring a civil action or other appropriate proceeding to enforce the provisions of this title or regulations issued under this title with respect to any entity that is State-chartered, incorporated, licensed, or otherwise authorized to do business under State law (except as provided in paragraph (2)), and to secure remedies under provisions of this title or remedies otherwise provided under other provisions of law with respect to such an entity.

(2) ACTION BY STATE AGAINST NATIONAL BANK OR FEDERAL SAVINGS ASSOCIATION TO ENFORCE RULES.—

(A) IN GENERAL.—Except as permitted under subparagraph (B), the attorney general (or equivalent thereof) of any State may not bring a civil action in the name of such State against a national bank or Federal savings association to enforce a provision of this title.

(B) ENFORCEMENT OF RULES PERMITTED.—The attorney general (or the equivalent thereof) of any State may bring a civil action in the name of such State against a national bank or Federal savings association in any district court of the United States in the State or in State court that is located in that State and that has jurisdiction over the defendant to enforce a regulation prescribed by the Bureau under a provision of this title and to secure remedies under provisions of this title or remedies otherwise provided under other law.

(3) RULE OF CONSTRUCTION.—No provision of this title shall be construed as modifying, limiting, or superseding the operation of any provision of an enumerated consumer law that relates to the authority of a State attorney general or State regulator to enforce such Federal law.

(b) CONSULTATION REQUIRED.—

(1) NOTICE.—

(A) IN GENERAL.—Before initiating any action in a court or other administrative or regulatory proceeding against any covered person as authorized by subsection (a) to enforce any provision of this title, including any regulation prescribed by the Bureau under this title, a State attorney general or State regulator shall timely provide a copy of the complete complaint to be filed and written notice describing such action or proceeding to the Bureau and the prudential regulator, if any, or the designee thereof.

(B) EMERGENCY ACTION.—If prior notice is not practicable, the State attorney general or State regulator shall provide a copy of the complete complaint and the notice to the Bureau and the prudential regulator, if any, immediately upon instituting the action or proceeding.

(C) CONTENTS OF NOTICE.—The notification required under this paragraph shall, at a minimum, describe—

(i) the identity of the parties;

(ii) the alleged facts underlying the proceeding; and

(iii) whether there may be a need to coordinate the prosecution of the proceeding so as not to interfere with any action, including any rulemaking, undertaken by the Bureau, a prudential regulator, or another Federal agency.

(2) BUREAU RESPONSE.—In any action described in paragraph (1), the Bureau may—

(A) intervene in the action as a party;

(B) upon intervening—

(i) remove the action to the appropriate United States district court, if the action was not originally brought there; and

(ii) be heard on all matters arising in the action; and

(C) appeal any order or judgment, to the same extent as any other party in the proceeding may.

(c) REGULATIONS.—The Bureau shall prescribe regulations to implement the requirements of this section and, from time to time, provide guidance in order to further coordinate actions with the State attorneys general and other regulators.

(d) PRESERVATION OF STATE AUTHORITY.—

(1) STATE CLAIMS.—No provision of this section shall be construed as altering, limiting, or affecting the authority of a State attorney general or any other regulatory or enforcement agency or authority to bring an action or other regulatory proceeding arising solely under the law in effect in that State.

(2) STATE SECURITIES REGULATORS.—No provision of this title shall be construed as altering, limiting, or affecting the authority of a State securities commission (or any agency or office performing like functions) under State law to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by such commission or authority.

(3) STATE INSURANCE REGULATORS.—No provision of this title shall be construed as altering, limiting, or affecting the authority of a State insurance commission or State insurance regulator under State law to adopt rules, initiate enforcement proceedings, or take any other action with respect to a person regulated by such commission or regulator.

SEC. 1043. PRESERVATION OF EXISTING CONTRACTS.

This title, and regulations, orders, guidance, and interpretations prescribed, issued, or established by the Bureau, shall not be construed to

alter or affect the applicability of any regulation, order, guidance, or interpretation prescribed, issued, and established by the Comptroller of the Currency or the Director of the Office of Thrift Supervision regarding the applicability of State law under Federal banking law to any contract entered into on or before the date of enactment of this Act, by national banks, Federal savings associations, or subsidiaries thereof that are regulated and supervised by the Comptroller of the Currency or the Director of the Office of Thrift Supervision, respectively.

SEC. 1044. STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS AND SUBSIDIARIES CLARIFIED.

(a) IN GENERAL.—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended by inserting after section 5136B the following new section:

''SEC. 5136C. STATE LAW PREEMPTION STANDARDS FOR NATIONAL BANKS AND SUBSIDIARIES CLARIFIED.

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) NATIONAL BANK.—The term 'national bank' includes—

''(A) any bank organized under the laws of the United States; and

''(B) any Federal branch established in accordance with the International Banking Act of 1978.

''(2) STATE CONSUMER FINANCIAL LAWS.—The term 'State consumer financial law' means a State law that does not directly or indirectly discriminate against national banks and that directly and specifically regulates the manner, content, or terms and conditions of any financial transaction (as may be authorized for national banks to engage in), or any account related thereto, with respect to a consumer.

''(3) OTHER DEFINITIONS.—The terms 'affiliate', 'subsidiary', 'includes', and 'including' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

''(b) PREEMPTION STANDARD.—

''(1) IN GENERAL.—State consumer financial laws are preempted, only if—

''(A) application of a State consumer financial law would have a discriminatory effect on national banks, in comparison with the effect of the law on a bank chartered by that State;

''(B) in accordance with the legal standard for preemption in the decision of the Supreme Court of the United States in Barnett Bank of Marion County, N. A. v. Nelson, Florida Insurance Commissioner, et al., 517 U.S. 25 (1996), the State consumer financial law prevents or significantly interferes with the exercise by the national bank of its powers; and any preemption determination under this subparagraph may be made by a court, or by regulation or order of the Comptroller of the Currency on a case-by-case basis, in accordance with applicable law; or

''(C) the State consumer financial law is preempted by a provision of Federal law other than this title.

''(2) SAVINGS CLAUSE.—This title and section 24 of the Federal Reserve Act (12 U.S.C. 371) do not preempt, annul, or affect the applicability of any State law to any subsidiary or affiliate of a national bank (other than a subsidiary or affiliate that is chartered as a national bank).

''(3) CASE-BY-CASE BASIS.—

''(A) DEFINITION.—As used in this section the term 'case-by-case basis' refers to a determination pursuant to this section made by the Comptroller concerning the impact of a particular State consumer financial law on any national bank that is subject to that law, or the law of any other State with substantively equivalent terms.

''(B) CONSULTATION.—When making a determination on a case-by-case basis that a State consumer financial law of another State has substantively equivalent terms as one that the Comptroller is preempting, the Comptroller shall first consult with the Bureau of Consumer Financial Protection and shall take the views of the Bureau into account when making the determination.

''(4) RULE OF CONSTRUCTION.—This title does not occupy the field in any area of State law.

''(5) STANDARDS OF REVIEW.—

''(A) PREEMPTION.—A court reviewing any determinations made by the Comptroller regarding preemption of a State law by this title or section 24 of the Federal Reserve Act (12 U.S.C. 371) shall assess the validity of such determinations, depending upon the thoroughness evident in the consideration of the agency, the validity of the reasoning of the agency, the consistency with other valid determinations made by the agency, and other factors which the court finds persuasive and relevant to its decision.

''(B) SAVINGS CLAUSE.—Except as provided in subparagraph (A), nothing in this section shall affect the deference that a court may afford to the Comptroller in making determinations regarding the meaning or interpretation of title LXII of the Revised Statutes of the United States or other Federal laws.

''(6) COMPTROLLER DETERMINATION NOT DELEGABLE.—Any regulation, order, or determination made by the Comptroller of the Currency under paragraph (1)(B) shall be made by the Comptroller, and shall not be delegable to another officer or employee of the Comptroller of the Currency.

''(c) SUBSTANTIAL EVIDENCE.—No regulation or order of the Comptroller of the Currency prescribed under subsection (b)(1)(B), shall be interpreted or applied so as to invalidate, or otherwise declare inapplicable to a national bank, the provision of the State consumer financial law, unless substantial evidence, made on the record of the proceeding, supports the specific finding regarding the preemption of such provision in accordance with the legal standard of the decision of the Supreme Court of the United States in Barnett Bank of Marion County, N.A. v. Nelson, Florida Insurance Commissioner, et al., 517 U.S. 25 (1996).

''(d) PERIODIC REVIEW OF PREEMPTION DETERMINATIONS.—

''(1) IN GENERAL.—The Comptroller of the Currency shall periodically conduct a review, through notice and public comment, of each determination that a provision of Federal law preempts a State consumer financial law. The agency shall conduct such review within the 5-year period after prescribing or otherwise issuing such determination, and at least once during each 5-year period thereafter. After conducting the review of, and inspecting the comments made on, the determination, the agency shall publish a notice in the Federal Register announcing the decision to continue or rescind the determination or a proposal to amend the determination. Any such notice of a proposal to amend a determination and the subsequent resolution of such proposal shall comply with the procedures set forth in subsections (a) and (b) of section 5244 of the Revised Statutes of the United States (12 U.S.C. 43 (a), (b)).

''(2) REPORTS TO CONGRESS.—At the time of issuing a review conducted under paragraph (1), the Comptroller of the Currency shall submit a report regarding such review to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report submitted to the respective committees shall address whether the agency intends to continue, rescind, or propose to amend any determination that a provision of Federal law preempts a State consumer financial law, and the reasons therefor.

''(e) APPLICATION OF STATE CONSUMER FINANCIAL LAW TO SUBSIDIARIES AND AFFILIATES.—Notwithstanding any provision of this title or section 24 of Federal Reserve Act (12 U.S.C. 371), a State consumer financial law shall apply to a subsidiary or affiliate of a national bank (other than a subsidiary or affiliate that is chartered as a national bank) to the same extent that the State consumer financial law applies to any person, corporation, or other entity subject to such State law.

''(f) PRESERVATION OF POWERS RELATED TO CHARGING INTEREST.—No provision of this title shall be construed as altering or otherwise affecting the authority conferred by section 5197 of the Revised Statutes of the United States (12 U.S.C. 85) for the charging of interest by a national bank at the rate allowed by the laws of the State, territory, or district where the bank is located, including with respect to the meaning of 'interest' under such provision.

''(g) TRANSPARENCY OF OCC PREEMPTION DETERMINATIONS.—The Comptroller of the Currency shall publish and update no less frequently than quarterly, a list of preemption determinations by the Comptroller of the Currency then in effect that identifies the activities and practices covered by each determination and the requirements and constraints determined to be preempted.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended by inserting after the item relating to section 5136B the following new item:

''Sec. 5136C. State law preemption standards for national banks and subsidiaries clarified.''.

SEC. 1045. CLARIFICATION OF LAW APPLICABLE TO NONDEPOSITORY INSTITUTION SUBSIDIARIES.

Section 5136C of the Revised Statutes of the United States (as added by this subtitle) is amended by adding at the end the following:

''(h) CLARIFICATION OF LAW APPLICABLE TO NONDEPOSITORY INSTITUTION SUBSIDIARIES AND AFFILIATES OF NATIONAL BANKS.—

''(1) DEFINITIONS.—For purposes of this subsection, the terms 'depository institution', 'subsidiary', and 'affiliate' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

''(2) RULE OF CONSTRUCTION.—No provision of this title or section 24 of the Federal Reserve Act (12 U.S.C. 371) shall be construed as preempting, annulling, or affecting the applicability of State law to any subsidiary, affiliate, or agent of a national bank (other than a subsidiary, affiliate, or agent that is chartered as a national bank).''.

SEC. 1046. STATE LAW PREEMPTION STANDARDS FOR FEDERAL SAVINGS ASSOCIATIONS AND SUBSIDIARIES CLARIFIED.

(a) IN GENERAL.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by inserting after section 5 the following new section:

''SEC. 6. STATE LAW PREEMPTION STANDARDS FOR FEDERAL SAVINGS ASSOCIATIONS CLARIFIED.

''(a) IN GENERAL.—Any determination by a court or by the Director or any successor officer or agency regarding the relation of State law to a provision of this Act or any regulation or order prescribed under this Act shall be made in accordance with the laws and legal standards applicable to national banks regarding the preemption of State law.

''(b) PRINCIPLES OF CONFLICT PREEMPTION APPLICABLE.—Notwithstanding the authorities granted under sections 4 and 5, this Act does not occupy the field in any area of State law.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by striking the item relating to section 6 and inserting the following new item:

''Sec. 6. State law preemption standards for Federal savings associations and subsidiaries clarified.''.

SEC. 1047. VISITORIAL STANDARDS FOR NATIONAL BANKS AND SAVINGS ASSOCIATIONS.

(a) NATIONAL BANKS.—Section 5136C of the Revised Statutes of the United States (as added by this subtitle) is amended by adding at the end the following:

''(i) VISITORIAL POWERS.—

''(1) IN GENERAL.—In accordance with the decision of the Supreme Court of the United States in Cuomo v. Clearing House Assn., L. L. C. (129

S. Ct. 2710 (2009)), no provision of this title which relates to visitorial powers or otherwise limits or restricts the visitorial authority to which any national bank is subject shall be construed as limiting or restricting the authority of any attorney general (or other chief law enforcement officer) of any State to bring an action against a national bank in a court of appropriate jurisdiction to enforce an applicable law and to seek relief as authorized by such law.

''(j) ENFORCEMENT ACTIONS.—The ability of the Comptroller of the Currency to bring an enforcement action under this title or section 5 of the Federal Trade Commission Act does not preclude any private party from enforcing rights granted under Federal or State law in the courts.''.

(b) SAVINGS ASSOCIATIONS.—Section 6 of the Home Owners' Loan Act (as added by this title) is amended by adding at the end the following:

''(c) VISITORIAL POWERS.—The provisions of sections 5136C(i) of the Revised Statutes of the United States shall apply to Federal savings associations, and any subsidiary thereof, to the same extent and in the same manner as if such savings associations, or subsidiaries thereof, were national banks or subsidiaries of national banks, respectively.''

''(d) ENFORCEMENT ACTIONS.—The ability of the Comptroller of the Currency to bring an enforcement action under this Act or section 5 of the Federal Trade Commission Act does not preclude any private party from enforcing rights granted under Federal or State law in the courts.''.

SEC. 1048. EFFECTIVE DATE.

This subtitle shall become effective on the designated transfer date.

Subtitle E—Enforcement Powers

SEC. 1051. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) BUREAU INVESTIGATION.—The term ''Bureau investigation'' means any inquiry conducted by a Bureau investigator for the purpose of ascertaining whether any person is or has been engaged in any conduct that is a violation, as defined in this section.

(2) BUREAU INVESTIGATOR.—The term ''Bureau investigator'' means any attorney or investigator employed by the Bureau who is charged with the duty of enforcing or carrying into effect any Federal consumer financial law.

(3) CUSTODIAN.—The term ''custodian'' means the custodian or any deputy custodian designated by the Bureau.

(4) DOCUMENTARY MATERIAL.—The term ''documentary material'' includes the original or any copy of any book, document, record, report, memorandum, paper, communication, tabulation, chart, logs, electronic files, or other data or data compilations stored in any medium.

(5) VIOLATION.—The term ''violation'' means any act or omission that, if proved, would constitute a violation of any provision of Federal consumer financial law.

SEC. 1052. INVESTIGATIONS AND ADMINISTRATIVE DISCOVERY.

(a) JOINT INVESTIGATIONS.—

(1) IN GENERAL.—The Bureau or, where appropriate, a Bureau investigator, may engage in joint investigations and requests for information, as authorized under this title.

(2) FAIR LENDING.—The authority under paragraph (1) includes matters relating to fair lending, and where appropriate, joint investigations with, and requests for information from, the Secretary of Housing and Urban Development, the Attorney General of the United States, or both.

(b) SUBPOENAS.—

(1) IN GENERAL.—The Bureau or a Bureau investigator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, documents, or other material in connection with hearings under this title.

(2) FAILURE TO OBEY.—In the case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the Bureau or a Bureau investigator and after notice to such person, may issue an order requiring such person to appear and give testimony or to appear and produce documents or other material.

(3) CONTEMPT.—Any failure to obey an order of the court under this subsection may be punished by the court as a contempt thereof.

(c) DEMANDS.—

(1) IN GENERAL.—Whenever the Bureau has reason to believe that any person may be in possession, custody, or control of any documentary material or tangible things, or may have any information, relevant to a violation, the Bureau may, before the institution of any proceedings under the Federal consumer financial law, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to—

(A) produce such documentary material for inspection and copying or reproduction in the form or medium requested by the Bureau;

(B) submit such tangible things;

(C) file written reports or answers to questions;

(D) give oral testimony concerning documentary material, tangible things, or other information; or

(E) furnish any combination of such material, answers, or testimony.

(2) REQUIREMENTS.—Each civil investigative demand shall state the nature of the conduct constituting the alleged violation which is under investigation and the provision of law applicable to such violation.

(3) PRODUCTION OF DOCUMENTS.—Each civil investigative demand for the production of documentary material shall—

(A) describe each class of documentary material to be produced under the demand with such definiteness and certainty as to permit such material to be fairly identified;

(B) prescribe a return date or dates which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(C) identify the custodian to whom such material shall be made available.

(4) PRODUCTION OF THINGS.—Each civil investigative demand for the submission of tangible things shall—

(A) describe each class of tangible things to be submitted under the demand with such definiteness and certainty as to permit such things to be fairly identified;

(B) prescribe a return date or dates which will provide a reasonable period of time within which the things so demanded may be assembled and submitted; and

(C) identify the custodian to whom such things shall be submitted.

(5) DEMAND FOR WRITTEN REPORTS OR ANSWERS.—Each civil investigative demand for written reports or answers to questions shall—

(A) propound with definiteness and certainty the reports to be produced or the questions to be answered;

(B) prescribe a date or dates at which time written reports or answers to questions shall be submitted; and

(C) identify the custodian to whom such reports or answers shall be submitted.

(6) ORAL TESTIMONY.—Each civil investigative demand for the giving of oral testimony shall—

(A) prescribe a date, time, and place at which oral testimony shall be commenced; and

(B) identify a Bureau investigator who shall conduct the investigation and the custodian to whom the transcript of such investigation shall be submitted.

(7) SERVICE.—Any civil investigative demand issued, and any enforcement petition filed, under this section may be served—

(A) by any Bureau investigator at any place within the territorial jurisdiction of any court of the United States; and

(B) upon any person who is not found within the territorial jurisdiction of any court of the United States—

(i) in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign nation; and

(ii) to the extent that the courts of the United States have authority to assert jurisdiction over such person, consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such district court would have if such person were personally within the jurisdiction of such district court.

(8) METHOD OF SERVICE.—Service of any civil investigative demand or any enforcement petition filed under this section may be made upon a person, including any legal entity, by—

(A) delivering a duly executed copy of such demand or petition to the individual or to any partner, executive officer, managing agent, or general agent of such person, or to any agent of such person authorized by appointment or by law to receive service of process on behalf of such person;

(B) delivering a duly executed copy of such demand or petition to the principal office or place of business of the person to be served; or

(C) depositing a duly executed copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such person at the principal office or place of business of such person.

(9) PROOF OF SERVICE.—

(A) IN GENERAL.—A verified return by the individual serving any civil investigative demand or any enforcement petition filed under this section setting forth the manner of such service shall be proof of such service.

(B) RETURN RECEIPTS.—In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand or enforcement petition.

(10) PRODUCTION OF DOCUMENTARY MATERIAL.—The production of documentary material in response to a civil investigative demand shall be made under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by any person having knowledge of the facts and circumstances relating to such production, to the effect that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the custodian.

(11) SUBMISSION OF TANGIBLE THINGS.—The submission of tangible things in response to a civil investigative demand shall be made under a sworn certificate, in such form as the demand designates, by the person to whom the demand is directed or, if not a natural person, by any person having knowledge of the facts and circumstances relating to such production, to the effect that all of the tangible things required by the demand and in the possession, custody, or control of the person to whom the demand is directed have been submitted to the custodian.

(12) SEPARATE ANSWERS.—Each reporting requirement or question in a civil investigative demand shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for the objection shall be stated in lieu of an answer, and it shall be submitted under a sworn certificate, in such form as the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by any person responsible for answering each reporting requirement or question, to the effect that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted.

(13) TESTIMONY.—

(A) IN GENERAL.—

(i) OATH AND RECORDATION.—The examination of any person pursuant to a demand for oral testimony served under this subsection shall be taken before an officer authorized to administer oaths and affirmations by the laws of the United States or of the place at which the examination is held. The officer before whom oral testimony is to be taken shall put the witness on oath or affirmation and shall personally, or by any individual acting under the direction of and in the presence of the officer, record the testimony of the witness.

(ii) TRANSCRIPTION.—The testimony shall be taken stenographically and transcribed.

(iii) TRANSMISSION TO CUSTODIAN.—After the testimony is fully transcribed, the officer investigator before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian.

(B) PARTIES PRESENT.—Any Bureau investigator before whom oral testimony is to be taken shall exclude from the place where the testimony is to be taken all other persons, except the person giving the testimony, the attorney for that person, the officer before whom the testimony is to be taken, an investigator or representative of an agency with which the Bureau is engaged in a joint investigation, and any stenographer taking such testimony.

(C) LOCATION.—The oral testimony of any person taken pursuant to a civil investigative demand shall be taken in the judicial district of the United States in which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the Bureau investigator before whom the oral testimony of such person is to be taken and such person.

(D) ATTORNEY REPRESENTATION.—

(i) IN GENERAL.—Any person compelled to appear under a civil investigative demand for oral testimony pursuant to this section may be accompanied, represented, and advised by an attorney.

(ii) AUTHORITY.—The attorney may advise a person described in clause (i), in confidence, either upon the request of such person or upon the initiative of the attorney, with respect to any question asked of such person.

(iii) OBJECTIONS.—A person described in clause (i), or the attorney for that person, may object on the record to any question, in whole or in part, and such person shall briefly state for the record the reason for the objection. An objection may properly be made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination, but such person shall not otherwise object to or refuse to answer any question, and such person or attorney shall not otherwise interrupt the oral examination.

(iv) REFUSAL TO ANSWER.—If a person described in clause (i) refuses to answer any question—

(I) the Bureau may petition the district court of the United States pursuant to this section for an order compelling such person to answer such question; and

(II) if the refusal is on grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with the provisions of section 6004 of title 18, United States Code.

(E) TRANSCRIPTS.—For purposes of this subsection—

(i) after the testimony of any witness is fully transcribed, the Bureau investigator shall afford the witness (who may be accompanied by an attorney) a reasonable opportunity to examine the transcript;

(ii) the transcript shall be read to or by the witness, unless such examination and reading are waived by the witness;

(iii) any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the Bureau investigator, with a statement of the reasons given by the witness for making such changes;

(iv) the transcript shall be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign; and

(v) if the transcript is not signed by the witness during the 30-day period following the date on which the witness is first afforded a reasonable opportunity to examine the transcript, the Bureau investigator shall sign the transcript and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with any reasons given for the failure to sign.

(F) CERTIFICATION BY INVESTIGATOR.—The Bureau investigator shall certify on the transcript that the witness was duly sworn by him or her and that the transcript is a true record of the testimony given by the witness, and the Bureau investigator shall promptly deliver the transcript or send it by registered or certified mail to the custodian.

(G) COPY OF TRANSCRIPT.—The Bureau investigator shall furnish a copy of the transcript (upon payment of reasonable charges for the transcript) to the witness only, except that the Bureau may for good cause limit such witness to inspection of the official transcript of his testimony.

(H) WITNESS FEES.—Any witness appearing for the taking of oral testimony pursuant to a civil investigative demand shall be entitled to the same fees and mileage which are paid to witnesses in the district courts of the United States.

(d) CONFIDENTIAL TREATMENT OF DEMAND MATERIAL.—

(1) IN GENERAL.—Documentary materials and tangible things received as a result of a civil investigative demand shall be subject to requirements and procedures regarding confidentiality, in accordance with rules established by the Bureau.

(2) DISCLOSURE TO CONGRESS.—No rule established by the Bureau regarding the confidentiality of materials submitted to, or otherwise obtained by, the Bureau shall be intended to prevent disclosure to either House of Congress or to an appropriate committee of the Congress, except that the Bureau is permitted to adopt rules allowing prior notice to any party that owns or otherwise provided the material to the Bureau and had designated such material as confidential.

(e) PETITION FOR ENFORCEMENT.—

(1) IN GENERAL.—Whenever any person fails to comply with any civil investigative demand duly served upon him under this section, or whenever satisfactory copying or reproduction of material requested pursuant to the demand cannot be accomplished and such person refuses to surrender such material, the Bureau, through such officers or attorneys as it may designate, may file, in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person, a petition for an order of such court for the enforcement of this section.

(2) SERVICE OF PROCESS.—All process of any court to which application may be made as provided in this subsection may be served in any judicial district.

(f) PETITION FOR ORDER MODIFYING OR SETTING ASIDE DEMAND.—

(1) IN GENERAL.—Not later than 20 days after the service of any civil investigative demand upon any person under subsection (b), or at any time before the return date specified in the demand, whichever period is shorter, or within such period exceeding 20 days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any Bureau investigator named in the demand, such person may file with the Bureau a petition for an order by the Bureau modifying or setting aside the demand.

(2) COMPLIANCE DURING PENDENCY.—The time permitted for compliance with the demand in whole or in part, as determined proper and ordered by the Bureau, shall not run during the pendency of a petition under paragraph (1) at the Bureau, except that such person shall comply with any portions of the demand not sought to be modified or set aside.

(3) SPECIFIC GROUNDS.—A petition under paragraph (1) shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of the demand to comply with the provisions of this section, or upon any constitutional or other legal right or privilege of such person.

(g) CUSTODIAL CONTROL.—At any time during which any custodian is in custody or control of any documentary material, tangible things, reports, answers to questions, or transcripts of oral testimony given by any person in compliance with any civil investigative demand, such person may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian, a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section or rule promulgated by the Bureau.

(h) JURISDICTION OF COURT.—

(1) IN GENERAL.—Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry out the provisions of this section.

(2) APPEAL.—Any final order entered as described in paragraph (1) shall be subject to appeal pursuant to section 1291 of title 28, United States Code.

SEC. 1053. HEARINGS AND ADJUDICATION PROCEEDINGS.

(a) IN GENERAL.—The Bureau is authorized to conduct hearings and adjudication proceedings with respect to any person in the manner prescribed by chapter 5 of title 5, United States Code in order to ensure or enforce compliance with—

(1) the provisions of this title, including any rules prescribed by the Bureau under this title; and

(2) any other Federal law that the Bureau is authorized to enforce, including an enumerated consumer law, and any regulations or order prescribed thereunder, unless such Federal law specifically limits the Bureau from conducting a hearing or adjudication proceeding and only to the extent of such limitation.

(b) SPECIAL RULES FOR CEASE-AND-DESIST PROCEEDINGS.—

(1) ORDERS AUTHORIZED.—

(A) IN GENERAL.—If, in the opinion of the Bureau, any covered person or service provider is engaging or has engaged in an activity that violates a law, rule, or any condition imposed in writing on the person by the Bureau, the Bureau may, subject to sections 1024, 1025, and 1026, issue and serve upon the covered person or service provider a notice of charges in respect thereof.

(B) CONTENT OF NOTICE.—The notice under subparagraph (A) shall contain a statement of the facts constituting the alleged violation or violations, and shall fix a time and place at which a hearing will be held to determine whether an order to cease and desist should issue against the covered person or service provider, such hearing to be held not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Bureau, at the request of any party so served.

(C) CONSENT.—Unless the party or parties served under subparagraph (B) appear at the hearing personally or by a duly authorized representative, such person shall be deemed to have consented to the issuance of the cease-and-desist order.

(D) PROCEDURE.—In the event of consent under subparagraph (C), or if, upon the record,

made at any such hearing, the Bureau finds that any violation specified in the notice of charges has been established, the Bureau may issue and serve upon the covered person or service provider an order to cease and desist from the violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the covered person or service provider to cease and desist from the subject activity, and to take affirmative action to correct the conditions resulting from any such violation.

(2) EFFECTIVENESS OF ORDER.—A cease-and-desist order shall become effective at the expiration of 30 days after the date of service of an order under paragraph (1) upon the covered person or service provider concerned (except in the case of a cease-and-desist order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided therein, except to such extent as the order is stayed, modified, terminated, or set aside by action of the Bureau or a reviewing court.

(3) DECISION AND APPEAL.—Any hearing provided for in this subsection shall be held in the Federal judicial district or in the territory in which the residence or principal office or place of business of the person is located unless the person consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. After such hearing, and within 90 days after the Bureau has notified the parties that the case has been submitted to the Bureau for final decision, the Bureau shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (4), and thereafter until the record in the proceeding has been filed as provided in paragraph (4), the Bureau may at any time, upon such notice and in such manner as the Bureau shall determine proper, modify, terminate, or set aside any such order. Upon filing of the record as provided, the Bureau may modify, terminate, or set aside any such order with permission of the court.

(4) APPEAL TO COURT OF APPEALS.—Any party to any proceeding under this subsection may obtain a review of any order served pursuant to this subsection (other than an order issued with the consent of the person concerned) by the filing in the court of appeals of the United States for the circuit in which the principal office of the covered person is located, or in the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the date of service of such order, a written petition praying that the order of the Bureau be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Bureau, and thereupon the Bureau shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall except as provided in the last sentence of paragraph (3) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Bureau. Review of such proceedings shall be had as provided in chapter 7 of title 5 of the United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court of the United States, upon certiorari, as provided in section 1254 of title 28 of the United States Code.

(5) NO STAY.—The commencement of proceedings for judicial review under paragraph (4) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Bureau.

(c) SPECIAL RULES FOR TEMPORARY CEASE-AND-DESIST PROCEEDINGS.—

(1) IN GENERAL.—Whenever the Bureau determines that the violation specified in the notice of charges served upon a person, including a service provider, pursuant to subsection (b), or the continuation thereof, is likely to cause the person to be insolvent or otherwise prejudice the interests of consumers before the completion of the proceedings conducted pursuant to subsection (b), the Bureau may issue a temporary order requiring the person to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency or other condition pending completion of such proceedings. Such order may include any requirement authorized under this subtitle. Such order shall become effective upon service upon the person and, unless set aside, limited, or suspended by a court in proceedings authorized by paragraph (2), shall remain effective and enforceable pending the completion of the administrative proceedings pursuant to such notice and until such time as the Bureau shall dismiss the charges specified in such notice, or if a cease-and-desist order is issued against the person, until the effective date of such order.

(2) APPEAL.—Not later than 10 days after the covered person or service provider concerned has been served with a temporary cease-and-desist order, the person may apply to the United States district court for the judicial district in which the residence or principal office or place of business of the person is located, or the United States District Court for the District of Columbia, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the person under subsection (b), and such court shall have jurisdiction to issue such injunction.

(3) INCOMPLETE OR INACCURATE RECORDS.—

(A) TEMPORARY ORDER.—If a notice of charges served under subsection (b) specifies, on the basis of particular facts and circumstances, that the books and records of a covered person or service provider are so incomplete or inaccurate that the Bureau is unable to determine the financial condition of that person or the details or purpose of any transaction or transactions that may have a material effect on the financial condition of that person, the Bureau may issue a temporary order requiring—

(i) the cessation of any activity or practice which gave rise, whether in whole or in part, to the incomplete or inaccurate state of the books or records; or

(ii) affirmative action to restore such books or records to a complete and accurate state, until the completion of the proceedings under subsection (b)(1).

(B) EFFECTIVE PERIOD.—Any temporary order issued under subparagraph (A)—

(i) shall become effective upon service; and

(ii) unless set aside, limited, or suspended by a court in proceedings under paragraph (2), shall remain in effect and enforceable until the earlier of—

(I) the completion of the proceeding initiated under subsection (b) in connection with the notice of charges; or

(II) the date the Bureau determines, by examination or otherwise, that the books and records of the covered person or service provider are accurate and reflect the financial condition thereof.

(d) SPECIAL RULES FOR ENFORCEMENT OF ORDERS.—

(1) IN GENERAL.—The Bureau may in its discretion apply to the United States district court within the jurisdiction of which the principal office or place of business of the person is located, for the enforcement of any effective and outstanding notice or order issued under this section, and such court shall have jurisdiction and power to order and require compliance herewith.

(2) EXCEPTION.—Except as otherwise provided in this subsection, no court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any notice or order or to review, modify, suspend, terminate, or set aside any such notice or order.

(e) RULES.—The Bureau shall prescribe rules establishing such procedures as may be necessary to carry out this section.

SEC. 1054. LITIGATION AUTHORITY.

(a) IN GENERAL.—If any person violates a Federal consumer financial law, the Bureau may, subject to sections 1024, 1025, and 1026, commence a civil action against such person to impose a civil penalty or to seek all appropriate legal and equitable relief including a permanent or temporary injunction as permitted by law.

(b) REPRESENTATION.—The Bureau may act in its own name and through its own attorneys in enforcing any provision of this title, rules thereunder, or any other law or regulation, or in any action, suit, or proceeding to which the Bureau is a party.

(c) COMPROMISE OF ACTIONS.—The Bureau may compromise or settle any action if such compromise is approved by the court.

(d) NOTICE TO THE ATTORNEY GENERAL.—

(1) IN GENERAL.—When commencing a civil action under Federal consumer financial law, or any rule thereunder, the Bureau shall notify the Attorney General and, with respect to a civil action against an insured depository institution or insured credit union, the appropriate prudential regulator.

(2) NOTICE AND COORDINATION.—

(A) NOTICE OF OTHER ACTIONS.—In addition to any notice required under paragraph (1), the Bureau shall notify the Attorney General concerning any action, suit, or proceeding to which the Bureau is a party, except an action, suit, or proceeding that involves the offering or provision of consumer financial products or services.

(B) COORDINATION.—In order to avoid conflicts and promote consistency regarding litigation of matters under Federal law, the Attorney General and the Bureau shall consult regarding the coordination of investigations and proceedings, including by negotiating an agreement for coordination by not later than 180 days after the designated transfer date. The agreement under this subparagraph shall include provisions to ensure that parallel investigations and proceedings involving the Federal consumer financial laws are conducted in a manner that avoids conflicts and does not impede the ability of the Attorney General to prosecute violations of Federal criminal laws.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the authority of the Bureau under this title, including the authority to interpret Federal consumer financial law.

(e) APPEARANCE BEFORE THE SUPREME COURT.—The Bureau may represent itself in its own name before the Supreme Court of the United States, provided that the Bureau makes a written request to the Attorney General within the 10-day period which begins on the date of entry of the judgment which would permit any party to file a petition for writ of certiorari, and the Attorney General concurs with such request or fails to take action within 60 days of the request of the Bureau.

(f) FORUM.—Any civil action brought under this title may be brought in a United States district court or in any court of competent jurisdiction of a state in a district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to enjoin such person and to require compliance with any Federal consumer financial law.

(g) TIME FOR BRINGING ACTION.—

(1) IN GENERAL.—Except as otherwise permitted by law or equity, no action may be brought under this title more than 3 years after the date of discovery of the violation to which an action relates.

(2) LIMITATIONS UNDER OTHER FEDERAL LAWS.—

(A) IN GENERAL.—An action arising under this title does not include claims arising solely under enumerated consumer laws.

(B) BUREAU AUTHORITY.—In any action arising solely under an enumerated consumer law, the Bureau may commence, defend, or intervene in the action in accordance with the requirements of that provision of law, as applicable.

(C) TRANSFERRED AUTHORITY.—In any action arising solely under laws for which authorities were transferred under subtitles F and H, the Bureau may commence, defend, or intervene in the action in accordance with the requirements of that provision of law, as applicable.

SEC. 1055. RELIEF AVAILABLE.

(a) ADMINISTRATIVE PROCEEDINGS OR COURT ACTIONS.—

(1) JURISDICTION.—The court (or the Bureau, as the case may be) in an action or adjudication proceeding brought under Federal consumer financial law, shall have jurisdiction to grant any appropriate legal or equitable relief with respect to a violation of Federal consumer financial law, including a violation of a rule or order prescribed under a Federal consumer financial law.

(2) RELIEF.—Relief under this section may include, without limitation—

(A) rescission or reformation of contracts;

(B) refund of moneys or return of real property;

(C) restitution;

(D) disgorgement or compensation for unjust enrichment;

(E) payment of damages or other monetary relief;

(F) public notification regarding the violation, including the costs of notification;

(G) limits on the activities or functions of the person; and

(H) civil money penalties, as set forth more fully in subsection (c).

(3) NO EXEMPLARY OR PUNITIVE DAMAGES.—Nothing in this subsection shall be construed as authorizing the imposition of exemplary or punitive damages.

(b) RECOVERY OF COSTS.—In any action brought by the Bureau, a State attorney general, or any State regulator to enforce any Federal consumer financial law, the Bureau, the State attorney general, or the State regulator may recover its costs in connection with prosecuting such action if the Bureau, the State attorney general, or the State regulator is the prevailing party in the action.

(c) CIVIL MONEY PENALTY IN COURT AND ADMINISTRATIVE ACTIONS.—

(1) IN GENERAL.—Any person that violates, through any act or omission, any provision of Federal consumer financial law shall forfeit and pay a civil penalty pursuant to this subsection.

(2) PENALTY AMOUNTS.—

(A) FIRST TIER.—For any violation of a law, rule, or final order or condition imposed in writing by the Bureau, a civil penalty may not exceed $5,000 for each day during which such violation or failure to pay continues.

(B) SECOND TIER.—Notwithstanding paragraph (A), for any person that recklessly engages in a violation of a Federal consumer financial law, a civil penalty may not exceed $25,000 for each day during which such violation continues.

(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), for any person that knowingly violates a Federal consumer financial law, a civil penalty may not exceed $1,000,000 for each day during which such violation continues.

(3) MITIGATING FACTORS.—In determining the amount of any penalty assessed under paragraph (2), the Bureau or the court shall take into account the appropriateness of the penalty with respect to—

(A) the size of financial resources and good faith of the person charged;

(B) the gravity of the violation or failure to pay;

(C) the severity of the risks to or losses of the consumer, which may take into account the number of products or services sold or provided;

(D) the history of previous violations; and

(E) such other matters as justice may require.

(4) AUTHORITY TO MODIFY OR REMIT PENALTY.—The Bureau may compromise, modify, or remit any penalty which may be assessed or had already been assessed under paragraph (2). The amount of such penalty, when finally determined, shall be exclusive of any sums owed by the person to the United States in connection with the costs of the proceeding, and may be deducted from any sums owing by the United States to the person charged.

(5) NOTICE AND HEARING.—No civil penalty may be assessed under this subsection with respect to a violation of any Federal consumer financial law, unless—

(A) the Bureau gives notice and an opportunity for a hearing to the person accused of the violation; or

(B) the appropriate court has ordered such assessment and entered judgment in favor of the Bureau.

SEC. 1056. REFERRALS FOR CRIMINAL PROCEEDINGS.

If the Bureau obtains evidence that any person, domestic or foreign, has engaged in conduct that may constitute a violation of Federal criminal law, the Bureau shall transmit such evidence to the Attorney General of the United States, who may institute criminal proceedings under appropriate law. Nothing in this section affects any other authority of the Bureau to disclose information.

SEC. 1057. EMPLOYEE PROTECTION.

(a) IN GENERAL.—No covered person or service provider shall terminate or in any other way discriminate against, or cause to be terminated or discriminated against, any covered employee or any authorized representative of covered employees by reason of the fact that such employee or representative, whether at the initiative of the employee or in the ordinary course of the duties of the employee (or any person acting pursuant to a request of the employee), has—

(1) provided, caused to be provided, or is about to provide or cause to be provided, information to the employer, the Bureau, or any other State, local, or Federal, government authority or law enforcement agency relating to any violation of, or any act or omission that the employee reasonably believes to be a violation of, any provision of this title or any other provision of law that is subject to the jurisdiction of the Bureau, or any rule, order, standard, or prohibition prescribed by the Bureau;

(2) testified or will testify in any proceeding resulting from the administration or enforcement of any provision of this title or any other provision of law that is subject to the jurisdiction of the Bureau, or any rule, order, standard, or prohibition prescribed by the Bureau;

(3) filed, instituted, or caused to be filed or instituted any proceeding under any Federal consumer financial law; or

(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any law, rule, order, standard, or prohibition, subject to the jurisdiction of, or enforceable by, the Bureau.

(b) DEFINITION OF COVERED EMPLOYEE.—For the purposes of this section, the term ''covered employee'' means any individual performing tasks related to the offering or provision of a consumer financial product or service.

(c) PROCEDURES AND TIMETABLES.—

(1) COMPLAINT.—

(A) IN GENERAL.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such alleged violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination and identifying the person responsible for such act.

(B) ACTIONS OF SECRETARY OF LABOR.—Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint who is alleged to have committed the violation, of—

(i) the filing of the complaint;

(ii) the allegations contained in the complaint;

(iii) the substance of evidence supporting the complaint; and

(iv) opportunities that will be afforded to such person under paragraph (2).

(2) INVESTIGATION BY SECRETARY OF LABOR.—

(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1), and after affording the complainant and the person named in the complaint who is alleged to have committed the violation that is the basis for the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary of Labor to present statements from witnesses, the Secretary of Labor shall—

(i) initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit; and

(ii) notify the complainant and the person alleged to have committed the violation of subsection (a), in writing, of such determination.

(B) NOTICE OF RELIEF AVAILABLE.—If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary of Labor shall, together with the notice under subparagraph (A)(ii), issue a preliminary order providing the relief prescribed by paragraph (4)(B).

(C) REQUEST FOR HEARING.—Not later than 30 days after the date of receipt of notification of a determination of the Secretary of Labor under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously, and if a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

(3) GROUNDS FOR DETERMINATION OF COMPLAINTS.—

(A) IN GENERAL.—The Secretary of Labor shall dismiss a complaint filed under this subsection, and shall not conduct an investigation otherwise required under paragraph (2), unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

(B) REBUTTAL EVIDENCE.—Notwithstanding a finding by the Secretary of Labor that the complainant has made the showing required under subparagraph (A), no investigation otherwise required under paragraph (2) shall be conducted, if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(C) EVIDENTIARY STANDARDS.—The Secretary of Labor may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint. Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

(4) ISSUANCE OF FINAL ORDERS; REVIEW PROCEDURES.—

(A) TIMING.—Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated

on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(B) PENALTIES.—

(i) ORDER OF SECRETARY OF LABOR.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation—

(I) to take affirmative action to abate the violation;

(II) to reinstate the complainant to his or her former position, together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

(III) to provide compensatory damages to the complainant.

(ii) PENALTY.—If an order is issued under clause (i), the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued, a sum equal to the aggregate amount of all costs and expenses (including attorney fees and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(C) PENALTY FOR FRIVOLOUS CLAIMS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney fee, not exceeding $1,000, to be paid by the complainant.

(D) DE NOVO REVIEW.—

(i) FAILURE OF THE SECRETARY TO ACT.—If the Secretary of Labor has not issued a final order within 210 days after the date of filing of a complaint under this subsection, or within 90 days after the date of receipt of a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States having jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

(ii) PROCEDURES.—A proceeding under clause (i) shall be governed by the same legal burdens of proof specified in paragraph (3). The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

(I) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

(II) the amount of back pay, with interest; and

(III) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(E) OTHER APPEALS.—Unless the complainant brings an action under subparagraph (D), any person adversely affected or aggrieved by a final order issued under subparagraph (A) may file a petition for review of the order in the United States Court of Appeals for the circuit in which the violation with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation, not later than 60 days after the date of the issuance of the final order of the Secretary of Labor under subparagraph (A). Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order. An order of the Secretary of Labor with respect to which review could have been obtained under this subparagraph shall not be subject to judicial review in any criminal or other civil proceeding.

(5) FAILURE TO COMPLY WITH ORDER.—

(A) ACTIONS BY THE SECRETARY.—If any person has failed to comply with a final order issued under paragraph (4), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to have occurred, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including injunctive relief and compensatory damages.

(B) CIVIL ACTIONS TO COMPEL COMPLIANCE.—A person on whose behalf an order was issued under paragraph (4) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

(C) AWARD OF COSTS AUTHORIZED.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(D) MANDAMUS PROCEEDINGS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

(d) UNENFORCEABILITY OF CERTAIN AGREEMENTS.—

(1) NO WAIVER OF RIGHTS AND REMEDIES.—Except as provided under paragraph (3), and notwithstanding any other provision of law, the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) NO PREDISPUTE ARBITRATION AGREEMENTS.—Except as provided under paragraph (3), and notwithstanding any other provision of law, no predispute arbitration agreement shall be valid or enforceable to the extent that it requires arbitration of a dispute arising under this section.

(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under subsection (a)(4), unless the Bureau determines, by rule, that such provision is inconsistent with the purposes of this title.

SEC. 1058. EFFECTIVE DATE.

This subtitle shall become effective on the designated transfer date.

Subtitle F—Transfer of Functions and Personnel; Transitional Provisions

SEC. 1061. TRANSFER OF CONSUMER FINANCIAL PROTECTION FUNCTIONS.

(a) DEFINED TERMS.—For purposes of this subtitle—

(1) the term ''consumer financial protection functions'' means—

(A) all authority to prescribe rules or issue orders or guidelines pursuant to any Federal consumer financial law, including performing appropriate functions to promulgate and review such rules, orders, and guidelines; and

(B) the examination authority described in subsection (c)(1), with respect to a person described in subsection 1025(a); and

(2) the terms ''transferor agency'' and ''transferor agencies'' mean, respectively—

(A) the Board of Governors (and any Federal reserve bank, as the context requires), the Federal Deposit Insurance Corporation, the Federal Trade Commission, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the Department of Housing and Urban Development, and the heads of those agencies; and

(B) the agencies listed in subparagraph (A), collectively.

(b) IN GENERAL.—Except as provided in subsection (c), consumer financial protection functions are transferred as follows:

(1) BOARD OF GOVERNORS.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the Board of Governors are transferred to the Bureau.

(B) BOARD OF GOVERNORS AUTHORITY.—The Bureau shall have all powers and duties that were vested in the Board of Governors, relating to consumer financial protection functions, on the day before the designated transfer date.

(2) COMPTROLLER OF THE CURRENCY.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the Comptroller of the Currency are transferred to the Bureau.

(B) COMPTROLLER AUTHORITY.—The Bureau shall have all powers and duties that were vested in the Comptroller of the Currency, relating to consumer financial protection functions, on the day before the designated transfer date.

(3) DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the Director of the Office of Thrift Supervision are transferred to the Bureau.

(B) DIRECTOR AUTHORITY.—The Bureau shall have all powers and duties that were vested in the Director of the Office of Thrift Supervision, relating to consumer financial protection functions, on the day before the designated transfer date.

(4) FEDERAL DEPOSIT INSURANCE CORPORATION.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the Federal Deposit Insurance Corporation are transferred to the Bureau.

(B) CORPORATION AUTHORITY.—The Bureau shall have all powers and duties that were vested in the Federal Deposit Insurance Corporation, relating to consumer financial protection functions, on the day before the designated transfer date.

(5) FEDERAL TRADE COMMISSION.—

(A) TRANSFER OF FUNCTIONS.—The authority of the Federal Trade Commission under an enumerated consumer law to prescribe rules, issue guidelines, or conduct a study or issue a report mandated under such law shall be transferred to the Bureau on the designated transfer date. Nothing in this title shall be construed to require a mandatory transfer of any employee of the Federal Trade Commission.

(B) BUREAU AUTHORITY.—

(i) IN GENERAL.—The Bureau shall have all powers and duties under the enumerated consumer laws to prescribe rules, issue guidelines, or to conduct studies or issue reports mandated by such laws, that were vested in the Federal Trade Commission on the day before the designated transfer date.

(ii) FEDERAL TRADE COMMISSION ACT.—Subject to subtitle B, the Bureau may enforce a rule prescribed under the Federal Trade Commission Act by the Federal Trade Commission with respect to an unfair or deceptive act or practice to the extent that such rule applies to a covered person or service provider with respect to the offering or provision of a consumer financial product or service as if it were a rule prescribed under section 1031 of this title.

(C) AUTHORITY OF THE FEDERAL TRADE COMMISSION.—

(i) IN GENERAL.—No provision of this title shall be construed as modifying, limiting, or otherwise affecting the authority of the Federal Trade Commission (including its authority with respect to affiliates described in section 1025(a)(1)) under the Federal Trade Commission Act or any other law, other than the authority under an enumerated consumer law to prescribe rules, issue official guidelines, or conduct a study or issue a report mandated under such law.

(ii) COMMISSION AUTHORITY RELATING TO RULES PRESCRIBED BY THE BUREAU.—Subject to subtitle B, the Federal Trade Commission shall have authority to enforce under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) a rule prescribed by the Bureau under this title

with respect to a covered person subject to the jurisdiction of the Federal Trade Commission under that Act, and a violation of such a rule by such a person shall be treated as a violation of a rule issued under section 18 of that Act (15 U.S.C. 57a) with respect to unfair or deceptive acts or practices.

(D) COORDINATION.—To avoid duplication of or conflict between rules prescribed by the Bureau under section 1031 of this title and the Federal Trade Commission under section 18(a)(1)(B) of the Federal Trade Commission Act that apply to a covered person or service provider with respect to the offering or provision of consumer financial products or services, the agencies shall negotiate an agreement with respect to rulemaking by each agency, including consultation with the other agency prior to proposing a rule and during the comment period.

(E) DEFERENCE.—No provision of this title shall be construed as altering, limiting, expanding, or otherwise affecting the deference that a court affords to the—

(i) Federal Trade Commission in making determinations regarding the meaning or interpretation of any provision of the Federal Trade Commission Act, or of any other Federal law for which the Commission has authority to prescribe rules; or

(ii) Bureau in making determinations regarding the meaning or interpretation of any provision of a Federal consumer financial law (other than any law described in clause (i)).

(6) NATIONAL CREDIT UNION ADMINISTRATION.—

(A) TRANSFER OF FUNCTIONS.—All consumer financial protection functions of the National Credit Union Administration are transferred to the Bureau.

(B) NATIONAL CREDIT UNION ADMINISTRATION AUTHORITY.—The Bureau shall have all powers and duties that were vested in the National Credit Union Administration, relating to consumer financial protection functions, on the day before the designated transfer date.

(7) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—

(A) TRANSFER OF FUNCTIONS.—All consumer protection functions of the Secretary of the Department of Housing and Urban Development relating to the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.), the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5102 et seq.), and the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 et seq.) are transferred to the Bureau.

(B) AUTHORITY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Bureau shall have all powers and duties that were vested in the Secretary of the Department of Housing and Urban Development relating to the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.), the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.), and the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 et seq.), on the day before the designated transfer date.

(c) AUTHORITIES OF THE PRUDENTIAL REGULATORS.—

(1) EXAMINATION.—A transferor agency that is a prudential regulator shall have—

(A) authority to require reports from and conduct examinations for compliance with Federal consumer financial laws with respect to a person described in section 1025(a), that is incidental to the backup and enforcement procedures provided to the regulator under section 1025(c); and

(B) exclusive authority (relative to the Bureau) to require reports from and conduct examinations for compliance with Federal consumer financial laws with respect to a person described in section 1026(a), except as provided to the Bureau under subsections (b) and (c) of section 1026.

(2) ENFORCEMENT.—

(A) LIMITATION.—The authority of a transferor agency that is a prudential regulator to enforce compliance with Federal consumer financial laws with respect to a person described in section 1025(a), shall be limited to the backup and enforcement procedures in described in section 1025(c).

(B) EXCLUSIVE AUTHORITY.—A transferor agency that is a prudential regulator shall have exclusive authority (relative to the Bureau) to enforce compliance with Federal consumer financial laws with respect to a person described in section 1026(a), except as provided to the Bureau under subsections (b) and (c) of section 1026.

(C) STATUTORY ENFORCEMENT.—For purposes of carrying out the authorities under, and subject to the limitations of, subtitle B, each prudential regulator may enforce compliance with the requirements imposed under this title, and any rule or order prescribed by the Bureau under this title, under—

(i) the Federal Credit Union Act (12 U.S.C. 1751 et seq.), by the National Credit Union Administration Board with respect to any covered person or service provider that is an insured credit union, or service provider thereto, or any affiliate of an insured credit union, who is subject to the jurisdiction of the Board under that Act; and

(ii) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the appropriate Federal banking agency, as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), with respect to a covered person or service provider that is a person described in section 3(q) of that Act and who is subject to the jurisdiction of that agency, as set forth in sections 3(q) and 8 of the Federal Deposit Insurance Act; or

(iii) the Bank Service Company Act (12 U.S.C. 1861 et seq.).

(d) EFFECTIVE DATE.—Subsections (b) and (c) shall become effective on the designated transfer date.

SEC. 1062. DESIGNATED TRANSFER DATE.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall—

(1) in consultation with the Chairman of the Board of Governors, the Chairperson of the Corporation, the Chairman of the Federal Trade Commission, the Chairman of the National Credit Union Administration Board, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Secretary of the Department of Housing and Urban Development, and the Director of the Office of Management and Budget, designate a single calendar date for the transfer of functions to the Bureau under section 1061; and

(2) publish notice of that designated date in the Federal Register.

(b) CHANGING DESIGNATION.—The Secretary—

(1) may, in consultation with the Chairman of the Board of Governors, the Chairperson of the Federal Deposit Insurance Corporation, the Chairman of the Federal Trade Commission, the Chairman of the National Credit Union Administration Board, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Secretary of the Department of Housing and Urban Development, and the Director of the Office of Management and Budget, change the date designated under subsection (a); and

(2) shall publish notice of any changed designated date in the Federal Register.

(c) PERMISSIBLE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), any date designated under this section shall be not earlier than 180 days, nor later than 12 months, after the date of enactment of this Act.

(2) EXTENSION OF TIME.—The Secretary may designate a date that is later than 12 months after the date of enactment of this Act if the Secretary transmits to appropriate committees of Congress—

(A) a written determination that orderly implementation of this title is not feasible before the date that is 12 months after the date of enactment of this Act;

(B) an explanation of why an extension is necessary for the orderly implementation of this title; and

(C) a description of the steps that will be taken to effect an orderly and timely implementation of this title within the extended time period.

(3) EXTENSION LIMITED.—In no case may any date designated under this section be later than 18 months after the date of enactment of this Act.

SEC. 1063. SAVINGS PROVISIONS.

(a) BOARD OF GOVERNORS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(1) does not affect the validity of any right, duty, or obligation of the United States, the Board of Governors (or any Federal reserve bank), or any other person that—

(A) arises under any provision of law relating to any consumer financial protection function of the Board of Governors transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Board of Governors (or any Federal reserve bank) before the designated transfer date with respect to any consumer financial protection function of the Board of Governors (or any Federal reserve bank) transferred to the Bureau by this title, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Board of Governors (or Federal reserve bank) as a party to any such proceeding as of the designated transfer date.

(b) FEDERAL DEPOSIT INSURANCE CORPORATION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(4) does not affect the validity of any right, duty, or obligation of the United States, the Federal Deposit Insurance Corporation, the Board of Directors of that Corporation, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Federal Deposit Insurance Corporation transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Federal Deposit Insurance Corporation (or the Board of Directors of that Corporation) before the designated transfer date with respect to any consumer financial protection function of the Federal Deposit Insurance Corporation transferred to the Bureau by this title, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Federal Deposit Insurance Corporation (or Board of Directors) as a party to any such proceeding as of the designated transfer date.

(c) FEDERAL TRADE COMMISSION.—Section 1061(b)(5) does not affect the validity of any right, duty, or obligation of the United States, the Federal Trade Commission, or any other person, that—

(1) arises under any provision of law relating to any consumer financial protection function of the Federal Trade Commission transferred to the Bureau by this title; and

(2) existed on the day before the designated transfer date.

(d) NATIONAL CREDIT UNION ADMINISTRATION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(6) does not affect the validity of any right, duty, or obligation of the United States, the National Credit Union Administration, the National Credit Union Administration Board, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the National Credit Union Administration transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the National Credit Union Administration (or the National Credit Union Administration Board) before the designated transfer date with respect to any consumer financial protection function of the National Credit Union Administration transferred to the Bureau by this title, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the National Credit Union Administration (or National Credit Union Administration Board) as a party to any such proceeding as of the designated transfer date.

(e) OFFICE OF THE COMPTROLLER OF THE CURRENCY.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(2) does not affect the validity of any right, duty, or obligation of the United States, the Comptroller of the Currency, the Office of the Comptroller of the Currency, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Comptroller of the Currency transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Comptroller of the Currency (or the Office of the Comptroller of the Currency) with respect to any consumer financial protection function of the Comptroller of the Currency transferred to the Bureau by this title before the designated transfer date, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Comptroller of the Currency (or the Office of the Comptroller of the Currency) as a party to any such proceeding as of the designated transfer date.

(f) OFFICE OF THRIFT SUPERVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(3) does not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Thrift Supervision, the Office of Thrift Supervision, or any other person, that—

(A) arises under any provision of law relating to any consumer financial protection function of the Director of the Office of Thrift Supervision transferred to the Bureau by this title; and

(B) that existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—No provision of this Act shall abate any proceeding commenced by or against the Director of the Office of Thrift Supervision (or the Office of Thrift Supervision) with respect to any consumer financial protection function of the Director of the Office of Thrift Supervision transferred to the Bureau by this title before the designated transfer date, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Director (or the Office of Thrift Supervision) as a party to any such proceeding as of the designated transfer date.

(g) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 1061(b)(7) shall not affect the validity of any right, duty, or obligation of the United States, the Secretary of the Department of Housing and Urban Development (or the Department of Housing and Urban Development), or any other person, that—

(A) arises under any provision of law relating to any function of the Secretary of the Department of Housing and Urban Development with respect to the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.), the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5102 et seq.), or the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 et seq) transferred to the Bureau by this title; and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—This title shall not abate any proceeding commenced by or against the Secretary of the Department of Housing and Urban Development (or the Department of Housing and Urban Development) with respect to any consumer financial protection function of the Secretary of the Department of Housing and Urban Development transferred to the Bureau by this title before the designated transfer date, except that the Bureau, subject to sections 1024, 1025, and 1026, shall be substituted for the Secretary of the Department of Housing and Urban Development (or the Department of Housing and Urban Development) as a party to any such proceeding as of the designated transfer date.

(h) CONTINUATION OF EXISTING ORDERS, RULINGS, DETERMINATIONS, AGREEMENTS, AND RESOLUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and under subsection (i), all orders, resolutions, determinations, agreements, and rulings that have been issued, made, prescribed, or allowed to become effective by any transferor agency or by a court of competent jurisdiction, in the performance of consumer financial protection functions that are transferred by this title and that are in effect on the day before the designated transfer date, shall continue in effect, and shall continue to be enforceable by the appropriate transferor agency, according to the terms of those orders, resolutions, determinations, agreements, and rulings, and shall not be enforceable by or against the Bureau.

(2) EXCEPTION FOR ORDERS APPLICABLE TO PERSONS DESCRIBED IN SECTION 1025(a).—All orders, resolutions, determinations, agreements, and rulings that have been issued, made, prescribed, or allowed to become effective by any transferor agency or by a court of competent jurisdiction, in the performance of consumer financial protection functions that are transferred by this title and that are in effect on the day before the designated transfer date with respect to any person described in section 1025(a), shall continue in effect, according to the terms of those orders, resolutions, determinations, agreements, and rulings, and shall be enforceable by or against the Bureau or transferor agency.

(i) IDENTIFICATION OF RULES AND ORDERS CONTINUED.—Not later than the designated transfer date, the Bureau—

(1) shall, after consultation with the head of each transferor agency, identify the rules and orders that will be enforced by the Bureau; and

(2) shall publish a list of such rules and orders in the Federal Register.

(j) STATUS OF RULES PROPOSED OR NOT YET EFFECTIVE.—

(1) PROPOSED RULES.—Any proposed rule of a transferor agency which that agency, in performing consumer financial protection functions transferred by this title, has proposed before the designated transfer date, but has not been published as a final rule before that date, shall be deemed to be a proposed rule of the Bureau.

(2) RULES NOT YET EFFECTIVE.—Any interim or final rule of a transferor agency which that agency, in performing consumer financial protection functions transferred by this title, has published before the designated transfer date, but which has not become effective before that date, shall become effective as a rule of the Bureau according to its terms.

SEC. 1064. TRANSFER OF CERTAIN PERSONNEL.

(a) IN GENERAL.—

(1) CERTAIN FEDERAL RESERVE SYSTEM EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Board of Governors shall—

(i) jointly determine the number of employees of the Board of Governors necessary to perform or support the consumer financial protection functions of the Board of Governors that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Board of Governors for transfer to the Bureau, in a manner that the Bureau and the Board of Governors, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Board of Governors identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(C) FEDERAL RESERVE BANK EMPLOYEES.—Employees of any Federal reserve bank who are performing consumer financial protection functions on behalf of the Board of Governors shall be treated as employees of the Board of Governors for purposes of subparagraphs (A) and (B).

(2) CERTAIN FDIC EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Board of Directors of the Federal Deposit Insurance Corporation shall—

(i) jointly determine the number of employees of that Corporation necessary to perform or support the consumer financial protection functions of the Corporation that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Corporation for transfer to the Bureau, in a manner that the Bureau and the Board of Directors of the Corporation, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Corporation identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(3) CERTAIN NCUA EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the National Credit Union Administration Board shall—

(i) jointly determine the number of employees of the National Credit Union Administration necessary to perform or support the consumer financial protection functions of the National Credit Union Administration that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the National Credit Union Administration for transfer to the Bureau, in a manner that the Bureau and the National Credit Union Administration Board, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the National Credit Union Administration identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(4) CERTAIN OFFICE OF THE COMPTROLLER OF THE CURRENCY EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Comptroller of the Currency shall—

(i) jointly determine the number of employees of the Office of the Comptroller of the Currency necessary to perform or support the consumer financial protection functions of the Office of the Comptroller of the Currency that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Office of the Comptroller of the Currency for transfer to the Bureau, in a manner that the Bureau and the Office of the Comptroller of the Currency, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Office of the Comptroller of the Currency identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(5) CERTAIN OFFICE OF THRIFT SUPERVISION EMPLOYEES TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Director of the Office of Thrift Supervision shall—

(i) jointly determine the number of employees of the Office of Thrift Supervision necessary to

perform or support the consumer financial protection functions of the Office of Thrift Supervision that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Office of Thrift Supervision for transfer to the Bureau, in a manner that the Bureau and the Office of Thrift Supervision, in their sole discretion, determine equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Office of Thrift Supervision identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(6) CERTAIN EMPLOYEES OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TRANSFERRED.—

(A) IDENTIFYING EMPLOYEES FOR TRANSFER.—The Bureau and the Secretary of the Department of Housing and Urban Development shall—

(i) jointly determine the number of employees of the Department of Housing and Urban Development necessary to perform or support the consumer protection functions of the Department that are transferred to the Bureau by this title; and

(ii) consistent with the number determined under clause (i), jointly identify employees of the Department of Housing and Urban Development for transfer to the Bureau in a manner that the Bureau and the Secretary of the Department of Housing and Urban Development, in their sole discretion, deem equitable.

(B) IDENTIFIED EMPLOYEES TRANSFERRED.—All employees of the Department of Housing and Urban Development identified under subparagraph (A)(ii) shall be transferred to the Bureau for employment.

(7) CONSUMER EDUCATION, FINANCIAL LITERACY, CONSUMER COMPLAINTS, AND RESEARCH FUNCTIONS.—The Bureau and each of the transferor agencies (except the Federal Trade Commission) shall jointly determine the number of employees and the types and grades of employees necessary to perform the functions of the Bureau under subtitle A, including consumer education, financial literacy, policy analysis, responses to consumer complaints and inquiries, research, and similar functions. All employees jointly identified under this paragraph shall be transferred to the Bureau for employment.

(8) AUTHORITY OF THE PRESIDENT TO RESOLVE DISPUTES.—

(A) ACTION AUTHORIZED.—In the event that the Bureau and a transferor agency are unable to reach an agreement under paragraphs (1) through (7) by the designated transfer date, the President, or the designee thereof, may issue an order or directive to the transferor agency to effect the transfer of personnel and property under this subtitle.

(B) TRANSMITTAL TO CONGRESS REQUIRED.—If an order or directive is issued under subparagraph (A), the President shall transmit a copy of the written determination made with respect to such order or directive, including an explanation for the need for the order or directive, to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.

(C) SUNSET.—The authority provided in this paragraph shall terminate 3 years after the designated transfer date.

(9) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE AND SENIOR EXECUTIVE SERVICE TRANSFERRED.—

(A) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to subparagraph (B).

(B) DECLINING TRANSFERS ALLOWED.—An agency or entity may decline to make a transfer of authority under subparagraph (A) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and non-career positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(b) TIMING OF TRANSFERS AND POSITION ASSIGNMENTS.—Each employee to be transferred under this section shall—

(1) be transferred not later than 90 days after the designated transfer date; and

(2) receive notice of a position assignment not later than 120 days after the effective date of his or her transfer.

(c) TRANSFER OF FUNCTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the transfer of employees shall be deemed a transfer of functions for the purpose of section 3503 of title 5, United States Code.

(2) PRIORITY OF THIS TITLE.—If any provisions of this title conflict with any protection provided to transferred employees under section 3503 of title 5, United States Code, the provisions of this title shall control.

(d) EQUAL STATUS AND TENURE POSITIONS.—

(1) EMPLOYEES TRANSFERRED FROM THE FEDERAL RESERVE SYSTEM, FDIC, HUD, NCUA, OCC, AND OTS.—Each employee transferred to the Bureau from the Board of Governors, a Federal reserve bank, the Federal Deposit Insurance Corporation, the Department of Housing and Urban Development, the National Credit Union Administration, the Office of the Comptroller of the Currency, or the Office of Thrift Supervision shall be placed in a position at the Bureau with the same status and tenure as that employee held on the day before the designated transfer date.

(2) EMPLOYEES TRANSFERRED FROM THE FEDERAL RESERVE SYSTEM.—For purposes of determining the status and position placement of a transferred employee, any period of service with the Board of Governors or a Federal reserve bank shall be credited as a period of service with a Federal agency.

(e) ADDITIONAL CERTIFICATION REQUIREMENTS LIMITED.—Examiners transferred to the Bureau are not subject to any additional certification requirements before being placed in a comparable examiner position at the Bureau examining the same types of institutions as they examined before they were transferred.

(f) PERSONNEL ACTIONS LIMITED.—

(1) 2-YEAR PROTECTION.—Except as provided in paragraph (2), each transferred employee holding a permanent position on the day before the designated transfer date may not, during the 2-year period beginning on the designated transfer date, be involuntarily separated, or involuntarily reassigned outside his or her locality pay area.

(2) EXCEPTIONS.—Paragraph (1) does not limit the right of the Bureau—

(A) to separate an employee for cause or for unacceptable performance;

(B) to terminate an appointment to a position excepted from the competitive service because of its confidential policy-making, policy-determining, or policy-advocating character; or

(C) to reassign a supervisory employee outside of his or her locality pay area when the Bureau determines that the reassignment is necessary for the efficient operation of the Bureau.

(g) PAY.—

(1) 2-YEAR PROTECTION.—

(A) IN GENERAL.—Except as provided in paragraph (2), each transferred employee shall, during the 2-year period beginning on the designated transfer date, receive pay at a rate equal to not less than the basic rate of pay (including any geographic differential) that the employee received during the pay period immediately preceding the date of transfer.

(B) LIMITATION.—Notwithstanding subparagraph (A), if the employee was receiving a higher rate of basic pay on a temporary basis (because of a temporary assignment, temporary promotion, or other temporary action) immediately before the date of transfer, the Bureau may reduce the rate of basic pay on the date on which the rate would have been reduced but for the transfer, and the protected rate for the remainder of the 2-year period shall be the reduced rate that would have applied, but for the transfer.

(2) EXCEPTIONS.—Paragraph (1) does not limit the right of the Bureau to reduce the rate of basic pay of a transferred employee—

(A) for cause;

(B) for unacceptable performance; or

(C) with the consent of the employee.

(3) PROTECTION ONLY WHILE EMPLOYED.—Paragraph (1) applies to a transferred employee only while that employee remains employed by the Bureau.

(4) PAY INCREASES PERMITTED.—Paragraph (1) does not limit the authority of the Bureau to increase the pay of a transferred employee.

(h) REORGANIZATION.—

(1) BETWEEN 1ST AND 3RD YEAR.—

(A) IN GENERAL.—If the Bureau determines, during the 2-year period beginning 1 year after the designated transfer date, that a reorganization of the staff of the Bureau is required—

(i) that reorganization shall be deemed a ''substantial reorganization'' for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code;

(ii) before the reorganization occurs, all employees in the same locality pay area as defined by the Office of Personnel Management shall be placed in a uniform position classification system; and

(iii) any resulting reduction in force shall be governed by the provisions of chapter 35 of title 5, United States Code, except that the Bureau shall—

(I) establish competitive areas (as that term is defined in regulations issued by the Office of Personnel Management) to include at a minimum all employees in the same locality pay area as defined by the Office of Personnel Management;

(II) establish competitive levels (as that term is defined in regulations issued by the Office of Personnel Management) without regard to whether the particular employees have been appointed to positions in the competitive service or the excepted service; and

(III) afford employees appointed to positions in the excepted service (other than to a position excepted from the competitive service because of its confidential policy-making, policy-determining, or policy-advocating character) the same assignment rights to positions within the Bureau as employees appointed to positions in the competitive service.

(B) SERVICE CREDIT FOR REDUCTIONS IN FORCE.—For purposes of this paragraph, periods of service with a Federal home loan bank, a joint office of the Federal home loan banks, the Board of Governors, a Federal reserve bank, the Federal Deposit Insurance Corporation, or the National Credit Union Administration shall be credited as periods of service with a Federal agency.

(2) AFTER 3RD YEAR.—

(A) IN GENERAL.—If the Bureau determines, at any time after the 3-year period beginning on the designated transfer date, that a reorganization of the staff of the Bureau is required, any resulting reduction in force shall be governed by the provisions of chapter 35 of title 5, United States Code, except that the Bureau shall establish competitive levels (as that term is defined in regulations issued by the Office of Personnel Management) without regard to types of appointment held by particular employees transferred under this section.

(B) SERVICE CREDIT FOR REDUCTIONS IN FORCE.—For purposes of this paragraph, periods of service with a Federal home loan bank, a joint office of the Federal home loan banks, the Board of Governors, a Federal reserve bank, the

Federal Deposit Insurance Corporation, or the National Credit Union Administration shall be credited as periods of service with a Federal agency.

(i) BENEFITS.—

(1) RETIREMENT BENEFITS FOR TRANSFERRED EMPLOYEES.—

(A) IN GENERAL.—

(i) CONTINUATION OF EXISTING RETIREMENT PLAN.—Unless an election is made under clause (iii) or subparagraph (B), each employee transferred pursuant to this subtitle shall remain enrolled in the existing retirement plan of that employee as of the date of transfer, through any period of continuous employment with the Bureau.

(ii) EMPLOYER CONTRIBUTION.—The Bureau shall pay any employer contributions to the existing retirement plan of each transferred employee, as required under that plan.

(iii) OPTION TO ELECT INTO THE FEDERAL RESERVE SYSTEM RETIREMENT PLAN AND FEDERAL RESERVE SYSTEM THRIFT PLAN.—Any employee transferred pursuant to this subtitle may, during the 1-year period beginning 6 months after the designated transfer date, elect to end their participation and benefit accruals under their existing retirement plan or plans and elect to participate in both the Federal Reserve System Retirement Plan and the Federal Reserve System Thrift Plan, through any period of continuous employment with the Bureau, under the same terms as are applicable to Federal Reserve System transferred employees, as provided in subparagraph (C). An election of coverage by the Federal Reserve System Retirement Plan and the Federal Reserve System Thrift Plan shall begin on the day following the end of the 18-month period beginning on the designated transfer date, and benefit accruals under the existing retirement plan of the transferred employee shall end on the last day of the 18-month period beginning on the designated transfer date If an employee elects to participate in the Federal Reserve System Retirement Plan and the Federal Reserve System Thrift Plan, all of the service of the employee that was creditable under their existing retirement plan shall be transferred to the Federal Reserve System Retirement Plan on the day following the end of the 18-month period beginning on the designated transfer date.

(iv) BUREAU CONTRIBUTION.—The Bureau shall pay an employer contribution to the Federal Reserve System Retirement Plan, in the amount established as an employer contribution under the Federal Employees Retirement System, as established under chapter 84 of title 5, United States Code, for each Bureau employee who elects to participate in the Federal Reserve System Retirement Plan under this subparagraph. The Bureau shall pay an employer contribution to the Federal Reserve System Thrift Plan for each Bureau employee who elects to participate in such plan, as required under the terms of the Federal Reserve System Thrift Plan.

(v) ADDITIONAL FUNDING.—The Bureau shall transfer to the Federal Reserve System Retirement Plan an amount determined by the Board of Governors, in consultation with the Bureau, to be necessary to reimburse the Federal Reserve System Retirement Plan for the costs to such plan of providing benefits to employees electing coverage under the Federal Reserve System Retirement Plan under subparagraph (iii), and who were transferred to the Bureau from outside of the Federal Reserve System.

(vi) OPTION TO ELECT INTO THRIFT PLAN CREATED BY THE BUREAU.—If the Bureau chooses to establish a thrift plan, the employees transferred pursuant to this subtitle shall have the option to elect, under such terms and conditions as the Bureau may establish, coverage under such a thrift plan established by the Bureau. Transferred employees may not remain in the thrift plan of the agency from which the employee transferred under this subtitle, if the employee elects to participate in a thrift plan established by the Bureau.

(B) OPTION FOR EMPLOYEES TRANSFERRED FROM FEDERAL RESERVE SYSTEM TO BE SUBJECT TO THE FEDERAL EMPLOYEE RETIREMENT PROGRAM.—

(i) ELECTION.—Any Federal Reserve System transferred employee who was enrolled in the Federal Reserve System Retirement Plan on the day before the date of his or her transfer to the Bureau may, during the 1-year period beginning 6 months after the designated transfer date, elect to be subject to the Federal Employee Retirement Program.

(ii) EFFECTIVE DATE OF COVERAGE.—An election of coverage by the Federal Employee Retirement Program under this subparagraph shall begin on the day following the end of the 18-month period beginning on the designated transfer date, and benefit accruals under the existing retirement plan of the Federal Reserve System transferred employee shall end on the last day of the 18-month period beginning on the designated transfer date.

(C) BUREAU PARTICIPATION IN FEDERAL RESERVE SYSTEM RETIREMENT PLAN.—

(i) BENEFITS PROVIDED.—Federal Reserve System employees transferred pursuant to this subtitle shall continue to be eligible to participate in the Federal Reserve System Retirement Plan and Federal Reserve System Thrift Plan through any period of continuous employment with the Bureau, unless the employee makes an election under subparagraph (A)(vi) or (B). The retirement benefits, formulas, and features offered to the Federal Reserve System transferred employees shall be the same as those offered to employees of the Board of Governors who participate in the Federal Reserve System Retirement Plan and the Federal Reserve System Thrift Plan, as amended from time to time.

(ii) LIMITATION.—The Bureau shall not have responsibility or authority—

(I) to amend an existing retirement plan (including the Federal Reserve System Retirement Plan or Federal Reserve System Thrift Plan);

(II) for administering an existing retirement plan (including the Federal Reserve System Retirement Plan or Federal Reserve System Thrift Plan); or

(III) for ensuring the plans comply with applicable laws, fiduciary rules, and related responsibilities.

(iii) TAX QUALIFIED STATUS.—Notwithstanding any other provision of law, providing benefits to Federal Reserve System employees transferred to the Bureau pursuant to this subtitle, and to employees who elect coverage pursuant to subparagraph (A)(iii) or under section 1013(a)(2)(B), shall not cause any existing retirement plan (including the Federal Reserve System Retirement Plan and the Federal Reserve System Thrift Plan) to lose its tax-qualified status under sections 401(a) and 501(a) of the Internal Revenue Code of 1986.

(iv) BUREAU CONTRIBUTION.—The Bureau shall pay any employer contributions to the existing retirement plan (including the Federal Reserve System Retirement Plan and the Federal Reserve System Thrift Plan) for each Federal Reserve System transferred employee participating in those plans, as required under the plan, after the designated transfer date.

(v) CONTROLLED GROUP STATUS.—The Bureau is the same employer as the Federal Reserve System (as comprised of the Board of Governors and each of the 12 Federal reserve banks prior to the date of enactment of this Act) for purposes of subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 (26 U.S.C. 414).

(D) DEFINITIONS.—For purposes of this paragraph—

(i) the term ''existing retirement plan'' means, with respect to an employee transferred pursuant to this subtitle, the retirement plan (including the Financial Institutions Retirement Fund) and any associated thrift savings plan, of the agency from which the employee was transferred under this subtitle, in which the employee was enrolled on the day before the date on which the employee was transferred;

(ii) the term ''Federal Employee Retirement Program'' means either the Civil Service Retirement System established under chapter 83 of title 5, United States Code, or the Federal Employees Retirement System established under chapter 84 of title 5, United States Code, depending upon the service history of the individual;

(iii) the term ''Federal Reserve System transferred employee'' means a transferred employee who is an employee of the Board of Governors or a Federal reserve bank on the day before the designated transfer date, and who is transferred to the Bureau on the designated transfer date pursuant to this subtitle;

(iv) the term ''Federal Reserve System Retirement Plan'' means the Retirement Plan for Employees of the Federal Reserve System; and

(v) the term ''Federal Reserve System Thrift Plan'' means the Thrift Plan for Employees of the Federal Reserve System.

(2) BENEFITS OTHER THAN RETIREMENT BENEFITS FOR TRANSFERRED EMPLOYEES.—

(A) DURING 1ST YEAR.—

(i) EXISTING PLANS CONTINUE.—Each employee transferred pursuant to this subtitle may, for 1 year after the designated transfer date, retain membership in any other employee benefit program of the agency or bank from which the employee transferred, including a medical, dental, vision, long term care, or life insurance program, to which the employee belonged on the day before the designated transfer date.

(ii) EMPLOYER CONTRIBUTION.—The Bureau shall reimburse the agency or bank from which an employee was transferred for any cost incurred by that agency or bank in continuing to extend coverage in the benefit program to the employee, as required under that program or negotiated agreements.

(B) MEDICAL, DENTAL, VISION, OR LIFE INSURANCE AFTER FIRST YEAR.—If, at the end of the 1-year period beginning on the designated transfer date, the Bureau has not established its own, or arranged for participation in another entity's, medical, dental, vision, or life insurance program, an employee transferred pursuant to this subtitle who was a member of such a program at the agency or Federal reserve bank from which the employee transferred may, before the coverage of that employee ends under subparagraph (A)(i), elect to enroll, without regard to any regularly scheduled open season, in—

(i) the enhanced dental benefits program established under chapter 89A of title 5, United States Code;

(ii) the enhanced vision benefits established under chapter 89B of title 5, United States Code;

(iii) the Federal Employees Group Life Insurance Program established under chapter 87 of title 5, United States Code, without regard to any requirement of insurability; and

(iv) the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

(C) LONG TERM CARE INSURANCE AFTER 1ST YEAR.—If, at the end of the 1-year period beginning on the designated transfer date, the Bureau has not established its own, or arranged for participation in another entity's, long term care insurance program, an employee transferred pursuant to this subtitle who was a member of such a program at the agency or Federal reserve bank from which the employee transferred may, before the coverage of that employee ends under subparagraph (A)(i), elect to apply for coverage under the Federal Long Term Care Insurance Program established under chapter 90 of title 5, United States Code, under the underwriting requirements applicable to a new active workforce member (as defined in part 875 of title 5, Code of Federal Regulations).

(D) EMPLOYEE CONTRIBUTION.—An individual enrolled in the Federal Employees Health Benefits program shall pay any employee contribution required by the plan.

(E) ADDITIONAL FUNDING.—The Bureau shall transfer to the Federal Employees Health Benefits Fund established under section 8909 of title

5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Bureau and the Office of Management and Budget, to be necessary to reimburse the Fund for the cost to the Fund of providing benefits under this paragraph.

(F) CREDIT FOR TIME ENROLLED IN OTHER PLANS.—For employees transferred under this title, enrollment in a health benefits plan administered by a transferor agency or a Federal reserve bank, as the case may be, immediately before enrollment in a health benefits plan under chapter 89 of title 5, United States Code, shall be considered as enrollment in a health benefits plan under that chapter for purposes of section 8905(b)(1)(A) of title 5, United States Code.

(G) SPECIAL PROVISIONS TO ENSURE CONTINUATION OF LIFE INSURANCE BENEFITS.—

(i) IN GENERAL.—An annuitant (as defined in section 8901(3) of title 5, United States Code) who is enrolled in a life insurance plan administered by a transferor agency on the day before the designated transfer date shall be eligible for coverage by a life insurance plan under sections 8706(b), 8714a, 8714b, and 8714c of title 5, United States Code, or in a life insurance plan established by the Bureau, without regard to any regularly scheduled open season and requirement of insurability.

(ii) EMPLOYEE CONTRIBUTION.—An individual enrolled in a life insurance plan under this subparagraph shall pay any employee contribution required by the plan.

(iii) ADDITIONAL FUNDING.—The Bureau shall transfer to the Employees' Life Insurance Fund established under section 8714 of title 5, United States Code, an amount determined by the Director of the Office of Personnel Management, after consultation with the Bureau and the Office of Management and Budget, to be necessary to reimburse the Fund for the cost to the Fund of providing benefits under this subparagraph not otherwise paid for by the employee under clause (ii).

(iv) CREDIT FOR TIME ENROLLED IN OTHER PLANS.—For employees transferred under this title, enrollment in a life insurance plan administered by a transferor agency immediately before enrollment in a life insurance plan under chapter 87 of title 5, United States Code, shall be considered as enrollment in a life insurance plan under that chapter for purposes of section 8706(b)(1)(A) of title 5, United States Code.

(3) OPM RULES.—The Office of Personnel Management shall issue such rules as are necessary to carry out this subsection.

(j) IMPLEMENTATION OF UNIFORM PAY AND CLASSIFICATION SYSTEM.—Not later than 2 years after the designated transfer date, the Bureau shall implement a uniform pay and classification system for all employees transferred under this title.

(k) EQUITABLE TREATMENT.—In administering the provisions of this section, the Bureau—

(1) shall take no action that would unfairly disadvantage transferred employees relative to each other based on their prior employment by the Board of Governors, the Federal Deposit Insurance Corporation, the Department of Housing and Urban Development, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, a Federal reserve bank, a Federal home loan bank, or a joint office of the Federal home loan banks; and

(2) may take such action as is appropriate in individual cases so that employees transferred under this section receive equitable treatment, with respect to the status, tenure, pay, benefits (other than benefits under programs administered by the Office of Personnel Management), and accrued leave or vacation time of those employees, for prior periods of service with any Federal agency, including the Board of Governors, the Corporation, the Department of Housing and Urban Development, the National Credit Union Administration, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, a Federal reserve bank, a Federal home loan bank, or a joint office of the Federal home loan banks.

(l) IMPLEMENTATION.—In implementing the provisions of this section, the Bureau shall coordinate with the Office of Personnel Management and other entities having expertise in matters related to employment to ensure a fair and orderly transition for affected employees.

SEC. 1065. INCIDENTAL TRANSFERS.

(a) INCIDENTAL TRANSFERS AUTHORIZED.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall make such additional incidental transfers and dispositions of assets and liabilities held, used, arising from, available, or to be made available, in connection with the functions transferred by this title, as the Director may determine necessary to accomplish the purposes of this title.

(b) SUNSET.—The authority provided in this section shall terminate 5 years after the date of enactment of this Act.

SEC. 1066. INTERIM AUTHORITY OF THE SECRETARY.

(a) IN GENERAL.—The Secretary is authorized to perform the functions of the Bureau under this subtitle until the Director of the Bureau is confirmed by the Senate in accordance with section 1011.

(b) INTERIM ADMINISTRATIVE SERVICES BY THE DEPARTMENT OF THE TREASURY.—The Department of the Treasury may provide administrative services necessary to support the Bureau before the designated transfer date.

SEC. 1067. TRANSITION OVERSIGHT.

(a) PURPOSE.—The purpose of this section is to ensure that the Bureau—

(1) has an orderly and organized startup;

(2) attracts and retains a qualified workforce; and

(3) establishes comprehensive employee training and benefits programs.

(b) REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Bureau shall submit an annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that includes the plans described in paragraph (2).

(2) PLANS.—The plans described in this paragraph are as follows:

(A) TRAINING AND WORKFORCE DEVELOPMENT PLAN.—The Bureau shall submit a training and workforce development plan that includes, to the extent practicable—

(i) identification of skill and technical expertise needs and actions taken to meet those requirements;

(ii) steps taken to foster innovation and creativity;

(iii) leadership development and succession planning; and

(iv) effective use of technology by employees.

(B) WORKPLACE FLEXIBILITIES PLAN.—The Bureau shall submit a workforce flexibility plan that includes, to the extent practicable—

(i) telework;

(ii) flexible work schedules;

(iii) phased retirement;

(iv) reemployed annuitants;

(v) part-time work;

(vi) job sharing;

(vii) parental leave benefits and childcare assistance;

(viii) domestic partner benefits;

(ix) other workplace flexibilities; or

(x) any combination of the items described in clauses (i) through (ix).

(C) RECRUITMENT AND RETENTION PLAN.—The Bureau shall submit a recruitment and retention plan that includes, to the extent practicable, provisions relating to—

(i) the steps necessary to target highly qualified applicant pools with diverse backgrounds;

(ii) streamlined employment application processes;

(iii) the provision of timely notification of the status of employment applications to applicants; and

(iv) the collection of information to measure indicators of hiring effectiveness.

(c) EXPIRATION.—The reporting requirement under subsection (b) shall terminate 5 years after the date of enactment of this Act.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) a collective bargaining agreement, as that term is defined in section 7103(a)(8) of title 5, United States Code, that is in effect on the date of enactment of this Act; or

(2) the rights of employees under chapter 71 of title 5, United States Code.

(e) PARTICIPATION IN EXAMINATIONS.—In order to prepare the Bureau to conduct examinations under section 1025 upon the designated transfer date, the Bureau and the applicable prudential regulator may agree to include, on a sampling basis, examiners on examinations of the compliance with Federal consumer financial law of institutions described in section 1025(a) conducted by the prudential regulators prior to the designated transfer date.

Subtitle G—Regulatory Improvements

SEC. 1071. SMALL BUSINESS DATA COLLECTION.

(a) IN GENERAL.—The Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) is amended by inserting after section 704A the following:

''SEC. 704B. SMALL BUSINESS LOAN DATA COLLECTION.

''(a) PURPOSE.—The purpose of this section is to facilitate enforcement of fair lending laws and enable communities, governmental entities, and creditors to identify business and community development needs and opportunities of women-owned, minority-owned, and small businesses.

''(b) INFORMATION GATHERING.—Subject to the requirements of this section, in the case of any application to a financial institution for credit for women-owned, minority-owned, or small business, the financial institution shall—

''(1) inquire whether the business is a women-owned, minority-owned, or small business, without regard to whether such application is received in person, by mail, by telephone, by electronic mail or other form of electronic transmission, or by any other means, and whether or not such application is in response to a solicitation by the financial institution; and

''(2) maintain a record of the responses to such inquiry, separate from the application and accompanying information.

''(c) RIGHT TO REFUSE.—Any applicant for credit may refuse to provide any information requested pursuant to subsection (b) in connection with any application for credit.

''(d) NO ACCESS BY UNDERWRITERS.—

''(1) LIMITATION.—Where feasible, no loan underwriter or other officer or employee of a financial institution, or any affiliate of a financial institution, involved in making any determination concerning an application for credit shall have access to any information provided by the applicant pursuant to a request under subsection (b) in connection with such application.

''(2) LIMITED ACCESS.—If a financial institution determines that a loan underwriter or other officer or employee of a financial institution, or any affiliate of a financial institution, involved in making any determination concerning an application for credit should have access to any information provided by the applicant pursuant to a request under subsection (b), the financial institution shall provide notice to the applicant of the access of the underwriter to such information, along with notice that the financial institution may not discriminate on the basis of such information.

''(e) FORM AND MANNER OF INFORMATION.—

''(1) IN GENERAL.—Each financial institution shall compile and maintain, in accordance with regulations of the Bureau, a record of the information provided by any loan applicant pursuant to a request under subsection (b).

''(2) ITEMIZATION.—Information compiled and maintained under paragraph (1) shall be itemized in order to clearly and conspicuously disclose—

''(A) the number of the application and the date on which the application was received;

''(B) the type and purpose of the loan or other credit being applied for;

''(C) the amount of the credit or credit limit applied for, and the amount of the credit transaction or the credit limit approved for such applicant;

''(D) the type of action taken with respect to such application, and the date of such action;

''(E) the census tract in which is located the principal place of business of the women-owned, minority-owned, or small business loan applicant;

''(F) the gross annual revenue of the business in the last fiscal year of the women-owned, minority-owned, or small business loan applicant preceding the date of the application;

''(G) the race, sex, and ethnicity of the principal owners of the business; and

''(H) any additional data that the Bureau determines would aid in fulfilling the purposes of this section.

''(3) NO PERSONALLY IDENTIFIABLE INFORMATION.—In compiling and maintaining any record of information under this section, a financial institution may not include in such record the name, specific address (other than the census tract required under paragraph (1)(E)), telephone number, electronic mail address, or any other personally identifiable information concerning any individual who is, or is connected with, the women-owned, minority-owned, or small business loan applicant.

''(4) DISCRETION TO DELETE OR MODIFY PUBLICLY AVAILABLE DATA.—The Bureau may, at its discretion, delete or modify data collected under this section which is or will be available to the public, if the Bureau determines that the deletion or modification of the data would advance a privacy interest.

''(f) AVAILABILITY OF INFORMATION.—

''(1) SUBMISSION TO BUREAU.—The data required to be compiled and maintained under this section by any financial institution shall be submitted annually to the Bureau.

''(2) AVAILABILITY OF INFORMATION.—Information compiled and maintained under this section shall be—

''(A) retained for not less than 3 years after the date of preparation;

''(B) made available to any member of the public, upon request, in the form required under regulations prescribed by the Bureau;

''(C) annually made available to the public generally by the Bureau, in such form and in such manner as is determined by the Bureau, by regulation.

''(3) COMPILATION OF AGGREGATE DATA.—The Bureau may, at its discretion—

''(A) compile and aggregate data collected under this section for its own use; and

''(B) make public such compilations of aggregate data.

''(g) BUREAU ACTION.—

''(1) IN GENERAL.—The Bureau shall prescribe such rules and issue such guidance as may be necessary to carry out, enforce, and compile data pursuant to this section.

''(2) EXCEPTIONS.—The Bureau, by rule or order, may adopt exceptions to any requirement of this section and may, conditionally or unconditionally, exempt any financial institution or class of financial institutions from the requirements of this section, as the Bureau deems necessary or appropriate to carry out the purposes of this section.

''(3) GUIDANCE.—The Bureau shall issue guidance designed to facilitate compliance with the requirements of this section, including assisting financial institutions in working with applicants to determine whether the applicants are women-owned, minority-owned, or small businesses for purposes of this section.

''(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) FINANCIAL INSTITUTION.—The term 'financial institution' means any partnership, company, corporation, association (incorporated or unincorporated), trust, estate, cooperative organization, or other entity that engages in any financial activity.

''(2) SMALL BUSINESS.—The term 'small business' has the same meaning as the term 'small business concern' in section 3 of the Small Business Act (15 U.S.C. 632).

''(3) SMALL BUSINESS LOAN.—The term 'small business loan' means a loan made to a small business.

''(4) MINORITY.—The term 'minority' has the same meaning as in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

''(5) MINORITY-OWNED BUSINESS.—The term 'minority-owned business' means a business—

''(A) more than 50 percent of the ownership or control of which is held by 1 or more minority individuals; and

''(B) more than 50 percent of the net profit or loss of which accrues to 1 or more minority individuals.

''(6) WOMEN-OWNED BUSINESS.—The term 'women-owned business' means a business—

''(A) more than 50 percent of the ownership or control of which is held by 1 or more women; and

''(B) more than 50 percent of the net profit or loss of which accrues to 1 or more women.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 701(b) of the Equal Credit Opportunity Act (15 U.S.C. 1691(b)) is amended—

(1) in paragraph (3), by striking ''or'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (4), the following:

''(5) to make an inquiry under section 704B, in accordance with the requirements of that section.''.

(c) CLERICAL AMENDMENT.—The table of sections for title VII of the Consumer Credit Protection Act is amended by inserting after the item relating to section 704A the following new item:

''704B. Small business loan data collection.''.

(d) EFFECTIVE DATE.—This section shall become effective on the designated transfer date.

SEC. 1072. ASSISTANCE FOR ECONOMICALLY VULNERABLE INDIVIDUALS AND FAMILIES.

(a) HERA AMENDMENTS.—Section 1132 of the Housing and Economic Recovery Act of 2008 (12 U.S.C. 1701x note) is amended—

(1) in subsection (a), by inserting in each of paragraphs (1), (2), (3), and (4) ''or economically vulnerable individuals and families'' after ''homebuyers'' each place that term appears;

(2) in subsection (b)(1), by inserting ''or economically vulnerable individuals and families'' after ''homebuyers'';

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(C) a nonprofit corporation that—

''(i) is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; and

''(ii) specializes or has expertise in working with economically vulnerable individuals and families, but whose primary purpose is not provision of credit counseling services.''; and

(4) in subsection (d)(1), by striking ''not more than 5''.

(b) APPLICABILITY.—Amendments made by subsection (a) shall not apply to programs authorized by section 1132 of the Housing and Economic Recovery Act of 2008 (12 U.S.C. 1701x note) that are funded with appropriations prior to fiscal year 2011.

SEC. 1073. REMITTANCE TRANSFERS.

(a) TREATMENT OF REMITTANCE TRANSFERS.—The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) in section 902(b) (15 U.S.C. 1693(b)), by inserting ''and remittance'' after ''electronic fund'';

(2) in section 904(c) (15 U.S.C. 1693b(c)), in the first sentence, by inserting ''or remittance transfers'' after ''electronic fund transfers'';

(3) by redesignating sections 919, 920, 921, and 922 as sections 920, 921, 922, and 923, respectively; and

(4) by inserting after section 918 the following:

''SEC. 919. REMITTANCE TRANSFERS.

''(a) DISCLOSURES REQUIRED FOR REMITTANCE TRANSFERS.—

''(1) IN GENERAL.—Each remittance transfer provider shall make disclosures as required under this section and in accordance with rules prescribed by the Board. Disclosures required under this section shall be in addition to any other disclosures applicable under this title.

''(2) DISCLOSURES.—Subject to rules prescribed by the Board, a remittance transfer provider shall provide, in writing and in a form that the sender may keep, to each sender requesting a remittance transfer, as applicable to the transaction—

''(A) at the time at which the sender requests a remittance transfer to be initiated, and prior to the sender making any payment in connection with the remittance transfer, a disclosure describing—

''(i) the amount of currency that will be received by the designated recipient, using the values of the currency into which the funds will be exchanged;

''(ii) the amount of transfer and any other fees charged by the remittance transfer provider for the remittance transfer; and

''(iii) any exchange rate to be used by the remittance transfer provider for the remittance transfer, to the nearest 1/100th of a point; and

''(B) at the time at which the sender makes payment in connection with the remittance transfer—

''(i) a receipt showing—

''(I) the information described in subparagraph (A);

''(II) the promised date of delivery to the designated recipient; and

''(III) the name and either the telephone number or the address of the designated recipient, if either the telephone number or the address of the designated recipient is provided by the sender; and

''(ii) a statement containing—

''(I) information about the rights of the sender under this section regarding the resolution of errors; and

''(II) appropriate contact information for—

''(aa) the remittance transfer provider; and

''(bb) the State agency that regulates the remittance transfer provider and the Board, including the toll-free telephone number established under section 1013 of the Consumer Financial Protection Act of 2010.

''(3) REQUIREMENTS RELATING TO DISCLOSURES.—With respect to each disclosure required to be provided under paragraph (2) a remittance transfer provider shall—

''(A) provide an initial notice and receipt, as required by subparagraphs (A) and (B) of paragraph (2), and an error resolution statement, as required by subsection (d), that clearly and conspicuously describe the information required to be disclosed therein; and

''(B) with respect to any transaction that a sender conducts electronically, comply with the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001 et seq.).

''(4) EXCEPTION FOR DISCLOSURES OF AMOUNT RECEIVED.—

''(A) IN GENERAL.—Subject to the rules prescribed by the Board, and except as provided under subparagraph (B), the disclosures required regarding the amount of currency that will be received by the designated recipient shall be deemed to be accurate, so long as the disclosures provide a reasonably accurate estimate of the foreign currency to be received. This paragraph shall apply only to a remittance transfer

provider who is an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), or an insured credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752), and if—

''(i) a remittance transfer is conducted through a demand deposit, savings deposit, or other asset account that the sender holds with such remittance transfer provider; and

''(ii) at the time at which the sender requests the transaction, the remittance transfer provider is unable to know, for reasons beyond its control, the amount of currency that will be made available to the designated recipient.

''(B) DEADLINE.—The application of subparagraph (A) shall terminate 5 years after the date of enactment of the Consumer Financial Protection Act of 2010, unless the Board determines that termination of such provision would negatively affect the ability of remittance transfer providers described in subparagraph (A) to send remittances to locations in foreign countries, in which case, the Board may, by rule, extend the application of subparagraph (A) to not longer than 10 years after the date of enactment of the Consumer Financial Protection Act of 2010.

''(5) EXEMPTION AUTHORITY.—The Board may, by rule, permit a remittance transfer provider to satisfy the requirements of—

''(A) paragraph (2)(A) orally, if the transaction is conducted entirely by telephone;

''(B) paragraph (2)(B), in the case of a transaction conducted entirely by telephone, by mailing the disclosures required under such subparagraph to the sender, not later than 1 business day after the date on which the transaction is conducted, or by including such documents in the next periodic statement, if the telephone transaction is conducted through a demand deposit, savings deposit, or other asset account that the sender holds with the remittance transfer provider;

''(C) subparagraphs (A) and (B) of paragraph (2) together in one written disclosure, but only to the extent that the information provided in accordance with paragraph (3)(A) is accurate at the time at which payment is made in connection with the subject remittance transfer; and

''(D) paragraph (2)(A), without compliance with section 101(c) of the Electronic Signatures in Global Commerce Act, if a sender initiates the transaction electronically and the information is displayed electronically in a manner that the sender can keep.

''(6) STOREFRONT AND INTERNET NOTICES.—

''(A) IN GENERAL.—

''(i) PROMINENT POSTING.—Subject to subparagraph (B), the Board may prescribe rules to require a remittance transfer provider to prominently post, and timely update, a notice describing a model remittance transfer for one or more amounts, as the Board may determine, which notice shall show the amount of currency that will be received by the designated recipient, using the values of the currency into which the funds will be exchanged.

''(ii) ONSITE DISPLAYS.—The Board may require the notice prescribed under this subparagraph to be displayed in every physical storefront location owned or controlled by the remittance transfer provider.

''(iii) INTERNET NOTICES.—Subject to paragraph (3), the Board shall prescribe rules to require a remittance transfer provider that provides remittance transfers via the Internet to provide a notice, comparable to a storefront notice described in this subparagraph, located on the home page or landing page (with respect to such remittance transfer services) owned or controlled by the remittance transfer provider.

''(iv) RULEMAKING AUTHORITY.—In prescribing rules under this subparagraph, the Board may impose standards or requirements regarding the provision of the storefront and Internet notices required under this subparagraph and the provision of the disclosures required under paragraphs (2) and (3).

''(B) STUDY AND ANALYSIS.—Prior to proposing rules under subparagraph (A), the Board shall undertake appropriate studies and analyses, which shall be consistent with section 904(a)(2), and may include an advanced notice of proposed rulemaking, to determine whether a storefront notice or Internet notice facilitates the ability of a consumer—

''(i) to compare prices for remittance transfers; and

''(ii) to understand the types and amounts of any fees or costs imposed on remittance transfers.

''(b) FOREIGN LANGUAGE DISCLOSURES.—The disclosures required under this section shall be made in English and in each of the foreign languages principally used by the remittance transfer provider, or any of its agents, to advertise, solicit, or market, either orally or in writing, at that office.

''(c) REGULATIONS REGARDING TRANSFERS TO CERTAIN NATIONS.—If the Board determines that a recipient nation does not legally allow, or the method by which transactions are made in the recipient country do not allow, a remittance transfer provider to know the amount of currency that will be received by the designated recipient, the Board may prescribe rules (not later than 18 months after the date of enactment of the Consumer Financial Protection Act of 2010) addressing the issue, which rules shall include standards for a remittance transfer provider to provide—

''(1) a receipt that is consistent with subsections (a) and (b); and

''(2) a reasonably accurate estimate of the foreign currency to be received, based on the rate provided to the sender by the remittance transfer provider at the time at which the transaction was initiated by the sender.

''(d) REMITTANCE TRANSFER ERRORS.—

''(1) ERROR RESOLUTION.—

''(A) IN GENERAL.—If a remittance transfer provider receives oral or written notice from the sender within 180 days of the promised date of delivery that an error occurred with respect to a remittance transfer, including the amount of currency designated in subsection (a)(3)(A) that was to be sent to the designated recipient of the remittance transfer, using the values of the currency into which the funds should have been exchanged, but was not made available to the designated recipient in the foreign country, the remittance transfer provider shall resolve the error pursuant to this subsection and investigate the reason for the error.

''(B) REMEDIES.—Not later than 90 days after the date of receipt of a notice from the sender pursuant to subparagraph (A), the remittance transfer provider shall, as applicable to the error and as designated by the sender—

''(i) refund to the sender the total amount of funds tendered by the sender in connection with the remittance transfer which was not properly transmitted;

''(ii) make available to the designated recipient, without additional cost to the designated recipient or to the sender, the amount appropriate to resolve the error;

''(iii) provide such other remedy, as determined appropriate by rule of the Board for the protection of senders; or

''(iv) provide written notice to the sender that there was no error with an explanation responding to the specific complaint of the sender.

''(2) RULES.—The Board shall establish, by rule issued not later than 18 months after the date of enactment of the Consumer Financial Protection Act of 2010, clear and appropriate standards for remittance transfer providers with respect to error resolution relating to remittance transfers, to protect senders from such errors. Standards prescribed under this paragraph shall include appropriate standards regarding record keeping, as required, including documentation—

''(A) of the complaint of the sender;

''(B) that the sender provides the remittance transfer provider with respect to the alleged error; and

''(C) of the findings of the remittance transfer provider regarding the investigation of the alleged error that the sender brought to their attention.

''(3) CANCELLATION AND REFUND POLICY RULES.—Not later than 18 months after the date of enactment of the Consumer Financial Protection Act of 2010, the Board shall issue final rules regarding appropriate remittance transfer cancellation and refund policies for consumers.

''(e) APPLICABILITY OF THIS TITLE.—

''(1) IN GENERAL.—A remittance transfer that is not an electronic fund transfer, as defined in section 903, shall not be subject to any of the provisions of sections 905 through 913. A remittance transfer that is an electronic fund transfer, as defined in section 903, shall be subject to all provisions of this title, except for section 908, that are otherwise applicable to electronic fund transfers under this title.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(A) to affect the application to any transaction, to any remittance provider, or to any other person of any of the provisions of subchapter II of chapter 53 of title 31, United States Code, section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b), or chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951–1959), or any regulations promulgated thereunder; or

''(B) to cause any fund transfer that would not otherwise be treated as such under paragraph (1) to be treated as an electronic fund transfer, or as otherwise subject to this title, for the purposes of any of the provisions referred to in subparagraph (A) or any regulations promulgated thereunder.

''(f) ACTS OF AGENTS.—

''(1) IN GENERAL.—A remittance transfer provider shall be liable for any violation of this section by any agent, authorized delegate, or person affiliated with such provider, when such agent, authorized delegate, or affiliate acts for that remittance transfer provider.

''(2) OBLIGATIONS OF REMITTANCE TRANSFER PROVIDERS.—The Board shall prescribe rules to implement appropriate standards or conditions of, liability of a remittance transfer provider, including a provider who acts through an agent or authorized delegate. An agency charged with enforcing the requirements of this section, or rules prescribed by the Board under this section, may consider, in any action or other proceeding against a remittance transfer provider, the extent to which the provider had established and maintained policies or procedures for compliance, including policies, procedures, or other appropriate oversight measures designed to assure compliance by an agent or authorized delegate acting for such provider.

''(g) DEFINITIONS.—As used in this section—

''(1) the term 'designated recipient' means any person located in a foreign country and identified by the sender as the authorized recipient of a remittance transfer to be made by a remittance transfer provider, except that a designated recipient shall not be deemed to be a consumer for purposes of this Act;

''(2) the term 'remittance transfer'—

''(A) means the electronic (as defined in section 106(2) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006(2))) transfer of funds requested by a sender located in any State to a designated recipient that is initiated by a remittance transfer provider, whether or not the sender holds an account with the remittance transfer provider or whether or not the remittance transfer is also an electronic fund transfer, as defined in section 903; and

''(B) does not include a transfer described in subparagraph (A) in an amount that is equal to or lesser than the amount of a small-value transaction determined, by rule, to be excluded from the requirements under section 906(a);

''(3) the term 'remittance transfer provider' means any person or financial institution that provides remittance transfers for a consumer in the normal course of its business, whether or not the consumer holds an account with such person or financial institution; and

''(4) the term 'sender' means a consumer who requests a remittance provider to send a remittance transfer for the consumer to a designated recipient.''.

(b) AUTOMATED CLEARINGHOUSE SYSTEM.—

(1) EXPANSION OF SYSTEM.—The Board of Governors shall work with the Federal reserve banks and the Department of the Treasury to expand the use of the automated clearinghouse system and other payment mechanisms for remittance transfers to foreign countries, with a focus on countries that receive significant remittance transfers from the United States, based on—

(A) the number, volume, and size of such transfers;

(B) the significance of the volume of such transfers relative to the external financial flows of the receiving country, including—

(i) the total amount transferred; and

(ii) the total volume of payments made by United States Government agencies to beneficiaries and retirees living abroad;

(C) the feasibility of such an expansion; and

(D) the ability of the Federal Reserve System to establish payment gateways in different geographic regions and currency zones to receive remittance transfers and route them through the payments systems in the destination countries.

(2) REPORT TO CONGRESS.—Not later than one calendar year after the date of enactment of this Act, and on April 30 biennially thereafter during the 10-year period beginning on that date of enactment, the Board of Governors shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the status of the automated clearinghouse system and its progress in complying with the requirements of this subsection. The report shall include an analysis of adoption rates of International ACH Transactions rules and formats, the efficacy of increasing adoption rates, and potential recommendations to increase adoption.

(c) EXPANSION OF FINANCIAL INSTITUTION PROVISION OF REMITTANCE TRANSFERS.—

(1) PROVISION OF GUIDELINES TO INSTITUTIONS.—Each of the Federal banking agencies and the National Credit Union Administration shall provide guidelines to financial institutions under the jurisdiction of the agency regarding the offering of low-cost remittance transfers and no-cost or low-cost basic consumer accounts, as well as agency services to remittance transfer providers.

(2) ASSISTANCE TO FINANCIAL LITERACY COMMISSION.—As part of its duties as members of the Financial Literacy and Education Commission, the Bureau, the Federal banking agencies, and the National Credit Union Administration shall assist the Financial Literacy and Education Commission in executing the Strategy for Assuring Financial Empowerment (or the ''SAFE Strategy''), as it relates to remittances.

(d) FEDERAL CREDIT UNION ACT CONFORMING AMENDMENT.—Paragraph (12) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended to read as follows:

''(12) in accordance with regulations prescribed by the Board—

''(A) to sell, to persons in the field of membership, negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers and remittance transfers, as defined in section 919 of the Electronic Fund Transfer Act); and

''(B) to cash checks and money orders for persons in the field of membership for a fee;''.

(e) REPORT ON FEASIBILITY OF AND IMPEDIMENTS TO USE OF REMITTANCE HISTORY IN CALCULATION OF CREDIT SCORE.—Before the end of the 365-day period beginning on the date of enactment of this Act, the Director shall submit a report to the President, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives regarding—

(1) the manner in which the remittance history of a consumer could be used to enhance the credit score of the consumer;

(2) the current legal and business model barriers and impediments that impede the use of the remittance history of the consumer to enhance the credit score of the consumer; and

(3) recommendations on the manner in which maximum transparency and disclosure to consumers of exchange rates for remittance transfers subject to this title and the amendments made by this title may be accomplished, whether or not such exchange rates are known at the time of origination or payment by the consumer for the remittance transfer, including disclosure to the sender of the actual exchange rate used and the amount of currency that the recipient of the remittance transfer received, using the values of the currency into which the funds were exchanged, as contained in sections 919(a)(2)(D) and 919(a)(3) of the Electronic Fund Transfer Act (as amended by this section).

SEC. 1074. DEPARTMENT OF THE TREASURY STUDY ON ENDING THE CONSERVATORSHIP OF FANNIE MAE, FREDDIE MAC, AND REFORMING THE HOUSING FINANCE SYSTEM.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of the Treasury shall conduct a study of and develop recommendations regarding the options for ending the conservatorship of the Federal National Mortgage Association (in this section referred to as ''Fannie Mae'') and the Federal Home Loan Mortgage Corporation (in this section referred to as ''Freddie Mac''), while minimizing the cost to taxpayers, including such options as—

(A) the gradual wind-down and liquidation of such entities;

(B) the privatization of such entities;

(C) the incorporation of the functions of such entities into a Federal agency;

(D) the dissolution of Fannie Mae and Freddie Mac into smaller companies; or

(E) any other measures the Secretary determines appropriate.

(2) ANALYSES.—The study required under paragraph (1) shall include an analysis of—

(A) the role of the Federal Government in supporting a stable, well-functioning housing finance system, and whether and to what extent the Federal Government should bear risks in meeting Federal housing finance objectives;

(B) how the current structure of the housing finance system can be improved;

(C) how the housing finance system should support the continued availability of mortgage credit to all segments of the market;

(D) how the housing finance system should be structured to ensure that consumers continue to have access to 30-year, fixed rate, pre-payable mortgages and other mortgage products that have simple terms that can be easily understood;

(E) the role of the Federal Housing Administration and the Department of Veterans Affairs in a future housing system;

(F) the impact of reforms of the housing finance system on the financing of rental housing;

(G) the impact of reforms of the housing finance system on secondary market liquidity;

(H) the role of standardization in the housing finance system;

(I) how housing finance systems in other countries offer insights that can help inform options for reform in the United States; and

(J) the options for transition to a reformed housing finance system.

(b) REPORT AND RECOMMENDATIONS.—Not later than January 31, 2011, the Secretary of the Treasury shall submit the report and recommendations required under subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 1075. REASONABLE FEES AND RULES FOR PAYMENT CARD TRANSACTIONS.

(a) IN GENERAL.—The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 920 and 921 as sections 921 and 922, respectively; and

(2) by inserting after section 919 the following:

''SEC. 920. REASONABLE FEES AND RULES FOR PAYMENT CARD TRANSACTIONS.

''(a) REASONABLE INTERCHANGE TRANSACTION FEES FOR ELECTRONIC DEBIT TRANSACTIONS.—

''(1) REGULATORY AUTHORITY OVER INTERCHANGE TRANSACTION FEES.—The Board may prescribe regulations, pursuant to section 553 of title 5, United States Code, regarding any interchange transaction fee that an issuer may receive or charge with respect to an electronic debit transaction, to implement this subsection (including related definitions), and to prevent circumvention or evasion of this subsection.

''(2) REASONABLE INTERCHANGE TRANSACTION FEES.—The amount of any interchange transaction fee that an issuer may receive or charge with respect to an electronic debit transaction shall be reasonable and proportional to the cost incurred by the issuer with respect to the transaction.

''(3) RULEMAKING REQUIRED.—

''(A) IN GENERAL.—The Board shall prescribe regulations in final form not later than 9 months after the date of enactment of the Consumer Financial Protection Act of 2010, to establish standards for assessing whether the amount of any interchange transaction fee described in paragraph (2) is reasonable and proportional to the cost incurred by the issuer with respect to the transaction.

''(B) INFORMATION COLLECTION.—The Board may require any issuer (or agent of an issuer) or payment card network to provide the Board with such information as may be necessary to carry out the provisions of this subsection and the Board, in issuing rules under subparagraph (A) and on at least a bi-annual basis thereafter, shall disclose such aggregate or summary information concerning the costs incurred, and interchange transaction fees charged or received, by issuers or payment card networks in connection with the authorization, clearance or settlement of electronic debit transactions as the Board considers appropriate and in the public interest.

''(4) CONSIDERATIONS; CONSULTATION.—In prescribing regulations under paragraph (3)(A), the Board shall—

''(A) consider the functional similarity between—

''(i) electronic debit transactions; and

''(ii) checking transactions that are required within the Federal Reserve bank system to clear at par;

''(B) distinguish between—

''(i) the incremental cost incurred by an issuer for the role of the issuer in the authorization, clearance, or settlement of a particular electronic debit transaction, which cost shall be considered under paragraph (2); and

''(ii) other costs incurred by an issuer which are not specific to a particular electronic debit transaction, which costs shall not be considered under paragraph (2); and

''(C) consult, as appropriate, with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, the National Credit Union Administration Board, the Administrator of the Small Business Administration, and the Director of the Bureau of Consumer Financial Protection.

''(5) ADJUSTMENTS TO INTERCHANGE TRANSACTION FEES FOR FRAUD PREVENTION COSTS.—

''(A) ADJUSTMENTS.—The Board may allow for an adjustment to the fee amount received or charged by an issuer under paragraph (2), if—

''(i) such adjustment is reasonably necessary to make allowance for costs incurred by the issuer in preventing fraud in relation to electronic debit transactions involving that issuer; and

''(ii) the issuer complies with the fraud-related standards established by the Board under subparagraph (B), which standards shall—

''(I) be designed to ensure that any fraud-related adjustment of the issuer is limited to the

amount described in clause (i) and takes into account any fraud-related reimbursements (including amounts from charge-backs) received from consumers, merchants, or payment card networks in relation to electronic debit transactions involving the issuer; and

''(II) require issuers to take effective steps to reduce the occurrence of, and costs from, fraud in relation to electronic debit transactions, including through the development and implementation of cost-effective fraud prevention technology.

''(B) RULEMAKING REQUIRED.—

''(i) IN GENERAL.—The Board shall prescribe regulations in final form not later than 9 months after the date of enactment of the Consumer Financial Protection Act of 2010, to establish standards for making adjustments under this paragraph.

''(ii) FACTORS FOR CONSIDERATION.—In issuing the standards and prescribing regulations under this paragraph, the Board shall consider—

''(I) the nature, type, and occurrence of fraud in electronic debit transactions;

''(II) the extent to which the occurrence of fraud depends on whether authorization in an electronic debit transaction is based on signature, PIN, or other means;

''(III) the available and economical means by which fraud on electronic debit transactions may be reduced;

''(IV) the fraud prevention and data security costs expended by each party involved in electronic debit transactions (including consumers, persons who accept debit cards as a form of payment, financial institutions, retailers and payment card networks);

''(V) the costs of fraudulent transactions absorbed by each party involved in such transactions (including consumers, persons who accept debit cards as a form of payment, financial institutions, retailers and payment card networks);

''(VI) the extent to which interchange transaction fees have in the past reduced or increased incentives for parties involved in electronic debit transactions to reduce fraud on such transactions; and

''(VII) such other factors as the Board considers appropriate.

''(6) EXEMPTION FOR SMALL ISSUERS.—

''(A) IN GENERAL.—This subsection shall not apply to any issuer that, together with its affiliates, has assets of less than $10,000,000,000, and the Board shall exempt such issuers from regulations prescribed under paragraph (3)(A).

''(B) DEFINITION.—For purposes of this paragraph, the term ''issuer'' shall be limited to the person holding the asset account that is debited through an electronic debit transaction.

''(7) EXEMPTION FOR GOVERNMENT-ADMINISTERED PAYMENT PROGRAMS AND RELOADABLE PREPAID CARDS.—

''(A) IN GENERAL.—This subsection shall not apply to an interchange transaction fee charged or received with respect to an electronic debit transaction in which a person uses—

''(i) a debit card or general-use prepaid card that has been provided to a person pursuant to a Federal, State or local government-administered payment program, in which the person may only use the debit card or general-use prepaid card to transfer or debit funds, monetary value, or other assets that have been provided pursuant to such program; or

''(ii) a plastic card, payment code, or device that is—

''(I) linked to funds, monetary value, or assets which are purchased or loaded on a prepaid basis;

''(II) not issued or approved for use to access or debit any account held by or for the benefit of the card holder (other than a subaccount or other method of recording or tracking funds purchased or loaded on the card on a prepaid basis);

''(III) redeemable at multiple, unaffiliated merchants or service providers, or automated teller machines;

''(IV) used to transfer or debit funds, monetary value, or other assets; and

''(V) reloadable and not marketed or labeled as a gift card or gift certificate.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), after the end of the 1-year period beginning on the effective date provided in paragraph (9), this subsection shall apply to an interchange transaction fee charged or received with respect to an electronic debit transaction described in subparagraph (A)(i) in which a person uses a general-use prepaid card, or an electronic debit transaction described in subparagraph (A)(ii), if any of the following fees may be charged to a person with respect to the card:

''(i) A fee for an overdraft, including a shortage of funds or a transaction processed for an amount exceeding the account balance.

''(ii) A fee imposed by the issuer for the first withdrawal per month from an automated teller machine that is part of the issuer's designated automated teller machine network.

''(C) DEFINITION.—For purposes of subparagraph (B), the term 'designated automated teller machine network' means either—

''(i) all automated teller machines identified in the name of the issuer; or

''(ii) any network of automated teller machines identified by the issuer that provides reasonable and convenient access to the issuer's customers.

''(D) REPORTING.—Beginning 12 months after the date of enactment of the Consumer Financial Protection Act of 2010, the Board shall annually provide a report to the Congress regarding —

''(i) the prevalence of the use of general-use prepaid cards in Federal, State or local government-administered payment programs; and

''(ii) the interchange transaction fees and cardholder fees charged with respect to the use of such general-use prepaid cards.

''(8) REGULATORY AUTHORITY OVER NETWORK FEES.—

''(A) IN GENERAL.—The Board may prescribe regulations, pursuant to section 553 of title 5, United States Code, regarding any network fee.

''(B) LIMITATION.—The authority under subparagraph (A) to prescribe regulations shall be limited to regulations to ensure that—

''(i) a network fee is not used to directly or indirectly compensate an issuer with respect to an electronic debit transaction; and

''(ii) a network fee is not used to circumvent or evade the restrictions of this subsection and regulations prescribed under such subsection.

''(C) RULEMAKING REQUIRED.—The Board shall prescribe regulations in final form before the end of the 9-month period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010, to carry out the authorities provided under subparagraph (A).

''(9) EFFECTIVE DATE.—This subsection shall take effect at the end of the 12-month period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010.

''(b) LIMITATION ON PAYMENT CARD NETWORK RESTRICTIONS.—

''(1) PROHIBITIONS AGAINST EXCLUSIVITY ARRANGEMENTS.—

''(A) NO EXCLUSIVE NETWORK.—The Board shall, before the end of the 1-year period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010, prescribe regulations providing that an issuer or payment card network shall not directly or through any agent, processor, or licensed member of a payment card network, by contract, requirement, condition, penalty, or otherwise, restrict the number of payment card networks on which an electronic debit transaction may be processed to—

''(i) 1 such network; or

''(ii) 2 or more such networks which are owned, controlled, or otherwise operated by—

''(I) affiliated persons; or

''(II) networks affiliated with such issuer.

''(B) NO ROUTING RESTRICTIONS.—The Board shall, before the end of the 1-year period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010, prescribe regulations providing that an issuer or payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person who accepts debit cards for payments to direct the routing of electronic debit transactions for processing over any payment card network that may process such transactions.

''(2) LIMITATION ON RESTRICTIONS ON OFFERING DISCOUNTS FOR USE OF A FORM OF PAYMENT.—

''(A) IN GENERAL.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability of any person to provide a discount or in-kind incentive for payment by the use of cash, checks, debit cards, or credit cards to the extent that—

''(i) in the case of a discount or in-kind incentive for payment by the use of debit cards, the discount or in-kind incentive does not differentiate on the basis of the issuer or the payment card network;

''(ii) in the case of a discount or in-kind incentive for payment by the use of credit cards, the discount or in-kind incentive does not differentiate on the basis of the issuer or the payment card network; and

''(iii) to the extent required by Federal law and applicable State law, such discount or in-kind incentive is offered to all prospective buyers and disclosed clearly and conspicuously.

''(B) LAWFUL DISCOUNTS.—For purposes of this paragraph, the network may not penalize any person for the providing of a discount that is in compliance with Federal law and applicable State law.

''(3) LIMITATION ON RESTRICTIONS ON SETTING TRANSACTION MINIMUMS OR MAXIMUMS.—

''(A) IN GENERAL.—A payment card network shall not, directly or through any agent, processor, or licensed member of the network, by contract, requirement, condition, penalty, or otherwise, inhibit the ability—

''(i) of any person to set a minimum dollar value for the acceptance by that person of credit cards, to the extent that —

''(I) such minimum dollar value does not differentiate between issuers or between payment card networks; and

''(II) such minimum dollar value does not exceed $10.00; or

''(ii) of any Federal agency or institution of higher education to set a maximum dollar value for the acceptance by that Federal agency or institution of higher education of credit cards, to the extent that such maximum dollar value does not differentiate between issuers or between payment card networks.

''(B) INCREASE IN MINIMUM DOLLAR AMOUNT.—The Board may, by regulation prescribed pursuant to section 553 of title 5, United States Code, increase the amount of the dollar value listed in subparagraph (A)(i)(II).

''(4) RULE OF CONSTRUCTION.—No provision of this subsection shall be construed to authorize any person—

''(A) to discriminate between debit cards within a payment card network on the basis of the issuer that issued the debit card; or

''(B) to discriminate between credit cards within a payment card network on the basis of the issuer that issued the credit card.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) AFFILIATE.—The term 'affiliate' means any company that controls, is controlled by, or is under common control with another company.

''(2) DEBIT CARD.—The term 'debit card'—

''(A) means any card, or other payment code or device, issued or approved for use through a payment card network to debit an asset account (regardless of the purpose for which the account is established), whether authorization is based on signature, PIN, or other means;

''(B) includes a general-use prepaid card, as that term is defined in section 915(a)(2)(A); and

''(C) does not include paper checks.

''(3) CREDIT CARD.—The term 'credit card' has the same meaning as in section 103 of the Truth in Lending Act.

''(4) DISCOUNT.—The term 'discount'—

''(A) means a reduction made from the price that customers are informed is the regular price; and

''(B) does not include any means of increasing the price that customers are informed is the regular price.

''(5) ELECTRONIC DEBIT TRANSACTION.—The term 'electronic debit transaction' means a transaction in which a person uses a debit card.

''(6) FEDERAL AGENCY.—The term 'Federal agency' means—

''(A) an agency (as defined in section 101 of title 31, United States Code); and

''(B) a Government corporation (as defined in section 103 of title 5, United States Code).

''(7) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning as in 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002).

''(8) INTERCHANGE TRANSACTION FEE.—The term 'interchange transaction fee' means any fee established, charged or received by a payment card network for the purpose of compensating an issuer for its involvement in an electronic debit transaction.

''(9) ISSUER.—The term 'issuer' means any person who issues a debit card, or credit card, or the agent of such person with respect to such card.

''(10) NETWORK FEE.—The term 'network fee' means any fee charged and received by a payment card network with respect to an electronic debit transaction, other than an interchange transaction fee.

''(11) PAYMENT CARD NETWORK.—The term 'payment card network' means an entity that directly, or through licensed members, processors, or agents, provides the proprietary services, infrastructure, and software that route information and data to conduct debit card or credit card transaction authorization, clearance, and settlement, and that a person uses in order to accept as a form of payment a brand of debit card, credit card or other device that may be used to carry out debit or credit transactions.

''(d) ENFORCEMENT.—

''(1) IN GENERAL.—Compliance with the requirements imposed under this section shall be enforced under section 918.

''(2) EXCEPTION.—Sections 916 and 917 shall not apply with respect to this section or the requirements imposed pursuant to this section.''.

(b) AMENDMENT TO THE FOOD AND NUTRITION ACT OF 2008.—Section 7(h)(10) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)(10)) is amended to read as follows:

''(10) FEDERAL LAW NOT APPLICABLE.—Section 920 of the Electronic Fund Transfer Act shall not apply to electronic benefit transfer or reimbursement systems under this Act.''.

(c) AMENDMENT TO THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002.—Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended by adding at the end the following new subsection:

''(f) FEDERAL LAW NOT APPLICABLE.—Section 920 of the Electronic Fund Transfer Act shall not apply to electronic benefit transfer systems established under this section.''.

(d) AMENDMENT TO THE CHILD NUTRITION ACT OF 1966.—Section 11 of the Child Nutrition Act of 1966 (42 U.S.C. 1780) is amended by adding at the end the following:

''(c) FEDERAL LAW NOT APPLICABLE.—Section 920 of the Electronic Fund Transfer Act shall not apply to electronic benefit transfer systems established under this Act or the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).''.

SEC. 1076. REVERSE MORTGAGE STUDY AND REGULATIONS.

(a) STUDY.—Not later than 1 year after the designated transfer date, the Bureau shall conduct a study on reverse mortgage transactions.

(b) REGULATIONS.—

(1) IN GENERAL.—If the Bureau determines through the study required under subsection (a) that conditions or limitations on reverse mortgage transactions are necessary or appropriate for accomplishing the purposes and objectives of this title, including protecting borrowers with respect to the obtaining of reverse mortgage loans for the purpose of funding investments, annuities, and other investment products and the suitability of a borrower in obtaining a reverse mortgage for such purpose.

(2) IDENTIFIED PRACTICES AND INTEGRATED DISCLOSURES.—The regulations prescribed under paragraph (1) may, as the Bureau may so determine—

(A) identify any practice as unfair, deceptive, or abusive in connection with a reverse mortgage transaction; and

(B) provide for an integrated disclosure standard and model disclosures for reverse mortgage transactions, consistent with section 4302(d), that combines the relevant disclosures required under the Truth in Lending Act (15 U.S.C. 1601 et seq.) and the Real Estate Settlement Procedures Act, with the disclosures required to be provided to consumers for Home Equity Conversion Mortgages under section 255 of the National Housing Act.

(c) RULE OF CONSTRUCTION.—This section shall not be construed as limiting the authority of the Bureau to issue regulations, orders, or guidance that apply to reverse mortgages prior to the completion of the study required under subsection (a).

SEC. 1077. REPORT ON PRIVATE EDUCATION LOANS AND PRIVATE EDUCATIONAL LENDERS.

(a) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director and the Secretary of Education, in consultation with the Commissioners of the Federal Trade Commission, and the Attorney General of the United States, shall submit a report to the Committee on Banking, Housing, and Urban Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Financial Services and the Committee on Education and Labor of the House of Representatives, on private education loans (as that term is defined in section 140 of the Truth in Lending Act (15 U.S.C. 1650)) and private educational lenders (as that term is defined in such section).

(b) CONTENT.—The report required by this section shall examine, at a minimum—

(1) the growth and changes of the private education loan market in the United States;

(2) factors influencing such growth and changes;

(3) the extent to which students and parents of students rely on private education loans to finance postsecondary education and the private education loan indebtedness of borrowers;

(4) the characteristics of private education loan borrowers, including—

(A) the types of institutions of higher education that they attend;

(B) socioeconomic characteristics (including income and education levels, racial characteristics, geographical background, age, and gender);

(C) what other forms of financing borrowers use to pay for education;

(D) whether they exhaust their Federal loan options before taking out a private loan;

(E) whether such borrowers are dependent or independent students (as determined under part F of title IV of the Higher Education Act of 1965) or parents of such students;

(F) whether such borrowers are students enrolled in a program leading to a certificate, license, or credential other than a degree, an associates degree, a baccalaureate degree, or a graduate or professional degree; and

(G) if practicable, employment and repayment behaviors;

(5) the characteristics of private educational lenders, including whether such creditors are for-profit, non-profit, or institutions of higher education;

(6) the underwriting criteria used by private educational lenders, including the use of cohort default rate (as such term is defined in section 435(m) of the Higher Education Act of 1965);

(7) the terms, conditions, and pricing of private education loans;

(8) the consumer protections available to private education loan borrowers, including the effectiveness of existing disclosures and requirements and borrowers' awareness and understanding about terms and conditions of various financial products;

(9) whether Federal regulators and the public have access to information sufficient to provide them with assurances that private education loans are provided in accord with the Nation's fair lending laws and that allows public officials to determine lender compliance with fair lending laws; and

(10) any statutory or legislative recommendations necessary to improve consumer protections for private education loan borrowers and to better enable Federal regulators and the public to ascertain private educational lender compliance with fair lending laws.

SEC. 1078. STUDY AND REPORT ON CREDIT SCORES.

(a) STUDY.—The Bureau shall conduct a study on the nature, range, and size of variations between the credit scores sold to creditors and those sold to consumers by consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act; 15 U.S.C. 1681a(p)), and whether such variations disadvantage consumers.

(b) REPORT TO CONGRESS.—The Bureau shall submit a report to Congress on the results of the study conducted under subsection (a) not later than 1 year after the date of enactment of this Act.

SEC. 1079. REVIEW, REPORT, AND PROGRAM WITH RESPECT TO EXCHANGE FACILITATORS.

(a) REVIEW.—The Director shall review all Federal laws and regulations relating to the protection of consumers who use exchange facilitators for transactions primarily for personal, family, or household purposes.

(b) REPORT.—Not later than 1 year after the designated transfer date, the Director shall submit to Congress a report describing—

(1) recommendations for legislation to ensure the appropriate protection of consumers who use exchange facilitators for transactions primarily for personal, family, or household purposes;

(2) recommendations for updating the regulations of Federal departments and agencies to ensure the appropriate protection of such consumers; and

(3) recommendations for regulations to ensure the appropriate protection of such consumers.

(c) PROGRAM.—Not later than 2 years after the date of the submission of the report under subsection (b), the Bureau shall, consistent with subtitle B, propose regulations or otherwise establish a program to protect consumers who use exchange facilitators.

(d) EXCHANGE FACILITATOR DEFINED.—In this section, the term ''exchange facilitator'' means a person that—

(1) facilitates, for a fee, an exchange of like kind property by entering into an agreement with a taxpayer by which the exchange facilitator acquires from the taxpayer the contractual rights to sell the taxpayer's relinquished property and transfers a replacement property to the taxpayer as a qualified intermediary (within the meaning of Treasury Regulations section 1.1031(k)–1(g)(4)) or enters into an agreement with the taxpayer to take title to a property as an exchange accommodation titleholder (within the meaning of Revenue Procedure 2000–37) or enters into an agreement with a taxpayer to act as a qualified trustee or qualified escrow holder (within the meaning of Treasury Regulations section 1.1031(k)–1(g)(3));

(2) maintains an office for the purpose of soliciting business to perform the services described in paragraph (1); or

(3) advertises any of the services described in paragraph (1) or solicits clients in printed publications, direct mail, television or radio advertisements, telephone calls, facsimile transmissions, or other electronic communications directed to the general public for purposes of providing any such services.

SEC. 1079A. FINANCIAL FRAUD PROVISIONS.

(a) SENTENCING GUIDELINES.—

(1) SECURITIES FRAUD.—

(A) DIRECTIVE.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this paragraph, the United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of offenses relating to securities fraud or any other similar provision of law, in order to reflect the intent of Congress that penalties for the offenses under the guidelines and policy statements appropriately account for the potential and actual harm to the public and the financial markets from the offenses.

(B) REQUIREMENTS.—In making any amendments to the Federal Sentencing Guidelines and policy statements under subparagraph (A), the United States Sentencing Commission shall—

(i) ensure that the guidelines and policy statements, particularly section 2B1.1(b)(14) and section 2B1.1(b)(17) (and any successors thereto), reflect—

(I) the serious nature of the offenses described in subparagraph (A);

(II) the need for an effective deterrent and appropriate punishment to prevent the offenses; and

(III) the effectiveness of incarceration in furthering the objectives described in subclauses (I) and (II);

(ii) consider the extent to which the guidelines appropriately account for the potential and actual harm to the public and the financial markets resulting from the offenses;

(iii) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(iv) make any necessary conforming changes to guidelines; and

(v) ensure that the guidelines adequately meet the purposes of sentencing, as set forth in section 3553(a)(2) of title 18, United States Code.

(2) FINANCIAL INSTITUTION FRAUD.—

(A) DIRECTIVE.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this paragraph, the United States Sentencing Commission shall review and, if appropriate, amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of fraud offenses relating to financial institutions or federally related mortgage loans and any other similar provisions of law, to reflect the intent of Congress that the penalties for the offenses under the guidelines and policy statements ensure appropriate terms of imprisonment for offenders involved in substantial bank frauds or other frauds relating to financial institutions.

(B) REQUIREMENTS.—In making any amendments to the Federal Sentencing Guidelines and policy statements under subparagraph (A), the United States Sentencing Commission shall—

(i) ensure that the guidelines and policy statements reflect—

(I) the serious nature of the offenses described in subparagraph (A);

(II) the need for an effective deterrent and appropriate punishment to prevent the offenses; and

(III) the effectiveness of incarceration in furthering the objectives described in subclauses (I) and (II);

(ii) consider the extent to which the guidelines appropriately account for the potential and actual harm to the public and the financial markets resulting from the offenses;

(iii) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(iv) make any necessary conforming changes to guidelines; and

(v) ensure that the guidelines adequately meet the purposes of sentencing, as set forth in section 3553(a)(2) of title 18, United States Code.

(b) EXTENSION OF STATUTE OF LIMITATIONS FOR SECURITIES FRAUD VIOLATIONS.—

(1) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3301. Securities fraud offenses

''(a) DEFINITION.—In this section, the term 'securities fraud offense' means a violation of, or a conspiracy or an attempt to violate—

''(1) section 1348;

''(2) section 32(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(a));

''(3) section 24 of the Securities Act of 1933 (15 U.S.C. 77x);

''(4) section 217 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–17);

''(5) section 49 of the Investment Company Act of 1940 (15 U.S.C. 80a–48); or

''(6) section 325 of the Trust Indenture Act of 1939 (15 U.S.C. 77yyy).

''(b) LIMITATION.—No person shall be prosecuted, tried, or punished for a securities fraud offense, unless the indictment is found or the information is instituted within 6 years after the commission of the offense.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3301. Securities fraud offenses.''.

(c) AMENDMENTS TO THE FALSE CLAIMS ACT RELATING TO LIMITATIONS ON ACTIONS.—Section 3730(h) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking ''or agent on behalf of the employee, contractor, or agent or associated others in furtherance of other efforts to stop 1 or more violations of this subchapter'' and inserting ''agent or associated others in furtherance of an action under this section or other efforts to stop 1 or more violations of this subchapter''; and

(2) by adding at the end the following:

''(3) LIMITATION ON BRINGING CIVIL ACTION.—A civil action under this subsection may not be brought more than 3 years after the date when the retaliation occurred.''.

Subtitle H—Conforming Amendments

SEC. 1081. AMENDMENTS TO THE INSPECTOR GENERAL ACT.

Effective on the date of enactment of this Act, the Inspector General Act of 1978 (5 U.S.C. App. 3) is amended—

(1) in section 8G(a)(2), by inserting ''and the Bureau of Consumer Financial Protection'' after ''Board of Governors of the Federal Reserve System'';

(2) in section 8G(c), by adding at the end the following: ''For purposes of implementing this section, the Chairman of the Board of Governors of the Federal Reserve System shall appoint the Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection. The Inspector General of the Board of Governors of the Federal Reserve System and the Bureau of Consumer Financial Protection shall have all of the authorities and responsibilities provided by this Act with respect to the Bureau of Consumer Financial Protection, as if the Bureau were part of the Board of Governors of the Federal Reserve System.''; and

(3) in section 8G(g)(3), by inserting ''and the Bureau of Consumer Financial Protection'' after ''Board of Governors of the Federal Reserve System'' the first place that term appears.

SEC. 1082. AMENDMENTS TO THE PRIVACY ACT OF 1974.

Effective on the date of enactment of this Act, section 552a of title 5, United States Code, is amended by adding at the end the following:

''(w) APPLICABILITY TO BUREAU OF CONSUMER FINANCIAL PROTECTION.—Except as provided in the Consumer Financial Protection Act of 2010, this section shall apply with respect to the Bureau of Consumer Financial Protection.''.

SEC. 1083. AMENDMENTS TO THE ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT OF 1982.

(a) IN GENERAL.—The Alternative Mortgage Transaction Parity Act of 1982 (12 U.S.C. 3801 et seq.) is amended—

(1) in section 803 (12 U.S.C. 3802(1)), by striking ''1974'' and all that follows through ''described and defined'' and inserting the following: ''1974), in which the interest rate or finance charge may be adjusted or renegotiated, described and defined''; and

(2) in section 804 (12 U.S.C. 3803)—

(A) in subsection (a)—

(i) in each of paragraphs (1), (2), and (3), by inserting after ''transactions made'' each place that term appears ''on or before the designated transfer date, as determined under section 1062 of the Consumer Financial Protection Act of 2010,'';

(ii) in paragraph (2), by striking ''and'' at the end;

(iii) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new paragraph:

''(4) with respect to transactions made after the designated transfer date, only in accordance with regulations governing alternative mortgage transactions, as issued by the Bureau of Consumer Financial Protection for federally chartered housing creditors, in accordance with the rulemaking authority granted to the Bureau of Consumer Financial Protection with regard to federally chartered housing creditors under provisions of law other than this section.'';

(B) by striking subsection (c) and inserting the following:

''(c) PREEMPTION OF STATE LAW.—An alternative mortgage transaction may be made by a housing creditor in accordance with this section, notwithstanding any State constitution, law, or regulation that prohibits an alternative mortgage transaction. For purposes of this subsection, a State constitution, law, or regulation that prohibits an alternative mortgage transaction does not include any State constitution, law, or regulation that regulates mortgage transactions generally, including any restriction on prepayment penalties or late charges.''; and

(C) by adding at the end the following:

''(d) BUREAU ACTIONS.—The Bureau of Consumer Financial Protection shall—

''(1) review the regulations identified by the Comptroller of the Currency and the National Credit Union Administration, (as those rules exist on the designated transfer date), as applicable under paragraphs (1) through (3) of subsection (a);

''(2) determine whether such regulations are fair and not deceptive and otherwise meet the objectives of the Consumer Financial Protection Act of 2010; and

''(3) promulgate regulations under subsection (a)(4) after the designated transfer date.

''(e) DESIGNATED TRANSFER DATE.—As used in this section, the term 'designated transfer date' means the date determined under section 1062 of the Consumer Financial Protection Act of 2010.''.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on the designated transfer date.

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not affect any transaction covered by the Alternative Mortgage Transaction Parity Act of l982 (12 U.S.C. 3801 et seq.) and entered into on or before the designated transfer date.

SEC. 1084. AMENDMENTS TO THE ELECTRONIC FUND TRANSFER ACT.

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by striking ''Board'' each place that term appears and inserting ''Bureau'', except in subsections (a) and (e) of section 904 (as amended

in paragraph (3) of this section) and in 918 (15 U.S.C. 1693o) (as so designated by the Credit Card Act of 2009) and section 920 (as added by section 1076);

(2) in section 903 (15 U.S.C. 1693a)—

(A) by redesignating paragraphs (3) through (11) as paragraphs (4) through (12), respectively; and

(B) by inserting after paragraph (3) the following:

''(4) the term 'Bureau' means the Bureau of Consumer Financial Protection;'';

(3) in section 904 (15 U.S.C. 1693b)—

(A) in subsection (a), by striking ''(a) PRESCRIPTION BY BOARD.—The Board shall prescribe regulations to carry out the purposes of this title.'' and inserting the following:

''(a) PRESCRIPTION BY THE BUREAU AND THE BOARD.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Bureau shall prescribe rules to carry out the purposes of this title.

''(2) AUTHORITY OF THE BOARD.—The Board shall have sole authority to prescribe rules—

''(A) to carry out the purposes of this title with respect to a person described in section 1029(a) of the Consumer Financial Protection Act of 2010; and

''(B) to carry out the purposes of section 920.''; and

(B) by adding at the end the following new subsection:

''(e) DEFERENCE.—No provision of this title may be construed as altering, limiting, or otherwise affecting the deference that a court affords to—

''(1) the Bureau in making determinations regarding the meaning or interpretation of any provision of this title for which the Bureau has authority to prescribe regulations; or

''(2) the Board in making determinations regarding the meaning or interpretation of section 920.''.

(4) in section 916(d) (15 U.S.C. 1693m) (as so designated by the Credit CARD Act of 2009)—

(A) in the subsection heading, by striking ''OF BOARD OR APPROVAL OF DULY AUTHORIZED OFFICIAL OR EMPLOYEE OF FEDERAL RESERVE SYSTEM'';

(B) by inserting ''Bureau or the'' before ''Board'' each place that term appears; and

(C) by inserting ''Bureau of Consumer Financial Protection or the'' before ''Federal Reserve System''; and

(5) in section 918 (15 U.S.C. 1693o) (as so designated by the Credit CARD Act of 2009)—

(A) in subsection (a)—

(i) by striking ''Compliance'' and inserting ''Subject to subtitle B of the Consumer Financial Protection Act of 2010, compliance'';

(ii) by striking paragraphs (1) and (2), and inserting the following:

''(1) section 8 of the Federal Deposit Insurance Act, by the appropriate Federal banking agency, as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), with respect to—

''(A) national banks, Federal savings associations, and Federal branches and Federal agencies of foreign banks;

''(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act; and

''(C) banks and State savings associations insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), and insured State branches of foreign banks;'';

(iii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(iv) in paragraph (2) (as so redesignated), by striking the period at the end and inserting a semicolon;

(v) in paragraph (3) (as so redesignated), by striking ''and'' at the end;

(vi) in paragraph (4) (as so redesignated), by striking the period at the end and inserting ''and''; and

(vii) by adding at the end the following:

''(5) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau, with respect to any person subject to this title, except that the Bureau shall not have authority to enforce the requirements of section 920 or any regulations prescribed by the Board under section 920.'';

(B) in subsection (b), by inserting ''any of paragraphs (1) through (4) of'' before ''subsection (a)'' each place that term appears; and

(C) by striking subsection (c) and inserting the following:

''(c) OVERALL ENFORCEMENT AUTHORITY OF THE FEDERAL TRADE COMMISSION.—Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under any of paragraphs (1) through (4) of subsection (a), and subject to subtitle B of the Consumer Financial Protection Act of 2010, the Federal Trade Commission shall be authorized to enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person subject to the jurisdiction of the Federal Trade Commission with the requirements imposed under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.''.

SEC. 1085. AMENDMENTS TO THE EQUAL CREDIT OPPORTUNITY ACT.

The Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) is amended—

(1) by striking ''Board'' each place that term appears, other than in section 703(f) (as added by this section) and section 704(a)(4) (15 U.S.C. 1691c(a)(4)), and inserting ''Bureau'';

(2) in section 702 (15 U.S.C. 1691a), by striking subsection (c) and inserting the following:

''(c) The term 'Bureau' means the Bureau of Consumer Financial Protection.'';

(3) in section 703 (15 U.S.C. 1691b)—

(A) by striking the section heading and inserting the following:

''SEC. 703. PROMULGATION OF REGULATIONS BY THE BUREAU.'';

(B) by striking ''(a) REGULATIONS.—'';

(C) by striking subsection (b);

(D) by redesignating paragraphs (1) through (5) as subsections (a) through (e), respectively;

(E) in subsection (c), as so redesignated, by striking ''paragraph (2)'' and inserting ''subsection (b)''; and

(F) by adding at the end the following:

''(f) BOARD AUTHORITY.—Notwithstanding subsection (a), the Board shall prescribe regulations to carry out the purposes of this title with respect to a person described in section 1029(a) of the Consumer Financial Protection Act of 2010. These regulations may contain but are not limited to such classifications, differentiation, or other provision, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate or substantiate compliance therewith.

''(g) DEFERENCE.—Notwithstanding any power granted to any Federal agency under this title, the deference that a court affords to a Federal agency with respect to a determination made by such agency relating to the meaning or interpretation of any provision of this title that is subject to the jurisdiction of such agency shall be applied as if that agency were the only agency authorized to apply, enforce, interpret, or administer the provisions of this title'';

(4) in section 704 (15 U.S.C. 1691c)—

(A) in subsection (a)—

(i) by striking ''Compliance'' and inserting ''Subject to subtitle B of the Consumer Protection Financial Protection Act of 2010'';

(ii) by striking paragraphs (1) and (2) and inserting the following:

''(1) section 8 of the Federal Deposit Insurance Act, by the appropriate Federal banking agency, as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), with respect to—

''(A) national banks, Federal savings associations, and Federal branches and Federal agencies of foreign banks;

''(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act; and

''(C) banks and State savings associations insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), and insured State branches of foreign banks;'';

(iii) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(iv) in paragraph (7) (as so redesignated), by striking ''and'' at the end;

(v) in paragraph (8) (as so redesignated), by striking the period at the end, and inserting ''; and''; and

(vi) by adding at the end the following:

''(9) Subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau, with respect to any person subject to this title.'';

(B) by striking subsection (c) and inserting the following:

''(c) OVERALL ENFORCEMENT AUTHORITY OF FEDERAL TRADE COMMISSION.—Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under any of paragraphs (1) through (8) of subsection (a), and subject to subtitle B of the Consumer Financial Protection Act of 2010, the Federal Trade Commission shall be authorized to enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), a violation of any requirement imposed under this subchapter shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person with the requirements imposed under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act, including the power to enforce any rule prescribed by the Bureau under this title in the same manner as if the violation had been a violation of a Federal Trade Commission trade regulation rule.''; and

(C) in subsection (d), by striking ''Board'' and inserting ''Bureau'';

(5) in section 706(e) (15 U.S.C. 1691e(e))—

(A) in the subsection heading—

(i) by striking ''BOARD'' each place that term appears and inserting ''BUREAU''; and

(ii) by striking ''FEDERAL RESERVE SYSTEM'' and inserting ''BUREAU OF CONSUMER FINANCIAL PROTECTION''; and

(B) by striking ''Federal Reserve System'' and inserting ''Bureau of Consumer Financial Protection'';

(6) in section 706(g) (15 U.S.C. 1691e(g)), by striking ''(3)'' and inserting ''(9)''; and

(7) in section 706(f) (15 U.S.C. 1691e(f)), by striking ''two years from'' each place that term appears and inserting ''5 years after''.

SEC. 1086. AMENDMENTS TO THE EXPEDITED FUNDS AVAILABILITY ACT.

(a) AMENDMENT TO SECTION 603.—Section 603(d)(1) of the Expedited Funds Availability Act (12 U.S.C. 4002) is amended by inserting after ''Board'' the following '', jointly with the Director of the Bureau of Consumer Financial Protection,''.

(b) AMENDMENTS TO SECTION 604.—Section 604 of the Expedited Funds Availability Act (12 U.S.C. 4003) is amended—

(1) by inserting after ''Board'' each place that term appears, other than in subsection (f), the following: '', jointly with the Director of the Bureau of Consumer Financial Protection,''; and

(2) in subsection (f), by striking ''Board.'' each place that term appears and inserting the following: ''Board, jointly with the Director of the Bureau of Consumer Financial Protection.''.

(c) AMENDMENTS TO SECTION 605.—Section 605 of the Expedited Funds Availability Act (12 U.S.C. 4004) is amended—

(1) by inserting after ''Board'' each place that term appears, other than in the heading for section 605(f)(1), the following: '', jointly with the Director of the Bureau of Consumer Financial Protection,''; and

(2) in subsection (f)(1), in the paragraph heading, by inserting ''AND BUREAU'' after ''BOARD''.

(d) AMENDMENTS TO SECTION 609.—Section 609 of the Expedited Funds Availability Act (12 U.S.C. 4008) is amended:

(1) in subsection (a), by inserting after ''Board'' the following '', jointly with the Director of the Bureau of Consumer Financial Protection,''; and

(2) by striking subsection (e) and inserting the following:

''(e) CONSULTATIONS.—In prescribing regulations under subsections (a) and (b), the Board and the Director of the Bureau of Consumer Financial Protection, in the case of subsection (a), and the Board, in the case of subsection (b), shall consult with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board.''.

(e) EXPEDITED FUNDS AVAILABILITY IMPROVEMENTS.—Section 603 of the Expedited Funds Availability Act (12 U.S.C. 4002) is amended—

(1) in subsection (a)(2)(D), by striking ''$100'' and inserting ''$200''; and

(2) in subsection (b)(3)(C), in the subparagraph heading, by striking ''$100'' and inserting ''$200''; and

(3) in subsection (c)(1)(B)(iii), in the clause heading, by striking ''$100'' and inserting ''$200''.

(f) REGULAR ADJUSTMENTS FOR INFLATION.—Section 607 of the Expedited Funds Availability Act (12 U.S.C. 4006) is amended by adding at the end the following:

''(f) ADJUSTMENTS TO DOLLAR AMOUNTS FOR INFLATION.—The dollar amounts under this title shall be adjusted every 5 years after December 31, 2011, by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers, as published by the Bureau of Labor Statistics, rounded to the nearest multiple of $25.''.

SEC. 1087. AMENDMENTS TO THE FAIR CREDIT BILLING ACT.

The Fair Credit Billing Act (15 U.S.C. 1666–1666j) is amended by striking ''Board'' each place that term appears, other than in section 105(i) (as added by this subtitle) and inserting ''Bureau''.

SEC. 1088. AMENDMENTS TO THE FAIR CREDIT REPORTING ACT AND THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003.

(a) FAIR CREDIT REPORTING ACT.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) in section 603 (15 U.S.C. 1681a)—

(A) by redesignating subsections (w) and (x) as subsections (x) and (y), respectively; and

(B) by inserting after subsection (v) the following:

''(w) The term 'Bureau' means the Bureau of Consumer Financial Protection.''; and

(2) except as otherwise specifically provided in this subsection—

(A) by striking ''Federal Trade Commission'' each place that term appears and inserting ''Bureau'';

(B) by striking ''FTC'' each place that term appears and inserting ''Bureau'';

(C) by striking ''the Commission'' each place that term appears, other than sections 615(e) (15 U.S.C. 1681m(e)) and 628(a)(1) (15 U.S.C. 1681w(a)(1)), and inserting ''the Bureau''; and

(D) by striking ''The Federal banking agencies, the National Credit Union Administration, and the Commission shall jointly'' each place that term appears, other than section 615(e)(1) (15 U.S.C. 1681m(e)) and section 628(a)(1) (15 U.S.C. 1681w(a)(1)), and inserting ''The Bureau shall'';

(3) in section 603(k)(2) (15 U.S.C. 1681a(k)(2)), by striking ''Board of Governors of the Federal Reserve System'' and inserting ''Bureau'';

(4) in section 604(g) (15 U.S.C. 1681b(g))—

(A) in paragraph (3), by striking subparagraph (C) and inserting the following:

''(C) as otherwise determined to be necessary and appropriate, by regulation or order, by the Bureau or the applicable State insurance authority (with respect to any person engaged in providing insurance or annuities).''; and

(B) by striking paragraph (5) and inserting the following:

''(5) REGULATIONS AND EFFECTIVE DATE FOR PARAGRAPH (2).—

''(A) REGULATIONS REQUIRED.—The Bureau may, after notice and opportunity for comment, prescribe regulations that permit transactions under paragraph (2) that are determined to be necessary and appropriate to protect legitimate operational, transactional, risk, consumer, and other needs (and which shall include permitting actions necessary for administrative verification purposes), consistent with the intent of paragraph (2) to restrict the use of medical information for inappropriate purposes.'';

(5) in section 605(h)(2)(A) (15 U.S.C. 1681c(h)(2)(A)), by striking ''with respect to the entities that are subject to their respective enforcement authority under section 621'' and inserting '', in consultation with the Federal banking agencies, the National Credit Union Administration, and the Federal Trade Commission,'';

(6) in section 611(e)(2) (15 U.S.C. 1681i(e)), by striking paragraph (2) and inserting the following:

''(2) EXCLUSION.—Complaints received or obtained by the Bureau pursuant to its investigative authority under the Consumer Financial Protection Act of 2010 shall not be subject to paragraph (1).'';

(7) in section 615(d)(2)(B) (15 U.S.C. 1681m(d)(2)(B)), by striking ''the Federal banking agencies'' and inserting ''the Federal Trade Commission, the Federal banking agencies,'';

(8) in section 615(e)(1) (15 U.S.C. 1681m(e)(1)), by striking ''and the Commission'' and inserting ''the Federal Trade Commission, the Commodity Futures Trading Commission, and the Securities and Exchange Commission'';

(9) in section 615(h)(6) (15 U.S.C. 1681m(h)(6)), by striking subparagraph (A) and inserting the following:

''(A) RULES REQUIRED.—The Bureau shall prescribe rules to carry out this subsection.'';

(10) in section 621 (15 U.S.C. 1681s)—

(A) by striking subsection (a) and inserting the following:

''(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

''(1) IN GENERAL.—The Federal Trade Commission shall be authorized to enforce compliance with the requirements imposed by this title under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), with respect to consumer reporting agencies and all other persons subject thereto, except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under any of subparagraphs (A) through (G) of subsection (b)(1), and subject to subtitle B of the Consumer Financial Protection Act of 2010, subsection (b). For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed under this title shall constitute an unfair or deceptive act or practice in commerce, in violation of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)), and shall be subject to enforcement by the Federal Trade Commission under section 5(b) of that Act with respect to any consumer reporting agency or person that is subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act. The Federal Trade Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed under this title and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this title. Any person violating any of the provisions of this title shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though the applicable terms and provisions of such Act are part of this title.

''(2) PENALTIES.—

''(A) KNOWING VIOLATIONS.—Except as otherwise provided by subtitle B of the Consumer Financial Protection Act of 2010, in the event of a knowing violation, which constitutes a pattern or practice of violations of this title, the Federal Trade Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person that violates this title. In such action, such person shall be liable for a civil penalty of not more than $2,500 per violation.

''(B) DETERMINING PENALTY AMOUNT.—In determining the amount of a civil penalty under subparagraph (A), the court shall take into account the degree of culpability, any history of such prior conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

''(C) LIMITATION.—Notwithstanding paragraph (2), a court may not impose any civil penalty on a person for a violation of section 623(a)(1), unless the person has been enjoined from committing the violation, or ordered not to commit the violation, in an action or proceeding brought by or on behalf of the Federal Trade Commission, and has violated the injunction or order, and the court may not impose any civil penalty for any violation occurring before the date of the violation of the injunction or order.'';

(B) by striking subsection (b) and inserting the following:

''(b) ENFORCEMENT BY OTHER AGENCIES.—

''(1) IN GENERAL.—Subject to subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements imposed under this title with respect to consumer reporting agencies, persons who use consumer reports from such agencies, persons who furnish information to such agencies, and users of information that are subject to section 615(d) shall be enforced under—

''(A) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the appropriate Federal banking agency, as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), with respect to—

''(i) any national bank or State savings association, and any Federal branch or Federal agency of a foreign bank;

''(ii) any member bank of the Federal Reserve System (other than a national bank), a branch or agency of a foreign bank (other than a Federal branch, Federal agency, or insured State branch of a foreign bank), a commercial lending company owned or controlled by a foreign bank, and any organization operating under section 25 or 25A of the Federal Reserve Act; and

''(iii) any bank or Federal savings association insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System) and any insured State branch of a foreign bank;

''(B) the Federal Credit Union Act (12 U.S.C. 1751 et seq.), by the Administrator of the National Credit Union Administration with respect to any Federal credit union;

''(C) subtitle IV of title 49, United States Code, by the Secretary of Transportation, with respect to all carriers subject to the jurisdiction of the Surface Transportation Board;

''(D) the Federal Aviation Act of 1958 (49 U.S.C. App. 1301 et seq.), by the Secretary of Transportation, with respect to any air carrier or foreign air carrier subject to that Act;

''(E) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act), by the Secretary of Agriculture, with respect to any activities subject to that Act;

''(F) the Commodity Exchange Act, with respect to a person subject to the jurisdiction of the Commodity Futures Trading Commission;

''(G) the Federal securities laws, and any other laws that are subject to the jurisdiction of the Securities and Exchange Commission, with respect to a person that is subject to the jurisdiction of the Securities and Exchange Commission; and

''(H) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau, with respect to any person subject to this title.

''(2) INCORPORATED DEFINITIONS.—The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) have the same meanings as in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).'';

(C) in subsection (c)(2)—

(i) by inserting ''and the Federal Trade Commission'' before ''or the appropriate''; and

(ii) by inserting ''and the Federal Trade Commission'' before ''or appropriate'' each place that term appears;

(D) in subsection (c)(4), by inserting before ''or the appropriate'' each place that term appears the following: '', the Federal Trade Commission,'';

(E) by striking subsection (e) and inserting the following:

''(e) REGULATORY AUTHORITY.—

''(1) IN GENERAL.—The Bureau shall prescribe such regulations as are necessary to carry out the purposes of this title, except with respect to sections 615(e) and 628. The Bureau may prescribe regulations as may be necessary or appropriate to administer and carry out the purposes and objectives of this title, and to prevent evasions thereof or to facilitate compliance therewith. Except as provided in section 1029(a) of the Consumer Financial Protection Act of 2010, the regulations prescribed by the Bureau under this title shall apply to any person that is subject to this title, notwithstanding the enforcement authorities granted to other agencies under this section.

''(2) DEFERENCE.—Notwithstanding any power granted to any Federal agency under this title, the deference that a court affords to a Federal agency with respect to a determination made by such agency relating to the meaning or interpretation of any provision of this title that is subject to the jurisdiction of such agency shall be applied as if that agency were the only agency authorized to apply, enforce, interpret, or administer the provisions of this title. The regulations prescribed by the Bureau under this title shall apply to any person that is subject to this title, notwithstanding the enforcement authorities granted to other agencies under this section.''; and

(F) in subsection (f)(2), by striking ''the Federal banking agencies'' and insert ''the Federal Trade Commission, the Federal banking agencies,'';

(11) in section 623 (15 U.S.C. 1681s–2)—

(A) in subsection (a)(7), by striking subparagraph (D) and inserting the following:

''(D) MODEL DISCLOSURE.—

''(i) DUTY OF BUREAU.—The Bureau shall prescribe a brief model disclosure that a financial institution may use to comply with subparagraph (A), which shall not exceed 30 words.

''(ii) USE OF MODEL NOT REQUIRED.—No provision of this paragraph may be construed to require a financial institution to use any such model form prescribed by the Bureau.

''(iii) COMPLIANCE USING MODEL.—A financial institution shall be deemed to be in compliance with subparagraph (A) if the financial institution uses any model form prescribed by the Bureau under this subparagraph, or the financial institution uses any such model form and rearranges its format.'';

(B) in subsection (a)(8), by inserting '', in consultation with the Federal Trade Commission, the Federal banking agencies, and the National Credit Union Administration,'' before ''shall jointly''; and

(C) by striking subsection (e) and inserting the following:

''(e) ACCURACY GUIDELINES AND REGULATIONS REQUIRED.—

''(1) GUIDELINES.—The Bureau shall, with respect to persons or entities that are subject to the enforcement authority of the Bureau under section 621—

''(A) establish and maintain guidelines for use by each person that furnishes information to a consumer reporting agency regarding the accuracy and integrity of the information relating to consumers that such entities furnish to consumer reporting agencies, and update such guidelines as often as necessary; and

''(B) prescribe regulations requiring each person that furnishes information to a consumer reporting agency to establish reasonable policies and procedures for implementing the guidelines established pursuant to subparagraph (A).

''(2) CRITERIA.—In developing the guidelines required by paragraph (1)(A), the Bureau shall—

''(A) identify patterns, practices, and specific forms of activity that can compromise the accuracy and integrity of information furnished to consumer reporting agencies;

''(B) review the methods (including technological means) used to furnish information relating to consumers to consumer reporting agencies;

''(C) determine whether persons that furnish information to consumer reporting agencies maintain and enforce policies to ensure the accuracy and integrity of information furnished to consumer reporting agencies; and

''(D) examine the policies and processes that persons that furnish information to consumer reporting agencies employ to conduct reinvestigations and correct inaccurate information relating to consumers that has been furnished to consumer reporting agencies.'';

(12) in section 628(a)(1) (15 U.S.C. 1681w(a)(1)), by striking ''Not later than'' and all that follows through ''Exchange Commission,'' and inserting ''The Federal Trade Commission, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal banking agencies, and the National Credit Union Administration, with respect to the entities that are subject to their respective enforcement authority under section 621,''; and

(13) in section 628(a)(3) (15 U.S.C. 1681w(a)(3)), by striking ''the Federal banking agencies, the National Credit Union Administration, the Commission, and the Securities and Exchange Commission'' and inserting ''the agencies identified in paragraph (1)''.

(b) FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003.—The Fair and Accurate Credit Transactions Act of 2003 (Public Law 108–159) is amended—

(1) in section 112(b) (15 U.S.C. 1681c–1 note), by striking ''Commission'' and inserting ''Bureau'';

(2) in section 211(d) (15 U.S.C. 1681j note), by striking ''Commission'' each place that term appears and inserting ''Bureau'';

(3) in section 214(b) (15 U.S.C. 1681s–3 note), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Regulations to carry out section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681s–3), shall be prescribed, as described in paragraph (2), by—

''(A) the Commodity Futures Trading Commission, with respect to entities subject to its enforcement authorities;

''(B) the Securities and Exchange Commission, with respect to entities subject to its enforcement authorities; and

''(C) the Bureau, with respect to other entities subject to this Act.''; and

(4) in section 214(e)(1) (15 U.S.C. 1681s–3 note), by striking ''Commission'' and inserting ''Bureau''.

SEC. 1089. AMENDMENTS TO THE FAIR DEBT COLLECTION PRACTICES ACT.

The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by striking ''Commission'' each place that term appears and inserting ''Bureau'';

(2) in section 803 (15 U.S.C. 1692a)—

(A) by striking paragraph (1) and inserting the following:

''(1) The term 'Bureau' means the Bureau of Consumer Financial Protection.'';

(3) in section 814 (15 U.S.C. 1692l)—

(A) by striking subsection (a) and inserting the following:

''(a) FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall be authorized to enforce compliance with this title, except to the extent that enforcement of the requirements imposed under this title is specifically committed to another Government agency under any of paragraphs (1) through (5) of subsection (b), subject to subtitle B of the Consumer Financial Protection Act of 2010. For purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), a violation of this title shall be deemed an unfair or deceptive act or practice in violation of that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person with this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act, including the power to enforce the provisions of this title, in the same manner as if the violation had been a violation of a Federal Trade Commission trade regulation rule.''; and

(B) in subsection (b)—

(i) by striking ''Compliance'' and inserting ''Subject to subtitle B of the Consumer Financial Protection Act of 2010, compliance'';

(ii) by striking paragraphs (1) and (2) and inserting the following:

''(1) section 8 of the Federal Deposit Insurance Act, by the appropriate Federal banking agency, as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), with respect to—

''(A) national banks, Federal savings associations, and Federal branches and Federal agencies of foreign banks;

''(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured

State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act; and

''(C) banks and State savings associations insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), and insured State branches of foreign banks;'';

(iii) by redesignating paragraphs (3) through (6), as paragraphs (2) through (5), respectively;

(iv) in paragraph (4) (as so redesignated), by striking ''and'' at the end;

(v) in paragraph (5) (as so redesignated), by striking the period at the end and inserting ''; and''; and

(vi) by inserting before the undesignated matter at the end the following:

''(6) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau, with respect to any person subject to this title.''.

(4) in subsection (d), by striking ''Neither the Commission'' and all that follows through the end of the subsection and inserting the following: ''Except as provided in section 1029(a) of the Consumer Financial Protection Act of 2010, the Bureau may prescribe rules with respect to the collection of debts by debt collectors, as defined in this title.''.

SEC. 1090. AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 8(t) (12 U.S.C. 1818(t)), by adding at the end the following:

''(6) REFERRAL TO BUREAU OF CONSUMER FINANCIAL PROTECTION.—Subject to subtitle B of the Consumer Financial Protection Act of 2010, each appropriate Federal banking agency shall make a referral to the Bureau of Consumer Financial Protection when the Federal banking agency has a reasonable belief that a violation of an enumerated consumer law, as defined in the Consumer Financial Protection Act of 2010, has been committed by any insured depository institution or institution-affiliated party within the jurisdiction of that appropriate Federal banking agency.''; and

(2) in section 43 (12 U.S.C. 1831t)—

(A) in subsection (c), by striking ''Federal Trade Commission'' and inserting ''Bureau'';

(B) in subsection (d), by striking ''Federal Trade Commission'' and inserting ''Bureau'';

(C) in subsection (e)—

(i) in paragraph (2), by striking ''Federal Trade Commission'' and inserting ''Bureau''; and

(ii) by adding at the end the following new paragraph:

''(5) BUREAU.—The term 'Bureau' means the Bureau of Consumer Financial Protection.''; and

(D) in subsection (f)—

(i) by striking paragraph (1) and inserting the following:

''(1) LIMITED ENFORCEMENT AUTHORITY.—Compliance with the requirements of subsections (b), (c), and (e), and any regulation prescribed or order issued under such subsection, shall be enforced under the Consumer Financial Protection Act of 2010, by the Bureau, subject to subtitle B of the Consumer Financial Protection Act of 2010, and under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Federal Trade Commission.''; and

(ii) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Bureau or Federal Trade Commission has instituted an enforcement action for a violation of this section, no appropriate State supervisory agency may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Bureau or Federal Trade Commission for any violation of this section that is alleged in that complaint.''.

SEC. 1091. AMENDMENT TO FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL ACT OF 1978.

Section 1004(a)(4) of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3303(a)(4)) is amended by striking ''Director, Office of Thrift Supervision'' and inserting ''Director of the Consumer Financial Protection Bureau''.

SEC. 1092. AMENDMENTS TO THE FEDERAL TRADE COMMISSION ACT.

Section 18(f) of the Federal Trade Commission Act (15 U.S.C. 57a(f)) is amended—

(1) by striking the subsection heading and inserting the following:

''(f) DEFINITIONS OF BANKS, SAVINGS AND LOAN INSTITUTIONS, AND FEDERAL CREDIT UNIONS.—''.

(2) by striking paragraph (1) and inserting the following:

''(1) [Repealed.]'';

(3) by striking paragraphs (5) through (7);

(4) in paragraph (2)—

(A) by striking ''(2) ENFORCEMENT'' and all that follows through ''in the case of'' and inserting the following:

''(2) DEFINITION.—For purposes of this Act, the term 'bank' means'';

(B) in subparagraph (A), by striking '', by the division'' and all that follows through ''Currency'';

(C) in subparagraph (B)—

(i) by striking '', by the division'' and all that follows through ''System''; and

(ii) by striking ''25(a)'' and inserting ''25A''; and

(D) in subparagraph (C)—

(i) by striking ''(other'' and inserting ''(other than''; and

(ii) by striking '', by the division'' and all that follows through ''Corporation'';

(5) in paragraph (3), by striking ''Compliance'' and all that follows through ''as defined in'' and inserting the following: ''For purposes of this Act, the term ''savings and loan institution'' has the same meaning as in''; and

(6) in paragraph (4), by striking ''Compliance'' and all that follows through ''credit unions under'' and inserting the following: ''For purposes of this Act, the term ''Federal credit union'' has the same meaning as in''.

SEC. 1093. AMENDMENTS TO THE GRAMM-LEACH-BLILEY ACT.

Title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) is amended—

(1) in section 501(b) (15 U.S.C. 6801(b)), by inserting '', other than the Bureau of Consumer Financial Protection,'' after ''505(a)'';

(2) in section 502(e)(5) (15 U.S.C. 6802(e)(5)), by inserting ''the Bureau of Consumer Financial Protection'' after ''(including'';

(3) in section 504(a) (15 U.S.C. 6804(a))—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) RULEMAKING.—

''(A) IN GENERAL.—Except as provided in subparagraph (C), the Bureau of Consumer Financial Protection and the Securities and Exchange Commission shall have authority to prescribe such regulations as may be necessary to carry out the purposes of this subtitle with respect to financial institutions and other persons subject to their respective jurisdiction under section 505 (and notwithstanding subtitle B of the Consumer Financial Protection Act of 2010), except that the Bureau of Consumer Financial Protection shall not have authority to prescribe regulations with respect to the standards under section 501.

''(B) CFTC.—The Commodity Futures Trading Commission shall have authority to prescribe such regulations as may be necessary to carry out the purposes of this subtitle with respect to financial institutions and other persons subject to the jurisdiction of the Commodity Futures Trading Commission under section 5g of the Commodity Exchange Act.

''(C) FEDERAL TRADE COMMISSION AUTHORITY.—Notwithstanding the authority of the Bureau of Consumer Financial Protection under subparagraph (A), the Federal Trade Commission shall have authority to prescribe such regulations as may be necessary to carry out the purposes of this subtitle with respect to any financial institution that is a person described in section 1029(a) of the Consumer Financial Protection Act of 2010.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to alter, affect, or otherwise limit the authority of a State insurance authority to adopt regulations to carry out this subtitle.

''(2) COORDINATION, CONSISTENCY, AND COMPARABILITY.—Each of the agencies authorized under paragraph (1) to prescribe regulations shall consult and coordinate with the other such agencies and, as appropriate, and with representatives of State insurance authorities designated by the National Association of Insurance Commissioners, for the purpose of assuring, to the extent possible, that the regulations prescribed by each such agency are consistent and comparable with the regulations prescribed by the other such agencies.''; and

(B) in paragraph (3), by striking '', and shall be issued in final form not later than 6 months after the date of enactment of this Act'';

(4) in section 505(a) (15 U.S.C. 6805(a))—

(A) by striking ''This subtitle'' and all that follows through ''as follows:'' and inserting ''Subject to subtitle B of the Consumer Financial Protection Act of 2010, this subtitle and the regulations prescribed thereunder shall be enforced by the Bureau of Consumer Financial Protection, the Federal functional regulators, the State insurance authorities, and the Federal Trade Commission with respect to financial institutions and other persons subject to their jurisdiction under applicable law, as follows:'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''by the appropriate Federal banking agency, as defined in section 3(q) of the Federal Deposit Insurance Act,'' after ''Act,'';

(ii) in subparagraph (A), by striking '', by the Office of the Comptroller of the Currency'';

(iii) in subparagraph (B), by striking '', by the Board of Governors of the Federal Reserve System'';

(iv) in subparagraph (C), by striking '', by the Board of Directors of the Federal Deposit Insurance Corporation''; and

(v) in subparagraph (D), by striking '', by the Director of the Office of Thrift Supervision''; and

(C) by adding at the end the following:

''(8) Under subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau of Consumer Financial Protection, in the case of any financial institution and other covered person or service provider that is subject to the jurisdiction of the Bureau and any person subject to this subtitle, but not with respect to the standards under section 501.'';

(5) in section 505(b)(1) (15 U.S.C. 6805(b)(1)), by inserting '', other than the Bureau of Consumer Financial Protection,'' after ''subsection (a)''; and

(6) in section 507(b) (15 U.S.C. 6807), by striking ''Federal Trade Commission'' and inserting ''Bureau of Consumer Financial Protection''.

SEC. 1094. AMENDMENTS TO THE HOME MORTGAGE DISCLOSURE ACT OF 1975.

The Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.) is amended—

(1) by striking ''Board'' each place that term appears, other than in sections 303, 304(h), 305(b) (as amended by this section), and 307(a) (as amended by this section) and inserting ''Bureau''.

(2) in section 303 (12 U.S.C. 2802)—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(B) by inserting before paragraph (2) the following:

''(1) the term 'Bureau' means the Bureau of Consumer Financial Protection;'';

(3) in section 304 (12 U.S.C. 2803)—

(A) in subsection (b)—

(i) in paragraph (4), by inserting ''age,'' before ''and gender'';

(ii) in paragraph (3), by striking ''and'' at the end;

(iii) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(5) the number and dollar amount of mortgage loans grouped according to measurements of—

''(A) the total points and fees payable at origination in connection with the mortgage as determined by the Bureau, taking into account 15 U.S.C. 1602(aa)(4);

''(B) the difference between the annual percentage rate associated with the loan and a benchmark rate or rates for all loans;

''(C) the term in months of any prepayment penalty or other fee or charge payable on repayment of some portion of principal or the entire principal in advance of scheduled payments; and

''(D) such other information as the Bureau may require; and

''(6) the number and dollar amount of mortgage loans and completed applications grouped according to measurements of—

''(A) the value of the real property pledged or proposed to be pledged as collateral;

''(B) the actual or proposed term in months of any introductory period after which the rate of interest may change;

''(C) the presence of contractual terms or proposed contractual terms that would allow the mortgagor or applicant to make payments other than fully amortizing payments during any portion of the loan term;

''(D) the actual or proposed term in months of the mortgage loan;

''(E) the channel through which application was made, including retail, broker, and other relevant categories;

''(F) as the Bureau may determine to be appropriate, a unique identifier that identifies the loan originator as set forth in section 1503 of the S.A.F.E. Mortgage Licensing Act of 2008;

''(G) as the Bureau may determine to be appropriate, a universal loan identifier;

''(H) as the Bureau may determine to be appropriate, the parcel number that corresponds to the real property pledged or proposed to be pledged as collateral;

''(I) the credit score of mortgage applicants and mortgagors, in such form as the Bureau may prescribe; and

''(J) such other information as the Bureau may require.'';

(B) by striking subsection (h) and inserting the following:

''(h) SUBMISSION TO AGENCIES.—

''(1) IN GENERAL.—The data required to be disclosed under subsection (b) shall be submitted to the Bureau or to the appropriate agency for the institution reporting under this title, in accordance with rules prescribed by the Bureau. Notwithstanding the requirement of subsection (a)(2)(A) for disclosure by census tract, the Bureau, in consultation with other appropriate agencies described in paragraph (2) and, after notice and comment, shall develop regulations that—

''(A) prescribe the format for such disclosures, the method for submission of the data to the appropriate agency, and the procedures for disclosing the information to the public;

''(B) require the collection of data required to be disclosed under subsection (b) with respect to loans sold by each institution reporting under this title;

''(C) require disclosure of the class of the purchaser of such loans;

''(D) permit any reporting institution to submit in writing to the Bureau or to the appropriate agency such additional data or explanations as it deems relevant to the decision to originate or purchase mortgage loans; and

''(E) modify or require modification of itemized information, for the purpose of protecting the privacy interests of the mortgage applicants or mortgagors, that is or will be available to the public.

''(2) OTHER APPROPRIATE AGENCIES.—The appropriate agencies described in this paragraph are—

''(A) the appropriate Federal banking agencies, as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), with respect to the entities that are subject to the jurisdiction of each such agency, respectively;

''(B) the Federal Deposit Insurance Corporation for banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), mutual savings banks, insured State branches of foreign banks, and any other depository institution described in section 303(2)(A) which is not otherwise referred to in this paragraph;

''(C) the National Credit Union Administration Board with respect to credit unions; and

''(D) the Secretary of Housing and Urban Development with respect to other lending institutions not regulated by the agencies referred to in subparagraph (A) or (B).

''(3) RULES FOR MODIFICATIONS UNDER PARAGRAPH (1).—

''(A) APPLICATION.—A modification under paragraph (1)(E) shall apply to information concerning—

''(i) credit score data described in subsection (b)(6)(I), in a manner that is consistent with the purpose described in paragraph (1)(E); and

''(ii) age or any other category of data described in paragraph (5) or (6) of subsection (b), as the Bureau determines to be necessary to satisfy the purpose described in paragraph (1)(E), and in a manner consistent with that purpose.

''(B) STANDARDS.—The Bureau shall prescribe standards for any modification under paragraph (1)(E) to effectuate the purposes of this title, in light of the privacy interests of mortgage applicants or mortgagors. Where necessary to protect the privacy interests of mortgage applicants or mortgagors, the Bureau shall provide for the disclosure of information described in subparagraph (A) in aggregate or other reasonably modified form, in order to effectuate the purposes of this title.'';

(C) in subsection (i), by striking ''subsection (b)(4)'' and inserting ''subsections (b)(4), (b)(5), and (b)(6)'';

(D) in subsection (j)—

(i) by striking paragraph (3) and inserting the following:

''(3) CHANGE OF FORM NOT REQUIRED.—A depository institution meets the disclosure requirement of paragraph (1) if the institution provides the information required under such paragraph in such formats as the Bureau may require''; and

(ii) in paragraph (2)(A), by striking ''in the format in which such information is maintained by the institution'' and inserting ''in such formats as the Bureau may require'';

(E) in subsection (m), by striking paragraph (2) and inserting the following:

''(2) FORM OF INFORMATION.—In complying with paragraph (1), a depository institution shall provide the person requesting the information with a copy of the information requested in such formats as the Bureau may require.''; and

(F) by adding at the end the following:

''(n) TIMING OF CERTAIN DISCLOSURES.—The data required to be disclosed under subsection (b) shall be submitted to the Bureau or to the appropriate agency for any institution reporting under this title, in accordance with regulations prescribed by the Bureau. Institutions shall not be required to report new data under paragraph (5) or (6) of subsection (b) before the first January 1 that occurs after the end of the 9-month period beginning on the date on which regulations are issued by the Bureau in final form with respect to such disclosures.'';

(4) in section 305 (12 U.S.C. 2804)—

(A) by striking subsection (b) and inserting the following:

''(b) POWERS OF CERTAIN OTHER AGENCIES.—

''(1) IN GENERAL.—Subject to subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements of this title shall be enforced—

''(A) under section 8 of the Federal Deposit Insurance Act, the appropriate Federal banking agency, as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), with respect to—

''(i) any national bank or Federal savings association, and any Federal branch or Federal agency of a foreign bank;

''(ii) any member bank of the Federal Reserve System (other than a national bank), branch or agency of a foreign bank (other than a Federal branch, Federal agency, and insured State branch of a foreign bank), commercial lending company owned or controlled by a foreign bank, and any organization operating under section 25 or 25A of the Federal Reserve Act; and

''(iii) any bank or State savings association insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System), any mutual savings bank as, defined in section 3(f) of the Federal Deposit Insurance Act (12 U.S.C. 1813(f)), any insured State branch of a foreign bank, and any other depository institution not referred to in this paragraph or subparagraph (B) or (C);

''(B) under subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau, with respect to any person subject to this subtitle;

''(C) under the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any insured credit union; and

''(D) with respect to other lending institutions, by the Secretary of Housing and Urban Development.

''(2) INCORPORATED DEFINITIONS.—The terms used in paragraph (1) that are not defined in this title or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the same meanings as in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).''; and

(B) by adding at the end the following:

''(d) OVERALL ENFORCEMENT AUTHORITY OF THE BUREAU OF CONSUMER FINANCIAL PROTECTION.—Subject to subtitle B of the Consumer Financial Protection Act of 2010, enforcement of the requirements imposed under this title is committed to each of the agencies under subsection (b). To facilitate research, examinations, and enforcement, all data collected pursuant to section 304 shall be available to the entities listed under subsection (b). The Bureau may exercise its authorities under the Consumer Financial Protection Act of 2010 to exercise principal authority to examine and enforce compliance by any person with the requirements of this title.'';

(5) in section 306 (12 U.S.C. 2805(b)), by striking subsection (b) and inserting the following:

''(b) EXEMPTION AUTHORITY.—The Bureau may, by regulation, exempt from the requirements of this title any State-chartered depository institution within any State or subdivision thereof, if the agency determines that, under the law of such State or subdivision, that institution is subject to requirements that are substantially similar to those imposed under this title, and that such law contains adequate provisions for enforcement. Notwithstanding any other provision of this subsection, compliance with the requirements imposed under this subsection shall be enforced by the Office of the Comptroller of the Currency under section 8 of the Federal Deposit Insurance Act, in the case of national banks and Federal savings associations, the deposits of which are insured by the Federal Deposit Insurance Corporation.''; and

(6) by striking section 307 (12 U.S.C. 2806) and inserting the following:

''SEC. 307. COMPLIANCE IMPROVEMENT METHODS.

''(a) IN GENERAL.—

''(1) CONSULTATION REQUIRED.—The Director of the Bureau of Consumer Financial Protection, with the assistance of the Secretary, the

Director of the Bureau of the Census, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and such other persons as the Bureau deems appropriate, shall develop or assist in the improvement of, methods of matching addresses and census tracts to facilitate compliance by depository institutions in as economical a manner as possible with the requirements of this title.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this subsection.

''(3) CONTRACTING AUTHORITY.—The Director of the Bureau of Consumer Financial Protection is authorized to utilize, contract with, act through, or compensate any person or agency in order to carry out this subsection.

''(b) RECOMMENDATIONS TO CONGRESS.—The Director of the Bureau of Consumer Financial Protection shall recommend to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, such additional legislation as the Director of the Bureau of Consumer Financial Protection deems appropriate to carry out the purpose of this title.''.

SEC. 1095. AMENDMENTS TO THE HOMEOWNERS PROTECTION ACT OF 1998.

Section 10 of the Homeowners Protection Act of 1998 (12 U.S.C. 4909) is amended—

(1) in subsection (a)—

(A) by striking ''Compliance'' and all that follows through the end of paragraph (1) and inserting the following: ''Subject to subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements imposed under this Act shall be enforced under—

''(1) section 8 of the Federal Deposit Insurance Act, by the appropriate Federal banking agency (as defined in section 3(q) of that Act), with respect to—

''(A) insured depository institutions (as defined in section 3(c)(2) of that Act);

''(B) depository institutions described in clause (i), (ii), or (iii) of section 19(b)(1)(A) of the Federal Reserve Act which are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

''(C) depository institutions described in clause (v) or (vi) of section 19(b)(1)(A) of the Federal Reserve Act which are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act);'';

(B) in paragraph (2), by striking ''and'' at the end;

(C) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(4) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau of Consumer Financial Protection, with respect to any person subject to this Act.''; and

(2) in subsection (b)(2), by inserting before the period at the end the following: '', subject to subtitle B of the Consumer Financial Protection Act of 2010''.

SEC. 1096. AMENDMENTS TO THE HOME OWNERSHIP AND EQUITY PROTECTION ACT OF 1994.

The Home Ownership and Equity Protection Act of 1994 (15 U.S.C. 1601 note) is amended—

(1) in section 158(a), by striking ''Board of Governors of the Federal Reserve System, in consultation with the Consumer Advisory Council of the Board'' and inserting ''Bureau, in consultation with the Advisory Board to the Bureau''; and

(2) in section 158(b), by striking ''Board of Governors of the Federal Reserve System'' and inserting ''Bureau''.

SEC. 1097. AMENDMENTS TO THE OMNIBUS APPROPRIATIONS ACT, 2009.

Section 626 of the Omnibus Appropriations Act, 2009 (15 U.S.C. 1638 note) is amended—

(1) by striking subsection (a) and inserting the following:

''(a)(1) The Bureau of Consumer Financial Protection shall have authority to prescribe rules with respect to mortgage loans in accordance with section 553 of title 5, United States Code. Such rulemaking shall relate to unfair or deceptive acts or practices regarding mortgage loans, which may include unfair or deceptive acts or practices involving loan modification and foreclosure rescue services. Any violation of a rule prescribed under this paragraph shall be treated as a violation of a rule prohibiting unfair, deceptive, or abusive acts or practices under the Consumer Financial Protection Act of 2010 and a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

''(2) The Bureau of Consumer Financial Protection shall enforce the rules issued under paragraph (1) in the same manner, by the same means, and with the same jurisdiction, powers, and duties, as though all applicable terms and provisions of the Consumer Financial Protection Act of 2010 were incorporated into and made part of this subsection.

''(3) Subject to subtitle B of the Consumer Financial Protection Act of 2010, the Federal Trade Commission shall enforce the rules issued under paragraph (1), in the same manner, by the same means, and with the same jurisdiction, as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made part of this section.''; and

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) Except as provided in paragraph (6), in any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to a rule prescribed under subsection (a) in practices that violate such rule, the State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States or other court of competent jurisdiction—

''(A) to enjoin that practice;

''(B) to enforce compliance with the rule;

''(C) to obtain damages, restitution, or other compensation on behalf of the residents of the State; or

''(D) to obtain penalties and relief provided under the Consumer Financial Protection Act of 2010, the Federal Trade Commission Act, and such other relief as the court deems appropriate.'';

(B) in paragraphs (2) and (3), by striking ''the primary Federal regulator'' each time the term appears and inserting ''the Bureau of Consumer Financial Protection or the Commission, as appropriate'';

(C) in paragraph (3), by inserting ''and subject to subtitle B of the Consumer Financial Protection Act of 2010,'' after ''paragraph (2),''; and

(D) in paragraph (6), by striking ''the primary Federal regulator'' each place that term appears and inserting ''the Bureau of Consumer Financial Protection or the Commission''.

SEC. 1098. AMENDMENTS TO THE REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974.

The Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) is amended—

(1) in section 3 (12 U.S.C. 2602)—

(A) in paragraph (7), by striking ''and'' at the end;

(B) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(9) the term 'Bureau' means the Bureau of Consumer Financial Protection.'';

(2) in section 4 (12 U.S.C. 2603)—

(A) in subsection (a), by striking the first sentence and inserting the following: ''The Bureau shall publish a single, integrated disclosure for mortgage loan transactions (including real estate settlement cost statements) which includes the disclosure requirements of this section and section 5, in conjunction with the disclosure requirements of the Truth in Lending Act that, taken together, may apply to a transaction that is subject to both or either provisions of law. The purpose of such model disclosure shall be to facilitate compliance with the disclosure requirements of this title and the Truth in Lending Act, and to aid the borrower or lessee in understanding the transaction by utilizing readily understandable language to simplify the technical nature of the disclosures.'';

(B) by striking ''Secretary'' each place that term appears and inserting ''Bureau''; and

(C) by striking ''form'' each place that term appears and inserting ''forms'';

(3) in section 5 (12 U.S.C. 2604)—

(A) by striking ''Secretary'' each place that term appears and inserting ''Bureau''; and

(B) in subsection (a), by striking the first sentence and inserting the following: ''The Bureau shall prepare and distribute booklets jointly addressing compliance with the requirements of the Truth in Lending Act and the provisions of this title, in order to help persons borrowing money to finance the purchase of residential real estate better to understand the nature and costs of real estate settlement services.'';

(4) in section 6(j)(3) (12 U.S.C. 2605(j)(3))—

(A) by striking ''Secretary'' and inserting ''Bureau''; and

(B) by striking '', by regulations that shall take effect not later than April 20, 1991,'';

(5) in section 7(b) (12 U.S.C. 2606(b)) by striking ''Secretary'' and inserting ''Bureau'';

(6) in section 8(c)(5) (12 U.S.C. 2607(c)(5)), by striking ''Secretary'' and inserting ''Bureau'';

(7) in section 8(d) (12 U.S.C. 2607(d))—

(A) in the subsection heading, by inserting ''BUREAU AND'' before ''SECRETARY''; and

(B) by striking paragraph (4), and inserting the following:

''(4) The Bureau, the Secretary, or the attorney general or the insurance commissioner of any State may bring an action to enjoin violations of this section. Except, to the extent that a person is subject to the jurisdiction of the Bureau, the Secretary, or the attorney general or the insurance commissioner of any State, the Bureau shall have primary authority to enforce or administer this section, subject to subtitle B of the Consumer Financial Protection Act of 2010.'';

(8) in section 10(c) (12 U.S.C. 2609(c) and (d)), by striking ''Secretary'' and inserting ''Bureau'';

(9) in section 16 (12 U.S.C. 2614), by inserting ''the Bureau,'' before ''the Secretary'';

(10) in section 18 (12 U.S.C. 2616), by striking ''Secretary'' each place that term appears and inserting ''Bureau''; and

(11) in section 19 (12 U.S.C. 2617)—

*(A) in the section heading by striking ''**SECRETARY**'' and inserting ''**BUREAU**'';*

(B) in subsection (a), by striking ''Secretary'' each place that term appears and inserting ''Bureau''; and

(C) in subsections (b) and (c), by striking ''the Secretary'' each place that term appears and inserting ''the Bureau''.

SEC. 1098A. AMENDMENTS TO THE INTERSTATE LAND SALES FULL DISCLOSURE ACT.

The Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 et seq.) is amended—

(1) by striking ''Secretary'' each place that term appears and inserting ''Director'';

(2) by striking ''Department of Housing and Urban Development'' each place that term appears and inserting ''Bureau of Consumer Financial Protection'';

(3) by striking ''Department'' each place that term appears and inserting ''Bureau'';

(4) in section 1402 (15 U.S.C. 1701)—

(A) by striking paragraph (1) and inserting the following:

''(1) 'Director' means the Director of the Bureau of Consumer Financial Protection;'';

(B) in paragraph (10), by striking ''and'' at the end;

(C) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(12) 'Bureau' means the Bureau of Consumer Financial Protection.''; and

(5) in section 1416(a) (15 U.S.C. 1715(a)), by striking ''Secretary of Housing and Urban Development'' and inserting ''Director of the Bureau of Consumer Financial Protection''.

SEC. 1099. AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978.

The Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) is amended—

(1) in section 1101—

(A) in paragraph (6)—

(i) in subparagraph (A), by inserting ''and'' after the semicolon;

(ii) in subparagraph (B), by striking ''and'' at the end; and

(iii) by striking subparagraph (C); and

(B) in paragraph (7), by striking subparagraph (B), and inserting the following:

''(B) the Bureau of Consumer Financial Protection;'';

(2) in section 1112(e) (12 U.S.C. 3412(e)), by striking ''and the Commodity Futures Trading Commission is permitted'' and inserting ''the Commodity Futures Trading Commission, and the Bureau of Consumer Financial Protection is permitted''; and

(3) in section 1113 (12 U.S.C. 3413), by adding at the end the following new subsection:

''(r) DISCLOSURE TO THE BUREAU OF CONSUMER FINANCIAL PROTECTION.—Nothing in this title shall apply to the examination by or disclosure to the Bureau of Consumer Financial Protection of financial records or information in the exercise of its authority with respect to a financial institution.''.

SEC. 1100. AMENDMENTS TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2008.

The S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) is amended—

(1) by striking ''a Federal banking agency'' each place that term appears, other than in paragraphs (7) and (11) of section 1503 and section 1507(a)(1), and inserting ''the Bureau'';

(2) by striking ''Federal banking agencies'' each place that term appears and inserting ''Bureau''; and

(3) by striking ''Secretary'' each place that term appears and inserting ''Director'';

(4) in section 1503 (12 U.S.C. 5102)—

(A) by redesignating paragraphs (2) through (12) as (3) through (13), respectively;

(B) by striking paragraph (1) and inserting the following:

''(1) BUREAU.—The term 'Bureau' means the Bureau of Consumer Financial Protection.

''(2) FEDERAL BANKING AGENCY.—The term 'Federal banking agency' means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.''; and

(C) by striking paragraph (10), as so designated by this section, and inserting the following:

''(10) DIRECTOR.—The term 'Director' means the Director of the Bureau of Consumer Financial Protection.''; and

(5) in section 1507 (12 U.S.C. 5106)—

(A) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Bureau shall develop and maintain a system for registering employees of a depository institution, employees of a subsidiary that is owned and controlled by a depository institution and regulated by a Federal banking agency, or employees of an institution regulated by the Farm Credit Administration, as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of enactment of the Consumer Financial Protection Act of 2010.''; and

(ii) in paragraph (2)—

(I) by striking ''appropriate Federal banking agency and the Farm Credit Administration'' and inserting ''Bureau''; and

(II) by striking ''employees's identity'' and inserting ''identity of the employee''; and

(B) in subsection (b), by striking ''through the Financial Institutions Examination Council, and the Farm Credit Administration'', and inserting ''and the Bureau of Consumer Financial Protection'';

(6) in section 1508 (12 U.S.C. 5107)—

*(A) by striking the section heading and inserting the following: ''**SEC. 1508. BUREAU OF CONSUMER FINANCIAL PROTECTION BACKUP AUTHORITY TO ESTABLISH LOAN ORIGINATOR LICENSING SYSTEM.**''; and*

(B) by adding at the end the following:

''(f) REGULATION AUTHORITY.—

''(1) IN GENERAL.—The Bureau is authorized to promulgate regulations setting minimum net worth or surety bond requirements for residential mortgage loan originators and minimum requirements for recovery funds paid into by loan originators.

''(2) CONSIDERATIONS.—In issuing regulations under paragraph (1), the Bureau shall take into account the need to provide originators adequate incentives to originate affordable and sustainable mortgage loans, as well as the need to ensure a competitive origination market that maximizes consumer access to affordable and sustainable mortgage loans.'';

(7) by striking section 1510 (12 U.S.C. 5109) and inserting the following:

''SEC. 1510. FEES.

''The Bureau, the Farm Credit Administration, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, to the extent that such fees are not charged to consumers for access to such system and registry.'';

(8) by striking section 1513 (12 U.S.C. 5112) and inserting the following:

''SEC. 1513. LIABILITY PROVISIONS.

''The Bureau, any State official or agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Director under section 1509, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning persons who are loan originators or are applying for licensing or registration as loan originators.''; and

*(9) in section 1514 (12 U.S.C. 5113) in the section heading, by striking ''**UNDER HUD BACKUP LICENSING SYSTEM**'' and inserting ''**BY THE BUREAU**''.*

SEC. 1100A. AMENDMENTS TO THE TRUTH IN LENDING ACT.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended—

(1) in section 103 (15 U.S.C. 1602)—

(A) by redesignating subsections (b) through (bb) as subsections (c) through (cc), respectively; and

(B) by inserting after subsection (a) the following:

''(b) BUREAU.—The term 'Bureau' means the Bureau of Consumer Financial Protection.'';

(2) by striking ''Board'' each place that term appears, other than in section 140(d) and sections 105(i) and 108(a), as amended by this section, and inserting ''Bureau'';

(3) by striking ''Federal Trade Commission'' each place that term appears, other than in section 108(c) and section 129(m), as amended by this Act, and other than in the context of a reference to the Federal Trade Commission Act, and inserting ''Bureau'';

(4) in section 105(a) (15 U.S.C. 1604(a)), in the second sentence—

(A) by striking ''Except in the case of a mortgage referred to in section 103(aa), these regulations may contain such'' and inserting ''Except with respect to the provisions of section 129 that apply to a mortgage referred to in section 103(aa), such regulations may contain such additional requirements,''; and

(B) by inserting ''all or'' after ''exceptions for'';

(5) in section 105(b) (15 U.S.C. 1604(b)), by striking the first sentence and inserting the following: ''The Bureau shall publish a single, integrated disclosure for mortgage loan transactions (including real estate settlement cost statements) which includes the disclosure requirements of this title in conjunction with the disclosure requirements of the Real Estate Settlement Procedures Act of 1974 that, taken together, may apply to a transaction that is subject to both or either provisions of law. The purpose of such model disclosure shall be to facilitate compliance with the disclosure requirements of this title and the Real Estate Settlement Procedures Act of 1974, and to aid the borrower or lessee in understanding the transaction by utilizing readily understandable language to simplify the technical nature of the disclosures.'';

(6) in section 105(f)(1) (15 U.S.C. 1604(f)(1)), by inserting ''all or'' after ''from all or part of this title'';

(7) in section 105 (15 U.S.C. 1604), by adding at the end the following:

''(i) AUTHORITY OF THE BOARD TO PRESCRIBE RULES.—Notwithstanding subsection (a), the Board shall have authority to prescribe rules under this title with respect to a person described in section 1029(a) of the Consumer Financial Protection Act of 2010. Regulations prescribed under this subsection may contain such classifications, differentiations, or other provisions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.'';

(8) in section 108 (15 U.S.C. 1604), by adding at the end the following:

(A) by striking subsection (a) and inserting the following:

''(a) ENFORCING AGENCIES.—Subject to subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements imposed under this title shall be enforced under—

''(1) section 8 of the Federal Deposit Insurance Act, by the appropriate Federal banking agency, as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), with respect to—

''(A) national banks, Federal savings associations, and Federal branches and Federal agencies of foreign banks;

''(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act; and

''(C) banks and State savings associations insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), and insured State branches of foreign banks;

''(2) the Federal Credit Union Act, by the Director of the National Credit Union Administration, with respect to any Federal credit union;

''(3) the Federal Aviation Act of 1958, by the Secretary of Transportation, with respect to any air carrier or foreign air carrier subject to that Act;

''(4) the Packers and Stockyards Act, 1921 (except as provided in section 406 of that Act), by the Secretary of Agriculture, with respect to any activities subject to that Act;

''(5) the Farm Credit Act of 1971, by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association; and

''(6) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau, with respect to any person subject to this title.''; and

(B) by striking subsection (c) and inserting the following:

''(c) OVERALL ENFORCEMENT AUTHORITY OF THE FEDERAL TRADE COMMISSION.—Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under any of paragraphs (1) through (5) of subsection (a), and subject to subtitle B of the Consumer Financial Protection Act of 2010, the Federal Trade Commission shall be authorized to enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person with the requirements under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.''; and

(9) in section 129 (15 U.S.C. 1639), by striking subsection (m) and inserting the following:

''(m) CIVIL PENALTIES IN FEDERAL TRADE COMMISSION ENFORCEMENT ACTIONS.—For purposes of enforcement by the Federal Trade Commission, any violation of a regulation issued by the Bureau pursuant to subsection (l)(2) shall be treated as a violation of a rule promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.''; and

(10) in chapter 5 (15 U.S.C. 1667 et seq.)—

(A) by striking ''the Board'' each place that term appears and inserting ''the Bureau''; and

(B) by striking ''The Board'' each place that term appears and inserting ''The Bureau''.

SEC. 1100B. AMENDMENTS TO THE TRUTH IN SAVINGS ACT.

The Truth in Savings Act (12 U.S.C. 4301 et seq.) is amended—

(1) by striking ''Board'' each place that term appears, other than in section 272(b) (12 U.S.C. 4311), and inserting ''Bureau'';

(2) in section 270(a) (12 U.S.C. 4309)—

(A) by striking ''Compliance'' and all that follows through the end of paragraph (1) and inserting: ''Subject to subtitle B of the Consumer Financial Protection Act of 2010, compliance with the requirements imposed under this subtitle shall be enforced under—

''(1) section 8 of the Federal Deposit Insurance Act by the appropriate Federal banking agency (as defined in section 3(q) of that Act), with respect to—

''(A) insured depository institutions (as defined in section 3(c)(2) of that Act);

''(B) depository institutions described in clause (i), (ii), or (iii) of section 19(b)(1)(A) of the Federal Reserve Act which are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act); and

''(C) depository institutions described in clause (v) or (vi) of section 19(b)(1)(A) of the Federal Reserve Act which are not insured depository institutions (as defined in section 3(c)(2) of the Federal Deposit Insurance Act);'';

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) subtitle E of the Consumer Financial Protection Act of 2010, by the Bureau, with respect to any person subject to this subtitle.'';

(3) in section 272(b) (12 U.S.C. 4311(b)), by striking ''regulation prescribed by the Board'' each place that term appears and inserting ''regulation prescribed by the Bureau''; and

(4) in section 274 (12 U.S.C. 4313), by striking paragraph (4) and inserting the following:

''(4) BUREAU.—The term 'Bureau' means the Bureau of Consumer Financial Protection.''.

SEC. 1100C. AMENDMENTS TO THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT.

(a) AMENDMENTS TO SECTION 3.—Section 3 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102) is amended by striking subsections (b) and (c) and inserting the following:

''(b) RULEMAKING AUTHORITY.—The Commission shall have authority to prescribe rules under subsection (a), in accordance with section 553 of title 5, United States Code. In prescribing a rule under this section that relates to the provision of a consumer financial product or service that is subject to the Consumer Financial Protection Act of 2010, including any enumerated consumer law thereunder, the Commission shall consult with the Bureau of Consumer Financial Protection regarding the consistency of a proposed rule with standards, purposes, or objectives administered by the Bureau of Consumer Financial Protection.

''(c) VIOLATIONS.—Any violation of any rule prescribed under subsection (a)—

''(1) shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act regarding unfair or deceptive acts or practices; and

''(2) that is committed by a person subject to the Consumer Financial Protection Act of 2010 shall be treated as a violation of a rule under section 1031 of that Act regarding unfair, deceptive, or abusive acts or practices.''.

(b) AMENDMENTS TO SECTION 4.—Section 4(d) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6103(d)) is amended by inserting after ''Commission'' each place that term appears the following: ''or the Bureau of Consumer Financial Protection''.

(c) AMENDMENTS TO SECTION 5.—Section 5(c) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6104(c)) is amended by inserting after ''Commission'' each place that term appears the following: ''or the Bureau of Consumer Financial Protection''.

(d) AMENDMENT TO SECTION 6.—Section 6 of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6105) is amended by adding at the end the following:

''(d) ENFORCEMENT BY BUREAU OF CONSUMER FINANCIAL PROTECTION.—Except as otherwise provided in sections 3(d), 3(e), 4, and 5, and subject to subtitle B of the Consumer Financial Protection Act of 2010, this Act shall be enforced by the Bureau of Consumer Financial Protection under subtitle E of the Consumer Financial Protection Act of 2010, with respect to the offering or provision of a consumer financial product or service subject to that Act.''.

SEC. 1100D. AMENDMENTS TO THE PAPERWORK REDUCTION ACT.

(a) DESIGNATION AS AN INDEPENDENT AGENCY.—Section 2(5) of the Paperwork Reduction Act (44 U.S.C. 3502(5)) is amended by inserting ''the Bureau of Consumer Financial Protection, the Office of Financial Research,'' after ''the Securities and Exchange Commission,''.

(b) COMPARABLE TREATMENT.—Section 3513 of title 44, United States Code, is amended by adding at the end the following:

''(c) COMPARABLE TREATMENT.—Notwithstanding any other provision of law, the Director shall treat or review a rule or order prescribed or proposed by the Director of the Bureau of Consumer Financial Protection on the same terms and conditions as apply to any rule or order prescribed or proposed by the Board of Governors of the Federal Reserve System.''.

SEC. 1100E. ADJUSTMENTS FOR INFLATION IN THE TRUTH IN LENDING ACT.

(a) CAPS.—

(1) CREDIT TRANSACTIONS.—Section 104(3) of the Truth in Lending Act (15 U.S.C. 1603(3)) is amended by striking ''$25,000'' and inserting ''$50,000''.

(2) CONSUMER LEASES.—Section 181(1) of the Truth in Lending Act (15 U.S.C. 1667(1)) is amended by striking ''$25,000'' and inserting ''$50,000''.

(b) ADJUSTMENTS FOR INFLATION.—On and after December 31, 2011, the Bureau shall adjust annually the dollar amounts described in sections 104(3) and 181(1) of the Truth in Lending Act (as amended by this section), by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers, as published by the Bureau of Labor Statistics, rounded to the nearest multiple of $100, or $1,000, as applicable.

SEC. 1100F. USE OF CONSUMER REPORTS.

Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following:

''(2) provide to the consumer written or electronic disclosure—

''(A) of a numerical credit score as defined in section 609(f)(2)(A) used by such person in taking any adverse action based in whole or in part on any information in a consumer report; and

''(B) of the information set forth in subparagraphs (B) through (E) of section 609(f)(1);''; and

(C) in paragraph (4) (as so redesignated), by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(2) in subsection (h)(5)—

(A) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (D), by striking the period and inserting ''; and''; and

(C) by inserting at the end the following:

''(E) include a statement informing the consumer of—

''(i) a numerical credit score as defined in section 609(f)(2)(A), used by such person in making the credit decision described in paragraph (1) based in whole or in part on any information in a consumer report; and

''(ii) the information set forth in subparagraphs (B) through (E) of section 609(f)(1).''.

SEC. 1100G. SMALL BUSINESS FAIRNESS AND REGULATORY TRANSPARENCY.

(a) PANEL REQUIREMENT.—Section 609(d) of title 5, United States Code, is amended by striking ''means the'' and all that follows and inserting the following: ''means—

''(1) the Environmental Protection Agency;

''(2) the Consumer Financial Protection Bureau of the Federal Reserve System; and

''(3) the Occupational Safety and Health Administration of the Department of Labor.''.

(b) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended by adding at the end the following:

''(d)(1) For a covered agency, as defined in section 609(d)(2), each initial regulatory flexibility analysis shall include a description of—

''(A) any projected increase in the cost of credit for small entities;

''(B) any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any increase in the cost of credit for small entities; and

''(C) advice and recommendations of representatives of small entities relating to issues described in subparagraphs (A) and (B) and subsection (b).

''(2) A covered agency, as defined in section 609(d)(2), shall, for purposes of complying with paragraph (1)(C)—

''(A) identify representatives of small entities in consultation with the Chief Counsel for Advocacy of the Small Business Administration; and

''(B) collect advice and recommendations from the representatives identified under subparagraph (A) relating to issues described in subparagraphs (A) and (B) of paragraph (1) and subsection (b).''.

(c) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604(a) of title 5, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) for a covered agency, as defined in section 609(d)(2), a description of the steps the agency has taken to minimize any additional cost of credit for small entities.''.

SEC. 1100H. EFFECTIVE DATE.

Except as otherwise provided in this subtitle and the amendments made by this subtitle, this subtitle and the amendments made by this subtitle, other than sections 1081 and 1082, shall become effective on the designated transfer date.

TITLE XI—FEDERAL RESERVE SYSTEM PROVISIONS

SEC. 1101. FEDERAL RESERVE ACT AMENDMENTS ON EMERGENCY LENDING AUTHORITY.

(a) FEDERAL RESERVE ACT.—The third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343) (relating to emergency lending authority) is amended—

(1) by inserting ''(3)(A)'' before ''In unusual'';

(2) by striking ''individual, partnership, or corporation'' the first place that term appears and inserting the following: ''participant in any program or facility with broad-based eligibility'';

(3) by striking ''exchange for an individual or a partnership or corporation'' and inserting ''exchange,'';

(4) by striking ''such individual, partnership, or corporation'' and inserting the following: ''such participant in any program or facility with broad-based eligibility'';

(5) by striking ''for individuals, partnerships, corporations'' and inserting ''for any participant in any program or facility with broad-based eligibility''; and

(6) by striking ''may prescribe.'' and inserting the following: ''may prescribe.

''(B)(i) As soon as is practicable after the date of enactment of this subparagraph, the Board shall establish, by regulation, in consultation with the Secretary of the Treasury, the policies and procedures governing emergency lending under this paragraph. Such policies and procedures shall be designed to ensure that any emergency lending program or facility is for the purpose of providing liquidity to the financial system, and not to aid a failing financial company, and that the security for emergency loans is sufficient to protect taxpayers from losses and that any such program is terminated in a timely and orderly fashion. The policies and procedures established by the Board shall require that a Federal reserve bank assign, consistent with sound risk management practices and to ensure protection for the taxpayer, a lendable value to all collateral for a loan executed by a Federal reserve bank under this paragraph in determining whether the loan is secured satisfactorily for purposes of this paragraph.

''(ii) The Board shall establish procedures to prohibit borrowing from programs and facilities by borrowers that are insolvent. Such procedures may include a certification from the chief executive officer (or other authorized officer) of the borrower, at the time the borrower initially borrows under the program or facility (with a duty by the borrower to update the certification if the information in the certification materially changes), that the borrower is not insolvent. A borrower shall be considered insolvent for purposes of this subparagraph, if the borrower is in bankruptcy, resolution under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act, or any other Federal or State insolvency proceeding.

''(iii) A program or facility that is structured to remove assets from the balance sheet of a single and specific company, or that is established for the purpose of assisting a single and specific company avoid bankruptcy, resolution under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act, or any other Federal or State insolvency proceeding, shall not be considered a program or facility with broad-based eligibility.

''(iv) The Board may not establish any program or facility under this paragraph without the prior approval of the Secretary of the Treasury.

''(C) The Board shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

''(i) not later than 7 days after the Board authorizes any loan or other financial assistance under this paragraph, a report that includes—

''(I) the justification for the exercise of authority to provide such assistance;

''(II) the identity of the recipients of such assistance;

''(III) the date and amount of the assistance, and form in which the assistance was provided; and

''(IV) the material terms of the assistance, including—

''(aa) duration;

''(bb) collateral pledged and the value thereof;

''(cc) all interest, fees, and other revenue or items of value to be received in exchange for the assistance;

''(dd) any requirements imposed on the recipient with respect to employee compensation, distribution of dividends, or any other corporate decision in exchange for the assistance; and

''(ee) the expected costs to the taxpayers of such assistance; and

''(ii) once every 30 days, with respect to any outstanding loan or other financial assistance under this paragraph, written updates on—

''(I) the value of collateral;

''(II) the amount of interest, fees, and other revenue or items of value received in exchange for the assistance; and

''(III) the expected or final cost to the taxpayers of such assistance.

''(D) The information required to be submitted to Congress under subparagraph (C) related to—

''(i) the identity of the participants in an emergency lending program or facility commenced under this paragraph;

''(ii) the amounts borrowed by each participant in any such program or facility;

''(iii) identifying details concerning the assets or collateral held by, under, or in connection with such a program or facility,

shall be kept confidential, upon the written request of the Chairman of the Board, in which case such information shall be made available only to the Chairpersons or Ranking Members of the Committees described in subparagraph (C).

''(E) If an entity to which a Federal reserve bank has provided a loan under this paragraph becomes a covered financial company, as defined in section 201 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, at any time while such loan is outstanding, and the Federal reserve bank incurs a realized net loss on the loan, then the Federal reserve bank shall have a claim equal to the amount of the net realized loss against the covered entity, with the same priority as an obligation to the Secretary of the Treasury under section 210(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act.''.

(b) CONFORMING AMENDMENT.—Section 507(a)(2) of title 11, United States Code, is amended by inserting ''unsecured claims of any Federal reserve bank related to loans made through programs or facilities authorized under section 13(3) of the Federal Reserve Act (12 U.S.C. 343),'' after ''this title,''.

(c) REFERENCES.—On and after the date of enactment of this Act, any reference in any provision of Federal law to the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343) shall be deemed to be a reference to section 13(3) of the Federal Reserve Act, as so designated by this section.

SEC. 1102. AUDITS OF SPECIAL FEDERAL RESERVE CREDIT FACILITIES.

(a) AUDITS.—Section 714 of title 31, United States Code, is amended by adding at the end the following:

''(f) AUDITS OF CREDIT FACILITIES OF THE FEDERAL RESERVE SYSTEM.—

''(1) DEFINITIONS.—In this subsection, the following definitions shall apply:

''(A) CREDIT FACILITY.—The term 'credit facility' means a program or facility, including any special purpose vehicle or other entity established by or on behalf of the Board of Governors of the Federal Reserve System or a Federal reserve bank, authorized by the Board of Governors under section 13(3) of the Federal Reserve Act (12 U.S.C. 343), that is not subject to audit under subsection (e).

''(B) COVERED TRANSACTION.—The term 'covered transaction' means any open market transaction or discount window advance that meets the definition of 'covered transaction' in section 11(s) of the Federal Reserve Act.

''(2) AUTHORITY FOR AUDITS AND EXAMINATIONS.—Subject to paragraph (3), and notwithstanding any limitation in subsection (b) on the auditing and oversight of certain functions of the Board of Governors of the Federal Reserve System or any Federal reserve bank, the Comptroller General of the United States may conduct audits, including onsite examinations, of the Board of Governors, a Federal reserve bank, or a credit facility, if the Comptroller General determines that such audits are appropriate, solely for the purposes of assessing, with respect to a credit facility or a covered transaction—

''(A) the operational integrity, accounting, financial reporting, and internal controls governing the credit facility or covered transaction;

''(B) the effectiveness of the security and collateral policies established for the facility or covered transaction in mitigating risk to the relevant Federal reserve bank and taxpayers;

''(C) whether the credit facility or the conduct of a covered transaction inappropriately favors one or more specific participants over other institutions eligible to utilize the facility; and

''(D) the policies governing the use, selection, or payment of third-party contractors by or for any credit facility or to conduct any covered transaction.

''(3) REPORTS AND DELAYED DISCLOSURE.—

''(A) REPORTS REQUIRED.—A report on each audit conducted under paragraph (2) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed.

''(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusions of the Comptroller General with respect to the matters described in paragraph (2) that were audited and are the subject of the report, together with such recommendations for legislative or administrative action relating to such matters as the Comptroller General may determine to be appropriate.

''(C) DELAYED RELEASE OF CERTAIN INFORMATION.—

''(i) IN GENERAL.—The Comptroller General shall not disclose to any person or entity, including to Congress, the names or identifying details of specific participants in any credit facility or covered transaction, the amounts borrowed by or transferred by or to specific participants in any credit facility or covered transaction, or identifying details regarding assets or collateral held or transferred by, under, or in connection with any credit facility or covered transaction, and any report provided under subparagraph (A) shall be redacted to ensure that such names and details are not disclosed.

''(ii) DELAYED RELEASE.—The nondisclosure obligation under clause (i) shall expire with respect to any participant on the date on which the Board of Governors, directly or through a Federal reserve bank, publicly discloses the identity of the subject participant or the identifying details of the subject assets, collateral, or transaction.

''(iii) GENERAL RELEASE.—The Comptroller General shall release a nonredacted version of any report on a credit facility 1 year after the effective date of the termination by the Board of Governors of the authorization for the credit facility. For purposes of this clause, a credit facility shall be deemed to have terminated 24 months after the date on which the credit facility ceases to make extensions of credit and loans, unless the credit facility is otherwise terminated by the Board of Governors.

''(iv) EXCEPTIONS.—The nondisclosure obligation under clause (i) shall not apply to the credit facilities Maiden Lane, Maiden Lane II, and Maiden Lane III.

''(v) RELEASE OF COVERED TRANSACTION INFORMATION.—The Comptroller General shall release a nonredacted version of any report regarding covered transactions upon the release of the information regarding such covered transactions by the Board of Governors of the Federal Reserve System, as provided in section 11(s) of the Federal Reserve Act.''.

(b) ACCESS TO RECORDS.—Section 714(d) of title 31, United States Code, is amended—

(1) in paragraph (2), by inserting ''or any person or entity described in paragraph (3)(A)'' after ''used by an agency'';

(2) in paragraph (3), by inserting ''or (f)'' after ''subsection (e)'' each place that term appears;

(3) in clauses (i) and (ii) of paragraph (3)(A), by inserting ''or the Federal Reserve banks'' after ''by the Board'' each place that term appears;

(4) in paragraph (3)(A)(ii), by inserting ''participating in or'' after ''any entity''; and

(5) in paragraph (3)(B), by adding at the end the following: ''The Comptroller General may make and retain copies of books, accounts, and other records provided under subparagraph (A) as the Comptroller General deems appropriate. The Comptroller General shall provide to any person or entity described in subparagraph (A) a current list of officers and employees to whom, with proper identification, records and property may be made available, and who may make notes or copies necessary to carry out a audit or examination under this subsection.''.

SEC. 1103. PUBLIC ACCESS TO INFORMATION.

(a) IN GENERAL.—Section 2B of the Federal Reserve Act (12 U.S.C. 225b) is amended by adding at the end the following:

''(c) PUBLIC ACCESS TO INFORMATION.—The Board shall place on its home Internet website, a link entitled 'Audit', which shall link to a webpage that shall serve as a repository of information made available to the public for a reasonable period of time, not less than 6 months following the date of release of the relevant information, including—

''(1) the reports prepared by the Comptroller General under section 714 of title 31, United States Code;

''(2) the annual financial statements prepared by an independent auditor for the Board in accordance with section 11B;

''(3) the reports to the Committee on Banking, Housing, and Urban Affairs of the Senate required under section 13(3) (relating to emergency lending authority); and

''(4) such other information as the Board reasonably believes is necessary or helpful to the public in understanding the accounting, financial reporting, and internal controls of the Board and the Federal reserve banks.''.

(b) FEDERAL RESERVE TRANSPARENCY AND RELEASE OF INFORMATION.—Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by adding at the end the following new subsection:

''(s) FEDERAL RESERVE TRANSPARENCY AND RELEASE OF INFORMATION.—

''(1) IN GENERAL.—In order to ensure the disclosure in a timely manner consistent with the purposes of this Act of information concerning the borrowers and counterparties participating in emergency credit facilities, discount window lending programs, and open market operations authorized or conducted by the Board or a Federal reserve bank, the Board of Governors shall disclose, as provided in paragraph (2)—

''(A) the names and identifying details of each borrower, participant, or counterparty in any credit facility or covered transaction;

''(B) the amount borrowed by or transferred by or to a specific borrower, participant, or counterparty in any credit facility or covered transaction;

''(C) the interest rate or discount paid by each borrower, participant, or counterparty in any credit facility or covered transaction; and

''(D) information identifying the types and amounts of collateral pledged or assets transferred in connection with participation in any credit facility or covered transaction.

''(2) MANDATORY RELEASE DATE.—In the case of—

''(A) a credit facility, the Board shall disclose the information described in paragraph (1) on the date that is 1 year after the effective date of the termination by the Board of the authorization of the credit facility; and

''(B) a covered transaction, the Board shall disclose the information described in paragraph (1) on the last day of the eighth calendar quarter following the calendar quarter in which the covered transaction was conducted.

''(3) EARLIER RELEASE DATE AUTHORIZED.—The Chairman of the Board may publicly release the information described in paragraph (1) before the relevant date specified in paragraph (2), if the Chairman determines that such disclosure would be in the public interest and would not harm the effectiveness of the relevant credit facility or the purpose or conduct of covered transactions.

''(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) CREDIT FACILITY.—The term 'credit facility' has the same meaning as in section 714(f)(1)(A) of title 31, United States Code.

''(B) COVERED TRANSACTION.—The term 'covered transaction' means—

''(i) any open market transaction with a nongovernmental third party conducted under the first undesignated paragraph of section 14 or subparagraph (a), (b), or (c) of the 2nd undesignated paragraph of such section, after the date of enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act; and

''(ii) any advance made under section 10B after the date of enactment of that Act.

''(5) TERMINATION OF CREDIT FACILITY BY OPERATION OF LAW.—A credit facility shall be deemed to have terminated as of the end of the 24-month period beginning on the date on which the credit facility ceases to make extensions of credit and loans, unless the credit facility is otherwise terminated by the Board before such date.

''(6) CONSISTENT TREATMENT OF INFORMATION.—Except as provided in this subsection or section 13(3)(D), or in section 714(f)(3)(C) of title 31, United States Code, the information described in paragraph (1) and information concerning the transactions described in section 714(f) of such title, shall be confidential, including for purposes of section 552(b)(3) of title 5 of such Code, until the relevant mandatory release date described in paragraph (2), unless the Chairman of the Board determines that earlier disclosure of such information would be in the public interest and would not harm the effectiveness of the relevant credit facility or the purpose of conduct of the relevant transactions.

''(7) PROTECTION OF PERSONAL PRIVACY.—This subsection and section 13(3)(C), section 714(f)(3)(C) of title 31, United States Code, and subsection (a) or (c) of section 1109 of the Dodd-Frank Wall Street Reform and Consumer Protection Act shall not be construed as requiring any disclosure of nonpublic personal information (as defined for purposes of section 502 of the Gramm-Leach-Bliley Act (12 U.S.C. 6802)) concerning any individual who is referenced in collateral pledged or assets transferred in connection with a credit facility or covered transaction, unless the person is a borrower, participant, or counterparty under the credit facility or covered transaction.

''(8) STUDY OF FOIA EXEMPTION IMPACT.—

''(A) STUDY.—The Inspector General of the Board of Governors of the Federal Reserve System shall—

''(i) conduct a study on the impact that the exemption from section 552(b)(3) of title 5 (known as the Freedom of Information Act) established under paragraph (6) has had on the ability of the public to access information about the administration by the Board of Governors of emergency credit facilities, discount window lending programs, and open market operations; and

''(ii) make any recommendations on whether the exemption described in clause (i) should remain in effect.

''(B) REPORT.—Not later than 30 months after the date of enactment of this section, the Inspector General of the Board of Governors of the Federal Reserve System shall submit a report on the findings of the study required under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and publish the report on the website of the Board.

''(9) RULE OF CONSTRUCTION.—Nothing in this section is meant to affect any pending litigation or lawsuit filed under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act), on or before the date of enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act.''.

SEC. 1104. LIQUIDITY EVENT DETERMINATION.

(a) DETERMINATION AND WRITTEN RECOMMENDATION.—

(1) DETERMINATION REQUEST.—The Secretary may request the Corporation and the Board of Governors to determine whether a liquidity event exists that warrants use of the guarantee program authorized under section 1105.

(2) REQUIREMENTS OF DETERMINATION.—Any determination pursuant to paragraph (1) shall—

(A) be written; and

(B) contain an evaluation of the evidence that—

(i) a liquidity event exists;

(ii) failure to take action would have serious adverse effects on financial stability or economic conditions in the United States; and

(iii) actions authorized under section 1105 are needed to avoid or mitigate potential adverse effects on the United States financial system or economic conditions.

(b) PROCEDURES.—Notwithstanding any other provision of Federal or State law, upon the determination of both the Corporation (upon a vote of not fewer than ⅔ of the members of the Corporation then serving) and the Board of Governors (upon a vote of not fewer than ⅔ of the members of the Board of Governors then serving) under subsection (a) that a liquidity event exists that warrants use of the guarantee program authorized under section 1105, and with the written consent of the Secretary—

(1) the Corporation shall take action in accordance with section 1105(a); and

(2) the Secretary (in consultation with the President) shall take action in accordance with section 1105(c).

(c) DOCUMENTATION AND REVIEW.—

(1) DOCUMENTATION.—The Secretary shall—

(A) maintain the written documentation of each determination of the Corporation and the Board of Governors under this section; and

(B) provide the documentation for review under paragraph (2).

(2) GAO REVIEW.—The Comptroller General of the United States shall review and report to Congress on any determination of the Corporation and the Board of Governors under subsection (a), including—

(A) the basis for the determination; and

(B) the likely effect of the actions taken.

(d) REPORT TO CONGRESS.—On the earlier of the date of a submission made to Congress under

section 1105(c), or within 30 days of the date of a determination under subsection (a), the Secretary shall provide written notice of the determination of the Corporation and the Board of Governors to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, including a description of the basis for the determination.

SEC. 1105. EMERGENCY FINANCIAL STABILIZATION.

(a) IN GENERAL.—Upon the written determination of the Corporation and the Board of Governors under section 1104, the Corporation shall create a widely available program to guarantee obligations of solvent insured depository institutions or solvent depository institution holding companies (including any affiliates thereof) during times of severe economic distress, except that a guarantee of obligations under this section may not include the provision of equity in any form.

(b) RULEMAKING AND TERMS AND CONDITIONS.—

(1) POLICIES AND PROCEDURES.—As soon as is practicable after the date of enactment of this Act, the Corporation shall establish, by regulation, and in consultation with the Secretary, policies and procedures governing the issuance of guarantees authorized by this section. Such policies and procedures may include a requirement of collateral as a condition of any such guarantee.

(2) TERMS AND CONDITIONS.—The terms and conditions of any guarantee program shall be established by the Corporation, with the concurrence of the Secretary.

(c) DETERMINATION OF GUARANTEED AMOUNT.—

(1) IN GENERAL.—In connection with any program established pursuant to subsection (a) and subject to paragraph (2) of this subsection, the Secretary (in consultation with the President) shall determine the maximum amount of debt outstanding that the Corporation may guarantee under this section, and the President may transmit to Congress a written report on the plan of the Corporation to exercise the authority under this section to issue guarantees up to that maximum amount and a request for approval of such plan. The Corporation shall exercise the authority under this section to issue guarantees up to that specified maximum amount upon passage of the joint resolution of approval, as provided in subsection (d). Absent such approval, the Corporation shall issue no such guarantees.

(2) ADDITIONAL DEBT GUARANTEE AUTHORITY.—If the Secretary (in consultation with the President) determines, after a submission to Congress under paragraph (1), that the maximum guarantee amount should be raised, and the Council concurs with that determination, the President may transmit to Congress a written report on the plan of the Corporation to exercise the authority under this section to issue guarantees up to the increased maximum debt guarantee amount. The Corporation shall exercise the authority under this section to issue guarantees up to that specified maximum amount upon passage of the joint resolution of approval, as provided in subsection (d). Absent such approval, the Corporation shall issue no such guarantees.

(d) RESOLUTION OF APPROVAL.—

(1) ADDITIONAL DEBT GUARANTEE AUTHORITY.—A request by the President under this section shall be considered granted by Congress upon adoption of a joint resolution approving such request. Such joint resolution shall be considered in the Senate under expedited procedures.

(2) FAST TRACK CONSIDERATION IN SENATE.—

(A) RECONVENING.—Upon receipt of a request under subsection (c), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this section, the Senate shall convene not later than the second calendar day after receipt of such message.

(B) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

(C) FLOOR CONSIDERATION.—

(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the 4th day after the date on which Congress receives a request under subsection (c), and ending on the 7th day after that date (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(ii) DEBATE.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(iii) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on the joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(iv) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(3) RULES.—

(A) COORDINATION WITH ACTION BY HOUSE OF REPRESENTATIVES.—If, before the passage by the Senate of a joint resolution of the Senate, the Senate receives a joint resolution, from the House of Representatives, then the following procedures shall apply:

(i) The joint resolution of the House of Representatives shall not be referred to a committee.

(ii) With respect to a joint resolution of the Senate—

(I) the procedure in the Senate shall be the same as if no joint resolution had been received from the other House; but

(II) the vote on passage shall be on the joint resolution of the House of Representatives.

(B) TREATMENT OF JOINT RESOLUTION OF HOUSE OF REPRESENTATIVES.—If the Senate fails to introduce or consider a joint resolution under this section, the joint resolution of the House of Representatives shall be entitled to expedited floor procedures under this subsection.

(C) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

(D) RULES OF THE SENATE.—This subsection is enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a joint resolution, and it supersedes other rules, only to the extent that it is inconsistent with such rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(4) DEFINITION.—As used in this subsection, the term ''joint resolution'' means only a joint resolution—

(A) that is introduced not later than 3 calendar days after the date on which the request referred to in subsection (c) is received by Congress;

(B) that does not have a preamble;

(C) the title of which is as follows: ''Joint resolution relating to the approval of a plan to guarantee obligations under section 1105 of the Dodd-Frank Wall Street Reform and Consumer Protection Act''; and

(D) the matter after the resolving clause of which is as follows: ''That Congress approves the obligation of any amount described in section 1105(c) of the Dodd-Frank Wall Street Reform and Consumer Protection Act.''.

(e) FUNDING.—

(1) FEES AND OTHER CHARGES.—The Corporation shall charge fees and other assessments to all participants in the program established pursuant to this section, in such amounts as are necessary to offset projected losses and administrative expenses, including amounts borrowed pursuant to paragraph (3), and such amounts shall be available to the Corporation.

(2) EXCESS FUNDS.—If, at the conclusion of the program established under this section, there are any excess funds collected from the fees associated with such program, the funds shall be deposited in the General Fund of the Treasury.

(3) AUTHORITY OF CORPORATION.—The Corporation—

(A) may borrow funds from the Secretary of the Treasury and issue obligations of the Corporation to the Secretary for amounts borrowed, and the amounts borrowed shall be available to the Corporation for purposes of carrying out a program established pursuant to this section, including the payment of reasonable costs of administering the program, and the obligations issued shall be repaid in full with interest through fees and charges paid by participants in accordance with paragraphs (1) and (4), as applicable; and

(B) may not borrow funds from the Deposit Insurance Fund established pursuant to section 11(a)(4) of the Federal Deposit Insurance Act.

(4) BACKUP SPECIAL ASSESSMENTS.—To the extent that the funds collected pursuant to paragraph (1) are insufficient to cover any losses or expenses, including amounts borrowed pursuant to paragraph (3), arising from a program established pursuant to this section, the Corporation shall impose a special assessment solely on participants in the program, in amounts necessary to address such insufficiency, and which shall be available to the Corporation to cover such losses or expenses.

(5) AUTHORITY OF THE SECRETARY.—The Secretary may purchase any obligations issued under paragraph (3)(A). For such purpose, the Secretary may use the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under that chapter 31 are extended to include such purchases, and the amount of any securities issued under that chapter 31 for such purpose shall be treated in the same manner as securities issued under section 208(n)(5)(E).

(f) RULE OF CONSTRUCTION.—For purposes of this section, a guarantee of deposits held by insured depository institutions shall not be treated as a debt guarantee program.

(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) COMPANY.—The term ''company'' means any entity other than a natural person that is incorporated or organized under Federal law or the laws of any State.

(2) DEPOSITORY INSTITUTION HOLDING COMPANY.—The term ''depository institution holding company'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(3) LIQUIDITY EVENT.—The term ''liquidity event'' means—

(A) an exceptional and broad reduction in the general ability of financial market participants—

(i) to sell financial assets without an unusual and significant discount; or

(ii) to borrow using financial assets as collateral without an unusual and significant increase in margin; or

(B) an unusual and significant reduction in the ability of financial market participants to obtain unsecured credit.

(4) SOLVENT.—The term ''solvent'' means that the value of the assets of an entity exceed its obligations to creditors.

SEC. 1106. ADDITIONAL RELATED AMENDMENTS.

(a) SUSPENSION OF PARALLEL FEDERAL DEPOSIT INSURANCE ACT AUTHORITY.—Effective upon the date of enactment of this section, the Corporation may not exercise its authority under section 13(c)(4)(G)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(i)) to establish any widely available debt guarantee program for which section 1105 would provide authority.

(b) FEDERAL DEPOSIT INSURANCE ACT.—Section 13(c)(4)(G) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)) is amended—

(1) in clause (i)—

(A) in subclause (I), by inserting ''for which the Corporation has been appointed receiver'' before ''would have serious''; and

(B) in the undesignated matter following subclause (II), by inserting ''for the purpose of winding up the insured depository institution for which the Corporation has been appointed receiver'' after ''provide assistance under this section''; and

(2) in clause (v)(I), by striking ''The'' and inserting ''Not later than 3 days after making a determination under clause (i), the''.

(c) EFFECT OF DEFAULT ON AN FDIC GUARANTEE.—If an insured depository institution or depository institution holding company (as those terms are defined in section 3 of the Federal Deposit Insurance Act) participating in a program under section 1105, or any participant in a debt guarantee program established pursuant to section 13(c)(4)(G)(i) of the Federal Deposit Insurance Act defaults on any obligation guaranteed by the Corporation after the date of enactment of this Act, the Corporation shall—

(1) appoint itself as receiver for the insured depository institution that defaults; and

(2) with respect to any other participating company that is not an insured depository institution that defaults—

(A) require—

(i) consideration of whether a determination shall be made, as provided in section 203 to resolve the company under section 202; and

(ii) the company to file a petition for bankruptcy under section 301 of title 11, United States Code, if the Corporation is not appointed receiver pursuant to section 202 within 30 days of the date of default; or

(B) file a petition for involuntary bankruptcy on behalf of the company under section 303 of title 11, United States Code.

SEC. 1107. FEDERAL RESERVE ACT AMENDMENTS ON FEDERAL RESERVE BANK GOVERNANCE.

The 5th subparagraph of the 4th undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 341) is amended by striking the 2nd sentence and inserting the following: ''The president shall be the chief executive officer of the bank and shall be appointed by the Class B and Class C directors of the bank, with the approval of the Board of Governors of the Federal Reserve System, for a term of 5 years; and all other executive officers and all employees of the bank shall be directly responsible to the president.''.

SEC. 1108. FEDERAL RESERVE ACT AMENDMENTS ON SUPERVISION AND REGULATION POLICY.

(a) ESTABLISHMENT OF THE POSITION OF VICE CHAIRMAN FOR SUPERVISION.—

(1) POSITION ESTABLISHED.—The second undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 242) (relating to the Chairman and Vice Chairman of the Board) is amended by striking the third sentence and inserting the following: ''Of the persons thus appointed, 1 shall be designated by the President, by and with the advice and consent of the Senate, to serve as Chairman of the Board for a term of 4 years, and 2 shall be designated by the President, by and with the advice and consent of the Senate, to serve as Vice Chairmen of the Board, each for a term of 4 years, 1 of whom shall serve in the absence of the Chairman, as provided in the fourth undesignated paragraph of this section, and 1 of whom shall be designated Vice Chairman for Supervision. The Vice Chairman for Supervision shall develop policy recommendations for the Board regarding supervision and regulation of depository institution holding companies and other financial firms supervised by the Board, and shall oversee the supervision and regulation of such firms.''.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of enactment of this title and applies to individuals who are designated by the President on or after that date to serve as Vice Chairman of Supervision.

(b) APPEARANCES BEFORE CONGRESS.—Section 10 of the Federal Reserve Act (12 U.S.C. 241 et seq.) is amended by adding at the end the following:

''(12) APPEARANCES BEFORE CONGRESS.—The Vice Chairman for Supervision shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives and at semi-annual hearings regarding the efforts, activities, objectives, and plans of the Board with respect to the conduct of supervision and regulation of depository institution holding companies and other financial firms supervised by the Board.''.

(c) BOARD RESPONSIBILITY TO SET SUPERVISION AND REGULATORY POLICY.—Section 11 of the Federal Reserve Act (12 U.S.C. 248) (relating to enumerated powers of the Board) is amended by adding at the end of subsection (k) (relating to delegation) the following: ''The Board of Governors may not delegate to a Federal reserve bank its functions for the establishment of policies for the supervision and regulation of depository institution holding companies and other financial firms supervised by the Board of Governors.''.

(d) EXERCISE OF FEDERAL RESERVE AUTHORITY.—

(1) NO DECISIONS BY FEDERAL RESERVE BANK PRESIDENTS.—No provision of title I relating to the authority of the Board of Governors shall be construed as conferring any decision-making authority on presidents of Federal reserve banks.

(2) VOTING DECISIONS BY BOARD.—The Board of Governors shall not delegate the authority to make any voting decision that the Board of Governors is authorized or required to make under title I of this Act in contravention of section 11(k) of the Federal Reserve Act.

SEC. 1109. GAO AUDIT OF THE FEDERAL RESERVE FACILITIES; PUBLICATION OF BOARD ACTIONS.

(a) GAO AUDIT.—

(1) IN GENERAL.—Notwithstanding section 714(b) of title 31, United States Code, or any other provision of law, the Comptroller General of the United States (in this subsection referred to as the ''Comptroller General'') shall conduct a one-time audit of all loans and other financial assistance provided during the period beginning on December 1, 2007 and ending on the date of enactment of this Act by the Board of Governors or a Federal reserve bank under the Asset-Backed Commercial Paper Money Market Mutual Fund Liquidity Facility, the Term Asset-Backed Securities Loan Facility, the Primary Dealer Credit Facility, the Commercial Paper Funding Facility, the Term Securities Lending Facility, the Term Auction Facility, Maiden Lane, Maiden Lane II, Maiden Lane III, the agency Mortgage-Backed Securities program, foreign currency liquidity swap lines, and any other program created as a result of section 13(3) of the Federal Reserve Act (as so designated by this title).

(2) ASSESSMENTS.—In conducting the audit under paragraph (1), the Comptroller General shall assess—

(A) the operational integrity, accounting, financial reporting, and internal controls of the credit facility;

(B) the effectiveness of the security and collateral policies established for the facility in mitigating risk to the relevant Federal reserve bank and taxpayers;

(C) whether the credit facility inappropriately favors one or more specific participants over other institutions eligible to utilize the facility;

(D) the policies governing the use, selection, or payment of third-party contractors by or for any credit facility; and

(E) whether there were conflicts of interest with respect to the manner in which such facility was established or operated.

(3) TIMING.—The audit required by this subsection shall be commenced not later than 30 days after the date of enactment of this Act, and shall be completed not later than 12 months after that date of enactment.

(4) REPORT REQUIRED.—The Comptroller General shall submit a report on the audit conducted under paragraph (1) to the Congress not later than 12 months after the date of enactment of this Act, and such report shall be made available to—

(A) the Speaker of the House of Representatives;

(B) the majority and minority leaders of the House of Representatives;

(C) the majority and minority leaders of the Senate;

(D) the Chairman and Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Financial Services of the House of Representatives; and

(E) any member of Congress who requests it.

(b) AUDIT OF FEDERAL RESERVE BANK GOVERNANCE.—

(1) AUDIT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall complete an audit of the governance of the Federal reserve bank system.

(B) REQUIRED EXAMINATIONS.—The audit required under subparagraph (A) shall—

(i) examine the extent to which the current system of appointing Federal reserve bank directors effectively represents ''the public, without discrimination on the basis of race, creed, color, sex or national origin, and with due but not exclusive consideration to the interests of agriculture, commerce, industry, services, labor, and consumers'' in the selection of bank directors, as such requirement is set forth under section 4 of the Federal Reserve Act;

(ii) examine whether there are actual or potential conflicts of interest created when the directors of Federal reserve banks, which execute the supervisory functions of the Board of Governors of the Federal Reserve System, are elected by member banks;

(iii) examine the establishment and operations of each facility described in subsection (a)(1) and each Federal reserve bank involved in the establishment and operations thereof; and

(iv) identify changes to selection procedures for Federal reserve bank directors, or to other aspects of Federal reserve bank governance, that would—

(I) improve how the public is represented;

(II) eliminate actual or potential conflicts of interest in bank supervision;

(III) increase the availability of information useful for the formation and execution of monetary policy; or

(IV) in other ways increase the effectiveness or efficiency of reserve banks.

(2) REPORT REQUIRED.—A report on the audit conducted under paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed, and such report shall be made available to—

(A) the Speaker of the House of Representatives;

(B) the majority and minority leaders of the House of Representatives;

(C) the majority and minority leaders of the Senate;

(D) the Chairman and Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Financial Services of the House of Representatives; and

(E) any member of Congress who requests it.

(c) PUBLICATION OF BOARD ACTIONS.—Notwithstanding any other provision of law, the Board of Governors shall publish on its website, not later than December 1, 2010, with respect to all loans and other financial assistance provided during the period beginning on December 1, 2007 and ending on the date of enactment of this Act under the Asset-Backed Commercial Paper Money Market Mutual Fund Liquidity Facility, the Term Asset-Backed Securities Loan Facility, the Primary Dealer Credit Facility, the Commercial Paper Funding Facility, the Term Securities Lending Facility, the Term Auction Facility, Maiden Lane, Maiden Lane II, Maiden Lane III, the agency Mortgage-Backed Securities program, foreign currency liquidity swap lines, and any other program created as a result of section 13(3) of the Federal Reserve Act (as so designated by this title)—

(1) the identity of each business, individual, entity, or foreign central bank to which the Board of Governors or a Federal reserve bank has provided such assistance;

(2) the type of financial assistance provided to that business, individual, entity, or foreign central bank;

(3) the value or amount of that financial assistance;

(4) the date on which the financial assistance was provided;

(5) the specific terms of any repayment expected, including the repayment time period, interest charges, collateral, limitations on executive compensation or dividends, and other material terms; and

(6) the specific rationale for each such facility or program.

TITLE XII—IMPROVING ACCESS TO MAINSTREAM FINANCIAL INSTITUTIONS

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Improving Access to Mainstream Financial Institutions Act of 2010''.

SEC. 1202. PURPOSE.

The purpose of this title is to encourage initiatives for financial products and services that are appropriate and accessible for millions of Americans who are not fully incorporated into the financial mainstream.

SEC. 1203. DEFINITIONS.

In this title, the following definitions shall apply:

(1) ACCOUNT.—The term ''account'' means an agreement between an individual and an eligible entity under which the individual obtains from or through the entity 1 or more banking products and services, and includes a deposit account, a savings account (including a money market savings account), an account for a closed-end loan, and other products or services, as the Secretary deems appropriate.

(2) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term ''community development financial institution'' has the same meaning as in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5)).

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, and exempt from tax under section 501(a) of such Code;

(B) a federally insured depository institution;

(C) a community development financial institution;

(D) a State, local, or tribal government entity; or

(E) a partnership or other joint venture comprised of 1 or more of the entities described in subparagraphs (A) through (D), in accordance with regulations prescribed by the Secretary under this title.

(4) FEDERALLY INSURED DEPOSITORY INSTITUTION.—The term ''federally insured depository institution'' means any insured depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as that term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

SEC. 1204. EXPANDED ACCESS TO MAINSTREAM FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—The Secretary is authorized to establish a multiyear program of grants, cooperative agreements, financial agency agreements, and similar contracts or undertakings to promote initiatives designed—

(1) to enable low- and moderate-income individuals to establish one or more accounts in a federally insured depository institution that are appropriate to meet the financial needs of such individuals; and

(2) to improve access to the provision of accounts, on reasonable terms, for low- and moderate-income individuals.

(b) PROGRAM ELIGIBILITY AND ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall restrict participation in any program established under subsection (a) to an eligible entity. Subject to regulations prescribed by the Secretary under this title, 1 or more eligible entities may participate in 1 or several programs established under subsection (a).

(2) ACCOUNT ACTIVITIES.—Subject to regulations prescribed by the Secretary, an eligible entity may, in participating in a program established under subsection (a), offer or provide to low- and moderate-income individuals products and services relating to accounts, including—

(A) small-dollar value loans; and

(B) financial education and counseling relating to conducting transactions in and managing accounts.

SEC. 1205. LOW-COST ALTERNATIVES TO SMALL DOLLAR LOANS.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to establish multiyear demonstration programs by means of grants, cooperative agreements, financial agency agreements, and similar contracts or undertakings, with eligible entities to provide low-cost, small loans to consumers that will provide alternatives to more costly small dollar loans.

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Loans under this section shall be made on terms and conditions, and pursuant to lending practices, that are reasonable for consumers.

(2) FINANCIAL LITERACY AND EDUCATION OPPORTUNITIES.—

(A) IN GENERAL.—Each eligible entity awarded a grant under this section shall promote and take appropriate steps to ensure the provision of financial literacy and education opportunities, such as relevant counseling services, educational courses, or wealth building programs, to each consumer provided with a loan pursuant to this section.

(B) AUTHORITY TO EXPAND ACCESS.—As part of the grants, agreements, and undertakings established under this section, the Secretary may implement reasonable measures or programs designed to expand access to financial literacy and education opportunities, including relevant counseling services, educational courses, or wealth building programs to be provided to individuals who obtain loans from eligible entities under this section.

SEC. 1206. GRANTS TO ESTABLISH LOAN-LOSS RESERVE FUNDS.

The Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4701 et seq.) is amended by adding at the end the following:

''SEC. 122. GRANTS TO ESTABLISH LOAN-LOSS RESERVE FUNDS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to make financial assistance available from the Fund in order to help community development financial institutions defray the costs of operating small dollar loan programs, by providing the amounts necessary for such institutions to establish their own loan loss reserve funds to mitigate some of the losses on such small dollar loan programs; and

''(2) to encourage community development financial institutions to establish and maintain small dollar loan programs that would help give consumers access to mainstream financial institutions and combat high cost small dollar lending.

''(b) GRANTS.—

''(1) LOAN-LOSS RESERVE FUND GRANTS.—The Fund shall make grants to community development financial institutions or to any partnership between such community development financial institutions and any other federally insured depository institution with a primary mission to serve targeted investment areas, as such areas are defined under section 103(16), to enable such institutions or any partnership of such institutions to establish a loan-loss reserve fund in order to defray the costs of a small dollar loan program established or maintained by such institution.

''(2) MATCHING REQUIREMENT.—A community development financial institution or any partnership of institutions established pursuant to paragraph (1) shall provide non-Federal matching funds in an amount equal to 50 percent of the amount of any grant received under this section.

''(3) USE OF FUNDS.—Any grant amounts received by a community development financial institution or any partnership between or among such institutions under paragraph (1)—

''(A) may not be used by such institution to provide direct loans to consumers;

''(B) may be used by such institution to help recapture a portion or all of a defaulted loan made under the small dollar loan program of such institution; and

''(C) may be used to designate and utilize a fiscal agent for services normally provided by such an agent.

''(4) TECHNICAL ASSISTANCE GRANTS.—The Fund shall make technical assistance grants to community development financial institutions or any partnership between or among such institutions to support and maintain a small dollar loan program. Any grant amounts received under this paragraph may be used for technology, staff support, and other costs associated with establishing a small dollar loan program.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'consumer reporting agency that compiles and maintains files on consumers on a nationwide basis' has the same meaning given such term in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)); and

''(2) the term 'small dollar loan program' means a loan program wherein a community development financial institution or any partnership between or among such institutions offers loans to consumers that—

''(A) are made in amounts not exceeding $2,500;

''(B) must be repaid in installments;

''(C) have no pre-payment penalty;

''(D) the institution has to report payments regarding the loan to at least 1 of the consumer reporting agencies that compiles and maintains files on consumers on a nationwide basis; and

''(E) meet any other affordability requirements as may be established by the Administrator.''.

SEC. 1207. PROCEDURAL PROVISIONS.

An eligible entity desiring to participate in a program or obtain a grant under this title shall submit an application to the Secretary, in such form and containing such information as the Secretary may require.

SEC. 1208. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION TO THE SECRETARY.—There are authorized to be appropriated to the Secretary, such sums as are necessary to both administer and fund the programs and projects authorized by this title, to remain available until expended.

(b) AUTHORIZATION TO THE FUND.—There is authorized to be appropriated to the Fund for each fiscal year beginning in fiscal year 2010, an amount equal to the amount of the administrative costs of the Fund for the operation of the grant program established under this title.

SEC. 1209. REGULATIONS.

(a) IN GENERAL.—The Secretary is authorized to promulgate regulations to implement and administer the grant programs and undertakings authorized by this title.

(b) REGULATORY AUTHORITY.—Regulations prescribed under this section may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of grant programs, undertakings, or eligible entities, as, in the judgment of the Secretary, are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion of this title, or to facilitate compliance with this title.

SEC. 1210. EVALUATION AND REPORTS TO CONGRESS.

For each fiscal year in which a program or project is carried out under this title, the Secretary shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

TITLE XIII—PAY IT BACK ACT

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Pay It Back Act''.

SEC. 1302. AMENDMENT TO REDUCE TARP AUTHORIZATION.

Section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)) is amended—

(1) in paragraph (3)—

(A) by striking '', $700,000,000,000, as such amount is reduced by $1,259,000,000, as such amount is reduced by $1,244,000,000'' and inserting ''$475,000,000,000''; and

(B) by striking ''outstanding at any one time''; and

(2) by adding at the end the following:

''(4) For purposes of this subsection, the amount of authority considered to be exercised by the Secretary shall not be reduced by—

''(A) any amounts received by the Secretary before, on, or after the date of enactment of the Pay It Back Act from repayment of the principal of financial assistance by an entity that has received financial assistance under the TARP or any other program enacted by the Secretary under the authorities granted to the Secretary under this Act;

''(B) any amounts committed for any guarantees pursuant to the TARP that became or become uncommitted; or

''(C) any losses realized by the Secretary.

''(5) No authority under this Act may be used to incur any obligation for a program or initiative that was not initiated prior to June 25, 2010.''.

SEC. 1303. REPORT.

Section 106 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216) is amended by inserting at the end the following:

''(f) REPORT.—The Secretary of the Treasury shall report to Congress every 6 months on amounts received and transferred to the general fund under subsection (d).''.

SEC. 1304. AMENDMENTS TO HOUSING AND ECONOMIC RECOVERY ACT OF 2008.

(a) SALE OF FANNIE MAE OBLIGATIONS AND SECURITIES BY THE TREASURY; DEFICIT REDUCTION.—Section 304(g)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(g)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) DEFICIT REDUCTION.—The Secretary of the Treasury shall deposit in the General Fund of the Treasury any amounts received by the Secretary from the sale of any obligation acquired by the Secretary under this subsection, where such amounts shall be—

''(i) dedicated for the sole purpose of deficit reduction; and

''(ii) prohibited from use as an offset for other spending increases or revenue reductions.''.

(b) SALE OF FREDDIE MAC OBLIGATIONS AND SECURITIES BY THE TREASURY; DEFICIT REDUCTION.—Section 306(l)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(l)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) DEFICIT REDUCTION.—The Secretary of the Treasury shall deposit in the General Fund of the Treasury any amounts received by the Secretary from the sale of any obligation acquired by the Secretary under this subsection, where such amounts shall be—

''(i) dedicated for the sole purpose of deficit reduction; and

''(ii) prohibited from use as an offset for other spending increases or revenue reductions.''.

(c) SALE OF FEDERAL HOME LOAN BANKS OBLIGATIONS BY THE TREASURY; DEFICIT REDUCTION.—Section 11(l)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1431(l)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

''(C) DEFICIT REDUCTION.—The Secretary of the Treasury shall deposit in the General Fund of the Treasury any amounts received by the Secretary from the sale of any obligation acquired by the Secretary under this subsection, where such amounts shall be—

''(i) dedicated for the sole purpose of deficit reduction; and

''(ii) prohibited from use as an offset for other spending increases or revenue reductions.''.

(d) REPAYMENT OF FEES.—Any periodic commitment fee or any other fee or assessment paid by the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation to the Secretary of the Treasury as a result of any preferred stock purchase agreement, mortgage-backed security purchase program, or any other program or activity authorized or carried out pursuant to the authorities granted to the Secretary of the Treasury under section 1117 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289; 122 Stat. 2683), including any fee agreed to by contract between the Secretary and the Association or Corporation, shall be deposited in the General Fund of the Treasury where such amounts shall be—

(1) dedicated for the sole purpose of deficit reduction; and

(2) prohibited from use as an offset for other spending increases or revenue reductions.

SEC. 1305. FEDERAL HOUSING FINANCE AGENCY REPORT.

The Director of the Federal Housing Finance Agency shall submit to Congress a report on the plans of the Agency to continue to support and maintain the Nation's vital housing industry, while at the same time guaranteeing that the American taxpayer will not suffer unnecessary losses.

SEC. 1306. REPAYMENT OF UNOBLIGATED ARRA FUNDS.

(a) REJECTION OF ARRA FUNDS BY STATE.—Section 1607 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 305) is amended by adding at the end the following:

''(d) STATEWIDE REJECTION OF FUNDS.—If funds provided to any State in any division of this Act are not accepted for use by the Governor of the State pursuant to subsection (a) or by the State legislature pursuant to subsection (b), then all such funds shall be—

''(1) rescinded; and

''(2) deposited in the General Fund of the Treasury where such amounts shall be—

''(A) dedicated for the sole purpose of deficit reduction; and

''(B) prohibited from use as an offset for other spending increases or revenue reductions.''.

(b) WITHDRAWAL OR RECAPTURE OF UNOBLIGATED FUNDS.—Title XVI of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 302) is amended by adding at the end the following:

''SEC. 1613. WITHDRAWAL OR RECAPTURE OF UNOBLIGATED FUNDS.

''Notwithstanding any other provision of this Act, if the head of any executive agency withdraws or recaptures for any reason funds appropriated or otherwise made available under this division, and such funds have not been obligated by a State to a local government or for a specific project, such recaptured funds shall be—

''(1) rescinded; and

''(2) deposited in the General Fund of the Treasury where such amounts shall be—

''(A) dedicated for the sole purpose of deficit reduction; and

''(B) prohibited from use as an offset for other spending increases or revenue reductions.''.

(c) RETURN OF UNOBLIGATED FUNDS BY END OF 2012.—Section 1603 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 302) is amended by—

(1) striking ''All funds'' and inserting ''(a) IN GENERAL.—All funds''; and

(2) adding at the end the following:

''(b) REPAYMENT OF UNOBLIGATED FUNDS.—Any discretionary appropriations made available in this division that have not been obligated as of December 31, 2012, are hereby rescinded, and such amounts shall be deposited in the General Fund of the Treasury where such amounts shall be—

''(1) dedicated for the sole purpose of deficit reduction; and

''(2) prohibited from use as an offset for other spending increases or revenue reductions.

''(c) PRESIDENTIAL WAIVER AUTHORITY.—

''(1) IN GENERAL.—The President may waive the requirements under subsection (b), if the President determines that it is not in the best interest of the Nation to rescind a specific unobligated amount after December 31, 2012.

''(2) REQUESTS.—The head of an executive agency may also apply to the President for a waiver from the requirements under subsection (b).''.

TITLE XIV—MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

SEC. 1400. SHORT TITLE; DESIGNATION AS ENUMERATED CONSUMER LAW.

(a) SHORT TITLE.—This title may be cited as the ''Mortgage Reform and Anti-Predatory Lending Act''.

(b) DESIGNATION AS ENUMERATED CONSUMER LAW UNDER THE PURVIEW OF THE BUREAU OF CONSUMER FINANCIAL PROTECTION.—Subtitles A, B, C, and E and sections 1471, 1472, 1475, and 1476, and the amendments made by such subtitles and sections, shall be enumerated consumer laws, as defined in section 1002, and come

under the purview of the Bureau of Consumer Financial Protection for purposes of title X, including the transfer of functions and personnel under subtitle F of title X and the savings provisions of such subtitle.

(c) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—The regulations required to be prescribed under this title or the amendments made by this title shall—

(A) be prescribed in final form before the end of the 18-month period beginning on the designated transfer date; and

(B) take effect not later than 12 months after the date of issuance of the regulations in final form.

(2) EFFECTIVE DATE ESTABLISHED BY RULE.—Except as provided in paragraph (3), a section, or provision thereof, of this title shall take effect on the date on which the final regulations implementing such section, or provision, take effect.

(3) EFFECTIVE DATE.—A section of this title for which regulations have not been issued on the date that is 18 months after the designated transfer date shall take effect on such date.

Subtitle A—Residential Mortgage Loan Origination Standards

SEC. 1401. DEFINITIONS.

Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following new subsection:

''(cc) DEFINITIONS RELATING TO MORTGAGE ORIGINATION AND RESIDENTIAL MORTGAGE LOANS.—

''(1) COMMISSION.—Unless otherwise specified, the term 'Commission' means the Federal Trade Commission.

''(2) MORTGAGE ORIGINATOR.—The term 'mortgage originator'—

''(A) means any person who, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain—

''(i) takes a residential mortgage loan application;

''(ii) assists a consumer in obtaining or applying to obtain a residential mortgage loan; or

''(iii) offers or negotiates terms of a residential mortgage loan;

''(B) includes any person who represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such person can or will provide any of the services or perform any of the activities described in subparagraph (A);

''(C) does not include any person who is (i) not otherwise described in subparagraph (A) or (B) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such subparagraph, or (ii) an employee of a retailer of manufactured homes who is not described in clause (i) or (iii) of subparagraph (A) and who does not advise a consumer on loan terms (including rates, fees, and other costs);

''(D) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless such person or entity is compensated by a lender, a mortgage broker, or other mortgage originator or by any agent of such lender, mortgage broker, or other mortgage originator;

''(E) does not include, with respect to a residential mortgage loan, a person, estate, or trust that provides mortgage financing for the sale of 3 properties in any 12-month period to purchasers of such properties, each of which is owned by such person, estate, or trust and serves as security for the loan, provided that such loan—

''(i) is not made by a person, estate, or trust that has constructed, or acted as a contractor for the construction of, a residence on the property in the ordinary course of business of such person, estate, or trust;

''(ii) is fully amortizing;

''(iii) is with respect to a sale for which the seller determines in good faith and documents that the buyer has a reasonable ability to repay the loan;

''(iv) has a fixed rate or an adjustable rate that is adjustable after 5 or more years, subject to reasonable annual and lifetime limitations on interest rate increases; and

''(v) meets any other criteria the Board may prescribe;

''(F) does not include the creditor (except the creditor in a table-funded transaction) under paragraph (1), (2), or (4) of section 129B(c); and

''(G) does not include a servicer or servicer employees, agents and contractors, including but not limited to those who offer or negotiate terms of a residential mortgage loan for purposes of renegotiating, modifying, replacing and subordinating principal of existing mortgages where borrowers are behind in their payments, in default or have a reasonable likelihood of being in default or falling behind.

''(3) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term 'Nationwide Mortgage Licensing System and Registry' has the same meaning as in the Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

''(4) OTHER DEFINITIONS RELATING TO MORTGAGE ORIGINATOR.—For purposes of this subsection, a person 'assists a consumer in obtaining or applying to obtain a residential mortgage loan' by, among other things, advising on residential mortgage loan terms (including rates, fees, and other costs), preparing residential mortgage loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

''(5) RESIDENTIAL MORTGAGE LOAN.—The term 'residential mortgage loan' means any consumer credit transaction that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential real property that includes a dwelling, other than a consumer credit transaction under an open end credit plan or, for purposes of sections 129B and 129C and section 128(a) (16), (17), (18), and (19), and sections 128(f) and 130(k), and any regulations promulgated thereunder, an extension of credit relating to a plan described in section 101(53D) of title 11, United States Code.

''(6) SECRETARY.—The term 'Secretary', when used in connection with any transaction or person involved with a residential mortgage loan, means the Secretary of Housing and Urban Development.

''(7) SERVICER.—The term 'servicer' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).''.

SEC. 1402. RESIDENTIAL MORTGAGE LOAN ORIGINATION.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended—

(1) by redesignating the 2nd of the 2 sections designated as section 129 (15 U.S.C. 1639a) (relating to duty of servicers of residential mortgages) as section 129A; and

(2) by inserting after section 129A (as so redesignated) the following new section:

''§ 129B. Residential mortgage loan origination

''(a) FINDING AND PURPOSE.—

''(1) FINDING.—The Congress finds that economic stabilization would be enhanced by the protection, limitation, and regulation of the terms of residential mortgage credit and the practices related to such credit, while ensuring that responsible, affordable mortgage credit remains available to consumers.

''(2) PURPOSE.—It is the purpose of this section and section 129C to assure that consumers are offered and receive residential mortgage loans on terms that reasonably reflect their ability to repay the loans and that are understandable and not unfair, deceptive or abusive.

''(b) DUTY OF CARE.—

''(1) STANDARD.—Subject to regulations prescribed under this subsection, each mortgage originator shall, in addition to the duties imposed by otherwise applicable provisions of State or Federal law—

''(A) be qualified and, when required, registered and licensed as a mortgage originator in accordance with applicable State or Federal law, including the Secure and Fair Enforcement for Mortgage Licensing Act of 2008; and

''(B) include on all loan documents any unique identifier of the mortgage originator provided by the Nationwide Mortgage Licensing System and Registry.

''(2) COMPLIANCE PROCEDURES REQUIRED.—The Board shall prescribe regulations requiring depository institutions to establish and maintain procedures reasonably designed to assure and monitor the compliance of such depository institutions, the subsidiaries of such institutions, and the employees of such institutions or subsidiaries with the requirements of this section and the registration procedures established under section 1507 of the Secure and Fair Enforcement for Mortgage Licensing Act of 2008.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129 the following new items:

''129A. Fiduciary duty of servicers of pooled residential mortgages.

''129B. Residential mortgage loan origination.''.

SEC. 1403. PROHIBITION ON STEERING INCENTIVES.

Section 129B of the Truth in Lending Act (as added by section 1402(a)) is amended by inserting after subsection (b) the following new subsection:

''(c) PROHIBITION ON STEERING INCENTIVES.—

''(1) IN GENERAL.—For any residential mortgage loan, no mortgage originator shall receive from any person and no person shall pay to a mortgage originator, directly or indirectly, compensation that varies based on the terms of the loan (other than the amount of the principal).

''(2) RESTRUCTURING OF FINANCING ORIGINATION FEE.—

''(A) IN GENERAL.—For any mortgage loan, a mortgage originator may not receive from any person other than the consumer and no person, other than the consumer, who knows or has reason to know that a consumer has directly compensated or will directly compensate a mortgage originator may pay a mortgage originator any origination fee or charge except bona fide third party charges not retained by the creditor, mortgage originator, or an affiliate of the creditor or mortgage originator.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), a mortgage originator may receive from a person other than the consumer an origination fee or charge, and a person other than the consumer may pay a mortgage originator an origination fee or charge, if—

''(i) the mortgage originator does not receive any compensation directly from the consumer; and

''(ii) the consumer does not make an upfront payment of discount points, origination points, or fees, however denominated (other than bona fide third party charges not retained by the mortgage originator, creditor, or an affiliate of the creditor or originator), except that the Board may, by rule, waive or provide exemptions to this clause if the Board determines that such waiver or exemption is in the interest of consumers and in the public interest.

''(3) REGULATIONS.—The Board shall prescribe regulations to prohibit—

''(A) mortgage originators from steering any consumer to a residential mortgage loan that—

''(i) the consumer lacks a reasonable ability to repay (in accordance with regulations prescribed under section 129C(a)); or

''(ii) has predatory characteristics or effects (such as equity stripping, excessive fees, or abusive terms);

''(B) mortgage originators from steering any consumer from a residential mortgage loan for which the consumer is qualified that is a qualified mortgage (as defined in section 129C(b)(2))

to a residential mortgage loan that is not a qualified mortgage;

''(C) abusive or unfair lending practices that promote disparities among consumers of equal credit worthiness but of different race, ethnicity, gender, or age; and

''(D) mortgage originators from—

''(i) mischaracterizing the credit history of a consumer or the residential mortgage loans available to a consumer;

''(ii) mischaracterizing or suborning the mischaracterization of the appraised value of the property securing the extension of credit; or

''(iii) if unable to suggest, offer, or recommend to a consumer a loan that is not more expensive than a loan for which the consumer qualifies, discouraging a consumer from seeking a residential mortgage loan secured by a consumer's principal dwelling from another mortgage originator.

''(4) RULES OF CONSTRUCTION.—No provision of this subsection shall be construed as—

''(A) permitting any yield spread premium or other similar compensation that would, for any residential mortgage loan, permit the total amount of direct and indirect compensation from all sources permitted to a mortgage originator to vary based on the terms of the loan (other than the amount of the principal);

''(B) limiting or affecting the amount of compensation received by a creditor upon the sale of a consummated loan to a subsequent purchaser;

''(C) restricting a consumer's ability to finance, at the option of the consumer, including through principal or rate, any origination fees or costs permitted under this subsection, or the mortgage originator's right to receive such fees or costs (including compensation) from any person, subject to paragraph (2)(B), so long as such fees or costs do not vary based on the terms of the loan (other than the amount of the principal) or the consumer's decision about whether to finance such fees or costs; or

''(D) prohibiting incentive payments to a mortgage originator based on the number of residential mortgage loans originated within a specified period of time.''.

SEC. 1404. LIABILITY.

Section 129B of the Truth in Lending Act is amended by inserting after subsection (c) (as added by section 1403) the following new subsection:

''(d) LIABILITY FOR VIOLATIONS.—

''(1) IN GENERAL.—For purposes of providing a cause of action for any failure by a mortgage originator, other than a creditor, to comply with any requirement imposed under this section and any regulation prescribed under this section, section 130 shall be applied with respect to any such failure by substituting 'mortgage originator' for 'creditor' each place such term appears in each such subsection.

''(2) MAXIMUM.—The maximum amount of any liability of a mortgage originator under paragraph (1) to a consumer for any violation of this section shall not exceed the greater of actual damages or an amount equal to 3 times the total amount of direct and indirect compensation or gain accruing to the mortgage originator in connection with the residential mortgage loan involved in the violation, plus the costs to the consumer of the action, including a reasonable attorney's fee.''.

SEC. 1405. REGULATIONS.

(a) DISCRETIONARY REGULATORY AUTHORITY.—Section 129B of the Truth in Lending Act is amended by inserting after subsection (d) (as added by section 1404) the following new subsection:

''(e) DISCRETIONARY REGULATORY AUTHORITY.—

''(1) IN GENERAL.—The Board shall, by regulations, prohibit or condition terms, acts or practices relating to residential mortgage loans that the Board finds to be abusive, unfair, deceptive, predatory, necessary or proper to ensure that responsible, affordable mortgage credit remains available to consumers in a manner consistent with the purposes of this section and section 129C, necessary or proper to effectuate the purposes of this section and section 129C, to prevent circumvention or evasion thereof, or to facilitate compliance with such sections, or are not in the interest of the borrower.

''(2) APPLICATION.—The regulations prescribed under paragraph (1) shall be applicable to all residential mortgage loans and shall be applied in the same manner as regulations prescribed under section 105.

''(f) Section 129B and any regulations promulgated thereunder do not apply to an extension of credit relating to a plan described in section 101(53D) of title 11, United States Code.''.

(b) DISCLOSURES.—Notwithstanding any other provision of this title, in order to improve consumer awareness and understanding of transactions involving residential mortgage loans through the use of disclosures, the Board may, by rule, exempt from or modify disclosure requirements, in whole or in part, for any class of residential mortgage loans if the Board determines that such exemption or modification is in the interest of consumers and in the public interest.

SEC. 1406. STUDY OF SHARED APPRECIATION MORTGAGES.

(a) STUDY.—The Secretary of Housing and Urban Development, in consultation with the Secretary of the Treasury and other relevant agencies, shall conduct a comprehensive study to determine prudent statutory and regulatory requirements sufficient to provide for the widespread use of shared appreciation mortgages to strengthen local housing markets, provide new opportunities for affordable homeownership, and enable homeowners at risk of foreclosure to refinance or modify their mortgages.

(b) REPORT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress on the results of the study, which shall include recommendations for the regulatory and legislative requirements referred to in subsection (a).

Subtitle B—Minimum Standards For Mortgages

SEC. 1411. ABILITY TO REPAY.

(a) IN GENERAL.—

(1) RULE OF CONSTRUCTION.—No regulation, order, or guidance issued by the Bureau under this title shall be construed as requiring a depository institution to apply mortgage underwriting standards that do not meet the minimum underwriting standards required by the appropriate prudential regulator of the depository institution.

(2) AMENDMENT TO TRUTH IN LENDING ACT.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129B (as added by section 1402(a)) the following new section:

''§ 129C. Minimum standards for residential mortgage loans

''(a) ABILITY TO REPAY.—

''(1) IN GENERAL.—In accordance with regulations prescribed by the Board, no creditor may make a residential mortgage loan unless the creditor makes a reasonable and good faith determination based on verified and documented information that, at the time the loan is consummated, the consumer has a reasonable ability to repay the loan, according to its terms, and all applicable taxes, insurance (including mortgage guarantee insurance), and assessments.

''(2) MULTIPLE LOANS.—If the creditor knows, or has reason to know, that 1 or more residential mortgage loans secured by the same dwelling will be made to the same consumer, the creditor shall make a reasonable and good faith determination, based on verified and documented information, that the consumer has a reasonable ability to repay the combined payments of all loans on the same dwelling according to the terms of those loans and all applicable taxes, insurance (including mortgage guarantee insurance), and assessments.

''(3) BASIS FOR DETERMINATION.—A determination under this subsection of a consumer's ability to repay a residential mortgage loan shall include consideration of the consumer's credit history, current income, expected income the consumer is reasonably assured of receiving, current obligations, debt-to-income ratio or the residual income the consumer will have after paying non-mortgage debt and mortgage-related obligations, employment status, and other financial resources other than the consumer's equity in the dwelling or real property that secures repayment of the loan. A creditor shall determine the ability of the consumer to repay using a payment schedule that fully amortizes the loan over the term of the loan.

''(4) INCOME VERIFICATION.—A creditor making a residential mortgage loan shall verify amounts of income or assets that such creditor relies on to determine repayment ability, including expected income or assets, by reviewing the consumer's Internal Revenue Service Form W–2, tax returns, payroll receipts, financial institution records, or other third-party documents that provide reasonably reliable evidence of the consumer's income or assets. In order to safeguard against fraudulent reporting, any consideration of a consumer's income history in making a determination under this subsection shall include the verification of such income by the use of—

''(A) Internal Revenue Service transcripts of tax returns; or

''(B) a method that quickly and effectively verifies income documentation by a third party subject to rules prescribed by the Board.

''(5) EXEMPTION.—With respect to loans made, guaranteed, or insured by Federal departments or agencies identified in subsection (b)(3)(B)(ii), such departments or agencies may exempt refinancings under a streamlined refinancing from this income verification requirement as long as the following conditions are met:

''(A) The consumer is not 30 days or more past due on the prior existing residential mortgage loan.

''(B) The refinancing does not increase the principal balance outstanding on the prior existing residential mortgage loan, except to the extent of fees and charges allowed by the department or agency making, guaranteeing, or insuring the refinancing.

''(C) Total points and fees (as defined in section 103(aa)(4), other than bona fide third party charges not retained by the mortgage originator, creditor, or an affiliate of the creditor or mortgage originator) payable in connection with the refinancing do not exceed 3 percent of the total new loan amount.

''(D) The interest rate on the refinanced loan is lower than the interest rate of the original loan, unless the borrower is refinancing from an adjustable rate to a fixed-rate loan, under guidelines that the department or agency shall establish for loans they make, guarantee, or issue.

''(E) The refinancing is subject to a payment schedule that will fully amortize the refinancing in accordance with the regulations prescribed by the department or agency making, guaranteeing, or insuring the refinancing.

''(F) The terms of the refinancing do not result in a balloon payment, as defined in subsection (b)(2)(A)(ii).

''(G) Both the residential mortgage loan being refinanced and the refinancing satisfy all requirements of the department or agency making, guaranteeing, or insuring the refinancing.

''(6) NONSTANDARD LOANS.—

''(A) VARIABLE RATE LOANS THAT DEFER REPAYMENT OF ANY PRINCIPAL OR INTEREST.—For purposes of determining, under this subsection, a consumer's ability to repay a variable rate residential mortgage loan that allows or requires the consumer to defer the repayment of any principal or interest, the creditor shall use a fully amortizing repayment schedule.

''(B) INTEREST-ONLY LOANS.—For purposes of determining, under this subsection, a consumer's ability to repay a residential mortgage loan that permits or requires the payment of interest only, the creditor shall use the payment amount required to amortize the loan by its final maturity.

''(C) CALCULATION FOR NEGATIVE AMORTIZATION.—In making any determination under this subsection, a creditor shall also take into consideration any balance increase that may accrue from any negative amortization provision.

''(D) CALCULATION PROCESS.—For purposes of making any determination under this subsection, a creditor shall calculate the monthly payment amount for principal and interest on any residential mortgage loan by assuming—

''(i) the loan proceeds are fully disbursed on the date of the consummation of the loan;

''(ii) the loan is to be repaid in substantially equal monthly amortizing payments for principal and interest over the entire term of the loan with no balloon payment, unless the loan contract requires more rapid repayment (including balloon payment), in which case the calculation shall be made (I) in accordance with regulations prescribed by the Board, with respect to any loan which has an annual percentage rate that does not exceed the average prime offer rate for a comparable transaction, as of the date the interest rate is set, by 1.5 or more percentage points for a first lien residential mortgage loan; and by 3.5 or more percentage points for a subordinate lien residential mortgage loan; or (II) using the contract's repayment schedule, with respect to a loan which has an annual percentage rate, as of the date the interest rate is set, that is at least 1.5 percentage points above the average prime offer rate for a first lien residential mortgage loan; and 3.5 percentage points above the average prime offer rate for a subordinate lien residential mortgage loan; and

''(iii) the interest rate over the entire term of the loan is a fixed rate equal to the fully indexed rate at the time of the loan closing, without considering the introductory rate.

''(E) REFINANCE OF HYBRID LOANS WITH CURRENT LENDER.—In considering any application for refinancing an existing hybrid loan by the creditor into a standard loan to be made by the same creditor in any case in which there would be a reduction in monthly payment and the mortgagor has not been delinquent on any payment on the existing hybrid loan, the creditor may—

''(i) consider the mortgagor's good standing on the existing mortgage;

''(ii) consider if the extension of new credit would prevent a likely default should the original mortgage reset and give such concerns a higher priority as an acceptable underwriting practice; and

''(iii) offer rate discounts and other favorable terms to such mortgagor that would be available to new customers with high credit ratings based on such underwriting practice.

''(7) FULLY-INDEXED RATE DEFINED.—For purposes of this subsection, the term 'fully indexed rate' means the index rate prevailing on a residential mortgage loan at the time the loan is made plus the margin that will apply after the expiration of any introductory interest rates.

''(8) REVERSE MORTGAGES AND BRIDGE LOANS.—This subsection shall not apply with respect to any reverse mortgage or temporary or bridge loan with a term of 12 months or less, including to any loan to purchase a new dwelling where the consumer plans to sell a different dwelling within 12 months.

''(9) SEASONAL INCOME.—If documented income, including income from a small business, is a repayment source for a residential mortgage loan, a creditor may consider the seasonality and irregularity of such income in the underwriting of and scheduling of payments for such credit.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129B (as added by section 1402(b)) the following new item:

''129C. Minimum standards for residential mortgage loans.''.

SEC. 1412. SAFE HARBOR AND REBUTTABLE PRESUMPTION.

Section 129C of the Truth in Lending Act is amended by inserting after subsection (a) (as added by section 1411) the following new subsection:

''(b) PRESUMPTION OF ABILITY TO REPAY.—

''(1) IN GENERAL.—Any creditor with respect to any residential mortgage loan, and any assignee of such loan subject to liability under this title, may presume that the loan has met the requirements of subsection (a), if the loan is a qualified mortgage.

''(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) QUALIFIED MORTGAGE.—The term 'qualified mortgage' means any residential mortgage loan—

''(i) for which the regular periodic payments for the loan may not—

''(I) result in an increase of the principal balance; or

''(II) except as provided in subparagraph (E), allow the consumer to defer repayment of principal;

''(ii) except as provided in subparagraph (E), the terms of which do not result in a balloon payment, where a 'balloon payment' is a scheduled payment that is more than twice as large as the average of earlier scheduled payments;

''(iii) for which the income and financial resources relied upon to qualify the obligors on the loan are verified and documented;

''(iv) in the case of a fixed rate loan, for which the underwriting process is based on a payment schedule that fully amortizes the loan over the loan term and takes into account all applicable taxes, insurance, and assessments;

''(v) in the case of an adjustable rate loan, for which the underwriting is based on the maximum rate permitted under the loan during the first 5 years, and a payment schedule that fully amortizes the loan over the loan term and takes into account all applicable taxes, insurance, and assessments;

''(vi) that complies with any guidelines or regulations established by the Board relating to ratios of total monthly debt to monthly income or alternative measures of ability to pay regular expenses after payment of total monthly debt, taking into account the income levels of the borrower and such other factors as the Board may determine relevant and consistent with the purposes described in paragraph (3)(B)(i);

''(vii) for which the total points and fees (as defined in subparagraph (C)) payable in connection with the loan do not exceed 3 percent of the total loan amount;

''(viii) for which the term of the loan does not exceed 30 years, except as such term may be extended under paragraph (3), such as in high-cost areas; and

''(ix) in the case of a reverse mortgage (except for the purposes of subsection (a) of section 129C, to the extent that such mortgages are exempt altogether from those requirements), a reverse mortgage which meets the standards for a qualified mortgage, as set by the Board in rules that are consistent with the purposes of this subsection.

''(B) AVERAGE PRIME OFFER RATE.—The term 'average prime offer rate' means the average prime offer rate for a comparable transaction as of the date on which the interest rate for the transaction is set, as published by the Board..

''(C) POINTS AND FEES.—

''(i) IN GENERAL.—For purposes of subparagraph (A), the term 'points and fees' means points and fees as defined by section 103(aa)(4) (other than bona fide third party charges not retained by the mortgage originator, creditor, or an affiliate of the creditor or mortgage originator).

''(ii) COMPUTATION.—For purposes of computing the total points and fees under this subparagraph, the total points and fees shall exclude either of the amounts described in the following subclauses, but not both:

''(I) Up to and including 2 bona fide discount points payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 1 percentage point the average prime offer rate.

''(II) Unless 2 bona fide discount points have been excluded under subclause (I), up to and including 1 bona fide discount point payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 2 percentage points the average prime offer rate.

''(iii) BONA FIDE DISCOUNT POINTS DEFINED.—For purposes of clause (ii), the term 'bona fide discount points' means loan discount points which are knowingly paid by the consumer for the purpose of reducing, and which in fact result in a bona fide reduction of, the interest rate or time-price differential applicable to the mortgage.

''(iv) INTEREST RATE REDUCTION.—Subclauses (I) and (II) of clause (ii) shall not apply to discount points used to purchase an interest rate reduction unless the amount of the interest rate reduction purchased is reasonably consistent with established industry norms and practices for secondary mortgage market transactions.

''(D) SMALLER LOANS.—The Board shall prescribe rules adjusting the criteria under subparagraph (A)(vii) in order to permit lenders that extend smaller loans to meet the requirements of the presumption of compliance under paragraph (1). In prescribing such rules, the Board shall consider the potential impact of such rules on rural areas and other areas where home values are lower.

''(E) BALLOON LOANS.—The Board may, by regulation, provide that the term 'qualified mortgage' includes a balloon loan—

''(i) that meets all of the criteria for a qualified mortgage under subparagraph (A) (except clauses (i)(II), (ii), (iv), and (v) of such subparagraph);

''(ii) for which the creditor makes a determination that the consumer is able to make all scheduled payments, except the balloon payment, out of income or assets other than the collateral;

''(iii) for which the underwriting is based on a payment schedule that fully amortizes the loan over a period of not more than 30 years and takes into account all applicable taxes, insurance, and assessments; and

''(iv) that is extended by a creditor that—

''(I) operates predominantly in rural or underserved areas;

''(II) together with all affiliates, has total annual residential mortgage loan originations that do not exceed a limit set by the Board;

''(III) retains the balloon loans in portfolio; and

''(IV) meets any asset size threshold and any other criteria as the Board may establish, consistent with the purposes of this subtitle.

''(3) REGULATIONS.—

''(A) IN GENERAL.—The Board shall prescribe regulations to carry out the purposes of this subsection.

''(B) REVISION OF SAFE HARBOR CRITERIA.—

''(i) IN GENERAL.—The Board may prescribe regulations that revise, add to, or subtract from the criteria that define a qualified mortgage upon a finding that such regulations are necessary or proper to ensure that responsible, affordable mortgage credit remains available to consumers in a manner consistent with the purposes of this section, necessary and appropriate to effectuate the purposes of this section and section 129B, to prevent circumvention or evasion thereof, or to facilitate compliance with such sections.

''(ii) LOAN DEFINITION.—The following agencies shall, in consultation with the Board, prescribe rules defining the types of loans they insure, guarantee, or administer, as the case may be, that are qualified mortgages for purposes of paragraph (2)(A), and such rules may revise, add to, or subtract from the criteria used to define a qualified mortgage under paragraph (2)(A), upon a finding that such rules are consistent with the purposes of this section and section 129B, to prevent circumvention or evasion thereof, or to facilitate compliance with such sections:

''(I) The Department of Housing and Urban Development, with regard to mortgages insured under the National Housing Act (12 U.S.C. 1707 et seq.).

''(II) The Department of Veterans Affairs, with regard to a loan made or guaranteed by the Secretary of Veterans Affairs.

''(III) The Department of Agriculture, with regard loans guaranteed by the Secretary of Agriculture pursuant to 42 U.S.C. 1472(h).

''(IV) The Rural Housing Service, with regard to loans insured by the Rural Housing Service.''.

SEC. 1413. DEFENSE TO FORECLOSURE.

Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended by adding at the end the following new subsection:

''(k) DEFENSE TO FORECLOSURE.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, when a creditor, assignee, or other holder of a residential mortgage loan or anyone acting on behalf of such creditor, assignee, or holder, initiates a judicial or nonjudicial foreclosure of the residential mortgage loan, or any other action to collect the debt in connection with such loan, a consumer may assert a violation by a creditor of paragraph (1) or (2) of section 129B(c), or of section 129C(a), as a matter of defense by recoupment or set off without regard for the time limit on a private action for damages under subsection (e).

''(2) AMOUNT OF RECOUPMENT OR SETOFF.—

''(A) IN GENERAL.—The amount of recoupment or set-off under paragraph (1) shall equal the amount to which the consumer would be entitled under subsection (a) for damages for a valid claim brought in an original action against the creditor, plus the costs to the consumer of the action, including a reasonable attorney's fee.

''(B) SPECIAL RULE.—Where such judgment is rendered after the expiration of the applicable time limit on a private action for damages under subsection (e), the amount of recoupment or set-off under paragraph (1) derived from damages under subsection (a)(4) shall not exceed the amount to which the consumer would have been entitled under subsection (a)(4) for damages computed up to the day preceding the expiration of the applicable time limit.''.

SEC. 1414. ADDITIONAL STANDARDS AND REQUIREMENTS.

(a) IN GENERAL.—Section 129C of the Truth in Lending Act is amended by inserting after subsection (b) (as added by this title) the following new subsections:

''(c) PROHIBITION ON CERTAIN PREPAYMENT PENALTIES.—

''(1) PROHIBITED ON CERTAIN LOANS.—

''(A) IN GENERAL.—A residential mortgage loan that is not a 'qualified mortgage', as defined under subsection (b)(2), may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal after the loan is consummated.

''(B) EXCLUSIONS.—For purposes of this subsection, a 'qualified mortgage' may not include a residential mortgage loan that—

''(i) has an adjustable rate; or

''(ii) has an annual percentage rate that exceeds the average prime offer rate for a comparable transaction, as of the date the interest rate is set—

''(I) by 1.5 or more percentage points, in the case of a first lien residential mortgage loan having a original principal obligation amount that is equal to or less than the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date of such interest rate set, pursuant to the 6th sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2));

''(II) by 2.5 or more percentage points, in the case of a first lien residential mortgage loan having a original principal obligation amount that is more than the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date of such interest rate set, pursuant to the 6th sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)); and

''(III) by 3.5 or more percentage points, in the case of a subordinate lien residential mortgage loan.

''(2) PUBLICATION OF AVERAGE PRIME OFFER RATE AND APR THRESHOLDS.—The Board—

''(A) shall publish, and update at least weekly, average prime offer rates;

''(B) may publish multiple rates based on varying types of mortgage transactions; and

''(C) shall adjust the thresholds established under subclause (I), (II), and (III) of paragraph (1)(B)(ii) as necessary to reflect significant changes in market conditions and to effectuate the purposes of the Mortgage Reform and Anti-Predatory Lending Act.

''(3) PHASED-OUT PENALTIES ON QUALIFIED MORTGAGES.—A qualified mortgage (as defined in subsection (b)(2)) may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal after the loan is consummated in excess of the following limitations:

''(A) During the 1-year period beginning on the date the loan is consummated, the prepayment penalty shall not exceed an amount equal to 3 percent of the outstanding balance on the loan.

''(B) During the 1-year period beginning after the period described in subparagraph (A), the prepayment penalty shall not exceed an amount equal to 2 percent of the outstanding balance on the loan.

''(C) During the 1-year period beginning after the 1-year period described in subparagraph (B), the prepayment penalty shall not exceed an amount equal to 1 percent of the outstanding balance on the loan.

''(D) After the end of the 3-year period beginning on the date the loan is consummated, no prepayment penalty may be imposed on a qualified mortgage.

''(4) OPTION FOR NO PREPAYMENT PENALTY REQUIRED.—A creditor may not offer a consumer a residential mortgage loan product that has a prepayment penalty for paying all or part of the principal after the loan is consummated as a term of the loan without offering the consumer a residential mortgage loan product that does not have a prepayment penalty as a term of the loan.

''(d) SINGLE PREMIUM CREDIT INSURANCE PROHIBITED.—No creditor may finance, directly or indirectly, in connection with any residential mortgage loan or with any extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer, any credit life, credit disability, credit unemployment, or credit property insurance, or any other accident, loss-of-income, life, or health insurance, or any payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that—

''(1) insurance premiums or debt cancellation or suspension fees calculated and paid in full on a monthly basis shall not be considered financed by the creditor; and

''(2) this subsection shall not apply to credit unemployment insurance for which the unemployment insurance premiums are reasonable, the creditor receives no direct or indirect compensation in connection with the unemployment insurance premiums, and the unemployment insurance premiums are paid pursuant to another insurance contract and not paid to an affiliate of the creditor.

''(e) ARBITRATION.—

''(1) IN GENERAL.—No residential mortgage loan and no extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer may include terms which require arbitration or any other nonjudicial procedure as the method for resolving any controversy or settling any claims arising out of the transaction.

''(2) POST-CONTROVERSY AGREEMENTS.—Subject to paragraph (3), paragraph (1) shall not be construed as limiting the right of the consumer and the creditor or any assignee to agree to arbitration or any other nonjudicial procedure as the method for resolving any controversy at any time after a dispute or claim under the transaction arises.

''(3) NO WAIVER OF STATUTORY CAUSE OF ACTION.—No provision of any residential mortgage loan or of any extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer, and no other agreement between the consumer and the creditor relating to the residential mortgage loan or extension of credit referred to in paragraph (1), shall be applied or interpreted so as to bar a consumer from bringing an action in an appropriate district court of the United States, or any other court of competent jurisdiction, pursuant to section 130 or any other provision of law, for damages or other relief in connection with any alleged violation of this section, any other provision of this title, or any other Federal law.

''(f) MORTGAGES WITH NEGATIVE AMORTIZATION.—No creditor may extend credit to a borrower in connection with a consumer credit transaction under an open or closed end consumer credit plan secured by a dwelling or residential real property that includes a dwelling, other than a reverse mortgage, that provides or permits a payment plan that may, at any time over the term of the extension of credit, result in negative amortization unless, before such transaction is consummated—

''(1) the creditor provides the consumer with a statement that—

''(A) the pending transaction will or may, as the case may be, result in negative amortization;

''(B) describes negative amortization in such manner as the Board shall prescribe;

''(C) negative amortization increases the outstanding principal balance of the account; and

''(D) negative amortization reduces the consumer's equity in the dwelling or real property; and

''(2) in the case of a first-time borrower with respect to a residential mortgage loan that is not a qualified mortgage, the first-time borrower provides the creditor with sufficient documentation to demonstrate that the consumer received homeownership counseling from organizations or counselors certified by the Secretary of Housing and Urban Development as competent to provide such counseling.''.

(b) CONFORMING AMENDMENT RELATING TO ENFORCEMENT.—Section 108(a) of the Truth in Lending Act (15 U.S.C. 1607(a)) is amended by inserting after paragraph (6) the following new paragraph:

''(7) sections 21B and 21C of the Securities Exchange Act of 1934, in the case of a broker or dealer, other than a depository institution, by the Securities and Exchange Commission.''.

(c) PROTECTION AGAINST LOSS OF ANTI-DEFICIENCY PROTECTION.—Section 129C of the Truth in Lending Act is amended by inserting after subsection (f) (as added by subsection (a)) the following new subsection:

''(g) PROTECTION AGAINST LOSS OF ANTI-DEFICIENCY PROTECTION.—

''(1) DEFINITION.—For purposes of this subsection, the term 'anti-deficiency law' means the law of any State which provides that, in the event of foreclosure on the residential property of a consumer securing a mortgage, the consumer is not liable, in accordance with the terms

and limitations of such State law, for any deficiency between the sale price obtained on such property through foreclosure and the outstanding balance of the mortgage.

''(2) NOTICE AT TIME OF CONSUMMATION.—In the case of any residential mortgage loan that is, or upon consummation will be, subject to protection under an anti-deficiency law, the creditor or mortgage originator shall provide a written notice to the consumer describing the protection provided by the anti-deficiency law and the significance for the consumer of the loss of such protection before such loan is consummated.

''(3) NOTICE BEFORE REFINANCING THAT WOULD CAUSE LOSS OF PROTECTION.—In the case of any residential mortgage loan that is subject to protection under an anti-deficiency law, if a creditor or mortgage originator provides an application to a consumer, or receives an application from a consumer, for any type of refinancing for such loan that would cause the loan to lose the protection of such anti-deficiency law, the creditor or mortgage originator shall provide a written notice to the consumer describing the protection provided by the anti-deficiency law and the significance for the consumer of the loss of such protection before any agreement for any such refinancing is consummated.''.

(d) POLICY REGARDING ACCEPTANCE OF PARTIAL PAYMENT.—Section 129C of the Truth in Lending Act is amended by inserting after subsection (g) (as added by subsection (c)) the following new subsection:

''(h) POLICY REGARDING ACCEPTANCE OF PARTIAL PAYMENT.—In the case of any residential mortgage loan, a creditor shall disclose prior to settlement or, in the case of a person becoming a creditor with respect to an existing residential mortgage loan, at the time such person becomes a creditor—

''(1) the creditor's policy regarding the acceptance of partial payments; and

''(2) if partial payments are accepted, how such payments will be applied to such mortgage and if such payments will be placed in escrow.

''(i) TIMESHARE PLANS.—This section and any regulations promulgated under this section do not apply to an extension of credit relating to a plan described in section 101(53D) of title 11, United States Code.''.

SEC. 1415. RULE OF CONSTRUCTION.

Except as otherwise expressly provided in section 129B or 129C of the Truth in Lending Act (as added by this title), no provision of such section 129B or 129C shall be construed as superseding, repealing, or affecting any duty, right, obligation, privilege, or remedy of any person under any other provision of the Truth in Lending Act or any other provision of Federal or State law.

SEC. 1416. AMENDMENTS TO CIVIL LIABILITY PROVISIONS.

(a) INCREASE IN AMOUNT OF CIVIL MONEY PENALTIES FOR CERTAIN VIOLATIONS.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(ii)—

(A) by striking ''$100'' and inserting ''$200''; and

(B) by striking ''$1,000'' and inserting ''$2,000'';

(2) in paragraph (2)(B), by striking ''$500,000'' and inserting ''$1,000,000''; and

(3) in paragraph (4), by inserting '', paragraph (1) or (2) of section 129B(c), or section 129C(a)'' after ''section 129''.

(b) STATUTE OF LIMITATIONS EXTENDED FOR SECTION 129 VIOLATIONS.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended—

(1) in the first sentence, by striking ''Any action'' and inserting ''Except as provided in the subsequent sentence, any action''; and

(2) by inserting after the first sentence the following new sentence: ''Any action under this section with respect to any violation of section 129, 129B, or 129C may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 3-year period beginning on the date of the occurrence of the violation.''.

SEC. 1417. LENDER RIGHTS IN THE CONTEXT OF BORROWER DECEPTION.

Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended by adding after subsection (k) (as added by this title) the following new subsection:

''(l) EXEMPTION FROM LIABILITY AND RESCISSION IN CASE OF BORROWER FRAUD OR DECEPTION.—In addition to any other remedy available by law or contract, no creditor or assignee shall be liable to an obligor under this section, if such obligor, or co-obligor has been convicted of obtaining by actual fraud such residential mortgage loan.''.

SEC. 1418. SIX-MONTH NOTICE REQUIRED BEFORE RESET OF HYBRID ADJUSTABLE RATE MORTGAGES.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 128 the following new section:

''§ 128A. Reset of hybrid adjustable rate mortgages

''(a) HYBRID ADJUSTABLE RATE MORTGAGES DEFINED.—For purposes of this section, the term 'hybrid adjustable rate mortgage' means a consumer credit transaction secured by the consumer's principal residence with a fixed interest rate for an introductory period that adjusts or resets to a variable interest rate after such period.

''(b) NOTICE OF RESET AND ALTERNATIVES.—During the 1-month period that ends 6 months before the date on which the interest rate in effect during the introductory period of a hybrid adjustable rate mortgage adjusts or resets to a variable interest rate or, in the case of such an adjustment or resetting that occurs within the first 6 months after consummation of such loan, at consummation, the creditor or servicer of such loan shall provide a written notice, separate and distinct from all other correspondence to the consumer, that includes the following:

''(1) Any index or formula used in making adjustments to or resetting the interest rate and a source of information about the index or formula.

''(2) An explanation of how the new interest rate and payment would be determined, including an explanation of how the index was adjusted, such as by the addition of a margin.

''(3) A good faith estimate, based on accepted industry standards, of the creditor or servicer of the amount of the monthly payment that will apply after the date of the adjustment or reset, and the assumptions on which this estimate is based.

''(4) A list of alternatives consumers may pursue before the date of adjustment or reset, and descriptions of the actions consumers must take to pursue these alternatives, including—

''(A) refinancing;

''(B) renegotiation of loan terms;

''(C) payment forbearances; and

''(D) pre-foreclosure sales.

''(5) The names, addresses, telephone numbers, and Internet addresses of counseling agencies or programs reasonably available to the consumer that have been certified or approved and made publicly available by the Secretary of Housing and Urban Development or a State housing finance authority (as defined in section 1301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989).

''(6) The address, telephone number, and Internet address for the State housing finance authority (as so defined) for the State in which the consumer resides.

''(c) SAVINGS CLAUSE.—The Board may require the notice in paragraph (b) or other notice consistent with this Act for adjustable rate mortgage loans that are not hybrid adjustable rate mortgage loans.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 128 the following new item:

''128A. Reset of hybrid adjustable rate mortgages.''.

SEC. 1419. REQUIRED DISCLOSURES.

Section 128(a) of Truth in Lending Act (15 U.S.C. 1638(a)) is amended by adding at the end the following new paragraphs:

''(16) In the case of a variable rate residential mortgage loan for which an escrow or impound account will be established for the payment of all applicable taxes, insurance, and assessments—

''(A) the amount of initial monthly payment due under the loan for the payment of principal and interest, and the amount of such initial monthly payment including the monthly payment deposited in the account for the payment of all applicable taxes, insurance, and assessments; and

''(B) the amount of the fully indexed monthly payment due under the loan for the payment of principal and interest, and the amount of such fully indexed monthly payment including the monthly payment deposited in the account for the payment of all applicable taxes, insurance, and assessments.

''(17) In the case of a residential mortgage loan, the aggregate amount of settlement charges for all settlement services provided in connection with the loan, the amount of charges that are included in the loan and the amount of such charges the borrower must pay at closing, the approximate amount of the wholesale rate of funds in connection with the loan, and the aggregate amount of other fees or required payments in connection with the loan.

''(18) In the case of a residential mortgage loan, the aggregate amount of fees paid to the mortgage originator in connection with the loan, the amount of such fees paid directly by the consumer, and any additional amount received by the originator from the creditor.

''(19) In the case of a residential mortgage loan, the total amount of interest that the consumer will pay over the life of the loan as a percentage of the principal of the loan. Such amount shall be computed assuming the consumer makes each monthly payment in full and on-time, and does not make any over-payments.''.

SEC. 1420. DISCLOSURES REQUIRED IN MONTHLY STATEMENTS FOR RESIDENTIAL MORTGAGE LOANS.

Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended by adding at the end the following new subsection:

''(f) PERIODIC STATEMENTS FOR RESIDENTIAL MORTGAGE LOANS.—

''(1) IN GENERAL.—The creditor, assignee, or servicer with respect to any residential mortgage loan shall transmit to the obligor, for each billing cycle, a statement setting forth each of the following items, to the extent applicable, in a conspicuous and prominent manner:

''(A) The amount of the principal obligation under the mortgage.

''(B) The current interest rate in effect for the loan.

''(C) The date on which the interest rate may next reset or adjust.

''(D) The amount of any prepayment fee to be charged, if any.

''(E) A description of any late payment fees.

''(F) A telephone number and electronic mail address that may be used by the obligor to obtain information regarding the mortgage.

''(G) The names, addresses, telephone numbers, and Internet addresses of counseling agencies or programs reasonably available to the consumer that have been certified or approved and made publicly available by the Secretary of Housing and Urban Development or a State housing finance authority (as defined in section 1301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989).

''(H) Such other information as the Board may prescribe in regulations.

''(2) DEVELOPMENT AND USE OF STANDARD FORM.—The Board shall develop and prescribe a standard form for the disclosure required under this subsection, taking into account that the statements required may be transmitted in writing or electronically.

''(3) EXCEPTION.—Paragraph (1) shall not apply to any fixed rate residential mortgage loan where the creditor, assignee, or servicer provides the obligor with a coupon book that provides the obligor with substantially the same information as required in paragraph (1).''.

SEC. 1421. REPORT BY THE GAO.

(a) REPORT REQUIRED.—The Comptroller General of the United States shall conduct a study to determine the effects the enactment of this Act will have on the availability and affordability of credit for consumers, small businesses, homebuyers, and mortgage lending, including the effect—

(1) on the mortgage market for mortgages that are not within the safe harbor provided in the amendments made by this subtitle;

(2) on the ability of prospective homebuyers to obtain financing;

(3) on the ability of homeowners facing resets or adjustments to refinance—for example, do they have fewer refinancing options due to the unavailability of certain loan products that were available before the enactment of this Act;

(4) on minorities' ability to access affordable credit compared with other prospective borrowers;

(5) on home sales and construction;

(6) of extending the rescission right, if any, on adjustable rate loans and its impact on litigation;

(7) of State foreclosure laws and, if any, an investor's ability to transfer a property after foreclosure;

(8) of expanding the existing provisions of the Home Ownership and Equity Protection Act of 1994;

(9) of prohibiting prepayment penalties on high-cost mortgages; and

(10) of establishing counseling services under the Department of Housing and Urban Development and offered through the Office of Housing Counseling.

(b) REPORT.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress containing the findings and conclusions of the Comptroller General with respect to the study conducted pursuant to subsection (a).

(c) EXAMINATION RELATED TO CERTAIN CREDIT RISK RETENTION PROVISIONS.—The report required by subsection (b) shall also include an analysis by the Comptroller General of the effect on the capital reserves and funding of lenders of credit risk retention provisions for non-qualified mortgages, including an analysis of the exceptions and adjustments authorized in section 129C(b)(3) of the Truth in Lending Act and a recommendation on whether a uniform standard is needed.

(d) ANALYSIS OF CREDIT RISK RETENTION PROVISIONS.—The report required by subsection (b) shall also include—

(1) an analysis by the Comptroller General of whether the credit risk retention provisions have significantly reduced risks to the larger credit market of the repackaging and selling of securitized loans on a secondary market; and

(2) recommendations to the Congress on adjustments that should be made, or additional measures that should be undertaken.

SEC. 1422. STATE ATTORNEY GENERAL ENFORCEMENT AUTHORITY.

Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended by striking ''section 129 may also'' and inserting ''section 129, 129B, 129C, 129D, 129E, 129F, 129G, or 129H of this Act may also''.

Subtitle C—High-Cost Mortgages

SEC. 1431. DEFINITIONS RELATING TO HIGH-COST MORTGAGES.

(a) HIGH-COST MORTGAGE DEFINED.—Section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) is amended by striking all that precedes paragraph (2) and inserting the following:

''(aa) HIGH-COST MORTGAGE.—

''(1) DEFINITION.—

''(A) IN GENERAL.—The term 'high-cost mortgage', and a mortgage referred to in this subsection, means a consumer credit transaction that is secured by the consumer's principal dwelling, other than a reverse mortgage transaction, if—

''(i) in the case of a credit transaction secured—

''(I) by a first mortgage on the consumer's principal dwelling, the annual percentage rate at consummation of the transaction will exceed by more than 6.5 percentage points (8.5 percentage points, if the dwelling is personal property and the transaction is for less than $50,000) the average prime offer rate, as defined in section 129C(b)(2)(B), for a comparable transaction; or

''(II) by a subordinate or junior mortgage on the consumer's principal dwelling, the annual percentage rate at consummation of the transaction will exceed by more than 8.5 percentage points the average prime offer rate, as defined in section 129C(b)(2)(B), for a comparable transaction;

''(ii) the total points and fees payable in connection with the transaction, other than bona fide third party charges not retained by the mortgage originator, creditor, or an affiliate of the creditor or mortgage originator, exceed—

''(I) in the case of a transaction for $20,000 or more, 5 percent of the total transaction amount; or

''(II) in the case of a transaction for less than $20,000, the lesser of 8 percent of the total transaction amount or $1,000 (or such other dollar amount as the Board shall prescribe by regulation); or

''(iii) the credit transaction documents permit the creditor to charge or collect prepayment fees or penalties more than 36 months after the transaction closing or such fees or penalties exceed, in the aggregate, more than 2 percent of the amount prepaid.

''(B) INTRODUCTORY RATES TAKEN INTO ACCOUNT.—For purposes of subparagraph (A)(i), the annual percentage rate of interest shall be determined based on the following interest rate:

''(i) In the case of a fixed-rate transaction in which the annual percentage rate will not vary during the term of the loan, the interest rate in effect on the date of consummation of the transaction.

''(ii) In the case of a transaction in which the rate of interest varies solely in accordance with an index, the interest rate determined by adding the index rate in effect on the date of consummation of the transaction to the maximum margin permitted at any time during the loan agreement.

''(iii) In the case of any other transaction in which the rate may vary at any time during the term of the loan for any reason, the interest charged on the transaction at the maximum rate that may be charged during the term of the loan.

''(C) MORTGAGE INSURANCE.—For the purposes of computing the total points and fees under paragraph (4), the total points and fees shall exclude—

''(i) any premium provided by an agency of the Federal Government or an agency of a State;

''(ii) any amount that is not in excess of the amount payable under policies in effect at the time of origination under section 203(c)(2)(A) of the National Housing Act (12 U.S.C. 1709(c)(2)(A)), provided that the premium, charge, or fee is required to be refundable on a pro-rated basis and the refund is automatically issued upon notification of the satisfaction of the underlying mortgage loan; and

''(iii) any premium paid by the consumer after closing.''.

(b) ADJUSTMENT OF PERCENTAGE POINTS.—Section 103(aa)(2) of the Truth in Lending Act (15 U.S.C. 1602(aa)(2)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

''(B) An increase or decrease under subparagraph (A)—

''(i) may not result in the number of percentage points referred to in paragraph (1)(A)(i)(I) being less than 6 percentage points or greater than 10 percentage points; and

''(ii) may not result in the number of percentage points referred to in paragraph (1)(A)(i)(II) being less than 8 percentage points or greater than 12 percentage points.''.

(c) POINTS AND FEES DEFINED.—

(1) IN GENERAL.—Section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)) is amended—

(A) by striking subparagraph (B) and inserting the following:

''(B) all compensation paid directly or indirectly by a consumer or creditor to a mortgage originator from any source, including a mortgage originator that is also the creditor in a table-funded transaction;'';

(B) by redesignating subparagraph (D) as subparagraph (G); and

(C) by inserting after subparagraph (C) the following new subparagraphs:

''(D) premiums or other charges payable at or before closing for any credit life, credit disability, credit unemployment, or credit property insurance, or any other accident, loss-of-income, life or health insurance, or any payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that insurance premiums or debt cancellation or suspension fees calculated and paid in full on a monthly basis shall not be considered financed by the creditor;

''(E) the maximum prepayment fees and penalties which may be charged or collected under the terms of the credit transaction;

''(F) all prepayment fees or penalties that are incurred by the consumer if the loan refinances a previous loan made or currently held by the same creditor or an affiliate of the creditor; and''.

(2) CALCULATION OF POINTS AND FEES FOR OPEN-END CONSUMER CREDIT PLANS.—Section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph:

''(5) CALCULATION OF POINTS AND FEES FOR OPEN-END CONSUMER CREDIT PLANS.—In the case of open-end consumer credit plans, points and fees shall be calculated, for purposes of this section and section 129, by adding the total points and fees known at or before closing, including the maximum prepayment penalties which may be charged or collected under the terms of the credit transaction, plus the minimum additional fees the consumer would be required to pay to draw down an amount equal to the total credit line.''.

(d) BONA FIDE DISCOUNT LOAN DISCOUNT POINTS.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by inserting after subsection (cc) (as added by section 1401) the following new subsection:

''(dd) BONA FIDE DISCOUNT POINTS AND PREPAYMENT PENALTIES.—For the purposes of determining the amount of points and fees for purposes of subsection (aa), either the amounts described in paragraph (1) or (2) of the following paragraphs, but not both, shall be excluded:

''(1) Up to and including 2 bona fide discount points payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 1 percentage point—

''(A) the average prime offer rate, as defined in section 129C; or

''(B) if secured by a personal property loan, the average rate on a loan in connection with which insurance is provided under title I of the National Housing Act (12 U.S.C. 1702 et seq.).

''(2) Unless 2 bona fide discount points have been excluded under paragraph (1), up to and including 1 bona fide discount point payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 2 percentage points—

''(A) the average prime offer rate, as defined in section 129C; or

''(B) if secured by a personal property loan, the average rate on a loan in connection with which insurance is provided under title I of the National Housing Act (12 U.S.C. 1702 et seq.).

''(3) For purposes of paragraph (1), the term 'bona fide discount points' means loan discount points which are knowingly paid by the consumer for the purpose of reducing, and which in fact result in a bona fide reduction of, the interest rate or time-price differential applicable to the mortgage.

''(4) Paragraphs (1) and (2) shall not apply to discount points used to purchase an interest rate reduction unless the amount of the interest rate reduction purchased is reasonably consistent with established industry norms and practices for secondary mortgage market transactions.''.

SEC. 1432. AMENDMENTS TO EXISTING REQUIREMENTS FOR CERTAIN MORTGAGES.

(a) PREPAYMENT PENALTY PROVISIONS.—Section 129(c)(2) of the Truth in Lending Act (15 U.S.C. 1639(c)(2)) is hereby repealed.

(b) NO BALLOON PAYMENTS.—Section 129(e) of the Truth in Lending Act (15 U.S.C. 1639(e)) is amended to read as follows:

''(e) NO BALLOON PAYMENTS.—No high-cost mortgage may contain a scheduled payment that is more than twice as large as the average of earlier scheduled payments. This subsection shall not apply when the payment schedule is adjusted to the seasonal or irregular income of the consumer.''.

SEC. 1433. ADDITIONAL REQUIREMENTS FOR CERTAIN MORTGAGES.

(a) ADDITIONAL REQUIREMENTS FOR CERTAIN MORTGAGES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended—

(1) by redesignating subsections (j), (k), (l) and (m) as subsections (n), (o), (p), and (q) respectively; and

(2) by inserting after subsection (i) the following new subsections:

''(j) RECOMMENDED DEFAULT.—No creditor shall recommend or encourage default on an existing loan or other debt prior to and in connection with the closing or planned closing of a high-cost mortgage that refinances all or any portion of such existing loan or debt.

''(k) LATE FEES.—

''(1) IN GENERAL.—No creditor may impose a late payment charge or fee in connection with a high-cost mortgage—

''(A) in an amount in excess of 4 percent of the amount of the payment past due;

''(B) unless the loan documents specifically authorize the charge or fee;

''(C) before the end of the 15-day period beginning on the date the payment is due, or in the case of a loan on which interest on each installment is paid in advance, before the end of the 30-day period beginning on the date the payment is due; or

''(D) more than once with respect to a single late payment.

''(2) COORDINATION WITH SUBSEQUENT LATE FEES.—If a payment is otherwise a full payment for the applicable period and is paid on its due date or within an applicable grace period, and the only delinquency or insufficiency of payment is attributable to any late fee or delinquency charge assessed on any earlier payment, no late fee or delinquency charge may be imposed on such payment.

''(3) FAILURE TO MAKE INSTALLMENT PAYMENT.—If, in the case of a loan agreement the terms of which provide that any payment shall first be applied to any past due principal balance, the consumer fails to make an installment payment and the consumer subsequently resumes making installment payments but has not paid all past due installments, the creditor may impose a separate late payment charge or fee for any principal due (without deduction due to late fees or related fees) until the default is cured.

''(l) ACCELERATION OF DEBT.—No high-cost mortgage may contain a provision which permits the creditor to accelerate the indebtedness, except when repayment of the loan has been accelerated by default in payment, or pursuant to a due-on-sale provision, or pursuant to a material violation of some other provision of the loan document unrelated to payment schedule.

''(m) RESTRICTION ON FINANCING POINTS AND FEES.—No creditor may directly or indirectly finance, in connection with any high-cost mortgage, any of the following:

''(1) Any prepayment fee or penalty payable by the consumer in a refinancing transaction if the creditor or an affiliate of the creditor is the noteholder of the note being refinanced.

''(2) Any points or fees.''.

(b) PROHIBITIONS ON EVASIONS.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (q) (as so redesignated by subsection (a)(1)) the following new subsection:

''(r) PROHIBITIONS ON EVASIONS, STRUCTURING OF TRANSACTIONS, AND RECIPROCAL ARRANGEMENTS.—A creditor may not take any action in connection with a high-cost mortgage—

''(1) to structure a loan transaction as an open-end credit plan or another form of loan for the purpose and with the intent of evading the provisions of this title; or

''(2) to divide any loan transaction into separate parts for the purpose and with the intent of evading provisions of this title.''.

(c) MODIFICATION OR DEFERRAL FEES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (r) (as added by subsection (b) of this section) the following new subsection:

''(s) MODIFICATION AND DEFERRAL FEES PROHIBITED.—A creditor, successor in interest, assignee, or any agent of any of the above, may not charge a consumer any fee to modify, renew, extend, or amend a high-cost mortgage, or to defer any payment due under the terms of such mortgage.''.

(d) PAYOFF STATEMENT.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (s) (as added by subsection (c) of this section) the following new subsection:

''(t) PAYOFF STATEMENT.—

''(1) FEES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), no creditor or servicer may charge a fee for informing or transmitting to any person the balance due to pay off the outstanding balance on a high-cost mortgage.

''(B) TRANSACTION FEE.—When payoff information referred to in subparagraph (A) is provided by facsimile transmission or by a courier service, a creditor or servicer may charge a processing fee to cover the cost of such transmission or service in an amount not to exceed an amount that is comparable to fees imposed for similar services provided in connection with consumer credit transactions that are secured by the consumer's principal dwelling and are not high-cost mortgages.

''(C) FEE DISCLOSURE.—Prior to charging a transaction fee as provided in subparagraph (B), a creditor or servicer shall disclose that payoff balances are available for free pursuant to subparagraph (A).

''(D) MULTIPLE REQUESTS.—If a creditor or servicer has provided payoff information referred to in subparagraph (A) without charge, other than the transaction fee allowed by subparagraph (B), on 4 occasions during a calendar year, the creditor or servicer may thereafter charge a reasonable fee for providing such information during the remainder of the calendar year.

''(2) PROMPT DELIVERY.—Payoff balances shall be provided within 5 business days after receiving a request by a consumer or a person authorized by the consumer to obtain such information.''.

(e) PRE-LOAN COUNSELING REQUIRED.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection t) (as added by subsection (d) of this section) the following new subsection:

''(u) PRE-LOAN COUNSELING.—

''(1) IN GENERAL.—A creditor may not extend credit to a consumer under a high-cost mortgage without first receiving certification from a counselor that is approved by the Secretary of Housing and Urban Development, or at the discretion of the Secretary, a State housing finance authority, that the consumer has received counseling on the advisability of the mortgage. Such counselor shall not be employed by the creditor or an affiliate of the creditor or be affiliated with the creditor.

''(2) DISCLOSURES REQUIRED PRIOR TO COUNSELING.—No counselor may certify that a consumer has received counseling on the advisability of the high-cost mortgage unless the counselor can verify that the consumer has received each statement required (in connection with such loan) by this section or the Real Estate Settlement Procedures Act of 1974 with respect to the transaction.

''(3) REGULATIONS.—The Board may prescribe such regulations as the Board determines to be appropriate to carry out the requirements of paragraph (1).''.

(f) CORRECTIONS AND UNINTENTIONAL VIOLATIONS.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (u) (as added by subsection (e)) the following new subsection:

''(v) CORRECTIONS AND UNINTENTIONAL VIOLATIONS.—A creditor or assignee in a high-cost mortgage who, when acting in good faith, fails to comply with any requirement under this section will not be deemed to have violated such requirement if the creditor or assignee establishes that either—

''(1) within 30 days of the loan closing and prior to the institution of any action, the consumer is notified of or discovers the violation, appropriate restitution is made, and whatever adjustments are necessary are made to the loan to either, at the choice of the consumer—

''(A) make the loan satisfy the requirements of this chapter; or

''(B) in the case of a high-cost mortgage, change the terms of the loan in a manner beneficial to the consumer so that the loan will no longer be a high-cost mortgage; or

''(2) within 60 days of the creditor's discovery or receipt of notification of an unintentional violation or bona fide error and prior to the institution of any action, the consumer is notified of the compliance failure, appropriate restitution is made, and whatever adjustments are necessary are made to the loan to either, at the choice of the consumer—

''(A) make the loan satisfy the requirements of this chapter; or

''(B) in the case of a high-cost mortgage, change the terms of the loan in a manner beneficial so that the loan will no longer be a high-cost mortgage.''.

Subtitle D—Office of Housing Counseling

SEC. 1441. SHORT TITLE.

This subtitle may be cited as the ''Expand and Preserve Home Ownership Through Counseling Act''.

SEC. 1442. ESTABLISHMENT OF OFFICE OF HOUSING COUNSELING.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

''(g) OFFICE OF HOUSING COUNSELING.—

''(1) ESTABLISHMENT.—There is established, in the Department, the Office of Housing Counseling.

''(2) DIRECTOR.—There is established the position of Director of Housing Counseling. The Director shall be the head of the Office of Housing Counseling and shall be appointed by, and shall report to, the Secretary. Such position shall be a career-reserved position in the Senior Executive Service.

''(3) FUNCTIONS.—

''(A) IN GENERAL.—The Director shall have primary responsibility within the Department for all activities and matters relating to homeownership counseling and rental housing counseling, including—

''(i) research, grant administration, public outreach, and policy development relating to such counseling; and

''(ii) establishment, coordination, and administration of all regulations, requirements, standards, and performance measures under programs and laws administered by the Department that relate to housing counseling, homeownership counseling (including maintenance of homes), mortgage-related counseling (including home equity conversion mortgages and credit protection options to avoid foreclosure), and rental housing counseling, including the requirements, standards, and performance measures relating to housing counseling.

''(B) SPECIFIC FUNCTIONS.—The Director shall carry out the functions assigned to the Director and the Office under this section and any other provisions of law. Such functions shall include establishing rules necessary for—

''(i) the counseling procedures under section 106(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(h)(1));

''(ii) carrying out all other functions of the Secretary under section 106(g) of the Housing and Urban Development Act of 1968, including the establishment, operation, and publication of the availability of the toll-free telephone number under paragraph (2) of such section;

''(iii) contributing to the distribution of home buying information booklets pursuant to section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604);

''(iv) carrying out the certification program under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e));

''(v) carrying out the assistance program under section 106(a)(4) of the Housing and Urban Development Act of 1968, including criteria for selection of applications to receive assistance;

''(vi) carrying out any functions regarding abusive, deceptive, or unscrupulous lending practices relating to residential mortgage loans that the Secretary considers appropriate, which shall include conducting the study under section 6 of the Expand and Preserve Home Ownership Through Counseling Act;

''(vii) providing for operation of the advisory committee established under paragraph (4) of this subsection;

''(viii) collaborating with community-based organizations with expertise in the field of housing counseling; and

''(ix) providing for the building of capacity to provide housing counseling services in areas that lack sufficient services, including underdeveloped areas that lack basic water and sewer systems, electricity services, and safe, sanitary housing.

''(4) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Secretary shall appoint an advisory committee to provide advice regarding the carrying out of the functions of the Director.

''(B) MEMBERS.—Such advisory committee shall consist of not more than 12 individuals, and the membership of the committee shall equally represent the mortgage and real estate industry, including consumers and housing counseling agencies certified by the Secretary.

''(C) TERMS.—Except as provided in subparagraph (D), each member of the advisory committee shall be appointed for a term of 3 years. Members may be reappointed at the discretion of the Secretary.

''(D) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the members first appointed to the advisory committee, 4 shall be appointed for a term of 1 year and 4 shall be appointed for a term of 2 years.

''(E) PROHIBITION OF PAY; TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(F) ADVISORY ROLE ONLY.—The advisory committee shall have no role in reviewing or awarding housing counseling grants.

''(5) SCOPE OF HOMEOWNERSHIP COUNSELING.—In carrying out the responsibilities of the Director, the Director shall ensure that homeownership counseling provided by, in connection with, or pursuant to any function, activity, or program of the Department addresses the entire process of homeownership, including the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including refinancing, default and foreclosure, and other financial decisions), and the sale or other disposition of a home.''.

SEC. 1443. COUNSELING PROCEDURES.

(a) IN GENERAL.—Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended by adding at the end the following new subsection:

''(g) PROCEDURES AND ACTIVITIES.—

''(1) COUNSELING PROCEDURES.—

''(A) IN GENERAL.—The Secretary shall establish, coordinate, and monitor the administration by the Department of Housing and Urban Development of the counseling procedures for homeownership counseling and rental housing counseling provided in connection with any program of the Department, including all requirements, standards, and performance measures that relate to homeownership and rental housing counseling.

''(B) HOMEOWNERSHIP COUNSELING.—For purposes of this subsection and as used in the provisions referred to in this subparagraph, the term 'homeownership counseling' means counseling related to homeownership and residential mortgage loans. Such term includes counseling related to homeownership and residential mortgage loans that is provided pursuant to—

''(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

''(ii) in the United States Housing Act of 1937—

''(I) section 9(e) (42 U.S.C. 1437g(e));

''(II) section 8(y)(1)(D) (42 U.S.C. 1437f(y)(1)(D));

''(III) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

''(IV) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

''(V) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

''(VI) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B));

''(VII) sections 302(b)(6) and 303(b)(7) (42 U.S.C. 1437aaa–1(b)(6), 1437aaa–2(b)(7)); and

''(VIII) section 304(c)(4) (42 U.S.C. 1437aaa–3(c)(4));

''(iii) section 302(a)(4) of the American Homeownership and Economic Opportunity Act of 2000 (42 U.S.C. 1437f note);

''(iv) sections 233(b)(2) and 258(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2), 12808(b));

''(v) this section and section 101(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x, 1701w(e));

''(vi) section 220(d)(2)(G) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4110(d)(2)(G));

''(vii) sections 422(b)(6), 423(b)(7), 424(c)(4), 442(b)(6), and 443(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6), 12873(b)(7), 12874(c)(4), 12892(b)(6), and 12893(b)(6));

''(viii) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

''(ix) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A));

''(x) in the National Housing Act—

''(I) in section 203 (12 U.S.C. 1709), the penultimate undesignated paragraph of paragraph (2) of subsection (b), subsection (c)(2)(A), and subsection (r)(4);

''(II) subsections (a) and (c)(3) of section 237 (12 U.S.C. 1715z–2); and

''(III) subsections (d)(2)(B) and (m)(1) of section 255 (12 U.S.C. 1715z–20);

''(xi) section 502(h)(4)(B) of the Housing Act of 1949 (42 U.S.C. 1472(h)(4)(B));

''(xii) section 508 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–7); and

''(xiii) section 106 of the Energy Policy Act of 1992 (42 U.S.C. 12712 note).

''(C) RENTAL HOUSING COUNSELING.—For purposes of this subsection, the term 'rental housing counseling' means counseling related to rental of residential property, which may include counseling regarding future homeownership opportunities and providing referrals for renters and prospective renters to entities providing counseling and shall include counseling related to such topics that is provided pursuant to—

''(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

''(ii) in the United States Housing Act of 1937—

''(I) section 9(e) (42 U.S.C. 1437g(e));

''(II) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

''(III) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

''(IV) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

''(V) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B)); and

''(VI) section 302(b)(6) (42 U.S.C. 1437aaa–1(b)(6));

''(iii) section 233(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2));

''(iv) section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x);

''(v) section 422(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6));

''(vi) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

''(vii) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A)); and

''(viii) the rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

''(2) STANDARDS FOR MATERIALS.—The Secretary, in consultation with the advisory committee established under subsection (g)(4) of the Department of Housing and Urban Development Act, shall establish standards for materials and forms to be used, as appropriate, by organizations providing homeownership counseling services, including any recipients of assistance pursuant to subsection (a)(4).

''(3) MORTGAGE SOFTWARE SYSTEMS.—

''(A) CERTIFICATION.—The Secretary shall provide for the certification of various computer software programs for consumers to use in evaluating different residential mortgage loan proposals. The Secretary shall require, for such certification, that the mortgage software systems take into account—

''(i) the consumer's financial situation and the cost of maintaining a home, including insurance, taxes, and utilities;

''(ii) the amount of time the consumer expects to remain in the home or expected time to maturity of the loan; and

''(iii) such other factors as the Secretary considers appropriate to assist the consumer in

evaluating whether to pay points, to lock in an interest rate, to select an adjustable or fixed rate loan, to select a conventional or government-insured or guaranteed loan and to make other choices during the loan application process.

If the Secretary determines that available existing software is inadequate to assist consumers during the residential mortgage loan application process, the Secretary shall arrange for the development by private sector software companies of new mortgage software systems that meet the Secretary's specifications.

''(B) USE AND INITIAL AVAILABILITY.—Such certified computer software programs shall be used to supplement, not replace, housing counseling. The Secretary shall provide that such programs are initially used only in connection with the assistance of housing counselors certified pursuant to subsection (e).

''(C) AVAILABILITY.—After a period of initial availability under subparagraph (B) as the Secretary considers appropriate, the Secretary shall take reasonable steps to make mortgage software systems certified pursuant to this paragraph widely available through the Internet and at public locations, including public libraries, senior-citizen centers, public housing sites, offices of public housing agencies that administer rental housing assistance vouchers, and housing counseling centers.

''(D) BUDGET COMPLIANCE.—This paragraph shall be effective only to the extent that amounts to carry out this paragraph are made available in advance in appropriations Acts.

''(4) NATIONAL PUBLIC SERVICE MULTIMEDIA CAMPAIGNS TO PROMOTE HOUSING COUNSELING.—

''(A) IN GENERAL.—The Director of Housing Counseling shall develop, implement, and conduct national public service multimedia campaigns designed to make persons facing mortgage foreclosure, persons considering a subprime mortgage loan to purchase a home, elderly persons, persons who face language barriers, low-income persons, minorities, and other potentially vulnerable consumers aware that it is advisable, before seeking or maintaining a residential mortgage loan, to obtain homeownership counseling from an unbiased and reliable sources and that such homeownership counseling is available, including through programs sponsored by the Secretary of Housing and Urban Development.

''(B) CONTACT INFORMATION.—Each segment of the multimedia campaign under subparagraph (A) shall publicize the toll-free telephone number and website of the Department of Housing and Urban Development through which persons seeking housing counseling can locate a housing counseling agency in their State that is certified by the Secretary of Housing and Urban Development and can provide advice on buying a home, renting, defaults, foreclosures, credit issues, and reverse mortgages.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, not to exceed $3,000,000 for fiscal years 2009, 2010, and 2011, for the development, implementation, and conduct of national public service multimedia campaigns under this paragraph.

''(D) FORECLOSURE RESCUE EDUCATION PROGRAMS.—

''(i) IN GENERAL.—Ten percent of any funds appropriated pursuant to the authorization under subparagraph (C) shall be used by the Director of Housing Counseling to conduct an education program in areas that have a high density of foreclosure. Such program shall involve direct mailings to persons living in such areas describing—

''(I) tips on avoiding foreclosure rescue scams;

''(II) tips on avoiding predatory lending mortgage agreements;

''(III) tips on avoiding for-profit foreclosure counseling services; and

''(IV) local counseling resources that are approved by the Department of Housing and Urban Development.

''(ii) PROGRAM EMPHASIS.—In conducting the education program described under clause (i), the Director of Housing Counseling shall also place an emphasis on serving communities that have a high percentage of retirement communities or a high percentage of low-income minority communities.

''(iii) TERMS DEFINED.—For purposes of this subparagraph:

''(I) HIGH DENSITY OF FORECLOSURES.—An area has a 'high density of foreclosures' if such area is one of the metropolitan statistical areas (as that term is defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates.

''(II) HIGH PERCENTAGE OF RETIREMENT COMMUNITIES.—An area has a 'high percentage of retirement communities' if such area is one of the metropolitan statistical areas (as that term is defined by the Director of the Office of Management and Budget) with the highest percentage of residents aged 65 or older.

''(III) HIGH PERCENTAGE OF LOW-INCOME MINORITY COMMUNITIES.—An area has a 'high percentage of low-income minority communities' if such area contains a higher-than-normal percentage of residents who are both minorities and low-income, as defined by the Director of Housing Counseling.

''(5) EDUCATION PROGRAMS.—The Secretary shall provide advice and technical assistance to States, units of general local government, and nonprofit organizations regarding the establishment and operation of, including assistance with the development of content and materials for, educational programs to inform and educate consumers, particularly those most vulnerable with respect to residential mortgage loans (such as elderly persons, persons facing language barriers, low-income persons, minorities, and other potentially vulnerable consumers), regarding home mortgages, mortgage refinancing, home equity loans, home repair loans, and where appropriate by region, any requirements and costs associated with obtaining flood or other disaster-specific insurance coverage.''.

(b) CONFORMING AMENDMENTS TO GRANT PROGRAM FOR HOMEOWNERSHIP COUNSELING ORGANIZATIONS.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (III), by striking ''and'' at the end;

(2) in subclause (IV) by striking the period at the end and inserting ''; and''; and

(3) by inserting after subclause (IV) the following new subclause:

''(V) notify the housing or mortgage applicant of the availability of mortgage software systems provided pursuant to subsection (g)(3).''.

SEC. 1444. GRANTS FOR HOUSING COUNSELING ASSISTANCE.

Section 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)) is amended by adding at the end the following new paragraph:

''(4) HOMEOWNERSHIP AND RENTAL COUNSELING ASSISTANCE.—

''(A) IN GENERAL.—The Secretary shall make financial assistance available under this paragraph to HUD-approved housing counseling agencies and State housing finance agencies.

''(B) QUALIFIED ENTITIES.—The Secretary shall establish standards and guidelines for eligibility of organizations (including governmental and nonprofit organizations) to receive assistance under this paragraph, in accordance with subparagraph (D).

''(C) DISTRIBUTION.—Assistance made available under this paragraph shall be distributed in a manner that encourages efficient and successful counseling programs and that ensures adequate distribution of amounts for rural areas having traditionally low levels of access to such counseling services, including areas with insufficient access to the Internet. In distributing such assistance, the Secretary may give priority consideration to entities serving areas with the highest home foreclosure rates.

''(D) LIMITATION ON DISTRIBUTION OF ASSISTANCE.—

''(i) IN GENERAL.—None of the amounts made available under this paragraph shall be distributed to—

''(I) any organization which has been convicted for a violation under Federal law relating to an election for Federal office; or

''(II) any organization which employs applicable individuals.

''(ii) DEFINITION OF APPLICABLE INDIVIDUALS.—In this subparagraph, the term 'applicable individual' means an individual who—

''(I) is—

''(aa) employed by the organization in a permanent or temporary capacity;

''(bb) contracted or retained by the organization; or

''(cc) acting on behalf of, or with the express or apparent authority of, the organization; and

''(II) has been convicted for a violation under Federal law relating to an election for Federal office.

''(E) GRANTMAKING PROCESS.—In making assistance available under this paragraph, the Secretary shall consider appropriate ways of streamlining and improving the processes for grant application, review, approval, and award.

''(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $45,000,000 for each of fiscal years 2009 through 2012 for—

''(i) the operations of the Office of Housing Counseling of the Department of Housing and Urban Development;

''(ii) the responsibilities of the Director of Housing Counseling under paragraphs (2) through (5) of subsection (g); and

''(iii) assistance pursuant to this paragraph for entities providing homeownership and rental counseling.''.

SEC. 1445. REQUIREMENTS TO USE HUD-CERTIFIED COUNSELORS UNDER HUD PROGRAMS.

Section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) REQUIREMENT FOR ASSISTANCE.—An organization may not receive assistance for counseling activities under subsection (a)(1)(iii), (a)(2), (a)(4), (c), or (d) of this section, or under section 101(e), unless the organization, or the individuals through which the organization provides such counseling, has been certified by the Secretary under this subsection as competent to provide such counseling.'';

(2) in paragraph (2)—

(A) by inserting ''and for certifying organizations'' before the period at the end of the first sentence; and

(B) in the second sentence by striking ''for certification'' and inserting '', for certification of an organization, that each individual through which the organization provides counseling shall demonstrate, and, for certification of an individual,'';

(3) in paragraph (3), by inserting ''organizations and'' before ''individuals'';

(4) by redesignating paragraph (3) as paragraph (5); and

(5) by inserting after paragraph (2) the following new paragraphs:

''(3) REQUIREMENT UNDER HUD PROGRAMS.—Any homeownership counseling or rental housing counseling (as such terms are defined in subsection (g)(1)) required under, or provided in connection with, any program administered by the Department of Housing and Urban Development shall be provided only by organizations or counselors certified by the Secretary under this subsection as competent to provide such counseling.

''(4) OUTREACH.—The Secretary shall take such actions as the Secretary considers appropriate to ensure that individuals and organizations providing homeownership or rental housing counseling are aware of the certification requirements and standards of this subsection and of the training and certification programs under subsection (f).''.

SEC. 1446. STUDY OF DEFAULTS AND FORECLOSURES.

The Secretary of Housing and Urban Development shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as are available. The study shall also examine the role of escrow accounts in helping prime and nonprime borrowers to avoid defaults and foreclosures, and the role of computer registries of mortgages, including those used for trading mortgage loans. Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a preliminary report regarding the study. Not later than 24 months after such date of enactment, the Secretary shall submit a final report regarding the results of the study, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to identify populations that need counseling the most.

SEC. 1447. DEFAULT AND FORECLOSURE DATABASE.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development and the Director of the Bureau, in consultation with the Federal agencies responsible for regulation of banking and financial institutions involved in residential mortgage lending and servicing, shall establish and maintain a database of information on foreclosures and defaults on mortgage loans for one-to four-unit residential properties and shall make such information publicly available, subject to subsection (e).

(b) CENSUS TRACT DATA.—Information in the database may be collected, aggregated, and made available on a census tract basis.

(c) REQUIREMENTS.—Information collected and made available through the database shall include—

(1) the number and percentage of such mortgage loans that are delinquent by more than 30 days;

(2) the number and percentage of such mortgage loans that are delinquent by more than 90 days;

(3) the number and percentage of such properties that are real estate-owned;

(4) number and percentage of such mortgage loans that are in the foreclosure process;

(5) the number and percentage of such mortgage loans that have an outstanding principal obligation amount that is greater than the value of the property for which the loan was made; and

(6) such other information as the Secretary of Housing and Urban Development and the Director of the Bureau consider appropriate.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to encourage discriminatory or unsound allocation of credit or lending policies or practices.

(e) PRIVACY AND CONFIDENTIALITY.—In establishing and maintaining the database described in subsection (a), the Secretary of Housing and Urban Development and the Director of the Bureau shall—

(1) be subject to the standards applicable to Federal agencies for the protection of the confidentiality of personally identifiable information and for data security and integrity;

(2) implement the necessary measures to conform to the standards for data integrity and security described in paragraph (1); and

(3) collect and make available information under this section, in accordance with paragraphs (5) and (6) of section 1022(c) and the rules prescribed under such paragraphs, in order to protect privacy and confidentiality.

SEC. 1448. DEFINITIONS FOR COUNSELING-RELATED PROGRAMS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this subtitle, is amended by adding at the end the following new subsection:

''(h) DEFINITIONS.—For purposes of this section:

''(1) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' has the meaning given such term in section 104(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(5)), except that subparagraph (D) of such section shall not apply for purposes of this section.

''(2) STATE.—The term 'State' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

''(3) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means any city, county, parish, town, township, borough, village, or other general purpose political subdivision of a State.

''(4) HUD-APPROVED COUNSELING AGENCY.—The term 'HUD-approved counseling agency' means a private or public nonprofit organization that is—

''(A) exempt from taxation under section 501(c) of the Internal Revenue Code of 1986; and

''(B) certified by the Secretary to provide housing counseling services.

''(5) STATE HOUSING FINANCE AGENCY.—The term 'State housing finance agency' means any public body, agency, or instrumentality specifically created under State statute that is authorised to finance activities designed to provide housing and related facilities throughout an entire State through land acquisition, construction, or rehabilitation.''.

SEC. 1449. ACCOUNTABILITY AND TRANSPARENCY FOR GRANT RECIPIENTS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this subtitle, is amended by adding at the end the following:

''(i) ACCOUNTABILITY FOR RECIPIENTS OF COVERED ASSISTANCE.—

''(1) TRACKING OF FUNDS.—The Secretary shall—

''(A) develop and maintain a system to ensure that any organization or entity that receives any covered assistance uses all amounts of covered assistance in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

''(B) require any organization or entity, as a condition of receipt of any covered assistance, to agree to comply with such requirements regarding covered assistance as the Secretary shall establish, which shall include—

''(i) appropriate periodic financial and grant activity reporting, record retention, and audit requirements for the duration of the covered assistance to the organization or entity to ensure compliance with the limitations and requirements of this section, the regulations under this section, and any requirements or conditions under which such amounts were provided; and

''(ii) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

''(2) MISUSE OF FUNDS.—If any organization or entity that receives any covered assistance is determined by the Secretary to have used any covered assistance in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such assistance was provided—

''(A) the Secretary shall require that, within 12 months after the determination of such misuse, the organization or entity shall reimburse the Secretary for such misused amounts and return to the Secretary any such amounts that remain unused or uncommitted for use; and

''(B) such organization or entity shall be ineligible, at any time after such determination, to apply for or receive any further covered assistance.

The remedies under this paragraph are in addition to any other remedies that may be available under law.

''(3) COVERED ASSISTANCE.—For purposes of this subsection, the term 'covered assistance' means any grant or other financial assistance provided under this section.''.

SEC. 1450. UPDATING AND SIMPLIFICATION OF MORTGAGE INFORMATION BOOKLET.

Section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) is amended—

(1) in the section heading, by striking ''SPECIAL'' and inserting ''HOME BUYING'';

(2) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) PREPARATION AND DISTRIBUTION.—The Director of the Bureau of Consumer Financial Protection (hereafter in this section referred to as the 'Director') shall prepare, at least once every 5 years, a booklet to help consumers applying for federally related mortgage loans to understand the nature and costs of real estate settlement services. The Director shall prepare the booklet in various languages and cultural styles, as the Director determines to be appropriate, so that the booklet is understandable and accessible to homebuyers of different ethnic and cultural backgrounds. The Director shall distribute such booklets to all lenders that make federally related mortgage loans. The Director shall also distribute to such lenders lists, organized by location, of homeownership counselors certified under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) for use in complying with the requirement under subsection (c) of this section.

''(b) CONTENTS.—Each booklet shall be in such form and detail as the Director shall prescribe and, in addition to such other information as the Director may provide, shall include in plain and understandable language the following information:

''(1) A description and explanation of the nature and purpose of the costs incident to a real estate settlement or a federally related mortgage loan. The description and explanation shall provide general information about the mortgage process as well as specific information concerning, at a minimum—

''(A) balloon payments;

''(B) prepayment penalties;

''(C) the advantages of prepayment; and

''(D) the trade-off between closing costs and the interest rate over the life of the loan.

''(2) An explanation and sample of the uniform settlement statement required by section 4.

''(3) A list and explanation of lending practices, including those prohibited by the Truth in Lending Act or other applicable Federal law, and of other unfair practices and unreasonable or unnecessary charges to be avoided by the prospective buyer with respect to a real estate settlement.

''(4) A list and explanation of questions a consumer obtaining a federally related mortgage loan should ask regarding the loan, including whether the consumer will have the ability to repay the loan, whether the consumer sufficiently shopped for the loan, whether the loan terms include prepayment penalties or balloon payments, and whether the loan will benefit the borrower.

''(5) An explanation of the right of rescission as to certain transactions provided by sections 125 and 129 of the Truth in Lending Act.

''(6) A brief explanation of the nature of a variable rate mortgage and a reference to the booklet entitled 'Consumer Handbook on Adjustable Rate Mortgages', published by the Director, or to any suitable substitute of such booklet that the Director may subsequently adopt pursuant to such section.

''(7) A brief explanation of the nature of a home equity line of credit and a reference to the pamphlet required to be provided under section 127A of the Truth in Lending Act.

''(8) Information about homeownership counseling services made available pursuant to section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)), a recommendation that the consumer use such services, and notification that a list of certified providers of homeownership counseling in the area, and their contact information, is available.

''(9) An explanation of the nature and purpose of escrow accounts when used in connection with loans secured by residential real estate and the requirements under section 10 of this Act regarding such accounts.

''(10) An explanation of the choices available to buyers of residential real estate in selecting persons to provide necessary services incidental to a real estate settlement.

''(11) An explanation of a consumer's responsibilities, liabilities, and obligations in a mortgage transaction.

''(12) An explanation of the nature and purpose of real estate appraisals, including the difference between an appraisal and a home inspection.

''(13) Notice that the Office of Housing of the Department of Housing and Urban Development has made publicly available a brochure regarding loan fraud and a World Wide Web address and toll-free telephone number for obtaining the brochure.

The booklet prepared pursuant to this section shall take into consideration differences in real estate settlement procedures that may exist among the several States and territories of the United States and among separate political subdivisions within the same State and territory.'';

(3) in subsection (c), by inserting at the end the following new sentence: ''Each lender shall also include with the booklet a reasonably complete or updated list of homeownership counselors who are certified pursuant to section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) and located in the area of the lender.''; and

(4) in subsection (d), by inserting after the period at the end of the first sentence the following: ''The lender shall provide the booklet in the version that is most appropriate for the person receiving it.''.

SEC. 1451. HOME INSPECTION COUNSELING.

(a) PUBLIC OUTREACH.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall take such actions as may be necessary to inform potential homebuyers of the availability and importance of obtaining an independent home inspection. Such actions shall include—

(A) publication of the HUD/FHA form HUD 92564–CN entitled ''For Your Protection: Get a Home Inspection'', in both English and Spanish languages;

(B) publication of the HUD/FHA booklet entitled ''For Your Protection: Get a Home Inspection'', in both English and Spanish languages;

(C) development and publication of a HUD booklet entitled ''For Your Protection—Get a Home Inspection'' that does not reference FHA-insured homes, in both English and Spanish languages; and

(D) publication of the HUD document entitled ''Ten Important Questions To Ask Your Home Inspector'', in both English and Spanish languages.

(2) AVAILABILITY.—The Secretary shall make the materials specified in paragraph (1) available for electronic access and, where appropriate, inform potential homebuyers of such availability through home purchase counseling public service announcements and toll-free telephone hotlines of the Department of Housing and Urban Development. The Secretary shall give special emphasis to reaching first-time and low-income homebuyers with these materials and efforts.

(3) UPDATING.—The Secretary may periodically update and revise such materials, as the Secretary determines to be appropriate.

(b) REQUIREMENT FOR FHA-APPROVED LENDERS.—Each mortgagee approved for participation in the mortgage insurance programs under title II of the National Housing Act shall provide prospective homebuyers, at first contact, whether upon pre-qualification, pre-approval, or initial application, the materials specified in subparagraphs (A), (B), and (D) of subsection (a)(1).

(c) REQUIREMENTS FOR HUD-APPROVED COUNSELING AGENCIES.—Each counseling agency certified pursuant by the Secretary to provide housing counseling services shall provide each of their clients, as part of the home purchase counseling process, the materials specified in subparagraphs (C) and (D) of subsection (a)(1).

(d) TRAINING.—Training provided the Department of Housing and Urban Development for housing counseling agencies, whether such training is provided directly by the Department or otherwise, shall include—

(1) providing information on counseling potential homebuyers of the availability and importance of getting an independent home inspection;

(2) providing information about the home inspection process, including the reasons for specific inspections such as radon and lead-based paint testing;

(3) providing information about advising potential homebuyers on how to locate and select a qualified home inspector; and

(4) review of home inspection public outreach materials of the Department.

SEC. 1452. WARNINGS TO HOMEOWNERS OF FORECLOSURE RESCUE SCAMS.

(a) ASSISTANCE TO NRC.—Notwithstanding any other provision of law, of any amounts made available for any fiscal year pursuant to section 106(a)(4)(F) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)(F)) (as added by section 1444), 10 percent shall be used only for assistance to the Neighborhood Reinvestment Corporation for activities, in consultation with servicers of residential mortgage loans, to provide notice to borrowers under such loans who are delinquent with respect to payments due under such loans that makes such borrowers aware of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE.—The Neighborhood Reinvestment Corporation, in consultation with servicers of residential mortgage loans, shall use the amounts provided pursuant to subsection (a) to carry out activities to inform borrowers under residential mortgage loans—

(1) that the foreclosure process is complex and can be confusing;

(2) that the borrower may be approached during the foreclosure process by persons regarding saving their home and they should use caution in any such dealings;

(3) that there are Federal Government and nonprofit agencies that may provide information about the foreclosure process, including the Department of Housing and Urban Development;

(4) that they should contact their lender immediately, contact the Department of Housing and Urban Development to find a housing counseling agency certified by the Department to assist in avoiding foreclosure, or visit the Department's website regarding tips for avoiding foreclosure; and

(5) of the telephone number of the loan servicer or successor, the telephone number of the Department of Housing and Urban Development housing counseling line, and the Uniform Resource Locators (URLs) for the Department of Housing and Urban Development Web sites for housing counseling and for tips for avoiding foreclosure.

Subtitle E—Mortgage Servicing

SEC. 1461. ESCROW AND IMPOUND ACCOUNTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129C (as added by section 1411) the following new section:

''§ 129D. Escrow or impound accounts relating to certain consumer credit transactions

''(a) IN GENERAL.—Except as provided in subsection (b), (c), (d), or (e), a creditor, in connection with the consummation of a consumer credit transaction secured by a first lien on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, shall establish, before the consummation of such transaction, an escrow or impound account for the payment of taxes and hazard insurance, and, if applicable, flood insurance, mortgage insurance, ground rents, and any other required periodic payments or premiums with respect to the property or the loan terms, as provided in, and in accordance with, this section.

''(b) WHEN REQUIRED.—No impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to the property may be required as a condition of a real property sale contract or a loan secured by a first deed of trust or mortgage on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, except when—

''(1) any such impound, trust, or other type of escrow or impound account for such purposes is required by Federal or State law;

''(2) a loan is made, guaranteed, or insured by a State or Federal governmental lending or insuring agency;

''(3) the transaction is secured by a first mortgage or lien on the consumer's principal dwelling having an original principal obligation amount that—

''(A) does not exceed the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), and the annual percentage rate will exceed the average prime offer rate as defined in section 129C by 1.5 or more percentage points; or

''(B) exceeds the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), and the annual percentage rate will exceed the average prime offer rate as defined in section 129C by 2.5 or more percentage points; or

''(4) so required pursuant to regulation.

''(c) EXEMPTIONS.—The Board may, by regulation, exempt from the requirements of subsection (a) a creditor that—

''(1) operates predominantly in rural or underserved areas;

''(2) together with all affiliates, has total annual mortgage loan originations that do not exceed a limit set by the Board;

''(3) retains its mortgage loan originations in portfolio; and

''(4) meets any asset size threshold and any other criteria the Board may establish, consistent with the purposes of this subtitle.

''(d) DURATION OF MANDATORY ESCROW OR IMPOUND ACCOUNT.—An escrow or impound account established pursuant to subsection (b) shall remain in existence for a minimum period of 5 years, beginning with the date of the consummation of the loan, unless and until—

''(1) such borrower has sufficient equity in the dwelling securing the consumer credit transaction so as to no longer be required to maintain private mortgage insurance;

''(2) such borrower is delinquent;

''(3) such borrower otherwise has not complied with the legal obligation, as established by rule; or

''(4) the underlying mortgage establishing the account is terminated.

''(e) LIMITED EXEMPTIONS FOR LOANS SECURED BY SHARES IN A COOPERATIVE OR IN WHICH AN ASSOCIATION MUST MAINTAIN A MASTER INSURANCE POLICY.—Escrow accounts need not be established for loans secured by shares in a cooperative. Insurance premiums need not be included in escrow accounts for loans secured by dwellings or units, where the borrower must join an association as a condition of ownership, and that association has an obligation to the dwelling or unit owners to maintain a master policy insuring the dwellings or units.

''(f) CLARIFICATION ON ESCROW ACCOUNTS FOR LOANS NOT MEETING STATUTORY TEST.—For mortgages not covered by the requirements of subsection (b), no provision of this section shall be construed as precluding the establishment of an impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to the property—

''(1) on terms mutually agreeable to the parties to the loan;

''(2) at the discretion of the lender or servicer, as provided by the contract between the lender or servicer and the borrower; or

''(3) pursuant to the requirements for the escrowing of flood insurance payments for regulated lending institutions in section 102(d) of the Flood Disaster Protection Act of 1973.

''(g) ADMINISTRATION OF MANDATORY ESCROW OR IMPOUND ACCOUNTS.—

''(1) IN GENERAL.—Except as may otherwise be provided for in this title or in regulations prescribed by the Board, escrow or impound accounts established pursuant to subsection (b) shall be established in a federally insured depository institution or credit union.

''(2) ADMINISTRATION.—Except as provided in this section or regulations prescribed under this section, an escrow or impound account subject to this section shall be administered in accordance with—

''(A) the Real Estate Settlement Procedures Act of 1974 and regulations prescribed under such Act;

''(B) the Flood Disaster Protection Act of 1973 and regulations prescribed under such Act; and

''(C) the law of the State, if applicable, where the real property securing the consumer credit transaction is located.

''(3) APPLICABILITY OF PAYMENT OF INTEREST.—If prescribed by applicable State or Federal law, each creditor shall pay interest to the consumer on the amount held in any impound, trust, or escrow account that is subject to this section in the manner as prescribed by that applicable State or Federal law.

''(4) PENALTY COORDINATION WITH RESPA.—Any action or omission on the part of any person which constitutes a violation of the Real Estate Settlement Procedures Act of 1974 or any regulation prescribed under such Act for which the person has paid any fine, civil money penalty, or other damages shall not give rise to any additional fine, civil money penalty, or other damages under this section, unless the action or omission also constitutes a direct violation of this section.

''(h) DISCLOSURES RELATING TO MANDATORY ESCROW OR IMPOUND ACCOUNT.—In the case of any impound, trust, or escrow account that is required under subsection (b), the creditor shall disclose by written notice to the consumer at least 3 business days before the consummation of the consumer credit transaction giving rise to such account or in accordance with timeframes established in prescribed regulations the following information:

''(1) The fact that an escrow or impound account will be established at consummation of the transaction.

''(2) The amount required at closing to initially fund the escrow or impound account.

''(3) The amount, in the initial year after the consummation of the transaction, of the estimated taxes and hazard insurance, including flood insurance, if applicable, and any other required periodic payments or premiums that reflects, as appropriate, either the taxable assessed value of the real property securing the transaction, including the value of any improvements on the property or to be constructed on the property (whether or not such construction will be financed from the proceeds of the transaction) or the replacement costs of the property.

''(4) The estimated monthly amount payable to be escrowed for taxes, hazard insurance (including flood insurance, if applicable) and any other required periodic payments or premiums.

''(5) The fact that, if the consumer chooses to terminate the account in the future, the consumer will become responsible for the payment of all taxes, hazard insurance, and flood insurance, if applicable, as well as any other required periodic payments or premiums on the property unless a new escrow or impound account is established.

''(6) Such other information as the Board determines necessary for the protection of the consumer.

''(i) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) FLOOD INSURANCE.—The term 'flood insurance' means flood insurance coverage provided under the national flood insurance program pursuant to the National Flood Insurance Act of 1968.

''(2) HAZARD INSURANCE.—The term 'hazard insurance' shall have the same meaning as provided for 'hazard insurance', 'casualty insurance', 'homeowner's insurance', or other similar term under the law of the State where the real property securing the consumer credit transaction is located.''.

(b) EXEMPTIONS AND MODIFICATIONS.—The Board may prescribe rules that revise, add to, or subtract from the criteria of section 129D(b) of the Truth in Lending Act if the Board determines that such rules are in the interest of consumers and in the public interest.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129C (as added by section 1411) the following new item:

''129D. Escrow or impound accounts relating to certain consumer credit transactions.''.

SEC. 1462. DISCLOSURE NOTICE REQUIRED FOR CONSUMERS WHO WAIVE ESCROW SERVICES.

Section 129D of the Truth in Lending Act (as added by section 1461) is amended by adding at the end the following new subsection:

''(j) DISCLOSURE NOTICE REQUIRED FOR CONSUMERS WHO WAIVE ESCROW SERVICES.—

''(1) IN GENERAL.—If—

''(A) an impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to real property securing a consumer credit transaction is not established in connection with the transaction; or

''(B) a consumer chooses, and provides written notice to the creditor or servicer of such choice, at any time after such an account is established in connection with any such transaction and in accordance with any statute, regulation, or contractual agreement, to close such account,

the creditor or servicer shall provide a timely and clearly written disclosure to the consumer that advises the consumer of the responsibilities of the consumer and implications for the consumer in the absence of any such account.

''(2) DISCLOSURE REQUIREMENTS.—Any disclosure provided to a consumer under paragraph (1) shall include the following:

''(A) Information concerning any applicable fees or costs associated with either the non-establishment of any such account at the time of the transaction, or any subsequent closure of any such account.

''(B) A clear and prominent statement that the consumer is responsible for personally and directly paying the non-escrowed items, in addition to paying the mortgage loan payment, in the absence of any such account, and the fact that the costs for taxes, insurance, and related fees can be substantial.

''(C) A clear explanation of the consequences of any failure to pay non-escrowed items, including the possible requirement for the forced placement of insurance by the creditor or servicer and the potentially higher cost (including any potential commission payments to the servicer) or reduced coverage for the consumer in the event of any such creditor-placed insurance.

''(D) Such other information as the Board determines necessary for the protection of the consumer.''.

SEC. 1463. REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974 AMENDMENTS.

(a) SERVICER PROHIBITIONS.—Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended by adding at the end the following new subsections:

''(k) SERVICER PROHIBITIONS.—

''(1) IN GENERAL.—A servicer of a federally related mortgage shall not—

''(A) obtain force-placed hazard insurance unless there is a reasonable basis to believe the borrower has failed to comply with the loan contract's requirements to maintain property insurance;

''(B) charge fees for responding to valid qualified written requests (as defined in regulations which the Bureau of Consumer Financial Protection shall prescribe) under this section;

''(C) fail to take timely action to respond to a borrower's requests to correct errors relating to allocation of payments, final balances for purposes of paying off the loan, or avoiding foreclosure, or other standard servicer's duties;

''(D) fail to respond within 10 business days to a request from a borrower to provide the identity, address, and other relevant contact information about the owner or assignee of the loan; or

''(E) fail to comply with any other obligation found by the Bureau of Consumer Financial Protection, by regulation, to be appropriate to carry out the consumer protection purposes of this Act.

''(2) FORCE-PLACED INSURANCE DEFINED.—For purposes of this subsection and subsections (l) and (m), the term 'force-placed insurance' means hazard insurance coverage obtained by a servicer of a federally related mortgage when the borrower has failed to maintain or renew hazard insurance on such property as required of the borrower under the terms of the mortgage.

''(l) REQUIREMENTS FOR FORCE-PLACED INSURANCE.—A servicer of a federally related mortgage shall not be construed as having a reasonable basis for obtaining force-placed insurance unless the requirements of this subsection have been met.

''(1) WRITTEN NOTICES TO BORROWER.—A servicer may not impose any charge on any borrower for force-placed insurance with respect to any property securing a federally related mortgage unless—

''(A) the servicer has sent, by first-class mail, a written notice to the borrower containing—

''(i) a reminder of the borrower's obligation to maintain hazard insurance on the property securing the federally related mortgage;

''(ii) a statement that the servicer does not have evidence of insurance coverage of such property;

''(iii) a clear and conspicuous statement of the procedures by which the borrower may demonstrate that the borrower already has insurance coverage; and

''(iv) a statement that the servicer may obtain such coverage at the borrower's expense if the borrower does not provide such demonstration of the borrower's existing coverage in a timely manner;

''(B) the servicer has sent, by first-class mail, a second written notice, at least 30 days after the mailing of the notice under subparagraph

(A) that contains all the information described in each clause of such subparagraph; and

''(C) the servicer has not received from the borrower any demonstration of hazard insurance coverage for the property securing the mortgage by the end of the 15-day period beginning on the date the notice under subparagraph (B) was sent by the servicer.

''(2) SUFFICIENCY OF DEMONSTRATION.—A servicer of a federally related mortgage shall accept any reasonable form of written confirmation from a borrower of existing insurance coverage, which shall include the existing insurance policy number along with the identity of, and contact information for, the insurance company or agent, or as otherwise required by the Bureau of Consumer Financial Protection.

''(3) TERMINATION OF FORCE-PLACED INSURANCE.—Within 15 days of the receipt by a servicer of confirmation of a borrower's existing insurance coverage, the servicer shall—

''(A) terminate the force-placed insurance; and

''(B) refund to the consumer all force-placed insurance premiums paid by the borrower during any period during which the borrower's insurance coverage and the force-placed insurance coverage were each in effect, and any related fees charged to the consumer's account with respect to the force-placed insurance during such period.

''(4) CLARIFICATION WITH RESPECT TO FLOOD DISASTER PROTECTION ACT.—No provision of this section shall be construed as prohibiting a servicer from providing simultaneous or concurrent notice of a lack of flood insurance pursuant to section 102(e) of the Flood Disaster Protection Act of 1973.

''(m) LIMITATIONS ON FORCE-PLACED INSURANCE CHARGES.—All charges, apart from charges subject to State regulation as the business of insurance, related to force-placed insurance imposed on the borrower by or through the servicer shall be bona fide and reasonable.''.

(b) INCREASE IN PENALTY AMOUNTS.—Section 6(f) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(f)) is amended—

(1) in paragraphs (1)(B) and (2)(B), by striking ''$1,000'' each place such term appears and inserting ''$2,000''; and

(2) in paragraph (2)(B)(i), by striking ''$500,000'' and inserting ''$1,000,000''.

(c) DECREASE IN RESPONSE TIMES.—Section 6(e) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(e)) is amended—

(1) in paragraph (1)(A), by striking ''20 days'' and inserting ''5 days'';

(2) in paragraph (2), by striking ''60 days'' and inserting ''30 days''; and

(3) by adding at the end the following new paragraph:

''(4) LIMITED EXTENSION OF RESPONSE TIME.—The 30-day period described in paragraph (2) may be extended for not more than 15 days if, before the end of such 30-day period, the servicer notifies the borrower of the extension and the reasons for the delay in responding.''.

(d) PROMPT REFUND OF ESCROW ACCOUNTS UPON PAYOFF.—Section 6(g) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(g)) is amended by adding at the end the following new sentence: ''Any balance in any such account that is within the servicer's control at the time the loan is paid off shall be promptly returned to the borrower within 20 business days or credited to a similar account for a new mortgage loan to the borrower with the same lender.''.

SEC. 1464. TRUTH IN LENDING ACT AMENDMENTS.

(a) REQUIREMENTS FOR PROMPT CREDITING OF HOME LOAN PAYMENTS.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129E (as added by section 1472) the following new section:

''§ 129F. Requirements for prompt crediting of home loan payments

''(a) IN GENERAL.—In connection with a consumer credit transaction secured by a consumer's principal dwelling, no servicer shall fail to credit a payment to the consumer's loan account as of the date of receipt, except when a delay in crediting does not result in any charge to the consumer or in the reporting of negative information to a consumer reporting agency, except as required in subsection (b).

''(b) EXCEPTION.—If a servicer specifies in writing requirements for the consumer to follow in making payments, but accepts a payment that does not conform to the requirements, the servicer shall credit the payment as of 5 days after receipt.''.

(b) REQUESTS FOR PAYOFF AMOUNTS.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.), as amended by this title, is amended by inserting after section 129F (as added by subsection (a)) the following new section:

''§ 129G. Requests for payoff amounts of home loan

''A creditor or servicer of a home loan shall send an accurate payoff balance within a reasonable time, but in no case more than 7 business days, after the receipt of a written request for such balance from or on behalf of the borrower.''.

SEC. 1465. ESCROWS INCLUDED IN REPAYMENT ANALYSIS.

Section 128(b) of the Truth in Lending Act (15 U.S.C. 1638(b)) is amended by adding at the end the following new paragraph:

''(4) REPAYMENT ANALYSIS REQUIRED TO INCLUDE ESCROW PAYMENTS.—

''(A) IN GENERAL.—In the case of any consumer credit transaction secured by a first mortgage or lien on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, for which an impound, trust, or other type of account has been or will be established in connection with the transaction for the payment of property taxes, hazard and flood (if any) insurance premiums, or other periodic payments or premiums with respect to the property, the information required to be provided under subsection (a) with respect to the number, amount, and due dates or period of payments scheduled to repay the total of payments shall take into account the amount of any monthly payment to such account for each such repayment in accordance with section 10(a)(2) of the Real Estate Settlement Procedures Act of 1974.

''(B) ASSESSMENT VALUE.—The amount taken into account under subparagraph (A) for the payment of property taxes, hazard and flood (if any) insurance premiums, or other periodic payments or premiums with respect to the property shall reflect the taxable assessed value of the real property securing the transaction after the consummation of the transaction, including the value of any improvements on the property or to be constructed on the property (whether or not such construction will be financed from the proceeds of the transaction), if known, and the replacement costs of the property for hazard insurance, in the initial year after the transaction.''.

Subtitle F—Appraisal Activities

SEC. 1471. PROPERTY APPRAISAL REQUIREMENTS.

Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after 129G (as added by section 1464(b)) the following new section:

''§ 129H. Property appraisal requirements

''(a) IN GENERAL.—A creditor may not extend credit in the form of a higher-risk mortgage to any consumer without first obtaining a written appraisal of the property to be mortgaged prepared in accordance with the requirements of this section.

''(b) APPRAISAL REQUIREMENTS.—

''(1) PHYSICAL PROPERTY VISIT.—Subject to the rules prescribed under paragraph (4), an appraisal of property to be secured by a higher-risk mortgage does not meet the requirement of this section unless it is performed by a certified or licensed appraiser who conducts a physical property visit of the interior of the mortgaged property.

''(2) SECOND APPRAISAL UNDER CERTAIN CIRCUMSTANCES.—

''(A) IN GENERAL.—If the purpose of a higher-risk mortgage is to finance the purchase or acquisition of the mortgaged property from a person within 180 days of the purchase or acquisition of such property by that person at a price that was lower than the current sale price of the property, the creditor shall obtain a second appraisal from a different certified or licensed appraiser. The second appraisal shall include an analysis of the difference in sale prices, changes in market conditions, and any improvements made to the property between the date of the previous sale and the current sale.

''(B) NO COST TO APPLICANT.—The cost of any second appraisal required under subparagraph (A) may not be charged to the applicant.

''(3) CERTIFIED OR LICENSED APPRAISER DEFINED.—For purposes of this section, the term 'certified or licensed appraiser' means a person who—

''(A) is, at a minimum, certified or licensed by the State in which the property to be appraised is located; and

''(B) performs each appraisal in conformity with the Uniform Standards of Professional Appraisal Practice and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and the regulations prescribed under such title, as in effect on the date of the appraisal.

''(4) REGULATIONS.—

''(A) IN GENERAL.—The Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, the Federal Housing Finance Agency, and the Bureau shall jointly prescribe regulations to implement this section.

''(B) EXEMPTION.—The agencies listed in subparagraph (A) may jointly exempt, by rule, a class of loans from the requirements of this subsection or subsection (a) if the agencies determine that the exemption is in the public interest and promotes the safety and soundness of creditors.

''(c) FREE COPY OF APPRAISAL.—A creditor shall provide 1 copy of each appraisal conducted in accordance with this section in connection with a higher-risk mortgage to the applicant without charge, and at least 3 days prior to the transaction closing date.

''(d) CONSUMER NOTIFICATION.—At the time of the initial mortgage application, the applicant shall be provided with a statement by the creditor that any appraisal prepared for the mortgage is for the sole use of the creditor, and that the applicant may choose to have a separate appraisal conducted at the expense of the applicant.

''(e) VIOLATIONS.—In addition to any other liability to any person under this title, a creditor found to have willfully failed to obtain an appraisal as required in this section shall be liable to the applicant or borrower for the sum of $2,000.

''(f) HIGHER-RISK MORTGAGE DEFINED.—For purposes of this section, the term 'higher-risk mortgage' means a residential mortgage loan, other than a reverse mortgage loan that is a qualified mortgage, as defined in section 129C, secured by a principal dwelling—

''(1) that is not a qualified mortgage, as defined in section 129C; and

''(2) with an annual percentage rate that exceeds the average prime offer rate for a comparable transaction, as defined in section 129C, as of the date the interest rate is set—

''(A) by 1.5 or more percentage points, in the case of a first lien residential mortgage loan having an original principal obligation amount that does not exceed the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date of such interest

rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2));

''(B) by 2.5 or more percentage points, in the case of a first lien residential mortgage loan having an original principal obligation amount that exceeds the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date of such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)); and

''(C) by 3.5 or more percentage points for a subordinate lien residential mortgage loan.''.

SEC. 1472. APPRAISAL INDEPENDENCE REQUIREMENTS.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129D (as added by section 1461(a)) the following new section:

''§ 129E. Appraisal independence requirements

''(a) IN GENERAL.—It shall be unlawful, in extending credit or in providing any services for a consumer credit transaction secured by the principal dwelling of the consumer, to engage in any act or practice that violates appraisal independence as described in or pursuant to regulations prescribed under this section.

''(b) APPRAISAL INDEPENDENCE.—For purposes of subsection (a), acts or practices that violate appraisal independence shall include—

''(1) any appraisal of a property offered as security for repayment of the consumer credit transaction that is conducted in connection with such transaction in which a person with an interest in the underlying transaction compensates, coerces, extorts, colludes, instructs, induces, bribes, or intimidates a person, appraisal management company, firm, or other entity conducting or involved in an appraisal, or attempts, to compensate, coerce, extort, collude, instruct, induce, bribe, or intimidate such a person, for the purpose of causing the appraised value assigned, under the appraisal, to the property to be based on any factor other than the independent judgment of the appraiser;

''(2) mischaracterizing, or suborning any mischaracterization of, the appraised value of the property securing the extension of the credit;

''(3) seeking to influence an appraiser or otherwise to encourage a targeted value in order to facilitate the making or pricing of the transaction; and

''(4) withholding or threatening to withhold timely payment for an appraisal report or for appraisal services rendered when the appraisal report or services are provided for in accordance with the contract between the parties.

''(c) EXCEPTIONS.—The requirements of subsection (b) shall not be construed as prohibiting a mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, consumer, or any other person with an interest in a real estate transaction from asking an appraiser to undertake 1 or more of the following:

''(1) Consider additional, appropriate property information, including the consideration of additional comparable properties to make or support an appraisal.

''(2) Provide further detail, substantiation, or explanation for the appraiser's value conclusion.

''(3) Correct errors in the appraisal report.

''(d) PROHIBITIONS ON CONFLICTS OF INTEREST.—No certified or licensed appraiser conducting, and no appraisal management company procuring or facilitating, an appraisal in connection with a consumer credit transaction secured by the principal dwelling of a consumer may have a direct or indirect interest, financial or otherwise, in the property or transaction involving the appraisal.

''(e) MANDATORY REPORTING.—Any mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, or any other person involved in a real estate transaction involving an appraisal in connection with a consumer credit transaction secured by the principal dwelling of a consumer who has a reasonable basis to believe an appraiser is failing to comply with the Uniform Standards of Professional Appraisal Practice, is violating applicable laws, or is otherwise engaging in unethical or unprofessional conduct, shall refer the matter to the applicable State appraiser certifying and licensing agency.

''(f) NO EXTENSION OF CREDIT.—In connection with a consumer credit transaction secured by a consumer's principal dwelling, a creditor who knows, at or before loan consummation, of a violation of the appraisal independence standards established in subsections (b) or (d) shall not extend credit based on such appraisal unless the creditor documents that the creditor has acted with reasonable diligence to determine that the appraisal does not materially misstate or misrepresent the value of such dwelling.

''(g) RULES AND INTERPRETIVE GUIDELINES.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, the Federal Housing Finance Agency, and the Bureau may jointly issue rules, interpretive guidelines, and general statements of policy with respect to acts or practices that violate appraisal independence in the provision of mortgage lending services for a consumer credit transaction secured by the principal dwelling of the consumer and mortgage brokerage services for such a transaction, within the meaning of subsections (a), (b), (c), (d), (e), (f), (h), and (i).

''(2) INTERIM FINAL REGULATIONS.—The Board shall, for purposes of this section, prescribe interim final regulations no later than 90 days after the date of enactment of this section defining with specificity acts or practices that violate appraisal independence in the provision of mortgage lending services for a consumer credit transaction secured by the principal dwelling of the consumer or mortgage brokerage services for such a transaction and defining any terms in this section or such regulations. Rules prescribed by the Board under this paragraph shall be deemed to be rules prescribed by the agencies jointly under paragraph (1).

''(h) APPRAISAL REPORT PORTABILITY.—Consistent with the requirements of this section, the Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, the Federal Housing Finance Agency, and the Bureau may jointly issue regulations that address the issue of appraisal report portability, including regulations that ensure the portability of the appraisal report between lenders for a consumer credit transaction secured by a 1-4 unit single family residence that is the principal dwelling of the consumer, or mortgage brokerage services for such a transaction.

''(i) CUSTOMARY AND REASONABLE FEE.—

''(1) IN GENERAL.—Lenders and their agents shall compensate fee appraisers at a rate that is customary and reasonable for appraisal services performed in the market area of the property being appraised. Evidence for such fees may be established by objective third-party information, such as government agency fee schedules, academic studies, and independent private sector surveys. Fee studies shall exclude assignments ordered by known appraisal management companies.

''(2) FEE APPRAISER DEFINITION.—For purposes of this section, the term 'fee appraiser' means a person who is not an employee of the mortgage loan originator or appraisal management company engaging the appraiser and is—

''(A) a State licensed or certified appraiser who receives a fee for performing an appraisal and certifies that the appraisal has been prepared in accordance with the Uniform Standards of Professional Appraisal Practice; or

''(B) a company not subject to the requirements of section 1124 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) that utilizes the services of State licensed or certified appraisers and receives a fee for performing appraisals in accordance with the Uniform Standards of Professional Appraisal Practice.

''(3) EXCEPTION FOR COMPLEX ASSIGNMENTS.—In the case of an appraisal involving a complex assignment, the customary and reasonable fee may reflect the increased time, difficulty, and scope of the work required for such an appraisal and include an amount over and above the customary and reasonable fee for non-complex assignments.

''(j) SUNSET.—Effective on the date the interim final regulations are promulgated pursuant to subsection (g), the Home Valuation Code of Conduct announced by the Federal Housing Finance Agency on December 23, 2008, shall have no force or effect.

''(k) PENALTIES.—

''(1) FIRST VIOLATION.—In addition to the enforcement provisions referred to in section 130, each person who violates this section shall forfeit and pay a civil penalty of not more than $10,000 for each day any such violation continues.

''(2) SUBSEQUENT VIOLATIONS.—In the case of any person on whom a civil penalty has been imposed under paragraph (1), paragraph (1) shall be applied by substituting '$20,000' for '$10,000' with respect to all subsequent violations.

''(3) ASSESSMENT.—The agency referred to in subsection (a) or (c) of section 108 with respect to any person described in paragraph (1) shall assess any penalty under this subsection to which such person is subject.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129D (as added by section 1461(c)) the following new items:

''129E. Appraisal independence requirements.
''129F. Requirements for prompt crediting of home loan payments.
''129G. Requests for payoff amounts of home loan.
''129H. Property appraisal requirements.''.

(c) DEFERENCE.—Section 105 of the Truth in Lending Act (15 U.S.C. 1604) is amended by adding at the end the following:

''(h) DEFERENCE.—Notwithstanding any power granted to any Federal agency under this title, the deference that a court affords to the Bureau with respect to a determination made by the Bureau relating to the meaning or interpretation of any provision of this title, other than section 129E or 129H, shall be applied as if the Bureau were the only agency authorized to apply, enforce, interpret, or administer the provisions of this title.''.

(d) CONFORMING AMENDMENTS IN TITLE X NOT APPLICABLE TO SECTIONS 129E AND 129H.—Notwithstanding section 1099A, the term ''Board'' in sections 129E and 129H, as added by this subtitle, shall not be substituted by the term ''Bureau''.

SEC. 1473. AMENDMENTS RELATING TO APPRAISAL SUBCOMMITTEE OF FFIEC, APPRAISER INDEPENDENCE MONITORING, APPROVED APPRAISER EDUCATION, APPRAISAL MANAGEMENT COMPANIES, APPRAISER COMPLAINT HOTLINE, AUTOMATED VALUATION MODELS, AND BROKER PRICE OPINIONS.

(a) THRESHOLD LEVELS.—Section 1112(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3341(b)) is amended by inserting before the period the following: '', and receives concurrence from the Bureau of Consumer Financial Protection that such threshold level provides reasonable protection for consumers who purchase 1–4 unit single-family residences''.

(b) ANNUAL REPORT OF APPRAISAL SUBCOMMITTEE.—Section 1103(a) of the Financial

Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3332(a)) is amended at the end by inserting the following new paragraph:

''(5) transmit an annual report to the Congress not later than June 15 of each year that describes the manner in which each function assigned to the Appraisal Subcommittee has been carried out during the preceding year. The report shall also detail the activities of the Appraisal Subcommittee, including the results of all audits of State appraiser regulatory agencies, and provide an accounting of disapproved actions and warnings taken in the previous year, including a description of the conditions causing the disapproval and actions taken to achieve compliance.''.

(c) OPEN MEETINGS.—Section 1104(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3333(b)) is amended—

(1) by inserting ''in public session after notice in the Federal Register, but may close certain portions of these meetings related to personnel and review of preliminary State audit reports,'' after ''shall meet''; and

(2) by adding after the final period the following: ''The subject matter discussed in any closed or executive session shall be described in the Federal Register notice of the meeting.''.

(d) REGULATIONS.—Section 1106 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3335) is amended—

(1) by inserting ''prescribe regulations in accordance with chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act) after notice and opportunity for comment,'' after ''hold hearings''; and

(2) at the end by inserting ''Any regulations prescribed by the Appraisal Subcommittee shall (unless otherwise provided in this title) be limited to the following functions: temporary practice, national registry, information sharing, and enforcement. For purposes of prescribing regulations, the Appraisal Subcommittee shall establish an advisory committee of industry participants, including appraisers, lenders, consumer advocates, real estate agents, and government agencies, and hold meetings as necessary to support the development of regulations.''.

(e) APPRAISAL REVIEWS AND COMPLEX APPRAISALS.—

(1) SECTION 1110.—Section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339) is amended—

(A) in paragraph (1), by striking ''and'';

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (2) the following:

''(3) that such appraisals shall be subject to appropriate review for compliance with the Uniform Standards of Professional Appraisal Practice.''.

(2) SECTION 1113.—Section 1113 of the Financial Institutions and Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3342) is amended by inserting before the period the following: '', where a complex 1-to-4 unit single family residential appraisal means an appraisal for which the property to be appraised, the form of ownership, the property characteristics, or the market conditions are atypical''.

(f) APPRAISAL MANAGEMENT SERVICES.—

(1) SUPERVISION OF THIRD PARTY PROVIDERS OF APPRAISAL MANAGEMENT SERVICES.—Section 1103(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3332(a)) (as previously amended by this section) is amended—

(A) by amending paragraph (1) to read as follows:

''(1) monitor the requirements established by States—

''(A) for the certification and licensing of individuals who are qualified to perform appraisals in connection with federally related transactions, including a code of professional responsibility; and

''(B) for the registration and supervision of the operations and activities of an appraisal management company;''; and

(B) by adding at the end the following new paragraph:

''(6) maintain a national registry of appraisal management companies that either are registered with and subject to supervision of a State appraiser certifying and licensing agency or are operating subsidiaries of a Federally regulated financial institution.''.

(2) APPRAISAL MANAGEMENT COMPANY MINIMUM REQUIREMENTS.—Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) is amended by adding at the end the following new section (and amending the table of contents accordingly):

''SEC. 1124. APPRAISAL MANAGEMENT COMPANY MINIMUM REQUIREMENTS.

''(a) IN GENERAL.—The Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, the Federal Housing Finance Agency, and the Bureau of Consumer Financial Protection shall jointly, by rule, establish minimum requirements to be applied by a State in the registration of appraisal management companies. Such requirements shall include a requirement that such companies—

''(1) register with and be subject to supervision by a State appraiser certifying and licensing agency in each State in which such company operates;

''(2) verify that only licensed or certified appraisers are used for federally related transactions;

''(3) require that appraisals coordinated by an appraisal management company comply with the Uniform Standards of Professional Appraisal Practice; and

''(4) require that appraisals are conducted independently and free from inappropriate influence and coercion pursuant to the appraisal independence standards established under section 129E of the Truth in Lending Act.

''(b) RELATION TO STATE LAW.—Nothing in this section shall be construed to prevent States from establishing requirements in addition to any rules promulgated under subsection (a).

''(c) FEDERALLY REGULATED FINANCIAL INSTITUTIONS.—The requirements of subsection (a) shall apply to an appraisal management company that is a subsidiary owned and controlled by a financial institution and regulated by a Federal financial institution regulatory agency. An appraisal management company that is a subsidiary owned and controlled by a financial institution regulated by a Federal financial institution regulatory agency shall not be required to register with a State.

''(d) REGISTRATION LIMITATIONS.—An appraisal management company shall not be registered by a State or included on the national registry if such company, in whole or in part, directly or indirectly, is owned by any person who has had an appraiser license or certificate refused, denied, cancelled, surrendered in lieu of revocation, or revoked in any State. Additionally, each person that owns more than 10 percent of an appraisal management company shall be of good moral character, as determined by the State appraiser certifying and licensing agency, and shall submit to a background investigation carried out by the State appraiser certifying and licensing agency.

''(e) REPORTING.—The Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, the Federal Housing Finance Agency, and the Bureau of Consumer Financial Protection shall jointly promulgate regulations for the reporting of the activities of appraisal management companies to the Appraisal Subcommittee in determining the payment of the annual registry fee.

''(f) EFFECTIVE DATE.—

''(1) IN GENERAL.—No appraisal management company may perform services related to a federally related transaction in a State after the date that is 36 months after the date on which the regulations required to be prescribed under subsection (a) are prescribed in final form unless such company is registered with such State or subject to oversight by a Federal financial institutions regulatory agency.

''(2) EXTENSION OF EFFECTIVE DATE.—Subject to the approval of the Council, the Appraisal Subcommittee may extend by an additional 12 months the requirements for the registration and supervision of appraisal management companies if it makes a written finding that a State has made substantial progress in establishing a State appraisal management company registration and supervision system that appears to conform with the provisions of this title.''.

(3) STATE APPRAISER CERTIFYING AND LICENSING AGENCY AUTHORITY.—Section 1117 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3346) is amended by adding at the end the following: ''The duties of such agency may additionally include the registration and supervision of appraisal management companies and the addition of information about the appraisal management company to the national registry.''.

(4) APPRAISAL MANAGEMENT COMPANY DEFINITION.—Section 1121 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350) is amended by adding at the end the following:

''(11) APPRAISAL MANAGEMENT COMPANY.—The term 'appraisal management company' means, in connection with valuing properties collateralizing mortgage loans or mortgages incorporated into a securitization, any external third party authorized either by a creditor of a consumer credit transaction secured by a consumer's principal dwelling or by an underwriter of or other principal in the secondary mortgage markets, that oversees a network or panel of more than 15 certified or licensed appraisers in a State or 25 or more nationally within a given year—

''(A) to recruit, select, and retain appraisers;

''(B) to contract with licensed and certified appraisers to perform appraisal assignments;

''(C) to manage the process of having an appraisal performed, including providing administrative duties such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and underwriters, collecting fees from creditors and underwriters for services provided, and reimbursing appraisers for services performed; or

''(D) to review and verify the work of appraisers.''.

(g) STATE AGENCY REPORTING REQUIREMENT.—Section 1109(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3338(a)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (1);

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) transmit reports on the issuance and renewal of licenses and certifications, sanctions, disciplinary actions, license and certification revocations, and license and certification suspensions on a timely basis to the national registry of the Appraisal Subcommittee;

''(3) transmit reports on a timely basis of supervisory activities involving appraisal management companies or other third-party providers of appraisals and appraisal management services, including investigations initiated and disciplinary actions taken; and''.

(h) REGISTRY FEES MODIFIED.—

(1) IN GENERAL.—Section 1109(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3338(a)) is amended—

(A) by amending paragraph (4) (as modified by section 1473(g)) to read as follows:

''(4) collect—

''(A) from such individuals who perform or seek to perform appraisals in federally related transactions, an annual registry fee of not more than $40, such fees to be transmitted by the State agencies to the Council on an annual basis; and

''(B) from an appraisal management company that either has registered with a State appraiser certifying and licensing agency in accordance with this title or operates as a subsidiary of a federally regulated financial institution, an annual registry fee of—

''(i) in the case of such a company that has been in existence for more than a year, $25 multiplied by the number of appraisers working for or contracting with such company in such State during the previous year, but where such $25 amount may be adjusted, up to a maximum of $50, at the discretion of the Appraisal Subcommittee, if necessary to carry out the Subcommittee's functions under this title; and

''(ii) in the case of such a company that has not been in existence for more than a year, $25 multiplied by an appropriate number to be determined by the Appraisal Subcommittee, and where such number will be used for determining the fee of all such companies that were not in existence for more than a year, but where such $25 amount may be adjusted, up to a maximum of $50, at the discretion of the Appraisal Subcommittee, if necessary to carry out the Subcommittee's functions under this title.''; and

(B) by amending the matter following paragraph (4), as redesignated, to read as follows:

''Subject to the approval of the Council, the Appraisal Subcommittee may adjust the dollar amount of registry fees under paragraph (4)(A), up to a maximum of $80 per annum, as necessary to carry out its functions under this title. The Appraisal Subcommittee shall consider at least once every 5 years whether to adjust the dollar amount of the registry fees to account for inflation. In implementing any change in registry fees, the Appraisal Subcommittee shall provide flexibility to the States for multi-year certifications and licenses already in place, as well as a transition period to implement the changes in registry fees. In establishing the amount of the annual registry fee for an appraisal management company, the Appraisal Subcommittee shall have the discretion to impose a minimum annual registry fee for an appraisal management company to protect against the under reporting of the number of appraisers working for or contracted by the appraisal management company.''.

(2) INCREMENTAL REVENUES.—Incremental revenues collected pursuant to the increases required by this subsection shall be placed in a separate account at the United States Treasury, entitled the ''Appraisal Subcommittee Account''.

(i) GRANTS AND REPORTS.—Section 1109(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3338(b)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a semicolon;

(3) by adding at the end the following new paragraphs:

''(5) to make grants to State appraiser certifying and licensing agencies, in accordance with policies to be developed by the Appraisal Subcommittee, to support the efforts of such agencies to comply with this title, including—

''(A) the complaint process, complaint investigations, and appraiser enforcement activities of such agencies; and

''(B) the submission of data on State licensed and certified appraisers and appraisal management companies to the National appraisal registry, including information affirming that the appraiser or appraisal management company meets the required qualification criteria and formal and informal disciplinary actions; and

''(6) to report to all State appraiser certifying and licensing agencies when a license or certification is surrendered, revoked, or suspended.''.

Obligations authorized under this subsection may not exceed 75 percent of the fiscal year total of incremental increase in fees collected and deposited in the ''Appraisal Subcommittee Account'' pursuant to subsection (h).

(j) CRITERIA.—Section 1116 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3345) is amended—

(1) in subsection (c), by inserting ''whose criteria for the licensing of a real estate appraiser currently meet or exceed the minimum criteria issued by the Appraisal Qualifications Board of The Appraisal Foundation for the licensing of real estate appraisers'' before the period at the end; and

(2) by striking subsection (e) and inserting the following new subsection:

''(e) MINIMUM QUALIFICATION REQUIREMENTS.—Any requirements established for individuals in the position of 'Trainee Appraiser' and 'Supervisory Appraiser' shall meet or exceed the minimum qualification requirements of the Appraiser Qualifications Board of The Appraisal Foundation. The Appraisal Subcommittee shall have the authority to enforce these requirements.''.

(k) MONITORING OF STATE APPRAISER CERTIFYING AND LICENSING AGENCIES.—Section 1118 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3347) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Appraisal Subcommittee shall monitor each State appraiser certifying and licensing agency for the purposes of determining whether such agency—

''(1) has policies, practices, funding, staffing, and procedures that are consistent with this title;

''(2) processes complaints and completes investigations in a reasonable time period;

''(3) appropriately disciplines sanctioned appraisers and appraisal management companies;

''(4) maintains an effective regulatory program; and

''(5) reports complaints and disciplinary actions on a timely basis to the national registries on appraisers and appraisal management companies maintained by the Appraisal Subcommittee.

The Appraisal Subcommittee shall have the authority to remove a State licensed or certified appraiser or a registered appraisal management company from a national registry on an interim basis, not to exceed 90 days, pending State agency action on licensing, certification, registration, and disciplinary proceedings. The Appraisal Subcommittee and all agencies, instrumentalities, and Federally recognized entities under this title shall not recognize appraiser certifications and licenses from States whose appraisal policies, practices, funding, staffing, or procedures are found to be inconsistent with this title. The Appraisal Subcommittee shall have the authority to impose sanctions, as described in this section, against a State agency that fails to have an effective appraiser regulatory program. In determining whether such a program is effective, the Appraisal Subcommittee shall include an analysis of the licensing and certification of appraisers, the registration of appraisal management companies, the issuance of temporary licenses and certifications for appraisers, the receiving and tracking of submitted complaints against appraisers and appraisal management companies, the investigation of complaints, and enforcement actions against appraisers and appraisal management companies. The Appraisal Subcommittee shall have the authority to impose interim actions and suspensions against a State agency as an alternative to, or in advance of, the derecognition of a State agency.''.

(2) in subsection (b)(2), by inserting after ''authority'' the following: ''or sufficient funding''.

(l) RECIPROCITY.—Subsection (b) of section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351(b)) is amended to read as follows:

''(b) RECIPROCITY.—Notwithstanding any other provisions of this title, a federally related transaction shall not be appraised by a certified or licensed appraiser unless the State appraiser certifying or licensing agency of the State certifying or licensing such appraiser has in place a policy of issuing a reciprocal certification or license for an individual from another State when—

''(1) the appraiser licensing and certification program of such other State is in compliance with the provisions of this title; and

''(2) the appraiser holds a valid certification from a State whose requirements for certification or licensing meet or exceed the licensure standards established by the State where an individual seeks appraisal licensure.''.

(m) CONSIDERATION OF PROFESSIONAL APPRAISAL DESIGNATIONS.—Section 1122(d) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351(d)) is amended by striking ''shall not exclude'' and all that follows through the end of the subsection and inserting the following: ''may include education achieved, experience, sample appraisals, and references from prior clients. Membership in a nationally recognized professional appraisal organization may be a criteria considered, though lack of membership therein shall not be the sole bar against consideration for an assignment under these criteria.''.

(n) APPRAISER INDEPENDENCE.—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended by adding at the end the following new subsection:

''(g) APPRAISER INDEPENDENCE MONITORING.—The Appraisal Subcommittee shall monitor each State appraiser certifying and licensing agency for the purpose of determining whether such agency's policies, practices, and procedures are consistent with the purposes of maintaining appraiser independence and whether such State has adopted and maintains effective laws, regulations, and policies aimed at maintaining appraiser independence.''.

(o) APPRAISER EDUCATION.—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended by inserting after subsection (g) (as added by subsection (l) of this section) the following new subsection:

''(h) APPROVED EDUCATION.—The Appraisal Subcommittee shall encourage the States to accept courses approved by the Appraiser Qualification Board's Course Approval Program.''.

(p) APPRAISAL COMPLAINT HOTLINE.—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351), as amended by this section, is amended by adding at the end the following new subsection:

''(i) APPRAISAL COMPLAINT NATIONAL HOTLINE.—If, 6 months after the date of the enactment of this subsection, the Appraisal Subcommittee determines that no national hotline exists to receive complaints of non-compliance with appraisal independence standards and Uniform Standards of Professional Appraisal Practice, including complaints from appraisers, individuals, or other entities concerning the improper influencing or attempted improper influencing of appraisers or the appraisal process, the Appraisal Subcommittee shall establish and operate such a national hotline, which shall include a toll-free telephone number and an email address. If the Appraisal Subcommittee operates such a national hotline, the Appraisal Subcommittee shall refer complaints for further action to appropriate governmental bodies, including a State appraiser certifying and licensing agency, a financial institution regulator, or other appropriate legal authorities. For complaints referred to State appraiser certifying and licensing agencies or to Federal regulators, the Appraisal Subcommittee shall have the authority to follow up such complaint referrals in order to determine the status of the resolution of the complaint.''.

(q) AUTOMATED VALUATION MODELS.—Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.), as amended by this section, is amended by adding at the end the following new section (and amending the table of contents accordingly):

"SEC. 1125. AUTOMATED VALUATION MODELS USED TO ESTIMATE COLLATERAL VALUE FOR MORTGAGE LENDING PURPOSES.

''(a) IN GENERAL.—Automated valuation models shall adhere to quality control standards designed to—

''(1) ensure a high level of confidence in the estimates produced by automated valuation models;

''(2) protect against the manipulation of data;

''(3) seek to avoid conflicts of interest;

''(4) require random sample testing and reviews; and

''(5) account for any other such factor that the agencies listed in subsection (b) determine to be appropriate.

''(b) ADOPTION OF REGULATIONS.—The Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, the Federal Housing Finance Agency, and the Bureau of Consumer Financial Protection, in consultation with the staff of the Appraisal Subcommittee and the Appraisal Standards Board of the Appraisal Foundation, shall promulgate regulations to implement the quality control standards required under this section.

''(c) ENFORCEMENT.—Compliance with regulations issued under this subsection shall be enforced by—

''(1) with respect to a financial institution, or subsidiary owned and controlled by a financial institution and regulated by a Federal financial institution regulatory agency, the Federal financial institution regulatory agency that acts as the primary Federal supervisor of such financial institution or subsidiary; and

''(2) with respect to other participants in the market for appraisals of 1-to-4 unit single family residential real estate, the Federal Trade Commission, the Bureau of Consumer Financial Protection, and a State attorney general.

''(d) AUTOMATED VALUATION MODEL DEFINED.—For purposes of this section, the term 'automated valuation model' means any computerized model used by mortgage originators and secondary market issuers to determine the collateral worth of a mortgage secured by a consumer's principal dwelling.''.

(r) BROKER PRICE OPINIONS.—Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.), as amended by this section, is amended by adding at the end the following new section (and amending the table of contents accordingly):

"SEC. 1126. BROKER PRICE OPINIONS.

''(a) GENERAL PROHIBITION.—In conjunction with the purchase of a consumer's principal dwelling, broker price opinions may not be used as the primary basis to determine the value of a piece of property for the purpose of a loan origination of a residential mortgage loan secured by such piece of property.

''(b) BROKER PRICE OPINION DEFINED.—For purposes of this section, the term 'broker price opinion' means an estimate prepared by a real estate broker, agent, or sales person that details the probable selling price of a particular piece of real estate property and provides a varying level of detail about the property's condition, market, and neighborhood, and information on comparable sales, but does not include an automated valuation model, as defined in section 1125(c).''.

(s) AMENDMENTS TO APPRAISAL SUBCOMMITTEE.—Section 1011 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3310) is amended—

(1) in the first sentence, by adding before the period the following: '', the Bureau of Consumer Financial Protection, and the Federal Housing Finance Agency''; and

(2) by inserting at the end the following: ''At all times at least one member of the Appraisal Subcommittee shall have demonstrated knowledge and competence through licensure, certification, or professional designation within the appraisal profession.''.

(t) TECHNICAL CORRECTIONS.—

(1) Section 1119(a)(2) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3348(a)(2)) is amended by striking ''council,'' and inserting ''Council,''.

(2) Section 1121(6) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(6)) is amended by striking ''Corporations,'' and inserting ''Corporation,''.

(3) Section 1121(8) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(8)) is amended by striking ''council'' and inserting ''Council''.

(4) Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended—

(A) in subsection (a)(1) by moving the left margin of subparagraphs (A), (B), and (C) 2 ems to the right; and

(B) in subsection (c)—

(i) by striking ''Federal Financial Institutions Examination Council'' and inserting ''Financial Institutions Examination Council''; and

(ii) by striking ''the council's functions'' and inserting ''the Council's functions''.

SEC. 1474. EQUAL CREDIT OPPORTUNITY ACT AMENDMENT.

Subsection (e) of section 701 of the Equal Credit Opportunity Act (15 U.S.C. 1691) is amended to read as follows:

''(e) COPIES FURNISHED TO APPLICANTS.—

''(1) IN GENERAL.—Each creditor shall furnish to an applicant a copy of any and all written appraisals and valuations developed in connection with the applicant's application for a loan that is secured or would have been secured by a first lien on a dwelling promptly upon completion, but in no case later than 3 days prior to the closing of the loan, whether the creditor grants or denies the applicant's request for credit or the application is incomplete or withdrawn.

''(2) WAIVER.—The applicant may waive the 3 day requirement provided for in paragraph (1), except where otherwise required in law.

''(3) REIMBURSEMENT.—The applicant may be required to pay a reasonable fee to reimburse the creditor for the cost of the appraisal, except where otherwise required in law.

''(4) FREE COPY.—Notwithstanding paragraph (3), the creditor shall provide a copy of each written appraisal or valuation at no additional cost to the applicant.

''(5) NOTIFICATION TO APPLICANTS.—At the time of application, the creditor shall notify an applicant in writing of the right to receive a copy of each written appraisal and valuation under this subsection.

''(6) VALUATION DEFINED.—For purposes of this subsection, the term 'valuation' shall include any estimate of the value of a dwelling developed in connection with a creditor's decision to provide credit, including those values developed pursuant to a policy of a government sponsored enterprise or by an automated valuation model, a broker price opinion, or other methodology or mechanism.''.

SEC. 1475. REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974 AMENDMENT RELATING TO CERTAIN APPRAISAL FEES.

Section 4 of the Real Estate Settlement Procedures Act of 1974 is amended by adding at the end the following new subsection:

''(c) The standard form described in subsection (a) may include, in the case of an appraisal coordinated by an appraisal management company (as such term is defined in section 1121(11) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(11))), a clear disclosure of—

''(1) the fee paid directly to the appraiser by such company; and

''(2) the administration fee charged by such company.''.

SEC. 1476. GAO STUDY ON THE EFFECTIVENESS AND IMPACT OF VARIOUS APPRAISAL METHODS, VALUATION MODELS AND DISTRIBUTIONS CHANNELS, AND ON THE HOME VALUATION CODE OF CONDUCT AND THE APPRAISAL SUBCOMMITTEE.

(a) IN GENERAL.—The Government Accountability Office shall conduct a study on—

(1) the effectiveness and impact of—

(A) appraisal methods, including the cost approach, the comparative sales approach, the income approach, and others that may be available;

(B) appraisal valuation models, including licensed and certified appraisals, broker-priced opinions, and automated valuation models; and

(C) appraisal distribution channels, including appraisal management companies, independent appraisal operations within mortgage originators, and fee-for-service appraisers;

(2) the Home Valuation Code of Conduct; and

(3) the Appraisal Subcommittee's functions pursuant to title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(b) STUDY.—Not later than—

(1) 12 months after the date of enactment of this Act, the Government Accountability Office shall submit a study to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives; and

(2) 90 days after the date of enactment of this Act, the Government Accountability Office shall provide a report on the status of the study and any preliminary findings to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(c) CONTENT OF STUDY.—The study required by this section shall include an examination of the following:

(1) APPRAISAL APPROACHES, VALUATION MODELS, AND DISTRIBUTION CHANNELS.—

(A) The prevalence, alone or in combination, of certain appraisal approaches, models, and channels in purchase-money and refinance mortgage transactions.

(B) The accuracy of these approaches, models, and channels in assessing the property as collateral.

(C) Whether and how these approaches, models, and channels contributed to price speculation during the previous cycle.

(D) The costs to consumers of these approaches, models, and channels.

(E) The disclosure of fees to consumers in the appraisal process.

(F) To what extent the usage of these approaches, models, and channels may be influenced by a conflict of interest between the mortgage lender and the appraiser and the mechanism by which the lender selects and compensates the appraiser.

(G) The suitability of these approaches, models, and channels in rural versus urban areas.

(2) HOME VALUATION CODE OF CONDUCT (HVCC).—

(A) How the HVCC affects mortgage lenders' selection of appraisers.

(B) How the HVCC affects State regulation of appraisers and appraisal distribution channels.

(C) How the HVCC affects the quality and cost of appraisals and the length of time to obtain an appraisal.

(D) How the HVCC affects mortgage brokers, small businesses, and consumers.

(d) ADDITIONAL STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Government Accountability Office shall submit a study to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) CONTENT OF ADDITIONAL STUDY.—The study required under paragraph (1) shall include—

(A) an examination of—

(i) the Appraisal Subcommittee's ability to monitor and enforce State and Federal certification requirements and standards, including by providing a summary with a statistical breakdown of enforcement actions taken during the last 10 years;

(ii) whether existing Federal financial institutions regulatory agency exemptions on appraisals for federally related transactions needs to be revised; and

(iii) whether new means of data collection, such as the establishment of a national repository, would benefit the Appraisal Subcommittee's ability to perform its functions; and

(B) recommendations from this examination for administrative and legislative action at the Federal and State level.

Subtitle G—Mortgage Resolution and Modification

SEC. 1481. MULTIFAMILY MORTGAGE RESOLUTION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall develop a program under this subsection to ensure the protection of current and future tenants and at-risk multifamily properties, where feasible, based on criteria that may include—

(1) creating sustainable financing of such properties, that may take into consideration such factors as—

(A) the rental income generated by such properties; and

(B) the preservation of adequate operating reserves;

(2) maintaining the level of Federal, State, and city subsidies in effect as of the date of the enactment of this Act;

(3) providing funds for rehabilitation; and

(4) facilitating the transfer of such properties, when appropriate and with the agreement of owners, to responsible new owners and ensuring affordability of such properties.

(b) COORDINATION.—The Secretary of Housing and Urban Development may, in carrying out the program developed under this section, coordinate with the Secretary of the Treasury, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Federal Housing Finance Agency, and any other Federal Government agency that the Secretary considers appropriate.

(c) DEFINITION.—For purposes of this section, the term ''multifamily properties'' means a residential structure that consists of 5 or more dwelling units.

(d) PREVENTION OF QUALIFICATION FOR CRIMINAL APPLICANTS.—

(1) IN GENERAL.—No person shall be eligible to begin receiving assistance from the Making Home Affordable Program authorized under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), or any other mortgage assistance program authorized or funded by that Act, on or after 60 days after the date of the enactment of this Act, if such person, in connection with a mortgage or real estate transaction, has been convicted, within the last 10 years, of any one of the following:

(A) Felony larceny, theft, fraud, or forgery.

(B) Money laundering.

(C) Tax evasion.

(2) PROCEDURES.—The Secretary shall establish procedures to ensure compliance with this subsection.

(3) REPORT.—The Secretary shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the implementation of this provision. The report shall also describe the steps taken to implement this subsection.

SEC. 1482. HOME AFFORDABLE MODIFICATION PROGRAM GUIDELINES.

(a) NET PRESENT VALUE INPUT DATA.—The Secretary of the Treasury (in this section referred to as the ''Secretary'') shall revise the supplemental directives and other guidelines for the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary of the Treasury, authorized under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), to require each mortgage servicer participating in such program to provide each borrower under a mortgage whose request for a mortgage modification under the Program is denied with all borrower-related and mortgage-related input data used in any net present value (NPV) analyses performed in connection with the subject mortgage. Such input data shall be provided to the borrower at the time of such denial.

(b) WEB-BASED SITE FOR NPV CALCULATOR AND APPLICATION.—

(1) NPV CALCULATOR.—In carrying out the Home Affordable Modification Program, the Secretary shall establish and maintain a site on the World Wide Web that provides a calculator for net present value analyses of a mortgage, based on the Secretary's methodology for calculating such value, that mortgagors can use to enter information regarding their own mortgages and that provides a determination after entering such information regarding a mortgage of whether such mortgage would be accepted or rejected for modification under the Program, using such methodology.

(2) DISCLOSURE.—Such Web site shall also prominently disclose that each mortgage servicer participating in such Program may use a method for calculating net present value of a mortgage that is different than the method used by such calculator.

(3) APPLICATION.—The Secretary shall make a reasonable effort to include on such World Wide Web site a method for homeowners to apply for a mortgage modification under the Home Affordable Modification Program.

(c) PUBLIC AVAILABILITY OF NPV METHODOLOGY, COMPUTER MODEL, AND VARIABLES.—The Secretary shall make publicly available, including by posting on a World Wide Web site of the Secretary—

(1) the Secretary's methodology and computer model, including all formulae used in such computer model, used for calculating net present value of a mortgage that is used by the calculator established pursuant to subsection (b); and

(2) all non-proprietary variables used in such net present value analysis.

SEC. 1483. PUBLIC AVAILABILITY OF INFORMATION OF MAKING HOME AFFORDABLE PROGRAM.

(a) REVISIONS TO PROGRAM GUIDELINES.—The Secretary of the Treasury (in this section referred to as the ''Secretary'') shall revise the guidelines for the Home Affordable Modification Program of the Making Home Affordable initiative of the Secretary of the Treasury, authorized under the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), to provide that the data being collected by the Secretary from each mortgage servicer and lender participating in the Program is made public in accordance with subsection (b).

(b) PUBLIC AVAILABILITY.—Data shall be made available according to the following guidelines:

(1) Not more than 14 days after each monthly deadline for submission of data by mortgage servicers and lenders participating in the Program, reports shall be made publicly available by means of a World Wide Web site of the Secretary, and by submitting a report to the Congress, that shall includes the following information:

(A) The number of requests for mortgage modifications under the Program that the servicer or lender has received.

(B) The number of requests for mortgage modifications under the Program that the servicer or lender has processed.

(C) The number of requests for mortgage modifications under the Program that the servicer or lender has approved.

(D) The number of requests for mortgage modifications under the Program that the servicer or lender has denied.

(2) Not more than 60 days after each monthly deadline for submission of data by mortgage servicers and lenders participating in the Program, the Secretary shall make data tables available to the public at the individual record level. The Secretary shall issue regulations prescribing—

(A) the procedures for disclosing such data to the public; and

(B) such deletions as the Secretary may determine to be appropriate to protect any privacy interest of any mortgage modification applicant, including the deletion or alteration of the applicant's name and identification number.

SEC. 1484. PROTECTING TENANTS AT FORECLOSURE EXTENSION AND CLARIFICATION.

The Protecting Tenants at Foreclosure Act is amended—

(1) in section 702 (12 U.S.C. 5220 note)—

(A) in subsection (a)(2), by striking '', as of the date of such notice of foreclosure''; and

(B) in subsection (c), by inserting after the period the following: ''For purposes of this section, the date of a notice of foreclosure shall be deemed to be the date on which complete title to a property is transferred to a successor entity or person as a result of an order of a court or pursuant to provisions in a mortgage, deed of trust, or security deed.''; and

(2) in section 704 (12 U.S.C. 5201 note), by striking ''2012'' and inserting ''2014''.

Subtitle H—Miscellaneous Provisions

SEC. 1491. SENSE OF CONGRESS REGARDING THE IMPORTANCE OF GOVERNMENT-SPONSORED ENTERPRISES REFORM TO ENHANCE THE PROTECTION, LIMITATION, AND REGULATION OF THE TERMS OF RESIDENTIAL MORTGAGE CREDIT.

(a) FINDINGS.—The Congress finds as follows:

(1) The Government-sponsored enterprises, Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac), were chartered by Congress to ensure a reliable and affordable supply of mortgage funding, but enjoy a dual legal status as privately owned corporations with Government mandated affordable housing goals.

(2) In 1996, the Department of Housing and Urban Development required that 42 percent of Fannie Mae's and Freddie Mac's mortgage financing should go to borrowers with income levels below the median for a given area.

(3) In 2004, the Department of Housing and Urban Development revised those goals, increasing them to 56 percent of their overall mortgage purchases by 2008, and additionally mandated that 12 percent of all mortgage purchases by Fannie Mae and Freddie Mac be ''special affordable'' loans made to borrowers with incomes less than 60 percent of an area's median income, a target that ultimately increased to 28 percent for 2008.

(4) To help fulfill those mandated affordable housing goals, in 1995 the Department of Housing and Urban Development authorized Fannie Mae and Freddie Mac to purchase subprime securities that included loans made to low-income borrowers.

(5) After this authorization to purchase subprime securities, subprime and near-prime loans increased from 9 percent of securitized mortgages in 2001 to 40 percent in 2006, while the market share of conventional mortgages dropped from 78.8 percent in 2003 to 50.1 percent by 2007 with a corresponding increase in subprime and Alt-A loans from 10.1 percent to 32.7 percent over the same period.

(6) In 2004 alone, Fannie Mae and Freddie Mac purchased $175,000,000,000 in subprime mortgage securities, which accounted for 44 percent of the market that year, and from 2005 through 2007, Fannie Mae and Freddie Mac purchased approximately $1,000,000,000,000 in subprime and Alt-A loans, while Fannie Mae's acquisitions of mortgages with less than 10 percent down payments almost tripled.

(7) According to data from the Federal Housing Finance Agency (FHFA) for the fourth quarter of 2008, Fannie Mae and Freddie Mac own or guarantee 75 percent of all newly originated mortgages, and Fannie Mae and Freddie Mac currently own 13.3 percent of outstanding mortgage debt in the United States and have issued mortgage-backed securities for 31.0 percent of the residential debt market, a combined total of 44.3 percent of outstanding mortgage debt in the United States.

(8) On September 7, 2008, the FHFA placed Fannie Mae and Freddie Mac into conservatorship, with the Treasury Department subsequently agreeing to purchase at least $200,000,000,000 of preferred stock from each enterprise in exchange for warrants for the purchase of 79.9 percent of each enterprise's common stock.

(9) The conservatorship for Fannie Mae and Freddie Mac has potentially exposed taxpayers to upwards of $5,300,000,000,000 worth of risk.

(10) The hybrid public-private status of Fannie Mae and Freddie Mac is untenable and must be resolved to assure that consumers are offered and receive residential mortgage loans on terms that reasonably reflect their ability to repay the loans and that are understandable and not unfair, deceptive, or abusive.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that efforts to enhance by the protection, limitation, and regulation of the terms of residential mortgage credit and the practices related to such credit would be incomplete without enactment of meaningful structural reforms of Fannie Mae and Freddie Mac.

SEC. 1492. GAO STUDY REPORT ON GOVERNMENT EFFORTS TO COMBAT MORTGAGE FORECLOSURE RESCUE SCAMS AND LOAN MODIFICATION FRAUD.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the current inter-agency efforts of the Secretary of the Treasury, the Secretary of Housing and Urban Development, the Attorney General, and the Federal Trade Commission to crackdown on mortgage foreclosure rescue scams and loan modification fraud in order to advise the Congress to the risks and vulnerabilities of emerging schemes in the loan modification arena.

(b) REPORT.—

(1) IN GENERAL.—The Comptroller General shall submit a report to the Congress on the study conducted under subsection (a) containing such recommendations for legislative and administrative actions as the Comptroller General may determine to be appropriate in addition to the recommendations required under paragraph (2).

(2) SPECIFIC TOPICS.—The report made under paragraph (1) shall include—

(A) an evaluation of the effectiveness of the inter-agency task force current efforts to combat mortgage foreclosure rescue scams and loan modification fraud scams;

(B) specific recommendations on agency or legislative action that are essential to properly protect homeowners from mortgage foreclosure rescue scams and loan modification fraud scams; and

(C) the adequacy of financial resources that the Federal Government is allocating to—

(i) crackdown on loan modification and foreclosure rescue scams; and

(ii) the education of homeowners about fraudulent scams relating to loan modification and foreclosure rescues.

SEC. 1493. REPORTING OF MORTGAGE DATA BY STATE.

(a) IN GENERAL.—Section 104(a) of the Helping Families Save Their Homes Act of 2009 (division A of Public Law 111–22) is amended—

(1) in paragraph (2), by striking ''resulting'' and inserting ''in each State that result'';

(2) in paragraph (3), by inserting ''each State for'' after ''modifications in''; and

(3) in paragraph (4), by inserting ''in each State'' after ''total number of loans''.

(b) CONFORMING AMENDMENT.—Section 104(b)(1)(A) of such Act is amended by adding at the end the following sentence: ''Not later than 60 days after the date of the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Comptroller of the Currency and the Director of the Office of Thrift Supervision shall update such requirements to reflect amendments made to this section by such Act.''.

SEC. 1494. STUDY OF EFFECT OF DRYWALL PRESENCE ON FORECLOSURES.

(a) STUDY.—The Secretary of Housing and Urban Development, in consultation with the Secretary of the Treasury, shall conduct a study of the effect on residential mortgage loan foreclosures of—

(1) the presence in residential structures subject to such mortgage loans of drywall that was imported from China during the period beginning with 2004 and ending at the end of 2007; and

(2) the availability of property insurance for residential structures in which such drywall is present.

(b) REPORT.—Not later than the expiration of the 120-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Congress a report on the study conducted under subsection (a) containing its findings, conclusions, and recommendations.

SEC. 1495. DEFINITION.

For purposes of this title, the term ''designated transfer date'' means the date established under section 1062 of this Act.

SEC. 1496. EMERGENCY MORTGAGE RELIEF.

(a) EMERGENCY HOMEOWNERS' RELIEF FUND.—Effective October 1, 2010, and notwithstanding any other provision of law, there is hereby made available to the Secretary of Housing and Urban Development such sums as are necessary to provide $1,000,000,000 in assistance through the Emergency Homeowners' Relief Fund, which such Secretary shall establish pursuant to section 107 of the Emergency Housing Act of 1975 (12 U.S.C. 2706), as such Act is amended by this section, for use for emergency mortgage assistance in accordance with title I of such Act.

(b) REAUTHORIZATION OF EMERGENCY MORTGAGE RELIEF PROGRAM.—Title I of the Emergency Housing Act of 1975 is amended—

(1) in section 103 (12 U.S.C. 2702)—

(A) in paragraph (2)—

(i) by striking ''have indicated'' and all that follows through ''regulation of the holder'' and insert ''have certified'';

(ii) by striking ''(such as the volume of delinquent loans in its portfolio)''; and

(iii) by striking '', except that such statement'' and all that follows through ''purposes of this title''; and

(B) in paragraph (4), by inserting ''or medical conditions'' after ''adverse economic conditions'';

(2) in section 104 (12 U.S.C. 2703)—

(A) in subsection (b), by striking '', but such assistance'' and all that follows through the period at the end and inserting the following: ''. The amount of assistance provided to a homeowner under this title shall be an amount that the Secretary determines is reasonably necessary to supplement such amount as the homeowner is capable of contributing toward such mortgage payment, except that the aggregate amount of such assistance provided for any homeowner shall not exceed $50,000.'';

(B) in subsection (d), by striking ''interest on a loan or advance'' and all that follows through the end of the subsection and inserting the following: ''(1) the rate of interest on any loan or advance of credit insured under this title shall be fixed for the life of the loan or advance of credit and shall not exceed the rate of interest that is generally charged for mortgages on single-family housing insured by the Secretary of Housing and Urban Development under title II of the National Housing Act at the time such loan or advance of credit is made, and (2) no interest shall be charged on interest which is deferred on a loan or advance of credit made under this title. In establishing rates, terms and conditions for loans or advances of credit made under this title, the Secretary shall take into account a homeowner's ability to repay such loan or advance of credit.''; and

(C) in subsection (e), by inserting after the period at the end of the first sentence the following: ''Any eligible homeowner who receives a grant or an advance of credit under this title may repay the loan in full, without penalty, by lump sum or by installment payments at any time before the loan becomes due and payable.'';

(3) in section 105 (12 U.S.C. 2704)—

(A) by striking subsection (b);

(B) in subsection (e)—

(i) by inserting ''and emergency mortgage relief payments made under section 106'' after ''insured under this section''; and

(ii) by striking ''$1,500,000,000 at any one time'' and inserting ''$3,000,000,000'';

(C) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively; and

(D) by adding at the end the following new subsection:

''(e) The Secretary shall establish underwriting guidelines or procedures to allocate amounts made available for loans and advances insured under this section and for emergency relief payments made under section 106 based on the likelihood that a mortgagor will be able to resume mortgage payments, pursuant to the requirement under section 103(5).'';

(4) in section 107—

(A) by striking ''(a)''; and

(B) by striking subsection (b);

(5) in section 108 (12 U.S.C. 2707), by adding at the end the following new subsection:

''(d) COVERAGE OF EXISTING PROGRAMS.—The Secretary shall allow funds to be administered by a State that has an existing program that is determined by the Secretary to provide substantially similar assistance to homeowners. After such determination is made such State shall not be required to modify such program to comply with the provisions of this title.'';

(6) in section 109 (12 U.S.C. 2708)—

(A) in the section heading, by striking ''AUTHORIZATION AND'';

(B) by striking subsection (a);

(C) by striking ''(b)''; and

(D) by striking ''1977'' and inserting ''2011'';

(7) by striking sections 110, 111, and 113 (12 U.S.C. 2709, 2710, 2712); and

(8) by redesignating section 112 (12 U.S.C. 2711) as section 110.

SEC. 1497. ADDITIONAL ASSISTANCE FOR NEIGHBORHOOD STABILIZATION PROGRAM.

(a) IN GENERAL.—Effective October 1, 2010, out of funds in the Treasury not otherwise appropriated, there is hereby made available to the Secretary of Housing and Urban Development $1,000,000,000, and the Secretary of Housing and Urban Development shall use such amounts for assistance to States and units of general local government for the redevelopment of abandoned and foreclosed homes, in accordance with the same provisions applicable under the second undesignated paragraph under the heading ''Community Planning and Development—Community Development Fund'' in title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 217) to amounts made available under such second undesignated paragraph, except as follows:

(1) Notwithstanding the matter of such second undesignated paragraph that precedes the first proviso, amounts made available by this section shall remain available until expended.

(2) The 3rd, 4th, 5th, 6th, 7th, and 15th provisos of such second undesignated paragraph shall not apply to amounts made available by this section.

(3) Amounts made available by this section shall be allocated based on a funding formula for such amounts established by the Secretary in accordance with section 2301(b) of the Housing

and Economic Recovery Act of 2008 (42 U.S.C. 5301 note), except that—

(A) notwithstanding paragraph (2) of such section 2301(b), the formula shall be established not later than 30 days after the date of the enactment of this Act;

(B) notwithstanding such section 2301(b), each State shall receive, at a minimum, not less than 0.5 percent of funds made available under this section;

(C) the Secretary may establish a minimum grant amount for direct allocations to units of general local government located within a State, which shall not exceed $1,000,000;

(D) each State and local government receiving grant amounts shall establish procedures to create preferences for the development of affordable rental housing for properties assisted with amounts made available by this section; and

(E) the Secretary may use not more than 2 percent of the funds made available under this section for technical assistance to grantees.

(4) Paragraph (1) of section 2301(c) of the Housing and Economic Recovery Act of 2008 shall not apply to amounts made available by this section.

(5) The fourth proviso from the end of such second undesignated paragraph shall be applied to amounts made available by this section by substituting ''2013'' for ''2012''.

(6) Notwithstanding section 2301(a) of the Housing and Economic Recovery Act of 2008, the term ''State'' means any State, as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302), and the District of Columbia, for purposes of this section and this title, as applied to amounts made available by this section.

(7)(A) None of the amounts made available by this section shall be distributed to—

(i) any organization which has been convicted for a violation under Federal law relating to an election for Federal office; or

(ii) any organization which employs applicable individuals.

(B) In this paragraph, the term ''applicable individual'' means an individual who—

(i) is—

(I) employed by the organization in a permanent or temporary capacity;

(II) contracted or retained by the organization; or

(III) acting on behalf of, or with the express or apparent authority of, the organization; and

(ii) has been convicted for a violation under Federal law relating to an election for Federal office.

(8) An eligible entity receiving a grant under this section shall, to the maximum extent feasible, provide for the hiring of employees who reside in the vicinity, as such term is defined by the Secretary, of projects funded under this section or contract with small businesses that are owned and operated by persons residing in the vicinity of such projects.

(b) ADDITIONAL AMENDMENTS.—

(1) SECTION 2301.—Section 2301(f)(3)(A)(ii) of the Housing and Economic Recovery Act of 2008 (42 U.S.C. 5301(f)(3)(A)(ii))—

(A) is amended by striking ''for the purchase and redevelopment of abandoned and foreclosed upon homes or residential properties that will be used''; and

(B) shall apply with respect to any unexpended or unobligated balances, including recaptured and reallocated funds made available under this Act, section 2301 of the Housing and Economic Recovery Act of 2008 (42 U.S.C. 5301), and the heading ''Community Planning and Development—Community Development Fund'' in title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 217).

(2) NOTICE OF FORECLOSURE.—For any amounts made available under this section, under division B, title III of the Housing and Economic Recovery Act of 2008 (42 U.S.C. 5301), or under the heading ''Community Planning and Development—Community Development Fund'' in title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 217), the date of a notice of foreclosure shall be deemed to be the date on which complete title to a property is transferred to a successor entity or person as a result of an order of a court or pursuant to provisions in a mortgage, deed of trust, or security deed.

SEC. 1498. LEGAL ASSISTANCE FOR FORECLOSURE-RELATED ISSUES.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development (hereafter in this section referred to as the ''Secretary'') shall establish a program for making grants for providing a full range of foreclosure legal assistance to low- and moderate-income homeowners and tenants related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure.

(b) COMPETITIVE ALLOCATION.—The Secretary shall allocate amounts made available for grants under this section to State and local legal organizations on the basis of a competitive process. For purposes of this subsection ''State and local legal organizations'' are those State and local organizations whose primary business or mission is to provide legal assistance.

(c) PRIORITY TO CERTAIN AREAS.—In allocating amounts in accordance with subsection (b), the Secretary shall give priority consideration to State and local legal organizations that are operating in the 125 metropolitan statistical areas (as that term is defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates.

(d) LEGAL ASSISTANCE.—

(1) IN GENERAL.—Any State or local legal organization that receives financial assistance pursuant to this section may use such amounts only to assist—

(A) homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure; and

(B) tenants at risk of or subject to eviction as a result of foreclosure of the property in which such tenant resides.

(2) COMMENCE USE WITHIN 90 DAYS.—Any State or local legal organization that receives financial assistance pursuant to this section shall begin using any financial assistance received under this section within 90 days after receipt of the assistance.

(3) PROHIBITION ON CLASS ACTIONS.—No funds provided to a State or local legal organization under this section may be used to support any class action litigation.

(4) LIMITATION ON LEGAL ASSISTANCE.—Legal assistance funded with amounts provided under this section shall be limited to mortgage-related default, eviction, or foreclosure proceedings, without regard to whether such foreclosure is judicial or nonjudicial.

(5) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, this subsection shall take effect on the date of the enactment of this Act.

(e) LIMITATION ON DISTRIBUTION OF ASSISTANCE.—

(1) IN GENERAL.—None of the amounts made available under this section shall be distributed to—

(A) any organization which has been convicted for a violation under Federal law relating to an election for Federal office; or

(B) any organization which employs applicable individuals.

(2) DEFINITION OF APPLICABLE INDIVIDUALS.—In this subsection, the term ''applicable individual'' means an individual who—

(A) is—

(i) employed by the organization in a permanent or temporary capacity;

(ii) contracted or retained by the organization; or

(iii) acting on behalf of, or with the express or apparent authority of, the organization; and

(B) has been convicted for a violation under Federal law relating to an election for Federal office.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $35,000,000 for each of fiscal years 2011 through 2012 for grants under this section.

TITLE XV—MISCELLANEOUS PROVISIONS

SEC. 1501. RESTRICTIONS ON USE OF UNITED STATES FUNDS FOR FOREIGN GOVERNMENTS; PROTECTION OF AMERICAN TAXPAYERS.

The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

''SEC. 68. RESTRICTIONS ON USE OF UNITED STATES FUNDS FOR FOREIGN GOVERNMENTS; PROTECTION OF AMERICAN TAXPAYERS.

''(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund—

''(1) to evaluate, prior to consideration by the Board of Executive Directors of the Fund , any proposal submitted to the Board for the Fund to make a loan to a country if—

''(A) the amount of the public debt of the country exceeds the gross domestic product of the country as of the most recent year for which such information is available; and

''(B) the country is not eligible for assistance from the International Development Association.

''(2) OPPOSITION TO LOANS UNLIKELY TO BE REPAID IN FULL.—If any such evaluation indicates that the proposed loan is not likely to be repaid in full, the Secretary of the Treasury shall instruct the United States Executive Director at the Fund to use the voice and vote of the United States to oppose the proposal.

''(b) REPORTS TO CONGRESS.—Within 30 days after the Board of Executive Directors of the Fund approves a proposal described in subsection (a), and annually thereafter by June 30, for the duration of any program approved under such proposals, the Secretary of the Treasury shall report in writing to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate assessing the likelihood that loans made pursuant to such proposals will be repaid in full, including—

''(1) the borrowing country's current debt status, including, to the extent possible, its maturity structure, whether it has fixed or floating rates, whether it is indexed, and by whom it is held;

''(2) the borrowing country's external and internal vulnerabilities that could potentially affect its ability to repay; and

''(3) the borrowing country's debt management strategy.''.

SEC. 1502. CONFLICT MINERALS.

(a) SENSE OF CONGRESS ON EXPLOITATION AND TRADE OF CONFLICT MINERALS ORIGINATING IN THE DEMOCRATIC REPUBLIC OF THE CONGO.—It is the sense of Congress that the exploitation and trade of conflict minerals originating in the Democratic Republic of the Congo is helping to finance conflict characterized by extreme levels of violence in the eastern Democratic Republic of the Congo, particularly sexual- and gender-based violence, and contributing to an emergency humanitarian situation therein, warranting the provisions of section 13(p) of the Securities Exchange Act of 1934, as added by subsection (b).

(b) DISCLOSURE RELATING TO CONFLICT MINERALS ORIGINATING IN THE DEMOCRATIC REPUBLIC OF THE CONGO.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as amended by this Act, is amended by adding at the end the following new subsection:

''(p) DISCLOSURES RELATING TO CONFLICT MINERALS ORIGINATING IN THE DEMOCRATIC REPUBLIC OF THE CONGO.—

''(1) REGULATIONS.—

''(A) IN GENERAL.—Not later than 270 days after the date of the enactment of this subsection, the Commission shall promulgate regulations requiring any person described in paragraph (2) to disclose annually, beginning with the person's first full fiscal year that begins after the date of promulgation of such regulations, whether conflict minerals that are necessary as described in paragraph (2)(B), in the year for which such reporting is required, did originate in the Democratic Republic of the Congo or an adjoining country and, in cases in which such conflict minerals did originate in any such country, submit to the Commission a report that includes, with respect to the period covered by the report—

''(i) a description of the measures taken by the person to exercise due diligence on the source and chain of custody of such minerals, which measures shall include an independent private sector audit of such report submitted through the Commission that is conducted in accordance with standards established by the Comptroller General of the United States, in accordance with rules promulgated by the Commission, in consultation with the Secretary of State; and

''(ii) a description of the products manufactured or contracted to be manufactured that are not DRC conflict free ('DRC conflict free' is defined to mean the products that do not contain minerals that directly or indirectly finance or benefit armed groups in the Democratic Republic of the Congo or an adjoining country), the entity that conducted the independent private sector audit in accordance with clause (i), the facilities used to process the conflict minerals, the country of origin of the conflict minerals, and the efforts to determine the mine or location of origin with the greatest possible specificity.

''(B) CERTIFICATION.—The person submitting a report under subparagraph (A) shall certify the audit described in clause (i) of such subparagraph that is included in such report. Such a certified audit shall constitute a critical component of due diligence in establishing the source and chain of custody of such minerals.

''(C) UNRELIABLE DETERMINATION.—If a report required to be submitted by a person under subparagraph (A) relies on a determination of an independent private sector audit, as described under subparagraph (A)(i), or other due diligence processes previously determined by the Commission to be unreliable, the report shall not satisfy the requirements of the regulations promulgated under subparagraph (A)(i).

''(D) DRC CONFLICT FREE.—For purposes of this paragraph, a product may be labeled as 'DRC conflict free' if the product does not contain conflict minerals that directly or indirectly finance or benefit armed groups in the Democratic Republic of the Congo or an adjoining country.

''(E) INFORMATION AVAILABLE TO THE PUBLIC.—Each person described under paragraph (2) shall make available to the public on the Internet website of such person the information disclosed by such person under subparagraph (A).

''(2) PERSON DESCRIBED.—A person is described in this paragraph if—

''(A) the person is required to file reports with the Commission pursuant to paragraph (1)(A); and

''(B) conflict minerals are necessary to the functionality or production of a product manufactured by such person.

''(3) REVISIONS AND WAIVERS.—The Commission shall revise or temporarily waive the requirements described in paragraph (1) if the President transmits to the Commission a determination that—

''(A) such revision or waiver is in the national security interest of the United States and the President includes the reasons therefor; and

''(B) establishes a date, not later than 2 years after the initial publication of such exemption, on which such exemption shall expire.

''(4) TERMINATION OF DISCLOSURE REQUIREMENTS.—The requirements of paragraph (1) shall terminate on the date on which the President determines and certifies to the appropriate congressional committees, but in no case earlier than the date that is one day after the end of the 5-year period beginning on the date of the enactment of this subsection, that no armed groups continue to be directly involved and benefitting from commercial activity involving conflict minerals.

''(5) DEFINITIONS.—For purposes of this subsection, the terms 'adjoining country', 'appropriate congressional committees', 'armed group', and 'conflict mineral' have the meaning given those terms under section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.''.

(c) STRATEGY AND MAP TO ADDRESS LINKAGES BETWEEN CONFLICT MINERALS AND ARMED GROUPS.—

(1) STRATEGY.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the appropriate congressional committees a strategy to address the linkages between human rights abuses, armed groups, mining of conflict minerals, and commercial products.

(B) CONTENTS.—The strategy required by subparagraph (A) shall include the following:

(i) A plan to promote peace and security in the Democratic Republic of the Congo by supporting efforts of the Government of the Democratic Republic of the Congo, including the Ministry of Mines and other relevant agencies, adjoining countries, and the international community, in particular the United Nations Group of Experts on the Democratic Republic of Congo, to—

(I) monitor and stop commercial activities involving the natural resources of the Democratic Republic of the Congo that contribute to the activities of armed groups and human rights violations in the Democratic Republic of the Congo; and

(II) develop stronger governance and economic institutions that can facilitate and improve transparency in the cross-border trade involving the natural resources of the Democratic Republic of the Congo to reduce exploitation by armed groups and promote local and regional development.

(ii) A plan to provide guidance to commercial entities seeking to exercise due diligence on and formalize the origin and chain of custody of conflict minerals used in their products and on their suppliers to ensure that conflict minerals used in the products of such suppliers do not directly or indirectly finance armed conflict or result in labor or human rights violations.

(iii) A description of punitive measures that could be taken against individuals or entities whose commercial activities are supporting armed groups and human rights violations in the Democratic Republic of the Congo.

(2) MAP.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in accordance with the recommendation of the United Nations Group of Experts on the Democratic Republic of the Congo in their December 2008 report—

(i) produce a map of mineral-rich zones, trade routes, and areas under the control of armed groups in the Democratic Republic of the Congo and adjoining countries based on data from multiple sources, including—

(I) the United Nations Group of Experts on the Democratic Republic of the Congo;

(II) the Government of the Democratic Republic of the Congo, the governments of adjoining countries, and the governments of other Member States of the United Nations; and

(III) local and international nongovernmental organizations;

(ii) make such map available to the public; and

(iii) provide to the appropriate congressional committees an explanatory note describing the sources of information from which such map is based and the identification, where possible, of the armed groups or other forces in control of the mines depicted.

(B) DESIGNATION.—The map required under subparagraph (A) shall be known as the ''Conflict Minerals Map'', and mines located in areas under the control of armed groups in the Democratic Republic of the Congo and adjoining countries, as depicted on such Conflict Minerals Map, shall be known as ''Conflict Zone Mines''.

(C) UPDATES.—The Secretary of State shall update the map required under subparagraph (A) not less frequently than once every 180 days until the date on which the disclosure requirements under paragraph (1) of section 13(p) of the Securities Exchange Act of 1934, as added by subsection (b), terminate in accordance with the provisions of paragraph (4) of such section 13(p).

(D) PUBLICATION IN FEDERAL REGISTER.—The Secretary of State shall add minerals to the list of minerals in the definition of conflict minerals under section 1502, as appropriate. The Secretary shall publish in the Federal Register notice of intent to declare a mineral as a conflict mineral included in such definition not later than one year before such declaration.

(d) REPORTS.—

(1) BASELINE REPORT.—Not later than 1 year after the date of the enactment of this Act and annually thereafter until the termination of the disclosure requirements under section 13(p) of the Securities Exchange Act of 1934, the Comptroller General of the United States shall submit to appropriate congressional committees a report that includes an assessment of the rate of sexual- and gender-based violence in war-torn areas of the Democratic Republic of the Congo and adjoining countries.

(2) REGULAR REPORT ON EFFECTIVENESS.—Not later than 2 years after the date of the enactment of this Act and annually thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that includes the following:

(A) An assessment of the effectiveness of section 13(p) of the Securities Exchange Act of 1934, as added by subsection (b), in promoting peace and security in the Democratic Republic of the Congo and adjoining countries.

(B) A description of issues encountered by the Securities and Exchange Commission in carrying out the provisions of such section 13(p).

(C)(i) A general review of persons described in clause (ii) and whether information is publicly available about—

(I) the use of conflict minerals by such persons; and

(II) whether such conflict minerals originate from the Democratic Republic of the Congo or an adjoining country.

(ii) A person is described in this clause if—

(I) the person is not required to file reports with the Securities and Exchange Commission pursuant to section 13(p)(1)(A) of the Securities Exchange Act of 1934, as added by subsection (b); and

(II) conflict minerals are necessary to the functionality or production of a product manufactured by such person.

(3) REPORT ON PRIVATE SECTOR AUDITING.—Not later than 30 months after the date of the enactment of this Act, and annually thereafter, the Secretary of Commerce shall submit to the appropriate congressional committees a report that includes the following:

(A) An assessment of the accuracy of the independent private sector audits and other due diligence processes described under section 13(p) of the Securities Exchange Act of 1934.

(B) Recommendations for the processes used to carry out such audits, including ways to—

(i) improve the accuracy of such audits; and

(ii) establish standards of best practices.

(C) A listing of all known conflict mineral processing facilities worldwide.

(e) DEFINITIONS.—For purposes of this section:

(1) ADJOINING COUNTRY.—The term ''adjoining country'', with respect to the Democratic Republic of the Congo, means a country that

shares an internationally recognized border with the Democratic Republic of the Congo.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Finance, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) ARMED GROUP.—The term ''armed group'' means an armed group that is identified as perpetrators of serious human rights abuses in the annual Country Reports on Human Rights Practices under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) relating to the Democratic Republic of the Congo or an adjoining country.

(4) CONFLICT MINERAL.—The term ''conflict mineral'' means—

(A) columbite-tantalite (coltan), cassiterite, gold, wolframite, or their derivatives; or

(B) any other mineral or its derivatives determined by the Secretary of State to be financing conflict in the Democratic Republic of the Congo or an adjoining country.

(5) UNDER THE CONTROL OF ARMED GROUPS.—The term ''under the control of armed groups'' means areas within the Democratic Republic of the Congo or adjoining countries in which armed groups—

(A) physically control mines or force labor of civilians to mine, transport, or sell conflict minerals;

(B) tax, extort, or control any part of trade routes for conflict minerals, including the entire trade route from a Conflict Zone Mine to the point of export from the Democratic Republic of the Congo or an adjoining country; or

(C) tax, extort, or control trading facilities, in whole or in part, including the point of export from the Democratic Republic of the Congo or an adjoining country.

SEC. 1503. REPORTING REQUIREMENTS REGARDING COAL OR OTHER MINE SAFETY.

(a) REPORTING MINE SAFETY INFORMATION.—Each issuer that is required to file reports pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o) and that is an operator, or that has a subsidiary that is an operator, of a coal or other mine shall include, in each periodic report filed with the Commission under the securities laws on or after the date of enactment of this Act, the following information for the time period covered by such report:

(1) For each coal or other mine of which the issuer or a subsidiary of the issuer is an operator—

(A) the total number of violations of mandatory health or safety standards that could significantly and substantially contribute to the cause and effect of a coal or other mine safety or health hazard under section 104 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 814) for which the operator received a citation from the Mine Safety and Health Administration;

(B) the total number of orders issued under section 104(b) of such Act (30 U.S.C. 814(b));

(C) the total number of citations and orders for unwarrantable failure of the mine operator to comply with mandatory health or safety standards under section 104(d) of such Act (30 U.S.C. 814(d));

(D) the total number of flagrant violations under section 110(b)(2) of such Act (30 U.S.C. 820(b)(2));

(E) the total number of imminent danger orders issued under section 107(a) of such Act (30 U.S.C. 817(a));

(F) the total dollar value of proposed assessments from the Mine Safety and Health Administration under such Act (30 U.S.C. 801 et seq.); and

(G) the total number of mining-related fatalities.

(2) A list of such coal or other mines, of which the issuer or a subsidiary of the issuer is an operator, that receive written notice from the Mine Safety and Health Administration of—

(A) a pattern of violations of mandatory health or safety standards that are of such nature as could have significantly and substantially contributed to the cause and effect of coal or other mine health or safety hazards under section 104(e) of such Act (30 U.S.C. 814(e)); or

(B) the potential to have such a pattern.

(3) Any pending legal action before the Federal Mine Safety and Health Review Commission involving such coal or other mine.

(b) REPORTING SHUTDOWNS AND PATTERNS OF VIOLATIONS.—Beginning on and after the date of enactment of this Act, each issuer that is an operator, or that has a subsidiary that is an operator, of a coal or other mine shall file a current report with the Commission on Form 8–K (or any successor form) disclosing the following regarding each coal or other mine of which the issuer or subsidiary is an operator:

(1) The receipt of an imminent danger order issued under section 107(a) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 817(a)).

(2) The receipt of written notice from the Mine Safety and Health Administration that the coal or other mine has—

(A) a pattern of violations of mandatory health or safety standards that are of such nature as could have significantly and substantially contributed to the cause and effect of coal or other mine health or safety hazards under section 104(e) of such Act (30 U.S.C. 814(e)); or

(B) the potential to have such a pattern.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any obligation of a person to make a disclosure under any other applicable law in effect before, on, or after the date of enactment of this Act.

(d) COMMISSION AUTHORITY.—

(1) ENFORCEMENT.—A violation by any person of this section, or any rule or regulation of the Commission issued under this section, shall be treated for all purposes in the same manner as a violation of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the rules and regulations issued thereunder, consistent with the provisions of this section, and any such person shall be subject to the same penalties, and to the same extent, as for a violation of such Act or the rules or regulations issued thereunder.

(2) RULES AND REGULATIONS.—The Commission is authorized to issue such rules or regulations as are necessary or appropriate for the protection of investors and to carry out the purposes of this section.

(e) DEFINITIONS.—In this section—

(1) the terms ''issuer'' and ''securities laws'' have the meaning given the terms in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c);

(2) the term ''coal or other mine'' means a coal or other mine, as defined in section 3 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 802), that is subject to the provisions of such Act (30 U.S.C. 801 et seq.); and

(3) the term ''operator'' has the meaning given the term in section 3 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 802).

(f) EFFECTIVE DATE.—This section shall take effect on the day that is 30 days after the date of enactment of this Act.

SEC. 1504. DISCLOSURE OF PAYMENTS BY RESOURCE EXTRACTION ISSUERS.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as amended by this Act, is amended by adding at the end the following:

''(q) DISCLOSURE OF PAYMENTS BY RESOURCE EXTRACTION ISSUERS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'commercial development of oil, natural gas, or minerals' includes exploration, extraction, processing, export, and other significant actions relating to oil, natural gas, or minerals, or the acquisition of a license for any such activity, as determined by the Commission;

''(B) the term 'foreign government' means a foreign government, a department, agency, or instrumentality of a foreign government, or a company owned by a foreign government, as determined by the Commission;

''(C) the term 'payment'—

''(i) means a payment that is—

''(I) made to further the commercial development of oil, natural gas, or minerals; and

''(II) not de minimis; and

''(ii) includes taxes, royalties, fees (including license fees), production entitlements, bonuses, and other material benefits, that the Commission, consistent with the guidelines of the Extractive Industries Transparency Initiative (to the extent practicable), determines are part of the commonly recognized revenue stream for the commercial development of oil, natural gas, or minerals;

''(D) the term 'resource extraction issuer' means an issuer that—

''(i) is required to file an annual report with the Commission; and

''(ii) engages in the commercial development of oil, natural gas, or minerals;

''(E) the term 'interactive data format' means an electronic data format in which pieces of information are identified using an interactive data standard; and

''(F) the term 'interactive data standard' means standardized list of electronic tags that mark information included in the annual report of a resource extraction issuer.

''(2) DISCLOSURE.—

''(A) INFORMATION REQUIRED.—Not later than 270 days after the date of enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Commission shall issue final rules that require each resource extraction issuer to include in an annual report of the resource extraction issuer information relating to any payment made by the resource extraction issuer, a subsidiary of the resource extraction issuer, or an entity under the control of the resource extraction issuer to a foreign government or the Federal Government for the purpose of the commercial development of oil, natural gas, or minerals, including—

''(i) the type and total amount of such payments made for each project of the resource extraction issuer relating to the commercial development of oil, natural gas, or minerals; and

''(ii) the type and total amount of such payments made to each government.

''(B) CONSULTATION IN RULEMAKING.—In issuing rules under subparagraph (A), the Commission may consult with any agency or entity that the Commission determines is relevant.

''(C) INTERACTIVE DATA FORMAT.—The rules issued under subparagraph (A) shall require that the information included in the annual report of a resource extraction issuer be submitted in an interactive data format.

''(D) INTERACTIVE DATA STANDARD.—

''(i) IN GENERAL.—The rules issued under subparagraph (A) shall establish an interactive data standard for the information included in the annual report of a resource extraction issuer.

''(ii) ELECTRONIC TAGS.—The interactive data standard shall include electronic tags that identify, for any payments made by a resource extraction issuer to a foreign government or the Federal Government—

''(I) the total amounts of the payments, by category;

''(II) the currency used to make the payments;

''(III) the financial period in which the payments were made;

''(IV) the business segment of the resource extraction issuer that made the payments;

''(V) the government that received the payments, and the country in which the government is located;

''(VI) the project of the resource extraction issuer to which the payments relate; and

''(VII) such other information as the Commission may determine is necessary or appropriate

in the public interest or for the protection of investors.

''(E) INTERNATIONAL TRANSPARENCY EFFORTS.—To the extent practicable, the rules issued under subparagraph (A) shall support the commitment of the Federal Government to international transparency promotion efforts relating to the commercial development of oil, natural gas, or minerals.

''(F) EFFECTIVE DATE.—With respect to each resource extraction issuer, the final rules issued under subparagraph (A) shall take effect on the date on which the resource extraction issuer is required to submit an annual report relating to the fiscal year of the resource extraction issuer that ends not earlier than 1 year after the date on which the Commission issues final rules under subparagraph (A).

''(3) PUBLIC AVAILABILITY OF INFORMATION.—

''(A) IN GENERAL.—To the extent practicable, the Commission shall make available online, to the public, a compilation of the information required to be submitted under the rules issued under paragraph (2)(A).

''(B) OTHER INFORMATION.—Nothing in this paragraph shall require the Commission to make available online information other than the information required to be submitted under the rules issued under paragraph (2)(A).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this subsection.''.

SEC. 1505. STUDY BY THE COMPTROLLER GENERAL.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall issue a report assessing the relative independence, effectiveness, and expertise of presidentially appointed inspectors general and inspectors general of designated Federal entities, as such term is defined under section 8G of the Inspector General Act of 1978, and the effects on independence of the amendments to the Inspector General Act of 1978 made by this Act.

(b) REPORT.—The report required by subsection (a) shall be issued to the Committees on Financial Services and Oversight and Government Reform of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Homeland Security and Governmental Affairs of the Senate.

SEC. 1506. STUDY ON CORE DEPOSITS AND BROKERED DEPOSITS.

(a) STUDY.—The Corporation shall conduct a study to evaluate—

(1) the definition of core deposits for the purpose of calculating the insurance premiums of banks;

(2) the potential impact on the Deposit Insurance Fund of revising the definitions of brokered deposits and core deposits to better distinguish between them;

(3) an assessment of the differences between core deposits and brokered deposits and their role in the economy and banking sector of the United States;

(4) the potential stimulative effect on local economies of redefining core deposits; and

(5) the competitive parity between large institutions and community banks that could result from redefining core deposits.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Corporation shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the results of the study under subsection (a) that includes legislative recommendations, if any, to address concerns arising in connection with the definitions of core deposits and brokered deposits.

TITLE XVI—SECTION 1256 CONTRACTS

SEC. 1601. CERTAIN SWAPS, ETC., NOT TREATED AS SECTION 1256 CONTRACTS.

(a) IN GENERAL.—Subsection (b) of section 1256 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and by indenting such subparagraphs (as so redesignated) accordingly,

(2) by striking ''For purposes of'' and inserting the following:

''(1) IN GENERAL.—For purposes of'', and

(3) by striking the last sentence and inserting the following new paragraph:

''(2) EXCEPTIONS.—The term 'section 1256 contract' shall not include—

''(A) any securities futures contract or option on such a contract unless such contract or option is a dealer securities futures contract, or

''(B) any interest rate swap, currency swap, basis swap, interest rate cap, interest rate floor, commodity swap, equity swap, equity index swap, credit default swap, or similar agreement.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

From the Committee on Financial Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

BARNEY FRANK of Massachusetts,
PAUL E. KANJORSKI,
MAXINE WATERS,
CAROLYN B. MALONEY,
LUIS V. GUTIERREZ,
MELVIN L. WATT,
GREGORY W. MEEKS of New York,
DENNIS MOORE of Kansas,
MARY JO KILROY,
GARY C. PETERS,

From the Committee on Agriculture, for consideration of subtitles A and B of title I, secs. 1303, 1609, 1702, 1703, title III (except secs. 3301 and 3302), secs. 4205(c), 4804(b)(8)(B), 5008, and 7509 of the House bill, and sec. 102, subtitle A of title I, secs. 406, 604(h), title VII, title VIII, secs. 983, 989E, 1027(j), 1088(a)(8), 1098, and 1099 of the Senate amendment, and modifications committed to conference:

COLLIN C. PETERSON,
LEONARD L. BOSWELL,

From the Committee on Energy and Commerce, for consideration of secs. 3009, 3102(a)(2), 4001, 4002, 4101–4114, 4201, 4202, 4204–4210, 4301–4311, 4314, 4401–4403, 4410, 4501–4509, 4601–4606, 4815, 4901, and that portion of sec. 8002(a)(3) which adds a new sec. 313(d) to title 31, United States Code, of the House bill, and that portion of sec. 502(a)(3) which adds a new sec. 313(d) to title 31, United States Code, secs. 722(e), 1001, 1002, 1011–1018, 1021–1024, 1027–1029, 1031–1034, 1036, 1037, 1041, 1042, 1048, 1051–1058, 1061–1067, 1101, and 1105 of the Senate amendment, and modifications committed to conference:

BOBBY L. RUSH,

From the Committee on Judiciary, for consideration of secs. 1101(e)(2), 1103(e)(2), 1104(i)(5) and (i)(6), 1105(h) and (i), 1110(c) and (d), 1601, 1605, 1607, 1609, 1610, 1612(a), 3002(c)(3) and (c)(4), 3006, 3119, 3206, 4205(n), 4306(b), 4501–4509, 4603, 4804(b)(8)(A), 4901(c)(8)(D) and (e), 6003, 7203(a), 7205, 7207, 7209, 7210, 7213–7216, 7220, 7302, 7507, 7508, 9004, 9104, 9105, 9106(a), 9110(b), 9111, 9118, 9203(c), and 9403(b) of the House bill, and secs. 112(b)(5)(B), 113(h), 153(f), 201, 202, 205, 208–210, 211(a) and (b), 316, 502(a)(3), 712(c), 718(b), 723(a)(3), 724(b), 725(c), 728, 731, 733, 735(b), 744, 748, 753, 763(a), (c) and (i), 764, 767, 809(f), 922, 924, 929B, 932, 991(b)(5), (c)(2)(G) and (c)(3)(H), 1023(c)(7) and (c)(8), 1024(c)(3)(B), 1027(e), 1042, 1044(a), 1046(a), 1047, 1051–1058, 1063, 1088(a)(7)(A), 1090, 1095, 1096, 1098, 1104, 1151(b), and 1156(c) of the Senate amendment, and modifications committed to conference:

JOHN CONYERS, Jr.
HOWARD L. BERMAN,

From the Committee on Oversight and Government Reform, for consideration of secs. 1000A, 1007, 1101(e)(3), 1203(d), 1212, 1217, 1254(c), 1609(h)(8)(B), 1611(d), 3301, 3302, 3304, 4106(b)(2) and (g)(4)(D), 4604, 4801, 4802, 5004, 7203(a), 7409, and 8002(a)(3) of the House bill, and secs. 111(g), (i) and (j), 152(d)(2), (g) and (k), 210(h)(8), 319, 322, 404, 502(a)(3), 723(a)(3), 748, 763(a), 809(g), 922(a), 988, 989B, 989C, 989D, 989E, 1013(a), 1022(c)(6), 1064, 1152, and 1159(a) and (b) of the Senate amendment, and modifications committed to conference:

EDOLPHUS TOWNS,
ELIJAH E. CUMMINGS,

From the Committee on Small Business, for consideration of secs. 1071 and 1104 of the Senate amendment, and modifications committed to conference:

NYDIA M. VELÁZQUEZ,
HEATH SHULER,
Managers on the Part of the House.

CHRISTOPHER J. DODD,
TIM JOHNSON,
JACK REED,
CHARLES E. SCHUMER,

From the Committee on Agriculture, Nutrition, and Forestry:

BLANCHE L. LINCOLN,
PATRICK J. LEAHY,
TOM HARKIN,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

Pursuant to House Resolution 1490, the previous question was ordered on the conference report to its adoption or rejection.

Mr. BACHUS moved to recommit the conference report on H.R. 4173 to the committee of conference with instructions for the managers on the part of the House to:

(1) To disagree to section 1109 (relating to the GAO audit of the Federal Reserve facilities) of the conference report.

(2) To insist on section 1254(c) (relating to audits of the Federal Reserve), other than paragraph (1) of such section 1254(c), of the House bill.

(3) To insist on section 4s(e)(8) of the Commodity Exchange Act (relating to initial and variation margin), as proposed to be added by section 731 of the Senate amendment.

(4) To insist on section 15F(e)(8) of the Securities Exchange Act of 1934 (relating to initial and variation margin), as proposed to be added by section 764 of the Senate amendment.

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said conference report?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the nays had it.

Mr. BACHUS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 198 / Nays 229

¶84.27 [Roll No. 412]

YEAS—198

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boucher
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Critz
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NAYS—229

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wu
Yarmuth

NOT VOTING—5

Bishop (UT)
Taylor
Wamp
Woolsey
Young (AK)

So the motion to recommit the conference report with instructions was not agreed to.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. FRANK of Massachusetts, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 237 / Nays 192

¶84.28 [Roll No. 413]

YEAS—237

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wu
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Edwards (TX)
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins

Johnson (IL)
Johnson, Sam
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Owens
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—4

Taylor
Wamp
Woolsey
Young (AK)

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶84.29 H.R. 4445—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4445) to amend Public Law 95-232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of those present had voted in the affirmative.

Mr. ANDREWS demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 Nays 0

¶84.30 [Roll No. 414]

AYES—411

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—21

Akin
DeFazio
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Ehlers
Frank (MA)
Garamendi
Hall (NY)
Kirk
McCarthy (CA)
Quigley
Rangel
Rodriguez
Royce
Rush
Taylor
Wamp
Waters
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶84.31 PROVIDING FOR CONSIDERATION OF H.R. 5618

Ms. MATSUI, by direction of the Committee on Rules, reported (Rept. No. 111–519) the resolution (H. Res. 1495) providing for consideration of the bill (H.R. 5618) to continue Federal unemployment programs, and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶84.32 WAIVING CLAUSE 6(A) OF RULE XIII

Ms. MATSUI, by direction of the Committee on Rules, reported (Rept. No. 111–520) the resolution (H. Res. 1496) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶84.33 CRUISE VESSEL SECURITY AND SAFETY

Mr. CUMMINGS moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 3360) to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Cruise Vessel Security and Safety Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) There are approximately 200 overnight ocean-going cruise vessels worldwide. The average ocean-going cruise vessel carries 2,000 passengers with a crew of 950 people.

(2) In 2007 alone, approximately 12,000,000 passengers were projected to take a cruise worldwide.

(3) Passengers on cruise vessels have an inadequate appreciation of their potential vulnerability to crime while on ocean voyages, and those who may be victimized lack the information they need to understand their legal rights or to know whom to contact for help in the immediate aftermath of the crime.

(4) Sexual violence, the disappearance of passengers from vessels on the high seas, and other serious crimes have occurred during luxury cruises.

(5) Over the last 5 years, sexual assault and physical assaults on cruise vessels were the leading crimes investigated by the Federal Bureau of Investigation with regard to cruise vessel incidents.

(6) These crimes at sea can involve attacks both by passengers and crewmembers on other passengers and crewmembers.

(7) Except for United States flagged vessels, or foreign flagged vessels operating in an area subject to the direct jurisdiction of the United States, there are no Federal statutes or regulations that explicitly require cruise lines to report alleged crimes to United States Government officials.

(8) It is not known precisely how often crimes occur on cruise vessels or exactly how many people have disappeared during ocean voyages because cruise line companies do not make comprehensive, crime-related data readily available to the public.

(9) Obtaining reliable crime-related cruise data from governmental sources can be difficult, because multiple countries may be involved when a crime occurs on the high seas, including the flag country for the vessel, the country of citizenship of particular passengers, and any countries having special or maritime jurisdiction.

(10) It can be difficult for professional crime investigators to immediately secure an alleged crime scene on a cruise vessel, recover evidence of an onboard offense, and identify or interview potential witnesses to the alleged crime.

(11) Most cruise vessels that operate into and out of United States ports are registered under the laws of another country, and investigations and prosecutions of crimes against passengers and crewmembers may involve the laws and authorities of multiple nations.

(12) The Department of Homeland Security has found it necessary to establish 500-yard security zones around cruise vessels to limit the risk of terrorist attack. Recently piracy has dramatically increased throughout the world.

(13) To enhance the safety of cruise passengers, the owners of cruise vessels could upgrade, modernize, and retrofit the safety and security infrastructure on such vessels by installing peep holes in passenger room doors, installing security video cameras in targeted areas, limiting access to passenger rooms to select staff during specific times, and installing acoustic hailing and warning devices capable of communicating over distances.

SEC. 3. CRUISE VESSEL SECURITY AND SAFETY REQUIREMENTS.

(a) IN GENERAL.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

''§ 3507. Passenger vessel security and safety requirements

''(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.—

''(1) IN GENERAL.—Each vessel to which this subsection applies shall comply with the following design and construction standards:

''(A) The vessel shall be equipped with ship rails that are located not less than 42 inches above the cabin deck.

''(B) Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes or other means of visual identification.

''(C) For any vessel the keel of which is laid after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, each passenger stateroom and crew cabin shall be equipped with—

''(i) security latches; and

''(ii) time-sensitive key technology.

''(D) The vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available.

''(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard).

''(2) FIRE SAFETY CODES.—In administering the requirements of paragraph (1)(C), the Secretary shall take into consideration fire safety and other applicable emergency requirements established by the U.S. Coast Guard and under international law, as appropriate.

''(3) EFFECTIVE DATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of paragraph (1) shall take effect 18 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2010.

''(B) LATCH AND KEY REQUIREMENTS.—The requirements of paragraph (1)(C) take effect on the date of enactment of the Cruise Vessel Security and Safety Act of 2010.

''(b) VIDEO RECORDING.—

''(1) REQUIREMENT TO MAINTAIN SURVEILLANCE.—The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes, as determined by the Secretary.

''(2) ACCESS TO VIDEO RECORDS.—The owner of a vessel to which this section applies shall provide to any law enforcement official performing official duties in the course and scope of an investigation, upon request, a copy of all records of video surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.

''(c) SAFETY INFORMATION.—

''(1) CRIMINAL ACTIVITY PREVENTION AND RESPONSE GUIDE.—The owner of a vessel to which this section applies (or the owner's designee) shall—

''(A) have available for each passenger a guide (referred to in this subsection as the 'security guide'), written in commonly understood English, which—

''(i) provides a description of medical and security personnel designated on board to prevent and respond to criminal and medical situations with 24 hour contact instructions;

(ii) describes the jurisdictional authority applicable, and the law enforcement processes available, with respect to the reporting of homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of $10,000, together with contact information for the appropriate law enforcement authorities for missing persons or reportable crimes which arise—

''(I) in the territorial waters of the United States;

''(II) on the high seas; or

''(III) in any country to be visited on the voyage;

''(B) provide a copy of the security guide to the Federal Bureau of Investigation for comment; and

''(C) publicize the security guide on the website of the vessel owner.

''(2) EMBASSY AND CONSULATE LOCATIONS.—The owner of a vessel to which this section applies shall provide in each passenger stateroom, and post in a location readily accessible to all crew and in other places specified by the Secretary, information regarding the locations of the United States embassy and each consulate of the United States for each country the vessel will visit during the course of the voyage.

''(d) SEXUAL ASSAULT.—The owner of a vessel to which this section applies shall—

''(1) maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent sexually transmitted diseases after a sexual assault;

''(2) maintain on the vessel equipment and materials for performing a medical examination in sexual assault cases to evaluate the patient for trauma, provide medical care, and preserve relevant medical evidence;

''(3) make available on the vessel at all times medical staff who have undergone a credentialing process to verify that he or she—

''(A) possesses a current physician's or registered nurse's license and—

''(i) has at least 3 years of post-graduate or post-registration clinical practice in general and emergency medicine; or

''(ii) holds board certification in emergency medicine, family practice medicine, or internal medicine;

''(B) is able to provide assistance in the event of an alleged sexual assault, has received training in conducting forensic sexual assault examination, and is able to promptly perform such an examination upon request and provide proper medical treatment of a victim, including administration of anti-retroviral medications and other medications that may prevent the transmission of human immunodeficiency virus and other sexually transmitted diseases; and

''(C) meets guidelines established by the American College of Emergency Physicians relating to the treatment and care of victims of sexual assault;

''(4) prepare, provide to the patient, and maintain written documentation of the findings of such examination that is signed by the patient; and

''(5) provide the patient free and immediate access to—

''(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and

''(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service.

''(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION.—The master or other individual in charge of a vessel to which this section applies shall—

''(1) treat all information concerning an examination under subsection (d) confidential, so that no medical information may be released to the cruise line or other owner of the vessel or any legal representative thereof without the

prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin, except that nothing in this paragraph prohibits the release of—

''(A) information, other than medical findings, necessary for the owner or master of the vessel to comply with the provisions of subsection (g) or other applicable incident reporting laws;

''(B) information to secure the safety of passengers or crew on board the vessel; or

''(C) any information to law enforcement officials performing official duties in the course and scope of an investigation; and

''(2) treat any information derived from, or obtained in connection with, post-assault counseling or other supportive services confidential, so no such information may be released to the cruise line or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin.

''(f) CREW ACCESS TO PASSENGER STATEROOMS.—The owner of a vessel to which this section applies shall—

''(1) establish and implement procedures and restrictions concerning—

''(A) which crewmembers have access to passenger staterooms; and

''(B) the periods during which they have that access; and

''(2) ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.

''(g) LOG BOOK AND REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—The owner of a vessel to which this section applies shall—

''(A) record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on—

''(i) all complaints of crimes described in paragraph (3)(A)(i),

''(ii) all complaints of theft of property valued in excess of $1,000, and

''(iii) all complaints of other crimes,

committed on any voyage that embarks or disembarks passengers in the United States; and

''(B) make such log book available upon request to any agent of the Federal Bureau of Investigation, any member of the United States Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

''(2) DETAILS REQUIRED.—The information recorded under paragraph (1) shall include, at a minimum—

''(A) the vessel operator;

''(B) the name of the cruise line;

''(C) the flag under which the vessel was operating at the time the reported incident occurred;

''(D) the age and gender of the victim and the accused assailant;

''(E) the nature of the alleged crime or complaint, as applicable, including whether the alleged perpetrator was a passenger or a crewmember;

''(F) the vessel's position at the time of the incident, if known, or the position of the vessel at the time of the initial report;

''(G) the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;

''(H) the time and date the incident occurred, if known;

''(I) the total number of passengers and the total number of crew members on the voyage; and

''(J) the case number or other identifier provided by the law enforcement authority to which the initial report was made.

''(3) REQUIREMENT TO REPORT CRIMES AND OTHER INFORMATION.—

''(A) IN GENERAL.—The owner of a vessel to which this section applies (or the owner's designee)—

''(i) shall contact the nearest Federal Bureau of Investigation Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244(a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of $10,000 to report the incident;

''(ii) shall furnish a written report of the incident to an Internet based portal maintained by the Secretary;

''(iii) may report any serious incident that does not meet the reporting requirements of clause (i) and that does not require immediate attention by the Federal Bureau of Investigation via the Internet based portal maintained by the Secretary; and

''(iv) may report any other criminal incident involving passengers or crewmembers, or both, to the proper State or local government law enforcement authority.

''(B) INCIDENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—Subparagraph (A) applies to an incident involving criminal activity if—

''(i) the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;

''(ii) the incident concerns an offense by or against a United States national committed outside the jurisdiction of any nation;

''(iii) the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or

''(iv) the incident concerns a victim or perpetrator who is a United States national on a vessel during a voyage that departed from or will arrive at a United States port.

''(4) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

''(A) WEBSITE.—The Secretary shall maintain a statistical compilation of all incidents described in paragraph (3)(A)(i) on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report filed under paragraph (3)(A)(i) that are no longer under investigation by the Federal Bureau of Investigation. The data shall be updated no less frequently than quarterly, aggregated by cruise line, each cruise line shall be identified by name, and each crime shall be identified as to whether it was committed by a passenger or a crew member.

''(B) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary under subparagraph (A).

''(h) ENFORCEMENT.—

''(1) PENALTIES.—

''(A) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than $25,000 for each day during which the violation continues, except that the maximum penalty for a continuing violation is $50,000.

''(B) CRIMINAL PENALTY.—Any person that willfully violates this section or a regulation under this section shall be fined not more than $250,000 or imprisoned not more than 1 year, or both.

''(2) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

''(A) commits an act or omission for which a penalty may be imposed under this subsection; or

''(B) fails to pay a penalty imposed on the owner under this subsection.

''(i) PROCEDURES.—Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, the Secretary shall issue guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this section.

''(j) REGULATIONS.—The Secretary and the Commandant shall each issue such regulations as are necessary to implement this section.

''(k) APPLICATION.—

''(1) IN GENERAL.—This section and section 3508 apply to a passenger vessel (as defined in section 2101(22)) that—

''(A) is authorized to carry at least 250 passengers;

''(B) has onboard sleeping facilities for each passenger;

''(C) is on a voyage that embarks or disembarks passengers in the United States; and

''(D) is not engaged on a coastwise voyage.

''(2) FEDERAL AND STATE VESSELS.—This section and section 3508 do not apply to a vessel of the United States operated by the Federal Government or a vessel owned and operated by a State.

''(l) DEFINITIONS.—In this section and section 3508:

''(1) COMMANDANT.—The term 'Commandant' means the Commandant of the Coast Guard.

''(2) OWNER.—The term 'owner' means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

''§ 3508. Crime scene preservation training for passenger vessel crewmembers

''(a) IN GENERAL.—Within 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, the Secretary, in consultation with the Director of the Federal Bureau of Investigation and the Maritime Administration, shall develop training standards and curricula to allow for the certification of passenger vessel security personnel, crewmembers, and law enforcement officials on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment. The Administrator of the Maritime Administration may certify organizations in the United States and abroad that offer the curriculum for training and certification under subsection (c).

''(b) MINIMUM STANDARDS.—The standards established by the Secretary under subsection (a) shall include—

''(1) the training and certification of vessel security personnel, crewmembers, and law enforcement officials in accordance with accepted law enforcement and security guidelines, policies, and procedures, including recommendations for incorporating a background check process for personnel trained and certified in foreign ports;

''(2) the training of students and instructors in all aspects of prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment; and

''(3) the provision or recognition of off-site training and certification courses in the United States and foreign countries to develop and provide the required training and certification described in subsection (a) and to enhance security awareness and security practices related to the preservation of evidence in response to crimes on board passenger vessels.

''(c) CERTIFICATION REQUIREMENT.—Beginning 2 years after the standards are established under subsection (b), no vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crewmember onboard who is certified as having successfully completed training in the prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment on passenger vessels under subsection (a).

''(d) INTERIM TRAINING REQUIREMENT.—No vessel to which this section applies may enter a

United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crewmember onboard who has been properly trained in the prevention detection, evidence preservation and the reporting requirements of criminal activities in the international maritime environment. The owner of a such a vessel shall maintain certification or other documentation, as prescribed by the Secretary, verifying the training of such individual and provide such documentation upon request for inspection in connection with enforcement of the provisions of this section. This subsection shall take effect 1 year after the date of enactment of the Cruise Vessel Safety and Security Act of 2010 and shall remain in effect until superseded by the requirements of subsection (c).

''(e) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than $50,000.

''(f) DENIAL OF ENTRY.—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

''(1) commits an act or omission for which a penalty may be imposed under subsection (e); or

''(2) fails to pay a penalty imposed on the owner under subsection (e).''.

(b) CLERICAL AMENDMENT.—The table of contents for such chapter is amended by adding at the end the following:

''3507. Passenger vessel security and safety requirements

''3508. Crime scene preservation training for passenger vessel crewmembers''.

SEC. 4. OFFSET OF ADMINISTRATIVE COSTS.

(a) REPEAL OF CERTAIN REPORT REQUIREMENTS.—

(1) Section 1130 of the Coast Guard Authorization Act of 1996 (33 U.S.C. 2720 note) is amended by striking subsection (b).

(2) Section 112 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is repealed.

(3) Section 676 of title 14, United States Code, is amended by striking subsection (d).

(4) Section 355 of title 37, United States Code, is amended by striking subsection (h) and redesignating subsection (i) as subsection (h).

(5) Section 205 of the Coast Guard and Maritime Transportation Act of 2004 (14 U.S.C. 637 note) is amended by striking subsection (d).

(b) COMBINATION OF FISHERIES ENFORCEMENT PLANS AND FOREIGN FISHING INCURSION REPORTS.—The Secretary of the department in which the Coast Guard is operating shall combine the reports required under section 224 of the Coast Guard and Maritime Transportation Act of 2004 (16 U.S.C. 1861b) and section 804 of the Coast Guard and Maritime Transportation Act of 2004 (16 U.S.C. 1828) into a single annual report for fiscal years beginning after fiscal year 2010.

SEC. 5. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore, Mr. SCHRADER, recognized Mr. CUMMINGS and Mr. LoBIONDO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment of the Senate?

The SPEAKER pro tempore, Mr. SCHRADER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶84.34 TECHNICAL CORRECTIONS TO H.R. 3360

Mr. CUMMINGS moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 289):

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 3360) to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes, the Clerk of the House of Representatives shall make the following correction: In section 4(b), strike ''Coast Guard and Maritime Transportation Act of 2004'' the second place it appears and insert ''Coast Guard and Maritime Transportation Act of 2006''.

The SPEAKER pro tempore, Mr. SCHRADER, recognized Mr. CUMMINGS and Mr. LoBIONDO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SCHRADER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶84.35 POLITICAL SITUATION IN THAILAND

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1321); as amended:

Whereas Thailand became the first treaty ally of the United States in the Asia-Pacific region with the Treaty of Amity and Commerce, signed at Sia-Yut'hia (Bangkok) March 20, 1833, between the United States and Siam, during the administration of President Andrew Jackson and the reign of King Rama III;

Whereas the United States and Thailand furthered their alliance with the Southeast Asia Collective Defense Treaty, (commonly known as the ''Manila Pact of 1954'') signed at Manila September 8, 1954, and the United States designated Thailand as a major non-North Atlantic Treaty Organization (NATO) ally in December 2003;

Whereas, through the Treaty of Amity and Economic Relations, signed at Bangkok May 26, 1966, along with a diverse and growing trading relationship, the United States and Thailand have developed critical economic ties;

Whereas Thailand is a key partner of the United States in Southeast Asia and has supported closer relations between the United States and the Association of Southeast Asian Nations (ASEAN);

Whereas Thailand has the longest-serving monarch in the world, His Majesty King Bhumibol Adulyadej, who is loved and respected for his dedication to the people of Thailand;

Whereas Prime Minister Abhisit Vejjajiva has issued a 5-point roadmap designed to promote the peaceful resolution of the current political crisis in Thailand;

Whereas approximately 500,000 people of Thai descent live in the United States and foster strong cultural ties between the 2 countries; and

Whereas Thailand remains a steadfast friend with shared values of freedom, democracy, and liberty: Now, therefore, be it

Resolved, That the House of Representatives—

(1) affirms the support of the people and the Government of the United States for a strong and vital alliance with Thailand;

(2) calls for the restoration of peace and stability throughout Thailand;

(3) urges all parties involved in the political crisis in Thailand to renounce the use of violence and to resolve their differences peacefully through dialogue;

(4) supports the goals of the 5-point roadmap of the Government of Thailand for national reconciliation, which seeks to—

(A) uphold, protect, and respect the institution of the constitutional monarchy;

(B) resolve fundamental problems of social justice systematically and with participation by all sectors of society;

(C) ensure that the media can operate freely and constructively;

(D) establish facts about the recent violence through investigation by an independent committee; and

(E) establish mutually acceptable political rules through the solicitation of views from all sides; and

(5) promotes the timely implementation of an agreed plan for national reconciliation in Thailand so that free and fair elections can be held.

The SPEAKER pro tempore, Mr. SCHRADER, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SCHRADER, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WATSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SCHRADER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, July 1, 2010.

The point of no quorum was considered as withdrawn.

¶84.36 50TH ANNIVERSARY OF NATIONAL INDEPENDENCE FOR 17 AFRICAN NATIONS

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1405); as amended:

Whereas in the year 2010, 17 African nations will celebrate the 50th anniversary of

their independence from France, Italy, or Great Britain, including Cameroon (January 1, 1960), Togolese Republic (April 27, 1960), Republic of Mali (June 20, 1960), Republic of Senegal (June 20, 1960), Republic of Madagascar (June 26, 1960), Democratic Republic of the Congo (June 30, 1960), Somalia (July 1, 1960), Republic of Benin (August 1, 1960), Republic of Niger (August 3, 1960), Burkina Faso (August 5, 1960), Republic of Cote d'Ivoire (August 7, 1960), Republic of Chad (August 11, 1960), Central African Republic (August 13, 1960), Republic of the Congo (August 15, 1960), Gabonese Republic (August 17, 1960), Federal Republic of Nigeria (October 1, 1960), and the Islamic Republic of Mauritania (November 28, 1960);

Whereas contemporary United States ties with Sub-Saharan Africa today far transcend the humanitarian interests that have frequently underpinned United States engagement with the continent;

Whereas there is a growing understanding among foreign policy experts that economic development, natural resource management, human security, and global stability are inextricably linked;

Whereas cooperation between the United States Armed Forces and Africa is growing, with United States and African forces routinely conducting joint exercises;

Whereas African governments are steadily taking a larger role in the provision of security and peacekeeping on the continent, due in part to United States security assistance and training;

Whereas Africa's growing importance is reflected in the intensifying efforts of China, Russia, India, Iran, and other countries to gain access to African resources and advance their ties to the continent; and

Whereas a more comprehensive, multi-faceted regional policy is essential for the United States to operate effectively in this increasingly competitive environment: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of the 17 African nations that in 2010 are marking the 50th year of their national independence;

(2) honors the lives of the ten of thousands of patriots, including innocent civilians, who died, were imprisoned, or otherwise dedicated their lives, often at great personal sacrifice, to achieving African political independence;

(3) commends the socioeconomic and political progress being made by these nations, while acknowledging the associated challenges that many still face;

(4) recognizes Africa's significant strategic, political, economic, and humanitarian importance to the United States; and

(5) renews the commitment of the United States to help the people of sub-Saharan Africa to foster democratic rule, advance civic freedom and participation, and promote market-based economic growth, and to alleviate the burden of poverty and disease that so many in the region continue to face.

The SPEAKER pro tempore, Mr. SCHRADER, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SCHRADER, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WATSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SCHRADER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, July 1, 2010.

The point of no quorum was considered as withdrawn.

¶84.37 SOUTH AFRICAN HUMAN TRAFFICKING CONVICTIONS

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1412); as amended:

Whereas from June 11, 2010, through July 11, 2010, the 2010 Fédération Internationale de Football Association (FIFA) World Cup will be hosted by South Africa and include games played in stadiums across the country, including Cape Town, Port Elizabeth, Durban, Bloemfontein, Rustenburg, Pretoria, Johannesburg, Nelspruit, and Polokwane;

Whereas the 2010 FIFA World Cup is likely to attract an estimated 2,700,000 local spectators and 350,000 to 500,000 visitors to the country;

Whereas the influx of tourism is likely to lead to an increase in demand for sexual services and create demand for the commercial sexual exploitation of women and children;

Whereas the preparations for the 2010 FIFA World Cup have resulted in an influx of foreign workers;

Whereas the hospitality industries may be particularly susceptible to labor trafficking during the 2010 FIFA World Cup;

Whereas the Government of South Africa has invested in media campaigns and other initiatives to prevent and combat trafficking, such as the Tsireledzani Initiative and the Red Card 2010 Campaign: Disqualifying Human Trafficking in Africa, and has created and trained a human trafficking law enforcement unit which is one important element of the South African Department of Social Development's 2010–2015 Strategic Plan;

Whereas the Government of South Africa has planned to provide shelter and rehabilitative care to victims of human trafficking throughout the country during the World Cup and beyond at Thuthuzela Centres, which exist through the country's domestic violence and anti-rape intervention strategy;

Whereas the Government of South Africa has ordered schools to be closed during the 2010 FIFA World Cup, raising concerns that children could be left unattended during a period of high trafficking potential;

Whereas, on June 14, 2010, the United States Department of State released its annual Trafficking in Persons Report, asserting that ''South Africa is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced commercial sexual exploitation. Children are largely trafficked within the country from poor rural areas to urban centers like Johannesburg, Cape Town, Durban, and Bloemfontein. Girls are subjected to sex trafficking and involuntary domestic servitude; boys are forced to work in street vending, food service, begging, criminal activities, and agriculture.'';

Whereas this release marks the 10th anniversary of the Trafficking in Persons Report and no country has yet to build a fully comprehensive response to combating trafficking and protecting survivors;

Whereas women and girls have reportedly been trafficked into South Africa from as far away as Russia, Thailand, Pakistan, Philippines, India, China, Bulgaria, Romania, Ukraine, the Democratic Republic of Congo, Angola, Burundi, Ethiopia, Senegal, Tanzania, Uganda, Rwanda, Kenya, Cameroon, Nigeria, and Somalia;

Whereas civil society in South Africa, with the support of the South African Government, has invested notable energy and resources into preventing human trafficking at the 2010 FIFA World Cup through Cape Town Tourism, International Union of Superiors General and the Southern African Catholic Bishops' Conference of the Catholic Church, the Salvation Army, the Tshwane Counter-Trafficking Coalition for 2010, and many other nongovernmental and religious organizations; and

Whereas in April 2010, the Durban Magistrates Court convicted two individuals accused of running a brothel and using Thai women as prostitutes of over a dozen offenses, including money laundering, racketeering, and contravention of the Sexual Offenses and Immigration Acts, thereby marking the first successful convictions for human trafficking in South Africa: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Government of South Africa upon its first two successful convictions for human trafficking;

(2) recognizes the implementation of several elements of South Africa's anti-trafficking strategy and remains hopeful that full implementation of such anti-trafficking measures will proceed without delay;

(3) acknowledges the passage in South Africa of the Child Justice Act of 2008 (Act No. 75, 2008) and underscores the importance of rehabilitative care of minors under the age of 18;

(4) recognizes the Government of South Africa's notable efforts to combat trafficking leading up to, during, and following the 2010 Fédération Internationale de Football Association (FIFA) World Cup;

(5) recognizes the shelters and rehabilitative care provided to human trafficking victims during the World Cup through such centers as the Thuthuzela Centres and encourages further shelter and care programs for victims beyond the event's conclusion;

(6) calls on the Government of South Africa to move quickly to adopt the Prevention and Combating of Trafficking in Persons Bill in order to facilitate future prosecutions;

(7) calls on the Government of South Africa to increase awareness among all levels of relevant government officials as to their responsibilities under the trafficking provisions of the Sexual Offenses and Children's Acts;

(8) calls on the Government of South Africa to prioritize anti-trafficking law enforcement during the 2010 FIFA World Cup through expanded law enforcement presence, raids, and other measures in areas where trafficking for labor and sexual exploitation are likely to occur;

(9) calls on the Government of South Africa to adopt measures to protect vulnerable children, including those children unattended because of school closures and refugee children, as well as other potential victims, from sexual and labor exploitation; and

(10) urges the Government of South Africa to detain and prosecute tourists participating in commercial sexual exploitation of women and children during the 2010 FIFA World Cup.

The SPEAKER pro tempore, Mr. SCHRADER, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SCHRADER, announced that two-

thirds of the Members present had voted in the affirmative.

Ms. WATSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SCHRADER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, July 1, 2010.

The point of no quorum was considered as withdrawn.

¶84.38 RADIO FREE ASIA

Ms. WATSON moved to suspend the rules and pass the bill of the Senate (S. 3104) to permanently authorize Radio Free Asia, and for other purposes.

The SPEAKER pro tempore, Mr. SCHRADER, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MAFFEI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶84.39 TROPICAL STORM AGATHA

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1462); as amended:

Whereas, on May 29, 2010, Guatemala, Honduras, and El Salvador experienced devastating floods and mudslides brought on by Tropical Storm Agatha;

Whereas Tropical Storm Agatha has left 174 dead and 62,827 families were directly affected in Guatemala;

Whereas Tropical Storm Agatha has left 22dead and 7,998 in shelters in Honduras;

Whereas Tropical Storm Agatha has left 11 dead and 12,000 in shelters in El Salvador;

Whereas over 2,000 Guatemalans were displaced with little forewarning following the eruption of the Pacaya volcano;

Whereas the combination of Tropical Storm Agatha and the eruption of the Pacaya volcano have devastated Guatemala's landscape leaving behind sinkholes and mudslides across the country;

Whereas, due to recent droughts, erratic rainfall, high food prices, and a sharp drop in remittances, Guatemala has suffered severe food insecurity that will increase in the wake of Tropical Storm Agatha;

Whereas Guatemalan officials are estimating that damages will surpass $475,000,000;

Whereas the loss in the agriculture sector could be close to $18,500,000 in Honduras;

Whereas 380 schools have been affected in El Salvador;

Whereas critical infrastructure relating to water and sanitation has been destroyed;

Whereas the United States has provided relief for the victims of Tropical Storm Agatha by deploying United States Southern Command support helicopters and frigates for assistance with the transport of food, water, and emergency supplies;

Whereas countries and organizations around the world have contributed millions of dollars in medicines and aid, and humanitarian aid agencies in the United States and around the world are mobilizing to provide much needed assistance to the relief and recovery efforts; and

Whereas Guatemala, Honduras, and El Salvador have begun the process of recovering from these natural disasters: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the loss of life and expresses solidarity with all people affected by Tropical Storm Agatha;

(2) commends the brave efforts of the people of Guatemala, Honduras, and El Salvador as they recover from Tropical Storm Agatha;

(3) recognizes the assistance of the international community during the recovery effort in providing relief to the people of Guatemala, Honduras, and El Salvador; and

(4) urges the Secretary of State, in coordination with the Administrator of the United States Agency for International Development (USAID), to continue to develop a strategic plan to promote food security and recovery efforts with the goal of mitigating the current and future effects of the recent natural disasters that have devastated Guatemala, Honduras, and El Salvador.

The SPEAKER pro tempore, Mr. MAFFEI, recognized Ms. WATSON and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. MAFFEI, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WATSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MAFFEI, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, July 1, 2010.

The point of no quorum was considered as withdrawn.

¶84.40 NATIONAL ESIGN DAY

Mr. MCDERMOTT moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 290):

Whereas the Electronic Signatures in Global and National Commerce Act (ESIGN) was enacted on June 30, 2000, to ensure that a signature, contract, or other record relating to a transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form;

Whereas Congress directed the Secretary of Commerce to take all actions necessary to eliminate or reduce, to the maximum extent possible, the impediments to commerce in electronic signatures, for the purpose of facilitating the development of interstate and foreign commerce; and

Whereas June 30, 2010, marks the 10th anniversary of the enactment of ESIGN and would be an appropriate date to designate as ''National ESIGN Day'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the designation of a ''National ESIGN Day'';

(2) recognizes the previous contribution made by Congress to the adoption of modern solutions that keep the United States on the leading technological edge; and

(3) reaffirms its commitment to facilitating interstate and foreign commerce in an increasingly digital world.

The SPEAKER pro tempore, Mr. MAFFEI, recognized Mr. MCDERMOTT and Mr. SHIMKUS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. MAFFEI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCDERMOTT objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MAFFEI, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed until Thursday, July 1, 2010.

The point of no quorum was considered as withdrawn.

¶84.41 INDEPENDENT LIVING CENTERS TECHNICAL ADJUSTMENT

Ms. CHU moved to suspend the rules and pass the bill (H.R. 5610) to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers; as amended.

The SPEAKER pro tempore, Mr. MAFFEI, recognized Ms. CHU and Mr. ROE of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MAFFEI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶84.42 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed and agreed to, without amendment, bills and a concurrent resolution of the House of the following titles:

H.R. 5569. An Act to extend the National Flood Insurance Program until September 30, 2010.

H.R. 5611. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 5623. An Act to amend the Internal Revenue Code of 1986 to extend the homebuyer tax credit for the purchase of a principal residence before October 1, 2010, in the case of a written binding contract entered

into with respect to such principal residence before May 1, 2010, and for other purposes.

H. Con. Res. 293. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate has agreed to a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 67. A concurrent resolution celebrating 130 years of United States-Romanian diplomatic relations, congratulating the Romanian people on their achievements as a great nation, and reaffirming the deep bonds of trust and values between the United States and Romania, a trusted and most valued ally.

The message also announced that pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, the Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, reappoints the following individual to the United States Commission on International Religious Freedom: Dr. Don H. Argue of Washington.

¶84.43 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 67. A concurrent resolution celebrating 130 years of United States-Romanian diplomatic relations, congratulating the Romanian people on their achievements as a great nation, and reaffirming the deep bonds of trust and values between the United States and Romania, a trusted and most valued ally; to the Committee on Foreign Affairs.

¶84.44 SENATE ENROLLED JOINT RESOLUTION SIGNED

The Speaker announced her signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 33. A joint resolution to provide for the reconsideration and revision of the proposed constitution of the United States Virgin Islands to correct provisions inconsistent with the Constitution and Federal law.

And then,

¶84.45 ADJOURNMENT

On motion of Mr. GOHMERT, at midnight, the House adjourned.

¶84.46 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 1490. Resolution providing for consideration of the conference report to accompany the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes (Rept. 111–518). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 1495. Resolution providing for consideration of the bill (H.R. 5618) to continue Federal unemployment programs, and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 111–519). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 1496. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 111–520). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 5503. A bill to revise laws regarding liability in certain civil actions arising from maritime incidents, and for other purposes; with an amendment (Rept. 111–521, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

¶84.47 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 5503 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

¶84.48 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BUYER:

H.R. 5641. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to enter into contracts for the transfer of veterans to non-Department adult foster homes for veterans who are unable to live independently; to the Committee on Veterans' Affairs.

By Mr. FILNER (for himself and Mr. BUYER):

H.R. 5642. A bill to codify increases in the rates of pension for disabled veterans and surviving spouses and children that were effective as of December 1, 2009; to the Committee on Veterans' Affairs.

By Mr. DEFAZIO (for himself, Mr. CAMPBELL, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. HINCHEY, Mr. MORAN of Virginia, Mr. MCGOVERN, Mrs. MALONEY, Ms. MCCOLLUM, Mr. TIERNEY, Mr. SMITH of Washington, and Mr. KUCINICH):

H.R. 5643. A bill to amend the Toxic Substances Control Act to prohibit the use, production, sale, importation, or exportation of the poison sodium fluoroacetate (known as ''Compound 1080'') and to prohibit the use of sodium cyanide for predator control; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself, Mr. HOLT, Mr. QUIGLEY, Ms. LEE of California, Mr. HINCHEY, Mr. WELCH, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Ms. GIFFORDS, Ms. PINGREE of Maine, Mr. CARNAHAN, Mr. COHEN, Mr. TONKO, Mr. POLIS, and Mr. MCDERMOTT):

H.R. 5644. A bill to amend the Internal Revenue Code of 1986 to repeal fossil fuel subsidies for large oil companies; to the Committee on Ways and Means.

By Mr. NUNES (for himself, Mr. MCCARTHY of California, Mr. HERGER, Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. ROGERS of Kentucky, Mr. BURTON of Indiana, Mr. LEWIS of California, Mr. MICA, Mr. DUNCAN, Mr. HUNTER, and Mr. REHBERG):

H.R. 5645. A bill to require the Director of National Drug Control Policy to develop a Federal Lands Counterdrug Strategy and to provide for enhanced penalties for certain drug offenses on Federal lands; to the Committee on the Judiciary, and in addition to the Committees on Natural Resources, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN:

H.R. 5646. A bill to designate the FAA Air Control Tower located at Memphis International Airport as the Freedom Tower; to the Committee on Transportation and Infrastructure.

By Mr. HELLER:

H.R. 5647. A bill to provide a temporary extension of unemployment insurance, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Appropriations, Education and Labor, the Budget, Oversight and Government Reform, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 5648. A bill to amend title 38, United States Code, to reinstate criminal penalties for persons charging veterans unauthorized fees; to the Committee on Veterans' Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself and Mr. SMITH of Texas):

H.R. 5649. A bill to promote neutrality, simplicity, and fairness in the taxation of digital goods and digital services; to the Committee on the Judiciary.

By Mr. BRADY of Texas (for himself, Mr. ORTIZ, Mr. DEUTCH, Mr. YOUNG of Florida, Mr. REICHERT, Mr. DANIEL E. LUNGREN of California, Mr. GRAVES of Missouri, Mrs. BLACKBURN, Mr. BUCHANAN, Mr. SCALISE, Mr. OLSON, Ms. JENKINS, and Mrs. CAPITO):

H.R. 5650. A bill to extend the National Flood Insurance Program to May 31, 2011; to the Committee on Financial Services.

By Ms. HERSETH SANDLIN:

H.R. 5651. A bill to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the ''Andrew W. Bogue Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY (for herself, Mr. GRIJALVA, Mrs. CAPPS, Mr. MORAN of Virginia, Mr. MCGOVERN, Mr. FARR, Ms. LEE of California, Ms. BALDWIN, Ms. MOORE of Wisconsin, Mrs. DAVIS of California, Ms. SCHAKOWSKY, and Mr. KUCINICH):

H.R. 5652. A bill to direct the Federal Trade Commission to prescribe rules prohibiting deceptive advertising of abortion services; to the Committee on Energy and Commerce.

By Mr. MCCLINTOCK (for himself and Ms. MATSUI):

H.R. 5653. A bill to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California; to the Committee on Natural Resources.

By Mr. MCDERMOTT (for himself, Mr. ISRAEL, Mr. LANGEVIN, Mr. CONNOLLY

of Virginia, Mr. HIMES, Ms. SUTTON, Mr. HINCHEY, Mr. BLUMENAUER, and Mr. LEWIS of Georgia):

H.R. 5654. A bill to amend the Workforce Investment Act of 1998 to provide oil spill relief employment, and for other purposes to the Committee on Education and Labor, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEK of Florida (for himself, Mr. BOYD, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Ms. CASTOR of Florida, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. GRAYSON, Mr. HASTINGS of Florida, Mr. KLEIN of Florida, Ms. KOSMAS, Mr. MACK, Mr. MICA, Mr. MILLER of Florida, Mr. POSEY, Mr. PUTNAM, Mr. ROONEY, Ms. ROS-LEHTINEN, and Ms. WASSERMAN SCHULTZ):

H.R. 5655. A bill to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the ''Jesse J. McCrary, Jr. Post Office''; to the Committee on Oversight and Government Reform.

By Ms. MOORE of Wisconsin (for herself, Mr. STARK, Mr. CONYERS, Mr. MEEKS of New York, Mr. FILNER, Ms. KILPATRICK of Michigan, Ms. LEE of California, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. CLAY, Ms. FUDGE, Mr. SCOTT of Virginia, Mr. GRIJALVA, Mr. OLVER, Ms. WATSON, Mr. BRADY of Pennsylvania, and Mr. DAVIS of Illinois):

H.R. 5656. A bill to amend the American Recovery and Reinvestment Act of 2009 to extend the period for which certain nutrition assistance may be provided under the Food and Nutrition Act of 2008; to the Committee on Agriculture.

By Mr. QUIGLEY:

H.R. 5657. A bill to amend the Outer Continental Shelf Lands Act to ensure that protection of the marine and coastal environment is of primary importance in making areas of the outer Continental Shelf available for leasing, exploration, and development rather than expeditious development of oil and gas resources, to prohibit oil and gas leasing, exploration, and development in important ecological areas of the outer Continental Shelf, and for other purposes; to the Committee on Natural Resources.

By Mr. EHLERS (for himself and Mr. DICKS):

H. Con. Res. 292. Concurrent resolution supporting the goals and ideals of National Aerospace Week, and for other purposes; to the Committee on Science and Technology.

By Mr. PERLMUTTER:

H. Con. Res. 293. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. PERRIELLO (for himself, Mr. SHULER, Mr. BOUCHER, Mr. CONNOLLY of Virginia, Mr. GOODLATTE, Mr. MORAN of Virginia, Mr. NYE, Mr. WITTMAN, Mr. WOLF, Mr. PRICE of North Carolina, Mr. MILLER of North Carolina, Mr. KISSELL, Ms. FOXX, Mr. MCHENRY, Mr. COBLE, and Mr. MCINTYRE):

H. Con. Res. 294. Concurrent resolution commemorating the 75th Anniversary of the Blue Ridge Parkway; to the Committee on Natural Resources.

By Mr. KING of New York:

H. Res. 1489. A resolution calling for an independent international investigation of the April 10, 2010, plane crash in Russia that killed Poland's president Lech Kaczynski and 95 other individuals; to the Committee on Foreign Affairs.

By Mr. WILSON of South Carolina (for himself, Mr. INGLIS, Mr. CONAWAY, Ms. ROS-LEHTINEN, Mr. DUNCAN, Mr. CANTOR, Ms. FOXX, Mr. BROWN of South Carolina, Mr. BARRETT of South Carolina, Mr. SPRATT, Ms. BORDALLO, Mr. INSLEE, Mr. ROE of Tennessee, and Mr. WESTMORELAND):

H. Res. 1491. A resolution congratulating the University of South Carolina Gamecocks on winning the 2010 NCAA Division I College World Series; to the Committee on Education and Labor.

By Mr. SPRATT:

H. Res. 1492. A resolution providing for budget enforcement for fiscal year 2011; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H. Res. 1493. A resolution providing for budget enforcement for fiscal year 2011; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SUTTON (for herself, Mr. POMEROY, Mr. VAN HOLLEN, Mr. PLATTS, Mr. PETRI, Mr. CHAFFETZ, Mr. RYAN of Ohio, Mr. WILSON of Ohio, Mr. LUETKEMEYER, Mr. KIRK, and Mr. SPACE):

H. Res. 1494. A resolution congratulating the champion, finalists, and all other participants in the 83rd Annual Scripps National Spelling Bee; to the Committee on Oversight and Government Reform.

By Mr. ROSKAM (for himself and Mr. QUIGLEY):

H. Res. 1497. A resolution condemning the inclusion of inflammatory and inaccurate content in Iranian textbooks that is aimed at indoctrinating and radicalizing students with anti-Israeli, anti-Semitic, and anti-Western sentiment and at restricting the rights of women; to the Committee on Foreign Affairs.

¶84.49 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. LEVIN.
H.R. 197: Mr. HODES.
H.R. 208: Mr. PASTOR of Arizona and Mr. SCHOCK.
H.R. 213: Mr. DJOU.
H.R. 235: Mr. BONNER.
H.R. 268: Mrs. MILLER of Michigan and Mr. TIAHRT.
H.R. 305: Mr. MCMAHON.
H.R. 571: Ms. ROS-LEHTINEN.
H.R. 613: Mr. MANZULLO.
H.R. 678: Mr. LYNCH.
H.R. 734: Mr. CLEAVER.
H.R. 745: Mr. ALTMIRE.
H.R. 795: Mr. SPRATT and Mr. MEEK of Florida.
H.R. 840: Mr. ACKERMAN.
H.R. 1074: Mr. HODES.
H.R. 1079: Mr. MAFFEI.
H.R. 1189: Mr. ARCURI.
H.R. 1526: Mrs. BIGGERT.
H.R. 1529: Mr. BLUMENAUER.
H.R. 1646: Mr. HEINRICH.
H.R. 1689: Mr. CRITZ.
H.R. 1691: Mr. CRITZ.
H.R. 1806: Mr. JOHNSON of Georgia, Mr. HIMES, and Ms. GIFFORDS.
H.R. 2000: Mr. HODES, Mr. HIMES, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. DELAHUNT, Mr. LANGEVIN, Mr. HALL of New York, Mr. LARSON of Connecticut, Mr. HOLDEN, and Mr. JOHNSON of Illinois.
H.R. 2103: Ms. HERSETH SANDLIN.
H.R. 2104: Mr. HOLDEN.
H.R. 2159: Ms. FUDGE and Ms. CHU.
H.R. 2256: Mr. MOORE of Kansas, Mr. TEAGUE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CAPUANO, and Mr. CLAY.
H.R. 2381: Mr. TIERNEY.
H.R. 2579: Mr. CARSON of Indiana and Mr. RYAN of Ohio.
H.R. 2866: Mr. WOLF.
H.R. 2910: Mr. TIBERI.
H.R. 3286: Mr. GEORGE MILLER of California and Mr. GONZALEZ.
H.R. 3307: Mr. KINGSTON.
H.R. 3310: Mr. WILSON of South Carolina.
H.R. 3470: Ms. MCCOLLUM.
H.R. 3586: Mr. GUTHRIE.
H.R. 3630: Mr. CONNOLLY of Virginia.
H.R. 3646: Mr. PRICE of North Carolina.
H.R. 3729: Mr. HONDA, Mr. CONNOLLY of Virginia, and Mr. MOORE of Kansas.
H.R. 3734: Ms. MATSUI.
H.R. 3753: Ms. CHU.
H.R. 3781: Mr. MURPHY of New York.
H.R. 3813: Ms. CORRINE BROWN of Florida.
H.R. 4148: Ms. PINGREE of Maine.
H.R. 4190: Mr. CONNOLLY of Virginia.
H.R. 4195: Ms. NORTON, Mr. TIERNEY, and Mr. PRICE of North Carolina.
H.R. 4306: Ms. WASSERMAN SCHULTZ.
H.R. 4337: Mr. TIBERI.
H.R. 4427: Mr. COLE.
H.R. 4466: Mr. ISSA and Mr. CONNOLLY of Virginia.
H.R. 4469: Mr. RYAN of Ohio, Mr. SHUSTER, Mrs. MCMORRIS RODGERS, Mrs. SCHMIDT, Mr. WITTMAN, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 4541: Mr. MICA.
H.R. 4594: Mrs. BIGGERT, Mr. MARKEY of Massachusetts, and Ms. KOSMAS.
H.R. 4678: Mr. TIM MURPHY of Pennsylvania.
H.R. 4684: Mr. NEUGEBAUER.
H.R. 4689: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4693: Mr. CHANDLER, Mr. HOLT, Ms. LORETTA SANCHEZ of California, and Mr. WITTMAN.
H.R. 4745: Mr. RODRIGUEZ.
H.R. 4751: Ms. MARKEY of Colorado.
H.R. 4755: Mr. PAULSEN.
H.R. 4756: Mr. DELAHUNT.
H.R. 4764: Mr. HALL of New York, Mr. CALVERT, Mr. TEAGUE, and Mr. SCHOCK.
H.R. 4846: Mr. ISRAEL.
H.R. 4914: Mr. MICHAUD and Ms. ESHOO.
H.R. 4925: Mrs. MALONEY.
H.R. 4947: Mr. CHANDLER and Mr. COLE.
H.R. 4986: Mr. BRADY of Pennsylvania and Ms. CHU.
H.R. 5016: Mr. RADANOVICH, Mr. ROHRABACHER, and Mr. BARRETT of South Carolina.
H.R. 5029: Mr. BARRETT of South Carolina.
H.R. 5032: Mr. MCGOVERN.
H.R. 5034: Mr. ROSKAM and Mr. PAYNE.
H.R. 5040: Mr. MCGOVERN, Mr. SCHAUER, Mr. BARTLETT, Ms. JACKSON LEE of Texas, and Mr. SNYDER.
H.R. 5044: Mr. QUIGLEY.
H.R. 5081: Mr. REICHERT and Mr. JOHNSON of Georgia.
H.R. 5097: Mr. CASTLE.
H.R. 5106: Mr. LEE of New York.
H.R. 5111: Mr. BURTON of Indiana, Mr. GUTHRIE, Mr. TURNER, and Mr. CRITZ.
H.R. 5121: Mr. BLUMENAUER and Mr. PRICE of North Carolina.
H.R. 5137: Mr. PITTS.
H.R. 5211: Ms. MOORE of Wisconsin and Mr. CONNOLLY of Virginia.
H.R. 5268: Ms. HERSETH SANDLIN.
H.R. 5300: Mrs. NAPOLITANO.

H.R. 5385: Ms. Markey of Colorado.
H.R. 5400: Mr. MEEK of Florida.
H.R. 5426: Mr. CAMP and Mr. SIMPSON.
H.R. 5430: Mr. SABLAN.
H.R. 5431: Mr. SABLAN.
H.R. 5434: Mr. BRADY of Pennsylvania, Mr. HODES, and Ms. ESHOO.
H.R. 5460: Ms. WATSON and Mr. FALEOMAVAEGA.
H.R. 5462: Ms. SLAUGHTER and Mr. BARROW.
H.R. 5471: Ms. MOORE of Wisconsin.
H.R. 5482: Mr. CONNOLLY of Virginia and Mr. WHITFIELD.
H.R. 5503: Mr. HOLT, Mr. PAYNE, Mrs. MALONEY, Mr. SHERMAN, and Ms. HIRONO.
H.R. 5510: Mr. GRIJALVA, Mr. STARK, and Mr. KUCINICH.
H.R. 5527: Mr. RAHALL.
H.R. 5529: Ms. GINNY BROWN-WAITE of Florida, Mr. CONNOLLY of Virginia, Mr. DJOU, and Mr. BISHOP of Georgia.
H.R. 5530: Mr. SABLAN.
H.R. 5537: Mr. SABLAN.
H.R. 5538: Mr. BISHOP of Utah, Mr. CHAFFETZ, Mr. ISSA, and Mr. PITTS.
H.R. 5540: Mr. BARTON of Texas, Mr. PITTS, Ms. FALLIN, and Mr. BARTLETT.
H.R. 5541: Mr. BARTON of Texas, Mr. SAM JOHNSON of Texas, Mr. PITTS, Ms. FALLIN, and Mr. BARTLETT.
H.R. 5542: Mr. SAM JOHNSON of Texas, Mr. BARTON of Texas, Mr. POE of Texas, Mr. BARTLETT, Mr. OLSON, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. COFFMAN of Colorado, Mr. PRICE of Georgia, Mr. GINGREY of Georgia, Ms. FALLIN, Mr. FLAKE, and Mr. CULBERSON.
H.R. 5561: Mr. HONDA.
H.R. 5564: Mr. LEE of New York, Mr. MARCHANT, and Mr. ARCURI.
H.R. 5566: Mr. MATHESON.
H.R. 5568: Mr. SPACE, Mr. ARCURI, and Mr. MCNERNEY.
H.R. 5605: Mr. SHUSTER.
H.R. 5606: Mr. SHUSTER.
H.R. 5610: Ms. ZOE LOFGREN of California.
H.R. 5614: Mr. CULBERSON.
H.R. 5615: Mr. CALVERT and Mr. ROHRABACHER.
H.R. 5616: Mrs. MALONEY, Mr. DRIEHAUS, Ms. NORTON, Ms. CHU, Mr. CUELLAR, and Mr. DAVIS of Illinois.
H.R. 5628: Mr. COURTNEY.
H.R. 5636: Mr. MOORE of Kansas.
H.J. Res. 61: Mr. MAFFEI.
H.J. Res. 81: Mr. MEEK of Florida and Mr. STARK.
H. Con. Res. 226: Ms. ZOE LOFGREN of California, Mr. ROONEY, Mrs. MALONEY, Mr. LARSON of Connecticut, Mr. WESTMORELAND, Mr. ISSA, Ms. CHU, and Ms. DELAURO.
H. Con. Res. 259: Mr. MORAN of Virginia and Mr. MCMAHON.
H. Con. Res. 266: Mr. BISHOP of New York and Mr. THOMPSON of Pennsylvania.
H. Con. Res. 281: Mr. OLSON.
H. Con. Res. 283: Mr. GINGREY of Georgia, Mr. LAMBORN, Mr. SABLAN, and Mr. RAHALL.
H. Con. Res. 290: Mr. SABLAN.
H. Res. 111: Mr. MCINTYRE and Mr. ROGERS of Michigan.
H. Res. 527: Mr. INGLIS, Mr. DELAHUNT, Mr. SKELTON, Mr. MEEK of Florida, Ms. FOXX, Mr. TOWNS, and Mr. MCMAHON.
H. Res. 528: Mr. INGLIS, Mr. DELAHUNT, Mr. SKELTON, Mr. MEEK of Florida, Ms. FOXX, Mr. TOWNS, and Mr. MCMAHON.
H. Res. 637: Mr. BISHOP of Utah, Mrs. LUMMIS, Mr. POSEY, Mr. GINGREY of Georgia, Mr. WESTMORELAND, and Mrs. MYRICK.
H. Res. 1026: Mr. HOEKSTRA.
H. Res. 1064: Mr. PRICE of North Carolina.
H. Res. 1226: Mr. GARY G. MILLER of California.
H. Res. 1245: Mr. GARY G. MILLER of California.
H. Res. 1273: Mr. CALVERT.
H. Res. 1311: Mrs. BLACKBURN.
H. Res. 1326: Mr. SHERMAN, Mrs. HALVORSON, Mr. SIRES, and Mr. PENCE.
H. Res. 1342: Mr. GENE GREEN of Texas.
H. Res. 1378: Mr. GOHMERT, Ms. NORTON, Mr. BERRY, and Mr. BARRETT of South Carolina.
H. Res. 1379: Ms. SPEIER and Mr. MCGOVERN.
H. Res. 1401: Mr. BOOZMAN, Mr. RAHALL, Mrs. NAPOLITANO, Ms. TITUS, Mr. TONKO, Ms. NORTON, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BOCCIERI, Mr. EHLERS, Mr. DOYLE, Ms. FALLIN, Mr. PETRI, Mr. COBLE, Mr. TIM MURPHY of Pennsylvania, Mr. SCHOCK, Mr. ARCURI, Mr. ROSS, and Mr. HINCHEY.
H. Res. 1402: Mr. DELAHUNT.
H. Res. 1412: Mr. SNYDER.
H. Res. 1420: Mr. COHEN, Mr. KIRK, and Mr. DELAHUNT.
H. Res. 1431: Mr. LATTA, Mr. MCCLINTOCK, Mr. CLEAVER, and Mr. FRANKS of Arizona.
H. Res. 1433: Mr. LATHAM, Mr. BARROW, Mrs. MCCARTHY of New York, Mr. YOUNG of Florida, Mr. EHLERS, and Ms. MATSUI.
H. Res. 1452: Ms. EDWARDS of Maryland.
H. Res. 1471: Mr. LATTA.
H. Res. 1474: Mr. OBERSTAR and Mr. SABLAN.
H. Res. 1483: Mr. BARROW, Mr. TAYLOR, Mr. WHITFIELD, Mr. INGLIS, Mr. LARSON of Connecticut, Mr. LEWIS of California, Mr. GARAMENDI, Mr. BARRETT of South Carolina, Mr. CARTER, Mr. CAO, Mr. ORTIZ, Mrs. KIRKPATRICK of Arizona, Mr. CONAWAY, Mr. HARPER, Mr. GALLEGLY, Mr. DAVIS of Kentucky, Ms. BORDALLO, Mr. HUNTER, Mr. COHEN, Mr. BISHOP of Georgia, Ms. RICHARDSON, Mrs. EMERSON, Mr. MARSHALL, Mr. MCINTYRE, Mr. LANCE, Mr. FORBES, Mr. MILLER of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. SCOTT of Georgia, Mr. BRADY of Pennsylvania, Mr. MCKEON, Mr. SNYDER, Mr. LANGEVIN, Mr. TURNER, Mr. REICHERT, Ms. WASSERMAN SCHULTZ, Mr. THORNBERRY, Mr. HINCHEY, Mr. BUYER, and Mr. FORTENBERRY.

THURSDAY, JULY 1, 2010 (85)

¶85.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. JACKSON of Illinois, who laid before the House the following communication:

WASHINGTON, DC,
July 1, 2010.

I hereby appoint the Honorable JESSE L. JACKSON, Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶85.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced he had examined and approved the Journal of the proceedings of Wednesday, June 30, 2010.

Pursuant to clause 1 of rule I, the Journal was approved.

¶85.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8 of rule XII, were referred as follows:

8217. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Account Class (RIN: 3038-AC94) received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8218. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — User Fees for 2010 Crop Cotton Classification Services to Growers [AMS-CN-10-0001; CN-10-001] (RIN: 0581-AC99) received June 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8219. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements [Doc. No.: AMS-FV-09-0085; FV10-925-1 FIR] received June 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8220. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Changes to Reporting and Assessment Due Dates [Doc. No.: AMS-FV-10-0020; FV10-956-1 FR] received June 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8221. A letter from the Secretary, Department of Defense, transmitting a letter providing notification that the Department intends to expand the role of women in the Marine Corps, pursuant to 10 U.S.C. 652; to the Committee on Armed Services.

8222. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Franklin L. Hagenbeck United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8223. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Thomas J. Kilcline, Jr. United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

8224. A letter from the Chairman, Federal Reserve System, transmitting the twentieth annual report on the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637 note. Public Law 100-583, section 8 (102 Stat. 2969); to the Committee on Financial Services.

8225. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program — Disability Rehabilitation Research Project (DRRP) — Reducing Obesity and Obesity-Related Secondary Health Conditions Among Adolescents and Young Adults With Disabilities From Diverse Race and Ethnic Backgrounds Catalog of Federal Domestic Assistance (CFDA) Number: 84.133A-7 received June 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8226. A letter from the Assistant Deputy Secretary, Department of Education, transmitting the Department's final rule — Full Service Community Schools Catalog of Federal Domestic Assistance (CFDA) Number: 84.215J received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8227. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual financial report for fiscal year 2009, pursuant to Public Law 108-130; to the Committee on Energy and Commerce.

8228. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the ''Status of the State Small Business Compliance Assistance Programs (SBCP) for the Reporting Period, January 2007 to December 2008''; to the Committee on Energy and Commerce.

8229. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National

Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Foreign Affairs.

8230. A letter from the Director, Office of Management and Budget, transmitting the Department's report on United States contributions to the United Nations and United Nations affiliated agencies and related bodies for fiscal year 2009, pursuant to Public Law 109-364, section 1225; to the Committee on Foreign Affairs.

8231. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

8232. A letter from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting formal response to the GAO report entitled ''Information Security: Agencies Need to Implement Federal Desktop Core Configuration Requirements''; to the Committee on Oversight and Government Reform.

8233. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Seattle, transmitting the 2009 management report and statements on the system of internal controls of the Federal Home Loan Bank of Seattle, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8234. A letter from the Inspector General, Federal Trade Commission, transmitting notification that the Commission will soon begin the audit of financial statements for the fiscal year 2010; to the Committee on Oversight and Government Reform.

8235. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-018, Payrolls and Basic Records [FAC 2005-42; FAR Case 2009-018; Item XI; Docket 2010-0082, Sequence 1] (RIN: 9000-AL53) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8236. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2009-026, Compensation for Personal Services [FAC 2005-42; FAR Case 2009-026; Item X; Docket 2010-0088, Sequence 1] received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8237. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2009 through March 31, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8238. A letter from the Regulatory Affairs, Department of the Interior, transmitting the Department's final rule — Visitor Services [LLWO25000-L12200000.PM000-241A.00] (RIN: 1004-AD96) received June 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8239. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico and South Atlantic; Revisions To Allowable Bycatch Reduction Devices [Docket No.: 100121040-0177-01] (RIN: 0648-AY58) received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8240. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2009 annual report on the activities and operations of the Public Integrity Section, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

8241. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. Auxiliary Power Unit Models GTCP36-150(R) and GTCP36-150(RR) [Docket No.: FAA-2009-0803; Directorate Identifier 2009-NE-34-AD; Amendment 39-16330; AD 2010-12-09] (RIN: 2120-AA64) received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8242. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135ER, -135KE, -135KL, and -135LR Airplanes; and EMBRAER Model EMB-145, -145ER, -145MR, -145LR, -145XR, 145MP, and -145EP Airplanes [Docket No.: FAA-2010-0170; Directorate Identifier 2009-NM-127-AD; Amendment 39-16328; AD 2010-12-07] (RIN: 2120-AA64) received June 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8243. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Series Turbofan Engines [Docket No.: FAA-2010-0068; Directorate Identifier 2010-NE-05-AD; Amendment 39-16331; AD 2010-12-10] (RIN: 2120-AA64) received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8244. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. MAKILA 1A and 1A1 Turboshaft Engines [Docket No.: FAA-2009-0982; Directorate Identifier 2009-NE-19-AD; Amendment 39-16323; AD 2010-12-02] (RIN: 2120-AA64) received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8245. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-C10 (Regional Jet Series 700, 701, & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-1033; Directorate Identifier 2009-NM-104-AD; Amendment 39-16326; AD 2010-12-05] (RIN: 2120-AA64) received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8246. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2B1 Turboshaft Engines [Docket No.: FAA-2007-27009; Directorate Identifier 2007-NE-02-AD; Amendment 39-16322; AD 2007-19-09R1] (RIN: 2120-AA64) received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8247. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30728; Amdt. No. 3377] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8248. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30726; Amdt. No. 3375] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8249. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Restricted Area R-2504; Camp Roberts, CA [Docket No.: FAA-2010-0557; Airspace Docket No. 10-AWP-6] (RIN: 2120-AA66) received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8250. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30726; Amdt. No. 3375] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8251. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30725; Amdt. 3374] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8252. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Victorville, CA [Docket No.: FAA-2009-1140; Airspace Docket No. 09-AWP-13] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8253. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Jet Routes J-32, J-38, and J-538; Minnesota [Docket No.: FAA-2009-1080; Airspace Docket No. 09-AGL-13](RIN: 2120-AA66) received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8254. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Galena, AK [Docket No.: FAA-2010-0299; Airspace Docket No. 10-AAL-9] received June 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8255. A letter from the Administrator, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's report entitled, ''Buckle Up America Campaign: The National Initiative for Increasing Seat Belt Use, Eleventh Report To Congress and Ninth Report to the President'' for calendar year 2007; to the Committee on Transportation and Infrastructure.

8256. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting notification of the final technical report for Louisiana Coastal Protection and Restoration (LACPR), pursuant to Public Law 109-103 Public Law 109-148; (H. Doc. No. 111-129); to the Committee on Transportation and Infrastructure and ordered to be printed.

8257. A letter from the Director, Office of Personnel Management, transmitting legislative proposal ''to amend chapter 89 of title 5, United States Code, to clarify Federal court jurisdiction over Federal Employees

Health Benefits program, and for other purposes''; jointly to the Committees on Oversight and Government Reform and the Judiciary.

¶85.4 H. RES. 1228—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1228) honoring the veterans of Helicopter Attack Light Squadron Three and their families; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 Nays 0

¶85.5 [Roll No. 415]

YEAS—410

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—22

Boustany
Clay
Cummings
Delahunt
Engel
Flake
Frelinghuysen
Gutierrez
Hoekstra
Lewis (GA)
Moran (VA)
Payne
Rodriguez
Rush
Sanchez, Loretta
Serrano
Skelton
Speier
Velázquez
Wamp
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶85.6 H.R. 2340—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2340) to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Claims Settlement Act; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

Mr. COHEN demanded a recorded vote on passage of said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 Nays 0

¶85.7 [Roll No. 416]

AYES—410

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer

Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—22

Boustany
Cummings
Delahunt
Engel
Flake
Gutierrez
Hinojosa
Hoekstra
Klein (FL)
Lewis (GA)
Moran (VA)
Napolitano
Payne
Rodriguez
Sanchez, Loretta
Schrader
Skelton
Thompson (CA)
Velázquez
Wamp
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶85.8 H. RES. 1460—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1460) recognizing the important role of pollinators play in supporting the ecosystem and supporting the goals and ideals of National Pollinator Week.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of those present had voted in the affirmative.

Mr. TONKO demanded a recorded vote on the motion to suspend the rules and agree to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	412
Nays	0
Answered present	1

¶85.9 [Roll No. 417]

AYES—412

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

ANSWERED ''PRESENT''—1

Culberson

NOT VOTING—19

Carnahan
Delahunt
Flake
Gutierrez
Herger
Hoekstra
Kennedy
Lynch
Payne
Radanovich
Richardson
Rodriguez
Sanchez, Loretta
Sarbanes
Skelton
Velázquez
Wamp
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶85.10 PROVIDING FOR CONSIDERATION OF H.R. 5618

Mr. CARDOZA, by direction of the Committee on Rules, called up the following resolution (H. Res. 1495):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5618) to continue Federal unemployment programs. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of July 3, 2010.

When said resolution was considered.

After debate,

On motion of Mr. CARDOZA, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. CARDOZA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 231 / Nays 189

¶85.11 [Roll No. 418]

YEAS—231

Ackerman	Braley (IA)	Costello
Altmire	Brown, Corrine	Courtney
Andrews	Butterfield	Critz
Arcuri	Capps	Crowley
Baca	Capuano	Cuellar
Baldwin	Cardoza	Cummings
Barrow	Carnahan	Dahlkemper
Bean	Carney	Davis (AL)
Becerra	Carson (IN)	Davis (CA)
Berkley	Castor (FL)	Davis (IL)
Berman	Chandler	Davis (TN)
Berry	Chu	DeFazio
Bishop (GA)	Clarke	DeGette
Bishop (NY)	Clay	Delahunt
Blumenauer	Cleaver	DeLauro
Boccieri	Clyburn	Deutch
Boren	Cohen	Dicks
Boswell	Connolly (VA)	Dingell
Boucher	Conyers	Doggett
Boyd	Cooper	Donnelly (IN)
Brady (PA)	Costa	Doyle
Driehaus	Larson (CT)	Richardson
Edwards (TX)	Lee (CA)	Ross
Engel	Levin	Rothman (NJ)
Eshoo	Lewis (GA)	Roybal-Allard
Etheridge	Lipinski	Ruppersberger
Farr	Loebsack	Rush
Fattah	Lofgren, Zoe	Ryan (OH)
Filner	Lowey	Salazar
Foster	Luján	Sánchez, Linda T.
Frank (MA)	Maffei	Sanchez, Loretta
Fudge	Maloney	Sarbanes
Garamendi	Markey (MA)	Schakowsky
Gonzalez	Marshall	Schauer
Gordon (TN)	Matheson	Schiff
Grayson	Matsui	Schrader
Green, Al	McCarthy (NY)	Schwartz
Green, Gene	McCollum	Scott (GA)
Grijalva	McDermott	Scott (VA)
Gutierrez	McGovern	Serrano
Hall (NY)	McIntyre	Sestak
Halvorson	McMahon	Shea-Porter
Hare	McNerney	Sherman
Harman	Meek (FL)	Sires
Hastings (FL)	Meeks (NY)	Skelton
Heinrich	Melancon	Slaughter
Herseth Sandlin	Michaud	Smith (WA)
Higgins	Miller (NC)	Snyder
Himes	Miller, George	Space
Hinchey	Mollohan	Speier
Hinojosa	Moore (KS)	Spratt
Hirono	Moore (WI)	Stark
Hodes	Murphy (CT)	Stupak
Holden	Murphy (NY)	Sutton
Holt	Murphy, Patrick	Tanner
Honda	Nadler (NY)	Teague
Hoyer	Napolitano	Thompson (CA)
Inslee	Neal (MA)	Thompson (MS)
Israel	Oberstar	Tierney
Jackson (IL)	Obey	Titus
Jackson Lee (TX)	Olver	Tonko
Johnson (GA)	Ortiz	Towns
Johnson, E. B.	Owens	Tsongas
Kagen	Pallone	Van Hollen
Kanjorski	Pascrell	Velázquez
Kaptur	Pastor (AZ)	Visclosky
Kennedy	Perlmutter	Walz
Kildee	Perriello	Wasserman Schultz
Kilpatrick (MI)	Peters	Waters
Kilroy	Peterson	Watson
Kind	Pingree (ME)	Watt
Kissell	Polis (CO)	Waxman
Klein (FL)	Pomeroy	Weiner
Kosmas	Price (NC)	Wilson (OH)
Kucinich	Quigley	Wu
Langevin	Rahall	Yarmuth
Larsen (WA)	Rangel	
	Reyes	

NAYS—189

Aderholt	Childers	Hensarling
Adler (NJ)	Coble	Herger
Akin	Coffman (CO)	Hill
Alexander	Cole	Hunter
Austria	Conaway	Inglis
Bachmann	Crenshaw	Issa
Bachus	Culberson	Jenkins
Barrett (SC)	Davis (KY)	Johnson (IL)
Bartlett	Dent	Johnson, Sam
Barton (TX)	Diaz-Balart, L.	Jones
Biggert	Diaz-Balart, M.	Jordan (OH)
Bilbray	Djou	King (IA)
Bilirakis	Dreier	King (NY)
Bishop (UT)	Duncan	Kingston
Blackburn	Ehlers	Kirk
Blunt	Ellsworth	Kirkpatrick (AZ)
Boehner	Emerson	Kline (MN)
Bonner	Fallin	Kratovil
Bono Mack	Flake	Lamborn
Boozman	Fleming	Lance
Boustany	Forbes	Latham
Brady (TX)	Fortenberry	LaTourette
Bright	Foxx	Latta
Broun (GA)	Franks (AZ)	Lee (NY)
Brown (SC)	Frelinghuysen	Lewis (CA)
Brown-Waite, Ginny	Gallegly	Linder
Buchanan	Garrett (NJ)	LoBiondo
Burgess	Gerlach	Lucas
Burton (IN)	Giffords	Luetkemeyer
Buyer	Gingrey (GA)	Lummis
Calvert	Gohmert	Lungren, Daniel E.
Camp	Goodlatte	Mack
Campbell	Granger	Manzullo
Cantor	Graves (GA)	Marchant
Cao	Graves (MO)	Markey (CO)
Capito	Griffith	McCarthy (CA)
Carter	Guthrie	McCaul
Cassidy	Hall (TX)	McClintock
Castle	Harper	McCotter
Chaffetz	Hastings (WA)	McHenry
	Heller	McKeon
		McMorris Rodgers
		Mica
		Miller (FL)
		Miller (MI)
		Miller, Gary
		Minnick
		Mitchell
		Moran (KS)
		Murphy, Tim
		Myrick
		Neugebauer
		Nunes
		Nye
		Olson
		Paul
		Paulsen
		Pence
		Petri
		Pitts
		Platts
		Poe (TX)
		Posey
		Price (GA)
		Putnam
		Radanovich
		Rehberg
		Reichert
		Roe (TN)
		Rogers (AL)
		Rogers (KY)
		Rogers (MI)
		Rohrabacher
		Rooney
		Ros-Lehtinen
		Roskam
		Royce
		Ryan (WI)
		Scalise
		Schmidt
		Schock
		Sensenbrenner
		Sessions
		Shadegg
		Shimkus
		Shuler
		Shuster
		Simpson
		Smith (NE)
		Smith (NJ)
		Smith (TX)
		Stearns
		Sullivan
		Taylor
		Terry
		Thompson (PA)
		Thornberry
		Tiahrt
		Tiberi
		Turner
		Upton
		Walden
		Westmoreland
		Whitfield
		Wilson (SC)
		Wittman
		Wolf
		Young (FL)

NOT VOTING—12

Baird	Lynch	Wamp
Edwards (MD)	Moran (VA)	Welch
Ellison	Payne	Woolsey
Hoekstra	Rodriguez	Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶85.12 H. RES. 1321—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1321) expressing the sense of the House of Representatives that the political situation in Thailand be solved peacefully and through democratic means; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 4

¶85.13 [Roll No. 419]

AYES—411

Ackerman	Berman	Boyd
Aderholt	Berry	Brady (PA)
Adler (NJ)	Biggert	Brady (TX)
Akin	Bilbray	Braley (IA)
Alexander	Bilirakis	Bright
Altmire	Bishop (GA)	Broun (GA)
Andrews	Bishop (NY)	Brown (SC)
Arcuri	Bishop (UT)	Brown, Corrine
Austria	Blackburn	Brown-Waite, Ginny
Baca	Blumenauer	Buchanan
Bachmann	Blunt	Burgess
Bachus	Boccieri	Burton (IN)
Baldwin	Boehner	Butterfield
Barrett (SC)	Bonner	Buyer
Barrow	Bono Mack	Calvert
Bartlett	Boozman	Camp
Barton (TX)	Boren	Campbell
Bean	Boswell	Cantor
Becerra	Boucher	Cao
Berkley	Boustany	

Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOES—4

Herger
Johnson (IL)
Minnick
Paul

NOT VOTING—17

Baird
Edwards (MD)
Ellison
Hodes
Hoekstra
Lynch
McCollum
McDermott
Melancon
Moore (WI)
Moran (VA)
Payne
Rodriguez
Wamp
Welch
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution affirming the support of the United States for a strong and vital alliance with Thailand.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶85.14 H. RES. 1405—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1405) congratulating the people of the 17 African nations that, in 2010, are marking the 50th year of their national independence; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of those present had voted in the affirmative.

Mr. CONNOLLY of Virginia, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 / Nays 0

¶85.15 [Roll No. 420]

AYES—410

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg

Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—22

Baird
Capps
Crowley
Dicks
Edwards (MD)
Ellison
Foster
Gutierrez
Hodes
Hoekstra
Lynch
McCollum
Mitchell
Moran (VA)
Payne
Polis (CO)
Rodriguez
Shimkus
Wamp
Welch
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶85.16 FEDERAL UNEMPLOYMENT PROGRAMS

Mr. LEVIN, pursuant to House Resolution 1495, called up for consideration the bill (H.R. 5618) to continue Federal unemployment programs.

Pending consideration of said bill,

Pursuant to House Resolution 1495, the following amendment, printed in House Report 111-519, was considered as agreed to:

SEC. 5. PROCEDURES.

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 4, is amended by adding at the end the following new subsection:

''(h) PROCEDURES.—Any state with an agreement under this Act shall implement reasonable procedures to—

''(1) ensure that benefits under this Act are not provided to any person who appears on any current list of known or suspected terrorists provided to the State by any government agency;

''(2) ensure that benefits under this Act are not provided to any individual convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)); and

''(3) ensure that the State is enforcing requirements under subsection (f) of this section to bar unauthorized aliens from receiving emergency unemployment compensation under this Act.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 1495, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 1(c) of rule XIX, announced that further proceedings on the bill were postponed.

¶85.17 H. RES. 1412—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1412) congratulating the Government of South Africa upon its first two successful convictions for human trafficking; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of those present had voted in the affirmative.

Mr. LEVIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 1

¶85.18 [Roll No. 421]

YEAS—414

Ackerman
Aderholt
Adler (NJ)
Akin
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NAYS—1

Paul

NOT VOTING—17

Alexander	Linder	Sires
Bishop (UT)	Payne	Spratt
Capito	Radanovich	Wamp
Clarke	Rodriguez	Woolsey
Herger	Scott (VA)	Young (AK)
Hoekstra	Shea-Porter	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶85.19 FURTHER CONSIDERATION OF H.R. 5618

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 1(c) of rule XIX, announced that further proceedings were resumed on the bill (H.R. 5618) to continue Federal unemployment programs.

Mr. CAMP moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

Redesignate section 6 as section 7 and insert after section 5 the following:

SEC. 6. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals $34,000,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, sections 2 and 3. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

Pending consideration of said motion,

¶85.20 POINT OF ORDER

Mr. LEVIN made a point of order against consideration of the motion to recommit with instructions, and said:

''I now insist on my point of order that the gentleman's motion is not germane to this legislation.''.

Mr. CAMP was recognized to speak to the point of order and said:

''Mr. Speaker, at a time of record deficits, it should always be germane to consider proposals to offset higher spending. And, in light of the Senate already rejecting an unpaid-for version of this bill just last night, I ask that the Speaker deny the point of order so we can pay for this bill and ensure that unemployed Americans do not continue to go without unemployment benefits.''.

The SPEAKER pro tempore, Mr. SERRANO, sustained the point of order, and said:

''The gentleman from Michigan makes a point of order that the instructions proposed in the motion to recommit offered by the gentleman from Michigan are not germane.

''One of the fundamental principles of germaneness is that an amendment must confine itself to matters addressed by the bill, and to matters that fall within the jurisdiction of the committees with jurisdiction over the bill.

''The bill, as amended, addresses the availability of certain benefits, restrictions on those benefits, and budgetary issues related thereto. Such subject matters do not fall within the jurisdiction of the Committee on Appropriations.

''The instructions proposed in the motion to recommit propose an amendment to rescind various unobligated funds contained in a prior appropriation Act. That subject matter falls within the jurisdiction of the Committee on Appropriations.

''By addressing a matter unrelated to the issues addressed in the bill, and within the jurisdiction of a committee not represented in the bill, the instructions propose an amendment that is not germane.

''The point of order is sustained. The motion is not in order.''.

Mr. CAMP appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. LEVIN moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. CAMP demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 196

¶85.21 [Roll No. 422]

AYES—220

Ackerman	Cleaver	Filner
Adler (NJ)	Clyburn	Frank (MA)
Andrews	Cohen	Fudge
Baca	Conyers	Garamendi
Baird	Cooper	Gonzalez
Baldwin	Costa	Grayson
Barrow	Costello	Green, Al
Bean	Courtney	Green, Gene
Becerra	Critz	Grijalva
Berkley	Crowley	Hall (NY)
Berman	Cuellar	Halvorson
Berry	Cummings	Hare
Bishop (GA)	Davis (AL)	Harman
Bishop (NY)	Davis (CA)	Hastings (FL)
Blumenauer	Davis (IL)	Heinrich
Boccieri	Davis (TN)	Higgins
Boren	DeGette	Hinchey
Boswell	Delahunt	Hinojosa
Boucher	DeLauro	Hirono
Boyd	Deutch	Hodes
Brady (PA)	Dicks	Holden
Braley (IA)	Dingell	Holt
Brown, Corrine	Doggett	Honda
Butterfield	Doyle	Hoyer
Capps	Driehaus	Inslee
Capuano	Edwards (MD)	Israel
Cardoza	Edwards (TX)	Jackson (IL)
Carnahan	Ellison	Jackson Lee (TX)
Carson (IN)	Ellsworth	Johnson (GA)
Castor (FL)	Engel	Johnson, E. B.
Chandler	Eshoo	Kagen
Chu	Etheridge	Kanjorski
Clarke	Farr	Kaptur
Clay	Fattah	Kennedy
Kildee	Nadler (NY)	Scott (VA)
Kilpatrick (MI)	Napolitano	Serrano
Kilroy	Neal (MA)	Sestak
Kind	Oberstar	Shea-Porter
Kissell	Obey	Sherman
Klein (FL)	Olver	Sires
Kucinich	Ortiz	Skelton
Langevin	Owens	Slaughter
Larsen (WA)	Pallone	Smith (WA)
Larson (CT)	Pascrell	Snyder
Lee (CA)	Pastor (AZ)	Space
Levin	Perlmutter	Speier
Lipinski	Perriello	Spratt
Loebsack	Peters	Stark
Lofgren, Zoe	Peterson	Stupak
Lowey	Pingree (ME)	Sutton
Luján	Polis (CO)	Teague
Lynch	Pomeroy	Thompson (CA)
Maffei	Price (NC)	Thompson (MS)
Maloney	Quigley	Tierney
Markey (MA)	Rahall	Titus
Matheson	Rangel	Tonko
Matsui	Reyes	Towns
McCarthy (NY)	Richardson	Tsongas
McCollum	Ross	Van Hollen
McDermott	Rothman (NJ)	Velázquez
McGovern	Roybal-Allard	Visclosky
McIntyre	Ruppersberger	Walz
McNerney	Rush	Wasserman Schultz
Meek (FL)	Ryan (OH)	Waters
Meeks (NY)	Salazar	Watson
Michaud	Sánchez, Linda T.	Watt
Miller (NC)	Sanchez, Loretta	Waxman
Mollohan	Sarbanes	Weiner
Moore (KS)	Schakowsky	Welch
Moore (WI)	Schauer	Wilson (OH)
Moran (VA)	Schiff	Wu
Murphy (CT)	Schrader	Yarmuth
Murphy (NY)	Schwartz	
Murphy, Patrick	Scott (GA)	

NOES—196

Aderholt	Ehlers	Luetkemeyer
Akin	Emerson	Lummis
Altmire	Fallin	Lungren, Daniel E.
Arcuri	Flake	Mack
Austria	Fleming	Manzullo
Bachmann	Forbes	Marchant
Bachus	Fortenberry	Markey (CO)
Barrett (SC)	Foster	Marshall
Barton (TX)	Foxx	McCarthy (CA)
Biggert	Franks (AZ)	McCaul
Bilbray	Frelinghuysen	McClintock
Bilirakis	Gallegly	McCotter
Blackburn	Garrett (NJ)	McHenry
Blunt	Gerlach	McKeon
Boehner	Giffords	McMahon
Bonner	Gingrey (GA)	McMorris Rodgers
Bono Mack	Gohmert	Melancon
Boozman	Goodlatte	Mica
Boustany	Granger	Miller (FL)
Brady (TX)	Graves (GA)	Miller (MI)
Bright	Graves (MO)	Miller, Gary
Broun (GA)	Griffith	Minnick
Brown (SC)	Guthrie	Mitchell
Brown-Waite, Ginny	Hall (TX)	Moran (KS)
Buchanan	Harper	Murphy, Tim
Burgess	Hastings (WA)	Myrick
Burton (IN)	Heller	Neugebauer
Buyer	Hensarling	Nunes
Calvert	Herseth Sandlin	Nye
Camp	Hill	Olson
Campbell	Himes	Paul
Cantor	Hunter	Paulsen
Cao	Inglis	Pence
Carney	Issa	Petri
Carter	Jenkins	Pitts
Cassidy	Johnson (IL)	Platts
Castle	Johnson, Sam	Poe (TX)
Chaffetz	Jones	Posey
Childers	Jordan (OH)	Price (GA)
Coble	King (IA)	Putnam
Coffman (CO)	King (NY)	Rehberg
Cole	Kingston	Reichert
Conaway	Kirk	Roe (TN)
Connolly (VA)	Kirkpatrick (AZ)	Rogers (AL)
Crenshaw	Kline (MN)	Rogers (KY)
Culberson	Kosmas	Rogers (MI)
Dahlkemper	Kratovil	Rohrabacher
Davis (KY)	Lamborn	Rooney
DeFazio	Lance	Ros-Lehtinen
Dent	Latham	Roskam
Diaz-Balart, L.	LaTourette	Royce
Diaz-Balart, M.	Latta	Ryan (WI)
Djou	Lee (NY)	Scalise
Donnelly (IN)	Lewis (CA)	Schmidt
Dreier	Linder	Schock
Duncan	LoBiondo	
	Lucas	

Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—16

Alexander
Bartlett
Bishop (UT)
Capito
Gordon (TN)
Gutierrez
Herger
Hoekstra
Lewis (GA)
Miller, George
Payne
Radanovich
Rodriguez
Wamp
Woolsey
Young (AK)

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that yeas had it.

Mr. LEVIN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 270 Nays 153

¶85.22 [Roll No. 423]

AYES—270

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Manzullo
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rogers (MI)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wu
Yarmuth
Young (FL)

NOES—153

Aderholt
Akin
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Djou
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Pitts
Poe (TX)
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Westmoreland
Wilson (SC)
Wittman
Wolf

NOT VOTING—10

Alexander
Bishop (UT)
Capito
Hoekstra
Payne
Radanovich
Rodriguez
Wamp
Woolsey
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶85.23 CONSIDERATION OF H.R. 5618

The SPEAKER pro tempore, Mr. SERRANO, announced that under clause 10(c)(3) of rule XXI, the Presiding Officer was supposed to have put the question of consideration of H.R. 5618, but omitted to do so. That omission has been overtaken by the subsequent actions on the bill.

¶85.24 SECURING PROTECTIONS FOR THE INJURED

Mr. CONYERS moved to suspend the rules and pass the bill (H.R. 5503) to revise laws regarding liability in certain civil actions arising from maritime incidents, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶85.25 FEDERAL ELECTION CAMPAIGN

Mr. CONYERS moved to suspend the rules and pass the bill (H.R. 5609) to amend the Federal Election Campaign Act of 1971 to prohibit any registered lobbyist whose clients include foreign governments which are found to be sponsors of international terrorism or include other foreign nationals from making contributions and other campaign-related disbursements in elections for public office; as amended.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, recognized Mr. CONYERS and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CONYERS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, pursuant to

clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶85.26 CALL OF THE HOUSE

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, recognized Mr. CONYERS to move a call of the House.

On motion of Mr. CONYERS, by unanimous consent, a call of the House was ordered.

The call was taken by electronic device, and the following-named Members responded—

¶85.27 [Roll No. 424]

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

Thereupon, the SPEAKER pro tempore, Ms. JACKSON LEE of Texas, announced that 416 Members had been recorded, a quorum.

¶85.28 H.R. 5609—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, pursuant to clause 8 of rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5609) to amend the Federal Election Campaign Act of 1971 to prohibit any registered lobbyist whose clients include foreign governments which are found to be sponsors of international terrorism or include other foreign nationals from making contributions and other campaign-related disbursements in elections for public office; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays 4

¶85.29 [Roll No. 425]

YEAS—408

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer

Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NAYS—4

Baird
Cohen
Kucinich
Paul

NOT VOTING—20

Blunt
Capito
Conyers
Ehlers
Farr
Garrett (NJ)
Griffith
Hoekstra
Johnson, Sam
Kilpatrick (MI)
Kosmas
Lowey
Miller, George
Moore (WI)
Olver
Rodriguez
Sensenbrenner
Wamp
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Lobbying Disclosure Act of 1995 to prohibit any person from performing lobbying activities on behalf of a client which is determined by the Secretary of State to be a State sponsor of terrorism.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶85.30 H. CON. RES. 290—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 290) expressing support for designation of June 30 as ''National ESIGN Day''.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. JACKSON LEE of Texas, announced that two-thirds of those present had voted in the affirmative.

Mr. GARAMENDI demanded a recorded vote on agreeing to said concurrent resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 397 / Nays 15

¶85.31 [Roll No. 426]

AYES—397

Aderholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Chandler
Childers
Chu
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOES—15

Akin
Bishop (UT)
Burgess
Campbell
Carter
Chaffetz
Conaway
Duncan
Flake
King (IA)
Marchant
Neugebauer
Poe (TX)
Shadegg
Thornberry

NOT VOTING—20

Ackerman
Andrews
Berman
Brown (SC)
Capito
Castor (FL)
Cleaver
Conyers
Griffith
Hoekstra
Johnson, Sam
Klein (FL)
Levin
McMahon
Pence
Rodriguez
Slaughter
Wamp
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶85.32 PROVIDING FOR CONSIDERATION OF AMENDMENTS OF THE SENATE TO H.R. 4899

Mr. MCGOVERN, by direction of the Committee on Rules, reported (Rept. No. 111–522) the resolution (H. Res. 1500) providing for consideration of the amendments of the Senate to the bill

(H.R. 4899) making emergency supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶85.33 PROVIDING FOR CONSIDERATION OF AMENDMENTS OF THE SENATE TO H.R. 4899

Mr. McGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 1500):

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment to the text with each of the five House amendments printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour and 30 minutes as follows: 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; then 30 minutes equally divided and controlled by Representative Lee of California or her designee and an opponent; and then 30 minutes equally divided and controlled by Representative McGovern of Massachusetts or his designee and an opponent. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question except that the question of adoption of the motion shall be divided among the five House amendments. The first portion of the divided question shall be considered as adopted. If the remaining portions of the divided question fail of adoption, then the House shall be considered to have rejected the motion and to have made no disposition of the Senate amendment to the text.

SEC. 2. Upon adoption of the motion specified in the first section of this resolution—

(a) the Clerk shall engross the action of the House under that section as a single amendment; and

(b) a motion that the House concur in the Senate amendment to the title shall be considered as adopted.

SEC. 3. The chair of the Committee on Appropriations may insert in the Congressional Record not later than July 3, 2010, such material as he may deem explanatory of the Senate amendments and the motion specified in the first section of this resolution.

SEC. 4. House Resolution 1493 is hereby adopted.

SEC. 5. Clause 10(a) of rule XXI is amended to read as follows:

''(a)(1) Except as provided in paragraphs (b) and (c), it shall not be in order to consider any bill, joint resolution, amendment, or conference report if the provisions of such measure affecting direct spending and revenues have the net effect of increasing the on-budget deficit or reducing the on-budget surplus for the period comprising either—

''(A) the current year, the budget year, and the four years following that budget year; or

''(B) the current year, the budget year, and the nine years following that budget year.

''(2) The effect of such measure on the deficit or surplus shall be determined on the basis of estimates made by the Committee on the Budget relative to baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and consistent with sections 3(4), 3(8), and 4(c) of the Statutory Pay-As-You-Go Act of 2010.

''(3) For the purpose of this clause, the terms 'budget year,' 'current year,' and 'direct spending' have the meanings specified in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985, except that the term 'direct spending' shall also include provisions in appropriation Acts that make outyear modifications to substantive law as described in section 3(4)(C) of the Statutory Pay-As-You-Go Act of 2010.''.

When said resolution was considered.

After debate,

On motion of Mr. McGOVERN, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced that further proceedings on the question were postponed.

¶85.34 CALL OF THE HOUSE

The SPEAKER pro tempore, Mr. WEINER, recognized Mr. McGOVERN to move a call of the House.

On motion of Mr. McGOVERN, by unanimous consent, a call of the House was ordered.

The call was taken by electronic device, and the following-named Members responded—

¶85.35 [Roll No. 427]

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz

Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

Thereupon, the SPEAKER pro tempore, Mr. WEINER, announced that 419 Members had been recorded, a quorum.

¶85.36 H. RES. 1500—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 1500) providing for consideration of the amendments of the Senate to the bill (H.R. 4899) making emergency supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 215 Nays 210

¶85.37 [Roll No. 428]

YEAS—215

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Nadler (NY)
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peterson
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wu
Yarmuth

NAYS—210

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Conyers
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Driehaus
Duncan
Ehlers
Emerson
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Grijalva
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Himes
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Napolitano
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—8

Capito
Griffith
Hoekstra
Johnson, Sam
Rodriguez
Wamp
Woolsey
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶85.38 H. RES. 1462—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8 of rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1462) expressing support for the people of Guatemala, Honduras, and El Salvador as they persevere through the aftermath of Tropical Storm Agatha which swept across Central America causing deadly floods and mudslides; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Florida, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 403 Nays 1

¶85.39 [Roll No. 429]

AYES—403

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes

Holden	McIntyre	Ryan (OH)
Holt	McKeon	Ryan (WI)
Honda	McMahon	Salazar
Hoyer	McMorris Rodgers	Sánchez, Linda T.
Hunter	McNerney	Sanchez, Loretta
Inglis	Meek (FL)	Sarbanes
Inslee	Meeks (NY)	Scalise
Israel	Melancon	Schakowsky
Issa	Mica	Schauer
Jackson (IL)	Michaud	Schiff
Jackson Lee (TX)	Miller (FL)	Schmidt
Jenkins	Miller (MI)	Schock
Johnson (GA)	Miller (NC)	Schrader
Johnson (IL)	Miller, Gary	Schwartz
Johnson, E. B.	Miller, George	Scott (GA)
Jones	Minnick	Scott (VA)
Jordan (OH)	Mitchell	Sensenbrenner
Kagen	Mollohan	Serrano
Kanjorski	Moore (KS)	Sessions
Kaptur	Moore (WI)	Sestak
Kennedy	Moran (KS)	Shadegg
Kildee	Moran (VA)	Shea-Porter
Kilpatrick (MI)	Murphy (CT)	Sherman
Kilroy	Murphy (NY)	Shimkus
Kind	Murphy, Patrick	Shuler
King (IA)	Murphy, Tim	Shuster
King (NY)	Myrick	Simpson
Kingston	Nadler (NY)	Sires
Kirk	Napolitano	Skelton
Kirkpatrick (AZ)	Neal (MA)	Smith (NE)
Kissell	Neugebauer	Smith (NJ)
Klein (FL)	Nunes	Smith (TX)
Kline (MN)	Nye	Smith (WA)
Kosmas	Oberstar	Snyder
Kratovil	Obey	Space
Kucinich	Olson	Spratt
Lamborn	Olver	Stark
Lance	Ortiz	Stearns
Langevin	Owens	Stupak
Larsen (WA)	Pallone	Sullivan
Larson (CT)	Pascrell	Sutton
Latham	Pastor (AZ)	Tanner
LaTourette	Paulsen	Taylor
Latta	Payne	Teague
Lee (CA)	Pence	Terry
Lee (NY)	Perlmutter	Thompson (CA)
Levin	Perriello	Thompson (MS)
Lewis (CA)	Peters	Thompson (PA)
Lewis (GA)	Peterson	Thornberry
Linder	Petri	Tiahrt
Lipinski	Pitts	Tiberi
LoBiondo	Platts	Tierney
Loebsack	Poe (TX)	Titus
Lofgren, Zoe	Pomeroy	Tonko
Lowey	Posey	Towns
Lucas	Price (GA)	Tsongas
Luetkemeyer	Price (NC)	Turner
Luján	Putnam	Upton
Lummis	Quigley	Van Hollen
Lungren, Daniel E.	Rahall	Velázquez
	Rangel	Visclosky
Lynch	Rehberg	Walden
Mack	Reichert	Walz
Maffei	Reyes	Wasserman Schultz
Maloney	Richardson	
Manzullo	Roe (TN)	Watson
Marchant	Rogers (AL)	Watt
Markey (CO)	Rogers (KY)	Waxman
Markey (MA)	Rogers (MI)	Weiner
Marshall	Rohrabacher	Welch
Matheson	Rooney	Westmoreland
Matsui	Ros-Lehtinen	Whitfield
McCarthy (CA)	Roskam	Wilson (OH)
McClintock	Ross	Wilson (SC)
McCollum	Rothman (NJ)	Wittman
McCotter	Roybal-Allard	Wolf
McDermott	Royce	Wu
McGovern	Ruppersberger	Yarmuth
McHenry	Rush	Young (FL)

NOES—1

Paul

NOT VOTING—28

Blunt	Gordon (TN)	Polis (CO)
Bright	Green, Gene	Radanovich
Brown-Waite, Ginny	Griffith	Rodriguez
	Gutierrez	Slaughter
Capito	Harman	Speier
Coble	Hoekstra	Wamp
Dahlkemper	Johnson, Sam	Waters
Davis (AL)	McCarthy (NY)	Woolsey
Dicks	McCaul	Young (AK)
Emerson	Pingree (ME)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶85.40 EMERGENCY SUPPLEMENTAL APPROPRIATIONS FY 2010

Mr. OBEY, pursuant to House Resolution 1500, moved to take from the Speaker's table the bill (H.R. 4899) making emergency supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes; together with the following amendments of the Senate thereto:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: guaranteed farm ownership loans, $300,000,000; operating loans, $650,000,000, of which $250,000,000 shall be for unsubsidized guaranteed loans, $50,000,000 shall be for subsidized guaranteed loans, and $350,000,000 shall be for direct loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: guaranteed farm ownership loans, $1,110,000; operating loans, $29,470,000, of which $5,850,000 shall be for unsubsidized guaranteed loans, $7,030,000 shall be for subsidized guaranteed loans, and $16,590,000 shall be for direct loans.

For an additional amount for administrative expenses necessary to carry out the direct and guaranteed loan programs, $1,000,000.

EMERGENCY FOREST RESTORATION PROGRAM

For implementation of the emergency forest restoration program established under section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206) for expenses resulting from natural disasters that occurred on or after January 1, 2010, and for other purposes, $18,000,000, to remain available until expended: Provided, That the program: (1) shall be carried out without regard to chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') and the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (2) with rules issued without a prior opportunity for notice and comment except, as determined to be appropriate by the Farm Service Agency, rules may be promulgated by an interim rule effective on publication with an opportunity for notice and comment: Provided further, That in carrying out this program, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code: Provided further, That to reduce Federal costs in administering this heading, the emergency forest restoration program shall be considered to have met the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for activities similar in nature and quantity to those of the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

FOREIGN AGRICULTURAL SERVICE

FOOD FOR PEACE TITLE II GRANTS

For an additional amount for ''Food for Peace Title II Grants'' for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $150,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SECTION 101. None of the funds appropriated or made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a biomass crop assistance program as authorized by section 9011 of Public Law 107–171 in excess of $552,000,000 in fiscal year 2010 or $432,000,000 in fiscal year 2011: Provided, That section 3002 shall not apply to the amount under this section.

SEC. 102. (a) Section 502(h)(8) of the Housing Act of 1949 (42 U.S.C. 1472(h)(8)) is amended to read as follows:

''(8) FEES.—Notwithstanding paragraph (14)(D), with respect to a guaranteed loan issued or modified under this subsection, the Secretary may collect from the lender—

''(A) at the time of issuance of the guarantee or modification, a fee not to exceed 3.5 percent of the principal obligation of the loan; and

''(B) an annual fee not to exceed 0.5 percent of the outstanding principal balance of the loan for the life of the loan.''.

(b) Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2001 (H.R. 5426 as enacted by Public Law 106–387, 115 Stat. 1549A–34) is repealed.

(c) For gross obligations for the principal amount of guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, an additional amount shall be for section 502 unsubsidized guaranteed loans sufficient to meet the remaining fiscal year 2010 demand, provided that existing program underwriting standards are maintained, and provided further that the Secretary may waive fees described herein for very low- and low-income borrowers, not to exceed $697,000,000 in loan guarantees.

CHAPTER 2

DEPARTMENT OF COMMERCE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

(RESCISSION)

Of the funds made available under the heading ''National Telecommunications and Information Administration'' for Digital-to-Analog Converter Box Program in prior years, $111,500,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for ''Economic Development Assistance Programs'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in States that experienced damage due to severe storms and flooding during March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $49,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $5,000,000, for necessary expenses related to commercial fishery failures as determined by the Secretary of Commerce in January 2010.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION

The matter contained in title III of division B of Public Law 111–117 regarding ''National Aeronautics and Space Administration Exploration'' is amended by inserting at the end of the last proviso '': Provided further, That notwithstanding any other provision of law or regulation, funds made available for Constellation in fiscal year 2010 for 'National Aeronautics and Space Administration Exploration' and from previous appropriations for 'National Aeronautics and Space Administration Exploration' shall be available to fund continued performance of Constellation contracts, and performance of such Constellation contracts may not be terminated for convenience by the National Aeronautics and Space Administration in fiscal year 2010''.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $1,429,809,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $40,478,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $145,499,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $94,068,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $5,722,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $2,637,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $34,758,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $1,292,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $33,184,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $11,719,927,000, of which $218,300,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $2,735,194,000, of which $187,600,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $829,326,000, of which $30,700,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $3,835,095,000, of which $218,400,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $1,236,727,000: Provided, That up to $50,000,000, to remain available until expended, shall be available for transfer to the Port of Guam Improvement Enterprise Fund established by section 3512 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417): Provided further, That funds transferred under the previous proviso shall be merged with and available for obligation for the same time period and for the same purposes as the appropriation to which transferred: Provided further, That these funds may be transferred by the Secretary of Defense only if he determines such amounts are required to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That any amounts transferred pursuant to the previous three provisos shall be available to the Secretary of Transportation, acting through the Administrator of the Maritime Administration, to carry out under the Port of Guam Improvement Enterprise Program planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That the transfer authority in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than five days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfer.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $41,006,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $75,878,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $857,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $124,039,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $180,960,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $203,287,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $2,604,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

IRAQ SECURITY FORCES FUND

For the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $219,470,000, to remain available until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $3,000,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $17,055,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $2,065,006,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $296,000,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $31,576,000, to remain available until September 30, 2012.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $162,927,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $174,766,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $672,741,000, to remain available until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $189,276,000, to remain available until September 30, 2012.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Mine Resistant Ambush Protected Vehicle Fund'', $1,123,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operations and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That the funds transferred shall be merged with and available for the same purposes and the same time period as the appropriation to which they are transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $44,835,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $163,775,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $65,138,000, to remain available until September 30, 2011.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,134,887,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $33,367,000 for operation and maintenance: Provided, That language under this heading in title VI, division A of Public Law 111–118 is amended by striking ''$15,093,539,000'' and inserting in lieu thereof ''$15,121,714,000''.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $94,000,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)): Provided, That section 8079 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 123 Stat. 3446) is amended by striking ''fiscal year 2010 until'' and all that follows and insert ''fiscal year 2010.''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Section 8005 of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118) is amended by striking ''$4,000,000,000'' and inserting ''$4,500,000,000''.

SEC. 303. Funds made available in this chapter to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 304. Of the funds obligated or expended by any Federal agency in support of emergency humanitarian assistance services at the request of or in coordination with the Department of Defense, the Department of State, or the U.S. Agency for International Development, on or after January 12, 2010 and before February 12, 2010, in support of the Haitian earthquake relief efforts not to exceed $500,000 are deemed to be specifically authorized by the Congress.

SEC. 305. Section 8011 of the title VIII, division A of Public Law 111–118 is amended by striking ''within 30 days of enactment of this Act'' and inserting in lieu thereof ''30 days prior to contract award''.

(RESCISSIONS)

SEC. 306. (a) Of the funds appropriated in Department of Defense Appropriation Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Other Procurement, Air Force, 2009/2011'', $5,000,000; and

''Research, Development, Test and Evaluation, Army, 2009/2010'', $72,161,000.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 307. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2009 or 2010 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

HIGH-VALUE DETAINEE INTERROGATION GROUP CHARTER AND REPORT

SEC. 308. (a) SUBMISSION OF CHARTER AND PROCEDURES.—Not later than 30 days after the final approval of the charter and procedures for the interagency body established to carry out an interrogation pursuant to a recommendation of the report of the Special Task Force on interrogation and Transfer Policies submitted under section 5(g) of Executive Order 13491 (commonly known as the High-Value Detainee Interrogation Group), or not later than 30 days after the date of the enactment of this Act, whichever is later, the Director of National Intelligence shall submit to the congressional intelligence committees such charter and procedures.

(b) UPDATES.—Not later than 30 days after the final approval of any significant modification or revision to the charter or procedures referred to in subsection (a), the Director of National Intelligence shall submit to the congressional intelligence committees any such modification or revision.

(c) LESSONS LEARNED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report setting forth an analysis and assessment of the lessons learned as a result of the operations and activities of the High-Value Detainee Interrogation Group since the establishment of that group.

(d) SUBMITTAL OF CHARTER AND REPORTS TO ADDITIONAL COMMITTEES OF CONGRESS.—At the same time the Director of National Intelligence submits the charter and procedures referred to in subsection (a), any modification or revision to the charter or procedures under subsection (b), and any report under subsection (c) to the congressional intelligence committees, the Director shall also submit such matter to—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, the Judiciary, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, the Judiciary, and Appropriations of the House of Representatives.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for ''Investigations'', $5,400,000: Provided, That funds provided under this heading in this chapter shall be used for studies in States affected by severe storms and flooding: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' to dredge eligible projects in response to, and repair damages to Federal projects caused by, natural disasters, $18,600,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation projects in response to, and repair damages to Corps projects caused by, natural disasters, $173,000,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use $44,000,000 of the amount provided under this heading for nondisaster related emergency repairs to critical infrastructure: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to natural disasters as authorized by law, $20,000,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER

EMERGENCY DROUGHT RELIEF

SEC. 401. For an additional amount for ''Water and Related Resources'', $10,000,000, for

drought emergency assistance: Provided, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West.

SEC. 402. Funds made available in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85), under the account ''Weapons Activities'' shall be available for the purchase of not to exceed one aircraft.

RECLASSIFICATION OF CERTAIN APPROPRIATIONS FOR THE NATIONAL NUCLEAR SECURITY ADMINISTRATION

SEC. 403. (a) FISCAL YEAR 2009 APPROPRIATIONS.—The matter under the heading ''Weapons Activities'' under the heading ''National Nuclear Security Administration'' under the heading ''Atomic Energy Defense Activities'' under the heading ''Department of Energy'' under title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 621) is amended by striking ''the 09–D–007 LANSCE Refurbishment, PED,'' and inserting ''capital equipment acquisition, installation, and associated design funds for LANSCE,''.

(b) FISCAL YEAR 2010 APPROPRIATIONS.—The amount appropriated under the heading ''Weapons Activities'' under the heading ''National Nuclear Security Administration'' under the heading ''Atomic Energy Defense Activities'' under the heading ''Department of Energy'' under title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85; 123 Stat. 2866) and made available for LANSCE Reinvestment, PED, Los Alamos National Laboratory, Los Alamos, New Mexico, shall be made available instead for capital equipment acquisition, installation, and associated design funds for LANSCE, Los Alamos National Laboratory, Los Alamos, New Mexico.

SEC. 404. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2012'' in lieu thereof.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking ''through 2010'' and inserting ''through 2012'' in lieu thereof.

SEC. 405. (a) The Secretary of the Army shall not be required to make a determination under the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.) for the project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 [59 Stat. 18], as modified by section 5141 of the Water Resources Development Act of 2007 [121 Stat. 1253].

(b) The Federal Highway Administration is exempt from the requirements of 49 U.S.C. 303 and 23 U.S.C. 138 for any highway project to be constructed in the vicinity of the Dallas Floodway, Dallas, Texas.

SEC. 406. (a) The Secretary of the Army may use funds made available under the heading ''OPERATION AND MAINTENANCE'' of this chapter to place, at full Federal expense, dredged material available from maintenance dredging of existing Federal navigation channels located in the Gulf Coast region to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico.

(b) The Secretary of the Army shall coordinate the placement of dredged material with appropriate Federal and Gulf Coast State agencies.

(c) The placement of dredged material pursuant to this section shall not be subject to a least-cost-disposal analysis or to the development of a Chief of Engineers report.

(d) Nothing in this section shall affect the ability or authority of the Federal Government to recover costs from an entity determined to be a responsible party in connection with the Deepwater Horizon Oil spill pursuant to the Oil Pollution Act of 1990 or any other applicable Federal statute for actions undertaken pursuant to this section.

CHAPTER 5

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $690,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available for necessary expenses of the Office of Inspector General under this heading in Public Law 111–117, $1,800,000 are rescinded: Provided, That section 3002 shall not apply to the amount under this heading.

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

(INCLUDING RESCISSION)

For an additional amount for ''Federal Payment to the Public Defender Service for the District of Columbia'', $700,000, to remain available until September 30, 2012.

Of the funds provided under this heading for ''Federal Payment to the District of Columbia Public Defender Service'' in title IV of division D of Public Law 111–8, $700,000 are rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

INDEPENDENT AGENCY

FINANCIAL CRISIS INQUIRY COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111–21), $1,800,000, to remain available until February 15, 2011: Provided, That section 3002 shall not apply to the amount under this heading.

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'' for necessary expenses and other disaster-response activities related to Haiti following the earthquake of January 12, 2010, $50,000,000, to remain available until September 30, 2012.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'', $15,500,000, to remain available until September 30, 2014, for aircraft replacement.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Relief'', $5,100,000,000, to remain available until expended, of which $5,000,000 shall be transferred to the Department of Homeland Security Office of the Inspector General for audits and investigations related to disasters.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for ''United States Citizenship and Immigration Services'' for necessary expenses and other disaster response activities related to Haiti following the earthquake of January 12, 2010, $10,600,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 601. Notwithstanding the 10 percent limitation contained in section 503(c) of Public Law 111–83, for fiscal year 2010, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000, from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 5 days in advance of such transfer.

(RESCISSIONS)

SEC. 602. (a) The following unobligated balances made available pursuant to section 505 of Public Law 110–329 are rescinded: $2,200,000 from Coast Guard ''Operating Expenses''; $1,800,000 from the ''Office of the Secretary and Executive Management''; and $489,152 from ''Analysis and Operations''.

(b) The third clause of the proviso directing the expenditure of funds under the heading ''Alteration of Bridges'' in the Department of Homeland Security Appropriations Act, 2009, is repealed, and from available balances made available for Coast Guard ''Alteration of Bridges'', $5,910,848 are rescinded: Provided, That funds rescinded pursuant to this subsection shall exclude balances made available in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(c) From the unobligated balances of appropriations made available in Public Law 111–83 to the ''Office of the Federal Coordinator for Gulf Coast Rebuilding'', $700,000 are rescinded.

(d) Section 3002 shall not apply to the amounts in this section.

SEC. 603. The Administrator of the Federal Emergency Management Agency shall consider satisfied for Hurricane Katrina the non-Federal match requirement for assistance provided by the Federal Emergency Management Agency pursuant to section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170c(a).

SEC. 604. Funds appropriated in Public Law 111–83 under the heading National Protection and Programs Directorate ''Infrastructure Protection and Information Security'' shall be available for facility upgrades and related costs to establish a United States Computer Emergency Readiness Team Operations Support Center/Continuity of Operations capability.

SEC. 605. Two C–130J aircraft funded elsewhere in this Act shall be transferred to the Coast Guard.

SEC. 606. Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5140b, 5172, and 5173), for damages resulting from FEMA–3311–EM–RI, FEMA–1894–DR, FEMA–1906–DR, FEMA–1909–DR, and all other areas Presidentially declared a disaster, prior to or following enactment, and resulting from the May 1 and 2, 2010 weather events that elicited FEMA–1909–DR, shall not be less than 90 percent of the eligible costs under such sections.

SEC. 607. (a) Not later than 30 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Administration shall issue a security directive that requires a commercial foreign air carrier who operates flights in and out of the United States to check the list of individuals that the Transportation Security Administration has prohibited from flying not later than 30 minutes after such list is modified and provided to such air carrier.

(b) The requirements of subsection (a) shall not apply to commercial foreign air carriers that operate flights in and out of the United States

and that are enrolled in the Secure Flight program or that are Advance Passenger Information System Quick Query (AQQ) compliant.

CHAPTER 7

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Management'' for mine safety activities and legal services related to the Department of Labor's caseload before the Federal Mine Safety and Health Review Commission (''FMSHRC''), $18,200,000, which shall remain available for obligation through the date that is 12 months after the date of enactment of this Act: Provided, That the Secretary of Labor may transfer such sums as necessary to the ''Mine Safety and Health Administration'' for enforcement and mine safety activities, which may include conference litigation functions related to the FMSHRC caseload, investigation of the Upper Big Branch Mine disaster, standards and rulemaking activities, emergency response equipment purchases and upgrades, and organizational improvements: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of any transfer.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'' for necessary expenses for emergency relief and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $220,000,000, to remain available until expended: Provided, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, shall be merged with the appropriation to which transferred, and shall be available only for the purposes provided herein: Provided further, That none of the funds provided in this paragraph may be transferred prior to notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: Provided further, That funds appropriated in this paragraph may be used to reimburse agencies for obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds may be used for the non-Federal share of expenditures for medical assistance furnished under title XIX of the Social Security Act, and for child health assistance furnished under title XXI of such Act, that are related to earthquake response activities: Provided further, That funds may be used for services performed by the National Disaster Medical System in connection with such earthquake, for the return of evacuated Haitian citizens to Haiti, and for grants to States and other entities to reimburse payments made for otherwise uncompensated health and human services furnished in connection with individuals given permission by the United States Government to come from Haiti to the United States after such earthquake, and not eligible for assistance under such titles: Provided further, That the limitation in subsection (d) of section 1113 of the Social Security Act shall not apply with respect to any repatriation assistance provided in response to the Haiti earthquake of January 12, 2010: Provided further, That with respect to the previous proviso, such additional repatriation assistance shall only be available from the funds appropriated herein.

RELATED AGENCY

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For an additional amount for ''Federal Mine Safety and Health Review Commission, Salaries and Expenses''$3,800,000, to remain available for obligation for 12 months after enactment of this Act.

CHAPTER 8

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Joyce Murtha, widow of John P. Murtha, late a Representative from Pennsylvania, $174,000: Provided, That section 3002 shall not apply to this appropriation.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for ''Capitol Police, General Expenses'' to purchase and install the indoor coverage portion of the new radio system for the Capitol Police, $12,956,000, to remain available until September 30, 2012: Provided, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives.

CHAPTER 9

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $242,296,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $406,590,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Family Housing Operation and Maintenance, Air Force'', $7,953,000.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for ''Compensation and Pensions'', $13,377,189,000, to remain available until expended: Provided, That section 3002 shall not apply to the amount under this heading.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 901. (a) Of the amounts made available to the Department of Veterans Affairs under the ''Construction, Major Projects'' account, in fiscal year 2010 or previous fiscal years, up to $67,000,000 may be transferred to the ''Filipino Veterans Equity Compensation Fund'' account or may be retained in the ''Construction, Major Projects'' account and used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate: Provided, That any amount transferred from ''Construction, Major Projects'' shall be derived from unobligated balances that are a direct result of bid savings: Provided further, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(b) Section 3002 shall not apply to the amount in this section.

LIMITATION ON USE OF FUNDS AVAILABLE TO THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 902. The amount made available to the Department of Veterans Affairs by this chapter under the heading ''VETERANS BENEFITS ADMINISTRATION'' under the heading ''COMPENSATION AND PENSIONS'' may not be obligated or expended until the expiration of the period for Congressional disapproval under chapter 8 of title 5, United States Code (commonly referred to as the ''Congressional Review Act''), of the regulations prescribed by the Secretary of Veterans Affairs pursuant to section 1116 of title 38, United States Code, to establish a service connection between exposure of veterans to Agent Orange during service in the Republic of Vietnam during the Vietnam era and hairy cell leukemia and other chronic B cell leukemias, Parkinson's disease, and ischemic heart disease.

CHAPTER 10

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $1,261,000,000, to remain available until September 30, 2011: Provided, That the Secretary of State may transfer up to $149,500,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon concurrence of the head of such department or agency and after consultation with the Committees on Appropriations, to support operations in and assistance for Afghanistan and Pakistan and to carry out the provisions of the Foreign Assistance Act of 1961.

For an additional amount for ''Diplomatic and Consular Programs'' for necessary expenses for emergency relief, rehabilitation, and reconstruction support, and other expenses related to Haiti following the earthquake of January 12, 2010, $65,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That up to $3,700,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading ''Emergencies in the Diplomatic and Consular Service'': Provided further, That up to $290,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading ''Repatriation Loans Program Account''.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of operations and programs in Afghanistan, Pakistan, and Iraq, $3,600,000, to remain available until September 30, 2013.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'' for necessary expenses for emergency needs in Haiti following the earthquake of January 12, 2010, $79,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'' for

necessary expenses for emergency security related to Haiti following the earthquake of January 12, 2010, $96,500,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for necessary expenses for emergency broadcasting support and other expenses related to Haiti following the earthquake of January 12, 2010, $3,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of operations and programs in Afghanistan and Pakistan, $3,400,000, to remain available until September 30, 2013.

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $4,500,000, to remain available until September 30, 2012: Provided, That up to $1,500,000 of the funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'' for necessary expenses for pandemic preparedness and response, $45,000,000, to remain available until September 30, 2011.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'' for necessary expenses for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, $460,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Economic Support Fund'', $1,620,000,000, to remain available until September 30, 2012, of which not less than $1,309,000,000 shall be made available for assistance for Afghanistan and not less than $259,000,000 shall be made available for assistance for Pakistan: Provided, That funds appropriated under this heading in this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Afghanistan may be made available, after consultation with the Committees on Appropriations, for disarmament, demobilization and reintegration activities, subject to the requirements of section 904(e) in this chapter, and for a United States contribution to an internationally managed fund to support the reintegration into Afghan society of individuals who have renounced violence against the Government of Afghanistan.

For an additional amount for ''Economic Support Fund'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $770,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to $120,000,000 may be transferred to the Department of the Treasury for United States contributions to a multi-donor trust fund for reconstruction and recovery efforts in Haiti: Provided further, That of the funds appropriated in this paragraph, up to $10,000,000 may be transferred to, and merged with, funds made available under the heading ''United States Agency for International Development, Funds Appropriated to the President, Operating Expenses'' for administrative costs relating to the purposes provided herein and to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds appropriated in this paragraph may be transferred to, and merged with, funds available under the heading ''Development Credit Authority'' for the purposes provided herein: Provided further, That such transfer authority is in addition to any other transfer authority provided by this or any other Act: Provided further, That funds made available to the Comptroller General pursuant to title I, chapter 4 of Public Law 106–31, to monitor the provision of assistance to address the effects of hurricanes in Central America and the Caribbean, shall also be available to the Comptroller General to monitor relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and shall remain available until expended: Provided further, That funds appropriated in this paragraph may be made available to the United States Agency for International Development and the Department of State to reimburse any accounts for obligations incurred for the purpose provided herein prior to enactment of this Act.

For an additional amount for ''Economic Support Fund'' for necessary expenses for assistance for Jordan, $100,000,000, to remain available until September 30, 2012.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'' for necessary expenses for assistance for refugees and internally displaced persons, $165,000,000, to remain available until expended.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for ''International Affairs Technical Assistance'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $7,100,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to $60,000 may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $1,034,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated under this heading, not less than $650,000,000 shall be made available for assistance for Iraq of which $450,000,000 is for one-time start up costs and limited operational costs of the Iraqi police program, and $200,000,000 is for implementation, management, security, communications, and other expenses related to such program and may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the Government of Iraq supports and is cooperating with such program: Provided further, That funds appropriated in this chapter for assistance for Iraq shall not be subject to the limitation on assistance in section 7042(b)(1) of division F of Public Law 111–117: Provided further, That of the funds appropriated in this paragraph, not less than $169,000,000 shall be made available for assistance for Afghanistan and not less than $40,000,000 shall be made available for assistance for Pakistan: Provided further, That of the funds appropriated under this heading, $175,000,000 shall be made available for assistance for Mexico for judicial reform, institution building, anti-corruption, and rule of law activities, and shall be available subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

For an additional amount for ''International Narcotics Control and Law Enforcement'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $147,660,000, to remain available until September 30, 2012: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $100,000,000, to remain available until September 30, 2012, of which not less than $50,000,000 shall be made available for assistance for Pakistan and not less than $50,000,000 shall be made available for assistance for Jordan.

GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1001. Funds appropriated in this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

ALLOCATIONS

SEC. 1002. (a) Funds appropriated in this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

(1) ''Diplomatic and Consular Programs''.

(2) ''Economic Support Fund''.

(3) ''International Narcotics Control and Law Enforcement''.

(b) For the purposes of implementing this section, and only with respect to the tables included in the report accompanying this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose deviations to the amounts referred in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1003. (a) SPENDING PLANS.—Not later than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations detailing planned uses of funds appropriated in this chapter, except for funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance''.

(b) OBLIGATION REPORTS.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations not later than 90 days after

enactment of this Act, and every 180 days thereafter until September 30, 2012, on obligations, expenditures, and program outputs and outcomes.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except for funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance''.

AFGHANISTAN

SEC. 1004. (a) The terms and conditions of sections 1102(a), (b)(1), (c), and (d) of Public Law 111–32 shall apply to funds appropriated in this chapter that are available for assistance for Afghanistan.

(b) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' that are available for assistance for Afghanistan may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Afghan national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(c)(1) Funds appropriated in this chapter may be made available for assistance for the Government of Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Afghanistan is—

(A) cooperating with United States reconstruction and reform efforts;

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources; and

(C) respecting the internationally recognized human rights of Afghan women.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Afghan authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(d) Funds appropriated in this chapter and in prior Acts that are available for assistance for Afghanistan may be made available to support reconciliation with, or reintegration of, former combatants only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and women's internationally recognized human rights are protected in such process; and

(2) such funds will not be used to support any pardon, immunity from prosecution or amnesty, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or other violations of internationally recognized human rights.

(e) Funds appropriated in this chapter that are available for assistance for Afghanistan may be made available to support the work of the Independent Electoral Commission and the Electoral Complaints Commission in Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) the Independent Electoral Commission has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 elections for president in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by the President of Afghanistan; and

(2) the central Government of Afghanistan has taken steps to ensure that women are able to exercise their rights to political participation, whether as candidates or voters.

(f)(1) Not more than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a strategy to address the needs and protect the rights of Afghan women and girls, including planned expenditures of funds appropriated in this chapter, and detailed plans for implementing and monitoring such strategy.

(2) Such strategy shall be coordinated with and support the goals and objectives of the National Action Plan for Women of Afghanistan and the Afghan National Development Strategy and shall include a defined scope and methodology to measure the impact of such assistance.

(g)(1) Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and requirements for awarding task orders under task and delivery order contracts under section 303J of such Act (41 U.S.C. 253j), the Secretary of State may award task orders for police training in Afghanistan under current Department of State contracts for police training.

(2) Any task order awarded under paragraph (1) shall be for a limited term and shall remain in performance only until a successor contract or contracts awarded by the Department of Defense using full and open competition have entered into full performance after completion of any start-up or transition periods.

PAKISTAN

SEC. 1005. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Foreign Military Financing Program'' and ''Pakistan Counterinsurgency Capability Fund'' shall be made available—

(1) in a manner that promotes unimpeded access by humanitarian organizations to detainees, internally displaced persons, and other Pakistani civilians adversely affected by the conflict; and

(2) in accordance with section 620J of the Foreign Assistance Act of 1961, and the Secretary of State shall inform relevant Pakistani authorities of the requirements of section 620J and of its application, and regularly monitor units of Pakistani security forces that receive United States assistance and the performance of such units.

(b)(1) Of the funds appropriated in this chapter under the heading ''Economic Support Fund'' for assistance for Pakistan, $5,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations.

(2) Not later than 90 days after enactment of this Act and prior to the obligation of funds under this subsection, the Secretary of State shall submit to the Committees on Appropriations a human rights strategy in Pakistan including the proposed uses of funds.

(c) Of the funds appropriated in this chapter under the heading ''Economic Support Fund'' for assistance for Pakistan, up to $1,500,000 should be made available to the Department of State and the United States Agency for International Development for the lease of aircraft to implement programs and conduct oversight in northwestern Pakistan, which shall be coordinated under the authority of the United States Chief of Mission in Pakistan.

IRAQ

SEC. 1006. (a) The uses of aircraft in Iraq purchased or leased with funds made available under the headings ''International Narcotics Control and Law Enforcement'' and ''Diplomatic and Consular Affairs'' in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the United States Chief of Mission in Iraq.

(b) The terms and conditions of section 1106(b) of Public Law 111–32 shall apply to funds made available in this chapter for assistance for Iraq under the heading ''International Narcotics Control and Law Enforcement''.

(c) Of the funds appropriated in this chapter and in prior acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic and Consular Programs'' and ''Embassy Security, Construction, and Maintenance'' for Afghanistan, Pakistan and Iraq, up to $300,000,000 may, after consultation with the Committees on Appropriations, be transferred between, and merged with, such appropriations for activities related to security for civilian led operations in such countries.

HAITI

SEC. 1007. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' that are available for assistance for Haiti may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Haitian national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(b)(1) Funds appropriated in this chapter under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' may be made available for assistance for the Government of Haiti only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Haiti is—

(A) cooperating with United States reconstruction and reform efforts; and

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for making such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Haitian authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(c)(1) Funds appropriated in this chapter for bilateral assistance for Haiti may be provided as direct budget support to the central Government of Haiti only if the Secretary of State reports to the Committees on Appropriations that the Government of the United States and the Government of Haiti have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended.

(2) The Secretary should suspend any such direct budget support to an implementing agency

if the Secretary has credible evidence of misuse of such funds by any such agency.

(3) Any such direct budget support shall be subject to prior consultation with the Committees on Appropriations.

(d) Funds appropriated in this chapter that are made available for assistance for Haiti shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation and leadership of Haitian women and directly improves the security, economic and social well-being, and political status of Haitian women and girls.

(e) Funds appropriated in this chapter may be made available for assistance for Haiti notwithstanding any other provision of law, except for section 620J of the Foreign Assistance Act of 1961 and provisions of this chapter.

HAITI DEBT RELIEF

SEC. 1008. (a) For an additional amount for ''Contribution to the Inter-American Development Bank'', ''Contribution to the International Development Association'', and ''Contribution to the International Fund for Agricultural Development'', to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank, to the extent separately authorized in this chapter, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, a total of $212,000,000, to remain available until September 30, 2012.

(b) Up to $40,000,000 of the amounts appropriated under the heading ''Department of the Treasury, Debt Restructuring'' in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, to the Inter-American Development Bank, the International Development Association, and the International Fund for Agricultural Development, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of providing debt relief to Haiti in view of the Cancun Declaration of March 21, 2010.

HAITI DEBT RELIEF AUTHORITY

SEC. 1009. The Inter-American Development Bank Act, Public Law 86–147, as amended (22 U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

''SEC. 40. AUTHORITY TO VOTE FOR AND CONTRIBUTE TO AN INCREASE IN RESOURCES OF THE FUND FOR SPECIAL OPERATIONS; PROVIDING DEBT RELIEF TO HAITI.

''(a) VOTE AUTHORIZED.—In accordance with section 5 of this Act, the United States Governor of the Bank is authorized to vote in favor of a resolution to increase the resources of the Fund for Special Operations up to $479,000,000, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, which provides that:

''(1) Haiti's debts to the Fund for Special Operations are to be cancelled;

''(2) Haiti's remaining local currency conversion obligations to the Fund for Special Operations are to be cancelled;

''(3) undisbursed balances of existing loans of the Fund for Special Operations to Haiti are to be converted to grants; and

''(4) the Fund for Special Operations is to make available significant and immediate grant financing to Haiti as well as appropriate resources to other countries remaining as borrowers within the Fund for Special Operations, consistent with paragraph 6 of the Cancun Declaration of March 21, 2010.

''(b) CONTRIBUTION AUTHORITY.—To the extent and in the amount provided in advance in appropriations Acts the United States Governor of the Bank may, on behalf of the United States and in accordance with section 5 of this Act, contribute up to $252,000,000 to the Fund for Special Operations, which will provide for debt relief of:

''(1) up to $240,000,000 to the Fund for Special Operations;

''(2) up to $8,000,000 to the International Fund For Agricultural Development (IFAD); and

''(3) up to $4,000,000 for the International Development Association (IDA).

''(c) AUTHORIZATION OF APPROPRIATIONS.—To pay for the contribution authorized under subsection (b), there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury $212,000,000, for the United States contribution to the Fund for Special Operations.''.

MEXICO

SEC. 1010. (a) For purposes of funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''International Narcotics Control and Law Enforcement'' that are made available for assistance for Mexico, the provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply and the report required in paragraph (1) shall be based on a determination by the Secretary of State of compliance with each of the requirements in paragraph (1)(A) through (D).

(b) Funds appropriated in this chapter under the heading ''International Narcotics Control and Law Enforcement'' that are available for assistance for Mexico may be made available only after the Secretary of State submits a report to the Committees on Appropriations detailing a coordinated, multi-year, interagency strategy to address the causes of drug-related violence and other organized criminal activity in Central and South America, Mexico, and the Caribbean, which shall describe—

(1) the United States multi-year strategy for the region, including a description of key challenges in the source, transit, and demand zones; the key objectives of the strategy; and a detailed description of outcome indicators for measuring progress toward such objectives;

(2) the integration of diplomatic, administration of justice, law enforcement, civil society, economic development, demand reduction, and other assistance to achieve such objectives;

(3) progress in phasing out law enforcement activities of the militaries of each recipient country, as applicable; and

(4) governmental efforts to investigate and prosecute violations of internationally recognized human rights.

(c) Of the funds appropriated in this chapter under the heading ''Diplomatic and Consular Programs'', up to $5,000,000 may be made available for armored vehicles and other emergency diplomatic security support for United States Government personnel in Mexico.

EL SALVADOR

SEC. 1011. Of the funds appropriated in this chapter under the heading ''Economic Support Fund'', $25,000,000 shall be made available for necessary expenses for emergency relief and reconstruction assistance for El Salvador related to Hurricane/Tropical Storm Ida.

DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 1012. Of the funds appropriated in this chapter under the heading ''Economic Support Fund'', $15,000,000 shall be made available for necessary expenses for emergency security and humanitarian assistance for civilians, particularly women and girls, in the eastern region of the Democratic Republic of the Congo.

INTERNATIONAL SCIENTIFIC COOPERATION

SEC. 1013. Funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for science and technology centers in the former Soviet Union may be used to support productive, non-military projects that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, provided such projects are executed through existing science and technology centers and notwithstanding sections 503 and 504 of the FREEDOM Support Act (Public Law 102–511), and following consultation with the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

INTERNATIONAL RENEWABLE ENERGY AGENCY

SEC. 1014. For fiscal year 2011 and thereafter, the President is authorized to accept the statute of, and to maintain membership of the United States in, the International Renewable Energy Agency, and the United States' assessed contributions to maintain such membership may be paid from funds appropriated for ''Contributions to International Organizations''.

OFFICE OF INSPECTOR GENERAL PERSONNEL

SEC. 1015. (a) Funds appropriated in this chapter for the United States Agency for International Development Office of Inspector General (OIG) may be made available to contract with United States citizens for personal services when the Inspector General determines that the personnel resources of the OIG are otherwise insufficient.

(1) Not more than 5 percent of the OIG personnel (determined on a full-time equivalent basis), as of any given date, are serving under personal services contracts.

(2) Contracts under this paragraph shall not exceed a term of 2 years unless the Inspector General determines that exceptional circumstances justify an extension of up to 1 additional year, and contractors under this paragraph shall not be considered employees of the Federal Government for purposes of title 5, United States Code, or members of the Foreign Service for purposes of title 22, United States Code.

(b)(1) The Inspector General may waive subsections (a) through (d) of section 8344, and subsections (a) through (e) of section 8468 of title 5, United States Code, and subsections (a) through (d) of section 4064 of title 22, United States Code, on behalf of any re-employed annuitant serving in a position within the OIG to facilitate the assignment of persons to positions in Iraq, Pakistan, Afghanistan, and Haiti or to positions vacated by members of the Foreign Service assigned to those countries.

(2) The authority provided in paragraph (1) shall be exercised on a case-by-case basis for positions for which there is difficulty recruiting or retaining a qualified employee or to address a temporary emergency hiring need, individuals employed by the OIG under this paragraph shall not be considered employees for purposes of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title, and the authorities of the Inspector General under this paragraph shall terminate on October 1, 2012.

AUTHORITY TO REPROGRAM FUNDS

SEC. 1016. Of the funds appropriated by this chapter for assistance for Afghanistan, Iraq and Pakistan, up to $100,000,000 may be made available pursuant to the authority of section 451 of the Foreign Assistance Act of 1961, as amended, for assistance in the Middle East and South Asia regions if the President finds, in addition to the requirements of section 451 and certifies and reports to the Committees on Appropriations, that exercising the authority of this section is necessary to protect the national security interests of the United States: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the reprogramming of such funds, which shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the funding limitation otherwise applicable to section 451 of the Foreign Assistance

Act of 1961 shall not apply to this section: Provided further, That the authority of this section shall expire upon enactment of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011.

SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION

(INCLUDING RESCISSION)

SEC. 1017. (a) Of the funds appropriated under the heading ''Department of State, Administration of Foreign Affairs, Office of Inspector General'' and authorized to be transferred to the Special Inspector General for Afghanistan Reconstruction in title XI of Public Law 111–32, $7,200,000 are rescinded.

(b) For an additional amount for ''Department of State, Administration of Foreign Affairs, Office of Inspector General'' which shall be available for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight in Afghanistan, $7,200,000, and shall remain available until September 30, 2011.

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

Of the amounts provided for Safety Belt Performance Grants in Public Law 111–117, $15,000,000 shall be available to pay for expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, and for the planning or execution of programs authorized under section 403 of title 23, United States Code: Provided, That such funds shall be available until September 30, 2011, and shall be in addition to the amount of any limitation imposed on obligations in fiscal year 2011.

Of the amounts made available for Safety Belt Performance Grants under section 406 of title 23, United States Code, $25,000,000 in unobligated balances are permanently rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM

(RESCISSION)

Of the amounts made available for the Consumer Assistance to Recycle and Save Program, $44,000,000 in unobligated balances are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by severe storms and flooding from March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): Provided, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Economic Development Assistance Programs'', to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $5,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Operations, Research, and Facilities'', $13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: Provided, That the amounts appropriated herein are not available unless the Secretary of Commerce determines that resources provided under other authorities and appropriations including by the responsible parties under the Oil Pollution Act, 33 U.S.C. 2701, et seq., are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Operations, Research, and Facilities'', for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $2,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Office of the Secretary, Salaries and Expenses'' for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, $29,000,000, to remain available until expended: Provided, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for ''Science and Technology'' for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, $2,000,000, to remain available until expended: Provided, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: Provided further, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

GENERAL PROVISION—THIS TITLE

DEEPWATER HORIZON

SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting '': (1)'' before ''may obtain an advance'' and after ''the Coast Guard'';

(2) by striking ''advance. Amounts'' and inserting the following: ''advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of $100,000,000 for each advance, the total amount

of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts''.

PROHIBITION ON FINES AND LIABILITY

SEC. 2002. None of the funds made available by this Act shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled ''Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule'' (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled ''Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program'' signed by the Administrator on April 22, 2010.

RIGHT-OF-WAY

SEC. 2003. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) not later than 30 days after the date of enactment of this Act, amend Right-of-Way Grants No. NVN–49781/IDI–26446/NVN–85211/NVN–85210 of the Bureau of Land Management to shift the 200-foot right-of-way for the 500-kilovolt transmission line project to the alignment depicted on the maps entitled ''Southwest Intertie Project'' and dated December 10, 2009, and May 21, 2010, and approve the construction, operation and maintenance plans of the project; and

(2) not later than 90 days after the date of enactment of this Act, issue a notice to proceed with construction of the project in accordance with the amended grants and approved plans described in paragraph (1).

(b) Notwithstanding any other provision of law, the Secretary of Energy may provide or facilitate federal financing for the project described in subsection (a) under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) or the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), based on the comprehensive reviews and consultations performed by the Secretary of the Interior.

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2004. (1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $15,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $10,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, $1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

(4) IN GENERAL.—Of the amounts appropriated or made available under division B, title I of Public Law 111–117 that remain unobligated as of the date of the enactment of this Act under Procurement, Acquisition, and Construction for the National Oceanic and Atmospheric Administration, $26,000,000 of the amounts appropriated are hereby rescinded.

TITLE III

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 3001 No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 3002. Unless otherwise specified, each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 3003. (a) Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. §§1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

(b) Section 3002 shall not apply to this section.

SEC. 3004. (a) Public Law 111–88, the Interior, Environment, and Related Agencies Appropriations Act, 2010, is amended under the heading ''Office of the Special Trustee for American Indians'' by—

(1) striking ''$185,984,000'' and inserting ''$176,984,000''; and

(2) striking ''$56,536,000'' and inserting ''$47,536,000''.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 3005. Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking ''2008'' and inserting ''2011''.

SEC. 3006. For fiscal years 2010 and 2011—

(1) the National Park Service Recreation Fee Program account may be available for the cost of adjustments and changes within the original scope of contracts for National Park Service projects funded by Public Law 111–5 and for associated administrative costs when no funds are otherwise available for such purposes;

(2) notwithstanding section 430 of division E of Public Law 111–8 and section 444 of Public Law 111–88, the Secretary of the Interior may utilize unobligated balances for adjustments and changes within the original scope of projects funded through division A, title VII, of Public Law 111–5 and for associated administrative costs when no funds are otherwise available;

(3) the Secretary of the Interior shall ensure that any unobligated balances utilized pursuant to paragraph (2) shall be derived from the bureau and account for which the project was funded in Public Law 111–5; and

(4) the Secretary of the Interior shall consult with the Committees on Appropriations prior to making any charges authorized by this section.

SEC. 3007. (a) Section 205(d) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2304(d)) is amended by striking ''10 years'' and inserting ''11 years''.

(b) Section 3002 shall not apply to this section.

SEC. 3008. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to Genesee County, Michigan for assistance for individuals transitioning from prison in Genesee County, Michigan pursuant to the joint statement of managers accompanying that Act may be made available to My Brother's Keeper of Genesee County, Michigan to provide assistance for individuals transitioning from prison in Genesee County, Michigan.

SEC. 3009. Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010 (49 U.S.C. 24305 note) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) requiring inspections of any container containing a firearm or ammunition; and

''(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.''.

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3010. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110–417; 41 U.S.C. 417b(e)(1)) is amended by adding at the end the following: ''In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website.''.

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3011. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492; and

(2) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

SEC. 3012. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to the Marcus Institute, Atlanta,

Georgia, to provide remediation for the potential consequences of childhood abuse and neglect, pursuant to the joint statement of managers accompanying that Act, may be made available to the Georgia State University Center for Healthy Development, Atlanta, Georgia.

COASTAL IMPACT ASSISTANCE

SEC. 3013. Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended by adding at the end the following:

''(e) EMERGENCY FUNDING.—

''(1) IN GENERAL.—In response to a spill of national significance under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), at the request of a producing State or coastal political subdivision and notwithstanding the requirements of part 12 of title 43, Code of Federal Regulations (or a successor regulation), the Secretary may immediately disburse funds allocated under this section for 1 or more individual projects that are—

''(A) consistent with subsection (d); and

''(B) specifically designed to respond to the spill of national significance.

''(2) APPROVAL BY SECRETARY.—The Secretary may, in the sole discretion of the Secretary, approve, on a project by project basis, the immediate disbursal of the funds under paragraph (1).

''(3) STATE REQUIREMENTS.—

''(A) ADDITIONAL INFORMATION.—If the Secretary approves a project for funding under this subsection that is included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary any additional information that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

''(B) AMENDMENT TO PLAN.—If the Secretary approves a project for funding under this subsection that is not included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary for approval an amendment to the plan that includes any projects funded under paragraph (1), as well as any information about such projects that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

''(C) LIMITATION.—If a producing State or coastal political subdivision does not submit the additional information or amendments to the plan required by this paragraph, or if, based on the information submitted by the Secretary determines that the project is not in compliance with subsection (d), by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to the plan has been approved by the Secretary.''.

This Act may be cited as the ''Supplemental Appropriations Act, 2010''.

Amend the title so as to read: ''Making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.''.

On motion of Mr. OBEY, pursuant to House Resolution 1500, said amendments of the Senate were agreed to with each of the following five amendments to the amendment of the Senate to the text, printed in House Report 111-522:

In the matter proposed to be inserted by the Senate amendment to the text of the bill, insert before the short title at the end the following:

TITLE V—OTHER PROVISIONS

Subtitle A—Settlements and Other Program Provisions

SEC. 5001. APPROPRIATION OF FUNDS FOR FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION.

(a) DEFINITIONS.—In this section:

(1) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the settlement agreement dated February 18, 2010 (including any modifications agreed to by the parties and approved by the court under that agreement) between certain plaintiffs, by and through their counsel, and the Secretary of Agriculture to resolve, fully and forever, the claims raised or that could have been raised in the cases consolidated in *In re Black Farmers Discrimination Litigation*, No. 08–511 (D.D.C.), including Pigford claims asserted under section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209).

(2) PIGFORD CLAIM.—The term ''Pigford claim'' has the meaning given that term in section 14012(a)(3) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2210).

(b) APPROPRIATION OF FUNDS.—There is hereby appropriated to the Secretary of Agriculture $1,150,000,000, to remain available until expended, to carry out the terms of the Settlement Agreement if the Settlement Agreement is approved by a court order that is or becomes final and nonappealable. The funds appropriated by this subsection are in addition to the $100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2212) and shall be available for obligation only after those Commodity Credit Corporation funds are fully obligated. If the Settlement Agreement is not approved as provided in this subsection, the $100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 shall be the sole funding available for Pigford claims.

(c) USE OF FUNDS.—The use of the funds appropriated by subsection (b) shall be subject to the express terms of the Settlement Agreement.

(d) TREATMENT OF REMAINING FUNDS.—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the Settlement Agreement, the Secretary of Agriculture shall return the unused funds to the Treasury and may not make the unused funds available for any purpose related to section 14012 of the Food, Conservation, and Energy Act of 2008, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08–511 (D.D.C.), or for any other purpose.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into the Settlement Agreement or any other settlement agreement. Nothing in this section shall be construed as creating the basis for a Pigford claim.

(f) CONFORMING AMENDMENTS.—Section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209) is amended—

(1) in subsection (c)(1)—

(A) by striking ''subsection (h)'' and inserting ''subsection (g)''; and

(B) by striking ''subsection (i)'' and inserting ''subsection (h)'';

(2) by striking subsection (e);

(3) in subsection (g), by striking ''subsection (f)'' and inserting ''subsection (e)'';

(4) in subsection (i)—

(A) by striking ''(1) IN GENERAL.—Of the funds'' and inserting ''Of the funds''; and

(B) by striking paragraph (2);

(5) by striking subsection (j); and

(6) by redesignating subsections (f), (g), (h), (i), and (k) as subsections (e), (f), (g), (h), and (i), respectively.

SEC. 5002. EMPLOYMENT FOR YOUTH.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Department of Labor—Employment and Training Administration—Training and Employment Services'' for activities under the Workforce Investment Act of 1998 (''WIA''), $1,000,000,000 shall be available for obligation on the date of enactment of this Act for grants to States for youth activities, including employment for youth: *Provided*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed $1,000,000,000: *Provided further*, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting ''age 24'' for ''age 21'': *Provided further*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of employment for youth provided with such funds: *Provided further*, That an amount that is not more than 1 percent of such amount may be used for the administration, management, and oversight of the programs, activities, and grants carried out with such funds, including the evaluation of the use of such funds: *Provided further*, That funds available under the preceding proviso, together with funds described in section 801(a) of division A of the American Recovery and reinvestment Act of 2009 (Public Law 111–5), and funds provided in such Act under the heading ''Department of Labor–Departmental Management–Salaries and Expenses'', shall remain available for obligation through September 30, 2011.

SEC. 5003. THE INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT ACT OF 2010.

(a) SHORT TITLE.—This section may be cited as the ''Individual Indian Money Account Litigation Settlement Act of 2010''.

(b) DEFINITIONS.—In this section:

(1) AMENDED COMPLAINT.—The term ''Amended Complaint'' means the Amended Complaint attached to the Settlement.

(2) LAND CONSOLIDATION PROGRAM.—The term ''Land Consolidation Program'' means a program conducted in accordance with the Settlement and the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) under which the Secretary may purchase fractional interests in trust or restricted land.

(3) LITIGATION.—The term ''Litigation'' means the case entitled Elouise Cobell et al. v. Ken Salazar et al., United States District Court, District of Columbia, Civil Action No. 96–1285 (JR).

(4) PLAINTIFF.—The term ''Plaintiff'' means a member of any class certified in the Litigation.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) SETTLEMENT.—The term ''Settlement'' means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation, as modified by the parties to the Litigation.

(7) TRUST ADMINISTRATION CLASS.—The term ''Trust Administration Class'' means the Trust Administration Class as defined in the Settlement.

(c) PURPOSE.—The purpose of this section is to authorize the Settlement.

(d) AUTHORIZATION.—The Settlement is authorized, ratified, and confirmed.

(e) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation of jurisdiction of district courts contained in section 1346(a)(2) of title 28, United States Code, the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under subparagraph (A), the Trust Administration Class shall be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

(f) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the ''Trust Land Consolidation Fund''.

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program; and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval (as defined in the Settlement) of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund $2,000,000,000 of the amounts appropriated by section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be considered to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than $60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph 2.

(2) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On the final approval (as defined in the Settlement) of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the ''Indian Education Scholarship Holding Fund''.

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(3) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(4) TREATMENT OF UNLOCATABLE PLAINTIFFS.—A Plaintiff the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5 year period beginning on the date of final approval (as defined in the Settlement) of the Settlement shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(g) TAXATION AND OTHER BENEFITS.—

(1) INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement—

(A) shall not be included in gross income; and

(B) shall not be taken into consideration for purposes of applying any provision of the Internal Revenue Code of 1986 that takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) OTHER BENEFITS.—Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource.

SEC. 5004. EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED SURFACE TRANSPORTATION PROGRAMS.

(a) MODIFICATION OF ALLOCATION RULES.—Section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 80) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''1301, 1302,''; and

(ii) by striking ''1198, 1204,''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''1301, 1302,''; and

(ii) by striking ''1198, 1204,''; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)''; and

(3) by adding at the end the following:

''(5) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAMS.—

''(A) REDISTRIBUTION AMONG STATES.—Notwithstanding sections 1301(m) and 1302(e) of SAFETEA–LU (119 Stat. 1202 and 1205), the Secretary shall apportion funds authorized to be appropriated under subsection (b) for the projects of national and regional significance program and the national corridor infrastructure improvement program among all States such that each State's share of the funds so apportioned is equal to the State's share for fiscal year 2009 of funds apportioned or allocated for the programs specified in section 105(a)(2) of title 23, United States Code.

''(B) DISTRIBUTION AMONG PROGRAMS.—Funds apportioned to a State pursuant to subparagraph (A) shall be—

''(i) made available to the State for the programs specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program), and in the same proportion for each such program that—

''(I) the amount apportioned to the State for that program for fiscal year 2009; bears to

''(II) the amount apportioned to the State for fiscal year 2009 for all such programs; and

''(ii) administered in the same manner and with the same period of availability as funding is administered under programs identified in clause (i).''.

(b) EXPENDITURE AUTHORITY FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended by striking ''Surface Transportation Extension Act of 2010'' and inserting ''Supplemental Appropriations Act, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 78 et seq.) and shall be treated as being included in that Act at the time of the enactment of that Act.

(d) SAVINGS CLAUSE.—

(1) IN GENERAL.—For fiscal year 2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010, the amount of funds apportioned to each State under section 411(d) of the Surface Transportation Extension Act of 2010 (Public Law 111–147) that is determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out the projects of national and regional significance program and national corridor infrastructure improvement program shall be the greater of—

(A) the amount that the State was authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program according to the provisions of that Act, as in effect on the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive under section 411(d) of the Surface Transportation Extension Act of 2010 with respect to each such program pursuant to the provisions of that Act, as amended by the amendments made by this section.

(2) OBLIGATION AUTHORITY.—For fiscal year 2010, the amount of obligation authority distributed to each State shall be the greater of—

(A) the amount that the State was authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the day before the date of enactment of this Act; or

(B) the amount that the State is authorized to receive pursuant to section 120(a)(4)(A) (as it pertains to the Appalachian Development Highway System program) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117) and sections 120(a)(4)(B) and 120(a)(6) of such title, as of the date of enactment of this Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary to carry out this subsection.

(4) INCREASE IN OBLIGATION LIMITATION.—The limitation under the heading ''Federal-aid Highways (Limitation on Obligations) (Highway Trust Fund)'' in Public Law 111–117 is increased by such sums as may be necessary to carry out this subsection.

(5) CONTRACT AUTHORITY.—Funds made available to carry out this subsection shall be available for obligation and administered

in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(6) AMOUNTS.—The dollar amount specified in section 105(d)(1) of title 23, United States Code, the dollar amount specified in section 120(a)(4)(B) of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117), and the dollar amount specified in section 120(b)(10) of such title shall each be increased as necessary to carry out this subsection.

Subtitle B—Revenue Provisions

SEC. 5101. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) IN GENERAL.—Subsection (b) of section 2702 of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (1), (2) and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right,

(2) by striking ''For purposes of'' and inserting the following:

''(1) IN GENERAL.—For purposes of'', and

(3) by striking ''paragraph (1) or (2)'' in paragraph (1)(C) (as so redesignated) and inserting ''subparagraph (A) or (B)'', and

(4) by adding at the end the following new paragraph:

''(2) ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

''(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

''(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

''(C) the remainder interest has a value greater than zero determined as of the time of the transfer.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

SEC. 5102. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Clause (iii) of section 40(b)(6)(E) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or'' at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting '', or'',

(3) by adding at the end the following new subclause:

''(III) such fuel has an acid number greater than 25.'', and

(4) by striking ''UNPROCESSED'' in the heading and inserting ''CERTAIN''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 5103. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 5.25 percentage points.

Subtitle C—Budgetary Provisions

SEC. 5201. BUDGETARY PROVISIONS.

(a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) EXCLUSION FROM PAYGO.—

(1) Savings in this Act that would be subject to inclusion in the Statutory Pay-As-You-Go scorecards are providing an offset to increased discretionary spending. As such, they should not be available on the scorecards maintained by the Office of Management and Budget to provide offsets for future legislation.

(2) The Director of the Office of Management and Budget shall not include any net savings resulting from the changes in direct spending or revenues contained in this Act on the scorecards required to be maintained by OMB under the Statutory Pay-As-You-Go Act of 2010.

Page 90, after line 18, insert the following:

TITLE IV

CHAPTER 1

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Subject to section 502 of the Congressional Budget Act of 1974, commitments to guarantee loans under title XVII of the Energy Policy Act of 2005, shall not exceed a total principal amount of $18,000,000,000 for eligible projects, to remain available until committed, of which $9,000,000,000 shall be for nuclear power facilities and $9,000,000,000 shall be for renewable energy system and efficient end-use energy technology projects: *Provided*, That these amounts are in addition to authorities provided in any other Act: *Provided further*, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That none of the loan guarantee authority made available in this paragraph shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority in this paragraph for commitments to guarantee loans for projects as a result of such projects benefitting from (1) otherwise allowable Federal income tax benefits; (2) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (A) paid exclusively in cash, (B) deposited in the Treasury as offsetting receipts, and (C) equal to the fair market value as determined by the head of the relevant Federal agency; (3) Federal insurance programs, including under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210; commonly known as the ''Price-Anderson Act''); or (4) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available in this paragraph shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this paragraph: *Provided further*, That none of the loan guarantee authority made available in this paragraph may be used to make a final or conditional loan guarantee award unless the Secretary of Energy provides notification of the award, including the proposed subsidy cost, to the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of such award: *Provided further*, That section 3002 shall not apply to the amounts under this heading.

DEPARTMENTAL ADMINISTRATION

For necessary expenses of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling established by, and in order to carry out activities under, Executive Order 13543, $12,000,000, to remain available until September 30, 2011: *Provided*, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $356,900,000, to remain available until September 30, 2012, of which $78,000,000 shall be for costs to maintain U.S. Customs and Border Protection Officer staffing on the Southwest Border of the United States, $58,000,000 shall be for hiring additional U.S. Customs and Border Protection Officers for deployment at ports of entry on the Southwest Border of the United States, $208,400,000 shall be for hiring additional Border Patrol agents for deployment to the Southwest Border of the United States, $2,500,000 shall be for forward operating bases on the Southwest Border of the United States, and $10,000,000 shall be to support integrity and background investigation programs.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For an additional amount for ''Border Security Fencing, Infrastructure, and Technology,'' $14,000,000, to remain available until September 30, 2011, for costs of designing, building, and deploying tactical communications for support of enforcement activities on the Southwest Border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for ''Air and Marine Interdiction, Operations, Maintenance, and Procurement'', $32,000,000, to remain available until September 30, 2012, for costs of acquisition and deployment of unmanned aircraft systems.

CONSTRUCTION AND FACILITIES MANAGEMENT

For an additional amount for ''Construction and Facilities Management'', $9,000,000, to remain available until September 30, 2011, for costs to construct up to three forward operating bases for use by the Border Patrol to carry out enforcement activities on the Southwest Border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for 'Salaries and Expenses', $30,000,000, to remain available until September 30, 2011, for law enforcement activities targeted at reducing the threat of violence along the Southwest Border of the United States.

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AND LOCAL PROGRAMS

For an additional amount for ''State and Local Programs'', $50,000,000 to remain available until September 30, 2011, for Operation Stonegarden.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $8,100,000, to remain available until September 30, 2011, for costs to provide basic training for new U.S. Customs and Border Protection Officers and Border Patrol agents.

DEPARTMENT OF EDUCATION

EDUCATION JOBS FUND

For necessary expenses for an Education Jobs Fund, $10,000,000,000: *Provided*, That section 3002 shall not apply to $1,300,000,000 of the amount under this heading: *Provided further*, That the amount under this heading shall be administered under the terms and conditions of sections 14001 through 14013 and title XV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) except as follows:

(1) ALLOCATION OF FUNDS.—

(A) Funds appropriated under this heading shall be available only for allocation by the Secretary of Education (in this heading referred to as the ''Secretary'') in accordance with subsections (a), (b), (d), (e), and (f) of section 14001 of division A of Public Law 111–5 and subparagraph (B) of this paragraph, except that the amount reserved under such subsection (b) shall not exceed $1,000,000 and such subsection (f) shall be applied by substituting ''one year'' for ''two years''.

(B) Prior to allocating funds to States under section 14001(d) of division A of Public Law 111–5, the Secretary shall allocate 0.5 percent to the Secretary of the Interior for schools operated or funded by the Bureau of Indian Affairs on the basis of the schools' respective needs for activities consistent with this heading under such terms and conditions as the Secretary of the Interior may determine.

(2) RESERVATION.—A State that receives an allocation of funds appropriated under this heading may reserve not more than 2 percent for the administrative costs of carrying out its responsibilities with respect to those funds.

(3) AWARDS TO LOCAL EDUCATIONAL AGENCIES.—

(A) Except as specified in paragraph (2), an allocation of funds to a State shall be used only for awards to local educational agencies for the support of elementary and secondary education in accordance with paragraph (5) for the 2010–2011 school year (or, in the case of reallocations made under section 14001(f) of division A of Public Law 111–5, for the 2010–2011 or the 2011–2012 school year).

(B) Funds used to support elementary and secondary education shall be distributed through a State's primary elementary and secondary funding formulae or based on local educational agencies' relative shares of funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent fiscal year for which data are available.

(C) Subsections (a) and (b) of section 14002 of division A of Public Law 111–5 shall not apply to funds appropriated under this heading.

(4) COMPLIANCE WITH EDUCATION REFORM ASSURANCES.—For purposes of awarding funds appropriated under this heading, any State that has an approved application for Phase II of the State Fiscal Stabilization Fund that was submitted in accordance with the application notice published in the Federal Register on November 17, 2009 (74 Fed. Reg. 59142) shall be deemed to be in compliance with subsection (b) and paragraphs (2) through (5) of subsection (d) of section 14005 of division A of Public Law 111–5.

(5) REQUIREMENT TO USE FUNDS TO RETAIN OR CREATE EDUCATION JOBS.—Notwithstanding section 14003(a) of division A of Public Law 111–5, funds awarded to local educational agencies under paragraph (3)—

(A) may be used only for compensation and benefits and other expenses, such as support services, necessary to retain existing employees, to recall or rehire former employees, and to hire new employees, in order to provide early childhood, elementary, or secondary educational and related services; and

(B) may not be used for ''general administrative expenses'' or for ''other support services expenditures'' as those terms were defined by the National Center for Education Statistics in its Common Core of Data as of the date of enactment of this Act.

(6) PROHIBITION ON USE OF FUNDS FOR RAINY-DAY FUNDS OR DEBT RETIREMENT.—A State that receives an allocation may not use such funds, directly or indirectly, to—

(A) establish, restore, or supplement a rainy-day fund;

(B) supplant State funds in a manner that has the effect of establishing, restoring, or supplementing a rainy-day fund;

(C) reduce or retire debt obligations incurred by the State; or

(D) supplant State funds in a manner that has the effect of reducing or retiring debt obligations incurred by the State.

(7) DEADLINE FOR AWARD.—The Secretary shall award funds appropriated under this heading not later than 45 days after the date of the enactment of this Act to States that have submitted applications meeting the requirements applicable to funds under this heading. The Secretary shall not require information in applications beyond what is necessary to determine compliance with applicable provisions of law.

(8) ALTERNATE DISTRIBUTION OF FUNDS.—If, within 30 days after the date of the enactment of this Act, a Governor has not submitted an approvable application, the Secretary shall provide for funds allocated to that State to be distributed to another entity or other entities in the State (notwithstanding section 14001(e) of division A of Public Law 111–5) for support of elementary and secondary education, under such terms and conditions as the Secretary may establish, provided that all terms and conditions that apply to funds appropriated under this heading shall apply to such funds distributed to such entity or entities. No distribution shall be made to a State under this paragraph, however, unless the Secretary has determined (on the basis of such information as may be available) that the requirements of clauses (i), (ii), or (iii) of paragraph 10(A) are likely to be met, notwithstanding the lack of an application from the Governor of that State.

(9) LOCAL EDUCATIONAL AGENCY APPLICATION.—Section 442 of the General Education Provisions Act shall not apply to a local educational agency that has previously submitted an application to the State under title XIV of division A of Public Law 111–5. The assurances provided under that application shall continue to apply to funds awarded under this heading.

(10) MAINTENANCE OF EFFORT.—

(A) Except as provided in paragraph (8), the Secretary shall not allocate funds to a State under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that—

(i) for State fiscal year 2011, the State will maintain State support for elementary and secondary education (in the aggregate or on the basis of expenditures per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories, respectively, for State fiscal year 2009;

(ii) for State fiscal year 2011, the State will maintain State support for elementary and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for each of the two categories, respectively, for State fiscal year 2010; or

(iii) in the case of a State in which State tax collections for calendar year 2009 were less than State tax collections for calendar year 2006, for State fiscal year 2011 the State will maintain State support for elementary and secondary education (in the aggregate) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students)—

(I) at not less than the level of such support for each of the two categories, respectively, for State fiscal year 2006; or

(II) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for each of the two categories, respectively, for State fiscal year 2006.

(B) Section 14005(d)(1) and subsections (a) through (c) of section 14012 of division A of Public Law 111–5 shall not apply to funds appropriated under this heading.

(11) ADDITIONAL REQUIREMENTS FOR THE STATE OF TEXAS.—The following requirements shall apply to the State of Texas:

(A) Notwithstanding paragraph (3)(B), funds used to support elementary and secondary education shall be distributed based on local educational agencies' relative shares of funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent fiscal year which data are available. Funds distributed pursuant to this paragraph shall be used to supplement and not supplant State formula funding that is distributed on a similar basis to part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

(B) The Secretary shall not allocate funds to the State of Texas under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that the State will for fiscal years 2011, 2012, and 2013 maintain State support for elementary and secondary education at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for such purpose for fiscal year 2011 prior to the enactment of this Act.

(C) Notwithstanding paragraph (8), no distribution shall be made to the State of Texas or local education agencies therein unless the Governor of Texas makes an assurance to the Secretary that the requirements in paragraphs (11)(A) and (11)(B) will be met, notwithstanding the lack of an application from the Governor of Texas.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for ''Student Financial Assistance'', $4,950,000,000, to remain available through September 30, 2011, to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965: *Provided*, That section 3002 shall not apply to the amount under this heading.

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $16,500,000, to remain available until September 30, 2011, for a soldier readiness processing center: *Provided*,

That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That section 3002 shall not apply to the amount under this heading.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4101. For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $50,000,000: *Provided*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4102. There is rescinded from accounts under the heading ''Department of Agriculture—Natural Resources Conservation Service'', $69,900,000, to be derived from the unobligated balances of funds that were provided for such accounts in prior appropriation Acts (other than Public Law 111–5) and that were designated by the Congress in such Acts as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(RESCISSION)

SEC. 4103. There is rescinded from accounts under the heading ''Department of Agriculture—Rural Development'', $122,000,000, to be derived from the unobligated balances of funds that were provided for such accounts in prior appropriation Acts (other than Public Law 111–5) and that were designated by the Congress in such Acts as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(RESCISSION)

SEC. 4104. Of the funds made available for ''Department of Agriculture—Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program'' in title I of division A of Public Law 111–5 (123 Stat. 118), $300,000,000 is rescinded.

(RESCISSION)

SEC. 4105. There is rescinded from accounts under the heading ''Department of Agriculture—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'', $361,825,000, to be derived from unobligated balances available from amounts placed in reserve in title I of division A of Public Law 111–5 (123 Stat. 115).

(RESCISSION)

SEC. 4106. Of the unobligated balances available for ''Department of Agriculture—Food and Nutrition Service—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'' as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $125,000,000 is rescinded: *Provided*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4107. Of the funds appropriated under the heading ''Department of Commerce—National Institute of Standards and Technology—Construction of Research Facilities'' in title II of division A of Public Law 111–5 (123 Stat. 129) $15,000,000 is rescinded.

(RESCISSION)

SEC. 4108. Of the funds made available for ''Department of Commerce—National Telecommunications and Information Administration—Broadband Technology Opportunities Program'' in title II of division A of Public Law 111–5, $302,000,000 is rescinded.

SEC. 4109. For an additional amount for the Department of Justice for necessary expenses for increased law enforcement activities related to Southwest border enforcement, $201,000,000, to remain available until September 30, 2011: *Provided*, That funds shall be distributed to the following accounts and in the following specified amounts:

(1) ''Administrative Review and Appeals'', $2,118,000;

(2) ''Detention Trustee'', $7,000,000;

(3) ''Legal Activities, Salaries and Expenses, General Legal Activities'', $3,862,000;

(4) ''Legal Activities, Salaries and Expenses, United States Attorneys'', $9,198,000;

(5) ''United States Marshals Service, Salaries and Expenses'', $29,651,000;

(6) ''United States Marshals Service, Construction'', $8,000,000;

(7) ''Interagency Law Enforcement, Interagency Crime and Drug Enforcement'', $21,000,000;

(8) ''Federal Bureau of Investigation, Salaries and Expenses'', $25,262,000;

(9) ''Drug Enforcement Administration, Salaries and Expenses'', $35,805,000;

(10) ''Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses'', $39,104,000; and

(11) ''Federal Prison System, Salaries and Expenses'', $20,000,000.

SEC. 4110. Section 8005 of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118) is amended by striking the dollar amount specified in such section and inserting ''$6,000,000,000'': *Provided*, That section 3002 shall not apply to the amount in this section: *Provided further*, That the amendment made by this section shall apply in lieu of any amendment made by another provision of this Act to such dollar amount.

SEC. 4111. With respect to the multiyear procurement of F/A–18E, F/A–18F, and EA–18G aircraft—

(1) section 8011 of division A of Public Law 111–118 is amended by striking ''within 30 days of enactment of this Act'' and inserting ''30 days prior to contract award'';

(2) the term ''March 1 of the year in which the Secretary requests legislative authority to enter into such contract,'' in section 2306b(i)(1) of title 10, United States Code, and section 128(a)(2) of Public Law 111–84, shall be deemed to be a reference to September 1, 2010;

(3) the Secretary of Defense may submit the report identified in section 2306b(l)(4) of title 10, United States Code, to the congressional defense committees on or before September 1, 2010; and

(4) the authority provided in section 8011 of Public Law 111–118 and section 128(a) of Public Law 111–84, as amended by this section, shall satisfy, with respect to the procurement of F/A–18E, F/A–18F, and EA–18G aircraft, the requirements of sections 2306b(i)(3) and 2306b(l)(3) of title 10, United States Code, that a multiyear contract be authorized by law in an appropriations Act and an Act other than an appropriations Act.

SEC. 4112. For all major defense acquisition programs for which the Department of Defense plans to proceed to source selection during the current fiscal year and fiscal year 2011, the Secretary of Defense shall perform an assessment of such programs and the proposals of all bidders to determine whether or not the costs are realistic and reasonable with respect to expected industry development and production costs: *Provided*, That the assessments shall address whether the programs and proposals of all bidders are at fair market value: *Provided further*, That the Secretary of Defense shall provide an assessment of the programs and proposals of all bidders to determine the number of jobs, including an estimate of development and direct manufacturing jobs, supported or lost in the United States of America: *Provided further*, That jobs supported or lost shall be measured as full time equivalent personnel: *Provided further*, That the Secretary of Defense shall provide a report, in consultation with the Secretary of Labor, containing the results of these assessments to the congressional defense committees not later than 60 days after enactment of this Act and on a quarterly basis thereafter.

(INCLUDING RESCISSION)

SEC. 4113. (a) In addition to the amounts provided elsewhere in this Act, there is appropriated $300,000,000 for an additional amount for ''Operation and Maintenance, Defense-Wide'', to remain available until expended. Such funds may be available for the Office of Economic Adjustment, notwithstanding any other provision of law, for transportation infrastructure improvements associated with medical facilities related to recommendations of the Defense Base Closure and Realignment Commission.

(b) Of the funds appropriated for ''Defense Health Program'' in title VI of division A of Public Law 111–118, $300,000,000 is rescinded, to be derived from amounts for operation and maintenance.

(c) Section 3002 shall not apply to the amounts in this section.

(RESCISSION)

SEC. 4114. (a) Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are rescinded from the following accounts in the specified amounts:

''Shipbuilding and Conversion, Navy, 2006/2010'', $107,000,000;

''Aircraft Procurement, Army, 2008/2010'', $21,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2008/2010'', $21,000,000;

''Procurement of Ammunition, Army, 2008/2010'', $17,000,000;

''Other Procurement, Army, 2008/2010'', $75,000,000;

''Aircraft Procurement, Navy, 2008/2010'', $166,000,000;

''Weapons Procurement, Navy, 2008/2010'', $26,000,000;

''Other Procurement, Navy, 2008/2010'', $42,000,000;

''Procurement, Marine Corps, 2008/2010'', $13,000,000;

''Aircraft Procurement, Air Force, 2008/2010'', $102,000,000;

''Missile Procurement, Air Force, 2008/2010'', $28,000,000;

''Procurement of Ammunition, Air Force, 2008/2010'', $7,000,000;

''Other Procurement, Air Force, 2008/2010'', $130,000,000;

''Procurement, Defense-Wide, 2008/2010'', $33,000,000;

''Research, Development, Test and Evaluation, Army, 2009/2010'', $76,000,000;

''Research, Development, Test and Evaluation, Navy, 2009/2010'', $131,000,000;

''Research, Development, Test and Evaluation, Air Force, 2009/2010'', $164,000,000;

''Research, Development, Test and Evaluation, Defense-Wide, 2009/2010'', $137,000,000;

''Operation, Test and Evaluation, Defense, 2009/2010'', $1,000,000;

''Operation and Maintenance, Army, 2010'', $154,000,000;

''Operation and Maintenance, Navy, 2010'', $155,000,000;

''Operation and Maintenance, Marine Corps, 2010'', $25,000,000;

''Operation and Maintenance, Air Force, 2010'', $155,000,000;

''Operation and Maintenance, Defense-Wide, 2010'', $126,000,000;

''Operation and Maintenance, Army Reserve, 2010'', $12,000,000;

''Operation and Maintenance, Navy Reserve, 2010'', $6,000,000;

''Operation and Maintenance, Marine Corps Reserve, 2010'', $1,000,000;

''Operation and Maintenance, Air Force Reserve, 2010'', $14,000,000;

''Operation and Maintenance, Army National Guard, 2010'', $28,000,000; and

''Operation and Maintenance, Air National Guard, 2010'', $27,000,000.

(b) Section 3002 shall not apply to amounts in this section.

(RESCISSIONS)

SEC. 4115. (a) Of the funds appropriated in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), the following funds are rescinded from the following accounts in the specified amounts:

''Operation and Maintenance, Army, 2009/2010'', $113,500,000;

''Operation and Maintenance, Navy, 2009/2010'', $34,000,000;

''Operation and Maintenance, Marine Corps, 2009/2010'', $7,000,000;

''Operation and Maintenance, Air Force, 2009/2010'', $61,000,000;

''Operation and Maintenance, Army Reserve, 2009/2010'', $3,500,000;

''Operation and Maintenance, Navy Reserve, 2009/2010'', $8,000,000;

''Operation and Maintenance, Marine Corps Reserve, 2009/2010'', $1,000,000;

''Operation and Maintenance, Air Force Reserve, 2009/2010'', $2,000,000;

''Operation and Maintenance, Army National Guard, 2009/2010'', $1,000,000;

''Operation and Maintenance, Air National Guard, 2009/2010'', $2,500,000; and

''Defense Health Program, 2009/2010'', $27,000,000.

(b) Of the funds appropriated in the Supplemental Appropriations Act, 2008 (Public Law 110–252), the following funds are rescinded from the following account in the specified amount:

''Procurement, Marine Corps, 2008/2010'', $177,180,000.

(INCLUDING TRANSFER OF FUNDS AND RESCISSIONS)

SEC. 4116. (a) In addition to amounts provided elsewhere in this Act, there is appropriated $163,000,000 for an additional amount for ''Operation and Maintenance, Defense-Wide'', to remain available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

(b)(1) Of the funds appropriated for ''Procurement of Weapons and Tracked Combat Vehicles, Army'' in title III of division A of public Law 111–118, $116,000,000 is rescinded.

(2) Of the funds appropriated under the heading ''Operation and Maintenance, Army'' in title II of division A of Public Law 111–118, $100,000,000 is rescinded.

(3) Of the funds appropriated for ''Other Procurement, Army'' in title III of division C of Public Law 110–329, $87,000,000 is rescinded.

(c) Section 3002 shall not apply to amounts in this section.

SEC. 4117. (a) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless—

''(A) an appropriation for the cost of the guarantee has been made;

''(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

''(C) a combination of one or more appropriations under subparagraph (A) and one or more payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) or (C) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.''; and

(2) by adding at the end the following:

''(l) CREDIT REPORT.—If, in the opinion of the Secretary, a third-party credit rating of the applicant or project is not necessary for the Secretary to begin review of an application, the project costs are not projected to exceed $100,000,000, and the applicant agrees to accept the credit rating assigned to the applicant by the Secretary, the Secretary may waive an otherwise applicable requirement (including any requirement described in part 609 of title 10, Code of Federal Regulations) to provide a third-party credit report with an application, provided that the Secretary requires a third party credit report prior to issuance of a conditional commitment for a guarantee.

''(m) MULTIPLE SITES.—Notwithstanding any contrary requirement (including any provision under part 609 of title 10, Code of Federal Regulations) an eligible project may be located on two or more non-contiguous sites in the United States.''.

(b) APPLICATIONS FOR MULTIPLE ELIGIBLE PROJECTS.—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) MULTIPLE APPLICATIONS.—Notwithstanding any contrary requirement (including any provision under part 609.3(a) of title 10, Code of Federal Regulations), a project applicant or sponsor of an eligible project may submit an application for more than one eligible project under this section.''.

(c) ENERGY EFFICIENCY LOAN GUARANTEES.—Section 1705(a) of the Energy Policy Act of 2005 (42 U.S.C. 16516(a)) is amended by adding at the end the following:

''(4) Efficient end-use energy technologies.

''(5) Combined heat and power or industrial waste energy recovery projects.''.

(d) ADMINISTRATIVE COSTS.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended by striking subsection (f) and inserting the following:

''(f) FEES.—The Secretary is authorized to charge and collect fees from applicants for or recipients of an award or loan to cover administrative costs. For any given loan or award, such fees shall not exceed $100,000 or 10 basis points of the loan or award. In addition to the foregoing fees, the Secretary may require applicants for and recipients of an award or loan under this section to pay directly, or through the payment of fees to be used by the Secretary to pay, all fees and expenses of agents, consultants, and professional advisors retained by the Secretary in connection with activities authorized under this section.''.

(RESCISSIONS)

SEC. 4118. There are rescinded the following amounts from the specified accounts:

(1) $35,000,000, to be derived from unobligated balances made available under ''Mississippi River and Tributaries'' in Public Law 110–329.

(2) $4,874,037, to be derived from unobligated balances made available under ''Flood Control and Coastal Emergencies'' in Public Law 109–234.

(3) $5,005,400, to be derived from unobligated balances made available under ''Flood Control and Coastal Emergencies'' in title V of Public Law 110–28.

(4) $2,199,629, to be derived from unobligated balances made available under ''Construction'' in Public Law 109–148.

(RESCISSIONS)

SEC. 4119. (a) There are rescinded the following amounts from the specified accounts:

(1) $150,000,000, to be derived from unobligated balances of funds made available under the heading ''Corps of Engineers, Civil—Construction'' in prior appropriations Acts (other than Public Law 111–5) for projects and activities authorized under section 205 of the Flood Control Act of 1948, section 1135 of the Water Resources Development Act of 1986, and section 206 of the Water Resources Act of 1996.

(2) $40,000,000, to be derived from unobligated balances of funds made available under the heading ''Corps of Engineers, Civil—Construction'' in prior appropriations Acts, other than funds designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Section 3002 shall not apply to amounts in this section.

(RESCISSIONS)

SEC. 4120. (a) There are rescinded the following amounts from the specified accounts:

(1) $78,000,000, to be derived from unobligated balances of funds made available under the heading ''Department of Energy—Energy Efficiency and Renewable Energy'' in division C of Public Law 111–8 and Public Law 111–85 for biomass and biorefinery research, development, and demonstration.

(2) $71,000,000, to be derived from unobligated balances of funds made available in prior appropriations Acts under the heading ''Department of Energy—Strategic Petroleum Reserve'', including $14,493,000 provided in Public Law 110–161 for new site land acquisition activities; $31,507,000 provided in Public Law 111–8 for new site expansion activities, beyond land acquisition; and $25,000,000 provided in Public Law 111–85.

(3) $20,000,000, to be derived from unobligated balances of funds made available in prior appropriations Acts under the heading ''Department of Energy—Nuclear Energy''.

(b) Section 3002 shall not apply to amounts in this section.

(RESCISSION)

SEC. 4121. Of the unobligated balances of funds provided under the heading ''Nuclear Regulatory Commission'' in prior appropriations Acts, $18,000,000 is permanently rescinded: *Provided*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4122. From unobligated balances of prior year appropriations made available to ''Domestic Nuclear Detection Office—Systems Acquisition'', $50,000,000 is rescinded: *Provided*, That section 3002 shall not apply to the amount in this section.

SEC. 4123. (a) The Administrator of General Services, not later than 90 days after the date of enactment of this Act, shall prepare and submit to the Congress a building project survey report related to a consolidated headquarters for the Federal Bureau of Investigation in the Washington metropolitan region (as defined in section 8301 of title 40, United States Code).

(b) The building project survey report shall be prepared by the Administrator of General Services in consultation with the Director of

the Federal Bureau of Investigation, and each strategy described in the report shall contain, at a minimum, an estimated cost, a financing and development plan, a budgetary and financial impact analysis, a procurement and implementation plan, an analysis of security and information technology issues specific to the Federal Bureau of Investigation, and a schedule.

(c) The building project survey report shall identify a preferred strategy.

(RESCISSION)

SEC. 4124. There are permanently rescinded from ''General Services Administration—Real Property Activities—Federal Building Fund'', $75,000,000 from Rental of Space and $25,000,000 from Building Operations, to be derived from unobligated balances that were provided in previous appropriations Acts: *Provided*, That section 3002 shall not apply to the amount in this section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 4125. (a) The Secretary of Homeland Security may transfer to the Secretary of the Interior amounts available for environmental mitigation requirements for ''U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology'' for fiscal year 2009 or thereafter, for use by the Secretary of the Interior under laws administered by such Secretary to mitigate adverse environmental impacts, including impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) resulting from construction, operation, and maintenance activities related to border security.

(b) Uses of funds authorized by this section include acquisition of land or interests in land that will, in the judgment of the Secretary of the Interior, mitigate or off-set such adverse impacts.

(c) Any funds transferred under this section shall be used in accordance with an agreement between the Secretaries.

(d) Not later than September 30, 2010, and on an annual basis thereafter, the Secretary of the Interior shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that describes in detail the actions taken in the preceding year with amounts transferred under this section.

(RESCISSION)

SEC. 4126. From unobligated balances of prior year appropriations made available for ''Transportation Security Administration—Aviation Security'' in chapter 5 of title III of Public Law 110–28, $6,600,000 is rescinded.

(RESCISSION)

SEC. 4127. From unobligated balances of prior year appropriations made available for ''United States Coast Guard—Acquisition, Construction, and Improvements'' in chapter 4 of title I of division B of Public Law 109–148, $3,000,000 is rescinded.

(RESCISSION)

SEC. 4128. From unobligated balances of prior year appropriations made available for ''United States Coast Guard—Acquisition, Construction, and Improvements'' in chapter 4 of title II of Public Law 109–234, $4,000,000 is rescinded.

(RESCISSION)

SEC. 4129. From unobligated balances of prior year appropriations made available for ''Federal Emergency Management Agency—Administrative and Regional Operations'' in chapter 4 of title II of Public Law 109–234, $36,000,000 is rescinded.

(RESCISSION)

SEC. 4130. From unobligated balances of prior year appropriations made available for ''Domestic Nuclear Detection Office—Research, Development, and Operations'' in chapter 5 of title III of Public Law 110–28, $3,800,000 is rescinded.

(RESCISSION)

SEC. 4131. From unobligated balances of prior year appropriations made available to ''U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology'', $200,000,000 is rescinded: *Provided*, That section 3002 shall not apply to the amount in this section.

SEC. 4132. Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, and 5173), for damages resulting from FEMA–1909–DR, FEMA–1894–DR, and FEMA–3311–EM–RI shall not be less than 90 percent of the eligible costs under such sections.

(RESCISSION)

SEC. 4133. Of the funds made available for ''Bureau of Land Management—Management of Lands and Resources'' in title VII of division A of Public Law 111–5, $6,400,000 is rescinded.

(RESCISSION)

SEC. 4134. Of the funds made available for ''Bureau of Land Management—Construction'' in title VII of division A of Public Law 111–5, $3,600,000 is rescinded.

(RESCISSION)

SEC. 4135. Of the funds made available for ''National Park Service—Construction'' in title VII of division A of Public Law 111–5, $3,200,000 is rescinded.

(RESCISSION)

SEC. 4136. Of the funds made available for ''United States Geological Survey—Surveys, Investigations, and Research'' in title VII of division A of Public Law 111–5, $5,000,000 is rescinded.

(RESCISSION)

SEC. 4137. Of the funds made available for ''Bureau of Indian Affairs—Construction'' in title VII of division A of Public Law 111–5, $2,934,000 is rescinded.

(RESCISSION)

SEC. 4138. Of the funds made available for ''Bureau of Indian Affairs—Indian Guaranteed Loan Program Account'' in title VII of division A of Public Law 111–5, $6,820,000 is rescinded.

(RESCISSION)

SEC. 4139. Of the funds made available for ''Environmental Protection Agency—Hazardous Substance Superfund'' in title VII of division A of Public Law 111–5, $6,000,000 is rescinded.

(RESCISSION)

SEC. 4140. Of the funds made available for ''Environmental Protection Agency—Leaking Underground Storage Tank Trust Fund Program'' in title VII of division A of Public Law 111–5, $9,200,000 is rescinded.

(RESCISSION)

SEC. 4141. Of the funds made available for transfer in title VII of division A of Public Law 111–5, ''Environmental Protection Agency—Environmental Programs and Management'', $13,000,000 is rescinded.

(RESCISSION)

SEC. 4142. Of the funds made available for ''Department of Agriculture—Forest Service—Capital Improvement and Maintenance'' in title VII of division A of Public Law 111–5, $20,000,000 is rescinded.

(RESCISSION)

SEC. 4143. Of the funds transferred in section 703 of title VII of division A of Public Law 111–5, ''Department of the Interior—Working Capital Fund'', $4,400,000 is permanently rescinded.

(RESCISSION)

SEC. 4144. Of the funds made available for ''National Park Service—Construction'' in chapter 5 of title II of Public Law 105–18, $7,600,000 is rescinded.

(RESCISSION)

SEC. 4145. Of the funds made available for ''National Park Service—Construction'' in chapter 7 of division B of Public Law 108–324, $5,104,000 is rescinded.

(RESCISSION)

SEC. 4146. Of the funds made available for ''National Park Service—Construction'' in chapter 5 of title II of Public Law 109–234, $6,700,000 is rescinded.

(RESCISSION)

SEC. 4147. Of the funds made available for ''Fish and Wildlife Service—Construction'' in chapter 6 of title I of division B of Public Law 110–329, $13,300,000 is rescinded.

SEC. 4148. Section 11(c)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(c)(1)) is amended in the fourth sentence by striking ''within thirty days of its submission,'' and inserting the following: ''within 90 days of its submission or within such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews (in the case of leases issued pursuant to a sale held after March 17, 2010), or within 90 days of its submission or, with the consent of the holder of the lease, within such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews (in the case of leases issued pursuant to a sale held on or before March 17, 2010),''.

SEC. 4149. From funds appropriated in this Act under the heading ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund'', the Secretary of Health and Human Services shall make grants to States, in the amount needed to defray actual costs, for the purpose of assisting school districts serving significant numbers of children who entered the United States from Haiti during the period January 12, 2010, through May 30, 2010, and who are United States citizens or Haitian nationals, to meet the educational and related needs of such children.

(RESCISSION)

SEC. 4150. The unobligated balance of funds appropriated in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995 (Public Law 103–333; 108 Stat. 2574) under the heading ''Public Health and Social Services Emergency Fund'' is rescinded.

SEC. 4151. Amounts in section 1012 of division B of Public Law 111–118 shall be deemed to have been designated by such section on the date of its enactment as an emergency requirement and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 4152. (a) OIL SPILL UNEMPLOYMENT ASSISTANCE.—Upon a determination by the President that additional resources are necessary to respond to an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) (''covered incident''), the Secretary of Labor is authorized to provide to any individual unemployed as a result of such covered incident such benefit assistance as the Secretary deems appropriate while such individual is unemployed for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation

(as that term is defined in section 85(b) of the Internal Revenue Code of 1986) or waiting period credit. Such assistance as the Secretary shall provide shall be available to an individual as long as the individual's unemployment caused by such covered incident continues or until the individual is reemployed in a suitable position, but no longer than 26 weeks after the individual's unemployment that resulted from the covered incident. Oil spill unemployment assistance payments for a week of unemployment shall not exceed the maximum weekly amount authorized under the unemployment compensation law of the individual's State. The Secretary is directed to provide such assistance through agreements with States that, in the Secretary's judgment, have an adequate system for administering such assistance through existing State agencies.

(b) FEDERAL-STATE AGREEMENTS.—Any State affected by a covered incident may enter into and participate in an agreement under this section with the Secretary. Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(c) PROVISIONS OF AGREEMENT.—Any agreement under subsection (b) shall provide that the State agency of the State will—

(1) make payments of oil spill unemployment assistance to individuals who—

(A) are unemployed as a result of a covered incident;

(B) have no rights to regular compensation or extended compensation with respect to a week under State law or any other State unemployment compensation law or to compensation under any other Federal law; and

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(2) refer individuals receiving oil spill unemployment assistance under this section to one-stop delivery systems established under section 134(c) of the Workforce Investment Act of 1998 for reemployment services or training provided under such Act, the Wagner-Peyser Act, or other Federal law.

(d) WEEKLY BENEFIT AMOUNT, DUE PROCESS RIGHTS.—For purposes of any agreement under this section, the terms and conditions of Federal law and regulations which apply to claims for disaster unemployment assistance and to the payment thereof shall apply to claims for oil spill unemployment assistance and the payment thereof, except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section.

(e) UNAUTHORIZED ALIENS INELIGIBLE.—A State shall require as a condition of oil spill unemployment assistance under this section that each alien who receives such assistance must be legally authorized to work in the United States, as defined for purposes of the Federal Unemployment Tax Act (26 U.S.C. 3101 et seq.). In determining whether an alien meets the requirements of this subsection, a State must follow the procedures provided in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)).

(f) FRAUD AND OVERPAYMENTS.—

(1) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of oil spill unemployment assistance under this section to which such individual was not entitled, such individual—

(A) shall be ineligible for further oil spill unemployment assistance under this section in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

(2) REPAYMENT.—In the case of an individual who has received oil spill unemployment assistance under this section to which such individual was not entitled, the State shall require such individual to repay the amount of such oil spill unemployment assistance to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such oil spill unemployment assistance was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

(3) PREVENTION AND DETECTION BY STATE AGENCY.—The State agency shall submit a weekly payment file of all benefit payments to the National Directory of New Hires, and shall make arrangements for the cross match of the benefit payment recipients' social security numbers with the National Directory of New Hires Reported Hire and Benefit payment databases a minimum of once each week and investigate all matches.

(4) RECOVERY BY STATE AGENCY.—

(A) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any oil spill unemployment assistance payable to such individual under this section or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individual received the payment of the oil spill unemployment assistance to which such individual was not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(B) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(5) REVIEW.—Any determination by a State agency under this subsection shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

(g) PAYMENTS TO STATES.—

(1) BENEFITS.—There shall be paid to each State that has entered into an agreement under this section an amount equal to 100 percent of the oil spill unemployment assistance paid to individuals by the State under such agreement.

(2) ADMINISTRATION.—There shall be paid to each State that has entered into an agreement under this section such amounts as the Secretary determines necessary for the proper and efficient administration of such agreement.

(h) FINANCING.—

(1) IN GENERAL.—There are appropriated out of the general fund of the United States Treasury such funds as may be necessary in meeting the costs of benefits, Federal administration, and State administration of agreements under this section.

(2) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section. Upon receipt of the certification from the Secretary, the Secretary of the Treasury shall make payments to the State in accordance with such certification, by transfers from the general fund of the United States Treasury.

(i) RELATIONSHIP WITH INCOME REPLACEMENT PAYMENTS FOR LOST WAGES OR SELF EMPLOYMENT INCOME BY THE RESPONSIBLE PARTY.—

(1) The total combined amount an individual receives of oil spill unemployment assistance and payments by the responsible party for either lost wages or self-employment income shall not exceed the greater of—

(A) the total amount of unemployment assistance that an individual is entitled to receive under subsection (a), as determined by the State agency; or

(B) the liability of the responsible party to such individual for lost wages or self-employment income.

(2) If a responsible party or the Oil Spill Liability Trust Fund under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) makes a payment to the individual for lost wages related to unemployment resulting from a covered incident, and an individual has previously received unemployment assistance under this section for such period of unemployment, the responsible party or the Oil Spill Liability Trust Fund shall subtract from such payment the amount of such unemployment assistance and shall reimburse such subtracted amount to the United States for deposit in the general fund of the Treasury. If a responsible party fails to reimburse such subtracted amount pursuant to this paragraph, the Secretary of the Treasury shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court to recover the amount of the demand, plus all costs incurred in obtaining payment including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs involved.

(3) If a responsible party or the Oil Spill Liability Trust Fund has made a payment to an individual for lost wages related to unemployment resulting from a covered incident, the amount of such payment shall be subtracted from the unemployment assistance under this section that the individual subsequently receives for such period of unemployment.

(4) Any individual's receipt of unemployment assistance under this section related to unemployment resulting from a covered incident shall be conditional on the individual taking appropriate actions, as determined by the Secretary, to seek payment for lost wages for such period of unemployment under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) from the responsible party or the Oil Spill Liability Trust Fund.

(5) Any individual, as a condition of receiving oil spill unemployment assistance, shall provide informed consent to the sharing of benefit information between the State agency and the responsible party (or its claim processor) or the Oil Spill Liability Trust Fund, as appropriate, for the purpose of determining eligibility and to avoid duplicate payments as deemed necessary.

(6) If the Secretary determines the actions described in paragraphs (2) through (5) have not succeeded in avoiding duplicate payments, the Secretary may take such other actions as the Secretary determines necessary in order to avoid duplicate payments, consistent with the responsible party or the Oil Spill Liability Trust Fund making payments to individuals for lost wages related to unemployment resulting from a covered incident.

(7) The Secretary may take such actions as the Secretary determines are necessary for implementing this section, including entering into agreements with States that have agreements with the Secretary to administer

this program, and the responsible party with respect to each State's administration of this program and payments made by the responsible party to claimants for lost wages and self-employment income to establish processes for—

(A) the coordination of payment of oil spill unemployment assistance under this section and payments for lost wages and self employment income by the responsible party or the Oil Spill Liability Trust Fund so as to minimize duplicate payments to claimants, including methods to—

(i) prevent duplicate payments, such as developing methods for claims processing that identify eligibility for both types of payments so as to ensure the individual receives no more than the amount specified in paragraph (1) of this subsection;

(ii) document that individuals who received either oil spill unemployment assistance or payments by the responsible party or the Oil Spill Liability Trust Fund prior to execution of the agreement were unemployed as a result of the oil spill; and

(iii) ensure prompt and accurate payment of oil spill unemployment assistance under this section or payment of claims by the responsible party or the Oil Spill Liability Trust Fund;

(B) sharing and protecting information regarding an individual's claim for oil spill unemployment assistance or claims for replacement of wages that is necessary to coordinate benefit payments and claims by the responsible party or the Oil Spill Liability Trust Fund under subparagraph (A);

(C) reimbursement by the responsible party to the Federal Government and States for payment of oil spill unemployment assistance to individuals whose unemployment was the result of a covered incident and for the administration of this program, which may include the responsible party developing a special fund for use by the States to pay benefits under this program, in accordance with the process developed under subparagraph (A) with a periodic reconciliation process to make future claims unnecessary;

(D) ensuring that the responsible party shall make benefit information available to government organizations upon request, subject to the safeguards applicable to confidential unemployment compensation information in Federal law and regulations, which shall apply to the Secretary, the State agencies administering the oil spill unemployment assistance program, the responsible party, and the Oil Spill Liability Trust Fund; and

(E) developing similar agreements with the responsible party to coordinate payments of unemployment compensation under State law related to a covered incident and payments made by the responsible party or the Oil Spill Liability Trust Fund.

(8) The procedures developed under this section may be employed by States to coordinate payments of unemployment compensation under State law related to a covered incident and payments made by the responsible party or the Oil Spill Liability Trust Fund.

(j) LIABILITY OF RESPONSIBLE PARTIES.—Each responsible party under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is liable for any costs, net of any payments by the responsible party to the United States under subsection (i), incurred by the United States under this section and shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for these costs as well as the costs of the United States in administering its responsibilities under this section. If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this subsection, the Secretary shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court to recover the amount of the demand, plus all costs incurred in obtaining payment including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs involved. Such reimbursement shall be without regard to limits of liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704).

(k) EFFECTIVE DATE.—This section shall take effect immediately upon enactment of this Act and shall apply to all responsible parties under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), including any party determined to be liable under such Act for any incident that occurred prior to the enactment of this section.

(l) DEFINITIONS.—For purposes of this section:

(1) DUPLICATE PAYMENTS.—The term ''duplicate payments'' includes any payment that would cause the individual to receive payments in excess of the amount determined under paragraph (1) of subsection (i).

(2) RESPONSIBLE PARTY.—The term ''responsible party'' means one or more responsible parties.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(4) STATE.—The term ''State'' means any State, as such term is defined in section 3306(j)(1) of the Federal Unemployment Tax Act (26 U.S.C. 3306(j)(1)).

(5) STATE AGENCY.—The term ''State agency'' means the State agency which administers the unemployment compensation law of the State approved by the Secretary of Labor under section 3304 of the Internal Revenue Code of 1986.

SEC. 4153. (a) IN GENERAL.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(5) to provide assistance to the Governor of any State within the boundaries of an area that is the subject of a Presidential determination that additional resources are necessary to respond to an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) ('covered incident') to provide oil spill relief employment in the area.''.

(b) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following new subsection:

''(h) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—

''(1) IN GENERAL.—Funds made available under subsection (a)(5)—

''(A) shall be used to provide oil spill relief employment on projects involving the cleaning, restoration, renovation, repair and reconstruction of lands, marshes, waters, structures, and facilities located within the area of the covered incident, as well as offshore areas related to such incident, and projects that provide food, clothing, shelter, and other humanitarian assistance to individuals harmed by the covered incident;

''(B) may be expended through public and private agencies and organizations engaged in such projects;

''(C) may be expended to provide employment and training activities;

''(D) may be expended to provide personal protective equipment to workers engaged in oil spill relief employment described in subparagraph (A);

''(E) may be used to increase the capacity of States to make available the full range of services authorized under this title and provide information (in languages appropriate to the individuals served) about, and access to, the variety of public and private services available to individuals adversely affected by the covered incident in One-Stop Career Centers and other access points (including other public facilities, mobile service delivery units, and social services offices); and

''(F) may be used to provide temporary employment by public sector entities for a period not to exceed 6 months, in addition to the oil spill relief employment described in subparagraph (A).

''(2) ELIGIBILITY.—An individual shall be eligible for services under subsection (a)(5) if such individual is temporarily or permanently laid off as a consequence of the covered incident described in such subsection, is a dislocated worker, is a long-term unemployed individual, or meets such other criteria as the Secretary may establish.

''(3) LIMITATIONS ON OIL SPILL RELIEF EMPLOYMENT ASSISTANCE.—No individual shall be employed under subsection (a)(5) for more than 6 months for oil spill relief employment related to recovery from a single covered incident. The Secretary may, upon reviewing a State's request, extend such employment related to recovery from a single covered incident for up to an additional 6 months.

''(4) REIMBURSEMENT.—Each responsible party under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is liable for any costs incurred by the United States under this subsection or subsection (a)(5) and shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the costs incurred under this subsection or subsection (a)(5) as well as the costs of the United States in administering its responsibilities under this subsection or subsection (a)(5). If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this subsection or subsection (a)(5), the Secretary shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court to recover the amount of the demand, plus all costs incurred in obtaining payment including prejudgment interest, attorney's fees, and any other administrative and adjudicative costs involved. Such reimbursement shall be without regard to limits of liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704).

''(5) USE OF AVAILABLE FUNDS.—Funds appropriated for fiscal years 2009 and 2010 and remaining available for obligation by the Secretary to provide any assistance authorized under this section shall be available to assist workers affected by a covered incident, including workers who have relocated from areas in which a covered incident has been declared. Under such conditions as the Secretary may approve, any State may use funds that remain available for expenditure under any grants awarded to the State under this section to provide any assistance authorized under this subsection. Funds used pursuant to the authority provided under this paragraph shall be subject to the reimbursement requirements described in paragraph (4).

''(6) REQUIREMENTS FOR GRANT APPLICATIONS.—An application submitted to the Secretary under this subsection shall include a detailed description of—

''(A) how the State will ensure the capacity of One-Stop Career Centers and other access points to—

''(i) provide affected individuals with information, in languages appropriate to the individuals served, about the range of available services; and

''(ii) provide affected individuals with access to the range of needed services;

''(B) how the State will prioritize individuals who are temporarily or permanently laid off as a consequence of the covered incident in the assignment of temporary employment positions; and

''(C) any other supporting information the Secretary may require.''.

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect immediately upon enactment of this Act and shall apply to all responsible parties under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), including any party determined to be liable under such Act for any incident that occurred prior to the enactment of this Act.

(d) APPROPRIATION.—There is appropriated $50,000,000 for an additional amount for ''Department of Labor—Employment and Training Administration—Training and Employment Services'', to carry out section 173(a)(5) and (h) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(5) and (h)) (''WIA'') as amended by this Act, to remain available through June 30, 2011: *Provided*, That funding shall be available upon enactment of this Act, notwithstanding section 189(g)(1) of WIA.

SEC. 4154. (a) The Secretary of Labor may reserve not more than 1 percent of the funds available to carry out section 4152 of this Act and section 173(h) of the Workforce Investment Act of 1998 (as added by section 4153 of this Act) for transfer to appropriate Department of Labor accounts for program administration and support activities in the Department of Labor associated with such sections, and for the increased worker protection and workplace benefit activities and oversight and coordination activities in connection with the application of laws and regulations associated with the Department's response to spills of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

(b) A responsible party under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for all or a portion of the additional amount appropriated herein, as determined by the Secretary of the Treasury.

(c) If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this section, the Secretary shall request the Attorney General to bring a civil action against the responsible party or a guarantor in an appropriate district court to recover the amount of the demand, plus all costs incurred in obtaining payment including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs involved. Such reimbursement shall be without regard to limits of liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704).

(d) This section shall take effect immediately upon enactment of this Act and shall apply to all responsible parties under the Oil Pollution Act of 1990, including any party determined to be liable under such Act for any incident that occurred prior to the enactment of this Act.

(e) The Secretary of Labor shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report describing the use of the funds not later than 1 year after the date of enactment of this Act.

(RESCISSION)

SEC. 4155. Of the unobligated balance of funds appropriated without fiscal year limitation under the heading ''Department of Health and Human Services—Office of the Secretary—Public Health and Social Services Emergency Fund'' in fiscal years 2006 through 2010 to prepare for and respond to an influenza pandemic (including any amount not yet designated by the President as emergency funds) and the unobligated balance of funds transferred to ''Public Health and Social Services Emergency Fund'' pursuant to the fourth paragraph under such heading in Public Law 111–117, $2,000,000,000 is rescinded: *Provided*, That the Secretary of Health and Human Services, in consultation with the Director of the Office of Management and Budget, shall determine the amount to be rescinded from each appropriation and shall transmit a written notice of such determination to the Committees on Appropriations of the House of Representatives and the Senate not later than 30 days after enactment of this Act: *Provided further*, That section 3002 shall not apply to $500,000,000 of the amount in this section.

(RESCISSION)

SEC. 4156. Of the funds appropriated for ''Department of Education—Innovation and Improvement'' in division D of Public Law 111–117 (123 Stat. 3263), $100,000,000 is rescinded, to be derived only from the amount available for grants authorized under subpart I of part B of title V of the Elementary and Secondary Education Act of 1965: *Provided*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4157. Of the funds appropriated for ''Department of Education—Innovation and Improvement'' in division A of Public Law 111–5 (123 Stat. 182) and division D of Public Law 111–117 (123 Stat. 3263), $200,000,000 is rescinded, to be derived only from amounts available for the Teacher Incentive Fund: *Provided*, That section 3002 shall not apply to $100,000,000 of the amount in this section.

(RESCISSION)

SEC. 4158. Of the funds appropriated for ''Department of Education—State Fiscal Stabilization Fund'' in title XIV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 279), $500,000,000 is rescinded, to be derived only from the amount made available for grants under section 14006 of such title and through a corresponding reduction in the total amount reserved under section 14001(c) of such title for grants under such section 14006.

SEC. 4159. Amounts appropriated to the Architect of the Capitol in the Legislative Branch Appropriations Act, 2006 (Public Law 109–55) under the heading ''Architect of the Capitol—Capitol Police Building and Grounds'' and that remain available until September 30, 2010, and amounts appropriated to the Architect of the Capitol in the Legislative Branch Appropriations Act, 2010 (Public Law 111–68) under the heading ''Architect of the Capitol—Capitol Police Buildings, Grounds and Security'' and that remain available until September 30, 2014, shall be available to the Architect of the Capitol for the purchase of real property (including any buildings or facilities) for the use of the Capitol Police.

SEC. 4160. (a) TERMINATION OF OEPPO.—Section 905 of the Emergency Supplemental Act, 2002 (2 U.S.C. 130i) is repealed.

(b) TRANSFER TO SERGEANT AT ARMS.—The functions and responsibilities of the Office of Emergency Planning, Preparedness, and Operations under section 905 of the Emergency Supplemental Act, 2002 (2 U.S.C. 130i) (as in effect on the day before the date referred to in subsection (c)) shall be transferred and assigned to the Sergeant at Arms of the House of Representatives.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect February 1, 2010.

(RESCISSION)

SEC. 4161. Of the unobligated balances available to the Architect of the Capitol from prior year appropriations for the Capitol Visitor Center project, $5,000,000 is rescinded: *Provided*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4162. Of the unobligated balances available under ''Department of Defense, Military Construction, Army'' from prior appropriations Acts, $340,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4163. Of the unobligated balances available under ''Department of Defense, Military Construction, Navy and Marine Corps'' from prior appropriations Acts, $110,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4164. Of the unobligated balances available under ''Department of Defense, Military Construction, Air Force'' from prior appropriations Acts, $50,000,000 is rescinded: *Provided*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement or as appropriations for overseas deployments and other activities pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4165. Of the funds made available for the General Operating Expenses account of the Department of Veterans Affairs in section 2201(e)(4)(A)(ii) of division B of Public Law 111–5 (123 Stat. 454; 26 U.S.C. 6428 note), $6,100,000 is rescinded.

SEC. 4166. None of the funds appropriated or otherwise made available by this Act may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

(RESCISSIONS)

SEC. 4167. (a) MILLENNIUM CHALLENGE CORPORATION.—Of the unobligated balances available under the heading ''Millennium Challenge Corporation'' in title III of division H of Public Law 111–8 and under such heading in prior Acts making appropriations for the Department of State, foreign operations, and related programs, $150,000,000 is rescinded.

(b) CIVILIAN STABILIZATION INITIATIVE.—

(1) DEPARTMENT OF STATE.—Of the unobligated balances available under the heading ''Department of State—Administration of Foreign Affairs—Civilian Stabilization Initiative'' in prior Acts making appropriations for the Department of State, foreign operations, and related programs, $40,000,000 is rescinded.

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Of the unobligated balances available under the heading ''United States Agency for International Development—Funds Appropriated to the President—Civilian Stabilization Initiative'' in prior Acts making appropriations for the Department of State, foreign operations, and related programs, $30,000,000 is rescinded.

(c) Section 3002 shall not apply to the amounts in this section.

(RESCISSION)

SEC. 4168. Of the unobligated balances available under the heading ''Capital Investment Fund'' in title XI of division A of Public Law 111-5, $40,000,000 is rescinded.

(RESCISSION)

SEC. 4169. Of the unobligated balances of funds made available under section 108(b) of Public Law 101–100, as added by Public Law 101–130, to the Emergency Fund authorized by section 125 of title 23, United States Code, $10,893,687 is rescinded: *Provided*, That section 3002 shall not apply to the amount in this section.

(RESCISSIONS)

SEC. 4170. There are rescinded the following amounts from the specified accounts:

(1) ''Department of Transportation—Federal Aviation Administration—Facilities and Equipment'', $2,182,544, to be derived from unobligated balances made available under this heading in Public Law 108–324.

(2) ''Department of Transportation—Federal Aviation Administration—Facilities and Equipment'', $5,705,750, to be derived from unobligated balances made available under this heading in Public Law 109–148.

(3) ''Department of Housing and Urban Development—Community Planning and Development—Community Development Fund'', $111,602,923, to be derived from unobligated balances made available under this heading in chapter 10 of title I of division B of Public Law 110–329.

SEC. 4171. The item relating to ''Federal Housing Administration—General and Special Risk Program Account'' in title II of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3091) is amended by striking ''$15,000,000,000'' and inserting ''$20,000,000,000'': *Provided*, That section 3002 shall not apply to the amount in this section.

SEC. 4172. Section 1117(d) of the Transportation Equity Act for the 21st Century (112 Stat. 161) is repealed and the designation made by that section shall no longer be effective.

(RESCISSION)

SEC. 4173. Of the unobligated balances of contract authority apportioned to each State for the programs listed in section 105(a)(2) of title 23, United States Code (except the equity bonus program under section 105 of such title and the high priority projects program under section 117 of such title), $2,200,000,000 is permanently rescinded: *Provided*, That such rescission shall be distributed within each State among all programs for which funds were apportioned for fiscal year 2009 and to which the rescission applies, to the extent sufficient funds remain available for obligation, in the ratio that the amount of funds apportioned for each such program for such fiscal year, bears to the amount of funds apportioned for all such programs for such fiscal year: *Provided further*, That funds set aside under sections 133(d)(2) and 133(d)(3) of title 23, United States Code, shall be treated as being apportioned for the purposes of this section: *Provided further*, That section 1132 of Public Law 110–140 shall not apply to the rescission under this section: *Provided further*, That section 3002 shall not apply to the amount in this section.

(RESCISSION)

SEC. 4174. Of the unobligated balances of funds under the heading ''Department of Housing and Urban Development—Community Planning and Development—Community Development Fund'' made available by section 159 of Public Law 110–92, as added by division B of Public Law 110–116, $400,000,000 is rescinded.

CHAPTER 2

PRESERVE ACCESS TO AFFORDABLE GENERICS ACT

SHORT TITLE

SEC. 4201. This chapter may be cited as the ''Preserve Access to Affordable Generics Act''.

UNLAWFUL COMPENSATION FOR DELAY

SEC. 4202. (a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 44 et seq.) is amended—

(1) by redesignating section 28 as section 29; and

(2) by inserting before section 29, as redesignated, the following:

''SEC. 28. PRESERVING ACCESS TO AFFORDABLE GENERICS.

''(a) IN GENERAL.—

''(1) ENFORCEMENT PROCEEDING.—The Federal Trade Commission may initiate a proceeding to enforce the provisions of this section against the parties to any agreement resolving or settling, on a final or interim basis, a patent infringement claim, in connection with the sale of a drug product.

''(2) PRESUMPTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), in such a proceeding, an agreement shall be presumed to have anticompetitive effects and be unlawful if—

''(i) an ANDA filer receives anything of value; and

''(ii) the ANDA filer agrees to limit or forego research, development, manufacturing, marketing, or sales of the ANDA product for any period of time.

''(B) EXCEPTION.—The presumption in subparagraph (A) shall not apply if the parties to such agreement demonstrate by clear and convincing evidence that the procompetitive benefits of the agreement outweigh the anticompetitive effects of the agreement.

''(b) COMPETITIVE FACTORS.—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall consider—

''(1) the length of time remaining until the end of the life of the relevant patent, compared with the agreed upon entry date for the ANDA product;

''(2) the value to consumers of the competition from the ANDA product allowed under the agreement;

''(3) the form and amount of consideration received by the ANDA filer in the agreement resolving or settling the patent infringement claim;

''(4) the revenue the ANDA filer would have received by winning the patent litigation;

''(5) the reduction in the NDA holder's revenues if it had lost the patent litigation;

''(6) the time period between the date of the agreement conveying value to the ANDA filer and the date of the settlement of the patent infringement claim; and

''(7) any other factor that the fact finder, in its discretion, deems relevant to its determination of competitive effects under this subsection.

''(c) LIMITATIONS.—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall not presume—

''(1) that entry would not have occurred until the expiration of the relevant patent or statutory exclusivity; or

''(2) that the agreement's provision for entry of the ANDA product prior to the expiration of the relevant patent or statutory exclusivity means that the agreement is procompetitive, although such evidence may be relevant to the fact finder's determination under this section.

''(d) EXCLUSIONS.—Nothing in this section shall prohibit a resolution or settlement of a patent infringement claim in which the consideration granted by the NDA holder to the ANDA filer as part of the resolution or settlement includes only one or more of the following:

''(1) The right to market the ANDA product in the United States prior to the expiration of—

''(A) any patent that is the basis for the patent infringement claim; or

''(B) any patent right or other statutory exclusivity that would prevent the marketing of such drug.

''(2) A payment for reasonable litigation expenses not to exceed $7,500,000.

''(3) A covenant not to sue on any claim that the ANDA product infringes a United States patent.

''(e) REGULATIONS AND ENFORCEMENT.—

''(1) REGULATIONS.—The Federal Trade Commission may issue, in accordance with section 553 of title 5, United States Code, regulations implementing and interpreting this section. These regulations may exempt certain types of agreements described in subsection (a) if the Commission determines such agreements will further market competition and benefit consumers. Judicial review of any such regulation shall be in the United States District Court for the District of Columbia pursuant to section 706 of title 5, United States Code.

''(2) ENFORCEMENT.—A violation of this section shall be treated as a violation of section 5.

''(3) JUDICIAL REVIEW.—Any person, partnership or corporation that is subject to a final order of the Commission, issued in an administrative adjudicative proceeding under the authority of subsection (a)(1), may, within 30 days of the issuance of such order, petition for review of such order in the United States Court of Appeals for the District of Columbia Circuit or the United States Court of Appeals for the circuit in which the ultimate parent entity, as defined at 16 C.F.R. 801.1(a)(3), of the NDA holder is incorporated as of the date that the NDA is filed with the Secretary of the Food and Drug Administration, or the United States Court of Appeals for the circuit in which the ultimate parent entity of the ANDA filer is incorporated as of the date that the ANDA is filed with the Secretary of the Food and Drug Administration. In such a review proceeding, the findings of the Commission as to the facts, if supported by evidence, shall be conclusive.

''(f) ANTITRUST LAWS.—Nothing in this section shall be construed to modify, impair, or supersede the applicability of the antitrust laws as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)) and of section 5 of this Act to the extent that section 5 applies to unfair methods of competition. Nothing in this section shall modify, impair, limit or supersede the right of an ANDA filer to assert claims or counterclaims against any person, under the antitrust laws or other laws relating to unfair competition.

''(g) PENALTIES.—

''(1) FORFEITURE.—Each person, partnership or corporation that violates or assists in the violation of this section shall forfeit and pay to the United States a civil penalty sufficient to deter violations of this section, but in no event greater than 3 times the value received by the party that is reasonably attributable to a violation of this section. If no such value has been received by the NDA holder, the penalty to the NDA holder shall be shall be sufficient to deter violations, but

in no event greater than 3 times the value given to the ANDA filer reasonably attributable to the violation of this section. Such penalty shall accrue to the United States and may be recovered in a civil action brought by the Federal Trade Commission, in its own name by any of its attorneys designated by it for such purpose, in a district court of the United States against any person, partnership or corporation that violates this section. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate.

''(2) CEASE AND DESIST.—

''(A) IN GENERAL.—If the Commission has issued a cease and desist order with respect to a person, partnership or corporation in an administrative adjudicative proceeding under the authority of subsection (a)(1), an action brought pursuant to paragraph (1) may be commenced against such person, partnership or corporation at any time before the expiration of 1 year after such order becomes final pursuant to section 5(g).

''(B) EXCEPTION.—In an action under subparagraph (A), the findings of the Commission as to the material facts in the administrative adjudicative proceeding with respect to such person's, partnership's or corporation's violation of this section shall be conclusive unless—

''(i) the terms of such cease and desist order expressly provide that the Commission's findings shall not be conclusive; or

''(ii) the order became final by reason of section 5(g)(1), in which case such finding shall be conclusive if supported by evidence.

''(3) CIVIL PENALTY.—In determining the amount of the civil penalty described in this section, the court shall take into account—

''(A) the nature, circumstances, extent, and gravity of the violation;

''(B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, any effect on the ability to continue doing business, profits earned by the NDA holder, compensation received by the ANDA filer, and the amount of commerce affected; and

''(C) other matters that justice requires.

''(4) REMEDIES IN ADDITION.—Remedies provided in this subsection are in addition to, and not in lieu of, any other remedy provided by Federal law. Nothing in this paragraph shall be construed to affect any authority of the Commission under any other provision of law.

''(h) DEFINITIONS.—In this section:

''(1) AGREEMENT.—The term 'agreement' means anything that would constitute an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of this Act.

''(2) AGREEMENT RESOLVING OR SETTLING A PATENT INFRINGEMENT CLAIM.—The term 'agreement resolving or settling a patent infringement claim' includes any agreement that is entered into within 30 days of the resolution or the settlement of the claim, or any other agreement that is contingent upon, provides a contingent condition for, or is otherwise related to the resolution or settlement of the claim.

''(3) ANDA.—The term 'ANDA' means an abbreviated new drug application, as defined under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

''(4) ANDA FILER.—The term 'ANDA filer' means a party who has filed an ANDA with the Food and Drug Administration.

''(5) ANDA PRODUCT.—The term 'ANDA product' means the product to be manufactured under the ANDA that is the subject of the patent infringement claim.

''(6) DRUG PRODUCT.—The term 'drug product' means a finished dosage form (e.g., tablet, capsule, or solution) that contains a drug substance, generally, but not necessarily, in association with 1 or more other ingredients, as defined in section 314.3(b) of title 21, Code of Federal Regulations.

''(7) NDA.—The term 'NDA' means a new drug application, as defined under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

''(8) NDA HOLDER.—The term 'NDA holder' means—

''(A) the party that received FDA approval to market a drug product pursuant to an NDA;

''(B) a party owning or controlling enforcement of the patent listed in the Approved Drug Products With Therapeutic Equivalence Evaluations (commonly known as the 'FDA Orange Book') in connection with the NDA; or

''(C) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subparagraphs (A) and (B) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

''(9) PATENT INFRINGEMENT.—The term 'patent infringement' means infringement of any patent or of any filed patent application, extension, reissue, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patents of addition and extensions thereof.

''(10) PATENT INFRINGEMENT CLAIM.—The term 'patent infringement claim' means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA product may infringe any patent held by, or exclusively licensed to, the NDA holder of the drug product.

''(11) STATUTORY EXCLUSIVITY.—The term 'statutory exclusivity' means those prohibitions on the approval of drug applications under clauses (ii) through (iv) of section 505(c)(3)(E) (5- and 3-year data exclusivity), section 527 (orphan drug exclusivity), or section 505A (pediatric exclusivity) of the Federal Food, Drug, and Cosmetic Act .''.

(b) EFFECTIVE DATE.—Section 28 of the Federal Trade Commission Act, as added by this section, shall apply to all agreements described in section 28(a)(1) of that Act entered into after November 15, 2009. Section 28(g) of the Federal Trade Commission Act, as added by this section, shall not apply to agreements entered into before the date of enactment of this chapter.

NOTICE AND CERTIFICATION OF AGREEMENTS

SEC. 4203. (a) NOTICE OF ALL AGREEMENTS.—Section 1112(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 355 note) is amended—

(1) by striking ''the Commission the'' and inserting the following: ''the Commission—

''(1) the'';

(2) by striking the period and inserting ''; and''; and

(3) by inserting at the end the following:

''(2) any other agreement the parties enter into within 30 days of entering into an agreement covered by subsection (a) or (b).''.

(b) CERTIFICATION OF AGREEMENTS.—Section 1112 of such Act is amended by adding at the end the following:

''(d) CERTIFICATION.—The Chief Executive Officer or the company official responsible for negotiating any agreement required to be filed under subsection (a), (b), or (c) shall execute and file with the Assistant Attorney General and the Commission a certification as follows: 'I declare that the following is true, correct, and complete to the best of my knowledge: The materials filed with the Federal Trade Commission and the Department of Justice under section 1112 of subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, with respect to the agreement referenced in this certification: (1) represent the complete, final, and exclusive agreement between the parties; (2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and (3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to subsection (a) or (b) of such section 1112 and have not been reduced to writing.'.''.

FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD

SEC. 4204. Section 505(j)(5)(D)(i)(V) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(V)) is amended by inserting ''section 28 of the Federal Trade Commission Act or'' after ''that the agreement has violated''.

COMMISSION LITIGATION AUTHORITY

SEC. 4205. Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (D), by striking ''or'' after the semicolon;

(2) in subparagraph (E), by inserting ''or'' after the semicolon; and

(3) by inserting after subparagraph (E) the following:

''(F) under section 28;''.

STATUTE OF LIMITATIONS

SEC. 4206. The Commission shall commence any enforcement proceeding described in section 28 of the Federal Trade Commission Act, as added by section 3202, except for an action described in section 28(g)(2) of the Federal Trade Commission Act, not later than 3 years after the date on which the parties to the agreement file the Notice of Agreement as provided by section 1112(c) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (21 U.S.C. 355 note).

SEVERABILITY

SEC. 4207. If any provision of this chapter, an amendment made by this chapter, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this chapter, the amendments made by this chapter, and the application of the provisions of such chapter or amendments to any person or circumstance shall not be affected thereby.

CHAPTER 3

COMPUTATION OF MEDICAID AVERAGE MANUFACTURER PRICE

COMPUTATION OF MEDICAID AVERAGE MANUFACTURER PRICE (AMP) FOR DRUGS NOT DISPENSED THROUGH RETAIL COMMUNITY PHARMACIES

SEC. 4301. (a) IN GENERAL.—Section 1927(k)(1)(B)(i)(IV) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)(IV)), as amended by section 2503(a)(2)(B) of the Patient Protection and Affordable Care Act (Public Law 111–148) and by section 1102(c)(2) of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), is amended by inserting after ''retail community pharmacy'' the following: '', except that in the case of an inhalation, infusion, or injectable drug that is not dispensed through a retail community pharmacy, the exclusion under this subclause shall not apply to payments received from, and rebates and discounts provided to, distributors or hospitals, clinics, doctors, and other entities directly dispensing the drug; and''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 2503 of Public Law 111–148.

CHAPTER 4

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT

SHORT TITLE

SEC. 4401. This chapter may be cited as the ''Public Safety Employer-Employee Cooperation Act of 2010''.

DECLARATION OF PURPOSE AND POLICY

SEC. 4402. The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies, it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. State and local public safety officers, as first responders, are a component of our Nation's National Incident Management System, developed by the Department of Homeland Security to coordinate response to and recovery from terrorism, major natural disasters, and other major emergencies. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the National interest.

(3) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(4) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

(5) Many States and localities already provide public safety officers with collective bargaining rights comparable to or greater than the rights and responsibilities set forth in this chapter, and such State and local laws should be respected.

DEFINITIONS

SEC. 4403. In this chapter:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) CONFIDENTIAL EMPLOYEE.—The term ''confidential employee'' has the meaning given such term under applicable State law on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) is designated as confidential; and

(B) is an individual who routinely assists, in a confidential capacity, supervisory employees and management employees.

(3) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(4) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' mean any State, or political subdivision of a State, that employs public safety officers.

(5) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(y)).

(6) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment, and related matters.

(7) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

(8) MANAGEMENT EMPLOYEE.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(9) PERSON.—The term ''person'' means an individual or a labor organization.

(10) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory, management, or confidential employee.

(11) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, and any territory or possession of the United States.

(12) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'', when used with respect to the rights and responsibilities described in section 3404(b), means compliance with each right and responsibility described in such section.

(13) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work to exercising such authority.

DETERMINATION OF RIGHTS AND RESPONSIBILITIES

SEC. 4404. (a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b).

(2) CONSIDERATION OF ADDITIONAL OPINIONS.—In making the determination described in paragraph (1), the Authority shall consider the opinions of affected employers and labor organizations. In the case where the Authority is notified by an affected employer and labor organization that both parties agree that the law applicable to such employer and labor organization substantially provides for the rights and responsibilities described in subsection (b), the Authority shall give such agreement weight to the maximum extent practicable in making the Authority's determination under this subsection.

(3) LIMITED CRITERIA.—In making the determination described in paragraph (1), the Authority shall be limited to the application of the criteria described in subsection (b) and shall not require any additional criteria.

(4) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Authority shall issue a subsequent determination not later than 30 days after receipt of such request.

(5) JUDICIAL REVIEW.—Any person or employer aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person or employer resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider a State's law to substantially provide the required rights and responsibilities unless such law fails to provide rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management employees, supervisory employees, and confidential employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Providing for the right to bargain over hours, wages, and terms and conditions of employment.

(4) Making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

(5) Requiring enforcement of all rights, responsibilities, and protections provided by State law and enumerated in this section, and of any written contract or memorandum of understanding between a labor organization and a public safety employer, through—

(A) a State administrative agency, if the State so chooses; and

(B) at the election of an aggrieved party, the State courts.

(c) COMPLIANCE WITH REQUIREMENTS.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State substantially provides rights and responsibilities described in subsection (b), then this chapter shall not preempt State law.

(d) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), then such State shall be subject to the regulations and procedures described in section 3405 beginning on the later of—

(A) the date that is 2 years after the date of enactment of this Act;

(B) the date that is the last day of the first regular session of the legislature of the State that begins after the date of the enactment of this Act; or

(C) in the case of a State receiving a subsequent determination under subsection (a)(4), the date that is the last day of the first regular session of the legislature of the State that begins after the date the Authority made the determination.

(2) PARTIAL FAILURE.—If the Authority makes a determination that a State does not substantially provide for the rights and responsibilities described in subsection (b) solely because the State law substantially provides for such rights and responsibilities for certain categories of public safety officers covered by this chapter but not others, the Authority shall identify those categories of public safety officers that shall be subject to the regulations and procedures described in section 4405, pursuant to section 4408(b)(3) and beginning on the appropriate date described in paragraph (1), and those categories of public safety officers that shall remain subject to State law.

ROLE OF FEDERAL LABOR RELATIONS AUTHORITY

SEC. 4405. (a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4404(b) establishing collective bargaining procedures for employers and public safety officers in States which the Authority has determined, acting pursuant to section 4404(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this chapter and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this chapter, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in any appropriate district court of the United States to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

STRIKES AND LOCKOUTS PROHIBITED

SEC. 4406. (a) IN GENERAL.—Subject to subsection (b), an employer, public safety officer, or labor organization may not engage in a lockout, sickout, work slowdown, strike, or any other organized job action that will measurably disrupt the delivery of emergency services and is designed to compel an employer, public safety officer, or labor organization to agree to the terms of a proposed contract.

(b) NO PREEMPTION.—Nothing in this section shall be construed to preempt any law of any State or political subdivision of any State with respect to strikes by public safety officers.

EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS

SEC. 4407. A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) and is in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

CONSTRUCTION AND COMPLIANCE

SEC. 4408. (a) CONSTRUCTION.—Nothing in this chapter shall be construed—

(1) to preempt or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State that provides greater or comparable rights and responsibilities than the rights and responsibilities described in section 4404(b);

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4404(b) solely because such State law permits an employee to appear on the employee's own behalf with respect to the employee's employment relations with the public safety agency involved;

(4) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4404(b) solely because such State law excludes from its coverage employees of a State militia or national guard;

(5) to permit parties in States subject to the regulations and procedures described in section 4405 to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours;

(6) to prohibit a State from exempting from coverage under this chapter a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full-time employees; or

(7) to preempt or limit the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4404(b) solely because such law or ordinance does not require bargaining with respect to pension, retirement, or health benefits.

For purposes of paragraph (6), the term ''employee'' includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—

(1) ACTIONS OF STATES.—Nothing in this chapter or the regulations promulgated under this chapter shall be construed to require a State to rescind or preempt the laws or ordinances of any of the State's political subdivisions if such laws provide rights and responsibilities for public safety officers that are comparable to or greater than the rights and responsibilities described in section 4404(b).

(2) ACTIONS OF THE AUTHORITY.—Nothing in this chapter or the regulations promulgated under this chapter shall be construed to preempt—

(A) the laws or ordinances of any State or political subdivision of a State, if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights enumerated in section 4404(b);

(B) the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4404(b) with respect to certain categories of public safety officers covered by this Act solely because such rights and responsibilities have not been extended to other categories of public safety officers covered by this chapter; or

(C) the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4404(b), solely because such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

(3) LIMITED ENFORCEMENT POWER.—In the case of a law described in paragraph (2)(B), the Authority shall only exercise the powers provided in section 4405 with respect to those categories of public safety officers who have not been afforded the rights and responsibilities described in section 4404(b).

(4) EXCLUSIVE ENFORCEMENT PROVISION.—Notwithstanding any other provision of the chapter, and in the absence of a waiver of a State's sovereign immunity, the Authority shall have the exclusive power to enforce the provisions of this chapter with respect to employees of a State.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4409. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter.

CHAPTER 5

PROGRAM INTEGRITY INITIATIVES

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

ENFORCEMENT

For an additional amount for ''Enforcement'', $245,000,000, to remain available through September 30, 2011, for additional and enhanced tax enforcement activities: *Provided*, That section 3002 shall not apply to the amount under this heading.

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'', $5,000,000, to be expended from the Employment Security Administration Account of the Unemployment Trust Fund and remain available through September 30, 2011, to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews: *Provided*, That section 3002 shall not apply to the amount under this heading.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

For an additional amount for ''Health Care Fraud and Abuse Control Account'', $250,000,000, to remain available through September 30, 2012, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $124,747,000 shall be for Centers for Medicare and Medicaid Services Program Integrity Activities, including administrative costs, to conduct oversight activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act, for activities listed in section 1893 of such Act, and for Medicaid and Children's Health Insurance Program program integrity activities; of which $65,040,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act; and of which $60,213,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided*, That section 3002 shall not apply to the amounts under this heading.

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for ''Limitation on Administrative Expenses'', $38,000,000, to remain available through September 30, 2011, for the cost associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act: *Provided*, That section 3002 shall not apply to the amount under this heading.

CHAPTER 6

GENERAL PROVISIONS—THIS TITLE

SEC. 4601. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency, or other entity, to carry out criminal investigation, prosecution, or adjudication activities.

SEC. 4602. (a) STATUTORY PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

(b) EXCLUSION FROM PAYGO.—

(1) Savings in this Act that would be subject to inclusion in the Statutory Pay-As-You-Go scorecards are providing an offset to increased discretionary spending. As such, they should not be available on the scorecards maintained by the Office of Management and Budget to provide offsets for future legislation.

(2) The Director of the Office of Management and Budget shall not include any net savings resulting from the changes in direct spending or revenues contained in this Act on the scorecards required to be maintained by OMB under the Statutory Pay-As-You-Go Act of 2010.

Page 8, strike line 3 and all that follows through page 9, line 6.

Page 9, line 10, strike ''$11,719,927,000, of which $218,300,000'' and insert ''$218,300,000, which''.

Page 9, line 18, strike ''$2,735,194,000, of which $187,600,000'' and insert ''$187,600,000, which''.

Page 10, line 3, strike ''$829,326,000, of which $30,700,000'' and insert ''$30,700,000, which''.

Page 10, line 11, strike ''$3,835,095,000, of which $218,400,000'' and insert ''$218,400,000, which''.

Page 10, beginning on line 20, strike ''$1,236,727,000: *Provided*, That up to $50,000,000, to remain available until expended,'' and insert ''$50,000,000, to remain available until expended: *Provided*, That such amount''.

Page 11, strike line 22 and all that follows through page 18, line 18.

Page 18, strike line 20, and all that follows through page 19, line 18.

Page 19, line 19, strike ''304.'' and insert ''301.''.

Page 20, line 3, strike ''305.'' and insert ''302.''.

Page 20, line 8, strike ''306.'' and insert ''303.''.

Page 20, line 18, strike ''307.'' and insert ''304.''.

Page 21, line 3, strike ''308.'' and insert ''305.''.

Page 38, strike lines 4 through 22.

Page 41, strike lines 6 through 16.

Page 42, strike lines 8 through 12.

Page 43, strike lines 22 through 25.

Page 45, strike lines 3 through 19.

Page 48, line 8, strike the dollar amount and all that follows through ''available'' on page 49, line 3 and insert ''$175,000,000, to remain available until September 30, 2012,''.

Page 49, line 20, after the first comma, strike the dollar amount and all that follows through ''available'' on line 23 and insert ''$50,000,000, to remain available until September 30, 2012,''.

Page 52, strike line 3 and all that follows through page 58, line 20.

Page 58, line 22, strike ''1007.'' and insert ''1004.''.

Page 61, line 13, strike ''1008.'' and insert ''1005.''.

Page 62, line 15, strike ''1009.'' and insert ''1006.''.

Page 64, line 14, strike ''1010.'' and insert ''1007.''.

Page 66, line 10, strike ''1011.'' and insert ''1008.''.

Page 66, line 16, strike ''1012.'' and insert ''1009.''.

Page 66, line 23, strike ''1013.'' and insert ''1010.''.

Page 67, line 13, strike ''1014.'' and insert ''1011.''.

Page 67, line 21, strike ''1015.'' and insert ''1012.''.

Page 68, line 21, strike ''Iraq, Pakistan, Afghanistan, and''.

Page 68, line 23, strike ''those countries'' and insert ''that country''.

Page 69, strike line 8 and all that follows through page 70, line 18.

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) LIMITATION.—Funds appropriated in this Act for the continued military operations of the Armed Forces in Afghanistan may be obligated and expended within Afghanistan only for the purposes of—

(1) providing for the continued protection of members of the Armed Forces and civilian and contractor personnel of the Federal Government who are in Afghanistan; and

(2) beginning the safe and orderly withdrawal from Afghanistan of all members of the Armed Forces and Department of Defense contractor personnel who are in Afghanistan.

(b) CLARIFICATION.—Nothing in subsection (a) shall be construed to prohibit or otherwise restrict the use of funds available to any department or agency of the United States to carry out diplomatic efforts or humanitarian activities in Afghanistan, including security related to such efforts and activities.

Page 22, after line 16, insert the following:

SEC. 309. (a) FINDINGS REGARDING SECURITY AND STABILITY CONDITIONS IN AFGHANISTAN.—Since the last national intelligence estimate on conditions in Afghanistan, there have been fundamental changes in the conditions in that country, and fundamental changes in the United States military and diplomatic strategy toward that country, including—

(1) the August 2009 elections in Afghanistan;

(2) the strategy announced by the President in December 2009 to guide United States military operations, including a commitment to begin redeployment of troops out of Afghanistan by July 2011;

(3) the tactics employed by the United States, which emphasize counterinsurgency military operations and increasing civilian participation;

(4) the level of United States forces deployed to Afghanistan; and

(5) the continuing development of Afghanistan's security forces, including the Afghan National Army and the Afghan National Police.

(b) REPORT.—Not later than January 31, 2011, the Director of National Intelligence shall submit to the President and the Congress a new national intelligence estimate on security and stability in Afghanistan and Pakistan, which shall include—

(1) an assessment of the ability, performance, intent, and commitment of the Government of Afghanistan to work with the United States to implement the strategy announced in December 2009;

(2) an assessment of the ability, performance, intent, and commitment of the Government of Pakistan to work with the United States to implement the strategy announced in December 2009;

(3) an assessment of the security forces of Afghanistan and Pakistan, including their ability to maintain security in areas where they are deployed, and an assessment of the timing of full deployment as envisioned by the December 2009 strategy;

(4) an assessment of whether continuing United States military presence in Afghanistan contributes to Afghan and Pakistani

support for, or sympathy toward, the Taliban, al Qaeda, or other insurgents;

(5) an assessment of the effect of continuing United States military presence on the strength of al Qaeda and other terrorist organizations in Afghanistan and neighboring countries, including those in the United States Central Command and United States Africa Command areas of responsibility; and

(6) an assessment of the effect of the continuing United States military presence on the ability of al Qaeda and related terrorist organizations to obtain resources, recruit personnel, and continue operations targeted at the United States and its allies.

(c) PLAN WITH TIMETABLE REQUIRED.—Not later than April 4, 2011, the President shall submit to Congress a plan for the safe, orderly, and expeditious redeployment of the Armed Forces from Afghanistan, including military and security-related contractors, together with a timetable for the completion of that redeployment and information regarding variables that could alter that timetable.

(d) STATUS UPDATES.—Not later than 90 days after the date of the submittal of the plan required by subsection (c), and every 90 days thereafter, the President shall submit to Congress a report setting forth the current status of the plan for redeploying the Armed Forces from Afghanistan.

(e) OVERSIGHT OF CONTRACTORS ENGAGED IN ACTIVITIES RELATING TO AFGHANISTAN.—

(1) RECOMMENDATIONS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Special Inspector General for Afghanistan Reconstruction shall, in consultation with the Inspector General of the Department of Defense, the Inspector General of the United States Agency for International Development, and the Inspector General of the Department of State—

(A) issue recommendations on measures to increase oversight of contractors engaged in activities relating to Afghanistan that have a record of engaging in waste, fraud, or abuse;

(B) report on the status of efforts of the Department of Defense, the United States Agency for International Development, and the Department of State to implement existing recommendations regarding oversight of such contractors; and

(C) report on the extent to which military and security contractors or subcontractors engaged in activities relating to Afghanistan have been responsible for the deaths of Afghan civilians.

(2) ELEMENTS OF RECOMMENDATIONS.—The recommendations issued under paragraph (1) shall include—

(A) recommendations for reducing the reliance of the United States on—

(i) military and security contractors or subcontractors engaged in activities relating to Afghanistan that have been responsible for the deaths of Afghan civilians; and

(ii) Afghan militias or other armed groups that are not part of the Afghan National Security Forces; and

(B) recommendations for prohibiting the Department of Defense, the Department of State, or the United States Agency for International Development from entering into contracts with contractors engaged in activities relating to Afghanistan that have a record of engaging in waste, fraud, or abuse.

SEC. 310. (a) LIMITATION ON FUNDS.—None of the funds available to the Department of Defense in the Department of Defense Appropriations Act, 2011 may be obligated or expended in a manner that is inconsistent with the President's policy announced on December 1, 2009, to begin the orderly withdrawal of United States troops from Afghanistan after July 1, 2011, unless the Congress approves a joint resolution as specified in subsection (b).

(b) JOINT RESOLUTION.—For purposes of this section, the term ''joint resolution'' means a joint resolution introduced in either House of the Congress after receipt by the Congress of the national intelligence estimate required under section 309 of this Act, the matter after the resolving clause of which is as follows: ''That the Congress approves the obligation and expenditure of funds appropriated in the Department of Defense Appropriations Act, 2011 for United States combat operations in Afghanistan after July 1, 2011, even if the plan submitted on April 4, 2011, is inconsistent with the intention to begin the process of orderly withdrawal of United States troops from such combat operations in Afghanistan.''.

(c) EXPEDITED PROCEDURES IN THE HOUSE.—

(1) A joint resolution in the House of Representatives shall be referred to the Committee on Appropriations.

(2) If the committee has not reported the joint resolution at the end of 20 legislative days after its introduction, the committee shall be discharged from further consideration of the joint resolution, and the joint resolution shall be placed on the appropriate calendar of the House.

(3) When the committee has reported a joint resolution or been discharged from further consideration, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution. The motion is highly privileged in the House. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or not agreed to shall not be in order.

(4) Debate on the joint resolution shall be limited to not more than 9 hours, which shall be divided equally between those favoring and those opposing the joint resolution. An amendment to, or motion to recommit, the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or not agreed to is not in order.

(5) Motions to postpone and motions to proceed to the consideration of other business shall be decided without debate.

(6) Appeals from the decisions of the Chair relating to the application of the rules of the House to the procedure relating to the joint resolution shall be decided without debate.

(d) EXPEDITED PROCEDURES IN THE SENATE.—[To be supplied.]

(e) CONGRESSIONAL RULEMAKING.—Subsections (c) and (d) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedures to be followed in that House in the case of joint resolutions described in subsection (b), and they supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 311. Nothing in section 309 or 310 shall be construed so as to limit or prohibit any authority of the President to—

(1) attack al Qaeda forces wherever they are located;

(2) gather, provide, and share intelligence with allies operating in Afghanistan and Pakistan; or

(3) modify the military strategy and operations of the Armed Forces as such Armed Forces redeploy pursuant to a timetable and strategy developed under section 309(c).

Pending consideration of said bill,

The SPEAKER pro tempore, Mr. WEINER, pursuant to House Resolution 1500, divided the time for debate among Messrs. OBEY and LEWIS of California, for 15 minutes each; Ms. LEE of California, and an opponent for 15 minutes each; and Mr. MCGOVERN and an opponent for 15 minutes each.

After debate,

Pursuant to House Resolution 1500 the previous question was considered as ordered, and the question of agreeing to the motion was divided among the five House amendments.

Pursuant to House Resolution 1500, the first portion of the divided question on agreeing to the amendment of the Senate, to the text, with amendment numbered 1, printed in House Report 111-522, was agreed to.

The second portion of the divided question was put, viva voce,

Pursuant to House Resolution 1500, will the House agree to the amendment of the Senate, to the text, with amendment numbered 2, printed in House Report 111-522?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. FRELINGHUYSEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	239
Nays	182
Answered present	1

¶85.41 [Roll No. 430]

YEAS—239

Ackerman	Clyburn	Garamendi
Adler (NJ)	Cohen	Giffords
Altmire	Connolly (VA)	Gonzalez
Andrews	Costa	Gordon (TN)
Arcuri	Costello	Grayson
Baca	Courtney	Green, Al
Baldwin	Critz	Green, Gene
Barrow	Crowley	Grijalva
Becerra	Cuellar	Gutierrez
Berkley	Cummings	Hall (NY)
Berman	Davis (AL)	Halvorson
Berry	Davis (CA)	Hare
Bishop (GA)	Davis (IL)	Harman
Bishop (NY)	Davis (TN)	Hastings (FL)
Blumenauer	DeFazio	Heinrich
Boccieri	DeGette	Higgins
Boren	Delahunt	Hill
Boswell	DeLauro	Himes
Boucher	Deutch	Hinchey
Boyd	Dicks	Hinojosa
Brady (PA)	Dingell	Hirono
Braley (IA)	Doggett	Hodes
Brown, Corrine	Donnelly (IN)	Holden
Butterfield	Doyle	Holt
Capps	Driehaus	Honda
Capuano	Edwards (MD)	Hoyer
Cardoza	Edwards (TX)	Inslee
Carnahan	Ellison	Israel
Carney	Ellsworth	Jackson (IL)
Carson (IN)	Engel	Jackson Lee (TX)
Castle	Eshoo	Johnson (GA)
Castor (FL)	Etheridge	Johnson (IL)
Chandler	Farr	Johnson, E. B.
Childers	Fattah	Kagen
Chu	Filner	Kanjorski
Clarke	Foster	Kaptur
Clay	Frank (MA)	Kennedy
Cleaver	Fudge	

Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wilson (OH)
Wu
Yarmuth

NAYS—182

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hunter
Inglis
Issa
Jenkins
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

ANSWERED ''PRESENT''—1

Miller, Gary

NOT VOTING—11

Bean
Capito
Conyers
Griffith
Hoekstra
Johnson, Sam
Radanovich
Rodriguez
Wamp
Woolsey
Young (AK)

The second portion of the divided question was agreed to.

A motion to reconsider the vote whereby the second portion of the divided question was agreed to was, by unanimous consent, laid on the table.

The third portion of the divided question was put, viva voce,

Pursuant to House Resolution 1500, will the House agree to the amendment of the Senate to the text with amendment numbered 3, printed in House Report 111-522?

The SPEAKER pro tempore, Mr. WEINER, announced that the nays had it.

Mr. OBEY demanded a recorded vote on agreeing to the third portion of the divided question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 25; Nays ..... 376; Answered present 22

¶85.42 [Roll No. 431]

AYES—25

Clarke
Clay
Duncan
Edwards (MD)
Ellison
Filner
Garamendi
Grayson
Grijalva
Gutierrez
Jackson (IL)
Johnson (IL)
Kucinich
Lewis (GA)
Michaud
Nadler (NY)
Napolitano
Paul
Pingree (ME)
Schrader
Serrano
Sires
Stark
Velázquez
Welch

NOES—376

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Young (FL)

ANSWERED ''PRESENT''—22

Baldwin
Castor (FL)
Chu
Cohen
Hinchey
Hirono
Jackson Lee (TX)
Kagen
Lee (CA)
Lofgren, Zoe
Maloney
McDermott
McGovern
Miller, George

Rangel
Sánchez, Linda T.
Schakowsky
Slaughter
Thompson (CA)
Waters
Watson
Yarmuth

NOT VOTING—10

Capito
Conyers
Griffith
Hoekstra
Johnson, Sam
Radanovich
Rodriguez
Wamp
Woolsey
Young (AK)

The third portion of the divided question was not agreed to.

A motion to reconsider the vote whereby the third portion of the divided question was not agreed to was, by unanimous consent, laid on the table.

The fourth portion of the divided question was put, viva voce,

Pursuant to House Resolution 1500, will the House agree to the amendment of the Senate to the text with amendment numbered 4, printed in House Report 111-522?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. OBEY demanded a recorded vote on agreeing to the fourth portion of the divided question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 100 / Nays 321

¶85.43 [Roll No. 432]

AYES—100

Baldwin
Becerra
Blumenauer
Campbell
Capuano
Chaffetz
Chu
Clarke
Clay
Cleaver
Cohen
Costello
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doyle
Duncan
Edwards (MD)
Ellison
Farr
Filner
Frank (MA)
Fudge
Garamendi
Grayson
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Hirono
Holt
Honda
Inslee
Jackson (IL)
Jackson Lee (TX)
Johnson (IL)
Jones
Kagen
Kennedy
Kucinich
Larson (CT)
Lee (CA)
Lewis (GA)
Lofgren, Zoe
Maffei
Maloney
Markey (MA)
Matsui
McCollum
McDermott
McGovern
Michaud
Miller, George
Moore (WI)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pastor (AZ)
Paul
Payne
Pingree (ME)
Polis (CO)
Quigley
Rangel
Richardson
Rohrabacher
Rush
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schrader
Scott (VA)
Serrano
Sires
Slaughter
Speier
Stark
Stupak
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Velázquez
Waters
Watt
Waxman
Weiner
Welch
Yarmuth

NOES—321

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Critz
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Dreier
Driehaus
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hodes
Holden
Hoyer
Hunter
Inglis
Israel
Issa
Jenkins
Johnson (GA)
Johnson, E. B.
Jordan (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens
Pascrell
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rehberg
Reichert
Reyes
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Young (FL)

NOT VOTING—11

Capito
Conyers
Griffith
Hoekstra
Johnson, Sam
Radanovich
Rodriguez
Wamp
Watson
Woolsey
Young (AK)

The fourth portion of the divided question was not agreed to.

A motion to reconsider the vote whereby the fourth portion of the divided question was not agreed to was, by unanimous consent, laid on the table.

The fifth portion of the divided question was put, viva voce,

Pursuant to House Resolution 1500, will the House agree to the amendment of the Senate to the text with amendment numbered 5, in House Report 111-522?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. OBEY demanded a recorded vote on agreeing to the fifth portion of the divided question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 162 / Nays 260

¶85.44 [Roll No. 433]

AYES—162

Baca
Baldwin
Becerra
Berkley
Berry
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Capps
Capuano
Cardoza
Carnahan
Castor (FL)
Chaffetz
Chu
Clarke
Clay
Cleaver
Coble
Cohen
Connolly (VA)
Costello
Courtney
Crowley
Cummings
Dahlkemper
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Doggett
Doyle
Duncan
Edwards (MD)
Ehlers
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Grayson
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Inslee
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kucinich
Larson (CT)
Lee (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Luján
Lynch
Maffei
Maloney
Markey (MA)
Matsui
McCollum
McDermott
McGovern
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rangel
Richardson
Rohrabacher
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (VA)
Serrano
Shea-Porter
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wilson (OH)
Yarmuth

NOES—260

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachmann
Bachus
Baird

Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Carney
Carson (IN)
Carter
Cassidy
Castle
Chandler
Childers
Clyburn
Coffman (CO)
Cole
Conaway
Cooper
Costa
Crenshaw
Critz
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Donnelly (IN)
Dreier
Driehaus
Edwards (TX)
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Holden
Hoyer
Hunter
Inglis
Israel
Issa
Jenkins
Johnson, E. B.
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Rahall
Rehberg
Reichert
Reyes
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Spratt
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (FL)

NOT VOTING—11

Capito
Conyers
Griffith
Gutierrez
Hoekstra
Johnson, Sam
Radanovich
Rodriguez
Wamp
Woolsey
Young (AK)

The fifth portion of the divided question was not agreed to.

A motion to reconsider the vote whereby the fifth portion of the divided question was not agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

¶85.45 FIRST SPONSORS CHANGE—H.R. 709

Ms. HIRONO, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 709) to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians (a bill originally introduced by Representative Abercrombie); for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7(b)(4) of rule XII.

¶85.46 PUBLIC WORKS PROJECTS

The SPEAKER pro tempore, Mr. WEINER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 1, 2010.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: On July 1, 2010, the Committee on Transportation and Infrastructure met in open session to consider 15 resolutions to authorize appropriations for the General Services Administration's (GSA) FY 2010 Capital Investment and Leasing Program. The leases authorize $225.9 million for various agencies. The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on July 1, 2010.

Sincerely,
JAMES L. OBERSTAR, M.C.,
Chairman.

Enclosures.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
WASHINGTON, D.C.
PDC-12-WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 605,000 rentable square feet for the National Aeronautics and Space Administration (NASA), currently located in the 2 Independence Square Building at 300 E Street, SW, in Washington, D.C., at a proposed total annual cost of $29,645,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that within two years of the adoption of this resolution, the Administrator shall provide the Committee on Transportation and Infrastructure of the House of Representatives, with a final housing plan approved by the Office of Management and Budget that provides for Federal Government ownership of the NASA headquarters functions in the National Capital Region.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
WASHINGTON, DC

Prospectus Number: PDC-12-WA10

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 605,000 rentable square feet (rsf) for the National Aeronautics and Space Administration (NASA), currently located in the 2 Independence Square Building at 300 E Street, SW in Washington, DC. The current lease expires on July 19, 2012.

Acquisition Strategy

GSA may satisfy this requirement through a single award solicitation or as part of a multiple award solicitation.

Description

Occupants:	NASA
Delineated Area:	Washington, D.C. Central Employment Area
Lease Type:	Replacement
Justification:	Expiring Lease (7/19/2012)
Expansion Space:	None
Number of Parking Spaces:	25 spaces for official Government vehicles
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	605,000
Current Total Annual Cost:	$22,789,643
Proposed Total Annual Cost:[1]	$29,645,000
Maximum Proposed Rental Rate:[2]	$49.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2012 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
WASHINGTON, DC

Prospectus Number: PDC-12-WA10

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 11, 2009

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

March 2009

Housing Plan
National Aeronautics and Space Administration

Washington, DC
PDC-12-WA10

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
2 Independence Square	2312	2312	374,396		117,657	492,053						
Replacement Lease	-	-	-		-	-	1,890	1,890	374,396	-	117,657	492,053
Total	**2,312**	**2,312**	**374,396**		**117,657**	**492,053**	**1,890**	**1,890**	**374,396**	**-**	**117,657**	**492,053**

Utilization Rate	Current	Proposed
	126	155

Current UR excludes 82,367 USF of Office for support space
Proposed UR excludes 82,367 USF of office for support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

Special Space	USF
Auditorium	5,502
Credit Union/Gift Shop/Post Office	3,447
Fitness Center	6,067
Health Clinic	5,215
Library/Archives	11,296
Printing/Graphics/Copy	10,045
Server Room	4,582
Television Studio	6,848
Daycare Center	8,844
Building Support	15,569
SCIF (G-Concourse)	2,305
Training/Classroom	37,937
Total	**117,657**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF TREASURY
WASHINGTON, D.C.
PDC-16-WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 70,000 rentable square feet for the Department of Treasury, currently located in the Treasury Annex, 501 Madison Place, NW, in Washington, D.C., at a proposed total annual cost of $3,430,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF THE TREASURY
WASHINGTON, DC

Prospectus Number: PDC-16-WA10

Project Summary

The General Services Administration (GSA) proposes a new lease of up to 70,000 rentable square feet (rsf) for the Department of the Treasury (Treasury), currently located in the Treasury Annex, 501 Madison Place, NW, Washington, DC.

Treasury will vacate the Treasury Annex while it is completely modernized in a single phase. The modernization will address major functional and code deficiencies to align the historic structure with modern federal office use, while preserving significant interior and exterior features. Treasury, which will fund the Annex renovation, will relocate 279 employees to space in Main Treasury. The remaining 300 Treasury employees will require leased swing space during renovations. Only a small U.S. Secret Service office will remain operational in the Treasury Annex building during construction. Occupancy of the new leased swing space is anticipated to occur in fiscal year 2010.

Acquisition Strategy

GSA may satisfy this requirement through a single award solicitation or as part of a multiple award solicitation.

Description:

Occupants:	Department of the Treasury
Delineated Area:	Washington, DC Central Employment Area, North of Massachusetts Avenue, and Southwest Waterfront
Lease Type:	New
Justification:	Renovation/modernization of the Treasury Annex
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	10 years (cancellation rights after 5 years)
Maximum Rentable Square Feet:	70,000
Current Total Annual Cost:	$1,328,000

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF THE TREASURY
WASHINGTON, DC

Prospectus Number: PDC-16-WA10

Proposed Total Annual Cost:[1]	$3,430,000
Maximum Proposed Rental Rate:[2]	$49.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2010 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF THE TREASURY
WASHINGTON, DC

Prospectus Number: PDC-16-WA10

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 11, 2009

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

April 2009

Housing Plan
Department of the Treasury

Washington, DC
PDC-16-WA10

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Tresury Annex												
Department of the Treasury	579	579	56,832	1,122	29,065	**87,019**	-	-	-	-	-	-
U.S. Secret Service	5	5	1,117	-	-	**1,117**	5	5	1,117	-	-	1,117
Subtotal	**584**	**584**	**57,949**	**1,122**	**29,065**	**88,136**	**5**	**5**	**1,117**	**-**	**-**	**1,117**
Proposed Lease												
Department of the Treasury*	-	-	-	-	-	-	300	300	55,834	600	1,900	58,334
Total	**584**	**584**	**57,949**	**1,122**	**29,065**	**88,136**	**305**	**305**	**56,951**	**600**	**1,900**	**59,451**

	Current	Proposed
Utilization		
Rate	77	145

Current UR excludes 12,503 USF of office support space.
Proposed UR excludes 12,283 USF of office support space.

Special Space	USF
Conference	800
Break room	250
Mail room	200
Reception	450
Copy room	200
Total	**1,900**

* 279 Treasury employees will be relocated to space in Main Treasury during the Annex renovation.

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
SUBURBAN MARYLAND
PMD-01-WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a lease consolidation of up to 491,000 rentable square feet for the National Institutes of Health, National Institute of Allergy and Infectious Diseases, currently located in multiple buildings in the Rock Springs Office Park in Bethesda, MD, at a proposed total annual cost of $16,694,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
SUBURBAN MARYLAND

Prospectus Number: PMD-01-WA10
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a lease consolidation of up to 491,000 rentable square feet (rsf) for the National Institutes of Health (NIH), National Institute of Allergy and Infectious Diseases (NIAID) currently located in multiple buildings in the Rock Springs Office Park in Bethesda, MD.

NIAID's Rock Springs location includes 159,731 rsf at 6700 Rockledge Boulevard under a lease which expires May 31, 2010. GSA obtained authority in PMD-01-WA09 to extend the lease at 6700 Rockledge Boulevard on a short-term basis to align with lease expirations in neighboring buildings in preparation for a consolidation. NIAID occupies an additional 200,269 rsf at 6610 Rockledge Drive and 10401 Fernwood Road. These locations were acquired by NIH under special leasing authority to meet emergency staff increases following the September 11, 2001 tragedy and subsequent anthrax attacks. At the time, Congress designated NIAID the lead agency to formulate a biodefense strategic research plan to address federally funded research involving highly infectious pathogens which threaten public health world-wide. Subsequent to completion of the biodefense strategic plan, NIAID was designated to lead the federal agenda for implementation and also expand oversight to include biomedical research programs addressing chemical, radioactive and chemical toxin public health threats. NIH acquired both Rockledge Drive and Fernwood Road as a temporary measure until consolidation was possible to address these expanding program needs. NIAID has a mission critical need for a lease consolidation.

NIAID has experienced more than a 30 percent increase in personnel since 2003 and expects continued growth until the anticipated delivery of their consolidated leased location in 2012. Their projected number of personnel is expected to reach 1,925 in 2009 and grow to 2,021 in 2012. NIAID personnel consist of federal staff, contractors, fellowship appointments, guest researchers, summer students, and volunteers.

NIAID's new consolidated location needs to be proximate to the NIH campus in Montgomery County, Maryland; NIH off-campus clusters; I-270, NW Beltway Spur; and the Metro along the Red Line as employees rely on the NIH shuttle service and public transit to make frequent trips to the NIH campus. Additionally, NIAID frequently hosts conferences/training sessions attended by representatives from other government agencies, health organizations/companies, and foreign dignitaries. Locating outside of the specified delineated area, in a location inaccessible by public transit, I-270, the Northwest Beltway Spur and away from other federal agencies, could negatively impact these functions.

GSA PBS

PROSPECTUS – LEASE
NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
SUBURBAN MARYLAND

Prospectus Number: PMD-01-WA10
Congressional District: 8

Acquisition Strategy

GSA may satisfy this requirement through a single award solicitation or as part of a multiple award solicitation.

Description

Occupants:	NIAID
Delineated Area:	-To the north: Muddy Branch Road to I-270 to I-370 - To the east: Crabbs Branch Way to E. Gude Drive to Norbeck Rd. to Viers Mill Rd. to Connecticut Ave - To the south: Western Ave. following the border of Southern Maryland up to the Clara Barton Pkwy. - To the west: Seven Locks Rd. to Wooten Pkwy. to Darnestown Rd. to Great Seneca Hwy. to Muddy Branch Rd.
Lease Type:	Consolidation
Justification:	Expiring Leases - 10410 Fernwood Rd. - 9/30/2011 6610 Rockledge Blvd. – 3/31/2012 6700 Rockledge Dr. – TBD to align with projected consolidation date in 2012
Expansion Space:	58,108 usable square feet
Number of Parking Spaces:	7 inside

GSA PBS

PROSPECTUS – LEASE
NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
SUBURBAN MARYLAND

Prospectus Number: PMD-01-WA10
Congressional District: 8

Scoring:	Operating lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	491,000
Current Total Annual Cost:	$11,677,100
Proposed Total Annual Cost:[1]	$ 16,694,000
Maximum Proposed Rental Rate:[2]	$ 34.00 per rsf

Summary of Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2012 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES
SUBURBAN MARYLAND

Prospectus Number: PMD-01-WA10
Congressional District: 8

Certification of Need

The proposed lease is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 11, 2009

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

March 2009

Housing Plan
National Institutes of Health
National Institute of Health and Infectious Disease

Suburban MD
PMD-01-WA10

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
6700 B Rockledge Drive	602	602	126,200		2,000	128,200						
6700 A Rockledge Drive	50	50	6,000			6,000						
6610 Rockledge Drive	722	722	132,000			132,000						
10401 Fernwood Drive	311	311	42,400		3,000	45,400						
Visiting Federal Staff	23	23				0						
Contract staff currently in private lease proposed for inclusion, in support of NIAID	217	217	42,200			42,200						
Proposed Lease Consolidation							2,021	2,021	387,038		24,870	411,908
Total:	**1,925**	**1,925**	**348,800**	**-**	**5,000**	**353,800**	**2,021**	**2,021**	**387,038**		**24,870**	**411,908**

	Current	Proposed
	Utilization	
Rate	141	149

Current UR excludes 14,885 USF of office support space
Proposed UR excludes 15,827 USF of office support space

Special Space	
Data Center	5,000
Vending Machine	600
Dining/Conference Center	12,500
Concession Stand	900
Lactation Room	160
COOP Center	400
Health Center	150
Fitness Center	5,000
Lobby/Guards	120
ATM	40
Total:	**24,870**

USF means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
SUBURBAN MARYLAND
PMD-02-WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 986,000 rentable square feet for the National Oceanic and Atmospheric Administration (NOAA), currently located in Silver Spring Metro Center at 1315 East West Hwy, 1325 East West Hwy, and 1305 East West Hwy, Silver Spring, MD, at a proposed total annual cost of $33,524,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute interim leases for all tenants, if necessary, prior to the execution of the new lease.

Provided, that the General Services Administration shall extend current leases as necessary to ensure full competition, including proposals for new lease-construction, for the replacement lease.

Provided further, that, in the event that "best value" procedures are employed in the replacement lease procurement, and the source selection plan is structured such that technical factors in aggregate are more important than price, that the Administrator provide a detailed justification for this procurement structure to the Committee on Transportation and Infrastructure of the House of Representatives, prior to the inception of the procurement.

Provided further, that to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that within two years of the adoption of this resolution, the Administrator shall provide the Committee on Transportation and Infrastructure of the House of Representatives, with a final housing plan approved by the Office of Management and Budget that provides for Federal Government ownership of the NOAA headquarters functions in the National Capital Region.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on

Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
SUBURBAN MARYLAND

Prospectus Number: PMD-02-WA10
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 986,000 rentable square feet for National Oceanic and Atmospheric Administration (NOAA) currently located in Silver Spring Metro Center (SSMC) at 1315 East West Hwy, 1325 East West Hwy, and 1305 East West Hwy, Silver Spring, MD.

Silver Spring Metro Center consists of one federally-owned location and three leased locations. NOAA's headquarters campus in Silver Spring has increased by four other leased locations, all within walking distance of the Silver Spring Metro Center buildings.

Acquisition Strategy

GSA intends to conduct a procurement that addresses the expiring leases as one requirement. Since the leases housing NOAA are not conterminous, short-term extensions will be needed. GSA may satisfy this requirement through a single award solicitation or as part of a multiple award solicitation.

Description

Occupants:	NOAA
Delineated Area:	Suburban Maryland, Metro Proximate
Lease Type:	Replacement
Justification:	Expiring Leases 3/31/2010, 5/5/2013, and 6/26/2013
Expansion Space:	None
Number of Parking Spaces:	13
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	986,000
Current Total Annual Cost:	$24,366,096
Proposed Total Annual Cost:[1]	$33,524,000
Maximum Proposed Rental Rate:[2]	$34.00

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2013 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
SUBURBAN MARYLAND

Prospectus Number: PMD-02-WA10
Congressional District: 8

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed lease is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 11, 2009

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

March 2009

Housing Plan
NOAA

PMD-02-WA10
Suburban, MD

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1325 East West Highway	1,158	1,158	190,445		56,003	246,448						
1315 East West Highway	1,810	1,810	298,836	1,070	117,971	417,877						
1305 East West Highway	785	785	121,413	1,409	34,047	156,869						
Proposed Lease		-				-	3,753	3,753	610,694	2,479	208,021	821,194
Total	3,753	3,753	610,694	2,479	208,021	821,194	3,753	3,753	610,694	2,479	208,021	821,194

	Current	Proposed
Utilization		
Rate	127	127

Current UR excludes 134,353 USF of Office for support space
Proposed UR excludes 134,353 USF of office for support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

Special Space	USF
ADP	41,887
Auditorium	56,725
Conference	76,359
Food Service	16,071
Health Unit	2,170
Laboratory	4,489
Fitness Center	6,538
Child Care	3,782
Total	**208,021**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF DEFENSE
MEDICAL COMMAND HEADQUARTERS
NORTHERN VIRGINIA
PVA-04-WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 751,000 rentable square feet for the Department of Defense Medical Command Headquarters, currently located at multiple leased and government owned locations throughout the Washington Metropolitan region, at a proposed total annual cost of $30,040,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute interim leases for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator is authorized to apply only the security standards promulgated by the Interagency Security Committee (ISC) to this lease procurement, given that the space will not be housed on a military installation, unless the Administrator determines that to comply only with the ISC criteria would jeopardize compliance with the Base Realignment and Closure requirement that the medical command headquarters be relocated by September 15, 2011.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
MEDICAL COMMAND HEADQUARTERS
NORTHERN VIRGINIA

Prospectus Number: PVA-04-WA10
Congressional Districts: 8,10,11

Project Summary

The General Services Administration (GSA) proposes a new lease of up to 751,000 rentable square feet (rsf) and four parking spaces to house the components of the Department of Defense (DOD) Medical Command Headquarters in one or more buildings on a single, contiguous site. These components are currently located at multiple leased and government owned locations throughout the Washington Metropolitan region. Compliance with the DOD Uniform Facility Code Anti-Terrorism Standards requires DOD control of the site.

The 2005 Base Realignment and Closure (BRAC) recommendations directed DOD to

> "Realign the Potomac Annex, DC. Realign Bolling Air Force Base, DC. Realign Skyline, leased space in Falls Church, VA. Collocate the Navy Bureau of Medicine, Office of the Surgeon General of the Air Force, the Air Force Medical Operating Activity, and the Air Force Medical Support Activity, Office of the Secretary of Defense (Health Affairs), Tricare Management Activity, Office of the Army Surgeon General and US Army Medical Command to a single, contiguous site that meets the current Department of Defense AntiTerrorism Force Protection standards for new construction at either the National Naval Medical Center, Bethesda, MD, Bolling Air Force Base, DC, or federally owned or leased space in the National Capital Region and consolidate common support activity."

DOD must close and realign all installations in accordance with the BRAC Commission's recommendations, as transmitted to Congress by the President in a September 15, 2005 report. The implementation process must begin within two years of the transmission of the report and be completed within six years of that transmission. Thus, in accordance with BRAC Act of 1990 (P.L. 101-510, as amended), DOD is legally obligated to relocate all functions by September 15, 2011.

The majority of the Medical Command Headquarters components currently occupy leased space in multiple buildings in Northern Virginia, all with differing lease expirations. The current leased locations do not comply with DOD Minimum Anti-Terrorism Standards for Buildings effective for all leases that expire in FY 2009 and beyond. The new leased location must comply with these standards. Most current leases expire before September 15, 2011 and will require short-term extensions. GSA will negotiate for lease terms that provide flexibility to align with the consolidation date and minimize vacancy risk. The components of the Medical Command Headquarters will also relocate from government owned facilities at Bolling Air Force Base and the Potomac Annex as part of this BRAC action. The space at Bolling AFB will be backfilled

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
MEDICAL COMMAND HEADQUARTERS
NORTHERN VIRGINIA

Prospectus Number: PVA-04-WA10
Congressional Districts: 8,10,11

with another DOD occupant as part of the 2005 BRAC realignment and the Potomac Annex will be realigned by the Department of the Navy.

The components of the Medical Command Headquarters will collocate six non-BRAC organizations to the proposed lease site. These organizations are part of the components' headquarters and perform medical headquarters functions in support of the overall mission that are best operated if located together. Most of these entities will relocate from small blocks of government owned space throughout the country. The spaces occupied by four of the six organizations are parts of larger federally owned installations and will be backfilled with other DOD tenants. Two organizations are currently in leased space and will terminate their financial obligations when they relocate to the new facility.

Justification

In 2006, DOD conducted an analysis of 17 alternative site options and identified five for further investigation. Three options included new construction at National Naval Medical Center Bethesda, Bolling Air Force Base, and Washington Navy Yard /Anacostia. A fourth option entailed renovation of the National Geospatial Intelligence Agency's (NGA) Sumner complex while the fifth option proposed consideration of leasing an appropriate facility at a site within the National Capital Region.

After review of the three construction sites, DOD concluded none was viable, because each site presented significant challenges associated with site constraints, transportation, and traffic management.

Following an extensive, independent analysis of the NGA Sumner Complex, DOD determined that its renovation was not viable. The analysis showed that approximately 400,000 square feet of the primary buildings could not be effectively renovated to achieve compliance with Anti-Terrorism/Force-Protection standards, which is a specific legal obligation of this BRAC recommendation. Additionally, the Sumner Complex is currently occupied and cannot be renovated until NGA moves to its new facility at Fort Belvoir, currently planned for mid/late 2011. Even if renovations of the Sumner Complex were practicable, DOD could not effect such renovations in time to meet the BRAC deadline.

After concluding that construction of new facilities or renovation of the Sumner Complex was not viable, the decision to lease was made at the highest acquisition levels of the Department. The Infrastructure Steering Group, which serves as the principal oversight body for BRAC implementation, and the Office of General Counsel forwarded their recommendation to the

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
MEDICAL COMMAND HEADQUARTERS
NORTHERN VIRGINIA

Prospectus Number: PVA-04-WA10
Congressional Districts: 8,10,11

Deputy Secretary of Defense. In March 2008, the Under Secretary of Defense for Acquisition, Technology, and Logistics directed pursuit of leased space to accommodate the Medical Command Headquarters. However, because ownership is in the long-term best interest of the Government, GSA will seek to include purchase options in any lease agreement entered into under the authority of this prospectus. Exercise of any purchase option will require additional congressional authorization and will be based on the future availability of funds.

Description

Occupants:	Department of Defense Medical Command Headquarters
Delineated Area:	Northern Virginia
Lease Type:	Consolidation
Justification:	BRAC Recommendations and DOD Anti-Terrorism Standards Compliance
Expansion Space:	94,688 usable square feet
Number of Parking Spaces[1]:	4 (Official Government vehicles)
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	751,000
Current Total Annual Cost:	$7,147,728 (Does not include cost to operate federally owned locations
Proposed Total Annual Cost[2]:	$30,040,000
Maximum Proposed Rental Rate[3]:	$40.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization.

[1] The Department of Defense security requirements may necessitate control of the parking at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.
[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[3] This estimate is for fiscal year 2012 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA **PBS**

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
MEDICAL COMMAND HEADQUARTERS
NORTHERN VIRGINIA

Prospectus Number: PVA-04-WA10
Congressional Districts: 8,10,11

GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in one or more buildings on a single, contiguous site that will yield the required rentable area.

Approval of this prospectus will also constitute authority to enter into interim leases prior to occupancy of the space provided under the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 11, 2009

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

March 20

Housi _ an
Department of Defense
Medical Command Headquarters

Northe . rginia
PVA-04-WA10

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Leased Buildings												
*Hoffman Complex	10	10	1,010		192	**1,201**	7	7	1,191			
*Rosslyn	90	90	11,440		2,171	**13,611**	84	84	13,499			
Skyline I	255	255	32,647		6,195	**38,842**	251	251	38,523			
Skyline III	239	239	28,251		5,361	**33,612**	233	233	33,336			
Skyline IV	415	415	52,991		10,056	**63,047**	401	401	62,529			
Skyline V	475	475	72,864		13,827	**86,691**	458	458	85,979			
Skyline VI	842	842	95,606		18,143	**113,749**	833	833	112,815			
**DoD/VA IT Integration Office							40	40	8,557			
Government Owned Buildings									-			
Bolling AFB	239	239	39,352		7,468	**46,820**	232	232	46,436			
*Fort Detrick, MD	12	12	1,849		351	**2,200**	12	12	2,182			
*San Antonio, TX	69	69	10,842		2,058	**12,900**	66	66	12,794			
*Fort Gordon, GA	14	14	2,101		399	**2,500**	14	14	2,479			
*Great Lakes, IL	96	96	16,390		3,110	**19,500**	90	90	19,340			
Potomac Annex	513	513	80,939		15,360	**96,298**	499	499	95,507			
Total	**3,269**	**3,269**	**446,281**	-	**84,690**	**530,971**	**3,220**	**3,220**	**535,169**		**90,490**	**625,659**

	Current	Proposed
Utilization		
Rate	106	130

Current UR excludes 98,182 USF of Office for support space

Proposed UR excludes 117,737 USF of office for support space

Special Space	USF
Conf. Room	26,600
Reception	1,840
Food Service	5,000
Break Areas	2,400
Teaming Areas	5,000
Records/Storage	17,700
Server/Lan/Ops	16,950
Mail Room	2,000
Copier Room	500
Medical Library/History	8,500
SCIF	1,000
Fitness/Locker	3,000
Total	**90,490**

***Non-BRAC - conjunctively funded and part of collocation**

****New mission requirement with approved FTE's - not housed at this time**

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g., auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF DEFENSE
SKYLINE PLACE
NORTHERN VIRGINIA
PVA-03-WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for short-term lease extensions of up to 402,822 rentable square feet for the Department of Defense currently located at the Skyline Place, 5275 Leesburg Pike, Falls Church, VA, at a proposed total annual cost of $15,307,236 for a lease term of up to two years, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
SKYLINE PLACE
NORTHERN VIRGINIA

Prospectus Number: PVA-03-WA10
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes short term lease extensions for up to 402,822 rentable square feet (rsf) for the Department of Defense (DOD) located at the Skyline Place, 5275 Leesburg Pike, Falls Church, VA.

The 2005 Base Realignment and Closure Act (BRAC) requires that DOD tenants in leased space relocate to DOD owned space by September 2011. The current leases expire September 16 and October 3, 2011 and may need to be extended in the event that DOD is unable to move by September 2011. Since this is a short-term requirement, GSA has determined that it is not practical to consider relocating DOD prior to their BRAC relocation date.

Description

Occupants:	DOD
Delineated Area:	5275 Leesburg Pike Falls Church, VA
Lease Type:	Extension
Justification:	Expiring leases (9/16/11 & 10/03/11)
Expansion Space:	None
Number of Parking Spaces[1]:	50 Official Government Vehicles
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	2 years
Maximum Rentable Square Feet:	402,822 rsf
Current Total Annual Cost:	$10,265,843
Proposed Total Annual Cost[2]:	$15,307,236
Maximum Proposed Rental Rate[3]:	$ 38.00 per rsf

[1] The Department of Defense security requirements may necessitate control of the parking at the leased location. This may be accomplished as a lessor-furnished service, as a separate operating agreement with the lessor, or as part of the Government's leasehold interest in the building.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This estimate is for fiscal year 2011 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA **PBS**

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
SKYLINE PLACE
NORTHERN VIRGINIA

Prospectus Number: PVA-03-WA10
Congressional District: 8

Authorization

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 11, 2009

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

March 2009

Housing Plan
Department of Defense
Skyline Place

Northern Virginia
PVA-03-WA10

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Skyline Place	2,045	2,045	194,183		168,900	363,083	2045	2,045	194,183		168,900	363,083
						-			-			-
Total	2,045	2,045	194,183	-	168,900	363,083	2,045	2,045	194,183	-	168,900	363,083

	Current	Proposed
Utilization		
Rate	74	74

Current UR excludes 59,850 USF of office support space
Proposed UR excludes 59,850 USF of office support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

Special Space	USF
Loading Dock	6,900
Mail Room	1,840
ADP	35,910
Network Operations	2,741
Conference/Training	13,373
Fitness Center	1,380
Nonstandard Mechanical/Electrical Rooms	53,616
SCIF	53,140
Total	**168,900**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF STATE
ARCHITECTS BUILDING
NORTHERN VIRGINIA
PVA-07-WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 118,000 rentable square feet for the Department of State currently located in the Architects Building at 1400 Wilson Boulevard in Arlington, VA, at a proposed total annual cost of $4,484,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF STATE
ARCHITECTS BUILDING
NORTHERN VIRGINIA

Prospectus Number: PVA-07-WA10
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 118,000 rentable square feet (rsf) for the Department of State (DOS) currently located in the Architects Building at 1400 Wilson Boulevard in Arlington, VA.

Acquisition Strategy

In order to maximize flexibility in acquiring space for State Department elements currently housed in the Architects Building and Pomponio Plaza East (Prospectus Number: PVA-06-WA10), GSA may issue a single, multiple award lease solicitation that will allow offerors to provide blocs of space able to meet these requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus in the description that follows.

Description

Occupants:	Department of State
Delineated Area:	Rosslyn, Virginia
Lease Type:	Replacement
Justification:	Expiring Lease (04/17/10)
Expansion Space:	None
Number of Parking Spaces[1]:	251 Inside
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	118,000
Current Total Annual Cost:	$2,747,971
Proposed Total Annual Cost:[2]	$4,484,000
Maximum Proposed Rental Rate[3]:	$38.00

[1] DOS security requirements may necessitate control of parking at the location leased. This may be accomplished as a lessor furnished service, under an operating agreement with the lessor, or as part of the Government's leasehold interest in the building(s). Any parking included in the Government's leasehold interest may result in a total proposed annual cost in excess of the amounts indicated above.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This estimate is for fiscal year 2010 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF STATE
ARCHITECTS BUILDING
NORTHERN VIRGINIA

Prospectus Number: PVA-07-WA10
Congressional District: 8

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 11, 2009

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

Northern Virginia
PVA-07-WA10

Housing Plan
Department of State
Architects Building

April 2009

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1400 Wilson Blvd	410	410	87,779	3,928	5,892	97,599	410	410	87,779	3,928	5,892	97,599
Total	410	410	87,779	3,928	5,892	97,599	410	410	87,779	3,928	5,892	97,599

Special Space	USF
Forensics Lab	5,092
Conference Room	800
Total	5,892

Utilization	Current	Proposed
Rate	167	167

Current UR excludes 19,311 USF of Office for support space
Proposed UR excludes 19,311 USF of office for support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g. auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF STATE
POMPONIO PLAZA EAST
NORTHERN VIRGINIA
PVA-06-WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement/expansion lease of up to 243,000 rentable square feet for the Department of State Office of the Coordinator for Reconstruction and Stabilization Division and Bureau of Diplomatic Security currently located in the Pomponio Plaza East building at 1800 North Kent Street, Arlington, VA, at a proposed total annual cost of $9,234,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF STATE
POMPONIO PLAZA EAST
NORTHERN VIRGINIA

Prospectus Number: PVA-06-WA10
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a replacement/expansion lease of up to 243,000 rentable square feet of space (rsf) of space for the Department of State's (DOS) Office of the Coordinator for Reconstruction and Stabilization (CRS) Division and Bureau of Diplomatic Security (DS). The CRS Division is currently located in the Pomponio Plaza East building at 1800 North Kent Street, Arlington, VA.

The proposed lease will include up to 74,689 rsf of expansion space, which will allow DOS to house approximately 125 new CRS employees and approximately 250 new DS employees in the Rosslyn, VA area.

Acquisition Strategy

In order to maximize flexibility in acquiring space for State Department elements currently housed in Pomponio Plaza East and the Architects Building (Prospectus Number: PVA-07-WA10), GSA may issue a single, multiple award lease solicitation that will allow offerors to provide blocs of space able to meet these requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus in the description that follows.

Description

Occupants:	Department of State
Delineated Area:	Rosslyn, VA
Lease Type:	Replacement/Expansion
Justification:	Expiring Lease (04/30/10)
Expansion Space:	74,689

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF STATE
POMPONIO PLAZA EAST
NORTHERN VIRGINIA

Prospectus Number: PVA-06-WA10
Congressional District: 8

Number of Parking Spaces[1]:	14 inside
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	243,000
Current Total Annual Cost:	$4,786,190
Proposed Total Annual Cost[2]:	$9,234,000
Maximum Proposed Rental Rate[3]:	$38.00

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

[1] DOS security requirements may necessitate control of parking at the location leased. This may be accomplished as a lessor furnished service, under an operating agreement with the lessor, or as part of the Government's leasehold interest in the building(s). Any parking included in the Government's leasehold interest may result in a total proposed annual cost in excess of the amounts indicated above.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This estimate is for fiscal year 2010 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF STATE
POMPONIO PLAZA EAST
NORTHERN VIRGINIA

Prospectus Number: PVA-06-WA10
Congressional District: 8

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 11, 2009

Recommended _____
for Commissioner, Public Buildings Service

Approved _____
Acting Administrator, General Services Administration

May 2009

Housing Plan
Department of State
Pomponio Plaza East

Northern Virginia
PVA-06-WA10

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1800 North Kent Street	820	820	151,154	6,400	9,600	167,154	1,195	1,195	195,825	8,703	13,055	217,583
Total	**820**	**820**	**151,154**	**6,400**	**9,600**	**167,154**	**1,195**	**1,195**	**195,825**	**8,703**	**13,055**	**217,583**

	Current	Proposed
Utilization		
Rate	144	128

Current UR excludes 33,254 USF of Office for support space
Proposed UR excludes 43,082 USF of office for support space

Special Space	USF
Library	2,611
Conference Center	5,222
Server Room	5,222
Total	**13,055**

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
ATLANTA, GEORGIA
PGA-01-AT10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 165,000 rentable square feet for the Department of Housing and Urban Development currently located at Five Points Plaza, 40 Marietta Street, and the Richard B. Russell Federal Building, 75 Spring Street, in Atlanta, GA, at a proposed total annual cost of $5,445,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
ATLANTA, GA

Prospectus Number: PGA-01-AT10
Congressional District: 05

Project Summary

The General Services Administration (GSA) proposes a new lease of up to 165,000 rentable square feet (rsf) with 24 inside secured parking spaces for the Department of Housing and Urban Development (HUD), currently located at Five Points Plaza, 40 Marietta Street, and the Richard B. Russell Federal Building, 75 Spring Street, in Atlanta, GA.

With the Atlanta HUD offices currently split between two locations, absorption of an anticipated staffing increase of 65 positions is problematic. The existing HUD facilities are incapable of providing the increased square footage necessary to support new functions and do not currently meet HUD's requirement for sufficient meeting and training space. In addition, the current leased location suffers from heating and cooling extremes, offers poor configuration, and does not provide a loading dock, service elevator, or ADA-compliant handicapped parking.

The lease at 40 Marietta Street expires on March 19, 2019 with an early termination date of March 20, 2011. The Russell Federal Building will be backfilled with expiring leases, serve as swing space, or will be used to meet further federal tenant space expansion requests.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
ATLANTA, GA

Prospectus Number: PGA-01-AT10
Congressional District: 05

Description

Occupants:	HUD
Delineated Area:	North: 10th Street; East: Boulevard; South: I-20/Abernathy; West Northside Dr.
Lease Type:	New
Justification:	Consolidation, Expanded Mission
Number of Parking Spaces:	24 inside parking spaces
Expansion Space:	11,118 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	165,000
Current Total Annual Cost:	$2,446,849
Proposed Total Annual Cost[1]:	$5,445,000
Maximum Proposed Rental Rate[2]:	$33.00 per rentable square foot

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2011 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
ATLANTA, GA

Prospectus Number: PGA-01-AT10
Congressional District: 05

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 11, 2009

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

June 2009 | **Department of Housing and Urban Development** | **Atlanta, GA**
Housing Plan | **PGA-01-AT10**

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
FIVE POINTS PLAZA												
40 Marietta Street	344	344	104,816	0	0	104,816	0	0	0	0	0	0
RICHARD B. RUSSELL												
75 Spring Street	76	76	21,373	1,133	913	23,419	0	0	0	0	0	0
New Lease							485	485	105,488	7,219	24,065	136,772
Total:	**420**	**420**	**126,189**	**1,133**	**913**	**128,235**	**485**	**485**	**105,488**	**7,219**	**24,065**	**136,772**

	Current	Proposed
Utilization		
Rate	234	170

Current UR excludes 27,762 USF of office support space
Proposed UR excludes 23,207 USF of office support space

Special Space	
Clinic	233
Conf/Trng/Interview Room	15,526
Library	776
ADP	3,105
Food Service	311
Mail Rooms	3,881
Secured Room	233
Total:	**24,065**

USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
INTERNAL REVENUE SERVICE
BROOKLYN, NY
PNY-03-NY10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 120,000 rentable square feet for the Internal Revenue Service, currently located at 10 MetroTech Center, Brooklyn, NY, at a proposed total annual cost of $6,600,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
INTERNAL REVENUE SERVICE
BROOKLYN, NY

Prospectus Number: PNY-03-NY10
Congressional District: 10

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 120,000 rentable square feet (rsf) of space for the Internal Revenue Service, currently located at 10 MetroTech Center, Brooklyn, NY.

IRS originally occupied 294,084 rsf at this location. As a result of the agency's transition from paper processing to electronic filing, IRS returned space to GSA over the past several years. IRS will be relocated under the authority of this prospectus and the remaining Federal tenants in the building will be relocated through separate, below-prospectus lease procurements.

GSA was able to backfill portions of the space with Federal tenants, but there is still 55,209 rsf of vacant space in the building under the current lease. There are no renewal options in the existing lease and a succeeding lease is not a viable option as the Lessor does not want to re-negotiate the square footage of the original lease.

Description

Occupants:	IRS
Delineated Area:	Downtown Brooklyn, NY
Lease Type:	Replacement
Justification:	Expiring lease (02/11/2012)
Number of Parking Spaces:	43 outside, structured parking spaces
Expansion Space:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	120,000
Current Total Annual Cost:	$10,153,096
Proposed Total Annual Cost[1]:	$6,600,000
Maximum Proposed Rental Rate[2]:	$55.00 per rsf

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2012 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
INTERNAL REVENUE SERVICE
BROOKLYN, NY

Prospectus Number: PNY-03-NY10
Congressional District: 10

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 11, 2009

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

June 2009

Housing Plan
IRS

Brooklyn, NY
PNY-03-NY10

Locations	Current						Proposed					
	*Personnel		*Usable Square Feet (USF)				*Personnel		*Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
10 METROTECH CENTER												
Treasury - IRS National Office	470	470	126,855	0	0	126,855						
Proposed lease							397	397	92,921	0	6,650	99,571
Total:	**470**	**470**	**126,855**	**0**	**0**	**126,855**	**397**	**397**	**92,921**	**0**	**6,650**	**99,571**

	Current	Proposed
Utilization		
Rate	211	183

Current UR excludes 27,908 USF of office support
Current UR excludes 20,443 USF of office support

Special Space	
Clinic	900
Conference	1,500
ADP	1,000
File Storage	2,000
Mail Rooms	500
Break Rooms	750
Total:	**6,650**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
INTERNAL REVENUE SERVICE
GUAYABO, PR
PPR-01-GU10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized to exercise a renewal option of up to 111,541 rentable square feet for the Internal Revenue Service, currently located in the San Patricio Office Building, 7 Tabonuco Street, Guaynabo, PR, at a proposed total annual cost of $4,433,754 for a lease term of up to five years, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
GUAYNABO, PR

Prospectus Number: PPR-01-GU10
Congressional District: 01

Project Summary

The General Services Administration (GSA) is seeking authority to exercise a renewal option of up to five years for the Internal Revenue Service (IRS), currently located in the San Patricio Office Building, 7 Tabonuco Street, Guaynabo, PR. IRS needs additional time to develop their long-term requirements.

Justification

It is in the Government's best interest to exercise the five-year renewal option to extend IRS's occupancy at the existing location. This location provides special data and security installations that supports IRS' current mission. The renewal rate is below current market rates and is considered fair and reasonable for this market.

Description

Occupants:	Treasury - IRS
Delineated Area:	7 Tabonuco Street Guaynabo, PR
Lease Type:	Renewal Option
Justification:	Expiring Lease (November 5, 2010)
Number of Parking Spaces:	218
Expansion Space:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	5 years
Maximum Rentable Square Feet:	111,541
Current Total Annual Cost:	$4,329,930
Proposed Total Annual Cost[1]:	$4,433,754
Maximum Proposed Rental Rate[2]:	$40.00 per rentable square foot

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2]This estimate is for fiscal year 2011 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
INTERNAL REVENUE SERVICE
GUAYNABO, PR

Prospectus Number: PPR-01-GU10
Congressional District: 01

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

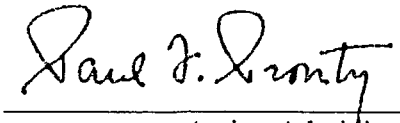
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 11, 2009

Recommended: 
Commissioner, Public Buildings Service

Approved: 
Acting Administrator, General Services Administration

Guaynabo, PR
PPR-01-GU10

Housing Plan
IRS

June 2009

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
SAN PATRICIO OFFICE BLDG												
IRS	493	493	79,387	2,515	8,864	90,766	493	493	79,387	2,515	8,864	90,766
Total:	**493**	**493**	**79,387**	**2,515**	**8,864**	**90,766**	**493**	**493**	**79,387**	**2,515**	**8,864**	**90,766**

	Current	Proposed
	Utilization	
Rate	126	126

Special Space	
Private toilets	124
Clinic/Health	591
Conference	5,828
ADP	1,736
Hearing Room	585
Total:	**8,864**

Current UR excludes 17,465 USF of office support space
Proposed UR excludes 17,465 USF of office support space

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

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John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF HOMELAND SECURITY
OMNIBUS REQUIREMENTS
NATIONAL CAPITAL REGION
PDC-23-WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for new leases of up to a total of 1,136,000 rentable square feet for the Department of Homeland Security "Mission Support" elements, currently located in Washington, D.C., at a proposed total annual cost of $55,664,000 in Washington, D.C.; in Crystal City/Pentagon City, VA, at a proposed total annual cost of $43,168,000; or in Southern Prince Georges County, MD, at a proposed total annual cost of $38,624,000; for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for replacement leases of up to a total of 225,000 rentable square feet, for elements of the Customs and Border Protection of the Department of Homeland Security as identified in the prospectus request, currently located in Washington, D.C., until these elements can relocate to the Ronald Reagan Office Building, at a proposed total annual cost of $11,025,000 for a lease term of up to ten years, a prospectus for which is attached to and included in this resolution.

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized to extend current leases of up to a total of 364,000 rentable square feet for the United States Coast Guard of the Department of Homeland Security, currently located at 1900 Half Street, SW, Washington, D.C., for lease durations as necessary until the U.S. Coast Guard relocates to the St. Elizabeths Campus, at a proposed total annual cost of $14,560,000, for a lease term of up to five years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute interim leases for all tenants, if necessary, prior to the execution of the new lease.

Provided, that the Administrator of General Services shall conduct the lease procurement for the Mission Support elements to enable full and fair consideration of lease construction proposals and proposals to lease existing buildings, and structure the lease procurement in terms of milestones and

deliverable due dates, including site plan approval, design, construction permitting, and construction delivery, in a manner consistent with General Services Administration conventions employed in lease-construct procurements.

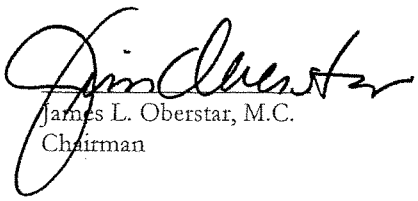
Provided further, that, to the maximum extent practicable, the Administrator of General Services shall include in the lease contract(s) a purchase option than can be exercised at the conclusion of the firm term of the lease.

Provided further, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: **July 1, 2010**



James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HOMELAND SECURITY
OMNIBUS REQUIREMENTS
NATIONAL CAPITAL REGION

Prospectus Number: PDC-23-WA10
Congressional Districts: DC00/VA08/MD04

Overall Project Summary

This prospectus contains three distinct parts that address different tactical housing needs of the Department of Homeland Security (DHS) within the overall context of the strategic DHS migration plan. These parts are: 1) Mission Support elements that are dispersed in several different locations; 2) Customs & Border Protection (CBP) interim requirements; and 3) the United States Coast Guard (USCG) requirement for extensions of existing leases. Separate housing plans for each of these three parts are also included with this prospectus.

The General Services Administration (GSA) proposes leasing up to 1,725,000 rentable square feet (rsf) of office and related space in the National Capital Region (NCR) for several components of DHS as outlined below. These DHS components are currently located at several leased and federally owned locations in Washington, DC.

The proposed leasing actions for CBP and USCG are intended to be interim tactical actions required to align lease expirations with the overall DHS strategic migration plan that will consolidate the department's mission execution and mission support functions from more than 40 locations in the NCR to fewer than 10.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HOMELAND SECURITY
OMNIBUS REQUIREMENTS
NATIONAL CAPITAL REGION

Prospectus Number: PDC-23-WA10
Congressional Districts: DC00/VA08/MD04

Project Summary for Mission Support

The proposed acquisition for Mission Support elements will provide approximately 670,000 rsf for U.S. Citizenship and Immigration Services (CIS), 176,000 rsf for Science and Technology (S&T), and 290,000 rsf for the Undersecretary for Management (USM) for a total of 1,136,000 rsf.

Mission Support elements occupy space in 131 M Street, NE; 20 Massachusetts Avenue, NW; 111 Massachusetts Avenue, NW; 1200 First Street, NE; 1120 Vermont Avenue, NW; 1201-25 New York Avenue, NW; 650 Massachusetts Avenue, NW; Judiciary Square at 633 Third Street, NW; the GSA Regional Office Building at Seventh & D Streets, SW; and the Nebraska Avenue Complex at 3801 Nebraska Avenue, NW.

At the end of FY 2007, DHS headquarters' functions were located in approximately 70 buildings throughout Washington, DC and Northern Virginia. The St. Elizabeths Campus has been master planned to accommodate those DHS components directly involved in mission execution programmatic functions but the remaining DHS mission support elements will have a continuing need to be housed in a combination of federally owned and leased space.

Acquisition Strategy

In order to maximize flexibility in acquiring space to house mission support elements, GSA plans to issue a single, multiple award solicitation that will allow offerors to provide blocs of space able to meet these requirements in whole or in part. Although the delineated area for the procurement includes portions of all three NCR jurisdictions—Washington, DC; Suburban Maryland; and Northern Virginia, each individual DHS element (CIS, USM, S&T) must be housed in one or more geographically proximate buildings in a single political jurisdiction. However, the three DHS elements do not have to be collocated in the same political jurisdiction.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HOMELAND SECURITY
OMNIBUS REQUIREMENTS
NATIONAL CAPITAL REGION

Prospectus Number: PDC-23-WA10
Congressional Districts: DC00/VA08/MD04

Description

Occupants:	DHS – CIS / S&T / USM
Delineated Area[1]:	Washington, DC Central Employment Area/North of Massachusetts Avenue (NoMa)/Waterfront Southern Prince Georges County Maryland (Metro-Proximate South of Route 4) Crystal City/Pentagon City, Virginia (Metro-Proximate)
Lease Type:	New
Justification:	Expiring Leases (2010 – 2014)
Expansion Space:	None
Number of Parking Spaces[2]:	50 official spaces
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	1,136,000 rsf
Current Total Annual Cost:	$35,051,394
Proposed Total Annual Cost for DC[3]:	$55,664,000
Maximum Proposed Rental Rate[4]:	$49.00 per rsf
Proposed Total Annual Cost for MD:	$38,624,000
Maximum Proposed Rental Rate:	$34.00 per rsf
Proposed Total Annual Cost for VA:	$43,168,000
Maximum Proposed Rental Rate:	$38.00 per rsf

[1] Subject to proximity requirements discussed under "Acquisition Strategy" on page 2.
[2] DHS security requirements may necessitate control of parking at the location leased. This may be accomplished as a lessor-furnished service, under an operating agreement with the lessor, or as part of the Government's leasehold interest in the building(s). Any parking included in the Government's leasehold interest may result in a total proposed annual cost in excess of the amounts indicated above.
[3] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[4] The estimates for DC, MD, and VA are for fiscal year 2012 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HOMELAND SECURITY
OMNIBUS REQUIREMENTS
NATIONAL CAPITAL REGION

Prospectus Number: PDC-23-WA10
Congressional Districts: DC00/VA08/MD04

Project Summary for CBP

GSA proposes to lease up to 225,000 rsf for CBP components that will ultimately be housed in Government-owned space.

Up to 129,000 rentable square feet (rsf) is required for CBP's Office of Finance (OF), which is currently located at 1331 Pennsylvania Avenue, NW, in Washington, DC, under multiple leases with expiration dates over the next several years. A replacement lease will provide continued housing for OF until it can move into the Ronald Reagan Office Building (RROB), backfilling space vacated by CBP headquarters elements going to the St. Elizabeths Campus in 2016.

An additional lease of up to approximately 96,000 rsf is required to accommodate the Office of Trade (OT) and related space currently located at 799 Ninth Street, NW, which is controlled by the US Mint. The Inter-Agency Agreement between CBP and the Mint expires in 2011, and the Mint has indicated that CBP will have to vacate the space it occupies in the building. This will create an interim move for OT until it can also backfill vacant space at the RROB when headquarters elements move to St. Elizabeths.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HOMELAND SECURITY
OMNIBUS REQUIREMENTS
NATIONAL CAPITAL REGION

Prospectus Number: PDC-23-WA10
Congressional Districts: DC00/VA08/MD04

Description

Occupants:	DHS – CBP
Delineated Area:	Washington, DC Central Employment Area/North of Massachusetts Avenue (NoMa)/Waterfront
Lease Type:	Replacement
Justification:	Expiring Leases / Housing Strategy / August 2009 to September 2012 in National Place plus October 2011 at the US Mint Annex
Expansion Space:	none
Number of Parking Spaces[5]:	20
Scoring:	Operating leases
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	225,000
Current Total Annual Cost:	$5,614,804
Proposed Total Annual Cost for DC[6]:	$11,025,000
Maximum Proposed Rental Rate[7]:	$49.00

[5] DHS security requirements may necessitate control of parking at the location leased. This may be accomplished as a lessor-furnished service, under an operating agreement with the lessor, or as part of the Government's leasehold interest in the building(s). Any parking included in the Government's leasehold interest may result in a total proposed annual cost in excess of the amounts indicated above.

[6] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[7] This estimate is for fiscal year 2011 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HOMELAND SECURITY
OMNIBUS REQUIREMENTS
NATIONAL CAPITAL REGION

Prospectus Number: PDC-23-WA10
Congressional Districts: DC00/VA08/MD04

Project Summary for USCG

GSA proposes extending leases for approximately 364,000 rsf for the USCG, currently located at 1900 Half Street, SW, Washington, DC. GSA proposes to extend the current leases to coincide with the occupancy of USCG's new headquarters space at the St. Elizabeths Campus in 2013. The four leases will be extended to a coterminous date that will permit flexibility in moving to St. Elizabeths. Design funding for a consolidated USCG facility at St. Elizabeths was appropriated in fiscal year 2006 through P.L. 109-155. Construction funding has been appropriated in fiscal year 2009 through P.L. 111-8 to commence construction of the new USCG headquarters. Additional funding to complete Phase 1 of the project has been appropriated to GSA through P.L. 111-5 and the site will be ready for occupancy by the USCG in 2013. GSA will either negotiate extensions or termination rights with the current landlord to provide the flexibility needed to move the USCG to St. Elizabeths.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HOMELAND SECURITY
OMNIBUS REQUIREMENTS
NATIONAL CAPITAL REGION

Prospectus Number: PDC-23-WA10
Congressional Districts: DC00/VA08/MD04

Description

Occupants:	USCG
Delineated Area:	1900 Half Street, SW, Washington, DC
Lease Type:	Extension
Justification:	Extend expiring leases (2010 - 2013)
Expansion Space:	none
Parking: [8]	6 official vehicles - inside
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	5 years
Maximum Rentable Square Feet:	364,000
Current Total Annual Cost:	$10,127,581
Proposed Total Annual Cost: [9]	$14,560,000
Maximum Proposed Rental Rate: [10]	$40.00 per rentable square foot

[8] DHS security requirements may necessitate control of parking at the location leased. This may be accomplished as a lessor-furnished service, under an operating agreement with the lessor, or as part of the Government's leasehold interest in the building(s). Any parking included in the Government's leasehold interest may result in a total proposed annual cost in excess of the amounts indicated above.

[9] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[10] This estimate is for fiscal year 2010 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF HOMELAND SECURITY
OMNIBUS REQUIREMENTS
NATIONAL CAPITAL REGION

Prospectus Number: PDC-23-WA10
Congressional Districts: DC00/VA08/MD04

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on October 16, 2009

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

July 2009

Department of H[illegible]nd Security
Omnibus
Housing Plan

Was[illegible]n, DC
PDC-23-WA10

Components and Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Citizenship and Immigration Services (7004)												
One NoMa Station - 131 M St, NE	264	264	49,646			49,646						
Judiciary Square - 633 Third St, NW	250	250	51,010			51,010						
Pulaski Bldg - 20 Massachusetts Ave, NW	700	700	158,559			158,559						
Union Labor Life - 111 Massachusetts Ave, NW	801	801	226,130			226,130						
Capitol Plaza I - 1200 First St, NE	139	139	29,997			29,997						
Procurement in process			42,462			42,462						
Subtotal	**2,154**	**2,154**	**557,804**			**557,804**						
Science and Technology (7031)												
1120 Vermont Ave, NW	629	629	146,542			146,542						
Subtotal	**629**	**629**	**146,542**			**146,542**						
Under Secretary for Management (7010)												
Regional Office Bldg - 7th & D Sts, SW	1,155	1,155	81,424			81,424						
Nebraska Avenue Complex	578	578	37,089			37,089						
1201-1225 New York Avenue, NW	248	248	44,558			44,558						
650 Massachusetts Ave, NW	139	139	39,918			39,918						
One NoMa Station - 131 M Street, NE	180	180	25,149			25,149						
1120 Vermont Ave, NW	57	57	13,127			13,127						
Subtotal	**2,357**	**2,357**	**241,265**			**241,265**						
New Lease(s)												
DHS Headquarters - Mission Support Functions												
Citizenship and Immigration Services (7004)							2,154	2,154	418,353	41,835	97,616	557,804
Science and Technology							629	629	109,907	10,991	25,645	146,542
Undersecretary for Management (7010)							2,357	2,357	180,949	18,095	42,221	241,265
GRAND TOTALS:	**5,140**	**5,140**	**945,611**			**945,611**	**5,140**	**5,140**	**709,208**	**70,921**	**165,482**	**945,611**

Utilization		
	Current	Proposed
Rate	143	108

Current UR excludes 202,947 usf of office support
Proposed UR excludes 156,026 usf of office support

Special Space	USF
ADP	30,515
Auditorium	2,962
Child Care	7,844
Clinic / Health Units	414
Conference	42,794
Fitness Ctr	7,844
Food Service	5,759
Library	31,408
Loading Dock	1,638
Mail	5,064
Print Shop	827
Hoteling	1,241
Intel ADP / Ops Ctr	927
Intel Support	563
Public Space	9,995
Open Secret	9,002
SCIF	2,879
Audio / Visual	1,522
Utility Area	1,870
Pvt Toilets	414
Total:	**165,482**

July 2005

Department of Homeland Security
Omnibus
Housing Plan

Washington, DC
PDC-23-WA10

Components and Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
Customs & Border Protection (7051)												
National Place - 1331 Pennsylvania Ave, NW	584	584	97,369	1,929	12,290	111,588						
US Mint at 799 Ninth St, NW	341	341	80,000			80,000						
Subtotal	**925**	**925**	**177,369**			**191,588**						
New Lease(s)												
DHS Headquarters - Mission Support Functions												
Customs & Border Protection (7051)							925	925	143,691	14,369	33,528	191,588
GRAND TOTALS:	**925**	**925**	**177,369**			**191,588**	**925**	**925**	**143,691**	**14,369**	**33,528**	**191,588**

Utilization	Current	Proposed
Rate	150	121

Current UR excludes 39,021 usf of office support
Proposed UR excludes 31,612 usf of office support

Special Space	USF
ADP	6,183
Auditorium	600
Child Care	1,589
Clinic / Health Units	84
Conference	8,670
Fitness Ctr	1,589
Food Service	1,167
Library	6,364
Loading Dock	332
Mail	1,026
Print Shop	168
Hoteling	251
Intel ADP / Ops Ctr	188
Intel Support	114
Public Space	2,025
Open Secret	1,824
SCIF	583
Audio / Visual	308
Utility Area	379
Pvt Toilets	84
Total:	**33,528**

July 2009

Department of Homeland Security
Omnibus
Housing Plan

Washington, DC
PDC-23-WA10

Components and Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
United States Coast Guard (7002)												
Jemal Riverside - 1900 Half Street, SW	1,540	1,540	320,201			320,201						
Subtotal	**1,540**	**1,540**	**320,201**			**320,201**						
New Lease(s)												
DHS Headquarters - Mission Support Functions												
United States Coast Guard (7002)							1,540	1,540	240,151	24,015	56,035	320,201
GRAND TOTALS:	**1,540**	**1,540**	**320,201**			**320,201**	**1,540**	**1,540**	**240,151**	**24,015**	**56,035**	**320,201**

Utilization		
	Current	**Proposed**
Rate	162	122

Current UR excludes 70,444 usf of office support
Proposed UR excludes 52,833 usf of office support

Special Space	**USF**
ADP	10,333
Auditorium	1,003
Child Care	2,656
Clinic / Health Units	140
Conference	14,491
Fitness Ctr	2,656
Food Service	1,950
Library	10,635
Loading Dock	555
Mail	1,715
Print Shop	280
Hoteling	420
Intel ADP / Ops Ctr	314
Intel Support	191
Public Space	3,385
Open Secret	3,048
SCIF	975
Audio / Visual	516
Utility Area	633
Pvt Toilets	140
Total:	**56,035**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF EDUCATION
WASHINGTON, D.C.
PDC-11-WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 252,000 rentable square feet for the Department of Education, currently located in the Union Center Plaza building at 830 First Street, NE, in Washington, D.C., at a proposed total annual cost of $12,348,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF EDUCATION
WASHINGTON, DC

Prospectus Number: PDC-11-WA10

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 252,000 rentable square feet (rsf) of space for the Department of Education (DoEd) currently located in the Union Center Plaza building at 830 First Street, NE in Washington, DC.

Acquisition Strategy

GSA may satisfy this requirement through a single award solicitation or as part of a multiple award solicitation.

Description

Occupants:	DoEd
Delineated Area:	Washington, DC Central Employment Area, North of Massachusetts Avenue, and Southwest Waterfront
Lease Type:	Replacement
Justification:	Expiring Lease (July 31, 2011)
Expansion Space:	None
Number of Parking Spaces:	24 spaces
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	252,000
Current Total Annual Cost:	$7,814,193
Proposed Total Annual Cost:[1]	$12,348,000
Maximum Proposed Rental Rate:[2]	$49.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2011 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA **PBS**

PROSPECTUS – LEASE
DEPARTMENT OF EDUCATION
WASHINGTON, DC

Prospectus Number: PDC-11-WA10

GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on October 16, 2009

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Paul F. Prouty
Acting Administrator, General Services Administration

March 2009

Housing Plan
Department of Education

Washington, DC
PDC-11-WA10

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
830 First Street, NE	900	900	185,187		24,182	209,369						
Proposed Lease	-	-	-		-	-	900	900	185,187	-	24,182	209,369
Total	**900**	**900**	**185,187**		**24,182**	**209,369**	**900**	**900**	**185,187**	**-**	**24,182**	**209,369**

	Current	Proposed
	Utilization	
Rate	161	161

Special	USF
Conference	15,000
LAN closets	5,000
Training	4,182
Total	**24,182**

Current UR excludes 40,615 USF of Office for support space
Proposed UR excludes 40,615 USF of office for support space

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF JUSTICE
WASHINGTON, D.C.
PDC-13-WA10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for replacement leases of up to a total of 468,000 rentable square feet for the Department of Justice (DOJ) Criminal Division and several other smaller components of DOJ Offices, Boards, and Divisions, currently located in three locations in Washington, D.C., at a proposed total annual cost of $22,932,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, in the event that "best value" procedures are employed in the replacement lease procurement, and the source selection plan is structured such that technical factors in aggregate are more important than price, that the Administrator provide a detailed justification for this procurement structure to the Committee on Transportation and Infrastructure of the House of Representatives, prior to the inception of the procurement.

Provided further, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
WASHINGTON, DC

Prospectus Number: PDC-13-WA10

Project Summary

The General Services Administration (GSA) proposes replacement leases in up to three locations for 468,000 rentable square feet of space for the Department of Justice (DOJ) Criminal Division and other smaller components of the DOJ Offices, Boards, and Divisions. The Criminal Division is currently located at 1301 New York Avenue, NW; 1400 New York Avenue, NW; and 1331 F Street, NW, in Washington DC.

The Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure approved prospectuses PDC-06-WA09 and PDC-10-WA09 on September 17 and 24, 2008, respectively, for the DOJ Criminal Division at 1301 New York Avenue and 1400 New York Avenue. These prospectuses propose interim succeeding leases for up to 5 years to remain in place until DOJ finalizes its long-term housing strategy for the Criminal Division. DOJ has subsequently decided to acquire long-term replacement leases for the Criminal Division requirement currently located at 1301 New York Avenue, 1400 New York Avenue and 1331 F Street in FY 2010 through a competitive procurement.

The leases at 1301 New York Avenue and 1400 New York Avenue expired on August 31, 2009. Negotiations are underway to extend these leases using the authority of prospectuses PDC-06-WA09 and PDC-10-WA09, while GSA acquires replacement leases for the Criminal Division's long-term housing requirement. GSA must relocate the Criminal Division from 1400 New York Avenue at the end of the negotiated lease extension period, consistent with the building owner's future development plans for the property. The two leases at 1331 F Street, NW, do not expire until August 21 and September 10, 2011.

Acquisition Strategy

In order to maximize flexibility in acquiring space to house DOJ Criminal Division elements, GSA may issue a single, multiple award lease solicitation that will allow offerors to provide blocs of space able to meet these requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus in the description that follows.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
WASHINGTON, DC

Prospectus Number: PDC-13-WA10

Description

Occupant:	DOJ
Lease Type:	Washington, DC Central Employment
Delineated Area:	Area, North of Massachusetts Avenue, and Southwest Waterfront
Justification:	Replacement of expiring leases
Expansion Space:	15,829 RSF
Number of Parking Spaces:[1]	274 Structured
Scoring:	Operating lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	468,000
Current Total Annual Cost:	$14,464,248
Proposed Total Annual Cost:[2]	$22,932,000
Maximum Proposed Rental Rate:[3]	$49.00 per rentable square foot

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] DOJ's security requirements may necessitate control of the parking garages at the leased locations. This may be accomplished as a lessor-furnished service as part of the Government's leasehold interest in the buildings at an additional cost above the rental rate approved in this prospectus.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This estimate is for fiscal year 2012 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA **PBS**

PROSPECTUS – LEASE
DEPARTMENT OF JUSTICE
WASHINGTON, DC

Prospectus Number: PDC-13-WA10

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in one or more facilities that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on October 16, 2009

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Acting Administrator, General Services Administration

August 2[illegible]

Housin[illegible].n
Department of Justice

Washin[illegible] DC
PDC-13-WA10

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
1301 New York Ave, NW	511	511	147,184	1,787	29,694	**178,665**	511	511	147,184	1,787	29,694	**178,665**
1400 New York Ave, NW	479	479	121,388	1,474	24,490	**147,352**	479	479	121,388	1,474	24,490	**147,352**
1331 F Street, NW	176	176	41,911	509	8,455	**50,875**	204	204	52,777	641	10,648	**64,066**
		-						-				-
		-										
Total:	**1,166**	**1,166**	**310,483**	**3,770**	**62,639**	**376,892**	**1,194**	**1,194**	**321,349**	**3,902**	**64,832**	**390,083**

	Current	Proposed
	Utilization	
Rate	208	210

Current UR excludes 69,531 USF of office support space
Proposed UR excludes 69,350 USF of office support space

High UR due to a large number of senior graded employeess, private offices for attorneys, and need for file, trial preparation and other legal support areas.

Special Space	
Conference/Training	25,632
ADP	7,532
File Rooms	14,431
Break Rooms	6,437
Fitness Rooms	2,340
Toilet/Showers	3,740
SCIFS	3,470
Security	625
Copy Rooms	625
Total	**64,832**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
U.S. DEPARTMENT OF AGRICULTURE
U.S. DEPARTMENT OF THE INTERIOR
PORTLAND, OR
POR-01-PO10

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 156,000 rentable square feet for the U.S. Department of Agriculture, the U.S. Department of the Interior, and National Business Center currently located in the Robert Duncan Plaza, 333 SW First Avenue, Portland, OR, at a proposed total annual cost of $6,240,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - LEASE
U.S. DEPARTMENT OF AGRICULTURE
U.S. DEPARTMENT OF THE INTERIOR
PORTLAND, OR

Prospectus Number:POR-01-PO10
Congressional District:01 & 03

Project Summary

The General Services Administration (GSA) proposes a replacement lease of 156,000 rentable square feet (rsf) of space for the U.S. Department of Agriculture, Forest Service (USDA-FS), Office of General Counsel (USDA-OGC), U.S. Department of the Interior, Bureau of Land Management (DOI-BLM) and National Business Center (DOI-NBC). The USDA-FS, DOI-BLM and DOI-NBC are currently located in the Robert Duncan Plaza, 333 SW First Avenue, Portland, OR. The USDA-OGC is currently located in the Edith Green Wendell Wyatt Federal Building, 1220 SW Third Avenue, Portland, OR. These agencies are collocating under the Service First program that provides the legal authority to carry out shared or joint management activities to achieve mutually beneficial resource management goals.

Description

Occupants:	USDA-FS, USDA-OGC, DOI-BLM, DOI-NBC
Delineated Area:	Portland CBD
Lease Type:	Replacement
Justification:	Expiring lease (September 17, 2011)
Number of Parking Spaces:	52 inside
Expansion Space:	0 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	156,000
Current Total Annual Cost:	$4,316,711
Proposed Total Annual Cost[1]:	$6,240,000
Maximum Proposed Rental Rate[2]:	$40.00 per rentable square foot

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1]Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2]This estimate is for fiscal year 2011 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS - LEASE
U.S. DEPARTMENT OF AGRICULTURE
U.S. DEPARTMENT OF THE INTERIOR
PORTLAND, OR

Prospectus Number:POR-01-PO10
Congressional District:01 & 03

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required area.

- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on October 16, 2009

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Paul F. Prouty
Acting Administrator, General Services Administration

March 2009

U.S. Department of Agriculture
U.S. Department of the Interior
Housing Plan

POR-01-PO10
Portland, OR

Locations	Current						Proposed					
	Personnel		*Usable Square Feet (USF)*				*Personnel*		*Usable Square Feet (USF)*			
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**
ROBERT DUNCAN PLAZA												
Interior - Land Management	389	389	63,051	0	0	**63,051**	0	0	0	0	0	**0**
Interior - National Business Center	7	7	2,099	0	0	**2,099**	0	0	0	0	0	**0**
USDA - Forest Service	484	484	76,066	0	0	**76,066**	0	0	0	0	0	**0**
E.GREEN - W.WYATT FB												
USDA - Office of the General Counsel	15	15	5,340	0	0	**5,340**	0	0	0	0	0	**0**
TBD-Lease												
Interior - Land Management	0	0	0	0	0	**0**	357	357	45,456	906	18,379	**64,741**
Interior - National Business Center	0	0	0	0	0	**0**	10	10	1,794	282	0	**2,076**
USDA - Forest Service	0	0	0	0	0	**0**	329	329	42,062	1,125	16,991	**60,178**
USDA - Office of the General Counsel	0	0	0	0	0	**0**	16	16	3,625	0	4,404	**8,029**
Total:	**895**	**895**	**146,556**	**0**	**0**	**146,556**	**712**	**712**	**92,937**	**2,313**	**39,774**	**135,024**

	Current	Proposed
	Utilization	
Rate	128	102

Current UR excludes 32,242 USF of office support space
Proposed UR excludes 20,446 USF of office support space

Special Space	
Laboratory	750
Conference	19,548
Library	7,719
ADP	9,110
Food Service	2,647
Total:	**39,774**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

BUILDING PROJECT SURVEY
UNITED STATES DISTRICT COURT
McALLEN, TEXAS

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to Title 40 U.S.C. § 3315(b), the Administrator of General Services shall investigate the feasibility and need to construct or acquire a replacement facility to house the Federal agencies and the United States District Court for the Southern District of Texas, located in McAllen, Texas. The analysis shall include a full and complete evaluation including: (1) the identification and cost of potential sites; (2) the 30-year present value evaluations of all options, including Federal construction, purchase (including lease with an option to purchase or purchase contract), and lease; and (3) an assessment of the space requirements that provides courtroom sharing in accordance with the following requirements: one courtroom for every two magistrate judges; and one courtroom for every two senior district judges, with active district judges being counted as senior district judges if such judges become eligible for senior status within the ten year planning period, and no senior judge being counted beyond age 85. The Administrator shall submit a report to the Committee on Transportation and Infrastructure of the U.S. House of Representatives within 60 days of the adoption of this resolution.

Adopted: July 1, 2010

James L. Oberstar, M.C.
Chairman

The communication, together with the accompanying papers, was referred to the Committee on Appropriations.

¶85.47 ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5569. An Act to extend the National Flood Insurance Program until September 30, 2010.

H.R. 5611. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 5623. An Act to amend the Internal Revenue Code of 1986 to extend the homebuyer tax credit for the purchase of a principal residence before October 1, 2010, in the case of a written binding contract entered into with respect to such principal residence before May 1, 2010, and for other purposes.

¶85.48 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 3104. An Act to permanently authorize Radio Free Asia, and for other purposes.

¶85.49 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. CAPITO, for today after 2 p.m.

And then,

¶85.50 ADJOURNMENT

Mr. GOHMERT moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. PERRIELLO, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to House Concurrent Resolution 293, One Hundred Eleventh Congress, at midnight, the House stands adjourned until 2 p.m. on Tuesday, July 13, 2010.

¶85.51 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 1500. Resolution providing for consideration of the Senate amendments to the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–522). Referred to the House Calendar.

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. In the matter of Representative Laura Richardson (Rept. 111–523). Referred to the House Calendar.

Mr. WAXMAN. Committee on Energy and Commerce. H.R. 5320. A bill to amend the Safe Drinking Water Act to increase assistance for States, water systems, and disadvantaged communities; to encourage good financial and environmental management of water systems; to strengthen the Environmental Protection Agency's ability to enforce the requirements of the Act; to reduce lead in drinking water; to strengthen the endocrine disruptor screening program; and for other purposes; with an amendment (Rept. 111–524). Referred to the Committee of the Whole House on the state of the Union.

¶85.52 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SHADEGG (for himself and Mr. DJOU):

H.R. 5658. A bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes; to the Committee on the Judiciary.

By Ms. PINGREE of Maine:

H.R. 5659. A bill to amend the Internal Revenue Code of 1986 to provide for the payment of recovery rebates on the basis of tax returns for 2007 notwithstanding the limitation on timing of payments where necessary to correct a manifest injustice; to the Committee on Ways and Means.

By Mr. DELAHUNT (for himself, Mr. CONYERS, Mr. CAPUANO, Ms. HERSETH SANDLIN, and Mr. WELCH):

H.R. 5660. A bill to promote simplification and fairness in the administration and collection of sales and use taxes, and for other purposes; to the Committee on the Judiciary.

By Mr. POLIS:

H.R. 5661. A bill to amend the Outer Continental Shelf Lands Act to require the making of royalty and other payments for oil that is removed under an offshore oil and gas lease under that Act and discharged into waters of the United States or ocean waters, and for other purposes; to the Committee on Natural Resources.

By Ms. LORETTA SANCHEZ of California:

H.R. 5662. A bill to amend title 18, United States Code, with respect to the offense of stalking; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, Mr. RAHALL, Mr. COURTNEY, Mr. MOLLOHAN, Ms. HIRONO, Mr. SESTAK, Mr. ANDREWS, Mr. HARE, Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. BISHOP of New York, Ms. SUTTON, Ms. CLARKE, Mr. SHULER, Mr. PIERLUISI, Mr. KILDEE, and Mr. HOLT):

H.R. 5663. A bill to improve compliance with mine and occupational safety and health laws, empower workers to raise safety concerns, prevent future mine and other workplace tragedies, establish rights of families of victims of workplace accidents, and for other purposes; to the Committee on Education and Labor.

By Mr. ELLSWORTH (for himself and Mr. DOYLE):

H.R. 5664. A bill to amend title I of the Patient Protection and Affordable Care Act to permit certain individuals losing their COBRA continuation coverage to have access to the high-risk health insurance pool program established under such title; to the Committee on Energy and Commerce.

By Mr. FRANKS of Arizona (for himself, Mr. CAMPBELL, Mr. LUCAS, Mr. GOHMERT, Mr. SHADEGG, Mr. GINGREY of Georgia, Mr. PITTS, Mrs. SCHMIDT, Mr. FLEMING, Mr. LATTA, Mr. SMITH of Texas, Mr. TIAHRT, Mrs. BACHMANN, Mr. DANIEL E. LUNGREN of California, Mr. BRADY of Texas, Mr. AKIN, Mr. LAMBORN, Mr. POSEY, Mr. KING of Iowa, Mr. BOREN, Mr. BISHOP of Utah, Mr. SCHOCK, Mr. FLAKE, Mrs. LUMMIS, Mrs. MCMORRIS RODGERS, Mr. CONAWAY, Mr. CALVERT, Mr. HERGER, Mr. HASTINGS of Washington, Mr. CHAFFETZ, and Mr. SIMPSON):

H.R. 5665. A bill to prohibit the withdrawal of certain public lands and National Forest System lands in Arizona from location and entry under the Mining Law of 1872, and for other purposes; to the Committee on Natural Resources.

By Mr. GRAYSON:

H.R. 5666. A bill to amend the Outer Continental Shelf Lands Act to require the drilling of emergency relief wells, and for other purposes; to the Committee on Natural Resources.

By Mr. BOREN (for himself, Mr. BROUN of Georgia, Mr. BISHOP of Utah, Mr. ROSS, Ms. HERSETH SANDLIN, Mr. ALTMIRE, Mr. MILLER of Florida, and Mr. BOOZMAN):

H.R. 5667. A bill to provide for the conduct of a study on the effectiveness of firearms microstamping technology and an evaluation of its effectiveness as a law enforcement tool; to the Committee on the Judiciary.

By Mr. JONES:

H.R. 5668. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to require the use of sums received as fines, penalties, and forfeitures of property for violations of that Act or other marine resource laws to be used to reduce the Federal deficit and debt; to the Committee on Natural Resources.

By Mr. LATHAM:

H.R. 5669. A bill to direct the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa; to the Committee on Agriculture.

By Mr. ADLER of New Jersey:

H.R. 5670. A bill to require the Administrator of the Environmental Protection Agency to make grants for the improvement of storm water retention basins in the watersheds of estuaries in the National Estuary Program; to the Committee on Transportation and Infrastructure.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. CORRINE BROWN of Florida, Ms. DELAURO, Mr. ELLISON, Mr. GORDON of Tennessee, Mr. GRIJALVA, Mr. HARE, Mr. HONDA, Mr. HINCHEY, Ms. MCCOLLUM, Ms. RICHARDSON, Mr. HOLT, and Ms. SHEA-PORTER):

H.R. 5671. A bill to amend the Elementary and Secondary Education Act of 1965 to create a demonstration project to fund additional secondary school counselors in troubled title I schools to reduce the dropout rate; to the Committee on Education and Labor.

By Mr. BROUN of Georgia (for himself, , Mr. BOREN, Mr. BISHOP of Utah, Mr. ALTMIRE, Mr. BOOZMAN, Mr. CHILDERS, Mr. MILLER of Florida, Mr. REHBERG, Mr. ROSS, and Mr. SCALISE):

H.R. 5672. A bill to protect the use of traditional hunting and fishing equipment on Federal lands and to prevent unnecessary and unwarranted restrictions on the implements and equipment used by hunting and fishing communities; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. BOREN, Mr. BISHOP of Utah, Mr. ALTMIRE, Mr. BOOZMAN, Mr. CHILDERS, Mr. MILLER of Florida, Mr.

REHBERG, Mr. ROSS, and Mr. SCALISE):

H.R. 5673. A bill to require that hunting activities be a land use in all management plans for Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture to the extent that such use is not clearly incompatible with the purposes for which the Federal land is managed, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA:

H.R. 5674. A bill to amend the Clean Air Act to require reductions in mercury emissions from electric utility steam generating units, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANKS of Arizona:

H.R. 5675. A bill to improve border security and to increase prosecutions and penalties for illegal entry into the United States, to prevent and combat the smuggling of weapons of mass destruction into the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, Natural Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas:

H.R. 5676. A bill to provide equitable means for ensuring that damages for injuries are efficiently secured, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Natural Resources, the Judiciary, Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.R. 5677. A bill to amend the Outer Continental Shelf Lands Act and the Federal Water Pollution Control Act to modernize and enhance the Federal Government's response to oil spills, to improve oversight and regulation of offshore drilling, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNAHAN (for himself, Ms. BERKLEY, Mr. BOREN, Mr. DAVIS of Tennessee, Mr. FOSTER, Ms. HIRONO, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. RADANOVICH, and Mr. ROTHMAN of New Jersey):

H.R. 5678. A bill to amend the Public Health Service Act to provide grants for treatment of methamphetamine abuse, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHOCK (for himself, Mr. MICA, and Mr. ISSA):

H.R. 5679. A bill to prevent funding from the American Recovery and Reinvestment Act of 2009 from being used for physical signage indicating that a project is funded by such Act, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN:

H.R. 5680. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service; to the Committee on Financial Services.

By Mr. BRADY of Pennsylvania:

H.R. 5681. A bill to improve certain administrative operations of the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. BRADY of Pennsylvania:

H.R. 5682. A bill to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. BRADY of Pennsylvania:

H.R. 5683. A bill to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAO:

H.R. 5684. A bill to direct the Secretary of Homeland Security to commission an independent review of the threat of a terrorist attack posed to offshore energy infrastructure in the Gulf of Mexico, the vulnerabilities of such infrastructure to such attacks, and the consequences of such attacks, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Ms. KILPATRICK of Michigan, Ms. WATSON, Mr. SCOTT of Virginia, Ms. LEE of California, Ms. MOORE of Wisconsin, Mr. JACKSON of Illinois, Mr. KUCINICH, Ms. JACKSON LEE of Texas, Ms. FUDGE, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 5685. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of supermarkets in certain underserved areas; to the Committee on Ways and Means.

By Mr. CONNOLLY of Virginia:

H.R. 5686. A bill to amend the Oil Pollution Act of 1990 to extend liability to corporations, partnerships, and other persons having ownership interests in responsible parties, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CUELLAR:

H.R. 5687. A bill to extend changes to requirements for admission of nonimmigrant nurses in health professional shortage areas made by the Nursing Relief for Disadvantaged Areas Act of 1999; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois (for himself, Mr. JACKSON of Illinois, and Mr. RUSH):

H.R. 5688. A bill to amend title 18, United States Code, to provide a criminal penalty for torture committed by law enforcement officers and others acting under color of law; to the Committee on the Judiciary.

By Ms. GIFFORDS (for herself and Mr. POLIS):

H.R. 5689. A bill to amend the Truth in Lending Act to provide an interest rate cap and other requirements for creditors making covered loans, and for other purposes; to the Committee on Financial Services.

By Mr. GINGREY of Georgia (for himself, Mr. FLEMING, Mr. SMITH of Texas, Mr. KLINE of Minnesota, Mr. HALL of Texas, Mr. BILBRAY, Mr. MARCHANT, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. ROONEY, Mr. SHADEGG, Mr. LEE of New York, Mrs. MCMORRIS RODGERS, Mrs. BLACKBURN, Mr. ROE of Tennessee, Mr. KINGSTON, Mr. COLE, Mr. CASSIDY, Mr. PITTS, Mr. WESTMORELAND, Mr. LATTA, Mr. BONNER, Mr. LINDER, Mr. BOUSTANY, Mr. GRIFFITH, Mr. TIM MURPHY of Pennsylvania, Mr. BARTLETT, and Mr. DENT):

H.R. 5690. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 5691. A bill to amend the Internal Revenue Code of 1986 to provide a credit for investment in new or expanding small businesses; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. BARTLETT, Mr. EHLERS, Mr. GRIJALVA, and Mr. HIGGINS):

H.R. 5692. A bill to amend the Public Utility Regulatory Policies Act of 1978 to promote energy independence and self-sufficiency by providing for the use of net metering by certain small electric energy generation systems, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LEE of California (for herself, Ms. SCHAKOWSKY, Ms. NORTON, Mr. SERRANO, Mr. FILNER, Mr. STARK, Ms. WOOLSEY, Mr. ELLISON, and Mr. GRIJALVA):

H.R. 5693. A bill to provide additional protections for recipients of the earned income tax credit and the child tax credit; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself, Mr. NEAL of Massachusetts, Mr. GOODLATTE, Mr. GEORGE MILLER of California, Mr. MCCAUL, Mr. GORDON of Tennessee, Mr. BECERRA, Mr. THOMPSON of California, Mr. BLUMENAUER, and Ms. ESHOO):

H.R. 5694. A bill to combat trade barriers that threaten the maintenance of a single, open, global Internet, that mandate unique technology standards as a condition of market access and related measures, and to promote the free flow of information; to the Committee on Ways and Means, and in addition to the Committees on Foreign Affairs, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 5695. A bill to amend the Internal Revenue Code of 1986 to allow retail businesses a credit against income tax for a portion of the cost of recycling plastic carry-out bags and certain other types of plastic; to the Committee on Ways and Means.

By Mr. MARKEY of Massachusetts (for himself, Mrs. CAPPS, Mr. POLIS, Mr. INSLEE, and Ms. DEGETTE):

H.R. 5696. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide

electric consumers the right to access certain electric energy information; to the Committee on Energy and Commerce.

By Mr. MARKEY of Massachusetts (for himself, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. HODES, Ms. SHEA-PORTER, Mr. DELAHUNT, Mr. CAPUANO, Mr. LYNCH, Mr. MCGOVERN, Ms. PINGREE of Maine, and Ms. DELAURO):

H.R. 5697. A bill to amend the Outer Continental Shelf Lands Act to prohibit leasing in the North Atlantic Planning Area; to the Committee on Natural Resources.

By Mr. MELANCON:

H.R. 5698. A bill to amend the Oil Pollution Act of 1990 and the Outer Continental Shelf Lands Act to protect employees from retaliation for notifying government officials of violations of those Acts, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself, Mr. BONNER, and Mr. BOYD):

H.R. 5699. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits for certain areas affected by the discharge of oil by reason of the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, and for other purposes; to the Committee on Ways and Means.

By Mr. MORAN of Kansas:

H.R. 5700. A bill to protect the rights under the Second Amendment to the Constitution of the United States of members of the Armed Forces and civilian employees of the Department of Defense by prohibiting the Department of Defense from requiring the registration of privately owned firearms, ammunition, or other weapons not stored in facilities owned or operated by the Department of Defense, and by prohibiting the Department of Defense from infringing on the right of individuals to lawfully acquire, possess, own, carry, or otherwise use privately owned firearms, ammunition, or other weapons on property not owned or operated by the Department of Defense; to the Committee on Armed Services.

By Mr. NADLER of New York (for himself and Mr. RANGEL):

H.R. 5701. A bill to establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 5702. A bill to amend the District of Columbia Home Rule Act to reduce the waiting period for holding special elections to fill vacancies in the membership of the Council of the District of Columbia; to the Committee on Oversight and Government Reform.

By Ms. NORTON:

H.R. 5703. A bill to permit the advertising and sale of lottery tickets within certain areas of the District of Columbia; to the Committee on Oversight and Government Reform.

By Mr. PLATTS (for himself, Mr. SKELTON, Mr. MCKEON, Mr. SNYDER, and Mr. WITTMAN):

H.R. 5704. A bill to amend title 10, United States Code, to allow faculty members at Department of Defense service academies and schools of professional military education to secure copyrights for certain scholarly works that they produce as part of their official duties in order to submit such works for publication, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself and Ms. SUTTON):

H.R. 5705. A bill to amend the Internal Revenue Code of 1986 to increase the credit amount for 2- and 3-wheeled electric highway vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. SALAZAR (for himself, Mr. PERLMUTTER, Ms. DEGETTE, Mr. POLIS of Colorado, Ms. MARKEY of Colorado, Mr. COFFMAN of Colorado, and Mr. LAMBORN):

H.R. 5706. A bill to designate the facility of the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the ''Frank Evans Government Printing Office Building''; to the Committee on Transportation and Infrastructure.

By Mr. SPACE:

H.R. 5707. A bill to protect consumers from certain aggressive sales tactics on the Internet; to the Committee on Energy and Commerce.

By Mr. TOWNS:

H.R. 5708. A bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide grants to the National Urban League for an Urban Jobs Program, and for other purposes; to the Committee on Education and Labor.

By Ms. TSONGAS:

H.R. 5709. A bill to amend the Outer Continental Shelf Lands Act to require, as a condition and term of any exploration plan or development and production plan submitted under that Act, that the applicant for the plan must submit an oil spill containment and clean-up plan capable of handling a worst-case scenario oil spill, and for other purposes; to the Committee on Natural Resources.

By Mr. WHITFIELD (for himself, Mr. PALLONE, Mr. SHIMKUS, Mr. STUPAK, Mr. ROGERS of Michigan, Mr. GENE GREEN of Texas, Mrs. BLACKBURN, Mrs. CHRISTENSEN, Mr. RADANOVICH, Mrs. MALONEY, Mr. BISHOP of Georgia, Mr. WILSON of Ohio, Mr. GINGREY of Georgia, Mr. GORDON of Tennessee, Mr. KAGEN, Mr. PITTS, and Mr. GONZALEZ):

H.R. 5710. A bill to amend and reauthorize the controlled substance monitoring program under section 399O of the Public Health Service Act; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY, Mr. KLEIN of Florida, Mr. SHERMAN, Mr. SMITH of New Jersey, Mr. INGLIS, Mr. MARIO DIAZ-BALART of Florida, Mr. MCMAHON, Mr. PENCE, Mr. BURTON of Indiana, Mr. ENGEL, Mr. ACKERMAN, Mr. ROYCE, Mr. POE of Texas, Mr. DEUTCH, Mr. LAMBORN, Mr. MCGOVERN, Ms. BERKLEY, Mr. WILSON of South Carolina, Mr. MANZULLO, Mr. MACK, Mr. MEEK of Florida, Mr. SIRES, Mr. TOWNS, Mr. MCCOTTER, Mr. BILIRAKIS, and Mr. ROHRABACHER):

H. Con. Res. 295. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, on July 18, 1994, and for other purposes; to the Committee on Foreign Affairs.

By Mr. POE of Texas (for himself, Ms. BORDALLO, Mr. MARSHALL, Mr. SABLAN, Mr. SCHOCK, Mr. BARTLETT, Mr. COSTA, Mr. PERRIELLO, Mr. THORNBERRY, Mr. HUNTER, Mr. CONAWAY, Mr. WILSON of South Carolina, Mr. ROGERS of Alabama, Mr. JONES, Mr. BUYER, Mr. TURNER, Mr. LAMBORN, Mr. TIAHRT, Ms. SHEA-PORTER, and Mr. ISSA):

H. Con. Res. 296. Concurrent resolution recognizing the 65th anniversary of the end of World War II; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. LAMBORN, Mr. REHBERG, Mr. PETRI, and Mr. RYAN of Wisconsin):

H. Res. 1498. A resolution supporting efforts to retain the ban on the National Highway Traffic Safety Administration's (NHTSA) ability to lobby State legislators using Federal tax dollars and urging the NHTSA to focus on crash prevention and rider education and training; to the Committee on Transportation and Infrastructure.

By Ms. WASSERMAN SCHULTZ:

H. Res. 1499. A resolution honoring the achievements of Dr. Robert M. Campbell, Jr., to provide children with lifesaving medical care; to the Committee on Energy and Commerce.

By Mr. BUYER (for himself and Mr. WALZ):

H. Res. 1501. A resolution honoring the Patriot Guard Riders for their steadfast dedication in support of those who have sacrificed their lives for our country; to the Committee on Armed Services.

By Mr. AKIN:

H. Res. 1502. A resolution amending the Rules of the House of Representatives respecting the treatment of earmarks in conferences between the House and the Senate; to the Committee on Rules.

By Ms. CASTOR of Florida (for herself, Mr. COURTNEY, Mrs. LOWEY, Ms. SPEIER, Mr. LOBIONDO, Mr. HASTINGS of Florida, Mr. FARR, Mr. CONNOLLY of Virginia, Mr. YOUNG of Florida, Ms. WASSERMAN SCHULTZ, Mr. BOYD, Mr. POSEY, and Mrs. CAPPS):

H. Res. 1503. A resolution expressing support for the goals and ideals of National Estuaries Day, and for other purposes; to the Committee on Natural Resources.

By Mr. HOYER (for himself, Mr. SENSENBRENNER, Mr. LANGEVIN, Mr. UPTON, Mr. KENNEDY, Mrs. MCMORRIS RODGERS, Mr. CONYERS, Mr. SMITH of Texas, Mr. NADLER of New York, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. OBERSTAR, Mr. TOWNS, and Mr. COBLE):

H. Res. 1504. A resolution recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990; to the Committee on Education and Labor, and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER (for himself, Mr. FILNER, Mr. DJOU, Mr. ISSA, Mr. BARTLETT, Mr. CONAWAY, and Mr. BILBRAY):

H. Res. 1505. A resolution expressing the sense of the House of Representatives that the Secretary of the Navy should name the next appropriate naval ship in honor of World War II Medal of Honor recipient John William Finn; to the Committee on Armed Services.

By Mrs. LOWEY:

H. Res. 1506. A resolution encouraging State and local governments to establish plastic bag recycling programs; to the Committee on Energy and Commerce.

By Mr. ROE of Tennessee (for himself, Mr. BUCHANAN, Mr. GINGREY of Georgia, Mr. CASTLE, Mr. ROGERS of

Michigan, Mr. REICHERT, Mr. CASSIDY, Mr. WILSON of South Carolina, Mr. MCKEON, Mrs. BLACKBURN, Mr. COOPER, and Mr. BROUN of Georgia):

H. Res. 1507. A resolution expressing support for designation of July as ''National Choroideremia Awareness Month''; to the Committee on Oversight and Government Reform.

By Mr. WHITFIELD (for himself, Mr. GUTHRIE, Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, Mr. CHANDLER, and Mr. YARMUTH):

H. Res. 1508. A resolution celebrating the 200th Anniversary of John James Audubon in Henderson, Kentucky; to the Committee on Natural Resources.

¶85.53 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 208: Mr. KISSELL, Mr. KLEIN of Florida, Ms. LORETTA SANCHEZ of California, Mr. CHILDERS, and Mr. CHANDLER.

H.R. 305: Mr. DEUTCH.

H.R. 333: Ms. TSONGAS and Ms. KILROY.

H.R. 345: Mr. EHLERS.

H.R. 532: Mr. POSEY.

H.R. 649: Mr. HOEKSTRA.

H.R. 745: Ms. SCHWARTZ.

H.R. 795: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 878: Mr. MICA.

H.R. 886: Mr. HIMES and Mr. ISRAEL.

H.R. 901: Mr. CLAY.

H.R. 1021: Mr. TIAHRT.

H.R. 1093: Ms. RICHARDSON.

H.R. 1103: Mr. MAFFEI.

H.R. 1132: Mr. SESTAK.

H.R. 1189: Mr. SCHRADER.

H.R. 1205: Mr. MILLER of North Carolina.

H.R. 1228: Mr. MCKEON.

H.R. 1250: Mr. DJOU.

H.R. 1255: Mr. AKIN.

H.R. 1351: Ms. MATSUI and Mr. MCNERNEY.

H.R. 1362: Mr. TIAHRT.

H.R. 1618: Mr. HOEKSTRA.

H.R. 1620: Mr. TIAHRT.

H.R. 1717: Mr. GOODLATTE.

H.R. 1806: Mr. LYNCH.

H.R. 1829: Mr. BOREN.

H.R. 1835: Mr. HIGGINS.

H.R. 2000: Mr. KIND, Mr. BISHOP of Georgia, Mr. SNYDER, Ms. CORRINE BROWN of Florida, Mr. MAFFEI, and Mr. COHEN.

H.R. 2109: Mr. STARK and Ms. SCHWARTZ.

H.R. 2149: Mr. PRICE of North Carolina.

H.R. 2176: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2273: Mr. LYNCH.

H.R. 2296: Mr. FORTENBERRY, Mr. SALAZAR, and Mr. DJOU.

H.R. 2305: Mr. MICA.

H.R. 2324: Mr. CONYERS and Ms. WASSERMAN SCHULTZ.

H.R. 2450: Mr. CRITZ.

H.R. 2625: Mr. DEUTCH, Mr. FRANK of Massachusetts, and Mr. SHERMAN.

H.R. 2746: Ms. TSONGAS and Mr. MARIO DIAZ-BALART of Florida.

H.R. 2849: Mr. NEAL of Massachusetts.

H.R. 2866: Mr. SCHRADER.

H.R. 2962: Ms. MCCOLLUM.

H.R. 3043: Ms. SCHWARTZ and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3101: Mr. CLAY.

H.R. 3251: Mr. LAMBORN, Mr. BARRETT of South Carolina, Mr. KINGSTON, Mr. BONNER, and Mr. CANTOR.

H.R. 3271: Mr. GEORGE MILLER of California.

H.R. 3286: Mr. SALAZAR, Mr. WOLF, Mr. CONNOLLY of Virginia, Mr. DOYLE, and Mr. POLIS.

H.R. 3301: Mr. SCHOCK and Mr. MILLER of North Carolina.

H.R. 3359: Mr. BARROW.

H.R. 3401: Ms. NORTON.

H.R. 3408: Mr. LARSON of Connecticut, Mr. MORAN of Virginia, Mr. HOLDEN, and Ms. SLAUGHTER.

H.R. 3586: Mr. PLATTS.

H.R. 3712: Mr. KLINE of Minnesota and Mr. CARNAHAN.

H.R. 3716: Mr. WITTMAN, Mr. ROGERS of Michigan, and Ms. VELÁZQUEZ.

H.R. 3729: Mr. ORTIZ, Mr. SCHOCK, Mr. GRIJALVA, and Mr. BUCHANAN.

H.R. 3731: Mr. WATT.

H.R. 3734: Ms. BERKLEY and Mr. MOORE of Kansas.

H.R. 3764: Mr. DAVIS of Alabama.

H.R. 4070: Mr. TIAHRT.

H.R. 4197: Mr. LAMBORN and Mr. WOLF.

H.R. 4202: Ms. RICHARDSON, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. FARR.

H.R. 4223: Ms. CHU.

H.R. 4229: Mr. MILLER of North Carolina.

H.R. 4296: Mr. OWENS.

H.R. 4322: Mr. VAN HOLLEN.

H.R. 4350: Mr. WEINER.

H.R. 4427: Mr. SMITH of Texas and Mr. MORAN of Kansas.

H.R. 4447: Mr. JONES.

H.R. 4477: Ms. KOSMAS.

H.R. 4616: Mr. OBERSTAR.

H.R. 4650: Ms. HIRONO.

H.R. 4671: Mr. WILSON of Ohio and Ms. MATSUI.

H.R. 4684: Mr. YOUNG of Florida.

H.R. 4692: Mr. NADLER of New York.

H.R. 4693: Mr. PETERSON, Ms. SHEA-PORTER, Mr. KLEIN of Florida, Ms. CORRINE BROWN of Florida, Ms. RICHARDSON, and Mr. LOEBSACK.

H.R. 4733: Ms. NORTON.

H.R. 4753: Mr. ROGERS of Kentucky.

H.R. 4764: Mr. MORAN of Kansas, Ms. RICHARDSON, and Ms. SHEA-PORTER.

H.R. 4771: Mr. SESTAK, Mr. CLYBURN, Ms. CLARKE, Mr. BISHOP of Georgia, Mr. CARSON of Indiana, Mr. CLAY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FATTAH, Ms. FUDGE, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Ms. WATSON, Mr. WATT, Ms. EDWARDS of Maryland, Mr. BUTTERFIELD, Mr. SIRES, Ms. LEE of California, Mr. BRADY of Pennsylvania, and Mr. CARNAHAN.

H.R. 4787: Mrs. BLACKBURN.

H.R. 4788: Mr. ACKERMAN, Mr. LOBIONDO, and Ms. KILROY.

H.R. 4800: Mr. RANGEL.

H.R. 4850: Mr. NYE.

H.R. 4866: Mr. WILSON of South Carolina, Mr. PITTS, Mr. GINGREY of Georgia, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. CULBERSON, Mr. DANIEL E. LUNGREN of California, and Mr. BILBRAY.

H.R. 4879: Ms. ZOE LOFGREN of California, Mr. ACKERMAN, Mr. DELAHUNT, Ms. TSONGAS, Mr. WU, Mr. GUTIERREZ, Ms. CLARKE, Mr. GARAMENDI, and Ms. CORRINE BROWN of Florida.

H.R. 4910: Mr. MICA.

H.R. 4925: Mr. HASTINGS of Florida.

H.R. 4947: Mr. KISSELL and Ms. CORRINE BROWN of Florida.

H.R. 4951: Mr. TIAHRT.

H.R. 4952: Mr. MCKEON.

H.R. 4954: Mr. WALDEN and Mr. GALLEGLY.

H.R. 4972: Mr. MICA, Mr. MANZULLO, Mr. UPTON, and Mr. REHBERG.

H.R. 4985: Mr. LANCE, Mr. CANTOR, Mr. MCHENRY, Mr. BROWN of South Carolina, Mr. HUNTER, Mr. WHITFIELD, and Mr. DREIER.

H.R. 4986: Mr. BLUNT and Ms. RICHARDSON.

H.R. 4993: Mr. KISSELL.

H.R. 4995: Mr. CASSIDY.

H.R. 5012: Mr. FILNER and Mr. SCOTT of Virginia.

H.R. 5015: Mr. LARSON of Connecticut and Mr. GARAMENDI.

H.R. 5033: Ms. WATSON, Ms. EDWARDS of Maryland, Mr. BERMAN, Mrs. MALONEY, Ms. LINDA T. SÁNCHEZ of California, and Mr. POLIS.

H.R. 5040: Mr. ROTHMAN of New Jersey, Mr. VAN HOLLEN, Mr. MAFFEI, Mr. UPTON, Mrs. DAHLKEMPER, Ms. SHEA-PORTER, and Mr. GRAVES of Missouri.

H.R. 5054: Mr. TIAHRT.

H.R. 5058: Mr. BUCHANAN.

H.R. 5078: Mr. MCDERMOTT.

H.R. 5091: Mr. BRADY of Pennsylvania and Mr. MCGOVERN.

H.R. 5111: Mr. KING of New York.

H.R. 5117: Mr. CUMMINGS, Mr. LARSEN of Washington, Mr. BLUMENAUER, Mr. LUJÁN, Ms. HIRONO, Mr. MCMAHON, Mr. KILDEE, Mr. CAPUANO, and Mr. WAXMAN.

H.R. 5120: Mr. LARSEN of Washington.

H.R. 5121: Mr. PAYNE and Ms. LORETTA SANCHEZ of California.

H.R. 5142: Mr. PERLMUTTER.

H.R. 5162: Mrs. EMERSON, Mr. YOUNG of Florida, Mr. LAMBORN, Mr. GARY G. MILLER of California, and Mr. COBLE.

H.R. 5177: Mr. TIAHRT.

H.R. 5207: Mr. HARE.

H.R. 5211: Ms. SHEA-PORTER.

H.R. 5214: Mr. MCNERNEY and Mr. ARCURI.

H.R. 5268: Mr. TIERNEY and Mr. PRICE of North Carolina.

H.R. 5283: Mr. GERLACH.

H.R. 5304: Mr. BRADY of Pennsylvania.

H.R. 5324: Mr. KILDEE.

H.R. 5340: Mr. JONES.

H.R. 5358: Mr. YOUNG of Florida.

H.R. 5359: Mr. GUTIERREZ.

H.R. 5369: Mr. WILSON of Ohio.

H.R. 5374: Mr. MCCAUL.

H.R. 5384: Mr. NADLER of New York, Mr. PETERS, Mr. HILL, and Mr. CONNOLLY of Virginia.

H.R. 5409: Mr. PATRICK J. MURPHY of Pennsylvania and Mr. CONNOLLY of Virginia.

H.R. 5424: Mr. REHBERG and Mr. LATHAM.

H.R. 5426: Mr. TIAHRT.

H.R. 5470: Mr. WHITFIELD and Mrs. MYRICK.

H.R. 5471: Mr. LUJÁN, Mr. LANGEVIN, Mr. MCMAHON, Mr. COURTNEY, Mr. MCGOVERN, Ms. RICHARDSON, Ms. HIRONO, Mr. HINCHEY, Mr. HONDA, Mr. CAPUANO, Mr. BOUCHER, and Mr. MOORE of Kansas.

H.R. 5476: Mr. DRIEHAUS.

H.R. 5478: Mr. LATOURETTE.

H.R. 5479: Mr. CRITZ.

H.R. 5492: Ms. WATSON.

H.R. 5504: Mr. TOWNS, Mr. HONDA, and Ms. NORTON.

H.R. 5510: Mr. RYAN of Ohio.

H.R. 5523: Mr. POSEY.

H.R. 5529: Mr. WITTMAN.

H.R. 5536: Mr. DUNCAN, Mr. BURTON of Indiana, Mr. SENSENBRENNER, Mr. POSEY, Mr. MARCHANT, Mr. BISHOP of Utah, Mr. PENCE, Mr. BARTLETT, Mr. GRAVES of Georgia, Mr. ISSA, Mr. POE of Texas, Mr. WILSON of South Carolina, Mr. PITTS, Mr. BARTON of Texas, Mr. SAM JOHNSON of Texas, Mrs. BLACKBURN, Mr. GINGREY of Georgia, Mr. CAMPBELL, Mr. GOHMERT, Mr. CULBERSON, Mr. KING of Iowa, Mr. SHADEGG, Mr. LAMBORN, Mr. SCHOCK, Mr. FRANKS of Arizona, Mr. DANIEL E. LUNGREN of California, Mr. OLSON, Mr. LATTA, Mr. BARRETT of South Carolina, and Mr. CONAWAY.

H.R. 5555: Mr. BUYER.

H.R. 5560: Mr. ISRAEL.

H.R. 5566: Ms. MATSUI.

H.R. 5572: Mr. ROONEY, Mr. STUPAK, Mrs. BONO MACK, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PUTNAM, Mr. POSEY, Mr. YOUNG of Florida, Ms. ROS-LEHTINEN, and Mr. STEARNS.

H.R. 5575: Ms. LORETTA SANCHEZ of California.

H.R. 5580: Mr. TIAHRT and Mr. CALVERT.

H.R. 5582: Mr. COBLE, Mr. LATTA, Mr. BARRETT of South Carolina, and Mr. JOHNSON of Illinois.

H.R. 5585: Mr. BONNER.

H.R. 5597: Mr. MCGOVERN.

H.R. 5601: Ms. ROS-LEHTINEN.

H.R. 5602: Ms. ROS-LEHTINEN.

H.R. 5605: Mr. CARNEY, Mr. DOYLE, and Mr. HOLDEN.

H.R. 5606: Mr. CARNEY, Mr. DOYLE, and Mr. HOLDEN.

H.R. 5612: Mr. INSLEE.

H.R. 5614: Mr. CALVERT.

H.R. 5631: Mr. PAYNE.

H.R. 5637: Mr. WILSON of Ohio.

H.R. 5643: Ms. MATSUI.

H.R. 5645: Mr. LAMBORN and Mr. TIAHRT.

H.R. 5647: Mr. SCHOCK, Mr. BURTON of Indiana, Mr. PITTS, Mr. STEARNS, Mr. CALVERT, Mr. COLE, Mrs. MILLER of Michigan, Mr. WILSON of South Carolina, Mr. GERLACH, Mr. TIBERI, Mr. ROGERS of Michigan, Mrs. BIGGERT, Mr. SIMPSON, Mr. BONNER, Mr. LATTA, Mrs. LUMMIS, Mr. DENT, Mr. WALDEN, and Mr. MCCOTTER.

H.J. Res. 83: Mr. FRANK of Massachusetts, Mr. SCHIFF, Mr. BURTON of Indiana, Mr. CAO, Mr. ROHRABACHER, Mr. WELCH, Mr. KIRK, Ms. MCCOLLUM, Mr. OLVER, and Ms. BORDALLO.

H. Con. Res. 259: Ms. DELAURO.

H. Con. Res. 266: DELAHUNT.

H. Con. Res. 275: Mr. QUIGLEY and Mr. ETHERIDGE.

H. Con. Res. 281: Mr. LINDER, Mr. SMITH of Texas, Mr. HALL of Texas, Mr. BARRETT of South Carolina, Mr. MORAN of Kansas, Mr. SULLIVAN, and Mr. POE of Texas.

H. Con. Res. 291: Mr. DELAHUNT, Mr. HASTINGS of Florida, Ms. BORDALLO, and Mr. GENE GREEN of Texas.

H. Res. 111: Ms. KILPATRICK of Michigan.

H. Res. 173: Mr. BUCHANAN and Mr. GRIJALVA.

H. Res. 203: Mr. TIAHRT.

H. Res. 263: Mr. TIAHRT.

H. Res. 709: Ms. RICHARDSON.

H. Res. 763: Mr. BARRETT of South Carolina.

H. Res. 771: Mr. TONKO.

H. Res. 929: Mr. BARTLETT.

H. Res. 1058: Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Mr. CLAY, Mr. BARROW, Mr. GEORGE Miller of California, Mr. KLEIN of Florida, Mr. CUMMINGS, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. HARE, Mr. COURTNEY, Ms. SUTTON, Ms. MCCOLLUM, Ms. LEE of California, Ms. CASTOR of Florida, Mr. MOORE of Kansas, Mr. KIND, Mr. BUTTERFIELD, Ms. CLARKE, Mr. ELLISON, Mr. AL GREEN of Texas, and Ms. WATERS.

H. Res. 1077: Mr. COURTNEY, Ms. KILROY, Ms. KAPTUR, Ms. MATSUI, Ms. MOORE of Wisconsin, Ms. RICHARDSON, Mr. SCHAUER, and Ms. SHEA-PORTER.

H. Res. 1129: Mr. SCALISE.

H. Res. 1199: Mr. TIAHRT.

H. Res. 1207: Mr. HUNTER.

H. Res. 1226: Mr. MATHESON and Mr. BROUN of Georgia.

H. Res. 1234: Mr. HIGGINS, Ms. SLAUGHTER, Mr. LEE of New York, Mr. TONKO, Mr. MEEKS of New York, Mr. SERRANO, and Mr. KING of New York.

H. Res. 1251: Ms. BORDALLO.

H. Res. 1264: Mr. MCCOTTER.

H. Res. 1277: Mr. TIAHRT.

H. Res. 1317: Mr. TIAHRT.

H. Res. 1318: Mr. HIGGINS, Ms. SLAUGHTER, Mr. TONKO, Mr. MEEKS of New York, Mr. SERRANO, and Mr. KING of New York.

H. Res. 1326: Mr. CAMPBELL and Mr. PAYNE.

H. Res. 1343: Mr. GINGREY of Georgia.

H. Res. 1355: Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. HINCHEY, Mr. PAYNE, and Ms. BALDWIN.

H. Res. 1384: Mr. YOUNG of Florida.

H. Res. 1401: Mr. LEE of New York, Mrs. DAHLKEMPER, Mr. YOUNG of Florida, Mrs. CAPITO, Mr. DUNCAN, and Mr. POSEY.

H. Res. 1430: Mr. SERRANO, Mr. SIRES, Mr. HINOJOSA, Mr. PASTOR of Arizona, Mr. SESTAK, Ms. FUDGE, and Mr. GRIJALVA.

H. Res. 1444: Ms. DEGETTE, Mrs. CAPPS, Mr. STUPAK, Mr. DOYLE, Mr. GONZALEZ, and Mr. OBEY.

H. Res. 1472: Mr. ACKERMAN.

H. Res. 1473: Mr. SALAZAR.

H. Res. 1476: Mrs. DAVIS of California, Mr. HALL of New York, Ms. ROYBAL-ALLARD, Mr. GEORGE MILLER of California, Ms. BERKLEY, Mr. CROWLEY, Mr. BERMAN, and Mr. GARAMENDI.

H. Res. 1479: Ms. MCCOLLUM, Mr. LAMBORN, Mr. MCCLINTOCK, Mr. MAFFEI, and Mr. JONES.

H. Res. 1480: Ms. RICHARDSON, Mr. BILBRAY, Mr. LEWIS of California, Mr. GALLEGLY, Mr. CAMPBELL, Mr. GARY G. MILLER of California, Mr. HERGER, Mr. ROYCE, Ms. ZOE LOFGREN of California, Mr. COSTA, Ms. WATERS, Ms. HARMAN, Mr. SCHIFF, Mr. GARAMENDI, Ms. ROYBAL-ALLARD, Mr. BERMAN, Mrs. CAPPS, Ms. SPEIER, Ms. HIRONO, Ms. CHU, Ms. MATSUI, Mr. STARK, Mr. WAXMAN, Mr. MCNERNEY, Ms. LINDA T. SÁNCHEZ of California, and Mrs. NAPOLITANO.

H. Res. 1483: Mr. ROSKAM, Mr. BOSWELL, Mr. KLEIN of Florida, Mr. TOWNS, Mr. MEEKS of New York, Mr. WOLF, Mr. POSEY, Mr. GOHMERT, Mr. MARKEY of Massachusetts, Mr. THOMPSON of California, Mr. TIAHRT, Mr. ROGERS of Kentucky, and Ms. TSONGAS.

H. Res. 1485: Mr. CONAWAY, Mr. SPRATT, Ms. FUDGE, Mr. LEWIS of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CRITZ, Mr. BLUNT, and Mr. WOLF.

H. Res. 1486: Ms. NORTON, Mr. BACA, Ms. RICHARDSON, Mr. SIRES, Mr. FALEOMAVAEGA, and Mr. LYNCH.

¶85.54 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2555: Mr. SHULER.

H.R. 5585: Mr. FLEMING.